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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 9, 2003

**File No.:** LL03-0006

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL03-0006

OWNER: Gotcha Nightclub

AT: 238 Leon Avenue

APPLICANT: Gotcha Nightclub

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR AN INCREASE TO  
THE HOURS OF OPERATION OF GOTCHAS NIGHTCLUB  
FROM 2:00AM PERMITTED TO 4:00AM PROPOSED

REPORT PREPARED BY: RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council not support an increase to the hours of operation from the current 2:00am closing to a 4:00am closing proposed by Gotchas Nightclub located on Lot 6, Blk.10, DL.139, ODYD Plan 462, being 238 Leon Avenue, Kelowna, BC;

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

**2.0 SUMMARY**

The applicant is seeking Council support for an extension to the hours of operation from 2:00am existing to 4:00am proposed.

**3.0 BACKGROUND**

**3.1 The Proposal**

In December of 2002 the Provincial government's Liquor Control and Licensing Branch made significant changes to Liquor Licensing regulations in British Columbia. One of the results being that liquor primary licensed establishments are now permitted to remain open until 4:00am providing that they receive a resolution approving the change of hours from the local governing body.

The applicant has made application for the extension to hours of operation so that Gotcha's night-club will be able to compete on a level playing field with liquor primary licensed establishments in Penticton which may have the option of staying open until 4:00am.

The applicant has previously applied to increase the physical size of the cabaret by creating a new “sports room” on the second floor of the establishment. The space is currently being used as a storage area. The existing person capacity of the establishment is 313. The proposed increase in floor area would allow a person capacity of 405, an increase of 92 persons. The expansion is not increasing the floor area of the existing building and therefore there are no additional parking requirements. On April 1<sup>st</sup>, 2003 Council deferred consideration of this application until such time as the Mayor’s task force provides Council with specific policy direction.

### 3.2 Site Context

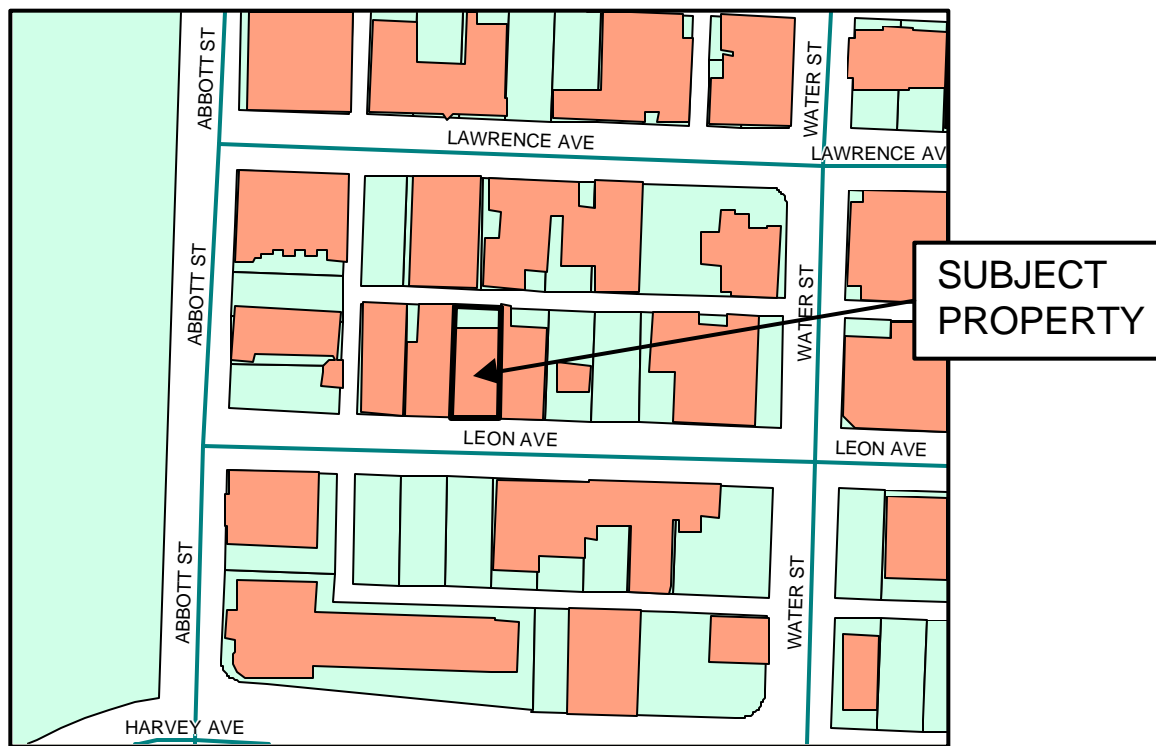
The subject property is located on the north side of Leon Avenue between Water and Abbott Streets, in the Central City Sector.

Adjacent zones and uses are:

North	-C7 –Central Business Commercial – The Finer Choice Restaurant
East	-C7 –Central Business Commercial – Yawbus 3 Sub and Pizza
South	-C7 –Central Business Commercial – Parking Lot
West	-C7 –Central Business Commercial – La Bussola/Junior’s/Club Oasis

### 3.3 Site Location Map

Subject Property: 238 Leon Avenue



#### 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

The RCMP is represented on the Mayors task force and will not support any new applications or extensions until the task force is completed.

##### 4.3. Fire Department

No comment.

##### 4.4. Public Health Inspector

No Comment.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is concerned with the proposal. There is apprehension that this increase to hours of operation will only exasperate existing problems in this area that occur when the nightclubs close in the early morning.

6.0 ALTERNATE RECOMMENDATION

THAT Council support the hours of operation increase (2:00am existing/4:00am proposed) proposed by Gotcha Nightclub for 238 Leon Avenue;

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

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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>   | LL03-0006  |
| <b>2. APPLICATION TYPE:</b>  | Liquor License Application   |
| <b>3. OWNER:<br/>ADDRESS<br/>. CITY<br/>. POSTAL CODE</b>  | Gotcha Nightclub<br>238 Leon Avenue<br>Kelowna, BC   |
| <b>4. APPLICANT/CONTACT PERSON:<br/>. ADDRESS<br/>. CITY<br/>. POSTAL CODE<br/>. TELEPHONE/FAX NO.:</b>              | Pupus Enterprises<br>PO Box 28041 East Kelowna<br>Kelowna, BC<br>V1W 4A6<br>860-0800/8603088   |
| <b>5. APPLICATION PROGRESS:<br/>Date of Application:<br/>Date Application Complete:<br/>Staff Report to Council:</b> | January 23, 2003<br>January 23, 2003<br>April 29, 2002   |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 6, Blk.10, DL.139, ODYD Plan<br>462  |
| <b>7. SITE LOCATION:</b>   | The subject property is located on the north<br>side of Leon Avenue between Water and<br>Abbott Streets, in the Central City Sector. |
| <b>8. CIVIC ADDRESS:</b>   | 238 Leon Avenue, Kelowna, BC   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 565m.sq.   |
| <b>10. EXISTING ZONE CATEGORY:</b>   | C7 – Central Business Commercial   |
| <b>11. PURPOSE OF THE APPLICATION:</b>   | TO OBTAIN COUNCIL SUPPORT FOR AN<br>INCREASE IN HOURS OF OPERATION   |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br/>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> | N/A  |
| <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