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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** October 14, 2005  
**File No.:** Z05-0059

**To:** CITY MANAGER

**From:** PLANNING AND CORPORATE SERVICES DEPARTMENT

**Subject:**

**APPLICATION NO.** Z05-0059

**OWNER:** 448473 BC Ltd.

**AT:** 440 & 460 Hartman Road

**APPLICANT:** Gary Tebbutt

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM THE A1-  
AGRICULTURAL 1 ZONE & RR3- RURAL RESIDENTIAL 3 ZONE TO  
RM3- LOW DENSITY MULTIPLE HOUSING ZONE.

**EXISTING ZONE:** A1 – AGRICULTURAL 1  
RR3 – RURAL RESIDENTIAL 3 HOUSING

**PROPOSED ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING

**REPORT PREPARED BY:** KEIKO NITTEL

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, ODYD Plan KAP46388, and Lot B, Section 26, Township 26, ODYD Plan 30380, located on Hartman Road, Kelowna, B.C. from the RR3 - Rural Residential 3 and A1 – Agriculture 1 zones to the 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

**2.0 SUMMARY**

The applicant is proposing to construct 32 units of three storey row housing to be located in a total of eight four-plex buildings. The units are configured on the site along an internal driveway with access to the development provided via Hartman Road. A development variance permit is required as the proposed development does not meet the regulations for site coverage, setbacks, and building height as outlined in the Zoning Bylaw No. 8000.

### 3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of September 27, 2005 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0059, 440 & 460 Hartman Road, Lots A, Plan 46388 & Lot B, Plan 30380, Sec. 26, Twp. 26, ODYD by Eidse Builders (Gary Tebbutt) to rezone from the A1-Agriculture 1 zone and the RR3-Rural Residential 3 zone to the RM3-Low Density Multiple Housing zone in order to allow for a 32 units or row housing.

### 4.0 BACKGROUND

#### 4.1 The Proposal

The applicant is proposing to construct the 32 units of three-storey row housing. A sloped access to the site will be provided via a driveway along Hartman Road. A second emergency fire access will also be provided via a gated access linking it to the adjacent development to the east of the site. Each unit will be located along an internal road running east-west along the site. This internal road will be located approximately 1.5 m below the grade of Hartman road thus allowing for the buildings to be three storeys in height within the site. Variances are required to allow east side yard setbacks of 3.0 m where 4.5 m are required abutting the adjacent multi-dwelling development.

The proposed exteriors of the buildings are to be finished with earth toned vinyl siding with white trim. Roofing is to consist of asphalt shingles. Stone accents and cedar shakes provide detailing to the building elevations. In addition, several different window types and front doors are proposed. The proposed layout of the majority of each unit is identical. The bottom level contains a garage with room for two cars parked in tandem. The main floor consists of a living/dining room, kitchen, and half-bathroom. The third level contains three bedrooms and two bathrooms. Four end units, however, will be handicap accessible. The these two storey units with contain a single car garage with a living room, kitchen/dining room, bathroom, and bedroom on the main floor. Two additional bedrooms and a bathroom are to be located on the second storey.

At the rear of the units, patios and lawn space provide outdoor amenity space for the tenants. The private open space for each unit will be located on balconies as well as within the required setbacks. Additional outdoor amenity space is provided in the form of a kids play area located near the centre of the site. Significant landscaping is proposed throughout the development with several grassed areas, planting beds, and trees located throughout the site. The development will be fenced at the front with a 1.2 m aluminum picket fence with 1.5 m privacy fencing on top of along the north and west property lines. The fence will sit onto top of a 0.6 m retaining wall along the north property line. Stone entry post will demark the accesses to the development. The required parking stalls are provided within individual garages as well as open surface parking spaces within individual driveways. Bicycle parking will be accommodated within the attached garage.

A variance is required to allow the proposed development to exceed the permitted lot coverage including buildings, parking, and driveways. The applicants are proposing a lot coverage of 55.72% where only 50% is permitted. By eliminating the additional guest parking spaces within individual driveways, the developer has demonstrated that this variance may not be required. The applicant, however, feels that the provision of additional guest parking within the site would be beneficial to both the tenants of the development as well as the adjacent neighbourhood.

The application meets the requirements of the proposed RM3- Low Density Multiple Housing Zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	6837 m <sup>2</sup>	900m <sup>2</sup>
Site Width (m)	56.6 m	30.0m
Site Depth (m)	120.1m	30.0m
Site Coverage (%)	33% / 55.8%*	40% or 50% including buildings, driveways, and parking
F.A.R.	0.57	0.5 + 0.2 (all require parking below habitable space)= 0.7
Height (m)	9.55m*	9.5m 4.5m for accessory building
Storeys (#)	3 storeys*	2.5 storeys
Setbacks (m)		
- Front (m)	4.5m	4.5m
- Rear (m)	7.6m	7.5m
- Side (m)	4.5m	4.5m
- Side (m)	3.0m*	4.5m
Projections	0.9 m* projection into east side yards	0.6 m into required side yard
Private open space	25m <sup>2</sup>	25m <sup>2</sup> per 3 bedroom dwelling (1500m <sup>2</sup> ) not to be located within required setback
Separation between principal buildings	3.3m	3.0m
Parking Stalls (#)	95 spaces total 60 space within garages (32 spaces, 28 small car) 3 surface spaces (adjacent to play area) 32 spaces in driveway (16 small car, 16 spaces)	20 x 2 spaces (3 bedroom) = 40 12 x 1.5 spaces (2 bedroom) = 18 58 spaces
Bicycle Stalls (#)	32 spaces within garages	20 spaces 0.5 per dwelling unit Class I, 0.1 per dwelling unit Class II

\*Variance required.

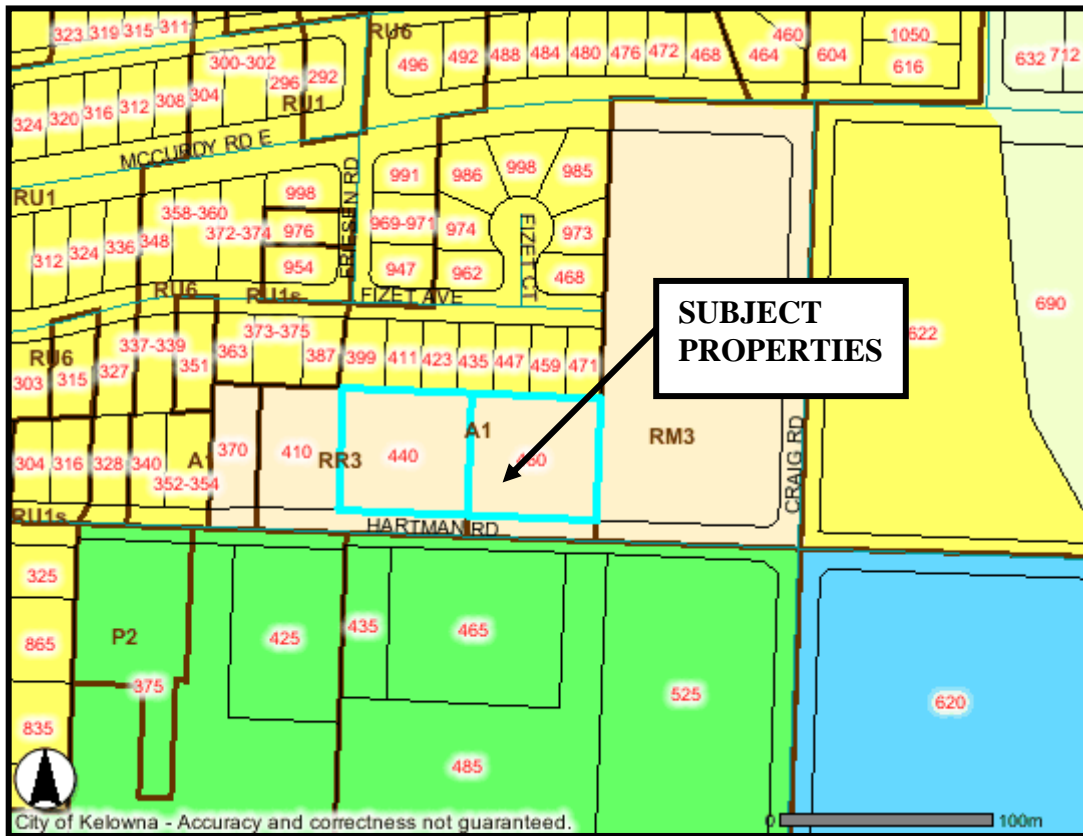
#### 4.2 Site Context

The subject property is located on.

Adjacent zones and uses are:

- North - RU1 - Large Lot Housing
- East - RM3 - Low Density Multiple Housing
- South - P3 - Parks & Open Space
- West - RR3 - Rural Residential 3

## Site Location Map



### 4.3 Development Potential

The purpose of the RM3 – Low Density Multiple Housing zone is to provide a zone for low density multiple housing on urban services.

### 4.4 Current Development Policy

#### 4.4.1 City of Kelowna Strategic Plan

One of the objectives of the Strategic Plan includes the construction of housing forms and prices that meet the needs of Kelowna residents; the achievement of accessible, high quality living and working environments; and the sensitive integration of new development with heritage resources and existing urban, agricultural and rural areas.

