

# City of Kelowna Public Hearing AGENDA



Tuesday, May 26, 2015  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after May 12, 2015 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

## 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

### 3. Individual Bylaw Submissions

**3.1 700 Highway 33 East, BL11083 (TA15-0002) - Hillcrest Farm Market Inc. 4 - 23**

To consider amending the A1 - Agriculture zone to permit the use of a primary food establishment (Café) at 700 Hwy 33 E in accordance with Agriculture Land Commission Resolution # 101/ 2014.

**3.2 773 Glenmore Road & 720 Valley Road, BL11090 (OCP14-0008), BL11091 (TA14-0005) & BL11092 (Z14-0010) - 0904419 BC Ltd. 24 - 35**

To consider an Official Community Plan Amendment to change a portion of the future land use of the subject property from Multiple Unit Residential to Commercial to facilitate future development; To consider amending the text of the CD3 - Comprehensive Development Three zone to match future development plans on site; To consider the Zoning Bylaw boundaries be re-aligned to match the property lines and actual development on the site.

**3.3 2265 Wilkinson Street, BL11093 (Z15-0015) - Jacob & Julie Cruise 36 - 46**

To rezone the subject property from RU2-Medium Lot Housing zone to RU2c-Medium Lot Housing with Carriage House.

**3.4 1432 McInnes Avenue, BL11094 (Z15-0014) - Caroline Kaltenhauser 47 - 62**

To rezone the subject parcel from RU6 - Two Dwelling Housing zone to RM1 - Four Dwelling Housing zone.

**3.5 1280 Highway 33 East, BL11095 (Z15-0011) - Imre & Jennifer Csorba 63 - 75**

To rezone the subject property from A1 - Agriculture 1 zone to A1c - Agriculture 1 with Carriage House zone.

### 4. Termination

### 5. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) 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.

(e) 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.

(f) 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.

(g) 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.





*Subdivision and Procedure Regulation*<sup>1</sup> (the Regulation). The applicants subsequently applied for a Non-Farm Use to allow the café use and in March of 2014 received Resolution #101/2014 (attached) to allow the use under the following conditions:

1. That the café be limited to its current size and that there be submission of notification or an application to the Commission should there be plans in the future for any significant changes or plans to expand the current footprint.
2. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

The café includes 272 square feet of indoor and 372 square feet of outdoor seating for in addition to the display and retail sales area.

Staff notes that retail sales is considered an 'ancillary farm use' under the Regulation as long as 50% of the product is grown on the farm and the area does not exceed 300 square metres.

Staff supports the text amendment for the subject property together with the conditions as resolved by the ALC (ALC Resolution attached), as well as the completion of outstanding bylaw and real estate issues noted through the circulation process, including:

- Resolution of the loading dock location and number of access roads;
- Resolution of the sign location;
- Covenant on property that the use of the café will not transfer to future owners (in accordance with ALC Resolution #101/2014;
- Covenant on property that the café will not expand beyond the size approved by the ALC, without a resolution from the ALC authorizing the same; and
- Submission of a Non-farm Use application for weddings / events on the property.

#### 4.0 Proposal

##### 4.1 Background

The subject property is part of a larger agricultural operation (three properties totalling approximately 35 hectares). In addition to these parcels, the owners of the subject property also own additional agricultural parcels elsewhere (i.e. McCurdy Road).

In November 2010, the landowner was issued a Building Permit to construct an approximately 800 m<sup>2</sup> accessory structure with two floors (i.e. ~400 m<sup>2</sup>/floor). The Building Permit plans provided to the City reflected a main floor which was largely dedicated to the display and sale of fruit and vegetables with pie and jam preparation areas, large coolers and office space. All seating appeared as picnic tables outside under the covered entry. The second floor was shown with a four unit Bed & Breakfast facility with a manager/operator's suite as is required to conduct this use. Building Department staff reviewed the plans submitted and made the following conditions of the issued Building Permit:

2. See attached ALC Policy #2 dated March 2003 *ACTIVITIES DESIGNATED AS FARM USE: FARM RETAIL SALES IN THE ALR*. Be advised that all of the farm product offered for sale must be produced on the farm on which the retail sales are taking place as the retail sales area exceeds the max 300 m<sup>2</sup>.

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<sup>1</sup> RSBC, 2002. Agricultural Land Reserve Use, Subdivision and Procedure Regulation, incl. Amendments up to BC Reg. 167/2014. [http://www.bclaws.ca/civix/document/id/complete/statreg/171\\_2002](http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002)

Building Department staff correctly noted that due to the size, to operate the building as proposed, the landowners may only retail farm product produced on this parcel or others operated by them.

However, the building was not constructed as proposed. Rather, the southern portion of the structure was altered to a café format with interior seating (see attached as-built floor plan and photos). The café currently occupies approximately 276 ft<sup>2</sup> indoors and 372 ft<sup>2</sup> outdoor exclusively. The café also occupies other areas of the structure which is estimated by the applicant to be an additional 1,090 ft<sup>2</sup> with shared areas including the kitchen, pie preparation area and washrooms.

A café is a use consistent with a "Food Primary Establishment". The use is not however, a permitted use in the ALR or in the City's A1 - Agriculture zone. An exception is where a Food Primary Establishment is developed in conjunction with a winery or cidery.

The Hillcrest Farm Market Café as it is referred, began operating in the summer of 2012 and has been operating since that time. The business is being operated without a City issued business license which cannot be issued given the non-conforming use in the zone and City Bylaw Services staff have been seeking compliance since this time. This application addresses the legalization of this use.

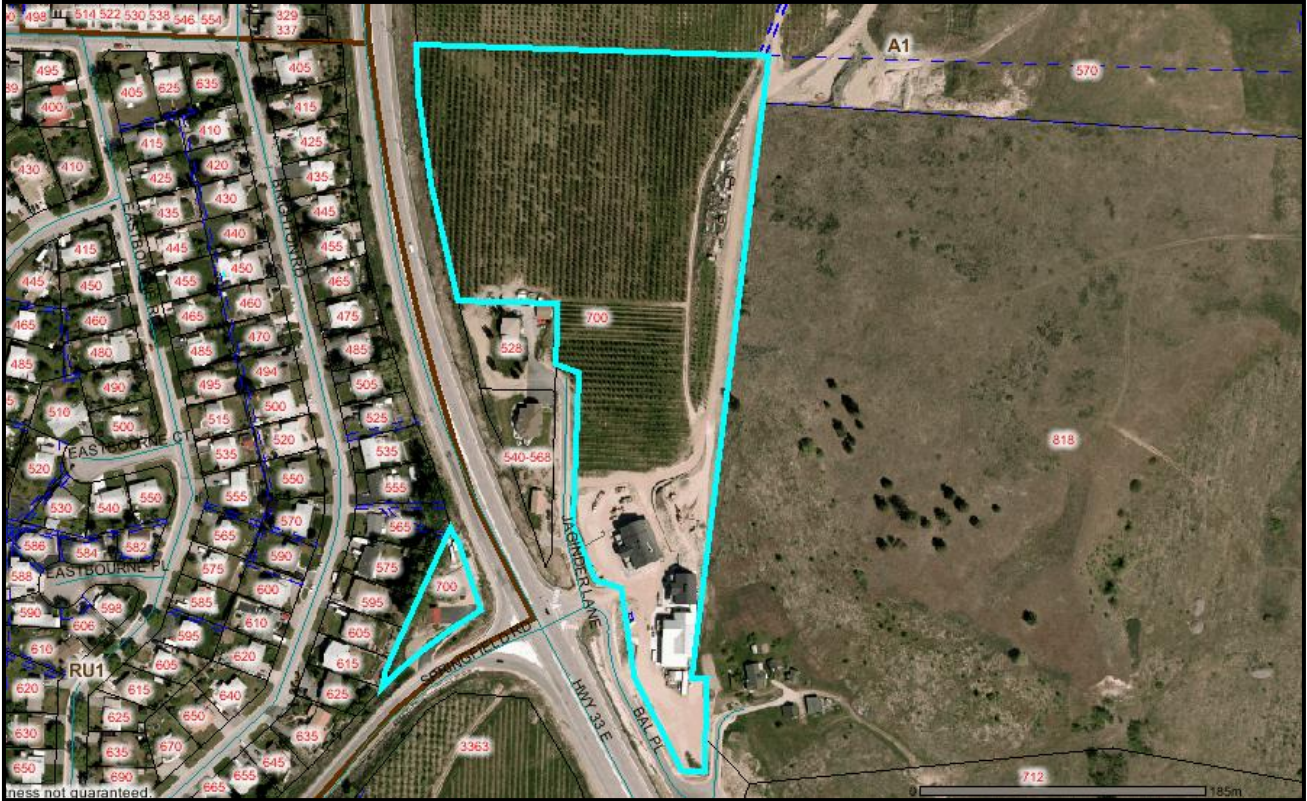
#### 4.2 Project Description

Staff recommends that the A1-Agriculture zone be amendment to include the ALC Resolution # 101/2014, to permit the use of a 'primary food establishment' at 700 Hwy 33 E, as outlined in Attachment A.

#### 4.3 Site Context

The subject property is located east of Highway 33 E at the intersection with Springfield Road in the Rutland Sector. The site area is ~5.8 hectares (14.3 acres) and the site elevation varies between 457 and 493 metres. The subject property includes a ~0.22 ha hooked portion (across Hwy 33 E) which is zoned RU1 - Large Lot Housing.

#### **Map 1 - Subject Property - 700 Highway 33 E**

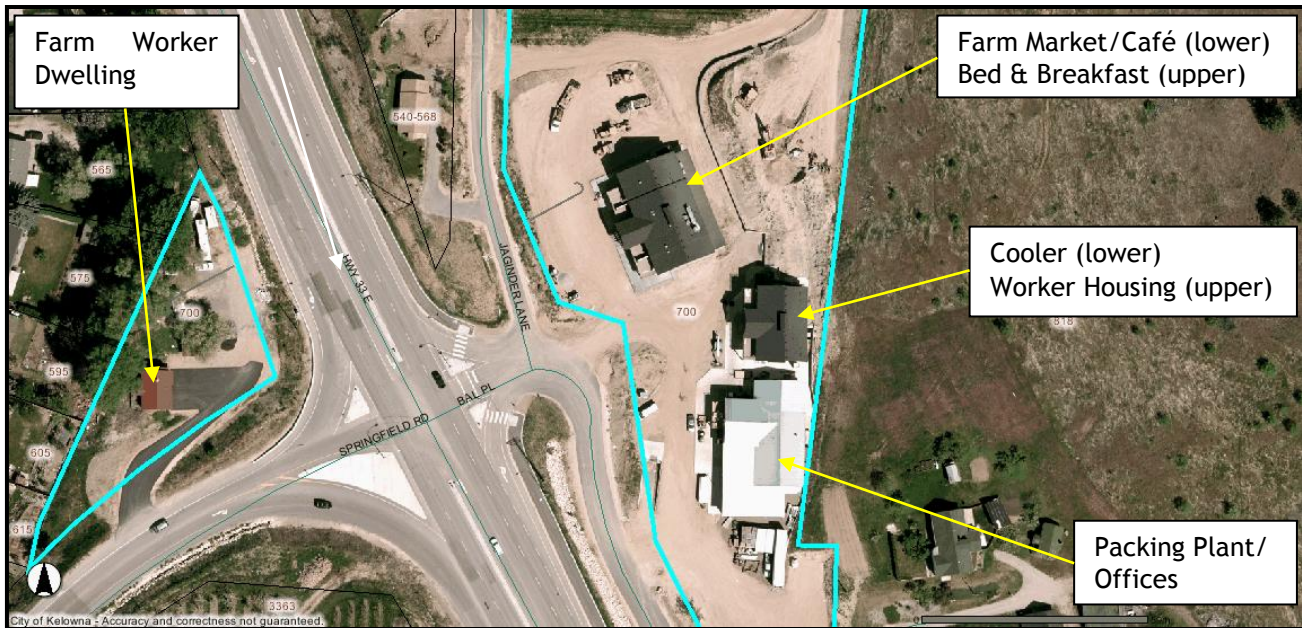


The subject property is at an urban/rural interface area with the Permanent Growth Boundary directly across Highway 33 (to the west). The large road cross section (averaging approximately 50 metres) does however provide extensive buffering from farm practices. Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Orchard
South	A1 - Agriculture 1 Roadway	Yes No	Rural Residential Highway
East	A1 - Agriculture 1	Yes	Rural/agricultural
West	A1 - Agriculture 1 RU1 - Large Lot Housing	Yes No	Rural/agricultural Residential

Map 2 - Hillcrest Farm Structures





#### 4.4 Current Development Policies

#### 4.5 Kelowna Official Community Plan (OCP)

The subject property has a future land use designation of Resource Protection Area and relevant policies are included below:

Objective 5.33 Protect and enhance local agriculture<sup>2</sup>.

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.34 Preserve productive agricultural land<sup>3</sup>.

Policy .3 Homeplating. Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

<sup>2</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

<sup>3</sup> City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.34.

#### 4.1 City of Kelowna Agriculture Plan (1998)

##### Farm Retail Sales

For some time the use of agricultural land to sell products grown or reared on that farm operation has been permitted within the ALR. In addition, it was possible to receive permission from the Land Commission to sell products not produced on site under Regulation 313/78. In recognizing that farm retail sales contribute to the productive use of farmland without interfering or prohibiting agriculture the Land Commission has acknowledged the traditional role of marketing of farm products, particularly in the Okanagan. The Land Commission has established a policy that encourages retail activity associated with the direct sale of farm products, processed farm products, and some off-farm products subject to that portion of the retail sales building used for the sale of off farm products does not exceed one-third of the building floor area, up to a maximum of 100 square metres. In addition, where off-farm products are sold, farm products and processed farm products must also concurrently be offered for sale.

##### ALR Application Criteria<sup>4</sup>

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

##### Economic Enhancement Policies<sup>5</sup>

29. Integration. Support the establishment of a process to consider, in addition to the promotion of agri-tourism and direct farm marketing businesses within the community, an integrated approach that creates linkages to the cultural and heritage tourism sectors, in terms of marketing an identity of Kelowna.

#### 4.2 Zoning Bylaw

11.1.7 (c) Agricultural and garden stands selling only produce grown on the site or another site operated by the same producer do not have a maximum area. The maximum gross floor area of stands selling produce that is produced off-site shall be 50.0 m<sup>2</sup>. For sites within the Agricultural Land Reserve, the maximum gross floor area of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m<sup>2</sup>.

#### 4.3 Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Section 2 (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under Section 917 of the Local Government Act:

(a) farm retail sales if

- (i) all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- (ii) at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>;

Section 1 (1) "farm product" means a commodity that is produced from a farm use as defined in the Act or designated by this regulation.

<sup>4</sup> City of Kelowna Agriculture Plan (1998); p. 130.

<sup>5</sup> City of Kelowna Agriculture Plan (1998); p. 150 - 152.

Farm retail sales – means the retail sale to the public of tangible products grown or raised on a farm, from that farm and may include the sale of non-farm products as permitted by the regulation.

Retail sales area – means the floor area or dedicated outside area on which the farm retail sales are taking place and includes areas used for retail purposes inside buildings (indoors) and areas outside buildings (outdoors). It does not include parking, driveways, office space, washrooms or areas for processing or product storage.

## **5.0 Technical Comments**

### **5.1 Building & Permitting Department**

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### **5.2 Development Engineering Department**

- a) The property is connected to the Municipal wastewater collection system. This application to legalize an existing eating establishment does not trigger any offsite upgrades.
- b) The subject property is located within the Black Mountain Irrigation District (BMID) service area. The applicant is to confirm that the water supply system is capable of supplying domestic and fire flow demands, for the contemplated uses on the subject property, in accordance with the Subdivision, Development & Servicing Bylaw. Ensure that every building within the property is located at an elevation allowing a water pressure within the Bylaw pressure limits.
- c) There are on-sites issues that have been identified in previous Engineering reports, such as the encroaching location of the sign and the accessibility of the existing loading bay. Both these issues must be addressed and corrected by the owner prior to the adoption of the zone amending Bylaw.

### 5.3 Bylaw Services

Bylaw Services have a number of concerns with respect to non-conforming uses and / or violations on the site, including:

- Wedding / Event Venue on the farm is not a permitted use. Website currently advertises as such and having some noise and bylaw violations last summer.
- Hall under construction over the currently constructed cherry packing plant.
- No Special Events Licenses were obtained for wedding events last year.
- Completion required to works on the adjacent 1071 McKenzie Road parcel.
- Soil Permits for the event venue built and advertised on 570 and 500 Hwy 33 .
- New application for a Non-farm Use Application to the ALC to allow weddings / events on the property.
- Building Inspection for the house on the linked lot across Hwy 33 E, to determine if it is safe for occupancy.

### 5.4 Fire Department

The Fire department has no concerns with the zoning change as the building already exists. The concern is that the drawings indicate 6 bedrooms on the second floor - the BC Building Code requires a fire alarm be installed. BCBC Division B section 3.2.4.1(4)(l) indicates that a fire alarm shall be installed in a residential occupancy with sleeping accommodation for more than 10 persons. Section 3.1.17.1(1)(b) indicates that the occupant load determination is 2 persons per sleeping unit.

### 5.5 Real Estate Department

Note that applicant recently made application to acquire portion of roadway to legalize existing loading bay, but the application was not supported by City staff. Parking requirements should be reviewed to ensure that parking and access issues are not exacerbated based on the cafe seating and commercial parking.

### 5.6 Development Engineering Department

- a) The property is connected to the Municipal wastewater collection system. This application to legalize an existing eating establishment does not trigger any offsite upgrades.
- b) The subject property is located within the Black Mountain Irrigation District (BMID) service area. The applicant is to confirm that the water supply system is capable of supplying domestic and fire flow demands, for the contemplated uses on the subject property, in accordance with the Subdivision, Development & Servicing Bylaw. Ensure that every building within the property is located at an elevation allowing a water pressure within the Bylaw pressure limits.
- c) There are on-sites issues that have been identified in previous Engineering reports, such as the encroaching location of the sign and the accessibility of the existing loading bay. Both these issues must be addressed and corrected by the owner prior to the adoption of the zone amending Bylaw.

## 5.7 Policy and Planning

The subject property is located within that ALR and is designated REP - Resource Protection Area. The proposal to introduce a site specific text amendment to the A1 zone in order to permit an orchard cafe is challenging to overall policy direction, which seeks to protect and to enhance productive agricultural lands within the city. While this is a unique situation and is subject to strict limitations in its ALC approval, Policy & Planning staff would strongly urge caution in considering further expansion on the property or further proliferation of the cafe concept to other orchard operations.

## 6.0 Application Chronology

Date of Application Received: February 27, 2015

Date Circulation Completed: March 27, 2015

### Report prepared by:

\_\_\_\_\_  
Melanie Steppuhn, Land Use Planner

Reviewed by:  Todd Cashin, Subdivision, Agriculture & Environment Services Manager

Reviewed by  
Approved for Inclusion:  Shelley Gambacort, Subdivision, Agriculture & Environment Services Director

Approved for Inclusion:  Doug Gilchrist, Divisional Director, Community Planning & Real Estate

### Attachments:

Attachment 'A' - Proposed A1 - Agricultural Zones Text Amendments

Schedule 'B' - ALC Resolution #101/2014

ALR Map

Plans - Café

Market / Café Elevations

Context/Site Photos



ATTACHMENT 'A' Proposed A1 - Agricultural Zones Text Amendments  
TA15-0002

Section	Existing Text	Proposed Text	Rationale
<p>Section 11 - Agricultural Zones Secondary Uses</p>	<p><b>11.1.3 Secondary Uses</b> The <b>secondary uses</b> in this <b>zone</b> are: (a) <b>agricultural dwellings, additional</b> (b) <b>agri-tourism</b> (c) <b>agri-tourist accommodation (A1t only)</b> (d) <b>animal clinics, major</b> (e) <b>animal clinics, minor</b> (f) <b>bed and breakfast homes</b> (g) <b>care centres, intermediate</b> (h) <b>carriage house (A1c only)</b> (i) <b>forestry</b> (j) <b>group homes, minor</b> (k) <b>home based businesses, major</b> (l) <b>home based businesses, minor</b> (m) <b>home based businesses, rural</b> (n) <b>kennels and stables</b> (o) <b>secondary suite</b> (p) <b>wineries and cideries</b></p>	<p><b>11.1.3 Secondary Uses</b> The <b>secondary uses</b> in this <b>zone</b> are: (a) <b>agricultural dwellings, additional</b> (b) <b>agri-tourism</b> (c) <b>agri-tourist accommodation (A1t only)</b> (d) <b>animal clinics, major</b> (e) <b>animal clinics, minor</b> (f) <b>bed and breakfast homes</b> (g) <b>care centres, intermediate</b> (h) <b>carriage house (A1c only)</b> (i) <b>forestry</b> (j) <b>group homes, minor</b> (k) <b>home based businesses, major</b> (l) <b>home based businesses, minor</b> (m) <b>home based businesses, rural</b> (n) <b>kennels and stables</b> (o) <b>secondary suite</b> (p) <b>wineries and cideries</b> (q) Non-Farm Use in accordance with ALC Resolution #101/2014 attached as Schedule B to Section 11 – Agricultural Zones applicable only to Lot A, Section 24, Township 26 ODYD Plan EPP7145 (700 Hwy 33 E).</p>	<p>The subject property is zoned A1 which is the appropriate zone for this parcel. Based on the ALC Resolution #101/2014, the use of a food primary establishment in accordance with the conditions of that resolution, per Schedule B.</p> <p>Staff does not want to see <i>food primary establishment</i> added to the entire A1 zone as food primary establishments would not be appropriate on other parcels zoned A1 in the city, and are not permitted without an ALC Resolution where the A1 parcels are also in the Agricultural Land Reserve.</p>

# SCHEDULE 'B'



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53542.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

### COMMISSION STAFF PRESENT:

Ron Wallace	Planner
Colin J. Fry	Chief Tribunal Officer

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PROPOSAL (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

To legalize an existing "food and beverage service lounge" (café) on the subject property. The facility includes approximately 272 ft<sup>2</sup> of indoor and 372 ft<sup>2</sup> of outdoor seating for café customers, along with a display and retail sales area. The café also shares approximately 1,090 ft<sup>2</sup> with the farm market. The shared space includes the kitchen area, staff and public washrooms, storage and pie preparation areas.

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### PROPERTY INFORMATION:

**Owner:** Hillcrest Farm Market Inc.

**Legal:** PID: 028-389-387  
Lot A, Section 24, Township 26, Osoyoos Division Yale District, Plan EPP7145

**Location:** 700 Highway 33 East, Kelowna

**Size:** 5.8 ha (5.6 ha in the ALR)

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

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#### COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application #18547 (Basran, 1989) To subdivide Lot 3 (being 29.2 ha) into three lots of approximately 9.7 ha. The Commission, by Resolution #9/89, approved the request for subdivision into three lots.

**Note: The subject property was created from this approval.**

In its consideration of this application the Commission reviewed some of the chronology of events – as outlined by both the applicant and in the City's 'Report to Council' – to better understand the details of this non-farm use proposal.

The application is to legalize an existing "food and beverage service lounge" (i.e. Hillcrest Farm Market Café) on the subject property.

At issue – as the Commission understands – is that the proposed building was not constructed as authorized by the City of Kelowna's building permit for a farm retail sales and Bed & Breakfast (issued in November 2010); as the main floor was altered to include a café with interior seating. The facility includes approximately 272 ft<sup>2</sup> of indoor and 372 ft<sup>2</sup> of outdoor seating for café customers, along with a display and retail sales area. The café is considered a "Food Primary Establishment" pursuant to the City of Kelowna Zoning Bylaw which is not allowed on parcels (like the subject property) zoned for agriculture (A-1 designation). As a result, the business has been operating without a business license since the summer of 2012 as a non-conforming use.

The Commission wishes to express its disapproval of the process of receiving an application for the purpose of reviewing the option to either 'legalizing an existing non-farm use' or refusing the existing use (which implies the requirement to bring the use into compliance with the *ALC Act* and its Regulations) on ALR land. The Commission is extremely frustrated that this proposal was not submitted before construction so that it could carefully consider the use in context to Section 6 of the *ALC Act* as noted above.

In its consideration the Commission noted the subject property is part of a larger agricultural operation consisting of three properties totaling approximately 35 ha. Further, each of these parcels is in agricultural production which helps supply the farm products sold from the farm market and provide for the meals sold from the café. It was expressed by the applicant that the café has become an integral component of the overall business plan of the farm; and that if required to be removed, the impact to the overall business would be significant. As a result the Commission is prepared to support the proposal subject to the conditions outlined below.

**IT WAS**

**MOVED BY:** Commissioner Thibeault  
**SECONDED BY:** Commissioner Gillette

THAT the request to legalize an existing "food and beverage service lounge" (café) on the subject property be conditionally approved.

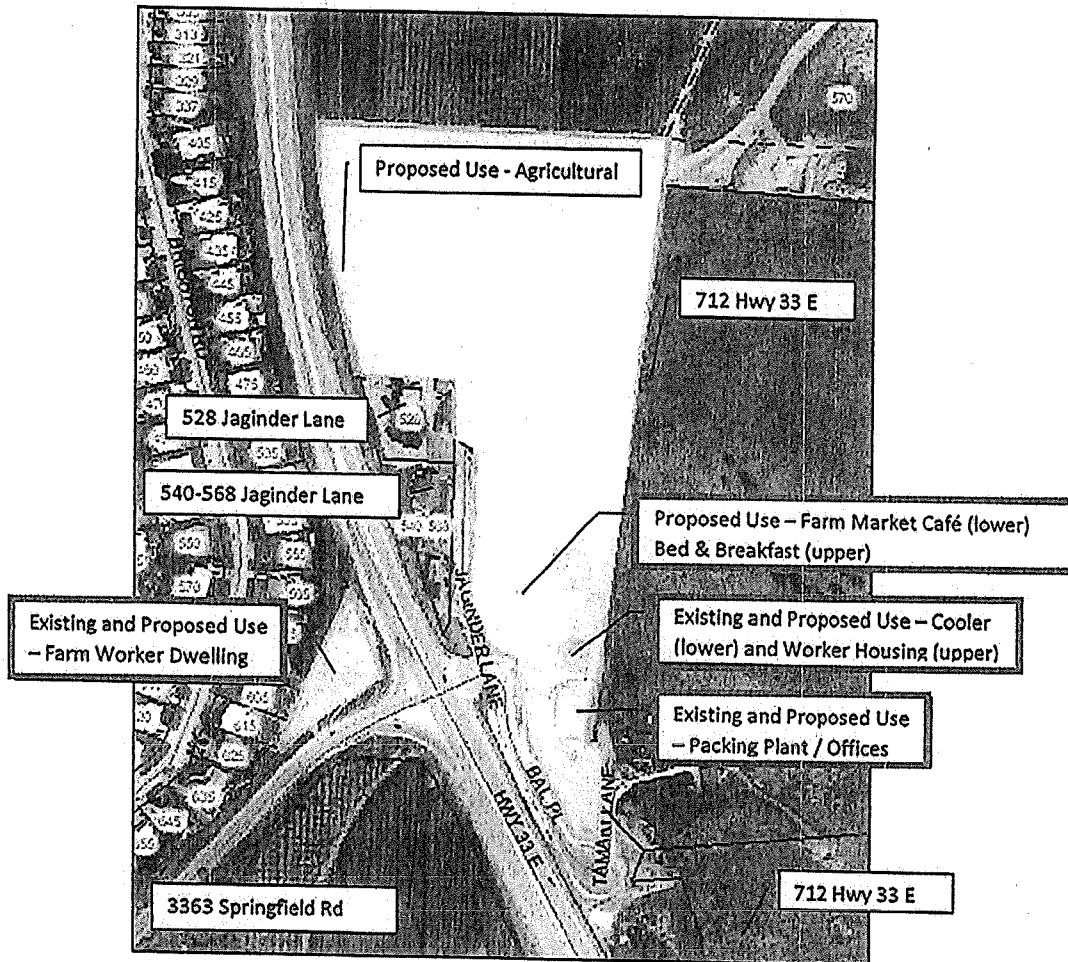
AND THAT the approval is subject to the following conditions:


1. That the Café facility be limited to its current size and that there be submission of notification or an application to the Commission should there be plans in the future for any significant changes or plans to expand the current footprint.
2. Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

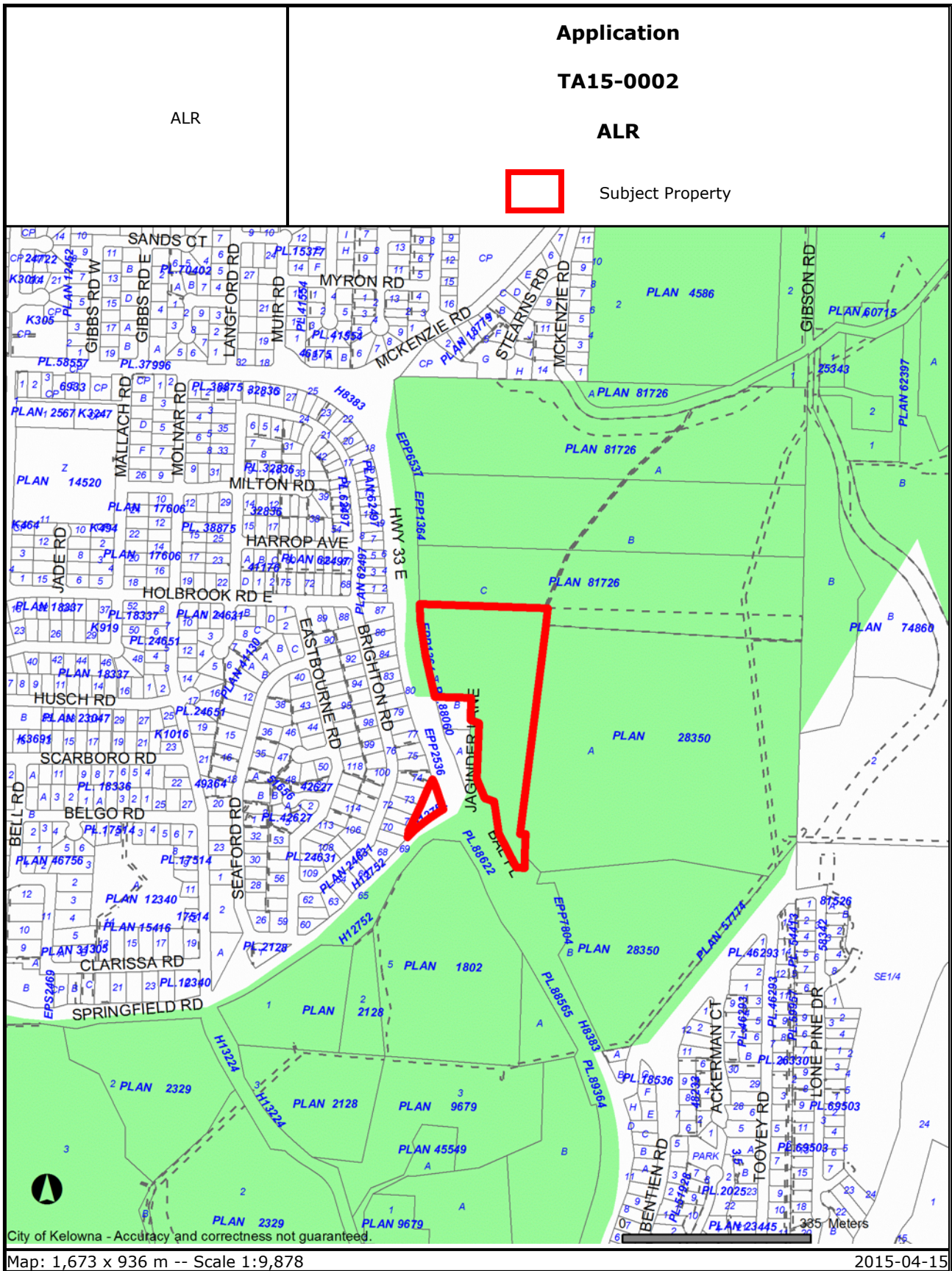
**CARRIED**  
**Resolution #101/2014**

ALC Application # 53542 (Hillcrest Farm Market Inc.)

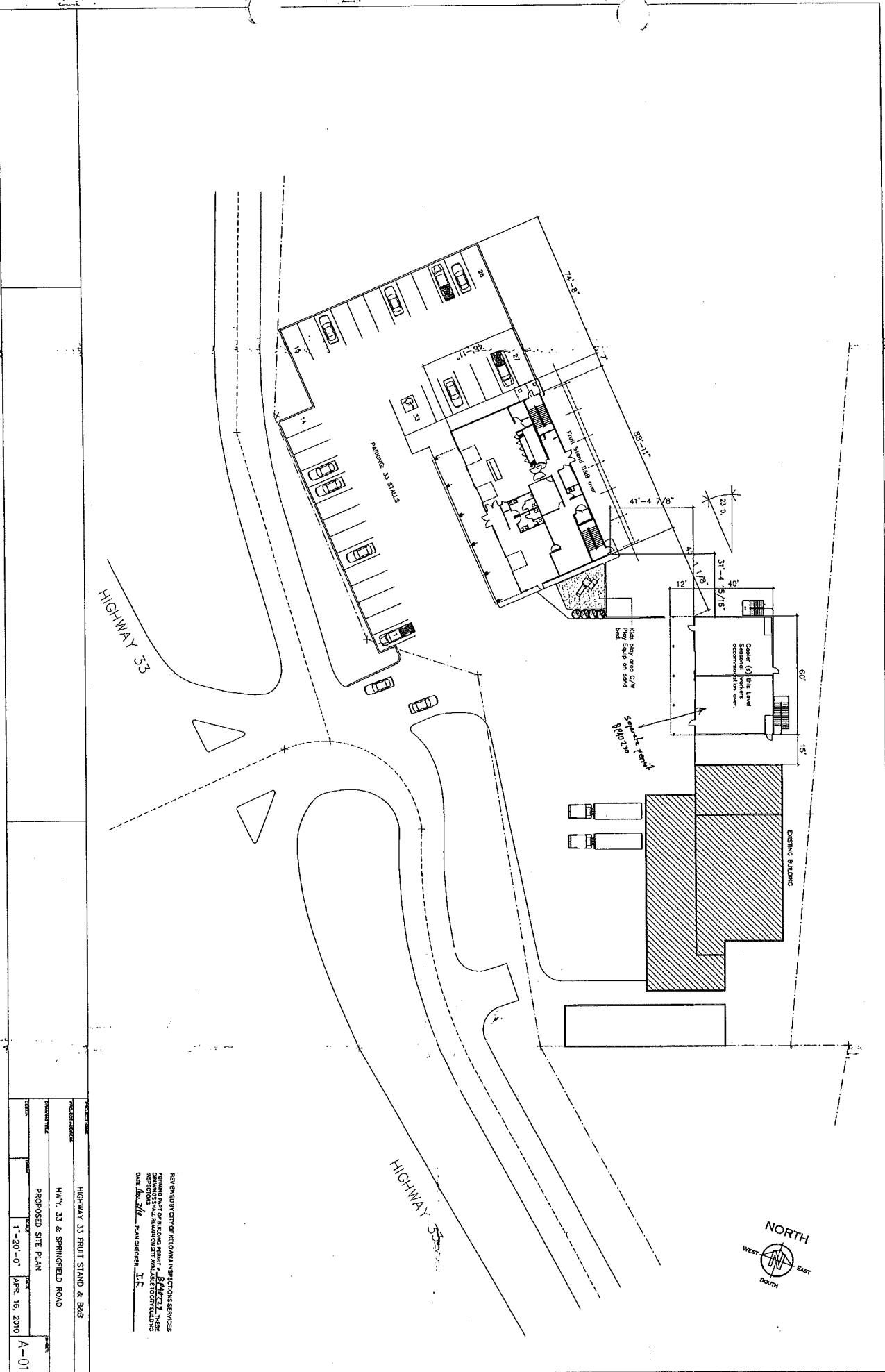


 Non farm uses conditionally  
Approved by Resolution # 101/2014





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



HIGHWAY 33

HIGHWAY 33



REVIEWED BY CITY OF MEDONKA INSPECTIONS SERVICES  
 CONSULTANT: **BRITTA J. THRE**  
 DATE: **APR. 15, 2010**

PROJECT NUMBER	HIGHWAY 33 FRUIT STAND & BARS		
CONSULTANT	HWY, 33 & SPRINGFIELD ROAD		
PROPOSED SITE PLAN	DATE	APR. 15, 2010	
SCALE	1"=20'-0"	A-01	

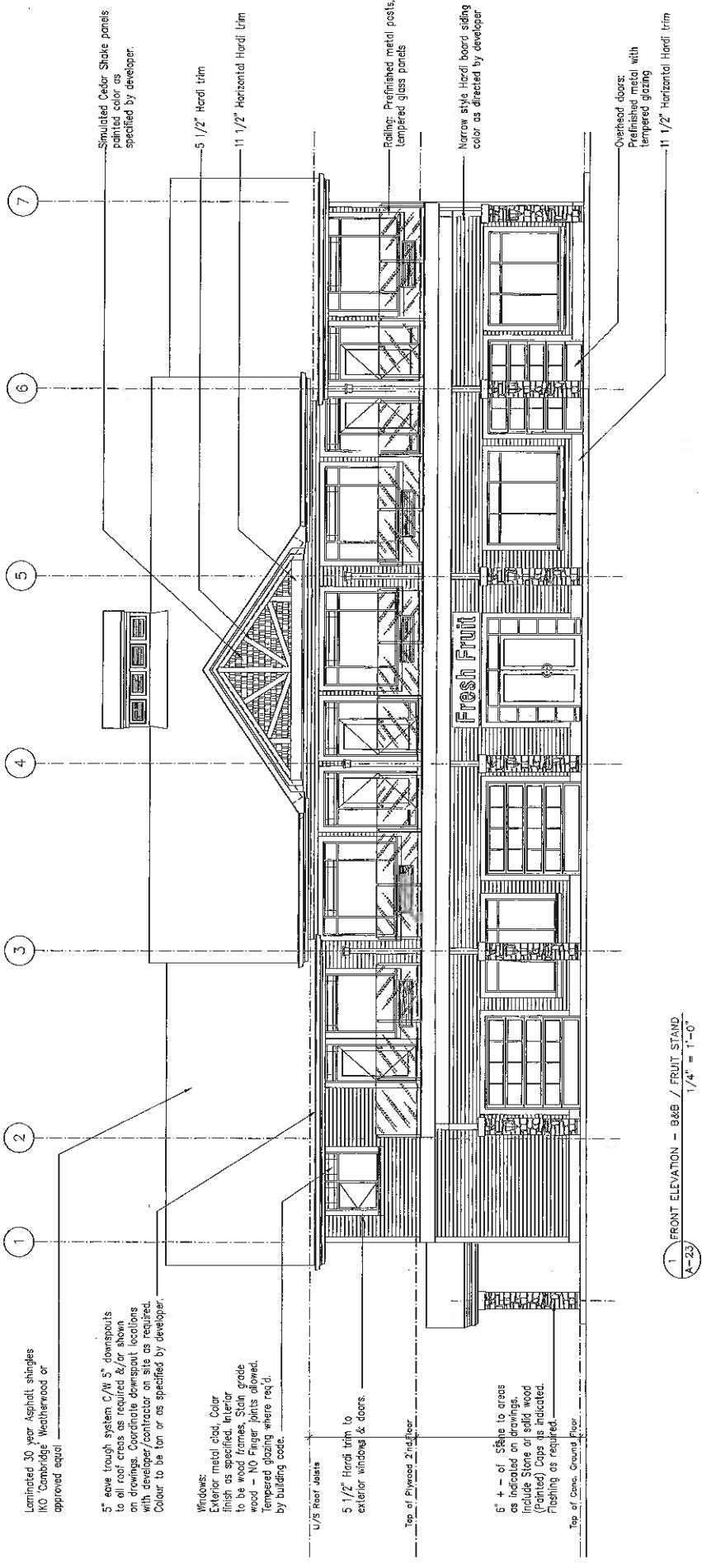












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Laminated 30 year Asphalt shingles  
IKO 'Cambridge' Weatherwood or  
approved equal

5" sawe trough system C/W 5" downspouts  
to all roof crees as required &/or shown  
on drawings. Coordinate downspout locations  
with developer/contractor on site as required.  
Colour to be ten or as specified by developer.

Windows:  
Exterior metal clad, Color  
finish as specified. Interior  
to be wood frames, Stain grade  
wood - NO Finger joints allowed.  
Tempered glazing where req'd.  
by building code.

U/S Roof Joists

5 1/2" Hardi trim to  
exterior windows & doors.

Top of Plywood 2nd floor

6" + - of Sillie to crees  
as indicated on drawings.  
Include Stone or solid wood  
(Painted) Caps as indicated.  
Flashing as required.

Top of Conc. Ground Floor

Simulated Cedar Shake panels  
painted color as  
specified by developer.

5 1/2" Hardi trim

11 1/2" Horizontal Hardi trim

Roller: Prefinished metal posts,  
tempered glass panels

Narrow style Hardi board siding  
color as directed by developer

Overhead boxes:  
Prefinished metal with  
tempered glazing

11 1/2" Horizontal Hardi trim

1 FRONT ELEVATION - B&B / FRUIT STAND  
1/4" = 1'-0"

A-23

PROJECT NAME: HIGHWAY 33 - FRUIT STAND - B&B BLD'G.	
PROJECT ADDRESS: KELONNA, B.C.	DATE: APR. 13, 2010
DRAWN BY: FRONT ELEVATION	SCALE: 1/4" = 1'-0"
CHECKED BY:	SHEET: A-23

# REPORT TO COUNCIL



**Date:** May 4, 2015

**RIM No.** 1250-30

**To:** City Manager

**From:** Urban Planning, Community Planning & Real Estate

**Application:** Z14-0010, TA14-0005, OCP14-0008    **Owner:** 0904419 BC Ltd. Inc. No. BC0904419

**Address:** 773 Glenmore and 720 Valley Road, Kelowna, BC    **Applicant:** NORR Architects

**Subject:** Official Community Plan Amendment and Zoning Bylaw Text Amendment

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density) /Comm-Commercial

**Existing Zone:** A1 - Agriculture 1 zone & CD3 - Comprehensive Development Zone Three

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## 1.0 Recommendation

**THAT** Official Community Plan Bylaw Amendment No. OCP14-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation Portions of Lot 1, Sections 32 and 29, Township 26, ODYD, Plan EPP24068 and Portions of Lot 2, Section 29, Township 26, ODYD, Plan EPP24068, located on 773 Glenmore Road and 720 Valley Road, Kelowna, BC from the MRM designation to the Comm designation, as shown on Map "A" attached to the Report of the Community Planning & Real Estate Department dated April 13, 2015, be considered by Council;

**AND THAT** Council considers the statutory Public Hearing process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the Report of the Community Planning & Real Estate Department dated April 13, 2015;

**AND THAT** Zoning Bylaw Text Amendment No. TA14-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by amending the CD3 - Comprehensive Development Three Zone as outlined in the Report of the Community Planning & Real Estate Department dated April 13, 2015, be considered by Council;

**AND THAT** Rezoning Application No. Z14-0010 to amend City of Kelowna Zoning Bylaw No. 8000 by re-aligning the zoning boundaries between the A1 - Agriculture 1 and CD3 - Comprehensive Development Three zones on Lot 1, Sections 32 and 29, ODYD, Plan EPP24068 and Lot 2, Sections 32 and 29, ODYD, Plan EPP24068, located on 773 Glenmore Road, Kelowna, BC be considered by Council;

**AND FURTHER THAT** the Official Community Plan Bylaw Amendment Bylaw and the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 Purpose**

The applicants have made three applications. The first is to amend the Official Community Plan to change a portion of the future land use of the subject property from Multiple Unit Residential to Commercial to facilitate future development. The second application is to amend the text of the CD3 - Comprehensive Development Zone Three zone to match future development plans on site. The third application would see Zoning Bylaw boundaries be re-aligned to match the property lines and actual development on the site.

## **3.0 Urban Planning**

Urban Planning has worked closely with the applicant to put together a new site configuration and suite of uses that will lead to an economically viable project that meets the City's vision for the area.

The realignment of the Zoning Boundaries is good practice and will facilitate future land use review and approval processes on undeveloped portions of the property. The realignment to the Official Community Plan Future Land Use boundaries is of limited scope, and is not expected that have any strategic impacts going forward.

Urban Planning is supportive of the proposed bylaw amendments.

These amendments will not change the development potential of the remainder of the site. Lands outside of the project area will require that Council approve a re-zoning bylaw and any required development permits prior to redevelopment.

## **4.0 Proposal**

### **4.1 Background**

The project, commonly known as "The Conservatory", spent a number of years partially constructed during the economic downturn. The first phase has been completed, and the developer is now ready to proceed with future phases.

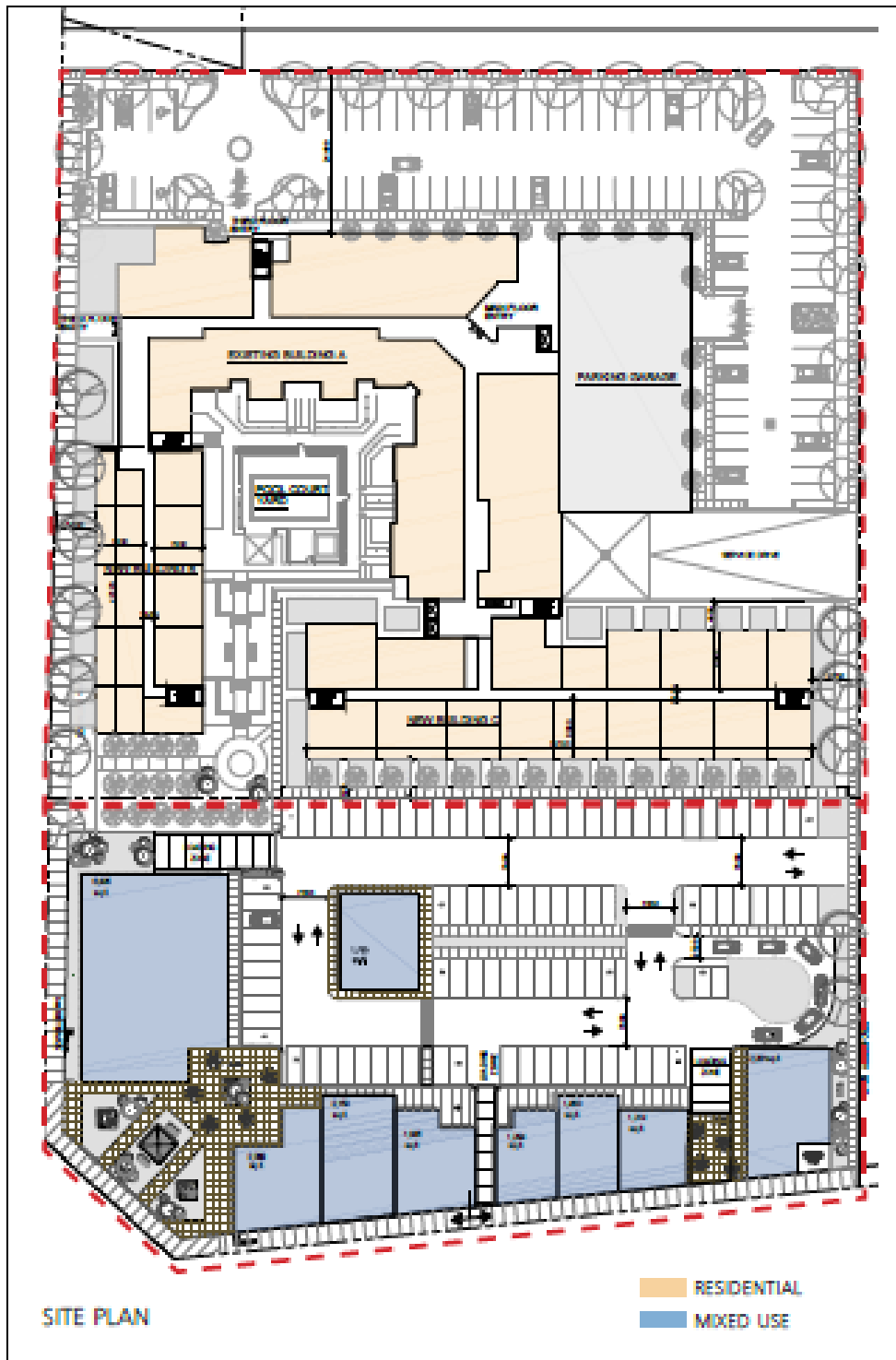
It was intended that the project include a commercial component. The developer has made application to amend the bylaw to change the proposed commercial layout and clarify the division of uses on the site.

### **4.2 Project Description**

#### **Site Plan Changes**

The proposed commercial site will comprise approximately 2075 m<sup>2</sup> (22,000 sq. ft.) of retail and personal service commercial space, as well as a potential drive-through restaurant. It is intended to serve residents of the Conservatory, as well as neighbouring single family developments and the future multi-family residential on the site.

The commercial layout has been reconfigured to move parking areas off of Summit Drive, and instead face buildings onto the street. This is generally considered a favourable change from an urban design perspective. The drive-through is oriented away from the street, so that it will not be visible by pedestrians from the road.



### Zoning Text Changes

The current bylaw does not define different areas of the site, instead allowing all uses on all areas of the site. This is not common to City of Kelowna Comprehensive Development bylaws.



The proposed bylaw amendment clearly splits the parcel into different areas with a different suite of permitted uses on each.

- Area 1 will be the area where the Conservatory is already built, and will allow additional residential development, with minimal commercial units.
- Area 2 will be the commercial plaza, without any residential uses.

The suite of uses permitted in Area 2, the Commercial area, is comparable to the generic C2 - Neighbourhood Commercial designation, and is intended to serve the neighbourhood, rather than drawing customers from across the city. This includes restaurants, personal service establishments such as hair dressers, branch banking and retail stores.

The maximum size of the commercial units will be capped at 240 m<sup>2</sup>, excepting for one 635 m<sup>2</sup> unit. This will limit the intensity of the uses to scales that are appropriate for a neighbourhood setting. Area 1 of the site, where the current multi-family development sits, will remain designated for multi-family use, with minor allowances for small scale commercial use.

The original configuration had approximately 3,000 m<sup>2</sup> of commercial lands, while the proposed configuration has approximately 7,645 m<sup>2</sup> of commercial lands.

### **Official Community Plan Amendment**

The proposal includes an Official Community Plan (OCP) amendment, changing a portion of the site from Future Multi-Family (MRM) to Future Commercial (Comm). This is intended as a 'clean-up' style amendment, moving the boundary lines to match the land use as had always been intended. This is not considered a major shift in OCP policy, and instead simply matches the OCP to the underlying zoning.

### **Zoning Bylaw Map Amendment**

The proposal includes a minor amendment to the Zoning Bylaw Map. This is another 'clean-up' style amendment, matching the Zoning Boundary between the CD3 - Comprehensive Development Three zone and the adjoining A1 - Agriculture 1 zone. The overall area zoned CD3 will decrease, but will properly match the development site.

4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Future Development
East	A1 - Agriculture 1	Future Development
South	P3 - Park and Open Space	Golf Course
West	RU1 - Large Lot Housing	Single Family Housing

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Staff have reviewed this application, and it may move forward without affecting either the City’s Financial Plan or Waste Management Plan.



## Proposed Designation

The applicant has requested that a portion of the site be re-designated for Comm - Commercial use in the OCP. The OCP indicates that the purpose of the Commercial designation is:

*Developments for the sale of goods and services. Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial. This designation may also include CD Comprehensive Development zoning that includes commercial uses.*

The requested OCP designation matches the intended use of the property to be designated Commercial.

The OCP has attempted to drive commercial development in the Glenmore area to the neighbourhood commercial node at Glenmore and Kane, approximately 1.5 km north of the site. The distance between the Conservatory and the neighbourhood commercial node should ensure that the Conservatory commercial site doesn't take businesses from the existing Kane/Glenmore node.

## Development Permit Guidelines

The OCP will require that any developer on the site obtain a Form and Character Development Permit prior to developing the commercial portion of the site. While it is not a requirement at the Zoning stage of the approvals process, staff have ensured that the development described in the amended CD3 - Comprehensive Development Three zone complies with relevant elements of the Development Permit Guidelines. This is intended to ensure a smooth development review as the project moves through the approvals process.

## 5.2 Zoning Bylaw 8000

The Zoning Bylaw designates the property as CD3 - Comprehensive Development 3. This CD zone was customized to apply to the Conservatory project, and is not used elsewhere in Kelowna. The proposed Zoning Bylaw Amendment will replace the existing CD3 zone with a new zone, also called CD3, which better reflects the proposed development.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

There have been some issues with regards to business licenses and what type of business can be allowed in the residential building. Complaints from the residents received.

The proposed changes will clarify the limited commercial uses available in the residential portion of the site.

### 6.2 Fire Department

No Concerns

## 7.0 Application Chronology

Date of Application Received:	Feb 21, 2014
Date Public Consultation Completed:	March 15, 2014
Date of Revised Plans:	February 17 <sup>th</sup> , 2015

**Report prepared by:**

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Ryan Roycroft, Planner 2

**Reviewed by:**

Ryan Smith, Urban Planning Manager

**Approved for Inclusion:**

Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Map A - OCP Amendment

Map B - Zoning Bylaw Amendment




**Subject Properties Notes:**

Amend the OCP of a portion of the Subject Property from Multiple Unit Residential (Medium Density) (MRM) to Commercial (Comm)

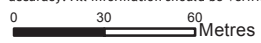
**Subject Properties Notes:**

Amend the OCP of a portion of the Subject Property from Multiple Unit Residential (Medium Density) (MRM) to Commercial (Comm)

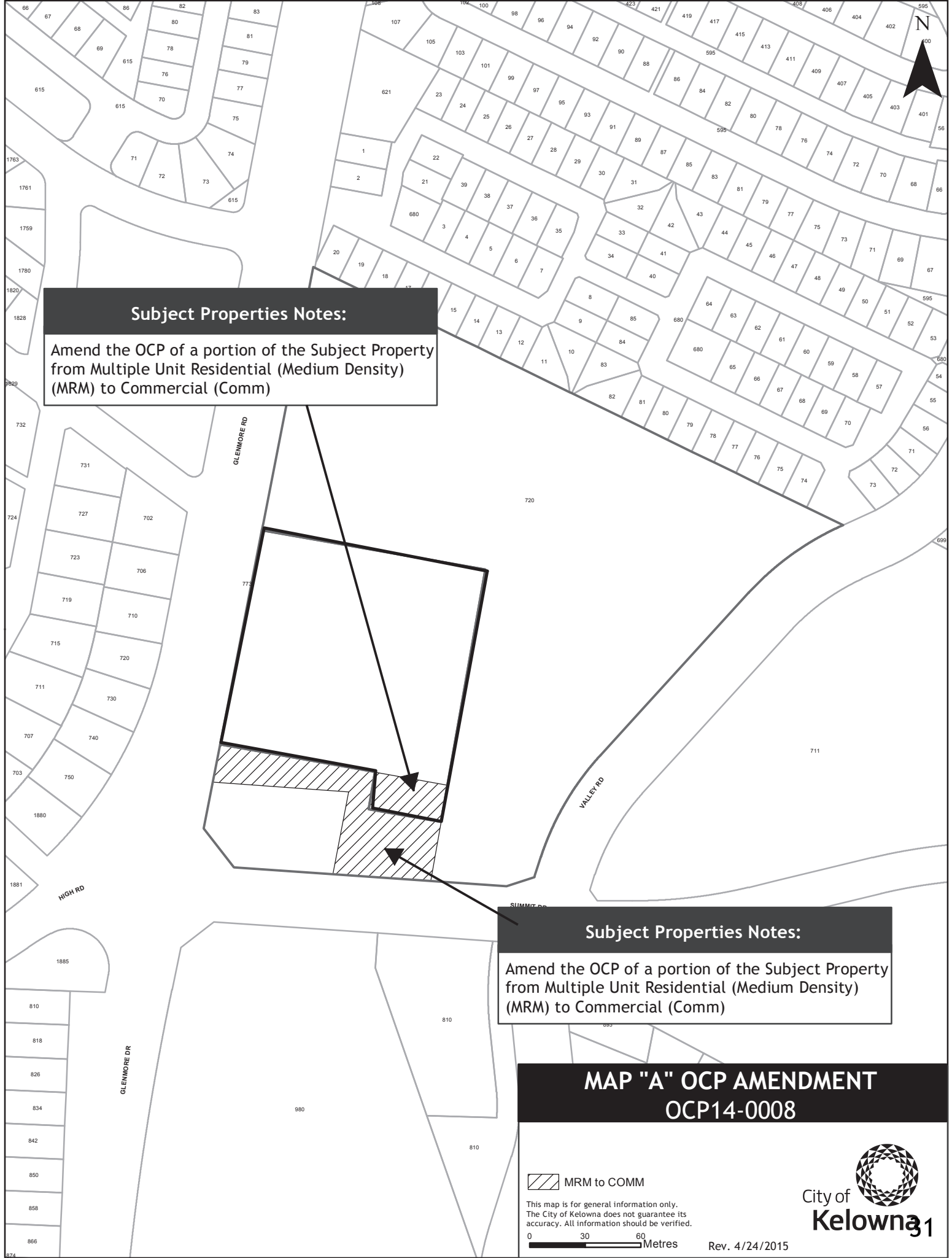
**MAP "A" OCP AMENDMENT  
OCP14-0008**

 MRM to COMM

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Rev. 4/24/2015



**Subject Property Notes:**

Rezone portions of the subject property from CD3 - Comprehensive Development Zone 3 to A1 - Agriculture



696

702

706

**GLENMORE RD**

720

773

**Subject Property Notes:**

Rezone portions of the subject property from A1 - Agriculture to CD3 - Comprehensive Development Zone 3





**SUMMIT DR**

**LEY RD**

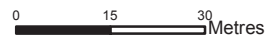
711

980

**MAP "B" PROPOSED ZONING  
File Z14-0010**

-  Legal Parcel
-  Subject Properties
-  A1 to CD3
-  CD3 to A1

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Rev. 4/24/2015



# Schedule 'B' – Comprehensive Development Zones

## CD3 - Comprehensive Development Three

### 1.1 Purpose

The purpose of this zone is to permit the development of a comprehensively planned, integrated community consisting of multi-family residential uses and local commercial uses.

### 1.2 Permitted Uses

The permitted **principal uses** in Area 1 of this zone, as shown on Figure CD 3.1, are:

- (a) **apartment housing**
- (b) **congregate housing**
- (c) **row housing**
- (d) **stacked row housing**

The permitted **secondary uses** in Area 1 of this zone, as shown on Figure CD 3.1, are:

- (a) **community recreation services**
- (b) **health services**
- (c) **home based business, minor**
- (d) **participant recreation services, indoor**
- (e) **personal service establishments**

The permitted **principal uses** in Area 2 of this zone, as shown on Figure CD 3.1, are:

- (a) **child care centre, major**
- (b) **community recreation services**
- (c) **financial services**
- (d) **food primary establishment**
- (e) **health services**
- (f) **liquor primary establishment, minor**
- (g) **offices**
- (h) **participant recreation services, indoor**
- (i) **personal service establishments**
- (j) **public libraries and cultural exhibits**
- (k) **retail stores, convenience**
- (l) **retail stores, general**

### 1.3 Subdivision Regulations

- (a) Lots should be configured approximately as shown on Figure CD3.1.
- (b) The minimum **lot width** is 45.0 m.
- (c) The minimum **lot depth** is 35.0 m.
- (d) The minimum **lot area** is 1400 m<sup>2</sup>

### 1.4 Development Regulations

- (a) The maximum **site coverage** for all principal and **accessory buildings** combined in this zone shall be 40%. Not more than 70% of the surface

of the land in the zone shall be covered with **buildings**, parking areas and driveways.

- (b) The maximum **height** in Area 1 is the lesser of 6½ **storeys** or 33.0 m.  
The maximum **height** in Area 2 is the lesser of 2 ½ **storeys** or 10.5 m.
- (c) The minimum **site front yard** is 6.0 m in Area 1.  
The minimum **site front yard** is 3.0 m in Area 2.
- (d) The minimum **site rear yard** is 6.0 m.
- (e) The minimum **site side yard** is 6.0 m, except it is 3.0 m from **flanking streets**. Entrance canopies may be sited a minimum of 1.5 m from the boundaries of Glenmore Road and Summit Drive.

### 1.5 Other Regulations

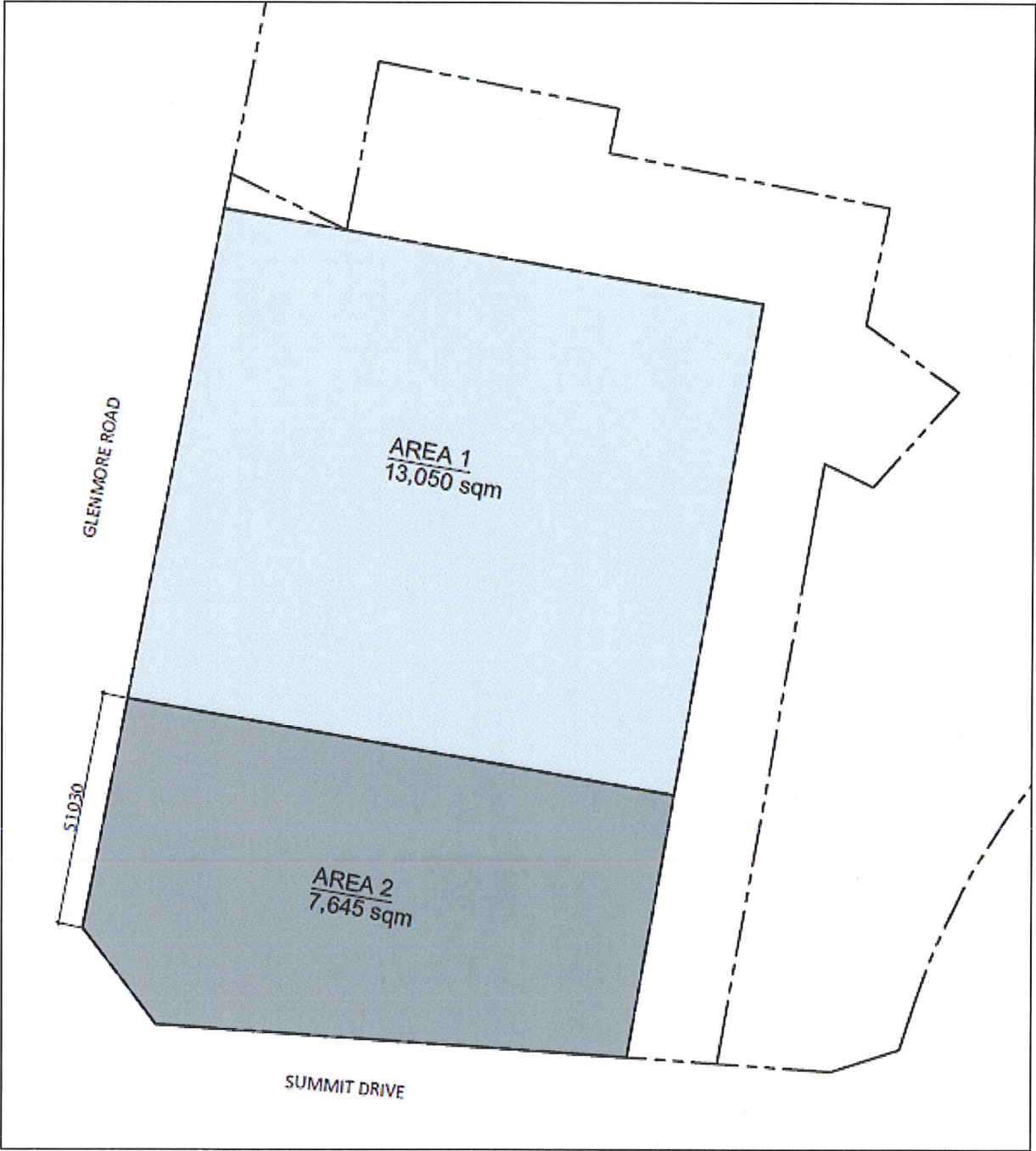
- (a) A minimum of 7.5 m<sup>2</sup> of private open space shall be provided for each bachelor unit, boarding or lodging unit, congregate care unit and group home unit, 15 m<sup>2</sup> for each one bedroom unit, and 20 m<sup>2</sup> for each unit of two bedrooms or more.
- (b) Commercial units within Area 2 shall be limited to a maximum Gross Floor Area of 240 m<sup>2</sup> per unit, except that one unit may have a maximum Gross Floor Area of 635m<sup>2</sup>.
- (c) No nuisance from noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the any commercial use within Area 1, as shown on Figure CD-3.1, and at all times, the privacy and enjoyment of residential dwellings shall be preserved and the commercial operations shall not adversely affect the amenities of the area.
- (d) Parking and loading for all uses shall be provided in accordance with the requirements of Section 8 of this Bylaw.

### 1.6 Sign Regulations

- (a) Signage for residential uses shall be in accordance with the sign regulations for land in the RM5 zone as determined by the City of Kelowna Sign Bylaw of the day.
- (b) Signage for **commercial uses** within Area 1 shown in Figure CD-3.1 shall be in accordance with the requirements for Identification Signs, as determined by the City of Kelowna Sign Bylaw of the day.
- (c) Signage for **commercial uses** in Area 2 shown in Figure CD-3.1 shall be in accordance with the sign regulations for land in the C4 zone as determined by the City of Kelowna Sign Bylaw of the day.



FIGURE CD-3.1





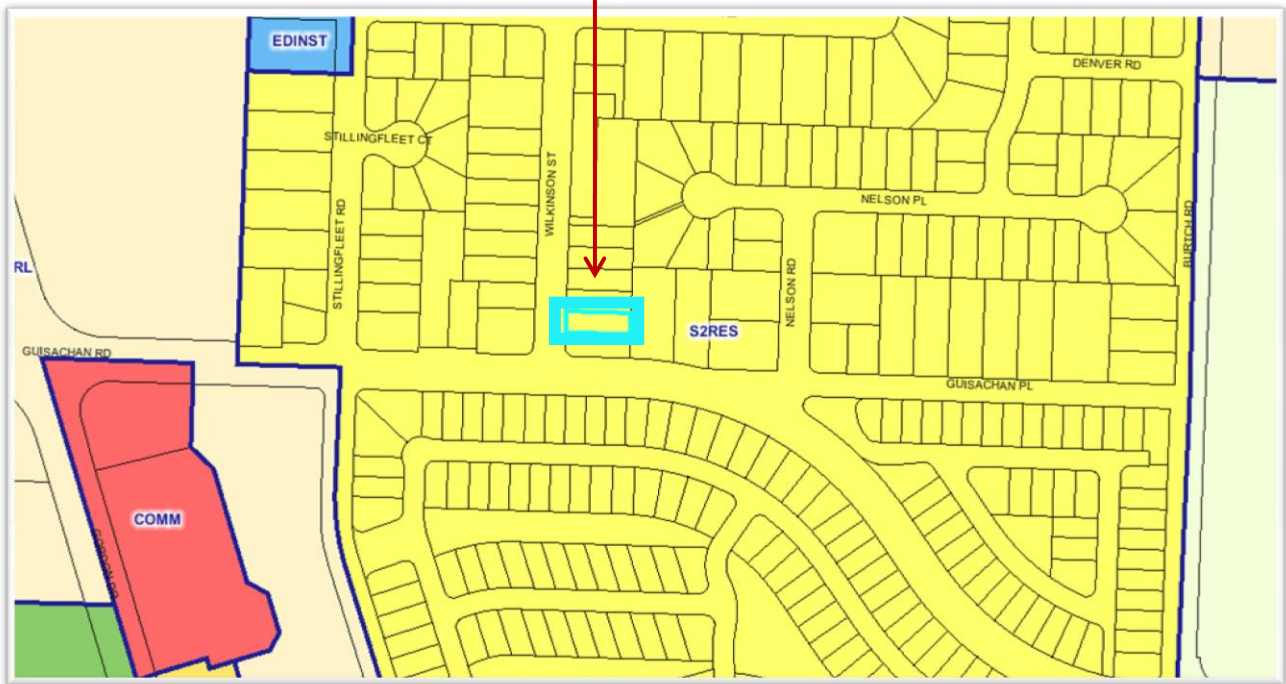


Designation of S2RES - Single/Two Unit Residential. Overall, the proposed rezoning fits with the future land use designation of the OCP.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the neighbours. To date, Staff has not received any feedback.

**OCP Future Land Use Map:**

2265 Wilkinson Street



**4.0 Proposal**

**4.1 Background**

An existing one and a half storey detached two vehicle garage exists on the subject property. This accessory building was constructed in 2014. The current property owner wishes to rezone to facilitate renovations to the existing accessory structure to create a carriage house dwelling.

**4.2 Project Description**

The applicant is proposing to rezone the property from RU2 to RU2c in order to allow a dwelling unit on the upper half storey of the one and a half storey detached garage. To facilitate the conversion of the existing accessory building two variances will be required as existing conditions on site do not conform to Zoning Bylaw No. 8000. These variances are for the maximum allowable site coverage including hard surfaces and the side yard setback for a carriage house from the south side yard.

The siting and overall exterior design of the building will remain unchanged. The existing accessory structure met the current Zoning Bylaw No. 8000 side yard setback of 1.0 m at the time of construction. In order for this accessory building to now accommodate a dwelling the

applicant will be working with Building and Permitting to meet fire protection requirements of the BC Building Code.

The required parking stall for the carriage house will be accommodated on a granular parking pad. The applicant has indicated that private open space will be provided for the carriage house on the existing hard surface concrete area. Separation from the main dwelling will be in the form of raised planters and trellis work.

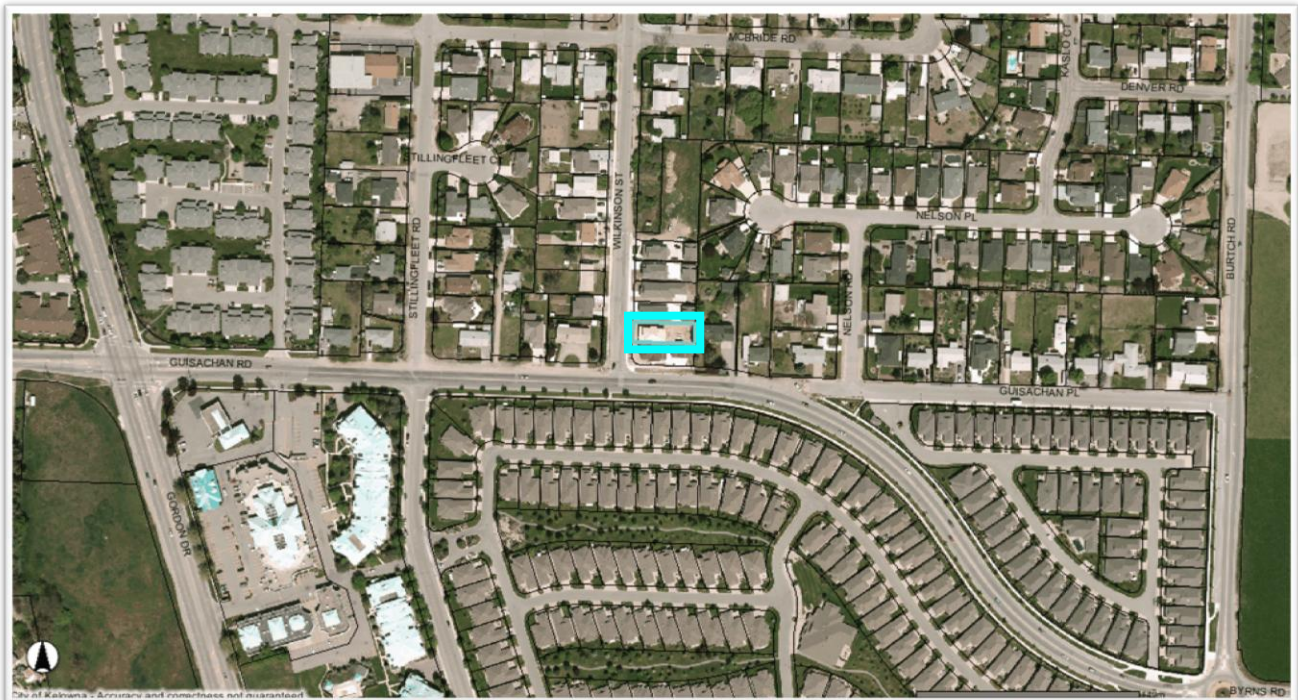
#### 4.3 Site Context

The subject property is located on the east side of Wilkinson Street, between Guisachan Road and McBride Road. This residential neighbourhood is a mix of RU1, RU2 and RU5 zones. The property is currently zoned RU2, identified in Kelowna’s OCP as S2RES, and is within the permanent growth boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2	Residential
East	RU1	Residential
South	RU2	Residential
West	RU2	Residential

#### Subject Property Map: 2265 Wilkinson Street



#### 4.4 Site Photos

View of principal dwelling from Wilkinson Street



Existing Accessory Structure





## 4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m <sup>2</sup>	568 m <sup>2</sup>
Minimum Lot Width	13.0 m	13.7 m
Minimum Lot Depth	30.0 m	41.5 m
Development Regulations		
Maximum Site Coverage	40 %	32 %
Maximum Site Coverage including hard surface	50 %	62 % ❶
Maximum Site coverage of Carriage House	14 %	13.5 %
Maximum Size of Carriage House	90 m <sup>2</sup> & 75 % of principal dwelling	73.3 m <sup>2</sup> & 24%
Maximum Height of Carriage House	4.8 m	4.5 m
Minimum Front Yard	Carriage house is to be located in the rear yard	Located in the rear yard
Minimum Side Yard (north)	1.5 m	4.1 m
Minimum Side Yard (south)	1.5 m	1.0 m ❷
Minimum Rear Yard	m	2.0 m
Other Regulations		
Minimum Parking Requirements	3	3
Minimum Private Open Space	30 m <sup>2</sup> each dwelling	70 m <sup>2</sup> Principal & 31 m <sup>2</sup> Carriage
❶ Indicates a requested variance to Maximum Site Coverage including hard surface		
❷ Indicates a requested variance to Minimum Side Yard setback (south)		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> 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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

**6.2 Development Engineering Department**

- See attached Memorandum dated April 2, 2015

**6.3 Fire Department**

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open with out special knowledge.
- Additional visible address is required from Wilkinson St.

**7.0 Application Chronology**

Date of Application Received: March 26, 2015  
 Date Public Consultation Completed: April 10, 2015

**Report prepared by:**

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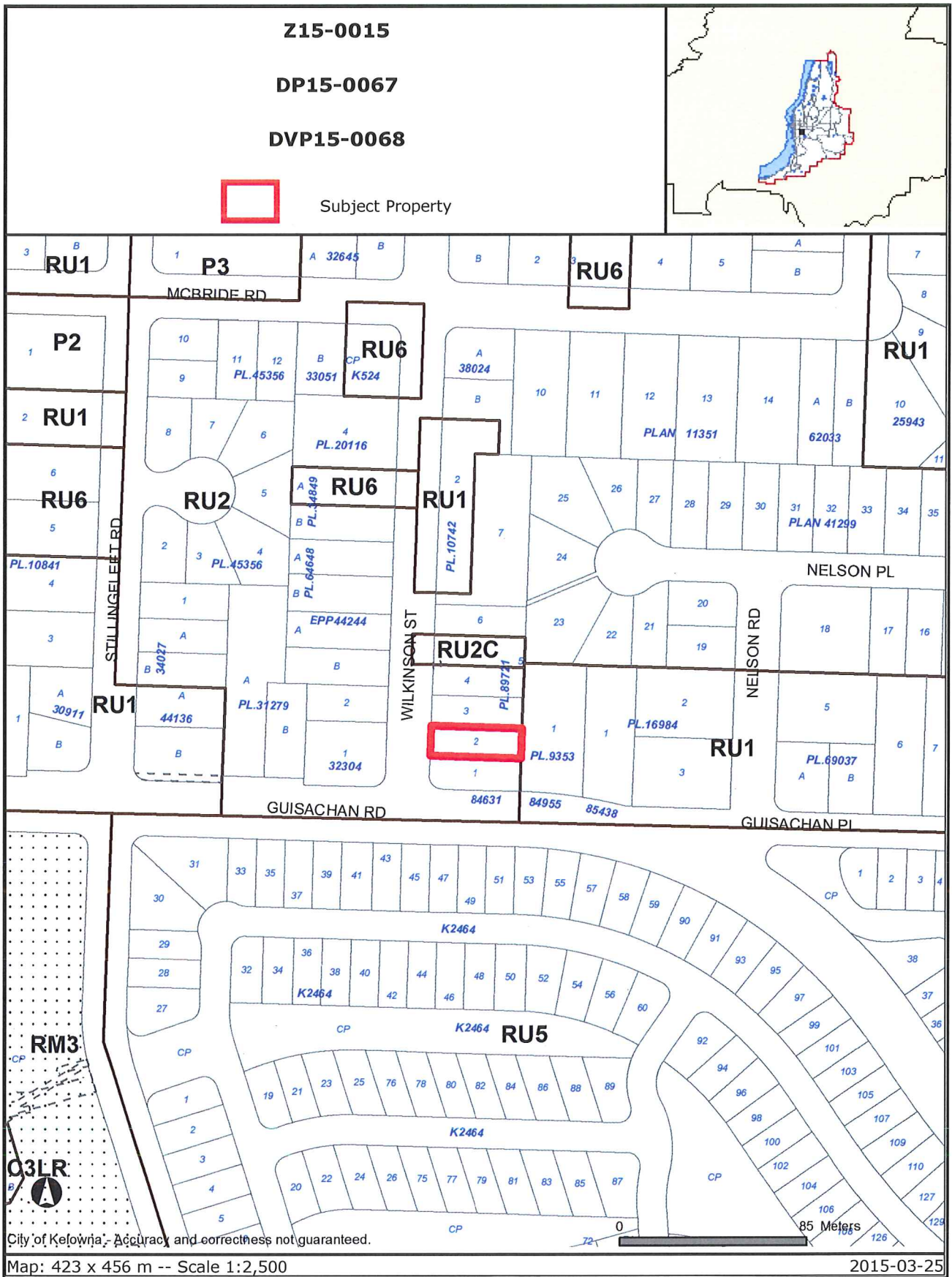
Tracey Yuzik, Planner

**Reviewed by:**  Lindsey Ganczar, Urban Planning Supervisor

**Approved for Inclusion:**  Ryan Smith, Urban Planning Manager

**Attachments:**

- Subject Property Map
- Conceptual Site Plan
- Elevations
- Development Engineering Memorandum



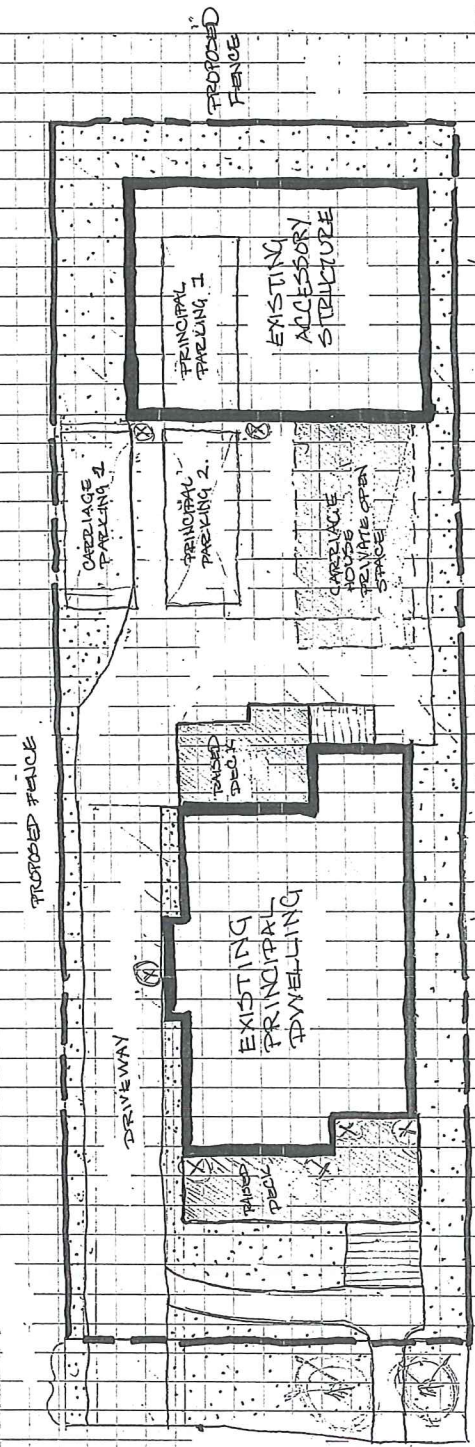
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



Site Plan/Landscape Plan 2155 Wilkinson St  
 Delta Creek ASP-217-6212

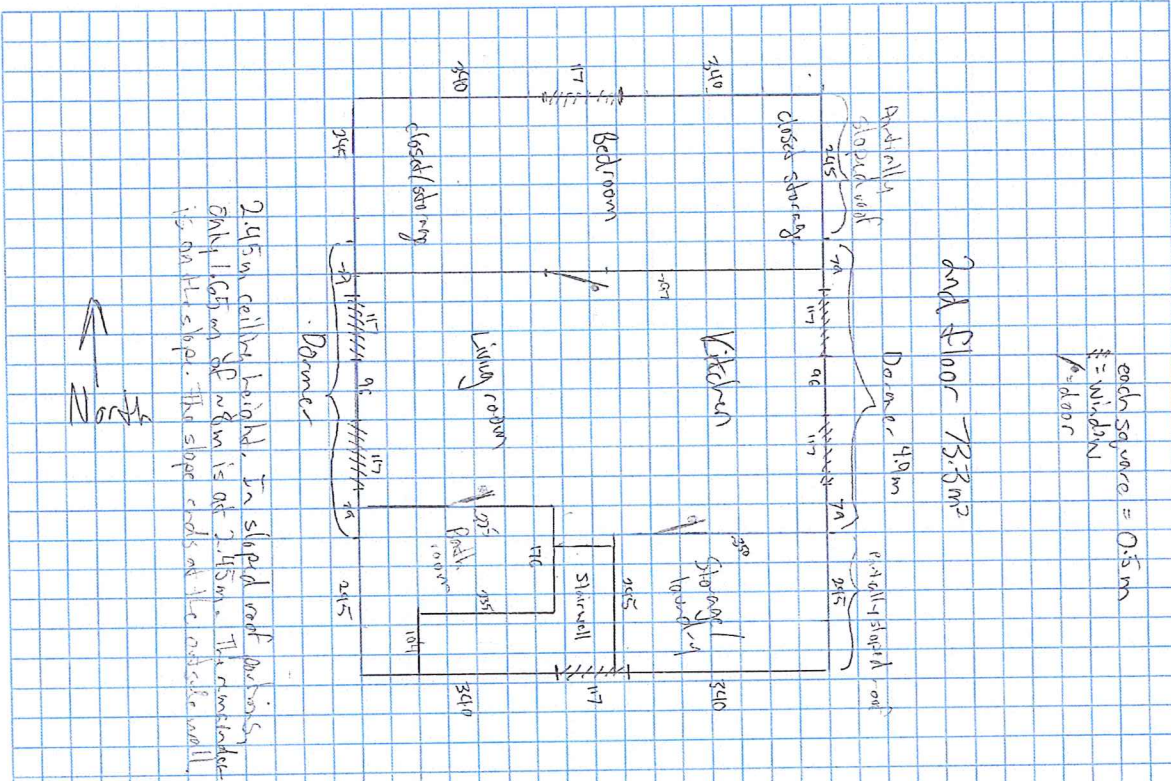
Legend  
 (X) = proposed modern seasonal pool  
 (X) = interior light  
 (X) = extra space = lawn  
 (X) = existing area  
 (X) = blank cells = concrete driveway or building

North  
 ↑



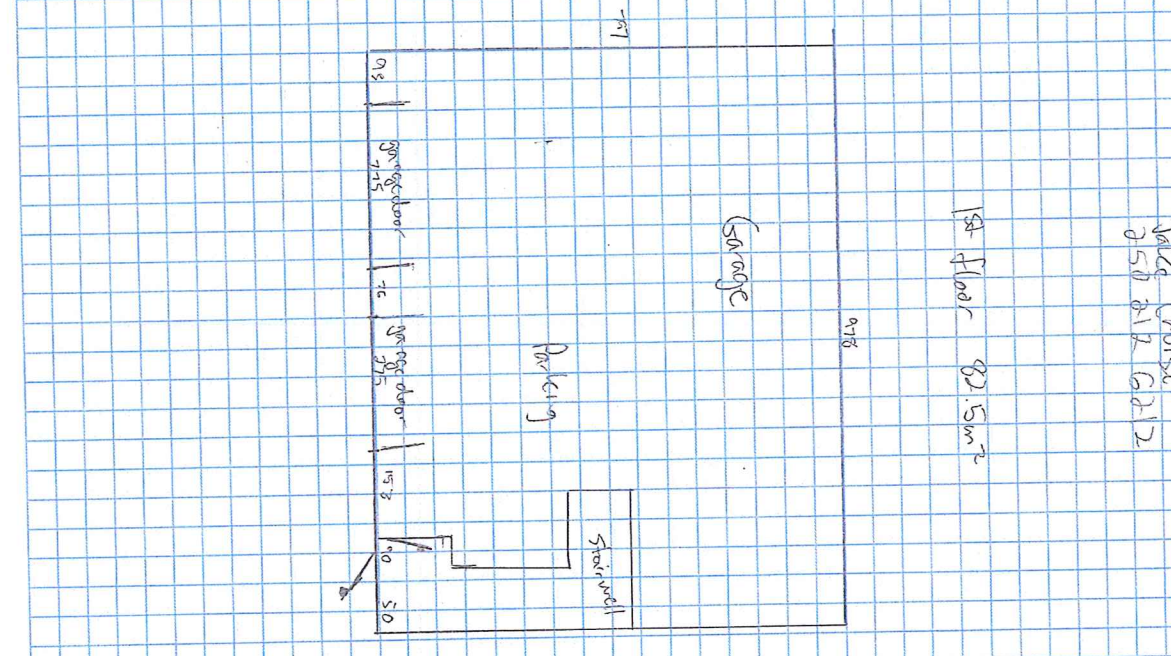
SCHEDULE A  
 This forms part of development  
 Permit # 2160015





Floor Plan

2206 Wilkinson Street (average house proposal)



**SCHEDULE A**  
 This forms part of development  
 Permit # **Z15-0015**





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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 2, 2014  
**File No.:** Z15-0015

**To:** Urban Planning (TY)

**From:** Development Engineering Manager

**Subject:** 2265 Wilkinson St

RU2c

---

Development Engineering has the following comments and requirements associated with this application to rezone from RU2 to RU2c.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 19mm-diameter water service. The service is adequate for the proposed application.

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service is adequate for the proposed application.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.

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.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS





The MRL - Multiple Unit Residential (Low Density) land use designation permits the proposed RM1-Four Dwelling Housing zone. Currently the adjacent parcels contain single family and duplex dwellings with multi-residential adjacent to the rear property line of the subject parcel. Other multi-residential complexes exist within the immediate area. The proposed multi-residential use is consistent with the Future Land Use designation policy for Sensitive Infill.

As for Council Policy No. 367 with respect to public consultation, the applicant has undertaken neighbourhood consultation by individually contacting the adjacent neighbours and providing application packages. No major issues were identified during the initial neighbourhood consultation with the surrounding parcels.

#### 4.0 Proposal

##### 4.1 Project Description

Pre-application meetings with Urban Planning Staff prior to the formal application has led to a design that works for the site. However the proposal requires two minor variances. The first variance is for building height. The Zoning Bylaw states the maximum height is the lessor of 9.5m or 2 ½ stories. The proposal is 3 stories but has a maximum height of 8.68m, well below the 9.5m maximum.

The second variance is for the parcel coverage. As the parcel does not have rear lane access, careful design and planning is required to ensure that sufficient parking is accommodated on the parcel. An additional paved area is therefore required at the north end of the site to allow the adjacent stalls to have a turn-around area. This design ensures that the parking is not the dominate feature of the development. The driveway is surfaced with 'turf stone', which allows grass to grow while providing a hard surface driveway (example below). It is environmentally sensitive as it provides additional site drainage and is not a typical large paved area.



The subject property has a Future Land Use designation of MRL - Multiple Unit Residential (Low Density) in the Official Community Plan (OCP) and is currently zoned RU6 - Two Dwelling Housing. The property is within both the Revitalization Development Permit Area and the Mill Creek Flood Plain. The Flood Construction Level (FCL) is between 352 and 353 as indicated on the Mill Creek Flood Plain Map.



4.2 Site Context

The parcel is located on the north side of McInnes Avenue with Single Family Dwellings on both sides and across the street. Multi-family residential development is located to the north.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	LUC 75-26 (R-5)	Apartment Building
East	RU6	Residential
South	RU6	Residential
West	RU6	Residential

Subject Property Map: 1432 McInnes Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	700 m <sup>2</sup>	720.83 m <sup>2</sup>
Min. Lot Width	20 m	18.93 m
Min. Lot Depth	30 m	38.10 m
Development Regulations		
Max. Floor Area Ratio	0.6	.59
Max. Height (Lessor of)	9.5 m or 2 ½ storeys	8.68 m and 3 stories ●
Min. Front Yard	4.5 m	4.57 m
Min. Side Yard (east)	2.5 m	7.31 m
Min. Side Yard (west)	2.5 m	2.94 m

Min. Rear Yard	7.5m	7.5 m
Max. Site Coverage	50%	55.43% ②
<b>Other Regulations</b>		
Minimum Parking Requirements	1.5 stalls/2 bdrm dwelling units (x4 units = 6 stalls req.)	6 stalls provided
Private Open Space	25 m <sup>2</sup> / unit	+25 m <sup>2</sup> / unit provided
① Indicates a requested variance to the building height ② Indicates a requested variance to the site coverage		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> 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.

**Water and Drainage**<sup>3</sup> Minimize impervious surfaces through use of permeable materials and techniques to improve absorption (e.g. gravel, pavers, grasscrete, grass field for overflow parking, 'country lanes').

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- 3) Supporting Exterior beams and columns may need to be rated based on the code analysis which may affect the form and character. Structural Engineer will be required for non vertical load paths at time of permit application.
- 4) Clearance between u/s stairs and exit paths & distance from stairs to doors to be reviewed at time of building permit application.
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

See attached Memorandum dated March 30, 2015

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 12.8.6 (Natural Environment DP Chapter).

**6.3 Fire Department**

- 1) Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- 2) As per Subdivision Bylaw 7900, ensure fire flows of 90 litres/sec are met for a four plex.
- 3) The four plex shall be addressed with one main address off of McInnes Ave with unit numbers being assigned for each unit.

**6.4 RCMP**

- 1) With respect to landscape design, the applicant should be mindful of density and scale of plant material to avoid creating opportunities for concealment.

**7.0 Application Chronology**

Date of Application Received: March 20, 2015  
Date Public Consultation Completed: April 8, 2015

**Report prepared by:**

\_\_\_\_\_  
Lydia Korolchuk, Planner

**Reviewed by:**

Lindsey Ganczar, Urban Planning Supervisor

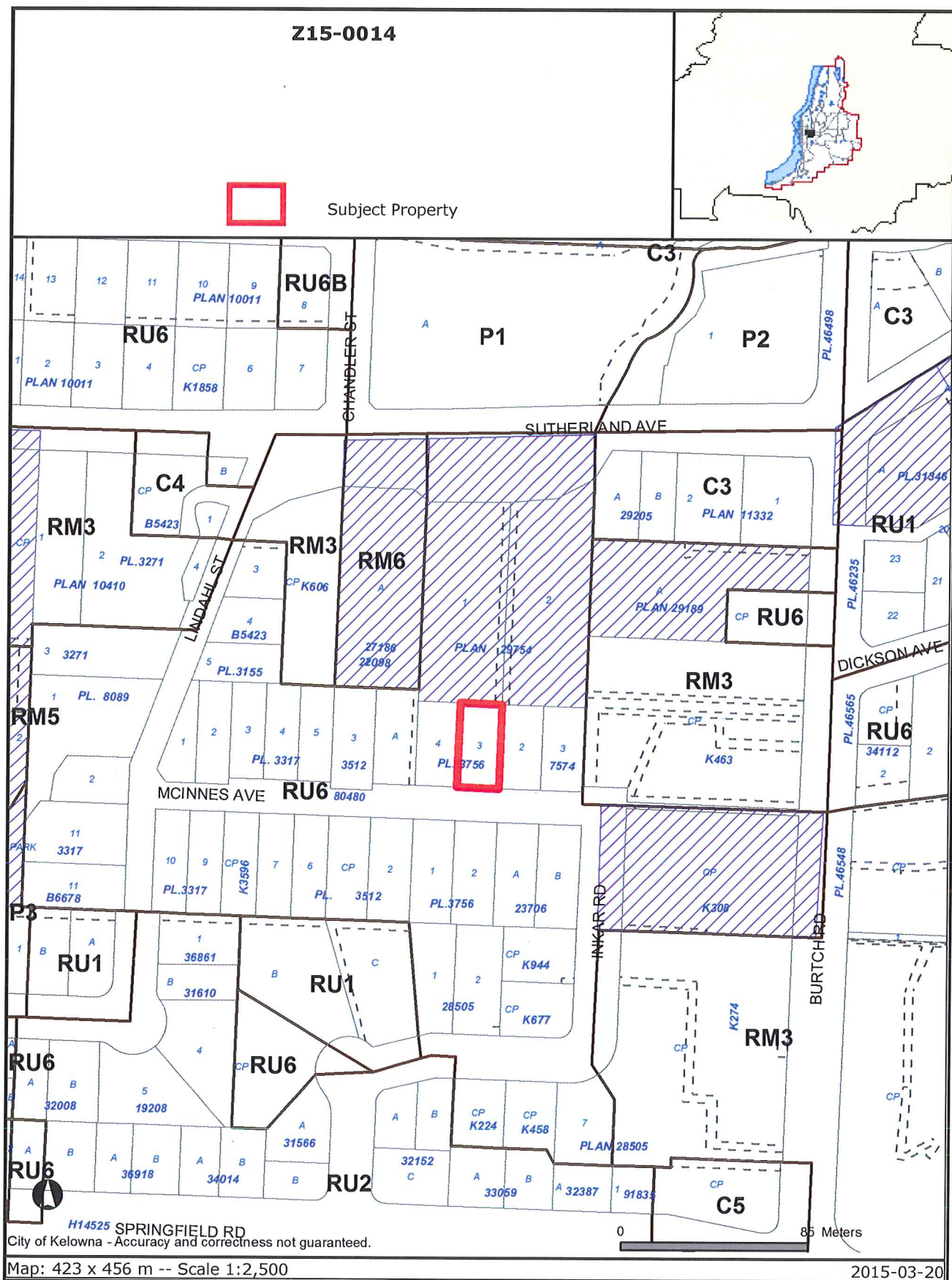
**Reviewed by:**

Ryan Smith, Urban Planning Manager

**Attachments:**

Subject Property Map  
Site Plan/Landscape Plan  
Conceptual Elevations  
Development Engineering Memo





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 30, 2015  
**File No.:** Z15-0014

**To:** Urban Planning Department (LK)

**From:** Development Engineering Manager

**Subject:** 1432 McInnes Ave

RU6 to RM1

---

The Development Engineering Department has the following comments and requirements associated with this rezoning 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 Sergio Sartori

**1. Domestic Water and Fire Protection**

The subject property is currently serviced with a 19mm water service. The developer will need to determine the domestic and fire protection requirements of this proposed development. Only one service will be permitted for this development. The applicant will arrange for the disconnection of existing service and the installation of a new service. The disconnection of the existing small diameter water services and the tie-in of a larger new service can be provided by City forces at the developer's expense. One metered water service will supply the development. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrades. For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

**2. Sanitary Sewer**

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

**3. Road Improvements**

McInnes Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$7,555.00** not including utility service cost

Only the service upgrades must be completed at this time. The City wishes to defer the upgrades to McInnes Ave fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Item	Cost
Drainage	\$ 563.00
Curb &Gutter	\$1,893.00
Sidewalk	\$2,366.00
Street Lighting	\$ 639.00
Landscape Boulevard	\$ 355.00
Road Fillet	\$1,739.00
<b>Total</b>	<b>\$7,555.00</b>

4. **Development Permit and Site Related Issues**

Direct the roof drains into on-site rock pits or splash pads.

5. **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.




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Steve Muenz, P. Eng.  
Development Engineering Manager

SS



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CITY OF KELOWNA

MEMORANDUM

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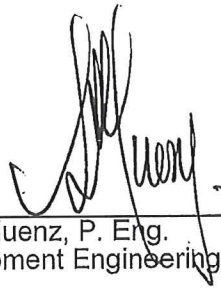
**Date:** March 31, 2015  
**File No.:** DP15-0061  
**To:** Urban Planning (LK)  
**From:** Development Engineer Manager (SM)  
**Subject:** 1432 McInnes Ave

---

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. **General.**

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z15-0014.



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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

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**CITY OF KELOWNA**  
**MEMORANDUM**

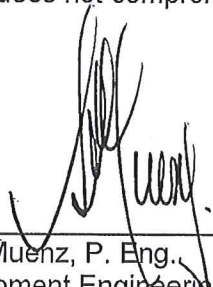
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**Date:** March 31, 2015  
**File No.:** DVP15-0062  
**To:** Urban Planning (LK)  
**From:** Development Engineering Manager (SM)  
**Subject:** 1432 McInnes Ave

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Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the site coverage from 50% to 55.4% does not compromise any municipal services.

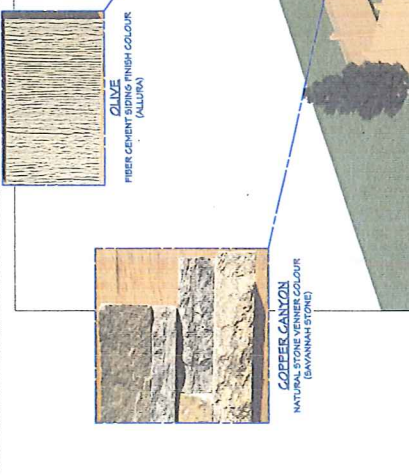


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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

ZONING ANALYSIS TABLE - MULTIPLE UNIT RESIDENTIAL APPLICATION	
SITE DETAILS:	PROPOSAL
SITE AREA (m <sup>2</sup> )	151.93
SITE DEPTH (m)	38.1
SITE COVERAGE OF BLDG(%)	100.03
DEVELOPMENT REGULATIONS:	PROPOSAL
TOTAL NUMBER & BREAK DOWN OF UNITS	(6) 2-BEDROOMS
FLOOR AREA (SQ FT) (M <sup>2</sup> )	59,307 / 5,500(M <sup>2</sup> )
BUILDING HEIGHT (STOREYS/METERS)	3/9.66
FLOORING (SETBACKS) (m):	4.97
SIDE (INCLUDE DIRECTION)	2.93 (WEST)
SIDE (INCLUDE DIRECTION)	6.72 (EAST)
SIDE (INCLUDE DIRECTION)	6.05 (EAST)
NUMBER OF PARKING STALLS/LOADING SPACES	40
SIDE (INCLUDE DIRECTION)	7.73 (WEST)
SIDE (INCLUDE DIRECTION)	4.29 (EAST)
DRIVE ABLE WIDTH (m)	4.29
NUMBER OF BICYCLE PARKING SPACES	4
PRIVATE OPEN SPACE	392 (m <sup>2</sup> )
PRIVATE GARAGE, LOBBY HEIGHT & FLOOR PLATE SIZE	1432 MCINNIS AVE
PLAN	(KAP275)
DISTRICT LOT	137
LAND DISTRICT	41
USE	288-805
TYPE	606 - SINGLE FAMILY DWELLING
ZONING	RUB - TWO DWELLING HOUSING



**KEY PLAN**

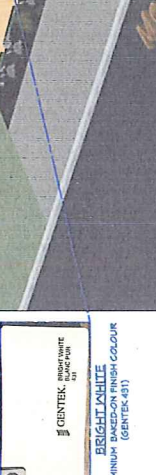
SEE DEVELOPER'S KEY PLAN FOR DETAILED LOCATION OF THE PROJECT. THE PROJECT IS LOCATED AT THE INTERSECTION OF 1432 MCINNIS AVE AND 1432 MCINNIS AVE.

**REVISION TABLE**

NO	DATE	REVISION
1	11/03/05	REVISED PER COMMENTS
2	11/03/05	REVISED PER COMMENTS
3	11/03/05	REVISED PER COMMENTS
4	11/03/05	REVISED PER COMMENTS
5	11/03/05	REVISED PER COMMENTS
6	11/03/05	REVISED PER COMMENTS
7	11/03/05	REVISED PER COMMENTS
8	11/03/05	REVISED PER COMMENTS
9	11/03/05	REVISED PER COMMENTS
10	11/03/05	REVISED PER COMMENTS

Weninger Construction & Design Ltd.  
1432 MCINNIS AVE  
KELOWNA BC  
Tel: (250) 765-6976 Fax: (250) 765-6978  
Douglas Road North Kelowna, BC V1X 3K5

GENTEK - Bright White	
ALUMINUM FINISH COLOUR	(GENTEK-431)



**VIEW FROM SOUTH-EAST**

**VIEW FROM SOUTH-WEST**

**ELAGSTONE**  
FIBER CEMENT SIDING FINISH COLOUR  
(ALLURA)

**OLIVE**  
FIBER CEMENT SIDING FINISH COLOUR  
(ALLURA)

**ELAGSTONE**  
FIBER CEMENT SIDING FINISH COLOUR  
(ALLURA)

**COOPER CANYON**  
NATURAL STONE VENEER COLOUR  
(SAVANNAH STONE)

**Weninger CONSTRUCTION**

DRAWINGS PROVIDED BY:

**1432 MCINNIS AVE**

**MULTIPLE UNIT RESIDENTIAL**

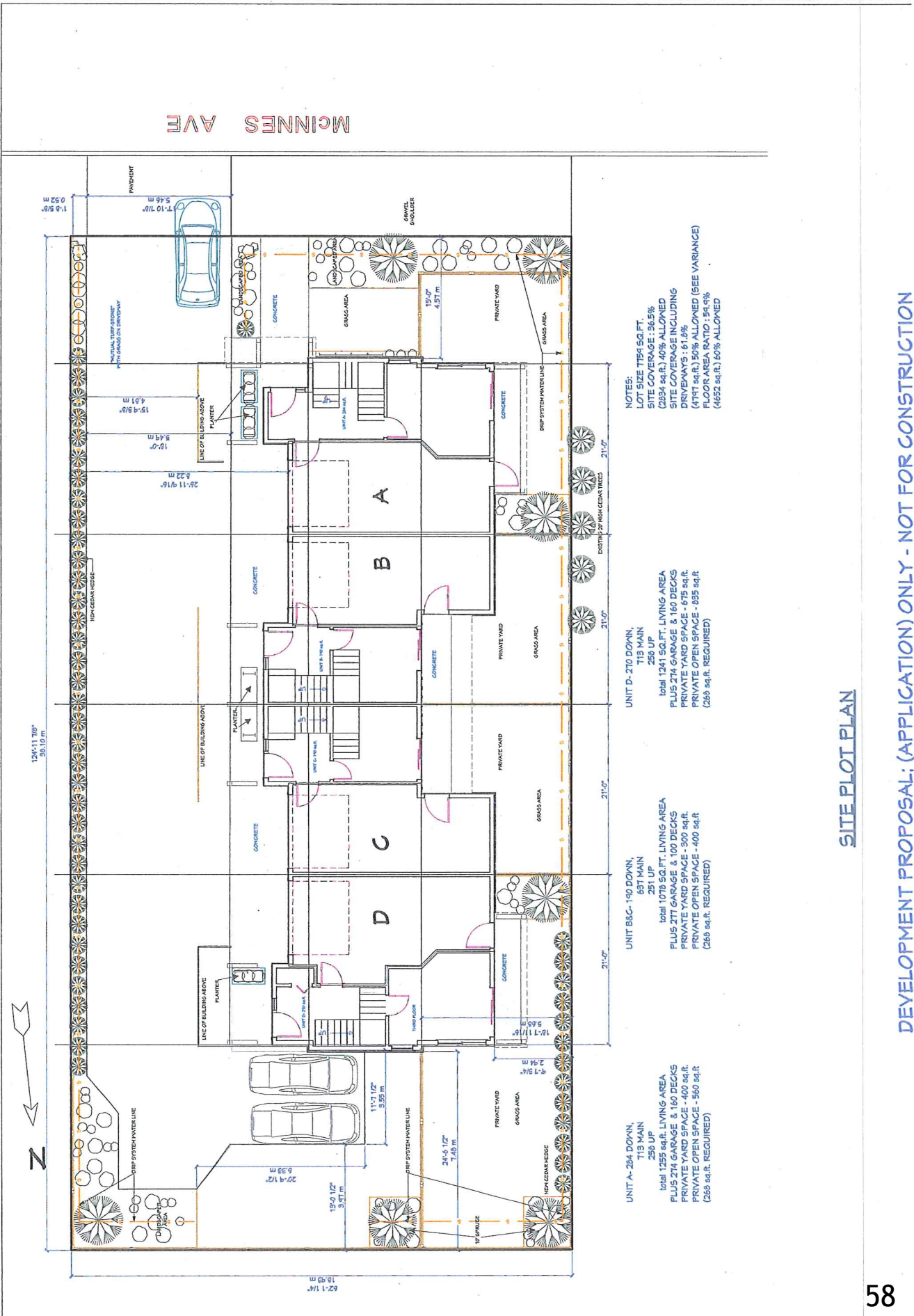
**PERSPECTIVE RENDERED VIEWS**

DATE: Y-03-05

SCALE: N.T.S.

SHEET: 1





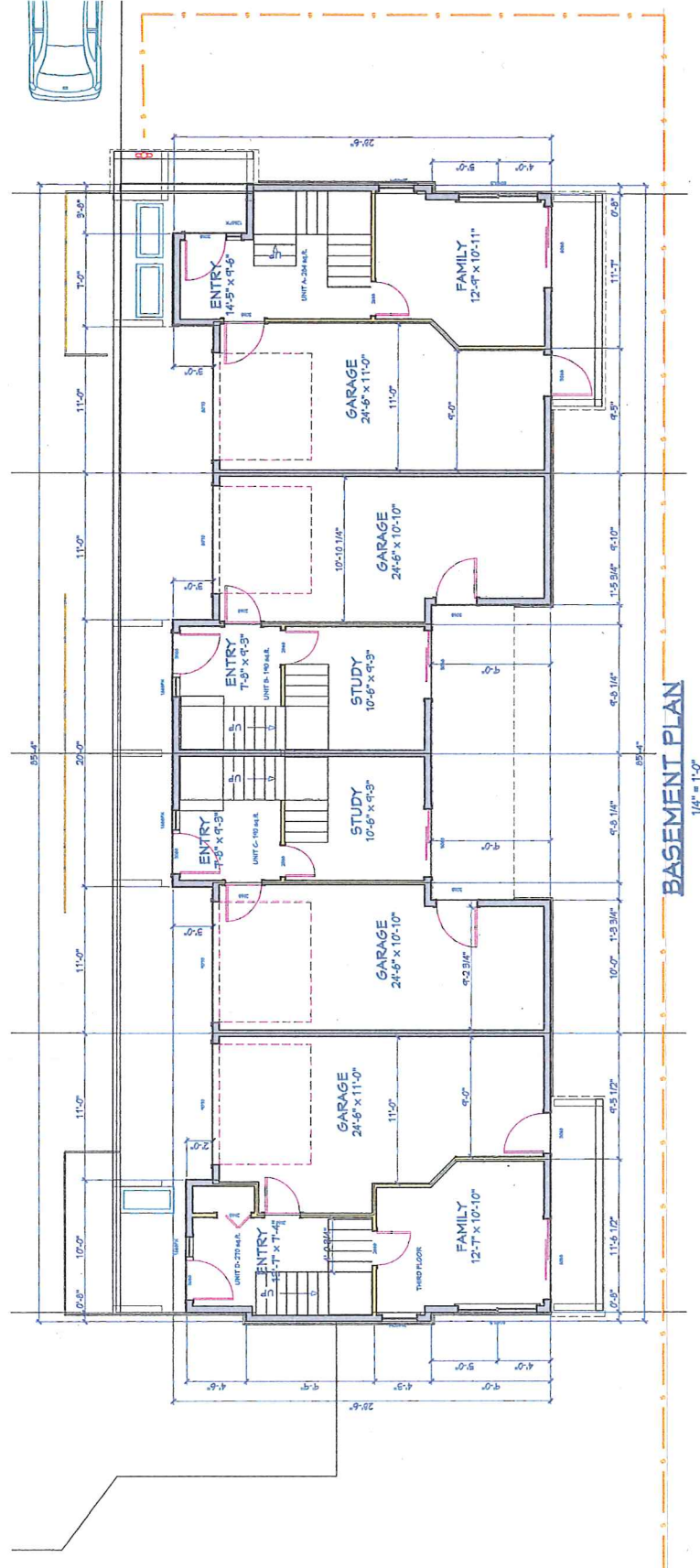
**SITE PLAN**

DEVELOPMENT PROPOSAL; (APPLICATION) ONLY - NOT FOR CONSTRUCTION

DEVELOPMENT PROPOSAL; (APPLICATION) ONLY - NOT FOR CONSTRUCTION

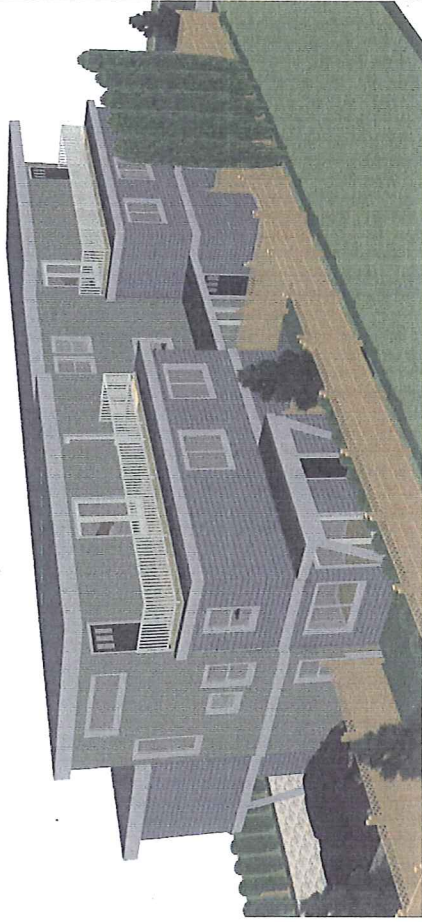
BASEMENT PLAN

1/4" = 1'-0"



VIEW FROM NORTH

VIEW FROM NORTH-EAST



REVISION TABLE	
NO. DATE	REV. BY DESCRIPTION
1	MMAKS
DEVELOP. PROPOSAL	

Kevin Verhulst  
James Hahn  
1432 MINNESOTA AVE  
RELMONA BC  
Verhulst Construction & Design Ltd.  
Units 1028-200  
Douglas Road North, Kelowna, BC V1X 5K5  
Tel: (250) 868-6616 Fax: (250) 868-6019

**MULTIPLE UNIT RESIDENTIAL**  
**1432 MINNESOTA AVE**  
**BASEMENT FLOOR PLAN**

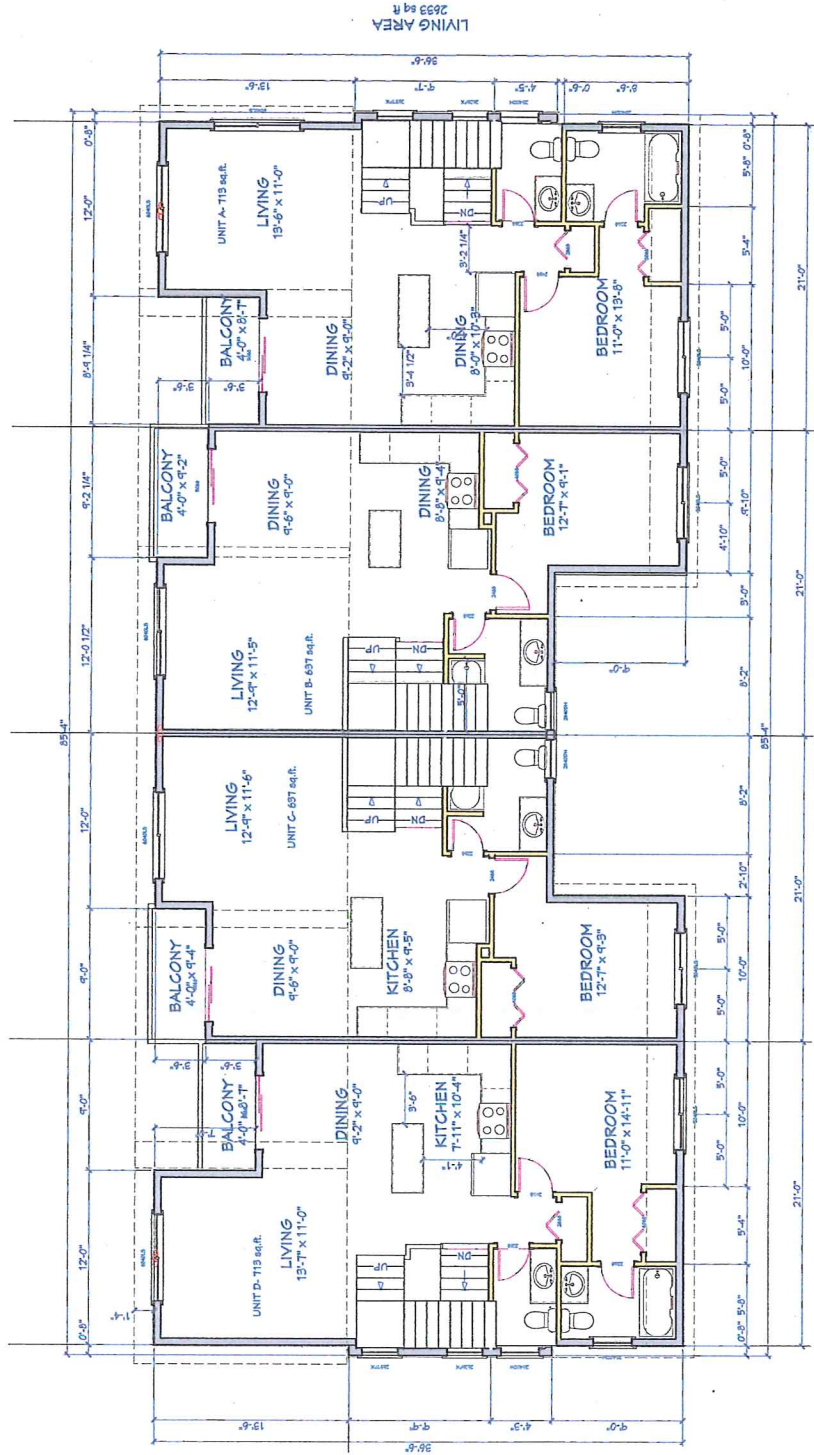


DATE: Y-03-05  
SCALE: 1/4"=1'-0"  
SHEET: 3



MAIN FLOOR PLAN

1/4" = 1'-0"



DATE:	Y-05-05
SCALE:	1/4"=1'-0"
SHEET:	4

CONSTRUCTION  
**Weninger**  
 DRAWINGS PROVIDED BY:

**MULTIPLE UNIT RESIDENTIAL**  
**1432 MINNESOTA AVE**  
 MAIN FLOOR PLAN

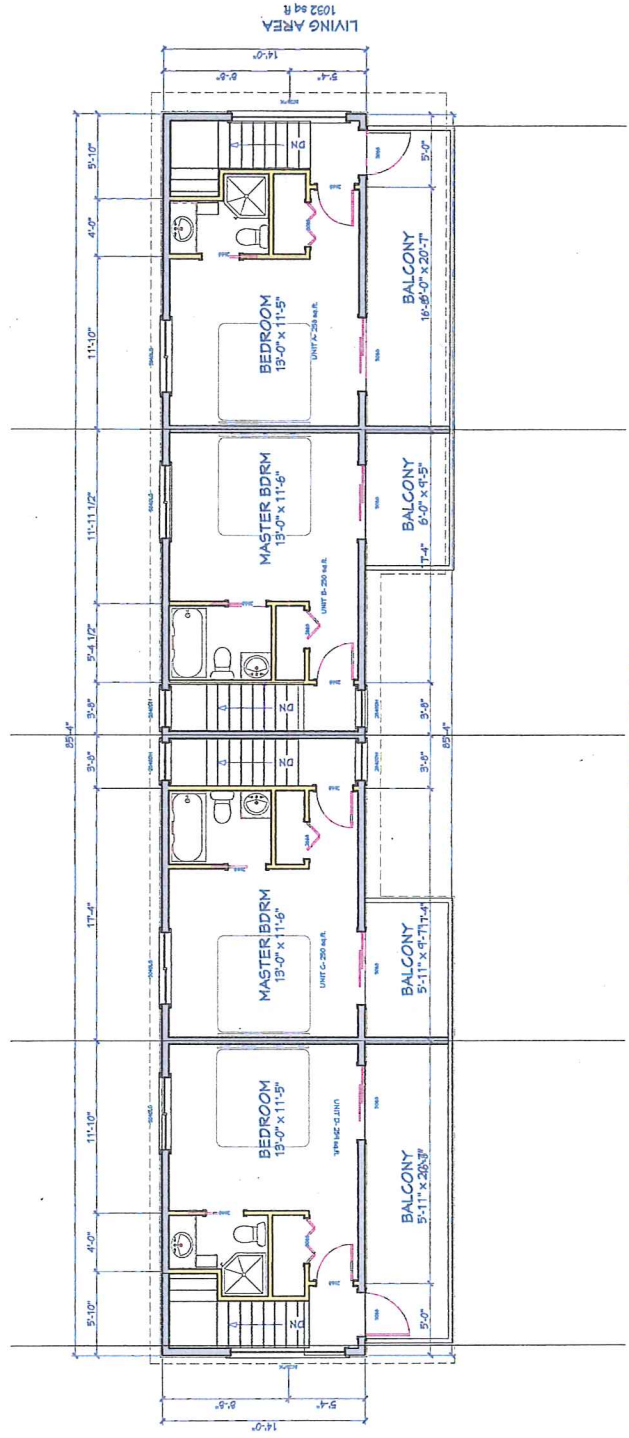
Weninger Architects  
 1432 MINNESOTA AVE  
 MINNEAPOLIS, MN 55402  
 Tel: (252) 785-6649 Fax: (252) 785-6078

REVISION TABLE		
NO.	DATE	REV. BY/DESCRIPTION
1	05/05/05	WEN/MLH
2	05/05/05	WEN/MLH
3	05/05/05	WEN/MLH
4	05/05/05	WEN/MLH
5	05/05/05	WEN/MLH
6	05/05/05	WEN/MLH
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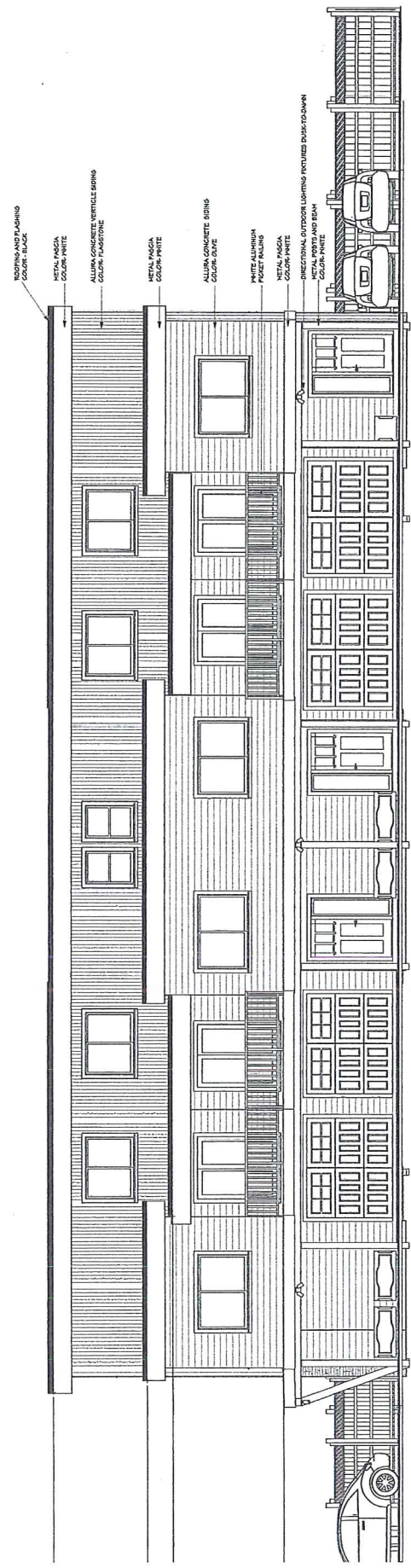


DEVELOPMENT PROPOSAL; (APPLICATION) ONLY - NOT FOR CONSTRUCTION

**TOP FLOOR PLAN**  
1/4" = 1'-0"



**RIGHT ELEVATION**  
1/4" = 1'-0"



<b>WENINGER CONSTRUCTION</b> DRAWINGS PROVIDED BY:		<b>DATE:</b> Y-03-05
<b>MULTIPLE UNIT RESIDENTIAL</b> <b>1432 MAINNES AVE</b> <b>2ND FLOOR PLAN</b>		<b>SCALE:</b> 1/4"=1'-0"
WENINGER Construction & Design Ltd. 1432 MAINNES AVE MELBOURNE BC JEROME HEIN		<b>SHEET:</b> 5
PENNINGTON Construction & Design Ltd. 1028 1028-200 Douglas Road North, Kelowna, BC V1X 5K5 Tel: (250) 765-6575 Fax: (250) 765-6575		<b>REVISION TABLE</b>
NO. DATE	REV. BY/DESCRIPTION	
A	04/04/05	DEVELOP PROPOSAL

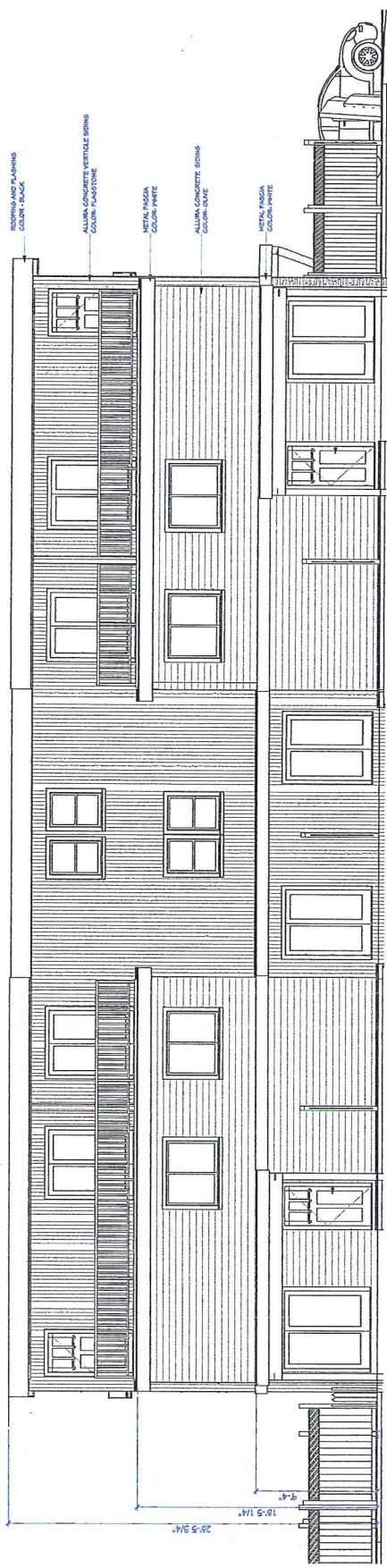
NO.	DATE	REV. BY	DESCRIPTION
1	01/11/13	MM	REVISION TABLE
2	01/11/13	MM	REVISION TABLE
3	01/11/13	MM	REVISION TABLE
4	01/11/13	MM	REVISION TABLE
5	01/11/13	MM	REVISION TABLE

WENINGER CONSTRUCTION & DESIGN LTD.  
 1432 MAINNES AVE  
 KELLOWA BC  
 James Hahn  
 604-755-4449  
 Tel (250) 765-4449 Fax (250) 765-6079  
 Unit# 1028-200  
 Design Road North, Kelowna, BC V1Y 5K5

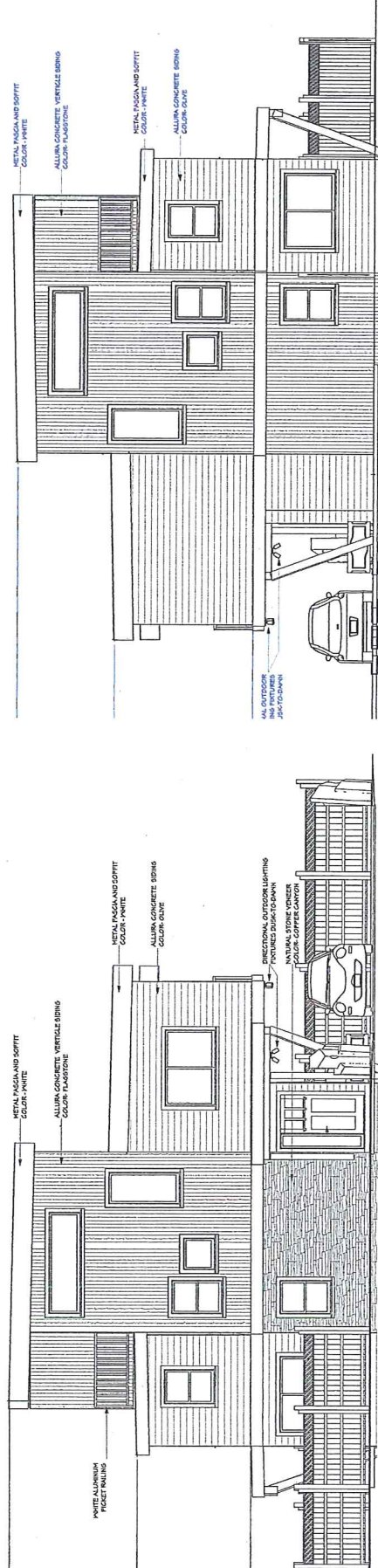
**MULTIPLE UNIT RESIDENTIAL**  
**1432 MAINNES AVE**  
**EXTERIOR ELEVATIONS**



DRAWINGS PROVIDED BY:  
 DATE: 1-03-05  
 SCALE: 1/4" = 1'-0"  
 SHEET: 6



**LEFT ELEVATION**  
1/4" = 1'-0"



**FRONT ELEVATION**  
1/4" = 1'-0"

**REAR ELEVATION**  
1/4" = 1'-0"

DEVELOPMENT PROPOSAL; (APPLICATION) ONLY - NOT FOR CONSTRUCTION



# REPORT TO COUNCIL



**Date:** April 27, 2015  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (LK)  
**Application:** Z15-0011 **Owner:** Imre & Jennifer Csorba  
**Address:** 1280 Hwy 33E **Applicant:** Imre & Jennifer Csorba  
**Subject:** Rezoning Application  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** A1c - Agriculture 1 with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z15-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 13 Township 26 ODYD Plan 25650, located on 1280 Highway 33 East, Kelowna, BC from A1 - Agriculture 1 zone to A1c - Agriculture 1 with Carriage House zone, be considered by Council,

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration,

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance permit for the subject property,

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction,

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to approval of the Ministry of Transportation and Infrastructure.

## 2.0 Purpose

To rezone the subject property from A1 - Agriculture 1 zone to A1c - Agriculture 1 with Carriage House zone.

## 3.0 Urban Planning

Urban Planning staff supports the proposal to convert an existing accessory building to a carriage house. The subject parcel has a Future Land Use designation of S2RES - Single / Two Unit Residential, therefore the application to rezone the parcel to A1c is in compliance with the OCP.

The OCP supports the densification of neighbourhoods through appropriate infill development and utilization of existing infrastructure.

## 4.0 Proposal

### 4.1 Background

Building Permit #BP42077 approved the construction of the building in 2011. DP15-0078 is currently under review for the form and character of the carriage house, while DVP15-0059 addresses the required three variances to the Zoning Bylaw.

The parcel has a downward slope from Bentien Road to the carriage house, and further slopes down to the existing primary dwelling and Highway 33E. In 2009, the Ministry of Transportation (MOT) contacted the homeowners and requested that the primary access to the parcel be relocated from Highway 33E to Bentien Road to accommodate the future road widening. MOT provided the new concrete pad for the future construction of the garage in 2011.

The accessory building was constructed with a second storey storage space, with the intention that as funds became available, the space would be converted to a carriage house.

### 4.2 Project Description

The applicant is proposing to rezone the property from A1 - Agriculture 1 zone to A1c - Agriculture 1 with Carriage house in order to allow a dwelling unit to be constructed in the upper floor of the existing accessory building. Two parking stalls are provided on the main floor of the carriage house with an additional stall located beside the carriage house.

The siting and overall exterior design of the building remains unchanged. Private open space is provided on a balcony accessed by sliding doors on the north side of the dwelling unit and a private at-grade patio located on the south side of the carriage house.

A variance for the building height is required, as the maximum height of a carriage house is 4.8m and the accessory building was constructed at 5.75m. The maximum height of an accessory building is 6.0m for an A1 zoned parcel.

Zoning Bylaw regulation 1.7.1 indicates that non-conforming agricultural lots less than 0.2 ha which existed prior to August 10, 1976 will be developed with the provisions and regulations of the RU1 - Large Lot Housing zone. The parcel was subdivided in 1974 and therefore meets this criteria. As such, the building was inadvertently constructed overheight as it was reviewed based on the A1 - Agricultural zone regulations and not as RU1 - Large Lot housing.

The second variance is to vary the front yard setback. As this parcel is a double fronting lot, the carriage house is to be sited the same as a single detached dwelling. This would require a setback of 6.0m from the front property line. The carriage house is located 3.66m from the front property line. Within the A1 - Agricultural Zone, an accessory building requires a minimum 3.0m setback from the front property line and was sited to meet and exceed this requirement.

The last variance is to allow the upper storey floor area of the carriage house to be more than 75% of the carriage house footprint. The proposed area is 76.55% and is over the allowable area by 0.95m<sup>2</sup>. The suite area was based on the footprint of the existing garage and would be difficult to modify as the building already exists on site as an accessory building.

4.3 Site Context

The subject property is a double fronting parcel located on the east side of Highway 33E and west of Bentien Road. The subject parcel and adjacent parcels on the east side of Hwy 33E have a Future Land Use designation of S2RES and are outside the Agricultural Land Reserve (ALR). The parcels across Hwy 33E have a Future Land Use of REP and are within the Agricultural Land Reserve (ALR).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 -Agriculture 1	Residential
East	A1 -Agriculture 1	Residential
South	RU1 - Large Lot housing	Residential
West	RR2 - Rural Residential 2 A1c - Agriculture 1 with Carriage House A1 - Agriculture 1	Residential

Subject Property Map: 1280 Hwy 33E





Subject Property Map: 1280 Hwy 33E  
 Green: indicates the ALR Area

View from Bentien Rd



4.4 Zoning Analysis Table

Zoning Analysis Table (A1 reviewed as per RU1)		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m <sup>2</sup>	2225 m <sup>2</sup>
Min. Lot Width	16.5 m	50 m
Min. Lot Depth	30 m	45 m
Development Regulations		
Max. Site Coverage	14%	2.78%
Max. Site coverage: accessory buildings or structures, carriage house and driveways	50%	19.77%
Max. Floor Area of carriage house	90m <sup>2</sup>	62m <sup>2</sup>
Maximum net floor area to total net floor area of principal building	75%	76.55% (+1.55%)ⓐ
Setback from Principal Dwelling	3.0m	11.28m
Carriage House Regulations		
Max. Height (mid point of roof)	4.8m	5.75m (+0.95m)ⓑ
Min. Front Yard (to Bentien Rd)	6.0m	3.66 m (-2.34m) ⓐ
Min. Side Yard (south)	2.0m	3.66m
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30m <sup>2</sup>	31m <sup>2</sup>
ⓐ Indicates a requested variance to the building height. ⓑ Indicates a requested variance to the front yard setback. ⓐ Indicates a requested variance to the second storey floor area.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- 1) Refer to attached memorandum dated April 7, 2015

### 6.2 Fire Department

- 1) Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.
- 2) If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- 3) Any gate is to open without special knowledge. Additional visible address is required from Clifton Rd.
- 4) Additional visible address is required from Highway 33 E.

## 7.0 Application Chronology

Date of Application Received: March 10, 2015  
Date Public Consultation Completed: April 2, 2015

### Report prepared by:

---

Lydia Korolchuk, Planner

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Reviewed by:  Lindsey Ganczar, Urban Planning Supervisor

Reviewed by:  Ryan Smith, Urban Planning Manager

**Attachments:**

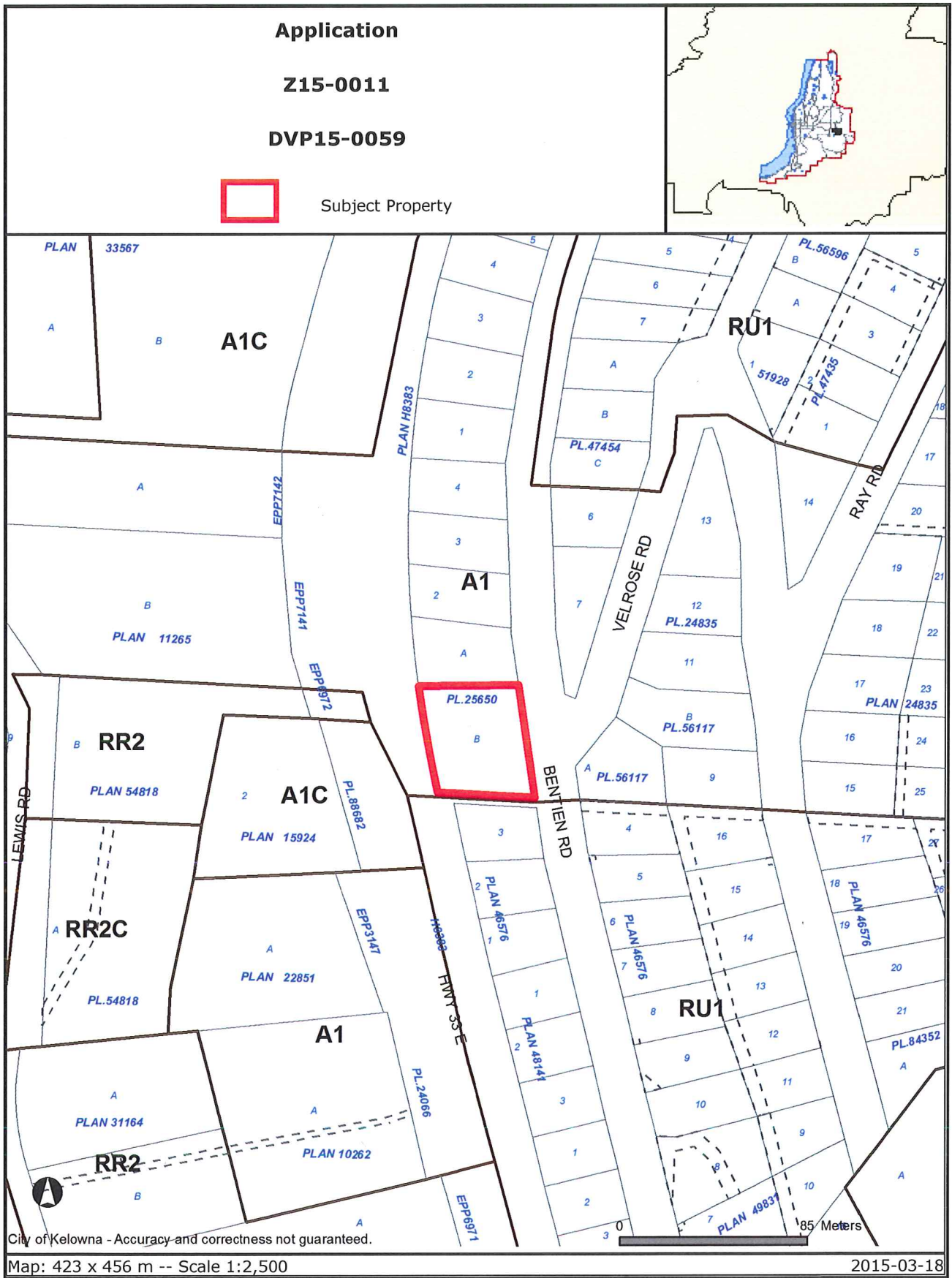
Site Plan

Conceptual Elevations

Landscape Plan

Floor Plan

Development Engineering Memorandum



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 423 x 456 m -- Scale 1:2,500

2015-03-18

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** April 7, 2015  
**File No.:** Z15-0011  
**To:** Urban Planning (LK)  
**From:** Development Engineer Manager (SM)  
**Subject:** 1280 Hwy 33 E. – Lot B, Plan 25650, Sec. 13, Twp. 26, ODYD

---

The Development Engineering comments and requirements regarding this application to rezone from A1 to A1c (carriage) are as follows:

These are Development Engineering comments and they may be subject to the MOTI requirements

1. Subdivision

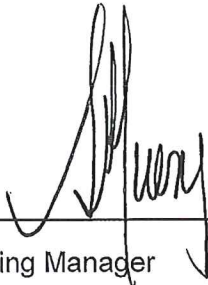
Provide easements as required

2. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). All the fees and charges are to be paid directly to BMID.

3. Sanitary Sewer.

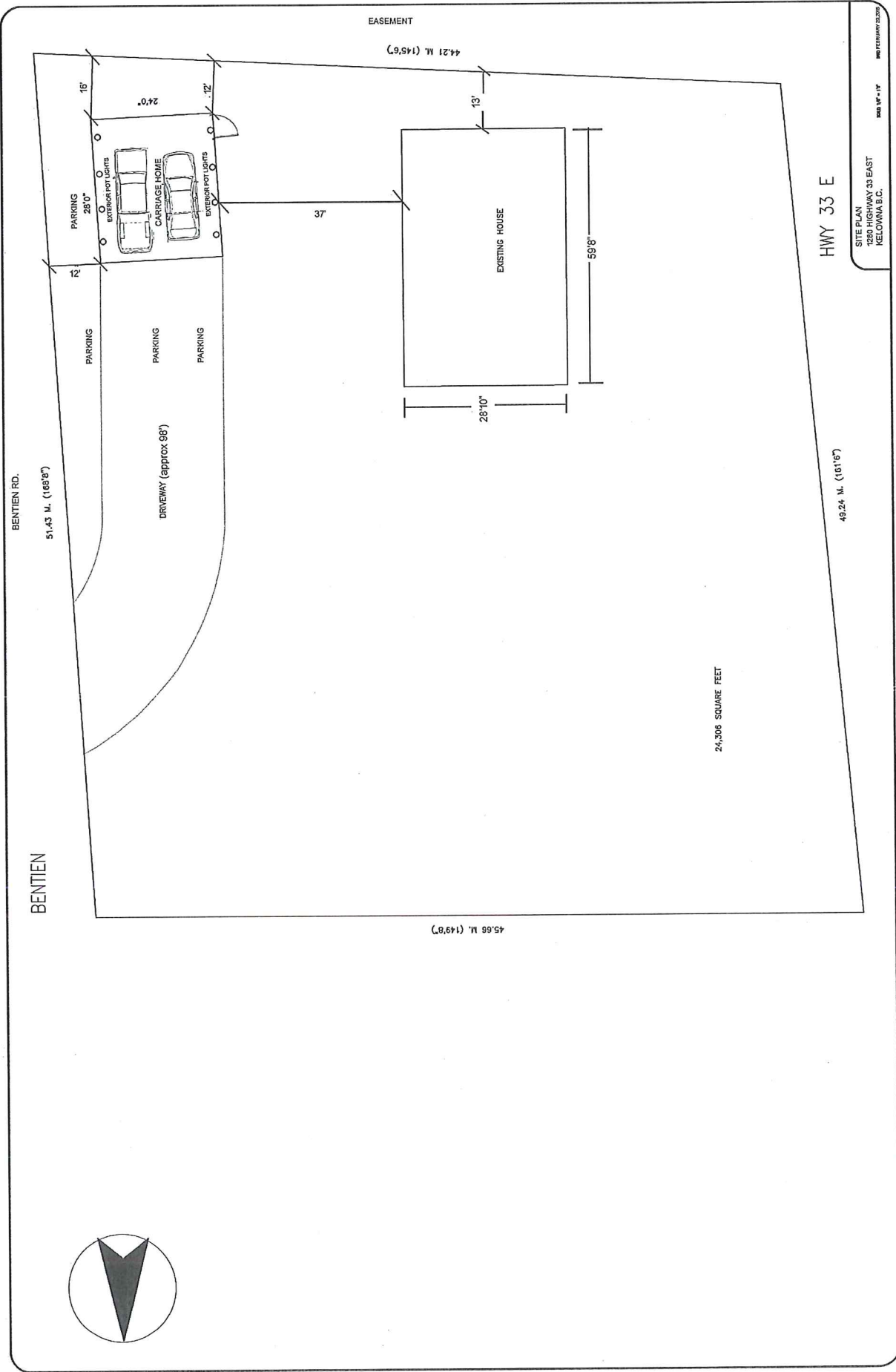
The subject property is serviced by the Municipal Wastewater collection system; this application does not trigger any charges or upgrades.



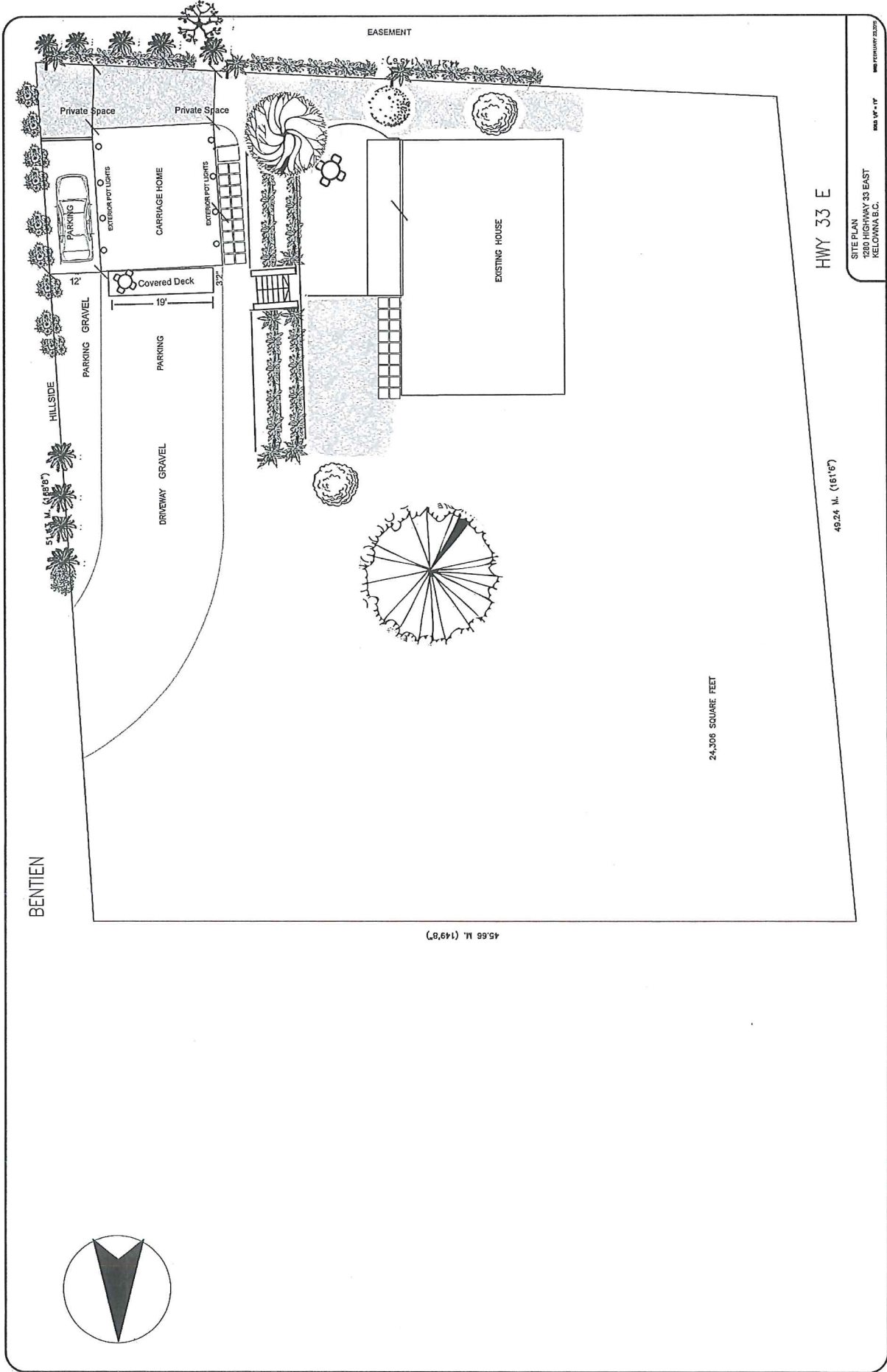
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Steve Muenz, P.Eng.  
Development Engineering Manager

B<sup>2</sup>

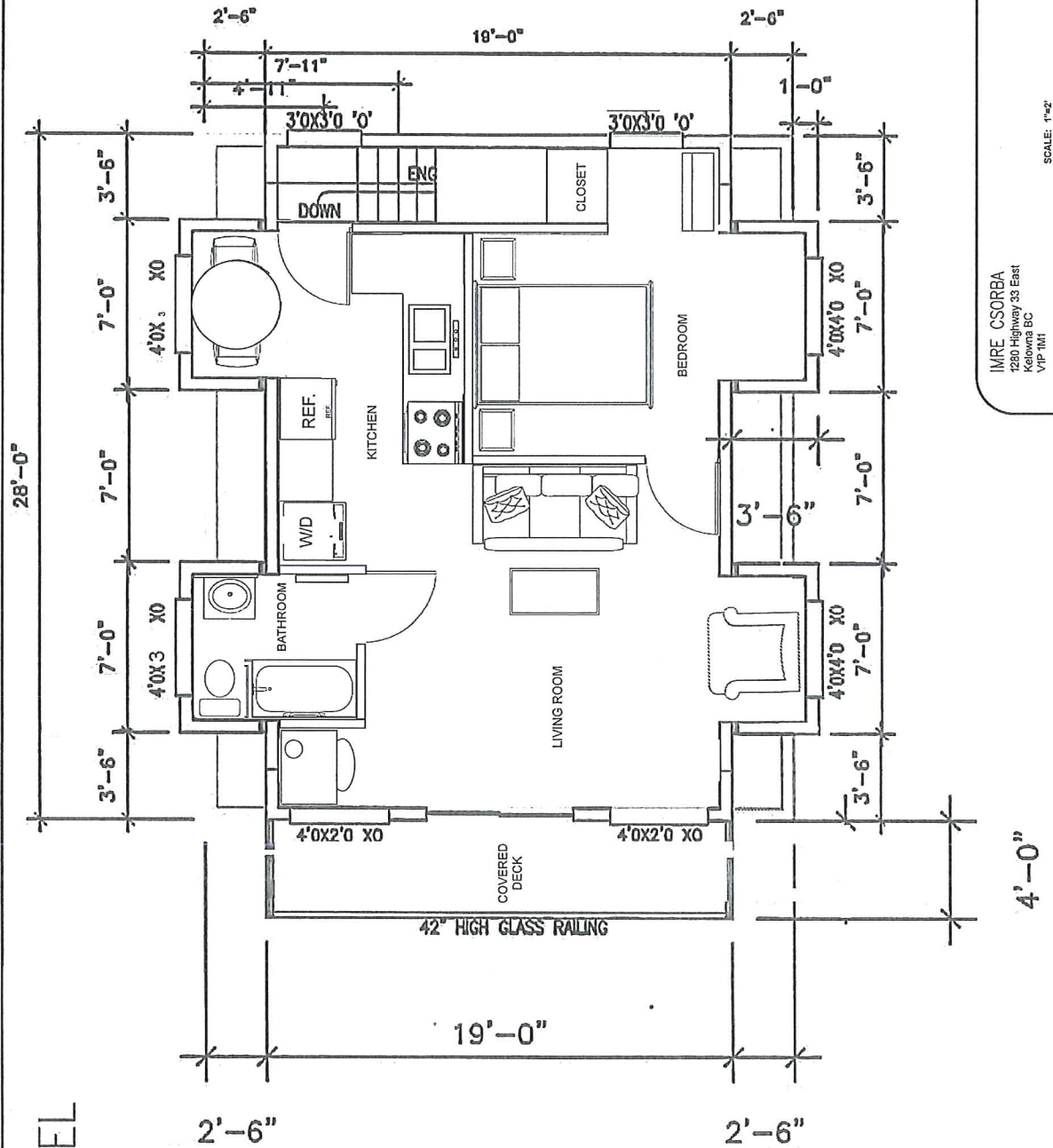


SITE PLAN  
1280 HIGHWAY 33 EAST  
KELOWNA B.C.  
100 PERMITS/23/205  
SCALE 1/4" = 1'



HWY 33 E  
 SITE PLAN  
 1280 HIGHWAY 33 EAST  
 KELOWNA B.C.  
 1988 FEBRUARY 23/2008

UPPER LEVEL



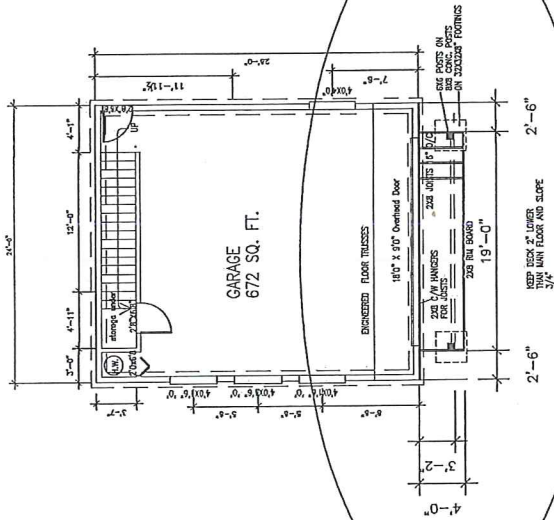
IMPRE CSORBA  
 1280 Highway 33 East  
 Kelowna BC  
 VIP-TM1

SCALE: 1/4" = 1'-0"

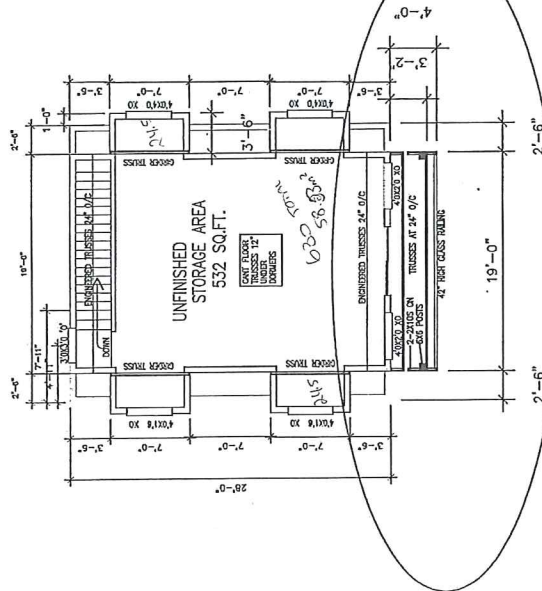
DATE: FEBRUARY 24 2015



GARAGE LEVEL

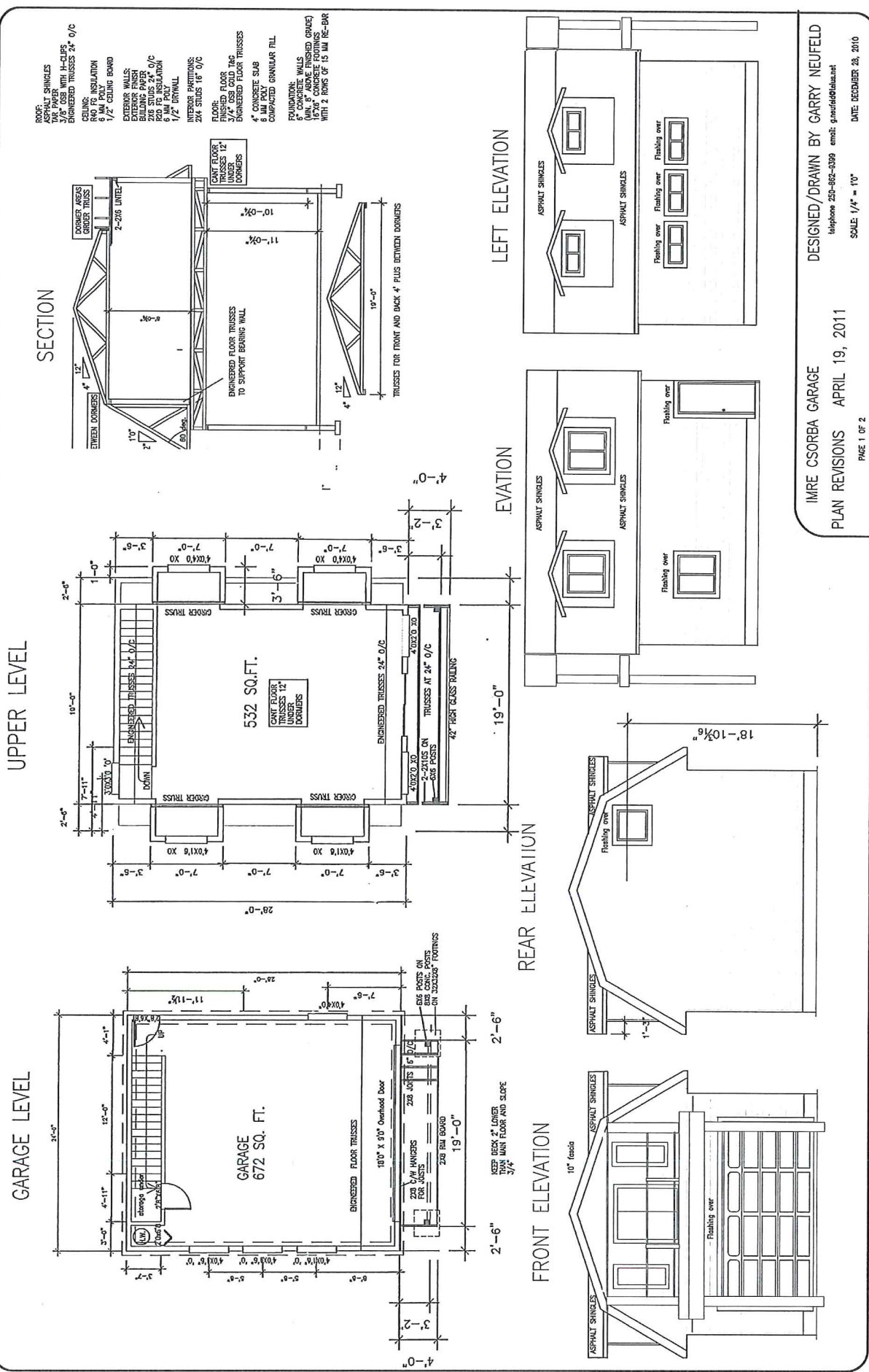


UPPER LEVEL



Plan shows addition of deck  
all other notes are still  
applicable

July 25/11 J.F.



IMRE CSORBA GARAGE  
 DESIGNED/DRAWN BY GARRY NEUFELD  
 telephone 252-862-9399 email gneuf@tds.net  
 PLAN REVISIONS APRIL 19, 2011  
 SCALE: 1/4" = 1'0"  
 DATE: DECEMBER 28, 2010