
CITY OF KELOWNA

MEMORANDUM

Date: December 2, 2003
File No.: Z03-0059

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z03-0059

OWNER: 641300 BC Ltd.,
Inc.No.641300

AT: 2040 Joe Riche Road

APPLICANT: Black Mountain Pub Ltd.

PURPOSE: THE APPLICANT IS SEEKING TO REZONE THE SUBJECT
PROPERTY FROM THE C2 – NEIGHBOURHOOD
COMMERCIAL ZONE TO THE C2RLS – NEIGHBOUR
COMMERCIAL – RETAIL LIQUOR SALES ZONE

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 5 shown on Plan B4079, Section 18, Township 27, ODYD Plan 1991, located on Joe Riche Road, Kelowna, B.C. from the C2- Neighbourhood Commercial zone to the C2rls-Neighbourhood Commercial –retail liquor sales zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

The applicant is seeking to add a Retail Liquor Sales designation to the parent zone (C2-Neighbourhood Commercial) of the Black Mountain Pub at 2040 Joe Riche Road. Council endorsed a liquor license for this property in October of 2003 for a 100 seat pub.

3.0 BACKGROUND

3.1 The Proposal

The applicant is seeking to add a Retail Liquor Sales designation to the parent zone (C2-Neighbourhood Commercial).

The applicant applied to the City of Kelowna and the Liquor Control and Licensing Branch for a liquor primary license at 2040 Joe Riche Road (the site which was formerly occupied by the Black Mountain Pub) and received Council's endorsement

for a new liquor license in October of 2003 for a 100 seat pub. The applicants are planning to resurrect the old Black Mountain Pub and include a restaurant and retail liquor store on the site.

The applicants are planning to target the Black Mountain area market as well as the larger Kelowna market and tourists that travel through this area.

The applicants feel that reviving the Black Mountain Pub and opening a retail liquor store will help support the growing population in the Black Mountain area and provide a service that the area is currently lacking.

The applicants also received council support for the following hours of operation in conjunction with liquor primary license application: Monday through Sunday from 9am to 2am. The proposed retail liquor store will occupy the area outlined in black on the floor plans (see attached).

The proposed pub is approximately 6 Kilometres from the nearest liquor primary establishment (Zodiac Pub) and is 0.3 Kilometres from Black Mountain Elementary School.

3.2 Site Context

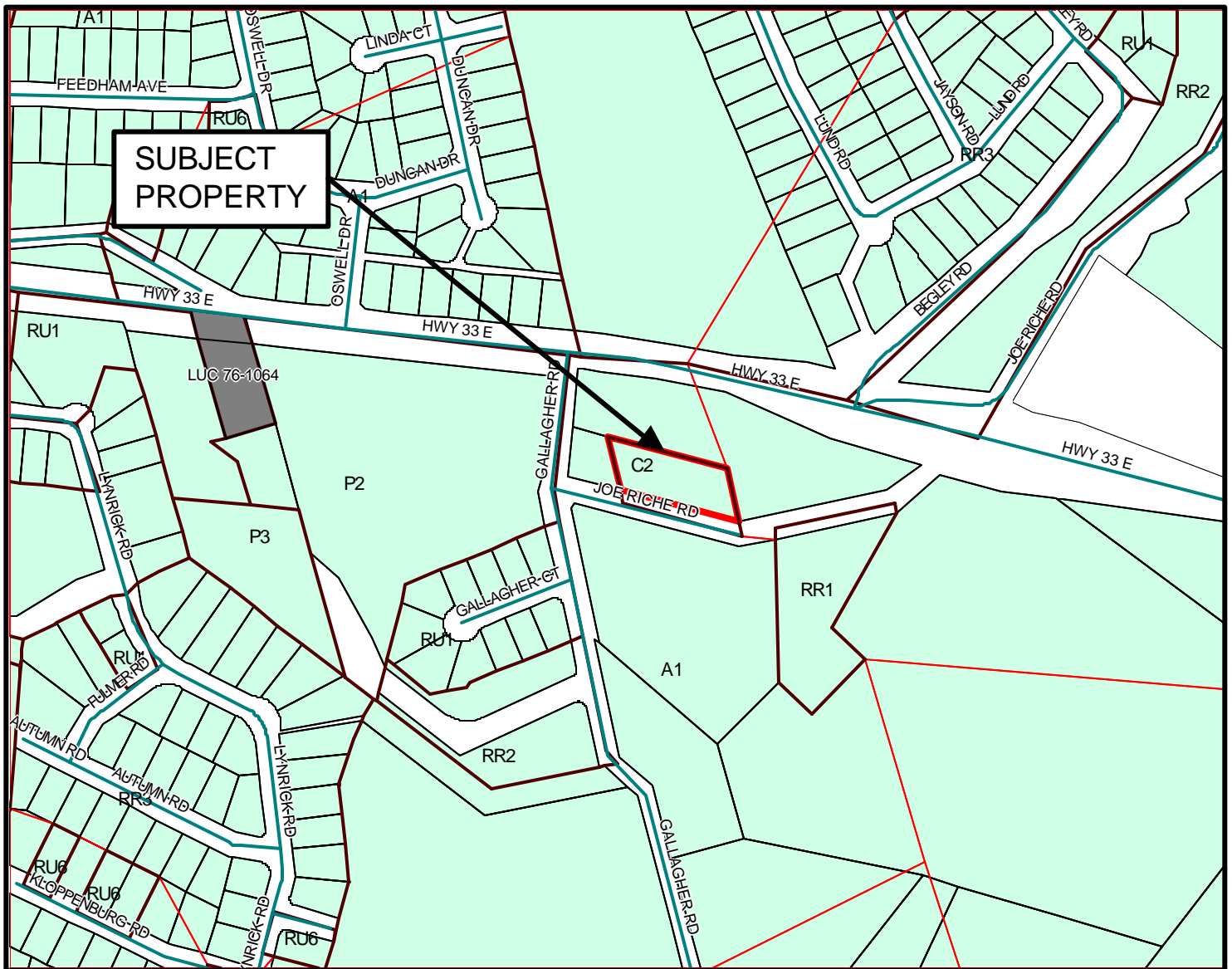
The subject property is located on Joe Riche Road, southeast of the intersection of Gallagher Road and Highway 33.

