

# REPORT TO COUNCIL



**Date:** April 4, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** Z16-0007 **Owner:** Legault Enterprises Ltd

**Address:** 477 Christleton Avenue **Applicant:** Joël Legault Projects Inc.

**Subject:** Rezoning Application

**Existing OCP Designation:** S2RES - Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0007 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 14, ODYD, Plan 8009, located at 477 Christleton Avenue, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 March 7, 2016;

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

## 2.0 Purpose

To rezone the subject property to facilitate the development of two detached dwellings.

## 3.0 Community Planning

Community Planning supports the rezoning of the subject property to facilitate the development of two detached dwellings. The property is designated in Kelowna's Official Community Plan (OCP) as S2RES - Single/Two Unit Residential and as such the application to rezone the property

to RU6 is in compliance with the designated future land use. The proposed use is consistent with the OCP urban infill policies for Compact Urban Form and Sensitive Infill. The proposed design put forth by the applicant shows a commitment to quality design and materials, and requires one variance to the Zoning Bylaw for setbacks of the second storey. Should Council approve this rezoning, staff will bring forth a Development Variance Permit and a form and character Development Permit for Council approval.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation on March 15<sup>th</sup>, 2016 by individually contacting the neighbours. To date staff have not received any comments. Should any comments be received prior to first reading on April 4<sup>th</sup>, staff will present them during the next Council meeting.

#### 4.0 Proposal

##### 4.1 Background

The subject property currently has a 70-year-old single story house which will be moved rather than demolished as part of this redevelopment. The proposed RU6 zoning will allow for the construction of two 2-storey dwellings. New construction in this area must adhere to the minimum floor elevations for Okanagan floodplain areas. As a result, many homes in this neighbourhood average two storeys as basements are not viable.

##### 4.2 Project Description

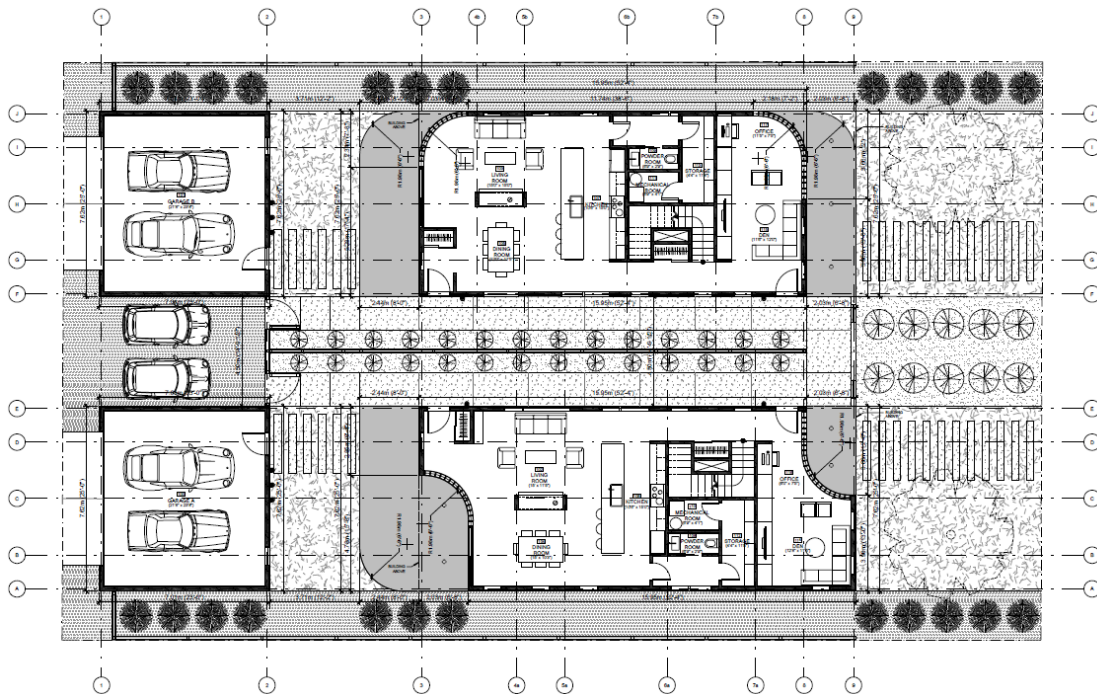
The two proposed dwellings have been designed in a modern style with flat roofs and structural curved glass facades. Differences in articulation on the front and rear facades provides for visual interest from the street while creating useable outdoor space in the rear. The two dwellings have individual characteristics rather than being “cookie cutter” duplicates of one another contributing to visual interest from the street. A selection of high quality materials compliments the design.



The front yard setbacks are consistent with other houses on the street creating a uniform streetscape. The modern design shares similar elements to other recent developments in the area, and contributes to the transitional nature of this neighbourhood.



The site plan includes private outdoor space in the form of rooftop terraces in addition to ground level patios and lawn areas in the rear. Access to each two car garage is off the rear lane with additional visitor parking on site. Fencing and landscaping on the site encourages privacy between the two proposed dwellings as well as between adjacent properties.



The proposed variance is to change the required setback on the second stories from 2.3m required to 2.0m proposed. This matches the setback of the main floor and creates more floor space on the second floor. Due to the narrow design of the houses the additional floor area makes the second storey more functional.

