



City of Kelowna Public Hearing Minutes

Date:	Tuesday, May 12, 2020
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Mohini Singh and Luke Stack
Members Participating Remotely	Councillors Ryan Donn, Gail Given, Charlie Hodge, Brad Sieben* and Loyal Wooldridge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Planning & Development Services, Ryan Smith; Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the Hearing to order at 5:11 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 1729-1835 Gordon Dr, TA20-0011 Z20-0012, RG Properties Ltd., Inc. No. BCo812619

Councillor Sieben declared a conflict of interest for the Public Hearing and the subsequent Regular Meeting due to providing insurance for the Applicant and departed the meeting 5:13 p.m.

Staff:

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

Jordan Hettinga, Kent-Macpherson and Gavin Perry, RG Properties

- Displayed a PowerPoint Presentation.
- Spoke to the historical, current and future uses of the Capri area.
- The building is outdated and not aesthetically pleasing, and this proposed application will be a benefit to the surrounding area.
- This will become a one stop shopping location and will be a benefit to the neighbourhood.

- This location will receive modernization, prominent lighting to the area and to the Harvey Avenue intersection, will establish a street wall along Harvey Avenue and will be an overall enhancement.
- 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:

Chris Will, Venture Commercial Real Estate, Bernard Avenue

- Read a letter of opposition dated May 8, 2020 on behalf of a client landlord who has a cannabis retail renter.
- Strongly opposed to the application for the following reasons:
 - o Through the City's consultation process established an evaluation criteria and guidelines for retail cannabis locations and Capri Centre was not selected, and do not believe the rules should be changing so freely.
 - o City staff did not support this application.
 - o Existing cannabis retailers went through the rezoning process with considerable costs and understanding the rules and where the locations would be and the distance between stores.
 - o In addition, the existing cannabis tenants incurred considerable costs to improve stores in most cases paying full rent prior to receiving government licenses.
 - o Financial risks to open and develop a retail cannabis store.
 - o In the early stages the cannabis industry is experiencing an over supply of licensed producers creating an oversupply of cannabis and retail sales are not living up to original projections; some stores may not survive at a cost to the tenant.
 - o Support free market and economy but rules and guidelines were established.
- Responded to questions from Council.

Tarek Shbib, Owner of Spirit Leaf Kelowna, Harvey Avenue

- Opposed to the application.
- Believes his cannabis store would be negatively impacted by this proposed application.
- Spoke to the risks and costs undertaken with the expectations that Council would uphold their original rules and regulations.
- Made comment that Council did not support a proposed cannabis store in the Rutland area as it was within 500 m of another store.
- Believes the right thing to do would be to allow stores to open and then see if the 500 meter ruling should be amended.
- Encouraged Council to remain consistent with their regulations.
- Responded to questions from Council.

Donna McAllister, Mount Royal Drive

- Owner of a cannabis store on Gordon Drive.
- Opposed to the application.
- Raised concern with clustering of stores which may have been the intent of 500 meters.
- Encouraged Council to stay the course on the existing regulations and believe it is not the time to deviate.
- Agrees with the comments of the previous speaker.

Chris Grout, Kelowna

- Opposed to this application.
- Spoke to the Provincial application process being time consuming and taking a long time to get cannabis stores up and running.
- There are 20 stores approved and will be coming to market; should wait to see how the market unfolds before opening new stores.

Gary Johnson, Ethel Street

- Have been a Capri area resident for many years.

- A potential employee for the Spirit Leaf store about to open.
- Encouraged Council to stay with the existing regulation of 500 meters to see how stores operate and if more are needed.
- Opposed to the application.

Dale Sivucha, General Manager Cost Capri Hotel

- In support of this application.
- From a marketing perspective this cannabis store will make the hotel more competitive.
- Many hotel guests have inquired about a cannabis shop in the area; this store will be beneficial for our many guests and will compliment nearby retail stores.
- The location of this cannabis store would also be beneficial for hotel employees as well.

Bryan Sargeant, Capri Mall Bowling Centre Operator, Gordon Drive

- In support of this application.
- Believes this cannabis store will create viability to the mall.
- Believes this store will create a complimentary service to the other services the mall offers.
- There are no concerns with the 24 hour security on site.

Rob Mutch, Appleridge Road

- Landlord/owner of 1100 Lawrence Avenue.
- Spoke to the expense landlords incurred to attract a cannabis retail tenant and the various approvals required.
- Spoke to the risks taken by retailers and landlords under the assumption that existing rules would remain in place.
- Encouraged Council to keep existing rules in place.

Gavin Perry, Applicant:

- Commented on the potential impacts that COVID-19 may have on the Capri Mall currently and moving forward and that the viability of the site is critical.
- The Capri Centre requires a sold tenant base in order to expand.
- Responded to questions from Council.

Staff:

- Responded to questions from Council.

There were no further comments

3. Termination

The Hearing was declared terminated at 6:02 p.m.

Mayor Basran

City Clerk

/acm