#### 4.4.2 Kelowna Official Community Plan

The proposal is consistent with the land use designation Low Density Multiple Family in the Official Community Plan future land use designation (OCP, Chapter 15). In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

#### Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

#### Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

#### Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

#### Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

#### Amenities

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

#### Parking

- Underground parking is encouraged.

5.0 TECHNICAL COMMENTS

5.1 Canada Post

Mail delivery equipment will be required.

5.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required.

5.3 FortisBC

No response.

5.4 Irrigation District (Black Mountain)

Applicant to meet requirements of BMID at time of building permit.

5.5 Inspections Department

Full compliance of BC Building Code is required. A detailed review will be conducted at the building permit stage. Zoning compliance to be assured at development permit stage.

5.6 Interior Health

No comment.

5.7 Parks Manager

1. Residents will 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.

2. All proposed plant material (trees, shrubs, ground covers and sod) for the boulevard to be reviewed and approved by Parks Staff prior to application approval.

3. Street trees contribute to the liveability of a street and improve the character of the neighbourhood. They can modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division encourages the Applicant to consider the planting of street trees along Hartman Road consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

4. If boulevard trees are installed, the tree maintenance will be the responsibility of Parks Division. However, the Owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

5. Tree Plantings in the boulevard will conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

6. We encourage the Applicant to incorporate native plants and drought tolerant vegetation as part of the landscape treatment.

7. In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

5.8 RCMP  
No response.

5.9 School District No. 23  
No response.

5.10 Shaw Cable  
Owner/developer to supply and install an underground conduit system as per specifications.

5.11 Telus  
Will provide underground facilities. Developer will be required to supply and install conduit.

5.12 Terasen  
No response.

5.13 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 and RR3 to RM-3 are as follows:

1. Subdivision.  
a) Provide easements as may be required

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- 1) Overall site suitability for development.
- 2) Presence of ground water and/or springs.
- 3) Presence of fill areas.
- 4) Presence of swelling clays.
- 5) Presence of sulfates.
- 6) Potential site erosion.
- 7) Provide specific requirements for footings and foundation construction.
- 8) Provide specific construction design sections for roads and utilities over and above the City's current construction standards

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. 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 will be responsible to cash commute the sanitary sewer specified area charge for each of the proposed units. The charge is currently set at \$8,978.64 (until March 31, 2006) per Equivalent Dwelling Unit created. The total charge is **\$201,121.54** (32 x 0.70 = 22.4 Units @ \$8,978.64).
- b) Each of the properties has a 100mm. dia service to the property line that may require upgrading to accommodate the proposed development. This will be addressed in the plumbing layout review process.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application.

6. 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.

7. Road improvements.

Hartman Road.

The Hartman Road frontage has been upgraded by the developer in conjunction with the adjacent Capstone Estate development. The existing curb, gutter and sidewalk do not have a driveway to service the proposed development, it will be the responsibility of the owner to construct a driveway in accordance with the City of Kelowna Standard. The estimated cost for this work, for bonding purpose, would be **\$5,600.00**, inclusive of a bonding contingency.

8. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

9. 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.

10. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

11. Bonding and Levies Summary.

a)Performance Bonding	
Hartman Road driveway construction	\$ 5,600.00
Total performance bonding	<u>\$ 5,600.00</u>
b)Levies	
Sewer specified Area fees	<u>\$201,121.54</u>

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning. The proposal is consistent with many of the policies of the Official Community Plan. The proposal is also consistent with the future land use designation of Multiple Unit Residential - Low Density as outlined in the OCP. The form and character of the development permit will be reviewed at a later date as part of the associated development and development variance permits. The Department is generally satisfied that the applicant has provided adequate architectural detailing and used a variety of building materials to provide visual interest to the buildings.

With regard to the proposed variance to the site coverage, Staff acknowledges that the intent of the applicant is to provide additional on-site parking with each unit. The proposed landscaping may also somewhat mitigate the increased site coverage. The applicant has demonstrated that the proposal can be made to comply with the site coverage and parking requirements without the provision of the additional parking in the driveways. The intent of the variance is to facilitate more on-site parking thus alleviating the demand for street parking along Hartman Road. Staff also notes that the design of the existing garages will require some revision in order to facilitate the required length for the tandem parking (a total of 11.0m is required where only 10.7m is provide). Staff also supports a variance to the east side yard, adjacent to Capstone Estates, a project by the same developer. Adequate attempts have been made by the developer to work with the proposed grades to create a good transition to both the abutting properties and street and mitigate the proposed impact of the over-height buildings.

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Andrew Bruce  
Development Services Manager

Approved for inclusion   
R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

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Attach.

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- **Location of subject property**
- **Site plan**
- **Elevations**
- **Landscaping Plan**