

Public HearingJune 30, 2009

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 30th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Brian Given, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid and Luke Stack.

Council member absent: Councillor Michele Rule.

Staff members in attendance were: Acting City Manager, Jim Paterson; City Clerk, Stephen Fleming; Manager, Urban Land Use, Danielle Noble and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:01 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 12, 2009, and by being placed in the Kelowna Daily Courier issues of June 22, 2009 and June 23, 2009, and in the Kelowna Capital News issue of June 21, 2009, and by sending out or otherwise delivering 38 letters to the owners and occupiers of surrounding properties between June 12, 2009 and June 17, 2009.

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. 10205 (Z09-0019) – Thomas and Naomi Stapleton/(Thomas Stapleton) – 1290 Clark Court – THAT Rezoning Application No. Z09-0019 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 35, Township 26, O.D.Y.D., Plan 31160, located on Clark Court, Kelowna, B.C. from the RU1 Large Lot Housing zone to the RU1(s) Large Lot Housing with a Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to the Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction.

Mayor Shepherd advised that this Agenda item will have to be deferred as the applicant did not meet the Development Procedures Bylaw criteria with respect to signage notification.

- 3.2 Bylaw No. 10198 (OCP09-0001) and Bylaw No. 10199 (Z09-0007) – 0720229 BC Ltd./(Troika Developments Inc.) – 245 Briarwood Road - THAT OCP Bylaw Amendment No. OCP09-0001 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Section 26, Township 26, ODYD, Plan 20270, located at 245 Briarwood Road, Kelowna, BC, from the Multiple Unit Residential (Low Density) designation to the Multiple Unit Residential (Medium Density) designation, as shown on Map “A” attached to the report of the Community Sustainability Division, dated May 1, 2009, be considered by Council;

AND THAT Rezoning Application No. Z09-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 26, Township 26, ODYD, Plan 20270, located at 245 Briarwood Road, Kelowna, BC, from the RM3 – Low Density Multiple Housing zone to the RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT Council forward Bylaw No. 10200 authorizing a Housing Agreement between the City of Kelowna and 0720229 BC LTD (Troika Developments), which requires the owners to designate 8 *affordable rental dwelling units* on Lot 3, Section 26, ODYD, Plan 22581, located at 215 Briarwood Road, Kelowna, B.C., for reading consideration.

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the report of the Land Use Management Department dated May 1, 2009;

AND THAT the OCP Bylaw Amendment No. OCP09-0001 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit & Development Variance Permit on the subject property.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Rutland Water Works and the Development Engineering Branch being completed to their satisfaction.

Staff:

- Advised that Council considered the Purpose Built Affordable Housing Policy last week and that the policy would apply to this project.
- Confirmed that the property is located within the Rutland Town Centre.

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

- Letters of Opposition:
 - Elaine Johnson, 121-250 Briarwood Road
 - Jason Casey and Catherine Newton, 240 Mugford Road (2)
 - Bryan, Shirley, Amanda, Sam, Chevy and Courtney Daignault, 415 Mugford Road
- Letter of Inquiry:
 - Barry and Jo-Ann Keith, 113-250 Briarwood Road

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

David Sargent, Development Manager, Troika Developments Inc., Applicant

- Gave a presentation to Council regarding the proposed development
- Advised that the 2 adjacent properties to the west are also owned by Troika Developments and are currently rental apartments.
- Confirmed that the proposed building is a 4-storey wood-framed structure with underground parking.
- Is willing to continue to work with City staff to ensure that any concerns with respect to open space are addressed. Would consider using the roof as some form of open space for the residents of the building.
- Does not have any plans at the moment to provide accessible suites; however the ground level suites could be considered accessible. As well, an elevator is being proposed for the building.

Renee Wasylyk, CEO, Troika Developments Inc., Applicant

- Believes that there are security issues in the Rutland area and that is why a reduction in the open space was considered. A reduction of the overall footprint of the development was not considered as that would directly affect the size of the rental units.
- Anticipates renting to young families.

Gallery:Sheryl Sargent, 102-250 Briarwood Road

- Have owned and lived at 250 Briarwood Road since 1992.
- Concerned about parking and traffic in the area. After completion of the development at 195 Briarwood Road, the neighbourhood saw an increase in parking and traffic. At present, it is very difficult to turn onto Rutland Road from Briarwood Road. Requested that a traffic impact study be conducted prior to Council considering this application.
- Concerned about the term "affordable rental housing" as she believes that 245 Briarwood Road is Phase 2 of a 3 phase project which, she believes, will result in rents in the area being increased.
- Concerned about the height and design of the development. Believes that the height is inappropriate and that the building design does not fit into the neighbourhood.
- Concerned about the pedestrian walkway between Briarwood Road and Primrose Road being removed and a vehicle-friendly road being built in its place.
- Concerned about the inference by the developer that there is crime in the neighbourhood and that the neighbourhood does not have a sense of "community".

Catherine Newton, 240 Mugford Road

- Strongly opposed to the height of the building being increased from 2 ½ storeys to 4 storeys.
- Concerned about her privacy and would request that the height of the building be kept at 2 ½ storeys.
- Concerned about the design and colour of the proposed development. Believes that the design and colour of the structure does not fit into the neighbourhood.

Jason Casey, 240 Mugford Road

- Opposed to the proposed development.
- Owns property directly adjacent to the subject property.
- Believes that the plans he has for his backyard can no longer move forward should the development proceed (ie. He would like to put in a swimming pool).
- Believes that the area residents would be adversely affected by the proposal based on the increase in parking and traffic and the lack of open space being provided.

Barry Keith, 113-250 Briarwood Road

- Concerned about egress from Briarwood Road as it is presently very difficult to turn off of Briarwood Road on to Rutland Road.
- Would like to know if an alternate access route through to Mugford Road could be explored.

Public HearingJune 30, 2009John Goedhart, 108-250 Briarwood Road

- Concerned about egress from Briarwood Road onto Rutland Road.
- Opposed to the size of the structure and the density being proposed.

Irene, Occupier of 405 Mugford Court

- The proposed building backs right onto her backyard and will take away any privacy she has.
- Opposed to the development.
- Would prefer a 2 ½ storey structure rather than the 4 storey being proposed
- Currently affected by the noise from the current building.
- Currently only has a chain link fence along the border of her property.
- Opposed to the number of units being proposed.

Cindy Ikari, 270 Mugford Road

- Is a teacher at Rutland Middle School.
- Concerned about the increase in traffic on Briarwood Road and the safety of the students that are attending the schools and walking along Rutland Road.
- Concerned about privacy to her backyard.

Shirley Daignault, 415 Mugford Court

- Submitted a letter of opposition to the Office of the City Clerk.
- Concerned about the fencing being proposed for the development as she would prefer that a higher privacy fence be erected.
- Advised that her property is completely surrounded by the development and that she is generally opposed to the development.

Rene Wasyluk, CEO and David Sargent, Development Manager, Troika Developments Inc., Applicant

- Did consider the lacking parking in the area and therefore decided to create an underground parkade for the residents and visitors. The parkade will be located on the eastside of the structure.
- Confirmed that a Traffic Impact Study would have to be completed prior to the issuance of the Development Permit.
- Advised that it would take approximately 4 – 6 weeks to complete the Traffic Impact Study.
- Would be willing to erect a higher privacy fence and would be willing to provide additional landscape buffering.
- A picnic area is being considered for the rear corner of the site.
- Advised that that roof top terrace was not being considered based on cost.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Hodge

R718/09/06/30 THAT the Public Hearing with respect to Bylaw No. 10198 and Bylaw No. 10199 be kept open pending receipt of a traffic impact study.

Carried

Councillors Blanleil, Given and James – Opposed.

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4. TERMINATION:

The Hearing was declared terminated at 7:52 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld