

# REPORT TO COUNCIL



**Date:** June 26, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z16-0086                      **Owner:** Michael Hiebert  
   Edgar Hiebert

**Address:** 540 Jaginder Lane                      **Applicant:** Urban Options Planning

**Subject:** Rezoning from A1 to RR3c to facilitate a Carriage House

Existing OCP Designation:                      Resource Protection Area

Existing Zone:    A1 – Agriculture 1

Proposed Zone:    RR3c – Rural Residential 3 with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0086 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of *Lot A Section 24 TWP 26 ODYD Plan 19310 Except Plan KAP88059*, located at 540 Jaginder Lane, Kelowna, BC from the A1 - Agriculture zone to the RR3c – Rural Residential 3 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 Schedule "A" attached to the Report from the Community Planning Department dated June 26, 2017;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Farm Protection Development Permit, that includes a vegetated and fenced buffer to the agricultural property to the east;

AND FURTHER THAT the final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

## 2.0 Purpose

To rezone the subject property to permit a carriage house in addition to the primary residence.

### **3.0 Community Planning**

Community Planning supports the proposed rezoning due to the unique location immediately adjacent to the Hwy 33 corridor, its location not in the Agricultural Land Reserve (ALR) and its close proximity to amenities in the Rutland neighbourhood (i.e. transit, schools, and parks). Also, the small property size at 2885 m<sup>2</sup> benefits from an existing sanitary sewer connection that was installed as part of the recent Highway 33 upgrades.

### **4.0 Proposal**

#### **4.1 Background**

The property was originally part of a larger agriculture parcel. In 1984, this parcel was subdivided from the parcel to the north, 528 Jaginder Lane. In 2009, Jaginder Lane was dedicated, and the formal access to the property transferred from Highway 33 to Jaginder Lane.

Given that the property was subdivided from the original farm, and that it's size corresponds with the size of a Rural Residential 3 zone, rezoning the parcel to a rural residential zone is appropriate.

In 1996, the current primary residence was built. At the time, the owner signed a covenant that permitted the original farmhouse to be occupied by a long time farm worker and their family.

Since 1996, the City has permitted carriage houses in the rural residential zones. In addition, when the improvements through the widening of Highway 33 and corresponding sewer occurred from 2009 through 2011, sewer connections were installed to both dwellings.

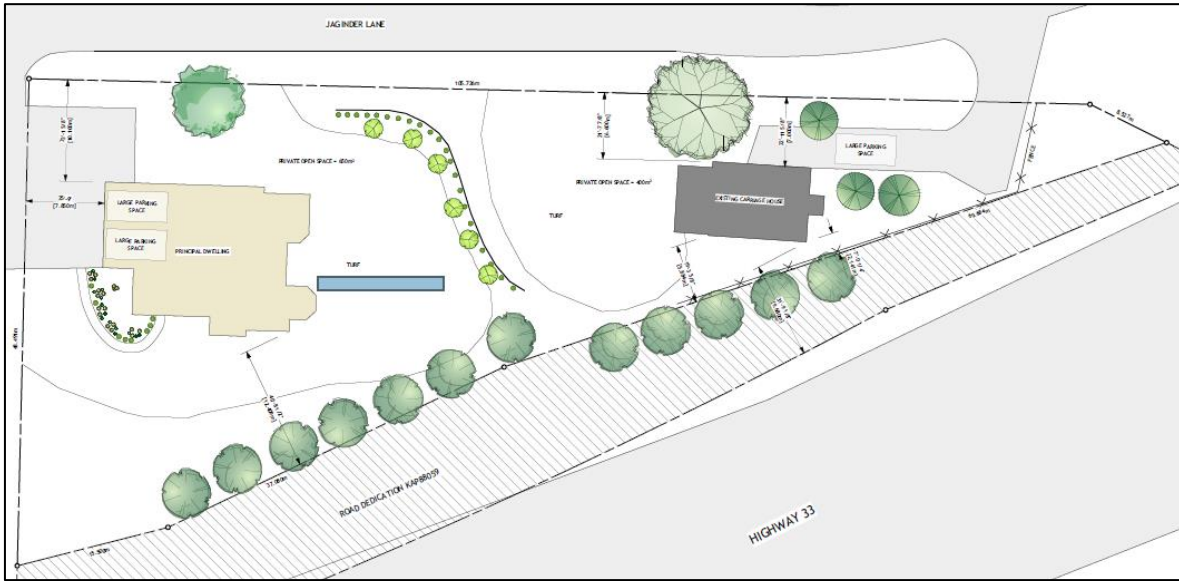
#### **4.2 Project Description**

The applicant is requesting that the property be rezoned from A1 – Agriculture 1 to RR3c – Rural Residential 3 with Carriage House, to authorize the existing old farmhouse on the property to be used as a carriage house. Two dwellings are permitted in the Rural Residential 3 with Carriage House zone. The primary residence does not have a suite. The original farmhouse conforms to the carriage house regulations.

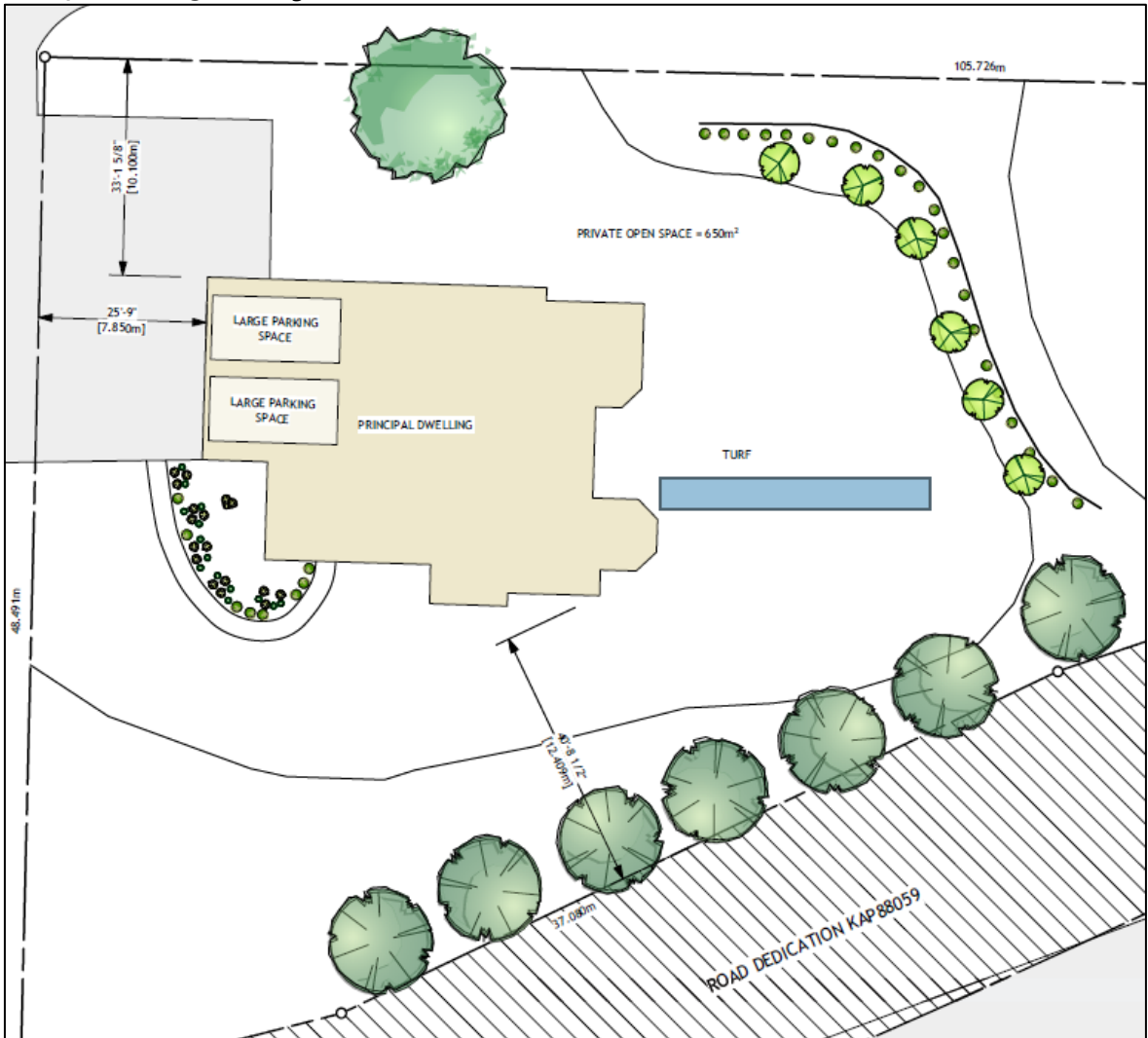
Staff are recommending two conditions prior to adoption:

- Connection of both the primary dwelling and the carriage house to sanitary sewer; and
- Issuance of a Farm Protection Development Permit, to address a vegetated buffer and fence to buffer potential agricultural/residential conflicts with the agricultural operation to the east.

Site Plan: 540 Jaginder Lane



Principal Dwelling: 540 Jaginder Lane



Proposed Carriage House: 540 Jaginder Lane



4.3 Site Context

The property lies within the Rutland Sector of the City, according to the Official Community Plan. The property is adjacent Highway 33 E, but is accessed from Jaginder Lane. It is outside the Permanent Growth Boundary, which lies on the other side of Highway 33 from the property.

The property is not within the Agricultural Land Reserve (ALR), but the ALR is adjacent to the east.

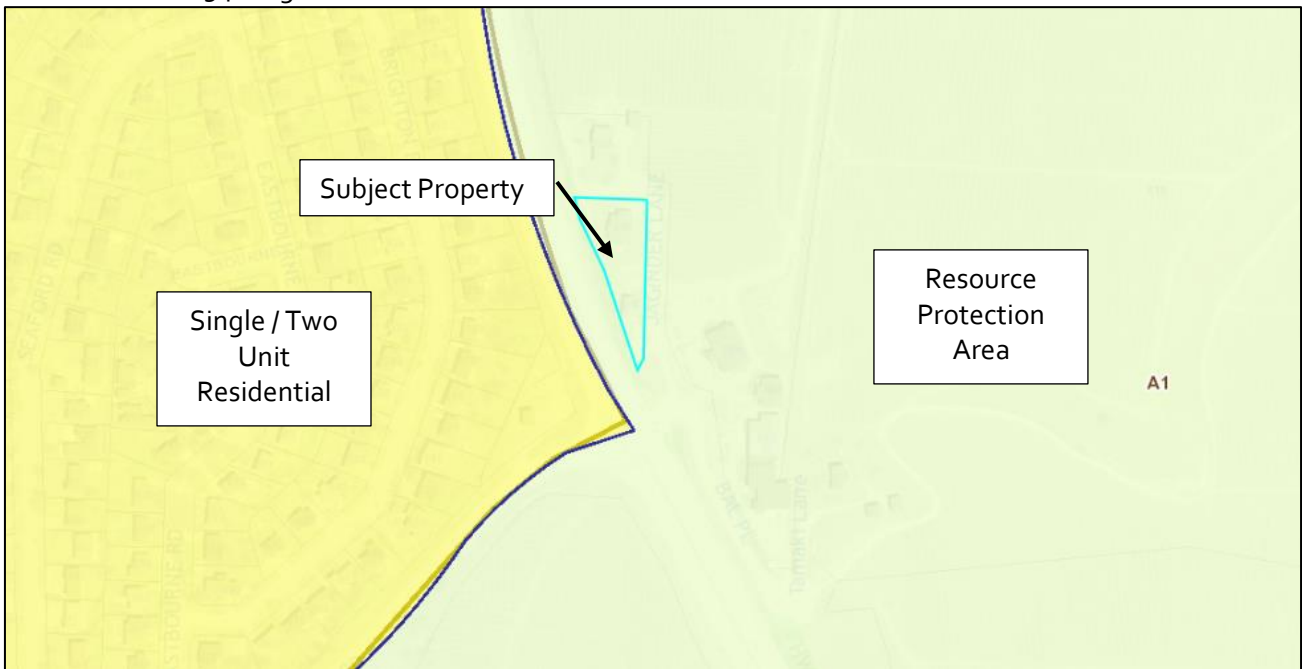
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Rural Residential
East	A1 – Agriculture 1 (ALR)	Agriculture
South	A1 – Agriculture 1 (ALR)	Agriculture
West	RU1 – Large Lot Residential	Urban Residential

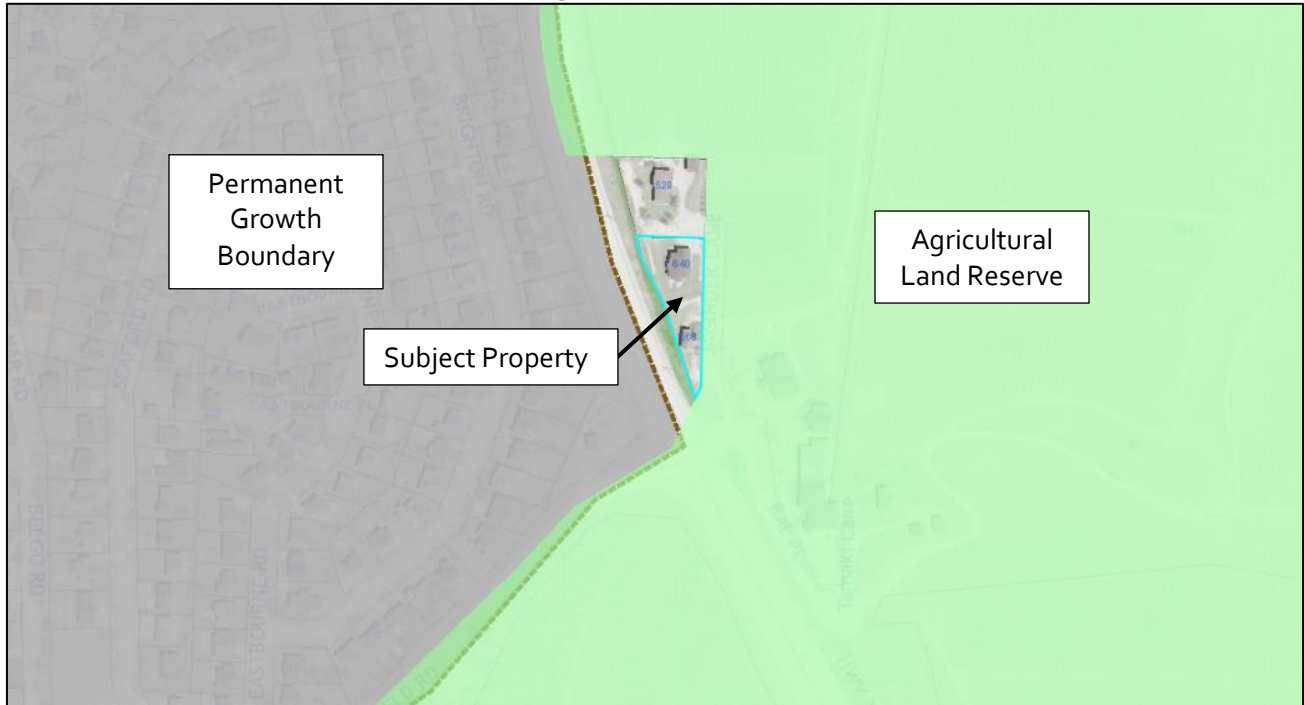
Neighbourhood Map: 540 Jaginder Lane



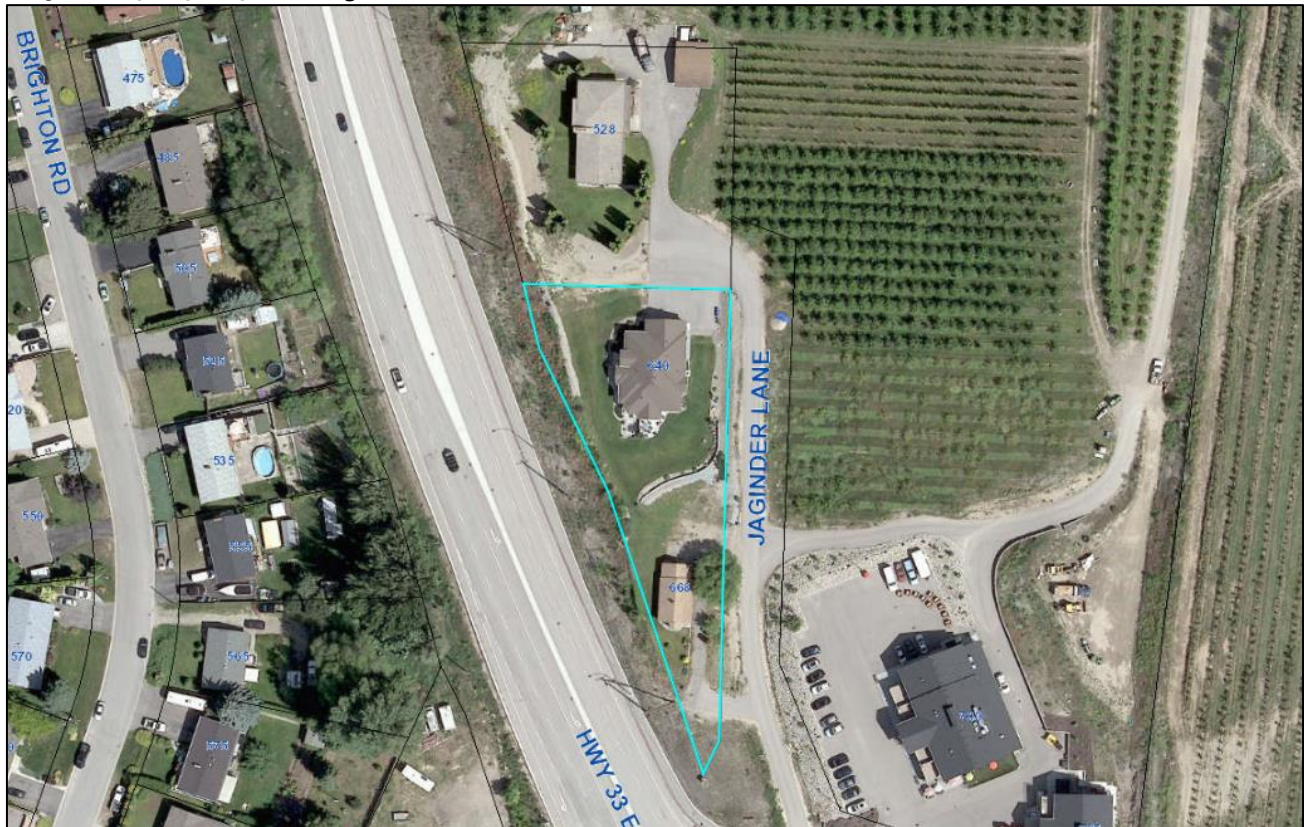
Future Land Use: 540 Jaginder Lane



Permanent Growth Boundary / ALR Map: 540 Jaginder Lane



Subject Property Map: 540 Jaginder Lane

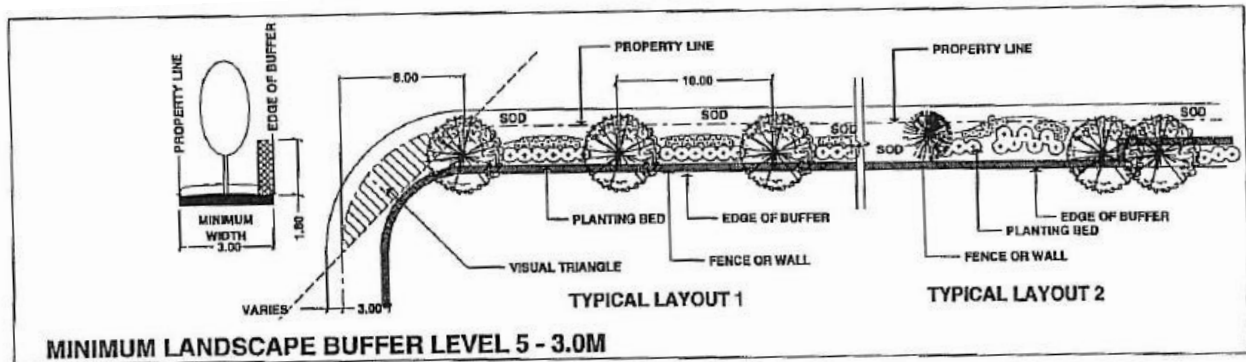


4.4 Zoning Analysis Table

Applicable zoning requirements as it relates to the subject property for the Rural Residential 3 with Carriage House zone is outlined below.

<b>Zoning Analysis Table</b>		
<b>CRITERIA</b>	<b>RR3c ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Existing Lot/Subdivision Regulations</b>		
Lot Area	1660 m <sup>2</sup>	2885 m <sup>2</sup>
Lot Width	18 m	70 m (average)
Lot Depth	30 m	31.5 m (average)
<b>Development Regulations – Principal Dwelling</b>		
Height	9.5 m	7 m
Front Yard	6 m	10.1 m
Side Yard (south)	2 m	76 m
Side Yard (north)	2 m	7.85 m
Rear Yard	7.5 m	26 m (average)
<b>Development Regulations – Carriage House<sup>1</sup></b>		
Height	4.8 m	4.8 m
Front Yard	6 m	6.6 m
Side Yard (south)	4.5 m (flanking)	38.5
Side Yard (north)	2 m	64.9 m
Rear Yard	2 m (See note <sup>2</sup> )	2.14 m
<b>Other Regulations</b>		
Minimum Parking Requirements	3 stalls	2 Principal Dwelling / 1 Carriage House
Peak Height Comparison	Carriage House not to exceed	Principal 7 m / Carriage House
Private Open Space	30 m <sup>2</sup>	Carriage House: 400m <sup>2</sup> Principal Dwelling: 650m <sup>2</sup>
Carriage Floor Area	75% of the principal dwelling to a maximum of 90m <sup>2</sup>	principal dwelling: 390.9 m <sup>2</sup> carriage house: 72m <sup>2</sup> 18.4%
Maximum footprint of all accessory buildings	Lesser of 90m <sup>2</sup> or 14% is permitted except when 1 storey in height then 100m <sup>2</sup>	96.6m <sup>2</sup> or 3.3%
<p><sup>1</sup> Per Bylaw 8000, Section 9.5b.1(c) on double fronting lots, the carriage house should be sited in accordance with the regulations for a single detached dwelling.</p> <p><sup>2</sup> Per Bylaw 8000, Section 9.5b.15 Rear yard setback for a carriage house is 2.0 metres, and also Section 1.8.1, where a property has been reduced in size due to a city or provincial road taking, the distance of the original property line will be considered.</p>		

4.5 Landscape Buffer Treatment – Level 5 – ALR Buffer



5.0 **Development Policies**

Kelowna Official Community Plan (OCP)

**Carriage Houses & Accessory Apartments<sup>1</sup>.** Support carriage houses and accessory apartments through appropriate zoning regulations.

**Family Housing<sup>2</sup>.** Support housing alternatives for families when single detached housing is too costly, including features that are important to families such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighborhood characteristics (e.g.: location and amenities).

**Farm Protection Development Permit Objectives<sup>3</sup>.**

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land; and
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

6.0 **Technical Comments**

6.1 Development Engineering Department

- Refer to Attachment 'A'.

6.2 Fire Department

The Fire Department has no issues with the zoning application. We note that:

- the requirements of Section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met; and
- all units shall have a posted address on Javinder Lane for emergency services.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.13 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Chapter 15 (Farm Protection Development Permit Chapter).



6.3 Black Mountain Irrigation District

This re-zoning application will not affect the BMID system as the structures and services are in place. Our record drawings show 3 domestic services to the property and our model has 2 SFU already at this location. Nothing will change in terms of water supply if the re-zoning is approved.

The only concern is that there are no hydrants in this area and current water supply is through a 50 mm diam. main on Springfield Road. This issue was identified when analyzing the system capacity for 700 Hwy 33 East. However, this is an issue with the existing system that is not changing due to the proposed re-zoning.

6.4 Ministry of Transportation and Infrastructure

Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

**7.0 Application Chronology**

Date of Application Received:	December 12, 2016
Date Public Consultation Completed:	February 22, 2017
Date Circulation Comments Completed:	March 6, 2017
Agricultural Advisory Committee	June 8, 2017

**Moved by Tarsem Goraya/Seconded by Pete Spencer**

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z16-0086 for the property located at 540 Jaginder Lane, Kelowna, BC in order to rezone the subject property to permit a carriage house, in addition to the primary residence, adjacent to the farm operation in the Agricultural Land Reserve.

Carried

<b>Report prepared by:</b>	Melanie Steppuhn, Land Use Planner
<b>Reviewed by:</b>	Todd Cashin, Subdivision, Suburban and Rural Planning Manager
<b>Reviewed by:</b>	Ryan Smith, Community Planning Department Manager
<b>Approved for Inclusion:</b>	Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

- Development Engineering Services Memo
- Site Plan
- Site Photos