

Regular MeetingFebruary 4, 2003

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, February 4, 2003.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark\*, C.B. Day, B.D. Given, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil and R.D. Hobson.

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; Long Range Planning Manager, S. Bagh\*; Urban Design Planner, P.J. McCormick\*; and Assistant City Clerk, L.M. Taylor acting as Council Recording Secretary.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 8:10 p.m.

2. PRAYER

The meeting opened with a prayer offered by Councillor Day

3. CONFIRMATION OF MINUTES

Regular Meeting, January 20, 2003

Public Hearing, January 21, 2003

Regular Meeting, January 21, 2003

Regular Meeting, January 27, 2003

Moved by Councillor Given/Seconded by Councillor Day

**R103/03/02/04** THAT the Minutes of the Regular Meetings of January 20<sup>th</sup>, 21<sup>st</sup> and 27<sup>th</sup>, 2003 and the Minutes of the Public Hearing of January 21, 2003 be confirmed as circulated.

Carried

4. Councillor Day was requested 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. 8900 – Zoning Bylaw Text Amendment No. TA01-003

Council:

- Requested that staff report back prior to final adoption regarding the three issues raised by UDI during the public hearing on this item.

Moved by Councillor Day/Seconded by Councillor Cannan

**R104/03/02/04** THAT Bylaw No. 8900 be read a second and third time.

Carried

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- 5.2 Bylaw No. 8953 (Z02-1027) – No. 21 Great Projects Inc. and Michal & Suzanne Jilek (Runnalls Denby/Neil Denby) – 1228 Paret Road, 889 & 904 Steele Road

Councillor Clark declared a conflict as the property is adjacent to his property and left the Council Chamber at 8:14 p.m.

Moved by Councillor Day/Seconded by Councillor Cannan

**R105/03/02/04** THAT Bylaw No. 8953 be read a second and third time.

Carried

Councillor Clark returned to the Council Chamber at 8:15 p.m.

- 5.3 Bylaw No. 8954 (Z02-1050) – 1931 Ventures Inc. & Orlando Ungaro (Miller and Wyatt Ltd.) – 1955 Baron Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R106/03/02/04** THAT Bylaw No. 8954 be read a second and third time.

Carried

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:

- 6.1 Planning & Development Services Department, dated January 8, 2003 re: Liquor Licensing Application No. LL02-0010 – M.S. Developments Inc. (Nicholas Sintichakis) – 1630 & 1654 Ellis Street and 466 & 484 Leon Avenue

Staff:

- Applicant seeks Council support for a Class “D” (Neighbourhood Public House) liquor licence for a new pub in the downtown area.
- Proposed occupancy load would be approximately 98 persons and hours of operation would be from 11 a.m. to 1 a.m.
- Application is being processed under the old liquor license category of a Class “D” license as it was in-stream with the LCLB at the time of implementation of the new classification system. If this application is approved, it will be converted to a liquor primary license but with all the same conditions (i.e. Occupant load and hours of operation) as would apply to a class “D” establishment.
- Applicant is also planning to construct a class “G” Licensee Retail Store (LRS) next to the pub on Leon Avenue. The LCLB has approved in principle the issuing of a Class “G” License to the applicants. City is not required to provide input on the Licensee Retail Store application but applicant may be required to come back for rezoning should they wish to pursue the LRS.
- RCMP do not support the application as it would add a burden to existing policing resources.

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City Clerk advised the following correspondence had been received:

- Seven letters of support from Downtown Kelowna Association, Dr. Jeffrey A. Stewart, Keith Funk, Kenneth Sarrecki, Don Campbell, Don Huculak, and Paul Mitchell  
Reasons: upscale pub is needed in the area.
- Two petitions of support representing 11 people stating upscale pub is needed in area.
- Seven form letters of support stating the area would benefit from this establishment
- Two letters of opposition from John Hurd and Blake McFetridge stating lack of parking, consistent problems with drunks and drugs being disruptive as concerns.
- Late letter of opposition received from Ki-Low-Na Friendship Society.

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected to come forward or any comments from Council.

Bert Hicks, agent for applicant:

- Pub will cater to businesses and residents of that area of Kelowna.
- Will bring into the area a different type of person and upgrade the area.

Anne Patrone, 108-2900 Abbott Street:

- In support of this application as it is something needed in the downtown area.

Harry Thompson, 753 Rowcliffe Avenue – Christian Life Fellowship:

- Opposed to the application because of the location of the employment office across the street.

Assunta Rosal, Program Manager, Ki-Low-Na Friendship Society, 442 Leon Avenue:

- Opposed as this street is already overburdened with attempting to provide services to the disadvantaged and proposed pub will only complicate the issues.
- They have incurred increased training costs for their staff to deal with people who are intoxicated.

Council:

- Good support from businesses in the area for the application.
- Part of the problem of social issues in that area could be the number of social agencies located there.
- There have not been any complaints about the two pubs licenses already approved by Council.
- Requested that staff check with the Solicitor General as to whether or not they will recognize the City's zoning bylaw as it relates to the control of Liquor Retail Sales outlets.

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R107/03/02/04** THAT Council support the licensing of a Class "D" Neighbourhood Public House liquor licence proposed by Nicholas Sintichakis and Antonio Pantazopolos for 1630 Ellis Street;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Carried

Councillors Cannan and Clark opposed.

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7. BYLAWS

**(BYLAWS PRESENTED FOR FIRST READING)**

- 7.1 Bylaw No. 8956 – Z02-1051 – Walter and Lidia Baumgart – 952 & 962  
Lawson Avenue

Moved by Councillor Given/Seconded by Councillor Horning

**R108/03/02/04** THAT Bylaws No. 8956, 8957 and 8958 be read a first time.

Carried

- 7.2 Bylaw No. 8957 – Z02-1058 - Brian and Donna Choboter – 2265 James  
Road

See resolution under 7.1 above.

- 7.3 Bylaw No. 8958 – OCP01-015 – Destination Resorts (New Town  
Planning Services) – Quail Ridge

See resolution under 7.1 above.

8. REMINDERS – Nil.

9. TERMINATION

The meeting was declared terminated at 9:05 p.m.

Certified Correct:

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Mayor

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City Clerk

LMT/am