



City of Kelowna Public Hearing Minutes

Date: Wednesday, October 22, 2014
 Location: Council Chamber
 City Hall, 1435 Water Street

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

Staff Present: Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Manager, Urban Planning, Ryan Smith; Director, Subdivision, Agriculture & Environment, Shelley Gambacort*; Manager, Development Engineering, Steve Muenz; Manager, Transportation & Mobility, Moudud Hasan; and Council Services Coordinator, Sandi Horning

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:10 p.m.

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.

2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on October 7, 2014 and by being placed in the Kelowna Capital News issues of October 10, 2014 and October 15, 2014, and by sending out or otherwise delivering 294 statutory notices to the owners and occupiers of surrounding properties, and 4,492 information notices to residents in the same postal delivery route between October 7, 2014 and October 10, 2014. 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. Bylaw No. 10998 (TA14-0003) and Bylaw No. 11016 (Z12-0056) - 1755 Capri Street, 1835 Gordon Drive and 1171 Harvey Avenue, RG Properties Ltd.

Staff:

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

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

- o Letter of Support:
 - Greg Garrard, Brandt Avenue
- o Letters of Opposition:
 - Denise M. Bruns, Sutherland Avenue
 - Robert Cichocki, Kelglen Crescent
 - Richard Mark, Pacific Court
 - Maria Liscia, Sutherland Avenue
- o Petition of Opposition:
 - A petition of opposition containing 50 signatures from the owners/occupants of the surrounding properties as submitted by John Zeger, Sutherland Avenue

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

Leo Mariotto, Kevin King and Peter Joyce, Applicant's Representatives

- Displayed a PowerPoint Presentation outlining the rezoning application.
- Responded to questions from Council.
- Confirmed that there are a range of housing types being contemplated for the site.
- Confirmed that Extra Foods will remain in place during Phase 1.
- Advised that the proposed skating rink will be similar in size to the one in Stuart Park, but will be a different shape.
- Advised that the skating rink area will be utilized in the summer for other events such as an outdoor market, concerts, etc.
- Confirmed that there is no intention to charge for the use of the skating rink.
- Provided an overview of parking and access to the development.
- Confirmed that the majority of the parking will be located below grade.
- Advised that the current hotel on the site is expected to remain in place during all of the phases of the development. The hotel will remain exactly the same as it is with no plans to expand at this time.

Gallery:

Sean Upshaw, Knox Crescent

- Lives in the area and supports the rezoning application.
- Commended the developer for including affordable housing options.

Charlie Hodge, Centennial Crescent

- Expressed a concern with the amenities being offered.
- Expressed concerns with the height in the CD25 zone as the Official Community Plan shows 12 stories.
- Expressed a concern with the bus stop location on Gordon Drive near Highway 97.
- Expressed a concern with shadowing impacts of the proposed development on the neighbourhood.

John Zeger, Sutherland Avenue

- Outraged with the proposed development.
- Wants the neighbourhood to stay the same.
- Expressed a concern with the variances being asked for by the developer.
- Believes that increase in height and density is inappropriate for the neighbourhood.
- Expressed a concern with traffic congestion.
- Expressed a concern with the phasing of the development and the relocation of the existing tenants.
- Expressed concerns with the amenities being offered.
- Opposed to the text amendment and rezoning.

Leo Mariotto, Kevin King and Peter Joyce, Applicant's Representatives

- Clarified that the density being proposed is not out of context. There is only a slight increase in density than what is currently permitted on the site today.
- Addressed the concerns raised with respect to building heights and corresponding increase in open spaces.
- Addressed the concerns with respect to the underground parking and the water table in the area. The water table is approximately 4m-5m below ground and the developer is confident he will be able to control flooding should a major event occur. There are currently underground tunnels and rooms below the current hotel, which have yet to pose a problem with respect to flooding.
- Responded to questions from Council.
- Advised that the developer has considered handing over ownership of the amenities to the City.
- Provided further details regarding the proposed bus stops around the development.
- Advised that there could be a 10-12 year build out for the development.

There were no further comments.

3.2. Bylaw No. 11017 (OCP14-0022) and Bylaw No. 11018 (Z14-0047) - 984 DeHart Road, Sherwood Mission Developments & Dr. Alexander Rezanoff

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council and responded to questions from Council.
- Responded to questions from Council with respect to access and traffic/pedestrian concerns.
- Addressed the concerns raised regarding traffic volumes in the area.

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

- o Letters of Opposition:
 - Sharon & Ryan Brooks, Turner Road
 - Ryan Roussel, Tuner Road
 - Terry & Lil Rieger, Turner Road
 - Don Koehle, Young Road
 - Bryan & Sharon Johnston, Dehart Road
 - Karl & Gabi Heinitz, Turner Road
 - Ralph & Pauline Livingston, Turner Road
 - Kathy Jones & Steve Biollo, Young Road
 - Bob & Gertie Kueng, DeHart Road
 - K. Fern Hind, Turner Road
 - Lisa Sanderson, Turner Road
 - Gladi & Jim Rowlett, Turner Road
 - Naomi Dodd, Young Street
 - Anthony & Shirley McCarthy, Bartholomew Court
 - Tom & Brenda McBride, Bartholomew Court
 - Larry & Amanda Marzinzik, Bartholomew Court

- Giebelhaus Family, Turner Road
- Tryhurn Family, Turner Road
- Letters of Concern:
 - Marilyn St. Pierre, Eso Court
 - Michael A. Millard, Bartholomew Court
 - Brian & Nancy Comartin, Ashish & Manisha Dave, Young Road
 - Gerry Doeksen, West Point Road
 - Brenda Sbrozzi, Turner Road

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

Keith Funk and Benson Ho, New Town Planning, Applicant's Representatives

- Responded to questions from Council.
- Commented on the use of Turner Road as a result of this development.
- Clarified the size of the lots that have been added.
- Provided an overview of the traffic study that was conducted. The traffic generation model suggests that residents of the development would use DeHart Road rather than Turner Road.
- Provided an update with respect to the Agricultural Land Commission.

Gallery:

Anthony McCarthy, Bartholomew Court

- Opposed to the application.
- Expressed a concern with the traffic and lack of sidewalks on Dehart Road.
- Before any consideration is given to the rezoning, an upgrade of Dehart Road should occur.
- The proposed roundabout is not in an acceptable location. The roundabout should be located at Dehart and Swamp Roads.
- Responded to questions from Council.

Larry Marzinik, Bartholomew Court

- Opposed to the application.
- Advised that his back deck is elevated and therefore he will look at Okanagan Lake over this proposed subdivision.
- Purchased his property a couple of years ago and was told that this type of development would not happen on the subject property.
- Believes that the proposed development will change the character of the area. The development is out of character with the rural-residential neighbourhood due to smaller lot sizes.
- Expressed a concern with traffic impacts as a result of the development.
- Expressed a concern with the location of the proposed roundabout.
- Responded to questions from Council.

Ryland Giebelhaus, Turner Road

- Opposed to the development as it currently stands.
- Expressed a concern with the lack of sidewalks in the area.
- Expressed a concern with the increase in traffic the development will bring to the area.
- Expressed a concern with wildlife in the area and the interface with development.
- Expressed a concern that the schools in the area may not be able to accommodate the growth.

Ralph Livingston, Turner Road

- Expressed a concern with the safety of the children in the area.
- Expressed a concern with additional traffic that the development will bring to the area.
- Opposed to the Official Community Plan amendment and rezoning.
- Responded to questions from Council.
- Advised that he could live with emergency access onto Turner Road only.

Charlene Siddon, Turner Road

- Owns 3 homes in the area.
- Expressed a concern with safety of the students and the lack of sidewalks in the area.
- Expressed a concern with the number of units being proposed.
- Suggested that the development have fewer, larger lots which would be more appropriate for the neighbourhood.
- Responded to questions from Council.
- Advised that she would be happy if Turner Road was emergency access only.

Brenda Sbrozzi, Turner Road

- Expressed a concern with traffic congestion in the area.
- Expressed a concern with safety and the lack of sidewalks in the area.
- Opposed to the application.
- Questioned the comments from the Traffic Consultant that drivers would not use Turner Road.
- Responded to questions from Council.
- Would like Council to reconsider an intersection/roundabout at Swamp and Dehart Roads.
- Would prefer no access through Turner Road or Eso Court unless it's pedestrian access only.

