

Memo



Date: July 31/09
To: City Manager
From: Community Sustainability Division
File No: LL09-0008 **Applicant/Licensee:** Cabana Bar & Grille (M. Borg)
At: 654 Cook Road **Property Owner:** Cove Properties Ltd.
(Playa del Sol)
Purpose: To receive Council support for the proposed amendment to the existing food primary license to extend the licensed hours of sale from midnight to 1:00am
Existing Zone: C9 - Tourist Commercial
Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #315, be it resolved THAT:

1. Council recommends the issuance of the license for the application from Cabana Bar & Grille (located in the Playa del Sol development) to extend the licensed hours of sale from midnight to 1:00am at 654 Cook Road, Kelowna, BC, and legally described as Strata Lot 159, District Lot 134, ODYD, Plan KAS3262, for the following reasons: if the extended hour of sale is confined to the interior of the establishment, and does not include the outdoor patio, the proposal is not anticipated to have significant impact on the tenants or patrons of Playa del Sol or the surrounding neighbourhood, and is not thought to be inconsistent with this type of mixed-use development.
2. The Council's comments on the prescribed considerations are as follows:
 - a) *The potential for noise if the application is approved* remains relatively unchanged, assuming the hours of sale on the patio are not extended.
 - b) *The impact on the community if the application is approved* is considered minimal given that the establishment is located within a tourist commercial area, and that the extension is limited to the interior restaurant space.
 - c) It is not anticipated that the amendment will result in the *establishment being operated in a manner that is contrary to its primary purpose*.
3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

2.0 SUMMARY:

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any amendments to a food primary application requesting hours of service past midnight require local government resolution, commenting on the application.

The applicant is seeking Council support for an extension to the licensed hours of liquor sale from midnight to 1:00am. A previous application presented to Council in December 2007 contemplated an identical extension to 1:00am, as well as a patron participation endorsement (which is not being contemplated in this application). The application was not given support. The minutes from the meeting at which the application was heard show that Council expressed concern that the residential component of the Playa del Sol development, where the restaurant is located, had not yet reached full occupancy. Residents of the development and surrounding community had not had the opportunity to determine if the restaurant/outdoor patio presented any problems to their community during full operation.

Both the residential and commercial components of Playa del Sol have now been completed. The restaurant has been in operation since the spring of 2008, giving the surrounding community ample time to assess its operation.

2.1 Liquor License Information

Proposed License Summary	Details
Food Primary License Capacity	246 Persons (to remain unchanged) Restaurant: 148 persons Patio: 98 persons
Hours of Operation	9:00am-1:00am (extended from midnight)

2.2 Site Context

The existing food primary establishment is located within the mixed-use Playa del Sol development at the corner of Lakeshore and Cook Rd, within an Tourist Commercial and residential area. Specifically, adjacent land uses are as follows:

North	Mobile Home Park
East	Single Family Housing
South	Radio Station, Single Family Housing
West	Manteo Resort, Hotel Eldorado

4.3 Site Location Map

Subject property: 654 Cook Road



5.0 DEVELOPMENT POTENTIAL/CURRENT POLICY:

5.1 Mayor's Entertainment District Task Force/ Council Policy #315

The Task Force report does not contemplate extension to hours of sale requests, nor food primary applications. Regardless, given the establishment's size and proximity to surrounding liquor establishments, the proposal does not contravene any policies within Council Policy #315

6.0 TECHNICAL COMMENTS:

6.1 RCMP

The RCMP supports the extension until 1:00 am for the indoor portion only. We do not support extending one hour on the patio.

7.0 LAND USE MANAGEMENT DEPARTMENT:

The Land Use Management Department is supportive of the proposed extension to the licensed hours of sale until 1:00am, contingent on the patio area not being included in the extension. Other surrounding establishments are open until 1:00am, including Hotel Eldorado, Manteo Resort, and Creekside Pub. Extending the closure of the interior restaurant for an additional hour is not perceived to have significant impact on surrounding neighbours.

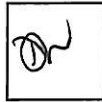
Submitted by:



Danielle Noble
Manager, Urban Land Use

for

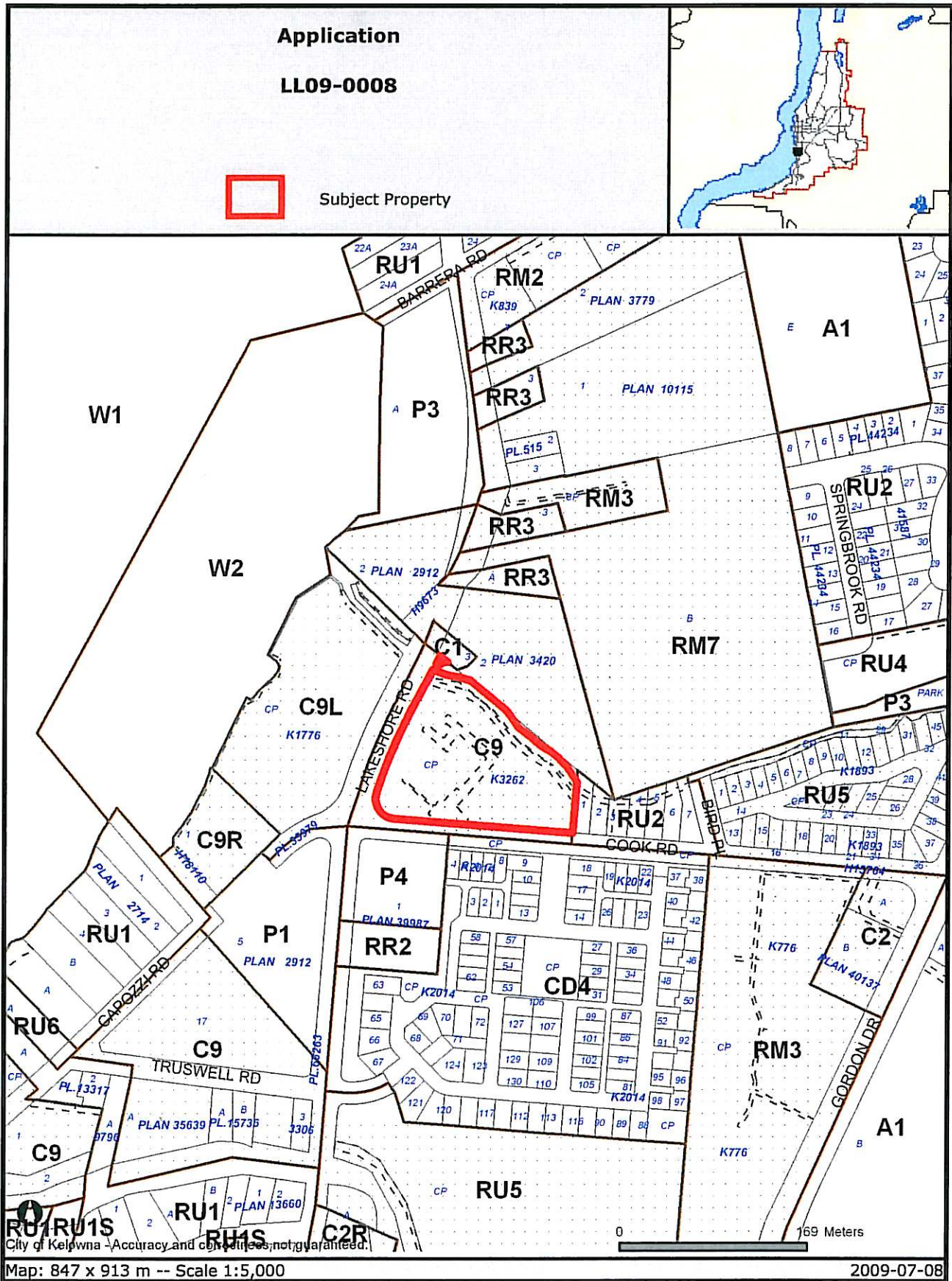
Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:
Subject Property Map
Existing Floor 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.