
CITY OF KELOWNA

MEMORANDUM

Date: November 24, 2003
File No.: LL03-0019 (Z03-0053)

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL03-0019
(Z03-0053)

OWNER: WGP 236 Holdings Ltd.

AT: #1-1525 Dilworth Drive

APPLICANT: Breakers Billiards and Bistro

PURPOSE: THE APPLICANT IS SEEKING COUNCIL SUPPORT FOR A PROPOSED LIQUOR PRIMARY LICENSE. THE APPLICANT IS PROPOSING TO OPERATE FROM 11 A.M. TO 2 AM. SEVEN DAYS PER WEEK. THE PROPOSED PERSON CAPACITY IS 149

EXISTING ZONE: C10lp – SERVICE COMMERCIAL (LIQUOR PRIMARY)

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support a liquor primary license (11 a.m. to 2 a.m.; 7 days per week; Person Capacity -149) on Lot B, District Lot 125 and 531, ODYD Plan KAP46845 proposed by Breakers Billiards and Bistro for #1-1525 Dilworth Drive;

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 proposed liquor primary license. The applicant is proposing to operate from 11 a.m. to 2 a.m. seven days per week. The proposed person capacity is 149. Council has already adopted Bylaw No. 9107 (Z03-0053) which rezoned the subject property to add a Liquor Primary designation to the parent zone (C10 - Service Commercial).

3.0 BACKGROUND

The Kelowna “Q” Club 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 have obtained a rezoning to add the “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 2:00 am, Monday through Sunday.

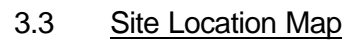
The proposed liquor primary area will accommodate 8 pool tables and a smoking room.

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.

3.5.3 Liquor Control and Licensing Branch Criteria

a) **The location of the establishment**

The subject property is located in an established service commercial area and

b) **The person capacity and hours of liquor service of the establishment**

Proposed person capacity is 149. Proposed hours of operation are 11 a.m. to 2 a.m., 7 days per week.

c) **Traffic, noise, parking and zoning**

Council has advanced to 3rd reading the rezoning to add and “LP” designation to the parent zone

d) **Population, population density and population trends**

There is no significant residential population in the immediate vicinity of the subject property.

e) **The impact on the community if the application is approved**

The Planning and Corporate Services Department has no concerns with the proposed liquor license application. Staff feels the impacts will be minimal.

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.

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 liquor license application. 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 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.

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.

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.:** LL03-0019 (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: December 16, 2003
6. **LEGAL DESCRIPTION:** Lot B, District Lots 125 and 531, Plan KAP46845 ODYD
7. **SITE LOCATION:** The subject property is located on the north-e corner of Dilworth Drive at Leckie Road.
8. **CIVIC ADDRESS:** 1525 Dilworth Drive
9. **AREA OF SUBJECT PROPERTY:** 5902m²
10. **AREA OF PROPOSED REZONING:** 5902m²
11. **EXISTING ZONE CATEGORY:** C10- Service Commercial
12. **PROPOSED ZONE:** C10- Service Commercial "LP"
13. **PURPOSE OF THE APPLICATION:** THE APPLICANT IS SEEKING COUNCIL SUPPORT FOR A PROPOSED LIQUOR PRIMARY LICENSE. THE APPLICANT IS PROPOSING TO OPERATE FROM 11 A.M. TO 2 AM. SEVEN DAYS PER WEEK. THE PROPOSED PERSON CAPACITY IS 149
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