

Public HearingFebruary 22, 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, February 22, 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, R.D. Hobson, E.A. Horning* and S.A. Shepherd.

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

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:06 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on February 4, 2005 and by being placed in the Kelowna Daily Courier issues of February 14 & 15, 2005 and in the Kelowna Capital News issue of February 13, 2005 and by sending out or otherwise delivering 312 letters to the owners and occupiers of surrounding properties between February 4-6, 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.

Councillors Cannan and Horning joined the meeting at 7:08 p.m.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1 1949-1989 Harvey Avenue

- 3.1 Bylaw No. 9353 (Z04-0080) – Jabs Development Ltd. (Cory Jmaeff/708011 BC Ltd.) – 1949-1989 Harvey Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, D.L.129, ODYD Plan KAP55442, located on Harvey Avenue, Kelowna, B.C. from the C4 – Urban Centre Commercial zone to the C4rls – Urban Centre Commercial (Retail Liquor Sales) zone.

Councillor Blanleil declared a conflict of interest as owner of a retail store in the same complex and left the Council Chamber at 7:11 p.m.

Staff:

- Tonics Pub has arranged to transfer its retail liquor store license to the subject property and be managed by the applicant.
- The property is developed with a multi-tenancy commercial building. The applicant is looking to establish a retail liquor sales outlet in the former Rocky Mountain Fitness location.
- The applicant has provided a conceptual drawing showing the proposed retail in the front and warehouse and cooler space in the rear of the building.
- The application is consistent with the recommendations of the Mayor's Entertainment Task Force.

The Acting Deputy 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.

Cory Jmaeff, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

Councillor Blanleil returned to the Council Chamber at 7:14 p.m.

3.2 745, 765 and 793 Stremel Road

- 3.2 Bylaw No. 9354 (Z04-0048) – 218555 BC Ltd. and Cheville Investments Ltd. (Wayne Rains/Advance Precast Ltd.) – 745, 765 & 793 Stremel Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 14, D.L. 125, O.D.Y.D. Plan 3236, exc. Plans B5812 & 18713; Lot A, Sec. 34, Twp. 26, O.D.Y.D. Plan 19473; and Lot 2, Sec. 34, Twp. 26, O.D.Y.D. Plan 18713, exc. Plans 19473 & 20576, located on Stremel Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone.

Staff:

- The subject property is on the south side of Stremel Road, between Highway 97 and Findlay Road.
- The applicant is seeking to rezone the properties in order to pursue a subdivision application that would re-parcelize some of the lands already within their control in this general area. The existing Advance Precast site and the subject properties would provide for additional industrial sites on the east side of the proposed Mayfair Road extension.
- The applicant would be responsible for constructing Mayfair Road across his property as part of this application; the applicant would not be responsible for the off-site portion of Mayfair.
- The application is consistent with City Planning documents.
- The Advisory Planning Commission recommends support of the application.
- The issue of the extension of Mayfair Road north of Stremel Road does not have any bearing on this application. City Transportation staff are satisfied with the proposed alignment for Mayfair Road across this property.
- The proposed property consolidation is considered logical. An application is pending on two lots to the immediate east leaving another logical pattern of consolidation. However, there is one lot in the middle with a single family dwelling that is owned by another party and being used as a rental property. The applicant attempted to include that property in this rezoning and allow the continued use as a non-conforming use with a covenant registered saying the lot would have to be consolidated with an adjoining property in order to be redeveloped. However, the attempt was not successful.
- The current OCP designation for the area is Industrial and the single lot not included in this application could not meet any of the size requirements for any of the Industrial zones. In the future, when faced with development options on this single property, Council would be expected to back the staff position that the property should be consolidated with either the lot to the east or to the west for an expanded Industrial use.

The Acting Deputy 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.

Darren Prowse, 755 Stremel Road:

- Owns the property with the residence that he uses as a rental property and that would be orphaned with this application.
- Concerned about the covenant and about his options when the property can only be zoned Industrial and if he was not offered fair value for the lot.

Staff:

- Clarified that the covenant that was proposed would have allowed Mr. Prowse's property to be included in the subject rezoning application but allow the residential use on his property to continue as a non-conforming use, as well as stipulate that the lot could not be redeveloped as residential land.
- Mr. Prowse has opted not to have his property included in this application, however, and so the covenant is not required, and Mr. Prowse is free to rebuild, make additions or alterations within the provisions of the RU1 zone. For a higher density residential use, an OCP amendment and a rezoning would be required and City Planning staff would question supporting the application when it was contrary to the OCP and with the surrounding Industrial uses.

Darren Prowse, continued:

- He did not participate in the subject rezoning application because the applicant was not ready to do anything on his property yet and he saw no reason to start paying taxes at the Industrial rate when his property is used for residential.

Linda Kerkkonen, 766 Stremel Road:

- Concerned about how traffic would leave the Industrial area if Mayfair Road is not extended through.

There were no further comments.

3.3 OCP Amendment – Restricts Development in Future Urban Reserve Areas

- 3.3 Bylaw No. 9310 (OCP04-0015) – City of Kelowna Official Community Plan Amendment – Restricting Development in Future Urban Reserve – THAT Chapter 19 (Future Land) of Kelowna 2020 – Official Community Plan Bylaw No. 7600 be amended by changing the definition of **Future Urban Reserve** to read as follows:

“Land that has some development potential but is not projected for development within the Official Community Plan 20-year time horizon. There is potential for the reconsideration of the status of these lands as part of a future review and updating of the Official Community Plan. These boundaries are schematic in nature, and include lands that may remain within the ALR. Lands within this designation will not be supported for any further parcelization.”

Staff:

- This OCP amendment was initially considered by Council in September 2004. Council wanted staff to do some mapping work to clarify the properties affected by the amendment and that was done in a subsequent report to Council.
- The proposed amendment is a growth management strategy. It does not change the boundaries of the existing Future Urban Reserve, it just makes a change to the intended uses of land within that designation.
- Read the current wording and read the proposed wording which removes the reference to 4 ha (10 acre) parcels and just says lands within the designation will not be supported for further parcelization.

Public HearingFebruary 22, 2005

- The intent is to protect the lands in as large as possible parcel sizes to allow the ability for comprehensive planning versus fragmented land that has been subdivided down to 4 ha parcels.
- Displayed a map showing the 55 properties that are designated within the Future Urban Reserve and would be affected. Letters were sent to each property with mapping to explain the proposed amendment.

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

Opposition:

- Mike & Deb Ritchie, Finch Bay Holdings Inc., 4355 Finch Road and 4100 Glenmore Road
- Marnie Skobalski, Stantec Consulting Ltd. on behalf of Melcor Developments Ltd., owner of 4 properties north of Clifton Road and east of the McKinley Landing subdivision
- Peter Hipp, 3539 Investments Ltd., 5681 Lakeshore Road
- Ted Callahan, Argus Properties Ltd., #218 – 1626 Richter Street

Opposed generally on the basis that there would be a negative impact on property values, the ability to bring certain properties to their development potential, and on the growth of the city.

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

Tony Lockhurst, 972 Grenfell:

- Represents the owners of a 37 acre parcel at 5241 Chute Lake Road which is presently under application for rezoning and subdivision. They have gone through lengthy meetings with City staff, have tentative support for the proposed development, and have already addressed water and sewer requirements. As long as their application can proceed based on the discussions with City staff, his clients would have no opposition to the proposed amendment.

Staff:

- The issue with Mr. Lockhurst is a boundary issue, not what the Future Urban Reserve means which is what is being dealt with in the proposed amendment.
- The boundary change agreed to with Mr. Lockhurst would not change, and the portion that would remain in the Future Urban Reserve could be treated as a parcel remainder.

Tony Kunka, an owner of 5241 Chute Lake Road:

- It makes no sense to leave the small piece of land east of the power lines inside the Future Urban Reserve. The Future Urban Reserve boundary should be the property line rather than along the power line.

Marnie Skobalski, planner with Stantec Consulting, representing the owners of four properties:

- Reiterated the concerns raised in a written submission on behalf of Melcor Developments who will be applying to proceed with an Area Structure Plan (ASP) in the next few weeks and is concerned that the proposed OCP amendment could hinder the process.

Staff:

- Confirmed that the proposed OCP amendment would have no bearing on the ASP.

Public Hearing

February 22, 2005

Mike Ritchie, 4336 Finch Road:

- He and his wife own 4100 Glenmore and 4355 Finch Road.
- Until now they have had the ability to at least consider 4 ha parcels which gave them certain opportunities that they would no longer have with the proposed amendment and that has implications on his family's financial options.
- Land owners to the south of his property have already got amendments to the OCP, and in his neighbourhood developers have been buying up property to build their "wealthness" centres, driving up land values in the area and his taxes are going up based on those land values.
- In the 1970s the ALR lands were frozen and at the same time tax advantages were introduced for people whose lands were in the ALR. In his opinion, the 55 parcels of land that would be most effected would end up with basically the same restrictions as ALR land and should get the same tax advantages as ALR land.

Staff:

- Reiterated that the proposed amendment is intended as a growth management tool. If the amendment is not approved, all of these properties in the Future Urban Reserve could be parcelized into 10 acre parcels with virtually no input from Council. The proposed amendment would send a strong message that parcelization within the Future Urban Reserve designation is not to be supported. If an applicant can show that some form of development is appropriate for their land, staff would bring it forward for an OCP amendment, with a recommendation of support.
- The proposed amendment is intended to assist the City's Approving Officer as he tries to deal with sprawl development.
- Explained that growth projections indicate the land in the Future Urban Reserve is not needed for development within the 20 year timeframe of the OCP. If an owner of land in the Future Urban Reserve feels his land is worthy of some form of development other than an urban form, that can still be considered, i.e. lands where there is limited potential for more intense development even if urban services were there.

4. TERMINATION:

The Hearing was declared terminated at 8:28 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh