

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, February 24, 2004.

Council members in attendance were: Deputy Mayor S.A. Shepherd, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, B.D. Given, R.D. Hobson and E.A. Horning.

Council members absent: Mayor Walter Gray and Councillor C.B. Day.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi;; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; Manager of Community Development & Real Estate, D.L. Shipclark; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Deputy Mayor Shepherd called the Hearing to order at 7:01 p.m.
2. Deputy Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan* 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 February 6, 2004, and by being placed in the Kelowna Daily Courier issues of February 16 and 17, 2004, and in the Kelowna Capital News issue of February 15, 2004, and by sending out or otherwise delivering 698 letters to the owners and occupiers of surrounding properties on February 6, 2004.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 **Official Community Plan Amendment – Housing Opportunities Reserve Fund**

- 3.1 Bylaw No. 9165 (OCP04-0002) - To amend *Kelowna 2020 - Official Community Plan* Bylaw No. 7600, by replacing Policy No. 8.1.20 with the following new Policy 8.1.20:

"8.1.20 **Use of Housing Reserve Fund.** Use the housing reserve fund for the purpose of acquiring lands to be leased or purchased from the City by non-profit groups or developers to provide housing by means including public/private partnership agreements, subject to the criteria specified in the Housing Reserve Fund Bylaw."

Staff:

- The Housing Opportunities Reserve Fund Bylaw No. 8593 was amended in January 2004 to allow the City to sell, as well as lease, land to achieve affordable housing. The existing OCP policy contains the restriction to only lease land for this purpose.
- The proposed amendment would make the OCP policy direction consistent with Bylaw 8593.

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

3.2 1937-1939 Harvey Avenue

- 3.2 Bylaw No. 9163 (Z03-0061) – Scandilog Homes Ltd. (Carl Scholl Design/ Scandilog Homes) – Harvey Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, D.L. 129, ODYD located on Harvey Avenue, Kelowna, B.C. from the C10 - Service Commercial zone to the C3 - Community Commercial zone.

Staff:

- There is an existing commercial building on the property.
- The applicant is proposing to redevelop the site with a new building with a new formalized parking area and extension of the frontage road through the access easement in the front of the property. Direct access would be removed in favour of the common access on the adjacent Esso site.
- Landscaping would be an extension of what is in place from adjacent developments.
- Described the proposed appearance of the building and showed samples of the colours to be used.
- The Advisory Planning Commission recommends support.

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

Deputy Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

3.3 2355-2395 Gordon Drive

- 3.3 Bylaw No. 9164 (Z03-0074) Pupus Enterprises/Domenic Panucci (Aberdeen Holdings Ltd.) – Gordon Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, D.L. 136, ODYD Plan KAP46155, located on Gordon Drive, Kelowna, B.C. from the C3 – Community Commercial zone to the C3rls – Community Commercial (Retail Liquor Sales) zone.

Staff:

- The applicant holds a liquor primary licence within the downtown area (Gotchas Nightclub) and qualified to apply for a licensee retail store through the lifting of the moratorium last year by the Province.
- The Mayors task force recommendations do not support additional retail outlets in the downtown where the liquor primary establishment is located.
- Provincial regulations now allow the liquor store to be removed from the liquor primary site and the location the applicant is pursuing for the proposed liquor store is in the location formerly occupied by the Chef's Edge, in Guisachan Village Mall. The proposed liquor store would be about 130 m² or 1,400 sq. ft. in size.
- The subject rezoning application applies to all of the commercial spaces in the Guisachan Village Mall; if this application is approved, a retail liquor store could be established in any of the commercial spaces within the mall.

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

- letter from Janyse Jaud, 2350 Stillingfleet Road, generally concerned about parking, delivery vehicles, proximity to an elementary school, the store could attract clientele that may create security issues for the neighbourhood, and increased traffic noise.
- letter from Alva and Garry Smith, Stillingfleet Road, stating strong opposition to the proposed liquor store.
- letter from Lloyd & Elaine Reiner, 2200 Gordon Drive, opposing the rezoning on the basis that a liquor outlet would attract an unsavoury element to the area and generate extra traffic and noise at night.
- late petition bearing 2 signatures handed in just before tonight's meeting opposing the application on the basis of increased noise, traffic and security concerns.

Deputy Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Domenic Panucci, applicant:

- He will be running the liquor store; his brother Gino runs the Gotcha Nightclub.
- Will try to run a specialty liquor store, specializing in wines, to complement the other stores in Guisachan which also seem to be specialty stores.
- Will close at 6 p.m. if there is no demand to remain open later.

Rita Leis, 2350 Stillingfleet Road:

- Is opposed to this application. Lives across the street from the commercial area. It is necessary to look in 5 different directions for traffic because of all the driveways into the Guisachan Village mall. The area is not set up well for traffic.
- Delivery trucks start at about 6 a.m. and it is unlikely that the proposed liquor store will close at 6 p.m. The only peaceful time is after 6 p.m. when the traffic calms down.
- The proposed liquor store could attract more people who would loiter in the area.

Domenic Panucci, applicant:

- Truck deliveries would occur during the day time not in the evening.
- Hours of operation would be determined based on customer demand.
- Does not think the liquor store would change the existing environment at the mall.

There were no further comments.

3.4 255 Lake Avenue

- 3.4 Bylaw No. 9170 (Z03-0060) David Sager and Sylvia Wearne – Lake Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of That part of Lot 28, Block 5, Outlined red on Plan 348, District Lot 14, ODYD Plan 348, located on Lake Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot housing with Secondary Suite zone.

Staff:

- The rezoning would add the 's' designation to the parent zone on the property which is located in the Abbott Street Heritage Conservation Area. A Heritage Alteration Permit (HAP) is also required and the HAP includes reduced side and rear yard setbacks.
- Recommend support for the rezoning but have concerns with the HAP portion of the application.

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

- letter from the Kelowna South-Central Association of Neighbourhoods indicating support in principal with concerns about the setback variances and the design of the arch treatment.
- letter from Mary Oldring withdrawing her opposition and indicating support based on the revised plans and assurance from the applicant that mature trees would be planted at the rear of the carriage house.

Deputy Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Sylvia Wearne, applicant:

- Explained how the on-site parking could work.
- The property was a run-down rental house when they purchased it. Having restored the building to the heritage home that it is today, their interest is to maintain the heritage quality of the house and of the neighbourhood.
- The proposed plans have been revised to include all of the suggestions for revision.
- The Community Heritage Commission supports the revised plans.
- None of the neighbours who would be visually impacted by the proposed addition are opposed. Have spoken to the owners of several other homes in the area and no objections.
- The arched doorway that was proposed between the garage and the carriage house has been eliminated from the design to be more in keeping with the existing building.
- The Fire Department approved the first setbacks that were proposed; the setbacks have been enlarged with the revised plans.
- Have no intentions of having a bed and breakfast operation.

Paul Currie-Johnson, Secretary of Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS):

- Normally FRAHCAS does not support variances but in this case the applicant's privacy has been severely compromised by another carriage house in the neighbourhood.
- See this as appropriate infill. It is an attached suite as opposed to a carriage house and maintains the integrity of the existing house.
- Concerns raised at the Community Heritage Commission and Advisory Planning Committee meetings have been addressed.
- See this as incentive for others who require additional space to add to their house rather than build an accessory building.

There were no further comments.

3.5 Zoning Bylaw Text Amendment - Definition of Public Education Services

- 3.5 Bylaw No. 9166 (TA03-0013) – To amend the definition of “Public Education Services” under Section 2 – Interpretation in City of Kelowna Zoning Bylaw No. 8000 in order to allow for maintenance/storage facilities.

Staff:

- The Zoning Bylaw currently limits the use of school sites to only activities involved for public education services on the same site.
- The School District is decentralizing some of their services and a custodial crew will now be responsible for more than one school in an area.

- The main change to the definition is to add maintenance/storage facilities when required for the daily operation of the facility on the same site or within the same school district.
- The bylaw also clarifies uses that would not be permitted and requires a level 3 landscape buffer where no outdoor storage would be permitted so that equipment storage is screened appropriately.

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

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. There was no response.

3.6 Zoning Bylaw Amendments - Miscellaneous

- 3.6 Bylaw No. 9120 (TA02-0005) – Miscellaneous housekeeping amendments to various sections of City of Kelowna Zoning Bylaw No. 8000 for clarification and consistency.

Staff:

- Grouping amendments together and bringing them to Council on a yearly basis makes it difficult to stay consistent. In future, amendments to the Zoning Bylaw will be brought forward as individual amendments as the need arises.
- Highlighted the revisions that are proposed noting they are referred to as housekeeping amendments because staff's interpretations of the bylaw have been consistent throughout the years but clarifications got missed or watered down through various amendments to the bylaw.
- Minor changes are also proposed to the Sign Bylaw regarding signage for bed and breakfast operations.

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

Deputy Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Staff:

- Clarified the concern raised by the Urban Development Institute regarding setbacks for bareland strata developments.
- Responded to questions of Council regarding the required minimum 1 month occupancy for residential buildings being used as rental properties; signage requirements for bed and breakfast operations; and the amendment intended to allow convenience retail outlets such as a 7-11 or Macs Store that are in conjunction with a hotel or motel to rent seasonal equipment for tourism use.

Valerie Hallford, FRAHCAS:

- Asked for and received an explanation from staff of the proposed change to the definition for determining the frontage of a property for applying building setbacks.

There were no further comments.

Public Hearing

February 24, 2004

4. TERMINATION:

The Hearing was declared terminated at 8:18 p.m.

Certified Correct:

Deputy Mayor Shepherd

City Clerk

BLH/am