

Public HearingApril 19, 2005

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 19, 2005.

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 Deputy City Clerk, D.M. Fediuk; Manager of Development Services, A.V. Bruce; 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 7:05 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 1, 2005, and by being placed in the Kelowna Daily Courier issues of April 11 & 12, 2005 and, and in the Kelowna Capital News issue of April 10, 2005, and by sending out or otherwise delivering 663 letters to the owners and occupiers of surrounding properties between April 1-5, 2005.

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(a) **OCP Amendment – 1610 Dickson Avenue**

- 3.1(a) Bylaw No. 9392 (OCP04-0025) - Al Stober Construction and T 186 Enterprises Ltd. (Al Stober Construction Ltd.) – Sutherland and Dickson Avenue - THAT OCP Bylaw Amendment No. OCP04-0025 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan Bylaw No. 7600* by changing the Future Land Use designation of Lot A, DL 141, Plan 20443, O.D.Y.D., located on Dickson Avenue, Kelowna, B.C., from the existing "Multiple Unit Residential – low density" designation to the "Commercial" designation, as shown on ALTERNATE Map "A" attached to the report of Planning & Corporate Services Department dated March 16, 2005.

See discussion under 3.1(c).

**3.1(b) Zoning Bylaw Text Amendment – CD14 Zone**

- 3.1(b) Bylaw No. 9393 (TA04-0013) – Al Stober Construction and T 186 Enterprises Ltd. (Al Stober Construction Ltd.) – Sutherland and Dickson Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by replacing the existing “CD14 Map A” and “CD14 Map B” with revised CD14 ALTERNATE Map A (site plan) and CD14 ALTERNATE Map B (building elevations) as outlined in the report of the Planning & Corporate Services Department dated March 16, 2005.

See discussion under 3.1(c).

**3.1(c) 1607 Sutherland Avenue and 1610 & 1620-1632 Dickson Avenue**

- 3.1(c) Bylaw No. 9394 (Z04-0088) - Al Stober Construction and T 186 Enterprises Ltd. (Al Stober Construction Ltd.) – Sutherland and Dickson Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots A & D, DL 141, ODYD Plan 20443, and part of Lot A, DL 129, ODYD Plan KAP68674, located on Dickson Avenue and Harvey Avenue, Kelowna, B.C., as shown on Map “B”, from the C10 – Service Commercial zone to the CD 14 – Comprehensive High Tech Business Campus zone as shown on ALTERNATE Map “B” attached to the report of Planning & Corporate Services Department dated March 16, 2005.

**Staff:**

- The Official Community Plan Amendment is only required for the one lot.
- The applicant is proposing to proceed with the third and final building. Buildings 1 and 2 are constructed and occupied. At this time, there is nothing on the property south of Dickson Road.
- The development was to be limited to the lands north of Dickson Avenue with the lands south of Dickson being used only for calculating floor area. However, some of the floor area contemplated for the phase 3 building was used up when building 2 went from 4 to 6 storeys.
- Staff support build out of the high tech campus in general but recommended it be limited to the land north of Dickson Avenue which would mean only a 4 storey building could be achieved for the phase 3 building.
- The building the applicant is proposing for phase 3 would have 4 storeys of tenant space over below building parking which would be slightly above grade resulting in what would be considered a 6-storey building. However, building elevation drawings indicate that the building would appear to be about 2 storeys less in height than the phase 2 building.
- The Advisory Planning Commission recommends support.
- Showed maps indicating where the existing and proposed sidewalks would be located.
- Recommend support for development of the lands north of Dickson only.
- Concerned that the additional 2 storeys would allow more office type uses in an area that is not an identified town centre.

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

- letter from Bill & Lise Sinclair, 1506 Dickson Avenue, opposed because of traffic related concerns.

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

Bill Sinclair, 1506 Dickson Avenue:

- The City plans to put sidewalks on Dickson Avenue but Dickson is narrow in places and apparently there are no plans to widen the road.
- When Dickson Avenue was opened in the past, the road became a speed way and a short cut. Will need speed bumps or some other method of slowing down the traffic.
- Past experience has shown that the impact of traffic makes a difference in the type of tenant he can attract to rent the legal suite in his home.
- There should be more consideration of the residents on Burtch Road.
- Developers have been buying up properties on the residential side of Dickson Avenue, presumably for more commercial which will further impact the residential properties on the street.

Staff:

- Explained the proposed design standard that will allow for a sidewalk on the north side of Dickson Avenue and some parking on the south side within the existing road carriageway.
- Dickson Avenue would be widened as redevelopment occurs.
- If the OCP amendment is not supported by Council, City transportation staff would still seek to achieve the Dickson road connection.
- Some of the land south of Dickson Avenue is already zoned C10.

Mark Stober, applicant:

- Intends to proceed with the improvements to Dickson Avenue in the next 2-3 weeks.
- Has not thought about the route construction traffic would take, but there are options to using Dickson Avenue.
- Is contemplating a multi-family development on the other lots Stober Construction has been purchasing in order to provide a buffer between the Landmark development and the residential neighbourhood.

Alan Glaser, 1937 Dunn Street:

- The developer raised the grade for one of the Landmark buildings by about 3 feet. Will that grade be continued down Dickson Road?

Staff:

- There may be some minor filling but the road would not be raised to the height it is in front of the existing high tech development.

There were no further comments.

### **3.2 2030 Highway 33 East (Withdrawn)**

- 3.2 Bylaw No. 9387 (Z04-0074) – City of Kelowna (Bell Mountain Estates) – Highway 33 East – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 5, Sec. 18, Twp. 27, ODYD, Plan 1991, except Plans B4079 & 22266, located on Highway 33 East, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RU1 - Large Lot Housing, P3 - Parks and Open Space and P4 - Utilities zones, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 8, 2005.

Withdrawn from the agenda.

**3.3 South of Swainson Road and North of Highway 33 East**

- 3.3 Bylaw No. 9386 (Z04-0073) – Bell Mountain Estates – Swainson Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717, located off Swainson Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU4 - Low Density Cluster Housing zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 8, 2005.

Councillor Day declared a conflict of interest for items 3.3 and 3.4 on the agenda because he owns property within the notification radius for both applications and left the Council Chamber at 7:39 p.m.

**Staff:**

- The subject application is for phase 3 of the Bell Mountain Area Structure Plan and is for the development of 41 cluster housing units.
- The property is about 6.5 ha or 16.2 acres in size.
- The required park and open space would be the steeper portion of the property with the development on the back and top end. The south face would be protected by restrictive covenant.
- The application is consistent with planning policies.

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

- letter from Olga Stuhlbert, 1785 Swainson Road
- letter from Jack Kaniea, 1329 Lund Road

Both supporting the application on the basis that there would be a positive impact on surrounding property values; the proposed development would be a desirable place to live, beneficial to surrounding neighbourhoods and attract an array of different people in all stages of life.

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

**Marlin Weninger, applicant:**

- Anticipates that the golf course portion of the development will be opened for the public next spring.
- Road works are underway – they will service other developments besides the two properties in this application.
- Phase 3 construction will start this fall or next spring.
- There are about 14 acres on the south face. The large flat area on top is prime land for development.

There were no further comments.

**3.4 1494 Feedham Avenue**

- 3.4 Bylaw No. 9385 (Z04-0083) – John and Sarina Weisbeck (D.E. Pilling and Associates Ltd.) – Feedham Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, Sec. 13, Twp. 26, ODYD, Plan KAP75730 except Plans KAP75732 and KAP76178, located on Feedham Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 14, 2005.

## Staff:

- The subject property is part of the ongoing development of land in the Highway 33 Sector Plan area, moving from west to east.
- The applicant is proposing a 15 lot subdivision.
- The property was zoned from A1 to RU1 in 2003 and this portion of the property lies flat, adjacent to Highway 33. The applicant is proposing to provide a variety of housing types that would be more affordable. None of the proposed lots would be view lots.
- The application is consistent with City Planning policies.

The Acting Deputy 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.

John Weisbeck, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

Councillor Day returned to the Council Chamber at 7:54 p.m.

**3.5(a) Discharge Land Use Contract – Drummond Court**

- 3.5(a) Bylaw No. 9388 (LUC05-0001) – Maria Van Montfoort, William & Iris Montgomery, Larry & Caroline Burnett, James & Linda Russell, Sean Pegg & Dianne Watson-Pegg, Jesse & Andrea Kykstra – Drummond Court – THAT Land Use Contract No. 76-1041 (Bylaw 4661-78) be discharged from Lots 20–25, DL's 357 & 358, ODYD Plan 31179, located on Drummond Court, Kelowna, B.C.

**3.5(b) 653, 657, 661, 665, 669 and 673 Drummond Court**

- 3.5(b) Bylaw No. 9389 (Z05-0002) – Maria Van Montfoort, William & Iris Montgomery, Larry & Caroline Burnett, James & Linda Russell, Sean Pegg & Dianne Watson-Pegg, Jesse & Andrea Kykstra – Drummond Court – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 20–25, DL's 357 & 358, ODYD Plan 31179, located on Drummond Court, Kelowna, B.C., from the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone.

## Staff:

- The subject properties are within a subdivision that was developed in the late 1970s on septic disposal. The subdivision is now serviced with sanitary sewer.
- The owners of these six properties intend to retain their residences and subdivide off the rear of their lots. The extra lots will form part of the cul-de-sac subdivision in the adjacent Quarry development.
- The application is consistent with City Planning policies.
- The Advisory Planning Commission recommends support.

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

- letter from Richard Hewitt, 684 Drummond Court, who had originally sent the letter in February and then resubmitted it to City Clerk's Department, opposing the development generally on the basis that there would be a negative impact on the character of the neighbourhood and concern that there could be a negative impact on the stability of the hill caused by new construction above the existing houses.

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

Staff:

- Explained that Mr. Hewitt would prefer larger lot sizes for the lots on Drummond Court. However, the lots being retained on Drummond would be about 1/3 acre with lot widths that exceed what is required in the RU1 zone.
- Slope stability would be addressed by a geotechnical engineer as part of the subdivision application.

Lloyd Nestman, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:01 p.m.

Certified Correct:

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Mayor

BLH/am

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Acting Deputy City Clerk