

CITY OF KELOWNA

AGENDA

PUBLIC HEARING

September 16, 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 City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 and City of Kelowna 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 August 29, 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(a)

BYLAW NO. 9064 (OCP03-0008)

LOCATION: 1500 Hardy Street
LEGAL DESCRIPTION: Part of Lot A, District Lot 140, ODYD, Plan 35845
APPLICANT: Kasian Kennedy/ P.J. Mallen
OWNER: Telus Communications Inc.
OFFICIAL COMMUNITY PLAN AMENDMENT: Public Services/Utilities to Commercial

3.1(b)

BYLAW NO. 9073 (Z03-0027)

LOCATION: 1500 Hardy Street
LEGAL DESCRIPTION: Part of Lot A, District Lot 140, ODYD, Plan 35845
APPLICANT: Kasian Kennedy/ P.J. Mallen
OWNER: Telus Communications Inc.
PRESENT ZONING: P4 – Utilities
REQUESTED ZONING: C4 – Town Centre Commercial
REZONING PURPOSE: The applicant is seeking to rezone the northerly portion of the subject property in order to sell the office building that was previously required as office space by the current owners, who operate as a telecommunications utility company (Telus). The said office building lies to the north of a currently used switching station. The switching station would be located within the proposed southern lot, and is to remain in operation by the telecommunications utility company under the existing P4-Utilities zone.

3.2

BYLAW NO. 9074 (Z03-0038)

LOCATION: 644 Lequime Road
LEGAL DESCRIPTION: Lot A, Section 6, Township 26, ODYD, Plan 24496
APPLICANT/OWNER: Randy Villeneuve/Rancar Services Ltd
PRESENT ZONING: RU1 – Large Lot Housing zone
REQUESTED ZONING: RM3 – Low Density Multiple Housing zone
PURPOSE: The applicant is not proposing any new construction on the subject property. However, the applicant is licensed under the Community Care and Health act to provide care for up to 8 persons however the RU1 –Large Lot Housing zone only allows for a group home, minor (up to 6 persons). The applicant is proposing to rezone the subject property to the RM3 – Low Density Multiple Housing zone in order to accommodate up to eight residents.

3.3 (a)

BYLAW NO. 9075 (TA03-0006)

PURPOSE: The Cabaret exists as a legal non-conformity with regards to zoning. Retail Liquor Stores are not a permitted use in the C10 zone. The applicant is proposing a text amendment to the C10 – Service Commercial zone that would add Liquor Primary and Retail Liquor Sales establishments for the subject property. The adoption of the proposed text amendments in conjunction with approval of the rezoning application would allow the subject property to conform to the C10 – Service Commercial (LP/RLS) zones. There will be a decrease in the floor area of the existing cabaret to accommodate the Retail Store.

3.3(b)

BYLAW NO. 9076 (Z03-0029)

LOCATION: **1978 Kirschner Road**

LEGAL DESCRIPTION: Lot A, District Lot 129, ODYD, Plan 23146

APPLICANT/OWNER: Gerald Bruggera/OK Corral

PRESENT ZONING: C10 – Service Commercial

REQUESTED ZONING: C10 – Service Commercial (LP/RLS)

PURPOSE: The Cabaret exists as a legal non-conformity with regards to zoning. Retail Liquor Stores are not a permitted use in the C10 zone. The applicant is proposing a text amendment to the C10 – Service Commercial zone that would add Liquor Primary and Retail Liquor Sales establishments for the subject property. The adoption of the proposed text amendments in conjunction with approval of the rezoning application would allow the subject property to conform to the C10 – Service Commercial (LP/RLS) zones. There will be a decrease in the floor area of the existing cabaret to accommodate the Retail Store.

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 (Ask three times) Unless Council directs that the public hearing on the bylaw in question be adjourned (held open), the chairman shall state to the gallery that the public hearing on that bylaw is closed.

5. TERMINATION