

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, August 13, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Development Engineering Manager, S. Muenz; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:02 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" and "Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

The City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on July 26, 2002, and by being placed in the Kelowna Daily Courier issues of August 6 & 7, 2002, and in the Kelowna Capital News issue of August 4, 2002 and by sending out or otherwise delivering 137 letters to the owners and occupiers of surrounding properties between July 26-30, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 Turik McKenzie Architects Inc

- 3.1 Bylaw No. 8883 (Z02-1021) - Glenmore Store Ltd. (Clive McKenzie/Turik McKenzie Architects Inc.) - 1014 Glenmore Drive - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, Section 29, Township 26, ODYD, Plan 7943 located on Glenmore Drive, Kelowna, B.C., from the C1 – Local Commercial zone to the C3 – Community Commercial zone.

Staff:

- The applicant is proposing to redevelop the site with two new buildings. One would be for a new convenience store along with a rental commercial unit, office space that could be used for a community police office, and a residential unit. The other would be a Perks coffee shop with a drive-through pick-up window.
- As part of the site development, the applicant proposes a land exchange to close a portion of the lane connecting to Glenmore Road in exchange for the dedication of a new lane along the west property line connecting to Mountain Avenue.
- C3 zoning is required in order to accommodate the drive-thru food service for the coffee shop; however, the applicant has entered into a covenant to restrict the size of the commercial uses to what would be allowed in the C2 zone.

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- Traffic has been a topic of discussion over the past few weeks, in particular the recommended lane extension to Mountain Avenue. The residents living on the lane are concerned about increasing the level of traffic along their back yards when the lane is their only access and is also adjacent to a park. There is also concern about the impact of headlights on homes on the north side of Mountain Avenue.
- City Transportation staff have agreed at the outset to look at traffic calming measures such as off-set pylons or speed bumps to discourage use of the lane as a shortcut. The impact of headlights on the homes across Mountain Avenue could be minimized by raising the lane elevation to create a more level entry onto Mountain Avenue.

Mayor Gray invited the applicant to come forward or any comments from Council.

Clive McKenzie, Huber McKenzie Architects (nee Turik McKenzie Architects):

- The covenant to restrict the size of tenancies to those permitted by the C2 zoning has been registered.
- The owners representatives have met with the residents regarding their speed concerns along the lane, the proposed landscape buffer on Mountain Avenue, and the possible addition of a solid fence rather than the wrought iron fence mentioned when the application was presented to the Advisory Planning Commission in order to reduce headlight impact.
- Huber McKenzie was the successful proponent for the RCMP satellite station and it has been incorporated into the project design. Vagrants are leaving needles, etc. around the site and with the community police station that most likely would not occur in future.
- Confident that the proposed lane extension would be the safest option and the introduction of traffic calming measures would discourage anything but local traffic from using the lane.
- The public was canvassed for their opinions via a sign-up sheet at the convenience store and within 1½ days about 60 comments had been accumulated and all were positive with the exception of 3 or 4.
- With the addition of a sidewalk connection from the park site to a controlled access at Mountain Avenue and Glenmore Drive, safety would be enhanced for the children walking to school.
- The proposed location for the coffee shop drive-thru window is best because it accommodates all the vehicle stacking.
- The applicant is making an investment well and above what the typical development would be for the subject property and the drive thru is intrical to the viability of the project.

Council:

- Asked that the sign-up sheet that was put in the store to get comments from the public be submitted to the City Clerk.
- Mr. McKenzie advised that he did not have it with him but would get it and submit it to the Clerk before the close of the Public Hearing.
- The development, as proposed, would be severely compromised without the land exchange.

The City Clerk advised that the following correspondence or petitions had been received:

- Letter from Harold & Anne Zinger, 1074 Glenmore Drive
 - Late letter from Ann & Harold Zinger, 1074 Glenmore Drive
 - Late letter from Betty Roome, 1858 Highland Drive North
 - Late letter from Irene Failes, 1069 Calmels Crescent
 - Late letter from Jim Failes, 1069 Calmels Crescent
- Concerned about increased noise, vehicle lights shining into residences, increased traffic, speeding traffic, potential danger to children in adjacent playground, and night time lighting.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Leslie Gagnoni, 1860 Mountain Avenue:

- Not opposed to development of the property, but concerned about the impact of the requested variances. With a busy commercial centre and the proposed 0.3 m buffer zone, the properties directly across the street will be devalued. The applicant is proposing a little wrought iron fence as a buffer. Drive-thrus are noisy (from speakers, etc.). Want the same right to quiet enjoyment of the neighbourhood as residents in other R1 neighbourhoods. Would prefer to see a solid fence with some type of hedge and trees.
- Displayed photos to show the size of the buffer zone in front of other commercial developments in the city.
- Can live with the lane extension to Mountain Avenue but not with the proposed buffer zone.
- The variance to allow for additional parking will caused increased congestion in the already busy intersection and will only benefit the development.
- The lane behind the residential properties is already congested when children are going to school and people are using the park and it will be further congested if this application is approved.
- Business at the existing store has gone downhill because of the changes to Glenmore Drive so there is not as much traffic now as before and traffic is not an issue anymore.

Brett Cooper, 1084 Glenmore Drive:

- No concerns with the proposal itself; looking forward to having a neighbourhood coffee shop and applaud the community policing station. Just concerned about traffic.
- When access to the residential properties was eliminated with the 4-laning of Glenmore Drive, the back lane became the only access for the residents and their guests. The lane is primarily used by local traffic and do not want the access clogged up with commercial traffic.
- Option 1 is not supported by the residents backing onto the lane because of concern that the lane would be used as a shortcut; the existing lane is long and straight and without speed bumps people will speed; and pedestrian safety would be jeopardized for people accessing the school and park site.
- The residents' would prefer to leave the lane as it exists as indicated in Option 3 but as a compromise would support the hammerhead indicated in Option 2.

Nick Frenette, 1856 Mountain Avenue:

- The proposed development is beautiful but too large and does not fit with the area.
- The development would serve the community as a whole and not just the neighbourhood and opposed to that.
- Concerned about the impact of vehicle lights and noise from the drive-thru on his home which is across the street from the subject property. Concrete barriers with shrubs would be an acceptable screen.
- Totally opposed to the requested variance to reduce the width of the buffer zone.

Trent Johnson, 1847 Mountain Avenue:

- Opposed to the drive-thru and the proposed lane relocation. Prefer Option 3.
- There is no guarantee the community police station will locate on the subject property or that they would be there 24-hours a day.
- Mountain Avenue is not wide enough to accommodate right turns onto Glenmore Drive.
- The dumpsters will encourage rats and rodents.
- People will toss garbage out of their cars after they have their food and coffee or could park in the alley to eat.

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- The hours of the proposed drive-thru are unknown and the drive-thru is too close to residential properties.
- Tim Hortons, McDonalds and White Spot are within minutes of the subject property and they all have drive-thrus.
- He has a 28 ft. trailer attached to a long vehicle and with the proposed lane changes, it will be almost impossible to back the trailer into his property.
- Properties in the area will be devalued because of the increased noise, traffic and lane extension.

Ralph Bromley, 1861 Mountain Avenue:

- Likes the architectural design of the proposed development and the creativity.
- Concerned that the corner of Glenmore/Mountain is narrow and traffic movement from the lane will be congested. Should be restriction for on-street parking along Mountain Avenue for at least 5 houses.
- Concerned about how late the drive-thru would operate.
- Would like speed bumps if the lane is extended and would like the developer to construct a fence south of the existing trees that are along half of the lane.

Bob Johnson, 1847 Mountain Avenue:

- Concerned about the drive-thru. The park is clean and well looked after. With the drive-thru people will drive along the lane to park and eat and would hate to see people throwing all their garbage there.
- Concerned that allowing a drive-thru at this location could set a precedent for other corner stores on small lots to also want a drive-thru.

Jim Failles, 1069 Calmels Crescent:

- Want to hear about hours of operation for the drive-thru.
- Right now, the residents do not have to cross the lane to get from Calmels Crescent to the store or Mountain Avenue. That would change with option 1. Would like the walkway to be extended along the lane to Mountain Ave.

Betty Roome, 1858 Highland Drive North:

- Her house is the only house that faces the lane. The lane is narrower from the park site to Highland Drive than the north section of the lane.
- Concerned about traffic noise, children going to Glenmore School at the same time as people using the drive-thru to pick-up coffee, and pedestrian safety in the lane.
- Would support Option 2.

Clive McKenzie, architect for the applicant:

- The intent is not to provide something that is sub-standard or that infringes on people's enjoyment of life.
- The residents' issue with the drive-thru and buffer zone probably results from miscommunication from a previous meeting. What is proposed is 1 m of landscaping with a 5 ft. solid wooden fence to try to mitigate the sound affect along Mountain Avenue as much as possible. Every effort will be made to mitigate the noise from cars moving through the drive-thru.
- It would be unfortunate if this Public Hearing is going to be used as a forum to stop development instead of addressing concerns to make the development better. Hopefully people can focus on just the land use at this time and worry about the drive thru at the appropriate time.
- Do not know how properties could be devalued given what is proposed.
- There would be increased traffic; however, the two existing points of access would be retained but now the traffic would be better controlled. Views the lane connection to the south as facilitating local traffic that have been impacted by the 4-laning of Glenmore Drive rather than facilitating through traffic. Will take what measures are available to ensure through traffic is discouraged from using the lane.

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- The hammerhead option was seriously considered but concerned that service traffic would find that difficult to manoeuvre.
- PerKs coffee stores currently operate from 6:00 a.m. to 10:30 p.m.
- Will extend the cedar hedge or if need be provide a fence along the lane (as requested by Mr. Bromley).
- The current proposal minimizes conflict between pedestrians and the drive-thru traffic while ensuring that the parking ratio is adequate for the entire development.
- The proposed development would not be viable without the drive-thru.

Staff:

- Clarified that with the covenant, C3 uses would still be permitted but the scale of those uses would be limited to what is permitted in the C2 zone. The covenant would restrict unit size and restrict the property from being developed other than as agreed and Council would have to approve the discharge of that covenant for anything different to occur.
- Hours of operation for the drive-thru would be regulated by the Business Licencing Bylaw which would allow being open 24-hours a day.

The City Clerk asked that the portion of the Public Hearing dealing with the subject application be held open until later this evening so that Council can formally receive the sign-up sheets the applicant said he would provide.

There were no further comments.

3.2 Sukhbir & Charnjit Sandhu

3.2(a) Bylaw No 8878 (OCP02-0002) – Sukhbir Sandhu & Charnjit Sandhu – 1386 & 1388 Highland Drive South - THAT Map 19.1 of Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, B.C., from the Single-Two Unit Residential designation to the Multiple Unit Residential – Low Density designation, as shown on Map “A” attached to the report of Planning and Development Services Department dated June 13, 2002.

See discussion under agenda item 3.2(b).

3.2(b) Bylaw No. 8879 (Z02-1004) – Sukhbir Sandhu & Charnjit Sandhu – 1386 & 1388 Highland Drive South - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone.

Staff:

- The applicant is renting the entire duplex to Shepherd's Reach Ministries who runs a congregate housing operation on one side and sub-lets the other side to another organization that is running a similar type of operation.
- The Zoning Bylaw limits occupancy to 5 unrelated people or one family per household. There has been significantly more than that on both sides of the duplex and dating back to December 2000 bylaw enforcement efforts to reach conformity with zoning regulations have been unsuccessful.
- Showed the floor plans of the existing duplex noting that there was an illegal suite in the basement of at least one side of the duplex but the cooking facilities have been removed.
- Staff recommend non-support because it is not appropriate to introduce a multi-family land use into a single/two unit residential neighbourhood; and the existing duplex is situated such that to meet regulations required for the congregate housing use would require setback, parking and other variances.

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- Recognize the need for this type of facility; the clients are in a deep need category but the neighbourhood and existing building do not lend themselves to the zoning designation needed for this type of facility.
- The Fire Department has indicated that with or without the rezoning, safety issues they have with the duplex need to be addressed in the immediate future. The owner has estimated construction costs to do the upgrading at between \$15,000 to \$25,000 if he does the work himself.
- If the rezoning proceeds, the applicant would be required to register a Housing Agreement on title, restricting occupancy to maximum 20. The Housing Agreement would stay on title as a covenant until Council agreed to remove it or initiated its removal.

The City Clerk advised that correspondence had been received from the following, all opposed to the subject application:

- C.M. Hansen, 1397 Highland Drive South
- Kevin & Julie Neville, 1385 Highland Drive South
- Kari Kolster, 1391 Highland Drive South
- John D. & Cathy Widmark, 1376 Highland Drive South
- Gerald & Diane Kunz, 1395 Highland Drive South
- Brenda Bennie, 1441 Highland Drive South
- Carolyn & Wayne Saxby, 1361 Lambly Place
- Elizabeth & Walter Warsimage, 1365 Lambly Place
- Kwok Kit Wong, 1390 Highland Drive South
- Clelia Bertolami, 1353 Highland Drive South
- Hans Kjaerbaek, 1377 Lambly Place, dated July 30, 2002
- Andrew Tribe, 1393 Highland Drive South
- Hildegard & Adolf Meier, 1359 Highland Drive South

Correspondence received late:

- Don & Helen Green, 1402 & 1404 Highland Drive South
- Hoken Hagen, 1401 Highland Drive South
- Antunka & Radoslav Gugolj, 1495 Leaside Avenue
- Michael & Dianna Syrnyk, 1380 Highland Drive South
- Andrew Ballantyne, 1381 Highland Drive South
- Jocelyn Bunyan, 1471 Highland Drive South
- Andrew & Maida Brawly, 1400 Highland Drive South
- Angela Bertolami, 1406 Highland Drive South
- B. Hanford, 1408 Highland Drive South
- Ed & Edna Besch, 1389 Highland Drive South
- George & Lorna Galigan, 1409 Highland Drive South
- Fred & Sylvia Swetitch, 1411 Highland Drive South
- Debbie Briggs, 1415 Highland Drive South
- Larry Schweitzer, 1459 Highland Drive South
- Brian Bowman, 1505 Leaside Avenue
- Kim & Anna van Raahten, 1515 Leaside Avenue
- Kelly Simpson, 1525 Leaside Avenue
- Danny Taylor, 1540 Leaside Avenue
- Wanda Armstrong, 1530 Leaside Avenue
- Gisela Toms, 1520 Leaside Avenue
- Randy Striegler, 1510 Leaside Avenue
- Dave Rutten, 1498 Leaside Avenue
- Ken Sperling, 1369 Lambly Place
- Margaret Kane, 1373 Lambly Place
- Elizabeth Allan, 1347 Orchard Drive
- Linda Clark, 1424 Bankhead Crescent

All wanting to keep the present zoning in the neighbourhood and citing concerns about neighbourhood safety and security.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Gary Enns, Shepherd's Reach Ministries:

- Tried to find a property that was appropriately zoned but without success.
- Most of the women who stay at the facility have children that have been taken away either through neglect or misunderstanding and they need help.
- The women do not have cars. The facility requires maximum 3 parking spaces.
- The sub-lease of the other side of the duplex to Wolf's Den for aboriginal housing ends October 31, 2002 and then both sides will be run by Shepherd's Reach.
- Have worked diligently to keep the neighbourhood safe and not put anybody at risk. The residents are always supervised and there are not many requests for emergency services.
- The landlord is willing to make the required changes to address fire safety issues.
- It is necessary to be allowed 10 residents per side in the duplex for the facility to be viable.
- Is aware of 3 other group homes in the area and their number of occupants are higher than 5.
- Will have been operating on the subject property for 2 years this coming October and during that time police and fire services might have been called 30 times.
- The duplex is large enough that a family with 15 children could move in and be accommodated on each side.

Ross Langford, 1401 Bankhead Crescent:

- Just found out about this application on Sunday. Since then has collected the signatures of 100% of the residents on Bankhead Crescent and Edgewood Drive. Submitted a petition of opposition bearing 20 signatures.
- Bankhead is a cul-de-sac with about 15 homes and a playground. RM3 zoning is out of character with the neighbourhood and inappropriate for a residential area that is less than ¼ mile from an elementary school.
- The City of Kelowna Official Community Plan does not support RM3 zoning for the property and RM3 zoning would not be approved if the property was vacant. To occupy it and then rezone is not reason to reward with rezoning.
- Concerned about how many could be living there under RM3 zoning given the number that occupy it under the existing zoning.
- Before the residents in the area knew the subject property was a group home, they thought it was a party house for renters.
- There are other facilities in the neighbourhood that provide assisted living but none brought in the problems that came with this facility.
- Neighbourhood incidences started occurring with the operation of this facility. The children are regularly exposed to harm from broken bottles, needles, garbage, etc. The residents cannot let their children out to play without first checking the park and cleaning up the mess. The tenants also smoke marihuana in broad daylight in front of the children and have caused damage to vehicles from throwing rocks.
- Concerned about the safety of the kids, the potential increase in traffic on the residential street with 30 people in the facility, increased damage, parking on side streets, decline in our property values if this zoning is approved, fundamental change in the character of the family oriented neighbourhood.

Don Green, 1402 Highland Drive South:

- Not opposed to group homes in principle but has gone around the neighbourhood twice now with petitions related to the five group homes that are on Highland Drive South.
- The City WebPages indicate that in Kelowna there are 34 group homes providing a total of 268 beds. It is ridiculous for 5 of them to be on one street.
- Council should not approve the rezoning when it would just be putting money in the pocket of the man who owns the property.

