

# REPORT TO COUNCIL



**Date:** June 4, 2019

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DP18-0103/DVP19-0088      **Owner:** 1152712 BC Ltd.

**Address:** 1150 Black Mountain Drive      **Applicant:** Patrick McCusker Architecture Inc.

**Subject:** Development Permit and Development Variance Permit Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RM<sub>3</sub> – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP18-0103 for Lot 1 Section 19 Township 27 Osoyoos Division Yale District Plan KAP81890, located at 1150 Black Mountain Drive, 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 Council authorizes the issuance of Development Variance Permit No. DVP19-0088 for Lot 1 Section 19 Township 27 Osoyoos Division Yale District Plan KAP81890, located at 1150 Black Mountain Drive, Kelowna, BC;

AND THAT variance to the following section of Zoning Bylaw No. 8000 be granted:

### **Section 7.5.9: Fencing and Retaining Walls**

To vary the maximum height of a retaining wall from 1.2 metres to 2.5 metres proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated June 4, 2019;

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

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

## 2.0 Purpose

To consider the form and character of a multi-family residential development and to consider a variance to increase the maximum height of a retaining wall.

## 3.0 Community Planning

Community Planning is recommending support for the proposed 26 unit multi-family residential development project. The application meets the Official Community Plan (OCP) Comprehensive Development Permit Area design guidelines and the intent of the original Bell Mountain Area Structure Plan. The proposed town house style development provides for a greater variety of housing within the Black Mountain area and is considered compatible with the existing neighborhood.

## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing a multi-family residential development consisting of 26 units in row house form. Each unit would contain three bedrooms and vary in size from approximately 1,430 ft<sup>2</sup> to 1,807 ft<sup>2</sup>. The 26 units would be contained in four separate buildings. Buildings 2 and 3, which front on Black Mountain Drive, will have entrance ways oriented off of the public street frontage. Buildings 1 and 4 will be accessed internally from the common access road.

The project meets the parking requirements of the Zoning Bylaw. Four visitor parking stalls are located at the end of the internal access route and hammerhead turnaround. The majority of the parking for residents is provided in garages and driveways in tandem configuration with three end units having side by side configuration.

The form and character of the buildings have a contemporary exterior using natural colours and materials such as brick and wood. The four buildings are staggered and stepped to provide greater visual interest from Black Mountain Road.

ILLUSTRATION 01 (VIEW FROM BLACK MOUNTAIN DRIVE)



Variance – Retaining Wall Height

The applicant is requesting a variance to the maximum permitted height of a retaining wall from 1.2 m to 2.5 m to accommodate entrance ways and an internal pedestrian walkway along Black Mountain Drive for Buildings 2 and 3. Given the site conditions and the existing multi-use path on the west side of Black Mountain Drive there is limited space to grade or tier a retaining wall to meet the bylaw requirements. The proposed wall would be overheight for approximately 27 m along the Black Mountain Drive frontage.

