
CITY OF KELOWNA

MEMORANDUM

Date: July 13, 2004
File No.: Z04-0037

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0037 DVP04-0059 OWNER: Rob Joyal / Bill Ferguson

AT: 2490 Richter Street APPLICANT: Rob Joyal / Bill Ferguson

PURPOSE: To rezone the three existing subject properties from the P4-Utilities zone to the proposed RU6-Two Dwelling Housing zone to facilitate a two lot subdivision

EXISTING ZONE: P4-Utilities

PROPOSED ZONE: RU6-Two Dwelling Housing

REPORT PREPARED BY: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot 33, District Lot 14, ODYD, Plan 1141, and Parcel A (KV157498), District 14, ODYD, Plan 5291 located on Richter Street, Kelowna, B.C. from the P4-Utilities zone to the RU6-Two Dwelling Housing zone be supported 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 Variance Permit on the subject property;

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;

2.0 SUMMARY

The applicant proposes to rezone the three subject properties from the P4-Utilities zone to the RU6-Two Dwelling Housing zone, and to vary the minimum required lot width for a corner lot in the RU6-Large Lot Housing zone from 15m to 14.73m proposed. These two applications are submitted in order to facilitate a two lot single family subdivision.

3.0 Advisory Planning Commission

The subject application was reviewed by the Advisory Planning Commission at the meeting of June 22, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Permit Application No. Z04-0037 for 2490 Richter Street/Lot 33, Plan 1141 and Lots A & B, Plan 5291, Sec. 18, Twp. 26, ODYD, by Rob Joyal and Bill Ferguson, to rezone the three existing subject properties from the P4-Utilities zone to the proposed RU6-Two Dwelling Housing zone to facilitate a two lot subdivision;

4.0 BACKGROUND

4.1 The Proposal

The three subject properties are located within the South Pandosy/KLO Sector Plan area of the City and are currently zoned P4-Utilities. The subject properties were previously owned by a utility company; however, the City of Kelowna since purchased the site and recently sold the land to the present applicant. The applicant is seeking to develop a duplex on the proposed western lot, and to develop a single family dwelling with a suite on the proposed eastern lot. The concurrent variance application is required in order to vary the bylaw required 15m lot width minimum in the RU6-Two Dwelling Housing zone.

The application meets the requirements of the proposed RU1 Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²) \supseteq	700m ²	700m ² (Duplex)
Site Width (m) \supseteq	18.82m	18m (Duplex)
Site Depth (m) \supseteq	37.19m	30m
Site Coverage (%) \supseteq	36%	40%
Site Area (m ²) \nsubseteq	547m ²	440m ² (Corner)
Site Width (m) \nsubseteq	14.73m *	15m (SDD/Corner)
Site Depth (m) \nsubseteq	37.19m	30m
Site Coverage (%) \nsubseteq	24%	40%

Notes:

- \supseteq Proposed Lot A (Western)
- \nsubseteq Proposed Lot B (Eastern)
- * Application for variance

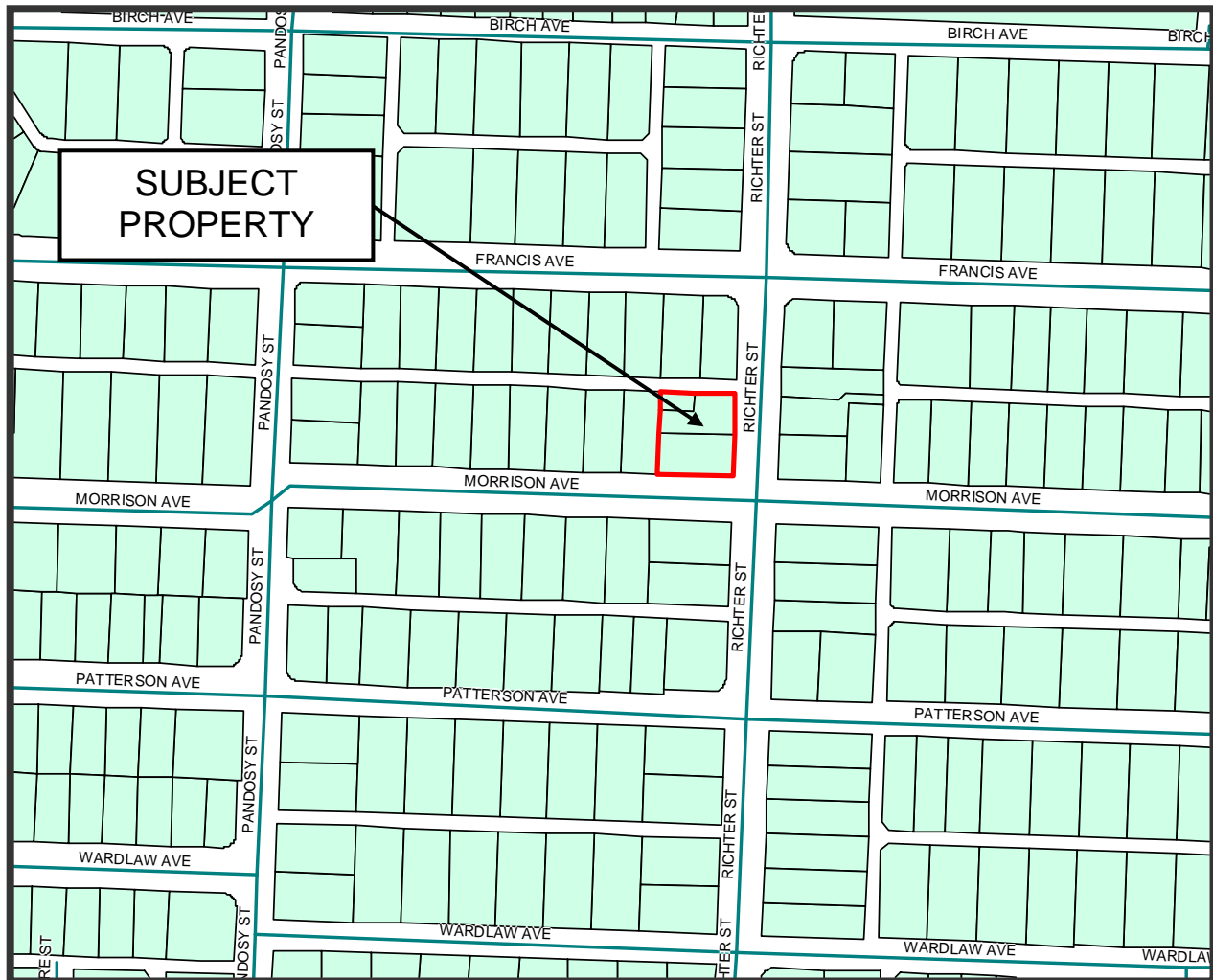
4.2 Site Context

The subject properties are situated on Richter Street, south of Morrison Avenue, and North of Morrison Avenue in the South Pandosy/KLO Sector Plan area of the City. The subject properties front onto both Richter Street and Morrison Avenue, while there is also a lane access to the north.

Adjacent zones and uses are, to the:

- North - RU6-Two Dwelling Housing / Single Unit Housing
- East - RU6-Two Dwelling Housing / Single Unit Housing
- South - RU6-Two Dwelling Housing / Single Unit Housing
- West - RU6-Two Dwelling Housing / Single Unit Housing

Site Location Map



4.3 Current Development Policy

4.3.1 Kelowna Official Community Plan

The proposal is consistent with the Single Family/Two Family Residential designation of the Official Community Plan.

4.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan, which seeks to promote infill type development and to increase densities.

4.3.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the Single/Two Family designation of the South Pandosy/KLO Sector Plan.

5.0 TECHNICAL COMMENTS

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

5.1 Aquila Networks Canada

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit.

5.2 Fire Department
No comment.

5.3 Inspection Services Department
No concerns.

5.4 Interior Health
Requires connection to sewer and water.

5.5 Parks Department
No comment.

5.6 RCMP
No comment.

5.7 Shaw Cable
Owner/developer to supply/install a conduit system to Shaw Cable standards & specifications.

5.8 Telus
Telus will provide underground facilities to this development. Developer will be required to supply and install conduit.

5.9 Terasen Utilities Services
No comment.

5.10 Works & Utilities

The Works & Utilities Department has the following requirements associated with this application to rezone from P4 to RU6.

1. Domestic Water and Fire Protection

- (a) The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.
- (b) The existing lots are serviced with small diameter copper water services which are substandard. Adequate metered water services must be provided to meet current by-law requirements. The applicant will be responsible for the cost to provide this upgrade. Decommissioning and removal of any existing unused water service will be by City forces and at the applicant's cost. The estimated cost of this construction for bonding purposes is \$5,000.00

2. Sanitary Sewer

- (a) The existing sanitary sewer system in the rear lane is sufficient to support the proposed development.
- (b) We have no record of sanitary sewer services to the existing lots. The applicant will be responsible for the cost of providing a service to each proposed lot. The estimated cost of this construction for bonding purposes is \$3,000.00
- (c) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees if applicable (provide copy of receipt).

3. Storm Drainage

- (a) Richter Street There is no storm drainage main in Richter Street fronting on this development. It will be necessary for the developer to construct a storm pipe in Richter Street for the full frontage of property. The estimated cost of this storm main construction for bonding purposes is included in the road improvement bonding amount.
- (b) 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.
- (d) Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

4. Road Improvements

- (a) Richter Street fronting this development must be upgraded to a collector class 1 standard (SS-R6) including concrete curb and gutter, sidewalk, piped storm drainage system, fillet pavement, underground irrigation system, and re-location or adjustment of existing 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 on Richter Street by the City. The cash-in-lieu amount is determined to be \$29,800.00, not including utility service costs
- (b) Morrison Avenue fronting this development must be upgraded to an collector class 2 standard (SS-R7) including concrete curb and gutter, storm drainage system (drywell and catch basin), fillet pavement, underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction, The estimated cost of construction for bonding purposes is \$14,000.00
- (c) The rear lane must be upgraded to a paved standard for the full frontage of this development (SS-R2) including a storm drainage system (drywell and catch basin). The estimated cost of construction for bonding purposes is \$13,600.00

5. Road Dedication

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services.
- (b) Provide a corner rounding of 6.0 meter where Morrison Avenue intersects with Richter Street.

6. Electric Power and Telecommunication Services

On Richter Street the electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system. 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. Geotechnical Report

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

- (a) Area ground water characteristics.
- (b) Site suitability for development; 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.

8. Bonding and Levy Summary

(a) Bonding

Morrison Ave frontage improvements	\$14,000.00
Lane frontage improvements	\$13,600.00
Service Upgrades	\$ 8,000.00
Total Bonding	\$ 35,600.00

(b) Cash Levy

Richter Street Road frontage improvements	\$ 29,800.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and do not including utility service costs. Bonding for required off-site construction must be provided as a condition of building permit issuance.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

9. Latecomer Provisions

a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

i) Lane paving with storm drainage system.

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

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. 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.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department does not have any concerns with this proposed RU6 – Two Dwelling Housing rezoning application, as it is consistent with the City's current development policies.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z04-0037
2. **APPLICATION TYPE:** Rezoning & Development Variance Permit Application
3. **OWNER:**
 - **ADDRESS** Rob Joyal / Bill Ferguson
 - **CITY** 2-3340 Watt Road
 - **POSTAL CODE** Kelowna, BC
V1W 3C8
4. **APPLICANT/CONTACT PERSON:**
 - **ADDRESS** Rob Joyal / Bill Ferguson
 - **CITY** 2-3340 Watt Road
 - **POSTAL CODE** Kelowna, BC
V1W 3C8
 - **TELEPHONE/FAX NO.:** 250-762-7887
5. **APPLICATION PROGRESS:**
 - Date of Application:** May 28, 2004
 - Date Application Complete:** May 28, 2004
 - Servicing Agreement Forwarded to Applicant:**
 - Servicing Agreement Concluded:**
 - Staff Report to APC:** June 8, 2004
 - Staff Report to Council:** July 13, 2004
6. **LEGAL DESCRIPTION:** Lot 33, District Lot 14, ODYD, Plan 1141 and Parcel A (KV157498), District Lot 14, ODYD, Plan 5291
7. **SITE LOCATION:** Richter Street and Morrison Avenue
8. **CIVIC ADDRESS:** 2490 Richter Street
9. **AREA OF SUBJECT PROPERTY:** 1241m²
10. **AREA OF PROPOSED REZONING:** 1241m²
11. **EXISTING ZONE CATEGORY:** P4-Utilities
12. **PROPOSED ZONE:** RU6-Two Dwelling Housing
13. **PURPOSE OF THE APPLICATION:** To rezone the three existing subject properties from the P4-Utilities zone to the proposed RU6-Two Dwelling Housing zone to facilitate a two lot single family subdivision;
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan