



City of Kelowna Public Hearing Minutes

Date:	Tuesday, June 30, 2015
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*
Members Absent	Councillor Luke Stack
Staff Present	City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planner, Adam Cseke*; Community Planning Manager, Ryan Smith; Suburban & Rural Planning Manager, Todd Cashin; Development Engineering Manager, Steve Muenz*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 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 Tuesday, June 16, 2015 and by being placed in the Kelowna Capital News issues on Friday, June 19 and Wednesday, June 24, 2015 and by sending out or otherwise delivering 214 statutory notices to the owners and occupiers of surrounding properties, and 1403 informational notices to residents in the same postal delivery route, between June 16 and June 19, 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

- 3.1 205 Lougheed Road, BL11100 (TA14-0021), BL11101 (OCP14-0023) & BL11102 (Z14-0048) - Watermark Ventures Ltd.

Staff:

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

The City Clerk advised that no correspondence was received.

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

Ed Grifone, CTQ Consultants Ltd., St. Paul Street, Applicant Representative

- Available for questions.

Gallery:

Ted Komick, Hollywood Road North

- In favour of the development.
- Raised concern with parking and slopes on Hollywood Road and College Heights.

Ed Grifone, Applicant Representative

- The expectation is that Hollywood Road will eventually be widened and will also address the intersection where the widening occurs.
- In 2006 a Geotechnical Study was performed on the slopes that indicated there were no issues. Our Engineers and Architect will be part of the final design for the slope.

There were no further comments.

3.2 883 McCurdy Place, BL11104 (Z15-0012) - Hyatt Auto Sales Ltd.

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

Applicant

- Available for questions.

There were no further comments.

4. Adjourn to Regular Meeting

Adjourned to the Regular Meeting at 6:26 p.m.

5. Reconvene Public Hearing

Reconvened to the Public Hearing at 6:36 p.m.

6. Individual Bylaw Submissions

6.1 700 Highway 33 East, TA15-0002 - Hillcrest Farm Market Inc.

Mayor Basran declared a conflict of interest as the applicant is a relative and departed the meeting at 6:38 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 6:38 p.m.

Deputy Mayor Donn assumed the Chair at 6:38 p.m.

Councillor Hodge made reference to correspondence insinuating he has a closed mind with respect to this application and made a statement he has not made up his mind and is looking forward to what the public has to say.

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Correspondence Submitted for the June 30, 2015 Public Hearing:

Letters of Opposition or Concern

Jerry Purdom, Durnin Road
Terada Families, Stearns Road

Letters of Support

Linda and Gary Trepanier, Toovey Road
Richard and Maureen Choy, Toovey Road
Nairn and Donald Bannatyne, Bentien Road
Jan Cornell, Toovey Road
Valerie Vammen, Ray Road
Robert & Marjorie Burchinshaw, Toovey Road
Sally Bonshor, Sadler Road
Gary G. Schatz, Toovey Road
Kay Ruthnum, Sonora Drive

Additional Information Submitted By Applicant

A package of additional information as submitted by the applicant.

City Clerk confirmed correspondence submitted for when this item was on the May 26 Public Hearing Agenda had been circulated to Council and was available to the public in the public binder in the lobby.

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

Sujit Bal, McCurdy Road East, Applicant

- Provided a Power Point Presentation summarizing the Hillcrest Farm Market application.
- Responded to questions from Council.

Staff:

- Confirmed that Ministry of Transportation & Highways approved three (3) accesses at the property.
- Confirmed that the Ministry of Transportation & Highways purchased the land for the Highway 33 road widening project.
- Responded to questions from Council.

Gallery:

Carla Leder, Lynrick Road

- In favour of the café receiving a business licence.
- No other similar land use in the area. Frequent the café often.
- Daughter works at the Café.

Ashley Nenasheff, Lynrick Road

- Employed at Hillcrest Café.
- Have not experienced any issues with accesses.
- In support of the application.

Jan Cornell, Toovey Road

- Enjoy the Café and believes it's a good addition to the community.
- No other similar land use in the area and noted the parking lot is always full.
- In support of the application.

Valerie Vammen, Ray Road

- In support of the application.
- Believes traffic impacts are minimal. Any traffic seen has been for the packing station.
- Exceptions to the rules should be made for this application.

Sally Bonshor, Sadler Road

- In support of the application.
- Believes Hillcrest Farm is an asset to Rutland.

Herb Sheatt, Findlay Road

- Believes applicants are visionaries who deserve support.

Martin Morel, Denver, Colorado, USA

- Believes there is no access issues.
- Applicants are visionaries who should be supported.

Sarah Collins, Anderson Road

- In support of the application.
- Believes there is no issue with the access.
- Zoning seems restrictive and too specific.
- The neighbourhood needs a business such as Hillcrest Farm.

Fred Steele, Glenmore Road, President BC Fruit Growers' Association

- Made comment on the challenges and changes in the industry and noted a few great cooperative programs between farms and the city.
- In support of the application.
- Responded to questions from Council.

Petyr Hrynewich, Asher Road

- Believes access is not an issue.
- In support of this application.

Davis Craig, KLO Road

- In support of this application.

Bernard Morel, Avery Road

- In support of this application.
- Need to support this project and help the family move forward.

Sandra Craig, KLO Road

- In support of this application.

- Agrees with comments of previous speakers.
- Believes Councillor Hodge is biased and prejudiced and should not be part of this hearing.

Craig Saunders, Henderson Drive

- In support of this application.
- This is a great concept and Council should be supporting this application.

Bryan Kataterious, Highway 33 East

- In support of this application.
- The Café provides employment.

Mandeep Bal, Vancouver, BC

- In support of his family's application.
- Commented that all five accesses are required for the property.

Elizabeth Heier, McKenzie Road

- Opposed to this application.
- In support of the City requiring Hillcrest Farm to comply with all outstanding issues.

Gordon Robideau, McPhee Street

- In support of the application.
- Supportive of staff efforts.

Amarjit Lalli, McKenzie Road

- In support of the application.
- Believes access is not an issue.
- Believes the sign needs to be oversized to be seen from the Highway.
- It's unfair that wineries have more options than orchards when it come to non-farm uses.

Deputy Mayor Donn called for a recess at 8:38 p.m.

Deputy Mayor Donn reconvened the meeting at 8:50 p.m.

John Ringness, Gibson Road

- In support of the application.

Manorgaren Ruthnum, Sonora Drive

- In support of the application.
- Hopeful that there will be more of these cafes.

Cheryl Carlson, Lynrick Road

- In support of the application.
- Suggested the city give the land by the sign to the Bal family.

Morgan Johnson, Lynrick Road

- Employed by Hillcrest Farms.
- In support of the application.
- Believes the same rules should apply to Orchards as apply to Wineries.
- Believes that weddings should be permitted.

Tarsem Goraya, Dunster Road

- Have known the Bal family for many years.

- In support of the application.

Kevin Day, Burtch Road

- Personally invested a lot of money into farming and have always complied with rules and guidelines.
- It's important to comply with the rules beforehand and not ask for forgiveness afterwards.
- Buildings should not be built without permits and businesses should not be started without business licenses.
- Opposed to this application.

Caesar Turi, Stillworth Road

- Questioned how long it takes to receive a permit.

Resident, Fife Road

- In support of the application.

Islam Mohammed, Morrison Avenue

- Questioned staff's due diligence on this file.
- Believes Council should look to ALC and AAC support of this application.
- In support of the application.

Richard Day, McKenzie Road

- Neighbour of the Bal family.
- In support of the application.
- Commented on various pressures on farmers and farming and difficulties with the ALR.

Glen Cross, Highway 33 East

- Raised concern that the applicant did not follow the proper process.
- Supportive of the Bal family working with the City to resolve the outstanding issues in a timely manner.

Lisa Hughs, Graystokes

- Employed by Hillcrest Farms.
- Spoke to the unfairness of additional permitted uses for Wineries and not Orchards.
- In support of the application.

Resident, Webster Road

- In support of the application.
- Café is a very important to the community.

Megan Rousken, Duggan Road

- In support of the application.
- Spoke to a student conference banquet she attended at Hillcrest Farm.
- Commented that the venue is a great way to promote our community.

David Sollosy, McKenzie Road

- The applicant has a long history non-compliance, fines and charges.
- Opposed to this application.
- In favour of the outstanding non-compliances being resolved prior to the application being concluded.

Cheryl Carlson, Lynrick Road

- Commented that the character of the Bal family should not be in question as they are good people.
- There are more people in favour of this application than not.

Kyle Oscar, Bulman Road

- In support of the application.
- The Café is an important part of the neighbourhood.

Keith Sultra, Resident

- In support of the application.
- Take positive steps to resolve the issues.

Sujit Bal, Applicant

- Thanked everyone who spoke for and against this application.

- Agreed that processes need to be followed but rules get broken in the interests of advancement of farming.
- Cannot be expected to follow staff direction when the process keeps changing.
- Covenant should be registered. A text amendment for this one parcel does not make sense.
- Have been working on outstanding issues and asked Council to move this application forward.

There were no further comments.

7. Terminate Public Hearing and Reconvene Regular Meeting

The Hearing was declared terminated at 9:45 p.m.

Mayor

City Clerk

Deputy Mayor

/acm