

Regular MeetingDecember 11, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, December 11th, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Colin Day, Carol Gran, Robert Hobson, Norm Letnick and Michele Rule.

Council members absent: Councillors Clark and Given

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Stephen Fleming; Current Planning Supervisor, Shelley Gambacort*; Planner, Nelson Wight*, Planner, Alec Warrander*; Manager, Policy, Research & Strategic Planning, Signe Bagh*; Environmental/Solid Waste Manager, Mark Watt*; Planner Specialist, Gary Stephens*; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 7:45 p.m.

2. Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular Meeting A.M. – November 26, 2007
 Regular Meeting P.M. – November 26, 2007
 Public Hearing – November 27, 2007
 Regular Meeting – November 27
 Regular Meeting A.M. – December 3, 2007
 Regular Meeting P.M. – December 3, 2007

Moved by Councillor Rule/Seconded by Councillor Day

R1170/07/12/11 THAT the Minutes of the Regular Meetings of November 26th, 2007, November 27, 2007 and December 3rd, 2007 and the minutes of the Public Hearing of November 27th, 2007 be confirmed as circulated.

Carried

4. Councillor Rule is requested to check the minutes of this meeting.

5. BYLAWS CONSIDERED AT PUBLIC HEARING

(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS)

5.1 Bylaw No. 9890 (Z07-0029) – Kevin and Cynthia Patterson – 530 Ziprick Road

Moved by Councillor Rule/Seconded by Councillor Letnick

R1171/07/12/11 THAT Bylaw No. 9890 be read a second and third time.

Carried

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- 5.2 Bylaw No. 9891 (OCP07-0021) – Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road **Requires a majority of all Members of Council (5)**

Moved by Councillor Letnick/Seconded by Councillor Rule**R1172/07/12/11** THAT Bylaw No. 9891 be read a second and third time.Carried

- 5.3 Bylaw No. 9892 (Z07-0069) – Bhushan Singla, Radha Reddy, Roshni Reddy (Lavina Gaucher) – 360 Gerstmar Road

Moved by Councillor Letnick/Seconded by Councillor Rule**R1173/07/12/11** THAT Bylaw No. 9892 be read a second and third time.Carried

- 5.4 Bylaw No. 9897 (Z05-0036) – MapleHealth Ranch (Terasen Gas) – 4460 Gordon Drive

Moved by Councillor Letnick/Seconded by Councillor Rule**R1174/07/12/11** THAT Bylaw No. 9897 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

- 5.5 Bylaw No. 9842 (OCP07-0020) – Text Amendment – Aquatic Habitat and Compensation Banking -

Moved by Councillor Rule /Seconded by Councillor Letnick**R1175/07/12/11** THAT Bylaw No. 9842 be read a second and third time and be adopted.Carried

- 5.6 Bylaw No. 9893 (Z07-0081) – Roslyn Haug – 1250 Bothe Road

Councillor Letnick declared a conflict as he has a personal relationship with the applicant and departed the meeting at 7:50 p.m.

Moved by Councillor Gran /Seconded by Councillor Day

THAT Bylaw No. 9893 be read a second and third time and be adopted.

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Council:

- Asked staff what processes are in place for home based business licence renewals when a complaint has been received.

Moved by Councillor Gran/Seconded by Councillor Day

R1177/07/12/11 THAT reading consideration of Bylaw No. 9893 be deferred until bylaw infractions on the property have been resolved.

Carried

Councillor Letnick rejoined the meeting at 8:01 p.m.

5.7 Bylaw No. 9894 (Z07-0040) – Susan Widmer – 2880 Gosnell Road

Moved by Councillor Day/Seconded by Councillor Gran

R1178/07/12/11 THAT Bylaw No. 9894 be read a second and third time and be adopted.

Carried

5.8 Bylaw No. 9895 (Z07-0010) – Emily Doyle (Runnalls Denby and Associates) – 2850 Gosnell Road

Moved by Councillor Gran/Seconded by Councillor Blanleil

R1179/07/12/11 THAT Bylaw No. 9895 be read a second and third time and be adopted.

Carried

6. LIQUOR LICENSE APPLICATION REPORTS

6.1 Planning & Development Services Department, dated November 1, 2007 re: Liquor Licensing Application No. LL07-0007 – Cabana Grille Restaurants Inc. (Michael Borg) – Playa del Sol 3799 Lakeshore Road

Staff:

- Currently do have Liquor Service until Midnight but want an extension to 1:00 a.m

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

LL07-0007 – Cabana Grille Restaurants Ltd. / (Michael Borg)
3799 Lakeshore Road (Playa del Sol)

Letters of Opposition

Michael & Janet Smith, #123 – 609 Truswell Road
Jim Mitchell, #107 – 665 Cook Road
Carole Robinson, #114 – 665 Cook Road
Deborah MacDonald, #342 – 665 Cook Road
Tony & Bev Walls, #113 – 665 Cook Road
Wynn & Ferne Spencer, #422 – 665 Cook Road
Alan & Barbara Budd, #202 – 665 Cook Road
Nancy & Glenn Crouchman, #333 – 665 Cook Road
Elwyn Stauffer, #23 – 3787 Lakeshore Road

Christine & Giuseppe Sposato, #207 – 665 Cook Road

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Alix Johnston, #215 – 665 Cook Road
 Norma Wade, #409 – 665 Cook Road
 Laurie Molstad & Margaret Rosati, #402 – 665 Cook Road
 Pam & Jim Edgar, #218 – 665 Cook Road
 Janet Pozer, 659 Cook Road
 Lesley Hornby, 681 Cook Road
 Pam Beck & Bob Cote, #438 – 665 Cook Road
 Lena Fletcher, #39 – 3787 Lakeshore Road

Michael Borg, Ned Bell - Applicants:

- Read concerns of neighbours and feels that it is not our intention to act as a pub we are primarily a restaurant.
- Addressed parking concerns that have come up. The secured underground parking allocates 73 stalls to our guests. There is municipal and street parking as well.
- In a resort area and do not want to limit or restrict their guests.
- Will conform to any municipal bylaws.
- Available to answer any questions or concerns.
- 40% is open kitchen. 38 seats for drinking only.
- Food primary – focus is to be in primary food establishments in the city. We want the ability to give our clients music/singer and area to dance.
- There are no tenants directly above us.

Council:

- Asked if applicant had been informed of good neighbour agreement by City Staff.
- Asked if applicant considered 8 foot glass panels to keep sound in.
- Confirmed they can put in the resolution to turn speakers off at 10:00 p.m.

Staff:

- Creekside, Manteo and Eldorado already open until 1:00 a.m.
- These establishments do not have outside entertainment; confined to interior of this establishment only.

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

Dave Springer – 665 Cook Road – Chairman of Strata Council

- 130 homes adjacent to this application.
- Parking is an issue – they have seating for 250 people not including staff but only have 73 underground parking spaces. Pressure on Summerville Corner. Patrons wanting to park on nearby resident's property.
- Noise is a major issue.

Tony Walls – 665 Cook Road - Summerville Corner resident

- No Issue with restaurant.
- Opposed to application due to noise, particularly from the patio, and to be able to sell liquor until 1:00 a.m.

Ms. Hovuti – Owner, #253 and 248 - 654 Cook Road

- Opposes this application.
- Concern raised over hours of operation.
- Complex is not yet finished and many tenants are not even residing in the building at this time.

Fred Wilcox – Hiawatha Retirement Community

- Lives right behind this business.
- What they are asking for is too large and too varied.
- Noise is too much for a residential area.

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Council:

- Clarified that applicant is not asking for more seats.
- Confirmed outside speakers off at 10:00 p.m.

Applicant:

- Will be confined to inside and no outdoor entertainment.
- Agreed to shutting outside speakers off at 10:00 p.m.
- Food primary licence goes through Victoria and that is why it was not brought before Council. Only 2 endorsement – patron participation and patron non-participation (which allows a jazz band) and limited for people to dance.
- Do not want to restrict clients to not being able to dance for a community or private event.

Staff:

- Council can enter into a good neighbour agreement, can add it as a condition of approving the resolution.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R1180/07/12/11 THAT Council support recommendation subject to speakers being turned off at 10:00 p.m. and glass placed around patio to keep sound in.

Motion Withdrawn.

Council:

- Concern raised over liquor licences in residential neighbourhoods.
- Concern raised over lack of occupancy in this building, most residents not living there yet.
- Open restaurant for awhile and come back next year with this application.
- Confirmed applicant is leasing.
- Questioned whether motions should be heard separately.

Jason Blackford – part owner

- Asking for extension – the biggest concern for neighbours seems to be for outside noise.
- Notes financial cost to the applicant if they have to reapply for another application.
- We will be governed by strata and will have to comply.
- Commercial strata within that complex – if strata council has issues with us being operators, if they have concerns related to noise, we will have to abide by what they want.

Council:

- Noted it's unusual to add an extension before operating the business as its intended.
- Would like to see the operation in place first. Let the neighbours tell us if the patio is not a problem. Give them a period of time.

There were no further comments.

Council:

- Decided to split the recommendation.

Moved by Councillor Blanleil/Seconded by Councillor Gran

R1181/07/12/11 In compliance with Section 53 of the *Liquor Control and Licensing Regulation* be it resolved THAT:

1. Council supports an application from Cabana Grille Restaurants Inc. located in the Playa del Sol development at 3799 Lakeshore Road and legally described as: Strata Lot 159 District Lot 134 ODYD Plan KAS3262 for a **Patron Participation Entertainment Endorsement** because the requested amendments are not anticipated to have significant impact on the tenants or patrons of Playa del Sol or the surrounding

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neighbourhood. The proposal is consistent with the type of mixed use development proposed for the area.

2. The Council's comments on the prescribed considerations are as follows:
 - a) The potential for noise if the amended application is approved remains relatively unchanged.
 - b) The impact on the community if the application is approved is considered minimal given that the establishment is located within a tourist commercial area with ample parking on site.
 - c) It is not anticipated that the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose.
3. The Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

Defeated

Opposed – Mayor Shepherd, Councillors Rule, Letnick and Hobson

- 6.2 Planning & Development Services Department, dated November 1, 2007 re: Liquor Licensing Application No. LL07-0008 – Coyote's Waterfront Bar and Grill (Rose Sexsmith) – The Grand Okanagan Lakefront Resort 1352 Water Street **Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.**

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

LL07-0008 – Coyote's Waterfront Bar & Grill / (Rose Sexsmith)
1352 Water Street (The Grand Okanagan Lakefront Resort)

Letter of Support

Karen Buss, #232 – Grand Okanagan Lakefront Resort

Letter of Opposition

Murray & Cindy Miller, #457 – Royal Private Residence Club

Petition of Support

A petition signed by Dave Lambert, #151 – 1310 Water Street

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

There were no further comments.

Moved by Councillor Gran/Seconded by Councillor Letnick

R1182/07/12/11 In compliance with Section 53 of the *Liquor Control and Licensing Regulation* be it resolved THAT:

1. Council does Supports an application from Rose Sexsmith of Skyriders Holdings Ltd. dba Coyote's Waterfront Bar & Grill to change the name to Hanna's Waterfront Lounge & Grill located at 1352 Water Street and legally described as: Lot 1 District Lots 139, 4041 and 4082 Osoyoos Division Yale District Plan KAP73542 for an **extension of hours of liquor service** because the changes proposed will be confined to the area currently under license and are not anticipated to have significant impact on the tenants or patrons of The Grand Okanagan Lakefront Resort development or the surrounding

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neighbourhood. The proposal is consistent with the type of mixed use development in the area.

2. The Council's comments on the prescribed considerations are as follows:
 - a) The potential for noise if the application is approved is remains relatively unchanged as Rose's Waterfront Pub, the establishment located directly below the subject premises at street level, is open from 9:00 am to 2:00 am;
 - b) The impact on the community if the application is approved is considered minimal given that the establishment is located within an established tourist commercial area with ample parking in the vicinity; and
 - c) It is not anticipated that the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose.
3. The Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 (a) Bylaw No. 9757 (Z07-0001) – Greg Penner and Cameron Manning (National Society of Hope) – 2071 Gordon Drive

Moved by Councillor Blanleil/Seconded by Councillor Gran

R1183/07/12/11 THAT Bylaw No. 9757 be adopted.

Carried

- (b) Planning and Development Services Department, dated November 16, 2007 re: Development Permit Application No. DP07-0242 and Development Variance Permit Application No. DVP07-0243 – National Society of Hope (New Town Architectural Services Inc.) – 2071 Gordon Drive

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

DVP07-0243 – National Society of Hope / (New Town Architectural Services Inc.)
2071 Gordon Drive

NIL

Staff:

- Approved by Advisory Planning Committee. Staff have no concerns.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R1184/07/12/11 THAT Bylaw 9757 be advanced for final adoption by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0242 for Lot A, Section 19, Township 26, ODYD, Plan 12579, except Plans H16278 and 35321, located on Gordon Drive, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

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2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0243 for Lot A, Section 19, Township 26, ODYD, Plan 12579, except Plans H16278 and 35321, located on Gordon Drive, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 8.1.2 Number of Parking Space Required

A variance to allow a reduction in the number of vehicle parking stalls, from 16 stalls required to 10 stalls proposed;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 7.2 Planning & Development Services Department, dated October 31, 2007 re: Development Variance Permit Application No. DVP07-0197 – Jabs Development Ltd. (Choices Market) – 1937 -1939 Harvey Avenue

Staff:

- Applicant wants to add 4 fascia signs. Only 2 permitted for business frontage.
- Non support from Advisory Planning Committee.

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

DVP07-0197 – Jabs Development Ltd. / (Choices Market)
1937-1939 Harvey Avenue

Letter of Opposition
Adrian Witt, 755 Kingsway Street

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

Applicant – Andy Aaron - Designer Marketing

- Building designed to accommodate 5 tenants. If each tenant was there they'd each be able to have 2 signs each.
- We are only asking for 4 signs. Wall area each flanking the sides are all designated for signage.
- Building would be better balanced if signs were placed.
- Tenancy base is larger than the bylaw.
- Will not be using portable signs.
- If Choices is approved they would never have to use portable signs.
- Orchard Park – Council approved 16 signs where there should be only 8.
- Current pre-standing sign has its own permit.

Council:

- Noted all windows of the store are currently being used as signage.
- Confirmed there is also a free standing sign fronting the highway.

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- Building was originally designed to have three to five tenants.
- No other tenants near by are opposed to more signs, they feel it currently looks unfinished.
- A letter to the City of Kelowna was submitted from the Manager of Arctic Spa, in support of the variance. He thinks the building looks unfinished the way it is.

Pat McKuster – Architect

- Pleased that Choices Market chose to come into this building.
- The store has increased the aesthetic value. Supports what they are trying to do.

Rick Sawatsky - Manager Retail Development Choices Market

- Where there are coolers backing a window we try to cover that up somehow.
- There are very few windows used as signage.

There were no further comments.

Moved by Councillor Gran/Seconded by Councillor Letnick

R1185/07/12/11 THAT Council authorize the issuance of Development Variance Permit No. DVP07-0225 for Lot 2, District Lot 129, ODYD, Plan 88528, located at 1937-1939 Harvey Ave, Kelowna, B.C.

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6.1 Specific Zone Regulations

Vary the number of signs per business frontage from 2 permitted to 4 proposed.

Vary the total signage area per lineal metre of business frontage from 0.8m² permitted to 1.2m² proposed.

Carried

Opposed – Mayor Shepherd, Councillor Blanleil

- 7.3 (a) Planning & Development Services Department, dated November 16, 2007 re: Development Permit Application No. DP07-0039 and Development Variance Permit Application No. DVP07-0040 – 1314696 Alberta Ltd. (Tessco Inc.) – 1933 Ambrossi Road

Staff:

- Staff not supportive at this time due to the form and character and variances.
- Garbage area not in an appropriate location.
- Water table is pushing parking structure out of the ground which affects site grade.

Council:

- Confirmed garbage enclosure is on setback.
- Confirmed there is ground open space.
- Concern raised regarding allowable site coverage.

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

DVP07-0040 – 1314696 Alberta Ltd. / (Tessco Inc.)
1933 Ambrosi Road

Letter of Concern

Richard Henseleit, Springfield Funeral Home, 2020 Springfield Road

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

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- Originally we approached the Planning Department over a year ago with a design similar to St. Paul development but that plan was rejected so we came up with a new design scheme with a lot of direction from a former Planner of the Planning Department. We then came up with a design with the assistance of the Planning Department that you saw before you.
- Quite a surprise that now we are running into difficulties.
- Acknowledged that there are issues with the water table.
- With respect to family appeal we implemented ground oriented units, which was requested by the Planning Department at that time to do this. Made it conducive to family living.
- Tried to break up the masses to look like there are 3 or 4 buildings not just one.
- This building is facing 3 streets, have no conventional way to cover up garbage.
- Trying to double the open space area to make it a more family friendly place.
- Rather than delete upper two balconies I would suggest putting up 6 foot tall opaque glass that would minimize the disturbance of anyone using that parking lot.

Richard Henseleit – Springfield Funeral Home

- 15 feet from property line is more acceptable thought it was right on property line of Springfield Funeral Home.
- Not supportive of setback variance.
- Concern raised over balconies over looking parking lot of where bereaved clients would be.
- If balconies were removed from parking lot side I would be more supportive.

Moved by Councillor Letnick/Seconded by Councillor Hobson

R1186/07/12/11 THAT Council approve the alternate resolution subject to resolution of privacy issue on south side setback, parkade and landscaping materials.

Defeated

Opposed – Blanleil, Rule, Day, Gran, Shepherd,

Moved by Councillor Rule/Seconded by Councillor

Move to defer item to January 8, 2008.

Motion failed due to lack of seconder.

Moved by Councillor Blanleil/Seconded by Councillor Day

R1187/07/12/11 THAT Bylaw 9865 be advanced for final adoption by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0039, following final adoption of Bylaw No. 9865 for Lot A, , District Lot 129, ODYD, Plan KAP84830, located on Ambrosi Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C"; including improvements to the satisfaction of staff;
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The use of an approved surface material for the plant bed and exposed parking structure along Ambrosi and Agassi Roads;
6. The use of an acceptable means to address the privacy issues on the south side of the building facing the neighbouring funeral home.

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AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0040, following final adoption of Bylaw No. 9865, for Lot A, District Lot 129, ODYD, Plan KAP84830, located on Ambrosi Road, Kelowna, B.C.;

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.11.6 (b) Site Coverage (Buildings)

A variance to allow a site coverage of 70%, where the maximum allowable is 40%.

Section 13.11.6 (c) Height

A variance to allow a building height of 4 ½ storeys where the maximum allowable height is 4-storeys.

Section 13.11.6 (d) Front Yard Setback

A variance to allow a reduction in the front yard setback from 6.0 m to 2.1 m.

Section 13.11.6 (e) Side Yard Setback (south)

A variance to allow a reduction in the southerly side yard setback for portions of the building above 2 ½ storeys from 7.5 m to 4.5 m.

Carried

Opposed – Councillor Rule.

- (b) Bylaw No. 9884 – Housing Agreement Authorization Bylaw – 1314696 Alberta Ltd. (Tessco Inc.) – 1933 Ambrossi Road
To enter into a Housing Agreement in relation to the property at 1933 Ambrossi Road

Moved by Councillor Rule/Seconded by Councillor Letnick

R1188/07/12/11 THAT Bylaw No. 9884 be adopted.

Carried

- (c) Bylaw No. 9865 (Z07-0014) – 1314696 Alberta Ltd. (Tessco Inc.) – 1933 Ambrossi Road
To rezone the subject property from RU1 – Large Lot Housing zone to RM5 – Medium Density Multiple Housing zone.

Moved by Councillor Rule/Seconded by Councillor Letnick

R1189/07/12/11 THAT Bylaw No. 9865 be adopted.

Carried

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- 7.4 (a) Bylaw No. 9800 (Z06-0071) – Darlene Bulteel, Fred Klempner, Arnold Klempner, Alice Klempner, H. Benson Electric Ltd. (New Town Architectural Services Inc.) – 850 Saucier Avenue
To rezone the subject property from RU6 – Two Dwelling Housing zone to RM5 – Medium Density Multiple Housing zone.

Moved by Councillor Rule/Seconded by Councillor LetnickR1190/07/12/11 THAT Bylaw No. 9800 be adopted.Carried

- (b) Planning & Development Services Department, dated November 16, 2007 re: Development Permit Application No. DP06-0242 and Development Variance Permit Application No. DVP06-0243 – Rossland Contracting Inc. (New Town Architectural Services Inc. – 850 Saucier Avenue **City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward**
To obtain a Development Permit to allow for the construction of a 4 ½ storey, 68 unit apartment building and to obtain a Development Variance Permit in order to vary the maximum height requirement from 4 storeys to 4 ½ storeys.

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

DVP06-0243 – Rossland Contracting Inc. / (New Town Architectural Services Inc.)
850 Saucier Avenue**NIL**

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

Moved by Councillor Letnick/Seconded by Councillor HobsonR1191/07/11/12 THAT Bylaw 9800 be advanced for final adoption by Council;
THAT Council authorize the issuance of Development Permit No. DP06-0242 for Lot A, District Lot 138, ODYD, Plan KAP85149, located on Saucier Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0243 Lot A, District Lot 138, ODYD, Plan KAP85149, located on Saucier Avenue, Kelowna, B.C.;

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AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.11.6 (c) Height

A variance to allow a building height of 4 ½ storeys where the maximum allowable height is 4-storeys.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

8. BYLAWS

9. REMINDERS

Budget

10. TERMINATION

The meeting was declared terminated at 11:00 p.m.

Certified Correct:

Mayor

Deputy City Clerk

ACM/dld