



## CITY OF WEST KELOWNA REGULAR COUNCIL ADDENDUM

Tuesday, May 12, 2020, 1:30 P.M.  
LIONS COMMUNITY CENTRE  
2466 MAIN STREET, WEST KELOWNA, BC

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Pages

### **\*2. INTRODUCTION OF LATE ITEMS**

#### **\*2.1 Re: TUP 20-01, Temporary Use Permit, 3595 Elliott Road (see Item 8.1.1 under Division Reports)**

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Correspondence received from the following:

- Angela Bremner
- Larry Bennett, President, Gateway Urban Village Strata Council
- Ricki Lutz
- Adam Lutz
- Angela Gaboury
- Amber Friesen
- Brian Turley
- Sandra Mitchell and Melodie Petersen
- Dianne Kort and Trevor Bott

#1

**Collette Beggs**

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**Subject:** RE: 19-3620 Brown Road West Kelowna

-----Original Message-----

From: Angela [REDACTED]  
Sent: May 5, 2020 10:56 PM  
To: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>  
Cc: [REDACTED]  
Subject: 19-3620 Brown Road West Kelowna

Good evening

As you can see I live at the above address and I have serious issues with the development on Elliott Road. My Mayor and council for whom I voted for seem too have no concern for the occupants of 3620 Brown Road. Today my back yard has disappeared after I spent \$1500 + last year making it better for me. Today I cannot sit out in my back yard because of the noise and the dust, next week you are asking me to enjoy looking out on on storage of Temporary use Permit No TUP 20-01 until Dec 31 2020. Can I ask you where I am supposed to enjoy my summer in my home?

So am I meant too feel better that you allowed to get \$75000 from Ironclad to make the water park better

You never listened to our strata when we rejected to the variance is there some way you could actually listen now and perhaps as a council visit the site (which has been asked before) and respect your people

Regards  
Angela Bremner

Sent from my iPad

Collette Beggs

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Subject:

RE: TUP 20-01

-----Original Message-----

From: Larry Bennett <[REDACTED]>  
Sent: May 6, 2020 12:58 PM  
To: info west kelowna <info@westkelownacity.ca>  
Cc: MayorAndCouncil <mayorandcouncil@westkelownacity.ca>  
Subject: TUP 20-01

Attn: City Clerk:

I've received several emails from concerned irate homeowners of Gateway Urban Village over the past several months. You may not be aware of the impact the construction site next door has made on our complex but it has been damaging. Perhaps discussing the issue with your bylaw department may shed some light on just how devastating this ordeal has been for everyone. Our homeowners have lodged a multitude of complaints regarding excessive noise levels, early and late starts, loud music and extreme dust. Now you're willing to consider extending the noise, dust and traffic levels beyond the construction site? That is beyond any sense of reason for city council to contemplate.

As president of the strata council for Gateway Urban Village I invite the mayor and all W. Kelowna council members to get out of your office and visit this construction site. I would be happy to show you all the photos taken over the last few months as well as the numerous emails I've received from our homeowners and residents.

If this permit is given your consent it will indicate to us all that you are not there in the interest of your taxpayers. Sometimes city councils should be motivated by what is best for the citizens, not the \$\$\$'s.

We expect you to make the right decision for us.

Larry Bennett  
President  
EPS 708

Collette Beggs

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Subject: RE: TUP 20-01

From: Ricki Lutz <[REDACTED]>  
Sent: May 7, 2020 8:21 AM  
To: info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>  
Cc: MayorAndCouncil <[mayorandcouncil@westkelownacity.ca](mailto:mayorandcouncil@westkelownacity.ca)>  
Subject: TUP 20-01

Attn: City Clerk:

As a resident of 3620 Brown Road and a property owner directly across from the subject property (3595 Elliott Road), I deeply concerned about this proposal. Over the past few months we have experienced headache after headache with this developer. You can easily access all bylaw complaints put forth by us and our neighbours. We can no longer enjoy our backyards as we have diggers and other very large machinery right at our fence, which is causing our yard to erode. We have been promised this will be rectified but that doesn't help the immediate need of my young children to be outside in their yard.

And now you want to allow this developer to disturb me as to not be able to enjoy my front patio. I can already envision boom lifts and forklifts working 12+ hours a day right in front of my house at the same time working right behind me too. They already have free-reign (it seems) to drive up and down Elliott Road between the site and the newly constructed extension of Gossett Road and now you want to allow them free-reign to drive their equipment passed our laneway. It is already near impossible to turn left from Springer Lane onto Elliott. They have work trucks parked in no parking zones and boom lifts driving down the street without proper flaggers.

A few of the complaints lodged against this development has been excessive noise, starting their equipment before 7am and working past 8pm, improper garbage disposal, just to name a few. And you are considering them to cause even greater disturbances on your taxpayers.

I cannot fathom a reason why the neighbours of big construction projects should be punished by dealing with their lack of planning regarding storage and parking.

We expect you to keep the best interest of your taxpayers in the forefront, ahead of development dollars.

Ricki Lutz

Collette Beggs

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Subject: RE: TUP 20-01

From: Adam Lutz <[REDACTED]>  
Sent: May 7, 2020 9:09 AM  
To: info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>; MayorAndCouncil <[mayorandcouncil@westkelownacity.ca](mailto:mayorandcouncil@westkelownacity.ca)>  
Cc: Jaspreet Dhaliwal <[Jaspreet.Dhaliwal@westkelownacity.ca](mailto:Jaspreet.Dhaliwal@westkelownacity.ca)>  
Subject: TUP 20-01

(Subject property 3595 Elliot Road)

Attn: City Clerk:

You may not be aware of the impact the construction site next door has made on our complex at 3620 Elliot and Brown road but it has been damaging.

I have cc'd Jaspreet from city bylaw and would like Jaspreet or someone from bylaw to compile all city bylaw complaints against Ironclad as far back as they go and not just my complaints but all complaints.

Discussing the issue with your bylaw department may shed some light on just how devastating this ordeal has been for everyone.

My neighbours have lodged a multitude of complaints regarding excessive noise levels, early and late starts, loud music and bass from vehicles at 630am, zoom-booms and other equipment driving up and down Elliott road with no flaggers slowing down traffic on a very busy road and extreme dust blanketing our beautiful homes with a layer of dirt. Now you're willing to consider extending the noise, dust and traffic levels beyond the construction site behind my home to the front of my home too?

That is beyond any sense of reason for city council to contemplate.

Already my kids are unable to play in their backyard due to the construction and dangerous possibility of my back yard eroding and collapsing. Our front deck is our only option currently to have some peace of mind and gather with our kids to BBQ and relax away from the building behind us.

As a tax paying citizen and a resident of Gateway Urban Village, for a second time, invite the mayor and all W. Kelowna council members to get out of your office and visit this construction site.

You need to understand the magnitude of these very real concerns and how they affect our mental health and well being. My neighbours, including myself are stressed and anxious which stems directly from having to make complaints constantly, the worry of property damage caused by this development and having to confront workers asking them to turn off their car stereos or to stop working past 8pm or before 7am and in return being scoffed at or given the finger etc...

On a couple of occasions trades have met in the parking lot at 3595 Elliot road to drink beers after work. It's definitely worrisome, especially considering they're not abiding by the social distancing rules.

It's also important to note that I have very little confidence after bylaw officers have finished for the day that city bylaws will be met by our local law enforcement. Twice now RCMP officers have told me they only stop "real crime" and won't shut the work site down. Please ask for these records as this is a major break in the system and leaves residents in a dangerous position to have to confront the workers working past bylaw hours themselves. Conflict could occur.

Our strata President Larry Bennet would be happy to show you all the photos taken over the last few months as well as the numerous emails I've received from our homeowners and residents.

If this permit is given your consent it will indicate to us all that you are not there in the interest of your taxpayers. Sometimes city councils should be motivated by what is best for the citizens, not the \$\$\$'s. We expect you to make the right decision for us.

Adam Lutz

**Collette Beggs**

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**Subject:** RE: Attn: City Clerk File# TUP 20-01

**From:** Angela Gaboury <[REDACTED]>  
**Sent:** May 7, 2020 9:11 AM  
**To:** info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>  
**Cc:** Larry Bennett <[REDACTED]>  
**Subject:** Attn: City Clerk File# TUP 20-01

In regards to the proposed innocently sounding storage permit for 3595 Elliot Rd, I say NO, NO, NO!  
For a couple of months, without permit, Ironclad was storing equipment and supplies in the Music School's lot. I complained to our strata as I knew they did not have a permit and listening to the beeps, the employees car alarms, machinery, and noise on both sides of my home was extremely frustrating and upsetting. Not only is my son being woken up on the south side of our home, I was now also being woken up on the north side! Employees of Ironclad continue to park there and even that is annoying. Please do not allow for more disturbances to our already frustrated community.

In regards to the construction site in general...

After growing up in Kelowna and spending a few years living in the Lower Mainland, I chose West Kelowna to be my and my young sons new home. When we moved in, in October 2018, I was unaware of what was to come in the empty lot next door but I did acknowledge and accept that one day we would be living next to a construction site.

I still cannot believe the city of West Kelowna would allow the construction of such tall buildings next to an existing community of town homes that have been here since 2013. I chose this property because we had lake views, mountain views and a yard where we could plant a garden and had sunlight from morning to night. We have now lost our Lakeview and most of our Direct Sunlight, not to mention privacy when people move in to the building that is in no exaggeration, 30 ft. from ours. Honestly, did the city even look at the plans or consider its impact on residents?! We weren't even going to plant a garden this year because of the lack sunlight and dust.

We have been living with dust storms, constant noise, early mornings, late evenings and outdoor spaces that are constantly covered in a thick coat of dust for a year now. Without warning, Ironclad took down a section of our fence and cut most of my backyard and others out. A process that they said would take 2 weeks but is now going to be a minimum of 2 months. Pretty shitty timing considering our backyard was an important place for us to play during Covid restrictions. As well as now mine and several other back patio slabs have badly cracked due to the ground being disturbed. Where is our compensation for losing our yard?! We are now having to leave our home to access the outdoors, which was frowned upon during this epidemic crisis.

Our strata council has been diligently working on constant problems and complaints. I personally complained to the city 3 times last summer regarding the dust issue in which I never received a single reply and then watched the water truck Ironclad finally got, just sit there. There was an issue between Dilworth homes, the City of West Kelowna and our Urban Gateway, where water drainage was not properly dealt with after permits were approved and the adjacent lot sold to Ironclad. No repercussions for them and we're told it's not The City's problem either...? So now it's ours to deal with?!

I completely regret purchasing this property in West Kelowna, that I am now stuck with because there is no way anyone would buy it for the same reason I regret purchasing it. Our assessments went up this year with increased taxes even though our values have decreased from a real estate perspective. Just another city drooling over the prospect of more tax money and not actually caring or having concerns for their current tax paying residents.

I know you don't care but this has caused tremendous ongoing stress and disappointment to our family and other

residents. Shame on you for allowing this to happen. Maybe consider paving some roads and adding sidewalks so we can safely walk from our home. And clean up the downtown core, it looks like a slum.

Sincerely, irate tax paying resident,

Angela Gaboury

#16-3620 Brown Rd

West Kelowna, BC V4T3L2



#6

**Collette Beggs**

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**Subject:**

RE: TUP 20-01

**From:** Amber Friesen <[REDACTED]>

**Sent:** May 7, 2020 11:42 AM

**To:** info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>

**Cc:** MayorAndCouncil <[mayorandcouncil@westkelownacity.ca](mailto:mayorandcouncil@westkelownacity.ca)>; Larry Bennett <[REDACTED]>

**Subject:** TUP 20-01

Attn: City Clerk:

My name is Amber Friesen and I am a home owner in Gateway Urban Village. My family and I bought our beautiful townhouse 3 years ago. I had always wanted to purchase a unit in this complex from the moment I remember them being built. My daughter and puppies have loved playing out in our humble backyard. This beautiful dream has quickly become our nightmare and there has been nothing that we can do to stop it.

Our unit is directly outside the 6 story building and is a stones throw away from our fence line. Let me put this clearly, we have not slept since this development by Ironclad has started. We are woken up most days well before 7 am, as the whole crew arrives early and begins early. Not to mention the time that they were out there till 4 am polishing cement. I did phone the cops that night and next day followed up with bylaws, in which they told me they never gave them a permit to work into the night like that. They told me that they had a permit to go until 10:00 pm. The stories of our frustration could honestly go on and on. The events, the garbage, the dirt. I have logged complaints with Larry our strata president and manager and he has followed through. We have done everything that we can with our voices, but nothing is helping.

I am looking to the city of West Kelowna for help. We need your help. The construction is hardly manageable behind us and now our nightmare is getting worse hearing about their plans to be using the parking lot of the Music school. Which my unit is DIRECTLY across from. The garbage is disgusting they leave behind. I fear that we are being pushed to our limit of what we tax paying citizens are able to handle. Please do what is right for our sake, again we need you. Please hear my voice in a time that I feel no one is, please hear the voice of my daughter, her room is right across from the parking lot. We are losing faith in bylaws and the City. Please do not choose money over the West Kelowna citizens.

I encourage you to come and see what we are living through. Also to take a moment and look at all footage and pictures from the beginning to where we are now that most units have shared with Larry Bennet. I know Larry would be willing and wants to share our concerns and footage.

Thank you for your time and consideration,

Amber Friesen  
EPS 708

**Collette Beggs**

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**Subject:**

RE: TUP 20-01

**From:** Brian Turley <[REDACTED]>  
**Sent:** May 7, 2020 3:13 PM  
**To:** info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>  
**Subject:** TUP 20-01

Attn: City Clerk

First of all thank you for giving us a opportunity to speak . So i'm sure you will have received a number of responses in regards to this Development as it seems like there is a lot of unhappy people here in Gateway Urban Village . I under stand the need for space as they have so much inventory and equipment but it already feels like there completely taken all the space that's around our Townhouses ( Gateway Urban Village ) property and streets . i think they should control there area they own and bring in material as needed . It looks like a very unsafe work environment as it is . I am against them storing equiptment and materials in the lot across from us , it would just add fuel to the fire as far as noise and traffic .

Regards Brian Turley  
#14 3620 Brown Rd

**Collette Beggs**

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**Subject:** RE: Attention City Clerk TUP application 20-01

**From:** Sandra Mitchell <[REDACTED]>  
**Sent:** May 8, 2020 8:45 AM  
**To:** Hailey Rilkoff <[Hailey.Rilkoff@westkelownacity.ca](mailto:Hailey.Rilkoff@westkelownacity.ca)>  
**Cc:** info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>  
**Subject:** Attention City Clerk TUP application 20-01

Dear Mayor, Council and Development Staff,

We are wholeheartedly opposed to the proposed TUP 20-01.

Since there is only one, shared, driveway between 3595 and 3591 Elliott Road, we feel that the proposed use of the property for "outdoor storage and accessory parking" would cause reduced access to the parking area behind 3591 Elliott Road, hampering the day-to-day operation of our business.

There is, as well, ample concern for the safety of our clients when any heavy machinery is operated on that shared driveway. Our business provides music lessons primarily for children. Our music families need to be able to come and go, freely, any time between 8:00am and 9:30pm, Monday through Saturday.

Earlier this year, we experienced issues with Iron Clad's prior use of the space.

On several occasions, the shared driveway was blocked by, either, a 'zoom boom' forklift, a small flat deck truck and on one occasion, a large Super-B highway truck. When we approached the construction company, many promises were made regarding operating safely. None of these promises were kept. I have photographic and video evidence if needed.

Based on the above, we urge you to not approve TUP 20-01.

Sincerely,

Sandra Mitchell  
Melodie Petersen

West Kelowna Music School  
[REDACTED]

**Collette Beggs**

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**Subject:** RE: TUP 20-01

**From:** Dianne Kort <[REDACTED]>  
**Sent:** May 9, 2020 8:57 AM  
**To:** info west kelowna <[info@westkelownacity.ca](mailto:info@westkelownacity.ca)>  
**Cc:** Stephen Johnston <[Stephen.Johnston@westkelownacity.ca](mailto:Stephen.Johnston@westkelownacity.ca)>  
**Subject:** TUP 20-01

**Attn: City Clerk**

We own a home in Gateway Urban Village and have been subjected to excessive noise levels, early and late starts in contravention of construction hours permitted by the City's Good Neighbour Bylaw (7 am to 8 pm), loud music and extreme dust since the summer of 2019. This has been a devastating ordeal for all 22 families in Gateway Urban Village. In response to numerous complaints from the residents of our development, our strata President, Larry Bennett, has worked tirelessly (for no remuneration) to try to persuade IronClad management to abide by West Kelowna bylaws and to respect the residents of our community to little avail.

**Please do not approve the above temporary use permit which will extend the noise, dust and traffic levels beyond the construction site.** It will make an almost unbearable situation worse and indicate to us that you do not make decisions in the best interests of us as taxpaying residents of your community.

Dianne Kort & Trevor Bott  
17 - 3620 Brown Road  
West Kelowna, BC V4T 3L2