



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: February 13, 2024

From: Trevor Seibel, Deputy CAO

File No: DP 23-19

Subject: **DP 23-19; Development Permit with Variances; (3830 Gellatly Road)**

Report Prepared By: Brad Clifton, Senior Planner

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Multiple Family and Intensive Residential and Hillside Development Permit (DP 23-19) for a townhouse development located at 3830 Gellatly Road, subject to the conditions outlined in the report dated February 13, 2024 from the Senior Planner;

AND THAT Council authorize a variance to the City of West Kelowna Zoning Bylaw No. 0265 in accordance with the attached permit that the:

- minimum interior side parcel boundary setback be reduced from 3.0m to 1.93m;
- minimum rear parcel boundary setback be reduced from 7.5m to 4.25m; and
- minimum drive isle width be reduced from 7.0m to 6.0m over a portion of the central access lane encumbered by a Fortis Statutory Right of Way (SRW);

AND THAT the issuance of the Development Permit be withheld pending receipt of a landscape Security in the amount of \$106,425.00;

AND FURTHER THAT if the Development Permit has not been issued within one year from the date of approval, the Permit with variances shall be deemed to have been refused and the file closed.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property is located at 3830 Gellatly Road, in the Goats Peak / Gellatly neighbourhood. The property is 0.85 acres and slopes west to east down to Gellatly Road bordering the eastern portion of the site. The site was rezoned by the applicant to R3 in 2021 to permit townhouses. There is one existing house on the lot, and the site is relatively clear of foliage and trees. A 6m wide Fortis statutory right of way is registered for the underground gas line running across the site. The right of way bisects the site from west to east.

PROPERTY DETAILS			
Address	3830 Gellatly Road		
PID	023-208-449		
Folio	36414572.025		
Lot Size	0.85ac		
Owner	1353995 B.C Ltd.	Agent	Ruibin Li
Current Zoning	R3	Proposed Zoning	N/A
Current OCP	Medium Density Residential	Proposed OCP	N/A
Current Use	Single Family House	Proposed Use	20 Townhomes
Development Permit Areas	Multi-Family Intensive Residential Form and Character, Hillside		
Hazards			
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES		
North	^	Low Density Residential / R1L Large Parcel
East	>	Low Density Residential / Goats Peak Neighborhood Centre R2/RU4
West	<	Low Density Residential / R1L Large Parcel
South	v	Low Density Residential / R1 Large Parcel

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.490 of the *Local Government Act* to issue Development Permits, and the authority under s.498 of the *Local Government Act* to issue Development Variance Permits.

Proposal

The applicant is proposing to develop 20 townhouses. This includes a mix of 2-5 bedroom units across 4 buildings. All the units are designed as 3 storeys and are 9.45m in height. Vehicle access will be provided by a single driveway access from the Gellatly Road, with parking being provided for each unit within either a tandem arrangement (11 units) or double garage (9 units). A total of 4 visitor parking spaces will be provided throughout the site, including 1 accessible parking space, and 2 truck loading spaces.

Variances to the rear yard, and south interior side yard setbacks are proposed. These are required given the hillside characteristics of the site, its irregular property line configuration, and to accommodate visitor parking and loading areas required under bylaw 0265.

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0300

The subject property is designated Medium Density Residential in the Official Community Plan. The Medium Density Residential Land Use Designation calls for medium density development including townhouses and duplexes up to three storeys in height, and multi-unit housing up to four storeys in height.

General Development Permit Guidelines

The subject property is subject to the General Development Permit Guidelines. The proposal meets the Guidelines. Key highlights include:

- Buildings are visually integrated into the natural hillside setting and reduce the perceived massing of structures by using stepped foundations and architectural treatments that provide three-dimensional relief (guideline 4.2.6.1.h)
- Buildings address the primary public street frontage through the orientation of massing, primary windows, entrances, patios and other features as appropriate (Guideline 4.2.7.6.)
- Buildings will include landscaped front yards between the building and street frontage (guideline 4.2.7.7)

- Buildings utilize articulation, varied materials, colours, and massing strategies to define individual units within the development to create a visually interesting street appeal (guideline 4.2.7.9)
- Building form and placement should sensitively address its surroundings through transitioning front setbacks and building heights to align with adjacent uses (Guideline 4.2.7.10.)
- Landscaping is provided on private property to respect and improve the streetscape and public realm (Guideline s.4.2.12.1.)

