

Public HearingJune 13, 2006

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 13, 2006.

Council members in attendance: Mayor Sharon Shepherd, Councillors A.F. Blanleil, B.A. Clark, C.B. Day, B.D. Given*, C.M. Gran, R.D. Hobson, N.J. Letnick and M.J. Rule.

Staff members in attendance were: City Manager, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Current Planning Supervisor, S. Gambacort; Parks Manager, J. Creron*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 p.m.
2. Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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 May 26, 2006 and by being placed in the Kelowna Daily Courier issues of June 5 & 6, 2006 and in the Kelowna Capital News issue of June 4, 2006, and by sending out or otherwise delivering 2,714 letters to the owners and occupiers of surrounding properties between May 26 and June 1, 2006.

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 **1855 Watson Road**

- 3.1 Bylaw No. 9608 (Z05-0072) – George Boychuk (Jim Herman) – Watson Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 1, Block 3, Section 32, Township 26, ODYD, Plan 896 except Plans H8248 and KAP76225, located on Watson Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone.

Staff:

- Yates Road would be extended through with this project.
- The rezoning would allow for development of 47 units of stacked rowhousing, in nine 5-unit buildings and one 2-unit building.
- The existing home on the property, 'Prouse House', is not designated as a municipal heritage building but is on the heritage register. The house is at the end of Watson Road on a portion of the property that is not under development at this time but is part of this rezoning application. The applicant would retain the house until they decide to develop that portion of the property. If demolition or relocation of the building is contemplated at that time, the permit applications would first have to be reviewed by the Community Heritage Commission.

Public HearingJune 13, 2006

Councillor Given joined the meeting at 6:07 p.m.

Staff:

- The portion of the property not being rezoned is not developable and would be protected by no-disturb/no build covenant. The portion that could be developed would require a Development Permit.
- The applicant would be required to provide a trail connection to the land beyond with this application.
- The application is consistent with City Planning policies.
- The Advisory Planning Commission recommended support subject to the provision of a transportation and safety audit. City Transportation staff did not require a transportation safety audit as it has always been envisaged that Yates Road would be extended through the subject property.

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

- letter of opposition from Gayleen & Robert Smith, 452 Glen Pine Court
- letter of opposition from the Watson Road Parents Advisory Council
- letter of opposition from Jenean Pedde, 527 Yates Road.

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

Lynn Horack, representing the J. Herman Group:

- The lot is large and the proposal is for 17% building coverage.
- Phase 1 of development would be on the east side of the Yates Road extension; Phase 2 would be on west side of Yates. Anticipates that phase 2 would be before Council in the Fall.
- A path would be provided off Watson Road through the subject property to the park beyond.
- Displayed an artist's rendering of the proposed streetscape and described the 5-unit buildings.
- The developer would be prepared to donate the heritage house.

Jim Herman, applicant:

- Would probably donate the house to have it moved.

Lindsay Patterson, 452 Glen Pine Court:

- Concerned about the applicant's future plans for the northerly portion of the property that is intended for development in Phase 2.

Phil Winkle, 452 Glen Pine Court:

- Concerned about the lack of clarity on the details for the Phase 2 development, particularly with respect to the trail. By the time the details are known, it may be too late and the rezoning will be done.

Staff:

- Clarified that the undevelopable portion of the property will remain zoned A1 but with a trail through it to the lands beyond.
- The public will have an opportunity for input into the design of the Phase 2 development in writing at the Development Permit stage or verbally if a variance is required.

Ed Fenwick, part of the development team for this application:

- The steep slope that is over 30% has been surveyed off.
- The development team is still working on finding a design that would suit the property. Is willing to meet with the residents who have just spoken and show them what is being proposed with the design. The design will enhance the area. Phase 1 will be attractive, large homes that will look like one large home but be divided up into affordable units. People will feel like they are driving into a big mansion not just into an apartment.
- Any homes that get developed on the steep land that is under 30% slope would blend with the contour. Does not anticipate that there would be much alteration of the existing terrain. The intent is to utilize the humps and bumps that are there and have the homes blend in with them. The type of homes proposed for the bottom of the property would not suit the upper part of the property.
- It may be difficult to keep the heritage house; at this point does not think retaining the home can be worked into the development.

Staff:

- Clarified that the zoned land will encompass some steep slopes that will be used for density calculations but not necessarily for building.

There were no further comments.

3.2 180 & 200 Pearson Road

- 3.2 Bylaw No. 9611 (Z06-0020) – Steve Giesbrecht and James Peterson (Steve Giesbrecht) – Pearson Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Section 26, Township 26, ODYD Plan 19641 and Lot 3, Section 26, Township 26, ODYD Plan 19641, located on Pearson Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Staff:

- There is an existing single family dwelling on each of the two lots. The applicant is proposing to add a second single family dwelling on each lot. A minor lot line adjustment is required to accommodate driveway access to the new house on one of the lots.
- The application was supported by the Advisory Planning Commission.
- Staff would work with the applicant to address siting of the proposed new homes on the lots.

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

- letter of opposition from Jamie & Jason Verigin, 205 Eugene Road.

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

Steve Giesbrecht, applicant:

- The biggest problem we are experiencing is with the placement of the houses. The neighbours on both sides and behind would prefer the houses on the angle as proposed as it gives everyone the best privacy and is the best utilization of the subject property.
- Would be willing to give about 25 ft. between where the old school is and his property, on the front of the property, to the City for a small park/bench-sitting area.

There were no further comments.

3.3 Various Park Sites

3.3 Bylaw No. 9581 (Z05-0039) – City of Kelowna - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following properties from the current zoning to the P3 - Parks & Open Space zone:

Address	Legal Description	Park Name	Current Zoning
5210 Lark Street	Lot 166, Secs 23 & 24, Twp 28, SDYD, Plan 32591	Curlew Park	RR1
900 Bullock Road	Lot 1, DL 580A, SDYD, Plan 9269, Except Plan 1733	Mission Ridge Park	A1
3175 Watt Road	Lot 9, Blk 2, DL 14, ODYD, Plan 6500	Watt Road Park	RU1
333 Clifton Road	Lot 1, Sec 32, Twp 26, ODYD, Plan KAP70047	Blair Pond Park	A1
Lindsay (S of)	Lot Park, Plan 58501	Sonora Park	RU1
1634 Sonora Drive	Lot Park, Plan 37698	Sonora Park	RU1
1634 Sonora Drive	Lot Park, Plan 49263	Sonora Park	RU1
810 Valley Road	Lot 2, Sec 29, Twp 26, ODYD, Plan KAP60637	Golfview Park	RR1
810 Valley Road	Lot Park, Plan 60637	Golfview Park	RR1
1494 Bernard Road	Lot 32, DL 137 and of Section 20, Twp 26, ODYD, Plan 29749	Duggan Park	RU6
1999 Bowes Street	Lot Park, Plan 29691	Millbridge Park	RU6
2448 Fairhall Road	Lot 22, Sec 16, Twp 26, ODYD, Plan 27463	Fairhall Road Park	RR3
700 Moraine Court	Lot 4, Sec 22, Twp 26, ODYD, Plan 28134	Moraine Park	RU1
3858 Summerside Drive	Lot 36, Sec 2, Twp 26, ODYD, Plan 32380	Summerside Drive Park	RR3
955 Gerstmar Road	Lot B, Sec 22, Twp 26, ODYD, Plan 16702 except Plan 23179	Mission Creek Greenway	P4
250 Sumac Road W	Lot 12, Sec 35, Twp 26, ODYD, Plan 34873	Chichester Wetland	A1
1961 Pacific Court	Lot Park, Plan 28385	Pacific Court Park	RM5

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

Letters of Support:

