

# REPORT TO COUNCIL



**Date:** November 3, 2015

**RIM No.** 0930-50

**To:** City Manager

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

**Application:** LL15-0017

**Owner:** Argo Investment Corporation, Inc. No. 304067  
Federico Enterprises Ltd,  
Inc. No 225514

**Address:** 1978 Kirschner Road

**Applicant:** 0885172 B.C. LTD.  
(dba O.K. Corral)

**Subject:** Liquor License Application

**Existing OCP Designation:** Mixed-Use (Residential/Commercial) (MXR)

**Existing Zone:** C10lp/rls - Service Commercial (Liquor Primary/  
Retail Liquor Store)

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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:

1. Council recommends support for the application from 0885172 BC Ltd. (dba OK Corral Cabaret) at 1978 Kirschner Rd. Kelowna BC, legally described as Lot A, District Lot 129, ODYD, Plan 23146, for a change to licensed hours of sales from 7:00 PM to 2:00 AM Monday to Sunday, to 12:00 PM to 2:00 AM Monday to Sunday.
2. The Council's comments on the prescribed considerations are as follows:
  - (a) The potential for noise if the application is approved;  
The potential for noise may increase due to the additional hours of 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:  
The potential for negative impacts is considered to be minimal.
  - (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.

The 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 permanent change in hours of operation for a Liquor Primary Establishment.

## 3.0 Community Planning

This application to open earlier in the day represents a minor change to the establishment. Opening earlier in the day will have the potential to activate the space during the day when the facility would be otherwise closed and vacant.

Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings. Staff do not anticipate any negative public impacts with the proposed hours and the business owners are in good standing with the city in their operations. The subject property provides ample buffer to adjacent land uses and so staff do not anticipate any neighbourhood conflict.

Based on the above, staff support this application and recommend that the application be supported by Council.

## 4.0 Proposal

### 4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, permanent changes to the hours of operation for liquor primary licensed establishments require Local Government comment on the application, prior to the LCLB making a final decision.

The subject property has operated as a Liquor Primary establishment since the mid 1980's. The property also includes a liquor store component. In 2014, the establishment was granted an increase in licensed capacity to 355 persons, based on renovations to the washrooms.

### 4.2 Project Description

#### Existing Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

#### Proposed Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

This application proposes to change the opening hours of operation from the current 7:00 PM opening to open at 12:00 PM in order to offer more flexibility to book functions earlier in the

day. In the past, it would have been necessary to apply for a Special Occasion License, a process that is time consuming and expensive.

#### 4.3 Site Context

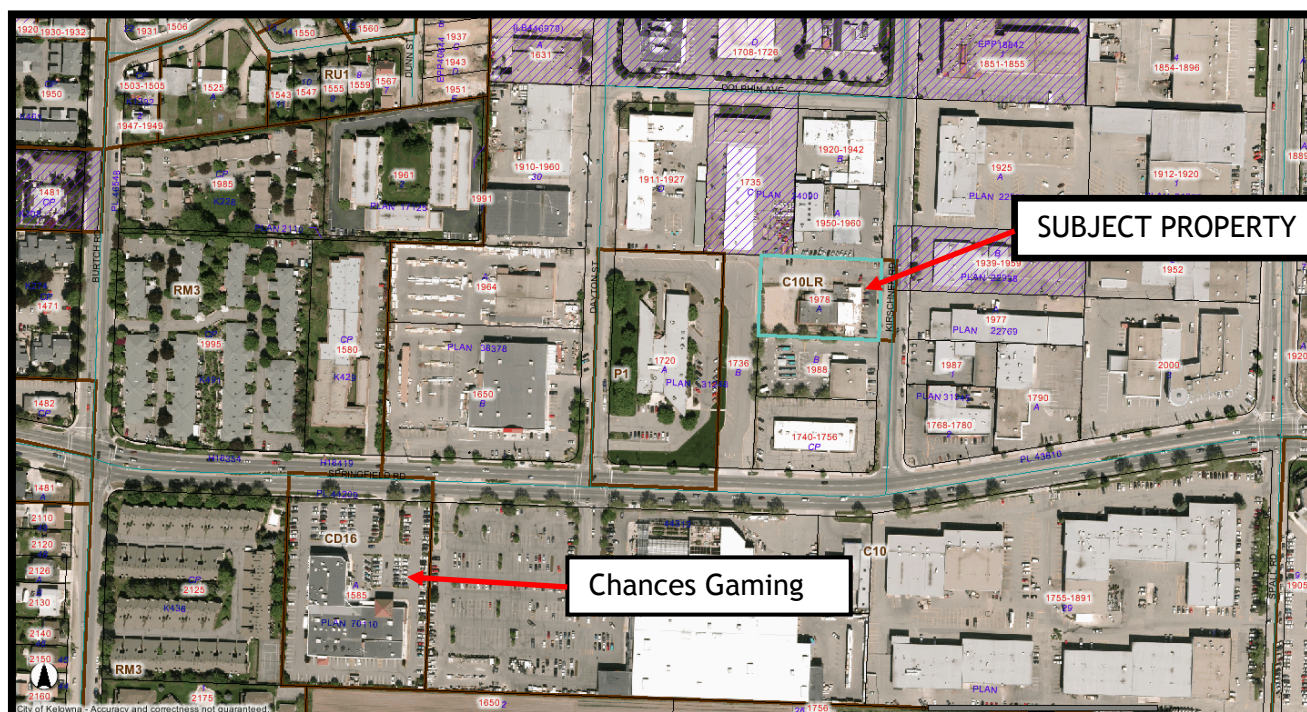
The subject property is located within the Capri-Landmark Urban Centre. The nearest Liquor Primary establishment would be Chances Gaming Entertainment, which is approximately 350m away, to the south-west.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Auto body shop, restaurant
East	C10 - Service Commercial & LUC76-1052	Service Commercial uses
South	C10 - Service Commercial	Service Commercial uses
West	C10 - Service Commercial	Service Commercial uses

Subject Property Map:

1978 Kirschner Rd.



#### 5.0 Current Development Policies

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

The proposed change in hours of sale will not contravene any guidelines within this policy.

5.2 Kelowna Official Community Plan (OCP)

**Entertainment Venues.**<sup>1</sup> Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Bylaw Services

No Objections

6.3 Fire Department

No Objections

6.4 R.C.M.P

The RCMP are not opposed to the applicant's request for a permanent change in the hours of sale beginning at 12:00 p.m.

7.0 Application Chronology

Date of Application Received:

August 10, 2015

Date RCMP Comments Received:

September 15, 2015

Report prepared by:

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Paul McVey, Urban Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

**Attachments:**

Subject Property Map

Rationale Letter

LCLB Application

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<sup>1</sup> Policy 5.17.1 (Development Process Chapter 5, page 5.21)