

Public HearingJanuary 10, 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, January 10th, 2012.

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

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort; Manager, Development Engineering, Steve Muenz; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 6:03 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 January 3, 2012 and by being placed in the Kelowna Capital News issues of January 5, 2012 and January 6, 2012, and by sending out or otherwise delivering 1,301 letters to the owners and occupiers of surrounding properties between December 16, 2011 and December 23, 2011.

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. 10440 (OCP10-0008) and Bylaw No. 10439 (Z10-0040) - John & Alana Marrington and John Balla (Site 360 Consulting Inc.) - 2149, 2159, 2169, 2179 and 2189 Pandosy Street - THAT OCP Amendment No. OCP10-0008 to amend Section 19 of the Official Community Plan to add the Health District designation as a new Future Land Use Designation for Development that supports the operations of the Kelowna General Hospital or other health administration, health education, patient services or care facility operation. Other uses may include multiple unit residential uses generally consistent with the RM3, RM4 or RM5 zones of the Zoning Bylaw. Limited health and service related commercial uses may be supported. A Development Permit is required for Health District designated properties, the appropriate Development Permit Guidelines for the Form and Character of Commercial or Multiple Unit Development will be applied, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP10-0008 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by adding Health District as a new designation and by changing the Future Land Use designation of Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, ODYD, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. from the Multiple Unit Residential - Low Density and the Single Two Unit Residential designations to the Health District, as

shown on Map "A" attached to the report of the Land Use Management Department, dated September 24, 2010, 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 Community Sustainability Division dated September 24, 2010;

AND THAT Text Amendment No. TA10-0007 to add the proposed HD1 - Health District 1 zone and the Retail Stores, Health Products definition Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated September 24, 2010 be considered by Council;

AND THAT Text Amendment No. TA10-0007 to add the HD1 - Health District 1 zone to Sign Bylaw No. 8235 as outlined in Schedule "A" of the report of the Land Use Management Department dated September 24, 2010 be considered by Council;

AND THAT Rezoning Application No. Z10-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. from the RU6 - Two Dwelling Housing zone to the HD1 - Health District 1 zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0027, Text Amendment No. TA10-0007 and the zone amending bylaw be forwarded to a Public Hearing for further consideration subsequent to the applicant completing a Traffic Impact Study and a comprehensive assessment of supporting infrastructure regarding potential impact of the proposed development and the cost to provide required upgrades, to the satisfaction of the Development Engineering Branch;

AND THAT Council forward a Bylaw authorizing a Housing Agreement between the City of Kelowna and John and Alana Marrington and John Balla subsequent to the applicant providing a Housing Agreement that conforms with OCP Section 8.1.31 on Lot 1, D.L. 14, ODYD, Plan 3216 located at 2149 Pandosy Street, Lot 2, D.L. 14, ODYD, Plan 3216 located at 2159 Pandosy Street, Lot 3, D.L. 14, ODYD, Plan 3216 located at 2169 Pandosy Street, Lot 1, D.L. 14, Plan 5973 located at 2179 Pandosy Street, Lot 2, D.L.14, ODYD, Plan 5973 located at 2189 Pandosy Street, Kelowna, B.C. for reading consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the execution of the Housing Agreement;

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

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 FURTHER 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.

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

- Letters of Opposition:
 - Douglas & Irene Harlton, 598 Royal Avenue
 - Marten Gruenwald, 2160 Long Street (2)
 - Paul Hesketh, 551 Glenwood Avenue
 - Mary Drzewiecki, 2127 Long Street
 - Marianne & Peter Leimert, 2164 Pandosy Street
 - Jean Claude Buratti, 607 Glenwood Avenue
 - Wayne & Dorothy Margerison, 381 Glenwood Avenue
 - Kelowna South-Central Association of Neighbourhoods, 865 Bernard Avenue
 - David Jefferess, Chair, Cultural Studies Program, UBCO, 3333 University Way
 - Lorainne McLarty, 3985 Bluebird Road
 - J.W. & J.H. van der Lely, 482 Glenwood Avenue
 - Friends & Residents of the Abbott Street Heritage Conservation Area Society
 - Jeff Jones, 352 Glenwood Avenue
- Letter of Support:
 - Beverley Rogers, 301-1329 KLO Road
- Letter of Concern:
 - Tracy MacDonald, Health Service Administrator, Kelowna General Hospital, 2268 Pandosy Street
- Additional Information:
 - A package of 31 form letters of support as submitted by the Applicant.
 - A package of 107 form letters of support and letters of support 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.

Andrew Bruce, Applicants' Representative

- Gave a PowerPoint Presentation entitled "Collett Manor - Residential & Medical Wellness Facility".
- Advised that the Traffic Impact Study indicates that the proposed development will not add to the traffic situation in the area.
- Advised that at least 3 of the units will be available for short-term rental at the same rate as the Cancer Lodge.
- Further investigation will be required in order to determine whether or not the heritage house on the property is moveable.
- Advised that the development proposal has been reduced to 38 residential units with 67 parking stalls.

Peter Kortegast, Business Manager, Opus International Consultants (Canada) Limited, Applicants' Representative

- Provided input with respect to the Traffic Impact Study that was conducted on behalf of the Applicants.
- Advised that he was the Traffic Engineer that conducted the Traffic Impact Study on behalf of Interior Health Authority.
- Confirmed that the same model used for the Interior Health Authority's Traffic Impact Study was used for the Marringtons' Traffic Impact Study.

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- Provided input with respect to the public consultation process that was followed with respect to the proposed rezoning and development.
- Advised that she has collected over 1,100 letter of support.
- Confirmed that she is willing to attempt to preserve the heritage house on the property.

Gallery:

Jason Twamley, 445 Crawford Road

- In favour of the project.

Nancy Wells, Dilworth Drive

- Expressed a concern with the retail component of the proposal as it will be in directed competition with the Kelowna General Hospital gift shops.

Eva Patton, Prince George, BC

- In favour of the proposal.

Rose Powell, 2149 Pandosy Street

- Advised that she has never been approached by KSAN.
- In favour of the rezoning.

Heather Klotz, 2159 Pandosy Street

- Advised that she has never been approached by KSAN.
- In favour of the rezoning.

Ann Bisenette, Sutherland Avenue

- In favour of the project.

Boyd Mather, 4007 Lougheed Court

- In favour of the project.

Iwona Kusiak, 3135 Walnut Street

- Advised that she is also speaking on behalf of her parents.
- Is opposed to the proposed development, primarily due to the traffic issues in the area.
- Expressed a concern with the principal and secondary uses within the HD2 zone.

Bruce Vermeë, 1528 Pinehurst Crescent

- In favour of the proposed development.

Deby Helf, Chair, Kelowna South-Central Neighbourhood Association (KSAN)

- Confirmed that KSAN met with Andrew Bruce regarding the proposed development.
- Believes that the type of development being proposed belongs within the Health District zone that was recently adopted in the 2030 Official Community Plan.
- Opposed to the rezoning.

Erin Cram, 2414 Taylor Crescent

- Speaking on behalf of Penelope Pearson who lives at 607 Glenwood Avenue.
- Expressed a concern that the proposed development will not guarantee that the units will be used for short-term or long-term rentals for patients or their family members.
- Opposed to the proposed development.

Wayne Dodds, 420 Christleton Avenue

- Advised that he is a member of the Executive of KSAN.
- Believes that the Applicants are misleading the public.

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- Advised that representatives from KSAN attended the Advisory Planning Commission meeting when this development was discussed and noted its opposition during that meeting.
- Opposed to the proposed development as KSAN believes that the extension of the HD2 zone is inappropriate.

Paul Hesketh, 551 Glenwood Avenue

- Advised that he lives immediately to the east of the subject property.
- Believes that the proposal is a commercial venture and that the Marringtons are not being truthful about their intentions.

Joanne McLellan, 690 Lequime Road

- In favour of the proposed development.

Marten Gruenwald, 2160 Long Street

- Advised that he is opposed to the proposed development in its current size, form and location.
- Expressed a concern with the Traffic Impact Study.
- Expressed a concern with the traffic and the parking in the area.

Glen Erickson, 970 Springfield Road

- In favour of the proposed development.

Rob Seeger, 640 Royal Avenue

- In favour of the proposed development.

