

Regular MeetingJanuary 16, 2001

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Tuesday, January 16, 2001.

Council members in attendance were: Mayor Walter Gray, Councillors A.F. Blanleil, R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, J.D. Nelson and S.A. Shepherd.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, D.L. Shipclark; Director of Planning & Development Services, R.L. Mattiussi; Current Planning Manager, A.V. Bruce; and Council Recording Secretary, B.L. Harder.

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:06 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Nelson.

3. CONFIRMATION OF MINUTES

Regular Meeting, December 11, 2000
Public Hearing, December 12, 2000
Regular Meeting, December 12, 2000
Regular Meeting, December 18, 2000
Regular Meeting, January 8, 2001

Moved by Councillor Given/Seconded by Councillor Nelson

R31/01/01/16 THAT the Minutes of the Regular Meetings of December 11, 2000, December 12, 2000, December 18, 2000 and January 8, 2001 and the Minutes of the Public Hearing of December 12, 2000 be confirmed as circulated.

Carried

4. Councillor Nelson was requested to check the minutes of this meeting.

5. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

5.1 Bylaw No. 8617 (Z00-1046) – Merle Serhan – 575 White Road

Moved by Councillor Day/Seconded by Councillor Blanleil

R32/01/01/16 THAT Bylaw No. 8617 be read a second and third time.

Carried

Regular MeetingJanuary 16, 20015.2 Bylaw No. 8618 (Z00-1051) – Douglas Galbraith – 3564 Scott Road

Council:

- Requested that the applicant provide, at his cost, appropriate shrubs or fencing along his property boundary in order to provide a level of privacy for both the tenant of the secondary suite and the neighbour at 3570 Scott Road.

Moved by Councillor Cannan/Seconded by Councillor Blanleil**R33/01/01/16** THAT Bylaw No. 8618 be read a second and third time.Carried

Councillor Clark opposed.

5.3 Bylaw No. 8619 (Z00-1045) – City of Kelowna – 421 Cawston Avenue, and City of Kelowna Official Community Plan Amendment No. OCP00-009 Requires majority vote of Council (5)Moved by Councillor Blanleil/Seconded by Councillor Cannan**R34/01/01/16** THAT Bylaw No. 8619 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**5.4 Bylaw No. 8615 (TA00-005) – Amendment to the CD4 – Comprehensive Small Lot Residential zone (replace CD4 Map A)Moved by Councillor Cannan/Seconded by Councillor Blanleil**R35/01/01/16** THAT Bylaw No. 8615 be read a second and third time, and be adopted.Carried6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATION:

NOTE: Based on the input received, Council shall consider whether the majority of the residents are in favour or not in favour of the license to be granted by the Provincial Liquor Licensing Branch.

6.1 Planning & Development Services Department, dated January 2, 2001 re: Proposed Class “D” Neighbourhood Public House License for Doc Willoughby’s at 353 Bernard Avenue (LL00-001)

Staff:

- The public meeting process is instead of going to referendum.
- The applicant is asking for approval from the Liquor Control & Licensing Branch for the ability to have off-sales and to retain 24 seats at the front of the restaurant area for families. Pub licences are for 65 seats but under new regulations that can be increased by 150% and the applicant is requesting that too, for ultimate seating capacity of 98 seats in the ‘D’ class area inside the restaurant, in addition to the 20 seats in the patio at the rear. The applicant also wants approval for a 1:00 a.m. closing time for Friday and Saturday nights.
- If the pub licence is successful, one part of the restaurant would be opened up for a games area but other than that there would be little change to the existing facility.

Regular Meeting

January 16, 2001

Mayor Gray invited anyone in the public gallery who deemed themselves affected by this liquor licence application to come forward.

Peter Schultz, applicant:

- Submitted a copy of a pie chart indicating the results of a client & neighbour survey noting 50-60% of the poll are direct business neighbours and that there are no residential neighbours within 3 blocks. The survey indicates overwhelming support with only minimal opposition.
- The rear patio would be included in the 'D' class licence. The 'B' licence would be for the 24 seat restaurant area for families but that licence will probably not be supported by the Liquor Control & Licensing Branch because people would have to walk through the 'D' licenced area in order to get to the washrooms.
- The rear patio area in the lane is a removable patio and is used for parking in the off-season. It is a closed-in area with a gate which can be exited but access and service is entirely through the restaurant. The rear patio has worked out very well and is going to be a good addition.
- The intent is to have a brew style pub but a detailed business plan will not be done until the 'D' licence is issued.

Council:

- Prefer that off-sales be in cans or something other than glass.

Gerry Barteluk, Ashler Hospitality:

- Speaking on behalf of the Royal Anne Hotel, as the new manager of the Hotel and as the past-president of the B.C./Yukon Hotel Association.
- The main concern for the Royal Anne is the increased liquor seats.
- The economy in B.C. and in Kelowna is going downhill. Adding more liquor seats would cause great financial damage to the Royal Anne in particular which has been a long time employer/taxpayer in this city.
- The Royal Anne owner has made a huge investment in upgrading and improving the property.
- Liquor sales are decreasing throughout the province. If there is less business it will jeopardize other businesses. Just trying to protect the interests of the owner of the Royal Anne Hotel.
- The increase in liquor seats in the downtown area of Kelowna can also lead to increased policing costs and hurt tourism when tourists decide not to come back to Kelowna because they were unable to get any sleep in the hotel because of people partying in the streets after hours.
- Noise from Dog Willoughby's could impact the Royal Anne's hotel rooms fronting onto Bernard Avenue. The Royal Anne does not rent the hotel rooms over the pub unless the hotel is full and that is not very often.
- Thought that as of June 7, 2000 a moratorium was put on off-sales and that there was to be no more in this province but if that is wrong, agree that bottles would be of concern, although doubt that can be controlled.
- The beer & wine store and the pub on Queensway Avenue are also part of the Royal Anne. The dining room/restaurant licence in the hotel is not currently being exercised.
- Doc Willoughby's is designed to look like a pub and there is not much difference between that and the Royal Anne's O'Flannigan's pub.

Regular Meeting

January 16, 2001

Todd Robinson, Royal Anne Hotel Food and Beverage Manager:

- Has been in the industry for 9 or 10 years in the Lower Mainland, then Kamloops and now in Kelowna as of last March to manage O'Flannigan's.
- We all seem to be competing against each other for the same dollar. Spreading ourselves too thin and no-one seems to get ahead. The restaurant industry has been crying for more liquor seats and pubs have gotten more into the food aspect of things to compete.
- Concerned about the 'D' licence. O'Flannigan's and Doc Willoughby's could both be providing entertainment and another entertainer so close infringes on O'Flannigan's niche even though Doc Willoughby's is already providing entertainment under their 'B' license.
- We heavily rely on our food and beverage income to support the Royal Anne Hotel.
- This may be the first of many restaurants in the downtown core wanting to change their liquor licences. Concerned that over-saturation of pubs in the downtown core could result in hurting each other.
- Off-sales are a huge business for the Royal Anne.
- The opening advertisement for Doc Willoughby's called it the new pub on Bernard so tried to become a pub before the fact.

Peter Schultz, applicant:

- Doc Willoughby's does not meet the Liquor Control & Licensing Branch's criteria for a neighbourhood pub because the building is not free standing and it is not located one mile from a hotel.
- There is at least one but maybe 2 or 3 other downtown restaurants with applications in line for consideration by the Liquor Control & Licensing Branch in Victoria but the Liquor Branch only deals with one application at a time so they technically do not even know the other applications exist until this application is done.
- We renovated with the intention of becoming a pub but did not advertise Doc Willoughby's as being a new pub. We want to be the analogue to the successful wine industry but on the beer side.
- We instituted entertainment from day one when the restaurant was named Kitchen Cowboy and have provided entertainment every Friday and Saturday night for 8 years now.
- When DeMontreuil restaurant opened we were there with champagne because we knew it would be good for us too.
- Doc Willoughby's is already licensed for 1:00 a.m. closing. The D' licence is for 12:00 a.m. closure but recent amendments allow that to be increased to 1:00 a.m. and that is why the 1:00 a.m. closure is part of the application under consideration.

The City Clerk advised that Council Policy No. 255 and Bylaw No. 8034 outline Liquor Licensing Procedures for a neighbourhood pub that require the applicant to advertise. The City prepares the notifications and places the advertisements in the local newspapers and the applicant pays for both the ads and notices as part of his application fee. In accordance with these requirements, notice of this public meeting was advertised by being posted on the Notice Board at City Hall on January 4, 2001, placing ads in the Kelowna Daily Courier issues of January 8 & 9, 2001, and mailing 346 letters to the owners of surrounding properties on January 4, 2001.

Council:

- The City and the Downtown Kelowna Association are trying to make the downtown an exciting place with diverse opportunities so that more people will want to be there.
- The Royal Anne Hotel is an important asset in the downtown and every effort is being made to get the downtown area thriving. Competition generates business for everybody.

Regular MeetingJanuary 16, 2001Moved by Councillor Shepherd/Seconded by Councillor Cannan

R36/01/01/16 THAT the Council of the City of Kelowna considers the majority of the area residents to be in favour of the licence being granted for a Class "D" Neighbourhood Public House at 353 Bernard Avenue, Kelowna, BC (Doc Willoughby's Downtown Grill)

AND THAT the Council's views on the proposed location are as follows:

- (a) Proximity of the establishment to other social facilities and public buildings:
There are several other licensed establishments within the downtown area. However, they are mostly either restaurants or cabarets. There is presently no other "D" licensed premises in the downtown area. Furthermore, the applicant has provided a letter from the Downtown Kelowna Association supporting the proposed use.
- (b) Traffic, road access and availability of parking
There should be no significant impact on traffic or parking as the premises is currently operated at a higher building capacity than what the license application requests. The area is also well served by transit and by the presence of taxis already catering to after hours destinations within the downtown area.
- (c) Noise and appearance of establishment
The applicant has spent considerable effort to restore or replicate the historic building that the establishment currently occupies. The changing of the liquor license is not expected to have any impact on the appearance of the building. The current establishment regularly provides live entertainment and no noise problems have been brought to the City's attention to date.

AND THAT Council is in favour of the licence being granted.

Carried

7. BYLAWS

(BYLAWS PRESENTED FOR FIRST READING)

- 7.1 Bylaw No. 8626 (Z00-1048) – Yellow Rose Ventures Ltd. (FWS Construction) – 2260 Benvoulin Road

Moved by Councillor Nelson/Seconded by Councillor Given

R37/01/01/16 THAT Bylaw No. 8626 be read a first time.

Carried

- 7.2 Bylaw No. 8627 (Z00-1050) – Ronald Waller – 1940 Treetop Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R38/01/01/16 THAT Bylaw No. 8627 be read a first time.

Carried

Regular MeetingJanuary 16, 2001**(BYLAWS PRESENTED FOR ADOPTION)**7.3 Bylaw No. 8611 – Revenue Anticipation Borrowing, 2001Moved by Councillor Given/Seconded by Councillor Nelson**R39/01/01/16** THAT Bylaw No. 8611 be adopted.Carried7.4 Bylaw No. 8614 – Amendment No. 1 to Council Bylaw No. 7906Moved by Councillor Shepherd/Seconded by Councillor Clark**R40/01/01/16** THAT Bylaw No. 8614 be adopted.Carried7.5 Bylaw No. 8628 – Five Year Financial Plan, 2001 to 2005Moved by Councillor Clark/Seconded by Councillor Shepherd**R41/01/01/16** THAT Bylaw No. 8628 be adopted.Carried8. REMINDERS

- Various upcoming events.
- Rebuttal to negative comment by the Mayor of Vernon about belonging to the FCM.

9. TERMINATION

The meeting was declared terminated at 9:45 p.m.

Certified Correct:_____
Mayor

BLH/bn

City Clerk