
**CITY OF KELOWNA
MEMORANDUM**

DATE: March 3, 2009
TO: City Manager
FROM: Community Sustainability Division

APPLICATION NO. Z08-0118 **APPLICANT:** Robert (Gray) and Lula Mills

AT: 684 Barnaby Road **OWNER:** Robert and Lula Mills

PURPOSE: TO REZONE FROM THE RR1 – RURAL RESIDENTIAL 1 ZONE TO THE RR3 – RURAL RESIDENTIAL 3 ZONE IN ANTICIPATION OF A THREE (3) LOT SUBDIVISION.

EXISTING ZONE: RR1 – RURAL RESIDENTIAL 1

PROPOSED ZONE: RR3 – RURAL RESIDENTIAL 3

REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0118 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 357, O.D.Y.D., Plan KAP83090, located on Barnaby Road, Kelowna, B.C. from the Rural Residential 1 zone to the Rural Residential 3 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 Development Engineering Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be subject to registration of a no-disturb covenant to preserve the steep slopes area;

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the Rural Residential 1 zone to the Rural Residential 3 zone in order facilitate a subdivision of the property in the future.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 3, 2009, the Advisory Planning Commission passed the following motion:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0118, for 684 Barnaby Road; Lot 3, Plan 83090, Sec. 30, Twp. 29, ODYD, by R & L Mills to rezone the subject property from RR1 - Rural Residential 1 zone to the RR3 - Rural Residential 3 zone.

4.0 PROPOSAL

The applicant is seeking to rezone the property to the RR3 – Rural Residential 3 zone to allow for the future subdivision of the property. Several RR3 lots have been established to the east and in the residential area directly south of the subject property.

Currently, there is a single family dwelling and a shed on the property. Should the rezoning application be successful, the applicant plans to apply to subdivide the property in 2 -3 years.

The proposed application meets the requirements of the RR3 – Rural Residential 3 as follows:

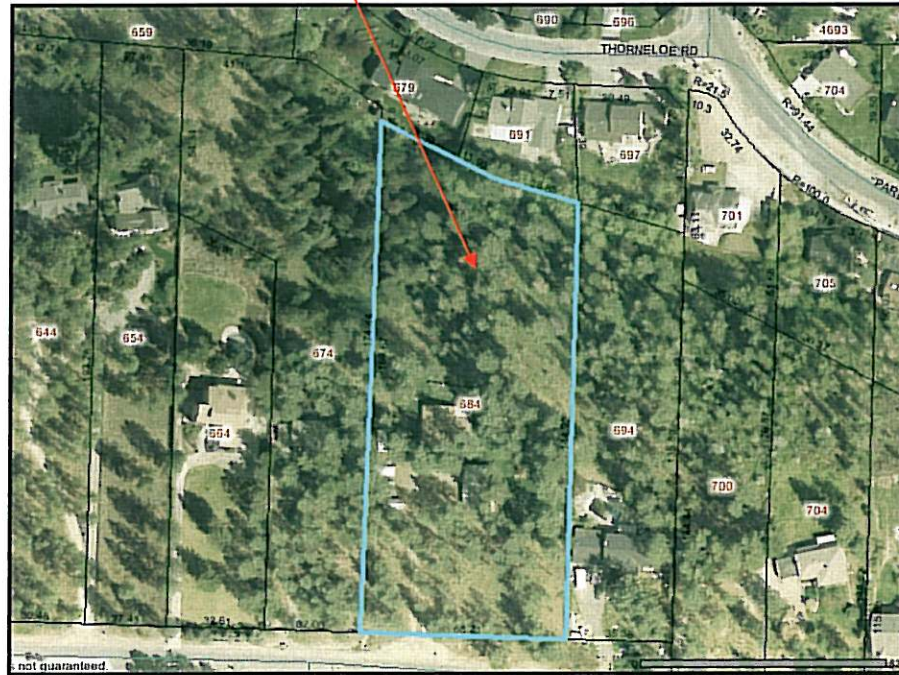
Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RR3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	10,476 m ²	1600 m ²
Lot Width	68.21 m	18 m except; 20 m for corner lot
Lot Depth	144.92 m	30.0 m
Development Regulations		
Height (existing house)	4.88 m	2 ½ storey / 9.5 m
Front Yard	64.0 m	6.0 m
Side Yard (west)	34.75 m	2.0 m (1 - 1 ½ storey)
Side Yard (east)	18.9 m	2.0 m (1 - 1 ½ storey)
Rear Yard	80.92 m	7.5 m

4.1 Site Context

The subject property is located on the North side of Barnaby Road, overlooking the bluff in the Mission Area. The building potential is restricted due to the steep topography to the north of the parcel. Specifically, the adjacent land uses are as follows:

- North – RU1 – Large Lot Housing
- South – RR3 – Rural Residential 3
- East – RR1 – Rural Residential 1
- West - RR1 – Rural Residential 1

4.2 Subject Property: 684 Barnaby Road



5.0 CURRENT DEVELOPMENT POLICY

The existing RR1 – Rural Residential 1 zoning provides for country residential development and the complementary uses on larger lots, in areas of high natural amenity and limited urban services. The proposed RR3 – Rural Residential 3 zoning allows for smaller lots.

5.1 Kelowna 2020- Official Community Plan

Section 8.30 - **Infrastructure Availability.** Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

Section 8.35 - **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

6.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

6.1 Development Engineering

See attached

6.2 Building and Permitting

Geotechnical report required to deal with slope stability and soil bearing capacity at top of bank at sloping north portion of property. Demolition permits required for removal or relocation of existing buildings on property.

6.3 Fire Department

No concerns

6.4 Environment

The applicant must provide a draft no build/no disturb Section 219 Restrictive Covenant, which is to be registered under the Land Title Act against the title of the subject property to effectively preserve steep slope areas.

7.0 LAND USE MANAGEMENT DEPARTMENT

The proposed rezoning is consistent with the future land use designation of single/two family dwelling. The applicant's future plans include subdividing the property to provide lots for his three grown children. Although the subject property is comparatively large, nearly the full northern half of the property is non-developable due to the steep topography. The previous owner of this property had a covenant on the site limiting the building area, however it expired when the title was transferred to the current owner. The applicant intends to provide a no-disturb covenant to ensure the slope will not be compromised as part of the anticipated subdivision approval process.



Danielle Noble
Urban Land Use Manager

Approved for Inclusion



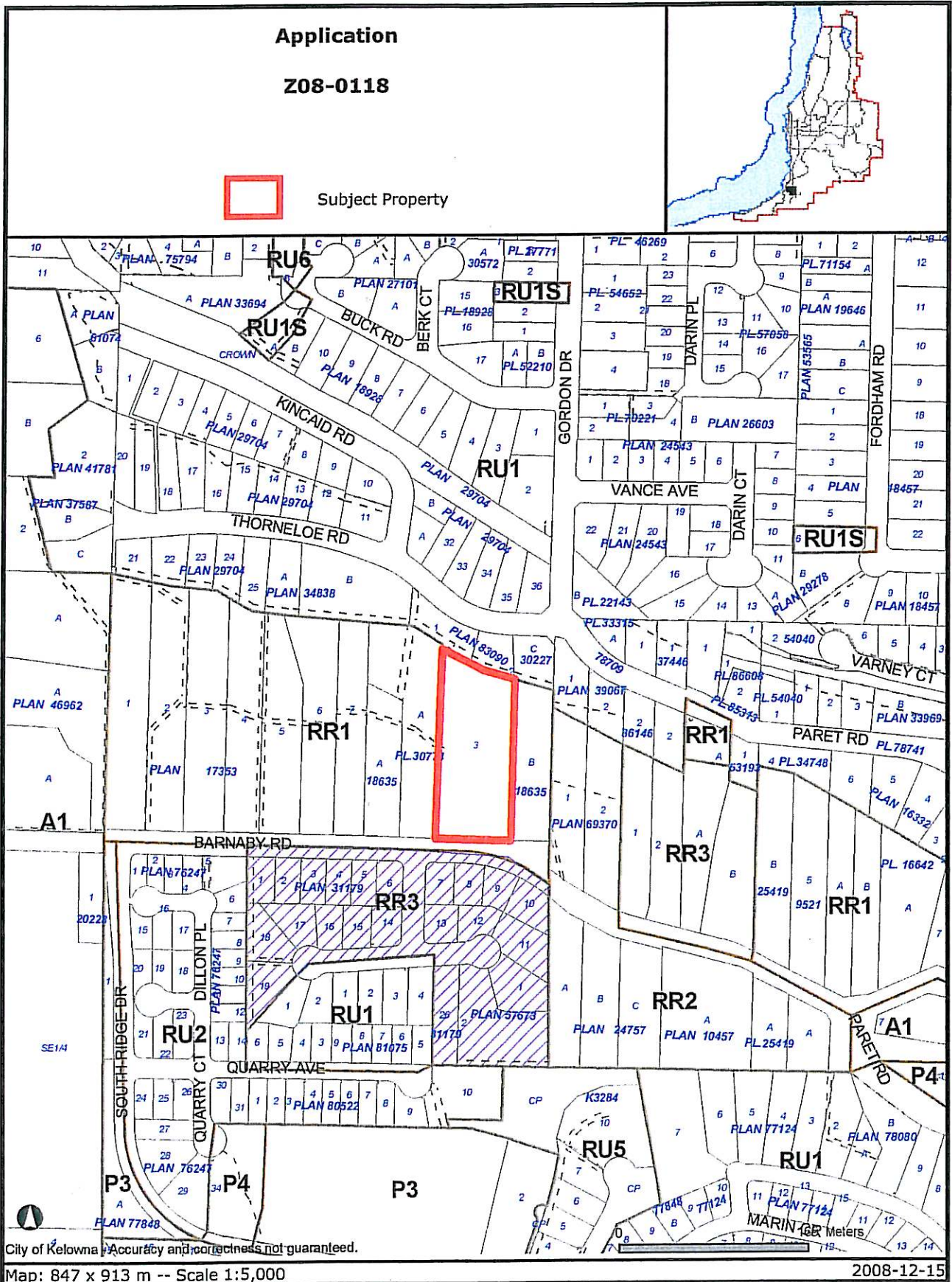
F/ Shelley Gambacort
Director of Land Use Management

DN/bcd

ATTACHMENTS:

- Location of Subject Property
- Contour Map
- Site Plan
- Photos of existing Building
- Development Engineering Comments





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.

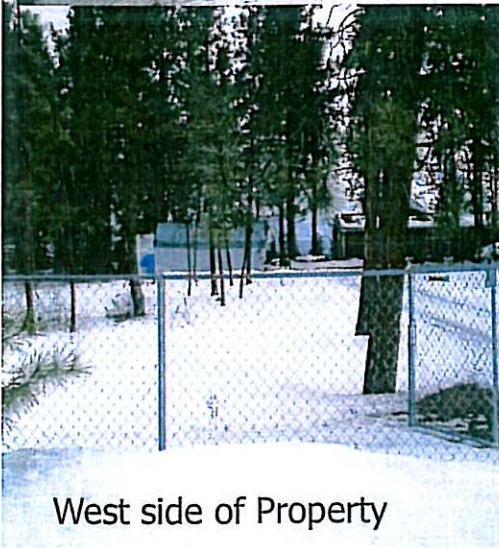
684 Barnaby Road



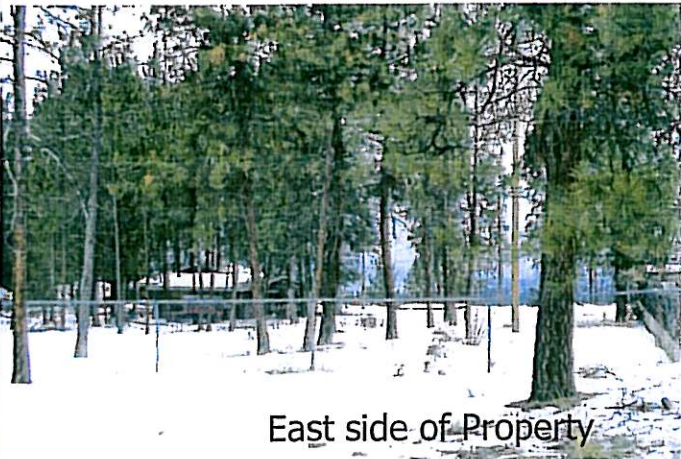
View from entrance showing all current buildings



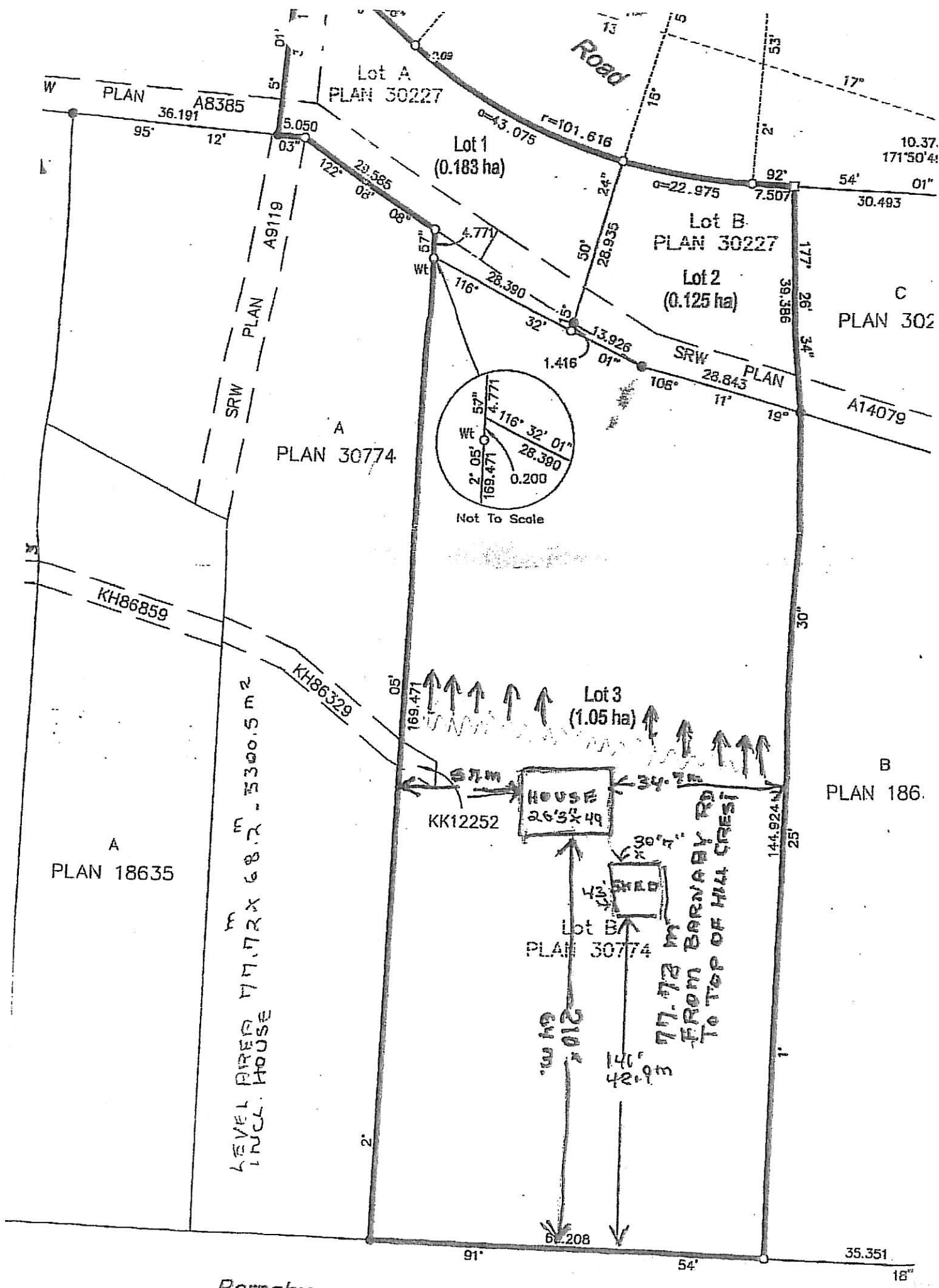
View of frontage from road



West side of Property



East side of Property



PLAN A8385
36.191

Lot A
PLAN 30227

Lot 1
(0.183 ha)

Lot B
PLAN 30227

Lot 2
(0.125 ha)

A
PLAN 30774

C
PLAN 302

A
PLAN 18635

B
PLAN 186

Lot B
PLAN 30774

HOUSE
26'3" x 49'

SHED
42' x 30'

LEVEL AREAS 177.72 x 68.2 = 5300.5 m²
INCL. HOUSE

77.72 m
FROM BARNBY RD
TO TOP OF HILL CREST

210' ±
64 m.

146' ±
42.1 m

Barnaby

18"

CITY OF KELOWNA
MEMORANDUM

Date: March 6, 2009
File No.: Z08-0118
To: Planning and Development Officer (BD)
From: Development Engineering Manager
Subject: 684 Barnaby Road Lot 3 Plan 83090 REVISED

Development Engineering Services comments and requirements regarding this application to rezone from RR1 to RR3 are as follows:

.1) Water

- a) The property is located within the City of Kelowna service area. The subject property is serviced by a 38mm water service.

.2) Sanitary Sewer

- a) The subject property is serviced with a 100mm service by the Municipal wastewater collection system.

.3) Road Improvements

- a) Barnaby Road must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. Note this can be deferred to subdivision.

3. Electric Power and Telecommunication Services

- a) 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.

4. Bonding and Levies Summary

Cash in Lieu

Barnaby Road frontage upgrade	\$ 34,000.00
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Note that the City would prefer to defer the construction and the City will initiate the work later at its own construction schedule. Note this can be deferred to subdivision.

Steve Muenz, P.Eng.
Development Engineering Manager

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