

Public HearingAugust 7, 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, August 7<sup>th</sup>, 2007.

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

Council members absent: Councillor Clark

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Current Planning Supervisor, Shelley Gambacort\*; Planner, Danielle Noble\*, Development Engineering Manager, Steve Muenz\*, and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:00 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 July 6<sup>th</sup>, 2007, and by being placed in the Kelowna Daily Courier issues of July 16<sup>th</sup>, 2007 and July 17<sup>th</sup>, 2007, and in the Kelowna Capital News issue of July 15<sup>th</sup>, 2007, and by sending out or otherwise delivering 630 letters to the owners and occupiers of surrounding properties between July 6<sup>th</sup>, 2007 and July 12<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. 9753 (Z06-0048/Z07-0051) – MKS Resources Inc. – 529 & 537 Martin Road and 3869, 3879, 3889-3899 Truswell Road

Staff:

- Increases size of development due to addition of another lot and portion of closed road. Reconfigured the building somewhat, to deal with concerns raised previously. Further away from Mission Creek.

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

**BYLAW NO. 9753 (Z06-0048/Z07-0051)**

**529 & 537 Martin Road & 3869, 3879, 3889-3899 Truswell Road**

MKS Resources Inc.

**Letters of Concern**

Donald & Maureen Anderson, 3880 Truswell Road  
Katherine Camarta, Unit 222 - 3880 Truswell Road

**Letters of Support**

Steve Shoranick, MKS Resources Inc. (Applicant)

Public HearingAugust 7, 2007

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

- Project in the works for 2 ½ years. Re-designed 4 or 5 times to date and trying to address concerns of neighbours and Council. Able to re-design the building since acquiring the extra portion of land.
- Concerns were: don't want a wall type of building as seen from the outside. Only 4 units now close to the creek. Tried to minimize the roof of the building.
- Last 2 units from the south side to the building itself is 185 feet and now it is 300 feet away from people living on the south side so we are not looking down on the properties. Existing trees are higher than the building so no way from the east wing will anyone be able to look down on the neighbours. Existing vegetation is helpful to maintain privacy for home owners.
- Hopefully we have addressed the concerns of the neighbours and Council.

Lois Edwards, 3933 Bluebird Road

- Wondered why this application didn't go before APC first?
- How many meters from setback.
- Further up creek – development housing is 45 meters and why it not be a consistent setback to allow for parks.

## Staff:

- Up to the Director of Planning whether it goes forward to APC in this case. They had previously approved C9 zoning, and APC only advise council
- Upstream of Lakeshore/Gordon there is greater setback but downstream OCP requirements thru environmental requirements are not as great.

## Applicant::

- The area along Mission Creek will be landscaped at the applicant's cost. Will be the responsibility of the strata owners to upkeep. There will be a gate and it will be closed at the time that all other parks close.
- There isn't a house closer than 185 feet.
- Setback from the creek is 22.5 meters to the parkade and further to the building itself.
- We have to meet the Ministry flood plain. We are familiar with the water elevation. Whatever deemed necessary we are flexible, 200 flood plain (parkade) only low by 1 foot in certain areas. Intention is not to get anything into the water. Applicant will be 3 meters above flood level.

There were no further comments.

- 3.2 Bylaw No. 9828 (Z05-0033) – Watermark Developments Ltd./ (John Hertay) – 285 Arab Road and 2960 Appaloosa Road - THAT Rezoning Application No. Z05-0033 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a part of the North ½ of the South East ¼ of Section 3, Twp 23, ODYD, located off Arab Rd., and a part of Lot 5, Plan 18861, Section 3, Twp 23, ODYD, located off Appaloosa Rd., Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU2s – Medium Lot Housing (with Secondary Suite) zone, the P3 – Parks and Open Space zone, and the P4 – Utilities zone, as shown on Map 'A' attached to the report of Planning and Development Services Department, dated June 25, 2007, be considered by Council.

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

Public HearingAugust 7, 2007

- **3.2 BYLAW NO. 9828 (Z05-0033)**  
**285 Arab Road and 2960 Appaloosa Road**  
 Watermark Developments Ltd. (John Hertay)

**Letter of Concern**

Walter &amp; Connie Hopp, 3156 Appaloosa Road

**Letters of Opposition**

Susan Hayes, 185 Arab Road

Greg Kornell, 3109 Appaloosa Road

Mary Schlichting, 210 Arab Road

Ruth Dodds, 2930 Sexsmith Road

Jacob and Elsa Peters &amp; James and Martha Harder 3066 &amp; 3096 Appaloosa Road

Patricia McCarthy, 166-2550 Hollywood Road North

Donald &amp; Barbara Pettey, 3128 Appaloosa Road

**Letter of Support**

Melanie Berg, 169-2550 Hollywood Road North

**Applicant (John Hertay) – Power Point Presentation - Re: Sol Terra Ranch**

- College demanded there was an urban village in the proximity.
- Central OK Bypass had a major impact on the village and location moved next to UBCO now.
- Construct a temporary road connected to a collector Road from south end to north end of property. Connector Road will connect to Hollywood Road.
- There have been challenges in the design and layout of this project.

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

**Ken Bach, 3020 Appaloosa Road**

- Concerns raised over flooding. We've had three floods since February. Would like to see larger catch basin in the P4 location to help address flooding.
- Don't mind the berm fence.
- Does appreciate that we are still allowed to ride our horses in the area. The linear park will allow us to keep riding.
- Concern raised over the amount of traffic. Traffic is currently going up Appaloosa Road and suggested erecting local traffic only signs and perhaps speed limits designated.

**Walter Hopp, 3156 Appaloosa Road Lot 12**

- Concern raised over flooding due to being the lowest lot which receives most of the water. Berms are falling away and there are weeds 6 feet high. There has been no packing whatsoever. They need to shape the berm to the north.

**Mary Schlichting, 210 Arab Road**

- Lives on the corner of Arab and Appaloosa.
- Concerns raised regarding parking. Is there off street parking?
- Inquired as to how many trees per lot there will be.

**Brian Barker, 265 Arab Road**

- Concern raised regarding more traffic in the area. Thinks the road cannot support this development.
- Concern over noise, they are loading equipment at 5:00 a.m. in the morning.

Public HearingAugust 7, 2007Pam Price, 2909 Appaloosa Road

- Concerned that Arab Road is the only access to that whole development.

## Council:

- Concern raised over drainage.
- Inquired whether there has been provision of park space and is it land City is buying thru DCC? Is there a neighbourhood park?
- Central OK Bypass will go in the vicinity of your units and the residents will have to live with the noise. Are you planning on informing a purchaser they will live next to a bypass?
- Concern raised regarding Fill.

## Staff:

- Already flagged environmental sensitive parts of property and will be no disturb.
- Parks reviewed this application. Nothing else has been asked for by Parks Department.
- Emergency access is also required. Regarding drainage concerns, the developer is required to have on site drainage. His design has a retention pond where park will be and there will be a dry area as well and he may be required to put in another retention pond.

## Applicant:

- The project is following the Sector Plan, as well there are other examples through out the City. We are working with the gas line, the connector road and the Central OK Bypass.
- Fence between Ranch and subdivision separating the lots at the south residential acreages.
- We will inform new owners and put on title of the future bypass.
- Will level off the gas line all the way to UBCO so it will be good for walking and biking.
- Will be placing a good sized park with playground equipment and will communicate with Parks Department regarding landscaping and creating path ways.
- Arab Road's off-site development is to upgrade to urban standards and will be upgrading substantially. New curbs and gutters and 4 inches of pavement.
- Traffic on Appaloosa concern – College Heights are using Appaloosa and with the future OK Bypass, there is little we can do about it.
- Regarding drainage concerns, we have Professional Engineers and they are scrutinized. We will have storm drainage on site, will take into consideration of cuts and fills. We are trusting that the Engineers know what they are doing.
- College Heights bareland strata are suppose to take care of weeds, we have no control over that strata, and should take up with strata council at college heights.
- Parking will be on their lots not on the street.
- Cannot specify number of trees for each lot at this time but there will be more trees than there are now.
- Developer has a written legal agreement with College Heights to be allowed access to the road at bottom right hand corner.

There were no further comments.

- 3.3 Bylaw No. 9831 (Z07-0008) – 0758587 B.C. Ltd./(S2 Architecture) – 290 & 300 Asher Road and 315 McIntosh Road - THAT Rezoning Application No. Z07-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 19, 20 and 21 Section 26 Township 26 Osoyoos Division Yale District Plan 9924, located on Asher and McIntosh Roads, Kelowna BC from RU6 - Two Dwelling Housing Zone to RM5 – Medium Density Multiple Housing Zone be considered by Council.

Public Hearing

August 7, 2007

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

- **BYLAW NO. 9831 (Z07-0008)**  
**290 & 300 Asher Road and 315 McIntosh Road**  
0758587 BC Ltd. (S2 Architecture)

**NIL**

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

Applicant Dave Simons - Powerpoint Presentation Re: The Ash Development

Council:

- Inquired whether there was an affordable units provided and if there were any environmental components.

Applicant:

- The units are strata titled. We did have the conversation with the Planning Department but the project wasn't economically feasible with the affordable units. More to the entry level price range
- There will be recycling bins. We are working with a landscape architect for storm water and drought resistant landscaping but not for geothermal or solar components.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:51 p.m.

Certified Correct:

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Mayor

City Clerk

ACM/dld