

Public HearingMay 18, 2004

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, May 18, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day\*, B.D. Given, E.A. Horning and S.A. Shepherd\*.

Council members absent: Councillor R.D. Hobson.

Staff members in attendance were: City Manager, R.A. Born; Acting City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Manager of Policy, Research & Strategic Planning, S.K. Bagh; Manager of Community Development & Real Estate, D.L. Shipclark\*; Parks Planning & Administration Supervisor, D. Lange\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:03 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan Bylaw No. 7600*" 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.

The Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on April 30, 2004, and by being placed in the Kelowna Daily Courier issues of May 10 & 11, 2004, and in the Kelowna Capital News issue of May 9, 2004, and by sending out or otherwise delivering 515 letters to the owners and occupiers of surrounding properties between April 30 and May 3, 2004.

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 309.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

#### **3.1(a) 1170 Band Road**

- 3.1(a) Bylaw No. 9211 (OCP03-0014) – John and Ingrid Paavilainen (New Town Planning/Keith Funk) – Band Road – THAT Map 19.1 of *Kelowna 2020 - Official Community Plan Bylaw No. 7600* be amended by changing the Future Land Use designation of part of Lot 2, Sec. 13, Twp. 26, ODYD Plan 13388, located on Band Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated March 30, 2004.

Councillor Day declared a conflict of interest because he owns property within the notification radius for this application and left the Council Chamber at 7:07 p.m.

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- The subject OCP amendment and rezoning application were adjourned from the May 4, 2004 Public Hearing because of concern about the septic conditions and road access to the property.
- The applicant is proposing to rezone a portion of the property to facilitate the reopening of a care facility that was a legal non-conforming use but the operation was discontinued for more than 6 months and therefore the legal status was lost. No subdivision or development of the site is contemplated and the property would remain one parcel.
- The Public Health Inspector has no objection to the facility reopening on septic provided that it is not expanded from its 22 bed capacity. There are no records on file of complaints about the septic system on the subject property.
- The applicant has roughed in a new driveway access to the property off the end of Band Road. Fire and Works & Utilities Department staff have no problems with the driveway as it has been regraded. Final construction of the new access road is being held off pending Council's decision on this application.
- The application is a departure from the sector plan and OCP future land use but a Housing Agreement would be registered limiting the use of the property for a care facility. If that use was to discontinue, then the land owner of the day would have to come forward and indicate that they have a zoning with a housing agreement that restricts them to uses they no longer wish to pursue. At that point the Housing Agreement could be discharged with the consent of Council.

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

**Opposition:**

- letter from Kerry Webster, 1150 Band Road
- letter from Tony Balisky, 1240 Band Road
- letter from Norman & Linda Monti, 1160 Band Road

All opposing both the OCP amendment and the rezoning generally on the basis that the driveway access shows no consideration for the immediate neighbours; even if they do not wish to subdivide the owners should work with the neighbouring property owners to establish future road connections; if the rezoning is granted the applicant could sell the section of their property with the extended living facility which could then be converted into any type of living facility such as a halfway house; concerns about septic/odour problems when the facility is in operation, and safety concerns related to road access to the site.

**Support:**

- Letter from the owners stating why they feel Council should support their application and providing a copy of a letter from Interior Health stating they are unaware of any septic failure on the subject property.

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

**Keith Funk, applicant:**

- The new driveway alignment that has been roughed in does not use the easement alignment that has in the past been shared with neighbours.
- The design work is underway to connect to a fire hydrant to supply the fire flow for the proposed occupancy and a gravity sewer system is readily available at Ray Road and could be implemented in short order if there was a problem with the septic system.
- On-site parking meets bylaw requirements and the new driveway removes traffic from the easement access shared with the neighbours.

Margo McMahan, 1302 Toovey Road:

- This application has already caused hard feelings in the community. Concerned about personal retaliation for stating her concerns publicly. Has personally been followed for several blocks by Mr. Whitehouse who mistook her for another neighbour opposing the rezoning.
- A trail on the subject property was recently fenced off denying the neighbourhood access to the portion of the property that is designated as future park in the OCP. Apparently Mr. Whitehouse had been advised by the RCMP to monitor the use of the trail more closely. He still allows the neighbourhood to walk on the upper trail to access land beyond which hopefully will be designated future park land. This hiking trail access could also be cut off if the rezoning is not successful.
- Opposed to the OCP amendment and rezoning primarily because of concerns about roads and walking access. The residents of Toovey do not want access to be through the cul-de-sac at the end of Toovey Road and would like a sign posted at the Toovey/Ray Road intersection to indicate that Toovey is a cul-de-sac. The residents would also like to know where the park land for the Toovey Heights community will be and how it will be accessed.
- Proceeding in a piece-meal fashion creates mistrust in the planning processes. Would like to see a complete proposal for the property instead of just a small portion for the applicant's sole benefit.
- Approval of this application would confer a benefit on the land owner at the expense of the community. RM3 zoning opens the door to apartment and row housing. Once the rezoning is granted, even with the housing agreement, control is lost over how the property is used and who resides there.
- Until these concerns are addressed, urged Council to adhere to the sector plan and OCP and turn down this application.

Staff:

- The preplanning for this area dates back a number of years. The sector plan has been refined as properties have been developing from east to west. The School District no longer needs a school site so that designation has been removed. A future park site is also identified between Toovey and Ray Roads.
- Toovey would not be connected to an internal road access to this site. Road access would be from the east with a connection on Ray Road. That is what the City would look to achieve once the subject property comes under development.

Tony Balisky, 1240 Band Road:

- Is in the process of trying to subdivide his land; however, needs the cooperation of the adjacent property owners to make it feasible. The other adjacent property owners are willing to work together regarding the roads but the owners of the subject property say they have no intention of developing their property and therefore have no interest in cooperating.
- The new access road to the subject property encroaches over the easement to his property; technically the road may be on their land but it is over his easement. The encroachment has just been moved from one side to the other. Cannot imagine a fire truck getting up the new road.
- There will now be about 4 roads coming out at the same location on Band Road. The roads are steep and in the winter it would be difficult to get stopped if two vehicles reached Band Road at the same time.

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- Iris Morden, 1285 Toovey Road:
- Submitted a petition (with 44 signatures) from the people in the Toovey Heights area objecting to the proposed OCP amendment and rezoning because of the adverse effect on the future of the neighbourhood.
  - The residents are concerned that the application is a done deal what with the amount of work and studies already undertaken.
  - Do not have confidence that reopening the existing care facility is all that is planned for the subject property.
  - Concerned that with the RM3 zoning the entire property could be developed in future.
  - The Chair of the Advisory Planning Commission advised the public at the APC meeting on this application that the residents should not take comfort in the Housing Agreement.
  - There is no guarantee that at some point the care facility will not change to other uses permitted in the RM3 zone such as a home for delinquent teens or a half-way house for people coming out of prison.
  - The Toovey Road residents were promised by Council in December 1991 that in return for allowing the road to be used for access to Lone Pine Estates, Toovey would remain a cul-de-sac.

Linda Monti, 1160 Band Road:

- Was aggressively verbally abused by Mr. Whitehouse for opposing this application at the May 4, 2004 Public Hearing.
- Does not have legal access to her property and the owners of the subject property refuse to allow her legal access (over their property).
- The previous facility was a congregate care facility licensed by the government. The applicant is proposing to reopen the facility for congregate housing and that is different.
- If the proposed new access road to the care home facility is to be off Band Road, then the Band Road residents would have a grave safety concern because all driveways would be funnelling out at the same point onto Band Road.

Keith Funk, applicant:

- Public use of the trail systems on the subject property could be part of the discussion if and when the property is developed. The trespass situation is historical and is a liability to the applicant if someone gets hurts on his private property.
- All three adjoining properties are listed for sale for subdivision under a single listing. They see this property owner as standing in their way. Development of the adjoining properties should not be at the expense of the subject property owner.
- The applicant will comply with the requirements for the new access road (grade and accessibility for fire protection) when they know the outcome of the subject applications. The Deputy Fire Chief agrees with the new road with some minor regrading.
- The care facility is intended for assisted living for seniors.
- There are opportunities to work together with the neighbours, but it has to be both ways, not one-sided.
- The senior members of this family do not want to subdivide.

There were no further comments.

Councillor Day returned to the Council Chamber at 8:25 p.m.

**3.1(b) 1170 Band Road**

- 3.1(b) Bylaw No. 9212 (Z03-0071) - John and Ingrid Paavilainen (New Town Planning/Keith Funk) – Band Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD Plan 13388, located on Band Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated March 30, 2004.

See discussion under 3.1(a) above.

**3.2 1858 Abbott Street**

- 3.2 Bylaw No. 9232 (HDA04-0001) – Ronald G. Lutz – Abbott Street - THAT the building known as the 'G.D. Loane House' situated on lands legally described as Lot 18, Blk. 3, D.L. 14, ODYD Plan 1395, located at 1858 Abbott Street, Kelowna, B.C., be designated a Municipal Heritage Site pursuant to Section 967 of the *Local Government Act* in order to protect the heritage value of the building.

Staff:

- The building is being designated a heritage site at the request of the landowner.
- The home was built in 1937 and is significant from an architectural point of view as well as from its history.

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

- letter from the applicant telling about the history of the home.

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

There were no further comments.

**3.3 840 Princess Court**

- 3.3 Bylaw No. 9219 (Z04-0008) – Freda & David Shanko (Freda Shanko) – Prince Court – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, Section 23, Township 26, ODYD Plan 27679, located on Princess Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The rezoning is requested to legalize a partially constructed suite in the lower floor of the house.
- Extension of sanitary sewer to this area of the city is not planned in the foreseeable future.

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

- Letter from Ron & Linda Dollman, 805 Princess Court opposed because to their knowledge the suite was constructed by the applicant after purchasing the property and so this application is being made 'after the fact', and because of concern about the impact on traffic and parking.

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

Brian Shanko, representing the applicants:

- The applicants are his wife and son.
- On-site parking exceeds the requirements of the zone. The lot is large with a fully fenced back yard with trees and shrubs. The suite is wheelchair accessible and approval of the suite would not alter the character of the neighbourhood.
- The outside entry is well lit with motion detectors for night time safety.
- The suite would help fill need in the community given the low vacancy rate in Kelowna.
- There were 2 bedrooms, a living room and a bathroom on the lower floor when he purchased the house. He put in the kitchen and then a friend of his son moved in.
- Had intended to apply for a permit once the suite was completed.

There were no further comments.

### **3.4 1187 Sunset Drive**

- 3.4(a) Bylaw No. 9230 (OCP04-0001) – Canada Lands Company – Sunset Drive – THAT Map 19.1 of Kelowna 2020 Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of part of Lot A, D.L. 139, O.D.Y.D. Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing “Commercial” designation to the proposed “Multiple Unit Residential – high density” designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department, dated April 14, 2004.

Staff:

- The boundaries were adjusted in a previous application in order to increase the size of the subject property to accommodate a hotel proposal. The hotel proposal did not proceed and the applicant is now proposing to adjust the property line back to the original boundary triggering the requested OCP amendment.
- The rezoning would allow for development of a multiple unit residential building on the property.
- The Advisory Planning Commission recommends support.

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

- letter from Margo Miller, 1152 Sunset Drive, indicating no objection to the proposed usage and suggesting that commercial uses such as a grocery store, postal outlet, drugstore be considered for development on the adjacent property.

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

Marian Grimwood, 4574 Doeksen Road:

- Objects to highrise apartment buildings; they are ugly square boxes like middle fingers sticking up out of the downtown.
- Should be able to see the hills and lake without having to look through view corridors. This can be accomplished with low rise densification. Need to preserve Kelowna’s charm and beauty.

Cherie Hanson, 557 Okanagan Boulevard:

- Representing the North End Residents Association.
- Increased densification should be weighed against vital issues such as long term water quantity/quality, air/traffic pollution and ensuring that we have a sustainable city.
- The Association does not support this OCP amendment. People need to be able to rely on the OCP and plan around it.

John Zeger, Citizens for Responsible Community Planning:

- Supports the comments of the previous 2 speakers.
- Would prefer to see the subject property as commercial and the surrounding area as medium density residential.

Dale Knowlan, applicant:

- The subject property was zoned RM6 in 1995 and that is the zoning the property would be going back to so there would be no impact on density.
- The other alternative would be for these lands to be Commercial and be part of a hotel development.

There were no further comments.

**3.4 1187 Sunset Drive**

- 3.4(b) Bylaw No. 9231 (Z04-0004) – Canada Lands Company – Sunset Drive - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, D.L. 139, O.D.Y.D. Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing C4 – Town Centre Commercial zone to the proposed RM6 – High Rise Apartment Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated April 14, 2004.

See discussion under 3.4(a) above.

**3.5 2355/2455 Acland Road**

- 3.5 Bylaw No. 9229 (Z03-0022) – R 354 Enterprises Ltd. (Bob Callahan) – Acland Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 2, Twp. 23, O.D.Y.D. Plan 11263, located on Acland Road, Kelowna, B.C. from the P1 – Major Institutional and P2 – Education and Minor Institutional zones to the I1 – Business Industrial zone.

Staff:

- The building on the property was constructed specifically to meet the needs of the provincial Interior Health Authority and allow them to consolidate their administrative and warehouse needs in one location.
- Initially it was thought that the proposed uses would be consistent with the current zoning of the property; however, it has become apparent that is not the case and that it is necessary to rezone.

The Acting City Clerk advised that no correspondence or petitions had been received.

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

Bob Callahan, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

**3.6 Cedar Avenue Neighbourhood in South Pandosy**

- 3.6 Bylaw No. 9234 (OCP04-0008) – City of Kelowna – Cedar Avenue Land Use Review – THAT Map 19.1 - GENERALIZED FUTURE LAND USE of Schedule "A" of "Kelowna 2020 – Official Community Plan Bylaw No. 7600" be amended by changing the Generalized Future Land Use designations from "Multi Unit Residential (Low Density), Single/Two Unit Residential, Park, Commercial " to "Multi Unit Residential (Medium Density), Park, Multi Unit Residential (Low Density), Commercial" as indicated on Appendix 2 attached to the report of the Planning & Corporate Services, dated March 31, 2004.

Councillor Shepherd declared a conflict of interest because she is part owner of a property that is adjacent and left the Council Chamber at 9:01 p.m.

Staff:

- Outlined the history of the City's assembly of the 11 waterfront properties in the Cedar Avenue area. The majority of the acquisitions were made with funds other than the DCC reserve fund in order to have flexibility in the how the land would be used.
- The goal was to preserve public access to the waterfront in this area.
- The proposed OCP amendment recognizes the options available to Council to improve public access to the waterfront, and those options are available to Council under the OCP future land use that exists today.
- The proposed OCP amendment is in response to an increasing number of inquiries about properties in the area and whether the City would support changes to accommodate redevelopment. Rather than dealing with the inquiries on a one-on-one basis, staff were directed last year to consult with the area residents and deal with the future land uses on a comprehensive basis.
- Area boundaries were identified and Stonefield Development Consultants was commissioned to assist in a land use review, to obtain public input, and to look at the current market conditions and what the future might hold for land development in the area. The consultants were given 6 months to look at all that so that the City could obtain direction on land uses before lifting a development moratorium that is scheduled to end on June 8, 2004.
- Highlighted the South Pandosy/KLO Sector Plan policy direction for this area and the range of future land uses currently supported in the OCP.
- Outlined the changes in future land use that are proposed in the OCP amendment before Council at this time.
- Because a park designation is shown in the OCP does not compel people to sell to the City or have to move. It provides an ability for the City to budget so as to be able to fairly compensate the owners if they sell.
- There are no designations of land off-shore included in this amendment because the City cannot show designations on land the City does not own. Improving the water quality off-shore will require further study down the road.

Joe Miotto, Stonefield Development Consultants:

- Gave an overview of the study process and how they came up with three scenarios and then the preferred land use scenario now before Council.

Staff:

- The OCP amendments set the stage for the proposed generalized land use plan.
- Most of the area today is zoned RU1 so before just about any project could proceed, the land would have to be properly rezoned and specifics of the proposed land use would be dealt with at the rezoning stage. For most types of development, a Development Permit application would be required to deal with design issues, and then a Building Permit would be required.



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- The plan as recommended, can help fulfil community objectives to increase public access to and along Okanagan Lake, help trigger redevelopment in the Cedar Avenue area, and help realize the recreation and road network consistent with the sector plan. The plan also links the town centre (referred to as Pandosy on the Lake) to the lake.
- Explained the survey response matrix formulated from public input into the plan.

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

**Opposition – letters from the following:**

- KLO Central Neighbourhood Association
- Bob & Rachel Whitehead, 3010 Abbott Street
- Gary Hsu, 2994 Abbott Street
- Dr. & Mrs. Hector Moir, Watt Road
- Carolyn MacHardy, 3110 Walnut Street
- Michael Currie, 3142 Watt Road
- T.A. O'Farrell, 2982 Abbott Street
- James Erhardt, 3264 Watt Road (2 letters)
- Judy Dickson, 3134 Walnut Street
- Lily Wiren, 3135 Walnut Street
- Linda, George and Phil Currie, 3142 Watt Road (3 letters)
- Roger Hume & Beverly Shortreed, 2736 Abbott Street
- James Walasko, 301 Meikle Avenue
- Paul Clark & Karen Clark-Mol, 3002 Abbott Street
- Dawn E Mitchell, 447 Groves Avenue
- Carol & Joe Czech, 431 Newsom Avenue
- Brian Large, 2617 Abbott Street
- Jan & Peter Woolsey, 3172 Watt Road
- Larry Widmer, Cedar Avenue & Walnut Street
- J.M. Edworthy, 2668 Abbott Street
- Monica & Grudin Dutot, 3184 Walnut Street
- Paula Scutt, Watt Road
- Stephen & Cindy Fuller, 441 Groves Avenue
- Janice Ott, 3154 Walnut Street
- Marnie Sullivan, 2515 Dunsmuir Road
- Linda Brena-Ghezzi, #13 414 West Avenue
- Jack & Carol Campos, 426 Newsom Avenue
- Jane Hatch & Warwick Shaw, 3124 Walnut Street
- Bruce Ritchie, 360 West Avenue
- David Fitzpatrick, 2948 Abbott Street
- Beverley Krakau, 454 Morrison Avenue

Opposed generally on the basis that current OCP-designated parkland would be sold for Commercial use; impact of increased traffic on the Abbott Street recreational corridor; concerns about the impact filling in the lake would have on the environment, on Fascieux Creek, and the wildlife that feed from the shallow lake waters that will be filled; the lake current would be disrupted and cause erosion and deterioration of the beach, changes to the configuration of the shoreline would negatively effect a property on Meikle Avenue because of the portion of the legal property description is covered by water; a Hotel/Resort use is irreversible and would be difficult to change in the future and such a facility would introduce increased noise, congestion and crime to the area; lack of parking; negative impact on lifestyle/atmosphere of the neighbourhood; a highrise resort hotel would obstruct the view of the lake; and the lake is too shallow for a marina.

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- Lance Gunnlangson & Iona Howell, 448 Groves Avenue
- Pauline Wignall, 417 Cedar Avenue
- Robert & Jacqueline Tames, 117 Groves Avenue

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

Paul Clark, 3002 Abbott Street:

- Speaking on behalf of the KLO Neighbourhood Residents Association.
- The Association collected their own survey of the neighbourhood opinion (submitted a copy); that survey concluded that an overwhelming majority oppose a hotel/resort development on the waterfront.
- The Association is of the opinion that the consultant's results are flawed although well intended.
- Opposed to the proposed OCP amendment because land that is clearly identified for park use is being designated for commercial use.
- A hotel resort would be better built in an area already zoned for that use.
- Asked that Council reject the proposed OCP amendment and instruct City staff to hold further meetings with the area residents to develop a revised OCP amendment.
- Asked that the 11 City-owned properties along the foreshore not be permitted to remain in their current deteriorating condition.

John Zeger, Citizens for Responsible Community Planning:

- A resort hotel is not what the neighbourhood desires; the responses were not representative of the community.
- Urged Council to reject the proposed OCP amendment and to retain the existing future land use designations in the Cedar Avenue area.

Bob Whitehead, 3010 Abbott Street:

- One of the scenarios considered by the consultant (scenario 2) specifically says hotel/resort. This is a LULU (Locally Unwanted Land Use) not a Not In My Back Yard (NIMBY).
- Abbott is a recreational corridor used by people from the entire community. Do not want to introduce more traffic on Abbott.
- Infilling the lake is important because otherwise there would not be enough land to develop a hotel and have green space around the hotel. It could be years before infilling the lake gets approved by the Province, if at all. Suggest that in the meantime, the City-owned properties, which are being allowed to deteriorate, be developed as park.

Chris Abrahams, 416 West Avenue:

- Homes are the largest and most important investment for most people. Increasing the densities in this area is an invitation to redevelopment and that seems to be being hoisted on the residents of this area. Let the neighbourhood revitalize itself. The residents like the neighbourhood specifically because it is older.
- Would like the area to stay a single family neighbourhood.

Michael Neill, 3132 Watt Road:

- The OCP is a publicly developed document.
- The majority want to get on with developing a park and improving the Abbott Street corridor.
- Many people in the area would love to improve their homes but are concerned about being sandwiched between condominium developments.
- Street improvements are needed and would be stunning if made.
- This is an old and rare single family neighbourhood. The people do not want densification or commercialization.
- The proposed OCP amendment is telling everyone to get out and make way for redevelopment; complete disregard for the opinion of the residents.

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- Marian Grimwood, 4574 Doeksen Road:
- Hotel/resorts on water also have marinas. Oil and gas from boats would harm the water quality of the lake.
  - The neighbourhood wants a park.
  - Council should consider the needs and expectations of the community and reject this OCP amendment.

- Margaret (Beverly) Sisett, 3112 Watt Road:
- The City has lost sight of the priorities needed for its citizens, tax payers and business owners and is putting tourism dollars before the people.
  - Cannot displace our parks and beaches for resort hotels.

- Monica Dutot, 3184 Walnut Street:
- Motorists see Watt Road as a speedway making it unpleasant. Consider closing off the end of Watt where it meets Walnut so that only the residents living there and users of the recreational path have access.
  - Read a letter from Paula Scutt, Watt Road, opposing the proposed OCP amendments and suggesting alternative uses for the City owned property and other properties in the area.

- Mike Currie, 3142 Watt Road:
- Agreed with all the comments made by previous speakers
  - A hotel/resort would be totally incompatible with this residential area.
  - Questioned the methodology employed in the consultant's report for gauging public support.
  - Would support the Pandosy/Cedar Avenue area developing similar to the Kitsilano area in Vancouver.

AUTHORIZATION TO CONTINUE MEETINGMoved by Councillor Blanleil/Seconded by Councillor Cannan

**P495/04/05/18** THAT pursuant to Section 5.5 of Council Procedure Bylaw No. 9200, this Public Hearing be permitted to continue past 11:00 p.m.

Carried

- Anne Laurie, 2620 Abbott Street:
- Concerned about putting a 'significant land mark building' on the lake front and about the impact on views.
  - Read her letter opposing the OCP amendment. Prefers the future land uses in the 1992 OCP, wants to retain the existing village character and quality of life.
  - The only park in the area would be Kinsmen Park if the land at the end of Cedar Avenue is not developed as park as indicated in the current OCP.

- Garth Vickers, 447 Groves Avenue:
- Agrees with many of the comments made tonight.
  - People are fixing up their existing homes and building new homes including duplexes and suites and condos on Abbott Street and there are great shops on Pandosy Street.
  - Park land does not always have to be for swimming.
  - Encouraged Council to proceed in the direction of the current OCP and develop the land the City has acquired as park.
  - There is room for increased density in the area and would support tasteful development that is not too high and is tiered.

Carole Halton, 2820 Pandosy Street:

- The public consultation process was flawed and the results are misleading with respect to the desired uses in the area; the results do not reflect the feelings of the majority of the residents.
- The area is desirable and sought for business and residential.
- The area is referred to as Pandosy **Village** by the Lake. To date new development has respected the maximum 4 storey height, receding from Pandosy to the lake.
- The Cedar Avenue beach end was to be expanded as a neighbourhood access park and the majority of the lots the City purchased were acquired for that purpose.
- If the public trust in the OCP is diminished then a lack of faith in the democratic process evolves.
- Urged Council to restrict the density to accommodate the village concept.
- Would not want to see commercial extend north of Cedar Avenue.

Albert Weisstock, 3195 Walnut Street:

- Representing Witmar Holdings and himself, owners of six lots on Meikle Avenue and two on Cedar Avenue. They acquired these properties based on the proposed densification of the Cedar Avenue area which has been on the books for many years.
- Was not contacted by the residents association or any community group regarding any of the comments made tonight.
- In his opinion, the consultant's report correctly reflects the attitude of the people at the meetings that he attended.
- As a compromise, the City could push the west boundary of the Commercial area further east and reclaim some of the lots designated as park along the water.

Barry Johnson, 3126 Watt Road:

- Could accomplish the redevelopment objectives and address the concerns of the neighbours if staff brought back an altered plan. Displayed his idea of a plan for the area.
- There is a unique opportunity to do something special on the waterfront in this area because the road end can be closed off.
- Could limit the size of the hotel to a small eclectic boutique hotel (instead of a resort hotel) with the number of rooms restricted to 20-40 rooms. A hotel does not need a restaurant to be viable.
- Could also restrict commercial uses on the waterfront from renting powered watercraft.
- The City should sell the northerly two lots as single family residential lots; the people who buy them would know in advance to expect commercial next door.
- The people in the area do not want to pay to renovate because of the uncertainty that they could end up with a land assembly next door.
- Suggest that City staff be requested to bring back a plan more in tune with what the residents want.

Valerie Hallford, Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS):

- Read a letter from FRAHCAS opposing the proposed OCP amendment.
- Concerned that with no limit put on what can be done under the commercial zoning, a Walmart or Home Depot could move into the Cedar Avenue area.
- Tourism is important to the city but not at the sacrifice of our residents.

Roy Halls, business owner on Pandosy (Sallywags Junction):

- The proposed changes will be devastating for the people whose property will be affected.
- The Pandosy Village area will grow and flourish without the City forcing higher density.
- Need to protect the area from exploitation by developers and to stop and listen to the residents concerns and wishes and build a better not bigger Kelowna.

Public Hearing

May 18, 2004

Public HearingMay 18, 2004Gail Temple, 1453 Mission Ridge Drive:

- Should be drawing people toward the lake for the area to really be 'Pandosy on the Lake'.
- It would be a mistake for changes to the area to be developer driven and on a piece-meal basis.
- The proposed OCP amendments put forward a vision for revitalizing the area.

Keith Funk, New Town Planning:

- Is part of a consulting team for an apartment application within the moratorium area.
- The OCP envisages the commercial area on Pandosy being connected to the lake. The Area Sector Plan identified that we want to come down Cedar and make a footprint on the lake.
- Asked that Council respect the promises made to the business community noting that any commercial development that occurs would be market driven.

Linda Brena-Ghezzi, 414 West Avenue:

- Development along the lake shore should be low lying and not block the lake view.
- The foreshore should be accessible to residents and tourists alike.

Gaudin Dutot, 3184 Walnut Street:

- Moved to this area from Carrs Landing in order to be close to shopping, the hospital, the lake, and still be in a peaceful area. Was told that the properties along the lakeshore were owned by the City and that the City was contemplating a park along the lake. It was on that basis that they bought their property.
- Would like to see the Abbott Street recreational corridor extended along Walnut and Watt Roads.
- More density for this area is unthinkable. Councils are elected to listen to the wishes of the people and those wishes have been made clear tonight.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 12:27 a.m.

Certified Correct:

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Mayor

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Acting City Clerk

BLH/am