

REPORT TO COUNCIL



Date: November 3, 2015

RIM No. 0930-50

To: City Manager

From: Community Planning Department (PMc)

Application: LL15-0019 **Owner:** Callahan construction Company Ltd.

Address: 1923 Kent Road **Applicant:** Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada

Subject: Liquor License

Existing OCP Designation: SC - Service Commercial

Existing Zone: C10 - Service Commercial

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

"Be it resolved that:

1. Council recommends support of the application from Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada (Kelowna Elks Club), legally described as Lot 7, DL 129, ODYD, Plan 20128) for a change of location to 1923 Kent Road, and to change the capacity from the current approved capacity of 271 persons to the proposed capacity of 60 persons. The licensed hours of sales are to remain 11:00 AM to 1:00 AM Monday to Saturday, 11:00AM to 12:00AM Midnight Sunday.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) The Location of the Establishment;
The proposed new site for the Kelowna Elks Club is located in an area that is surrounded by service commercial activities, and is not anticipated to have a negative impact on the area.
 - (b) The proximity of the establishment to other social or recreational facilities and public buildings:
The Trinity Baptist Church is located on the south side of Springfield Road, approximately 250m. away from the subject property to the south. Chances Gaming

Facility is also located on the south side of Springfield Road Bingo, but further to the west, approximately 900m. away from the subject property.

- (c) The person capacity and hours of liquor service of the establishment;
The requested hours of liquor service for the relocated establishment are the same as the previous location. The person capacity for the establishment is significantly reduced from the previous location.
 - (d) The number and market focus or clientele of the liquor primary establishments within a reasonable distance of the proposed location;
The nearest Liquor Primary establishment is the OK Corral located to the west on Kirschner Road, approximately 600m away. This Liquor Primary establishment is operated as a cabaret.
 - (e) The impact of noise on the community in the immediate vicinity of the establishment;
The potential for noise 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.
3. The Council's comments on the views of residents (if applicable) 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 to relocate an existing Liquor Primary license and to reduce the occupant load of that facility.

3.0 Community Planning

The applicants are relocating their facility to a new location that better serves their membership. The new location is located at ground level and has direct access to parking. As well, the move to the new location will reduce the size of the facility to improve the economics of the club as the business focus is proposed to change to serve members only in a smaller venue.

Staff do not have concerns, as the new location for the Liquor Primary establishment is located within a Service Commercial area, approximately 600m away from their existing location. As well, the licensed occupant load is being reduced from the previous capacity of 271 persons down to the revised occupant load of 60 persons.

4.0 Background

4.1 Project Description

The subject property had been occupied with a meeting hall for the Kelowna Elks Club for approximately 30 years. In 2007, the property was redeveloped with a new mixed-use development (Invue) which included space for the Kelowna Elks Club.

4.2 Project Description

The Kelowna Elks Lodge No. 52 of the Benevolent and Protective Order of Elks of Canada, wishes to relocate their premises from the current location at #205 - 2040 Springfield Road to a new location at 1923 Kent Road. The applicants' propose to keep the same hours of operation.

However, they also wish to reduce capacity to a new total of 60 persons and have no outdoor patio seating.

License Summary:

Proposed Capacity:

Licensed Area	Capacity
Current Liquor License Occupant load	271 persons
Revised Liquor License Occupant load	60 persons

Current License Summary:

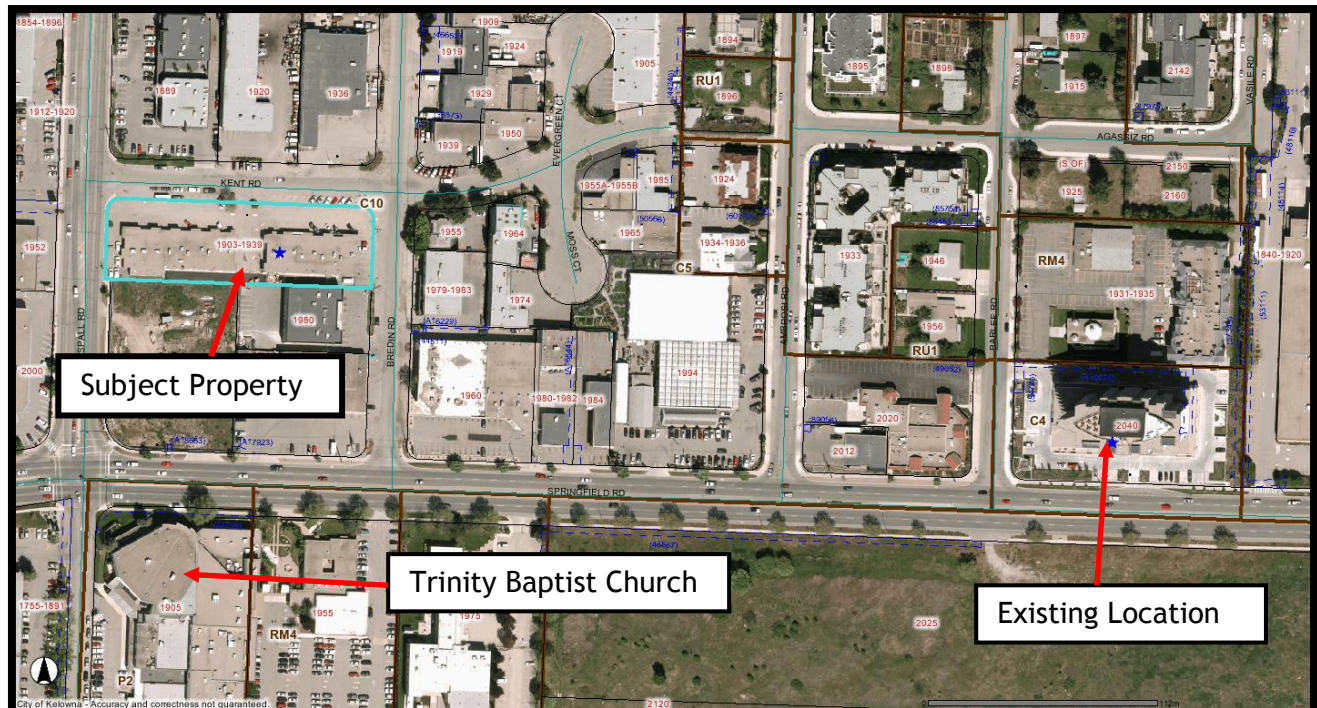
Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	12:00 midnight

4.3 Site Context

Subject Property Map:

1923 Kent Road



The subject property is located on the south side of Kent Road between Spall Road and Bredin Road. The property is developed with a multiple unit commercial building.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Service Commercial uses
East	C10 - Service Commercial	Veterinary hospital
South	C10 - Service Commercial	Vacant/service commercial uses
West	C10 - Service Commercial	Service Commercial uses

5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

- Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside an existing Small establishment.

Complies

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Fire Department

No concerns.

6.3 RCMP

The RCMP have no concerns regarding the applicant's request for Transfer of Location for their Liquor Primary Licence.

7.0 Application Chronology

Date of Application Received: August 10, 2015

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

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Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Site Plan

Certified Occupancy Load Plan

Applicant Rationale letter

Copy LCLB application