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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 1, 2005  
**File No.:** **Z05-0031**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO. Z05-0031

OWNER: OKANAGAN SEASONS  
RESORT LTD.

AT: 1490 MAYDEN ROAD

APPLICANT: OKANAGAN SEASONS  
RESORT LTD.  
(ALLAN MANSON)

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING  
RU1 – LARGE LOT HOUSING ZONE TO THE PROPOSED RM1  
– FOUR DWELLING HOUSING ZONE TO PERMIT THE  
ADDITION OF A SECOND BUILDING ON THE SUBJECT  
PROPERTY TO ALLOW FOR ADDITIONAL HOUSING UNITS

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**PROPOSED ZONE:** RM1 – FOUR DWELLING HOUSING

**REPORT PREPARED BY:** PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DL 125, O.D.Y.D., Plan 17322, located on Mayden Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed RM1 – Four 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 in conjunction with Council's consideration of a Development 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 and the Ministry of Transportation being completed to their satisfaction;

**2.0 SUMMARY**

The applicant wishes to rezone the subject property in order to permit the relocation of an existing dwelling which is currently located on an adjacent lot (1510 Hwy 33 W),

which the applicant also owns. The building is being relocated in order to facilitate the highway upgrade project of Highway 33 and the associated extension of Highway 33 through to Enterprise Way. The proposed zone is consistent with the future land use designation of the City of Kelowna Official Community Plan.

## 2.1 Advisory Planning Commission

The above noted application (Z05-0031) was reviewed by the Advisory Planning Commission at the meeting of May 17, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-003, for 1490 Mayden Road, Lot B, Plan 17322, Sec. 27, Twp. 26, ODYD, by Okanagan Seasons Resort (Allan Manson), to rezone from the RU1-Large Lot Housing zone to the RM1-Four Dwelling Housing zone in order to permit the placement of a second single dwelling unit on the subject property.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant owns both the Okanagan Seasons resort and the subject property. The Ministry of Transportation has been working on design and property acquisition issues related to the proposed extension of Highway 33 through to the recently completed Enterprise Way extension.

The Ministry of Transportation has requested that the house owned by the applicant, located at the corner of Mayden Road and Highway 33 (1510 Highway 33 W), be removed from that property in order to facilitate a relocation of the access drive aisle to the Okanagan Seasons Resort from Highway 33. The proposed construction associated with the Highway 33 extension also includes significant widening along the Highway 33 frontage of the property, as well as a relocation of the existing entrance driveway Okanagan Seasons Resort from Highway 33.

This application proposes the relocation of the existing dwelling located at 1510 Highway 33 W. to 1490 Mayden Court. The lot on Mayden Court already had an existing single unit dwelling located on the RU1 – Large Lot Housing zoned property.

The future land use designation of the subject property is for Multiple Unit Residential – low density. The application proposes to rezone the subject property to the RM1 – Four Dwelling Housing zone in order to permit the location of a second dwelling on the property.

Both houses are constructed as single storey buildings constructed on full basements. At this time there has not been any proposal to construct additional dwelling units in the basements of the buildings, although this would be a permitted land use in the new zone, up to a maximum of four dwelling units on the property.

The associated Development Permit proposes the installation of lawn and shrub beds in the vicinity of the proposed relocated building as part of the building relocation.

The proposal as compared to the RM1 zone requirements is as follows:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,538 m <sup>2</sup>	700 m <sup>2</sup>
Site Width (m)	40 m	20 m
Site Coverage (%)	12.8% bldgs	40%, 50% with buildings, driveways and parking areas
Total Floor Area (m <sup>2</sup> )	393.6 m <sup>2</sup> (approx)	
F.A.R.	0.255	FAR = .60 max
Storeys (#)	1 ½ storeys	2 ½ storeys or 9.5 m
Setbacks (m)		
- Front	4.5 m	4.5 m except that it is 6.0 m for garage or car port
- Rear	6.6 m	6.0 m for 1 or 1 ½ storey bldg ht 7.5 m for 2 or 2 ½ storey bldg ht
- South Side	4.0 m	2.0 m for 1 or 1 ½ storey bldg ht 2.3 m for 2 or 2 ½ storey bldg ht
- West Side	6.7 m	2.0 m for 1 or 1 ½ storey bldg ht 2.3 m for 2 or 2 ½ storey bldg ht
Parking Stalls (#)	4 stalls provided	2 per dwelling

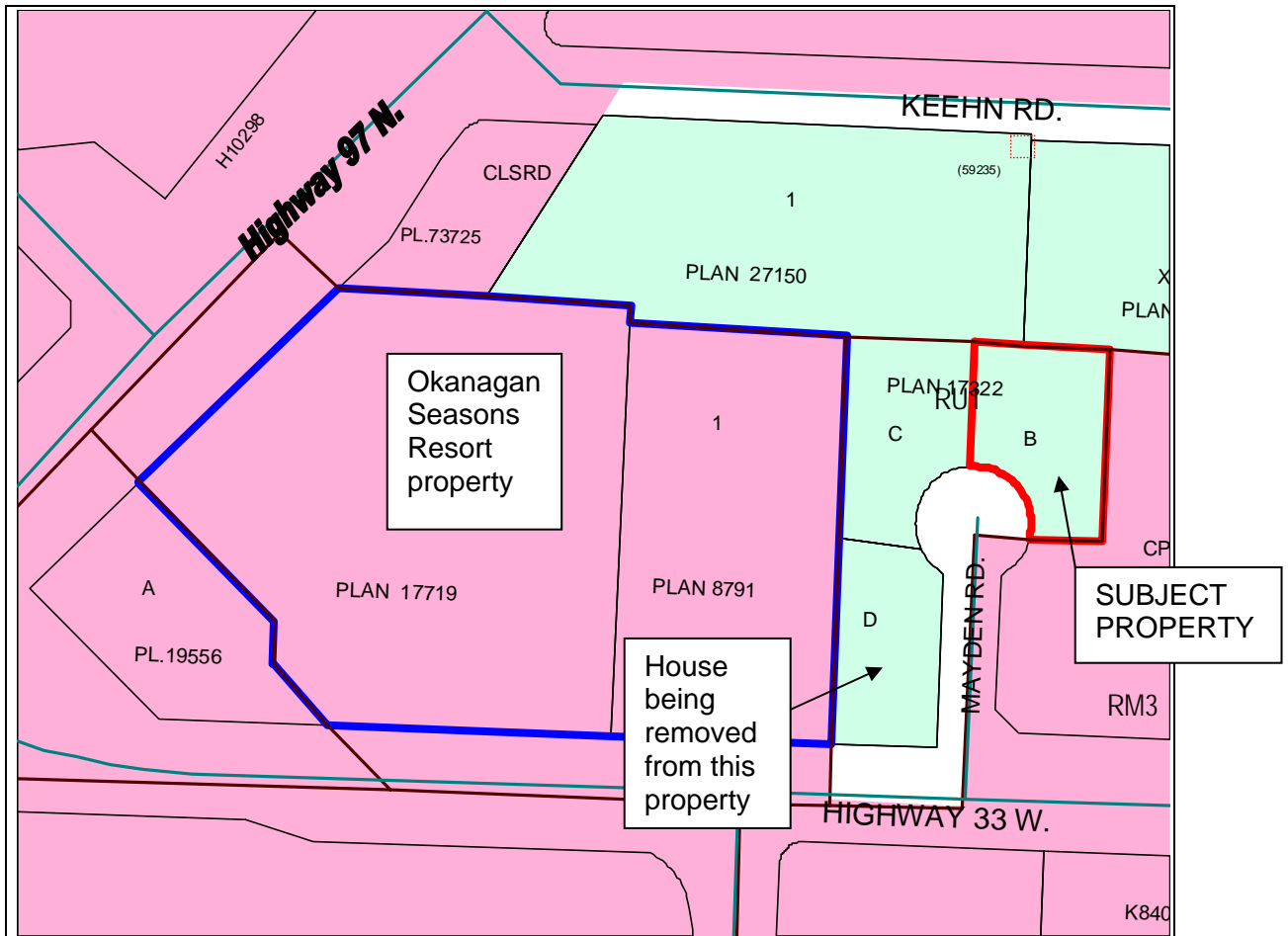
### 3.2 Site Context

The subject property is generally flat and level, and is located at the north end of Mayden Court. The neighbourhood is comprised of 1960's single dwelling housing units, that have been rented out, pending redevelopment of the neighbourhood. The lots to the east of the subject property have recently been approved for a townhouse development, which is currently under construction.

Adjacent zones and uses are, to the:

- North - C10 – Service Commercial – Service Commercial development
- East - RM3 – Low Density Multiple Housing zone – townhouse development
- South - RM3 – Low Density Multiple Housing zone – townhouse development
- West - RU1 – Large Lot Housing – single dwelling use, parking lot for motel

SUBJECT PROPERTY MAP



**3.3 Proposed Development Potential**

The proposed zone of RM1 – Four Dwelling Housing allows for single dwelling housing, two dwelling housing, three dwelling housing, and four dwelling housing as permitted principal uses. The proposed zone also permits care centres – major, and home based businesses – minor as permitted secondary uses.

**3.4 Current Development Policy**

**3.4.1 Kelowna Official Community Plan**

This proposal is consistent with the Official Community Plan which designates the subject property as Multiple Unit Residential – Low Density future land use.

### 3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Realize construction forms and prices that meet the needs of Kelowna residents

## 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 Fire Department

No Comment

### 4.2 FortisBC

Will provide underground electrical service

### 4.3 Inspection Services Department

Assure the full compliance of building and zoning bylaw.

NOTE; There will be an opportunity for further review of the construction on site during both the Development Permit review and the Building Permit review.

### 4.4 Irrigation District (R.W.W.)

Mould Engineering letter dated July 4, 2005

We have examined the water supply considerations and fire flow requirements for the above noted property. Our comments are as follows;

1. The property is currently zoned RU1, and is located at the north end of Mayden Road. The application to change the zoning to the RM1 zone will enable an existing house on 1510 Mayden Road to be moved adjacent to an existing split-level house on the 1490 Mayden Road lot. The development permit specifies the building of a four-plex indicating that the houses will be rented as four individual

units. This is not a typical RM1 application, but does result in the maximum allowable density.

2. RWD currently delivers water through a 100mm pipeline and a single 19mm service to the existing house. This 100mm pipeline is large enough to supply the four-plex on this property, however, three additional 19mm service connections would need to be installed to service all four rental units.
3. A draft fire flow estimate was calculated using the Fire Underwriters Survey Guidelines. Based on an estimated ground floor area of 260 m<sup>2</sup> (6,400 SF) per house, a fire flow of 1,400 lpgm (6,000 lpm) is needed for a duration of 2 hours. The distribution system and nearest hydrant along Highway 33 is capable of meeting the fire flow requirements, but is located approximately 110 metres away from either building's front door. The maximum distance between front door and hydrant should be no greater than 90 metres, therefore the hydrant must be moved.
4. The Ministry of Transportation (MOT) has agreed to move the hydrant onto Mayden Road. The expected construction date is fall 2005, although this is not guaranteed. Any construction delays could affect this application at the Building Permit stage.
5. There is no other hydrant within 100 metres of this development. If any further alterations are made to this property, then an additional hydrant will need to be added by the Developer.
6. The Capitol Expenditure Charges for this project, which must be paid to the District prior to approval of the Building permit for a four-plex, calculates as follows;
  - a. Three additional Multi-Family Units @ \$1,500.00/unit = \$4,500.00
  - b. Construction of 3 domestic Water Services @ \$2,000.00 = \$6,000.00
  - c. Fire Hydrant Relocation (paid by MOT) \$0.00

<b>TOTAL</b>	<b>\$10,500.00</b>
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4.5 Ministry of Transportation

No Concerns.

4.6 Parks Manager

1. Boulevard maintenance including watering (manual or automated irrigation) will be the responsibility of owner/occupant.
2. All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.
3. Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting

4.7 Shaw Cable

Owner/developer to supply and install underground conduit system.

4.8 Telus

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

#### 4.9 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 (Large Lot Housing) to RM-1 (Four Dwelling Housing) are as follows:

1. Subdivision

- a) Provide easements as may be required.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

3. Domestic water and fire protection.

- a) This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection upgrade, and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.
- b) A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

4. Sanitary Sewer.

The subject property is currently serviced by the Municipal Wastewater Collection system.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention facilities and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility

companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Road improvements.

Mayden Road.

Mayden Road was identified as being closed in the future; however, the Hwy improvement plans have now integrated Mayden Road in the long term plans for the area. Mayden Road does not meet the current standard for the requested zone. The frontage of the subject property must be upgraded to the current standard which includes curb, gutter, sidewalk storm drainage, etc... It is recommended that the applicant makes a cash contribution in the amount of \$10,000.00 and defer the construction until the property to the west is redeveloped.

8. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

9. Bonding and Levies Summary.

a) Performance Bonding	N/A
b) Levies	
Mayden Road upgrading	\$10,000.00

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with the proposed rezoning of the subject property to the RM1 zone, or the proposal to relocate a single dwelling building onto the site, as long as the proposal meets the zoning bylaw requirements for the RM1 zone. The selection of the RM1 – four dwelling housing zone was chosen as this zone is consistent with the future land use designation of the City of Kelowna Official Community Plan.

While the intensity of development that is proposed by these applications is less than the maximum permitted by both the Official Community Plan future land use designation and the RM1 zone, this building relocation and the associated rezoning and development permit applications are considered as an interim use of the lot. It is anticipated that the owner will be coming forward for a comprehensive redevelopment of the motel site in the future. At that time, the development proposal will be subject to a review of the lot configuration in the neighbourhood, as well as the proposed land use and form & character of the proposed development.



Currently, there is no indication that the applicant proposes creating suites in the basements of the dwellings located on the subject property. There will be opportunity during the building permit application, and the construction phase to address the possible basement development on the two dwellings. The proposed RM1 – Four Dwelling housing zone permits up to a maximum of four dwellings on the subject property once the zone is applied.

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

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

5 pages of site plans & building elevations diagrams