

Public HearingFebruary 22, 2000

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, February 22, 2000.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blaneil, R.D. Cannan, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Council members absent: Councillor B.A. Clark.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy\*; Traffic Engineer, K. Gauchier\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:00 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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 February 4, 2000, and by being placed in the Kelowna Daily Courier issues of February 14 and 15 and in the Kelowna Capital News issue of February 13, 2000, and by sending out or otherwise delivering 507 letters to the owners and occupiers of surrounding properties on February 3 and 4, 2000.

The City Clerk noted that Council recently adopted a policy which establishes time limits for presentations at Public Hearings. The policy will ensure that all speakers have an equal opportunity to address Council, regardless of how many speakers want to speak on a particular development proposal.

3. INDIVIDUAL BYLAW SUBMISSIONS

- (a) Bylaw No. 8500 (Z99-1041) – William & Sharon Ridinger – 200 Barber Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, Sec. 22, Twp. 26, O.D.Y.D., Plan 25464, located on Barber Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s – Large Lot Housing with Secondary Suite zone.

Staff:

- The applicant is proposing to develop a portion of the basement for a secondary suite.

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

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

Bill Ridinger, applicant:

- Indicated he was available to answer questions and reserved the right to respond to comments from the gallery.

There were no further comments.

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- (b) Bylaw No. 8508 (Z99-1064) – Jason Bennett and Brenda Adams – 2406 O'Reilly Road - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 16, Twp. 26, O.D.Y.D., Plan 39508, located on O'Reilly Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone in order to allow development of the site for uses permitted in the RU1s zone.

Staff:

- The rezoning would allow continued use of a 2-bedroom secondary suite within the basement of the single family dwelling.
- There are two properties that are one lot removed from the subject property and are still on well water. The SEKID line runs right in front of their homes so they could connect whenever they want.
- A Development Permit would be required to address upgrading requirements identified by Inspection Services.

Alan Hausch, realtor representing the owners:

- The former owners rented the suite for most of the 5 years they were there.
- The current owners purchased the property last November and agreed to rent the suite to the tenant who was living upstairs.
- The current owners are prepared to make whatever upgrades are required.
- The majority of the neighbourhood have acknowledged the existence of the suite for the past 5 years and indicated support for converting this property to RU1s.
- The people who have objected are the two properties behind and they are on Hall Road.
- Submitted 8 form letters of support signed by neighbours living on O'Reilly Road.

The City Clerk advised that the following correspondence or petitions had been received in addition to the 8 form letters of support just submitted:

- letter of opposition from Jean & Richard Shepherd, 3341 Hall Road
- letter of opposition from Jeanne & Richard Garner, 3331 Hall Road
- two letters of opposition (one late) from Rose Gaba, 3384 Hall Road expressing concern about potential septic failure, on-street parking, precedent, increased traffic and noise, tenant turnover, property values.
- late letter from owner/applicant authorizing Mr. Hausch to speak on his behalf.

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

Jean Shepherd, 3341 Hall Road:

- Concerned that property values could diminish and that the rental suite could impact their ability to sell their home.
- The quality of life and the ambience in their back yard is affected because the suite backs directly onto their back yard and the main entrance to the suite is in the back yard.
- Want the neighbourhood to remain single family residential.
- Noted problems with parties and noise from tenants of the suite over the past 5 years.
- If the suite is made legal, there could be a constant changeover in tenants.

Alan Hausch again:

- The applicants did not buy the house because of the suite and their objective is not generating cash flow from the suite.
- This application as a type of infill higher density development.
- If there has been a history of problems in the home, the situation has changed now and the problems are not likely to continue.

There were no further comments.

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- (c) Bylaw No. 8507 (Z99-1062) – Margaret Locke (James Zeleznik/Jazel Enterprises Ltd.) - Enayat & Felour Behrouzi-Noubar (new owners) – 760 Glenwood Avenue  
 - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 10, Sec. 19, Twp. 26, O.D.Y.D., Plan 700, located on 760 Glenwood Avenue, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding or Lodging House zone in order to allow development of the site for uses permitted in the RU6b – zone.

Staff:

- The applicant also owns the adjacent lot to the east and it was zoned RU6 with the introduction of Zoning Bylaw 8000.
- The RU6 zone allows up to 10 residents but lot size and ability to meet parking requirements limits the subject property to 7 residents.
- The proposed home design indicates the building would be approximately 3,000 sq. ft. in size over two floors and the intent is for the building to be mirrored on the adjacent lot.
- The building would front on Glenwood Avenue with 5 parking stalls off the lane.
- These developments generate very little traffic because most tenants do not have vehicles if they are seniors but the developments are not restricted to seniors.
- Open space requirements for this type of development are more than for duplex development.
- The rear lane is gravel standard and no lane improvements would be required with this rezoning.
- A Council policy could be adopted for future applications indicating that when considering rezoning applications to the RU6b zone, in addition to Zoning Bylaw requirements, Municipal Council would examine the following:
  1. The proximity of other properties that are zoned RU6b within an approximate 250 m radius of the subject property.
  2. The existing land use and density of the surrounding neighbourhood.
  3. Any complaints received by the Bylaw Enforcement Supervisor in the general area over the past calendar year with regard to other RU6b zoned properties in the area.

The City Clerk reported that staff have been advised that there are new owners of the property and other than that, no correspondence or petitions have been received.

Travis Lowe, 840 Glenwood Avenue:

- The proposed house would not fit in with the existing single family homes on the street.
- The lane cannot handle any more traffic.
- There are no sidewalks on Glenwood and children use that road to walk to school.

James Zeleznik, applicant:

- The existing house on the property does not meet side yard setback requirements and is old and not in good condition.
- Open to suggestions to make the design more compatible if that is a concern.
- Willing to support a petition for a local improvement to pave the lane.

Mahvash Mehrabkhani, 766 Glenwood Avenue:

- Willing to support a petition for a local improvement to pave the lane.

There were no further comments.

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- (d) Bylaw No. 8506 (Z98-1042) – Fredor Holdings Ltd. and Frederick Lewis Marshall (Matt Cameron/Reid Crowther & Partners Ltd.) - 1361 Mountain Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of Lot A, Sec. 30, Twp. 26, O.D.Y.D., Plan 16616 except Plans 40041, KAP53261, KAP53262 and KAP63287, located on Mountain Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU5 – Bareland Strata Housing and RU6 – Two Dwelling Housing zones in order to allow development of the site for uses permitted in the RU5 and RU6 zones.

Staff:

- The applicant is proposing to develop the 5.2 ha (13 acre) parcel as a combined bareland strata and conventional strata subdivision.
- The conceptual plan indicates 65 residential units as single and semi-detached dwellings on 57 fee simple lots. The bareland strata portion would comprise 49 lots RU5 lots on the north side of the proposed realigned Coronation Avenue. Of the 49 lots, 33 would be single detached units and 16 would be semi-detached units. The conventional strata portion would comprise 8 RU6 lots of which 2 would be on the north side of the proposed realigned Coronation Avenue and 6 on the south side. Of the 8 RU6 lots, 4 would be semi-detached units and 4 would be single detached for a potential total of 16 units.
- The Advisory Planning Commission recommends support subject to conditions and suggests that concerns about the traffic impact of this development on High Road intersections be address by the City. City Works & Utilities staff have reviewed the matter and are satisfied that with the upgrades required with this application, the adjacent roadway network will accommodate the traffic generated by this site.
- The proposed development is consistent with City Planning policies. The application includes an access right-of-way agreement in favour of the public to access the pond area; the majority of the units are to be single detached units; the ultimate alignment of the North End Connector has been acknowledged and has no direct impact or encroachment on the subject property; the majority of the project has a private road system; Brandt's Creek and the water feature at the south end of the site would be linked by publicly accessible pedestrian walkways to the pond to the north, and Coronation Avenue would be realigned.
- Initially the applicant was proposing a 66 lot single family conventional subdivision and 18 lots were developed as the first phase along Cerise Drive. However, the applicant ran into problems at the next phase because of fill material on the site and determined that it would be too costly to remove the fill and so looked at other development options. Under the proposed combined approach, the area with the most fill would be retained as private open space.
- Even if all the fill was removed and replaced with engineered fill, there would still be settlement over the years and the City's engineer was not prepared to accept that.
- The owner has indicated willingness to enter into a building scheme for this project.
- The existing access to Coronation Village is almost 15% grade and so City Engineering staff are recommending that it become a private drive and Coronation be realigned to link with Glenview. Engineering would deal with the actual grade and alignment at time of subdivision.

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

Support:

- letter from J. Robertshaw, 1381 Monterey Crescent
- letter from Ed & Neta Petkau, 1150 Kelview Street
- letter from W. Foster, 1401 Lambert Avenue
- letter from Les & Jean Beasley, 1356 Mountain Avenue
- letter from Mr. & Mrs. Andrew Port
- letter from Konrad Kleemaier, 920 Montcalm Drive

**Opposition:**

- letter from Al Stober Construction, owners of Coronation Village, opposing because access to their site would be severely restricted.
- letter from Maeve Buckley, Rick Adrian and Jane Buckley, 1450 Lambert Avenue, opposing principally for issues of traffic flow.
- letter from Wesley Shields, 1161 Cerise Drive, who submitted a package of information that was circulated directly to Council and a copy of which is now in the foyer for viewing by the public, opposing on the basis of increased traffic, decreased property values, increased density, and variation of building scheme.
- letter from Keith Ankerman, 1169 Cerise Drive, opposing because the phase 1 building scheme has not and is not being upheld in the overall development.
- letter from Tom Masters, 1486 Glenview Avenue, opposing on the basis that the area should remain RU1, negative impact on property values, and traffic concerns.
- letter from Karl Zadavec, 1153 Cerise Drive, opposing the proposed new road, higher density housing, and the negative impact on property values.
- letter from Carolyn Winder, 1476 Glenview Avenue, opposing because of concerns about road access and traffic flow and the change in density.
- letter from Clarence Breitreutz, 1377 Mountain Avenue, opposing on the basis that the area should remain RU1, negative impact on property values and concerns about traffic flow.
- letter from Shirley & Ron Boyle, 1321 Mountain Avenue, opposed on the basis that the area should remain RU1, negative impact on the value of surrounding properties, introducing higher density strata units to the area, traffic, maintenance of the public walkway through the strata development.
- letter from William & Kathleen Krieg, 1156 Cerise Drive, objecting on the basis that their property will be devalued, and expressing concerns about parking and traffic.
- letter from Wes Kmet, 1110 Hillcrest Street, opposing because of concerns about roads and traffic movement and increased density.
- letter from Ron & Theresa McNenly, 1311 Mountain Avenue, opposing because of the negative impact of higher density on surrounding properties and increased traffic.
- letter from Sonny Chu, 1291 Mountain Avenue, opposing the change in density.
- letter from Donald & Katherine Sell, 1466 Glenview Avenue, opposed on the basis of property devaluation, traffic, over-crowding of local school.
- letter from Ed & Terry Hutton, 1225 Cerise Drive, opposing the increased density.
- letter from Tod & Teresa Alstad, 1228 Cerise Drive, opposing on the basis of high traffic levels, building scheme inconsistency, property values, potential increase in crime with low income developments.
- letter from Helen Shirriff, 1475 Glenview Avenue, opposed because of road and traffic concerns and increased density.
- letter from Fred Mark, 879 Mount Royal Drive, opposing increased density.
- letter from Brian & Deborah McGovern, 1140 Hillcrest Street, opposing on the basis of the higher density, change in character of the area, reduced property values, traffic flow, view, children's safety.
- letter from Ben & Merele Eldridge, 1105 Hillcrest Street, objecting to the higher density zoning and expressing concern about traffic problems, safety of children,
- letters (2) from Walter Sattelle, 1233 Cerise Drive, opposed because of concerns re maintenance of the proposed strata roads, safety of children and pets, impact of higher density housing on the value of surrounding properties.
- late petition bearing 1 signature stating the proposal would not comply with existing development on Cerise Drive and would create too much noise.

**Concern:**

- letter from David & Donna Lommer, 1150 Hillcrest Street, expressing concern that there is no guarantee what is proposed will actually be what is developed, the impact of higher density on traffic, internal roadways, children's safety, potential for rental/subsidized housing, lack of provision for visitor/off-street/RV parking, buffer zones, land stability, impact on property values, no guarantee of public access to the pond.
- letter from Sharon Loudoun, Barbara Lane and Derrick Elliott, 1193 Cerise Drive, expressing concern about the proposed roads and traffic flow.

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

**Rick Hulbert, architect and planner, representing the applicant:**

- The existing area is comprised of mixed uses including townhouses, industrial, duplexes and a secondary suite with house sizes ranging from 1,000 to 3,000 sq. ft. and from 1 to 3 storeys in height.
- The proposed development would have homes facing into the central open space area.
- There would be a 3-15 m wide buffer zone between the private road and adjacent lots.
- The proposed lot sizes are larger than permitted by the zone and so density is not being maximized, there would be less traffic and less children than if the proposed subdivision was all single family homes, the homes will range from 1,000 to 3,000 sq. ft. in size which is similar to what exists, most of the duplexes will have the 2 garages facing different directions giving the appearance of a large single family home, a letter from an appraiser indicates property values would not be affected, there would be less impact on views than if the subdivision was all single family homes, the proposed buffer zone with plant materials would create more privacy for the existing neighbours than if they had homes similar to theirs back to back, and what is proposed may not be what was promised but areas change over time.
- The applicant's engineers proved a road could be developed in the middle of the property with minimal settling over time. However, the City's engineers wanted a guarantee that there would be zero settlement and no engineer will give that and so now the homes will frame the center of the site which will be an open space garden area.
- The applicant is looking at a landscape plan for the entire site and that would be implemented along with the phasing of the homes.

**Denise Sattelle, 1233 Cerise Drive:**

- Strongly opposed the application because of concern about high density, increased traffic close to a school and playfields, property values would diminish.
- The applicant should have to comply with building restrictions similar to what the existing subdivision had to adhere to in order to retain property values.
- The neighbourhood has been misled as recently as May/99 about what would be developed on the subject property.
- Concerned about having duplexes close to her home – would like guarantee that none will be more than 1 storey high.

**Wes Shields, 1161 Cerise Drive:**

- The package of information was submitted to Council in an effort to consolidate all the letters and documents.
- Because a single family subdivision is not economically viable does not justify changing the building scheme that was determined fit the area.
- The subject property should be developed consistent with the \$200,000 to \$300,000 homes on Cerise and Mountain.
- The proposed lot sizes are tiny compared to the surrounding area.
- Only the applicant would have an unobstructed view, with pond and open space in front of his lot.

Public HearingFebruary 22, 2000Keith Ankerman, 1169 Cerise Drive (Lot 17 to the west):

- Building values would go down if this is approved.
- The proposed open space area adjacent to his lot could become an area for RV parking.
- There may be opportunity for compromise.
- Prefer a single family development with no duplexes and a similar building scheme as for Cerise.
- Submitted a sketch showing a different alignment of the roads he suggested would be better.

Ben Eldridge, 1105 Hillcrest Street:

- The extent of development proposed should warrant a traffic impact study.
- Traffic movement up and down Hillcrest is difficult during winter months because of the steep road grade.
- Linking Hillcrest to the lane adjacent to his property would put his bedroom 15 ft. from the lane. That is not a problem with the local traffic but would be unacceptable with the additional traffic resulting from this development.
- Hillcrest and the lane do not have sidewalks and the additional traffic would make it more dangerous for young children walking to school.
- Needs to be a better solution for the development of this property than the one proposed.

Ken Stober, representing the owners and tenants of Coronation Village:

- Main concern is access/egress from Coronation Village. Currently the access is at a zero or negative grade and the new entranceway should be equal to what exists now. Funnelling the residents of Coronation Village up a steep 15% grade street would be impossible in the winter.
- Suggested an alternate alignment for Coronation Avenue.
- Concerned about children's safety getting to school.

Staff:

- Clarified that the applicant was not in favour of the recommended realignment of Coronation. The applicant wanted all bareland strata and the proposed compromise came about because of the road requirement of City Works & Utilities staff.
- There has been thought of allowing right-in/right-out where existing emergency access is to the south of Coronation Village and that will be looked at in detail if this application is favourably considered.

John Mummery, 1385 Mountain Avenue:

- Overall, the applicant has done a great job of trying to stay consistent with the phase 1 development.
- If the proposed development is to be a gated community, would there be a sound suppression fence for the people on Cerise Drive?
- The proposed realignment of Coronation is not real and would be a disaster for traffic trying to move up the lane.

Staff:

- There would be fencing and landscape treatment around the perimeter of the site but the development would not be gated and the road would remain open to the public.

A resident of Coronation Village:

- Main concern is the access to Coronation Village and the steep grade of the hill.
- Would need a traffic light to be able to get onto High road in the a.m.
- Questioned how a road in excess of 15% grade can be justified as a private road but not as a public road.

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- At this point, Works & Utilities staff are satisfied that something could be made safe at that intersection. Detailed road design work will be done as part of the subdivision process and all the approach grades to the intersection would be assessed at that time.

Barbara Lane, 1193 Cerise Drive:

- Main concern is being sandwiched between two roads.
- Suggested that if the centre area is not stable enough for a road, the adjacent land may not be stable enough for the houses.

Staff:

- Explained that the centre area is a former gully that was filled in with sawdust. The houses would on higher ground that requires less remedial work.

Tim Tofflemire, 1120 Hillcrest Street:

- Main concerns are density, the road behind the houses, and looking at a sea of roofs from an exclusive RU1 neighbourhood.

Walt Sattelle, 1233 Cerise Drive:

- Wants the remainder of the development to be all R-1 with a similar building scheme to what was imposed on development in Phase 1.
- Concerned about exhaust fumes entering his bedroom windows and the increased traffic and lights from having three roads bordering his property.

Ron McNenly, 1311 Mountain Avenue:

- The map with the properties identified for having indicated support and opposition to this application does not indicate all the properties that have indicated opposition.
- Would like a covenant registered on the property to ensure that once the zoning is in place, what is approved with this application is what will be built.
- Gave his analysis of the number of people and vehicles that would be generated assuming 4 people per home in the proposed development.

Mike Sehn, 1217 Cerise Drive:

- Opposed strata developments which he suggested are instant ghettos.
- The plans indicate a distance of only about 10 ft. from the asphalt to his fence leaving little room for a berm for noise attenuation.
- Concerned about the impact of the potential ancillary uses permitted in the RU6 and RU5 zones, including bed & breakfast, boarding or lodging houses, care centres, group homes, major and minor home based businesses and secondary suites.
- The neighbourhood was promised single family and that is what they want.

Staff:

- Read the uses permitted in the RU1 zone including bed & breakfast, care centres, group homes, minor and major home based businesses and secondary suites.
- Displayed an updated map indicating opposition and support.

Deborah McGovern, 1140 Hillcrest Street:

- Concerned about being sandwiched between 2 roads, the impact of increased traffic and density on the existing neighbourhood, her property would back onto approximately 3 of the proposed houses, and inadequacy of the proposed buffer zone to buffer the noise and aesthetics that are proposed.

Glen Coe, 1293 Monterey Crescent:

- Supported the application suggesting that what is proposed is the best for the subject land.



Public HearingFebruary 22, 2000Bill Krieg, 1156 Cerise Drive:

- The developer should have removed the sawdust from the middle of the site before he bulldozed dirt over it.
- There is already enough traffic on Cerise Drive.

Jay Walker, 116 Verna Court in North Glenmore:

- Concerned about all the changes to the Official Community Plan (OCP).

Staff:

- Clarified that the subject application does not require any changes to the OCP and that the application is in keeping with the single and two-family zoning envisaged by the OCP and the Glenmore Sector Plan.

Wes Kmet, 1110 Hillcrest:

- Concerned about the intersection at Hillcrest and the intersection proposed 130 ft. to the south since traffic is already a major concern at the two intersections.
- Concerned about children's safety when walking.
- Posting development signs are inadequate notice of Advisory Planning Commission and Council meetings on development applications.
- Existing properties will be devalued because of the duplexes and the 15 identical homes.

Keith Ankerman, 1169 Cerise Drive:

- Submitted a written document outlining what would have to be done (i.e. remove all the duplexes, square footage for rancher to comply with the building scheme of the homes on Cerise Drive) before he would agree with the subject application.

Wes Kmet, 1110 Hillcrest:

- Concerned about the narrow road width and the extreme grades on both road ends.
- Too much density in the area.
- Opposed to the idea of duplexes and ranchers.
- Concerned about the potential impact of compaction on existing homes or foundation slippage.

Rick Hulbert, architect and planner, representing the applicant:

- The applicant was told by City staff that an RU1 zoning proposal would not be accepted because there could be no road settlement; what is proposed was worked out with City staff and is felt to be the best alternative option.
- The proposed setback is greater than it would be if the proposed and existing lots were back-yard to back-yard under RU1 zoning, providing more privacy for everyone.
- The fill material was pre-loaded onto the middle of the site because the applicant thought the road was going to be down the middle.
- Coronation Village was contacted last week to discuss potential concerns about the road system proposed by the City engineering staff.
- There would be no RV parking on the site and the areas indicated as park would remain as open space.

Matt Cameron, engineer with Reid Crowther, also representing the applicant:

- Explained how the proposed road system addresses concerns of City engineering staff but resulted in the applicant having to apply for two zones.
- Gave percentages of traffic that would use the different destination routes.
- The proposed grade is lower than indicated on the cross-section because some material still has to be removed from the site. Detailed site grading plans to determine final elevations will be prepared at the subdivision stage.

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- Explained why the City Engineer will not accept any settlement for a road in the middle of the site.
- Responded to questions about where left turns would be restricted on High Road and the options.

Rick Hulbert, architect and planner, representing the applicant:

- Committed to try to increase the berm or landscaping in areas where the separation is narrower to maintain privacy, to work with staff to come up with a building scheme that embodies most of the principles of the original document, and to work with Mr. Stober and City staff to work out a solution to the concern about the access to Coronation Village.

Moved by Councillor Shepherd/Seconded by Councillor Nelson

P135/00/02/22 THAT the portion of the Public Hearing dealing with Bylaw No. 8506 (Z98-1042 – Fredor Holdings Ltd. and Fred Marshall – 1361 Mountain Avenue) be adjourned to the Public Hearing of April 4, 2000 to give the applicant an opportunity for more dialogue with the public on building scheme requirements and traffic, road and access options.

Carried

There were no further comments.

- (e) Bylaw No. 8505 (Z99-1059) – Samesun International Travel Hostels Ltd. (Craig Kelley) – 245 Harvey Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Blk. 5, D.L. 139, O.D.Y.D., Plan 1395 except Plan KAP44425, as shown on Map “A” attached to the report of the Planning & Development Services Department dated January 12, 2000, located on Harvey Avenue, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C9 – Tourist Commercial zone in order to allow development of the site for uses permitted in the C9 zone.

Staff:

- Only a small portion of land at the extreme west of the site is subject of this rezoning application.
- The existing 1-storey motel would be demolished for construction of a new 3-storey, 32-unit hostel facility.
- A walkway would be constructed along the south side of the site as a continuation of the Mill Creek pathway system.

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

- letter of concern from Andrew Salton, 234 Riverside Avenue, with an article attached along with a copy of a letter from the developer addressing some revisions he made in response to concerns raised by the neighbourhood.
- letter from Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS) asking that the number of beds be reduced to a more manageable level and that a curfew earlier than midnight be imposed.
- letter from Amy & Tony Kunka, 1781 Abbott Street, expressing concern about the size and proximity of the proposed development in relation to the properties behind, excessive noise and loss of privacy.
- late letter of support from Mike Geddes, 244 Riverside Avenue, qualified by concerns he would like addressed at the building permit stage.
- late letter of opposition from Russ & Leslie Horne, 1835 Maple Street, expressing concerns about parking, noise and increased vandalism resulting from the development.

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

Curtis Unland and partner Craig Kelley, applicant:

- To address the neighbourhood concerns about noise and curfew, the building design has been modified to move the deck out of the back area, they have committed to provide 24-hour security and impose a 12:00 midnight curfew; the curfew can be earlier if the neighbours still have a concern.
- Can not see how a new building on the subject property would decrease property values in the area, especially given the proposed improvements to the site.
- The hostel facility would have a total of 112 beds.
- Indicated willingness to put something in place to guarantee there would be no more than 112 beds if that is Council's wish.
- Not all clients want to party so partying is curbed for the economic viability of the facility.
- The facility would be air conditioned so the windows at the rear of the building could be sealed.
- The existing building has no common area inside for activities; the new building would have the common areas inside and that would bring the people inside.
- There are strict standards for health and cleanliness and the hostel association inspects to ensure the facility meets those standards.
- There would be no maximum restriction on length of stay but there would not be monthly rates.
- The entire building would be designated non-smoking but outdoor ashtrays would be provided off a deck at the front of the building. Travellers generally are not disrespectful and they will generally respect where they are asked to go to smoke.

Willa Brooks, 258 Riverside Avenue:

- Displayed photos of her property to show that the view from the rear of her house looks straight at the subject property.
- Gave a lengthy presentation citing a long list of problems that she has experienced with the management and travellers at the subject property since the use changed from a motel to a hostel including trespassing, noise, drug abuse and foul language.
- Expressed frustration because responding to these types of complaints is not a high priority for the police.
- Questioned whether the ground is stable enough to support a 3-storey building.

Andrew Salton, 234 Riverside Avenue:

- Concerned about noise with a 112 bed facility next to a residential neighbourhood.
- The proposed building would be very imposing to the residential area.
- A hostel is not an appropriate use for the site.
- The problems for the Riverside Avenue residents started when Samesun took over the motel.
- Partiers/transients throw garbage into the creek.
- The applicants also run a hostel facility on Bernard Avenue and in 1997 there were a lot of complaints about lack of control at that facility.
- Questioned how many security people would be on duty at any given time.
- Preferred a curfew closer to 10 p.m.
- Questioned how the curfew would be enforced.
- If this is approved, asked for an 8 ft. high fence along the rear boundary line to block access to the creek and deflect noise, sealed windows at the rear of the building, any patio areas or outside tables be at the front of the building, retain the trees along the creek.

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- It is not reasonable to have a 3-storey building crowded with people overlooking residential yards.
- The proposed density and building height are too high.
- Hostels are not good neighbours to residential development.

Jeff Brooks, 258 Riverside Avenue:

- Submitted a copy of documented complaints.
- Questioned whether the property can support a 3-storey building.

Curtis Unland and partner Craig Kelley, applicant:

- Advised that they have received no complaints and no calls from the police over the last 2 years.
- Questioned how there could be so many problems without them hearing about them.
- The existing facility has 60 beds.
- The creek setback requirements and all the easements on the site restrict the size of the building footprint and the high water table prohibits having a basement level.
- Three storeys are necessary to make the facility viable.
- There would be 1 staff person working at a time. If they are unable to handle a situation, they call the police. People either respect the rules or are asked to leave.

The City Clerk stated that some of the correspondence that has been submitted on items subject of this public hearing are unsigned and therefore cannot be accepted and will not form part of the public record.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 12:49 a.m.

Certified Correct:

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Mayor

BLH/bn

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City Clerk