

Public HearingJuly 14, 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, July 14th, 2009

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack.

Council members absent: Councillors Brian Given and Robert Hobson.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; Development Engineering Manager, Steve Muenz*; and Council Recording Secretary, Sandi Horning.

(* 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 Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 26, 2009, and by being placed in the Kelowna Daily Courier issues of July 6, 2009 and July 7, 2009, and in the Kelowna Capital News issue of July 5, 2009, and by sending out or otherwise delivering 668 letters to the owners and occupiers of surrounding properties between June 26, 2009 and July 3, 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. 10208 (TA09-0003) - City of Kelowna – Text Amendment to the City of Kelowna Zoning Bylaw No. 8000 - THAT Zoning Bylaw Text Amendment No. TA09-0003 to amend City of Kelowna Zoning Bylaw No. 8000 by adding "Participant Recreation Services, Indoor" as a principle use to the industrial areas in the airport business park as noted on Comprehensive Development Zone 15 Map 1, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0003 be forwarded to a Public Hearing for further consideration.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

Mayor Shepherd invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

- 3.2 Bylaw No. 10210 (LUC09-0002) – WGP-241 Holdings Ltd. – 2009-2015 Enterprise Way - THAT Application No. LUC09-0002 to discharge the Land Use Contract 77-1028 for Lot 1, District Lot 140, ODYD, Plan 27785 located on Enterprise Way, Kelowna, BC, be considered by Council;

AND THAT Application No. LUC09-0002 be forwarded to a Public Hearing for further consideration.

Mayor Shepherd advised that this Agenda item as been withdrawn by staff and will not be considered during Public Hearing.

- 3.3 Bylaw No. 10211 (OCP09-0009) and Bylaw No. 10212 (Z09-0026) – Cedar Creek Developments Ltd., 0775362 BC Ltd., Kettle Valley Holdings Ltd./(Protech Consultants Ltd.) - THAT OCP Bylaw Amendment No. OCP09-0009 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 A SECTION 23 TOWNSHIP 28 SDYD PLAN KAP88802, located on (S OF) South Perimeter Way, Kelowna, B.C., from the MAJOR PARK/OPEN SPACE designation to the SINGLE/TWO UNIT RESIDENTIAL designation, as shown on Map "A" attached to the report of the Community Sustainability Division, dated May 28, 2009, be considered by Council;

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 Community Sustainability Division dated May 28, 2009;

AND THAT Rezoning Application No. Z09-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. a portion of LOT A SECTION 23 TOWNSHIP 28 SDYD PLAN KAP88802 ("LOT A PLAN KAP88802"), located on (S OF) South Perimeter Way, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and a portion of LOT A PLAN KAP88802 from the A1 – Agriculture 1 zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;
- ii. a portion of LOT 1 SECTION 23 TOWNSHIP 28 SDYD PLAN KAP71865 EXCEPT PLANS KAP71954, KAP72416, KAP72846, KAP73329, KAP74924, KAP75525, KAP76664, KAP79583, KAP80284, KAP80574, KAP81737, KAP82635, KAP84295, KAP85435 AND KAP88803, located on (W OF) Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;
- iii. a portion of LOT A SECTION 14 TOWNSHIP 28 SDYD PLAN KAP57304 EXCEPT PLANS KAP82635, KAP84031 AND KAP84295, located on 5570 Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;
- iv. a portion of THE NORTHWEST 1/4 OF SECTION 14 TOWNSHIP 28 SDYD, located on 5635 Chute Lake Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;

all as shown on Map "B" attached to the report of Community Sustainability Division, dated May 28, 2009, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP09-0009 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

Public HearingJuly 14, 2009

Staff:

- Confirmed that the purpose of this application is to deal with housekeeping amendments to the OCP and zoning designation of the subject property in order to reconcile the OCP future land use and zoning boundaries between Kettle Valley and the adjacent property owners.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Lloyd Nessman, Applicants' Representative

- Advised that the land is approximately 2 acres in size.
- Advised that the housekeeping amendments are required as a couple of property owners wish to consolidate their lots.

There were no further comments.

- 3.4 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 Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a 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.

The Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Tom Stapleton, Applicant

- Would like to legalize the basement suite currently in the subject property
- Feels that a suite is a natural fit to the surrounding area
- Did have to complete some upgrading to the structure in order to bring the suit into compliance with the BC Building Code.

Gallery:

Rod Roloff, 1320 Clark Court

- Feels that Clark Court is a family-oriented neighbourhood and therefore is very concerned about the safety of the children in the neighbourhood (as they often play on the street) due to the potential increase in traffic that the proposed suite may bring.
- Advised that he has lived at 1320 Clark Court since June of 1982.
- Expressed a concern that the applicant is only putting in a basement suite so that he can sell his property at an increased price.
- Expressed a concern about on-street and off-street parking as he does not believe that the site will be able to accommodate the off-street parking requirements.
- Submitted a Petition in opposition of the subject rezoning.
- Believes that there is a Building Scheme registered against the subject properties in the area that prohibits the construction of secondary suites.

Public HearingJuly 14, 2009

Staff:

- Confirmed that the City of Kelowna does not get involved with the compliance of Building Schemes.

Tom Stapleton, Applicant

- Advised that there is a park in the area and suggested that the children in the neighbourhood should be playing in the park and not on the street.
- Advised that he originally built the basement suite for his brother.
- Confirmed that he is currently renting the suite to two (2) individuals and that each of those individuals has their own vehicle.
- Advised that he could park up to five (5) vehicles on the concrete area and up to three (3) vehicles in the garage.

There were no further comments.

- 3.5 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:

- Provided an update regarding the application and confirmed that the Applicant has provided that the requested Traffic Impact Study for Council's consideration.
- Confirmed that the realignment of McIntosh and Mugford Roads is not being anticipated for another ten (10) years. It was noted that a signal light is being proposed for that intersection when the roads are realigned.

Public HearingJuly 14, 2009

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

- Letters of Opposition:
 - Sheryl Sargent, 102-250 Briarwood Road
 - Elaine Johnson, 121-250 Briarwood Road
 - Jason Casey and Catherine Newton, 240 Mugford Road
 - Barry and Jo-Ann Keith, 113-250 Briarwood Road
- Letters of Support:
 - Carol Suhan, FortisBC Inc., 100-1975 Springfield Road
 - Debbie Hicks, Southern Interior Construction Association, 104-151 Commercial Drive
- Letters of Support submitted by the Applicant:
 - Brandon Green, 205-195 Briarwood Road
 - Atasha Hines, 204-195 Briarwood Road (2)
 - Danny Grant, 208-195 Briarwood Road
 - Justin Wilson, 114-195 Briarwood Road
 - Lance Cochran, 102-195 Briarwood Road
 - Brent Davis, 204-195 Briarwood Road
 - Annette Welsh, 109-195 Briarwood Road
 - Todd Sanderson, Sanderson & Company, 200-160 Dougall Road South
 - Todd Sanderson, Uptown Rutland Business Association, c/o 200-160 Dougall Road South
 - Jeanne Miller, 103-245 Briarwood Road
 - Jorden Senger, 207-195 Briarwood Road
 - Garry Benson, Benson Salloum Watts LLP, 270 Highway 33 West
- Petition of Support:
 - A Petition of support signed by approximately 25 owners/occupiers of the surrounding properties as submitted by the applicant

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

Renee Wasylyk, CEO, Troika Developments Inc., Applicant

- Gave a presentation to Council regarding the proposed development.
- Believes that this development will provide much needed affordable rental housing and confirmed that the Applicant will be focusing on renting to young families, seniors and students.
- Confirmed that the development will be a long-term rental building.
- Advised that the private open space has been increased by 25% since the June 30, 2009 Public Hearing.
- Advised that a number of changes have been made to the development based on the information that was received at the open houses and the June 30th Public Hearing.
- Advised that the private open space has been moved from the back of the property to the west of the property and that a sidewalk will be constructed from the front of the building to the back of the building.
- Confirmed that the landscaping has now been bermed and that trees will be planted on top of the berm.
- Confirmed that she is will to provide a sidewalk as requested by City staff.

Public HearingJuly 14, 2009Dave Cullen, Traffic Engineer, CTQ Consultants, Applicant's Representative

- Confirmed that he was retained by Troika Developments to conduct the Traffic Impact Study.
- Advised that the Traffic Impact Study was conducted in July. Generally traffic impact studies are not conducted during the summer months and therefore he had to use previous data in his calculations. are not conducted during summer months
- Advised that it is difficult to assess pedestrian traffic in July while school is not in session.
- Confirmed that the delay for vehicles existing Briarwood Road is approximately 20 seconds per vehicle.

Gallery:Barry Wray, 107-250 Briarwood Road

- Advised that he is in favour of the development as Kelowna is in need of rental units. He also believes that this development will help to stimulate the local economy.

Jason Casey, 240 Mugford Road

- Advised that he does not agree with the results of the Traffic Impact Study.
- Advised that he continues to be opposed to the development.
- Confirmed that he met with representatives from Troika Developments after the last Public Hearing and that he made it quite clear that he is not in favour of the development and would only be willing to deal with Troika if they left the zoning of the property as is.
- Advised that he has spoken to two (2) different realtors and that they both told him that it will be very difficult to sell his property with the proposed development adjacent to his property.
- Believes that the rental suites will not be "affordable".

Staff:

- Confirmed that a Purpose-Built Rental Housing Agreement will be entered into between the City and Troika Developments Inc.

Rudy, Resident of Briarwood Road

- Currently rents property from Troika Developments and has lived on Briarwood Road for the past 10 years.
- Advised that he disputes the results of the Traffic Impact Study.
- He believes that in the last 3 years, he has seen a 20% increase in traffic in the area and that there it has become increasingly difficult to find on-street parking on Briarwood Road.
- Pointed out that Briarwood Road on has 1-way in and 1-way out and that Leathead Road has 4-ways in and 4 ways out and Mugford Road has 3-ways in and 3-ways out.
- Concerned about the reduction in parking for the development as there is already a parking problem.
- Based on his calculations, he believes that the traffic will increase by 50% if this development is approved.

Josette Genest, 112-250 Briarwood Road

- Advised that she is a businesswoman in the Rutland area and works in the field of construction and development.
- Believes this site should be developed under the current zoning.
- Noted that majority of the letters in support of the development were submitted by tenants of Troika Developments. Similarly, the majority of the people who signed the Petition in support are also tenants of Troika Developments.

Public HearingJuly 14, 2009Sheryl Sargent, 102-250 Briarwood Road

- Advised that she has owned and lived in her residence since 1992.
- Advised that she is opposed to the development.
- Expressed a concern that the letters of support were primarily from renters occupying other Troika Development properties.
- Opposed to the flat roof being proposed for the development. Advised that she would prefer that a pitched roof be constructed which would then fit in with the character of the neighbourhood.
- Does not believe that Troika Developments has respectfully taken into account the neighbourhood's concerns and suggested that a roundtable meeting be held at the Rutland Centennial Hall with a third party mediator.
- Does not believe that the reduction in parking should be considered.

Ken Meier, 182 Briarwood Road

- Lives across the street from 195 Briarwood Road.
- Is opposed to the development and rezoning.
- Advised that there are no sidewalks on his side of the road and that if the Applicant is considering increasing the number of pedestrians that live on Briarwood Road, the Applicant should construct a sidewalk on both sides of the road.
- Does not understand the data presented in the Traffic Impact Study.

McLean Stefanek, 455 Froelich Road

- Is in support of the development as the City and the Rutland community are in dire need of affordable rental properties.
- Works in the construction industry and believes that this will help with the local construction economy.

Yvonna Kolcourt, 405 Mugford Court

- Advised that she took possession of 405 Mugford Court on June 12, 2009.
- She is opposed to the development as it will affect her privacy.

Greg Davis, 204-195 Briarwood Road

- Previously lived at 245 Briarwood Road and believes that the structure is in dire need of redevelopment.

John Goedhart, 108-250 Briarwood Road

- Expressed a concern regarding the data used for the Traffic Impact Study.
- Advised that quite frequently he is unable to make a left-hand turn off of Briarwood Road and will off turn right just so he can keep the traffic flowing off of Briarwood Road.
- Advised that there are already parking issues on Briarwood Road.

Robert Penner, Resident of Briarwood Road

- Advised that he has lived on Briarwood Road for the past 6 years and that he used to rent the premise, but is now the owner.
- Believes that the building does not fit with the character of the neighbourhood.

Renee Wasylyk, CEO, Troika Development Inc., Applicant

- Advised that the proposed density increase meets the requirements of the City's Purpose-Built Rental Housing Policy.
- Advised that the suites will be rented at market rent and that rents in the Rutland area are generally lower than other areas of the City.
- Believes that this development will contribute to the urbanization of the Rutland area.
- Confirmed that underground parking will be provided for 80 vehicles and that the amount of bike storage has increased.
- Advised that it is not feasible for Troika Development to develop under the RM3 zoning.

Public Hearing

July 14, 2009

Dave Cullen, Traffic Engineer, CTQ Consultants, Applicant's Representative

- Confirmed that implied data used in the Traffic Impact Study was taken for City of Kelowna data from October 2008.

Staff:

- Provided details regarding the difference between the RM5 zone and the RM3 zone.
- Confirmed that there are no plans to connect Briarwood Road to Primrose Road.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 8:30 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk