

City of Kelowna Public Hearing AGENDA



Tuesday, May 12, 2020
5:10 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Individual Bylaw Submissions

2.1 1729-1835 Gordon Dr, TA20-0011 Z20-0012, RG Properties Ltd., Inc. No. BCo812619

3 - 32

To consider a Staff recommendation to NOT support a site-specific text amendment to allow for a retail cannabis sales establishment within 500 m of two approved establishments and to consider an application to rezone the subject property from CD26- Capri Centre Comprehensive Development zone to CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales).

3. Termination

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: April 20, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0011 & Z20-0012 **Owner:** RG Properties Ltd. Inc. No. BC0812619

Address: 1729-1835 Gordon Dr **Applicant:** Kent-MacPherson

Subject: Text Amendment and Rezoning Application

Existing OCP Designation: MXR- Mixed-Use Residential Commercial

Existing Zone: CD26- Capri Centre Comprehensive Development Zone

Proposed Zone: CD26rcs- Capri Centre Comprehensive Development Zone (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated April 20, 2020 for Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales) NOT be considered by Council.

2.0 Purpose

To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 m of two approved establishments and to consider an application to rezone the subject property from CD26- Capri Centre Comprehensive Development zone to CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales).

3.0 Development Planning

Development Planning Staff recommend non-support for the proposed site-specific text amendment and rezoning application to allow for a retail cannabis sales establishment. The proposal requires a text amendment to reduce the minimum set back distance of 500 metres between two approved establishments; 1100 Lawrence Ave (+/- 221m) and 1455 Harvey Ave (+/-398m). The specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw establish the following:

9.16.1 Any retail cannabis sales establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.

The minimum distance of 500 metres is intended to avoid clustering of multiple stores. The application to reduce the distance between cannabis stores by nearly half (to 1100 Lawrence Ave) does not meet the intent to limit clustering of this use. Additionally, the proposal is requesting a reduction for two establishments which exacerbates the clustering issue.

The application was not part of the initial intake of retail cannabis sales rezoning applications in November of 2018. The application was submitted February 6, 2020 and as such, it was evaluated under the City's standard rezoning process, established in the Development Application Procedures Bylaw.

4.0 Proposal

4.1 Project Description

A retail cannabis sales establishment is proposed on the Capri Centre Mall site, in an existing ground-floor retail unit that faces the intersection of Harvey Ave and Gordon Dr.

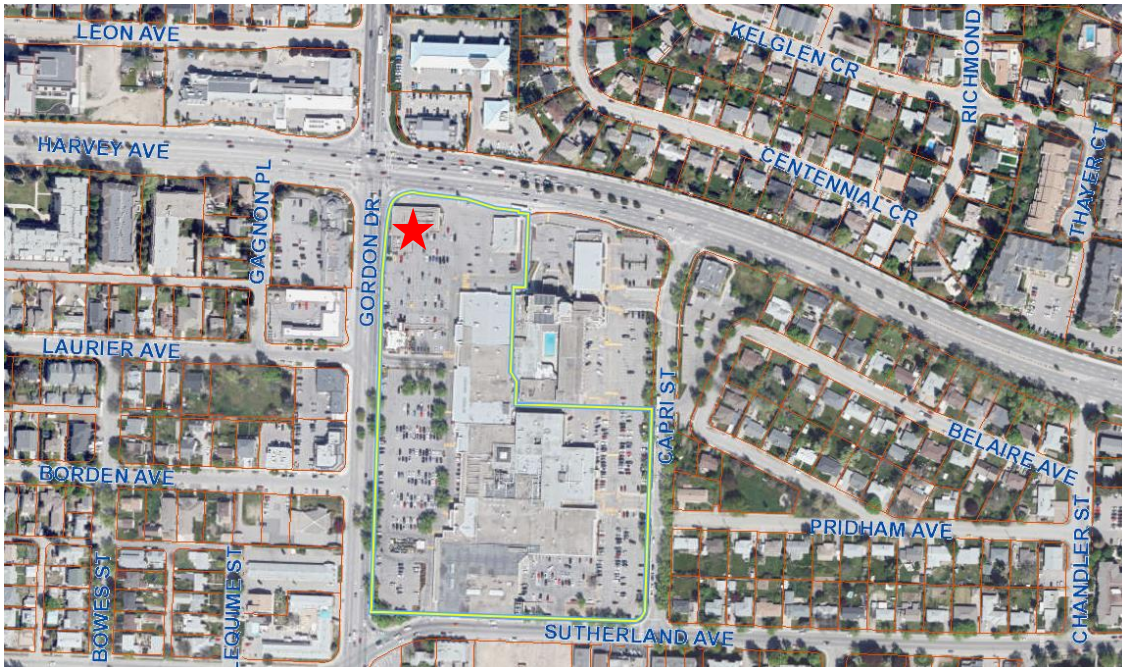
4.2 Site Context

The Capri Centre Mall is located on the edge of the Capri-Landmark Urban Centre. The surrounding area is comprised of other commercial uses along the Highway 97 corridor to the north and west, as well as some low-medium density residential to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4- Urban Centre Commercial/C9- Tourist Commercial	Food primary/Hotel
East	RU6- Two Dwelling Housing	Single/Two Dwelling Housing
South	C4- Urban Centre Commercial	Commercial
West	C4- Urban Centre Commercial/C9- Tourist Commercial	Commercial/Hotel

Subject Property Map:



5.0 Application Chronology

Date of Application Received: February 6, 2020
Date Public Consultation Completed: March 27, 2020

6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC, be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales) be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets amended site-specific local government bylaw requirements and as such, no negative impact is anticipated;

- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

Report prepared by: Jocelyn Black, Planner Specialist

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Site Plan

Schedule A: Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000

Figure 2:

Store Location



Subject Site



ATTACHMENT A

This forms part of application # TA20-0011 & Z20-0012

Planner Initials JB



City of Kelowna DEVELOPMENT PLANNING



SCHEDULE A

This forms part of application

TA20-0011

Planner
Initials

JB



SCHEDULE "A" – Site Specific Amendment to City of Kelowna Zoning

Bylaw No. 8000 TA20-0011

Section	Existing Text	Proposed Text			Rationale	
Section 9.16- Specific Use Regulations- Retail Cannabis Sales Establishments	9.16.1 Any Retail Cannabis Sales Establishments must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment , measured from closest lot line to closest lot line.	9.16.8 Site Specific Uses and Regulations Uses and regulations apply to the C7-rCs-Central Business Commercial (Retail Cannabis Sales) on a site-specific basis as follows:			To allow for a retail cannabis sales establishment within 500m of two approved establishments: 1100 Lawrence Ave and 1455 Harvey Ave	
			Legal Description	Civic Address		Regulation
		1	Lot A, District Lot 1137, Osoyoos Division Yale District Plan KAP64836, except Plan EPP3390	1729-1835 Gordon Dr		To allow for a retail cannabis sales establishment within 500m of the approved retail cannabis sales establishment located at 1100 Lawrence Ave and the approved retail cannabis sales establishment at 1455 Harvey Ave.



TA20-0011 & Z20-0012 1729-1835 Gordon Dr

Rezoning Application



Proposal

- ▶ A site-specific text amendment to allow for a retail cannabis sales establishment within 500 m of two approved establishments
- ▶ To rezone the subject property from CD26 – Capri Centre Comprehensive Development zone to CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales)

Development Process

February 6, 2020

Development Application Submitted



Staff Review & Circulation



March 27, 2020

Public Notification Received



April 20, 2020

Initial Consideration



May 12, 2020

Public Hearing
Second & Third Readings

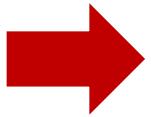


Final Reading
DP & Variances

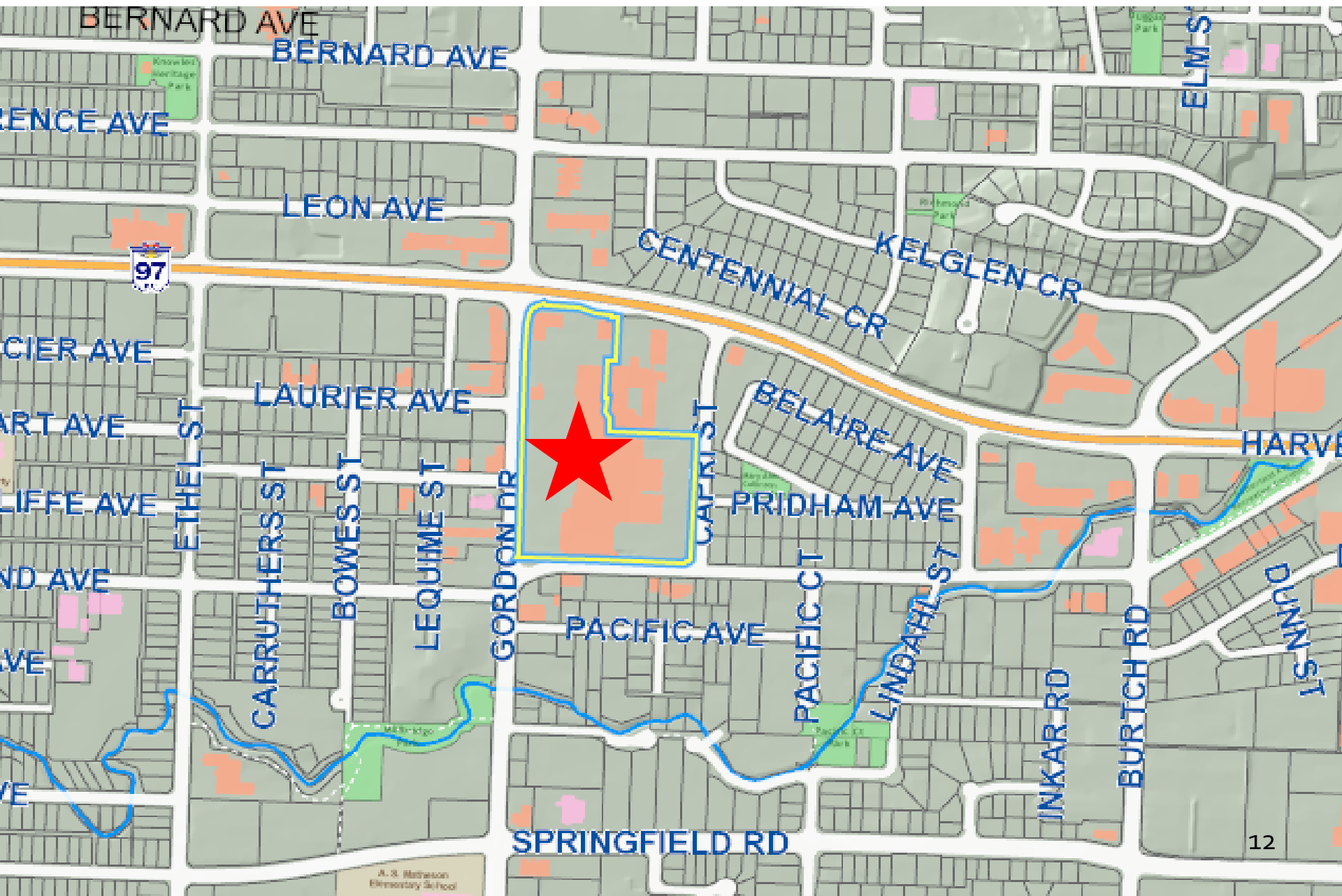


Building Permit

Council
Approvals



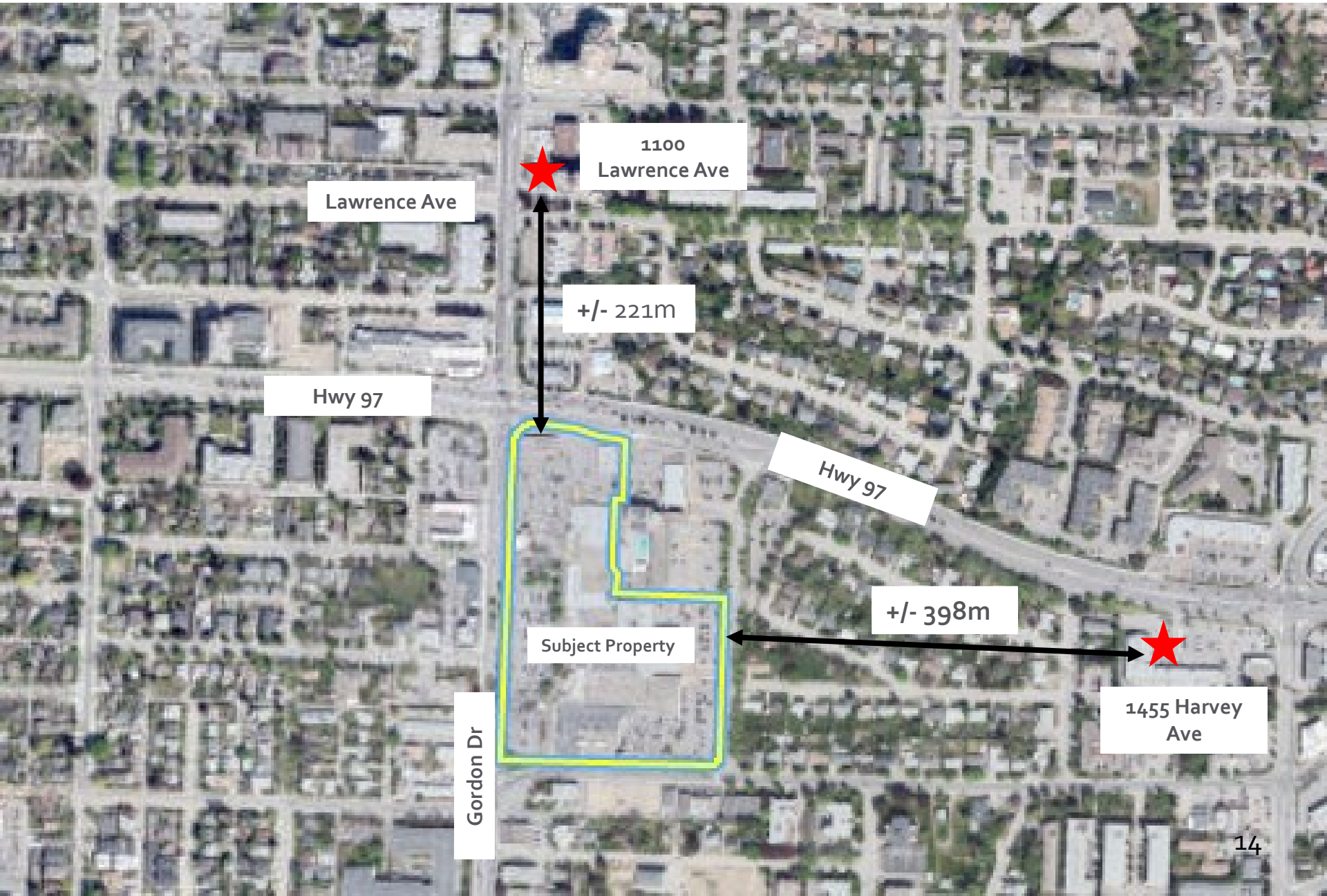
Context Map



Subject Property Map



Distance



1100
Lawrence Ave

Lawrence Ave

+/- 221m

Hwy 97

Hwy 97

+/- 398m

Gordon Dr

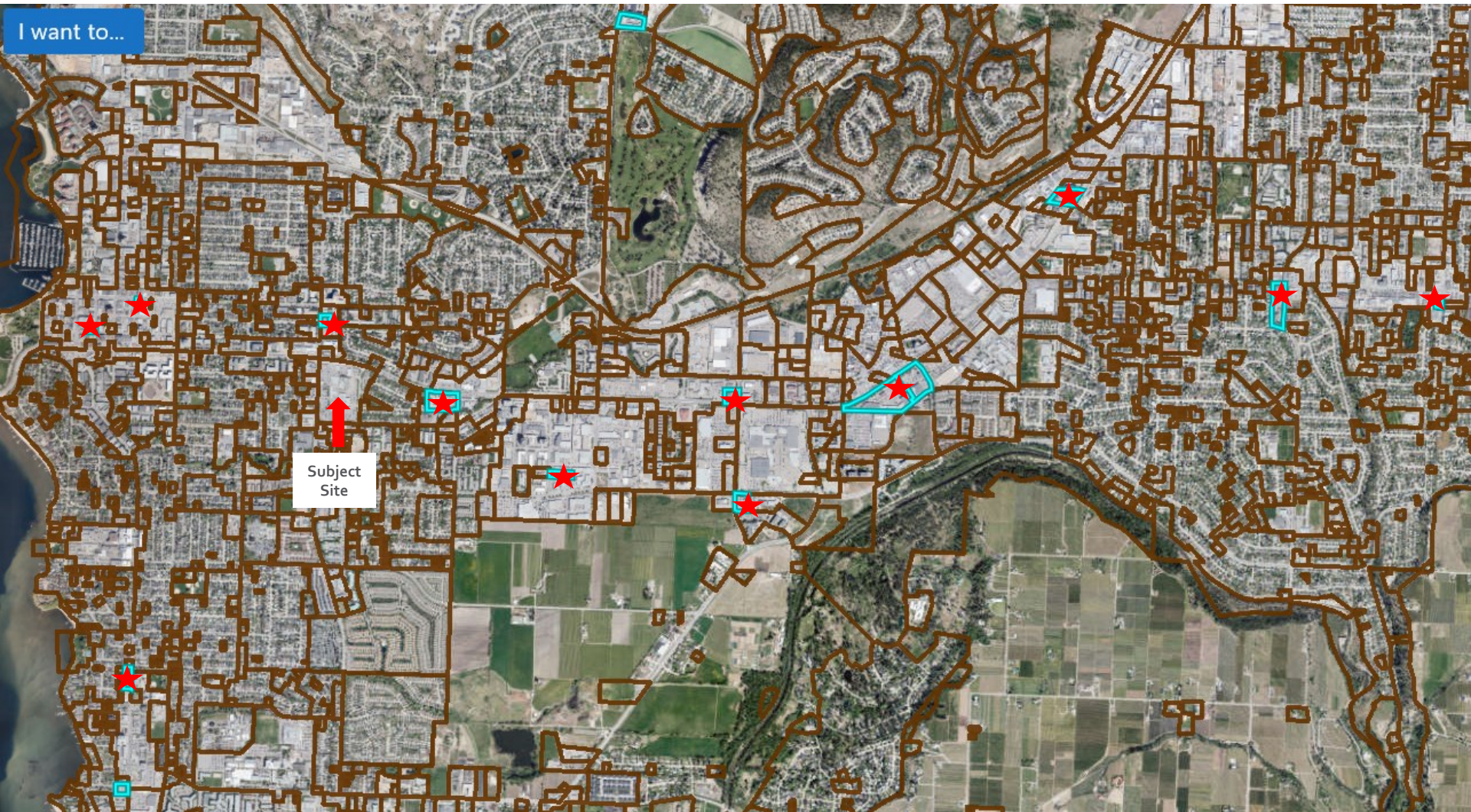
Subject Property

1455 Harvey
Ave

Development Policy

- ▶ Zoning Bylaw- Section 9.16.1 Retail Cannabis Sales Establishments
 - ▶ Any retail cannabis sales establishment must be setback a minimum distance of 500m from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line
 - ▶ The minimum distance is intended to avoid clustering of multiple stores

Total Retail Cannabis Sales Sites



Staff Recommendation

- ▶ Staff recommend non-support of the proposed text amendment and rezoning for a retail cannabis sales establishment.
 - ▶ Avoid clustering of multiple stores;
 - ▶ Regulation is similar to liquor retail establishments in order to create a fair a reliable business environment



Conclusion of Staff Remarks



Kent•Macpherson



Kent Macpherson

Shops Capri





Kent Macpherson

Shops Capri





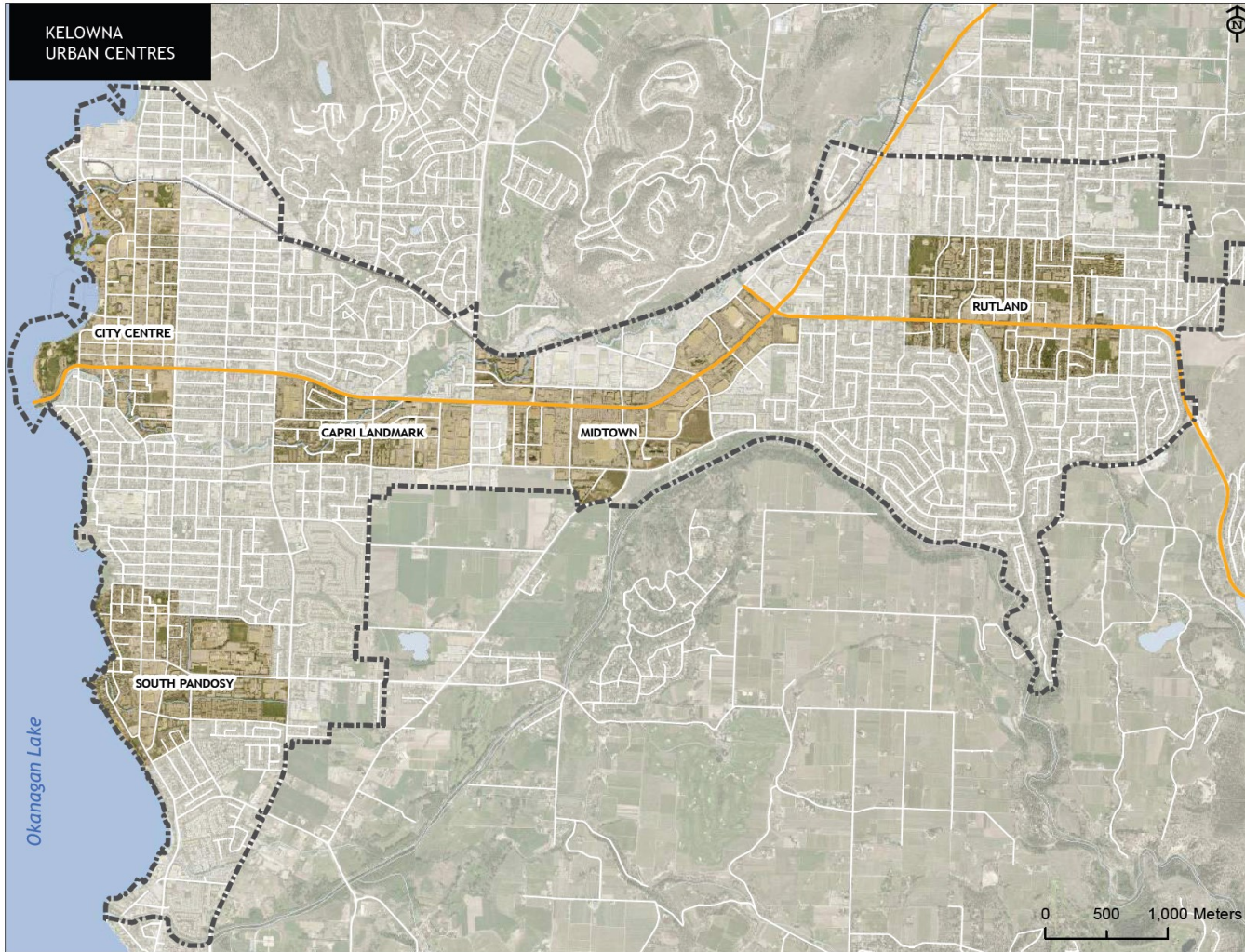
Kent Macpherson

Shops Capri





Urban Centres





Capri-Landmark Plan





Kent Macpherson

Capri Landmark





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1729 Gordon Dr – Existing





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1729 Gordon Dr – Proposed





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1729 Gordon Dr





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1729 Gordon Dr

