
CITY OF KELOWNA

MEMORANDUM

Date: May 03, 2005
File No.: LL05-0001

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL05-0001

OWNER: 622623 BC Ltd.

AT: 150 Hwy.33 West

APPLICANT: North Forty Saloon

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A LICENSED PATIO AREA WITH A CAPACITY OF 36 PERSONS AND HOURS OF LIQUOR SERVICE FROM 9AM TO 2AM, 7 DAYS PER WEEK

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support a change to the liquor primary license to allow a capacity increase of 36 persons on the patio area on Lot 1, Section 26, Township 26, Plan 2073, ODYD except plan 15675 proposed by Keith Wilson of North Forty Saloon for 150 Hwy.33 W;

AND THAT the hours of liquor service on the patio be restricted to 9 a.m. to 11 p.m., 7 days per week;

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 an outdoor patio area with a person capacity of 36.

3.0 BACKGROUND

The subject property was formerly the site of Rascalz Nightclub which has since been closed. In the spring of 2004, the hours of operation for this liquor primary license were extended to 9 a.m.-2 a.m., 7 days per week from 7 p.m. to 2 a.m. 7 days per week. The Planning and Corporate Services Department had no concerns with the proposed extension to hours of operation for Rascals Nightclub. Staff noted that the extended hours will help reduce the dead zone during daytime hours.

3.1 The Proposal

The applicant is seeking Council support for a liquor primary licensed patio area. The proposed patio will accommodate a person capacity of 36 and will be located on the eastern side of the existing building. The applicant is proposing to cover the patio with an arbour type feature and will enclose the area with an opaque wall containing planter boxes along the edges. The proposed hours of operation are 9 a.m.-2 a.m., 7 days per week which are the same as the interior of the establishment. The North Forty Saloon has an interior capacity of 270 and adequate parking provided on-site. The subject property is currently zoned C4LP – Urban Centre Commercial – Liquor Primary. The proposed patio addition will not trigger any additional parking requirements.

3.2 Site Context

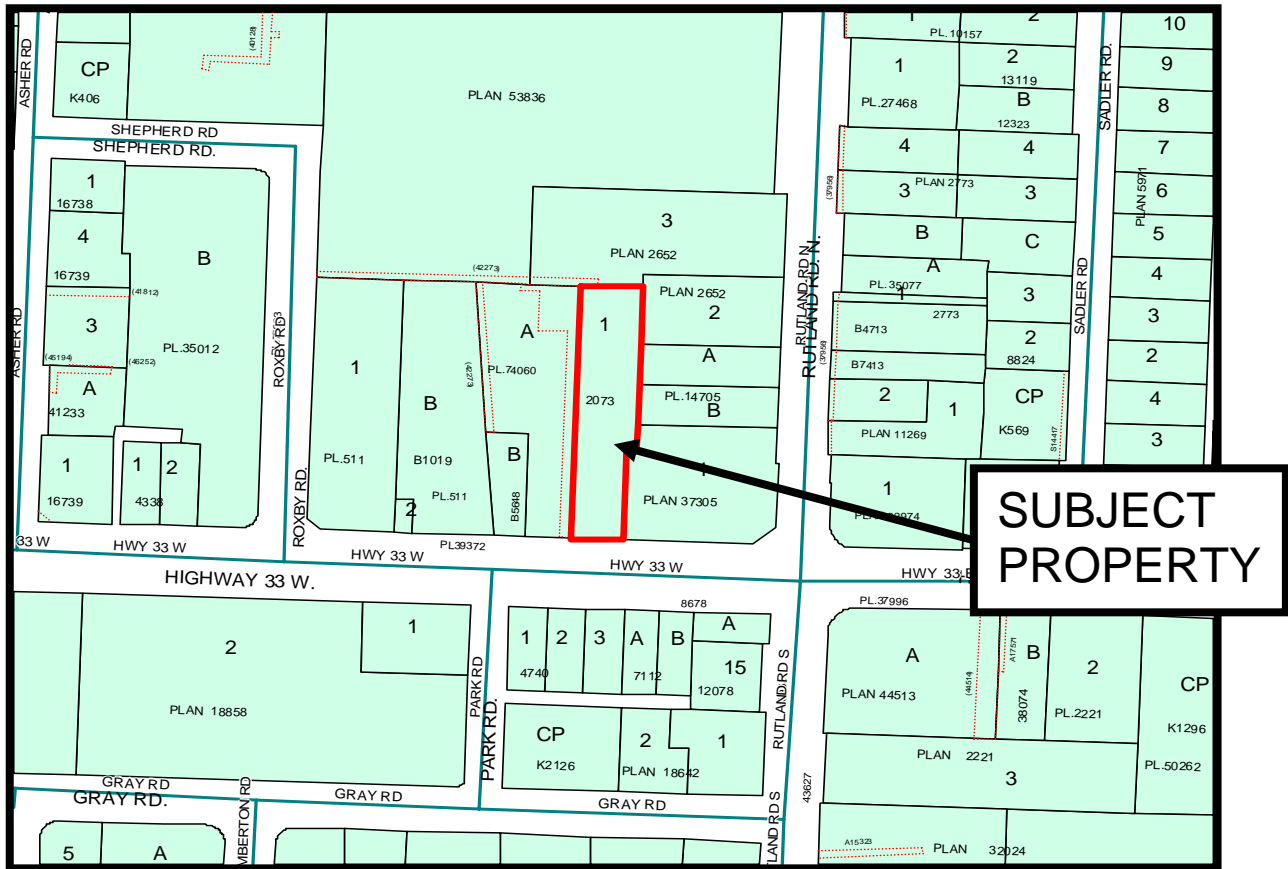
The subject property is located on the north side of Highway 33 between Rutland Road and Roxby Road. There are two liquor primary licensed establishments within 200m of the subject property (Corner Pin Lounge and the Zodiac Pub). There is also a proposal for a third liquor primary establishment approximately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



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan (Section 9-2) states that new retail, service, office, hotel/motel, and entertainment facilities should be encouraged to locate within urban centres. The proposal is consistent with this aim.

3.4.2 Liquor Control and Licensing Branch Criteria

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 add a liquor primary licensed patio are to the existing liquor primary establishment. Staff are recommending that the hours of liquor service on this patio area be restricted in order to reduce the impacts of potential patio noise on the surrounding community.

c) Traffic, noise, parking and zoning

The proposed patio addition to North Forty Saloon may serve to generate additional daytime/evening traffic and noise in the vicinity of the subject property. The additional 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

North Forty Saloon 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 and provide additional incentives for commercial re-development.

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 as long as the hours of liquor service on the patio are restricted.

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 Concerns.

4.2. RCMP

The above noted request for liquor license application has been reviewed. The RCMP have no concerns at this time.

4.3. Fire Department

No comment.

4.4 Public Health Inspector

Must comply with environmental tobacco smoke regulation 03/2002. No objection.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns regarding the addition of a liquor primary licensed patio but does have concerns with regard to its hours of operation. Staff recommend that the hours of operation be limited to 9am – 11pm, 7 days per week in order to reduce the impact of noise on the surrounding community.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan