



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, March 12, 2024
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Ron Cannan, Maxine DeHart*, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Staff Present City Manager. Doug Gilchrist*: City Clerk. Laura Bentlev: Divisional Director, Planning, Climate Sustainability and Development Services, Ryan Smith; Development Planning Department Manager, Nola Kilmartin*; Community Planning & Development Manager, Dean Strachan; Deputy City Clerk, Michael Jud; Legislative Technician, Natasha Beauchamp

Staff Participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:01 p.m.

The City Manager joined the meeting at 4:02 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Hodge.

3. Confirmation of Minutes

Moved By Councillor Cannan/Seconded By Councillor Wooldridge

THAT the Minutes of the Public Hearing and Regular Meeting of Tuesday, February 13, 2024 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:03 p.m.

5. Individual Bylaw Submissions

**5.1 START TIME 4:00 PM - Clifton Rd N 159 - OCP23-0007 (BL12625) Z23-0046 (BL12626)
- Ashley and Todd Ramsay**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Ashley Ramsay, Clifton Road North, Applicant

- Would like to subdivide the land that is not being used and create two family homes.
- Have been working with the City for 1 year now providing them with all the required documentation and reports.
- Sent 26 letters of notification to the surrounding properties and did not receive any feedback of concerns.
- Available for questions.

City Clerk 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 On-line or in the Gallery came forward.

Applicant:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:08 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:08 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Clifton Rd N 159 - BL12625 (OCP23-0007) - Ashley and Todd Ramsay

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12625 be read a second and third time.

Carried

8.2 START TIME 4:00 PM - Clifton Rd N 159 - BL12626 (Z23-0046) - Ashley and Todd Ramsay

Moved By Councillor Stack/Seconded By Councillor DeHart

THAT Bylaw No. 12626 be read a second and third time.

Carried

9. Liquor License Application Reports

9.1 START TIME 4:00 PM - Cook Rd 500 - LL24-0001 - 1004364 B.C. Ltd., Inc. No. BC01004364

Councillor DeHart declared a conflict of interest as her employer and the Applicant are both full service hotels and departed the meeting at 4:10 p.m.

Staff:

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

Rudolf Heider, Director of Hospitality for Argus, Participating Remotely

- This application is requesting endorsement and an update for the existing facility and existing liquor licence.
- Commented that they are not changing anything; requesting a participation endorsement to allow patrons and guests to dance on the rooftop of the new building.
- Have not received noise complaints in four years.
- Confirmed that no music or live bands will operate after 8:00 p.m.

City Clerk 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 On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Cannan

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 Rising Tide Consultants for a Patron Participation Entertainment Endorsement to an existing Food Primary licence for Lot 1 Sections 1 and 12 Township 25 and District Lots 134 and 5225 ODYD Plan KAP67232, located at 500 Cook Rd, Kelowna, BC for the following reasons:
 - The Patron Participation Entertainment Endorsement is perceived to have minimal impact on the community and surrounding properties.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new food primary with Patron Participation Entertainment Endorsement:

- a. The potential for noise if the application is approved:

The potential impact for noise is minimal as hours of the Patron Participation Entertainment Endorsement would be limited to 11pm on the outdoor patio which is consistent with other licensed patioed areas in the City and compatible with adjacent land uses.

- b. The impact on the community if the application is approved:

The potential for negative impact on the community is considered minimal as it is an existing establishment.

- c. If the amendment may result in the establishment being operated in a manner that is contrary to its primary Purpose:

The operations would be consistent with the primary purpose of food primary establishment.

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 DeHart returned to the meeting at 4:23 p.m.

10. Development Permit and Development Variance Permit Reports

10.1 STARTTIME 4:00 PM - Findlay Rd 1281 - BL12532 (Z22-0048) - Multiple Owners

Moved By Councillor DeHart/Seconded By Councillor Stack

THAT Bylaw No. 12532 be adopted.

Carried

10.2 STARTTIME 4:00 PM - Findlay 1281 - DP22-0168 DVP22-0169 - 2245713 Alberta Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant:

- Present and available for questions.

City Clerk 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 On-line or in the Gallery came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Cannan/Seconded By Councillor Webber

THAT final adoption of Rezoning Bylaw No. 12532 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0168 for Lot C Section 35 Township 26 ODYD Plan 18811, located at 1281 Findlay Rd, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0169 for Lot C Section 35 Township 26 ODYD Plan 18811, located at 1281 Findlay Rd, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 8.2.2: Off-Street Parking Regulations, Parking Setbacks

To vary the off-street parking regulations to allow a parking stall in a landscape area.

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

Carried

11. Termination

The meeting was declared terminated at 4:29 p.m.

Mayor Dyas

lb/acm

City Clerk