

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning
Application: LL22-0007
Address: 5800 Lapointe Dr
Subject: Liquor License
Existing OCP Designation: IND - Industrial
Existing Zone: CD12 - Airport

Owner: City of Kelowna
Applicant: KF Aerospace Centre For Excellence

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 KF Aerospace Centre for Excellence for a liquor primary license for Lot A, District Lot 32, ODYD, Plan EPP106690, located at 5800 Lapointe Drive, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment:
The location is in the Gateway, adjacent to Kelowna International Airport and Highway 97 which is intended to be an important regional hub primarily centered around the airport, UBC Okanagan, and adjacent industrial development.
 - b. The proximity of the establishment to other social or recreational facilities and public buildings:
The proposed establishment is directly adjacent to Kelowna International Airport which is considered to be a compatible use.
 - c. The person capacity and hours of liquor service of the establishment:

The proposed 127 person capacity and hours of 12:00 PM to 5:00 PM ensures that the proposed liquor primary license is secondary to the use of the building as an aviation museum and will limit any impact on adjacent properties.

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

The closest licensed establishments are greater than 800 m from the subject property and consist of a manufacturing facility (cidery) to the north and establishments within the airport terminal building which primarily serve travelers.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact of noise is minimal given the limited hours and surrounding land uses.

f. The impact on the community if the application is approved:

The potential for negative impact on the community is considered minimal.

3. Council's comments on the views of residents are 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 license for the KF Aerospace Centre for Excellence.

3.0 Development Planning

Staff support the request for a new Liquor Primary License for the KF Aerospace Centre for Excellence. The proposed liquor service is secondary to the use of the building as an aviation museum with conference facilities. The proposed location for an establishment of this size is appropriate given the establishment's link to KF Aerospace and Kelowna International Airport. The impact of the proposed establishment on the surrounding community is mitigated due to:

- The proposed liquor service hours of 12:00 PM to 5:00 PM;
- The surrounding land uses are primarily industrial and airport related;
- It is secondary to the use of the facility as a museum and conference facility.

Council Policy No. 359 recommends supporting entertainment options and establishments which are less focused on alcohol consumption.

4.0 Proposal

4.1 Background

In November 2020, Council considered a Form & Character Development Permit for a new aviation museum building on the subject property and Development Variance Permit to increase the permitted height of the building. The facility opened to the public in August 2022 as the KF Aerospace Centre for Excellence and includes interactive exhibits, conference facilities, and a rare aircraft collection.

4.2 Project Description

The applicant is proposing to obtain a Liquor Primary License for a portion of the KF Aerospace Centre for Excellence. The licensed area would be 153 m² in size and located on within the existing café on 2nd floor of the facility. It would have a maximum capacity of 127 persons.

Proposed Hours of Sale :

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM	5:00 PM

4.3 Site Context

The subject property is located on Lapointe Drive, between the airport and Highway 97. The surrounding land uses include the airport and industrial uses. Surrounding properties are designated as IND – Industrial, TC – Transportation Corridor, and PSU – Public Services/Utilities and are zoned CD12 – Airport and I2 – General Industrial. The Okanagan Rail Trail is immediately east of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD12 – Airport	Vacant
East	CD12 - Airport	Airport
South	CD12 – Airport	Vacant
West	I2 – General Industrial	Industrial

Subject Property Map: 5800 Lapointe Drive



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:

- Medium establishments (with a person capacity between 100-249 persons):
 - Should only be located within an Urban or Village Centre.
 - Should be located a minimum of 100 m from a Large or Medium establishment.
 - Should not be located beside a Small 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):
 - Pertinent input from the RCMP;
 - Vehicular and pedestrian traffic patterns for area and current zoning;
 - Availability of on-site and off-site parking; proximity to playgrounds, schools, and other social facilities;
 - Surrounding land uses, and general impact on the local neighbourhood;
 - Correspondence received from abutting property owners;
 - Past licensee compliance and performance issues as may be provided by LCRB.
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption 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 R.C.M.P.

- No concerns

7.0 Application Chronology

Date of Application Accepted: April 28, 2022

Date Public Consultation Completed: April 6, 2023

Report prepared by: Mark Tanner, Planner II

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: Letter of Rationale

Attachment B: Floor Plan/Occupant Load