

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0029-00

Planning Report Date: April 12, 2010

PROPOSAL:

- New **Liquor Primary License**

in order to permit liquor service on the Nico Wynd golf course playing area.

LOCATION:

3601 Nico Wynd Drive

OWNER:

Strata Corporation NW 1378

ZONING:

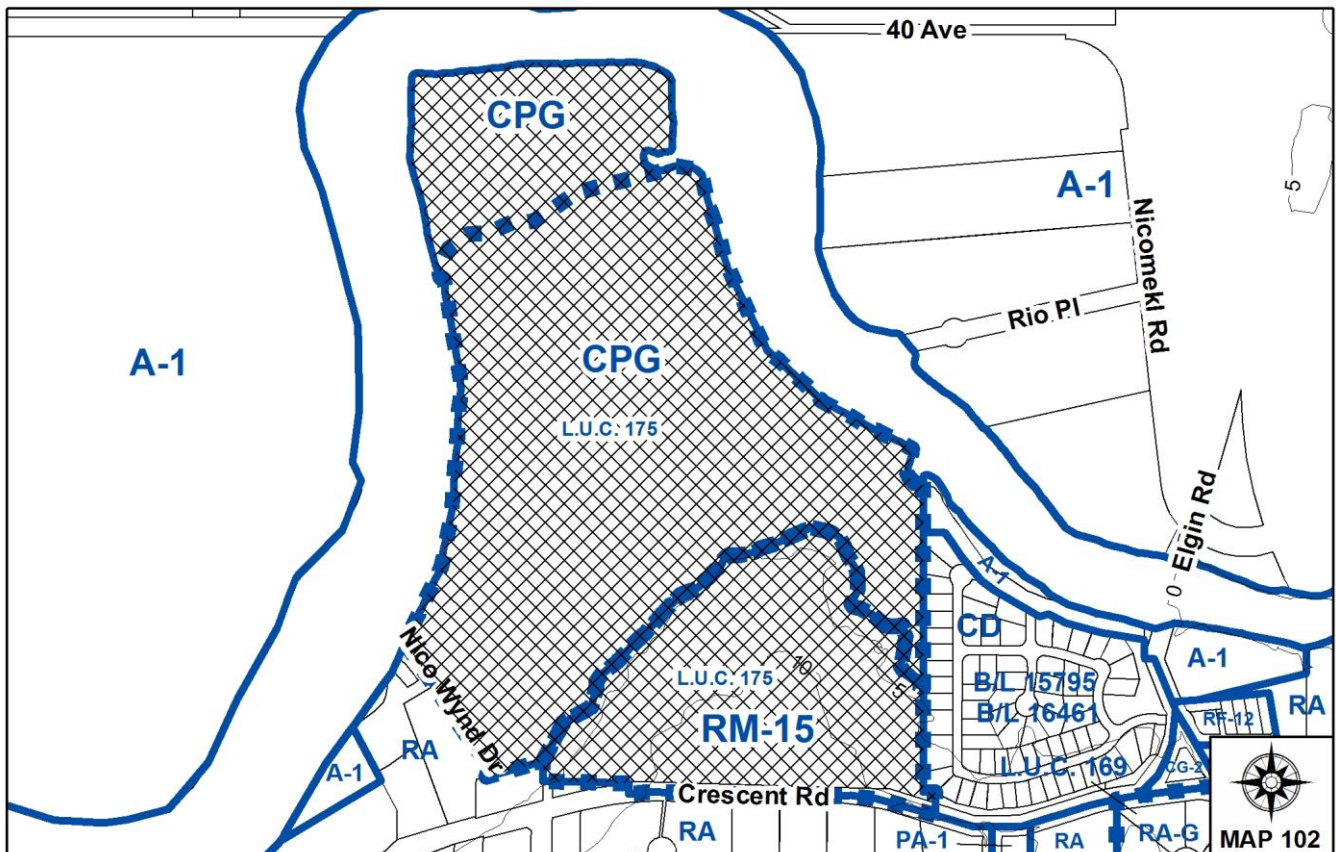
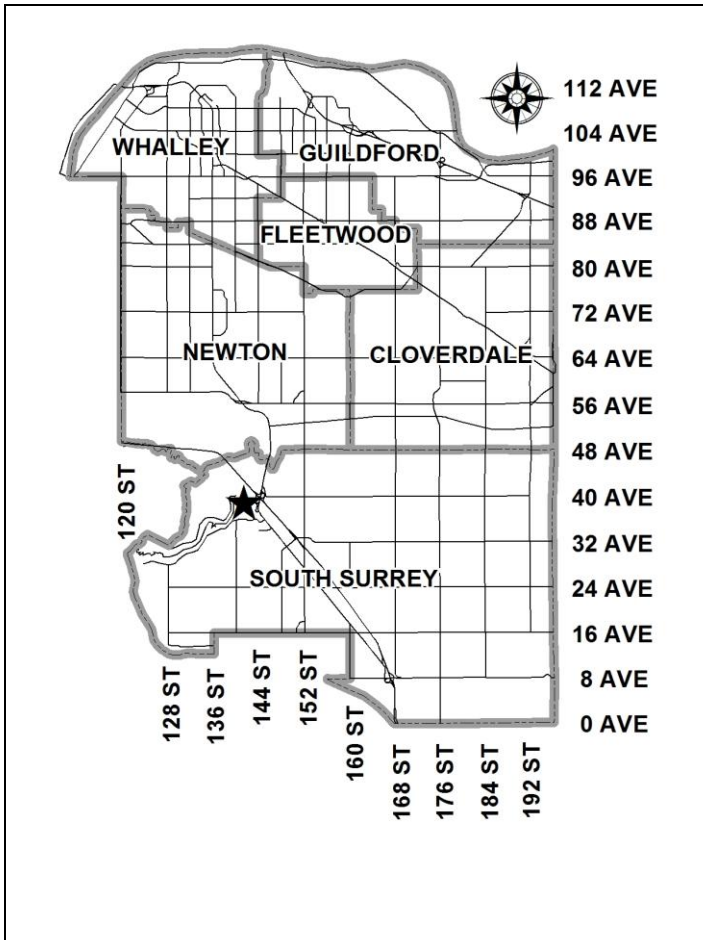
CPG and LUC No. 175

OCP DESIGNATION:

Agricultural/Multiple Residential

LAP DESIGNATION:

Golf Course & Clustering at Urban Single Family Density (8 upa)



RECOMMENDATION SUMMARY

- Set date for a Public Information meeting in the form of a Public Hearing to solicit resident opinions on the proposed Liquor Primary license.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The addition of a Liquor Primary License is permitted within the Land Use Contract (No. 175) and in the CPG Zone as a use customary to the golf course use.
- The proposal is in keeping with the nature and recreational function of the golf course and clubhouse facility and is consistent with many other golf courses in Surrey which have liquor primary licenses that permit liquor to be sold and consumed on the golf course playing area (i.e. Morgan Creek, Hazelmere, Peace Portal, Eagle Quest etc.).
- The proposed operating hours are well within Council's policy on hours of operation for liquor primary establishments and accurately reflect the intent which is to provide liquor service to golf patrons on the golf course during daylight hours.
- The proposed liquor primary liquor license is to permit liquor to be sold and consumed by golfers on the golf course playing area only. Under the terms and conditions of the license, liquor purchased on the golf course must not be consumed or carried in areas other than the playing area, and must not be taken off site. There is little expected community impact if the application is approved. Comments from By-laws & Licensing and the RCMP have indicated no concerns with the proposal.
- The applicant will be required to enter into a Good Neighbour Agreement to ensure minimal impact on the surrounding community.

RECOMMENDATION

The Planning & Development Department recommends that:

1. That a date for Public Hearing be set to solicit opinions from area residents regarding the proposed liquor primary liquor license to permit liquor service on the golf course playing area with operating hours of 9:00 a.m. to 10:00 p.m. every day of the week but a condition that liquor service must cease at dusk.
2. Council instruct staff to resolve the following issue prior to approval:
 - (a) the applicant enter into a "Good Neighbour Agreement" to ensure minimal impact on the surrounding community.

REFERRALS

Engineering:	The Engineering Department has no objection to the project.
Parks, Recreation & Culture:	No concerns.
Surrey RCMP:	No concerns.
Surrey By-laws & Licensing Services:	No concerns.
Surrey Agricultural Advisory Committee (SSAC):	Many existing golf courses that are in the ALR have liquor primary licensed establishments (i.e. Peace Portal, Hazelmere, Surrey). Staff have confirmed that approval from the ALC is not required. As such, the proposal was not referred to the AAC.

SITE CHARACTERISTICS

Existing Land Use: Nico Wynd Golf Course and residential community.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across the Nicomekl River):	Agricultural land.	Agricultural	A-1
East:	(South Port) bare land strata residential community.	Urban/Clustering at Urban Single Family Density	CD (8 upa)

Direction	Existing Use	OCP/NCP Designation	Existing Zone
South (Across Crescent Road):	Suburban residential lots.	Suburban/1-acre residential.	RA
West:	Suburban residential lots.	Suburban/1-Acre Residential	RA

DEVELOPMENT CONSIDERATIONS

Background and Site Context

- Located on the north side of Crescent Road at the intersection with 140 Street, the subject site is occupied by the Nico Wynd public golf course and residential community. The golf course portion of the site is designated “Agricultural” in the Official Community Plan (OCP) and the residential component of the site is designated “Multiple Residential” in the OCP. The northerly portion of the site (golf course) is designated within the Agricultural Land Reserve (ALR). The site is identified as being part of a pedestrian oriented/commercial mixed use area at an overall residential density of 8 units per acre in the King George Highway Corridor Land Use/ Development Concept Plan, approved by Council in 1995.
- The majority of the site is under Land Use Contract No. 175, which permits recreational and recreational commercial uses only, a portion of which is restricted to private use. The recreational uses permitted are restricted to a 9 hole golf course and boat launching area and facility, each of which shall be available for use by the public; and an indoor swimming pool and tennis and badminton courts, each of which shall be restricted to private use by the residents of the Strata Lots within the boundaries of the land. A small portion of the golf course along the north portion of the site, outside of LUC No. 175, and is zoned "Golf Course Zone (CPG)".
- The residential component of the Nico Wynd site includes 132 townhouses and the Strata Corporation (NW 1378) has ownership of the 9-hole public golf course.
- To the east of the site is the recently approved bare land strata residential development (SouthPort). To the south of the site, across Crescent Road, and to the west of the site, are large Suburban residential lots. To the north of the site is the Nicomekl River.
- A liquor primary license is considered a permitted use both under the LUC and under the CPG Zone as a use customary and ancillary to a golf course. Staff have discussed the proposed liquor primary license with representatives of ALC and confirm that ALC approval is not required. The clubhouse for the Nico Wynd Golf Course currently has a Food Primary liquor license which allows liquor to be served along with food in the restaurant and outdoor patio areas. The hours of operation under the Food Primary liquor license are 9:00 am to 10:00 pm Monday to Saturday, and 11:00 am to 10:00 pm on Sunday. Under the Food Primary license, liquor can only be sold and consumed within the licensed areas of the restaurant and outdoor patio.

Proposed Liquor Primary License

- The applicant (Nico Wynd Strata Corporation) proposes a Liquor Primary liquor license for the Nico Wynd Golf Course which would permit liquor to be sold and consumed on the golf course playing area. Liquor service would be provided via a take-out window and/or a beverage cart. Under the terms and conditions of the license, liquor purchased on the golf course must not be consumed or carried in areas other than the playing area, and must not be taken off site.
- The applicant intends to retain the existing Food Primary liquor license for the clubhouse restaurant and outdoor patio areas.
- The proposal is consistent with many other golf courses in Surrey which have liquor primary licenses that permit liquor to be sold and consumed on the golf course playing area (i.e. Morgan Creek, Hazelmere, Peace Portal, Eagle Quest etc.).
- The proposed hours of operation are 9:00 am to 10:00 pm every day of the week. Staff have enquired with the Liquor Control and Licensing Branch (LCLB) about the possibility of prescribing hours of operation of 9:00 am to dusk every day of the week, to more accurately reflect the intent of the license, which is to provide liquor service to golfers while they are playing golf and recognizing that daylight hours are variable throughout the year. The LCLB has advised staff that the liquor license must have prescribed hours of operation but has suggested that Council can request as a separate term and condition on the license that the sale of liquor must cease at dusk. The applicant is agreeable to this condition as it is not their intent to sell alcoholic beverages past dusk.

Liquor Licensing Approval Procedure

- On December 2, 2002, the Provincial Government enacted new regulations with respect to liquor licensing. Under the new procedures, the applicant initially contacts the Provincial Liquor Control and Licensing Branch (LCLB) to obtain a sign-off for the filing of the required application(s). Once the LCLB determines the application is complete, and the establishment and the applicant are eligible for licensing, a summary report is prepared by the LCLB and forwarded to the local government (Appendix II). The LCLB now requires that the applicant secure Local Government endorsement before the application can be considered for approval by the LCLB.
- The LCLB requires that Council comment on how the site satisfies a specified list of criteria to ensure that adequate consideration has been given to the application by the local government. The analysis of the criteria for this site is provided as follows:

(a) The location of the establishment

- The City's long-standing locational guidelines for neighbourhood pubs (now known as liquor primary establishments) are as follows:
 - Select a site close to a residential area but not surrounded by a residential area;
 - Select a site that is adjacent to or in a local commercial node;
 - Do not select a site on a provincial highway; and
 - Locate further than 400 metres (1,310 ft.) from a school, children's park, or playground.

- Nico Wynd is a public golf course which serves several residential communities. Under the terms and conditions of the proposed liquor license, liquor purchased on the golf course must not be consumed or carried in areas other than the playing area, and must not be taken off site. Nico Wynd already has a Food Primary liquor license which allows liquor to be sold and consumed in the clubhouse restaurant and outdoor patio areas.
 - The site is not located in or adjacent to a local commercial node but the proposed liquor license is consistent with the nature and recreational function of the golf course and clubhouse facility. The proposal is consistent with many other golf courses in Surrey which have liquor primary licenses that permit liquor to be sold and consumed on the golf course playing area (i.e. Morgan Creek, Hazelmere, Peace Portal, Eagle Quest etc.).
 - The site is not located on a provincial highway.
 - The site is within 400 metres (1,300 ft.) of the Elgin Heritage Park, the Semiahmoo Trail, and a variety of greenbelts and public walkway areas, however, given the nature of the proposed liquor primary liquor license, the Parks, Recreation and Culture Department has no concerns with the proposal.
- Under the locational criteria established by the City, a new liquor primary license should not locate within 1.6 kilometres (1 mile) of an existing liquor primary license. The only existing liquor primary establishment within 1.6 kilometres (1 mile) of the site is the Chateau Cargill (3550 – King George Boulevard) which is 0.7 kilometres (0.40 mile) from the site. The Chateau Cargill is a wedding and banquet facility with a small wine bar/lounge. It therefore serves a different clientele than the Nico Wynd golf course.

(b) The proximity of the establishment to social or recreational facilities and public buildings

- The site is not within close proximity of any elementary or secondary school.
- The site is located approximately 100 metres (330 ft.) (property line to property line) to the Elgin Community Hall, as well as the Elgin Heritage Park, however, given the nature of the proposed liquor primary liquor license, which is to provide liquor service to golfers while on the golf course playing area, no impact is anticipated on these public facilities.

(c) The person capacity and hours of liquor service of the establishment

- The applicant has requested hours of operation of 9:00 am to 10:00 pm every day of the week but is also agreeable to a condition on the license that the sale of liquor must cease at dusk. These proposed hours are well within Council's policy on hours of operation for liquor primary establishments which are 11:00 am to 1:00 am Sunday to Thursday, and 11:00 am to 2:00 am on Friday and Saturday, and accurately reflect the intent which is to provide liquor service to golf patrons on the golf course.

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

- The intent of the proposed liquor primary liquor license is to provide liquor service to golfers on the golf course playing area. There are no other golf courses or similar type recreational facilities in the nearby area.

(e) Traffic, Noise, Parking and Zoning

- The driveway access into the Nico Wynd golf course is via Crescent Road which is a major arterial road. The proposed liquor primary liquor license is intended to serve golf patrons who would otherwise already visit the site to play golf. As such, the proposal is not expected to negatively affect traffic patterns.
- The site already includes a large recreational facility (approximately 44-acres) and the liquor will only be permitted to be sold to golfers during the daylight hours. As such, noise is not anticipated to be an issue.
- The golf course has a large surface parking area with approximately 80 delineated stalls. The number of parking spaces provided on the site exceeds the number of parking stalls required under the Zoning By-law.
- As noted above, a liquor primary use is a permitted accessory use to a golf course under the Land Use Contract (No. 175) as is also the case for golf courses under the standard "Golf Course (CPG) Zone".

(f) Population, population density and population trends

- The current population of the South Surrey area is 74,336 based on Surrey Building Permit and BC Assessment information. The Planning & Development Department projections indicate that number could grow to 87,800 by 2016.

(g) The impact on the community if the application is approved

- The proposed liquor primary liquor license is to permit liquor to be sold and consumed by golfers on the golf course playing area only. There is little expected community impact if the application is approved. Comments from By-laws & Licensing and the RCMP have indicated no concerns with the proposal.
- As per the recently approved Good Neighbour Agreement Policy, the applicant will be required to enter into a Good Neighbour Agreement to ensure minimal impact on the surrounding community.

PRE-NOTIFICATION

In accordance with Council Policy, pre-notification letters were sent on February 23, 2010 and a development proposal sign was erected on the property. As a result of the notification process, staff received the following calls and correspondence with respect to the proposal, as follows:

- Staff received 1 phone call from a neighbouring resident who was concerned that liquor could be taken off of the golf course playing area into the parking lot or offsite.

(Under the terms and conditions of the license, liquor purchased on the golf course must not be consumed or carried in areas other than the playing area, and must not be taken off site).

- Staff received 1 email from a neighbouring resident who was concerned that the proposal could lead to a further expansion of the license such as a neighbourhood pub or off-sales.

(The subject proposal is not for a neighbourhood pub as the applicant intends to retain the existing Food Primary liquor license for the clubhouse restaurant and outdoor patio areas. The proposal is only to permit liquor to be sold and consumed by golfers on the golf course playing area. The LCLB is no longer issuing off-sales endorsements, but should the applicant seek approval of a separate liquor primary license for a neighbourhood pub in the future that would be subject to another review and approval process which would include public notification).

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. LCLB Summary Report

Jean Lamontagne
General Manager
Planning and Development

CA/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Ron Allison
 Address: 3636 Nico Wynd Drive
 Surrey, BC
 V4P 1J3
 Tel: 604-542-6439

2. Properties involved in the Application
 - (a) Civic Address: 3601 Nico Wynd Drive

 - (b) Civic Address: 3601 Nico Wynd Drive
 Owner: Strata Corporation NW1378
 PID: Common Property
 Portion of the Common Property of Strata Plan NWS1378 District Lots 157, 158
 and 166 Group 2 New Westminster District

3. Summary of Actions for City Clerk's Office

Liquor Applications

- (a) That a date be set for a Public Hearing to solicit public opinion with respect to a liquor-primary license application.

DEVELOPMENT DATA SHEET

Existing Zoning: LUC No. 175

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		76 acres
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		

** If the development site consists of more than one lot, lot dimensions pertain to the entire site.*

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial		
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces		
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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