

Public HearingOctober 18, 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, October 18, 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.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; City Clerk, A.M. Flack; or Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:27 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 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 September 30, 2005, and by being placed in the Kelowna Daily Courier issues of October 11 & 12, 2005, and in the Kelowna Capital News issue of October 9, 2005, and by sending out or otherwise delivering 707 letters to the owners and occupiers of surrounding properties between September 30 and October 2, 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 **3205 Quail Ridge Boulevard**

- 3.1 Bylaw No. 9493 (OCP05-0007) – Pier Mac Petroleum Installation Ltd. (678502 BC Ltd.) – Quail Ridge Boulevard – THAT Map 19.1 of the *Kelowna 2020 - Official Community Plan Bylaw No. 7600* be amended by changing the Future Land Use designation of part of Lot A, Secs. 14, 15, 22 & 23, ODYD, Plan KAP56201 except Plan KAP68068, located on Quail Ridge Boulevard, Kelowna, B.C., from the Rural/Agricultural designation to the Single/Two Unit Residential designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 19, 2005.

Staff:

- The property is at the southwest boundary of the development portion of the golf resort. The applicant is seeking an adjustment to the boundary to expand the development portion of the site to allow for a revised lot layout for a phased subdivision. Displayed the initial layout for this portion of property and the revised subdivision plan.
- The property line wanders on both sides of the ridge. Staff feel the ridge was an integral component of the topography and approving this would allow the developer to flatten the knoll to the property boundary.
- Staff do not recommend support for the boundary amendment.

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

- letter from Augusto Coello, 2445 Quail Ridge Boulevard. The letter was unclear about his position with respect to the application. When contacted by staff, Mr. Coello clarified that his concern was about construction traffic that would be generated by the development.

## Staff:

- The public park site was moved further north to a more developable area from a parks standpoint and the OCP was amended to reflect that. The original park site is now part of the development land.
- Staff feel that if the whole knoll is removed then housing would be prominent. Retaining half the ridgeline would provide a backdrop to the houses proposed for development.

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

Jennifer Elsasser, 2141 Capistrano Drive:

- Concerned not so much about the 11 extra lots as about how this all came to be. This is not the first time where problems had to be rectified in this subdivision. One would think that the developer would have foreseen this and known he should not have removed the area that would eliminate the ridge.
- If the developer knew removing the knoll would cause this problem, he should not be allowed the 11 lots. If that is not the case, that would be different.
- Environmentally it is not a good idea for the 11 homes to be visually seen from Glenmore.
- The applicant is not the same developer that caused the other issues in the subdivision, but at some point it becomes necessary to take a stand.

Mac Campbell, president of Quail Ridge Residents Association:

- Has been a resident of Quail Ridge for eight summers and used to walk that area. There is a lot of loose material on the ridge so can understand why some had to come out.
- The site today looks similar to how it looked last summer.
- The developer, Gary Yates, attended the Residents Association meeting last week and explained his proposal to the 85 or so residents that attended the meeting. Understand the lots will lend better to walk-out ranchers and will off-set the need for retaining walls. The pictures and explanations showed that removal of the material is reasonable and may be even be desirable. The association members who were at the meeting support the requested variance.
- The residents are concerned that if the rest of the knoll is not removed there would be dwellings at the bottom of a very unstable slope.
- This is one of the last areas to be developed and traffic has been annoying for this development but the traffic will subside.
- Would like the park site at the top, when it is developed, to link and create loops rather than just connections and when the last  $\pm 100$  lots are developed would like a right-of-way preserved through that area for access to the park.
- City staff should be coming on site and conveying to the developers how any City development policies would apply to that land and that violations to the stated agreement would not be tolerated. The residents have, with other developers, been told from the start a very different scenario than what ended up being developed.

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- Initially when development of the Quail Ridge land was looked at, it was with a very broad brush. Now refining the boundary and evolving to a more detailed level based on knowledge gained along the way.
- The overall proposal is still lower than the number of units designated in the Area Structure Plan and the impact of the 11 units is just to make the development more efficient. Using the land efficiently is important.
- The visual impact assessment indicates the site cannot be seen from other locations other than glimpses.
- Showed the proposed knoll cut line. With the knoll retained, the homes would still be visible above the ridge. Without the knoll, walk-out homes could be built and the trees along with the ridge would be visible behind.
- Removing the knoll would reduce the amount of fill required on the other side.

Gary Yates, developer:

- Providing two access roads instead of the cul-de-sac reduces the need for cut and fills.
- The intent is for the back yards to be as small as possible.
- Has done nothing outside of what was approved in his grading plan. The approved Preliminary Layout Review (PLR) letter allowed him to remove the material that was removed, and if this OCP amendment is not approved, he will proceed with the development based on the approved PLR.
- The building design guidelines specify that each residential lot created would have at least three trees and boulevard trees are proposed as well.
- There is potential for a trail network that would loop back but it would be on the Pier Mac property, not his land.

Staff:

- Clarified that the original Area Structure Plan did not indicate this area had to be developed for single family lots. It actually looked at several different kinds of housing. This applicant is proceeding with a fee simple subdivision. The PLR shows a single cul-de-sac in and an emergency access road out that heads down the slope. With this original approval, it was anticipated that some grading would occur on the west side of the knoll but predominantly the knoll would be retained in order to screen the houses from the landfill.
- The PLR letter indicated a Development Permit (DP) would be required for the complete site grading including what would be done with the knoll; however, a lapse in communication between City departments resulted in the Development Engineering section approving the grading for the utilities in advance of the DP.
- Both plans are technically sound ways of developing the property. The present proposal removes the entire knoll and the original preserves the western slope of the knoll.

Gary Yates, continued:

- His impression from meetings he has held with the residents of Quail Ridge is that they prefer single family development instead of clustered multi-family housing and they also prefer the road access from Capistrano instead of Country Club Drive. At no time in his meetings with the community was preserving the knoll an issue for them.

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Staff:

- Staff are not saying the developer has acted contrary to procedures, and staff recognize that internal procedures could have been done differently. However, staff do not agree with the proposed OCP amendment because the modified ridge as it now is still serves the original intent.
- The Development Permit requirement is to address hazardous conditions. DP waivers have been approved for the phases of subdivision further up Capistrano Drive. Is not aware of a DP waiver being approved for this subdivision.
- At this point, nothing has been done on site that cannot be rectified within the existing property boundaries.

4. TERMINATION:

The Hearing was declared terminated at 8:46 p.m.

Certified Correct:

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Mayor

BLH/am

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Deputy City Clerk