
CITY OF KELOWNA

MEMORANDUM

Date: May 12, 2005

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL05-0003

OWNER: Kelowna Central Park
Properties Ltd.

AT: 1575 Banks Road

APPLICANT: Randall Olafson Consultants
Ltd.

PURPOSE: TO EXTEND THE PERMITTED HOURS OF
LIQUOR SALE FROM 11AM TO 12:30AM MONDAY-
WEDNESDAY; FROM 11AM TO 2AM THURSDAY TO
SATURDAY AND FROM 11AM TO 12AM ON SUNDAYS
FOR A NEW FOOD PRIMARY LICENSED
ESTABLISHMENT (CACTUS CLUB)

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council not support an extension to the permitted hours of liquor service for the Cactus Club Restaurant from 11am to 12:30am Monday- Wednesday; from 11am to 2am Thursday to Saturday and from 11am to 12am on Sundays, on Lot B, District Lot 125, ODYD, Plan KAP75635, for 1575 Banks Road;

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 associated with a new food-primary liquor license. The applicant is seeking to extend the hours from:

Monday-Sunday: 11am until 12am

To:

Monday: 11am - 12:30am
Tuesday : 11am - 12:30am
Wednesday: 11am - 12:30
Thursday: 11am - 2am
Friday: 11am - 2am
Saturday: 11am - 2am

Sunday: 11am - 12am

The applicant has indicated that there are currently 17 Cactus Club restaurants in British Columbia and Alberta and the average closing of the majority is after midnight and that these hours will help the restaurant be competitive in the Kelowna market.

3.0 Site Context

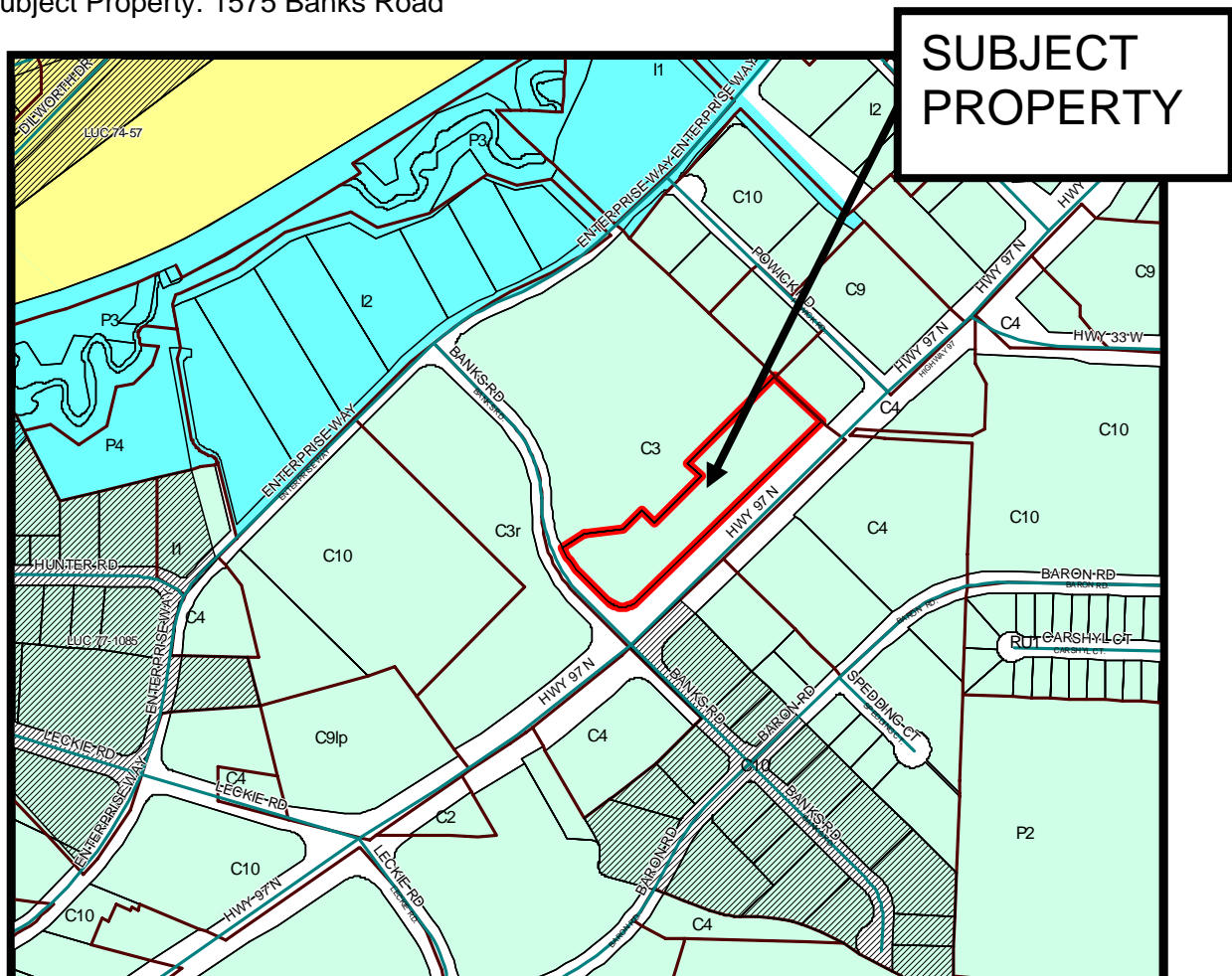
The subject property is located on the north side of Hwy.97 at Baron Road.

Adjacent zones and uses are:

- North - C3 – Community Commercial – Walmart
- East - C4 – Urban Centre Commercial – Future Hotel site
- South - C10 – Service Commercial
- West - C3 – Community Commercial – Home Depot

3.1 Site Location Map

Subject Property: 1575 Banks Road



4.0 CURRENT DEVELOPMENT POLICY

4.1 Liquor Control and License Branch

a) **The location of the establishment**

The restaurant is located in an established commercial area in close proximity to Highway 97.

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

The proposed hours of liquor service would extend beyond those of the majority of other similar food primary establishments in Kelowna which close between 12am and 1am.

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

A food primary establishment is a permitted use in the C3 – Community Commercial zone. Adequate parking has been provided on-site for the food primary establishment. The food primary establishment is not located in close proximity to any residential development and no noise impacts are anticipated.

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

There is no residential development in close proximity to this food primary licensed establishment.

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

Staff do not anticipate any negative impacts if the application is approved; however, the RCMP are concerned about added pressure on their resources.

4.2 Mayor's Entertainment District Task Force

No relevant policy.

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 concerns.

5.2. RCMP

Concerned that extended hours of operation will put further pressure on RCMP resources which are already stretched to their limit.

5.3. Fire Department

No concerns.

5.4. Public Health Inspector

No concerns.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with the proposed extension to the hours of operation for the new Cactus Club restaurant. Staff feel that the proposed hours will serve to blur the distinction between food-primary and liquor-primary establishments and create additional enforcement issues for the RCMP. Staff would be willing to support a maximum closing time of 1am which is respected by other restaurants in Kelowna.

7.0 ALTERNATE RECOMMENDATION

THAT Council support an extension to the permitted hours of liquor service for the Cactus Club Restaurant from 11am to 12:30am Monday- Wednesday; from 11am to 1am Thursday to Saturday and from 11am to 12am on Sundays, on Lot B, Plan 75635, for 1575 Banks Road;

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

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