
CITY OF KELOWNA
MEMORANDUM

DATE: November 29, 2007
FILE NO.: Z07-0055

TO: City Manager

FROM: Planning & Development Services Department

SUBJECT:

APPLICATION NO. Z07-0055

OWNERS: ALBERT HARDY, BOMAR
DISTRIBUTORS INC., &
NORCAR ENTERPRISES

AT: 1030 & 1040 TATARYN ROAD

APPLICANT: NORCAR ENTERPRISES

PURPOSE: TO REZONE THE SUBJECT PROPERTIES TO THE RU6 – TWO
DWELLING HOUSING ZONE TO ALLOW FOR CONSTRUCTION
OF TWO DWELLINGS ON EACH LOT

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A & B, Sec. 22, Twp. 26, O.D.Y.D., Plan KAP85161, located on Tataryn Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed RU6 – Two Dwelling Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;



2.0 SUMMARY

The applicant is proposing to rezone the two subject properties from the existing RU1 – Large Lot Housing zone to the proposed RU6 – Two Dwelling Housing zone to permit the construction of two dwelling units on each lot.

2.1 Advisory Planning Commission

The above noted application (Z07-0055) was reviewed by the Advisory Planning Commission at the meeting of July 17, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. 07-0055, for 1040 Tataryn Road, Lot 3, Plan 28932, Sec. 22, Twp. 26, ODYD by Norcar Ent. Inc. (N. Booker), to rezone the subject property from the RU1-Large Lot Housing zone to the RU6-Two Dwelling Housing zone to allow a 2 lot subdivision.

3.1 The Proposal

The applicant has recently subdivided the original subject property into two lots. Each of the new lots has sufficient area and lot frontage to support "duplex housing", should the properties be rezoned to the "RU6 – Two Dwelling Housing" zone. The applicant is proposing to develop each of the new lots with two single unit dwellings, should Council support this application to rezone.

Each of the proposed dwellings would be constructed with the same building plans, and 'reversed' in configuration to best fit on the property. Each of the dwellings are designed as two storey, three bedroom units, constructed on a partial basement. The dwellings would be finished in materials that would be complementary to each of the dwellings. It is anticipated that there would be a strata plan registered to create a separate title for each of the proposed dwellings.

The associated development permit applications to support the proposed second dwellings will be processed as a "Direct Development Permit" application, and will be issued by the Director of Planning and Development Services.

The proposal as compared to the RU6 zone requirements is as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Site Area (m ²)	935.57 m ²	700 M ²
Site Width (m)	18.29 m	18.0 M
Site Coverage (%)	24% buildings 42.58 % Bldg & pvmt	40% Buildings 50% Buildings and paved areas
Storeys (#)	2 storeys	2 ½ Storeys or 9.5 m
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	7.5 m	7.5 m for 2 or 2½ storey
- West Side	2.3 m to 2 storey	2.0 m for 1 or 1½ storey 2.3 m for 2 or 2½ storey
- East Side	2.3 m to 2 storey	2.0 m for 1 or 1½ storey 2.3 m for 2 or 2½ storey
Parking Stalls (#)	2 stalls provided	2 stalls required per dwelling

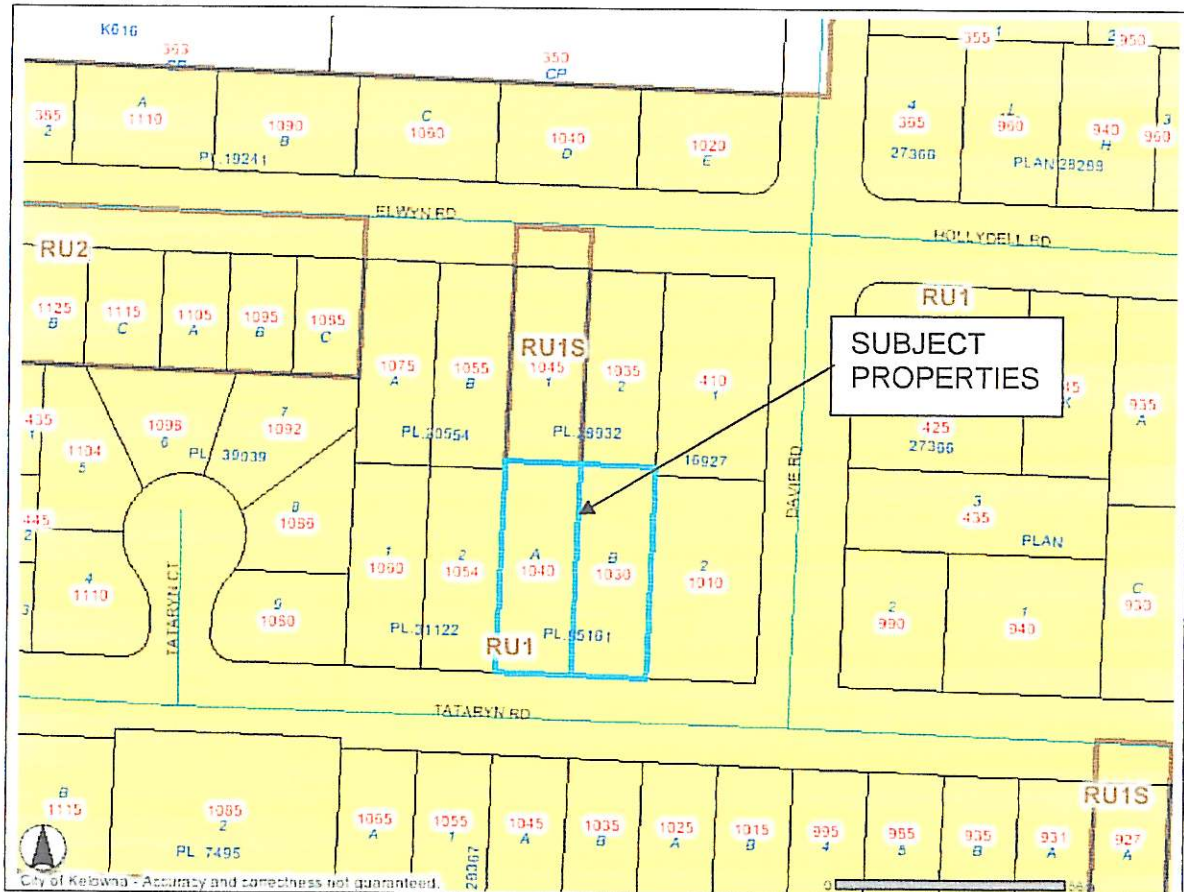
3.2 Site Context

The subject property is located on the north side of Tataryn Road, between Tataryn Court, and Davie Road. The site is located in an established neighbourhood of single unit dwellings. There are some lots nearby that have been rezoned to the RU1s zone to support the development of a suite.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing / SFD
RU1s – Large Lot Housing with suite / SFD with suite
- East - RU1 – Large Lot Housing / SFD
- South - RU1 – Large Lot Housing / SFD – Tataryn Road
- West - RU1 – Large Lot Housing / SFD

SUBJECT PROPERTY MAP



3.3 Proposed Development Potential

The proposed zone of RU6 – Two Dwelling Housing zone allows for: Single Dwelling Housing and Two Dwelling Housing as principal permitted uses, and Bed and Breakfast home, Boarding and Lodging Houses (RU6b only), Care Centre – Minor, Home Based Business – minor and major, and Secondary suite as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna OCP identifies the subject properties as a "Single / Two Residential" future land use. The proposed use is consistent with that designation.

3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City.

The City of Kelowna Strategic Plan 2004 also states as Goal 3;

“To foster the social and physical well-being of residents and visitors.”

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments which have been submitted are attached to this report.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposal appears to be a reasonable form of development for the property. The original development property was a large deep lot. Now that the site has been subdivided into two lots, both lots are over 50m deep, and large enough to provide adequate yard areas that are private.

The site plan submitted with the application indicates that there is sufficient lot area to meet the building setbacks required in the RU6 zone while also providing adequate landscaping around the proposed dwellings to meet zoning bylaw requirements. The applicant is not seeking any variances as part of this application.

There has been a Development Permit application made to address the form and character of the proposed development. However, Council will not have to consider this application, as the application will be processed as a “Direct Development Permit” application, and will be issued by the Director of Planning and Development Services.

In light of the above, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.

A handwritten signature in black ink, appearing to read 'Shelley Gambacort', written over a horizontal line.

Shelley Gambacort
Current Planning Supervisor

PMc
Attach.

File: Z07-0055

Application

File: Z07-0055

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)			
	2007-06-28	2007-06-28		
	Community Development & Real Estate Mgr			
	2007-06-28	2007-07-06	SALEXAND	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 1/2 x 11 copy, of any survey plans.
2	Community Development & Real Estate Mgr			
	2007-06-28	2007-07-06	SALEXAND	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 1/2 x 11 copy, of any survey plans.
	Fire Department			
	2007-06-28	2007-07-27	MNEID	Maintain minimum 1100mm fire fighter access to the rear of the property. If a fence is ever constructed between the dwellings or the rear of the property a six foot wide gate is required. Any gate is to open with out special knowledge. Fire fighter access from the front or street side of the property to the back building(s)/property line is not to be impeded at anytime. The address for all residences are to be visible from the street.
2	Fire Department			
	2007-06-28	2007-07-27	MNEID	Fire fighter access from the front or street side of the property to the back building(s)/property line is not to be impeded at anytime. If a fence is ever constructed between the dwellings a six foot wide gate is required. Any gate is to open with out special knowledge. The address for all residences are to be visible from the street. Maintain minimum 1100mm fire fighter access to the rear of the property. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.
	FortisBC			
	2007-06-28	2007-08-14		no response
	Inspections Department			
	2007-06-28	2007-07-04	RREADY	Demolition permit required to remove existing building from proposed lots. No other concerns.
	Irrigation District - RWW			
	2007-06-28			
	Mgr Policy, Research & Strategic Plannin			
	2007-06-28	2007-07-04		no comments
	Ministry of Transportation			
	2007-06-28	2007-08-09		We have no objections or comments regarding the application to rezone this property from RU1 to RU6
	Park/Leisure Services Dir. (info only)			
	2007-06-28	2007-06-28		
	Parks Manager			
	2007-06-28	2007-06-28	TBARTON	The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
	Public Health Inspector			
	2007-06-28	2007-07-05		requires sewer
	RCMP			
	2007-06-28	2007-06-29		No comment.
	School District No. 23			
	2007-06-28	2007-08-14		no response
	Shaw Cable			
	2007-06-28	2007-07-05		owner/developer to supply and install u/g conduit.
	Telus			
	2007-06-28	2007-07-23		TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
	Terasen Utility Services			
	2007-06-28	2007-07-23		no comment.
	Works & Utilities			
	2007-06-28	2007-07-16		see file.

CITY OF KELOWNA

MEMORANDUM

Date: July 12, 2007
File No.: Z07-0055
To: Planning & Development Services Department (PMcV)
From: Development Engineer Manager (SM)
Subject: 1040 Tataryn Road – Lot 3, Plan 28932, Sec. 22, Twp. 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-6 are as follows:

1. Subdivision

Provide easements as required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed building site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and the recommendation for construction over the decommissioned sewage disposal field.

3. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWWD). A second service is required in order to meet current policies. The developer is required to make satisfactory arrangements with the RWWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

4. Sanitary Sewer.

The property is located within Specified Area # 23 and in accordance with the City of Kelowna current policy, the specified charges for the proposed RU6 development will have to be cash commuted. The current pay out charge for an RU6 lot with two dwelling is \$7,300.00 per SFE for a total of \$14,600.00.

5. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

6. Road improvements.

Tataryn Road must be upgraded to a full urban standard including a sidewalk curb and gutter, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost of this frontage upgrade is estimated at **\$21,900.00** and is inclusive of a bonding escalation.

7. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

9. Design and Construction.

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide

adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

8. Bonding and Levies Summary.

a) Performance Bonding

Tataryn Road frontage upgrade	<u>\$21,900.00</u>
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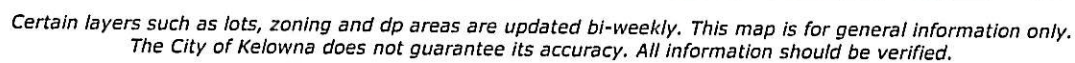
Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule, the cost would be reduced to **\$19,000.00**.

b) levies

Specified Area charges (1 duplex lot)	<u>\$14,600.00</u>
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Steve Muenz, P.Eng.
Development Engineering Manager

BB



- B --- Neon Flash Spirea
- C --- Cottoncuster acutifolia
- D --- Magic Carpet Spirea
- E --- Oregon grape
- F --- Pyramid Cedar
- G --- Tom Thumb Cranberry

Landscaping and separation overview
 SITE PLAN FOR 1040 TATARYN RD.

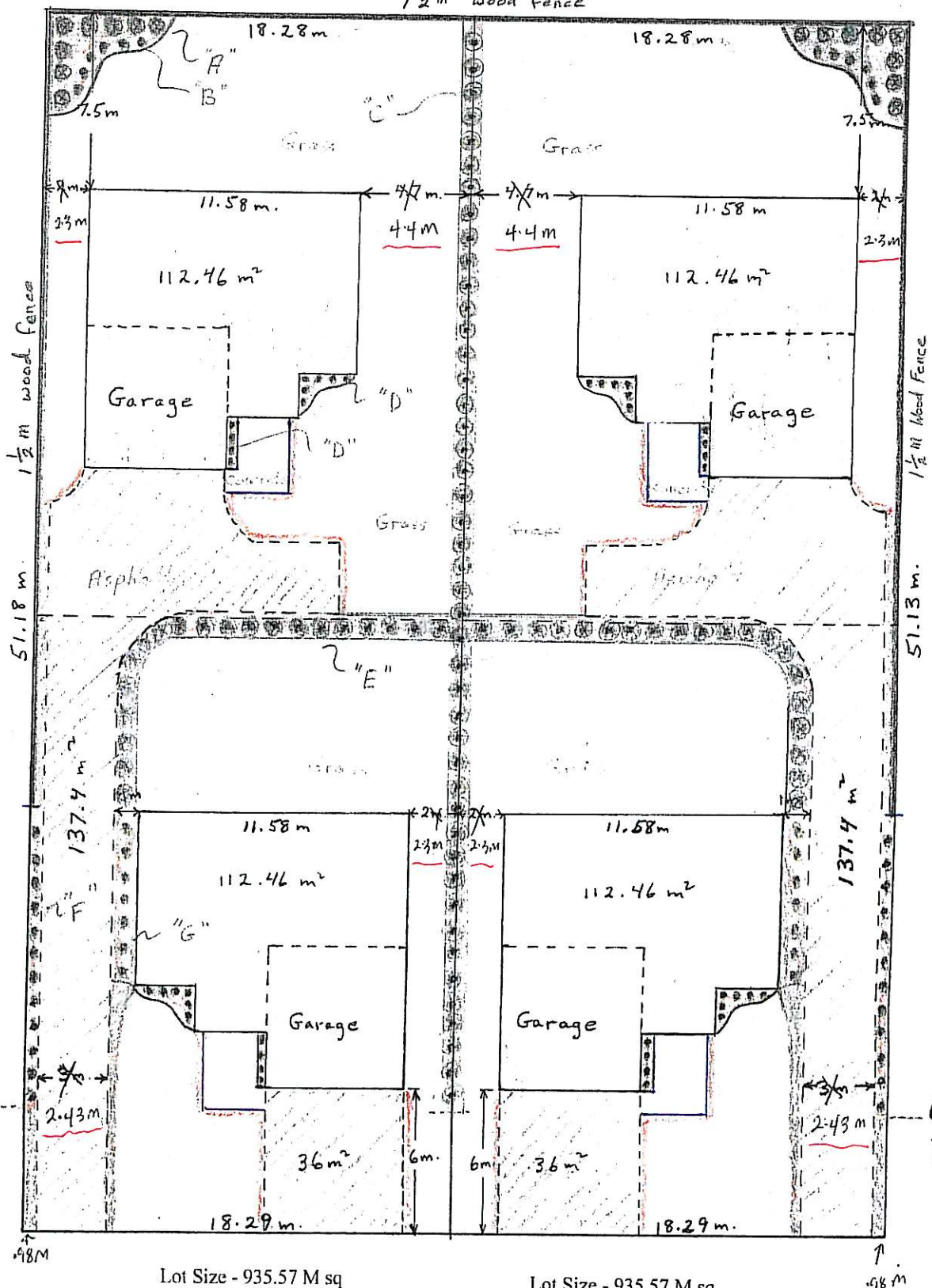
LOT 3, PLAN #28932, SECTION 22, TOWNSHIP 26, ODYD

SCALE: 1:200
 (1cm. = 2m.)

REVISED
 JULY 16/07

(--- rock or mulch)

1 1/2 m wood fence



SITE PLAN
 LANDSCAPE
 PLAN

Lot Size - 935.57 M sq
 Covered Area - 398.32 M sq
 Coverage - 42.58%

Lot Size - 935.57 M sq
 Covered Area - 398.32 M sq
 Coverage - 42.58%

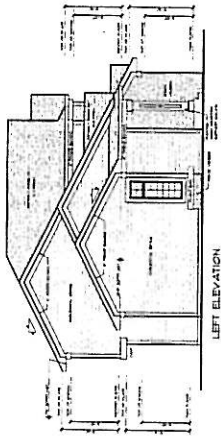


G-1	GENERAL NOTES
1	RENDERING
2	ELEVATIONS
3	MAIN FLOOR
4	SECOND FLOOR
5	FOUNDATION
6	WALL/STAIR DETAILS
7	KITCHEN/CROSS SECTIONS
8	ELECTRICAL/ROOF

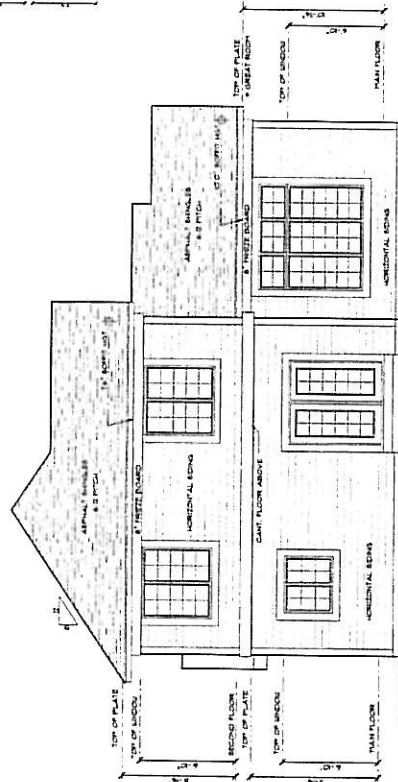
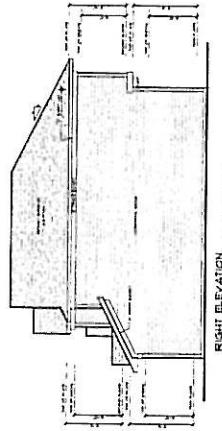
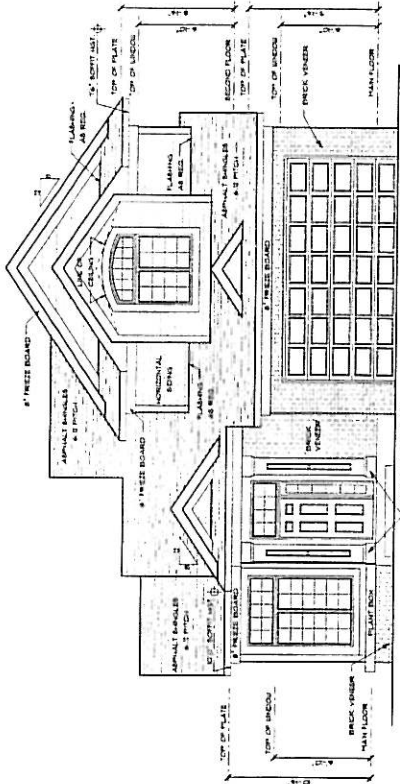
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1. IT IS THE CARE OF THE CONTRACTOR'S RESPONSIBILITY TO TAKE THE NECESSARY PRECAUTIONS TO PREVENT CONSTRUCTION MATERIALS FROM BEING USED IN AN UNAPPROVED MANNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
 2. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.
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REAR ELEVATION

TRADITIONS & TRENDS

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OF NINE

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TRADITIONS & TRENDS

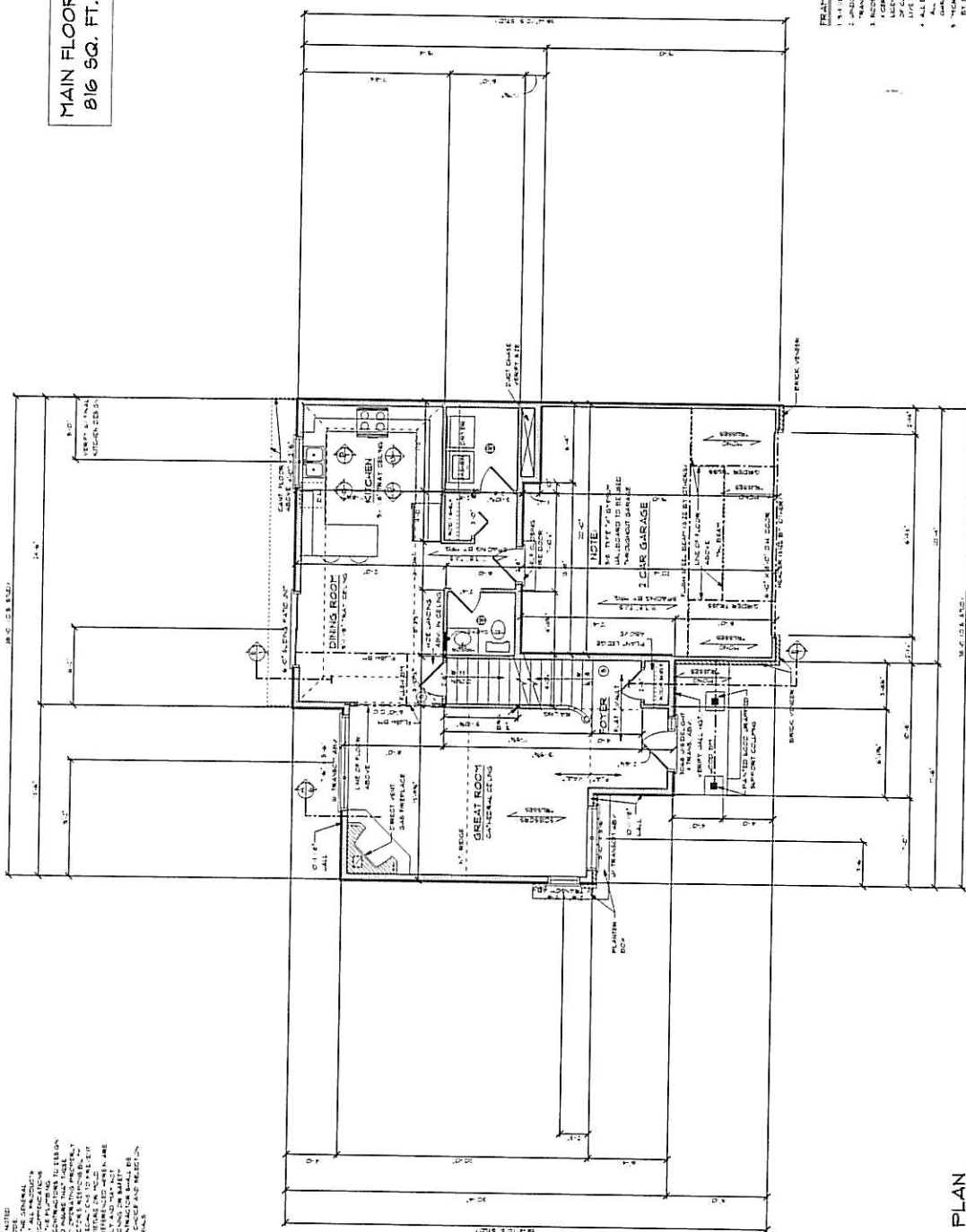
AD 61295

DESIGNED BY: JWP
CHECKED BY: S
DATE: 06/12/2004
SCALE: 1/4" = 1'-0"

JOB NO. 61295
SHEET NO. 3 OF 9

OF NINE

MAIN FLOOR
816 SQ. FT.



- FRAMING NOTES:**
1. ALL FRAMING TO BE DONE BY THE CONTRACTOR.
 2. ALL FRAMING TO BE DONE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK.
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GENERAL NOTES:

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2003 INTERNATIONAL RESIDENTIAL CODE BOOK.
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MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

