

REPORT TO COUNCIL



Date: October 2, 2012

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: Z12-0051 **Owner:** Heinz Strege

Address: 1460 Graham Road **Applicant:** Heinz Strege

Subject: Rezoning Application

Existing OCP Designation: Single / Two Family Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU6b - Two Dwelling housing with boarding or lodging house

1.0 Recommendation

THAT Rezoning Application No. Z12-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 22, Township 26, ODYD Plan 11186, Except Plans H12895 and KAP70891 located on Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6b - Two Dwelling housing with boarding or lodging house zone be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

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

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

2.0 Purpose

The applicant seeks to rezone the subject property from the RU1- Large Lot housing zone to the RU6b - Two Dwelling Housing with boarding or lodging house zone to legalize the existing use on the site. A side yard variance is required to facilitate the rezoning which will be considered at a future date should the land use be supported by Council.

3.0 Land Use Management

The subject property meets the regulations of the Zoning Bylaw for a "boarding and lodging house" with the exception of the east flanking street side yard setback. The proposal is to utilize the southern portion of the building for a single dwelling housing use and provide 8 boarding units

given that there are many RU6 zoned properties in the immediate area. Amenities such as transit and the Mission Creek Greenway are within close proximity and support the boarding house use which is intended to house low-income seniors that require close proximity to urban services.

The site has been under Bylaw Services investigation since 2005 for various infractions including land use and construction without permits. Notably, the 13 rooms in the building are currently rented. Although City policies support the legalization of the boarding and lodging house use and the subsequent addition to the affordable rental stock, Staff does not endorse construction of a proposed use prior to seeking required approvals.

Should the rezoning be endorsed, it will create an opportunity to bring the structure up to code conformity to ensure life and safety requirements for the residents. The boarding house use would add to the diversity of housing types within the City and fulfill various housing objectives as recently identified in the Housing Strategy.

4.0 Proposal

4.1 Background

Two houses attached by a breezeway are located on the site. The second house placement and the construction of the mid-section joining the buildings was completed with the appropriate permits in place. A Building Permit was issued in 2007, however it has not received final occupancy and the dwelling has been used for individual room rentals. With this application, the owner is seeking to legalize the use of a seniors' boarding house and secure final occupancy.

The applicant proposes to utilize the northern portion of the building (containing a kitchen) as a single family dwelling which would satisfy the principal use. The space between the original two dwellings will function as a lobby and dining area for the boarders. The south portion of the building contains 8 bedrooms, each to have their own bathroom and private open space accessible by sliding glass doors. A common amenity room is provided between the rooms.

An accessory building is located on the north east corner of the site and is planned to be expanded to include lockers. Given that this building has a two piece bathroom, it has been noted that this area has potential for conversion to a carriage home which would not be permitted under the proposed zone.

Upgrades to the landscaping are proposed to include the addition of a green space on the north-west side of the site. No details have been provided how the space will be programmed, however this will be addressed at the Development Permit stage to be executed at a Staff level.

4.2 Site Context

The subject property is located on the west side of Graham Road at the corner of Springfield Road. The area is within the Permanent Growth Boundary within walking distance to Mission Creek Regional Park. The surrounding properties are zoned as follows:

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

4.3 Subject Property Map: 1460 Graham Road



4.4 The proposed application meets the requirements of RU6b - Two Dwelling Housing with Boarding or Lodging zone as follows:

Zoning Analysis Table		
CRITERIA	RU6b ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m ² for corner lot	1312 m ²
Lot Width	20 m	26 m
Lot Depth	30 m	46-51m
Development Regulations		
Site Coverage - Buildings	40%	367m ² / 28%
Site Coverage - Buildings & Parking	50%	641m ² / 49 % (656m ² permitted)
Number of bedrooms		5 bedrooms for single family dwelling portion 8 bedrooms for Boarders
Height	2 ½ storeys / 9.5 m	4.57 m
Front Yard	4.5 m or 6.0 m for a garage	7.28 m
Side Yard (east)	4.5 m to flanking street	3.02 m ⊕
Side Yard (west)	2.0 m (1 - 1 ½ storey)	4.09 m
Rear Yard	7.5m	20.2 m
Other Regulations		
Minimum Parking Requirements	Total provided: 8 spaces	1 per 2 sleeping unit plus spaces required for the corresponding principal dwelling unit = 6 spaces
Private Open Space	Principal dwelling = 30m ² Plus 7.5m ² per bedroom(8) Total required: 90m ²	Principal dwelling = 37m ² in the form of patios and balconies (varying form 8.4m ² - 9.7m ²) for each boarding bedroom Total provided: 110.2m ²

Expanded Accessory Building		
Side Yard (east)	1.0 m	1.75m
Rear Yard	1.5m	1.5 m
① A variance is required to permit a reduced side yard.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

Policy 10.3 .1 Housing Availability.³

Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency or shelter).

2. Address Housing Needs of All Residents.⁴

Address housing needs of all residents by working towards an adequate supply of a variety of housing.

6.0 Technical Comments

6.1 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.

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

6.2 Development Engineering Department

See attached.

¹ Official community plan Objective 5.2 Community Sustainability

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

³ Official community plan Objective 10.3 Support the creation of affordable and safe rental, non-market and/or special needs housing

⁴ Official community plan Goals for a Sustainable Future

6.3 Bylaw Services

While there have been seven (7) Bylaw Enforcement service requests generated for this address between July 2005 and April 2011, all outstanding bylaw fines are paid. The applicant has shown a positive change in attitude and has been working cooperatively with Bylaw Enforcement staff over the past several months.

6.4 Fire Department

The home to the north should have an approved fire alarm system installed and a fire safety plan as per section 2.8 of the BC Fire code.

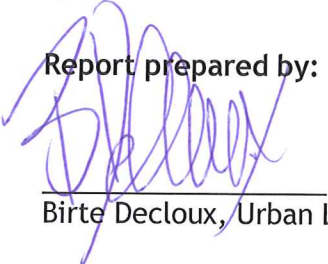
6.5 FortisBC Electrical

FortisBC (electric) reviewed the attached referral with the information received and as it is not known yet how these properties are to set up with electrical service, however, it is the responsibility of the Developer to initiate all necessary arrangements for electrical service with this proposal.

7.0 Application Chronology

Date of Application Received: June 13, 2012
Application refinement: October 3, 2012

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:

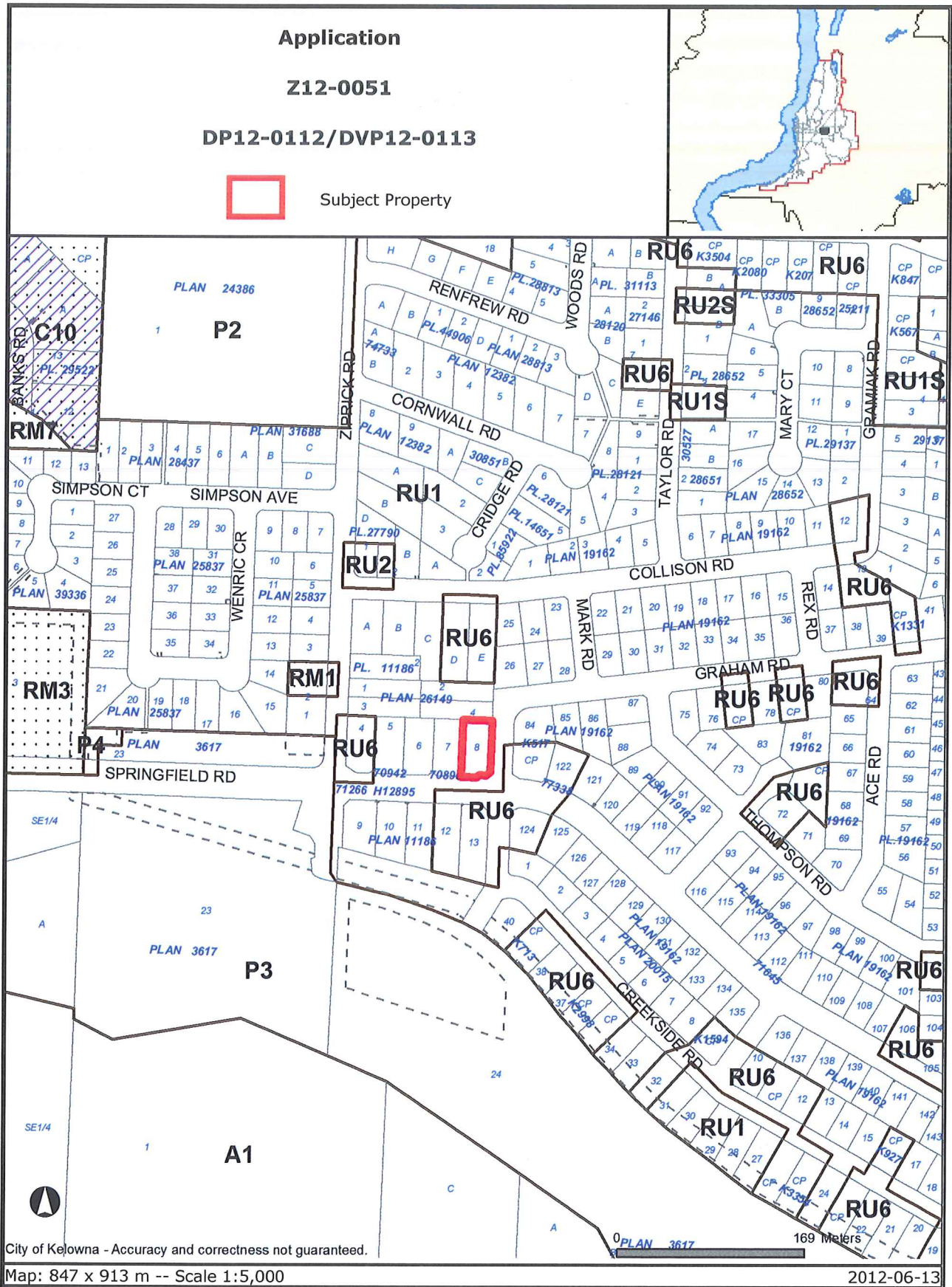


Shelley Gambacort, Director of Land Use Management

Attachments:

- Site Plan showing requested variances (Schedule "AA")
- Site / Landscape Plan
- Conceptual Elevations
- Floor Plans
- Context/Site Photos
- Technical Comments





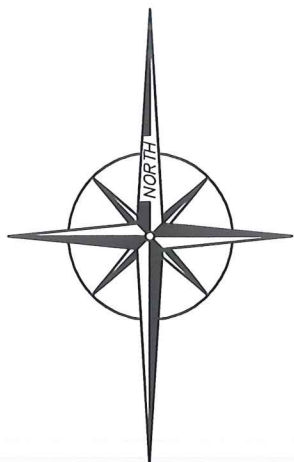
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

**SKETCH PLAN OF PART OF
LOT 8, PLAN 11186 except Plans H-12895 and KAP70891
SEC. 22, TP. 26, O.D.Y.D.**

REVISED PLANS

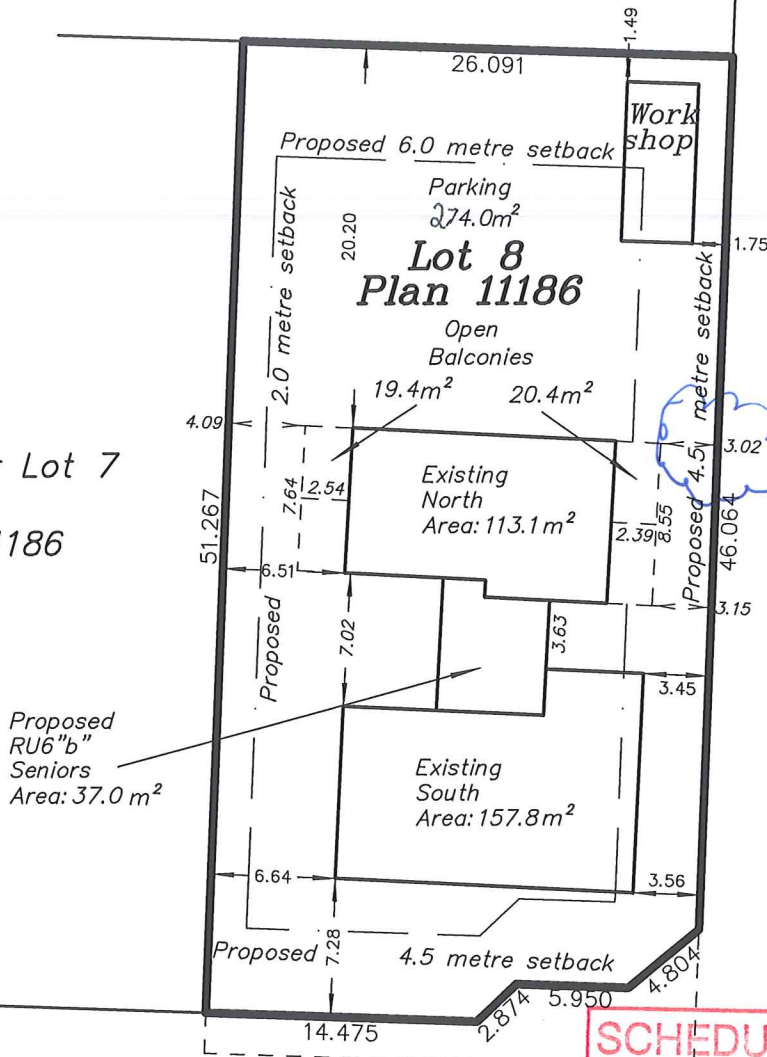
OCT 03 2012

CITY OF KELOWNA
Land Use Management



Lot 4
Plan 26149

Remainder Lot 7
Plan 11186



Graham Road
#1460

SCHEDULE AA
This forms part of development
Permit # DVP12-0113

Springfield Road

Heinz Strege

Scale: 1:400 All distances are in metres.

VAN GURP & COMPANY
land surveyors
Copyright ©
2012 201-1470 St. Paul Street
Kelowna, B.C. Tel. 250-763-5711

Lot dimensions are from registered records.
This plan prepared for Municipal and/or mortgage
purposes only and it is not to be used for the
establishment of property boundaries.

File: 15539_skt_02

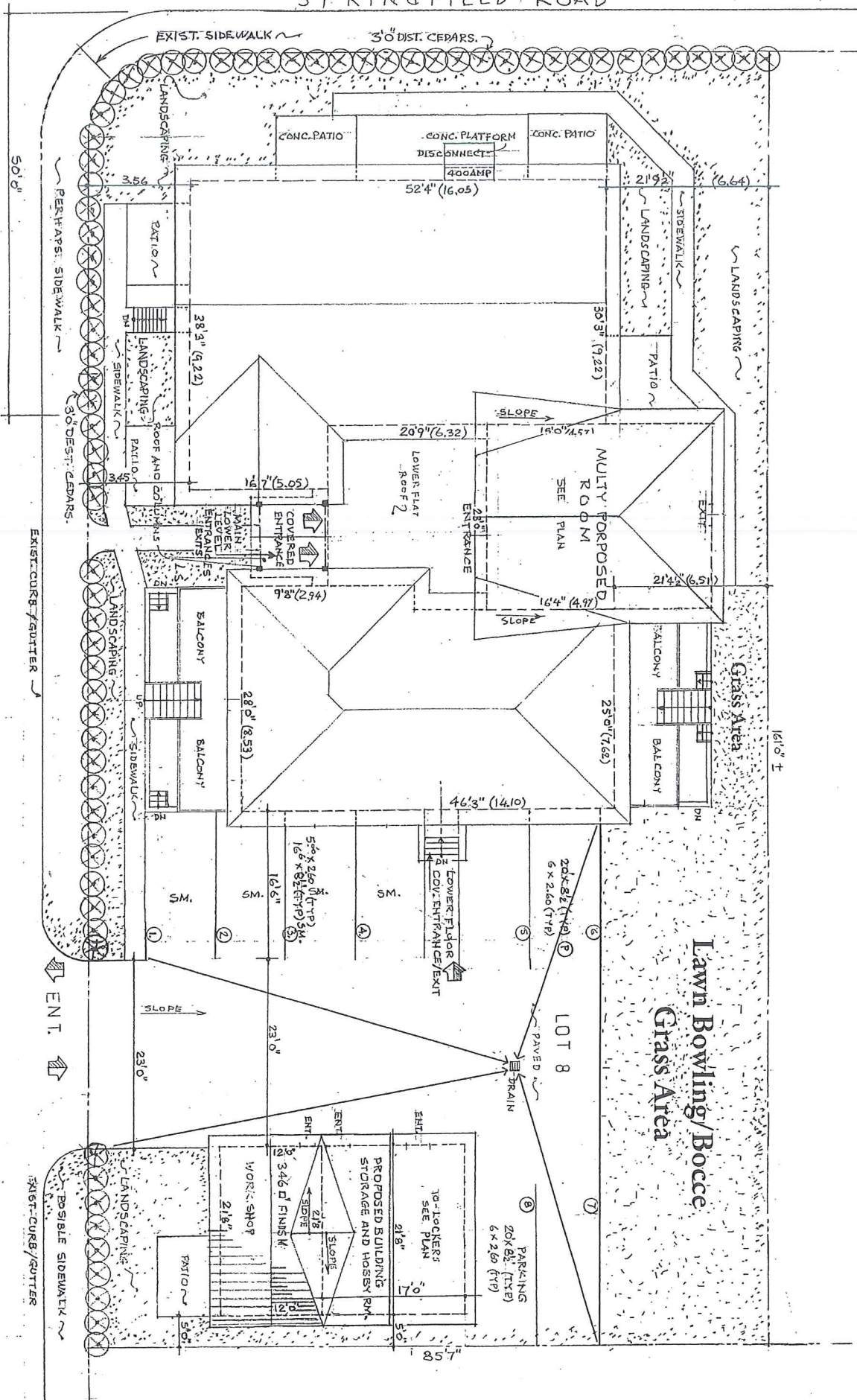
REVISED PLANS

OCT 04 2012

CITY OF KELOWNA
Land Use Management

GRAHAM ROAD

FRONT ENITS

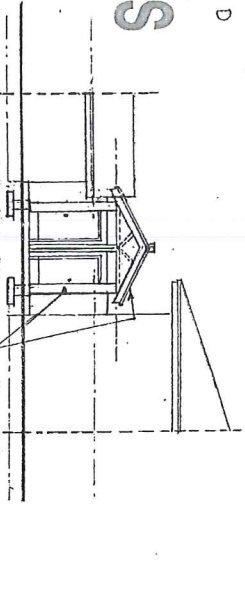


Lawn Bowling/Bocce
Grass Area

LOT 8

SITE PLAN
SCALE: 1/8" = 1'-0"

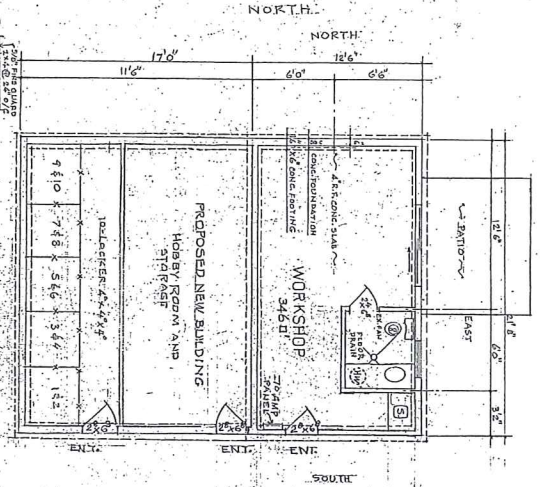
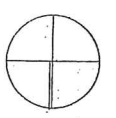
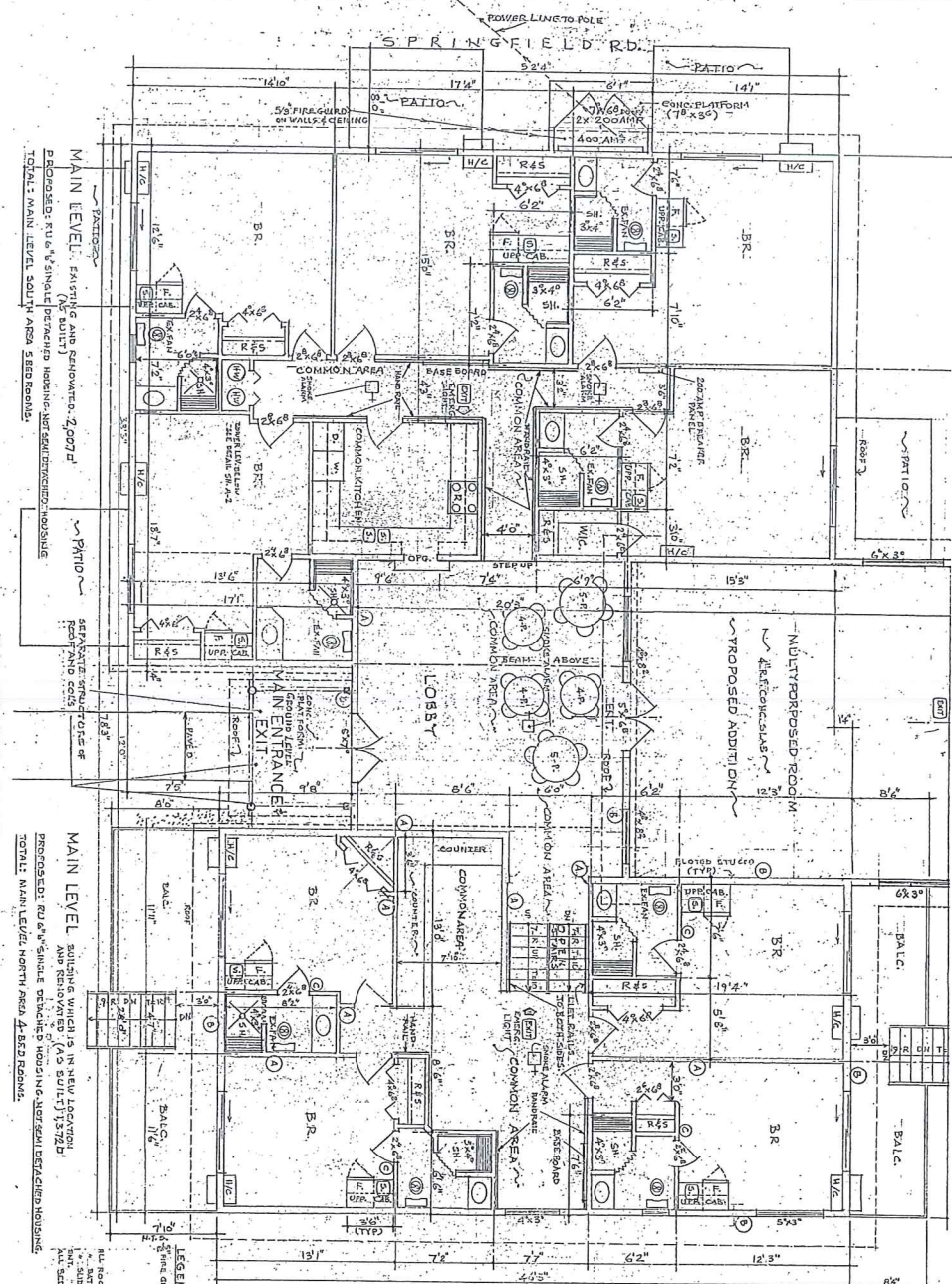
LEGAL: LOT 8, PLAN 11186
PROPOSED TO NING R.U. 6" B" MEETS ALL OUTSIDE BUILDING SETBACKS FROM EXISTING



RECEIVED

SEP 21 2012

CITY OF KELOWNA
Development Services Department



MAIN LEVEL EXISTING AND PROPOSED - 2007 PD
PROPOSED: 8'6\"/>

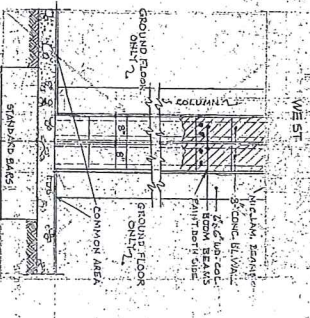
MAIN LEVEL EXISTING AND PROPOSED - 2007 PD
PROPOSED: 8'6\"/>

MAIN LEVEL EXISTING AND PROPOSED - 2007 PD
PROPOSED: 8'6\"/>

MAIN LEVEL EXISTING WHICH IS IN NEW LOCATION
PROPOSED: 8'6\"/>

MAIN LEVEL EXISTING WHICH IS IN NEW LOCATION
PROPOSED: 8'6\"/>

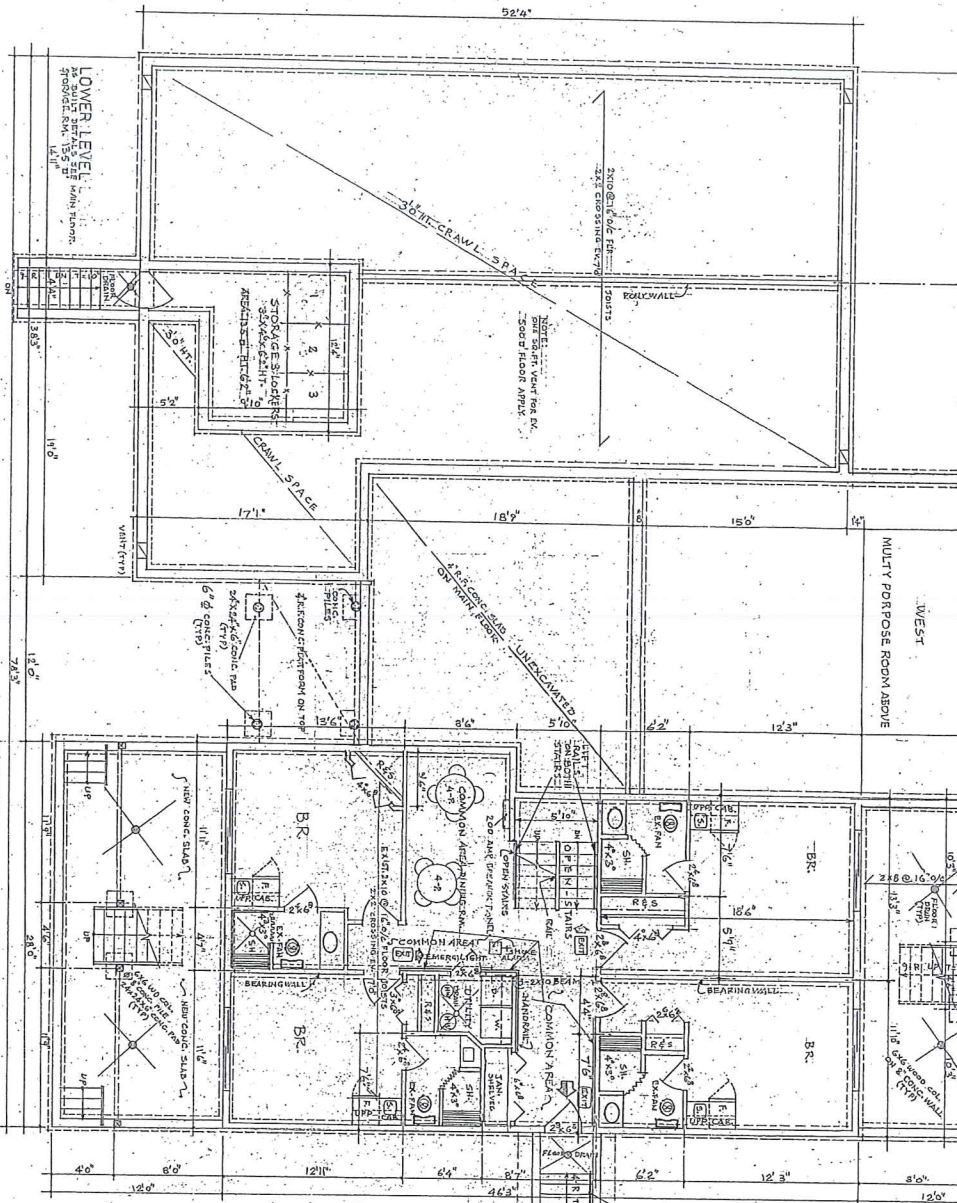
- LEGEND:**
- (A) MAIN FLOOR FINISH
 - (B) 2x4 STUD WALL
 - (C) 4x4 COLUMN
 - (D) 6x6 COLUMN
 - (E) 8x8 COLUMN
 - (F) 10x10 COLUMN
 - (G) 12x12 COLUMN
 - (H) 14x14 COLUMN
 - (I) 16x16 COLUMN
 - (J) 18x18 COLUMN
 - (K) 20x20 COLUMN
 - (L) 22x22 COLUMN
 - (M) 24x24 COLUMN
 - (N) 26x26 COLUMN
 - (O) 28x28 COLUMN
 - (P) 30x30 COLUMN
 - (Q) 32x32 COLUMN
 - (R) 34x34 COLUMN
 - (S) 36x36 COLUMN
 - (T) 38x38 COLUMN
 - (U) 40x40 COLUMN
 - (V) 42x42 COLUMN
 - (W) 44x44 COLUMN
 - (X) 46x46 COLUMN
 - (Y) 48x48 COLUMN
 - (Z) 50x50 COLUMN



