



City of Kelowna Regular Council Meeting Minutes

Date:	Tuesday, October 4, 2022
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Maxine DeHart
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Legislative Coordinator (Confidential), Rebecca Van Huizen
Staff participating Remotely	Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:03 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Wooldridge

R0770/22/10/04 THAT the Minutes of the Public Hearing and Regular Meeting of September 20, 2022 be confirmed as circulated.

Carried

4. Liquor License Application Reports

4.1 **START TIME 6:00 PM - Vaughan Ave 110-889 - LL22-0019 - 1568447 Alberta Ltd., Inc. No. A0093042**

Councillor Sieben declared a conflict of interest as he has a financial interest in a competing liquor establishment and left the meeting at 6:05 p.m.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Shayne Labis, Nicole Barron, Aspen Court, Applicants

-Displayed a PowerPoint and provided background to the "Born to Shake" liquor license application.

-Spoke to plans to grow the business at their new site.

-Provided details of the application.

-Spoke to community involvement efforts.

-Responded to questions from Council.

-Spoke to the hours of operation.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Hodge

R0771/22/10/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Born to Shake for a liquor primary license for Strata Lot 10 Section 30 Township 26 ODYD Strata Plan EPS7283 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located at 110 – 889 Vaughan Ave, Kelowna, BC for the following reasons:

- a. The liquor primary license is perceived to have a minimal impact on the community and surrounding properties.

2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new liquor primary:

- a. The location of the establishment:

The proposed location is suitable for a small establishment liquor primary license as the property is within walking proximity to an Urban Centre and is located on a Transit Supportive Corridor.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:

The location is not in close proximity to other Liquor Primary Establishments. The location is close to other social facilities.

- c. The person capacity and hours of liquor service of the establishment:

The hours are consistent with the similar businesses in the area and has a max capacity of 54 persons.

- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

This location is not in close proximity to other liquor primary establishments.

e. The impact of noise on the community in the immediate vicinity of the establishment:
The potential impact for noise is minimal and would be compatible with surrounding land uses.

f. The impact on the community if the application is approved:

The potential for negative impacts is minimal.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

Councillor Sieben returned to the meeting at 6:19 p.m.

4.2 START TIME 6:00 PM - Bernard Ave 510 - LL22-0020 - 0726550 B.C LTD., INC.NO. BC0726550

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Benson Boschman, Applicant

-Applicant was present and available for questions.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Sieben

R0772/22/10/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Lakehouse Kitchen for a liquor primary license for Lot A District Lot 139 ODYD Plan 22310, located at 200- 510 Bernard Ave, Kelowna, BC for the following reasons:
 - a. Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new Liquor Primary:

 - a. The location of the establishment:

The proposed location is suitable for a medium establishment liquor primary license as the property is within an Urban Centre.

b. The proximity of the establishment to other social or recreational facilities and public buildings:

The location is in close proximity to several food primary establishments, liquor primary establishments and government buildings.

c. The person capacity and hours of liquor service of the establishment:

The hours are consistent with the other liquor primary and food primary establishments in the area. The occupancy is 124 persons.

d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The location meets Council Policy #359 requirement for distance between medium capacity establishments.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

f. The impact on the community if the application is approved:

The potential for negative impacts is minimal.

3. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

5. Development Permit and Development Variance Permit Reports

5.1 START TIME 6:00 PM - Osprey Ave 540 - DP22-0051 DVP22-0052 - Simple Pursuits Inc., Inc.No. BC1206854

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Shane Worman, West Ave, Applicant, participating remotely

-Spoke to the vehicle elevator in the building allowing main floor retail.
-Excited to offer a significant retail square footage on the ground floor.
-Responded to questions from Council.
-Spoke to the parking elevator being used by staff only.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one Online or in the Gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor Sieben/Seconded By Councillor Donn

R0773/22/10/04 THAT Council authorizes the issuance of Development Permit No. DP22-0051 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B",
3. Landscaping to be provided on the land be in 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 landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0052 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above the lesser of 16.0 m or four storeys abutting Osprey Ave from 3.0 m permitted to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum front yard setback (Osprey Ave) from 3.0 m required to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum flanking side yard setback (McKay Ave) from 3.0 m required to 0.2 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum commercial floor area on a retail street from 90% of the street frontage permitted to 37% proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT these Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

6. Reminders

There were no reminders.

7. Termination

The meeting was declared terminated at 6:41 p.m.

Mayor Basran

City Clerk

/cm