
**CITY OF KELOWNA
MEMORANDUM**

DATE: August 31, 2009
TO: City Manager
FROM: Community Sustainability Division

APPLICATION NO. Z09-0039 **APPLICANT:** Colin & Brenda Thomson
Dorothy Thomson

AT: 4150 Lakeshore Road **OWNER:** Colin & Brenda Thomson
Dorothy Thomson

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU2 – MEDIUM LOT HOUSING ZONE IN ANTICIPATION OF A TWO LOT SUBDIVISION.

EXISTING ZONE: RU1 – Large Lot Housing

PROPOSED ZONE: RU2 – Medium Lot Housing

REPORT PREPARED BY: Birte Decloux

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0039 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 6, Township 26 and of District Lot 5040, O.D.Y.D., Plan 39376, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot 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 Development Engineering Department and the Environment Branch, being completed to their satisfaction;

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing Zone in order to facilitate a two lot subdivision of the property.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of August 18, 2009 and the following recommendation was passed:



THAT the Advisory Planning Commission support Rezoning Application No. Z09-0039, for 4150 Lakeshore Road; Lot C, Section 6, Township 26 and of District Lot 5040 ODYD, Plan 39376; to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2-Medium Lot Housing zone in preparation for a 2 lot subdivision.

4.0 BACKGROUND

Currently, a non-habitable boathouse exists on the site. Should the rezoning application be successful, the applicant plans to subdivide the property to create an additional lakeshore lot. The RU2 zone is required in order to meet the subdivision requirements for lot width, which cannot be achieved under the RU1 zoning. Similar well established lots to the north and south exist which would be a similar comparable size to the proposed subdivided lots.

The proposed application meets the requirements of the RU2 – Medium Lot Housing as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	3,462 m ²	400 m ²
Lot Width	30.468 m	13 m
Lot Depth	114.35 m	30 m

4.1 Site Context

The subject property is located on the west side of Lakeshore drive across from an existing low density multifamily development. Specifically, adjacent land uses are as follows:

North RU1 – Large Lot Housing
East RM3 – Low Density Multiple Housing
South RU1 – Large Lot Housing
West W1 - Okanagan Lake (Recreation Water Use)

4.2 Site Location Map Subject property: 4150 Lakeshore Drive



5.0 DEVELOPMENT POTENTIAL/CURRENT POLICY

The existing RU1 – Large Lot Housing zoning provides for large urban serviced lots. The proposed RU2 – Medium Lot Housing zoning allows for single detached housing and compatible secondary uses, on medium sized serviced urban 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

Section 8.40 - **Housing Variety.** Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices

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 Fire Department

No objections.

6.3 Environmental Branch

The applicant shall provide a draft "no build/no disturb" Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property to effectively preserve the Riparian Management Area. (The covenant area will include all the land on the subject property measured 15m upland from 343m geodetic elevation).

7.0 LAND USE MANAGEMENT DEPARTMENT


The proposed rezoning is consistent with the future land use designation of single/two family residential. The RU2 – Medium Lot Housing zone is being sought to accommodate the future subdivision of the property into two parcels where the minimum lot width requirements for the RU1 zone cannot be met. Given that the subject property is comparatively large, a subdivision would create two generous-sized lots over 1,700m² (0.43 acres) each, which is consistent with the established size of this area of Lakeshore Road. The two current owners each intend to take individual ownership of each of the proposed lots.

A Natural Environment Development Permit application is being reviewed by staff to ensure any development would adhere to riparian area management setback requirements.



