

Public HearingJuly 13, 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, July 13, 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, R.D. Hobson*, E.A. Horning and S.A. Shepherd*.

Staff members in attendance were: Acting City Manager, R.L. Mattiussi; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Acting Council Recording Secretary, I. Tilstra.

1. Mayor Gray called the Hearing to order at 7:00 p.m. and explained that due to the anticipated length of the public hearing this evening, the Public Hearing would be briefly adjourned to deal with the few items on the Regular Meeting agenda, before resuming to complete the Public Hearing agenda. The bylaws from tonight's Public Hearing will not be debated tonight.

ADJOURNMENT

The Public Hearing was adjourned to the Regular Meeting at 7:03 p.m.

RECONVENING OF MEETING

The Public Hearing was reconvened at 7:54 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 consideration which will take place at a later date.

The Acting City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on June 25, 2004, and by being placed in the Kelowna Daily Courier issues of July 5-9, 2004, and in the Kelowna Capital News issue of July 4, 2004, and by sending out or otherwise delivering 630 letters to the owners and occupiers of surrounding properties on June 25-28, 2004 and July 6, 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 **822 Lawrence Avenue**

- 3.1 Bylaw No. 9261 (Z04-0028) – Isha Blue (Peter Chataway) – 822 Lawrence Avenue – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 42, Block 15, DL 138, ODYD Plan 262, located on Lawrence Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding House zone.

Staff:

- The rezoning would allow for a 7-room boarding house on the subject property.
- Sufficient parking is provided off-lane to accommodate the parking requirement of five spaces.
- The City's business license bylaw requires that the holder of the business licence live on site.
- Staff have not received any complaints related to existing boarding homes.

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

- letter from Ben & Gina Funfer, 840A Lawrence Avenue
 - letter from Duncan & Jane Morgan, owners of 840A and 840B Lawrence Avenue
- Opposed generally because of concerns about lack of parking, the type of tenants the boarding house could attract, and approval of the variance could encourage applications for similar variances in the area.

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

Jane Morgan, owner of 840 and 840B Lawrence Avenue:

- Opposed because of the perceived connection between low-income residents and boarding houses; low-income housing is not what she wants right next door; and here is potential for 14 extra cars in the neighbourhood, which is already over populated.

There were no further comments.

3.2 142 Celano Crescent

- 3.2 Bylaw No. 9262 (Z04-0039) – Gary & Beverly Billings (Liz Bennett) – 142 Celano Crescent – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 30, Section 4, Township 23, ODYD, Plan KAP46412, located on Celano Crescent, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium Lot Housing with Secondary Suite zone.

Staff:

- The purpose of the application is to legalize an existing suite in the lower floor of the building.
- The application meets all zoning bylaw requirements, with a large driveway providing ample parking on site.
- Staff have no concerns about the proposed change in land use, recognizing the mix of uses in the area and that there is no need for further changes to the existing suite.

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

- letter from Harold Heyming & Evelyn Wright, 114 Verna Court, opposed because of concerns about the lack of parking and noise.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward.

There were no further comments.

3.3(a) 914 Craig Road

- 3.3(a) Bylaw No. 9259 (OCP04-0005) – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road – THAT Map 15.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot A, Section 26, Township 26, ODYD Plan 19712, located on Craig Road, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation.

See discussion under 3.3(b).

3.3(b) 914 Craig Road

3.3(b) Bylaw No. 9260 (Z04-0012) - – J97 Construction Ltd. (Gary Tebbutt) – 914 Craig Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Section 26, Township 26, ODYD Plan 19712, located on Craig Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone.

Staff:

- An OCP amendment (northern two-thirds of the property) is requested to pursue a row housing or townhouse concept for the property. The southern portion is already zoned RM3 - Low Density Multiple Housing.
- The proposed project would be comprised of 60 two-storey units, with access off Craig Road at either end of the site.
- Each unit would have individual single car garages situated in front, with an additional parking space stacked in front of the garage door.
- The Advisory Planning Commission does not recommend support of the application because of concern about compatibility of the proposed project with the existing area and the potential drain on the school system.
- The applicant met with the Rutland Resident's Association (RRA) and responded to their concerns by adding 12 on-site visitor parking spaces. The RRA has submitted a letter of support for the application.

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

Opposition:

- letter from Bea van den Eerenbeemt, 622 Hartman Road
- letter from John A. McIntyre, 1200 Sycamore Road
- letter from Michelle D. Majeran, 452 Wigglesworth Crescent
- letter from Shawna Forrest & Christopher Zimmermann, 471 Fizet Avenue
- letter from Mark Schaefer, 973 Fizet Court
- letter from Bonnie Gosselin, 985 Fizet Court
- petition bearing 75 signatures

Opposed generally on the basis that there would not be enough room in the local schools to accommodate the increase in enrolment, increased traffic congestion, lack of parking, and the character of the neighbourhood and the value of surrounding properties would be negatively impacted.

Support:

- 4-page summary of the application submitted by the applicant

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward.

