

REPORT TO COUNCIL



Date: October 14/11
To: City Manager
From: Land Use Management, Community Sustainability (LT)
Application: OCP11-0012/Z11-0027 **Owner:** David & Joan Richter
Address: 964-968 Borden Avenue **Applicant:** IHS Designs (Chris Vickery)
Subject: OCP Amendment & Rezoning Application

Existing OCP Designation: Single/Two Unit Residential
Proposed OCP Designation: Multiple Unit Residential (Low Density)
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP11-0012 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC from the Single/Two-Unit Residential designation to the Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the report of Land Use Management Department dated October 14, 2011, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated October 14, 2011;

AND THAT Rezoning Application No. Z11-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD, Plan 3182, located at 964-968 Borden Avenue, Kelowna, BC, Kelowna BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property;

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

AND FURTHER THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

2.0 Purpose

This application seeks to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone to legalize an existing four-plex. The proposed zoning requires an amendment to the existing OCP future land use designation.

3.0 Land Use Management

The future land use designation of this property does not provide for multi-family housing development. Staff are concerned that rezoning the property after development has already occurred does not allow for comprehensive consideration of structural design and siting of the building for a multiple-unit building. Given that the building was previously constructed, design amendments are limited in terms of practical upgrades. The front elevation is dominated by driveways and carports, and the principal entrances to all four units are not easily identifiable and could benefit from additional façade improvements to enhance the pedestrian connection to the street.

However, the Land Use Management Department recognizes the need for additional affordable housing, which commonly is in the form of multi-family housing through infill projects. Staff also note that the application process began during Council's consideration of OCP2030 - with the former future land use designation for the property being Multiple Unit Residential (Low Density). As such, the Land Use Management Department is prepared to support the proposed OCP and Zoning amendments. Staff will work with the applicant to pursue necessary design and landscape improvements prior to Development Permit consideration.

4.0 Proposal

4.1 Background

The existing building was constructed and approved as a duplex in 1992. Since that time, the property has been the subject of on-going bylaw enforcement for operating as an illegal four-plex. Enforcement action has prompted the current owners to pursue the proposed application to legalize the four-plex. It is not known when the illegal suites were constructed.

The rezoning application was made during Council's consideration of OCP2030. Prior to the adoption of OCP2030, the property was designated as Multiple Unit Residential (Low Density). Subsequent to the adoption of OCP2030, an OCP amendment application became a requirement of the application. The applicant submitted the OCP amendment application several months after the adoption of the OCP.

4.2 Project Description

The applicant is requesting to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, which would allow for the legal operation of a four-plex. The proposed rezoning requires an OCP amendment to Multiple Unit Residential (Low Density). While former OCP2020 designated the property for Multiple Unit Residential (Low Density), the revised OCP 2030 designated the area for Single/Two-Unit Residential.

The building was constructed as a side-by-side duplex, with a driveway and carport on either side of the lot. A side entrance is also provided to each side of the building, which now acts as the entrances to the upper units. The building is comprised of two 3-bedroom units on the upper floor, and two 2-bedroom units on the ground floor. Parking for each unit is provided at the front of the property.

