

REPORT TO COUNCIL



Date: November 15, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0011

Owner: Victor Projects Ltd., Inc.No.
BC1326399

Address: 948 McCurdy Road

Applicant: Norson Construction

Subject: Liquor License

Existing OCP Designation: RCOM – Regional Commercial

Existing Zone: C2 – Vehicle Oriented Commercial

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 Norson Construction for a liquor primary license amendment for Lot 1 District Lot 143 ODYD Plan KAP65021, located at 948 McCurdy Road, Kelowna, BC for the following reasons:
 - Expansion of an existing patio is perceived to have a minimal impact on the community and surrounding properties as this is an existing business that is changing the layout of the establishment with no perceivable changes to operation.

2. Council's comments on LCRB's prescribed considerations are as follows:

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

The location is in close proximity to other commercial and industrial uses and there is no residential use in close proximity to the subject site.

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

The potential impact for noise is minimal and would be compatible with surrounding land uses.

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 permanent change to an existing Liquor License to accommodate a patio with a capacity of 108 persons.

3.0 Development Planning

Staff are supportive of the proposal to change the existing liquor license to accommodate an outdoor patio. Staff do not foresee any negative impacts to the surrounding neighbourhood if this proposal is approved. The Official Community Plan (OCP) encourages complete communities which includes entertainment beyond the standard workday hours.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control; and Licensing Branch (LCRB) for their approval. Procedurally, all these applications require Local Government comment prior to the LCRB making a final decision:

- Permanent changes to a liquor license to allow for a patio

4.2 Project Description

The applicants are proposing to make permanent the temporary outdoor patio established during the COVID 19 pandemic. The occupant load of the patio has a maximum capacity of 108 persons based on the seating provided, while the occupant load of the lounge seating area would remain as 340 for a total of 448 persons.

Proposed Hours of Sale :

		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	Indoor	12:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM
	Patio	12:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

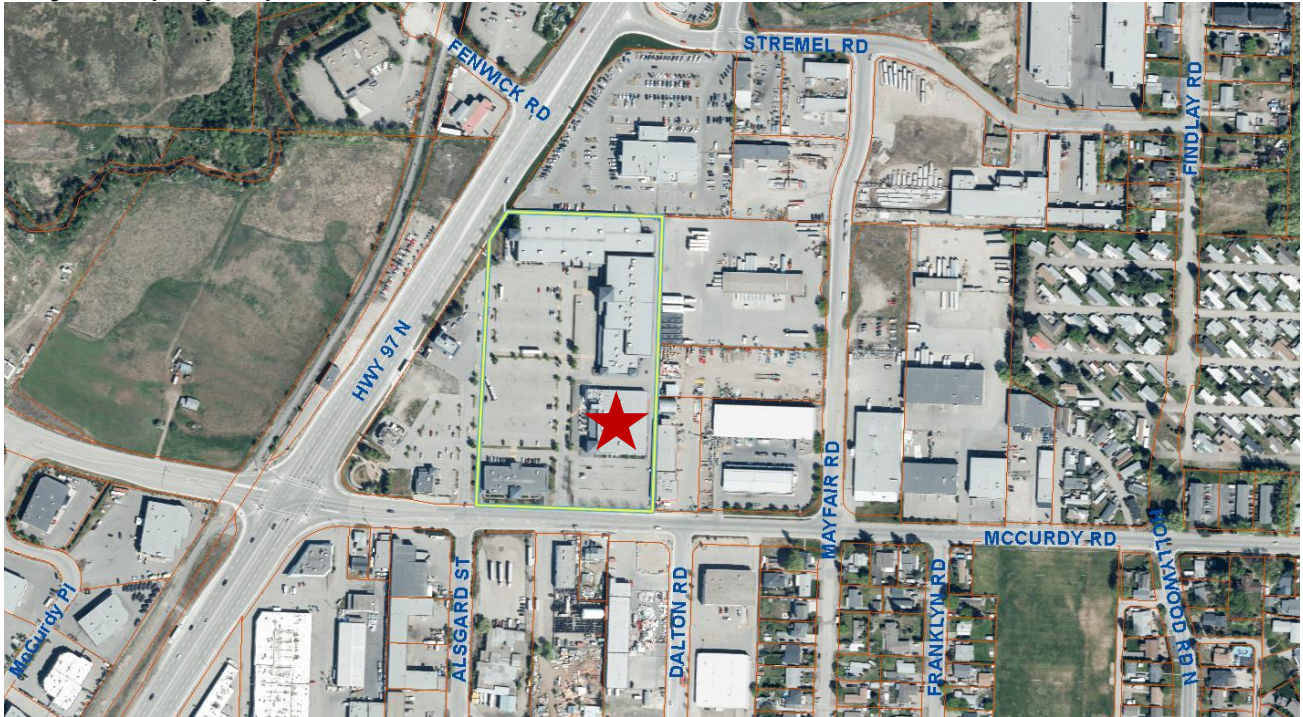
4.3 Site Context

The subject property is located along Highway 97, north of McCurdy Road within the McCurdy Corner shopping area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Car Dealership
East	I2 – General Industrial C10 – Service Commercial	Warehouse/Storage & Warehouse Sales Vehicle and equipment sales/rentals, Industrial
South	I2 – General Industrial	Warehouse/Storage & Warehouse Sales
West	C3 – Community Commercial	Retail /Commercial

Subject Property Map:



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- 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 R.C.M.P.

No specific policing concerns.

Application Chronology

Date of Application Accepted: May 20, 2022

Report prepared by: Graham Allison, 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: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale