

City of Kelowna Public Hearing AGENDA



Tuesday, March 15, 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 March 1, 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

3.1 875 Graham Road, BL11206 (Z15-0063) - Joseph & Cindy Burd

3 - 16

To rezone the property to Medium Lot Housing zone to facilitate a subdivision of the parcel into two lots, with the north lot having appropriate zoning to allow for the construction 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: February 29, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z15-0063

Owner: Joseph & Cindy Burd

Address: 875 Graham Road

Applicant: Urban Options

Subject: Rezoning Application

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU2 - Medium Lot Housing
RU2c - Medium Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z15-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the south portion of Lot 1 Section 22 Township 26 ODYD Plan 19161, located at 875 Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone and by changing the zoning classification of the north portion of Lot 1 Section 22 Township 26 ODYD Plan 19161, located at 875 Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU2c - Medium Lot Housing with Carriage House zone as shown on Map "A" attached to the Report from the Community Planning Department dated January 22, 2016, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 29, 2016;

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

2.0 Purpose

To rezone the property to Medium Lot Housing zone to facilitate a subdivision of the parcel into two lots, with the north lot having appropriate zoning to allow for the construction of a Carriage House.

3.0 Community Planning

The subject property is within the Rutland Sector of Kelowna. It has a designation of S2RES - Single / Two Unit Residential in the Official Community Plan (OCP) Future Land Use map. The application to rezone the parcel also meets further OCP policy encouraging the densification of neighbourhoods through appropriate infill development, including the use of smaller lots. The proposed lots also meet or exceed the zoning criteria standards for the RU2 - Medium Lot Housing zone.

Overall the proposal is consistent with current City policy and municipal services are available to service the lots. Therefore, Staff recommend support to Council for this application to rezone the subject parcel.

4.0 Proposal

4.1 Project Description

The proposal is to subdivide the existing 1093 m² (0.27 ac) parcel into two parcels. The proposed property line runs east/west through the property. The south parcel will have frontage on Matt Road and the north parcel, being a corner lot, will have frontage on both Matt Road and Graham Road. The north parcel meets the corner lot width requirements of the Zoning Bylaw (See Subject Property Map below) and will have the additional 'c' designation to allow for the construction of a Carriage House.

Should the rezoning application be successful, the applicant is planning to subdivide and build two new homes, one with a carriage house. A Direct Development Permit will be required for the Carriage House to ensure conformity with the Carriage House Urban Design Guidelines and Zoning Development Regulations, including providing adequate on-site parking.

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

4.2 Site Context

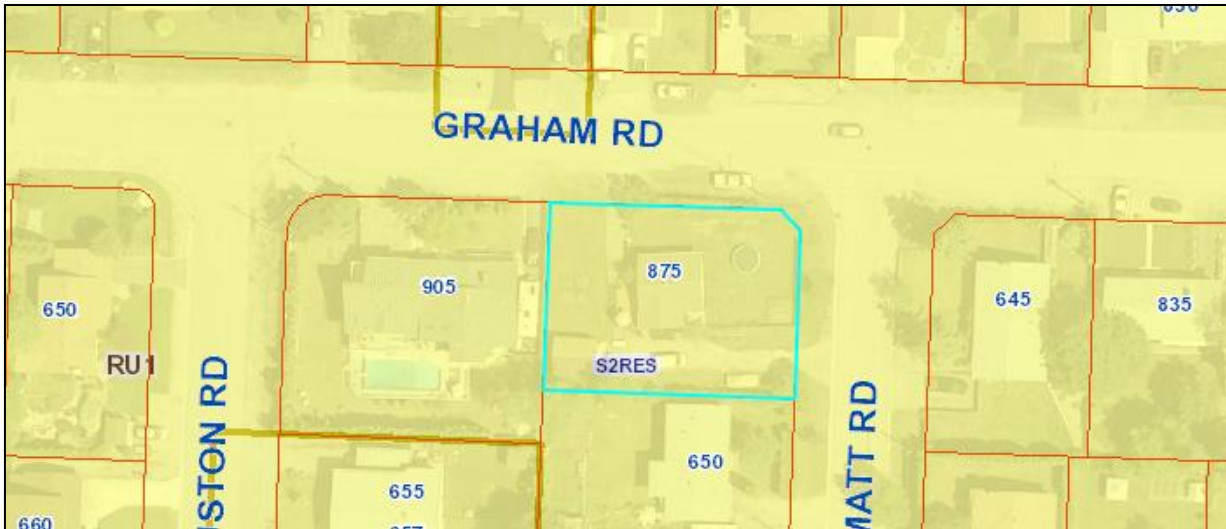
Adjacent land uses are as follows:

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

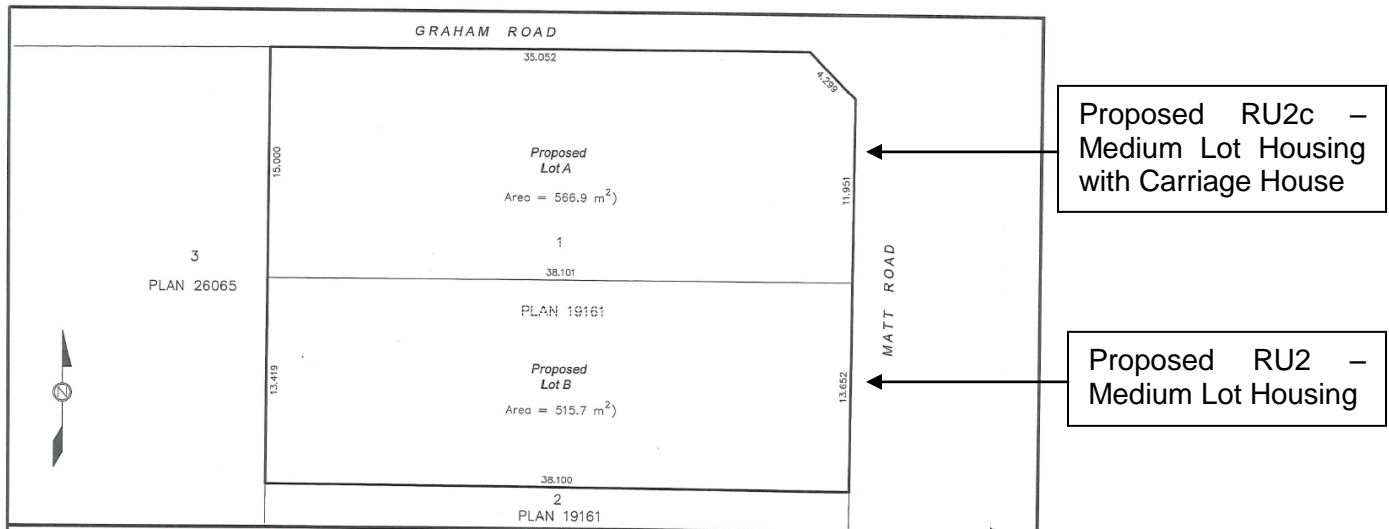
Subject Property Map:



Future Land Use Map: S2RES - Single / Two Unit Residential



Proposed Subdivision Layout:



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m ²	South Lot 515.70 m ² North Lot 566.90 m ²
Minimum Lot Width	13.0 m 15.0 m for a corner lot	South Lot 13.42 m North Lot 15.0 m
Minimum Lot Depth	30 m	38.1 m

No variances are required for this rezoning application.

4.4 RU2 Zoning Criteria Table

CRITERIA	RU2 - MEDIUM LOT HOUSING - ZONE REQUIREMENTS
Development Regulations	
Minimum Front Yard	4.5 m (6.0 m from a garage or carport)
Minimum Side Yard	1.5 m (for up to 1 ½ storey portion of building) 1.8 m (for up to 2 ½ storey portion of building) 3.0 m (if there is no garage or carport from the front)
Minimum Rear Yard	6.0 m (for up to 1 ½ storey portion of building) 7.5 m (for up to 2 ½ storey portion of building)
Maximum Site Coverage	40% (50% including driveways and parking areas)

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.

Permanent Growth Boundary.² Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

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

² City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).

Sensitive Infill. 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.

Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Development Engineering Department

- See Attachment A

6.2 Fortis BC - Electric

- There are primary distribution facilities along Graham Road, and south of the proposed lots in Matt Road. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Application Received: December 1, 2015

Date of Public Consultation Received: February 2, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

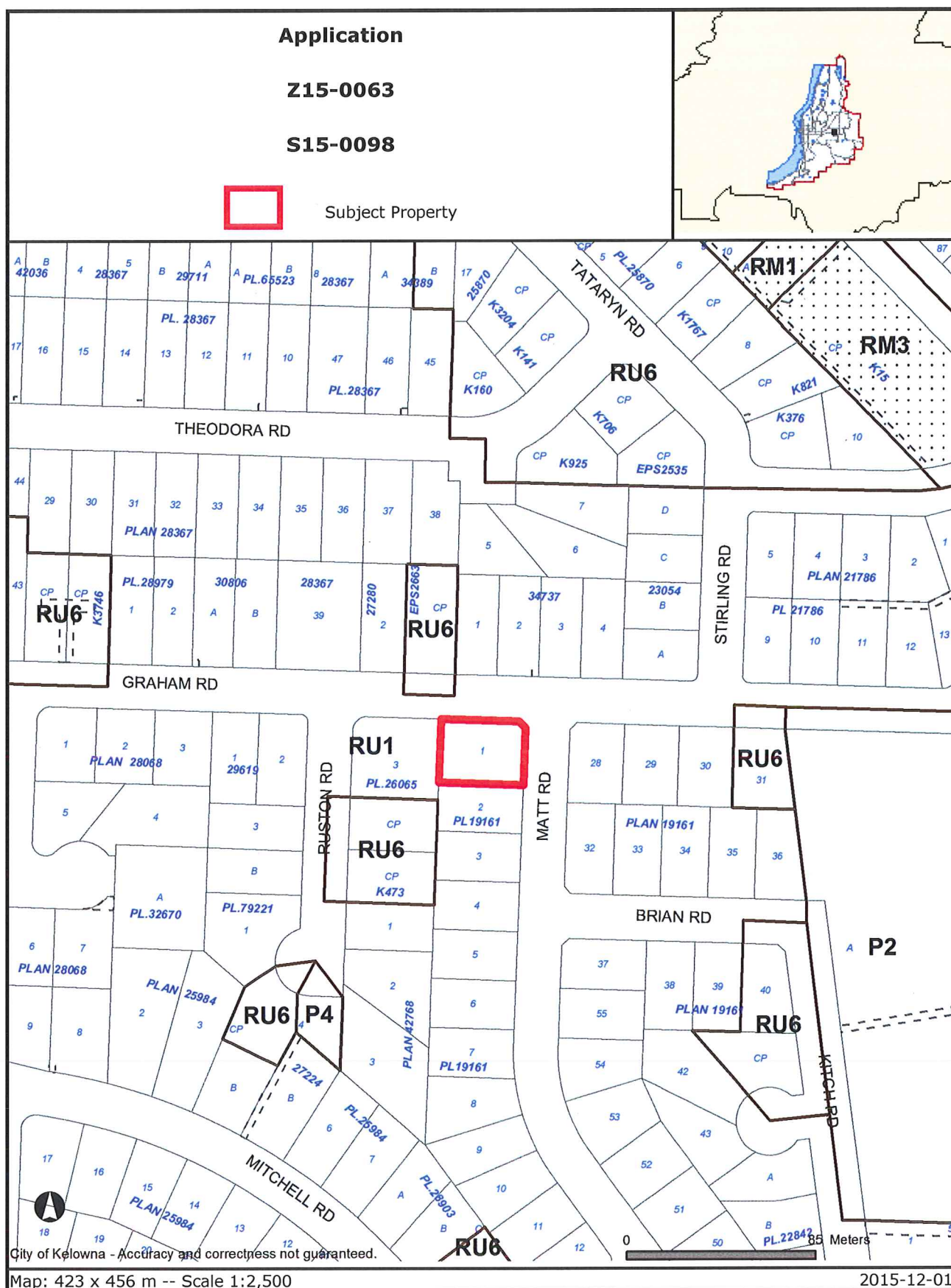
Subject Property Map

Site Plan - Proposed Subdivision Layout

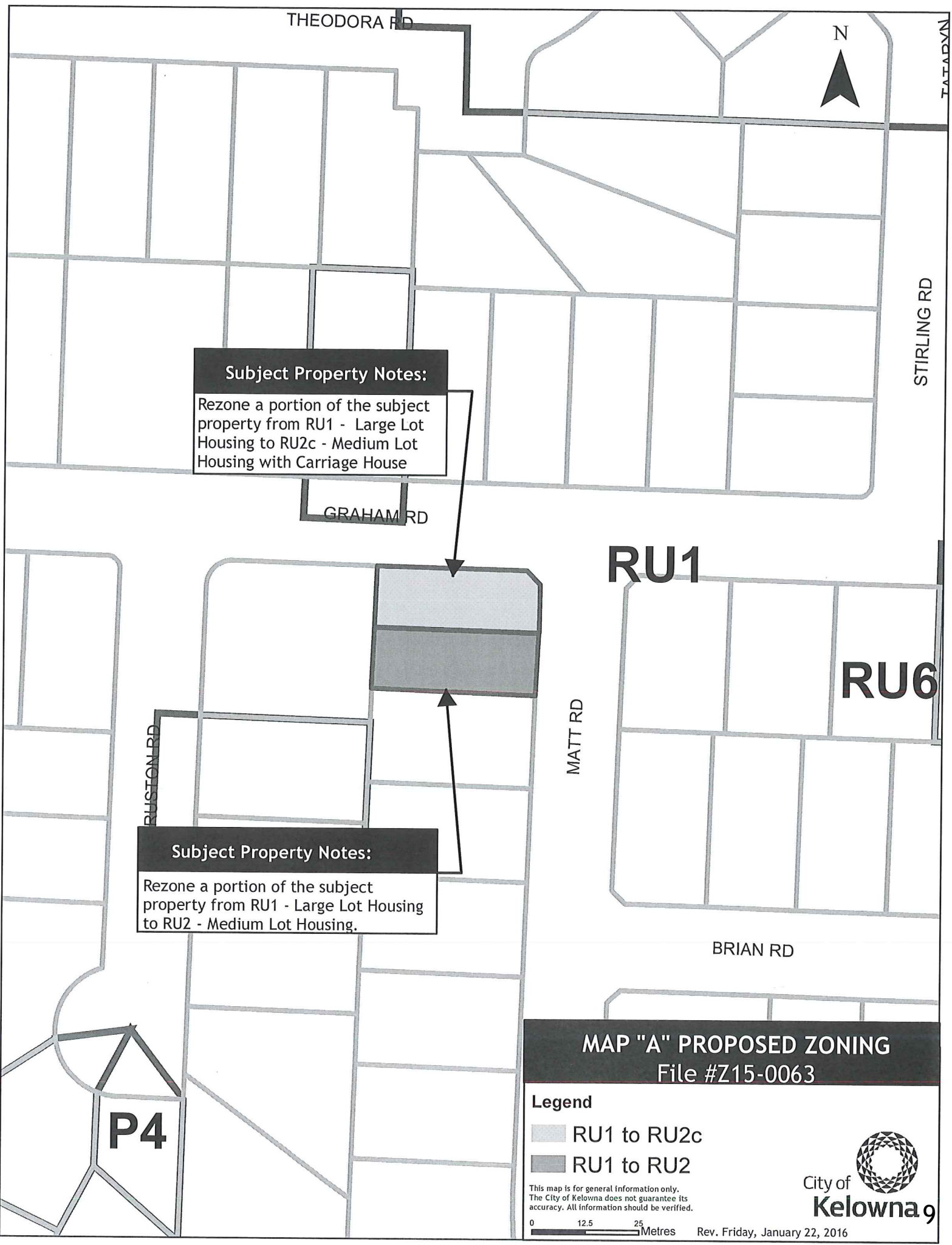
Attachment A: Development Engineering Memorandum dated January 29, 2016

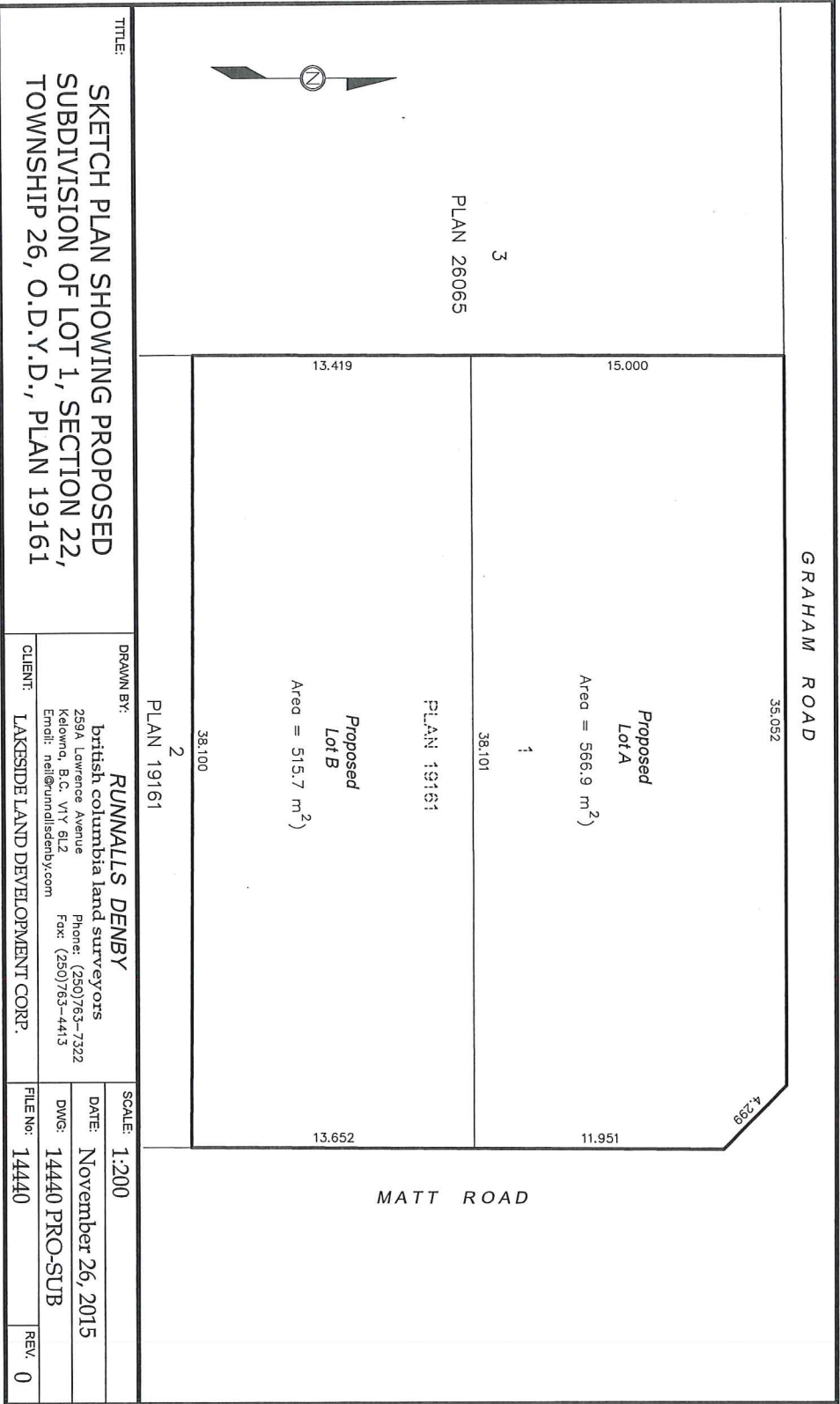
Attachment B: Rutland Waterworks District Letter

Map "A" Proposed Zoning



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.

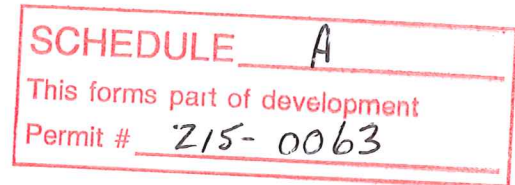




CITY OF KELOWNA

MEMORANDUM

Date: January 29, 2016
File No.: S15-0098
To: Community Planning (DB)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements



LOCATION:	875 Graham Road
APPLICANT:	Birte Decloux
LEGAL:	LOT 1, PLAN 19161

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Jason Ough.

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

.2) Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

.3) Water

- (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.
- (b) The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services (provide copy of receipt).

.4) Sanitary Sewer

- (c) The existing 150mm diameter service is acceptable to service proposed lot A.
- (b) A new sanitary service can be provided for proposed lot B at the applicant's cost prior to subdivision approval.
- (d) **The applicant will be required to sign a Third Party Work Order for the cost of the new service requirements.** For estimate inquiry's please contact Jason Ough at jough@kelowna.ca or phone 250-469-8721. Or arrange for lot connections before submission of the subdivision plan.

.5) Drainage

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit).
- (b) The development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by the consulting civil engineer. The existing lot does not presently have a storm drainage service.

.6) Roads

- (a) Graham Road frontage must be upgraded to a full urban standard including curb, gutter, fillet pavement, street lights, storm drainage works, additional driveway and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

- b) Re-locate existing poles and utilities, where necessary.

.7) Power and Telecommunication Services and Street Lights

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) Streetlights must be installed on all roads.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.8) Other Engineering Comments

- b) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- c) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- a) Only the service upgrades must be completed at this time. The City wishes to defer the remainder of the upgrades to McClure Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

Item	Cost
Curb &Gutter	\$ 3,429.00
Drainage	\$ 4,333.00
Street Lighting	\$ 926.00
Road Fillet	\$ 2,057.00
Total	\$10,744.00

.9) Charges and Fees

- b) Development Cost Charges (DCC's) are payable
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: **\$50.00 per newly created lot** (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- d) A hydrant levy charge of **\$250.00** (250.00 per new lot).
- e) Water services upgrade for lots 1 & 2t; **to be determined.**
- f) Sanitary service for lot 2; **to be determined.**
- g) The City wishes to defer the construction of frontage improvements on McClure Road which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$10,744.00**

Steve Muenz, P.Eng.
Development Engineering Manager

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CITY OF KELOWNA
MEMORANDUM

Date: January 29, 2016
File No.: Z15-0063

To: Community Planning (LK)

From: Development Engineering Manager (SM)

Subject: 875 Graham Road

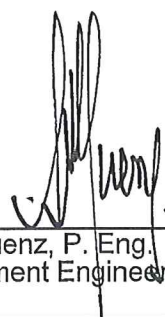
RU1 to RU2 & RU2c

Development Engineering has the following comments and requirements associated with this application.

1. General

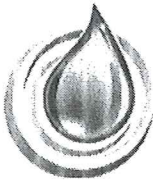
Road frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense and securities will be required.

The proposed redevelopment includes the subject parcel being subdivided into two lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. These Works will be at the developer's expense. Development Engineering is prepared to defer the requirements of the rezoning application to the subdivision stage.



Steve Muenz, P. Eng.
Development Engineering Manager

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Rutland
WATERWORKS DISTRICT

106 – 200 Dougall Road North
Kelowna, BC V1X 3K5
www.rutlandwaterworks.com

p: (250) 765-5218
f: (250) 765-7765
e: info@rutlandwaterworks.com



January 19, 2016

Urban Options Planning & Permits
287 Rialto Drive
Kelowna BC V1V 1E9

RE: Development Proposal at 875 Graham Rd Plan 19161 Lot 1
RWD File # 15/20 City of Kelowna File # Z15-0063, S15-0098

Rutland Waterworks District acknowledges receipt of a proposal for development at the above noted address, forwarded to us for comment by the City of Kelowna Planning Department.

Rutland Waterworks has no objection to the subdivision and rezoning of these lots. **Capital Expense Charges for the creation of a new lot are \$2,700.00 and due to Rutland Waterworks District prior to the release of a water certificate.** Any future development will require further review and comment.

Further all bylaws and regulations of Rutland Waterworks District must be adhered to for the commitment of water service to this property.

Sincerely,

Peter Preston
General Manager

pc: City of Kelowna Planning Department