

Public HearingJune 28, 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, June 28, 2005.

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 S.A. Shepherd.

Council members absent: Councillor E.A. Horning.

Staff members in attendance were: City Manager, R.A. Born; Deputy City Clerk, S.C. Fleming; 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 5:04 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 10, 2005, and by being placed in the Kelowna Daily Courier issues of June 20 & 21, 2005, and in the Kelowna Capital News issue of June 19, 2005, and by sending out or otherwise delivering 689 letters to the owners and occupiers of surrounding properties between June 10-13, 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 5030 Frost Road**

- 3.1 Bylaw No. 9434 (Z04-0059) – Sun Holdings Ltd. (Protech Consultants Ltd. (Grant Maddock)) – Frost Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 24, Twp. 28, SDYD, Plan 30846, located on Frost Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 - Large Lot Housing and P3 – Parks & Open Space zones.

Staff:

- The applicant is proposing to rezone the subject property to facilitate a 16 lot single family subdivision along with park and open space that would form part of a linear trail corridor being developed in the area.

The Deputy 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.

There were no further comments.

**3.2 1005, 1012, 1026 Bernard Avenue and 1495 Graham Street**

- 3.2 Bylaw No. 9428 (Z05-0011) – Astrid Kneipp; John Marshall; Michael Marshall; DMJ Construction Ltd., and 0706682 BC Ltd. (Garry Tomporowski Architects) – Bernard Avenue and Graham Street – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 10, 11, 12, DL 138, ODYD, Plan 1438, located on Bernard Avenue and Lot 3, DL 138, ODYD, Plan 5065 located on Graham Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing zone.

**Staff:**

- The applicant is proposing to redevelop the site with a 4-storey, 43-unit apartment building. The 24 two-storey units would have direct access to the street and the third and fourth floor units would be accessed from the lobby. Significant landscaping is proposed between the street and the front of the units and in roof top gardens.
- Displayed artist's renderings of the building from both road frontages.
- A minor variance would also be required for site coverage.
- Staff have confirmed that Lot 3 is not on the Kelowna Heritage Registry.

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

**Letters in Opposition:**

- R.L. Diebolt, #104-1035 Bernard Avenue
- Rollie Adolphe, #303-583 Bernard Avenue
- Tim Richter, 1046 Lawson Avenue

Opposed generally on the basis that there would be a lack of parking and trees, and views and property values would be negatively impacted.

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

**Glenda Miller, representing the applicant:**

- The property is comprised of 4 lots on the corner of Graham and Bernard. None of the residences on the lots have heritage significance.
- Described other existing multi-family buildings in the area.
- The proposed wood frame structure would be consistent with existing complexes but in a more modern style. Upper floors gradually step back so exterior walls are not tall or imposing.
- Described the proposed landscaping around the perimeter of the building and in the roof top gardens.
- The project encourages strong pedestrian and street orientation.
- Only one neighbour expressed concern at the Advisory Planning Commission meeting and his concerns have been alleviated by upgrading the lane.
- 58 parking stalls are required; 70 underground parking stalls are proposed.

There were no further comments.

**3.3 538-540 Leon Avenue**

- 3.3 Bylaw No. 9435 (Z05-0028) – Denver Carrington Developments Inc. – Leon Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 139, ODYD Plan 16322, located on Leon Avenue, Kelowna, B.C., from the C7 – Central Business Commercial zone to the C7lp – Central Business Commercial Liquor Primary zone.

## Staff:

- The subject bylaw is on tonight's Regular Meeting agenda for further reading consideration by Council. To adopt the bylaw, a condition that the applicant enter into a Good Neighbour Agreement with the City would have to be moved from the rezoning to the liquor licensing application which is also on tonight's Regular Meeting agenda. The requested liquor primary license would accommodate a pub proposed for the lower floor of the building with seating capacity for 122 inside and 28 in an exterior patio. The applicant intends to target downtown business/professional clientele.
- Hours of operation would be Sunday to Thursday 10 a.m. to midnight and otherwise to 1 a.m. closing.
- The City of Kelowna's GIS mapping indicates the subject property is about 103 m away from the Tonics Pub which is on the threshold of the 100 m distance established by the Mayor's Task Force as appropriate.

