

# REPORT TO COUNCIL



**Date:** April 24, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z17-0003

**Owner:** Derer's Tile Haus Inc. Inc.No.  
BC0917501

**Address:** 140 Mills Road

**Applicant:** Kenneth Derer

**Subject:** Rezoning Application

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z17-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 125, ODYD, Plan 9286, located at 140 Mills Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple 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 February 20, 2017;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing to facilitate the development of multiple dwelling housing.

### 3.0 Community Planning

Community Planning supports the proposed rezoning from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing which is consistent with the Official Community Plan (OCP) Future Land Use of Multiple Unit Residential (Low Density). The proposal is consistent with the OCP urban infill policies of Compact Urban Form and Sensitive Infill by increasing density where infrastructure already exists and designing to be sensitive to the neighbourhood context.

The proposed units are ground-oriented and have direct access to individual patio and lawn areas, along with a common garden and play area. The proposed four-bedroom design allows for flexible family living with additional space for a den or home office, and a full sized double garage. These features are consistent with OCP Policies of Ground-Oriented Housing and Family Housing.

### 4.0 Proposal

#### 4.1 Background

The subject property had a house and accessory building on it, and was the subject of several bylaw complaints over the past few years for noise, illegal suites, and unsightly premises. The applicants have demolished the house and cleared the land in preparation for this development.

#### 4.2 Project Description

The proposed rezoning would change the zone of the subject property to allow for multiple dwelling housing in a row house complex. Each of the proposed units has a ground oriented design with direct access to a private outdoor patio and lawn space. In addition, there is a large common garden and play area. Each proposed unit has 2 full sized parking stalls in a double garage as well as driveway parking and features four bedrooms with a flex room for a home office or den. The proposal does not require any variances and is considered consistent with OCP Policies of Compact Urban Growth, Sensitive Infill, Ground-Oriented Housing, and Family Housing.

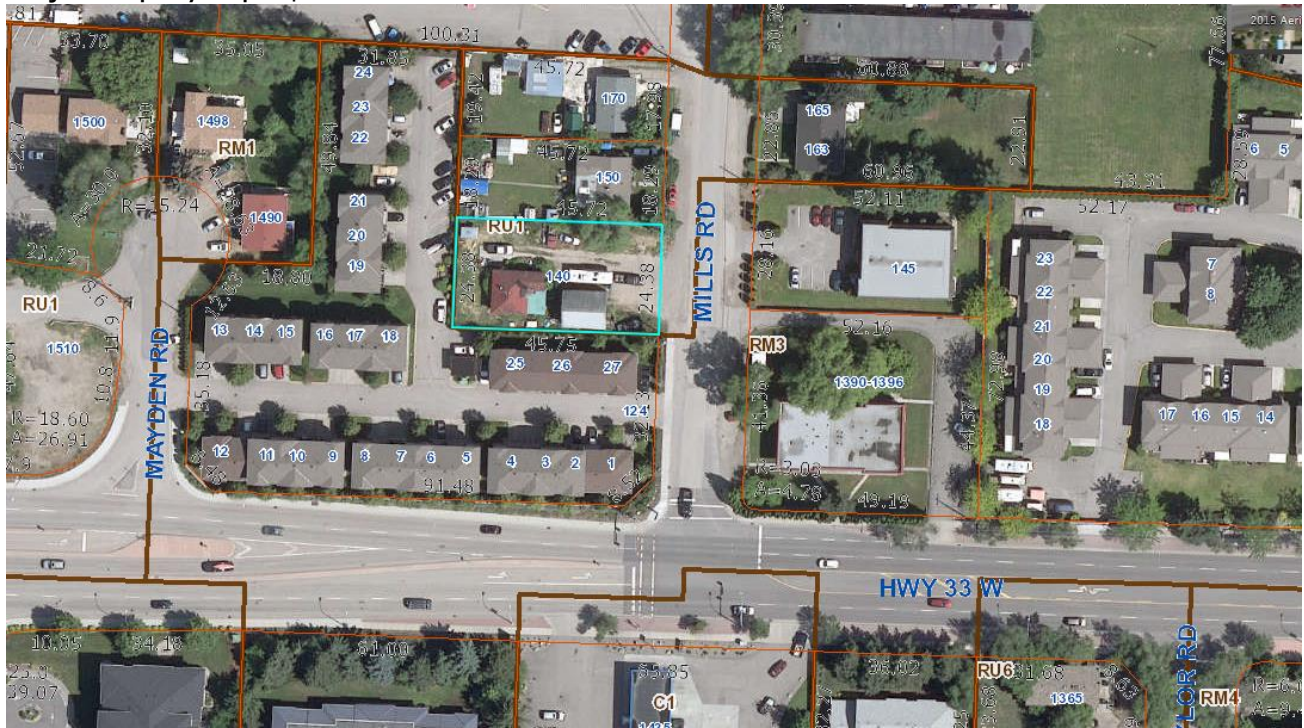
#### 4.3 Site Context

The subject property is located on the west side of Mills Rd near the intersection of Highway 33 and Highway 97 in Rutland. It is near a major transit route, and there are several other multiple dwelling housing complexes in the near vicinity.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

## Subject Property Map: 140 Mills Road

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900m <sup>2</sup>	1133m <sup>2</sup>
Lot Width	30.0m	24.38m
Lot Depth	30.0m	45.75m
Development Regulations		
Floor Area Ratio (FAR)	0.80	0.72
Building Height (metres/storeys)	10.0m / 3 storeys	9.4m / 2 ½ storeys
Front	4.5m	4.5m
Side (include direction)	4.0m	4.0m
Side (include direction)	4.0m	4.0m
Rear	7.5m	7.5m
Other Regulations		
Site Coverage of Building(s) (%)	40%	30.1%
Site Coverage of buildings, driveways, and parking (%)	60%	54.7%
Number of Parking Stalls/Loading Spaces	8 stalls	8 stalls
Private Open Space Area	25m <sup>2</sup> per dwelling	404 m <sup>2</sup>

## 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.

**Family Housing.**<sup>3</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 neighbourhood characteristics (e.g.: location and amenities).

**Ground-Oriented Housing.**<sup>4</sup> Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- HPO (Home Protection Office) approval or exemption is required at time of Building Permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- Fire Department access, turn a rounds and private hydrant locations if required are too be verified with Kelowna Fire Department.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

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

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.13 (Development Process Chapter)

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter)

- Hard surfaced paths leading from the egress to a safe area are to be clearly defined as part of the DP
- Glazing to meet minimum provincial standards as outline in the Building Code.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 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 complex at time of permit application.

6.2 Development Engineering Department

- Please see Schedule "A" dated February 20, 2017

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900 - 150 L/sec required. Should another hydrant be required on this property it shall be deemed private and shall be operational at the start of construction.
- Fire Department access is to be met as per BCBC 3.2.5. -
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- One address off of Mills Rd with unit numbers for this complex
- Drive aisle should have no parking signs.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Do not issue BP unless all life safety issues are confirmed

6.4 Ministry of Transportation

- 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 1, 2016

Date Public Consultation Completed: February 21, 2017

**Report prepared by:** Trisa Brandt, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Site Plan and Floor Plans

Conceptual Elevations

Landscape Plan

Schedule "A" dated February 20, 2017