



Corporate Report

NO: R192

COUNCIL DATE: September 8,

2003

REGULAR

TO: Mayor & Council DATE: September 3,
2003

FROM: General Manager,
Planning & Development FILE: 7902-0243-00

SUBJECT: Liquor Primary License for the Fox and Fiddle
19530 Langley By-pass

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information; and
2. Rescind resolution R03-2108 and adopt the following resolution in its place:

"After taking into account the following criteria that have been addressed in staff reports:

- (a) The location of the establishment being 19530 Langley By-pass;
- (b) The proximity of the establishment to other social or recreational facilities and public buildings;
- (c) The person capacity and hours of liquor service of the establishment;
- (d) The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location;
- (e) Traffic, noise, parking and zoning;
- (f) Population, population density and population trends;
- (g) Relevant socio-economic information; and
- (h) The impact on the community of the application is approved; and

after holding a Public Hearing on January 20, 2003, to gather the views of area residents and businesses with respect to the proposed liquor primary establishment, and

after further considering additional information for items identified as (e), (f), (g) and (h) above as contained in this report,

Surrey City Council recommends the issuance of the license subject to the following conditions:

- A maximum capacity of 117 persons inside and 50 persons in the patio area;
- Hours of operation to be 11 a.m. to 1:00 a.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday; and
- The license issued by the Liquor Control and Licensing Branch specifically identify the "food-primary" and the "liquor primary" area within the premises, as illustrated on the attached Appendix II"; and

3. Instruct the City Clerk to notify the General Manager, Liquor Control and Licensing Branch of Council's decision.

BACKGROUND

The site on which the Fox and Fiddle is located fronts the Langley By-pass and is zoned Highway Commercial Industrial Zone (CHI), which permits a variety of uses including a hotel and a liquor primary establishment. In late 2002, the operator of the Fox and Fiddle restaurant made application for a "liquor primary" license and, in accordance with normal procedure, on Monday, January 20, 2003, Council held a Public Hearing to solicit opinions from area residents regarding the proposed "liquor primary" license. Council referred the application back to staff to ensure that pre clearance for the liquor primary license application was issued by the BC Liquor Control and Licensing Branch ("LCLB") prior to Council making a decision on the license.

On July 14, 2003, after receiving correspondence from the LCLB dated June 27, 2003 (copy attached as Appendix "A") approving the applicant's suitability and eligibility, staff prepared a memorandum and resolution for Council's consideration, which was placed on the agenda for the July 14, 2003 Regular meeting of Council. After considering the memorandum, Council referred the matter back to staff for a report on the comments expressed at the Public Hearing.

At the Regular meeting of Council on July 24, 2003, Corporate Report No. R180 (Appendix "B") was considered by Council, responding to the comments expressed at the Public Hearing. After considering the report, City Council passed a resolution, attached as Appendix "C" and instructed the City Clerk to notify the General Manager, Liquor Control and Licensing Branch of Council's decision.

DISCUSSION

On August 22, 2003, Planning and Development Department received correspondence from the LCLB advising that the resolution passed by Council recommending issuance of a liquor primary license for the Fox and Fiddle did not provide specific comments on the following prescribed criteria:

- Traffic, noise, parking and zoning;
- Population, population density and population trends;
- Relevant socio-economic information; and
- The impact on the community if the application is approved.

LCLB staff requested that these factors be considered by Council and a revised resolution be forwarded to the LCLB. On this basis, the following information is being presented to Council with a view to Council adopting a revised resolution to forward to the LCLB:

1. **Traffic, Noise, Parking and Zoning**

The subject site is located on the Langley By-pass, which is a high traffic area. The traffic impact, as assessed by the Engineering Department, of the proposed establishment will be minimal. The Ministry of Transportation has reviewed the uses permitted on this site and has issued Highway Access Permits for driveways off Highway No. 10 into the parking lot. There are no residences in the immediate vicinity of the site and, as such, any noise generated by the establishment should not create adverse community impacts. In addition, parking requirements were considered and the development satisfies the parking requirements of Surrey Zoning Bylaw, 1993, No. 12000 for the uses on the site. The subject site is zoned CHI, which permits a liquor primary license.

2. **Population, Population Density and Population Trends**

According to Statistics Canada, Surrey's population has increased by 14.2% over the period from 1996 to 2001. This growth trend is anticipated to continue over the next five years. The increase in liquor primary licenses in the City has not kept pace with population growth and, therefore, the approval of this license is consistent with satisfying the increased market demand that population growth should create.

3. **Relevant Socio-Economic Information**

The tourism activity surrounding this enterprise is expected to have a positive economic spin-off for the surrounding community and businesses. The growing number of residents in the Cloverdale community and the increased business growth in the immediate area would indicate a demand for such businesses and the specific location is consistent with sound land use planning principles. The approval of this license also increases the employment opportunities within this area of Surrey.

4. **Impact on the Community if the Application is Approved**

There will be minimal impact on the residential community as the site is located within a commercial/industrial area and is not immediately adjacent to a residential area. The increase in activity on the site during the evening hours should act to increase surveillance on the surrounding businesses, which is positive from a crime prevention perspective.

CONCLUSION

The LCLB has advised that Council's resolution, with respect to the subject liquor license application, needs to be amended to reflect Council's consideration of certain criteria that were not specifically addressed in the previous Corporate Report to Council. It is recommended that Council receive this report as information, adopt the revised resolution contained in the recommendation section of this report and authorize the City Clerk to notify the General Manager of the Liquor Control and Licensing Branch of Council's decision.

Murray Dinwoodie
General Manager
Planning and Development

LAP:saw

Attachments:

- Appendix "A" – Letter from LCLB dated June 27, 2003
- Appendix "B" – Corporate Report No. R180
- Appendix "C" – Council Resolution No. R03-2108

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Appendix "C"

Item No. R180 Proposed Liquor Primary License for the Fox and Fiddle Restaurant: 19530 Langley By-pass
File: 7902-0243-00

The General Manager, Planning & Development submitted a report concerning a proposed Liquor Primary License for the Fox and Fiddle Restaurant.

The General Manager, Planning & Development was recommending approval of the recommendations outlined in his report.

It was Moved by Councillor Tymoschuk
Seconded by Councillor Steele
That:

1. Council receive this report as information;
2. If Council is supportive of the issuance of a liquor primary license, that Council adopt the following resolution:

"After taking into account the following criteria outlined in staff's report:

- (a) the location of the establishment being 19530 Langley By-pass;
- (b) the proximity of the establishment to other social or recreational facilities and public buildings;
- (c) the person capacity and hours of liquor service of the establishment;
- (d) the number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location;
- (e) traffic, noise, parking and zoning;
- (f) population, population density and population trends;
- (g) relevant socio-economic information; and
- (h) the impact on the community if the application is approved; and

after holding a Public Hearing on January 20, 2003 to gather the views of area residents and businesses with respect to the proposed liquor primary establishment,

Surrey City Council recommends the issuance of the license subject to the following conditions:

- a maximum capacity of 117 persons inside and 50 persons in the patio area; and
- hours of operation to be 11 a.m. to 1:00 a.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday"; and
- the license issued by the Liquor Control and Licensing Branch specifically identify the "food-primary" and the "liquor primary" area within the premises as illustrated on the attached Appendix II

3. Council instruct the City Clerk to notify the General Manager, Liquor Control and Licensing Branch of Council's decision.

RES.R03-2108

Carried with Councillors Hunt, Villeneuve and Priddy against.