



## City of Kelowna Public Hearing Minutes

Date: Tuesday, May 16, 2017  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart\*, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben\*, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Divisional Director, Community Planning & Strategic Investments, Doug Gilchrist\*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and FOI Legislative Coordinator, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the Hearing to order at 6:03 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 Deputy City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on May 3, 2017 and by being placed in the Kelowna Daily Courier issues on

Friday May 5, 2017 and Wednesday, May 10, 2017 and by sending out or otherwise mailing 328 statutory notices to the owners and occupiers of surrounding properties on May 2, 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.

### **3. Individual Bylaw Submissions**

#### **3.1 1065 Guisachan Rd, Z17-0022 (BL11390)- Bridget McKittrick-Gillberg & Michael Gillberg**

Councillor Sieben joined the meeting at 6:06 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence had been received.

The Applicant was present, but did not have anything further to add to staff's comments.

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

Gallery:

Ken Cappos, Casorso Road

- Displayed photos of the current development adjacent to the subject property.
- Expressed a concern with the neighbourhood consultation and notification.

Kevin Barnett, Applicant:

- Provided information regarding the neighbourhood consultation process.

There were no further comments.

#### **3.2 140 Mills Road, Z17-0003 (BL11391) - Derer's Tile Haus Inc. No. BC0917501**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

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

**Letter of Concern:**

G. Mike Kitzerman, Terai Court

**Letter of Support:**

Cody MacKay, Mills Road

The Applicant's representative was present, but did not have anything further to add to staff's comments.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one come forward.

### **3.3 849 Raymer Road, Z17-0017 (BL11392) - Sascha and Margaret Heinrich**

Councillor Sieben declared a conflict of interest as he owns property adjacent to the subject property and left the meeting at 6:20 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence had been received.

The Applicant was present, but did not having anything further to add to staff's comments.

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

Gallery:

Ken Cappos, Casorso Road:

- Displayed photos of infill developments around the City.
- Believes that infill housing should be helping out low income earners and students.
- Believes property owners are tearing down houses in order to build larger more expensive homes.
- Would like a moratorium placed on infill housing applications.

Sascha Hienrich, Applicant:

- Advised that his parents will be living in the carriage house.

There were no further comments.

Councillor Sieben rejoined the meeting at 6:29 p.m.

### **3.4 1920-1936 Summit Drive, TA17-0006 (BL11393) - Various Owners**

Councillor DeHart declared a conflict of interest as the proposed use of the subject property is in competition with her employer and left the meeting at 6:29 p.m.

Staff:

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

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

**Letter of Concern:**

Ken Hutchinson, Glenmore Road

Jordan Hettinga, Applicant's Representative:

- Provided the rationale the proposed rezoning.
- Believes that the retail liquor store will provide closer access to liquor sales and will meet any demands for the neighbourhood.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Councillor DeHart rejoined the meeting at 6:38 p.m.

### **3.5 242 Clifton Road, Z17-0016 (BL11399) - James and Nelly Oostenbrink**

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.
- Noted the criteria for the RU6 zone and clarified that the zone allows for a maximum of 2 units.
- Displayed a site photo and noted that the intention is to share the walkway and driveway access.
- Confirmed that the addition of another unit on the site would not trigger a change to the access to the subject property.

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

**Letter of Concern:**

Steve Pope & Pam Moore, Clifton Road  
Bernard Stetzl, Camelot Ct

**Letter of Opposition submitted by Mark Roth with 5 signatures:**

Merlin Court

**Letters in Favour or Support:**

Yvonne Topf, Magic Drive  
Barbara Howard, Magic Drive  
Helga Hartmann, Boppart Court  
Marlene Long, Camelot Court  
Jim & Elly Osinga, Clifton Road  
Mark Stetzl, Woodwind Court  
Kelly & Katherine Graves, Magic Drive  
Judy Sutherland, Merlin Court

Jim Oostenbrink, Applicant:

- Distributed a copy of his PowerPoint Presentation and the supplemental rationale letter for consideration.
- Displayed a PowerPoint Presentation setting out the rationale for the rezoning and proposed additional residence.
- Would like to rezone the property in order to construct a second dwelling on the site so that his son & daughter-in-law could reside there.



- No variances are being requested and the proposal fully meets the intent of the Official Community Plan.
- Advised that the subject property is actually not in "Magic Estates".
- Displayed a photo of the proposed residence.
- Advised that the neighbourhood comments on the design have been very positive to date.
- Provided information regarding the driveway access to the residence.
- A formal cross access easement agreement has been recommended by the City and has been agreed to.
- Since 1979, City Lot #244 has been the only access route for the existing home.
- The pedestrian corridor is not maintained by the City and he has maintained it since moving to the property 11 years ago.
- Does not believe one home will increase traffic in the area.
- Believes that Merlin Court has more vehicles and more parking issues, which he believes is more hazardous to the pedestrians using the walkway.
- Is willing to address privacy concerns with all of the neighbours.
- Willing to work with Planning staff to address the delineation between the pedestrian walkway and the driveway access.

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

#### Gallery:

Mark Roth, Merlin Court

- Lives in one the properties that is adjacent to the subject property.
- Not happy with another home in the neighbourhood.
- Displayed photos of the access area and noted that his main concern is with access to the subject property.
- Expressed a concern with the location of the proposed residence and commented that it does not fit into the neighbourhood.
- Believes that there are actually 2 accesses to the site.
- Displayed a photo and noted that the pedestrian walkway is not clearly defined.
- Displayed a photo of the subject property from his backyard.
- Believes that planting vegetation would not mitigate his privacy concerns.
- Advised that the Applicant has not consulted with him.
- Displayed a video of a vehicle leaving the subject property and noted the safety issues with the driveway access.
- Believes that the design of the new residence does not allow for any vehicles to turn around on the site and therefore they will have to back out of the driveway.
- Responded to questions from Council.

Morgan Borrowman, Merlin Court:

- Has several concerns with the proposed rezoning and second dwelling.
- He and several other seniors use the walkway often, and it is very dangerous.
- Concerned with traffic safety and noted that adding more traffic is very risky.
- Expressed a concern that the proposal will de-value the subject property as well as the surrounding properties.
- Responded to questions from Council.

- Clarified that mostly concerned with the location of the driveway access off of Clifton Road.
- Noted that the walkway is used to access a nearby park.

Jake Redekop, Merlin Court:

- Expressed a concern with safety as there are a lot of children in the neighbourhood.
- The shared pathway/driveway is not acceptable. Need to make a walkway a 'walkway' and a driveway a 'driveway' in order to minimize the risk to safety.

Jim Oostenbrink, Applicant:

- Responded to the interveners' concerns.
- Believes that demarcation between the driveway and walkway should be part of the application. The asphalt could become the pedestrian walkway.
- Shared quotes for neighbours who support his application.
- Wants to work with the neighbourhood on a solution.
- Clarified there are currently 2 driveways on the site and the new residence would use the 2<sup>nd</sup> driveway.
- Advised that Lot #244 is city-owned property.
- Confirmed that the drawing in the package provided by him illustrating the two (2) existing driveways is different than the drawing provided by staff.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Confirmed that this application does not require a landscape plan.
- Confirmed that formalizing the access through an easement will address maintenance and liability concerns.
- Confirmed that there no concerns with the 2 driveways on the site.
- Provided an overview of how 'off site improvements' are dealt with during the rezoning process.

There were no further comments.

### **3.6 4491 Nottingham Road, Z17-0004 (BL11400) - Christine Reimann**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

The Deputy City Clerk advised that no correspondence had been received.

The Applicant was present, but did not have anything to add to staff's comments.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

### **3.7 547 Osprey Avenue, Z16-0033 (L11401)- Lok Tien Enterprises Ltd.**

Staff:

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

- Confirmed that accessible parking spots are not required for accessory surface parking lots.

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

**Letter of Concern submitted by Dr. Daniel Kim on behalf of the Commercial Strata Building**

**Owners:**

Osprey Avenue and Tutt Street

Tom, Architect & Applicant's Representative:

- Advised that this is the first phase of a comprehensive development. The next phase will include accessible parking.
- Advised that the proposed surface parking lot is designed to be monthly parking, not daily parking.
- Responded to questions from Council.
- Provided the rationale for requesting 2 accesses to the site. It will be safer to access the lot from Osprey Avenue as it is likely that the laneway will not be there in the future.

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

**Gallery:**

Matt Hemmingsen, Osprey Avenue:

- Represents the owners of Strata at Osprey Avenue & Tutt Street.
- Outlined the concerns as expressed in the correspondence submitted to Council.
- Believes there will be vehicle traffic issues with the laneway as there are already waste removal issues.
- Expressed a concern with the proposed variances and setbacks.
- Believes that there is parking available in the area.
- Clarified that the strata parking is on private property and that the City would not allow fencing to block the laneway.
- Responded to questions from Council.

Tom, Architect & Applicant's Representative:

- Addressed the intervenor's concerns.
- Believes that a small parking system, with access from Osprey, will not present issues and should alleviate laneway access.
- Confirmed that the laneway will remain open at this time and access would be permitted.
- Responded to questions from Council.
- The use of the parking area will be accessed substantially off of Osprey.


Staff:

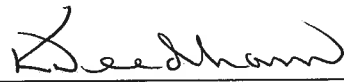
- Responded to questions from Council.
- Provided different scenarios for the future development of the 4 properties.
- Provided different scenarios for future access, which is dependent upon how the 4 properties are developed in the future.
- Clarified easement in place for right of access through adjacent development continuing the lane to Tutt Street.

There were no further comments.

#### 4. Termination

The Hearing was declared terminated at 8:07 p.m.

  
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Mayor

  
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Deputy City Clerk

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