

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TA)

Application:	OCP17-0020 Z17-0091	Owner:	Gillen Investments Inc. Inc. No. 528682 Emil Anderson Construction Co. Ltd. Inc. No. C172775
Address:	680 Cantina Court	Applicant:	Matthew J. Temple Emil Anderson Construction Co Ltd.
Subject:	Official Community Plan Amendment and Rezoning Application		

Existing OCP Designation: COMM – Commercial
PARK – Major Park/Open Space (Public)

Proposed OCP Designation: MRL – Multiple Unit Residential (Low Density)
PARK – Major Park/Open Space (Public)

Existing Zone: C2 – Neighbourhood Commercial
P3 – Parks & Open Space

Proposed Zone: RM2h – Low Density Row Housing (hillside)
P3 – Parks & Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC; from the COMM - Commercial designation to the MRL – Multiple Unit Residential (Low Density), and from the COMM – Commercial designation to the PARK – Major Park/Open Space (Public) designation; and
- portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC; from the PARK – Major Park/Open Space (Public) designation to the MRL – Multiple Unit Residential (Low Density) designation;

as shown on Map “A” attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the neighbourhood consultation process to be appropriate consultation for the purposes of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 26, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Community Planning Department dated March 26, 2018;

AND THAT Rezoning Application No. Z17-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the RM2h – Low Density Row Housing (Hillside Area) zone, and from the C2 – Neighbourhood Commercial zone to the P3 – Parks & Open Spaces zone; and
- portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC from the P4 – Utilities zone to the RM2h – Low Density Row Housing (Hillside Area) zone;

as shown on Map “B” attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the execution of the Land Agreement between the City of Kelowna and the applicant;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To amend the Official Community Plan to change the future land use designation and to rezone the subject property to facilitate the development of low density row housing.

3.0 Community Planning

The subject property is currently zoned for neighbourhood commercial as established in the original Area Structure Plan for the South Ridge neighbourhood in 2002. It has sat vacant since that time as the surrounding residential neighbourhood has built out. The property owner has been challenged with developing commercial at this site due to low levels of interest and its relatively isolated commercial location

and is now proposing a change in land use to low density residential which would have greater market viability. While a commercial component is an important element in creating more sustainable neighbourhoods, Staff recognize that the South Ridge neighbourhood will be serviced by the future commercial village centre planned in the adjacent Ponds neighbourhood to the east along Frost Road. Community Planning supports the proposed low density residential land use as it is capability with the surrounding residential neighbourhood; contributes to providing a different housing type than currently exists in the area, and is an appropriate fit for the site constraints.

Should Council support the proposed OCP and Zoning amendments, Staff will bring forward a Council considered Development Permit for Form and Character.

The applicant completed neighbourhood consultation in accordance with Council Policy No. 367. Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The subject property was identified as a commercial site through the South Ridge Area Structure Plan in 2002. It is currently zoned C2 – Neighbourhood Commercial. The intent of the neighbourhood commercial was to provide a stand-alone commercial building on the upper rocky portion of the site connected via stairwell to the lower portion of the site where parking would be sited. The property is vacant and has never been developed.

The subject property is a steeply sloped and irregularly shaped property with a rocky knoll at the upper north east portion. It is surrounded on three sides by City owned land currently zoned P4 – Utilities for the South Ridge Drainage and Retention Area. In order to achieve a reasonable site area for row-housing, the applicant has entered into a Land Agreement with the City of Kelowna to establish a land transfer. The applicant will transfer the north eastern steeply sloped portion to the City of Kelowna to be zoned P3 – Parks & Open Space and to be used as Park. The City will transfer portions of land at the lower elevation which are not as steeply sloped to create a site for 6 proposed row houses under the RM2h zone (please refer to attached Map "A" and Map "B").

4.2 Project Description

The applicant has proposed a residential development of 6 row houses. The portion of City lands that will be disposed to the applicant and consolidated with the subject property will be amended from PARK to MRL and rezoned to RM2h – Low Density Row Housing (Hillside Area). The steep slopes at the north-east corner of the property will become City-owned and will be amended from COMM to PARK and rezoned to P3 – Parks & Open Space.

4.3 Site Context

The subject property is located in Upper Mission in the South Ridge neighbourhood. It is located off of South Ridge Drive and Cantina Ct. in a subdivision that is predominantly single dwelling housing. The walk score of the subject property is 1, which means it is a car dependent neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P ₄ - Utilities	South Ridge Detention Pond
East	P ₄ - Utilities	South Ridge Detention Pond
South	P ₃ – Parks & Open Space RU _{1h} – Large Lot Housing (Hillside Area)	South Ridge Open Space Single Dwelling Housing
West	P ₄ - Utilities	South Ridge Detention Pond

Subject Property Map: 680 Cantina Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Policy 5.15.7: Protection Measures. Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESA's acquired as parks or trails will be managed to protect their sensitive features in balance with public use.

Policy 5.15.12: Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Policy 5.22.7: Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to clearly determined on site grading plans and comment for design should be provided in the geotechnical report. This area does not have a storm pipe system.
- Roof water disposal to be determined by geotechnical engineer at time of sub division. If the roof water is connected to stormwater management system then engineering details should be provided since this requirement is not within the Building Code. Details should include slope of piping, clean outs, connection to dwelling, size of pipe, backflow protection, etc.
- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flows issues.

6.2 Development Engineering Department

- Please see attached Development Engineering Memorandum dated November 1, 2017 as Schedule "A".

7.0 Application Chronology

Date of Application Received: August 21, 2017
Date Public Consultation Completed: December 4, 2017
Date of Revised Drawings Received: March 7, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director Community Planning and Strategic Investments

Attachments:

Attachment "A": Applicant's Letter of Rationale dated March 27, 2017
Map "A": Official Community Plan Amendment Map
Map "B": Zoning Bylaw Amendment Map
Schedule "A": Development Engineering Memorandum



This 0.731 acre irregularly shaped property is currently zoned C2 – Neighborhood Commercial. This property is bound on the north, east, and west sides by City property zoned P4, and on the south by Cantina Court. There is an existing City right-of-way crossing the center of the lot (south-north) for an existing City storm main, directing drainage collected by the main within Cantina Court to the existing drainage ditch along the south side of South Ridge Drive.

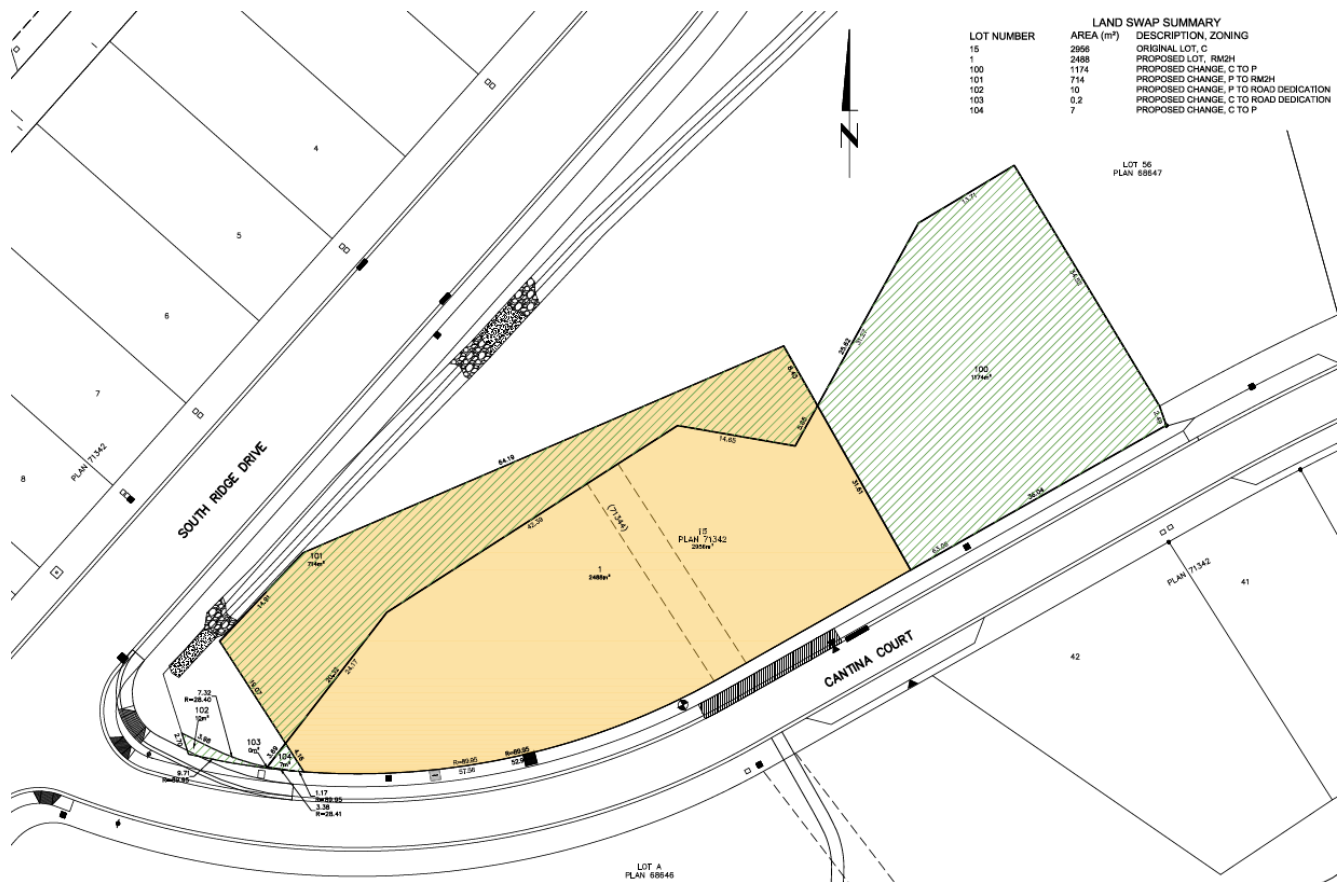
The original vision for this property was in keeping with the current C2 zone, a commercial building at the northeast end of the property atop the knoll in that area, with supporting surface parking in the southwest area at the lower elevation. These two areas would be connected via a stairway. Today, this mid 90's concept of an isolated standalone food and beverage establishment is simply not viable. Other uses under the C2 zoning were considered, but none gained traction with possible tenants.

EAC has opted instead to move forward with a revised vision for the property. Working with GTA Architecture and CTQ Consultants, EAC is proposing a low density row housing development which will integrate nicely with the existing neighborhood. Both the Architecture and the Engineering teams have identified site constraints and suggested plans and modifications to make this updated vision feasible.

The proposed land swap is triggered by the spatial and grading constraints. As seen in the included plans and below rendering, the site has considerable grade change from east-west and from south-north, as well as a knoll in the northeastern portion of the site. The proposed building layout takes advantage of the gentlest slopes in the southwest area, but due to the size of the proposed unit footprints, re-grading at the rear of the buildings is required.



Utilizing walk-out structures for units 1-5 makes the most efficient use of the natural grade. Unit 5/6 as proposed would encroach on the slope of the knoll, as such a combination of a walk-out and walk-up unit is best suited to interface with the hillside, minimizing the impact to the surrounding area. Note that the architectural renderings are yet to be updated to show Unit 6 as a walk-up design; however this chance has been reviewed in full by the civil engineering team and is illustrated in the grading design. Renderings will be updated prior to subsequent submissions.



The proposed land swap boundary is based on the intention to contain the majority of all required re-grading within the proposed lot, while also adhering to all setback requirements associated with an RM2h zone, for which EAC intends to propose a rezoning. This concept was reviewed with City staff on February 23, 2017. As shown on the plans, the area proposed to be transferred to the City is 1,181m², while EAC is proposing the City transfer 714m², a $\pm 1.65:1$ swap in favor of the City.

It is noted that EAC also presented another option to the City on February 23, 2017, where the proposed boundary would entirely contain all required re-grading. The alternative swap option resulted in a ratio closer to 1:1, still marginally in favor of the City.

From an access perspective, it is noted that previous discussions with the City identified that EAC would be permitted to have a driveway access to Cantina Court for each unit. While it is understood this is not typical for a strata development, it makes best use of an already spatially challenging site, as a common entry and internal fronting road would not fit, and is also a preferred function for a site with access via a hillside road only. Supporting correspondence from past discussion is included for your reference.

Public utilities are in place to service this lot. It is noted that conceptual plans indicate a reduction to cover over the existing storm main routed through the site, however it is very likely that minimum 1.0m cover can be maintained through detailed grading design. In the event that cover cannot be maintained, it is noted that the mains may easily be lowered between Cantina Court and the South Ridge Drive ditch network.

CTQ has identified that the existing sanitary connection off Cantina Court is at too high an elevation to service units 1-4, which was expected as this lower level area of the site was intended to be a parking lot. EAC would seek approval to install a second connection further downstream off Cantina Court for service to units 1-4.

A single water connection would service all the units, with the location of the City meter to be determined.

Finally, it is proposed that the intersection of Cantina Court and South Ridge Drive be improved. It is proposed that the north Cantina Court curb tie be re-aligned to widen the intersection, as the existing intersection is based on previous hillside standards and the upgrade will also improve function of the non-perpendicular intersection.

It is our intention to finalize the proposed land swap boundaries as quickly as possible to the satisfaction of all, as such, we welcome the opportunity to assist in any way we can. If there are any questions about the information contained within, please don't hesitate to contact Matthew Temple at 250-763-8232 x289 or Gregory Asling x247.

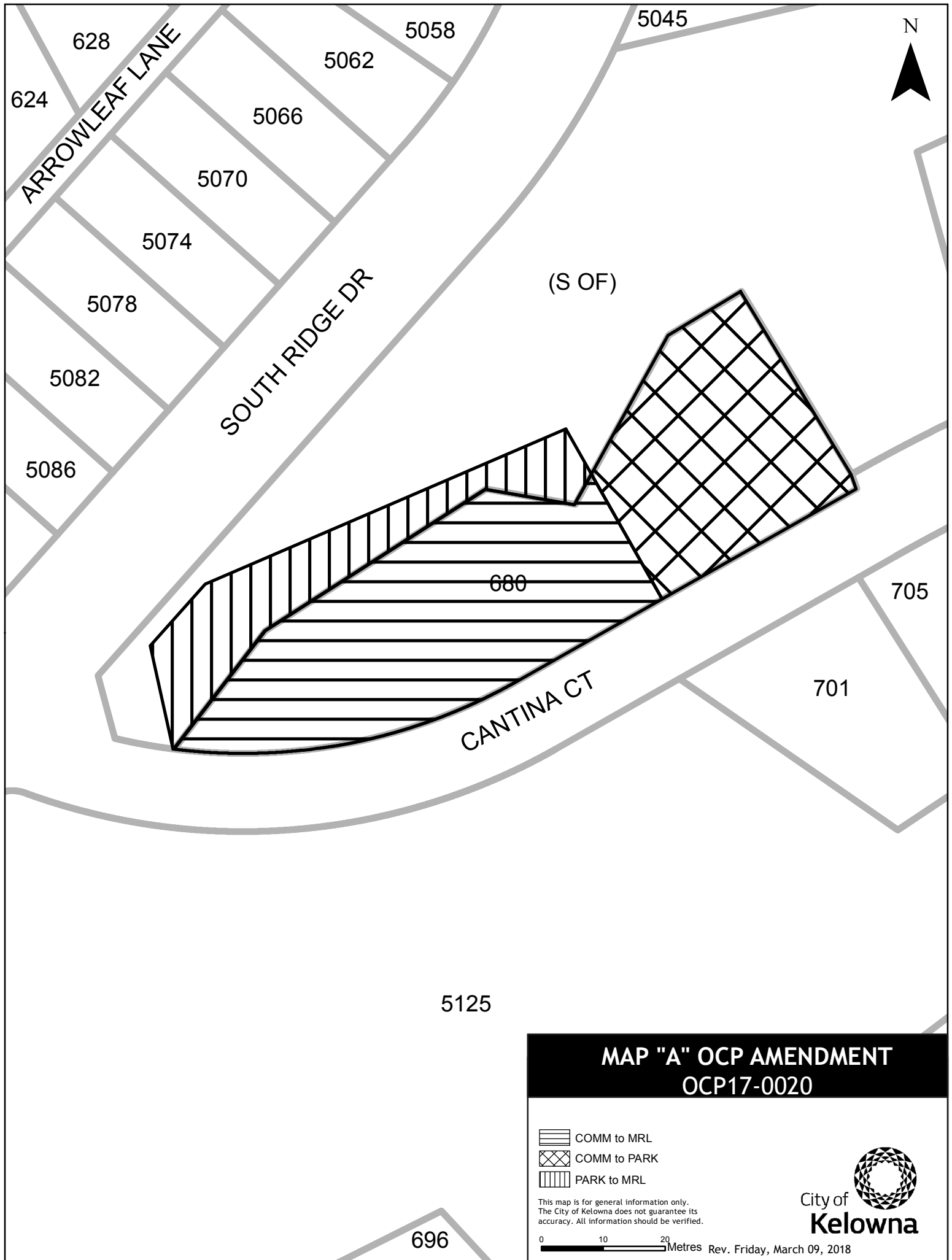
Yours truly,

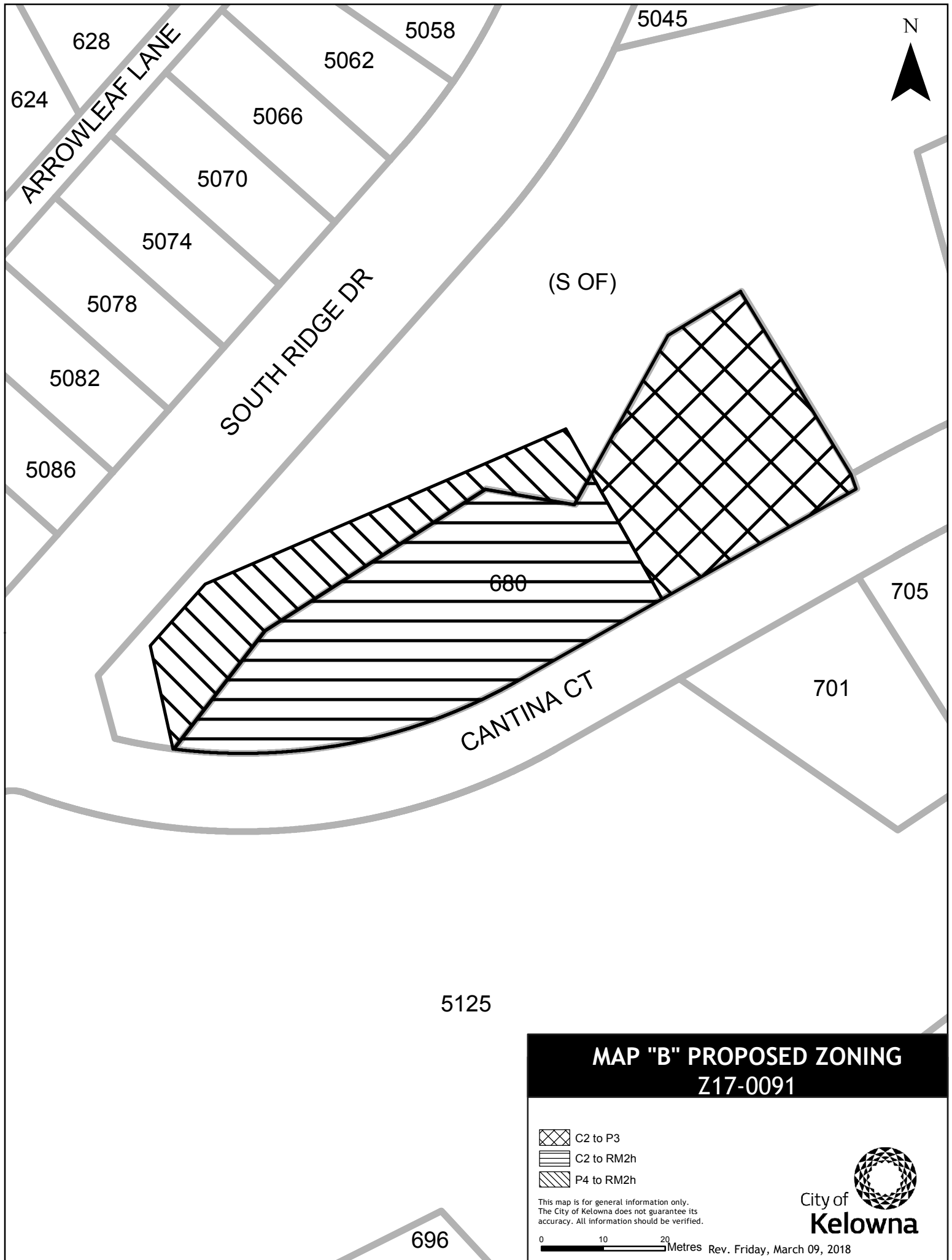
Emil Anderson Construction (EAC) Inc.






Matthew J. Temple, P.Eng
Development – Construction Manager

Encl. Current City Property Reports
 Cantina Court Preliminary Grading; CTQ Consultants
 Site Plan / Land Swap Plans; CTQ Consultants
 Perspective and Elevation Views; GTA Architecture
 Past City correspondence (site access)





MAP "B" PROPOSED ZONING
Z17-0091

-  C2 to P3
-  C2 to RM2h
-  P4 to RM2h

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 10 20 Metres

Rev. Friday, March 09, 2018



CITY OF KELOWNA

MEMORANDUM

Date: November 1, 2017
File No.: Z17-0091
To: Community Planning (TB)
From: Development Engineering Manager (JK)
Subject: 680 Cantina Court Lot 15 Plan 71342 C2 to P4, RM2H

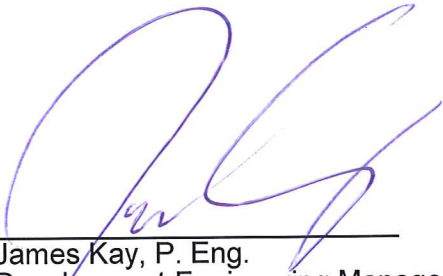
Development Engineering has the following comments and requirements associated with this application.

The Development Engineering Technologist for this project is John Filipenko ASCT

The road frontage for the subject parcel is fully urbanized with curb and gutter, sidewalk piped storm drainage system and street lighting. Boulevard landscaping, the re-location or adjustment of existing utility appurtenances if required to accommodate development of the subject parcel will be at the applicant's expense.

The subject parcel is currently serviced with large diameter sanitary and water services. Service upgrades or adjustments, if required, will be at the applicant's expense.

The property is within pending Water Extended Service Area 17. A ESA charge of \$1,769.00 per EDU will be assessed at time of development.



James Kay, P. Eng.
Development Engineering Manager
JF

SCHEDULE		A
This forms part of application # OCP17-0020 Z17-0091		
Planner Initials	TA	 City of Kelowna COMMUNITY PLANNING

3.1 Cantina Ct 680 - OCP17-0020 Z17-0091 - Gillen Investments Inc. and Emil Anderson Construction Co

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Singh/Seconded By Councillor Given

R298/18/03/26 THAT Official Community Plan Map Amendment Application No. OCP17-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC; from the COMM - Commercial designation to the MRL – Multiple Unit Residential (Low Density), and from the COMM – Commercial designation to the PARK – Major Park/Open Space (Public) designation; and

portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC; from the PARK – Major Park/Open Space (Public) designation to the MRL – Multiple Unit Residential (Low Density) designation;

as shown on Map “A” attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the neighbourhood consultation process to be appropriate consultation for the purposes of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated March 26, 2018;

AND THAT final adoption of the Official Community Plan Map Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Community Planning Department dated March 26, 2018;

