

Public HearingJanuary 11, 2005

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 11, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blangleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson and S.A. Shepherd.

Council members absent: Councillor E.A. Horning.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi; Acting Deputy City Clerk, D.M. Fediuk; Manager of Development Services, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. Mayor Gray called the Hearing to order at 7:14 p.m.
- 1.1 Explained that the meeting is delayed because of an emergency situation that had to be dealt with involving two duplexes at the north end of Richter Street where the residents have been ordered to evacuate because of concerns about slope instability.
2. Mayor Gray advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "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 Acting Deputy City Clerk advised the Notice of this Public Hearing was advertised by being posted on the Notice Board at City Hall on December 17, 2004, and by being placed in the Kelowna Daily Courier issues of January 4 & 5, 2005, and in the Kelowna Capital News issue of January 4, 2005, and by sending out or otherwise delivering 211 letters to the owners and occupiers of surrounding properties between December 17 & 21, 2004.

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 Banks Road**

- 3.1(a) Bylaw No. 9337 (Z04-0067a) – Kelowna Central Park Properties Ltd. and Salco Management Ltd. (Kelowna Central Park Properties Ltd. – 1500 Banks Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, DL 125, ODYD Plan KAP67601, located on Banks Road, Kelowna, B.C., from the C3 – Community Commercial zone to the C3rls – Community Commercial (Retail Liquor Sales) zone.

Staff:

- The subject property is being rezoned to add the 'rls' designation in order to accommodate moving the liquor outlet that is currently at the Best Western Hotel site to the Central Park Properties site.
- The applicant has agreed to removing the 'rls' zoning designation from the current location in the Best Western; the next bylaw on this agenda removes the 'rls' zoning designation from that property.

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- About 60% of the subject site would be used for the proposed new retail liquor store. Size restrictions have been removed on 'rls' establishments and so there is no longer a limit on size.
- The proposals is consistent with the policies of the Mayor's Entertainment District Task Force and the Liquor Control Board's requirements regarding proximity to other retail liquor store establishments.

The Acting Deputy City Clerk advised that no correspondence and/or petitions had been received.

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

Steve Henderson, Kelowna Central Park Properties:

- The new store would occupy about 2,900 sq. ft. of the 6,900 sq. ft. building or about 40% of the building.
- The Liquor Control Branch has already indicated their support of the liquor license.

There were no further comments.

3.1(b) 2400-2402 Highway 97 North

- 3.1(b) Bylaw No. 9338 (Z04-0067b) - Kelowna Central Park Properties Ltd. and Salco Management Ltd. (Kelowna Central Park Properties Ltd. – 2400-2402 Highway 97 North – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, DL 125, ODYD Plan 19786, exc. Plans H18058 & KAP44339 located on Highway 97 N, Kelowna, B.C., from the C9lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales) zone to the C9lp – Tourist Commercial (Liquor Primary) zone.

See discussion under 3.1(a) above.

3.2 467 Ziprick Road

- 3.2 Bylaw No. 9335 (Z04-0019) – Alan Cohoe – 467 Ziprick Road – THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 22, Twp. 26, ODYD Plan KAP74733, located on Ziprick Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone.

Staff:

- The subject property is on the corner of Cornwall and Ziprick Roads.
- The property was recently subdivided into Lots A and B and now the intent is to rezone Lot A in order to put an additional dwelling unit on the property.
- The existing house was moved onto the property (Lot A) after it was subdivided. The proposed second dwelling would be linked to the existing dwelling unit by an attached carport structure.
- The rezoning is consistent with the future land use designation of the Official Community Plan and the concept plan provided by the applicant meets all technical requirements of the RU6 zone.

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

- Petition of opposition bearing 13 signatures referring to the subject property as an eyesore that has negatively impacted their property values.
- letter of opposition from Holly & Michael Walter, 1515 Renfrew Road, expressing concerns that noise would increase and that another dwelling unit would add to the already congested traffic in the area and further jeopardize the safety of children and other pedestrians on this stretch of road.

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

Connie Bergen, representing her parents who live at 1485 Cornwall Road:

- The subject property is not being maintained and is an eyesore with piles of dirt and garbage; other properties in the area have been devalued as a result.
- The subject property is not large enough to accommodate another house without looking over-crowded.
- The carport would be off Ziprick Road making it more hazardous for children going to school.
- Concerned that on-site parking would not be adequate for two dwellings and that the additional vehicles would park on Cornwall Road.
- She and her parents are opposed to this application.

Staff:

- The concept plan provided by the applicant indicates four on-site parking stalls; two in the carport, one adjacent and one in tandem which meets bylaw requirements.

Alan Cohoe, applicant:

- Purchased the subject property after it was subdivided. Has been waiting for the outcome of this rezoning application before finishing off the landscaping on the property.
- The existing fence and cedar hedge would remain. Does not have a landscaping plan in mind but probably the front portion of the site would be either paved driveway or concrete walkways with the balance of the site mostly grass with a few trees and/or shrubs.
- The carport driveway would be off Cornwall not Ziprick Road.

4. TERMINATION:

The Hearing was declared terminated at 7:37 p.m.

Certified Correct:

Mayor

Acting Deputy City Clerk

/blh