

# REPORT TO COUNCIL



**Date:** June 13, 2017

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP16-0301 / DVP16-0302      **Owner:** Glenwest Properties Ltd., Inc.  
No. Co889227

**Address:** Upper Canyon Dr (E of)      **Applicant:** Wilden Construction Corp.

**Subject:** Development Permit & Development Variance Permit Application

Existing OCP Designation:      PARK – Major Park / Open Space (Public)  
S2RESH – Single / Two Unit Residential – Hillside

Existing Zone:      P3 – Parks and Open Space  
RU4h – Low Density Cluster Housing (Hillside Area)

---

## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP16-0301 for a portion of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

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

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

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0302 for a portion of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC;

AND THAT a variance to the following section of Subdivision, Development & Servicing Bylaw No. 7900 be granted, as shown on Schedule "D":

Schedule 4, Section 4.6: Design Standards – Highway – Curb and Gutter, Sidewalks and Bike Lanes  
To vary the maximum number of driveway accesses per road frontage from one (1) permitted to 8 (eight) proposed.

AND FURTHER THAT a variance to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "D":

Section 7.5.9: Landscaping and Screening – Fencing and Retaining Walls  
To vary the maximum height of retaining walls on residential lots from 1.2 m permitted to 4.5 m, 6.0 m and 6.5 m proposed.

## 2.0 Purpose

To consider a Development Permit for the form and character of a 38 unit strata development and to consider a Development Variance Permit to allow for additional driveway accesses and overheight retaining walls.

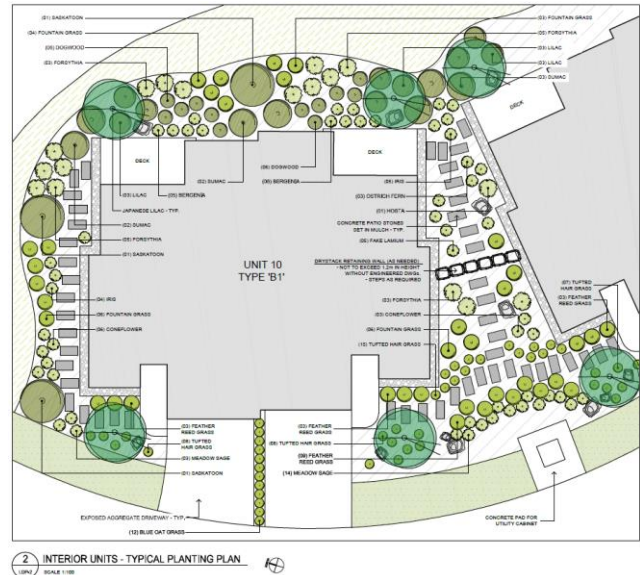
## 3.0 Community Planning

Staff support the Development Permit and Development Variance Permit applications for the proposed strata development. The form and character is generally in accordance with the relevant Development Permit objectives and guidelines, and the variances allow the site to develop in a way that is in keeping with the pattern in the surrounding neighbourhood.

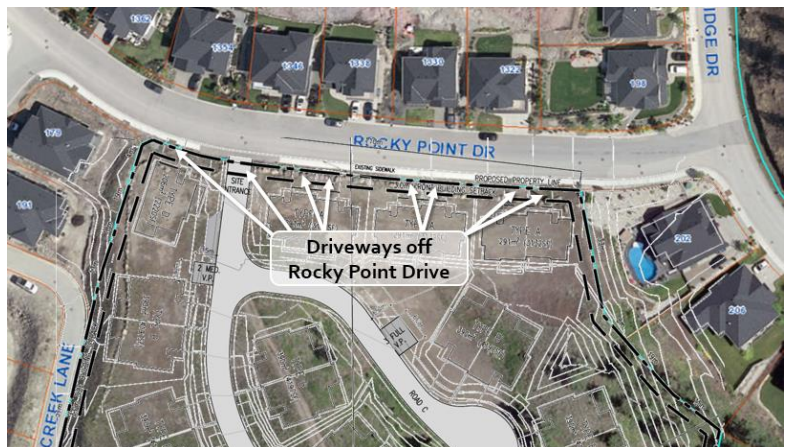
Development Permit considerations focus on the general character of the development as it relates to landscaping, siting, and form and character, as per section 491(8) of the *Local Government Act*, as well as landscaping requirements for water conservation, as per section 491(9)(a) of the *Local Government Act*. The buildings are designed with similar features across the four building types to provide a sense of cohesiveness through the development. Exterior finishes include hardieplank, stucco, and cultured stone on each building, and the natural brown and grey tones relate to the character of the surrounding area and the Okanagan. Each of the semi-detached building types has three colour schemes to create some variation, and the single detached building type has one colour scheme since it only applies to two units. The images below show the different building types and colour schemes for the project.



