

Regular MeetingJuly 26, 2005

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, July 26, 2005.

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

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

Staff members in attendance were: Director of Planning & Corporate Services, R.L. Mattiussi; Deputy City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce; Subdivision Approving Officer R.G. Shaughnessy, Development Engineering Manager S. Muenz, and Council Recording Secretary, I. Tilstra .

1. CALL TO ORDER

Mayor Gray called the Hearing to order at 7:23 p.m.

2. PRAYER

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

3. CONFIRMATION OF MINUTES

Regular Meeting, July 11, 2005
Public Hearing, July 12, 2005
Regular Meeting July 12, 2005

Moved by Councillor Clark/Seconded by Councillor Day

R724/05/07/26 THAT the Minutes of the Regular Meetings of July 11 and July 12, 2005 and the Minutes of the Public Hearing of July 12, 2005 be confirmed as circulated.

Carried

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

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

5.1 Bylaw No. 9447 (OCP05-0008) - Nicola Consiglio (Mark Consiglio) - 5127 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R725/05/07/26 THAT Bylaw No. 9447 be read a second and third time.

Carried

5.2 Bylaw No. 9448 (Z05-0020) - Nicola Consiglio (Mark Consiglio) - 5127 Chute Lake Road

Moved by Councillor Clark/Seconded by Councillor Shepherd

R726/05/07/26 THAT Bylaw No. 9448 be read a second and third time.

Carried

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- 5.3 Bylaw No. 9449 (OCP05-0003) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road

Moved by Councillor Cannan/Seconded by Councillor Day**R727/05/07/26** THAT Bylaw No. 9449 be read a second and third time.Carried

- 5.4 Bylaw No. 9450 (Z05-0014) - Singla Bros and Dr. Gary Randhawa (Singla Bros./Tony Lockhurst) – 5241 Chute Lake Road

Moved by Councillor Day/Seconded by Councillor Cannan**R728/05/07/26** THAT Bylaw No. 9450 be read a second and third time.Carried

- 5.5 Bylaw No. 9451 (Z05-0024) - VE Properties (Water Street Architecture) – 3295 Lakeshore Road

Moved by Councillor Cannan/Seconded by Councillor Day**R729/05/07/26** THAT Bylaw No. 9451 be read a second and third time.Carried

6. PUBLIC MEETING TO RECEIVE INPUT ON LIQUOR LICENSE APPLICATIONS

- 6.1 Planning & Corporate Services Department, dated June 17, 2005, re: Liquor Licensing Application No. LL05-0010 – Grand Okanagan Resort Ltd (Lake City Casino Ltd) – 1300 Water Street

Staff:

- Approval of the application would licence the entire facility (600 person capacity).
- Based on the Mayor's Entertainment District Task Force recommendations, Planning staff do not support this application.
- Lake City Casinos put forward detailed program how they would operate licensed facility with social responsibility.
- Staff have chosen to stick with policy guidelines, recommending against endorsing the license as requested.
- Staff would support a reduced liquor license application for 150 person capacity with a more limited lounge area, rather than a licence for the entire facility.

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

Applicant wants to speak to people in corporate office before speaking.

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The Deputy City Clerk advised that one letter had been received from Margeret Miller, 1152 Sunset Drive, opposed if increase noise level at night in Waterfront Park/Water Street area.

Staff:

- There are no outdoor facilities associated with casino.
- Noise from people drinking as they are leaving the establishment cannot be controlled through the liquor license.

Norm Letnick, 2416 Abbot Street:

- Was on Task Force, torn on application, reason Task Force came up with recommendations was to avoid repeat of Leon/Lawrence, many cabarets in one place, all stopping at same time, put in policies limit how close one could be to another and size of establishment.
- Policies not cast in stone, meant for Council to look at and decide if applications meet test.
- Once given, could end up with 600 seat cabaret not too far from Flashbacks, pressure for Leon/Lawrence establishments move somewhere else.
- Potential long term problem as well as short term considerations.

Staff:

- Zoning for site allows for it to have liquor primary license, understanding if change hands can transfer license to new owner, normal tests with Victoria qualified to hold liquor license.
- Not sure if Victoria treat differently because tied to licensed gaming facility.
- If concerned, add to recommendation, perhaps liquor licence tied to gaming license, if casino shuts down, liquor licence not be reused in different manner.

Moved by Councillor Clark/Seconded by Councillor Hobson

THAT Council support a Liquor Primary License with a person capacity of 600 and hours of operation of 10 am-2 am daily on Lot 1, Plan 73542; proposed by Lake City Casino for 1300 Water Street

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

Amendment Moved by Councillor Cannan/Seconded by Councillor Hobson

R730/05/07/26 THAT the motion be amended to support hours of operation of 10 am-12 am with liquor consumption permitted to 1:00 am for a one-year trial period, and to tie the liquor license to the gaming license.

Carried

Mayor Gray and Councillor Clark opposed.

The amended resolution was then voted on and carried as follows:

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R731/05/07/26 THAT Council support a Liquor Primary License with a person capacity of 600 and hours of hours of operation of 10 am-12 am daily with consumption permitted until 1:00 am on Lot 1, Plan 73542; proposed by Lake City Casino for 1300 Water Street;

AND THAT this be for a one-year trial period;

AND THAT the liquor licence be tied to the gaming licence;

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

Carried

Councillor Shepherd opposed.

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Planning & Corporate Services Department, dated June 24, 2005 re: Development Variance Permit Application No. DVP05-0100 – Martin and Sylvia Bentsen – 933 Nassau Crescent

The Deputy City Clerk advised that no correspondence had been received.

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 Cannan/Seconded by Councillor Hobson

R732/05/07/26 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0059 for Lot 22, Section 29, Township 26, ODYD, Plan 17492, located on Nassau Crescent, Kelowna, B.C.;

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

Section 13.1.6(c): Development Regulations:

Vary the side yard setback from 6.0 m required to 5.35 m proposed.

Carried

- 7.2 Planning & Corporate Services Department, dated June 29, 2005 re: Development Variance Permit Application No. DVP05-0107 – Darcy and Mary Weston – 2180 Burnett Street

The Deputy City Clerk advised that no correspondence had been received.

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

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R733/05/07/26 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0107; Lot 10, Section 19, Township 26, District Lot 136, ODYD, Plan 11811, located on Burnett Street, Kelowna, B.C.;

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

Section 13.6.6(d): Two Dwelling Housing:

- Vary the southern side yard setback from 2.3 m required to 2.16 m proposed.
- Vary the northern side yard setback from 2 m required to 1.76 m proposed.

Carried7.3 (a) **(BYLAWS PRESENTED FOR ADOPTION)**

- (i) Bylaw No. 9279 (Z04-0036) – Paul & Donna Robinson – 1216 Graf Road

Moved by Councillor Shepherd/Seconded by Councillor Clark

R734/05/07/26 THAT Bylaw No. 9279 be adopted.

Carried

- (b) Planning & Corporate Services Department, dated July 30, 2005 re: Development Variance Permit Application No. DVP04-0090 – Paul and Donna Robinson – 1216 Graf Road

The Deputy City Clerk advised that one letter had been received from Allan and Diana Brooks, 1090 Graf Road, opposed on the basis of parking concerns.

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

R735/05/07/26 THAT Council authorize the issuance of Development Variance Permit No. DVP04-0090; for Lot B, Section 25, Township 26, ODYD, Plan 35198, located on Graf Road, Kelowna, B.C.;

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

Section 13.1.6(e): Development Regulations:

Vary the rear yard setback from 7.5 m required to 6.33 m proposed.

Carried

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8. BYLAWS

(BYLAWS PRESENTED FOR ADOPTION)

8.1 Bylaw No. 9377 – Road Closure Bylaw – 140 Dougall Road

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

Moved by Councillor Day/Seconded by Councillor Cannan

R736/05/07/26 THAT Bylaw No. 9377 be adopted.

Carried

8.2 Bylaw No. 9469 – Road Closure – 4540 Walker Road

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

Moved by Councillor Clark/Seconded by Councillor Shepherd

R737/05/07/26 THAT Bylaw No. 9469 be adopted.

Carried

9. REMINDERS – Nil.

10. TERMINATION

The meeting was declared terminated at 8:11 p.m.

Certified Correct:

Mayor

Deputy City Clerk

SCF/IT/am