City of Kelowna Public Hearing AGENDA



Tuesday, February 2, 2016 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 January 19, 2016 (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

3.1 160 Gibbs Road West, BL11183 (Z15-0055) - Lance Johnson & Tracey Skulmoski

4 - 17

To rezone the subject property to facilitate the conversion of an accessory building to a carriage house on the subject parcel.

3.2 150 Homer Road, BL11186 (OCP15-0004) & BL11187 (Z15-0018) - The BC Muslim Association

18 - 29

To re-designate and to rezone a portion of the subject parcel, outlined in red, in order to facilitate the redevelopment of a religious assembly use on the adjacent property at 1120 Hwy 33 W for parking.

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 respresentation (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: January 18, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z15-0055 Owner: Lance Johnson & Tracey

Skulmoski

Address: 160 Gibbs Road W Applicant: Novation Design Studio

Subject: Rezoning Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z15-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 4 Section 26 Township 26 ODYD Plan 12452, Located at 160 Gibbs Road W, Kelowna, BC from RU1 - Large Lot Housing zone to RU1c - Large Lot Housing with Carriage House zone, be considered by Council;

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

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

2.0 Purpose

To rezone the subject property to facilitate the conversion of an accessory building to a carriage house on the subject parcel.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to allow the conversion of an accessory building to a carriage house on the subject property. The S2RES - Single / Two Unit Residential land use designation permits the proposed RU1c - Large Lot Housing with Carriage House zone. Currently the adjacent parcels contain a mix of single family and multi-residential dwellings. The proposed carriage house use is consistent with the Official Community Plan (OCP) Future Land Use designation policy for Sensitive Infill.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50m radius were provided with a circulation package in regards to the development.

4.0 Proposal

4.1 Background

The existing 1 $\frac{1}{2}$ storey single detached dwelling with a single vehicle carport on the south side was constructed in the early 1960's. In 2013 a building permit was approved for the construction of the accessory building/ workshop in the rear yard with the future intention of converting it to a Carriage House.

4.2 Project Description

The subject parcel is located within the Permanent Growth Boundary on the west side of Gibbs Road. At the time of construction, the accessory building met all of the Zoning Bylaw regulations. In rezoning the parcel to allow for the conversion of the accessory building to a Carriage House, one variance is triggered. The required rear yard setback of 2.0 m would need a variance to be reduced to the 1.5 m proposed.



If rezoning is approved, the existing oversize workshop door will be removed and replaced with windows. The building will be finished to match the existing primary dwelling. Private open space for the Carriage House is provided beside it, to the north. The existing driveway will be extended to the carriage house to provide sufficient parking. The primary dwelling will have two parking spaces with one being in the existing attached carport and the second is provided in tandem.

The existing fence and hedges provide privacy for the adjacent parcels and the subject one. The two windows on the rear elevation will be screened by the fence and hedge. This will provide

4.3 Site Context

The subject property is located on the west side of Gibbs Road W in the Rutland area of Kelowna. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
	RM3 - Low Density Multiple Housing	Multi-Family Row housing
West	RU6 - Two Dwelling Housing	Semi-Detached Dwelling

Subject Property Map: 160 Gibbs Road W



4.4 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL		
Exi	sting Lot/Subdivision Regulation	ns		
Min. Lot Area	550 m ²	856 m²		
Min. Lot Width	16.5 m	22 m		
Min. Lot Depth	30 m	38.79 m		
	Development Regulations			
Site Coverage	40%	21.8%		
Site Coverage: accessory buildings or structures and carriage house (one storey)	20%	10%		
Floor area of carriage house (footprint)	100 m²	85.8 m²		
Max. area of carriage house (total building area)	130 m²	85.8 m²		
Max. net floor area of carriage house to total net floor area of principal building	75%	40%		
Height (mid point of roof)	4.8 m	4.2 m		
Setback from Principal Dwelling	3.0 m	12.4 m		
Carriage House Regulations				
Max. Height	4.8 m	4.2 m		
Min. Side Yard (north)	2.0 m	9.1 m		
Min. Side Yard (south)	2.0 m	2.9 m		
Min. Rear Yard (without a lane)	2.0 m	1.5 m o		

Height (carriage house shall not be higher than existing primary dwelling unit)	1 1/2 storey ex. House	1 storey Carriage house		
Other Regulations				
Min. Parking Requirements	3 stalls	+3 stalls provided		
Min. Private Open Space	30 m ²	+30 m ²		
• Indicates a requested variance to the rear setback to a carriage house for a laneless parcel.				

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.

6.0 Technical Comments

- 6.1 Building & Permitting Department
 - Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
 - Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
 - Full Plan check for Building Code related issues will be done at time of Building Permit
 applications. Please indicate how the requirements of Radon mitigation are being applied
 to this structure at time of permit application
- 6.2 Development Engineering Department
 - See Attachment 'A'.

6.3 Fire Department

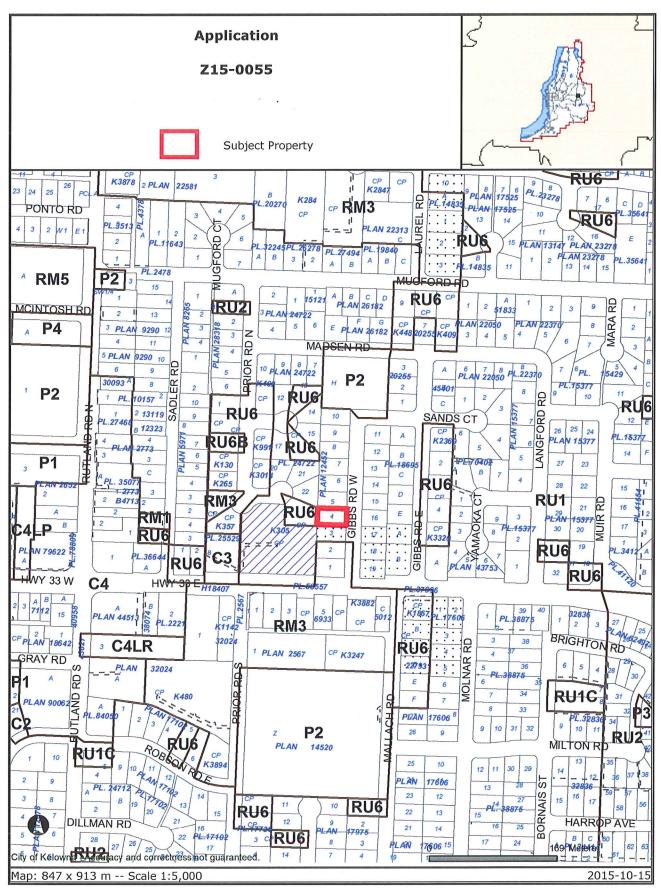
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Gibbs Rd W. for emergency response
- Should a gate or fence be installed between main house and carriage house the gate is to open without special knowledge (locking device) and have a clear width of 1100mm.

7.0 Application Chronology

Date of Application Received: October 15, 2015
Date Public Consultation Completed: November 15, 2015

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

Report prepared by:	
Lydia Korolchuk, Planner	<u>-</u>
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager
Attachments:	
Subject Property Map Site Plan & Landscape Plan Conceptual Elevations	Forming a miner Magney and the day Never when 25, 2015
Attachment A: Development	Engineering Memorandum dated November 25, 2015



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.

MEMORANDUM

Date:

November 25, 2015

File No.:

Z15-0055

To:

Land Use Management Department (LB)

From:

Development Engineering Manager

Subject:

160 Gibbs Rd. W.

Lot 4 Plan 12452

Carriage House

RU1C

Development Engineering has the following requirements associated with this application.

1. <u>Domestic Water</u>

(a) The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services. Only one water service will be permitted to a consolidated lot.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. No service upgrades are required for this application.

3. 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.

4. Access and Parking Requirements

Access to the subject property is limited to Gibbs Road West.

Steve Muerz, P. Eng.

Development Engineering Manager

MEMORANDUM

Date:

November 25, 2015

File No.:

DP15-0251

To:

Urban Planning (LB)

From:

Development Engineer Manager (SM)

Subject:

160 Gibbs Rd. W.

Lot 4

Plan 12452

Carriage House

The Development Engineering comments and requirements regarding this Development Application to construct a carriage house are as follows:

1. General.

Requirements addressed in rezoning file Z15-0055 must be satisfied prior to the issuance of this Development Permit.

Steve Muenz, P.Eng/ V
Development Engineering Manager

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MEMORANDUM

Date:

November 25, 2015

File No .:

DVP15-0252

To:

Community Planning (LB)

From:

Development Engineering Manager (SM)

Subject:

160 Gibbs Rd. W.

Lot 4

Plan 12452

Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the rear yard setback to 1.6m does not compromise any municipal services.

Steve Muenz, P. Eng.

Development Engineering Manager

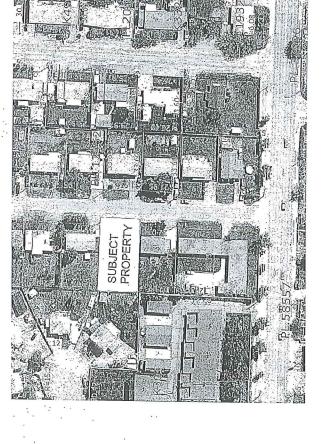
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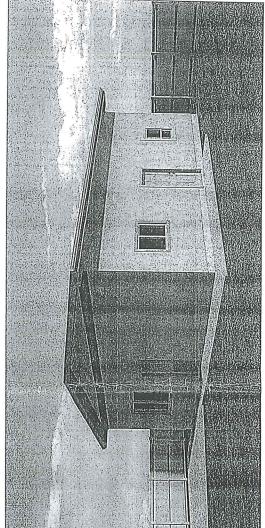
Zoning Analysis Table

CONTEXT SITE PLAN:

Development Regulations
Maximum Net Floor Area to Principal Maximum Net
CRITERIA Maximum Total Site Coverage (Dulidings) Maximum Total Site Coverage (Duridings) Maximum Total Site Coverage (Duridings) Maximum Front Yard Minimum Side Yard (South) Minimum Side Yard (South) Minimum Rear Yard Minimum Rear Yard Minimum Accessory Site Coverage Maximum Met Floor Area to Principal Maximum Net Floor Area to Principal Maximum Upper Storey Floor Area to

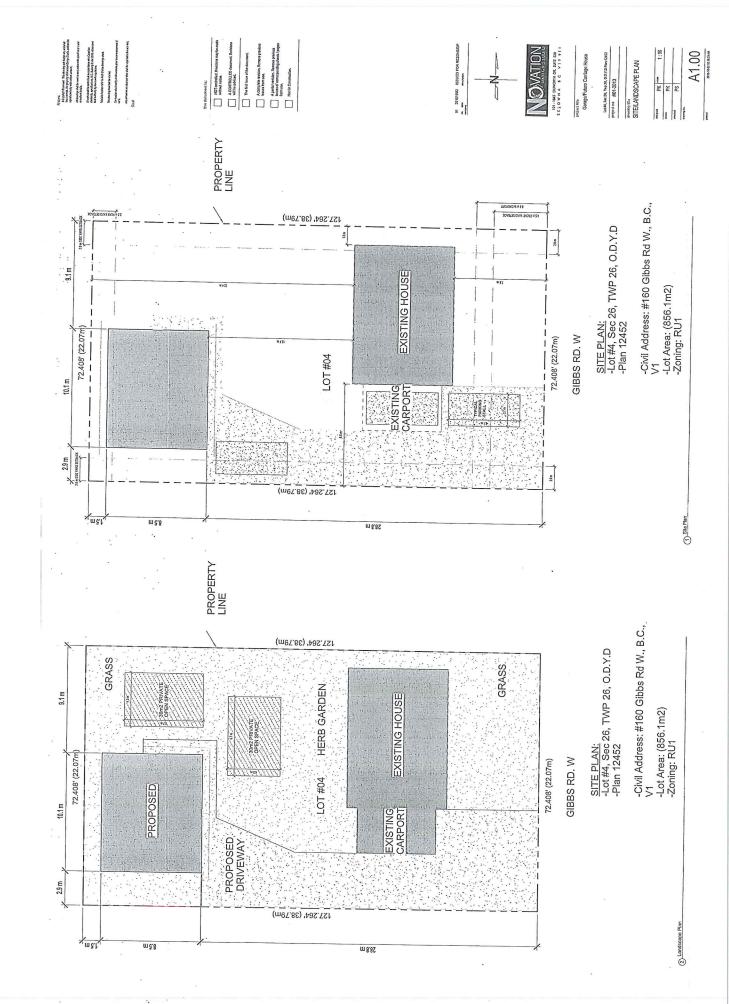


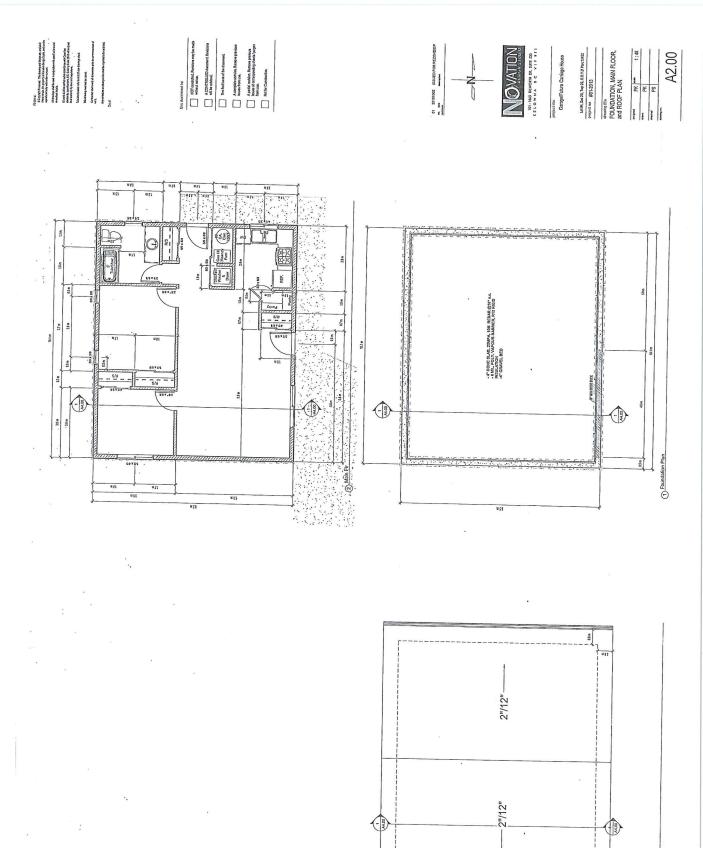


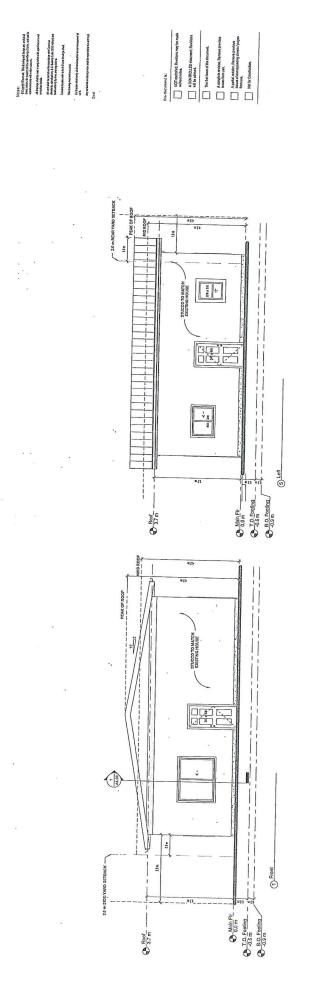


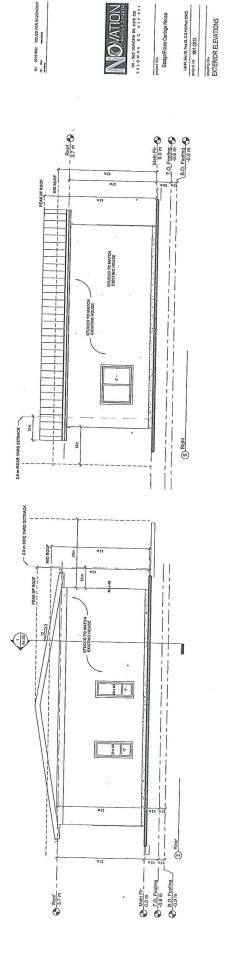


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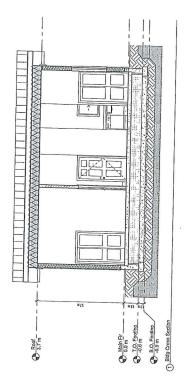
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REPORT TO COUNCIL



Date: January 18th, 2016

RIM No. 1250-20

To: City Manager

From: Community Planning Department (AC)

OCP15-0004

Application: Owner: The BC Muslim Association

Z15-0018

Address: 150 Homer Road Applicant: Steve Shoranick (Trak

Construction)

Subject: Official Community Plan Redesignation and Rezoning Application

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

Proposed OCP Designation: EDINST - Education / Institutional

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: P2 - Education and Minor Institutional

1.0 Recommendation

THAT Official Community Plan amendment No. OCP15-0004 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897 located at 150 Homer Road, Kelowna, BC, from the MRL - Multiple Unit Residential (Low Density) designation to the EDINST - Education / Institutional designation, as shown on Map "A" attached to the Report from the Community Planning Department dated January 18th 2016, be considered by Council;

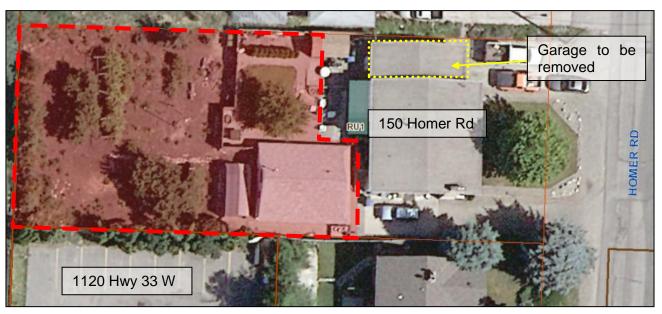
AND THAT Rezoning application No. Z15-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 12, Section 27, Township 26, ODYD, Plan 14897 located at 150 Homer Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the P2 - Education and Minor Institutional zone, as shown on Map "B" attached to the Report from the Community Planning Department dated January 18th 2016, be considered by Council;

AND THAT the Official Community Plan amending Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan amending Bylaw and Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated June 17th 2015;

2.0 Purpose

To re-designate and to rezone a portion of the subject parcel, outlined in red, in order to facilitate the redevelopment of a religious assembly use on the adjacent property at 1120 Hwy 33 W for parking.



3.0 Community Planning

Community Planning Staff supports the proposal to re-designate and to rezone a portion of the subject parcel to P-2 Institutional (see image on below). The property is adjacent to the Kelowna Islamic Centre located at 1120 Hwy 33 W. The Islamic Centre is preparing to redevelop and build a new building at 1120 Hwy 33 W. In order to expand the floor area of the Kelowna Islamic Centre additional parking is required. The BC Muslim Association recently purchased 150 Homer Road to achieve this objective.



There were numerous discussions and negotiations with the Ministry of Transportation and Infrastructure (MOTI) about the Kelowna Islamic Centre's existing Highway 33 access. The solution that was adequate for MOTI and the applicant was to limit the existing access to right out on Hwy 33 and to develop an alternative access into the site from Homer Road. The existing garage on the northern half of 150 Homer Road will be removed and developed into a drive aisle.

4.0 Proposal

4.1 Background

The BC Muslim Association has purchased the neighbouring property at 150 Homer Road in order to be able to expand the parking capacity for the redeveloped Islamic Centre.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant has notified all of the neighbours within a 50 metre radius.

4.2 Project Description

The portion of 150 Homer Road subject to the OCP re-designation and rezoning is proposed to be developed into a parking lot. The remainder portion of the lot will remain as a separate residential lot. The new 570 m² Kelowna Islamic Centre will need a number of variances to be approved including: a 6% site coverage variance, setback variances to the existing garage and single family dwelling, and a 50% parking reduction variance.

Zoning Analysis Table				
CRITERIA	P2 ZONE REQUIREMENTS	PROPOSAL		
	Development Regulations			
Site coverage for buildings, roads, & parking areas	60%	66% *		
Side Yard for accessory building (east)	4.5m	TBD *		
Other Regulations				
Minimum Parking Requirements	57 stalls	29 stalls *		
Zoning Analysis Table				
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL		
Rear Yard setback (west)	7.5m	TBD *		
* Variances required				

If Council adopts the OCP re-designation and rezoning at 150 Homer Road, then Staff will bring forward a Development Permit and a Development Variance Permit for the Kelowna Islamic Centre on a newly consolidated lot for Council's consideration.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	MRL - Multiple Unit Residential (Low Density)
East	RU1 - Large Lot Housing RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)
South	RU1 - Large Lot Housing P2 - Education and Minor Institutional	MRL - Multiple Unit Residential (Low Density) EDINST - Education / Institutional
West	RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)

Subject Property Map: 150 Homer Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

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).
 - 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
 - 3) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- 4) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 5) An exit analysis is required as part of the code analysis at time of building permit.
- 6) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 7) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation, soffit protection the new requirements for part 9 buildings and NAFS are being applied to this structure at time of permit application.
- 6.2 Development Engineering Department

See Development Engineering Memo dated June 17th 2015.

6.3 Fire Department

Report prepared by:

1) The Fire Department has no issues with the zoning.

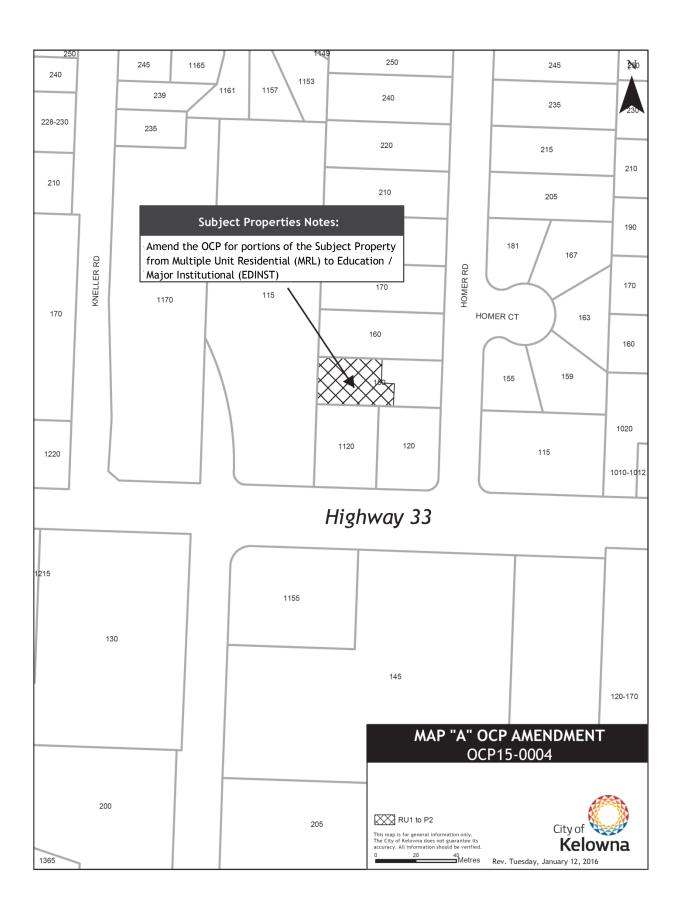
7.0 Application Chronology

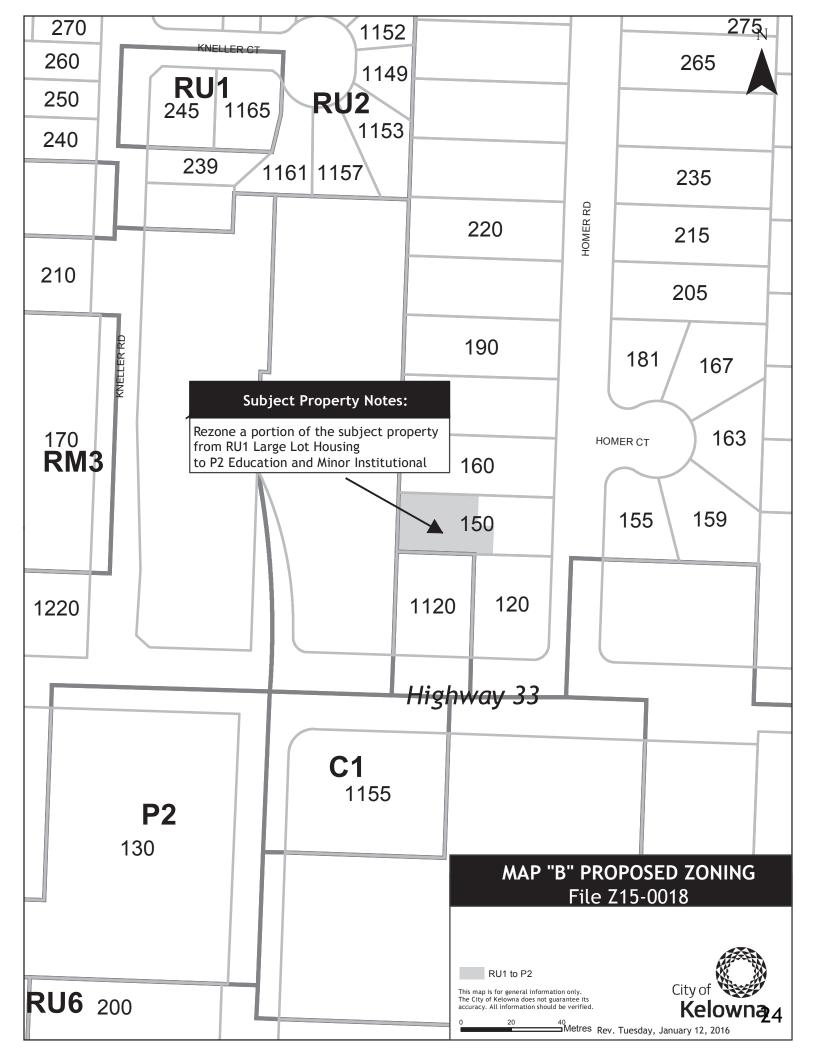
Date of Application Received: April 17th 2015
Date Public Consultation Completed: July 29th 2015

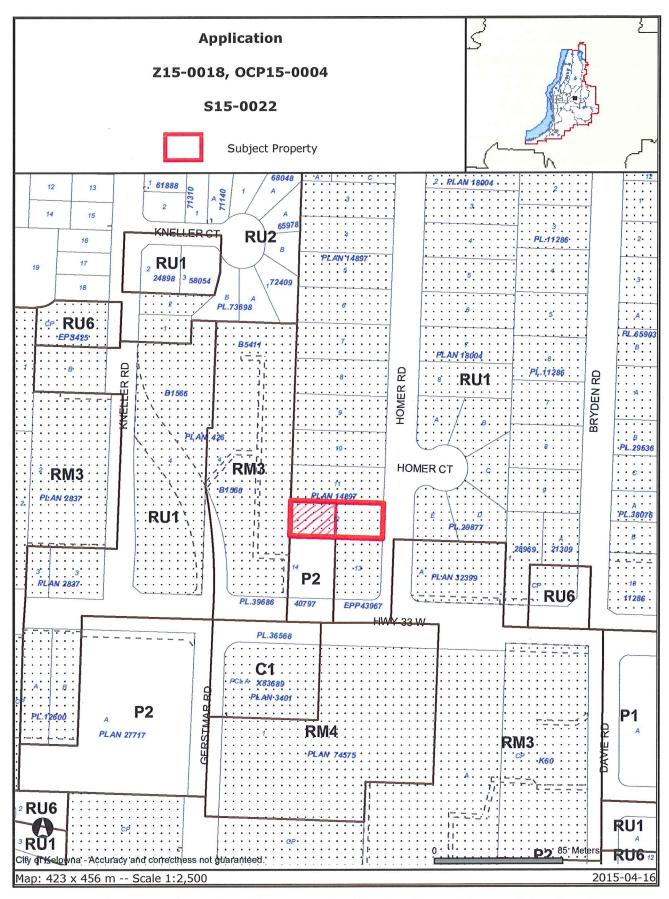
Adam Cseke	
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for:	Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Attachment 'A' Development Engineering Memo dated June 17th 2015
Site Plan
Conceptual Renderings
Preliminary Survey Plan
Map A
Map B







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.

MEMORANDUM

Date:

June 17, 2015

File No.:

Z15-0018

To:

Urban Planning (LG)

From:

Development Engineering Manager (SM)

Subject:

150 Homer Road, lot 12 & 14, plan 14897, Section 27, Township 26, ODYD

Development Engineering Services comments and requirements pertaining to this application to rezone a portion of lot 12 from RU1 to P2 after a boundary adjustment are as follows:

General

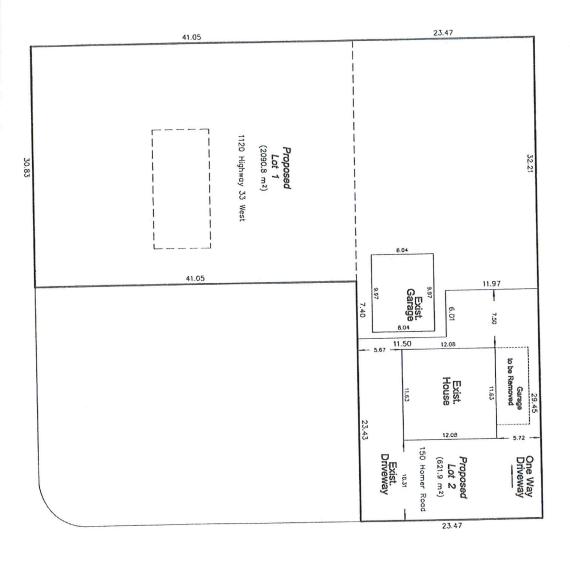
- a) Provide easements as may be required.
- b) All servicing requirements were addressed in the technical subdivision under file S15-0022. This application does not trigger any additional servicing upgrades.
- c) The revised drawings do not affect the Development Engineering comments in the memo dated May 14, 2015 reiterated above for convenience.

Steve Muenz, P. Eng. Development Engineering Manager

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PRELIMINARY SCIEDIUISION PLAN

