
CITY OF KELOWNA

MEMORANDUM

Date: May 4, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL05-0002/Z05-0028

OWNER: Denver Carrington Developments Inc.

AT: 538-540 Leon Avenue

APPLICANT: Denver Carrington Developments Inc.
(Colin Darrow)

PURPOSE: THE APPLICANT IS SEEKING COUNCIL SUPPORT FOR A NEW LIQUOR PRIMARY LICENSED ESTABLISHMENT WITH A CAPACITY OF 150 (122 INTERIOR/28 PATIO) AND HOURS OF OPERATION FROM 10AM TO 12AM SUNDAY TO THURSDAY AND 10AM TO 1AM FRIDAY AND SATURDAY

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Zone Amending Bylaw No. 9435 be advanced for adoption consideration by Council;

AND THAT Council support a liquor primary license (Person capacity: 122 interior/28 patio and Hours of Operation: Sunday-Thursday: 10 a.m. to 12 a.m./Friday-Saturday: 10a.m. to 1a.m.) for Miami's Pub on Lot A, District Lot 139, ODYD Plan 16322 ; proposed by Denver Carrington Developments Inc. for 538-540 Leon Avenue;

AND THAT Council restrict liquor service on the patio from 10 a.m. to 11 p.m.;

AND THAT Council restrict the applicant from using speakers in the patio area;

AND FURTHER 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 a proposed liquor primary licensed establishment on the subject property.

3.0 BACKGROUND

My Martini Place Restaurant formerly operated from a tenant space on the second storey of the building on the subject property.

3.1 The Proposal

The subject property is located on the north side of Leon Avenue between Ellis Street and Bertram Street. The applicant is seeking Council support for a new liquor primary licensed establishment named “Miami’s Pub”. The liquor primary license will accommodate interior seating for 122 persons and an exterior patio seating for 28 persons. The applicant is seeking to target a downtown business/professional clientele.

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

Sunday to Thursday : 10 a.m. to 12 a.m.
Friday/Saturday: 10 a.m. to 1 a.m.

The applicant is not proposing any structural changes or additions to the building and therefore no additional parking is required.

Liquor Licensing/Zoning breakdown for Miami’s Pub:

Criteria	Proposed	Required
Lot Size	747m ²	N/A
Liquor Primary Licensed Area	550m ²	N/A
Capacity (interior)	122	N/A
Capacity (patio)	28	N/A
Parking	N/A	N/A
Hours of Operation	Sunday-Thursday: 10 a.m. to 12 a.m. Friday/Sunday: 10a.m. to 1a.m.	No extensions beyond 2 a.m. as per MEDTF

3.2 Site Context

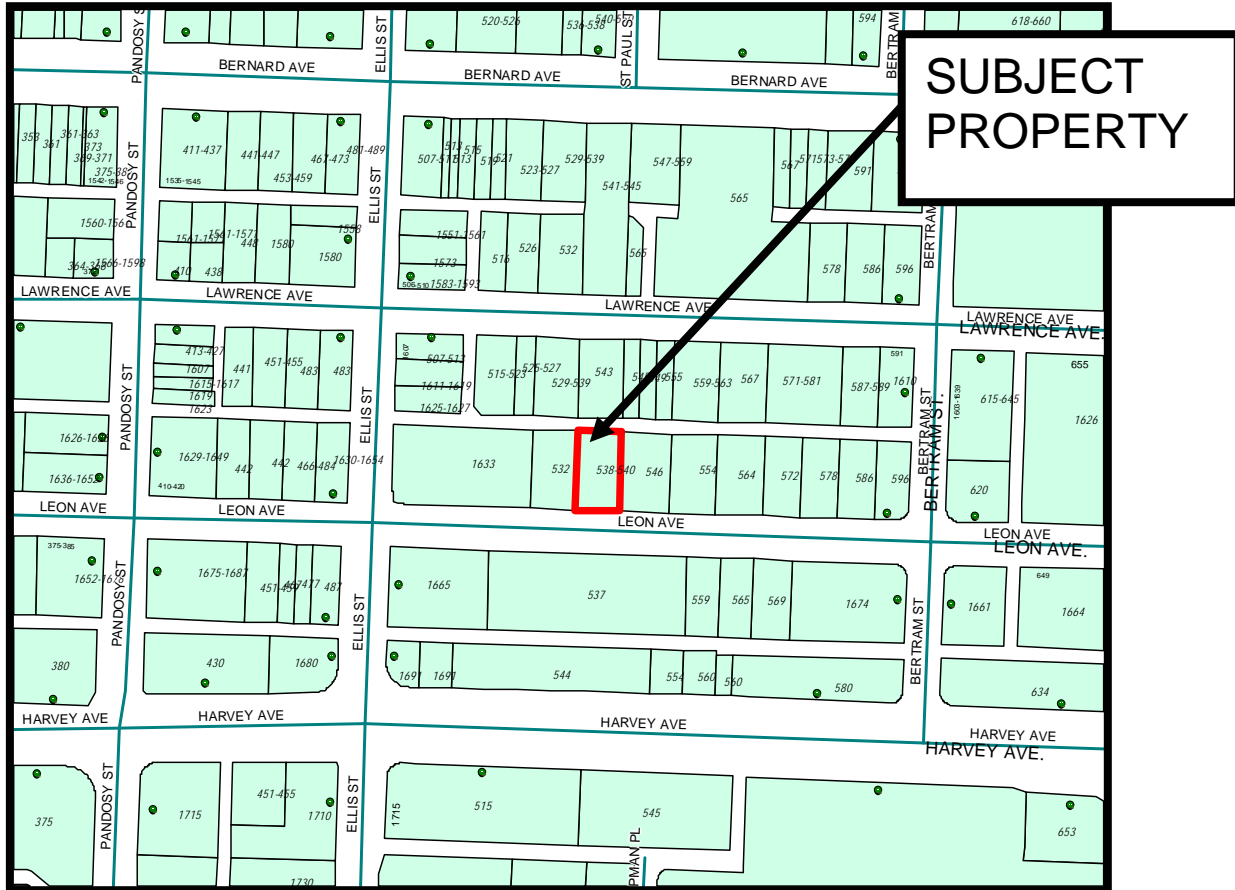
The subject property is located on the north side of Leon Avenue between Ellis Street and Bertram Street.

Adjacent zones and uses are:

North - C7 – Central Business Commercial – Retail/Offices
East - C7 – Central Business Commercial – Offices
South - C7 – Central Business Commercial – Offices
West - C7 – Central Business Commercial – Offices

3.3 Site Location Map

Subject Property: 538-540 Leon Avenue



4.0 DEVELOPMENT REGULATIONS

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 and the closest liquor primary establishment is Tonics Pub at 103 metres which exceeds the 100m guideline in the task force report.

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.

5.3 Liquor Control and Licensing Branch Criteria

(a) The location of the establishment:

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue. There is a social organisation providing rehabilitation for young people with addictions in the building to the east. This organisation provides treatment for minors and has indicated that it has no concerns with regard to the proposed liquor primary licensed establishment.

(c) The person capacity and hours of liquor service of the establishment.

The proposed capacity of the establishment (122 interior and 28 patio) is consistent with applicable policy. The proposed hours of operation: Sunday to Thursday: 10 a.m. to 12a.m. Friday/Saturday: 10 a.m. to 1 a.m. are also consistent with applicable policy except that staff have recommended that patio operation cease at 11p.m..

(d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:

The proposed establishment is a small upscale pub/lounge style facility with an extensive menu and is designed to the downtown

business/professional crowd. There is a similar pub located just over 100m from the proposed location of this establishment (Tonics Pub).

(e) Traffic, noise, parking and zoning:

The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because of the relatively small size of the establishment. The applicant has met the requirements of the zoning bylaw with regard to road access and parking. Council will consider the proposed land-use in the context of a rezoning application in conjunction with this application.

(f) Population, population density and population trends:

There is a growing residential population in Kelowna's Downtown area. This trend is expected to continue as the City of Kelowna pursues policies which support densification in urban centres.

(g) Relevant socio-economic information:

Both City staff and the RCMP have are concerned with regard to the number of liquor primary licenses establishments in Kelowna's downtown core. The RCMP are concerned that the addition of another liquor primary licensed establishment in the area will further increase their workload and add to the strain on existing resources.

(h) The impact on the community if the application is approved:

If the application is approved, the impact is expected to be minimal in that the proposed establishment is not expected to attract the type of clientele whom would normal trigger problems in this area.

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

Building Permit for renovations required. All renovations must conform to BCBC.

6.2 Fire Department

No comment.

6.3 Public Health Inspector

No comment.

6.4 RCMP

The RCMP is concerned about the overall number of liquor primary seats in the downtown core but has not specific concerns relating to this application.

6.5 Works and Utilities Department

The proposed rezoning application does not compromise Works and Utilities servicing requirements.

A garbage dumpster location with access from the lane must be shown on the site plan.

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Although generally consistent with the applicable guidelines of the Mayor's Entertainment District Task Force, the Planning and Corporate Services Department has a couple of minor concerns with the proposed liquor primary license and associated rezoning to add a "Liquor Primary" designation to the parent (C7-Central Business Commercial) zone of the subject property. As indicated to the applicant by staff, the subject property is located immediately east of a building which houses services to youth with addictions under the name of ARC. Planning staff have requested that the applicant contact this organisation in order to address any concerns of ARC as part of the review of this application. The applicant has indicated that he has been in contact with this organisation and that the director of the organisation had indicated that they are not concerned about potential conflict.

Staff also have concerns with regard to the hours of operation/liquor service on the patio area and will recommend to Council that they be limited to a closing time of 11p.m. In addition, in order to mitigate any potential impacts of the patio staff recommend that the applicant enter into a Good Neighbour Agreement with the City of Kelowna prior to final reading of the zone amending bylaw.

Andrew Bruce
Development Services Manager

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
- Floor Plan
- LCLB Correspondence