



## City of Kelowna Public Hearing Minutes

Date: Tuesday, October 21, 2014  
Location: Council Chamber  
City Hall, 1435 Water Street

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; Manager, Urban Planning, Ryan Smith; Manager, Policy and Planning, Danielle Noble-Brandt\*; and Council Recording Secretary, Arlene McClelland

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:04 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 October 7, 2014 and by being placed in the Kelowna Capital News issues on October 10, 2014 and October 15, 2014 and by sending out or otherwise delivering 1035 statutory notices to the owners and occupiers of surrounding properties, and 2232 informational 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. 369.

Mayor Gray made comment that Item 3.3 Vintage Landing Comprehensive Resort Development deferred to Tuesday, November 4, 2014 starting in Council chambers at 6:00 p.m.

### 3. Individual Bylaw Submissions

- 3.1. Bylaw No. 10997 (TA14-0016) - Amendments to Health District Zone in the City of Kelowna Zoning Bylaw No. 8000

Staff:

- Displayed an overhead of text amendments under consideration.

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.

Gallery:

Mike Griffin, Abbott Street

- Inquired as to impacts the text amendments may have on traffic and parking.

Staff:

- Advised that no uses will be changed as part of the text amendment, therefore, no additional impacts on traffic.

There were no further comments.

### **3.2. Bylaw No. 11005 (OCP14-0013) and Bylaw No. 11006 (Z14-0027) - 310 and 320 Strathcona Avenue, Dr. Heather Martin Inc. and City of Kelowna**

Staff:

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

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

#### Letters of Support

Brent Carmichael, Abbott Street  
 Roland Harvey, Park Avenue  
 Julie Parker, Canyon Ridge Crescent  
 Judy & Warner Kunz, Francis Avenue  
 Pat Bentley, Beach Avenue  
 Shawn Russell, Morrison Avenue  
 Melissa Burton, Morrison Ave  
 True Outdoors Kelowna, Meshkat Javid. 97 N  
 Colton Jobst, Sutherland Avenue  
 Russell Couch, Pandosy  
 Karen Graham, Wintergreen Drive

#### Letters of Opposition:

Ron and Donna Rubadeau, Long Street  
 Hans Birker, Cadder Avenue  
 Rick Adrian, Sunset Drive  
 Howard Sures, Atwood Place  
 Mary Drzewiecki and Reynold Epp, Long Street  
 Myles Bruckal, Abbott Street  
 Dr. Cecilia Gossen, Abbott Street  
 Angela Steinruck, Francis Avenue  
 Stephani Bruckal, Abbott Street  
 Maria De Giovanni, Taylor Crescent  
 Sandy Magee, Taylor Crescent  
 Nigel Brown, West Avenue  
 Alan & Christine Surtees, Cadder  
 Jan Murphy, Cadder Avenue  
 Brian & Marilee Woinoski, Abbott Street  
 Dean Muscardin, Christleton Avenue  
 Howard J Sures, Atwood Place  
 Marshall McAnerney, Patterson Avenue

Jacqueline Jones, Abbott Street  
 Dorie Burnham, Teresa Road, Lake Country  
 Jan Bauman, Kelowna South-Central Association of Neighbourhoods  
 Bruce Jones, Abbott Street  
 Debbie Helf, Marshall Street  
 Hilde & Terry Schneider, Abbott Street  
 Dianne Friesen, Ellis Street  
 Kevin Kingston, Maple Street  
 Margot Sentes, Abbott Street  
 Jeannette Mergens, Abbott Street  
 Don McLeod, St. Andrews Drive  
 Dee Capozzi, Cadder Avenue  
 Monique Powell, Eva Road, Lake Country  
 Esterlee Muscardin, Christleton Avenue  
 Wayne & Dorothy Margerison, Glenwood Avenue  
 Michael Griffen, Abbott Street  
 Farhat Khan, Long Street  
 Ian Crichton, Park Avenue  
 Pam Couves, Burne Avenue  
 Doreen Morash, Sutherland Avenue  
 Michael Griffin, Abbott Street  
 Wendy & Bob Porter, Abbott Street  
 Dr. R. Shupe, Hobson Road  
 Susan Crichton, Park Avenue  
 Marten Gruenwald, Long Street  
 Adam Rich, Hobson Road  
 Amistie Lovell, South Crest Drive  
 Suzanne Anderton, Hobson Cres.  
 Jillian Stamp & James Williams, Abbott Street  
 Walley Lightbody, Abbott Street  
 Shirley Clarke, McDougall Street  
 Jim & Karen Bates, Glenwood Avenue  
 Catherine Almond, Ellis Street  
 Gordon Almond, Ellis Street  
 Carolyn Walsh, Longhill Road  
 Daphne & Cliff Moore, Mathison Place  
 Janet Taylor, Bath Street.  
 Jason Broome, Royal Avenue  
 John Green & Christy Anderson, Abbott Street  
 Manuella Farnsworth, Park Avenue  
 Dave McClellan, Glenwood Avenue  
 Angela Wallace, Rowcliffe Avenue  
 D & C Beedle, Mathison Place  
 Henry Mainemer, Glennwood Avenue  
 Ian & Penny Williams, Cadder Avenue  
 Drs. J Crook and R MacMillan, Park Avenue  
 David Anderson, Beach Avenue  
 Jane Matejka, Beach Avenue  
 Michael & Leslie Barton, Abbott Street  
 Pat Munro, Cadder Avenue  
 William Proznick, Shiraz Court, West Kelowna  
 Ted & Marilyn Wiltshire, Abbott Street  
 Hoa La & Charlie De Santis, Vimy Avenue  
 Ann & Charlie Fleming, Abbott Street  
 Neil Cadger, Burne Avenue  
 Sonny Swan, Royal Avenue  
 Gerald & Margo Gartner, Abbott Street  
 Emma Dalsvaag, Patterson Avenue  
 Jamie Maw, Abbott Street  
 Bruce McKee, Abbott Street

Shelly Would, Abbott Street  
 Claudia Cable, Bath Street  
 Dana Jones, Birch Avenue  
 Brenda Thomson, Beach Avenue  
 Liz vanGolen Vincent, Abbott Street  
 Valerie Hallford, Sutherland Avenue  
 Simon & Ian McKee, Abbott Street

Additional Information as Submitted by the Applicant:

Package of additional information including 207 letters of support from the owners/occupants of the surrounding properties as submitted by the applicant Heather Martin.

Form Letters of Opposition:

29 Form letters of opposition as submitted by the owners/occupants of the surrounding properties.

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

Applicant, Dr. Heather Martin

- Provided a brief history of the original plan for this property and advised that after some re-evaluating it was decided that it was not in keeping with the highest and best use of the property.
- Have created a clinic for myself and three other physicians. The adjacency to the hospital is invaluable.
- The café makes this facility unique and will be accessible to everyone.
- The building is designed to minimize traffic and congestion.
- Responded to questions from Council.

Jim Meiklejohn, Consultant on behalf of the Applicant

- Provided a Power Point Presentation and responded to questions from Council.

Mark Filatow, Chef and Sommelier Waterfront Restaurant on behalf of the Applicant:

- The vision is that of a neighbourhood spot with 40 seats.
- Will not be open late and will be responsive to what is supported by the neighbourhood.
- Providing an alternate dining option for KGH staff, visitors, patients and neighbourhood within walking distance.
- Responded to questions from Council.

Gallery:

Karen Stewart, Francis Avenue

- In Support of the application.
- The development is appropriate for the location and neighbourhood.

Ted Strange, Park Avenue

- In Support of the application.
- The development is appropriate for the neighbourhood.

Brian Woinoski, Abbott Street

- Opposed to the application.
- The development is too large and too tall for the location.
- Opposed to the restaurant and raised concern with the increased traffic it will bring to the neighbourhood.
- Would be supportive of a smaller building at this location.

Cecilia Gossen, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- The application is not in character with the Abbott Street corridor.

Howard Sures, Atwood Place

- Opposed to the application.
- This development is opposite to the city guidelines, bylaws and principles for the area.
- The application keeps changing over time.

Neil Cadger, Burne Avenue

- Opposed to the application.

Marguerite Berry, Bernard Avenue

- Opposed to the application.
- Building needs to be scaled back and needs to be appropriate for the area.
- Requires more feedback from the neighbourhood.

Donna Douglas, Knox Crescent

- Opposed to the application.
- Opposed to the restaurant use.
- The building will take away the view of the lake for those at the Cancer facility.

Janine Tuner, KGH Employee

- Supportive of the application.
- This development is in the appropriate location.

Miles Bruckal, Abbott Street

- Opposed to the application.
- Referenced slides displayed as part of the application.
- Raised concern with narrow road and lane width of Abbott Street.
- Raised concern with traffic impacts and parking.

Staff:

- Confirmed that the Zoning Bylaw restricts the restaurant to 40 seats.

Danielle Taylor, South Crest Drive

- Supportive of the application.
- Supportive of the restaurant and needed for those who do not have transportation.

Bruce Jones, Abbott Street

- Opposed to the application.
- The building is not appropriate for a residential neighbourhood.
- Opposed to the restaurant as part of this application.
- Supportive of the HD3 zone the Applicant originally came forward with.

Dr. Shannon Wires, Treadgold Court

- Supportive of the application.
- Supportive of the multi-use of this building and would operate her medical practice from this site should the development be approved.
- Supportive of the restaurant use.

Brent Carmichael, Abbott Street

- Supportive of the application as it is.

Jake Thiessen, Pandosy Street

- Supportive of the application.
- Supportive of the restaurant use.

Richard Templin, Glenwood Avenue

- Opposed to the application.
- Raised concerns with increased traffic and parking.

## Staff:

- Confirmed the application will include 30 on-site parking stalls.

Bruce McKee, Abbott Street

- Opposed to the application.
- Concerned with the size of the building in this location.
- Raised concerns with traffic impacts and parking.
- This development is at odds with the neighbourhood.

Dr. Lynn Teraposky, Tutt Street

- Spoke to the character and integrity of the Applicant.
- Supportive of the application.

Resident, Morrison Avenue

- Supportive of the application.
- Supportive of the restaurant use and its location.
- Supportive of mixed use of the property.

Chris Cochrane, Birch Avenue

- Supportive of the application.
- Supportive of the restaurant.
- The development is appropriate for the neighbourhood.

Dr. Brian Peterson, Fuller Road

- KGH is a Level 1 Trauma Centre and will only increase in size.
- Supportive of the application.
- Supportive of the restaurant.

Jamie Mah, Abbott Street

- Opposed to the application.
- Raised concern with lack of traffic study for this application.
- Raised concerns with increased traffic the development will bring.
- Raised concerns regarding parking.
- Supportive of the restaurant use.

Shawn Wild, Patterson Avenue

- Supportive of the application.
- Supportive of the restaurant.

Ann Laurie, Abbott Street

- Opposed to the application.
- This development is at odds with the neighbourhood.
- Opposed to the restaurant use.

Mayor Gray left the meeting at 8:55 p.m. and Deputy Mayor Given assumed the Chair.

Pat Klassen, Kelowna, BC

- Supportive of the application.
- Supportive of the restaurant.

Hans Birker, Cadder Avenue

- Opposed to the application.
- Opposed to the development at this location.
- Raised concern with increased traffic.
- This development is at odds with the neighbourhood.

Mayor Gray rejoined the meeting at 9:02 p.m. and re-assumed the Chair.

Jillian Stamp, Abbott Street

- Opposed to the application.
- Raised concern with increased traffic, parking impacts and safety.
- Opposed to the restaurant use.
- This development is at odds with the neighbourhood.

Rob Richardson, Christleton Avenue

- Supportive of the application as proposed.

Sue Morrison, Pandosy Street

- Opposed to the application.
- Raised concerns with increased traffic and parking impacts.
- Raised concern with impacts on uses in Sutherland Park.

Wayne Dodds, Christleton Avenue, Representing KSAN

- Opposed to the application.
- This development is not appropriate for this site.
- Opposed to the application.
- KSAN and neighbourhood would support HD3 zone.

James Avery, Abbott Street, President of FRACAS

- Opposed to the application.
- This development is not appropriate for this site. Too many competing land uses coverage at this location.
- The HD3 zone would be more appropriate for this site.

Carol Bachtold, Richter Street

- Supportive of the application.
- Supportive of multi-use development.
- Architectural design works well with the transition.

Marietta Lightbody, Abbott Street

- Opposed to the application.
- This development is at odds with the Heritage designated neighbourhood.

Bob Reynolds, Abbott Street

- Opposed to the application.
- This development is at odds with the Official Community Plan and Heritage designated neighbourhood.
- Opposed to this building on this site.

Alana Marrington, Woodridge Road

- Owner of Collette Manor.
- Raised concern that this application did not require a traffic study when her application did.
- Raised concern with parking requirements.
- Raised concern with massing of the proposed building.
- Supportive of the HD3 zone.

Jacqueline Jones, Abbott Street

- Opposed to the application.
- Opposed to the restaurant use.
- Raised concern that the discussion of walk-ability of the development is a ploy.
- This site should be zoned HD3.

Jason Tomm, Saucier Road

- Supportive of the application.

Joyce Broome, on behalf of Royal Avenue Residents

- Opposed to the application.
- Raised concern with increased traffic.
- This development is at odds with the Heritage designated neighbourhood.

Patty Hall, Cadder Avenue

- Opposed to the application.
- This is the wrong development in the wrong place.
- Raised concern with delivery traffic that the development would generate.
- HD3 zone would be more acceptable.

Sean Upshaw, Knox Crescent

- Inquired whether the City is an Applicant.

Staff:

- Confirmed that since the application was made the City has sold the property and both parcels are owned by the Applicant.

Donna Douglas, Knox Crescent

- Speaking for a second time.
- Raised concern with the impact the restaurant would have on other similar uses in the area.

Bruce Jones, Abbott Street

- Speaking for a second time.
- Raised a question regarding correspondence without addresses submitted by the Applicant.
- Raised a question regarding the introduction of the HD3 text amendment and this particular application.

Applicant, Dr. Heather Martin and Consultant, Jim Meiklejohn

- Spoke to the traffic calming aspect of the Abbott Street corridor and advised that the corridor was professionally engineered for safety enhancement.
- Spoke to the building massing concerns raised by the public and displayed a photo showing that this development is a quarter of the size of the Abbott House.
- Displayed photos of the site lines and noted that the building is set back beyond what is required and reassured there is no safety hazard.
- Spoke to the parking requirements and noted that there will be ample parking for patients. Parking will be concealed.
- Spoke to the restaurant use, hours of operation and anticipated customer base. The restaurant is not a destination and will be used by hospital users and neighbourhood.
- Confirmed that the plan is to enter into a long term lease for the restaurant.
- Spoke to the number of patients anticipated per physician per hour.
- Spoke to the proposed form and character of the building should the application advance and conveyed willingness to tweak with the character and architecture to fit the heritage character of the neighbourhood.

There were no further comments.

Meeting adjourned for a break at 10:41 p.m.

Meeting re-convened at 10:56 p.m.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R779/14/10/21 THAT the Public Hearing and Regular Meeting proceed beyond 11:00 p.m.

Carried



**3.3. Bylaw No. 11012 (TA14-0017) - Vintage Landing Comprehensive Resort Development**

Item 3.3 Withdrawn and rescheduled to the November 4<sup>th</sup> Public Hearing.

**3.4. Bylaw No. 11013 (TA14-0018) - Amendments to the Zoning Bylaw No. 8000 - Section 16 - Public and Institutional Zones**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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.

There were no further comments.

**3.5. Bylaw No. 11014 (Z13-0044) - Various Addresses, City of Kelowna**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

There were no further comments.

**3.6. Bylaw No. 11015 (Z14-0030) - 519, 529 and 539 Truswell Road, MKS Resources Inc.**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition:

Douglas & Margaret Cebryk, Truswell Road  
Lesley Eames, Truswell Road  
E. Elizabeth Lavender, Truswell Road

Letters of Concern:

Royce & Merle Hetherington, Truswell Road  
Jake Thiessen, Strata Corporation KAS4004, Truswell Road  
Bob Dryden, Truswell Road

Letter of Conditional Support:

CJ (Kip) Butler, Truswell Road & Mary Ann Bishop, Truswell Road

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

Applicant, Steve Shoranick, MKS Resources

- Clarified that correspondence that was submitted for this application was in opposition to the variance set back and not the rezoning.
- Confirmed that Phase 2 will have separate Strata and will provide our own amenities.
- Commented on an additional letter of support from Richard and Susan Sawchuk, Phase 1, Truswell Road, Kelowna, B.C.

Mayor Gray asked the City Clerk to read aloud the letter of support for Council and public consideration.

Gallery:

Jake Thiessen, on behalf of Strata, Truswell Road

- Referred to correspondence submitted as part of the Public Hearing.
- Referred to meetings between the Applicant and the Strata Council and the agreements reached between the two parties.
- Raised concern with the public parking component required as part of the application. The Strata's position is that the parking should be designated for the residents of Phase 1 and Phase 2 only.

There were no further comments.

#### **4. Termination**

The Hearing was declared terminated at 11:21 p.m.

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Mayor

/acm

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City Clerk