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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** May 28, 2003  
**File No.:** LL03-0010

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** LL03-0010

**OWNER:** Callahan Construction/3720  
Investments

**AT:** Unit #15 590 Hwy. 33

**APPLICANT:** Laughing Loon Pub Inc.

**PURPOSE:** TO OBTAIN COUNCIL SUPPORT FOR A LIQUOR  
PRIMARY LICENSED NEIGHBOURHOOD PUBLIC HOUSE  
(LICENSE TRANSFER FROM WILLIAMS LAKE)

TO OBTAIN COUNCIL SUPPORT FOR A LICENSEE  
RETAIL STORE (LICENSE TRANSFER FROM WILLIAMS  
LAKE)

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council support the transfer of a Liquor Primary License to Lot B, Plan 30302, Section 26 and 27, Township 26, ODYD proposed by Fred Hamel of the Laughing Loon Pub Inc. for Unit #15-590 Highway 33;

AND THAT Council support the transfer of Licensee Retail Store License to Lot B, Plan 30302, Section 26 and 27, Township 26, ODYD proposed by Fred Hamel of the Laughing Loon Pub Inc. for Unit #15-590 Highway 33;

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 a Liquor License transfer. The applicant wishes to transfer an existing Liquor Primary license and Licensee Retail Store license from an establishment in Williams Lake to a new location at Willow Park Mall in Kelowna.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is seeking to transfer a Liquor Primary license and Licensee Retail Store license from an existing establishment in Williams Lake to a new location at Willow Park Mall in Kelowna. The proposed pub and Licensee Retail Store will occupy a unit at the mall formerly occupied by a Provincial Liquor Distribution Branch. The size of the retail liquor sales area will be decrease by approximately 65m<sup>2</sup>. The additional area will be used for the proposed pub (liquor primary establishment, minor).

The applicant is proposing a 34-seat “Cheers” style pub that will cater to a middle class/blue collar 19-45 demographic. The proposed hours of operation are Sunday to Thursday, 11:00am to midnight and Friday/Saturday 11:00am to 1am.

The proposed Liquor Primary establishment and Retail Liquor Sales outlet will target shoppers of the existing Willow Park Mall including residents living in the area and tourists. The Retail Liquor Sales outlet will also serve to fill the void that would otherwise be left by the closure of the existing Provincial Liquor Store.

#### 3.2 Site Context

The subject property is located on the north side of Hwy.33 west at the intersection with Hollywood Road.

Adjacent zones and uses are:

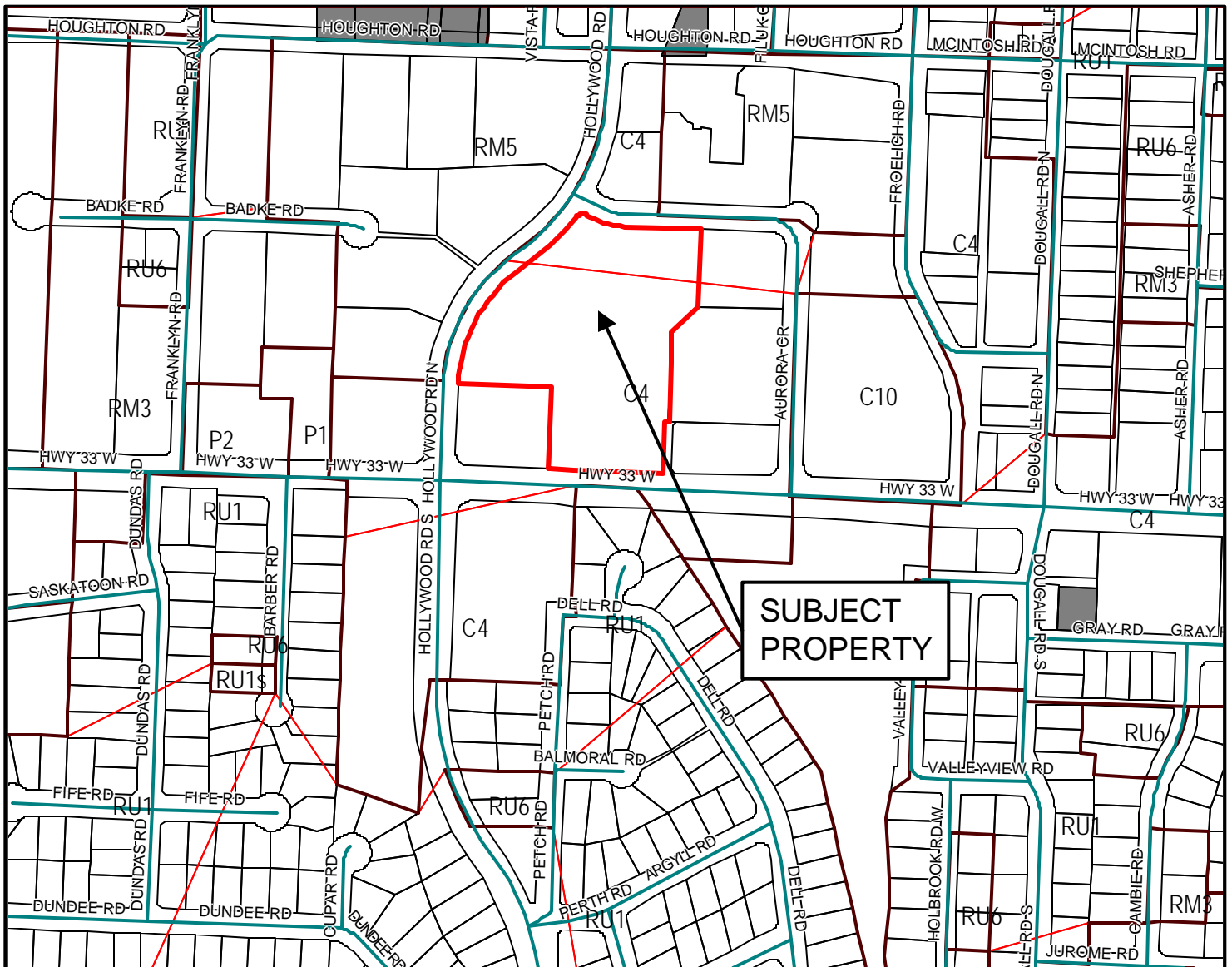
North - C4 – Town Centre Commercial  
 West - RM5 – Multiple Family Medium Density  
 South - C4 – Town Centre Commercial/RU1 – Large Lot Housing  
 East - C4 – Town Centre Commercial

#### 3.2 Site Information

<b>Application Breakdown</b>	
Zoning	C4 – Town Centre Commercial (RLS)
Hours of Operation	Sunday-Thursday: 11am –12am Friday and Saturday: 11am – 1am
Proposed Person Capacity	34
Size of Liquor Primary Establishment	65m <sup>2</sup>
Size of Retail Liquor Sales Establishment	465m <sup>2</sup>
Number of Liquor Primary Licensed Establishments within 1.6km	6
Nearest School	3km
Size of existing Retail Liquor Sales Establishment	585m <sup>2</sup>
Parking	Adequate parking exists on-site at the mall. As the size of the establishment is not increasing, there are no additional parking requirements.

### 3.4 Site Location Map

Subject Property: 590 Hwy.33 W.



### 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 Rutland Sector Plan

- Encourage the establishment of tourism commercial facilities catering to skiers destined for Big White

## 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 concerns.

### 4.2. RCMP

RCMP will not support any requests until the Mayors Task Force work is completed.

### 4.3. Fire Department

No objections.

### 4.4. Public Health Inspector

Provided that the plans and specifications of the food premise are approved by this office, and that a permit to operate a food service premise is obtained, we have no objections to the above proposal from the information provided.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is supportive of the proposed liquor license transfer. The proposed location currently houses a Provincial Government Liquor Distribution Branch. The applicant is proposing to maintain the retail liquor sales service but on a slightly smaller scale while also operating a small pub type establishment.

Council is currently considering amendments to Zoning Bylaw No.8000 in response to the Provincial Governments new liquor licensing system. This application is generally consistent with the proposed amendments. The subject property is slated to receive the RLS designation as a Provincial Liquor Distribution Branch currently exists on-site. The proposed pub will have a capacity of 34 and therefore is defined as a Liquor Primary establishment, minor and does not require an LP designation. The proposed size of the Licensee Retail Store will however be inconsistent with the proposed text amendments. A maximum size limit of 185m<sup>2</sup> for Retail Liquor Stores is being considered by Council. The size of the Licensee Retail store proposed is 465m<sup>2</sup>.

It should be noted that there is some uncertainty about what the final provincial strategy will be with regards to private liquor retail sales. Staff has noted that the proposed size of the Licensee Retail Store is smaller than that of the existing LDB and will exist as a legal non-conformity because it does not represent a change in use. Due to the proposed reduction in size of the existing retail liquor sales establishment the Planning and Corporate Services Department has no significant concerns with the proposed LRS. It should be noted that there is some uncertainty about what the final provincial strategy will be with regards to private liquor retail sales. Staff has noted that the proposed size of the Licensee Retail Store is smaller than that of the existing LDB and will exist as a legal non-conformity because it does not represent a change in use. Due to the proposed reduction in size of the existing retail liquor sales establishment the Planning and Corporate Services Department has no significant concerns with the proposed LRS. The department would like to clarify that due to the fact that a retail liquor store currently exists on site, and the proposed establishment will be of a lesser size, a precedent is not being set for support of other new Retail Liquor Sales establishments that would exceed the maximum size of 185m<sup>2</sup> which is being considered by Council.

Due to the demographic that the pub is targeting and the size of the establishment, it is not anticipated that there will be any negative effects on the surrounding community in terms of noise or crime. The Liquor Control and Licensing Branch has also noted that the applicant has a good record of management and responsible liquor service.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RWS  
Attach.

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>  | LL03-0010   |
| <b>2. APPLICATION TYPE:</b>   | Liquor License Application (Transfer)   |
| <b>3. OWNER:</b>  | Callahan Construction/3720 Investments  |
| <b>ADDRESS</b>  | 218-1626 Richter Street   |
| <b>. CITY</b>   | Kelowna, BC   |
| <b>. POSTAL CODE</b>  | V1Y 2M3   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | Laughing Loon Pub Inc. (Fred Hamel)   |
| <b>. ADDRESS</b>  | 1730 S. Broadway  |
| <b>. CITY</b>   | Williams Lake, BC   |
| <b>. POSTAL CODE</b>  | V2G 2W4   |
| <b>. TELEPHONE/FAX NO.:</b>   | (250)868-2408   |
| <b>5. APPLICATION PROGRESS:</b>                                       |   |
| <b>    Date of Application:</b>                                       | May 7, 2003   |
| <b>    Date Application Complete:</b>                                 | May 7, 2003   |
| <b>    Staff Report to Council:</b>                                   | June 24, 2003   |
| <b>6. LEGAL DESCRIPTION:</b>  | Lot B, Plan 30302, Section 26 and 27, Township 26, ODYD   |
| <b>7. SITE LOCATION:</b>  | The subject property is located on the north side of Hwy.33 west at the intersection with Hollywood Road. |
| <b>8. CIVIC ADDRESS:</b>  | Unit 15, 590 Highway 33, Kelowna, BC  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                   | 25613m <sup>2</sup>   |
| <b>10. EXISTING ZONE CATEGORY:</b>                                    | C4 – Town Centre Commercial   |
| <b>11. PURPOSE OF THE APPLICATION:</b>                                | TO OBTAIN COUNCIL SUPPORT FOR A LIQUOR LICENSE TRANSFER   |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         | N/A   |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |   |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | N/A   |

**ATTACHMENTS**

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

- Location of subject property
- Site plan
- Floor plan