

Public HearingSeptember 2, 2008

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 September 2nd, 2008.

Council members in attendance: Mayor Sharon Shepherd, Councillors Barrie Clark, Colin Day, Brian Given, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Andre Blanleil and Carol Gran.

Staff members in attendance were: Acting City Manager, Paul Macklem; City Clerk, Stephen Fleming; Director of Planning & Development Services, Jim Paterson; Current Planning Supervisor, Danielle Noble; Planner, Alec Warrander; and Council Recording Secretary, Sandi Horning.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:00 p.m.
2. Mayor Shepherd advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "*Kelowna 2020 - Official Community Plan 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 15, 2008, and by being placed in the Kelowna Daily Courier issues of August 25th, 2008 and August 26th, 2008 and in the Kelowna Capital News issue of August 24th, 2008, and by sending out or otherwise delivering 84 letters to the owners and occupiers of surrounding properties between August 15th, 2008 to August 20th, 2008.

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 Bylaw No. 10057 (OCP08-0013) and Bylaw No. 10058 (Z08-0049) – Velma Feeny – 795-797 Birch Avenue - THAT OCP Bylaw Amendment No. OCP08-0013 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, Kelowna B.C., from the Single/Two Unit Residential designation to the Educational / Minor Institutional designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 25, 2008, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Planning & Development Services Department dated July 25, 2008;

THAT Rezoning Application No. Z08-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as

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shown on Form 1, Kelowna B.C., from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP08-0013 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

Staff:

- Advised that there will be no structural changes to the dwelling.
- Confirmed that the daycare is expanding from 10 children to 30 children.

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

- o Letter of Support:
 - Karen Chappell, 856 Birch Avenue

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

Velma Feeny, Applicant:

- Did not have any further information to add to staff's comments.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:04 p.m.

Certified Correct:

Mayor

SLH/hp

City Clerk