



City of Kelowna Public Hearing Minutes

Date: Tuesday, April 15, 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: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Divisional Director, Infrastructure, John Vos*; Divisional Director, Community Planning & Real Estate, Doug Gilchrist*; Divisional Director, Communications & Information Services, Carla Weaden; Divisional Director, Active Living & Culture, Jim Gabriel; Director of Real Estate, Derek Edstrom*; Director, Subdivision Agriculture & Environment, Shelley Gambacort*; Manager, Urban Planning, Ryan Smith; Manager, Development Engineering, Steve Muenz; Manager, Policy & Planning, Danielle Noble-Brandt*; Planner II, Damien Burggraeve; and Council Recording Secretary, Tania Tishenko

(* denotes partial attendance)

1. Call to Order

Mayor Gray called the Hearing to order at 6:09 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 at City Hall on April 1st, 2014 and by being placed in the Kelowna Capital News issues on April 4th, 2014 and April 8th, 2014, and by sending out or otherwise delivering

188 Statutory Notices to owners and occupiers of adjacent and adjoining properties, and 4861 "It's Your Neighbourhood" Informational Notices to residents in the postal delivery area between April 1st, 2014 and April 4th, 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. 369.

3. Individual Bylaw Submissions

Due to the large number of residents in the gallery for item 3.4, the item was moved up on the agenda.

3.4. Bylaw No. 10937 (Z13-0045) - 469 Glenmore Road, Terry Johnson & Jeffery Pereverzoff

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:

- Letters of Support:
 - Joanne Layh, Glenmore
 - Les Weiss, Chem Tec West Ltd, 3-3302 Appaloosa Road
- Letters of Opposition:
 - Lawrence and Margaret Weatherly, 341 - 550 Yates Rd (Sandalwood)
 - Bonnie Gratz, 925 Paret Cres
 - 3 letters submitted by Walter and Yvonne Platzke, #350 550 Yates Rd
 - Michele Diener, 120-445 Yates Rd
 - Sybil Rimmer, 348-550 Yates Rd
 - Audrey Lewis, 239-550 Yates Rd
 - Ronald H. Wessner, 225-550 Yates Rd
 - Ken and Margaret Barr, 368-550 Yates Rd
 - Betty and Ron Wessner, 225-550 Yates Rd
 - Donna Szucs, 3530 Sage Drive, Kamloops BC
 - Julie Singbeil, 2828 A Longhill Road
 - Tina Derer, 2-595 Yates Rd
 - Tina Derer on behalf of Sepp and Agness Braun, 97-595 Yates Rd
 - Jean Becker
- Petition of Opposition:
 - Petition submitted by Jackie Van Hoogevest containing 128 signatures.
- Letters of Concern:
 - Edna Hatch, 550 Yates Rd #162
 - Richard Cummings, 1779 Sprucegrove Court
 - Bev and Ernie Obst, 8-450 Yates Rd
 - Clarence and Lynn Rode, 116-550 Yates Rd
 - Allan and Dorothy Robertson, 363 McTavish Crescent
 - Bud and Joan Darough, 550 Yates Rd

- Dona Ethier, 33-225 Glen Park Drive
- Al and Myra Neuman, 147-550 Yates Road

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

Dale Pilling, Pilling & Associates, Applicant's Representative

- Expressed that Public Hearing focus is on land use and other issues are Development Permit related.
- Very impressed with the past history of the applicant and that he has successfully run other car washes without complaint.

Phil DeKlerk, Owner Sud City Car Wash

- Stated that insulation in vacuums has improved noise buffering, and vacuums would be situated a reasonable distance from homes.
- Would eliminate two vacuums if noise deterrent efforts were unsuccessful.
- Will restrict hours of operation to -8:00 - 23:00 and have caretaker on site.
- Would post no idling signs.
- There would be environmentally sensitive collection of car wash waste water on premises.
- Responded to questions from Council.
- Feels that noise would not be a problem.

Gallery:

Jackie Van Hoogevest, Sandalwood Resident

- Against car wash application.
- Feels the residents of Sandalwood will be losing fair market value on their homes if the car wash application is approved.
- Brandt Creek Park has 100's of people walking and enjoying the natural surroundings, and presence of a car wash would change that.
- Received 125 signatures in park in a 4 hour period in opposition of car wash.
- There will be issues with noise and fumes from vehicles.
- Responded to questions from Council.

Edna Hatch, Sandalwood Resident

- Against car wash application.
- Expressed deep concern with pollution from exhaust fumes affecting air quality.
- Noise factor from vacuums, washing machinery, engine noise, loud chatter and boom boxes.
- Confirmed that approximately 50% of Sandalwood residents expressed concerns to James Moore, City Planner responsible for the file.

Richard Wensink of Blondeaux Crescent, Representing Glenmore Valley Community Assn

- Felt there was lack of communication between the City of Kelowna and the Association.
- Concerned with model of communication and that the Association is not contacted about projects.
- Responded to questions from Council.

Karen Fairfield, (spoke on behalf of Sandalwood residents)

- Against car wash application.

- Contacted residents that live close to the car wash in Comox.
- Heard a lot of complaints of noise/ loud music from the resident that live in the proximity of the Comox car wash and of non cooperation from the caretaker/attendant.
- This causes worry that the same will happen if this application was approved.
- Responded to questions from Council.

Jennifer Gomez, Sutton Cresc

- Spoke on behalf of residents of building where she resides.
- Against car wash application.
- Main concern would be to preserve the integrity of the neighborhood.
- Felt that the presence of the car wash would infringe on the park nearby with the extra noise carrying across the park.
- People do not police themselves as far as idling.
- Responded to questions from Council.

George Moxham, Sandalwood Resident

- Against car wash application.
- Spoke of upcoming traffic hazards and volumes of traffic in the neighbourhood, if the car wash application was approved.
- Confirmed there is a car wash 400 meters north of this location.
- Concerned with fair market loss on their properties.

Julie Daniels, Resident & President of Strata Council at Sandalwood

- Against car wash application.
- This community of people feels assaulted by this application.
- Feel that this proposal is far too large for this site.
- Closest 5 homes would be impacted by exhaust fumes, noise from vacuums and loud music as they are located less than 45 feet from the proposed location.
- Responded to questions from Council.

Larry Weatherly, Sandalwood Resident

- Against car wash application.
- Concerned with additional noise.

Gerald Darough, Sandalwood Resident

- Against car wash application.
- Does not want the natural beauty of the surrounding area and creek be spoilt.
- Concerned with extra traffic and noise if application was to go through.

Dale Pilling, Pilling & Associates, Applicant's Representative

- Explained to the gallery how the drying system works at the car wash, with both doors closed to eliminate extra noise.
- Confirmed that there would be a phone number posted for after hour's complaints when caretaker was not available. And reassured the public that if caretaker was not monitoring patrons then he would be out of a job.
- Wanted to keep large trees part of the park so as to keep a sound buffer in the area.
- Answered questions from Council.

The meeting recessed for a break at 8:28 p.m.
The meeting reconvened at 8:41 p.m.

3.1. Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development 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:

- Letter of Support:
 - Andrew Bruce, Melcor Developments
- Letter of Opposition:
 - Richard L. Drinnan, 669 Greene Road
- Letters of Comment:
 - Wally Leong, Oracle Investments Inc. OK Mission
 - Crystal Lloyd, 5000 Gordon Drive

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

Andrew Bruce, Melcor Developments Ltd., Applicant

- Displayed a PowerPoint Presentation summarizing the application before Council.
- Confident that City is entering into new area of growth.
- Sees that there is great potential for this land.
- Responded to questions from Council.

Gallery:

Linda Casey, Southridge Drive Resident

- Commented on the number of homes that haven't been sold or are rented in Phase 2, and whether adding more housing stock is actually needed at this time.

Janice Botterill, Dougherty Ave Resident

- Concerned with traffic from construction.
- Felt that with 1400 homes being built, there would be an increase of construction personnel in area, and she didn't want to live through another construction zone.

John Cabral, Kuipers Court Resident

- Questioned the overlap of ASP/OCP.
- Echoed issues of traffic within the area.
- Expressed concern with heavy equipment coming into area for construction, as access is very limited.

Andrew Bruce, Applicant

- Is aware that issues of traffic with construction, is the fundamental biggest issue, and has other access' in mind to ease this problem.
- Responded to question of ASP/OCP.
- Responded to questions from Council.

There were no further comments.

3.2. Bylaw No. 10933 (Z13-0038) - 721-725 Francis Avenue, Aldo & Wilma Clinaz

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:

- Letters of Opposition
 - O.J. (John) Mardall, KLO Central Neighbourhood Association
 - W.J. (Jim) Cooke and G. (Beryl) Cooke, Francis Avenue Residents

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

Lynne Welder, Applicant

- Confirmed that the property was purchased by client as a fourplex.
- Has gone to all residents within a 50 meter radius of property, and has received 90% support of application.
- Has been working closely with Ryan Smith to comply with all regulations.

Gallery:

John Mardell, KLO Central Neighborhood Assn., Representative

- Against this application.
- KLO Central Neighborhood Association recommends that the City of Kelowna does not approve this application and turn this property back to the original duplex.
- Suggested that the City of Kelowna should enter into a covenant with the owner if they approve the application.
- Believes it is unfair that people have to go through long routes of doing things legally, and now with this submission they are cutting corners, and making something illegal legal.

Matthew Bonner, Francis Road Resident

- Against this application.

There were no further comments.

3.3. Bylaw No. 10934 (Z13-0037) - 3657 Highway 97 North, Raul Holdings Inc.

Staff:

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

The City Clerk advised that no correspondence was received.

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

Paul Schuster, Owner Innovation Design Studio, Applicant

- Did a neighborhood consultation with positive feedback from area neighbors.
- Spoke of landscape setback, increasing height of fence and bettering landscape design.

There were no further comments.

3.4. Dealt with at beginning of meeting.

3.5. Bylaw No. 10938 (HD14-0001) - 609 Burne Avenue, Craig Abernethy

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:

- Letter of Concern
 - Rosalyn Harder

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.

There were no further comments.

3.6. Bylaw No. 10940 (OCP14-0007) and Bylaw No. 10941 (Z14-0002) - 1924 Henkel Road and (Part of) Henkel Road, Surinder Gosel & City of Kelowna

Staff:

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

The City Clerk advised that no correspondence was received.

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

Surinder Gosel, Applicant/Owner

- Is in agreement to come to some sort of agreement with the sidewalk issue.

There were no further comments.

3.7. Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones

Staff:

- Summarized the application before Council and responded to questions from Council.

The City Clerk advised that no correspondence was received.

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

Nobody came forward.

There were no further comments.

4. Termination

The Hearing was declared terminated at 10:45 p.m.

Mayor

City Clerk