

Public HearingFebruary 5, 2008

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, February 5th, 2008.

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

Council members absent: Councillors Barrie Clark and Brian Given

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

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:03 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 January 18th, 2008, and by being placed in the Kelowna Daily Courier issues of January 28th, 2008 and January 29th, 2008, and in the Kelowna Capital News issue of January 27th, 2008, and by sending out or otherwise delivering 288 letters to the owners and occupiers of surrounding properties between January 18th, 2008 and January 23rd, 2008.

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. 9916 (Z07-0092) – Gloria Yamniuk – 1297 Findlay Road - THAT Rezoning Application No. Z07-0092 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 35, Twp. 26, ODYD, Plan 18811, located on Findlay Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council.

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

- NIL

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

There were no further comments.

- 3.2 Bylaw No. 9917 (Z07-0072) – Dana Johnson & Carmen Langstaff – 5555 Lakeshore Road – THAT Rezoning Application No. Z07-0072 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, SEC. 15 and 22, TWP 28, S.D.Y.D., Plan 6042, located on Lakeshore Road, Kelowna, B.C. from the A1 – Agriculture 1 Zone to the A1(s) – Agriculture 1 with Secondary Suite Zone be considered by Council.

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- NIL

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

Jennifer Hindle, 5560 Lakeshore Road

- Any thought of City rerouting Lakeshore Road through her property?
- No objection to second dwelling on this property.

Staff:

- Mrs. Hindle to contact Transportation Manager regarding Lakeshore Road.

There were no further comments.

- 3.3 Bylaw No. 9918 (Z07-0086) – Janice Bartlett – 844 Liban Court – THAT Rezoning Application No. Z07-0096 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 29, Township 26, ODYD, Plan 25918 located on Liban Court, Kelowna, B.C. from the RU1 – Large Lot Housing Zone to the RU1(s) – Large Lot Housing with Secondary Suite Zone be considered by Council.

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

Letter of Concern

W.S. Pryce, 840 Liban Court

Letters of Opposition

Grant Turik, 854 Liban Court

Kim Dodds, 872 Liban Court

Vivian Moubray, 839 Liban Court

Robert Vincent, 848 Liban Court

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

Janice Bartlett, Applicant:

- Has lived on Liban Court for 18 years and would not jeopardize my neighbourhood. Out of respect for my neighbours and City of Kelowna I want to build a legal suite. I intend to have my son and daughter-in-law live in the suite due to the high cost of rental housing in Kelowna.
- I am aware of my neighbour's concerns. I believe by making the suite legal I am protecting the street.
- Confirmed the only exterior change would be adding a door.
- There are 3 required parking spots. Willing to open back gate to put parking in my back yard.

Kim Dodds, 872 Liban Court

- Concern raised about the area having too many RU1s. Opens the door for too many suites being built.

Richard Gauthier, 873 Liban Court

- Concerned that it will change the fabric of their neighbourhood. If this is approved other neighbours in the area will want to do the same thing.
- Opposed to this application.

There were no further comments.

- 3.4 Bylaw No. 9919 (OCP07-0028) and Bylaw No. 9921 (Z07-0085) – Susan Fairweather, Kim Kabella, Afshin Khodarahmi, Scott and Karen Alexander, Jeffrey & Bonnie Devitt, Erzsebet & Stephen Kabella/(Allaire Properties (Lakeshore) Inc.) – 4429, 4433 & 4439 Lakeshore Road and 586, 588 & 606 Sherwood Road - THAT OCP Bylaw Amendment No. OCP07-0028 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, District Lot 358, ODYD, Plan 7524, located at 4429 Lakeshore Road, Lot 4, District Lot 167, ODYD, Plan 1691, located at 4439 Lakeshore Road, Lot 3, District Lot 358, ODYD, Plan 25489, located at 4433 Lakeshore Road, Lot 1, District Lot 167, ODYD, Plan 32648, located at 586 Sherwood Road, Lot 2, District Lot 167, ODYD, Plan 32648, located at 588 Sherwood Road, Lot B, District Lot 167 and 358, ODYD, Plan 32308, located at 606 Sherwood Road, Kelowna B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated January 4, 2008, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Planning & Development Services Department dated January 4, 2008;

THAT Rezoning Application No. Z07-0085 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 358, ODYD, Plan 7524, located at 4429 Lakeshore Road, Lot 4, District Lot 167, ODYD, Plan 1691, located at 4439 Lakeshore Road, Lot 3, District Lot 358, ODYD, Plan 25489, located at 4433 Lakeshore Road, Lot 1, District Lot 167, ODYD, Plan 32648, located at 586 Sherwood Road, Lot 2, District Lot 167, ODYD, Plan 32648, located at 588 Sherwood Road, Lot B, District Lot 167 and 358, ODYD, Plan 32308, located at 606 Sherwood Road, Kelowna B.C., from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council.

Council:

- Concern raised over impact of increased vehicles on Lakeshore Road with this development.
- Questioned the potential for controlled access at Sherwood Road?

Staff:

- Have been in contacted with developers and there is no need for a left hand turn but they are willing to put in left hand turn bay on Lakeshore Road. There are no issues with Transportation in regards to left hand turn bay.
- Consultant did analysis on Lakeshore Road. With the closure of Anne MacClymont School there will be less traffic congestion in the immediate area.

