



CITY OF WEST KELOWNA

MINUTES OF THE ADVISORY PLANNING COMMISSION HELD AT THE CITY OF WEST KELOWNA COMMITTEE ROOM, WEDNESDAY, MARCH 15, 2017

PRESENT:

Members: Gary Reece, Chair
Robert C. Mellalieu
Joanne Baker
Wayne Kubasek, Vice Chair

Absent: Mel Whitney
Collin Crabbe

Staff: Dallas Clowes, Planner
Chris Oliver, Planner
Andrew Gaylor, Planner
Philippa Harding, Recording Secretary

1. CALL TO ORDER:

The meeting was called to order at 9:31 am

It was moved and seconded:

THAT Gary Reece serve as Chair for the Advisory Planning Commission for the year 2017.

The motion carried unanimously.

It was moved and seconded:

THAT Wayne Kubasek serve as Vice Chair for the Advisory Planning Commission for the year 2017.

The motion carried unanimously.

2. INTRODUCTION OF LATE ITEMS:

3. **ADOPTION OF AGENDA:**

It was moved and seconded:

THAT the agenda be adopted.

The motion carried unanimously

4. **ADOPTION OF MINUTES:**

It was moved and seconded:

THAT the minutes from the Advisory Planning Commission meeting held December 14, 2016 be adopted.

The motion carried unanimously.

5. **PRESENTATIONS:**

6. **DELEGATIONS:**

7. **REFERRALS:**

7.1 Rezoning Application (Z16-12), 3037 McBain Road

Birte Declouz, agent, was in attendance.

Highlights of the presentation by the Planner include:

- The subject property is located in the Glenrosa neighbourhood at 3037 McBain Road;
- Designated Single Family Residential in the OCP and zoned Single Detached Residential (R1);
- The 842.6 m² property is surrounded with similar Single Detached Residential (R1) parcels and Compact Single Detached Residential (RC3) parcel across the road;
- This proposal is to rezone to Compact Single Detached Residential (RC3) to allow the creation of a 2 lot subdivision while maintain the existing residential dwelling;
- In the OCP the Single Family Residential designation is to provide traditional single family housing opportunities and encourage more efficient use of land;
- The applicant can meet the regulations under the zoning bylaw;
- If rezoned, there would be a non-conforming rear parcel boundary for the existing dwelling, but the proposed lot and subsequent dwelling will comply with the 4.5 m setback requirement;

- Frontage, access and servicing would be finalized through a future subdivision application;
- This proposal is consistent with the Single Family Residential Land Use Designation of the OCP, and is an efficient use of existing services and infrastructure.

Highlights of the discussion following include:

- The new driveway is proposed to come off of McBain Road;
- There must be room for sufficient parking on the property, be sure to keep in mind for future steps.

It was moved and seconded:

THAT the APC support file Z16-12, 3037 McBain Road as presented.

The motion carried unanimously.

7.2 Zoning Bylaw Amendment (Z17-01) Commercial Marihuana Facilities

Highlights of the presentation by the Planner include:

- Legal access in Canada to dried marihuana for medical purposes was first provided in 1999 (via exemptions in the *Controlled Drug and Substances Act*) and followed with the implementation of *Marihuana Medical Access Regulations* (MMAR) in 2001;
- In June 2013, the Government of Canada implemented the *Marihuana for Medical Purposes Regulations* (MMPR);
- In August 2016, the *Access to Cannabis for Medical Purposes Regulations* (ACMPR) replaced the *Marihuana for Medical Purposes Regulations* (MMPR) as the Supreme Court of Canada decided that restricting legal access to only dried marihuana was unconstitutional;
- Current regulations in Zoning Bylaw No. 0154 were adopted in March 25, 2014 following the implementation of MMPR;
- February 9, 2017 Council gave first reading to Bylaw No. 0154.46 to amend these regulations;
- As per S. 463 of the *Local Government Act*, Council can now withhold a business license and/or a building permit submitted in conflict with this draft bylaw (for up to 90 days);
- These amendments include an updated definition for commercial marihuana facilities to include the production, processing, storage and distribution of marihuana, covering commercial production as well as personal/designated person production;
- The updated definition of 'greenhouse or plant nursery' clarifies that marihuana plants are excluded which will reduce confusion;
- The air filtration and security amendments are to reduce odour associated with marihuana production and improve security measure to reduce public safety risks associated with production and storage of marihuana;

- Proposed amendments also include:
 - Language clarification re: multi-tenant buildings,
 - To ensure commercial marihuana facilities are prohibited in buildings with multiple occupancies unless all the occupancies are commercial marihuana facilities,
 - Prohibition of dispensaries,
 - Clarifies that no retail use includes the production, storage, or distribution of marihuana unless licensed under the *Pharmacy Operations and Drug Scheduling Act*,
 - Other considerations,
 - Reviewing setback distances,
 - Reviewing process of addressing of buildings (to ensure pooling of licenses meets Federal requirements);
- Next steps for the bylaw are:
 - Referral of bylaw (APC, RCMP, Greater Westside Board of Trade, SD23),
 - Review outstanding items (i.e. setbacks and building addressing),
 - Amend bylaw if deemed necessary and bring back to Council for consideration of second reading,
 - Public Hearing,
 - Prepare an information bulletin to ensure consistent interpretation of regulations,
 - Return to Council for consideration of 3rd reading and adoption.

Highlights of the discussion following include:

- The percentage of medical marihuana users is unknown as it is considered medical information;
- There have been two strong commercial grow applications through Health Canada under MMPR/ACMPR in West Kelowna (one is close to running, the second application was abandoned);
- Approximately 3-4 compassion clubs/dispensaries currently operating in the City;
- A new bylaw has been presented to Council requiring not for profit organizations to hold a business licence;
- Single family neighbourhoods have been very vocal historically not wanting commercial, or large, grow operations in their neighbourhoods;
- Bylaw attempts to address the pooling of single licences to form a larger “commercial” operation, especially in these single family neighbourhoods;
- Working with the RCMP as dispensaries are illegal;
- There has been excitement for new businesses in advance of legalization;
- Concern that the bylaw is trying to work around the constitution;
- There is some uncertainty for municipalities at this time (little case law) and the issue may be revisited later when the Federal law comes into effect;

- Lawyers have been part of the bylaw amendment drafting;
- Legal opinion is good as dealing with a changing situation;
- Pleased to see the regional initiative;
- Concern with the dispensaries;
- Be sure the bylaw is enforceable;
- Timing is uncertain as to when the Federal law will come into effect;
- Like the location definitions;
- Something is needed to deal with the situation and this is a step in the right direction;
- Bylaws based on smell or noise issues may be better, rather than regulating just marihuana;
- Regulate the end product, for example decibel levels, instead of the source of the sound or smell;
- There has been consultation with Health Canada;
- Looking for a consistent approach through the region;
- Very cautious with the bylaw from the legal side;
- Access to medical marihuana is available via mail, so acces is not limited by the bylaw.

It was moved and seconded:

THAT the APC support file Z17-01, Commercial Marihuana Facilities, as presented.

The motion carried unanimously.

7.3 OCP Amendment – Gellatly Bay Growth Management Designation (OCP)

Highlights of the presentation by the Planner include:

- The Waterfront Plan that was adopted in 2011 encourages mixed use in Gellatly Bay;
- The Gellatly Village Study, completed in 2017, further refines the vision, examining financial feasibility of various development concepts;
- The vision includes recreational activities, amenities and services as well as increased residential development and a commercial “village” node;
- The area includes portions of 5 parcels fronting Gellatly grouped into 3 sites for analysis;
- The study includes 8 recommendations which includes a recommendation for a new Growth Management Designation (GMD) specific to Gellatly Bay;
- Current land uses include boat storage, vacant land, a barn, historic pasture land;
- Zoning includes Light Industrial (I1), Compact Single detached Residential (RC3), Rural Residential Small Parcel (RU2) and Agricultural (A1);

- OCP land uses include Mixed Use, Agricultural, Single Family Residential and Rural Residential;
- Existing Growth Management Designations are Neighbourhood and Agricultural Precinct;
- The APC received two presentations regarding the Gellatly Village Study, one in 2015 and one in 2016;
- The three conceptual development scenarios previously presented were reviewed;
- The concept for site one includes a mix of townhouses, apartments and commercial fronting Gellatly Road;
- The concept for site two includes a mix of townhouses and commercial space;
- The concept for site three includes street fronting townhouses, apartments and commercial space (or live/work units) fronting Gellatly Road;
- The owners of the sites (particularly one and two) are motivated, while site three will require working out ALR details;
- The western portion of the southern parcel in Site 1 is within the ALR, but as smaller than 2 acres and on own certificate of title as of December 21, 1972 it is not subject to the restrictions of the ALC Act;
- Portions of two parcels within site 3 once had an approved decision for an ALR land swap with conditions, but that decision has now expired and the ALC has confirmed that should the land owner wish to move forward, reapplication would be necessary;
- The development of all lands will be a private initiative, market dependent;
- On January 24, 2017 Council gave staff direction to prepare a GMD specific to Gellatly Bay to embed policy direction in the OCP for support of the vision for development of these parcels;
- GMD's identify priority areas for growth and development in the community with broad attributes and characteristics;
- Westbank Centre and Boucherie Centre have their own GMD's to help embed the vision for these areas into the OCP, the proposed GMD is similar as it would apply to a very specific area;
- All of the subject parcels have the GMD of "neighbourhood" except for site 3 which is "agricultural precinct";
- For mapping changes, portions of five parcels are affected with most changing from "Neighbourhood" to "Gellatly Village" and Site 3 has a portion amending from "Neighbourhood" to "Agricultural Precinct" to reflect the previously approved (but now expired) land swap;
- Desired attributes for the Gellatly Village GMD include:
 - Presence of small-scale commercial uses and a mix of multi-residential uses in the form of townhouses and apartments,

- Inclusion of a vibrant mix of cafes, shops and services operated year-round and oriented to public streets and open spaces,
 - Inclusion of public spaces (i.e. promenades, plazas) that encourage use by residents and visitors year-round,
 - Human-scale development at the street-level with active street frontages,
 - Presence of public parking (both vehicular and boat/trailer parking),
 - Well served by transit;
- Objectives include:
 - Establish viable mixed use waterfront village that acts as a year-round destination,
 - Differentiates from but complements Westbank Centre,
 - Connected to the waterfront,
 - Connected to the planned waterfront improvements (i.e. future phases of CNR Wharf, future extension of Gellatly Road Recreation Corridor, etc.),
 - Well-served by transit;
- The commercial component of any future development in Gellatly Bay should be small-scale with active street frontages along Gellatly Road;
- The multi-residential component of any future development in Gellatly Village should be a combination of ground-oriented townhouses and apartments located behind and/or above townhouses and commercial development;
- Street fronting live-work townhouses are also encouraged;
- Development plans should incorporate public plazas, pedestrian promenades and/or the potential for roof top patios and other open space amenities to maximize the views of the waterfront;
- Where feasible, buildings should be stepped back, utilizing the natural topography of hillsides where practical;
- Parking areas should be structured and included within buildings (i.e. garages) and/or tucked under buildings;
- Technical studies will be required to ensure that there is infrastructure capacity to accommodate future growth as well as traffic impact assessments to review the impact of future growth;
- Interim and temporary uses in the form of community gardens, farmers/artisan markets, community festivals, food trucks/vendors, and public parking (both vehicular and boat/trailer parking) as outlined in the Gellatly Village Study are encouraged;
- Adequate setbacks and buffering from ALR land and sensitive ecological features (i.e. Powers Creek) shall be incorporated into the design of all three sites.

Highlights of the discussion following include:

- Noted that the Pointe residents are concerned with maintaining access off of Gellatly Road (and keep Gellatly Road as their civic address);
- Should access be negotiated from the Pointe through to Brown Road, that this access be private access only for Pointe residents;
- Discussion of required buffering between future developments and land within the Agricultural Land Reserve;
- Desire for the proposed commercial areas within the plan area to be consolidated, with a focus on making commercial areas more inviting for public use year round;
- It was explained that detailed designs will be evaluated by future, developer-led, applications involving the public process;
- It was clarified that the current proposal does not amend existing zoning designations of the properties, and as a result, change in uses are permitted provided they are consistent with the City's Zoning Bylaw;
- It was noted that the extension of bus service to Gellatly Bay is forecasted by BC Transit, however, service plans are evaluated with Council input on a yearly basis;
- As the population in Gellatly increases and as this area grows as a destination for the community, service levels to this area may need to be reviewed.

It was moved and seconded:

THAT the APC support the Gellatly Bay Growth Management Designation as presented.

The motion carried unanimously.

8. CORRESPONDENCE AND INFORMATION ITEMS:

8.1 Council Follow Up (Information Only)

- 3705 Glenrosa Road Temporary Use Permit
- 2425 Saddleback Way Zoning amendment Application

9. **NOTICE OF MOTION:**
10. **OTHER BUSINESS:**
11. **ADJOURNMENT OF MEETING:**

The meeting adjourned at 12:14 pm with the next Advisory Planning Commission meeting to be held **Wednesday, April 19, 2017** at 9:30 am in the City of West Kelowna Council Chambers, 2760, Cameron Road.

CERTIFIED CORRECT

Chair

Recording Secretary