

Memo



Date: May 5/11
To: City Manager
From: Land Use Management, Community Sustainability (LT)
Application: LL11-0003 **Property Owner:** Canada West Tree Fruits Ltd.
Address: 2789 KLO Road **Applicant/Licensee:** McCulloch Station Pub
Subject: Change to Licensed Hours of Sale

1.0 Recommendation

THAT in accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359:

1. Council recommends support of the application from McCulloch Station Pub at 2789 KLO Road (legally described as Lot A, Sections 9 and 10, Township 26, ODYD, Plan 43297) for a change to the licensed hours of sale from 10:00am-midnight to 11:00am-1:00am Monday-Saturday, as the hours would be consistent with other similar Liquor Primary establishments, and the licensee has been a long-standing, good neighbour operator in the area.
2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
 - a) **The potential for noise if the application is approved:**
The potential for noise may increase due to the additional hour of evening service; however, noise has not been an issue at this location in the past.
 - b) **The impact on the community if the application is approved:**
Significant negative community impacts are not anticipated.
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 #359 "Liquor Licensing Policy & Procedures"

2.0 Purpose

This application seeks Council's support for a change to the licensed hours of sale of the establishment.

3.0 Land Use Management

The applicant has stated that an increase in night business has prompted the request for licensed hours of sale to 1:00am. The proposed change in hours would be more in-keeping with other similar neighbourhood pubs in the City, as shown below. While the subject property is located in

a rural environment, the establishment has operated for many years. No noise bylaw complaints have been raised at the establishment, and the RCMP has no objections to the change in hours.

In consideration of the above, the Land Use Management Department recommends support for the proposed license endorsement. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within staff's recommendation at the beginning of this report.

4.0 Summary

4.1 Background

An application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any Liquor Primary applications requesting a change to hours of sale require Local Government comment.

The McCulloch Station Pub currently operates on the subject property, which also includes Orchard Greens Golf Course, and the Bunkhouse Restaurant.

The applicant is seeking Council support for change to the hours of service of the existing license. Currently, the establishment is licensed from 10:00am-Midnight, Monday through Saturday, and 11:00am-Midnight on Sunday. Licensed hours of 11:00am-1:00am are being proposed for Monday-Saturday to allow for later service. This change in being requested to accommodate an increase in evening business.

4.2 Liquor License Summary

	Existing	Proposed
Liquor Primary Licensed Capacity	157 Persons	No change
Hours of Operation	10:00am-Midnight (Mon-Sat) 11:00am-Midnight (Sunday)	11:00am-1:00am (Mon-Sat) 11:00am-Midnight (Sunday)

4.3 Other Establishments

The existing hours of sale of other comparable Liquor Primary establishments are as follows:

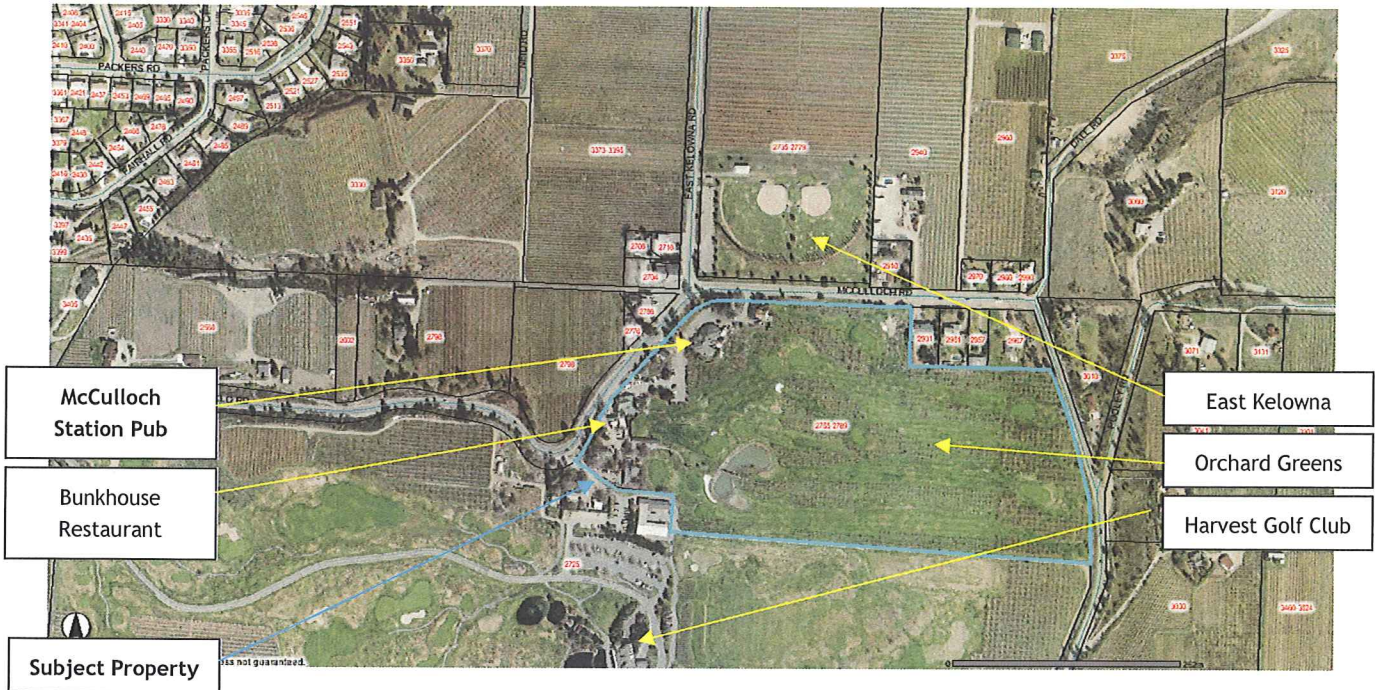
Current end of liquor service		
Midnight	1:00am	2:00am
Post Haus Pub (Rutland) Most golf courses	Pheasant & Quail (South Pandosy) Creekside Pub (Mission) Packing House Pub (N. Rutland) Brandts' Creek Pub (Glenmore) Dakoda's (Highway 97) Mickie's Pub (Ramada)	Boomers (Capital News Centre) Doc Willoughby's

4.4 Site Context

The existing food primary establishment is located in South East Kelowna at the KLO/East Kelowna/McCulloch intersection. The only other licensed establishments in the area are associated with golf courses (Harvest Club, Orchard Greens). Specifically, adjacent land uses are:

Orientation	Zoning	Land Use
North	P2 - Educational & Minor Institutional P3 - Parks & Open Space	Community Hall/Church East Kelowna Park
East	P3LP - Parks & Open Space with Liquor Primary	Golf Course
South	P3LP - Parks & Open Space with Liquor Primary	Golf Course
West	C2 - Neighbourhood Commercial A1 - Agriculture 1	KLO Supermart

4.5 Subject Property Map: 2789 KLO Road



5.0 Council Policy #359 - Liquor Licensing Policy & Procedures

The proposed change to hours of sale would not contravene any guidelines within this policy.

6.0 Circulation Comments

- 6.1 Bylaw Enforcement
No history of noise complaints.
- 6.2 Fire Department
No concerns.

6.3 Interior Health (Public Health Inspector)

We have no objection to this proposal. We do note, however, that the proximity to adjacent residences could lead to some concerns pertaining to noise. Though the applicant writes that "...any relatively close neighbours are used to the occasional laughter", Interior Health advocates for noise reduction strategies to minimize the potential health effects of unwanted sound.

6.4 RCMP

We are not opposed to the change in hours of service.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:

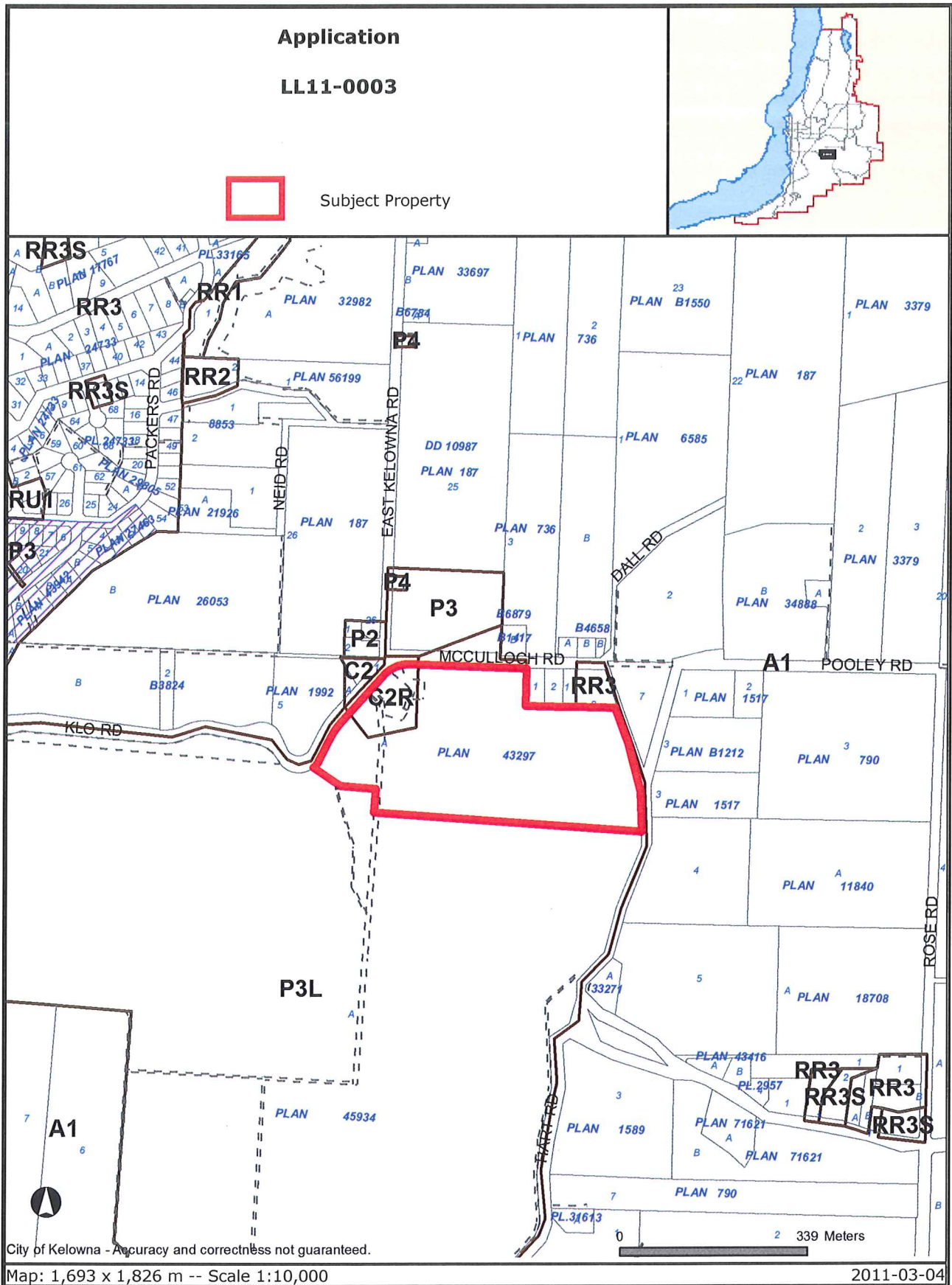


Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map

Applicant Letter of Intent



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,693 x 1,826 m -- Scale 1:10,000

2011-03-04

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.

Ministry of Public Safety and Solicitor General,
Liquor Control and Licensing Branch,
PO Box 9292 Stn. Prov. Govt.,
Victoria, B.C. V8W 9J8

McCulloch Station Pub,
PO Box 28206, RPO East Kelowna,
Kelowna, B.C. V1W 4A6

Re: Establishment hours,

To Whom It May Concern:

Please take this letter as part of my application to change the hours of operation from 10:00AM – 12:00PM to 11:00AM – 1:00AM. This one hour change does not impact the community in any negative way as the establishment is surrounded by Orchard and Golf courses on 3 sides and borders a main road on the other.

As this neighborhood Pub has been in operation for more than twenty five years, any relatively close neighbors are use to the occasional laughter.

The amendment will not result in the establishment being operated differently than previous. We feel it should be approved as many Government changes have had a negative impact on the business and any positive amendments would be appreciated in this depressed business atmosphere.

Regards,



Mrs. Cheryl Turton
Owner