

# REPORT TO COUNCIL



**Date:** July 17, 2018

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP18-0081

**Owner:** Parkbridge Lifestyle  
Communities Inc.

**Address:** 1511 Tower Ranch Drive  
Phases 3 and 4

**Applicant:** WSP

**Subject:** Development Variance Permit – Front Yard Setback

Existing OCP Designation: S2RES – Single / Two Unit Residential  
PARK – Major Park and Open Space (public)  
Existing Zone: RU5 – Bareland Strata Housing  
P3 – Parks and Open Spaces

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0081, for portions of Lot A, Section 31, Township 27, Osoyoos Division Yale District, Plan EPP66524, Except Strata Plan EPS2195 (Phase 2), located at 1511 Tower Ranch Drive, Kelowna, BC.

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

### Section 13.5.6 (c): RU5 – Bareland Strata Housing (*Development Regulations*)

To vary the site front yard from 4.5 m permitted to 3.0 m proposed, for the following proposed Lots of the proposed subdivision as set out in Schedule "A" and Schedule "B" attached to the Report from the Community Planning Department dated July 17, 2018, with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk:

- proposed Lot 91 to 103;
- proposed Lot 106 to 122;
- proposed Lot 124 and 125;
- proposed Lot 130 to 136; and
- proposed Lot 147 to 160.

To vary the site front yard from 4.5 m permitted to 1.5 m proposed, for the following proposed Lots for the following proposed Lots of the proposed subdivision as set out in Schedule "A" and Schedule "B" attached

to the Report from the Community Planning Department dated July 17, 2018, with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk:

- proposed Lot 104 and 105; and
- proposed Lot 137 to 146.

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To consider a request by the applicant to reduce the required 4.5m front yard setback stipulated within the RU5 development regulations of the City's zoning bylaw.

## **3.0 Community Planning**

Community Planning Staff are supportive of the proposed variance to the Zoning Bylaw to reduce the front yard setback from 4.5 m permitted to 3.0 m proposed for 53 single unit bareland strata lots, and to reduce the minimum front yard setback from 4.5 m permitted to 1.5 m proposed for 12 lots in the proposed Phase 3 and 4 developments (Schedule A: SP-5), for a total of 67 lots. The variance is considered in the context of the Development Permit (DP17-0087) which identifies No-Disturb areas along the back yards of the subject lots, and the challenges of reducing cut and fill slopes in a hillside area.

The variance does not compromise any municipal infrastructure or services, and is not expected to result in any negative impacts on adjoining properties.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form on May 2, 2018, outlining that neighbours within 50 m of the subject property were notified.

## **4.0 Proposal**

### **4.1 Background**

In 2012, Tower Ranch Lots 3, 4 and 6 were purchased by Parkbridge Lifestyle Communities Inc. (Parkbridge). Parkbridge develops communities based on a life lease concept, whereby the owner developer maintains ownership and management through the life of the development.

The proposed Development Variance Permit has been designed in accordance with their Phase 3 and 4 Development Plan, as well as geotechnical and environmental assessments, under DP17-0087. The setbacks are consistent with the variances to the front yard setback authorized in Phases 1 and 2 of the same development.

### **4.2 Project Description**

The applicant is seeking variances to the minimum front yard required in order to accommodate the site's challenging topography, varying hillside grades and environmentally sensitive areas to allow for hillside development (Schedule A: SP-1A, SP-1B, SP-2A, and SP-2B). Staff notes that the required 6.0 m from the garage to the back of curb and/or sidewalk will be maintained in all cases, such that an additional car may be accommodated in this location, while allowing for pedestrian passage along the sidewalk (Schedule A: SP-1C and SP-2C).

The front yard setback variances would enable the siting of housing structures on subject lots to be located closer to the street front, whilst keeping farther from hillside slopes and environmental sensitive areas. Additionally, the following environmental and community objectives would be achieved (Attachment B):

- Cut-and-fill impacts are minimized;
- Visual hillside scarring limited;
- Attractive and safe streetscapes, complete with sidewalks and street trees;
- Enhanced pedestrian friendly streetscape through the home's orientation, reduces setback, massing and design is enabled, which is consistent with Phases 1 and 2;
- Social opportunities for residents to interact with neighbours and pedestrians is encouraged; and,
- A softening effect to the vehicle carriage-way is added, resulting in an enriched public realm.

Streetscape cross sections (Schedule B) provided by the applicant illustrates the above mentioned objectives.

#### 4.3 Site Context

The site is located on the upper McCurdy Bench in the Rutland Sector of the OCP. The Tower Ranch Golf Course lies to the west of the subject property. Solstice Phases 1 and 2 are currently being developed and are owned by the applicant, and offered through long term lease agreements. Solstice Phases 1 and 2 lie to the north and east, respectively, of Phases 3 and 4. The Tower Ranch Clubhouse lies further to the north. The site also has a statutory right of way registered for public access along a proposed trail system, linking into Tower Ranch Mountain Park, located to the south.

Residential properties are located further to the west and north along Tower Ranch Boulevard, Split Rail Place, Tallgrass Trail and Foxtrail Terrace. Additional residences are being developed to the north of Tower Ranch Boulevard and Tallgrass Trail.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing P3 – Park and Open Space P3LP – Parks and Open Space w/ Liquor Primary Clubhouse CD6 - Comprehensive Residential Golf Course	Bareland Strata Housing (Solstice Phases 1 and 2) Golf Course Golf Course Clubhouse
East	P3 – Park and Open Space RU1 – Large Lot Housing	Golf Course Residential
South	A1 – Agriculture 1 P3 – Park and Open Space	Rural Residential Tower Ranch Mountain Park Hydro Transfer Station
West	RU5 – Bareland Strata Housing RM2 – Low Density Row Housing P3 – Park and Open Space	Bareland Strata Housing (Solstice Phases 1 and 2) Residential Golf Course

Subject Property Map: 1511 Tower Ranch Drive



4.4 Zoning Analysis Table

A comparison of required and proposed zoning regulations for RU5 is shown in the table below.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS RU5	PROPOSAL
Development Regulations		
Front Yard	4.5 m or 6.0m for a garage or carport	3.0 m (51 lots) <span style="color: red;">❶</span> 1.5 m (12 lots) <span style="color: red;">❶</span> 6.0m for a garage or carport
Side Yard	3.0 m	3.0 m
Rear Yard	6.0 m	6.0 m
Other Regulations		
Minimum Parking Requirements		
Bicycle Parking	N/A	N/A
Private Open Space	Required yards and 10% of site shall be open space	Required yards and 10% of site shall be open space
<span style="color: red;">❶</span> Indicates a requested variances		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Steep Slopes.**<sup>1</sup> Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

**Cluster Housing.**<sup>2</sup> Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

**Ground-Oriented Housing.**<sup>3</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.

**Pedestrian Connectivity.**<sup>4</sup> Improve the permeability of strata developments by ensuring that active transportation connections are facilitated where possible.

**Design for People and Nature.**<sup>5</sup> Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to clearly determined on site grading plans and comment for design should be provided in the geotechnical report
- Roof water disposal to be determined by geotechnical engineer at time of sub division. If the roof water is connected to storm then engineering details should be provided since this requirement is not within the Building Code. Details should include slope of piping, clean outs, connection to dwelling, size of pipe, backflow protection etc

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.15.12 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.1 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.36.2 (Development Process Chapter).

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.36.3 (Development Process Chapter).

- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flows issues.
- Fire department should provide comment on the required turn a rounds or hammer heads required for phased road construction.

6.2 Development Engineering Department

- Please see attached Development Engineering Memorandum (Attachment A)

6.3 Fire Department

- The fire department is concerned about the length of the cul de sacs in this area for egress.

7.0 **Application Chronology**

Date of Application Received: March 13, 2018

Date Public Consultation Completed: May 2, 2018

**Report prepared by:** Barbara B. Crawford, Planner

**Reviewed by:** Dean Strachan, Suburban and Rural Planning Manager

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

**Attachments:**

Attachment A – Development Engineering Memorandum dated April 24, 2018

Attachment B – Applicant's Rationale Letter

Schedule A – Phases 3 & 4 Key Site Plan, Boulevard Plan, Variance Plans, and Driveway Setbacks

Schedule B – Streetscape Cross Sections – illustrating proposed 1.5 meter and 3.0 meter front yard setback, compared to Bylaw 8000 required front yard setback (4.5m)