

Regular MeetingApril 29, 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, April 29, 2003.

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, E.A. Horning and S.A. Shepherd.

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

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 7:11 p.m.

2. PRAYER

The meeting was opened with a prayer offered by Councillor Shepherd

3. CONFIRMATION OF MINUTES

Regular Meeting, April 14, 2003  
Public Hearing, April 15, 2003  
Regular Meeting, April 15, 2003

Moved by Councillor Given/Seconded by Councillor Horning

**R403/03/04/29** THAT the Minutes of the Regular Meetings of April 14 and 15, 2003 and the Minutes of the Public Hearing of April 15, 2003 be confirmed as circulated.

Carried

4. Councillor Shepherd 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. 9003 (TA03-0002) – To amend the A1s Zone

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R404/03/04/29** THAT Bylaw No. 9003 be read a second and third time.

Carried

5.2 Bylaw No. 9004 (Z03-0008) - Wendy Cunningham – 2290 Saucier Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

**R405/03/04/29** THAT Bylaw No. 9004 be read a second and third time.

Carried

Regular MeetingApril 29, 2003**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**5.3 Bylaw No. 9002 (Z03-0010) – Kevin & Janet Hertz – 2337 Abbott StreetMoved by Councillor Horning/Seconded by Councillor Given**R406/03/04/29** THAT Bylaw No. 9002 be read a second and third time, and be adopted.Carried6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATION:6.1 Planning & Development Services Department, dated March 10, 2003 re: LL03-0003 - Flashbacks Entertainment Ltd. – 1250 & 1298 Ellis Street

Staff:

- The applicant has applied to the liquor control branch for a change in the structural floorplan of the building to allow for increased seating capacity from 491 to 686 and for a change in hours of operation, preferably from 9 a.m. to 4 a.m. 7 days/week or alternatively from 9 a.m. to 2 a.m. 7 days/week.
- Do not recommend increased hours beyond 2 a.m. and do not recommend in support of the increased seating capacity until the Mayor's Entertainment Task Force interim report has been tabled.
- There is currently no dedicated parking for Flashbacks so if the capacity increase is approved, then the difference between what would be required for parking now and what would be required under the new capacity would have to be met.

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

Gerald Bruggera, OK Corral Cabaret:

- People do not go to nightclubs early in the day. Can only imagine opening as early as 9 a.m. for special events like Super Bowl so the ability for early opening would be seldom exercised.
- Would support a 3 a.m. closing time to allow people to disperse over a longer period of time but sees no advantage in being open to 4 a.m.
- If this application is approved for the 4 a.m. closing time then he would have no choice but to also apply for and advertise a 4 a.m. closing time for his nightclub as well. His staff would not want to have to stay the extra hour and sees that extra hour as being excessive.

Bill Shepherd, Flashbacks:

- Would not want to be open at 9 a.m. other than for special events.
- Parking requirements can be dealt with.
- Agree that 4 a.m. is beyond what he would want for a closing time, other than perhaps at New Years and even then everyone is gone by 3 a.m. Applying for the 4 a.m. closing time because that is the time the LCB is offering.
- In the past, seating capacity has always been restricted to 350 no matter what the square footage was.

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The City Clerk advised that the following correspondence was received:

- letter from Ken Thom, 423 Curlew Drive, supporting the increased seating capacity but objecting to the extension of hours and suggesting that 7 p.m. to 4 a.m. 6 days a week would be more appropriate.
- letter of opposition from Monashee Manufacturing Corp., 1247 Ellis Street, stating that the additional day-time hours would add to the existing parking congestion and the extended closing time would just give an additional two hour opportunity for damage to be done to other buildings and property in the area.
- letter from Gerald Bruggera, OK Corral, 1978 Kirschner Road, endorsing the requested change in hours with exception of the 4 a.m. closing.
- letter from Stafford McKergow, 228 Caliburn Court, opposing the increased seating capacity and stating that the cabaret use is incompatible with the area.

Moved by Councillor Clark/Seconded by Councillor Day

**R407/03/04/29** THAT further consideration of Liquor Licensing Application No. LL03-0003 (Flashbacks – Ellis Street) be deferred until Council has had an opportunity to consider the Mayor's Entertainment District Task Force report.

Carried

Councillors Blanleil, Horning and Shepherd opposed.

Council:

- Discussed when this application would come back. Mayor Gray confirmed that the Mayor's Entertainment District Task Force report will be presented to Council at the Regular Meeting on Monday, May 5, 2003.
- Agreed to consider both this application and the application by Gotchas Night Club for increased seating capacity (also deferred pending the report from the Task Force), on May 5<sup>th</sup> after the report from the Task Force has been considered.

6.2 Planning & Development Services Department, dated March 12, 2003 re: LL03-0004 – Raven Ridge Cidery Inc. – 2990 & 3302 Dunster Road

Staff:

- The application is for the licensing of a cidery manufacturing facility and a wine tasting area.
- The operation covers two separately titled parcels. A Previous Land Reserve Commission requirement was for the two parcels to be consolidated and that is recommended as a condition of support from Council.
- The applicant intends to use predominantly product grown on site (value added product).

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

Richard Bullock, applicant:

- Does not want this application to go forward with the confusion that the large lot and the small lot to the south have to be consolidated. The Land Reserve Commission is asking that the two properties to the east of the subject property be consolidated and that is occurring with a different application.

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Staff:

- Confirmed that the lot consolidation has no direct bearing on the cidery application. It has been carried forward to the subject application because the consolidation is still outstanding and the Land Reserve Commission wants it addressed.

Council:

- Agreed to remove the 'subject to' condition of support from the recommendation.

Moved by Councillor Hobson/Seconded by Councillor Day

**R408/03/04/29** THAT Council support licensing of a cidery manufacturing facility by Raven Ridge Cidery Inc., at 2990/3302 Dunster Road;

AND THAT Council support licensing of a winery consumption area by Raven Ridge Cidery Inc., at 2990/3302 Dunster Road;

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

Carried

## 7. PLANNING

7.1 Planning & Development Services Department, dated April 9, 2003 re: Development Variance Permit Application No. DVP03-0035 – Bob Boback – 598 South Crest Drive

Staff:

- The applicant is pursuing a variance to address an error that was made while pouring the foundations for a single family dwelling. A portion of the garage foundation projects 1 m into the required 6 m setback area for garages.

The City Clerk stated for the record that no correspondence had been received regarding this application.

Mayor Gray invited anyone in the public gallery who deemed themselves affected by the required variance to come forward. There was no response.

Moved by Councillor Hobson/Seconded by Councillor Day

**R409/03/04/29** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0035 for Lot 13, District Lot 1688s, SDYD, Plan KAP72474, located on South Crest Drive, Kelowna, B.C.;

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

**Section 13.2 – Medium Lot Housing Zone: Subsection 13.2.5 (c):**

- Vary the front yard setback from 6 m required to 5 m proposed.

Carried

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- 8.1 Bylaw No. 9013 (OCP02-0014) – City of Kelowna (Parks Division) – 3441 & 3451 Lakeshore **requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan**R410/03/04/29** THAT Bylaws No. 9013 and 9014 be read a first time.Carried

- 8.2 Bylaw No. 9014 (Z02-1057) – City of Kelowna (Parks Division) – 3441 & 3451 Lakeshore

See resolution adopted under item No. 8.1 above.

- 8.3 Bylaw No. 9016 (Z03-0021a) – Willcliff Holdings Ltd. (RJ McMasters Pub) – 1992 Dilworth Drive

Councillor Shepherd declared a conflict of interest because she owns a property adjacent to a property being considered for rezoning to the 'rls' designation and left the Council Chamber at 7:58 p.m.

Moved by Councillor Blanleil/Seconded by Councillor Cannan**R411/03/04/29** THAT Bylaws No. 9016, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024 and 9025 be read a first time.Carried

Councillor Clark opposed.

- 8.4 Bylaw No. 9017 (Z03-0021b) – MS Development Inc. (Yamas) – 1630 & 1654 Ellis Street

See resolution adopted under item No. 8.3 above.

- 8.5 Bylaw No. 9018 (Z03-0021c) – R93 Enterprises Ltd. (Hotel Eldorado) – 500 Cook Road

See resolution adopted under item No. 8.3 above.

- 8.6 Bylaw No. 9019 (Z03-0021d) - K & J Noble Holdings Ltd. (Willow Inn) – 235 Queensway Avenue

See resolution adopted under item No. 8.3 above.

- 8.7 Bylaw No. 9020 (Z03-0021e) – Corrigan (Waterfront Wines) – 1160 Sunset Drive

See resolution adopted under item No. 8.3 above.

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- 8.8 Bylaw No. 9021 (Z03-0021f) – Bill-Ed Logging Ltd. et al (Prestige Inn) – 1675 Abbott Street

See resolution adopted under item No. 8.3 above.

- 8.9 Bylaw No. 9022 (Z03-0021g) – 475872 BC Ltd. (Gotchas) – 238 Leon Avenue

See resolution adopted under item No. 8.3 above.

- 8.10 Bylaw No. 9023 (Z03-0021h) – Lexlaur Properties Inc. (Senior Frogs) – 274 Lawrence Avenue

See resolution adopted under item No. 8.3 above.

- 8.11 Bylaw No. 9024 (Z03-0021i) – Grand Okanagan Resort – 1310 Water Street

See resolution adopted under item No. 8.3 above.

- 8.12 Bylaw No. 9025 (Z03-0021j) – Northland Properties Ltd. (Sandman Hotel) – 2130 Harvey Avenue

See resolution adopted under item No. 8.3 above.

Councillor Shepherd returned to the Council Chamber at 7:59 p.m. and took her place at the Council Table.

9. REMINDERS – Nil.

10. TERMINATION

The meeting was declared terminated at 8:00 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk