
CITY OF KELOWNA
MEMORANDUM

DATE: November 7, 2008
FILE NO.: Z08-0026

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z08-0026 **OWNER:** SIMRAN ENTERPRISES LIMITED

AT: 370 HARTMAN ROAD **APPLICANT:** T. THOMAS & ASSOCIATES

PURPOSE: TO REZONE FROM THE RM1 – FOUR PLEX HOUSING ZONE TO THE PROPOSED RM3 – LOW DENSITY MULTIPLE HOUSING ZONE TO ALLOW ADDITIONAL UNITS IN THE BUILDINGS.

EXISTING ZONE: RM1 – FOUR DWELLING HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of East ½ Block 30, Sec. 26, Twp 26, O.D.Y.D. Plan 264, Except Plans B3948, B5293 and KAP76444, located on Hartman Road, Kelowna, B.C. from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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 subject property from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone in order that there can be three more units added to the recently approved 3 unit development proposal. There has not been a new Development Permit application

made as part of the rezoning application, as the exterior of the proposed buildings are not anticipated to change from the designs previously approved. However, there has been a Development Variance Permit application made to vary the west side yard setback from 4.5m required to 2.8m proposed to the two unit building, to vary the east side yard setback from 4.0m required to 1.8m proposed to the carport, and to vary the lot width from 30.0 m required to 22.0 m existing. The proposed use is consistent with the Multiple Unit Residential – Low Density designation of the Official Community Plan.

2.1 Advisory Planning Commission

The above noted application (Z08-0026) was reviewed by the Advisory Planning Commission at the meeting of July 15, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0026, for 370 Hartman Road, East ½ Block 30, Sec. 26, Twp 26, O.D.Y.D., Plan 264, Except Plans B3948, B5293 and KAP76444 by Ted Thomas & Associates Ltd. (Simaran Ent. Ltd.), to rezone the subject property from the RM1 – Four Plex Housing zone to the RM3 – Low Density Multiple Housing zone to allow additional units in the buildings.

3.1 The Proposal

The applicant recently had applications to rezone to the RM1 – Four Unit Housing zone (Z06-0046) approved, and development permit (DP06-0154) issued to authorize the construction of a three unit development.

This current application seeks to have the subject property rezoned from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone in order that the basement level of the previously approved development proposal can be developed as three separate one bedroom dwelling units, for a total of 6 dwelling units on the subject property.

These three additional units are not anticipated to change the exterior elevations of the previously approved Development Permit.

The three additional one bedroom units will require an additional 4 parking stalls. The applicant is proposing to provide the 4 additional parking spaces by providing 3 additional stacked stalls on the paved driveway area in front of the garages, and creating one parking space adding an additional stall to the east side of the most northerly unit.

The proposed use is consistent with the Multiple Unit Residential – Low Density future land use designation of the Official Community Plan.

There has been application made for a Development Variance Permit to deal with the changes required from the current RM1 zone to the setbacks required in the proposed RM3 zone under application. The original proposal conformed with the requirements of the RM1 zone in terms of setbacks. However, when the required setbacks area applied to the proposed development under the RM3 zone, the required side yard setbacks go from 2.0m required for 1 or 1½ storey portion and 2.3m for 2 or 2½ storey portion under the RM1 zone to 4.0m required for 1 or 1½ storey portion and 4.5m for 2 or 2½ storey portion for the RM3 zone.

The applicant has moved the rear building to the east in order that the west side yard setback complies to the RM3 zoning requirements. However, when that building is moved away from the west property line, there is a variance triggered to the east side

yard setback to the carport structure. The two storey high portion of the main building is set back 4.55m from the east property line, a distance which complies to the RM3 siting requirements.

This application will be circulated to Council for consideration should this application for rezoning be supported.

The proposal as compared to the RM3 zone requirements is as follows:

| CRITERIA | PROPOSAL | RM3 ZONE REQUIREMENTS |
|------------------------------------|--|--|
| Site Area (m ²) | 1,268 m ² | 900 m ² |
| Site Width (m) | 22 m ❶ | 30.0 m |
| Site Coverage (%) buildings | 29.2% | 40% |
| Buildings and paved areas | 50% | 50% |
| Total Floor Area (m ²) | 721.4 m ² | 802.6 m ² @ FAR = 0.633 |
| F.A.R. | 0.567 | FAR = 0.50 + 2/3 prkg bonus MAX FAR = 0.633 |
| Storeys (#) | 2½ storeys (8.1m) | 2½ storeys or 9.5m |
| Setbacks (m) | | |
| - Front | 4.5 m | 4.5m |
| - Rear | 7.7 m | 7.5m |
| - West Side | 2.8 m for 1or1½ stry❷ 3.63 m for 2 or 2½ stry | 4.0 m for 1 or 1½ stry 4.5 m for 2 or 2½ stry |
| - East Side | 1.8 m for 1 storey ❸ | 4.0 m for 1 or 1½ stry 4.5 m for 2 or 2½ stry |
| Parking Stalls (#) | 12 stalls provided 6 in garage, 6 stacked | 10 stalls required |

Parking Calculations

$$\begin{aligned}
 &3 - \text{two bedroom units} - 3 \times 2 = 6 \text{ stalls} \\
 &3 - \text{one bedroom units} - 3 \times 1.25 = 4 \text{ stalls} \\
 &\text{Total Parking required} = \mathbf{10 \text{ stalls}}
 \end{aligned}$$

Variances required;

- ❶ Lot width from 30m required to 22.3 existing,
- ❷ West Side yard setback from 4.0 for 1 or 1½ storey and 4.5 for 2 or 2½ storey to 2.8m & 3.63m to two unit building,
- ❸ East Side yard setback from 4.0 for 1 or 1½ storey to 1.8m to carport

3.2 Site Context

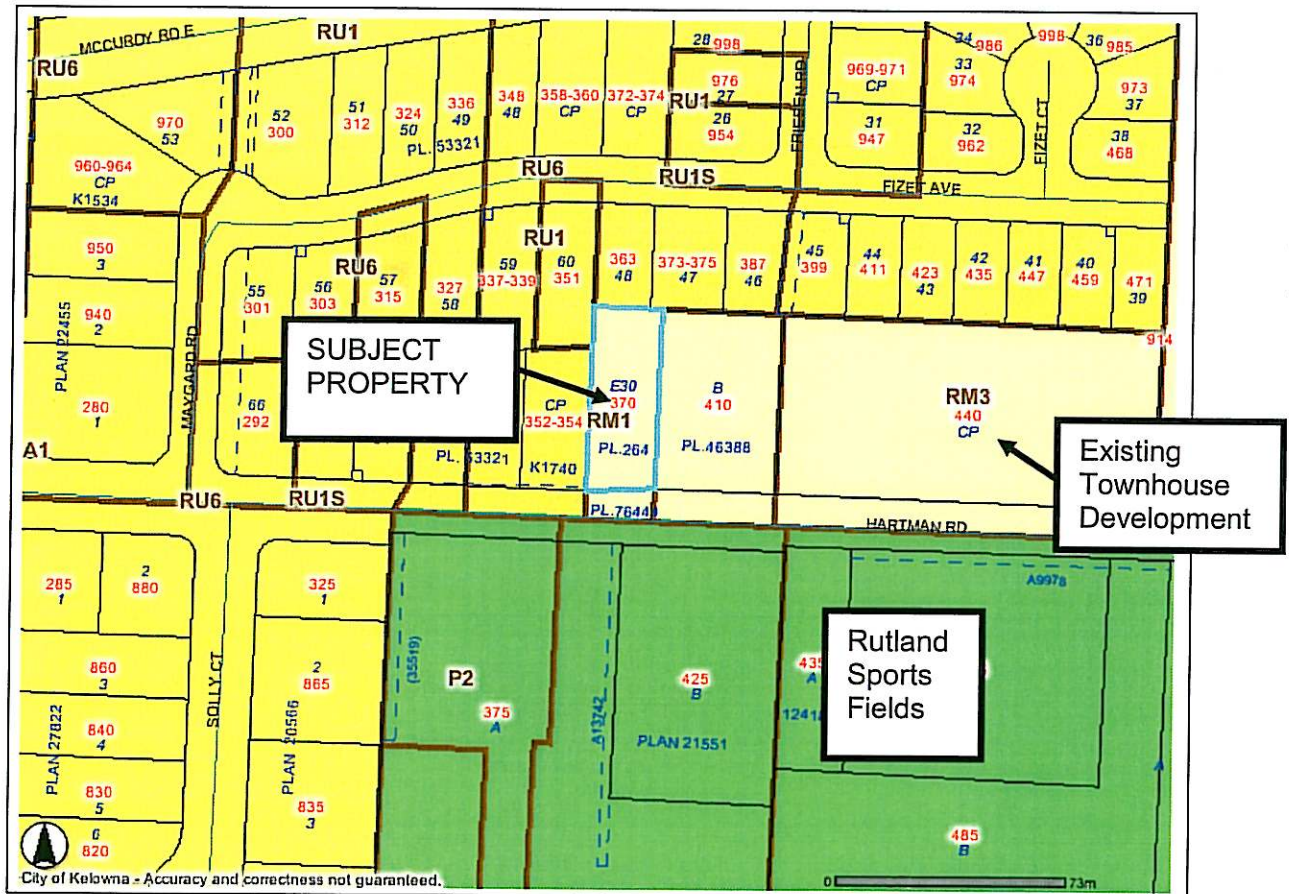
The subject property is located on the north side of Hartman Road, between Maygard Road and Craig Road. The Rutland Sports fields are located across Hartman Road from the subject property. There has been some recent development of some low density multiple unit residential uses to the east, near Craig Road.

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing zone / Two dwelling housing & Single dwelling housing with suites
- East - RR3 – Rural Residential 3 / Single Unit residential uses
- South - P3 – Parks and Open Space / Rutland Sports Fields

West - RU6 – Two Dwelling Housing zone / Two dwelling housing

SUBJECT PROPERTY MAP



3.3 Existing Development Potential

The proposed zone of RM3 – Low Density Multiple Housing zone allows for: Multiple Dwelling Housing, Congregate Housing, Group Home – Major, Boarding or Lodging Houses, Supportive Housing as principal permitted uses, and Care Centres – major, Home Based Business – minor, and Community Recreation Services as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as "Multiple Unit Residential – Low Density" future land use, a designation which is consistent with the proposed RM3 – Low Density Multiple Housing zone.

3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 also states as Goal 3;
"To foster the social and physical well-being of residents and visitors."

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

Realize construction of housing forms and prices that meet the needs of Kelowna residents.

a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.

b. Identify ways to establish partnerships with builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposed development appears to be a reasonable form of development for the subject property. The development as originally designed met the RM1 zone requirements. However, the RM3 – Low Density Multiple Housing zone under application does require greater side yard setbacks than those required by the RM1 zone. There has been an application made for a Development Variance permit to vary the side yard setback requirements of the RM3 – Low Density Multiple Housing zone to be reduced to the setbacks identified in the RM1 – Four Plex Housing zone. As well, there has also been application made to vary the lot width from 30.0m required to 22m existing. That application will be forwarded to Council for consideration should this rezoning application be supported.

The site plan provided indicates that the northern unit has been moved towards the eastern property line in order that the west side of the proposed building meets the RM3 zone side yard setbacks.

Each of the proposed units at the main level has a two car garage, which also have space available in front of each of the garages to provide space for additional stacked parking stalls that will not impact the adjacent access driveway.

The conversion of the basement areas of the previously approved units into additional dwelling units is not anticipated to alter the exterior form and character of the site development.

The proposed RM3 – Low Density Multiple Housing zone is consistent with the existing Multiple Unit Residential – Low Density future land use designation of the Official Community Plan.

In conclusion, the Land Use Management Department supports this application, and recommends for positive consideration by Council.



Shelley Gambacort
Director of Land Use Management

PMc/pmc
Attach.

Attachments

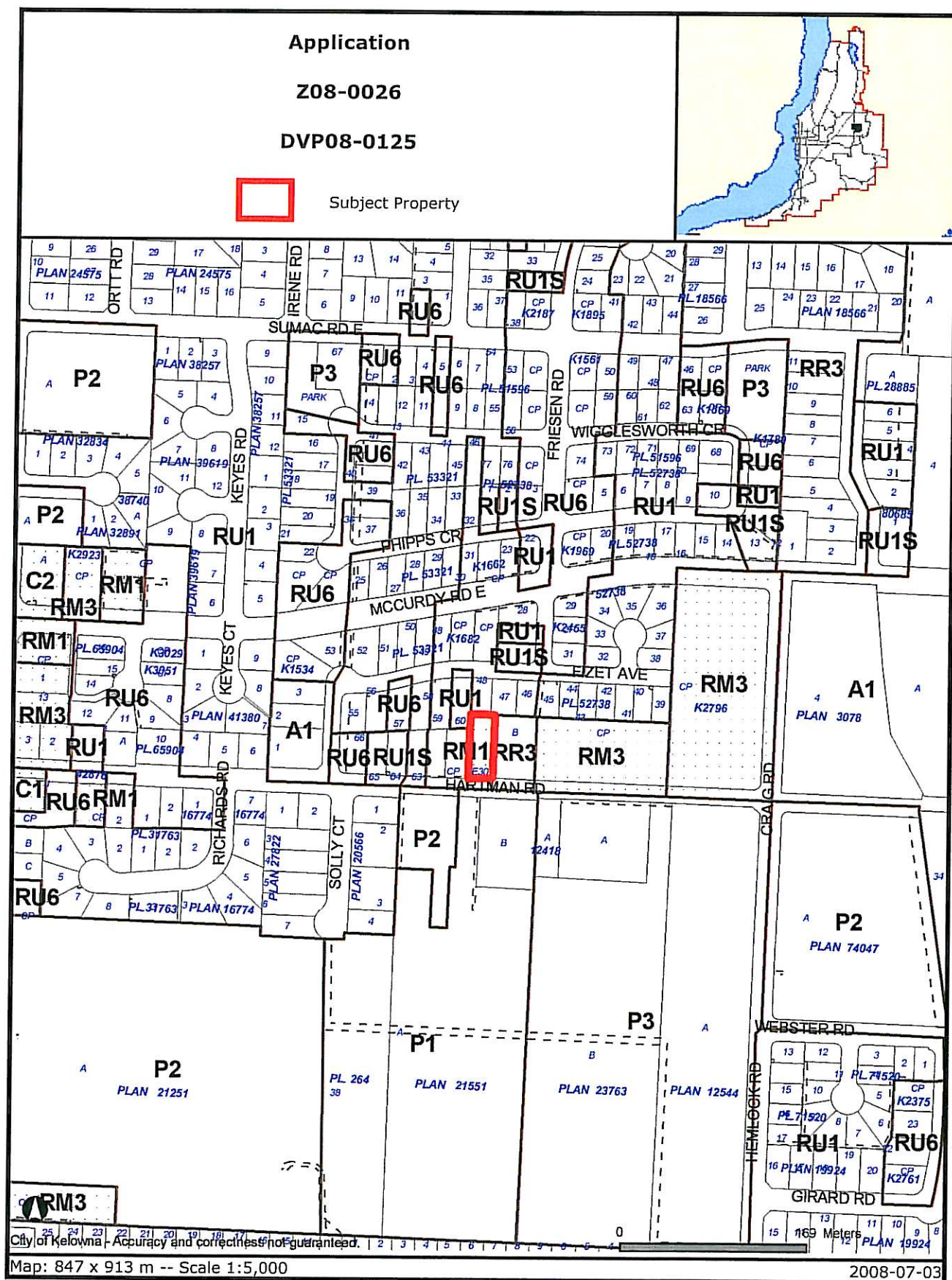
Subject Property Map

3 pages of site plans & basement conversion diagrams

1 page site plans showing requested variances

Memo – Works and Utilities Dept. servicing requirements

Print-Out – Tracking System Detail Report



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

File: Z08-0026

Application

File: Z08-0026

Type: REZONING

File Circulation

| Seq | Out | In | By | Comment |
|-----|------------|------------|----------|---|
| | | | | B.C. Assessment Authority (info only) |
| | 2008-03-18 | 2008-03-18 | | |
| | | | | Community Development & Real Estate Mgr |
| | 2008-03-18 | 2008-03-28 | SALEXAND | CD&RE 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 7 x 11 copy, of any survey plans. |
| | | | | Fire Department |
| | 2008-03-18 | 2008-04-23 | MNEID | Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met. |
| | | | | FortisBC |
| | 2008-03-18 | 2008-05-23 | | No response |
| | | | | Inspections Department |
| | 2008-03-18 | 2008-04-02 | RREADY | Exterior basement stairway at patio from suite cannot block egress from basement bedroom window. Fire separation between units to requirements of BCBC 2006. |
| | | | | Irrigation District - BMID |
| | 2008-03-18 | 2008-03-28 | | This letter sets out our requirements for water supply related to the addition of three legal suites to the duplex and house currently under construction at 370 Hartman Road on Lot E? Blk 30 Plan 264. |
| | | | | CONNECTION FEES & CAPITAL CHARGES |
| | | | | As per Bylaw No. 667, the Connection fee for a legal suite is \$100.00. As per Bylaw No. 678, the capital expenditure charge for the proposed addition of a suite is \$1,080.00. This money is to fund water source development and larger supply transmission mains as defined in the BMID Capital Plan. |
| | | | | SUMMARY OF CHARGES |
| | | | | " Connection Fees - 3 @ \$100.00 \$ 300.00 |
| | | | | " Capital Charges - 3 @ \$1080.00 \$3240.00 |
| | | | | If the applicant agrees to the above conditions and rezoning is approved for construction of the suite, please come in to our office to complete a BMID Application for Building form. |
| | | | | Please review this information and call us if you have questions. Additional information on the development process can be found at our website at www.bmid.ca . |
| | | | | R. Hrasko, P.Eng. |
| | | | | Administrator |
| | | | | Mgr Policy, Research & Strategic Plannin |
| | 2008-03-18 | 2008-03-19 | | no comment |
| | | | | Park/Leisure Services Dir. (info only) |
| | 2008-03-18 | 2008-03-18 | | |
| | | | | Parks Manager |
| | 2008-03-18 | 2008-03-27 | TBARTON | No comment |
| | | | | Public Health Inspector |
| | 2008-03-18 | 2008-04-23 | | No concerns provided community water & canitary sewer are available |
| | | | | RCMP |
| | 2008-03-18 | 2008-05-23 | | No response |
| | | | | School District No. 23 |
| | 2008-03-18 | 2008-05-23 | | No response |
| | | | | Shaw Cable |
| | 2008-03-18 | 2008-04-07 | | Owner/Developer to supply and install an underground conduit system per Shaw Cable drawings and specifications |
| | | | | Telus |
| | 2008-03-18 | 2008-04-22 | | TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy. |
| | | | | Terasen Utility Services |
| | 2008-03-18 | 2008-04-29 | | No comment |
| | | | | Works & Utilities |
| | 2008-03-18 | 2008-07-29 | | see documents tab |
| | | | | 2008 03 31 see documents tab |

CITY OF KELOWNA
MEMORANDUM

Date: July 25, 2008 Revised
File No.: Z08-0026
To: Planning and Development Officer (PMcV)
From: Development Engineering Manager (SM)
Subject: 370 Hartman Road – E ½ of Block 30, Plan 264, Section 26, Township 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RM1 to RM3 are as follows:

1. General.

Provide easements as may be required.

2. Sanitary Sewer.

a) The subject property is located within the specified area # 20 and currently serviced by the municipal sanitary sewer collection system. The developer has previously paid for 3 units under Z06-0046 and therefore will be responsible to cash commute the sanitary sewer specified area charge for an additional 3 units. The charge is currently set at \$4,863.78 (until March 31, 2009) per Equivalent Dwelling Unit created. The total charge is \$10,213.94 (3 x 0.70 = 2.1 Units @ \$4,863.78).

b) The property has a 100mm. diameter service to the property line.

3. Domestic water and fire protection.

a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.

b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

4. 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.

5. Road improvements.

Hartman Road.

The Hartman Road frontage is fully urbanized, therefore, no further upgrade is required under this application. Presumably the existing driveway is adequate for the proposed development, any changes to the existing curb or the sidewalk to accommodate the proposed development will be at the cost of the developer.

6. 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.

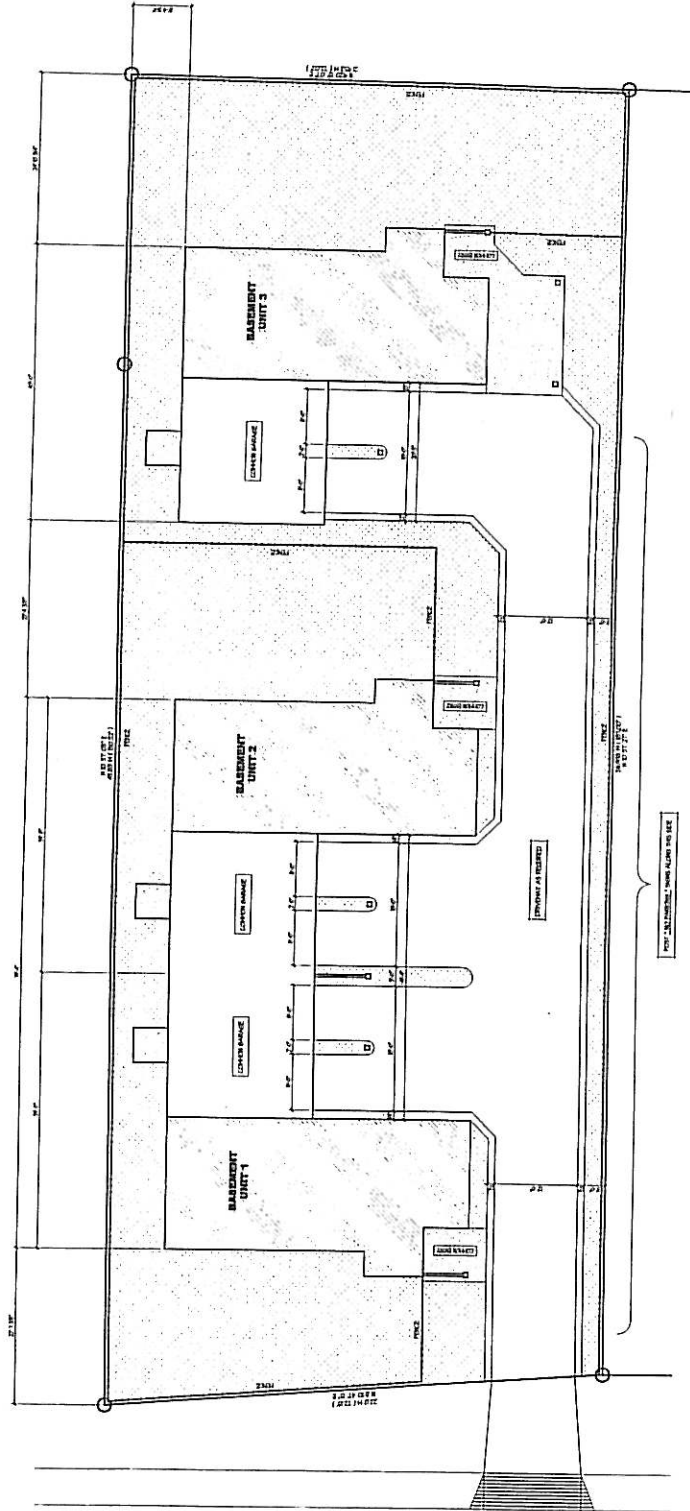
7. Bonding and Levies Summary.

| | |
|--------------------------------|-------------|
| a)Performance Bonding | N/A |
| b)Levies | |
| Sewer specified Area # 20 fees | \$10,213.94 |

Steve Muenz, P. Eng.
Development Engineering Manager
DC



HARTMAN ROAD



- LEGEND
- UNPAVED AREA WITHIN UNPAVED PLANS
 - PAVED AREA
 - CONCRETE SLAB / TERRACE
 - GRAVEL / ASPHALT
 - BARBER
 - DRIVEWAY

- NOTES
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC).
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL FIRE AND ALARM CODE (IFAC).
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL SCHEDULING CODE (ISC).

SITE PLAN
SCALE: 1/8" = 1'-0"

TED J. THOMAS & ASSOCIATES, INC.
2000 W. HARTMAN AVE.
REDAWN, TX 75086
PHONE: 214-232-2222
FAX: 214-232-2222
E-MAIL: info@tedjthomas.com

PROJECT
BASMENT PLAN AND SPECIFICATIONS
210 HARTMAN RD. REDAWN, TX
SHEET NO. 1 OF 1

DATE: 10/1/2008
DRAWN BY: J. THOMAS
CHECKED BY: J. THOMAS
SCALE: 1/8" = 1'-0"

REVISIONS

| NO. | DESCRIPTION | DATE |
|-----|-------------------|-----------|
| 1 | ISSUED FOR PERMIT | 10/1/2008 |
| 2 | ISSUED FOR PERMIT | 10/1/2008 |

THIS PLAN IS BASED ON THE LATEST EDITION OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITION OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC). ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC) AND THE LATEST EDITION OF THE INTERNATIONAL FIRE AND ALARM CODE (IFAC). ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL SCHEDULING CODE (ISC).


DATE

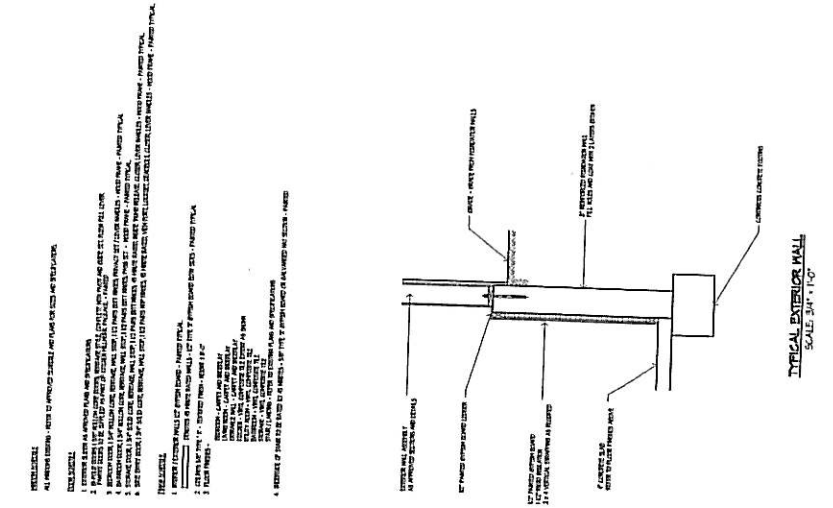
DATE



RECEIVED
JAN 10 1966
U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

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

| | | |
|---|---|------------|
|  | TED J. THOMAS & ASSOCIATES INC. | VTF 606 |
| | 2500 WILCOX AVE. REDFORD, MI 48061-1000 | |
| | PHONE: (313) 320-3220 | |
| | FAX: (313) 320-3210 | |
| | E-MAIL: thomastj@earthlink.net | |
| PRIORI | BALCONY SUITE AND UPDATES 870 HARTMAN RD., KENOSHA, WI NORVAL, SAKETA | |
| | LEAD NO.: 2003-01 | EXP-DUE: A |
| | CUSTOMER: BIRFIELD | |
| | ISSUANCE DATE: 8/28/2003 | |
| | FILE NAME: WFLRFL | A30 |
| | CALL REF.: 101 TRMS | |



BASEMENT PLAN - TYPICAL
SCALE 1/4" = 1'-0"

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

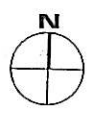
| DATE | REV | DESCRIPTION |
|-------|-----|-------------------|
| 12/29 | A | ISSUED FOR PERMIT |
| 12/29 | B | ISSUED FOR PERMIT |
| 12/29 | C | ISSUED FOR PERMIT |
| 12/29 | D | ISSUED FOR PERMIT |

THIS PLAN IS SUBJECT TO THE
 REQUIREMENTS OF THE
 LOCAL AUTHORITY AND THE
 NATIONAL FIRE DEPARTMENT
 OF THE UNITED STATES
 DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 DO NOT SCALE THIS DRAWING

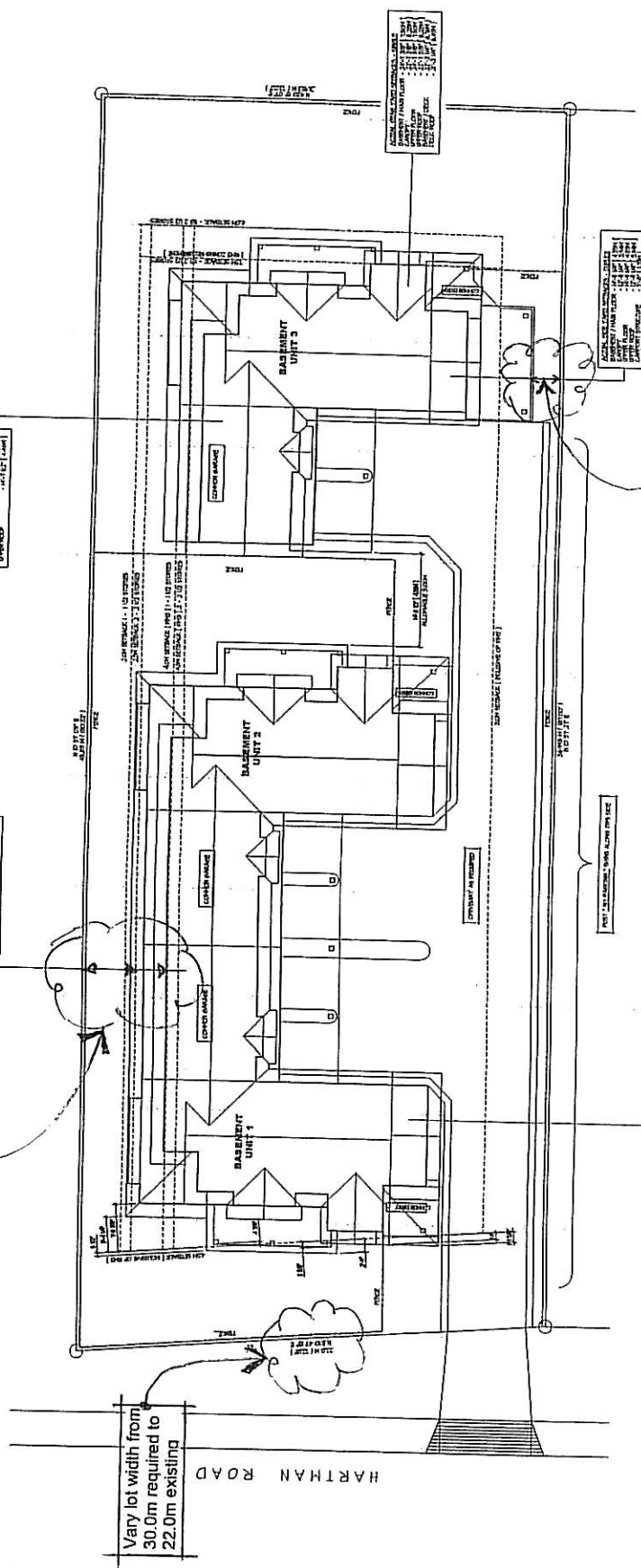
SEAL
 DATE

TED J. THOMAS
 ASSOCIATES INC.
 10000 RICHMOND AVE.
 SUITE 100
 RICHMOND, BC V6V 4G4
 PHONE: (604) 273-2220
 FAX: (604) 273-2220
 EMAIL: ted@tedjthomas.com

PROJECT
 BASEMENT PLAN AND UPDATES
 975 HARTMAN RD., KILGORA BC
 SERIAL 54074
 JOB NO.: 2003-01
 DRAWN BY: BHA/PLD
 CHECKED BY: BHA/PLD
 PROJECT DATE: 21 FEBRUARY 2003
 FILE NAME: 975HARTMAN
 DATE: 21 FEB 2003
 A1.0



Vary west side yard from 4.0m required for 1 or 1½ storey portion and 4.5m for 2 or 2½ storey portion to 2.8m proposed for 1 or 1½ storey portion and 3.63m proposed for 2 or 2½ storey portion



- PROPOSED VARIANCES
- 1. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 2. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 3. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 4. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 5. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 6. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 7. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 8. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 9. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION
 - 10. VARY WEST SIDE YARD FROM 4.0m TO 2.8m FOR 1 OR 1½ STOREY PORTION AND 4.5m TO 3.63m FOR 2 OR 2½ STOREY PORTION

SITE PLAN
 SCALE: 1/8" = 1'-0"