
CITY OF KELOWNA

MEMORANDUM

Date: July 28, 2005
To: City Manager
From: Planning and Corporate Services Department
Subject: THE APPLICANT IS SEEKING COUNCIL SUPPORT FOR A PROPOSED LIQUOR PRIMARY LICENSED ESTABLISHMENT WITH AN INTERIOR CAPACITY OF 120 AND PATIO CAPACITY OF 40 AND HOURS OF OPERATION FROM 10AM TO 12AM DAILY.

APPLICATION NO. LL05-0013
AT: 2355-2395 Gordon Drive

OWNER: Aberdeen Holdings Ltd.
APPLICANT: 716309 BC Ltd.

PURPOSE:

EXISTING ZONE: C3RLS – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES)

PROPOSED ZONE: C3RLS/LP – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES/LIQUOR PRIMARY LICENSED ESTABLISHMENT)

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support a Liquor Primary License with an interior person capacity of 120, patio capacity of 40 and hours of operation of 10am-12am daily; proposed by 716309 BC Ltd. for LOT B, DISTRICT LOT 136, ODYD PLAN KAP46155 located at 2355-2395 Gordon Drive;

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

AND THAT Council resolve to restrict the hours of liquor service on the patio from 10am to 11pm;

AND THAT Council resolve to prohibit the use of speakers on the patio area.

AND FURTHER THAT Final Adoption of the associated Zone Amending Bylaw be considered by Council;

2.0 SUMMARY

The applicant is seeking Council support for a new liquor primary licensed establishment to be located on the subject property. The proposed liquor primary licensed establishment would have an interior capacity of 120 and a patio capacity of 40 and would be located in an existing tenant space on the southeast corner of the property. The applicant is seeking hours of liquor service from 10am to 12pm daily.

The proposed liquor primary licensed establishment would not be related to the existing retail liquor sales establishment which is also located on the same site but in a different tenant space.

The applicant is also seeking to rezone the subject property from the C3RLS – Community Commercial (Retail Liquor Sales) zone to the C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone to allow a liquor primary licensed establishment as a permitted use on the site.

The application meets the requirements of the proposed C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone as follows:

CRITERIA	PROPOSAL	C3RLS/LP REQUIREMENTS	ZONE
Size (Interior Person Capacity)	120	N/A	
Size (Patio Person Capacity)	40	N/A	
Parking Spaces	Sufficient parking provided in existing mall lot.	30 (1 stall per 4 interior seats)	

3.1 Site Context

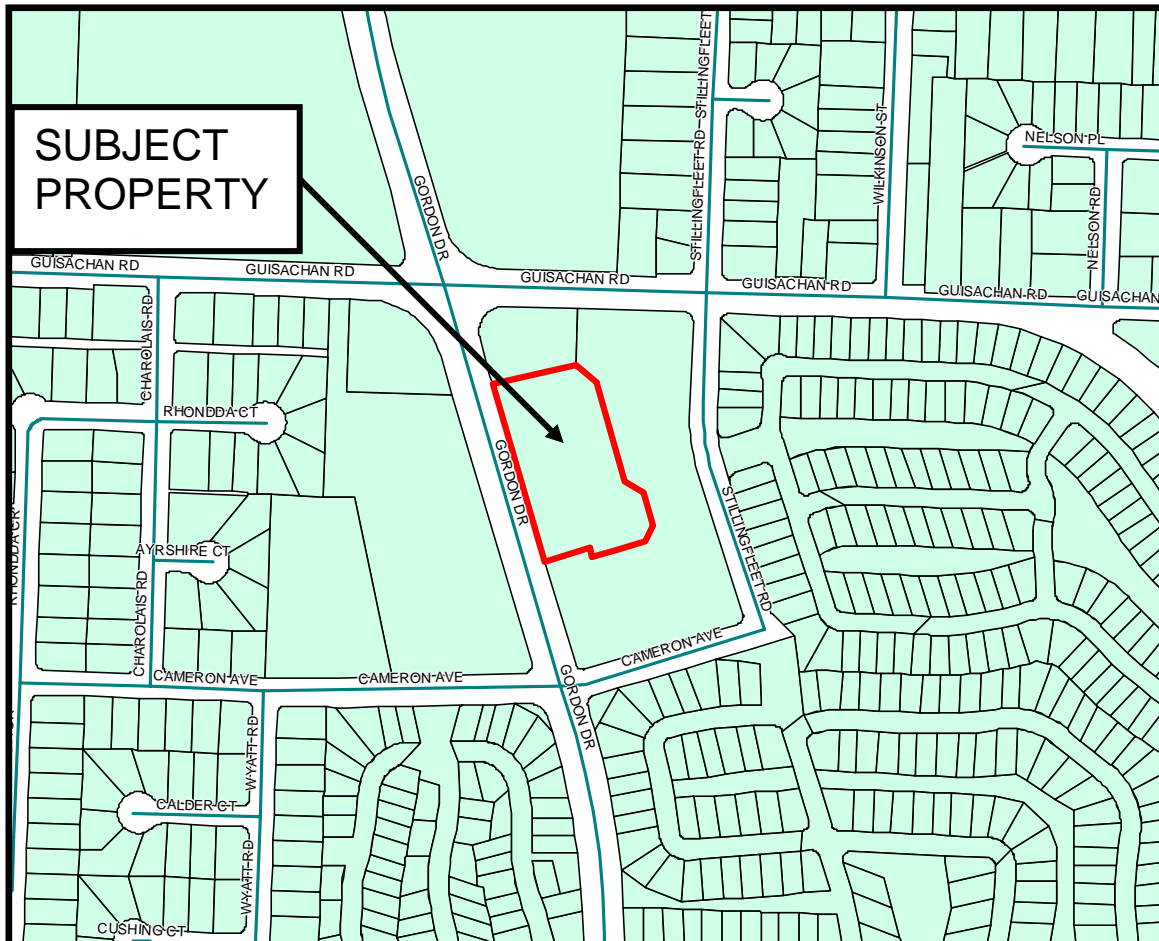
The subject property is located on the south eastern corner of Gordon Drive where it intersects Guisachan.

Adjacent zones and uses are:

- North - RM3 – Low Density Multiple Housing
- East - RM3 – Low Density Multiple Housing
- South - RM3 – Low Density Multiple Housing/RM4 – Transitional Low Density Housing
- West - RM3 – Low Density Multiple Housing

Site Location Map

Subject Property: 2355-2395 Gordon Drive



3.3 Existing Development Potential

The purpose of this zone is to provide for the development of community commercial centres to serve more than one neighbourhood.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The subject property is currently zoned Community Commercial/ Retail Liquor Sales and is designated as Commercial in the Official Community Plan therefore a liquor primary use could be supported on this site with rezoning to C3RLS/LP as the applicant proposes.

The proposal satisfies numerous OCP directives including policy 6.1.19 to work to encourage new commercial businesses to locate in an urban centre, policy 6.1.31 to encourage employment opportunities within urban centres to meet TDM strategies and policy 6.1.33 to encourage entertainment establishments to locate on lands within urban centres that are designated for commercial use. It should be noted that while the immediate surrounding uses are primarily commercial (within the mall site) the properties in the general vicinity are a mix of multi-family and single family dwellings. The 12:00am closing time is reasonable for a neighbourhood pub as the location is buffered from nearby residential units by parking lot and green space so noise issues should be minimal.

3.4.2 Mayor's Entertainment District Task Force

This proposal meets the liquor primary requirements put forth by the Entertainment District Task Force. There is a retail liquor sales establishment within 100m of the proposed liquor primary use however the liquor primary capacity (120 persons), nature of the business (neighbourhood pub as opposed to nightclub) and the location outside the downtown core make conflict between these uses unlikely.

It is recommended that the proposal be supported based on the ability of the site to meet the Entertainment District Task Force requirements as well as the positive impact this type of development will have in the Guisachan Village Centre as this proposal's outdoor patio will serve to add some needed human animation to a primarily automobile oriented outdoor mall.

3.4.3 Liquor Control and Licensing Branch Criteria

(a) The location of the establishment:

The location is in a commercial area that is in close proximity to residential development. The location would not be appropriate for a noisy late night entertainment venue with a high volume of traffic. A small quite neighbourhood pub may; however, complement the existing services in the commercial mall.

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

There are no social, recreational or public buildings in close proximity to the subject property with the exception of Guisachan Heritage Park which would not conflict with the proposed liquor primary use.

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

The proposed liquor primary licensed establishment would have in interior capacity of 120 and a patio capacity of 40 and would be located in an existing tenant space on the southeast corner of the property. The

applicant is seeking hours of liquor service from 10am to 12pm daily. The proposed capacities do not conflict with any of the recommendations in the Mayor's Entertainment District Task Force report.

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

There is a small retail liquor store located on the same property as the proposed liquor primary licensed establishment. There is not another liquor primary licensed establishment within 1 km of the subject property.

The target market for the proposed establishment are the residents in the surrounding residential developments with ages between 40 and 80.

(e) Traffic, noise, parking and zoning:

The establishment is not expected to negatively affect traffic patterns in the area. Staff are concerned that noise may be an issue granted the proposed capacity and size of the outdoor patio. Staff have recommended that Council restrict the hours of operation on the patio as well as the applicant's ability to place speakers on the patio. The applicant has a rezoning that is related to this application which if approved would allow a liquor primary license as a permitted use on the subject property.

(f) Population, population density and population trends:

Kelowna has a population of approximately 105,000 persons and has a growth rate of 4.3%. There is a growing residential population in the neighbourhood surrounding this development. The City of Kelowna has an active development application for the vacant property to the west which may allow for as many as 200 new residential units.

(g) Relevant socio-economic information:

Staff do not consider that socio-economic information is relevant to this application.

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

If Council approves this liquor license application without any restrictions, impacts on the community may include additional noise from the patio and extended hours into the evening.

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and no concerns have been expressed.

4.1 Inspection Services Department

No concerns.

4.2 Works and Utilities Department

No concerns.

4.3 RCMP

No concerns.

4.4 Fire Department

No Concerns.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Although the Planning and Corporate Services Department has no formal policy which would discourage the operation of a liquor primary licensed establishment in this location, staff have several relevant concerns which are reflected in staff's recommendation to Council. Due to the proximity to abutting residential development staff are recommending that the applicant be restricted from placing speakers on the patio and that the hours of operation for the patio be limited to 10am-11pm, 7 days per week.

Given the relevant policy, staff are prepared to support this application but strongly recommend that the applicant consult the abutting neighbours in order to provide a level of buffering/sound attenuation on the patio which does not disrupt the neighbourhood.

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)

- Subject Property Map
- Floor plans
- Site Plan