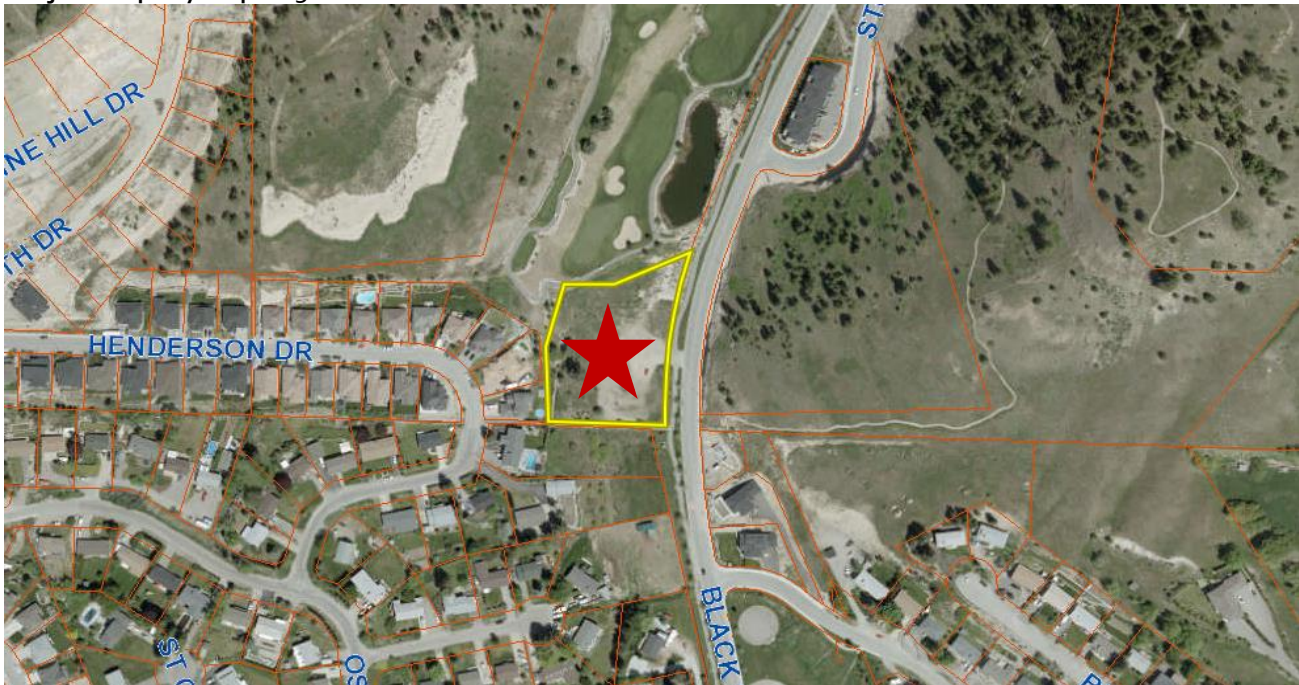
The positioning and height of the proposed retaining wall supports the associated pedestrian oriented entrance ways along the fronting street. As the provision of the features aids in meeting the objectives and guidelines of the OCP’s Comprehensive Development Permit Area, staff are supportive of the variance. Further, the wall is not anticipated to have any significant negative visual impact.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Black Mountain Golf Course
East	RM3 – Low Density Multiple Housing	Vacant
South	A1 - Agriculture	Residential
West	RU1h – Large Lot Housing (Hillside Area)	Residential

Subject Property Map: 1150 Black Mountain Drive



#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.77	0.59
Site Coverage (buildings)	40%	26%
Site Coverage (including buildings, driveways, and parking areas)	65%	48%
Height	10 m / 3 storeys	10 m / 3 storeys
Front Yard	4.5 m	4.5 m
Side Yard (south)	4.0 m	4.0 m
Side Yard (north)	4.0 m	4.0 m
Rear Yard	7.5 m	7.5 m
Other Regulations		
Minimum Parking Requirements	2 stalls / 3 bedroom = 52 1 stall / 7 unit visitor = 4 <b>Total = 56 stalls</b>	Total: 56 stalls
Private Open Space	25 m <sup>2</sup> per 3 bedroom <b>Total: 650 m<sup>2</sup></b>	766 m <sup>2</sup>
Minimum drive aisle width	6.0 m	6.0 m
Maximum Retaining Wall Height	1.2 m	2.5 m <span style="color: red;">❶</span>
❶ Indicates a requested variance to Section 7.5.9: Fencing and Retaining Walls		

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

##### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

#### 6.0 Technical Comments

##### 6.1 Development Engineering Department.

See Attachment A.

#### 7.0 Application Chronology

Date of Application Received: May 8, 2018  
Date Public Consultation Completed: February 5, 2019

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

**Prepared by:** Wesley Miles, Planner Specialist  
**Approved for Inclusion:** Terry Barton, Urban Planning Manager

**Attachments:**

Draft Development and Development Variance Permit DP18-0103/DVP19-0088  
Schedule A – Site Plan / Layout  
Schedule B – Elevations / Renderings / Section Drawings  
Schedule C- Landscape Plan  
Attachment A: Development Engineering Memorandum