

# REPORT TO COUNCIL



**Date:** October 27, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LL20-0007

**Owner:** Victor Projects Ltd., Inc.No.  
BC1050457

**Address:** #130 - 948 McCurdy Road

**Applicant:** Energyplex Family Recreation  
Centre Kelowna Inc.

**Subject:** Liquor Licence Application

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C3lp – Community Commercial (Liquor Primary)

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## 1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Energyplex Family Recreation Centre Kelowna Inc. for a liquor primary license for Lot 1 District Lot 143 Osoyoos Division Yale District Plan KAP65021, located at #130-948 McCurdy Road, Kelowna, BC with a capacity of 60 persons and hours of sales from 10:00 AM to Midnight, Sunday to Saturday for the following reasons:
  - The maximum occupancy of the space is 60 persons, and it is perceived to have minimal impact on the community and surrounding properties
2. Council's comments on LCLB's prescribed considerations are as follows:
  - a. The location of the establishment:  
The proposal will see a portion of an existing business converted to a bar/lounge area.
  - b. The proximity of the establishment to other social or recreational facilities and public buildings:

The location of the proposed liquor primary establishment is compatible with the existing commercial and retail businesses located on the subject property and within the McCurdy Corner shopping area.

- c. The person capacity and hours of liquor service of the establishment:  
The bar/lounge has a capacity of 60 persons. The hours of operation would be between 10 am – 12 am (Sunday – Saturday).
  - d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:  
Freddy's Brew Pub and McCurdy Corner Bowling Centre are liquor primary establishments on the same subject property.
  - e. The impact of noise on the community in the immediate vicinity of the establishment:  
The potential for noise is minimal and would be compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.
  - f. The impact on the community if the application is approved:  
The potential for negative impacts is considered minimal as the business is located within an existing commercial and retail area.
3. 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 licence for an existing indoor participant recreation services business.

## **3.0 Development Planning**

Development Planning Staff support the request for a Liquor Primary Licence for the Energyplex Family Recreation Centre. The proposal does not create a conflict with any of the existing uses on the subject property, and the liquor primary licence would be for a small portion of an existing building, which Development Planning views as minor in nature.

The subject property is already zoned with a Liquor Primary subzone (C3lp – Community Commercial (Liquor Primary)), due to another liquor primary establishment on the same property.

## **4.0 Proposal**

### **4.1 Background**

An application has been forwarded by the licensee to the British Columbia Liquor & Cannabis Regulation Branch (LCRB) for their approval. Procedurally, these applications need Local Government Comment prior to the LCRB making a final decision:

- New liquor primary licenced establishments

#### 4.2 Project Description

The application is for a new liquor primary licence, which would be within an area of an existing indoor participant recreation services business (Energyplex Family Recreation Centre Kelowna Inc.). The proposal is to convert a portion of an existing gymnastics area to a bar/lounge area, and an arcade. Alcohol is proposed to be served and consumed within the indoor bar/lounge area only, which would have a maximum 60 persons capacity. The applicant would also be seeking an endorsement from the LCRB to permit minors in a recreation facility.

See Attachment B for the applicant's rationale statement.

#### **Proposed Hours for the Bar/Lounge at Energyplex Family Recreation Centre Kelowna Inc.:**

	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	10:00 AM
Close	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM

#### **Occupant Load (for proposed Bar/Lounge area only):**

	Occupant Load	Net Floor Area
Bar/Lounge	60 persons	121.7 m <sup>2</sup> (excluding washrooms)

#### 4.3 Site Context

The subject property is located along Highway 97, north of McCurdy Road, within the McCurdy Corner shopping area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Automotive and minor recreation vehicle sales/rentals
East	C10 – Service Commercial I2 – General Industrial	Warehouse Sales Automotive and minor recreation vehicle sales/rentals
South	I2 – General Industrial	Warehouse Sales Single Dwelling Housing Automotive Repairs
West	C3 – Community Commercial	Retail/Commercial

**Subject Property Map: 948 McCurdy Rd**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 5: Development Process**

*Objective 5.17 Provide Public Art & Cultural Activities*

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

**5.2 Council Policy #359 – Liquor Licensing Policy and Procedures**

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

- 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)
- Small establishments (with person capacity less than 100 persons):
  - Should not be located beside another liquor primary establishment.
- For the purposes of determining proximity, 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.

## Technical Comments

### 5.3 Building and Permitting

- Additional washrooms may be required to support the liquor licensed area
- Full Plan check for Building Code related issues will be done at time of Building Permit application.

### 5.4 Bylaw Services

- No open or current files for this address

### 5.5 Fire Department

- No objections

### 5.6 RCMP

- The RCMP is supportive of the proposed application provide the following are in place:
  - Physical Security presence is on site at the McCurdy Complex;
  - Inside CCTV will be in place;
  - Food/concessions will also be available on site;
  - Alcohol is not permitted in the gaming area;
  - The application is for business operating hours between 10 am - 12 am, however shorter hours may be self-imposed by the establishment.
  - The business will be required to follow all Provincial Regulation for serving alcohol.

## 6.0 Application Chronology

Date of Application Received: August 18, 2020

Date Public Consultation Completed: August 24, 2020

**Report prepared by:** Kimberly Brunet, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### Attachments:

Attachment A: Occupant Load Drawing

Attachment B: Applicant's Rationale