
CITY OF KELOWNA

MEMORANDUM

Date: November 14, 2006

To: City Manager

From: Planning and Corporate Services Department

APPLICATION NO. LL06-0011

OWNER: Mijarasa Enterprises Ltd.

AT: 230 Hwy.33 East

APPLICANT: Garry Benson

PURPOSE: TO OBTAIN COUNCIL SUPPORT A PERMANENT
EXTENSION TO THE HOURS OF LIQUOR SALE FOR THE
PATIO AREA FROM 10 A.M. TO 11 P.M. EXISTING TO 10
A.M. TO 12 A.M. PROPOSED

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council support a permanent extension to the hours of liquor sale for the patio area from 10 a.m. to 11 p.m. existing to 10 a.m. to 12 a.m. proposed by the Post Haus Pub located on Lot 8, Sec.26, Twp.26, ODYD Plan 25529, being 230 Hwy.33, Kelowna, BC;

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

2.0 SUMMARY

In 2004 the applicant renovated an existing commercial building for use as a liquor primary establishment, minor. The applicant created an Alpine German style pub seating 64 people inside with a patio providing seating for 34 people. The applicant caters to both the surrounding neighbourhood and, in the winter, skiers returning to Kelowna from Big White Ski Resort. The renovation included an addition to the rear of the building as well as the construction of a patio at the front of the building.

The applicant has buffered the development with a 6'6" opaque fence on the rear and side property lines. In addition, ten foot high cedar hedging will run along the north and east property lines. Numerous trees are also planted adjacent to the property lines. The landscaping plan also incorporates planting beds and trees within the parking areas and adjacent to the building frontage. The landscaping serves to help screen the development from the adjacent residential uses. The subject property is currently surrounded by low density multiple dwelling housing the east and south of the property. The adjacent properties to the west and north are zoned RU6 – Two dwelling housing.

3.0 PROPOSAL

At the time of approval in 2004, Council resolved the following with regard to the Post Haus Pub Patio:

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria, with a recommendation for the hours of operation on the outdoor patio to be until 11 p.m. with a temporary extension until midnight for their first summer season of operation.

The applicants have not received any complaints related to their patio area in their first year of operation and are now seeking Council support for a permanent extension to their patio hours from 11 p.m. to midnight.

4.0 SITE CONTEXT

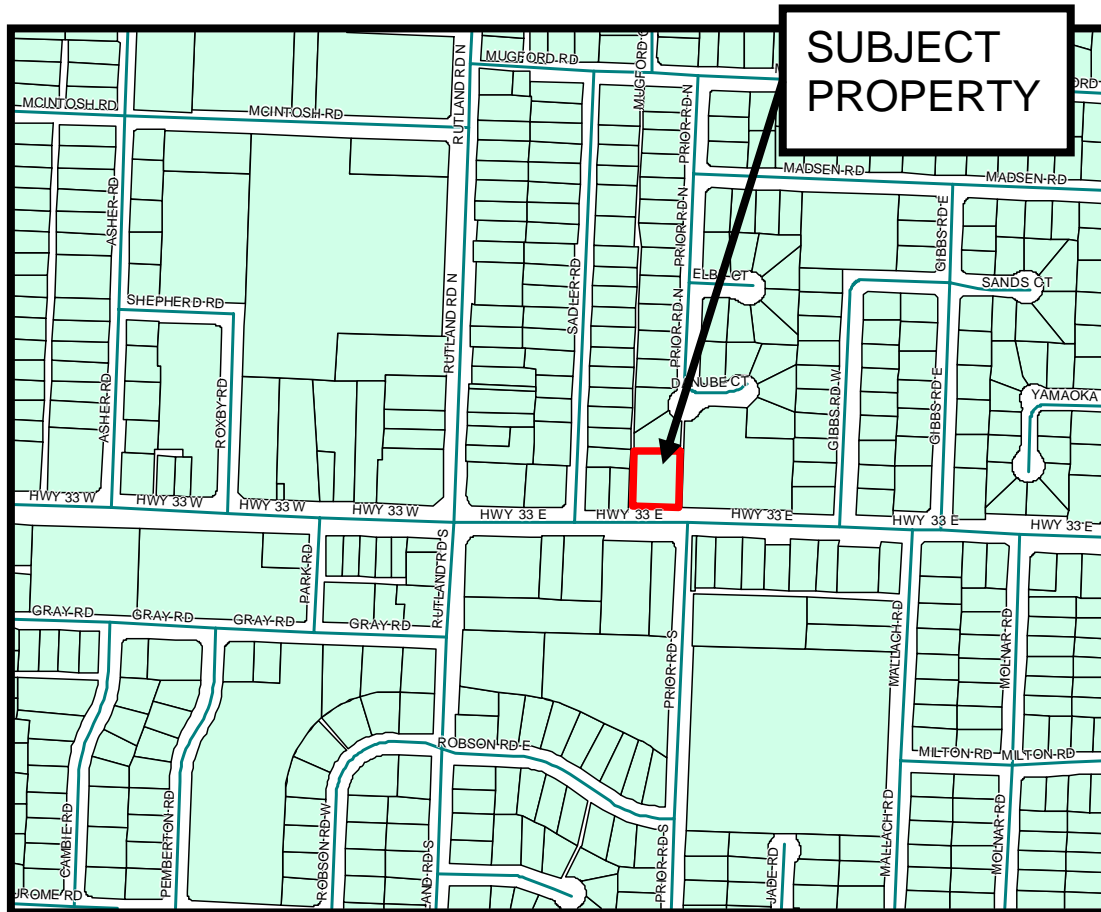
The subject property is located on the north side of Leon Avenue between Water and Abbott Streets, in the Central City Sector.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing – Single Family Dwelling
East - RU1 – Large Lot Housing (Land Use Contract)
South - RM3 – Low Density Multiple Family
West - RU6 – Two Dwelling Housing – Single Family Dwelling

5.0 SITE LOCATION MAP

Subject Property: 230 Hwy.33 East



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

No concerns.

6.2 RCMP

No concerns.

6.3 Fire Department

No concerns.

6.4 Public Health Inspector

No concerns.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The south-facing patio, setback from both the road and from parking spaces, is positive in terms of its practical use and enjoyment. The location of the patio, as well as the proposed landscaping, mitigates disturbance to nearby residential properties. The landscaping on-site includes a hedge of 10 feet high cedar trees which helps to buffer the single family dwellings to the north and west of the site. In addition to the hedge, a solid fence now exists along the rear and side property lines to prevent trespass onto the neighbour's property as well as further decrease the effect of noise associated with motor vehicles and the patio. In addition, the development is currently buffered with a pedestrian right of way to the east and an undeveloped lane to the west of the property. The applicants have demonstrated that the patio can be operated until 12 a.m. without causing undue disturbance in the neighbourhood. Therefore the Planning and Development Services Department recommends that Council support the permanent extension to the hours of operation for the patio.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

RM/AB/rs
Attach.