



## City of Kelowna Regular Council Meeting Minutes

Date: Tuesday, August 27, 2013  
Location: Council Chamber  
City Hall, 1435 Water Street

Council Members Present: Mayor Walter Gray and Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Gail Given, Robert Hobson, Mohini Singh, Luke Stack, and Gerry Zimmermann

Staff Present: Acting City Manager, Paul Macklem; Deputy City Clerk, Karen Needham; Planner, James Moore; Divisional Director, Community Planning & Real Estate, Doug Gilchrist\*; and Council Recording Secretary, Sandi Horning

(\*denotes partial attendance)

### 1. Call to Order

Mayor Gray called to order at 7:12 p.m.

### 2. Prayer

A Prayer was offered by Councillor Hobson.

### 3. Confirmation of Minutes

**Moved By Councillor DeHart/Seconded By Councillor Basran**

**R583/13/08/27** THAT the Minutes of the Public Hearing and Regular Meeting of July 30, 2013 be confirmed as circulated;

AND THAT the Minutes of the Public Hearing and Regular Meeting of August 13, 2013 be confirmed as circulated.

**Carried**

4. Bylaws Considered at Public Hearing

- 4.1. Bylaw No. 10874 (Z13-0025) - 2253 Wilkinson Street, Sharon & Thomas Matthes and Caroline, Mary & Carl Maloney

Moved By Councillor DeHart/Seconded By Councillor Zimmermann

R584/13/08/27 THAT Bylaw No. 10874 be read a second and third time.

Councillors DeHart, Hobson, Stack and Zimmermann - Carried  
Opposed.

- 4.2. Bylaw No. 10881 (Z13-0026) - 330 Taylor Road, Comfort Crafted Homes Inc.

Moved By Councillor Singh/Seconded By Councillor Hobson

R585/13/08/27 THAT Bylaw No. 10881 be read a second and third time.

Carried

5. Notification of Meeting

The Deputy City Clerk advised that Notice of the amendment to the Liquor Primary Licence was advertised by being posted on the Notice Board at City Hall on August 13, 2013, and by being placed in the Kelowna Capital News issues on August 16, 2013 and August 20, 2013 and by sending out or otherwise delivering 989 letters to the owners and occupiers of the surrounding properties between August 13, 2013 and August 16, 2013.

Notice of Council's consideration of the Development Variance Permit Applications was given by sending out or otherwise delivering 914 letters to the owners and occupiers of surrounding properties between August 13, 2013 and August 16, 2013.

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. Liquor License Application No. LL13-0003 - 293-297 Bernard Avenue, Viewcrest Estates Ltd.

Staff:

- Summarized the application before Council.

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

- **Letter of Support:**
  - A. Creighton, 105-1495 Graham Street
- **Letter of Opposition:**
  - Jeffrey Blower, Kelly O'Bryan's Restaurant/Carlos O'Bryan's Pub, 262 Bernard Avenue

Mayor Gray invited the applicant or anyone in the public gallery who deemed themselves affected by the proposed liquor license application to come forward, followed by comments of Council.

Rod Butters, Applicant's Representative

- Have been in business in Kelowna for over 12 years and provided his history with respect to the restaurant business, community involvement and 'foodie' tourism.
- The subject application will compliment his nearby restaurant, RanD2, formerly known as Fresco Restaurant Ltd.
- Would like to expand to meet the needs of their customers.
- Provided an overview of the concept being proposed for the liquor license.
- Trying to create something a bit 'funky'.

Gallery:

Catherine Frechette, Communications Manager, Tourism Kelowna

- Supportive of the liquor license application.
- Confirmed that Tourism Kelowna is very supportive of this new concept.

There were no further comments.

Moved By Councillor Blanleil/Seconded By Councillor Zimmermann

**R586/13/08/26** 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 from Fresco Restaurant Ltd. 293-297 Bernard Avenue, Kelowna BC, (legally described as Lot 10, Block 13, DL 139, O.D.Y.D., plan 462 and Lot 11, Block 13 District Lot 139, ODYD Plan 462 except Plan 9892) for a Liquor Primary license with a capacity of 34 persons and hours of service from 11:00am-2:00am daily are as follows:

- a) The location of the establishment:**  
The property is located within the Downtown core, and is suitable for the proposed small-scale Liquor Primary license.
- b) The proximity of the establishment to other social or recreational facilities and public buildings:**  
No negative impact on surrounding facilities/buildings is anticipated.
- c) The person capacity and hours of liquor service of the establishment:**  
The capacity and hours are deemed appropriate based on other establishments in the immediate area.
- d) The number and market focus of liquor-primary license establishments within a reasonable distance of the proposed location:**  
The size and focus of the establishment would complement existing establishments in the Downtown area.
- e) The impact of noise on the community in the immediate vicinity of the establishment:**  
The potential for noise would be compatible with surrounding land uses.
- f) The impact on the community if the application is approved:**  
The proposed license would add to the continued development of a safe, vibrant Downtown area.
- g) 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."

**h) Recommendation:**

Council recommends that the application for a Liquor Primary license be approved.

Carried

**7. Development Permit and Development Variance Permit Reports**

**7.1. Development Variance Permit Application No. DVP13-0092 - 2261 Wilkinson Street, Brian & Sonya Arrance**

**Staff:**

- Summarized the application before Council.

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

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

Sonya Arrance, Applicant

- Her and her husband purchased the property last year and confirmed that the concrete on the site was already in place when they purchased the property.
- Advised that when she applied for a basement suite, she was told that she needed to apply for a variance for site coverage.
- Advised that has obtained the support of her surrounding neighbours.
- Advised that there are no water issues on the site.

**Gallery:**

Tom Matthes, 2253 Wilkinson Street

- Advised that he will also be required to apply for site coverage variance as his property also has a lot of concrete.
- In support of the requested variance.
- Advised that when he purchased his property, he was unaware that the property would require a variance to allow for greater site coverage.
- Advised that other property owners in the area did not have to apply for a site coverage variance even though those properties have more concrete coverage than his property or the subject property.

**Acting City Manager:**

- Will investigate the issue raised concerning the site coverage and why other property owners were not required to apply for a variance and report back to Council.

There were no further comments.

**Moved By Councillor Blanleil/Seconded By Councillor Stack**

**R587/13/08/26** THAT Council authorizes the issuance of Development Variance Permit No. DVP13-0092, for Lot 3, District Lot 136, ODYD, Plan KAP89721, located at 2261 Wilkinson Street, Kelowna, BC;

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

**Section 13.2.6 (a): Site Coverage:**

To vary the permitted site coverage of buildings and hard surfaces from 50% permitted to 75% proposed (as per Schedule A).

Carried

## 8. Reminders

Councillor Basran:

- Commented on the announcement that the City of Kelowna and BC Housing have agreed to a partnership regarding affordable housing on the Central Green site.

Councillor Stack:

- Advised that his employer, the Society of Hope, may be involved in the actual development of the affordable housing components on the Central Green site and therefore he will be declaring a conflict of interest with respect to any future reports or discussions with respect to the Central Green site.
- Noted that he was interviewed by CHBC regarding the proposed tourism facility in City Park.

Mayor Gray:

- Advised that based on the community input received to date, the downsizing of the tourism facility in City Park may be supported by the public.

## 9. Termination

The meeting was declared terminated at 7:56 p.m.

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Mayor

/slh

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Deputy City Clerk