

REPORT TO COUNCIL



Date: August 10, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: Z12-0048 **Applicant:** City of Kelowna
Subject: Rezoning - supplemental

1.0 Recommendation

THAT Council receives, for information, the Supplemental Report of the Land Use Management Department dated August 10, 2012 amending the existing zone, 'RU1 Large Lot Housing', as referenced in the report of the Land Use Management Department dated June 27, 2012 for Rezoning Application No. Z12-0048, to the 'RU6 - Two Dwelling Housing' zone;

AND THAT Rezoning Application No. Z12-0048 to amend the City of Kelowna Zoning Bylaw No.8000 by changing the zoning classification of Lot A, District Lot 14, ODYD Plan EPP17676 and Lot 20 District Lot 14, ODYD Plan 1141, Except Plan KAP60686, located on Pandosy Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM3- Low Density Multiple Housing zone be considered by Council;

AND THAT Bylaw No. 10733 be amended as attached in the report of the Land Use Management Department dated August 10, 2012;

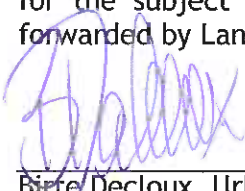
AND FURTHER THAT the zoning amending bylaw be forwarded to the September 4, 2012 Public Hearing.

2.0 Purpose

The purpose of this report is to replace the existing Council report for this rezoning application with the one attached. An error was made in signifying the original zone of the subject property which has been corrected in the attached report.

3.0 Land Use Management

The changes to the attached report are to ensure the correct current zoning designation is noted for the subject property and do not affect the content of the report or recommendations forwarded by Land Use Management.



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Revised Council Report Z12-0048

REPORT TO COUNCIL



Date: June 27, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)

Application: Z12-0048 - revised **Owner:** 4G Developments Ltd. Inc.
No. BC0926540

Address: 2463 & 2473 Pandosy Street **Applicant:** Robert Gaspari

Subject: Rezoning Application

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RU6- Two Dwelling Housing

Proposed Zone: RM3- Low Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z12-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, located on Pandosy Street, Kelowna, BC from the RU6- Two Dwelling Housing zone to the RM3- Low Density Multiple Housing zone be considered by Council;

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

AND THAT Bylaw No. 10732 authorizing a Housing Agreement between the City of Kelowna and 4G Developments Ltd. Inc. No. BC0926540, which requires the owners to designate 1 dwelling unit as an affordable rental unit in perpetuity on Lot A, District Lot 14, ODYD Plan EPP17675 and Lot 20 District Lot 14, ODYD Plan 1141, located on Pandosy Street, Kelowna, BC be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the applicant/owner paying the outstanding Bylaw Notice Ticket fine related to the subject property;

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

2.0 Purpose

This application is seeking to rezone the subject properties from the RU6- Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone to develop a six-plex on the consolidated site. An Affordable Housing Agreement is proposed for one unit to secure the increased floor area ratio required for the project.

3.0 Land Use Management

The applicant is proposing to construct a three-plex on 2463 Pandosy Street and legalize the three-plex on 2473 Pandosy Street. The subject properties are designated as Multiple Unit Residential - low density in the Official Community Plan and as such the RM3 - Low Density Multiple Housing proposed is in compliance. A Housing Agreement is sought to secure one dwelling as an affordable unit to maximize the density potential for the parcels. A subdivision application to consolidate the two sites is being processed concurrently.

The subject properties are located in an area of established older neighbourhoods close to the Pandosy urban area. The area is well serviced with amenities including transit, parks, schools and bike lanes. Few multi-unit buildings are located in the immediate vicinity, with the exception of some scattered RM1- fourplex dwellings.

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 multiple-unit development. Given that one of the buildings was previously constructed, design amendments are limited in terms of practical upgrades. However, the applicant has worked with staff to enhance pedestrian activity and orientation to the streets through design amendments to satisfy some of these concerns.

Although Staff do not support the creation of multiple family dwellings without the proper authorization in place, the applicant has been forthcoming with their plans and have worked to create a reasonable housing form in a transitioning area.

4.0 Proposal

4.1 Background

At the time the 2030 OCP was adopted, the future land use designation of this area was changed from Single/Two Residential to Multiple Unit Residential - low density, as such the area is transitioning. Much of the housing stock along this section of Pandosy consists of older small homes, or single family dwellings that have fences or large vegetative hedges along this arterial road. Currently, no multiple family developments exist in the area with the exception of some scattered RM1- Four Dwelling Housing zoned sites.

A Development Permit for a single family dwelling with a secondary suite was issued for the south property in early 2012. It has become known that the building may already have been converted to a three-plex given that Fortis provided 3 electrical meters. By rezoning the two properties, the applicant seeks to legalize the existing building and permit the construction of a second three-plex on the site. As part of the application, the two legal lots will need to be consolidated to meet the minimum subdivision regulation for the RM3 - Low Density Multiple Housing zone. It is noteworthy that the subject properties have been subject to recent bylaw activity.

4.2 Project Description

Once the site is consolidated, required lot area and frontage to permit the RM3 zone is achieved. The site then conforms to the requirements, except for the rear yard set back, which at the time the south dwelling was constructed was considered a sideyard and thus adequate space for a rear yard was not allocated. A variance is being sought for the rear yard setback.

The proposal shows two separate buildings, each with three 2 bedroom units. At 2 storeys in height, the buildings are taller than the current housing stock with the exception of some newly constructed dwellings. The existing building has entrances on all sides and screened from Pandosy with a full height wooden fence. The proposed building incorporates some articulation and greater finishing details than the existing building. Staff have worked with the applicant to ensure that there is a pedestrian interface with Francis Avenue and the plans show ground level entrances on the north elevation.

Parking is achieved through with angle parking on the east side of the yard utilizing a one way drive isle through to the laneway to the south of the site. Although not ideal, this method meets the regulations of the Zoning bylaw.

Council will have the opportunity to consider the exterior form and character of the proposal should they approve the land use. Two variances are sought:

1. to relax the rear yard setback to facilitate this development
2. to remove the requirement for public bicycle parking.

4.3 Site Context

The subject properties are located on the south east corner of Pandosy Street and Francis Avenue in the KLO/Pandosy sector of Kelowna. The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Dwelling
East	RU6 - Two Dwelling Housing	Single Family Dwelling
South	RU6 - Two Dwelling Housing	Single Family Dwelling
West	RU1- Large Lot Housing	Single Family Dwelling

4.4 Subject Property Map : 2463 & 2473 Pandosy Street



4.5 Zoning Analysis Table

The proposed application meets the requirements of RM3 - Low Density Multiple Housing zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1093 m ² (After consolidation of the two sites)	900 m ²
Lot Width	30.48 m	30.0 m
Lot Depth	37.18 m	30.0 m
Development Regulations		
Site Coverage (buildings)	28 %	40%
Site Coverage (buildings/parking)	49.4 %	50%
Height	2 storeys/ 8.48 m	2 ½ storeys / 9.5 m
Front Yard	4.5 m	4.5 m or 6.0 m for a garage
Side Yard (w)	4.5 m (5.2m prior to the road widening)	4.0 m (1 - 1 ½ storey) 4.5 m (2 - 2 ½ storey)
Side Yard (e)	9.43 m	4.0 m (1 - 1 ½ storey) 4.5 m (2 - 2 ½ storey)
Rear yard	3.5 m ①	7.5m
Distance between principal Buildings	7.11 m	3.0m
Other Requirements		
Floor Area Ratio	0.54	The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9
Parking Stalls (#)	2 bedroom units = 6 therefore 6 x 1.5 = 9 space plus 1 visitor parking stall required Total required & provided: 10 stalls	1.25 per 1-bedroom dwelling unit, 1.5 per 2-bedroom dwelling unit 2 per 3-or-more bedroom dwelling unit Of the total required spaces above, 1 parking space shall be designated visitor parking for every 7 dwelling units
Drive Isle	3.65 m one way isle provided	One way aisles shall be 5.5 m wide for 60° parking, 3.6 m wide for 45° parking and 3.5 m wide for parallel parking

Other Requirements		
Parking setbacks	Complies	2.0 m from front lot line; 1.5 m from side and rear lot lines
Bicycle parking	0 spaces provided ②	Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit
Private Open Space	150m ²	15m ² per 1 bedroom dwelling 25m ² per 2 or more bedroom dwellings
Landscape requirements	<ul style="list-style-type: none"> • 1.5m buffer provided on east side yard • 2m high wood fence provided on west side yard & rear yard • Existing mature trees preserved & lawn provided for front yard 	Front yard: 3.0 m landscape buffer Rear & Side yard: 3.0m landscape buffer or Continuous opaque barrier

① A variance is being sought to relax the rear yard set back from 7.5m required to 3.5m proposed.

② A variance to remove the requirement for bicycle parking is requested.

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Development Process

Policy 5.2.3 Complete Suburbs.¹ Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

Policy 5.3.2 Compact Urban Form.² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.0 Technical Comments

5.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.

¹ Official community plan Objective 5.2 Community Sustainability

² Official community plan Objective 5.3 Focus development to designated growth areas.

2) This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit.

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

5.2 Bylaw Services

Mr. Gaspari has an unpaid Bylaw Notice Ticket fine from March 2012 as a result of building construction activity at this location. Bylaw Enforcement recommends that a condition of final adoption include paying the outstanding notice fine as it was not contested and has since gone to the City's Collection Agency.

5.3 Development Engineering Department
See attached.

5.4 Fire Department
No concerns.

5.5 Fortis BC (electric)

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file # DP12-0059 to initiate all necessary arrangements for electrical service with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any SRWs that may be required have been addressed prior to receiving final approval.

5.6 Fortis BC Gas

Upon review of the property referral referencing the above noted matter, please be advised that the owner must abandon and/or alter existing gas service prior to development commencing. Once that order has been placed, FortisBC has no objection to the application. Should I be of further assistance do not hesitate to contact me directly.

6.0 Application Chronology

Date of Application Received: May 31, 2012
Refinement of proposal submissions: June 27, 2012

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

Danielle Noble Manager, Urban Land Use

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

Conceptual Elevations

Landscape Plan

Context/Site Photos

Summary of Technical Comments