

# REPORT TO COUNCIL



**Date:** September 18, 2012

**To:** City Manager

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

**Application:** Z11-0079

**Owner:**

Aaron Lee Pachal, Robert Elton Pachal,  
Joshua Drew Pachal, and Kathleen  
Yvonne Pachal

**Address:** 925 Montcalm Drive

**Applicant:** Robert and Kathleen Pachal

**Subject:** Rezoning Application

**Existing OCP Designation:** Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RU6 - Two Dwelling Housing

## 1.0 Recommendation

THAT Rezoning Application No. Z11-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 30, Township 26, ODYD Plan KAP82877, located on Montcalm Drive, Kelowna, BC from the RU1-Large Lot Housing zone to the RU6- Two Dwelling Housing 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 subsequent to the requirements of Development Engineering Branch and Fortis BC Electrical being completed to their satisfaction.

## 2.0 Purpose

To rezone the subject property from the RU1 - Large Lot Housing to the RU6 Two Dwelling Housing to construct two dwellings on the site.

## 3.0 Land Use Management

The owners of the subject property are seeking to rezone the site to the RU6-Two Dwelling Housing zone with the intent of constructing two dwellings. The site is unique as a result of the historical subdivision of the land. The entire site is over 3390m<sup>2</sup> which is substantially larger than other properties in the immediate vicinity. A building envelope is registered on title which sets the buildable area. Given this siting control on the comparatively large lot, the impact of two

dwellings on the site is comparable to the density and rhythm of the existing neighbouring parcels.

In principle, the Official Community Plan designation does support single/two unit housing on this parcel and the generous size of the building envelope does create some certainty with respect to the placement of the dwellings. Given that the site is serviced and within the permanent growth boundary, this rezoning is considered appropriate. Careful evaluation of the form and character of the two dwellings will be critical at the Development Permit review to ensure compatibility with the neighbourhood context.

The applicant has not provided any conceptual elevations or housing plans for the site. A Development Permit will be required to evaluate the form and character of the proposed dwellings should the land use be supported Council.

#### **4.0 Proposal**

When the original neighbourhood was established in 1977, a right-of-way was established to provide for an area to allow vehicle access to both Montcalm drive and Wellington Court and utility installation to all the properties on this steep terrain. Only the eastern portion of this right of way was initially constructed and utilized as an access point for 927, 923 and 919 Montcalm Drive.

In 2006 when the Highpointe subdivision and subsequent development occurred, the property under application was created and the access easement was incorporated at the street frontage to Montcalm Drive. The western portion of the easement with access at Churchill Court was utilized to create the lot directly across the lane from the subject property and allow a street frontage. This easement is registered on the state of title allowing all parties to utilize this private lane. Therefore, it is reasonable for all affected parties to expect that the subject property would eventually be developed and utilize the driveway access.

A building envelope is registered on the site which only allows construction of buildings or structures for human habitation on a 730.9m<sup>2</sup> portion of the site.

#### **4.1 Site Context**

The subject property is located on the north side of Montcalm Drive in the Mount Royal area of Kelowna. Although the site is surrounded by steep slopes and rock outcrops, and is hilly, the site has buildable areas as determined by the building envelop covenant. The surrounding properties in all directions are zoned RU1 - Large Lot Housing.

4.2 Subject Property Map: 925 Montcalm Drive



4.3 Zoning Analysis

The proposed application meets the requirements of RU6- Two Dwelling Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m <sup>2</sup>	3,392 m <sup>2</sup>
Lot Width	16.5 m	Approx. 60 m
Lot Depth	30 m	Approx. 67 m
Minimum setbacks as per Building envelope		
Front (to access easement)	4.5m or 6.0m for front entry to garage or carport	8.7m
Side Yard (west)	2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey)	10.9 m
Side Yard (east)	2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey)	10.9 m
Rear Yard	7.5 m	15.273 m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

**Policy 5.2.3 Complete Suburbs.**<sup>1</sup> 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

<sup>1</sup> Official community plan Objective 5.3 Focus development to designated growth areas.

of residential uses (including affordable and special needs housing) at densities appropriate to their context.

