

CITY OF KELOWNA

AGENDA

PUBLIC HEARING

July 8, 2003 – COUNCIL CHAMBER

CITY HALL – 1435 WATER STREET

7:00 P.M.

CHAIRMAN WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 and Zoning Bylaw No. 8000.
 - (b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing.
 - (c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after June 20, 2003 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.
 - (d) Council debate on the proposed bylaws will take place when they are considered by Council during the Regular Council meeting after the conclusion of this Hearing.
 - (e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.
2. The City Clerk will provide information as to how the meeting was publicized.

3. INDIVIDUAL BYLAW SUBMISSIONS:

3.1 **BYLAW NO. 9052 (Z03-0018)**

LOCATION: 1299 Rodondo Place
LEGAL DESCRIPTION: Lot 3, Section 6, Township 23, ODYD, Plan 29771
APPLICANT: Lynn Welder Consulting Ltd
OWNER: Jacob & Irene Welder
PRESENT ZONING: RR1 – Rural Residential 1 zone
REQUESTED ZONING: RU1 – Large Lot Housing zone
PURPOSE: To rezone the subject property to allow for future subdivision of the lot.

3.2a) **BYLAW NO. 8960 (TA02-0007)**

APPLICANT: City of Kelowna
PURPOSE: Amendments to the Zoning Bylaw No. 8000 resulting from the new BC Liquor Control Board regulations that came into effect December 2, 2002. In general terms, these amendments will increase Council's control over the location of Licensed Liquor Primary establishments and Licensed Retail Liquor sales businesses by requiring either one of these uses to apply for a rezoning. *Licensed Liquor Primary establishments* include bars, pubs, lounges and nightclubs where the serving of liquor, rather than food, is the primary business. *Licensed Retail Liquor Sales* include both the existing Provincial run liquor stores and the proposed private liquor stores that will result from the Provincial deregulation of liquor sales.
Added: Set the maximum gross floor area of retail liquor sales establishments at 186m²

3.2b) **BYLAW NO. 8980 (Z03-0007)**

Applicant: City of Kelowna
Owners: Various
Purpose: To maintain conformity with the proposed text amendments in the Bylaw No. 8960 that have resulted from the changes to the Provincial Liquor regulations. The properties being rezoned are currently existing as liquor primary or retail liquor sales establishments and/or hold the necessary provincial approvals to open as one in the future.
CIVIC ADDRESS & LEGAL DESCRIPTION: **Rezone from C2 – Neighbourhood Commercial to C2rls – Neighbourhood Commercial (Retail Liquor Sales):**
1. *Creekside Pub* - 3929 Lakeshore Road; Lot A, Sec. 6, Twp. 26, ODYD, Plan 36411
2. *McCulloch Station Pub* - 2789 KLO Road; Lot A, Sec. 9 & 10, Twp. 26, ODYD, Plan 43297
3. *Packinghouse Pub* - 663 Finns Road; Lot 1, Sec. 34, Twp. 26, ODYD, Plan 42743

Rezone from C3 – Community Commercial to C3lp – Community Commercial (Liquor Primary):

1. *Freddy's Brew Pub* - #124-948 McCurdy Road; Lot 1, DL 143, ODYD, Plan KAP65021

Rezone from C3 – Community Commercial to C3lp/rls – Community Commercial (Liquor Primary/Retail Liquor Sales):

1. *Brandt's Creek Neighbourhood Pub* – 435 & 437 Glenmore Road; Lots A and B, Sec. 32, Twp. 26, ODYD, Plan KAP54790

Rezone from C4 – Town Centre Commercial to C4lp – Town Centre Commercial (Liquor Primary):

1. *Valley Lanes* - 200 Rutland Road South; Lots 11 & 12, Sec. 23, Twp. 26, ODYD, Plan 12078
2. *Baxter's Bar & Grill* - #3-1745 Spall Road; Lot 2, DL 140, ODYD, Plan 24969
3. *Rascals Nightclub* - 150 & 154 Highway 33 West; Lot 1, Sec 23, Twp 26, ODYD, Plan 2073
4. *Capri Lanes* - 1835 Gordon Drive; Lot A, DL137, ODYD, Plan KAP64836

Added:

Rezone from C4 – Town Centre Commercial to C4rls – Town Centre Commercial (Retail Liquor Sales)

1. *Harvey Avenue Liquor Store* - #100-1740 Gordon Drive; Lot A, DL 138, ODYD, Plan KAP55098
2. *Illichman's Bakery* - 1937 Gordon Drive; Lot 1, DL.137, ODYD, Plan 35438
3. *Mission Park Mall Liquor Store* - #41-3155 Lakeshore Road; Lot 2, DL 14 & 135, ODYD, Plan KAP54407;
4. *Orchard Plaza Liquor Store* – 1840 & 1920 Cooper Road; Lot A, DL 127, ODYD, Plan KAP48113
5. *Willowpark Mall Liquor Store* - #14-590 Highway 33 West; Lot B, Sec 26 & 27, Twp. 26, ODYD, Plan 30302

Rezone from C4 – Town Centre Commercial to C4lp/rls – Town Centre Commercial (Liquor Primary/Retail Liquor Sales)

1. *Cap's Beer & Wine Store* - 1171 Harvey Avenue; Lot B, DL 137, ODYD, Plan KAP64836
2. *Pheasant & Quail Pub* - 3110 Lakeshore Road; Lot C, DL 14, ODYD, Plan 22527 except Plan 35659
3. *Zodiak Neighbourhood Pub* - 155 Rutland Road South; Lot 3, Sec 23, Twp 26, ODYD, Plan 2221 except Plan 35578 and 43627

Rezone from C6 – Regional Commercial to C6lp – Regional Commercial (Liquor Primary)

1. *R.J. McMaster's Pub* - 1992 Dilworth Drive; Lot 1, DL 127 & 4646, ODYD, Plan KAP47930

Rezone from C6 – Regional Commercial to C6rls – Regional Commercial (Retail Liquor Sales):

1. *Dilworth Liquor Store* - #109-1835 Dilworth Drive; Lot 4, DL 127, ODYD, Plan KAP59534

Rezone from C7 – Central Business Commercial to C7lp – Central Business Commercial (Liquor Primary):

1. *Kelly O'Bryans Restaurant* - 262 Bernard Avenue; Lot 1, DL 139, ODYD, Plan 4153 and west ½ Lot 5, DL 139, ODYD, Plan 505
2. *Cheetah's Nightclub* - 220 Lawrence Avenue; Lot 9, Blk 13, DL 139, ODYD, Plan 462
3. *Gotcha Nightclub* - 238 Leon Ave; Lot 7, Block 10, DL 139, ODYD, Plan 462
4. *Splashes Nightclub* - 275 Leon Avenue; Lot 1, DL 139, ODYD, Plan 32713;
5. *Willow Inn* - 235 Queensway Avenue; Lots 6 & 7, DL 139, ODYD, Plan 505 and Lot A, DL 139, ODYD, Plan 2180
6. *Yamas Taverna* - 1630 & 1654 Ellis Street; Lots 1 & 2, Blk 8, DL 139, ODYD, Plan 462
7. *Senior Frogs* - 274 Lawrence Avenue; Lot 3, Block 13, DL139, ODYD, Plan 462
8. *Prestige Inn* - 1675 Abbott Street; Lot A, DL 139, ODYD, Plan 36244
9. *Club Oasis* - 234 & 236 Leon Avenue; Lot 8, Blk 10, DL 139, ODYD, Plan 462

Added:

Added:

Rezone from C7 – Central Business Commercial to C7rls – Central Business Commercial (Retail Liquor Sales)

1. *Bernard Avenue Liquor Store* - 575 Bernard Avenue; Lot B, DL 139, ODYD, Plan 14322

Rezone from C7 – Central Business Commercial to C7lp/rls – Town Centre Commercial (Liquor Primary/Retail Liquor Sales)

1. *Doc Willoughby's* - 353 Bernard Avenue; Lot 9, Blk 14, DL 139, ODYD, Plan 462 except the east 15 feet thereof
2. *Coast Royal Anne Hotel* - 348 Bernard Avenue; Lots 3 & 4, Blk 17, DL 139, ODYD, Plan 462;
3. *Coast Royal Anne Hotel Pub & Beer & Wine Store* - 319 & 339 Queensway Avenue: Lot 9, Blk 17, DL 139, ODYD, Plan 462 and Lots A & B, DL 139, ODYD, Plan 5122

Rezone from C8 – Convention Hotel Commercial to C8lp – Convention Hotel Commercial (Liquor Primary)

1. *Grand Okanagan Resort* - 1310 Water Street; Lot A, DL 139, 4041 & 4082, ODYD, Plan KAP47378 except Strata Plan KAS1140 and Lot B, DL139, 3454 & 4082, ODYD, Plan KAP47378

Rezone from C9 – Tourist Commercial to C9lp – Tourist Commercial (Liquor Primary)

1. *Hotel Eldorado* - 500 Cook Road; Lot 1, Sec 1 & 12, DL 134 & 5225 ODYD, Plan KAP67232
2. *Manteo Beach Resort* - 3766 Lakeshore Road; Lot A, DL 134, Sec 6, Twp 26, ODYD, Plan KAP56428 Except Plan KAS1776
3. *Sandman Inn* - 2130 Harvey Avenue; Lot A, DL 127, ODYD Plan 23746

Rezone from C9 – Tourist Commercial to C9lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales)

1. *Best Western Inn* - 2402 Highway 97 North; Lot A, DL 125, ODYD, Plan 19786 except Plans H18058 and KAP44339
2. *Ramada Lodge* - 2170 Harvey Avenue; Lot A, DL 127, ODYD, Plan 42733 **(Added)**

Rezone from CD5 – Multi-Purpose Facility Comprehensive Development to CD5lp – Multi-Purpose Facility Comprehensive Development (Liquor Primary)

1. *Skyreach Place/Manhattan Point Restaurant* - 1223 Water Street; Lot 1, DL 139, ODYD, Plan KAP60698 except Air Space Plan KAP60701

Rezone from CD6 – Comprehensive Residential Golf Resort to CD6lp – Comprehensive Residential Golf Resort (Liquor Primary):

1. *Quail Ridge Golf Course* - 3225 Quail Ridge Boulevard; Lot A, Sec 14, 15, 22 and 23, Twp 23, ODYD, Plan KAP56201 except Plan KAP68068
2. *Gallaghers Canyon Golf & Country Club* - 4320 Gallaghers Drive; Lot 6, Sec 2, Twp 26, ODYD, Plan KAP71295

Rezone from CD8 – Heritage Industrial Comprehensive Development to CD8lp/rls – Heritage Industrial Comprehensive Development (Liquor Primary/Retail Liquor Sales)

1. *Kelowna Wine Museum* - 1304 Ellis Street; Lot 1, DL 139, ODYD, Plan 42511

Rezone from CD12 – Airport Comprehensive Development to CD12lp/r/s – Airport Comprehensive Development (Liquor Primary/Retail Liquor Sales)

1. *Skyway Restaurant & Lounge /Duty Free Shop* - 5415 Airport Way; Lot 3, DL 32 & 120, Sec 14, Twp 23, ODYD, Plan 11796

Rezone from P1 – Major Institutional to P1lp – Major Institutional (Liquor Primary)

1. *Apple Bowl Stadium* – 1557 Burtch Road; Lot 2, Sec 20, Twp 26, ODYD, Plan 32159
2. *Elks Stadium* - 663 Recreation Avenue and 552 Gaston Avenue; Lot 2, DL 139, ODYD, Plan 19829
3. *Kelowna Curling Club* - 551 Recreation Avenue; Lot B, DL 139, ODYD, Plan 18028

Rezone from P3 – Parks and Open Space to P3lp – Parks and Open Space (Liquor Primary)

1. *Harvest Golf Course* – 2725 KLO Road; Lot A, Sec 9 & 10, Twp 26, ODYD, Plan KAP45934
2. *Kelowna Golf & Country Club* - 1297 Glenmore Drive; Lot A, Sec 29, Twp 26, ODYD, Plan 23125 Except Plan KAP60640
3. *Orchard Greens Golf Course* - 2777 KLO Road; Lot A, Sec 9 & 10, Twp 26, ODYD, Plan 43297
4. *Michaelbrook Ranch Golf Course* - 1085 Lexington Drive; Lot 1, DL 168, Sec 6, Twp 26, ODYD, Plan KAP49584
5. *Mission Creek Golf & Country Club* - 1959 KLO Road; Lot A, DL 131, Sec 8, Twp 26, ODYD, Plan 35770
6. *Shadow Ridge Golf Course* - 3770 Bulman Road; Lot A, Sec 11, Twp 23, DL 122, ODYD, Plan 40375

Rezone from P5 – Municipal District Park to P5lp – Municipal District Park (Liquor Primary)

1. *Mission District Park* - 3925, 3975, 4055 & 4105 Gordon Drive; Lot 1 DL 168 and of Sec 6 Twp 26 ODYD Plan KAP46027 except Plan KAP49584; Lot 2 Sec 6 Twp 26 ODYD Plan KAP46027; Lot C DL 168 and Sec 6 Twp 26 ODYD Plan 41675 except Plan KAP46592; and Lot B Sec 6 Twp 26 ODYD Plan 33324 except Plan KAP46592

APPLICANT:
OWNERS:
PURPOSE:

City of Kelowna
Various
To maintain conformity with the proposed text amendments in the Bylaw No. 8960 that have resulted from the changes to the Provincial Liquor regulations.

3.2c) **BYLAW NO. 9016 (Z03-0021a)**

LOCATION: 1992 Dilworth Drive (R.J. McMaster's Pub)
LEGAL DESCRIPTION: Lot 1, District Lot 127 & 4646, ODYD, Plan KAP47930
APPLICANT: City of Kelowna
OWNER: Willcliff Holdings Ltd
PRESENT ZONING: C6 – Regional Commercial
REQUESTED ZONING: C6rls – Regional Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2d) **BYLAW NO. 9017 (Z03-0021b)**

LOCATION: 1630 & 1654 Ellis Street and 466 & 484 Leon Ave (Yamas Taverna)
LEGAL DESCRIPTION: Lots 1 and 2, Blk 8, DL. 139, Plan 462
APPLICANT: City of Kelowna
OWNER: MS Developments Inc.
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2e) **BYLAW NO. 9018 (Z03-0021c)**

LOCATION: 500 Cook Road (Hotel Eldorado)
LEGAL DESCRIPTION: Lot 1, Sec. 1&12, DL.134 and 5225, ODYD, Plan KAP67232
APPLICANT: City of Kelowna
OWNER: R93 Enterprises Ltd.
PRESENT ZONING: C9 – Tourist Commercial
REQUESTED ZONING: C9rls – Tourist Commercial retail liquor sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2f) **BYLAW NO. 9019 (Z03-0021d)**

LOCATION: 235 Queensway Avenue (Willow Inn Hotel);
LEGAL DESCRIPTION: Lot 6 & 7, DL 139, ODYD, Plan 505 and Lot A, DL 139, ODYD, Plan 2180;
APPLICANT: City of Kelowna
OWNER: K&J Noble Holdings Ltd;
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2g) **BYLAW NO. 9020 (Z03-0021e)**

LOCATION: 1310 Water Street (Waterfont Wines)
LEGAL DESCRIPTION: Lot B, District Lot 139, ODYD, Plan KAP49982 except Strata Plan KAS1261
APPLICANT: City of Kelowna
OWNER:
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2h) **BYLAW NO. 9021 (Z03-0021f)**

LOCATION: 1675 Abbott Street (Prestige Inn);
LEGAL DESCRIPTION: Lot A, DL 139, ODYD, Plan 36244
APPLICANT: City of Kelowna
OWNER: Bill-Ed Logging Ltd;
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2i) **BYLAW NO. 9022 (Z03-0021g)**

LOCATION: 238 Leon Avenue (Gotcha)
LEGAL DESCRIPTION: Lot 7, Blk 10, DL 139, ODYD, Plan 462
APPLICANT: City of Kelowna
OWNER: 475872 BC Ltd;
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2j) **BYLAW NO. 9023 (Z03-0021h)**

LOCATION: 274 Lawrence Avenue (Senior Frogs)
LEGAL DESCRIPTION: Lot 3, Blk 13, DL 139, ODYD, Plan 462;
APPLICANT: City of Kelowna
OWNER: 614030 BC Ltd
PRESENT ZONING: C7 – Central Business Commercial
REQUESTED ZONING: C7rls – Central Business Commercial Retail Liquor Sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.2k) **BYLAW NO. 9024 (Z03-0021i)**

LOCATION: 1310 Water Street (Grand Okanagan Resort)
LEGAL DESCRIPTION: Lots A and B District Lot 139, 4041 and 4082 ODYD Plan KAP47378 except Strata Plan KAS1140
APPLICANT: City of Kelowna
OWNER: Grand Okanagan Resort Ltd.
PRESENT ZONING: C8 – Convention Hotel Commercial
REQUESTED ZONING: C8rls – Convention Hotel Commercial (retail liquor sales)
PURPOSE: To permit the operation of a retail liquor sales establishment.

3.21) **BYLAW NO. 9025 (Z03-0021j)**

LOCATION: 2130 Harvey Avenue (Sandman Inn)
LEGAL DESCRIPTION: Lot A, District Lot 127, ODYD, Plan 23746
APPLICANT: City of Kelowna
OWNER: Northland Properties Ltd
PRESENT ZONING: C9 – Tourist Commercial
REQUESTED ZONING: C9rls – Tourist Commercial retail liquor sales
PURPOSE: To permit the operation of a retail liquor sales establishment.

4. **PROCEDURE ON EACH BYLAW SUBMISSION**

- (a) Brief description of the application by City Staff (Planning).
- (b) The Chairman will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes. Where appropriate, the applicant should have sufficient visual aids, e.g. schematics, sketches, etc. to describe the project to the Council and to the public in attendance.
- (d) The Chairman will call for representation from the public in attendance.
 - (i) The microphone at the podium has been provided for any person(s) wishing to make representation to the meeting.
 - (ii) The Chair will recognize ONLY speakers at podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes. However, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Members of Council may ask questions of the applicant and/or City Staff in order to clarify details of the project, etc.
- (f) Final calls for representation.

5. **TERMINATION**