
CITY OF KELOWNA

MEMORANDUM

DATE: JULY 12, 2007

TO: CITY MANAGER

FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. LL07-0003

OWNER: 590317 BC Ltd.

AT: 435 GLENMORE ROAD

APPLICANT: 590317 BC Ltd.

LEGAL DESCRIPTION: Lot Section 32 Township 26 Osoyoos Division Yale District Plan
KAP54790

PURPOSE: TO OBTAIN SUPPORT FOR AN INTERIOR STRUCTURAL CHANGE
WHICH ALLOW A LICENSED CAPACITY INCREASE OF 21 PERSONS

REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Council support an interior structural change to allow a licensed capacity increase of 21 persons proposed by Brandt's Creek Neighbourhood Pub located on located at 435 Glenmore Road, Kelowna, BC;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria after holding a public meeting in accordance with Council Policy 315.

2.0 SUMMARY

The applicant is seeking Council support for an interior structural change which will allow a licensed capacity increase of 21 persons. The applicant is proposing the conversion of an area currently used for storage into seating area.

Licensing Summary	Existing (Licence No. 160873)	Occupancy Load Calculation	Proposed Change
Internal Seating	99	123	+ 24
Patio Seating	40	37	- 3
Total:	139	160	+21
Hours of Operation	10 AM to Midnight Mon to Thursday, 11 AM to 1AM Fri and Sat and 10 AM -Midnight Sunday	No change	No change
Parking Required	99 Internal/permanent seats @ 1 space per 4 seats Total Stalls Required:25 Parking Stalls Provided: 33	123 Internal/permanent seats @ 1 space per 4 seats Total Stalls Required:31 Reconfigured parking: Parking Stalls Provided 32	Reconfiguration

3.0 SITE CONTEXT

The subject property is located on the east side of Glenmore Road, south of its intersection with Kane Road.

Adjacent zones and uses are:

- North - C3 – Community Commercial – Glenpark Village Mall
- East - RM5 – Medium Density Multiple Housing – Apartment Housing
- South - C3LR – Community Commercial – Commercial Mall (multi-tenant)
- West - RU1 – Large Lot Housing – Single Family Dwellings

4.0 SITE LOCATION MAP

See attachment A.

5.0 BACKGROUND

On August 23, 1993 Development Permit DP92-10,063 authorized the construction of a proposed neighbourhood pub and shopping centre located at 439 Glenmore Road.

At the Regular Meeting of Council held on October 12, 1993 the City of Kelowna adopted a resolution that supported the issuance of a liquor licence being granted for a "Class D" Neighbourhood Public House at the current location of the Brandt's Creek Pub. The liquor license was subsequently issued for a 65 seat establishment with a requirement for 22 parking stalls. The parking provided on site exceeded the zoning bylaw requirement.

In 1995 under application S94-01 the subject property was created as a separate legal lot from the remainder of the shopping centre complex.

As of March 30, 2001, Liquor Licence Number 160873 stated that the maximum capacity of the establishment was: Area 01: 65 Patio: 20. In response to changes in liquor licensing policy in 2001 the applicant applied for a capacity increase from 65 persons to 98 persons under application number LL01-005. Council approved a resolution at the Regular Meeting of Council on June 4, 2001 supporting that application. The report to Council clearly stated:

"The pub currently holds a liquor license for maximum 65 persons in the interior portion of the pub. The maximum permitted occupant load of the premises is 110 persons. The applicant wishes to accommodate the additional person capacity within the existing licensed area and will not make any structural changes to the premises. The pub is located adjacent to Glenmore Plaza, a commercial development on the eastside of Glenmore Road. The subject property is detached from the commercial development. The parking areas for the pub and the adjacent commercial development are visually separated, and the majority of parking stalls designated for pub patrons is furthermore signed accordingly. The pub has 33 parking stalls and therefore exceeds the City of Kelowna Zoning By-Law No. 8000 requirement of 1 stall per 4 seats of capacity."

The Planning and development Services Department stated: "The premises have a sufficient number of parking stalls and meet all building code requirements. The pub is located in a

Residential Urban Village with good pedestrian and public transit connections. The proposed person capacity increase will be accommodated within the existing building, and the impact on the community is therefore minimal."

In response to a further Liquor Licence application (LL03-0005) Council adopted the following resolution on May 26, 2003:

"THAT Council support a licensed person capacity increase from 118 seats (98 seats inside the pub & 20 seats on patio) to 138 seats (98 inside the pub and 40 patio seats) proposed by Brandt's Creek Neighbourhood Pub for #100 – 435 Glenmore Road."

The April 11, 2003 report from the Planning and Development Services Department to the City Manager referenced the parking situation as follows:

"The applicant is proposed to increase the physical size of the pub by enlarging the patio area to extend along the southern side of the restaurant. The applicant is proposing to create an additional 20 seats. The proposed person capacity increase does not impact the parking standards that are presented in Section 8 of Zoning Bylaw No. 8000 as additional parking is not required for patio seating."

The Planning Department policy is that patio seating is not classified as 'permanent seating'. The intention of patio seating is that it accommodates patrons on a seasonal basis that would otherwise be accommodated internal to the establishment. The Planning Department continues to apply this interpretation for the purpose of calculating parking requirements.

The current application was originally scheduled to be considered by Council on Tuesday, July 9th, 2007, but was subsequently removed from the agenda when concerns regarding the occupant load calculation and the parking situation were identified. The original application was for an increase in capacity of 30 persons. The Inspection Services and Planning Departments have thoroughly reviewed the application as presented and advised the applicant that a reduced number of additional seats will be considered for authorization based on these new calculations. The applicant has accepted the required reduction to 21 additional seats and the seating plans has been altered accordingly.

6.0 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

Must conform to BC Building Code.

Occupant Load Calculation:

Inside $148 \text{ m}^2 / 1.2 = 123$ persons

Patio $44 \text{ m}^2 / 1.2 = 37$ persons

Washroom facility adequate for 160 people.

5.2 RCMP

Our office is in receipt of an Application from Brant's Creek Pub to increase their seating capacity. This office has no objection to this application.

5.3 Fire Department

Not shown on the plan:

It appears the occupancy load calculations do not include the patio licensed area; if the patio occupancy area put the occupancy load at 151 or more a fire alarm is required see 3.2.4.1 of the BC Building Code.

Panic hardware is required as per 3.3.2.7 of the BC Building Code.


Exit signs as per BC Building Code 3.4.5.1

Emergency lighting as per BC Building Code 3.2.7

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

It may be appropriate to review the parking requirements for seating that no longer meets the "seasonal" classification under circumstances where establishments install temporary walls and heating facilities for inclement weather conditions for an extended time period. That is a discussion for consideration separate from the subject application.

In the context of the current application the Planning and Development Services Department recommends that the application be processed under the existing policy. As such, the Planning and Development Services Department recommends that the proposed changes to the Liquor Primary License at Brandt's Creek Pub be supported conditional upon the reconfiguration as proposed by the applicant of the interior of the building under building permit, the parking lot layout and installation of complementary landscaping.

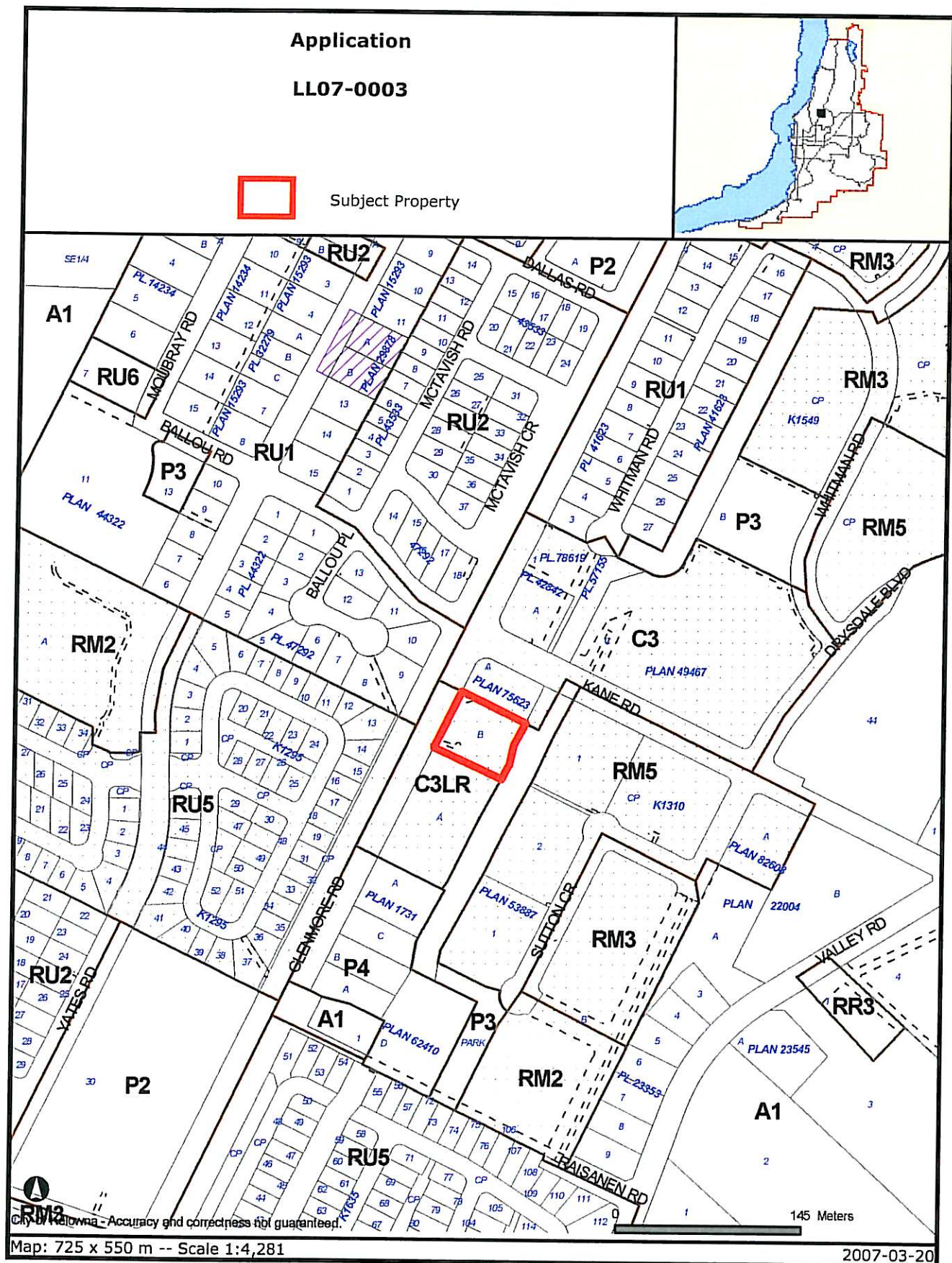

Shelley Gambacort
Current Planning Supervisor

For Approved for inclusion 
David Shipclark
Interim Director of Planning & Development Services

DS/SG/cg

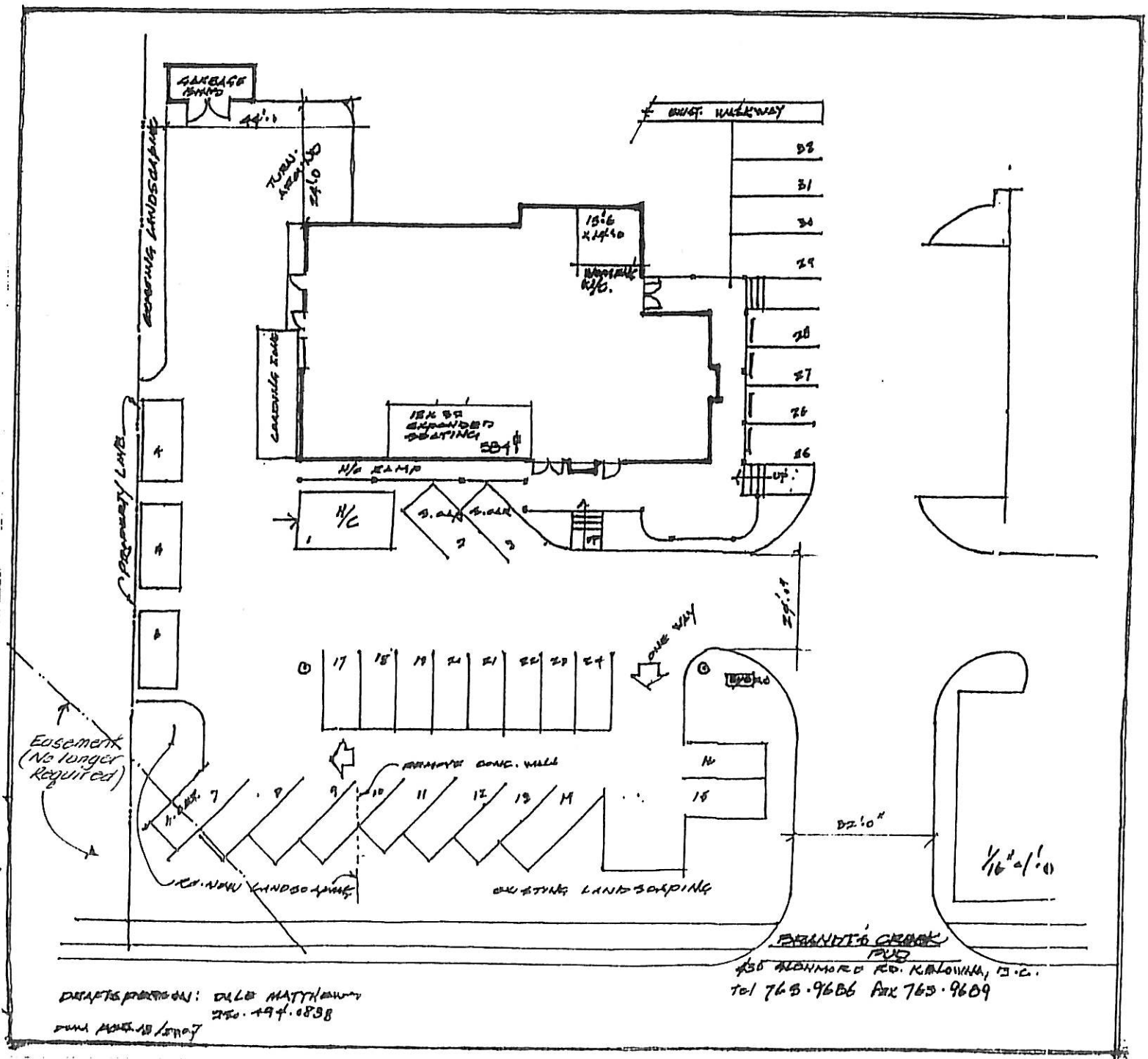
Attachments:

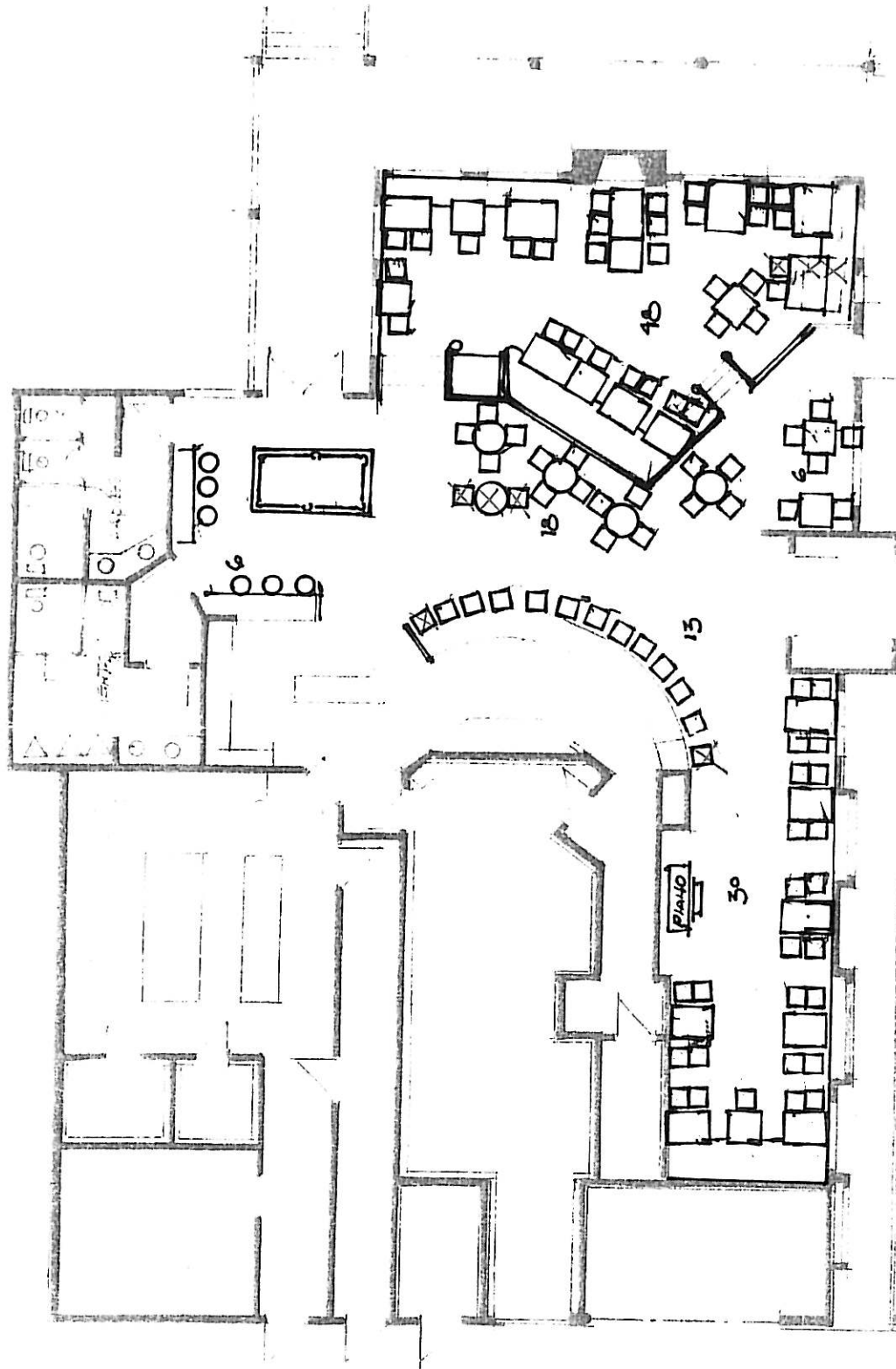
- A – Location Map
- B – Proposed Parking Lot Reconfiguration Plan
- C – Proposed Internal Seating Plan



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

ATTACHMENT B





24 EXISTING SEATS
 30 ADDITIONAL SEATS
 123 TOTAL

SAVING CREEK PUB
 100 WENMORE ROAD
 WILMINGTON, DE.