
CITY OF KELOWNA

MEMORANDUM

Date: February 4, 2003
File No.: LL03-0024

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL03-0024

OWNER: City of Kelowna

AT: 4105 Gordon Drive

APPLICANT: Bert Hick
Rising Tide Consultants Ltd.

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A LIQUOR
PRIMARY LICENSE WITH A CAPACITY OF 78 PERSONS
WITH HOURS OF OPERATION FROM 9 A.M. TO 1 A.M.
SUNDAY TO WEDNESDAY AND 9 A.M. TO 2.A.M.
THURSDAY TO SATURDAY

TO OBTAIN COUNCIL SUPPORT FOR AN AUDIENCE
PARTICIPATION ENTERTAINMENT ENDORSEMENT TO
THE FOOD PRIMARY LICENSE,

TO OBTAIN COUNCIL SUPPORT FOR A RESTAURANT
LOUNGE WITH A CAPACITY OF 34 SEATS RELATED TO
THE FOOD PRIMARY LICENSE

TO OBTAIN COUNCIL SUPPORT FOR AN EXTENSION TO
THE HOURS OF OPERATION FOR THE FOOD PRIMARY
LICENSE FROM 12 A.M. TO 1 A.M. SUNDAY THROUGH
WEDNESDAY AND 2 A.M. THURSDAY THROUGH
SATURDAY

EXISTING ZONE: P5LP – MUNICIPAL DISTRICT PARK (LIQUOR PRIMARY)

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council support a liquor primary license with a capacity of 78 persons and hours of operation from 9 a.m. to 1 a.m. Sunday to Wednesday and 9 a.m. to 2.a.m. Thursday to Saturday on Lot 2, D.L. 168, Sec. 6, Twp. 26, ODYD Plan KAP46027 proposed by Bert Hick of Rising Tide Consultants for 4105 Gordon Drive;

AND THAT Council support a change to the permitted hours of operation for the food primary license from 12 a.m. to 1 a.m. Sunday through Wednesday and to

2a.m. Thursday through Saturday on Lot 2, D.L. 168, Sec. 6, Twp. 26, ODYD Plan KAP46027 proposed by Bert Hick of Rising Tide Consultants for 4105 Gordon Drive;

AND THAT Council support a restaurant lounge endorsement (to a food primary license) for a capacity of 34 on Lot 2, D.L. 168, Sec. 6, Twp. 26, ODYD Plan KAP46027 proposed by Bert Hick of Rising Tide Consultants for 4105 Gordon Drive;

AND THAT Council support an audience participation entertainment endorsement to a food primary license on Lot 2, D.L. 168, Sec. 6, Twp. 26, ODYD Plan KAP46027 proposed by Bert Hick of Rising Tide Consultants for 4105 Gordon Drive;

AND FURTHER THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

2.0 SUMMARY

The applicant seeks Council support for a liquor primary license and several changes to the food-primary license for a proposed restaurant and bar area to be located in a community facility on the subject property.

3.0 BACKGROUND

The Mission Recreation Park Facility now known as the Capital News Centre is now open to the public. While construction is still on-going, at the recreation facility on Gordon Drive at Lexington, the two ice surfaces went into use at 8:00 a.m. on January 8, 2004.

When fully complete the \$16.5 million recreation facility will also include:

- Two indoor playing fields (to be complete later this spring)
- Fitness centre
- Leisure skating area
- Physiotherapist's office
- Concession stand and restaurant.

Over the next 20 years plans call for an aquatic centre, two additional indoor ice surfaces and playing fields, as well as outdoor baseball diamonds and sports fields.

3.1 The Proposal

RG Properties is seeking to open a bar and restaurant at the new Capital News Centre. RG Properties is operating the facility on behalf of the City of Kelowna. The name of the proposed establishment is **Boomers Sports Bar and Grill**. The applicant (on behalf of RG properties) is seeking Council support for a liquor primary license with a proposed capacity of 78 and the following hours of operation:

- 9 a.m. to 1 a.m. Sunday through Wednesday
- 9 a.m. to 2 a.m. Thursday through Saturday

The applicant is also seeking a food primary license with an indoor person capacity of 162 and a patio capacity of 56 persons. Council does not comment on the food primary license; however, is afforded the opportunity to comment on proposed endorsements to food primary licenses. The applicant is seeking Council's support for a restaurant lounge endorsement and an audience participation endorsement. The proposed lounge endorsement could accommodate up to 34 persons according

to Council policy which supports lounge areas that are no larger in size than 20% of the restaurants occupant load. This is the same measure that is applied by the Liquor Control and Licensing Branch. The audience participation endorsement would allow such activities as dancing and karaoke. The applicant is also seeking to extend the hours of the food primary portion of the license beyond midnight.

Criteria	Proposed	Required
Occupant Load	N/A	247
Liquor Primary Capacity	78	N/A
Food Primary Capacity	162	169 (Occupant Load)
Lounge Capacity	34 (Included in Food Primary Capacity)	34 (20% of Occupant Load for Restaurant)
Patio Capacity	56	92 (Occupant Load)

3.2 Site Context

The subject property is located the east side of Gordon Drive at Lequime Road south of Lexington Drive.

Adjacent zones and uses are:

- North - A1 – Agriculture 1 / P5LP – Municipal District Park (LP)
- East - A1 – Agriculture 1 / P3 – Parks and Open Space
- South - A1 – Agriculture 1
- West - RM5 – Medium Density Multiple Housing

This application conforms to MEDTF policy. The proposed liquor primary/food primary licensed establishments will be located in a newly constructed building on the Municipal District Park site. Also located in the building are indoor ice rinks and soccer fields. There are no other liquor primary establishments located in the general area. The closest establishment with liquor primary licenses are the Creekside Pub, the Eldorado Hotel and Manteo Resort. The proposed hours of liquor service do not extend beyond 2 A.M.. At 78, the proposed capacity for the liquor primary license portion of the

proposal also falls within the policy for person capacity delineated in by the Mayor's Entertainment District Task Force.

3.4.2 North Mission/ Crawford Sector Plan

The City of Kelowna has identified the Mission Sports Fields to provide the district park needs for the south sector of the City. The site is intended to serve a population of 45,000 in a catchment area with a radius of 5km.

3.4.3 Liquor Control and Licensing Branch Criteria

a) **The location of the establishment**

The proposed liquor primary/food primary licensed establishments will be located in a newly constructed building on the Municipal District Park site. Also located in the building are indoor ice rinks and soccer fields. The Planning and Corporate Services Department has no concerns regarding the proposed located as it conforms to policy provided by the Mayor's Entertainment District Task Force.

b) **The person capacity and hours of liquor service of the establishment**

Council has recommended (MEDTF) that the hours of operation for other liquor primary establishments not exceed 2 a.m.. The proposed hours of operation and person capacity for Boomers Sports Bar and Grill conform to the recommendations of the Mayor's Entertainment District Task Force and therefore the Planning and Corporate Services Department has no concerns. Staff also has no concerns with regards to the proposed hours of operation for the food-primary establishment and support the lounge and audience participation entertainment endorsement.

c) **Traffic, noise, parking and zoning**

The existing zoning allows for the proposed uses on site. Many of the patrons frequenting Boomers Sports Bar and Grill will also be patrons of the recreational facility and therefore staff is not concerned that the proposed liquor primary license or food primary license (including lounge) will contribute extra traffic to the site.

d) **Population, population density and population trends**

There is a growing residential population west of the Mission Sports Fields facility. The majority of this population will be located in several multi-family apartment projects that are being constructed. There are also a couple of private schools located in

close proximity that will presumably help to serve this growing residential population.

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

Staff feels that any impacts from this proposed sports bar and grill will be positive in nature and will help to serve the patrons of this community amenity.

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following comments have been submitted:

4.1. Inspection Services Department

No concerns.

4.2. RCMP

The Kelowna RCMP has no objection to this licence being issued.

4.3. Fire Department

This department has no objection to this application; however it should be noted that if this operation is to open before paving plants reopen, that there will be no hard surface parking provided. The existing areas could become quite unstable during spring thaw.

4.4. Public Health Inspector

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no objections to this application. The application is in conformity with recommendations by the Mayor's Entertainment District Task Force and is consistent with the overall plan for this site as a district park facility. As per policy the Planning and Corporate Services Department does not comment on Lounge area designations for food primary licenses which meet LCLB and Council policy; however, the issue was considered as part of this report in order to provide a comprehensive analysis of the proposed licensing issues.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services

RM/AB/rs
Attach.

FACT SHEET

1. **APPLICATION NO.:** LL03-0024
2. **APPLICATION TYPE:** Liquor License Application
3. **OWNER:** City of Kelowna
ADDRESS 1435 Water Street
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 1J4
4. **APPLICANT/CONTACT PERSON:** Bert Hick (Rising Tide Consultants) or
· **ADDRESS** Suite 740 – 1070 Douglas Street
· **CITY** Victoria, BC
· **POSTAL CODE** V8W 2C4
· **TELEPHONE/FAX NO.:** 250-382-3110
5. **APPLICATION PROGRESS:**
 Date of Application: December 30, 2003
 Date Application Complete: December 30, 2003
 Staff Report to Council: February 4, 2003
6. **LEGAL DESCRIPTION:** Lot 2, D.L. 168, Sec. 6, Twp. 26,
ODYD Plan KAP46027
7. **SITE LOCATION:** The subject property is located the
east side of Gordon Drive at Lequime
Road south of Lexington Drive.
8. **CIVIC ADDRESS:** 4105 Gordon Drive
(Capitol News Centre)
9. **AREA OF SUBJECT PROPERTY:** N/A
10. **EXISTING ZONE CATEGORY:** P5 – Municipal District Park

11. PURPOSE OF THE APPLICATION:

TO OBTAIN COUNCIL SUPPORT FOR A LIQUOR PRIMARY LICENSE WITH A CAPACITY OF 78 PERSONS WITH HOURS OF OPERATION FROM 9 A.M. TO 1 A.M. SUNDAY TO WEDNESDAY AND 9 A.M. TO 2.A.M. THURSDAY TO SATURDAY

TO OBTAIN COUNCIL SUPPORT FOR AN AUDIENCE PARTICIPATION ENTERTAINMENT ENDORSEMENT TO THE FOOD PRIMARY LICENSE,

TO OBTAIN COUNCIL SUPPORT FOR A RESTAURANT LOUNGE WITH A CAPACITY OF 40 SEATS RELATED TO THE FOOD PRIMARY LICENSE

TO OBTAIN COUNCIL SUPPORT FOR AN EXTENSION TO THE HOURS OF OPERATION FOR THE FOOD PRIMARY LICENSE FROM 12 A.M. TO 1 A.M. SUNDAY THROUGH WEDNESDAY AND 2 A.M. THURSDAY THROUGH SATURDAY

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**

N/A

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Floor Plans
- Information package submitted by applicant