

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, January 13, 2004.

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; Deputy City Clerk, S.C. Fleming; Director of Planning & Corporate Services, R.L. Mattiussi; 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 5:02 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 that Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 29, 2003, and by being placed in the Kelowna Daily Courier issues of January 5 and 6, 2004, and in the Kelowna Capital News issue of January 4, 2004, and by sending out or otherwise delivering 252 letters to the owners and occupiers of surrounding properties between December 29, 2003 and December 31, 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.

Councillor Cannan entered the Council Chamber at 5:09 p.m. and took his place at the Council Table.

### 3. INDIVIDUAL BYLAW SUBMISSIONS

#### **3.1 2040 Joe Riche Road**

- 3.1 Bylaw No. 9128 (Z03-0059) – 641300 BC Ltd. (Steve Berezan/Black Mountain Pub) – 2040 Joe Riche Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot 5 shown on Plan B4079, Section 18, Township 27, ODYD Plan 1991, located on Joe Riche Road, Kelowna, B.C. from the C2 - Neighbourhood Commercial zone to the C2rls - Neighbourhood Commercial (Retail Liquor Sales) zone.

Staff:

- The applicant is proposing to re-establish a liquor primary licence at the former Black Mountain Pub location and is now seeking to rezone to allow a retail liquor store.
- The closest liquor outlet is on Rutland Road within the Rutland Town Centre.
- A Text Amendment is coming forward next week for Council to consider removing the size restriction on licensee retail liquor stores.

The Deputy City Clerk advised that the following correspondence had been received:

- letter from Black Mountain Irrigation District stating they have no concerns or objections to the application.

Mayor Gray invited the applicant or anyone in the public gallery who deem themselves affected to come forward, followed by comments of Council.

Kitty Green, 1508 Lund Road:

- The neighbourhood has not been surveyed for support as was the case when the Black Mountain Pub was established.
- Questioned why the pub would succeed now when it previously failed.
- Concerned about noise, especially during warm weather, as noise rises.
- A pub is not a good idea when in such close proximity to a school.

Staff:

- Provincial liquor licensing regulations have changed since the Black Mountain Pub was established and Councils now have the option of holding a public meeting as opposed to a referendum.
- The application is to rezone for a retail liquor store and liquor stores are mandated to close at 11 p.m. The pub is not an issue tonight, nor are hours of operation of the pub.
- If the public has complaints about a liquor licensed operation they should contact City bylaw enforcement staff.

There were no further comments.

### **3.2(a) 1094 Lawson Avenue**

3.2(a) LUC03-0002 – Discharge of Land Use Contract 78-1029 – LCC Holdings Inc. (Terry Feeny) – 1094 Lawson Avenue – THAT Application No. LUC03-0002 to discharge the Land Use Contract 78-1029 from Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, BC, be considered by Council.

Staff:

- The Land Use Contract (LUC) preserved the parcel of land for overflow parking from the former IGA Supermarket which was across Gordon Drive.
- The IGA is no longer there and bylaw requirements have changed such that parking requirements could be met on-site today.
- The LUC can be discharged without any net impacts on the operation of the commercial site across the road.
- The OCP is being amended and the property rezoned to facilitate construction of a 15-unit, 3.5 storey apartment building with a parkade at the lower level in addition to some surface parking.
- The size of the building being proposed on the lot would require a variance to setback requirements due to road reserves and dedications on Lawson Avenue and Gordon Drive. Staff are working with the applicant to shift the building to address setback concerns.
- The proposed project is in compliance with planning policies.
- The apartment building to the south is a 4-storey building.

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The Deputy City Clerk advised that the following correspondence and or petitions had been received:

- late letter from Eleanore Beattie, 1056 Bernard Avenue, opposed because the proposed building would impact the view from her apartment and indicating preference for a 2-storey building.

Mayor Gray invited the applicant or anyone in the public gallery who deem themselves affected to come forward, followed by comments of Council. There was no response.

### **3.2(b) 1094 Lawson Avenue**

3.2(b) Bylaw No. 9135 (OCP03-0011) – LCC Holdings Inc. (Terry Feeny) – 1094 Lawson Avenue – THAT Map 15.1 of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C., from the Multiple Unit Residential Low Density designation to the Multiple Unit Residential Transition designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department dated November 25, 2003.

See discussion under 3.2(a).

### **3.2(c) 1094 Lawson Avenue**

3.2(c) Bylaw No. 9136 (Z03-0047) – LCC Holdings Inc. (Terry Feeny) – 1094 Lawson Avenue - THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM4 – Transition Low Density Housing zone.

See discussion under 3.2(a).

#### **4. TERMINATION:**

The Hearing was declared terminated at 5:26 p.m.

Certified Correct:

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Mayor

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Deputy City Clerk

BLH/am