

Regular MeetingApril 4, 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, April 4, 2000.

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

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*; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 9:46 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

3.1 Regular Meeting, March 20, 2000

Moved by Councillor Nelson/Seconded by Councillor Shepherd

R296/00/04/04 THAT the minutes of the Regular Meeting of March 20, 2000 be confirmed as circulated.

Carried

3.2 Public Hearing, March 21, 2000

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R297/00/04/04 THAT the minutes of the Public Hearing of March 21, 2000 be confirmed as circulated.

Carried

3.3 Regular Meeting, March 21, 2000

Moved by Councillor Blanleil/Seconded by Councillor Day

R298/00/04/04 THAT the minutes of the Regular Meeting of March 21, 2000 be confirmed as circulated.

Carried

3.4 Regular Meeting, March 27, 2000

Moved by Councillor Nelson/Seconded by Councillor Given

R299/00/04/04 THAT the minutes of the Regular Meeting of March 27, 2000 be confirmed as circulated.

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

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)

- 5.1 Bylaw No. 8506 (Z98-1042) – Fredor Holdings Ltd. and Frederick Marshall (Matt Cameron/Reid Crowther & Partners) – 1361 Mountain Avenue

Council:

- Include the geotechnical information on each lot in the disclosure information for the buyers.
- Consider moving the duplex proposed on the corner of Cerise Drive east closer to the existing multi-family development.

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R300/00/04/04 THAT Bylaw No. 8506 be read a second and third time.

Carried

Councillor Cannan opposed.

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

Withdrawn from the agenda.

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

Moved by Councillor Nelson/Seconded by Councillor Given

R301/00/04/04 THAT Bylaw No. 8521 be read a second and third time.

Carried

(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)

- 5.4 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 Given/Seconded by Councillor Nelson

R302/00/04/04 THAT Bylaw No. 8520 be read a second and third time, and be adopted.

Carried

6. UNFINISHED BUSINESS

- 6.1 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)

Staff:

- The applicant is requesting approval to vary the rear yard setback and parking requirements in order to permit the construction of a 3-story, 32-unit hostel facility with 21 on-site parking stalls.
- The application was adjourned from the Regular Meeting of Tuesday, March 21, 2000 for staff to meet with the applicant to see if there was any more room for movement regarding the parking, location of the building.
- The inside of the building could be reconfigured to meet the parking requirements but that is not what they want to do; the applicants feel they have developed the best building for the site.
- The applicants have advised that the 64-bed facility in the 2 existing buildings on the site are causing them operational problems but bringing in cash flow for the company. If this application is not approved, they would continue to run the facility as it is with some improvements to the building.
- The applicants have started to develop a chain of hostels and this facility is proposed as their flagship building for that chain. They are not prepared to make the same kind of investment in the proposed building for a different layout that may cost more in construction costs and result in a reduced number of beds.
- The rezoning has been adopted and the Development Permit has been approved and this is the last of the approvals required for the project to proceed.

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

Andrew Salton, 234 Riverside Avenue:

- The reduced setback brings the building 38 ft. closer to the properties to the south and that coupled with the proposed 3-storey building height would reduce privacy of the properties to the south.
- The neighbourhood should be protected from harsh impact commercial uses.
- Over-developing this ecologically sensitive site.
- Noise is already a problem.
- Parking requirements should be calculated based on 112-beds, not 32 rooms.
- Overflow parking will go onto neighbourhood residential streets.
- Submitted a letter expanding on his concerns.

Willa Brooks, 258 Riverside Avenue:

- Headlight beams will spill onto the residential properties across Mill Creek and onto Highway 97 as vehicles access and egress the site.
- Will the basketball court be removed?
- The site has not been operated as a hostel since early last Fall.

Staff:

- The revised landscape plan shows considerable landscaping along the creek corridor and the highway.
- The land within the 15 m setback is expected to be retained in its natural condition but it may be possible to put a basketball court at the side of the building.

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Valerie Halford, FRAHCAS:

- The South Central Neighbourhood Area Structure Plan says no new commercial uses over 3 storeys.
- The Ministry of Environment is insisting upon a fence to protect the riparian vegetation along Mill Creek and so the public access corridor would be sandwiched between 2 fences.
- Concerned about protection of the fish habitat and the stream.
- Over-use of the site.

Curtis Unland and Craig Kelley:

- The solid fence should take care of any problem with headlights.

Staff:

- On March 21st the resolution was amended by Council to add that a 6 ft. high chainlink fence be included along the south property line.

Curtis Unland:

- Will look for other means to resolve the headlight concerns.
- The facility is currently closed while improvements are being made to the existing buildings.

Staff:

- There would be a gate in the fence along the property line because the public walkway leads from Water Street to a dead-end at the end of the subject property and that would be the only way out. The applicants would have the ability to lock the gates.

Council:

- Staff have been instructed to investigate the impact on the neighbourhood if on-site parking turns out to be deficient and parking overflows onto the residential streets.

Staff:

- Confirmed that the zone would permit up to a 6 storey building height on the site.

There were no further comments.

Moved by Councillor Day/Seconded by Councillor Cannan

R303/00/04/04 THAT Municipal Council authorize the issuance of Development Variance Permit No. 99-10,091; Samesun International Travel Hostels Ltd.; 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.;

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

1. Table 8.1 – Parking Schedule: Hotel use parking be varied from the 1 stall per sleeping unit required to 0.65 stall per sleeping unit provided, for a total of 21 stalls,
2. Section 14.9.5(e) – Development Regulations: minimum 15.0 m rear yard required for a hotel use be varied to 3.35 m rear yard proposed to pending property line.

Carried

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Councillor Blanleil opposed.

7. BYLAWS**BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8528 (TA99-011) – Miscellaneous Amendments to City of Kelowna Zoning Bylaw No. 8000

Moved by Councillor Shepherd/Seconded by Councillor Clark**R304/00/04/04** THAT Bylaw No. 8528 be read a first time.Carried

- 7.2 Bylaw No. 8529 (Z00-1002) – Brian & Lillian Berry (New Town Planning Services) – 1571 Sutherland Avenue

Moved by Councillor Clark/Seconded by Councillor Shepherd**R305/00/04/04** THAT Bylaw No. 8529 be read a first time.Carried

- 7.3 Bylaw No. 8530 (Z99-1002) – Excalibur Enterprises Ltd. and Carey Road Properties (A. Kleinfelder) – 2650, 2658, 2260 and 2590 Highway 97 North and north of Cary Road, and City of Kelowna Official Community Plan Amendment No. OCP99-003 **Requires majority vote of full Council (5)**

Moved by Councillor Shepherd/Seconded by Councillor Clark**R306/00/04/04** THAT Bylaw No. 8530 be read a first time.Carried**(BYLAWS PRESENTED FOR FIRST THREE READINGS)**

- 7.4 Bylaw No. 8532 – A bylaw to further amend Water Regulation Bylaw No. 2173

Moved by Councillor Day/Seconded by Councillor Hobson**R307/00/04/04** THAT Bylaw No. 8532 be read a first, second and third time.Carried

- 7.5 Bylaw No. 8533 – Amendment No. 55 to City of Kelowna Ticket Information Utilization Bylaw No. 6550-89 [replace Schedule 15 – Solid Waste Management (Garbage) Bylaw]

Moved by Councillor Hobson/Seconded by Councillor Day**R308/00/04/04** THAT Bylaw No. 8533 be read a first, second and third time.Carried

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- 7.6 Bylaw No. 8536 – A bylaw to amend the Sewerage System User Bylaw, 1982, No. 3480

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R309/00/04/04 THAT Bylaw No. 8536 be read a first, second and third time.

Carried

(BYLAWS PRESENTED FOR ADOPTION)

- 7.7 Bylaw No. 8524 – Road Exchange Bylaw – Enterprise Way & Hunter Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

R310/00/04/04 THAT Bylaw No. 8524 be adopted.

Carried

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 10:59 p.m.

Certified Correct:

Mayor

BLH/bn

City Clerk