

Public HearingJune 26, 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, June 26, 2007, 2007.

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

Council members absent: Councillor Andre Blanleil

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Acting Director of Planning & Development Services, David Shipclark; Current Planning Supervisor, Shelley Gambacort; Planner, Danielle Noble, and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on Friday, June 8<sup>th</sup>, 2007, and by being placed in the Kelowna Daily Courier issues of Monday, June 18<sup>th</sup>, 2007 and Tuesday, June 19<sup>th</sup>, 2007, and in the Kelowna Capital News issue of Sunday, June 17, 2007, and by sending out or otherwise delivering 303 letters to the owners and occupiers of surrounding properties between June 8<sup>th</sup>, 2007 and June 13<sup>th</sup>, 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. 9801 (Z07-0025) – 110-150 Highway 33 West - 622632 BC Ltd./ (Matrix Architecture and Planning Inc.) - THAT Rezoning Application No. Z07-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of 110-150 Highway 33 West, Kelowna, B.C. from the C4 – Urban Centre Commercial zone and C4LP – Urban Centre Commercial Liquor Primary Zone to the C7LP – Central Business Commercial Liquor Primary zone be considered by Council.

Staff:

- Planning have no significant concerns with rezoning. Supportive of this application.

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

**NIL**

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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: Paul Lebofsky: Matrix Architecture and Planning Inc.

- This development does fall within the OCP's intention. It is a 14 storey building. Four floors of commercial, 54 residential with primarily 2 bedroom units, midsize. Deals primarily with the southern portion of the site and not the pan handle that consists of the cabaret. Implementation of a number of crime prevention designs which should improve the environment – give the nightclub area better lighting. Landscaped plan submitted – adding screening along Highway 33 and allowed for the future implementation of a new right hand turn lane from Rutland Road to Highway 33. Not enough length on their site to allow for this. Green initiatives implemented with geothermally energized building; heating and cooling. No corrosion from pipes in ground as they are made of plastic. There is no toxic anit freeze but food based alcohol in these pipes. This building to be a LED building. Tower set back from the street and that is a requirement. Roof top patio has a hot tub and green area. A bank is planned to be one commercial site.

Council:

- We are assuming due diligence is taking place with geothermal since there is no legislation making it mandatory.

Craig Harrison: Owner of project 622632 BC Ltd.

- Cabaret will be a stand alone strata.
- Confirms he has had discussions with owner of the cabaret in regards to loud music and they are very supportive of this project and want to remain good neighbours.
- Owner putting historical pictures in the foyer of their building to commemorate the history of the area.

Todd Sanderson: – President of Uptown Residents Association

- Fully supports this rezoning.
- The Rutland Town Task Force Committee in supportive of this project as well.
- This project has a high level of quality and hopefully it is supported.

There were no further comments.

3.2(a) Bylaw No. 9805 (OCP07-0007) – 630 Cadder Avenue – Okanagan Families Society - THAT OCP Bylaw Amendment No. OCP07-0007 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 4, District Lot 14, ODYD Plan 635, located on 630 Cadder Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Educational/Major Institutional designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated May 15, 2007, be considered by Council.

3.2(b) Bylaw No. 9806 (Z07-0019) – 630 Cadder Avenue – Okanagan Families Society - THAT Rezoning Application No. Z07-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, District Lot 14, ODYD Plan 635, located on 630 Cadder Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone be considered by Council.

Staff:

- The Advisory Planning Committee Meeting of March 27<sup>th</sup> did not recommend support for either application. APC felt this is the wrong use of land in this location and concern over parking. Thinks it's too intensified for adult and child programs. There are no significant concerns from the Planning Department. Received a letter from the Family Society to justify there reasons for what they are doing. This application never went back to APC from their negative recommendations.

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Council:

- Why not restrict access from the lane right from the start. Confirmed that traffic off of Cadder on to property cannot turn around. Confirmed maximum 20 children on site and there will be a play area provided.

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

**Letters of Opposition**

Peter Chataway, 368 Cadder Avenue

**Letters in Favour**

Dennis Dandeneau, Okanagan Families Society (applicant), 1829 Chandler Street

Caroline Noga, The Clubhouse Child Care Center, 839 Sutherland Avenue

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

Applicant: Dennis Dandeneau - Okanagan Families Society

- We are a non profit society operating since 1969. We are accredited by the International. Independent program for youth and foster care. There were two community needs assessments done and found that the first need was increased child care spaces, and the second need was parent education and support programs. There is a need to access more as well as affordable child care. We are looking at how we can best serve the community and this is very much an appropriate way to do that. New zoning would provide us child care on site, lower floor of building, duplex converted into single dwelling. There is a kitchen on upper and lower floors. At the back of the building is a large play area. Community care licensing assured us the premises would qualify for licensing. The premises are almost 4000 sq. ft. Anticipate that children will be dropped off between 7:00 a.m. and 7:30 a.m. in the morning and picked up between 5:00 p.m. or 5:30 p.m. Vehicles will go west and there will be no traffic from the east. Not a lot of come and go except for morning drop off and evening pick up. Evening courses provided for young parent programs and these people generally do not have their own vehicles and rely on public transit or pick up service provided by our organization. Not modifying the property in any way and only complying with requirements laid out by the Planning Department. No change to character of home, only parking at the rear. Willing to enter into any restrictive covenants if required.

Caroline Noga - The Clubhouse Care Centre

- More realistic that pick up times would be between 4:00 p.m. and 5:30 p.m. Pick up and drop off quite quick. We would expect parents to use parking lot as well as parking on the street. There is no turn around.

Anima Anand - Program Co-coordinator

- When Cameron Park Daycare burned down as an emergency we offered our ground floor for their daycare services. Parents parked on the street to pick up children. Anticipate 3 to 6 staff working during the whole week, parent groups upstairs, 2 staff persons who work different shifts. Both groups, on-site 3 to 4 vehicles, 2 in driveway, 4 in back, maximum 6 vehicles if there was a need by moving the fence at the back. There would still be enough play area.

Council:

- Confirms that these 20 spaces for childcare are new spaces and will have a separate licence. Would there be a risk for the children with the adult clientele upstairs.

Applicant: Dennis Dandeneau:

- We will be lucky to get 20 spaces, perhaps a little less. There would be no risk to the children with the adult groups upstairs. These are support groups for young parents/people. This is like a support group for the young that are really looking for a space that is a community space for themselves. The group is provided educational activities, a healthy meal, as well we provide them free transportation. We help connect them to community resources. Our plan is for a family place. A neighbourhood hub for the parents to come to learn and get some support. Parenting groups very effective and not institutional.

Marguerite Berry - KSAN Residential Association - 806 Bernard Avenue

- Concern of getting children in and out of facility safely with multi dwellings surrounding. Concerned about laneway access. Concerned with crime in the neighbourhood. Business properties close at 6:00 pm at night and the owners are gone. Cadder Avenue will be much busier.

Applicant: Dennis Dandeneau

- We are only asking for 2 additional parking stalls. In regards to after hours, the properties are alarmed and we have security that would be there. We took over the property in 2001 and it was in great need of repair. We have ensured that property has been brought up to community norm and has been well maintained. We also have a very good relationship with the neighbours there. In regards to pick up and drop off of children, we'll be lucky if we'll have 20 spaces in that area and not a lot of significant issues should arise.

There were no further comments.

3.3(a) Bylaw No. 9807 (OCP07-0011) – 1633 Loseth Road & 1661 Hwy 33 East – Lucille & Eugene Franke and Troika Developments Inc./(Troika Developments Inc.) - THAT OCP Bylaw Amendment No. OCP07-0011 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation be considered by Council.

3.3(b) Bylaw No. 9808 (Z07-0024) – 1633 Loseth Road & 1661 Hwy 33 East – Lucille & Eugene Franke and Troika Developments Inc./(Troika Developments Inc.) - THAT Rezoning Application No. Z07-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 and RU1 – Large Lot Housing zones to the RM3- Low Density Housing zone be considered by Council.

Staff:

- Planning worked extensively with applicant.
- Confirmed that Advisory Planning Committee supported the rezoning but did not support the Development Permit. Massing and density could not be supported. Supportive of land use but no housing agreement sought thru this rezoning.

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- Sustainable and attractive development. Village atmosphere
- Numerous outdoor activities near by and accessible to young families. Walking access to school.
- Bus stop directly in front of this project. Walking friendly atmosphere.
- Additional bike storage in every unit.
- 90 trees planted on site. 39% percent of site to be green space.

## Council:

- Questioned affordability to young families.

## Applicant:

- Notes that there will be road improvements. A bus stop will be put in front of project, sidewalk improvements. Would like to leave as many mature trees there as possible. Not a lot of plans for landscaping except for fencing which will be placed on the inside of the project.

## Staff:

- Confirmed that applicant filled out the City's new sustainability checklist.

Dustin Sergeant – 2202 Verde Vista Road

- Appreciates and supports this project.

Kevin Armashaw – 1660 Lynrick Road

- Concerned with the current standing off Lynrick Road and access into their development. Vehicles speed a lot in this are. The street is narrow and Lynrick Road needs to be addressed.

## Staff:

- Will ask for a report from the Transportation Division regarding safety issues on that road.

Jacob Mieras - 1702 Lynrick Road

- Supports this project.

Robin Wellman – 1667 Sunrise Road

- Supports this application.

Nick Bartlett – 1707 Lynrick Road

- Offers full support as a community conscience company.
- Has concern regarding traffic safety. Vehicles treat Lynrick Road like a race track. Suggest putting speed bumps there to slow traffic down.
- Back of development natural gradient down to the park, 4 lots – onto bird sanctuary there's a lot of water run off in heavy rains. Has an environmental study been done? What's being considered for drainage?

## Applicant:

- Terms of traffic coming down Lynrick Road, our project won't increase traffic going up Lynrick Road. Would be involved to try and create a safe traffic environment.
- Storm water has been looked at by Engineers. Full storm water facilities in place, no run off that is greater than pre-development flows. Will return it to its natural state.

## Staff:

- Traffic concerns will be explored at Development Permit stage.

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

**Letters of Opposition**

Grace Shannon, 1678 Lynrick Road submitted a package that includes:

- letter from Dirk Welch, 1679 Lynrick Road
- newspaper article
- labelled map of the subject property and surrounding area

**Letters in Favour**

Robin Wellman, 1667 Sunrise Road  
Denise Sergeant, 2202 Verde Vista Road  
Nathan Sawatsky, 16-333 Whitman Road  
Phil Floro, 1683 Sunrise Road  
Heidi Kirschner, 2053 Garner Road

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 stepped forward.

4. **TERMINATION:**

The Hearing was declared terminated at 7:54 p.m.

Certified Correct:

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Mayor

ACM/dld

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Deputy City Clerk