Michael Atherton, Young Road

- Opposed to the rezoning at this time.
- Believes that the application does not address the 2 major problems in the area.
- Dehart and Swamp Roads have serious flow and safety concerns that will not be alleviated by the roundabout and therefore the roundabout should be located at Swamp and Dehart Roads.
- There is not a proper connection from Swamp and DeHart Road to Gordon Drive.
- Believes this development will create a traffic safety concern.

Doug Simister, 780 Turner Road

- Opposed to the application.
- Expressed a concern with safety in the area.
- Expressed a concern with the location of the roundabout.
- Expressed a concern with access to the development.
- Responded to questions from Council.
- Advised that he would accept emergency access only on Turner Road, however he would prefer no access.

Michelle Schroyen, 4238 Eso Court

- Has lived in the area for the past 8 years.
- Opposed to the application.
- Expressed a concern with development impacts on the safety of the children in the area.
- Expressed a concern with the proposed protection of the riparian area.
- Expressed a concern with development impacts on wildlife.
- Expressed a concern that the lands were once part of the Agricultural Land Reserve.
- Responded to questions from Council.
- Advised that she would support a 'gate' for emergency access only on Turner Road.

Bob Kueng, DeHart Road

- Opposed to the development.
- Expressed a concern with proposed location of the roundabout and noted that the proposed location is approximately 90 feet from his driveway.
- Commented on other traffic and land purchase options available to the developer.
- Expressed a concern with the lack of RCMP enforcement of speeding on DeHart and Swamp Roads.
- Opposed to turning farmland into residential land.
- Believes that another access to the development needs to be considered.

Shannon McLeod, Eso Court

- Expressed a concern with the traffic study.
- Expressed a concern with the lack of sidewalks and street lighting in the area.
- Opposed to the application.
- Responded to questions from Council.

Sean Upshaw, Knox Crescent

- Made suggestions as to how to address issues raised by members of the public, including land purchases and an Agricultural Land Reserve exclusion application.

Tom McBride, Bartholomew Court

- Opposed to the location of the roundabout. The roundabout should be located at Swamp and Dehart Roads.
- Would prefer emergency access only on Turner Road.

Carl Sorge, Turner Road

- Expressed a concern with traffic impacts on Turner Road.
- Questioned the definition of "emergency access".
- Questioned comments from the Traffic Consultant.
- Believes that the access to the development should be relocated.
- Would be supportive of a perimeter road access.

Alan Sanderson, Turner Road

- Opposed to the application.
- Questioned the definition of "emergency access".
- Expressed a concern with traffic impacts on Turner Road.
- Expressed a concern with the lack of sidewalks on Turner Road.
- Would be supportive of a perimeter road access.

Heather Ramirez, Dehart Road

- Expressed a concern with the lack of sidewalks in the area.
- Expressed a concern with the safety of children in the area.
- Opposed to the application.

Keith Funk and Benson Ho, New Town Planning, Applicant's Representatives

- Addressed the concerns raised by the public.
- Advised that constructing sidewalks in the adjoining neighbourhood is too heavy a financial burden on the developer.
- Advised that the location of the roundabout can be moved.
- Advised that the alternative road routes that were suggested are possible, but very unlikely.
- Admitted that the issue of short-cut traffic is a real possibility.
- Believes that a traffic circle on Bartholomew would slow down and calm traffic.
- Advised that the 110 lots is the maximum number permitted by the proposed subdivision; however the actual number of lots will be determined by the market.
- Believes that traffic calming measures are possible.
- Agreed that Turner Road could be gated with emergency access only.

- Believes that a roundabout in an appropriate location will adequately address traffic impacts.
- Advised that the developer is not pursuing the idea of a land swap within the Agricultural Land Reserve.
- Responded to questions from Council.

There were no further comments.

The meeting recessed at 9:53 p.m. The meeting reconvened at 10:10 p.m.

3.3. Bylaw No. 11019 (Z14-0029) - 801 Francis Avenue, D Squared Enterprises Inc.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council.

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

- o Letter of Concern:
 - Emma Dalsvaag, South Pandosy Resident

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 not present. No one came forward.

3.4. Bylaw No. 11020 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application before Council and responded to questions from Council.
- Confirmed that there will only be 4 units on the western portion of the site and those units will not be able to accommodate secondary suites.

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

- o Letters of Opposition
 - Ryan Moir, Mountainview Street
 - Leslie Joy Plaisance, Mountainview Street
 - Derril & Jennifer McKenzie, Mountainview Street
 - Michael McKee, Glenmore Drive
 - Cheryl Fast, Mountainview Street
 - Kyleen K. Myrah, Mountainview Street
- o Letter of Concern:
 - Earl & Mary Wozny, Mountainview Street

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

Shawn, Applicant's Representative

- Provided the rationale for the proposal before Council.
- Advised that the units are non-stratified and will be freehold titles.
- Advised that an additional 8 parking stalls have been added off the back lane.
- Responded to questions from Council.

Gallery:

Bob Hayes, Mountainview Street

- Has lived in the area for 60 years.
- Expressed a concern with the massing of the project. The building is way too large for the property.
- Expressed a concern with an increase in traffic.
- Believes that this development will dramatically change the neighbourhood.
- Opposed to the rezoning.
- Responded to questions from Council.
- Advised that he would prefer single-family with a laneway.

Daniel Turner, Glenella Place

- Opposed to the rezoning.
- Expressed a concern with respect to the Development Sign posted on the property.

City Clerk:

- Provided comment regarding the Development Sign and advised that the signage meets the City's requirements.

Steve Cann, Glenella Place

- Expressed a concern with the lack of infrastructure in the area that would be required to support the proposed development.
- Expressed a concern with the increase in traffic and parking requirements should the development move forward.
- Would prefer 2 homes rather than a multi-family development.
- Would like to see sidewalks and traffic calming on Mountainview Street.

Dan Bjur, Glenmore Road

- Opposed to the rezoning.
- Expressed a concern with privacy as a result of the height of the proposed development.
- Expressed a concern that the townhouses will eventually have suites (legal or illegal).
- Expressed a concern with increased traffic and parking issues as a result of the development.
- Expressed a concern with the placement of the Development Signs on the property.
- Expressed a concern with the proposed density and advised that he would prefer single-family dwellings on the site.

Trent Johnson, Mountain Avenue

- Opposed to the rezoning and the proposal for 9 townhomes.
- Responded to questions from Council.

Jennifer McKenzie, Mountainview Street

- Opposed to the rezoning.
- Would prefer 4 buildings on reasonable sized lots.
- Expressed a concern with the parking being proposed.
- Responded to questions from Council.

Moved By Councillor Zimmermann/Seconded By Councillor DeHart

R766/14/10/22 THAT pursuant to Section 5.4 of Council Procedure Bylaw No. 9200, this Public Hearing and the following Council Meeting be permitted to continue past 11:00 p.m.

Carried

Karen Turner, Glenella Place

- Expressed a concern with the freehold strata being proposed for the property.

Staff:

- Explained the concept of freehold strata titles.

Mark Taylor

- Believes that the unsupported Option #1 is the best option for the property.

Sharon Harper, Mountainview Street

- Opposed to the proposed lane. If the lane goes through, would prefer emergency access only.
- Prefers unsupported Option #1.

Doug, Glenmore Road

- Commented on the proposal.
- Would prefer unsupported Option #1.

Max Ungaro, Glenmore Drive

- Does not like the density being proposed.

Shawn, Applicant's Representative

- Addressed the concerns raised by the public.
- Advised that the parcel was purchased to create some housing affordability.
- Advised that the option proposed is the best option in order to create more affordable housing.
- Believes that the project does take the parking concerns into consideration.
- Responded to questions from Council.
- Advised that unsupported Option #1 would not create the affordability the developer is trying to achieve.

There were no further comments.

3.5. Bylaw No. 11021 (Z14-0035) - 2271 Harvey Avenue, Orchard Park Shopping Centre Holdings Ltd.

Staff:

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

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

- o Letters of Opposition:
 - o Gail & Gerry Inbeau, Baron Road
 - o Glen & Donna Bahsler, Underhill Street

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

Dominic Rampone, Applicant's Representative

- Advised that he is the Operations Manager for the Farmers' Market.
- Provided an overview of the proposal.

There were no further comments.

4. Termination

The Hearing was declared terminated at 11:31 p.m.

Mayor

City Clerk

/slh