

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, August 19, 2003.

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 and E.A. Horning.

Council members absent: Councillor S.A. Shepherd.

Staff members in attendance were: Acting City Manager/ Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; Subdivision Approving Officer, R.G. Shaughnessy; 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 August 1, 2003, and by being placed in the Kelowna Daily Courier issues of August 11 & 12, 2003, and in the Kelowna Capital News issue of August 10, 2003, and by sending out or otherwise delivering 173 letters to the owners and occupiers of surrounding properties between August 1-6, 2003.

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 5399 Chute Lake Road

- 3.1 Bylaw No. 9065 (Z03-0032) – David & Karen Desjardins – 5399 Chute Lake Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Plan 38762, Sec. 23, Twp. 28, SDYD, located on Chute Lake Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone.

Staff:

- The applicant is proposing to demolish the existing dwelling and subdivide the property to create two single family residential lots.
- A water statutory right of way exists over the eastern portion of the property.
- The application is supported by the relevant planning documents and policies.
- The Advisory Planning Commission recommends support with no conditions., 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

There were no further comments.

3.2 1374 and 1494 Highway 33 East

- 3.2 Bylaw No. 9066 (Z03-0020) – John & Sarina Weisbeck and Romesha Ventures Inc. (D.E. Pilling & Associates Ltd./David Pauls) – 1374 and 1494 Highway 33 East – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297 and part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated July 15, 2003.

Councillor Day declared a conflict of interest because he owns property within the notification radius for the subject application and left the Council Chamber at 7:08 p.m.

Staff:

- The subject properties form part of the Highway 33 Area Structure Plan (ASP) which designates the area for Single Family Residential development. The area under development to the east of the subject properties represents the first two stages in the residential development of the Highway 33 Area Structure Plan.
- The area under application would be accessed through the lands to the east, which are currently under application for the development of 41 single family residential lots.
- All servicing issues and any preplanning requirements that may be necessary to ensure that the future development of the remaining lands in the Highway 33 ASP is not compromised in any way by this application would be addressed through the subdivision process.
- City Transportation staff are working with Ministry of Transportation staff to determine the trigger point on the number of units being developed on both sides of Highway 33 that will require the installation of a traffic light at Highway 33 and Loseth Drive.
- The Advisory Planning Commission recommends support with no conditions, and City staff have no objections to the application.
- Indicated on a map the location of bus stops in the area.

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

- letter of opposition from Winnie & Tony Sousa, 1581 Large Avenue, concerned about ability to provide sufficient water resources to the development and that property values would be reduced due to loss of existing lake and city views.

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, representing the property owners:

- Water would be provided by Black Mountain Irrigation District.
- Working with staff and the residents to determine the best fit for the road extension.
- Installation of a traffic signal at the intersection at Highway 33 is not a requirement for this subdivision, but they did contribute to the left-turn lane on the highway.

Iris Morden, 1285 Toovey Road:

- The map that was with the notification the area residents received from the City indicates that the adjacent property to the east is also being rezoned with this application.
- Toovey Road was to remain a cul-de-sac but the City had a traffic counter on the upper part of Toovey earlier this year and the Toovey residents are concerned the traffic counter was there to see how much more traffic could be put on that road.
- No one has provided any park access for the people in the Toovey Road/Black Mountain area. The only park identified is a small non-existent park that the City has spent no money on. Would like to trade that 'park' for the field at the end of Toovey with access through the Weisbeck lands up to the top.

Staff:

- The Bell Mountain ASP includes park sites and that development will be coming forward to Council shortly.
- The plan is to connect the Toovey subdivision to adjoining neighbourhoods via Velrose Road and leave Toovey Road as a cul-de-sac.
- The School District no longer wants the school site that was indicated in the ASP and normally the City would have done a park in conjunction with the school so now City staff are looking for a new park site for the Toovey neighbourhood.

Bob Burkenshaw, Toovey Road:

- Was concerned about the second subject property and that Toovey Road was going to be connected to the new development but now realizes his concerns are redundant.

Kelly Whitehouse:

- The owners of 1170 Band Road, which is the field at the end of Toovey Road, are his relatives. They were involved years ago in the initial concept plan which was abandoned because none of the participants could agree on a total land assembly or on how drainage and other issues would be resolved. The subdivisions that are occurring are based on a road network concept plan that was never approved as official.
- His relatives want to continue to operate the property as a small farm and are concerned about the suggestion that roads will be extended through their property.
- If the concept shown tonight were to be developed the end result would be a dysfunctional neighbourhood.

Staff:

- The concept plan was approved in principle by City Council as a working plan for when lands in the area are developed. The concept plan does not force any property owner to develop. The area has been developing from east to west; however, and as the properties develop the lot layouts and the road network is fine-tuned for better traffic flow and connectivity. Unless the land owners get together and agree on a different plan, the last properties to develop will inherit the road network that has evolved.

Don Wilkins, Toovey Road:

- Concerned that ultimately the road network that evolves could result in Toovey being connected to McKenzie Road and becoming a bypass route to the Airport. The Toovey residents would not accept that kind of road connectivity. They want dead ends and loops to discourage traffic in the area.

Public Hearing

August 19, 2003

Margo McMann, 1302 Toovey Road:

- Purchased her property on the basis that Toovey would remain a cul-de-sac.

David Pauls, representing the property owners:

- The subject properties form an area that will have its own detention pond.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:39 p.m. and took his place at the Council Table.

3.3(a) 5198 South Ridge Drive

3.3(a) Bylaw No. 9067 (OCP03-0006) – Gazelle Enterprises Inc., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management Ltd., Gillen Investments Inc. (Summit South Developments Joint Venture/Mike Jacobs) – 5198 South Ridge Drive – THAT Map 19.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use by re-designating a portion of Lot A, DL 1688s, SDYD, Plan KAP68646 except Plans KAP68647, KAP70485, KAP71342 and KAP72474, located on South Ridge Drive, Kelowna, B.C., from the Single/Two Unit Residential & Educational/Major Institutional designation to the Single/Two Unit Residential & Educational/Major Institutional designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated June 25, 2003.

Staff:

- The area was proposed to be developed with a future school site on the north side of the South Crest Drive extension and a single/two unit residential development on the south side. Further review of the road alignments in the area resulted in the extension of South Crest Drive being shifted slightly to the north which reduced the size of the proposed school site. The site now proposed for the future school meets the School District's size requirements.
- This application reverses what was initially proposed so that the future school site is on the south side of the road and the residential development is on the north side.
- A concurrent subdivision application is being processed for 13 single family residential lots and the future school site.
- The Advisory Planning Commission recommends support with no conditions and staff have no concerns with the application.

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

- letter from Joan Dunbar, 744 Cantina Court, stating that she would not object to this application provided that the narrow strip of open space along the south side of the South Ridge Drive extension were designated as park land.
- letter from Richard & Linda Lamberton, 5090 Frost Road, strongly opposed because of concerns about possible interface problems with homes bordering his agricultural property and indicating preference for leaving the development proposal unchanged.
- Letter from David Jenkins, 5086 South Ridge Drive along with an extensive submission opposing the proposed change and expressing concerns about the stewardship of the development.

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

Mike Jacobs, applicant:

- The road realignment was requested by the City. South Crest Drive is being shifted 60 m to the north and that made the future school site too small. Agreed to switch the school site from the north side of South Crest Drive to the south side and in doing this the School District requested a larger site than originally planned. Rezoning the P3 strip that was open space to P2 is necessary in order to facilitate the larger school area, probably for their playfield.
- The concerns about the stewardship of the development are legitimate. Commitments that were made have not been met; however, they will be resolved by mid-October.
- Crushing and utilizing the gravel and top soil on the site has reduced the amount of material being removed. With the dry weather, have not had the resources to control all the dust.
- A pond has been constructed for storm drainage and what was going to wet ponds will be turned into dry ponds because of concerns about the West Nile virus and because of concerns that the ponds would not stay wet with the drier climate.
- The School District has 2 years in which to exercise their option to purchase the property south of the road for school.

David Jenkins, 5086 South Ridge Drive:

- Doubt that a school will ever be required in the proposed development. If the school site is not needed then would prefer P3 – Park & Open Space zoning on that site. If the P2 zoning is approved, then rather than leaving the site undeveloped until such time as the School District requires the site for school, would like the site to be made available for use as park and open space.

Staff:

- If the School District determines that they do not require the school site, then the applicant would have to rezone the site in order to develop it for other than P2 uses.
- Normally the School District requires a minimum 6 acre site for schools; in this case they are asking for a 7 acre site.

Paul Mier, 755 South Crest Drive Drive:

- Concur with previous submissions.
- Concerned about what happens with the proposed school site in the 2 year interim. There is a lot of dust and the site is in disarray. In 2 years time the area will be uninhabitable and an eyesore for the residents in the area.

Mike Jacobs, applicant:

- Proposes to construct the extension of South Crest Drive in the next month or so, at which time the school site will be cleaned up and levelled and, in the Fall, hydro seeded.
- Approximately 35% of the South Ridge project remains as public open space and working with City staff on putting in a tot lot.

There were no further comments.

Public Hearing

August 19, 2003

3.3(b) 5198 South Ridge Drive

3.3(b) Bylaw No. 9068 (Z03-0025) - Gazelle Enterprises Inc., R265 Enterprises Ltd., Emil Anderson Construction Co. Ltd., Gilmar Management Ltd., Gillen Investments Inc. (Summit South Developments Joint Venture/Mike Jacobs) – 5198 South Ridge Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, DL 1688s, SDYD, Plan KAP68646 except Plans KAP68647, KAP70485, KAP71342 and KAP72474, located on South Ridge Drive, Kelowna, B.C., from the RU2 – Medium Lot Housing zone and the P2 – Education & Minor Institutional zone to the RU2 – Medium Lot Housing zone and the P2 – Education & Minor Institutional zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated June 25, 2003.

See discussion under 3.3(a) above.

4. TERMINATION:

The Hearing was declared terminated at 8:05 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk