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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 11, 2002  
**File No.:** LL02-0007

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL02-0007

OWNER: Fitzpatrick, Gordon and  
Fitzpatrick, Senator Ross

AT: 5445 Lakeshore Rd.

APPLICANT: Fitzpatrick, Gordon

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A CONSUMPTION  
AREA IN THE WINERY'S NEWLY RENOVATED LOUNGE  
AND FOR A PROPOSED PICNIC AREA ADJACENT TO  
EXISTING WINERY TO FACILITIES

REPORT PREPARED BY: RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council support the following amendments to the current operating restrictions as requested by Gordon Fitzpatrick of Cedar Creek Estate Winery:

- To extend the current winery licence to include a consumption area in an indoor winery lounge at 5445 Lakeshore Road;
- To permit a maximum seating capacity of 50 patrons in the indoor winery lounge;
- To allow the hours of use for the proposed indoor lounge to be the same as those of the outdoor consumption area: 9:00 a.m. to 12:00 midnight, 7 days a week;
- To extend the current winery licence allowing a picnic area of 700m<sup>2</sup> located adjacent to the primary winery manufacturing facility and clearly defined by a natural boundary of shrubbery and rose arbour;
- To allow the hours of use for the picnic area to be from 10am until sunset;

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 proposed consumption area expansion to for a lounge area that will include the Cedar Creek winery agency store. Furthermore the applicant is seeking council endorsement for a proposed picnic area on the Cedar Creek Estate Winery site measuring approximately 700m<sup>2</sup> where informal wine consumption (tasting) would take place.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant seeks Council support for a proposed consumption area expansion to for a lounge area that will include Cedar Creeks winery agency store. The proposed indoor consumption area will have a seating capacity of 50 patrons and will be used for event such as wine festivals and receptions. In 2001, Cedar Creek Estate Winery received a lounge endorsement for an outside patio deck (max seating capacity of 60 persons) which is attached to the primary winery manufacturing facility. The outdoor patio area endorsement was approved for operation Monday-Sunday from 9:00am to 12:00 midnight. The applicants would like the same hours of operation to be considered for their proposed indoor consumption area.

The applicant is also seeking council endorsement for a proposed picnic area on the Cedar Creek Estate Winery site where informal wine consumption would take place. The proposed picnic area would be clearly defined by a natural boundary (shrubbery) and rose arbour and will be approximately 700m<sup>2</sup> in size. In this area the winery would like to offer informal consumption of wine and food accompaniments (cheeses and meats) to be available for purchase during wineshop and patio hours (10am-Sunset). Wine will be sold in opened carafe from the wineshop and carried by the customer to the picnic area.

The proposal meets the parking requirements of the City of Kelowna Zoning Bylaw No. 8000 as follows:

Area	Required stalls
Proposed Indoor consumption area with 50 seats	1 per 4 seats = 13 Stalls
Proposed Picnic Area (700m <sup>2</sup> ) (40 Seats)	10 Stalls
Parking Requirements for Existing Development	49 Stalls
<b>Total</b>	<b>72</b>

The site plans provided by the applicant shows 65 parking stalls, with an additional area reserved for potential overflow parking on the north end of the lot, close to Lakeshore Avenue. This overflow parking area provides approximately 80 additional spaces.

### 3.2 Site Context

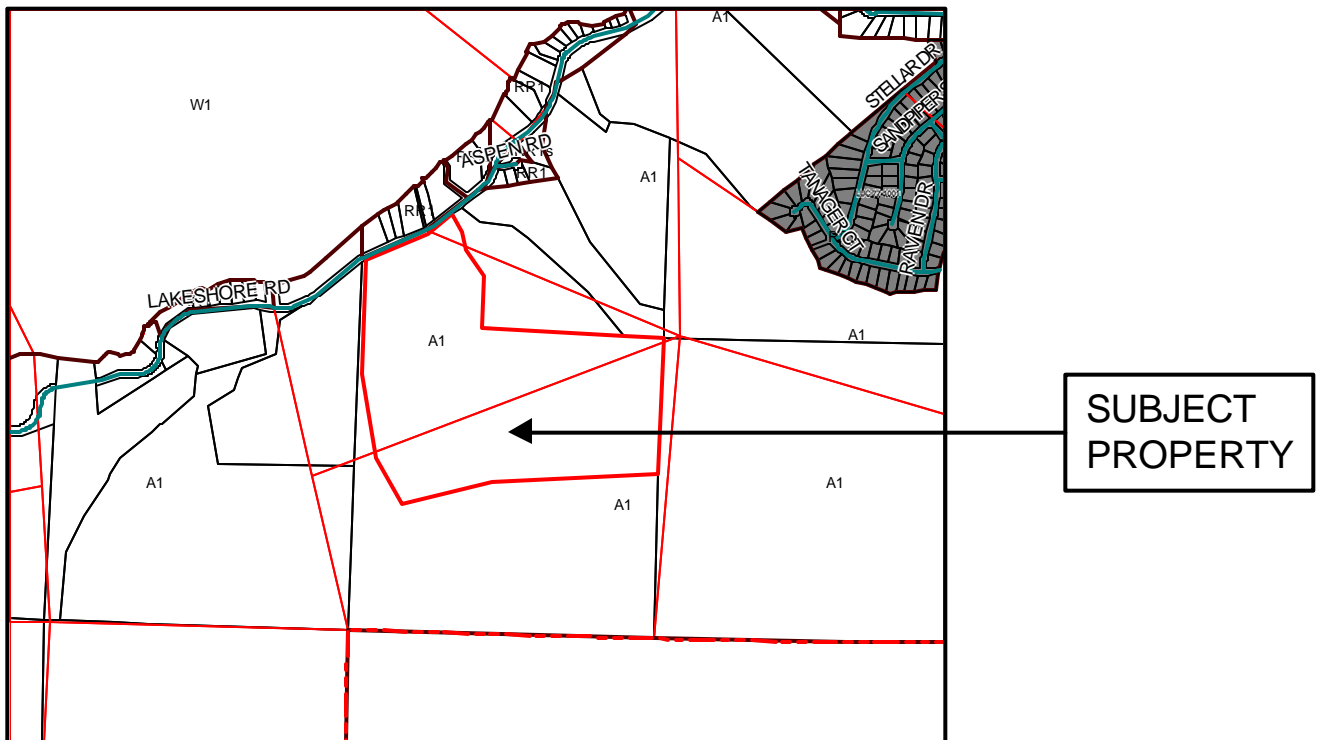
The subject property is located on the east side of Lakeshore Road in the Southwest Okanagan Mission Sector. The property is zoned A1 – Agriculture 1 and provides a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. The two neighbouring properties are large agricultural estates each with a residence located 200 and 500 metres away respectively. The closest lakeshore residence, owned by the Cedar Creek Estate Winery Proprietor, Senator Ross Fitzpatrick, is located approximately 300 metres away.

Adjacent zones and uses are, to the:

- North - RR1 – Rural Residential 1 – Single Family Housing
- East - A1 – Agriculture 1
- South - A1 – Agriculture 1
- West - A1 – Agriculture 1

### 3.3 Site Location Map

Subject Property: 5445 Lakeshore Road



### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The Official Community Plan includes “the maintenance of agriculture as a viable sector of the city’s economy” as one of its primary goals. The property is designated Agriculture 1 in the Official Community Plan, and the proposal is consistent with this designation and the future land use designation of rural/agricultural.

### 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

No Comment

#### 4.2. RCMP

Support the proposal.

#### 4.3. Fire Department

Support the proposal.

### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed liquor licensing requests by the Cedar Creek Estate Winery. The existing parking is sufficient to accommodate the requirements for the proposal. The Inspection Services Department, Public Health Inspector, RCMP, and Fire Department have reviewed the application and have not expressed any concerns. The proposal is generally supported by Kelowna’s Official Community plan.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

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

RWS  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>  | LL02-0007  |
| <b>2. APPLICATION TYPE:</b>   | Liquor License Application   |
| <b>3. OWNER:</b>  | Fitzpatrick, Gordon and Senator Ross   |
| <b>ADDRESS</b>  | Fitzpatrick  |
| . <b>CITY</b>   | 5445 Lakeshore Road  |
| . <b>POSTAL CODE</b>  | Kelowna  |
|   | V1W 4S5  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                       | Fitzpatrick, Gordon  |
| . <b>ADDRESS</b>  | 5445 Lakeshore Road  |
| . <b>CITY</b>   | Kelowna  |
| . <b>POSTAL CODE</b>  | V1W 4S5  |
| . <b>TELEPHONE/FAX NO.:</b>   | 764-8866   |
| <b>5. APPLICATION PROGRESS:</b>   |  |
| <b>Date of Application:</b>   | July 7, 2002   |
| <b>Date Application Complete:</b>   | July 7, 2002   |
| <b>Staff Report to Council:</b>   |  |
| <b>6. LEGAL DESCRIPTION:</b>  | Lot A, Sections 15 & 22, TP.28,<br>SDYD, Plan 31860  |
| <b>7. SITE LOCATION:</b>  | East Side of Lakeshore Road, in the<br>Southwest Okanagan Mission sector                             |
| <b>8. CIVIC ADDRESS:</b>  | 5445 Lakeshore Road.<br>Kelowna, BC<br>V1W 4S5   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                       | 25 Hectares  |
| <b>10. EXISTING ZONE CATEGORY:</b>  | A1 – Agriculture 1   |
| <b>11. PURPOSE OF THE APPLICATION:</b>                                    | To receive Council support for<br>proposed picnic area and new lounge<br>area designated for events. |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>                   | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plan