

Public HearingOctober 20, 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, October 20th, 2009.

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

Council members absent: Councillors Andre Blanleil, Michele Rule and Luke Stack.

Staff members in attendance were: Acting City Manager, Paul Macklem; 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 6:03 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on October 2, 2009, and by being placed in the Kelowna Daily Courier issues of October 13, 2009 and October 14, 2009, and in the Kelowna Capital News issue of October 14, 2009, and by sending out or otherwise delivering 433 letters to the owners and occupiers of surrounding properties between October 2, 2009 and October 8, 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. 10218 (Z09-0031) - Louis & Tracey Spartin, Gary Taylor and Maureen Ryan/(Troika Developments Inc.) - 3975 & 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.

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

- Letters of Concern:
 - Ingrid Temmel, 3957 Lakeshore Road
 - Bill Bradley, 404-4004 Bluebird Road
 - Don Knox, 3988 Bluebird Road
 - Connie Burgher, 527 Radant Road
- Additional Information submitted by the Applicant:
 - 36 pages of additional information including form letters, letters of support and a petition of support

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's Representative

- Gave a presentation to Council regarding the proposed development.
- Based on the concerns raised by Council, significant changes have been made to the project.
- Advised that the development is now 3-storeys as opposed to the original 4-storeys.
- Advised that the applicant will be provided 50% more bicycle storage than is required.
- Advised that the parking requirements are in line with the OCP.
- Confirmed that the retail portion of the development has not changed.
- If the rezoning is passed by Council, the applicant will be meeting with the surrounding neighbours to discuss the landscape plan for the site.

Gallery:

Ron Hallick, 498 Sarsons Road, President of Okanagan Mission Residents Association

- Met with the developer recently regarding this proposal.
- Would like to see a residential component given the location of the site to the village centre.
- Believes that this application will trigger other C3 rezoning applications in the future.
- Believes that the OCP and Zoning Bylaws were created to protect the public interest and believes that the C2 zoning would be more appropriate for the site.

Richard Drinnan, 669 Greene Road

- Advised that he was opposed to the development at the September 8, 2009 Public Hearing and that he is still opposed to the development.
- Believes that the commercial area being proposed does not meet the OCP's objectives.
- Advised that the area is only 500m away from the North Mission Village Centre.
- Pointed out that the area north of Mission Creek is zoned C9.
- Believes that the C3 zoning is inappropriate and should not be considered by Council.

Karine Liegmann, 365 McCarren Avenue

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- In favour of the development and the rezoning because parents in the area will have an opportunity to work where they live and the area is in desperate need of office space.
- Believes that having more commercial space in the area will encourage professionals to establish their businesses there.

David Ganey, 390 Braeloch Road

- Travels Lakeshore Road daily and is in favour of this project.
- Believes that the area needs more office space of this type.
- Believes that this will take some of the pressure off of traffic in the area as people will not need to travel so far in their vehicles.

Rory Millikin, 5367 Trillium Lane

- Concerned that it is difficult to access services in the Kettle Valley area.
- Believes that the City needs more commercial office space.

Scott Lanigan, 5777 Mountainside Drive

- Lives and works in the Mission area.
- Believes that commercial office space is at a premium and is very supportive of the development and rezoning.
- Believes that if Troika doesn't develop this property, it will sit empty.
- Is a big proponent of the proposed multi-use facility.

Kinsley Hettinga

- Read a letter on behalf of Lorraine McGrath in support of the rezoning.

Steve Hatch, 572 Upper View Drive

- Spoke in favour of the project at the September 8th Public Hearing and is still in favour of the development and rezoning.
- Believes that the site needs to be cleaned up.
- Likes the design of the building.

Richard Drinnan, 669 Greene Road

- Believes that there is enough land already designated through the OCP to accommodate office space needs to 2030.
- Believes that commercial development of the area will be triggered when the population growth reaches a certain level.
- Displayed a list of items that he believes are contrary to the OCP as they relate to this specific development.
- Believes that the design of the building does not meet the OCP guidelines for buildings in the area.

Jennifer, 5449 South Perimeter Way

- Is in favour of the development.

David Sargent, Development Manager, Troika Developments Inc., Applicant's Representative

- Originally considered a residential component for the site, but based on the neighbouring communities' concerns, it was made very clear that a residential component would not be acceptable to the strata area residents.
- Reiterated that this site is within an urban centre.
- Believes that office space is needed for the area.
- Believes that C3 zone is the typical zone for an urban centre.
- Advised that the commercial component of the project only consists of 17,000 square feet, which is not large in his opinion.
- Was able to eliminate all of the parking and loading zone variances with the redesign of the development.

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- Confirmed that the FAR cannot be varied as it is considered density and you cannot request a variance for density.
- Confirmed that any restrictive covenant with respect to height would have to be voluntary on behalf of the applicant.

There were no further comments.

- 3.2 Bylaw No. 10243 (Z09-0042) - James East & Sandra East - 557 McWilliams Road - THAT Rezoning Application No. Z09-0042 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, Section 26, Township 26, ODYD, Plan 29389, located on McWilliams Road, Kelowna, B.C. from the 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 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 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.

James East, Applicant

- There has been a suite in the property for the last 6 years.
- Once the zoning is approved, a Building Inspection will need to take place and he does not anticipate a lot of problems with respect to ensuring that the suite meets the B.C. Building Code.

There were no further comments.

- 3.3 Bylaw No. 10244 (Z09-0037) - Clarence Breitreutz & Margaret Davidson - THAT Rezoning Application No. Z09-0037 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4, Section 30, Twp. 26, O.D.Y.D., Plan 40041, located at 1377 Mountain Ave. Kelowna, B.C. from the 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 a Public Hearing for further consideration.

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Clarence Breitkreutz, Applicant

- Feels that the suite will enhance the look of his home as well as add some square footage.
- Confirmed that he has spoken to his neighbours and they are not opposed to the proposal.
- Advised that there have been some properties in the area that have already been rezoned to the "S" designation.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:14 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld