

City of Kelowna Public Hearing AGENDA



Tuesday, November 17, 2015
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 November 3, 2015 (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 1570 Glenmore Road North, BL11161 (Z15-0037) - Aletta Nixon

3 - 25

To rezone the property to facilitate a two lot subdivision.

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: October 26, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TY)

Application: Z15-0037 **Owner:** Aletta Nixon

Address: 1570 Glenmore Road North **Applicant:** Neville Nixon

Subject: Rezoning Application

Existing OCP Designation: REP - Resource Protection Area (*not in ALR*)

Existing Zone: A1c - Agricultural 1 (with carriage house)

Proposed Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Rezoning Application No. Z15-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 16 Township 23 ODYD Plan 4223 Except Plan EPP15316 and EPP43964, located at 1570 Glenmore Road North, Kelowna, BC from the A1c - Agricultural 1 (with carriage house) zone to the RR3 - Rural Residential 3 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 issuance of a Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To rezone the property to facilitate a two lot subdivision.

3.0 Community Planning

Community Planning supports the proposed rezoning from A1c Agriculture 1 (with carriage house) to RR3 - Rural Residential 3 zoning on the subject property. The application to rezone is to facilitate a two lot subdivision that will not result in a change of density on the parcel as two dwellings currently exist on the parcel. The parcel is outside the Permanent Growth Boundary and is not in the Agricultural Land Reserve.

Currently on the property one single family dwelling and one carriage house exists. The proposed rezoning and ultimate subdivision will split the subject property into two RR3 zoned lots. The principal dwelling will exist on Lot A, and the current carriage house will become the principal dwelling on Lot B (as per the attached Conceptual Site Plan).

The subject parcel is outside of the Permanent Growth Boundary, yet adjacent to the boundary on the west and east sides. Kelowna's Official Community Plan identifies the Future Land Use of this parcel as REP - Resource Protection Area. Parcels in the REP are meant to be protected from future parcelization to preserve rural land in order to protect private open space and eliminate an intensive urban development. The proposed application does not change the density in the neighbourhood as an RR3 lot only permits one dwelling, which will already exist on the newly created lot. The RR3 zone is permitted within the REP land use designation and no variances are required as part of the proposed development.

Staff are in support of the proposed application as the parcel is in an area that will see significant density in the near future. This includes the continued development of the Wilden community to the west as well as a development application in the approval process with City Staff for approximately 1,000 units to the south east.

Subject Property Map: 1570 Glenmore Road N



Permanent Growth Boundary & Major Road Map



Both dwellings on the subject parcel are serviced with an on-site septic system. Municipal sewer infrastructure has recently been installed along Glenmore Road N which is now able to service the two existing dwellings. Connection to the sanitary sewer system will be a requirement of final subdivision.

The newly constructed intersection of Glenmore Road N and John Hindle Drive is adjacent to the property which brings with it a proposed BC Transit route that will run past the subject property. The proposed Route 6 - Glenmore/UBCO (a frequent transit route) is currently in the design process with the City of Kelowna and BC Transit. Bicycle routes also exist along Glenmore Road, and John Hindle Drive is being constructed with cycle lanes on both sides.

This application will see the implementation of a required agricultural landscape buffer on the property. As the north side of the parcel is adjacent to A1 zoned land, the installation of a Level 5 landscape buffer along the north property line will be a requirement of final subdivision.

Prior to final subdivision of the parcel, the applicant will be required to complete a number of requirements. These include connecting to municipal sanitary sewer, payment of Development Cost Charges and issuance of a Farm Protection Development Permit which will ensure a proper landscape buffer is installed along the north property line which is adjacent to agricultural land.

Planning supports this application as the rezoning to RR3 is consistent with the OCP future land use designation of REP, the dwellings on the property currently exist and there will not be a higher density in the area that will encroach on agricultural land.

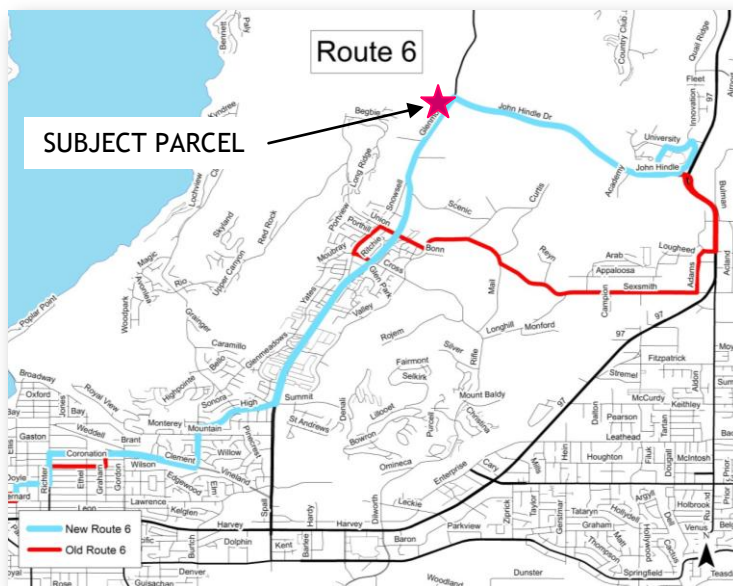
3.1 Site Context

The subject property is located on the west side of Glenmore Road North, north of the intersection of Glenmore Road North and John Hindle Drive. The subject property is in the McKinley sector of Kelowna, zoned A1c and has a Future Land Use of REP - Resource Protection Area.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1 A1 - Agriculture 1	Undeveloped Hillside Vacant Agricultural Land
East	A1 - Agriculture 1 RM3 - Low Density Multiple Housing	Farmed Agricultural Land Multiple Family Condos
South	C9 - Tourist Commercial	RV Trailer Park
West	A1 - Agriculture 1	Undeveloped Hillside

DRAFT City of Kelowna Proposed Transit Route Map



3.2 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RR3 ZONE REQUIREMENTS	EXISTING PROPERTY	PROPOSED LOT A	PROPOSED LOT B
Existing Lot/Subdivision Regulations				
Minimum Lot Area	1,600 m ²	4,504 m ²	2,789 m ²	1,715 m ²
Minimum Lot Width	18.0 m	42.9 m	6.0 m panhandle at property line 19.0 m	36.9 m
Minimum Lot Depth	30.0 m	89.1 m	43.0 m	50.0 m
Development Regulations				
Maximum Site Coverage (buildings)	30%	11%	16%	3%
Maximum Height	9.5 m / 2 ½ storeys	5.8 m / 2 storeys	5.8 m / 2 storeys	3.8 m / 1 storey
Minimum Front Yard	6.0 m	36.7 m	55.0 m	36.7 m
Minimum Side Yard (north)	2.3 m	10.0 m	10.0 m	30.0 m
Minimum Side Yard (south)	2.3 m	4.0 m	22.0 m	4.0 m
Minimum Rear Yard	7.5 m (1.5 m for accessory)	17.0 m (7.0 m for accessory)	17.0 m (7.0m for accessory)	7.5 m
Other Regulations				
Minimum Parking Requirements	2 stalls / dwelling	>2 stalls / dwelling	> 2 stalls	2 stalls

4.0 Proposal

4.1 Background

The subject parcel was created in 1948. The property owners applied for a rezoning in 2008 from the A1 to the A1c to permit a carriage house. In 2015 the City of Kelowna installed sanitary sewer infrastructure along Glenmore Road N.

4.2 Project Description

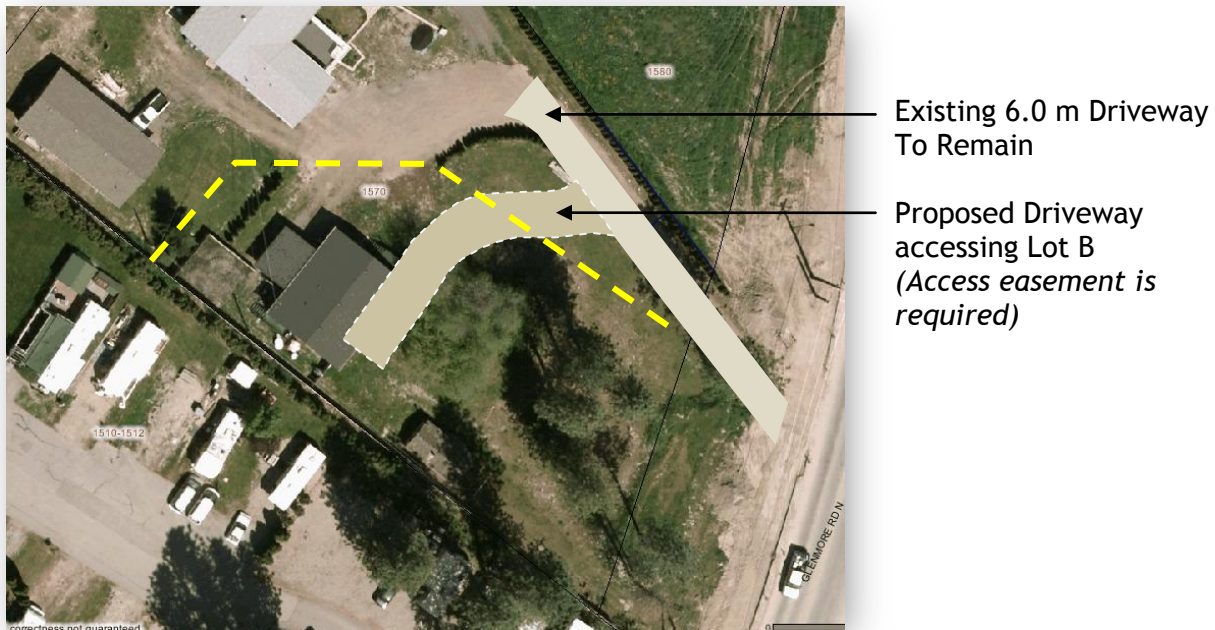
The applicant is proposing to rezone the subject parcel to RR3 in order to subdivide into two RR3 zoned lots. This will result in each of the existing dwellings existing on their own RR3 zoned lots. Both of the proposed lots will be accessed from Glenmore Road N from the existing driveway location on the proposed Lot A. This is required for safety reasons as the subject property is near the intersection of Glenmore Road N and John Hindle Drive. No variances are triggered as a result of the rezoning or proposed subdivision.

Proposed Subdivision Map



As the carriage house is a smaller dwelling, it is likely it may be removed and replaced with a single family dwelling in the future. Any new residential dwelling would need to meet the RR3 zoning regulations of the day.

Proposed Subdivision Layout



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Ensure adherence to form and character, natural environment, hazardous condition and conservation guidelines.

Development Permit Areas.¹ Require that developments located on sites designated as Revitalization, Multiple Unit Residential, Intensive Residential, Commercial, Industrial, Natural Environment, Hazardous Condition and Farm Protection (DP) areas obtain a DP prior to building permit issuance, subdivision or alteration of land,

- As part of the Subdivision of the land, a Farm Protection DP will be required to ensure proper buffer from adjacent ALR land.

Subdivision Applications.² Ensure subdivision design respects existing neighbourhoods contexts.

- The neighbouring properties are a mix of agriculture, tourism and multi family. The RR3 is an appropriate transition between these existing uses.

Protect and Enhance Local Agriculture

Subdivision.³ Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.

¹ City of Kelowna Official Community Plan, Policy 5.4.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.38 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.33.7 (Development Process Chapter).

- While the proposed application does not benefit agriculture, Staff believe the application does not harm agriculture as the end use is unchanged. The applicant will be required to install a Level 5 Landscape Buffer on the subject property as per Zoning Bylaw No. 8000 between the existing house and adjacent ALR land to the north which is an enhancement to the residential-agricultural interface.

6.0 Technical Comments

6.1 Development Engineering Department

The proposed property will need to be serviced with electric, water and sanitary connections independent of the original property. A cross access agreement will be required for the shared driveway located on the proposed lot A. For full comments see attached memorandum dated August 11, 2015.

6.2 FortisBC Inc - Electric

There are primary distribution facilities along Glenmore Road and secondary services within the boundary of the proposed smaller lot. The proposed interior lot line will bisect the existing service to the house on the proposed larger lot (northwest end).

FortisBC Inc. (Electric) requests appropriate land rights to protect the service to the house. If the applicant is unable or unwilling to do so, FBC(E) can't guarantee the connection to the house and it may have to be reconfigured; the cost of which is typically significant.

The applicant is responsible for costs associated with any changes 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:	July 14, 2015
Date Public Consultation Completed:	September 25, 2015

Report prepared by:

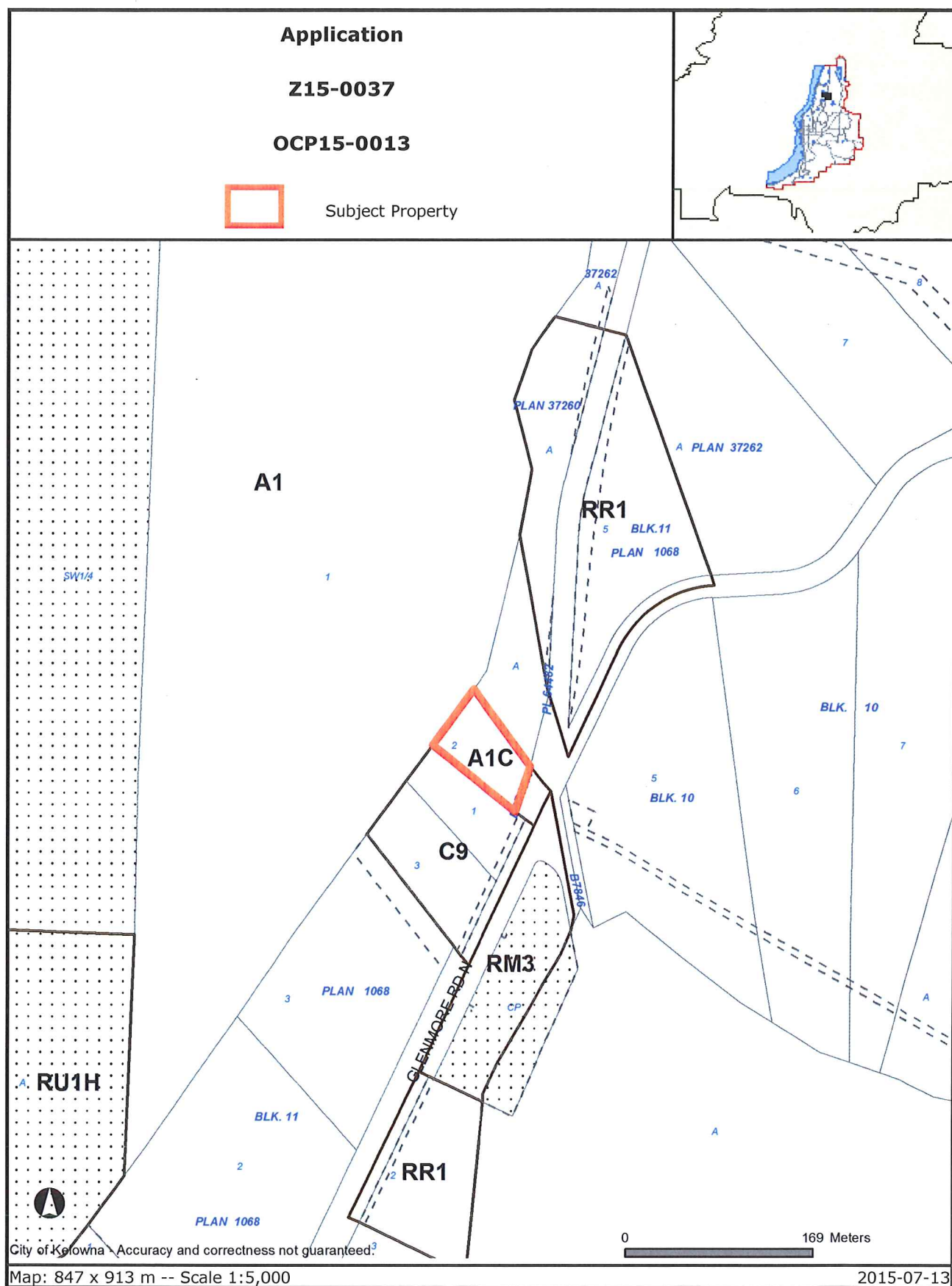
Tracey Yuzik, Planner

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

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
 Conceptual Site Plan
 Existing Elevations
 Conceptual Landscape Plan
 Context/Site Photos
 City of Kelowna Memorandum



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.

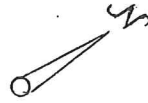
1/11

SITE PLAN

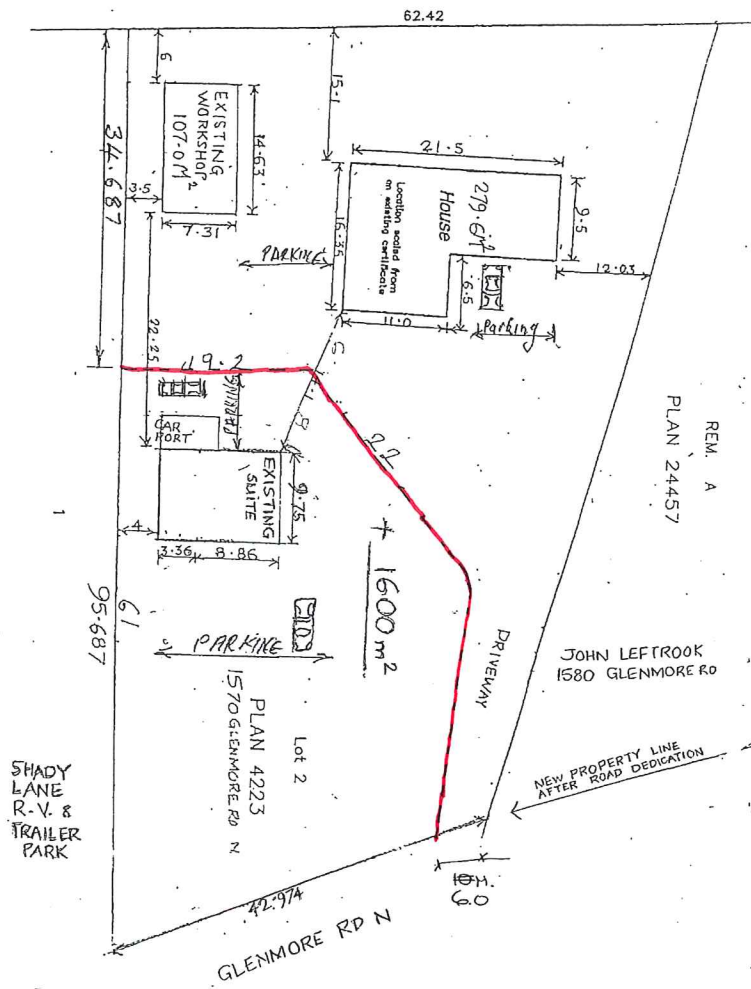
1570 GLENMORE RD N (Municipal)

LOT 2, PLAN 4223, SEC 16, TP 23 (Legal)

Scale: 1:500



PROPOSED
PROPERTY LINES



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FLOOR PLAN

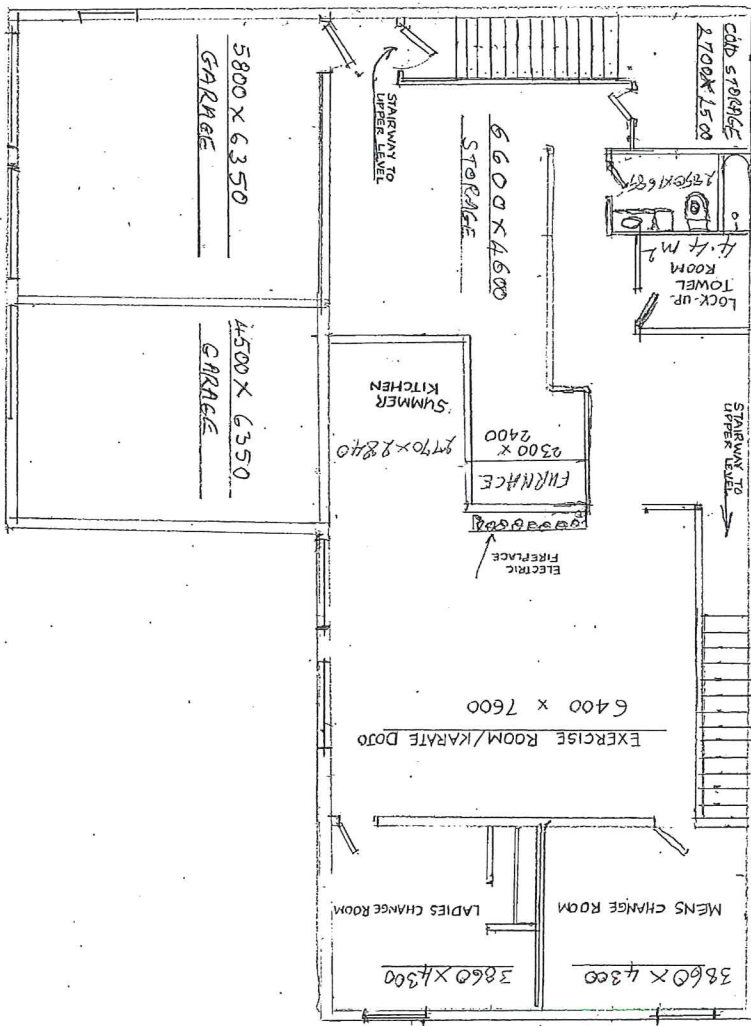
1570 GLENMORE RD N

SCALE: 1:100

Basement Principal Dwelling
Partially Finished
LOT 1(A)



181 m² Gross Floor Area
141.27 m² Net Floor Area



FLOOR PLAN

1570 GLENMORE RD N

SCALE: 1:100

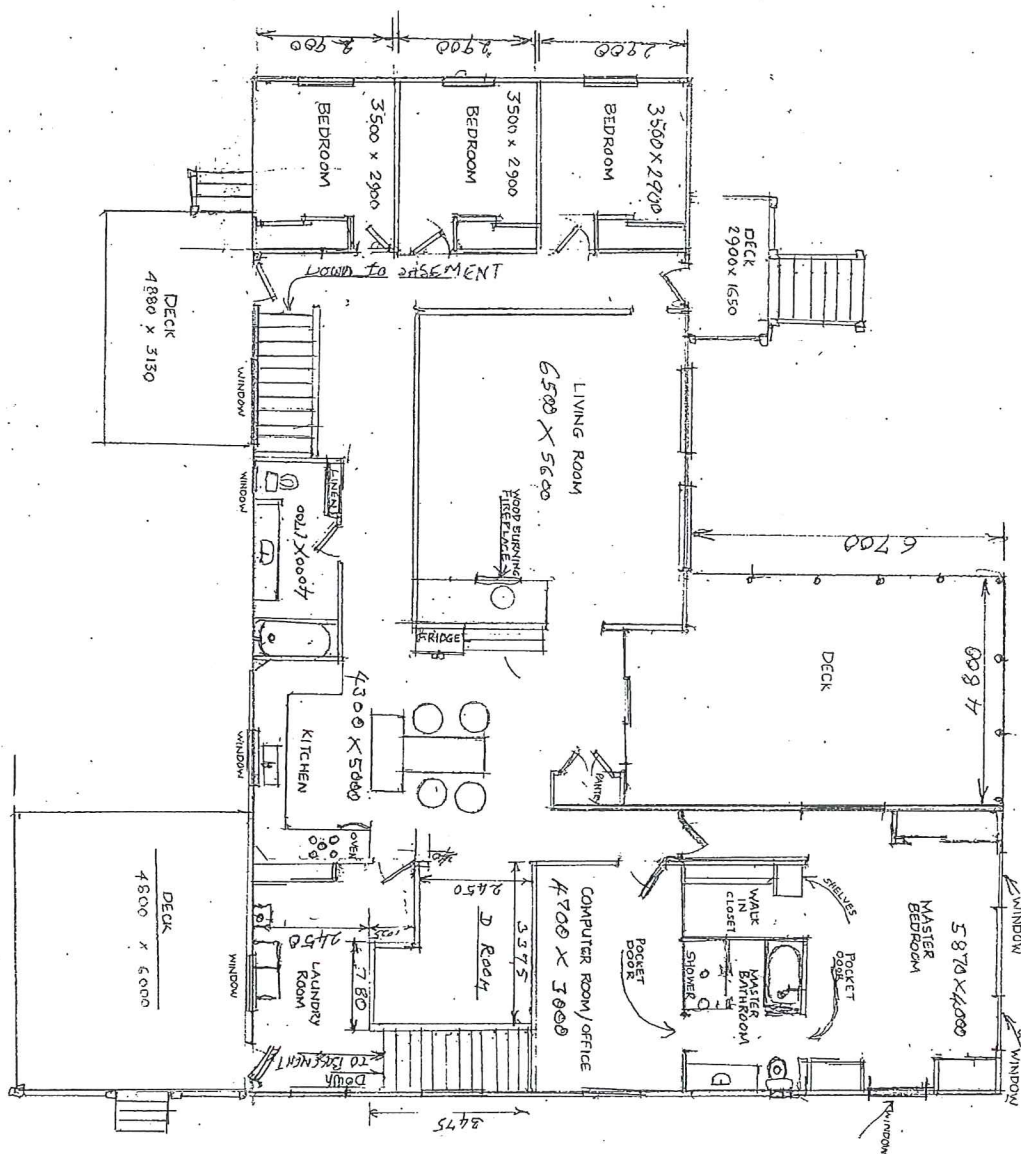
Main Floor - Principal Dwelling

LOT 1(A)



218m² Gross Floor Area

Nett Floor Area $182m^2$

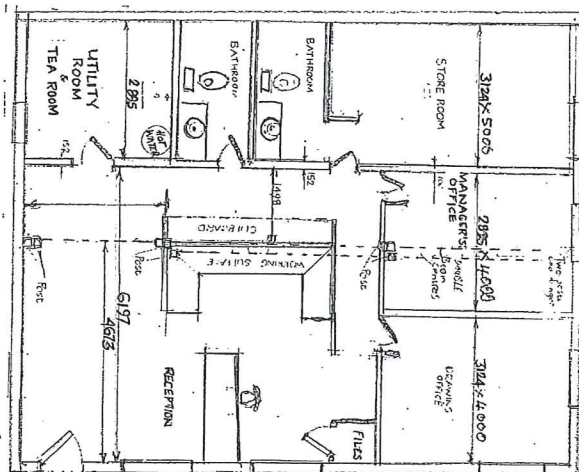


FLOOR PLAN

1570 GLENMORE RD N

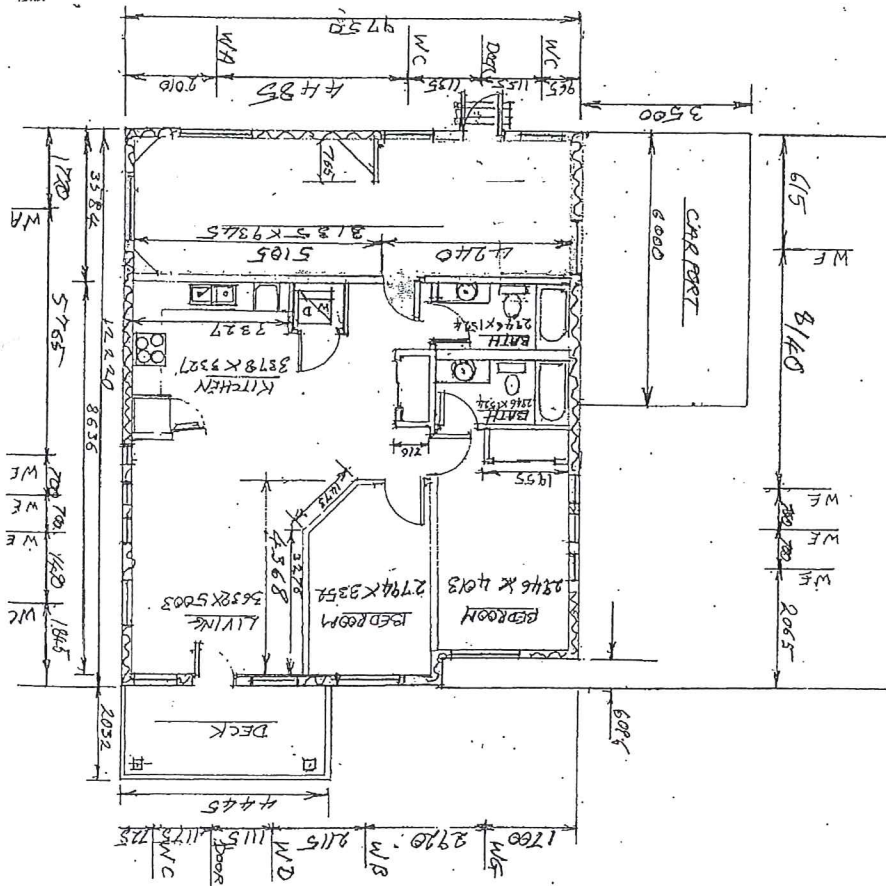
SCALE: 1:100

Basement Secondary Dwelling - Lot 2 (B)



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FLOOR PLAN
1570 GLENMORE RD N
SCALE: 1:100
SECONDARY DWELLING (LOT 2) B
MAIN FLOOR



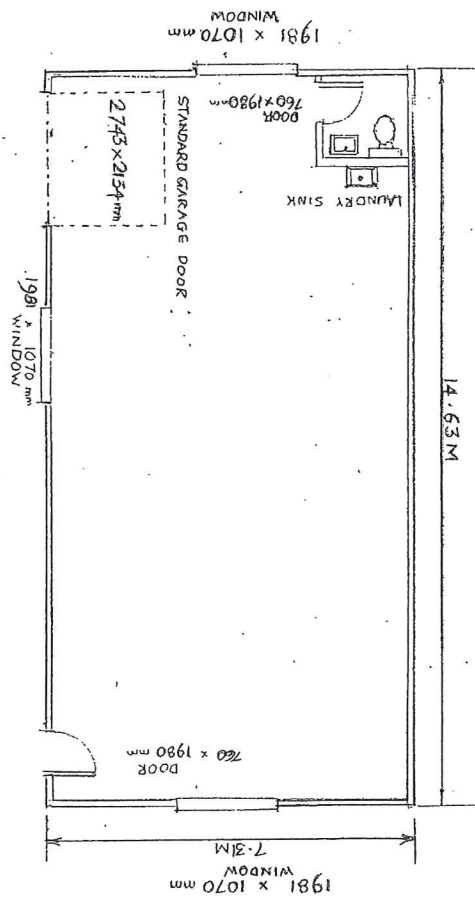
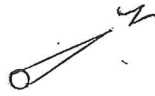
6/11

FLOOR PLAN

1570 GLENMORE RD N

SCALE: 1:100

ACCESSORY BUILDING LOT 1 (A)



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ELEVATION DRAWINGS

1570 GLENMORE RD N

SCALE: 1: 200

PRINCIPAL DWELLING LOT 1 (A)

MATERIALS:

ROOF: ASPHALT SHINGLES

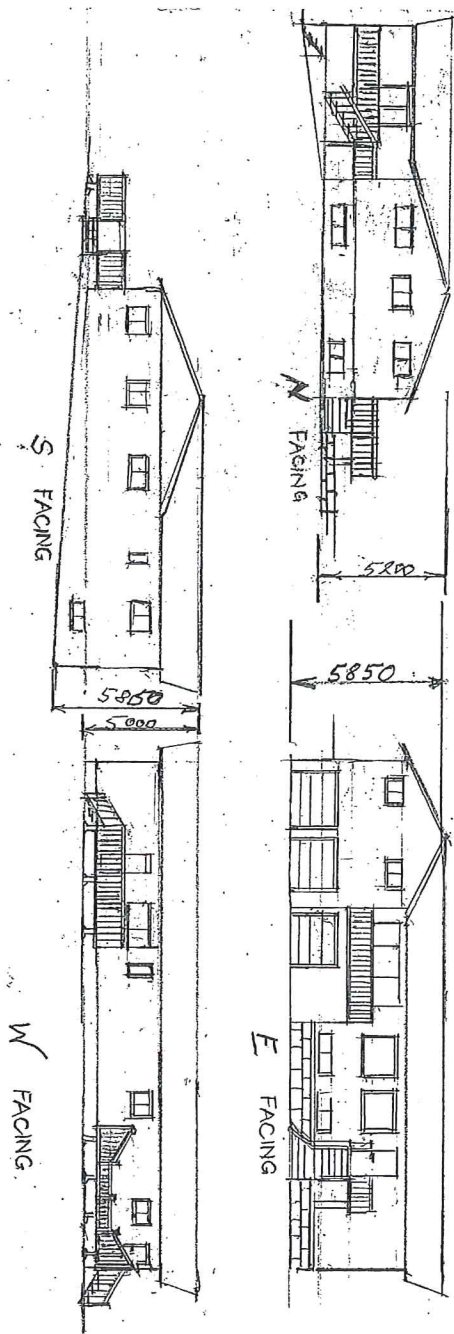
COLOUR: GREY

FAÇADE: STUCCO

COLOUR: CREAM

TRIM: WOOD & VINYL

COLOUR: RED & WHITE



ELEVATION DRAWINGS

1570 GLENMORE RD N

SCALE: 1:

SECONDARY DWELLING LOT 2 (B)

MATERIALS:

ROOF: ASPHALT SHINGLES

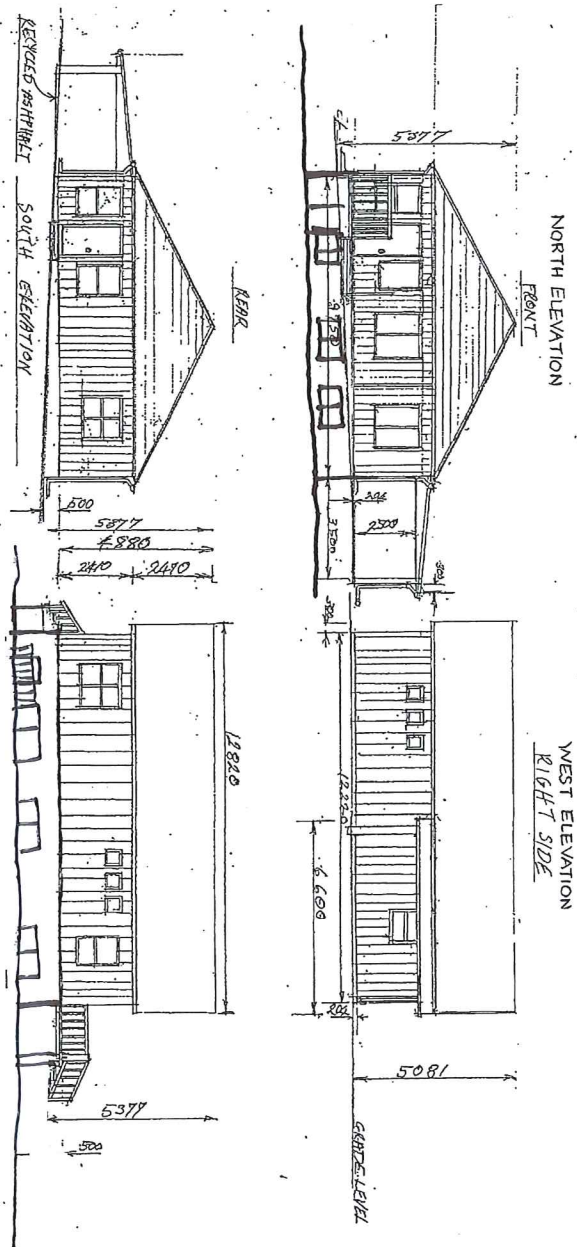
COLOUR: CHARCOAL

FAÇADE: SMART BOARD/HARDY PLANK

COLOUR: BEIGE

TRIM: WOOD

COLOUR: WHITE



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ELEVATION DRAWINGS

1570 GLENMORE RD N

SCALE: 1:100

ACCESSORY BUILDING LOT 1(A)

MATERIALS:

ROOF: ASPHALT SHINGLES

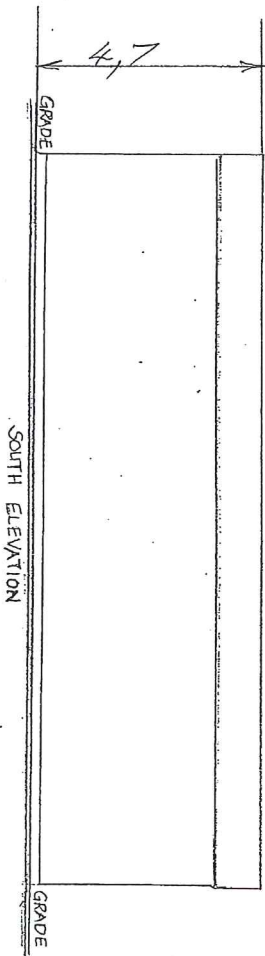
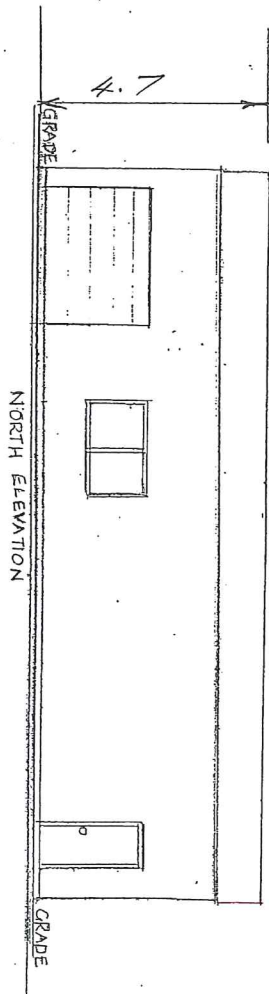
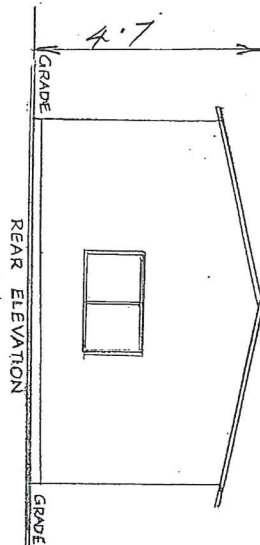
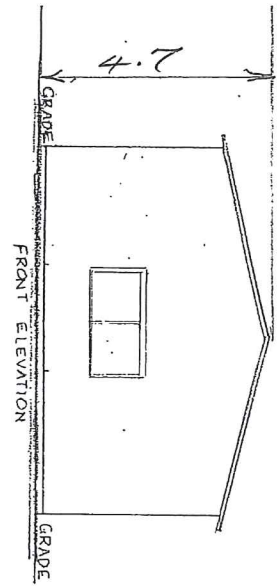
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FAÇADE: VINYL SIDING

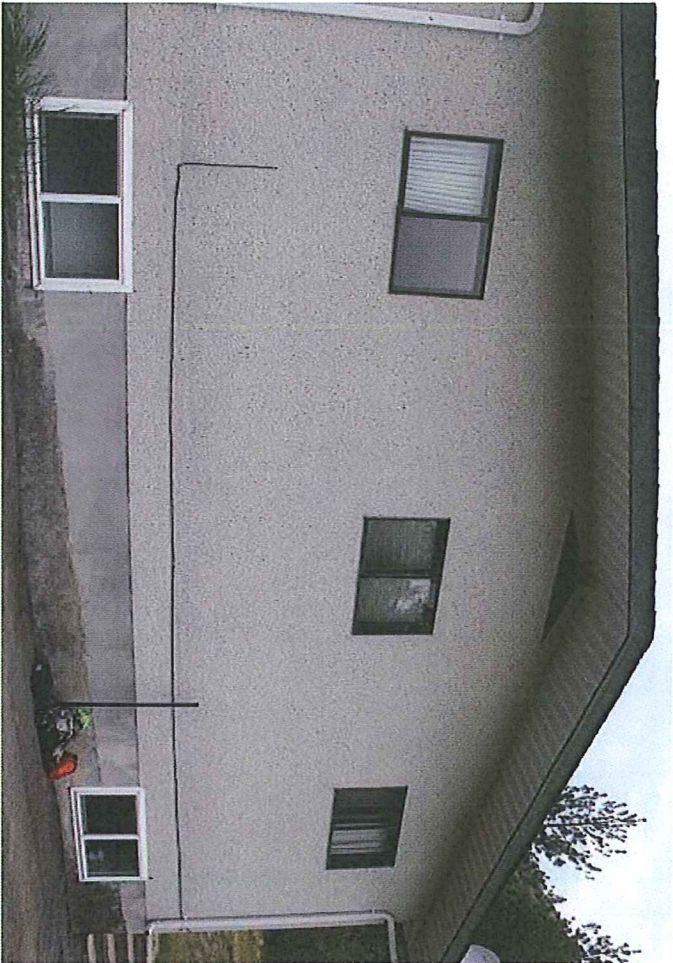
COLOUR: BEIGE

TRIM: VINYL

COLOUR: WHITE

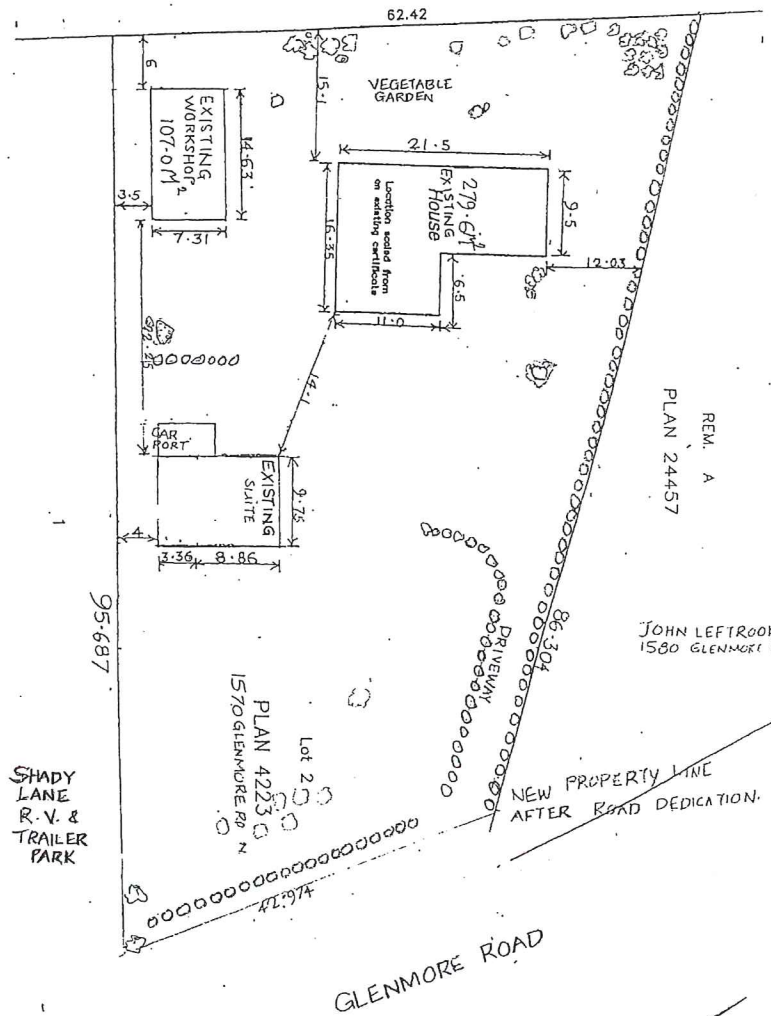
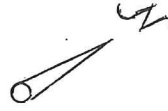


EXISTING PRINCIPAL DWELLING



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EXISTING LANDSCAPE PLAN
1570 GLENMORE RD N
SCALE: 1:500



PROPOSED LANDSCAPE PLAN
1570 GLENMORE RD N.
SCALE: 1:500



EXISTING CARRIAGE HOUSE



EXISTING DETACHED GARAGE



CITY OF KELOWNA

MEMORANDUM

Date: August 11 2015
File No.: Z15-0037
To: Land Use Management Department (PMcV)
From: Development Engineering Manager
Subject: 1570 Glenmore Rd N Lot 2 Plan 4223

Development Engineering has the following comments and requirements associated with this application to rezone the A1C to RR3 Zone. The road and utility upgrading requirements outlined in this report will be a requirement of this application.

The Development Engineering Technologist for this project is John Filipenko. AScT

1. Water

- a) The property is located within the Glenmore Ellison Improvement District service area.
- b) Ensure an adequately sized domestic water and fire protection system is in place. The applicant is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.

2. Sanitary Sewer

- a) The applicant has made arrangements for adequate servicing to the subject property at the time of sewer main construction on Glenmore Road North. Servicing will be further reviewed with the pending subdivision application.

3. Drainage

- a) A requirement of this rezoning application will be to prepare a storm water management plan complete with a detailed Site Grading Plan including erosion and sedimentation controls required onsite and on the frontage road.
- b) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

4. Road improvements.

- a) Glenmore Road North widening as well as the frontage improvements are the responsibility of McKinley Beach Developments.

5. Access Requirements

- a) A cross access agreement is required which will facilitate a future common Glenmore Rd access. Vehicles from the subject property will access through the adjacent land (Lot 2 Plan 4223) to the John Hindle Drive intersection. At present, access to the subject property is very close to the intersection resulting in intersection safety concerns. This issue will only be amplified as future development occurs. This agreement need only cover the obligation of the current application, but the driveway must be configured to permit the future common driveways to operate.
- b) Ultimately the west leg of the John Hindle Dr and Glenmore intersection will need to be realigned with the east leg and the split phasing removed.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development site must be installed in an underground duct system. 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.

7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

8. 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.



Steve Muenz, P. Eng.
Development Engineering Manager

JF