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