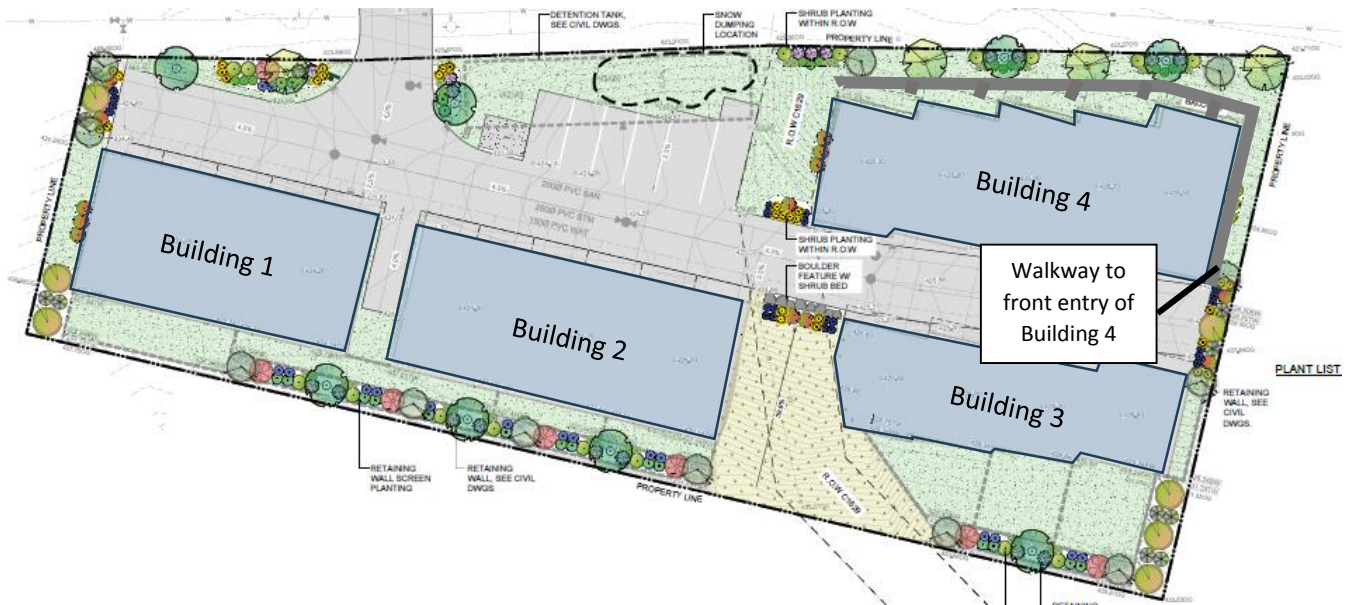


Figure 1 – Landscape plan showing development concentrated on the west side of the site to conform and integrate with hillside topography / surrounding landscape and promote additional planting and landscaping along the streetscape frontage. There are 4 buildings total each numbered 1 through 4.

Multiple Family and Intensive Residential Development Permit Guidelines

The subject property is subject to the Multiple Family and Intensive Residential Development Permit Guidelines (Section 4.8.5). The proposal meets the Guidelines. Key highlights include:

- The development maintains a strong orientation to the street and maintains sensitivity in scale and height to existing development (Guideline 4.8.5.2)
- The site plan accommodates all loading areas & visitor parking requirements per the required bylaw, and centrally locates these facilities within the development for easy access by residents (Guideline 4.8.5.4a & 4b)
- The development supports a strong sense of place with a focus on integration into the existing neighbourhood in terms of massing and scale, topography, and street level integration (Guideline 4.8.5.5)

- The development provides for minimal overlook into neighbouring lots, even with reduced setbacks, through selective placement of windows and balconies and integration with existing topography (Guideline 4.8.5.6); and
- The development uses a variety of building materials to create a unique and varied design giving visual appeal to the different levels of each townhouse.(Guideline 4.8.5.8).



Figure 2 – Front elevation of proposed development looking northwest from Gellatly Road showing street oriented massing and minimal overlook into neighbouring lots (note the minimal windows on the south property line and decks proposed facing the street). Entrance to the site is shown with a red arrow. The entrance to the development is off Gellatly Road.



Figure 3 – Front elevation of proposed development looking west from Gellatly Road showing variation in building materials of different colors and textures along with articulated roof lines and massing. Abutting street landscaping is also highlighted.

Hillside Development Permit Guidelines

The subject property is subject to the Hillside Development Permit Guidelines. The purpose of these guidelines is to ensure that development is safe from hazardous conditions. The proposal meets the guidelines. Key highlights include:

- A geotechnical report prepared by a professional engineer has been provided for with this development. The geotechnical report for this development states the site is suitable for the intended use and provides recommendations for the design and construction phases of the project (Guideline 1 and 12).
- The development is designed to minimize disturbance to the surrounding area and reduce cuts and fills (Guideline 2)
- The proposed routes of public access are not situated adjacent to cliff faces, talus slopes or rock outcrops and are instead centrally located within the development. (Guideline 8);

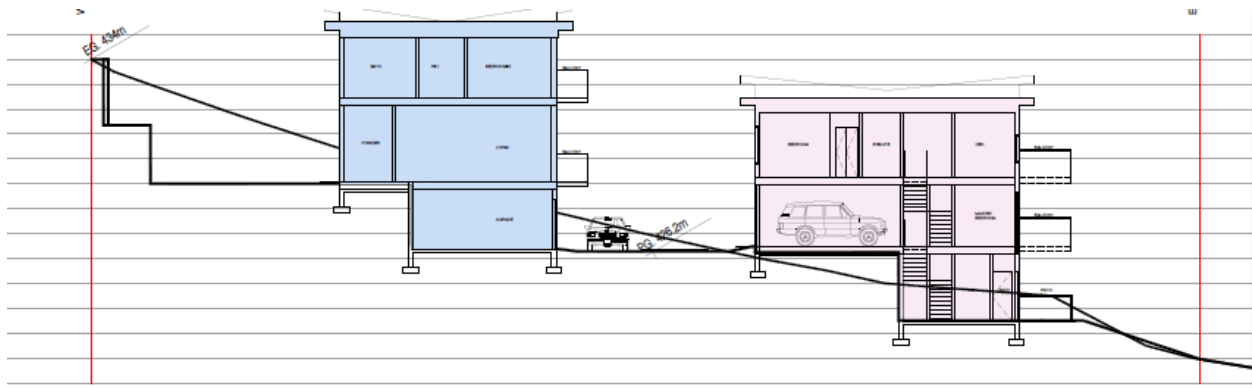


Figure 4 – Cross section through south end of site showing integration of townhome product into natural site topography and centrally located laneway access.

Zoning Bylaw No. 0265

Part 3 - General Regulations

As there is no traditional door access located on the west side of Building 4, a 1.5 metre walkway is proposed along the south boundary of the site within the interior side setback to facilitate connection to the front door entry of each unit within building 4. The Zoning Bylaw permits landscape stairs as an exemption within siting regulations. The location of the walkway is required to reduce impact on the Fortis SRW. The applicant will be required to design the stairs at building permit and provide walkway access to each individual unit with a gate or opening.

Part 4 – Off-Street Parking and Loading Regulations

The proposal meets all parking and loading space requirements in the Zoning Bylaw as outlined in the table below.

Parking/Loading Regulation	Required/Permitted	Proposed
Standard Parking Spaces	2 standard parking spaces per townhouse unit = 40 spaces	40 spaces
Accessible Spaces	<21 units = 1 spaces	1 spaces
Visitor Parking Spaces	10% of standard parking space requirement = 4 spaces	4 spaces
Small Car Spaces	30% of total number of required parking spaces = 12 spaces	11 spaces
Long Term Bicycle Spaces	Townhouse (with private garage in each unit) = 0 spaces	0 spaces
Short Term Bicycle Spaces	Townhouse (with private garage in each unit) = 0 spaces	0 spaces
Loading Spaces	1 per 15 dwelling units or part thereof = 2 spaces	2 spaces

The proposal conforms to all other regulations in Zoning Bylaw No. 0265 and the R3 Zone except for:

1. A variance to reduce the minimum interior side setback from 3.0m to 1.93m (south property line);
2. A variance to reduce the minimum rear parcel boundary setback from 7.5m to 4.25m (west property line); and
3. A variance to reduce the drive isle width from 7.0m to 6.0m over a portion of the central access lane encumbered by a Fortis SRW.

The variances are discussed in detail below.

1. Interior Side Setback Variance

The R3 Zone requires a 3.0m setback from the interior side parcel boundary (the south property boundary). The setback distance is intended to reduce the impact of higher density development on adjacent parcels built at typical setbacks. The applicant has instead proposed a 1.93m setback. The reduction of 1.07m is proposed to allow for additional parking stall width within each private garage of the individual townhomes. The alternative would be to lose a unit or request a variance to the parking stall width for the units in the garage for buildings 3 and 4. Massing for buildings 3 and 4 has minimal overlook into the south neighbouring property as only two storeys are exposed due to a grade change, and the neighbour's existing home is substantially setback itself from their dividing property line.

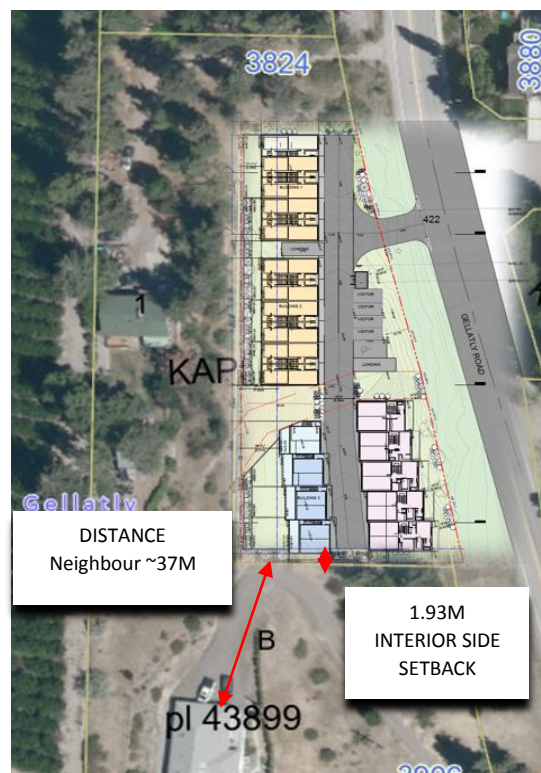


Figure 8 – Reduced interior side setback to 1.93m in the context of neighbouring property to the south .

2. Rear Parcel Boundary Setback Variance

The R3 Zone requires a 7.5m setback from the rear parcel boundary (the west property boundary). The applicant has instead proposed 4.25m. The reduction of 3.25m is proposed to fit building 1 and the internal central access lane; the trapezoidal shape of this site pinches the north end of building 1 negating the possibility of having a larger setback. The variance only affects two buildings on the applicants site plan (buildings 1/2). Massing for buildings 1 and 2 has minimal overlook into the west neighbouring property due to hillside topography, and the neighbours existing home is substantially setback itself from their dividing property line.

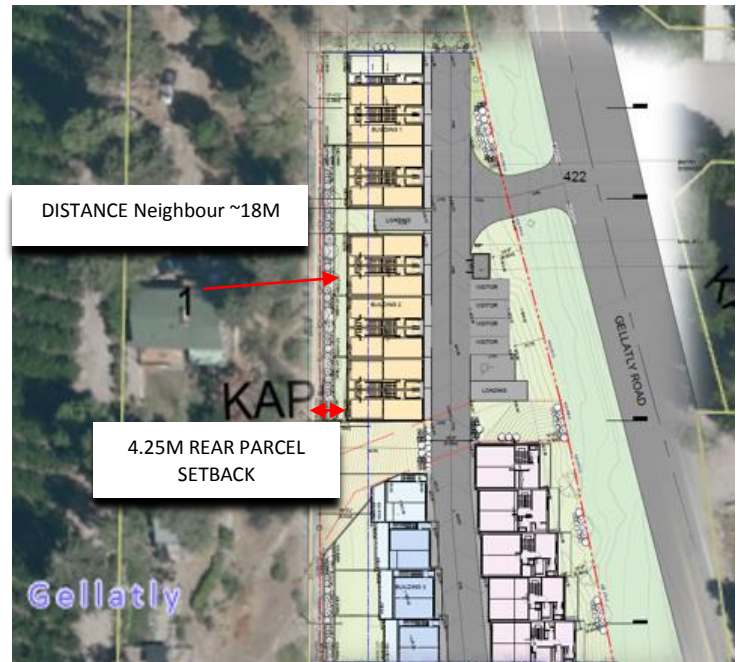


Figure 8 – Reduced rear parcel setback to 4.25m in the context of the neighbouring property to the west.

3. Access Aisle Variance

Bylaw 0265 Off-street Parking and loading regulations requires a 7 meter two-way access aisle to service the development. The intent of the minimum 7 meter two-way access aisle requirement is to ensure adequate space for the maneuvering of vehicles in and out of parking spaces. The main two-way drive aisle provided is 7.5m as outlined in blue, and 8.05m in the area outlined in yellow (see figure 9). Only a small portion of the drive aisle within an existing Fortis SRW is 6.0m; noted with the red arrow (see figure 9). The variance is requested to reduce the amount of pavement required within the Fortis SRW. The applicant will require a permit from Fortis for the crossing and Fortis has indicated they would prefer minimal impact to the existing SRW. The variance is supported to assist the applicant in working with Fortis, and because most of the access lane meets the intent of the bylaw by exceeding the 7m width requirement.

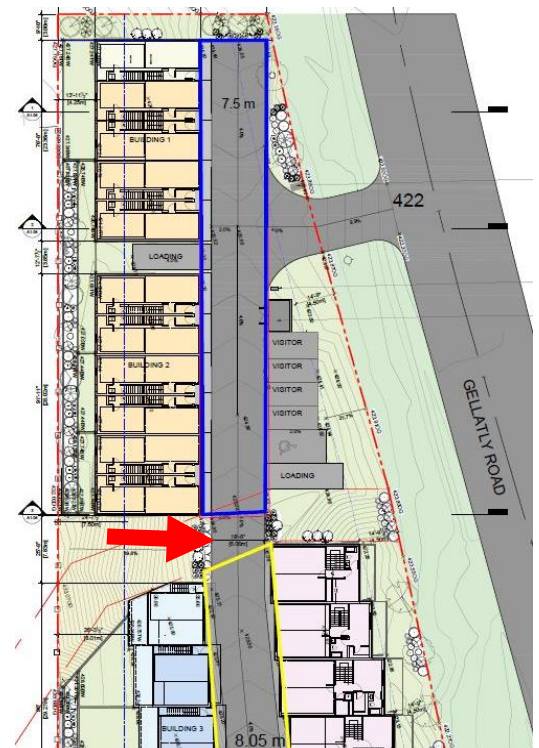


Figure 9 - Portion of the access lane is reduced to 6.0m over the Fortis ROW (Figure 9).

Public Notification

In accordance with the *Local Government Act*, notification letters were sent to all property owners and their tenants within 100 m of the subject property. A Notice of Application sign was also installed on the property in accordance with the Development Applications Procedures Bylaw No.0260.

Public Information Meeting

As per s.9 of the Development Applications Procedures Bylaw No. 0260 applicants are encouraged as a best practice to hold public information meetings prior to an application being consideration by Council. The applicant held a public hearing alongside the prior rezoning application under file Z 21-04. Only two submissions were provided. The rezoning was supported by Council.

CONCLUSION

The proposed townhouse development adds additional housing units and housing options in an existing residential neighbourhood on a site that has remained underutilized for an extended period. The development is in accordance with the applicable General, Multiple Family and Intensive Residential and Hillside, and Development Permit Guidelines and conforms to most of the regulations in Zoning Bylaw No. 0265. The variances proposed allow the project to work with the topography and shape of the site with minimal impact on surrounding neighbours.

Alternate Recommendation to Consider and Resolve:

Option 1:

THAT Council postpone the issuance of a Multiple Family and Intensive Residential, & Hillside Development Permit (DP 23-19) for a townhouse development at 3830 Gellatly Road with variances.

Council may wish to postpone the issuance of the Development Permit and require the applicant to redesign components of the proposal in accordance with the City's Zoning Bylaw. If the proposal were revised to avoid the variances, the Development Permit would require further consideration of Council.

Option 2:

THAT Council deny the issuance of a Multiple Family and Intensive Residential & Hillside Development Permit (DP 23-19) for a townhouse development at 3830 Gellatly Road with variances;

AND THAT Council direct staff to close the file.

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Development Permit (DP 23-19) 3830 Gellatly Road
2. Submission