
CITY OF KELOWNA

MEMORANDUM

Date: May 8, 2001

File No.: LL01-002

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. LL01-002

OWNER: JOE IANFRANCESCO

AT: 155 RUTLAND ROAD S.

APPLICANT: 500060 B.C. LTD. / ZODIAC
PUB (JAMIE BENNETT)

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR AN INCREASE IN
PERSON CAPACITY FROM 100 TO 150 PERSONS

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council support the following amendments to the current operating restrictions as requested by 500060 B.C. Ltd. / Zodiac Pub:

- To increase the current person capacity by 50% from 100 persons to 150 persons;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

2.0 SUMMARY

The applicant seeks Council support for a person capacity increase of the existing pub license. The current liquor license allows the applicant to have up to 100 persons in the pub. He now wishes to increase the person capacity by 50%, i.e. to 150 persons. The desired person increase is below the building occupancy load of 172 persons.

3.0 BACKGROUND

3.1 The Proposal

Recent changes to the Liquor Control and Licensing Regulations allow neighbourhood pubs and other drinking establishments to apply for increase to their person capacity. The maximum increase is up to the building occupancy load, or to 50% of the current person capacity, whichever is less.

The Zodiak Pub is located on Rutland Road, just south of Highway 33. The pub currently holds a liquor license for maximum 100 persons, including staff, in the licensed area. The occupancy load of the premises is 172 persons. The applicant wishes to accommodate the additional person capacity within the existing licensed area and will not make any structural changes to the premises.

In addition to the pub, the building includes the Zodiac Beer and Wine store, a pizza restaurant and office space. The site currently has 57 parking spots and is thereby able to accommodate the proposed person capacity of 150 persons, as well as the existing uses. The proposal meets the parking requirements of the City of Kelowna Zoning By-Law No. 8000 as follows:

Type of Development	Required Stalls	Stalls provided
Eating and Drinking Establishment (Major and Minor)	1 per 4 seats of capacity; Pub: 38 stalls Pizza place: 2	
Beer and Wine Store	3.0 per 100m ² = 4	
Office Space	2.5 per 100m ² = 12	
Total	56 stalls required	57 stalls provided

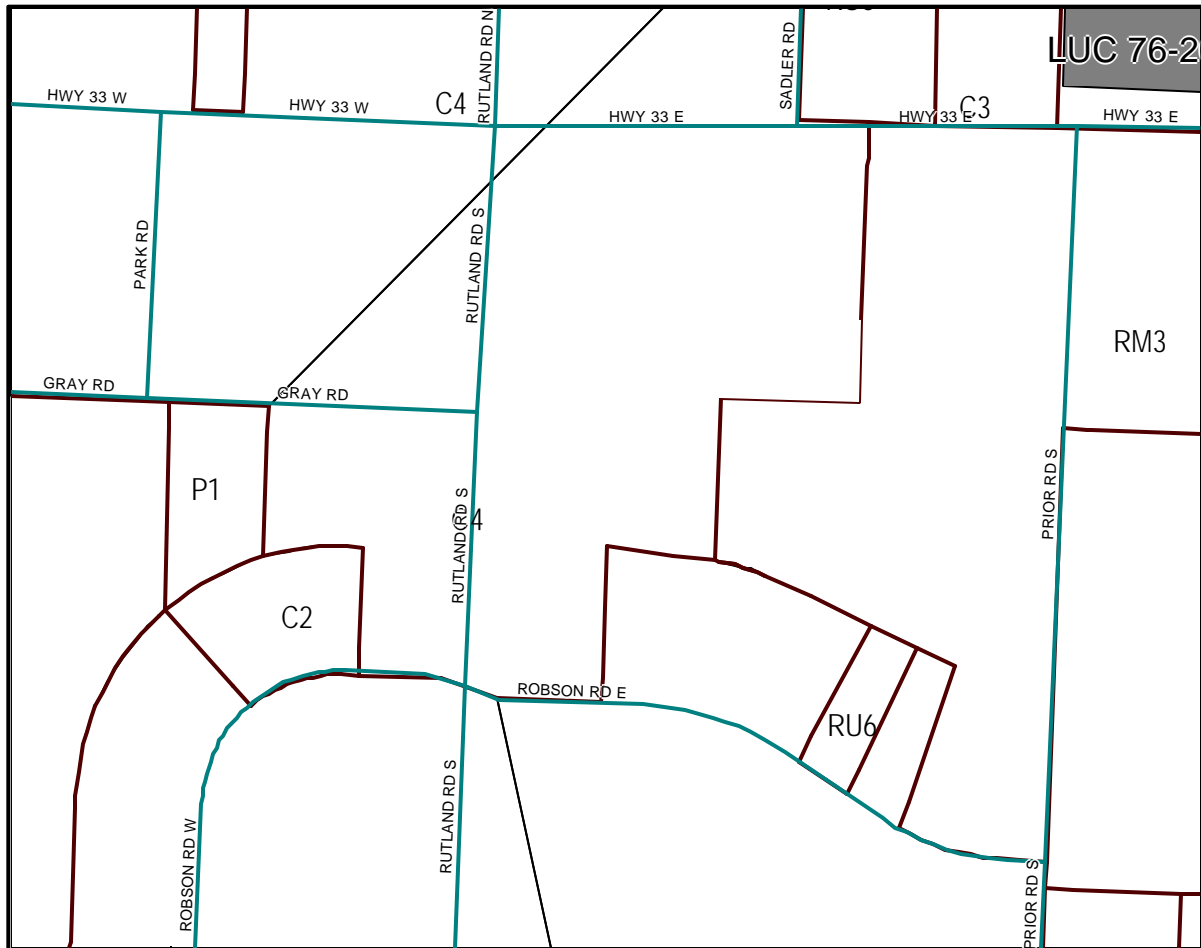
3.2 Site Context

The subject property is located in Rutland. The property is zoned C4 – Town Centre Commercial, which allows eating and drinking establishments as a primary use. The site is located within a commercial zone, which is predominantly zoned C4. Residential zones can be found to the south and immediately to the east of the subject property, and two public and institutional zones are also located close-by.

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial – Retail stores, offices and gas bar
- East - RM3 – Low Density Multiple Housing – walk-up apartments and townhouses
- South - C4 – Town Centre Commercial – Credit union
- West - C4 – Town Centre Commercial – Retail stores

3.3 Site Location Map



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The property is designated as Commercial in the Official Community Plan, and the proposal is consistent with this designation.

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following comments have been submitted:

4.1. Inspection Services Department

- (a) Parking meets the Bylaw;
- (b) Washrooms meet the code;
- (c) Exits sufficient.

4.2. RCMP

The concerns of the Kelowna RCMP Detachment centres around the availability of parking at this business.

A patrol of the area reveals that the Zodiac Pub is capable of accommodating fifty two (52) vehicles in their parking lot with five (5) more stalls available for the off sales section. Parking is limited along the street and there are numerous access points to other businesses along this section of Rutland Road North. More vehicles are parked along the street will obviously increase the potential for accidents, as drivers in this area must practically pull out into the travelled portion of the roadway before they are able to see if it is clear.

The RCMP is therefore questioning whether the expanded seating capacity at this business has a negative impact on motorists and other business in the area. It was suggested to consult with ICBC in order to determine whether this is a high risk area for motor vehicle accidents.

4.3. Traffic and Transportation Engineering

In response to the concerns from the RCMP, the Traffic and Transportation Engineering Division has the following comments:

This area is defined as a Town Centre. This designation carries with it an expectation of lower travel speeds, increased activity and access by all modes of travel, etc. Although the RCMP's concerns are recognized, they will need to be dealt with in ways other than opposing development density in the Town Centre. Transportation is currently undertaking operational safety assessments of key intersections along Hwy #33 (Hollywood, Dougall and Rutland). The issue expressed by the RCMP will be examined within the context of this assessment, and will consequently be handled outside the scope of this application.

4.4. Fire Department

The department has no objections, provided BC Building and Fire Codes are met.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed person capacity increase for the Zodiac Pub. A sufficient number of parking stalls are provided on site. Since no actual changes are proposed for the building, and since the expanded person capacity will be accommodated in the same premises, the impact of the person capacity increase on the neighbourhood is minimal. No upgrades are required to the building to comply with the BC Building Code and the Fire Services Act.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | LL01-002 |
| 2. APPLICATION TYPE: | Liquor License Application |
| 3. OWNER:
ADDRESS
. CITY
. POSTAL CODE | Joe lafrancesco
2323 Rojem Road
Kelowna
V1V 2G3 |
| 4. APPLICANT/CONTACT PERSON:
. ADDRESS
. CITY
. POSTAL CODE
. TELEPHONE/FAX NO.: | 500060 BC Ltd. / Jamie Bennett
c/o Zodiac Pub, 155 Rutland Rd. S.
Kelowna
V1X 2Z3
765-8898 / 765-6329 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to Council: | April 3, 2001
April 3, 2001
May 8, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 3, Section 23, Township 26, Plan
2221, ODYD |
| 7. SITE LOCATION: | Rutland, on the east side of Rutland
Road South, south of Highway 33. |
| 8. CIVIC ADDRESS: | 54155 Rutland Road South
Kelowna, BC
V1X 2Z3 |
| 9. AREA OF SUBJECT PROPERTY: | 3780m" |
| 10. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 11. PURPOSE OF THE APPLICATION: | To receive Council support for an
increase in person capacity from 100
to 150 persons |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan