
CITY OF KELOWNA

MEMORANDUM

Date: November 30, 2004
File No.: LL04-0015

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. LL04-0015

OWNER: RG Arena's (Kelowna) Ltd.

AT: 1223 Water Street

APPLICANT: Prospera Place (Bart
Dorssers)

PURPOSE: THE APPLICANT IS SEEKING COUNCL SUPPORT FOR A
NEW PATIO AREA ON THE NORTH SIDE OF PROSPERA
PLACE WITH A CAPACITY OF 40 PERSONS

THE APPLICANT IS SEEKING COUNCL SUPPORT FOR A
NEW PATIO AREA ON THE WEST SIDE OF PROSPERA
PLACE WITH A CAPACITY OF 120 PERSONS

THE APPLICANT IS SEEKING COUNCL SUPPORT FOR
AN INTERIOR CAPACITY INCREASE FOR EXPANDED
LIQUOR PRIMARY LICENSED AREA FOR THE LIQUOR
PRIMARY LICENSED ESTABLISHMENT FROM 7500 TO
7640 (HOURS OF OPERATION FOR THE LIQUOR
PRIMARY LICENSE SHALL REMAIN UNCHANGED)

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council support a new patio area on the north side of Prospera Place with a capacity of 40 persons on Air Space Parcel A, District Lot 139, ODYD Air Space Plan KAP60701 proposed by Prospera Place for 1223 Water Street;

THAT Council support a new patio area on the west side of Prospera Place with a capacity of 120 persons on Air Space Parcel A, District Lot 139, ODYD Air Space Plan KAP60701 proposed by Prospera Place for 1223 Water Street;

THAT Council support an interior capacity increase for expanded liquor primary licensed area for the liquor primary licensed establishment from 7500 to 7640 on Air Space Parcel A, District Lot 139, ODYD Air Space Plan KAP60701 proposed by Prospera Place for 1223 Water Street;

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

2.0 BACKGROUND

3.0 SUMMARY

The applicant is seeking Council support for several amendments to an existing liquor primary stadium license. The applicant has proposed to create two new patio areas (smoking areas) on the northern and western sides of the building. These patio areas will accommodate patrons of the stadium who wish to smoke outside during stadium events. A patio for the purpose already exists on the second storey of the stadium and is accessed through Prospera Place. An overall capacity increase for the liquor primary license is not required by the Liquor Control and Licensing Branch to accommodate these patio areas as it is transferable from the capacity of the existing arena. The applicant is seeking a maximum capacity of 40 for the northern patio (at gate 2) and capacity of 120 for the western patio (at gate one). The patios will only be used during events and will be enclosed with 2m security fencing. The fencing will be temporary in nature and will be removed when there is no major event in the arena. The hours of operation for the patios will be limited to the hours of the event at Prospera Place.

The applicant is also seeking a capacity increase to the liquor primary license to include a portion of Manhattan Point Restaurant. The need for this change arose from the use of the restaurant as a liquor primary establishment during events such as hockey games. The capacity increase to the liquor primary license and expansion of its boundaries to include a portion of Manhattan Point Restaurant will allow the service of liquor in this area without food during events. At the present time the food primary license at Manhattan Point restricts the service of liquor without food. The hours of the liquor primary license will remain unchanged (they are currently limited to the hours of the event).

Criteria	Proposal	Existing
Liquor Primary Licence Capacity (Area - Interior)	7640 persons (Including Manhattan Point Restaurant)	7500 persons
Manhattan Point Liquor Primary Capacity	140 Persons	0 persons
Existing Patio/Smoking Area Capacity (Manhattan Point Deck)	N/A	166
Proposed Northern Patio/Smoking Area	40	0
Proposed Western Patio/Smoking Area	120	0

