

Public HearingSeptember 28, 2004

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, September 28, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, 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: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Subdivision Approving Officer, R.G. Shaughnessy; Manager of Community Development & Real Estate, D.L. Shipclark; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:03 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan 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 Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 10, 2004, and by being placed in the Kelowna Daily Courier issues of September 20 & 21, 2004, and in the Kelowna Capital News issue of September 19, 2004, and by sending out or otherwise delivering 630 letters to the owners and occupiers of surrounding properties between September 10-14, 2004.

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 **Discharge Land Use Contract from 2441-2453 Highway 97 North**

- 3.1(a) Bylaw No. 9299 (LUC04-0001) – K. Kaminski Construction Ltd. – 2441-2453, 2455 Highway 97 North – THAT Land Use Contract No. 76-1114 registered at the Kamloops Land Title Office under number M46624 be discharged from Lot A, D.L. 125, O.D.Y.D. Plan 30858, located on Highway 97 North.

See discussion under 3.1(b) below.

- 3.1 **2441-2453, 2455 Highway 97 North**

- 3.1(b) Bylaw No. 9300 (Z04-0043) – K. Kaminski Construction Ltd. – 2441-2453, 2455 Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, D.L. 125, .D.Y.D. Plan 30858 and Lot 1, D.L. 125, O.D.Y.D. Plan 31510, located on Highway 97 North, Kelowna, B.C. from the C10 – Service Commercial to the C3 – Community Commercial zone.

Staff:

- A portion of the site is covered by a Land Use Contract (LUC) that allows uses consistent with the C10 zone. The LUC would be quit claimed are part of this application.
- The applicant is rezoning the site to C3 in order to allow for a broader range of commercial uses within the existing commercial building

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- The subject property is located within the Highway Urban Centre.
- The Advisory Planning Commission recommends support.

The Acting 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, followed by comments of Council.

Applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.2 260 Franklyn Road

- 3.2 Bylaw No. 9293 (Z03-0043) – City of Kelowna – 260 Franklyn Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 27, Twp. 26, ODYD, Plan 12913 except 22268, located on Franklyn Road, Kelowna, B.C. from the RU1- Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

Staff:

- The site is approximately 1.33 acres in size and was developed as a temporary park until Ben Lee Park was developed.
- The rezoning is City-initiated, with the intention of holding the bylaw at third reading at which time the property would be sold. The developer would be responsible for submitting a Development Permit which would be considered in conjunction with adoption of the rezoning bylaw.
- The developer may be required to enter into a housing agreement that would be registered on the property to establish conditions for affordable housing if included in the project. A 'community recreation service' may also be provided on the property and a text amendment has been adopted to add that as a secondary use.
- City Parks Department staff have now determined that the subject property is surplus to their parks needs.
- The Official Community Plan supports multi-family development for the site.
- If the subject bylaw is advanced to third reading, the property would be offered for sale or long term lease for multi-family development through a MLS offering which would favour proposals that include an affordable housing (not social housing which is the mandate of senior government) component. Affordable housing condominium units would sell in the \$141,000 range or rent in the range of \$700 per month.
- If affordable housing or community recreation space is achieved, the City would provide bonusing. Whether achieved or not, 40% of the net revenue from sale proceeds would be placed in a housing reserve fund and 60% would be allocated toward the highest identified need for a park site within the Rutland community.
- The housing agreement would be registered on title and would cover off the length of time that the affordable housing units were to remain affordable.

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

Letters of Opposition

- Tracey Andrews, 16-750 Badke Road
- P.V. Tattersall and T.V. Tattersall, #102-780 Houghton Road (2 letters)
- Shauna Burnell, no address given

Opposed generally on the basis that there would be an increase in crime, an increase in population for this already overcrowded area, a negative impact on property values, and seniors in the area would be disrupted by the young families that would be moving in.

The Acting City Clerk further advised that there was also a letter received from the Rutland Residents Association opposing including a commercial recreation use in the proposed development.

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

Sherri Simson, 2684 Casa Loma Road:

- Owns a property on All Star Court and has children who play in the playground that is on the subject property.
- There is quite a lot of crime in the Ben Lee Park area, and the intimacy of the small park gives a safer feeling.
- Realizes the need for affordable housing, but concerned about the increased density.

Staff:

- Clarified that the children's playground equipment has been relocated from the subject property to the south end of Ben Lee Park.

There were no further comments.

4. **TERMINATION:**

The Hearing was declared terminated at 7:22 p.m.

Certified Correct:

Mayor

Acting City Clerk

BLH/