

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, December 3, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning 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; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:00 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 November 15, 2002, and by being placed in the Kelowna Daily Courier issues of November 25 & 26, 2002, and in the Kelowna Capital News issue of November 24, 2002, and by sending out or otherwise delivering 622 letters to the owners and occupiers of surrounding properties between November 15 & 20, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1(a) Bylaw No. 8905 (OCP02-0010) – Lutheran Church (MQLN Architects/Brian Quiring) – 4091 Lakeshore Road – THAT Map 19.1 – General Future Land Use of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C., from Multiple Unit Residential – low density and Multiple Unit Residential – medium density future land use designation to Education/Major Institutional, Multiple Unit Residential – low density, and Multiple Unit Residential – medium density future land use designations as shown on Map "A".

See 3.1(b) below.

- 3.1(b) Bylaw No. 8906 (Z02-1018) - Lutheran Church (Brian Quiring/MQLN Architects) – 4091 Lakeshore Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones to the RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, and P2 – Education and Minor Institutional zones as shown on Map "B".

Staff:

- The subject property comprises a portion of the former Fairview Golf Course. The site could accommodate between 400-600 residential units and that was how City Planning staff hoped the site would be redeveloped; however, the Official Community Plan supports this type of institutional use in residential areas. The multiple unit component that is being proposed is getting back to the densities originally considered for the property.
- The layout for the proposed development was revised following consideration of the application by the Advisory Planning Commission. The application now proposes

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medium density housing in the southeasterly portion of the site, low density housing in the northeasterly portion of the site and the church and school on the portion of the site fronting onto Lakeshore Road.

- The only existing frontage is along Lakeshore Road. The applicant is proposing a lot line adjustment with the property owner to the south of the proposed low density site in order to provide another access to the site off Lequime Road. The main access to the development would be from Lakeshore Road but the Lequime access point would allow P2 zoned property to be subdivided off as a separate entity. The residential component would likely remain split zoned.
- The pond is protected by no-build covenants as is an area identified adjacent to the park along the northerly property boundary.
- Adoption of the subject bylaws would be considered concurrent with Council's consideration of a Development Permit for the multiple unit housing.

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

- late letter from Ken Elkerton, 671 Pimlico Road
 - late letter from Malcom & Shirley Dale, 675 Pimlico Road
- both supporting the application but concerned about how the 'green space area' between the subject property and their neighbourhood would be used.

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

Brian Quiring, project architect:

- The proposed site plan includes a walkway connection between the existing linear park and Lequime Road. Access to the path would be controlled and gated at night.
- The green space area under no disturb covenant would be landscaped.
- Showed elevations and conceptual building designs for the church and school as well as the multiple unit housing.
- The proposed low density housing (RM3) would be in the form of 35 townhomes essentially in groups of 4 with 2 storey components but generally lower massing than a full 2 storey building height. The townhomes would be approximately 1,700 sq. ft. in size. The proposed medium density housing (RM5) would be comprised of 50 condominiums. No subsidized or special needs components are proposed. Each unit would have potential for parking 4 vehicles on-site (a double garage plus parking for 2 more cars outside).
- The church will seat 600 and about 150 parking stalls are proposed for the P2 development.

Council:

- Concerned about how the proposed development could impact the public's continued ability to use the pond for public skating in winter months.

Jim Kentel, building chairman for the project:

- The church is presently operating preschool and elementary school. Their intention is to go to grade 9 in the short term with potentially 100-120 students. In the long term they could go beyond grade 9.

Ken Elkerton, 671 Pimlico Road:

- Was first to Council in December 1998 with respect to the proposed redevelopment of the former Fairview Golf Course site. Everything the residents asked for at that time has come about other than a property-wide curtain drain.
- His concern about how the covenanted area would be used is satisfied having heard that it will be landscaped and retained as green space.

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Staff:

- The drainage requirements from 4 years ago would still be required unless an alternate plan has identified as acceptable.

There were no further comments.

- 3.2 Bylaw No. 8931 (Z02-1047) – Rob Richardson (David and Joan Poole) – 464 Morrison Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part of Lot 6, DL 14, ODYD, Plan 3398, located on Morrison Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- There is currently a house on the property with a garage accessed off the rear lane. The applicant is proposing to remove the existing garage and develop a secondary suite within a new accessory building with an attached carport in the rear yard off the lane.
- The drawings provided by the applicant indicate a 1-storey accessory building and that on-site parking requirements can be met.

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

- letter from Michael Minions, 421 Francis Avenue, expressing concern that the proposed 'accessory' building would really be a second small house on the site and suggesting that the building be moved 6-8 m back from the lane with the carport reconfigured to act as a buffer to the lane.
- letter from Balbir & Sheila Bajwa, 470 Francis Avenue, simply stating they are opposed to the application.
- letter from Anthony Krakau, 454 Morrison Avenue, strongly opposing the application for reasons including concern that the rezoning would create a domino effect that would change the character of the neighbourhood and increased traffic on Morrison Avenue and in the rear lane.
- letter from Doug & Jane Wheeler, 458 Morrison Avenue, supported by petitions signed by 38 area residents, opposing the application and asking that they be permitted to retain the current character of their neighbourhood.
- late letter from Werner & Ingeborg Kapelle, 494 Morrison Avenue, opposed to the site becoming a double rental property and concerned about increased traffic.
- letter from Beverley Krakau, 454 Morrison Avenue, also opposed and commenting on lack of sidewalks, etc.

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

Wally Heinrichs, 434 Morrison Avenue:

- The street is comprised of small houses on large lots with room for gardens and children to play.
- The rear alley is unpaved.
- Opposed to increased density.
- Concerned about loss of privacy and loss of sunshine in the yards.
- Opposed to second homes on single family lots especially when both homes are rental properties with absentee owners.

Janet Wheeler, 458 Morrison Avenue:

- Concerned that the rezoning would create a domino effect in the neighbourhood.
- The alley is narrow with no proper lighting to provide safe access to the site.
- Just because the lots are large should not mean they have to be redeveloped. Totally opposes secondary suites and wants to retain the existing character of the neighbourhood.

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Ingeborg Kapelle, 494 Morrison Avenue:

- The neighbourhood has been unchanged since she moved there 29 years ago. Wants it to stay that way.

Rob Richardson, agent for the owner of the subject property:

- The City of Kelowna OCP and other policy documents support this kind of development.
- The lot width is about 70 ft.
- The applicant intends to build as soon as the rezoning is approved. Intends to construct a small unobtrusive building that matches the existing accessory buildings in the alley.
- Did not talk to the owners but delivered a letter to the area residents outlining what was proposed and providing his name and phone number if people wanted more information. One lady phoned.
- The City of Kelowna has a very low vacancy for rental properties right now.
- The average driveway generates 10 trips a day so traffic impact would be insignificant.

There were no further comments.

- 3.3(a) Bylaw No. 8932 (OCP02-0011) – Salem’s Developments Ltd., Tallel Abougoush and Abougoush Holdings Ltd. (MKS Resources) – 1075/1095 Highway 33 West and 145/165/175 Gerstmar Road – THAT City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use Map 15.1 designation of Lots 3, 4 & 5, Sec. 22, Twp. 26, Plan 3401; Lot A, Secs. 22 & 27, Twp. 26, Plan 11038 and Lot 3, Secs. 22 & 27, Twp. 26, Plan 2082, ODYD, Kelowna, B.C. from Residential-Low Density to Multiple Unit Residential (Low Density-Transitional).

Presented with concurrent with 3.3(b).

- 3.3(b) Bylaw No. 8933 (Z02-1038) - Salem’s Developments Ltd., Tallel Abougoush and Abougoush Holdings Ltd. (MKS Resources) – 1075/1095 Highway 33 West and 145/165/175 Gerstmar Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of 145/165/175 Gerstmar Road, Lots 3, 4 & 5, Plan 3401, Sec. 22, Twp. 26; and 1075/1095 Highway 33 West, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RM4 – Medium Density Multiple Housing zone in order to allow development of the site for uses permitted in the RM4 zone.

Staff:

- There is an existing service station on the corner of Gerstmar and Highway 33.
- The intent is to consolidate the 5 subject properties in order to develop a 4½ storey, 89-unit strata apartment building.
- A Development Variance Permit would be required to increase the building height to 4½ storeys (3½ storeys of dwellings over ½ storey of parking garage).
- The conceptual site plan indicates the first storey of units extending out further than the other storeys above.
- Access would be off Gerstmar and Highway 33. The location for the access point off Highway 33 has yet to be approved by the Ministry of Transportation.
- The project includes some surface parking as well as under-building parking from either end.
- Showed the proposed building elevations and an artist’s rendering of the project.

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

- late letter from the Rutland Residents Association expressing support but indicating concern about access to the facility by westbound traffic on Highway 33.
- late letter submitted at the start of the meeting from the Strata Corp. at 200 Gerstmar Road stating support for the application.

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

Steve Shoranick, applicant:

- The building design has been modified considerably in order to meet concerns raised by City staff, the neighbours and the Neighbourhood Association.
- Tried to come up with a design that fits into and complements the neighbourhood.
- The application was presented as a strata condo type building but the owner intends to retain ownership for rental purposes.

There were no further comments.

3.4(a) Bylaw No. 8935 (OCP02-0009) – 352039 BC Ltd. (Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1850/1910 KLO Road - THAT Map 19.1 – General Future Land Use of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO Road, Kelowna, B.C., from Single/Two Unit Residential to Neighbourhood Commercial as shown on Map “A”.

3.4(b) Bylaw No. 8936 (Z02-1035) - 352039 BC Ltd. (- Kim McKechnie/PSC Planning Solutions Consulting Inc.) – 1850/1910 KLO Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the C2 – Neighbourhood Commercial zone in order to allow development of the site for uses permitted in the C2 zone.

Staff:

- The property with the existing service station is appropriately zoned. The applicant is proposing to rezone the adjacent property to the east in order to redevelop the combined site with a new convenience store, pump islands and canopies and a touchless car wash.
- Road reserves from both Benvoulin and KLO would be required for future improvements to the intersection.
- Staff have suggested that the canopy not facing the road not be lit, that there be additional screening for the adjacent residential property from the car wash, and that some residential design elements be incorporated.
- Still waiting for sign details for the proposed Free Standing sign.
- Recommended non-support at initial consideration of this application because the KLO/Pandosy Sector Plan does not envisage expanding the commercial; for that reason staff still recommend non-support. However, if Council supports the application, staff would not deem that as precedent setting for commercial uses expanding into the areas around this intersection.

The City Clerk advised that no correspondence or petitions had been received.

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

Tony Markoff, agent for the applicant:

- Has been working with Shell Canada to provide more extensive screening for the adjacent residential property from the car wash and to include residential design elements. Considering installing a concrete rather than wooden fence because the adjacent residence is so close to the property line.
- The applicant needs the car wash in order to remain competitive with the other gas stations on that intersection because they all have car washes. There is insufficient room on the existing site to accommodate a car wash.
- The applicant has agreed to a road reserve on both road frontages.
- Infrastructure improvements are over \$200,000.
- The applicant needs to be able to accommodate b-train turning movements on the site so would not want to see medians on KLO Road.
- If the subject application is approved, water and sanitary sewer would be extended to adjacent residential properties that are currently experiencing failures with their wells and septic disposal systems.

Council:

- Staff to clarify whether there is a policy in place to require Council approval before centre medians can be installed at intersections.

Staff:

- City staff want to move the KLO access to a safe distance from the intersection and are trying to preserve left turns in and off KLO for the foreseeable future.
- There will eventually be a median put in along Benvoulin Road but no restrictions are proposed on the KLO access in the foreseeable future.

Allen Rivett, 1920 KLO Road:

- The traffic noise is part of living in that location. Does not see the additional noise as being a problem. The impact of the car wash is minimal compared to the benefit of gaining water and sanitary sewer.
- The applicants have been very cooperative and have agreed to retain the existing cedars (about 30 ft. high) and they will add to the buffer between his property and the car wash.

Narinder Bansal, 1920 KLO Road:

- Is co-owner of the adjacent residential property but has been separated from Mr. Rivett since July 2001.
- Does not oppose the proposed application but wishes the applicant would deal with her instead of Mr. Rivett since it is she who is living on the property.
- Has tried to contact the applicant's agent but without success.

Tony Markoff, agent for the applicant:

- Will meet with Ms. Bansal to discuss the details of the development before the Development Permit application comes forward for consideration by Council.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 8:35 p.m.

Certified Correct:

Mayor

City Clerk

BLH/am