



City of Kelowna Regular Meeting Minutes

Date: Tuesday, February 18, 2014
Location: Council Chamber
City Hall, 1435 Water Street

Council Members Present: Deputy Mayor Gail Given, Councillors Colin Basran, Andre Blanleil, Maxine DeHart, Robert Hobson, Mohini Singh, Councillor Luke Stack, Gerry Zimmermann*

Council Members Absent: Mayor Walter Gray

Staff Present: Deputy City Manager, Paul Macklem; City Clerk, Stephen Fleming; Divisional Director, Community Planning & Real Estate, Doug Gilchrist; Urban Planning Manager, Ryan Smith; and Council Recording Secretary, Joanne Dewar.

(* denotes partial attendance)

1. Call to Order

Deputy Mayor Given called the meeting to order at 6:18 p.m.

2. Prayer

A Prayer was offered by Councillor Stack.

3. Confirmation of Minutes

Moved By Councillor Basran/Seconded By Councillor Zimmermann

R109/14/02/04 THAT the Minutes of the Public Hearing and Regular Meeting of February 4, 2014 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

Councillor Zimmermann declared a conflict of interest as he is a Black mountain Irrigation Board Director, and left the meeting at 6:19 p.m.

- 4.1. Bylaw No. 10912 (OCP13-0008) - (Off of), (N of) & 2458 Joe Riche Road, Black Mountain Irrigation District

Moved by Councillor Hobson/Seconded by Councillor Singh

R110/14/02/04 THAT Bylaw No. 10912 be read a 2nd and 3rd time;

Carried

- 4.2. Bylaw No. 10913 (Z13-0009) - (Off of), (N of) & 2458 Joe Riche Road, Black Mountain Irrigation District

Moved by Councillor Hobson/Seconded by Councillor Singh

R111/14/02/04 THAT Bylaw No. 10913 be read a 2nd and 3rd time.

Carried

Councillor Zimmermann rejoined the meeting at 6:20 p.m.

5. Notification of Meeting

The City Clerk confirmed appropriate Notification for the applications to follow was met and 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. Bylaw No. 10854 (Z12-0006) - 587-589 Lawrence Avenue, Finnasha Holdings Corp.

Moved By Councillor Blanleil/Seconded By Councillor Basran

R112/14/02/18 THAT Bylaw No. 10854 be adopted.

Carried

- 6.1.1. Liquor License Application No. LL12-0002 - 587-589 Lawrence Avenue, Finnasha Holdings Corp.

Staff:

- Displayed a PowerPoint presentation.
- Responded to questions from Council.

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

- 3 letters of opposition:
 - Ms. Doreen K Dunn
 - Colliers International (Perry K. Freeman)
 - Alvina & Bob Cormack

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

Bert Hick, President, Rising Tide Consultants (Applicant):

- Outlined details of application.
- Outlined the company's intentions to cater to all members of the public during the earlier part of the day, and then switch to serving adults only during the rest of the evening, which necessitates the primary liquor license. In the evenings the venue would serve as a dinner/dancing/show type of club.
- Advised that they have no interest in offering exotic dancing as part of their venue.
- Advised that although they had originally applied to have an outside patio at the front of the establishment, it was denied by staff at the time of application. However they are not opposed to building a patio outside the front of the establishment.
- Confirmed that a double door system will be installed in order to keep patrons from creating lengthy line-ups on the sidewalk outside of the establishment.
- Advised there will also be a vestibule just inside the establishment where patrons can wait.
- Confirmed decibel levels will be constantly monitored at various monitoring stations placed throughout the establishment, and that an acoustical report is created from the monitoring stations.

Gallery:

Perry Freeman, Managing Director, Colliers International:

- Represents several nearby businesses
- Advised that this is an area of downtown which already experiences problems with prostitution and drug dealing. Of particular concern is that it will be a very loud establishment, and that there would be the accompanying bar flush at the end of the night.
- Displayed photographs of other nightclubs in the area.

Staff

- Confirmed the Development Permit would be issued at the staff level.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Stack

R113/14/02/18 THAT Zone Amending Bylaw 10854 be forwarded for adoption consideration,

AND THAT 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 at address: 587-589 Lawrence Avenue, Kelowna BC, (legally described as Lot 6, District Lot 139, ODYD, Plan 2536) for a new Liquor Primary License, are as follows:

- a) The potential for noise if the application is approved: A Minimal increase in noise is expected compared to current circumstances.
- b) The impact on the community if the application is approved: The potential for negative impacts are considered to be minimal.
- c) 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."

- d) The person capacity and hours of liquor service of the establishment: The total person capacity proposed for liquor primary service is 250 seats with serving hours of 11:00am to 2:00am, 7 days a week.
- e) Traffic and parking: The C7 parking requirements are calculated based on gross floor area, regardless of use (or occupant load). Therefore, the onsite parking is considered compliant to the C7 zone regulations.
- f) The proximity of the establishment to other social or recreational facilities and public buildings: Surrounding facilities would not conflict with the proposed establishment.
- g) Recommendation: Council recommends that the application for a new liquor primary license for a total capacity of 250 patrons for the property located at 587-589 Lawrence Ave. be approved.

Carried

7. Development Permit and Development Variance Permit Reports

7.1. Bylaw No. 10869 (OCP13-0009) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By Councillor Stack/Seconded By Councillor Zimmermann

R114/14/02/18 THAT Bylaw No. 10869 be adopted.

Carried

7.1.1. Bylaw No. 10870 (Z13-0015) - 434, 442 & 458 Royal Avenue, Interior Health Authority

Moved By Councillor Blanleil/Seconded By Councillor Basran

R115/14/02/18 THAT Bylaw No. 10870 be adopted.

Carried

7.1.2. Heritage Alternation Permit Application No. HAP13-0004, 434 Royal Avenue, Interior Health Authority

Staff:

- Displayed a PowerPoint presentation.
- Advised that the developer has designed the parking lot with an actual landscaping plan.
- Confirmed that many attempts have been made to sell and relocate the Heritage Building on site.

The City Clerk advised that the following correspondence was received:

- 2 Letters of Opposition:
 - Neil Cadger
 - Henry Stanski

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

Doug Laval, Interior Health Authority, Applicant:

- Provided details of proposed parking lot.
- 90 stall parking lot; hospital area will need all of these spaces in the next 5-10 years.
- Advised that they are trying to integrate parking into the neighbourhood as best they can.
- Advised that currently there is no definitive plan on how to prevent staff from parking in the proposed lot.
- Also advised that there will be extra spaces for the next five years or so, until the parking need increases as population grows.
- Confirmed that no further development is possible in this area; the Applicant is aware of the nearby nature conservation area.

Gallery:

Richard Templon, 475 Glenwood:

- Need to have a height variance for a 10' fence. Lots of bright overhead lights, magnifies particles in the light. High stress area of city because of hospital and accompanying 'clients', so need high fence.
- Disappointed about the medical helicopter's flight path; the access and egress of the helicopter is directly over his house which has resulted in increased noise, dust storms, etc.
- Indicated that a 10' fence would minimize the intrusion of the parking lot into the neighbourhood.
- Advised that the Heritage Committee voted on the 10' fence and passed the motion to endorse same.

Staff:

- Bylaws state that the maximum height for a residential fence is just over 6', and staff do not normally support anything higher unless it is an industrial property.

Ronald James Avery McLean, (FRACAS):

- Hosted a meeting of area residents, where all residents supported a 10' fence.
- Is also supportive of the parking lot as there is a definite need, and feels that there needs to be robust enforcement of street parking.
- Would like the assurance of a Covenant regarding the zoning of the parking lot.

Doug Laval, Interior Health Authority, Applicant:

- Not opposed to building a taller fence.
- Interior Health is prepared, subject to cost, to build a 10' fence as suggested by Mr. Templon.
- Advised that he is uncertain if neighbours on all sides agree about the proposed 10' height.
- Confirmed that there are trees along the fence that grow higher than 10'.
- Advised that an additional variance will result in more time required to complete the project.
- April 1st is the projected start date of construction of the lot.
- Advised that because the fence will be the last to be constructed, it is reasonable that there could be further a further consideration of height.

Staff:

- Council could approve the Heritage Alteration Permit with the variance that are included in the report today. Additional variances could take staff 12 weeks to process.
- Advised that a 10' fence will create a wall along the lane, which might make graffiti more of a problem. Also advised that a 10' fence could be a crime prevention issue, as nothing can be seen or heard from outside of the fence.
- Concerned that a 10' fence would not achieve the desired result of neighbours. Additionally, it would not be similar to the heights of other fences in the rest of the neighbourhood.

There were no further comments.

Moved By Councillor Zimmermann/Seconded By Councillor Hobson

R116/14/02/18 THAT Final Adoption of OCP Amending Bylaw No. 10869 and Zone Amending Bylaw No. 10870 be considered by Council;

AND THAT Council authorize the issuance of Heritage Alteration Permit No. HAP13-0004 for Lot A, DL 14, ODYD, Plan EPP30318, located at 434 Royal Avenue, Kelowna, 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 be in general accordance with Schedule "C";

AND THAT the applicant be required to complete the above-noted condition 3 within 180 days of Council's approval of the Development Permit Application in order for the permit to be issued.

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

Section 7.6.1 (b) Minimum Landscape Buffers

Vary the front yard landscape buffer from 3.0m required to 0.3m proposed.

Section 8.1.10 (c) Parking Regulations

Vary the required front yard parking setback from 2.0m required to 0.3m proposed.

Section 8.3.5 Landscaped Island

Vary the landscape island area from 182m² required to 38.66m² proposed.

Carried

7.2. Heritage Alteration Permit Application No. HAP13-0020 - 1979 Abbott Street, Edward & Marilyn Wiltshire

Staff:

- Displayed a PowerPoint presentation.
- Confirmed the house would be raised 0.5m.

The City Clerk advised that the following correspondence was received:

- 2 Letters of Support:
 - Michael Kumle,
 - Michael Griffin Clare McManus.

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

Peter Chataway, Applicant (representing the Wilshires):

- Project has now been reconstructed to conform to heritage policies.
- Is now a retro/late vernacular cottage.
- No variances in the new plan, as it fits all required setbacks.
- There was a height issue before, new plan raises the house 0.5 metres.

Gallery:

Mr. Layton Park:

- Informed that the house was moved there in 1959, and is a 1.5 metres higher than rest of neighbours; owners have tried to blend it in with landscaping.
- Supports Applicant, would like to see more heritage houses kept. Can be raised and still look like a heritage house.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Blanleil

R117/14/02/18 THAT Council authorize the issuance of Heritage Alteration Permit No. HAP13-0020 for Lot 1, District Lot 14, ODYD, Plan 3998, located at 1979 Abbott Street, Kelowna, BC, 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";

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

Section 8.1.2 Off-street Vehicle Parking – Table 8.1 Parking Schedule:

Vary the required parking for a single detached dwelling from 2 spaces required to 1 space proposed;

Section 13.1.6 (d) RU1 Zone – Development Regulations Vary the required side yard setback on a flanking street from 4.5 m required to 0.08 m proposed.

Carried

8. Reminders

There were no comments.

9. Termination

The meeting was declared terminated at 7:53 p.m.

Deputy Mayor Given

jd/scf/slh

City Clerk