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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 21, 2003  
**File No.:** Z03-0053

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z03-0053

**OWNER:** WGP 236 Holdings Ltd.

**AT:** #1-1525 Dilworth Drive

**APPLICANT:** Breakers Billiards and Bistro

**PURPOSE:** THE APPLICANT IS SEEKING TO REZONE THE SUBJECT PROPERTY FROM THE C10 – SERVICE COMMERCIAL ZONE TO THE C10 – SERVICE COMERCIAL LIQUOR PRIMARY ZONE (LP)

**EXISTING ZONE:** C10 – SERVICE COMMERCIAL

**PROPOSED ZONE:** C10 – SERVICE COMMERCIAL “LP”

**REPORT PREPARED BY:** RYAN SMITH

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**1.0**    **RECOMMENDATION**

THAT Rezoning Application No. Z03-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DLs 125 & 531, Plan KAP46845 ODYD, located on Dilworth Drive, Kelowna, B.C. from the C10 – Service Commercial zone to the C10 – Service Commercial Liquor Primary zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing concurrently with the liquor license application for further consideration;

AND THAT final adoption of the zone amending bylaw be withheld pending Council consideration of the associated liquor license application.

**2.0**    **SUMMARY**

The applicant is proposing to rezone to subject property to add a Liquor Primary designation to the parent zone (C10- Service Commercial).

### 3.0 BACKGROUND

The Kelowna “Q” has operated on the subject property for several years however until recent policy changes by the provincial government, was unable to apply for a liquor primary license. In June of 2003 the “Q” Club made application with the Liquor Control and Licensing Branch for a Liquor Primary License. Since this time the “Q” Club has changed ownership. The new owners of the establishment (renamed: Breakers Billiards and Bistro) are seeking to continue with the Liquor Primary License application.

#### 3.1 The Proposal

The applicants are seeking a rezoning for “LP” designation to the existing C10 – Service Commercial Zone in order to accommodate a proposed liquor primary license for Breakers Billiards and Bistro (formerly the “Q” Club).

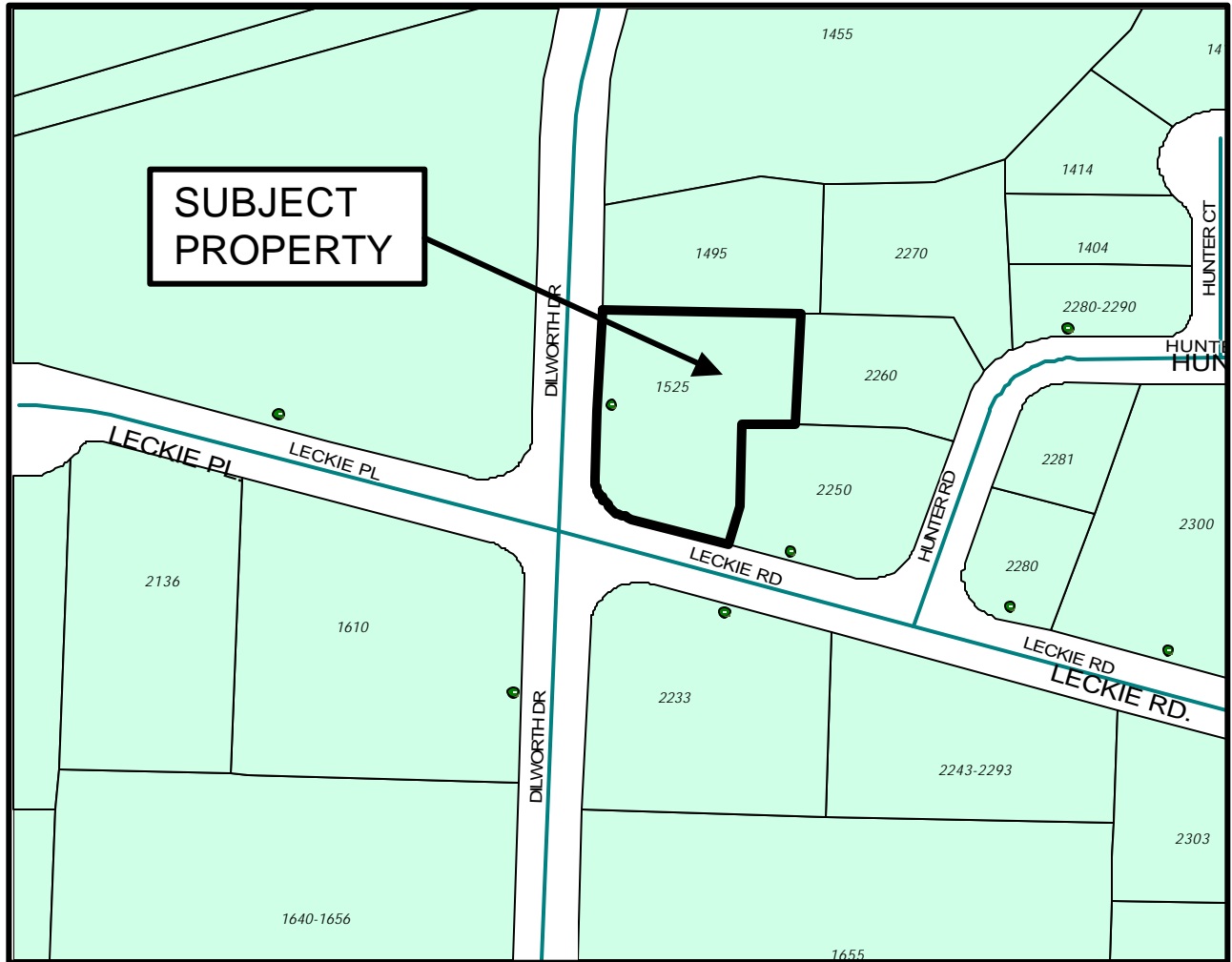
Breakers is seeking a liquor primary licensed area within the existing establishment to accommodate an interior capacity of 149. The hours of operation proposed by the applicants are 11:00 am to 4:00 am, Monday through Sunday.