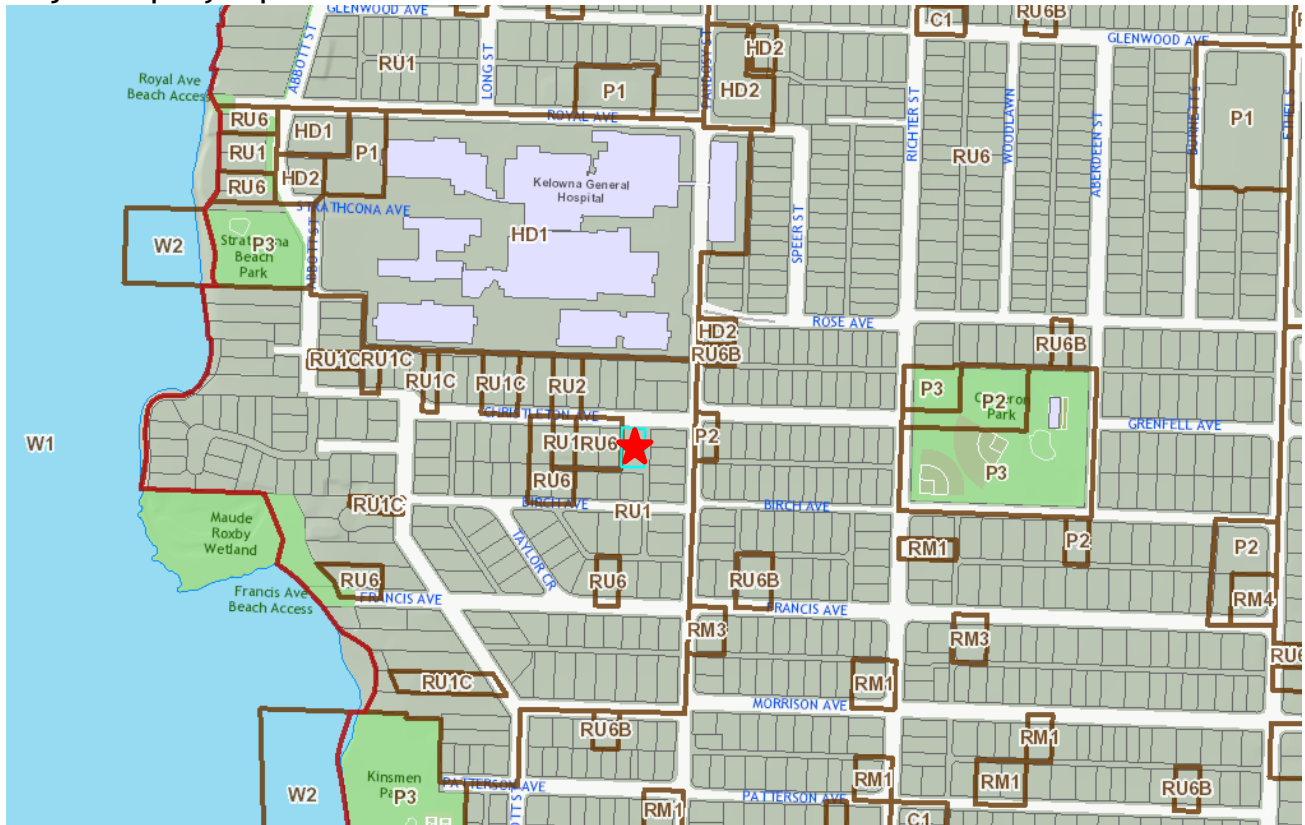
#### 4.3 Site Context

The subject property is located on the south side of Christleton Avenue, east of Pandosy Street, and within the core area. It is in close proximity to Kelowna General Hospital, the Abbott Street Active Transportation Corridor, and Strathcona Beach Park. There are at least 10 other properties in close proximity that have been rezoned for two dwelling housing or for a single family dwelling with carriage house including the immediately adjacent property.

Adjacent land uses are as follows:

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

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m <sup>2</sup>	957.5 m <sup>2</sup>
Minimum Lot Width	18 m	23.8 m
Minimum Lot Depth	30 m	40.2 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	36%
Maximum Site Coverage (buildings, driveways and parking)	50%	42%
Maximum Height	9.5m or 2 ½ storeys	6.86 m 2 storeys
Minimum Front Yard	4.5 m	7.7 m
Minimum Side Yard (west)	2.3 m	2.0 m

Minimum Side Yard (east)	2.3 m	2.0 m <span style="color: red;">●</span>
Minimum Rear Yard	7.5 m	14.7 m
<b>Other Regulations</b>		
Minimum Parking Requirements	4 stalls	6 stalls
Minimum Private Open Space	30 m <sup>2</sup> per dwelling	Greater than 30 m <sup>2</sup> per dwelling
<span style="color: red;">●</span> Indicates a requested variance to the side yard setbacks (both east & west) from 2.3 m required to 2.0 m proposed on the second storey.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Demolition permits are required for any existing structures
- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 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):
  - i) Spatial calculations required to support the amount of glazing between the two building is required or an alternative solution accepted by the Chief Building Inspector in lieu prior to the release of the DP
- 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 including parking garages. This building may be designed to low, which may affect the form and character of the building.
- 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 structure in the permit application drawings.

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

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

6.2 Development Engineering Department

- Please see attached Schedule A dated March 7, 2016.

6.3 FortisBC Electric

- There are primary distribution facilities along Christleton Ave and the laneway adjacent the subject's east and south property lines. 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, FortisBC Inc. (Electric) has no concerns with this circulation.
- 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.

7.0 **Application Chronology**

Date of Application Received: January 22, 2016  
Date Public Consultation Completed: March 15, 2016

**Report prepared by:**

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Trisa Brandt, Planner I

**Reviewed by:**

Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

**Attachments:**

Site Plan  
Conceptual Elevations  
Landscape Plan  
Context/Site Photos  
Schedule "A" dated March 7, 2016