

Memo



Date: April 13, 2011

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: Z10-0038

Owner: Norman & Michael Major

Address: 5500 McCulloch Road

Applicant: Norman & Michael Major

Subject: Rezoning Application

Existing OCP Designation: Rural/Agricultural

Existing Zone: A1 - Agriculture 1 zone

Proposed Zone: A1s - Agriculture 1 with a secondary suite zone

1.0 Recommendation

THAT Rezoning Application No. Z10-0038 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, Section 6, Township 27, ODYD, Plan KAP50962, located at McCulloch Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with a secondary suite zone to construct a secondary suite within an accessory building be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;

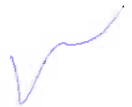
AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Interior Health, South East Kelowna Irrigation District, and Environmental Land Use Branch being completed to their satisfaction.

2.0 Purpose

This proposal is seeking to rezone the subject property from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with a secondary suite zone to construct a secondary suite within an accessory building.

3.0 Land Use Management

A recent text amendment to the Zoning Bylaw has received third reading by Council on April 19, 2011 which allows both a group home and secondary suite on parcels larger than 2.0ha in the A1-Agriculture 1 zone. The subject property meets the requirements to permit both uses on the site.



The main dwelling on the property is currently used as a group home for individuals with severe disabilities who live here with their care givers on a permanent basis. The secondary suite is intended for the owner (a Registered Nurse) who would function as an additional care aid in the event of an emergency.

Due to the size of subject property and the surrounding rural lot configuration, the creation of a secondary suite in an accessory building is anticipated to have little or no impact on the surrounding neighbours. Given the unique use of the property and the function of the group home serving a critical social need, the secondary suite to accommodate a modest residential unit does not detract from the agricultural viability of the parcel.

4.0 Proposal

4.1 Project Description

The subject property is located on the east edge of Kelowna's City limits past the Gallagher's canyon development and is part of an estate style lot subdivision that was created in the early 1990's. A compact, one storey accessory building is being proposed for the south east corner of this 8 acre property. The plan shows an extra tall double garage adjacent to the unit, which will house the bus for the residents of the group home and the owner's vehicle. Ample programmed private outdoor space is available on the expansive verandas which are accessed from the living space of the suite.

4.2 Site Context

The subject property is located on the west side of McCulloch Road in South East, Kelowna. The surrounding properties in all directions are zoned A1 - Agriculture 1 outside of the Agriculture Land Reserve. The area does not have traditional agriculture uses except for some cattle grazing and is generally in a natural state. The surrounding properties are generally estate type homes on large rural properties.

4.3 Subject Property Map: 5500 McCulloch Road



4.4 Zoning Analysis

The proposed application meets the requirements of A1s - Agriculture 1 with a secondary suite zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1(s) ZONE REQUIREMENTS (Secondary Suite in an accessory building)
Subdivision Regulations		
Lot Area	3.257 ha ①	4.0 ha
Lot Width	68.44 m	40.0 m
Development Regulations		
Site Coverage (buildings)	0.8 %	10%
Site Coverage (buildings/parking)	2.4 %	10%
Floor area of Principal dwelling	418m ²	
Size ratios	89.9m ² / 21.5%	In accessory bldg lessor of 90 m ² or 75% of existing bldg
Accessory Building Siting		
Height (accessory building)	1 storey	Max 13.0 m
Front Yard	12.0 m	6.0 m
Side Yard (east)	3.0 m	3.0 m
Side Yard (west)	62.0 m	3.0 m
Rear Yard	211.2 m	3.0 m for accessory buildings
Separation Distance Between Houses	48.2 m	Min 5.0 m
Other Requirements		
Parking Stalls (#)	5 Spaces	3 spaces
Private Open Space	meets requirements	No requirement

① existing non-conforming lot area

5.0 Current Development Policies

Kelowna 2020 - Official Community Plan

Housing Policies:

Infrastructure Availability¹. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

Integration². Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

Secondary Suites³. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

Special Needs Facilities.⁴ Encourage, in all neighbourhoods, residential facilities for people with special needs, as permitted under Zoning Bylaw regulations;

6.0 Technical Comments

6.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits

2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached.

6.3 Bylaw Services

No concerns.

6.4 Fire Department

Additional address will be required.