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

- letter from Michelle Elkins, 2175 Abbott Street, opposing another liquor primary license in this area of the downtown.
- letter submitted at the beginning of tonight's meeting on a procedural matter from a managing partner of Tonics Pub stating the distance between the two properties measures 98 m rather than 103 m and opposing another liquor primary license in the downtown.

## Staff:

- There was also a letter of support from Art Programs which was submitted in the initial application package and so not circulated in the Council agenda package.

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

Colin Darrow, applicant:

- Would prefer to have daily pick-ups of garbage, despite the extra cost, than to have garbage containers in the alley.
- Has already signed the Good Neighbour Agreement with the City; the agreement was delivered to City Hall before noon yesterday.

There were no further comments.

**3.4 Secondary Suites in Accessory Buildings**

- 3.4 Bylaw No. 9431 (TA05-0006) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended to restrict the provisions of bedrooms and full bathrooms in accessory structures unless they comprise part of a legal secondary suite; to remove the requirement for covered parking for secondary suites in 1-storey accessory buildings; and to amend the definition of landscaping to clarify that pergolas/lattices will not be considered as structures.

## Staff:

- The proposed text amendment would remove the requirement to provide a carport for a secondary suite in a 1 storey accessory building; amend the definition of landscaping to clarify which landscape features are subject to setback requirements; and to restrict including bedrooms and full bathrooms in accessory buildings other than for an approved secondary suite, unless the full bathroom is with a pool house.

The Deputy City Clerk advised that no correspondence and/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.

Lidia Costa, 876 Glenwood Avenue:

- Commented on the need to resolve homelessness issues.

There were no further comments.

**3.5(a) 4427, 4431 and 4433 Gordon Drive**

- 3.5(a) Bylaw No. 9437 (OCP05-0002) – Gary Dober - Pasadena Estates Ltd. (John Schlosser – Canwest Design Group) – Gordon Drive – THAT Map 19.1 of Kelowna 2020 Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 4, DL 358, ODYD Plan 8074, Lot A, DL 358, ODYD Plan 21226 and Lot 1, DL 358, ODYD Plan 9844, located on Gordon Drive, Kelowna, B.C., from the Single/Two Family designation to the Multiple Unit Residential – low density designation.

See under 3.5(b).

**3.5(b) 4427, 4431 and 4433 Gordon Drive**

- 3.5(b) Bylaw No. 9438 (Z05-0008) – Gary Dober – Pasadena Estates Ltd. (John Schlosser – Canwest Design Group) – Gordon Drive – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 4, DL 358, ODYD Plan 8074, Lot A, DL 358, ODYD Plan 21226 and Lot 1, DL 358, ODYD Plan 9844, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

## Staff:

- The staff recommendation when this application was initially considered was negative because the proposal did not meet the OCP objectives, primarily the affordable housing objective. However, Council supported the alternate recommendation advancing the application to Public Hearing.
- The applicant is proposing to develop the three properties with 55 units of townhome style seniors housing. The units would be clustered around a manor house and all access to the units would be from the central core of the manor house.
- The main access to the development would be from Gordon Drive. A second access is also proposed for emergency access and visitor pick-up/drop off and perhaps a shuttle bus service.

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- Displayed the proposed site plan and drew Council's attention to a model provided by the applicant to show how the units would fit into the topography of the site.
- The intent is to provide alternative forms of housing, although not affordable, for the aging in the southwest Mission area.
- A variance would be required for parking.
- The Advisory Planning Commission supported all but the parking variance.

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

**Letters of Opposition:**

- Randall & Lynn Fairey, 877 Westpoint Drive
- Greg & Beate, 933 Westpoint Place
- George & Marlene Byrka, 683 Westpoint Court
- Rosann & Kevin Carl, 1060 Wintergreen Crescent
- Brent Baldwin, 747 Westpoint Drive
- Linda Dunlop & David Dombowsky, 765 Westpoint Drive
- Art & Jane Bowering, 777 Westpoint Drive

Opposed generally on the basis that -there would be an increase in noise and traffic, it would be more dangerous for the children walking to school around the Dehart and Gordon intersection, property values and the character of the neighbourhood would be negatively impacted.

**Letter of Support:**

- Pasadena Estates, applicant.

