

# Memo



**Date:** March 17, 2010

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z10-0003

**Applicant:** Wayne Deleurme

**At:** 340 Moubray Road

**Owner:** Wayne and Laurie Deleurme

**Purpose:** To rezone the subject property from the RU1 - Large Lot housing zone to the RU6 - Two Dwelling Housing zone to allow a second residence and future stratification.

**Existing Zone:** RU1 - Large Lot Housing zone

**Proposed Zone:** RU6 - Two Dwelling Housing zone

Report Prepared by: Birte Decloux

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## 1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0003 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 6, Section 5, Township 23, ODYD, Plan KAP74910, located at Moubray Road, Kelowna, BC, 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 a No build/no disturb restrictive covenant be provided to protect the steep slope as specified by the Environmental Branch;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore Ellison Irrigation District being completed to their satisfaction.

## 2.0 SUMMARY

The proposal seeks to rezone the subject property from the RU1 - Large Lot housing zone to the RU6 - Two Dwelling Housing zone to construct a second single family dwelling and then stratify the buildings.

## 3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission at the February 16<sup>th</sup>, 2010 meeting and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0003, for 340 Moubray Road; to rezone from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone to allow for future stratification of the lot.

Comments: Discussion included the impacts this development would have on lower lots. It was noted that there are processes in place to address concerns and ensure there is no negative impact to adjacent properties.

#### 4.0 BACKGROUND

In 2003, the parent parcel was subdivided into 6 lots, creating the five urban residential lots that front onto Moubray Road. The remainder lot is located behind the five lots, with a portion of it having frontage access to Moubray Road. The existing dwelling is accessed through an easement at 350 Moubray Road.

The topography of the site is varied. Portions of the site have slopes that are greater than 30%, including the area of the site that has direct frontage on Moubray Road where the second building envelope is anticipated.

#### 5.0 THE PROPOSAL

The applicant seeks to rezone the subject property to the RU6 - Two Dwelling housing zone to accommodate an additional dwelling on the site. Currently, a portion of the subject property fronts onto Moubray Road with the large remainder of the lot situated above the neighbouring properties. The applicant is proposing to situate a second home on the vacant portion closest to Moubray Road to complete the siting and rhythm of the established streetscape.

The existing home is situated higher on the slope and is currently accessed via a reciprocal access easement at 350 Moubray. The applicant anticipates that the second dwelling would have a direct access off Moubray and not utilize the existing access easement. The proposed application meets the requirements of RU6 - Two Dwelling Housing zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	5,278 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (street frontage)	19.61 m	18.0 m
Lot Depth	63.48 m	30.0 m
Development Regulations		
Existing Dwelling		
Front Yard	26.6 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	2.3 m	2.0 m (1 - 1 ½ storey)
Side Yard (sw)	2.35 m	2.0 m (1 - 1 ½ storey)
Rear Yard	~ 27.5 m	6.0 m (1 - 1 ½ storey)

Proposed Dwelling		
Front Yard	6.02 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	2.02 m	2.0 m (1 - 1 ½ storey)
Side Yard (sw)	3.27 m	2.0 m (1 - 1 ½ storey)
Separation (Distance Between Houses)	10.60 m	4.5 m
Other Requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

**5.1 Site Context**

The subject property is located on the northwest side of Moubray Road in Glenmore. More specifically, the adjacent land uses are as follows:

- North RU1 - Large Lot housing (residential)
- West A1 - Agriculture 1 (natural forested slope)
- East RU1 - Large Lot housing (residential)
- South RU1 - Large Lot housing (residential)

**5.2 Site Location: 340 Moubray Road**



### 5.3 Site Contour map (1meter intervals):



## 6.0 CURRENT DEVELOPMENT POLICY

The RU6 - Two Dwelling Housing zone is being proposed for this property. The purpose of this zone is to provide for development of a maximum of two dwelling units per lot.

### 6.1 Kelowna 2020 - Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached and detached buildings used for two dwelling units, and complementary uses.

### 6.2 Kelowna 2020 - Official Community Plan Section 7.2 Alternative Hillside Standards.

Consider, within the context of a Hazardous Condition Development Permit, alternative hillside development standards within Zoning Bylaw 8000 and the Subdivision, Development and Servicing Bylaw 7900. The intent is to minimize the effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10 % and greater for a minimum height of 6 metres while preserving areas with slopes of 30 % and greater. Effects to be minimized may include cuts and fills, tree cutting, re-grading and the visual impact in general of urban development on hillsides;

## 7.0 TECHNICAL COMMENTS

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

### 7.1 Development Engineering

See Attached.

### 7.2 Fire Department

An additional visible address is required.

