

Public HearingMarch 23, 2010

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, March 23<sup>rd</sup>, 2010.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Charlie Hodge, Graeme James, Angela Reid and Michele Rule.

Council members absent: Councillors Andre Blanleil, Robert Hobson and Luke Stack.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Manager, Shelley Gambacort; Subdivision Approving Officer, Ryan Smith; Traffic & Transportation Engineer, Jerry Buehl; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 March 5, 2010, and by being placed in the Kelowna Daily Courier issues of March 15, 2010 and March 16, 2010, and in the Kelowna Capital News issue of March 14, 2010, and by sending out or otherwise delivering 383 letters to the owners and occupiers of surrounding properties between March 5, 2010 and March 10, 2010.

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. 10295 (TA10-0003) - City of Kelowna - THAT Text Amendment No. TA10-0003 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Community Sustainability Division dated February 19, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0003 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 the applicant or 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. 10296 (Z10-0006) - Kevin and Janet Hertz/Peter Chataway - 334 Christleton Avenue - THAT Rezoning Application No. Z10-0006 to amend City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 6, D.L. 14, ODYD, Plan 3451, located at 334 Christleton Avenue, B.C. from the from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

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

Staff:

- Clarified that the property owners are proposing to add a suite in an accessory building. The suite has not yet been constructed, even though the Council Report and Agenda indicate that the application is required in order to legalize an existing suite.
- A variance is not required for the suite.

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.

Peter Chataway, Applicants' Representative

- Advised that letters of support were received from the surrounding neighbours and were submitted to City staff at the time the application was made.

There were no further comments.

- 3.3 Bylaw No. 10297 (OCP09-0017) and Bylaw No. 10298 (Z09-0079) - Natisa Development Corp. and the City of Kelowna/Meiklejohn Architects Inc. - THAT OCP Bylaw Amendment No. OCP09-0017 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the Major Park/Open Space designation to the Commercial designation as shown on Map "A" attached to the report of Land Use Management Department, dated February 19, 2010, be considered by Council;

THAT Rezoning Application No. Z09-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 134 ODYD Plan 38150, and Lot 39 District Lot 134 ODYD Plan 3886 except Plan KAP76671, located at 3441 & 3451 Lakeshore Road, Kelowna BC from the P3 - Parks & Open Space zone to the C9 - Tourist Commercial zone; and changing the zoning classification of Lot 36 District Lot 134 ODYD Plan 3886 located at 3471 Lakeshore Road, Kelowna BC, from the RU6 - Two Dwelling Housing zone to the C9 - Tourist Commercial zone, be considered by Council;

THAT the OCP Bylaw Amendment No. OCP09-0017 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to lane closure and the registration of a plan of subdivision to consolidate the properties into one title;

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;

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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.

## Staff:

- Advised that the pedestrian crossing will remain the way it is today until such time as the widening of Lakeshore Road occurs.

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

- o Letters of Opposition:
  - Daniela & Bojan Majstorovic, 3519 Lakeshore Road
  - A. Bert Reynolds, 303-3335 Richter Street

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

Jim Meiklejohn and Vince Fernandez, Meiklejohn Architects Inc., Applicant's Representative

- Advised that there has been a great deal of background work conducted by the applicant and City staff over the past 3 or 4 years.
- Confirmed that a portion of the site has been used as parking for Gyro Beach.
- Advised that signage and traffic barriers will be erected to advise the public of the safe pedestrian crossing the area.
- Believes that the project enhances public safety in the area.
- Advised that a survey was conducted with respect to EMF's as a result of the FortisBC substation in the area. Advised that the levels of EMF on the site were determined as being "low" or "background".
- Believes that the development will act as a barrier against the FortisBC substation.
- Advised that the development is intended to be "green" and will include a green roof, highly-insulated windows, a geo-thermal system, is across the street from public transit and will include a lot of public amenities.
- A Sustainability Checklist has been completed for the development.
- A Road Reserve has already been secured by the City for the future widening of Lakeshore Road.
- Confirmed that the development will have very, high-quality finishes,
- Based on consultations with City staff, a sidewalk was not required to be constructed along Swordy.
- Confirmed that Meiklejohn Architects has two (2) members on staff that are LEED accreted.
- Advised that the building will be registered with the LEED Building Council.

## Gallery:

Ian Atkin, 3442 Moberly Road

- Concerned about the height of the proposed development as it blocks his view.

Eugene Krupa, 3522 Landie Road

- Pleased with the look of the building; however he is concerned with the height of the development.
- Is in favour of limiting roadway expansion.
- Would like a greater police presence in the area, and suggested that the development include a Community Policing Office.
- Would prefer that the entrance to the site to be off of Richter Street rather than Swordy Road.
- Inquired if a pedestrian pathway could be constructed along the undeveloped side of the FortisBC site.

Public HearingMarch 23, 2010Keith Robinson, 3434 Scott Road

- Advised that his main concern is the height of the development.
- Expressed a concern about the look of the building.

Roy Dockrill, Owner of 3517, 3527 & 3525 Lakeshore Road

- Expressed a concern about the height of the development.
- Expressed a concern about the increase in density for the site.

## Staff:

- Confirmed that a variance would not be considered if the building was 6-storeys in height.

Henry Hutchinson, 3511 Lakeshore Road

- Expressed a concern about the increase in zoning from RU6 to C9.
- Expressed a concern about the height of the building.
- Believes that area is changing too rapidly.

## Staff:

- Confirmed that the RU6 lot is designated in the OCP as "commercial".

Jim Meiklejohn, Meiklejohn Architects Inc., Applicant's Representative

- Further explained the height of the structure and advised that the structure is a 6 over 1 building that includes retail.
- Believes that the height of the development is appropriate for the surrounding neighbourhood.
- Advised that the site was previously occupied by a hotel/motel.

## Staff:

- Confirmed that this application only deals with the rezoning and OCP amendment and that Council will have an opportunity to comment on the Development Permit and Development Variance Permit at a later date.
- Advised that staff are currently working on the Transportation Master Plan and that Plan will be brought forward to Council shortly.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:16 p.m.

Certified Correct:


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 Mayor

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 Deputy City Clerk

SLH/dld