



City of Kelowna Public Hearing Minutes

Date: Monday, October 3, 2017
 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 and Luke Stack

Staff Present Deputy City Manager, Joe Creron; Deputy City Clerk, Karen Needham, Urban Planning Manager, Terry Barton; Community Planning Department Manager, Ryan Smith; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist; Suburban & Rural Planning Manager, Todd Cashin; Development Engineering Manager, James Kay; Community Planning Supervisor, Lindsey Ganczar; Planner Specialist, Adam Cseke; Planner, Emily Williamson; Legislative Coordinator (Confidential), 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, September 19, 2017 and by being placed in the Kelowna Daily Courier issues on Friday, September 22, 2017 and Wednesday, September 27, 2017 and by sending out or otherwise mailing 852 statutory notices to the owners and occupiers of surrounding properties on Tuesday, September 19, 2017.

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.

Councillor Sieben joined the meeting at 6:04 p.m.

3. Individual Bylaw Submissions

3.1 Curlew Area, LUCT17-0001 (BL11455) and Rezoning Z17-0062 (BL11456) - Various Owners

Staff:

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

City Clerk

- Advised that the correspondence attached for item 3.2 should be attached to Item 3.1.

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

Petition Opposition submitted by Catherine V. Comben (Curlew Dr) and Jan Conradi (Curlew Dr) 32 signatures

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

Gallery:

Catherine Comben and Jan Conradi, Curlew Drive

- Ms. Comben spoke of her background and community involvement and noted she's been a Kelowna resident for 35 years and has resided on Curlew Drive for 16 years.
- Ms. Conradi has been a resident for 14 years.
- Commented that Land Use Contract LUC77-1002 restricts the use to one single family dwelling which disallows the inclusion of secondary suites and carriage houses.
- Believes this area of the city should remain as it was designed to be a single family only area and have a petition of support from 100 percent of those canvassed.
- Raised concerns with on street parking issues that negatively effects traffic and safety issues for children walking to school.
- Noted that Curlew Drive had previously been designated Kelowna's Best Block and the increase in density would increase traffic and negatively impact our neighbourhood.
- Believes that the character of their neighbourhood will forever be altered and asked that the Land Use Contract remain as is until it is extinguished in 2024 so we may continue to enjoy our neighbourhood as it is today.
- Not in favour of any suites.
- Opposed to this application.
- Responded to questions from Council.

Adriaan Boek, Curlew Drive

- Resident for 29 years.
- Raised great concern with the rezoning and termination of Land Use Contract.
- Was confused about the termination and discharge, however, now understand that one is immediate and one takes a year.
- Spoke to the adjacent property and its development following the fire, with all the levelling and soil distribution it put pressure on the retaining wall and buildings which caused damage.
- Raised concerns with water drainage on his property.
- Does not support zoning to allow for carriage houses
- Raised concerns with the height of the proposed deck and that there will be a loss of privacy for his backyard and patio.

Ian Nicholson, Curlew Drive

- Resident for 29 years.
- Was unaware that a legal suite under RR3 zone would require a second septic.
- Had questions about the affect the RR3 zone would have on rates.

Vernon Johnston, Curlew Drive

- Resident since 1986 and also affected by the 2003 fire.
- Raised concerns that increased density will affect issues of safety for evacuation of the area as well as well as emergency vehicles being able to access.
- Opposed to this application.

Staff:

- Clarified the process of early termination and the legislation requiring all Land Use Contracts to be terminated by 2024 with zoning in place by 2022.
- Provided rationale for the proposed RR3 zone being the closest zone that does not have connection to sewer.
- Confirmed the LUC has been on title since 1977.
- Confirmed Land Use Contract Termination Strategy adopted by Council.
- Confirmed that rezoning could be adopted with LUC terminated automatically in 2024.

There were no further comments

Mayor advised that 3.5 at 2825 Richter Street has been deferred and will come forward at the October 17th Public Hearing.

3.2 521 Curlew Drive, LUC17-0002 (BL11466) and Z17-0049 (BL11467) - Derek L & Tammy L Cartier

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Confirmed there is no development permit for carriage houses unless there is a variance and the building permit for the carriage house does not come back for Council consideration.
- Responded to questions from Council.

The City Clerk advised that no correspondence had been received.

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Displayed a PowerPoint Presentation, re: 521 Curlew Drive LUC Dismissal
- The rezoning is to allow for the construction of a one storey carriage house.
- Displayed photos showing the view from the proposed carriage house to the principal dwelling and identified parking on site for the suite.
- Stated that the carriage house is intended for the owner's parents to provide their own private space with a common shared yard.
- Displayed a drawing showing the relationship between the carriage house to the main house.
- Will provide a fence along the lot line so neighbours privacy is maintained.
- Believes that the nature of the shared backyard space lends to only family members occupying the carriage house.
- The carriage house is within the parameter of permitted size.
- Believes the shed height is 2-2.5 m high.
- Responded to questions from Council.

Gallery:

Catherine Comben, Curlew Drive

- Believes this changes the character of the neighbourhood.
- Some lots in the area will never have an opportunity to add carriage houses.
- Was assured by the realtor that only single family dwellings were to be approved under this LUC.
- Bus service in the area is not very good so forced to rely on vehicles which will impact the already congested traffic issue.
- Confirmed that own property is not connected to sewer.

- Suggested deferring the land use termination so residents could work with staff on a resolution for zoning.
- Opposed to this application.
- Responded to questions from Council.

Jan Conradi, Curlew Drive

- Confirmed property is on septic as well.
- Believes RR3 zone is wrong for the whole area.
- Raised concerns that there are no restrictions with who uses the carriage houses and could be used as rentals.
- Want to keep the neighbourhood as it is.

Vernon Johnston, Curlew Drive

- Displayed photos of his backyard and patio area and the view of the proposed height of the deck where the shed is currently situated; level of the deck height is same height as the shed and is very high and completely out of proportion.
- Believes the 20% slope to reach the site of the carriage house is not accessible.
- Raised concerns with parking and congested traffic will only increase with more density.
- Confirmed that the property behind is built quite high overlooking property but the landscaping helped mitigate.
- Responded to questions from Council.

Gary Strict, Collette Road

- Good friend of previous speaker and believes he will be greatly affected by this proposal.
- Spoke to the area being very steep on Curlew and believes access will be difficult.
- The proposed carriage house is 4 feet higher than the pool house and suggested options to fix the height issue.
- Believes the carriage house should be the same height as the shed and drop to pool level.
- Opposed to the extensive deck which will hinder his friend's privacy and enjoyment of backyard.

Ian Nicholson, Curlew Drive

- Believes the carriage house could be incorporated into the pool level elevation.
- Believes the carriage house should be the same level as the main house in order to not impact the neighbour.
- Believes they are trying to capture a view from the carriage house.
- Suggested something be written into the deed to limit the use of the carriage house to family members only.

Birte Decloux, Applicant Representative

- The area has been devastated by fire and there is no longer any mature vegetation and because of slope there isn't a lot of privacy, however, as the shed is 2 m above ground we will put in a privacy fence to mitigate.
- Confirmed parking is on site.
- Requesting this rezoning to allow for a carriage house.
- Would need to discuss with the owner about any changes to the size of the deck but am confident the owner would discuss options with the neighbour.
- Responded to questions from Council.

Staff:

- Clarified the RR3 zone and changes since 1977 and advised that there isn't a zone today that would allow lot sizes of this size to be on septic.
- Confirmed how building grade is determined.
- Confirmed that staff would not support a carriage house on septic.

There were no further comments

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Birte Decloux Urban Options Planning & Permits, Applicant

- Commented that there was not a lot to add to staff's presentation.
- Displayed a photo that identified the location of the second dwelling.
- The second dwelling is being placed into a dip to ensure views are not being impacted.
- Available for questions.

No one from the Gallery came forward.

There were no further comments

3.4 1561 Mountain Ave, Z17-0042 (BL11476) - Robin and Heather Mercer

Staff:

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

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

Letters of Opposition:

Bill and Doreen DiPasquale, Mountain Avenue

Mary and Alan Duckworth, Mountain Avenue

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

Heather Mercer, Applicant

- Currently the building is a workshop and want to convert to a studio.
- Need to provide updates such as electrical to make the space livable and confirmed the structure would remain the same.
- Believes the studio will complement the house and provide some rental income; as well provide affordable housing option.
- Believes that using an existing structure is more environmentally friendly.
- This is a bachelor suite only and will not contribute to any parking or traffic issues; currently have measured space for 5 cars and we only have one vehicle.
- Structure is built to code and will ensure all requirements are met.
- Confirmed the vent can be placed on opposite side or the back of the structure to address neighbours concerns.
- Currently have a chain link fence with vegetation and believes it feels private.
- Responded to questions from Council.

Gallery:

Mary Duckworth, Mountain Avenue

- Property line is adjacent to this property.
- Dissatisfied with notice delivery and indicated some notices were not delivered.
- Resident since 1959.
- Staff noted 1 variance but it appears there are 2 variances as the structure is only 1.5 m from house.
- Spoke to the neighbourhood deteriorating with carriage houses and being used as rentals.

- Raised concerns with venting with location of existing structure.
- Questioned the need for variances and why applicants cannot just follow rules and regulations.
- The fence is a 4-foot old chain link fence.
- Would like to have a 6-foot fire safe fence from back to front
- Requested a letter from the city and fire department related to further development and fire safety related to this property.
- Opposed to this application.

Barb Butler, Mountain Avenue

- Believes there are 2 variances but staff only mentioned one and would like that clarified.
- Spoke to Old Glenmore being the Best Block in 2011 and now the character of the neighbourhood is changing and deteriorating with more rentals and vehicles.
- Believed that carriage houses were to be at the back of the property behind the main residence so you could see greenspace at the front.
- Raised concerns that the elevation of the property in the back is lower than the proposal and that the rock wall her father had constructed may be impacted.
- The plan states a main floor and questioned whether a second floor could be added in the future.
- Opposed to this application.

Staff:

- Clarified that the variances indicated in the report were added early in the process and may change with a text amendment that was given initial consideration and if approved will eliminate the need for that variance.

Heather Mercer, Applicant

- Clarified that there is no plan to add a second storey.
- Willing to split the cost of a chain link or wood privacy fence. Believes a fire proof fence is ridiculous.
- Advised that if damage to the rock wall occurred they would pay to have it fixed.
- Willing to vent into our backyard if not suitable on the side.

There were no further comments

3.5 2825 Richter St, Z17-0057 (BL11479) - 1018545 BC Ltd

Item was deferred to the October 17, 2017 meeting.

3.6 1373 Tanemura Cr, Z17-0046 (BL11480) - Philip Zurrin

Staff:

- Displaying a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence had been received.

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- This project started over 2 years ago and the original goal was to preserve the trees; no trees or tree roots will be disturbed.
- The carriage house is for an ill family member.
- A landscaped plan was submitted with upgraded vegetation long the street.

No one from the Gallery came forward.

There were no further comments

3.7 5080 Twinflower Cres, OCP17-0004 (BL11481) and Z17-0015 (BL11482) - Interval Investments Inc.

Staff:

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

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

Letter of Concern:

Kevin and Laurie Mitchell, Twinflower Crescent

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

Robin Jamieson, Argus Properties Ltd. Applicant

- In 2013 Interval Investment Inc. subdivided this land but water infrastructure was not available at this time.
- As a result of the 2017 updated water system there is adequate water pressure.
- Confirmed the original plan was for 3 lots and the plan remains with minor adjustments to the panhandle lot with added park.
- Responded to questions of Council.

No one from the Gallery came forward.

There were no further comments

3.8 1915 Enterprise Way, Z17-0001 (BL11487) - Kelowna East Investments Ltd

Councillor DeHart declared a conflict of interest as her employer is a major hotel in Kelowna and in close proximity to this development and departed the meeting at 8:05 p.m.

Staff:

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

The City Clerk advised that the following correspondence had been received.

Letters of Opposition:

Gail Magrath (President), Strat Corporation KAS229, Ufton Court

Lekyshia Magrath, Ufton Court

Michelle and Bobby Schroth, Ufton Court

Elizabeth Cramm, Ufton Court

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

Robert Lee, Burnaby, B.C, Applicant, Dave Cullen, Traffic Engineer, CTO Consultants

- Provided land use rationale for the hotel and noted the feasibility study deemed it desirable and that 161 rooms are ideal.
- Mixed use building was an extension of what was already on this site.
- Density of the mixed use was based on parking.
- Believes this development is a compliment to the area.
- Provided an explanation of technical levels of services, delays and wait times in traffic.
- Confirmed that the main entrance of the site is off of Enterprise Way with a second access.
- Discussed the history and redesign of Enterprise Way in 1992 to prevent overlap of Highway 97.
- The Enterprise Road realignment was paid for by the owner of the site and was always intended as a C4 zoned site.

- Have not gotten into road configurations and detail designs as this is only the rezoning stage.
- Decrease in overall performance is marginal at best; existing traffic and growth in traffic is causing these delays and impact is considered marginal.
- Responded to questions from Council.

Gallery:

Gail Magrath (President) Strata Corporation KA5229, Ufton Court

- Referenced previously submitted correspondence by Strata Corp and owners.
- Commented that traffic is a nightmare in the area and nearly impossible to access the left turn lane onto the Highway.
- Believes that 161 hotel rooms will add a tremendous amount of traffic to the area and does not believe all hotel guests will fly into Kelowna.
- Raised concerns that Parkinson Way is used as a shortcut now and is dangerous for pedestrians near Parkinson Recreation Centre.

Mary Duckworth, Mountain Avenue

- Drives Spall and Enterprise Way daily and believes traffic is more than a nightmare.
- Believes this proposal will only exasperate the current traffic issues.
- Until road issues with Enterprise Way and Spall are resolved the lot should remain empty.

Robert Lee Burnaby, B.C, Applicant, Dave Cullen, Traffic Engineer, CTQ Consultants

- Believes a hotel will have the lowest amount of impact.
- Traffic that occurs during peak hours will mostly be staff travelling to work, however, the likelihood of alternate modes of transportation is greater with a site like this so close to transit as well as walking and cycling paths.
- Main egress anticipated to be all access but will require further discussion during the design phase.
- Proposing to extend two way left turn lane.
- Responded to questions from Council.

Staff:

- Clarified that Schedule A of the Engineering comments restricts main access to right in and right out and left only.
- Confirmed this land use is currently zoned C4 and noted allowable uses for the C4 zone.
- The Development Engineer confirmed the 2030 timeframe infrastructure development was not planned.

Councillor DeHart rejoined the meeting at 8:47 p.m.

3.9 OCP17-0019 (BL11490) and TA17-0005 (BL11491) - RU7 – Infill Housing Zone Amendments

Councillor Gray declared a conflict of interest as she is currently building a carriage house and departed the meeting at 8:47 p.m.

Staff:

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

The City Clerk advised that no correspondence had been received.

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

No one from the Gallery came forward.

There were no further comments

Councillor Gray rejoined the meeting at 8:56 p.m.

4. Termination

The Hearing was declared terminated at 8:56 p.m.

Mayor

/acm

Deputy City Clerk