#### 3.2 Site Context

The subject property is located on the north-east corner of Dilworth Drive at Leckie Road.

Adjacent zones and uses are:

- North - C10 – Service Commercial – Commercial Development
- East - C10 – Service Commercial – Commercial Development
- South - I2 – General Industrial – Industrial Development
- West - I3 – Heavy Industrial – Vacant



### 3.4 Existing Development Potential

The subject property is currently zoned C10 – Service Commercial. The purpose of this zone is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones.

### 3.5 Current Development Policy

#### 3.5.1 Mayor's Entertainment District Task Force

This proposal meets the liquor primary capacity and location requirements set forth in the Mayor's Entertainment District Task Force recommendations. Capacity is less than 500 persons (179 total) and there are no other liquor related establishments within the immediate area (100m within Hwy97/Springfield Urban Centre).

The MEDTF recommends that the hours of liquor service for liquor primary establishments in Kelowna not be extended beyond 2:00 am. The application does not conform to this requirement.

#### 3.5.2 Official Community Plan

The subject property falls within the Hwy97/Springfield Urban Centre. It is designated as Commercial in the OCP and the entertainment use is supported in the Urban Centre policy section therefore the application could be supported. This property is not subject to the OCP Urban Center DP Guidelines as there are only minor internal renovations proposed. This application merely serves to maintain the status quo within the Urban Centre as the site use remains constant with the only change being the availability of alcohol on site without the purchase of food as this establishment has had a food primary license for some time.

### 4.0 TECHNICAL COMMENTS

This application was circulated to the following departments and agencies and the following comments were received:

#### 4.1 Works and Utilities

The subject property is fully serviced and the frontage is constructed to a level consistent with the current Bylaw requirements for the requested zone. The proposed rezoning application does not compromise W & U servicing requirement and does not trigger any upgrading.

#### 4.2 Inspection Services

No concern with rezoning.

4.3 RCMP

No concerns.

4.4 Fire Department

The installation of a fire alarm system will be a requirement with the liquor license application.

4.5 Public Health Inspector

No comment.

3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

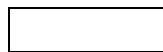
The Planning and Corporate Services Department has no concerns with the proposed zone amendment to add a liquor primary designation. The subject property is approximately 800 metres in distance from the nearest liquor primary licensed establishment (exceeds MEDTF standards) and there are no residential uses in close proximity. There are also several transit routes in close proximity to provide an alternative to auto-use. If not already existing the Planning and Corporate Services Department recommends that the applicant provide adequate lighting (as per CPTED guidelines) around the commercial building.

The Planning and Corporate Services Department has concerns regarding the proposed hours of operation which will be raised with the Liquor License application.

At this time the applicant is not proposing any structural changes to the exterior of the building. The subject property is in an Urban Town Centre Area and a development permit would be required for any changes to the exterior to the building.

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Andrew Bruce  
Development Services Manager



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

RM/AB/rs  
Attach.

## FACT SHEET

1. **APPLICATION NO.:** Z03-0053
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** WGP 236 Holdings Ltd.  
· **ADDRESS** 1029 Skeena Drive  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1V 2K7
4. **APPLICANT/CONTACT PERSON:** Terry Hales (Breakers Billiards and Bistro)  
· **ADDRESS** #1-1525 Dilworth Drive  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 9N5  
· **TELEPHONE/FAX NO.:** 762-6033
5. **APPLICATION PROGRESS:**  
    **Date of Application:** 2003-10-01  
    **Date Application Complete:** 2003-10-01  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to APC:** N/A  
    **Staff Report to Council:** N/A
6. **LEGAL DESCRIPTION:** Lot B, District Lots 125 and 531, Plan KAP46 ODYD
7. **SITE LOCATION:** The subject property is located on the north-east corner of Dilworth Drive at Leckie Road.
8. **CIVIC ADDRESS:** 1525 Dilworth Drive
9. **AREA OF SUBJECT PROPERTY:** 5902m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 5902m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** C10- Service Commercial
12. **PROPOSED ZONE:** C10- Service Commercial "LP"
13. **PURPOSE OF THE APPLICATION:** Rezone to add "LP" designation.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
    **NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

**ATTACHMENTS**

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

- Location of subject property
- Floor plans
- Interior Photos