

Public HearingJune 10, 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, June 10<sup>th</sup>, 2008.

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

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort\*; Manager, Community Development Doug Gilchrist\*; Planner Specialist, Gary Stephen\*; Transportation Manager, Ron Westlake\*; Parks Manager, Joe Creron\*; Parks Planning Manager, Terry Barton\*; Planner, Cory Gain; 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 "*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 June 10<sup>th</sup>, 2008, and by being placed in the Kelowna Daily Courier issues of June 3<sup>rd</sup>, 2008 and June 4<sup>th</sup>, 2008, and in the Kelowna Capital News issue of June 1<sup>st</sup>, 2008, and by sending out or otherwise delivering 223 letters to the owners and occupiers of surrounding properties between May 23<sup>rd</sup>, 2008 and May 28<sup>th</sup>, 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. 10001 (Z07-0080) – Christine Nicholls & Trent Karius – 2236 Stillingfleet Road - THAT Rezoning Application No. Z07-0080 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, District Lot 136, O.D.Y.D., Plan 10841, on Stillingfleet Road, Kelowna, B.C. 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:

- **Letter of Opposition**  
Alice Zdralck, 2205 Stillingfleet Road

Susan Greenwell, 21, 1120 Guishachan Road

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

Trent Karius, Applicant:

- Commented that the letter of opposition from 2205 Stillingfleet were concerned about their property value; their value should not be affected by what we are proposing. The second concern was regarding restrictions on square footage; we intend to conform to all building codes required for our process. There currently is an illegal suite in the front of 2242 Stillingfleet and our intention is to remove the suite and conform to the building code.

Robert Schleppe, 2242 Stillingfleet Road:

- Questioned whether there is a landscape drawing for the new house. It will face right into my yard. What sort of landscape will they provide to create a buffer. Staff noted that the Development Permit does not come back to Council, but will be dealt with by staff, should Council vote favourably on the bylaws.

Applicant:

- The adjacent property, 2242 Stillingfleet, is concerned over the direction of the house but this property owner has just received 3<sup>rd</sup> reading for the exact same thing that we are proposing so his home is directly facing our home as well. If there was a fence or something to provide more privacy we could share the venture. Currently there is an existing chain link fence but I believe we could come to some sort of agreement for something different.

Staff:

- Will look at both landscape plans and development permits comprehensively.

There were no further comments.

- 3.2 Bylaw No. 10003 (OCP07-0027) - Shagus Holdings Ltd., New Opportunities For Women (Now) Canada Society, Irvine & Audrey Gasser, Kelowna General Hospital Foundation, Sherri Miller, Weninger Bros. Homes Ltd., Up Rite Homes Ltd., City of Kelowna, 661682 B.C. Ltd., The Bank of Nova Scotia Properties Inc., 622623 B.C. Ltd., Kathleen Wallace & Associates Ltd., The B.C. Conference of the Mennonite Brethren Churches / (City of Kelowna) - Lot 12, Sec. 26, Twp. 26. ODYD, Plan KAP46961 located at 470 Highway 33 West; Lot 13, Sec. 26, Twp. 26. ODYD, Plan KAP46961 located at 245 Aurora Crescent; Lot A, Sec. 26, Twp. 26. ODYD, Plan 27870 located at 150-160 Dougall Road North; Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP82536 located at 140 Dougall Road North; Lot 6, Sec. 26, Twp. 26. ODYD, Plan 9924 located at 165 Dougall Road North; Lot C, Sec. 26, Twp. 26. ODYD, Plan 20351 located at 160-168 Asher Road; a portion of Lot 3, Sec. 26, Twp. 26. ODYD, Plan 16739 located at 165-171 Asher Road; a portion of Lot B, Sec. 26, Twp. 26. ODYD, Plan 35012 Except Plans 39372 and KAP75003 located at 250 Highway 33 West; a portion of Lot 1, Sec. 26, Twp. 26. ODYD, Plan 511 Except Plan 39372 located at 115-135 Roxby Road; a portion of Parcel B, on Plan B1019 of Lot 2, Sec. 26, Twp. 26. ODYD, Plan 511 Except Plan B3068 located at 190 Highway 33 West; a portion of Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP74060 located at 160 Highway 33 West; a portion of Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP79622 located at 110-150 Highway 33 West; Lot 2, Sec. 26, Twp. 26. ODYD, Plan 2652 located at 166-170 Rutland Road North; a portion of Lot B, Sec. 23, Twp. 26. ODYD, Plan 41234 located at 439-489 Highway 33 West, Kelowna, B.C. - THAT OCP Bylaw Amendment No. OCP07-0027 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, Sec. 26, Twp. 26. ODYD, Plan KAP46961 located at 470 Highway 33 West, Lot 13, Sec. 26, Twp. 26. ODYD, Plan KAP46961 located at 245 Aurora Crescent, Lot A, Sec. 26, Twp. 26. ODYD, Plan 27870 located at 150-160 Dougall Road North, Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP82536 located at 140 Dougall Road North, Lot 6, Sec. 26, Twp. 26. ODYD, Plan 9924 located at 165 Dougall Road North, Lot C, Sec. 26, Twp. 26. ODYD, Plan 20351 located at 160-168 Asher Road, a

portion of Lot 3, Sec. 26, Twp. 26. ODYD, Plan 16739 located at 165-171 Asher Road, a portion of Lot B, Sec. 26, Twp. 26. ODYD, Plan 35012 Except Plans 39372 and KAP75003 located at 250 Highway 33 West, a portion of Lot 1, Sec. 26, Twp. 26. ODYD, Plan 511 Except Plan 39372 located at 115-135 Roxby Road, a portion of Parcel B, on Plan B1019 of Lot 2, Sec. 26, Twp. 26. ODYD, Plan 511 Except Plan B3068 located at 190 Highway 33 West, a portion of Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP74060 located at 160 Highway 33 West, a portion of Lot A, Sec. 26, Twp. 26. ODYD, Plan KAP79622 located at 110-150 Highway 33 West, Lot 2, Sec. 26, Twp. 26. ODYD, Plan 2652 located at 166-170 Rutland Road North, a portion of Lot B, Sec. 23, Twp. 26. ODYD, Plan 41234 located at 439-489 Highway 33 West, from the Commercial and the Education / Major Institutional designations to the Major Park / Open Space designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated May 2, 2008 be considered by Council;

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 May 2, 2008.

Staff:

re: Rutland Town Centre Parks and Open Space Plan - Power Point Presentation:

- Presented to Council the Rutland Town Centre Parks and Opens Space Plan.
- Received a letter of support from Rutland Residents Association.
- Some property owners very encouraged, some property owners were concerned about the plan, cost and acquisition came up. The City stated they would pay fair market value, and can work with them long term.

Council:

- Questioned why the plan is not showing part of the Transit Station as a connection. Staff agree and will work on landscape plan and will note that key objective.

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

**- Letter of Opposition**

Monica Oliver, 155 Dougall Road N.  
Babu Kadiyala, Berezan Management Ltd., 210-19988-84<sup>th</sup> Avenue, Langley, BC

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

Mary Anne Graham, President Rutland Residents Association:

- The Rutland Residents Association supports the proposal. Some members are concerned with the change but others are excited and would like to see this development occur. Concerns are adequate parking and proper compensation for property owners. Also concerns on the effects to Rutland Centennial Park. The integration between the transit station and park are important to each other. The pedestrian over-pass is very much needed. The Association appreciates the attention this Council and staff have given to the Rutland area.

Gary Sidhu, Royal LePage Agent:

- I have 2 listings on Dougall Road and this is in contradiction of C7 zoning. Is there going to be an amendment to allow for the C7 zone? Why is the walkway not in conjunction with transit?

Public HearingJune 10, 2008David Gobeil, 185 Dougall Road:

- Concerned raised over parking and traffic. There have been three major accidents in front of my home and I believe a lot more planning needs to be done.

Angus MacLellan, Shagus Holdings Ltd., Owner of Mara Lumber, 470 Hwy 33 West:

- My wife and I have been the owners of Mara Lumber since 1991 and acquired the Mara property in 1992. In November of last year we sold our business.
- This is a very high traffic location with approximately 350 ft. fronting Highway 33 midway between Willow Park and Plaza 33 Shopping Centres.
- Mara Lumber employs 30 professional positions with full benefits.
- The present Mara business owners have a firm lease of the property until 2017 and could extend the lease until 2022. The plan is to continue to grow the business at its present location. A park designation could seriously impact any building expansion they may require. This is a vibrant, profitable, and important member of the Rutland business community.
- In the early 1990's the City of Kelowna identified the Rutland Business Area as a region to be developed as town centre. At that time, the City, without consultation with us, decided that the area needed a hotel site and identified and rezoned our property from C7 to C10.
- In the 16 years we owned the property three different visions of use have been formulated by the City of Kelowna and we have never been consulted.
- Would like any decision to be deferred until we have had an opportunity to meet with Council to discuss the details of this presentation.

Councillor Clark departed the meeting at 7:01 p.m.

Ben Lee, Past President Rutland Hospital Auxiliary, 140 Dougall Road North:

- Opposed to amending the C7 zone to P2 zone in the OCP.
- This location provides easy access for pedestrians and vehicles. Accessibility is very important for parking and loading area.
- To maintain the Hospital Auxiliary tax status we cannot be placed in mall we need to be in a stand alone building.
- We employ 70 volunteers and have raised 1.5 million dollars for the Kelowna General Hospital. This Thrift Store benefits the community.
- A town square in that location is not needed.

Hans Newman, 1520 Highland Drive North, Member of the Willow Park Church:

- Questioned staff as to how much flexibility there would be if any re-development occurred on the Willow Park property.

Gary Sidhu, Royal LePage Agent:

- Questioned how the City will handle all of the parking. Asked if City is considering a parkade.

Staff:

- An assessment of parking was done in 2000.
- An evaluation of all parking in the Rutland area has not yet been done. There are not plans to do further work on it this year.
- One attribute is the low water table and potential for underground parking.

Council:

- Asked what communications staff has had with owners of Mara Lumber. Staff commented that they met with the property owner and realtor at staff level.
- Concerned that major property owner was not part of the process.
- Asked at which zoning would the Mara property be appraised at. Staff commented that the C7 zone would be favourable.
- Asked if Centennial Park could be an alternative. Staff noted that Centennial Park is currently used as a park and is serving existing needs.

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- Confirmed that the Uptown Rutland Business Association (URBA) is tied into the Rutland Town Centre Task Force and are supportive.

Angus MacLellan, Shagus Holdings Ltd., Owner of Mara Lumber, 470 Hwy 33 West:

- The difficulty with this is that as of June 7<sup>th</sup> the latest designation of our property was C7, 25 year plan made based on that, now three months later it has changed again. Once this is designated park land it is forever a park.

4. TERMINATION:

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

Certified Correct:

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Mayor

ACM/dld

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Deputy City Clerk