
CITY OF KELOWNA

MEMORANDUM

Date: April 22, 2004
File No.: LL04-0005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL04-0005

OWNER: 622623 B.C. Ltd.

AT: 150 Highway 33 West

APPLICANT: Brian Lucas
Rascals Nightclub

PURPOSE: TO EXTEND THE PERMITTED HOURS OF LIQUOR SALE
FROM 7 P.M. TO 2:00 A.M. MONDAY THROUGH SUNDAY
TO 9:00 A.M.-2 A.M. MONDAY THROUGH SUNDAY

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support an extension to the permitted hours of liquor service for Rascals Nightclub from 7:00 p.m. to 2:00 a.m. Monday through Sunday to 9:00 a.m. to 2:00 a.m. Monday through Sunday on Lot 1, Section 26, Township 26, Plan 2073, ODYD except plan 15675, for 150 Highway 33 West;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Branch in Victoria.

2.0 SUMMARY

The applicant is seeking Council support for an extension to hours of liquor service. The applicant is proposing to extend the hours to 9 a.m.-2 a.m., 7 days per week. The current hours of operation are 7 p.m. to 2 a.m. 7 days per week.

3.0 BACKGROUND

3.1 The Proposal

In December of 2002 the Provincial government's Liquor Control and Licensing Branch made significant changes to Liquor Licensing regulations in British Columbia. One of the results being that local governments now have input on applications pertaining to hours of liquor sale at liquor primary establishments.

The applicant is proposing to extend the hours of liquor service from 7 p.m. to 2 a.m. to 9 a.m. to 2 a.m. Monday through Sunday. The applicant wishes to extend the hours of liquor sales so that the business may open during daytime business

hours and reduce the dead zone effect commonly associated with nightclubs. These hours of operation would also allow the nightclub to open early for special events and functions.

3.2 Site Context

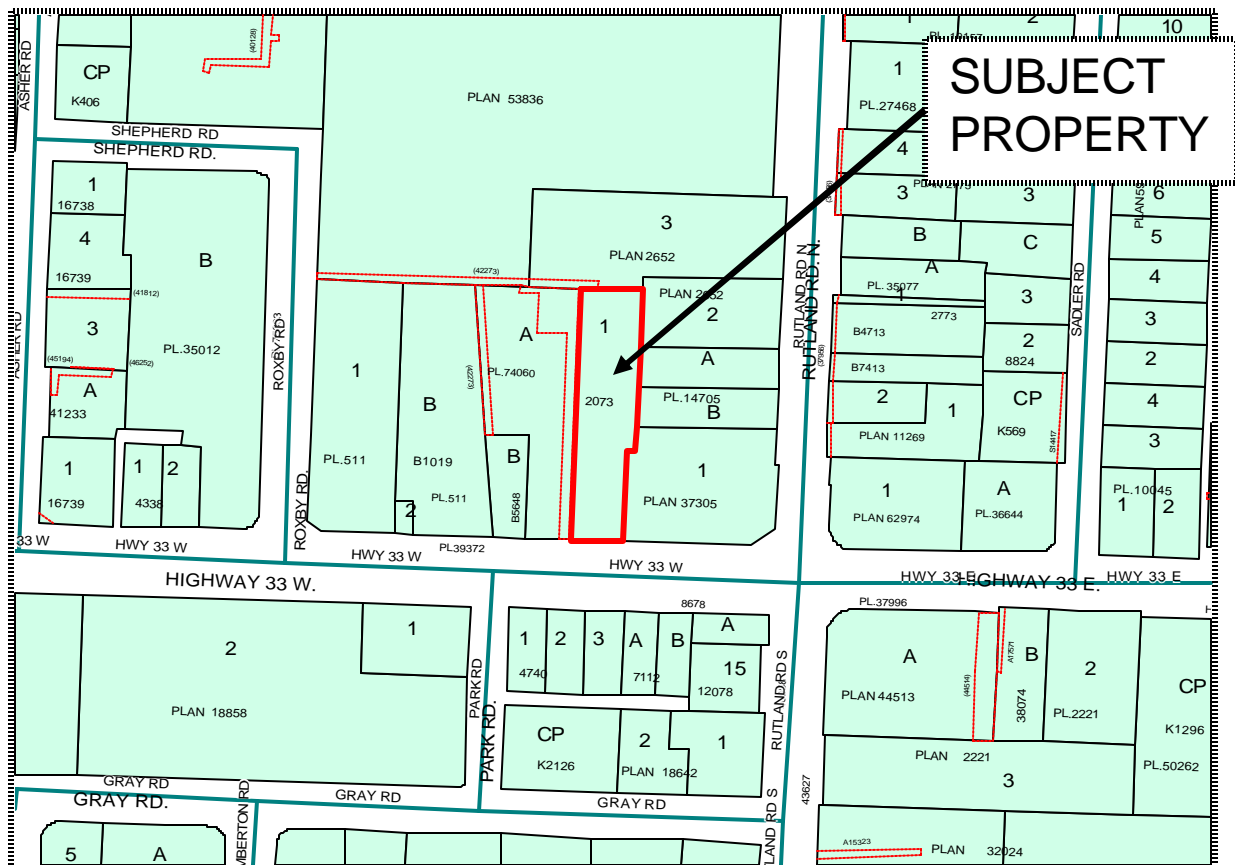
The subject property is located on the north side of Highway 33 between Rutland Road and Roxby Road. There are two liquor primary licensed establishments within 200m of the subject property (Corner Pin Lounge and the Zodiac Pub). There is also a proposal for a third liquor primary establishment approximately 500m to the east of the subject property at Hwy.33 E. and Sadler Road.

