

REPORT TO COUNCIL



Date: May 30, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (MS)

Application: LL17-0002

Owner: Aura Rose
Wouter Van der Hall

Address: 2270 Garner Road

Applicant: House of Rose Vineyards Ltd.

Subject: Liquor License Application – Special Events Area

Existing OCP Designation: Resource Protection Area

Existing Zone: A1 – Agriculture 1

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 10 of the Liquor Control and Licensing Regulation and Council Policy 359,
BE IT RESOLVED THAT:

1. Council recommends support of an application from the House of Rose Vineyards Ltd. for a special event area endorsements for Lot C Section 13 and 14 TWP 26 ODYD Plan 14119, located at 2270 Garner Road, Kelowna, BC for the following reasons:

- the use of the Special Event Area Endorsement will be used for no more than 10 music events per year, in addition to several harvest or seasonal events; and
- the conditions noted above will form a part of their annual business license issuance.

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

Criteria for a Special Event Area Endorsement :

- The location of the establishment.** The location at 2270 Garner Road does not have a park, house of worship, school of worship or daycare within 500 metres.
- The proximity of the establishment to other social or recreational facilities and public buildings:** Within 1 kilometre, are four parks including the Mountain Bike Skills Park, Mission Creek Regional Park, Scenic Canyon Regional Park and Bella Vista Park.

Within 2 kilometres are the Black Mountain Elementary School and Rutland Preschool, Treasure Box Daycare and Ridgeview Evangelical Church, Lil Wildings Daycare, Mountain Montessori Preschool, Gopher Creek Linear Park and Loseth Park.

Within 3 kilometres are the Montessori Elementary School, RCMP and Firehall Station #3, Camelot Winery, Double Cross Winery, Black Mountain Pub and Lund Park.

- c. **The person capacity and hours of liquor service of the establishment: 150 persons during the hours noted below:**

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
6:00 PM	6:00 PM	6:00 PM	9:30 PM	9:30 PM	9:30 PM	6:00 PM

- d. **Traffic, noise, parking and zoning:**

The impact of traffic will be that of 150 people, with minors permitted when accompanied with adults, attending 13 events per year as proposed, in the early evening and leaving before 9:30 PM. Access to the property is provided along an easement through 2288 Garner Road, to the south of the property.

The noise on the community in the immediate vicinity will be due to amplified sound during the special events to the hours noted. The ALC has provided correspondence that special events, not including harvest and seasonal festivals, are limited to 10 events per year outside the lounge winery licensed area. The noise impact will be for this number of events to the times stated in the application, a maximum of 9:30 pm. The applicant has been holding these events for the past several years under the Picnic Area Endorsement, but seeks to change this endorsement in accordance with new LCLB regulations. The noise is not expected to be additional to what has been conducted over the last several years under the Picnic Area Endorsement. In addition, the City of Kelowna Noise and Disturbances Control Bylaw No. 6647 will apply.

Parking will be provided on site in grassed areas and along internal roadways. Permanent hard surfacing is not proposed.

Zoning of A1 – Agriculture permits wineries and cideries within the zone.

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

The impact to the community will be the amplified sound and traffic for up to 13 events per year. Parking is not expected to impact the community, as sufficient room for parking is available on site. The impacts will be similar to those experienced under the Picnic Area Endorsement over the last several years.

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 applicant distributed an information package to properties within 300m of the subject parcel. A sign was posted on the property notifying neighbours 10 days in advance of the Council Meeting. 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 Special Events Area Endorsement to an existing Manufacturing and Tasting Liquor License in an A1 – Agriculture 1 zone with an occupant load of 150 persons maximum for no more than 10 music events per year, in addition to several harvest/ seasonal events per year.

3.0 Community Planning

Community Planning supports this application for a liquor primary license at this establishment because it meets the guidelines of Council Policy #359 "Liquor Licensing Policy and Procedures". In addition, the applicant has further agreed to establish the number and hours of events as conditions within their business license.

The request is to respond to changes made by the Liquor Control and Licensing Board (LCLB) in 2016, that prohibits amplified sound in picnic areas, but permits it in Special Events Endorsement Areas. The applicant wishes to continue to have 10 events per year, in addition to 2 harvest festivals and one seasonal Christmas festival, at their winery with amplified sound, no later than 9:30 pm. This is a continuation of their business as they have been doing it for several years, under the new liquor licensing requirements.

In addition, in 2016, the Ministry of Agriculture now allows for up to 10 events per year in the Agricultural Land Reserve. ALC staff have confirmed that through the ALC Regulation, a maximum of 10 gatherings per year are permitted outside of a winery lounge area¹. Harvest festivals are permitted in addition to these 10 events. The proposed conditions of the business license will conform to the ALC Regulation.

4.0 Proposal

4.1 Background

The request is to add a Special Events Area Endorsement to the House of Rose Winery. The winery currently has a Manufacturing License, a Tasting License and a Picnic Areas Endorsement.

For the last several years, the winery have been holding up to 10 events per year that include music with amplified sound in their Picnic Endorsement Area. In addition, they hold several harvest and seasonal events. These are early evening events that finish by 9:30 pm.

In the fall of 2016, the LCLB made changes to the *Liquor Control and Licensing Regulation*² that prohibits amplified sound in Picnic Areas, but permits them in Special Events Areas. In addition, it placed a limit on the capacity of Picnic Areas to 30.

4.2 Project Description

The applicant seeks support for the a Special Events Area Endorsement in order to hold up to 10 music events and several harvest/seasonal event per year to no later than 9:30 pm. This will allow amplified sound and an occupant load of 150 person maximum for the events.

