



## City of Kelowna Public Hearing Minutes

Date:	Tuesday, April 23, 2019
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Gail Given, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Ryan Donn
Staff Present	City Manager, Doug Gilchrist; Deputy City Clerk, Karen Needham; Divisional Director, Community Planning & Development, Ryan Smith; Urban Planning Manager, Terry Barton; Community Planning Supervisor, Laura Bentley; Planner, Barbara Crawford; Legislative Coordinator (Confidential), Arlene McClelland

(\* Denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:00 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, April 9, 2019 and by being placed in the Kelowna Daily Courier issues on Friday April 12 and Wednesday, April 17 and by sending out or otherwise mailing 597 statutory notices to the owners and occupiers of surrounding properties on Tuesday, April 9, 2019.

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 Commercial Frontage Amendment, BL11796 (TA19-0005) - City of Kelowna

Staff:

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

The City Clerk advised that no correspondence was received.

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

No one from the gallery came forward.

There were no further comments.

### 3.2 Kelly Rd 1050, BL11797 (Z18-0112) - Jonathan D.C. Tyre and Heather E. Tyre

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The City Clerk advised that no correspondence was received.

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

No one from the gallery came forward.

There were no further comments.

Mayor Basran advised that Items 3.3 and 3.4 will be deferred to the May 7, 2019 Public Hearing.

3.3 Laurier Ave 913, BL11798 (Z18-0105) - 1128826 B.C. Ltd, Inc. No. BC1128826

3.4 Laurier Ave 934, BL11799 (Z18-0103) - 1079687 B.C. Ltd, Inc. No. BC1079687

3.5 Groves Ave 448,458 and 460, BL11801 (OCP18-0019) & BL11802 (Z17-0032) - Abbott Park Holdings Inc., Inc. No. BC1096096

Staff:

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

The City Clerk advised that the following correspondence was received:

**Letters of Opposition and Concern:**

Rich and Joyce Philippott, Abbott Street  
 Glen Shuttleworth, West Avenue  
 Colin and Lynn Banfield, Pandosy Street  
 Gail Debnam, Abbott Street  
 Dave & Brenda Pack, Groves Avenue  
 Jacqueline Dzuba, West Avenue  
 Robert and Marilyn Scott – Groves Avenue  
 Kim Wall, West Avenue  
 Sandra S. Broughton, - Abbott Street  
 Marshall McAnerney – HM Commercial Group  
 Larry Kelly, Pandosy Street  
 Pirjo Boucher, Groves Avenue  
 Margaret & Brad White, Groves  
 Marie and Peter Baigent, West Avenue  
 Al Merrick, West Avenue  
 Chris and John Baker, Groves Avenue

Lori Samuels (Johnson Legacy Wealth Management), Groves Avenue  
 Laura and Alvin Boyer, Groves Avenue  
 Lori and Robert Briggs, Abbott Street  
 Mr. and Mrs. Taylor, Groves Avenue  
 Helen Schiele, Kelowna  
 Walley Lightbody, Abbott Street  
 Al Janusas, Kelowna  
 Richard Drinnan, Greene Road  
 Michael & Gayle Stevens-Guille, Abbott Street  
 Michael Le Feuvre and Annae De Rosa, Groves Avenue  
 Petition of Opposition, Submitted by Kim McKergow – 20 Signatures

**Letters of Support with recommendations:**

Richard Person, Pandosy Street  
 Les Gordichuk, Westpoint Drive  
 Dr. Allan Larter, Westpoint Drive  
 Tom Smithwick, Christina Place  
 Erica Mueller (Okanagan Ayurveda), Lower Mission  
 Todd Knutson, Lydford Place  
 Lisa Bodnarchuk (Dwell Organized), Lydford Place  
 Greg Portas (Pinnacle Roofing), Appaloosa Road  
 Clayton Parks, Pandosy area  
 Colin Kirbyson, Southwind  
 Ryan Delaurier, Lake Country  
 Rob and Sue Van Rycke and Tim Karila (Lights ON Banks), Kelowna  
 Steve Nicholson, Abbott Street  
 Lee Portas (Frisbee Studios), Kelowna  
 Lance Croteau (Innovation Drywall Ltd) Beaver Lake Road  
 Lindsay Sill (WestGrid), Markham Court  
 Kimberly Pflieger, South Pandosy area  
 Greg and Marilyn Mack (Snapdragon Interiors), Springfield Road

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

Craig Mohr, Owner, Tyler Loewenhardt, Zeidler BKDI Architects

- Displayed a PowerPoint Presentation, re: Abbott Park.
- Long term resident of Kelowna for 23 years and heavily invested in the community.
- Spoke to history and rationale for this application.
- Proposing an RM6 development with a restrictive covenant to limit to 6 storeys.
- The development consists of 22 high scale residences with strong pedestrian friendly edges to the site with buffers to mediate the parkade.
- Wanted to provide a quality building that is part of the community; similar to those already in the south Pandosy area.
- Efforts have been made to reduce the scale of the building.
- Tiered landscape planters and trees on the south side that will create a street edge like Abbott House which will create a sense of privacy.
- The existing lane that abuts Abbott Park will be closed and will be a landscaped park area.
- Displayed contextual mapping of the area.
- Spoke to the efforts made to mediate the height of this proposal.
- Responded to questions from Council.

Gallery:

Cathy Richards, Groves Road

- Resides one lot from proposed development.
- Expected the developer to provide a public information meeting prior to rezoning.
- Expected the same public process as the Abbott House; the Abbott House required two meetings.



- Not in favour of RM6; thought the street was designated RM3 as per the OCP; could be in favour of RM4 or RM5.
- Believes there needs to be more ground oriented family units built.
- Opposed to this application.

Mike Le Feuvre, Groves Avenue

- Raised concerns that the Restrictive Covenant could be removed.
- Development needs to be consistent with the neighbourhood.
- Opposed to this application.

Marie Baigent, West Avenue

- Home backs onto the park; believes the building is nice but too high.
- Built our home in 2010 and were told the density was 4.5 storeys which we could accept.
- The trees in the park are higher than the Abbott House and with this building of 6.5 storeys the park will appear like a tunnel.
- Raised concerns with lack of sunshine and shadowing.
- Not against densification as long as it stays within the zoning.
- Raised concerns with on street parking.
- Raised concerns with water table and whether it could handle this density.
- Raised concerns with construction noise in the residential area.
- Believes the developer should contribute more in off-site enhancement.
- Opposed to this application.

Brian Ged, on behalf of Judy Matheson, Groves Avenue

- Believes there was not enough time for people to prepare for this Hearing.
- Raised concern that there was no consultation with neighbours.
- Believes the proposed building is too huge for this lot.
- Raised concern that the RM6 zone will allow for more density.
- Raised concern with on street parking.
- Raised concern with water table and with pile driving and shoring, who would be liable for damage to neighbours homes.
- Opposed to this application.

Anne Laurie, Abbott Street

- Resident for 19 years and has seen a lot of change; not opposed to change or high density but believes that 4.5 storeys is a good transition from single family dwellings.
- Believes this proposal will impose on residents on Groves Avenue and Abbott Park.
- Opposed to this application.

Marshall Mcanerney, Groves Avenue

- Raised concern with high density precedent in the area.
- Works in commercial real estate and has worked with developers; believes that if this development goes to high in density others will want high density as well.
- Believes that density does not belong on Abbott Street and that the Abbott corridor will be ruined by this development.
- Supportive of high density in the right areas but believes that 6 storeys is too high for this location.
- Believes this development will change the character of the neighbourhood.
- Believes the proposed building will create a lot of shade.
- Responded to questions from Council.

Robert Scott, Groves Avenue

- New resident in the Pandosy Village area; moved here for the obvious feel and attraction.
- Raised concern that this development will open the door to 16 storeys in the future which would destroy the character.
- Opposed to this application.

Robert Briggs, Abbott Street

- New resident for 1 year and located at the opposite end of the park facing east.

- Main concern is the park itself as it is becoming a bit of a tunnel; with this higher density proposal the park will be in the dark.
- Opposed to going above the RM5 zone.
- Would prefer to see townhomes built or another Abbott House.

#### Garth Vickers Groves Avenue

- Believes the current land use is working well.
- Raised concerns with the footprint on this lot becoming larger.
- Believes this proposed building will be an imposing structure.
- Opposed to this application.

#### Ed Grifone, Lequime Road

- Raised concern that the RM6 zone could set a precedent for higher density in the area.
- Believes the appropriate zoning would be RM5 or less; supporter of density in the right place but not here.
- Suggested in the future with this area that it should be done more in context and with public consultation.
- Responded to questions from Council.

#### Ed Macaranco, Groves Avenue

- Raised concern with traffic on Groves Avenue; impossible to turn left from Groves Avenue onto Pandosy.
- Raised concern with parking and congestion on Groves Avenue.
- Raised concern that the park will be shaded a lot by this development.

#### Cathy Richards, Groves Avenue

- Raised concern with traffic turning left onto Pandosy from Groves Avenue.
- Believes this development will put pressure on the Abbott Street corridor and Pandosy Street.
- Believes the applicant will ask for more height to accommodate parking as did the Abbott House.

#### Marie Baigent, West Avenue

- Asked for clarification regarding commercial in the building.

#### Craig Mohr, Owner, Tyler Loewenhardt, Zeidler BKDI Architects

- Confirmed there are no 1 bedroom units; there are 2 bedrooms and 2 bedrooms plus den units to create homes in a community.
- Public notification was completed at the end of November 2018 as per City requirements.
- In reference to water table and parking an engineering and water table study has been completed and will not be asking for any further height.
- The lane closure will be an improvement to Abbott Park and will create more activity and will make the park safer with more eyes on the park.
- There will be no shadowing on the Park as the setbacks will be in the rear.
- Will defer to staff regarding the zoning of RM5/RM6.
- The contribution to the community is \$200,000 for the park; asphalt to the laneway must be removed and park widening.
- We are not asking for commercial use.
- This is not a high density development as the size of the units are large 1500-1600 sq. ft.
- Made efforts to amalgamate all the properties; multiple offers were made to neighbours for their properties.
- Responded to questions from Council.

#### Staff:

- Provided information on limits to current zones for this type of development.
- Confirmed a shade study had been completed; trees will receive 5 or 6 hours of sunlight and were satisfied that 6 storeys would not create undue harm to the trees.
- The dissolution of restrictive covenants rests with Council.
- Confirmed that Restrictive Covenants run with the land and not the owners.



- Confirmed the threshold for Council Policy 367 Consultation with the neighbourhood is for 50 units and this proposal is for 22 units and by definition this is minor.

There were no further comments.

### 3.6 Byrns Rd 2089, BL11810 (OCP18-0018) & BL11811 (Z18-0094) - Mohammed Maizal Munif

Staff:

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

The City Clerk advised that the following correspondence was received:

#### **Form Letters of Support**

Submitted by Birte Decloux – 9 form letters

Submitted by Maizal Munif – 7 form letters

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

#### **Birte Decloux, Urban Options Planning and Permits**

- Displayed a PowerPoint Presentation - 2089 Byrnes Road
- Spoke to the sustainability focus of the application.
- There was intensive neighbourhood consultation; in January 2018 door to door canvass completed in preparation for rezoning; November 2018 full open house meeting in accordance with Council Policy 367; April 2019 a personal canvass of the neighbourhood in the past 2 weeks advising of neighbours of this Public Hearing.
- Relocating an existing home and saving it from the landfill.
- The owner will live on site and rent the other home.
- Urban services are in place and no additional burden is expected on infrastructure.
- Parking and open space is easily accommodated on site; room to maneuver and exit into Byrns Road in forward direction.
- There is no change to streetscape from the addition of the dwelling.
- Responded to questions from Council.

No one from the gallery came forward.

There were no further comments.

#### 4. **Termination**

The Hearing was declared terminated at 8:24 p.m.

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Mayor Basran

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Deputy City Clerk