

Memo



Date: April 28, 2010

To: City Manager

From: Community Sustainability Division

File No: Z09-0077 **Applicant:** Rex Jardine

At: 4064 Lakeshore Road **Owner:** Rex Jardine
Jardine Investments Inc.

Purpose: TO REZONE FROM THE RU1 - LARGE LOT HOUSING ZONE TO THE RU2 - MEDIUM LOT HOUSING ZONE IN ORDER TO SUBDIVIDE AND CREATE A SECOND LAKESHORE LOT.

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU2 - Medium Lot Housing **Proposed Number of Lots:** 2

Report Prepared by: Greg Sauer

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z09-0077 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 1, Township 25 and Section 6, Township 26, ODYD Plan KAP89719, located at 4064 Lakeshore Road, from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two lot subdivision 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 and Environment & Land Use Branch being completed to their satisfaction.

2.0 SUMMARY:

The applicant proposes to rezone the subject property to RU2 - Medium Lot Housing from RU1 - Large Lot Housing in order to facilitate a two lot subdivision. The rezoning and subdivision would allow for the establishment of two dwellings on the proposed lakefront properties where there is currently one. The existing dwelling will be demolished to facilitate the subdivision.

3.0 BACKGROUND/SITE CONTEXT:

An existing home currently straddles the proposed two lot subdivision and as a result will need to be demolished. The subject property is currently connected to community water and sewer.

As this application for rezoning and subdivision is for single family housing, a development permit for form and character at the staff level will not be required by the applicants and no building plans are required, nor have any been submitted.

A handwritten signature or mark in the bottom right corner of the page.

Zoning Bylaw No. 8000		
Criteria	Proposed	Required (min.)
Subdivision Regulations		
Lot Area	1570 m ²	400 m ²
Lot Width	Approx. 15.0 m	13.0 m
Lot Depth	Approx. 98.0 m	30.0 m

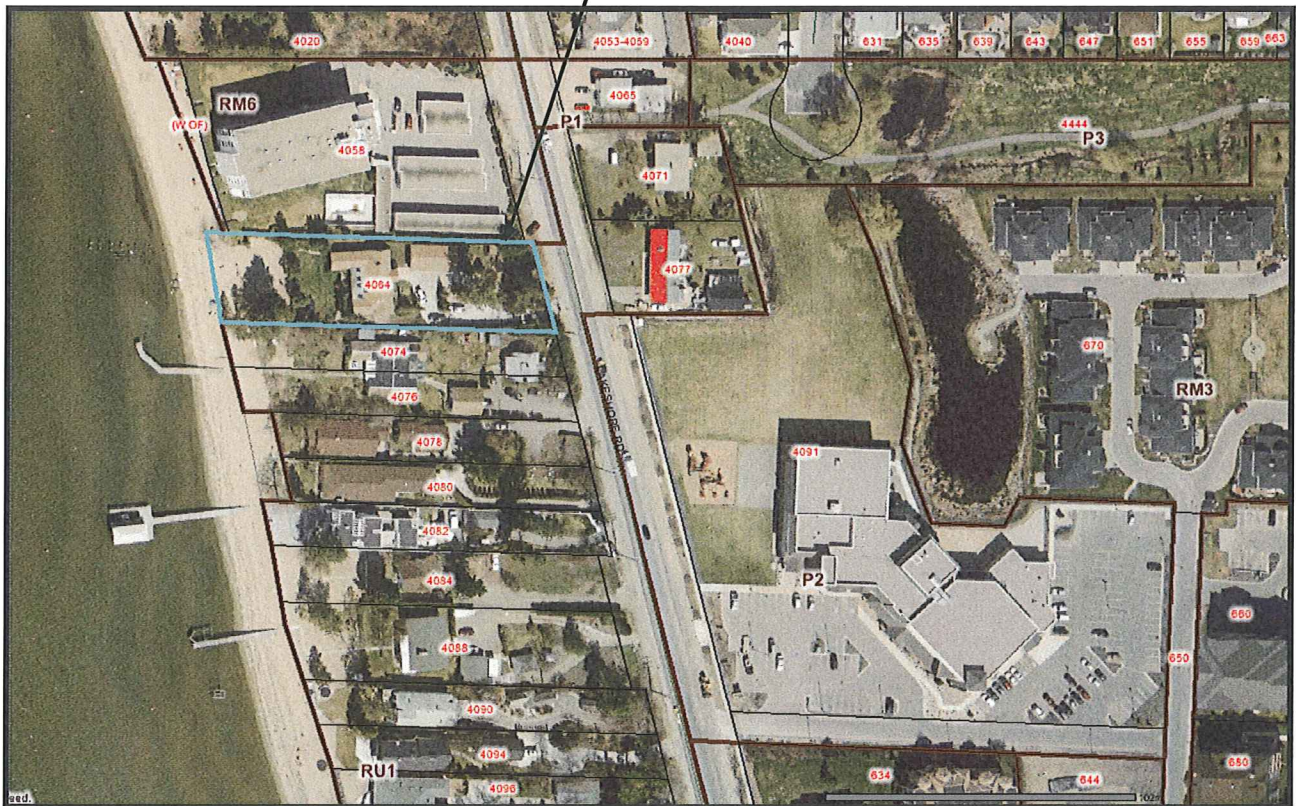
3.1 Zoning of Adjacent Property

The zoning in the area is heterogeneous in nature, though the predominant land use type is urban residential. Specifically, the adjacent zones and uses include:

- North RM6 - High Rise Apartment Housing
- South RU1 - Large Lot Housing
- East RU1 - Large Lot Housing
P2 - Educational & Minor Institutional (First Lutheran Church & School Kindergarten to Grade 6)
- West W1 - Recreation Water Use (Okanagan Lake)

3.2 Site Location Map

Subject Property - 4064 Lakeshore Road



4.0 **DEVELOPMENT POTENTIAL/CURRENT POLICY:**

4.1 **Kelowna 2020 - Official Community Plan**

The subject property is designated as Single/Two Unit Residential for future land use and is within the North Mission/Crawford Sector of the OCP. OCP Map 8.1 (New Housing Distribution)

shows the North Mission/Crawford Sector as being a residential growth area. Additional relevant policies are included below.

Housing Policies¹:

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

8.1.35 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;

8.1.40 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; and

8.1.44 Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

Environment Policies²:

7.3.13 Minimize Impacts to Local Watersheds. Require streamside and foreshore homeowners to prevent or reduce impacts to Kelowna's watercourses.

7.8.11 No Net Loss. Require that no net loss or that a net gain in the productive capacity of aquatic habitat is realized prior to, or as a condition of, any approval of projects that affect that aquatic habitat.

7.10.8 Environmental Review. Ensure that all development and activities occurring on properties designated as Natural Environment development permit areas are reviewed and meet the requirements for mitigation, compensation, protection, or replacement.

5.0 TECHNICAL COMMENTS:

5.1 Environment & Land Use Branch

At present, the Riparian Management Area (RMA) at the subject property is in good condition with a relatively undisturbed sand foreshore. As such the Environment & Land Use Branch does not require restoration and seeks only to ensure the current state is preserved in perpetuity through the registration of a Section 219 No Disturb Covenant for the Riparian Management Area (i.e. a horizontal distance of 15m from the high water mark).

5.2 Building & Permitting

Demolition permit required for existing home prior to subdivision approval. A geotechnical report is required as the subject property is located in a flood plain/high water table area. No habitable space or mechanical equipment is permitted below 343.66m elevation.

5.3 Infrastructure Planning

Limited driveway access to Lakeshore Road is required to ensure maximum traffic volumes can be accommodated. As a result, a single, shared driveway access to Lakeshore Road is required.

5.4 Development Engineering Branch

See attached Development Engineering Comments for complete details.

- Additional highway allowance widening of approximately 6 meters for Lakeshore Road is required.

¹ City of Kelowna Official Community Plan - Housing; pp. 8-5, 8-6, 8-7.

² City of Kelowna Official Community Plan - Environment; pp. 7-4, 7-9, 7-12.

- Access to these properties may be limited in the future to right-in and right-out depending on traffic circulation and a possible future median on Lakeshore Road.
- The City wishes to defer all but the service upgrades at this time. Therefore, cash-in-lieu is required and the City will undertake the work on its own construction schedule at a later date. The cash-in-lieu amount required is \$18,200.00.

5.5 Fire Department

No concerns, additional address will be required.

6.0 **ADVISORY PLANNING COMMISSION**

At the February 2, 2010 meeting of the Advisory Planning Commission, it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z09 0077, for 4064 Lakeshore Road; to rezone from the RU1-Large Lot Housing zone to the RU2-Medium Lot Housing zone in order to facilitate a two lot subdivision.

APC Comments:

- APC expressed concern with the access/egress from Lakeshore Road being limited to one for both properties.
- APC inquired if there could be two docks that would front on the lake. The Applicant noted that the existing dock was recently constructed in the centre of the properties and is used as a shared dock.

7.0 **LAND USE MANAGEMENT DEPARTMENT:**

The proposed Zoning Bylaw Amendment is consistent with the Official Community Plan future land use designation for the subject property (Single/Two Unit Residential). The provision of two single detached dwellings on two lots is a desirable method of providing additional housing while preserving overall neighbourhood character. This application is further supported by existing Official Community Plan policies including “give[ing] preference to supporting new housing in areas where required services already exist” and “achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision...that would allow for smaller lot sizes...that are sensitively integrated into a neighbourhood”.

Given the relatively large size of the subject property (1570 m²) and the fact that many lots in this area have previously rezoned and subdivided, it is felt that sensitive integration will be achieved and significant impacts on adjacent or nearby properties are not anticipated.

The subject property is within a Natural Environment Development Permit Area due to its proximity to Okanagan Lake. A requirement and outcome of the rezoning and subdivision will be the registration of a Section 219 No Disturb Covenant for the Riparian Management Area to protect the riparian area from future disturbance and thereby improve aquatic and terrestrial habitat.

To facilitate the proposed developments of two new dwellings, Natural Environment Development Permits will be required for each development and will be executed at a staff level. The Development Permit will ensure environmental monitoring during dwelling demolition and new home construction.

The requirement to limit the number of accesses/egresses for this lot is tied to the need to ensure that high volume roads such as Lakeshore Road can function as close to design capacity as possible. While incremental, maintaining or reducing the number of accesses and egresses at the

time of subdivision does contribute to the overall efficiency of these roadways when considered cumulatively.

As this application complies with the OCP future land use designation for the subject property and reflects a sensitive infill proposal, the Land Use Management Department recommends Council support.

Submitted by:



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



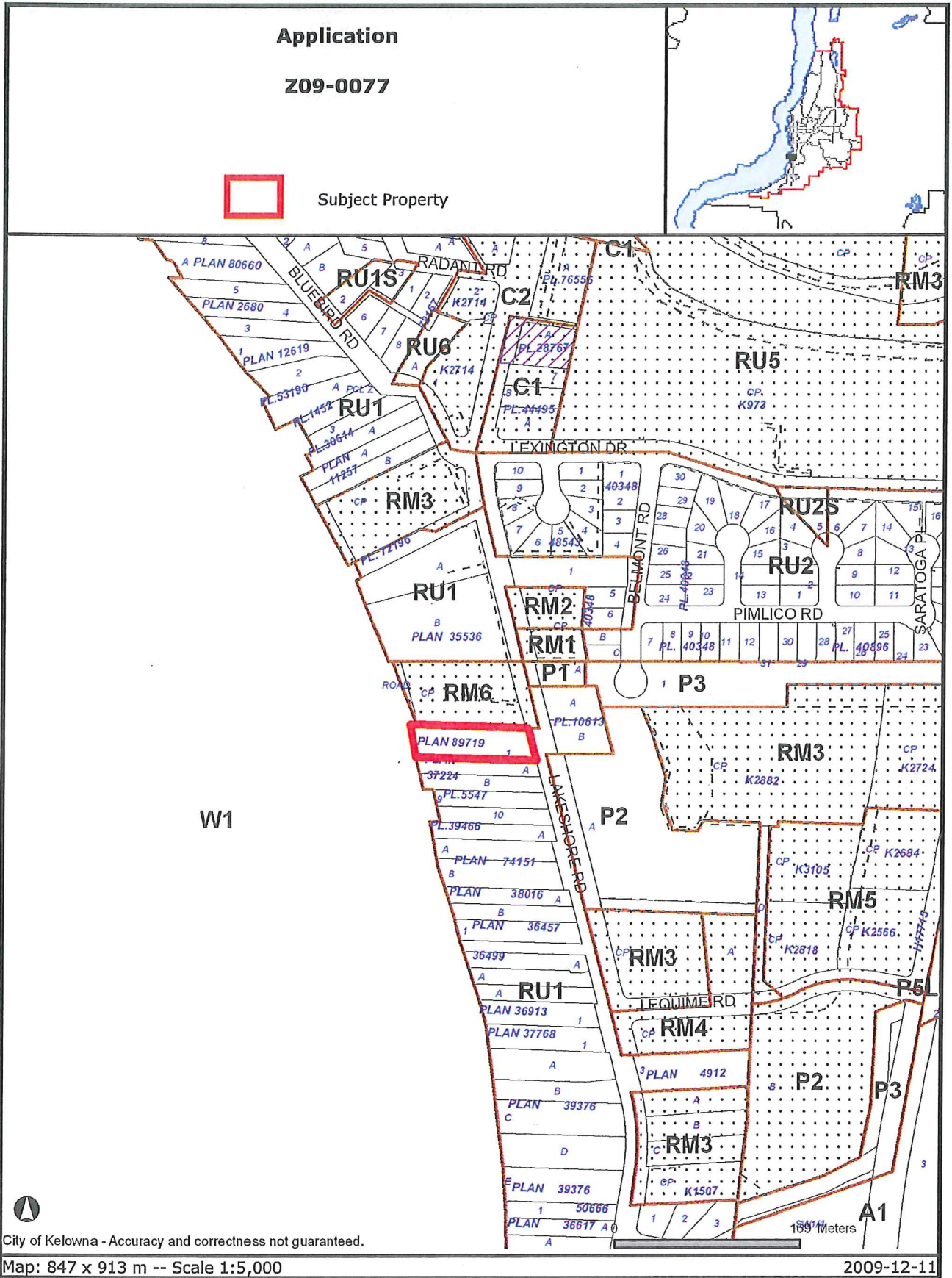
Shelley Gambacort
Director, Land Use Management

Attachments:

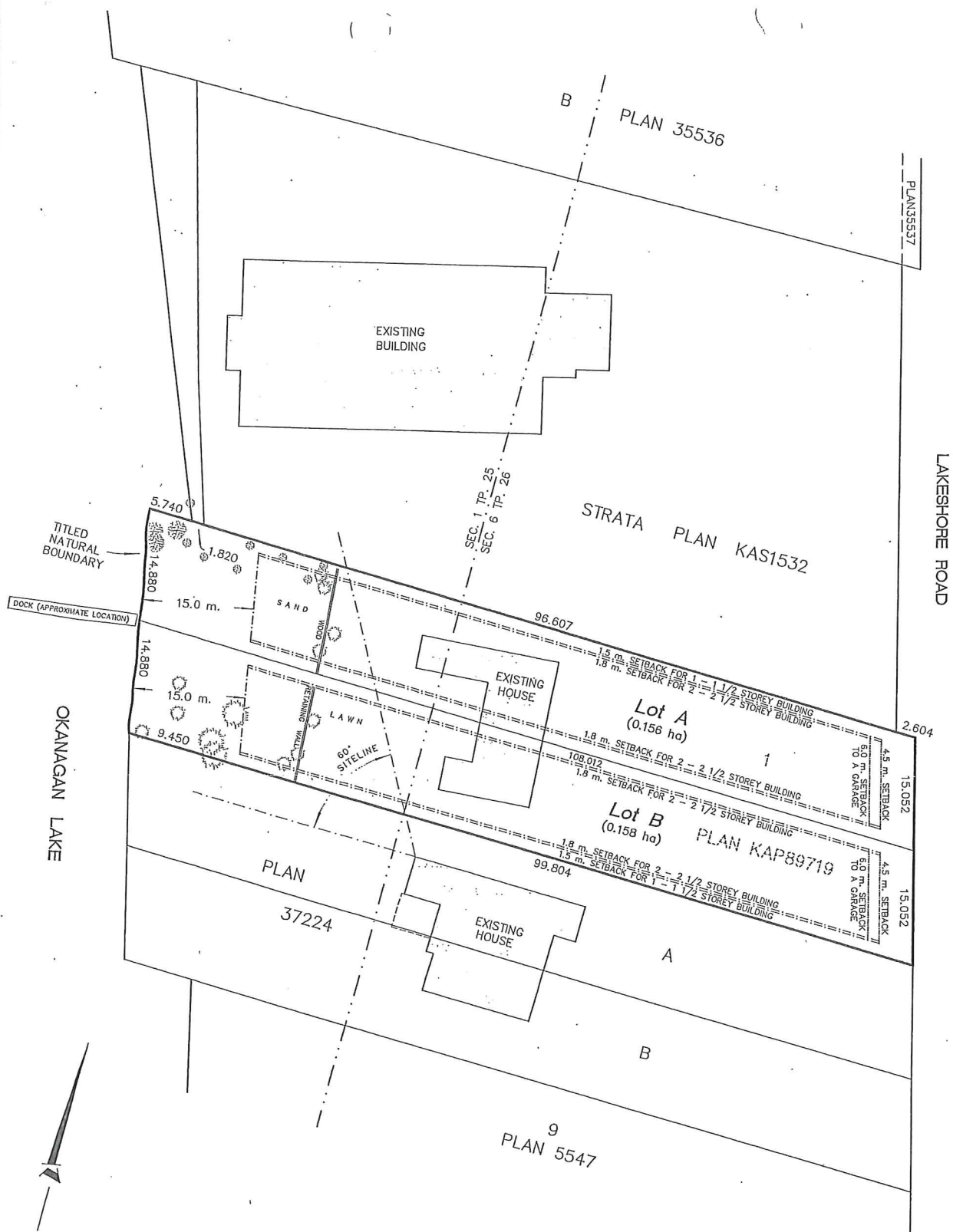
- Subject Property Map
- OCP Future Land Use Map
- Site Plan and Proposed Lot Layout
- Development Engineering Branch Comments

Date Application Accepted

December 11, 2009



*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.*



NOTE:
 SETBACKS SHOWN AS PER CITY OF KELOWNA
 ZONE RU2 - MEDIUM LOT HOUSING

TITLE:		PROPOSED SUBDIVISION PLAN OF LOT 1, SEC. 1, TP. 25 AND OF SEC. 6, TP. 26, O.D.Y.D., PLAN KAP89719		<i>4064 LAKESHORE</i>	
DRAWN BY:	RUNNALLS DENBY <i>british columbia land surveyors</i> 259A Lawrence Avenue Kelowna, B.C. V1Y 6L2 Phone: (250)763-7322 Fax: (250)763-4413 Email: neil@runnallsdenby.com		SCALE:	1:500	
			DATE:	NOVEMBER 27th, 2009	
CLIENT:	REX JARDINE		DWG:	12801 PROPOSAL	
			FILE No.:	12801	REV.

CITY OF KELOWNA
MEMORANDUM

Date: January 18, 2010
File No.: Z09-0077

To: Planner II, Land Use Management (GS)

From: Development Engineering Manager (SM)

Subject: 4064 Lakeshore Rd. Lot 1 Plan 89719

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 used by proposed Lot B.
 - (c) Arrange for individual lot connection for the proposed Lot A 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 A.
 - (b) Arrange for individual lot connection for the proposed Lot B 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. 6m wide. See preliminary design of the Lakeshore Road Parkway Arterial prepared by D.A. Watt Consultants Drawing A-3
- (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 **\$18,200.00**

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	\$2,634.00
Sidewalk	\$2,295.00
Storm Drainage	\$7,584.00
Street Lighting	\$1,016.00
Landscape Blvd	\$ 564.00
Road Fillet	\$4,064.00
<u>Total</u>	<u>\$18,200.00</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).

Steve Muenz, P. Eng.
Development Engineering Manager

ss