Gary Tebbutt, applicant:

- Extending the zoning from the bottom third of the site to the rest of the site is not a radical departure from the OCP.
- A contact at the School Board has indicated that a waiting list already exists for Rutland Elementary, likely due to the change in rules allowing for parents to apply to send their child to any school of their choice without boundaries.
- Unused capacity at Rutland Elementary is 200 students, based on School Board figures, the proposed project would generate only 30 students.
- A traffic impact study conducted by Stantec Consulting indicates that only a 5% increase would occur, with minimal impact. The consultant's report expresses no concern about congestion or safety.

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- With the additional 14 visitor parking spaces parking requirements are exceeded.
- Illegal suites have caused parking overflow in the area; this development allows for enforcement of rules within the strata project (i.e. prohibit any rental suite type of development within the project).
- The development is not low cost, but affordable housing, at \$185,000-\$195,000 for a two storey plus unfinished basement townhome. Housing at the same design and finish has been selling for an average of \$239,000 according to the MLS average for 2004.
- The circular driveways mean that residents do not back onto adjacent streets.
- A sidewalk would be installed all along Craig Road, as well as a new sidewalk on McCurdy and Hartman. Pedestrian linkages have been accommodated.

Bruce Simpson, 950 Maygard Road:

- Opposes the application. The neighbourhood does not support this project.
- The additional units, plus development already approved but not completed, would add considerable traffic (35%) to the area, increasing safety concerns.
- Property values would decrease.
- Parking is a huge issue and the 14 additional spaces are not enough.
- Craig is a very narrow street that does not allow for on-street parking.
- Was not contacted by the RRA and does not feel that they represent his opinion on this issue.
- Renters could cause problems - traffic, noise, parties. Vandalism and theft already occur in the area.

Cathleen Loge, 954 Friesen Road:

- Opposes the application. The already densely populated area cannot handle another 60 families.
- There is no more room at Rutland Elementary and bussing to other schools is not available. There would likely be more than 30 children among the 60 families.
- Main concern is the number of units which the applicant has done nothing to address.

Verna Simpson, 950 Maygard Road:

- Area resident for 17 years, opposes the application.
- The area has seen a progressive increase of traffic and congestion, due to the many amenities (schools, the YM/YWCA, the gymnastics club, soccer fields, BMX fields, skating rinks). In addition to local residents, residents from other areas come to Rutland for these amenities.
- Was not contacted by the RRA, and did not know about the proposal until the signs for the APC hearing were posted.

Sherri Williams, 391 Phipps Crescent, Rutland Elementary PAC President:

- School capacity is an issue, as well as increased traffic on Craig Road, which is used by students travelling to and from school.
- Traffic and parking are huge issues already; the proposed development contains too many units for the area.
- RRA members come from all parts of Rutland and do not necessarily represent the residents of the neighbourhood adjacent to the subject property.

Jack Newton, 468 Fizez Avenue:

- Is adjacent to the subject property and opposes the application due to the high density.
- Supports the existing OCP designation.

Public HearingJuly 13, 2004Tom Metz, in adjacent cul de sac:

- Opposed the proposed density. Supports the original OCP designation; has heard no beneficial arguments for the development.
- The more people there are in an area, the more there is of everything, good and bad.
- Was told that there is a waiting list for enrolling children at Rutland Elementary.
- Was not contacted by the RRA and feels that his neighbours were likewise unaware of the RRA's letter of support for the development.

Susan Murtagh, 964 Maygard Road:

- Opposed because of concern that the proposed increase in density would compromise children's safety walking to school.
- Questioned the validity of the traffic report dated April 2001 and wondered about the traffic impact of subdivisions subsequently approved as well as the summer activity in local sportsfields.
- Illegal suites and multiple families living in single family dwellings have placed a great deal of pressure on parking supply in the neighbourhood already. Does not feel that a strata act would be any more enforceable.
- Has personally experienced vandalism in the neighbourhood.

Michelle Majeran, 452 Wigglesworth Crescent:

- Before purchasing her new Rutland home several months ago, did as much research as possible and included future density information provided in the OCP in her consideration of whether to purchase.
- Is opposed because the application would change the dynamics of the neighbourhood. The perspective of the current residents should be taken into consideration by Council.
- The already high noise levels due to the existing density and the airport would increase with the additional density.
- The APC's recommendation of non-support for this application should be duly noted.
- Pointed out that only 25 people attended the RRA meeting which supported the application, compared to the petition before Council which contains 75 names in opposition.
- Concerned about children's safety walking to school and about the increased demand on the school.

Mark Schaefer, 973 Fizet Court:

- Opposes the application. Took into consideration future plans outlined in the OCP when he purchased his home.
- There is already parking and traffic congestion. Many children use Craig Road to walk to school; traffic pulling out of the development is a safety concern.

Candice Newton, 468 Fizet Avenue:

- The traffic study was done before the expansion of RRS, the building of the new YMCA, the addition of a new gymnastics club, a new school and a new subdivision, all of which have resulted in a dramatic increase in traffic.
- Concerned for safety of children going to school.

Gary Tebbutt, applicant:

- The traffic study was completed in May of this year.
- If the subject property were developed to the maximum allowed by its current designation in the OCP, there would be between 35 and 44 units.
- Many adjustments have been made to the plan to address concerns expressed by the RRA, the City's planning department and residents who attended the APC meeting.

- Would be willing to discuss options for sidewalk upgrades to increase pedestrian safety.
- Strata Corporations have the ability to enforce their bylaws. The developer is prepared to have those bylaws written prior to beginning development if that would help alleviate resident concerns. Items that can be addressed include illegal suites, additional families and vehicles in the street, etc. While strata bylaws can be changed by the strata council, they are unlikely to make changes that would lead to the deterioration of their community.
- The excess capacity figures and anticipated number of students in this type of development came from the school board.
- The proposed units will be owned.

3.4(a) 530 Sarsons Road and 4392 & 4388 Lakeshore Road

- 3.4(a) Bylaw No. 9256 (OCP02-0003) – Gazelle Enterprises Inc./Green Projects (Grant Gaucher) – 530 Sarsons Road, 4392 Lakeshore Road, 4388 Lakeshore Road – THAT Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 be amended by changing the Future Land Use designation of part of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C., from the “Multiple Unit Residential – low density” designation to the “Commercial” designation.

See discussion under 3.4(c).

3.4(b) Adds Public Libraries and Cultural Exhibits to C3 Zone

- 3.4(b) Bylaw No. 9257 (TA04-0004) - Gazelle Enterprises Inc./Green Projects (Grant Gaucher) – 530 Sarsons Road, 4392 Lakeshore Road, 4388 Lakeshore Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding “Public Libraries and Cultural Exhibits” to the list of permitted principal uses in the C3 – Community Commercial zone, and by adding “Community Recreation Services” to the list of permitted secondary uses in the C3 – Community zone.

Withdrawn from the agenda in order to consider the proposed text amendment independent of the Sarsons/Lakeshore Road development and in order that all of Council can participate in discussions regarding the text amendment.

3.4(c) 530 Sarsons Road and 4392 & 4388 Lakeshore Road

- 3.4(c) Bylaw No. 9258 (Z02-1012) - Gazelle Enterprises Inc./Green Projects (Grant Gaucher) – 530 Sarsons Road, 4392 Lakeshore Road, 4388 Lakeshore Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone, and by changing the zoning classification of Lot 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone.

Councillor Shepherd declared a conflict of interest because direct family members live across from the subject property and left the Council Chamber at 10:02 p.m.

Councillor Hobson declared a conflict of interest because of past history between the subject property and his family property and left the Council Chamber at 10:02 p.m.

Staff:

- Only the OCP amendment and rezoning applications are being considered; the text amendment has been deferred.
- The subject property has recently undergone a lot line adjustment.
- The portion of the property fronting Lakeshore is under consideration for rezoning to RM3. Development permit and variance applications are underway as well.
- The development plan includes some semi-detached structures and a three-storey apartment building with an underground parkade, as well as commercial in both the main building and two separate buildings. The development is centered around a central pedestrian plaza.
- The store frontage leads to a pedestrian walkway, creating a village feel.
- The apartment building could yield 58 units, with 25+ units in the other buildings. At this time, the final number of units has not yet been determined as more units may be added above the separate commercial buildings.
- The development plans include 40,000 sq. ft. of ground floor commercial in the main building, with an additional 8,000 sq. ft. within the basement level of the structure and 3,000 sq. ft. of office space for the developer's own administrative uses. A 1,000 sq. ft. room for community meeting space is also included, for a total of 12,000 sq. ft. over and above the 40,000 sq. ft. commercial limitation at ground level.
- The applicant has agreed to allow a restrictive covenant to be registered upon positive conclusion of the application. The City has received legal advice that a covenant submitted with a rezoning application and considered at a public hearing would require another public hearing to amend.
- The covenant has restricted uses, not permitting such things as an amusement arcade, drive-through food service, gas bar, hotel, motel, pawn shop, thrift shop, adult videos ,gaming or neighbourhood pub. The total area of each ground floor operation for which a business license has been issued is not to exceed 8,000 sq. ft.
- Total commercial space for the development is approximately 25%, leaving residential use at just upwards of 75% of the built-out floor area.
- Some components of the application are consistent with the current OCP designation; RM3 zoning is consistent with the designation of low density multi family housing. Zoning bylaws do not consider building height, but number of units, setbacks and floor area in relation to lot size. From a planning policy perspective, the proposed multi family residential development is consistent with the direction of the OCP.
- The OCP contains a hierarchy of commercial nodes. The property under consideration is not one of them. This application exceeds the floor space limitation. Staff's report acknowledges that the approximately 7,000 sq. ft. of fitness area and community hall could be considered commercial but is also found under land use designations other than commercial.
- The applicant has revised the development plans several times to address staff's concerns regarding the amount of commercial originally proposed.
- A commercial impact study has been submitted, based on a large anchor food tenant. The commercial component of the development no longer includes one large tenant.
- The commercial impact study found that there was room in the study area for 64,000 sq. ft of demand in addition to that which exists already, with projections as high as 88,000 sq. ft. of demand by 2112.
- The Advisory Planning Commission (APC) reviewed the original application and the revised application. The APC supported the overall land use plan (commercial and multi family) but not the development permit or variance permit because of concerns about the variance and insufficient buffering between the development and existing residential uses.

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- The North Mission Sector Plan completed in 1997 looked at a variety of development scenarios and illustrative concepts, general land uses, pedestrian vehicle connections, etc. Some sites in the Mission that had been anticipated to be multi family have in the intervening time been developed as single family, with the related loss of up to 700 units of potential multi family residential development in the area. The Sector Plan has no legal standing in the Local Government Act. It is a tool used in planning for the OCP, but was never intended to be adopted verbatim into the OCP.

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

Letters of Opposition

- Mr. & Mrs. Gordon Johnson, 664 Greene Road
- Colin Comfort & Carmel Anderson, 545 Sarsons Road
- Conrad Zintel, 115-1995 Burtch Road
- Ted Grimwood, #109-2303 Leckie Road
- Marian Grimwood, 4574 Doeksen Road
- Tony McCarthy, 945 Bartholomew Road
- Gail & Don Lewis, across the street from subject properties
- Joan & Nelson Scott, no address
- George Ewonus, 451 Cascia Drive
- Hilde Bartl, no address
- Mary Braun, 31558 Monte Vista Crescent, Abbotsford
- Louise Coombes, 36028 Spyglass Court, Abbotsford
- Julie McMahon, 531 Brome Crescent
- Richard Drinnan, 669 Greene Road, along with a package of 10 letters
- Peter Dill, 540 Swaisland Court
- Donna Elliott, 4366 Kensington Drive
- Rob & Carol Price, Swaisland Road
- Christine Collins & Tyler Galts, 649, Greene Road
- Gail Wright, 4366 Bray Street
- Mark Sadlowski, 508 Sarsons Road
- Annett Olsen, 4479 Walker Road
- Allan & Debbie Jantz, no address
- Mickey Patryluk, no address
- Mr. G. Panago, 493 Sarsons Road
- Quentin Dyck, 4370 Kensington Drive
- Lore Wiggers, 154 Timberline Road
- Peter & Rosemary Wilson, 855 Woodhaven Court
- Arlyne Wilson, Upper Mission Resident
- John & Kirsti Grain, 4452 Lakeshore Road
- David & Raye Swanzey, no address
- Gail & Karl Hourigan, 4438 Pinegrove Road
- Victor & Fran Pratico, 4393 Lakeshore Road
- Mr. & Mrs. C. Roth, 640 Tomby Crescent
- Anne-Marie De Vos & Adair Banerd, 570 Brome Crescent
- Ann & Ray Bostock, 4329 Lakeshore Road (2 letters)
- Gerry & FranCeen Herron, Bullock Road
- Peter & Teresa Bouchard, 500 Sarsons Road
- Bill & Charlene Corbett, 515 Sarsons Road
- Lauren Pisesky, 4128 Lakeshore Road
- Al Blanke, 729 Tozer Court
- Paul, Jackie, Nathalie, Anthony & Renee Kurkjian, 4305 Hobson Road
- Larry Koftinoff, 371 Uplands Drive
- Debbie Mah & Dave Pavitt, 585 Sarsons Road

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- Brenda & Bob Bennett, 4276 Simeon Court
- Judy Lohmieier, 462 Collet Road
- Ron & Lane Shupe, 4397 Hobson Road
- Kathy & Gerry Stevenson, 504 Sarsons Road
- Ronald Dimos, 4373 Kensington Drive – 1 letter with package
- Lee Dimos, 4373 Kensington Drive
- Ron Le Stage, Vice President, Okanagan Mission Resident Association
- Wayne Pierce, no address

“LATE” Letters of Opposition

- David & Terese Gillam, 452 Knowles Rd (2 submissions)
- Shirley & Slavko Prancic, 462 Knowles Road
- Annette & Byron Howie, 4524 Walker Rd
- Patricia Rockwell, 540 Knowles Rd
- Janice Byers, 442 Eldorado Rd
- Leo Jegen, 4514 Eldorado Ct
- Norma Jegen, 4510 Eldorado Ct
- Florence Colbeck, 482 Knowles Rd
- Rob & Diane Blatchford, 504 Knowles Rd
- Dan and Helen Wiens, 492 Knowles
- Lydia & Sadie Yoder, 459 Knowles Rd
- John & Frances Mangold, 450 Knowles Rd
- Sheila Davidson, 4322 Hobson Rd
- Kelly & Andy Walker, 634 Tomby Ct
- Brenda Mouat and Derek Conlin, 4315 Hobson Rd
- Janine Goodall
- Brenda Gloster, 811 Coronado Cr (two submissions)
- Dave & Bobbie Stake, 565 Sarsons Rd
- Philip, Micky, Marissa and Ashley Barkworth, 4338 Dunvegan Ct
- Gerry Main, 639 Tomby Ct
- Jennifer & Greg Mathews, 810 Coronado Cres
- Lorna & Jason Martin, 812 Riley Ct
- Joellen & John Broughton, 4021 Belmont Rd
- Ron & Deanna Fretwell, 1459 Blueridge Rd
- William Arkinstall, 4-757 KLO Rd
- Barbara Hallick, 498 Sarsons Rd
- Ron Hallick, 498 Sarsons Rd
- Barbara Froehlich & Randy Kuntz
- Mark Sadloski
- Catherine Comben, 439 Curlew Drive
- Ross & Lynn Langmaid, 506 Sarsons Rd
- Bernie Koftinoff, 371 Uplands Drive
- Greg & Judi Wallace, 4330 Kirkby Ct
- Pat & Carolyne McLellan, 540 Brome Cr
- Dianne LeDuc, Walter Shulhan, Freya Rose
- Carol Taylor, 450 Carona Cres
- Hollie Thomas and Gary Toombs, 4495 Swaisland Rd-
- Laurie Koss
- Mr. & Mrs. Beutle
- Joe & Betty Southerden, 496 Sarsons Rd
- Debbie Lawlor, 4090A Hughes Rd
- Vi Coe, 310-1779 Pandosy St
- Ian McLean, 487 Sarsons Rd
- Alan Bradley, 381 McCarren Ave
- Carol Burns, 624 DeHart Rd
- Andrew and Elizabeth Daley, DeHart Rd
- Maia Main, Tomby Ct
- Gordon & Deborah Froese, 673 Greene Rd

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- Darrell & Dian Brucks, 670 Greene Rd
- Bernadette and Nick Gammer, 4360 Gordon Dr
- Don Graham, 718 Paret Road
- Gail & Tom Weddell, 5332 Lakeshore Rd
- Clare & Herb Fitchett, 561 Brome Cr
- Patricia & Brian Todd
- Gail Scanlan, 710 Vance Ave
- S. Paul Myers, 438 Farris Rd
- Patti Stone, 4315 Lakeshore Rd
- Linda Myers, 438 Farris Rd
- Mal Fancy, 4443 Pinegrove Rd
- Michael Plover, 4456 Swaisland Rd
- Richard Woolley, 4283 Turner Rd
- Allison Kulik
- Ronald Dimos
- Al Kania, 4361 Edinburgh Ct
- Barbara Lawrance
- Susan Fairweather, 4429 Lakeshore Rd
- Gerry and Franceen Herron, 887 Bullock Rd
- Jeffrey Eppler, 4328 Kirkby Ct
- Susan & David Bain, 4649 Fuller Road
- Steve Guidi
- Hamish Thom, 575 Sarsons Rd (opposed to rezoning)
- Gord Johnson & Family, 664 Greene Road
- Heidi & David Bruce, 674 Green Rd
- Murray Peissard, 476 Barkley Road
- C. Whyte
- Lynne and Alistair Ballie, 486 Bayhill Place
- Jeffrey and Leslie Merrell, 682 Greene Rd
- Yvette & Glenn Delcourt
- Steven Krywulak, 555 Sarsons Rd
- Ted Schoepp, 628 Tomby Ct
- Gillian Barany, 404 Viewcrest Rd
- Scott, Karen, Mary and Danielle Alexander, 586 Sherwood Rd
- Joan Fry, 541 Swaisland Ct
- Annette Stevens, Lysons Cr
- Don Berger, Ethel Valiant and Family, Raymer Rd
- Crystal Ratzlaff, 405 Viewcrest Rd
- Jack & Laurie Oliver, Lakeland Rd
- James Quirk
- Janet & Kevin Kean, 4361 Kensington Dr
- Christina Pelsma-MacMahon
- Darcy & Karen Alexander, 453 Hobson Cres.
- Walter & Elaine Krohman, 4371 Lakeshore Rd
- Leanne Rodgers
- Rick & Doreen Shandro, 1030 Bartholomew Ct
- Karl, Marie, Robert and Eva-Marie Blazek, 4294 Hobson Rd
- Bob Posadovsky, 418 Collett Road
- Eleesha Halluh, 498 Sarsons Rd
- Murray Peissard, 476 Barkley Rd
- Susan Quirk, Lower Mission Resident
- Doug & Linda Ward, 4835 Parkridge Drive
- Margaret Dwernychuk, 469 Cascia Drive
- Eric Prehofer, 4600 Lakeshore Road

REASONS for Opposition:

- Generally on the basis that the Official Community Plan should not be changed; there is already enough local amenities in the area; undue hardship to current small business owners; lack of parking; increased traffic congestion; safety of the children, walkers, cyclists ; quality of life would be jeopardized, -the commercial development and the 3 storey multi-unit townhouse complex would negatively change the character of the neighbourhood and result in decreased property values, increased vandalism & crime, increased litter and noise.

Other Opposition

- 'survey' of residents - 321 opposed; 18 in support.
- report from Michael Brown (Registered Planner retained by the Okanagan Mission Residents Association)

Letters of Support

- Brock Aynsley, 3893 Casorso Road
- Kathleen E. Mackenzie, Mission Resident
- Scott Meckling, 4342 Dunvegan Court
- Loretta Beamish, Mission Resident
- Terry & Trisha Devenish, 674 Dehart Road
- Murray Chalmers, Mission Resident
- John & LeeAnn Brachman, 388 Viewcrest Court
- Sacha Kuettel, Kettle Valley Resident
- Myrna White, Lakeshore Road
- Neil Janssen, 362 Stellar Drive
- Robert & Janice Jones, Upper Mission Resident
- Betty Ford, 4581 Gordon Drive
- Vincent Bezeau & Frances Bezeau, 614 Dehart Road
- Lori Schauer, Mission Resident
- Peter Cosmann, 404 Farris Road
- Diane Bold, 4883 Parkridge Place
- Faye Sheldon, Buck Road
- Dr. John Falconer, 1500 Woodridge Road
- Courtenay Pitcher, 636 Drummond Court
- Grace Pontes, 4488 Gordon Drive
- Peter C. Ballem, 609 McClure Road

"LATE" Letters of Support

- Albert Jones, 660 De Hart Road
- Tony Marsh, 744 Barnaby Road
- Brock Aynsley, 3893 Casorso Road
- Jennifer Goett
- Joan Dunbar
- Chantal Couture
- Anne Marie Kirby, 807 Coronado Crescent
- Brian Ulveland, 475 Sarsons Road
- Greg Meier
- B & S Gooder
- Trisha Webster
- Robby Newmarch, 432 Okaview Road
- Glen Cochrane, Collett Road
- Vince & Fran Bezeau, 614 Dehart Road
- Noah Quillevere
- Gary & Sheila Venables, 1450 Mission Ridge Drive
- Kari & Clark Purvis, 1505 Crawford Road
- Dianne Hiebert, 383 Viewcrest Court
- Karen Hollemeyer
- John Thiessen
- Yvonne Nichol
- Sean & Sue Guidi

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- Don and Mary White, 833 Steele Road
- Jim Kay and Peggy Athans, 856 Steele Road
- George & Sheri Braun, 4730 Lakeshore Road
- Tracey Dahle, 650 Welke Road
- Don Lyons
- Shanti Handley, 337 Tanager Drive
- Susan van Heerden, 634 Barnaby Road
- Heather McEachern, 350-1855 Kirschner Road
- R. Dow Reid, 32-2200 Gordon Drive
- Doreen Llyon
- Kathleen Mackenzie, 612 Almandine Court
- Gavin Leigh, 310 Braeloch Road
- Julie Watson, 353 Truswell Road
- Shawn Manson, 640 Welke Road
- John Bannerman, 694 McClure Road
- Heather Thesen, 4343 Beford Road
- Peter and Susan Schultz, 396 Braeloch Road
- Jamie, Luba, James and Lisa Blair, 464 Cascia Drive
- M.J. Van Montfoort (653 Drummond Court) (two submissions)
- Janneke Speckman (646 Drummond Court)
- Heather Haworth
- Peter Ballem, 609 McClure Road
- Kenna Bridge, 4624 Fordham Road (three submissions)
- Becky Thesen, 4343 Thesen Road
- Steven Threndyle, 460 Sarsons Road
- Margaret Whitbread, 4529 Lakeshore Road
- Bruce and Kim Davis, 387 Viewcrest Court
- Moe Khajavi. Torrs Road
- Don Jensen
- Ralph Stapleton
- Gial Williamson, 433 Curlew Drive
- Warren Neufeld
- John and Carolyn Carter, 419 Tulameen Road
- Armand Delisle, 4399 Lakeshore Road
- Richard Lobb, 15-4524 Eldorado Court
- Stephine Swaisland, 4881 Lakeshore Road (two submissions)
- Jill Webb
- B. & S. Donnelly
- Sue & Gerry Harris, 4464 Lakeshore Road

REASONS for Support:

- Generally on the basis that the proposal is aesthetically pleasing and conducive to maintaining a family oriented atmosphere; it makes sense to have a variety of services available for the local residents; traffic congestion in the area would be alleviated; it would encourage more pedestrian activity for residents nearby; parking would be underground; property values would increase; there is a need for local amenities; it would create employment and a more neighbourly atmosphere; closer shopping would save on gas; it would provide smaller independent living options to allow the elderly to remain in the area when its time for downsizing; it would provide affordable housing for young families in the Mission area.

Submissions from the Applicant:

- Letter of Undertaking and draft Covenant showing the reduced list of permitted uses
- Site plans for Sarsons Corner reflecting changes and updates
- Project history
- Question/Answer/Information package
- Flyer
- 30 originals/copies of Letters in Favour of the project

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- Larry Koftinoff, 371 Uplands Drive
Stating neither support nor opposition.

Moved by Councillor Blanleil/Seconded by Councillor Horning

P708/04/07/13 THAT Section 5.5 of Council Procedure Bylaw No. 9200 be waived to allow the Public Hearing to continue beyond 11:00 p.m.

Carried

Councillor Clark opposed.

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

Gail Temple, representing the applicant:

- The applicant feels this is the best mix of commercial and residential uses, resulting from extensive consultation with the community and the planning department.
- The RM3 zone would provide transition from existing residential to the C3 zone. The development is bordered by single family residential on three sides.
- The development includes internal pedestrian walkways with all the shops facing a spacious internal plaza. Extensive landscaping and art are included. There are a variety of pedestrian access walkways in addition to the various vehicular accesses.
- The development plans call for small boutique stores with a maximum of 5,000 sq. ft. The 8,000 sq. ft. referred to in the application allows for internal reconfiguration in the future if needed.
- The lower plaza, where the community meeting room and fitness centre/dance studio are located would be day lit.
- All of the buildings would include residential units above commercial with the exception of the building in which administrative offices would be located and a one-storey building located at the corner of the development.
- The development would be accessed from one point off Sarsons and two off Lakeshore.
- The development is within steps of public transit and is a walkable option for 6,000 residents within one km, reducing auto dependence and pollution from vehicles.
- Peak commuter hours do not coincide with peak hours for local schools.
- Sidewalks would be improved as a result of the development.
- The development would not negatively impact existing commercial, and the square footage will not delay other planned commercial centres.
- The development meets OCP objectives such as pedestrian design, walking distance, provision of jobs close to home, a variety of housing choices, allowing people to age in place.
- An independent survey conducted by Okanagan Research indicates 60% support for proposal. The study was a statistically significant random sample of the Mission community.

Shane Styles, 2223 Woodlawn Street:

- Supports the development. Would like to have services nearby; his parents might be interested in purchasing a unit.

Mark Sadlowski, 508 Sarsons Road:

- Opposes the application. Purchased his home based on the future land uses in the OCP.
- His property backs onto the subject property. Concerned about the impact of a 3-story apartment building hanging over his house.
- Everyone he has spoken to is against the development.
- Traffic congestion would increase with the influx of people to the area.

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Public HearingJuly 13, 2004Kathy Stevenson, 504 Sarsons Road:

- Opposed to the application. Her property backs onto the subject property. There are inadequate buffers and screening to protect her privacy.
- The development negatively impacts 7 of the 11 adjacent lots.
- She is not in favour of the commercial component and is concerned about the safety of children on Sarsons.
- The area has amenities already.

Susan Goodwin, 4450 Swaisland:

- Volunteer member of a committee of local residents who oppose the development.

Ron Hallick, 498 Sarsons Road:

- Volunteers canvassed the area west of Lakeshore from Eldorado north to Hobson, and Lakeshore east from Sharwood north to Green Road, asking residents if they were in favour or opposed to the commercial development and the amendment to the OCP. Of 338 responses, 320 were opposed (94.7%). Volunteers were up front in saying that they were opposed to the application.
- Families are moving out of the area in response to concerns regarding commercial development.

Ron Le Stage, 365 McCarren Avenue:

- Vice president and spokesperson for the Okanagan Mission Residents Association (OMRA).
- The majority of residents in the Mission do not support commercial development outside of the sector plan and the OCP.
- Questioned the applicant's survey results, as OMRA's own survey found 80% opposition.
- This proposal would weaken all existing urban centres instead of strengthening existing town centres.

Fran Pratico, 4393 Lakeshore Road:

- Has been living in upheaval for nearly four years since learning of the potential rezoning to commercial.
- Has been told the value of her property could decrease by \$50,000.
- More commercial in the area is not needed.

Larry Koftinoff, 371 Uplands Drive, Mission business owner:

- 38 businesses in the Mission disagree with the proposal on principle. Plans and financial investments have been made in accordance with the OCP.
- Services are already available in the Mission; no new jobs or spending would be created. Revenues would be transferred and diluted.
- Wondered why the planning department was now supporting an application that they did not support three years ago, when they stated that additional commercial would be redundant in the Mission area.
- When parking is included, commercial coverage of the lot is 65%.

Alan Elliott, 4366 Kensington Drive:

- Opposed to the application. The 3-story apartment building and the commercial development would change the character of the neighbourhood.
- Has no problem with the proposed townhouse component of the development.

Gail Wright, 4366 Bray Street:

- While not directly affected, objects to the application on the principle that residents place their trust in the OCP and sector plans. Residents and new purchasers need a tool that they can rely on to decide whether to stay, move or buy.

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- Eric Prehoffer, owner of St. Andrews' Square Mall:
- It is poor practice to parachute a new commercial development into the midst of other commercial nodes. There is room for expansion in the existing commercial nodes; there are size limitations in the C2 zones which are not in the C3 zones.

Eric Buckley, 4653 Fordham Road:

- From the survey information presented, it would appear that there is a 50/50 split in local opinion.
- A reduction in driving time would make a tremendous reduction in pollution, cost of fuel, maintenance and time.
- The proposal should be evaluated in an open, fair and objective manner.

Dr. Bill Arkinstall, 4856 Lakeshore Road:

- This development would be the demise of St. Andrews' mall.
- Concerned about the lack of commitment to the OCP.
- This is a very large site to stick in a primarily residential community.

Jill Johnstone, 516 Sarsons Road:

- Purchased her home with the understanding that the area was primarily large lot single family residential, with some low density multi family.
- Concerned about the invasion of privacy from the apartment building overlooking her yard and an increase in already congested traffic on Sarsons.
- The area does not need more commercial.

Jason Martin, former OK Mission resident:

- Changes to the OCP should be in the best interest of the community as a whole.
- A development of the size proposed would create safety issues and increase traffic, noise and all the accompanying negatives.
- Residential uses alone would be supported.

Vince Bezeau, 614 Dehart Road:

- The commercial development provides a chance to build a village centre meeting place for everyone.
- Is impressed by the developer's efforts to address residents' concerns.
- Supports the proposal.

John McMahon, 531 Brome Crescent:

- There are lots of children in the neighbourhood. The development would bring more traffic and heightens the risk of a traffic fatality.

Barry Longway, former OK Mission resident:

- Speaking on behalf of a homeowner directly adjacent to the subject property who is very upset about the loss of privacy in her yard and the potential drop in property value.

Len McFarlane, 419 Providence Avenue:

- Mainly concerned about the demand the increased traffic would place on roads in the area, especially in light of last summer's evacuations.
- The proposed development would affect already established businesses and future businesses in Kettle Valley.

Marian Grimwood, 4574 Doeksen Road:

- Very concerned about the increase in traffic that would be generated by the proposed development. Traffic volumes have already exceeded 2002 predictions.
- New commercial would attract new customers to the area. Offered an example from Chilliwack to illustrate this point.

Public HearingJuly 13, 2004Don McIntosh, Okanagan Research:

- Has provided reliable, professional market research for over 20 years and stands by his survey results.

Ross Langmaid, 506 Sarsons Road:

- The 3-story apartment building that would be overlooking his yard would turn his retirement dream into a nightmare.

Donald Knox, 3988 Bluebird Road:

- The North Mission and Crawford Sector Plans as well as the OCP are intended to provide guidance and direction to Council on community issues.
- Of major concern is the viability of existing commercial nodes.
- Would like to see the OCP upheld.

John Zieger, 1421 Sutherland Avenue:

- Values the credibility of the OCP and believes it should be adhered to.
- The majority of Mission residents are against development.
- The OCP is losing credibility as a planning guideline; changes should happen only in exceptional circumstances.

Gary Lupul, 4377 Kensington Drive:

- The addition of a three-storey apartment building to the neighbourhood is not in keeping with the expectations he had when he bought the house.
- Opposes the application.

Susan Quirk, 499 Sarsons Road:

- Troubled that the OCP is not respected.
- Residents are well served by existing commercial and planned commercial in other designated areas.
- Concerned about increased traffic, safety.

Michael Brown, consultant/planner:

- Hired by six Mission residents and the OMRA to address Council and oppose these applications for rezoning and OCP amendment.
- Development would significantly affect property values.
- Night time lighting in the parking lot, proximity of balconies to existing lots, etc., would all impact on his clients.
- Other three-storey buildings are zoned RM5, which he would consider this to be, especially with the underground parking.
- Trees on the property would be removed. Those that are left would likely die as a result of the development's impact on the water aquifer.

Shawn Mitton, 520 Brome Crescent:

- Speaking on behalf of his two sons (eight and ten) who oppose the application.

Neil Jansen, 362 Stellar Drive:

- The area is going to change and will no longer be single family residential.
- Traffic on Lakeshore is already a problem that needs to be addressed by means other than just stopping further development.
- More businesses in an area actually bring in additional customers.
- Plans change over time.
- A good development in a vibrant part of the city results in increasing house values.
- Those in opposition feel very strongly, enough to attend this public hearing, while those who support the development do not feel as strongly. This does not mean that there are no residents in support of the application.
- This is a unique, high quality development.

Public HearingJuly 13, 2004David Bertetic, 451 Sarsons Road:

- Opposes the application due to concerns about traffic density and the potential impact on the community.

Valerie Hallford, President of FRAHCAS:

- Concerned about intrusive changes into single family neighbourhoods.

Paul Myers, former OK Mission resident:

- Objects to the fact that the proposal continues to be changed. Residents are faced with a "moving target".
- Supports the OCP.
- The development would increase traffic in the area.

Jordan Kulak, owner of Laughing Moon, also Mission resident:

- The commercial component of the development, which includes a café and restaurant, could hurt his business.
- When he bought the Laughing Moon, he understood from the OCP that there was certain commercial areas allocated to certain zones of the Mission.
- Many residents choose to live in the area because of its lack of services.

Wayne Pierce, 325 Tanager Drive:

- Supports low density multi family but would prefer that the commercial be removed.
- Moving the apartment building to the centre of the development may increase community support.

Michael Brown, consultant/planner:

- The linkages of planning policies are confusing because the documents were all approved by Council, but applications contrary to these policies still come forth.
- The market area is extended way too far to the east. Those residents are likely to go somewhere else.
- The development is poaching on the OCP objective of a strong neighbourhood three village town centre.

Gail Temple, representing the applicant:

- Hudima Consulting Group addressed the retail issue. The trade area is much smaller than that shown by Mr. Brown, but still warranted demand for commercial of 320,000 sq. ft. in 2002. The market has grown since then.
- Approximately 88% of spending by Mission residents goes to other commercial areas.
- There would be sufficient population in the Mission to support all planned commercial in addition to this development.
- Believes St. Andrew's Square Mall has a dedicated client base.

Trevor Ward, Ward Consulting Group:

- The original traffic study was updated.
- Any increased traffic would be insignificant in light of the amount of traffic that already passes by the site, and much of it would be diverted from driving further.
- Improvements to sidewalks are proposed as part of the development, addressing safety concerns.
- Rental units above commercial is an option that currently does not exist in the Mission.
- The commercial component is meant to provide basic day to day needs (convenience shopping).

A motion to hold the Public Hearing open was lost for lack of a seconder. Council directed staff to put the bylaws from this Public Hearing on the August 9, 2004 Regular Meeting agenda.

There were no further comments.

Public Hearing

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4. TERMINATION:

The Hearing was declared terminated at 2:32 a.m.

Certified Correct:

Mayor

Acting City Clerk

IMT/blh