



City of Kelowna

Date: Tuesday, March 17, 2015
Time: Council Chamber
Location: City Hall, 1435 Water Street

Council Members Present: Mayor Colin Basran and Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben*, Mohini Singh and Luke Stack

Staff Present: City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Urban Planning Manager, Ryan Smith; Subdivision, Agriculture & Environment Director, Shelley Gambacort; and Council Recording Secretary, Arlene McClelland

(* denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:27 p.m.

2. Prayer

A Prayer was offered by Councillor Given.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Donn

R204/15/03/17 THAT the Minutes of the Public Hearing and Regular Meeting of March 3, 2015 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 2127 Ethel Street, BL11064 (Z15-0004) - Simple Pursuits Inc.

Moved By Councillor Hodge/Seconded By Councillor Gray

R205/15/03/17 THAT Bylaw No. 11064 be read a second and third time.

Carried

4.2 1980 Saucier Road, BL11065 (Z14-0034) - Emil Anderson Construction Co. Ltd.

Moved By Councillor Given/Seconded By Councillor Hodge

R206/15/03/17 THAT Bylaw No. 11065 be read a second and third time.

5. Notification of Meeting

The City Clerk advised that Notice of this (amendment to Food Primary Liquor Licences) was advertised by being posted on the Notice Board at City Hall on March 3, 2015, and by being placed in the Kelowna Capital News issues on March 6 and March 11, 2015 and by sending out or otherwise delivering 11 statutory notices to the owners and occupiers of surrounding properties, and 1630 informational notices to residents in the same postal delivery route, between March 3 and March 6, 2015. The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 1423 Ellis Street, LL15-0001 - George Peter Boychuk

Councillor Sieben declared a conflict of interest due to his interest in a nearby restaurant and departed the meeting at 7:45 p.m.

Staff:

- Provided a PowerPoint Presentation summarizing the application.

The City Clerk advised that the following correspondence had been received:

Letters of Support
Beryl Itani, Richter Street

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

Bert Hick, Rising Tide Consultants, Applicant

- Available to answer questions.

Gallery:

Lloyd Robertson, Doyle Avenue

- Raised concern with commercial uses encroaching into urban residential neighborhood.
- Late night drinking establishments create conflict with the urban uses and current closing hours are appropriate.
- In an urban environment we expect some evening street noise however late night pedestrian traffic and noise is increasing.

Bert Hick, Applicant

- Emphasized that the licence is for a food primary licence and a nightclub requires a different type of licence, so the use cannot be changed without a change in licence.
- This request to change hours is to be in alignment with downtown competitors.
- Liquor service must cease at midnight but can have a drink if food is ordered until 1:00 a.m.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Given

R207/15/03/17 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy #359,

BE IT RESOLVED THAT: Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application at address: 1423 Ellis St., Kelowna BC, (legally described as Lot 1 , District Lot 139, O.D.Y.D., Plan 2733) for closing at 1am, are as follows:

a) The potential for noise if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

c) If the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:

The applicant will continue to focus the operation of the establishment as a food primary venue, and therefore it is not anticipated to operate contrary to a food primary establishment.

d) View of residents:

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 were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

e) Recommendation:

Council recommends that the application to extend hours of operation to close at 1:00 a.m. be approved.

Carried

Councillor Sieben rejoined the meeting at 7:57 p.m.

7. Reminders - Nil.

8. Termination

The meeting was declared terminated at 7:57 p.m.

Mayor

/acm

City Clerk