

# City of Kelowna

## Public Hearing

### AGENDA



Tuesday, August 27, 2019  
6:00 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 Glenwood Ave 455, Z19-0038 (BL11914) - Mark Procknow

4 - 10

\* Deferred from the August 13, 2019 Public Hearing due to signage\*

To consider an application to rezone from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a proposed carriage house on the subject property.

- |            |   |                |
|------------|---|----------------|
| <b>2.2</b> | <b>Hwy 97 N 2339-2397, Z19-0018 (BL11919) - Dilworth Shopping Centre Ltd, Inc. No. 319846</b>   | <b>11 - 15</b> |
|            | To consider an application to rezone the subject property from the C4 - Urban Centre Commercial and C4rls - Urban Centre Commercial (Retail Liquor Sales) zones to C4rcs - Urban Centre Commercial (Retail Cannabis Sales) and C4rls/rcs - Urban Centre Commercial (Retail Liquor Sales/ Retail Cannabis Sales) zones to facilitate the development of a retail cannabis sales establishment. |                |
| <b>2.3</b> | <b>Findlay Rd 1308, Z18-0107 (BL11920) - R 547 Enterprises Ltd</b>  | <b>16 - 23</b> |
|            | To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone to facilitate the use of the property for an industrial development.  |                |
| <b>2.4</b> | <b>Greene Road 604, Z19-0073 (BL11921) - James A. Baumgartner and Elanda C. Baumgartner</b>   | <b>24 - 28</b> |
|            | To consider an application to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow the conversion of an existing accessory building to a carriage house.   |                |
| <b>2.5</b> | <b>Lakeshore Rd 110-3140, Z19-0059 (BL11922) - D and R Properties Ltd, Inc. No BC0562497</b>  | <b>29 - 34</b> |
|            | To consider an application to rezone the subject property from the C4lp - Urban Centre Commercial (Liquor Primary) zone to the C4lp/rcs - Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales) zone to facilitate the development of a retail cannabis sales establishment.   |                |
| <b>3.</b>  | <b>Termination</b>  |                |
| <b>4.</b>  | <b>Procedure on each Bylaw Submission</b>   |                |
|            | (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:** July 29, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0038

**Owner:** Mark Procknow

**Address:** 455 Glenwood Avenue

**Applicant:** Mark Procknow

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 14, ODYD, Plan 5742, located at 455 Glenwood Avenue, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone;

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

## 2.0 Purpose

To consider an application to rezone to the RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a proposed carriage house on the subject property.

## 3.0 Development Planning

Development Planning Staff recommend support for the rezoning of the subject property to RU1c – Large Lot Housing with Carriage House zone to facilitate the construction of a carriage house. It is consistent with the Official Community Plan (OCP) Future Land Use designation and infill growth policies in the area. The property is located within the Permanent Growth Boundary, is fully serviced, and is located near Kelowna General Hospital. The subject property has a Walk Score of 72, so most errands can be accomplished on foot.

## 4.0 Proposal

### 4.1 Project Description

The subject property has an existing 1 ½ storey dwelling located on the north side of the lot. The property fronts Glenwood Avenue and has access to a rear lane. The proposed rezoning is necessary to permit the development of a carriage house on the property. The proposed carriage house is 1 ½ storeys and conforms to the requirements of Zoning Bylaw No. 8000. The subject property is located within the Heritage Conservation Area, and a Heritage Alteration Permit application for the carriage house has been submitted.

### 4.2 Site Context

The subject property is designated S2RES – Single / Two Unit Residential, is zoned RU1 – Large Lot Housing and is in the Central City sector of the city. It is within the Abbott Street Heritage Conservation Area and the surrounding area is characterized by single detached homes. Kelowna General Hospital is to the south, with the emergency parking lot immediately south of the subject property on the other side of the lane.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1c – Large Lot Housing with Carriage House	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

**Subject Property Map: 455 Glenwood Avenue**



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Chapter 5: Development Process**

##### ***Objective 5.3 Focus development to designated growth areas***

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 -100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

##### ***Objective 5.22 Ensure context sensitive housing development***

*Policy .12 Carriage Houses & Accessory Apartments.* Support carriage houses and accessory apartments through appropriate zoning regulations.

#### **Chapter 16: Heritage Conservation Areas**

##### ***Objectives***

Encourage new development, additions and renovations to existing development which are compatible with the form and character of the existing context

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See attached memo. Requirements will be fulfilled at time of Building Permit.

## **7.0 Application Chronology**

Date of Application Received: December 12, 2018  
Date Public Consultation Completed: July 5, 2019

**Report prepared by:** Jenna Ratzlaff, Planner

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Attachment A: Development Engineering Memo

Attachment B: Conceptual Drawing Package

Attachment C: Applicant's Rationale

**Date:** January 10, 2019

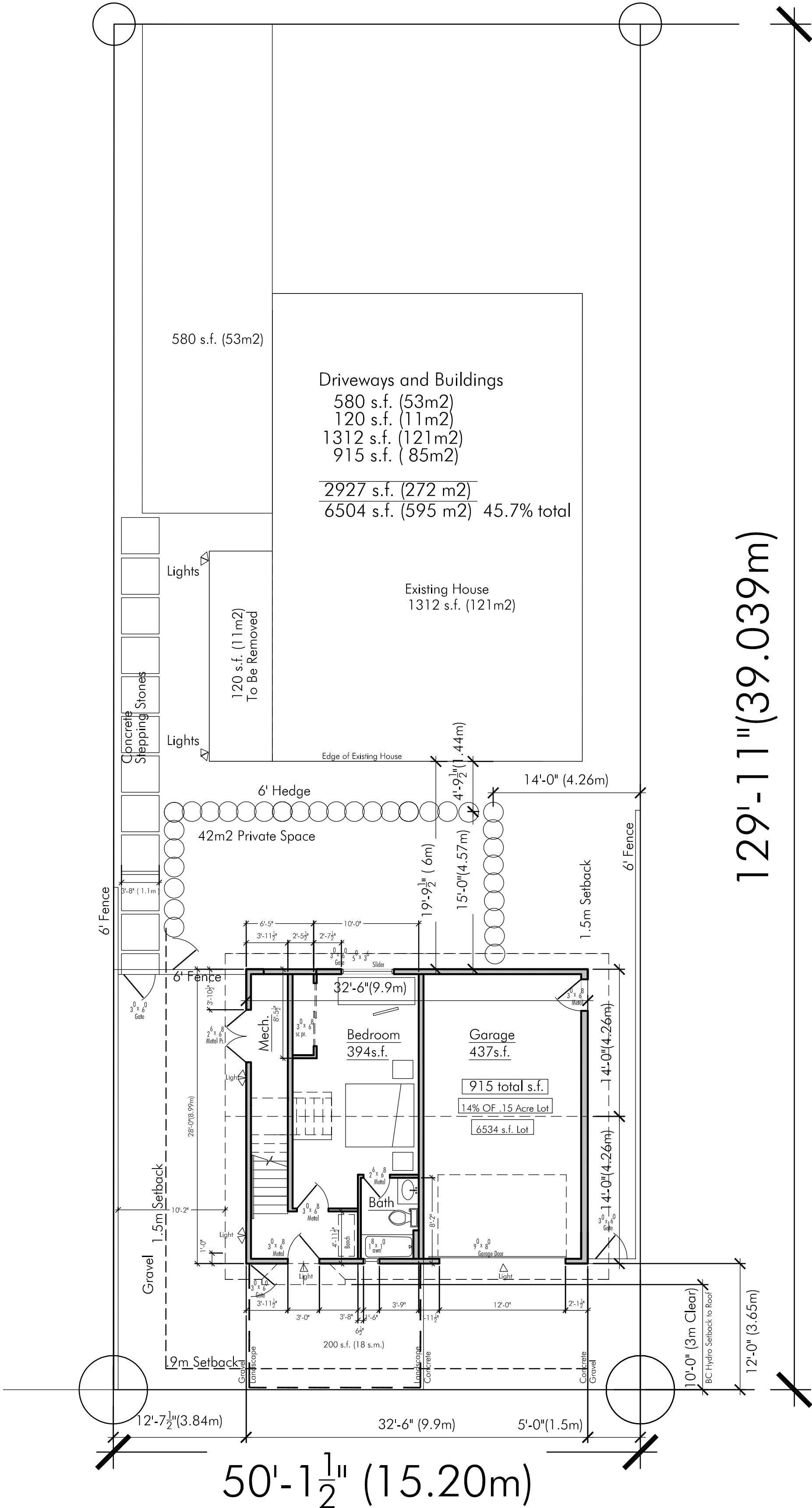
**File No.:** Z19-0038

**To:** Community Planning (LKC)

**From:** Development Engineering Manager (JK)

**Subject:** 455 Glenwood Ave                      RU1 to RU1c                      Carriage House

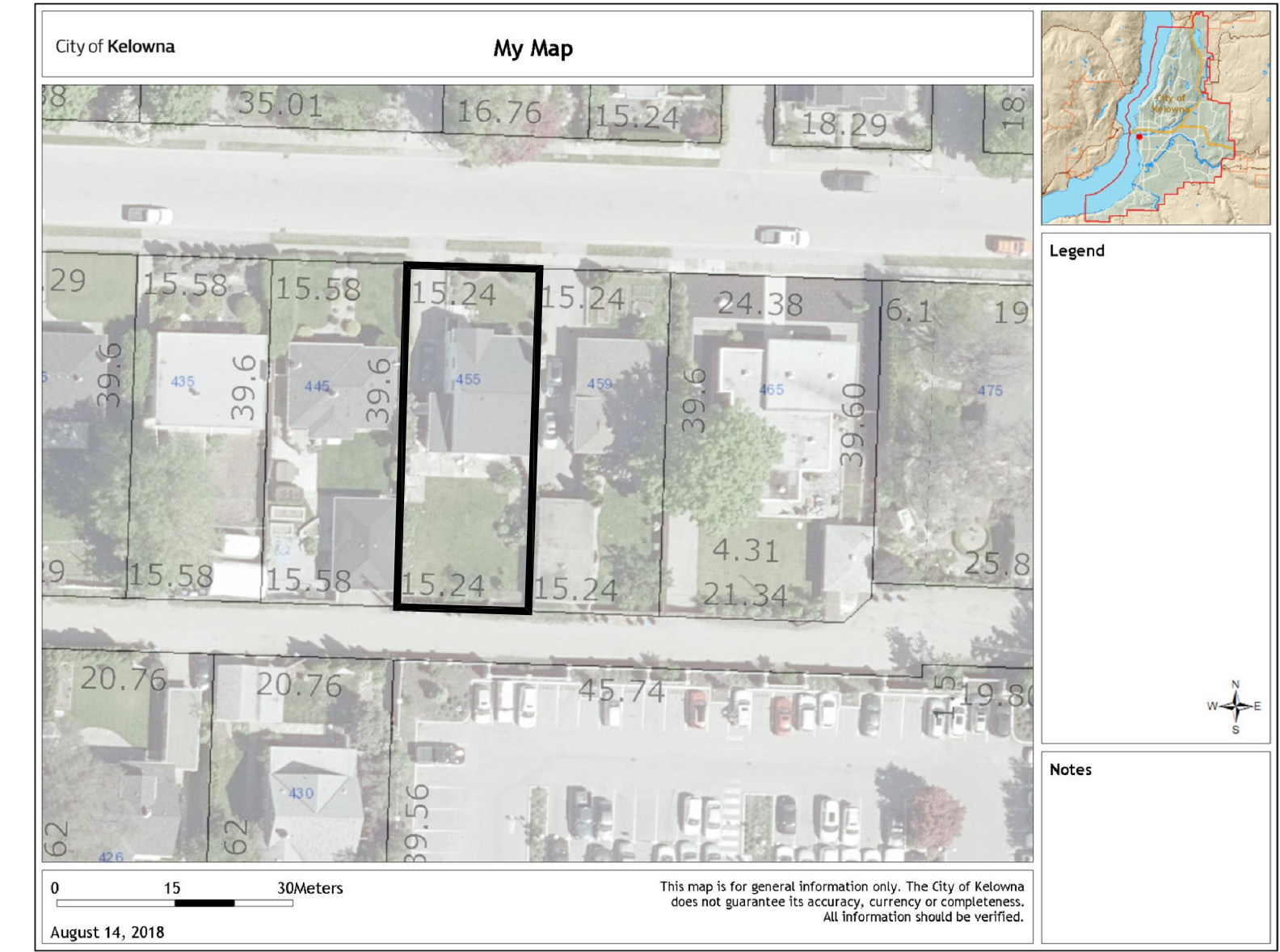




Drawing List

- A-0 Site Plan
- A-1 Foundation Plan
- A-2 Main Plan
- A-3 Upper Plan
- A-4 Roof Plan
- A-5 Elevations ( Existing House )
- A-6 Elevations ( Carriage House )
- A-7 Section/ General Notes

Vicinity Map



Project Notes:

PROJECT DATA	
PROJECT DESCRIPTION	REQUIRED PARKING 2 Off-street spaces
New Carriage House 394 s.f. Lower 560 s.f. Up Garage 493 s.f. ( 966 s.f. Total Lower )	GOVERNING CODES B.C. Building Code Classification: Group C Single Family Occupancy
Driveways and Buildings	BUILDING USES Part 9 Code Review Single Family Residence
580 s.f. (53m2)	DENSITY
120 s.f. (11m2)	SEPARATE PERMITS
1312 s.f. (121m2)	TYPE OF CONSTRUCTION Type V Non-rated
915 s.f. ( 85m2)	LOT COVERAGE 37% with addition of Carriage House
2927 s.f. (272 m2)	
6504 s.f. (595 m2) 45.7% total	
PROJECT LOCATION 455 Glenwood Ave. Kelowna BC	HEIGHT/STORIES 15'-0" (4.5m) to Roof Midpoint
LEGAL DESCRIPTION Plan 5899 Lot2	SOIL Compact Fill
DESCRIPTION	SEISMIC DESIGN PARAMETERS N/A
ZONING RU1	CODES B.C. Building code Classification: Group C Single Family Occupancy Part 9 Code Review
SETBACKS 6m Front, 3m Side	Most Current BC Building Code Energy Code Review Provided by Others





KJH  
DESIGNS INC.

2416 Mountains Hollow Lane  
West Kelowna BC  
V 4 T 3 H 5 9 0  
2 5 0 5 7 5 0 5

## Procknow Carriage House

455  
Glenwood Ave.  
Kelowna BC

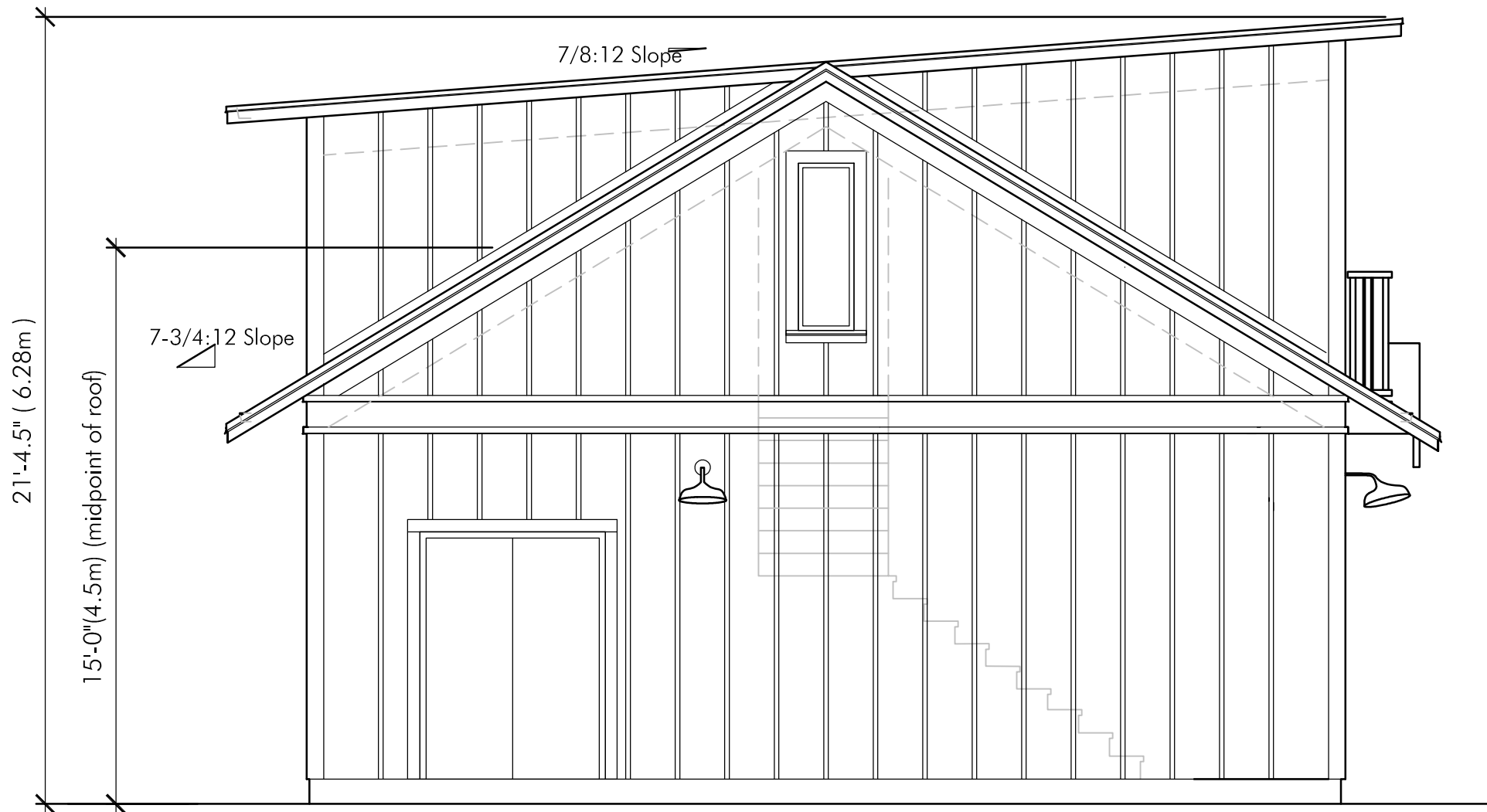
DRAWN BY: KJH

PROJECT : 17-18  
FILE:

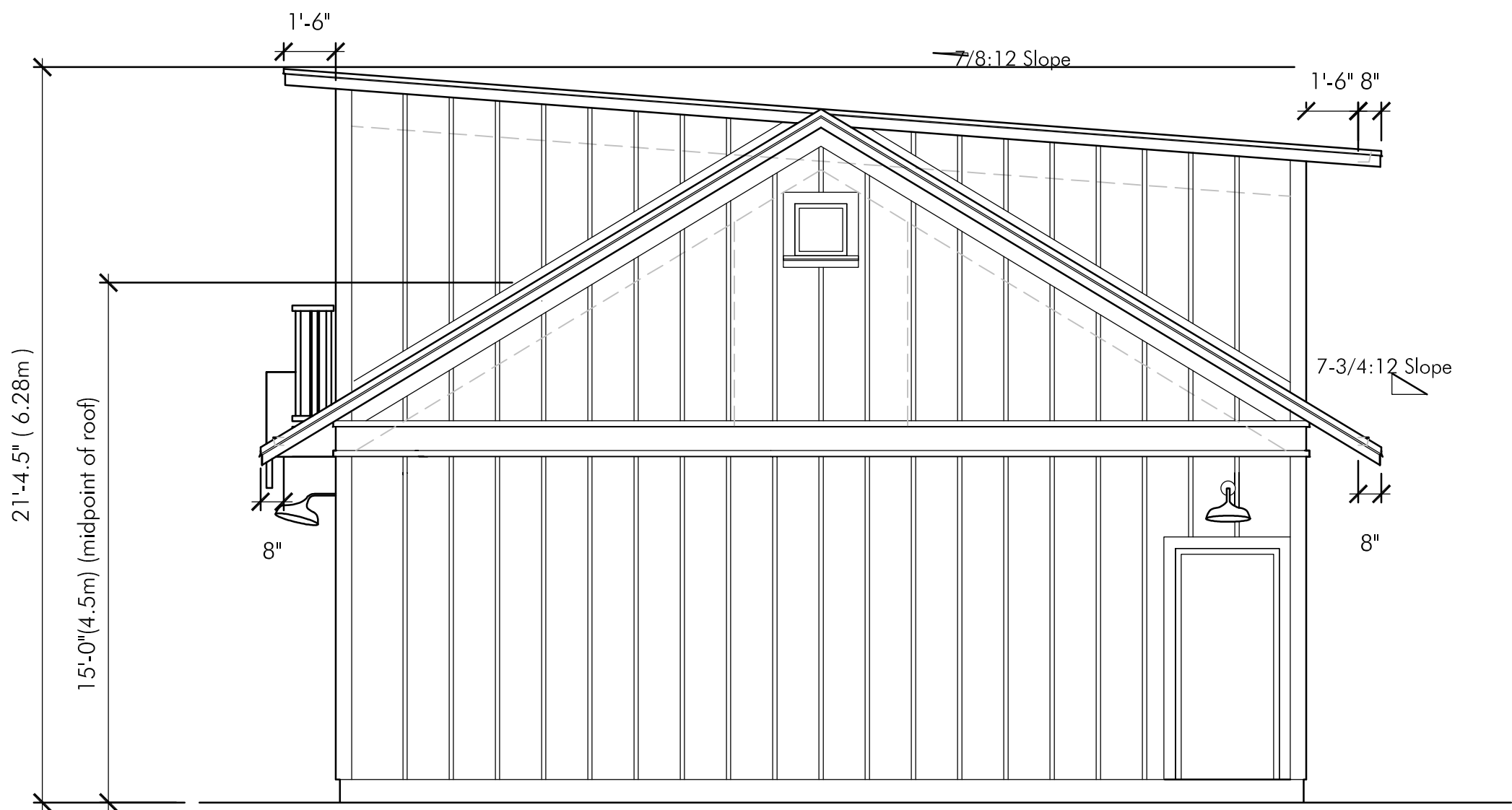
ISSUE DATE  
Drawing Issued 6/12/19  
SCALE:

## Elevations

A-6



1 WEST  
A-6 1/4"=1'-0"



3 EAST  
A-6 1/4"=1'-0"



2 SOUTH  
A-6 1/4"=1'-0"



4 NORTH  
A-6 1/4"=1'-0"

## Letter of Rationale to Rezone from RU1 to RU1-C

455 Glenwood Avenue, Kelowna, BC

I purchased the Glenwood home in 2018, as it represented a convenient lakeside location in a mature urban neighborhood, with the visually appealing streetscape that the Abbott-Pandosy corridor is known for.

The dwelling was built in 1959 by T.A Haugseth, with an original purpose-built basement suite, and has had multiple owners throughout its life. The ownership from circa 2002-2007 appears responsible for most of the cosmetic repairs on the house. Repairs on the property from 2007 onwards appear to be done on an as-required basis due to the tenant occupancy. When I purchased the property in 2018 the landscaping was beyond salvage, and the curb appeal from the front and back yards was displeasing. The chimney was in need of repairs or replacement.

It is my intention to rezone to RU1-C and subsequently build a carriage home on the back yard to the South. The result would be basement tenants would be moved out of the main dwelling into the rear laneway, while undertaking much-needed maintenance of the main dwelling. On November 28, 2018, the legal suite in the basement has been de-commissioned (BP # 59727 ) in accordance with the Carriage house Requirements Bulletin #14-01. The maintenance underway on the main home shall include front landscaping, front door replacement, foundation shim, and chimney replacement.

The Heritage Conservation Area Design Guidelines have identified this property as 'vernacular cottage' style, and the dominant style for the block is deemed 'Mediterranean Revival'. Glenwood Avenue has a visually attractive mix of Flat-Roofed Mid Century modern revivals and Gable Roofed cottage homes.

It is my desire to build a Carriage home that would be congruent with the neighborhood carriage homes. With that in mind, I contracted Kevin Halchuk who has experience designing carriage homes. My instructions were to design a two story carriage home that matched main dwelling while meeting current guidelines, and drawing on facets of the Vernacular Cottage designation in the 1997 Heritage Guidelines Document.

No mature trees exist on the property, however I have recently planted 3, Autumn Blaze Maple trees (12') in the front yard facing Glenwood Avenue, which are congruent with the species of trees in the neighborhood. Sod and extensive landscaping replacement will follow in the Spring of 2019.

Neighbors directly across the Street at 454 Glenwood have recently rezoned to Ru1-C and constructed a carriage home. Neighbors the North, East, and West on Glenwood were verbally supportive of the application to rezone. The general tone was that the carriage home would be a welcome addition to the neighborhood, as it would add visual value to the alleyway on the South. Immediately behind 455 Glenwood, (South facing) is the parking lot for the Emergency Room at KGH, resulting in unaffected neighboring resident views. Please give me a call for any clarification or questions.

Warm Regards,



Mark Procknow

<b>ATTACHMENT</b>		<b>C</b>
This forms part of application		
# Z19-0038		
Planner Initials	JR	 <b>City of Kelowna</b> DEVELOPMENT PLANNING

# REPORT TO COUNCIL



**Date:** August 12, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z19-0018

**Owner:** Dilworth Shopping Centre Ltd.,  
Inc. No. 319846

**Address:** 2339-2397 Hwy 97 N

**Applicant:** BC Liquor Distribution Branch

**Subject:** Rezoning Application

Existing Zone: C4 – Urban Centre Commercial  
C4rls – Urban Centre Commercial (Retail Liquor Sales)

Proposed Zone: C4rcs - Urban Centre Commercial (Retail Cannabis Sales)  
C4rls/rcs – Urban Centre Commercial (Retail Liquor Sales/ Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, District Lots 126 and 532 Osoyoos Division Yale District Plan 40108, located at 2339-2397 Hwy 97 N, Kelowna, BC, from the C4 - Urban Centre Commercial and C4rls - Urban Centre Commercial (Retail Liquor Sales) zones to C4rcs - Urban Centre Commercial (Retail Cannabis Sales) and C4rls/rcs - Urban Centre Commercial (Retail Liquor Sales/ Retail Cannabis Sales) zones as shown on Map "A" attached to the report from the Development Planning Department dated August 12, 2019, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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 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.

## 2.0 Purpose

To rezone the subject property from C<sub>4</sub> and C<sub>4</sub>rls to C<sub>4</sub>rcs and C<sub>4</sub>rls/rcs to facilitate the development of a retail cannabis sales establishment.

## 3.0 Development Planning

Development Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with a Council-endorsed process and was selected, through a lottery process, to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 63.57, and the overall average overall score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store for this property.

The application meets Zoning Bylaw No. 8000 and no variances are being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

## 4.0 Proposal

### 4.1 Background

A retail cannabis sales establishment is proposed to be located at the north corner of the Dilworth Shopping Centre in an existing commercial unit.

### 4.2 Site Context

Sensitive uses identified within a 150m radius include a Retail Liquor Sales Establishment and a Liquor Primary Establishment.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9P- Tourist Commercial	Hotel
East	C10- Service Commercial	Retail stores, service commercial
South	RM5- Medium Density Multiple Housing	Multiple dwelling housing
West	C4- Urban Centre Commercial/ C10- Service Commercial	Retail stores, service commercial

**Subject Property Map: 2339-2397 Hwy 97 N**



**5.0 Technical Comments**

**5.1 Development Engineering Department**

This application does not compromise any City of Kelowna municipal infrastructure.

**6.0 Application Chronology**

Date of Committee Evaluation of Application: January 10, 2019

Date of Application Accepted: February 8, 2019

Date Public Consultation Completed: March 14, 2019

**Report prepared by:** Jocelyn Black, Planner Specialist

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Site Plan

Attachment B: Map "A"



## A

#Z19-0018



Bj



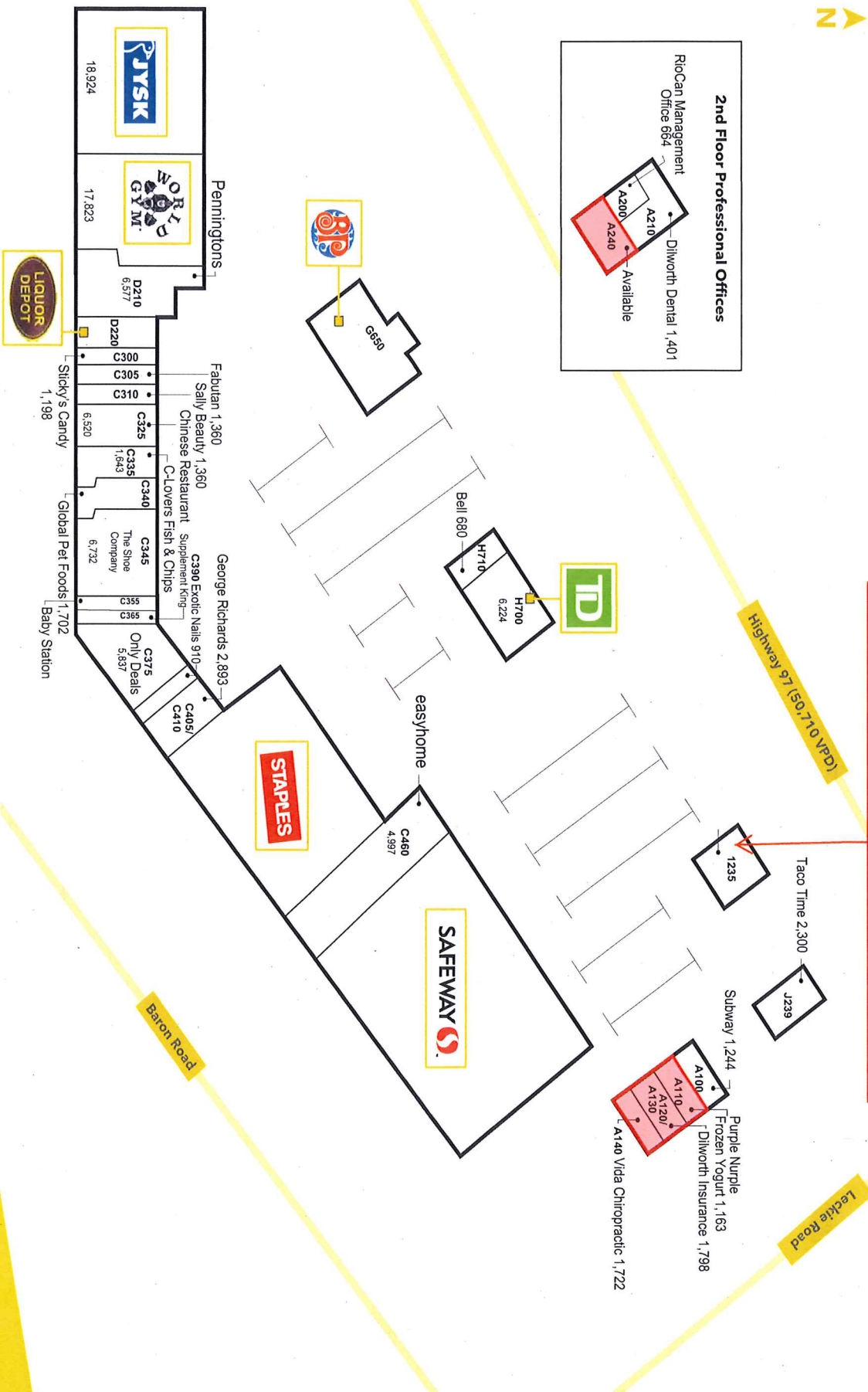
City of  
**Kelowna**  
DEVELOPMENT PLANNING

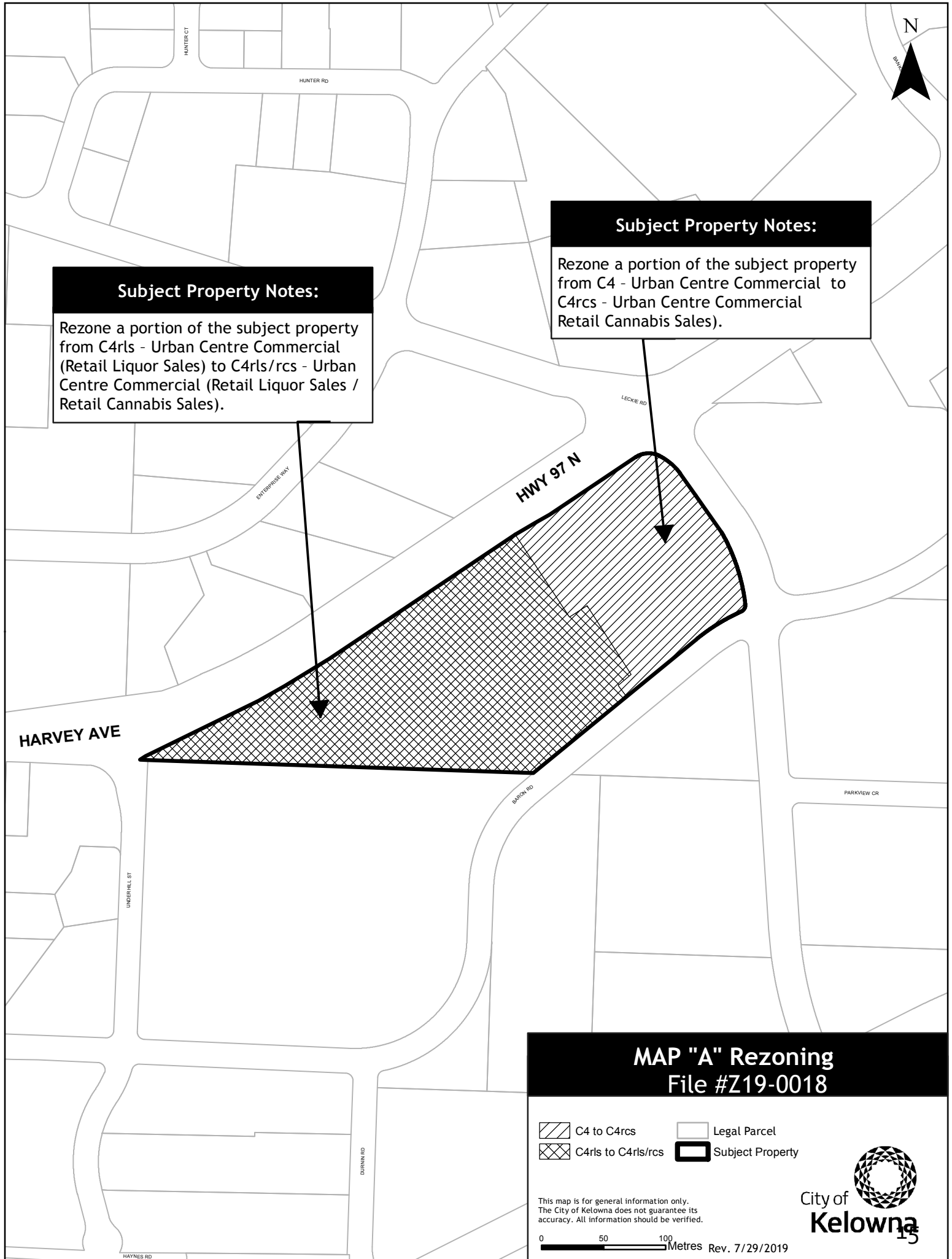
## SITE PLAN

## PROPOSED RETAIL CANNABIS STORE:

- C4 permitted zoning
- 500m away from other cannabis retail store applicants
- 500 m away from all schools

4  
DILWORTH SHOPPING CENTRE  
KELOWNA, BC





# REPORT TO COUNCIL



**Date:** August 12, 2019

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (SS)

**Application:** Z18-0107

**Owner:** R 547 Enterprises Ltd.

**Address:** 1308 Findlay Rd

**Applicant:** Urban Options Planning & Permits

**Subject:** Rezoning Application

Existing OCP Designation: Industrial/ Park

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: I2 – General Industrial

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## 1.0 Recommendation

THAT Rezoning Application No. Z18-0107 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 14612 located at 1308 Findlay Rd, Kelowna, BC from the RU1 – Large Lot Housing zone to the I2 – General Industrial zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated August 12<sup>th</sup>, 2019;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the dedication of the linear park and riparian management area along Francis Brook.

## 2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to I2 – General Industrial to facilitate the use of the property for an industrial development.

### 3.0 Development Planning

Staff are supportive of the proposed rezoning of the subject property to I2 – General Industrial zone as it is consistent with the Official Community Plan (OCP) Future Land Use Designation. The property is located within the Permanent Growth Boundary and is located adjacent to and near other industrially zoned properties. The I2 – General Industrial zone will allow several industrial uses on the property similar to a number of properties in the immediate area.

### 4.0 Proposal

#### 4.1 Project Description

The subject property currently has as a residential dwelling on the south east corner and a stream, Francis Brook flowing parallel to the north property boundary line. The applicant would like to use the property for industrial purposes. A preliminary site plan drawing is attached to the rezoning application and Staff are not tracking any variances associated with the proposal. While it is not part of this application, there are future plans to construct an industrial building on the site. This application does trigger two Development Permits (DP), a Comprehensive DP and a Natural Environmental DP, should Council support the Rezoning bylaw, the Natural Environmental DP will be required, and a Comprehensive DP required prior to development of the property.

#### 4.2 Site Context

The subject property is located in the Rutland Sector of the city. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Residential
East	RM3 – Low Density Multiple Housing	Multi-family Residential
South	I1 – Business Industrial	Concrete business
West	I2 – General Industrial/ A1 - Agriculture	Industrial / Residential

**Subject Property Map: 1308 Findlay Rd**



## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### **Industrial Land Use Policies**

**Objective 5.28.**<sup>1</sup> Focus industrial development to areas suitable for industrial use.

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- See Attachment A.

### **6.2 Parks & Buildings Planning**

- Per OCP Policy 5.14.2, a 5-meter-wide linear park must be dedicated at the north end of the property, outside the riparian management area requirements per OCP Chapter 12 (15m width per Table 12.1 in the OCP). The OCP outlines that this dedication is to occur at rezoning, so the definition of the riparian area and adjacent linear park must occur at rezoning and not wait for the Environmental Development Permit.

## **7.0 Application Chronology**

Date of Application Received: September 14<sup>th</sup>, 2018

Date Public Consultation Completed: December 17<sup>th</sup>, 2018

Report prepared by:	Sergio Sartori, Development Technician
Reviewed by:	Dean Strachan, Suburban and Rural Planning Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager

#### **Attachments:**

Schedule A: Development Engineering Memorandum

Attachment A: Site Plan

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<sup>1</sup> City of Kelowna Official Community Plan, Objective 5.28, Chapter 10 (Development Process Chapter).



## CITY OF KELOWNA

# MEMORANDUM

**Date:** October 9, 2018  
**File No.:** Z18-0107  
**To:** Community Planning (AK)  
**From:** Development Engineering Manager(JK)  
**Subject:** 1308 Findlay Rd RU1 to I2

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Aaron Sangster

1) General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

2) Domestic Water and Fire Protection

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs, as well as any costs to decommission existing services are to be paid directly to BMID.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Only one service will be permitted for this development.

3) Sanitary Sewer

- a) The development site is presently serviced with a 100mm-diameter sanitary sewer service. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing service and the installation of a new larger service if required.
- b) 1308 Findlay Rd is currently within Sanitary Sewer Specified Area # 20. The developer will be responsible to cash commute, pay in full, the specified area charges for this development. The charge is currently set at \$1,786.52 per Single Family Equivalent (SFE). The calculation of this fee is as follows: 5.368 EDU X \$1,786.52/EDU = \$9,590.00

Z18-0107 - 1308 Findlay Rd. RU1 to I2 AS.doc

4) Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage service and recommendations for onsite drainage containment and disposal systems.

5) Road Improvements

- a) Findlay Rd. fronting this development must be upgraded to a 2 lane arterial urban standard to including barrier curb & gutter, concrete sidewalk, landscaped boulevard, LED street lights, drainage system including catch basins, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- b) The developer will build the frontage of 1292 Findlay rd to the same cross section as 1308 Findlay rd. Cash-in-lieu in the amount of \$22,539.28 (\$22,300 + \$239.28, original + interest) for 1292 Findlay frontage has already been collected and will be used to assist in paying for this construction.

6) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) The ultimate width of Findlay Road is established as a 2-lane arterial roadway, complete with a 30.0m right of way (R.O.W). The R.O.W. in the front of the subject property is deficient by approximately 5.5m. Provide 5.5m of road dedicated along the frontage of this development.
- b) Grant statutory rights-of-way if required for utility services

7) Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
- b) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

8) Other Engineering

If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

9) Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

Z18-0107 - 1308 Findlay Rd. RU1 to I2 AS.doc

- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11) Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

12) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i. Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii. Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) Engineering and Inspection Fee: 3.5% of construction value (plus GST)

14) Development Permit and Site Related Issues

Access and Manoeuvrability

- a) Access to 1308 Findlay rd. must follow bylaw 7900 standards.

<b>SCHEDULE</b>		<b>A</b>
This forms part of application		
# Z18-0107		
Planner Initials	<b>SS</b>	 <b>City of Kelowna</b> <small>DEVELOPMENT PLANNING</small>

Z18-0107 - 1308 Findlay Rd. RU1 to I2 AS.doc

15. Geotechnical Report

- a) Provide a geotechnical report prepared by a Professional Engineer competent in the field of geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.

The Geotechnical report must be submitted prior to submission of Engineering drawings or application for subdivision approval.

- i. Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- ii. Site suitability for development.
- iii. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv. Any special requirements for construction of roads, utilities and building structures.
- v. Recommendations for items that should be included in a Restrictive Covenant.
- vi. Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- vii. Any items required in other sections of this document.
- viii. Additional geotechnical survey may be necessary for building foundations, etc.

*James Kay*

---

James Kay, P.Eng.  
Development Engineering Manager

AS

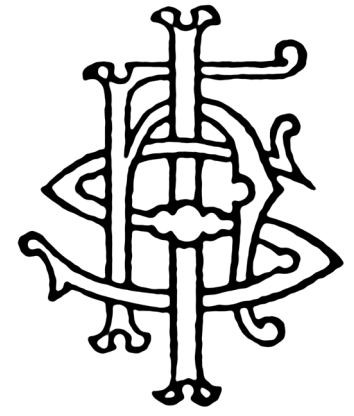


Planner  
Initials

SS

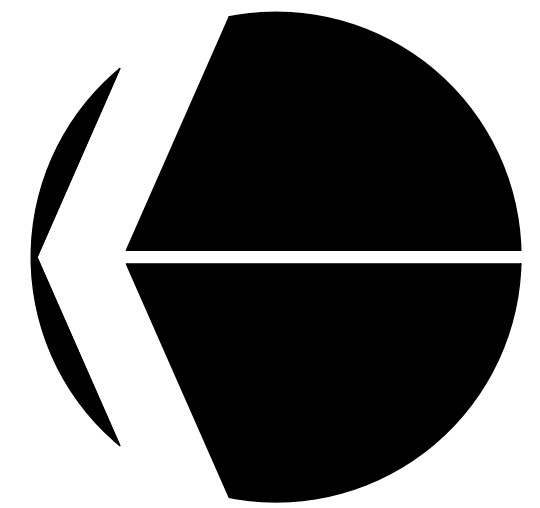


City of Kelowna  
DEVELOPMENT PLANNING



IHS DESIGN  
1392 MINE HILL DRIVE  
KELOWNA, BC V1P 1S5  
www.ihsdesign.com  
(250) 212-7938

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EXPRESSED WRITTEN PERMISSION FROM THE SAME.



PROJECT NORTH

REVISION	DATE	DISCRIPTION

PROJECT

## COMMERCIAL DEVELOPMENT

1308 FINDLAY ROAD

KELOWNA, BC V1X 5B2

LOT B PLAN KAP14612

DRAWING TITLE

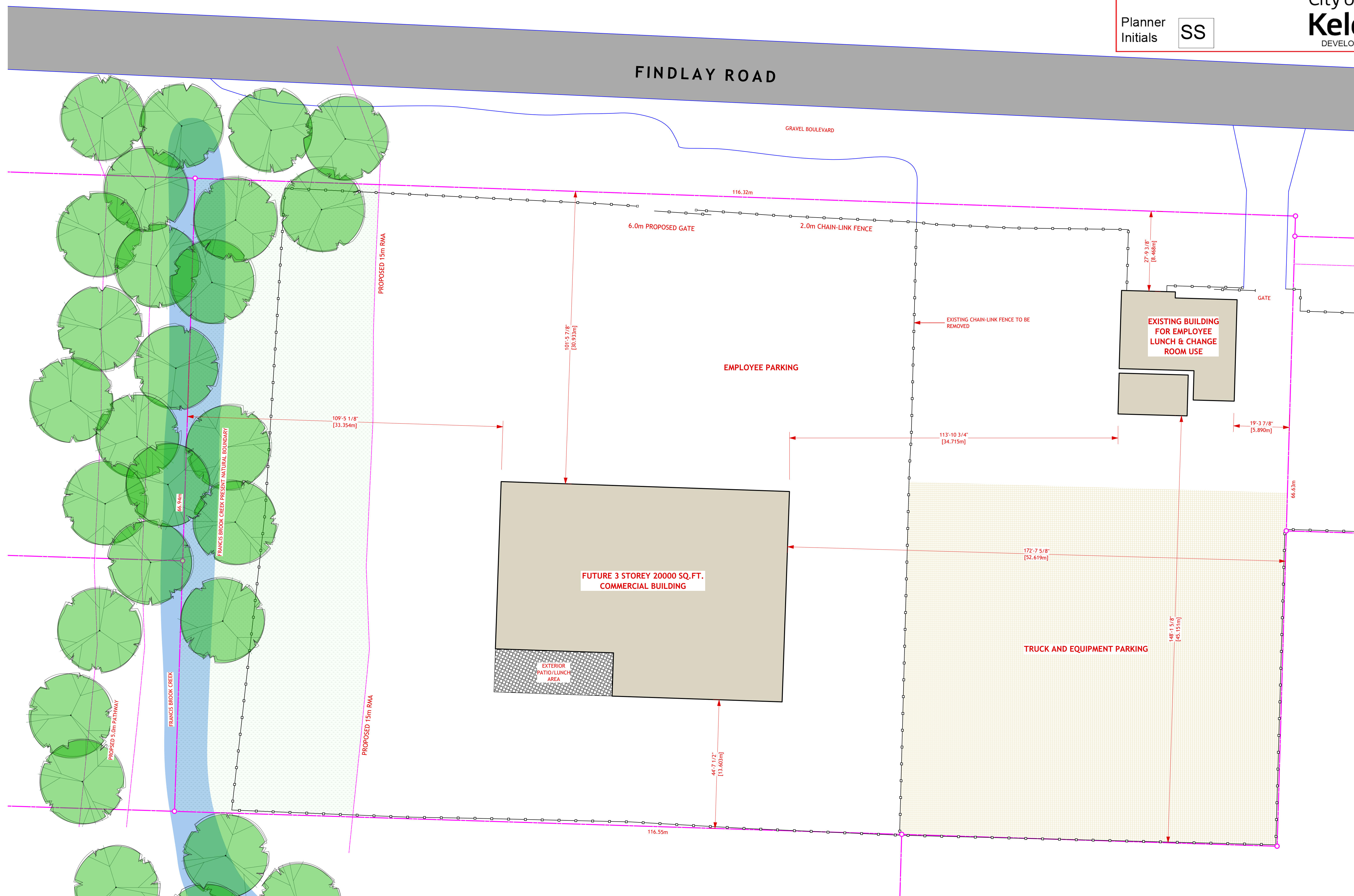
## SITE PLAN

DATE

AUGUST 1, 2018

DRAWING NUMBER

1  
— of —  
1



1 SITE PLAN  
Scale: 1:200





# REPORT TO COUNCIL



**Date:** August 12, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0073

**Owner:** James A. Baumgartner & Elanda C. Baumgartner

**Address:** 604 Greene Road

**Applicant:** Gord Turner Renovations Ltd.

**Subject:** Rezoning Application

Existing OCP Designation: Single / Two Unit Residential (S2RES)

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 358 ODYD Plan 9564, located at 604 Greene Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

## 2.0 Purpose

To consider a rezoning from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to allow the conversion of an existing accessory building to a carriage house.

## 3.0 Development Planning

Development Planning supports the proposed rezoning to RU1c – Large Lot Housing with Carriage House to facilitate the conversion of an existing accessory building to a carriage house.

The subject property has a Future Land Use Designation of Single / Two Unit Residential (S2RES), which supports the proposed RU1c zone. The addition of residential units in already built-up areas advances the OCP's goals of developing a compact urban form. As the conversion of an existing building, the proposed carriage house is sensitive to the context of the neighbourhood, and thus is consistent with the OCP's Policy of Sensitive Infill.

## 4.0 Proposal

### 4.1 Project Description

The subject property currently contains a single family home, a pool, and an accessory building that is being used for a home-based business. The applicant proposes to convert the existing accessory building into a carriage house. Interior renovations are planned, but the exterior of the building will remain as is. The accessory building would keep its existing access off Willms Rd. No variances to the Zoning Bylaw have been identified.

### 4.2 Site Context

The subject property is on Greene Ave, two lots to the east of Lakeshore Rd in the North Okanagan Mission neighbourhood. The property is surrounded by single family homes; however, several properties have been rezoned to RU1c in the immediate area, and there are also numerous secondary suites in the vicinity.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

**Subject Property Map: 604 Greene Rd.**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas.

Policy .2 **Compact Urban Form**. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development.

Policy .6 **Sensitive Infill**. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 6.0 Application Chronology

Date of Application Received: June 7, 2019

Date Public Consultation Completed: July 3, 2019

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

### **Attachments:**

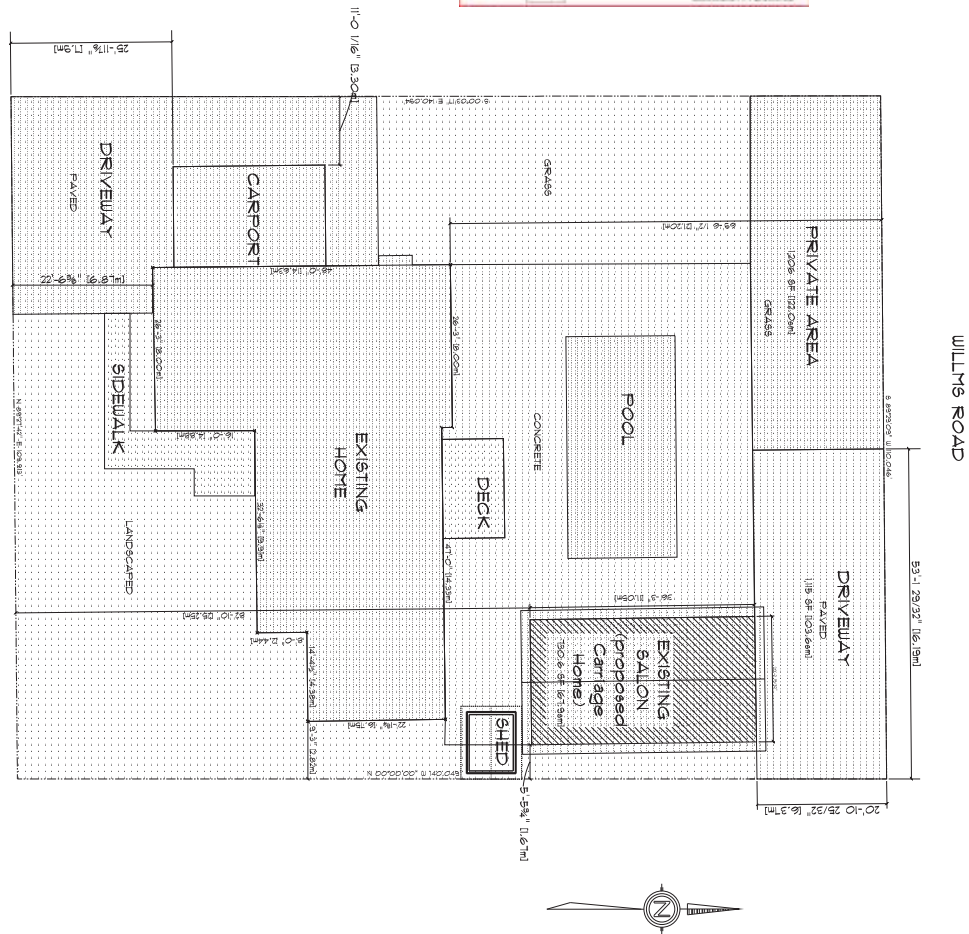
Attachment A: Site Plan

Attachment B: Applicant Rationale

# SITE PLAN

SCALE: 1" = 20'-0"

PP



**ZONING: RUI PROPOSED: RUC**

**SETBACKS (CARRIAGE HOME):**  
 ALLOWED PROPOSED  
 FRONT: 6.0m 25.25m  
 SIDE: 2.0m 2.82m  
 REAR: 1.5m 21.20m

**SETBACKS (EXIST. HOUSE):**  
 ALLOWED PROPOSED  
 FRONT: 6.0m 6.78m  
 SIDE: 1.5m 1.67m  
 REAR: 0.9m 6.37m

**SITE COVERAGE:**

**LOT AREA:** 15,404 SF

**PROPOSED AREA:** 130.6 SF  
 (CARRIAGE HOME)  
 COVERAGE: 14%  
 PROPOSED AREA: 6,199 SF  
 (HOME, CARRIAGE HOME, GARAGE & PARKING)  
 COVERAGE: 50%

**Gord Turner Renovations**



#1-3304 Appaloosa Road  
 Kelowna BC  
 V1V 2W5  
 PHONE: 250-469-9379  
 tom@gordturner.com



**Jim & Elanda Baimgartner**  
 604 Greene Road  
 Kelowna BC  
 V1W 1B8  
 PHONE: 250-868-6063  
 FAX:  
 jim@gobaumgartner.com

DRAWN BY: TM  
 SCALE: 1" = 20'-0"  
 DATE: May-21-19

PAGE: 1/4  
 SITE PLAN

Letter of Rationale

Carriage house rezone

604 Greene Road



To whom it may concern,

Our clients would like to convert their existing accessory building, which currently houses a small home based business, into a carriage house. We are applying for a rezone to add the 'c' designation to this RU1 lot, to allow for the carriage house conversion.

We will not be changing the existing footprint of any building on site; the carriage house would be completely within the existing footprint of the accessory building. We also would not be seeking to vary any of the setbacks on the property, as the existing accessory building already sits within the appropriate setbacks, as defined by the City Zoning Bylaw, and explained in the Carriage Houses Bulletin received from the Building and Development Department.

As the accessory building is already being used for a small home based business, there is also already services, lighted pathways, and proper access, as will be required. We have noted the outdoor private space on the site plan, and all other elements of the landscape on the property will be remaining as they are currently. The invasiveness of this change would be extremely minimal, and outwardly there would be almost no change to how the property looks and functions.

Please see on the following pages a few pictures of the property in question, to aid in visualizing the plan.

We appreciate any further questions or discussion on the matter.

Thank you.

Kyle Turner

Operations Manager

Gord Turner Renovations Ltd.



# REPORT TO COUNCIL



**Date:** August 12, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0059

**Owner:** D & R Properties Ltd, Inc. No  
BC0562497

**Address:** 3140 Lakeshore Rd

**Applicant:** Flora Recreational Cannabis

**Subject:** Rezoning Application

Existing OCP Designation: MXR- Mixed-Use (Residential/ Commercial)

Existing Zone: C4lp - Urban Centre Commercial (Liquor Primary)

Proposed Zone: C4lp/rcs - Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)

---

## 1.0 Recommendation

THAT Rezoning Application No. Z19-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14 Osoyoos Division Yale District Plan 35059, located at 3140 Lakeshore Rd, Kelowna, BC, from the C4lp - Urban Centre Commercial (Liquor Primary) zone to the C4lp/rcs - Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales) zone, 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 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.

## 2.0 Purpose

To rezone the subject property to facilitate the development of a retail cannabis sales establishment.

### 3.0 Development Planning

Development Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. The additional use is consistent with the Future Land Use designation for the property and the proposal complies with Zoning Bylaw regulations regarding the retail cannabis sales use.

The application is the first to be processed following the initial intake of retail cannabis sales rezoning applications. As such, it was evaluated with the City's standard rezoning process, established in the Development Application Procedures Bylaw.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a liquor primary and retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store license for this property.

There are no variances requested. The applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

### 4.0 Proposal

#### 4.1 Project Description

A retail cannabis sales establishment is proposed to be located in an existing ground-floor commercial unit in a building that has several offices and health services, along with a fast-food restaurant on the property.

#### 4.2 Site Context

The property is within the South Pandosy Urban Centre and has a Future Land Use designation of MXR – Mixed-Use (Residential / Commercial). The surrounding area has a mix of retail, services, offices, and residential uses and densities. Sensitive uses identified within a 150m radius include a Liquor Primary Establishment and a Liquor Primary Establishment.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4L- Urban Centre Commercial Liquor Primary	Liquor primary establishment
East	C4/ C4L/	Retail stores, general
South	C9- Tourist Commercial	Hotel
West	RU1- Large Lot Housing	Single dwelling housing

**Subject Property Map: 3140 Lakeshore Rd**



**5.0 Technical Comments**

**5.1 Development Engineering Department**

The application does not compromise any municipal infrastructure.

**6.0 Application Chronology**

Date of Application Received: April 10, 2019

Date Public Consultation Completed: June 13, 2019

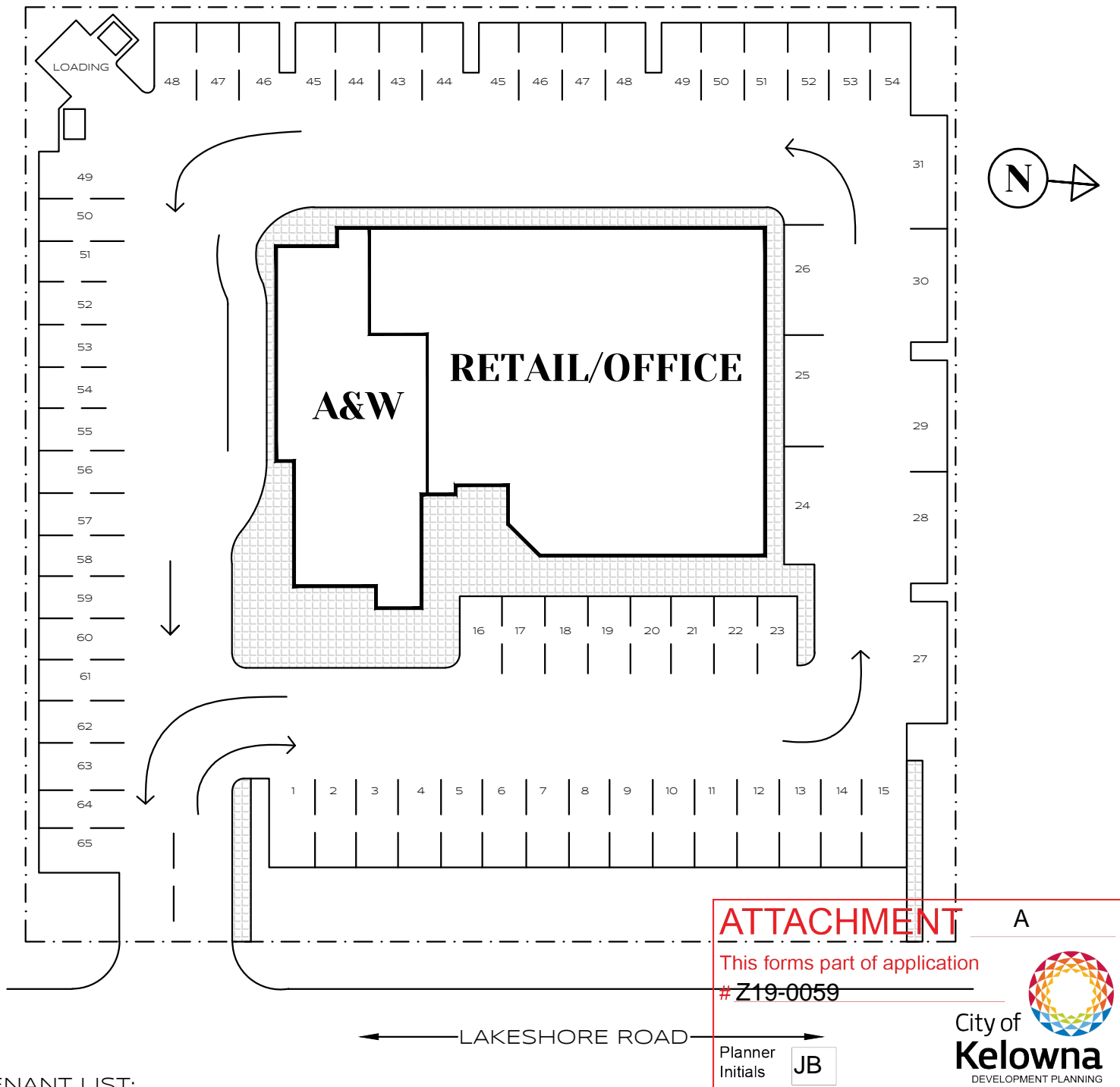
**Report prepared by:** Jocelyn Black, Planner Specialist

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Site Plan



#### TENANT LIST:

- UNIT 100 - A&W RESTAURANT
- UNIT 101 - HARMONY CHIROPRACTIC CLINIC
- UNIT 102 - DENTURE CLINIC
- UNIT 103 - TYMKIW PERIODONTICS
- UNIT 105 - HOLLISWEALTH FINANCIAL
- UNIT 110 - PROPOSED FLORA RECREATIONAL CANNABIS
- UNIT 200 - ADAMS, HEYMAN, OWEN ACCOUNTANTS
- UNIT 203 - MUSLEH COUNSELING
- UNIT 204 - DR. MICHAEL BOBYN INC. AND DR. PAUL HART

#### Leigh Blackburn

REGISTERED INTERIOR DESIGNER

LBLACKBURNCREATIVE@GMAIL.COM  
250 575 8833

#### Flora Recreational Cannabis

#110 - 3140 LAKESHORE RD.  
KELOWNA, BC  
PLAN KAP35059 LOT A DISTRICT  
LOT 14  
PID: 002-905-485

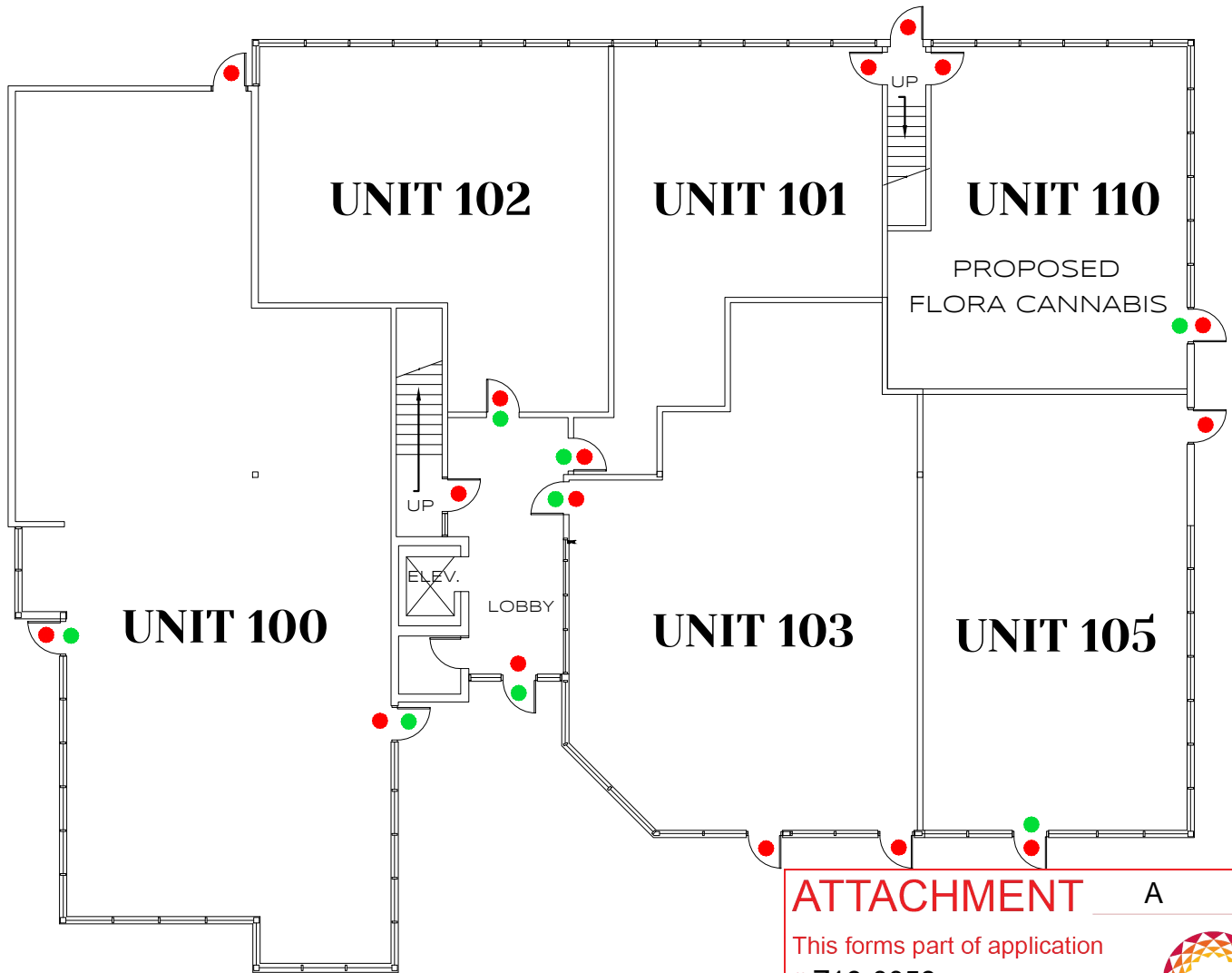
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#### ISSUED FOR:

1 CITY APPLICATION MAR. 4/19  
2 REV. APPLICATION APR. 10/19  
3 REV. APPLICATION MAY 15/19  
4

SITE PLAN

1 of 3



## ATTACHMENT A

This forms part of application

# Z19-0059

Planner  
Initials JB



### TENANT LIST:

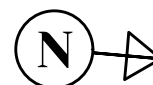
- UNIT 100 - A&W RESTAURANT
- UNIT 101 - HARMONY CHIROPRACTIC CLINIC
- UNIT 102 - DENTURE CLINIC
- UNIT 103 - TYMKIW PERIODONTICS
- UNIT 105 - HOLLISWEALTH FINANCIAL
- UNIT 110 - PROPOSED FLORA RECREATIONAL CANNABIS

### NOTE:

ALL PARTITIONS THAT SEPARATE TENANTS ARE FULL HEIGHT, FLOOR TO CEILING, DEMISING WALLS

## LEGEND

- EXIT DOORS
- ENTRANCE DOORS



## Leigh Blackburn

REGISTERED INTERIOR DESIGNER

LBLACKBURNCREATIVE@GMAIL.COM  
250 575 8833

## Flora Recreational Cannabis

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LOT 14  
PID: 002-905-485

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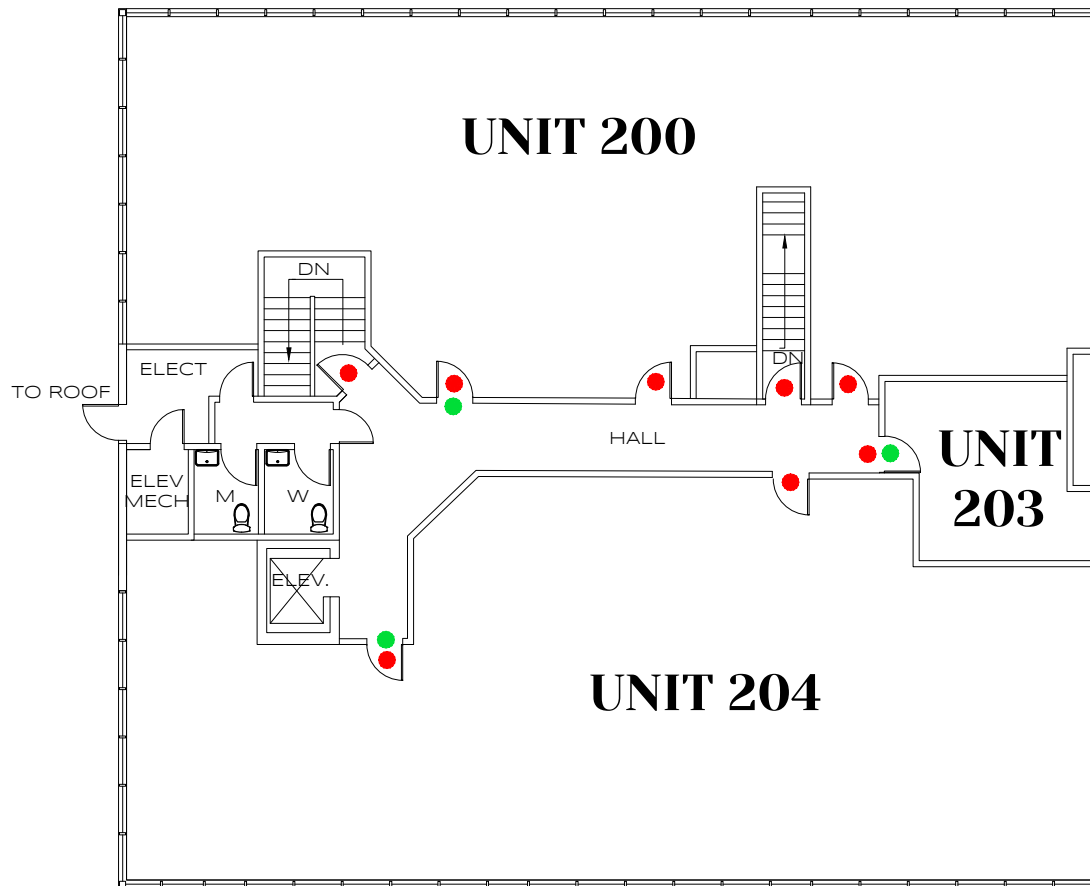
### ISSUED FOR:

- |                    |            |
|--------------------|------------|
| 1 CITY APPLICATION | MAR. 4/19  |
| 2 REV. APPLICATION | APR. 10/19 |
| 3 REV. APPLICATION | MAY 15/19  |
| 4                  |            |

MAIN FLOOR  
SITE PLAN

2 of 3





## TENANT LIST:

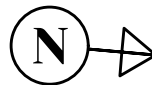
- UNIT 200 - ADAMS, HEYMAN, OWEN ACCOUNTANTS
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## NOTE:

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## LEGEND

- EXIT DOORS
- ENTRANCE DOORS

**Leigh Blackburn**

REGISTERED INTERIOR DESIGNER

LBLACKBURNCREATIVE@GMAIL.COM  
250 575 8833**Flora Recreational  
Cannabis**#110 - 3140 LAKESHORE RD.  
KELOWNA, BC  
PLAN KAP35059 LOT A DISTRICT  
LOT 14  
PID: 002-905-485/ DATE: FEB 27/19  
/ SCALE: 1/16" = 1'-0"  
/ DRAWN BY: LB

## ISSUED FOR:

1 CITY APPLICATION	MAR. 4/19
2 REV. APPLICATION	APR. 10/19
3 REV. APPLICATION	MAY 15/19
4	

2ND FLOOR  
SITE PLAN**3 of 3**