

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, September 16, 2003.

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, E.A. Horning and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy; and Council Recording Secretary, B.L. Harder.

(* denotes partial attendance)

1. Mayor Gray called the Hearing to order at 7:03 p.m.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna Official Community Plan (1994-2013) Bylaw No. 7600" and "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 August 29, 2003, and by being placed in the Kelowna Daily Courier issues of September 8 & 9, 2003, and in the Kelowna Capital News issue of September 7, 2003, and by sending out or otherwise delivering 128 letters to the owners and occupiers of surrounding properties between September 2-3, 2003.

The correspondence and/or petitions received in response to advertising for the applications on tonight's agenda were arranged and circulated to Council in accordance with Council Policy 309.

3. INDIVIDUAL BYLAW SUBMISSIONS

3.1(a) 1500 Hardy Street

- 3.1(a) Bylaw No. 9064 (OCP03-0008) – Telus Communications Inc. (Kasian Kennedy/P.J. Mallen) – 1500 Hardy Street - THAT Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the Public Services/Utilities designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003.

See discussion under 3.1(b).

3.1(b) 1500 Hardy Street

- 3.1(b) Bylaw No. 9073 (Z03-0027) – Telus Communications Inc. (Kasian Kennedy/P.J. Mallen) – 1500 Hardy Street – THAT the City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the P4 - Utilities zone to the C4 –Town Centre Commercial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003.

Staff:

- The applicant is proposing to rezone the northerly portion of the property to the C4 zone in order to subdivide off and sell the Telus office building portion of the operation. The switching station on the southerly portion of the property would remain zoned P4 and continue to be operated by Telus.
- An OCP amendment is required to change the future land use designation to facilitate the rezoning request.
- At initial consideration a member of Council asked about proposed improvements to the linear park access along Mill Creek. The short term plan is for a 2 m wide gravel path on the west side of the creek. The long term plan is for a 4 m hard surface multi-purpose path on the south side of the North End Connector and through the BC Gas property to link into Spall Road.
- The Advisory Planning Commission recommends support for the application, as do staff.

Councillor Cannan entered the Council Chamber at 7:08 p.m. and took his place at the Council Table.

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.

Kasian Kennedy, applicant:

- The purpose of the rezoning is to allow for the northern portion which is being sold off to be used for a variety of uses that would otherwise be restricted by the current P4 zoning.

There were no further comments.

3.2 644 Lequime Road

- 3.2 Bylaw No. 9074 (Z03-0038) – Randy Villeneuve/Rancar Services Ltd. – 644 Lequime Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Plan 24496, Sec. 6, Twp. 26, ODYD, located at 644 Lequime Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone. Council.

Staff:

- There is a Development Variance Permit application on tonight's Regular Meeting agenda to deal with an existing non-conforming setback on the subject property.
- The applicant is currently licensed to operate a group home for 8 persons; however the existing RU1 zoning only allows up to 6 persons for a care facility. The property is designated in the OCP for future multi-family use and the applicant has applied to rezone to RM3 in order to increase the number of persons they can have under care.

- Because of recent difficulties achieving a quorum for Advisory Planning Commission (APC) meetings, and since the application is consistent with the OCP future land use designation and there are no physical changes proposed to the dwelling, the requirement for referring the application to the APC has been waived.

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.

Randy Villeneuve, applicant:

- Indicated he had nothing to add at this time.

There were no further comments.

3.3(a) 1978 Kirschner Road

- 3.3(a) Bylaw No. 9075 (TA03-0006) – Gerald Bruggera/OK Corral – 1978 Kirschner Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding the C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales) zone to acknowledge Liquor Primary Establishment, Major and Retail Liquor Sales as permitted uses in the C10 - Service Commercial zone (with rezoning to the lp/rls designation) as outlined in the report of the Planning & Development Services Department dated July 17, 2003.

See discussion under 3.3(b).

3.3(b) 1978 Kirschner Road

- 3.3(b) Bylaw No. 9076 (Z03-0029) – Gerald Bruggera/OK Corral – 1978 Kirschner Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Block 129, Plan 23146, ODYD, located at Kirschner Road, Kelowna, B.C., from the C10 - Service Commercial zone to the C10lp/rls - Service Commercial (Liquor Primary/Retail Liquor Sales) zone.

Staff:

- The subject property is the OK Corral which was previously licensed as a 'Cabaret' but with changes to Provincial legislation is now considered a 'Liquor Primary' establishment.
- The applicant has received preliminary approval from the Province to add a private liquor store at the front of the OK Corral building.
- The establishment is legally non-conforming and the applicant is proposing a text amendment to add Liquor Primary Establishments, Major and Retail Liquor Sales establishments as principal uses in the C10 zone and to rezone to add both the 'lp' and the 'rls' designation to the C10 zoning of the property in order to bring the establishment into conformity with the Zoning Bylaw.
- The Advisory Planning Commission recommends support for the application.
- At initial consideration, Council asked about potential landscaping in the front of the property; the applicant is working on a landscaping plan to improve the appearance of the front of the property.
- About 30 form letters were received prior to the notification process for this application, all were in support of the requested zoning and text amendment.

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

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

Gerald Bruggera, applicant:

- Once the location of the sidewalk is determined, the entire front section between the two entrances will be landscaped.
- There is ample on-street parking and the next closest liquor store is about 1.2 km away.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 7:20 p.m.

Certified Correct:

Mayor

BLH/am

City Clerk