# REPORT TO COUNCIL



**Date:** March 26, 2019

**RIM No.** 0930-50

To: City Manager

From: Community Planning Department (LK)

No. 1059455

Address: #102 - 1851 Kirschner Road Applicant: Copper Brewing Company Ltd.

**Subject:** Liquor License Application

Proposed OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C10 – Service Commercial

#### 1.0 Recommendation

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

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

- 1. Council recommends support of an application from Copper Brewing Company Ltd. located at #102 1851 Kirschner Road, Kelowna, BC, legally described as Lot 1 District Lot 129 ODYD Plan EPP18842, for a manufacturer lounge from:
  - (a) "9:00 AM to Midnight Sunday to Saturday" for the indoor service areas; and
  - (b) "9:00 AM to 11:00 PM Sunday to Saturday" for the patio service areas
- 2. That Council's comments on the prescribed considerations are as follows:
  - (a) The location of the brewery: The brewery is located in a mixed-use urban centre along a collector route;
  - (b) The person capacity of the brewery lounge: The person capacity is 70 persons for the indoor area, and 40 persons on the exterior patio;
  - (c) Traffic, noise, parking and zoning: The brewery is located in an urban centre and will have minimal negative impact on traffic, noise, parking, and the property is zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow the patio's hours to 11:00pm;

(d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND THAT Council's comments on the view 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 to allow a manufacturer lounge liquor license application for Copper Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 9:00 am to Midnight seven days a week and the hours of 9:00 am to 11:00 pm for the outdoor patio with a seating capacity of 70 persons indoors and 40 persons on the exterior patio.

## 3.0 Community Planning

Staff generally support all manufacturer lounges in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license in this location. Staff are recommending that Council endorses the applicant's proposed hours from 9:00 am to midnight 7 days a week but limit the outdoor patio hours to 11:00 pm. This is consistent with all new outdoor patios both within and outside of the downtown City centre. The applicant has agreed that limiting the patio hours to 11:00 pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. While the neighbourhood has limited existing residential development, both the OCP and the Capri-Landmark Urban Centre Plan proposes increased residential density for the surrounding area. This establishment will provide the local residents with a walkable neighbourhood pub setting they can frequent without the necessity of driving a vehicle, taking a taxi or public transit.

RCMP were supportive of the application and the proposed hours of operation as having a venue outside of the downtown core offers local patrons the opportunity to socialize within their own Urban Centre, thereby reducing the traffic to the downtown core. This aids in reducing the pressure for responses by RCMP to highly concentrated areas.

#### 4.0 Proposal

#### 4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for their approval. Procedurally, this type of application needs Local Government comments prior to the LCRB making a final decision.

#### 4.2 <u>Project Description</u>

#### Proposed Hours of Sale (Manufacturer Lounge):

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	Interior	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am
	Patio	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Subject Property Map: #102 – 1851 Kirschner Road



## 5.0 Current Development Policies

- 5.1 <u>Council Policy #359 Liquor Licensing Policy and Procedures</u>
  The following sections of Policy #359 are applicable to this application:
  - Small establishments (with person capacity less than 100 persons should not be located beside another liquor primary establishment.
  - New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

### 6.0 Application Chronology

Date of Application Received: December 18, 2018

Prepared by: Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

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

#### Attachments:

Attachment A: Site plan/ Floorplan - Occupant Load