Adjacent zones and uses are:

- North - C2 – Neighbourhood Commercial
- East - C2 – Neighbourhood Commercial
- South - A1 – Agriculture 1
- West - A1 – Agriculture 1

3.3 Site Location Map

Subject Property: 2040 Joe Riche Road



4.0 EXISTING DEVELOPMENT POTENTIAL

The subject property is zoned C2 – Neighbourhood Commercial. The purpose of this zone is to provide for the range of services needed on a day to day basis by residents within their neighbourhoods.

5.0 CURRENT DEVELOPMENT POLICY

5.1 Mayors Entertainment District Task Force Report

- In order to avoid problems associated with rowdy behaviour in line-ups at Liquor Primary establishments, when considering applications for Liquor Retail establishments associated with Liquor Primary Licensees, Council should have regard to the size of the Liquor Primary establishment, the nature of the clientele, the likelihood of line-ups, and the number and proximity of other Liquor Primary Licensees in the area.
- In order to avoid concentrations for this use (e.g. in the same block or at the same intersection), generally the store should be at least 300 metres (shortest travel distance) from an existing Licensed Retail Store, BC Liquor Store, or wine and beer store. A reduced distance (generally not less than 100 metres) may be warranted in locations such as the City Centre, the Highway Centre (Highway 97/Springfield) or the two Town Centres (Rutland and Pandosy).

5.2 Black Mountain Sector Plan

- Restrict commercial development in the Black Mountain area to a limited range of neighbourhood commercial uses at a scale and location which will not negatively impact on existing development.
- Concentrate neighbourhood commercial uses in one node in order to avoid the development of a commercial strip along Highway No.33.
- Ensure that future commercial uses are designed in a manner which is in keeping with the residential character of the area taking into account issues such as exterior finish, signage, parking and landscaping.
- Avoid the development of commercial uses which are oriented to meeting the needs of the travelling public on Highway No.33.

6.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following comments have been submitted:

6.1 Inspection Services Department

No concerns.

6.2 Black Mountain Irrigation District

Currently adequately serviced. Fire protection good. No problems.

6.3 Fire Department

Emergency systems within structure will have to be operational.

6.4 Public Health Inspector

Facility to receive approval to operate as a food premise.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning to add a retail liquor sales designation to the parent zoning of the subject property. The subject property is located in a village centre area and it is expected that the surrounding residential areas will experience substantial growth in the next 5-10 years. The application is also consistent with the recommendations of the Mayor's Entertainment District Task Force report, however, does conflict with one of the objectives of the Black Mountain Sector Plan (*Avoid the development of commercial uses which are oriented to meeting the needs of the travelling public on Highway No.33*). Planning staff do feel that a retail liquor store in this location will be trafficked primarily by local residents and not passers-by on the highway.

If any structural alterations to the building are required to accommodate the proposed retail liquor store the applicants will be required to submit a development permit application at that time.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | LL03-0015 |
| 2. APPLICATION TYPE: | Liquor License |
| 3. OWNER: | 641300 BC Ltd., Inc.No.641300 |
| ADDRESS | 2-9640 201 st Street |
| . CITY | Langley, BC |
| . POSTAL CODE | V1M 3E8 |
| 4. APPLICANT/CONTACT PERSON: | Steve Berezan |
| . ADDRESS | 17212 20 th Avenue |
| . CITY | Surrey, BC |
| . POSTAL CODE | |
| . TELEPHONE/FAX NO.: | 604-541-8070 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 24, 2003 |
| Date Application Complete: | October 24, 2003 |
| Staff Report to Council: | December 8, 2003 |
| 6. LEGAL DESCRIPTION: | Part of Lot 5 shown on Plan B4079,
Section 18, Township 27, ODYD Plan
1991 |
| 7. SITE LOCATION: | The subject property is located on Joe
Riche Road, southeast of the
intersection of Gallagher Road and
Highway 33. |
| 8. CIVIC ADDRESS: | 2040 Joe Riche Road |
| 9. AREA OF SUBJECT PROPERTY: | N/A |
| 10. EXISTING ZONE CATEGORY: | C2 – Neighbourhood Commercial |
| 11. PURPOSE OF THE APPLICATION: | THE APPLICANT IS SEEKING TO REZONE THE
SUBJECT PROPERTY FROM THE C2 –
NEIGHBOURHOOD COMMERCIAL ZONE TO THE
C2RLS – NEIGHBOUR COMMERCIAL – RETAIL
LIQUOR SALES ZONE |
| 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 Plan