### 7.3 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

### 7.4 Subdivision Approving Officer

Assuming the property is to be stratified once rezoned and construction occurs, the applicant should also begin a strata application with the Development Services Department. An inspection of the existing house will be required prior to any strata approval. Subdivision is not an option.

### 7.5 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

### 7.6 Terasen

Please be advised that Terasen Gas' facilities will not be adversely affected as the subject property is not currently serviced with gas. Keep in mind that there will be potential need for a ROW over proposed Strata Lot 2 to service Strata Lot 1 at such time they request service. Therefore, Terasen Gas has no objection to the proposed rezoning and subsequent subdivision.

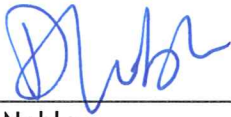
## 8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The Official Community Plan notes the future land use of this site is Single/Two family residential. The RU6- Two Dwelling Housing zone is permitted within this designation.

The lot is generously sized and can easily accommodate an additional dwelling as permitted in the RU6 - Two Dwelling Housing zone. However, the subject property does have some significant topographical constraints, as portions of the parcel exceed 30% slope gradients. Additionally, while there is ample lot area to create an additional lot, minimal road frontage and significant topographical constraints make subdivision not a viable option. The only way to achieve an additional dwelling unit is through a rezoning.

Through a Natural Environment Development Permit, the proposed building envelope and required lot grading will be evaluated against current hillside guidelines to ensure that the infill building site is sensitive, visually appealing, and hazardous conditions to be avoided.

A form and character Development Permit will also be required to evaluate the siting and exterior finishing of the second home, and will be executed at a Staff level.



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Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:

for:

