

# Memo



Date: October 7, 2011

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: LL11-0011

Property Owner: Topiary Holdings Inc.

Address: 1670 Dehart Road

Applicant/Licensee: Tantalus Industries Inc.

Subject: Winery Lounge Endorsement

---

## 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 Tantalus Industries Inc. at 1670 Dehart Road, Kelowna BC, (legally described as Lot B, Section 5, Twp. 26, ODYD, Plan 32728 Except Plan KAP75345) for a winery lounge endorsement for the existing winery, as the use would help support the winery and the proposed license would be in keeping with other wineries in the community and does not pose any negative effects to the surrounding area.
2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
  - a) **The location of the winery and special event areas:**  
The location is in an agricultural area that is removed from nearby residents and is suitable for a lounge associated with the existing winery.
  - b) **The proximity of the establishment to other social or recreational facilities and public buildings:**  
There is a minimum distance of 1.5km which should be suitable for the proposed use.
  - c) **The person capacity of the proposed areas:**  
The size of the exterior patio with a maximum of 27 persons is reasonable for the proposed lounge.
  - d) **The hours of liquor service of the establishment:**  
The proposed hours of service should not have any negative impact.
  - e) **Traffic, noise, parking and zoning:**  
The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because of the small size and early hours. The potential for noise may increase, however noise has not been an issue at this location in the past. The patio area already exists and conforms to Zoning Bylaw NO. 8000.
  - f) **The impact on the community if the application is approved:**

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 winery lounge endorsement for the existing winery.

## 3.0 Land Use Management

The applicant notes that approval of a winery lounge is being sought. The endorsement is similar to other wineries in the community and is located in a rural environment where noise issues are not anticipated based on the size, location and hours of operation. The parking requirements will be handled on site.

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 applicant is seeking Council support for a winery lounge endorsement for the existing winery. The applicant proposes to operate the winery lounge from 10:00am - 6:00pm Monday through Sunday. The lounge will be limited to an outdoor patio that will accommodate a maximum of 27 patrons.

### 4.2 Liquor License Summary

	Existing	Proposed
Liquor Licensed Capacity	None	27 Patrons
Hours of Operation	None	10:00am-6:00pm (Mon-Sun)

### 4.3 Site Context

The existing food primary establishment is located in North Mission - Crawford South area. Michealbrook Ranch Golf Club is the closest licensed establishment at 1.5km from the subject property. Specifically, adjacent land uses are:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Agriculture
East	P3 - Parks & Open Space	Rifle Range
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1	Agriculture



4.5 Subject Property Map: 1670 Dehart Road



5.0 Council Policy #359 - Liquor Licensing Policy & Procedures

The proposed winery lounge would not contravene any guidelines within this policy.

6.0 Circulation Comments

6.1 Building & Permitting

No Comment

6.2 Fire Department

No concerns.

6.3 Interior Health (Public Health Inspector)

No concerns


6.4 RCMP

No comment

Report prepared by:

  
Alec Warrender, 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







## APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: August 5, 2011

Job #002380516-022

Created by: Janine Lind, Senior Licensing Analyst

Re: Application for a Winery Lounge  
Applicant: Tantalus Industries Inc.  
Establishment Name: Tantalus Vineyards  
Location: 1670 Dehart Road in Kelowna

### 1. APPLICATION INFORMATION

Date application deemed complete: May 31, 2011

Local Government Jurisdiction: City of Kelowna

The primary business focus of the proposed establishment: Hospitality

Total person capacity/occupant load requested: 27 Persons Lounge Patio 1  
(this number includes patrons plus staff) No interior lounge area requested

#### Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM

Term and Condition Requested: None

#### Winery Lounge Endorsement:

A winery lounge endorsement area, if approved, will allow the licensed winery to sell and serve their own wine and other wine, cider and wine coolers manufactured and bottled in BC, by the glass or bottle. Food and non-alcoholic beverages must be available at reasonable prices to customers. Minors are permitted in a winery lounge when accompanied by a parent or guardian. Hours of service and occupant load are subject to local government consideration and comment.

### 2. APPLICANT SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act.

*The following sections are compiled from information provided by the applicant except where indicated otherwise.*



### 3. LOCATION/SITE FACTORS

The legal description of the proposed site is: PID 003-324-966 Lot B, Section 5, Township 26, Osoyoos Division Yale District, Plan 32728.

The Winery Lounge endorsement area is proposed to be located on the exterior patio abutting the on-site retail store which abuts the manufacturing building (see floor plan attached). There is no proposed interior lounge area at this time.

See the attached Applicant's Letter of Intent for details of the proposed endorsement areas including the following details:

- a) **Hospitality/Tourism Development Factor**
- b) **Benefits to the Community**
- c) **Social Facilities and Public Buildings**
- d) **Traffic in the Vicinity**
- e) **Noise in the Community**
- f) **Parking**
- g) **Commercial/Residential/Light or Heavy Industrial Neighbourhoods**

*Please note that the applicant's letter of intent is enclosed as an attachment to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.*

*The following information is provided by both the applicant and the Liquor Control and Licensing Branch:*

- h) **Distance measure used for social or public buildings and other licensed establishments: 2.0 kilometres**

- i) **Social Facilities and Public Buildings within 2.0 kilometres:**

Name/Type of Facility	Distance from Site	Clientele Affected	Identified By
Arlos Honey Farm	within 1.5 km	Minors, Residents, Tourists	Applicant
Capital News Centre	within 1.5 km	Minors, Residents, Tourists	Applicant
Croc Talk	within 1.5 km	Minors, Residents, Tourists	Applicant
Dorothea Walker Elementary School	within 2.0 km	Minors, Residents	Applicant
Ecole de L'Anseau Sable	within 2.0 km	Minors, Residents	Applicant
Kelowna Fish & Game	within 1.0 km	Minors, Residents, Tourists	Applicant
Mission Ridge Park	within 2.0 km	Minors, Residents, Tourists	Applicant
Mission Sports Fields	within 2.0 km	Minors, Residents, Tourists	Applicant
Okanagan Lavender Farm	within 1.5 km	Minors, Residents, Tourists	Applicant

- j) **Liquor-Primary establishments within 2.0 kilometres of the proposed location:**

Establishment Name	Licence Number	Establishment Type	Total Capacity	Distance from proposed site	Market Served	Identified by
Boomers Bar & Grill	301318	Recreation Facility	82	1.9 km	Residents/ Tourists/Minors	Applicant/ Inspector
Michaelbrook Ranch Golf Club	129718	Recreation Facility	72	1.5 km	Residents/ Tourists/Minors	Applicant/ Inspector

- k) **Natural or manmade barriers: none noted.**

*The following information is provided by Liquor Control and Licensing Branch except where indicated otherwise.*

### **Community Indicators**

#### **Contravention Statistics: None**

The Liquor Control and Licensing Branch compiled contravention statistics on all identified liquor primary licensed establishments within a 2 kilometre radius of the proposed location. These statistics are based on a period covering from May 1989 to present and only include proven contraventions. Stadium and concert halls are not included in these statistics.

#### **Population, population density and population trends for the community:**

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to [BC.Stats@gov.bc.ca](mailto:BC.Stats@gov.bc.ca)
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>
- Statistics Canada Population breakdown by categories is available at: <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E>

#### **4. PUBLIC INTEREST**

In providing its resolution on the proposed Winery Lounge Endorsement, local government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

#### **Regulatory Criteria local government or First Nation must consider and comment on:**

- (a) the location of the winery lounge and special event areas;
- (b) the proximity of the establishment to other social or recreational facilities and public buildings;
- (c) the person capacity of the proposed areas;
- (d) the hours of liquor service of the establishment;
- (e) traffic, noise, parking and zoning; and
- (f) the impact on the community if the application is approved.

**The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:**

- (i) the views of the residents (including business owners),
- (ii) the method used to gather the views of the residents, and
- (iii) comments and recommendations respecting the views of the residents;

---

*A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.*

---



---

For use by Liquor Control and Licensing Branch:

**5. REGULATORY CONSIDERATIONS**

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

**6. POLICY CONSIDERATIONS**

Policy Manual Section 3.2 Applicant Eligibility Assessment

Policy Manual Section 3.3 Site and Community Assessment

Policy Manual Section 3.4 Building Assessment and Issue of a Licence

**ATTACHMENT 1**

**APPLICANT'S LETTER OF INTENT**

## PART 4: Declaration of Intent (Functions and Services to be Provided)

Explain the functions and services your facility or venue will provide. The information you provide must address all relevant items indicated under each topic. If additional space is required, or if you would like to provide a fuller description of your proposed establishment, please attach as a separate sheet and check the box below.

☒ I have attached a separate sheet.

### 1. Purpose

Describe the purpose of the Winery endorsement including beverage service, entertainment and hospitality services you intend to provide:

The purpose of the winery lounge endorsement is to allow us to serve a light lunch to our winery visitors, in addition to offering Tantalus wines by the glass. It is understood we must also offer non alcoholic beverages.

### 2. Target Market. Your proposed endorsement area will serve mainly (check all that apply):

☒ Urban locals

☒ Suburban locals

☒ Rural locals

☐ Neighbouring communities

☒ Tourists

☐ Other (please specify):

### 3. Composition of the Neighbourhood. The composition of the neighbourhood is best characterized as (check all that apply):

☐ Commercial

☒ Residential

☐ Industrial

☐ Light Industrial

☐ Urban

☐ Downtown

☐ Suburban

☐ Rural

☒ Agricultural Land Reserve (ALR)

☐ First Nations' Land

☐ Other (please specify):

### 4. Provide a street map of the area surrounding your winery which identifies the following social and public facilities within a reasonable distance\* (see below):

- All other licensed liquor primary or liquor primary club establishments
- Churches
- Clubs
- Schools (K-12, colleges, universities)
- Preschools
- Day care centres
- Health care facilities
- Seniors facilities
- Recreational/sports facilities
- Police stations
- Fire halls
- Libraries
- Government buildings
- Any other relevant local public or private facilities





**\*Note:** What constitutes a reasonable distance will vary depending on individual circumstances.

**Reasonable Distance Guidelines:**

- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (five miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

**On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.**

The 2 KM radius was chosen because the local population density best fit the moderately populated category. The winery is surrounded by small and large residential/agricultural properties and medium density subdivisions.

**5. Benefits to the Community**

Briefly describe the community/market need you are addressing by providing an additional licensed area within the community (e.g. the proposed lounge will support tourism activities at the winery OR there are currently no licensed establishments in the area).

See attached

**6. Impact of Noise on the Surrounding Community**

Briefly describe the noise impact expected from your proposed establishment and describe the measures you will take to ensure others are not disturbed if the winery endorsement area is approved (e.g. entertainment will not involve amplified music given the bylaws in place; noise from outdoor patio will be addressed by closing patio at 10 p.m.; outdoor lighting and cameras will be installed; additional traffic should not create additional noise given the location and size of the lounge endorsement).

See attached

**7. Other Impacts on the Surrounding Community**

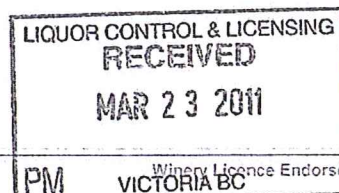
Briefly describe any further impacts of the new facility on the surrounding community if the winery endorsement application is approved.

There are no other anticipated impacts to the community.

**8. Other Information and Requests**

Include here any additional information or requests that might be relevant to your winery endorsement application (such as zoning restrictions, bylaw restrictions, entertainment, etc.)

N/A

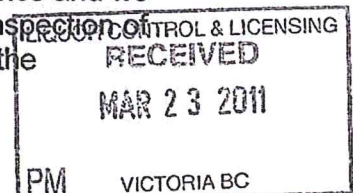


# tantalus vineyards

## Winery Lounge Endorsement cont'd

5) Winery visitors are often motivated to explore wineries based on the availability of food and beverage services and our target market will benefit from our ability to offer comparable services to those of the other Kelowna wineries. Over the last 5 years our customers have repeatedly requested food and Tantalus wine by the glass. Tourists (local and non local) visiting the winery, wine shop and the other agri-tourism businesses located in close proximity to the winery, will benefit from the endorsement by being able to enjoy light refreshment and shaded seating without having to leave the immediate area. There are 2 licensed facilities within the 2 KM radius around the winery. Michaelbrook Golf Course is not accessible from Kamloops Rd. Public access is on Lexington Road via Gordon Drive. The driving distance between Tantalus and Michaelbrook is 5.0KM. Boomer's Pub also falls within the 2 KM radius but the actual driving distance is 4.1KM. It should be noted both licensed establishments offer the typical bar style menu i.e. hamburgers and fries. We intend to offer a selection of fresh locally produced specialty foods which are more in line with the tastes of winery and agri-tourism travelers.

6) As a relatively young winery we expect traffic to increase as visitors become more aware of our existence. However, we don't expect the addition of lunch service to dramatically alter the normal expectations of growth (traffic and noise) for a winery located within Kelowna's city limits. It is in ours and the community's best interest to operate the endorsement in a manner befitting a premium winery destination. The typical winery visitor is interested in a relaxing and high quality experience and we are compelled to provide this kind of environment for our customers. Loud, boisterous or intoxicated patrons will not be served nor will they be welcome. Due to the seasonal nature of Kelowna's tourism market, we expect to operate our lunch service for the months of May through October. Our hours of operation are daily 11 AM to 5 PM. Amplified music (live or otherwise) runs counter to the relaxing environment of the premium winery experience and we have no interest in introducing this element to our customers. An inspection of the supplied maps will confirm the patio area is well shielded from the neighboring residences.



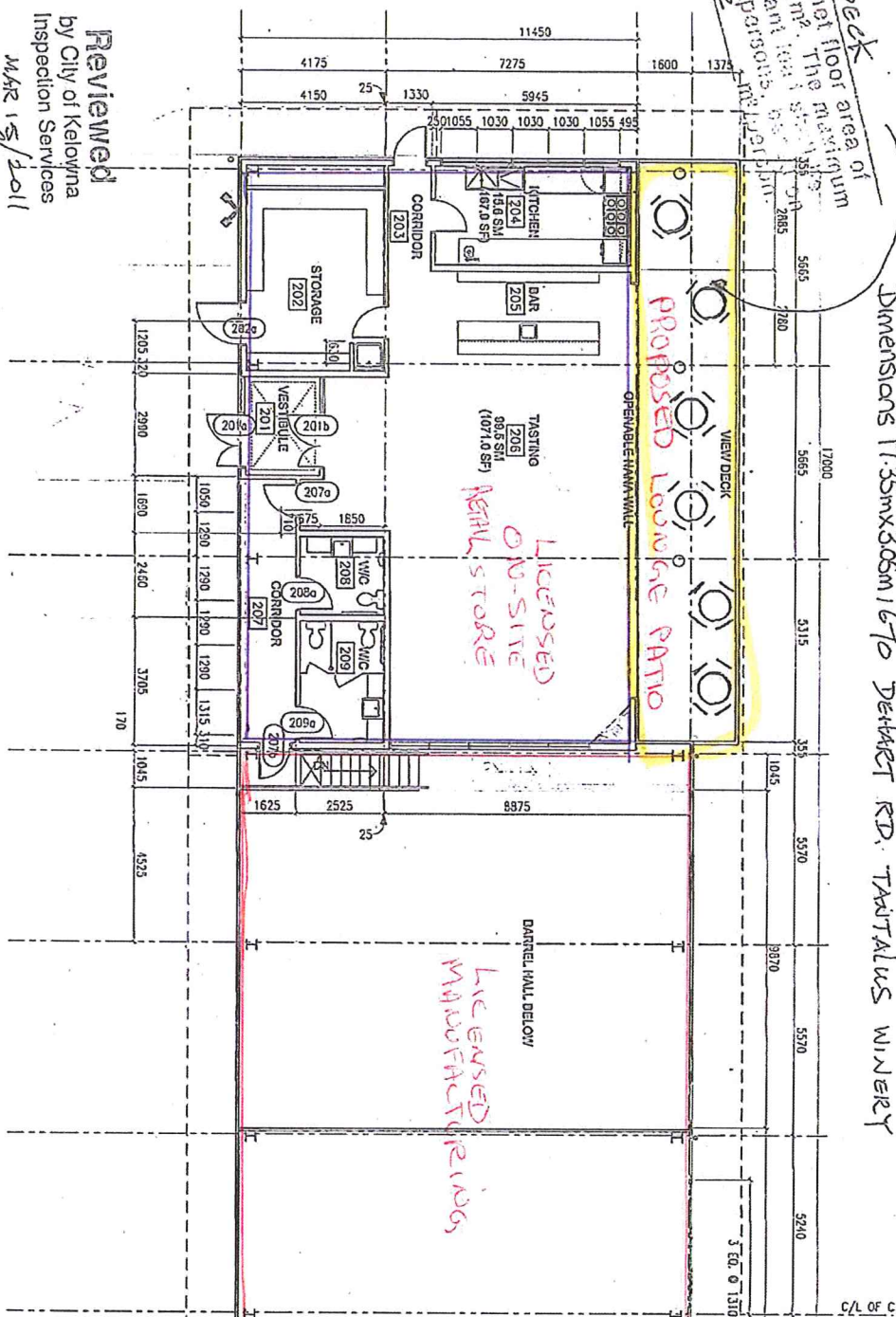
Tantalus Vineyards      tel: 1.877.764.0078  
1670 Dehart Road      fax: 250.764.0771  
Kelowna, British Columbia      info@tantalus.ca  
Canada V1W 4N6      www.tantalus.ca



**Tantalus Vineyards**  
1670 Dehart Road, Kelowna

Deck  
The net floor maximum  
has a net floor maximum  
32.8  
occupant load of  
27 persons  
1.2  
1372

Dimensions 17.35mx3.06m 1670 DETACT RD. TAVITALUS WINTER



**Reviewed**  
by City of Kelowna  
Inspection Services

MAR 15/2011

LICENSED  
ON-SITE  
METAL STORE

LICENSED  
MAJORACTOR

C/L OF C

MEZZANINE FLOOR PLAN

TANTALUS WINERY

KELOWNA, B.C.

**MON** Midwest  
Outing  
Network  
**ARCHITECTS**

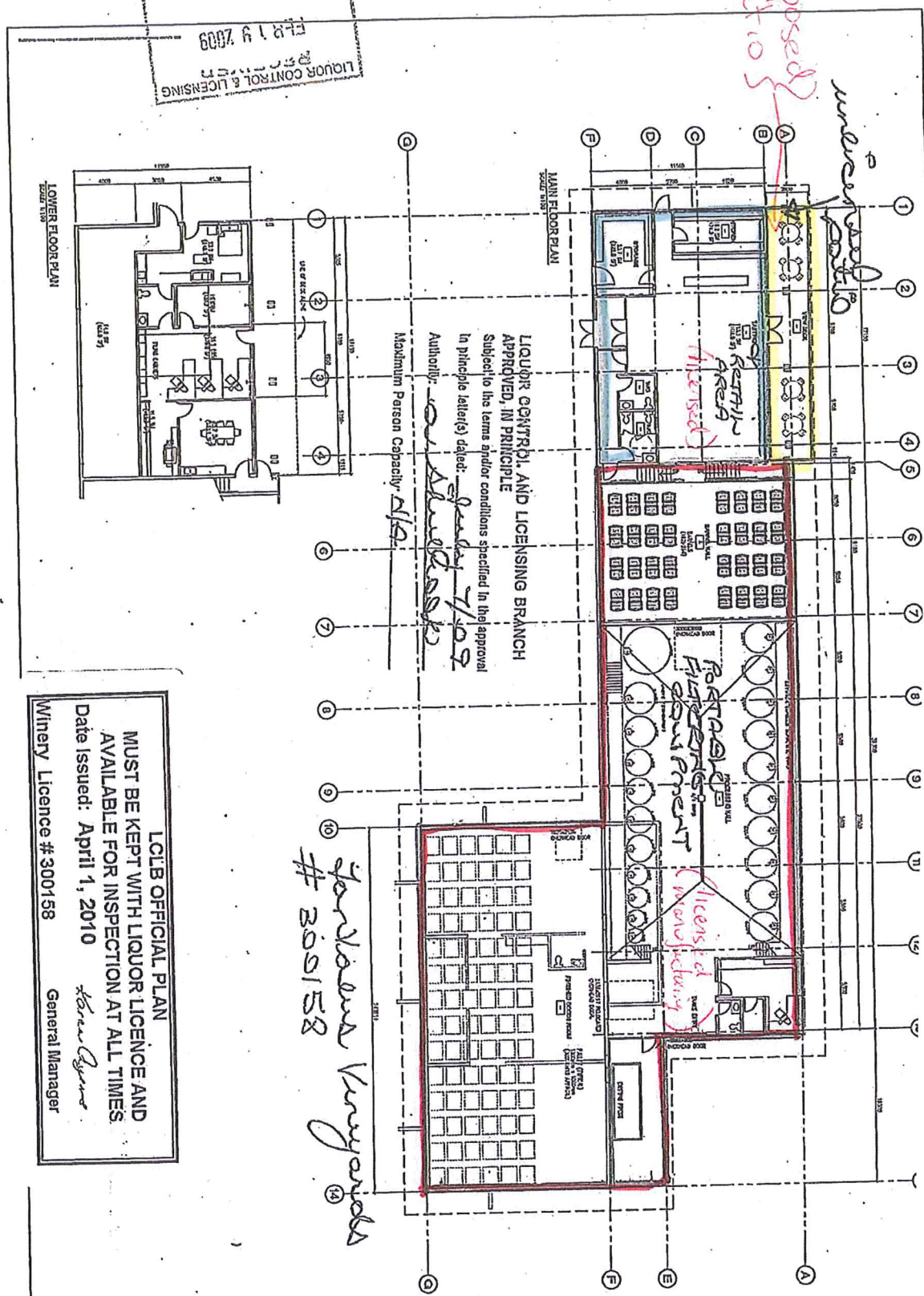
LIQUOR CONTROL & LICENSING  
RECEIVED  
MAR 23 2011

1 PM VICTORIA BC

NAME	CHILD
AGE	18
DATE OF BIRTH	1942
SEX	MALE
SSN	1-202

*Proposed  
Ratio  
unsuccessful*

PM  
VICTORIA BC  
Liquor Control & Licensing  
February 2009



**LCLB OFFICIAL PLAN**  
MUST BE KEPT WITH LIQUOR LICENCE AND  
AVAILABLE FOR INSPECTION AT ALL TIMES  
Date Issued: April 1, 2010  
Winery Licence #300158  
General Manager

*Tantalus Winery  
#300158*

*Tantalus Vineyards*