

REPORT TO COUNCIL



Date: December 4, 2018

RIM No. 0930-50

To: City Manager

From: Community Planning Department (LK)

Application: LL18-0022

Owner: Al Stober Construction Ltd.

Address: 200-2600 Enterprise Way

Applicant: Simplex Sportszone

Subject: Liquor License

Existing OCP Designation: IND – Industrial, PARK – Major Park/Open Space

Existing Zone: I1 – Business Industrial, P3 – Parks and Open Space

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 Simplex Sportzone for Lot A District Lot 125 ODYD Plan 34283, Except Plans 38593, KAP72833 and KAP75054 located at 200-2600 Enterprise Way, Kelowna, BC, for a Liquor Primary license with a capacity of 50 persons and hours of sales from 11:00 AM to Midnight, Sunday to Saturday for the following reasons:
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The location of the establishment:

The proposed business is located in an industrial business park outside of the Midtown Urban Centre.
 - (b) The proximity of the establishment to other social or recreational facilities and public buildings:

The property is adjacent to the Mill Creek Linear Park.
 - (c) The person capacity and hours of liquor service of the establishment:

The maximum capacity of the business is 50 persons with proposed hours of liquor service from 11 am to midnight seven days per week.

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

The clientele focus is to an all ages environment intended to attract families with children, corporate team building events and birthday/celebratory parties.

- (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 as the business is located within an industrial business park.

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 consider a Liquor Primary license for a new recreation facility.

3.0 Community Planning

Community Planning Staff supports the requested Liquor Primary license for the proposed participant recreation service – indoor facility. The proposal will add a new form of entertainment venue to the Kelowna market.

The proposal does not require rezoning as the business is categorized as Liquor Primary Minor (for establishments with a capacity of less than 100 persons).

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, these applications need Local Government comment prior to the LCLB making a final decision:

- New liquor primary licensed establishments.

4.2 Project Description

The proposal is for a new sports simulation business which will provide an experience similar to a bowling alley or an indoor batting cage and is intended to be a family friendly facility. The owners are hoping to attract a versatile clientele from corporate events to special celebratory events like birthday parties.

The business will occupy a 6100 sq ft (565 m²) area in an existing industrial business park located on Enterprise Way at the intersection of Hwy 33W. The Mill Creek Linear Park extends along the north side of the site. There are no residential dwellings in the area which will minimize any conflict with adjacent uses.

Alcoholic and non-alcoholic beverages will be available to clients along with various snacks with the objective of providing a better overall experience to their clientele. Phase 1 of the business proposes five simulator areas measuring 15' x 20' with ceiling mounted high-definition projectors. Each booth will have either a raised counter area with bar stools facing the screen area or a seating area with tables and chairs to accommodate groups of varying size. There will be two full-time staff members on site along with a supervisor. One employee will manage the front counter while the other monitors the simulator booths. The site has the ability to expand to accommodate up to 9 simulator areas and as the business grows, the staffing will increase as needed. All staff members will be required to have the 'Serving It Right' certification.

Proposed Hours of Sale for Simplex Sportszone:

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------|----------|----------|-----------|----------|----------|----------|----------|
| Open | 11:00 AM | 11:00 AM | 11:00 AM | 11:00 AM | 11:00 AM | 11:00 AM | 11:00 AM |
| Close | Midnight | Midnight | Midnight | Midnight | Midnight | Midnight | Midnight |

Simplex Sportszone.:

| Licensed Area | Net Floor Area | Proposed Capacity |
|----------------|--------------------|-------------------|
| Simulator area | 565 m ² | 50 persons* |

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

The maximum occupant load is based on the BC Building Code. This is determined by the number of bathrooms provided. For this application, the maximum occupant load of the space is 50 people. As this is a relatively low occupant load, negative impacts to the community are deemed to be low in regards to noise, and safety.

4.3 Site Context

The subject proposal is located in one bay within an industrial business park consisting of three separate buildings. The property is located on Enterprise Way at the intersection with Hwy 33W.

Subject Property Map: #200-2600 Enterprise Way



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

5.2 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):**
 - i. **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;
- f. 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).

6.0 Technical Comments

6.1 Building & Permitting Department

- No concerns.

6.2 Bylaw Services

- No concerns.

6.3 Fire Department

- No concerns.

7.0 Application Chronology

Date of Application Received: July 20, 2018

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Floor Plan – Occupant Load