

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, November 18, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, C.B. Day, R.D. Hobson, and S.A. Shepherd.

Council members absent: Councillors B.A. Clark, B.D. Given, E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A..M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy*; and I. Tilstra Acting as Council Recording Secretary.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 5:05 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 November 3, 2003, and by being placed in the Kelowna Daily Courier issues of November 10 & 12, 2003, and in the Kelowna Capital News issue of November 9, 2003, and by sending out or otherwise delivering 337 letters to the owners and occupiers of surrounding properties between October 31 and November 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 Bylaw No. 9081 (Z03-0037) –Double Day Development Corporation (David Davies) – 1585 Lewis Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification for Lot A, Plan 72858, Sec. 13, Twp. 26, ODYD, located on Lewis Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RR3 – Rural Residential 3 zone.

Staff:

- The property is within the Agricultural Land Reserve and was previously involved in a part of a subdivision application in January 2003 when the Land Reserve Commission disallowed the exclusion application by the applicant but allowed the City of Kelowna to subdivide the parent parcel to establish a public park adjacent to Druits Pond.
- The subject application is to further subdivide the property to facilitate subdivision to create an additional single family rural residential lot.
- The initial rezoning and ALR applications were supported by Council.
- Do not recommend support because the application is not supported by relevant planning and development policy documents.

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.

Public Hearing

November 18, 2003

Applicant:

- Indicated he had nothing to add at this time.

3.2(a) Bylaw No. 9114 (LUC03-0001) – J.W. Bedford Ltd. (Doug Sperling) – 4223 & 3413 Bedford Road – THAT Land Use Contract No. LUC76-1110 be discharged from Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875; and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road, Kelowna, B.C.

Councillor Day declared a conflict of interest because his family owns property within the notification area and left the meeting at 5:15 p.m.

Staff:

- The Land Use Contract allows for the creation of 12 rural residential lots with an urbanized road cross-section.
- The application is to discharge the Land Use Contract and rezone the property from A1 – Agriculture 1 to RR1 – Rural Residential 1 in order to facilitate subdivision to create eight 1 ha sized rural residential parcels with a rural road cross-section.
- The Advisory Planning Commission recommends support of the application, subject to provision of a 1.8 metre high chain link fence adjacent to the ALR lands.
- The Agricultural Advisory Committee had concerns regarding the additional traffic on Casorso and Dehart Roads, the impact of increased traffic on agricultural activity, and possible agricultural/residential conflicts.
- City Planning staff are also concerned about urban/rural conflict.
- The adjacent property owner to the west has agreed to the proposal to construct a 1.8 m high chain link fence along the west and south boundaries of proposed Lot 8. This fencing requirement would be in addition to the 3 m buffer requirement of the Zoning Bylaw.
- Recommend favourable consideration
- Will attempt to register covenants to advise potential purchasers of the lots of the farm practices on the adjacent land; however, the covenants may not be accepted by the Land Title office.

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

Doug Sperling, applicant:

- Is not adverse to having the proposed covenant registered on title.

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

- letter of concern from Richard & Martha Person, 4223 Bedford Road, asking for improvements including road widening and paving, road maintenance by the City, street lights, a fire hydrant, and road naming.

Staff

- Mr. Person's concerns can be resolved through the subdivision process.

Councillor Day returned to the Council Chamber at 5:25 p.m. and took his place at the Council Table.

3.2(b) Bylaw No. 9115 (Z03-0045) - J.W. Bedford Ltd. (Doug Sperling) – 4223 & 3413 Bedford Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 231, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499, 31918 and H9875; and Lot 234, Sec. 32, Twp. 29, ODYD, Plan 1247 except Plans 23499 and H9875, located on Bedford Road,

Public Hearing

November 18, 2003

Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone.

See discussion under 3.2(a) above.

3.3 Bylaw No. 9098 (LUC03-0003) – Simple Pursuits Inc. (Scott Brown) – 1889 Spall Road - THAT Land Use Contract No. LUC76-1109 be discharged from Lot A, D.L. 129, ODYD Plan 20633, located on 1889 Spall Road.

Staff:

- The application is to discharge the Land Use Contract (LUC) which has governed development of the subject property since 1977 and construct a new commercial building with access from Spall and Kent Roads.
- The LUC was with the Okanagan Mainline Real Estate Board and specified certain uses permitted by the Service Commercial zoning regulations of the day
- The Okanagan Mainline Real Estate Board has relocated to a new site.
- The applicant is proposing to discharge the LUC after the first tenant, who will conform to the LUC, moves into the building. That tenant will be grandfathered under the new C10 – Service Commercial zoning. The remainder of the building's tenants will conform to the underlying zone.
- The application is in keeping with council policy to pursue elimination of Land Use Contracts where possible.

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 deem themselves affected to come forward, followed by comments of Council.

There was no response.

3.4 Bylaw No. 9105 (Z02-1052) – Allan, Murray & Mabel Hill and Douglas & Janet Stranaghan (Grant Maddock/Protech Consultants) – 3732 Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 35, Twp. 26, ODYD, Plan 3993, except Plans 4410 and H8110, located on Highway 97 North, Kelowna, B.C. from the A1 - Agriculture 1 zone to the I2 - General Industrial zone.

Staff:

- located on north side of highway 97 across from commercial south of Sexsmith road
- currently zoned A1, applicant asking for I2 general industrial, no specific land use or tenant at this time, property subject of lot of debate over years
- worked thorough process with the applicant, with ministry of env and trans and highways that will facilitate rezoning, some conditions may apply to future tenant or user of land
- property will be encumbered by road reserve, no build covenant and reciprocal access easement
- long term plans highway access management plan indicate road coming from west towards rear of property or coming up closer to Hwy 97 looping, road options long ways into future
- have agreed blanket reserve area would suffice for future roads
- one intervening property between subject and Mill Creek, not part of this application, sets stage for how deal with development potential of property in future
- Mill Creek Linear Park Plan the trail for future Iniear park plan on north side of mill creek, and then link over to sexsmith road on sidewalk; this option can still be preserved through development plan of subject property
- Protection along Mill Creek will preserve ability to make trail in future
- Condition by mins of transportation is alternative access to site from Sexsmith Road, when user comes forward for development permit will have to do traffic impact study

Public HearingNovember 18, 2003

- Reciprocal access agreement mins of transportation always tries to seek alternate access for properties that front highway, in this case solve access issue with adjacent property
- Land use is consistent with OCP for future land use, industrial land use is fine, applicant has applied environment impact assessment reports, confident with treatment of creek, recommending Council consider this favourably
-

Council:

- Future right of way not include this portion, follow road, not creek
-

Staff

- That is what was shown on master plan for Mill Creek, probably something to do with the proposed road link
-

Council

Road going across section

Staff

If use this plan, was one option for road to serve local properties, other options had been considered, have reserved enough land to facilitate most likely future road network but not requiring any specific designs or studies to be done with this app

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

- nothing was received

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

There was no further comment.

3.5(a) Bylaw No. 9113 (TA03-0009) – WGP 236 Holdings Ltd. (Breakers Billiards and Bistro (Terry Hales) – #1-1525 Dilworth Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended to add Liquor Primary Establishment, Major as permitted use (with lp designation) in the C10 – Service Commercial zone.

Staff:

- located at on commercial development at Leckie and Dilworth
- tenant located in commercial complex, has been Billiards club for some time, now under ownership, new owner seeking liquor primary license for portion of establishment
- rezoning simply to add lp designation, result of changes made last year in creating liquor uses as land uses within zoning bylaw
- over 100 person capacity, have to rezone site
- site is well ocated for this kind of establishment, surrounding uses are primarily service commercial and industrial, closest Best Western harvey and Leckie
- staff recommending consider favourably
- had fp license allowed some liquor sales, had food optional seating, didn't allow outright liquor

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

- one letter of support from Shaw Cable on Hunter Court

Public Hearing

November 18, 2003

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

Applicant thanked Ryan Smith for getting ust his far, staff very good to us

Council

New liquor reg have opp to put retail liquor store, any ntentions

App, no just want pool players and card players to have a beer

There were no further comments.

3.5(b) Bylaw No. 9107 (Z03-0053) - WGP – 236 Holdings Holdings Ltd. (Breakers Billiards and Bistro (Terry Hales) – #1-1525 Dilworth Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, DL's 125 & 531, Plan KAP46845 ODYD, located on Dilworth Drive, Kelowna, B.C. from the C10 – Service Commercial zone to the C10 – Service Commercial Liquor Primary zone.

Staff:

-

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

- @

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

@

3.6(a) Bylaw No. 9109 (OCP03-0003) – Pier Mac Petroleum Installations Ltd. (Dell Balfour) – Highway 97 and Lochrem Road – THAT Map 19.1 – 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 of; West ½ of Sec. 14, Tp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365; Lot 1, Sec. 11, Twp 23, O.D.Y.D., Plan 34113; Lot B, DL 32 and Sec. 14, Twp 23, O.D.Y.D., Plan KAP52924 and Lot A, DL 32 and Sec. 14, Twp. 23, O.D.Y.D., Plan KAP52924, located on Highway 97 North Kelowna B.C., from Mixed-Use Development to Comprehensive Development Project as shown on Map “A” attached to the report of the Planning and Corporate Services Department dated October 21, 2003.

Staff:

- rezoning application is only referring to south of airport intersection to just north of previous property line
- gravel extraction operations have ceased, some storage of materials, pit has been depeleted in area, applicant has commented relcamation
- propsoing to inditiate redevelopment of site through rezoning, threefold, area west of future Hollywood road extension, part zoned P3, linear park will transiotion between future uses above and below, portion to be zoned C9, tourist commerial to crate site that could be hotel development proximity to airport, balance shown as CD15, comprhensive development zone 15, created specifically for use at Pier Mac site consultation between applicant and staff, after several discussions with applicant realized app was trying to prohibit uses rather than incorporitng non-supported uses

Public Hearing

November 18, 2003

- area structure plan documents overall proposed land use into future indicate commercial development for hotel site, balance CD15, green buffer bank between depleted gravel pit and OK golf club
- close up general land use pattern, commercial use in upper quadrant, are within CD 15 zone are some outright commercial, balance mix of commercial and industrial uses, focus on clean industrial uses by promoting synergies with prox to OUC and airport, and associated development lands beside airport
- extended office uses not like in industrial area, this could be industrial uses that are more hightech headquarter type uses, expanded office use is probably warranted
- hollywood road to the west along the base of the slope
- site plan areas shown as potential road reserves and existing road network, area ties in with adjacent land uses,
- com dev zone see number of uses generally uses found in other industrial zones and few uses from commercial service zones, hybrid zone to include uses felt to be complementary to OUC and airport uses, same time excluding uses detrimental to overall development character of property
- zone states min lot width and area, does approach setbacks and landscaping in different manner than traditional zoning bylaw
- tried to push some design guidelines app had provided into zoning category, have little bit more leeway with CD zone
- staff are recommending Council support first phase of redevelopment for Pier Mac gravel pit, CD unique, feel it will be successful, only phase one, if changes needed before next phase have opp to do that

Council

- park area will be dedicated to city of Kelowna

staff

in future phases parks dept don't want to maintain steep slope, will be some park as passive open space
 looking at future phases, would simply be deemed open space, not deemed as parks, at time of development would seek to ensure banks were mitigated to acceptable level in natural type of condition require not much maintenance, think be retained by Pier Mac
 in first phase, lower piece will be taken by City for passive park space, can be utilized by employees, primarily just passive open space owned and maintained by City of Kelowna

Council

Have to be clear responsibility for someone to take care of and maintain those other open spaces
 Resp of applicant to deal with steep slopes

Staff

Will readdress when next phase comes forward
 Ministry of Mines in order to formally decommission is recommending plan that has to be submitted, focuses on safety issues rather than esthetic value, Pier Mac reclamation plan was industry leader for amount of treatment did use on now empty walls that frame gravel pit

Council

Berm along highway, who is responsible for that

Staff

Within private property would be Pier Mac or subsequent owners to maintain landscaping, incl highway treatments on boulevard

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

Public Hearing

November 18, 2003

- two letters of support from Patrick Fitzsimmons, Tom Weisbeck pleased with concept and quality, letter of support from Mr> Campbel concerned about traffic safety around hwy 97, criteria for tenant selection and park and open space designation

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

Dale Balfour, project manager

- rezoning and OCP appl long time in making, rep considerable effort, thanked staff for contribution to proposed CD zone critically important to project
- in Spet of 2000 city Ecominci Dev OUC and Pier mac entered into memo or understanding to realize ways to affect regions overall ecominic devleoment strategy
- Kelowna must size every advantage to compete with other locals, can think of recent examples of companies relocating away from Kelowna, want ot accom expansion and attract new ones
- Development will contriute to Kelowna's economic strategy
- Park features proximity and linkages to OUC, to Kelowna international Airport and strategic location with major road network plan
- Busines spark with ariprt and OUC lands is necessary land area critical mass to form sign econ cluster, accom large and small in fully integrated mixed use settings
- Willll apply consistently high development standard fromground up
- Will create spin off jobs and other opp for local ecomony

Jane Maston, True Consulting Group

- planning development as phased dev, dealing with phase I right now, wouth of airport way, north of intersection to complete entry way, phase III north part of property, final phase of gravel extraction activities
- has been great deal of discusison over road alignment, entry into site, future connection of Hollywood Road, displayed diagram of how envisioned development to proceed, have held true to many principles demonstrated, road adjustments minor
- demo plan illustrates future development using CD 15, highlights will have continous landscape boulevard along highway 97, no road access points other than airport way, gives continuous landscape treatment along highway, see berm being integrated into landscape treatment, existing boulevard varies between 10 and 20 metres, zoning reg require three meterintensively landscaped treatment along frontage of highway corridor properties, also 7-10 meter setback to front of buildings, have pushed alignment of buildings up to the highway, oriented to highway 97 frontage, image created along highway campus style setting with landwcpae edge from highway up to frint of building
- have tried to create buiding design regulatins to create visual interest along highway
- displayed some possible building formats, multi sotry in nature, interesting profiles with effective use of glass and architectural variation
- worked closely with community, comm had some concern about propsoals safety one overall concern, relating to access to Quailridge resideints, as part of dev app process have been engaged in traffic planning and will cintine to purusue, initial traffic analysis indicated road network with minor changes can safely accommodate traffic, looking at long range in terms of highway commitments
- comprehensive planning in terms of management of access and egress – city has asked look carefully, committee to doing that
- high standard of landscaping is part of CD zone, committed to maintaining high 3uality of landscaping
- ading local commercial services small scale contribute to services available
- thank Council and staff for assistance, exciting project, can make sign ec and esth contribution, add to diversity of Kelowna's land base

Council

- have large open space area to west, gets steeper as go further north, have seen really nice trail system developed for workers to use during lunch hour, become

Public Hearing

November 18, 2003

- active, as finalize development of slope, might be able to build in a trail loop to connect to City property at south end, link into trail systems around college
- excellent program for building design and landscaping, uniform signage approach

Jane

- have looked at trails is connection at top of bank hope to see maintained, City has requirements for bicycle corridor along road network, will be incorporated, opp at base of bank parcels hope integrated into trail network
- sign bylaw will pertain to site, have looked in minor way at signage and limited signage, guidelines for highway frontage, signs within site should be consistent match corporate image of business there

Council

- land use on site – good development if does all things, attract new business, airport related, local services for airport and college, not good if picked off business from city of Kelowna drawing business and people out of town, can we be sure former not latter?

Dale

- expect business locate from within Kelowna, should encourage
- in terms of strip development, one thing we've accepted concept of nodes, accepted limitation in terms of retail component of site, not direct highway access will limit, location of site, way road network set up, associations will bear fruit
- within report, the extent to which have gone to things like screening will promote things want to see out there, comprehensive project
- always been intent to incorporate into linear pathway, can be integral part of that
- one concern of Quail Ridge re issue of parking, has been policy right from beginning no on street parking, those little details will be very positive
- have identified hotel site within first phase

Council:

- sustainable development, looking at alternate energy sources?

Dale

- don't intend to do all building development ourselves, can't speak to each individual case, expect see in some buildings, both in terms of what suggested and passive superinsulated buildings

Council

- access to site?

Dale

- Kelowna Gateway alliance, has been discussion between City and highways and ourselves and college and airport with regards to the long long term design, beyond our control as to when the roads will be developed, can't speculate, own traffic impact assessment to end of development the at grade intersection with some improvements will continue to function at acceptable level of service

Council

- transit access needed for all those employees, any plans for median

Staff

- the issue of transit is likely held in context of future road networks as they get pieced together, no specific comments on transit at this stage of development, will be addressed once critical mass is reached
- the median would be part of plan in conjunction with Min of transportation, next step

Council

- timing of first phase

Public Hearing

November 18, 2003

Dale

- next step to try to resolve outstanding road issues, if resolved quickly and don't have huge impact on engineering done to date, would be back with engineering drawings civil drawings in early 2004

Council

- this phase did not trigger need for road improvement identified, future phases do trigger
- nothing in regional transportation budget toward partnership for gateway project, wondering when they see money on table from partners to do something

Dale

- can accommodate traffic generated on site with current at-grade intersection with some improvements, idea of under pass don't trigger, but part of process

Staff (Thompson)

- partnership negotiations still in future, first phase wouldn't require more than some intersection improvements, full build out may require certain work depending on rate of development in other places, not part of original traffic impact, ministry had some concerns about how adequately all adjacent development had been taken into account, 2020 goal is to have interchanges at airport way and college way, out of gateway functional planning exercise, has not yet been signed off by all five partners
- City and OUC see that as more urgent of the two interchanges

Council

- in early days of KGA, four years ago, high tech wasn't mentioned tonight, would still be trying to capitalize on geographic location with respect to high tech

Dale

- yes, knowledge based industry hope to see good component of that there, headquarters, regional companies, haven't given up on that idea, have to accommodate mixed use development

There were no further comments.

3.6(b) Bylaw No. 9110 (TA03-0004) - Pier Mac Petroleum Installations Ltd. (Dell Balfour) – Highway 97 and Lochrem Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended to create the CD15 - Comprehensive Development Zone for the Airport Business Park.

Staff:

- @

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

- @

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

@

3.6(c) Bylaw No. 9111 (Z03-0016) - Pier Mac Petroleum Installations Ltd. (Dell Balfour) – Highway 97 and Lochrem Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the CD15 – Airport Business Park zone to Schedule “B” of Zoning Bylaw 8000 as outlined in Schedule “B” attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

Public HearingNovember 18, 2003

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the new definitions to the Definitions section of Zoning Bylaw 8000, as outlined in Schedule "D" attached to the report of the Planning and Corporate Services Department dated October 21, 2003;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of the West ½ of Sec. 14, Tp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365, located on Harvey Avenue, Kelowna, B.C., from the existing I5 – Extraction zone to the new CD15 – Airport Business Park zone, C9 – Tourist Commercial, and P3 – Park and Open Space Zones as shown on Map "B" attached to the report of Planning and Corporate Services Department dated October 21, 2003.

Staff:

- @

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

- @

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

@

4. TERMINATION:

The Hearing was declared terminated at 6:20 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk