

Memo



Date: May 21/10
To: City Manager
From: Community Sustainability Division
File No: LL10-0001 **Applicant/Licensee:** Kelowna Elks Lodge #52
At: 2040 Springfield Road **Property Owner:** Kelowna Elks Lodge #52

Purpose: TO RECEIVE COUNCIL SUPPORT FOR THE EXTENSION OF THE LICENSED AREA OF THE EXISTING FOOD PRIMARY TO INCLUDE AN OUTDOOR PATIO

Existing Zone: C4 - Urban Centre Commercial

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #315, be it resolved THAT:

1. Council recommends the amendment of the existing Liquor Primary license to allow the outdoor patio area to be licensed at 2040 Springfield Road (Elks Hall), Kelowna BC, and legally described as Strata Lot 9 District Lot 129 ODYD Strata Plan KAS3728 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, for the following reasons: the proposal is not anticipated to have significant impact on the surrounding area, and is consistent with surrounding land uses, subject to the licensed hours of sale on the patio being limited to 11:00pm. Applying shorter hours of sale on the patio would help to mitigate noise conflicts with above residential uses.
2. The Council's comments on the prescribed considerations are as follows:
 - a) *The potential for noise if the application is approved* may be increased by licensing the patio area, however, could be considered appropriate given the type of establishment, the surrounding land-uses and limiting the hours of sale to 11:00pm.
 - b) *The impact on the community if the application is approved* is considered minimal given the location of the subject property and surrounding land uses. Limiting the hours of sale on the patio to 11:00pm would mitigate conflicts with residential units above.
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 #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

2.0 SUMMARY:

A liquor license application has been forwarded by the applicant to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any amendments to a liquor primary license require local government resolution commenting on the application.

The “Invue” mixed-use development at the northwest corner of Springfield and Barlee Road was built on the former Kelowna Elks Lodge site. The Elks Lodge has recently returned to this address, now on the second floor of the project.

The applicant seeks to expand the existing licensed area to include an outdoor patio. While the Elks Lodge currently holds a Liquor Primary license, the former lodge did not have an outdoor patio space. The new location has a potential licensed capacity for 73 persons.

2.1 Liquor License Summary

License #029936	Existing	Proposed
Indoor Licensed Capacity	198	198
Outdoor Licensed Capacity	0	73
Hours of Sale	1:00pm-1:00am (Monday-Saturday) 1:00pm-Midnight (Sunday)	1:00pm-1:00am (Monday-Saturday) 1:00pm-Midnight (Sunday)
<i>Staff Proposal</i>	<i>Patio Hours Sale: 1:00pm-11:00pm</i>	

2.2 Site Context

Elks Lodge #52 is located on the second floor of the recently constructed “Invue” mixed-use development at Springfield & Barlee Road. The surrounding area represents a mix of residential, service commercial and retail uses. Specifically, adjacent land uses are:

North	RM4 - Transitional Low Density Housing (Religious Assembly)
East	C4 - Urban Centre Commercial (Shopping Centre)
South	A1 - Agriculture 1 (Vacant Lot)
West	C10 - Service Commercial (Funeral Home)

2.3 Site Location Map

Subject property: 2040 Springfield Road



3.0 **DEVELOPMENT POTENTIAL/CURRENT POLICY:**

3.1 Mayor's Entertainment District Task Force/ Council Policy #315

The expansion of the licensed area to include the outdoor patio does not contravene policies within the Mayor's Entertainment District Task Force Report.

4.0 **TECHNICAL COMMENTS:**

4.1 Public Health Inspector

Liquor license subject to inspection and issuance of Health Permit.

4.2 RCMP

No concerns regarding the expansion of the liquor licence onto the patio while maintaining the current closing time. We also understand that the patio capacity is set at 73 persons.

5.0 **LAND USE MANAGEMENT DEPARTMENT:**

The licensed capacity at the original Elks Hall was 500 persons, while the total proposed person capacity for their new space is substantially fewer at 271 persons. The residential component of "Invue" has yet to set-up a strata corporation, however, limiting the hours of sale on the patio to 11:00pm would likely address any concerns regarding expanding the licensed area to include the outdoor patio. The applicant has agreed that this is a reasonable request.

Submitted by:



Danielle Noble
Manager, Urban Land Use

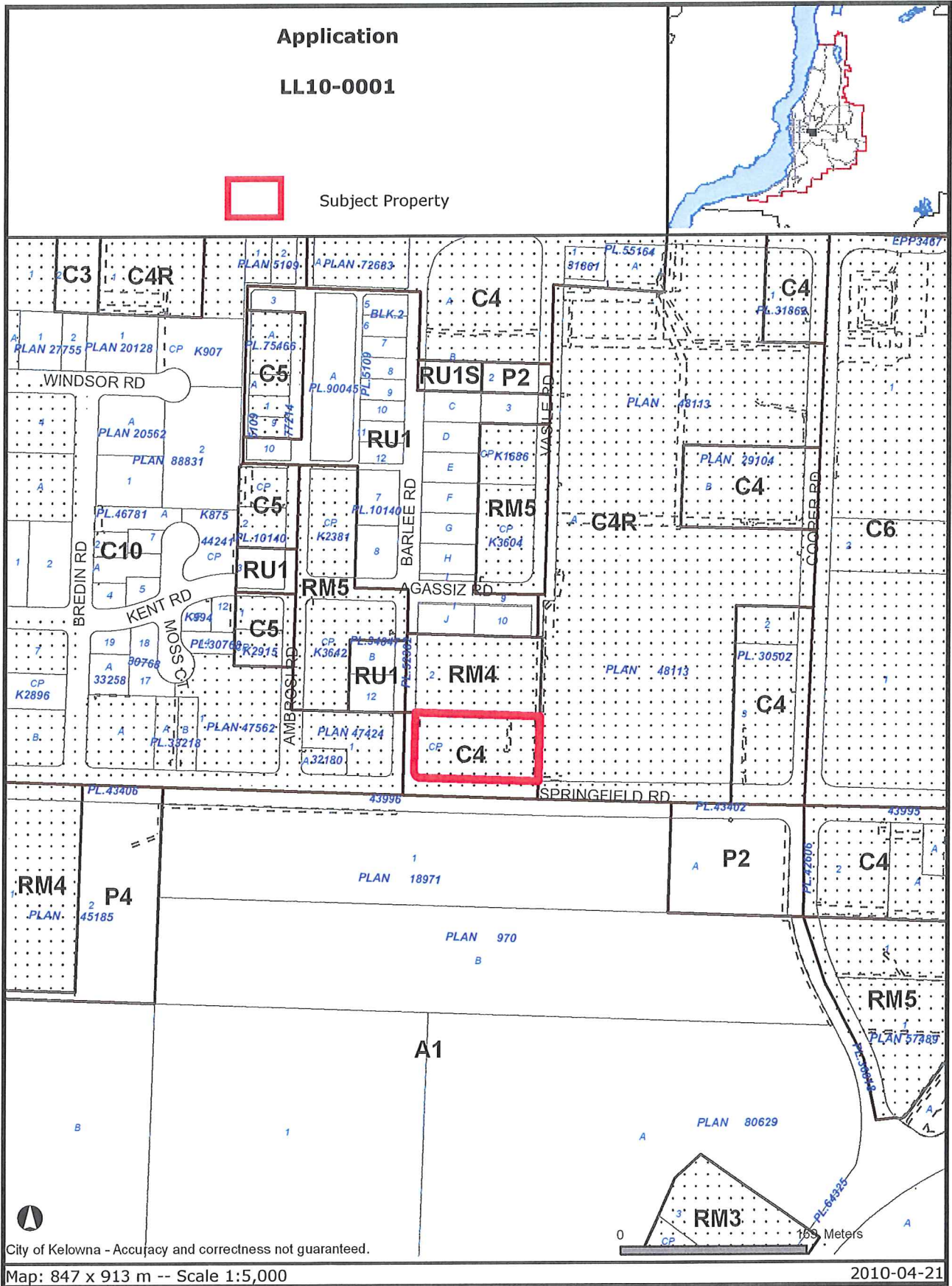
Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Proposed Floor Plan



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

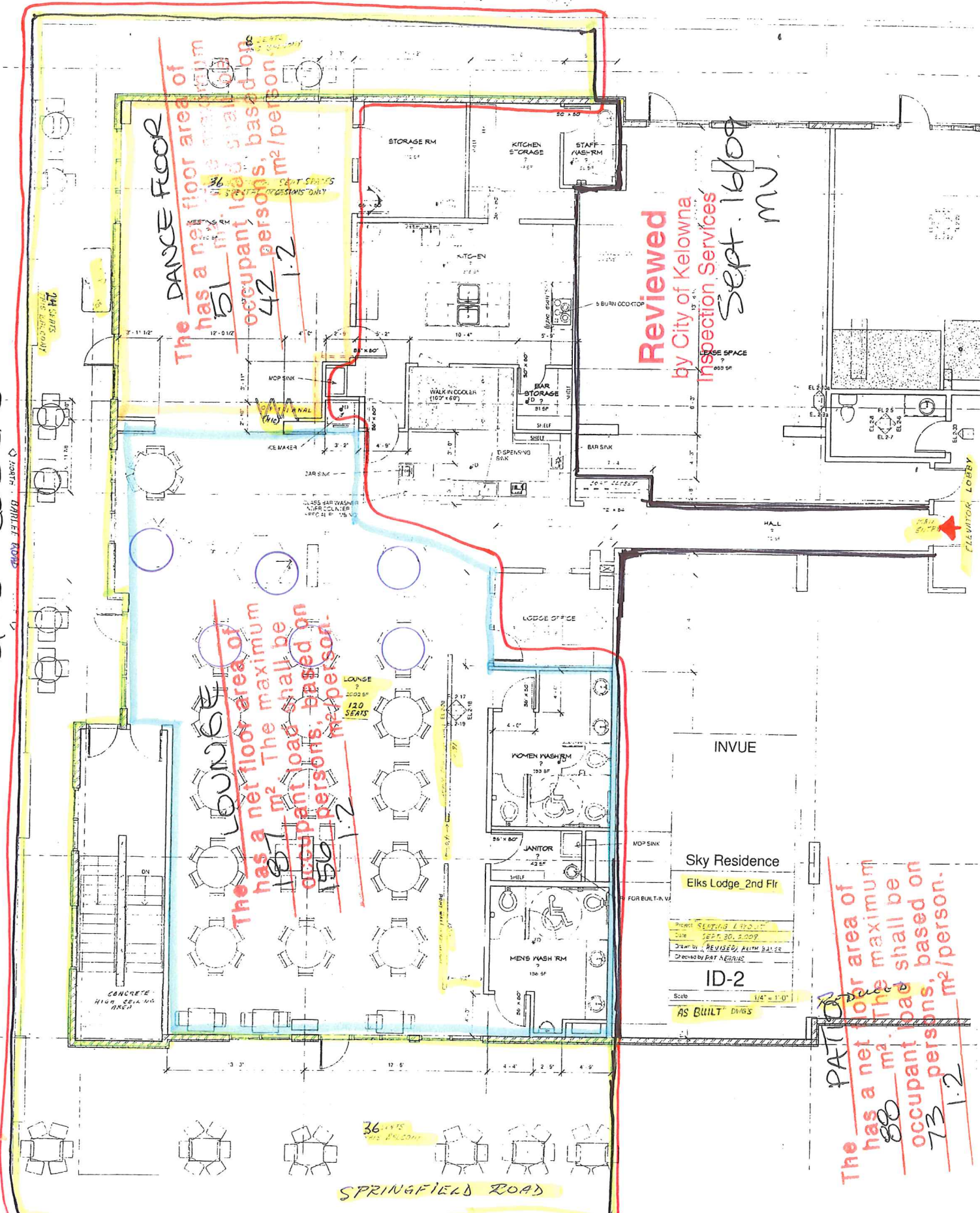
FLX > WOOD ROOM > DANIEL ROOM

The DANCE FLOOR area of has a net floor area of 36 m². The maximum occupant load shall be 42 persons, based on 1.2 m²/person.

The LOUNGE area of has a net floor area of 120 m². The maximum occupant load shall be 150 persons, based on 1.2 m²/person.

The PATIO area of has a net floor area of 88 m². The maximum occupant load shall be 73 persons, based on 1.2 m²/person.

Reviewed by City of Kelowna Inspection Services
Sept. 16/09 MV



SPRINGFIELD ROAD