



City of Kelowna

Public Hearing

Minutes

Date:	Tuesday, April 5, 2016
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Deputy Mayor Luke Stack, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben* and Mohini Singh,
Members Absent	Mayor Colin Basran
Staff Present	City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Deputy Mayor Stack called the Hearing to order at 6:01 p.m.

Deputy Mayor Stack 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 Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on March 22, 2016 and by being placed in the Kelowna Capital News issues on March 25 and March 30, 2016 and by sending out or otherwise delivering 38 statutory notices to the owners and occupiers of surrounding properties, and 1299 informational notices to residents in the same postal delivery route, between March 22 and March 25, 2016.

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

3.1 909 Juniper Road (formerly known as 1035 Hollywood Road South), BL11194 (OCP15-0014) & B:11105 (Z15-0043) - Seventh Day Adventist Church (British Columbia Conference)

Staff:

- Displayed a PowerPoint presentation summarizing the application.
- Advised that the laneway will be utilized by the property owner.
- Parking meets rezoning requirements.
- Advised that mapping inaccuracies delayed this application.
- Commented that the DCC increase will not likely effect this file as staff anticipate there will be a preliminary layout review letter issued prior to approval of DCC changes.
- Responded to questions from Council.

Councillor Sieben joined the meeting at 6:10 p.m.

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

Letters of Opposition or Concern

Amy & Richard Heseltine, Cactus Road
Marge & Verne Borne, Cactus Road
Wilf Davis, Juniper Road

Petition of Opposition or Concern

A petition of concern containing 8 names of the owners of surrounding properties as submitted by Bill Bro, Monterey Road

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

Grant Maddock, Protech Consultants, Applicant Representative

- Advised of the public consultation with the surrounding neighbours for this site.
- Addressed concerns in the correspondence related to lane widening, view corridors and upgrades to the roads.
- Advised the City's Engineering Department was not in favour of the extension of the lane due to maintenance; as well, did not feel it was necessary.
- Have no intentions of building to maximum height allowable in the Zoning Bylaw. Want to create partial basements that will not impair views.
- Commented on upgrades with respect to road widening on Hollywood Road; South side of Juniper Road with sidewalks and a connection to walkway up to Cactus Road.
- There will be benefits with extension of Rutland Waterworks as well Fortis strengthened their electrical circuit up to Cactus Road.
- Stated this project will provide more affordable housing.
- Confirmed that a Preliminary Layout Review from the City should be received within 2 or 3 weeks and anticipate to meet the timelines prior to increase to DCC's.
- Responded to questions from Council.

Gallery:

Wilf Davis, Juniper Road

- 50-year resident with a well on the southwest corner of the property.
- Has an independent water and disposal system.
- Raised concern with damage to aquifer and loss of water supply.
- Raised concern with spray of pesticides by the well.
- Raised concern with contamination of well and ultimate loss of well.
- Responded to questions from Council.

Grant Maddock, Protech Consultants, Applicant Representative

- Advised that a Geotechnical report was completed; test pits were conducted and went down 14 feet and did not find any water.
- In favour of protecting this well source. Will do more research to try and find the well and stay away from it.
- Stated that this project is fully sewerred so there won't be any effluent going into the ground.
- Stated that there are buffers including 20 feet of his elevation as well as setbacks from the property line and do not believe it will be an issue related to the distance of build.

City Manager:

- Advised that if the contractor disrupts the well it would be a civil matter.

There were no further comments.

3.2 468 Barkley Road, BL11208 (Z15-0067) - Wayne & Lisa Heinen

Staff:

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

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

Letters of Opposition or Concern

Sid & Anya LeBeau, Eldorado Court
 Malcolm & Kim McDuff, Barkley Road
 Ray & Jacqueline Whyte, Barkley Road
 Christina & James MacMahon, Swaisland Road
 Simon & Natalia Constant, Eldorado Road

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

Wayne Heinen, Applicant

- In 2011 received a building permit to build a garage/office space; was not meant for a carriage house.
- Believes that 2 letters of opposition referencing permission to have this garage are in fact for a different property on Barkley Road that needed permission for a variance.
- Did not need variance for original building permit application.
- Outlined the process which began last fall with an application; spoke to 17 out of 18 residents by New Year's Eve and thought there were no major issues.
- Indicated there was a possibility he may be moving from this property.
- Goal was to do this properly and be up front with the process.
- The intention of this carriage house has always been for aging family members.
- Believes that neighbours do not want more rentals in the area as they believe it will devalue their property.
- Researched property values and believes that carriage homes actually increase the value of properties in the area.
- This application is within the Official Community Plan and growth boundary; as well, it provides more housing.

Gallery:

Colleen Bryant, Barkley Road

- Believes they are most affected by the change in zoning as property is on the north side of the carriage house and it would directly face into their backyard.
- Raised concern with side window creating privacy issues.
- Raised objection to the lack of privacy.
- Had not been informed that the applicant was moving.
- Raised concern with current rentals in the neighbourhood that are not respectful.
- Raised concerns with increased vehicles, speed and safety of children in the neighbourhood.
- Raised concerns with lack of parking. There is limited parking for visitors.
- Raised concern with overload of water main in the area with increased population.
- Inquired as to the intentions for this proposed carriage house.
- Opposed to this application.
- Responded to questions from Council.

Steve Manlove, Barkley Road

- Believes this is a great neighbourhood including the applicant as neighbours.
- On-street parking is an issue and the reliance of vehicles is evident in the area.
- Raised concerns with increase of vehicles in neighbourhood.
- Raised concern that rentals in the area are not maintained very well.
- Raised concern with turnover of renters.
- Opposed to this application.

Brenda Sbrozzi, Director on behalf Ok Mission Residents Association

- Speaking on behalf of the Okanagan Mission Residents Association.
- Received a number of comments and concerns about this application.
- Opposed to this application.
- Raised concerns with precedent setting; parking and home values in the area.
- Believes the value of the subject property may increase but value of adjacent homes will decrease.
- Raised concern with carriage homes generally not matching the home in front of it and loss of privacy.
- Not against densification; however, objects when it comes as an inconvenience and expense to neighbours.
- The Residents Association would like to work more closely with the city for the residents and assist with how planning our community should look.
- Inquired if there's an opportunity to be part of these applications earlier on in the process.
- Responded to questions from Council.

James Kinakin, Barkley Road

- Raised concern with parking and increased traffic.
- Raised safety concerns as the street is very narrow.
- Raised concern with vehicular speed.
- Raised concern with setting a precedent in the neighbourhood and devaluing properties.
- Opposed to this application.
- Responded to questions from Council.

Wally Murovec, Barkley Road

- Raised concerns with lack of parking and vehicles parking in front of his house.
- Initially was advised that the carriage house was for in-laws and was supportive. Has since learned the applicant may move and now concerned that there will be 2 rentals.
- No objections with basement suites.
- Opposed to carriage houses in the neighbourhood.

Wayne Heinen, Applicant

- Advised there is a 6-foot fence between properties for privacy.
- Commented on greenhouse display, 6 x 10 ft.; was unaware it required a permit, however staff advised since it was attached to the garage it required a permit; has since removed.
- Advised there is a small bathroom window facing neighbour that could be relocated to mitigate privacy concern.
- Has never had a parking issue with my neighbours.
- Was unaware there was a Residents Association; the President of OMRA spoke to neighbours but did not speak to us.
- Believes that if the carriage house is done well there would be no detriment to surrounding properties.
- Wanted to advise close neighbours regarding thoughts of moving. To date, have not purchased anything, but wanted to be upfront.
- The intention of the carriage house is for in-laws in the future but will keep using it as an office in the interim.
- Confirmed the facing wall to neighbours would have an entry door and small window that could possibly be frosted.
- Confirmed the building footprint including height would not be altered.
- Would consider altering the plan to leave the entire wall facing the neighbour with no windows.
- Confirmed the carriage house matches the house.
- Responded to questions from Council.

Staff:

- Confirmed the encroachment of city road right away in the area; resulting in narrowness of the road and limited parking.

There were no further comments.

4. Termination

The Hearing was declared terminated at 7:49 p.m.

 Deputy Mayor

/acm

 Deputy City Clerk