
CITY OF KELOWNA

MEMORANDUM

Date: January 8, 2003
File No.: LL02-0010

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. LL02-0010 OWNER: M.S. Developments Inc.

AT: 1630-1654 Ellis Street APPLICANT: Nicholas Sintichakis
466-484 Leon Avenue

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A LIQUOR
PRIMARY (CLASS "D") NEIGHBOURHOOD PUBLIC
HOUSE LIQUOR LICENCE

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support the licensing of a Class "D" Neighbourhood Public House liquor licence proposed by Nicholas Sintichakis and Antonio Pantazopolos for 1630 Ellis Street;

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 Class "D" (Neighbourhood Public House) liquor licence for a new pub in the downtown area. The proposed occupancy load would be approximately 98 persons. The hours of the establishment would be from 11 a.m. to 1 a.m. Sunday to Saturday.

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to operate an upscale pub that would be located on the corner of Ellis Street and Leon Avenue, adjacent to Yamas Restaurant. The proposed pub would cater to the business people, professional office staff and shoppers in the area as well as the residents of the area.

The hours of operation of the pub would be 11 a.m. to 1 a.m. The proposed occupancy load for the Pub is 98 persons.

The proposed site is currently zoned C7 – Central Business Commercial. A neighbourhood public house is a permitted use in this zone. The existing building envelope will remain unchanged and therefore there are no additional parking requirements.

The applicant wishes to make a number of changes to the interior of the existing building. The portion of the interior formerly occupied by Judge R. Bean Coffee shop will be renovated to accommodate the proposed neighbourhood public house. The applicant is also planning to construct a class “G” Licensee Retail Store (LRS) next to the pub on Leon Avenue. The Liquor Control and Licensing Branch has approved in principle the issuing of a Class “G” License to the applicants. The City of Kelowna is not required to provide input on the Licensee Retail Store application.

The applicant also wishes to create a patio area that fronts on to Leon Avenue in an existing space that was used by the coffee shop. Planning and Development Services staff do not have a concern with retaining the outdoor patio area providing no physical separation is required between the patio area and the sidewalk.

This application is being processed under the old liquor license category of a Class “D” license as it was in-stream with the LCLB at the time of implementation of the new classification system. It is staff’s understanding that if this application is approved, it will be converted to a liquor primary license but with all the same conditions (i.e. Occupant load and hours of operation) as would apply to a class “D” establishment.

3.2 Site Context

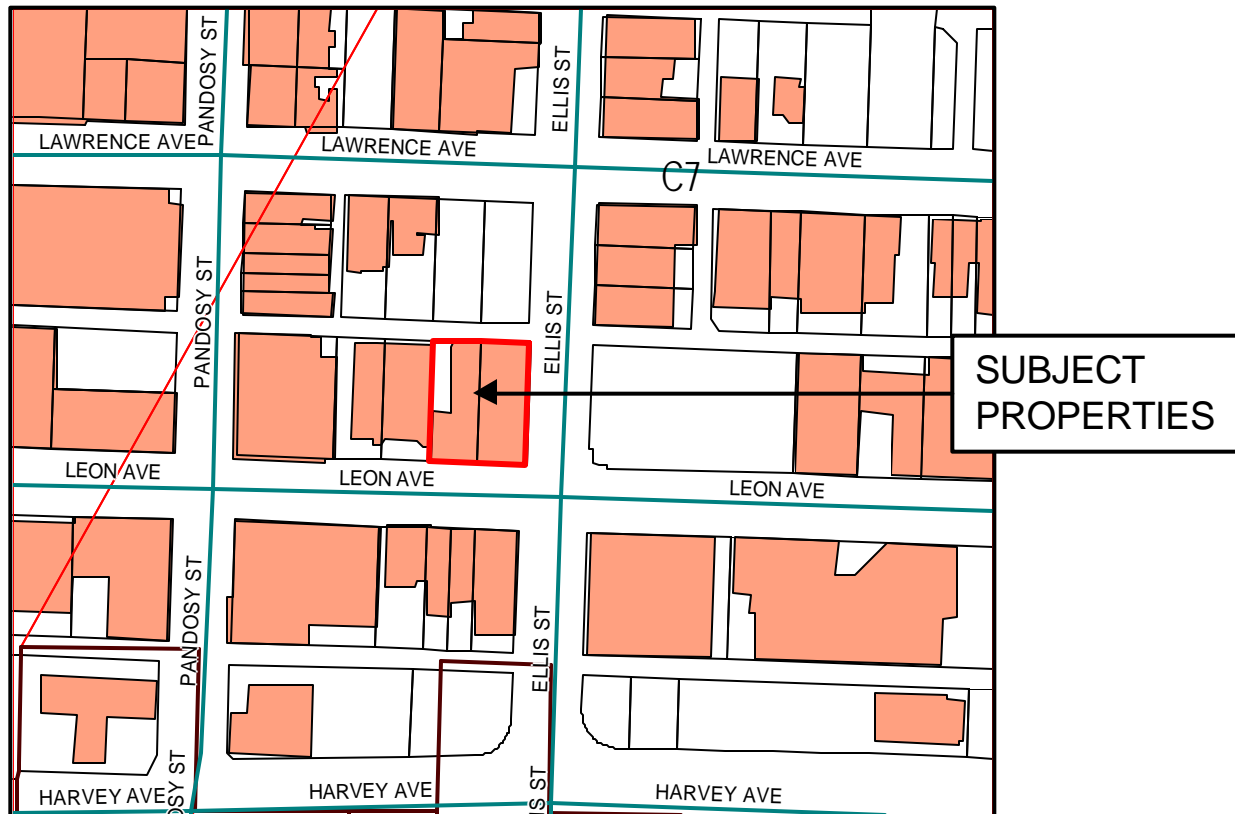
The subject property is located on the north-west corner of Ellis Street and Leon Avenue in the downtown area.

Adjacent zones and uses are:

North	-C7 – Central Business Commercial – Yamas Restaurant
East	-C7 – Central Business Commercial – TD Bank
South	-C7 – Central Business Commercial – Miller Wyatt Ltd.
West	-C7 – Central Business Commercial – Ki-Low-Na Friendship Society

3.3 Site Location Map

Subject Properties: 1630-1654 Ellis Street/466-484 Leon Avenue



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan (Section 9-2) states that new retail, service, office, hotel/motel, and entertainment facilities should be encouraged to locate within urban centres. The proposal is consistent with this aim.

3.4.2 Kelowna Downtown Plan

One of the goals stated in the Kelowna Downtown Plan is to have a Downtown that expresses its identity through arts and cultural assets, as a unique place to live, work, socialise, shop and conduct business.

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

- Maximum occupant load - 106 (inside)
- Lots should be consolidated
- Washrooms okay

4.2. RCMP

The above noted request for liquor license application has been reviewed. From a policing perspective we cannot support this request as it would add a burden to our existing policing resources.

4.3. Fire Department

No comment.

4.4. Public Health Inspector

Must comply with environmental tobacco smoke regulation 03/2002. No objection.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no objections to this application. The proposed Pub-style establishment is relatively small in scale as compared to other liquor primary establishments in the vicinity and due to its proximity to the new Chapman Parkade, parking should not be an issue. The applicants are also proposing to cater to a mature demographic that is not likely to trigger many problems in the downtown core. The proposed establishment should be complimentary to the adjacent restaurant and daytime businesses in the area. Staff would be concerned with any future request to expand either the occupant load or hours of operation. The proposal is also consistent with the Official Community Plan and Kelowna Downtown Plan. In addition, the applicants have also submitted several letters of support from local business owners. Locations of these businesses include 1619 Pandosy Street, 1598 Pandosy Street, 1633 Ellis Street, 537 Leon Avenue.

Staff does have concerns with the proposed LRS outlet. The downtown core is presently served with a government liquor store and an existing LRS. It is unclear whether an additional LRS outlet is necessary. However, local government input is not required for the Licensee Retail Store licenses.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

RWS
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | LL02-0010 |
| 2. APPLICATION TYPE: | Liquor License Application |
| 3. OWNER:
ADDRESS
. CITY
. POSTAL CODE | M.S. Developments Inc.
5-246 Lawrence Avenue
Kelowna
V1Y 6L3 |
| 4. APPLICANT/CONTACT PERSON:
. ADDRESS
. CITY
. POSTAL CODE
. TELEPHONE/FAX NO.: | Antonio Pantazopoulos
1630 Ellis St.
Kelowna

(250) 317-5443 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to Council: | November 14 th , 2002
November 14 th , 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, Plan 462, BLK 8, DL 139, ODYD
Lot 2, Plan 462, BLK 8, DL 139, ODYD |
| 7. SITE LOCATION: | The subject property is located on the north-west corner of Ellis Street and Leon Avenue in the downtown area. |
| 8. CIVIC ADDRESS: | 1630-1654 Ellis Street, Kelowna, BC
466-484 Leon Avenue, Kelowna, BC |
| 9. AREA OF SUBJECT PROPERTY: | 557m2 |
| 10. EXISTING ZONE CATEGORY: | C7 |
| 11. PURPOSE OF THE APPLICATION: | TO OBTAIN COUNCIL SUPPORT FOR A CLASS "D" NEIGHBOURHOOD PUBLIC HOUSE LIQUOR LICENCE |
| 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