
**CITY OF KELOWNA
MEMORANDUM**

DATE: February 8, 2008
TO: City Manager
FROM: Planning & Development Services Department
SUBJECT:

APPLICATION NO. Z07-0089 **APPLICANT:** Heinz Strege
AT: 1929 Fisher Road **OWNER:** 0760969 BC Ltd.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO THE RU6 – TWO LOT HOUSING ZONE IN ORDER TO FACILITATE A TWO-LOT SUBDIVISION.

EXISTING ZONE: A1 – AGRICULTURE 1 ZONE

PROPOSED ZONE: RU6 – TWO DWELLING HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0089 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 29, District Lot 130, O.D.Y.D., Plan 17924, on Fisher Road, 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;

AND THAT final adoption of the zone amending bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities department;

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.

2.0 SUMMARY

The Applicant has applied to subdivide the subject property to create two new lots. Accompanying that application is this rezoning application, which would rezone the land from its current non-conforming zoning of A1 – Agriculture 1 to the RU6 – Two Dwelling Housing zone. This zone would allow for two principal dwellings per lot (e.g. one duplex, two single-detached, or two semi-detached dwelling units).

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on November 6th, 2007, the APC passed the following recommendation:

THAT the Advisory Planning Commission support Rezoning Application No. Z07 0089, 1929 Fisher Road/Lot 29, Plan 17924, Twp. 26, Sec. 17, ODYD to To rezone the subject property from the A1 - Agriculture 1 zone to the RU6 - Two Dwelling Housing zone to facillitate a two-lot subdivision.

4.0 BACKGROUND

This project includes the redevelopment of an existing lot, both through this rezoning application and an accompanying subdivision application. The one existing house is to remain

in its present location on the proposed easterly lot (labelled Lot A on the attached Site Plan). The existing detached garage would also remain on the proposed Lot B.

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

Proposed Lot A		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (two principal dwellings)
Subdivision Regulations		
Lot Area	834 m ²	700 m ²
Lot Width	19.1 m	18.0 m
Lot Depth	43.7 m	30.0 m

Proposed Lot B		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (two principal dwellings)
Subdivision Regulations		
Lot Area	789 m ²	550 m ²
Lot Width	18.0 m	16.5 m / 17.0 m for corner lot
Lot Depth	43.7 m	30.0 m

5.0 SITE CONTEXT

The subject property is in the Fisher Road area, just east of the intersection of Fisher Road and Benvoulin Road. In general, the surrounding properties are developed as larger lot single-family housing, on septic. This area is undergoing a transition to slightly higher densities, primarily through similar infill projects to that proposed for the subject property. This transition comes as a result of urban services being provided to the area (e.g. sanitary sewer). More specifically, the adjacent land uses are as follows:

North-	A1 – Agriculture 1 (single-family dwelling)
East	A1 – Agriculture 1 (single-family dwelling)
South	A1 – Agriculture 1 (single-family dwelling)
West	A1 – Agriculture 1 (single-family dwelling)

6.0 CURRENT DEVELOPMENT POLICY

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.

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

7.0 TECHNICAL COMMENTS

(see attached)

8.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Policies with the Kelowna 2020 Official Community Plan provide 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.

Staff has no concerns with the proposed rezoning. If successful in this rezoning and subdivision applications, Staff will further scrutinize the form and character of the proposed development through the development permit process.



Shelley Gambacort

Current Planning Supervisor

NW/nw

ATTACHMENTS

Location of subject property

Site Plan

Air Photo

Technical Comments

Type: REZONING

Seq	Out	In	By	Comment
	Agricultural Advisory Committee			Never scheduled
	2007-10-17	2007-12-10		
	B.C. Assessment Authority (info only)			
	2007-10-17	2007-10-17		
	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. Land Comments for Processing Information Only - Not for Council Report: Under adherence to zoning by-law detached garage should be demolished.
	2007-10-17	2007-10-26	SALEXANC	
	Fire Department			No comment
	2007-10-17	2007-11-30	MNEID	
	FortisBC			No response
	2007-10-17	2007-12-10		
	Inspections Department			No concerns
	2007-10-17	2007-10-18	RREADY	
	Mgr Policy, Research & Strategic Plannin			no comments
	2007-10-17	2007-10-17		
	Park/Leisure Services Dir. (info only)			
	2007-10-17	2007-10-17		
	Parks Manager			No comment
	2007-10-17	2007-11-07	TBARTON	
	Public Health Inspector			city water and sewer connection required
	2007-10-17	2007-10-25		
	RCMP			no comment
	2007-10-17	2007-10-25		
	School District No. 23			No response
	2007-10-17	2007-12-10		
	Shaw Cable			Onwer/developer to supply and install an underground confuit system.
	2007-10-17	2007-10-29		
	Telus			TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
	2007-10-17	2007-11-02		
	Terasen Utility Services			No response.
	2007-10-17	2007-12-10		
	Works & Utilities			see documents tab
	2007-10-17	2008-01-07		

CITY OF KELOWNA
MEMORANDUM

Date: December 18, 2007
File No.: Z07-0089

To: Planning and Development Officer (NW)

From: Development Engineering Manager (SM)

Subject: 1929 Fisher Road Lot 29 Plan 17924 A1 to RU-6

The Works and Utilities Department have the following requirements associated with this application:

The application to rezone from A1 to RU-6 does not compromise Works and Utilities servicing requirements.

Refer to report under file S07-0120 for our PLR comments and requirements.

Steve Muenz, P.Eng.
Development Engineering Manager
DC

CITY OF KELOWNA
MEMORANDUM

Date: December 24, 2007
File No.: S07-0120
To: Planning and Development Officer (NW)
From: Development Engineering Manager (SM)
Subject: Subdivision Application – PLR Requirements

LOCATION:	1929 Fisher Road	ZONE A -1
APPLICANT:	0760969 B.C. LTD	
LEGAL:	Lot 29 O.D.Y.D. Plan 17924	

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 Development Engineering Technologist for this project is John Filipenko, AScT.

The following Works & Services are required for this subdivision:

.1) General

- a) The application to rezone from A1 to RU-6 does not compromise Works and Utilities servicing requirements
- b) 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

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 a new City of Kelowna service area.
- b) The existing lot is serviced with two 25-mm P.E. water services. Ru-6 zoning requires a water service per dwelling. Therefore it is required to have an additional water service for proposed lot A and lot B. These services can be provided by the city at the applicant's cost.

.4) Sanitary Sewer

- a) Our records indicate individual lot connections have been recently connected and are adequate according to our servicing bylaw.
- b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) Drainage

The Subdivision, Development and Servicing Bylaw require 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

Fisher Road does not meet the current urban development standard along the frontage of the property. The applicant is responsible to upgrade the Fisher Road frontage. The works consist of construction of: curb and gutter, sidewalk, including catchbasins and drywells, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

The construction of the full urban upgrade of Fisher Road fronting this property 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) Streetlights must be installed on all roads.
- c) 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.
- d) 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.
- e) Re-locate existing poles and utilities, where necessary.
- f) Remove aerial trespass(es),

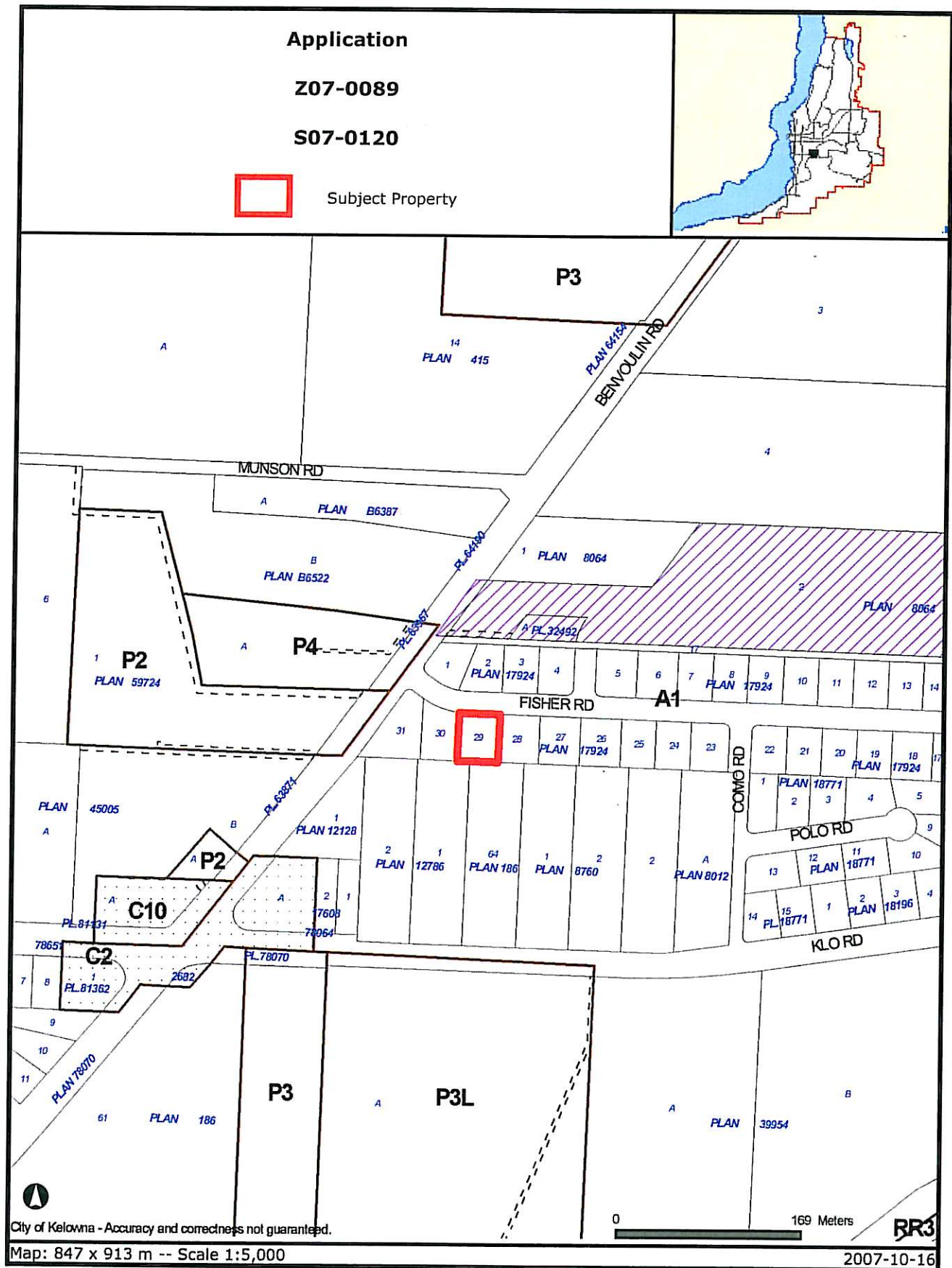
.8) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) The property is located in new Sewer Specified Area No 26, (Water Specified Area 26) and therefore, the parent parcel and the created lot will be subject to sewer Specified Area charges. The Sewer Spec. area charge for the parent lot and the created lot must be paid in full at the time of Subdivision Approval. The cash commute amount is \$13,400.00 per dwelling unit. The total cash commute amount is **\$53,600.00** (4 dwellings x \$13,400.00).

.9) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
- c) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- d) As per Item 8 c) Sewer Specified Area Fees **\$53,600.00**
- e) Levies
 - Fisher Road Frontage improvements
 - One-time cash payment for future urban upgrading. **\$17,400.00**

Steve Muenz, P.Eng.
Development Engineering Manager
DC



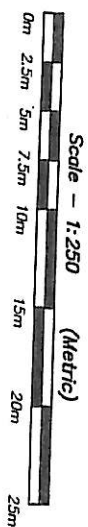
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

LOT 29, PLAN 17924, DL130, O.D.Y.D.

- All distances are in metres and decimals thereof.
- sq.m. - denotes square metres
- - denotes sewer connection.
- ⊗ - denotes water connection.



FISHER ROAD



Lot 28

Plan 17924

PROPOSED
LOT A

834.0 sq.m.

PROPOSED
LOT B

789.4 sq.m.

Plan 17924

Lot 30

Lot 1
Plan 12786

This plan lies within the Central Okanagon Regional District.

Heinz Strage – August 30th, 2007.

Lot 64
Plan 415

FB 000 (000)

File : 15637_pro.

VAN GURP & COMPANY
land surveyors

201-1470 St. Paul Street
Kelowna, B. C. (250)-763-5711