- Nicholas Kayban, 1500 Elm Street (Duggan Park)
- Nancy Holmes, 1112 Hammer Court (Mission Ridge Park)
- Duncan Harte, 3165 Walnut Street (Watt Road Park)
- Daniel Richard, 3165 Walnut Street (Watt Road Park)
- Allan & Jeannine Craddock, 435 Quilchena Drive (Curlew Park)
- The Butterworth Family, 491 Curlew Drive (Curlew Park)
- Maria Dietelbach, 1120 Hammer Court (Mission Ridge Park)
- David & Barbara Kates, 440 Quilchena Drive (Curlew Park)
- Dan & Bonnie Sutherland, 493 Curlew Drive (Curlew Park)
- Roger Gale and Yuko Sugino, 294 Rialto Drive (Blair Pond Park)
- Anne-Marie Brun, 1956 Bowes Street (Millbridge Park)

Letters of Concern:

- Bernice Bradford, 675 Irma Road (Moraine Park)
- Jennifer Bancker, 695 Irma Road (Moraine Park)

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

Jim Kelly, 4623 Fredrick Road:

- Asked whether the metal gate that currently blocks motor vehicle access from Bullock Road to the park would be removed.

Staff:

- The gates would not be removed.

There were no further comments.

3.4 Miscellaneous City-Initiated Rezoning

- 3.4 Bylaw No. 9610 (Z06-0022) – City of Kelowna – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the following properties shown on Maps 1 to 11 as follows:

Map 1:

- i) Part of Lots 1-13, Section 6, Township 26, ODYD, Strata Plan KAS2882 located at 670 Lequime Road, Kelowna, B.C., from the P2 – Education and Minor Institutional zone to the RM3 – Low Density Multiple Housing zone;
- ii) Part of Lots 1-47, Section 6, Township 26, ODYD, Strata Plan KAS2684 located at 688 Lequime Road, Kelowna, B.C., from the RM3 – Low Density Multiple Housing zone to the RM5 – Medium Density Multiple Housing zone;

Map 2:

- i) Part of Lot A, Section 32, Township 29, ODYD, Plan KAP76254 located at 4324 Bedford Lane, Kelowna, B.C., from the RR1 – Rural Residential 1 zone to the A1 – Agriculture 1 zone;
- ii) Part of Lot 2, Section 32, Township 29, ODYD, Plan KAP76256 located at 4255 Bedford Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone;

Map 3:

- i) Part of Lot shown as “Park” on Plan 52450 located at 1856 Canyon Falls Court, Kelowna, B.C., from the P4 – Utilities zone to the P3 – Parks and Open Space zone;

Map 4:

- i) Part of Lot A, Section 31, Township 26, ODYD, Plan KAP80354 located at (W of) Knox Mountain Drive, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P3 - Parks and Open Space zone;

Map 5:

- i) Part of Lot A, District Lot 125, ODYD, Plan KAP79375 located at 1580 Highway 33 W, Kelowna, B.C., from the C4 – Urban Centre Commercial to the C9 – Tourist Commercial zone;

Map 6:

- i) Part of Lot A, Section 23, Township 26, ODYD, Plan KAP80688 located at 1276 Teasdale Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone;
- ii) Part of Parcel A (Plan B5620) of Lot 2, Sections 23 and 24, Township 26, ODYD, Plan 2329, Except Plans H13224 and KAP80688 located at 1255 Belgo Road, Kelowna, B.C., from the A1s – Agriculture 1 with Secondary Suite zone to the A1 – Agriculture 1 zone;

Map 7:

- i) Parts of Lots 13, 19, 20 and 36, Section 24, Township 28, SDYD, Plan KAP79047 located at 522 and 520 South Crest Drive and 513 and 515 Quartz Court, Kelowna, B.C., from the RU2 – Medium Lot Housing zone to the RU1 – Large Lot Housing zone;
- ii) Part of Lot 21, Section 24, Township 28, SDYD, Plan KAP79047 located at 517 Quartz Court, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone;

