

Memo



Date: March 31, 2011

To: City Manager

From: Land Use Management, Community Sustainability (AB)

Application: LUC11-0001 / Z11-0003

Owner: Mark Fipke

Address: 5064 Lakeshore Road

Applicant: Felix Westerkamp

Subject: Land use contract discharge & rezoning

Existing OCP Designation: Single / Two Unit Residential

Existing Zone: LUC77-1012 (A1 - Agriculture 1 zone underlying)

Proposed Zone: RU1s - Large Lot Housing with Secondary Suite

1.0 Recommendation

THAT Application No. LUC11-0001 to discharge the Land Use Contract 77-1012 for Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z11-0003 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A Section 23 Township 28 SDYD Plan 30063, located at 5064 Lakeshore Road, Kelowna, BC from the A1 - Agriculture 1 zone to the RU1s - Large Lot Housing with Secondary Suite zone, be considered by Council;

AND THAT application No. LUC11-0001 and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Resolution to discharge Land Use Contract 77-1012 and a Development Variance Permit for the subject property;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

The applicant is proposing to establish a secondary suite within an existing accessory building, which requires the existing Land Use Contract to be discharged and the subject property rezoned from the underlying A1 - Agriculture 1 zone to the RU1s - Large Lot Housing with Secondary Suite zone.

3.0 Land Use Management

The request to discharge the underlying Land Use Contract and rezone to the RU1s - Large Lot Housing with Secondary suite zone has become more common in this area of the south mission where lakefront lots are being re-developed. The discharge of the LUC is in keeping with Council's policy which is a strategy for elimination of LUC's and to apply more modern land use regulations to each property.

The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area. Policies within the Official Community Plan support the sensitive integration into existing neighbourhoods, where services are already in place and densification can easily be accommodated. A Development Variance Permit will be forwarded to Council pending favorable consideration of the land use while a Development Permit for form and character will be evaluated at a Staff level.

4.0 Proposal

4.1 Project Description

The landowner recently constructed a detached accessory building on the subject property and has subsequently decided to establish a secondary suite within it. As the existing Land Use Contract does not allow this use, the contract must be discharged from title and the land rezoned appropriately. Given the availability of urban services, the RU1s - Large Lot Housing with Secondary Suite zone was most applicable, however three variances are triggered.

Two of the proposed variances are very typical for lakefront homes and represent the site plan layout realities of waterfront lots (reduced front yard setback and siting between front yard and principal dwelling), while the third variance is to reconcile the permitted height of the accessory building when built under the Land Use Contract with the maximum height provisions of the proposed new zone.

The proposal compares with the Zoning Bylaw No. 8000 requirements for the RU1s - Large Lot Housing with Secondary Suite zone as follows:

Criteria	Required	Proposed
Site Coverage (buildings)	40%	13.7%
Site Coverage (buildings, driveways, and parking)	50%	Approx. 27.4%
Maximum Height	4.5 m for accessory buildings	4.10 m facing up-slope, 6.97 m facing down-slope *
Front Yard	9.0 m to detached secondary suite	8.44 m *
Side Yard (west)	2.3 m	3.29 m
Side Yard (east)	2.3 m	3.04 m
Rear Yard	7.5 m	Exceeds requirements

Location of Secondary Suite	Principal dwelling sited between front yard and detached secondary suite	Detached secondary suite sited between front yard and principal dwelling *
Secondary Suite Size	Lesser of 90 m ² or 75% of the principal dwelling floor area	90 m ² and 18.4 %
Separation Distance between Principal Dwelling and Secondary Suite	4.5 m	Exceeds requirements
Parking Spaces	3	3 +
* Development Variance Permit required.		

4.2 Site Context

The subject property is located in the Southwest Mission and has frontage on Lakeshore Road near Uplands Drive and Viewcrest Court. Land uses in the surrounding neighbourhood are predominantly residential, although there are a variety of lot sizes, lot configurations, dwelling sizes, and residential zones present. Specifically, the adjacent zones and land uses are:

- North W1 - Recreational Water Use (Okanagan Lake)
- South RR3 - Rural Residential 3 (Single detached dwellings)
RU1 - Large Lot Housing (Single detached dwellings)
RU1s - Large Lot Housing with Secondary Suite (Single detached dwellings)
- East RR2 - Rural Residential 2 (Single detached dwellings)
- West LUC # 77-1012 / A1 - Agriculture 1 (Single detached dwellings)



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The subject property is designated as Single/Two Unit Residential for future land use. Relevant policies are included below.

Housing Policies:

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

5.2 Council Policy # 282

See attached Council Policy titled *Strategy for Elimination of Remaining Land Use Contracts*.

6.0 Technical Comments

Building & Permitting Branch. \$2500 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits. Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06). Full Plan check for Building Code related issues will be done at time of Building Permit applications.

Development Engineering Branch. See Attached.

Fire Department. No objections.

Interior Health Authority. This application does not appear to affect the interests of this office.

FortisBC / Shaw Cable / Telus / Terasen. No comments.

6.0 Application Chronology

Date of Application Received January 12, 2011

All Agency Comments Received February 10, 2011

Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 1, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Land Use Contract Application No. LUC11-0001 for 5064 Lakeshore Road by F Westerkamp to discharge Land Use Contract LUC11-0001;

AND THAT the Advisory Planning Commission supports Rezoning Application No. Z11-0003 for 5064 Lakeshore Road by F Westerkamp to rezone from A1-Agriculture 1 to RU1s-Large Lot Housing with Secondary Suite.

Report prepared by:



Andrew Browne, Planner II

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject property and zoning map

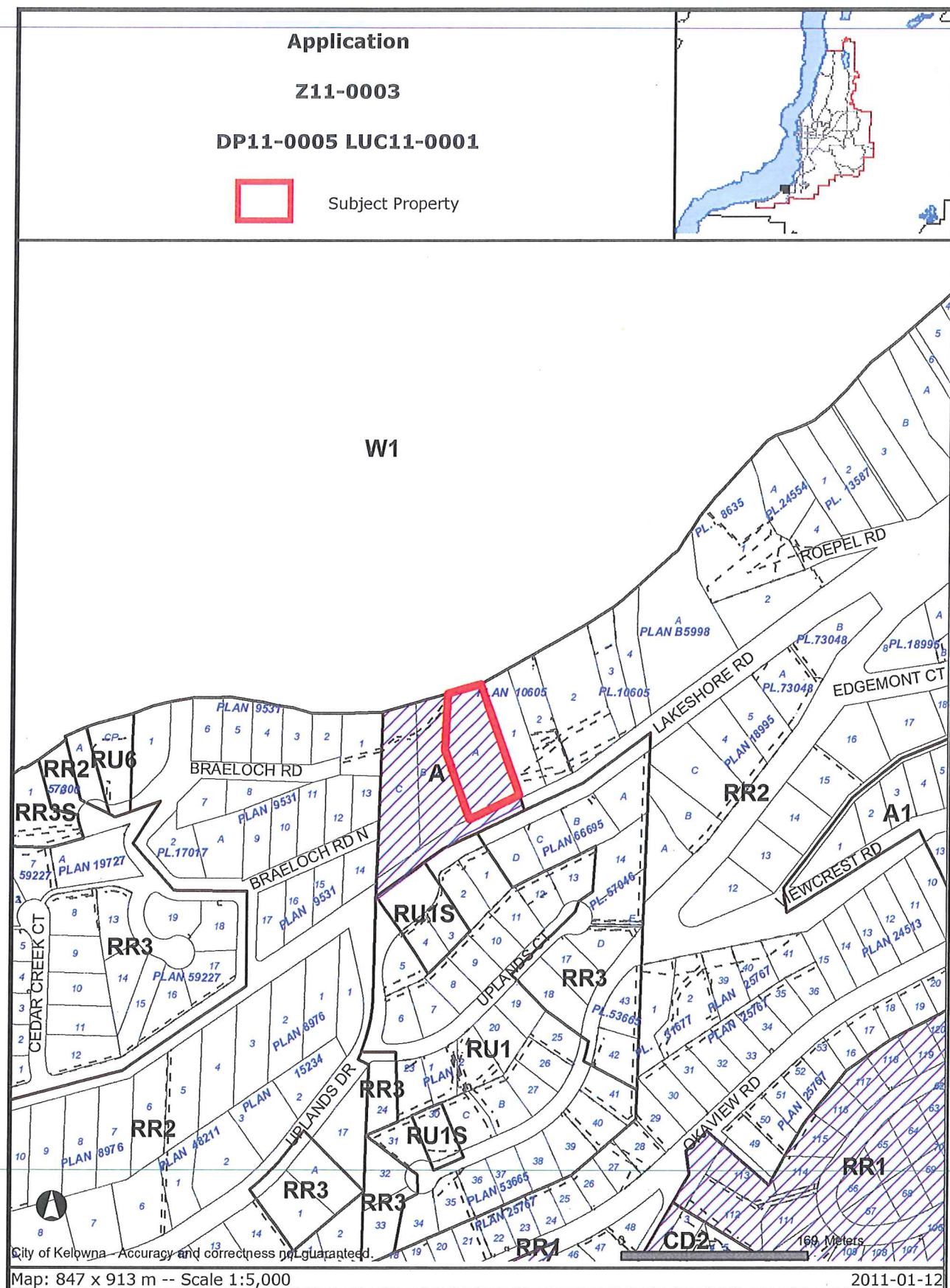
Council Policy #282

Site plan

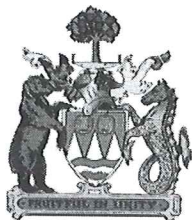
Floor plan

Elevations

Development Engineering technical comments (2 pages)



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.



City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

Council Policy

Strategy for Elimination of Renaming Land Use Contracts

APPROVED June 2, 1997

RESOLUTION: R375/10/04/26
REPLACING: R728/99/08/23; I1997/06/02
DATE OF LAST REVIEW: April 2010

Council's adoption of this policy requires:

- that a Land Use Contract be discharged for any contract where there has been a change in use or density from what was originally intended by the Land Use Contract;
- that where the City of Kelowna had entered into a Land Use Contract that contains a cancellation clause contingent on failure to develop and use the lands, the City proceed to discharge the Land Use Contract;
- that the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts;
- that staff negotiate with owners of land under Land Use Contracts that only enabled the subdivision of land, to discharge contracts where the subdivision has been completed;
- that priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contracts that enable development contrary to the fulfillment of community objectives.

REASON FOR POLICY

To develop a strategy to eliminate Land Use Contracts.

LEGISLATIVE AUTHORITY

Sec. 930, Local Government Act

PROCEDURE FOR IMPLEMENTATION

Council will evaluate the cost benefit implications of discharging individual Land Use Contracts, prior to Land Use Management staff committing the resources required to initiate and conclude proceedings to terminate a contract.

PTY. LINE
HOUSE
SEC. SUITE
ACCESSORY
BUILDING

THE CRAFTSMAN
SITE PLAN - PROPOSED

**CUSTOM HOME
DESIGN**

phone: (250) 878-7865
fax: (250) 448-6517
www.bushnellusa.com

10

25

N

SM

THE

一、

E

10

61

1

FR	
TR	

[illegible]

HOI

RHA

THE

ONE

--

DATE: OCT 14.

PREPARED BY: PU

NOV 02,

DEC. 01
DEC. 21

NET: FEB. 01, 1980

7

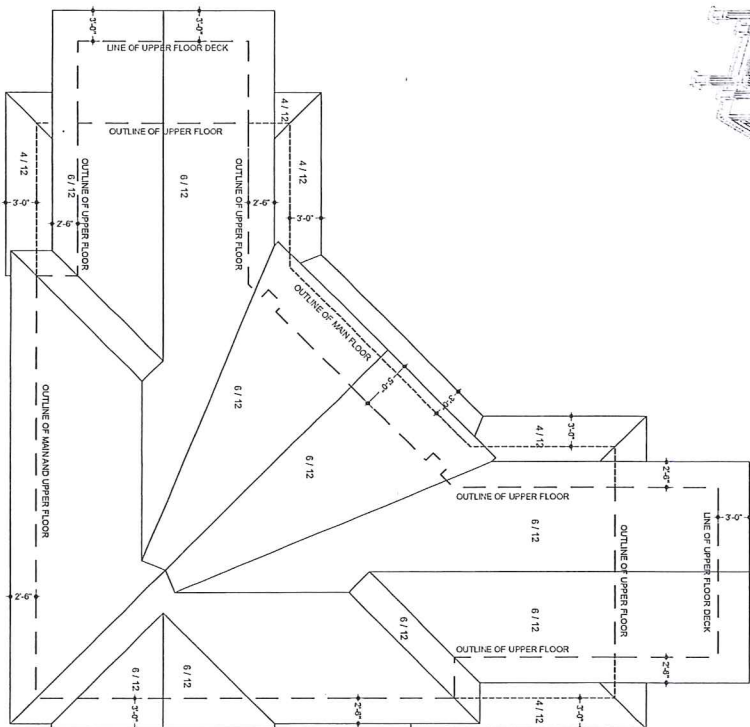
10

242

SCALE: 3/16" = 1'-0"



SUITE
AREA



SCALE: 3/16" = 1'-0"

HORSE STABLE - UPPER FLOOR /SECTION

DESIGN

Source: Bureau of Economic Analysis, U.S. Department of Commerce.

TIME

1

116

ST 14.

21

2728

DV 24

62

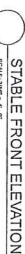
0.01, N = 10.

ON. 16
N. 20

Q

61

11



- THE CRATFSMAN
-
- HORSE STABLE - ELEVATIONS

CITY OF KELOWNA
MEMORANDUM

Date: January 18, 2011
File No.: Z11-0003, LUC11-0001

To: Land Use Management Department (AB)

From: Development Engineering Manager

Subject: 5064 Lakeshore Road A1 to RU1s

Development Engineering Services have the following requirements associated with this rezoning application;

1. General

Provide easements and right of ways as required.

2. Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter water service. The service will be adequate for this application. Metered water from the main residence must be extended to supply the suite.

3. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application. Abandon and backfill existing septic tanks in accordance with Building Department requirements

The property is located in Sewer Connection Area No. 28 (Okaview). The sewer charge for this property as proposed is 1.5 equivalent dwelling units (EDU). The property has paid for 1 EDU therefore the fee for the 0.5 EDU for the suite is **\$11,000.00**.

4. Roads

Lakeshore Road must be upgraded to a full urban standard including curb and gutter, sidewalk, fillet pavement, street lights, storm drainage, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The construction of the full urban upgrade of Lakeshore Road will be deferred therefore; a **one-time cash payment of \$22,495.00** will be required.

Item	Cost
Drainage	\$7,534.00
Curb &Gutter	\$ 4,400.00
Sidewalk	\$ 3,835.00
Street Lighting	\$ 1,697.00
Landscape Boulevard	\$ 1,297.00

Road Fillet	\$ 3,772.00
Total	\$22,495.00

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.

Steve Muenz, P. Eng.
Development Engineering Manager

SS