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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** November 14, 2003

**File No.:** DP03-0022

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To Amend the Dilworth Land Use Contract by reducing the 6.0 m required frontyard setback to 3.5 m and to amend the Land Use Contract Water Design Criteria

**Owner/Applicant:** Emil Anderson Construction Co. Ltd.

**Report Prepared By:** Shelley Gambacort

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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### 1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-0022 for Lot A, Secs. 28 & 33, Twp. 26, ODYD, Plan 31716 except Plans 33462, 39791, 40570, 42232, 42525, 43480, KAP46337, KAP48179, KAP50737, KAP50742, KPA50743, KAP56071, KAP60291, KAP67806, KAP72143 and KAP72643, located on Dilworth Drive, Kelowna, BC, to amend the Dilworth Mountain Land Use Contract by:

- i. Amending Schedule 3 of Dilworth Mountain Land Use Contract No. 74-57 by reducing the required front yard setback for those lots shown on Schedule "A" attached to the report from the Planning and Corporate Services Department dated November 14, 2003, from 6.0 metres to 3.5 m from the front property line and 6.45 m from back of curb.
- ii. Amending Schedule E – Specifications for Water Supply of Dilworth Mountain Land Use Contract No. 74-57 by deleting pages 1-7 inclusive and replacing with the following:
  - o The water supply system is to be designed and constructed in accordance with the City's Subdivision, Development and Servicing No. 7900 as amended.

### 2.0 SUMMARY

The applicant is in the process of developing the Selkirk Neighbourhood, which is the last neighbourhood within the Dilworth Mountain Land Use Contract area. As part of their development plan for this neighbourhood they are requesting an amendment to the front yard setback requirement and an amendment to the water design criteria.

### 3.0 BACKGROUND

In accordance with the Local Government Act a Land Use Contract may be amended by a development permit if the amendment does not affect the permitted use or density of any parcel against which the contract is registered.

### 3.1 The Proposal

The applicant is requesting two amendments to the existing Dilworth Mountain Land Use Contract in order to facilitate the development of the proposed 130 Lot Selkirk Neighbourhood.

The proposed reduction in the front yard setback requirement of 6.0 m down to 3.5 m, 6.45 m from the back of curb, is being requested in order to develop in a manner similar to what is allowed in the hillside zones. For comparison under the RU1h – Large Lot Housing zone the frontyard setback requirement is 3.0 m except it is 6.0 m measured from the back of curb or sidewalk whichever is closest, to a garage or carport having vehicular entry from the front. They have stated in their application that “they are adopting this approach to give the Selkirk Neighbourhood a character similar to the existing neighbourhoods on Dilworth Mountain while at the same time reducing the building setback to work with the sloped terrain and minimize the hillside impact of the housing”. A cross-section illustrating the proposed setbacks is attached as Schedule “B” to this report.

The second amendment to the Dilworth Mountain Land Use Contract being proposed is to delete Scheule E – Specifications for Water Supply and replace with a statement indicating that the water supply system is to be designed and constructed in accordance with the City’s Subdivision, Development and Servicing Bylaw No. 7900 as amended. The current specification for water supply are generally onerous and outdated and this proposed amendment will bring the requirements in line with the City’s current standards.

### 3.2 Site Context



As shown on the map above the Selkirk Neighbourhood is located north of Lilloett Neighbourhood which is accessed off of Summit Drive. The Selkirk Neighbourhood is highest neighbourhood within the Dilworth Mountain development at an elevation starting at ~565m.

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

.1 Building Setback Reduction

- i. The road cross-section shown on drawing PLR-01, referred to by the applicant, should be corrected to show a road width of 9.45m (back of curb to back of curb) to reflect LUC standard 502.
- ii. The setback should allow for a clear distance of 6.0m from the back of curb or back of sidewalk to allow for a parked vehicle.

.2 Water Design Criteria

Works & Utilities support the changes requested; however, the contents of Land Use Contract Schedule E "Specifications for Water Supply" pages 1 to 7, should be deleted and replaced with the following statement: "The water supply system is to be designed and constructed in accordance with the City's Subdivision, Development and Servicing Bylaw number 7900 as amended."

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning & Corporate Servicing Department is in support of the amendments to the Dilworth Land Use Contract Amendments as requested. The proposed frontyard setback requirements are reflective of the hillside standards in place elsewhere in the City and amending the water design criteria as proposed is consistent with the standards required throughout the City.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

RGS/SG/sg

Attachments

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>                             | DP03-0022  |
| <b>2. APPLICATION TYPE:</b>                            | Development Permit   |
| <b>3. OWNER/APPLICANT/CONTACT PERSON:</b>              | Emil Anderson Construction Co.<br>Ltd./Mike Jacobs   |
| . <b>ADDRESS</b>                                       | 907 Ethel Street   |
| . <b>CITY/POSTAL CODE</b>                              | Kelowna, BC V1Y 2W1  |
| . <b>TELEPHONE/FAX NO.:</b>                            | 762-9999/762-6171  |
| <b>4. APPLICATION PROGRESS:</b>                        |  |
| Date of Application:                                   | March 5, 2003  |
| Date Application Complete:                             | March 5, 2003  |
| Servicing Agreement Forwarded to Applicant:            |  |
| Servicing Agreement Concluded:                         |  |
| Staff Report to Council:                               | November 12, 2003  |
| <b>5. LEGAL DESCRIPTION:</b>                           | Lot A, Secs. 28 & 33, Twp. 26, ODYD,<br>Plan 31716 except Plans 33462,<br>39791, 40570, 42232, 42525, 43480,<br>KAP46337, KAP48179, KAP50737,<br>KAP50742, KPA50743, KAP56071,<br>KAP60291, KAP67806, KAP72143<br>and KAP72643 |
| <b>6. SITE LOCATION:</b>                               | Dilworth Mountain, North of Lilloett<br>Neighbourhood  |
| <b>7. CIVIC ADDRESS:</b>                               | 1005 Dilworth Drive  |
| <b>8. EXISTING ZONE CATEGORY:</b>                      | Land Use Contract  |
| <b>9. PURPOSE OF THE APPLICATION:</b>                  | To Amend the Dilworth Land Use<br>Contract by reducing the 6.0 m<br>required frontyard setback to 3.5 m<br>and to amend the Land Use Contract<br>Water Design Criteria   |
| <b>10. DEVELOPMENT PERMIT MAP 6.2<br/>IMPLICATIONS</b> | Not Applicable   |

**ATTACHMENTS**

- Subject Property Map
- Schedule “A” – Plan of Proposed Subdivision
- Schedule “B” – Cross Section