



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, September 10, 2024
Location: Council Chamber
City Hall, 1435 Water Street

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

Members Participating Remotely Councillor Ron Cannan

Staff Present City Manager, Doug Gilchrist; Deputy City Clerk, Michael Jud; City Clerk, Laura Bentley; Development Planning Department Manager, Nola Kilmartin; Planner II, Jason Issler; Divisional Director, Planning, Climate, Action & Development Services, Ryan Smith

Staff Participating Remotely Legislative Coordinator (Confidential), Clint McKenzie

1. Call to Order

Mayor Dyas called the meeting to order at 4:00 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Cannan.

3. Confirmation of Minutes

Moved By Councillor Lovegrove/Seconded By Councillor Hodge

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

Carried

4. Call to Order the Regular Meeting

Mayor Dyas called the Meeting to order at 4:02 p.m.

5. Liquor License Application Reports

5.1 **START TIME 4:00 PM - Vaughan Ave 889 110 - LL24-0009 - Clement Business Park Ltd., Inc.No. C1380933**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Provided brief background comments on the location and building.

Shayne Labis, Vaughn Ave, Applicant:

- Spoke to the history of the business in its current location.
- Shared their interest in continuing to grow with the community.

Deputy 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 in the gallery or On-line came forward.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Stack

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 amendment 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:
 - Proposed structural changes are perceived to be minor in nature, RCMP do not have concerns, and no bylaw complaints.
1. Council's comments on LCRB's prescribed considerations are as follows:
 - a. The potential for noise if the application is approved:

The potential impact for noise is minimal as the area supports industrial and commercial land uses with only a few businesses operating during similar hours. Additionally, the patio is limited to 28 persons reducing the outdoor noise impact.
 - b. The impact on the community if the application is approved:

The potential for negative impacts is minimal as the area supports several similar land uses and there are no large occupancy liquor establishments in close proximity.
2. 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

5.2 START TIME 4:00 PM - Bernard Ave 327 - LL24-0016 - Mid-City Investments Ltd., Inc.No. C0756297

Staff:

- Displayed a PowerPoint Presentation summarizing the application.
- Provided brief background comments on the location and building.

Mark Spurgeon, Bernard Ave, Applicant:

- Provided a history of the business.

- Spoke to their objective to manufacture small batches of spirits.
- Indicated that the business is relocating from a location in West Kelowna to the subject property on Bernard Avenue.
- Provided background information about the plan and concept for the business at its new location.
- The intent is to offer a tasting bar, private tasting rooms with a retail store and lounge.

Deputy 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 came forward from the Gallery or On-line.

Staff:

- Responded to questions from Council.

There were no further comments

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

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 Urban Distilleries Inc. for a Lounge Endorsement for Lot 11 Block 14 District Lot 139 ODYD Plan 462, located at 327 Bernard Ave, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting small establishments (capacity less than 100 persons) when not located adjacent to another Liquor Primary Establishment.
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for a Lounge Endorsement on a Manufacturing License:

 - a. The location of the Lounge Endorsement:

The location is on Bernard Ave in a section that is closed for "Meet Me on Bernard" during the summer months with high pedestrian traffic.
 - b. The proximity of the Lounge Endorsement to other social or recreational facilities and public buildings:

The proposed establishment is in close proximity to several Food Primary Establishments, Liquor Primary's, and Manufacturing establishments.
 - c. The person capacity of the Lounge Endorsement:

The proposal is for a 91-person capacity.
 - d. Traffic, noise, parking and zoning:

Bernard Ave is an activated area with high pedestrian traffic. Several months of the year this section of Bernard Ave is closed to vehicular traffic. Noise from this establishment is not anticipated to be a concern and the proposed use is compliant with zoning.
 - e. The impact on the community if the application is approved:

The potential for negative impact on the community is considered 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

6. Termination

The meeting was declared terminated at 4:16 p.m.

Mayor Dyas

mj/cm

Deputy City Clerk