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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** January 23, 2001  
**File No.:** Z00-1053

**To:** City Manager

**From:** Planning & Development Services Department

APPLICATION NO. Z00-1053 / OWNER: Thomas Poole  
DVP00-10,085

AT: 3994 Bluebird Road APPLICANT: Porter Ramsay,  
Tom Smithwick

**PURPOSE:** To rezone the subject property from RU1 - Large Lot Housing to RU6 – Two Dwelling Housing to permit the construction of a duplex housing unit with a variance in site width and number of parking stalls provided.

**EXISTING ZONE:** RU1 – Large Lot Housing

**PROPOSED ZONE:** RU6 – Two Dwelling Housing

**REPORT PREPARED BY:** Josephine Duquette

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Sec. 1, Twp. 25, O.D.Y.D., Plan 11257, located at 3994 Bluebird Road, Kelowna, B.C., from the \_RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

**2.0 SUMMARY**

The proposed application is to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing to allow for the construction of a duplex housing unit. The proposed applicant is requesting two variances to the requirements of zoning Bylaw 8000, the minimum site width and the maximum number of parking stalls provided. The concept plans attached for your review will be amended prior to approval of the Development Variance Permit.

### 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of December 5, 2000 and the following recommendations were passed:

That the Advisory Planning Commission supports Rezoning Application No. Z00-1053 and Application DVP00-10,085 by Porter Ramsay (Tom Smithwick), 3994 Bluebird Road, provided that 5 of the 9 parking stalls are underground.

### 4.0 BACKGROUND

#### 4.1 The Proposal

The applicant is applying to construct a duplex housing unit on a site located on the west side of Bluebird Road with Okanagan Lake frontage. The proposed development includes 10 parking stalls, a entry court, common beach area, beach access, covered patio and a three storey residential structure. Both units have outdoor and indoor recreation areas that exceed the minimum requirements of the Zoning Bylaw. The architectural style of the building is minimalist with the concentration of windows facing the Lake frontage.

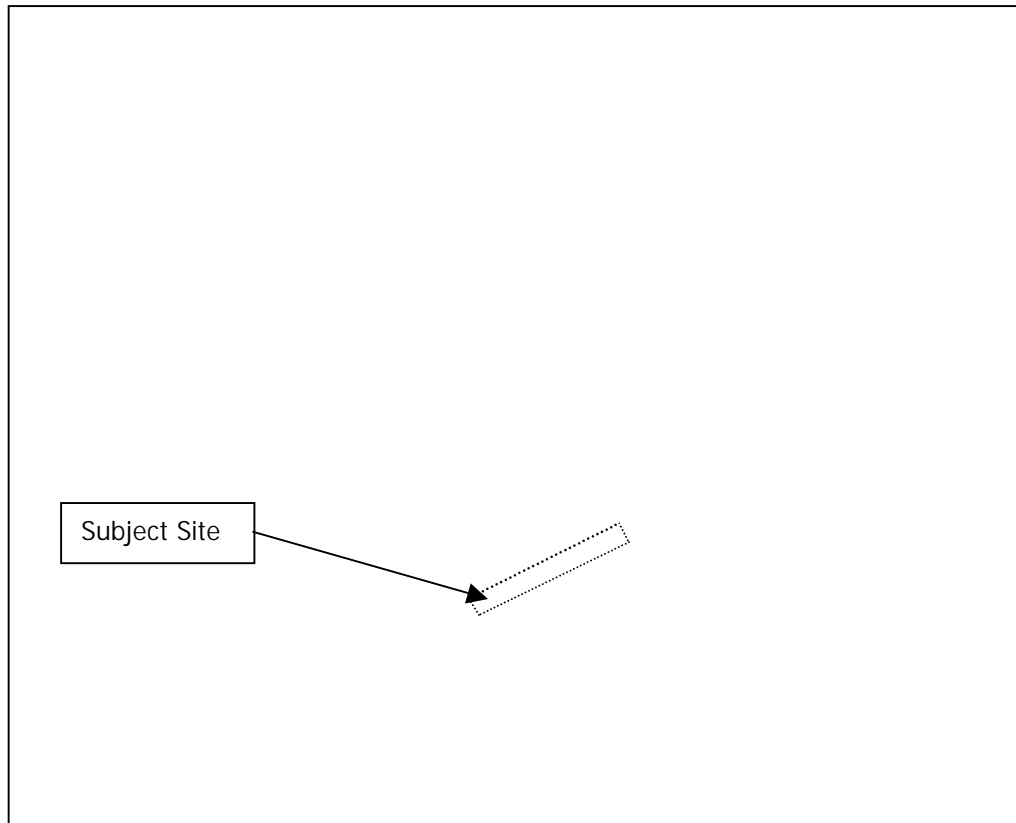
The site has been preliminarily developed with a retaining wall encompassing the entire site with steps leading down to the waterfront. The applicant originally built the retaining wall too close to the lake without the necessary approvals from the Ministry of Environment or British Columbia Asset and Lands. The applicant removed the offending portion of the retaining wall at the direction of the Ministry of Environment, British Columbia Asset and Lands, and the City of Kelowna staff. An application for a waiver from an Environmental DP has been submitted by the applicant and is currently being reviewed by staff. The requested variances can be dealt with as a separate issue.

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1858.0 m <sup>2</sup>	700 m <sup>2</sup> minimum
Site Width (m)	15.24 m	18.0 m minimum
Site Coverage (%)	27.7% for the housing unit 44.9% for the housing, parking and driving aisles	40 % for the housing unit 50% for the housing, parking and driving aisles
Private Open Space (m <sup>2</sup> )	364.0 m <sup>2</sup>	30.0 m <sup>2</sup> per dwelling with a minimum 4.5 m dimension
Storeys (#)	2 ½ storeys and 8.27 m	2 ½ storeys or 9.5 m
Setbacks (m)		
- Front	22.6 m to the parkade 45.7 m to the duplex housing	6.0 m to a garage or carport
- Rear	27.5 m to the first floor 36.6 m to the second floor	1 to 1 ½ storeys minimum 6.0 m 2 to 2 ½ storeys minimum 7.5 m
- North Side	0.99 m to parking structure	2.3 m
- South Side	0.84 m to parking structure	2.3 m
Parking Stalls (#)	10 parking stalls	2 per dwelling unit - a minimum of 4 and a maximum of 5 parking stalls

- 1) The applicant has requested a variance to the minimum site width and the number of parking stalls.
- 2) The minimum required North and South side yards is the distance between the side lot line and the nearest wall or supporting member of a building or structure measured 0.5 m above grade.

## 4.2 Site Context

The site is located on the west side of Bluebird Road north of the intersection of Lakeshore Road, Lexington Avenue and Bluebird Road. The site is within the boundaries of the North Mission Residential Urban Village and backs onto Okanagan Lake. As shown on the following Map.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing; vacant and single family dwellings
- East - C2 – Neighbourhood Commercial; small commercial strip mall
- South - RM3 – Low Density Multiple Housing; apartment and row housing complex
- West - W1 – Recreational Water Use; Okanagan Lake

## 4.3 Existing Development Potential

The site is currently zoned RU1 – Large Lot Housing which is to provide for single detached housing and compatible secondary uses on larger serviced urban lots.

## 4.4 Current Development Policy

### 4.4.1 Kelowna Official Community Plan

The proposed residential zoning is consistent with the Single / Two Family Residential future land use designation for the subject site identified by the current Official Community Plan (OCP) Future Land Use Map.

The plan also locates the site within the North Mission Residential Urban Village. Residential Urban Villages are compact neighbourhood centres that are relatively intensely developed and are pedestrian and transit oriented.

The plan identifies several housing objectives including the objective to gradually increase residential densities, to sensitively integrate new housing with surrounding natural attributes and existing neighbourhoods and to maximize the design quality of new residential developments.

#### 4.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan supports a pattern of integrated urban development which takes full advantage of the existing social and physical infrastructure and a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents.

#### 4.4.3 North Mission / Crawford Sector Plan

The proposed residential zoning is consistent with the Single / Two Family Residential future land use designation for the subject site as identified by the North Mission / Crawford Sector Plan Future Land Use map.

### 5.0 TECHNICAL COMMENTS

#### 5.1 West Kootenay Power, Telus, BC Gas

Underground electrical and Telus service will be provided to the site. The developer will be required to supply and install as per Telus policy. The developer will be required to provide conduit to the existing Telus pole on the east side of Lakeshore Drive.

Gas is available on the east side of Bluebird Road. An application to BC Gas is required to service the property.

#### 5.2 Parks Division

1. Ensure the right of public access is protected along the lake frontage between high and low lake water level.
2. The following standards apply for all landscape improvements in the right-of-way boulevards.
  - A. All plant material (trees, shrubs, ground covers, seed/sod etc.) proposed for the boulevard to be reviewed by the City of Kelowna Parks Division. All materials specified to meet City standard for size and method of installation.
  - B. Plant material specifications are as follows for:
    - i) Deciduous Tree by caliper @ 300 mm measured 60 mm above the root ball.
    - ii) Deciduous shrub by spread @ 450 mm min.
    - iii) Coniferous tree by height @ 2.5 min.
    - iv) Coniferous shrub by spread @ 450 mm min.
    - v) Seed/sod mix according to proposed activity use and location.
  - C. Boulevard maintenance is responsibility of the owner/occupant.

- D. All boulevard tree maintenance is responsibility of Parks Division.
- 3. All construction drawings to include all underground utility locations that affect landscape materials used in the boulevard.
- 4. Boulevard is to be irrigated or xeriscape landscape approved by Parks Division.

#### 5.3 Ministry of Environment, Lands and Parks

The plans submitted with the proposal do not show geodetic elevations.

It appears that underground parking is proposed. The parking area below the level of the lake may be subject to flooding. Please resubmit plans to our office depicting geodetic elevations of the proposed building and parking lot.

If this proposal will involve occupation of Crown land between the water level and the natural boundary of Okanagan Lake, permission must be obtained from BC Assets and Land Corporation, 145 – 3<sup>rd</sup> Avenue Fl 3, Kamloops BC V2C 3M1.

#### 5.4 Inspections Department

The maximum height for the retaining wall shall be 1.2 m. The basement slab is to have a geodetic elevation of 343.66 m.

#### 5.5 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

##### 1. Domestic Water and Fire Protection

- (a) The existing 150-mm diameter water main in Bluebird Rd. is sufficient to support the proposed development.
- (b) This vacant lot is supplied with a single 19-mm diameter water service as required for a single-family zoning. A RU-6 zone requires two water services. The owner will be required to apply to the City to install a second water service at his cost prior to rezoning or issuance of a building permit.
- (c) Water meters are mandatory for each proposed residential unit and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase meters from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setters at his cost.

##### 2. Sanitary Sewer

- (a) The existing sanitary sewer system in Bluebird Rd. is sufficient to support the proposed development.
- (b) This lot has been pre-serviced with a 100-mm diameter sanitary sewer service, which may be used to service both proposed residential units.

3. Storm Drainage

- (a) There is a partial section of storm drainage pipe extended from Lakeshore Rd. within Bluebird Rd. The owner of this development must extend the pipe to the west property line of this lot and install manholes and a catch basin as required to collect road drainage. The cost of this work is included in the road-upgrading item.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources. The storm water management plan must also include provision of lot grading plan, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, if that is a suitable alternative.

4. Road Improvements

Bluebird Road must be upgraded to a full urban standard in front of this lot, including curb, gutter and monolithic sidewalk, drainage works, manholes / drywells / catch basin, pavement widening, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$14,200.00 (not including the cost of a second water service).

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.
- (b) Dedicate a 15m wide public access area along the lake frontage of this lot measured from the lake high water mark.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to the building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. 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.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on Bluebird Rd. fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

Not applicable.

10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following: There is a \$1,000.00 administration fee payable to the City for processing and registration of a Latecomer Agreement.

(a) Storm drainage installation on Bluebird Rd.

11. Geotechnical Report

As a requirement of this application and/or prior to issue of a building permit, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

(a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.

(b) Site suitability for development; i.e. 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, analyze 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.

12. Survey Monuments and Iron Pins

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

13. Bonding and Levy Summary

(a) Bonding

Bluebird Rd. upgrading      \$14,200.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.

(b) Levies      None

14. Development Variance Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a suitable ground recharge system on the site. Drainage water cannot be discharged directly into the lake by a piped system. An overland soak-away system is permitted,
- (b) The Works & Utilities Department do not have any concerns with the proposed variances.

15. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

7.0 PLANNING COMMENTS

The Planning & Development Services Department supports the application to rezone the subject site from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing and development variances to the minimum site width and the maximum number of parking stalls allowed. The proposed zone is located between an existing RM3 – Low Density Multiple Housing project and an existing single detached residential area. The proposed zone will provide a transitional development between the existing land uses. The proposed variances to lot size and to the number of parking stalls does not present significant concern to the Planning & Development Services Department.



The attached plans are a concept for the possible redevelopment of the lot. The proposed plans will be required to be amended prior to approval of the Development Variance Application approval to address the minimum side yard setback, separation of the motor court and entry court, and design issues.

Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

AB/JD/jd  
Attachments

## **FACT SHEET**

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|---|--|
| <b>1. APPLICATION NO.:</b>  | Z00-1053 / DVP00-10,085  |
| <b>2. APPLICATION TYPE:</b>   | Rezoning / Development Variance Permit   |
| <b>3. OWNER:</b> <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY/POSTAL CODE</li></ul>   | Thomas Poole<br>27 – 901 Westside Road<br>Kelowna / V1Z 3W9  |
| <b>4. APPLICANT/CONTACT PERSON:</b> <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY/POSTAL CODE</li><li>• TELEPHONE/FAX NO.:</li></ul>   | Porter Ramsay<br>Tom Smithwick<br>200 – 1465 Ellis Street<br>Kelowna / V1Y 2A3<br>763-7646 / 762-9960  |
| <b>5. APPLICATION PROGRESS:</b> <ul style="list-style-type: none"><li>Date of Application:</li><li>Date Application Complete:</li><li>Staff Report to APC:</li><li>Staff Report to Council:</li></ul> | November 17, 2000<br>November 17, 2000<br>December 5, 2000<br>January 29, 2001   |
| <b>6. LEGAL DESCRIPTION:</b>  | Lot B, sec. 1, Twp. 25, ODYD, Plan 11257   |
| <b>7. SITE LOCATION:</b>  | West side of Bluebird Road.  |
| <b>8. CIVIC ADDRESS:</b>  | 3994 Bluebird Road   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>   | 1858 m <sup>2</sup>  |
| <b>10. AREA OF PROPOSED REZONING:</b>   | 1858 m <sup>2</sup>  |
| <b>11. EXISTING ZONE CATEGORY:</b>  | Ru1 – Large Lot Housing  |
| <b>12. PROPOSED ZONE:</b>   | RU6 – Two Dwelling Housing   |
| <b>13. PURPOSE OF THE APPLICATION:</b>  | To rezone the subject property from RU1 - Large Lot Housing to RU6 – Two Dwelling Housing to permit the construction of a duplex housing unit with a variance in site width and number of parking stalls provided. |
| <b>14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>   | Not Applicable   |

**Attachments that are missing from the Electronic Version**

Subject Property Map

Proposed Development Plans

- Site Plan
- Parking and Foundation Plan
- Main and Second Floor Plan
- Roof Plan
- Elevations
- Elevations
- Cross Sections
- Sections
- Sections