

# REPORT TO COUNCIL



**Date:** December 4, 2018

**RIM No.** 0930-50

**To:** City Manager

**From:** Community Planning Department (TH)

**Application:** LL18-0018

**Owner:** Edward & Marilyn Malcolm

**Address:** 3975 June Springs Road

**Applicant:** Emily Vanderschee

**Subject:** Liquor Licence

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 – Agriculture 1 (Agricultural Land Reserve)

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## 1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulations and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from 0747052 BC Ltd dba Meadow Vista Honey Wines for a lounge endorsement for an outdoor patio for Lot A Section 3 Township 26 ODYD Plan KAP61317, located at 3975 June Springs Road, Kelowna, BC for the following reasons:
  - a. The use of the lounge endorsement area is to licence an outdoor patio space 50 sq.m. in size directly adjacent to the winery tasting room.
2. Council's comments on LCLB's prescribed considerations are as follows:
  - a. **The location of the winery/special event area;** The location of the winery is at 3975 June Springs Road, the proposed licenced areas are for an outdoor patio space on the site, 50 sq.m. in size.
  - b. **The proximity of the winery/special event area to other social recreational facilities and public buildings;** Within 1.1 km of South Kelowna Centennial Park sports fields and 1.8 km to Summerside Park. Within 1.1 km is South Kelowna Elementary School.
  - c. **The person capacity of the winery patio area;** The proposed service area has a maximum capacity of 20 people in total.
  - d. **Traffic, noise, parking and zoning;** The impact of noise on the surrounding community should be minimal as City Staff are recommending a restriction on amplified music as detailed in this report. The proposed service area is adjacent to the existing winery site, 27 m from the fronting road, and only in operation from 11 am to 8 pm daily. The creation of

the licenced patio area may increase the amount of traffic in the area, however the increase may not be noticeable as the maximum seating is 20 persons. All parking is contained on site in the existing designated parking areas. The property is zoned A1 – Agriculture 1, which permits an alcohol production facility and a tasting room.

- e. **The impact on the community if the application is approved:** The impacts to the community will be similar to those experienced under the current business over the last several years.
- 3. Council's comments on the views of residents 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 and Procedures.

## **2.0 Purpose**

To seek Council's support for a Lounge Endorsement for an outdoor patio within an existing Manufacturing Liquor License (alcohol production facility).

## **3.0 Community Planning**

Community Planning supports the requested Lounge Endorsement for the existing alcohol production facility (Meadow Vista Honey Wines) as it meets the guidelines of Council Policy #359 Liquor Licensing Policy and Procedures. The impact to the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Maximum of 20 persons within the lounge area (outdoor patio).
- The lounge endorsement area is only 50 sq. m. in size.
- Restricted operation hours of 11 am to 8 pm daily.
- As it is outdoors, weather will direct use throughout the seasons.
- Restrictions to amplified voice and music as per Good Neighbour Bylaw No. 11500

It should be noted that gatherings for events held within a lounge endorsement area are not subject to the restrictions of the 10 allowable events per year under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. These 10 events have multiple restrictions including but not limited to a maximum of 150 participants and all parking contained on site. Maximum occupancy loads and other endorsement restrictions would apply.

## **4.0 Proposal**

### **4.1 Background**

The subject parcel is within the ALR, and zoned A1 – Agriculture 1. Meadow Vista Honey Wines has had a business licence since 2013. In 2013, renovations to the single family dwelling on the subject property occurred to convert the dwelling into the honey wine production facility and tasting room operating today.

It is understood by the Community Planning Department that Meadow Vista Honey Wines has a valid Manufacturer Licence and Winery Licence through the Liquor and Cannabis Regulation Branch. This is a requirement in order to obtain a lounge endorsement on agricultural land.

#### 4.2 Concerns

Amplified music from agri-tourism or commercial uses has been a source of complaints within Kelowna's agricultural neighbourhoods. As the proposed lounge area is entirely outdoors, Community Planning recommends a restriction note printed on the business licence for Meadow Vista Winery outlining the Bylaw No. 11500 regulation that any amplified music played for the purpose of patrons of the lounge area is played at a level that is not audible from the fronting June Springs Road.

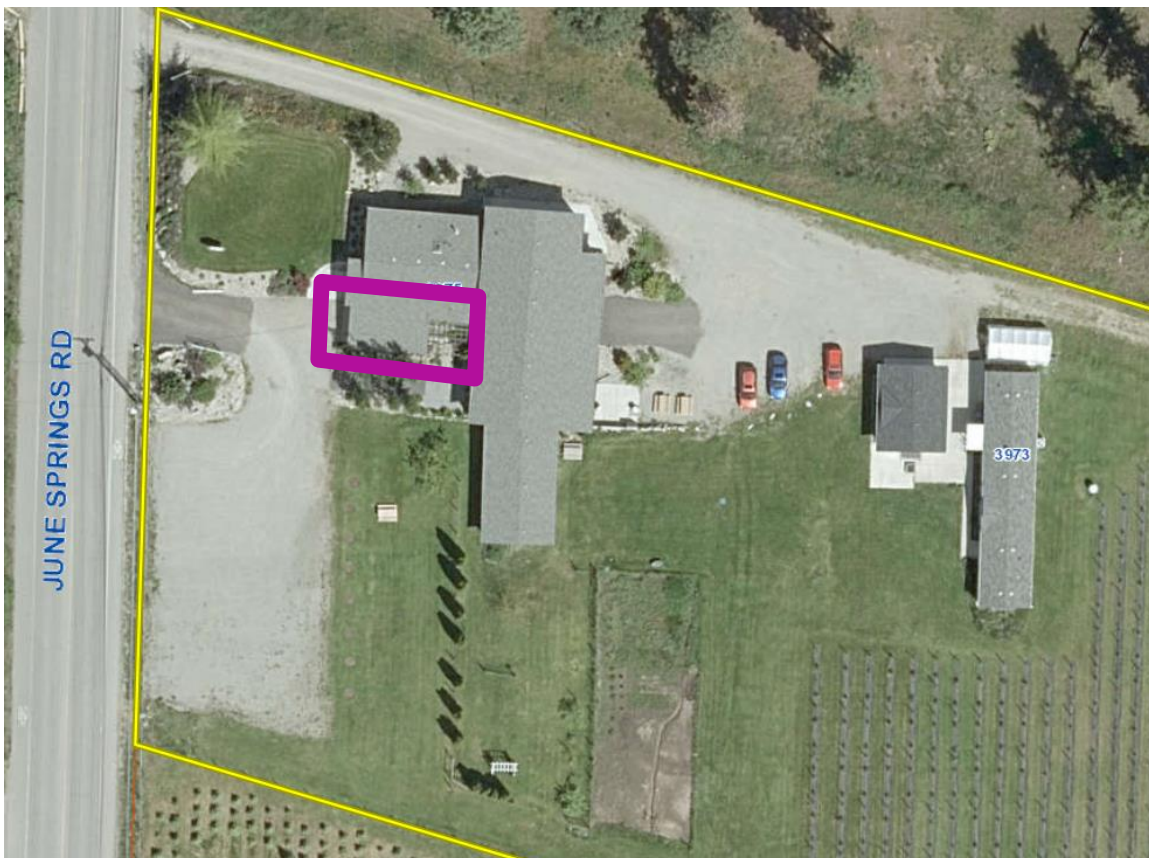
Staff propose that this condition is clearly noted on the business licence issued every year; it will help serve as an annual reminder to the owners of the restriction. The text on the business license would read *"Bylaw No. 11500 restricts music or voice amplification in such a manner that is liable to disturb the quiet, peace, rest, enjoyment, comfort of convenience of individuals or the public. As such, all music or voice amplification for this business must not be audible from the fronting June Springs Road."*

#### 4.3 Project Description

The applicant is proposing to add a lounge endorsement to the existing manufactures licence for an outdoor patio area immediately adjacent to the winery tasting room. The space is intended to offer a more casual food and beverage experience. The applicant proposes to feature food and both alcoholic and non-alcoholic drinks. The areas will provide outdoor seating for visitors and is not intended to directly increase traffic to the winery.

The Building and Permitting department have noted that a Building Permit will be required in order to renovate the winery building for the ability to serve food. The current building permit specifically disallows any cooking facility. In addition to adding in BC Building Code compliant cooking facilities, additional washrooms may be required in order to comply with the current building code.

**Proposed Outdoor Lounge Area:** 3975 June Springs Road (proposed area in magenta)



## Proposed Hours of Sale for Lounge Endorsement Area:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Open</b>	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am	11:00 am
<b>Close</b>	8:00 pm	8:00 pm	8:00 pm	8:00 pm	8:00 pm	8:00 pm	8:00 pm

## Maximum Capacity for Each Endorsed Area:

	Net Floor Area	Proposed Capacity
<b>Tasting Room (Winery)</b>	Max 125 sq.m.	50
<b>Lounge Area</b>	50 sq.m.	20

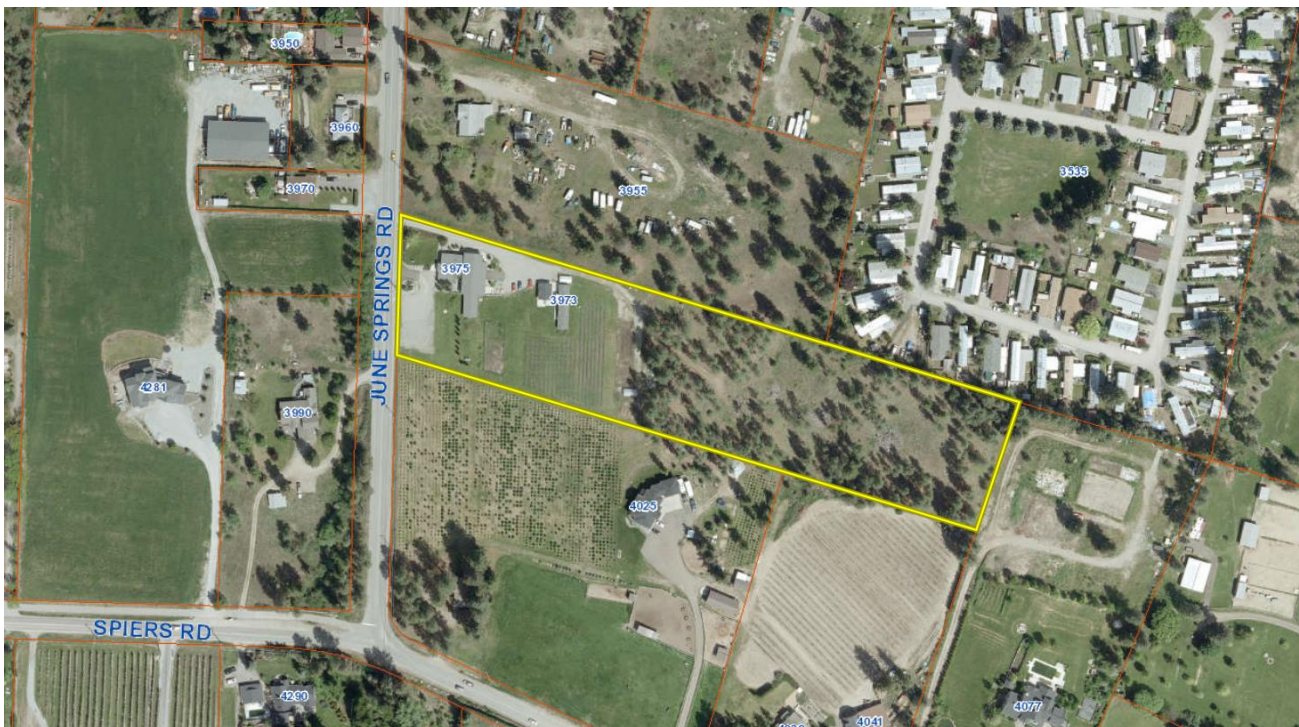
The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCRB.

## 4.4 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 ALR RM7	Single Family Dwelling Mobile Home Park
East	A1 ALR	Single Family Dwelling
South	A1 ALR	Agriculture
West	A1 ALR	Single Family Dwelling

## Subject Property Map: 3975 June Springs Road





## Neighbourhood Context Map: 3975 June Springs Road



### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

##### Development Process

**Agri-tourism, Wineries, Cideries, Retail Sales.**<sup>1</sup> Support agri-tourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

#### 5.2 Council Policy #359 – Liquor Licensing Policy & Procedures

New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

### 6.0 Technical Comments

#### 6.1 Building & Permitting Department

A Building Permit is required in order to covert/install cooking facilities within the winery.

A full plan check at time of Building Permit application will determine the requirement for additional washrooms to accommodate the lounge seating/serving area.

### 7.0 Application Chronology

Date of Application Received: June 26, 2018

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<sup>1</sup> Official Community Plan Policy 5.33.5 (Development Process Chapter)

**Report prepared by:** Tracey Hillis, Planner

**Reviewed by:** Laura Bentley, Community Planning Supervisor

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**  
Applicant's LCRB Package