

# REPORT TO COUNCIL



**Date:** May 29, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z16-0022      **Owner:** Paul Benjamin Neufeld  
Douglas Richard Kirk

**Address:** 815 Rose Avenue      **Applicant:** Douglas Richard Kirk

**Subject:** Rezoning Application

**Existing OCP Designation:** MRL – Multiple Unit Residential (Low Density)

**Existing Zone:** RU6 – Two Dwelling Housing

**Proposed Zone:** RM<sub>1</sub> – Four Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0022 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 136, ODYD, Plan 8116, located at 815 Rose Avenue, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the RM<sub>1</sub> – Four 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 May 29, 2017;

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 RM<sub>1</sub> – Four Dwelling Housing to facilitate the development of four dwelling units.

### **3.0 Community Planning**

Community Planning Staff supports the proposed rezoning application to facilitate the development of four dwelling units. The RM1 – Four Dwelling Housing zone is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRL – Multiple Unit Residential (Low Density). The proposal is consistent with OCP policies for Compact Urban Form, and Sensitive Infill. Should Council support this rezoning, a Development Permit and Development Variance Permit will be considered by Council prior to 4<sup>th</sup> reading.

There are two other development applications on Rose Avenue that have been submitted to the City requesting the same zone to allow a four-plex with nearly identical floor plans. Staff have worked with the representatives from each project to ensure that differences in the materials and colour palette of each application provides variety and individuality.

### **4.0 Proposal**

#### **4.1 Background**

The subject property features a 1 ½ storey single family dwelling that was constructed in 1960 and a small storage shed that will be demolished as part of this development. The applicants began this process in April 2016 with a proposal for a total of 3 units. Council passed 2<sup>nd</sup> and 3<sup>rd</sup> readings on the rezoning for that proposal on July 12<sup>th</sup>, 2016. The applicants asked to put their application on hold and have come up with a redesign and a new proposal for 4 units. This is a significant change and requires a new public hearing.

#### **4.2 Project Description**

The proposed rezoning would facilitate the development of a four-plex on the subject property. This is consistent with the OCP Future Land Use designation of Multiple Unit Residential Low Density. The proposal meets the OCP Policy of Compact Urban Growth by increasing density where infrastructure already exists.

The proposal involves the closure of the front driveway, and a 5.0m road reserve across the front property for future expansion of Rose Avenue. All parking will be located in the rear, with 4 covered parking stalls and 2 uncovered stalls. The project requires one variance to allow the additional 2 uncovered stalls to be located in the side yard setback. All other Zoning Bylaw requirements are met including provision of private outdoor space, height, setbacks, and site coverage.

The proposed design has front doors facing the street for the two front units, and side entry for the two rear units. The units feature full basements and as such a 219 Restrictive Covenant regarding the Mill Creek Floodplain Bylaw has been placed on title that indemnifies the City in the event of any flooding. Four units is the maximum allowed under the zone, and therefore secondary suites would not be permitted in the units.

The design as proposed meets the majority of the design guidelines, and should Council support the rezoning, a Development Permit and Development Variance Permit will be considered by Council prior to 4<sup>th</sup> reading. There are two other applications on Rose Avenue at this time that are also rezoning to a four-plex with nearly identical floor plans. The representatives from each project have taken care to ensure that differences in the materials and colour palette of each application provides variety and individuality of the projects. The three projects are located at 775 Rose Avenue, 815 Rose Avenue, and 861 Rose Avenue as shown in the map on Page 3.



Figure 1.0 – Current Zoning Applications along Rose Avenue

4.3 Site Context

The subject property is located in South Pandosy east of Richter Street and south of Ethel Street on the south side of Rose Avenue. The subject property is within walking distance to a variety of amenities including Guisachan Village, Cameron Park, Kelowna General Hospital, and is located on a bicycle corridor with access to the proposed Ethel Street Active Transportation Corridor.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU7 – Infill Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 815 Rose Avenue



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	.60	.49
Site Coverage of Buildings	40%	35.5%
Site Coverage of Buildings, Parking, and Driveways	50%	47.2%
Height	2.5 storeys or 9.0m	2.5 storeys or 8.56m
Front Yard	4.5m	6.5m
Side Yard (east)	2.0m	2.75m
Side Yard (west)	2.0m	2.75m
Rear Yard	1.5m	4.5m
Other Regulations		
Minimum Parking Requirements	6 parking stalls	6 parking stalls
Setbacks to Parking		
Side Yard (east)	1.5m	0.3m <sup>1</sup>
Side Yard (west)	1.5m	0.3m <sup>2</sup>
Rear Yard	1.5m	1.5m
Private Open Space	>25m <sup>2</sup> per dwelling	>25m <sup>2</sup> per dwelling
<sup>1</sup> Indicates a requested variance to allow required parking in the east side yard setback. <sup>2</sup> Indicates a requested variance to allow required parking in the west side yard setback.		

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

- Development Cost Charges (DCC’s) are required to be paid prior to issuance of any Building Permit(s).
- 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

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

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

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 at time of permit application.

6.2 Development Engineering Department

- Please see attached Schedule "A" dated June 6, 2016

6.3 Fire Department

- Emergency access to the duplex (south) must be maintained - a laneway is not adequate for emergency access
- 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 Rose Ave. for emergency response
- The fire department has no issues with the zoning

6.4 FortisBC Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Rose Avenue and within the lane adjacent the subject's south property line. 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.
- 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: April 6, 2016  
Date Public Consultation Completed: April 9, 2016  
Date of Public Hearing: July 12, 2016  
Revised Plans Received: May 3, 2017  
Date Revised Public Consultation Completed: May 9, 2017

**Report prepared by:** Trisa Brandt, Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**  
Schedule "A": Memorandum dated June 6, 2016  
Site Plan and Floor Plans  
Conceptual Renderings  
Landscape Plan