

Regular MeetingAugust 10, 2010

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 August 10, 2010.

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

Council members absent: Councillor Rule

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Land Use Management, Shelley Gambacort; and Council Recording Secretary, Arlene McClelland.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:37 p.m.

2. A Prayer will be offered by Councillor Stack.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - July 26, 2010
 Regular P.M. Meeting - July 26, 2010
 Public Hearing - July 27, 2010
 Regular Meeting - July 27, 2010
 Special Committee-of-the-Whole Meeting - July 28, 2010

Moved by Councillor Craig/Seconded by Councillor James

R758/10/08/10 THAT the Minutes of the Regular Meetings of July 26th, 2010 and July 27th, 2010, the Public Hearing Meeting of July 27th, 2010 and Special Committee of the Whole Meeting of July 28th, 2010 be confirmed as circulated.

Carried

4. Councillor James is 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. 10373 (Z10-0033) - New Opportunities for Women (NOW) Canada Society Inc. - 2609 Richter Street

Moved by Councillor Hodge/Seconded by Councillor Craig

R759/10/08/10 THAT Bylaw No. 10373 be read a second and third time.

Carried

5.2 Bylaw No. 10376 (Z10-0052) - Shane & Jennifer Warawa - 745 Mitchell Road

Moved by Councillor Craig/Seconded by Councillor Hodge

R760/10/08/10 THAT Bylaw No. 10376 be read a second and third time.

Carried

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- 5.3 Bylaw No. 10377 (OCP10-0007) - T146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road

Moved by Councillor Craig/Seconded by Councillor Hodge

R761/10/08/10 THAT Bylaw No. 10377 be read a second and third time.

Carried

Council:

- Suggested the Applicant erect signage requesting vehicles not back into parking stalls as well as signage requesting no idling.
- Suggested the Applicant consider landscaping opportunities as noted by the neighbours.

- 5.4 Bylaw No. 10378 (Z10-0037) - T146 Enterprises Ltd. (Dale Knowlan & Associates) - 1460 Springfield Road

Moved by Councillor Hodge/Seconded by Councillor Craig

R762/10/08/10 THAT Bylaw No. 10378 be read a second and third time.

Carried

- 5.5 Bylaw No. 10379 (OCP10-0006) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1069 Laurier Avenue

Moved by Councillor Reid/Seconded by Councillor Craig

R763/10/08/10 THAT Bylaw No. 10379 be read a second and third time.

Carried

- 5.6 Bylaw No. 10380 (Z10-0031) - Jasvinder & Navjot Kandola and 656752 BC Ltd. (GTA Tomporowski) - 1045, 1053 & 1069 Laurier Avenue

Moved by Councillor Blanleil/Seconded by Councillor Reid

R764/10/08/10 THAT Bylaw No. 10380 be read a second and third time.

Carried

Council:

- Strongly encourages the Applicant to work with the neighbourhood.

- 5.7 Bylaw No. 10381 (Z10-0048) - Surinder & Davinder Bhullar - 1356 Montenegro Drive

Moved by Councillor Reid/Seconded by Councillor Blanleil

R765/10/08/10 THAT Bylaw No. 10381 be read a second and third time.

Carried

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- 5.8 Bylaw No. 10382 (Z10-0034) - Richard & Debra Horner - 1820 Ivans Avenue

Moved by Councillor Reid/Seconded by Councillor Blanleil

R766/10/08/10 THAT Bylaw No. 10382 be read a second and third time.

Carried

- 5.9 Bylaw No. 10383 (HRA10-0001) - Heritage Revitalization Agreement Authorization Bylaw - Kelowna Train Station Inc. - 1177 Ellis Street

Moved by Councillor Hobson/Seconded by Councillor Reid

R767/10/08/10 THAT Bylaw No. 10383 be read a second and third time.

Carried

Councillor James - Opposed

6. LIQUOR LICENSE APPLICATION REPORTS

- 6.1 Community Sustainability Division, dated July 16, 2010 re: Liquor Licensing Application No. LL09-0014 - Kelowna Brewing Company (D. Allen) - 1177 Ellis Street

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

Letters of Support:

Aldo Inrieri, 3058 Kings Ave, Vancouver
Ervin Kovacs, 3058 Kings Ave, Vancouver

Letter of Conditional Support:

Fred Speckeen, 1156 Sunset Drive

Letter of Concern:

J.D. Taylor, 1439 Bertram Street

Dan Allen, Tenant in CN Train Station, Applicant

- Advised that his family has been in the pub industry for many years with zero liquor infractions in the past 10 years. Indicated a commitment to serving great food and to serve alcohol responsibly.
- Concept is for a higher end premium pub catering to the age 28 plus demographic target market.
- Will capitalize on Prospera Events and will have a high focus on tourists.
- The interior is heritage contemporary with a modern back bar. We feel it's important to have a heritage menu with stories on the menu and heritage pictures on the walls.
- The economic benefit of the business is that it will add 30 plus jobs and, where possible, will utilize local suppliers.
- The pub will not be a live venue establishment but there will be music.
- Plan to open in early 2011.
- We have no issue with the 1:30 a.m. closing time.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hodge

R768/10/08/10 THAT Council direct 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 #315, be it resolved THAT:

1. Council recommends the issuance of a liquor primary license at 1177 Ellis Street, Kelowna BC, and legally described as Lot A, District Lot 139, ODYD, Plan KAP68238, for the following reasons:
 - The area would be well-served by the proposed establishment, given the proximity of other entertainment facilities in the area, and would enhance the viability of commercial opportunities for the surrounding neighbourhood; and
 - The proposal would not have significant negative impacts on the surrounding area, and is consistent with surrounding land uses.

2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
 - a) **The location of the establishment:**
The subject property is within an identified commercial area and is suitable as an entertainment establishment.
 - b) **The proximity of the establishment to other social or recreational facilities and public buildings**
Surrounding facilities would not conflict with the proposed establishment.
 - c) **The person capacity and hours of liquor service of the establishment:**
The applicant has proposed person capacity of 260 persons and closing hours of 1:30am daily. This is deemed appropriate and complimentary to other liquor primary establishments in the downtown area.
 - d) **The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:**
The six licensed establishments near the subject property have a range of business focus: hotel, casino, stadium, cabaret, wine bar and pub. As such, the proposed license could be complimentary to each of these uses. As proposed, the target market would be more mature, and of higher income levels that what is traditionally catered to in the downtown area.
 - e) **Traffic, noise, parking and zoning:**
The site has good access and adequate parking provisions. Expected traffic volumes for future development in the area would be managed by Clement Avenue (major thoroughfare), and parallel collector roads to the east and west. Noise concerns are deemed to be minimal with consideration of a stadium and a nightclub in the immediate area. The Heritage Revitalization Agreement has considered the zoning component for the property, allowing the liquor primary establishment to operate.
 - f) **Population, population density and population trends:**
As of 2006, there were approximately 30,000 residents within a 2.0 mile radius of the property. Since that time, several high-density residential developments have been completed in close proximity, with additional residential density anticipated within Kelowna's Official Community Plan for the area, supporting the growth in the number of licensed establishments.
 - g) **Relevant socio-economic information:**
Only two proven contraventions have occurred since January 2003 for existing establishments within a 3 block radius. The area is an integral component of the City's tourism industry, and supports a range of cultural/entertainment venues.

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- h) **The impact on the community if the application is approved:**
Community impact is considered minimal given the location of the subject property and surrounding land uses.
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 were as per Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

Carried

- 6.2 Community Sustainability Division, dated July 16, 2010 re: Liquor Licensing Application No. LL10-0003 - 429228 BC Ltd. (Capri Valley Lanes) - #154 - 1835 Gordon Drive **Mayor to invite anyone in the public gallery who deems themselves affected by the liquor license application to come forward.**

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

Letter of Opposition:

Rob Baskin, Bridges to New Life Society, 1197 Sutherland Avenue

Bryan Sargeant, Applicant

- Have been in the bowling industry for 30 years. Had liquor licences in five cities within B.C. and have never had a sanction or issue with the RCMP or Liquor Board. Purchased Capri Valley Lanes in 2009, previously the owner of Valley Lanes and Corner Pin Pub.
- Clients are usually gone by 11:30 p.m. but may require the 1:00 a.m. closing during the holiday season.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R769/10/08/10 THAT Council direct 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 #315, be it resolved THAT:

1. Council recommends the issuance of a liquor primary license at #154-1835 Gordon Drive, Kelowna BC, and legally described as Lot A, District Lot 137, ODYD Plan KAP64836, for the following reasons:
 - The proposed license would be consistent with bowling alleys in the City, and is perceived to have little impact on property owners.
2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
 - a) **The location of the establishment:**
The subject property is within the basement of an existing shopping centre, significantly limiting any impacts on surrounding properties.
 - b) **The proximity of the establishment to other social or recreational facilities and public buildings:**
Surrounding facilities would not conflict with the proposed establishment.
 - c) **The person capacity and hours of liquor service of the establishment:**

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The applicant has proposed a maximum person capacity of 100 persons and closing hours of 2:00am daily. While the capacity is deemed appropriate, the closing hour of 1:00am daily is recommended to be consistent with other bowling facilities.

d) **The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:**

There are no other facilities with a similar focus in the area.

e) **Traffic, noise, parking and zoning:**

The bowling alley has operated in this location for many years, and existing traffic, noise, parking and zoning conditions are acceptable. The license is proposed as a value-added service to existing clientele.

f) **Population, population density and population trends:**

The existing bowling facility is supported by a growing population, and draws customers from a large area.

g) **Relevant socio-economic information:**

None.

h) **The impact on the community if the application is approved:**

Community impacts are considered minimal given that the bowling alley has operated for many years with no concerns.

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 were as per Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

Carried

7. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS

- 7.1 Community Sustainability Division, dated July 7, 2010 re: Development Variance Permit Application No. DVP08-0189 - D.E. Pilling and Associates - 1132-1133 Findlay Road

Staff:

- Meeting zone requirements not buffering requirements. Would not get as many sites in if they met buffering, but are providing significant landscape strips.

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

Letters of Opposition:

Grant Maddock, Protech Consultants Ltd, 200-1461 St. Paul Street
Donald Smith, 1060 Hoover Road

Letter of Conditional Support:

Bernie Kvamme, 530 McCurdy Road

Dale Pilling, Applicant Representative

- Not asking to vary the buffering but that the area of buffer be included in the lot area. The setbacks for units are outside the buffering area.
- The APC were concerned with the type of park we were proposing and wondered who would be using this park since most residents were mature.

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Gallery:

Don Smith, 1060 Hoover Road

- Read letter submitted as correspondence. Concerned with water flows impacting his property; there is no adequate fencing or anything to diffuse lights from vehicular headlights. Concerned with the loss of privacy for yard and would like to see a fence and plantings to lessen the impact.

Dale Pilling, Applicant

- Agree that it will be fenced with a chain link fence; slats to buffer lights and also provide security. The buffering would still stay as shown with trees. There is a storm sewer system phase in the park and it will have its own drainage system. Stated "I will not allow the water flow to enter the neighbor's property."

There were no further comments.

Moved by Councillor Hodge/Seconded by Councillor Stack

R770/10/08/10 THAT Council authorize the issuance of Development Variance Permit No. DVP08-0189 for Lot 1, Section 26, Township 26, Osoyoos Division Yale District Plan KAP74584 located at Findlay Road, Kelowna, B.C.

AND THAT variances to the following sections of the Mobile Home Park Bylaw No. 5453-83 be granted:

Section 5.01 (1) Recreation Area

To vary the total site recreation area from 5% required to 3% proposed.

Section 4.05 (1) Buffer Areas

To permit the mobile home space to be sited within the required 4.6 m site buffer area;

AND FURTHER THAT the applicant deal with the concerns of the properties at the end of Hoover Road with regards to light buffering, drainage and landscaping.

Carried

7.2 BYLAWS PRESENTED FOR ADOPTION

- (a) Bylaw No. 10253 (Z09-0018) - R 547 Enterprises Ltd. - 1292 Findlay Road

Moved by Councillor Hobson/Seconded by Councillor Stack

R771/10/08/10 THAT Bylaw No. 10253 be adopted.

Carried

- (b) Community Sustainability Division, dated June 28, 2010 re: Development Permit Application No. DP09-0028 and Development Variance Permit Application No. DVP09-0029 - R 547 Enterprises Ltd. - 1292 Findlay Road

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

Steve Krauser, Applicant

- I have spoken to immediate neighbour and he is happy with what we have proposed.

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R772/10/08/10 THAT final adoption of Zone Amending Bylaw No. 10253 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP09-0029 for Lot 1, Section 34, Township 26, O.D.Y.D., Plan 11084, located on Findlay Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security Deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0029 for Lot 1, Section 34, Township 26, O.D.Y.D., Plan 11084, located on Findlay Road, Kelowna, B.C.;

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

Section 15.1.5 (d) Development Regulations Side Yard: to vary the required south side yard from 6.0m required (when abutting other zones) to 1.82 m proposed.

Section 7.6.1(c) Minimum Landscape Buffers: to vary the required south side yard landscape buffer from 3.0m required to 1.5m proposed.

Section 7.6.1(c) Minimum Landscape Buffers: to vary the required north side yard landscape buffer from 3.0m required to 0 m proposed.

Carried8. BYLAWS9. REMINDERS

Mayor Shepherd reminded Council that the 2015 Canada Winter Games Bid Evaluation Committee team will be in Kelowna on Wednesday, August 11th.

Moved by Councillor Reid/Seconded by Councillor Hobson

R773/10/08/10 THAT Council directs staff to look into a Demolition Permit Policy that would consider the removal and/or sale of buildings, and/or salvage and re-use of materials in buildings with heritage significance.

Carried

Councillors Blanleil and Stack - Opposed

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10. TERMINATION

The meeting was declared terminated at 10:06 p.m.

Certified Correct:

Mayor

City Clerk

ACM