

# REPORT TO COUNCIL



**Date:** May 25, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** LL12-0005  
**Address:** 1730 Cooper Road  
**Applicant/Licensee:** Moxie's Classic Grill  
**Subject:** Liquor Primary Structural Change (Expansion)

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## 1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved that:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Moxie's Classic Grill at 1730 Cooper Road, Kelowna BC, (legally described as Lot 5 District Lot 127 Osoyoos Division Yale District Plan 34162 for the expansion of the existing Liquor License to the expanded patio, are as follows:

a) **The potential for noise if the application is approved:**

There is an increased potential for noise with additional patio seating.

b) **The impact on the community if the application is approved:**

The potential for negative impacts is considered to be minimal.

c) **View of residents.**

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."

d) **Recommendation:**

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

## 2.0 Purpose

This application seeks Council's support to expand the existing Liquor Primary license to accommodate an additional 34 patio seats.

### 3.0 Land Use Management

This application does represent a change to the existing establishment with the addition of 34 patio seats. Given the proposed renovations and minor floor plan changes, the new patio will not create a significant change to the establishment's operation. No change to the business focus, clientele or management is expected through the change.

Based on the above, the Land Use Management Department recommends that the application be supported.

### 4.0 Summary

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, the expansion of Liquor Licenses requires Local Government comment, prior to the LCLB making a final decision.

The applicant requests an expansion of the existing Liquor Primary Licensed area to include the newly constructed patio as shown on the attached plans. No change to the business focus, clientele or management is expected through the change. The total capacity will be increased as noted in the table below. No other changes from the existing license terms and conditions are being contemplated.

#### Proposed Structural Change Summary:

Person Capacity:

Licensed Area	Capacity
Existing Indoor Capacity	248
Existing Outdoor Patio	60
Total Existing Licensed Capacity	308
Proposed Indoor Capacity	248
Proposed Outdoor Patio	94
Total Proposed Licensed Capacity	342

### 4.1 Site Context

The subject property is located in the Midtown Centre and is surrounded by a mix of commercial uses. There are no other licensed establishments in the immediate area.



Subject Property Map: 1730 Cooper Road



## 5.0 Existing Policies

### 5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

The proposed change does not contravene Policy #359.

## 6.0 Circulation Comments

No concerns were raised through file circulation.

Report prepared by:

Alec Warrender, Land Use Planner

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

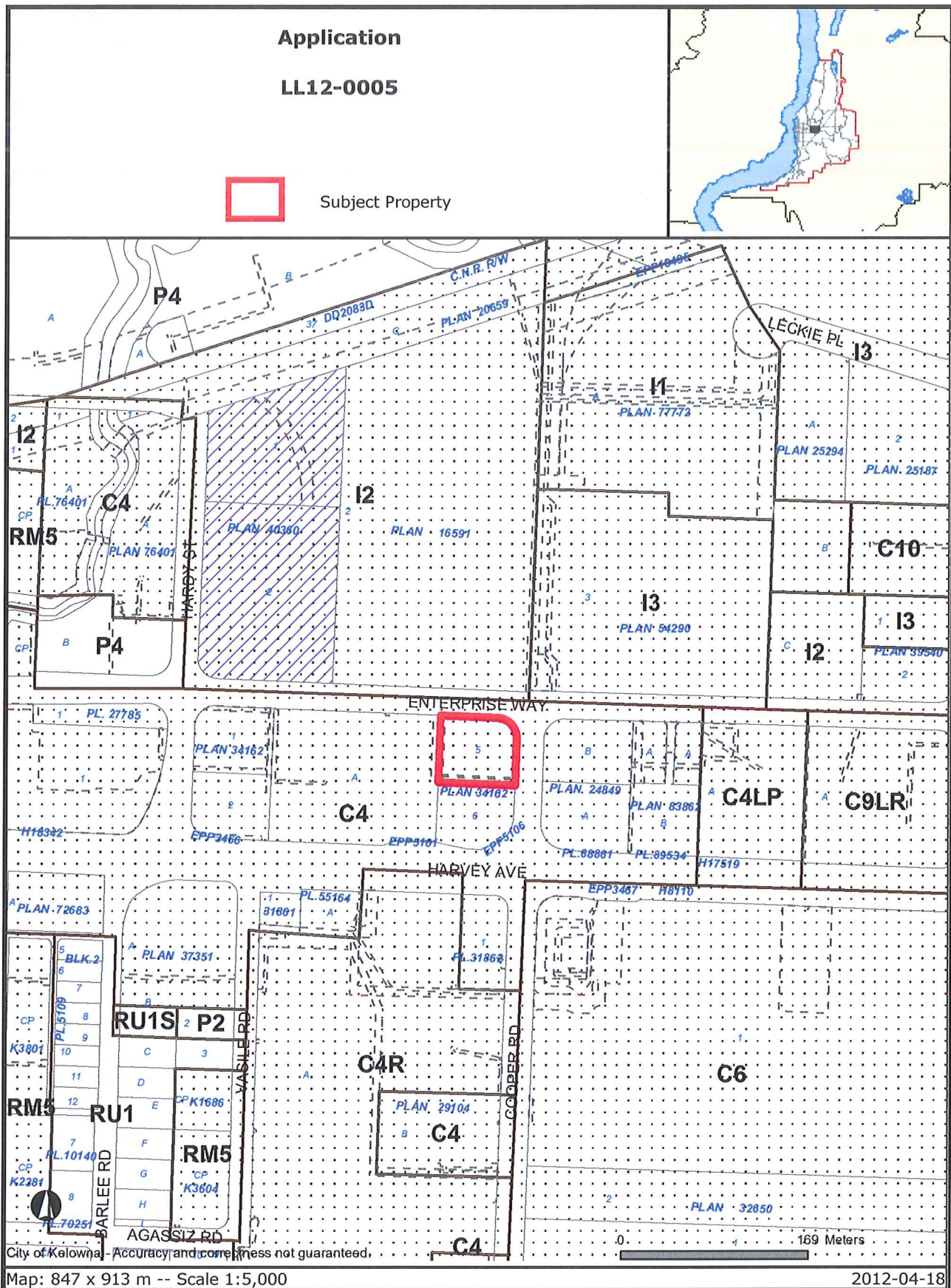
### Attachments:

Subject Property Map

Existing Floor Plans

Proposed Floor Plans





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.

## ENTERPRISE WAY



<p>For example, Table 1, Panel A, shows that the average number of children per woman is 2.11, which is slightly above the replacement level of 2.10. The average number of children per woman is 2.11, which is slightly above the replacement level of 2.10. The average number of children per woman is 2.11, which is slightly above the replacement level of 2.10.</p>					
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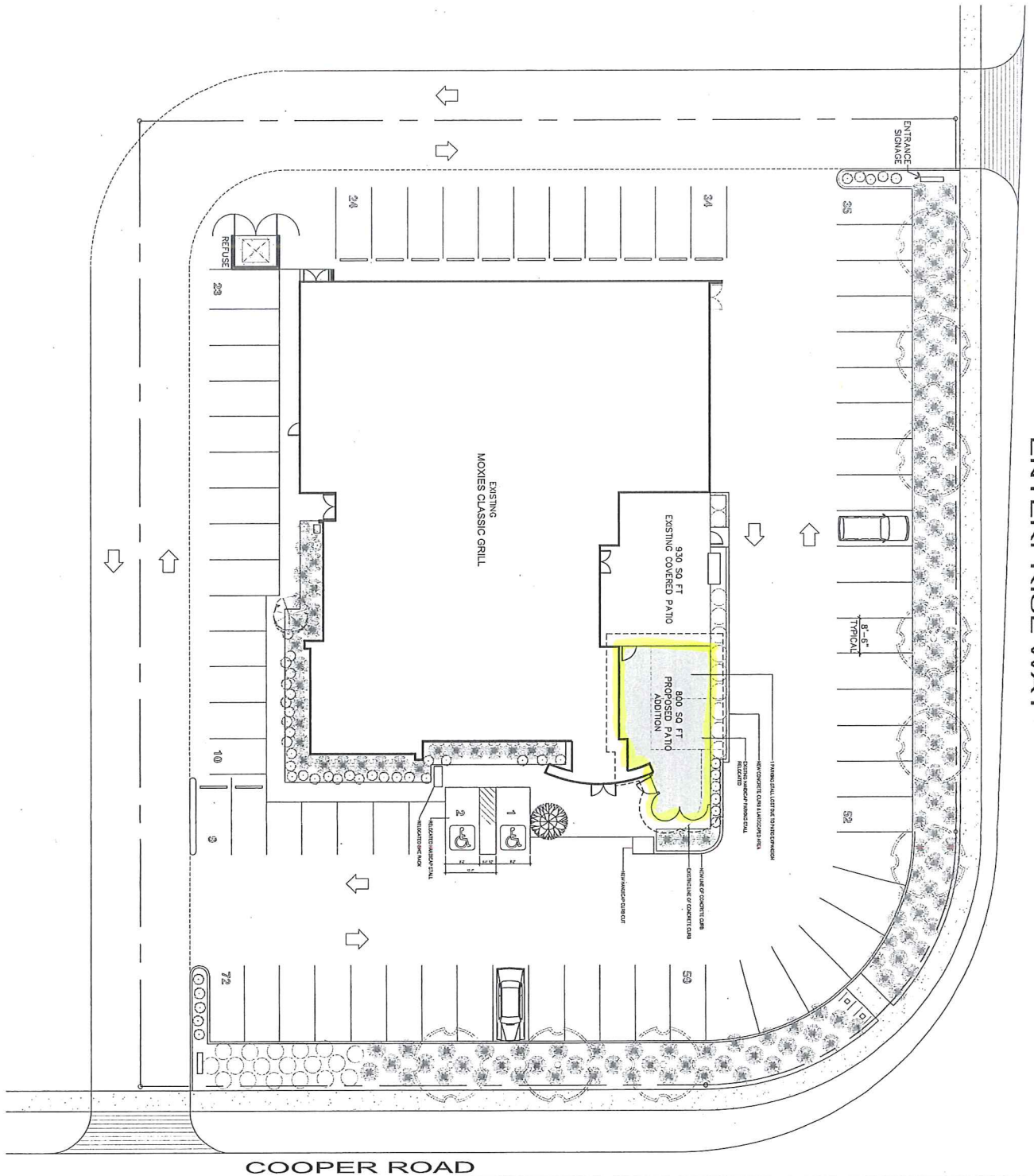
**Pacific Coast  
Architecture Inc.**  
551-200 Padden Hwy  
Brea, B.C.  
Canada V9A 6H1  
Office (604) 671-7171  
Fax (604) 671-5509

DP-

Drum: Shipwood	DP-1
Date: September 20th, 2011	
Scale: 322° = 140°	



*Proposed*



COOPER ROAD

<p><b>EXISTING BUILDING DATA</b></p> <p>OWNER: Moxies Restaurant              10000 100th Ave. S.E., Unit 100, Surrey, BC              V4N 1V1              PHONE: 604-273-1111</p> <p><b>PROJECT DATA</b></p> <p>PROJECT NAME: Moxies Restaurant              PROJECT NO: 10000 100th Ave. S.E., Unit 100, Surrey, BC              PROJECT DATE: 10/1/2011</p> <p><b>DESIGNER DATA</b></p> <p>DESIGNER: Pacific Coast Architecture Inc.              10000 100th Ave. S.E., Unit 100, Surrey, BC              V4N 1V1              PHONE: 604-273-1111</p>	<p><b>EXISTING BUILDING DATA</b></p> <p>EXISTING BUILDING AREA: 10,000 sq ft              EXISTING PATIO AREA: 930 sq ft              PROPOSED PATIO AREA: 800 sq ft              TOTAL PATIO AREA: 1,730 sq ft              TOTAL BUILDING AREA: 11,730 sq ft</p> <p><b>EXISTING BUILDING DATA</b></p> <p>EXISTING BUILDING HEIGHT: 10.0 m              EXISTING PATIO HEIGHT: 2.0 m              PROPOSED PATIO HEIGHT: 2.0 m              TOTAL PATIO HEIGHT: 2.0 m              TOTAL BUILDING HEIGHT: 10.0 m</p> <p><b>EXISTING BUILDING DATA</b></p> <p>EXISTING BUILDING VOLUME: 100,000 cu m              EXISTING PATIO VOLUME: 1,860 cu m              PROPOSED PATIO VOLUME: 1,600 cu m              TOTAL PATIO VOLUME: 3,460 cu m              TOTAL BUILDING VOLUME: 103,460 cu m</p>
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**Pacific Coast Architecture Inc.**

10000 100th Ave. S.E., Unit 100, Surrey, BC  
 V4N 1V1  
 PHONE: 604-273-1111

**Moxies Restaurant**

10000 100th Ave. S.E., Unit 100, Surrey, BC  
 V4N 1V1  
 PHONE: 604-273-1111

**PROPOSED SITE PLAN**

**DP-2**

Scale: 1/8" = 1'-0"

[illegible]

Pacific Coast Architecture Inc. 1000 West 10th Avenue Vancouver, British Columbia V6H 1A6 Tel: 604-681-1111 Fax: 604-681-1112		NORTH AND PROPERTIES CORPORATION 1000 West 10th Avenue Vancouver, British Columbia V6H 1A6 Tel: 604-681-1111 Fax: 604-681-1112	
Moxies Restaurant 1000 West 10th Avenue Vancouver, British Columbia V6H 1A6 Tel: 604-681-1111 Fax: 604-681-1112		MOXIES RESTAURANT COOPER ROAD, ENTREPRENEUR HWY BRITISH COLUMBIA	
Existing Pictorial and Section Plan		Date: October 2011 Title: September 2011	
Scale: NOTED		DP-3	



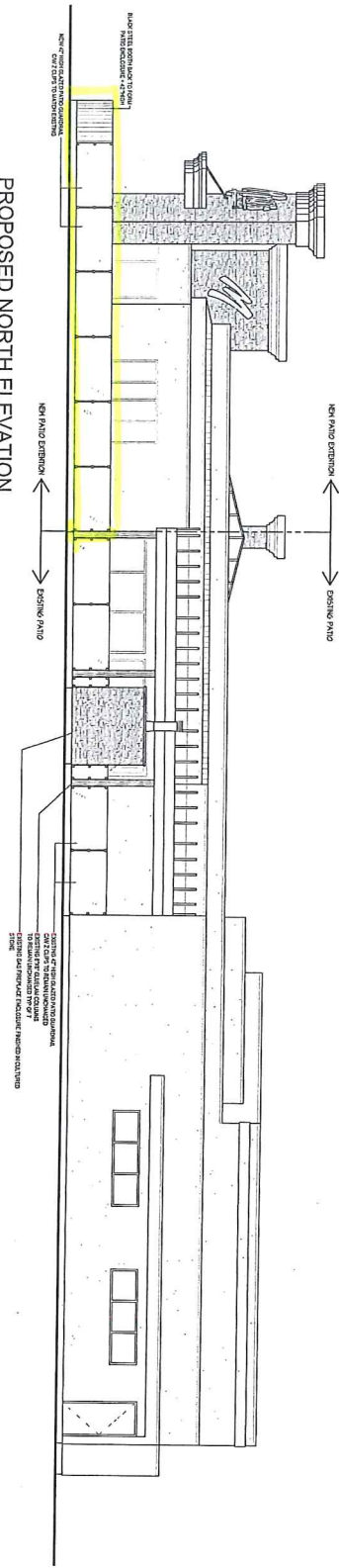
SCALE: 1% = 1.0°



SCALE, % = 1.0°

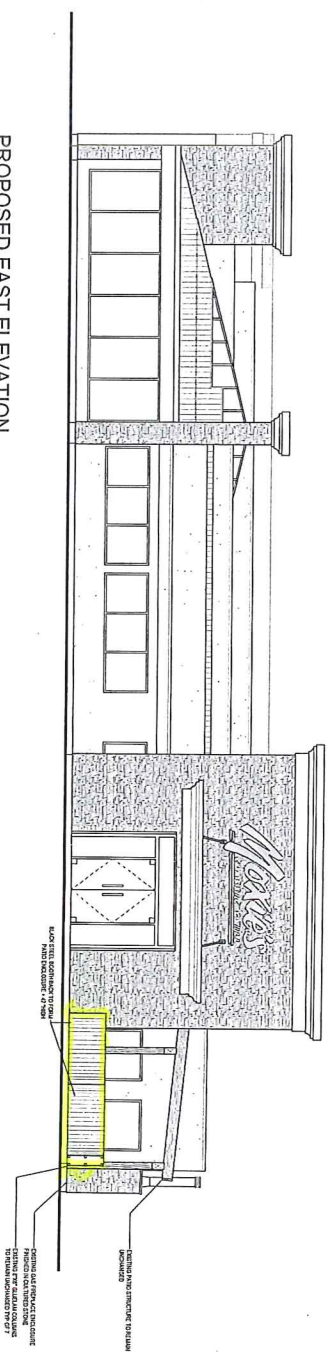
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PROPOSED NORTH ELEVATION

SCALE: 3/8" = 1'-0"



PROPOSED EAST ELEVATION

SCALE: 3/8" = 1'-0"

<p><b>NORTHLAND PROPERTIES CORPORATION</b></p> <p>1000 10th Avenue Vancouver, BC V6Z 1A1 Tel: (604) 681-1111</p>		<p><b>Pacific Coast Architecture Inc.</b></p> <p>2000 10th Avenue Vancouver, BC V6Z 1A1 Tel: (604) 681-1111</p>	
<p><b>MOXIES RESTAURANT</b></p> <p>COOPER ROAD ENTERPRISE WAY VANCOUVER, BC BRITISH COLUMBIA</p>		<p><b>PROPOSED BUILDING ELEVATIONS</b></p> <p>Owner: [Redacted] Date: September 20th, 2011 Scale: 3/8" = 1'-0"</p>	
<p><b>DP-6</b></p>		<p><b>MOXIES RESTAURANT</b></p> <p>COOPER ROAD ENTERPRISE WAY VANCOUVER, BC BRITISH COLUMBIA</p>	