

# REPORT TO COUNCIL



**Date:** March 16, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (LT)

**Application:** Z11-0006

**Applicant:** IHS Designs Ltd. (C. Vickery)

**Address:** 3380 Neid Road

**Owner:** Domenic & Susanne Panucci

**Subject:** Rezoning Application (Secondary Suite)

Existing OCP Designation: Resource Protection Area (AGR)

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1s - Agriculture 1 with Secondary Suite

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## 1.0 Recommendation

THAT Rezoning Application No. Z11-0006 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 16, Township 26, ODYD, Plan 8853, located at 3380 Neid Road, Kelowna, B.C. from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, 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 subject to the requirements of the Fortis BC, Interior Health Authority & South East Kelowna Irrigation District being completed to their satisfaction.

## 2.0 Purpose

The applicant is proposing to rezone the subject property from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone in order to construct a secondary suite within an accessory building.

## 3.0 Land Use Management

The Land Use Management Department recommends that this application be supported. 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 secondary suites within principal dwellings rather than accessory buildings on agricultural properties to preserve the agricultural land base. However, this application represents a fairly modest agricultural impact to the subject property.

The original proposal located the proposed suite in an accessory building on the flat, upper portion of the site, which has a high level of agricultural capability. Responding to concerns from the Agricultural Advisory Committee and City staff, the revised site plan locates the structure near the bottom of the west facing slope, towards the Hall Road area. The new siting has less potential impact on the future agricultural capability of the parcel, including the following considerations:

- The proposed accessory suite has been located in the least invasive location of the property.
- Vehicular access would be provided from adjacent Bewlay Road, limiting the amount of driveways proposed.
- There is a 27m (89ft) change in elevation on the property moving east-to-west, which limits opportunities for contiguous farming practices.
- The proposed location abuts existing residential uses to the west and north.
- In this instance, locating an accessory suite within the natural “homeplate” would remove more productive lands on the property, compared to the proposed location.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is proposing to construct a secondary suite within a new accessory building, which requires a non-farm use application to the Agricultural Land Commission (ALC) and a rezoning to the A1s - Agriculture 1 with Secondary Suite zone. The ALC approved the required non-farm use application for the detached suite in February 2012.

Originally, the accessory building was proposed to the north of the principal dwelling at the top of the slope. In response to comments from the Agricultural Advisory Committee and discussions with staff, the applicant has revised their site plan. The accessory building is now proposed to the west of the existing dwelling, near the bottom of the existing slope.

The building would be comprised of a three-car garage on the main level, and an 88m<sup>2</sup> suite on the upper level. Road access to the new accessory building would be obtained from Bewlay Road. The applicant has stated that the chosen location of the accessory building optimizes privacy and views for the secondary dwelling.

The application meets the requirements of A1s - Agriculture with Secondary Suite zone as follows:

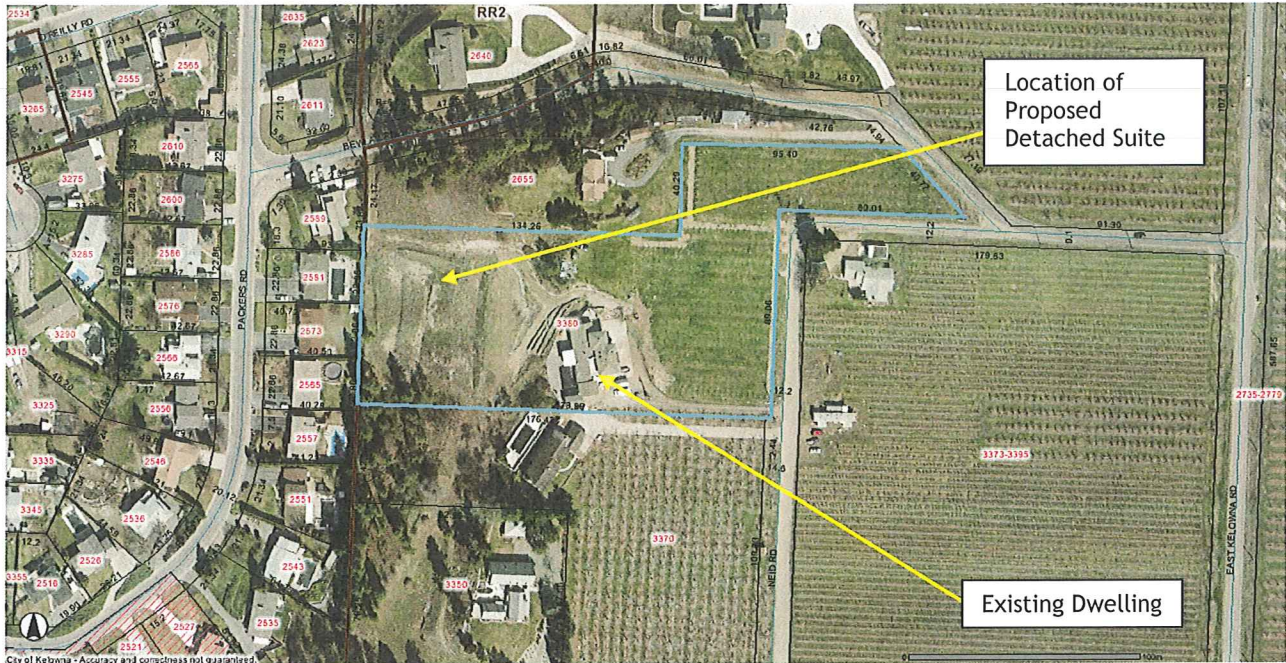
Zoning Bylaw No. 8000		
CRITERIA	A1s ZONE REQUIREMENTS (for Secondary Suite in Accessory Building)	PROPOSAL
Development Regulations		
Site Coverage (buildings)	10 %	~3%
Existing Dwelling		
Height	13.0m	7.5m
Total floor area	n/a	468m <sup>2</sup>
Proposed Accessory Building		
Height	Lesser of 9.5 m or height of existing dwelling	6.25m
Front Yard	6.0m	n/a
Rear Yard	3.0m	~25m
Side Yard (S)	3.0m	~44m
Side Yard (N)	3.0m	~19m
Suite floor area	May not exceed lessor of 90 m <sup>2</sup> or 75% of principal dwelling	88m <sup>2</sup> / 19%
Separation distance between dwellings	5.0m	~55.0m



Other Requirements		
Parking Stalls (#)	3 spaces	Exceeds requirements
Private Open Space	30 m <sup>2</sup> of private open space per dwelling	Exceeds requirements

## 4.2 Site Context

Subject Property Map: 3380 Neid Road



Zoning and land uses adjacent to the property are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Single Family Home
South	A1 - Agriculture 1	Yes	Orchard
East	A1 - Agriculture 1	Yes	Orchard
West	RR3 - Rural Residential 3	No	Hall Road Subdivision

## 5.0 Current Development Policies

### Agricultural Land Use Policies

**Non-farm Uses.**<sup>1</sup> Support non-farm use applications on agricultural lands only where where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.33.7 (Development Process Chapter)

**Secondary Suites.**<sup>2</sup> Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

**Homeplating.**<sup>3</sup> Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

## 6.0 Technical Comments

### 6.1 Building & Permitting Branch

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.

### 6.2 Bylaw Services Branch

No concerns.

### 6.3 Development Engineering Branch

See attached.

### 6.4 Fire Department

Proper addressing and emergency access required - to be confirmed at Building Permit.

### 6.5 Fortis BC

Statutory Right-of-Way required for existing facilities on site.

### 6.6 Irrigation District (South East Kelowna Irrigation District)

See attached.

### 6.7 Infrastructure Planning

The transportation department is cautious about home site severances, subdivisions and or rezoning in South East Kelowna. Over time and compounded with other severances, subdivisions, and rezonings the increased density puts pressure to upgrade rural roads that are not currently budgeted for in the City's 20 year servicing plan.

## 7.0 Application Chronology

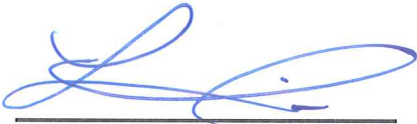
Date of Application Received:	January 26, 2011
Council consideration of non-farm use application:	July 7, 2011
ALC decision on non-farm use request received:	February 21, 2012

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<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.34.1 (Development Process Chapter)

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.34.3 (Development Process Chapter)

**Report prepared by:**



Luke Turri, Land Use Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Land Use

**Approved for inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

Subject Property Map

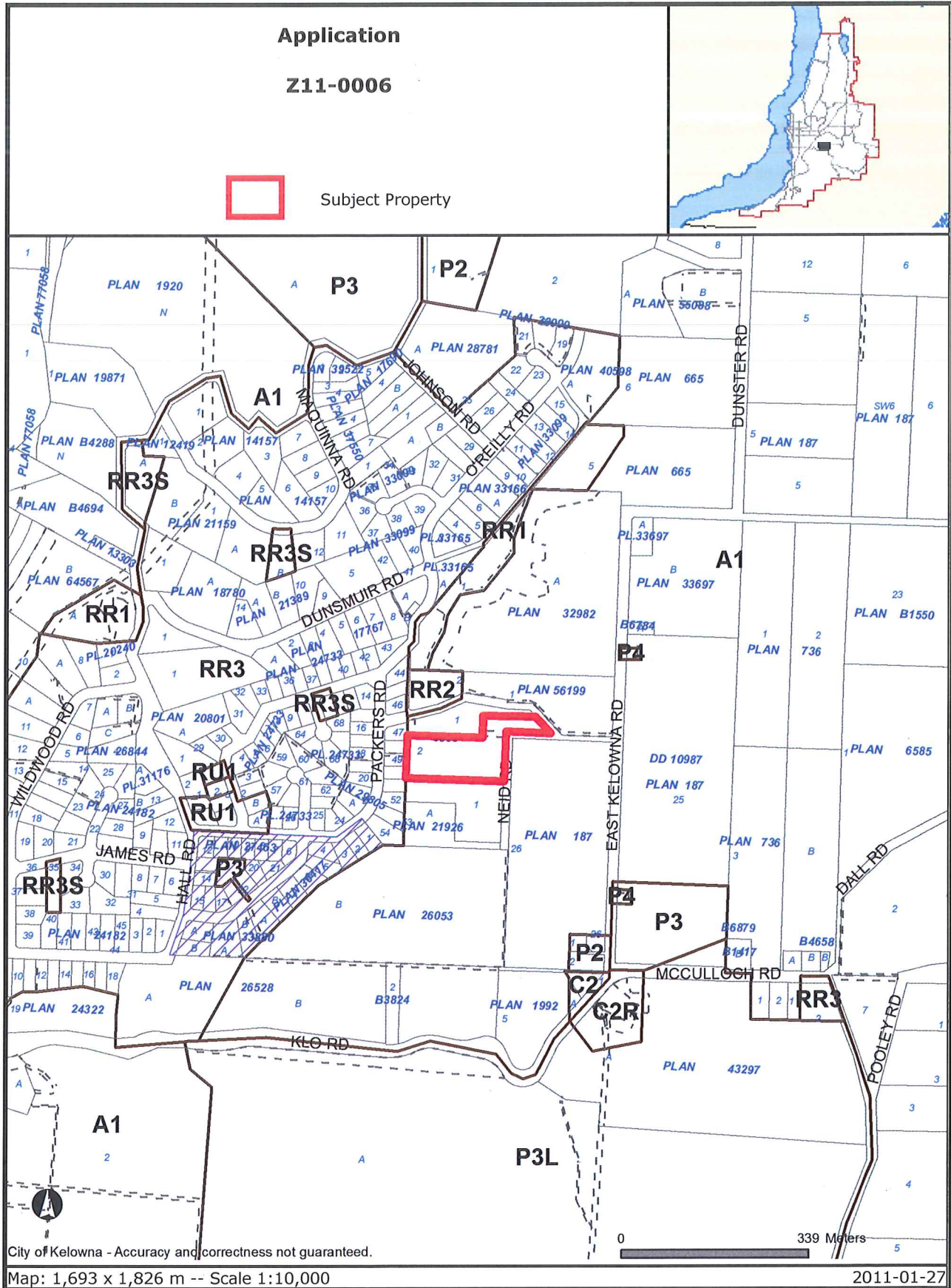
Site Plan

Accessory Building Plans

Development Engineering Branch memorandum

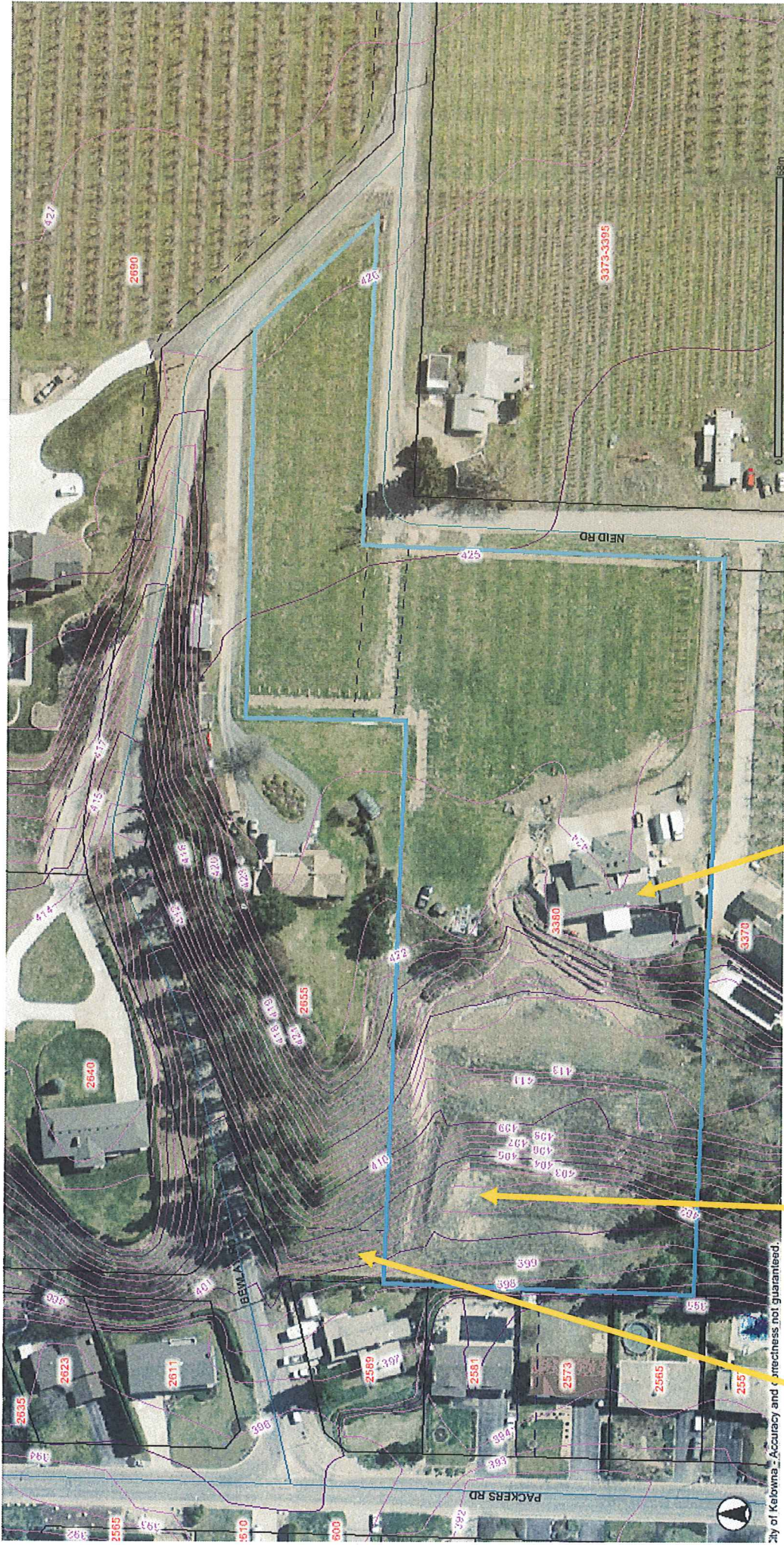
Rutland Waterworks District Letter dated Dec. 8, 2011





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 - Accuracy and correctness not guaranteed.

Access easement

Location of proposed accessory suite

Existing dwelling

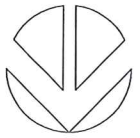
**Z11-0006**  
**3380 Neid Road (Rezoning Application)**  
**CONTOUR MAP**





**THE DESIGN COLLECTIVE INC.**  
6444 MAIN STREET  
KELOWNA, BC  
V1W 4Y5

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**PROJECT NORTH**

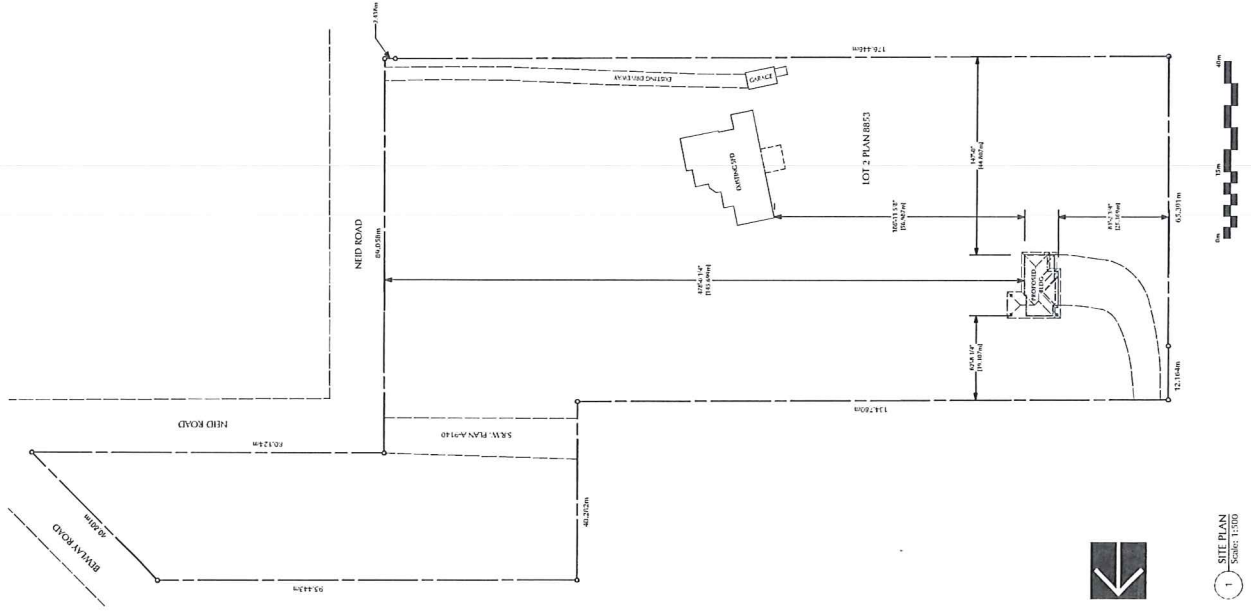
REVISION DATE DESCRIPTION

**PROJECT**  
ACCESSORY DEVELOPMENT  
3380 NEIRD ROAD  
KELOWNA, BC  
LOT 2 PLAN 8853

**DRAWING TITLE**  
SITE PLAN

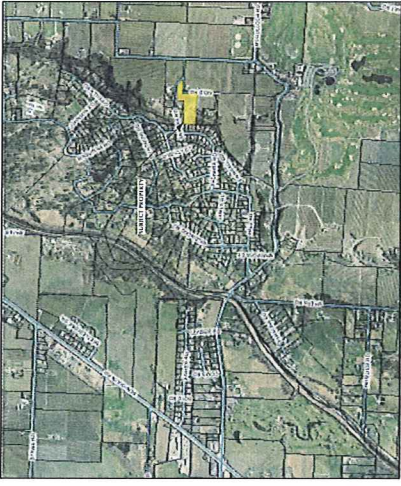
**DATE**  
JANUARY 10, 2011

**DRAWING NUMBER**  
1 of 4



**PROJECT DATA: CIVIC ADDRESS**  
2380 NEIRD ROAD  
KELOWNA, BC V1W 4H5  
**CURRENT ZONING:** R20 (R20-28 28 28 C2020)  
AT ADDRESS 1  
**WITHIN AN RECONVARY** W/THIN AN RECONVARY  
BUT NOT LAND USE  
ADDRESS SUBJECT

PROPERTY	PERMITTED	PROPOSED
LOT AREA	40.00m <sup>2</sup>	77.15m <sup>2</sup>
MIN. BUILDING FOOTPRINT AREA	2.00m <sup>2</sup>	1.70m <sup>2</sup>
MIN. BUILDING FOOTPRINT AREA	3.00m <sup>2</sup>	312.20m <sup>2</sup>
MIN. BUILDING HEIGHT	2.00m	3.00m
MIN. SETBACK AREA	3.00m	5.00m
MIN. ADJACENT SETBACK AREA	5.00m	5.00m
MIN. SETBACK TO SIDE YARD	3.00m	3.00m
MIN. SETBACK TO REAR YARD	3.00m	3.00m
MIN. SETBACK TO FRONT YARD	3.00m	3.00m
MIN. SETBACK TO TRANSIT CORRIDOR	5.00m	5.00m
MIN. SETBACK TO TRANSIT CORRIDOR	5.00m	5.00m
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**3 KEY PLAN**

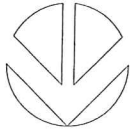
**1 SITE PLAN**  
Scale: 1:500





IHS DESIGN  
644 ARROWLEAF LANE  
KELOWNIA, BC  
V1W 4Y2

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PROJECT NORTH

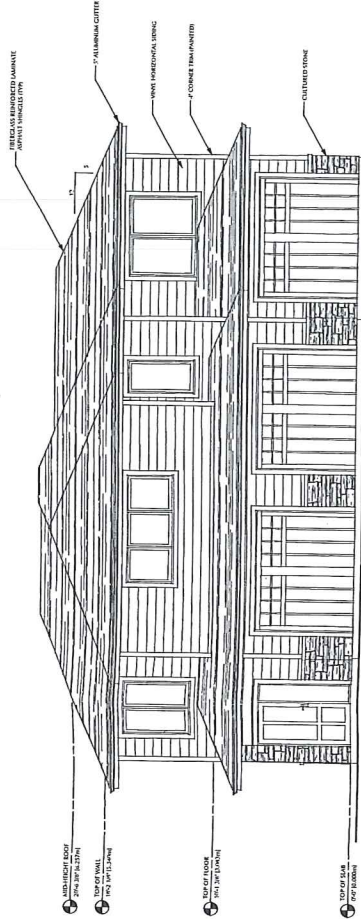
REVISION	DATE	DESCRIPTION

PROJECT  
ACCESSORY DEVELOPMENT  
3880 NEID ROAD  
KELOWNA, BC  
LOT 2 PLAN 8853

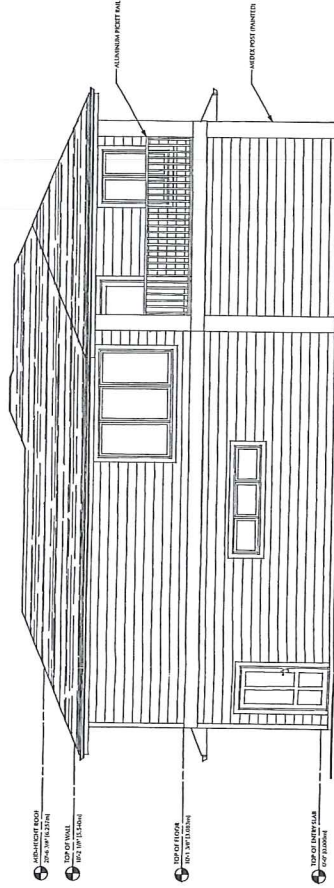
DRAWING TITLE  
ELEVATIONS

DATE  
JANUARY 10, 2011

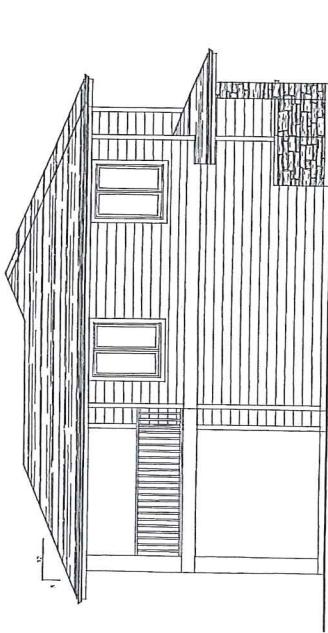
DRAWING NUMBER  
2 of 4



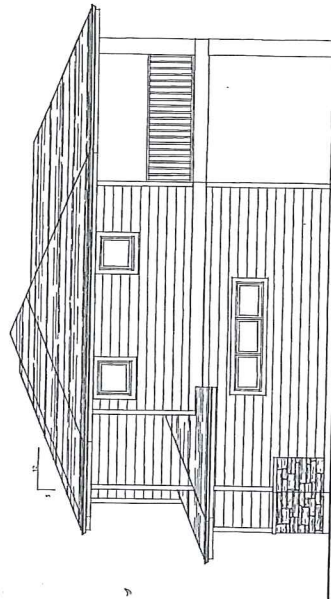
2 EAST ELEVATION  
Scale: 1/4" = 1'-0"



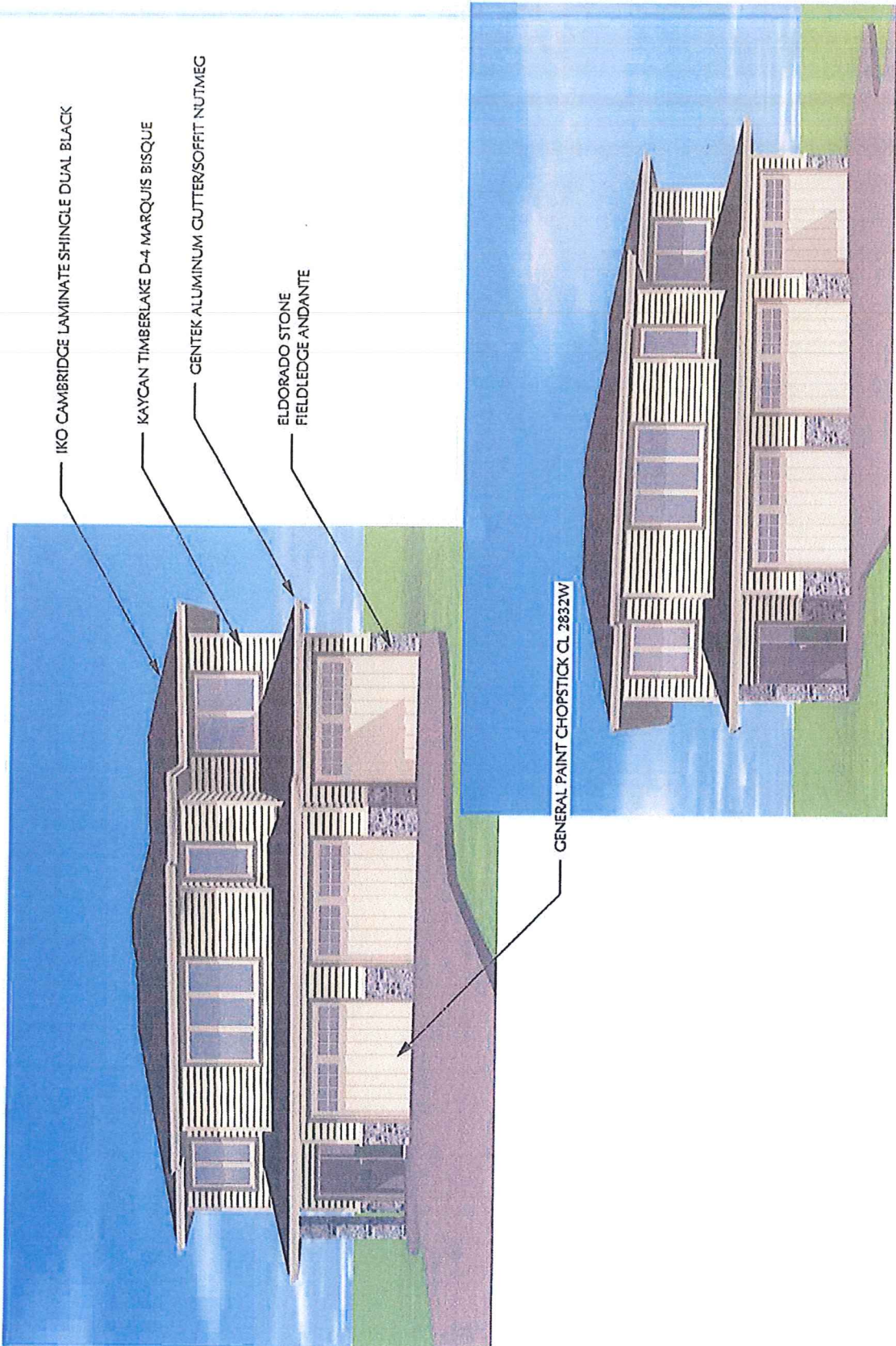
4 WEST ELEVATION  
Scale: 1/4" = 1'-0"



1 SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



3 NORTH ELEVATION  
Scale: 1/4" = 1'-0"



3380 NEID ROAD, KELOWNA BC



COLOUR BOARD

JANUARY 10, 2011

SCALE : VARIES

1 OF 1





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## MEMORANDUM

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**DATE:** January 31, 2011  
**TO:** Luke Turri  
**FROM:** Toby Pike  
**RE:** Z11-0006 – 3380 Neid Road SEKID Requirements -  
**CORRECTED**  
**FILE:** 2 - 8853



The applicant proposes to build a detached secondary suite (carriage house) on the above referenced property. The District's requirements are as follows:

1. A Capital Expenditure Charge in the amount of \$1,000.00 must be paid.
2. An Application Fee in the amount of \$450.00 must be paid. All new domestic units must have provisions for a water meter and this fee covers this cost. Because the District charges a flat rate for water, the installation of the meter will be deferred until a metered rate for domestic water is implemented. The Application Fee also covers the cost of a meter horn used to mount the meter and this should be installed during construction for ease of installation of a future water meter.
3. A New Account Fee in the amount of \$20.00 must be paid.
4. The property is currently serviced by a 19mm water service on the southeast corner of the lot. The applicant should contact the District directly to discuss water servicing requirements and whether or not a new domestic service is needed for the proposed suite. The cost of a 19mm service is \$1,800.00.
5. The property will be billed for a second domestic unit upon completion of construction.

A summary of fees:

1.	Capital Expenditure Charge	\$1,000.00
2.	Application Fee	450.00
3.	New Account Fee	20.00
	Total:	<u>\$1,470.00</u>

Potential water servicing costs (applicant to contact SEKID to discuss requirements):

1.	19mm domestic service	\$1,800.00
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Upon payment of the above fees and confirmation of servicing requirements the District will issue a water certificate as evidence our requirements have been met. Please contact me if you have any questions.