6.5 Interior Health Authority

The applicant should consult a Registered Onsite Wastewater Practitioner to determine the suitable location and sizing for the proposed onsite sewerage disposal system. A list of ROWP's can be found on line at owrp.asttbc.org or a list can be picked up at the Kelowna Health Centre at 1340 Ellis Street. Hard copy of this letter in file. *Applicant is working with Wastewater Practitioner to prove out sewerage system.*

6.6 Irrigation District

Water is available subject to compliance to SEKID's bylaws. Toby Pike will follow up later with the District requirements and fees.

¹ Official Community Plan, Policy #8 - 1.30

² Official Community Plan, Policy #8 - 1.44

³ Official Community Plan, Policy #8 - 1.47

⁴ Official Community Plan, Policy #8 - 1.36

6.7 Environmental Land Use Branch

1. This lot will require the registration of (under the Land Title Act against the title of the subject property) a Wildland Fire Section 219 Restrictive Covenant. The covenant incorporates recommendations of a professional in wildland fire management to save harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire. The Wildland Fire Covenant can be obtained from the front counter of the Land Use Management Department of the City of Kelowna.

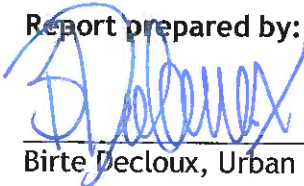
2. "No build/no disturb" covenants are recommended in order to effectively preserve steep slope areas at the rear of the lot - adjacent to the Fortis BC Right of Way. *No build/no disturb covenant is already in place.*

7.0 Application Chronology

Date of Application Received: May 6, 2010

The application was unable to proceed as section 9.5.8 of the Zoning Bylaw prohibited a secondary suite in conjunction with a group home, however, Council recently considered a text amendment which permits both uses on A1- Agriculture properties that are larger than 2.0 ha in size.

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

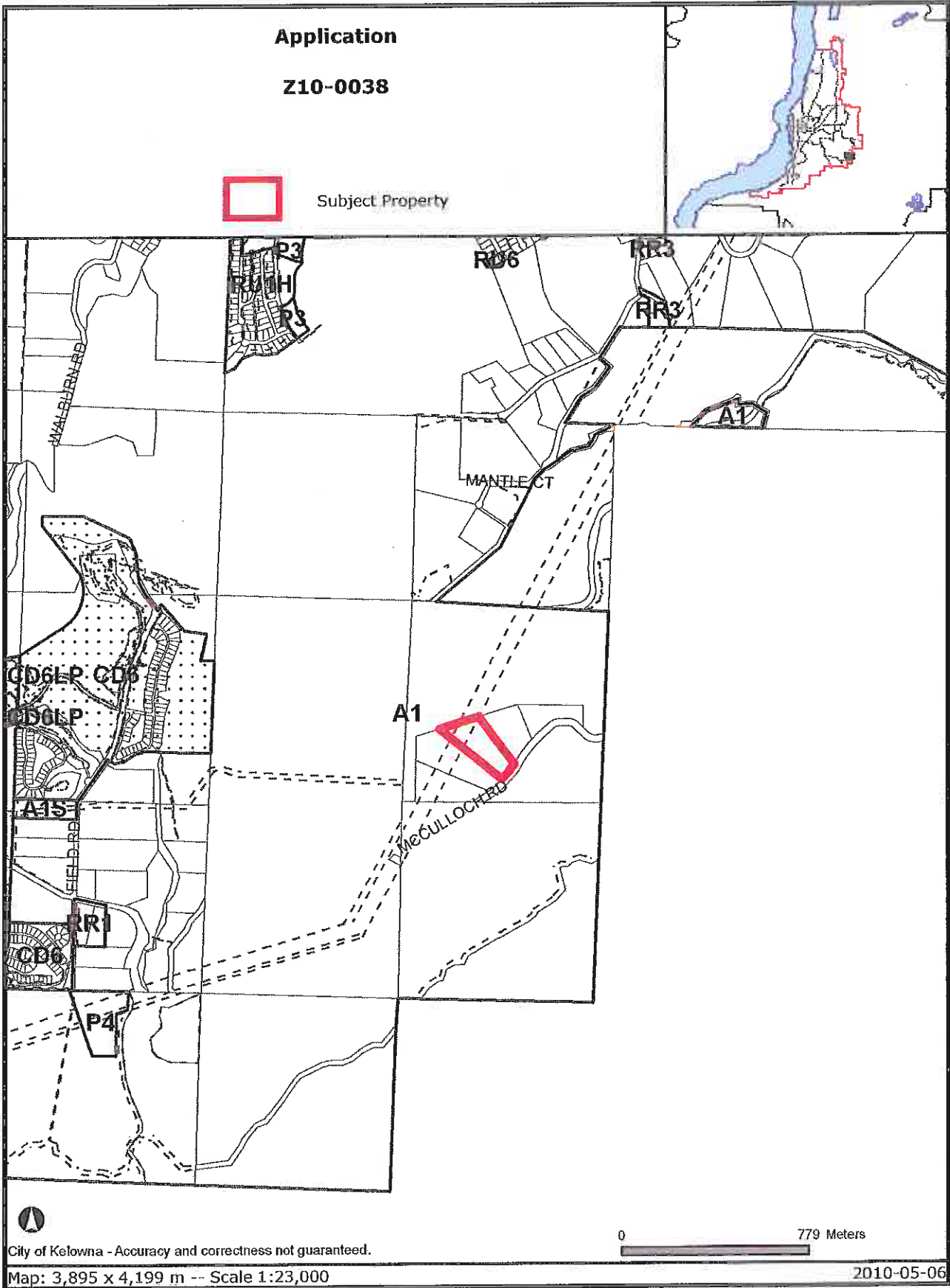
Attachments:

Site Plan

Conceptual Elevations

Landscape Plan

Context/Site Photos



*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.*

FOR : ROGER CHRISTIANSON

FILE : 95-149
RE :

OSOYOOOS DIVISION OF YALE DISTRICT.

SCALE : 1 : 1250
(All distances are in metres.)

R-E.M. SEC. 6, TP. 27

~~PLAN~~ A-17829

PLAN A-1566

LOT ✓ B PLAN KAP50362

LOT 1 PLAN KAP44344

LOTHAR T. SCHWENDTMAYER

R.C. LAND SURVEYOR
2280 - C Leslie Road, Kelowna, B.C., V1X 6G6 Tel 861-8445.

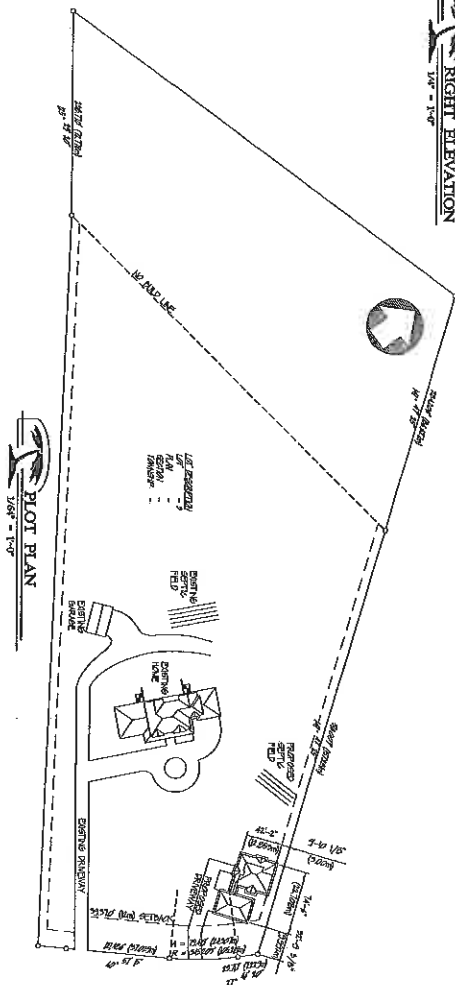
NOTE: This certificate shows the relative location of improvements constructed on the above lot and is not intended for property line re-establishment. The acceptor is responsible for the unauthorized use.

CERTIFIED CORRECT THIS 11th DAY OF December, 1995

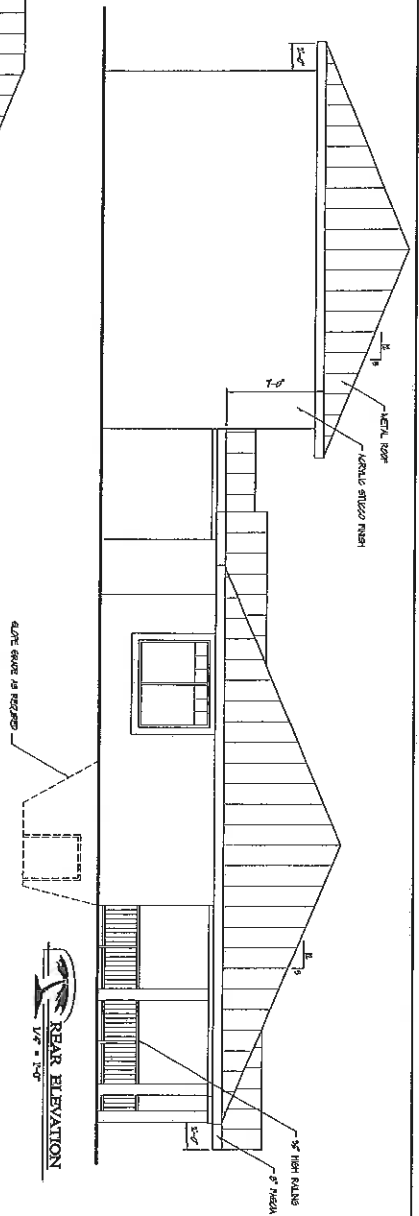
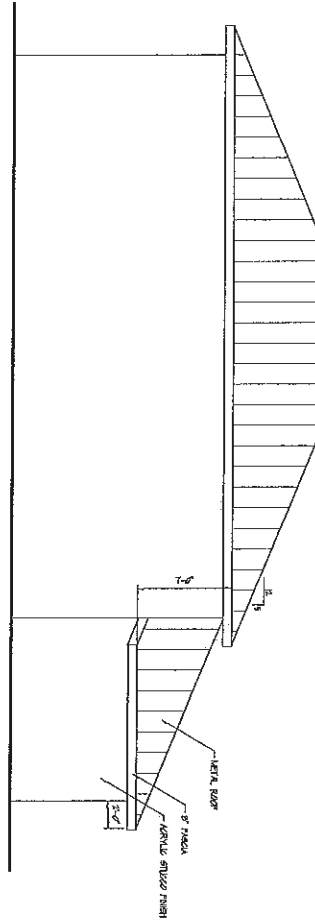
Opfer T. Seelenström

B.C.L.S.

FB 177 / 33



RIGHT ELEVATION
1/4" = 1'-0"

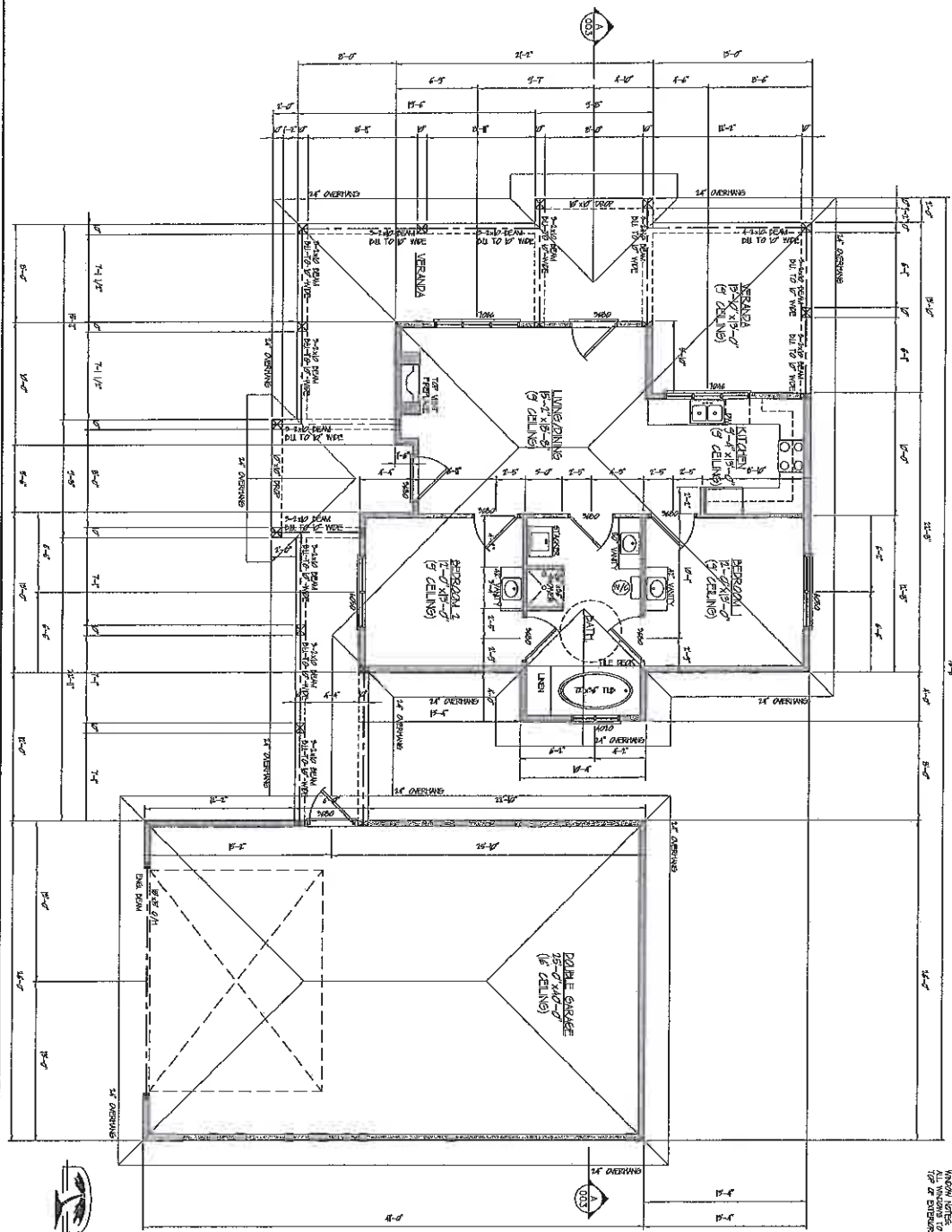


RESIDENCE FOR:
* MAJOR *

OASIS DESIGN
DESIGNED BY: JAMES W. HAASDYK
DATE: APRIL 20, 2010

RIGHT AND REAR ELEVATIONS
AND SITE PLAN
5500 MCCULLOCH ROAD

SCALE: AS NOTED | DRAWING NUMBER: 30-805-004 | REVISION:



MAIN FLOOR PLAN
1/4" = 1'-0" (SEE S.D.)

INDICATE LINES
ALL WINDOWS TO BE FINISH AT 5'-0" FROM INSIDE TO MATCH
TOP OF EXTERIOR SILL

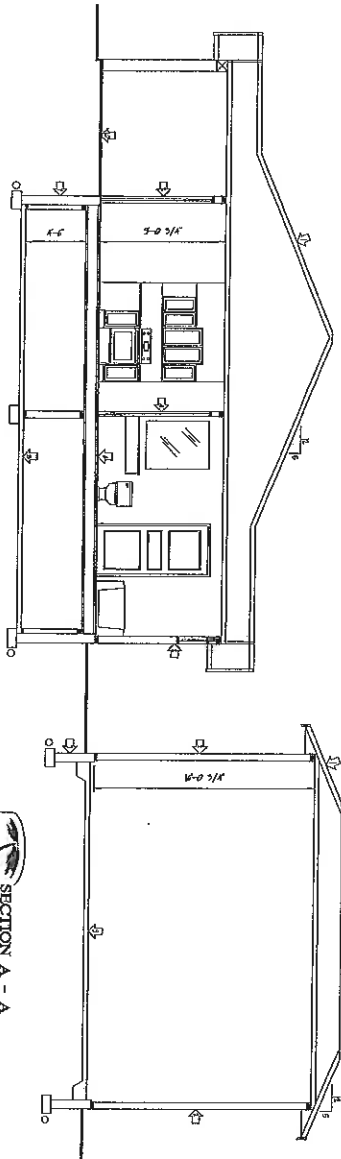
RESIDENCE FOR:
* MAJOR *

OASIS DESIGN
 808-2275
 DESIGNED BY: JAMES W. HAASDYK
 DATE: APRIL 29, 2010

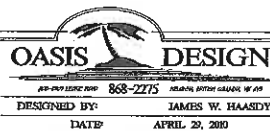
MAIN FLOOR PLAN
 5500 MCCULLOCH ROAD
 SCALE: AS NOTED | DRAWING NUMBER: 10-905-001 | REVISION: A



- [illegible]



«*JUSTIFICATION BY DEEDS: PLAIN IS FORTHRIGHT BETTER THAN THE FOUR MOTTEN LONESOME FROM GUNS SOUND*»



SCALE: AS NOTED | DRAWING NUMBER: 10-805-003 | REVISION: