

Regular MeetingMarch 21, 2000

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, March 21, 2000.

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

Council members absent: Councillor R.D. Cannan and J.D. Nelson.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Current Planning Manager, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:27 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Day.

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, February 21, 2000

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R238/00/03/21 THAT the minutes of the Regular Meeting of February 21, 2000 be confirmed as circulated.

Carried

3.2 Public Hearing, February 22, 2000

Moved by Councillor Blanleil/Seconded by Councillor Given

R239/00/03/21 THAT the minutes of the Public Hearing of February 22, 2000 be confirmed as circulated.

Carried

3.3 Regular Meeting, February 22, 2000

Moved by Councillor Given/Seconded by Councillor Shepherd

R240/00/03/21 THAT the minutes of the Regular Meeting of February 22, 2000 be confirmed as circulated.

Carried

3.4 Regular Meeting, February 28, 2000

Moved by Councillor Clark/Seconded by Councillor Shepherd

R241/00/03/21 THAT the minutes of the Regular Meeting of February 28, 2000 be confirmed as circulated.

Carried

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3.5 Regular Meeting, March 6, 2000

Moved by Councillor Shepherd/Seconded by Councillor ClarkR242/00/03/21 THAT the minutes of the Regular Meeting of March 6, 2000 be confirmed as circulated.Carried

3.6 Public Hearing, March 7, 2000

Moved by Councillor Blanleil/Seconded by Councillor DayR243/00/03/21 THAT the minutes of the Public Hearing of March 7, 2000 be confirmed as circulated.Carried

3.7 Regular Meeting, March 7, 2000

Moved by Councillor Hobson/Seconded by Councillor BlanleilR244/00/03/21 THAT the minutes of the Regular Meeting of March 7, 2000 be confirmed as circulated.Carried

3.8 Regular Meeting, March 13, 2000

Moved by Councillor Day/Seconded by Councillor GivenR245/00/03/21 THAT the minutes of the Regular Meeting of March 13, 2000 be confirmed as circulated.Carried

4. Councillor Blanleil was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**5.1 Bylaw No. 8493 (Z99-1042) – John Arnold, Arnold Properties Ltd. and Terilyn Eidse (Ed Friesen/Connector Construction) – 4896 and 4894 Lakeshore RoadMoved by Councillor Given/Seconded by Councillor ClarkR246/00/03/21 THAT Bylaw No. 8493 be read a second and third time.Carried

Councillor Clark opposed.

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- 5.2 Bylaw No. 8517 (Z95-1015) – Canyon Creek Joint Venture (John Steil/Stantec Consulting Group Ltd.) – 5050 McCulloch Road

Moved by Councillor Shepherd/Seconded by Councillor Clark**R247/00/03/21** THAT Bylaw No. 8517 be read a second and third time.Carried6. PLANNING

- 6.1 Planning & Development Services Department, dated March 9, 2000 re: Development Permit Application No. DP00-10,003 and Development Variance Permit Application No. DVP00-10,013 – Bill Scutt/Viewcrest Estates Ltd. – 229-233 Bernard Avenue (3060-20; 3090-20)

Staff:

- The applicant is proposing façade improvements including changing the existing frontage of the building to accommodate three commercial tenants.
- The building was constructed in 1904 with subsequent modifications.
- The proposed building design incorporates suggestions from the Community Heritage Commission and they support the proposed renovations.
- The requested variance would allow a separate projecting sign for each storefront.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the requested variance to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

R248/00/03/21 THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,003, for Lot 18, Block 13, D.L. 139, O.D.Y.D., Plan 462, located on 229 and 233 Bernard Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,013, for Lot 18, Block 13, D.L. 139, O.D.Y.D., Plan 462, located on 229 and 233 Bernard Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6 – Specific Zone Regulations: Projecting Signs (c) The maximum number of projecting signs in the C7 zone be varied from 1 sign per 30 metres of building frontage to 3 signs per 13.5 metres of building frontage;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

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- 7.1 Planning & Development Services Department, dated February 15, 2000 re: Development Permit Application No. DP99-10,090 – Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue (3060-20)

Staff:

- Zone Amending Bylaw No. 8505 for the subject property was adopted by Council at the Regular Meeting of March 7, 2000. The Development Permit and Development Variance Permit applications were also deferred from that date to allow staff to meet with the applicant to discuss concerns raised by Council.
- The applicants have provided a signed “social contract” confirming their verbal commitments to address Council’s concerns about staffing, security, etc.
- The “social contract” is not enforceable by law but has been voluntarily agreed to by the applicants a measure of good faith to show they are committed to responsible operation of their business.
- The applicants have also provided a letter from their architect confirming that the patio would be moved to the east side of the building and a chain link fence installed along the south property line, with gates, as requested.
- The gates on the fence would be opened and locked by Samesun.
- The rear exit door is required for emergency use and would be an alarmed door.

Council:

- The additional security should be from 11 p.m. to 7 a.m. instead of from midnight to 8 a.m.

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

Francine Walker, 1763 Abbott Street:

- The hostel would be an improvement to the site but prefer 75 beds with noise buffers along the creek.
- Concerned about the environmental impact of 112 people on the site and the impact of a 3-storey building on Mill Creek.

Bethel Greenwood, 1815 Maple Street:

- The neighbourhood has had problems with the existing hostel and there have been many complaints about the hostel that have not been addressed.
- The management is still the same and presumably the problems will continue.
- More vehicles would be making right hand turns off the highway, with little or no warning, resulting in more near-collisions and rear-enders.

Willa Brooks, 258 Riverside Avenue:

- The hostel has been run as a party house for the last 19 months and now people are giving up their homes. In the last three days 3 For Sale signs have gone up in the neighbourhood by owners who do not want to continue going through what they have put up with over the past 19 months.
- Encouraged Council to make sure the hostel stays affiliated with Hostel International because if it is run as an independent, there would be no control.

Judy Stuart, 349 Burne Avenue:

- Read and submitted a letter from H. Sutherland, 1810 Maple Street, expressing concern that this hostel is not targeted to family guests, occupancy may not be limited to 112 beds, increased noise and drug problems.
- Complaints will be phoned to the City now that the residents have the correct number to call.

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Andrew Salton, 234 Riverside Avenue:

- Presented information received from a senior executive of Hostelling International about why the applicant's Kimberly hostel is not affiliated with Hostelling International and indicating they do not have any regulations against having curfews on the hours of operation of affiliated hostels.
- Opposed the requested variance of parking requirements.

Staff:

- Explained the rationale for staff supporting the requested parking variance:

Valerie Halford, president of FRAHCAS:

- Submitted a copy of a Hostel Accommodation District (H1) zone obtained from the District of Tofino.
- The hostel negatively impacts the adjacent residential neighbourhood which is in a heritage conservation area that should be protected.
- Read a letter of opposition from Russ and Leslie Horne, 1835 Maple Street, that she said was submitted for the Public Hearing but was not acknowledged then.
- The area residents who have listed their properties for sale have done so only because they do not want to continue to go through the problems of the past.
- The C-9 zone does not show hostels as a primary or secondary use.

Staff:

- The City's Zoning Bylaw does not have a specific zone for hostels. The C-9 allows hotels/motels as a primary use and staff consider the hostelling use to be similar.

Council:

- Concern about overflow parking on the adjacent residential streets.

Bethel Greenwood again:

- There is already a 2 hour parking restriction in place, but it does not apply at night and that is the problem the residents fear.

Francine Walker again:

- On-Street parking is already a big issue for the neighbourhood. People park their vehicles half on the road and half on lawns. When the hostel parking lot is full, people will have no other option than to park on the residential streets.

Varlerie Halford again:

- Suggested the results of the parking study done by a consultant for a similar facility at the Lower Mainland were based on circumstances that may not be relevant in this case.
- So far, the license plates on vehicles parking at the hostel would indicate the majority of the travellers staying there are local travellers.
- Opposed the requested parking variance and suggested that the number of rooms be reduced to what would be permitted based on the parking that can be achieved on-site.
- The 6 staff people would need parking and therefore reduce the parking available to travellers.
- Questioned why the neighbourhood should have to be inconvenienced with parking restrictions in order to accommodate the hostel.

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Craig Kelley and partner Curtis Unland, applicants:

- The chainlink fence will be 6 ft. high with gates that are locked during the quiet hours and those hours can be changed to 11 p.m. to 7 a.m. if that is Council's wish.
- 112 beds are the absolute maximum due to square footage requirements.
- If the number of rooms has to be reduced to coincide with the 21 parking stalls that can be provided, then they would go to larger dorm rooms with 6-8 beds instead of 4.
- The 6 employees are included in the 112 bed capacity. They are usually international travellers that would stay for 6-8 months and most use public transit rather than buying vehicles during their stay.

Staff:

- The City could initiate a specific zone for hostels but the proposed facility would be grandfathered since it would be existing prior to the new zone.
- Confirmed that the commitments made by the applicant could be added as conditions of the Development Permit.

Moved by Councillor Hobson/Seconded by Councillor Day

R249/00/03/21 THAT Municipal Council authorize the issuance of Development Permit No. DP99-10,090; for Lot 4, Block 3, D.L. 139, O.D.Y.D., Plan 462 except Plans 1395 and KAP44425, and Lot 3, Block 5, D.L. 139, O.D.Y.D., Plan 1395 except Plan KAP44425, located on Harvey Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The applicant register a plan of subdivision for the lot consolidation and all required road dedications;

AND THAT the appropriate schedules be amended to reflect that the chainlink fence along the south property line be 6 ft. high with gates to be locked from 11 p.m. to 7 a.m., BBQ/patio area to be fenced and gated with the gates locked at 11 p.m., relocate the patio to the east side of the building, sealed windows, the door at the south side of the building be alarmed and for emergency use only;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

Councillors Blanleil, Given and Shepherd opposed.

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- 7.2 Planning & Development Services Department, dated January 28, 2000 re: Development Variance Permit Application No. DVP99-10,091 – Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue (3090-20)

Council:

- Had the Development Permit and Development Variance Permit been considered concurrently, Council would not have been put into the position of having approved a building that reflects variances not necessarily supported by Council.

Moved by Councillor Day/Seconded by Councillor Hobson

R250/00/03/21 THAT further consideration of Development Variance Permit Application No. DVP99-10,091 (Craig Kelley/Samesun International Travel Hostels Ltd. – 245 Harvey Avenue) be deferred to the Regular Meeting of Tuesday, April 4, 2000.

Carried

Councillors Blanleil and Shepherd opposed.

Moved by Councillor Shepherd/Seconded by Councillor Hobson

R251/00/03/21 THAT staff review opportunities for resolving on-street parking concerns on Riverside Avenue and Abbott and Maple Streets in consultation with the neighbourhood residents.

Carried

8. BYLAWS

BYLAWS PRESENTED FOR FIRST READING)

- 8.1 Bylaw No. 8518 – Amendment of Daon Developments Corporation Land Use Contract No. 77-1085 (P1869) (Bylaw 4655) – City of Kelowna, Cambridge Shopping Centres Ltd. and Shaw Cablesystems Company – Enterprise/Hunter Roads

Moved by Councillor Clark/Seconded by Councillor Given

R252/00/03/21 THAT Bylaw No. 8518 be read a first time.

Carried

- 8.2 Bylaw No. 8520 – City of Kelowna Official Community Plan Amendment No. OCP99-019 – Eldorado Ranch Ltd. (R. Cook/Kent-MacPherson Appraisals) – South of Beaver Lake Road **requires majority vote of full Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Day

R253/00/03/21 THAT Bylaw No. 8520 be read a first time.

Carried

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- 8.3 Bylaw No. 8521 (Z00-1004) – Stuart Dickson and Susan Worden – 265 Davie Road

Moved by Councillor Hobson/Seconded by Councillor Day**R254/00/03/21** THAT Bylaw No. 8521 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 8.4 Bylaw No. 8522 – Amendment to Sewerage System User Bylaw No. 3480 (2000 rates)

Moved by Councillor Day/Seconded by Councillor Blanleil**R255/00/03/21** THAT Bylaw No. 8522 be read a first, second and third time.Carried

- 8.5 Bylaw No. 8525 – Amendment No. 2 to 2000 Provisional Budget No. 8492

Moved by Councillor Hobson/Seconded by Councillor Day**R256/00/03/21** THAT Bylaw No. 8525 be read a first, second and third time.Carried9. REMINDERS

- March 22 - 4:30 p.m. to 7 p.m. at the Laurel Building – Retirement party for Ursula Surtees, Curator of the Kelowna Museum
- March 22 – 10 a.m. – Transit Demand Management – Royal Anne Hotel

10. TERMINATION

The meeting was declared terminated at 9:09 p.m.

Certified Correct:_____
Mayor_____
City Clerk

BLH/bn