

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, December 17, 2002.

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: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Assistant City Clerk, L. Taylor Acting as Council Recording Secretary.

(* denotes partial attendance)

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 "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 November 29, 2002, and by being placed in the Kelowna Daily Courier issues of Monday, December 9, 2002 and Tuesday, December 10, 2002, and in the Kelowna Capital News issue of Sunday, December 8, 2002, and by sending out or otherwise delivering 545 letters to the owners and occupiers of surrounding properties between November 29, 2002 and December 2, 2002.

3. INDIVIDUAL BYLAW SUBMISSIONS

- 3.1 Bylaw No. 8938 (Z02-1043) – 569726 BC Ltd. (Hans Neumann) – 1358 St. Paul Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part Lot 2, District Lot 139, ODYD, Plan KAP68461, located on St. Paul Street, Kelowna, B.C., from the I2 – General Industrial zone to a C7 – Central Business Commercial zone in order to allow development of the site for uses permitted in the C7 zone.

Staff:

- A 3-storey office building is proposed for the site.
- Site is currently vacant and is located on the west side of St. Paul Street north of Doyle Avenue.
- Building will front onto St. Paul Street with parking at the rear of the building accessed from the lane.
- Pedestrian access from St. Paul Street to the parking area will be via a walkway on the north side of the building.
- Proposal is consistent with the OCP designation.

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 or any comments from Council.

The applicant indicated he had nothing to add at this time.

There were no further comments.

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- 3.2 Bylaw No. 8941 (Z02-1034) – Markui Contracting Ltd. (D.E Pilling & Associates Ltd./David Pauls) – 1504 Highway 33 – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 13, Twp. 26, ODYD, Plan 17448, located on Highway 33, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to allow development of the site for uses permitted in the RU1 zone.

Staff

- To permit a 40 lot single family subdivision.
- Access to the proposed subdivision will be off Loseth Road and will include an extension of Feedham Avenue.
- The proposed subdivision layout may require refinements through the concurrent subdivision application process.
- Consistent with the OCP and the Highway 33 Area Structure Plan

The City Clerk advised that the following correspondence opposing the rezoning had been received:

Rosemarie Drummond, 1578 Large Avenue

Chelsea McEvoy, 1584 Large Avenue

Tony & Winnie Sousa, 1581 Large Avenue

Myrna Whitehead, 779 Hollydell Road

- Do not want the cul-de-sac at the end of Large Avenue removed
- Will lower property values
- Through road will increase traffic on Large Avenue

Council

- Questioned how residents were made aware that Large Avenue was potentially a through street.
- Questioned if Wilmot Court could be extended rather than Large Avenue.

Staff

- Road reserves were registered on the two lots at the end of the Large Avenue cul-de-sac when the subdivision was registered.
- Council policy requires that all cul-de-sacs be named "Court" and this area was called "Avenue" due to the potential of a through street.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

David Pauls, D.E. Pilling & Associates, applicant

- Will look at different options (Wilmot Court) for the through road.
- If Large Avenue was to be turned into a through road, the cul-de-sac it could be narrowed at east entrance and speed bumps installed to discourage through traffic.

Chelsea McEvoy, 1584 Large Avenue

- Purchased home because it was in a cul-de-sac
- Value of property would go down; and traffic will increase

Guy Whitehead, 1589 Large Avenue

- Wants Large Avenue to remain a cul-de-sac for safety of children playing on the street.

Winnie Sousa – 1581 Large Avenue

- Questioned whether the neighbourhood will have any input in the location of the through road.
- They have a pie shaped lot because of cul-de-sac and they had to site house accordingly.

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David Drummond, 1578 Large Avenue

- Questioned what will happen with the frontage of their properties

Staff

- Concurrent subdivision application, notices will be sent to abutting and adjacent property owners for comments

There were no further comments.

- 3.3 Bylaw No. 8942 (Z02-1033) – Robert Harasin – 1665 Begley Road – THAT Rezoning Application No. Z02-1033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 18, Township 27, ODYD, Plan 25442, located on Begley Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR2 – Rural Residential 2 zone be considered by Council.

Staff

- Two lot single family subdivision.
- Property is 2.3 hectares in area with approximately 500m of road frontage along Old Joe Riche Road.
- Leaving the property zoned RR3 would require an urbanized road frontage along Old Joe Riche Road which is not necessary as Begley Road along the north boundary has been upgraded to an urbanized standard.
- Existing dwelling on northern lot is accessed from Begley Road and proposed additional dwelling on the second, southerly, lot would be accessed from Old Joe Riche Road.

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 or any comments from Council.

The applicant indicated he had nothing to add at this time.

There were no further comments.

- 3.4 Bylaw No. 8943 (Z02-1041) – Peter G. and Marlene R. Sieben (M105 Enterprises Ltd.) – 1915 Enterprise Way – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 140, O.D.Y.D., Plan KAP58184, located on Enterprise Way, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C4 – Town Centre Commercial zone in order to allow development of the site for uses permitted in the C4 zone.

Staff

- Permit construction of 2 ½ storey commercial building built over a concrete parking structure partially submerged in the ground.
- Site will be accessed from Enterprise Way.
- Bulk of surface parking will be located between the proposed building and Enterprise Way.
- A variance is required to permit an increase in the required parking stalls as it is anticipated the underground parking will be for the tenants of the building and the surface parking for the customers.
- Does not require an OCP amendment as lot is included in a development area that supports commercial uses.

The City Clerk advised that no correspondence 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 or any comments from Council.

Thomas Gafney, applicant

- Acknowledged that the owner recognizes that their property will end up serviced by right in and right out access to Enterprise Way in the future.

Nigel Jolanski, Landmark Terrace

- The residents of Landmark Terrace are concerned that drinking establishments will be permitted which will disturb the neighbourhood

Staff

- Eating and drinking establishments are permitted in the C4 zone.

Wayne Baron, 4693 McCulloch Road

- Would like to see another access as it will be difficult with the traffic from Mill Creek Crossing accessing Enterprise Way directly across the street

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:17 p.m.

Certified Correct:

Mayor

LMT/am

City Clerk