

Public HearingSeptember 8, 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, September 8th, 2009.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort*; 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 August 21st, 2009, and by being placed in the Kelowna Daily Courier issues of August 31st, 2009 and September 1st, 2009, and in the Kelowna Capital News issue of August 30th, 2009, and by sending out or otherwise delivering 1311 letters to the owners and occupiers of surrounding properties between August 21st, 2009 and August 27th, 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. 10209 (Z08-0014) - Elizabeth and Armogan Odiyar - 380 Taylor Road - THAT Rezoning Application No. Z08-0014 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 22, Township 26, O.D.Y.D., Plan 30079, located on Taylor Road, Kelowna, B.C. from the RU1 - Large Lot Housing Zone to the RU6 - Two Dwelling 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 requirements of Development Engineering Department, being completed to their satisfaction.

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.

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Gallery:

May Thomas, 410 Taylor Road

- Concerned about leaving the existing house on the property as it currently has a blue tarp over part of the structure.
- Concerned about the types of people that the owner could potentially rent to as there are already problems in the neighbourhood.

Armogan & Elizabeth Odiyar, Applicants

- Advised that the blue tarp was removed over 6 months ago.

There were no further comments.

- 3.2 Bylaw No. 10225 (Z09-0030) and Bylaw No. 10224 (TA09-0004) - Pier Mac Petroleum Installation Ltd. - 5220 Highway 97 North - THAT Rezoning Application No. Z09-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 11, Twp. 23, ODYD, Plan 34113 Except Plan KAP81399 located at 5220 Highway 97 North, Kelowna, B.C. from P4 - Utilities to CD15 - Airport Business Park be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA09-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the subject property to the industrial boundary area of the CD15 - Airport Business Park zone as noted on CD15 Map 1 as shown on Map A attached to the report of the Land Use Management Department, dated July 21, 2009, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0004 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 subsequent to the requirements of the Ministry of Transportation and the Development Engineering Branch being completed to their satisfaction.

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.

Kevin Buchanan, Pier Mac Petroleum Installation Ltd., Applicant

- Planning on developing the property in the same manner as the existing development in the area that is also owned by Pier Mac.

There were no further comments.

- 3.3 Bylaw No. 10226 (Z09-0038) - City of Kelowna/Kelowna Visual & Performing Arts Centre Society - 1315 Water Street (Tenant address is 421 Cawston Avenue) - THAT Rezoning Application No. Z09-0038 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot A, District Lot 139, ODYD, Plan KAP67454, located at 421 Cawston Avenue, Kelowna, BC, from the C7 - Central Business Commercial zone to the C7LP - Central Business Commercial with Liquor Primary zone as shown on Map "A" attached to the report of the Land Use Management Department, dated July 31, 2009, be considered by Council.

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

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

- Letters of Opposition:
 - Lisa, Vernon and Melissa Rowat, 1289 Ellis Street
 - Bud and Gloria Kushnir, 321-1331 Ellis Street

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

Tracey Warden, Executive Director, Rotary Centre for the Arts, Applicant

- The Rotary Centre is currently required to apply for temporary liquor licenses and this rezoning would then do away with that requirement as well as the administrative paperwork and fees.
- Advised that the clientele will not see any increase in use of the liquor service.
- Confirmed that the restaurant on site has a right of first refusal for all liquor sales within the Rotary Centre.
- The liquor primary license will enable the Rotary Centre to better monitor the liquor sales and consumption during events.
- Confirmed that liquor will not be sold at the children's events, only at the adult-only events.

There were no further comments.

- 3.4 Bylaw No. 10218 (Z09-0031) - Louis Spartin, Tracey Spartin, Gary Taylor and Maureen Ryan (Troika Developments Inc.) - 3975 and 3985 Lakeshore Road - THAT Rezoning Application No. Z09-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, B.C. from the C1 - Local Commercial zone to the C3 - Community Commercial 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 the properties into one title;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the applicant entering into a legal agreement with and acceptable to the City of Kelowna, to be registered on title (or in a manner equally acceptable to the Director of Land Use Management), with respect to the ongoing provision of transit passes for those employed in the completed development;

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

Councillor Stack declared a conflict of interest as he is a long-time family friend of one of the applicants and left the meeting at 6:32 p.m.

Staff:

- Confirmed that the Development Engineering Department has not requested any traffic impact improvements to the area (i.e. New traffic light at the intersection).

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

- Letters of Opposition:
 - Richard Drinnan, 669 Greene Road
 - C. Anne and Wm. J. Herman, 203-4004 Bluebird Road
 - Ursula and Alfred Scheuer, 409-4004 Bluebird Road
 - David Sparrow, 101-650 Lexington Drive

- Letters of Support:
 - Jay Blackford, Cabana Bar and Grille, 852 Woodhaven Place
 - Andrew Bruce, 893 Paret Crescent
 - Michael Borg, Cabana Bar and Grille, 326 Tanager Dr
 - Peter Bouchard, Corporate Accord Realty Lt, 500 Sarsons Road
 - Joseph Roberge, RBC Dominion Securities, 1708 Dolphin Avenue
 - Gilles Ladouceur and Anita Blaser, Rockewood Homes Construction and Investment Co, 5753 Mountinside Drive
 - Kent Fearn, 3430 Lupin Crescent
 - Glen Shuttleworth, 965 Wintergreen Drive
 - Krista Ferguson, 5-2575 Ross Road
 - Nina Ferguson, [REDACTED]
 - Carolyn Gibson, 12643 Driftwood Court
 - Aaron Knight, 12643 Driftwood Court
 - Belinda Hatch, 572 Arborview Drive
 - Patricia Fydell, 326 Tanager Drive
 - Curt Dorin, 5529 Farron Place
 - Krista Reynolds, 222-2611 Stillwater Way
 - Cindy and Drew Shaw, 625 Quarry Avenue
 - Ned Bell, 736 Arborview Drive
 - Kate Lolley, 736 Arborview Drive
 - Lane Shupe, 4397 Hobson Road
 - Dr. Ronald Shupe, 4397 Hobson Road
 - Larry Oishi, 4822 Canyon Ridge Crescent
 - Grant Fuergutz, 1461 Renfrew Road
 - Angela Bearman, 782 Cooplund Crescent
 - Bill and Marjorie Fydell, 115-609 Truswell Road
 - K.V. Ficocelli, BDO Dunwoody LLP, 300-1632 Dickson Avenue
 - Norman Viens, 699 Saratoga Place
 - T.J. Gardner, 2674 Cameron Road
 - Cindy Bollhorn, 200-440 Cascia Drive
 - Ryan Dockrill, 5437 Farron Street
 - Sheila Estephan, 4094 Lakeshore Road
 - Murray Wilson, 404-4058 Lakeshore Road
 - Joan and Mark McGowan, 4638 Darin Place
 - Kent Priebe, 3484 Camelback Drive
 - Tamara Moran, 472 Sarsons Road
 - Ian Watson, 3059 Quail Run Drive
 - Jeff Prowal, 1255 Ridgeway Drive

- Letter of No Objection:
 - Agnes Hayes, 312-650 Lexington Drive

- Letters of Concern:
 - Tracy and Michael Whitehead, 202-4004 Bluebird Road
 - Don Knox, 3988 Bluebird Road
 - Gayle and Steven Faigan, 4132 Lakeshore Road

- Petition of Support:
 - A petition signed by 19 owners/occupiers of the surrounding area in support of the proposed zoning changes to the subject property as submitted by Tim Wood, 412 Tulameen Road.
- Additional Information Submitted by Applicant:
 - 14 letters of support and a petition signed by 29 owners/occupiers of the surrounding area in support of the application.

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 rezoning and development.
- Advised that the site currently has an existing single-family home on it, which will be demolished in a "green" manner.
- Advised that free transit passes will be offered to encourage the use of public transit by the employees of the building.
- Advised that a community open house was held regarding the project.
- Advised that the parking will be located at the side and the rear of the building.

Gallery:

Paul, Resident of 650 Lexington Drive and Member of the Strata Council

- Concerned that the proposed height is 4 storeys and advised that he would be agreeable to 3 storeys.
- Concerned about the parking on the site and the variance being requested.
- Concerned about the increased traffic in the area as there are a lot of elderly residents in the Lexington.
- Concerned about the high water table in the area and the affect this project could have on the water table.

Vera Blazek, #314 - 650 Lexington Drive

- Concerned about the proposed height of the building as her property will be directly impacted. She will now be looking at a building rather than vegetation.
- Concerned about the possibility of having windows on the side of the building that will look directly down on her property.
- Concerned that the security measures being proposed may adversely affect her living space.
- Concerned that she could be losing some of her privacy.
- Believes that this development will affect the resale value of her property.

Carla Fisher, Resident of Abbott House, 2901 Abbott Street

- In favour of the development.
- Feels that this will enhance the surrounding neighbourhood.

Rory Miller, Kettle Valley Resident

- In support of the development.
- Likes the idea that there will be commercial office space so close to his home.
- Would consider leasing some space in the building for his business.

Mike Geddes, Windsong Crescent

- Advised that he is a long-time member of the Kelowna Chapter of UDI.
- Is a professional, commercial realtor.
- Believes that commercial retail space is in high demand in the City of Kelowna and the more that can be built, the better.

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- Advised that the Board of Directors of the Okanagan Mission Residents Association have been following this application since it began.
- Advised that the Board of Directors believes that this rezoning should not go forward without an OCP amendment as it does not meet the OCP requirements.
- Advised that the Board of Directors is not in support of a 4-storey office building in this area.
- Submitted a written copy of his statements to City staff.

Richard Drinnan, 669 Greene Road

- Opposed to the rezoning.
- Believes that this is attempting to use a bylaw zoning amendment to amend the OCP.
- Believes that the OCP requirements are not being met by the proposed development.
- Believes that the applicant should be applying for an OCP amendment and not just a rezoning.
- Believes that the applicant wants to build a non-conforming building that does not meet the requirements of the OCP.

Steve Hatch, 572 Upper View Drive

- Is in support of this project.
- Believes that the development will improve the entire section of Lakeshore Road in that area.

Vince Blayzk, Kelowna Resident

- Opposed to the proposed development.
- Opposed to a 4-storey commercial building in the area.

Richard Drinnan, 669 Greene Road

- Believes that this application will amend the OCP based on the intended use of the site.
- Believes that this will adversely affect the City's 20 year Servicing and Financial Plan.

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

- Advised that the building is 12m from the back property line when the requirement is only 6m.
- Is willing to sit down with the Vera Blazek in order to address her concerns.
- Advised that a geotechnical report has been completed and states that the water table in the area should not be affected the proposed development.
- Believes that there is a need for commercial space in this area.
- Before moving forward with this application, he sat down with the City's Land Use Management Department and was advised that an OCP amendment would not be required and that the rezoning to C3 would be acceptable to City staff.

Staff:

- Confirmed that the C2 zoning would allow for both commercial and residential.
- Confirmed that the C3 zoning would allow for only commercial.
- Advised that the Policy & Planning Department has indicated support for the requested C3 zoning.
- Confirmed that residential is permitted secondary use under the C3 zone.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 8:07 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk