

## Discretionary Use Application – Tavern with Brew Pub – 1605 33rd Street West

### APPLICATION SUMMARY

A Discretionary Use Application requesting approval to operate a Tavern with Brew Pub at 1605 33<sup>rd</sup> Street W has been submitted by Zervos Tavern. The subject site is zoned B4 – Arterial and Suburban Commercial District under Bylaw No 8770, Zoning Bylaw, 2009 (Zoning Bylaw). The intent of this District is to facilitate arterial and suburban commercial development providing a wide range of commercial uses serving motor vehicle oriented consumers. A Tavern with Brew Pub is considered a Discretionary Use in the B4 District.

### RECOMMENDATION

That this report be forwarded to City Council recommending, at the time of the public hearing, the discretionary use application submitted by Zervos Tavern requesting permission for a Tavern with Brew Pub at 1605 33<sup>rd</sup> Street West, be approved, subject to the following conditions:

1. The applicant obtain a development permit and all other relevant permits and licences (including a building permit); and,
2. The final plans submitted be substantially in accordance with the plans submitted in support of this Discretionary Use.

### BACKGROUND

A licensed restaurant has been operating on this site since 1998. In 2015, the pre-existing restaurant closed and the building was purchased by the applicant. The existing licensed restaurant opened in December 2016. Discretionary Use Approval to operate a Brew Pub with Tavern in addition to the current restaurant is being pursued (see Appendix 1).

### DISCUSSION

#### Zoning Bylaw Requirements

Bylaw No. 8770, Zoning Bylaw, 2009, defines a Tavern as an establishment, or portion thereof, where the primary business is the sale of beverage alcohol for consumption on the premises, with or without food, and where no live entertainment or dance floor is permitted. A brew pub may be considered a tavern if beverage alcohol is manufactured and consumed on-site under a valid manufacturer's permit in accordance with the Alcohol Control Regulations. This application includes the operation of a brew pub.

The existing licensed restaurant, accessory office and storage space occupy the entire building, which is 696.31 square metres. The applicant is proposing to add an outdoor patio on the south east corner of the building, no other additions to the building are

proposed. Interior alterations will be undertaken to accommodate the proposed brew pub in the space currently used for storage in the west end of the building.

As per Zoning Bylaw regulations, a Tavern with Brew Pub requires one parking space per 10m<sup>2</sup> of public assembly area. The number of parking spaces required for this application is 26. As shown on the attached Site Plan (see Appendix 2), 30 parking spaces have been provided. The proposed outdoor patio will not reduce the number of parking spaces. The Zoning Bylaw also requires a landscaping strip, 3m wide, along the front site line (33<sup>rd</sup> Street West) and a landscaping strip, 1.5m wide, along the flanking street (Avenue P South) both of which are shown in the attached Site Plan (see Appendix 2).

The proposal complies with all applicable Zoning Bylaw requirements and has been evaluated as a discretionary use, subject to the provisions in Section 4.7 of the Zoning Bylaw.

#### Comments From Other Divisions

No concerns were noted by other divisions that would prevent this application from proceeding.

### **COMMUNICATIONS AND ENGAGEMENT**

As part of the Discretionary Use Application review process, in October 2019, a notice detailing this application was sent to property owners within approximately 200m of the subject site, the Ward Councillor and the Hudson Bay Park/Mayfair/Kelsey-Woodlawn Community Association. Following this notice, three phone calls and three emails were received. Comments identified in this correspondence pertained to traffic, business operations and potential incivilities that could arise should this application be approved. Two residents expressed opposition and one expressed support of this application.

A come-and-go information meeting was held on Tuesday, December 3, 2019 at École Henry Kelsey School. The meeting was attended by eight people, as well as City staff and the applicants. Topics discussed at this meeting were similar to concerns heard following the mail out and pertained to traffic, business operations and incivilities. Upon receiving additional information, attendee concerns were satisfied. The applicants engaged with the attendees and explained operations and efforts they would take to minimize incivilities. See Appendix 3 for the Community Engagement Summary.

### **PUBLIC NOTICE**

Public notice is required for consideration of this matter, pursuant to Section 11(a) of Policy No. C01-021, Public Notice policy.

Once this application has been considered by the Municipal Planning Commission, a date for a public hearing will be set. The Planning and Development Division will give notice of the public hearing date, by mail, to property owners within at least 75 metres of the subject site. A notification poster will also be placed on the subject site.

## **APPENDICES**

1. Location Plan – 1605 33<sup>rd</sup> Street West
2. Site Plan – 1605 33<sup>rd</sup> Street West
3. Community Engagement Summary

## **REPORT APPROVAL**

Written by: Jonathan Derworiz, Planner, Planning and Development  
Reviewed by: Darryl Dawson, Development Review Manager  
Reviewed by: Paul Whitenect, Acting Director of Planning and Development  
Approved by: Lynne Lacroix, General Manager, Community Services

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