

REPORT TO COUNCIL

LIQUOR LICENSE



Date: January 20, 2025
To: Council
From: City Manager
Address: 2555 Saucier Rd
File No.: LL24-0021

	Existing	Proposed
OCP Future Land Use:	R-AGR – Rural – Agriculture and Resource	R-AGR – Rural – Agriculture and Resource
Zone:	A1 - Agriculture	A1 - Agriculture

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 Priest Creek Family Estate Winery Inc. for a lounge endorsement for Lot C Section 4 Township 26 ODYD Plan 42820, located at 2555 Saucier Rd, Kelowna, BC for the following reasons:
 - The proposed lounge endorsement is consistent with regulations of the Liquor and Cannabis Regulation Branch, Agriculture Land Commission, and Council Policy 359.
2. Council’s comments on LCRB’s prescribed considerations are as follows:
 - a. The location of the winery/special event area:
 As part of the manufacturing licence, the tasting room, picnic area endorsement, and temporary expanded service area (TESA), have been operating in its current location for several years. The proposed lounge endorsement is located to minimize the impact on agricultural productivity.
 - b. The proximity of the winery/special event area to other social or recreational facilities and public buildings:
 The winery is located over 300 m from South Kelowna Elementary School. The proximity is not anticipated to be a concern.
 - c. The person capacity of the winery lounge:
 The person capacity is acceptable as it aligns with Council Policy 359 which recommends that the liquor establishment capacity outside of the Central Area not exceed 250 persons.
 - d. Traffic, noise, parking and zoning:
 Traffic, parking, and zoning are not anticipated to be a concern. and the applicant has taken actions to minimize the potential noise impact to adjacent property owners by constructing fencing, reducing the size of the lounge endorsement area and having reduced patio hours.

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

The application is not anticipated to have significant impact on the community.

3. The views of residents are summarized in the Staff report for the subject application. 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 on an existing manufacturing licence.

3.0 Development Planning

Staff support the request for a Lounge Endorsement on the existing manufacturing licence. The winery is located on agricultural land surrounded by other agricultural properties that are actively being farmed. The proposed Lounge Endorsement will be located inside the existing winery and a small patio adjacent to the winery building. The current patio and inside area have been operating in a similar manor to a Lounge Endorsement under the provincial Temporary Expanded Service Area (TESA) program, which came to an end December 31, 2024.

The proposed lounge endorsement meets the recommendations of Council Policy 359. The proposed capacity of the lounge endorsement will not exceed 100 persons and the outdoor hours will not exceed 9:00pm.

The subject property is located within the Agricultural Land Reserve (ALR). The use of a winery with a Lounge Endorsement is a permitted farm use, that may not be prohibited by local government, provided that the size of the lounge is no larger than 125 m² inside and 125 m² outside.

The applicant has worked to address a noise concern raised by a nearby resident by recently constructing a 7 ft tall fence to buffer potential noise. The applicant has reduced the size of the proposed outdoor patio to 67 m² from the 125 m² permitted. Additionally, the applicant is willing to limit the outdoor patio hours to 9:00 pm.

4.0 Project Details

Hours on Licence:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	Indoor	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM
	Patio	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM

Occupant Load:

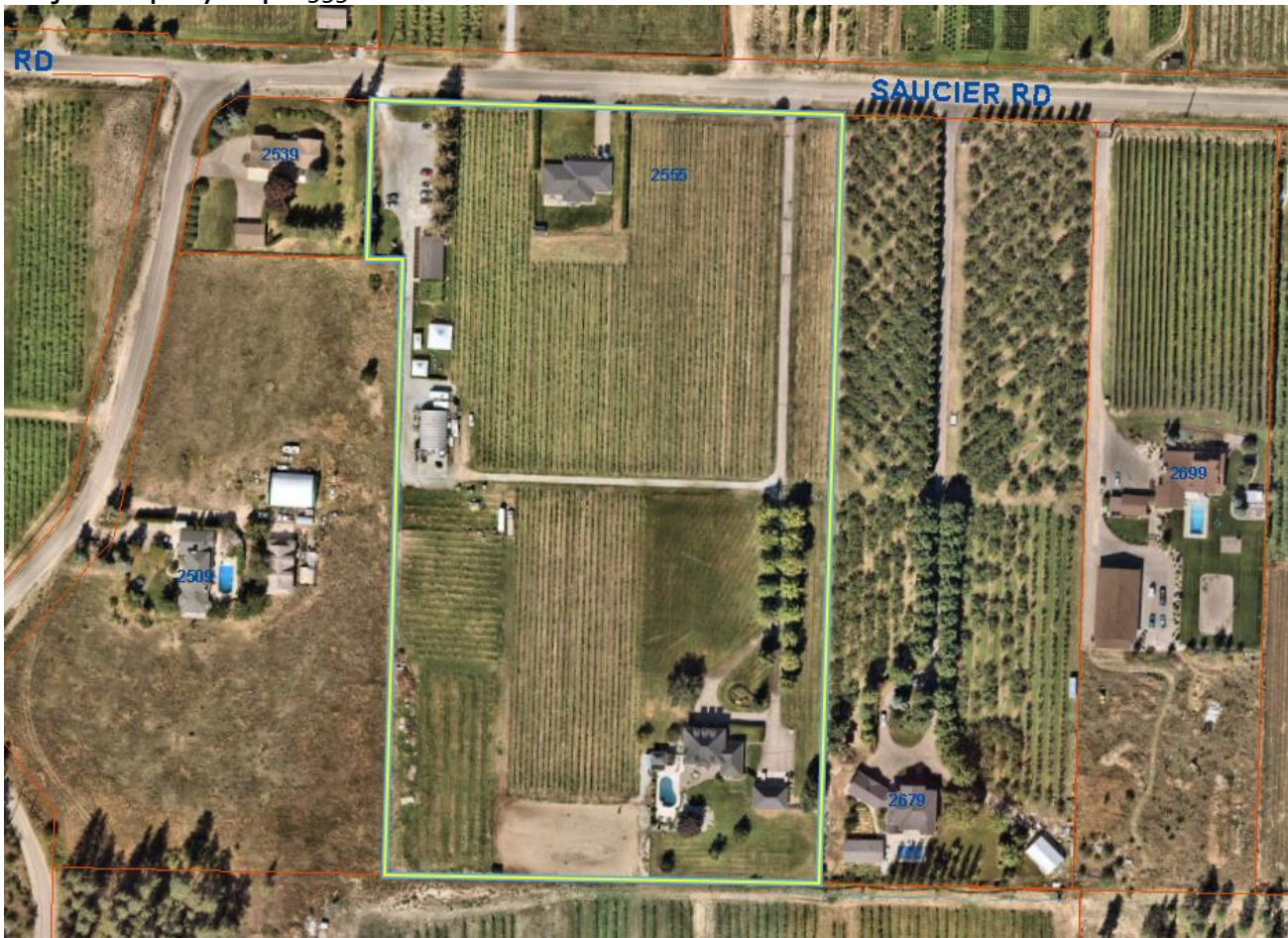
	Existing	Proposed
Indoor	N/A	57
Outdoor	N/A	87
Total	100*	100*

* The total cannot exceed 100 persons at any given time.

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture
East	A1 - Agriculture	Agriculture
South	A1 - Agriculture	Agriculture
West	A1 - Agriculture	Agriculture / Single Detached Home

Subject Property Map: 2555 Saucier Rd



The subject property is located on Saucier Road near the intersection with Grantham Road. The surrounding area is primarily agriculture.

6.0 Public Input Received

Neighbour notification was conducted in accordance with Council Policy #359:

- Notices were delivered to properties within a 300 m radius of the subject property by a combination of hand delivery or mail by December 3, 2024; and
- Signage was erected on the subject property on December 14, 2024.

Notification provided an opportunity for affected residents to comment on the proposal. As of January 6, 2025, one individual from the public provided input. A property owner, who lives in close proximity to the subject property, expressed their concerns about the noise over the past several years because of the music.

7.0 Official Community Plan Policies

- 8.1.1 - Protect agricultural land - a winery, including a lounge, is a permitted farm use under the ALR, and may not be prohibited by local government. Support for a winery ensures that the primary use of agricultural land is agriculture.
- 8.1.5 - Agri-tourism, Alcohol Production Facilities, Farm Retail Sale - Support agri-tourism uses that are directly associated with and supportive of established farm operations as a primary use. Permit alcohol production facilities and farm retail sales on ALR lands where consistent with ALC policies and regulations.

8.0 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- A licensed establishment located on parcels within the Agricultural Land Reserve (ALR) will only be permitted in accordance with the Agricultural Land Commission Act (ALCA) and ALR and Regulations. If not regulated by the ALCA or ALR regulations, liquor establishments on agricultural land must comply with all sections of this Policy.
- For a licensed establishment outside of the Central Area, liquor service may only be permitted between the hours of 9:00 AM and 12:00 AM.
- Outside of the Central Area, an outdoor patio at a licensed establishment may not operate later than 12:00 AM. If the property, or any adjacent or abutting property, is designated or zoned for residential uses the patio must not operate later than 11:00 PM.
- For a licensed establishment outside of the Central Area, the capacity may not exceed 250 persons.

9.0 Technical Comments

9.1 R.C.M.P.

No comment

10.0 Application Chronology

Application Accepted: November 6, 2024

Report prepared by: Jason Issler, Planner II
Reviewed by: Dean Strachan, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale

Attachment C: Neighbourhood Summary

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.