

Public HearingJanuary 9, 2007

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 9, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Brian Given, Carol Gran*, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Colin Day.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Manager of Policy Research & Strategic Planner, Signe Bagh; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Planner Analyst, Gary Stephen; and Council Recording Secretary, Bobbi Harder.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 p.m.
2. 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 15, 2006 and by being placed in the Kelowna Daily Courier issues of January 2 & 3, 2007 and in the Kelowna Capital News issue of December 31, 2006 and by sending out or otherwise delivering 53 letters to the owners and occupiers of surrounding properties between December 15 & 19, 2006.

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 **OCP Amendment – Commercial Land Use Policies**

- 3.1 Bylaw No. 9632 (OCP06-0014) – THAT the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 be amended as follows:

Chapter 8 – Housing - Replacing policy 8.1.33 with the following:

- 8.1.33 **Uses within Residential Neighbourhoods.** In the areas where Map 19.1 shows future land uses as being Single / Two Unit Residential housing, generally limit non-residential activities to neighbourhood parks, care centres (up to 25 people) and minor utility / public service uses (see Land Use chapter for definition) which do not cause substantial increases in traffic, parking demands or noise;

Chapter 9 – Commercial - Adding the following new policies and renumbering all subsequent policies:

9.1.11 **Non-Commercial Areas.** Direct commercial developments seeking rezoning (to other than C1) not supported by the OCP Future Land Use Map to locate on currently designated and/or zoned commercial sites. If there are no suitable designated or zoned commercial sites, other sites may be considered provided that such sites are indicated in the City's Servicing Plan as being provided with full urban services, including sanitary sewer as indicated on OCP Map 13.2, within the OCP's time horizon. Furthermore, if the argument is made that there are no suitable sites, the City should require the development proponent to fund a Retail Impact Analysis identifying the Urban Centre impacts of allowing the requested rezoning, using Terms of Reference developed by the City;

9.1.12 **Transportation Network Impacts.** Consider the rezoning of properties along the Highway Commercial corridor (including Enterprise and Springfield Roads) to allow commercial use beyond those currently provided for by the Official Community Plan only once the City has completed a comprehensive review to determine:

- how much additional traffic will be generated by future development within existing zoning;
- how much additional traffic can be accommodated on the roads within the Highway 97 corridor;
- when road capacity limits are likely to be reached;
- potential measures to reduce congestion in the corridor;
- potential implications for the OCP 20-year Major Road Network plan; and
- need for implementation of additional phases of the Central Okanagan Bypass;

9.1.13 **Land Use Contracts.** Support efforts to discharge or remove Land Use Contracts, especially those with potential major impact to OCP objectives; Replacing policy 9.1.17 with the following:

9.1.17 **Office Building Locations.** Encourage office buildings providing more than 929m² (10,000 sq. ft.) of leasable space to locate in the City Centre or the Town Centres. This policy does not include offices integral to business park / industrial uses and "corporate offices" allowable under relevant industrial zones;

Adding the following new policies and renumbering all subsequent policies:

9.1.34 **Southwest Mission Commercial.** Encourage the commercial component of the Southwest Mission Sector Plan to accommodate approximately 14,000 to 18,600m², between Kettle Valley and Neighbourhood 3, in line with the OCP Village Centre definition;

9.1.35 **Corner Lot Development.** Generally encourage commercial developments in transition areas, consistent with OCP Future Land Use direction but requiring rezoning, to occur on corner locations first, rather than on mid-block locations;

9.1.36 **Commercial Along Major Roads.** Discourage new commercial developments (other than C1 developments) along the City's major roads where such uses have not been provided for on the OCP Future Land Use map;

9.1.37 **Conversion from C10.** Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres;

9.1.38 **Retail Impact Analysis.** Require that any commercial rezoning application over 2,300 m² and outside designated Urban / Village / Neighbourhood Centres, as identified in OCP Map 6.2 and the Urban Centre definitions, fund a Retail Impact Analysis identifying associated Urban Centre impacts;

Chapter 10 – Industrial

Adding the following new policy and renumbering all subsequent policies:

- 10.1.33 **New Industrial Zone.** Discourage properties from being rezoned to I1 Business Industrial. Instead, applicants should be encouraged to pursue a new industrial zone which would be based on the I1 Zone, but would preclude “offices” as a permitted use;

Chapter 19 – Future Land Use

Replacing the Land Use Designation **Single / Two Unit Residential** with the following:

Single/Two Unit Residential

Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis, or according to policies developed in local area or other plans;

Cross-Referencing

Update cross-referencing resulting from the insertion of new policies within Chapters 9 and 10;

Replacing **Map 6.2 Urban Development Permit Area Designation** (amends the boundary of the Highway Urban Centre);

Replacing **Map 19.1 Generalized Future Land Use** (extends the commercial designation east of Drysdale Boulevard / north of Kane Road and removes the reference to local commercial as an associated use in the Single / Two Unit designation).

Staff:

- Outlined the results of the additional consultation phase that Council requested.
- Reviewed the proposed amendments in detail.
- The primary focus is to clearly define the urban centre boundaries and discourage continuing sprawl.

Councillor Gran joined the meeting at 6:10 p.m.

Council:

- Concern that all the property owners who could potentially be impacted by the urban centre boundary changes were not individually notified.

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

- letter from Basil & Nancy Zailo opposing the removal of the Vineyard Inn property at 2486 Highway 97 N from the Highway Urban Centre.

Staff:

- The Vineyard Inn hotel use can continue without rezoning. The bulk of the area being removed from the Highway Urban Centre is being used for service commercial uses not appropriate in an urban centre. The change was based on the Powick Road access to Highway 33 being closed. The Ministry of Transportation has since changed its position and will allow right-in/right-out access at that location in perpetuity. On that basis, staff would have no concerns with leaving that Powick Road area in the urban centre.

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

Brad Gay, 1660 Powick Road:

- Opposed to the Highway Urban Centre boundary being changed to exclude the properties between Powick and Highway 33.
- Found out about the proposed change to the Highway Urban Centre boundary from a neighbour. Thinks that a lot of Banks Road merchants would have been here tonight had they known what is proposed. Would have appreciated at least a letter of notification.

Basil Zailo, Vineyard Inn, 2486 Highway 97 N:

- Opposed to the boundary being changed. The buildings on his property and others along Powick are getting older and will inevitably be redeveloped over time. Not having City staff's support for a rezoning would make it more difficult to achieve a viable redevelopment.
- Disappointed that no notices were sent to the property owners. Read the notice in the newspaper and that triggered him to visit City Hall to clarify what was proposed.

There were no further comments.

3.2(a) 1000 and 1008 Richter Street

- 3.2(a) Bylaw No. 9700 (Z06-0051) – City of Kelowna – Richter Street THAT Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 1, District Lot 139, ODYD Plan 24283 and Lot 2, District Lot 139, ODYD Plan 24283, located on Richter Street, Kelowna, B.C., from the Industrial designation to the Public Service/Utilities designation.

Staff:

- The rezoning is requested to accommodate expansion of the FortisBC sub-station onto the property to the south.

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

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

There were no further comments.

3.2(b) Richter Street

- 3.2(b) Bylaw No. 9700 (Z06-0051) – City of Kelowna – Richter Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan 24283 and Lot 2, District Lot 139, ODYD Plan 24283, located on Richter Street, Kelowna, B.C. from the I4 – Central Industrial zone to the P4 – Utilities zone.

See 3.2(a) above.

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4. TERMINATION:

The Hearing was declared terminated at 7:03 p.m.

Certified Correct:

Mayor

Deputy City Clerk

BLH/am