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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 5, 2005  
**File No.:** DVP05-0038

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. DVP05-0038

OWNER: Lorie Bradshaw

AT: 999 Lanfranco Road

APPLICANT: Lorie Bradshaw

PURPOSE: TO VARY THE REQUIRED LOT DEPTH FROM 30M TO 29.42M IN  
ORDER TO FACILITATE A TWO LOT SINGLE FAMILY SUBDIVISION

EXISTING ZONE: A1-AGRICULTURE 1

PROPOSED ZONE: RU2-MEDIUM LOT HOUSING

REPORT PREPARED BY: MARK P. KOCH, MES MCIP

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**1.0 RECOMMENDATION**

AND THAT Final adoption of Zone Amending Bylaw No. 9401 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0038; located on Lanfranco Road, Kelowna, B.C., Lot B, Plan 20294, D.L. 135, ODYD;

AND FURTHER THAT variances to the following section of City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 13.2.5 Subdivision Regulations: RU2 – Medium Lot Housing

- Vary the required lot depth from 30 m required to 29.42 m proposed for a two lot single family subdivision.

**2.0 SUMMARY**

The applicant has applied to rezone the subject property from the A1-Agriculture 1 zone to the proposed RU2-Medium Lot Housing zone. The rezoning request has been made in order to facilitate a proposed two lot single family residential subdivision, however, the lot depth is 29.42m when a 30.00m depth is required, prompting the applicant to submit this development variance permit. Both the rezoning and the development variance permit requests were supported by the Advisory Planning Commission.

**3.0 ADVISORY PLANNING COMMISSION**

The subject application was reviewed by the Advisory Planning Commission at their meeting of February 15, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0005, for 999 Lanfranco Road, Lot B, Plan 20294, Sec. 7, Twp. 26, ODYD, by Lorie Bradshaw, to rezone from the A1-Agriculture 1 zone to the RU2-Medium Lot Housing zone, in order to facilitate a two lot single family subdivision.

The subject application was reviewed by the Advisory Planning Commission at their meeting of February 29, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0038, for 999 Lanfranco Road, Lot B, Plan 20294, Sec. 7, Twp. 26, ODYD, by Lorie Bradshaw to vary the required lot depth from 30m to 29.42m in order to facilitate a two lot single family subdivision.

#### 4.0 BACKGROUND

##### 4.1 The Proposal

The subject property is located in the South Pandosy/K.L.O. sector area of the City, with the property currently being zoned A1-Agriculture 1. The subject property is dual fronting onto both Lanfranco Road and Barberry Street. The applicant has proposed to retain the existing house, and to subdivide off a building lot to the south, which fronts onto Barberry Street. The rezoning application is required to accommodate the proposed two lot single family subdivision. Furthermore, a concurrent application has been submitted in order to subdivide the subject property into two residential lots, with this development variance permit being required in order to facilitate the proposed two lot single family subdivision.

Application meets requirements of proposed RU2-Medium Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) Proposed Lot A	1050m <sup>2</sup>	400m <sup>2</sup>
Site Width (m) Proposed Lot A	26.37m	13m
Site Depth (m) Proposed Lot A	35.78m	30m
Site Area (m <sup>2</sup> ) Proposed Lot B	441m <sup>2</sup>	400m <sup>2</sup>
Site Width (m) Proposed Lot B	15m	13m
<b>Site Depth (m) Proposed Lot B</b>	<b>29.42 <math>\varnothing</math></b>	<b>30m</b>

Notes:

$\varnothing$  Development Variance Permit is required for the concurrent subdivision to be approved.

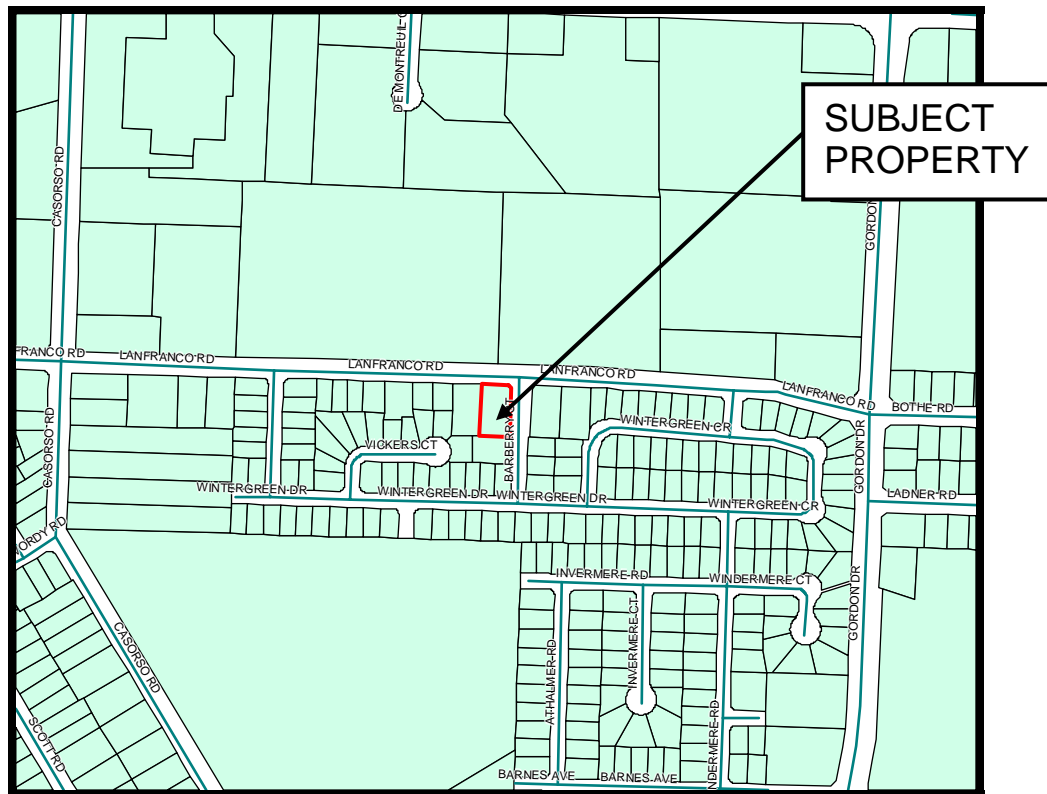
##### 4.2 Site Context

The subject property is situated within the South Pandosy/K.L.O. Sector Plan area and is located south of K.L.O. Road and west of Gordon Drive. The subject property is one of four legal non-conforming A1-Agriculture 1 parcels in the area.

Adjacent zones and uses are, to the:

- North - RM3-Low Density Multiple Housing / Gated Community
- East - A1-Agriculture 1 / Single Family Residential
- South - RU2-Medium Lot Housing / Single Family Residential
- West - A1-Agriculture 1 / Single Family Residential

#### Site Location Map



#### 4.3 Existing Development Potential

The existing development potential for the A1-Agriculture 1 zoned subject property is for agricultural and associated uses.

#### 4.4 Current Development Policy

##### 4.4.1 Kelowna Official Community Plan

The Official Community Plan Future Land Use Designation for the subject property been identified as Single/Two Family Residential, therefore the proposed rezoning to the RU2-Medium Lot Housing zone is consistent with the Official Community Plan direction.

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

The Strategic Plan encourages compact urban growth, while furthermore encouraging redevelopment and infill development.

#### 5.0 TECHNICAL COMMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan. The Development Engineering Technologist for this project is John Filipenko.

The following Works & Services are required for this subdivision:

1. General
  - (a) Provide the Consulting Engineer with a copy of the PLR, which details the Subdivision requirements.
2. Geotechnical Report
  - (a) Provide a modified geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.  
The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
    - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
    - (ii) Site suitability for development.
    - (iii) Any special requirements for construction of driveways, utilities and building structures.
    - (iv) Recommendations for roof drains and perimeter drains.
    - (v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
    - (vi) Recommendations for items that should be included in a Restrictive Covenant.
    - (vii) Any items required in other sections of this document.
3. Water
  - (a) The property is located within the City of Kelowna service area.
  - (b) The existing 19mm water service may be utilised for proposed lot A.
  - (c) A new water service for proposed lot B can be provided from a water main on Barberry Street by City forces at the applicant's cost.
  - (d) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
4. Sanitary Sewer

- (a) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- (b) A new sanitary service for proposed lot B can be provided from a sanitary main on Barberry Street by City forces at the applicant's cost.
- (c) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

5. Drainage

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- (b) Provide a detailed Lot Grading Plan.

6. Roads

- (a) Lanfranco Road has been upgraded to a full urban standard and no further improvements are required. Adjustment and/or re-location of existing utility appurtenances if required, will be at the developer's expense.
- (b) Barberry Street has been upgraded to a full urban standard and no further improvements are required. Adjustment and/or re-location of existing utility appurtenances if required, will be at the developer's expense.
- (c) Verify that physical driveway access will satisfy City requirements for all lots.

7. Power and Telecommunication Services and Street Lights

- (a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- (b) Before making application for approval of your subdivision plan, please make arrangements with FortisBC Inc for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- (c) Make servicing applications to the respective Power & Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- (d) Remove aerial trespass(es) if any exist.

8. Design and Construction

- (a) If it is intended that the utility services will be installed by a private contractor then design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (b) The property is located in Sewer / Water Specified Area No 12) and therefore, all parcels to be created will be subject to a Sewer Specified Area charge that must be paid in full for new lot(s) created at the time of Subdivision Approval. Should you require further information in this regard, please contact the Revenue Manager.

11. Charges and Fees

- (a) Development Cost Charges (DCC's) are payable
- (b) Fees per the "Development Application Fees Bylaw" include:

- i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).
- (c) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- (d) As per Item 10. (b)

#### 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning & Corporate Services Department has no concerns over this development variance permit. Although there is excess road dedication on the Barberry Street frontage that the applicant could purchase from the City, the applicant does not wish to pursue this option due to the cost involved. There would likely be two utility poles that would have to be relocated to facilitate the land purchase which will add to the cost of land and the additional survey requirements.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

AB/MK/mk  
Attach

#### *ATTACHMENTS*

*(not attached to the electronic version of the report)*

- Location of subject property
- Proposed Plan of Subdivision
- State of Title