

Public HearingAugust 19, 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, August 19, 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; City Clerk, Stephen Fleming; Subdivision Approving Officer, Shelley Gambacort; Current Planning Supervisor, Danielle Noble\*; and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:03 p.m.

Councillor Clark departed the meeting 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 August 1<sup>st</sup>, 2008, and by being placed in the Kelowna Daily Courier issues of August 11<sup>th</sup>, 2008 and August 12<sup>th</sup>, 2008, and in the Kelowna Capital News issue of August 10<sup>th</sup>, 2008, and by sending out or otherwise delivering 701 letters to the owners and occupiers of surrounding properties between August 1<sup>st</sup>, 2008 to August 6<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. 10045 (OCP08-0006) and Bylaw No. 10046 (Z08-0029) – Black Mountain Irrigation District / (New Town Planning Services Inc.) – North of Joe Riche Road - THAT OCP Bylaw Amendment No. OCP08-0006 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot 8, Secs. 18 & 19, Twp. 27, ODYD, Plan 1991 except Plan KAP80286, located (north of) Joe Riche Rd, Kelowna, B.C., from the Rural/Agriculture designation to the Public Service/Utilities designation as shown on Map 'A' attached to the report of Planning & Development Service Department, dated June 27, 2008, be considered by Council;

AND THAT Council considers 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 June 27, 2008;

AND THAT Rezoning Application No. Z08-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 8, Secs. 18 & 19, Twp. 27, ODYD, Plan 1991 except Plan KAP80286 located (north of) Joe Riche Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the P4 – Utilities zone as shown on Map 'A' attached to the report of Planning &

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Development Services Department, dated June 27, 2008, be considered by Council.

## Staff:

- Advised that the Agricultural Land Commission gave approval of the .8 ha for the proposed substation. Applicant committed to provide berm and fencing.
- Confirmed Letter of Understanding with Fortis BC.

Lisa Fraser, New Town Planning Services, Applicant:

- Available to answer any questions.
- Confirmed that a fence will be erected around the entire site. The substation will be fenced permanently.

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

- o Letter of Concern:
  - Dave Marshall, 3101 Lakha Road

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. 10047 (Z08-0048) – Leo & Shirley Duford & Penny Yaworski / (Penny Yaworski) – 4361 Gordon Drive - THAT Rezoning Application No. Z08-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, District Lot 358, ODYD, Plan 16743, located at 4361 Gordon Drive, 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 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.

Michael Yaworski, Representing Applicant Penny Yaworski

- Our plan is to build the new house for ourselves and sell the original property. I am available for any questions.

Robin Elkins, 705 Hazell Road

- Concerned related to traffic issues directly related to Dorothea Walker Elementary on Hazell Road. There have been recent issues with people parking on lawns and double parking of vehicles waiting for school kids. Hazell Road is narrow to begin with and adding these vehicles waiting for school kids makes the street so narrow you can barely drive on it.
- Do not feel they know exactly what is being placed on this subject property.
- Many neighbours were not in favour of this application.

## Staff:

- Confirmed that this development does fit into the form and character and that it is not part of the rezoning process to submit development plans. The vision is for Hazell Road to be upgraded to an urban standard. A sketch of the proposed home was displayed and staff noted that there will be some customized area of the home but the building height of the drawing will be honoured.

## Council:

- Inquired if there was a process that our staff could evaluate any changes to traffic concerns. Staff noted that Transportation staff could review.

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There were no further comments.

- 3.3 Bylaw No. 10048 (Z08-0028) – Kenneth & Clara Faust – 4887 Jay Ct. – THAT Rezoning Application No. Z08-0028 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 33, District Lot 579, S.D.Y.D, Plan KAP74689, located on Jay Ct, 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 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.

Ken Faust, Applicant:

- Available to answer any questions.

There were no further comments.

- 3.4 Bylaw No. 10049 (OCP08-0017) and Bylaw No. 10050 (Z07-0083) – Cedar Creek Developments Ltd. – 5635 Chute Lake Road - THAT OCP Bylaw Amendment No. OCP08-0017 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of a portion of Lot NW ¼ of Sec. 14, Twp. 28, SDYD, located on Chute Lake Rd, Kelowna, B.C., from the Parks/Open Space designation to the Single/Two-Unit Residential designation as shown on Map 'A' attached to the report of Planning & Development Service Department, dated July 10, 2008, be considered by Council;

AND THAT Council considers 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 July 10, 2008;

AND THAT Rezoning Application No. Z07-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot NW 1/4, Twp. 28, Sec. 14, SDYD, located on Chute Lake Rd, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing, RU1(h) – Large Lot Housing (hillside) zone, RU4 – Low Density Cluster Housing and P3 – Parks and Open Space zone as shown on Map 'A' attached to the report of Planning & Development Services Department, dated July 7, 2008, be considered by Council.

The 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.

Crystal Lloyd, Development Manager, Co-Applicant:

- Available to answer any questions.

Michael Kerr, 5405 Lakeshore Road

- Concerned of domestic water intake on Lebanon Creek just south of Lebanon Creek and Cedar Creek. Pleased to see it is to be zone P3 and we know that it is to be left in its natural state.

Mr. Ron Pattinal: Tandrik Drive:

- I believe there is a process in place for developing sensitive areas and wanted Planning staff to know that I have witnessed pre-grading since last year. A ridge, which was identified in the OCP, has been disturbed, and by cutting the ridge down it

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- has created a slope. The City has their own mapping that shows what contours were there. I have the paper work and map from 2006 of how the land used to be and now it is flat land. The top of the slope is now table top. There is no vegetation there now.
- I had been informed by staff that a grading permit had been issued on this land and was not sure if this allowed the developer to go into sensitive area or if the City was even aware that they were. I was told by the City's Environmental staff that this falls into the rules of the Kettle Valley subdivision.

Michael Kerr, 5405 Lakeshore Road

- Advised Council that there has been a water licence on the creek since 1948.

Gilles Ladouceur, 5753 Mountainside Drive, Builder for Kettle Valley:

- Confused over which sites are being developed. Sewer and servicing of this lot is a concern.
- Concerned raised over trail system and elevation lines. Feels it's important to have a buffer zone between trails and private properties.

Staff:

- Noted that there will be a no build area to the rear property so there will be a lot of buffering between trails and private properties.
- Advised that we are speaking of the Cedar Creek Development not Kettle Valley and that there seems to be some confusion from the gallery. There are two different applicants with two different developers.

Applicant:

- Noted that the grading in the area that is being referred to was not carried out by our developer. We started 18 months ago with the environmental and geotechnical process. Kettle Valley did this grading without our knowledge. We do not have the development permit to do anything on that land.
- Confirmed that they have not sold any lots and that the lots that are being referred to are probably part of Kettle Valley. A lift station is required and will not be provided until we have gone through the proper process.
- We have spent a lot of time with staff to provide a good trail system.

Dave Lange, Consultant for the Applicant:

- With respect to the trail system, a lot of time has gone into developing a system. We have met with the City's Parks and Environmental division to determine the best trails. What is proposed today is the best. We proposed to continue the Kettle Valley trail through the ravine across Cedar Creek. The trail system will provide amenities for our development and all other developments and will be a great benefit.

Council:

- Asked if staff they were aware of the concerns related to site grading. Staff noted that there has been no development waiver on this site and that perhaps it is happening on Kettle Valley lands and not this particular property. There has been no contravention of this site as far as staff is aware.
- Confirmed that the site grading and ridge that was removed happened without the City's knowledge.
- Commented that the applicant should provide a sense of alteration to the land that is proposed for cluster development. Staff noted that the expectation is that it will not have significant alterations and will ensure the natural topography will be preserved.
- Confirmed that this application will be brought back to Council for the next phase.

There were no further comments.

- 3.5 Bylaw No. 10051 (Z07-0056) – 754028 BC Ltd. & Doyle Avenue Holding Co. Ltd./ (New Town Planning Services Inc.) – 1372-1374, 1378, 1382, 1386 St. Paul

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Street / 526 Doyle Avenue - THAT Rezoning Application No. Z07-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, D.L. 139, ODYD, Plan 432, located at 1372-1374 St. Paul Street, Lot 13, D.L. 139, ODYD, Plan 432, located at 1378 St. Paul Street, Lot 14, D.L. 139, ODYD, Plan 432, located at 1382 St. Paul Street, Lot 15, D.L. 139, ODYD, Plan 432, located at 1386 St. Paul Street, Lot 16, D.L. 139, ODYD, Plan 432, Except the west 70 feet thereof, located at 526 Doyle Avenue, Kelowna B.C., from the I2 – General Industrial zone to the C7 – Central Business District Commercial zone;

## Staff:

- Concerns regarding form and character but will be dealt with through the development permit and development variance permit process if this application is approved.

## Council:

- Confirmed that only the rezoning is being dealt with at this time.

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

- o Letters of Support:
  - Karen Hyndman, North Ellis Developments, 1395 Ellis Street
  - Thomas O'Reilly, 410 – 1327 St. Paul Street
  - Michael O'Rourke, 1315 St. Paul Street
- o Letters of Opposition:
  - Adrian Witt, 755 Kingsway Street, Kelowna, BC
  - Peter & Shelley Gibbons, Grp 561, Box 12 RR#5, Winnipeg, MB

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

Applicant, Keith Funk, New Town Planning:

- Noted that we are focusing solely on rezoning. We have been working on this project for 1 ½ years. The zoning application is consistent with the Official Community Plan. We have made many changes to the design which include reduction in the variances from 6 to 4 and the floor ratio has been changed from 9 to slightly over 7. Modified parking on site. There will be no preloading on site at all.
- Both the Architect and Developer are here this evening to answer any questions.

Michael O'Rourke, O'Rourke's Uptown Market, 1315 St. Paul Street:

- Concern is parking. Should not allow fewer parking stalls than number of units built.

## Council

- Questioned amount in place for cash in lieu of parking.

## Staff:

- Clarified cash in lieu for parking. A total of 287 parking stalls less the 39 that they are providing cash in lieu. The money collected is for a future parkade.

There were no further comments.

- 3.6 Bylaw No. 10054 (OCP07-0035) and Bylaw No. 10055 (Z07-0105) – MH Developments Ltd./ (Architecturally Distinct Solutions Inc.) – 1170 Brant Avenue - THAT Rezoning Application No. Z07-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, D.L. 139, ODYD, Plan 432, located at 1372-1374 St. Paul Street, Lot 13, D.L. 139, ODYD, Plan

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432, located at 1378 St. Paul Street, Lot 14, D.L. 139, ODYD, Plan 432, located at 1382 St. Paul Street, Lot 15, D.L. 139, ODYD, Plan 432, located at 1386 St. Paul Street, Lot 16, D.L. 139, ODYD, Plan 432, Except the west 70 feet thereof, located at 526 Doyle Avenue, Kelowna B.C., from the I2 – General Industrial zone to the C7 – Central Business District Commercial zone.

Staff:

- This amendment is necessary for the creation of row housing. There are four buildings on the property which include 11 units allocated for affordable housing. Staff are concerned with land use, density as well as form and character.

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

- o Letter of Support:
  - Arlene Pilgrim, BC Paraplegic Association – 1873 Spall Road
- o Letters of Concern:
  - Ron Weninger, 1225 Mountain Ave
  - Dale & Jamie Koepke, 1055 Waldie Court

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

Matt Johnston, Applicant:

- We have collaborated with the planning staff and want to continue to work with them. We received written response from the City that they weren't in favour of the density. When we went before APC we made sure there were no variances as per planning staff. We also provided additional geotechnical information. We have a real willingness to answer any questions from the Planning Department. The owner made it clear that we provide a mix of housing types. We will provide a playground which will be located in the north corner so it's not visible to the public. There will also be a child care centre opportunity. There will be curb and sidewalk upgrades. Detailed cross sections will be provided.

Ken Smith, Developer:

- Reviewed affordable housing supply statistics. Note that this project is supplying a significant portion of affordable housing equal to 55% of affordable housing currently in the city.
- Commented that a licensed day care is a very important component.

Chris Wendell, Representing Industrial Owner's of Lots 1140, 1120, 1165 and 1150

- Sent an email opposing this application this evening at 5:00 p.m.
- Concerns related to traffic issues at the intersection of Gordon Drive. Brant Avenue, Gordon Drive to Clement Avenue and the railway does make for a really congested situation at peak hours of the day.
- Concerns with adding a sidewalk to the gravel shoulder will make the road too narrow.
- There are safety issues related to children playing in an industrial park which is of great concern to the property owners. One lot is leased to a warehouse with b-trains coming and going and Kelowna Auto Towing brings in large vehicles, as well as, fumes emanating from the auto body shop. The residential development with affordable housing sounds nice but bumping it up against an industrial park may have liability issues.

Andreas Schober, 1065 Waldie Court:

- Concerned in regards with safety at Brant Avenue. There is a high traffic volume at Gordon Drive and Clement Avenue.
- Concerned over emissions causing health issues.

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- Neighbours have experienced shaking homes after the cherry trees were removed.
- Concerned with ground and soil stability.

Justin Burgess, 3528 Scott Road:

- Support Kelowna's Affordable Housing Policy and this development.
- This will afford myself and family a home.

Vi Sorenson, Social Worker:

- Supportive of this project.
- Hopefully Brant road issue can be addressed.

Robert Plante, 1045 Waldie Court:

- Have lived here since 2003. I totally agree that we are trying to put residential development that doesn't fit very well. There are danger issues that will involve children and families. We wonder if it's wise to put this development in this location.

Perry Koleba, 1085 Waldie Court:

- In favour for low income homes but not in this location. I think this property should be used for green space. With the topographical situation, I don't believe there will be much green space. I cannot water to the southwest of my property. I get slippage and worry about traffic that will be on the property. Neighbours have all experienced shaking of their homes. I could live with nine houses being built but would rather see green space due to the industry below. How will children access if they have to go school. People will be using my property. The noise in the area will definitely increase.

Carol Dray, 511 Cawston Road:

- In favour of this development and in favour of affordable housing component.
- Noise is not so much of a concern for me but owning a home is more of a concern.
- It appears to me that the businesses that are parking on Brant Avenue are parking their illegally.

Giovanni Gasparetto, 1075 Waldie Court:

- This is a unique piece of property and is heavily sloped land. Living so close to the industrial property it is constantly busy and we are constantly bombarded with fumes. They also do sandblasting and are decks are covered in it. This is not a proper area for a day care because of the fumes from the industrial area. There also is a lot of traffic.
- The Developer is trying to push a concept of a greenway which is just that, only a concept. I am bothered by what has occurred so far. The Developer has levelled trees in the orchard and left it level. There has been no maintenance of the property and it seems to be a great area for transients.
- Concerned over the stability of the soil.

Luke Stack, Society of Hope, 237-1200 Cameron Avenue:

- Supports this development for the number of affordable housing units being provided.
- This is a prime site for townhouses. Transition sites usually are not the most favourable of location but I believe this is a great infill site.

Chris Wendell, Representing Industrial Owner's of Lots 1140, 1120, 1165 and 1150

- Commented on the concrete plant in the middle of Granville Island and suggested that the City of Kelowna need to properly plan our neighbourhoods to avoid the same result.

Rob Richardson, Site 360 Consulting:

- A geotechnical study has been done on the stability of the slope. Deep drill test holes were created to make sure it could support the development. There will be no

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undercutting of the slope. We are maintaining the elevations around the perimeter of the property.

Applicant:

- We did not examine the site in isolation. We are high above the industrial site. We did not relocate the playground because it's 100 feet away from the industrial area. We have spent a lot of time on this property. The view looking down on Brant Avenue makes this a great location. Complaints of noise/sound and odours have not been documented by the adjacent neighbours. One comment made was how we would deal with Brant Avenue and a safe connection. I will let Rob Richardson speak to this.

Rob Richardson, Site 360 Consulting:

- We acknowledge there is over parking on Brant Avenue. The City Engineer would like a sidewalk on the side of Brant's Creek. A sidewalk, curb and gutter and proper parking would make it quite safe for kids on the sidewalk and they are always protected by cars that are parked there. There is still sufficient driving room on Brant Avenue. The existing homes are actually higher than this site and probably will be sheltered by this development. As far as shaking of homes, we will simply be excavating the site to make room for the buildings. Storm water development will make the site more stable. This development all road water will be taken to storm sewer at the bottom of the hill to Brant's creek. By reducing water we are making more stability for the hill. There will be less than 2/3 removal of material.

Council:

- Concerned with lack of green space on site for children and that the development is not connected to the existing residential neighbourhood.
- Asked if there is any impact on slope portion of properties above.
- Concerned over safety issues with children and the industrial park. Commented that if this development had another access through the residential area it would be more practical and favourable.
- Confirmed hours of industrial park are 9:00 a.m. to 5:00 p.m., with the towing company hours from 7:00 a.m. to midnight 7 days a week.
- Inquired as to how accurate the geotechnical report is for this site.
- Asked what sort of site preparation has taken place. Staff commented that all that has been done is the SIR and the trees were removed.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 9:08 p.m.

Certified Correct:


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 Mayor

ACM/hp/slh

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 City Clerk