

REPORT TO COUNCIL



Date: July 26, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0005

Owner: Su-Mar Investments Ltd., Inc.
No. 154934

Address: 663-671 Finns Rd

Applicant: Brandon Loughery

Subject: Liquor License Application

Existing OCP Designation: RCOM – Regional Commercial Corridor

Existing Zone: C2PL – Neighbourhood Commercial (Liquor Primary)

1.0 Recommendation

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

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Brandon Loughery for a liquor primary license for Lot 1 Section 34 Township 26 ODYD Plan 42743, located at 663-671 Finns Rd, Kelowna, BC for the following reasons:
 - The expansion of outdoor patio area is perceived to have a minimal impact on the community and surrounding properties.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

a. The potential for noise if the application is approved:

The potential for noise is minimal and would be compatible with the surrounding community as the immediate neighbourhood is mainly industrial and agriculture.

b. The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal as this is an expansion to the service area of an existing Liquor Primary Establishment while decreasing the overall occupancy.

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."

Purpose

To amend a Liquor Primary's service area by expanding to include new patio areas with an occupancy of 60 persons and a total occupancy of 200 persons.

2.0 Development Planning

Staff support the request to amend a Liquor Primary License for the existing liquor primary establishment. The proposed maximum occupancy would be 200 persons. The occupancy is allocated within different areas of the business with 120 persons in the dining area, 20 in the billard room and 60 persons on three separate patios. The applicant is not proposing to change any of the business hours. The outdoor patio area will maintain hours which are consistent with the Bernard Avnue Sidewalk Program and other outdoor patio areas:

- Patio hours of operation: 11:00 am – 11:00 pm
- Last Call for drinks: 10:30 pm
- Alcohol to be cleared from the patio area by 11:00 pm
- Patrons must exit the patio by 12:00 am
- A patio may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. The City of Kelowna Good Neighbor Bylaw No. 11500, Part 7 will apply at all times.

Staff support the proposed structural change to the existing liquor primary license; Staff anticipate this liquor license application will have a minimal impact on the surrounding area.

3.0 Proposal

3.1 Background

An application has been forwarded by the licensee to the British Columbia Liquor & Cannabis Regulation Branch (LCRB) for their approval. Procedurally, these applications need Local Government Comment prior to the LCRB making a final decision:

- Change to liquor primary occupancy and service area.

Operating Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	11:00pm	11:00pm	11:00pm	12:00am	12:00am	1:00am	1:00am

3.2 Site Context

The subject property is the Gateway District in close proximity to Hwy 97 N. The surrounding area has a mix of land use including Industrial, Agriculture and Residential. The property has a Future Land Use Designation of RCOM – Regional Commercial Corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Contractor Services
East	A1 – Agriculture 1	Farming
South	A1 – Agriculture 1	Two Dwelling Housing
West	I2 – General Industrial	General Industrial

Subject Property Map: 663 Finn Rd



4.0 Current Development Policies

4.1 Council Policy No. 359

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

5.0 Technical Comments

5.1 RCMP

No specific policing concerns.

5.2 Fire Department

No Objections.

6.0 Application Chronology

Date of Application Accepted: April 25, 2022

Date Public Consultation Completed: June 16, 2022

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Site Plan & Floor Plan / Occupant Load

Attachment B: Letter of Rationale