



**City of Kelowna
Public Hearing
Minutes**

Date:	Tuesday, May 26, 2015
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran*, Councillors Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh*, Luke Stack
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planner, Ryan Roycroft*; Urban Planning Manager, Ryan Smith*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:03 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.

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 May 12, 2015 and by being placed in the Kelowna Capital News issues on May 15 and May 20, 2015 and by sending out or otherwise delivering 177 statutory notices to the owners and occupiers of surrounding properties, and 5790 informational notices to residents in the same postal delivery route, between May 12 and May 15, 2015.

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

3.1 700 Highway 33 East, BL11083 (TA15-0002) - Hillcrest Farm Market Inc.

Mayor Basran declared a conflict of interest as the applicant is a relative and departed the meeting at 6:08 p.m.

Councillor Singh declared a conflict of interest due to her close personal sister-like relationship to the applicant and left the meeting at 6:08 p.m.

Deputy Mayor Gray took over the Chair at 6:08 p.m.

City Clerk read the following statement recommending the item be deferred:

- New information has come forward regarding the Hillcrest Text Amendment application scheduled for tonight's public hearing. New information received from BMID Friday afternoon, after initial consideration was heard by Council, has resulted in the Fire Department yesterday substantively changing their comments regarding this application. This new information should be presented to Council at a Monday afternoon Council meeting, rather than at the public hearing. To ensure the procedural fairness of the process, including to the applicant and the public, staff recommend Council defer the item this evening. Mr. Ball was informed of staff's position this morning.
- The procedural concern is that neither Council, nor the applicant nor the public have been given the opportunity to hear, reflect upon and question the new information prior to proceeding this evening. The courts have placed a heavy emphasis on the City following procedural fairness when conducting public hearings.
- While staff's advice is to defer holding the public hearing, Council could decide to hold the Hearing this evening; however the public hearing would have to remain open, and no consideration of the application could be made during the meeting later this evening. Staff would still need to review the new information and have the opportunity to present it to Council at a Monday afternoon meeting. This would probably occur Monday, June 15th (no Council meeting June 8th due to FCM).
- Anyone who spoke this evening would be able to speak at the reconvened public hearing, as they would not have had a chance to hear the new information.
- We apologize for making this deferral recommendation the day of the public hearing; in reviewing the materials for this evening staff came to the recommendation that it is in the best interest of Council, the applicant and the public to defer this application to ensure procedural fairness.
- Responded to questions from Council.

Moved By Councillor Hodge/Seconded By Councillor Given

R401/15/05/26 THAT Council defer holding the Public Hearing for Text Amendment No. TA15-0002 (Bylaw No. 11083), located on 700 Highway 33 East.

Carried
Councillors Sieben and Donn - Opposed

Deputy Mayor Gray called a recess at 6:25 p.m.

Deputy Mayor Gray reconvened the meeting at 6:28 p.m.

Mayor Basran returned to the meeting and resumed the Chair at 6:28 p.m.

Councillor Singh rejoined the meeting at 6:28 p.m.

3.2 773 Glenmore Road & 720 Valley Road, BL11090 (OCP14-0008), BL11091 (TA14-0005) & BL11092 (Z14-0010) - 0904419 BC Ltd.

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of Opposition or Concern
Alan Pallett, Augusta Court

Michael Seifert, Nassau Crescent
 Don Porter, Valley Road
 Anne Fletcher, Walker Drive
 Janneke & Paul Smith, Walker Drive

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

Neither Applicant nor Applicant Representative was in attendance.

Gallery:

Derek Shaw, Valley Road

- Lived in current residence for 23 years.
- Raised concern with the current and future traffic implications that the proposed development would create.
- Strongly opposed to the application.
- Responded to questions from Council.

There were no further comments.

3.3 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of Support
 Sonya & Brian Arrance, Wilkinson Street
 Garlon Hui, Guisachan Road

Letters of Opposition or Concern
 Sylvia Rufli, Nelson Place
 Harvey Bell, Wilkinson
 Brian Bittle, Guischan Road

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

Jacob Cruise, Wilkinson Street, Applicant

- Confirmed they are the second owners of the property and purchased the property as it is today.
- Spoke to his commitment to the neighbourhood.
- Had been made aware of and addressed immediate neighbour privacy concerns.
- Neighbours to the north and south are in support of the application. Occupants to the east were consulted and didn't have any issues.
- Confirmed there would be no parking in the front yard.
- Responded to questions from Council.

There were no further comments.

3.4 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Support
Eric Prehofer, Sutherland Avenue

Letters of Opposition or Concern
Sheila Seweryn, McInnes Avenue
Gillian Krol, McInnes Avenue
Ken Work, McInnes Avenue

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

Marlin Weninger, Henderson Drive, Applicant

- Been working closely with staff to create a nice plan for the area.
- Addressed on-street parking concerns raised in the letters of opposition of the application.
- Adequate parking will be provided on site.
- Responded to questions from Council

Gallery:

Sheila Seweryn, McInnes Avenue

- Referenced her previously submitted correspondence.
- Raised concerns with parking, increased noise and rental units.
- Raised concern that property values would decline in the area due to this development.
- Opposed to this application.
- Responded to questions from Council.
- Submitted speaking notes.

Tenant, 1432 McInnes Avenue

- Has been a resident for 10 years.
- Expressed her disappointment with the manner in which the eviction notice was served upon her.

Mayor Basran confirmed that Council has no jurisdiction on such issues and any concerns should be brought to the BC Residential Tenancy Branch.

Majda Gregori, McInnes Avenue

- Raised concern with on street parking in the neighbourhood.
- Raised concern with noisy residences in the neighbourhood.
- Opposed to this application.

Mr. Weninger, Applicant

- Believes with the addition of the new building property values will increase in the area.
- This development is supplying 6 legal size parking stalls and should improve parking concerns in this area.
- There are many noise complaints that currently exist in the neighbourhood.
- Responded to questions from Council.

There were no further comments.

3.5 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba

Staff:

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

The City Clerk advised that the following correspondence was received:

Letters of No Objection
Carole & Mayne McCutcheon, Charleswood Drive

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

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:56 p.m.

Mayor

City Clerk

Deputy Mayor

/acm