
CITY OF KELOWNA

MEMORANDUM

Date: August 5, 2004
File No.: LL04-0011

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL04-0011

OWNER: R93 Enterprises Ltd.

AT: 500 Cook Road

APPLICANT: Jim Nixon

PURPOSE: TO OBTAIN COUNCIL SUPPORT A PATIO CAPACITY INCREASE FOR THE LIQUOR PRIMARY LICENSED ESTABLISHMENT FROM 33 TO 52

TO OBTAIN COUNCIL SUPPORT AN INTERIOR CAPACITY INCREASE FOR THE LIQUOR PRIMARY LICENSED ESTABLISHMENT FROM 88 TO 100

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council support a patio capacity increase for the liquor primary licensed establishment from 33 to 52 on Lot 1, DL 134 & 5225, Plan KAP67232, Sec 1 & 12, Twp. 25, ODYD proposed by the Hotel Eldorado for 500 Cook Road;

THAT Council support an interior capacity increase for the liquor primary licensed establishment from 88 to 100 on Lot 1, DL 134 & 5225, Plan KAP67232, Sec 1 & 12, Twp. 25, ODYD; proposed by the Hotel Eldorado for 500 Cook Road;

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

2.0 BACKGROUND

Council approved a development permit (DP03-0050) in the fall of 2003 allowing the construction of a second hotel building on the subject property along with the relocation of the boardwalk. In addition to these renovations the applicant is also renovating portions of the existing building to allow for the creation of a liquor store and to increase the capacities of the liquor primary licensed areas.

3.0 SUMMARY

The applicant is seeking Council support for capacity increases to two liquor primary licensed areas. The applicant is proposing a capacity increase of 12 (for a total interior liquor primary capacity of 100) in the interior of the building to accommodate a larger smoking room. The applicant is also seeking to expand the existing outdoor patio from a capacity of 33 persons to 52 persons.

Criteria	Proposal	Existing
Liquor Primary Licence Capacity (interior)	100	88
Liquor Primary Licence Capacity (Patio)	52	33

3.1 Site Context

The subject property is located on the west side of Cook Road between Manteo Beach Resort and the boat launch.

Adjacent zones and uses are:

- North - C9LP – Tourist Commercial – Manteo Beach Resort
- East - C9 – Tourist Commercial – Playa Del Sol
- South - RU1 – Large Lot Housing – Single Family Dwelling
- West - Okanagan Lake

With an increased capacity on the patio additional noise could be anticipated. Due to the clientele of the patio and hours of operation it is not anticipated that this additional noise will adversely affect guests of the hotel or neighbours of the subject property.

- (b) The impact on the community if the application is approved

It is not anticipated that there will be any impacts on the community if the application is approved.

- (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

No comment.

- (d) The views of residents.

View of the residents will be gathered at a public meeting in accordance with Council Policy #315.

4.0 TECHNICAL COMMENTS

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

4.1. Inspection Services Department

No comment.

4.2. RCMP

No comment.

4.3. Fire Department

No comment.

4.4. Public Health Inspector

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no objections to this application. The application is not affected by the recommendations of the Mayor's Entertainment District Task Force.

The applicant has originally sought an interior capacity for the liquor primary license of 103, however, adequate parking on-site did not exist to accommodate this capacity and therefore the proposed capacity was revised to 100 in order to comply with parking requirements. The revised request for a person capacity increase is consistent with the parking provisions addressed by the most recent development permit for the site.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | LL04-0011 |
| 2. APPLICATION TYPE: | Liquor License Application |
| 3. OWNER:
ADDRESS <ul style="list-style-type: none">• CITY• POSTAL CODE | R93 Enterprises Ltd.
500 Cook Road
Kelowna, BC
V1W 3G7 |
| 4. APPLICANT/CONTACT PERSON: <ul style="list-style-type: none">• ADDRESS• CITY• POSTAL CODE• TELEPHONE/FAX NO.: | Jim Nixon
500 Cook Road
Kelowna, BC
V1W 3G7
763-7500 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to Council: | July 06, 2004
July 06, 2004
August 03, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 134 & 5225, Plan
KAP67232, Sec 1 & 12, Twp. 25,
ODYD |
| 7. SITE LOCATION: | The subject property is located on the
west side of Cook Road between
Manteo Beach Resort and the boat
launch. |
| 8. CIVIC ADDRESS: | 500 Cook Street |
| 9. AREA OF SUBJECT PROPERTY: | 612m ² |
| 10. EXISTING ZONE CATEGORY: | C9 – Tourist Commercial |
| 11. PURPOSE OF THE APPLICATION: | TO OBTAIN COUNCIL SUPPORT A
PATIO CAPACITY INCREASE FOR
THE LIQUOR PRIMARY LICENSED
ESTABLISHMENT FROM 33 TO 52

TO OBTAIN COUNCIL SUPPORT AN
INTERIOR CAPACITY INCREASE
FOR THE LIQUOR PRIMARY
LICENSED ESTABLISHMENT FROM
88 TO 100 |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Map showing proposed areas of capacity increase