

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, May 28, 2002.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day\*, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

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; Long Range Planning Manager, S.K. Bagh\*; Transportation Manager, R.W. Westlake\*; and Council Recording Secretary, B.L. Harder.

(\* 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 "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 May 10, 2002, and by being placed in the Kelowna Daily Courier issues of May 21 & 22, 2002 and in the Kelowna Capital News issue of May 19, 2002, and by sending out or otherwise delivering 993 letters to the owners and occupiers of surrounding properties between May 10 & 14, 2002.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

#### 3.1 **Paul Jollymore**

- 3.1 Bylaw No. 8857 (Z02-1007) – Paul Jollymore – 573 McClure Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 9, D.L. 167, ODYD, Plan 18442, located on McClure Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- There is an existing single-storey house with an attached carport on the property. The applicant is building a garage in place of the carport and a second storey addition.
- The secondary suite would be in a section of the second storey.
- Access to the property is being changed to off Poplar Road.

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

- Letter from Norah Reigh, 579 McClure Road, expressing concern that the development is 1/3 complete without the zoning in place and the structure is higher than most homes in the area.

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

Paul Jollymore, applicant:

- Indicated that he had nothing to add at this time.

## Staff:

- The structure meets the height requirements of the zone.
- Explained that it is regular practice to allow applicants to proceed with a building permit for renovations in advance of getting the zoning to permit the suite. In the event that the rezoning is not approved, then the finishing items to do with the suite are not completed.

There were no further comments.

**3.2 Bill Harasin**

- 3.2 Bylaw No. 8858 (Z01-1065) – Bill Harasin – 235 Langford Road – THAT City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26, Sec. 26, Twp. 26, ODYD, Plan 15377, located on Langford Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

## Staff:

- The illegal suite came to the attention of Bylaw Enforcement staff as a result of a complaint from someone suspecting that there was a suite in the basement. The complaint had nothing to do with parking or noise. The applicant was fined in the process and has now followed through with this application to legalize the suite.
- There are Building Code requirements to be carried out and the applicant will be required to connect to sanitary sewer when it is extended to the area.

The 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.

Bill Harasin, applicant:

- They are in the process of remodelling.
- There would not be anyone living in the suite for about a year.

There were no further comments.

**3.3 Aberdeen Holdings Ltd. (Grant Maddock/Protech Consultants Ltd.)**

- 3.3 Bylaw No. 8859 (Z02-1009) – Aberdeen Holdings Ltd. [Grant Maddock/Protech Consultants (1989) Ltd.] – 2350 Burtch Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, D.L. 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, as shown on Map "A" attached to the report of the Planning and Development Services Department dated May 1, 2002, located on Burtch Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RU5 – Bareland Strata Housing zone.

Councillor Day declared a conflict of interest because direct members of his family own adjoining property and left the Council Chamber at 7:18 p.m.

## Staff:

- A 15.6 ha (51 acres) portion of the property is being rezoned to facilitate a 251-unit bareland strata subdivision in a modular housing form.
- In February 1999 the applicant applied for RM7 zoning to permit a 254-unit mobile home park in a modular housing form. The application was changed to what is now before Council for tax reasons.
- The basic difference is that the RM7 mobile home park would have been on a modular home pad rental basis, whereas the RU5 bareland strata subdivision would also be in a modular housing form but would offer fee simple lots purchased on a long term 99-year leasehold basis.
- Will provide more affordable housing than a conventional fee-simple bareland strata subdivision.
- The owner intends to retain ownership of the development site and to market the individual strata lots on a long-term lease, with the option to purchase in future if market conditions require.
- The applicant has relocated the entrance to a location northward on Stillingfleet Road to reduce potential for conflicts with the adjacent Sandstone development's primary driveway access.
- The applicant has also been working with City Works & Utilities staff to address the realignment of Guisachan Road and ensure traffic impacts on surrounding neighbours are addressed.
- The entire Stillingfleet road frontage would be improved with a sidewalk at Phase 1 of the development and the existing Guisachan Road frontage would be urbanized at Phase 2.
- The applicant would post bonding to cover the cost of building the realigned portion of Guisachan Road which would be constructed once scheduled by the City.
- The form and character of the proposed development would be similar to the neighbouring Sandstone and Sandhaven bareland strata subdivisions.
- A variance is being proposed to reduce the minimum side yard setback on a bareland strata lot and to reduce the sum of the side yards.

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

- Letter from Terry Rolf, 1410 Guisachan Road, asking that consideration be given to the relocation of groundhogs currently living on the subject property.
- Letter from Dave & Marion Humphreys, 145-1201 Cameron Avenue, opposing the application because aesthetic views and privacy would be compromised, property values of surrounding developments could be reduced, increased traffic on Byrns Road, and suggesting that a Stop sign is needed at the corner of Cameron and Stillingfleet.

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:

- The area residents were concerned that the ultimate realignment of Guisachan to tie into Byrns would create a shortcut down Nelson Road and so the road was redesigned to close off Guisachan at the intersection of Nelson. Ultimately the closed off portion of Guisachan Road will be cul-de-sac at Burtch Road and the residents fronting that section of Guisachan will go out through Nelson Road.
- There was to be an experimental period when left-turns were to be prohibited at the Benvoulin/Byrns intersection but that did not happen.
- The original application has been changed to just do wrought iron fencing with landscaping along Stillingfleet to integrate the village concept with the housing and for a more friendly interface. Still proposing a substantial concrete sound attenuation wall with heavy landscaping along Guisachan Road similar to what exists on Gordon Drive.

Peter Brenneman, Aberdeen Holdings:

- The proposed modular homes are not homes that would be manufactured elsewhere and then towed onto the site. Displayed artist's renderings showing the type of homes proposed for construction in the development.
- Home sizes would go from just under 1,200 sq. ft. to 1,630 sq. ft. with a pre-planned colour scheme offering 4 different colour concepts and different garage door applications.
- Rental rates would be adjusted each 3 years and the option to purchase could be passed onto other buyers. Adds to the affordability.
- All units would be single storey.
- Fire/emergency access and pedestrian access are provided for at the south of the site. There is also provision for a pedestrian link into SunRise Village.
- At some phase in the development a gate would be installed between the subject development and the adjacent Guisachan Village shopping centre.
- A recreation centre is also being considered in the centre of the site, depending on the success of the first 4 or 5 phases. Otherwise the area would be retained as green space.

Grant Maddock and Peter Brenneman, responding to questions of Council:

- A traffic study was carried out using Sandstone as a model. The results were given to City Works & Utilities staff who felt there was ample capacity on the roads in the area.
- The triangular corner parcel north of the realigned Guisachan Road is proposed for higher density residential in future.
- Screening and landscaping would be provided along the easterly boundary of the subject property.
- The target market would be age 45+.
- The development is proposed to proceed in 11 phases over about 6 years and would be like a fully updated SunRise Village.
- Explained how water feeds into the ponds behind Sandhaven.

Staff in response to questions of Council:

- Byrns Road will be improved with bike lanes to separate cyclists from vehicles and a widened gravel shoulder to allow farm vehicles to pull off the road for vehicles to pass. Speed bumps are not a consideration on arterial roads.
- The subject application proposes 251 units at 6.4 units per acre. In comparison, Sandhaven is at 78-units or 5.5 units per acre; Sandstone is at 189 units or 5.4 units per acre; and Sunrise Village is at 594 units or 8.5 units per acre.

Ken Van Haar, 149-1201 Cameron Avenue:

- Read a letter expressing concern about the distance between the homes against the fence that would separate Sandstone from the proposed development and potential loss of privacy.
- Opposed the new homes being any closer than 20 ft. to the fence and asked that there be some control over the distance patios can extend from the homes so that they do not extend all the way to the fence.
- Would like the revised project to also include the earlier proposed 3 ft. area of trees and shrubs against the fence for sound suppression.

Josie Vos-Bailey, 269 Byrns Road:

- Concerns are traffic related. Byrns is used as a racetrack and a short cut.
- Cannot access or egress her own property without feeling unsafe.
- Left turns should not be permitted from Benvoulin onto Byrns Road.
- Traffic will likely increase by at least another 250 vehicles per day from the proposed development.

The City Clerk stated for the record that the envelope submitted by Ken Van Haar included his letter along with additional copies of that letter signed by J.W. & H.B. Milne, 151-1201 Cameron Avenue; R.W. & F. Rankin, 155-1201 Cameron Avenue; and Larry & Colleen Vance, 144-1201 Cameron Avenue.

Steve Day, 2050 Byrns Road:

- His family has farmed land on both sides of Byrns Road for many decades. They cross over Byrns road more often than they drive along the road.
- Concerns are with respect to traffic and the need to be able to farm safely and without intrusion.
- The proposed road improvements would have a huge impact on the amount of traffic that uses Byrns Road.
- The City has a petition from the Byrns Road residents opposing the proposed realignment of Guisachan Road and the widening of Byrns Road.
- Asked that Council live up to the policies of the City of Kelowna Official Community Plan and the Kelowna Agriculture Plan and commit to the farm families of Byrns Road that Byrns Road will not be identified as a grid road in the OCP until such time as land uses change along the entire length of Byrns Road.
- The future extension of Burtch Road south to KLO Road would alleviate traffic on Byrns Road considerably, but if it was extended, Byrns Road should be maintained at limited left turn access.

Harvey Plunkie, 1420 Nelson Place:

- Supports this application if that is what it takes to get Guisachan Road cul-de-sac at Burtch and put an end to traffic using Nelson Road, Nelson Place, Kaslo Court, Denver Road as a short-cut.

Betty Day, Byrns Road:

- Supported the comments by Steve Day regarding traffic and the need to allow them to farm without intrusion.

