# **REPORT TO COUNCIL**



Date:	9/29/2015			Kelowna
RIM No.	0930-50			
То:	City Manager			
From:	Community Planning Department (PMc)			
Application:	LL15-0010		Owner:	GolfBC Holdings Ltd.
Address:	3200 Via Centrale		Applicant:	GolfBC Holdings Ltd.
Subject:	Liquor Licens	e Application		
Existing OCP D	esignation:	(REC) Private Recrea	ation	
Existing Zone:		CD6lp - Comprehens	ive Residentia	l Golf Resort (Liquor Primary)

#### 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:

- Council recommends non-support for the application from GolfBC Holdings Ltd. (dba The Okanagan Golf Club) at 3200 Via Centrale, legally described as Lot C, Sections 22 and 23, ODYD, Plan 1632 Except Plan KAP47192 for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 1:00 AM Monday to Sunday to better serve the golf playing public.
- 2. The Council's comments on the prescribed considerations are as follows:
  - (a) The potential for noise if the application is approved;

The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.

(b) The impact on the community if the application is approved:

There will be an increase potential for impaired driving due to limited taxi supply.

- (c) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
- 3. The 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 Staff recommendation <u>NOT</u> to support a permanent change in licensed hours of sale for the existing Liquor Primary establishment.

# 3.0 Community Planning

The applicant wishes to change the hours of liquor service for an existing Liquor Primary license to now commence service at 9:00 am and to allow service until 1:00 am seven days a week, in order to better meet the needs of a changing customer base. However, Staff have concerns allowing late closings at what are generally more remote locations that are sited away from easy access to public transportation and taxi service. There is also the concern for the potential for the increase in noise into a quiet established residential community. It is for this reason that Staff has provided a negative Council recommendation for consideration.

An alternative recommendation has been provided to address the earlier opening time of 9:00 AM and retaining a closing time of 12:00 PM seven days a week, as noted in the current Liquor Primary license. This alternate recommendation has been provided for consideration should Council support only the applicant's proposal to open earlier at 9:00 AM seven days a week.

#### 4.0 Background

The subject property was developed as a Comprehensive Residential Golf Resort Community in the 1990's. The Clubhouse currently has a capacity of 76 persons for their existing Liquor Primary license.

A liquor license application has been forwarded by the owner to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any liquor primary applications requesting a permanent change to a liquor primary license require Local Government comment. As noted in the applicant's Community Impact Statement, they are seeking a change to operating hours, from the existing 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM, to the proposed hours of sales of 9:00 AM to 1:00 AM, seven days a week, in order to allow clients to use the golf resort facility longer.

#### Existing Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	11:00 AM
Close	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM

#### Requested Hours of Sale:

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	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 Hours of Sale (alternate recommendation):

	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	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM

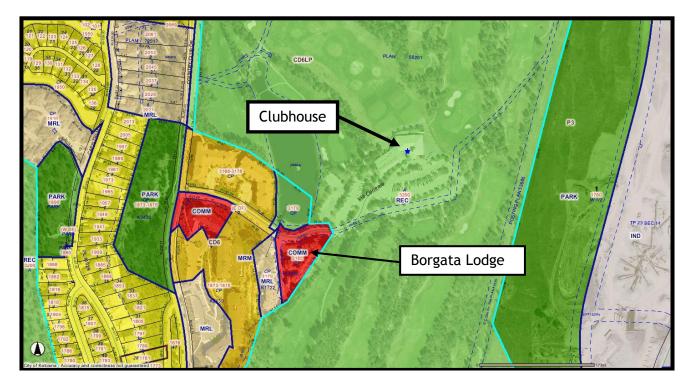
## 4.1 Site Context

The subject property is located at the end of Via Central. The adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD6 - Comp Residential Golf Resort	Golf Course
East	P3 - Parks and Open Space	Park land
South	CD20 - Comprehensive University Development zone	UBC - Okanagan
West	CD6 - Comp Residential Golf Resort	Commercial - Hotel Medium Density Housing

#### Subject Property Map:

# 3200 Via Centrale



# 5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy & ProceduresThe proposed change in hours of sale would not contravene any guidelines within this policy.

# 6.0 Technical Comments

6.1 Building & Permitting Department No Comment 6.2 Bylaw Services

No Concerns

- 6.3 Fire Department No Concerns
- 6.4 RCMP

The RCMP has no concerns regarding the proposed change in hours to begin liquor service at 9:00 a.m. Monday to Sunday.

The RCMP does not support a permanent change to the close of liquor service from midnight to 1:00 a.m. Monday to Sunday. Such extension of liquor service should be authorized or granted on a case by case basis and only where it can be clearly established that safe transportation options have been considered and arranged appropriate to the number of guests.

## 7.0 Alternate Recommendation

Should Council only support the applicant's request to change hours of operation to open earlier at 9 AM and to close at 12:00 PM, seven days a week, the following alternate resolution is provided for consideration;

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:

- Council recommends support of the application from GolfBC Holdings Ltd. (dba The Okanagan Golf Club) at 3200 Via Centrale, (legally described as Lot C, Sections 22 and 23, ODYD, Plan 1632 Exc. Plan KAP47192) for a change to licensed hours of sale from 10:00 AM to 12:00 PM Monday to Saturday and 11:00 AM to 12:00 PM Sunday, to 9:00 AM to 12:00 AM Monday to Sunday to better serve the golf playing public.
- 2. The Council's comments on the prescribed considerations are as follows:
  - (d) The potential for noise if the application is approved;

The potential for noise may increase due to the additional hour of service. However, noise has not been an issue at this location in the past.

(e) The impact on the community if the application is approved:

Significant negative community impacts are not anticipated.

- (f) It is unlikely that the change in hours may result in the establishment being operated contrary to its primary purpose.
- 3. The 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".

# 8.0 Application Chronology

Date of Application Received:	April 28, 2015
Revised RCMP comments:	June 8, 2015
Meeting with consultant:	July 14, 2015

# Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

Ryan Smith, Manager, Urban Planning

Attachments: Subject Property Map; Rationale Letter LCLB License Application package List of Hours of operation for other golf clubs in area