



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, November 3, 2015
Location: Council Chamber
City Hall, 1435 Water Street

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

Staff Present City Manager, Ron Mattiussi; City Clerk, Stephen Fleming, Community Planning & Real Estate Director, Doug Gilchrist*; Community Planning Department Manager, Ryan Smith; Urban Planning Manager, Terry Barton; and Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:08 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor DeHart.

3. Confirmation of Minutes

Moved By Councillor Sieben/Seconded By Councillor Gray

R851/15/11/03 THAT the Minutes of the Public Hearing and Regular Meeting of October 20, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 **BL11119 (OCP15-0008) - Amendment to Chapter 4 - Future Land Use - MRM**

Moved By Councillor Gray/ Seconded By Councillor Hodge

R852/15/11/03 THAT Bylaw No. 11119 be read a second and third time.

Carried

4.2 BL11118 (TA15-0003) - CD22 - Central Green Comprehensive Development Zone Amendments

Moved By Councillor Donn/ Seconded By Councillor Gray

R853/15/11/03 THAT Bylaw No. 11118 be read a second and third time.

Carried
Councillor Hodge - Opposed

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 32 statutory notices to the owners and occupiers of surrounding properties, and 864 informational notices to residents in the same postal delivery route, between October 20 and 23, 2015.

Notice of these (amendments to Liquor Primary Licences) were advertised by being posted on the Notice Board at City Hall on October 20, 2015, and by being placed in the Kelowna Capital News issues on October 23 and 28, 2015 and by sending out or otherwise delivering 68 statutory notices to the owners and occupiers of surrounding properties, and 1007 informational notices to residents in the same postal delivery route, between October 20 and 23, 2015.

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

6.1 248 Leon Avenue, LL13-0005 - J.Q. Developments Inc.

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:

Additional information provided by the applicant

Quinn Best, The Habitat
Emily, (General Manager, The Habitat) on behalf of Quinn & Katrina Best

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

Quinn and Katrina Best, Applicant

- Displayed a PowerPoint Presentation summarizing the application.
- Confirmed they are in the process of hiring certified security professionals.
- Confirmed the identification system has been ordered.
- Responded to questions from Council.

Gallery:

Jacob Tilstra, Resident

- In support of the extended hours and increased capacity for Habitat.

David Habib, Lawrence Avenue, Chair of the Standard Committee

- Spoke to the Standard Committee's mission statement.
- Provided background to the nightclub scene downtown.
- Spoke to the success of the patron identification scanner implemented at downtown establishments.
- Raised concern with the additional hour in the evening being requested.
- Extended hours will have a negative impact on the already strained cab availability at bar flush time.
- Responded to questions from Council.

Ryan McDowell, Wardlaw Avenue

- Regular patron of Habitat and has always felt safe.
- In support of the extension of business hours and increase in patron load.

There were no further comments.

Moved By Councillor Sieben/ Seconded By Councillor Hodge

R854/15/11/03 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 of an application from The Habitat for a liquor primary license amendment for Lot 6, Block 10, DL139, O.D.Y.D., Plan 462, located at 248 Leon Avenue, Kelowna, BC for a change in capacity from the current occupant load of 225 persons to the proposed 332 persons, and changes to the licensed hours of sales from the current 11:00am to 1:00am six days a week to the proposed 10:00am to 2:00 am seven days a week for the following reasons:
 2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

 - a. The potential for noise if the application is approved:
There is potential for an increase in noise due to the additional hour of service. However, any increase in noise would be compatible with the area.
 - b. The impact on the community if the application is approved:
There is the potential for negative community impacts and increased policing costs.
 - c. The Applicant implement a Patron Identification System compatible with others in use in the downtown area.
 - d. Council expressed their expectation the Applicant become an active member in good standing of the Standard Best Bar and Nightclub Association.
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

6.2 1923 Kent Road, LL15-0019 - Callahan Construction Company Ltd.

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Applicant:

- Present and available for questions.

No one came forward.

There were no further comments.

Moved By Councillor Donn/ Seconded By Councillor DeHart

R855/15/11/03 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

"Be it resolved that:

1. Council recommends support of the application from Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Kelowna Elks Club), legally described as Lot 7, DL 129, ODYD, Plan 20128) for a change of location to 1923 Kent Road, and to change the capacity from the current approved capacity of 271 persons to the proposed capacity of 60 persons. The licensed hours of sales are to remain 11:00 AM to 1:00 AM Monday to Saturday, 11:00AM to 12:00AM Midnight Sunday.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The Location of the Establishment;
The proposed new site for the Kelowna Elks Club is located in an area that is surrounded by service commercial activities, and is not anticipated to have a negative impact on the area.
 - (b) The proximity of the establishment to other social or recreational facilities and public buildings:
The Trinity Baptist Church is located on the south side of Springfield Road, approximately 250m. away from the subject property to the south. Chances Gaming Facility is also located on the south side of Springfield Road Bingo, but further to the west, approximately 900m. away from the subject property.
 - (c) The person capacity and hours of liquor service of the establishment;
The requested hours of liquor service for the relocated establishment are the same as the previous location. The person capacity for the establishment is significantly reduced from the previous location.
 - (d) The number and market focus or clientele of the liquor primary establishments within a reasonable distance of the proposed location;
The nearest Liquor Primary establishment is the OK Corral located to the west on Kirschner Road, approximately 600m away. This Liquor Primary establishment is operated as a cabaret.
 - (e) The impact of noise on the community in the immediate vicinity of the establishment;
The potential for noise would be compatible with surrounding land uses.

- (f) The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal. The Council's comments on the views of residents (if applicable) 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

6.3 1978 Kirschner Road, LL15-0017 - Agro Investment Corporation et al

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Applicant:

- Present and available for questions.

No one came forward.

Moved By Councillor Donn/ Seconded By Councillor Hodge

R856/15/11/03 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 0885172 BC Ltd. (dba OK Corral Cabaret) at 1978 Kirschner Rd. Kelowna BC, legally described as Lot A, District Lot 129, ODYD, Plan 23146, for a change to licensed hours of sales from 7:00 PM to 2:00 AM Monday to Sunday, to 12:00 PM to 2:00 AM Monday to Sunday.
2. The Council's comments on the prescribed considerations are as follows:
 - a. The potential for noise if the application is approved;
The potential for noise may increase due to the additional hours of service. However, noise has not been an issue at this location in the past.
 - b. The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
 - c. It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

The 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. Development Permit and Development Variance Permit Reports

7.1 2664 Bath Street, DP15-0186 & DVP15-0187 - Peter & Wendy O'Brien

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:

Letters of Support

Gordon Matheson and Tara Henderson, Bath Street

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

Applicant:

- Present and available for questions.

No one came forward.

Moved By Councillor Stack/ Seconded By Councillor Hodge

R857/15/11/03 THAT Council authorizes the issuance of Development Permit No. DP15-0186 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "B";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "C";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0187 for Lot 5 District Lot 14 ODYD Plan 3785, located at 2664 Bath Street, Kelowna, BC;

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

Section 9.5b.1(d): Carriage House Regulations

To allow the height of a carriage house to be higher than the existing principal dwelling as measured to the mid-point and roof peak of the existing principal dwelling unit.

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

7.2 427 Wardlaw Avenue, DVP15-0188 - Ryan McDowell & Angela Chapman

Staff:

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

The City Clerk advised that no correspondence had been received.

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

Ryan McDowell, Applicant

- Commented on future plans to completely renovate his home.
- At the time of purchase was not aware that there was a non-conforming setback.
- Thanked staff for their professionalism.

No one else came forward.

There were no further comments.

Moved By Councillor Given/ Seconded By Councillor Sieben

R858/15/11/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0188 for Lot 44, District Lot 14, ODYD, Plan 483, located at 427 Wardlaw Avenue, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:
Section 13.6.6(d): RU6 - Two Dwelling Housing Development Regulations
To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

Carried

7.3 449 Eldorado Road, DVP15-0201 - Robert & Jennifer Petty

Staff:

- Displayed a PowerPoint presentation summarizing the application.

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

Letters of Opposition or Concern
C. Bryant, Barkley Rd

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

Birte Decloux, Urban Options Planning & Permits, Applicant Representative

- Will meet the requirements of the RU1 zone and will be consistent with the neighbourhood.

No one else came forward.

There were no further comments.

Moved By Councillor Donn/ Seconded By Councillor Given

R859/15/11/03 THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0201 for Lot A, District Lot 167, ODYD, Plan 11366, located at 449 Eldorado Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.1.6(d): RU1 - Large Lot Housing Development Regulations
To vary the required minimum side yard from 2.0 m permitted to 1.4 m proposed.

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

Carried

8. Reminders - Nil.

9. Termination

The meeting was declared terminated at 9:25 p.m.

Mayor

City Clerk

/acm