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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** September 30, 2002  
**File No.:** LL01-008

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL01-008                      OWNER: MISSION CREEK HOLDINGS LTD.  
AT: 3929/3933 LAKESHORE ROAD      APPLICANT: CREEKSIDE PUB / 614540 BC Ltd (TONY BONIN)

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR AN INCREASE IN PERSON CAPACITY FROM 65 TO 97 PERSONS

REPORT PREPARED BY: KIRSTEN G. BEHLER

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### 1.0 RECOMMENDATION

THAT Council support the following amendments to the current operating restrictions as requested by Creekside Pub;

- To increase the current person capacity from 65 persons to 97 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 up to 65 persons in the pub, and the applicant wishes to increase the license to 97 persons. In addition to the interior seating capacity, the pub also has a license for 20 seats on the patio.

### 3.0 BACKGROUND

#### 3.1 The Proposal

Creekside Pub is located in the North Mission Residential Urban Village, on the east side of Lakeshore Road, south of Mission Creek. The pub currently holds a liquor license for maximum 65 persons in the interior portion of the pub, and the applicant would like to increase the number of seats in the licensed area to 97 seats. The maximum permitted occupant load of the premises is 127 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.

The building in which the pub is located also has a restaurant. Furthermore, a Beer & Wine store is located to the south of the pub. The subject property has approximately 52 parking stalls, a number sufficient for the current and proposed increase in seating capacity, as well as the other uses on site. The establishment uses additional parking stalls on the abutting site to the north, which is Crown Land. The City of Kelowna currently holds a licence to occupy these lands for recreational purposes. The City is not permitted to authorize Creekside Pub to continue using the site for parking, and the applicant is required to make appropriate arrangements with the Land Department. The loss of use of these stalls does not impact the parking required by this application.

The parking requirements are as follows:

	<b>Parking required by Bylaw No. 8000</b>	<b>Parking provided on site</b>
Restaurant: 55 seats	13.75	
Pub: 97 seats	24.25	
Beer & Wine store: 237m <sup>2</sup>	10	
<b>Total</b>	<b>48</b>	<b>52</b>

### 3.2 Site Context

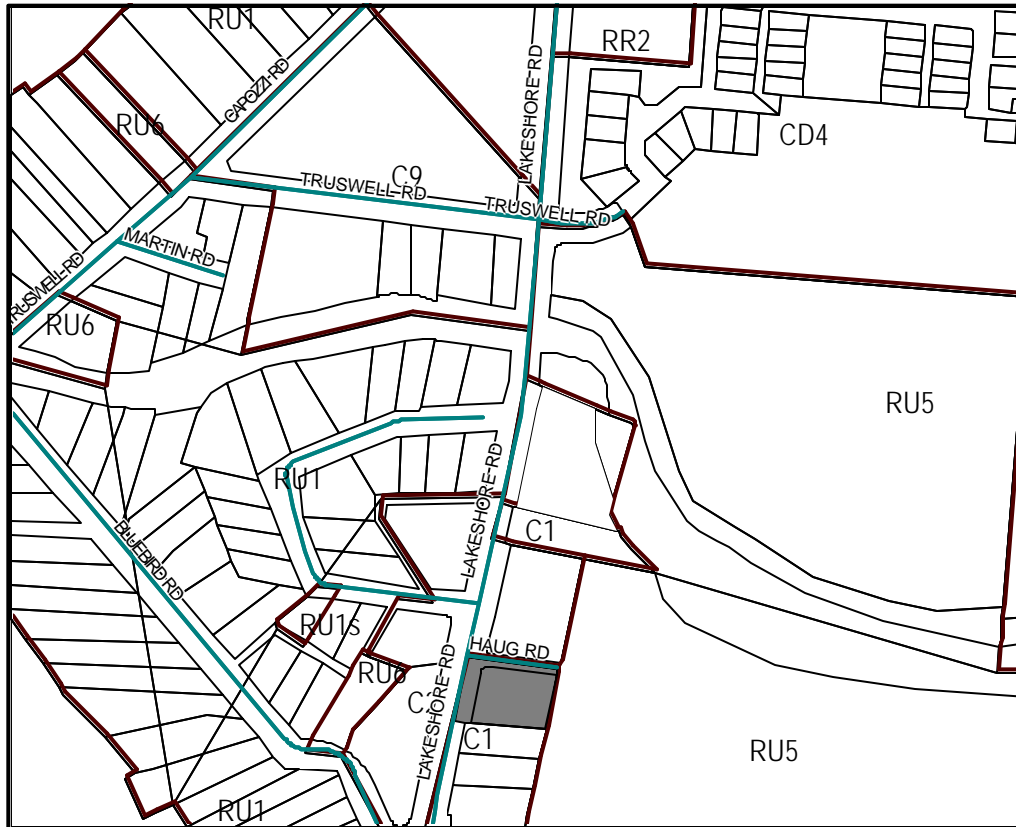
The subject property is located in the North Mission Residential Urban Village. The property is zoned C2 – Neighbourhood Commercial, which allows minor eating and drinking establishments as a primary use. The area is characterized by a mix of local and tourist commercial uses, as well as single family and multiple family residential developments.

Due to its close proximity to Mission Creek, the subject site is located in a Natural Environmental/ Hazardous Condition Development Permit Area. A DP for the increase in seating capacity is not required, since the applicant does not propose any changes to the building or the remainder of the lot. Should the applicant propose any changes to the building, the patio or the site in the future, a DP will be required.

Adjacent zones and uses are, to the:

- North - Crown Land – parking lot
- East - Mission Creek
- South - C1 – Local Commercial – dentist office
- West - RU1 – Large Lot Housing

### 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.

#### 3.4.2 North Mission / Crawford Sector Plan (1997)

The subject property is located in North Mission Residential Urban Village. The North Mission / Crawford Sector Plan encourages the further development of the Urban Village as the primary commercial area in the North Mission.

### 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) No life safety concerns;
- (b) When combining the occupant loads for the pub and the restaurant, the facilities are short one female washroom.

4.2. RCMP

The RCMP has no comment regarding this application.

4.3. Fire Department

The department has no comment on the proposed person capacity increase for the subject property.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed person capacity increase for Creekside Pub. The premises have a sufficient number of parking stalls for the existing uses and for the proposed increase in seating capacity. The proposed person capacity increase will be accommodated within the existing building, and the impact on the community is expected to be minimal.

The applicant is required to contact the City of Kelowna Land Department regarding the use of the site to the north for parking.

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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.:   | LL01-008   |
| 2. APPLICATION TYPE:  | Liquor License Application   |
| 3. OWNER:<br>ADDRESS<br>. CITY<br>. POSTAL CODE   | Mission Creek Holdings Ltd.<br>3929 Lakeshore Rd.<br>Kelowna, BC<br>V1W 1V3                                      |
| 4. APPLICANT/CONTACT PERSON:<br><br>. ADDRESS<br>. CITY<br>. POSTAL CODE<br>. TELEPHONE/FAX NO.:            | Creekside Pub / 614540 BC Ltd /<br>Tony Bonin<br>3929 Lakeshore Rd.<br>Kelowna<br>V1W 1V3<br>764-2335 / 764-0127 |
| 5. APPLICATION PROGRESS:<br>Date of Application:<br>Date Application Complete:<br>Staff Report to Council:  | September 19, 2001<br><br>September 26, 2002   |
| 6. LEGAL DESCRIPTION:   | Lot A, Section 6, Township 26 , Plan<br>36411, ODYD  |
| 7. SITE LOCATION:   | North Mission Residential Urban<br>Village, on the east side of Lakeshore<br>Road, south of Mission Creek        |
| 8. CIVIC ADDRESS:   | 3929 Lakeshore Rd.<br>Kelowna, BC<br>V1W 1V3   |
| 9. AREA OF SUBJECT PROPERTY:  | 3952m"   |
| 10. EXISTING ZONE CATEGORY:   | C2 – Neighbourhood Commercial  |
| 11. PURPOSE OF THE APPLICATION:   | To receive Council support for an<br>increase in person capacity from 65 to<br>98 persons                        |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A<br>CONTROLLED ACCESS HIGHWAY | N/A  |
| 15. DEVELOPMENT PERMIT MAP 13.2<br>IMPLICATIONS   | N/A  |

**ATTACHMENTS**

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

- Location of subject property
- Site plan
- Floor plan