

# Memo



**Date:** October 21, 2009  
**To:** City Manager  
**From:** Community Sustainability Division

**APPLICATION NO.** Z09-0023                      **OWNER:** Bhupinder S.and Raj K. Dhanwant

**AT:** 410 Hartman Road                      **APPLICANT:** Bob Dhanwant

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RR3 - RURAL RESIDENTIAL 3 ZONE TO THE RM3 - LOW DENSITY MULTIPLE HOUSING ZONE TO ADD SIX MULTI-FAMILY UNITS IN THE FORM OF ROW HOUSING TO THE SITE.

**EXISTING ZONE:** RR3 - Rural Residential 3 zone

**PROPOSED ZONE:** RM3 - Low Density Multiple Housing

**OCP Designation:** MRL - Multiple Unit Residential (Low Density)

**REPORT PREPARED BY:** Birte Decloux

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## 1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0023 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 26, Township 26, O.D.Y.D., Plan KAP46388, located on Hartman Road, Kelowna, B.C. from the RR3 Rural Residential 3 zone 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 Development Engineering Department and Black Mountain Irrigation District, 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 on the subject property.

## 2.0 SUMMARY

The OCP designation of the subject property is MRL - Multiple Family Residential (Low Density). Accordingly, the applicant is seeking to rezone the subject property from the RR3 - Rural Residential 3 zone to the RM3 - Low Density Multiple Housing zone to facilitate the addition of a six (6) unit housing development to the rear of the site. The existing single family dwelling, constructed in 2002, is located on the front portion of the subject property and will be retained.

### 3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of August 4, 2009 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0023, for 410 Hartman Road; Lot B, Plan KAP46388, Sec 26, Twp 26, ODYD; to rezone the subject property from the RR3 - Rural Residential 3 zone to the RM3 - Low Density Multiple Housing zone.

APC made the following comments:

APC supports the principle of providing infill housing, but believe the Development Permit application would be inconsistent with the neighbourhood. The architectural form and character needs to be considered as a comprehensive site development, and not just the addition of a six-plex.

### 4.0 BACKGROUND

A large single family dwelling exists on the generously-sized property. Currently, the rear portion of the lot (which at one time was the septic field) functions as a garden space and a basketball court. The applicant is not willing to remove the single family dwelling as it signifies a substantial investment to the owner. Accordingly, the proposed multifamily buildings are a density infill to the existing home, rather than a comprehensive plan for the entire site.

#### 4.1 The Proposal

The applicant is proposing to construct six 2-bedroom units in the form of two row-house buildings at the rear of the subject property. Intended as rental units, each unit is approximately 140 m<sup>2</sup> (1500 sq. ft) in size. The demographic profile targeted is primarily families with children who can take advantage of the local amenities. The units do not lend themselves to seniors.

Each row-house building is a basic rectangular shell that contains three dwelling units. The proposed row-house buildings are considered 2 ½ storey as per the definition of height in the bylaw due to of a localized depression. However, functionally they are three storeys in height. Each unit has a single car garage below the living area, allowing the development a floor area ratio bonus of 0.1. Additional required parking for both residents and visitors is proposed on the east side of the site.

The driveway for the single family dwelling currently has two accesses. In this proposal the western portion will be removed. The new development and single family dwelling will be accessed through a common 6 meter wide driveway on the eastern side of the property. In order to create a driveway access that meets the Fire Department's requirements for multi-family dwellings, the garage and deck of the existing single family dwelling must be removed. A new garage is proposed for the front of the existing single family residence.

Private open space provisions are met by providing each unit with two decks and a small at-grade fenced garden area.

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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,189 m <sup>2</sup>	900 m <sup>2</sup>
Lot Width	38.41 m	30 m
Lot Depth	56.97 m	30 m
Development Regulations		
F.A.R.	0.565	0.5 plus 0.1 bonus for under building parking = 0.6
Site Coverage (buildings)	24.1 % (1235.9 m <sup>2</sup> )	40 %
Site Coverage (buildings/parking)	44.8 %	50 %
Height (existing residence)	2.5 storey / 9.25m	2.5 storeys / 9.5 m
Height (proposed dwellings)	2.5 storey / 8.89 m	2.5 storeys / 9.5 m
Front Yard	9.15 m	4.5 m or 6.0 m to a garage
Side Yard (north)	5.41 m	4.5 m (2 - 2 ½ storey)
Side Yard (south)	5.41 m	4.5 m (2 - 2 ½ storey)
Rear Yard	7.5 m	7.5 m
Separation Distance Between Buildings	3.0 m	3.0 m
Other Requirements		
Parking Stalls (#)	12 spaces	1.5 per 2-bedroom dwelling = 9 plus 2 per 3 bedroom or more = 2 1 visitor parking stall for every 7 units = 1 for a total of <b>12 required</b>
Private Open Space	48.4 m <sup>2</sup> for each rear unit Plus 274 m <sup>2</sup> front yard space for existing residence	25 m <sup>2</sup> for dwellings with more than 2 bedroom for a total of <b>175m<sup>2</sup></b>
Landscape Buffering	Meets minimum requirements	3.0m vegetative buffer in front 3.0m to separate uses from adjacent properties for sides and rear

## 4.2 Site Context

The subject property is located on the north side of Hartman Road, in Rutland. More specifically, the adjacent land uses are as follows:

North	RU1	Large Lot Housing
South	P1	Major Institutional
East	RM3	Low Density Multiple Housing
West	RM3	Low Density Multiple Housing

## 4.3 Subject Property: 410 Hartman Road



## 4.4 Current Development Policy

### 4.4.1 Kelowna 2020 - Official Community Plan

#### Section 8.1.37 - Apartments and Townhouses

Encourage development to contribute to the City's goal of, over the 2000 - 2020 timeframe, having 53% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings;

#### Section 8.1.38 Ground-Oriented Housing

Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets, including families with children, in those areas where Map 19.1 indicates necessary densities as being appropriate. Ground oriented housing is defined as housing where each dwelling unit has direct access to the unit and private open space at grade level;

#### Section 8.1.44 Integration

Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

### Objectives for Multiple Unit Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

#### 4.4.2 Rutland Sector Plan 1997 Housing Objectives

- To provide for a balanced range of housing options and lifestyle choices;
- To minimize intrusion into existing neighbourhoods.

## 5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

### 5.1 Development Engineering

See attached

### 5.2 Building and Permitting

Spatial separation calculations required for proposed units 4,5,6 adjacent to existing home. Parking requirements appear to not meet zoning bylaw requirements.  
*Parking requirements are met.*

### 5.3 Fire Department

Three and Four plex housing requires 90 litres/sec fire flow and a hydrant not more than 100 meters away. A letter is required from the Water District confirming distance and fire flows are met. *(Letter provided by Black Mountain Irrigation District confirms that adequate fire flows are available and that the applicant will provide an additional hydrant)*

Spatial separation calculations required as per BCBC 2006.

### 5.4 Black Mountain Irrigation District

See Attached letter

## 6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

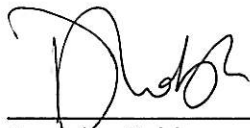
The requested rezoning complies with the OCP future land use which designates the subject property as MRL - Multiple Family Residential (Low Density). The subject property is located in good proximity to urban amenities, schools, transit and recreational facilities, making it a strong

good proximity to urban amenities, schools, transit and recreational facilities, making it a strong candidate for rental housing accommodation. Both neighbouring properties are zoned RM3 and are developed with a range of multi-family housing forms.

Given the site configuration, the proposed development faces internally onto the drive aisle and thus has no street presence on Hartman Road. From the road, the required parking and the side elevation of one three-plex structure would be visible. Therefore, the only structure that would directly front onto the street is the existing single family dwelling.

While the land use is consistent with the OCP designation for this area, the form and character of the development is problematic. Acknowledging that the current house on this site is a significant investment, the remainder of the property could be developed in a fashion that is much more sensitive to the established urban context of the neighbourhood and to utilize the rear of the property in a much more functional and aesthetically pleasing housing form.

As proposed, the development represents an intrusion into the neighbourhood. Staff concerns relate to the sensitivity of the infill design, lack of building articulation, bulk of the row-house buildings, domination of garages versus the entrance ways, modest landscaping to soften the driveway, building site coverage, and minimal programmed private open space for the tenants. Should the land-use be favourably endorsed, Council will have an opportunity to consider the corresponding form and character Development Permit.



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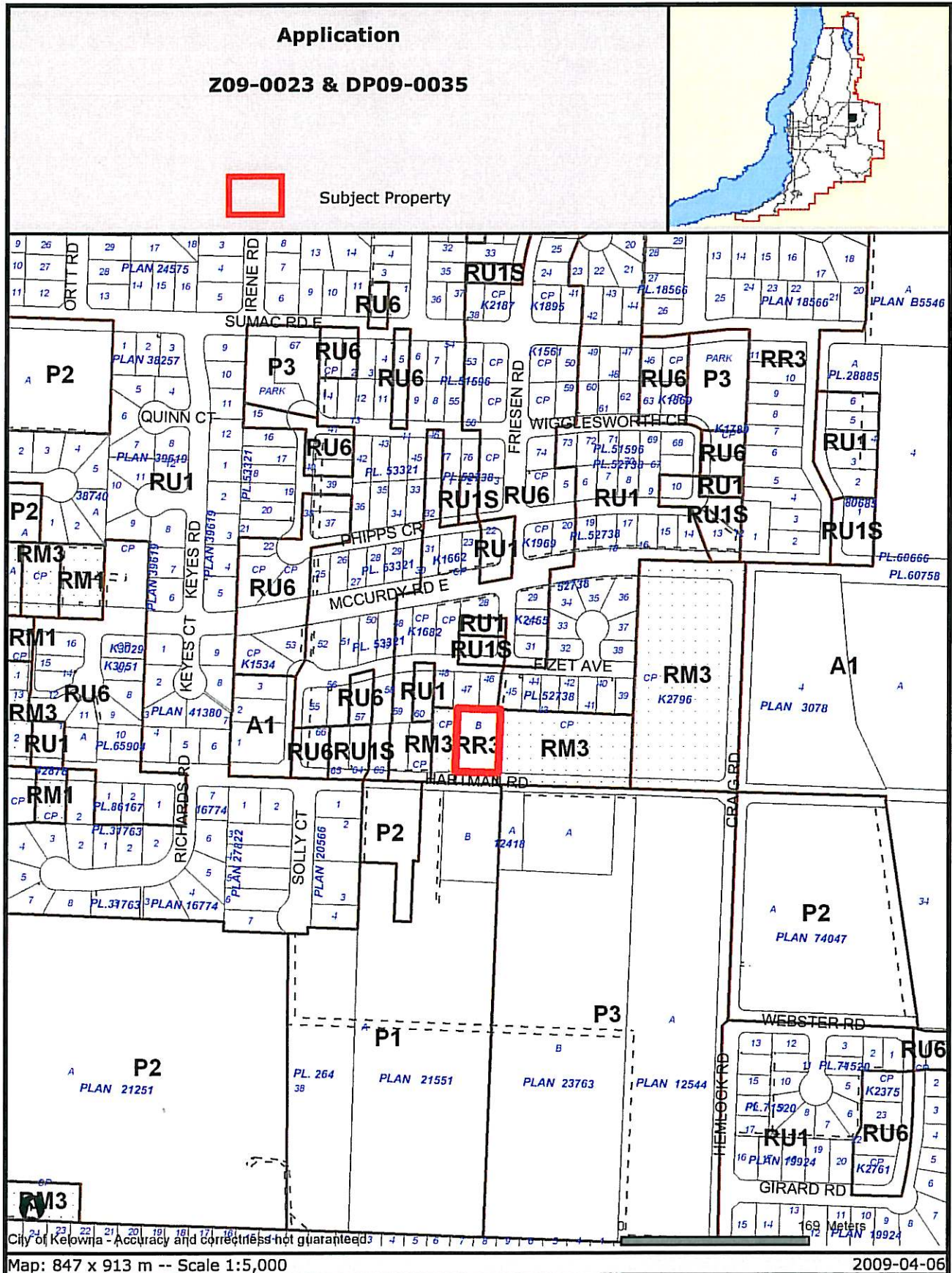
Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:

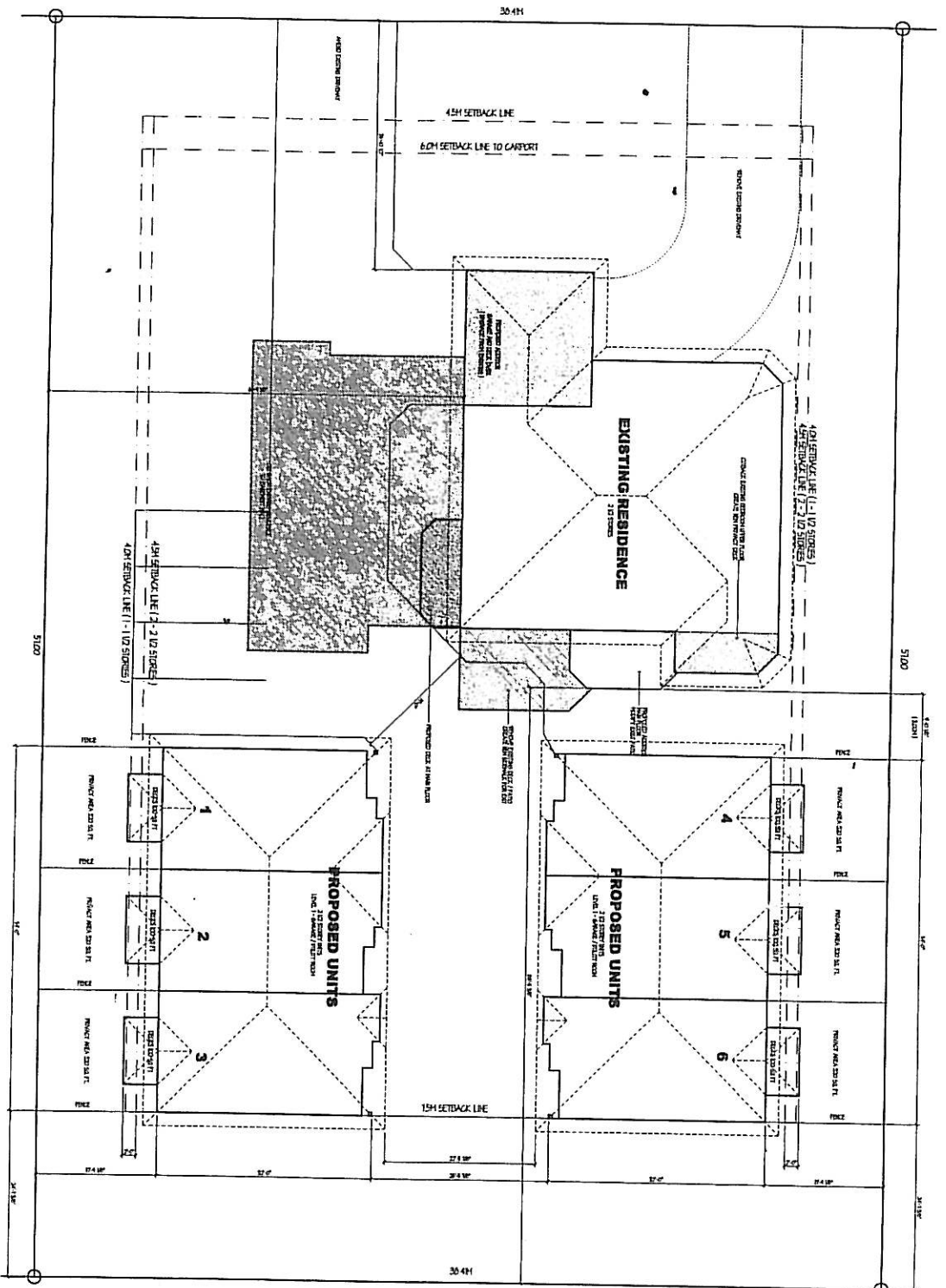
Shelley Gambacort  
Director, Land Use Management

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**Attachments:**  
Subject Property Map  
Site Plan  
Elevation Drawings  
Current site photos  
Development Engineering Comments



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.



LOT B, 1/4 ACRES  
 40 BIRCHWOOD BLVD  
 DISTRICT 2006 - 1813  
 REZONED ZONE - R13  
 LOT AREA - 23,844 SQ. FT. (2384.4 SQ. M.)  
 EXIST. BUILDING - 2272 SQ. FT. (209.4 SQ. M.) BASEMENT FLOOR  
 154 SQ. FT. (14.1 SQ. M.) MAIN FLOOR  
 154 SQ. FT. (14.1 SQ. M.) UPPER FLOOR

REMARKS - FOR UPDATED DESIGN RESUBMIT  
 SEE (251) - R-1 (R-2) - ALL FLOORS  
 FRONT 30'-0" (9.14 M) - FRONT PORCH (NO DRIVE)  
 FRONT 30'-0" (9.14 M) - GARAGE (PROPOSED)  
 REAR 30'-0" (9.14 M) - TERRACE (NO DRIVE)

REMARKS - FOR PROPOSED ADDITIONS  
 SEE (251) - R-1 (R-2) - ALL FLOORS  
 FRONT 30'-0" (9.14 M) - FRONT PORCH (NO DRIVE)  
 FRONT 30'-0" (9.14 M) - GARAGE (PROPOSED)  
 REAR 30'-0" (9.14 M) - TERRACE (NO DRIVE)

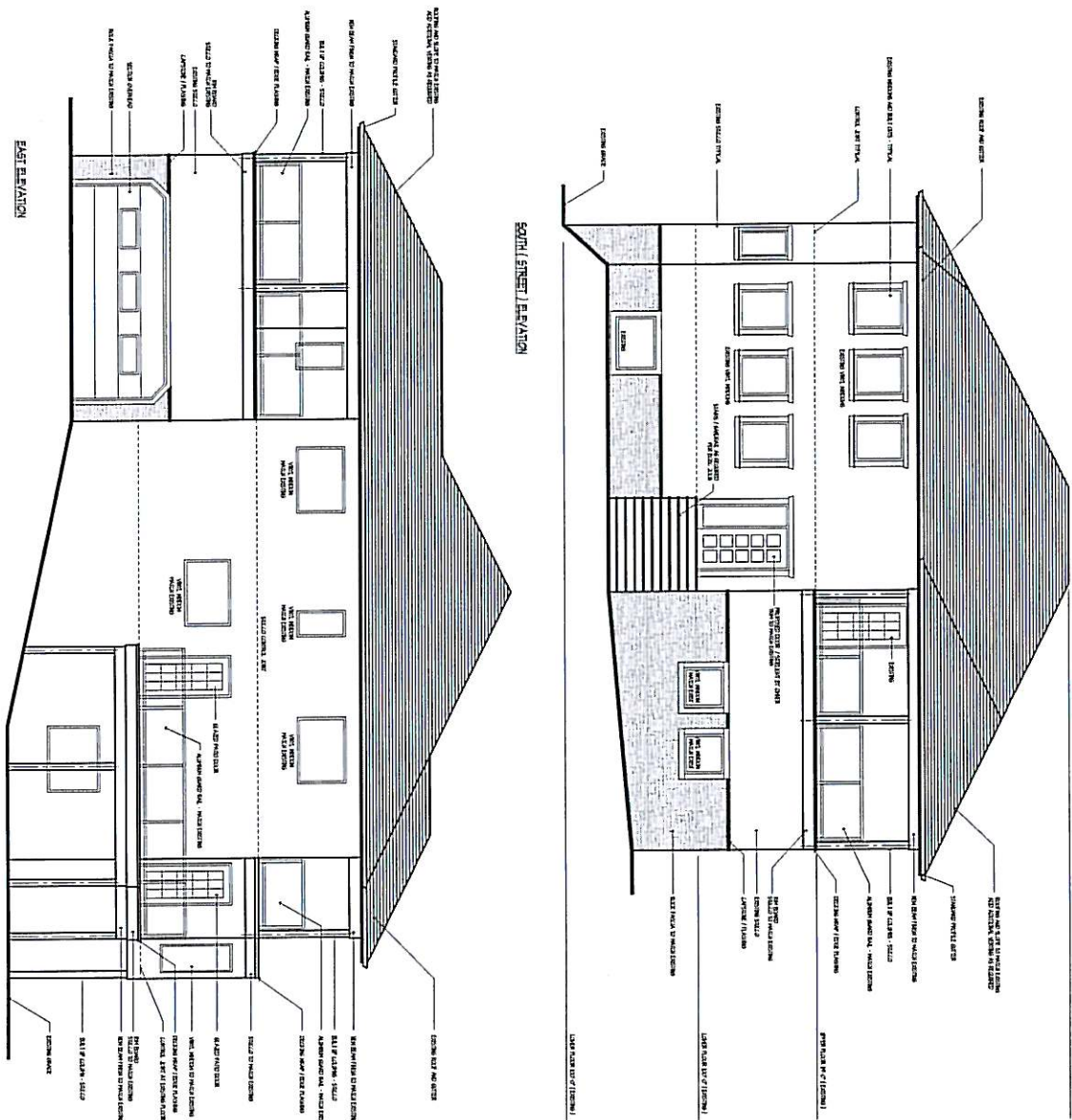
BUILDING AREA	23,844 SQ. FT. (2,200 %)
LOT AREA	23,844 SQ. FT. (2,200 %)
BUILDING FOOTPRINT - EXIST. RESIDENCE	3,669 SQ. FT.
PROPOSED BUILDING AREA	54,894 SQ. FT. (2,311 %)
LANDSCAPING	4,556 SQ. FT.
PAVEMENT	3,000 SQ. FT.
LANDSCAPING	4,088 SQ. FT. (2,011 %)
LANDSCAPING	1,071 SQ. FT. (25.2 %)

PROPOSED	23,844 SQ. FT. (2,200 %)
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PROPOSED	3,669 SQ. FT.
PROPOSED	54,894 SQ. FT. (2,311 %)
PROPOSED	4,556 SQ. FT.
PROPOSED	3,000 SQ. FT.
PROPOSED	4,088 SQ. FT. (2,011 %)
PROPOSED	1,071 SQ. FT. (25.2 %)

REVISED PLANS  
 OCT 08 2009

NO.	DATE	DESCRIPTION
1	08/11/09	PROPOSED ADDITION / PHASING
2	09/01/09	PHASING
3	09/01/09	PHASING
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5	09/01/09	PHASING
6	09/01/09	PHASING
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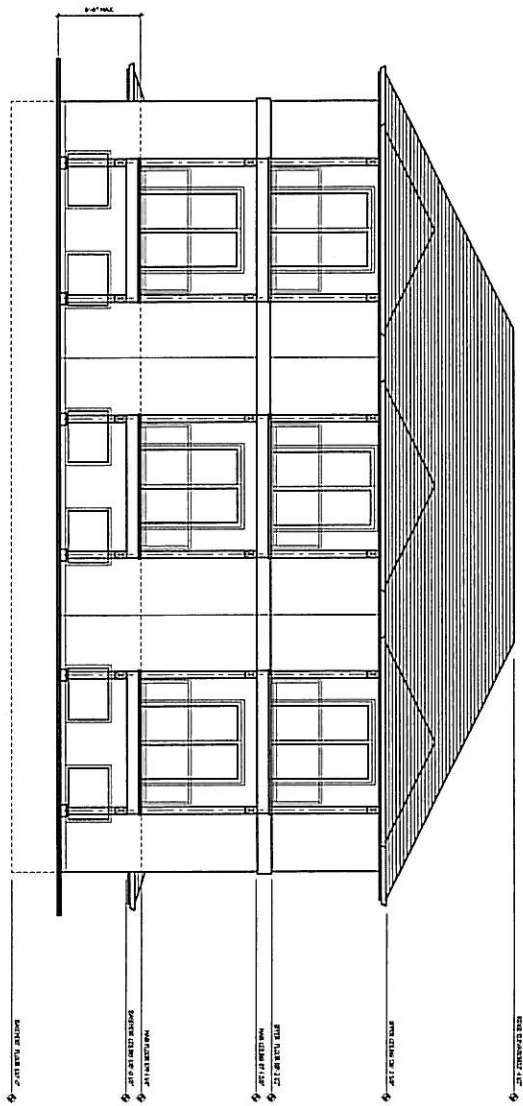
REVISIONS

NO.	DATE	DESCRIPTION
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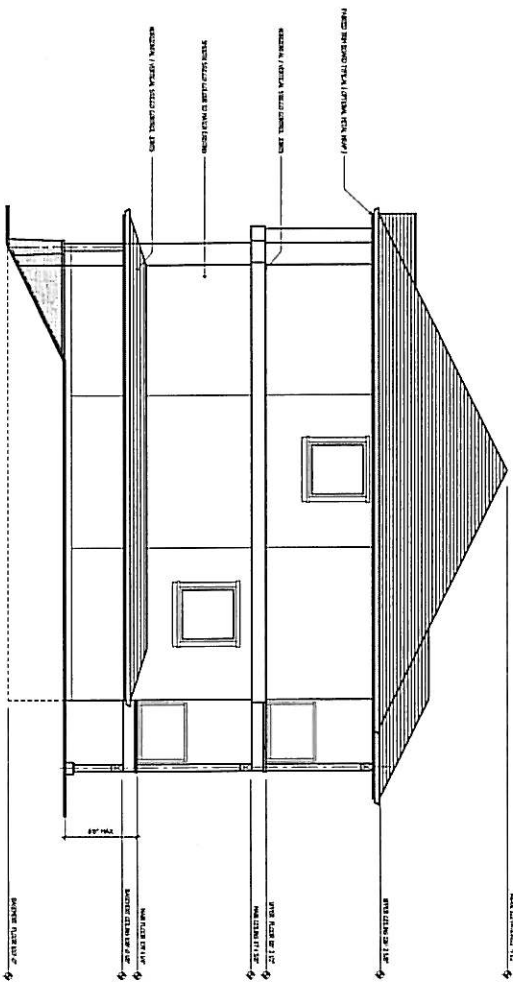
PROJECT  
 PROJECT LOCATION / ADDRESS  
 400 MARKET ROAD  
 PHILADELPHIA, PA 19106

DESIGNED BY: [Firm Name]  
 DRAWN BY: [Firm Name]  
 SCALE: 1/8" = 1'-0"

**AT&O**



REAR ELEVATION



SIDE ELEVATION

NOTES:  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. FINISHES SHALL BE AS SHOWN ON SHEET A1410.

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2			REVISION

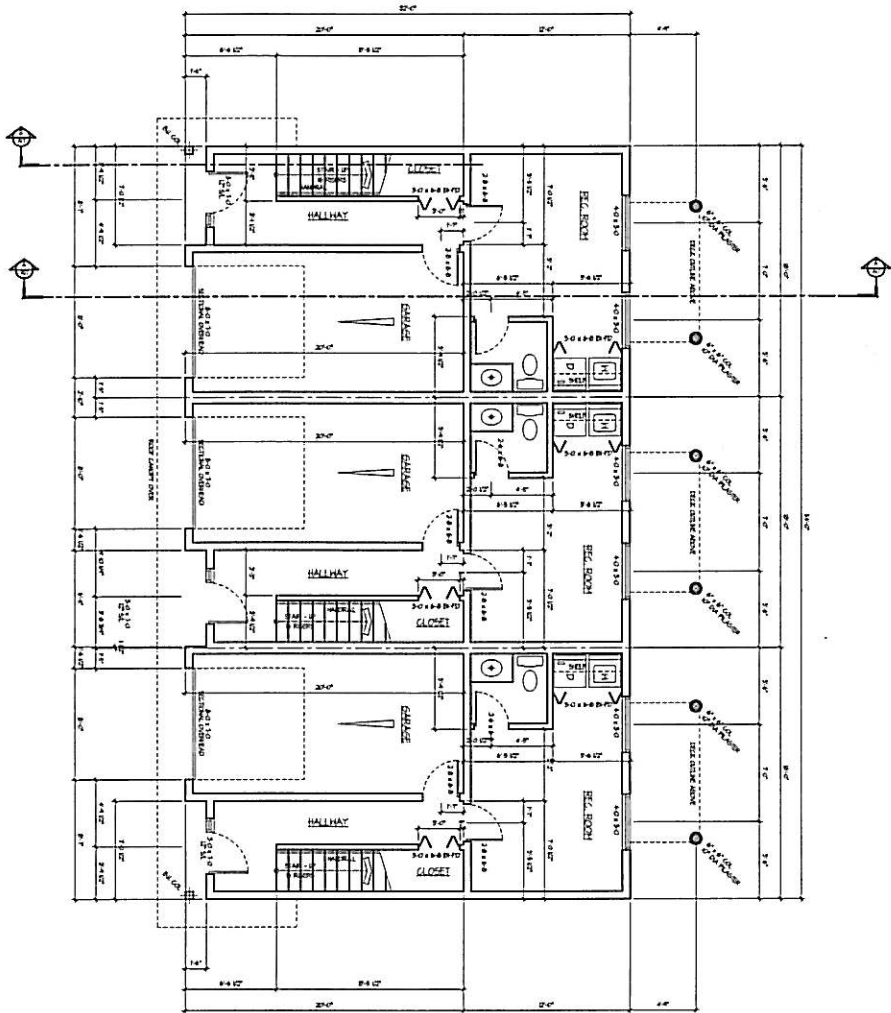
PROJECT:  
 PROJECT ADDRESS / PHASE:  
 400 MARKET AVENUE  
 PHASE 1 - CONSTRUCTION

DESIGNED BY: [Name]  
 DRAWN BY: [Name]  
 DATE: [Date]

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

**A1410**





NO.	DATE	DESCRIPTION	BY
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3		FINAL PLAN	
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PROJECT:  
 PROPOSED APARTMENT / FLATS  
 40 WATSON ROAD  
 SINGAPORE

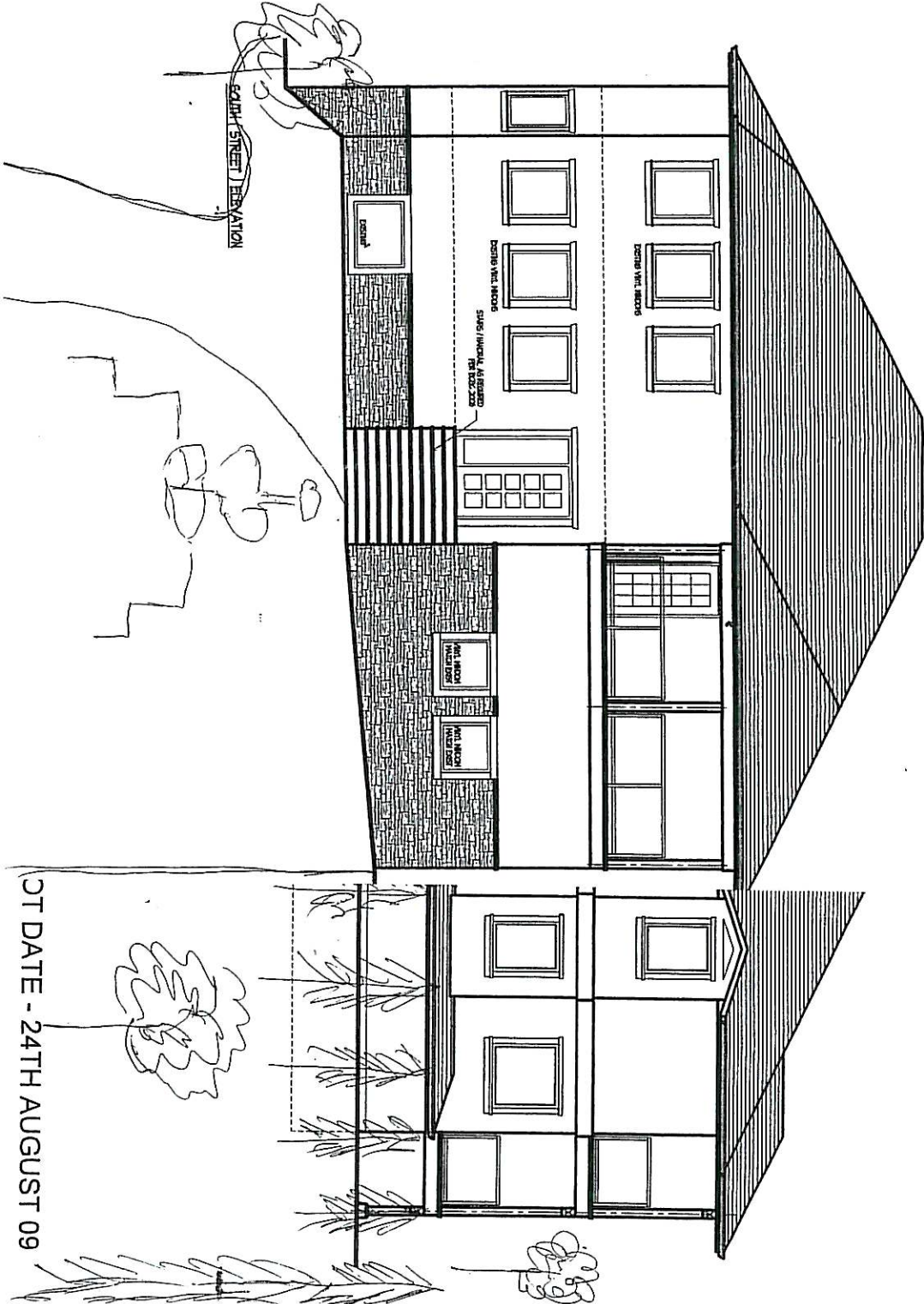
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 DRAWN BY: EAT  
 CHECKED BY: EAT

PROJECT NO: A1140  
 SCALE: 1/4"

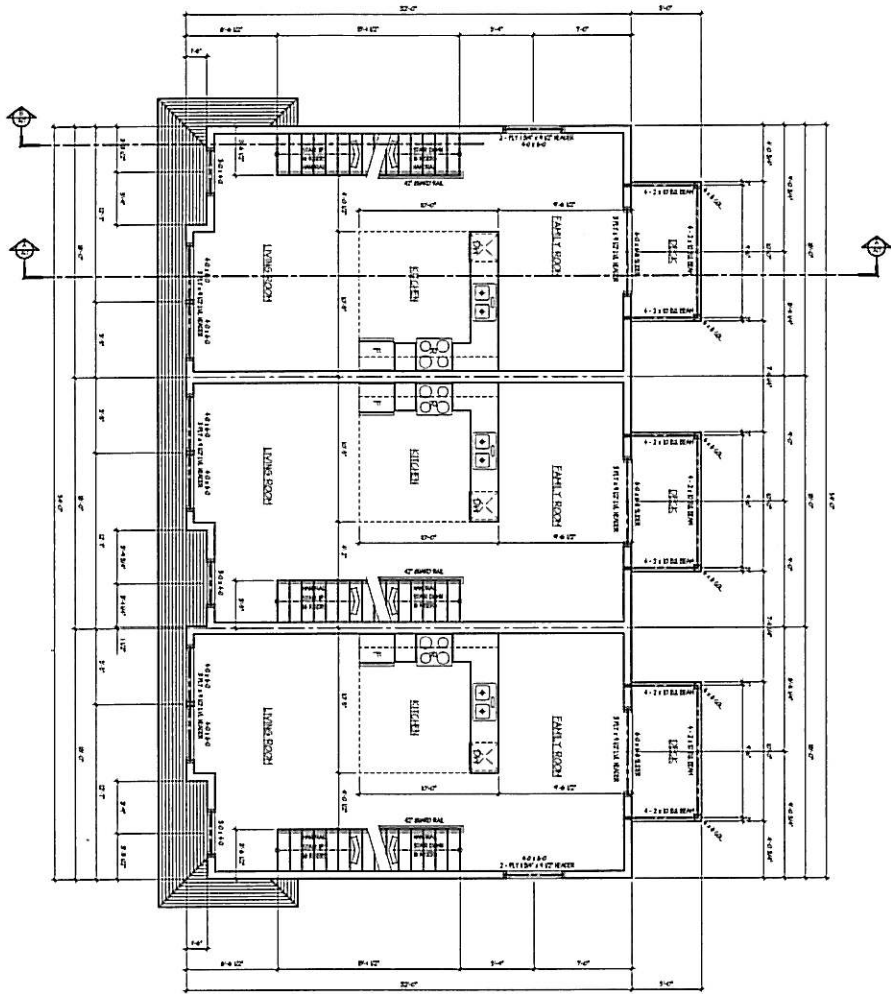
**SCHEDULE \_\_\_\_\_**

This forms part of development

Permit # \_\_\_\_\_



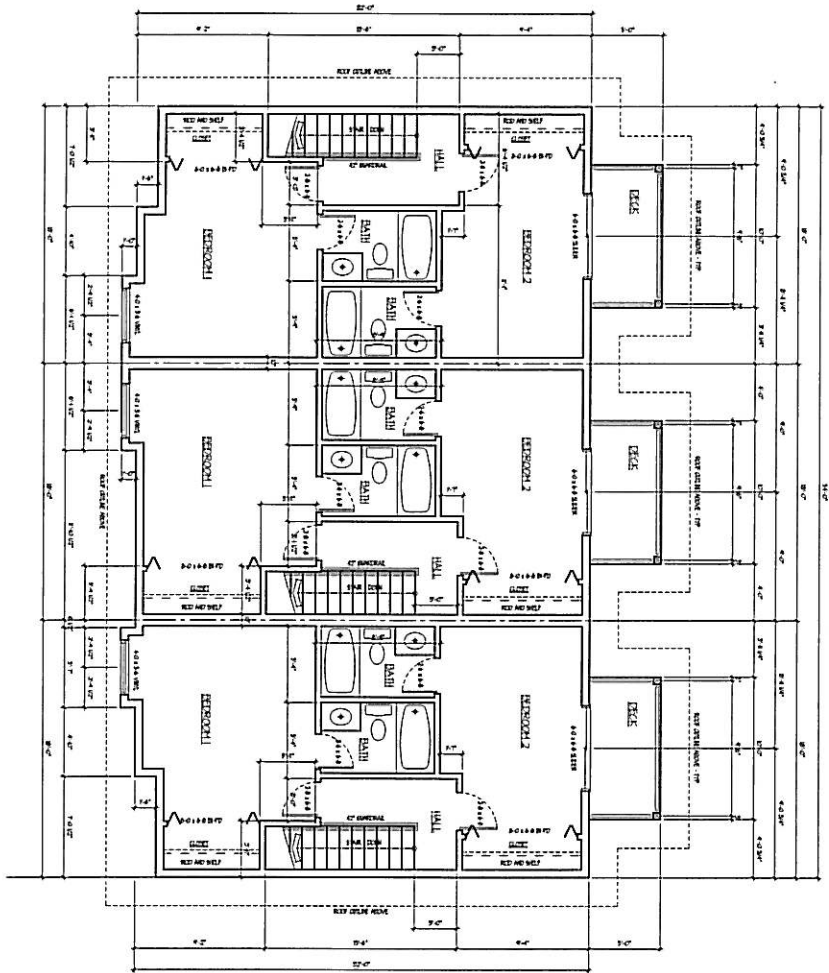
DT DATE - 24TH AUGUST 09



NO.	REVISION
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6	REVISED
7	REVISED
8	REVISED
9	REVISED
10	REVISED

PROJECT  
 PROJECT ASSOCIATION / PROJECTS  
 430 HANNAH ROAD  
 RICHMOND, VA 23220

DATE: 2/27/2008 10:00 AM  
 DRAWN BY: B.J.  
 CHECKED BY: B.J.  
 SCALE: 1/8" = 1'-0"  
**A120**



NO.	DATE	REVISIONS
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PROJECT: PROPOSED APARTMENT / RESIDENCE  
 40 WASHINGTON ROAD  
 PH 3, DUBLIN  
 DRAWN BY: [Name]  
 DATE: 20/05/2014  
 SCALE: 1/4" = 1'-0"

JAMES MOORE - ARCHITECT  
 113/30

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 14, 2009  
**File No.:** Z09-0023  
**To:** Land Use Management Department (BD)  
**From:** Development Engineering Manager (SM)  
**Subject:** 410 Hartman Road – Lot B, Plan 46388, Section 26, Township 26, ODYD

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The Development Engineering requirements and comments pertaining to this application, to rezone the subject property from RR3 to RM3, are as follows:

1. General.

- a) Provide easements and right of ways as 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:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footings and foundation construction.
- 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 applicant is required to submit a report addressing the available fire flow supply to adequately protect the proposed development in accordance with current fire protection standards.

4. Sanitary Sewer.

The subject property is located within Specified Area #1 and is connected to the Municipal Wastewater collection system. A 100 mm. service is located at the rear of the property. The service was installed without an inspection chamber. An inspection must be installed at the developer's cost as a condition of this application. Any modification or upsizing to the service that may be required to accommodate the proposed development will be at the cost of the developer.



#### 5. Storm drainage.

A comprehensive drainage site management plan and design to comply with the City's Drainage Design and Policy Manual, is a requirement of this application.

#### 6. Road improvements.

Hartman Road frontage is constructed to current municipal standards, this application does not trigger any offsite upgrades. The applicant has indicated that he current driveway will require to be relocated. The removal of the existing driveway and the reconstruction must be done in accordance with Bylaw 7900, details of which are summarized hereunder. The cost of the driveway relocation is estimated at **\$8,400.00** inclusive of a bonding escalation.

#### 7. Power and Telecommunication Services.

Services to the development must be converted to underground to service al the proposed units.

#### 8. 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.

12. Bonding and Levies Summary.

a) Performance Bonding	
Driveway relocation	<b><u>\$ 8,400.00</u></b>
b) Levies	
Administration and Inspection fee ( incl. GST)	<b><u>\$ 315.00</u></b> (min.)
Inspection Chamber installation	<b>To be determined</b>

\_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

BB