



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, February 21, 2017
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart*, Gail Given, Tracy Gray, Brad Sieben, Mohini Singh* and Luke Stack

Members Present Councillors Ryan Donn and Charlie Hodge

Staff Present Deputy City Manager, Joe Creron, City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 8:27 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Sieben/Seconded By Councillor Gray

R140/17/02/21 THAT the Minutes of the Public Hearing and Regular Meeting of February 7, 2017 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 1050 Kelly Rd, BL11342 (Z16-0043) - Jonathon and Heather Tyre

Moved By Councillor Given/Seconded By Councillor Gray

R141/17/02/21 THAT Bylaw No. 11342 be read a second and third time.

Carried

4.2 769 Barnaby Rd, BL11341 (Z16-0063) - Cathy Wolf

Moved By Councillor Gray/Seconded By Councillor Given

R142/17/02/21 THAT Bylaw No. 11341 be read a second and third time.

Carried

4.3 4039 Lakeshore Rd, BL11343 (Z16-0060) - Cindy and Thomas Netzlaw

Moved By Councillor Gray/Seconded By Councillor Given

R143/17/02/21 THAT Bylaw No. 11343 be read a second and third time and be adopted.

Carried

4.4 1730 & 1740 Ethel St, BL11353 (Z16-0081) - 1080493 BC Ltd

Moved By Councillor Given/Seconded By Councillor Gray

R144/17/02/21 THAT Bylaw No. 11353 be read a second and third time.

Carried

**4.5 815, 823-825, 829 & 831 Leon Ave and 814 & 822 Harvey Ave, BL11354 (Z15-0027) -
1409493 Alberta Inc**

Moved By Councillor Sieben/Seconded By Councillor Singh

R145/17/02/21 THAT Bylaw No. 11354 be read a second and third time.

Carried

4.6 1945 Bennett Rd, BL11356 (LUC16-0002) - Edward & Linda De Cazalet

Councillor Singh declared a conflict of interest as she resides on Bennett Road and departed the meeting at 8:35 p.m.

Moved By Councillor Sieben/Seconded By Councillor DeHart

R146/17/02/21 THAT Bylaw No. 11356 be read a second and third time.

Carried

Councillor Singh rejoined the meeting at 8:36 p.m.

4.7 (E of) Upper Canyon Dr, BL11355 (OCP16-0027) - Glenwest Properties Ltd

Moved By Councillor Sieben/Seconded By Councillor Singh

R147/17/02/21 THAT Bylaw No. 11355 be read a second and third time.

Carried

Councillors Sieben and Singh - Opposed

4.8 (E of) Upper Canyon Dr, BL11357 (Z16-0075) - Glenwest Properties Ltd

Moved By Councillor Singh/Seconded By Councillor Sieben

R148/17/02/21 THAT Bylaw No. 11357 be read a second and third time.

Carried
Councillor Sieben - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of these (*amendments to Liquor Primary Licences*) were advertised by being posted on the Notice Board at City Hall on February 8, 2017, and by being placed in the Kelowna Daily Courier issues on Friday February 10 and Wednesday February 15, 2017 and by sending out or otherwise mailing 24 statutory notices to the owners and occupiers of surrounding on February 7, 2017.

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 No. 309.

6. Liquor License Application Reports

6.1 124-948 McCurdy Rd, LL16-0016 - Victor Projects Ltd

Councillor DeHart declared a conflict of interest as a colleague of the Ramada Hotel is married to a principle of Victor Projects Ltd and due to the location of Mickey's Pub on the Ramada premises departed the meeting at 8:49 p.m.

Staff:

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

The City Clerk advised that the following correspondence had been received.

Letter in Favour
Additional information from the Applicant

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

Merlin Brunage, Christ Brunage and Don MacLaughlin, Applicant

- Spoke to their good record with the Liquor Control Board over the past several years.
- Provided reasons why a 2:00 a.m. opening time is being requested and believes this extra time would not put a strain on RCMP resources.
- Would like to have the extra hour opening for business model flexibility in the future.
- Their business is located closer to the UBCO Campus and will provide a less expensive cab ride to and from the establishment than from UBCO and downtown.
- Spoke to the industrial setting of the neighbourhood and that just a few blocks away is residential neighbourhoods.
- Advised that historically there have been no calls to the RCMP other than for vehicle break ins.
- Responded to questions from Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Given

R149/17/02/21 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2 AM Monday to Sunday'.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential for noise is not compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.
 - (b) The impact on the community if the application is approved:
 - (c) The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

THAT 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.

Defeated

Mayor Basran, Councillors Given and Stack

Moved By Councillor Stack/Seconded By Councillor Given

R150/17/02/21 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council does not recommend support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2:00 AM Monday to Sunday'.

Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1:00 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 1:00 AM Monday to Saturday and 9:00 AM to Midnight Sunday'.

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved:

The potential for noise is compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.

The impact on the community if the application is approved:

The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to

manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

THAT 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

7. Reminders – Nil.

8. Termination

The meeting was declared terminated at 9:19 p.m.

Mayor

City Clerk

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