

Date: September 15, 2005

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z05-0035

APPLICANT: New Town Planning Services

AT:

OWNERS : Donald Kirschner

Lot 2 Plan 10847 – 500 Fleming Rd.

Steven Kirschner

Lot C Plan 24982 – 1075 Leathead Rd.

Gordon Kirschner

Heidi Kirschner

Allan Kirschner

Angelica Kirschner

Lot 1 Plan 10847 – 1065 Leathead Rd.

Neil Lachelt

Deborah Lachelt

Lot B Plan 24982 – 470 Fleming Rd.

PURPOSE: TO REZONE FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE, IN ORDER TO FACILITATE A SUBDIVISION RESULTING IN THE CREATION OF 6 NEW LOTS FROM THE 4 EXISTING LOTS.

EXISTING ZONE: RU1 – LARGE LOT HOUSING ZONE

PROPOSED ZONE: RU6 – TWO DWELLING HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

THAT Rezoning Application No. Z05-0035 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the following parcels:

Lot 1, Section 27, Township 26, O.D.Y.D. Plan 10847 Except Plan A12943;
 Lot 2, Section 27, Township 26, O.D.Y.D. Plan 10847;
 Lot C, Section 27, Township 26, O.D.Y.D. Plan 24982; and
 Part of Lot B, Section 27, Township 26, O.D.Y.D. Plan 24982,

all located on Fleming Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, as shown on Map "A" attached to the report of Planning & Development Services Department, dated September 23, 2005 be considered by Council;

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

2.0 SUMMARY

The Applicants have applied to subdivide the four existing RU1 subject properties to create six new RU6 lots. Accompanying that application is a rezoning application to allow for a more

intensive residential use of the six lots proposed. The RU6 – Two Dwelling Housing zone would allow for two principal dwellings on all six lots (see attached site plan).

3.0 BACKGROUND

3.1 The Proposal

This project contemplates the redevelopment of four existing lots to a more intensive residential use, both through this rezoning application and an accompanying subdivision application. The three existing houses are to remain, and there are to be a total of six new lots created. At this time there is no accompanying development permit application to address the proposed two dwelling development on each of the new lots.

The proposed application meets the requirements of the RU6 – Two Dwelling Housing zone as follows:

Proposed Lot 1		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	868 m ²	700 m ² (duplex housing)
Lot Width	18.4 m	18.0 m (duplex housing)
Lot Depth	47.85 m	30.0 m

Proposed Lot 2		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	783 m ²	700 m ² (duplex housing)
Lot Width	18.0 m	18.0 m (duplex housing)
Lot Depth	47.84 m	30.0 m

Proposed Lot 3		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,005 m ²	700 m ² (duplex housing)
Lot Width	21.0 m	18.0 m (duplex housing)
Lot Depth	47.84 m	30.0 m
Development Regulations		

Existing dwelling	133 m ²	
Site Coverage	13% 20%	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	2-storey	9.5 m (2 ½ storeys)
Front Yard	7.8 m	4.5 m, 6.0 m to garage/carport
Side Yard (north)	4.63 m	2.0 m (for 1 or 1 ½ storey) 2.3 m (2 storey)
Side Yard (south)	4.5 m	2.0 m (1 or 1 ½ storey) 2.3 m (2 storey)
Rear Yard	28.86 m	6.0 m (1 or 1 ½ storey) 7.5 m (2 storey)
Other Regulations		
Minimum Parking Requirements	2 spaces	2 parking spaces
Private Open Space	meets requirements	30 m ² per dwelling

Proposed Lot 4		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,005 m ²	700 m ² (duplex housing)
Lot Width	21.0 m	18.0 m (duplex housing)
Lot Depth	47.84 m	30.0 m

Proposed Lot 5		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	804 m ²	700 m ² (duplex housing)
Lot Width	22.7 m	18.0 m (duplex housing)
Lot Depth	34.8 m	30.0 m
Development Regulations		

Existing dwelling Existing shed	75 m ² 33 m ²	
Site Coverage	13% 21%	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	1-storey	9.5 m (2 ½ storeys)
Front Yard	10.69 m	4.5 m, 6.0 m to garage/carport
Side Yard (east)	8.37 m	4.5 m
Side Yard (west)	4.4 m (existing house) 0.0 m (existing shed) ^A	2.0 m (1 or 1 ½ storey) 2.3 m (2 storey) 1.0 m to accessory building
Rear Yard	2.3 m ^B	1.5 m to accessory building
Other Regulations		
Minimum Parking Requirements	2 spaces	2 parking spaces
Private Open Space	meets requirements	30 m ² per dwelling
Proposed Lot 6		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	894 m ²	700 m ² (duplex housing)
Lot Width	25.13 m	18.0 m (duplex housing)
Lot Depth	34.8 m	30.0 m
Development Regulations		
Existing dwelling Existing shed	95 m ² 16 m ²	
Site Coverage	12% 15%	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	1-storey	9.5 m (2 ½ storeys)
Front Yard	6.53 m	4.5 m, 6.0 m to garage/carport
Side Yard (east)	4.32 m (existing house) 0.0 m (existing shed) ^C	2.0 m (for 1 or 1 ½ storey) 2.3 m (2 storey)

Side Yard (west)	14.0 m	2.0 m (1 or 1 ½ storey) 2.3 m (2 storey)
Rear Yard	4.19 m	1.5 m to accessory building
Other Regulations		
Minimum Parking Requirements	2 spaces	2 parking spaces
Private Open Space	meets requirements	30 m ² per dwelling

Proposed Remainder of Lot B Plan 24982		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,025 m ²	550 m ²
Lot Width	21.93 m	16.5 m
Lot Depth	47.85 m	30.0 m
Development Regulations		
Site Coverage	14% 20%	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	1-storey	9.5 m (2 ½ storeys)
Front Yard	9.0 m	4.5 m, 6.0 m to garage/carport
Side Yard (north)	3.50 m	2.0 m (for 1 or 1 ½ storey) 2.3 m (2 storey)
Side Yard (south)	5.5 m	2.0 m (1 or 1 ½ storey) 2.3 m (2 storey)
Rear Yard	26.0 m	7.5 m
Other Regulations		
Minimum Parking Requirements	2 spaces	2 parking spaces

^A The existing shed is deemed to be legally non-conforming.

^B The existing lean-to portion of the shed is to be removed (see attached site plan).

^C The existing shed is deemed to be legally non-conforming.

3.2

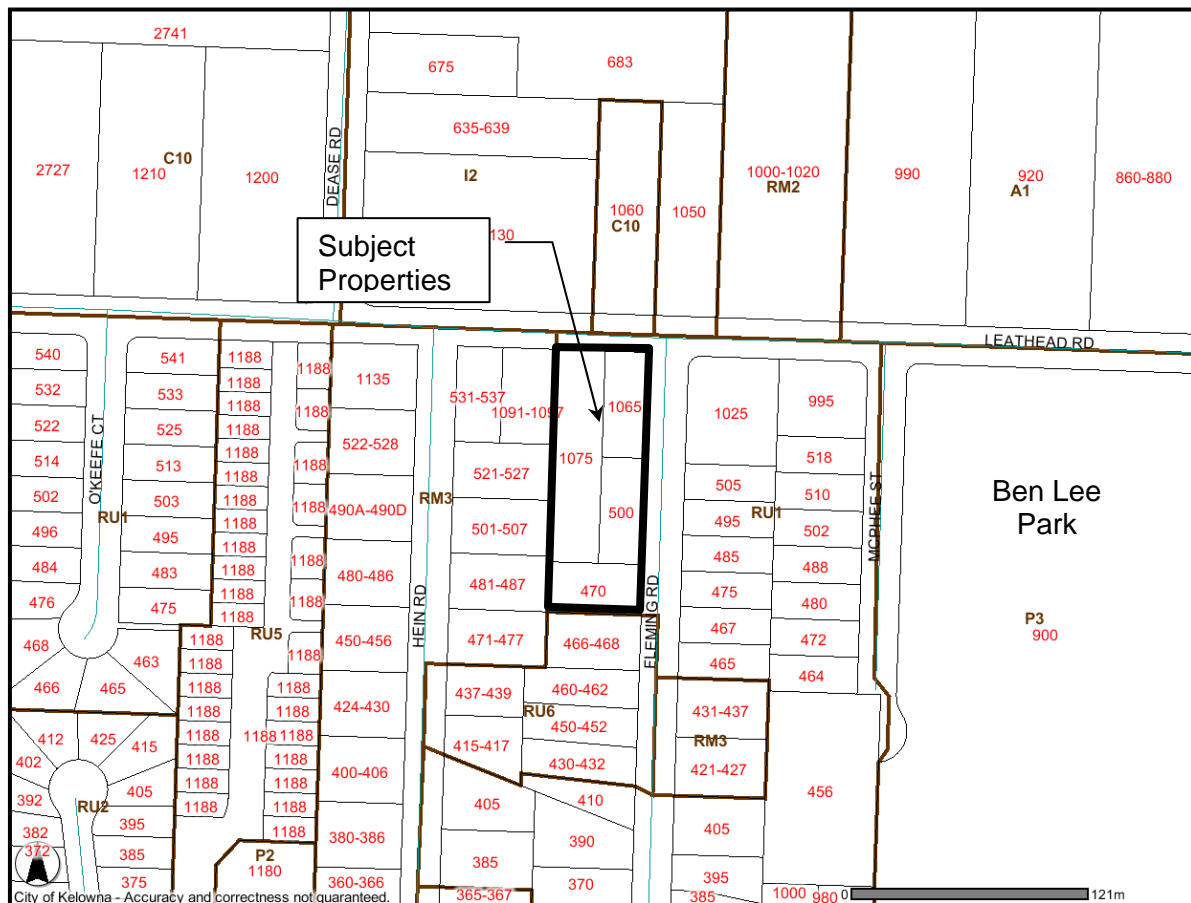
Site Context

The subject properties are located southwest of the intersection of Leathead Road and Fleming Road, which is one-block west of Ben Lee Park. The surrounding area south of Leathead Road is residential, while lands north of Leathead Road have been developed for commercial, industrial and residential uses. More specifically, the adjacent land uses are as follows:

North-	I2 – General Industrial
	C10 – Service Commercial
East	RU1 – Large Lot Residential
South	RU6 – Two Dwelling Housing
West	RM3 – Low Density Multiple Housing

Site Location Map

Subject properties: 1065 Leathead, 1075 Leathead, and 500 Fleming Road, a portion of 470 Fleming Road:



3.3 Existing Development Potential

The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

3.4 Current Development Policy

3.4.1 City of Kelowna Strategic Plan (2004)

Objective #4 – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

Objective #5 – Achieve accessible, high quality living and working environments.

Objective #7 – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

3.4.2 Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP.

Development Permit Process - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

4.0 TECHNICAL COMMENTS

4.1 Fire Department

Fire dept access, fire flows, and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

4.2 Fortis BC

Will provide underground electrical service. Existing houses to be converted from overhead to underground.

4.3 Inspections Department

Carport on Lot 3 too close to property line - portions closer than 0.6 m should be non-combustible construction.

4.4 Irrigation District (BMID)

No objections subject to:

1. A capital cost charge of \$1200 per lot (3 new lots = \$3600

2. A connection fee of \$300 for each new connection, payable at time of building.

3. A meter supply and installation fee of \$383.55 per new connection, payable at time of building.

Lots 3, 5 & 6 are currently serviced; however, these should be changed to 'duplexed services' to accommodate the proposed two dwelling scenario. Installation of services to lots 1, 2 & 4 should also be 'duplexed services'. The fire flow for area is good.

4.5 Ministry of Transportation

No concerns.

4.6 Parks Department

- 4.6.1 Residents will be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
- 4.6.2 All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.
- 4.6.3 Street trees contribute to the liveability of a street and improve the character of the neighbourhood. They can modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division encourages the Applicant to consider the planting of street trees on each new housing lot consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).
- 4.6.4 Boulevard tree maintenance will be the responsibility of Parks Division.

4.7 Telus

Will provide underground facilities to development. Developer will be required to supply and install conduit as per policy.

4.8 Works and Utilities Department

4.8.1 Subdivision.

- a) Consolidate the 3 parcels and create the new 6 parcels.
- b) Dedicate a road widening along Leathead road as per the registered easement drawing No. A12943 including the corner radius at the intersection with Fleming Road
- c) Provide easements as may be required.

4.8.2 Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, The study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

4.8.3 Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID.
- b) Any existing service that will become redundant will have to be decommissioned at the watermain at the developer's cost.

4.8.4 Sanitary Sewer.

- a) The subject properties are located within Specified Area # 20 and there are only three services, an additional 3 services will be required.
- b) The developer must cash commute the specified area charges in accordance with the current policy 304. The cash commute amount is \$8978.64 per Equivalent Dwelling Unit (EDU).the RU6 zone has .7 EDU per Unit 8.4 EDU for 12 units in total. The total Specified Area # 20 fee is $8.4 \times \$8,978.64 = \$75,420.56$ prior to March 31, 2006.
- c) The cost of the 3 new connections is included in the Specified Area Charge.

4.8.5 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. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

4.8.6 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.

4.8.7 Road improvements.

a) Leathead Road.

The existing frontage of Leathead Road meets the current urban standard for the requested zone. The existing combined driveway can remain, no additional driveways onto Leathead road will be permitted to access proposed lots 1 and 2.

b) Fleming Road.

The west half of Fleming Road fronting the subject property is required to be upgraded to a full urban standard class (1 local SS-R3) complete with curb, gutter, sidewalk, street lighting, asphalt fillet, storm drainage extension, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be \$66,400.00, inclusive of a bonding contingency.

4.8.8 Street lights.

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan

4.8.9 Engineering.

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.

4.8.10 Bonding and Levies Summary.

a) Performance Bonding	
Fleming Road upgrading	\$ 66,400.00
Total performance bonding	<u>\$ 66,400.00</u>
b) Levies	
Specified Area 20 fees (8.4 EDU x \$ \$8,978.64)	\$ 75,420.56
(prior to March 31, 2006)	

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Staff has no concerns with the proposed rezoning application, due to its consistency with the relevant development policies contained within the Kelowna 2020 Official Community Plan, and the Rutland Sector Plan.

Bob Shaughnessy

Subdivision Approving Officer

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP

Director of Planning & Corporate Services

NW/nw

ATTACHMENTS

Location of subject property

Site Plan

Map "A"