

REPORT TO COUNCIL



Date: May 31, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP20-0083/DVP20-0084

Owner: Kirschner Mountain Developments Inc.

Address: 2980 Gallagher Road

Applicant: Kirschner Mountain Developments Inc.

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: NAT – Natural Areas/PARK- Park and Open Space/S-MU – Suburban Multiple Unit/S-RES – Suburban Residential

Existing Zone: A1 – Agriculture 1 / P3 – Park and Open Space / RU1H – Large Lot Housing (Hillside Area)

Proposed Zone: RH3 – Hillside Cluster Housing / A1 – Agriculture 1 / P3 – Park and Open Space / RU1H – Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Rezoning Bylaw No.12042 be amended at third reading to revise the legal description of the subject property from Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058 and EPP84892 to Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886;

AND THAT final adoption of Rezoning Bylaw No.12042 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP20-0083 for a portion of Lot 1, Sections 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892, EPP101217 and EPP107886 located at 2980 Gallagher Road, 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. DVP20-0084 for a portion of Lot 1, Section 12 and 13, Township 26 and Sections 7 and 18 Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, KAP88598, EPP36504, EPP69212, EPP74058, EPP84892 EPP101217 and EPP107886 located at 2980 Gallagher Road, Kelowna, BC;

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

Section 13.16.8(a): RH3 – Hillside Cluster Housing Development Regulations

To vary the maximum height of the principal building from 9.5 m to 10.5 m; and

Section 13.16.7(b)(iii): RH3 – Hillside Cluster Housing Development Regulations

To vary the minimum setback from the rear property line from 4.5 m to 3.0m.

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

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

2.0 Purpose

To consider a form and character of a multi-family residential development and to consider variances to the maximum height of a principle building and minimum front yard setback.

3.0 Development Planning

Development Planning Staff are recommending support for the proposed Development Permit and Development Variance Permit to facilitate a 77-unit townhouse development. The proposed development is considered to substantially meet the Form and Character Guidelines of the 2040 Official Community Plan (OCP) and the overall land use objectives of the Kirschner Mountain Area Structure Plan.

The property is a continuation of the Kirschner Mountain development which would extend Loseth Road. The proposed development allows for a medium density of units in a series of multi-family buildings which are sensitively integrated into the existing topography and natural areas. The proposal fits within the surrounding Kirschner Mountain neighbourhood and allows for a mix of housing types in the area.

4.0 Proposal

4.1 Project Description

The proposed development is located on the south-west portion of the larger phased development parcel which extends around Kirschner Mountain and will eventually connect with Gallagher Road. The sites primary access will be from the extension of Loseth Road with the secondary emergency access provided out to Gallagher Road. The proposal is for a 77 townhouse unit strata development which would be split by Loseth road and be accessed by private internal access roads. The total number of units would consist of a mix of 3, 4 and 5-plex buildings with three-bedroom units.

The units are separated into 19 buildings with a craftsman style architecture including pitched roofs with some modern elements. The materials are a mix of fiber cement plants, stucco and black aluminium windows and railings. The colour pallet is mixed to add diversity between the buildings and includes greys and beiges, greens, dark red, dark blues.

Variances – Height and Setback

To accommodate the proposal, the applying is requesting a variance to the maximum height of a building from 9.5 m to 10.5 m for the outer buildings adjacent steep hillsides and to reduce the front yard setback from 4.5 m to 3.0 m for units closest to Loseth Road.

The proposed site is with a large gully with naturally steep topography on east and west sides. The variances help reduce the necessary cut/fill slopes on site and limit the need for retaining walls. The reduced setback to Loseth road allows for more space away from the steep hillsides and allows for the buildings to be placed further into the flat area near the centre of the site. Given the overall context of the site and the aim of improving the overall grading of the site, staff are in support of the variances.

4.2 Site Context

The subject property is located in the Black Mountain area and accessed from Loseth Road and ultimately Highway 33. The surrounding neighbourhood is primarily single family residential. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1H – Single Family Hillside	Residential
East	A1 – Agriculture 1	Vacant
South	A1 – Agriculture 1	Vacant
West	A1 – Agriculture 1	Vacant

Subject Property Map: 2890 Gallagher Road



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RH3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	5,000 m ²	40,000 m ²
Min. Lot Width	30 m	280 m
Min. Lot Depth	35 m	124 m
Development Regulations		
Max. Site Coverage (buildings, parking, driveways)	50 %	35 %
Max. Height	9.5m	10.5m ❶
Min. Front Yard	4.5m	3.0m ❶
Min. Side Yard (south)	4.5m	4.5m
Min. Side Yard (north)	4.5m	4.5m
Min. Rear Yard	4.5m	4.5m
Other Regulations		
Min. Parking Requirements	154 + 12 Visitor	154 + 18 Visitor
❶ Indicates a requested variance to maximum height and minimum front yard setback.		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Objective 7.1. Create more complete communities in Suburban Neighbourhoods.	
Policy 7.1.1. Area Structure Plan Consistency.	Support development that is consistent with adopted Area Structure Plans (ASPs) in Suburban Neighbourhoods. Require amendments to ASPs where proposals include significant increases to the number of residential units beyond those signaled in an ASP or where proposals are likely to require significant changes to planned transportation, parks and utility infrastructure.
	<i>The proposed development is consistent with the Kirschner Mountain Area Structure Plan.</i>
Objective 7.2. Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.	
Policy 7.2.1. Ground-Oriented Housing.	Consider a range of low density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities.
	<i>The townhouse style units offer a mix of housing diversity to the area dominated by single family dwellings.</i>
Policy 7.2.2. Hillside Housing Forms.	Encourage housing forms that best match to the topography and have the lowest amount of impact in hillside areas, such as minimum cuts and fills, for example, and provide the greatest environmental protection. Discourage housing forms and associated roadways that cause high amounts of slope disturbance and visual impact.
	<i>The townhouse housing form proposed allows for reduced cuts and fills and allows the development to be more sensitively integrated into the existing topography by reducing road infrastructure and separating the structures into 3-5 unit buildings.</i>

6.o Application Chronology

Date of Application Received: March 5, 2019
 Date Public Consultation Completed: May 15, 2022

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

- Attachment A: Draft Development and Development Variance Permit DP20-0083 & DVP20-0084
- Attachment B: Form and Character – Development Permit Guidelines
- Attachment C: Applicant Design Rationale and Renderings
 - Schedule A: Site Plan
 - Schedule B: Elevations
 - Schedule C: Landscape Plan