¹ S. Runka, Dec. 14, 2016. Agricultural Land Commission, Policy Planner. Personal Communication.

² Queen's Printer. Dec. 7, 2016. Liquor Control and Licensing Regulation.

http://www.bclaws.ca/civix/document/id/complete/statreg/241_2016

4.3 Site Context

The House of Rose Winery is located at 2270 Garner Road. It is within the Belgo / Black Mountain Sector of the City. The property is zoned A1 – Agriculture 1 and is within the Resource Protection Area Future Land Use designation. The property is 2.78 hectares (6.87 acres).

Access is provided to the property through an easement via 2288 Garner Road. Staff have reviewed the easement document which states that 2288 Garner Road shall give unimpeded access without restriction to the subject property.

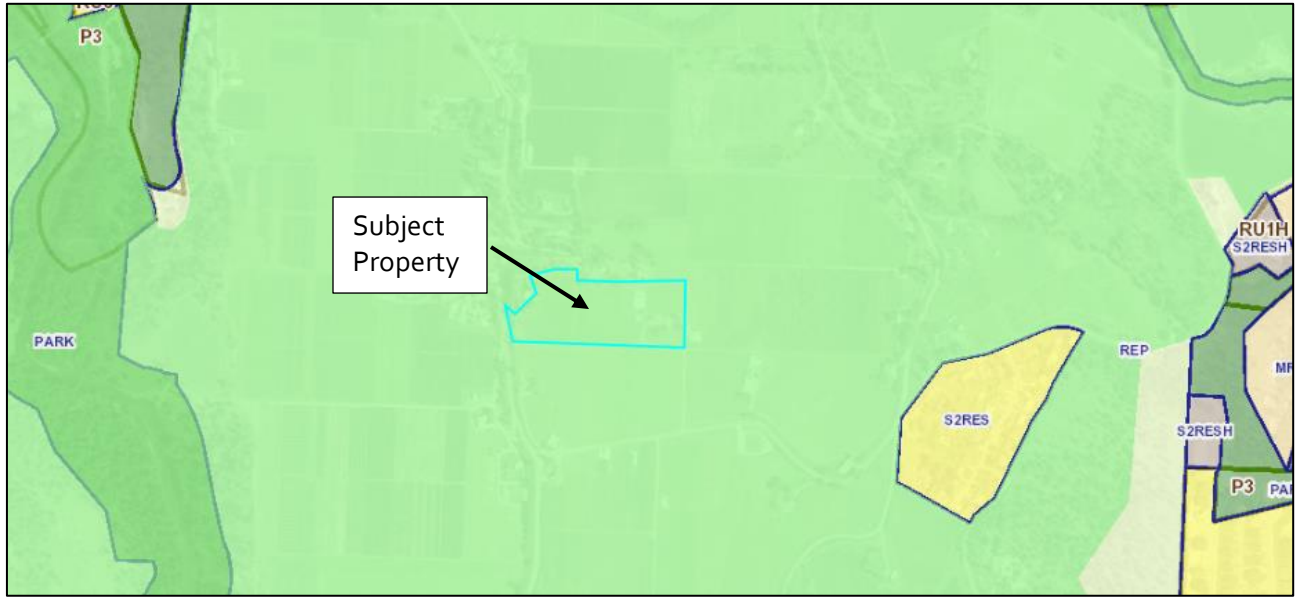
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential
East	A1 - Agriculture 1 / ALR	Agriculture
South	A1 - Agriculture 1 / ALR	Agriculture
West	A1 - Agriculture 1 / ALR	Agriculture / Rural Residential

Subject Property Map: 2270 Garner Road



Future Land Use: 2270 Garner Road



Special Events Area: 2270 Garner Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Agri-tourism, Wineries, Cideries, Retail Sales.³ Support agritourism uses that can be proven to be in aid of and directly associated with established farm operations. Permit wineries, cideries and farm retail sales (inside and outside the ALR) only where consistent with existing ALC policies and regulations.

5.2 Council Policy #359 – Liquor Licensing Policy & Procedures

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

5.3 Noise and Disturbances Control Bylaw No. 6647 Section 3.3

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity.

5.4 Agricultural Land Commission Regulation - Section 3(4)⁴

The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(k) gathering for an event, if all of the following conditions are met:

- (i) the farm must be located on land classified as a farm under the Assessment Act;
- (ii) permanent facilities must not be constructed or erected in connection with the event;
- (iii) parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- (iv) no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- (v) the event must be of no more than 24 hours duration;
- (vi) no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

6.0 Technical Comments

6.1 Development Engineering Department

The Development Engineering comments regarding this Special Event Areas Endorsement Liquor License Application for an outdoor open area as specified, are as follows:

On-site

1. Provide adequate off street parking for the proposed events.
2. Provide detail on the existing Shared Access Agreement for information to Council.

³ City of Kelowna Official Community Plan, Policy 5.33.5 (Development Process Chapter).

⁴ ALC, Jan. 23, 2017. ALR Use, Subdivision and Procedure Regulation - Section 3(4)(k) Gathering for an Event

6.2 Bylaw Services

As per your request, there are no outstanding Bylaw enforcement files pertaining to property address: 2270 Garner Rd., Kelowna, BC.

6.3 Fire Department

The Kelowna Fire Department has no issues with the liquor license. Should the area be fenced, it requires more than one way out - an emergency swing gate or alternative access/egress.

7.0 Application Chronology

Date of Application Received: March 2, 2017

Date Public Consultation Completed: April 11, 2017

Report prepared by:

Melanie Steppuhn, Land Use Planner

Reviewed by:

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Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

☐

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Applicant's Package