
**CITY OF KELOWNA
MEMORANDUM**

Date: May 18, 2006
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. Z05-0084 **APPLICANT:** Brian Kokayko
AT: 4523 Gordon Dr. **OWNERS:** Brian Kokayko
Cheryl Kokayko

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE RU6 – TWO DWELLING HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0084 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 358, O.D.Y.D. Plan 24635, located on Gordon Drive, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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

2.0 SUMMARY

The rezoning application seeks to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing zone to allow for the construction of a duplex on the subject property.

There is an accompanying development variance permit application (DVP06-0030), which seeks to allow a building setback reduction in the rear yard from 7.5 m to 2.3 m.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 28, 2006, the APC passed the following motion:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0084, for 4523 Gordon Drive, Lot A, District Lot 358, ODYD, Plan 24635, by Brian Kokayko, to rezone from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, to allow for the construction of a duplex.

AND THAT the Advisory Planning Commission supports DVP Application DVP06-0030 for 4523 Gordon Drive, Lot A, District Lot 358, ODYD, Plan 24635, by Brian Kokayko, to obtain a DVP allowing a rear yard setback of 2.3 m where 7.5 m is required.

4.0 BACKGROUND

4.1 The Proposal

The Applicant is proposing to demolish the existing home, and construct a 2 ½-storey, 390 m² (4,200 ft²) duplex on the subject property (each unit: 195 m² or 2,100 ft²). At the proposed full build-out scenario, there would be two RU6-zoned lots, accommodating two duplexes. However, the Applicant wishes to phase the development in the following manner:

- rezoned the entire property from RU1 to RU6;
- seek approval for a development permit and development variance permit to allow construction of the east duplex;
- subdivide the property;
- seek approval for a development permit to allow construction of a duplex on the newly created lot, which would be created from the west side of the existing property.

The development variance permit would not be needed if the sequence of applications was altered such that the subdivision preceded development of the easterly duplex. The Applicant could also build the westerly duplex first, and avoid having to go through a development variance permit.

The table below shows this application's compliance with the requirements of the RU6 zone:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,500 m ² (0.37 ac)	700 m ² for duplex housing
Lot Width	38 m	18.0 m
Lot Depth	39 m	30.0 m
Development Regulations		
Site Coverage (buildings)	11%	40%
Site Coverage (buildings/parking)	14%	50%
Height (proposed house)	2 ½ storeys / < 9.5 m	2 ½ storeys / 9.5 m
Front Yard (Gordon Drive)	23 m	4.5 m or 6.0 m to a garage
Side Yard (Raymer Road)	6.0 m	4.5 m or 6.0 m to garage
Side Yard (south)	21 m	2.0 m
Rear Yard (east)	2.3 m ^A	6.0 m (1 or 1 ½ storey portion) 7.5 m (2 or 2 ½ storey portion)
Other requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

^A In order to allow this siting, the Applicant will be required to successfully complete a development variance permit application, allowing 2.3 m setback, where 7.5 m is required.

