

MEETING TYPE: Regular Council Meeting
MEETING DATE: August 20, 2024
AUTHOR: Trevor Empey, Senior Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Development Permit with Variance | DP000773 | 10539 Powley Court
DESCRIPTION: Town Centre and Agricultural Development Permit with Variances

PURPOSE

To consider a Development Permit for a six-unit townhouse development in the Agricultural and Town Centre Development Permit Areas.

RECOMMENDATION

THAT Development Permit with Variance DP000773 (Attachment A to the Report to Council dated August 20, 2024) for the property at 10539 Powley Court (Roll 11602000; PID: 002-382-300) to allow for a six-unit townhouse development be approved.

EXECUTIVE SUMMARY

This application proposes a six-unit townhouse development located on Powley Court. Staff have evaluated this application under the Official Community Plan 2018-2038 (OCP) Town Centre and Agricultural Development Permit Area (DPA) guidelines and note this application would be in accordance with the DPA guidelines. Five variances are also requested by the applicant to vary the required front and side yard setbacks, the landscaping standards, the daylighting standards and the required drive aisle width.

Staff support the proposed Development Permit.

BACKGROUND/HISTORY

Council approved a Zoning Bylaw amendment application for the subject property in July 2023 which rezoned the parcel from RM2 - Low Density Row Housing to RM4 – Low Density Multiple Housing. In addition to the Town Centre and Agricultural DPAs, the subject property is also located within the Natural Environment DPA. Should Council support this application, staff would evaluate the proposal against the Natural Environment DPA guidelines.

TABLE 1: PROPERTY INFORMATION

PROPERTY INFORMATION			
Civic Address:	10539 Powley Court		
Roll Number:	11602000		
Legal Description:	PID: 002-382-300 Lot 2 District Lot 169 ODYD Plan 16540 Except Plan 43162		
Applicant:	Urban Options Planning Corp.	Owner(s):	1209515 B.C Ltd., INC No. BC1209515
OCP Designation:	High Density Residential		
Existing Zoning Designation:	RM4 – Low Density Multiple Housing		
Proposed Zoning:	N/A		
Land Use Contract:	N/A		
ALR:	N/A		
Parcel Size:	0.14 Hectares (0.34 Acres)		
DP Area(s):	Agricultural, Town Centre, Natural Environment		
Water Supply:	Municipal		
Sewer:	Municipal		

Site Context:	Zoning:	Use:
North:	RM2 – Low Density Row Housing	Single family dwelling
East:	A1 – Agriculture 1	Agricultural property within ALR
South:	RM4 – Low Density Multiple Housing	Multiple family development
West:	C1 – Town Centre Commercial	Commercial development

SITE CONTEXT

The subject property is located within the Winfield Ward of the District of Lake Country. The subject property fronts both Powley Court and Bottom Wood Lake Road. Properties along Powley Court are transitioning from single-family dwellings to multi-family structures through recent and proposed developments. The subject property is surrounded by multi-storey mixed-use and residential developments, single-family dwellings, and agricultural land.

MAP 1: LOCATION MAP

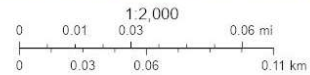


MAP 2: ORTHOPHOTO



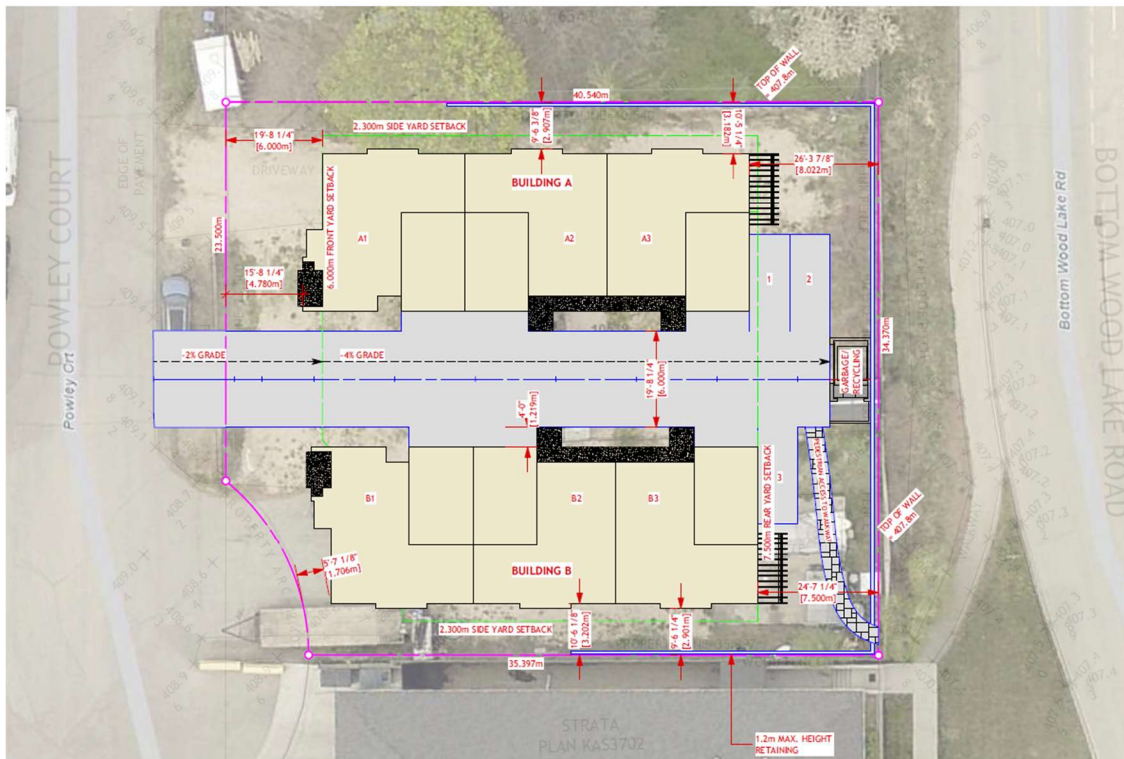
7/24/2024, 4:58:08 PM

- Parcels (On Ortho)
- Parcels
- Easements
- Streets
- Street
- Highway
- Lake County Boundary
- Streams
- Stream



District of Lake County Online Mapping System
District of Lake County

FIGURE 1: CONCEPTUAL SITE PLAN



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MULTIFAMILY DEVELOPMENT

10539 POWLEY COURT
LAKE COUNTRY, BC
LOT 2 PLAN KAP16540

SITE PLAN
DATE: 5-Jun-24
SCALE: 1/8" = 1'-0"
ISSUED FOR: DEVELOPMENT PERMIT
SHEET: A1

FIGURE 2: BUILDING ELEVATIONS, RENDERINGS, AND MATERIALS



- BRICK
GENERAL SHALE BRICK
CARBONDALE REGULAR
- FIBREGLOSS LAMINATE SHINGLES
JKO
CAMBRIDGE DUAL BLACK
- 7 1/4" LAP SIDING
JAMES HARDIE
ARCTIC WHITE
- BOARD & BATTEN SIDING
JAMES HARDIE
ARCTIC WHITE
- PRIVACY FENCE
MINWAX
SLATE 284



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MULTIFAMILY DEVELOPMENT



10539 POWLEY COURT
LAKE COUNTRY, BC
LOT 2 PLAN KAP16540

EXTERIOR MATERIALS

DATE: 5-JUN-24

SCALE: 1/8" = 1'-0"

ISSUED FOR: DEVELOPMENT PERMIT

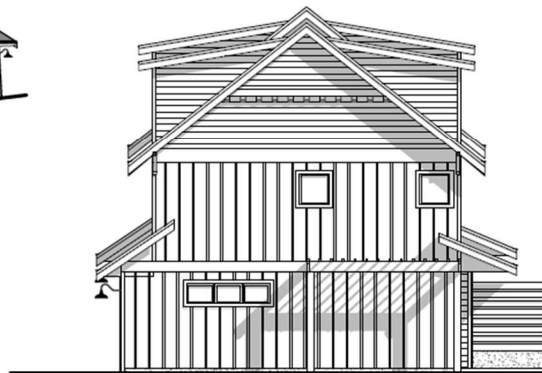
SHEET: A14



NORTH WEST PERSPECTIVE



WEST ELEVATION



EAST ELEVATION



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MULTIFAMILY DEVELOPMENT
BUILDING A



10539 POWLEY COURT
LAKE COUNTRY, BC
LOT 2 PLAN KAP16540

ELEVATIONS

DATE: 5-JUN-24

SCALE: 1/8" = 1'-0"

ISSUED FOR: DEVELOPMENT PERMIT

SHEET: A3

FIGURE 3: SITE PHOTOS



Photo 1: Adjacent property to South



Photo 2: Subject property Northeast



Photo 3: Powley Court – North



Photo 4: Bottom Wood Lake Road North



Photo 5: Adjacent Mixed use development - West

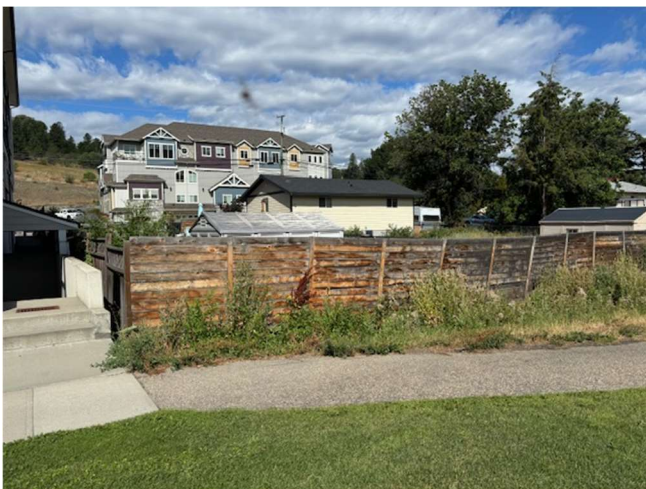


Photo 6: Subject property – West



Photo 7: Powley Court – South

TABLE 2: FILE CHRONOLOGY

Date	Event
2021-04-28	Application submission
2022-01-13	Core Team Meeting
2022-08-22	External Referrals
2022-12-19	Comprehensive Letter #1 Issued – Combined with Zoning Bylaw amendment application
2022-04-23	Comprehensive Letter #2 Issued based on updates from applicant
2024-04-18	Further updates from applicant (site plan)
2024-06-28	Updated Landscape Plan from applicant

DISCUSSION/ANALYSIS

This application has been reviewed under the OCP Town Centre and Agricultural Development Permit Guidelines.

OCP Town Centre Development Permit Area Guidelines

The purpose of the OCP Town Centre DPA (s.21.6) is to ensure consistent high-quality architectural standards, pedestrian friendly, mixed use, attractive and consistent development in the Town Centre and Main Street. This DPA includes guidelines on site design, buildings and structures, streetscape relationship and landscaping.

Site Guidelines:

This application is consistent with parking and landscaping objectives. Parking would be provided in garages and in surface stalls screened from public view, waste containers would be screened and fenced, and common areas would be provided through building clusters.

Building and Structure Guidelines:

This application would be consistent with the objective to enhance the overall aesthetic of the parcel and surrounding area and would include building materials that are consistent with this DPA. The proposed building design would incorporate physical separations that incorporate equal design standards for dual frontages to Powley Court and Bottom Wood Lake Road and provide visual elements to enhance the existing neighbourhood and streetscape relationship. Further, the proposed building design would provide a varied roofline and incorporate a heritage design style. Staff note that this proposal would be in accordance with the Town Centre DPA guidelines.

OCP Agricultural Development Permit Area Guidelines

The purpose of the OCP Agricultural DPA (s.21.4) is to protect local farmlands and reduce land use conflicts by providing buffering or separation of development from farming on adjoining or reasonably adjacent land.

A large Agricultural-zoned parcel within the Agricultural Land Reserve (ALR) is located east of the subject property. Bottom Wood Lake Road provides a physical buffer between the ALR parcel and the subject property. Staff note that the proposed landscape plan and yard setback add to the existing buffer between the ALR parcel and the subject property. Through the Building Permit process, future upgrades would be required to Bottom Wood Lake Road per the Subdivision and Development Servicing Bylaw, 1121, 2020 which would further enhance buffering between the ALR parcel and the subject property. As such, staff note that this proposal would be in accordance with the Agricultural DPA guidelines.

Zoning Bylaw 561,2007 Regulations

This development proposal includes five variances for the proposed multi-unit development.

- To vary the front yard setback to Powley Court from the required 6.0m to 1.71m, a variance of 4.29m**
 - Architectural features enhance to pedestrian entrance would extend into the Powley Court front yard setback. Additionally, the shape of the parcel is reduced by the cul-de-sac at the terminus of Powley Court. To locate six ground-oriented and architecturally detailed townhomes on the subject property, the applicant proposes to reduce the front yard setback along Powley Court.
 - The proposed variance would be consistent with the existing multi-family development on the adjacent property to the south.

2. **To vary the side yard setbacks for that proportion of Building A (north side yard) and Building B (south side yard) above two storeys from 4.5m to 2.9m, a variance of 1.6m**
 - The required side yard setback increases from 2.3m to 4.5m for any part of a building over 2 storeys. The proposed variance would permit a reduced setback to 2.9m for the portion of the building over 2 storeys
 - The required landscape buffering would support privacy screening with fencing and vegetation and no proposed living quarters would be located on the 3rd storey of the proposed development.

3. **To vary the two-way drive aisle width from 7.0m to 6.0m, a variance of 1.0m**
 - The proposed variance to reduce the drive aisle width is expected to have minimal impact as there would be limited vehicular traffic within the subject property.

4. **To vary the required daylight standards: in the case of a building more than two storeys or 10.0 m in height, no part of such building above the second storey or above 10.0 m shall project above lines extending toward the building at right angles from all points along the side lot line and inclined at an angle of 65° to the horizontal to all points along the side lot line inclined at an angle of 72.73° to the horizontal**
 - Daylighting standards are meant to increase the setback to upper storeys of a building thereby reducing the massing of a structure and increasing the amount of light near the perimeter of a development.
 - The ground-oriented building design and architectural details result in the third storey of the proposed buildings triggering a variance to the daylighting standards. The proposed development would comply with the height requirement of the zone.

5. **To vary the required landscaping for the front yard along Bottom Wood Lake Road from Level 2 to Level 3**
 - The Zoning Bylaw requires yards fronting public streets to meet the landscaping standards for “front yards.” The proposed outdoor area along the Bottom Wood Lake Road frontage of the property functions like a rear yard.
 - The proposed combination of vegetation and opaque screening would meet the intent of Level 3 landscaping standard and be consistent with development along Powley Court. Additionally, the proposed screening would enhance the separation between the proposed residential development and the existing agricultural uses east of Bottom Wood Lake Road.

Staff support the proposed variances.

DEVELOPMENT REGULATIONS		
CRITERIA	RM4 Zone	PROPOSAL
Site Coverage	45%	37%
Site Coverage (Building, Driveways, Parking)	60%	58.7%
Height	12.4 metres or 3 storeys	9.9 metres / 3 storeys
Density	Max FAR = 0.65 bonus for parking Max FAR = 0.78 (bonus) Bonus: under habitable space 0.20 x ratio of stalls 6/9 x 0.20 = 0.13	0.70
Min. Front Yard (West)	6.0 metres	① 1.71 metres
Min. Side Yard (North)	Up to 2 storeys – 2.3m Over 2 storeys – 4.5m	② 2.9 metres (third storey)

Min. Side Yard (South)	Up to 2 storeys – 2.3m Over 2 storeys – 4.5m	② 2.9 metres (third storey)
Min. Rear Yard (East)	6.0 metres	7.5m
Private Open Space	25m ² per unit	28.3m ² per unit
Drive Aisle	7.0 metre (2 way)	③ 6.0 metres
Daylighting Standards	65 degrees (side lot line)	④ 72.73 degrees (side lot line)
Landscaping	RM4 Zone	PROPOSAL
Front	Level 2 Buffer: (minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required)	Powley Court front yard: Conforms - landscaping width reduced to yard setback (s.8.6.5 of the Bylaw) Bottom Wood Lake Road front yard: ⑤ Level 3 landscaping standard
Sides	Level 3 Buffer: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier)	Conforms - landscaping width reduced to yard setback (s.8.6.5 of the Bylaw)
<p>① Indicates requested variance to front yard setback due to Cul-du-Sac ② Indicates requested variance to side yard setback for portion of building over 2 storeys ③ Indicates requested variance to two-way drive aisle ④ Indicates requested variance to daylighting standards ⑤ Indicates requested variance to landscaping standards</p>		

PARKING REGULATIONS		
CRITERIA	RM4 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	1.5 stall per 2-bedroom unit (6 units)	9 stalls
Visitor Parking	1 visitor space per 7 dwelling units	0 (6 units proposed which does not trigger visitor parking)
Bicycle Stall Class I Bicycle Stall Class II	Class I: 0.5 per unit Class II: 0.1 per unit	Class I: 1 per garage Class II: 4

APPLICABLE LEGISLATION, BYLAWS AND POLICIES

Official Community Plan 2018-2038
Zoning Bylaw 561, 2007

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

At time of building permit, urban frontage improvements including, highways and walkways, sidewalk, curb and gutter, boulevard, and street lighting will be required on both the Powley Court and Bottom Wood Lake Road frontages.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

CONSULTATION (Internal referrals, External Agencies, Committees, Stakeholders)

Internal and External referrals were completed as part of the rezoning application for the subject property. External agencies provided general feedback to support future development of the subject property. Of note were comments provided by the Ministry of Agriculture where it was recommended that a landscape buffer be included to minimize any conflict from the ALR parcel east of the subject property.

COMMUNICATIONS

Development Permit applications do not require public notification.

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|--|--|
| <input checked="" type="checkbox"/> Agricultural Plan | <input checked="" type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input checked="" type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input checked="" type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

- A. THAT Development Permit DP000773 (Attachment A to the Report to Council dated August 20th, 2024) for the property at 10539 Powley Court (Roll 11602000; PID: 002-382-300) to allow for a six-unit townhouse development with variances be approved.
- B. THAT Development Permit DP000773 (Attachment A to the Report to Council dated August 20th, 2024) for the property at 10539 Powley Court (Roll 11602000; PID: 002-382-300) to allow for a six-unit townhouse development with variances not be approved.
- C. THAT Development Permit DP000773 (Attachment A to the Report to Council dated August 20th, 2024) for the property at 10539 Powley Court (Roll 11602000; PID: 002-382-300) to allow for a six-unit townhouse development with variances be deferred pending receipt of additional information as identified by Council.

Collaborators: *(each individual collaborator to add name and date reviewed)*

Name	Date Reviewed
Sid Smith	

Respectfully Submitted,
Trevor Empey, Senior Planner

Report Approval Details

Document Title:	DP000773 - 10539 Powley Court .docx
Attachments:	- Attachment A-DP000773 - Draft Permit.pdf - Attachment B-DP000773 - DPA Checklists.pdf - Attachment C-DP000773 - Architectural Drawings.pdf - Attachment D-DP000773 - Landscaping Plan.pdf - Attachment E-DP000773 - Daylighting.pdf
Final Approval Date:	Aug 12, 2024

This report and all of its attachments were approved and signed as outlined below:

Steven Gubbels, Development Engineering Manager - Aug 9, 2024 - 3:42 PM

Reyna Seabrook, Director of Corporate Services - Aug 12, 2024 - 10:51 AM

Paul Gipps, Chief Administrative Officer - Aug 12, 2024 - 11:30 AM