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

Letters of Support

Alexis Wishlow, 994 Paret Crescent
 Naze Khajavi, 593A & 593B Sherwood Road
 Dennis Mineault, #207, Southwind @ Sarsons
 Daniel Sermail, #107, Southwind @ Sarsons
 Allan Hryniuk, 524 Keith Road
 Doug & Linda Watson, #125 – 1950 Capistrano Drive

Letter of Concern

Greg Kletke & Carmen Colborne, 4469 Sherwood Court

Letters of Opposition

Ted Bajer, 626 Sherwood Road (2)
 John Grain, 4452 Lakeshore Road
 Christine Reimann, 4491 Nottingham Road
 Gary Schwartz, 4495 Nottingham Road
 John & Amy Polman, 4481 Nottingham Road
 Sadie Clausing, 618 Sherwood Road
 Denise Kristensen, 4482 Nottingham Road
 Ronald & Carol Martinson, 4451 Sherwood Court
 David & Irma Buch, 639 Sherwood Road
 Linda Lawlor, 644 Sherwood Road
 Ian Macpherson & Anne Ing, 599 Sherwood Road
 Alfred & Shirley Kowalyk, 4448 Lakeshore Road
 Adrian & Jeannette Procter, 649 Sherwood Road
 Larry & Carol Davidson, 630 Sherwood Road

Petition of Opposition

A petition signed by 39 residents of the surround area opposing the application.

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

Mark Allaire – Allaire Properties Inc., Applicant:

- Mark Allaire introduced his team.

Tom Staniszki, Architect

- Made sure the fit was comfortable and that the project works for the surrounding neighbours.
- The character is compatible to the existing neighbourhood.
- Provided a lot of open and landscaped space; children's play area
- Project designed for middle class families.
- Scale of this project is quite suitable.
- This is typical town home zoning. Density is quite low in this development.
- There is plenty of open and green space - 44% is dedicated to planting grass, mulch or trees. Doesn't include patio or deck areas. There is open space in the centre of the project and will be accessible to everyone.
- Several townhomes with doors facing outside street. Buildings are two stories and designed to look like single family homes.
- Retaining as much vegetation as possible. There will be sufficient landscaping and fencing.

Dave Cullen, Transportation Engineer CTQ:

- Did not do an analysis of adjacent street corridors.
- Confirmed they would put in a left hand turn lane from Lakeshore Road heading south onto Sherwood Road.
- Confirmed they would extend sidewalks to Sarsons and will put in a temporary sidewalk to elementary schools.
- Anticipate trip generation for entire area would be less than 1000 trips a day which still fits into the street hierarchy.

Christine Reimann, 4491 Nottingham Road:

- Realtor. Have no problems with this project somewhere else; but living on this street and getting out of this cul de sac is quite a challenge.
- Traffic is a real concern. Excess traffic from this community is a concern.
- Scale the buildings upwards and sell less units at a higher price.

Lyndon Thomas, 4488 Nottingham Road:

- Contemplates a density that is outside of the OCP.
- Getting off of Nottingham is a real issue. Cannot make a left turn in the morning. The area is very congested.
- Sidewalks will not alleviate the density.
- Going south is the real problem and does not see what left hand turn will really accomplish because that is not the real issue.

Ian Macpherson, 599 Sherwood Road:

- Lives close to proposed access to new development.
- No issues with the quality or landscaping but does not think the density proposed is right for the neighbourhood.
- The form and character will change our neighbourhood.
- Traffic concern raised, bicycle safety, children walking to school.
- Concern that there is not substantial parking and capacity for vehicles.

Ron Hallick, 498 Sarsons Road (OK Mission Residents Association)

- Has met with Mr. Allaire.
- Discussed density and asked Mr. Allaire that he speak with residents in which he did to try to agree on what would work.
- Increase of density to RU5 could be approved without an OCP Amendment.
- Noted that the City report proposed use is not in compliance with OCP.
- Staff report states servicing in the area nearing capacity. Density is about to double in the area and was that taken into consideration?
- Should be within the OCP.

John Polman, 4481 Nottingham Road

- Noted that there is a 7 lot development going on already in this area. There will be even more congestion than some may not be aware of.

Applicant:

- Regarding safety issues; had discussions with the Engineering Department. Two points of concerns from site lines. Off the corner of the development there is a tree that blocks site lines to the north. We will remove or limb the tree back to meet site line requirements. Site lines to the south property on south side of Sherwood and Lakeshore there is a large cedar hedge. May need to trim back that hedge for overall neighbourhood safety.
- Lakeshore is an arterial road and is projected to be 4 lanes. If the road were a 4 lane facility the traffic would have less interruption. May be a need for a protected left coming out of Sherwood Road at some point in the future.
- Did not do a physical count of vehicles turning left. 90% of traffic to the north coming in and out. 10% to the south.

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- Applicant went around neighbourhood doors to speak to them about proposed development. Concerns were mostly about traffic and entrance location. It was not an option to have entrance from Lakeshore Road. Did not speak to neighbours in Nottingham area. Met with Ron Hallick of the Residents Association.
- Project is of high quality and is well suited for the area.

Council:

- Questioned the possible impact on financing and servicing. Staff report comments that build out could exceed and have to acknowledge this.
- Questioned whether this sector has taken on increased density as other sectors of the City have? There seems to be more low density in this area.
- Questioned the capacity? There are a number of undeveloped sites in the sector plan that have not come forward and how many units do they represent? What proportion of remaining build out would this development represent? Staff to be more specific with numbers.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:04 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld