



## City of Kelowna Public Hearing Minutes

Date: Tuesday, March 26, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Maxine DeHart, Gail Given, Robert Hobson\*, Luke Stack and Gerry Zimmermann

Council Members Absent: Councillors Andre Blanleil and Mohini Singh

Staff Present: Acting City Manager, Doug Gilchrist, City Clerk, Stephen Fleming, Manager, Urban Land Use, Danielle Noble; Subdivision Approving Officer, Ryan Smith\*; Manager, Development Engineering, Steve Muenz\*; Council Recording Secretary, Sandi Horning

(\* denotes partial attendance)

### 1. Call to Order

Mayor Gray called the Hearing to order at 6:02 p.m.

Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2030 - Official Community Plan Bylaw No. 10500*" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

## 2. Notification of Meeting

The City Clerk advised that Notice of this Public Hearing was advertised by being posted on the Notice Board of City Hall on March 12, 2013 and by being placed in the Kelowna Capital News issues of March 15, 2013 and March 19, 2013, and by sending out or otherwise delivering 2,150 letters to the owners and occupiers of surrounding properties between March 12, 2013 and March 19, 2013.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

3. The Mayor will provide comment on procedures for each bylaw submission.

## 4. Individual Bylaw Submissions

### 4.1. Bylaw No. 10816 - Text Amendment Application No. TA13-0003 - Text Amendments to Zoning Bylaw No. 8000

Staff:

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

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

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

Councillor Hobson joined the Hearing at 6:18 p.m.

Gallery:

Don McCauley, Bird Place

- Expressed a concern regarding the proposed increase in density.

There were no further comments.

### 4.2. Bylaw No. 10817 - Official Community Plan Bylaw Amendment Application No. OCP12-0006, Bylaw No. 10812 - Text Amendment Application No. TA12-0007 and Bylaw No. 10818 - Rezoning Application No. Z12-0039 - 3787, 3791 and 3795 Lakeshore Road

Staff:

- Summarized the applications before Council and responded to questions from Council;

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

- o Letters of Opposition:
  - Richard Johnson, 148-654 Cook Road
  - L. Hornby, 185-609 Truswell Road
  - Wes Fawcett, 3950 Bluebird Road (2)

- John and Katherine Matthews, 102-665 Cook Road
  - Pamela Beck, 438-665 Cook Road
  - C. Billing, Springbrook Road (2)
  - Laird Stovel, 671 Royal Pine Drive
  - Lorilee Schwartz, 3786 Mission Springs Drive
  - Gary Willis, 3774 Mission Springs Drive
  - Andrea Bretherick, 844 Mission Springs Crescent (2)
  - Carol Stein, 114-3788 Bird Place (2)
  - Autumn Silcock, 844 Mission Springs Crescent
  - Sandy Campbell, Hiawatha Owners Group (4)
  - Janet Smith, 123-609 Truswell Road
  - James Billing, 3764 Springbrook Road
  - Maureen Hanak, 414-3865 Truswell Road
  - Charlene and Brian Stickney, 3756 Springbrook Road
  - Janine Demidoff, 635 Pimlico Road
  - Lynne and Bill Heidt, 435-654 Cook Road
  - Glenda and Ed Paley, 852 Mission Springs Crescent
  - Kees Boersma, previous owner of 6-3787 Lakeshore Road
  - Doug Stickney, 859 Mission Springs Crescent
  - Carl Hanson, 433-665 Cook Road
  - Gordon Sheils, Mission Springs
  - Kevin Vanstone, 868 Springside Court
  - Doreen and Gerald McPeek, 100-3788 Bird Place
  - Lisa Hunchak, Mission Springs
  - Michael Dillon, 107-665 Cook Road
  - Susan and Carl Marcotte, 3763 Springbrook Road
  - Brad Stuart
  - Kevin O'Neil, 786 Springrose Way
- Letters of Concern:
    - Alan Silcock, 844 Mission Springs Crescent
    - Connie Burgher, 527 Radant Road
    - Kathie and Barry Jones, 106-3788 Bird Place
  - Petitions of Opposition:
    - A petition of opposition signed by 1929 owners/occupants of the surrounding properties.
    - A petition of opposition signed by 409 owners/occupants of the surrounding properties.
  - Additional Information:
    - Package of additional information as submitted by the applicant, Gail Temple, Westcorp Properties Inc.

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, Director of Development, Westcorp On The Lake Inc., Applicant's Representative

- Displayed a PowerPoint presentation.
- Provided an overview of the changes to the development since 2008.
- Advised that the site will be 61% green space.
- Estimated that there will be approximately 900-914 units on the site.
- Clarified the "affordable housing/rental" options available to the current residents of the mobile home park.
- Advised that the mobile homes on the site are too old to be relocated.
- Advised that 80% of the tenants have moved out on their own.
- Provided an overview of the process used for purchasing the mobile homes. The purchase price used is an average of assessments that were done in 2005, 2006, 2007 and 2008.
- Provided the rationale for the FAR that was established for the development and the rationale for the change since 2008.
- Confirmed that the commitments to the rental properties and the family-oriented development have been written into the CD24 Zone.
- Advised that the site is approximately 18 acres in size.
- Advised that the Developer has already spent \$2.5 Million on the relocation process.
- Confirmed that this development will be owner-operated.
- Advised that construction is scheduled to commence in 2014. If the zoning is approved, then the Developer will have to give any remaining tenant one (1) year to vacate the premises.
- Confirmed that if the planned upgrades to Lakeshore Road affect the access to the site, it could trigger the Bird Place Bridge construction.
- Advised that the on-site amenities have yet to be determined.
- Confirmed that all construction traffic must access the site off of Lakeshore Road.
- Advised that the commercial uses being considered will help support seniors housing and assist with creating a "resort experience".
- Advised that a car share program is being considered for both the residential and hotel development.
- Confirmed that the on-site creek access/trails will be open to the public.

Melanie Stapune, Consultant, EBA Engineering, Applicant's Representative

- Provided an overview, and clarification, regarding the proposed restoration plan for Wilson Creek as a result of the proposed development.

Peter Joyce, Traffic Consultant, Applicant's Representative

- Advised that the most recent traffic study was conducted in 2012.
- Advised that the development requires two (2) accesses at build-out. The primary access will be off of Lakeshore Road with the additional access off of Bird Place. Access through the Mission Springs neighbourhood will not be required at any time during the construction of this development. All construction access to the development will be from Lakeshore Road.

Bob Evans, Architect, Applicant's Representative

- Clarified the FAR and density in the proposed CD24 zone.

Staff:

- Provided the rationale for requiring connectivity between this development and the Mission Springs development;
- Advised that depending on traffic congestion, and safety concerns, the City might have to put restrictions on parking in the area.

Gallery:

Mel Bradshaw, 3758 Spring Brook Road

- Advised that his backyard is directly adjacent to the development and expressed a concern with the lack of privacy and his right to natural light.
- Opposed to the development.

Rob Yewell, 490 Lawrence Street, Kamloops, BC on behalf of mother, Peggy Yewell, #5 Hiawatha Park

- Advised that his parents purchased Unit #5 in 1995 and were assured at the time of the purchase that the lands would always remain a senior's retirement park. As a result of the assurance, his parents did a total renovation of their unit prior to moving in. The purchase price and renovation costs amounted to \$60,000.00.
- Spoke to the inadequacy of Westcorp's relocation plan and the lack of communication from Westcorp regarding the plan.
- Believes that what Westcorp is presenting to Council is different than what was presented to the residents of the mobile home park;
- Believes that there is no viable relocation plan in place and requested that the property not be rezoned until a viable relocation plan is in place.
- Confirmed that his mother's mobile home would be difficult to move.
- Submitted a copy of his speaking notes.

Shawn Thompson, 5185 South Ridge Drive

- In favour of the development.

Michael Dillon, 107 Summerville Corner

- Opposed to the development.
- Expressed a concern with traffic and parking on Cook Road.
- Expressed a concern with the increase in density to the area.
- Expressed a concern with the proposed building heights.
- Submitted a copy of his speaking notes.

Charlie Hodge, 1151 Centennial Crescent, on behalf of Bernie & Kristina Breckenthorp

- Advised that Mr. & Mrs. Breckenthorp own property directly adjacent to the subject property to the north.
- Advised that he met with Gail Temple a couple of weeks ago and reviewed the development plans.
- Expressed a concern with the proposed height and the lack of setbacks for the hotel.
- Expressed a concern regarding vehicle access to/from the site.
- Expressed a concern with construction vehicle access to/from the site.

Sandra Jones, #11 Hiawatha Park

- Believes that Westcorp has not lived up to their promises when they first purchased the park.
- Expressed a concern with how Westcorp is managing the mobile home park.
- Opposed to the development.
- Submitted her speaking notes.

Mobile Home Owner, Hiawatha Park

- Opposed to the development.
- Believes that Westcorp is not managing the mobile home park respectfully.
- Believes that his mobile home is worth more than what Westcorp is prepared to pay.

Richard Grainger, #37 - 3787 Lakeshore Road

- Purchased his mobile home in 1994.
- Believes that Council Policy #229 is not being followed by Westcorp.
- Believes that Westcorp is not managing the mobile home park properly or respectfully;
- Believes that Westcorp is not paying fair market value for the mobile homes;
- Opposed to the development.
- Submitted his speaking notes.

Elaine Read, Resident of Hiawatha Park

- Advised that she was told by the previous owner that the mobile home park would not be sold.
- Opposed to the development.
- Believes that Westcorp is not paying fair market value for the mobile home.
- Believes that Westcorp is not managing the mobile home park properly or respectfully.
- Expressed a concern with the proposed relocation plan.
- Submitted her speaking notes.

Bill Height, 2368 Abbott Street

- Opposed to the development;
- Expressed a concern with the proposed relocation plan.
- Expressed a concern with the proposed density for the site.
- Believes that the property should be developed according to the current zoning.
- Expressed a concern with the "stress" this development will put on Lakeshore Road.
- Expressed a concern that staff is supporting the change to the Official Community Plan and the proposed development.

Jewel Day, #2 Hiawatha Park

- Expressed a concern that Council Policy #229 is not being followed by Westcorp.
- Opposed to the development.
- Believes that Westcorp is not paying fair market value for the mobile homes.
- Submitted her speaking notes.

Sandy Campbell, #84 Hiawatha Park

- Opposed to the rezoning until Council Policy #229 is fully satisfied.
- Spoke to the inadequacy of Westcorp's relocation plan and the lack of communication from Westcorp.
- Spoke to the lack of trust when interacting with Westcorp.

- Spoke to Westcorp's lack of response to the 2010 Advisory Planning Commission recommendations.
- Submitted her speaking notes.

Trish Willis, 3774 Mission Springs Drive

- Opposed to the development.
- Expressed a concern with the proposed density.
- Submitted her speaking notes.

Ernie, Patterson, #313-2300 Benvoulin Road

- Opposed to the development. Beautiful plan, but in the wrong location.
- Expressed a concern with traffic impacts.
- Expressed a concern with the proposed density.

Gary Willis, 2774 Mission Springs Drive

- Opposed to the development.
- Supports redevelopment of the site under the existing zone.
- Expressed a concern with the proposed density.
- Believes that this will set a precedent if approved.
- Expressed a concern with the impact of the development on the existing infrastructure and roadways.
- Submitted his speaking notes.

The meeting recessed at 9:01 p.m. The meeting reconvened at 9:28 p.m.

Carolyn Davies, #22 Shasta Mobile Home Park

- Opposed to the development.
- Expressed a concern with building height and traffic impacts.
- Concerned with precedent being set for future redevelopment of other mobile homes parks within the City.
- Commented on the decline of Hiawatha Park since Westcorp took ownership.
- Submitted her speaking notes.

Heather, on behalf of her Mother

- Advised that her mother is a resident of Hiawatha Park and is opposed to the development.
- Spoke to the inadequacy of Westcorp's relocation plans.

Rita Parker, 1358 Ladner Road

- Opposed to the development.
- Expressed a concern with traffic impacts.
- Expressed a concern with overcrowding of Rotary Beach as a result of the additional density being proposed for the site.

Coleen Black, 4239 Hobson Road, on behalf of her Mother

- Advised that her mother is a resident of Hiawatha Park and is opposed to the development.
- Advised that the previous owner of the Park stated that the site would never be sold for redevelopment.

- Believes that the proposed relocation plan is not viable.
- Believes that Westcorp is not paying fair market value for the mobile homes.

Bob Gray, 1360 Glenmore Drive

- Speaking on behalf of his mother who left Hiawatha and now resides on Boewen Island.
- Expressed a concern with traffic impacts and the Traffic Study that was conducted by the Developer.
- Expressed a concern with Council amending the Official Community Plan with some regularity.

Andrea Bretherick, 844 Mission Springs Crescent

- Opposed to the development.
- Questioned the transparency and openness of communications from Westcorp.
- Questioned previous statements from Westcorp regarding traffic and access.
- Raised concerns with increased demands on parking the proposed development will bring.

Michael Roach, 4180 Wallace Hill Road

- Opposed to the development.
- Believes that this is the wrong project in the wrong location.
- Expressed a concern with the proposed density.
- Expressed a concern with traffic impacts.

Jim Billing, 3764 Spring Brook Road

- Opposed to the development.
- Submitted written correspondence to Council prior to the Public Hearing.
- Expressed a concern with impacts on his privacy as he is an adjacent property owner.

Darren Grams, 609 Truswell Road

- Speaking on behalf of his parents who reside at #149 - 3788 Bird Place.
- Raised a concern with the bridge over Wilson Creek and its impact on his parents' home.
- Cook Road already has traffic and parking issues and this development will increase the impact on traffic and parking.
- Expressed a concern with the capacity of the existing infrastructure and the impact of the proposed development on infrastructure.
- Urged Council to listen to the neighbourhood with respect to this development application.

Richard Burrows, 2425 Taylor Crescent, President, KLO Neighbourhood Association

- Opposed to the development.
- Expressed a concern with the lack of detailed renderings.
- Questioned the benefit of the development to the KLO neighbourhood and the City.
- Questioned the compelling reason to support this amendment to the Official Community Plan.
- Believes that such densities belong in the urban centers rather than on the subject properties.
- Raised traffic concerns.
- Against the proposed density.



Warren Lafave, 3738 Mission Springs Drive

- Opposed to the development.
- Believes that this site is the wrong location for the development.
- Expressed a concern with traffic impacts.

Carol Stein, #114-3788 Bird Place

- Opposed to the development.
- Expressed a concern with the proposed Bird Place Bridge and the traffic that it will generate through Bird Place.

Don McAuley, Bird Place

- Expressed a concern with the proposed Bird Place Bridge and the traffic that it will generate through Bird Place and "Mallard's Landing".

Coleen Black, 4239 Hobson Road

- Inquired if there was already an understanding in place between Westcorp and Council regarding this application proceeding.

Mayor Gray:

- Confirmed that there was no special arrangement or "understanding" in place with Westcorp regarding this application.

Gary Willis, 3774 Mission Springs Drive

- Expressed concerns with the proposed amendments to the Official Community Plan and detailed those concerns.

Rita Parker, 1358 Ladner Road

- Provided further comments in opposition to the development.

Brian Locket, Strata President

- Opposed to the development.
- Raised concerns with the developer's plans for Wilson Creek.

Ernie P., 3788 Bird Place, President of the Strata Council

- Opposed to the development.
- Great plan, wrong location.
- Expressed a concern with traffic impacts.
- Expressed a concern with the proposed density.

Trudy Chacosti, Shasta Mobile Park

- Opposed to the development.
- Expressed a concern with the impacts to traffic in the area.

Gail Temple, Director of Development, Westcorp On The Lake Inc., Applicant's Representative

- Spoke to Westcorp's efforts regarding accountability, trust and transparency.
- Spoke to communication efforts.
- Spoke to the management of the park and the removal of the "55 and over" designation.

- Spoke to the relocation plan and provided statistics for mobile homes purchased to date.
- Advised that the north perimeter of the site will be a landscaped utility corridor with a 7.5m setback.

Bob Evans, Architect, Applicant's Representative

- Provided the rationale for the proposed height and density.
- Building height and density is higher in Kelowna to avoid sprawl.
- Believes that the Developer is providing connectivity and other Official Community Plan objectives with this development.
- Believes that the form and character in the urban design guidelines are the most comprehensive way to ensure that the City has good urban design and character.

Moved by: Councillor Zimmermann/Seconded by: Councillor Stack

R209/13/03/26 THAT the Public Hearing be continued past 11:00 p.m. in accordance with Section 5.5 of Council Procedure Bylaw No. 9200.

Carried

Peter Joyce, Traffic Consultant, Applicant's Representative

- Addressed the concerns raised regarding the traffic impacts and the parking concerns.

Staff:

- Confirmed that the Bird Place Bridge will need to be designed to accommodate a 100 year flood.

Melanie Stapune, Consultant, EBA Engineering, Applicant's Representative

- Address the concerns raised regarding the Wilson Creek restoration plans.

Gail Temple, Director of Development, Westcorp On The Lake Inc., Applicant's Representative

- Believes that the requested density is only a marginal increase.

There were no further comments.

**5. Termination**

The meeting was terminated at 11:15 p.m.

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Mayor

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City Clerk

/slh