



## City of Kelowna Public Hearing Minutes

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|--------------------------------|--|
| Date:                          | Tuesday, July 27, 2021   |
| Time:                          | 6:00 pm  |
| Location:                      | Council Chamber<br>City Hall, 1435 Water Street  |
| Members present                | Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh and Luke Stack   |
| Members participating remotely | Councillor Charlie Hodge   |
| Members absent                 | Councillor Loyal Wooldridge  |
| Staff present                  | City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Deputy City Clerk, Laura Bentley; Divisional Director, Planning & Development Services, Ryan Smith; Development Planning Department Manager, Terry Barton; Community Planning & Development Manager, Dean Strachan; Planner II, Kimberly Brunet |
| Staff participating remotely   | Legislative Coordinator (Confidential), Clint McKenzie   |

(\* Denotes partial attendance)

1. **Due to COVID-19 a Public Hearing Agenda will also include Regular Meeting Items**
2. **Call to Order the Public Hearing - START TIME 6:00 PM - Boyd Rd 2840 - LUCT20-0010 Z20-0084 - Dennis Victor Miller and Kimberley Marie Miller**  
  
Mayor Basran called the Hearing to order at 6:05 p.m.
3. **Individual Bylaw Submissions**
  - 3.1 **START TIME 6:00 PM - Boyd Rd 2840 - LUCT20-0010 (BL12219) Z20-0084 (BL12221) - Dennis Victor Miller and Kimberley Marie Miller**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one participating online or in the gallery indicated they wished to speak.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Sieben

**R0759/2021/07/27** THAT Land Use Contract Termination No. LUCT20-0010 to terminate LUC76-1112 from Lot 2 District Lot 130 ODYD Plan KAP89521, located at 2840 Boyd Road, Kelowna, BC be considered by Council;

AND THAT Rezoning Application No. Z20-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 130 ODYD Plan KAP89521, located at 2840 Boyd Road, Kelowna, BC from the A1 – Agriculture 1 to the RU1 – Large Lot Housing zone be considered by Council;

AND THAT Council waive the development sign requirement under Public Notification & Consultation for Development Applications No. 367 for Rezoning Bylaw No. 12221.

AND FURTHER THAT the Land Use Contract Termination Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

**Carried**

**4. Termination**

The Hearing was declared terminated at 6:08 p.m.

**5. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 6:08 p.m.

**6. Bylaws Considered at Public Hearing**

**6.1 START TIME 6:00 PM - Boyd Rd 2840 - BL12219 (LUCT20-0010) - Dennis Victor Miller and Kimberley Marie Miller**

Moved By Councillor Sieben/Seconded By Councillor DeHart

**R0760/2021/07/27** THAT Bylaw No. 12219 be read a second and third time and be adopted.

**Carried**

**6.2 START TIME 6:00 PM - Boyd Rd 2840 - BL12221 (Z20-0084) - Dennis Victor Miller and Kimberley Marie Miller**

Moved By Councillor DeHart/Seconded By Councillor Sieben

**R0761/2021/07/27** THAT Bylaw No. 12221 be read a second and third time and be adopted.

**Carried**

**7. Termination**

The meeting was declared terminated at 6:10 p.m.

**8. Call to Order the Public Hearing - START TIME 6:00 PM - Bernard Ave 520-526 - TA21-0008 Z21-0024 - GBD Holdings Inc., Inc.No. BC0941235**

Mayor Basran called the Hearing to order at 6:10 p.m.

**9. Individual Bylaw Submissions**

**9.1 START TIME 6:00 PM - Bernard Ave 520-526 - TA21-0008 (BL12247) Z21-0024 (BL12248) - GBD Holdings Inc., Inc.No. BC0941235**

Staff:

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

Lee Schurian, Bernard Ave., Applicant

- Made comments on the application.
- Provided rationale for opening store at this location
- Spoke to partnership with Williams Lake and Westbank First Nations.
- Spoke to distance from Kasugai Gardens and stated door to door is 260m.
- Responded to questions from Council

Mayor Basran invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Marcus Weber, Vancouver

- Addressed concerns raised in correspondence.
- Supportive of the application.
- Is a partner in Spirit Leaf Cannabis located in West Kelowna.

Matt Doner, Dunster Rd.

- Provided comments on current City policy for retail cannabis .
- Unfair to existing stores to change the rules now.

Kevin, Kelowna

- Referenced correspondence previously submitted.
- Raised concerns with over saturation of stores.
- Responded to questions from Council.

James Hargraves, Toronto

- Opposed to the application.
- Entered the market based on current City policies with respect to cannabis retail.
- Encouraged Council to stick with the current rules.
- Responded to questions from Council.
- Confirmed they have 91 stores across Canada.

Neil Grey, Burne Vista Rd.

- Supports the application.
- Spoke to the good character of the applicant.

Adam Lewis, CalGlen Cr.

- Supports the application.
- Spoke to the good character of the applicant.
- Believes it is a good location for a retail outlet.

Kaillie Donahue, North Vancouver

- Speaking on behalf of another retail operator (Kiaro) at 1650 Pandosy.

- Opposed to the application.
- Encouraged Council to stick with existing policy.

Liam Park, Lindahl St.

- Supports the application.
- Supportive of the applicant.

Chris Grout, Dunveggen Ct.

- Has an interest in 3 cannabis stores in town.
- Cannabis is a tightly regulated market so comparisons to other sectors isn't appropriate.
- Existing policy does have locations within the City where cannabis stores could be located.
- Encouraged Council to maintain existing policies.
- Responded to questions from Council.

Jennifer Brazo, Upton Ct.

- Supports the application.
- Referenced petition of support.

David Duty, Blondeaux Cr

- Supports the application.
- Confirmed the applicant is very supportive of local artists.

Nordeen White, Capstone Crescent

- Does not support the application.
- Encouraged Council to maintain current regulations.

Hans Birker, Cadder, Kelowna

- Supports the application.
- Disclosed he is a Kiara shareholder.
- Not concerned with clustering of retail stores.

Erika Jarvis, Rhonda Cr

- Supportive of the application.
- Encouraged Council to consider tourists in determining the appropriate number of stores.

Rick Bershinski, Lucind, Kelowna

- Owner of cannabis store on Lakeshore Ave.
- Opposed to the application as it is not fair to the rest of the industry.

Applicant's response

- Spoke to the Williams Lake First Nation partnership in ordering supply direct from farm to retail as they will not be ordering from the Province.
- Will be targeting the tourist market.
- Spoke to proximity measurement to Kasugai Gardens and the entrance to his store being further way than estimated.

There were no further comments.

**10. Termination**

The Hearing was declared terminated at 7:11 p.m.

**11. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 7:11 p.m.

**12. Bylaws Considered at Public Hearing**

- 12.1 START TIME 6:00 PM - Bernard Ave 520-526 - BL12247 (TA21-0008) - GBD Holdings Inc., Inc. No. BCo941235**

Moved By Councillor Stack/Seconded By Councillor DeHart

R0763/2021/07/27 THAT Bylaw No. 12247 be read a second and third time.

Carried

Councillors DeHart, Sieben and Stack - Opposed

- 12.2 START TIME 6:00 PM - Bernard Ave 520-526 - BL12248 (Z21-0024) - GBD Holdings Inc., Inc. No. BCo941235**

Moved By Councillor DeHart/Seconded By Councillor Stack

R0764/2021/07/27 THAT Bylaw No. 12248 be read a second and third time.

Carried

Councillors DeHart, Sieben and Stack - Opposed

**13. Termination**

The Hearing was declared terminated at 7:42 p.m.

**14. Call to Order the Public Hearing - START TIME 6:30 PM Bernard Ave 266 - TA21-0012 Z21-0039 - Macarther Ventures Inc., Inc.No. BCo684166**

Mayor Basran called the Hearing to order at 7:42 p.m.

**15. Individual Bylaw Submissions**

- 15.1 START TIME 6:30 PM - Bernard Ave 266 - TA21-0012 Z21-0039 - Macarther Ventures Inc., Inc.No. BCo684166**

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Krista Lusted, Applicant:

- Growth in downtown will result in greater market demand.
- Spoke to the reasons for the application and location of the proposed store.
- Spoke to proximity of City Park and Kerry Park to the proposed location.
- Spoke to the benefit to downtown.
- Spoke to employment that the organization would provide.
- Responded to questions from Council.

Mayor Basran invited anyone participating online who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Mathew Dober, Dunster Rd.

- Initially opposed to the application but based on previous decision not sure where policy is headed.
- Spoke to his Okanagan roots and is not a corporate store.
- Wants to know what policy is and what the implications are for his company.
- Will bring forward applications for alternate locations contrary to current policy.

Kevin, Toovey Rd.

- Opposed to the application.
- Raised whether Council has set precedence with previous decision.
- Will bring forward applications for alternate locations contrary to current policy.
- Responded to questions from Council.

Tyler Brewer, Bernard Ave

- Supportive of the application.
- Spoke to the industry in Calgary.

Kailie Donahue, North Vancouver

- Speaking on behalf of another retail operator at 1650 Pandosy Kiara.
- Opposed to the application.
- Council is setting new policy direction with previous decision.
- Encouraged Council to stick with existing policy.

Lee Shurian, Hemp Hut

- Supports application.
- Believes it will add to a vibrant downtown.
- Welcomed the competition.

James Hargraves, Toronto

- Stimulating and interesting discussion this evening.
- Raised concerns with policy changes evident this evening.
- Encouraged Council to set new policy quickly.
- Raised concerns with proximity to City Park.

David Duty, Blondeaux Cr.

- Supportive of the application.
- Spoke to professionalism of the applicant.
- Referenced correspondence submitted previously.

Applicant in response:

- Thanked those who spoke in support of the application.
- Confirmed they were using a path that every applicant had an option to pursue.

## Staff:

- Responded to questions from Council.
- Confirmed there are no other retail cannabis development applications being processed at this time.

There were no further comments.

**16. Termination**

The Hearing was declared terminated at 8:27 p.m.

**17. Call to Order the Regular Meeting**

Mayor Basran called the meeting to order at 8:27 p.m.

**18. Bylaws Considered at Public Hearing**

**18.1 START TIME 6:30 PM - Bernard Ave 266 - BL12249 (TA21-0012) - Macarther Ventures Inc., Inc.No.BCo684166**

Moved By Councillor Given/Seconded By Councillor Singh

R0766/2021/07/27 THAT Bylaw No. 12249 be read a second and third time.

**Carried**

Councillor DeHart, Sieben and Stack - Opposed

**18.2 START TIME 6:30 PM - Bernard Ave 266 - BL12250 (Z21-0039) - Macarther Ventures Inc., Inc.No.BCo684166**

Moved By Councillor Singh/Seconded By Councillor Given

R0767/2021/07/27 THAT Bylaw No. 12250 be read a second and third reading.

**Carried**

Councillor DeHart, Sieben and Stack - Opposed

**19. Termination**

The meeting was declared terminated at 8:47 p.m.

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Mayor Basran

sf/cm

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City Clerk