

City of Kelowna

Public Hearing

AGENDA



Tuesday, December 3, 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 Rutland Ct 2155-2165, Z19-0106 (BL11950) - CGSB Automotive Group LTD., Inc. No. BC0731187

4 - 6

To consider an application to rezone the subject property from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone to be consistent with the Future Land Use designation for the site and to more accurately reflect the current uses on the property.

2.2	Barkley Rd 456, Z19-0113 (BL11952) - Landon D. Horne, Tamara J. Horne	7 - 11
	To consider an application to rezone the subject property from RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone to allow for the construction of a carriage house.	
2.3	Hollywood Rd S 150, Z19-0109 (BL11953) - Lexington Enterprises Ltd.	12 - 15
	To consider an application to rezone the subject property from the C4 - Urban Centre Commercial zone to the C4rcs- Urban Centre Commercial (retail cannabis sales) zone to allow for a retail cannabis sales establishment.	
2.4	Sadler Rd 145, Hwy 33 E 180 & 190, Z18-0117 (BL11957) - Studio 33 Properties Ltd., Inc No.BC1137489	16 - 45
	To consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.	
2.5	Pandosy St 1636 -1652, TA19-0013 (BL11959) Z19-0100 (BL11960) - ALM888 Ventures Ltd., Inc. No. BC1089095	46 - 50
	To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 m of another establishment and to consider an application to rezone the subject property from the C7 - Central Business Commercial zone to the C7rcs - Central Business Commercial (Retail Cannabis Sales) zone.	

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: October 28, 2019

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0106

Owner: CGSB Automotive Group LTD.,
Inc. No. BC0731187

Address: 2155-2165 Rutland Ct

Applicant: City of Kelowna

Subject: Rezoning Application

1.0 Recommendation

THAT Rezoning Application No. Z19-0106 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 9018, located at 2155-2165 Rutland Court, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone be considered by Council;

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

2.0 Purpose

To consider an application to rezone the subject property from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone to be consistent with the Future Land Use designation for the site and to more accurately reflect the current uses on the property.

3.0 Development Planning

Development Planning staff support the proposed rezoning from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone as it is in line with the Official Community Plan (OCP) Future Land Use designation of SC – Service Commercial for the subject property, is located within the Permanent Growth Boundary, and is consistent with the existing uses on the property.

The existing C2 – Neighbourhood Commercial zone was in place as the underlying zone to the previous Land Use Contract on the property. It is not reflective of the current uses, which include Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs. Therefore, staff have initiated a rezoning application to C10 to reflect the current uses and to conform to the Future Land Use designation of SC – Service Commercial. There are no other commercial zones that allow for the use of Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs.

4.0 Proposal

4.1 Background

The property was previously regulated by a Land Use Contract (LUC77-1082), which Council approved to be terminated on July 30, 2018. Once a Land Use Contract is approved to be terminated, the termination comes into effect one year later and as such the LUC regulating the site was terminated as of July 30, 2019. Once the LUC was officially terminated, the uses on the property no longer conformed to the land use regulations permitted for the site as per the C2 – Neighbourhood Commercial zone.

4.2 Project Description

The proposed rezoning from C2 to C10 would bring the property into conformance with the Zoning Bylaw with respect to the Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs use currently operating on the property.

Although the site is proposed to be rezoned from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone, the rezoning application does not involve a development proposal as there are no immediate changes expected to occur with respect to the existing building located on-site. Staff do not anticipate any development changes to the site in the short- to medium-term.

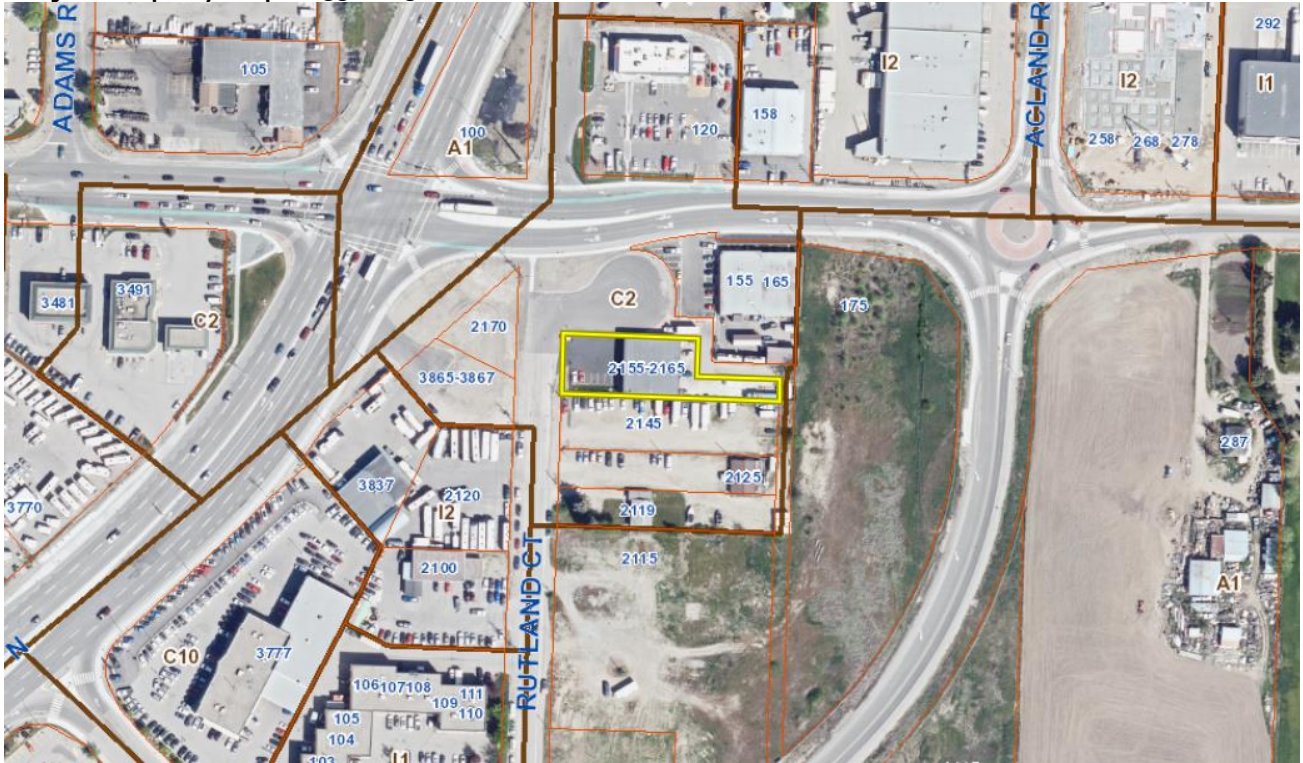
4.3 Site Context

The subject property is located in the Rutland City Sector near the intersections of Rutland Court, Old Vernon Road, Rutland Road North and Highway 97 North. It is in close proximity to transit routes located along Highway 97 North, Sexsmith Road, Old Vernon Road and Rutland Road North. The surrounding neighbourhood is largely comprised of C2 – Neighbourhood Commercial, I2 – General Industrial, C10 -Service Commercial and A1 – Agriculture 1 zoned properties. The surrounding Future Land Use designations include largely SC – Service Commercial, IND – Industrial and REP – Resource Protection Area.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 – Neighbourhood Commercial	Commercial
East	A1 – Agriculture 1	Vacant Lot
South	C2 – Neighbourhood Commercial	Commercial
West	C2 – Neighbourhood Commercial	Vacant lot

Subject Property Map: 2155-2165 Rutland Court



5.0 Application Chronology

Date of Application Received: July 26, 2019
Date Public Consultation Completed: October 6, 2019

Report prepared by: Andrew Ferguson, Planner II

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

Approved for Inclusion: Terry Barton, Development Planning Department Manager

REPORT TO COUNCIL



Date: October 28, 2019

To: Council

From: City Manager

Department: Development Planning

Application: Z19-0113

Owner: Landon D. Horne, Tamara J. Horne

Address: 456 Barkley Road

Applicant: Landon Horne

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. Z19-0065 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10 District Lot 167 ODYD Plan 13550, located at 456 Barkley 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 rezoning the property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to allow for the construction of a carriage house.

3.0 Development Planning

Development Planning supports the proposed rezoning to RU1c – Large Lot Housing with Carriage House.

The subject property has a Future Land Use Designation of Single / Two Unit Residential (S2RES) and is within the Permanent Growth Boundary (PGB), which supports the proposed RU1c zone. Also, the addition of residential units in already built-up areas advances the Official Community Plan (OCP) policy of developing

a compact urban form. Finally, the proposal is sensitive to the context of the neighbourhood, and, as such, upholds the OCP policy regarding sensitive infill.

4.0 Proposal

4.1 Project Description

The proposed rezoning would allow for a carriage house on the subject property. The proposed carriage house is 1 storey in height with 2 bedrooms. The carriage house would have access from the front of the property as the lot does not have access to a lane. No variances have been identified.

4.2 Site Context

The subject property is in the North Okanagan Mission Sector within the PGB. The subject property and all surrounding properties are zoned RU1 and have a Future Land Use Designation of S2RES. Several properties in the surrounding area have been rezoned to RU1c, RU6 and RU2.

Adjacent land uses are as follows:

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

Subject Property Map: 456 Barkley Road



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 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Received: September 5, 2019
Date Public Consultation Completed: September 24, 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:

Schedule A: Development Engineering Memo

Attachment A: Site Plan

CITY OF KELOWNA

MEMORANDUM

Date: September 19, 2019
File No.: Z19-0113
To: Community Planning Services (AT)
From: Development Engineering Manager (JK)
Subject: 456 Barkley Rd

SCHEDULE		A
This forms part of application # Z19-0113		
Planner Initials	AT	 City of Kelowna COMMUNITY PLANNING
RU1 to RU1c		Carriage House

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

1. Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. One metered water service will supply both the main residence and the carriage house.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. The service will be adequate for this application.

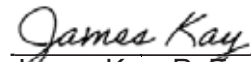
3. Development Permit and Site Related Issues

Direct the roof drains onto splash pads.