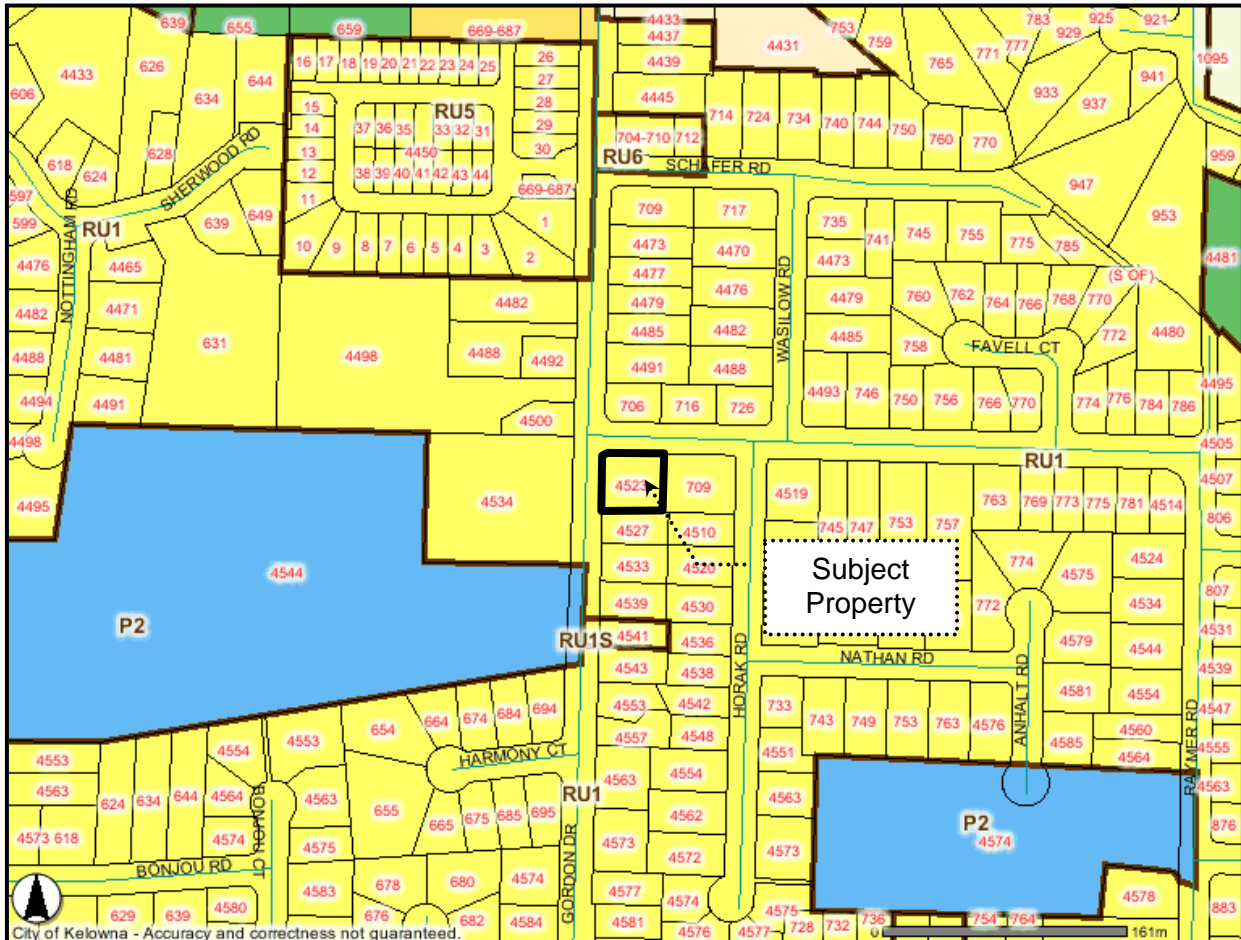
4.2 Site Context

The subject property is on the southeast corner of Raymer Road and Gordon Drive. The surrounding area has been developed primarily as a single-family neighbourhood, and includes Okanagan Mission Secondary School just south of the subject property. More specifically, the adjacent land uses are as follows:

North- RU1 – Large Lot Housing
 East RU1 – Large Lot Housing
 South RU1 – Large Lot Housing
 West RU1 – Large Lot Housing

Site Location Map

Subject property: 4523 Gordon Drive



4.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots. Principal uses are “single dwelling housing”, with secondary uses such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

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. The proposed RU6 zone is consistent with that future land use designation.

Policy 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;

Policy 8.1.56 Secondary Suite and Two Dwelling Housing Development Permits. Require secondary suite and two dwelling housing developments permitted by Zoning Bylaw No. 8000 to comply with Development Permit conditions (please refer to Section 8.3 for information on Development Permit conditions).

5.0

TECHNICAL COMMENTS

5.1 Fire Department

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Calculated fire flows maybe required.

5.2 Inspections Department

Internal stairs to remain open and with a free floor access to all levels the elevations to be corrected based on the existing final grade.

5.3 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.

5.4 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or subdivision approval, and are outlined in this report for information only.

5.4.1 Domestic Water and Fire Protection

- (a) The existing lot is serviced with a small diameter (19-mm) PVC water service, which is substandard. Disconnect and provide a new water service to meet current by-law requirements. Provide an additional 19mm copper water service to the property. Service upgrades can be provided by the City at the owner's cost.
- (b) The boulevard irrigation system must be integrated with the on-site irrigation system.
- (c) The subject lot is included into Water Specified Area Number 1.
- (d) The estimated cost of the service upgrades for bonding purposes is \$5,000.00,

5.4.2 Sanitary Sewer

- (a) Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service complete with an I.C.
- (b) The existing service can be utilised for this proposed development if it is of sufficient depth.
- (c) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify the location of the existing tanks and fields.
- (d) The subject lot is included into Sanitary Sewer Specified Area Number 17.

5.4.3 Storm Drainage

It will be necessary to construct some storm drainage facilities on Raymer Road fronting the proposed development. The cost of this construction is included in the roads item.

5.4.4 Road Improvements

- (a) Gordon Drive frontage construction costs have been budgeted by the City and the work is in progress at this time. No further upgrades are required by the developer at this time.
- (b) Raymer Road must be upgraded to an urban standard along the full frontage of this proposed development including curb and gutter, monolithic sidewalk, piped storm drainage system extension, pavement widening, landscaped boulevard complete with underground irrigation system, re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (c) The estimated cost of the road improvements for bonding purposes is \$23,000.00, which includes a bonding escalation

5.4.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Revise the existing property line corner rounding to a 6.0m radius.
- (b) Grant Statutory Rights Of Way if required for utility services.

5.4.6 Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for new services and modifications to the existing services, which would be at the applicant's cost.

5.4.7 Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

5.4.8 Bonding and Levy Summary

Raymer Road. - frontage upgrade	\$23,000.00
Service upgrades	\$5,000.00
Total Costs	\$28,000.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of rezoning and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

The City Development Engineering Section will prepare the servicing agreement for execution by the owner and the City.

The additional cost for oversize works required by the City may be reimbursed to the owner subject to availability of funds. The oversize cost must be verified by actual construction tender or invoice.

5.4.9 Site Related Issues

- (a) An access to the dust-free hard surface on-site parking areas and driveways will be restricted to Raymer Road.
- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of perforated pipe bedded in drain rock and rock pits.

5.4.10 Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

5.4.11 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 and frontage road upgrading construction costs, not including design. 7% GST will be added. General – The proposed rezoning application does not compromise W & U requirements.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

At Staff's request, the Applicant provided a "proposed future site plan" showing the desired full build-out scenario, with two RU6 lots, each accommodating one duplex (see attachments). This rezoning and possible future subdivision would be consistent with the "future land use" designation of the property, and could be done in compliance with the RU6 – Two Dwelling Housing zoning requirements, once the property is subdivided. If the Applicant chooses to build the easterly duplex first (prior to subdivision), then a development variance permit would be required to address the shortfall in the rear yard setback.

Although Staff has no concerns with the proposed rezoning application, it has been communicated to the Applicant that building the west duplex first would be preferable, as it avoids the need for a development variance permit application. For this reason, Staff will not be supporting the development variance permit application.

Staff will have an opportunity to address the design details of the proposed duplex through a possible future development permit application, should the Applicant be successful in this rezoning application. In anticipation of that application, Staff recommends that the Applicant review *Section 8.3 Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development* of the OCP. Staff considers that the present design is incompatible with several of these guidelines, and should be redesigned.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

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ATTACHMENTS (10 pages)

Location of subject property
Site Plan
Proposed Future Site Plan
Floor Plans (3 pages)
Elevations (4 pages)