Danielle Noble
Urban Land Use Manager

Approved for Issuance

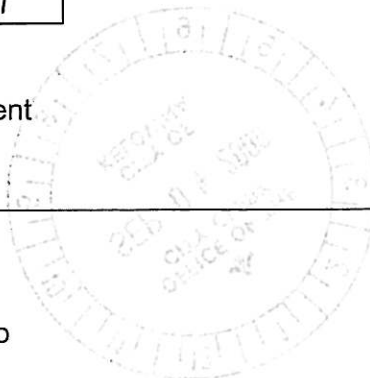


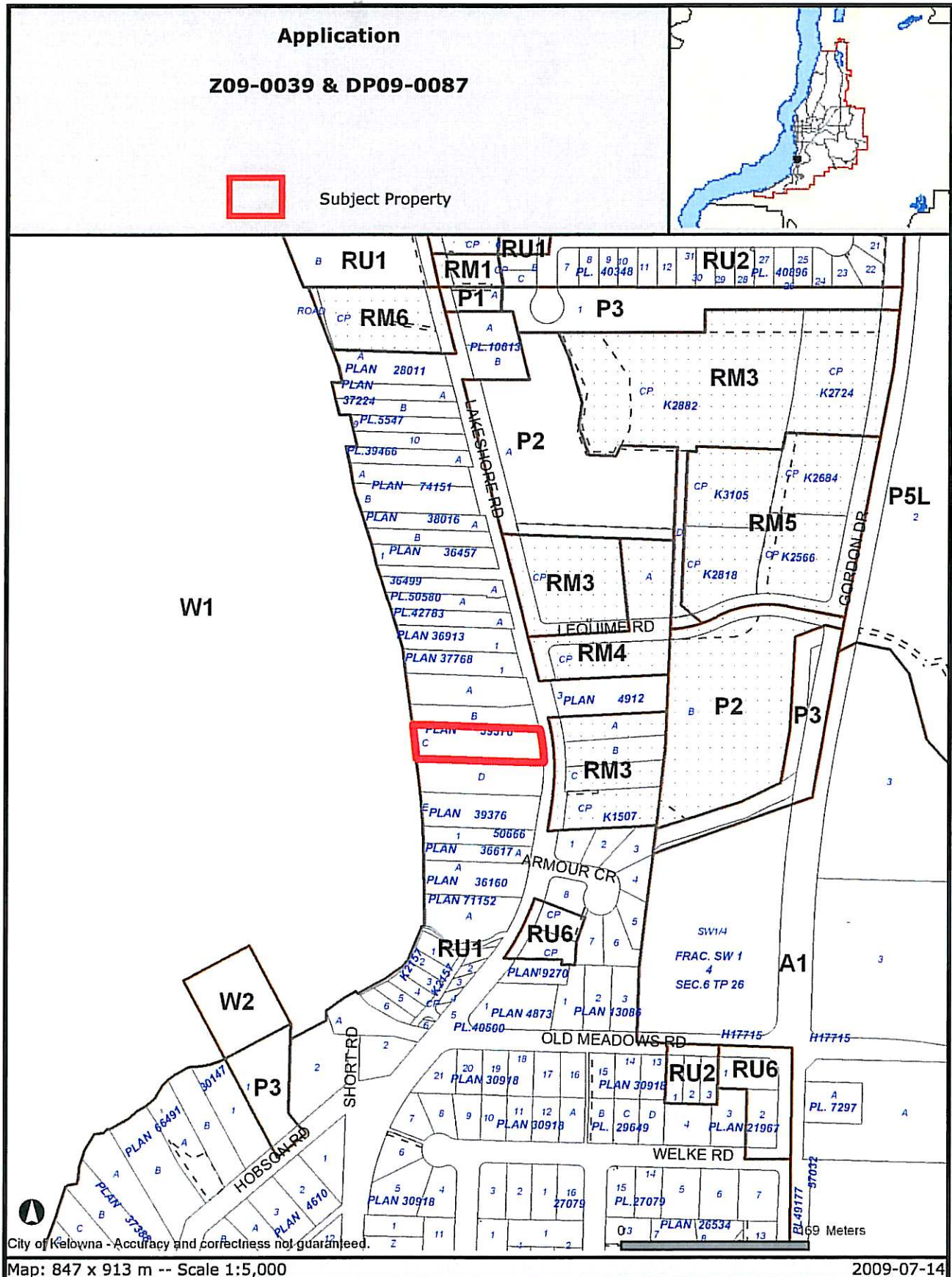
Shelley Gambacort
Director of Land Use Management

Bcd

ATTACHMENTS

Location of subject property
Site Plan
Development Engineering Memo

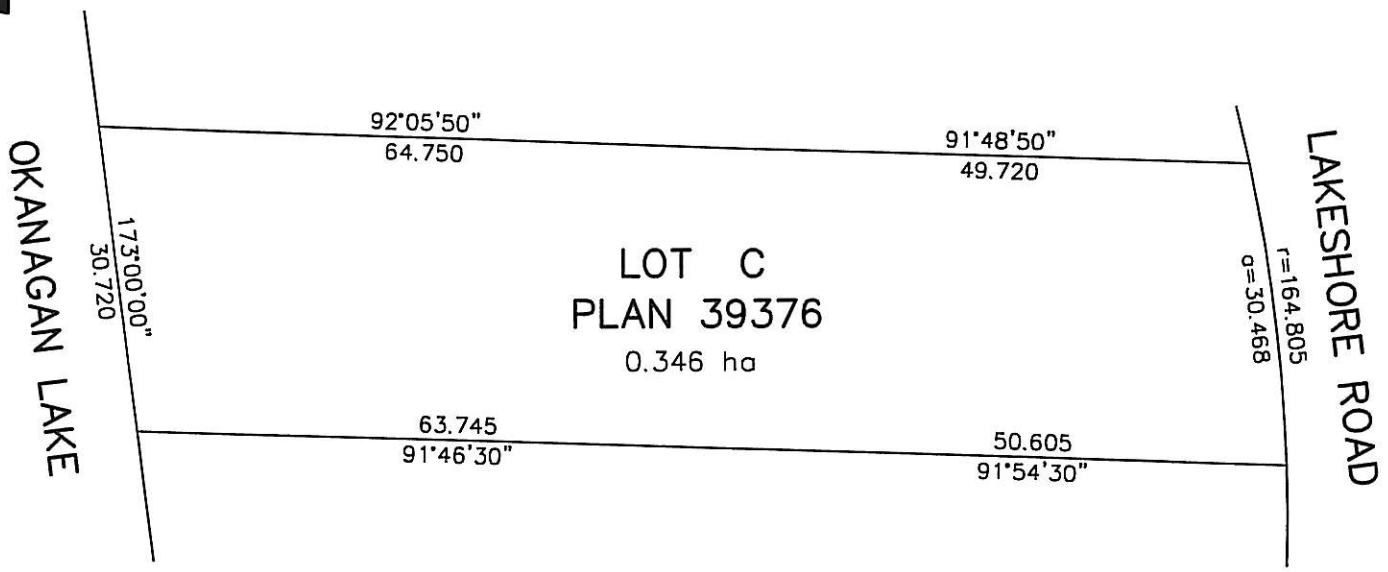




Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

SKETCH PLAN OF LOT C, PLAN 39376, SECTION 6,
TOWNSHIP 26 AND OF DISTRICT LOT 5040, ODYD

4150 LAKESHORE ROAD

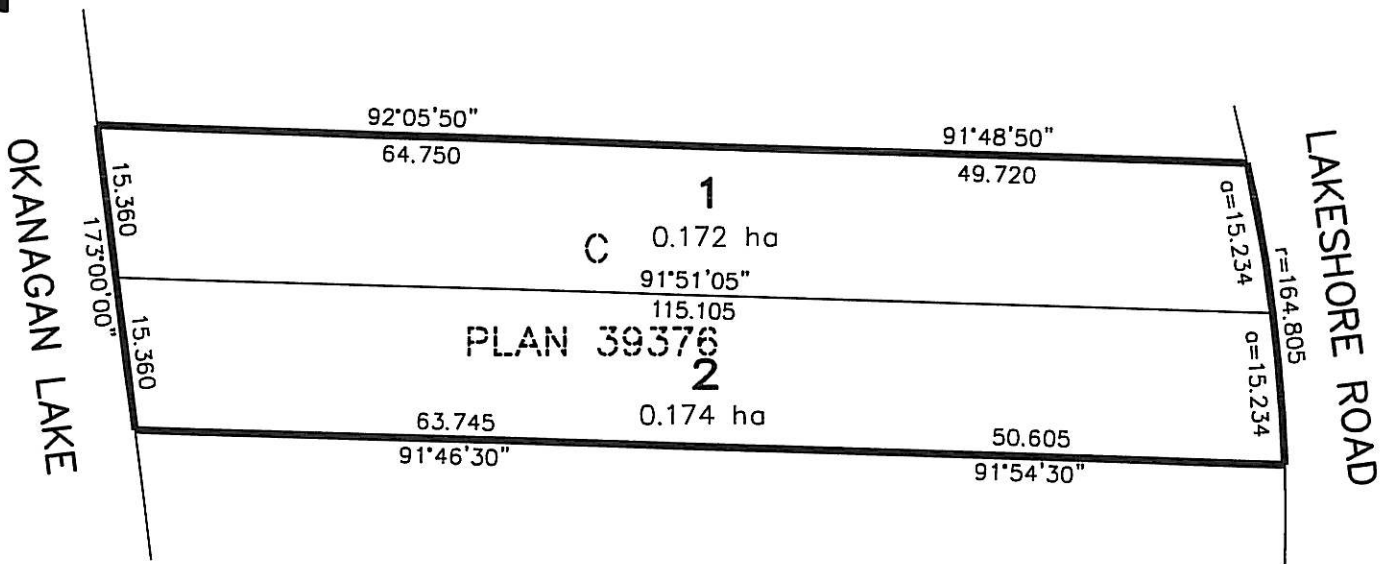


DIMENSIONS SHOWN ARE DERIVED FROM PLAN 39376

CLIENT: THOMSON		T.E. Ferguson Land Surveying Ltd. B.C. AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, B.C. TELEPHONE: (250) 763-3115 FAX: (250) 763-0321
DATE:	JULY 6, 2009	
SCALE:	1:750 METRES	
FILE:	18436	
© T.E. FERGUSON LAND SURVEYING LTD.		

SKETCH PLAN OF PROPOSED SUBDIVISION OF LOT C,
 PLAN 39376, SECTION 6, TOWNSHIP 26 AND OF
 DISTRICT LOT 5040, ODYD

4150 LAKESHORE ROAD



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TELEPHONE: (250) 763-3115

FAX: (250) 763-0321

CITY OF KELOWNA
MEMORANDUM

Date: July 20, 2009
File No.: Z09-0039, DP09-0087

To: Planner II, Land Use Management (BD)

From: Development Engineering Manager (SM)

Subject: 4150 Lakeshore Rd. Lot C Plan 39376

The Development Services Department has the following comments and requirements associated with this rezoning and development application for the proposed Residential Subdivision. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) The property is located within the City of Kelowna service area.
- (b) The existing water service can be for used by proposed Lot 2.
- (c) Arrange for individual lot connection for the proposed Lot 1 before submission of the subdivision plan. Installation of the connection will be at the applicant's cost.

2. Sanitary Sewer

- (a) The existing sanitary service can be used by proposed Lot 1(needs to be confirmed).
- (b) Arrange for individual lot connection for the proposed Lot 2 before submission of the subdivision plan. Installation of the connection will be at the applicant's cost.

3. Storm Drainage

- (a) Provide an adequately sized drainage system complete with individual lot connections. 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 hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit).

4. Road Improvements

- (a) Lakeshore Road must be upgraded to a full urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

5. Road Dedication and Subdivision Requirements

- (a) Provide an additional highway allowance widening for the frontage of Lakeshore Rd consisting of approx. 7m wide. See preliminary design of the Lakeshore Road Parkway Arterial prepared by D.A. Watt Consultants Drawing A-2
- (b) This widening may be accomplished by:
 - (i) A dedication on the subdivision plan.
 - (ii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact the City's Assistant Land Agent, if this option is selected.
- (c) If any road dedication affects lands encumbered by a Utility right-of-way (such as 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.
- (d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Development Permit and Site Related Issues

- (a) Depending on traffic circulation and a possible median on Lakeshore Road, the proposed accesses to these properties may be limited to right-in and right-out.

7. Electric Power and Telecommunication Services

- 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 are not satisfied, then underground service will be required for that lot.

8. Other Engineering Comments

- (a) Only the service upgrades must be completed at this time. The City wishes to defer the remainder of the upgrades to Lakeshore Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be \$ 9,500.00

9. Levy Summary

- a) The City wishes to defer the construction of frontage improvements on Lakeshore Rd which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined as follows:

Item	Cost
Curb &Gutter	\$2,666.00
Sidewalk	\$2,323.00
Street Lighting	\$1,028.00
Landscape Blvd	\$ 724.00
Road Fillet	\$2,759.00
<u>Total</u>	<u>\$9,500.00</u>

- b) A hydrant levy charge of **\$250.00** per newly created lot (not required if developer installs a fire protection system – mains and hydrants).
- c) The property is located in Sewer Specified Area No 17) and therefore, all parcels to be created will be subject to the debt charges for this service. The applicant must pay-out the outstanding financial obligation for each lot. Sewer Specified Area fee is **\$367.79 x 1(new lot) = \$367.79** and is valid until March 31, 2010.

Steve Muenz, P. Eng.
Development Engineering Manager

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