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

Tom Smithwick, agent for the applicant:

- The proposed project would provide senior housing that currently does not exist in the Okanagan Mission area.
- The proposed supportive living housing would enable seniors to remain in their home environment and still receive assistance. Instead of apartment style housing accessed by walking down corridors, the proposed project would be a 2-storey structure with two levels of small one-storey single family home style units that would be accessed from two different levels.
- Professionals were hired to assist with the design of the development for those in need of mobility assistance. The entire site is accessible to people in wheelchairs.
- The project would make up for some of the OCP density level that is not being achieved in the Mission area.
- Parking has been an issue of concern. When the application was considered at the Advisory Planning Commission, 29 parking stalls were proposed. The number of parking stalls has since been increased to 41.
- Displayed an artist's rendering showing the site developed and landscaped.
- Average unit price would be over \$200,000 with \$1,500/month strata fees. The level of services would be very high.
- 40% of the seniors the project is targeted toward would not have a driver's license. Compared the parking proposed with the subject application to the parking provided with several other seniors complexes that provided less parking. Of the 41 proposed stalls, 5 would be for staff and 10 for visitor parking stalls leaving 26 stalls for the unit owners. The 26 parking stalls would not be designated. The developers do not anticipate a parking shortage because the vast majority of the residents would not have cars.
- Once the development is built, it will be an amenity not an eyesore or concern for the neighbours.
- Delivery trucks would use the main entrance; anticipate that there would only be one to three deliveries per day from different sources so the impact would be minor.

Lidia Costa, 876 Glenwood Avenue:

- The project is beautiful. The applicant needs to consider opening it up to people of all ages.
- Would like to see less gates.

Tom Smithwick, continued:

- The project is designed for handicapped young people as well as seniors.

There were no further comments.

**3.6 Roads Task Force Recommendation - Option 19**

- 3.6 Bylaw No. 9376 (OCP05-0005) – City of Kelowna – THAT *Kelowna 2020* Official Community Plan Bylaw No. 7600 be amended by replacing Map 12.1 – 20 Year Major Road Network and Road Classification Plan with a new Map 12.1 that incorporates the revised alignment for the future Water/Pandosy road link, the 4-laning of Richter Street from Sutherland to Bernard, and the 4-laning of Pandosy Street from Leon to Sutherland.

## Staff:

- The existing OCP shows a Water/Pandosy and a Richter Street One-Way Couplet.
- The Roads Task Force was established as a result of community concerns about the one way couplet. The proposed OCP amendment is a result of the Road Task Force recommendations.
- Outlined the background conditions that had to be taken into consideration by the Task Force in considering alternatives to the one way couplet.
- Approximately 50% of the bridge traffic heading south, access the highway between Richter and the bridge.

Norm Letnick, member of the Roads Task Force:

- Gave an overview of the Task Force mandate, the public roll in the process, the 10 objectives identified by Council, the Task Force, and the public; the decision process used to arrive at the recommendations. The highest score was option 19 which retains two-way traffic movement on Richter and Pandosy and includes the proposed Water/Pandosy road link. Outlined the benefits of option 19.

## Staff:

- Showed computer modelling for the Option 19 solution indicating that based on the traffic projections, needs would be met for the 2017-2020 horizon.
- Displayed the revised Map 12.1 showing the new Pandosy/Water connection and 4-laning of Pandosy and Richter Street.
- Confirmed that the modelling was done based on Lawrence and Leon Avenues being one-way streets.
- Planning reviews will be starting next year to address the longer term traffic need beyond 2020.

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

**Opposition:**

- letter from Robert Cichocki, 1221 Kelglen Crescent
- copy of power point presentation from Walley Lightbody, Concerned Citizens for a Better Kelowna
- letter from Barry Patterson, #43-3535 Casorso Road, encouraging Council to support the elevated x-pressway concept

Opposed generally on the basis that the solution is inadequate to deal with the problem, too expensive, and provincial highways should be the responsibility of the Provincial Government.

**Support:**

- letter from David MacLean, President of Kelowna Chamber of Commerce
- letter from Graham Wood, President of Urban Development Institute - Kelowna Chapter
- letter from Allen Tozer, President of Downtown Kelowna Association

In favour generally on the basis that the solution proposed by the Task Force would help reclaim the commercial activity in the area.

**Support with Concerns:**

- letter from David Lovell, Kelowna South-Central Association of Neighbourhoods, concerned about the proposed four-laning of roads in neighbourhoods.
- letter from Lawrence Schneider, 204-1920 Burtch Road, with suggestions for traffic movement at Abbott, Water, Pandosy, Ellis and Richter Streets to enhance traffic flow patterns on Highway 97/Harvey Avenue.

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

Walley Lightbody, Concerned Citizens for a Better Kelowna:

- Concerned Citizens for a Better Kelowna are of the opinion that the proposed solution does not look after the additional traffic from the east side of the bridge to Gordon Drive.
- Drew Council's attention to a model of the Woodworth divided elevated expressway which his group is supporting for taking traffic from the bridge to Gordon Drive.

Barry Patterson, Concerned Citizens for a Better Kelowna:

- Presented the plans for an elevated expressway and urged Council to approve the concept and call on the Ministry of Highways to support the concept as well.
- The 2-lane elevated viaduct would allow traffic to move from Gordon Drive to Abbott Street within about 2 minutes.
- Gave a power point presentation showing the existing intersections between the bridge and Gordon Drive giving suggestions for how traffic movement could be improved. Suggested that those changes along with a realigned bridge would be the best concept.
- Questioned the need to link Water and Pandosy Streets.
- The traffic problems are B.C. Government imposed.
- Members of Concerned Citizens for a Better Kelowna have made about 600 contacts with business people in the downtown in the last three weeks and will be presenting the elevated expressway proposal to the Downtown Kelowna Association next month.

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- The proposed elevated roadway, which in this instance would be along the boulevards on either side of Highway 97/Harvey Avenue, has been proven to work well in other jurisdictions and could eliminate the need for a second bridge and the need for a connector through the North End of the city.

Walley Lightbody, continued:

- There would be plenty of room for sunlight underneath the expressway while handling the traffic.
- The necessary infrastructure to accommodate the traffic on both sides of the bridge is the responsibility of the Province. The Province is spending around \$100 million to accommodate traffic on the west side of the bridge and is contributing a mere \$3 million on the Kelowna side of the bridge. It is not in keeping with the Provincial responsibility to expect the City to pay.
- Urged Council to accept the elevated highway concept and approach the MLAs to convince the Premier and Cabinet to fund the entire cost.
- The Province and the Federal governments should be working together with the City to resolve the traffic problems on the west side of the lake.

Staff:

- No computer modelling was done based on the elevated road because although the concept meets the 2020 agreement with the Ministry of Transportation, the concept was disregarded because of costs and concern about the impact of an elevated highway.

Norman Gardner, 1585 Abbott Street:

- Is a professional engineer, new to Kelowna, and is appalled with the Task Force conclusions; the impact on the ambience and well-being of people in Kelowna would be disastrous.
- Supports the concept of the overhead guideways because it separates the through traffic from the local traffic.
- In Vancouver, the Skytrain was created similar to the elevated guideway. It is not too late for Kelowna to follow Vancouver's model.
- Council needs to consider the impact on people and the well-being of the city when looking at the solutions of the task force as opposed to the advantage of separating the traffic.

Bryan St. George, 647 Royal Pine Drive:

- If Council does not support the overhead expressway concept, then the Province is not going to either. If Council thinks the overhead concept is the best solution, then Council needs to say that to the Province. Overhead roadways are used in modern cities to handle the through traffic without choking the traffic within the city.
- Impact on the environment is another consideration; exhaust from vehicles starting and stopping produces far more emissions than from moving vehicles.
- Concerned that once the Province builds the new bridge it will be a long time before they pay for a second lake crossing.

Stephen May, 955 Clement Avenue:

- Could not see anything in the legend on Map 12-1 to show what the yellow lines meant.

Staff:

- The yellow lines are major and minor collector roads; explained the difference.



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Mariotta Lightbody, 2302 Abbott Street:

- It all comes down to money. All governments have priorities. Kelowna is getting shafted. A multi-billion dollar highway is being built to serve the wealthy at Whistler and there is probably federal money going into that highway as well.
- Kelowna gets bypassed in the proportion of money that goes into provincial highways.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:09 p.m.

Certified Correct:

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Mayor

Deputy City Clerk

BLH/am