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CITY OF KELOWNA

MEMORANDUM

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**DATE:** FEBRUARY 8, 2008  
**TO:** CITY MANAGER  
**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
**APPLICATION NO.** Z07-0038                      **APPLICANT:** GERRY HERRON

**AT:** 887 BULLOCK RD                      **OWNER LOT A:** FRANCEEN HERRON  
4623 FREDERICK RD                      **OWNERS LOT B:** JOHN KELLY  
SALLY ANN KELLY

**PURPOSE:** TO REZONE LOT A AND A PORTION OF LOT B FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE TO FACILITATE CONSTRUCTION OF AN ADDITIONAL DWELLING UNIT ON AN ENLARGED LOT A, FOLLOWING COMPLETION OF A LOT LINE ADJUSTMENT BETWEEN THE TWO LOTS.

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

**PROPOSED ZONE:** RU6 – TWO DWELLING HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0038 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 580A, S.D.Y.D., Plan KAP66537, and portions of Lot B, District Lot 580A, SDYD, Plan KAP66537, on Bullock Rd, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, in accordance with Map "A", NOT be considered by Council;

**2.0 SUMMARY**

The applicant is pursuing an infill project that would allow for the construction of an additional dwelling unit, making use of a combination of land from the two subject properties. To accomplish this, the following sequence of approval is required:

- rezone all of existing Lot A and a portion of Lot B from RU1 to RU6
- complete a lot line adjustment (subdivision), adding additional land to Lot A from Lot B
- obtain a development permit allowing construction of a second dwelling unit on the enlarged Lot A, following successful rezoning and subdivision to complete the necessary lot line adjustment.



### 3.0 ADVISORY PLANNING COMMISSION

At a meeting held on August 14, 2007, the APC passed the following recommendation:

THAT the Advisory Planning Commission supports Rezoning Application No. Z07-0038, for 887 Bulloch Road; 4623 Frederick Road, Lots A & B, Plan 66537, Sec. 30, Twp. 29, ODYD, by G. Herron to rezone all of Lot A, and a portion of Lot B from RU1 - Large Lot Housing to RU6 - Two Dwelling Housing in order to facilitate the construction of a second single-family dwelling on the northerly parcel, following completion of a lot line adjustment.

### 4.0 BACKGROUND

The subject properties are situated in a well-established neighbourhood in the lower Mission on generously sized lots. The applicant wishes to construct a new house on the portion of the parcels to be rezoned to RU6. An interior lot line adjustment to acquire additional land would be necessary, yielding the new building site to be accessed via Frederick Road. The existing house on Lot B would remain under its current RU1 zoning.

Vehicle access for the proposed new dwelling is proposed from Frederick Road, and access to the existing dwelling on Lot A would remain unchanged. Some alterations to the driveway access for the existing dwelling on Lot B would be necessary.

The applicant has put forward conceptual elevations of the proposed house, and has anticipated the building footprint on the new build area. Should the applicant be successful in the necessary approvals, he intends to stratify the property.

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

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area (m <sup>2</sup> )	1775.2 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (m)	42.9 m	18.0 m
Lot Depth (m)	>30.0 m	30.0 m

### 5.0 SITE CONTEXT

The subject property is located on the eastern side of Frederick Road, just south of Bullock Road. Adjacent zones and uses are:

- North RU1 – Large Lot Housing
- East P3 – Parks and Open Space
- South RU1 – Large Lot Housing
- West RU1 – Large Lot Housing

## 6.0 EXISTING AND PROPOSED DEVELOPMENT POTENTIAL

The purpose of the existing RU1 zone is to provide for single detached housing, and compatible secondary uses, on larger serviced urban lots.

The applicant is seeking to rezone the property to the RU6 – Two Dwelling Housing zone. The purpose of the RU6 zone is to provide for development of a maximum of two dwelling units per lot.

## 7.0 POLICY

### 7.1.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is Single/Two Family residential. The proposal is consistent with this designation.

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

## 8.0 STAFF COMMENTS

Staff recognizes the need for additional infill housing, which commonly is in the form of second dwellings on larger established urban lots. The proposed zoning amendment is consistent with the existing future land use designation of “single/two residential”.

The existing boundaries of Lots A and B, in addition to the location of the existing house on Lot B complicates any infill development. An ideal infill of these lots would be for Lot B, alone, to be rezoned to RU6, move the existing home towards the rear of the lot, and construct the new home on the front half of that lot. This proposal would (a) achieve the most equitable distribution of land, (b) allow for sufficient vehicle/pedestrian access, and (c) provide optimal private open space distribution for each of the homes<sup>1</sup>.

Assuming that relocation of the existing home on Lot B is undesired by the affected landowners, the proposal as submitted would be another possible solution. However, Staff considers this proposal less advantageous for the following reasons:

- The division of the available land area unnecessarily constrains construction of the new dwelling within the required setbacks. For a two-storey home, 14.63 m of lot width, leaves only 10 m (33 feet) of house width once the 2.3 m side yard setback areas are taken into consideration.
- There is limited private open space for the proposed new dwelling.
- The options for vehicle access to the proposed new dwelling are restricted to only allowing a front-drive garage, which detracts from the desired urban form for a single-/two-family neighbourhood.
- The proximity between the proposed new dwelling and the existing dwelling on Lot B work against establishing functional open space and achieving privacy for both homes.

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<sup>1</sup> Or the existing home on Lot B could be relocated to front of the lot, with the new house to be built at the rear. This option may work better for vehicle access, given the location of the existing garage/carport on the north side of the house.

Despite Staff's objection to the proposal, an alternate recommendation is provided below for Council's consideration.

**9.0 ALTERNATE RECOMMENDATION**

THAT Rezoning Application No. Z07-0038 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 580A, S.D.Y.D., Plan KAP66537, and portions of Lot B, District Lot 580A, SDYD, Plan KAP66537, on Bullock Rd, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, in accordance with Map "A", be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for Further consideration;

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



Shelley Gambacort

Current Planning Supervisor

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**ATTACHMENTS**

Location of subject property

Map "A"

Site Plan

Conceptual Front Elevation

Air Photo

Technical Comments

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 5, 2007  
**File No.:** S07-0049 Z07-0038  
**To:** Planning and Development Officer (NW)  
**From:** Development Engineering Manager (SM)  
**Subject:** Subdivision Application – PLR Requirements

<b>LOCATION:</b> 867 Bullock Road, Frederick Road	<b>ZONE</b> RU1 RU6
<b>APPLICANT:</b> Gerry Herron	
<b>LEGAL:</b> Lot A, B D.L. 167 S.D.Y.D. Plan 66537	

#### WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan.

The following Works & Services are required for this subdivision:

**.1) General**

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events; non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

**.2 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.

### **.3 Water**

- a) The property is located within the City of Kelowna service area.
- b) The existing 19mm PVC service from the main on Fredrick Road is substandard. Disconnect and provide a new water service for the proposed Ru6 lot to meet current by-law requirements.
- c) Provide a new water service to Lot B Plan KAP66537 (existing dwelling at 4623 Frederick Road).
- d) Service upgrades can be provided by the City at the applicant's cost.

### **.4 Sanitary Sewer**

- a) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- b) The 100mm-diameter sanitary sewer service to Lot B Plan KAP66537 can be retained for the existing dwelling. An inspection chamber (IC), must be installed on the service at the owner's cost as required by the sewer-use bylaw.
- c) An additional sanitary sewer service for the proposed Ru6 lot can be provided from the 200mm diameter sanitary sewer main on Fredrick Road.
- e) Service upgrades can be provided by the City at the applicant's cost.

**.5 Drainage**

- (a) The property is located within the City of Kelowna drainage service area. 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.

**.6) Roads**

- a) Fredrick Road fronting these properties must be constructed to urban class 2 local standard including curb and gutter, sidewalk, piped drainage system including catchbasin and drywell, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Bullock Road fronting these properties must be constructed to urban class 2 local standard including curb and gutter, catchbasin, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) The construction of the full urban upgrade of Fredrick Road and Bullock Road fronting these properties will be deferred. A one-time cash payment shall be collected from the developer to pay for the future urban upgrade.

**.7) Power and Telecommunication Services and Street Lights**

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) 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.
- c) Before making application for approval of your subdivision plan, please make arrangements with fortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass(es),



**.8) 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) The property is located in Sewer Specified Area No 17, ( Water Specified Area No. 1) and therefore, the parent parcel and the created lot will be subject to sewer Specified Area charges that must be paid in full at the time of Subdivision Approval. The cash commute amount (valid until March 31, 2008) is \$730.73 per lot.  
Total payment amount required is \$1,461.64

**Charges and Fees**

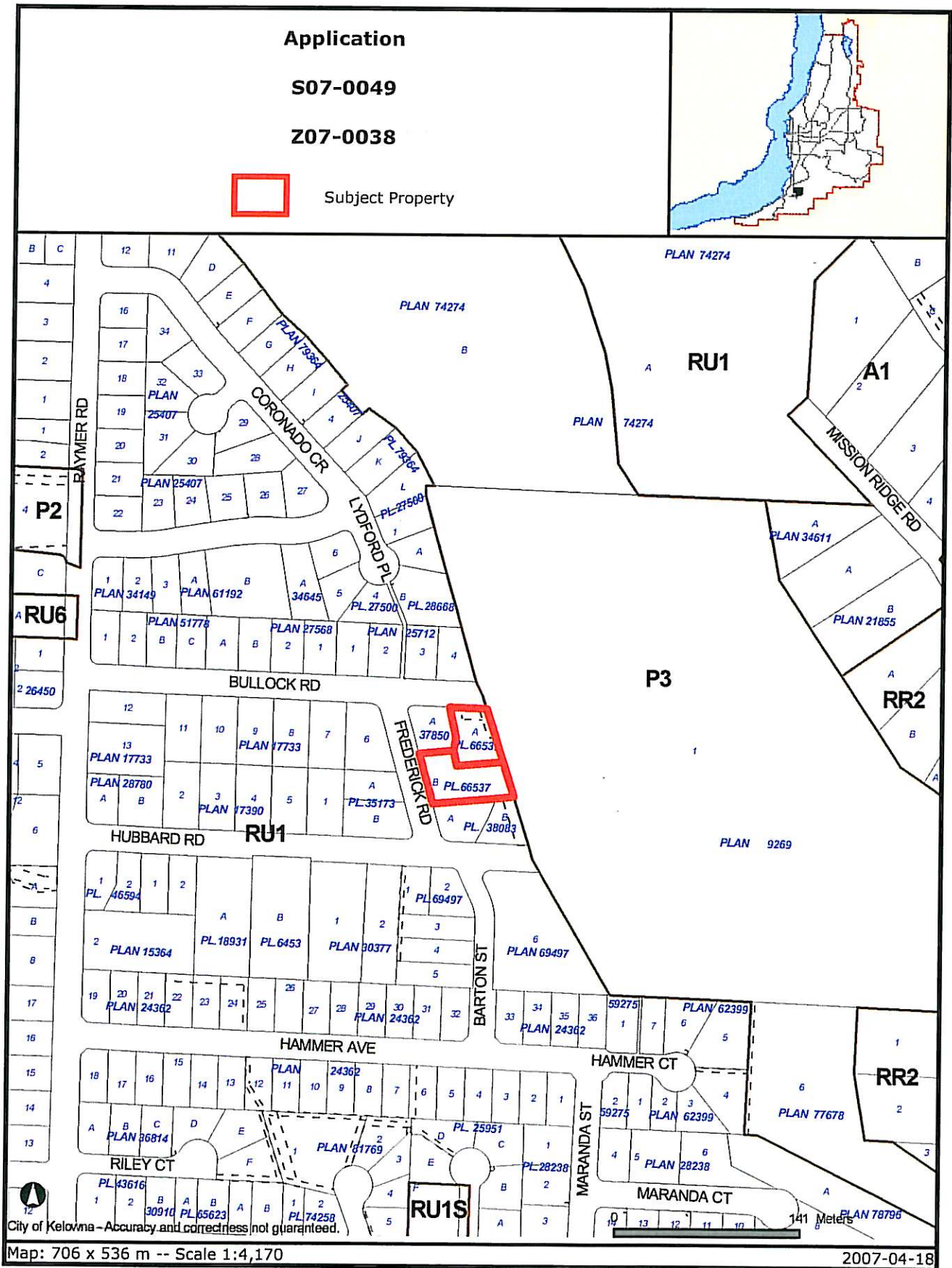
- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
- c) As per Item 8 b)
- d) Levies

Fredrick Road Frontage improvements One-time cash payment for future urban upgrading.	<b>\$14,925.00</b>
Bullock Road Frontage improvements One-time cash payment for future urban upgrading.	<b>\$11,135.00</b>

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Steve Muenz, P.Eng.  
Development Engineering Manager  
JF



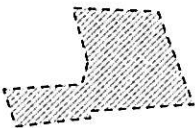


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

# MAP "A"

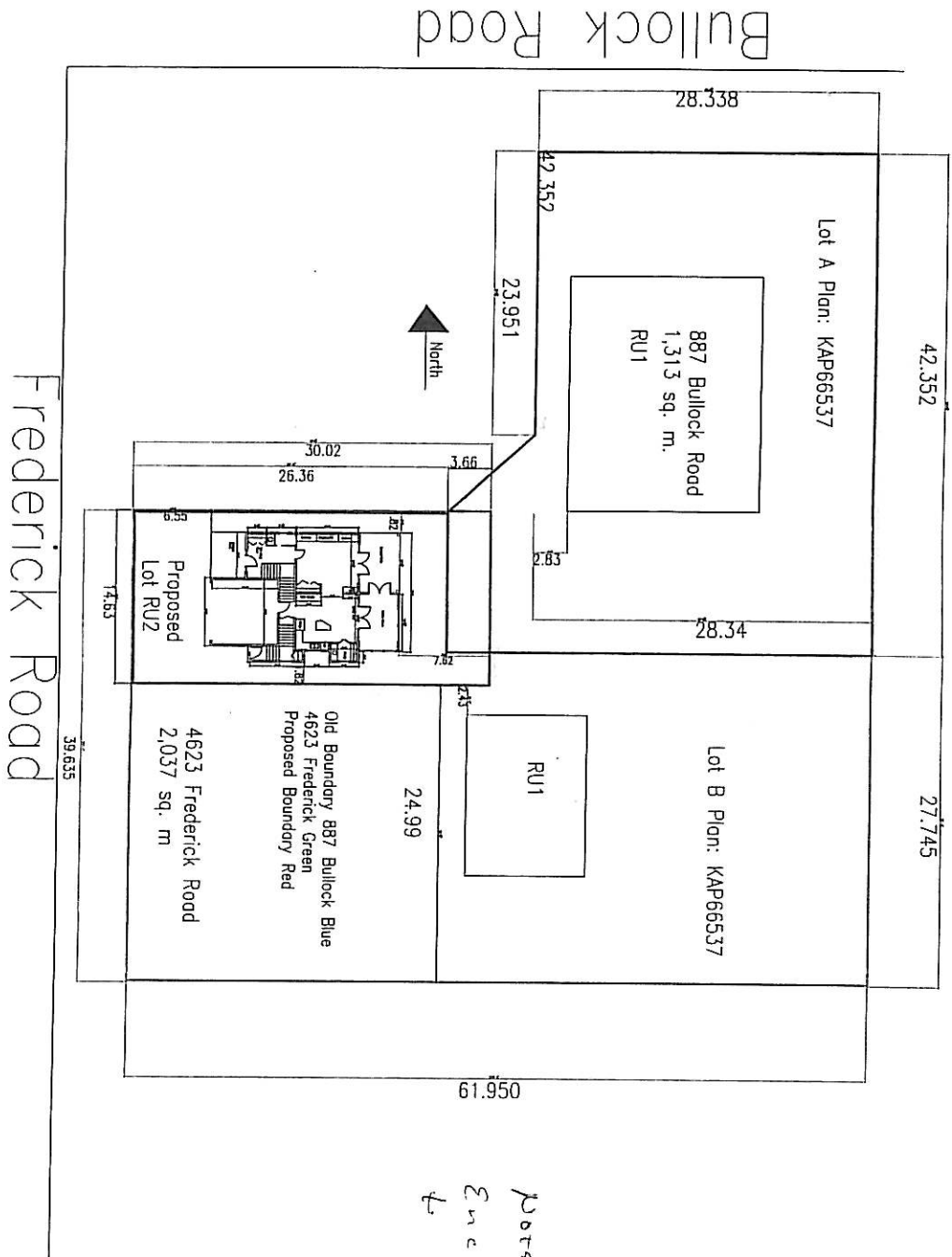


Subject Properties

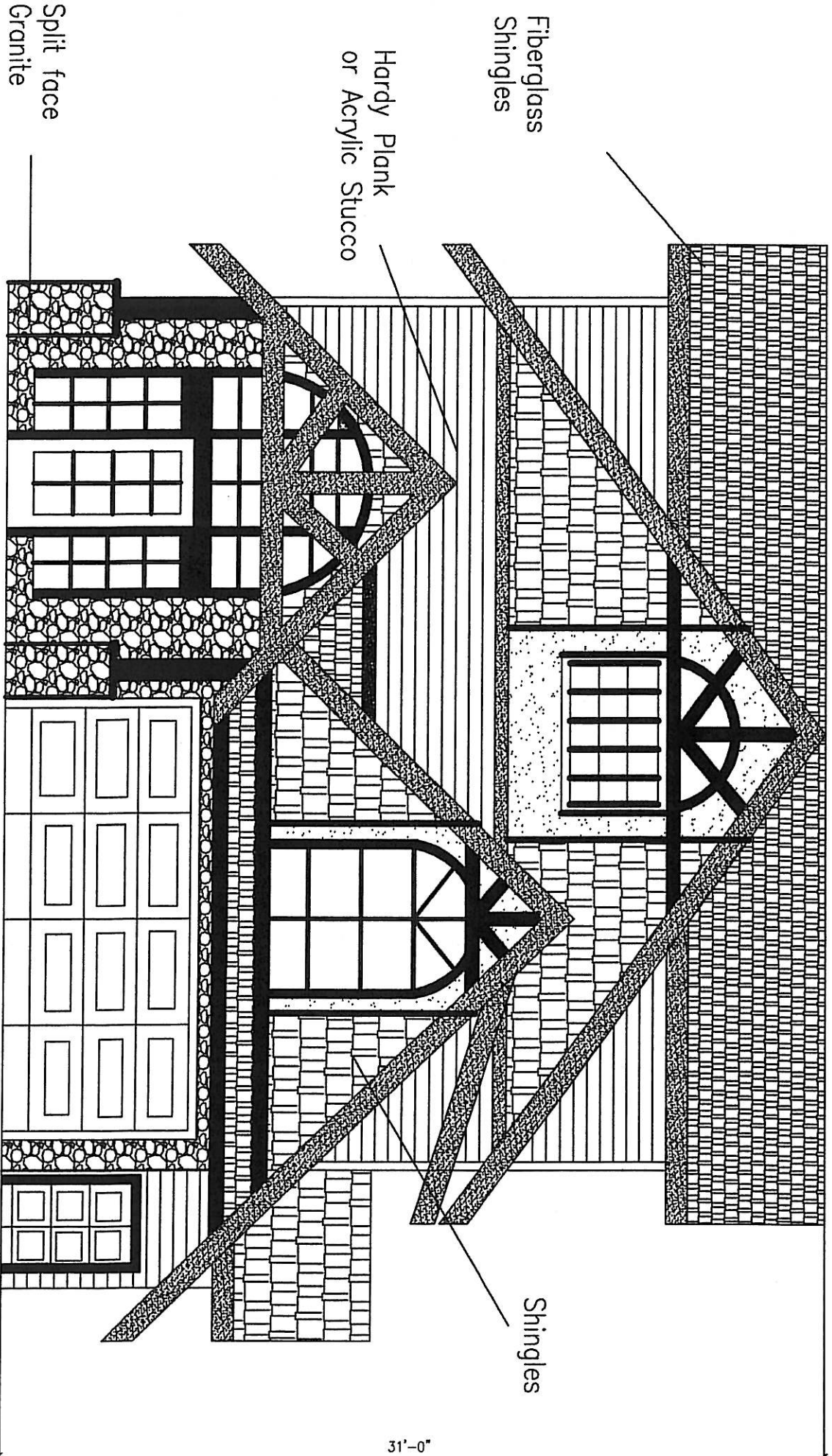


Portion of Subject Properties to be rezoned from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing

Proposed Subdivision and Consolidation  
of Lots A & B of Plan KAP 66537



Notes:  
Enclosed Pink Area  
to be RU6



Fiberglass  
Shingles

Hardy Plank  
or Acrylic Stucco

Split face  
Granite

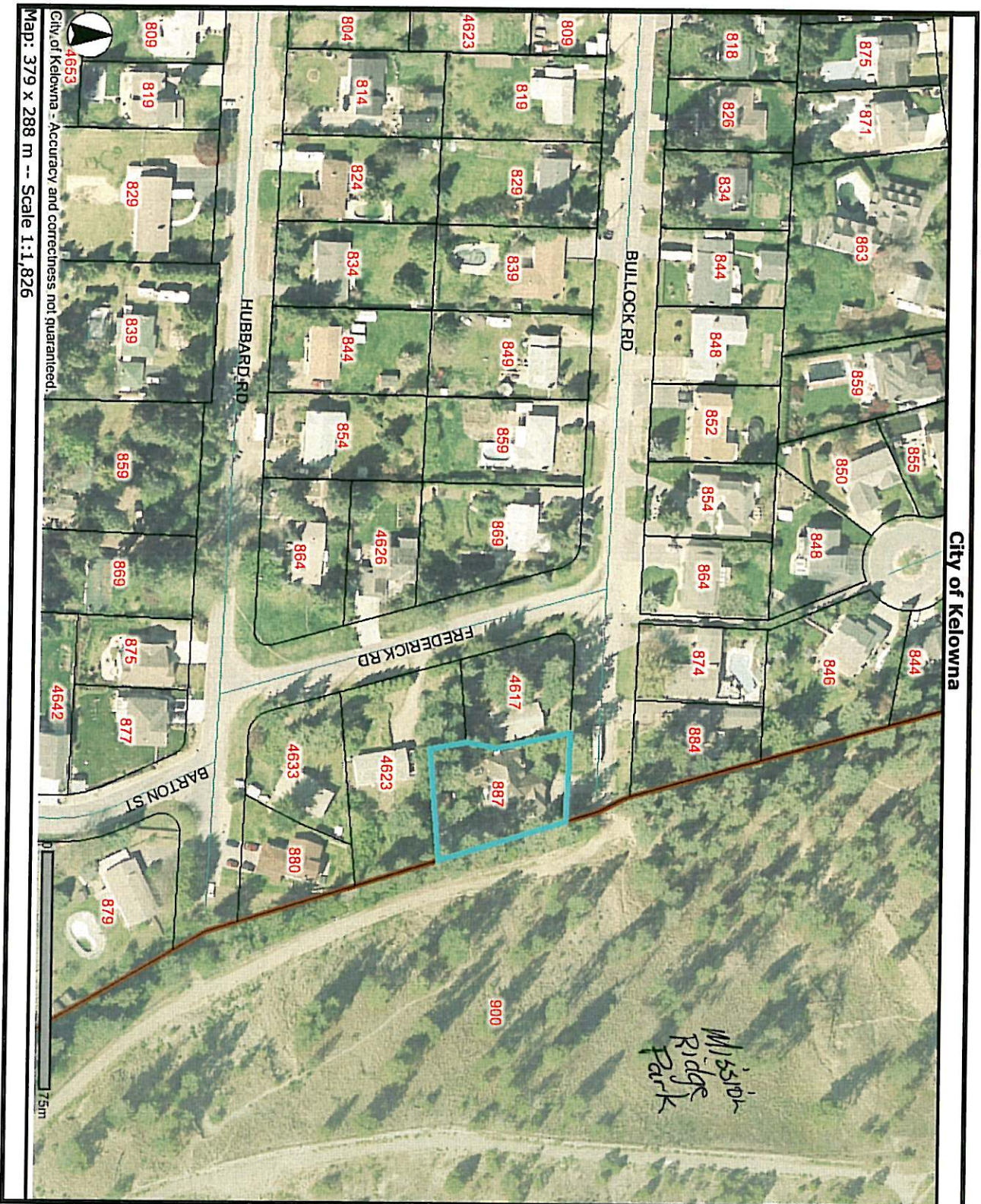
Shingles

Scale 3/16" = 1'

West

31'-0"





City of Kelowna - Accuracy and correctness not guaranteed.  
Map: 379 x 288 m -- Scale 1:1,826

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



File: S07-0049

Application

File: S07-0049

Type: SUBDIVISION - PLR

6.2

File Circulation

Seq	Out	In	By	Comment
	2007-04-18	2007-04-18		B.C. Assessment Authority (info only)
2	2007-07-19	2007-07-19		B.C. Assessment Authority (info only) REVISSED PLANS
	2007-04-18	2007-05-08	SALEXANC	Community Development & Real Estate Mgr Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
2	2007-07-19			Community Development & Real Estate Mgr REVISSED PLANS
	2007-04-18	2007-05-14	GDAFT	Fire Department No comment
2	2007-07-19	2007-08-10	MNEID	Fire Department REVISSED PLANS
3	2007-07-19	2007-08-10	MNEID	Fire Department No comment
	2007-04-18	2007-07-31		FortisBC
2	2007-07-19	2007-07-31		FortisBC REVISSED PLANS no response
	2007-04-18	2007-04-23	RREADY	Inspections Department No comment
2	2007-07-19	2007-07-31	RREADY	Inspections Department REVISSED PLANS
3	2007-07-19	2007-07-31	RREADY	Inspections Department No concerns
	2007-04-18	2007-04-23		Mgr Policy, Research & Strategic Plannin no comment
2	2007-07-19	2007-07-20		Mgr Policy, Research & Strategic Plannin no comment
	2007-04-18	2007-04-18		Park/Leisure Services Dir. (info only)
2	2007-07-19	2007-09-19		Park/Leisure Services Dir. (info only) REVISSED PLANS
	2007-04-18	2007-04-30	TBARTON	Parks Manager Ensure that the private property lines adjacent to Mission Ridge Park are delineated with a fence. If there is no existing fence, the applicant will be required to install a minimum 1.2 m high (4 ) high black vinyl chain link fence located 150 mm (6 ) within the private property.
2	2007-07-19	2007-07-24	TBARTON	Parks Manager REVISSED PLANS
3	2007-07-19	2007-07-24	TBARTON	Parks Manager No comment
4	2007-07-19	2007-09-12	TBARTON	Parks Manager No comment
	2007-04-18	2007-08-01		Public Health Inspector No response
2	2007-07-19	2007-08-10		Public Health Inspector REVISSED PLANS requires sewer
	2007-04-18	2007-06-29		RCMP No comment.
2	2007-07-19	2007-08-29		RCMP REVISSED PLANS No Comments
	2007-04-18	2007-07-31		School District No. 23 no response
2	2007-07-19	2007-07-31		School District No. 23 REVISSED PLANS no response
	2007-04-18	2007-05-28		Shaw Cable No comment

File: S07-0049

Seq	Out	In	By	Comment
2	Shaw Cable 2007-07-19	2007-09-14		REVISED PLANS - no response
	Telus 2007-04-18	2007-05-22		TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
2	Telus 2007-07-19	2007-12-10		REVISED PLANS No response
	Terasen Utility Services 2007-04-18	2007-08-08		TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
2	Terasen Utility Services 2007-07-19	2007-07-31		REVISED PLANS no response
	Works & Utilities 2007-04-18	2007-06-20		Proposal in flux. Awaiting confirmation of desired application from applicant
2	Works & Utilities 2007-07-19	2007-09-11		REVISED PLANS - see file