Shelley Gambacort  
Director, Land Use Management

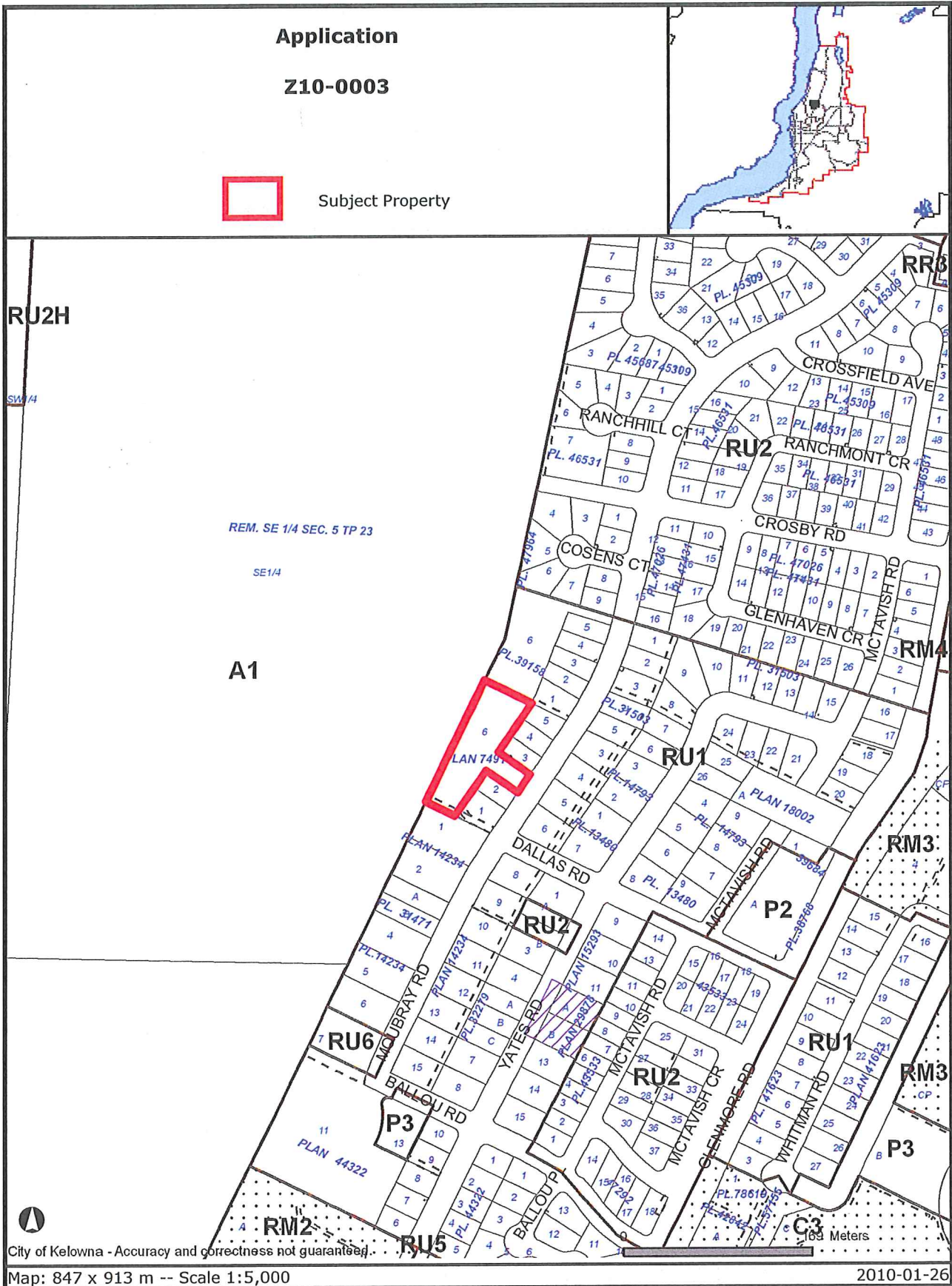


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**Attachments:**

- Subject Property Map
- Site Plan(2)
- Concept sketch of proposed second dwelling
- Photographs of the site

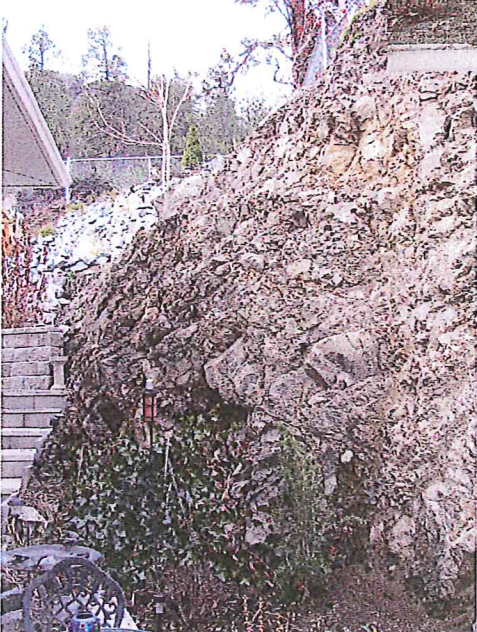




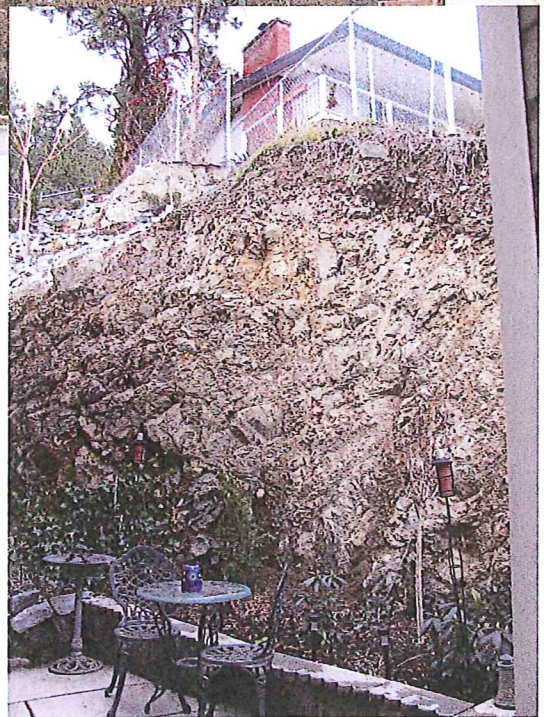
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



View of 340 Moubray showing existing home from the road



Property of Neighbour to the South west







340 Moubray



Moubray street  
scape.  
Feb. 8 2010

SE. 1/4 SEC. 5 TP. 23

**PROPOSED  
SUBDIVISION PLAN**

OF LOT 2, PLAN 13480,  
SEC. 5, TP. 23, O.D.Y.D.



**LEGEND:**

Elevations are geodetic and are established from control monument 75H2487 - elevation 411.813 m.

Contour interval 1 m

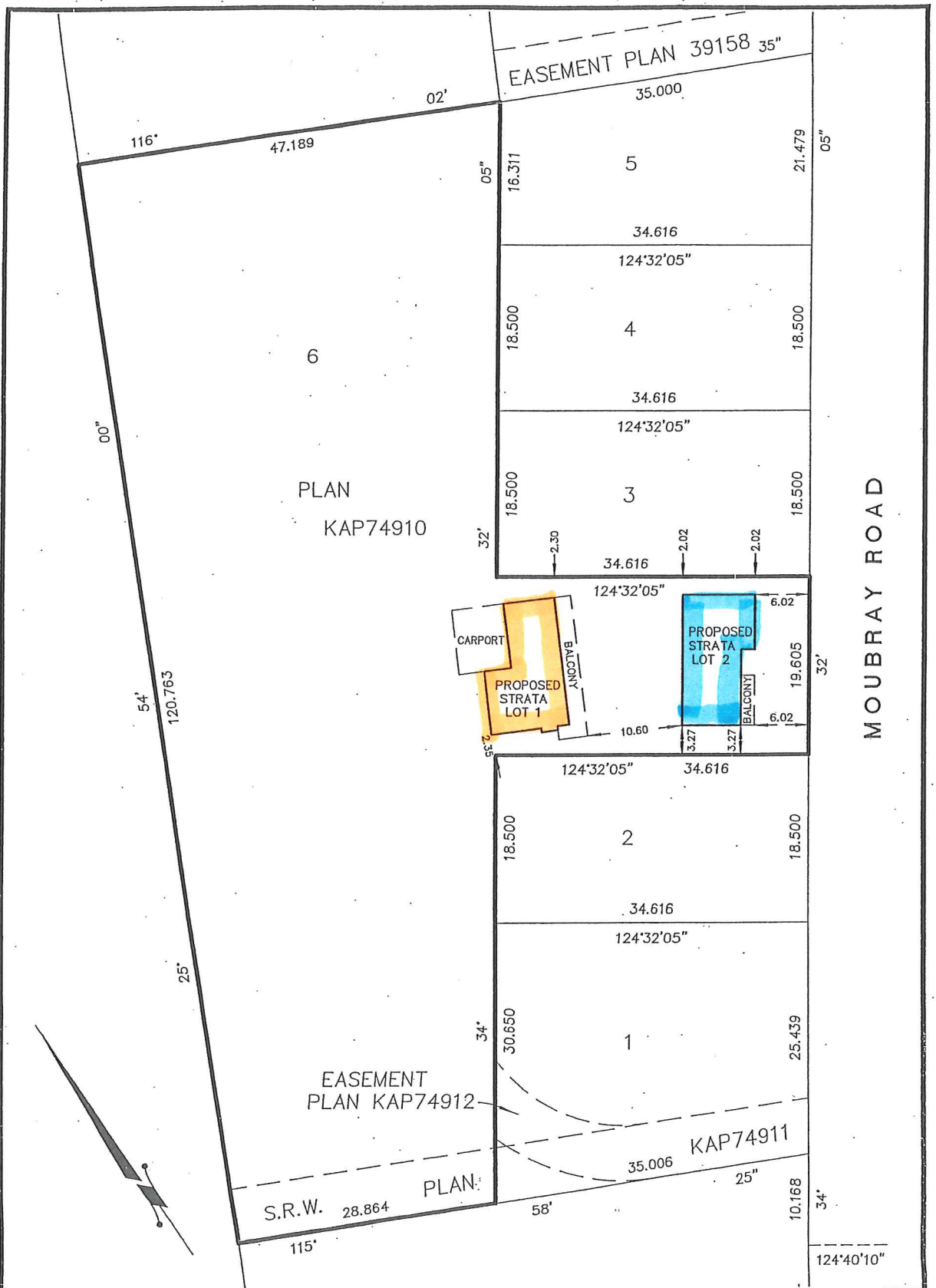
- OCM control monument
- OIP standard iron post
- + 123.456 spot elevation
- MH/SA sanitary manhole
- HP hydro pole
- HP/L hydro pole w/light
- WV water valve
- areas > 30% slope

**RUNNALLS DENBY**

*brifisfr columbica land surveyors*  
# 2 - 1470 Water Street Kelowna, B.C. V1Y 1U5  
Phone (250) 763-7321 Fax (250) 763-4413  
email: denby@telus.net

CLIENT:  
**LYNN WELDER CONSULTING**

SCALE:	1:750
DATE:	FEBRUARY 19, 2003
DWG:	11003.DWG
FILE:	11003

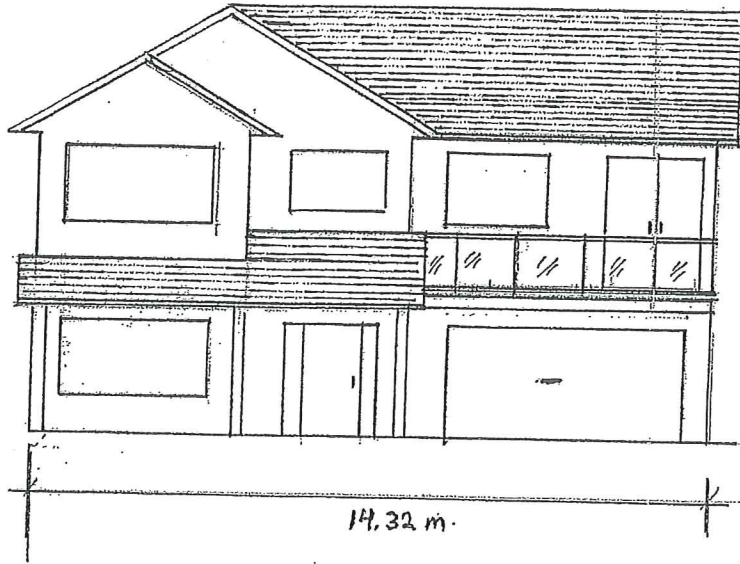


TITLE: **PROPOSED BUILDING STRATA OF LOT 6, SEC. 5, TP. 23, O.D.Y.D., PLAN KAP74910 - 340 MOUBRAY ROAD -**

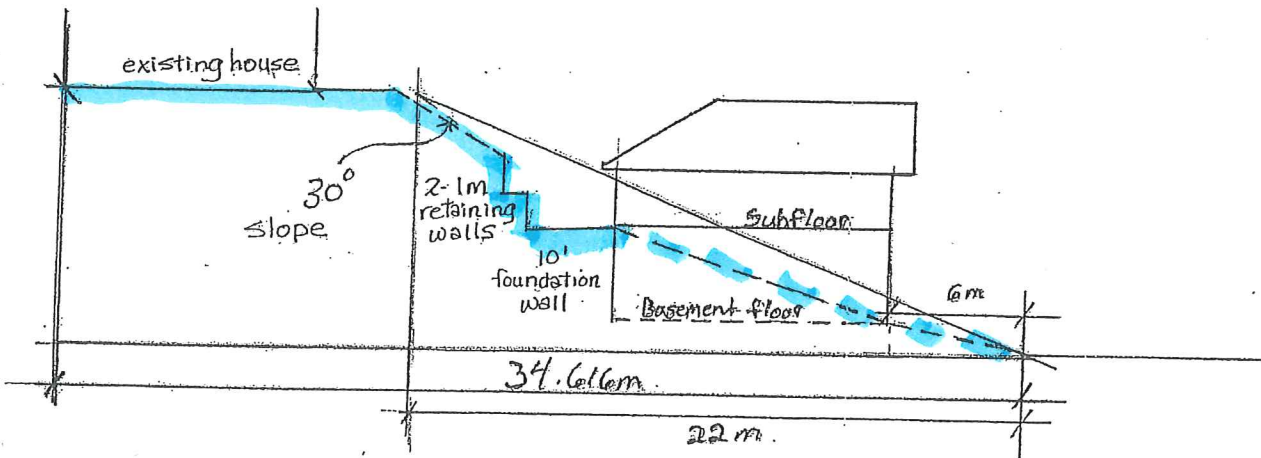
DRAWN BY: **RUNNALLS DENBY**  
*british columbia land surveyors*  
 259A Lawrence Avenue Kelowna, B.C. VIY 6L2  
 Phone: (250)763-7322 Fax: (250)763-4413  
 Email: nell@runnallsdenby.com

SCALE: **1:500**  
 DATE: **December 23, 2009**  
 DWG: **13045 PROPOSED STRATA**

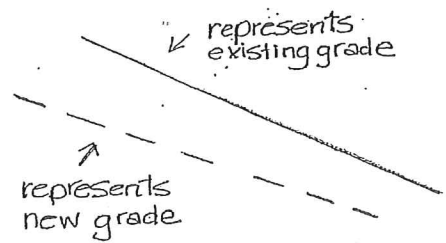
CLIENT: **WAT A VITE DET ETIDME** FILE No: **13045** REV. **0**



$\frac{1}{8}'' = 1 \text{ foot}$



$\frac{1}{4}'' = 1 \text{ meter}$



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

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**Date:** January 28<sup>th</sup>, 2010  
**File No.:** Z10-0003

**To:** Land Use Management Department (BD)

**From:** Development Engineering Manager (SM)

**Subject:** 340 Moubray Road, Lot 6 Plan 74910 RU1 to RU6

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Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

The subject property is located within the Glenmore Ellison Irrigation District. All charges and fees must be paid directly to GEID.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

3. Site Related Issues

Provide on-site parking for the proposed dwelling.

4. Road Improvements

Moubray Road fronting this development must be upgraded to a full urban standard including sidewalk. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$1,800.00**.

5. 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.

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Steve Muenz, P. Eng.  
Development Engineering Manager

DC