

REPORT TO COUNCIL



Date: March 26, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (BBC)

Application: Z18-0009 **Owner:** Friedrich and Alice Merz

Address: 4185 McClain Road **Applicant:** Bruce Merz

Subject: Rezoning Application - Z18-0009

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 - Rural Residential

Proposed Zone: RR1c – Rural Residential with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z18-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 2 and 3 Township 26 Osoyoos Division Yale District Plan 7436, located at 4185 McClain Rd, Kelowna, BC from the RR1 – Rural Residential zone to the RR1c – Rural Residential with Carriage House 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 Attachment A attached to the Report from the Community Planning Department dated February 1, 2018.

2.0 Purpose

To rezone the subject property from RR1 - Rural Residential to RR1c - Rural Residential with Carriage House to facilitate the development of a carriage house.

3.0 Community Planning

Community Planning Staff support the proposed rezoning from RR1 - Rural Residential to RR1c - Rural Residential with Carriage House to facilitate the construction of a carriage house in lieu of a mobile home on the subject property. Generally, staff would not support this type of rezoning application outside of the City's Permanent Growth Boundary; however, due an error in the City's mapping that led to incorrect advice regarding the development of a mobile home on the land, staff believe that this recommendation

represents a fair compromise. Refer to section 4.1 of this report for additional background information that is relevant to staff support for this application.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form on February 12, 2018 outlining that neighbours within 300 m of the subject property were notified.

4.0 Proposal

4.1 Background

In September 2010, bylaw number 10305 was adopted by Council to rezone the subject property from A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone. At this time, City mapping, including the Development Application (DA) and internal mapping systems were not updated to reflect the rezoning of the subject property.

In September 2017, the applicant enquired regarding constructing a carriage house on the subject property. During pre-application meetings the applicant was informed that a carriage house would not be supported, however a mobile home would be supported. This was based on a discrepancy between the zoning information that was still showing in the City system for the subject property (still classified as A1 zone) and the adopted rezoning bylaw. As a result, in November 2017, the applicant submitted a Farm Protection Development Permit to allow for a mobile home to be developed on the subject property.

In December 2017, staff identified the zoning and mapping discrepancies for the subject property, as well as the adopted bylaw documentation verifying the current zoning (RR1) for the subject property. Additional discussions with the applicant resulted in a new application to rezone the subject property from RR1 to RR1c to facilitate the development of a carriage house.

Between December 2017 and January 2018 the applicant followed up with a number of pre-application enquiries. In January 2018, the applicant re-submitted an incomplete application with a conceptual site plan that required a variance (maximum accessory building footprint). Revised drawings were provided in February, 2018 that eliminated the variance and allowed the application to proceed to circulation stage.

The subject property has a single family dwelling and an accessory building used as a shop located on the property, which will be retained through this development (Schedule A).

4.2 Project Description

The applicant has provided preliminary designs for the single storey carriage house and a detached garage (Schedule A). The location of the proposed carriage house is on a pre-disturbed part of the subject property, and is approximately 22.54 m southwest of the existing single family dwelling. The proposed carriage house does not trigger any variances at this time (Schedule B).

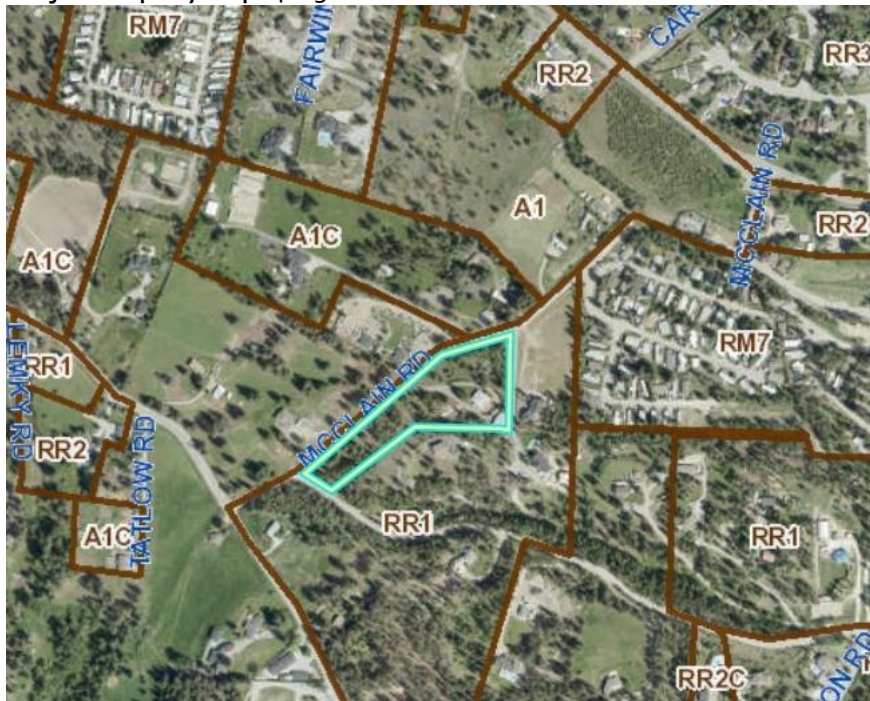
4.3 Site Context

The large lot (16,187 m²), is located on McClain Road, off June Springs Road in Southeast Kelowna. The neighbourhood has a mix of residential and agricultural zones.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1 A1c – Agriculture 1 with Carriage House RR2 – Rural Residential 2 RR3 – Rural Residential 3	Agricultural Agricultural with Carriage House Residential Residential
East	RR1 – Rural Residential 1 RM7 – Mobile Home Park	Residential Residential - Mobile Homes
South	A1 – Agriculture 1 RR1 – Rural Residential 1	Agricultural Residential
West	A1 – Agriculture 1 A1c – Agriculture 1 with Carriage House RR1 – Rural Residential 1 RR2 – Rural Residential 2	Agricultural Agricultural with Carriage House Residential Residential

Subject Property Map: 4185 McClain Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill.¹ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Carriage Houses & Accessory Apartments². Support carriage houses and accessory apartments through appropriate zoning regulations.

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Approval from the water purveyor at time of permit application.
- If the detached garage is for the use of the new carriage house than spatial calculations are required which may affect the finishes and construction of the two buildings.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

- Please see attached Development Engineering Memorandum (Attachment A), dated February 1, 2018

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on McClain Rd.
- Ensure access from McCain Rd is maintained to all buildings

6.4 Southeast Kelowna Irrigation District

- All charges paid in full for servicing, and water letter/certificate issued.

7.0 Application Chronology

Date of Application Received:	November 27, 2017
Date of Complete Application:	February 1, 2018
Date Public Consultation Completed:	February 12, 2018
Supplemental Drawings Received:	February 5, 2018

Report prepared by:	Barbara Crawford, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A - Development Engineering Services Memos
Schedule A – Site Plan
Schedule B – Conceptual Elevation and Floor Plan

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).