One driveway access is permitted from Barkley Rd as per bylaw.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



James Kay, P. Eng.
Development Engineering Manager

AS

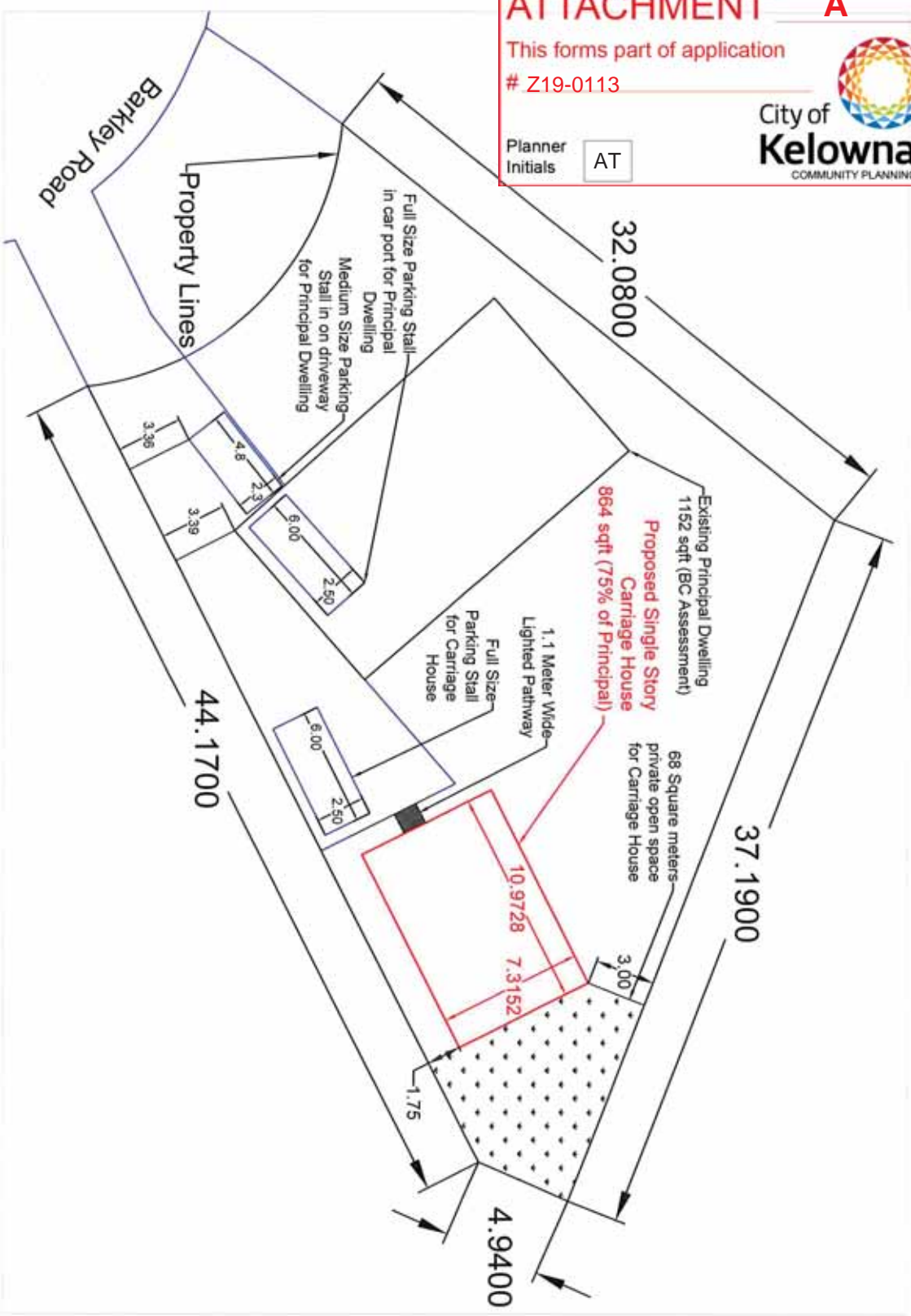


ATTACHMENT A

This forms part of application

Z19-0113

Planner Initials AT



Parcel Area: 0.255 Acre

Site Coverage of Carriage House: 7.8%

Total Site Coverage: 25.4% (Principal House Including Carport Area & Carriage House)

DATE	July 27th, 2019
DRAWN	Landon Home
PHONE	(250) 863-8140
EMAIL	landon@lconstruction.ca
SCALE	1:200
DRAWING	NO. 1

456 Barkley Road
V1W1E3 Kelowna BC
PLAN KAP13550 LOT 10
DISTRICT LOT 167

REPORT TO COUNCIL



Date: November 18, 2019

To: Council

From: City Manager

Department: Development Planning Department (JB)

Application: Z19-0109

Owner: Lexington Enterprises Ltd., Inc.
No. 381759

Address: 150 Hollywood Rd S

Applicant: Zen Canna Retail Corp.

Subject: Rezoning Application

Existing Zone: C4- Urban Centre Commercial

Proposed Zone: C4rcs- Urban Centre Commercial (retail cannabis sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0109 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on the Strata Plan KAS2403, located at 150 Hollywood Rd S, Kelowna, BC from the C4- Urban Centre Commercial zone to the C4rcs- Urban Centre Commercial zone (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 consider an application to rezone the subject property from C4- Urban Centre Commercial to C4rcs- Urban Centre Commercial (retail cannabis sales) to allow for 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.

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 license for this property.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, 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 in an existing ground-floor commercial retail unit.

4.2 Site Context

The property is located in the Rutland Urban Centre and has a Future Land Use Designation of MXR- Mixed Use (Residential/Commercial). The surrounding area is comprised of commercial and service commercial uses along the Hwy 33 W corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4- Urban Centre Commercial	Food primary, retail stores general
East	C4- Urban Centre Commercial	Retail stores, general
South	RU1- Large Lot Housing	Single Dwelling Housing
West	RU1- Large Lot Housing	Single Dwelling Housing

Subject Property Map:



5.0 Application Chronology

Date of Application Received: July 7, 2019
Date Public Consultation Completed: October 9, 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


Zen Canna Store – #150 Hollywood Rd. – Site Plan

The proposed location is separated by a two-rated fire wall, constructed by dry-wall and steel studs.

The Zen Canna Retail Cannabis store has its own entrances on the front and back of the building shown on the right, outlined in red.

No access between units, full height walls separating. The Retail Cannabis store is approximately **1,572** square feet.

 = Man Door

 = Overhead Loading / Garage Door

 = Zen Canna Store

Site Plan Legend

110

- Taco Time
- Beautiful Nails

130 - KFC

150

- Specialty Bakery
- Quantum Games
- Zen Canna
- Pizza Factory
- Zaab Thai Restaurant

170 – Old Town Farm Market

190

- Lorenzo's Barbershop
- Johnny's Meat and Deli

250 – Residential Complex

720

- Esso Gas Station
- Skogie's Willow Park Car Wash

160 – Tim Hortons

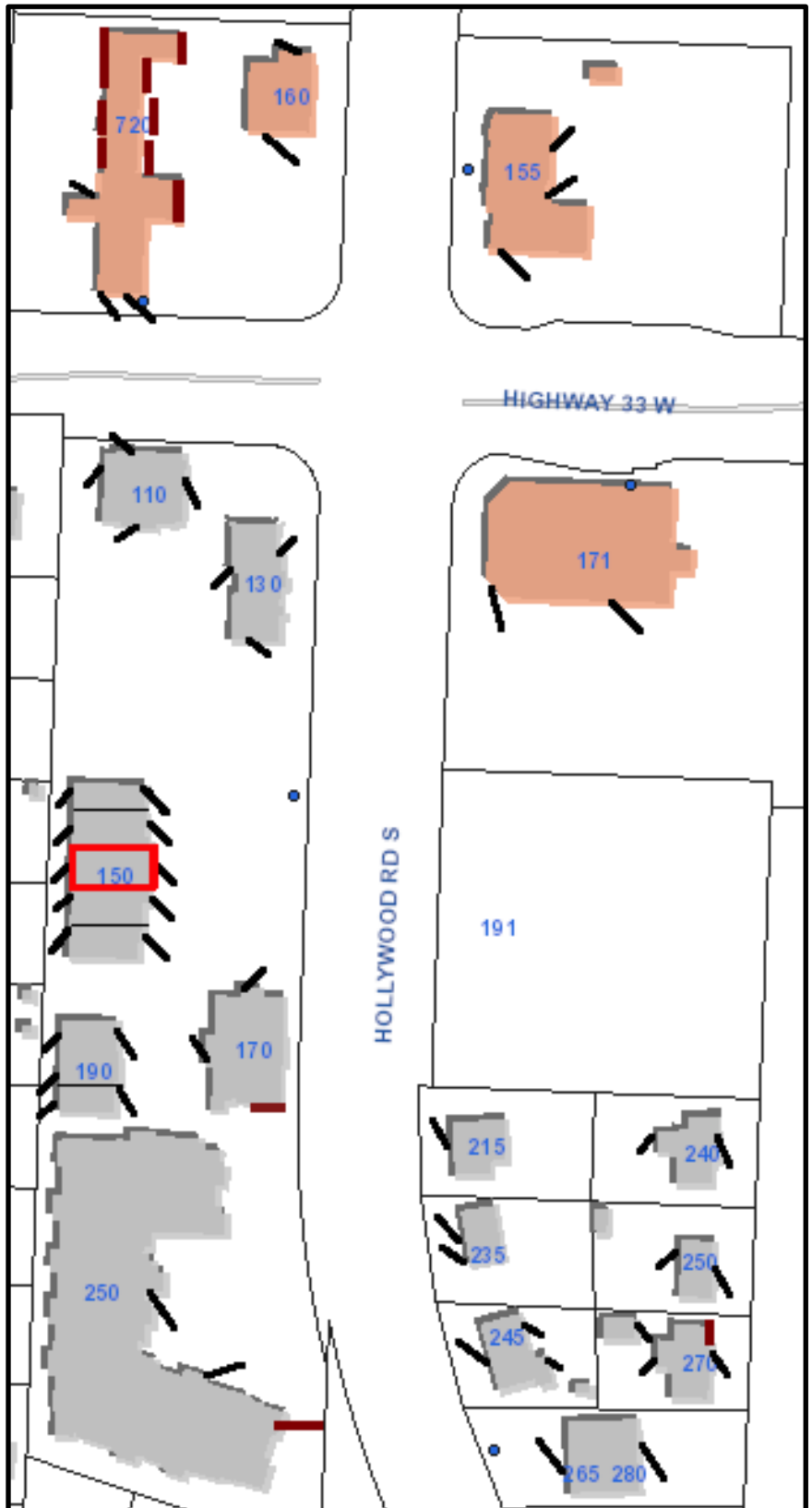
155 – McDonalds

171 – Dollarama

191 – Currently empty lot

Residential – Houses -

215, 240, 235, 250, 245, 270, 265, 280



ATTACHMENT

A

This forms part of application

Z19-0109



City of
Kelowna
DEVELOPMENT PLANNING

Planner
Initials

JB

REPORT TO COUNCIL



Date: November 18, 2019

To: Council

From: City Manager

Department: Development Planning

Application: Z18-0117

Owner: Studio 33 Properties Lt., Inc.
No. BC1137489

Address: 145 Sadler Rd, 180 & 190 Hwy 33 E.

Applicant: Pacific West Architecture Inc.

Subject: Rezoning Application

1.0 Recommendation

THAT Rezoning Application No. Z18-0117 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1, 2 & 3 Section 26 Township 26 ODYD Plan 10045, located at 180 & 190 Hwy 33 E and 145 Sadler Rd, Kelowna, BC from the RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial 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 November 18, 2019;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject properties.

2.0 Purpose

To consider an application to rezone the subject properties from the RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone to facilitate the development of Multiple Dwelling Housing.

3.0 Development Planning

The applicant is requesting to rezone the properties from RU1 – Large Lot Housing and RU6 – Two Dwelling Housing zones to the C4 – Urban Centre Commercial zone. Development Planning Staff are supportive of the application to facilitate the development of mixed-use multi-family housing on the three subject properties. The development site is located within the Rutland Urban Centre at the intersection of Highway 33 E and Sadler Road. The parcel has a Walk Score of 80 – Very Walkable (most errands can be accomplished on foot) and a transit score of 40 – Some Transit (there are a few nearby public transportation options). The

development is close to many nearby amenities including parks, restaurants, shops and recreational opportunities in the immediate area.

To fulfill Council Policy No. 367 for 'Zoning Major' applications, the applicant held a public information session on October 4, 2019 at Whisk Cake Company Bakery located at 203 Rutland Rd N. The open house was held from 4:00 – 8:00 p.m. The session was advertised in the Kelowna Capital News on Friday, September 20, 2019. The applicant also contacted all neighbours within a 50 m radius of the subject parcels.

4.0 Proposal

4.1 Background

A Rezoning application was received by the City on December 10, 2018. Upon application, it was indicated to the applicant and owners that the property was listed on the Kelowna Heritage Registry. As the applicant team was unaware of this, the Rezoning application was paused to allow the owners time to determine how best to move the project forward.

The Kelowna Heritage Register is the official listing of properties within the community that have been identified as having heritage value. Properties on the Heritage Registry are not necessarily Heritage Designated properties. The registry does not provide long-term heritage protection and the development potential of a site is not restricted and the owner is entitled to develop the property in accordance with the permitted uses of the property's existing zoning. Buildings can be altered and may even be demolished, though the City is able to pause new development in order to explore options with the owner to attempt to preserve the heritage value of the asset.

On August 16, 2018, a Heritage Register Removal Request was presented to the Heritage Advisory Committee by Staff on behalf of the owners. The owners enlisted Katie Cummer, a registered heritage professional, to provide a Heritage Assessment and Evaluation of the site located at 180 Hwy 33 E known as Sproule Farm House. The Committee chose not to support the request for removal of the home from the Heritage Registry and urged the project team to find a way to retain and incorporate the Sproule Farm House into the proposed development plans.

Staff have had numerous meetings with the project team to discuss the many options they have presented and feel the current proposal is a suitable solution which allows for the redevelopment of the site and preserves the heritage value of the Sproule Farm House.

4.2 Project Description

The applicant is proposing to construct a 5-storey 90-unit multi-family development with two commercial units at-grade along Hwy 33 E. Two levels of structured parking provide 91 parking stalls which are accessed along the north property line of the site. A conceptual site plan has been submitted to show the proposed layout of the building and parking arrangement. The proposal will require a variance to the building height and number of storeys. Should Council support the Rezoning application, a form and character development permit and development variance permit would come before Council for consideration.

As proposed, the Sproule Farm House would be relocated from its current location to the south east corner of the project site. Due to the deterioration of the house, only two of the four facades would be retained and incorporated into the commercial CRU. This will include a prominent bay window and covered front porch. Further details on how this will be accomplished will be provided to Council upon consideration of the Development Permit.

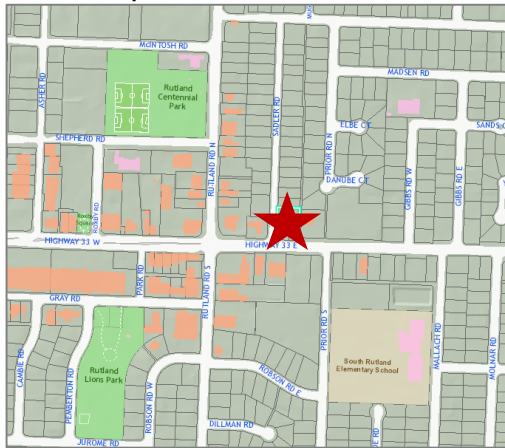
4.3 Site Context

The three subject properties are located within the Rutland Urban Centre at the intersection of Sadler Rd and Hwy 33 E. The project is within the Permanent Growth Boundary and is on City services with water service provided by the Rutland Waterworks District (RWD).

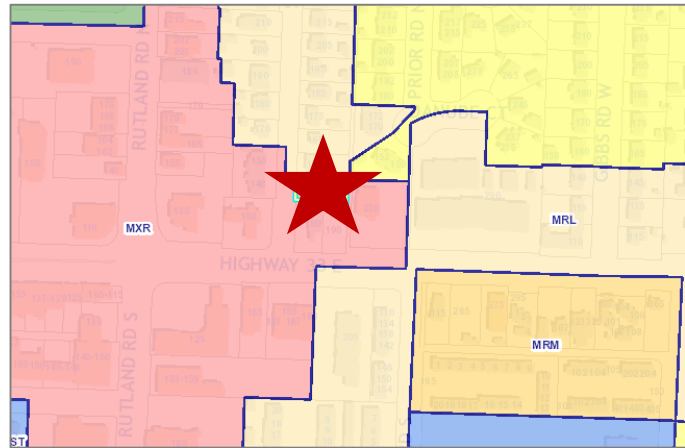
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwellings
East	C3 – Community Commercial	Liquor Primary (Post Haus Pub)
South	C4 – Urban Centre Commercial RM3 – Low Density Multiple Housing	Various Commercial Businesses Apartment Housing
West	C4 – Urban Centre Commercial	Automotive Repair Shop

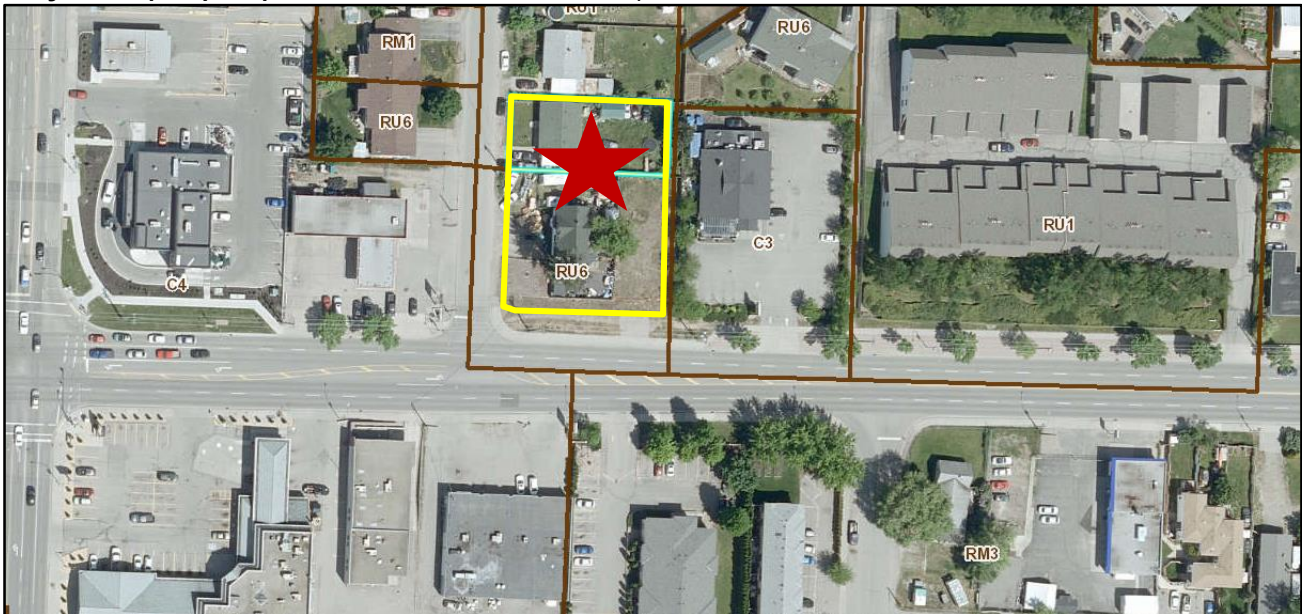
Context Map:



Future Land Use:



Subject Property Map: 145 Sadler Rd, 180 & 190 Hwy 33 E.



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth – Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .1 Permanent Growth Boundary. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of properties outside the PGB for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The PGB may be reviewed as part of the next major OCP update.

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 per ha 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 .7 Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in multi-unit residential and mixed-use developments.

6.0 Application Chronology

Date of Application Received: December 10, 2018

Date Public Consultation Completed: October 4, 2019

Report prepared by: Lydia Korolchuk, Planner II

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

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Conceptual Drawing Package

Attachment B: Heritage Assessment & Evaluation

CITY OF KELOWNA

MEMORANDUM

SCHEDULE

A

This forms part of application

Z18-0177

Planner
Initials

LK

City of
Kelowna
DEVELOPMENT PLANNING



Date: Jan 03, 2019
File No.: Z18 - 0117
To: Urban Planning Management (LK)
From: Development Engineering Manager (JK)
Subject: 145 Sadler Rd., 180 190 Hwy 33 E

RU1, RU6 to C4

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

The Development Engineering Technologist for this project is Andy Marshall.

1. Domestic Water and Fire Protection

- a) This development is within the service area of the Rutland Water District (RWD). The developer is required to make satisfactory arrangements with the RWD 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 RWD.
- b) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

2. Sanitary Sewer

Our records indicate that 145 Sadler Rd. is currently serviced with a 100mm-diameter sanitary sewer service and 180 and 190 Hwy 33 E are currently each serviced with a 150mm-diameter sanitary sewer service. The applicant's consulting mechanical engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services not required and the installation of one new larger service if required.

3. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site 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 recommendations for onsite drainage containment and disposal systems.
- b) On site drainage systems for the site will be reviewed and approved by Engineer when site servicing design is submitted.

4. Road Improvements

- a) Sadler Rd. will require upgrading to an urban standard (SS-R5 modified - to be determined at design) along the full frontage of the subject property which includes curb and gutter, sidewalk, street lighting, landscape boulevard, storm drainage system, pavement removal and replacement and relocation or adjustment of utility appurtenances if required to accommodate upgrading construction. Access shall be from Sadler.
- b) Hwy 33 will require upgrading of sidewalk, boulevard and trees to match existing frontage to the east. Access shall be removed.

5. Subdivision and Dedication

- a) Approximately 2.44m of road dedication is required along the entire frontage of Sadler Road.
- b) Approximately 5.2m of road dedication is required along the entire frontage of Hwy 33.
- c) Corner Rounding of 6m radius is required at the intersection.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. Electric Power and Telecommunication Services

- a) All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.
- b) Re-locate existing utilities, where necessary.

7. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

8. 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.
- (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 Development Engineering 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

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite 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.

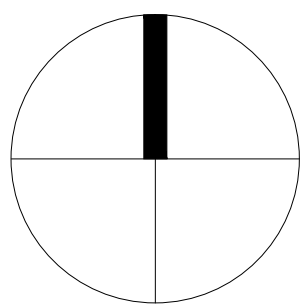
10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.


James Kay, P. Eng.
Development Engineering Manager

agm

PARKING NUMBER		
	REQUIRED	PROPOSED
Residential Units	82	75
Commercial	13	11
Visitor Parking	5	5
TOTAL	100	91



1200 West 73rd Ave (Airport Square)
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Email: info@pwaarchitecture.com
www.pwaarchitecture.com



PROJECT **MIXED-USE
DEVELOPMENT**

**HWY 33 & SADLER
KELOWNA, B.C.**

DRAWING TITLE

SITE PLAN AND STATISTICS

DRAWING No.

A1.01



1 RENDERING
N.T.S.



**pacific
west
architecture**

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ATTACHMENT A

This forms part of application # Z18-0177

Planner Initials LK

City of Kelowna
DEVELOPMENT PLANNING

REVISIONS

1

ISSUES

8

7

6

5

4 REISSUED FOR REZONING AND DP

OCT 2 2019

3 REISSUED FOR REZONING AND DP

MAY 22 2019

2 REISSUED FOR REZONING AND DP

MAY 1 2018

1 ISSUED FOR REZONING AND DP

FEB 6 2018

PROJECT NUMBER A125

DRAWN BY WW

CHECKED BY PY

DATE CHECKED

CONSULTANT

PROJECT

**MIXED-USE
DEVELOPMENT**

**HWY 33 & SADLER
KELOWNA, B.C.**

DRAWING TITLE

RENDERINGS

DRAWING No.

A6.03



REVISIONS

1

ISSUES

8

7

6

5

4 REISSUED FOR REZONING AND DP

3 REISSUED FOR REZONING AND DP

2 REISSUED FOR REZONING AND DP

1 ISSUED FOR REZONING AND DP

DATE

OCT 2 2019

MAY 22 2019

MAY 1 2018

FEB 6 2018

PROJECT NUMBER A125

DRAWN BY WW

CHECKED BY PY

DATE CHECKED

CONSULTANT

PROJECT

MIXED-USE
DEVELOPMENT

HWY 33 & SADLER
KELOWNA, B.C.

DRAWING TITLE

STREET VIEW-HERITAGE
BUILDING RENDERING

DRAWING No.

A6.02

*Cummer Heritage Consulting*

Katie Cummer, PhD CAHP
707, 838 Broughton Street
Victoria, BC, V8W 1E4
(778) 678 1913

May 13, 2019

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

RE: Heritage-related brief in relation to the proposed redevelopment of 180 Hwy 33 E

This letter provides my professional perspective on the proposed redevelopment of the Sproul Farm House and its heritage-related design going forward. I was the heritage consultant who conducted the re-assessment of the site in July 2018 and helped present to the City of Kelowna Heritage Committee in August 2018 about de-registering the house from Kelowna's Heritage Register. I am now working with the team to help ensure their updated proposal respects the heritage place as much as possible, while still allowing their new development to provide needed amenities for the community.

The house located at 180 Hwy 33 E, known as the Sproul Farm House on the Heritage Register, is a one and a half storey wood frame construction dating from 1906. Formally recognized in 2001, it was then listed on the Canadian Register of Historic Places in 2009. As articulated in my original assessment of the structure and as stated at the Heritage Committee Meeting, I have some doubts as to the original assessment of the site, which was conducted during a time of more limited research capabilities. It looks as though some of the articulated significance (specifically Enoch Mugford's supposed 55 years' association with the place) was misattributed to this structure from another one formally on the site and already since demolished (Cummer 2018 pp. 4-8). No matter the inaccuracy, this is not to say that the site is entirely insignificant, simply that it is perhaps not as significant as originally assessed.

No matter the historical associations, it is one of the few remaining early 20th century structures of the Rutland area and among a rare stock of pre-World War 1 housing. However, being one of the oldest surviving structures does not necessarily give a place greater significance. Tangibly, the structure is in fairly poor condition, having not been particularly well maintained, and with a number of changes and updates over the years that have compromised the integrity of the building. However, that is not to say that the Sproul Farm House is unsalvageable or without significance. In fact, its intangible elements seem to be a key importance of the place. In particular, its location and its historical associations with the pioneering Sproul brothers and the prominent local builder M.J. Curts. These are important intangible elements of the building that are worth celebrating and promoting, and which can continue to be done through thorough documentation, thoughtful on-site interpretation and selective preservation of the historic structure and fabric.

In particular, preserving two of its façades (the western and southern facing ones; the most prominent ones) a key character defining element can be preserved, specifically its form,

which “is representative of the straightforward, vernacular farmhouses of the day, one-and-one-half storeys high with a gabled roof facing the street, gabled dormers on the side, and a broad porch” (City of Kelowna). Moving the house to the southeast corner of the property and rotating it 45 degrees, allows the most prominent sides to be preserved and better showcased from the main thoroughfare. This provides a valuable reminder of the former streetscape and allows the house to be foregrounded rather than hidden in its current location at the northwest corner, behind and beside the proposed new development. It is also proposed to re-open the porch and make this a usable outdoor space once more and to ensure the iconic bay window continues to be a functioning window, rather than a false one. Looking through the Character Defining Elements (CDEs) listed in the Statement of Significance for the place, through this proposed functional facadism, the vast majority of the CDEs can be restored and preserved:

~~—Several mature trees in front and side yards~~ *As outlined in my original assessment through comparative aerial photography, unfortunately, most of the mature trees on-site were cut down between 2012 and 2017 (Cummer 2018, p. 11). It has been articulated to me that the two remaining trees on-site appear unwell and are a potential hazard going forward. Perhaps good to have an arborist to conduct an on-site inspection to confirm this, but if hazardous it seems defensible and logical to have them removed, despite their significance.*

- Residential form, scale and massing, expressed by 1 and 1/2 storey height and rectangular plan
- Medium-pitch gable roof with 2 secondary cross-gables
- Street elevation has full-width open porch with repetitive, evenly-spaced painted wood columns

~~—Corbelled brick chimney~~ *Considering the positioning of the chimney in the middle of its roof, in preserving the two façades it may be difficult to retain this Character Defining Element, however, it will be thorough documented prior to removal.*

- Narrow V-joint horizontal wood siding
- Wood shingles in upper part of main gables
- 1-over-1 double-hung wood sash windows on the upper floor, with plain wood trim

(City of Kelowna)

Of course, in the heritage conservation field, facadism is a somewhat polarizing approach (Vancouver Heritage Foundation 2013). There are those who vehemently oppose its use and others that understand that compromise is sometimes needed, particularly when a structure cannot be preserved in full (Bargery 2005). There are numerous modern, Canadian examples where a compromise has been needed on account of a building’s condition, such as the current project in the provincial capital with the Customs House site redevelopment in Victoria, BC. There are and will continue to be critics of this approach, but unfortunately, sometimes pragmatism is needed over idealism.

In the case of this project, in preserving the two façades, one could argue that the majority of what has been visible from the street for over a century is being preserved and allowing for the continuation of this community landmark. It is also providing the opportunity for certain key elements to be restored, in particular, the characteristic wood siding and shingles as well as the porch, which was closed in at some point in the last fifteen years. If anything, this project is allowing the Sproul Farm House to be refreshed and given a new lease of life. This is particularly the case if the developers are able to incorporate the porch into a functional, usable space for the community as an attachment to an interior space, allowing this Character Defining Element to be restored and accessible to the public for the first time in its history. As eloquently stated by Robert Bargery, the former Head of Policy and Research at the Commission for Architecture and the Built Environment in the UK:

If the facade really is all that can stay, we might insist on the new building being properly related to and integrated with the retained facade, correctly-placed cross-walls included. Facadism works least well when windows evidently lead through to nothing, when their lack of relationship to anything behind them is betrayed by mirror glass, or blanked-out windows, or even a view of the sky. It is an unhappy compromise, but perhaps in future we should seek to avoid it by keeping more, not less, of the historic building.

(Bargery 2005)

I hope this helps to provide some context from a professional perspective in relation to the proposed redevelopment of 180 Hwy 33 E. If you have any further questions or would like me to clarify anything, please feel free to contact me at kcummer@gmail.com.

Thank you for your time and take care.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Cummer', with a stylized flourish at the end.

Katie Cummer, PhD CAHP
Principal, Cummer Heritage Consulting

References

Bargery, Robert. "The Ethics of Facadism: Pragmatism Versus Idealism." *The Building Conservation Directory*, 2005.

<http://www.buildingconservation.com/articles/facadism/facadism.htm>

City of Kelowna. "Heritage Register: Sproul Farm House." Online resource:

<https://www.kelowna.ca/our-community/arts-culture-heritage/heritage/heritage-register/sproul-farm-house>.

Cummer, Katie. *Heritage Assessment and Evaluation: 180 Hwy 33 E, Kelowna BC*. Victoria, BC: Cummer Heritage Consulting, 2018.

Vancouver Heritage Foundation. "Facadism as a Heritage Strategy." *Spacing Vancouver*, March 26, 2013.

<http://spacing.ca/vancouver/2013/03/26/facadism-as-a-heritage-strategy/>

Heritage Assessment and Evaluation

180 Hwy 33 E, Kelowna BC

July 17, 2018

Background Information

Neighbourhood: Rutland

Address: 180 Hwy 33 E

Plan: 10045*; Lot: 1

*Known as such from 1959 onwards. Prior to that it was known as: Plan 5971 from 1953; Plan 4033 from 1947; Plan 2773 from 1940; and Plan 2478 from 1936

Lot Size: 0.21 Acres

Property Type: P – Typical Property

Date of completion: 1906

Builder: M.J. Curts

Introduction

This report is a heritage assessment and evaluation of the wood frame construction located at 180 Hwy 33 E (Figs. 1 and 2). Please note that due to the age of the building and its location, there were fewer resources available than is typically desired for such an evaluation. A thorough search was conducted of: various City of Kelowna Departmental records, Kelowna Public Archives, City of Vancouver Archives, the Vancouver Public Library, the Victoria Public Library, the BC Archives and the Library and Archives Canada, however, some key documents were not found, such as the building permit information, building site plans and any fire insurance maps. Therefore, this assessment is conducted based on the information available. Please note that due to this shortage of information, it appears that the original Statement of Significance conducted on the site may have mistaken certain information about this place, as discussed in greater detail below.



Fig. 1: Aerial view of 180 Hwy 33 E, outlined in red, and its immediate surroundings. (Source: City of Kelowna Map Viewer, 2017)

Katie Cummer, PhD CAHP – Cummer Heritage Consulting (CHC)



Fig. 2: Street view of 180 Hwy 33 E taken from the northwest, along Sadler Road. It is believed this is a similar view of the house as illustrated in the 1906 historical photograph featured in Fig. 7 below. (Source: Google Street View, 2017)

Overview

The one and a half storey structure located at 180 Hwy 33 E is a very early 20th century wood frame construction occupying a corner lot along Hwy 33 E and Sadler Road (Figs. 3 to 6). Often referred to as the Sproul Farm House, it was built in an area known as Rutland, named after John Hope Rutland who “is reputed to have brought the first irrigation system in the district into operation” (Rutland Centennial Committee 1958, p. 23).



Figs. 3 and 4: Southern facing view (left), taken from Hwy 33 E and western facing view (right), taken from Sadler Road. (Source: John Douglas)



Figs. 5 and 6: Northern facing view (left) and eastern facing view (right) of 180 Hwy 33 E. (Source: John Douglas)

Today, Rutland is one of the larger neighbourhoods of Kelowna, but, historically, this was a separate rural town that did not become a part of the Greater Kelowna area until 1973, contributing to the scarcity of materials available both on the region and this building specifically. Despite this shortage of information, it is clear that the development of this area is connected to the irrigation network that was introduced and the subsequent growth of numerous orchards, a key feature of the area's reputation and economy (Kelowna Museum 2005, p. 118). In fact, the first orchard grown on the Rutland Estate surrounded the Sproul Farm House (Rutland Centennial Committee 1958, p. 22), as illustrated in Fig. 7 below.



Fig. 7: Historical view of "Sproule's Orchard, Kelowna," c. 1905 (note the archival description states c. 1905, however, the Statement of Significance states it was built in 1906. It is unclear where that date was obtained. This is one of the information discrepancies, addressed below). (Source: Kelowna Museum Archives, 3119)

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The namesake of this Farm House, Samuel Sproul and his brother Robert, were among the early pioneers to this area and are recorded to have “planted the first orchards from Hardie’s store to the foot of the benches” (Rutland Centennial Committee 1958, p. 31). As stated in this property’s Statement of Significance: “They came to the Black Mountain area from the United States with the ‘covered wagon’ group about 1893” (City of Kelowna). It goes on to say that they purchased the land in 1904 and commissioned the prominent builder, M.J. Curts to build their farm house (*ibid.*). M.J. (Michael ‘Johnny’) Curts was an important and prolific builder for the area in the early 20th century period. In fact, a collection of buildings from the Kelowna area that were designed and/or built by him are on the Canadian Register of Historic Places (Table 1).

Table 1: Consolidated list of Kelowna buildings associated with M.J. Curts that are recognised on the Canadian Register of Historic Places (Source: Canada’s Historic Places)

Building Name	Location	Construction Date
W.D. Walker House	4464 Lakeshore Road	1904
Sproul Farm House	180 Hwy 33 E	1906
C. Martin House	1441 Richter Street	1907
Courier Building	1580 Water Street	1908
Old Post Office	274 Bernard Avenue	1908
W.J. Marshall House	1869 Marshall Street	1908
OK Loan & Investment Building	280 Bernard Avenue	1909
Second Mallam House	4852-4856 Lakeshore Road	1910
Belgo House	1590-1640 Belgo Road	1912
Renfrew House	504 Keith Road	1913
The Raymer Block	289-299 Bernard Avenue	1917
Adams House	1998 Abbott Street	1922

It is important to note that it is unclear where the Statement of Significance obtained its information and how accurate the dating or builder information is. For example, without the building permit information it is hard to confirm these details. There are also concerns with regards to the accuracy of the information contained in the SoS, as its latter history appears to be incorrect. Based on the SoS content, the following is an outline of its later history.

Despite being named after Samuel Sproul, he only owned and occupied the land for less than a decade, selling “the house and the orchard in 1914 to Enoch Mugford (1880-1969)” (City of Kelowna). Enoch Mugford, on the other hand, is said to have occupied the house with his family for 55 years, until his death in 1969 (*ibid.*). Enoch Mugford was an important and prominent figure for Rutland, involved in community affairs and part of the group who helped to set up the Black Mountain Irrigation District (BMID) in 1920 to improve the water supply to Rutland. Mugford was part of the BMID’s first Board of Trustees, resigning in 1922 to become its Superintendent until his retirement in 1950 (Rutland Centennial Committee 1958, pp. 101-104).

Having said this, there appears to be some confusion as to Enoch Mugford’s use and occupancy of this place. It is possible that Enoch Mugford’s association was in fact with a different house belonging to Samuel Sproul, not in fact this structure at 180 Hwy 33 E. As stated in the book *Down Memory Lane Rutland*:

Sam Sproul bought a twenty-four acre block near the foot of McKenzie Hill. His brother Robert Sproul bought several parcels of the young orchard. Sam built a house on the property. (In 1914 Sam sold his house and property to Enoch Mugford.)

Joe Rich Road ran along the south boundary of the property.

Later in 1906, Sam Sproul had M.J. Curts build a high gable roof with a large gable dormer house for his daughter Lillian who married Ernest Dudgeon. This building has a bay window with decorative centre window and flat roof on the south side. The windows have a wide trim with a lug sill. The front entrance (facing south to Hwy 33) is set back with a covered veranda. (House on the corner of Sadler Road and Hwy 33).

McLeod's lived in this house then one of the Schneider families rented the house. Joe Horning bought the house in summer of 1945. After Joe Horning sold the remainder of the property, Hank and Anita Funk bought the house and land. The Mussel family rented the home and many others followed. The Funks still own the house and property in 2008, as a rental home. (Vielvoye and Senger 2008, p. 297)

The above suggests that there were in fact at least two houses on the Sproul land and that Enoch Mugford did indeed buy a property from Samuel Sproul in 1914, however, it seems it was not the house located at 180 Hwy 33 E, but instead another. The excerpt above, addressing the daughter's house, seems to be describing the appearance and location of the captioned study site. The key details are: gable roof; bay window; front entrance (facing Hwy 33) with veranda; corner house at Sadler and Hwy 33; and eventually bought by the Funks.

There are, however, a few challenges with regards to this publication worth noting. Unfortunately, there is no reference list or bibliography to it, so it is difficult to confirm its information as well. There is also a potential error in its facts. As stated in the *History of the District of Rutland, B.C. 1858-1958*, Lillian Sproul was in fact the daughter of Robert Sproul: "The Sam Sproul home was purchased by Mr. and Mrs. E. Mugford, Sr., who are still residing there. One of Bob Sproul's daughters, Lillian, married Ernest Dudgeon, and the former home is now occupied by Mr. and Mrs. Joe Horning and family (Rutland Centennial Committee 1958, p. 32).

It is worth noting that in this 1958 publication, Enoch Mugford and his wife are stated as still residing in the Sam Sproul house, however by 1962, as confirmed by the "Canada, Voters List," the Mugfords had left the house and moved into an elderly care facility, located at Apt 15, 1469 Bertram Road (Okanagan Regional Library 1962). This means that, no matter what, Enoch Mugford did not occupy the house until his death in 1969, as stated in the Statement of Significance (City of Kelowna). It is also important to note that, despite the authors' error above with regards to the Sproul daughter, one of the authors of this 2008 book is the Granddaughter of Mr. Horning and has memories of being in his house at 180 Hwy 33 E (personal communication, 2018). This ownership and occupation is also further confirmed through a 1959 subdivision plan of the area (see Fig. 8 below), as well as a family photograph from the Hornings clearly taken at the house (Fig. 9).