Lorna Sipone, 804 Birch Avenue

- Advised that she is directly affected by the hospital and the parking issues.
- Expressed a concern with the traffic congestion and the parking issues in the area.

Maryanne Leimert, 2164 Pandosy Street

- Expressed a concern with the size and scope of the development.
- Expressed a concern with the traffic congestion in the area.
- Likes the concept, but the location is wrong.

Kevin Craig, 625 Wardlaw Avenue

- In favour of the proposed development and rezoning.

Tom Smithwick, Christina Place

- In favour of the proposed development.

Barbara Carroll, FRAHCAS

- Advised that she is member of the executive of FRAHCAS.
- Advised that FRAHCAS is opposed to the development for the following reasons:
 - o It is outside of the newly create Health District;
 - o The Collett House has a remarkable heritage value;
 - o There is already significant traffic and parking problems within the heritage area and this development will only add to those problems;
 - o There will be no control over the use of the property once the rezoning has been adopted.
- Believes that the 3 units being designated for short-term rental is not enough to make a difference.

Andrew Bruce, Applicants' Representative

- Advised that an informal parking study was conducted by the Applicant and provided some details.
- Confirmed that the Applicants requested that the subject properties be included within the Health District zone when the 2030 Official Community Plan was being considered by Council.

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- Believes that the site is right for the proposed rezoning and development.
- Advised that the Applicant is prepared to commit to more short-term rentals.

Alana Marrington, Applicant

- Advised that her company is part of the BC Non-Profit Housing Association.

Staff:

- Confirmed that the Development Permit application will need to meet the parking requirements within the HD2 zone.

There were no further comments.

The meeting recessed at 8:32 p.m. The meeting reconvened at 8:45 p.m.

- 3.2 Bylaw No. 10617 (OCP11-0003) and Bylaw No. 10618 (Z11-0033) - OCORP Development Ltd. (PC Urban Properties) - 1966 - 1968 Kane Road - THAT OCP Bylaw Amendment No. OCP11-0003 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 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the Multiple Unit Residential (Medium Density) designation to the Commercial designation, as shown on Map "A" attached to the report of Land Use Management Department dated September 23, 2011, 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 September 23, 2011;

AND THAT Rezoning Application No. Z11-0033 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of portions of Lot 44, Section 33, Township 26, ODYD, Plan KAP48643, located at 1966-1968 Kane Road, Kelowna, BC from the A1 - Agriculture 1 zone to the C3 - Community Commercial, RM3 - Low Density Multiple Housing and RM5 - Medium Density Multiple Housing zones, 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 Development Engineering Branch and Glenmore-Ellison Improvement District being completed to their satisfaction;

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

THAT Council receives for information the Supplemental Report of the Land Use Management Department, dated December 7, 2011 with respect to the outstanding Traffic Impact Analysis for OCP11-0003/Z11-0033;

AND THAT Council forward the application to the January 10, 2012 Public Hearing.

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

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- Letters of Support:
 - Kim Dodds, 872 Liban Court (2)
 - Glenmore Valley Community Association
- Letters of Opposition:
 - Ted Berg, Glenpark Village Inc., 1490 Cara Glen Way
- Letter of Concern:
 - Greg Baytalan, 368 Valley Road
- Additional Information:
 - Revised Memorandum from the Development Engineering Branch
 - Additional package of information (27 pages) as submitted by the Applicant, PC Urban Properties.

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

Garry Fawley, Principal, PC Urban Properties, Applicant's Representative

- Confirmed that he has been working closely with City staff to ensure that the concept meets the intent of the Official Community Plan.
- Displayed several conceptual drawings of the proposed development.
- Confirmed that neighbourhood commercial and multi-family residential is being proposed.
- Is not concerned that the proposal development is in the same area as Glenpark Village.
- Believes that the area's population will be able to support this development as well as the Glenpark Village complex.

Gallery:Bruce Gillon, Glenmore Valley Community Association

- Supports the proposal in principle.
- Supports expanded commercial opportunities within the Glenmore area.

Tom Smithwick, on behalf of Terry Raisanen

- Confirmed that Mr. Raisanen's property is directly adjacent to the subject property and advised that the Raisanen property cannot be developed on its own based on the access to the site.
- Advised that the Applicant and Mr. Raisanen have reached an agreement regarding access to the Raisanen property.
- Displayed several conceptual drawings of the proposed development and the Raisanen property and provided an overview of the development of the subject property in conjunction with the Raisanen property.
- In favour of the proposed rezoning.

Marc Whittemore, on behalf of the Owners of Glenpark Village Shopping Centre

- Advised that the owners of Glenpark Village Shopping Centre are opposed to the proposed rezoning and development.
- Advised that the owners of Glenpark Village believe that the area cannot support an additional grocery store.

Phil Bonane, on behalf of the Owners of Glenpark Village Shopping Centre

- Advised that the owners of Glenpark Village would like to see development in the area, but would prefer not to have commercial duplication (i.e. grocery store, pharmacy).
- Clarified that the owners of Glenpark Village are not opposed to the rezoning, but are opposed to the type of commercial/retail being proposed.

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- In favour of the proposed rezoning and proposed development.

Colin Gulenchyn, Snowsell Road

- Believes that the proposed development will only duplicate what is already in the Glenmore area.

Neil Beardmore, 625 Cassiar Crescent

- Opposed to the duplication of the commercial services in the Glenmore Valley.

Garry Fawley, Principal, PC Urban Properties, Applicants' Representative

- Confirmed that the Applicant has reached an agreement with Mr. Raisenen.
- Advised that the Cooper's chain would not have agreed to lease space if it did not think the area could sustain another food store.
- Believes the present population, not future growth, with support to the proposal.

There were no further comments.

- 3.3 Bylaw No. 10637 (Z11-0075) - Michael and Deborah Ritchie (Gord Turner Renovations Ltd.) - 4195 Finch Road - THAT Rezoning Application No. Z11-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot1, Section 33, Township 23, ODYD, Plan KAP59741, located on 4195 Finch Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, 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 subsequent to the requirements of the Development Engineering Branch and the Interior Health Authority being completed to their satisfaction;

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

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. The applicant was present, but did not have anything further to add to staff's comments. No one came forward.

- 3.4 Bylaw No. 10641 (Z11-0084) - Mewa and Kulwinder Dosanjh (Axel Hilmer Planning Consultant) - 1135 Schell Court - THAT Rezoning Application No. Z11-0084 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Section 26, Township 26, ODYD Plan KAP47186, located on Schell Court, Kelowna, BC from the RU1 - Large Lot Housing Zone to the RU1s - Large Lot Housing with a Secondary Suite Zone, be considered by Council;

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

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of 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 the following correspondence and/or petitions had been received:

- Letter of Opposition:
 - Letter of Opposition as submitted by:
 - Cleon & Greet Wagner, 1120 Schell Court
 - Scott & Dale Clarke, 1100 Schell Court
 - Georgina Gross, 1160 Schell Court

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

Axel Hilmer, Applicants' Representative

- Advised that he did not have anything further to add to staff's comments and is willing to answer any questions.
- Advised that the problem tenants will be evicted and that there will be renovations done to the property in order to satisfy the BC Building Code.

There were no further comments.

- 3.5 Bylaw No. 10642 (Z11-0077) - Neil & Beverley Beardmore, Scott Beardmore and Noemi Catbagan (Neil & Beverley Beardmore) - 625 Cassiar Crescent - THAT Rezoning Application No. Z11-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 24, Sec. 33, Twp. 26, O.D.Y.D., Plan 40570, located on Cassiar Cres., Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with secondary suite zone, be considered by Council;

AND THAT the 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.

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

- Letter of Opposition:
 - Frederick & Valerie Palmer, 642 Cassiar Crescent
- Letter of Concern:
 - Paul & Teresa Caldwell, 621 Cassiar Road

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

Neil Beardmore, Applicant

- Advised that the basement was intended to be converted to an in-law suite so that his aging parents could live in the residence.
- Advised that he is willing to comply with the City's Bylaws.
- Believes that there is ample on-site parking to accommodate the principle residents and tenants.

There were no further comments.

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4. TERMINATION:

The Hearing was declared terminated at 10:14 p.m.

Certified Correct:

Mayor

SLH/dld

City Clerk