

REPORT TO COUNCIL



Date: July 13, 2021
To: Council
From: City Manager
Department: Development Planning
Application: LL21-0006 **Owner:** City of Kelowna
Address: 900 Lexington Drive **Applicant:** Doug Nicholas
Subject: Liquor License Application
Existing OCP Designation: PARK – Major Park/Open Space (public)
Existing Zone: P5LP – Municipal District Park

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB): In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from the City of Kelowna - Kinsmen Athletic Park (Softball Quadplex) to include an outdoor patio into the existing liquor primary service area for Lot 1 District Lot 168 and Section 6 Township 26 ODYD Plan KAP80134, located at 900 Lexington Drive, Kelowna, BC for the following reasons:

- The request is to include a newly constructed outdoor patio into the liquor service area. There are no changes to the number of patrons or the hours of operation. There should be no new or additional impact to the surrounding area.

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

a. The location of the establishment: The Kinsmen Athletic Park – Softball Quadplex is part of the larger Mission Creek Recreation Park which includes the H2O and Capital New Centre. The softball quadplex is located on a separate parcel at the northeast corner of the recreation park site.

b. The proximity of the establishment to other social or recreational facilities and public buildings: The softball quadplex is situated at the northeast corner of the parcel. To the north is the Mission Creek Greenway with agricultural properties to the north and east of the site. Michaelbrook Ranch Golf Course is to the southeast of the site.

c. The person capacity and hours of liquor service of the establishment: The previously approved capacity of 600 patrons will remain unchanged. The hours of operation will remain unchanged.

d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location: The site is within walking distance of two existing liquor primary locations as follows:

- 1) Boomers Bar and Grill is located within the Capital New Centre on the Mission Creek Recreation Park parcel on the south side of Lexington Drive.
- 2) Michaelbrook Ranch Golf Course is situated to the southeast of the site.
The primary focus of both venues is recreational activity with the liquor primary as a supplemental use.

e. The impact of noise on the community in the immediate vicinity of the establishment: The negative impact the change poses is considered minimal due to the nature of the area as there is no intensification anticipated.

f. The impact on the community if the application is approved: The inclusion of the new patio area into the existing approved liquor service area will not have an impact to the community. The facility has operated for a number of years without incidence.

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 the addition of an outdoor patio area to be included in the approved liquor service area for an existing Liquor Primary establishment.

3.0 Development Planning

Staff are supportive of the request to expand the approved liquor service area to include the newly constructed outdoor patio area. Impacts to the surrounding neighbourhood will be negligible and additional noise is not an anticipated issue due to the current use of the site being for recreational activity (baseball quadplex). There are no changes requested to the site capacity or the hours of operation.

The application was circulated to the RCMP, Bylaw Services and Real Estate departments with no concerns raised by the proposal.

4.0 Proposal

4.1 Project Description

Council approved the use of Liquor Primary for the Kinsmen Sportsplex back in 2003. The site is well used from May to September for a number of slo-pitch leagues and tournaments. Liquor Service is provided from the on-site concession via a 3rd party agreement through the Kelowna Adult Softball Association. The concession operates during weekly league play and tournament times only. The funds raised from concession sales are put into the Associations 'reserve fund' which is then utilized for site improvements as needed.

The site has a designated 'beer garden' area with picnic tables. The new outdoor patio construction was recently completed earlier this year. The patio will provide a better raised viewing area of the ballfields and allow for socializing while watching the ball games.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Farm uses
East	A1 – Agriculture 1	Farm uses
South	P3 – Parks and Open Space P5 – Municipal District Park	Michaelbrook Ranch Golf Course Mission Creek Recreation Park
West	RU5 – Bareland Strata Housing	Residential

Subject Property Map: 900 Lexington Drive



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Provide Public Art and Cultural Activities

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.

5.2 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Other Policies:

- a) New Patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding owners.
- b) 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 Application Chronology

Date of Application Accepted: April 28, 2021

Report prepared by: Lydia Korolchuk, Planner Specialist

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Occupant Load Drawing

Attachment B: Applicant Project Rationale

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