CELEBRITY RESIDENTIAL
FROM ZONING 8'6\"/>

NOT SPAL PRICED
HOUSING

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	2012.09.10	J. SMITH
2	ISSUED FOR PERMIT	2012.09.10	J. SMITH
3	ISSUED FOR PERMIT	2012.09.10	J. SMITH
4	ISSUED FOR PERMIT	2012.09.10	J. SMITH
5	ISSUED FOR PERMIT	2012.09.10	J. SMITH
6	ISSUED FOR PERMIT	2012.09.10	J. SMITH
7	ISSUED FOR PERMIT	2012.09.10	J. SMITH
8	ISSUED FOR PERMIT	2012.09.10	J. SMITH
9	ISSUED FOR PERMIT	2012.09.10	J. SMITH
10	ISSUED FOR PERMIT	2012.09.10	J. SMITH



LOWER LEVEL:
 AS SHOWN ON THE SITE PLAN, THE PROPOSED HOME IS TO BE CONSTRUCTED ON THE LOWER LEVEL.

EAST
 GRAHAM ROAD

LOWER LEVEL RIGHT ONLY 1,207 S.F.
 NOTE: EXISTING WALLS ARE INDICATED BY DASHED LINES.
 EXISTING WALLS ARE INDICATED BY DASHED LINES.
 EXISTING WALLS ARE INDICATED BY DASHED LINES.
 EXISTING WALLS ARE INDICATED BY DASHED LINES.

EXCEPT FOR THE REMOVAL OF THE EXISTING WALLS, THE REMAINING STRUCTURE IS TO BE RECONSTRUCTED.
 TOTAL LOWER LEVEL NORTH AREA IS 2,200 SQUARE FEET.
 CONCRETE SLAB IS TO BE CAST OVER THE ENTIRE AREA.
 EXISTING WALLS ARE INDICATED BY DASHED LINES.

PARKING AREA
 (SEE SITE PLAN)

NORTH LOWER LEVEL ENTRANCE AND EXIT

PROPOSED ZONING R.U.C. 20
 SINGLE-FAMILY RESIDENTIAL HOUSING
 NOT SEMI-DETACHED HOUSING

PROPOSED ZONING R.U.C. 20
 SINGLE-FAMILY RESIDENTIAL HOUSING
 NOT SEMI-DETACHED HOUSING

DATE	REVISION
05/15/10	1.0
05/15/10	2.0
05/15/10	3.0
05/15/10	4.0
05/15/10	5.0
05/15/10	6.0
05/15/10	7.0
05/15/10	8.0
05/15/10	9.0
05/15/10	10.0



North Building

South Building

11'0"

4'8"

8'0"

TOYOTA

1460 Graham Road
Proposed Single Detached Housing RU6^{1b}
West Elevation

2012/06/01

East Elevation
North Building

East Elevation
North Building

4'0"

8'6"

4'6"

1460 Graham Road
Proposed Single Detached Housing RU6"b"
North Elevation

2012/06/01



South Elevation

South Elevation

8'0"

1460 Graham Road
Proposed Single Detached Housing RU6"b"
South Elevation

2012/06/01

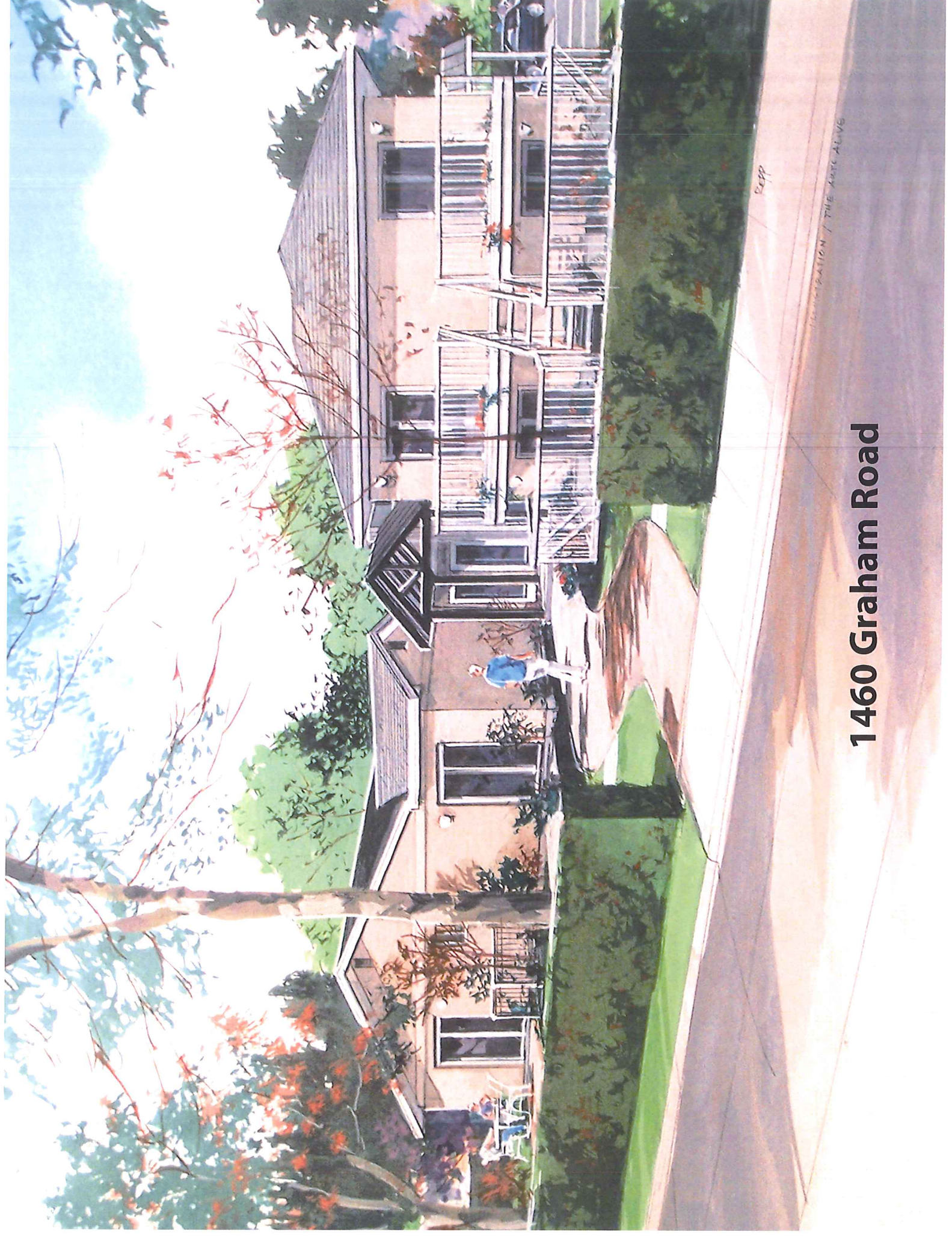


East Elevation
South Building

East Elevation
North Building

1460 Graham Road
Proposed Single Detached Housing RU6^ub^u
East Elevation

2012/06/02



1460 Graham Road

REPP
ILLUSTRATION / THE ARTS ALIVE



1460 Graham Road

WELCOME TO...

Greenway Residences

SUPPORTED HOUSING FOR SENIORS



SHOPPING • BUS STOPS • DENTAL • MEDICAL SERVICES



Bridge spanning Mission Creek

SAFE • SECURE • RELAXING • GOOD LIVING
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EXISTING RESIDENCE - PROPOSED
TWO ADOPTED SUPPORTED HOUSING FOR SENIORS

Ages 55~90

Small pets welcome

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On Site Manager!
Includes Meals!

No mortgages!
taxes or utilities!

250-868-1756 heinzstregge@gmail.com

www.carehomekelowna.com

CITY OF KELOWNA

MEMORANDUM

Date: October 3, 2012 (REVISION 2)
File No.: Z12-0051
To: Planning & Development Services Department (BD)
From: Development Engineer Manager (SM)
Subject: 1460 Graham Road – Lot 8, Plan 11186, Sec. 22, Twp 26, ODYD

Development Engineering comments and requirements regarding this application to rezone from RU1 to RU6b are as follows:

1. Subdivision

Provide easements as may be required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken to address the suitability of the lands for disposal of site generated storm drainage.

3. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWWD). The developer is required to make satisfactory arrangements with the RWWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements. A second service is required to meet current policy for Duplex properties.

4. Sanitary Sewer.

The property is located within Specified Area # 23 and in accordance with the City of Kelowna current policy, the specified charges for the proposed RU6 development will have to be cash commuted. The City's finance department has assessed a total of 4.2 Single Family Equivalent units (SFE). The payout amount for this application is **\$30,828.00**. (\$7,340 x 4.2) (valid until March 31, 2013).

5. Power and Telecommunication Services.

The property is currently located outside of a defined urban or village centre, the existing overhead service is not required to be converted to underground.

10. Bonding and Levies Summary.

a) Performance Bonding

Graham Road sidewalk \$5,700.00

b) levies

Specified Area charges #23 \$30,828.00 (valid until March 31, 2013)



Steve Muenz, P.Eng
Development Engineering Manager

BB