



City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, May 31, 2016
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, Luke Stack

Staff Present Acting 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; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 6:22 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Sieben.

3. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor Singh

R462/16/05/31 THAT the Minutes of the Public Hearing and Regular Meeting of May 17, 2016 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 BL11205 (OCP16-0002) - Amendment to Chapter 2 - Regional Context

Moved By Councillor Gray/Seconded By Councillor Hodge

R463/16/05/31 THAT Bylaw No. 11205 be read a second and third time and adopted

Carried

4.2 894 Stremel Road, BL11244 (OCP16-0001) - McBeetle Holdings Ltd.

Moved By Councillor Hodge/Seconded By Councillor Donn

R464/16/05/31 THAT Bylaw No. 11244 be read a second and third time.

Carried

4.3 894 Stremel Road, BL11245 (Z16-0006) - McBeetle Holdings Ltd.

Moved By Councillor Gray/Seconded By Councillor Donn

R465/16/05/31 THAT Bylaw No. 11245 be read a second and third time.

Carried

4.4 820 Finns Road, BL11246 (OCP15-00016) - Raif Holdings Ltd.

Moved By Councillor Singh/Seconded By Councillor DeHart

R466/16/05/31 THAT Bylaw No. 11246 be read a second and third time.

Carried

4.5 820 Finns Road, BL11247 (Z15-0053) Raif Holdings Ltd.

Moved By Councillor Stack/Seconded By Councillor DeHart

R467/16/05/31 THAT Bylaw No. 11247 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of these Liquor License Applications were advertised by being posted on the Notice Board at City Hall on May 17, 2016, and by being placed in the Kelowna Capital News issues on May 20 and May 25, 2016 and by sending out or otherwise delivering 35 statutory notices to the owners and occupiers of surrounding properties, and 1274 informational notices to residents in the same postal delivery route, between May 17 and May 20, 2016.

Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise delivering 43 statutory notices to the owners and occupiers of surrounding properties, and 804 informational notices to residents in the same postal delivery route, between May 17 and May 20, 2016.

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

6.1 889 Vaughan Avenue, LL14-0006 - 1568447 Alberta Ltd.

Councillor DeHart declared a conflict of interest on the following two applications as it is in direct competition with her employer the Ramada Hotel and departed the meeting at 6:28 p.m.

Councillor Sieben declared a conflict of interest as it is located in close proximity to a similar business that is owned and operated by a family member and departed the meeting at 6:28 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.
- Confirmed the closing time is 1:00 a.m. not 2:00 a.m.

The City Clerk advised that no correspondence or petitions 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.

Mr. Bert Hicks, Rising Tide Consultants

- Provided a brief history of the Brewery Lounge.
- Has no objection to staff's report.
- Would appreciate Council's support.

No one came forward from the gallery.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R468/16/05/31 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 recommends support of applications from rising Tide Consultants for a brewery lounge endorsement and special event area endorsements for Lot 1, Section 30 Township 26, ODYD, Plan EPP34493, located at 889 Vaughan Ave., Kelowna, BC for the following reasons:

The addition of Brewery Lounge and Special Event Area endorsements to the new brewery are anticipated to add additional hospitality options for tourists in the downtown area.

Council's comments on LCLB's prescribed considerations are as follows:

Criteria for a brewery lounge and special event area endorsement:

a. The location of the brewery lounge/special event area:

The proposed lounge area is designed to be located on two levels of the brewery, with the majority of seats located on the ground floor. There is a patio area on the lower level that is to be included as part of the lounge.

b. The proximity of the brewery lounge /special event area to other social or recreational facilities and public buildings: are as noted on the attached map. The potential for negative impact is considered minimal.

c. The person capacity of the Brewery lounge and Special Events Area:

The person capacity of the lounge and Special Events Area is limited to a total of 160 persons for all areas owing to the amount of off-street parking available on the property.

d. **Hours of liquor service of the lounge and special events area:**
9:00 AM to 1:00 AM, Sunday to Saturday

e. **Traffic, noise, parking and zoning:**
There is a nominal increase in traffic and parking associated with this application. The person capacity of the facility is limited by the amount of parking available. The parking available on the property meets zoning bylaw regulation. The use of the property as a brewery is permitted under the current I2 - General Industrial and I4 - Central Industrial zones.

f. **The impact on the community if the application is approved:**
The use of the site for a brewery lounge and Special Event area is not anticipated to be major, as the proposed development is expected to add more options for brewery tour/tasting to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.

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 rejoined the meeting at 6:38 p.m.

6.2 165 Highway 33 E, LL15-0031 - Klar Enterprises Inc.

Staff:

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

The City Clerk advised that no correspondence or petitions 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.

Chung Lee, Highway 33, Applicant

- Provided additional information regarding the closing time of midnight. Advised that by 12:30 a.m. all patrons must exit the building.
- Previously the establishment opened at 12:00 p.m. but changed the opening time to 3:00 p.m. due to school kids accessing during school hours.
- Confirmed that no minors will be present when liquor is served.
- Spoke to the business model and uniqueness of the business.

No one came forward from the gallery.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Donn

R469/16/05/31 THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

Council recommends support for the application from Headquarters49 Entertainment Ltd (HQ49) at 165 Hwy 33 E, legally described as Lot B, Section 23, Township 26, ODYD, Plan 38074 for a liquor primary license with hours of operation from 8:30 pm to 12:00 midnight, seven days a week subject to the following conditions:

1. The licenced area supported be restricted to the "general seating area" as outlined on the floor plan submitted and two karaoke rooms adjacent to the proposed bar area numbered 101 and 102 with permanent signs. Licensing of the two karaoke rooms is contingent on the licensee keeping the windows unobstructed to permit line of sight monitoring when the room is occupied and this monitoring is to be supported with an operational CCTV video monitoring system.
2. The maximum occupant load is 40 during licensing hours.
3. No minors will be permitted within the premises when operating under a Liquor Primary licence. No liquor will be permitted outside of the permitted licenced area within the floor plan. When converting the venue from an all-ages establishment to Liquor Primary, policy requires the premises be vacant for a period of not less than 30 minutes with the exception of staff. When operated as an all-ages establishment all liquor must be removed out of view and secured.
4. The Council's comments on the prescribed considerations are as follows:
 - The location of the establishment;
 - The location of the establishment is suitable for liquor service.
 - The potential for noise if the application is approved;
 - The potential for noise may increase but it has not been a problem in this location in the past.
 - The impact on the community if the application is approved;
 - The impact on the community will be minimal.

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

Councillor DeHart rejoined the meeting at 6:57 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 2741 Highway 97 N, DVP16-0073 - R.J.S. Holdings Inc.

Staff:

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

The City Clerk advised that no correspondence or petitions 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.

David Atkinson, Five Star Permits, Applicant Representative

- Advised that the dealerships are two separate entities and it's a necessity to have two signs.
- Advised that Nissan puts strict deadlines on sign companies and once permit approval was received the sign was installed within a week.

- Commented on the excessive additional costs to be incurred if both “Nissan” and “Infinite” are contained on one sign.
- Responded to questions from Council.

No one came forward from the gallery.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R470/16/05/31 THAT Council NOT authorize the issuance of Development Variance Permit No. DVP16-0073 for the property legally known as Lot A, District Lot 124, ODYD, Plan 38380, located on 2741 Hwy 97 N, Kelowna, BC;

Carried
Councillor Sieben - Opposed

7.2 200 Clarissa Road, BL11225 (Z16-0002) - David & Margaret Ward

Moved By Councillor DeHart/Seconded By Councillor Sieben

R471/16/05/31 THAT Bylaw No. 11225 be adopted.

Carried

7.3 200 Clarissa Road, DP16-0004 & DVP16-0005 - David & Margaret Ward

Staff:

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

The City Clerk advised that no correspondence or petitions 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 from the gallery.

There were no further comments.

Moved By Councillor Hodge/Seconded By Councillor Singh

R472/16/05/31 THAT final adoption of Rezoning Bylaw No. 11225 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0007 for Lot 12, Section 23, Township 26, ODYD, Plan 15416, 200 Clarissa 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”;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0005 for Lot 12, Section 23, Township 26, ODYD, Plan 15416, 200 Clarissa Rd, Kelowna, BC;

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

Section 13.1.6(a): RU1c - Large Lot Housing with Carriage House Development Regulations

To vary the maximum combined area of all accessory buildings/structures and carriage houses (e.g. footprint size) from 130m² required to 183.5m² proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated March 8, 2016.

Carried

8. Reminders

Councillor Stack

- Made comment on lack of portable sign bylaw enforcement.
- Will register concerns via City's Service Request for sign infractions that are noticed.

Staff:

- Made comment on Sign Bylaw provisions for portable signs. Revised bylaw will provide better guidance on where to place signage.

Council:

- Made comment on the various aspects of the current and upcoming Sign Bylaw.

9. Termination

The meeting was declared terminated at 7:38 p.m.

Mayor

/acm

Steph Theriault
City Clerk