

Public HearingFebruary 21, 2012

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, February 21<sup>st</sup>, 2012.

Council members in attendance: Mayor Walter Gray, Councillors Colin Basran, Andre Blaneil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, and Gerry Zimmermann.

Council member absent: Luke Stack

Staff members in attendance were: Acting City Manager, John Vos; City Clerk, Stephen Fleming; Director, Land Use Manager, Shelley Gambacort; Development Services Manager, Steve Muenz and Council Recording Secretary, Arlene McClelland.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:01 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" 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 February 3, 2012 and by being placed in the Kelowna Capital News issues on February 10, 2012 and February 14, 2012, and by sending out or otherwise delivering 1683 letters to the owners and occupiers of surrounding properties between February 3, 2012 and February 10, 2012. For convenience, information regarding this Public Hearing is also available at kelowna.ca

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. 10646 (OCP11-0007) - TrILERMASTER Inc. and Canalta Real Estate Services Ltd. (DE Pilling & Associates Ltd.) - 3865-3867 Highway 97 and 2170 Rutland Road - THAT OCP Bylaw Text Amendment No. OCP11-0017 to amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by revising the Temporary Use Permit Area table 4.3 in Chapter 4 - Temporary Use Permits and adding to the table the content of schedule "A" attached to the report of Land Use Management Department, dated January 9, 2012 be considered by Council;

AND THAT the OCP Amending Bylaw No. 10646 be forwarded to a Public Hearing for further consideration.

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

Mayor Gray 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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Applicant:

- Have held a business license on the current property for eight years.
- There had been a complaint from a neighbour who noted that I was not zoned properly for the business I was currently operating.
- Intent is to use the Temporary Use Permit on the property for next three years to operate my business.

There were no further comments.

3.2 Rezoning Application No. Z11-0058 - Citizen Management Ltd. (CTQ Consultants Ltd.) - 3327 Lakeshore Road - THAT Rezoning Application No. Z11-0058 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Strata Lots 1-60, DL 14, ODYD, Strata Plan K533 together with an interest in the common property in proportion to the unit entitlement of Strata Lot as shown on Form 1, located at 3327 Lakeshore Road, Kelowna, BC, from C9 - Tourist Commercial to C4 - Urban Centre Commercial be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

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

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

Annie Terrett, Consultant, ATR Architects

- Provided a location plan and footprint of the building as well as parking area.
- Provided landscape and elevation renderings.

There were no further comments.

3.3 Rezoning Application No. Z11-0087 - Sheldon and Heather Upshaw (IHS Designs Ltd.) - 1401 Appleridge Road - THAT Rezoning Application No. Z11-0087 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 30, Section 29, Township 29, SDYD Plan 32500, located on Appleridge Road, Kelowna, BC from the RR3- Rural Residential Zone to the RR3s- Rural Residential with Secondary Suite Zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

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

**Letters of Opposition:**

Barry Small and Bozena Youngberg, 4750 Westridge Drive  
 Reinhard and Marilyn Krenz, 4753 Westridge Drive  
 Florentino and Candida Perez, 4762 Westridge Drive  
 Sandra and Peter Fearon, 1411 Appleridge Road  
 Robert and Doreen McClocklin, 4744 Westridge Drive  
 Duane Vincent, 1407 Appleridge Road  
 Cathy Vincent, 1407 Appleridge Road  
 Janice and John MacInnis, 4732 Westridge Drive  
 David Biagi, 4780 Westridge Drive  
 Rick and Jennifer Pearson, Redridge Road  
 Kenneth Chutskoff, 1460 Appleridge Road  
 Doreen Wooden and Ronald Soberlak, 1410 Appleridge Road  
 Dennis and Susan Dudley, 4738 Westridge Drive  
 Cathie Harden, 4768 Westridge Drive

**Petitions of Opposition:**

A petition of opposition signed by 25 owners/occupants of the surrounding properties as submitted by Catherine Vincent, 1407 Appleridge Road

A petition of opposition signed by 11 owners/occupants of the surrounding properties as submitted by Julio and Lyn Krenz, 4753 Westridge Drive

**Letter of Concern:**

David Hamilton, 4725 Parkridge Drive

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

**Sheldon Upshaw, Applicant**

- Purchased the property for my own residence and immediate family. I am a Real Estate Agent by trade but have no intention of flipping this property. This is not a profit making endeavour.
- There are probably more people who are alright with this application than are not. There are only 30 people who have come out to oppose.
- This is a very diverse neighbourhood and there are many who have guest houses where parents or kids can live in the back property. I have gone through all the proper channels to ensure we had what we wanted.
- Have read some concerns that have been put forward. Our plan is to keep the cedar trees to provide privacy for neighbours to the east. Clarified that IHS Design thought the driveway would consist of crushed gravel however it is going to be an asphalt driveway. Our plan is to build a swimming pool and a gravel driveway would not be favourable.
- Invited neighbours over to explain our proposal and inform that we've met the requirements. We have not sought any variances and everything is permissible within the zoning.
- A driveway off of Westridge Drive was suggested by some, however, there are some mature cedars and we would desire to keep them. Unsure how this would impact those along Westridge Drive as there aren't any site lines and they will not see our home.
- Septic system approved through Interior Health. There are 531 homes in Crawford Estates and there are roughly 30 people here to say they are opposed.
- This application fits in with all the guidelines.

