

Date: March 8, 2006
File No.: Z06-0009
To: City Manager
From: Planning & Corporate Services Department
Subject:

AT:	OWNERS:
1749 K.L.O. Road	Silvano Vizzutti Domenica Vizzutti

REPORT PREPARED BY: NELSON WIGHT

THAT Rezoning Application No. Z06-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5, District Lot 131, O.D.Y.D. Plan 13722 except Plan KAP78946, located on K.L.O. Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer.

The Applicants have applied to subdivide the subject property to create three new lots. Accompanying that application is a rezoning application to allow for a more intensive residential use of the three lots proposed. The RU6 – Two Dwelling Housing zone would allow for two principal dwellings on each of the proposed lots.

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0009, for 1749 KLO Road, Lot 5, Plan 13722, Sec. 17, Twp. 26, ODYD, by Harvey Benson, to rezone from the A1-Agriculture 1 zone to the RU6-Two Dwelling Housing zone in order to facilitate a 3 lot subdivision.

4.1 The Proposal

This project contemplates the redevelopment of an existing lot to a more intensive residential use, both through this rezoning application and an accompanying subdivision application. The one existing house is to remain on a new lot, and there are to be two additional lots created.

There is no accompanying development permit application at this time. However, the Applicant has supplied conceptual drawings showing a possible design for duplex housing on the newly created lots.

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

Proposed Lot A		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	960 m ²	700 m ² (two-dwelling housing)
Lot Width	20 m	18.0 m (two-dwelling housing)
Lot Depth	48 m	30.0 m

Proposed Lot B		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,110 m ²	700 m ² (two-dwelling housing)
Lot Width	23 m	18.0 m (two-dwelling housing)
Lot Depth	48 m	30.0 m

Proposed Lot C		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	960 m ²	700 m ² (two-dwelling housing)
Lot Width	20 m	18.0 m (two-dwelling housing)
Lot Depth	48 m	30.0 m

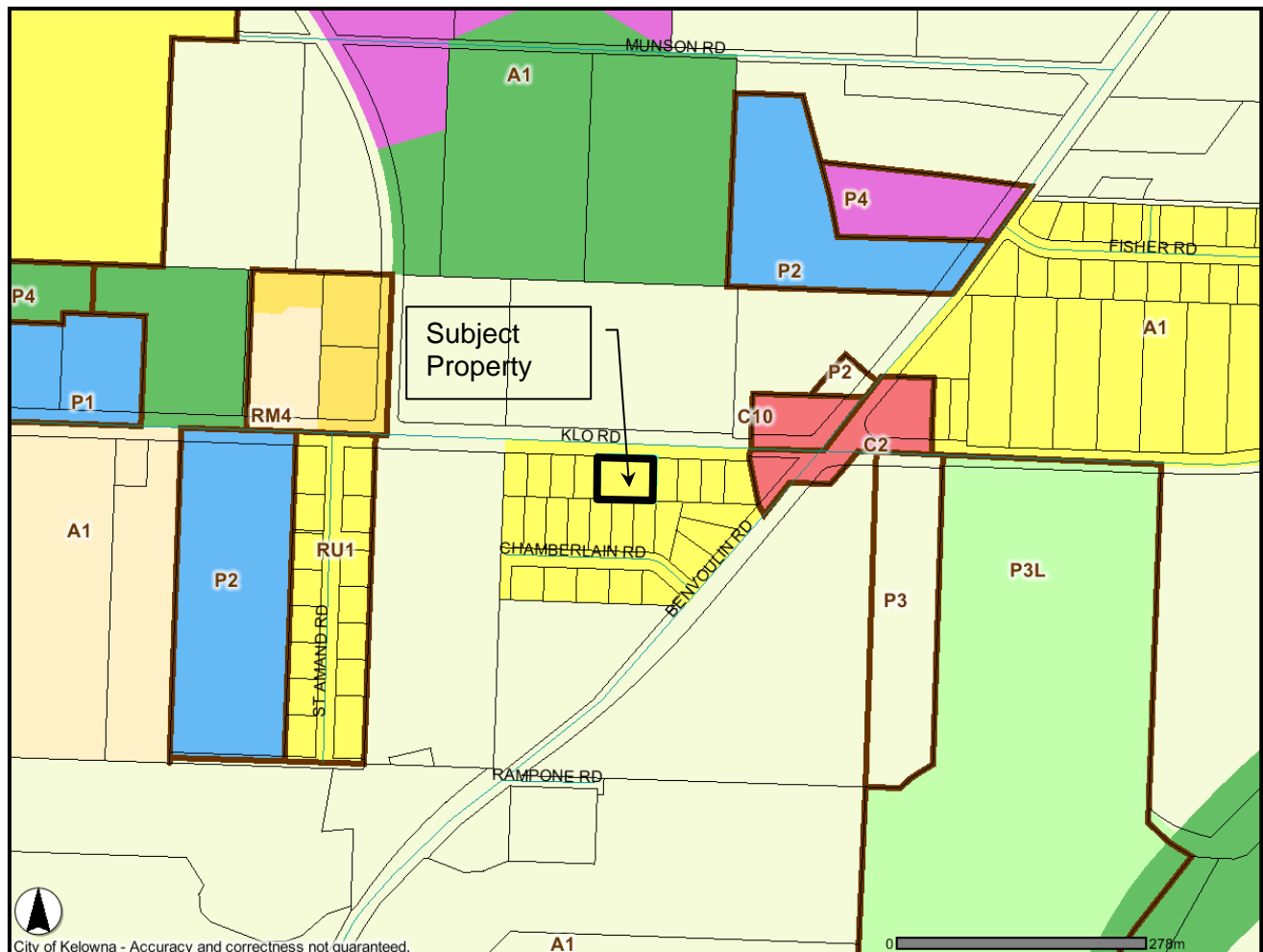
4.2 Site Context

The subject property is located southwest of the intersection of K.L.O. Road and Benvoulin Road. This parcel is among ± 25 large residential lots that are surrounded by larger agricultural properties. These larger agricultural properties are also in the Agricultural Land Reserve. More specifically, the adjacent land uses are as follows:

North-	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

Site Location Map

Subject property: 1749 K.L.O. Road



4.3 Existing Development Potential

The purpose of the A1 – Agriculture 1 zone is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of

one single dwelling house is permitted. The subject parcel is legally non-conforming to the current A1 – Agricultural 1 zoning as it relates to lot size.

4.4 Current Development Policy

4.4.1 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.

4.4.2 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.

Section 8.1.34 - Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

Section 8.1.43 - Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

Section 8.1.52 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR);

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

5.0 TECHNICAL COMMENTS

Fire Department

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

Inspections Department

No comments.

Parks Department

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.

Shaw

Owner/developer to supply and install an underground conduit system.

Telus

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

Works and Utilities Department

General

- a) Provide the Consulting Engineer with a copy of the PLR which details the Subdivision requirements.

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.

Water

- a) The property is located within the City of Kelowna water service area.
- b) Arrange for individual lot connections before submission of the subdivision plan, including payment of reconnection fees (provide copy of receipt).
- c) The existing water service may be utilised for one of the proposed lots. The existing curb stop will need to be relocated to the new property line
- d) Remove or relocate any existing service connections not being utilised or encroaching on the proposed new lots. Tie-ins and disconnections at the existing watermain must be by City forces and at the applicant's cost.

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 100mm diameter sanitary sewer service has been provided to the parent parcel as part of the recent sanitary sewer main construction on KLO Road. The service may be utilised for one of the proposed lots.

Drainage

- a) 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.

Roads

- a) KLO Road must be upgraded to a full urban standard including the construction of the curb and gutter and a separate sidewalk, a driveway letdown, a piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility poles and appurtenance to accommodate this construction.
- b) KLO Road construction costs have been budgeted by the City and the work is in progress at this time.
- c) The parent parcel was provided with two driveway letdowns. Modifications to the frontage works including curb and gutter and driveway letdowns, if required, will be at the developer's cost.

Power and Telecommunication Services

- a) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction within the road rights of way.

Design and Construction

- a) 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.
- b) 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).
- c) 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.

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.

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) A right-of-way agreement must be registered across proposed Lots 1, 2, and 3 for vehicular access to those lots. The agreement must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna. This agreement must be registered as a priority charge.
- c) The City plans on completing the work on KLO road including the construction of a concrete sidewalk as well as paving the top lift this construction season (2006). The developer should do all the work that is required that is linked to items detailed the above sections: Water, Sanitary Sewer, Roads and Power and Telecommunication Services, as well as gas services prior to the sidewalk and paving works. By proceeding in this manner, the developer will have savings and patchwork will be avoided. The developer should coordinate this work through the Development Division.
- d) Access and Manoeuvrability
 - (i) Have registered on title that access to KLO Rd. will, in the future, be restricted to right turns in and out, only.
 - (ii) Ensure that one entry access, and one exit access is the only service for this three lot subdivision;
 - (iii) The project should be designed so that vehicles will exit KLO into the site in a forward direction, and will re-enter KLO in a forward direction, only.
 - (iv) Revised site access and egress designs onto KLO Road must be submitted for approval by the City Works & Utilities Department. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.

Charges and Fees

- a) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii) Engineering and Inspection Fee: 3% of construction value (plus GST).
 - iii) Sanitary Sewer Connection Area No. 25 Eff. Date 2001-01-01
Rate/Edu \$16,700.00 3 Edu's Total Charge \$ 50,100.00

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 CORPORATE SERVICES DEPARTMENT COMMENTS

Policies with the Kelowna 2020 Official Community Plan provide conditional support for the proposed project. That is, rezoning the subject property to the RU6 zone would be consistent with the Future Land Use designation of the area. However, Section 8.1.34 highlights the importance of “sensitive integration” of new development with the existing neighbourhood.

The Applicant has provided conceptual drawings showing a duplex design that could be accommodated on any one of these lots without exceeding the maximum allowable building envelope permitted in the RU6 zone.

With regard to the form and character of this development, Staff will be reviewing these issues through the development permit process, if the Applicant is successful in this rezoning application and accompanying subdivision application.

It should be noted that there are several issues with the proposed building design and site plan that Staff will address through the subsequent subdivision and development permit applications. Of particular concern at this time are: (a) site access and circulation; and (b) building design that emphasizes the garages and/or parking areas. The proposed lots are large enough to accommodate alternately-designed buildings and to revise the access to meet the Work and Utilities Department requirements.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

NW/nw

ATTACHMENTS

Location of subject property

Site Plan

Conceptual Elevations for duplex housing (Lots A and C)