

CITY OF KELOWNA

AGENDA

PUBLIC HEARING

November 18, 2003 – COUNCIL CHAMBER

CITY HALL – 1435 WATER STREET

5:00 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 October 31, 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. 9081 (Z03-0037)

LOCATION: 1585 Lewis Road
LEGAL DESCRIPTION: Lot A, Section 13, Township 26, ODYD, Plan KAP72858
APPLICANT/OWNER: David Davies/Double Day Development Corporation
PRESENT ZONING: RR2 – Rural Residential 2 zone
REQUESTED ZONING: RR3 – Rural Residential 3 zone
PURPOSE: To rezone the subject property in order to create an additional lot for a single unit residential dwelling.

3.2(a)

BYLAW NO. 9114 (LUC03-0001)

LOCATION: 4223 & 4313 Bedford Road
LEGAL DESCRIPTION: Lot 231, Section 32, Township 29, ODYD, Plan 1247 Except Plans 23499, 31918 and H9875 AND Lot 234, Section 32, Township 29, ODYD, Plan 1247 Except Plans 23499 and H9875
APPLICANT: Doug Sperling
OWNER: J. W. Bedford Ltd.
PRESENT ZONING: LUC76-1110 (A1 – Agriculture zone)
PURPOSE: The applicant is proposing to discharge the Land Use Contract, which allows for the creation of 12 rural residential lots. This will return the properties to the underlying zone (A1 – Agriculture zone).

3.2(b)

BYLAW NO. 9115 (Z03-0045)

LOCATION: 4223 & 4313 Bedford Road
LEGAL DESCRIPTION: Lot 231, Section 32, Township 29, ODYD, Plan 1247 Except Plans 23499, 31918 and H9875 AND Lot 234, Section 32, Township 29, ODYD, Plan 1247 Except Plans 23499 and H9875
APPLICANT: Doug Sperling
OWNER: J. W. Bedford Ltd.
PRESENT ZONING: A1 – Agriculture zone
REQUESTED ZONING: RR1 – Rural Residential zone
PURPOSE: The applicant wishes to rezone the subject properties to RR1 – Rural Residential 1 zone in order to facilitate the proposed 8-Lot Rural Residential subdivision.

3.3

BYLAW NO. 9098 (LUC03-0003)

LOCATION: 1889 Spall Road
LEGAL DESCRIPTION: Lot A, District Lot 129, ODYD, Plan 20633
APPLICANT: Scott Brown
OWNER: Simple Pursuits Inc.
PRESENT ZONING: LUC76-1109
REQUESTED ZONING: C10-Service Commercial zone
PURPOSE: The land use contract governing the development of the subject property was intended to accommodate the old C7 – Service Commercial zone (Zoning Bylaw no. 4500) and the Okanagan Mainline Real Estate Board has moved and new tenants have been found. The applicant is proposing to discharge the land use contract and all but one of the tenants will be Service Commercial in nature. The new tenant who is moving into the location will be grandfathered under the new C10 – Service Commercial zoning.

3.4

BYLAW NO. 9105 (Z02-1052)

LOCATION: 3732 Highway 97
LEGAL DESCRIPTION: Lot 1, Section 35, Township 26, ODYD, Plan 3993 Except Plans 4410 and H8110
APPLICANT: Grant Maddock
OWNER: Allan, Murray and Mabel Hill and Douglas and Janet Stranaghan
PRESENT ZONING: A1 – Agriculture zone
REQUESTED ZONING: I2 – General Industrial zone
PURPOSE: The applicant wishes to rezone the subject property to the General Industrial zone for future development purposes.

3.5(a)

BYLAW NO. 9113 (TA03-0009)

PURPOSE: The application requires a text amendment to add Liquor Primary Establishment, Major as permitted use (with lp designation) in the C10 – Service Commercial zone.

3.5(b)

BYLAW NO. 9107 (Z03-0053)

LOCATION: #1-1525 Dilworth Drive
LEGAL DESCRIPTION: Lot B, District Lots 125 and 531, ODYD, Plan KAP46845
APPLICANT: Breakers Billiards and Bistro (Terry Hales)
OWNER: WGP – 236 Holdings Ltd
PRESENT ZONING: C10 – Service Commercial zone
REQUESTED ZONING: C10lp – Service Commercial zone “LP”
PURPOSE: The applicant is seeking to rezone the subject property from the C10 - Service Commercial zone to the C10lp-Service Commercial (Liquor Primary) zone.

3.6(a)

BYLAW NO. 9109 (OCP03-0003)

LOCATION: 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

LEGAL DESCRIPTION: West ½ of Sec. 14, Twp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365; Lot 1, Sec. 11, Twp 23, O.D.Y.D., Plan 34113; Lot B, DL 32 and Sec. 14, Twp 23, O.D.Y.D., Plan KAP52924 and Lot A, DL 32 and Sec. 14, Twp. 23, O.D.Y.D., Plan KAP52924

APPLICANT: Dell Balfour

OWNER: Pier Mac Petroleum Installations Ltd

OFFICIAL COMMUNITY PLAN AMENDMENT: From “Mixed-Use Development” to “Comprehensive Development Project”

3.6(b)

BYLAW NO. 9110 (TA03-0004)

TEXT AMENDEMENT: The owners of the subject property wish to develop a portion of their former gravel extraction operation as the first phase of an industrial business park development which is focused on airport and university-college associated uses. As the existing City of Kelowna zoning bylaw does not provide for the requested mix of industrial and commercial uses for this unique location, the applicant is proposing the creation of a Comprehensive Development zone CD15 - Airport Business Park for the majority of the property. The applicant is also proposing the application of the C9 – Tourist Commercial zone for portion of the site as well as P3 – Parks and Open Space for a portion of the site.

3.6(c)

BYLAW NO. 9111 (Z03-0016)

LOCATION: 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

LEGAL DESCRIPTION: West ½ of Sec. 14, Twp. 23, O.D.Y.D., Except Plans H16596, KAP47192, KAP51877, KAP53641, KAP53790 and KAP57365; Lot 1, Sec. 11, Twp 23, O.D.Y.D., Plan 34113; Lot B, DL 32 and Sec. 14, Twp 23, O.D.Y.D., Plan KAP52924 and Lot A, DL 32 and Sec. 14, Twp. 23, O.D.Y.D., Plan KAP52924

APPLICANT: Dell Balfour

OWNER: Pier Mac Petroleum Installations Ltd

PRESENT ZONING: A1 – Agricultural 1, P3 – Parks and Open Space, P4 – Utilities and I5 – Extraction zones

REQUESTED ZONING: CD15 – Airport Business, C9 – Tourist Commercial and P3 – Parks and Open Space

REZONING PURPOSE: The owners of the subject property wish to develop a portion of their former gravel extraction operation as the first phase of an industrial business park development which is focused on airport and university-college associated uses. As the existing City of Kelowna zoning bylaw does not provide for the requested mix of industrial and commercial uses for this unique location, the applicant is proposing the creation of a Comprehensive Development zone CD15 - Airport Business Park for the majority of the property. The applicant is also proposing the application of the C9 – Tourist Commercial zone for portion of the site as well as P3 – Parks and Open Space for a portion of the site.

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