



City of Kelowna Public Hearing Minutes

Date: Tuesday, December 3, 2019
 Time: 6:00 pm
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors, Maxine DeHart, Ryan Donn, Charlie Hodge, Gail Given, Brad Sieben*, Mohini Singh, Luke Stack and Loyal Wooldridge

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning and Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Planner Specialist, Wesley Miles*; Planner Specialist, Jocelyn Black; Legislative Coordinator (Confidential), Clint McKenzie

(*Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 6:02 p.m.

Mayor Basran advised that the purpose of the Hearing is to consider certain bylaws which, if adopted, will amend "Kelowna 2030 - Official Community Plan Bylaw No. 10500" and Zoning Bylaw No. 8000", and all submissions received, either in writing or verbally, will be taken into consideration when the proposed bylaws are presented for reading at the Regular Council Meeting which follows this Public Hearing.

2. Individual Bylaw Submissions

2.1 **Rutland Ct 2155-2165, Z19-0106 (BL11950) - CGSB Automotive Group LTD., Inc. No. BC0731187**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Applicant was not available for comment.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

Councillor Sieben joined the meeting at 6:08 p.m.

2.2 Barkley Rd 456, Z19-0113 (BL11952) - Landon D. Horne, Tamara J. Horne

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Don Hutchinson, Pine Rd:

- Concerned that allowing a carriage house in the middle of the cul-de-sac does not respect the character of the neighbourhood.
- Trees have already been removed for the carriage house and survey ribbons already put up for the proposed carriage house.
- Opposed to the application.

Landon Horne, Barkley Rd, Applicant:

- Confirmed the works being undertaken to date were in order to complete the survey for the site plan.
- Spoke to the privacy concerns from other neighbours that will be addressed by landscaping.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.
- Confirmed no variances are being tracked at this time.

There were no further comments.

2.3 Hollywood Rd S 150, Z19-0109 (BL11953) - Lexington Enterprises Ltd.

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Ian Birack, Applicant:

- Displayed a PowerPoint presentation summarizing the application.
- Estimated 85 employees will be working for the company throughout the Okanagan with stores in Kamloops and Penticton as well.
- Referenced having over 500 letters of support from the Okanagan community.
- Spoke to meeting the zoning regulations.
- Reviewed renderings, store layout and site plan.
- Reviewed security plan for the location. Chose this location as it provides rear access for loading and unloading.
- Completed neighbourhood consultation with neighbours within 50 metres.
- Reviewed the distance to the closest residential property.
- Commented on the correspondence received in opposition.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Shannon Zorn, Hollywood Rd S:

- Their building strata is opposed to the application.
- Referenced the correspondence submitted.
- Requested that hours of operation be restricted if the application is approved.
- Responded to questions from Council.

Gary Gustafson, Hollywood Rd S:

- Opposed to the application and the hours of operation.
- Adjacent store has minors as a customer base.
- Late night customers will cause problems and the store will attract high risk visitors to the neighbourhood.
- Responded to questions from Council.

Steve Shoranick, Landlord:

- Their tenant has provided assurances that they will take all extra precautions. Extra cameras and security are addressed in their lease.
- The lease also prohibits smoking on the premises and the tenant has committed to hiring extra security if needed to address any issues.

Ian Birack, Applicant:

- Open to adjusting hours if requested by Council.
- Addressed the 500 metre requirement between cannabis locations preventing another establishment within the facility.

Staff:

- Responded to questions from Council.
- Confirmed there is another active application for retail cannabis sales at 590 Hwy 33 and it will require a zoning text amendment to come forward as it is within the 500 metre buffer of another cannabis facility.
- Confirmed this application was received after the lottery application was completed for cannabis locations.
- Confirmed the province has authority over hours of operation for cannabis retail outlets.
- The cannabis retail application approved on Springfield Rd. is open to 11 p.m.

There were no further comments.

2.4 Sadler Rd 145, Hwy 33 E 180 & 190, Z18-0117 (BL11957) - Studio 33 Properties Ltd., Inc No. BC1137489

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

John Douglas, Saratoga Pl, Applicant's Agent:

- Spoke to the proposed residential development. It will be providing entry level and accessible housing in a great location.
- Spoke to the poor state of the current houses on the subject properties. The HAC rejected the application to remove the house.
- Explored the idea of saving part of the house. Met with a heritage consultant to look into protecting the facade.

Dr. Katie Cummer, Moss St, Victoria, Heritage Consultant:

- Outlined the importance of the small farmhouse to the Rutland neighbourhood.
- Reviewed the character defining elements of the house.
- Documented the house at length and will be developing a heritage conservation plan.
- Addressed the moving, preservation and restoration of the heritage façade of the house.
- A local heritage monitor will be put in place to keep track of the house during construction.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

No one from the Gallery came forward.

There were no further comments.

2.5 Pandosy St 1636 -1652, TA19-0013 (BL11959) Z19-0100 (BL11960) - ALM888 Ventures Ltd., Inc. No. BC1089095

Staff:

- Displayed a PowerPoint Presentation summarizing the application and responded to questions from Council.

Steve Hyndman, Martin Ave, Applicant:

- Downtown not the same as rest of Kelowna; believes the distance between locations should have been reduced.
- The currently approved retail outlets will provide less than 2000 square feet to service the downtown core.
- Spoke to the correspondence in support.
- They will be investing in the redevelopment of the storefront and believe it will be a major anchor to the area. Highlighted the 13 letters of support from adjacent business owners.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments from Council.

Gallery:

Matt Dober, Gallagher Rd, retail cannabis owner:

- Encourage Council to follow established policy and deny the application.
- Spoke to the policy of restricting stores within a 500 metre area between retail outlets.
- Encouraged Council to see how retail cannabis operates before adjusting the policy accordingly.
- Commented that the current text amendment process is unfair to earlier applicants who were compliant with the initial application intake. The intake was a very arduous process to complete and a significant number of quality applicants were not successful in the lottery.
- Responded to questions from Council.

Rudy Tomsik, Water St:

- Recently started a new business in the same block as the proposal.
- In support of the application. Downtown Kelowna densification is happening rapidly.
- Parking is not an issue on the block.
- Supports the business opening and is looking forward to more growth in the neighbourhood.

Mark Chiu, Pandosy St:

- The applicant approached the neighbours and was very upfront with their proposal. This store will help revitalize the area.
- Confident applicant will be compliant with the legislation.
- Commented that the lottery for retail cannabis locations will create an artificial monopoly.

Steve Hyndman, Applicant:

- The process is fair. The area needs revitalization and will be investing a considerable amount into redeveloping the location.
- There is strong support for the application in the area from commercial neighbours and residents.

Staff:

- Responded to questions from Council.
- Confirmed unsuccessful cannabis retail store applicants are able to apply for a text amendment.

There were no further comments.

3. **Termination**

The Hearing was declared terminated at 7:27 p.m.

Mayor Basran

City Clerk

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