

City of Kelowna Public Hearing AGENDA



Tuesday, September 6, 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 August 23, 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 2486 Highway 97N, Z16-0001 - Kelowna Hwy 97/33 Holdings Ltd. 4 - 14

To rezone the subject property from the C9 - Tourist Commercial zone to the C4 - Urban Center Residential zone in order to alter the potential tenant mix for the retail component.

3.2 361 Yates Road, Z16-0031 - Cheryl Homes Medical Services Ltd. 15 - 23

To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone in order to legalize an existing carriage house that was constructed without permits.

3.3 4491 Stewart Road West, Z16-0034 - Delauralyn Pihl 24 - 33

To rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture with Carriage House zone in order to facilitate a secondary suite in an existing horse barn.

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: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RR)

Application: Z16-0001

Owner: Kelowna Hwy 97/33 Holdings Ltd., Inc. No.BC1003626

Address: 2486 Highway 97 N

Applicant: Calnitsky Architecture

Subject: Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: C9 - Tourist Commercial

Proposed Zone: C4 - Urban Center Commercial

1.0 Recommendation

THAT Rezoning Application No. Z16-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 DL 125 ODYD Plan 18724 Except Plans KAP78413 and KAP80632 located at 2486 Hwy 97 North, Kelowna, BC from the C9 - Tourist Commercial zone to the C4 - Urban Center Commercial zone 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 August 8, 2016.

2.0 Purpose

To consider a zoning bylaw amendment application for an approved hotel and retail center from C9 - Tourist Commercial to C4 - Urban Center Residential to alter the potential tenant mix for the retail component.

3.0 Community Planning

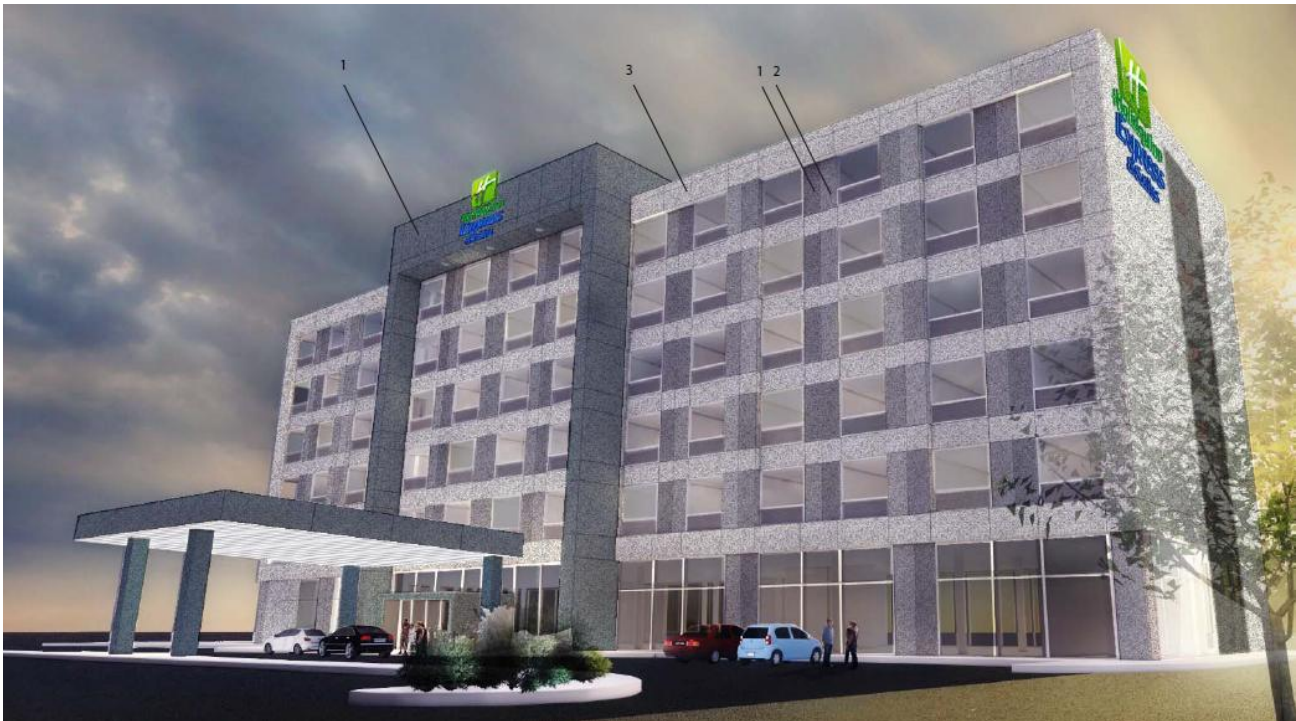
Community Planning supports the proposed zoning bylaw amendment. Council has already given approval for the proposed hotel and retail center on the property, and the bylaw amendment will allow the developer to appeal to a broader mix of tenants. The C4 - Urban Center Commercial zone allows the hotel use.

4.0 Proposal

4.1 Background

On June 28th, Council approved DP16-0001 and DVP16-0002, allowing the development of the subject property with a 6 storey hotel and a one storey retail center. At the time, staff advised council that while all of the proposed uses were permitted under the C9-Tourism Commercial Zone, that the applicant would also be seeking to rezone the property to C4 - Urban Center Commercial. The purpose of the rezoning would be to allow a broader mix of non-tourism tenants in the retail center.

Traditionally, the City of Kelowna practice is always to complete a rezoning prior to the issuance of the development permit. In this instance, because the uses were permitted by both zones, the process was reversed to allow the project to hit an earlier building window.



4.2 Bylaw Amendment

The property is currently zoned C9 - Tourist Commercial. The Tourist Commercial zone allows hotels, and limited retail and restaurant use. Retail uses are limited to 90 m² per unit, and no financial, medical or other services are permitted. Because of the size of the commercial development, the applicant is seeking to expand on permitted uses.

The proposed zone, the C4 - Urban Center Commercial zone, allows a large range of commercial uses, including medical, office, financial and larger scale retail uses. The applicant believes this will help ensure the viability of the commercial development.

The properties surrounding the site are not zoned for Tourist Commercial use. Predominantly, the properties are zoned for Service Commercial use. Staff are not concerned that the re-zoning will impugn on tourist amenities, and in fact believe that additional commercial uses may make the site more appealing to potential tourists or business travellers.

At the time of approval, the project needed several setback variances, which Council granted. If the zoning bylaw is amendment, those variances would no longer be required under the C4 Zone.



4.3 Site Context

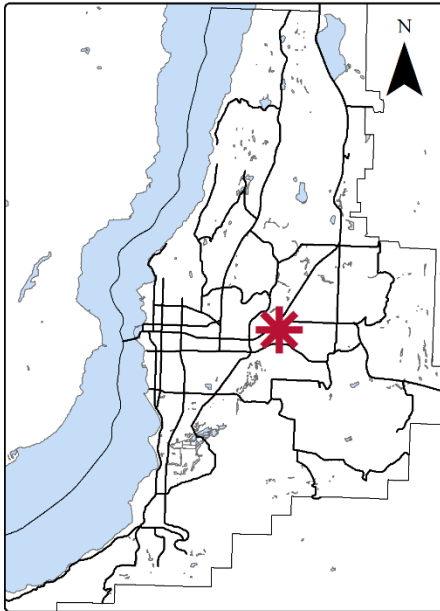
The property is in a heavily urbanized area of the city, at the junction of two major highways. The site is adjacent to another large hotel to the south. The large warehouse retailer Costco is directly across Highway 97.

As Highway 33 is extended, it is anticipated that this intersection will grow more and more busy and prominent.

