
CITY OF KELOWNA

MEMORANDUM

Date: April 14, 2004
File No.: Z04-0018

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0018

OWNER: Kelowna Speedometre Ltd.
Frank Beckmann

AT: 441 Lawrence Avenue

APPLICANT: 664918 BC Ltd. (The Blue Gator)

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE C7 – CENTRAL BUSINESS COMMERCIAL ZONE TO THE C7LP –CENTRAL BUSINESS COMMERCIAL– LIQUOR PRIMARY ZONE IN ORDER TO ACCOMMODATE A LIQUOR PRIMARY LICENSE FOR THE BLUE GATOR. THE PROPOSED PERSON CAPACITY IS 107 AND THE PROPOSED HOURS OF OPERATION ARE MONDAY-SATURDAY: 11A.M. TO 1A.M. AND SUNDAY 1P.M. TO 1A.M.

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 139, ODYD Plan 3508, located on Lawrence Avenue, Kelowna, B.C. from the C7 – Central Business Commercial zone to the C7LP – Central Business Commercial Liquor Primary zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Liquor License application on the subject property;

2.0 SUMMARY

The applicant is seeking to rezone the subject property to add a liquor primary designation to the parent zone in order to accommodate a proposed liquor primary license for the Blue Gator Restaurant.

3.0 BACKGROUND

The Blue Gator Restaurant is currently operating with a food primary type liquor license and has a person capacity of 107.

3.1 The Proposal

The applicant is seeking to rezone the subject property to add a liquor primary designation to the existing C7 – Central Business Commercial Zone. The applicant is proposing no internal changes to the establishment and the capacity will not increase from total capacity of 107 which currently exists. The existing capacity accommodated 95 persons within the restaurant and 12 on the patio.

The applicant is seeking the following hours of operation for the liquor primary licensed establishment:

Monday to Saturday: 11 a.m. to 1a.m.
 Sunday: 1p.m. to 1 a.m.

As there is no capacity increase associated with the proposal and the use of the establishment will change very little there are not additional parking requirements.

Liquor Licensing/Zoning breakdown for the Blue Gator:

Criteria	Proposed	Required
Lot Size	501m ²	N/A
Building Area	286m ²	N/A
Existing Capacity (interior)	95	N/A
Existing Capacity (patio)	12	N/A
Proposed Capacity (interior)	95	N/A
Proposed Capacity (interior)	12	N/A
Parking	N/A	N/A
Hours of Operation	Monday-Saturday: 11 a.m. to 1 a.m. Sunday: 1p.m. to 1a.m.	No extensions beyond 2 a.m. as per MEDTF

3.2 Site Context

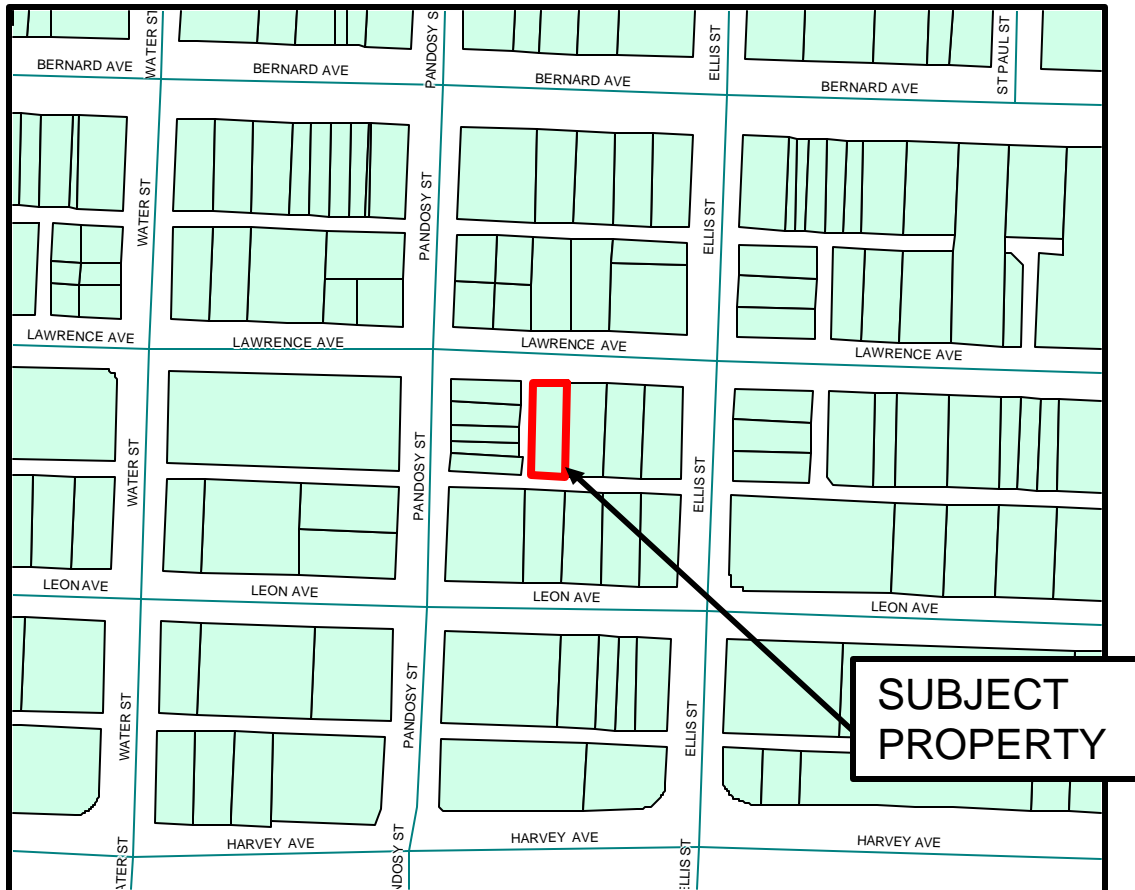
The subject property is located on the south side of Lawrence Avenue between Pandosy Street and Ellis Street.

Adjacent zones and uses are:

North - C7 – Central Business Commercial – Retail/Offices
 East - C7 – Central Business Commercial – Offices/Retail Commercial
 South - C7 – Central Business Commercial – Build IT Systems
 West - C7 – Central Business Commercial – Retail
 Commercial/Restaurants.

3.3 Site Location Map

Subject Property: 441 Lawrence Avenue



4.0 EXISTING DEVELOPMENT POTENTIAL

The purpose of the zone is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of the City which shall provide for high density residential uses, and commercial uses. A liquor primary license establishment with a capacity greater than 100 persons is a permitted use with a rezoning to a "Liquor Primary" zoning designation.

5.0 CURRENT DEVELOPMENT POLICY

5.1 Mayors Entertainment District Task Force Report

The proposed capacity and hours of operation are within the guidelines for new liquor primary licensed establishments. The location of the subject property is also outside the “Yellow Zone” identified by the MEDTF.

5.2 Kelowna Downtown Plan

The City of Kelowna support the plan area as the major retail complement to the evolving Cultural District, with support for restaurant and entertainment-related uses specifically, including the retention of one or more movie-viewing facilities.

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 comment.

6.2 Fire Department

No comment.

6.3 Public Health Inspector

No comment.

6.4 RCMP

No comment.

6.5 Works and Utilities Department

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 Works and Utilities servicing requirement.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning to add a “Liquor Primary” designation to the parent (C7-Central Business Commercial) zone of the subject property. The proposal conforms to the relevant policy adopted by Council in the Mayor’s Entertainment District Task Force Report and no structural changes to the building or capacity changes are proposed at this time. Planning staff will comment on the particular aspects of the liquor license

application in a separate report. At this time, staff's only concerns are the proposed hours of operation for the patio area.

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

1. **APPLICATION NO.:** Z04-0018
2. **APPLICATION TYPE:** Rezoning (add LP Designation)
3. **OWNER:** Kelowna Speedometer Ltd.
ADDRESS 1780 Byland Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 1A9
4. **APPLICANT/CONTACT PERSON:** Mark Vinette (664981 BC Ltd.)
· **ADDRESS** 441 Lawrence Avenue
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 6L6
· **TELEPHONE/FAX NO.:** 860-1529
5. **APPLICATION PROGRESS:**
 Date of Application: March 15, 2004
 Date Application Complete: March 15, 2004
 Staff Report to Council: April 2, 2004
6. **LEGAL DESCRIPTION:** Lot 1, DL 139, ODYD Plan 3508
7. **SITE LOCATION:** The subject property is located on the south side of Lawrence Avenue between Pandosy Street and Ellis Street.
8. **CIVIC ADDRESS:** 441 Lawrence Avenue
9. **AREA OF SUBJECT PROPERTY:** 502m²
10. **EXISTING ZONE CATEGORY:** C7 – Town Centre Commercial
11. **PURPOSE OF THE APPLICATION:** THE APPLICANT IS SEEKING TO REZONE THE SUBJECT PROPERTY FROM THE C7 – CENTRAL BUSINESS COMMERCIAL ZONE TO THE C7LP – CENTRAL BUSINESS COMMERCIAL-LIQUOR PRIMARY ZONE IN ORDER TO ACCOMMODATE A LIQUOR PRIMARY LICENSE FOR THE BLUE GATOR. THE PROPOSED PERSON CAPACITY IS 107 AND THE PROPOSED HOURS OF OPERATION AREA MONDAY-SATURDAY: 11A.M. TO 1A.M. AND SUNDAY 1P.M. TO 1A.M.
Subject property is located within 800m of Highway 97.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY

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| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |
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ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Floor Plan