Map 8:

- i) Parts of the West ½ of Section 14, Township 23, ODYD, Except Plans H16596, KAP51877, KAP47192, KAP53641, KAP53790 and KAP57365, Except Plan KAP73608 located at 5520 Highway 97 N., Kelowna, B.C., from the I5 – Extraction zone to the CD15 – Airport Business Park and the P3 – Parks and Open Space zones;

Map 9:

- i) Part of Lot 1, District Lot 123, ODYD, Plan KAP51422 located at 2659 Norris Road, Kelowna, B.C., from the P4 – Utilities zone to the I2 – General Industrial zone;
- ii) Part of Lot 2, District Lot 123, ODYD, Plan KAP51422 located at 2611 Norris Road, Kelowna, B.C., from the I2 – General Industrial zone to the P4 – Utilities zone;

Map 10:

- i) Part of Lot A, Sections 14, 15, 22 and 23, Township 23, ODYD, Plan KAP56201, Except Plans KAP68068 and KAP80682 located at 3025 Quail Ridge Boulevard, Kelowna, B.C., from the CD6lp – Comprehensive Residential Golf Resort (Liquor Primary) zone to the CD6 – Comprehensive Residential Golf Resort zone;

Map 11:

- i) Parts of Lot B, Section 19, Township 27, ODYD, Plan KAP80286 located at South of Swainson Road, Kelowna, B.C., from the RU1h – Large Lot Housing (Hillside Area) zone to the RU1hs – Large Lot Housing (Hillside Area) with Secondary Suite zone.

Staff:

- There are 11 different maps included with the application. The amendments are presented as housekeeping amendments. Some are as a result of subdivisions occurring after the zoning was adopted; the amendments would make the zoning boundaries consistent with the lot lines of the subdivided properties.
- A letter has been received from the owners of the property at Highway 33/ Highway 97 regarding the amendment proposed in Map 5. They have lost quite a bit of land over the years through land dedications and would like to retain the C4

Public HearingJune 13, 2006

zoning. However, staff still recommend that the C4 portion of the property be rezoned C9 to be consistent with the balance of the property. In the same letter the writers note a mapping error in Map 6 and they are correct. The map should indicate the strip of property on the west side also being rezoned from A1s to A1 rather than A1 to A1s.

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

- letter of opposition from Al & Celina Manson, Okanagan Seasons Resort Ltd., Highway 33/Highway 97.

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

Celina Manson, Okanagan Seasons Resort:

- They have owned the property for the last 20 years. Negotiations with the Ministry of Transportation and the City of Kelowna for road widenings included land trades based on C4 zoning. The value of C4 property is different (higher) than the value of C9 property. Would prefer that any changes to the zoning of their property be in the future.

Staff:

- Explained that there is such a small portion of the C4 zoned area that it would not be able to stand alone as a C4 development and therefore felt C9 zoning should apply to the entire property. Staff would have no issue if Council wanted to remove the rezoning of this property (Map 5) from the bylaw.
- C4 zoning for this entire property would exacerbate traffic problems in the area.

Dan LaCasse:

- Map 5 is to rezone the C4 part of the property to C9. This is not fixing a mapping error. The map is correct. The proposed rezoning would be wrong and would result a loss and cause for compensation as requested by the owner.
- Map 6 is not changing an error on the map. The boundary between the two zones is correct.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

P544/06/06/13 THAT the portion of this Public Hearing dealing with Bylaw No. 9610 (Z06-0022 – City of Kelowna – Zoning Boundary Discrepancies) be held open for staff to correct the mapping error in Map 6 and delete Map 5 from the bylaw.

Carried

4. TERMINATION:

The Hearing was declared terminated at 7:17 p.m.

Certified Correct:

 Mayor

BLH/am

 Deputy City Clerk