

Public HearingApril 4, 2000

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, April 4, 2000.

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, J.D. Nelson 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 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 Official Community Plan (1994-2013) 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 17, 2000, and by being placed in the Kelowna Daily Courier issues of March 27 & 28, 2000 and in the Kelowna Capital News issue of March 27, 2000, and by sending out or otherwise delivering 301 letters to the owners and occupiers of surrounding properties between March 16 & 17, 2000.

The City Clerk outlined Council's policy adopted to ensure all speakers have an equal opportunity to address Council and advised that the first item is held open from the February 22nd Public Hearing and the rules of presentation time still apply to this item.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8506 (Z98-1042) – Fredor Holdings Ltd. and Frederick Lewis Marshall (Reid Crowther & Partners Ltd. – Matt Cameron) – 1361 Mountain Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot A, Sec. 30, Twp. 26, O.D.Y.D., Plan 16616 except Plans 40041, KAP53261, KAP53262 and KAP63287, located on Mountain Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU5 – Bareland Strata Housing and RU6 – Two Dwelling Housing zones as shown on Map "A" attached to the report of the Planning & Development Services Department dated January 11, 2000 in order to allow development of the site for uses permitted in the RU5 and RU6 zones.

Staff:

- The applicant is proposing a combined bareland strata and conventional subdivision, creating 65 residential units on 57 lots.
- At the February 22, 2000 Public Hearing, a resolution was adopted by Council to adjourn this item to the Public Hearing of April 4th to give the applicant an opportunity for more dialogue with the public on building scheme requirements and traffic, road and access options.
- As a result of that dialogue, the applicant has agreed to realign the Coronation Village driveway access along the east half of the existing Coronation Road right-of-way and then link up to the realigned Glenview Avenue.

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- The proposal to utilize a closed portion of Hillcrest Street with a 15% grade will not occur and instead this land will be offered to the adjacent property owners or be retained in City ownership.
- The existing lane north of Glenview Avenue will be barricaded at Hillcrest Street so that it cannot be used as a shortcut by the future residents accessing the subject property from their private driveway which would intersect Hillcrest Street across from the lane.
- The applicant has also agreed to work with the neighbourhood during the subdivision application process on the preparation of a building scheme similar to that of phase 1. The building scheme would also address building height issues in certain areas of the development proposal.

The City Clerk advised that at the February 22, 2000 Public Hearing, there were 6 letters of support, 22 letters and 1 petition of opposition and 2 letters of concern presented. Since then, the following additional correspondence has been received:

- letter of opposition from Rob Weller, 1101 Kelview Street, because of concerns about traffic flow, reduced property values and higher density.
- letter of opposition from J. E. and Terry Hutton, 1255 Cerise Drive, because the area should remain RU1.
- 2 letters from Berge & Company setting forward the various concerns of Mr. Wesley Shields and other area residents.
- late letter from the City Clerk to Berge & Company in response to their requests.
- late letter of opposition from Brenda & William Matichuk, 1135 Hillcrest Street, objecting on the basis of increased traffic and reduced property values.
- letter of concern from N.P. Found, 1445 Glenview Street, regarding the change in traffic patterns for residents of Coronation Village.
- letter to the applicant from Eames Appraisal Services regarding the impact of the proposed subdivision on neighbouring property values.

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

Rick Hulbert, architect and planner representing the applicant:

- A building scheme tailored to the proposed development would be provided for this project at the time of subdivision. The building scheme would respect the specifics of City bylaws relative to height of buildings, and would respect the character of the adjacent existing neighbourhood and address streetscape, house form, colours and materials.
- Concerns with respect to road access to Coronation Village have been resolved.
- Perimeter landscaping will preserve the privacy of the neighbours and enhance their views.

Don Wuori, landscape architect for the applicant:

- Reviewed cross-sections of 6 buffer zone areas, 3 addressing the proposed buffer to Cerise Drive and 3 to Hillcrest Street, to show the typical separation and buffering proposed for each of the 6 sections.
- The applicant would be providing a fully landscaped site at the beginning.
- At time of planting, the conifers would be minimum 6-8 ft. high and the deciduous trees minimum 10 ft. high.

Kevin Ade, 1913 Lindahl Street:

- The road re-alignment at Hillcrest is of concern as it relates to wildlife corridor access to Brandt's Creek.
- The pond on the northerly portion of the subject property needs to be cleaned up and protected.

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- The easterly half of the subject property should be preserved as natural park in order to address environmental concerns such as preserving the wildlife corridor to Brandt's Creek and sustaining the habitat for plants, birds and insects that are rapidly disappearing.
- If this proposal proceeds as proposed, drainage concerns would be substantial and contamination such as oil, cigarette butts and other rubbish will occur, carried through storm drains into the creek.
- The amount of erosion caused by run-off following development is usually 10:1.
- Bankhead School may not be able to accommodate the additional children.

Ron McNenly, 1311 Mountain Avenue:

- Would like a written guarantee, if this is approved, that if anything changes from what is presented today, the zoning would revert back to RU1 for the process to start over.
- The project has changed from what was proposed a year ago and letters submitted by neighbourhood residents have all been tossed instead of being addressed.
- Zero settlement tolerance sounds like zero development in the city.

Staff:

- Development proposals are often revised to address issues raised at the Advisory Planning Commission; the *public* record does not start until the application is considered by Council. The letters referred to are still on record.
- The City will not *knowingly* accept settlement. In this case the applicant's consultant indicated there would be up to 2 " of settlement over a 20 year period up the middle of the site.

Wesley Shields, 1161 Cerise Drive:

- Council should be concerned about movement where the houses are on the lots.
- There has to be concessions on both sides with respect to other issues such as location of the roadway, traffic congestion, preservation of the greenspaces, whether duplexes are consistent with the area. The neighbourhood does not want duplexes and it is not Mr. Marshall's right to have the development be approved.
- Not convinced the proposed density is necessary.
- The schematic drawings of the landscaping may be different from reality.
- Need more public involvement from the residents regarding the landscaping.
- The area between Mr. Shield's property and the subject development is shown as open space. In future that could change to RV parking or a storage facility for garbage bins and nothing could be done to prevent that from happening.
- Encouraged Council to read his letters outlining his concerns and the concerns of other individuals.

Staff:

- The open space area referred to by Mr. Shields will be deleted and the property lines of the proposed lots will be adjusted to encompass that land.

Todd Alstad, 1228 Cerise Drive:

- Concerned about vehicles speeding on the proposed internal roads.
- Townhouses could diminish the value of existing properties over time.
- Duplexes bring a stigma to a neighbourhood and could bring the wrong type of neighbours into the area if people buy them and rent them out.
- Do not want the center open space area of the proposed development to be publicly accessible.

Terry Hutton, 1225 Cerise Drive:

- The residents in phase 1 were told that phase 2 would be developed with homes similar to theirs.
- Concerned about increased traffic and that the bedrooms of the existing homes would back onto a road.

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- Prefer the road going through the center of the development.

Staff:

- The wood waste down the middle of the subject property ranges in depth from 4 m to 10 m and Building Dept. staff had concerns with buildings and Works & Utilities staff with a road in that area of fill.

Wes Kmet, 1110 Hillcrest Street:

- There has been very little consultation with the neighbourhood since the last Public Hearing.
- There are a lot of wildlife concerns.
- Need to make sure the pond is sustained and protected.
- Could the walkway down the middle be fenced and gated at nights?
- Want it confirmed that the landscaping will be continuous without gaps.

Deborah McGovern, 1140 Hillcrest Street:

- Concur with the concerns raised by Mr. Ades and the need to preserve the wildlife corridor.
- Apprehensive about having a road behind existing homes but the detailed landscape drawings look good.
- How much of the easement along the easterly boundary is on the development property?
- Is the entire perimeter of the development going to be fenced and will there be retaining walls where the road is lower?
- Density is still a big issue for the neighbourhood residents.
- Consultation consisted of only one meeting with Mr. Cameron and that was on very short notice.
- Volunteered to work on a committee to raise funds to preserve the wildlife corridor.

Staff:

- There is a 3 m wide easement along the east boundary and it is entirely on the subject property.

Kevin Ade, 1913 Lindahl Street:

- Having heard the depth of the fill material on the site, there WILL be problems with the amount of run-off with a development of this size.

Wes Kmet, 1110 Hillcrest Street:

- What is the width of the asphalt on Glenview Avenue?

Staff:

- 7.5 m carriageway of asphalt which meets City standard. The right-of-way is confirmed at 15 m in width.

Rick Hulbert, architect and planner for the applicant:

- The open space will be eliminated behind Mr. Shield's property and the lots enlarged to encompass that land.
- The perimeter fencing will be 6 ft. high.
- The central greenbelt would not be promoted as a publicly accessible area and the water feature and landscaping by the road should discourage people from going in.
- Will consider if more can be done to address the concern about security as a result of public accessibility down the middle of the development.
- The open access to the central greenbelt area is seen to be important visually for people driving down the street.
- There are existing duplexes in the neighbourhood and the proposed duplexes would add to the character of the area and are in keeping with the recommendations of the area sector plan.

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- The appraisal obtained by the applicant suggests that property values in the area would be maintained or enhanced with the proposed development.

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- Traffic calming measures can be introduced to slow traffic down on the internal roads.
- Met with some residents and tried to be as accessible to them as possible.

Rick Hulbert, architect and planner for the applicant:

- The development follows the area sector plan recommendations.
- The Advisory Planning Commission and City staff recommend support.
- The development does not max out on density.
- Data from school board and provincial authority reveals that the proposed development would be safer and generate less traffic and fewer school children, and would be 25% less mass compared to a traditional RU1 development and provides more open space.
- A building scheme will be provided at the time of subdivision.

Matt Cameron, engineer for the applicant:

- The public consultation since the February 22nd Public Hearing included a couple of meetings with residents but consisted primarily of phone calls.
- Most of the existing lots are fenced and the intent would be to provide a fence where there is not one already.
- Explained how storm water would be filtered.

Don Wuori, landscape architect for the applicant:

- Because of the grade there is all sorts of treatment available to induce water and bring the collection pond up to a much higher standard.

There were no further comments.

- (b) Bylaw No. 8520 (OCP Amendment No. OCP99-019) – Eldorado Ranch Ltd. (Kent-MacPherson Appraisals – Rod Cook) – 475 Beaver Lake Road (south of Beaver Lake Road - THAT Map 15.1 – General Future Land Use of Schedule “A” of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for part of the East ½ of Sec. 2, Twp. 20, O.D.Y.D., except Plans 19099, 19644 and A15293; and the East ½ of the West ½ of Sec. 2, Twp. 20, O.D.Y.D. except (1) Part outlined in red on Plan B1048 (2) Plans 19099 and 19644, located south of Beaver Lake Road, from “Rural/Agricultural” to “Industrial”, as shown on Map “A” attached to the report of the Planning & Development Services Department dated February 23, 2000.

Staff:

- The proposed amendment would change the Future Land Use designation in the OCP to Industrial to facilitate development of the Western Star industrial site.
- The Advisory Planning Commission recommends support of the application, as do staff.

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.

Rod Cook, applicant:

- The proposed industrial lands are sited between 2 major industrial areas, one of which is identified in OCP for the District of Lake Country.
- The subject properties are the only large tract of land available that would be appropriate for the proposed type of development.

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There were no further comments.

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- (c) Bylaw No. 8518 (To amend a portion of LUC77-1085 Bylaw No. 4655) – Shaw Cablesystems Company and Cambridge Shopping Centres Limited – 2350 Hunter Road and 2430 Highway 97 North - To amend Land Use Contract 77-1085 (registered as P1869) by extending the boundary in order to:
- Facilitate the realignment of Enterprise Way; and
 - Restrict the uses on the portion of the property covered by the extension to parking uses ancillary to the principal use.

Staff:

- This item was withdrawn from the agenda because after it was advertised staff learned that the Land Title office would not accept an amendment to the LUC and therefore the application has to be dealt with under conventional rezoning.

- (d) Bylaw No. 8521 (Z00-1004) – Stuart Dickson and Susan Worden – 265 Davie Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 8, Sec. 22, Twp. 26, O.D.Y.D., Plan 18085, located on Davie Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- The applicant is proposing to develop a secondary suite above a 2-vehicle garage proposed for construction on the site.
- The application is consistent with the objectives of the OCP and staff recommend support.

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 was available to answer questions of Council.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 9:40 p.m.

Certified Correct:

 Mayor

BLH/bn

 City Clerk