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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** January 12, 2006  
**File No.:** DP05-0151, DVP05-0152  
**To:** CITY MANAGER  
**From:** PLANNING AND CORPORATE SERVICES DEPARTMENT  
**Subject:**

**APPLICATION NO.** DP05-0151, DVP05-0152    **OWNER:** 448473 BC Ltd.

**AT:** 440 & 460 Hartman Road                      **APPLICANT:** Gary Tebbutt

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 32 UNITS OF ROW HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW THE REQUIRED PRIVATE OPEN SPACE TO BE LOCATED WITHIN THE REQUIRED FRONT AND REAR YARD SETBACKS.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW PROJECTIONS OF 2.2 M INTO THE REQUIRED SIDE YARD SETBACKS WHERE ONLY 0.6 M IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A SITE COVERAGE OF 55.72% WHERE ONLY 50% INCLUDING BUILDING, DRIVEWAYS, AND PARKING IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW BUILDING TO BE 3 STOREYS/9.55 M IN HEIGHT WHERE ONLY 2.5 STOREYS/9.5 M IS PERMITTED.

**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 Final Adoption of Zoning Bylaw No. 9528 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05- 0151 for Lots A & B, Section 26, Township 26, ODYD, Plan KAP46388 located on Hartman Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0152; Lots A & B, Section 26, Township 26, ODYD, Plan KAP46388 located on Hartman Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 2.3.3 – Definitions - Private Open Space

A variance to allow the open space to be located in the required front and rear yards where private open space is required to be exclusive of the required yard setbacks.

Section 6.4.1 Projection into Yards

A variance to allow projections of 2.2 m into the required side yard where only 0.6 m is permitted.

Section 13.9.6 (b) – RM3 – Low Density Multiple Housing

A variance to allow a site coverage of 55.72% where only 50% including building, driveways, and parking is permitted.

Section 13.9.6 (c) – RM3 – Low Density Multiple Housing

A variance to allow a height of 3 storeys/9.55 m in height where only 2 ½ storeys/9.5 m in height is permitted.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## 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 Development Permit Application No. DP05-0151, 440 & 460 Hartman Road, Lots A, Plan 46388 & Lot B, Plan 30380, Sec. 26, Twp. 26, ODYD by Eidse Builders (Gary Tebbutt) to obtain a Development Permit to allow for 32 units of row housing.

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0152, 440 & 460 Hartman Road, Lots A, Plan 46388 & Lot B, Plan 30380, Sec. 26, Twp. 26, ODYD by Eidse Builders (Gary Tebbutt) to obtain a Development Variance Permit to allow the buildings to be 3 storeys in height

where only 2.5 storeys is permitted and to obtain a Development Variance Permit to allow a side yard setback of 2.3 m where 4.5 m is required.

#### 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.

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 fence 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)	4.5m	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> per unit (located within required setbacks)*	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.

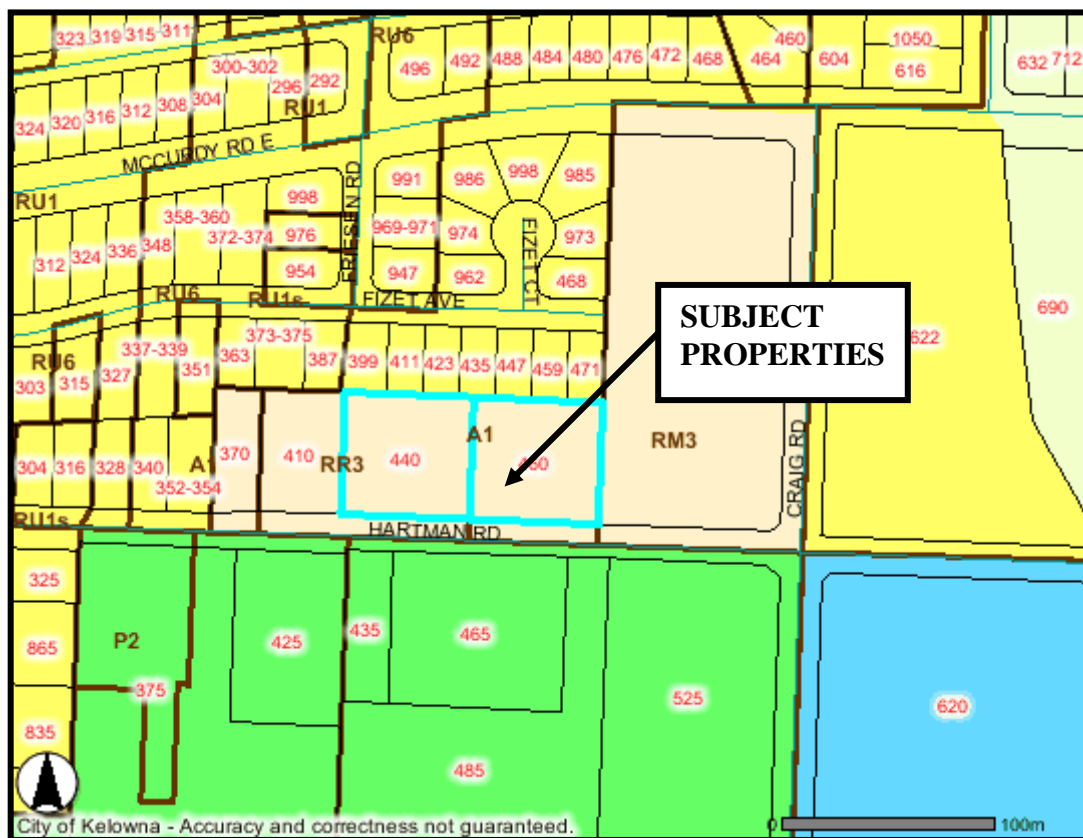
#### 4.2 Site Context

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 is 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 Irrigation District (Black Mountain)

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

5.4 Inspections Department

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

5.5 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.

5.6 Shaw Cable

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

5.7 Telus

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

5.8 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). To be paid at time of Building Permit.
- 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. Bonding and Servicing Agreement to be submitted at time of building permit.

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	<b><u>\$ 5,600.00</u></b>
b)Levies		
Sewer specified Area fees		<b><u>\$201,121.54</u></b>

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services 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. 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**
- **Floor Plans**
- **Landscaping Plan**