

REPORT TO COUNCIL



Date: April 17, 2018

RIM No. 0930-50

To: City Manager

From: Community Planning Department (AW)

Application: LL18-0003

Owner: SKJJ Holdings Inc.

Address: 2629 Hwy 97 North

Applicant: Saudagar Sekhon

Subject: Liquor License Application

Existing OCP Designation: Commercial

Existing Zone: C9 – Tourist Commercial

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

1. Council recommends support of an application from SKJJ Holdings Inc. for Lot 2, District Lot 125, ODYD, Plan 3246 Except Plans H8110, 9504 and EPP47107 located at 2629 Hwy 97 North, Kelowna, BC, for a new Liquor Primary license with a capacity of 100 persons and hours of sales from 9:00 AM to 1:00 AM, 7 days a week.

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

- a) The location of the establishment:

The application is for a new Liquor Primary License to be associated with a new hotel development located on Highway 97 North.

- b) The proximity of the establishment to other social or recreational facilities and public buildings:

The subject property is located on the Highway 97 corridor and isn't near any social or recreational facilities and public buildings.

- c) The person capacity and hours of liquor service of the establishment:

The application is for a 100 seat establishment open 7 days a week from 9:00am to 1:00am.

- d) The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

There aren't any other Liquor Primary facilities nearby, the closest facilities are also associated with hotel operations.

- e) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

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

- f) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

THAT 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 new Liquor Primary License at the subject property.

3.0 Community Planning

The application is requesting a new Liquor Primary license for the bar lounge and meeting room areas to be associated with their hotel development (Microtel). The establishment will focus on hotel clients and will offer a food menu. Noise is not a concern as the building will be free-standing and the bar lounge is located on the highway side of the building and the windows will not open. There are existing residential uses to the east on the opposite side of the proposed establishment. This is considered a small establishment and it is not located beside another liquor primary establishment.

Discussion of the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

A patio will not be included as part of the proposal.

4.0 Proposal

4.1 Background

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

- New liquor primary licensed establishment.

4.2 Project Description

Proposed Hours of Sale for the Microtel Bar / Lounge (Liquor Primary License):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Proposed Microtel:

Licensed Area	Net Floor Area	Proposed Capacity
Bar / Lounge Seating area	73 m ²	25 persons
Meeting Room area	90 m ²	75 persons
Total Person Capacity	135 m²	100 persons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

4.3 Site Context

The subject property is in Rutland and grouped in with a mix of older motels and new hotels along the Hwy 97 corridor.

Subject Property Map: 2629 Hwy 97 North



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial	Motel
East	Rm4 – Transitional Low Density Housing	Medium Density Residential
South	RM3 – Low Density Multiple Housing	Low Density Residential
West	Hwy 97	Highway

5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Liquor Primary Establishments

1. Siting/Density Guidelines:

- a. No establishment with a person capacity greater than 500 persons should be permitted.
- b. Large establishments (with person capacity greater than 249 persons):
 - i. Should only be located within an Urban Centre.
 - ii. Should be located a minimum of 250m from another Large establishment.
 - iii. Should be located a minimum of 100m from a Medium establishment.
 - iv. Should not be located beside a Small establishment.
- c. Medium establishments (with person capacity between 100-249 persons):
 - i. Should only be located within an Urban or Village Centre.
 - ii. Should be located a minimum of 100m from a Large or Medium establishment.
 - iii. Should not be located beside a Small establishment.
- d. Small establishments (with person capacity less than 100 persons):
- e. Should not be located beside another liquor primary establishment

For the purposes of determining proximity, the shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a. Pertinent input from the RCMP;
 - b. Vehicular and pedestrian traffic patterns for area and current zoning;
 - c. Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
 - d. Surrounding land-uses, and general impact on the local neighbourhood;
 - e. Correspondence received from abutting property owners;
- Past licensee compliance and performance issues as may be provided by the LCLB

2. Other Policies:

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.0 Technical Comments

6.1 Bylaw Services

Currently there are no outstanding bylaw enforcement files pertaining to property location 2629 Hwy 97 N.

6.2 RCMP

We have reviewed the application noted above and do not have any comments/concerns related to the new minor liquor primary establishment.

7.0 Application Chronology

Date of Application Received: November 30, 2017

Report prepared by: Alec Warrender, Property Officer Specialist

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)