

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, March 23, 2004.

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

Council members absent: Councillors A.F. Blanleil and C.B. Day.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

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 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 March 5, 2004, and by being placed in the Kelowna Daily Courier issues of March 15 and 16, 2004, and in the Kelowna Capital News issue of March 14, 2004, and by sending out or otherwise delivering 406 letters to the owners and occupiers of surrounding properties between March 5 and March 7, 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 5065 Frost Road**

- 3.1 Bylaw No. 9188 (Z03-0064) – T245 Enterprises Ltd. (Robert Bennett) – 5065 Frost Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 357, SDYD, Plan KAP48057, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone.

#### Staff:

- The applicant is proposing to rezone the property in order to facilitate a 15 lot single family residential subdivision.
- The applicant has already created a similar 15-lot subdivision on the adjacent property; this is the second phase of the development.
- Road access issues will be dealt with through the subdivision process.
- Sidewalks are not required on local roads; however, the applicant would be responsible for planting of trees in the boulevard area of the road right-of-way.
- The application is consistent with relevant planning documents.
- The Advisory Planning Commission recommends support with no conditions.

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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, followed by comments of Council.

Bob Bennett, applicant:

- Indicated he had nothing to add at this time but was available to answer questions if required.

There were no further comments.

### **3.2 633 Lequime Road**

3.2(a) Bylaw No. 9192 (OCP04-0003) – Tae Bong Yoo (Water Street Architecture) – 633 Lequime Road – THAT Kelowna Official Community Plan (2000-2020) Bylaw No. 7600 be amended by changing the future land use designation on the subject property from Multiple Unit Residential Low Density to Multiple Unit Residential Medium Density as outlined in the report of the Planning & Corporate Services Department dated February 19, 2004.

Staff:

- The requested OCP amendment would change the future land use designation of the property in order to facilitate rezoning for development of the site with a 3-storey, 26-unit condo/apartment building. Parking would be both under-building and at grade.
- Staff did not recommend support for the OCP amendment or the rezoning because there are options available to the applicant to achieve a similar but slightly less dense project under the existing RM3 zoning. However, on the direction of Council the application was advanced to Public Hearing.
- The Advisory Planning Commission considered the rezoning application and also recommended non-support.
- Explained how the density bonusing and housing agreement options would work under the RM3 zone to allow up to 25 units instead of the 26 units proposed.
- The property to the immediate north is developed with 24 residential units in three buildings that would, under today's regulations, be considered 3-storey because of underbuilding parking. The proposed development will look similar in scale, if the subject application is approved.

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

- letter of support from Armin & Helena Gottschling, owners of the property to the immediate south.
- letter from Lauren & Wayne Pisesky, 4128 Lakeshore Road, expressing concern about on-street parking on Lequime Road and safety of vehicles turning onto Lakeshore Road from Lequime.

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

George Couldwell, 312 Lequime Road:

- The area is a beehive of construction with the Mission Sports Centre, Lutheran Church and school, Okanagan Academy, and the other condo developments. There is a lot of congestion on Lequime with gravel trucks and vehicles parking on the street from the construction workers and from Okanagan Academy. Suggest that the traffic will not lessen even when construction is complete because the tenants of the buildings will all have 1 or 2 vehicles.

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- Concerned that adequate parking be provided; about traffic safety at the Lequime/Lakeshore intersection and about the safety of vehicles trying to exit the subject property and the property to the immediate north onto Lequime Road; and about the density of the area.

Doug Lane, applicant:

- Does not think that changing the RM4 zone from low density to medium density was in keeping with the original intent to allow a bit higher density in the area.
- The owner does not want to commit to a housing agreement and does not wish to go with full underground parking for economic reasons.
- If this application is approved, the intent would be to start construction in mid-May.

There were no further comments.

3.2(b) Bylaw No. 9193 (Z04-0001) – Tae Bong Yoo (Water Street Architecture) – 633 Lequime Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 6, Township 26, ODYD Plan 4912, located on Lequime Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone.

See discussion under 3.2(b).

### **3.3 1145 and 1125 Rutland Road North**

3.3 Bylaw No. 9189 (Z03-0072) – Okanagan Sikh Temple and Cultural Society (Ted J. Thomas & Associates) – 1145 & 1125 Rutland Road North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots A & B, Sec. 26, Twp. 26, O.D.Y.D., Plan 32402, located on Rutland Road North, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone.

Staff:

- This application supersedes a previous application that was advanced to third reading where it remained for a number of years before eventually being closed off.
- The application is to rezone the two properties at the southwest corner of Rutland Road and Sumac Road East to permit the construction of a new temple facility for the Okanagan Sikh Temple and Cultural Society. The temple would be operated in conjunction with the existing facility on the adjacent property to the south.
- The two buildings on the subject property would be removed to accommodate the new construction.
- Council does not have the ability to require a Development Permit for the proposed development. However, the applicant has submitted a concept plan showing the proposed temple building and landscaping plan. Access to the site would be via the existing access off Rutland Road and a new access off Sumac Road. The Sumac Road access would line up with Ortt Road. The plans as submitted would meet the P2 zoning regulations.
- Institutional uses such as churches and schools are supported in residential areas and therefore staff recommend support.
- The Advisory Planning Commission also recommends in support of the application.

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

- letter from Sharon Whitbread, 180 Sumac Road East, along with a 35 name petition from residents of the neighbourhood, concerned about impacts of the development on the adjacent residential area, such as visual impact, on-street parking, increased traffic on Sumac Road, noise, the location for the new temple; and asking that the applicant consent to a voluntary development permit so that the neighbourhood has assurance of what will actually be developed on the site.

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- letter of opposition from Roy & Helen Cottrell, 199 Sumac Road East, concerned about how the location of the new temple building will impact their property.
- 9 form letters signed by neighbours stating they have no objections.
- letter from Ted Thomas, agent for the applicant, submitting an information package.

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

Tom Smithwick, representing the Okanagan Sikh Temple and Cultural Society:

- Representatives of the Sikh Cultural Society knocked on doors in the neighbourhood to inform the residents of the plans for the site.
- Since the initial rezoning application (that was closed) there have been multiple redesigns of the project to meet concerns of the neighbourhood, including a reduction in the size of the temple.
- On a typical Sunday there would be up to 200 people within the temple. On rare occasions the two temples could both be in use at the same time; the parking lot could be full on those occasions.
- To put the scale of the building into perspective, the steeple on St. Theresa's church down the street is taller than the dome on this temple. Similarly the roof line of that church is taller than the roof line on this temple.
- The subject property is in an unsightly condition at present as is the roadway and this development would improve the frontages of both roads as well as clean up the site.
- The Directors of the Sikh Temple and Cultural Society have unanimously approved the concept plan as presented. They are not interested in applying for a voluntary Development Permit.

Ted Thomas, applicant:

- The Sikh Cultural Society has done due diligence in ensuring full disclosure of what is proposed to the neighbourhood.
- The temple building has been sited so as to ensure that any congestion is toward the front not the back of the property, and the temple would be set back more than double the distance required from the adjacent residential properties. The proposed landscape plan indicates extensive landscaping.
- Shifting the location of the temple to the middle or the front of the site would reduce the number of parking stalls that could be provided. The majority of the parking is at the front of the site where it would least impact the neighbourhood.

Sheri Whitbread, 180 Sumac Road East:

- The majority of the neighbourhood would prefer that the temple be moved closer to Rutland Road. The temple will be over 57 ft. high and is right outside her front window. Would rather look at parking once a week on Sundays that at the building all the time.
- Concerned about traffic and parking. Vehicles are already parking on the street.
- Concerned that construction of the building could take up to 2 ½ years.
- Concerned about what could end up being developed on the site in the absence of a Development Permit.
- St. Theresa's church has no residences nearby.
- Would have supported reversing the building so that the back and service entrance face Rutland Road.
- The neighbourhood would want the Rutland Road access to remain open if the rezoning is approved.

Reynald Grande, 1226 Ortt Road:

- On-street parking is already a problem; with a second temple there would be more cars parking on Ortt Road.
- The proposed access off Sumac Road would draw traffic and children from the subject property into the Ortt Road neighbourhood.
- The existing neighbourhood is quiet, but if this is approved, the neighbourhood will not be the same.

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- Was told that there could be up to 442 people in the building and the kitchen is on the east end of the temple; with that many people eating there, it will be like living next to a restaurant.
- The temple should be sited closer to Rutland Road like all the other churches on Rutland Road.
- Living next to the building in its proposed location would be like living in the shade of a mountain. Does not object to the temple but wants it moved closer to Rutland Road.
- Would prefer to have the parking in the back; the temple is noisier than the vehicles.
- The 18 ft. high trees along the rear property line block his yard from sunlight. The applicant should be required to trim the cedars down to a 6 ft. height.

Tom Smithwick, representing the Okanagan Sikh Temple and Cultural Society:

- The mass of the building is 31 ft. in height and the cedar hedges are 20 ft. in height so the bulk of the building would not be visible to the neighbours.
- Mr. Cottrell's back yard faces south and east so for the majority of the day he would have sun.
- The plan is to complete the exterior of the structure in 6 months and to have the interior completed within a year or 2 after.
- The proposed 139 parking stalls would exceed bylaw requirements by 20%. Would not object to 'no parking' signs if on-street parking is a concern on Sumac Road.
- The 442 number is a statistical number used for calculating numbers of parking spaces for building in the future.
- Could add one more isle of parking at the rear of the temple which would move the building about 20 ft. further away from the neighbours. That would move the dome to line up with the centre of Ortt Road. There would be a minor parking loss and the impact on overall traffic flow would not be as good but would agree to do that as a compromise. However, some of the neighbourhood supported the siting of the building as proposed and they may not support increasing the rear yard setback.
- Would not want to turn the temple so that the back faced Rutland Road.

Staff:

- There is no legal way to enforce a voluntary development permit; a voluntary development permit is just a gesture of good will and a declaration of intent – no more than what has been said tonight.

Andy Sandhu, 566 San Cabrio Court:

- A significant amount of money has been raised from the Sikh community in anticipation of the development as presented tonight.

Dr. Gary Randhawa:

- Attends the temple on Sundays and is sensitive to the neighbourhood and wants a good relationship with the neighbourhood.
- There would be substantially more on-site parking with the two temples and so would not object to parking restrictions on Sumac Road.
- The entire executive unanimously supports the design shown in the conceptual plans and commits unanimously that they will deliver exactly what has been presented.

There were no further comments.

**3.4 5127 Chute Lake Road**

- 3.4 Bylaw No. 9191 (Z04-0003) – 684761 BC Ltd. (D.E. Pilling & Associates Ltd./Murray Noble) – 5127 Chute Lake Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 1, Sec. 24, Twp. 28, SDYD, Plan 5485 except Plans 18646, KAP49406, KAP50989 and KAP64523, located on Chute Lake Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 24, 2004.

## Staff:

- The applicant wishes to rezone the northerly portion of the property that is designated for single/two unit residential development in the Kelowna 2020 OCP to facilitate a 43 lot single family residential subdivision. The balance of the property will remain urban reserve.
- The forestry road that runs along the easterly boundary of the subject property would be upgraded as part of the subdivision. Some of the lots would back onto the forestry road but would not have access to it.
- The application is consistent with relevant planning documents.
- The Advisory Planning Commission has put forward a recommendation of support with no conditions.

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

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

David Pauls, representing the applicant:

- The property was severely burned in the Okanagan Mountain Park forest fire.
- There will likely be some minor revisions to the layout because of road linkage with the adjacent property.

There were no further comments.

**3.5 1374 Highway 33 East**

- 3.5(a) Bylaw No. 9194 (OCP00-010) – Romesha Ventures Inc. (Terre Consultants Ltd.) – 1374 Highway 33 East – THAT OCP Bylaw Amendment No. OCP00-010 to amend Map 19.1 of Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the Educational/Major Institutional designation to the Single/Two Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated February 24, 2004.

## Staff:

- A portion of the subject property was designated in the OCP for future institutional (school) and park. The park designation was in accordance with the City's joint use policy to develop parks adjacent to school sites. However, in 2001 the School District determined that they no longer had a need for a school site on the subject property which allowed the City to consider a more suitable location for the future park. As part of the recent OCP review, the future land use (park) designation was removed from the subject property and added to a property to the west.

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- The subject OCP amendment would remove the 'institutional' future land use designation from the subject property and designate the entire property for single and two unit residential use.
- The OCP amendment and rezoning are requested to accommodate a future subdivision of approximately 70-75 lots.
- The Advisory Planning Commission recommends support.

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

- letter from Anita Whitehouse and John & Ingrid Paavilainen, 1170 Band Road, opposing the OCP amendment on the basis that retaining the 'institutional' future land use on the subject property would allow the future 'park' designation to be retained on the subject property as well.

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

Gordon Hirtle, applicant:

- The subject property has been in the family since 1951 and the daughter wants to retain the family residence which is on the portion of land designated for the future park and school sites.
- Moving the future park site to the property to the west is logical because it brings the park closer to the Toovey subdivision which is in need of a park.

Kelly Whitehouse, 1170 Band Road:

- He and his wife are one of three generations living on their property which is to the west of the subject property.
- The OCP land use designation for the future park site was moved to their property without their knowledge.
- They have no plans to develop their property for the foreseeable future, and there is an opportunity to achieve the park now because the owner of the subject property wants to develop now.
- The neighbourhood is in need of a park now.
- Objects to removing the future school (institutional) land use designation because if it stayed then the future park site would also remain.

Gordon Hirtle, applicant:

- The daughter does not intend to subdivide and develop her property at this time. The apple trees that were cut down had to be cut down because of Coddling Moth. The rezoning is to accommodate a few lots that will be created on the applicant's property along with development that is occurring on the three adjacent properties to the east.

There were no further comments.

- 3.5(b) Bylaw No. 9195 (Z00-1059) – Romesha Ventures Inc. (Terre Consultants Ltd.) – 1374 Highway 33 East – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, as shown on Map "B" attached to the report of Planning & Corporate Services Department dated February 24, 2004.

See discussion under 3.5(a).

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4. TERMINATION:

The Hearing was declared terminated at 9:55 p.m.

Certified Correct:

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Mayor

City Clerk

BLH/am