

Public HearingApril 3, 2007

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 3, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Carol Gran.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Director of Planning & Development Services, Mary Pynenburg; Acting Manager of Development Services, Shelley Gambacort; Subdivision Approving Officer, Bob Shaughnessy*; Planner, Cory Gain*; Planner, Danielle Noble*; Planning and Development Officer, Paul McVey*; Parks & Landscape Planner, Terry Barton; Environment/Solid Waste Manager, Mark Watt*; Traffic & Transportation Engineer, Harry Thompson*; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 p.m.
2. Mayor Shepherd 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 March 16, 2007 and by being placed in the Kelowna Daily Courier issues of March 26, 2007 and March 27, 2007 and in the Kelowna Capital News issue of March 25, 2007 and by sending out or otherwise delivering 1332 letters to the owners and occupiers of surrounding properties between March 16, 2007 and March 20, 2007.

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 Bylaw No. 9752 (TA06-0005) – Tower Ranch Holding (Emil Anderson Construction Inc.) – Off Day Road – THAT Text Amendment Application No. TA06-0005, to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Planning and Development Services Department, dated February 19, 2007, be considered by Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.2 Bylaw No. 9758 (OCP07-0008) – Hilltop Sand and Gravel Company Ltd. (City of Kelowna) – South Ridge Drive – THAT OCP Bylaw Amendment No. OCP07-0008 to amend Map 19.1 of Kelowna 2020 – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation for a portion of Lot A District Lot 357 Similkameen Division Yale District Plan KAP77848 Except Plans KAP78751, KAP80522, KAP81111 and KAP81112 located at 4485 South Ridge Drive, Kelowna,

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BC to those shown on Map 'A' attached to the report of the Planning and Development Services Department dated February 22, 2007 be considered by Council.

Staff:

- Advised that Items 3.2 & 3.3 will be dealt with at the same time.

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

- Letters of Opposition:
 - o Darrell & Daneila Hamm, 4928 Windsong Crescent
 - o Stirling & Cheryl Fraser, 746 Marin Crescent
 - o Graham & Lally Stonebridge, 742 Marin Court

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

Applicant, Lloyd Nessman:

- Confirmed that the zoning is consistent with the zoning that was in existence.
- Advised that he has letters of support.

There were no further comments.

- 3.3 Bylaw No. 9759 (Z06-0047) – Hilltop Sand and Gravel Company Ltd. (Protech Consultants Ltd.) – South Ridge Drive – THAT Rezoning Application No. Z06-0047 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot A District Lot 357 Similkameen Division Yale District Plan KAP77848 Except Plans KAP78751, KAP80522, KAP81111 and KAP81112 located at 4485 South Ridge Drive, Kelowna, BC to those shown on Map 'B' attached to the report of the Planning and Development Services Department dated February 22, 2007 be considered by Council.

See Item 3.2 above.

- 3.4 Bylaw No. 9708 (OCP06-0024) – R354 Enterprise Ltd./(Aberdeen Hall Preparatory School) – Acland Road – THAT Bylaw No.9708 be further amended at first reading by extending the effective date of the temporary use area to June 30, 2008;

THAT Chapter 19 – Temporary Commercial and Industrial Use Permits, of the City of Kelowna Official Community Plan be amended, to extend the effective dates of the temporary use area to June 30, 2008 in relation to part of 2455 Acland Road, identified as Lot C, Sec. 2, Twp. 23, ODYD, Plan KAP80969 as identified on Map "A" attached to the report dated February 20, 2007;

The Deputy City Clerk advised that no correspondence and/or petitions had been received:

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.5 Bylaw No. 9748 (Z06-0068) – Diane Drummond – Jaud Road – THAT Rezoning Application No. Z06-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 34, Township 29, O.D.Y.D. Plan 13328, on Jaud Road, Kelowna, B.C. from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite be considered by Council.

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

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- Letters of Opposition:
 - o John, Katie & Gillian Friesen, 4380 Jaud Road
- Letters of Concern:
 - o Agricultural Land Commission, 113-4940 Canada Way
 - o Moshe, Anna & Avital Yarosky, 4385 Jaud Road

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

Applicants, Diane Drummond & Alex Blanchard

- Addressed the concerns of the Agricultural Land Commission and are currently working with staff to have a Restrictive Covenant registered against the property.
- Confirmed that the Agricultural Land Commission has already given approval to this application subject to the registration of the Restrictive Covenant.

Staff:

- Confirmed that all outstanding issues will have to be resolved prior to the zoning being adopted.

There were no further comments.

- 3.6 Bylaw No. 9749 (Z07-0007) – John McDonald and Jane Muskens (Peter J. Chataway) – Clifton Road – THAT Rezoning Application No. Z07-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 32, Township 26, ODYD Plan 20929, located on Clifton Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone be considered by Council.

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

- Letters of Opposition:
 - o Lois Smith, 631 Clifton Road

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

Applicant's Agent, Peter J. Chataway:

- Advised that the applicant has received two (2) letters in support.

There were no further comments.

- 3.7(a) Bylaw No. 9750 (OCP06-0023) – Church of God (Harvey Benson) – Gerstmar Road – THAT OCP Bylaw Amendment No. OCP06-0023 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 6, Section 22, Township 26, ODYD, Plan 3576 located on Gerstmar Road, Kelowna, B.C., from the Education/Minor Institutional designation to the Low Density Multiple Unit Residential designation be considered by Council.

Staff:

- Confirmed that the RU6 zone would only permit two (2) units on the site.

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

- Letters of Opposition:
 - o David & Sandra Porteous, 1090 Theodora Road
 - o Hilo Blanco (Iglesia de Dios), 515 Gertsmar Road

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

Applicant, Harvey Benson:

- Has made an offer to purchase the property which is subject to the OCP Amendment and Zoning applications being adopted.
- Unaware of the complaint by the neighbour, but is willing to address any concerns.
- Explained that there is an ongoing dispute among the factions of the Church of God.
- Confirmed that the Church is currently empty.

Staff:

- Confirmed that staff have checked into the ownership of the property and are satisfied that the proper owner has given their consent.

There were no further comments.

- 3.7(b) Bylaw No. 9751 (Z06-0066) - Church of God (Harvey Benson) – Gerstmar Road – THAT Rezoning Application No. Z06-0066 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 22, Township 26, ODYD, Plan 3576 located on Gerstmar Road, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to the RM3- Low Density Housing zone be considered by Council.

See Item 3.7(a) above.

- 3.8 Bylaw No. 9753 (Z06-0048) – MKS Resources Inc. – Martin Road and Truswell Road – THAT Rezoning Application No. Z06-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of: Strata Lots 1&2, Sec. 1, Twp. 25, O.D.Y.D., Plan K58, Lot 2, Sec. 1, Twp. 25, O.D.Y.D., Plan 15587, Lot 1, Sec. 1, Twp. 256, O.D.Y.D., Plan 12199, & Lot 1, Sec. 1, Twp. 25, O.D.Y.D., Plan 13261, located on Truswell Road and Martin Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C9 – Tourist Commercial zone be considered by Council.

Staff:

- The applicant has addressed the issues raised by Council at initial consideration with respect to the property owners that live across the creek.
- There may be an opportunity in the future for a land assembly which could end up closing a portion of Martin Road.

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

- Letters of Opposition:
 - o Jim & Theresa Vogan, 635 Pimlico Road
 - o Robert & Lois Edwards and Gertrude DeGroot, 3933 Bluebird Road
 - o Rae & Gail Meier, 557 Radant Road

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

Applicant, Steve Shoranick:

- Have met all of the Advisory Planning Commission's requirements and have had several meetings with City staff in order to meet all zoning and building requirements.
- Confirmed that a Landscape Plan is in place for the site.
- Met with the Director of Planning & Development Services with respect to the architecture of the building.
- Worked with the Parks Division to ensure that all natural green space is enhanced and that no trees were removed that were not approved by the Parks Division.

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- Confirmed that the dock on the property is existing and the developer does not intend to redevelop or rebuild the dock.
- Advised that there has been a lot of discussion with the property owners and the City concerning the future plans for Martin Road.
- Advised that the applicant has been working with the City's Parks Division to address any concerns regarding Mission Creek.

Staff:

- Confirmed that there is a 15m setback for Mission Creek regarding pathways as per the Official Community Plan.

Rae Meier, 557 Radant Road:

- Could be supportive of the zoning; not supportive of the development.
- Not opposed to development, just asking for a buffer zone to their property and a transition area to the creek.
- Concerned about the effect on Mission Creek.
- Confirmed that he has lived in the area for 33 years and was involved in the public consultation process when the Area Sector Plan was being proposed.

Larry Cooper, 3927 Bluebird Road:

- Owned the property since 1979; Built his home in 1983 to take maximum advantage of the view of Mission Creek.
- Concerned about the type of development that is being proposed.
- Would like to see a Restrictive Covenant placed on the property that restricts building height and tree removal.
- Would like to the development pushed back at least 25m from the creek.

Gertrude DeGroot, 3933 Bluebird Road:

- Opposed to the height of the development.

Robert Edwards, 3933 Bluebird Road:

- Showed some pictures of what the area looks like today from his property as he is concerned about the development blocking the view.

Lois Edwards, 3933 Bluebird Road:

- Concerned about the height of the development and the C9 zoning.
- The development will take away any privacy she currently has in her back yard.

Don Knox, 3988 Bluebird Road:

- The creek is the dividing line between 2 sector plans with competing interests.
- Participated in the Sector Plan consultation and the Shore Zone Plan consultation.
- Feels that the project, as it stands, it out of character for the area.

Irene Gasser, 3880 Truswell Road:

- Concerned about the height of the development and the increased traffic that it will cause.

Barry McDonald, 593 Bredin Road:

- Purchased his property in 2004.
- Feels that Mission Creek is at risk due to the growth of development around the creek.
- Not in favour of anything adjacent to the creek that is 6 storeys high.
- Concerned about the natural wildlife in the area not being able to feed from the creek.

Gary Sampson, 587 Radant Road:

- Concerned about the height of the development

Jackie Kelly (Previous Owner of one of the Subject Properties):

- Sold her property to MKS Resources and is in favour of the proposed development.

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- The entrance of the development will be at the corner of Martin and Truswell, so there should not be any concern about traffic in the area of the Mission Shores development.
- Addressed several issues raised by previous speakers.

Curt Pomerleau, 563 Braeden Road:

- Concerned about the height of the development
- Concerned about the increase in the number of people using the creek during the summer months

Applicant, Steve Shoranick:

- Advised that some of the properties along the creek already have existing patios that have no setback from the creek.

Staff:

- Confirmed that there will be some variances required, however they do not vary the height of the development.
- The setback variances only deal with the entrance to the development.
- Provided information regarding the creek setback areas.
- The Development Permit process will address most (if not all) of the landscape issues.

There were no further comments.

- 3.9 Bylaw No. 9756 (Z06-0061)- Anton and Maria Wolf/(Sunstar Ventures Ltd.) – McCurdy Road – THAT Rezoning Application No. Z06-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DL 143, O.D.Y.D., Plan KAP65168, located on McCurdy Road, Kelowna, B.C. from the existing C9 – Tourist Commercial zone to the proposed I2 – General Industrial zone be considered by Council.

The Deputy City Clerk advised that no correspondence and/or petitions had been received:

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

Applicant's Agent, Thomas Gaffney:

- The project includes 2 industrial buildings that will have a commercial component to them.

There were no further comments.

The meeting took a brief recess at 8:29 p.m. and reconvened at 8:38 p.m.

- 3.10 Bylaw No. 9760 (OCP07-0003) – No. 21 Great Projects, Vincent and Pamela Blaskovich, Interval Investment Inc., 392187 BC Ltd., Oracle Investments Inc., City of Kelowna (Stantec Consulting Ltd.) – Ivens and Paret Road, South of Gordon Drive Extension – THAT OCP Bylaw Text Amendment No. OCP07-0003 to amend *Kelowna 2020* Official Community Plan Bylaw No. 7600 by deleting reference to a pending SW Mission Area Structure Plan, and adding a definition of Cluster Housing, and adding references to Cluster Housing as outlined in the report of the Planning & Development Services Department dated March 2, 2007 be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 6.2 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by adding the Village Centre Development Permit Area Designation to Part of the North ½ of DL 579, SDYD except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; and Part of the South ½ of DL 579, SDYD except Plan KAP77336 located on Ivens Road, Kelowna, BC, as shown on Map "A" attached to the report of Planning & Development Services Department, dated March 2, 2007, and revise the legend of

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Map 6.2 Village Centre Development Permit Areas to include "8 South Gordon" be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 12.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by adding the 2 Lane Major Collector Roads and 2 Lane Minor Collector Roads to the North ½ of DL 579, SDYD except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; Lot 3, DL 579, SDYD, Plan KAP66779; Lot A, Secs. 20 & 29, Twp. 29, SDYD, Plan KAP44335; Part 8.1 acres more or less of the SW ¼ Sec. 29 shown outlined green on Plan B4787, Twp. 29, SDYD; the South ½ DL 579, SDYD, except Plan KAP77336; and Lot B, Sec. 20, Twp. 29, SDYD, Plan KAP44335; off of Ivens Road, Kelowna, BC, as shown on Map "B", attached to the report of Planning & Development Services Department, dated March 2, 2007 be considered by Council;

THAT OCP Bylaw Amendment No. OCP07-0003 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of North ½ of DL 579, SDYD except Plans 5648, 9458, 9459, KAP74689, KAP75766 and KAP77604; Lot 3, DL 579, SDYD, Plan KAP66779; Lot B, DL 579, SDYD, Plan KAP67461; Lot A, Secs. 20 & 29, Twp. 29, SDYD, Plan KAP44335; Part 8.1 acres more or less of the SW ¼ Sec. 29 shown outlined green on Plan B4787, Twp. 29, SDYD; the South ½ DL 579, SDYD, except Plan KAP77336; Lot B, Sec. 20, Twp. 29, SDYD, Plan KAP44335; and the NE ¼ of Sec. 20, Twp. 29, SDYD, located off of Ivens and Paret Roads, Kelowna, BC, from the Single/Two Unit Residential designation to the Single/Two Unit Residential, Multiple Unit Residential – Cluster Housing, Multiple Unit Residential (Low Density), Multiple Residential (Medium Density), Commercial, Major Park/Open Space, and Educational/Major Institutional designations, and to revise the legend of Map 19.1 to include the Multiple Unit Residential (Cluster Housing) designation, as shown on Map "C" attached to the report of Planning & Development Services Department, dated March 2, 2007, be considered by Council.

Staff:

- Advised Council regarding traffic flow issues.

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

- Letters of Concern:
 - o Josanne Crayke, 969 Raymer Road
 - o David & Leilani Ward, 965 Raymer Road
 - o Kyoung-Ju Han (Jessica), 929 Raymer Road
- Letters of Opposition:
 - o Tami & Michael Fraser, 4872 Westridge Drive
 - o Jeff & Andrea Krause, 4866 Westridge Drive
 - o Dr. Terry Bainbridge, 4888 Parkridge Place
 - o Carol Dergousoff, 4860 Westridge Drive

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

Applicants, Marnie Skobalski and Lloyd Nessman:

- Advised that the Parks Division recommended where the actual park land should be situated.
- Have entered into a tentative agreement with the City for the acquisition of the park land.
- Have tried to contact BC Transit regarding any transit issues in the area; however BC Transit has not responded requests for a discussion.

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Council:

- Concerned about the designation of the Southeast Corner of the plan area (lower bench area along Bellevue Creek) and whether information and questions could be dealt with after the Public Hearing has closed.
- Would like to have that area considered for green open space during the Official Community Plan review.
- Concerned about the potential for flooding in the area.

Sue Litchfield, 770 South Crest Drive:

- When she purchased her property, she were told that Frost Road would never be developed.
- Concerned about her property being sandwiched between two (2) busy roads.

Jason Schleppey, 4824 Parkridge Drive:

- Concerned about the pond and creek areas on the site.

Terry Bainbridge, 4888 Parkridge Place:

- Concerned about lighting and noise from the proposed development; would like to see a buffer between his property and the proposed development

Josanne Crayke, 969 Raymer Road:

- Concerned about the noise that will be created by the proposed development and the increased traffic along Gordon Drive

Applicants, Marnie Skobalski and Lloyd Nessman:

- South Crest was always shown as an extended road as per Neighbourhood #2.
- Commissioned 6 environmental studies.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 10:30 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SLH/am