Public HearingFebruary 21, 2012Gallery:Reinhard Krenz, 4753 Westridge Drive

- Resident for 12 years.
- Concerned with site lines.
- Concerned it will be a double rental property.
- Opposed to this application.

Peter Fearon, 1411 Applewood Road

- Purchased property 15 years ago due to large flat lot as well as the trees and space between the homes.
- Main concern is another septic field and impact on ground water.
- Concerned with storm drainage in the area and increase in impervious area.
- Opposed to this application.

Michael Ballingal, 4797 Redridge Road

- Lived in area for 5 years.
- Second rental property would change the structure in the area.
- Opposed to this application due to carriage home.

Sandra Fearon, 1411 Appleridge Road

- Lived in neighbourhood for 15 years.
- Like the large lots and the privacy of these lots. Trust that form and character of Crawford Estates will be maintained.
- Noted the petition and the map prepared for Council; 33 people were contacted and 1 declined that is a 97% opposition rate.
- The Form and Character does not meet all guidelines in the OCP.
- Opposed to this application.

Alan Forester, 1451 Appleridge Road

- Retired here and moved to Crawford Estates due to the size of lots and single family neighbourhood.
- This application could change the neighbourhood.
- Opposed to this application.

Cathy Vincent, 1407 Appleridge Road

- Had provided a letter to Council.
- Main concern is construction of the secondary suite as a new accessory building.
- The Applicant has been here less than 6 months and already wants to change the flavour of the neighbourhood.
- Drive way issue a major concern.
- Concerned that both homes could be rented out.
- Opposed to this application.

Duane Vincent, 1407 Appleridge Road

- We became aware of the rezoning via the mail. Many neighbours were unaware of the rezoning and once they knew they were opposed.
- Opposed to the stand alone carriage house. The impact is not so great when attached to the house.
- Concerned with laneway. If the accessory building were attached to the house there would not be a laneway going right through to the back yard.
- Opposed to this application.

Doneen Wooden, 1410 Appleridge Road

- New residents to the area and the large lots drew us to Crawford Estates.
- Concerned with increased traffic flow and concerned with subdividing.
- Opposed to this application.

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Laura Dalton, 4750 Redridge Road

- Resident for 14 years. Appeal to the area was the large lots.
- Concerned that this type of application will grow in our neighbourhood.
- Opposed to this application.

Donald Glen, 1420 Appleridge Road

- Resident since the 1980's.
- Applicant approached me and advised me of his plans.
- Concerned with increased traffic on the street.
- Opposed to this application.

Sheldon Upshaw, Applicant

- Have been forthright with my intentions. Have spent ¼ million dollars in renovations to my home and cannot believe that destroys a neighbourhood.
- Only one vehicle will be added to the neighbourhood.
- A perk test has been conducted on the septic field and approved by the City's Planner. Mars Contracting is responsible for the field. Septic approval was signed off for the future pool. We have been assured by IHS that it is not a concern.
- Concerning the petition, I believe they are somewhat misleading. We will mitigate any visual impacts. The property will be landscaped correctly.
- Appreciate the concerns of neighbours but this is a different time. I was told that the city would most likely support a second home on this property. It will have very little impact on the neighbourhood. I do not have an issue with renters.

There were no further comments.

The meeting recessed at 7:50 p.m. The meeting reconvened at 8:02 p.m.

- 3.4 Official Community Plan Bylaw Amendment Application No. OCP11-0002 and Rezoning Application No. Z11-0030 - Risso Estates Ltd. (Troika Developments Ltd.) - 1013 Barnes Avenue - THAT OCP Bylaw Amendment No. OCP 11-0002 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of a portion of Lot B, District Lot 134, ODYD, Plan KAP91847, located at 1013 Barnes Avenue, 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 Land Use Management Department dated January 20, 2012, be considered by Council;

AND THAT Council considers the APC 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 January 20, 2012;

AND THAT Rezoning Application No. Z11-0030 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot B, District Lot 134, ODYD, Plan KAP91847, located at 1013 Barnes Avenue, Kelowna, BC from the A1 - Agriculture 1 zone to the RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing zones, as shown on Map "B", be considered by Council;

AND THAT the Official Community Plan Amending Bylaw 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 on the subject property;

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AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Infrastructure Planning (Parks & Public Spaces) being completed to their satisfaction.

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

**Letters of Opposition:**

Judy Marshall, 909 Wintergreen Drive  
 Dorothy Strilchuk, 114-1075 Barnes Avenue  
 Thomas and Arlene Hawrelak, 1052 Wintergreen Drive (2)  
 Kathryn and Leonard Jupp, 1140 Wintergreen Crescent (2)  
 Gerald and Lillian Moller, 3526 Athalmer Road  
 Calvin and Vivian Sawchuk, 3521 Athalmer Road (2)  
 Jackie Davis, 3550 Windermere Road  
 Sohan and Gurjeet Khangura, 3596 Athalmer Road  
 Gerald and Ellen Conway, 3508 Invermere Court  
 Maureen Cullen, 955 Wintergreen Drive  
 Christine Blomquist, 940 Wintergreen Drive  
 John Horton, 955 Wintergreen Drive  
 Colleen Dickson, 1032 Barnes Avenue (2)  
 Lou Guidi, 3516 Athalmer Road  
 Margaret Radi, 3566 Athalmer Road  
 Allan and Diane Dalsvaag, 3590 Windermere Road  
 Thomas and Shirley Cole, 3576 Athalmer Road  
 S. Brent Warne, 3536 Athalmer Road (2)  
 John Manderson, 3520 Windermere Road (2)

**Letters of Support:**

William Sydney Malouf, 322-3842 Gordon Drive

**Petition of Opposition:**

A petition of opposition signed by 114 owners/occupants of the surrounding properties as submitted by Romany Runnalls, 3598 Windermere Road.

**Petition of Support:**

A petition of support signed by 71 owners/occupants of the surrounding properties as submitted by the applicant (Bob Guy, Troika Developments).

**Letters of Concern:**

Kevin and Rosann Carl, 3513 Invermere Court  
 Ed Rankin and Phyllis Gidley, 916 Wintergreen Drive  
 Robin Cumming and Alix Barnes, 3540 Windermere Road  
 Dave Doheny, 1015 Wintergreen Drive  
 Heather Doheny, 1015 Wintergreen Drive

**Additional Information:**

Package of 9 letters of support as submitted by the applicant.

Package of 12 pages of additional information as submitted by the applicant.

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

Public HearingFebruary 21, 2012Rene Wasylyk, CEO of Troika Developments; Dave Cullen, CTQ Consultants

- Provided a PowerPoint Presentation of Green Square.
- Provided background information of property.
- Noted that the land designation has been changed three different times. Have worked with city staff for 4 years to create the best plan.
- Created a split zone with RM3 and RM5 zones that creates less site coverage, more green space and better flow in and around the development.
- Met with the neighbourhood through Open Houses with 12 hours of consultation. Delivered 450 notices door to door. There were some concerns with traffic but mostly concerns with design. Working with School District 23 to assist with traffic flow.
- Dave Cullen, Traffic Engineer, CTQ Consultants, advised that traffic studies had been conducted between the City and CTQ during July and August. The site has been worked on for three years under the previous OCP designation as well.
- [Green Square Project - Traffic Impact Study](#).

Gallery:Brent Warren, 3536 Athalmer Road

- Provided a PowerPoint presentation summarizing concerns related to changes to the OCP and Rezoning.
- Proposal does not reflect the last two Official Community Plans.
- Density is excessive, this is not transition density.
- Concerned with traffic and parking issues that could put children and seniors at risk.
- Traffic study is flawed because it did not take into account the school traffic.
- Parking concerns; the project is not designed to handle larger vehicles and could create spill over parking in our neighbourhood.
- Opposed to this application.

Jojo Balisti, Parent Advisory Committee President, Casorso Elementary

- Concerned that the Applicant did not attempt to contact the PAC at all until two weeks ago. The School District is involved but the PAC has not been involved.
- This development will not make less traffic at Casorso as this is a French Emersion School and not all students can walk. No matter what, the traffic will not be alleviated.
- According to the Traffic Impact Study, 77 trips at peak hour is way off. Traffic at peak hours goes right to Gordon Drive. There have been over crowding issues at the school for 6 years and there is no bus service.
- Opposed to this application.

Karine Veldhoen, Principal, First Lutheran School

- In support of this application. The development offers attainable housing.
- Traffic concerns are difficult and especially at all school sites.
- This application appropriately responds to the needs of Kelowna.

Rus Ready, 3566 Athalmer Road

- Observed the Troika development in Black Mountain and there are issues with parking and inadequate parking as well as incomplete landscaping.
- Those who do not live in the area seem to be supportive.
- Have had only one public meeting with the Applicant. The city has been forthcoming however the developer has been somewhat difficult.
- Without the completion of Mission Springs Road this will be troublesome.
- Opposed to this application.

