

Public HearingAugust 11, 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, August 11th, 2009.

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

Council members absent: Brian Given, Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:02 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 July 24, 2009 and by being placed in the Kelowna Daily Courier issues of August 4, 2009 and August 5, 2009, and in the Kelowna Capital News issue on August 2, 2009, and by sending out or otherwise delivering 466 letters to the owners and occupiers of surrounding properties between July 24, 2009 and July 29, 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. 10215 (Z08-0114) – Windmill Ventures Ltd. – 332 Lake Avenue, 1853 and 1869 Water Street - THAT Rezoning Application No. Z08-0114 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lots 1, 2, and 4 District Lot 14 ODYD Plan 2709, located at 1853 Water Street, 1869 Water Street, and 332 Lake Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing 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 registration of a plan of subdivision to consolidate properties into one title;

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

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

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

Letters of Opposition:

Nicola Estrada and Jani Vaaranpaa, 279 Lake Avenue
Keith and Moon Trueman, 9708-94 Street, Edmonton, AB, Owner of 1838 Water Street
Debby Helf, Kelowna South-Central Association of Neighbourhoods, 1813 Marshall Street

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

Applicant, Bruce McKenzie (Bruce McKenzie Architects)

- Provided a Power Point Presentation to Council.
- I am accompanied by the owner of Windmill Ventures. We are in favour of the application.
- Described zoning surrounding the proposed site.
- The owner tried to acquire the fourth site but was unable to negotiate at market value. My client wanted us to ensure that we design a building that could work with the neighbouring property if the owner of the fourth site decided to develop in the future.
- Provided a site plan displaying a courtyard in the centre and underground parking.
- This design fits within the OCP guidelines and the site is a suitable site for this application according to the OCP. Discussed form and character of the building.
- The owner wanted to target affordability. Potential buyers would be singles or young couples.
- This development considers future phasing with the adjacent lot.
- Available to answer any questions.

Council:

- Inquired if the Applicant looked at the City's sustainability checklist. The Applicant noted that they are LEED certified but has not yet reviewed the LEED checklist. Mayor Shepherd noted that if this application is approved the DP stage would be the time to have the sustainability checklist brought forward.
- Inquired as to the height difference of this proposed building compared to the other three neighbouring buildings? Applicant noted the proposed building is approximately 6 meters taller than the other three neighbouring buildings.
- Inquired if the Applicant had spoken with the neighbours? The Applicant noted the owner canvassed some of the neighbours last year.
- The Neighbourhood Association has indicated some concerns. If this passes it would be beneficial for the Applicant to speak with the neighbours to alleviate any of their concerns.
- Will parking be totally underground? The Applicant noted that surface parking would be at current grade level. Surface parking is screened by a hedge and will not have much visual impact. Underground parking is about 1 m above grade level.

Gallery:**Debi Helf, President of Kelowna South Central Neighbourhood Association**

- A letter has been given to Council with respect to this application. At a recent Board meeting we thought the scale of the building is too high. The Pandosy Apartments are 3 storeys and the building on Water Street is 3½ storeys. If interfacing with the heritage conservation area the Applicant should be stepping down. Instead of 4 or 5 storeys the building should be 2 storeys. The Lewis House is on the Heritage Register and is one of the houses that is very near to this development. The two homes being demolished include the Hall House which is not listed on the Heritage Register. These two homes are in their original form, so if this application passes we would like these homes saved and moved some where due to their heritage value.

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Would like to see the design of this proposed building tie into the heritage neighbourhood.

Brad Mills, 260 Lake Avenue

- Concerned that the design will not fit into the heritage neighbourhood at all.
- The building does not conform to any heritage homes in the area. It would be nice to see some dormers or something to make it look like it fits in. As well there is no step back.
- With the closure of Water Street and Abbott Street the only access is from Lake Avenue onto Pandosy Street. A high volume of traffic flow can be expected.

Council:

- During the Advisory Planning Commission meeting the neighbours had made comments regarding the form and character and had you taken note of that. The Applicant noted that implementing the comments regarding form and character would trigger a total re-design of the building. We realize we are abutting a heritage area but we are not actually in the heritage area.
- Suggested the developer review the heritage guidelines to find a way to make the building look as though it fits in with the neighbourhood.
- Confirmed that staff has no water concerns for this development.
- Inquired why staff did not encourage the RM4 zone as a transition to the existing homes. Staff noted that across the street the property is zoned RM5 and contain mature homes that could be up for re-development. Staff did not want to penalize this developer. The OCP does support the RM5 zone. The applicant did provide a stepped back design to help address the interface between the RM5 and RU1 zone.
- Encouraged the Applicant to ask for the interest of the community to see if portions of the heritage homes should be salvaged.

Applicant, Bruce McKenzie Architects and Tim Walchuck, Windmill Ventures

- Noted that when the 3 storey apartments along Pandosy run their course they would be able to develop to the 16 meter height.
- Would not recommend taking homes off site because they are badly infested. These homes have reached a maturity and two homes have termites. If we relocated the homes we would only be transporting the problem of termites.
- The parkade is raised out of the ground due to the water table.
- Contemporary architecture is one of taste and subjectivity. I like to do contemporary buildings that fit into neighbourhoods.

There were no further comments.

3.2 Bylaw No. 10216 (OCP09-0008) – City of Kelowna - THAT OCP Bylaw Amendment No. OCP09-0008 to amend Map 12.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the road classification of:

- i. Gordon Drive, between Casorso Road and Lexington Avenue, from the 3 Lane Arterial road classification to the 4 Lane Arterial road classification;
- ii. a portion of Highway 33 East, east of Gallagher Road, from the 2 Lane Arterial road classification to the 4 Lane Arterial road classification;
- iii. the remaining portion of Highway 33 East to the City Boundary from the 2 Lane Arterial road classification to the 3 Lane Arterial road classification;

as shown on Maps “A,” “B,” and “C” attached to the report of the Community Sustainability Division, dated July 6, 2009, be considered by Council;

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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 July 6, 2009;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP09-0008 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 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.

4. TERMINATION:

The Hearing was declared terminated at 7:06 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld