
**CITY OF KELOWNA
MEMORANDUM**

Date: June 13, 2006
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. Z06-0027 **APPLICANT:** Richard Beavington
AT: 510 Rutland Road **OWNER:** Richard Beavington
PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RM1 – FOUR DWELLING HOUSING ZONE
EXISTING ZONE: RU1 – LARGE LOT HOUSING ZONE
PROPOSED ZONE RM1 – FOUR DWELLING HOUSING
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z06-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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 Council direct the Inspection Services Manager to authorize the relocation permit of the Barber house to the subject property at 510 Rutland Road, pursuant to *Part 7 – Temporary Buildings and Structures* of the Building Bylaw No. 7245.

2.0 SUMMARY

This rezoning application seeks to allow for the relocation of the Barber house (a historic house currently sited on a lot addressed as 130 Barber Road) onto the subject property, which is addressed as 510 Rutland Road. There is an existing single family home situated on the west side of the subject property, and this proposed second house would be sited on the east side, fronting Rutland Road. To achieve this development, the Applicant seeks approval for the following:

- (a) a rezoning from RU1 to RM1
- (b) a development variance permit to allow for a reduced lot width of 18 m, where 20 m is required in the RM1 zone (DVP06-0081); and
- (c) a development permit application to allow for the development of two dwelling units on this property (DP06-0087).

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on May 23, 2006—after the initial motion to support was defeated in a 5-4 vote—APC passed the following motion:

THAT the Advisory Planning Commission NOT support Rezoning Application No. Z06-0027, for 510 Rutland Road, The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, by R. Beavington, to rezone from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone, in order to allow for the construction of a four plex.

As a result of the APC not supporting the Rezoning Application, there is no recommendation for Development Permit Application No. DP06-0087 and Development Variance Permit Application No. DVP06-0081.

NOTE: Although the APC did not include a rationale in their recommendation for non-support, the minutes from that meeting record their deliberation, and are attached to this report for Council's consideration.

4.0 COMMUNITY HERITAGE COMMISSION

At a meeting held on June 6, 2006, the CHC passed the following motion:

THAT the CHC supports the attempt to preserve the Barber House through its relocation and recommends that Council consider delaying any action that could result in demolition of the structure.

UNANIMOUSLY CARRIED

5.0 BACKGROUND

5.1 The Proposal

The Applicant resides in an existing single family dwelling, which was recently moved to the Montgomery Road side of this double-fronting lot. This application seeks to allow the relocation of the Barber house onto the Rutland Road side of the property, which would accommodate an additional dwelling. Vehicle access to the property would be from Montgomery Road, with surface parking provided between the two houses.

The existing house accommodates one single family dwelling. Floor plans for the Barber house also show living space for only one single family dwelling. However, there is a separate access to the basement area, which could be developed as a third dwelling unit in the future.

The stucco siding on the Barber house is to be removed, exposing the original horizontal wood siding. The existing house has vinyl siding. The Applicant has not provided details on the colour or trim detail for either house, except to indicate the main body of the Barber house is to be painted white. It should also be noted that the Barber house is to be sited with the main door facing Rutland Road, and a covered porch added.

The table below shows this application's compliance/non-compliance with the requirements of the RM1 zone:

Project details	Site area:	1,092 m ² (0.27 ac)
	Existing Bldg. Footprint:	93.6 m ²
	New Bldg. Footprint:	78 m ²
	Existing Bldg. Floor Area	156 m ²
	New Floor Area:	232 m ²
	Number of Units	3 units
CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,092 m ² (0.27 ac)	700 m ²

Lot Width	18 m ^A	20.0 m
Lot Depth	61 m	30.0 m
Development Regulations		
Floor Area Ratio	0.36	0.6
Site Coverage (buildings)	18%	40%
Site Coverage (buildings/parking)	35%	50%
Height (proposed house)	2 ½ storeys / < 9.5 m	2 ½ storeys / 9.5 m
Height (existing house)	2 storeys / < 9.5 m	2 ½ storeys / 9.5 m
Front Yard (Montgomery Rd.)	4.5 m	4.5 m or 6.0 m to a garage
Side Yard (north)	3.7 m	2.0 m (1 or 1 ½ storey portion) 2.5 m (2 or 2 ½ storey portion)
Side Yard (south)	3.4 m	2.0 m (1 or 1 ½ storey portion) 2.5 m (2 or 2 ½ storey portion)
Front Yard (Rutland Rd.)	7.6 m	4.5 m or 6.0 m to a garage
Other requirements		
Parking Stalls (#)	5 spaces	2 per dwelling unit 2 stalls x 2 units = 4 spaces
Landscaping	meets requirements	Front – Level 2 buffer ^B North – Level 3 buffer ^C South – Level 3 buffer
Private Open Space	meets requirements	25 m ² of private open space per dwelling

^A The Applicant is applying to vary this requirement, to allow an 18 m lot width, where 20 m is required for the RM1 zone.

^B **Level 2:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required;

^C **Level 3:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier;

5.2 Site Context

The subject property is a double-fronting lot on Rutland and Montgomery Roads, which is just south of the intersection of Rutland Road and Leathead/Bach. The surrounding area has been developed primarily as a single-family neighbourhood. More specifically, the adjacent land uses are as follows:

North- RU1 – Large Lot Housing zone

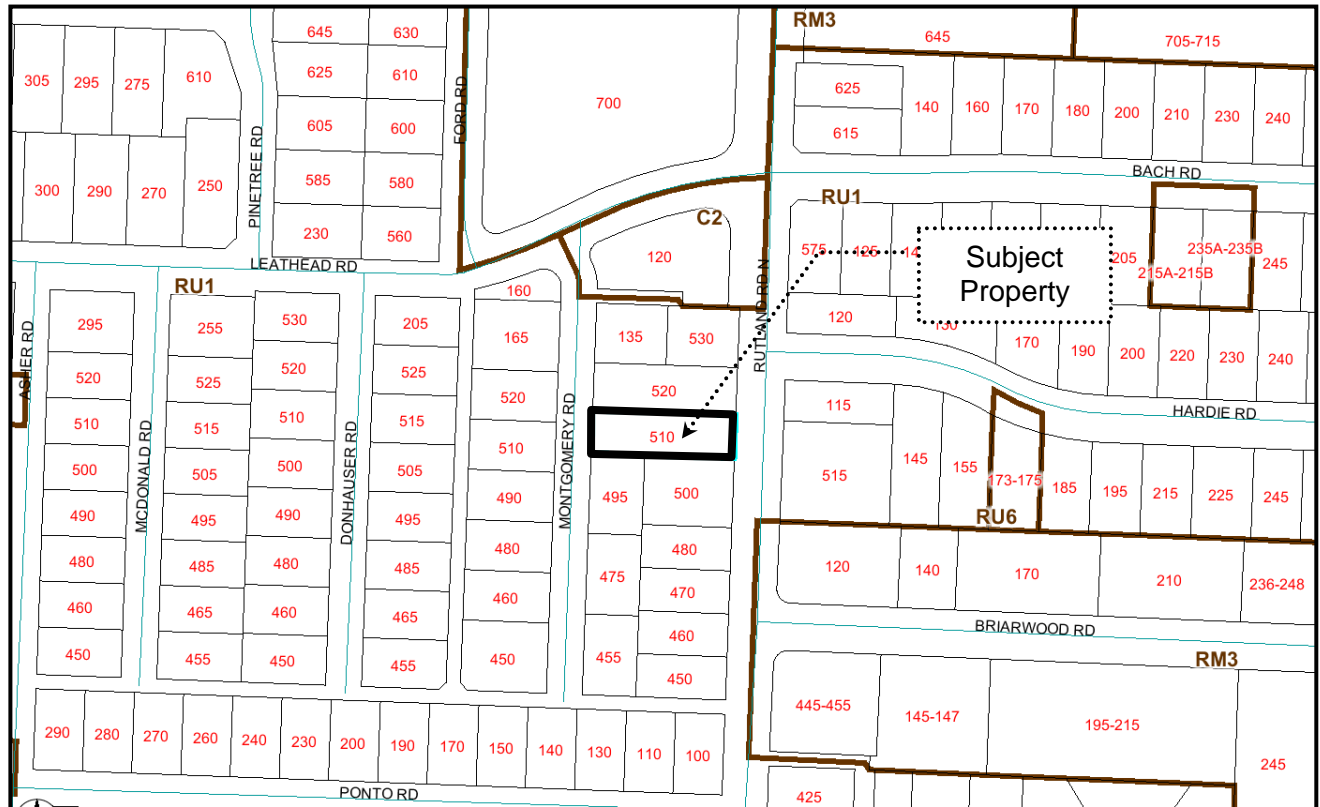
East RU1 – Large Lot Housing zone

South RU1 – Large Lot Housing zone

West RU1 – Large Lot Housing zone

Site Location Map

Subject property: 510 Rutland Road



5.3 Existing Development Potential

The property is RU1 – Large Lot Housing. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

5.4 Current Development Policy

5.4.1 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.

5.4.2 Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Multiple Unit Residential (low density), pursuant to Map 19.1 of the OCP. The proposed RM1 zone is consistent with that future land use designation.

6.0

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

Parking layout does not meet requirements of proposal to rezone to RM1. Building Permits required for additional units and to meet requirements of BCBC 1998.

NOTE: The Applicant will be revising the site plan to show an improved parking layout.

Ministry of Transportation

No objection.

Parks Department

The owner will be responsible to weed, water and mow the boulevards adjacent to the property. The owner will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RM-1 are as follows:

Subdivision

Provide easements as required.

Geotechnical Report

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 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.

Domestic Water and Fire Protection

This development is within the service area of the Rutland Waterworks Irrigation District (RWD). A larger service may be required in order to meet current policies. The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection 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.

Sanitary Sewer

The subject property is located within Specified Area # 20 and is serviced to the property line. The cash commuting amount is \$6,935.35 per Equivalent Dwelling Unit (EDU). For the requested RM 1 the EDU is 0.7 per dwelling which amounts to \$14,564.24 ((\$6,935.35 x 3 x 0.7). The

cash commuting amount is payable prior to the approval of this application. (charge valid to March 31, 2007.

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.

Road Improvements

- a) Montgomery Road must be upgraded to a full urban standard including a sidewalk curb and gutter, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost of this frontage upgrade is estimated at \$13,800.00 and is inclusive of a bonding escalation.
- b) The existing driveway on Rutland Road must be removed and reconstructed with a curb. The cost of this frontage upgrade is estimated at \$5,600.00 and is inclusive of a bonding escalation.

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:

Design and Construction

- a) 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.

Servicing Agreement

- 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.

Bonding and Levy Summary

a) Performance Bonding

Montgomery Road frontage upgrade	\$13,800.00
Rutland Road driveway removal	<u>\$ 5,600.00</u>
Total performance security	<u>\$19,400.00</u>

Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule

b) Levies

Sanitary sewer area # 20 charge (account # 955 - 40 - * - SA20 - *)	<u>\$14,564.24</u>
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7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The subject property is designated Multiple Unit Residential (low density) in the OCP. As such the proposed RM1 development is consistent with that designation. The relocation of the Barber House to this site preserves one of the few heritage resources in the Rutland area. In addition, there is an existing heritage building on the lot immediately north of this site at 520 Rutland Rd.

There are submissions of both support and opposition from area residents, which are attached to this report. A petition against this project was submitted by Loretta Matheson (see attachment – 6 pages). The Applicant also submitted a petition from area residents, indicating their support for the development. Please refer to the “Supporting Information from Applicant”, which is attached under separate cover to this report.

With regard to the development permit application, Staff provides the following comments:

- the Applicant should provide additional information on the elevation drawings, showing the siding and trim detail;
- the Applicant should provide colour samples;
- the changes made to the site plan to reduce the parking area are an improvement.

Given the policy direction in the OCP, Staff recommends that the rezoning application be supported by Council, pursuant to the recommendations on the first page of this report. Staff considers that the proposed relocation of the Barber House to this site represents a sensitive infill project that also achieves the preservation of a valuable heritage resource.

Staff requests further direction from Council with regard to the preservation of this structure from demolition, pursuant to the final recommendation on page one of this report. The reason for this request is that timing is now critical. The developer of the Barber Road property (0727568 BC Ltd.), has communicated to City Staff that the Barber house will be demolished if it is not moved immediately, in order that they can proceed with their project (Z06-0001, DP06-

0002, DVP06-0003). The house will likely be demolished before June 27th (target date for public hearing of this application), so Staff is requesting that Council authorize the temporary relocation of the structure in order to keep the options open for that June 27th public hearing meeting. The Applicant is prepared to assume the costs of that relocation, even if he is ultimately unsuccessful in the rezoning of his property at 510 Rutland Road (see attached letter, dated June 13, 2006). As is typical in these situations, the Inspection Services Manager would ensure that the Applicant provide a bond to cover the cost of disposing of the house, should the City have to force the issue of it's removal in the future.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

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ATTACHMENTS (32 pages)

Location of subject property

Site Plan

Barber house elevations

Barber house floor plans

Existing house elevations

Existing house floor plans (2 pages)

Landscape Plan

Petition in opposition (6 pages)

APC Meeting Minutes, May 23, 2006 (3 pages)

Letter from Applicant, received June 13, 2006



Supporting Information from Applicant (14 pages)