AND THAT Rezoning Application No. Z17-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

portions of Lot 15, District Lot 1688S, SDYD, Plan KAP71342, located at 680 Cantina Court, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the RM2h – Low Density Row Housing (Hillside Area) zone, and from the C2 – Neighbourhood Commercial zone to the P3 – Parks & Open Spaces zone; and

portions of Lot 56, District Lot 1688S, SDYD, Plan KAP68647 Except Plan KAP71342, located at (S OF) South Crest Drive, Kelowna, BC from the P4 – Utilities zone to the RM2h – Low Density Row Housing (Hillside Area) zone;

as shown on Map “B” attached to the Report from the Community Planning Department dated March 26, 2018 be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the execution of the Land Agreement between the City of Kelowna and the applicant;

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

Carried

3.2 Cantina Ct 680 & (S of) South Crest Dr - OCP17-0020 (BL11577) - Gillen Investments Inc and Emil Anderson Construction Co

Moved By Councillor Sieben/Seconded By Councillor Singh

R299/18/03/26 THAT Bylaw No. 11577 be read a first time;

AND THAT the bylaw has been considered in conjunction with the City's Financial Plan and Waste Management Plan.

Carried

3.3 Cantina Ct 680 & (S of) South Crest Dr- Z17-0091 (BL11578) - Gillen Investments Inc and Emil Anderson Construction Co

Moved By Councillor Sieben/Seconded By Councillor DeHart

R300/18/03/26 THAT Bylaw No. 11578 be read a first time.

Carried

3.4 Lakeshore Rd 4329, Z17-0027 - William Bruce Povah

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Stack/Seconded By Councillor Sieben

R301/18/03/26 THAT Rezoning Application No. Z17-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, ODYD, Plan 31689 located at 4329 Lakeshore Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 26, 2018.

Carried

3.5 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Moved By Councillor Stack/Seconded By Councillor DeHart

R302/18/03/26 THAT Bylaw No. 11579 be read a first time.

Carried

3.6 McClain Rd 4185, Z18-0009 - Bruce Merz

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Moved By Councillor Gray/Seconded By Councillor DeHart

R303/18/03/26 THAT Rezoning Application No. Z18-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan 7436, located at 4185 McClain Rd, Kelowna, BC from the RR1

Heather Hawkins

From: Leon van Biljon <leonvanbiljon@yahoo.com>
Sent: Monday, April 16, 2018 10:22 AM
To: City Clerk
Subject: 680 Cantina Court requested OCP changes.

To whom it may concern,

I dont agree with the changes that have been presented in the letter I received.

Based on the proposal it looks like they want to change from single housing units to 3 duplexes. Based on the area i dont agree with having the duplexes as its going to increase the amount of people moving to the area as well as making the area look to condensed and over developed.

The majority of the houses in the area were all built in the early 2000s all have a similar look. the new look of the proposed homes is too modern and won't fit with the current style of the homes.

thanks
Leon van Biljon
721 Cantina Court,
Kelowna, BC
V1W 4X6

MEETING:	April 17, 2018	ITEM:	3.1
BYLAW:	11577 + 11578	PLANNING	<input checked="" type="checkbox"/>

April 15, 2018

To Members of Kelowna City Council,

Re: change of zoning at 680 Cantina Crt and SouthRidgeDr.

We are residents living on Cantina Court, 3 houses down from the planned rezoning. We have 2 concerns:

1- The matter of size of 6 townhouse compared to the original plan of one building.

We are very concerned that blasting will be necessary to fit in 6 residences and although developers insist there are no adverse effects from blasting, the last time Emil-Anderson blasted rock above our street, there were changes in underground water flow and cracks did develop in our concrete (even though developers deny that happens).

This area is on a very steep hillside and the areas above us were burned out in the 2003 fire. Any changes in water flow and a less than stable slope may affect us - The developer and the city will not take responsibility for slope instability or ground water, and our insurance won't either. (As is happening in Glenmore area now).

2- The other matter has less to do with rezoning than the condition Emil-Anderson has left the surrounding area when they were finished in the SouthRidge area in the past. Our boulevard areas were left in a disgusting state of ruts, rocks rolling down slopes onto our street(Cantina) and sidewalks (SouthRidge) and weeds that grow to 2 feet tall. They turned it over to the City in 2004-06 and sadly, even worse, the city accepted it in that state. And still to this day, weeds on city owned Cantina and Southridge boulevards grow out of control unless we, as neighbours, mow them down.

If these matters are addressed and can be guaranteed there will be no adverse affects to surrounding areas and also, on completion of the project, the surrounding property will be handed over to the city from the developers in pristine condition, then we will have no objection to zoning changes.

Sincerely,

Linda and Tom Allen
720 Cantina Court

MEETING:	April 17, 2018	ITEM:	3.1
BYLAW:	11577 + 11578	PLANNING	<input checked="checked" type="checkbox"/>

David M. Jenkins
5086 South Ridge Drive
Kelowna, BC V1W 4Y5
Phone: +1 (250) 864-8985 Fax: +1 (250) 764-8983
E-Mail: dmjylw@mac.com

memo

To: Office of the City Clerk
City of Kelowna
1435 Water Street
Kelowna BC V1Y 1J4

From: David Jenkins

On behalf of: Bill Henderson 5078 South Ridge
Richard Cole 5082 South Ridge
Maureen Marshall 5090 South Ridge
Colin Campbell 5094 South Ridge
Ron Leviere 5098 South Ridge
Dan Plamondon 701 Cantina

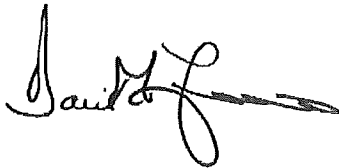
Date: 13-Apr-18

Re: 680 Cantina Court & (S of) South Crest Drive
Bylaw No. 11577 (OCP 17-0020)
Bylaw No. 11578 (Z17-0091)

Mayor & Council,

On behalf of myself and the other residents listed above, we are providing our concerns for consideration of the subject bylaws at the public hearing to occur on 17-Apr-18 at 18:00h.

We are not opposed to the bylaws in principle with the proviso that the concerns detailed on the following pages are properly addressed by the City and the developer. We look forward to discussing these concerns with you in more detail at the public hearing.



David M. Jenkins

MEETING:	April 17/18	ITEM:	3.1
BYLAW:	11577/11578	PLANNING	<input checked="" type="checkbox"/>

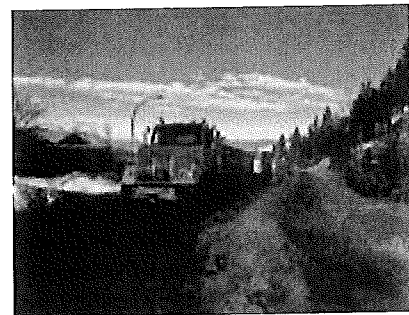
Blasting during site preparation



We understand that blasting may be needed in site preparation and that the developer will undertake this work. We note in the attached memo of 20-Jan-10 and the Council minutes of that the City - through the Development Engineering Manager - and WorkSafeBC have agreed to jointly meet with residents to address concerns they may have regarding the impact of blasting on their safety and property integrity. We seek your assurance that this process will be followed as we do have concerns. This area has a history of slope instability and unknown water courses; we note there is a current spring that has broken through the roadway at Cantina and South Ridge Drive. It is difficult to predict the impact that blasting may have on slopes and redirection on undetected water courses and seek assurance that the City will ensure that all due diligence has been conducted on the geotechnical risks in the area that may be exacerbated by blasting and have an impact on our properties.

Traffic & site management during construction

Traffic heading north on South Ridge Drive is coming downhill and around a curve. Parking on the south side of this road will constitute an additional hazard: we seek assurance that the City will monitor parking and require that any relevant bylaws, for example 8120 Part 4, are enforced. We are particularly concerned that parking on the north side of South Ridge Drive not be allowed as this represents a hazard to safe sight lines when exiting from our driveways.



We are concerned that the developer exercise all due care when trucks are delivering equipment and materials during construction to avoid a repeat of the incident that took place on 18-Jan-18 when a low-loader delivering equipment caused severe restriction to traffic on South Ridge Drive and Cantina.

Hillside development guidelines & environment issues

We are seeking assurance that the City will ensure that all the Hillside Development Guidelines and applicable bylaws are followed by the developer, particularly those relating to Grading/Retaining Objectives, Geotechnical & Hydro-geological Objectives and Environmental & Wildfire Objectives. The existing drainage ditch and berm needs to be protected and we seek assurance that removal of existing trees is restricted to protect the natural look of the area and retain slope stability.

Memo



Date: January 05, 2010
File: Blasting
To: City Manager
From: Steve Muenz, Development Engineering Manager
Subject: Blasting Regulations

Recommendation: THAT the City of Kelowna require blasting companies, developers and home builders to provide general information on a proposed blast prior to any occurrence of blasting

THAT the City of Kelowna authorize the Development Engineering Manager to meet with WorkSafeBC staff members to facilitate responses to concerns expressed by residents

AND THAT the enforcement of blasting regulations remain under the authority of the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transportation.

Background:

The following resolution was adopted by Council during the "open Session" of the regular A.M. Meeting held on Monday, July 27, 2009:

THAT Council direct staff to review the correspondence from the Regional District of Central Okanagan dated July 14, 2009:

AND THAT staff identify the pros and cons of implementing a bylaw to regulate blasting activity;

AND THAT staff identify other municipalities that have implemented a similar bylaw and report back to Council.

Currently, the City of Kelowna has no jurisdiction in the area of blasting. Blasting is governed by the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transport. The British Columbia Ministry of Mines is concerned with blasting techniques; WorkSafeBC is concerned with public safety, workers safety, property damage and licensing; and the British Columbia Ministry of Transport is concerned with the movement of explosives.

Of particular interest is the authority of WorkSafeBC. WorkSafeBC limits its authority to the construction site that is associated with the blasting. It does have concern with damage beyond the site but limits its enforcement to the site and resolutions to issues outside of the construction site are beyond its mandate. That is to say, if there is property damage, WorkSafeBC does not deal with the damage but it may impose penalties to the blasting operators.

As to violations, each of the governing Ministry do inspections and reply on complaints. It is through these inspections and complaints that violations are reviewed. A penalty for a violation could include fines in excess of a \$500,000 and/or jail terms. These governing bodies have the authority to invoke these fines. Again, penalties are limited to the construction site and are not related to resolution of problems beyond the construction site.

Blasting companies are responsible to ensure that a pre-blast survey is completed. The guidelines for these surveys are determined by WorkSafeBC. Blasting companies are responsible for recording Seismograph information for every blast. This information is forwarded to the manufacturer of the seismograph equipment and is analyzed and a letter is generated to indicate if the blast was within the set guidelines.

A handwritten signature in black ink, appearing to be a stylized 'N' or 'M'.

Staff contacted approximately 33 municipalities and received replies from 11 of these municipalities. In general, each of the respondents had a blasting bylaw in place. However, the bylaws rely heavily on WorkSafeBC, British Columbia Ministry of Mines and the Ministry of Transportation requirements. Individual blasting bylaws essentially reiterate these requirements. For the City of Kelowna to administer these requirements violations would be a duplication of efforts, an additional cost to the municipality and would add little or no value to the process.

The main advantage of a Municipal Involvement is that the Municipality would be made aware of particulars that deal with a potential blasting occurrence and would be more of a service to the public.


Recently, City staff met with representatives of WorkSafeBC. It was agreed that there would be no added value to having the City being an additional regulatory body. However, there was agreement that the public would be best served if the City worked together with the various regulatory bodies. WorkSafeBC requires a "Notice of Project" for every blasting site. This "Notice of Project" provides all the information that is needed for a blast. WorkSafeBC has agreed to provide the City with all "Notice of Project" applications. In addition, the City, through its various application processes, will try and determine if blasting will occur on a site and if a "Notice of Project" has been filed. This is the initial step in ensuring that the City is aware of any blasting that will occur in the City.

The second objective is to expedite public concerns. WorkSafeBC and the City have jointly agreed to meet on-site with residents who have concerns. The suggested City representative is the Development Engineering Manager. This suggested process will eliminate the public concern that blasting problems and solutions are not being advanced. The intent of this approach is to educate the public, determine if there is a problem and provide a course of action to resolve the problem.

Submitted by:


S. Muenz, Development Engineering Manager

Approved for inclusion:

 (the department director initials here)

Regular Meeting - P.M.

January 11, 2010

Moved by Councillor James/Seconded by Councillor Hodge

R022/10/01/11 THAT first, second and third readings given Bylaw No. 9276 be rescinded;

AND THAT staff be directed to close the file for Rezoning Application Z03-0069 by Mary Cresswell for 902 Skyline Street (now 901 Clifton Road).

Carried

7. NON-DEVELOPMENT APPLICATION REPORTS

7.1 Director, Recreation & Cultural Services, dated January 5, 2010, re: Civic & Community Awards Nomination Period

Staff:

- Gave a presentation to regarding the Civic & Community Awards.

Moved by Councillor Hodge/Seconded by Councillor Hobson

R023/10/01/11 THAT Council receive for information the report from the Director, Recreation & Cultural Services, dated January 5, 2010, that outlines the Civic & Community Award categories and nomination period.

Carried

7.2 Development Engineering Manager, dated January 5, 2010, re: Blasting Regulations

Staff:

- WorkSafeBC ensures that developers have the applicable liability coverage as it relates to that specific site.

Moved by Councillor Hodge/Seconded by Councillor Rule

R024/10/01/11 THAT the City of Kelowna require blasting companies, developers and home builders to provide general information on a proposed blast prior to any occurrence of blasting;

AND THAT the City of Kelowna authorize the Development Engineering Manager to meet with WorkSafeBC staff members to facilitate responses to concerns expressed by residents;

AND THAT the enforcement of blasting regulations remain under the authority of the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transportation;

AND THAT written information be provided to the public regarding blasting regulations and enforcement;

Regular Meeting - P.M.

January 11, 2010

AND FURTHER THAT staff report back to Council in one (1) year's time with an update with respect to the blasting regulations.

Carried

Moved by Councillor Stack/Seconded by Councillor Hodge

R025/10/01/11 THAT Council direct staff to draft a UBCM resolution for Council consideration requesting that the Provincial Government clarify blasting regulations and enforcement.

Carried

7.3 Director, Design & Construction Services, dated January 5, 2010, re: Brandt's Creek Tradewaste Treatment Plant Upgrade TE09-11

Moved by Councillor James/Seconded by Councillor Hobson

R026/10/01/11 THAT the construction contract for the Brandt's Creek Tradewaste Treatment Plant (BCTWTP) Upgrade be awarded to Cumming Construction Ltd. for the amount of \$ 2,044,350 which includes GST (\$97,350);

AND THAT the Director of Design and Construction Services be authorized to approve any necessary Change Orders to this Contract as contingent items arise, up to a maximum of \$200,000;

AND FURTHER THAT the Mayor and City Clerk are authorized to execute the Contract on behalf of the City.

Carried

7.4 Director, Real Estate & Building Services, dated January 6, 2010, re: Youth and Family Services Lease Amendment and Extension

Moved by Councillor Reid/Seconded by Councillor Stack

R027/10/01/11 THAT Council approve the City entering into a renewal of a commercial lease in the form attached to the Report of the Director of Real Estate & Building Services, dated January 6, 2010, between the City of Kelowna and Terra Landscaping and Bobcat Services Ltd. for Unit 100 - 260 Harvey Avenue on behalf of Kelowna Youth and Family Services, for a term of five (5) years from December 1, 2009 to November 30, 2014;

AND FURTHER THAT the Mayor and City Clerk be authorized to sign the lease based on the attached business terms.

Carried

7.5 Director, Real Estate & Building Services, dated January 6, 2010, re: Delta Grand Okanagan Resort Wharf Sub-License Agreement

Moved by Councillor Hobson/Seconded by Councillor Stack

R028/10/01/11 THAT Council approve the City entering into a Sub-License, in the form attached to the Report of the Director of Real Estate & Building Services, dated January 6, 2010, between the City of Kelowna and Delta Hotels No. 48 Limited Partnership for the use of the foreshore and land covered by water fronting Lot 1, District Lots, 139, 4041, 4082 and 5199, ODYD, Plan

Heather Hawkins

From: Nelya Khabibullina <ngiggs@hotmail.com>
Sent: Tuesday, April 17, 2018 6:56 AM
To: City Clerk
Subject: Cantina at Southridge

We support new development Cantina at Southridge by Dillworth Regards, Bulat and Nailya Khabibullin

1266 Steele Rd, Kelowna, BC
Tel: 778-477-1515
e-mail: ngiggs@hotmail.com

Sent from my iPhone

MEETING: April 17, 2018	ITEM: 3.1
BYLAW: 11577 + 11578	PLANNING <input checked="" type="checkbox"/>



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 17, 2018
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack*

Staff Present Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning Supervisor, Laura Bentley; Community Planning & Strategic Investments, Doug Gilchrist*; Legislative Coordinator (Confidential), Arlene McClelland

1. Call to Order

Mayor Basran called the Hearing to order at 6:00 p.m.

Mayor Basran 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.

Councillor Stack joined the meeting at 6:01 p.m.

2. Notification of Meeting

The City Clerk advised that Notice of this *Public Hearing* was advertised by being posted on the Notice Board at City Hall on Tuesday, April 17, 2018 and by being placed in the Kelowna Daily Courier issues on Friday April 6 and Wednesday, April 11 and by sending out or otherwise mailing 94 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

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 No. 309.

3. Individual Bylaw Submissions

3.1 Cantina Ct 680 and (S of) Southcrest Drive - OCP17-0020 (BL11577) & Z17-0091 (BL11578) - Gillen Investments Inc. and Emil Anderson Construction Co

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Councillor Sieben joined the meeting at 6:10 p.m.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

David M Jenkins, South Ridge Drive
Linda and Tom Allen, Cantina Court
Leon van Biljon, Cantina Court

Letters of Support:

Bulat and Nailya Khabibullin, Steele Road

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

Matt Temple on behalf of Applicant Emil Anderson Construction, Applicant

- While we are discussing rezoning and land use this evening advised that the detail design is near completion.
- A Development Permit was submitted to staff last December with a good idea of what is proposed to be built.
- The project has been discussed with neighbours and met with residents in February.
- Neighbour's questions related to project construction management and believes most of those concerns have been addressed.
- Not certain if blasting would be required; however, if required, must follow Work Safe BC requirements.
- Responded to questions from Council.

Gallery:**David Jenkins, South Ridge Drive**

- Representing some residents in the area.
- Has many years of construction experience.
- Raised concerns with blasting and referenced a memo to Council in January 2010 that the process in place is to work with Work Safe BC and that the City staff does not have a role with blasting regulations.
- Raised concerns with traffic and safety and seeking assurance that applicable parking bylaws are reserved during construction process.
- Want assurance that Hillside guidelines are enforced by geotech.
- Not opposed to development, however, concerned with processes during construction.
- Responded to questions from Council.

Lisa Johnson, Cantina Court

- Raised concern that the plan shows 3 driveways coming onto Cantina Court which is a steep hillside road.
- Original owner on Cantina Court since 2003 and advised that with snow accumulation residents are limited to one lane; raised concerns with traffic and narrow road.
- Not opposed to this development, however, concerned with traffic movement and increased traffic.
- Confirmed that commercial use may be preferred as vendor access and egress already developed with less impact to the street.
- Responded to questions from Council.

Keith Johnson, Cantina Court

- Water pressure is already an issue at the far end of the road and wondered how extra properties will affect that.
- Would like the name of the contact person in the event that issues arise through the development process.
- Raised concern that there is no emergency exit on the street.
- Raised concern with the Shaw and Telus service boxes that would most likely need to be relocated and the service interruption for residents.
- Raised concerns with the natural water ways that are already a concern.
- Not against this proposal but have concerns.
- Responded to questions from Council.

Ray Folk, Cantina Court

- Raised concerns with parking during construction and no emergency exit.

Matt Temple, Applicant Representative

- Confirmed must go through Work Safe BC for any blasting and meet their requirements. Have performed blasting before and familiar with the process.
- Cantina is a cul-de-sac and narrow; have considered safe access and egress to the site. There will not be 3 point turns on site. Space to park within the site will be created.
- Confirmed that the construction team will not be parking on high side of Cantina Court.
- Widening the intersection to Cantina Court is not required but we want to do this for our buyers and the community. Improvements will be make the turning radius wider and open site lines.
- The intersection work will have a work crew to ensure safety.
- This is a hillside road; stepping townhomes with road grade and not perching high above.
- Each home has a 2 car garage with double wide driveway; easy to come out those driveways.
- Driveways will be lower along Cantina Court.
- The road goes up in elevation and as a Professional Engineer does not believe there will be any water issues.
- Offered contact information if there are any water issues.
- Confirmed that utility service boxes will not be moved only one street light will be relocated.
- Explored different driveway options; the current option allows for stepping townhomes.
- Only one single tree needs to be removed with the land swap agreement to construct a pathway to the knoll; will provide mass planting in the area.
- Responded to questions from Council.

Staff:

- Provided an overview of blasting regulations; Ministry of Mines regulates with Work Safe BC and the city is involved as a facilitator to ensure notification and to share information however no regulatory or legal component.
- Confirmed driveway locations would be considered with the Applicant and Development Engineering to meet requirements of distance from an intersection at the Development Permit stage.

There were no further comments.

3.2 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

The Applicant was present and available for questions.

No one from the gallery came forward.



City of Kelowna Regular Meeting Minutes

Date: Tuesday, April 17, 2018
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray*, Charlie Hodge, Brad Sieben, Mohini Singh* and Luke Stack*

Staff Present Acting City Manager, Joe Creron; Deputy City Clerk, Karen Needham; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:27 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Gray

R395/18/04/17 THAT the Minutes of the Public Hearing and Regular Meeting of April 10, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Cantina Ct 680 & (S of) South Crest Dr - OCP17-0020 (BL11577) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Hodge/Seconded By Councillor Donn

R396/18/04/17 THAT Bylaw No. 11577 be read a second and third time.

Carried

4.2 Cantina Ct 680 & (S of) South Crest Dr- Z17-0091 (BL11578) - Gillen Investments Inc. and Emil Anderson Construction Co

Moved By Councillor Donn/Seconded By Councillor Hodge

R397/18/04/17 THAT Bylaw No. 11578 be read a second and third time.

Carried

4.3 Lakeshore Rd 4329, Z17-0027 (BL11579) - William Bruce Povah

Moved By Councillor Donn/Seconded By Councillor Hodge

R398/18/04/17 THAT Bylaw No. 11579 be read a second and third time.

Carried

4.4 McClain Rd 4185, Z18-0009 (BL11580) - Bruce Merz

Moved By Councillor Hodge/Seconded By Councillor Donn

R399/18/04/17 THAT Bylaw No. 11580 be read a second and third time.

Carried

4.5 Ziprick Rd 255, Z17-0081 (BL11581) - Gurdeep Chahal and Palwinder Pannu

Moved By Councillor Singh/Seconded By Councillor DeHart

R400/18/04/17 THAT Bylaw No. 11581 be read a second and third time.

Carried

4.6 Laurier Ave 1018 and 1024, Z18-0006 (BL11588) - Mottram Holdings Ltd.

Moved By Councillor Dehart/Seconded By Councillor Singh

R401/18/04/17 THAT Bylaw No. 11588 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these Development Variance Permit Applications was given by sending out or otherwise mailing 179 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

Notice of this Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on Tuesday, April 17, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, April 6 and Wednesday, April 11 and by sending out or otherwise mailing 36 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 17, 2018.

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 No. 309.

6. Liquor License Application Reports