Ken Day, Byrns Road:

- If Council supports continued farming on Byrns Road, then the designation of Byrns Road as an arterial traffic route needs to be reconsidered and the City needs to get on with the Burtch Road extension instead.
- The fruit industry in the Okanagan Valley represents \$120 million annually to the area.
- Allowing the 4 or 5 storey condominium development just constructed on Benvoulin has effectively put the adjacent orchard out of business.
- Concerned that the road improvements proposed for Byrns Road would mean removal of fences and thorn trees planted along Byrns Road to keep people out of the orchards.

Therese Smith, 73-1101 Cameron Avenue:

- Concerned that it is already difficult for residents on the west side of Gordon Drive to access Gordon because of the tremendous amount of traffic coming from the south up Gordon and turning onto Guisachan.
- Concerned that motorists will take Wilkinson to get to Springfield if Nelson is closed.

Mr. Marin, 20-1101 Cameron Avenue:

- Need to maintain the waterflow in Fascieux Creek.
- With the increasing traffic, Guisachan should be 4-laned all the way to Gordon right away; the land is available and the timing is right.

Cal Fortnum, 2260 Nelson Road:

- Asked if it would be the City or the developer that would be constructing the Guisachan/Byrns Road extension and was told the City would hold bond money until the road was scheduled for construction at which time the work would be done by the developer.

Linda Coombe, 90-1201 Cameron Avenue:

- Asked that the applicant clarify the traffic count, completed last year at Sandstone, that determined the existing roads had the capacity to handle the traffic to be generated.

Grant Maddock, applicant:

- The traffic count took place in 1999. Explained that typically a conventional subdivision generates 10 trips per unit per day. Sandstone generated 3.52 cars per unit per day and the peak times were at 11 a.m. and 2:00 p.m. which would indicate that residents of Sandstone are not contributing to the main arterial roads during rush hour. Based on that information, City Works & Utilities staff determined that the proposed development would have minimal impact on the road network.
- Thought that the City had agreed to remove left turns from the Benvoulin/Byrns intersection; not aware why that was not done.
- The future Burtch Road extension south to KLO Road would definitely reduce traffic on Byrns. The proposed realignment of Guisachan would also reduce the amount of traffic from Gordon Drive.
- Timing for construction of the Guisachan Road realignment would be determined by City staff at whatever phase of the project that the road is deemed warranted.

Peter Brenneman, Aberdeen Holdings:

- Responded to concerns raised about loss of privacy for Sandstone residents that live next to the fence separating their development from the proposed development advising that cedars and soft landscaping are proposed along the fence within the 4.5 m setback; no patios would be built to the fence line; some of the floor plans require building to the minimum setback and others do not - at minimum setback the rear patios would be 2.5 m from the fence.
- The Guisachan Road extension has been included in their plans for construction at phase 5 but it could be sooner if required.

Margaret Van Haar, 149-1201 Cameron Avenue:

- Concerned about loss of privacy when units are constructed at minimum setback. With only 8 ft. from the patio to the fence there would only be 16 ft. separation because Sandstone patios are also only 8 ft. from the fence. In Sandstone the patios are built on opposite sides of the yards to give side-by-side privacy from the neighbours.

Peter Brenneman, Aberdeen Holdings:

- Could plant a cedar buffer along the patio as well as along the fence line for the units where the patios would be at the minimum setback from the fence.
- The proposed house plans also include an optional hard-surfaced front courtyard area, about 14 ft. x 14 ft., for people who want front and back patio areas to enjoy morning and evening sun.

There were no further comments.

Councillor Day returned to the Council Chamber at 9:17 p.m. and took his place at the Council Table.

**3.4 City of Kelowna**

- 3.4 Bylaw No. 8839 (OCP02-004) – City of Kelowna – THAT City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 be amended to clarify the Development Permit requirements; increase the riparian management area setback along Lake Okanagan from 10 m to 15 m to coincide with Federal Regulations; clarify the generalized future land uses for the University South Area Structure Plan and amend the Social Environment chapter to provide cross-references to policies in other chapters that have social relevance.

Staff:

- The proposed changes clarify which properties are subject to Development Permit requirements; clarify when a Development Permit could be waived; insert more cross-references to the Social policies throughout the Official Community Plan; change the Okanagan Lake setback requirements to 15 m from 10 m; and change the Future Land Use map to incorporate land uses that were included in the University South Area Structure Plan.

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

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

Grant Maddock:

- Commented that almost all of the city has been blanketed with the Development Permit for hazardous conditions and environmentally sensitive areas requirement.
- Questioned why, if neighbourhood plans are in place and if environmental and geotechnical reports have been completed, those areas are designated as Development Permit areas.

Staff:

- The 'blanket' approach was taken as a safety check to ensure that rules such as tree removal, etc. are abided by. Often the Development Permit requirement is waived because the necessary information is in place.

There were no further comments.

**4. TERMINATION:**

The Hearing was declared terminated at 9:25 p.m.

Certified Correct:


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Mayor

BLH/

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City Clerk