

Public HearingOctober 20, 2008

A Public Hearing of the Municipal Council of the City of Kelowna was held in the Mary Irwin Theatre, Rotary Centre for the Arts, 421 Cawston Avenue, Kelowna, B.C., on Monday, October 20, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre. Blanleil*, Barrie Clark*, Colin Day, Brian Given, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director of Works & Utilities, John Vos*; Director of Planning & Development Services, Jim Paterson*; Manager of Community Development & Real Estate, Doug Gilchrist; Subdivision Approving Officer, Shelley Gambacort; Inspection Services Manager, Ron Dickinson*; Planner Specialist, Pat McCormick*; Development Engineering Manager, Steven Muenz*; Park Design & Construction Supervisor. Andrew Gibbs*; Roadways Engineer, Purvez Irani*; Community Planning Manager, Theresa Eichler*; and Council Recording Secretary, Sandi Horning.

Guests: Via Architecture, Consultant, Graham McGarva; and Young Anderson, City Solicitor, Ray Young.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 4:03 p.m.
2. Mayor Shepherd 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 City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on September 12th, 2008, and by being placed in the Kelowna Daily Courier issues of September 22nd, 2008 and September 23rd, 2008, and in the Kelowna Capital News issue of September 21st, 2008, and by sending out or otherwise delivering 252 letters to the owners and occupiers of surrounding properties between September 12th, 2008 to September 17th, 2008.

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

Bylaw No. 10019 (OCP08-0016) and Bylaw No. 10020 (Z08-0044/TA08-0004) – Various Owners/(City of Kelowna) The area generally bounded by Harvey Avenue, Abbott Street, Water Street and Queensway – THAT OCP Bylaw Text Amendment No. OCP08-0016 to amend *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by amending the OCP as shown in Schedule "B" as outlined in the report of the Planning & Development Services Department dated September 26, 2008 be considered by Council;

AND THAT Council considers the public open houses of September 27, 2007, November 6, 2007 and May 7, 2008, as well as the APC meeting of June 25, 2008, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

AND THAT Zoning Bylaw Text Amendment No. TA08-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the CD21 – Downtown Comprehensive Development zone and associated Development Guidelines as outlined in the report of the Planning & Development Services Department dated September 26, 2008 be considered by Council;

AND THAT Rezoning Application No. Z08-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the various properties (as listed in the attached legal description table attached to the report of the Planning & Development Services Department dated September 26, 2008, located within the area bounded by Harvey Avenue, Abbott Street, Water Street, and Queensway, Kelowna, B.C. from the existing C7 – Central Business Commercial zone and P3 – Parks and Open Space zone to the proposed CD21 – Downtown Comprehensive Development zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP08-0016, Zoning Bylaw Text Amendment No. TA08-0004, and zone amending bylaw be forwarded to a Public Hearing for further consideration,

AND THAT the Public Hearing be held at the Rotary Centre for the Arts;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Ministry of Transportation and the Works & Utilities Department being completed to their satisfaction.

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

- Letters of Opposition:
 - Jennifer Craik, #29-527 Yates Road
 - Pat Munro, 368 Cadder Avenue
 - M. Enns, 505-737 Leon Avenue
- Letters of Support:
 - Tim Achtemichuk, 438 Curlew Road
 - Mike Otter, 1756 Marona Court
 - Rose Sexsmith, 5292 Lakeshore Road
 - Norman Gardner, Caravelle by The Lake – K577, 1585 Abbott Street
 - Cheryl Elliott, 4486 Walker Road
 - Don Turri, 625 Long Ridge Drive
 - Marty Pope, 3580 Lakeshore Road
 - Carol Lenarduzzi, 664 Hollywood Road North
 - Jane Hoffman, #14-1470 Harvey Avenue
 - Randall Shier, Urban Development Institute, #212 – 1884 Spall Road
- Letters of Concern:
 - Walley Lightbody, Very Concerned Citizens of Kelowna, 2302 Abbott Street
 - Lorri Dauncy, Central Okanagan Heritage Society, 1060 Cameron Avenue
 - Donald Knox, 3988 Bluebird Road
 - Richard Balfour, Metro Vancouver Planning Coalition, 405-375 West 5th Avenue
 - Debby Helf, 1813 Marshall Street
- Petition of Support:
 - A Petition signed by approximately 335 residents/owners of the surrounding area as submitted by Imagine Kelowna (Think Marketing)

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Councillor Blanleil joined the meeting at 4:08 p.m.

Staff, including Consultant, Graham McGarva:

- Presented the concept of the proposed CD21 Zone.
- Explained the Guiding Design Principles.
- Detailed the Interactive Public Consultation Process.
- Explained the park enhancement planning process as it related to the Royal Trust site.
- Detailed the proposed heritage preservation process. Advised that Heritage Revitalization Agreements will have to be entered into should anyone wish to develop on the heritage sites.
- Detailed the Community Amenities Contributions.

Council:

- Inquired about the Financial implications with the Royal Trust site if Council did not wish to proceed with a hotel on the site.

The meeting recessed at 6:04 p.m. and reconvened at 6:34 p.m.

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

Gallery:

John Zeger, #408 – 1421 Sutherland Avenue

- Opposed to the height and density being proposed.
- Does not believe that the public has been properly consulted in the process.

Dr. M.H. Rajabally, 940 Bartholomew Court

- Opposed to the CD21 Zone.

Donald Knox, Central Okanagan Heritage Society

- Likes the plan, but wants to ensure that heritage structures are maintained.

Lane Shupe, 4397 Hobson Road

- In favour of the proposed zone.
- Read a letter from Jacquie Jones, 2369 Abbott Street, in support of the CD21 Zone.

Ronald Shupe, 4397 Hobson Road

- Lived in Kelowna since 1986.
- Strongly supports this proposal; however does have concerns regarding the heritage aspect of the area.

Maggie Getz, 782 Nahanni Place

- Concerned about the height, density and sustainability of the area.
- Believes that this proposal should be put forward to a public referendum.

Bob Elliott, 4486 Walker Road

- Supportive of the CD21 Zone.
- Feels that the area needs to be revitalized and this is a good way to start.
- The heritage buildings need to be preserved.
- Read a letter from Theresa Arsenault in support of the CD21 Zone.

Gavin F. Hamilton, 1329 Ellis Street

- In favour of the proposal.
- Believes that other high rise buildings in the downtown area have already started to revitalize the area.

Public HearingOctober 20, 2008Shane Styles, 685 Harmony Road

- Prefers to have high density downtown rather than invade our agriculture lands or sprawl past the Mission.
- Supportive of moving forward with the proposal.

Don Shafer, BC Interior Group, 300 – 435 Bernard Avenue

- Supportive of the CD21 Zone and the proposed plan.
- 435 Bernard Avenue will be the broadcast center for Sun FM, Cilk FM and AM 1150. Has signed a 10 year lease and is spending money on renovations to ensure that the facilities meet the expectations of the proposed plan as both he and his employees do not want to relocate out of the downtown area.

Dave Rolleston, 7990 Lakeshore Road

- Supportive of the CD21 Zone.
- More density will increase the “eyes” on the street.
- Would like to see the heritage aspect of the area intact.

Wayne Wolf, 100 – 346 Lawrence Avenue

- In favour of the CD21 Zone and supports Council 100% in the direction they have taken.
- Has lived and worked downtown for the past 15 years.
- This plan is a truly positive vision for the downtown area of Kelowna

Jacquie Cote, 4223 Jaud Road

- Supportive of the CD21 Zone.
- Was at the Advisory Planning Commission meeting and was supportive then too.
- Read a letter from Marty Pope, 3580 Lakeshore Road, in support of the CD21 Zone.
- Read a letter from Rod & Dianne Friesen, 1101 – 1329 Ellis Street, in support of the CD21 Zone.
- Read a letter from Penny Bugera, #22 – 1320 Water Street, in support of the CD21 Zone.

Barbie Ross, 820 Manhattan Drive

- Supportive of the plan.
- Likes the hotel being proposed for the Royal Trust site.
- Read a letter from Stuart Marshall, property owner on Ellis Street, in support of the CD21 Zone.
- Read a letter from Marla O'Brien, #404 – 1329 Ellis Street in support of the CD21 Zone.
- Read a letter from Scott Brown in support of the CD21 Zone.

John Perrott, Downtown Kelowna Association, 200 – 287 Bernard Avenue

- Representative for the Board of Directors of Downtown Kelowna Association.
- Made reference to the letter submitted by the Urban Development Institute.
- Feels that there are a number of downtown developments that should be put on hold until the CD21 Zone is or is not established.
- Concerned about the viability of the economics of the plan.

Staff:

- Confirmed that Expropriation is not an option in order to encourage redevelopment of this zone.
- Confirmed that parking will be a requirement when developing under the CD21 Zone.

Walter Gray, 103 – 663 Denali Court

- Noted that the Advisory Planning Commission recommended approval of this plan.
- Believes that the Royal Trust parcel is not needed as parkland and that a hotel would be appropriate for the site. The site is zoned commercial and was purchased as commercial property.
- In favour of the CD21 Zone.

Public HearingOctober 20, 2008Randy Larue, 3461 Casorso Road (345 Bernard Avenue)

- Strongly in favour of the redevelopment of the area.
- Feels that the hotel for the Royal Trust site is appropriate.

Kim Ouellette, 2422 Sexsmith Road

- Concerned about the proposal being forwarded to Council so close to the Civic Election.
- Supportive of the redevelopment, but has concerns with respect to the so-called family-oriented living space.
- Does not think that the buildings need to be that high.

Andrew Gaucher, 202 – 600 Sarson Road

- In favour of the CD21 Zone.
- Believes that young professionals would prefer to walk to and from work.

Councillor Clark left the meeting at 8:15 p.m. and the meeting took a brief recess at 8:15 p.m. The meeting reconvened at 8:27 p.m.

Barrie Stevens, 2566 Packers Road

- Kelowna is growing, the airport is expanding and people need a place to live.
- Supportive of the CD21 Zone.

Ted Swart, 1814 Lipsett Court

- Does not like the idea of high density and tall buildings in the area.
- Before this plan goes forward, Council needs to look at the entire downtown area and not just the specified CD21 Zone area.

Jane Morgan, 5114 Lakeshore Road

- Supports the proposal 100%.
- In support of the entire proposal including the hotel on the Royal Trust site.

Duncan Morgan, 5114 Lakeshore Road

- Exciting proposal that will only affect the area in a positive way.

Chris Finch, 828 Mt. Royal Drive

- Lived in Kelowna all his life.
- In favour of the redevelopment proposal.
- Tourism and retail destinations are important to the economy of the City.
- Supportive of the hotel on the Royal Trust site.

Emmanuel Lavoie, 859 Stockwell Avenue

- Mechanical Engineer by profession.
- This plan encompasses many different aspects of sustainability including densification.
- LEED development criteria are the way to go, but the City should consider LEED Platinum not Gold.
- Supportive of the proposed CD21 zone

Graeme James, 2360 Scenic Road

- Completely supportive of the CD21 Zone.
- Concerned about the affordable housing direction that Council has taken in the last while.
- The City should adopt a policy for “cash-in-lieu” of affordable housing.

Gerard Cadger, 213 – 560 Sutherland Avenue

- Opposed to the CD21 Zone.
- Does not like the high rise buildings.
- Would like to see buildings constructed with “recycled” products.

Public HearingOctober 20, 2008Mary Jo Schnepf, 2145 Breckenridge Court

- Lives and plays downtown.
- This plan is comprehensive, cohesive and a catalyst.
- Supportive of the CD21 Zone.
- Concerned that if the CD21 Zone is not approved, the C7 Zone will be implemented.
- Supportive of the hotel on the Royal Trust site.

Barry Lapointe, 2145 Breckenridge Court

- Supportive of the CD21 Zone.
- Supportive of the hotel on the Royal Trust site.

Peter Kerr, 5405 Lakeshore Road

- Moved to Kelowna in 1948
- Concerned about height and that this plan is being discussed before the downtown plan is finalized. The Downtown Plan should be discussed prior to discussing the CD21 Zone

Duane Tresnich, 779 Wilson Avenue

- Founder of the group, Move Kelowna Forward.
- In favour of the hotel on the Royal Trust site.
- High density and mixed-uses actually reduce crime, not increase crime.
- By having a park at the base of this plan, it will bring people and families to the area.
- Supportive of the CD21 Zone.

Dorothee Birker, 1471 Highland Drive South

- Supportive of the CD21 Zone in general.
- Concerned about the height of the buildings along Bernard at the foot of the Zone.
- Concerned about the lack of connection with the other areas of the downtown.

Gary August, 1470 Harvey Avenue

- The downtown is currently not a desirable area and the proposed CD21 Zone will help to bring it back to life and make it safer.
- Supportive of the CD21 Zone.

Tony Peyton, Imagine Kelowna, 140 – 1060 Manhattan Drive

- Supportive of the CD21 Zone and has collected over 500 letters in support of the CD21 Zone.
- Supportive of the hotel on the Royal Trust site.

Debby Helf, 1813 Marshall Street

- Lived in Kelowna for 32 years and personally does not like the plan.
- Need to protect more than just the facades of the heritage buildings.
- Thinks that the hotel can be left alone as park space and not developed at all.
- Does not like the height of the buildings
- Read a letter from Keith Robinson in opposition to the plan and the hotel proposed on the Royal Trust site.

Barbie Ross on behalf of Richard & Ruth Moir, 5355 Lakeshore Road

- Read a letter from Mr. & Mrs. Moir in support of the proposed CD21 Zone.

Marty Enns, 737 Leon Avenue

- Questioned the process that the City is following for developing this zone.
- Strongly opposes the proposal as she feels that it does not meet the City's previously stated criteria or the Downtown Plan.
- Does not feel that the process included meaningful public process and is only benefiting the developer.
- The Royal Trust site should become part of Kerry Park and not developed as a hotel site.
- Read a letter from Joy Lambrick in opposition to the CD21 Zone and the hotel proposed for the Royal Trust site.

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- Read a letter from Mark Haley in opposition to the CD21 Zone and the hotel proposed for the Royal Trust site.

Tina Marten, 4584 Gordon Drive

- Concerned about the social impact the proposed CD21 Zone will have. Would like an impact study done to mitigate any social impacts.
- Not supportive of the CD21 Zone in its current form.

Rita Milne, 303 Queensway Avenue

- Advised that the views she expresses tonight are her own personal opinions.
- Opposed to the CD21 Zone as presented.
- A professional design group should be consulted to provide another opinion for the proposal.
- Does not want to loose any potential park site and therefore does not agree with the hotel on the Royal Trust site.

Staff:

- Confirmed that this is a zoning exercise. As the Development Permit process moves forward, it will be up to Council to approve or defeat any developments proposed for the CD21 Zone.
- The Design Panel was replaced by the Advisory Planning Commission.
- It will be a requirement of the proposal to consolidate another parcel with the current Royal Trust site.

James Paterson, President, Kelowna Chamber of Commerce, 544 Harvey Avenue

- Supportive of the CD21 Zone.
- Supportive of the hotel on the Royal Trust site.

Tony Stewart, Proprietor, Quail's Gate Winery, 1249 Sunnybrae Road

- Long-term resident of Kelowna.
- Supportive of the CD21 Zone.
- Believes that hotels are essential to redevelopment, but they should also include a conference facility.
- Read a letter from Stafford McKergow, in support of the CD21 Zone.

Norman Gardner, 405 – 1585 Abbott Street

- Has participated in every meeting related to this CD21 Zone.
- Supports the total plan including the hotel planned for the Royal Trust site.

Wes Kmet, 104 – 523 Rowcliffe Avenue

- Lived in Kelowna for 20 years and currently lives next to the KSS site.
- Opposed to the CD21 Zone.
- Does not feel that enough time has been put into this plan.
- Does not like the hotel proposed for the Royal Trust site.

Jill Almond, 15 – 3787 Lakeshore Road

- Generally opposed to the CD21 zone.
- The entire heritage aspect of the buildings need to be protected, not just the facades.
- Read a letter from Robert Cichocki, 1221 Kelglen Crescent, in opposition to the CD21 Zone.

Marty Enns

- Read a letter from Tisha Kalamanovitch in opposition to the CD21 Zone and the hotel planned for the Royal Trust site.
- Read a letter from Margaret Lunarn, 144 Clifton Road South, in opposition to the CD21 Zone.

Public HearingOctober 20, 2008Ingrid Dilschneider, 1730 Mission Hill Road

- Manager of Winery Marketing, Mission Hill Estate Winery.
- Supportive of the plan.
- Supportive of the hotel on the Royal Trust site.
- Feels this is a huge development for Kelowna and the area as it relates to tourism and the economy.

Ken Campbell, 118 Boppart Court

- Strongly in favour of rationale development and density in the downtown area.
- In favour of high rise developments as long as they meet certain criteria. The highest buildings should be located away from the lake and Waterfront Park.
- Concerned about the public being required to pay 75% of the cost for the public pier.
- The Royal Trust site should be added to the shoreline park system. A high rise hotel would be successful anywhere in the downtown area.
- The heritage buildings need to be retained in full and not just the facades.

Staff:

- Explained the costing rationale behind the public pier.

Dillan Switzer, FH & P Lawyers, 215 Lawrence Avenue

- There is a general consensus that something needs to occur in the downtown area.
- Concerned about the proposed density in the area.
- Concerned about this being moved forward so close to a civic election.
- Would like Council to closely scrutinize the plan.

Barbara Carroll, 1916 Water Street

- Not supportive of the plan as she is concerned about the social impact to the area.

Marla O'Brien, 494 – 1329 Ellis Street

- Fully supportive of the CD21 Zone.
- Moved to the downtown area last year and the CD21 Zone will only improve the downtown liveability.
- Supportive of the hotel proposed for the Royal Trust site.

Janice Fingado, 1501 – 1152 Sunset Drive

- Submitted a written statement as she was unable to stay.

Andrew Lipsett, 183 Richter Court

- Moved to Kelowna 3 ½ years ago.
- Excited about the CD21 Zone proposal.
- Definitely in favour of the hotel on the Royal Trust site.

Walley Lightbody, 2302 Abbott Street

- Representative of the Very Concerned Citizens of Kelowna.
- Not opposed to development, however is concerned about the below-ground parking being proposed for the area due to the high water table. Feels that above-ground parking is not very attractive looking to visitors to the area.
- Read a letter from George Ferguson, 4182 Gallaghers Forest South, in opposition to the CD21 Zone.

EXTENSION OF MEETINGMoved by Councillor Given/Seconded by Councillor Letnick

R920/08/10/20 THAT the Public Hearing be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

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The meeting took a brief recess at 11:03 p.m. and reconvened at 11:16 p.m.

Richard Drinnan, 669 Greene Road

- Concerned about the cost of this redevelopment plan.
- Concerned about the public subsidizing this redevelopment.
- Concerned about any environmental impacts to the foreshore of the area.

Sherry Basic, 312B Wallace Road

- Read a letter from John Gaitanakis, in opposition to the CD21 Zone.
- Opposed to the proposed CD21 Zone.

Kevin Hoffman, 2900 Abbott Street

- Concerned about the timeline for building out the CD21 Zone.
- Approves the CD21 Zone in principle.

Robert Evans, 540 Leon Avenue

- Supports the CD21 Zone.
- High density should be embraced, not feared.
- The proposed zone is structurally sound and creative.
- The hotel rationale makes sense economically.

Barry Johnson, 3126 Watt Road

- Submitted a proposal that he would like Council to consider.
- Likes the idea of a hotel on the Royal Trust site and strongly supports it being proposed for the area.

Staff:

- Believes that Mr. Johnson's proposal is a very creative idea.
- A decision was made very early on in the process to leave City Park alone and not move development into the park.

Jan Johnson, 1055 Van Street

- Even though she owns property and has a business downtown on Bernard Avenue, she is opposed to the CD21 Zone. Her main opposition is to the height being proposed.
- Likes the idea of a hotel on the Royal Trust site, but it should be pushed back from the foreshore and parkland area.

Perry Mack, 1535 Crawford Road

- Supportive of the CD21 Zone.
- World-class hotels in every major city are located on the waterfront and is in favour of the hotel being proposed for the Royal Trust site.

Debra Howanyk, 1781 Highland Drive North

- Spent 18 years in the real estate business and has lived in Kelowna for the past 14 years.
- Does not believe in high rises and does not feel that Kelowna needs high rises in the downtown.
- Not in favour of supporting affordable housing on the waterfront.
- Her husband is disabled and she does not believe that the CD21 Zone will be accessible to him.

Blake Roberts

- Considering moving to the downtown.
- Agrees with the current downtown plan.
- Believes that the public has spoken and that the majority are in favour of this CD21 Zone.

Public HearingOctober 20, 2008Eric Craig

- Opposed to the CD21 Zone
- Council should abandon the entire plan or at least put it to a referendum.

Cam Robertson, 2247 Wardlaw Street

- Uses the downtown area a lot.
- Tentatively in favour of the CD21 Zone; however he has concerns the location of the hotel on the Royal Trust site as any other site within the CD21 Zone would be feasible for a hotel.

Staff:

- Advised that there will be a Housing Agreement requirement that will be perpetual.

Lisa Simone

- Supportive of the CD21 Zone.

Marietta Lightbody, 2302 Abbott Street

- Leave Kerry Park alone and abandon the idea of a hotel on the Royal Trust site.

Richard Drinnan

- Concerned about future amendments to the CD21 Zone that could increase the density even more.

Dr. Shawn Spelliscy

- Currently believes that our parks are unliveable as they are today.
- In favour of the proposed CD21 Zone.

Staff:

- Confirmed that a parking plan will be essential to the creation of the zone.
- Confirmed that the Heritage Revitalization Agreement on the heritage sites will be mandatory.
- All of the costs associated with the amenities will be cost shared.
- Nothing will preclude proponents from putting a hotel somewhere else within the zone.

City Solicitor, Ray Young:

- Provided advice with respect to any amendments that may be requested to the CD21 Zone Bylaw.

Moved by Councillor Given/Seconded by Councillor Blanleil

R921/08/10/20 THAT the Public Hearing with respect to the CD21 Zone be closed and the necessary Bylaws be forwarded to the Monday, October 27, 2008 Regular Afternoon Council Meeting for 2nd & 3rd reading consideration.

Carried4. TERMINATION:

The Hearing was declared terminated at 1:18 a.m.

Certified Correct:

 Mayor

SLH/sb

 City Clerk