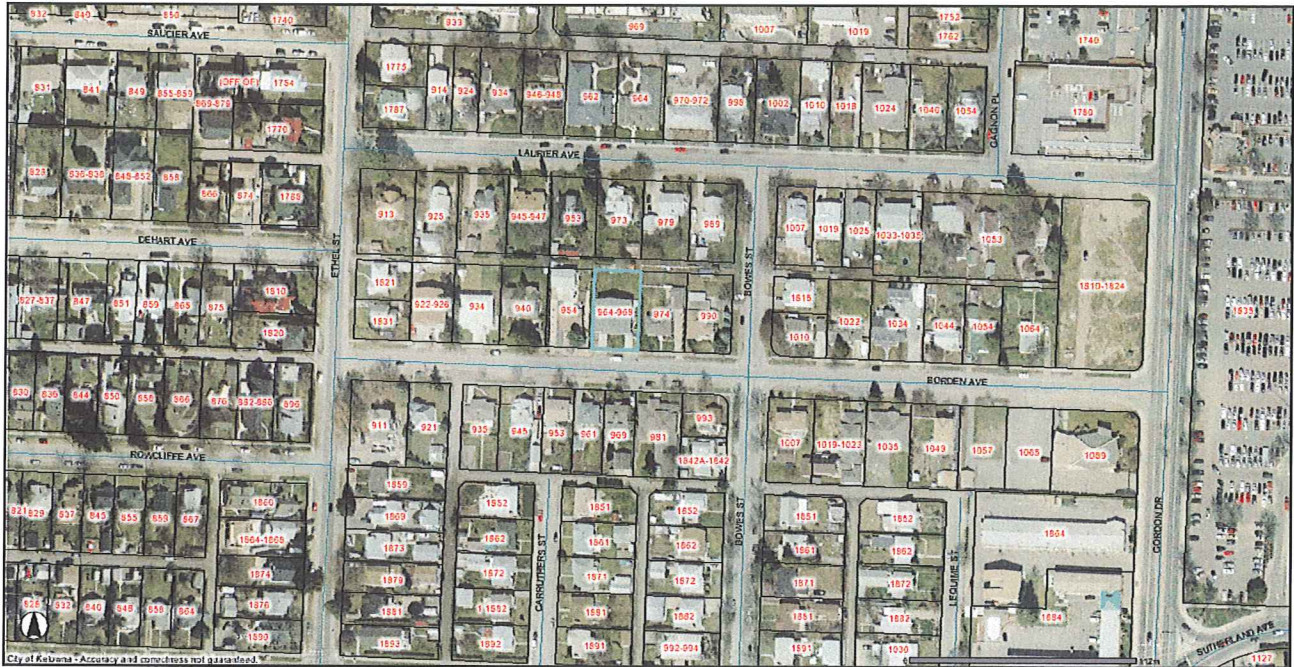
4.3 Site Context

The subject property is located west of the Capri Landmark Urban Centre within the Central City residential area. Specifically, adjacent land uses are as follows:

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Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single/Two Family Residential
East	RU6 - Two Dwelling Housing	Single/Two Family Residential
South	RU6 - Two Dwelling Housing RU6b - Two Dwelling Housing (Boarding)	Single/Two Family Residential Group Home
West	RU6 - Two Dwelling Housing	Single/Two Family Residential

Subject Property Map: 964-968 Borden Ave



Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700m ²	881m ²
Lot Width	20.0m	22.86m
Lot Depth	30.0m	38.56m
Development Regulations		
Floor Area Ratio	0.6	0.492
Height	9.5m	6.98m
Front Yard	6.0m	8.38m
Side Yard (west)	2.5m	3.2m
Side Yard (east)	2.5m	3.2m
Rear Yard	7.5m	14.9m
Other Regulations		
Minimum Parking Requirements	7 spaces	2-Three Bedroom Units = 4 spaces 2-Two Bedroom Units = 3 spaces 7 spaces

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Evaluation Checklist (OCP Amendment Applications)¹

Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development contribute to preserving lands with slopes greater than 30%? *Yes.*
- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1)? *Yes.*
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses within individual buildings or larger development projects? *No.*
- Is the proposed development located in an Urban Centre? *No.*
- Does the proposed development increase the supply of affordable (as defined in the OCP) apartments or townhouses? *Uncertain. The units would likely be rented at a generally affordable rate.*
- Is the property serviced with water and City sanitary sewer at the time of application? *Yes.*
- Could the proposed project be built at no financial cost to the City? (This should consider operational and maintenance costs.) *Development Cost Charges to be paid at time of Building Permit review.*
- Would the proposed project help decrease the rate of travel by private automobile, especially during peak hours? *Potentially, given the location in close proximity to an Urban Centre.*
- Is there transit service within 400 metres of non-residential projects or major employment generators (50+ employees)? *Yes.*
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land? *The OCP considers two-family development as the highest use of the land.*

¹ City of Kelowna Official Community Plan, Policy No. 5.40.1, (Development Process Chapter)

- Does the proposed project result in the creation of substantially more public open space than would be available if the development were not to proceed (not including required open space dedications or non-developable areas)? *No*.
- Is there a deficiency of properties within the applicable Sector (see Map 5.4) that already have the required OCP designation? *No*.
- Does the project avoid negative impacts (shadowing, traffic, etc.) on adjoining properties where those adjoining properties are not slated for land use changes? *Potentially (to be dealt with through Development Permit process)*.
- Is the project consistent with the height principles established in the OCP? *Yes*.

Multi Family in Character Areas.² Consider multiple family development and the conversion of existing single-family housing to multiple family use in Character Areas provided that the use is supported on the Future Land Use map and the proposed design is consistent in architectural style and scale with the original development or the dominant style of the block and parking is screened from public view or contained within the structure. The renovation of existing single-family structures to accommodate multiple housing units, should maintain the exterior appearance of a single-family structure.

6.0 Technical Comments

6.1 Building & Permitting Department

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

No comment.

6.4 FortisBC

The owners to FortisBC at 1-866-436-7847 to make arrangements with FortisBC design to develop an electrical service plan for this proposal which may include the granting of SRWs as part of the plan.

7.0 Application Chronology

Date of Application Received: April 21, 2011
Date OCP Amendment application received: August 25, 2011

Advisory Planning Commission September 13, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on September 13, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP11-0021 by IHS Designs Ltd (C. Vickery), to amend the OCP future land use designation from Single/Two Unit-Residential to Multiple Unit Residential - Low Density.

² Official Community Plan 2030. Development Process Chapter. Policy 5.22.5

THAT the Advisory Planning Commission supports Rezoning Application No. Z11-0027 by IHS Designs Ltd (C. Vickery), to rezone the subject property from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone to legalize an existing four-plex.

APC Comment:

The Advisory Planning Commission supported the rezoning application and commented that the RM1 zone is a proper use for the neighbourhood and will not change the look of the neighbourhood.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Shelley Gambacort, Director, Land Use Management

Approved for Inclusion

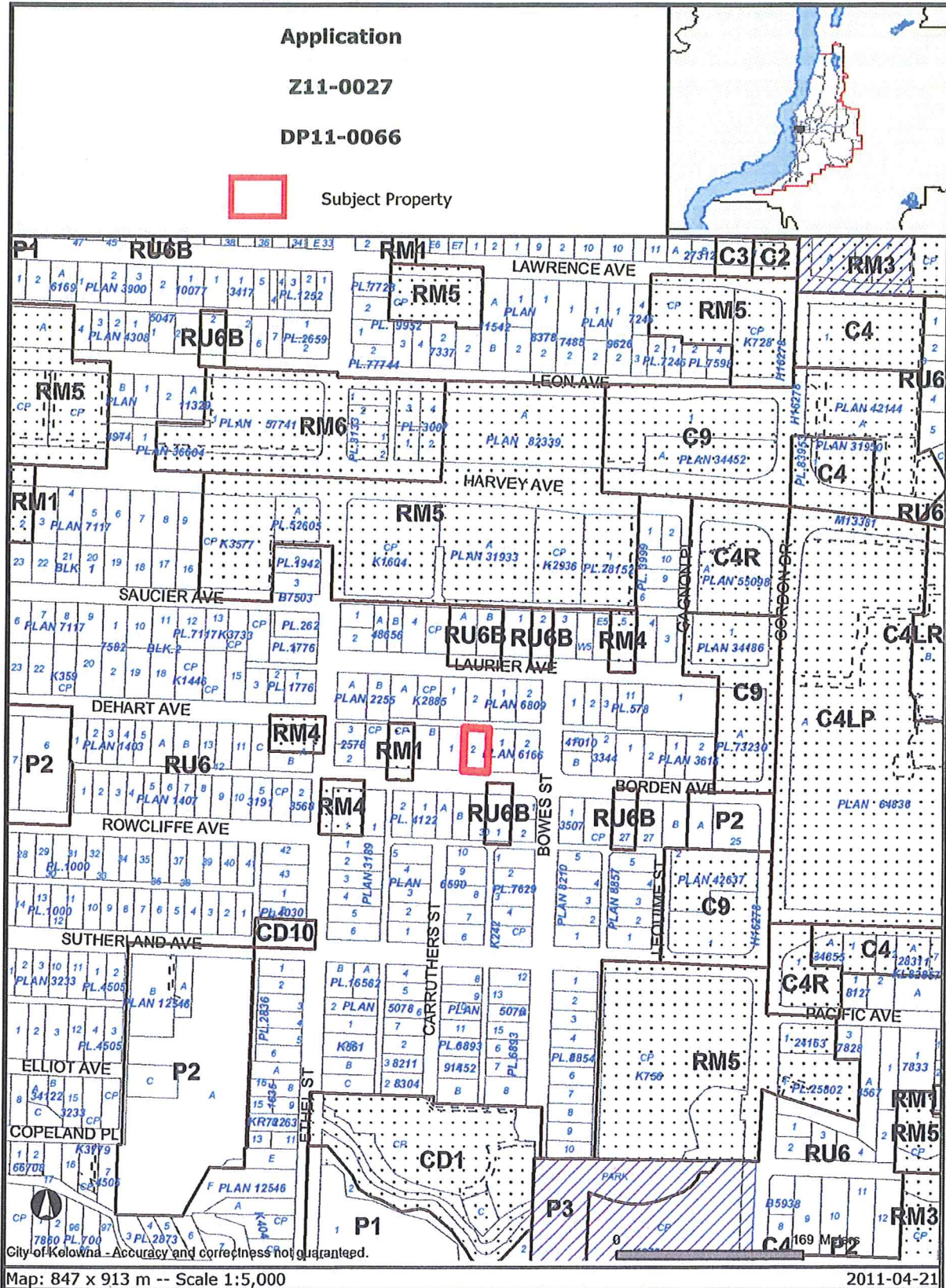


J. Paterson, General Manager, Community Sustainability

Attachments:

- Subject Property Map
- Map "A" - OCP Amendment
- Elevations/Site Plan
- Floor Plans
- Existing Landscape Plans
- Development Engineering Branch Memorandum





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.

Map "A"



Subject Property to have Future Land Use designation changed from "SINGLE/TWO-UNIT RESIDENTIAL" to "MULTIPLE UNIT RESIDENTIAL (LOW DENSITY)"

THE DESIGN GROUP INC.
 964-888 BORDEN AVENUE
 KELOWNA, BC
 V1W 4T2

NOTES: ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT REGULATIONS AND THE BC BUILDING CODE. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT REGULATIONS AND THE BC BUILDING CODE. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT REGULATIONS AND THE BC BUILDING CODE.

PROJECT NORTH

REVISION	DATE	DESCRIPTION

PROJECT
 REZONING APPLICATION
 964-888 BORDEN AVENUE
 KELOWNA, BC
 LOT 2 PLAN 01B2

DRAWING TITLE
 ELEVATIONS/SITE PLAN

DATE
 APRIL 10, 2011

DATE
 1 of 4



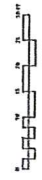
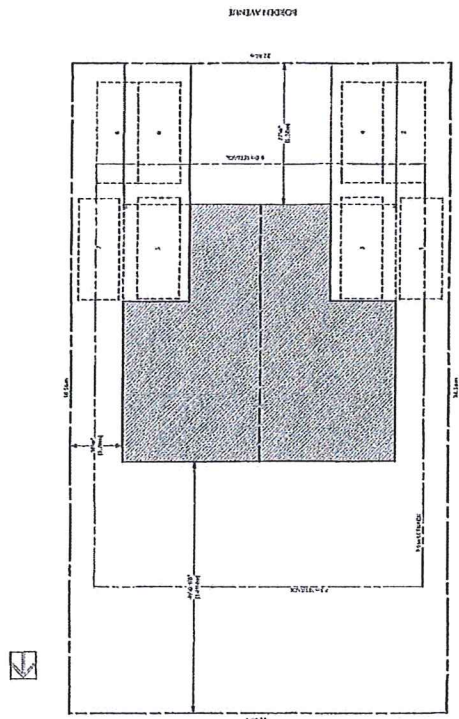
2 SOUTH ELEVATION FROM BORDEN AVENUE



3 NORTH ELEVATION FROM REAR YARD

PURPOSE: REZONING APPLICATION
 LEGAL ADDRESS: 964-888 BORDEN AVENUE
 LOT 2 PLAN 01B2
 PROPOSED ZONING: R100 (RESIDENTIAL HOUSING)

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	FOUNDATION	1	SQ. FT.	100.00	100.00
2	FLOORING	1	SQ. FT.	100.00	100.00
3	ROOFING	1	SQ. FT.	100.00	100.00
4	WALLS	1	SQ. FT.	100.00	100.00
5	CEILING	1	SQ. FT.	100.00	100.00
6	DOORS	1	EA.	100.00	100.00
7	WINDOWS	1	EA.	100.00	100.00
8	PAINT	1	SQ. FT.	100.00	100.00
9	LANDSCAPING	1	SQ. FT.	100.00	100.00
10	PERMITS	1	EA.	100.00	100.00
11	LABOR	1	HOUR	100.00	100.00
12	MATERIALS	1	EA.	100.00	100.00
13	CONCRETE	1	CY	100.00	100.00
14	ROOFING	1	SQ. FT.	100.00	100.00
15	WALLS	1	SQ. FT.	100.00	100.00
16	CEILING	1	SQ. FT.	100.00	100.00
17	DOORS	1	EA.	100.00	100.00
18	WINDOWS	1	EA.	100.00	100.00
19	PAINT	1	SQ. FT.	100.00	100.00
20	LANDSCAPING	1	SQ. FT.	100.00	100.00
21	PERMITS	1	EA.	100.00	100.00
22	LABOR	1	HOUR	100.00	100.00
23	MATERIALS	1	EA.	100.00	100.00
24	CONCRETE	1	CY	100.00	100.00
25	ROOFING	1	SQ. FT.	100.00	100.00
26	WALLS	1	SQ. FT.	100.00	100.00
27	CEILING	1	SQ. FT.	100.00	100.00
28	DOORS	1	EA.	100.00	100.00
29	WINDOWS	1	EA.	100.00	100.00
30	PAINT	1	SQ. FT.	100.00	100.00
31	LANDSCAPING	1	SQ. FT.	100.00	100.00
32	PERMITS	1	EA.	100.00	100.00
33	LABOR	1	HOUR	100.00	100.00
34	MATERIALS	1	EA.	100.00	100.00
35	CONCRETE	1	CY	100.00	100.00
36	ROOFING	1	SQ. FT.	100.00	100.00
37	WALLS	1	SQ. FT.	100.00	100.00
38	CEILING	1	SQ. FT.	100.00	100.00
39	DOORS	1	EA.	100.00	100.00
40	WINDOWS	1	EA.	100.00	100.00
41	PAINT	1	SQ. FT.	100.00	100.00
42	LANDSCAPING	1	SQ. FT.	100.00	100.00
43	PERMITS	1	EA.	100.00	100.00
44	LABOR	1	HOUR	100.00	100.00
45	MATERIALS	1	EA.	100.00	100.00
46	CONCRETE	1	CY	100.00	100.00
47	ROOFING	1	SQ. FT.	100.00	100.00
48	WALLS	1	SQ. FT.	100.00	100.00
49	CEILING	1	SQ. FT.	100.00	100.00
50	DOORS	1	EA.	100.00	100.00
51	WINDOWS	1	EA.	100.00	100.00
52	PAINT	1	SQ. FT.	100.00	100.00
53	LANDSCAPING	1	SQ. FT.	100.00	100.00
54	PERMITS	1	EA.	100.00	100.00
55	LABOR	1	HOUR	100.00	100.00
56	MATERIALS	1	EA.	100.00	100.00
57	CONCRETE	1	CY	100.00	100.00
58	ROOFING	1	SQ. FT.	100.00	100.00
59	WALLS	1	SQ. FT.	100.00	100.00
60	CEILING	1	SQ. FT.	100.00	100.00
61	DOORS	1	EA.	100.00	100.00
62	WINDOWS	1	EA.	100.00	100.00
63	PAINT	1	SQ. FT.	100.00	100.00
64	LANDSCAPING	1	SQ. FT.	100.00	100.00
65	PERMITS	1	EA.	100.00	100.00
66	LABOR	1	HOUR	100.00	100.00
67	MATERIALS	1	EA.	100.00	100.00
68	CONCRETE	1	CY	100.00	100.00
69	ROOFING	1	SQ. FT.	100.00	100.00
70	WALLS	1	SQ. FT.	100.00	100.00
71	CEILING	1	SQ. FT.	100.00	100.00
72	DOORS	1	EA.	100.00	100.00
73	WINDOWS	1	EA.	100.00	100.00
74	PAINT	1	SQ. FT.	100.00	100.00
75	LANDSCAPING	1	SQ. FT.	100.00	100.00
76	PERMITS	1	EA.	100.00	100.00
77	LABOR	1	HOUR	100.00	100.00
78	MATERIALS	1	EA.	100.00	100.00
79	CONCRETE	1	CY	100.00	100.00
80	ROOFING	1	SQ. FT.	100.00	100.00
81	WALLS	1	SQ. FT.	100.00	100.00
82	CEILING	1	SQ. FT.	100.00	100.00
83	DOORS	1	EA.	100.00	100.00
84	WINDOWS	1	EA.	100.00	100.00
85	PAINT	1	SQ. FT.	100.00	100.00
86	LANDSCAPING	1	SQ. FT.	100.00	100.00
87	PERMITS	1	EA.	100.00	100.00
88	LABOR	1	HOUR	100.00	100.00
89	MATERIALS	1	EA.	100.00	100.00
90	CONCRETE	1	CY	100.00	100.00
91	ROOFING	1	SQ. FT.	100.00	100.00
92	WALLS	1	SQ. FT.	100.00	100.00
93	CEILING	1	SQ. FT.	100.00	100.00
94	DOORS	1	EA.	100.00	100.00
95	WINDOWS	1	EA.	100.00	100.00
96	PAINT	1	SQ. FT.	100.00	100.00
97	LANDSCAPING	1	SQ. FT.	100.00	100.00
98	PERMITS	1	EA.	100.00	100.00
99	LABOR	1	HOUR	100.00	100.00
100	MATERIALS	1	EA.	100.00	100.00



1 SITE PLAN (NOT TO SCALE)



142 DEERIN
644 BORDEN AVENUE
KELOWNA, BC
V1Y 4Y5

NOTICE: DRAWING AND THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED FOR THE PROJECT.



PROJECT NORTH

REVISION DATE DESCRIPTION

PROJECT

REZONING APPLICATION
964-968 BORDEN AVENUE
KELOWNA, BC
LOT 2 PLAN 3182

DRAWING TITLE

MAIN FLOOR PLAN

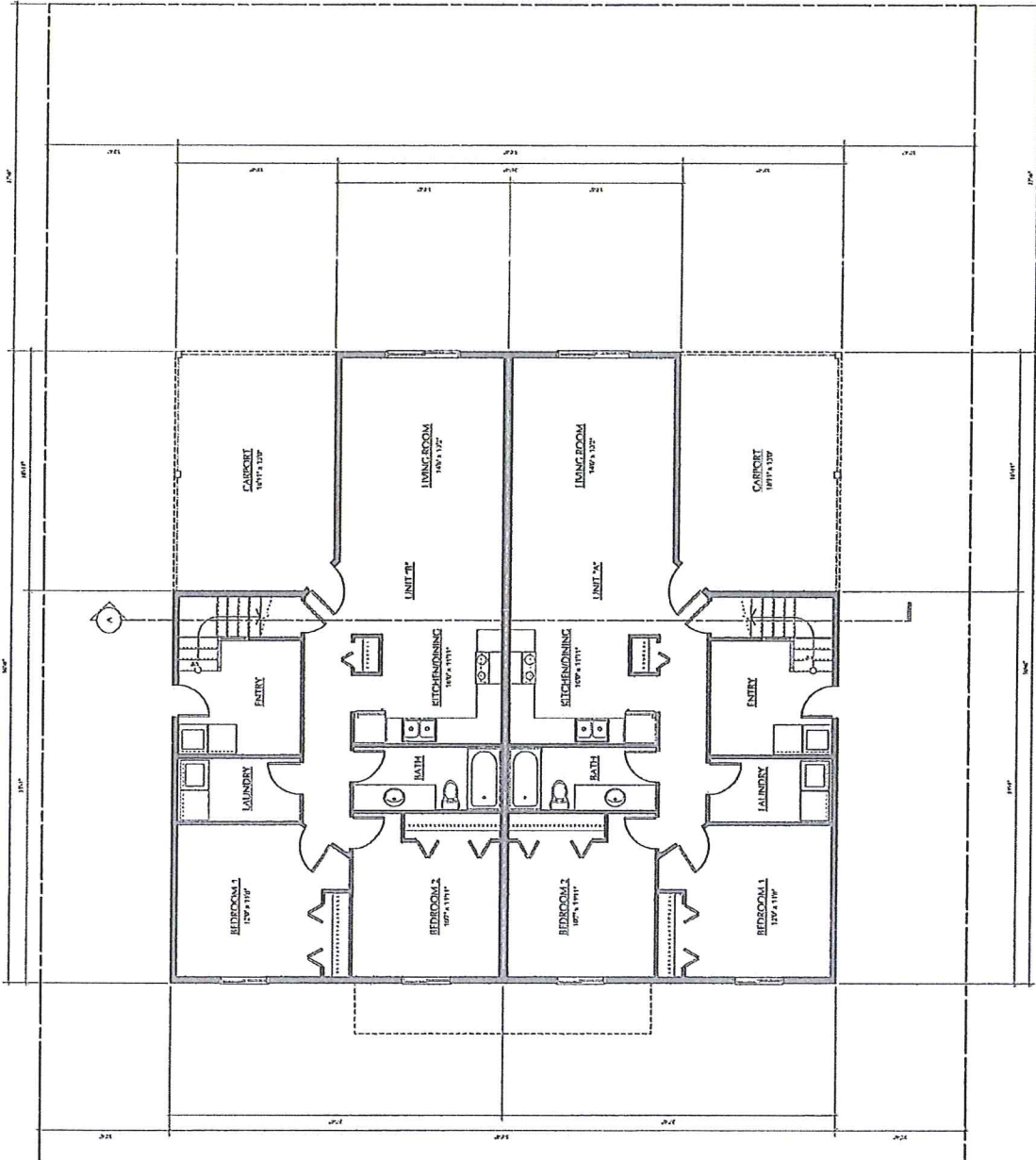
DATE

APRIL 10, 2011

DRAWING NUMBER

2 of 4

BORDEN AVENUE

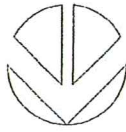


1 MAIN FLOOR PLAN
Scale: 1/8" = 1'-0"



THE CITY OF
 644 ARDRELEAF LANE
 KELOWNA, BC
 V1W 4T5

PLEASE EXAMINE THE CITY OF KELOWNA'S WEBSITE FOR THE LATEST
 OFFICIAL DEVELOPMENT BY-LAW AND ZONING BY-LAW. ANY CHANGES
 TO THESE BY-LAWS WILL BE POSTED TO THE CITY OF KELOWNA'S WEBSITE.



PROJECT NORTH

REVISION DATE DESCRIPTION

PROJECT

REZONING APPLICATION
 964-988 BORDEN AVENUE
 KELOWNA, BC
 LOT 2 PLAN 3182

ISSUING TITLE

SECOND FLOOR PLAN

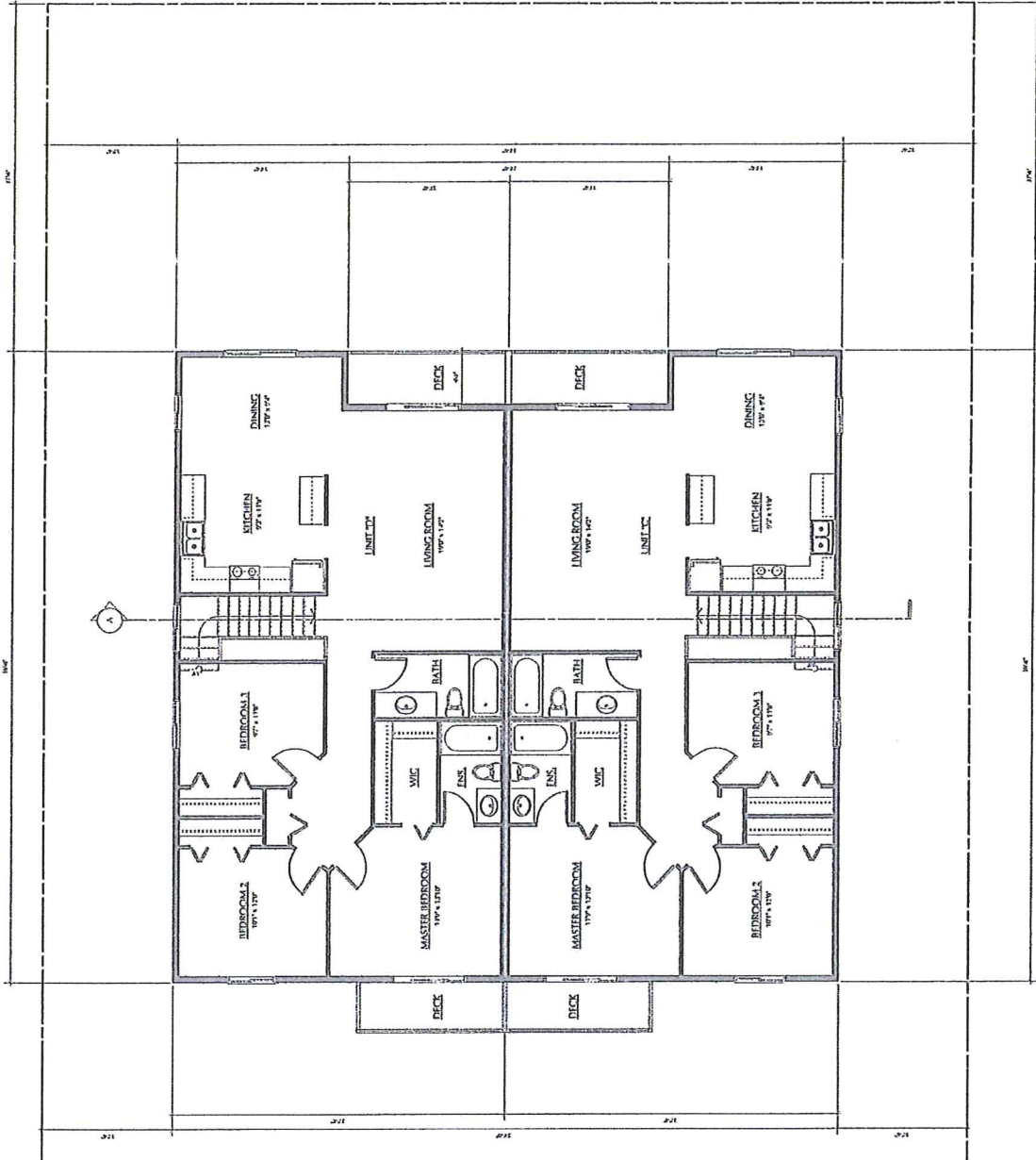
DATE

APRIL 10, 2011

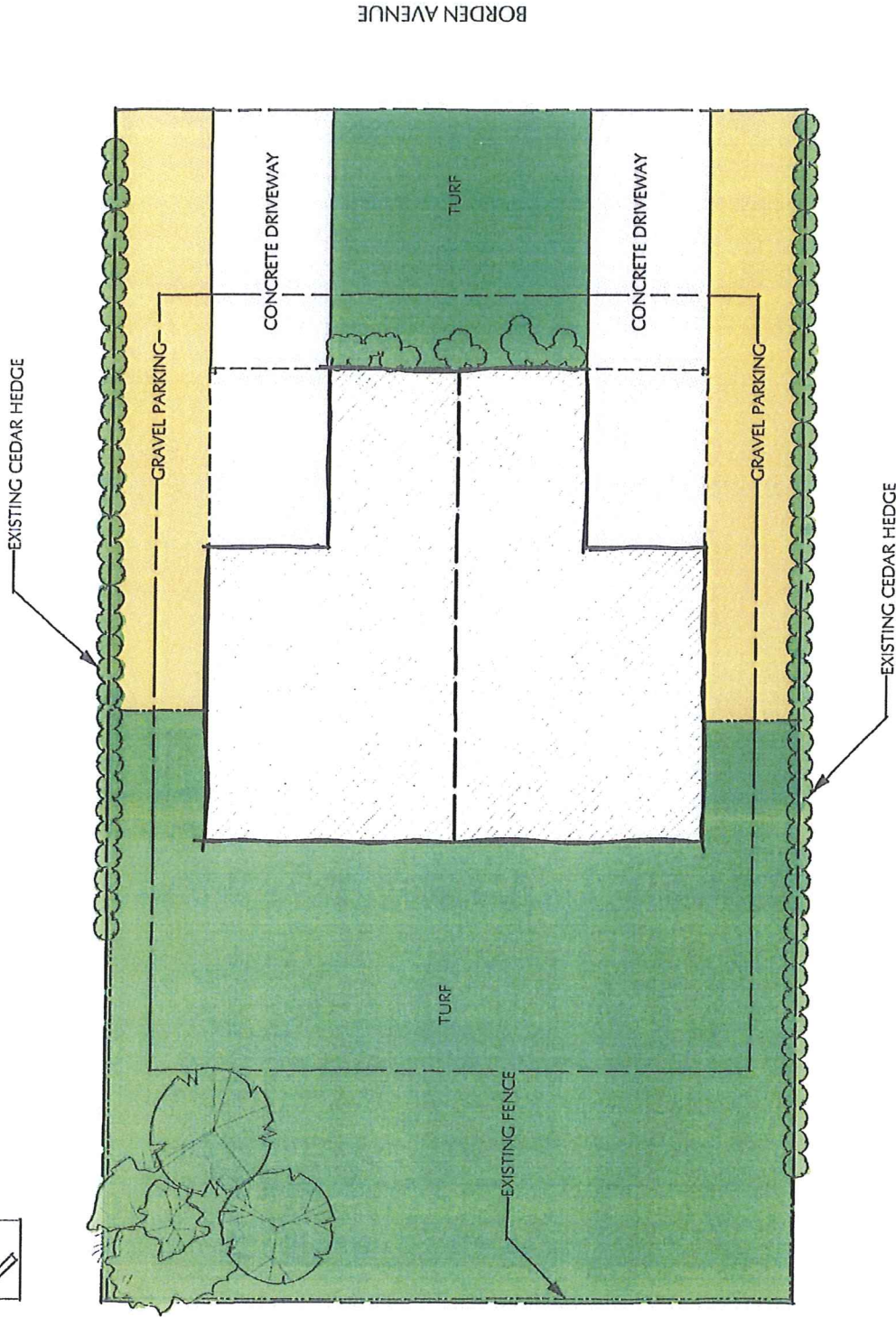
REVISION NUMBER

3 of 4

BORDEN AVENUE



1 SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"



BORDEN AVENUE

964-968 BORDEN AVE., KELOWNA BC

EXISTING LANDSCAPE PLAN



IHS DESIGN

APRIL 21, 2011

SCALE = 1:200

1 OF 1

CITY OF KELOWNA
MEMORANDUM

Date: May 26, 2011
File No.: Z11-0027

To: Land Use Management Department (LT)

From: Development Engineering Manager

Subject: 964 -968 Borden Ave Lot 2 Plan 3182 RM1

Development Engineering have the following comments and requirements associated with this application to rezone from RU-6 to RM1.

1. Domestic Water and Fire Protection

Our records indicate that this property is serviced with two 19mm diameter copper water service. The current by-law requires that only one service be permitted for this application. **The disconnection of both existing services and the tie-in of a larger new service can be provided by City forces at the applicant's expense.**

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost as required by the sewer-use bylaw.

The applicant will be required to sign a Third Party Work Order for the cost of the water and sanitary service upgrades. For estimate inquiry's please contact John Filipenko, by email jfilipenko@kelowna.ca or phone, 250-469-8581.

3. Road Improvements

Borden Avenue must be upgraded to a urban standard along the full frontage of this property, including curb and gutter, storm drainage facilities, sidewalk replacement and pavement widening. 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 **\$12,934.00 not including utility service costs**

4. Access, Manoeuvrability and Parking Requirements

A minimum of eight off-street vehicle parking spaces are required.

On-site parking modules must meet bylaw requirements.

The submitted drawing to support this application requires revision.

Only one parking space is permitted in a driveway that accesses either a carport or garage. No other parking spaces can be in the front yard setback. A four car parking area will be required in the rear yard that is designed so as to allow vehicles to turn-around on-site and exit onto the road in a forward direction.

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf



Address **3288 Lakeshore Road**

Address is approximate

