

# REPORT TO COUNCIL



**Date:** April 4, 2017

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DVP17-0304      **Owner:** Parkbridge Lifestyle Communities Inc.

**Address:** 1511 Tower Ranch Drive      **Applicant:** MMM Group Ltd. (WSP)

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

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)  
S2RES – Single / Two Unit Residential  
S2RESH – Single / Two Unit Residential – Hillside  
PARK – Major Park and Open Space (public)

Existing Zone: RU5 – Bareland Strata Housing  
RMh2 – Low Density Row Housing (Hillside)

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP16-0304, for variances for a portion of *Lot 3, Section 31, TWP 27, ODYD, Plan KAP80993, except Strata Plan EPS2195 (Phase 1)* located at 1511 Tower Ranch Drive, Kelowna, BC;

AND THAT Council considers the public process outlined in the Staff Report dated April 4, 2017 to be appropriate consultation for the purpose of Section 879 of the Local Government Act;

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 lot front yard from 4.5 m permitted to 3.0m proposed for Lots 29-57, 71-73, and 76-90, with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk; and

To vary the lot front yard from 4.5 m permitted to 1.5m proposed Lots 61-62, and 74-75 ; with the exception that a garage or carport shall be no less than 6.0 metres from a curb or sidewalk.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Variance 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

SAE staff are supportive of the proposed variances to the Zoning Bylaw to accommodate the proposed design. These are consistent with the front yard setback variances permitted in Phase I of this project, and reduce the impact of the footprint on the hillside. The variance is considered in the context of the Development Permit (DP15-0275) which identifies a No-Build / No-Disturb area along the back yards of the lots, the No-Disturb area along Industry Brook, the challenges of reducing cut and fill slopes in a hillside area, and the provision of a trail system connected to sidewalk through the development.

The variance is not expected to result in any negative impacts on adjoining properties.

## 4.0 Proposal

### 4.1 Background

In 2012, Tower Ranch Lots 3, 4 and 6 were purchased by Parksbridge Lifestyle Communities Inc. (Parksbridge). Parksbridge develop 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 II Development Plan, as well as geotechnical and environmental assessments, under DP15-0275. The setbacks are consistent with the variances to the front yard setback authorized in the Phase I of the same development.

### 4.2 Project Description

The applicant is seeking variances to the minimum front yard required in order to accommodate the challenges of a hillside development, and reduce the overall site grading required, and allow for trails and a sidewalk. 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.

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

To vary the lot front yard from 4.5 m permitted to 3.0m proposed for Lots 29-57, 71-73, 76-90, and with the exception that a garage or **carport** shall be no less than 6.0 metres from a curb or sidewalk; and

To vary the lot front yard from 4.5 m permitted to 1.5m proposed Lots 61-62, and 74-75 ; with the exception that a garage or **carport** shall be no less than 6.0 metres from a curb or sidewalk.

In all cases, Tower Ranch Boulevard is considered the front yard of each lot, even in those cases where there is lane access.

### 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 and east of Lot 3. Solstice Phase I lies to the north of Phase II. 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, to the south.

Residential properties are further to the west along Tower Ranch Boulevard and Split Rail Place, and more residences are being developed to the north of Tower Ranch Boulevard.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing	Bareland Strata Housing (Solstice Phase I)
East	P3 – Private Recreation	Golf Course
South	A1 – Agriculture 1 / P3 – Park & Open Space	Rural Residential / Tower Ranch Mountain Park
West	P3 – Private Recreation	Golf Course

**Map 1. Subject Property – 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 (58 lots) <span style="color: red;">❗</span> 1.5 m (4 lots) <span style="color: red;">❗</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;">❗</span> Indicates a requested variance		

#### 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.

<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 5.2.3 (Development Process Chapter).

**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 Development Engineering Department

Development Engineering comments and requirements regarding this Development Variance Permit application to reduce front yard setbacks are as follows:

- a) The proposed strata road is designed to a reduced cross-section from typical Hillside Standards as per Bylaw 7900. A Statutory Right of Way will be registered over this road for public access through the subject property to Park Lands beyond.
- b) In the interest of public safety along with ease of pedestrian and bicycle mobility, prescribed front yard setbacks should be maintained where the possibility of driveway parking encroachment over the public Right of Way exists.

### 6.2 Fortis BC

Please be advised FortisBC Gas has reviewed the above mentioned referral and we have no concerns.

### 6.3 Regional District of the Okanagan (RDCO)

RDCO staff has reviewed the above mentioned referral, and has no comments or concerns.

## 7.0 Public Notification

As staff understands it, the applicant has conducted public notification per Council Policy 367 prior to March 6, 2017.

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<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

**8.o Application Chronology**

Date of Application Received: December 12, 2016

Circulation Comments Received: January 10, 2017

Public Consultation Received: March 6, 2017

**Report prepared by:**

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Melanie Steppuhn, Land Use Planner

**Reviewed by:**  Todd Cashin, Subdivision, Suburban and Rural Planning Manager

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

**Approved for Inclusion:**  Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

DVP16-0304 - DRAFT  
Site Plans – Schedule A  
Conceptual Elevations  
Landscape Plan