

REPORT TO COUNCIL



Date: November 23, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LK)

Application: Z15-0034

Owner: Teresa Corea- Gaspari

Address: 580 Patterson Ave

Applicant: Lynn Welder Consulting

Subject: Rezoning Application

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

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z15-0034 to amend the City of Kelowna Zoning Bylaw NO. 8000 by changing the zoning classification of Lot 3 District Lot 14 ODYD Plan 3249, located at 580 Patterson Avenue, Kelowna, BC from RU6 - Two Dwelling Housing zone to the RM1 - 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 Attachment "A" attached to the Report from the Community Planning Department dated November 23, 2015;

AND 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 four dwelling housing.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to allow the construction of a new four-plex on the subject property.

The MRL - Multiple Unit Residential (Low Density) land use designation permits the proposed RM1 - Four Dwelling Housing zone. Currently the subject parcel and adjacent parcels contain single family dwellings, many with carriage houses or a second dwelling.

Rezoning and development of RM1-Four Dwelling Housing has occurred throughout the immediate area, including two parcels on the same block of Patterson Avenue as indicated on the subject property map attached below. The proposed multi-residential use is consistent with the Official Community Plan (OCP) Future Land Use Map and consistent with the city policy for Compact Urban Form and Sensitive Infill.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were provided with a circulation package in regards to the development.

4.0 Proposal

4.1 Project Description

The subject application has been through various modifications to address concerns regarding privacy to adjacent parcels resulting in the need for two variances. Balconies have been removed, with the remaining ones reduced to one foot Juliette style. This will ensure the primary outdoor space will be on the main floor level patios which are two feet above grade. A landscape buffer is provided through the placement of hedges along the length of the side property lines and multiple trees to ensure privacy for both the adjacent parcels and the subject parcel. All vehicular access will be taken from the rear laneway.



The first variance is to reduce the front yard setback requirement from 4.5 m required to 3.75 m proposed. This variance is required due to The City of Kelowna Development Engineering Department request for a 0.76m road dedication. This area is to allow for the possible future road widening of Patterson Avenue. All other building setback requirements have been met.

The second variance is to allow an off-street parking stall to be 1.0m from the side property line. The Zoning Bylaw states that any development over two units may not have an off-street parking stall within 1.5m of the side property line. The parking stall is required to be 3.30m wide in order to allow egress from the adjacent garage side door. The variance is required for the east parking stall only, as the west side provides a sufficient setback and also accommodates the garbage and recycling bins required for the site.

The subject property has a Future Land Use designation of MRL - Multiple Unit Residential (Low Density) in the Official Community Plan (OCP) and is currently zoned RU6 - Two Dwelling Housing. The property is within the Character Neighborhood Development Permit Area and the Mill Creek Flood Plain. All flood mitigation requirements and the location of mechanical equipment will be addressed at time of the building permit.

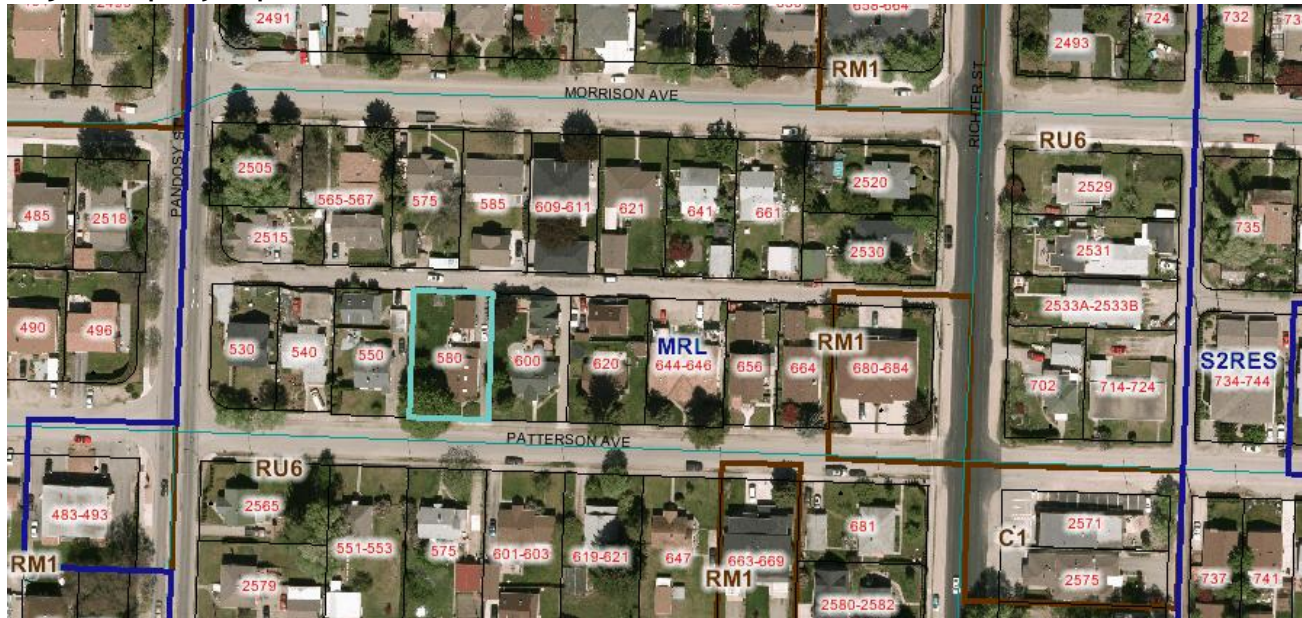
4.2 Site Context

The parcel is located mid-block on the north side of Patterson Avenue between Pandosy Street and Richter Street.

Adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---------------------------|---|
| North | RU6- Two Dwelling Housing | Single Detached Dwelling w/ Carriage House & Two Dwelling Housing |
| East | RU6- Two Dwelling Housing | Single Detached Dwelling w/ Carriage House |
| South | RU6- Two Dwelling Housing | Single Detached Dwelling w/ Carriage House & Two Dwelling Housing |
| West | RU6- Two Dwelling Housing | Single Detached Dwelling w/ Carriage House & Two Dwelling Housing |

Subject Property Map: 580 Patterson Avenue



4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|--|-----------------------|-----------------------|
| CRITERIA | RM1 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Minimum Lot Area | 700 m ² | 737.80 m ² |
| Minimum Lot Width | 20 m | 21.34 m |
| Minimum Lot Depth | 30 m | 34.60 m |
| Development Regulations | | |
| Maximum Floor Area Ratio | 0.6 | 0.59 |
| Maximum Site Coverage (buildings) | 40% | 39.56% |
| Maximum Site Coverage (buildings, driveways and parking) | 50% | 48.60% |
| Maximum Height (Lessor of) | 9.5 m or 2 ½ storeys | 9.0 m |
| Minimum Front Yard | 4.5 m | 3.75 m ● |
| Minimum Side Yard (east) | 2.5 m | 4.3 m |

| | | |
|--|--|---------------------------|
| Minimum Side Yard (west) | 2.5 m | 4.3 m |
| Minimum Rear Yard | 7.5m | 7.9 m |
| Minimum Rear Yard for Access. Building | 1.5m | 1.5 m |
| Other Regulations | | |
| Minimum Parking Requirements | 1.5 stalls/2 bdrm dwelling units (x4 units = 6 stalls req.) | 6 stalls |
| Minimum Side Setback to a Parking Stall | 1.5 m | 1.0 m ❶ |
| Minimum Private Open Space | 25 m ² / unit | +38 m ² / unit |
| ❶ Indicates a requested variance to the required front yard setback. | | |
| ❷ Indicates a requested variance to the required side yard setback to a parking stall. | | |

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

6.1 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).
- Mechanical Room required and not shown
- Fire separation and Spatial calculation required at time of Building Permit Applications
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached Schedule A

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met.

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

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

- All units shall have a posted address on Patterson Ave.
- Should a gate or fence be installed between north and south building the gate is to open without special knowledge (locking device).
- A man door shall be installed on the garage so that should there be a car fire access is through a man door and not an overhead door
- Emergency access is NOT from the lane to the north but from Patterson Ave.

7.0 Application Chronology

| | |
|-------------------------------------|-----------------|
| Date of Application Received: | June 22, 2015 |
| Date Public Consultation Completed: | July 31, 2015 |
| Date of Amended Plans Received | October 1, 2015 |

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Attachment A - Development Engineering Memorandum
Site Plan
Conceptual Elevations
Landscape Plan