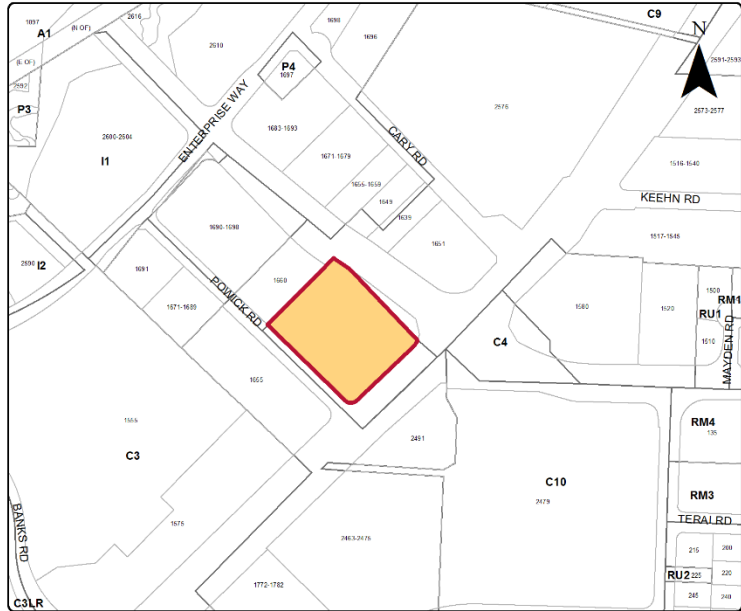
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Ashley Furniture
East	C10 - Service Commercial	Costco
South	C4 - Urban Centre Commercial	Fairfield Hotel
West	C10 - Service Commercial	Event Rentals Store

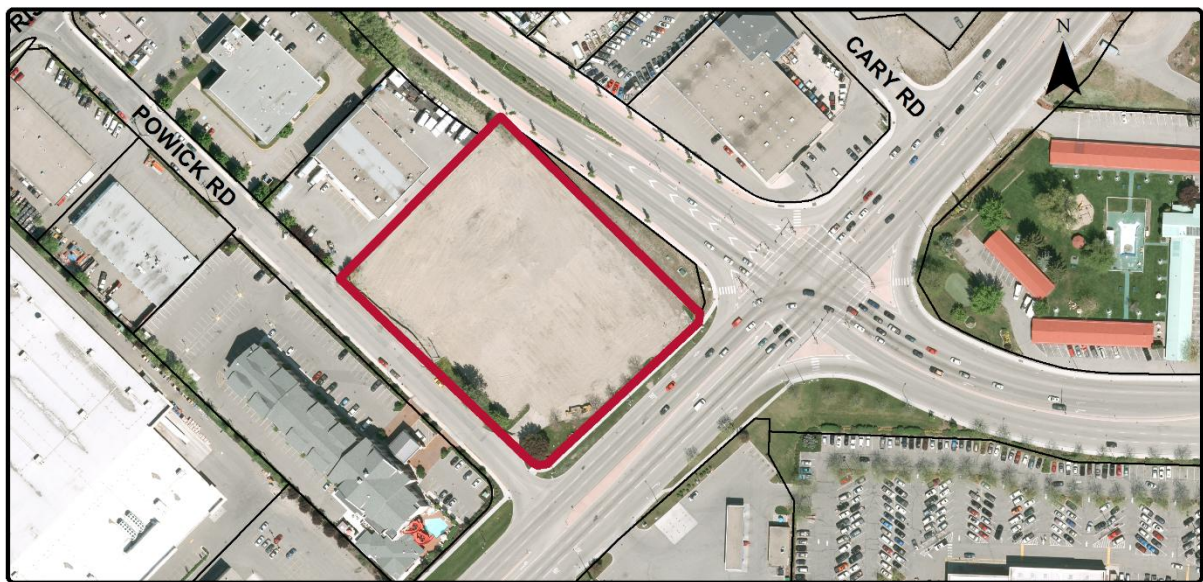
Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

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

- 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 Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 4 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. This includes separations of the parkade into restricted areas if any.
 - b. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 5 A Structural peer review may be required at time of building permit application for the 6 storey structure.
- 6 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- 7 Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.

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

6.2 Development Engineering Department

See attached Memorandum dated February 23, 2016

6.3 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- 2 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property it shall be operational prior to the start of construction.
- 3 A visible address must be posted as per City of Kelowna By-Laws . As the only access to this site is off of Powick Rd, the buildings should be addressed off of Powick Rd.
- 4 Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- 6 Fire Department access is to be met as per BCBC 3.2.5. -
- 7 Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 9 Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- 10 Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11 Fire department connection is to be within 45M of a fire hydrant - unobstructed
 - 11.1 *ensure FD connection is clearly marked and visible from the street
 - 11.2 *standpipes to be located on intermediate landings.
 - 11.3 *sprinkler zone valves shall be accessible as per fire prevention bylaw
 - 11.4 *dumpster/refuse container must be 3 meters from structures or overhangs
 - 11.5 * do not issue BP unless all life safety issues are confirmed

7.0 Application Chronology

Date of Application Received:	January 4 th , 2016
Date Development Permit Approval:	June 28 th , 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Memorandum from Development Engineering

CITY OF KELOWNA

MEMORANDUM

Date: February 23, 2016
File No.: Z16-0001
To: Urban Planning Department (RR)
From: Development Engineering Manager (SM)
Subject: 2486 Highway 97 N Lot 1, Plan 18724 C9 to C4

The Development Engineering Department has the following comments and requirements regarding this application to rezone the subject property from C9 to C4 to accommodate the construction of a proposed Hotel.

The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Jason Ough

1. General

- a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.
- b) 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 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

2. Geotechnical Report

Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.
- (viii) Recommendations for erosion and sedimentation controls for water and wind.
- (ix) Recommendations for roof drains and perimeter drains.
- (x) Recommendations for construction of detention or infiltration ponds if applicable.

3. Domestic Water and Fire Protection

- 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.
- b) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

4. Sanitary Sewer

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs.
- b) The applicant will arrange for the removal and disconnection of one or both of the existing 150mm sewer services and the installation of one new larger service, if required, at the applicants cost. A maximum of one service will be permitted to this property.

5. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan will include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system in Highway 33 via an overflow service.

6. Road Improvements

- a) Powick Road must be constructed to a full SS-R5 urban standard including curb and gutter, separate sidewalk on property line, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) The proposed Hotel triggers a traffic impact assessment. The applicant's transportation engineer shall contact the City's Transportation & Mobility group who will determine the terms of reference for the study. Recommendations from the Traffic Impact Analysis (TIA) will become requirements of rezoning.

- c) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

7. Road Dedication and Subdivision Requirements

- a) The developer is required to dedicate roadway along Powick Road frontage in order to achieve a minimum 20m standard for Collector Right of Way width.
- b) The required TIA and input from the Ministry will determine the potential need for improvement to the existing channelization island and right turn lane and from Hwy 33 to Hwy 97. A subsequent design will determine how much disposable land is available at this location. The remaining property may be purchased by the developer and consolidated with the subject property.
- c) Grant Statutory Rights of Way if required for utility services.
- d) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager

8. Electric Power and Telecommunication Services

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

9. Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover

the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) 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.

12. Development Permit and Site Related Issues

- a) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
 - (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

13. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

14. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).

Steve Muenz, P. Eng.
Development Engineering Manage
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REPORT TO COUNCIL



Date: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z16-0031

Owner: Cheryl Holmes Medical
Services Ltd. Inc No
BC0351645

Address: 361 Yates Road

Applicant: Denis Lampron

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. Z16-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Section 5, Township 23, ODYD, Plan 15293, located at 361 Yates 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 Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER 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 June 24, 2016.

2.0 Purpose

To rezone the subject property from RU1 to RU1c to legalize an existing carriage house that was constructed without permits.

3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 - Large Lot Housing to RU1c - Large Lot Housing with Carriage House to legalize the existing carriage house that was constructed without necessary permits. The property is located within the Permanent Growth Boundary and the application is consistent with Official Community Plan (OCP) Policies related to

Compact Urban Form and Sensitive Infill. The single storey carriage house does not require any variances.

Should Council support the rezoning request, Staff will continue to work with the applicant to issue the Development Permit in accordance with the Intensive Residential - Carriage House/Two Dwelling Housing Guidelines.

In accordance with Council Policy No. 367 the applicant completed neighbourhood consultation by contacting neighbouring properties within a 50m radius.

4.0 Proposal

4.1 Background

The existing single family dwelling was constructed in 1989 and it is assumed the detached garage was constructed at the same time without the required building permit. At some point in time the illegal detached garage was converted to a carriage house by installing plumbing, electrical, and kitchen facilities. In 2007 the first complaint was received with regard to the illegal use of the detached garage as a carriage house and a bylaw investigation was concluded after 3 years of no further complaints. Two other bylaw investigations occurred in 2011, and 2016, with the final investigation resulting in a compliance agreement between the City of Kelowna and the previous owners of the property. The new owners purchased the property in 2016 and have initiated the process to legalize the carriage house and obtain the required zoning, development permit, and subsequently building permit.

4.2 Project Description

The single storey carriage house is located on the rear of the lot and is accessed from the front street as there is no lane access. There is ample parking available on the large lot for both the single family dwelling and the carriage house. The applicant proposes to provide a shrub barrier to delineate private open space for each dwelling and there are no variances requested.

4.3 Site Context

The property is located on the east side of Yates Road between Dallas Road and Ballou Road. It is located within the Permanent Growth Boundary near the Glenmore Valley Village Centre and the Future Land Use designation is Single/Two Unit Residential. The surrounding area is characterized by single dwelling housing with a commercial center to the east and Knox Mountain Park to the west.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU2 - Medium Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU2 - Medium Lot Housing	Residential

Subject Property Map: 361 Yates Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1143.2 m ²
Lot Width	16.5 m	27.7 m
Lot Depth	30 m	41.2m
Development Regulations		
Maximum Total Site Coverage (buildings)	40%	27.6%
Maximum Total Site Coverage (buildings, driveways & parking)	50%	48.7%
Maximum Accessory Site Coverage	20%	6%
Maximum Accessory Building Footprint	100 m ² (carriage house) 50 m ² (accessory buildings) 130 m ² (total)	66.8m ²
Maximum Net Floor Area	100 m ²	37m ²
Maximum Net Floor Area to Principal Building	75%	17%
Maximum Height (to mid-point)	4.8 m	3.1 m
Maximum Height (to peak)	Peak of principal dwelling	3.7 m

Minimum Side Yard (east)	2.0 m	16.2 m
Minimum Side Yard (west)	2.0 m	2.4 m
Minimum Rear Yard	2.0 m	2.2 m
Minimum Distance to Principal Building	3.0 m	7.1 m
Other Regulations		
Minimum Parking Requirements	3 parking stalls	>3 parking stalls
Private Open Space	30m ² per dwelling	>30 m ² per dwelling

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

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.

6.1 Development Engineering Department

Please see attached Schedule "A" dated June 24, 2016

6.2 FortisBC Electric

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Yates Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FBC(E) has no concerns with this circulation.

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).

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- All units shall have a posted address on Yates Rd. for emergency response

7.0 Application Chronology

Date of Application Received: May 16, 2016
Date Public Consultation Completed: May 30, 2016

Report prepared by:

Trisa Brandt, Planner I

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A": City of Kelowna Memorandum dated June 24, 2016

Site Plan and Photos

Conceptual Elevations and Floor Plan



CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2016
File No.: Z16-0031
To: Land Use Management Department (TB)
From: Development Engineering Manager
Subject: 361 Yates Road Carriage House RUIC

Development Engineering has the following requirements associated with this rezoning application.

1. Domestic Water and Fire Protection

The property is located within the GEID service area. Servicing should be reviewed by GEID

2. Sanitary Sewer

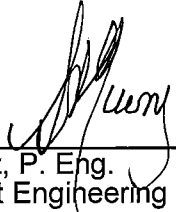
Our records indicate that this property is serviced with two 100mm-diameter sanitary sewer services. An inspection chamber (IC) must be installed on the active service. The inactive service shall be capped at the main. **The applicant will be required to sign a Third Party Work Order and pay for the cost of the sanitary service upgrades.** For estimate inquiry's please contact John Filipenko, by email jfilipenko@kelowna.ca or phone, 250-469-8581.

3. Site Related Issues

Adequate off-street parking is provided.

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.



Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf



CITY OF KELOWNA
MEMORANDUM

Date: June 24, 2016
File No.: DP16-0135
To: Land Use Management Department (TB)
From: Development Engineering Manager
Subject: 361 Yates Road Carriage House RUIC

Development Engineering has the following requirements associated with this rezoning application.

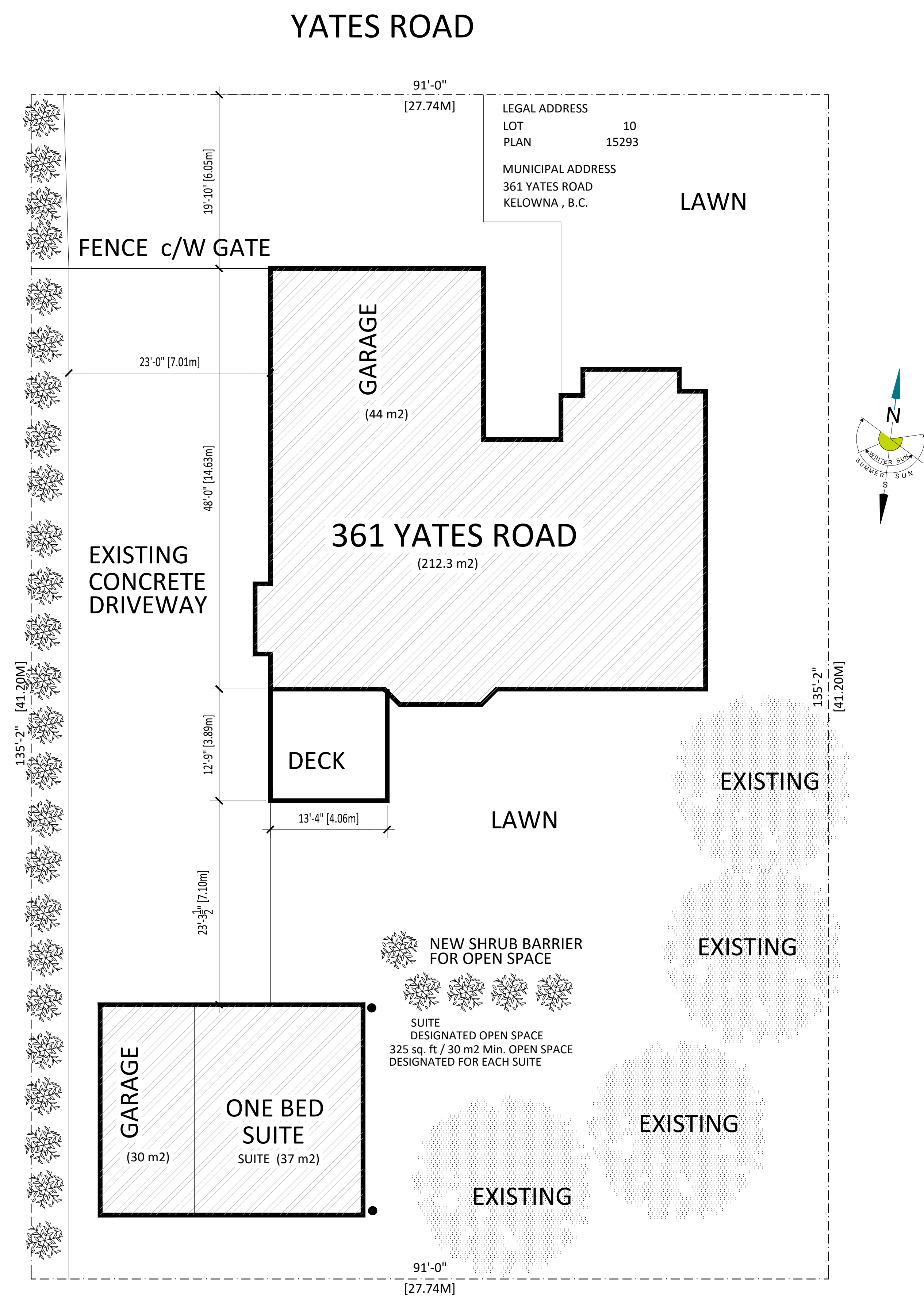
Development Engineering has the following requirements associated with this application.

Requirements addressed in rezoning file Z16-0031 must be satisfied prior to the issuance of this Development Permit.

Development Engineering has no comment regarding the form and character evaluation of the Carriage House

A handwritten signature in black ink, appearing to read 'Steve Muenz', written over a horizontal line.

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf



SUITE

DESIGNATED OPEN SPACE

325 sq. ft / 30 m2 Min. OPEN SPACE

DESIGNATED FOR EACH SUITE

NOTE:

G.C. SUITE PATHWAY TO BE

ILLUMINATED FROM PARKING

AREA TO FRONT DOOR OF

SUITE.

○

PATHWAY LIGHTING

↑

SLOPE

SLOPE GRADE AWAY FROM

RESIDENCE

●

PROPOSED LOCATION

OF DOWNSPOURS

SITE CALCULATIONS:

ZONING

R-1

LEGAL ADDRESS

LOT 10

PLAN 15293

PID

MUNICIPAL ADDRESS

361 YATES ROAD

KELOWNA, B.C.

SITE AREA:

12,300 sq. ft. / 3 749 M2

0.37 Ha.

BUILDING AREA:

EXISTING REDSIDENCE

2,285 sq. ft. / 212.3 M2

EXISTING ATTACHED GARAGE

475 sq. ft. / 44.1 M2

EXISTING FOOTPRINT

2,760 sq. ft. / 256.4 M2

EXISTING CARRIAGE HOUSE

720 sq. ft. / 66.8 M2

TOTAL SITE FOOTPRINT

3,480 sq. ft. / 323.9 M2

SITE COVERAGE:

ALLOWED

40.0 %

EXISTING (3,480 / 12,300) =

27.6 %

MEETS REQUIREMENTS

HARD SURFACE COVERAGE:

ALLOWED

50.0 %

EXISTING (6,000 / 12,300) =

48.7 %

MEETS REQUIREMENTS

SETBACKS:

PROPOSED CARRIAGE RESIDENCE

REQUIRED FRONT SETBACK

4.5 M

14'-6"

PROPOSED FRONT SETBACK

7.01 M

23'-3"

MEETS REQUIREMENTS

REQUIRED SIDE SETBACK

2.1 M

7'-0"

PROPOSED SIDE SETBACK

2.4 M

7'-10"

MEETS REQUIREMENTS

REQUIRED SIDE SETBACK

2.1 M

7'-0"

PROPOSED SIDE SETBACK

16.19 M

53'-1"

MEET REQUIREMENTS

REQUIRED REAR SETBACK

2.1 M

7'-0"

PROPOSED REAR SETBACK

2.23 M

7'-4"

MEET REQUIREMENTS

MAXIMUM BUILDING HEIGHT

FRONT ELEVATION ROOF HEIGHT

ESTIMATED

5.4 M

18'-0"

ROOF HEIGHT OF CARRIAGE HOUSE

3.66 M

12'-0"

MEET REQUIREMENTS

NOTE:

ALL SITE DIMENSION'S WHERE OBTAINED FROM THE

CITY OF KELOWNA WEBSITE , NOT DEEMED 100% ACCURATE.



FRONT VIEW



SIDE VIEW



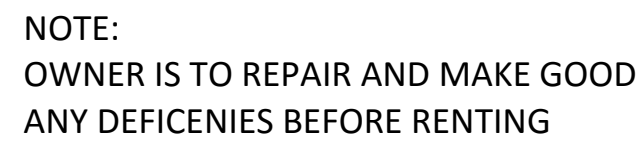
SIDE VIEW



REAR VIEW

NOTE:
OBJECT IS TO LEGALIZE THE EXISTING
REAR STRUCTURE AS A CARRIAGE HOUSE

DATE	NO.	BY	REVISION
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HOLDEN'S DRAUGHTING & DESIGN 832 SAUDER AVENUE KELOWNA, B.C. V1Y-6A3 Phone: 250.868.0962 Fax: 250.868.0962 Email: r-holden@shaw.ca			
PROJECT CARRIAGE HOUSE LEGALIZATION 361 YATES ROAD KELOWNA, B.C.			
SHEET TITLE SITE PLAN & NOTATION			
DRAWN RAH	SHEET NO. A 1		Rev. 0
CHECKED D.L.			
SCALE 1/8"=1'-0"			
DATE 2016.05.11			



REPORT TO COUNCIL



Date: August 22, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TY)

Application: Z16-0034 **Owner:** Delauralyn Pihl

Address: 4491 Stewart Road West **Applicant:** David Pihl

Subject: Rezoning Application

Existing OCP Designation: REP - Resource Protection (*ALR*)

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1c - Agriculture 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z16-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 221 Section 32 Township 29 ODYD Plan 1247, located at 4491 Stewart Road West, Kelowna BC from the A1 - Agriculture 1 zone to the A1c - Agriculture 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 subsequent to the issuance of a Farm Protection Development Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate a secondary suite in an existing horse barn.

3.0 Community Planning

Community Planning supports the rezoning application to allow the applicant to construct a secondary suite in an agri-accessory building. The proposed building is a horse barn which includes birthing stalls, equestrian wash bay, tack room and feed storage. Although not a formal Bylaw regulation, the City of Kelowna adheres to the Policy of the Okanagan Basin Water Board of only approving additional development (carriage home in the case of this application) on parcels over 1.0 hectare in size when not connected to municipal sanitary systems. The subject parcel is not connected to the City sanitary system and is 4.9 hectares in size, as such it meets the OBWB policy.

4.0 Proposal

4.1 Background

The applicant operates a breeding program for thoroughbred horses. The farm includes five breeding mares, at any given time there may be between one to three foals and the same amount of yearling and two-year-old thoroughbred horses. The nature of the farm requires a staff member on site for the purposes of monitoring breeding mares and new foals. Over the first two years, foals born on the property return for training and boarding between new homes.

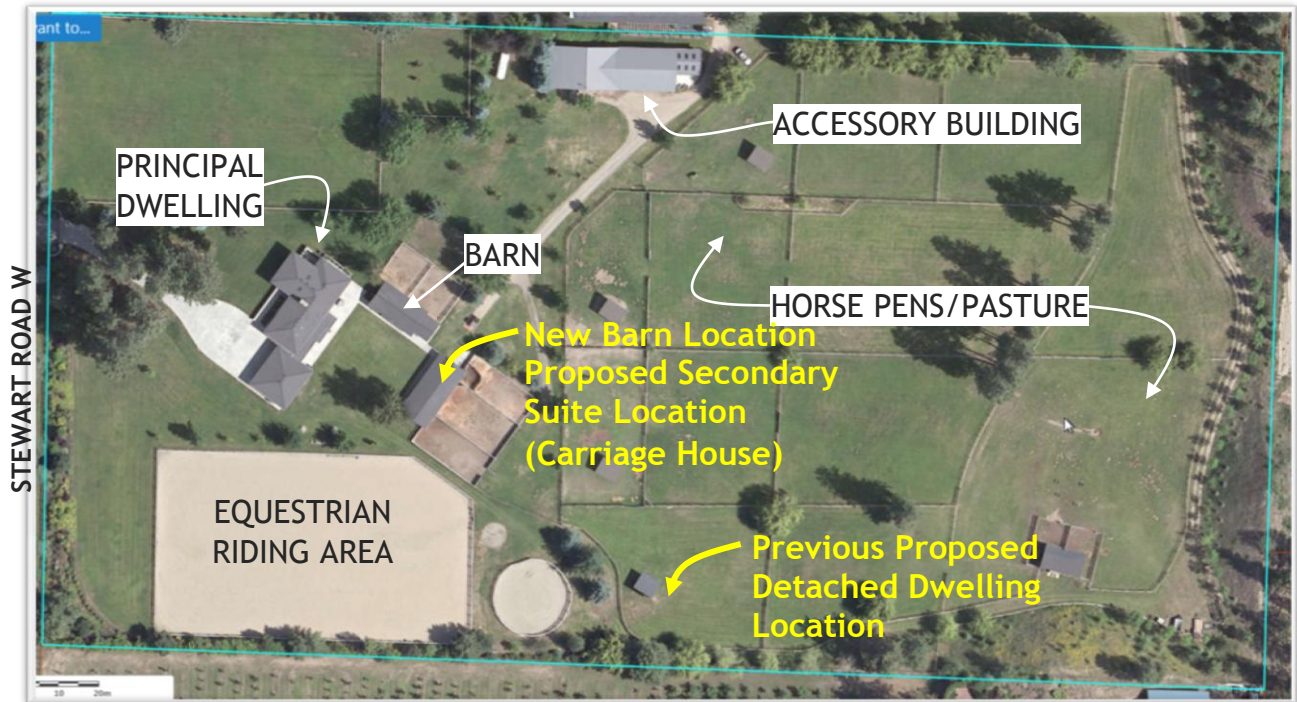
The applicant had a Non-Farm Use application to the Agricultural Land Commission in 2015 requesting a permanent, detached carriage house for staff accommodation. The application (A15-0014) was presented to the Agricultural Advisory Committee (AAC) on February 11, 2016. The AAC agreed that a full time employee requiring their own living quarters was warranted for the existing and continued farm operation, however the accommodation in the form of a detached permanent dwelling was not recommended to City Council as a positive addition to the agricultural parcel.

AAC Comment Summary

- The proposed permanent structure could have an impact on land value.
- The second dwelling is outside of an acceptable homeplate area.
- Concern identified regarding the possibility of a rental dwelling as it is secluded and somewhat private (distance from the principal dwelling and road).
- While the Committee appreciates the need for a worker due to the nature of the operation, the structure as proposed is not consistent with ALC and City of Kelowna policies.
- A suggestion was given by the AAC that a suite would address all of these issues if located within the existing principal dwelling or the horse barn permitted to be constructed in 2016.

The applicant considered the AAC recommendation and has retracted the Non-Farm Use application to the ALC (A15-0014) and is instead applying to rezone (Z16-0034) to allow a secondary suite in the newly constructed horse barn as indicated in the attached Proposed Site Plan.

Map 1 - Subject Property



The following buildings and uses exist on the property:

- One single family dwelling with attached garage and lawn area (4,300 m²)
- Agricultural Accessory Building, housing farm implements and hay & greenhouse.
- Horse Barn
- *NEW* Horse Barn - current application proposes a *secondary suite within this barn*
- 6 individual horse shelters in pasture areas within outdoor fenced training areas
- On-site manure and garden composting, Vegetable & Fruit garden (organic)

4.2 Project Description

The applicant submitted a Building Permit to construct a horse barn in 2015. The current rezoning application is to permit a suite within the horse barn as shown in the conceptual architectural plans attached to this report.

The new barn is designed as a single storey barn, with a second storey viewing area on the south end of the building. The southern portion was originally designed as a staff kitchen area; however, this area is now proposed to be redesigned for a dwelling dedicated to employee(s) living on site. The proposed carriage house is situated near the principal residence, keeping living quarters on the parcel near one another. No additional landscape buffer is required.

At the time of Building Permit issuance for the subject barn, the applicant was required to register a restrictive covenant that the staff kitchen & full bathroom would not be converted to a dwelling as the property was not zoned for such a use. Should Council approve this rezoning, the restrictive covenant would be released from the land.

4.3 Site Context

The subject property 4.9 ha (12.1 ac) in size and is located in the Southeast Kelowna Sector of the City and is within the Agricultural Land Reserve. The Future Land Use of the property is Resource Protection Area (REP). It is zoned A1 - Agriculture 1 and is outside of the Permanent Growth Boundary. The property slopes gently from 499 metres above sea level (masl) at Stewart Road West, to 495 masl at the east property line, with a depression of 492 masl in the northeast quadrant of the property.

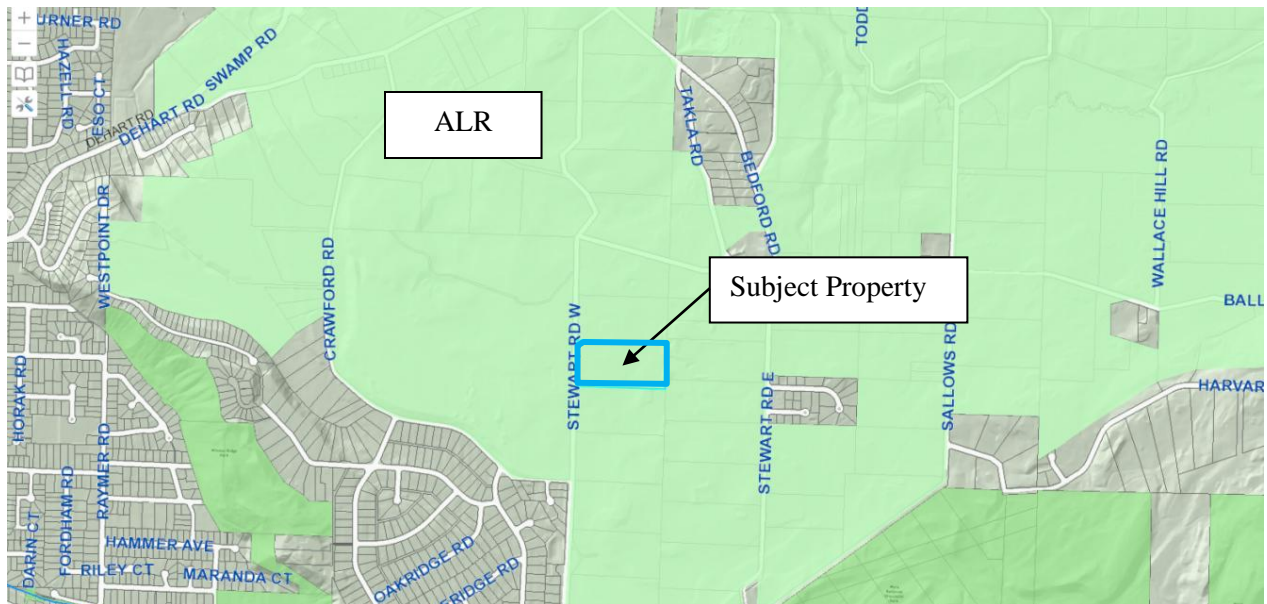
Map 2 - Neighbourhood Context



Map 3 - 4471 & 4491 Stewart Rd W - Existing Joint Farm operation, Owned by Pihl Family



Map 4 - Agricultural Land Reserve



Adjacent land uses are as follows:

Direction	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
South	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
East	A1 - Agriculture 1	Yes	Agriculture / Rural Residential
West	A1 - Agriculture 1	No	Agriculture

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 Ha / 20,000 m ²	4.9 Ha / 48,845 m ²
Lot Width	40 m	158.5 m
Development Regulations		
Maximum Site Coverage (residential)	10 %	1 %
Maximum Site Coverage (agricultural structures)	35 %	2 %
Carriage House Regulations		
Maximum Site Coverage	14	- 1%
Maximum Height	6.0 m	6.0 m
Minimum Front Yard	6.0 m	+ 80 m
Minimum Side Yard North	3.0 m	+ 100 m
Minimum Side Yard South	3.0 m	+ 50 m
Minimum Rear Yard	3.0 m	+ 100 m
Maximum Floor Area	90 m ²	~ 75 m ²

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Farm Protection Objectives ¹ Minimize the impact of urban encroachment and land use conflicts on agricultural land; Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

The subject property is a bona fide horse breeding farm operation. The proposed carriage house in the form of a secondary suite within a horse barn is an appropriate farm help dwelling.

Farm Help Housing ² Accommodation for farm help on the same agricultural parcel will be considered only where: agriculture is the principal use on the parcel, and the applicant demonstrates that the additional housing is necessary to accommodate farm employee(s) whose residence on the farm property is considered critical to the overall operation of the farm. The primary consideration is whether the scale of the farm operation is large enough that permanent help is deemed necessary.

¹ City of Kelowna Official Community Plan, Objectives (Farm Protection Development Permit Guidelines Chapter).

² City of Kelowna Official Community Plan, Policy 5.34.2 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

Revised drawings will be required for full BCBC plan check if rezoning is approved.

7.0 Application Chronology

Date of A15-0014 AAC Meeting:	February 11, 2016
Date of Z16-0034 Application Received:	June 3, 2016
Date Public Consultation Completed:	August 1, 2016

Report prepared by: Tracey Yuzik, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

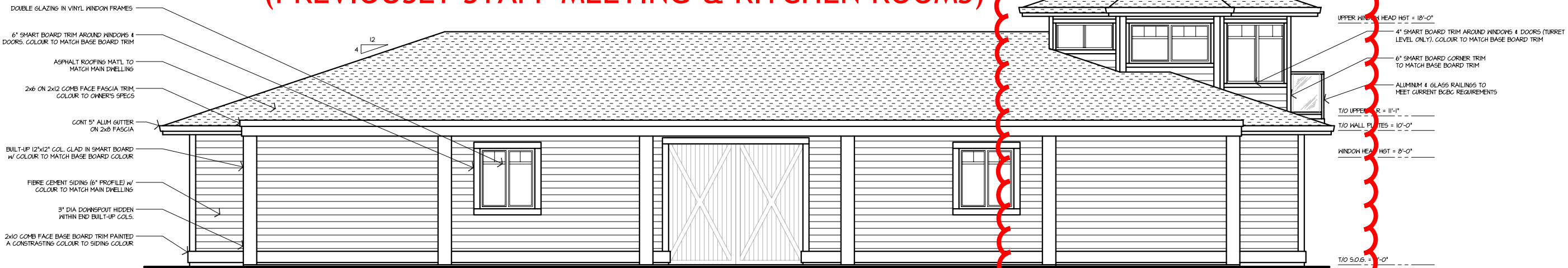
Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Existing Site Plan

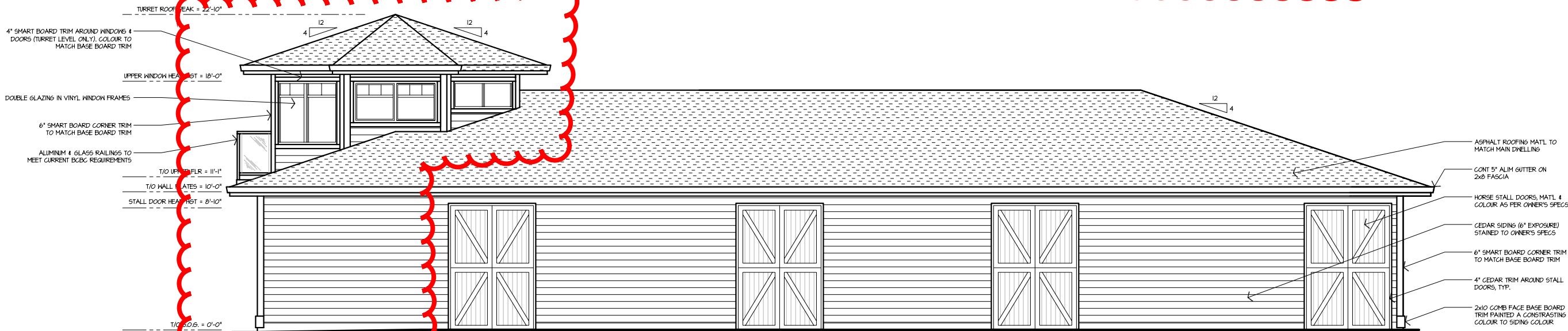
Conceptual Architectural Plans

PROPOSED SECONDARY SUITE LOCATION
(PREVIOUSLY STAFF MEETING & KITCHEN ROOMS)



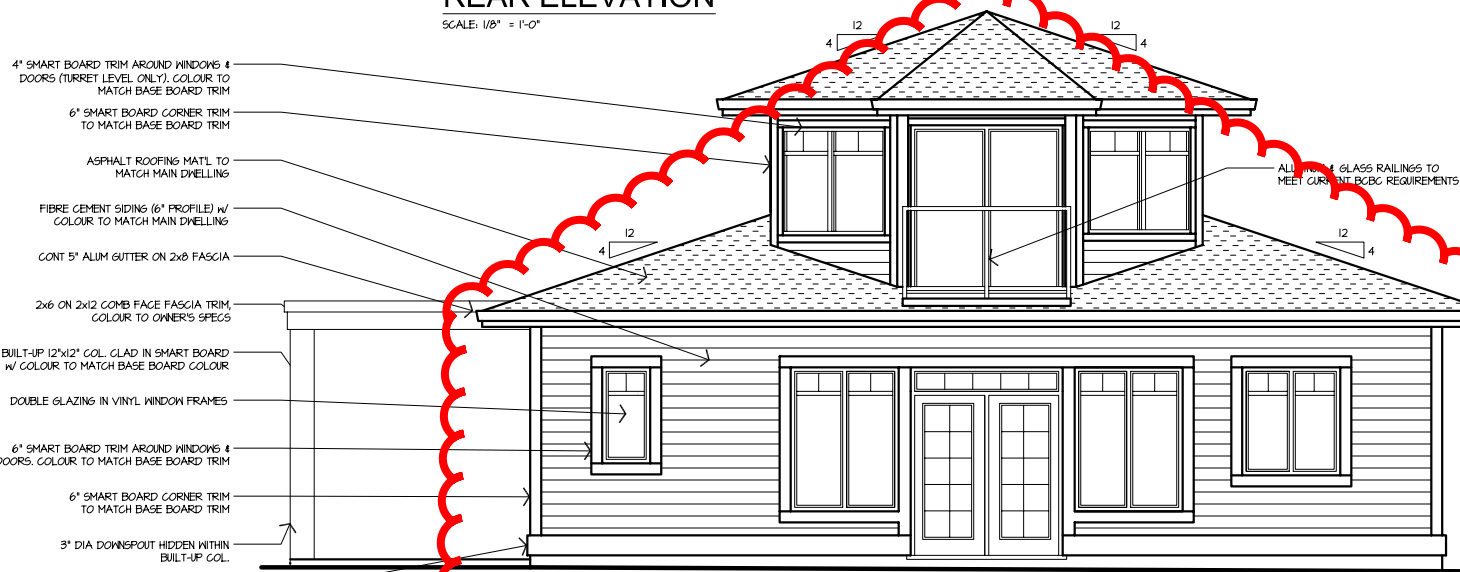
FRONT ELEVATION

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



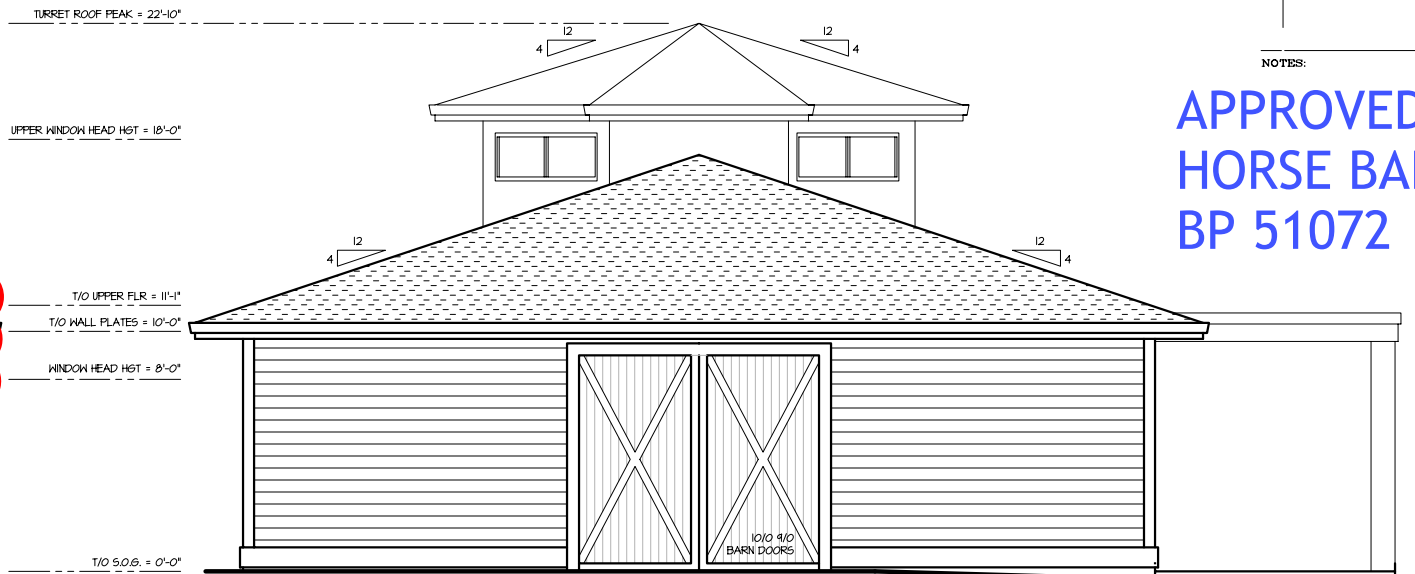
REAR ELEVATION

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



RIGHT ELEVATION

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



RIGHT ELEVATION

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

CORNERSTONE

CONTRACT SERVICES

3422 CANELBACK DRIVE, KELOWNA, BC V1X 2A8
TEL (250) 481-4040 FAX (250) 765-8860
EMAIL: cornerstonecontractservices@cornerstone.ca

PROJECT NAME:

SKYLAND RANCH
NEW HORSE BARN
4491 STEWART RD. W.
KELOWNA, BC

DRAWING TITLE:

EXTERIOR ELEVATIONS

DRAWING NUMBER:

DP1

DRAWN:	SAW	CHECKED:	
SCALE:	1/8" = 1'-0"	DATE:	

PROJECT NO. - 2005-000

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REVISION:

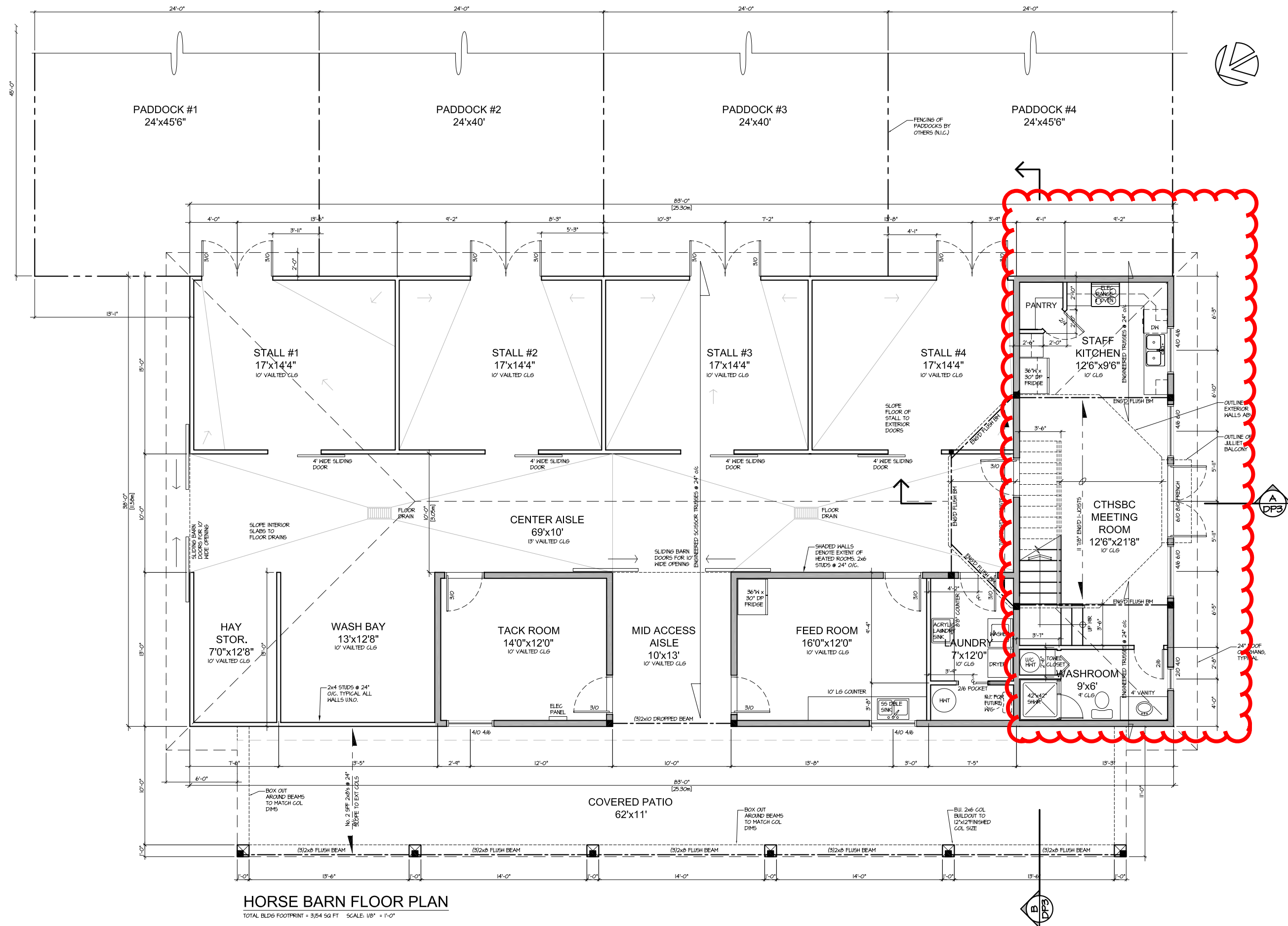
NO.	DESCRIPTION	BY	DATE
1.	DEV. PERMIT		AUG 21/15

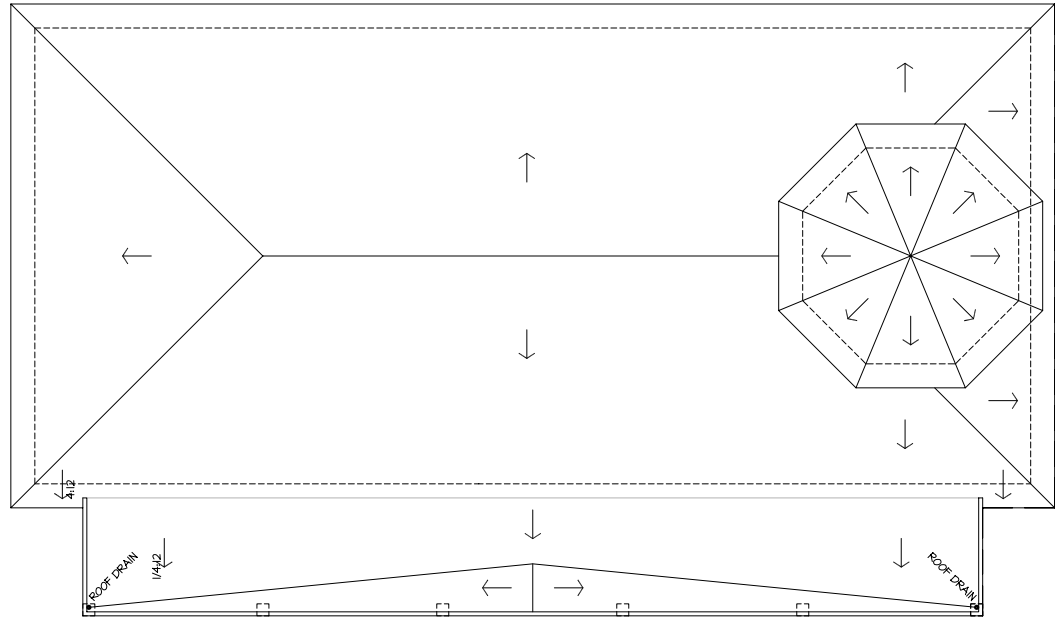
ISSUED FOR:

NO.	DESCRIPTION	BY	DATE
1.	DEV. PERMIT		AUG 21/15

NOTES:

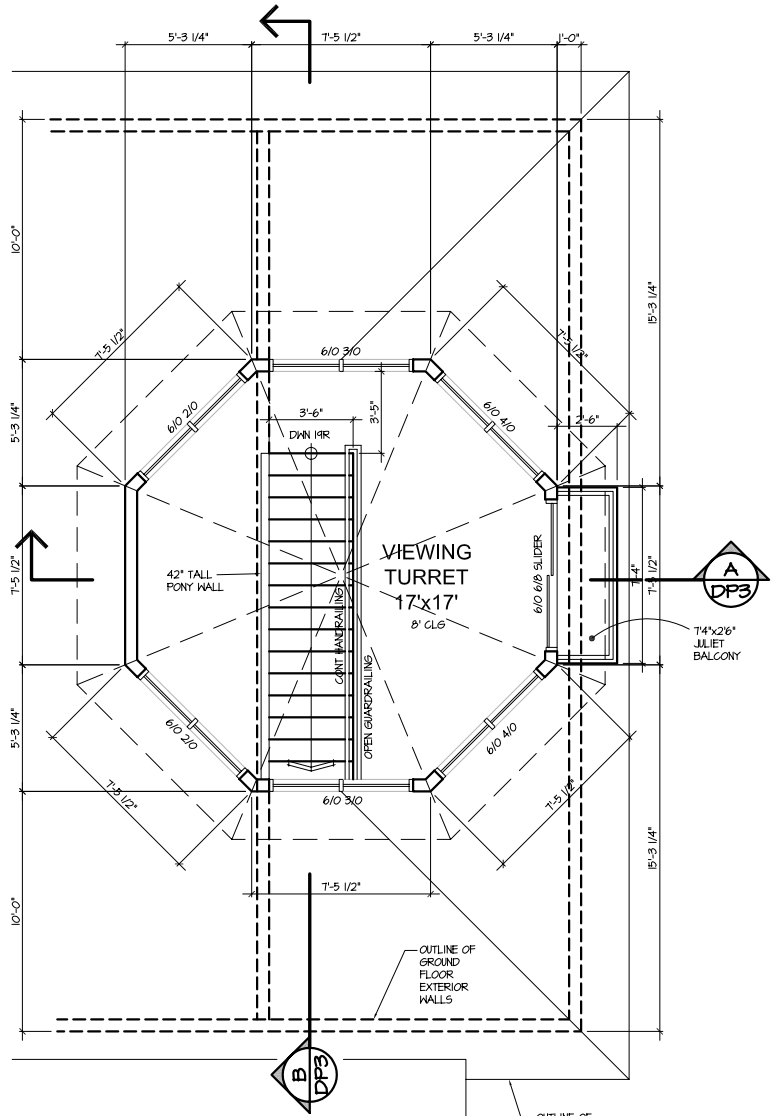
APPROVED
HORSE BARN
BP 51072





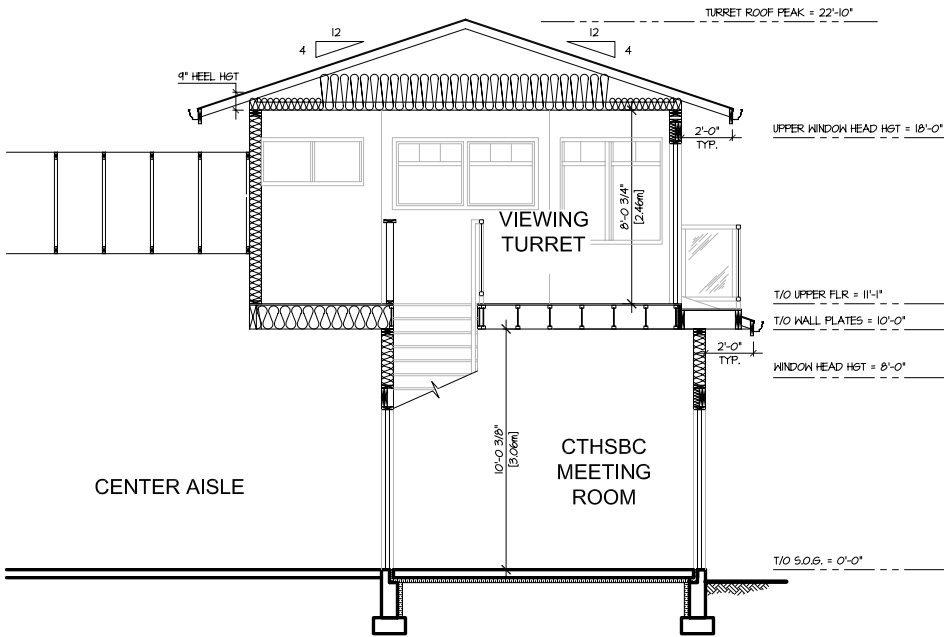
ROOF DRAINAGE PLAN

SCALE: 1/16" = 1'-0"



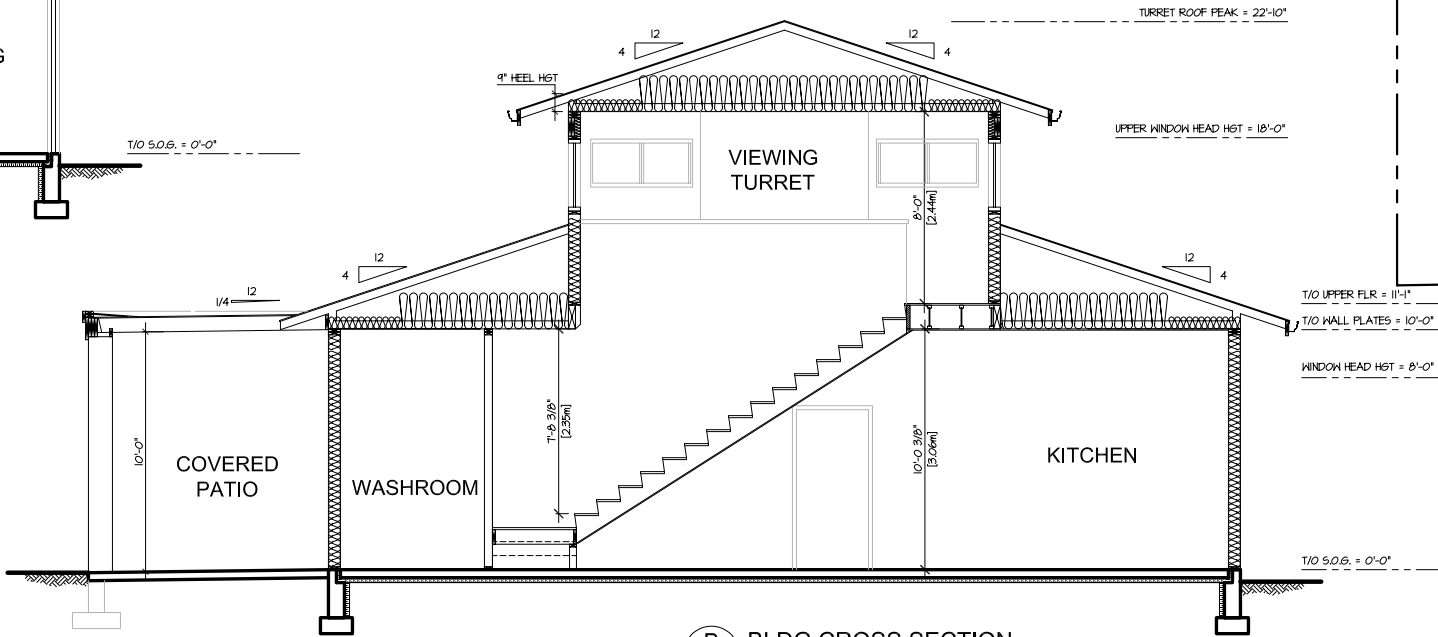
TURRET LEVEL FLOOR PLAN

260 SQ FT SCALE: 1/8" = 1'-0"



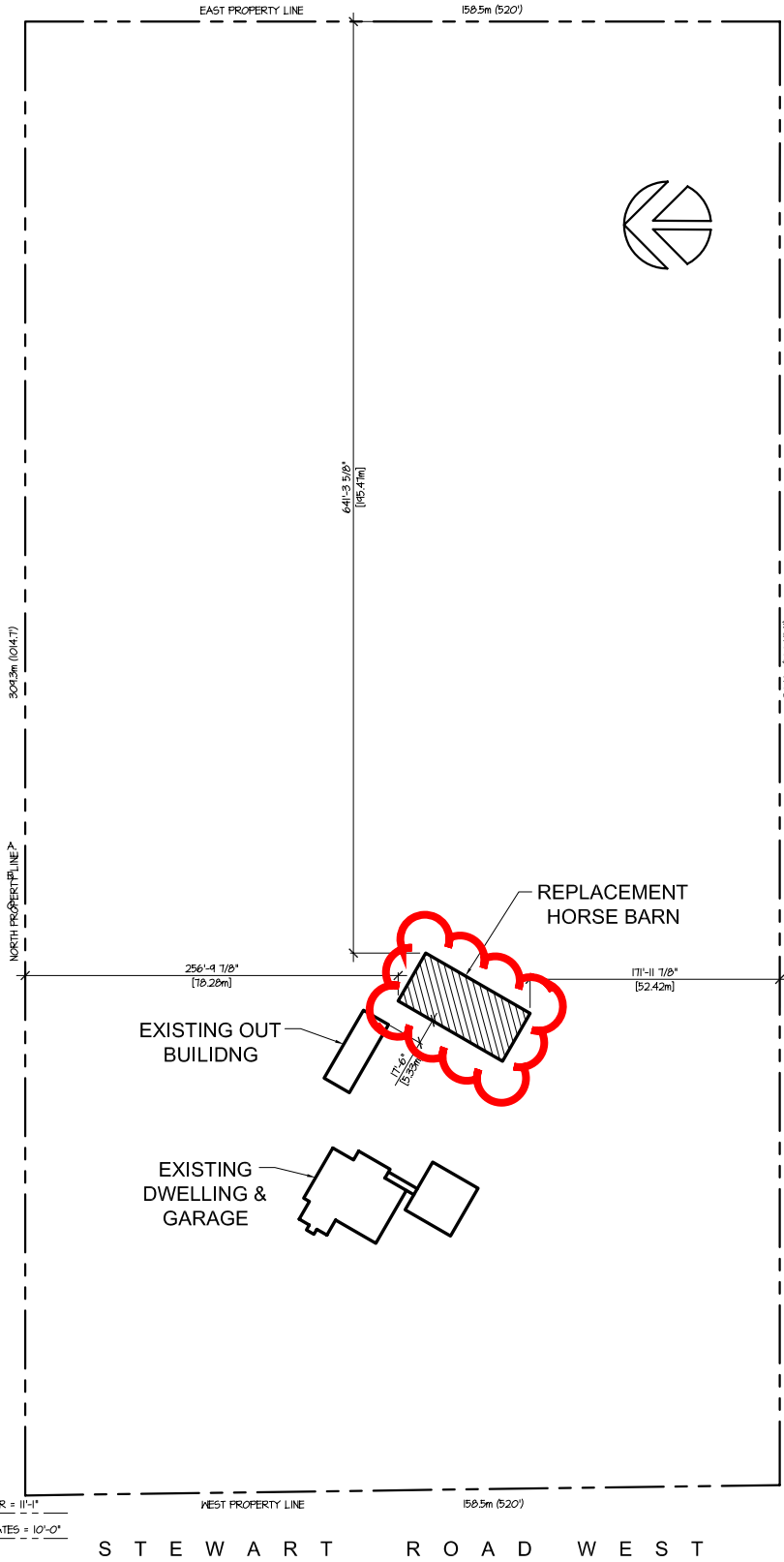
A BLDG CROSS SECTION
DP3

SCALE: 3/16" = 1'-0"



B BLDG CROSS SECTION
DP3

SCALE: 3/16" = 1'-0"



SITE PLAN

SCALE: 1/32" = 1'-0"

CORNERSTONE

CONTRACT SERVICES

3422 CAMELBACK DRIVE, KELOWNA, BC V1X 8A8
TEL (250) 481-4040 FAX (250) 765-8860
EMAIL: cornerstonecontractservices@shaw.ca

PROJECT NAME:

SKYLAND RANCH
NEW HORSE BARN
4491 STEWART RD. W.
KELOWNA, BC

DRAWING TITLE:

TURRET FLOOR PLAN
SITE PLAN, ROOF PLAN
& CROSS SECTIONS

DRAWING NUMBER:

DP3

DRAWN:	SAW	CHECKED:	
SCALE:	AS NOTED	DATE:	

PROJECT NO. - 2005-000

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