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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 5, 2004  
**File No.:** DVP04-0077

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. DVP04-0077

OWNER: POINTE OF VIEW  
MARKETING BC LTD.

AT: 3168-3178 VIA CENTRALE

APPLICANT: SSE ARCHITECTURE

PURPOSE: TO VARY THE SIDEYARD SETBACK REQUIREMENTS OF 7.5 METRES TO ALLOW A CORNER OF THE BUILDING TO HAVE A SETBACK OF 6.55 METRES.

EXISTING ZONE: CD6 – COMPREHENSIVE RESIDENTIAL GOLF RESORT

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 Council authorize the issuance of Development Variance Permit No. DVP04-0077 located on Country Club Drive, Lot 4, Plan 54660, Sec. 15, Twp. 23, ODYD, Kelowna, B.C.;

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

Section 13.11.6(e) – RM5- Medium Density Multiple Housing

A variance to allow the southwest corner of Building 2000 to have a side yard setback of 6.5 m where a 7.5 m side yard is required.

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 obtained a development permit and development variance permit to allow the construction of 118 units of apartment housing located in two four-storey buildings (59 units each). A variance was previously granted to allow the corner of Building 2000 to have a side yard setback of 7.0 m where 7.5 metres is required. An error during the construction process, however, resulted in the construction of the building with a side yard setback of 6.5 metres. A new variance is therefore required to legalize this setback.

#### 4.0 BACKGROUND

##### 4.1 The Proposal

The proposed variance is located at the south-west corner of Building 2000. The original variance permit allowed the corner of the building to project 0.5 metres into the required setback. An error during the construction process resulted in the building be located 1.0 m into the required 7.5 metres setback. The resulting side yard setback of 6.55 m therefore requires a new variance in order to be legal. The development permit for the overall development calls for plantings adjacent to the building at this location as well as the planting of several trees between the building and the adjacent Via Centrale which is a private road.

The application meets the requirements of the proposed RM5- Medium Density Multiple-Family Zone as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	10418 m <sup>2</sup>	1400m <sup>2</sup>
Site Width (m)	79.85m	30.0m
Site Depth (m)	134.85m	35.0m
Site Coverage (%)	33%	40% (50% with buildings, driveway, parking)
Total Floor Area (m <sup>2</sup> )	13800m <sup>2</sup>	
F.A.R.	1.13	1.26 (1.1 FAR plus .16 for underground parking)
Height (m)	14.2m	the lesser of 16.5 metres
Storeys (#)	4	4 storeys
Setbacks (m)		
- Front (West)	6.0m	6.0m
- Rear (East)	8.23m <sup>❶</sup>	9.0m
- Side (North)	9.0	7.5m
- Side (South)	6.55 <sup>❷</sup>	7.5m
Projections into Front Yard	1.22 m projection (4.8 metre setback to projection) <sup>❸</sup>	0.60 metres into required front yard setback (5.4 metre setback to projection)
Parking Stalls (#)	135 stalls <sup>❹</sup> 17 visitor	174 stalls 17 visitor
Bicycle Stalls (#)	6 12	6 stalls (0.05 per dwelling unit of Class I) 12 stalls (0.10 per dwelling unit of Class II)

Notes:

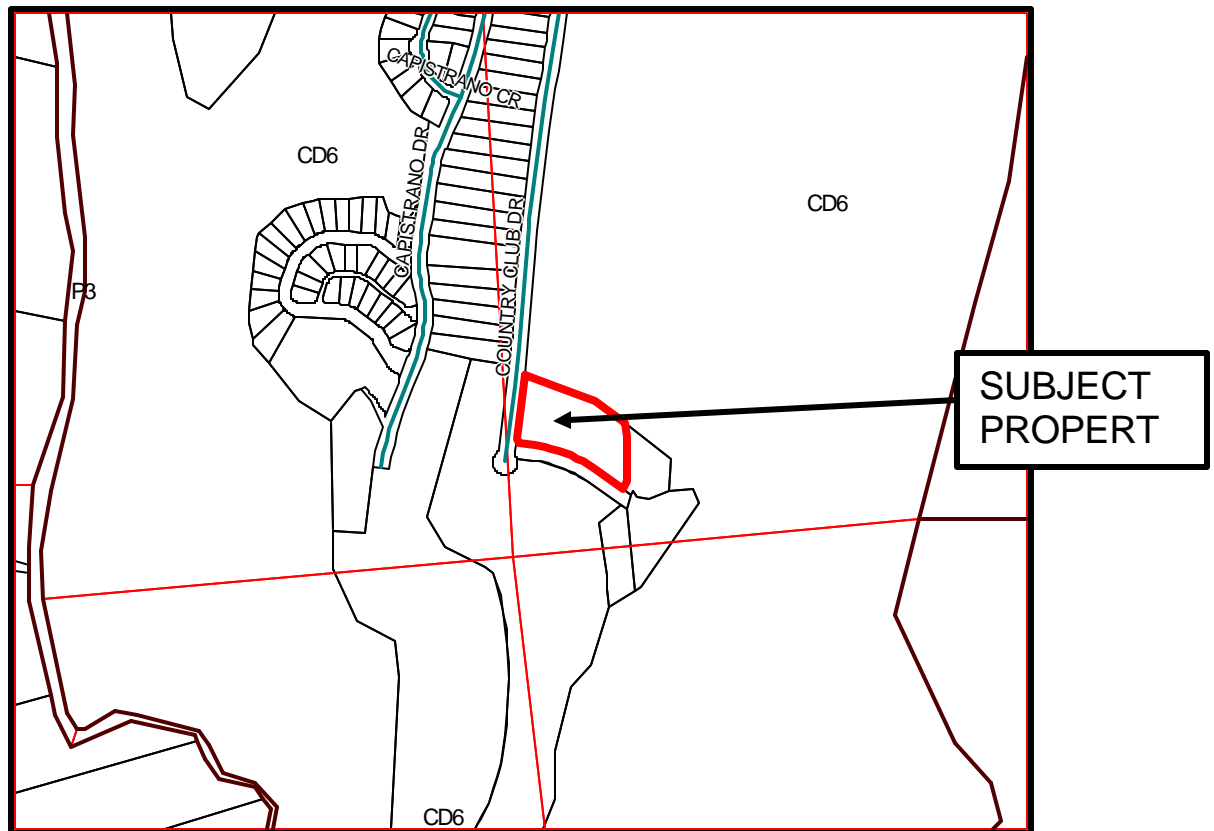
- ❶ A variance was approved to allow the northeast corner of the Building 2000 to project 0.77 metres into the required 9.0m rear yard.
- ❷ A variance is required to allow the southwest corner of Building 2000 to project 0.5 metres in to the required 7.5 m side yard
- ❸ A variance was approved to allow the patios/balconeys at the north west corner of the building to project 1.2 metres into the required 6.0 metre front yard where a projection of only 0.6 metres is permitted
- ❹ A variance was approved to allow 152 parking spaces (135 tenant and 17 visitor parking spaces) where 174 parking spaces (157 tenant and 17 visitor) are required

#### 4.2 Site Context

The subject property is located on Country Club Drive within the Quail Ridge Development. Adjacent zones and uses are:

- North - CD6 – Golf Course
- East - CD6 – Golf Course
- South - CD6 – Vacant
- West - CD6 – Vacant

#### Site Location Map



#### 4.3 Existing Development Potential

The site is located in the CD6- Comprehensive Golf Resort Zone. The purpose of this zone is to provide for the development of a residential golf resort which includes one or more land use designations as an integrated development unit based on an Area Structure Plan. Density is based on an averaging of all lands within the development. The subject property is designated in the Area Structure Plan for Multi-Family development with a zoning covenant registered on title.

A zoning covenant, registering the RM5 – Medium Density Multiple-Family designation as outlined in Zoning Bylaw 8000, is registered on the title of the subject property. The purpose of the RM5 zone is to provide a zone primarily for medium density apartments. The principal uses

in this zone are apartment housing, congregate housing, group homes (major), and stacked row housing. Secondary uses include care centres (major), and home based businesses (minor).

#### 4.4 Current Development Policy

##### 4.4.1 Kelowna Official Community Plan

The Official Community Plan designation for this property is Comprehensive Residential Golf Resort and the Quail Ridge CDP has been adopted as an appendix to the OCP. In addition, the OCP offers the following guidelines for Multi-Dwelling development:

##### 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.

##### 4.4.2 City of Kelowna Strategic Plan (1992)

The proposed multi-family development is in keeping with the policies of the Strategic Plan, which encourages a range of housing types and densities in new areas and more mixing of land uses.

4.4.3 Quail Ridge Community Concept Development Plan

The Quail Ridge Community Concept Development Plan (CDP) specifies the location as multi-family. The proposed project is generally consistent with the Quail Ridge Community Concept Development Plan. The development follows the general form and character for the village mixed use and multiple-family buildings as outlined in the CDP.

5.0 TECHNICAL COMMENTS

5.1 Inspections

No concerns.

5.2 Works & Utility

The Works & utilities Department comments and requirements regarding this application for a setback variance are as follows:

The requested setback variance for a small building corner adjacent to the private Via Centrale does not compromise Works and Utilities servicing requirements.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning & Corporate Services Department is supportive of the proposed variance. The proposed building is located at the southwest corner of Building 2000 adjacent to Via Centrale (private road). The landscaping plan calls for plantings adjacent to the building at this location. In addition, several trees are to be planted buffering the building from the adjacent private roadway. The proposed revised variance does not significantly alter the overall development proposal from the original application.

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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.

**FACT SHEET**

1. **APPLICATION NO.:** DVP04-0077
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Pointe of View  
· **ADDRESS** 200 -01212 1 St. SE  
· **CITY** Calgary, AB  
· **POSTAL CODE** T2G TH8
4. **APPLICANT/CONTACT PERSON:** SSE Architecture (Ken Shaman)  
· **ADDRESS** 100-1400 Kensington Rd  
· **CITY** Calgary, AB  
· **POSTAL CODE** T2G 2H8  
· **TELEPHONE/FAX NO.:** (403)670-7071 (direct line)  
(403)283-6955 (general office #)
5. **APPLICATION PROGRESS:**  
Date of Application: July 5, 2004  
Date Application Complete: July 5, 2004  
Servicing Agreement Forwarded to Applicant: n/a  
Servicing Agreement Concluded: n/a  
Staff Report to APC: n/a  
Staff Report to Council: July 5, 2004
6. **LEGAL DESCRIPTION:** Lot 4 and an undivided 1/3 share in Lot 2, Section 15 & 15, Township 23, ODYD, Plan KAP54660
7. **SITE LOCATION:** on Country Club Drive where it intersects with Via Centrale
8. **CIVIC ADDRESS:** 3168-3178 Via Centrale
9. **AREA OF SUBJECT PROPERTY:** 10418 m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** n/a
11. **EXISTING ZONE CATEGORY:** CD6 – Comprehensive Residential Golf Resort with RM5 zoning covenant
12. **PROPOSED ZONE:** n/a
13. **PURPOSE OF THE APPLICATION:** TO VARY THE SIDEYARD SETBACK REQUIREMENTS OF 7.5 METRES TO ALLOW A CORNER OF THE BUILDING TO HAVE A SETBACK OF 6.55 METRES.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** n/a  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** n/a

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plans
- Elevations
- Landscaping Plan