The landscaping includes both formal plantings and more natural areas, with the planting areas surrounding each building characterized by small trees, shrubs, ornamental grasses and flowering perennials. The landscape plan also includes 10 maple trees along Rocky Point Drive and at the entrance of the strata road. Two mature trees will be retained towards the rear of the site in addition to the existing vegetation in the eastern and southern portions of the site now designated as PARK – Major Park / Open Space (Public). A mix of deciduous and coniferous trees will be planted in several locations adjacent to existing residential lots to act as a vegetated buffer. The landscape plan exceeds the minimum Development Permit guidelines for water conservation by limiting high water use areas.



The project is designed with seven units fronting directly onto Rocky Point Drive. This creates a strong street edge and respects the established pattern along the rest of the street. Subdivision, Development & Servicing Bylaw No. 7900 limits properties to one driveway access per road frontage. Since the development will remain as one strata property, a variance is needed to increase the number of permitted driveways from one to eight, with seven driveways directly accessing units and one driveway acting as the entrance to the internal strata roads. Staff support this variance since it promotes a more consistent rhythm and meets Development Permit guidelines.



Hillside developments require complex grading plans to provide services and access to sites, and to create building platforms. Common grading options include cut and fill slopes and retaining walls. To limit the impact on the natural open space areas adjacent to and within the site, the applicant proposes three engineered retaining walls for this development, with maximum heights of 4.5 m, 6.0 m and 6.5 m. While this type of retaining for new development is typically approved as a requirement of subdivision, in this case it is part of the Development Permit application and requires a variance from the maximum of 1.2 m permitted in the Zoning Bylaw. Staff support the variance since it reduces the need for large cuts and fill slopes, and the potential visual impact of the higher retaining will be minimized by existing and proposed trees in areas protected as open space.

Staff worked with the applicant to meet the intent of cluster housing policies and the Development Permit guidelines. In response to staff and neighbourhood concerns, the applicant adjusted the original proposal to reduce the potential impact on neighbouring properties. This was achieved by removing one unit, reconfiguring and changing the building type of several units to create more open space, and significantly increasing the amount of vegetation to be planted beside adjacent residential lots. These changes also

resulted in a retaining wall being reduced in height and length, and being moved farther away from adjacent properties.

The applicant completed neighbourhood consultation for the project as a whole, including the OCP Amendment and Rezoning, in accordance with Council Policy No. 367.

#### 4.0 Proposal

##### 4.1 Background

The site is within the Glenmore Highlands ASP area, adopted by Council in April 2000. The ASP established the policy framework for the orderly development of the area and includes general plans for land uses, transportation, and servicing. The ASP designated the subject site for Clustered Single / Multiple Family.

An OCP Amendment and Rezoning application was submitted in November 2016 to rezone the site to the RU4h – Low Density Cluster Housing (Hillside Area) zone, consistent with the property's existing future land use designation of S2RESH – Single / Two Unit Residential – Hillside. This application also included changing the future land use designation of and rezoning a portion of the site to PARK – Major Park / Open Space (Public) and P3 – Parks and Open Space, respectively, to expand on the existing natural open space in the Upper Canyon area.

On February 21, 2017, Council gave second and third readings to the OCP Amendment and Rezoning bylaws following Public Hearing, and the bylaws were adopted on March 20, 2017.

##### 4.2 Project Description

The proposed project consists of a total of 38 units in semi-detached and single detached buildings. The site is accessed from Rocky Point Drive and seven units are proposed to front directly onto Rocky Point Drive, with the rest accessed by internal strata roads. The development consists of four building types with individual units ranging in size from 2,013 ft<sup>2</sup> to 3,582 ft<sup>2</sup>, and each unit has a deck and landscaped areas. The buildings are one and two storeys in height, with most being either walkout or walk-up units depending on the grade in that location. A total of 14 visitor stalls are provided throughout the site in addition to a double car garage for each unit.

Two variances are being requested for this development. The first is to allow additional driveway accesses off Rocky Point Drive for seven units to access directly from Rocky Point Drive in addition to the driveway for the strata road. The second variance is to allow for three overheight retaining walls to create appropriate building platforms on the hillside site.





#### 4.3 Site Context

The subject property is located in the southern portion of the Wilden neighbourhood in the Glenmore-Clifton-Dilworth Sector. It is west of the intersection of Upper Canyon Drive and Wilden Ridge Drive, with access off Rocky Point Drive. The area around the site is characterized by single detached residential and natural open space, with a small undeveloped local commercial and multi-family node to the east.

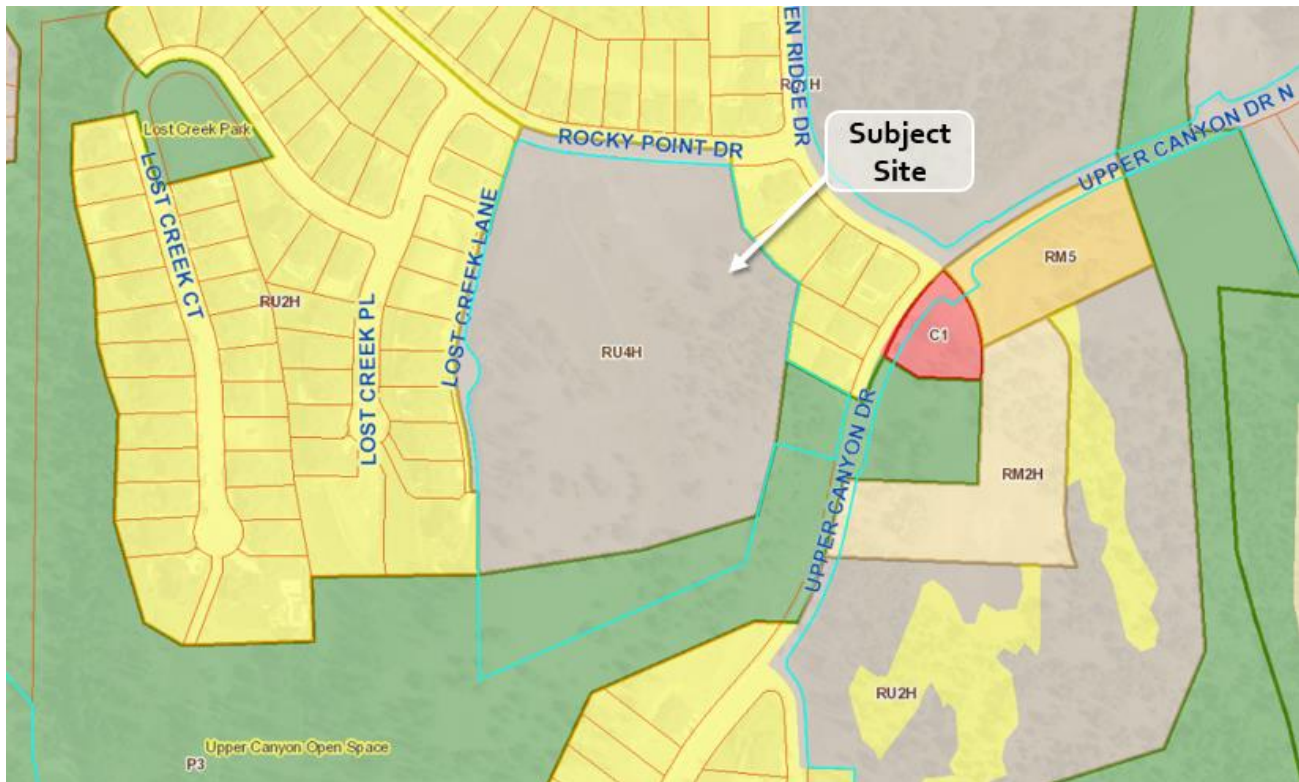
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h – Large Lot Housing (Hillside Area)	Single dwelling housing
East	RU1h – Large Lot Housing (Hillside Area) P3 – Parks and Open Space	Single dwelling housing Public park
South	P3 – Parks and Open Space	Public park
West	RU2h – Medium Lot Housing (Hillside Area)	Single dwelling housing

