

Regular MeetingSeptember 8, 2009

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, September 8<sup>th</sup>, 2009.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil, Robert Hobson, Charlie Hodge, Graeme James, Angela Reid, Michele Rule and Luke Stack\*.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Director, Land Use Management, Shelley Gambacort\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:18 p.m.

2. PRAYER

2. A Prayer was offered by Councillor Hobson.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - August 24, 2009

Regular P.M. Meeting - August 24, 2009

Public Hearing - August 25, 2009

Regular Meeting - August 25, 2009

Special Meeting - August 28, 2009

Special Meeting - August 31, 2009

Moved by Councillor Hobson/Seconded by Councillor Stack

**R867/09/09/08** THAT the Minutes of the Regular Meeting Minutes of August 24<sup>th</sup>, 2009 and August 25<sup>th</sup>, 2009 and the Public Hearing Minutes of August 25<sup>th</sup>, 2009 and the Special Meeting Minutes of August 28<sup>th</sup>, 2009 and August 31<sup>st</sup>, 2009 be confirmed as circulated.

Carried

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

5. BYLAWS CONSIDERED AT PUBLIC HEARING

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

5.1 Bylaw No. 10209 (Z08-0014) - Elizabeth & Armogan Odiyar - 380 Taylor Road

Moved by Councillor James/Seconded by Councillor Hodge

**R868/09/09/08** THAT Bylaw No. 10209 be read a second and third time.

Carried

5.2 Bylaw No. 10218 (Z09-0031) - Louis Spartin, Tracey Spartin, Gary Taylor and Maureen Ryan (Troika Developments Inc.) - 3975 & 3985 Lakeshore Road

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Councillor Stack declared a conflict of interest as he is a long-time family friend of one of the applicants and left the meeting at 8:20 p.m.

Moved by Councillor Hodge/Seconded by Councillor James

THAT Bylaw No. 10218 be read a second and third time.

Moved by Councillor Hodge/Seconded by Councillor James

**R869/09/09/08** THAT Council defer consideration of Bylaw No. 10218 to the September 21, 2009 Council Meeting.

Carried  
Councillor Blanleil - Opposed.

Councillor Stack rejoined the meeting at 8:45 p.m.

5.3 Bylaw No. 10224 (TA09-0004) - Pier Mac Petroleum Installations Ltd. - 5220 Highway 97 North

Moved by Councillor Hodge/Seconded by Councillor Rule

**R870/09/09/08** THAT Bylaw No. 10224 be read a second and third time.

Carried

5.4 Bylaw No. 10225 (Z09-0030) - Pier Mac Petroleum Installation - 5220 Highway 97 North

Moved by Councillor Rule/Seconded by Councillor Hodge

**R871/09/09/08** THAT Bylaw No. 10225 be read a second and third time.

Carried

**(BYLAWS PRESENTED FOR SECOND AND THIRD READINGS AND ADOPTION)**

5.5 Bylaw No. 10226 (Z09-0038) - City of Kelowna (Kelowna Visual & Performing Arts Centre Society) - 1315 Water Street

Moved by Councillor Reid/Seconded by Councillor Blanleil

**R872/09/09/08** THAT Bylaw No. 10226 be read a second and third time and be adopted.

Carried

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Community Sustainability Division, dated August 14, 2009 re: Liquor Licensing Application No. LL09-0003 - City of Kelowna (Kelowna Visual & Performing Arts Centre Society) - 421 Cawston Avenue (Legal Address: 1315 Water Street) Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

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

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Rule/Seconded by Councillor Reid

**R873/09/09/08** In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy 315 be it resolved THAT:

1. Council recommends the issuance of the liquor primary license applied for from the City of Kelowna to obtain a liquor primary license for the establishment located at 1315 Water Street, Kelowna, BC (Rotary Centre for the Arts), and legally described as Lot A, District Lot 139, ODYD, Plan KAP67454, for the following reasons: the proposed license would simplify and enhance operations of the venue, allow for more consistently controlled beverage service, and there are little (if any) negative impacts anticipated.
2. The Council's comments on the prescribed considerations are as follows:
  - (a) *The location of the establishment* is within the downtown cultural district and is well-suited for liquor establishment and entertainment facilities; however, there is a concentration of existing facilities in the area.
  - (b) *The proximity of the establishment to other social or recreational facilities and public buildings* is not a concern given the established nature of the venue.
  - (c) *The person capacity and hours of liquor service of the establishment* would not be a departure from the numerous special occasion licenses that have been granted for the venue in the past and is not a concern.
  - (d) *The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location*: includes a pub, cabaret, casino, hotel/convention centre and stadium, representing a broad variety of market focuses.
  - (e) *Traffic, noise, parking and zoning*: would be largely unchanged if the license is granted, however, the current zoning would need to be amended to include a "LP" designation prior to the issuance of the license.

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- (f) *Population, population density and population trends:* The residential population in Kelowna's Downtown area continues to grow, particularly surrounding the Cultural District. This trend is expected to continue as the City of Kelowna pursues policies which support mixed-use development and densification in urban centres.
  - (g) *Relevant socio-economic information:* the surrounding area comprises an important tourist, social and cultural hub for the City of Kelowna (the Cultural District). Contravention rates for surrounding establishments are very low.
  - (h) *The impact on the community if the application is approved* is considered to be positive, in that the current cultural/social venue will be enhanced.
3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents are as contained within Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

Carried

- 6.2 Community Sustainability Division, dated August 14, 2009, re: Liquor Licensing Application No. LL09-0009 - University of British Columbia (UBC Student's Union-Okanagan) - 3333 University Way Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.

Staff:

- The existing Liquor License has been transferred to the new location.
- The proposed person capacity being requested is 370 persons, being 310 indoor and 60 outdoor (patio).
- Confirmed that the current timetable for transit in the area does not service the 1:00 a.m. closing at this time.

The City Clerk advised that the following correspondence and/or petitions had been received:

- o Letter of Opposition:
  - Glen Maddess, Maddess Consulting Services Inc, 3010 Allegro Mew
- o Letter of Support:
  - Oliver Kell, 1215-3168 Via Centrale

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Rob Nagai, General Manager, UBC-O Student's Union, Applicant

- Advised that "The Well" currently offers taxi rides when transit is no longer available.
- Advised that "The Well" tends to be a "resident's" bar as the majority of the clientele live on the campus.
- This is the only liquor establishment in the vicinity of the campus.
- Confirmed that UBC owns the Liquor License, not UBC-O.

There were no further comments.

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**R874/09/09/08** In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy 315 be it resolved THAT:

1. The Council recommends the amendment of the license for the application from The UBC Student's Union-Okanagan to amend a liquor primary license for the establishment located at 3333 University Way, Kelowna, BC (UBC Okanagan), and legally described as Lot A, Sections 10 and 11, Township 23, ODYD, Plan KAP87188 for the following reasons: *the proposed amendment would not create negative impacts to the surrounding community, and would be in-keeping with the continuing development of the university campus.*
2. The Council's comments on the prescribed considerations are as follows:
  - (a) *The potential for noise if the application is approved may show a minor increase, but is not expected to have any impact on the surrounding community.*
  - (b) *The impact on the community should the application be approved is considered negligible.*
3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents are as contained within Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

Carried

## 7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

### 7.1 (a) BYLAWS PRESENTED FOR ADOPTION

- (i) Bylaw No. 9805 (OCP07-0007) - Okanagan Families Society - 630 Cadder Avenue - **Requires a majority of all Members of Council (5)**

Councillor Hodge declared a conflict of interest as he holds an annual fundraiser for the Okanagan Families Society and left the meeting at 9:06 p.m.

Moved by Councillor Stack/Seconded by Councillor Hobson

**R875/09/09/08** THAT Bylaw No. 9805 be adopted.

Carried

- (ii) Bylaw No. 9806 (Z07-0019) - Okanagan Families Society - 630 Cadder Avenue

Moved by Councillor Stack/Seconded by Councillor Hobson

**R876/09/09/08** THAT Bylaw No. 9806 be adopted.

Carried

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- (b) Community Sustainability Division, dated July 31, 2009, re: Development Variance Permit Application No. DVP07-0226 - The Bridge Youth and Family Services (formerly Okanagan Families Society) - 630 Cadder Avenue City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

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

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council. No one came forward.

Moved by Councillor Rule/Seconded by Councillor Stack

**R877/09/09/08** THAT final adoption of OCP amending bylaw No. 9805 be considered by Council;

AND THAT final adoption of the Zone Amending Bylaw No. 9806 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0226 for Lot 4, District Lot 14, Township 26, Osoyoos Division Yale District Plan 635 located at Cadder Ave, Kelowna, B.C.;

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

**Section 16.2.5(e) Side Yard Setback**

To vary the minimum required side yard setback of 4.5 m to 3.3m (west side) and 2.1 m (east side).

Carried

- 7.2 Community Sustainability Division, dated August 13, 2009 re: Development Variance Permit Application No. DVP09-0088 - Bonnie Louise Olsen (Ann Gladu & Serge Corbin) - 996 Manhattan Drive City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

Councillor Hodge rejoined the meeting at 9:08 p.m.

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

Mayor Shepherd Invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Ann Gladu and Serge Corbin, Applicants

- Advised that they have 2 trucks and therefore require a larger garage.
- Advised that the proposed garage would allow better egress and ingress to their property.

There were no further comments.

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**R878/09/09/08** THAT Council authorize the issuance of Development Variance Permit No. DVP09-0088 for Lot A, District Lot 9, ODYD, Plan 39084, located at 996 Manhattan Drive, Kelowna, BC;

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

Section 13.6.6(c) Front Yard Setback - To vary the required front yard setback for the accessory garage from 6.0 m required to 1.7 m proposed.

Section 13.6.6(d) Side Yard Setback - To vary the required side yard setback for the accessory garage from 2.0 m required to 1.8 m proposed.

CarriedMoved by Councillor Reid/Seconded by Councillor Rule

**R879/09/08/09** THAT Council directs staff to ensure that the Terms of Reference for the Mayor's Entertainment District Task Force includes transit options for the Entertainment District, as well as for UBC-Okanagan.

Carried  
Councillor Blanleil - Opposed.

8. REMINDERS - Nil.

9. TERMINATION

The meeting was declared terminated at 9:12 p.m.

Certified Correct:

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 Mayor

SLH/dld

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 City Clerk