

Regular MeetingNovember 18, 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, November 18, 2003.

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

Council members absent: Councillors B.A. Clark, B.D. Given and E.A. Horning.

Staff members in attendance: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer, R.G. Shaughnessy\*; and I. Tilstra Acting as Council Recording Secretary.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 6:20 p.m.

2. PRAYER

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

3. Councillor Cannan was requested to check the minutes of this meeting.

4. PLANNING BYLAWS CONSIDERED AT PUBLIC HEARING

**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS)**

- 4.1 Bylaw No. 9081 (Z03-0037) – Double Day Development (David Davies) – 1585 Lewis Road

Staff:

- Ministry of Transportation approval of the bylaw was received subsequent to this agenda being prepared and therefore the bylaw can also be considered for adoption.

Moved by Councillor Day/Seconded by Councillor Cannan

**R943/03/11/18** THAT Bylaw No. 9081 be read a second and third time and be adopted.

Carried

- 4.2 Bylaw No. 9098 (LUC03-0003) – Discharge Land Use Contract No. LUC76-1109 - 1889 Spall Road

Moved by Councillor Day/Seconded by Councillor Cannan

**R944/03/11/18** THAT Bylaw No. 9098 be read a second and third time.

Carried

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- 4.3 Bylaw No. 9105 (Z02-1052) – Allan, Murray & Mabel Hill and Douglas & Janet Stranaghan (Grant Maddock/Protech Consultants) – 3732 Highway 97 North

Moved by Councillor Day/Seconded by Councillor Blanleil

**R945/03/11/18** THAT Bylaw No. 9105 be read a second and third time.

Carried

- 4.4 Bylaw No. 9107 (Z03-0053) – WGP 236 Holdings Ltd. (Breakers Billiards & Bistro) - #1-1525 Dilworth Drive

Moved by Councillor Day/Seconded by Councillor Shepherd

**R946/03/11/18** THAT Bylaw No. 9107 be read a second and third time.

Carried

- 4.5 Bylaw No. 9109 (OCP03-0003) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road  
**Requires majority vote of Council (5)**

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R947/03/11/18** THAT Bylaw No. 9109 be read a second and third time.

Carried

- 4.6 Bylaw No. 9110 (TA03-0004) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Blanleil/Seconded by Councillor Cannan

**R948/03/11/18** THAT Bylaw No. 9110 be read a second and third time.

Carried

- 4.7 Bylaw No. 9111 (Z03-0016) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R949/03/11/18** THAT Bylaw No. 9111 be read a second and third time.

Carried

- 4.8 Bylaw No. 9112 (TA03-0004) – Pier Mac Petroleum Installations (Dell Balfour) – 5220, 5520 & 5822 Highway 97 N and 3575 Lochrem Road

Moved by Councillor Cannan/Seconded by Councillor Blanleil

**R950/03/11/18** THAT Bylaw No. 9112 be read a second and third time.

Carried

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- 4.9 Bylaw No. 9113 (TA03-0009) – WGP 236 Holdings Ltd. (Breakers Billiards & Bistro) - #1-1525 Dilworth Drive

Moved by Councillor Shepherd/Seconded by Councillor Day**R951/03/11/18** THAT Bylaw No. 9113 be read a second and third time.Carried**(BYLAWS PRESENTED FOR SECOND & THIRD READINGS AND ADOPTION)**

- 4.10 Bylaw No. 9114 (LUC03-0001) – Discharge Land Use Contract No. LUC76-1110 (N52853) – 4223 & 3413 Bedford Road

Councillor Day declared a conflict of interest because his family owns adjacent property and left the meeting at 6:30 p.m.

Moved by Councillor Shepherd/Seconded by Councillor Cannan**R952/03/11/18** THAT Bylaw No. 9114 be read a second and third time, and be adopted.Carried

- 4.11 Bylaw No. 9115 (Z03-0045) – JW Bedford Ltd. (Doug Sperling) – 4223 & 4313 Bedford Road

Moved by Councillor Shepherd /Seconded by Councillor Cannan**R953/03/11/18** THAT Bylaw No. 9115 be read a second and third time, and be adopted.Carried

Councillor Day returned to the Council Chamber at 6:32 p.m. and took his place at the Council Table.

5. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENCE APPLICATIONS

- 5.1 Planning & Corporate Services Department, dated October 20, 2003 re: Liquor Licensing Application No. LL03-0018 – Do Gi Ent. Ltd. and RM & GC Ent. Ltd. (Bob Audy/Gotchis Nightclub) – 234-236 and 238 Leon Avenue

Staff:

- The application is for amalgamation of two separate licences on Leon Avenue under one liquor primary license. The two nightclubs are adjacent and share an internal connection.
- There will be no net increase in person capacity and the hours of operation will not change.

The City Clerk advised that no correspondence or petitions had been received.

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

Doug McMinniman, General Manager of Gotchas and Oasis Nightclubs:

- Spoke in support of the application noting it would lower operating costs and remove one 'lp' licence from the "yellow zone" in the downtown.
- The restaurant in the front part of the Oasis will continue to operate.

There were no further comments.

Moved by Councillor Hobson/Seconded by Councillor Blanleil

**R954/03/11/18** THAT Council support the amalgamation of Gotchas Nightclub and Oasis Nightclub proposed by Gotchas Nightclub located on Lots 7 and 8, Blk.10, DL.139, ODYD Plan 462, being 234-236 and 238 Leon Avenue, Kelowna, BC;

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

Carried

5.2 Planning & Corporate Services Department, dated October 14, 2003 re: Liquor Licensing Application No. LL03-0002 – Darwin Enterprises (Rob Anderson) – 311 Harvey Avenue

Staff:

- In February 2003, Council granted the Chicago Grill a temporary extension to the permitted hours of operation from midnight to 2 a.m., Thursday, Friday, Saturdays. Since then the restaurant has changed ownership and the liquor license has been transferred to the new owners. The new owners are requesting that Council consider a permanent extension of the hours to their license.
- Bylaw enforcement staff and the liquor inspectors received no complaints during the period of the temporary extension of hours.

The City Clerk advised that two letters of opposition had been received from adjacent residents in the Pandosy Street and Boyce Crescent apartment buildings, concerned about increased noise, traffic and crime in their neighbourhood.

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

Rob Anderson, applicant:

- Want to offer an alternative to a bar-like atmosphere for people wanting a glass of wine or an appetizer after midnight.
- Their application to the Liquor Distribution Branch is for a 2:00 a.m. closing every night of the week. Even if that was granted, those hours would not go into effect until summer when people want to stay after midnight.

Council:

- The neighbourhood may have reacted differently to the application if they had known the extended hours could be seven nights a week.

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Staff:

- A permanent extension of hours to 2 a.m. for other than Thursday, Friday and Saturday would require Council approval under a further report.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R955/03/11/18** THAT Council support a permanent extension to the permitted hours of operation from midnight to 2 a.m. (Thursday, Friday, Saturday) proposed by Rob Anderson of the Cats Meow Eatery/Lounge Restaurant for 311 Harvey Avenue;

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

Carried

## 6. PLANNING

- 6.1 Planning & Corporate Services Department, dated October 14, 2003 re: Development Variance Permit Application No. DVP03-0102 – Fred Coosemans & Sylvia Grassl – 643 Denali Court

Staff:

- The applicant is in the process of constructing a single detached dwelling on the site. During construction, an additional cantilever that was not originally shown on the building permit drawings was constructed on the north side elevation of the building. The additional cantilever resulted in the cantilevered portions of the building exceeding what is permitted for a 2-storey building.
- The adjacent neighbours have submitted letters of support.
- Concerned that the applicant constructed the cantilever without first authorizing the construction through a revision to the building permit. Support of such variances will be discouraged in the future.

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 Blanleil/Seconded by Councillor Hobson

**R956/03/11/18** THAT Council authorize the issuance of Development Variance Permit No. DVP03-0102 for Lot 35, Section 28, Township 26, ODYD, Plan KAP72143, located on Denali Court, Kelowna, B.C.;

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

### **Section 6.4.1 Projections Into Yards**

- To allow a cantilevered section of a building to comprise of 43.2% of the building where only 20% is permitted.

Carried

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- 6.2 Planning & Corporate Services Department, dated October 7, 2003 re: Development Variance Permit Application No. DVP03-0112 – David, Frank and Anita Peter (David Peter) – 1741 Little Avenue

Withdrawn from the agenda.

7.0 **BYLAWS (OTHER THAN ZONING & DEVELOPMENT)**

**(BYLAW PRESENTED FOR FIRST THREE READINGS)**

- 7.0.1 Bylaw No. 9088 – Sewer Specified Area No. 28A – Okaview Road

Moved by Councillor Shepherd/Seconded by Councillor Blanleil

**R957/03/11/18** THAT Bylaw No. 9088 be read a first, second and third time.

Carried

7. REMINDERS – Nil.

8. TERMINATION

The meeting was declared terminated at 7:19 p.m.

Certified Correct:

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Mayor

IMT/am

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City Clerk