
CITY OF KELOWNA
MEMORANDUM

Date: April 23, 2003
File No.: (3360-20) **Z01-1050**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1050

OWNER: DALE DRAPER

AT: 2034 PANDOSY STREET

APPLICANT: PAULINE DRAPER

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE TO PERMIT THE ADDITION OF A SECOND DWELLING TO THE SUBJECT PROPERTY

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z01-1050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16, Blk 6, DL14, O.D.Y.D., Plan 348, located on Pandosy Street, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing RU1 – large lot housing zone to the RU6 – Two Dwelling Housing zone in order to permit the addition of a second dwelling to the subject property. The existing dwelling located adjacent to

Pandosy Street will remain. The subject property is located within the Abbott Street Heritage Conservation area.

2.1 Advisory Planning Commission

The above noted application (Z01-1050) was reviewed by the Advisory Planning Commission at the meeting of February 25, 2003 and the following recommendation was passed:

That the Advisory Planning Commission **not** support the application to rezone from the RU1-Large Lot Housing zone to the RU6-Two Dwelling Housing zone to permit the addition of a second dwelling on the subject property.

The APC feels that the homeowner should work with the Heritage Commission to reach an agreement on the appropriate use of land. Heritage designation of the house should be considered and the design of the new building should better conform to the heritage style of the other buildings in the area.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located in the Central City, south of Highway 97 and west of Pandosy Street. The subject property is located within the Abbott Street Heritage Conservation area. The house that is located on the subject property is listed in the Kelowna Heritage Register. The Arts and Crafts Style house, constructed in 1914, was the family home of Dr. J.W.N. Shepherd, who was the first dentist in Kelowna.

There have been several applications for the development of the subject property in the recent past. In 1998 and 1999, applications were made to change the zoning and future land use designation of the subject property and the two abutting properties to allow for a multiple unit residential development. The 1998 application was not supported by the Advisory Planning Commission and the Community Heritage Commission, and the application was subsequently withdrawn. In 1999, the applicants made application to replace the house on the subject property, as well as the two abutting properties, with a total of three boarding or lodging houses. That application was defeated at Council in March of 2000.

In September 2001, an application was made to rezone the property to the RU6b zone to permit the development of the subject property with a 10 bedroom boarding home. However, that proposal was not supported by the Community Heritage Commission. The applicant chose not proceed with the application in that form and elected to revise the application.

This current application proposes to rezone the subject property to the RU6 – Two Dwelling Housing zone in order to permit the construction of a second dwelling located at the rear of the property. As part of the proposed construction program, the applicant also proposes to remove an old addition that had been added to the rear of the Shepherd house. The form and character of this addition differs substantially from the remainder of the existing house.

The new house is designed as a 1½ storey, 165 M², three bedroom dwelling, that includes a bonus room over the garage. The exterior of the new dwelling is anticipated to be finished with blend of horizontal siding and cultured stone finishes that include

detail elements that will complement the form and character of the existing Shepherd House located at the front of the lot.

Access to the property will remain at the north end of the existing Shepherd House, with the driveway continuing past the existing house to provide vehicle access to the new proposed dwelling. This new driveway will also provide access to two new parking stalls located between the two dwellings. There are two existing parking stalls located in front of the existing dwelling.

It is necessary for the applicant to apply for a Minor Heritage Alteration Permit, which has been done concurrently with the application for rezoning. It is not required to have the Minor Heritage Alteration Permit to be submitted to the Advisory Planning Commission for their consideration.

The proposal as compared to the RU6 zone requirements is as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	1,671m ²	700 m ²
Site Width (m)	22.7 m	18 m
Site Depth (m)	73.8 m	30 m
Site Coverage (%)	19% buildings	40% Buildings 50% Bldgs, driveways & Parking
Total Floor Area (m ²)	318 m ²	
F.A.R.		
Storeys (#)	1 ½ storeys	2 ½ Storeys (9.5 m)
Setbacks (m)		
- Front	11.4 m	4.5 m 6.0 m to garage or carport
- Rear	10.6 m	The minimum site rear yard is 6.0 m for a 1 or 1½ storey portion of a building and 7.5 m for a 2 or 2½ storey portion of a building
- North Side	2.1 m	The minimum site side yard is 2.0 m for a 1 or 1½ storey portion of a building and 2.3 m for a 2 storey portion of a building
- South Side	3.0 m	The minimum site side yard is 2.0 m for a 1 or 1½ storey portion of a building and 2.3 m for a 2 storey portion of a building
Parking Stalls (#)	6 stalls proposed	2 per dwelling