3.1 Site Context

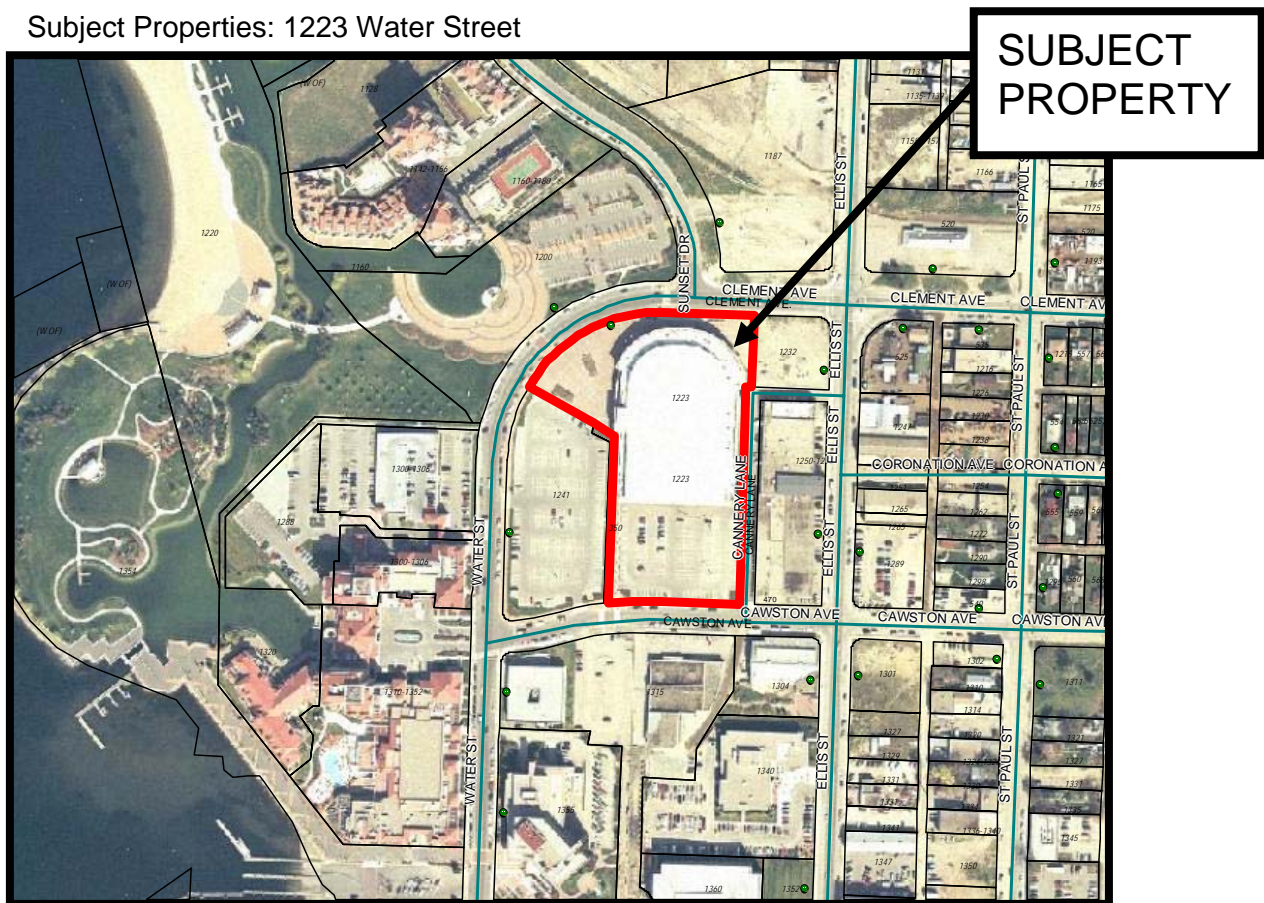
The subject property is located on the south east corner of Water Street where it intersects Clement Avenue.

Adjacent zones and uses are:

- North - P3 – Parks and Open Space – Parking Lot
- East - CD5 – Heritage Commercial – Laurel Packinghouse / C10 – Service Commercial – Flashbacks
- South - C7 – Central Business Commercial – Rotary Centre for the Arts
- West - C8 – Convention Hotel Commercial – Grand Okanagan Resort

3.2 Site Location Map

Subject Properties: 1223 Water Street



3.3.3 Liquor Control and Licensing Branch Criteria

- (a) The potential for noise if the application is approved:

The noise impacts associated with the patios will be limited to event times when they are in use. Periods of heavy use will mainly be limited to two 15 minute intermissions during hockey games and at breaks during concerts/events.

It is not anticipated that the capacity increase to the liquor primary to include a portion of Manhattan Point Restaurant will create any additional noise.

- (b) The impact on the community if the application is approved:

It is not anticipated that approval of this application will have any negative impacts on the community.

- (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

Prospera Place has reported the pressure from its customers has resulted in the operation of Manhattan Point Restaurant in a manner that is contrary to its purpose (as a liquor primary rather than a food primary). The proposed licensing amendment will allow a portion of Manhattan Point Restaurant to function as a liquor primary establishment.

- (d) The views of residents.

View of the residents will be gathered at a public meeting in accordance with Council Policy #315.

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 comment.

4.2. RCMP

No comment.

4.3. Fire Department

No comment.

4.4 Public Health Inspector

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed amendments to the liquor primary license and recommend that Council resolve to support the application. The proposal conforms to the provisions of the Mayor's Entertainment District Task Force Report and staff feels that the impact on the surrounding area will be minimal and the applicant will take appropriate measures to enclose the patio area with fencing.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Maps showing proposed areas of capacity increase