**Policy 5.3.2 Compact Urban Form.**<sup>2</sup> 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.

**Policy 5.16.12 Urban Uses.**<sup>3</sup> Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

**Policy 5.15.12 Steep Slopes.**<sup>4</sup> Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

1) Concerns with fire department / emergency services access & distance to fire hydrant. Fire department should make reference to these issues. *In confirming the requirements with the Fire Department these issues were not raised.*

### 6.2 Development Engineering Department

See attached.

### 6.3 Fire Department

No concerns.

### 6.4 FortisBC Electrical

FortisBC (electric) reviewed the attached referral and based on the information received have no concerns with the proposal subject to any changes to this application which would require further review and comment by Fortis.

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file #Z11-0078, DP11-0183, DVP11-0184 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 with this proposal have been addressed prior to receiving final approval.

## 7.0 Application Chronology

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<sup>2</sup> Official community plan Objective 5.3 Focus development to designated growth areas.

<sup>3</sup> City of Kelowna Official Community Plan, energy efficiency and environmental performance of new buildings, Chapter 5

<sup>4</sup> City of Kelowna Official Community Plan, Environmentally Sustainable Development, Chapter 5

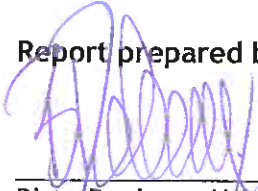
Date of Application Received: October 20, 2011

Advisory Planning Commission: November 22, 2011

(the committee was dissolved after this meeting thus the minutes were never ratified.)

Many neighbours came to the meeting to raise their objections. The applicant put the application on hold to have an opportunity to meet with the neighbourhood prior to proceeding to Council. The immediate neighbour is seeking to have the site improved and is supportive.

Report prepared by:



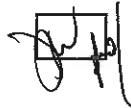
Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

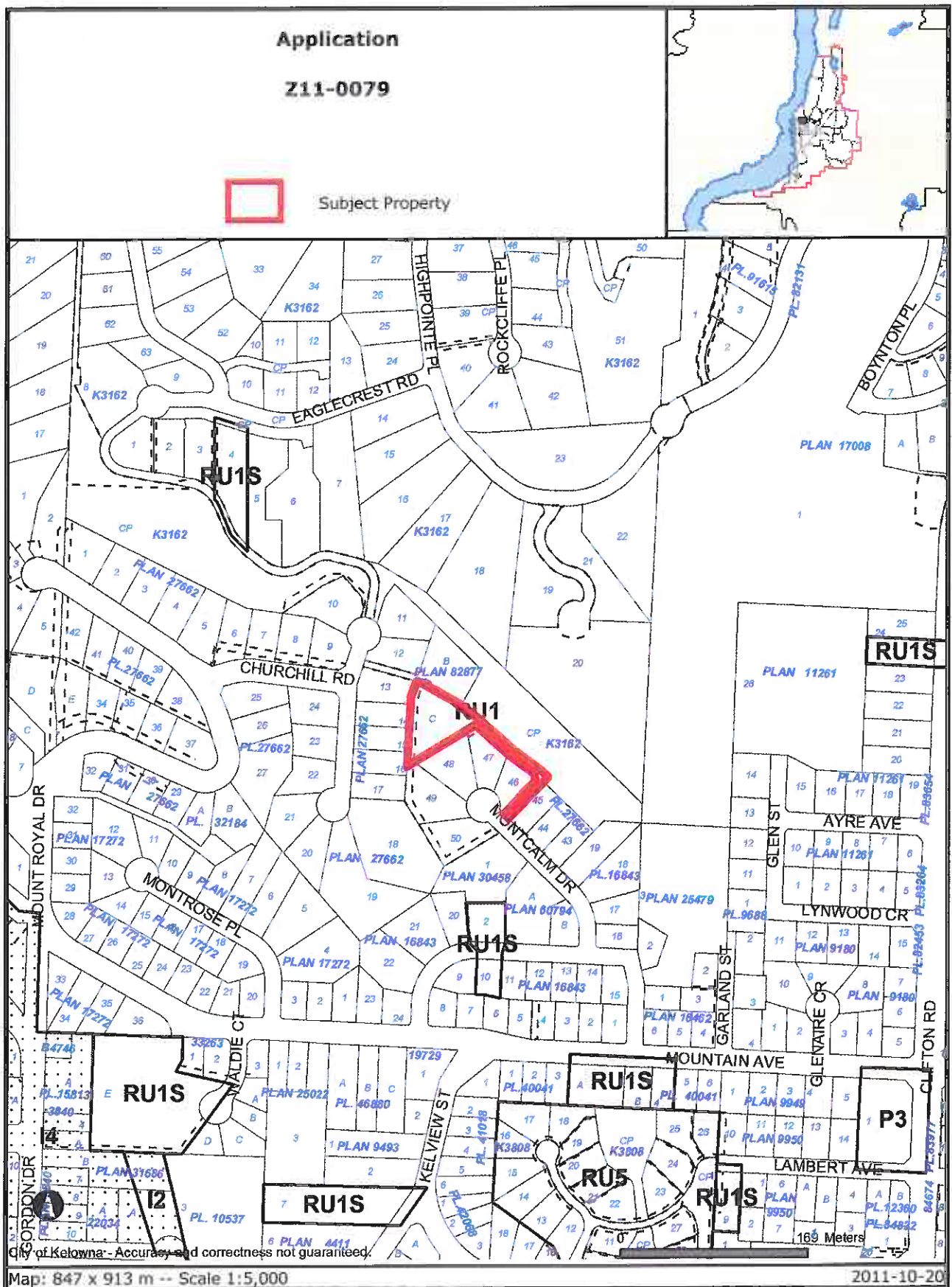


Shelley Gambacort, Director, Land Use Management

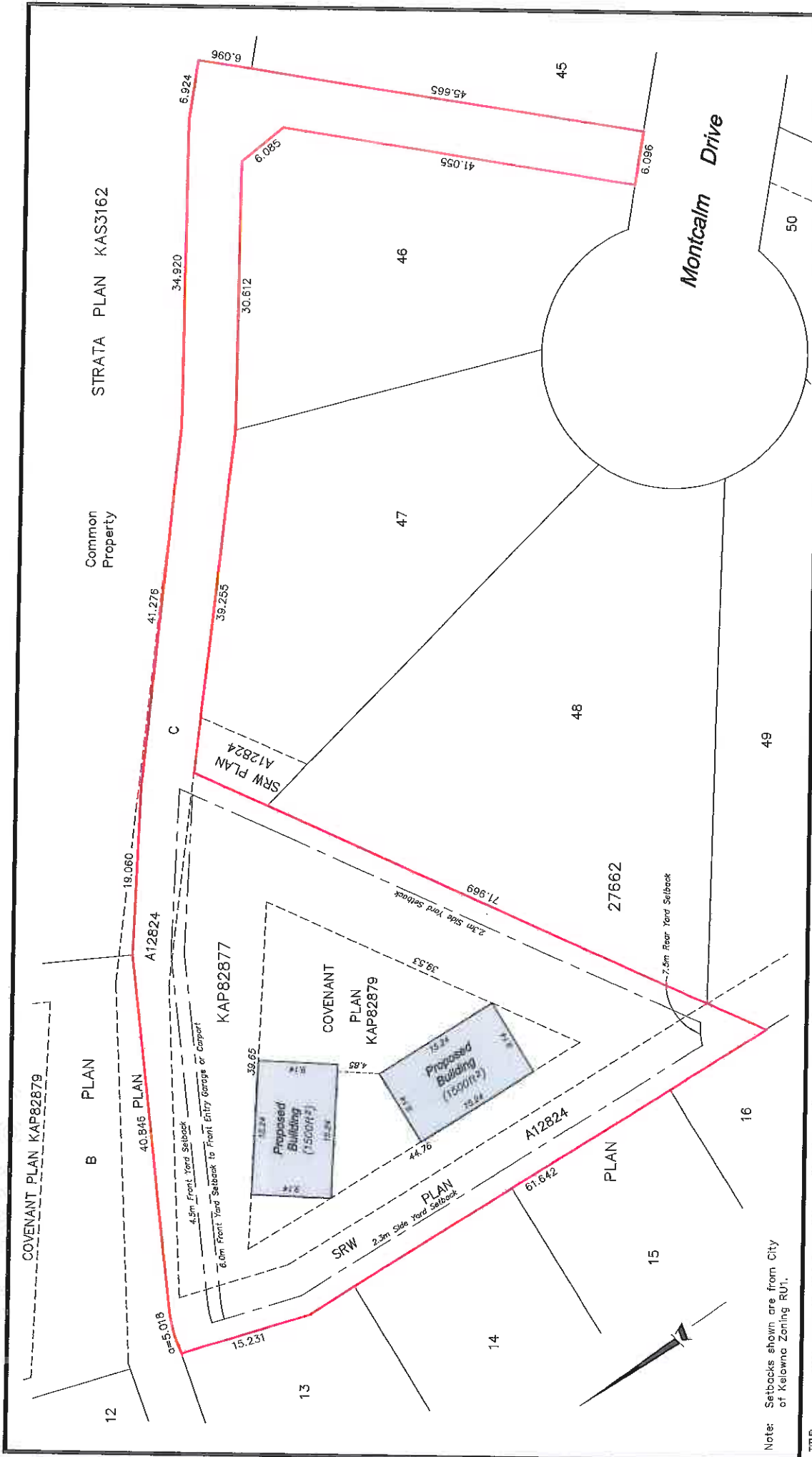
Attachments:

Site Plan  
Conceptual Elevations  
Landscape Plan  
Context/Site Photos





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.



STRATA PLAN KAS3162  
Common Property

Montcalm Drive

Note: Setbacks shown are from City of Kelowna Zoning RU1.

TITLE: <b>PLOT PLAN OF LOT C, SEC. 30, TP. 26, O.D.Y.D., PLAN KAP82877</b>		SCALE: 1:400	FILE NO.: 13461
DRAWN BY:	<b>RUNNALLS DENBY</b> british columbia land surveyors	DATE: August 20, 2012	REV: 0
CLIENT:	2594 Lawrence Avenue Kelowna, B.C. V1Y 8L2 Email: info@runnallsdenby.com	DWG: 13461-01	
	<b>NATURAL RESOURCES</b>		

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 1, 2011  
**File No.:** Z11-0079

**To:** Land Use Management Department (BD)

**From:** Development Engineering Manager (SM)

**Subject:** 925 Montcalm Drive Lot C Plan 82877 RU1 to RU6

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Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

Our records indicate this property is currently serviced with a 25mm-diameter water service. An additional water service will be required and can be provided by City forces at the developer's expense. The applicant will be required to sign a Third Party Work Order for the cost of the water service upgrade. For estimate inquiry's please contact Sergio Sartori by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone 250-469-8589.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

3. Site Related Issues

An adjustment to the existing statutory right of way (SROW) is required so that the 100mm sanitary sewer service to 845 Churchill Ct. from the north manhole (MH) does not trespass across 925 Montcalm Drive.

Provide on-site parking for the proposed dwelling.

4. 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.

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Steve Muenz, P. Eng.  
Development Engineering Manager

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