

Public HearingJanuary 25, 2005

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, January 25, 2005.

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

Council members absent: Councillors R.D. Hobson and E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, 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 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on January 7, 2005, and by being placed in the Kelowna Daily Courier issues of January 17 & 18, 2005, and in the Kelowna Capital News issue of January 16, 2005, and by sending out or otherwise delivering 285 letters to the owners and occupiers of surrounding properties between January 7-9, 2005.

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 **644 Mugford Road**

- 3.1 Bylaw No. 9343 (Z04-0068) – RAH Investments (Protech Consultants) – 644 Mugford Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, Sec. 25, Twp. 26, ODYD Plan 439, located on Mugford Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing and the P3 - Parks and Open Space Zones.

Staff:

- The rezoning would facilitate an 18-lot single family residential subdivision. The applicant has submitted a subdivision plan showing 18 lots on a cul-de-sac configuration with a .6 ha (1.5 acre) park site.
- The subject property is currently undeveloped. There is an active orchard along the eastern boundary. The applicant would be required to provide a 10 m wide buffer abutting the ALR lands and a covenant would be registered on title of the affected lots to indicate that owners should expect farming activities adjacent.
- The Advisory Planning Commission recommends support.

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The Acting City Clerk advised that no correspondence and/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.

Grant Maddock, applicant:

- Land Titles have provided the wording for the covenant that would be registered on title of the lots that would be adjacent to the ALR properties.
- A No Disturb covenant would be registered on the 10 m wide buffer area at time of subdivision. A 2 m high chain link fence is also proposed along the east property boundary.
- The owner of the subject property has signed a Park agreement with the City.

## Staff:

- Read, in part, the wording of the covenant that would be registered on title of the lots adjacent to the agricultural land.

There were no further comments.

**3.2 1240 Neptune Road**

- 3.2 Bylaw No. 9342 (Z04-0070) – Peter & Cornelia Gevers (Tony Markoff/PSC Planning Solutions) – 1240 Neptune Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 14, Twp. 26, ODYD Plan 27837, located on Neptune Road, Kelowna, B.C., from the RR1 - Rural Residential 1 zone to the RR2 - Rural Residential 2 zone.

## Staff:

- The subject property is located on the corner of Springfield Road and Hollywood Road South.
- The rezoning would facilitate a subdivision application to split the property into two.
- The existing house on the property is accessed from Neptune Road and can be serviced from Neptune for sanitary sewer. The proposed lot would be serviced from Hollywood Road and connection to sanitary sewer would be a condition of subdivision approval.
- The Advisory Planning Commission recommends support.
- The City's Subdivision Approving Officer has not granted Preliminary Layout Approval for this application as yet. Rezoning the property would provide no certainty of subdivision approval but is required in order for the subdivision application to proceed.

The Acting City Clerk advised that no correspondence and/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.

Tony Markoff, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.3 780 Rutland Road North**

- 3.3 Bylaw No. 9344 (OCP04-0013) and Bylaw No. 9346 (HRA04-0003) and Bylaw No. 9345 (Z04-0053) – The Board of School Trustees of School District No. 23 (Central Okanagan) (Protech Consultants Ltd.) – 780 Rutland Road North – THAT Map 19.1 of Kelowna 2020 Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 48, Sec. 26, Twp. 26, ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166 located on Rutland Road North, Kelowna, B.C., from the Education & Major Institutional designation to the Low Density Multiple Unit Residential and Medium Density designations;

AND THAT the City of Kelowna enter into a Heritage Revitalization Agreement for the properties at 780 Rutland Road North, Kelowna, B.C., being Lot 48, Sec. 26, Twp. 26, ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166, in the form of such agreement attached to and forming part of this bylaw as “Schedule A” to ensure the preservation and restoration of the Rutland Elementary School Heritage Building by requiring the restoration of the building prior to the development of the southern portion of the site;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 48, Sec. 26, Twp. 26, ODYD Plan 426 except Parcel A (Plan B3687) and Lot 1, Sec. 26, Twp. 26, ODYD Plan 2166 located on Rutland Road North, Kelowna, B.C., from the P2 - Education & Major Institutional zone to the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones.

## Staff:

- The subject properties are the former Rutland Elementary School site which consists of two separate lots. Development of the site would proceed in two phases.
- The western periphery of the site is proposed for rezoning to RM3 to facilitate 16 units of townhousing. The balance of the site would be zoned RM5. The intent is to proceed with the townhouse units and one 4-storey apartment building in phase one; conceptual plans for phase two indicate two additional 4-storey apartment buildings and renovation of the brick school house heritage building to create 8 one-bedroom apartment units, 4 on each floor.
- The Heritage Revitalization Agreement (HRA) would control the phasing of the development, allowing the applicant to proceed with the low density housing and the first apartment building at which point the school building would have to be restored for use before the last two apartment buildings could proceed. Allows some development to proceed and still gives incentive to complete restoration of the heritage building.
- Displayed a plan showing which of the existing trees on the site would be retained.
- City Transportation staff do not plan to remove the medians from Rutland Road at this time.

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

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

Grant Maddock, applicant:

- Clarified that he is the applicant. The purchaser of the property is R & B Construction.
- The project would be called the Legacy which means handed down from one generation to another – preserving the school for the public to be able to look at Classical Georgian influence of architecture.
- The heritage building was previously known as the Black Mountain Elementary School and the old brick and architectural details of the building have been incorporated into the apartment buildings.
- There would be over 200 ft. of view corridor from the two buildings from Rutland Road.
- The owner has agreed to provide a small playground with swings for children living in the development, as suggested by the Rutland Neighbourhood Association.
- Walkways would be provided through the site to give access to Rutland Road.
- The first phase of development would include development of the 16 townhouses abutting the residential properties to the north and west and a 56-unit apartment building. The second phase would be conversion of the school to 8 apartment units and construction of two 32-unit apartment buildings for a total build-out of 144 units.
- Four-laning the portion of Rutland Road fronting the subject property would be a requirement of this development.

Bal Poonian, R & B Construction, 908 El Paso Road:

- Phase 1 includes 16 townhouses and 56 units of apartment housing which he is considering stratifying.
- Is not considering any housing agreements at this stage.
- The heritage building would not be left vacant. Discussions are underway for potential use of the building by either the Friends of the Library or the Rotary Club. If those do not work out then the building could be used as the construction and marketing office for his company.
- The new buildings would all meet the Building Code for accessibility. Bringing the heritage building up to Code will be a challenge and as obstacles are identified will work diligently to figure out the best solutions for getting around them.

John Vielvoye, President of Rutland Neighbourhood Association:

- Many of the Association members are concerned about traffic on Rutland Road and would like to see the medians removed and a traffic light that would allow left and right hand turns. Right now the tendency is to go through the traffic light and turn around on the school site in order to go the other direction and that adds to the traffic on Rutland Road.
- Otherwise, the Rutland Neighbourhood Association supports the project, although the proposed density is a problem for some of the members.

There were no further comments.

**3.4 3240 McCulloch Road**

- 3.4 Bylaw No. 9341 (Z04-0076) – Susan Walker – 3240 McCulloch Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot C, Section 10, Township 26, ODYD Plan 33487, located on McCulloch Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone.

**Staff:**

- The property is a corner lot at McCulloch and Rose Roads.
- The applicant is proposing to add a small suite within the existing residence.
- The site is accessed from Rose Road.
- The house is serviced by SEKID as opposed to being on a well and is on a septic disposal system. The public health officer has no concerns with respect to the septic disposal.
- A Development Permit is not being required because the suite is within the existing building and will not result in any major changes to exterior of the building.

The Acting City Clerk advised that no correspondence and/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.

**Susan Walker, applicant:**

- Indicated she had nothing to add at this time.

There were no further comments.

**4. TERMINATION:**

The Hearing was declared terminated at 7:45 p.m.

**Certified Correct:**

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Mayor

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Acting City Clerk

/blh