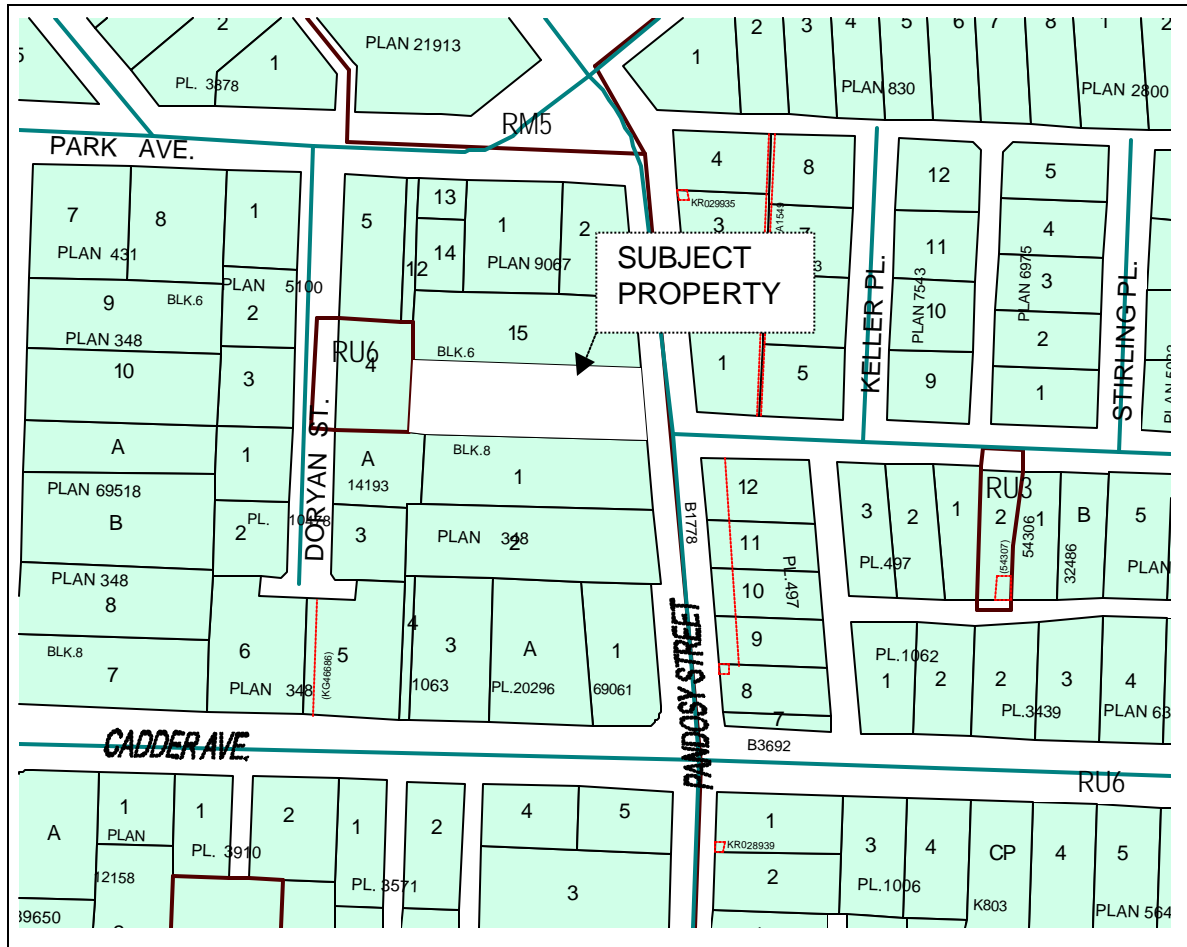
Notes;

Existing dwelling	153 m ²
Proposed new dwelling	165 m ²
Total building area	318 m ²

3.2 Site Context

The subject property is located in the Central City, south of Highway 97, on the west side of Pandosy Street. It is located within the Abbott Street Heritage Conservation Area and is currently zoned RU1 – Large Lot Housing zone. The subject property is generally flat and level.

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing / single family housing
- East - RU6 – Two Dwelling Housing / Pandosy St, single family housing
- South - RU1 – Large Lot Housing/vacant, former site of Hewetson Schoolhouse
- West - RU1 – Large Lot Housing / single family housing

3.3 Existing Development Potential

The existing zone of RU1 – Large Lot Housing permits single detached housing as the principal use. Bed and breakfast homes, care centres minor, group homes minor, home based business major and minor, and secondary suites are permitted as secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The subject property is designated as Single/Two Unit Residential in the City of Kelowna Official Community Plan. The proposed development is consistent with this designation.

The OCP also identifies the subject property as being within the Abbott Street Heritage Conservation area. The proposed developments is subject to a minor heritage alteration permit, which does not require APC consideration. However, the HAP will be considered by the Community Heritage Commission.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan which states:

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition.

3.4.3 Heritage Register

The dwelling located on the subject property is identified as the Dr. J.W.N. Shepherd house, the home of the first pioneer dentist in Kelowna. The house is described as an Arts and Craft Style house, and was constructed in 1914. There have been several additions made to the building since it was originally constructed.

3.4.4 Adaptive Reuse Guidelines for Heritage Buildings

The City of Kelowna Adaptive Reuse Guidelines for Heritage Buildings include the following statements;

Objectives

- To conserve Kelowna's residential heritage buildings listed in the Kelowna Heritage Register by enhancing their appearance and viability as functional buildings;

Issues

- Adaptive re-uses may generate additional traffic in residential areas that may detract from the desirable qualities of the neighbourhood.
- Buildings that have no residential component may be less secure than buildings that do.

Location and Use of Heritage Property

The following guidelines reinforce that there is an essential relationship between the proposed use in a heritage building and the location of the heritage property relative to the surrounding streets and the character of the neighbourhood. The type and intensity of a proposed adaptive re-use will be assessed according to which category of roadway will best be able to accommodate that particular use. The roadway categories are based on the Official Community Plan 20 Year Major Road Network Plan.

On major roads, a greater variety and intensity of uses can be supported without affecting the character of the area given the existing impacts of prevailing traffic volumes. The primary function of major roads is to provide for high volumes of intra-city travel through existing residential, commercial and industrial areas. The potential exists in these locations to allow adaptive re-uses normally considered not appropriate within residential locations, provided controls are in place to limit scale and concentration of adaptive re-uses within a given area.

Adaptive re-uses that can be supported along major roads includes those uses that would typically be permitted in residential zones, such as home based businesses, bed and breakfast homes, care centres, secondary suites and group homes.

Site Specific Criteria

After consideration has been given to location, each adaptive re-use proposal must be assessed on its own merits as to whether the proposal would be appropriate within the context of the heritage building, the surrounding neighbourhood and adjacent property characteristics. In this regard, the following factors should be considered:

1. Neighbourhood Resident Concerns

The concerns of neighbouring property owners should be considered. Identifying and, wherever possible, resolving these issues when developing the terms and conditions specific to an application is important. Applicants are encouraged to discuss their proposed adaptive re-use with neighbouring property owners.

2. Residential Component

A residential component (group home, secondary suite, principal dwelling, etc.) should be provided.

3. Design Standards

Any heritage building restorations, renovations or alterations must respect the heritage character of the building and its surrounding area.

4. Scale

The size and intensity of the adaptive re-use component should be compatible with the surrounding neighbourhood.

5. Parking / Access

Consideration must be given to on-site parking, access and traffic generation associated with adaptive re-use proposals. In order to limit the impact on adjacent properties, the required number of on-site parking spaces should conform to the Parking Schedule of the Zoning Bylaw.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Aquila Networks Canada

Aquila (Utilicorp) will provide underground electrical service.

4.2 B.C. Gas

Existing gas service to home may require alteration. Reference attached service drawings.

4.3 Community Heritage Commission

Meeting of 2003 03 04

THAT the Community Heritage Commission not support revised Heritage Alteration Permit Application No. HAP01-012 and Rezoning Application No. Z01-1050 - 2034 Pandosy Street, and

THAT the Community Heritage Commission recommend that the owner consider entering into a Heritage Revitalization Agreement with the City of Kelowna in order to address the form and character of a second house at 2034 Pandosy Street and the restoration of the existing heritage building.

4.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

4.5 Inspection Services Department

No concerns - existing parking is in the front yard.

4.6 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus Policy

4.7 Works and Utilities Department

October 24, 2001

The Works & Utilities Department have the following requirements associated with this development application.

1. Domestic Water and Fire Protection

- (a) There is an existing 100-mm diameter water service to the proposed facility that may be retained. If a larger service is required it can be provided at the applicant's cost.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The applicant must purchase from the City of Kelowna and install a water meter of sufficient size for the new 50mm diameter water service.
- (c) If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) There is an existing 100mm-diameter sanitary sewer service to the proposed facility that may be retained. If a larger service is required it can be provided at the applicant's cost.

3. Storm Drainage

- (a) There is no existing storm drainage service for this lot.
- (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 and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, 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, with approval from the City drainage engineer.

4. Road Improvements

- (a) The Pandosy Street was upgraded recently to the ultimate curb alignment; but the sidewalk and boulevard require modifications. This includes removal and replacement of the existing sidewalk to the ultimate location and boulevard changes to match the new sidewalk alignment. It is necessary for the development to pay one-time cash payment of \$6,500.00 for this work. The City of Kelowna will complete this work at a later date.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate 3.20 meter widening of Pandosy Street fronting this property.
- (b) Grant statutory right-of-way(s) if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this 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 all roads 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. Geotechnical Report

Not required for building renovation purposes.

10. 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.

11. Levy Summary

(a)	<u>Levies</u>	Road Improvements	<u>\$6,500.00</u>
	Total Levies		<u>\$6,500.00</u>

12. Development 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 ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) Access and Manoeuvrability
The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

13. 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.

14. HAP01-012

The Works and Utilities Department have no requirements of this application.

February 13, 2003

Works & Utilities do not have any additional requirements of the proposed rezoning. All the requirements for off-site upgrading and site services were outlined in the Zoning report File Z01-1050 dated October 24, 2001. The requirements stated in that report are still applicable.

5.0 Planning and Development Services Department Comments

The subject property has been the subject of several development proposals, which have not met with neighbourhood support. This current application attempts to provide an increase in the level of use to the property while minimizing the impact of development on the surrounding neighbourhood while retaining the existing dwelling which is listed on the Heritage Register.

This current proposal to rezone the property in order to permit the addition of a second dwelling to the subject property while retaining the existing dwelling represents a reasonable form of development of the subject property. The addition of the second dwelling increases the level of development of the property while retaining the existing dwelling which has heritage significance and is listed in the Kelowna Heritage Register.

As well, with the new development proposed for the rear yard, the visual impact on the road frontage is minimized, as recommended in the Abbott Street and Marshall Street Heritage Conservation Area Development Guidelines.

It is also interesting to note that the proposed new additional dwelling is designed with a lower building height than the existing dwelling located adjacent to the Pandosy Street frontage.

The Advisory Planning Commission and the Community Heritage Commission both recommended that the applicant pursue a Heritage Revitalization Agreement (HRA) to authorize the development of the second dwelling on the subject property, instead of rezoning the property to the RU6 – Two Dwelling Housing zone. The concern of the Planning and Development Services Department with the use of an HRA to facilitate this form of agreement, is that if there is a problem with the owner of the property not honouring the HRA, the underlying zone becomes the governing land use, and in this case, where the underlying zone is RU1 – Large Lot Housing, the second dwelling that was permitted by the HRA now becomes a legal non-conforming use in the RU1 zone.

The Planning and Development Services Department position has been to rezone the subject property to the RU6 - Two Dwelling Housing zone. In this way, the use of the second dwelling on the property will then be controlled by the RU6 zone, as amended, in the future. The use of a HRA in this situation does not offer any additional controls or incentive to future owners to follow the terms of the agreement as the second dwelling would remain on the property in either situation, and by rezoning the property to the appropriate zone will give the City the means to control the use of the property in the future. In light of the current proposal, the Planning and Development Services Department favours the conventional zoning approach over a Heritage Revitalization Agreement process.

In light of the above, the Planning and Development Services Department supports this application and recommends for positive consideration by Council.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | Z01-1050 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Dale Draper
857 Springwood Ct.
Kelowna, BC
V1W 3L8 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY
· POSTAL CODE
· TELEPHONE/FAX NO.: | Pauline Draper
857 Springwood Ct.
Kelowna, BC
V1W 3L8
862-4560/868-2550 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | September 27, 2001
September 27, 2001
January 2002
@
April 23, 2003 |
| 6. LEGAL DESCRIPTION: | Lot 16, Blk 6, DL14, O.D.Y.D., Plan 348 |
| 7. SITE LOCATION: | West Side of Pandosy Street,
between Cadger and Elliott |
| 8. CIVIC ADDRESS: | 2034 Pandosy St. |
| 9. AREA OF SUBJECT PROPERTY: | 1,671 m ² |
| 10. AREA OF PROPOSED REZONING: | 1,671 m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | RU6 – Two Dwelling Housing |
| 13. PURPOSE OF THE APPLICATION: | To Rezone The Subject Property
From The Existing RU1 – Large Lot
Housing Zone To The RU6 – Two
Dwelling Housing Zone To Permit The
Addition Of A Second Dwelling To
The Subject Property |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map

4 pages of site plans, elevations / diagrams