

City of Kelowna  
Public Hearing  
AGENDA



Tuesday, June 18, 2013  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1.(a)The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b)All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c)All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public.The correspondence and petitions received after June 4, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d)Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Rezoning Application No. Z13-0011 - 370 Fleming Road, Wendy Cullen & Michael Anderson

4 - 16

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with carriage house zone to allow the legalization of a carriage house.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they

have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# REPORT TO COUNCIL



**Date:** May 6, 2013  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (BD)  
**Application:** Z13-0011      **Owner:** Wendy Diana Cullen & Michael Steve Anderson  
**Address:** 370 Fleming Road      **Applicant:** Wendy Diana Cullen & Michael Steve Anderson  
**Subject:** Rezoning Application  
**Existing OCP Designation:** Single/two unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU1c - Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z13-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 27, Township 26, ODYD Plan 11730, located on 370 Fleming Road, Kelowna, BC from the RU1- Large Lot Housing zone to the RU1c- Large Lot Housing with carriage house 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 in conjunction with Council's consideration of a Development Variance Permit for the subject property;

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

## 2.0 Purpose

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with carriage house zone to allow the legalization of a carriage house.

## 3.0 Land Use Management

The applicant is seeking to rezone the subject property to allow the conversion of a garage to a carriage house. This application is the result of Bylaw enforcement and Staff do not condone the use of dwellings without the appropriate permits and approvals. However, the subject property

can easily accommodate an additional dwelling unit and meets the Zoning Bylaw requirements. Given that the building was initially constructed as a garage, the building requires a variance to the south side yard setback. There are several examples of RU6 - two dwelling housing lots in the immediate neighbourhood. The immediate abutting neighbours provided a letter of support.

The subject property is located within the Permanent Growth Boundary. Policies within the Official Community Plan support the sensitive integration into existing neighbourhoods, where services are already in place and densification can easily be accommodated. The subject property is in close proximity to parks, schools, transit and recreational opportunities.

Should the land use and variance be supported by Council, a Development Permit will be executed at a Staff level.

#### 4.0 Proposal

##### 4.1 Project Description

The principal dwelling and the garage were constructed in 2005. The main floor of the garage has been converted to a two bedroom suite with a small kitchen and main living area on the ground floor. The upper attic space is utilized for storage and is accessed through a separate door. The required parking is achieved on the site and plenty of outdoor private space is available on this comparatively large sized lot.

##### 4.2 Site Context

The subject property is located in the Rutland area of Kelowna. The Houghton Road multi-purpose corridor is located at the end of the block providing easy access to the Rutland town center. The surrounding properties are zoned as follows:

Specifically, adjacent land uses are as follows:

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

##### 4.3 Subject Property Map: 370 Fleming Road



#### 4.4 Zoning Analysis

The proposed application meets the requirements of RU1c - Large Lot Housing with carriage house zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU1c ZONE REQUIREMENTS
Existing Lot/Subdivision Regulations		
Lot Area	1,397 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	24.73 m	16.5 m
Lot Depth	50.98 m	30 m
Development Regulations Principal Dwelling		
Height	7.3 m	9.5 m / 2 ½ storeys
Front Yard	8.5 m	4.5 m or 6.0 m to garage
Side Yard (north)	3.05 m	2.3 m (2 - 2 ½ storey)
Side Yard (south)	8.84 m	2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey)
Rear Yard	32.7 m	7.5 m
Proposed Carriage house		
Height	3.8m	1 ½ storeys / 4.5 m
Front Yard	28.07m	4.5 m
Side Yard (n)	18.6 m	2.0 m (1 - 1 ½ storey)
Side Yard (s)	1.5 m ①	2.0 m (1 - 1 ½ storey)
Rear yard	11.94 m	7.5m
Other Requirements		
Floor Area Ratio	Principal dwelling: 320 m <sup>2</sup> Carriage House: 87 m <sup>2</sup> 27 %	May not exceed the lesser of 90 m <sup>2</sup> or 75%
Parking Stalls (#)	3 spaces	3 spaces required
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
① Variance required to legalize the south side yard.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Policy 5.2.3 **Complete Suburbs.**<sup>2</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 of residential uses (including affordable and special needs housing) at densities appropriate to their context.

**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 Permits.
- 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- 3) 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 Bylaw Services**  
Illegal suite investigation. File #241993

**6.4 Fire Department**  
An unobstructed and easily distinguishable firefighter access path, of 1100 mm, from Fleming Road to the back of the property line as well to the secondary detached suite main entrance is required. The new home is required to have a visible address facing Fleming Road.

**6.5 Fortis Gas**  
FortisBC Gas has reviewed the above mentioned referral. There is currently a gas service that runs to the center of the existing house but does not look like it will be affected by the new carriage house. Regardless the customer should dig with caution.

**7.0 Application Chronology**

Date of Application Received: February 25, 2013  
 Additional details provided: May 6, 2103

**Report prepared by:**

\_\_\_\_\_  
Birte Decloux, Land Use Planner

**Reviewed by:**  Danielle Noble, Manager, Urban Land Use

**Approved for Inclusion:**  Doug Gilchrist, Acting General Manager, Community Sustainability

<sup>2</sup> Official community plan Objective 5.2 Community Sustainability

**Attachments:**

Site Plan

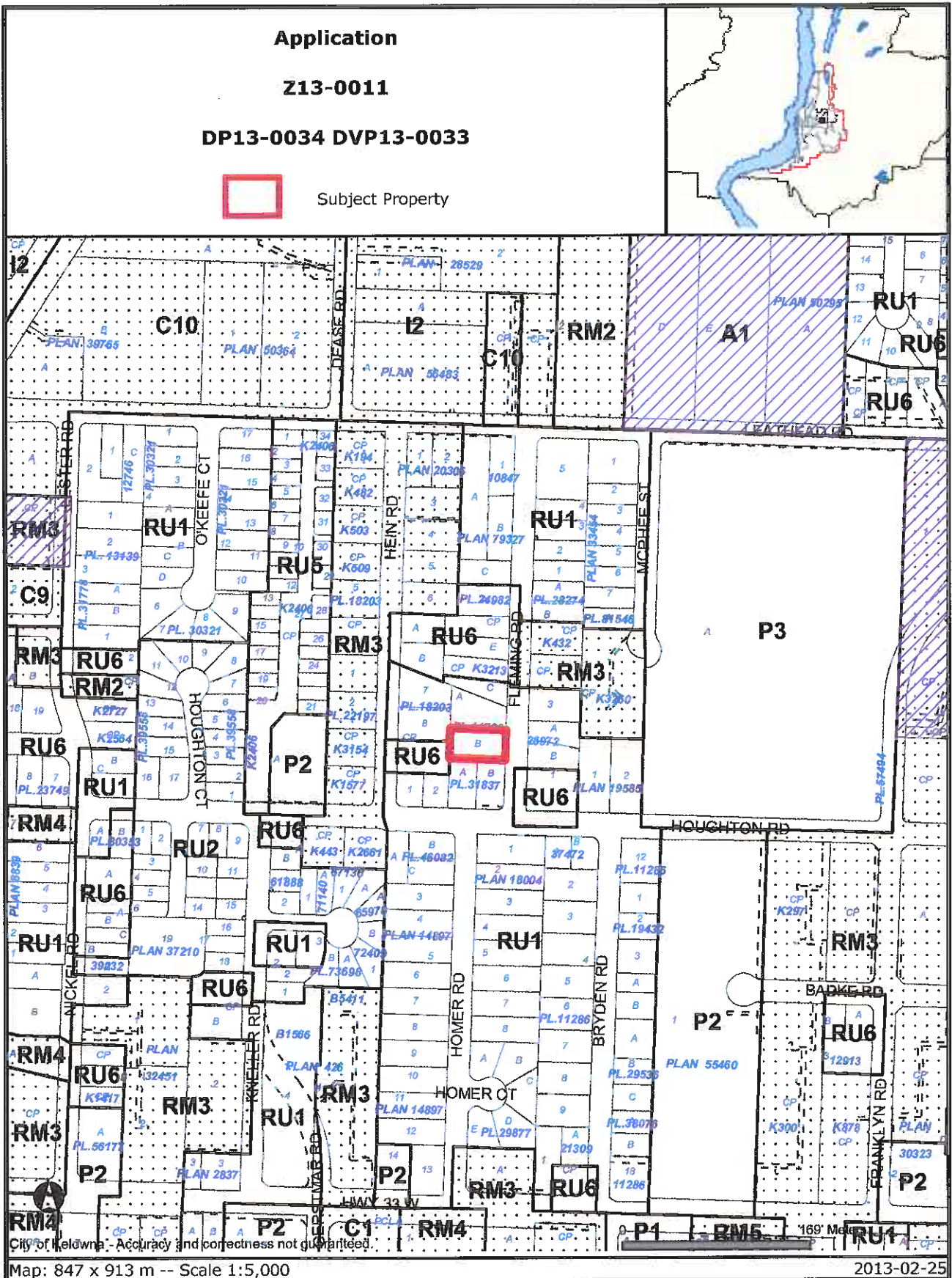
Conceptual Elevations

Landscape Plan

Context/Site Photos

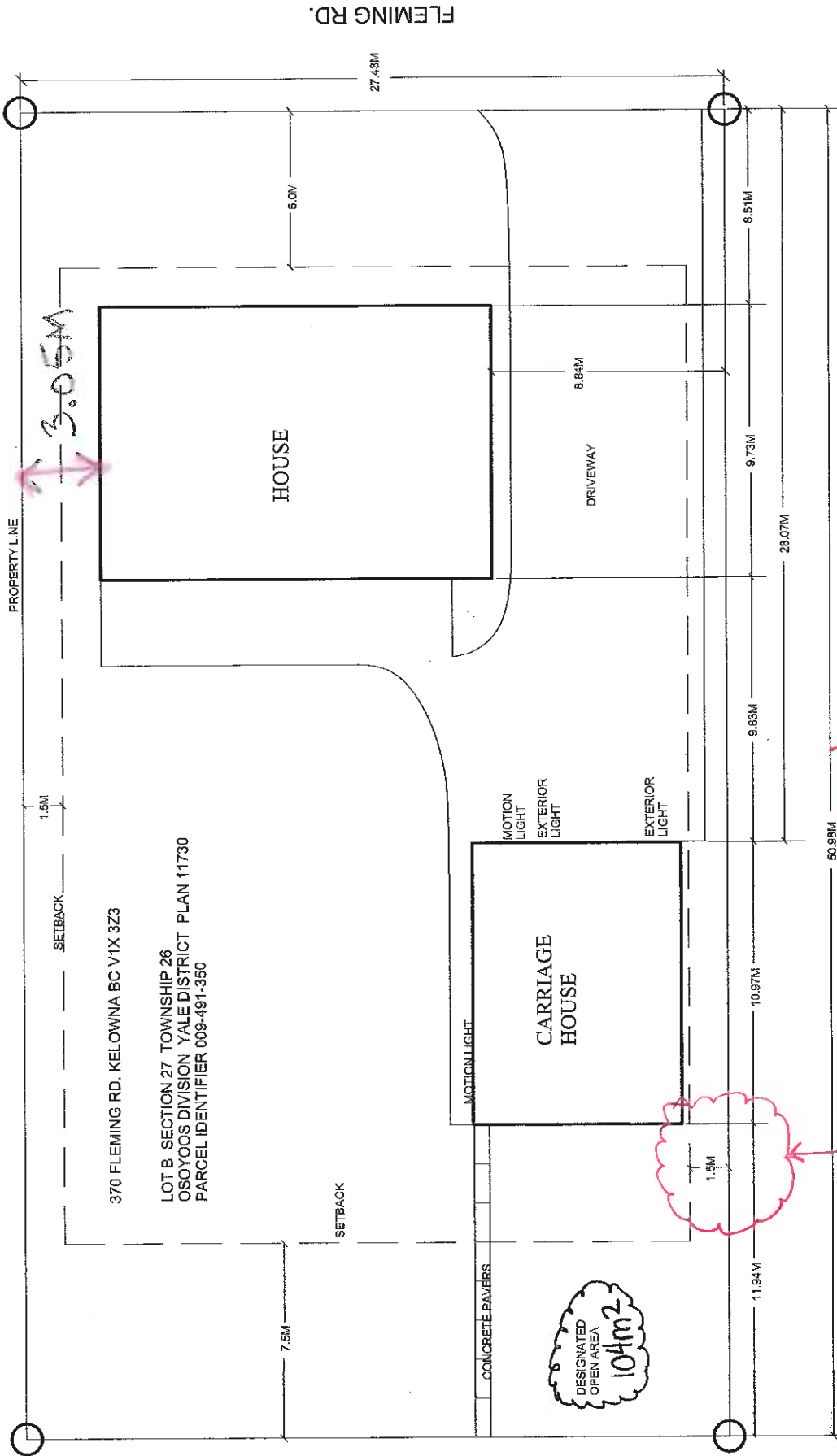
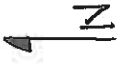
Sustainability Checklist





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.

# Site Plan



setback variance required.



OPTIONAL SIDING:  
 TEXTURED 1/2\"/>

LINES OF FOUNDATION

# FRONT ELEVATION

SCALE: 1/4" = 1'-0"

3.08 m

1 X 2 X 4 CHIMNEY BOARD, TYP.

1 X 4 W/ LAP TRIM BUTT SIDE MEMBERS TO TOP AND BOTTOM INL OVER SIDING, TYP.

WINDSHIELD

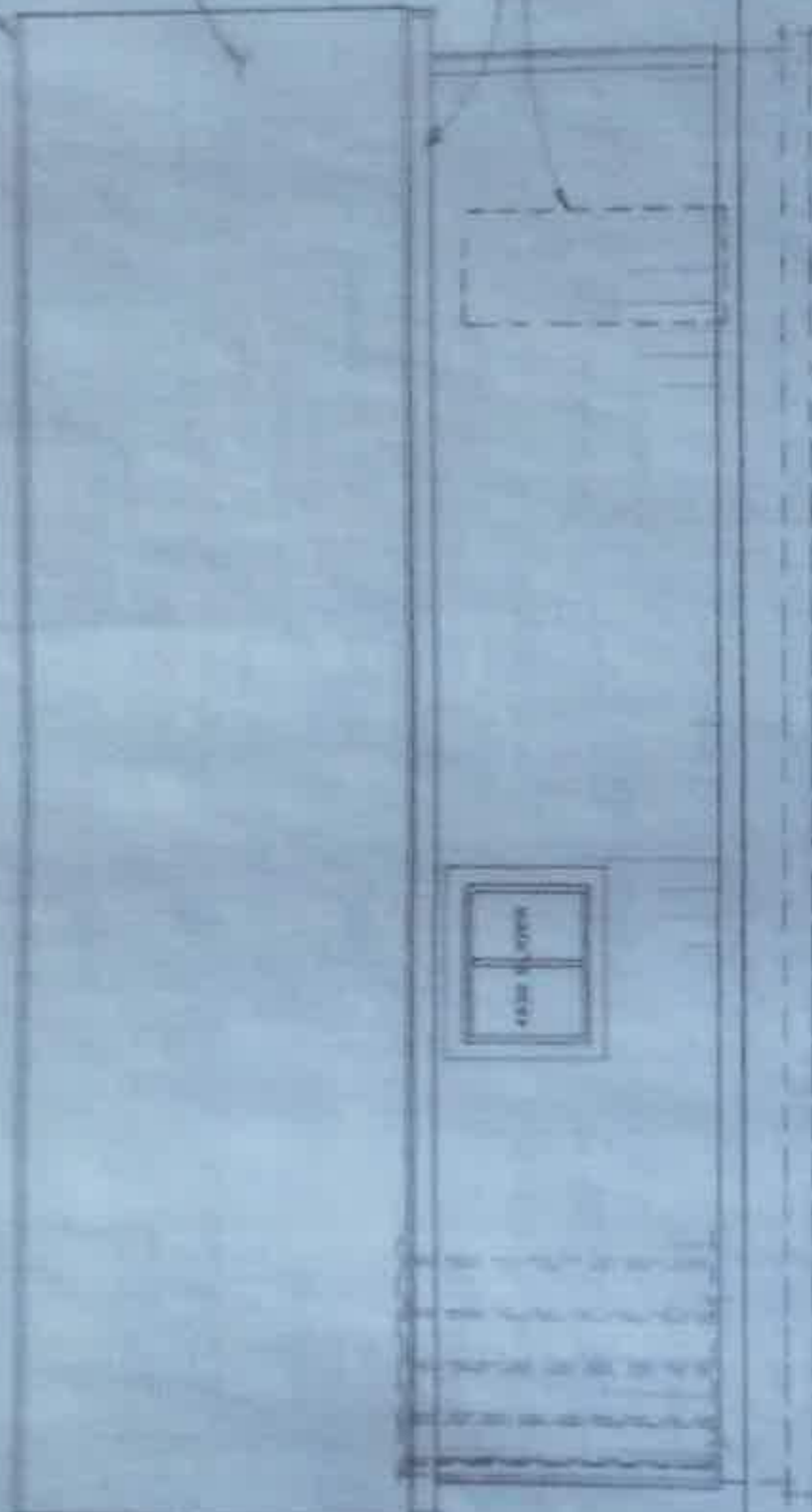
CONSTRUCTION ANNOTATED

1/4" & 3/8" DIA. TYPE  
OF FINISH, BRUSH LOCATIONS

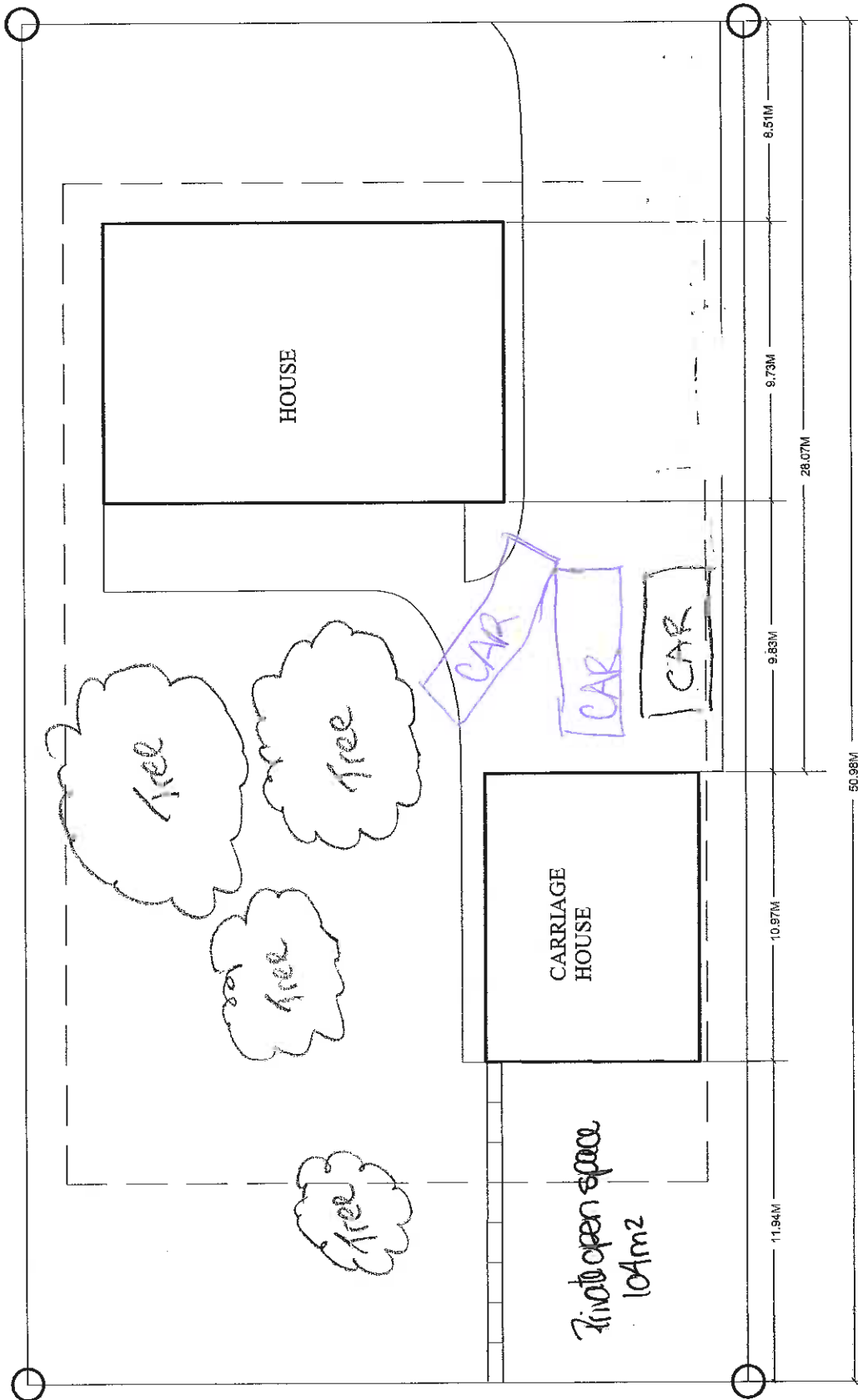
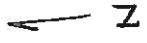
**RIGHT SIDE ELEVATION**  
**LEFT SIDE SIMILAR**

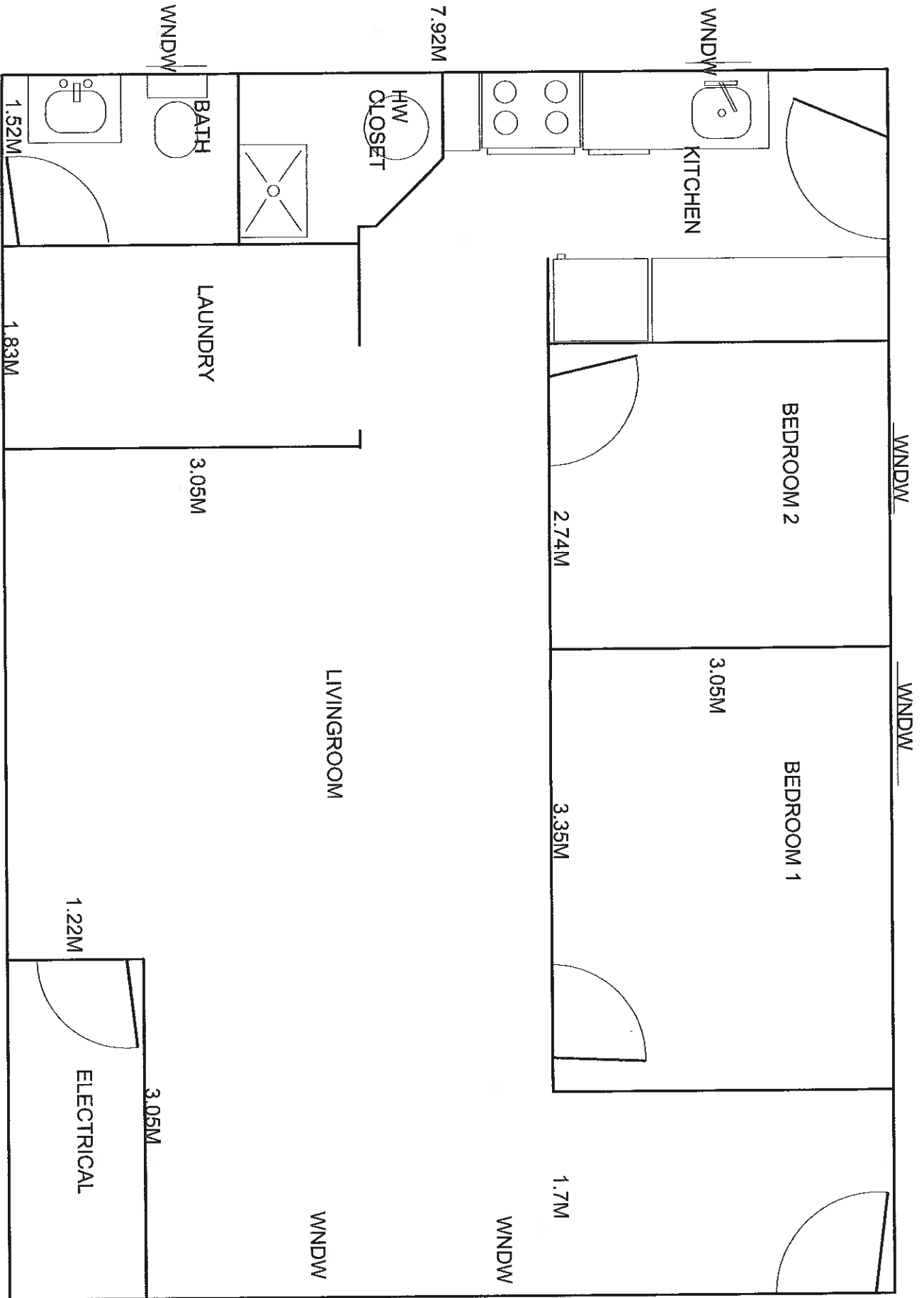
SCALE: 1/4" = 1'-0"

PARTIAL WALL FINISHES  
SHOWN AT DASHED LINES



# Landscape Plan





Floor Area: 87 m<sup>2</sup>



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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 5, 2013  
**File No.:** Z13-0011  
**To:** Land use Management (BD)  
**From:** Development Engineer Manager (SM)  
**Subject:** 370 Fleming Road – Lot B, Plan 11730, Sec. 27, Twp. 26, ODYD

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The Development Engineering comments and requirements regarding this application to rezone from RU-1 to RU-1c (carriage) are as follows:

1. Subdivision

Provide easements as required

2. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). All the fees and charges are to be paid directly to BMID.

3. Sanitary Sewer.

The subject property is located within the Local Area Service (LAS) #20 and the property has cash commuted 1 SFE (Single Family Equivalent) in 2005. The current Policy requires that all the LAS charges be cash commuted when the property is rezoned. The pay-out charge for a house and a carriage house is 1 and ½ SFE less the 1.0 SFE already paid. The current LAS #20 payout rate is \$3,782.00 per SFE and the total charge is in the amount of **\$1,891.00** the charge is valid until March 31, 2013.

4. Bonding and Levies Summary.

Levies

Local Service Area #20 charges

**\$ 1,891.00**



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Steve Muenz, P.Eng.  
Development Engineer Manager

B<sup>2</sup>