

Public HearingNovember 3, 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, November 3<sup>rd</sup>, 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: Councillor Angela Reid.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. Mayor Shepherd called the Hearing to order at 6:08 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 October 16, 2009, and by being placed in the Kelowna Daily Courier issues of October 26, 2009 and October 27, 2009, and in the Kelowna Capital News issue of October 25, 2009, and by sending out or otherwise delivering 149 letters to the owners and occupiers of surrounding properties on between October 16, 2009 and October 21, 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
  - 3.1 Bylaw No. 10245 (OCP07-0032) and Bylaw No. 10246 (Z07-0093) - 0781540 BC Ltd., Inc. No. BC0781540 - 560, 561, 582, & 583 McKay Avenue - THAT OCP Bylaw Amendment No. OCP07-0032 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, 13, 14, 15, District Lot 14, ODYD, Plan 3769 located at 560, 582, 583 and 561 McKay Avenue, Kelowna, B.C. from the Multiple Unit Residential - Medium Density designation to the Commercial designation, as shown on Map "A" attached to the report of the Community Sustainability Division, dated September 23, 2009, be considered by Council;

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 September 23, 2009;

THAT Rezoning Application No. Z07-0093 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, 13, 14, 15, District Lot 14, ODYD, Plan 3769 located at 560, 582, 583 and 561 McKay Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial Zone be considered by Council;

Public HearingNovember 3, 2009

THAT the OCP Bylaw Amendment No. OCP07-0032 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties into one title;

THAT final adoption of the zone amending bylaw be considered subsequent to the finalization of the road closure and the registration of the public access Right-of-Way agreement;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Parks Branch being completed to their satisfaction.

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

- o Letter of Concern:
  - Debra Schmidt, 305-538 McKay Avenue

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

Andrew Gaucher, G Group of Companies, Applicant

- Gave a presentation to Council regarding the proposed development for the site.
- Does not intend on blocking the laneway during construction of the development.
- Advised that there will be underground parking for both the employees and customers of the retail spaces.
- Advised that the developer will be paying cash-in-lieu for parking as the development is one (1) parking stall short of the City's requirements.
- A rationale letter has been provided to the Land Use Management Department with respect to the LEED certification of the project.
- The public walkway will be constructed in such way that it can be restricted at night, should the need arise.
- The development will be built so that it can be strata titled in the future, but at the moment, the developer does not intend on stratifying the property.
- Due to the water table in the area, the development will not be able to be constructed at grade.

There were no further comments.

4. TERMINATION:

The Hearing was declared terminated at 6:35 p.m.

Certified Correct:

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Mayor

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City Clerk

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