

Regular MeetingJanuary 25, 2011

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, January 25th, 2011.

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

Staff members in attendance were: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; 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 6:04 p.m.

Mayor Shepherd advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet.

2. PRAYER

2. A Prayer was offered by Councillor Rule.

3. CONFIRMATION OF MINUTES

Regular A.M. Meeting - January 10, 2011
 Regular P.M. Meeting - January 10, 2011
 Public Hearing - January 11, 2011
 Regular Meeting - January 11, 2011
 Regular A.M. Meeting - January 17, 2011
 Regular P.M. Meeting - January 17, 2011

Moved by Councillor Craig/Seconded by Councillor James

R080/11/01/25 THAT the Minutes of the Regular Meetings of January 10, 2011, January 11, 2011 and January 17, 2011 and the Public Hearing of January 11, 2011 be confirmed as circulated.

Carried

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

5. LIQUOR LICENSE APPLICATION REPORTS

5.1 Land Use Management Department, dated December 3, 2010, re: Liquor Licensing Application No. LL10-0013 - Delta Hotels No. 48 Holdings Ltd. (Gateway Casinos & Entertainment) - 1300 Water Street

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

- o Letter of Support:
 - Cheryl Burtch, 602-1088 Sunset Drive

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

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Pat Shannon, General Manager, Kelowna Casino, Applicant's Representative

- Nothing further to add to staff's comments.
- Advised that prior to receiving its liquor license, the allowable capacity for the casino was 1,000 patrons. Once receiving the liquor license, the allowable capacity was reduced to 600.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R081/11/01/25 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 #315, be it resolved THAT:

1. Council recommends support for the application from Gateway Casinos & Entertainment (Lake City Casino) to increase the licensed capacity from 600 persons to 1683 persons, including three outdoor balconies, and extend hours of sale to 2:00am daily for the existing Liquor Primary Establishment at 1300 Water Street, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 except Plans KAP73543 and KAP76701. The application is supported as the proposal is not anticipated to have significant impact on the surrounding area, and is not thought to be inconsistent with surrounding development.
2. The Council's comments on the LCLB's prescribed considerations are as follows:
 - a) The potential for noise if the application is approved:

The majority of increased noise would be limited to the interior of the casino. Any impacts on the hotel uses incorporated into the adjoining building should be mitigated as the hotel owner is the land owner, and the casino is a tenant. The proposed smoking area balconies are not located near current or future residential uses, and any noise increase from these areas being licensed would be incremental.
 - b) Impact on the community if the application is approved:

Community impacts are considered to be positive, providing social and economic benefits.
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

Regular MeetingJanuary 25, 20116. DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT REPORTS6.1 (a) BYLAW PRESENTED FOR ADOPTION

Bylaw No. 10418 (Z10-0054) - Marla Matutat - 1375 Rutland Road North

Moved by Councillor Rule/Seconded by Councillor Hodge

R082/11/01/25 THAT Bylaw No. 10418 be adopted.

Carried

- (b) Land Use Management Department, dated December 17, 2010, re: Development Variance Permit Application No. DVP10-0084 - Marla Matutat - 1375 Rutland Road North

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

- o Letter of Opposition:
 - Allan and Pam Neid, 1370 Maple Road

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

Marla Matutat, Applicant

- Displayed a photo of the subject property's backyard.
- Believes that the deck will not interfere with her neighbour's privacy as the area intended for the structure is surrounded by sheds and trees.
- Advised that the variance is being requested in order to allow for the construction of a back stairway to/from the proposed deck.

Staff:

- Advised that the access point, or landing of the stairway, will be the only portion of the deck that would encroach on the rear yard setback area.

There were no further comments.

Moved by Councillor Blanleil/Seconded by Councillor Hobson

R083/11/01/25 THAT final adoption of Zone Amending Bylaw No. 10418 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP10-0084 for Lot 2 Section 35 Township 26 ODYD Plan 19027, located at 1375 Rutland Road North, Kelowna BC;

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

Section 13.6.6(e) - RU6 Development Regulations: To vary the minimum rear yard from 6.0m permitted to 5.0m proposed.

Carried

7. REMINDERS - Nil.

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8. TERMINATION

The meeting was declared terminated at 6:30 p.m.

Certified Correct:

Mayor

SLH/dld

Deputy City Clerk