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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** MARCH 22, 2007

**TO:** CITY MANAGER

**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** LL07-0001

**OWNER:** WILLCLIFF HOLDINGS LTD

**AT:** 1992 DILWORTH DRIVE

**APPLICANT:** ERNIE'S PLACE  
NEIGHBOURHOOD PUB

**PURPOSE:** TO OBTAIN SUPPORT FOR A NEW PATIO AREA (33 PERSONS) AND INCREASE IN HOURS OF LIQUOR SERVICE FROM MONDAY-THURSDAY 11AM-12PM, FRIDAY-SATURDAY 11AM TO 1AM, SUNDAY 11AM-11PM TO 9AM TO 2AM - 7 DAYS PER WEEK

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council support a new patio with capacity of 33 persons and hours of operation from 9:00am to 11pm proposed by Ernie's Place Neighbourhood Pub located on Lot 1, ODYD Plan 47930, located at 1992 Dilworth Drive, Kelowna, BC;

THAT Council support an extension to the hours of operation from 11:00am to 12:00am Monday-Thursday, 11am-1am Friday-Saturday, 11am-11pm Sunday to 9am to 2am (7 days per week) proposed by Ernie's Place Neighbourhood Pub located on Lot 1, ODYD Plan 47930, located at 1992 Dilworth Drive, Kelowna, BC;

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 a new patio on the west side of the existing building. The proposed patio capacity is 33 persons. The patio would be located an area that is currently paved and used as an internal pedestrian route thus no parking stalls would be lost in the patio conversion. The applicant is also seeking to extend the hours of operation from 11:00am to 12:00am Monday-Thursday, 11am-1am Friday-Saturday, 11am-11pm Sunday to 9am to 2am (7 days per week). The extension of hours would only impact the interior seating of the pub and not be extended to the patio seating.

**3.0 SITE CONTEXT**

The subject property is located on the west side of Dilworth drive, north of its intersection with Springfield Road and Benvoulin Road. The building appears to be

located on the same site as Orchard Park Mall but is on a separate legal lot and is physically separated from the mall with a vegetative buffer.

Adjacent zones and uses are:

North - C6 – Regional Commercial – Orchard Park Mall  
East - C6 – Regional Commercial (Parking Lot/weekend market)  
P2 – Education and Minor Institutional – School District #23 Offices  
South - A1 – Agriculture 1 – Future Multiple Family Medium Density  
West - C6 – Regional Commercial – Orchard Park Mall

#### 4.0 Site Location Map

See attachment.

#### 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

Must conform to BC Building Code.

##### 4.2. RCMP

No concerns.

##### 4.3. Fire Department

No concerns. Exiting as per BC Building Code.

##### 4.4 Public Health Inspector

No concerns.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the proposed changes to the Liquor Primary License at Ernie's Neighbourhood Pub. The pub is surrounded by a mature vegetative buffer and the proposed patio is located on the west side of the building where it is not likely that noise will carry to residential development.

  
Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion



Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/rs  
Attach

# PATIO FOR SEASONAL USE

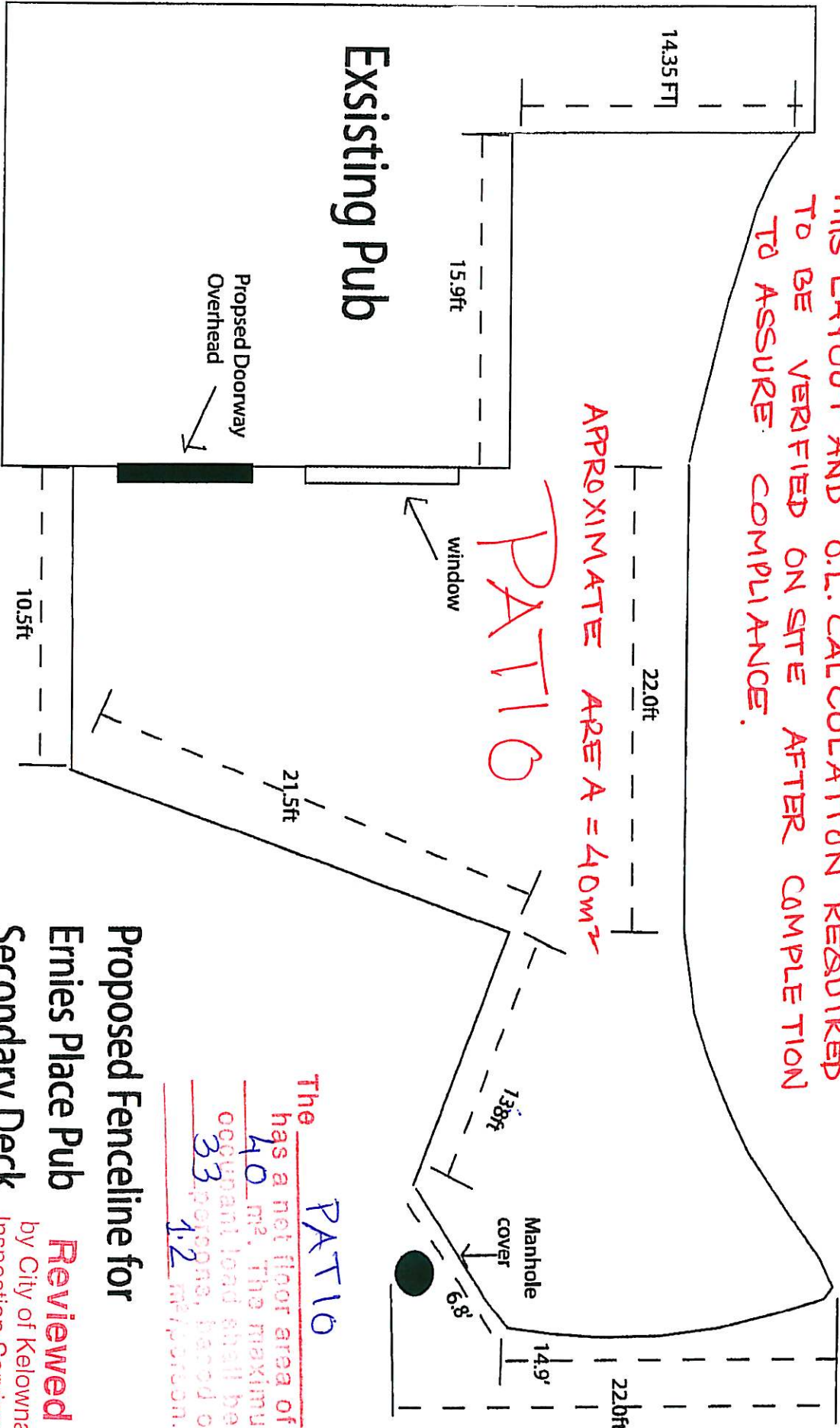
## CONDITION

THIS LAYOUT AND O.L. CALCULATION REQUIRED TO BE VERIFIED ON SITE AFTER COMPLETION TO ASSURE COMPLIANCE.

37.6ft

APPROXIMATE AREA = 40m<sup>2</sup>

PATIO



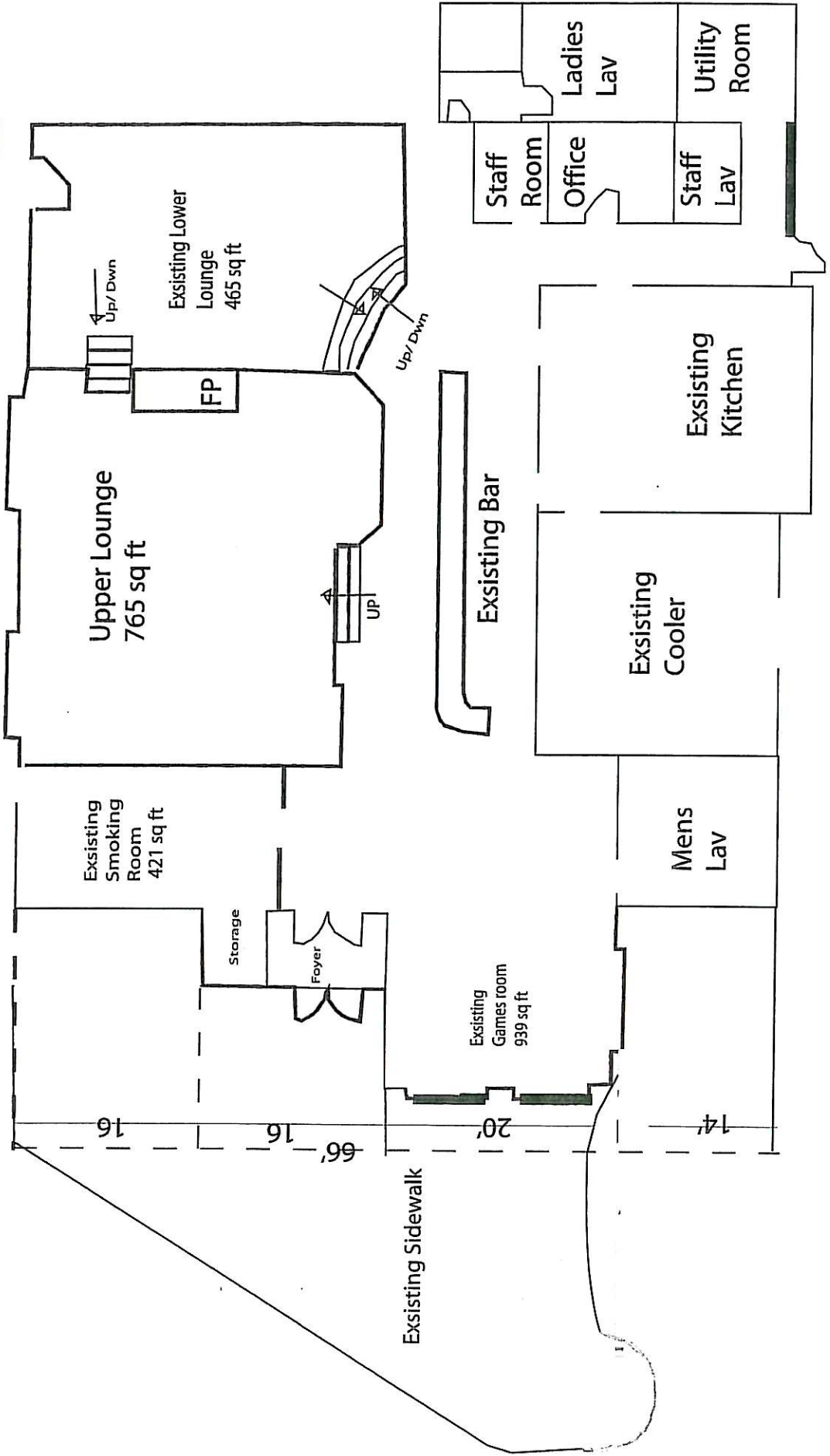
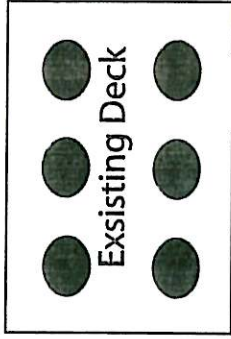
PATIO

The patio has a net floor area of 40 m<sup>2</sup>. The maximum occupant load shall be 33 persons, based on 1.2 m<sup>2</sup>/person.

Proposed Fenceline for  
Ernie's Place Pub  
Reviewed  
by City of Kelowna  
Inspection Services  
Secondary Deck

MAR 15 / 2007

Ernies Place Pub Existing





FLOOR PLAN  
PUB & BEER STORE

**Land Title System****Search Results**

For: [ PX46330 ] [ SMITH, RYAN ]

Mar 22, 2007

As Of: 07/03/22 13:49:29

Check for Prints

01:49:30 PM

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Folio:

**Search by Title Displaying Current Information****Title Displayed****SECTION 98 LAND TITLE ACT**

KAMLOOPS LAND TITLE OFFICE TITLE NO: KF82352  
DECLARED VALUE N/A FROM TITLE NO: KF82347  
X117546

APPLICATION FOR REGISTRATION RECEIVED ON: 25 AUGUST, 1992  
ENTERED: 27 AUGUST, 1992

REGISTERED OWNER IN FEE SIMPLE:  
WILLCLIFF HOLDINGS LTD., (INC NO 164079)  
206 - 347 LEON AVENUE  
KELOWNA, B.C.

V1Y 8C7

TAXATION AUTHORITY:  
CITY OF KELOWNA

DESCRIPTION OF LAND:  
PARCEL IDENTIFIER: 017-888-051  
LOT 1 DISTRICT LOTS 127 AND 4646 OSOYOOS DIVISION YALE DISTRICT PLAN KAP47930

**LEGAL NOTATIONS:**

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF THE  
MUNICIPAL ACT SEE KF75237

AS TO PART FORMER LOT 1 PLAN 3939

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL  
GOVERNMENT ACT, SEE KT140899

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE KV54632  
FILED 2003-05-16

**CHARGES, LIENS AND INTERESTS:****NATURE OF CHARGE**

CHARGE NUMBER DATE TIME

**STATUTORY RIGHT OF WAY**

X165892 1987-03-02 12:37

**REGISTERED OWNER OF CHARGE:**

WEST KOOTENAY POWER AND LIGHT COMPANY LIMITED

X165892

REMARKS: PART SHOWN ON PLAN 37772

## LEASE

KM97383 1998-09-30 09:44

REGISTERED OWNER OF CHARGE:

ERNIE'S PLACE NEIGHBOURHOOD PUB INC.

INCORPORATION NO. BC0726805

KX89621

## RIGHT OF FIRST REFUSAL

KM97384 1998-09-30 09:44

REGISTERED OWNER OF CHARGE:

ERNIE'S PLACE NEIGHBOURHOOD PUB INC.

INCORPORATION NO. BC0726805

KX89622

## MORTGAGE

KX89623 2005-07-08 10:41

REGISTERED OWNER OF CHARGE:

THE BANK OF NOVA SCOTIA

KX89623

## ASSIGNMENT OF RENTS

KX89624 2005-07-08 10:41

REGISTERED OWNER OF CHARGE:

THE BANK OF NOVA SCOTIA

KX89624

## PRIORITY AGREEMENT

KX89625 2005-07-08 10:42

REMARKS: GRANTING KX89623 PRIORITY OVER KM97383 (SEE ALSO  
KX89621) AND KM97384 (SEE ALSO KX89622)

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

\*\*\* CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN \*\*\*

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