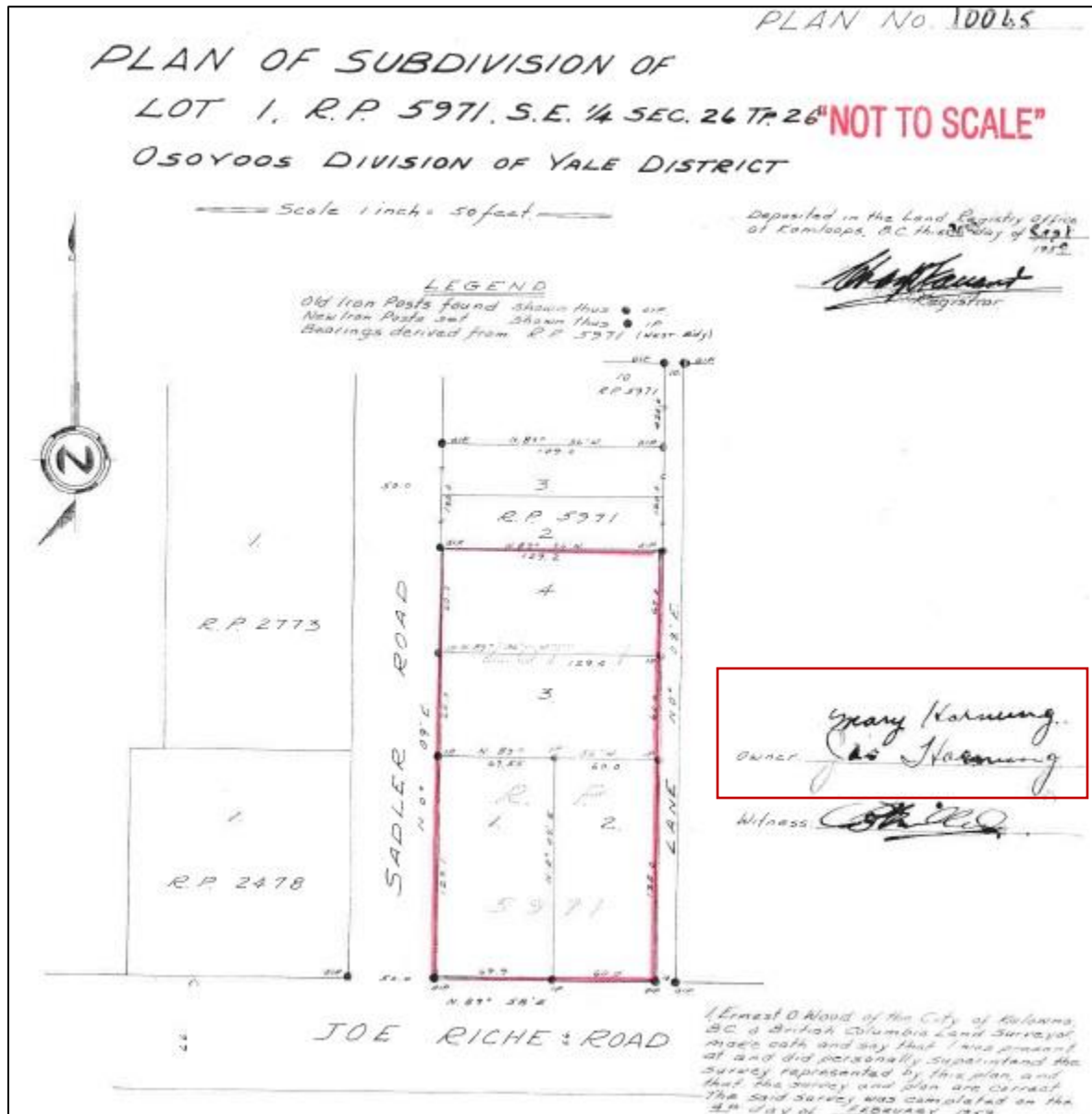


Fig. 8: Plan of Subdivision of Lot 1. R.P. 5971, 1959. Note the reference to the current numbering system, Plan 10045, and the ownership of "Joe Horning," outlined in red. (Source: City of Kelowna Registry, Plan No. 10045)

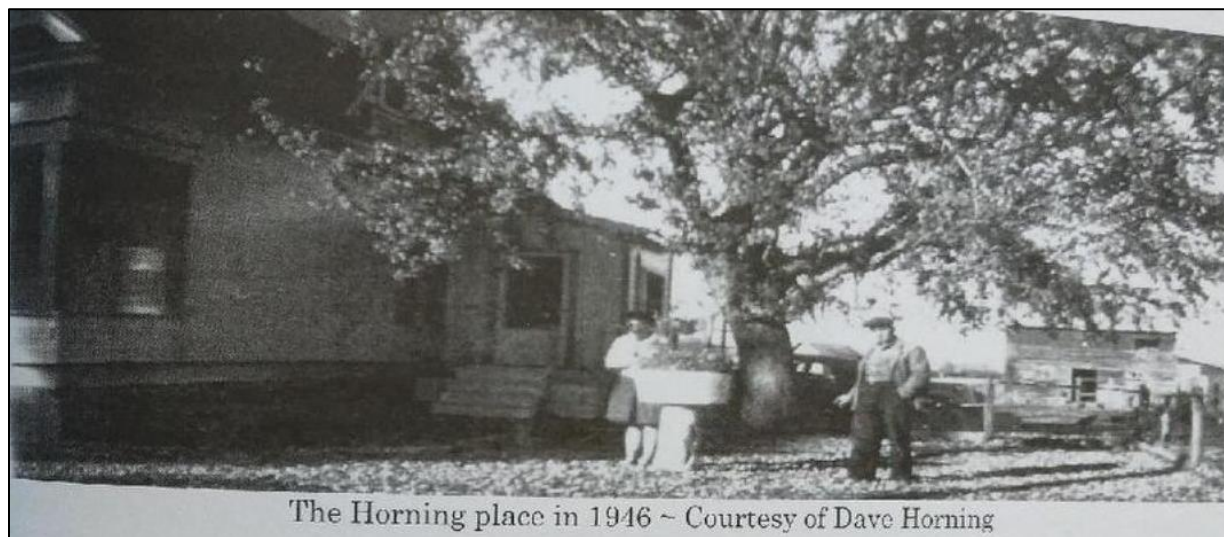


Fig. 9: Photograph of the Horning family occupying 180 Hwy 33 E in 1946, taken from the SE corner. The house is recognisable through its architectural features, such as the protruding entryway, the corner of the gable roof and the open porch on the far left of the photograph, in addition to showing one of the iconic trees. (Source: Vielvoye and Senger 2008, p. 239)

In the book *Down Memory Lane Rutland*, it goes on to explain more about Joseph Horning:

Joseph Hornung (changed name to Horning in Rutland) was born in Saskatchewan. He met and married Mary Flegel. In June 1945, they moved to Rutland, B.C. They bought a house on Joe Rich Road (now is Hwy 33) with about twenty acres of land that was associated with Sam Sproul; a huge two storey home with a balcony surrounding half the house, built in 1906 by M.J. Curts, a prominent builder, for Sproul's daughter who married a Dudgeon. The house was bought by the McLeod's and later rented to the Schneider family.

... Joseph's first job was at the Rutland Sawmill as steam Engineer. In the 1960-1970s, Joseph became a Water Bailiff for Black Mountain Irrigation... Mary worked for Rowcliffe Cannery for many years and then at Brown Brother's Book Binding, which is now the Kelowna Book Bindery.

Joseph was one person instrumental in Black Knight TV coming to Rutland, along with Alvin Angus. A Radio Repair Shop from Spokane ran a wire and transmitted to this area. Joseph was asked to put a TV in his house for free viewing and to let other people watch.

They split up their property to make lots in 1952. John and Julia Ottenbreit bought a good portion of this land at the north end by Mugford Road. Joseph had to provide a short road and supplied water to Husche's from their well. Later the rest was sub-divided and that was when the barn was taken down.

Mary's parents (Frank and Rose Flegel) bought a small lot across from the Ottenbreit home on Sadler Road, and their house from Moyer Road was moved to the existing lot. Joe and Mary built a new house next to the Heritage house [see Fig. 10 below].

Katie Cummer, PhD CAHP – Cummer Heritage Consulting (CHC)

Later, son Al built between his parents and grandparents places. The old house was rented to the Mussel family and later Henry Funk bought the house (lives at Carr's Landing) has rented it to various people over the years. It is still rented at present time.

(Vielvoye and Senger 2008, p. 239-240)

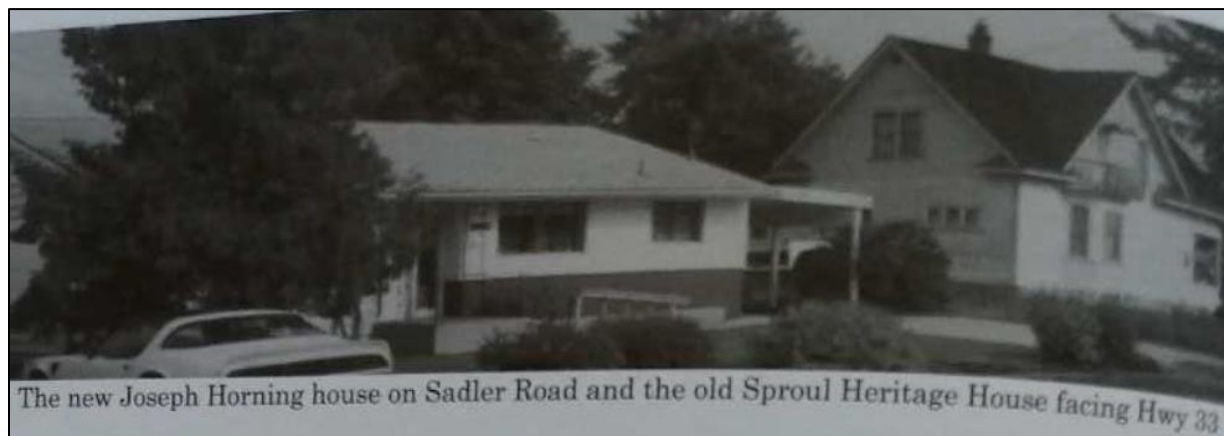


Fig. 10: Photograph of the “new Joseph Horning house” and the “old Sproul Heritage House”, taken from the NW. (Source: Vielvoye and Senger 2008, p. 240)

These details outlined above, in particular the subdivision of the lot and the various renters and owners, are confirmed from the records at the Land Title Office as well. Such as, “Title No. 211141F, (1959) Lots 1, (2,3,4) Plan 10045 R.O. ‘Hornung, Joseph & Mary’”; “R.P. 107172E, 14/2/1964 - Charles Henry John Mussell & Hilary Jean Josephine Mussell (Joint Tenants)”; and “B267373, 7/11/67 - Henry Funk” (Land Title Office 1959, 1964 and 1967). Although difficult to confirm, the description above could suggest that perhaps the actual Mugford residence was located further north on the original lot and could explain why Mugford Road is named “Mugford.”

Either way, from the above, it seems fairly clear that Enoch Mugford did not live at 180 Hwy 33 E, as originally attributed in the Statement of Significance. No matter though, the late 20th century marks an important transition for the house and the surrounding area. For most of the early and mid-20th century, the area of Rutland continued to be rural and modest. However, in the 1960s and into the 1970s, a number of changes began to take place, specifically a move towards more commercialisation in the area, compared to its rural past (City of Kelowna). This resulted in a series of boundary extensions for Kelowna. This was particularly the case following the development of the Orchard Park Shopping Centre in 1971 (Simpson 2011, p. 220) and the eventual amalgamation of the areas of Benvoulin, Glenmore, Okanagan Mission and Rutland in 1973 (Surtees 1989, p. 75) (Fig. 11).

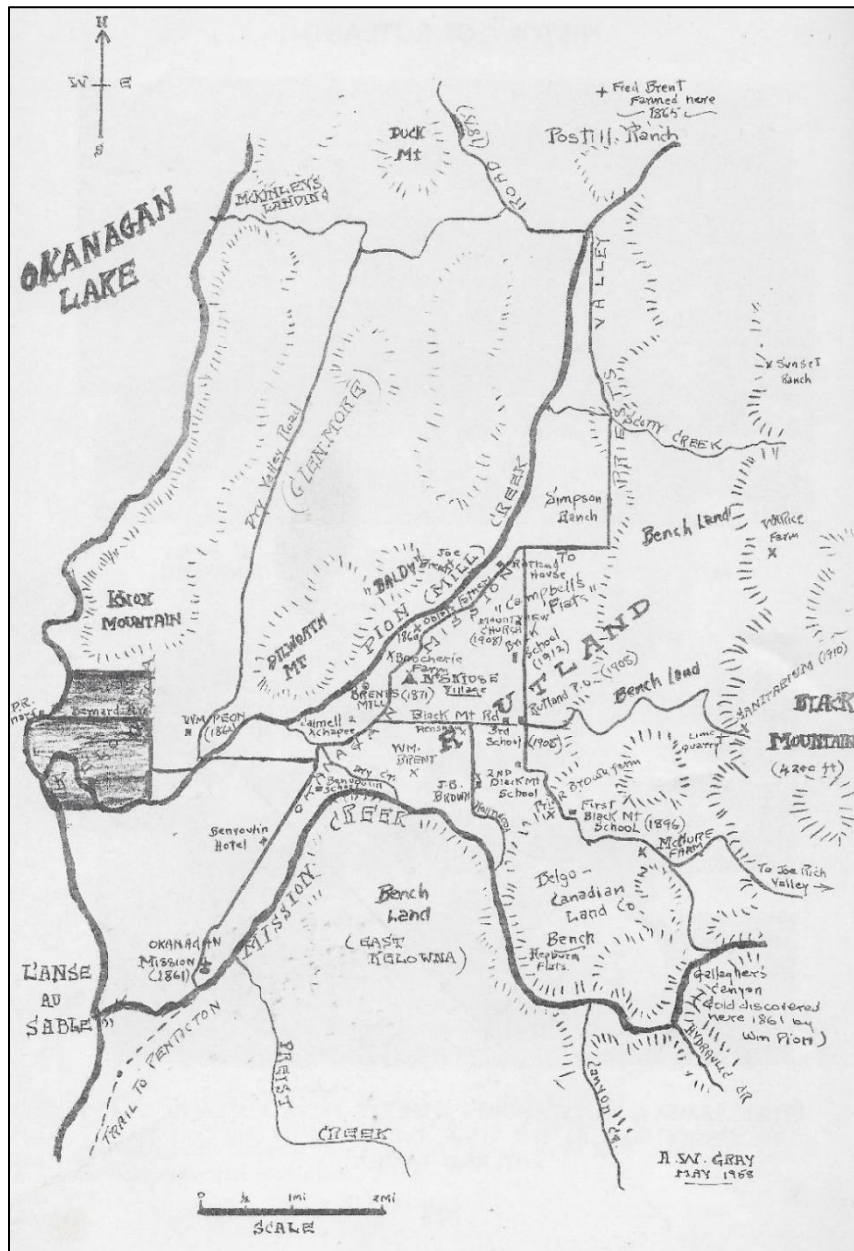


Fig. 11: Map of the Rutland area, May 1958. The areas to be amalgamated with Kelowna (Benvoulin, Glenmore, Okanagan Mission and Rutland) are distinctly visible. (Source: Rutland Centennial Committee 1958, p. 128)

In 1971, it appears the house occupying 180 Hwy 33 E shifted from being a single-family dwelling to being used for commercial purposes, beginning with its use by the excavating firm of H.R. Funk (City of Kelowna); the same Hank Funk who is said to have purchased the house from Joe Horning (Vielvoys and Senger 2008, p. 297). In the Statement of Significance, it is stated that this change “illustrates the business development of ‘downtown’ Rutland” taking place in the latter part of the 20th century (City of Kelowna). Today, the house is mixed use, being used commercially with a section of the house being used as a bridal gown store, called *Bubbles N Bells*, with residential tenants also occupying the house, including the proprietor of the aforementioned store.

Katie Cummer, PhD CAHP – Cummer Heritage Consulting (CHC)

Character Defining Elements and Current Condition

As recognised in the Statement of Significance composed for the designation of the Sproul Farm House in 2001, followed by its listing on the Canadian Register in 2009 (Canada's Historic Places), the following were considered the Character Defining Elements (CDEs) of this place:

- Several mature trees in front and side yards
- Residential form, scale and massing, expressed by 1 and 1/2 storey height and rectangular plan
- Medium-pitch gable roof with 2 secondary cross-gables
- Street elevation has full-width open porch with repetitive, evenly-spaced painted wood columns
- Corbelled brick chimney
- Narrow V-joint horizontal wood siding
- Wood shingles in upper part of main gables
- 1-over-1 double-hung wood sash windows on the upper floor, with plain wood trim

(City of Kelowna)

Many of these elements are still intact today, although there has been some deterioration and lack of maintenance of these features, as visible in comparing two photographs of the house; one from 2005 and another from 2017 (Figs. 12 and 13).



Figs. 12 and 13: Comparative views of 180 Hwy 33 E, 2005 (left) and 2017 (right). (Source: City of Kelowna 2005 and Google Street View 2017).

In comparing these, it is important to note that two CDEs, in particular, have been altered. The first being the porch. As outlined above, the “street elevation has full-width open porch with repetitive, evenly-spaced painted wood columns.” Between 2005 and 2017, this was closed in without permission and is a feature no longer visible. Although this alteration is reversible, the second altered CDE is not. In comparing Figs. 12 and 13 above, in particular the area to the left of the house, as well as Figs. 14 to 16 below, the first CDE, “several mature trees in front and side yards,” have been irreversibly removed (Figs. 14 to 16).



Figs. 14, 15 and 16: Comparative aerial views of 180 Hwy 33 E, 2006 (top left), 2012 (top right) and 2017 (bottom). (Source: City of Kelowna Map Viewer 2006, 2012 and 2017).

Concluding Remarks

The building at 180 Hwy 33 E, the Sproul Farm House, is one of the few remaining early 20th century structures of the Rutland area. Looking at the Heritage Register of Kelowna, and the Rutland neighbourhood in particular, there are only a handful of recognised buildings. Of these, the Sproul Farm House appears to be the oldest and is among a rare stock of pre-World War 1 housing in the Rutland area (City of Kelowna b). However, being of an old age does not necessarily give a place greater significance. Tangibly, the structure itself has certainly seen better days. A number of changes over the years have

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compromised the integrity of the building and it has not been particularly well maintained. There are other recognised houses in the area that are in better condition, with greater integrity, such as the Willis Schell House at 1024 Rutland Road or the Dudgeon Farm House on Leathead Road. However, that is not to say that the Sproul Farm House is unsalvageable or without significance. In fact, its intangible elements seem to be a key importance of the place. In particular, its location and its association with the pioneers, the Sproul brothers. These are important intangible elements of the building, worth celebrating and promoting.

That being said, it is important to note that the inaccurate association of this building with Enoch Mugford, does influence the significance of this place. Considering these were important elements to the original assessment and its associated Statement of Significance, one could argue that its significance is perhaps somewhat less.

Based on the above overview and the data available, the following is the evaluation for 180 Hwy 33 E, following the City of Kelowna's "Kelowna Heritage Register Evaluation Criteria, May 2012."

EVALUATION

Address 180 Hwy 33 E, Kelowna, BC

Local Area Rutland

Date of Construction: 1906

A. ARCHITECTURAL HISTORY

A. ARCHITECTURAL HISTORY			E	VG	G	F/P
1	Style/Type	VG: A very good example of a style or type; and a good example of a style or type that is notably early in Kelowna. <i>180 Hwy 33 E is a representative example of the straightforward vernacular farmhouses built in the Rutland area and is notably early, being one of the few surviving examples constructed in the early 20th century.</i>	35	18	12	0
2	Design	G: A design which incorporates several special aesthetic or functional attributes. <i>Although a modest design, there are a few noteworthy attributes: such as its residential form, scale and massing; its medium-pitch gable roof with secondary cross-gables; its corbelled brick chimney; its narrow V-joint horizontal wood siding; its wood shingles in the upper part of the main gables; and its 1-over-1 double-hung wood sash windows on the upper floor, with plain wood trim.</i>	30	15	10	0
3	Construction	F/P: An example of no particular significance.	15	8	5	0
4	Designer/Builder	G: An architect, designer, engineer and/or builder of some importance to building development in the city, province or nation. <i>The prolific local builder, M.J. Curts, is said to have built the Sproul Farm House, in addition to other important Kelowna buildings.</i> <i>If this is not accurate, this should be F/P: 0.</i>	15	8	5	0
			(Maximum 40)	28-33		

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B. CULTURAL HISTORY

1	Historical Association	<p>G: Connected with a person, group, institution, event or activity that is of moderate importance.</p> <p><i>180 Hwy 33 E is connected to a group of early pioneers to the area, specifically the Sproul brothers, Samuel and Bob, who helped tend one of the first orchards on the Rutland Estate.</i></p>	35	18	12	0
2	Historical Pattern	<p>G: A building that provides strong evidence of an historical pattern of local area importance.</p> <p><i>The Sproul Farm House at 180 Hwy 33 E connects to the historical establishment of the Rutland area and its orchards. It is also one of the earliest surviving examples of farm houses in the area.</i></p>	30	15	10	0

(Maximum 35) 22

C. CONTEXT

1	Landscape/Site	<p>G: A landscape which includes one or two important features which are directly related to the building's style, design and history; and an altered but recognizable historical relationship between a building's site and its immediate urban environment or related geographic features.</p> <p><i>The corner lot of 180 Hwy 33 E and the surviving mature trees are of particular importance to the landscape. Much of the surrounding area has dramatically changed from its rural past, although the broader terrain (the topography, hills and mountains) remains.</i></p>	15	8	5	0
2	Neighbourhood	<p>G: A building which is not part of a contiguous group of similar style, type or age, but is in an area of compatible use.</p> <p><i>The neighbourhood surrounding 180 Hwy 33 E is no longer rural farmland as was the case historically nor is it a part of a contiguous group of a similar style, type or age. However, it is in an area of compatible use in that it is surrounded by similar residential houses with some commercial use in the vicinity as well.</i></p>	20	10	6	0
3	Visual/Symbolic	<p>F/P: A building of no landmark or symbolic significance.</p>	25	13	8	0
			(Maximum 25)	11		
			Subtotal	61-66		

D. INTEGRITY & CONDITION

F/P: A building with alterations which greatly detract from the style, design, construction or character. 0 -5 -8 -15

The lack of on-going maintenance has impacted the condition of the building, which includes the possible growth of moss and/or mold, the deterioration of the defining corbelled brick chimney as well as general decay of its materials, paints and finishes. There have also been a number of alterations and additions to the building over time. It appears that, at a minimum, the following major/minor alterations have been carried out:

- *Late 2000s/early 2010s: additional outdoor shower stall added to the eastern side of the building*
- *Late 2000s/early 2010s: porch enclosed*
- *Late 2000s/early 2010s: railing installed on the western facing upper floor window, possibly for use as a planter, if not as a full balcony*
- *Mid-2010s: a number of the mature trees on site were cut down*

Please note that there was likely additional work done on the house, however, those listed above are what are discernible from the available records and correspondence.

		TOTAL	46-51
Evaluation Date	July 17, 2018	Classification Group	B

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REPORT TO COUNCIL



Date: October 28, 2019

To: Council

From: City Manager

Department: Development Planning

Application: TA19-0013 and Z19-0100

Owner: Alm888 Ventures Ltd, Inc. No. BC1089095

Address: 1636-1652 Pandosy St

Applicant: Grasshopper Cannabis Inc.

Subject: Rezoning and Text Amendment Application

Existing Zone: C7- Central Business Commercial

Proposed Zone: C7rcs- Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0013 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated October 28, 2019 for Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z19-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC from the C7- Central Business Commercial zone to the C7rcs- Central Business Commercial (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 another establishment and to consider an application to rezone the subject property from C7 - Central Business Commercial to C7rcs - Central Business Commercial (Retail Cannabis Sales).

3.0 Development Planning

Staff is recommending 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 the specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw:

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 proposal is located approximately 263 m from closest lot line to closest lot line from an approved retail cannabis sales establishment located at 547 Bernard Ave, near the District on Bernard. The minimum distance of 500 metres is intended to avoid clustering of multiple stores, particularly in urban areas. The application to reduce the distance between cannabis stores by nearly half does not meet the intent to limit clustering of this use. This minimum proximity distance is similar to the provincial government requirement for a minimum of 1 km between new retail liquor stores.

The application was 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.

4.0 Proposal

4.1 Project Description

A retail cannabis sales establishment is proposed in an existing ground-floor commercial retail unit fronting onto Pandosy St near the intersection with Leon Avenue.

4.2 Site Context

The property is located in the City Centre Urban Centre and has a Future Land Use Designation of MXR- Mixed Use (Residential/Commercial). The surrounding area is comprised of other commercial uses. City Park is located approximately 275m away measured closest lot line to closest lot line of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7- Central Business Commercial	Offices
East	C7- Central Business Commercial	Commercial schools
South	C7- Central Business Commercial	Non-accessory parking
West	C7- Central Business Commercial	Broadcasting Studios

Subject Property Map:



5.0 Application Chronology

Date of Application Received: May 31, 2019
Date Public Consultation Completed: July 3, 18 & 24, 2019

6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0013 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated October 28, 2019 for Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, 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. Z19-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC from C7- Central Business Commercial zone to C7rcs- Central Business Commercial (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

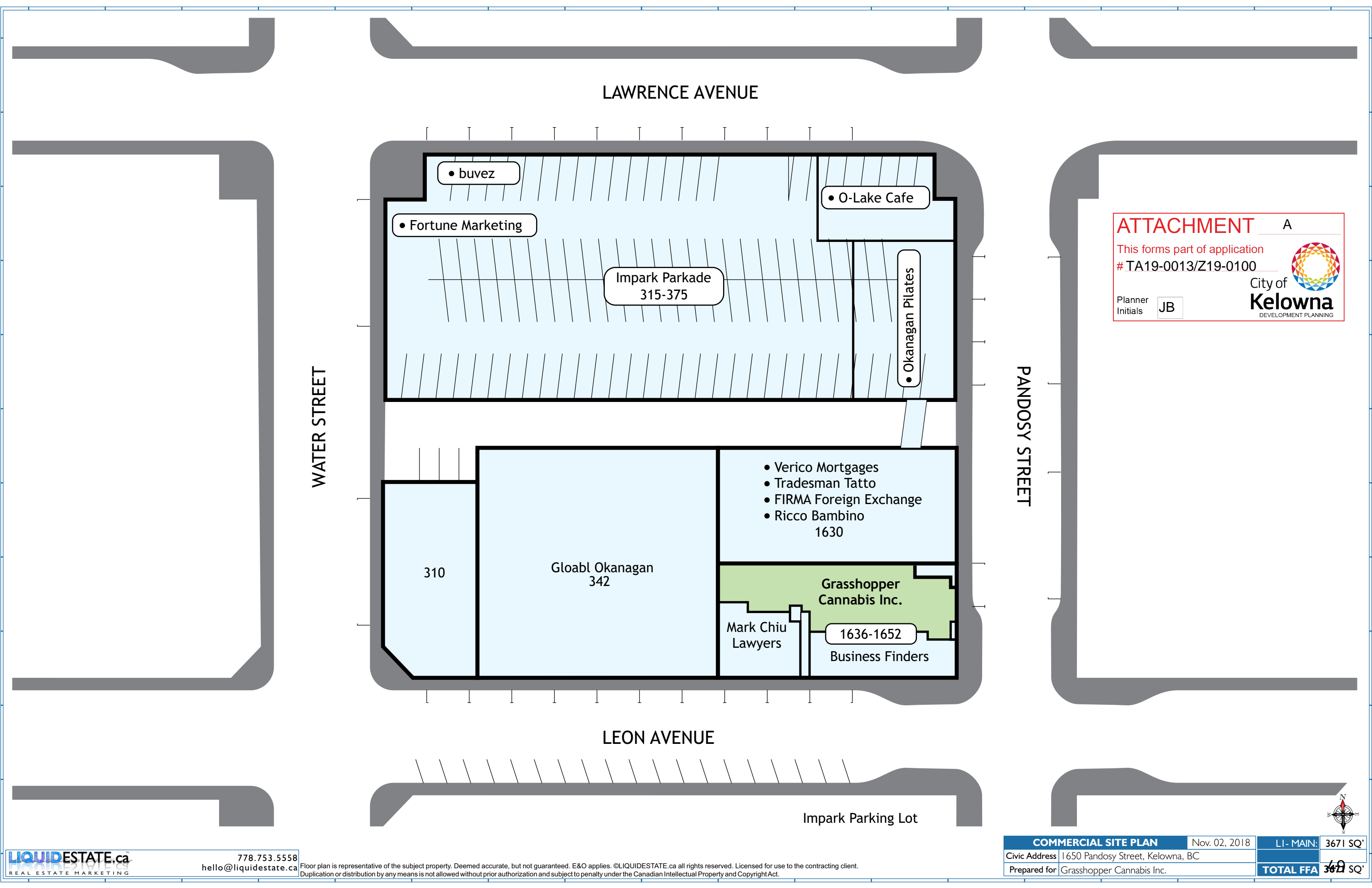
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

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





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

Bylaw No. 8000 TA19-0013

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-rs-Central Business Commercial (Retail Cannabis Sales) on a site-specific basis as follows:				To allow for a retail cannabis sales establishment within 500m of the approved retail cannabis sales establishment located at 547-559 Bernard Ave
			Legal Description	Civic Address	Regulation	
		1	Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934	1636-1652 Pandosy St	To allow for a retail cannabis sales establishment within 500m of the approved retail cannabis sales establishment located at 547-559 Bernard Ave	