

Public HearingJuly 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, July 10th, 2012.

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

Council members absent: Councillor Gail Given.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; General Manager, Community Sustainability, Jim Paterson*; Director, Land Use Management, Shelley Gambacort*; Manager, Long Range Planning, Gary Stephen; Manager, Development Engineering, Steve Muenz; Manager, Transportation & Mobility, Peter Truch*; and Council Recording Secretary, Sandi Horning.

(* 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 June 22, 2012 and by being placed in the Kelowna Capital News issues of June 29, 2012 and July 3, 2012, and by sending out or otherwise delivering 3,421 letters to the owners and occupiers of surrounding properties between June 22, 2012 and June 29, 2012.

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. 10621 (OCP11-0016) - City of Kelowna - Text Amendment - That Council receives, for information, the report from the Long Range Planning Manager dated June 1, 2012 with respect to amendments to Official Community Plan 2030 bylaw 10500;

AND THAT Bylaw No. 1061, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing;

AND FURTHER THAT Bylaw No. 10702, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing.

Staff:

- Provided an overview of the proposed text amendments to the Kelowna 2030 - Official Community Plan.

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. No one came forward.

- 3.2 Bylaw No. 10634 (OCP11-0009), Bylaw No. 10635 (TA-0008), Bylaw No. 10636 (Z11-0063) - R 366 Enterprises Ltd./Ekistics Town Planning Inc. - 2030 Benvoulin Road and 2190 Mayer Road - THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 13, 2012 with respect to the requested Traffic Impact Study for OCP11-0009, TA11-0008 and Z11-0063;

AND THAT Official Community Plan Bylaw Amendment No. OCP11-0009 (Bylaw 10634) be amended at first reading to include an amendment to Map 5.8 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by adding the Comprehensive Development Permit Area Designation to Lot 3, District Lot 142, ODYD, Plan KAP82214 and Lot 4, District Lot 142, ODYD, Plan KAP82214, located at 2030 Benvoulin Road and 2190 Mayer Road, Kelowna, B.C., as shown on Map "A" attached to the Report of Land Use Management Department dated June 13, 2012, be considered by Council;

AND FURTHER THAT the Official Community Plan Bylaw Amendment Bylaw, the Text Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Councillor Stack declared a conflict of interest with respect to Agenda Item Nos. 3.02 and 3.03 as he is the Executive Director of the Society of Hope, which owns property within the notification area of the subject properties, and left the meeting at 6:09 p.m.

Councillor Blanleil advised that he previously declared a conflict of interest with respect to Agenda Item Nos. 3.02 and 3.03; however, after discussions with staff, it was determined that he did not have a conflict of interest as the property he owns is outside of the notification area of the subject properties.

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

- Additional Information submitted by Property Owner:
 - 9 pages of additional information including a copy of an Agreement between the City of Kelowna and the property owner regarding the Dilworth Drive Road Extension and Sewer Line.

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

Paul Fenske, Ekistics Town Planning Inc., Applicant's Representative

- Displayed a PowerPoint Presentation with respect to the Mission Crossing (Eastside Lands) for the proposed public & open air markets.

Peter Klimuk, Applicant's Representative

- Expressed a concern with respect to the site improvements being required by the Development Engineering Branch as per the Traffic Impact Study.
- Advised that there isn't any official agreement between the property owner and Mission Creek Greenway with respect to public access to the Greenway through the subject property.

Staff:

- Advised that it is the City's policy to have Servicing Agreement executed prior to adoption of any amending bylaw.

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- Advised that the draft CD23 zone regulations and proposed Design Guidelines were provided to the Agricultural Land Commission for comment. Staff received correspondence from the Agricultural Land Commission stating that the Commission did not have concerns with respect to the application as it is being presented to Council.

Gallery:

Malcolm Broxham, 124 - 3535 Casorso Road

- While he supports agriculture, he is not sure if this is the best location for this type of market.
- Expressed a concern with the added traffic in the area as a result of the proposed market.
- Expressed a concern with a lack of parking on the site.

Staff:

- Confirmed that staff is working with the Applicant with respect to on-site parking and that the parking issue will be dealt with through the Development Permit process. Staff is awaiting receipt of the necessary criteria in order to determine the parking requirements for the market.

Bob Chisholm, President, Kelowna Farmers' & Crafters' Market Society

- Very interested in seeing this proposal go forward as the Society has already conducted a comprehensive strategic plan for the market and believes that the proposed development will fit in with the strategic plan.
- Confirmed that the Society will be working with the Applicant in order to achieve the 25-year lease commitment as requested by the Agricultural Land Commission.
- In favour of the Official Community Plan amendment and rezoning.
- Advised that the Society is unable to determine exactly how much parking will be required for the market as the parking requirement will change with the seasons (different parking requirements in May, then in July, then in November).

Mark Haggan, 2021 Stirling Place

- In favour of the Official Community Plan amendment and rezoning.

Warren Postnikoff, 230 Bryden Road, on behalf of the Society of Hope

- In favour of the Official Community Plan amendment and rezoning.
- Believes that the proposal will benefit the residents in their building.
- Confirmed that the pedestrian crossings in the area are very important to their residents and inquired if there will be an additional pedestrian crossing in the area to accommodate the increase in foot traffic should the proposal be approved by Council.
- Inquired whether or not the City will require the Mayer Road extension to be completed as a result of the development proposal.

Staff:

- Advised that the Mayer Road extension is not part of the servicing requirements for the proposed development.
- Confirmed that an additional pedestrian crossing in the area is part of the servicing requirements for the proposed development.

Paul Fenske, Ekistics Town Planning Inc., Applicant's Representative

- Responded to questions from Council with respect to on-site parking.
- Advised that the development proposal includes underground parking on the permanent market site together with surface parking.

Saverio Sasso, 2889 Springfield Road

- Likes the idea of the market.

There were no further comments.

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- 3.3 Bylaw No. 10638 (OCP11-0008), Bylaw No. 10639 (Z11-0062) - R 355 Enterprises Ltd./Ekistics town Planning Inc. - 2241 Springfield Road - THAT Council receives for information, the Supplemental Report of the Community Sustainability Division dated June 5, 2012 with respect to the requested Traffic Impact Study for OCP11-0008, TA12-0001, and Z11-0062;

AND THAT Council waives the requirement for staff to review a Retail Impact Analysis with respect to OCP11-0008 prior to a Public Hearing;

AND FURTHER THAT the Official Community Plan Amendment Bylaw and 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:

- Letter of Support:
 - Lorne Gerber, Society of Hope
- Additional Information submitted by Property Owner:
 - 9 pages of additional information including a copy of an Agreement between the City of Kelowna and the property owner regarding the Dilworth Drive Road Extension and Sewer Line.

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

Paul Fenske, Ekistics Town Planning Inc., Applicant's Representative

- Displayed a PowerPoint Presentation with respect to the Mission Crossing (Westside Lands) for the proposed Mission Crossing Development Lands.
- Advised that access to the site will be provided via Benvoulin Court and via Benvoulin Drive. There will not be any access via Springfield Road.

Peter Klimuk, Applicant's Representative

- Addressed any concerns raised during the initial consideration of this application.
- Addressed any concerns with respect to the residential and commercial aspects of the proposed development.
- Believes that the market does not warrant any further residential units in the area as there are a lot of residential opportunities already in existence.
- Requested that Council not approve staff's recommendations to require a Restrictive Covenant on the site to limit the commercial area of the subject property.

Trevor Ward, Ward Consulting Group, Applicant's Representative

- Highlighted some of the challenges with respect to the Traffic Impact Study for the site.
- Believes that the intersection upgrades (Springfield/Spall/Leckie/Dilworth intersections) would be required whether or not this development proceeds.
- Provided an overview of the Traffic Impact Study.
- Believes that some of the improvements identified by the City seem to be out of the realm of this proposal.
- Responded to questions from Council.

Staff:

- Responded to questions from Council regarding the requirement for a Restrictive Covenant with respect to the residential and commercial uses of the property.
- Responded to questions regarding the Terms of Reference for the Traffic Impact Study and provided staff's rationale for requesting that 18 intersections be included in the Traffic Impact Study.

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- Confirmed that staff is looking for upgrades to accommodate pedestrians and bicycle traffic rather than vehicle traffic.

Councillor Singh left the meeting at 7:51 p.m.

Staff:

- Confirmed that staff is not asking for the applicant to pay for the cost of a left-hand turn off of Springfield Road to Benvoulin Road.
- Advised that the upgrades required to the road network are not currently funded through the DCC program.
- Advised that currently there is not enough land available to complete the required widening to the roads in the area.

Gallery:

Warren Postnikoff, 230 Bryden Road, on behalf of the Society of Hope

- Advised that the Society owns the property south of subject site.
- Generally supportive of the proposal, but expressed concerns with the residential/commercial interface of the area.
- Expressed a concern regarding the shared property line with the Society's property and the commercial property.
- Expressed a concern with lighting from the proposed development such as glare from commercial properties onto the residential properties.
- Expressed a concern that the garbage and recycling containers could negatively impact the Society's residents depending on their location on the site.
- Expressed a concern with respect to potential noise from the site (delivery of supplies, garbage removal, cleaning of the site, etc.).
- Looking for assurances from the Applicant that any concerns expressed by the Society and its residents will be addressed.

City Clerk:

- Clarified the terms of the City's Noise Bylaw and advised that the time restriction in the Bylaw is only specific to construction noise.

Margaret Radi, 3566 Athalmer Road

- Expressed a concern with how an additional pedestrian crosswalk will impact traffic flow in the area.

Staff:

- Responded to concerns with respect to the required pedestrian crosswalks in the area.
- Advised that there will be 2 pedestrian crossings for the development and that Mayer Road will be the main intersection.

There were no further comments.

- 3.4 Bylaw No. 10702 (OCP12-0005) - City of Kelowna - Text Amendment - THAT Council receives, for information, the report from the Long Range Planning Manager dated June 1, 2012 with respect to amendments to Official Community Plan 2030 bylaw 10500;

AND THAT Bylaw No. 1061, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing;

AND FURTHER THAT Bylaw No. 10702, being an amendment to Bylaw No. 10500 Kelowna 2030 - Official Community Plan, be forwarded to the July 10, 2012 Public Hearing.

Councillor Stack rejoined the meeting at 8:12 p.m.

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Staff:

- Provided an overview of the proposed text amendments to the 2030 Kelowna Official Community Plan.

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. No one came forward.

- 3.5 Bylaw No. 10719 (Z12-0034) - Shawn and Christina Smith - 1563 Large Avenue - THAT Rezoning Application No. Z12-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, Section 13, Township 26, ODYD Plan KAP74112, located on Large Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the 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 the zone amending bylaw be considered subsequent to the requirements of Black Mountain Irrigation District being completed to their satisfaction.

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

- o Letter of Opposition:
 - Nicole Hunka, 1557 Large Avenue

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.

- 3.6 Bylaw No. 10720 (Z12-0033) - Harry and Judith Van Asseldonk - 570 Brighton Road - THAT Rezoning Application No. Z12-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 101, Section 24, Township 26, ODYD Plan 24631 located on Brighton Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1s- Large Lot Housing with Secondary Suite zone be, considered by Council.

AND THAT the zone amending bylaw 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. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

- 3.7 Bylaw No. 10721 (Z12-0028) - Jens Christensen - 909 Mount Royal Drive - THAT Rezoning Application No. Z12-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 32, Section 30, Township

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26, ODYD Plan 17272, located on Mount Royal Drive, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

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

AND FURTHER THAT final adoption of the 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. The Applicant was present, but did not have anything further to add to staff's comments. No one came forward.

- 3.8 Bylaw No. 10722 (Z12-0038) - Paulyn Chua - 811 Tamarack Drive - THAT Rezoning Application No. Z12-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29, Section 15, Township 26, ODYD Plan 24818, located on Tamarack Drive, Kelowna, BC from the RU1-Large Lot Housing zone to the RU1s- Large Lot Housing 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 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.

- 3.9 Bylaw No. 10723 (TA12-0006) - City of Kelowna - Text Amendment - THAT Zoning Bylaw Text Amendment No. TA12-0006 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report of the Land Use Management Department dated June 6, 2012, be considered by Council;

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

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

- Package of Additional Information:
 - Package of additional information as submitted by Robert Morrell, Best Buy Homes

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

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

4. TERMINATION:

The Hearing was declared terminated at 8:28 p.m.

Certified Correct:

Mayor

City Clerk

SLH/dld