Romany Runnells, 3598 Windermere Road

- Moved into area 5 years ago and was aware that the area was slated for multi family low density.

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- This proposal is not in keeping with the OCP.
- Concerned with the way this plan has rolled out. The New OCP 2011 Open House still designated this area as low density.
- Concerned with Traffic Study and believe studies should have been conducted during the school year as it is not a busy time during the summer months.
- Opposed to this application.

Resident, Windermere Road

- Lived in the area for 18 years.
- Concerned with traffic issues.
- Opposed to this development.

Cindy Lombard (family lawyer), 742 Southwind Drive

- Not immediately impacted by this development but am in support of the Applicant.
- The development of more attainable housing for families is a positive thing.

Margaret Radi, 3566 Athalmer Road

- There are 575 children at Casorso Elementary already and if you add more housing, do not assume people living there will be able to send their children to Casorso Elementary.
- Opposed to this application.

Lillian Moller 3526 Athalmer Road

- Resident in the area for 19 years.
- Against the medium density not the low density.
- Against no left hand turn off Gordon from Barnes.
- Opposed to this application.

Gerry Moller, 3526 Althalmer Road

- Advised that the right in and right out off of Barnes Avenue is mentioned in the staff report.

Bill Twaites, 1032 Invermere Road

- Long time residents.
- Concerned with parking and traffic issues.
- Opposed to this application.

Rosann Nanci-Carl, 3513 Invermere Court

- There is no indication that this will be affordable housing.
- Current traffic congestion from Casorso School onto Barnes Avenue and Casorso Road all the way to Swordy.
- Developer made mention that this was a 4 year project; there is already a lot of medium density in the area.
- Opposed to this application.

Colleen Dickson, 1032 Barnes Avenue

- Opposed to this application.

Dustin Sargent, Rep. Davara Holdings, 3609 Gordon Drive

- Personally have friends that live in the Gate Community in Black Mountain and it's a great addition to the area.
- Supports application.



Public HearingFebruary 21, 2012Brent Warren, 3536 Athalmer Road

- The RCMP had been contacted in regards to accidents at Barnes and Gordon and noted there had been two accidents prior to the widening of Gordon Drive.
- Traffic Survey did not show traffic at Windermere and Barnes Road.
- Opposed to the application.

Occupant, 1311 Ladner Road

- In support of the project and the attainable housing it will provide.

Leonard Sloan, Mission Meadows Development

- Inquired if the City had purchased the park land and if there were any plans available.

Staff:

- Confirmed the purchase of the park has been completed but nothing has been planned to date.

Rene Wasylyk CEO of Troika Developments; Dave Cullen, CTQ Consultants

- Reiterated that neighbourhood meetings were held; held an Open House and had seven different private meetings. We had asked to be part of any further meetings but were not invited or included.
- The Construction access has already been dealt with by way of a full construction plan which includes access with a site for parking for trade workers.
- Have historical accounts of traffic analysis from 2003, 2005 and 2008, etc. This area has the lowest traffic speeds and volumes in the city. Access off of Barnes could be used in case of an emergency. We are looking for a more formal drop off area for cars accessing the school. Trying to find solutions with right in and right out recommendation required by the City.
- This project is attainable housing not affordable housing and there are no affordable housing agreements in place.
- Trying to resolve traffic issues and have taken on more traffic studies than deemed necessary.
- Densification is great for urban planning and limits sprawl.
- The OCP changes all the time.
- Work with city staff and park acquisition took time and provided a history of the property.
- The Market predicts product and in 2011 Kelowna grew 3.6%.
- A Daycare facility would require rezoning and we cannot do that.
- Mission Springs Road will be the path of least resistance.
- There has been communication with the School District and it was assumed there would be communication between the School District and the Parent Advisory Committee.
- Have worked in collaboration with the City on this project. The City is working with the Traffic Department and there will be two more neighbourhood traffic counts to the neighbourhood to the north this year.
- Less density does not give us a better plan. We have created an amazing plan.

Moved by Councillor Blanleil/Seconded by Councillor Zimmermann

R177/12/02/27 THAT Council extends the February 21, 2012 Public Hearing and subsequent Council meeting past 11:00 p.m.

Carried

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Dave Cullen, CTQ Consultants

- Advised that in terms of connectivity in this neighbourhood it is terrible and the neighbourhood is not lending itself to a rat race scenario. The City will do what's required for traffic calming.

Rene Wasylyk CEO of Troika Developments

- Willing to tie RM5 development to the completion of Mission Springs Road.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 11:11 p.m.

Certified Correct:

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Mayor

ACM/dld

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City Clerk