Subject Property Map 1: Property Context



## Subject Property Map 2: Existing Zoning and Future Land Use Designations



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU4h ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Minimum Lot Area	6,000 m <sup>2</sup>	30,916 m <sup>2</sup>
Minimum Lot Width	40.0 m	110 m
Minimum Lot Depth	30.0 m	205 m
Development Regulations		
Maximum Density	17 dwellings / ha (52 dwellings)	12.3 dwellings / ha (38 dwellings)
Maximum Site Coverage	35%	25.8%
Maximum Site Coverage with Driveways & Parking	45%	41.7%
Maximum Height	9.5 m / 2 ½ storeys	8.0 m / 2 storeys
Minimum Front Yard	3.0 m 6.0 m from back of sidewalk to garage or carport	6.0 m
Minimum Side Yard (east)	3.0 m	3.0 m
Minimum Side Yard (west)	3.0 m	4.5 m
Minimum Rear Yard	6.0 m	6.0 m
Maximum Height of Vertical Wall Element Facing Front or Rear Yard	6.5 m / 2 storeys	5.8 m / 2 storeys
Maximum Height of Deck, Supporting Posts or Columns	4.5 m / 1 storey	3.1 m / 1 storey

Zoning Analysis Table		
Other Regulations		
Maximum Retaining Wall Height	1.2 m	4.5 m, 6.0 m & 6.5 m ❶
Minimum Parking Requirements	76 stalls (2 per dwelling) 6 visitor stalls	76 stalls 14 visitor stalls
Maximum Driveway Accesses	1 per road frontage	8 ❷
❶ Indicates a requested variance to increase the maximum retaining wall height from 1.2 m permitted to 4.5 m, 6.0 m and 6.5 m proposed.		
❷ Indicates a requested variance to increase the maximum number of driveway accesses per road frontage from 1 permitted to 8 proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Policy 5.22.1 Cluster Housing.** 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:

- Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- 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;
- Promote overall cost savings on infrastructure installation and maintenance; and
- Provide opportunities for social interaction, walking and hiking in open space areas.

#### Chapter 14: Urban Design DP Guidelines – A. Comprehensive Development Permit Area

##### Relevant Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

## Relevant Guidelines

- Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood.
- Design developments with multiple buildings such that there is a sense of architectural unity or cohesiveness.
- Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm.
- Incorporate landscaping that:
  - Compliments and softens the architectural features and edges of buildings;
  - Considers the context of surrounding properties where there is a dominant pattern along the street (i.e., provide street trees and landscaping consistent with the established or emerging standards on the street or adjacent neighbourhood);
  - Retains existing healthy, mature trees and vegetation (including those with special character or historical and cultural significance);
  - Utilizes native plants that are drought tolerant;
  - Defines distinct private outdoor space for all ground-level dwellings.
- Minimize mown turf areas that are high water use areas (strive for a maximum of 25% - 50% of total landscape area, with lower percentages preferable) – substitute with areas of lower water use treatments.

## 6.0 Technical Comments

All comments have been addressed through this application and the OCP Amendment and Rezoning application, or will be addressed at time of Building Permit application.

### 6.1 Building & Permitting Department

- Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permit(s).
- Placement permits are required for any sales or construction trailers that will be on site.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - Spatial calculations should be provided for the building face adjacent to the property line.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- Location of water meter building should be located at time of DP.
- HPO (Home Protection Office) approval is required at time of Building Permit application
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.



## 6.2 Fire Department

- Engineered Fire Flow calculations are required to determine fire hydrant requirements of 60 litres / second for single family residential. All the hydrant(s) shall be operational prior to the start of construction. The hydrants will be deemed private for this strata community.
- Fire Department access is to be met as per BCBC 3.2.5. The minimum required width of the roadways shall be 6 m clear, turnarounds shall be provided with a 12 m turning radius, hammerheads to accommodate largest responding fire apparatus, maximum gradient 1:12.5 over 15 m.
- Should there be a gate at the entrance, a Fire Department lockbox shall be installed for emergency access.
- Requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.

## 7.0 Application Chronology

Date of Application Received:	December 8, 2016
Date Public Consultation Completed:	January 11, 2017
Date of OCP & Rezoning Public Hearing:	February 21, 2017
Date of OCP & Rezoning Adoption:	March 20, 2017

**Report prepared by:** Laura Bentley, Planner II

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

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

### Attachments:

Context Photos

Draft Development Permit / Development Variance Permit DP16-0301 / DVP16-0302

Schedule "A": Site Plan

Schedule "B": Elevations & Colour Board

Schedule "C": Landscape Plan

Schedule "D": Variances