Maida Brawley, 1400 Highland Drive South:

- Moved into the neighbourhood when Shepherd's Reach took possession of the duplex and probably would have reconsidered moving there had she known there were 5 group homes on the street.
- People are coming and going all the time. She finds syringes on her front lawn. The environment is not acceptable for raising children.
- The RCMP and ambulances are constantly coming and going. There have been more than just 30 incidences where emergency services have had to come.

Peter Campbell:

- Is involved with a church in the city and every Sunday an average of 7 to 10 people attend church from this group home.
- It is unfortunate that there are so many group homes on this street but these people will have no place to go if this facility closes.
- Asked that Council give this group 6 month's or so time to vacate the subject property.

Edward Besel, 1389 Highland Drive South:

- Recounted the history to the subject property since 1974 when he bought in the neighbourhood.
- Opposed the rezoning.

Haley Carpenter, 1337 Orchard Drive:

- Lives in the area and also works with high need and often homeless people. It is not so much the women's shelter that is the problem as the high concentration of these facilities in one area.
- There is a park with a school on the other side and crime rates have risen in the last 3 years. Discovering needles in the park is not a good situation for children.
- Concerned for the women but have to consider our family's safety too.
- Concerned that if the rezoning is approved, the lease with this society could end and someone else could come in who could put the area at even more risk.

Wanda Armstrong, 1530 Leaside Avenue:

- This type of shelter should not be on a route to an elementary school.
- Has to impose extra restrictions on what her daughter can do and is constantly explaining the reasons for unusual behaviour.
- It is disruptive to have so many group homes in one area; they should be distributed equally through the community.

Karri Kolster, 1391 Highland Drive South:

- When she moved into the neighbourhood, the subject property was a 4-plex and a party house but the area residents knew who they were and they would quieten down when the police were called.
- Concerned that the subject property could become a 4-plex again when Shepherd's Reach's 2-year lease expires in 2003.
- The other side of the duplex started out as a facility for homeless aboriginals but now whites are living there and females too. There are lots of incidences with ambulances and police. Pretty weird people are being introduced into the neighbourhood.
- Concerned about traffic.
- There are no sidewalks and the tenants of these facilities sometimes walk in the middle of the road.
- Encouraged Council to say no to the requested rezoning.

John Widmark, 1376 Highland Drive South:

- Concerned that once the zoning is approved, new owners could apply to have the covenant removed and then have more than 20 occupants and add more to the traffic in the area.

Geoff Mitchell, 1426 Bankhead Crescent:

- Supports all the comments in opposition. Feels for the plight of the women but the location is wrong for this type of facility.
- One of the residents in a group home that was next door to his property burned the home down putting 13 people out on the street. Concerned that if this application is approved, a precedent would be set for another group home to be rezoned directly adjacent to his property.
- Concerned that if the rezoning was approved and the place burned down the property could be redeveloped for any use permitted in the zone.

Fotis Sotiros, 1427 Bankhead Crescent:

- There are 13 children under the age of 6 in the immediate area.
- Very much opposed to the rezoning and fully support Mr. Langford's comments.

Sukhbir Sandhu, applicant:

- He built the duplex for rental purposes and each side had an inlaw suite with a kitchen.
- One cooking facility was removed from each side of the duplex when the building was rented to Shepherd's Reach Shepherd's Reach Ministries almost 2 years ago.
- Today there are 7 bedrooms on one side and 6 bedrooms on the other and the bedrooms are about 10 ft. x 11 ft. minimum in size.
- The house was a party house. Once when it was rented to football players there were 50 people in one side and the police had to come. Since Shepherd's Reach rented the facility, he has received no complaints.

Gary Enns, Shepherd's Reach Ministries:

- Shares the concerns about the number of homes that provide a similar type of service in this area of the city.
- This was a temporary arrangement with the landlord because of the cost of purchasing and developing land and it was the fastest way to be able to provide a shelter for these individuals. The lease expires October 2003 but the landlord has other 4-plexes that are legal and that may be options for this type of facility. Expect to be moving very soon.

The City Clerk advised that the applicant from the first item on the Public Hearing agenda has submitted the sign-up sheets he placed in the store to obtain public input into his proposal. The sheets have been copied and circulated to Council. For the public record, there were 49 signatures, one with a comment indicating opposition to the community police station, one suggesting that the drive-thru window be in front of Council's homes, one asking what staff thinks and someone wrote on the bottom that staff think it is fabulous and support it. The remaining 46 signatures all wrote comments of support for the project.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 11:00 p.m.

Certified Correct:

Mayor

BLH/pp

City Clerk