

Public HearingJune 16, 2009

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, June 16th, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Robert Hobson, Charlie Hodge, Graeme James, Michele Rule and Luke Stack.

Council members absent: Brian Given, Angela Reid

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director Land Use Management, Shelley Gambacort, Theatre Manager, Randy Zahara, and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:04 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 May 29th, 2009, and by being placed in the Kelowna Daily Courier issues of June 8th, 2009 and June 9th, 2009, and in the Kelowna Capital News issue of June 7th, 2009, and by sending out or otherwise delivering 376 letters to the owners and occupiers of surrounding properties between May 29th, 2009 and June 3rd, 2009.

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

Item 3.1 will not be considered and was deferred to the June 30, 2009 Public Hearing.

3.1 Bylaw No. 10198 (OCP09-0001) and Bylaw No. 10199 (Z09-0007) – 0720229 BC Ltd. (Troika Developments Inc.) – 245 Briarwood Road -

- 3.2 Bylaw No. 10202 (OCP09-0007) and Temporary Use Permit No. TUP09-0001 – City of Kelowna – 311 Harvey Avenue - THAT OCP Bylaw Text Amendment No. OCP09-0007 to amend *Kelowna 2020 - Official Community Plan Bylaw No. 7600* by deleting the Temporary Use Permit Area table in Chapter 19 - Temporary Commercial and Industrial Use Permits and replacing it with a new table as per Schedule "A" attached to the report of Land Use Management Department, dated May 8, 2009, 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 Land Use Management Department dated May 8, 2009;

AND THAT the OCP Bylaw Amendment No. OCP09-0007 be forwarded to a Public Hearing for further consideration;

AND THAT Council authorize Temporary Use Permit No. TUP09-0001 to allow "Contractor Services, General" on Lot B, District Lot 139, ODYD, Plan 33086

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Except Plan KAP83092, located at 311 Harvey Avenue, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated May 8, 2009, subject to the following conditions:

- a) Water Street at Highway 97 (Harvey Ave) remains physically closed.
- b) No direct access from the subject property to Highway 97.
- c) The staging area is fenced and dust control onsite is implemented during heavy machinery activity or as required.
- d) The site be maintained and cleaned on a regular basis.

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:09 p.m.

Certified Correct:

Mayor

City Clerk

ACM/dld