Adjacent zones and uses are:

- North - P1 – Major Institutional
- East - C4 – Town Centre Commercial
- South - C4 – Town Centre Commercial
- West - C4 – Town Centre Commercial

3.3 Site Location Map

Subject Property: 150 Highway 33 W.



4.0 CURRENT DEVELOPMENT POLICY

4.1 Liquor Control and License Branch

a) **The location of the establishment**

The liquor primary establishment is located in the Rutland Town Centre in close proximity to a major intersection and two other liquor primary establishment and one licensee retail store.

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

The applicant is seeking to extend the permitted hours of liquor service in order to accommodate daytime traffic and special events. No person capacity increase has been requested at this time.

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

The proposed extension to the hours of liquor service for Rascals Nightclub may serve to generate additional daytime traffic and noise in the vicinity of the subject property. The addition traffic may help to reduce the “dead time” experienced by nightclubs that do not operate during the daytime. The existing parking meets the zoning bylaw. The property is appropriately zoned.

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

Rascals Nightclub is located in the Rutland Urban Centre. The majority of the nearby residential population is housed on single family style lots. The nearby residential population is currently fairly stable; however, the City of Kelowna is seeking to increase population densities in the Rutland Urban Centre.

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

Staff do not anticipate any negative impacts from the approval of this liquor license application.

4.2 Mayor's Entertainment District Task Force

City Council asked the Mayor's Entertainment District Task Force to examine earlier hours of operation for liquor primary facilities. The task force responded by indicating that anything which counteracts the “dead zones” around large scale liquor primary establishments is positive. In addition it was felt that over time it would be beneficial if more could be done to create a street friendly front to these establishments.

The Mayor's Entertainment District Task force does not support any extension to the hours of liquor service (beyond 2 a.m.) for liquor primary establishments in Kelowna at this time.

5.0 TECHNICAL COMMENTS

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

5.1. Inspection Services Department

No Comment

5.2. RCMP

No concerns.

5.3. Fire Department

No Comment.

5.4. Public Health Inspector

No Comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed extension to hours of operation for Rascals Nightclub. The extended hours will help reduce the dead zone during daytime hours. The proposal is consistent with the Mayor's Entertainment District Task Force report which was adopted by Council as policy.

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.: | LL04-0005 |
| 2. APPLICATION TYPE: | Liquor License |
| 3. OWNER:
ADDRESS
. CITY
. POSTAL CODE | 622623 B.C. Ltd.
203-125 Highway 33 East
Kelowna, BC
V1Z 2A6 |
| 4. APPLICANT/CONTACT PERSON:

. ADDRESS
. CITY
. POSTAL CODE
. TELEPHONE/FAX NO.: | Brian Lucas
Rascals Nightclub
150 Highway 33 W
Kelowna, BC
V1X 1X7
765-4069 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to Council: | March 29, 2004
March 29, 2004
April 22, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec.26, Twp.26, ODYD Plan
2073 except Plan 15675 |
| 7. SITE LOCATION: | The subject property is located on the north side of Highway 33 between Rutland Road and Roxby Road. There are two liquor primary licensed establishments within 200m of the subject property (Corner Pin Lounge and the Zodiac Pub). There is also a proposal for a third liquor primary establishment approximately 500m to the east of the subject property at Hwy.33 E. and Sadler Road. |
| 8. CIVIC ADDRESS: | 150-154 Hwy.33 W |
| 9. AREA OF SUBJECT PROPERTY: | 2563m ² |
| 10. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 11. PURPOSE OF THE APPLICATION: | TO EXTEND THE PERMITTED HOURS OF LIQUOR SALE FROM 7 P.M. TO 2:00 A.M. MONDAY THROUGH SUNDAY
TO 9:00 A.M.-2 A.M. MONDAY THROUGH SUNDAY |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A |

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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