



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: September 26, 2023

From: Paul Gipps, CAO

File No: DP 22-26

Subject: **DP 22-26; Development Permit with Variances; 3401 Sundance Drive**

Report Prepared By: Jayden Riley, Planner III

RECOMMENDATION to Consider and Resolve:

THAT Council deny the Development Permit with Variances located at 3401 Sundance Drive (File: DP 22-26) and direct staff to close the file.

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

On May 16, 2023, Council postponed consideration of the proposed development permit with variances and directed the applicant to revise the following elements of their proposal:

1. Include a turnaround and loading space on the Ensign Lane extension;
2. Secure legal access for units 52-56 (approx.) on the Ensign Lane extension;
3. Reallocate the number of visitor spaces for each laneway to be proportional to the number of units;
4. Revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus; and
5. Clearly provide a location for snow deposition on the Ensign Lane extension.

The applicant has since revised their proposal, addressing some of the items listed above, while also introducing additional variances. The May 16 report is also attached to the report (Attachment 1). Given the revisions do not address all of the previously identified items, a recommendation of denial has been included. It is noted, that an alternate

recommendation of postpone has been included to ensure the previously identified items are completed.

PROPERTY DETAILS

Address	3401 Sundance Drive		
PID	028-172-001		
Folio	3641391.497		
Lot Size (m²)	1.29 ha (12,990 m ²)		
Owner	Gatehouse Developments Inc.	Agent	Carlo DiStefano, DiStefano Jaud Architecture
Current Zoning	R4 (Medium Density Multiple Family)	Proposed Zoning	N/A
Current OCP	Low Density Multiple Family	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	57-unit townhouse development (previously 58 units)
Development Permit Areas	Hillside, Sensitive Terrestrial Ecosystem, Form and Character		
Hazards	Hillside		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	P1 – Parks and Open Space
East	>	R1 – Single Detached Residential
West	<	R4 – Medium Density Residential
South	v	R1 – Single Detached Residential

PROPERTY MAP



DISCUSSION

Proposal Summary

The applicant is seeking a Form and Character, Hillside, and Sensitive Terrestrial Development Permit for a 57-unit townhouse development comprised of 20 units fronting Sundance Drive and 37 units fronting Ensign Quay Lane and the Ensign Lane extension (Figure 1, Attachment 3). The proposal has been modified to address some of the items, as directed by Council, when the proposal was first considered on May 16, 2023. It is noted that this has caused some minor revisions to the proposal, specifically related to the units fronting the Ensign Lane extension. All revision and a list of remaining and modified variances are outlined in the following sections of this report.



Figure 1: Site plan for revised 57-unit townhome development.

Revisions to Proposal to Address Council Direction from May 16, 2023

1. Include a turnaround and loading space on the Ensign Lane extension.

- The proposal now includes an additional turnaround for passenger vehicles near the terminus of the Ensign Lane extension and loading space (Figure 2).

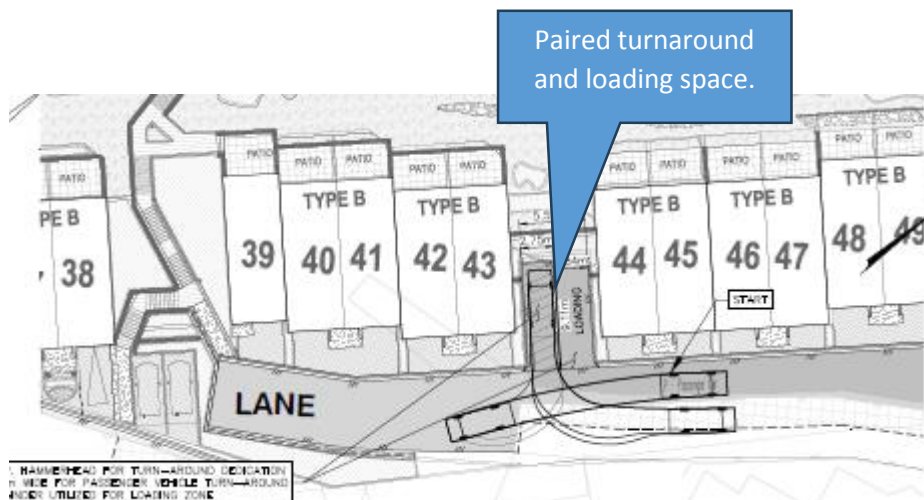


Figure 2: Revised turnaround with loading space

- The loading space dimensions will however require a variance to reduce the minimum dimensions (width) of a loading space from 3.0 m x 9.0 m to 2.8 m x 9.0 m – see variance No. 6.

2. *Secure legal access to units 50-56 on the Ensign Lane extension.*

- The applicant has revised their design to circumvent the private triangular piece of property belonging to the adjacent property owner (Figure 3). This has created a second egress to Ensign Lane, north-east of the triangular piece of land.
- The modification to the Ensign Lane extension access (units 39-57) now occurs over the subject property and private access easement only.
- Staff have concerns that this access poses practical connection due to grading changes that will need to be addressed as part of detailed design. These grading challenges may result in disturbance to lands outside of the applicant’s property.

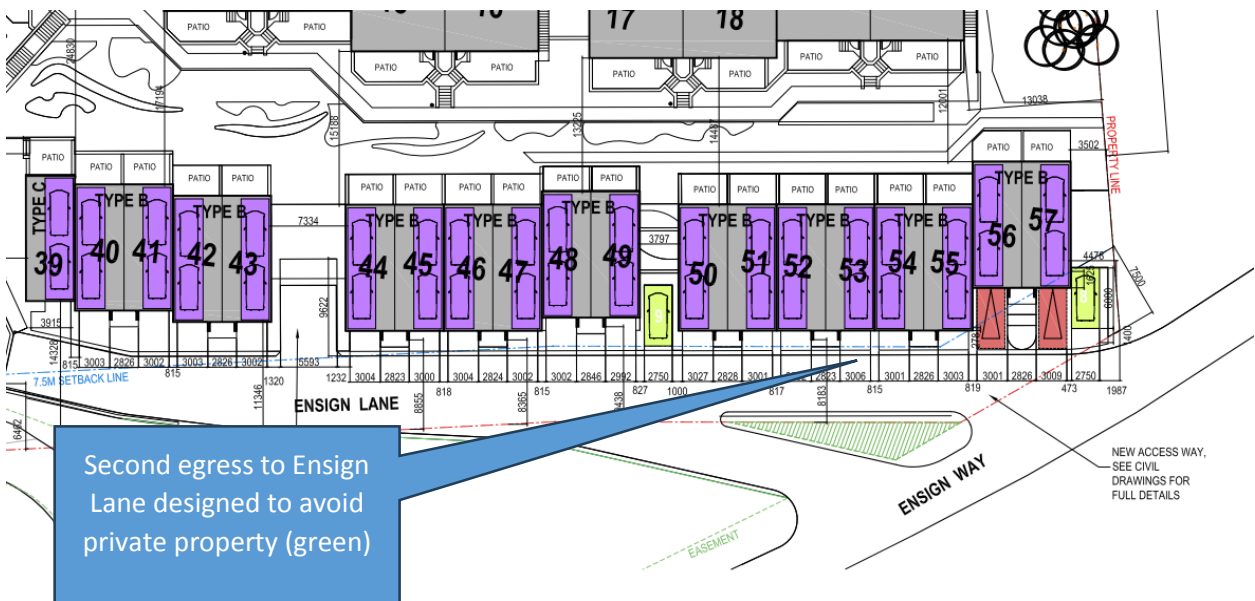


Figure 3: New laneway access to circumvent trespass on adjacent private property.

3. *Reallocate the number of visitor spaces for each laneway to be proportional to the number of units.*

- The applicant did not make any revisions to the number of visitor parking spaces.
- While the proposal does contain an adequate number of visitor spaces overall, in accordance with S.4.6 of Zoning Bylaw No. 0265, only two visitor parking spaces are provided on the Ensign Lane extension for 18 units (Figure 4). A proportional amount would equate to a minimum of four spaces.
- Staff have concerns related to the impacts of site circulation due to the limited visitor parking provided on the laneway proportional to the units and the absence of any on-street/lane parking and shortened driveways adjacent to the lane. Visitors to the lower laneway units would be required to drive to the site via Shannon Lake Road > Shannon Way > Sundance Drive to access parking on

Sundance Drive (higher proportion of spaces), then walk down a series of stairs to access the lower units. This is inconsistent with the City's Development Permit Guidelines which includes:

- S.4.3.4.34: Visitor parking should be easily identifiable and located close to site entrances, or on large sites, conveniently located throughout the site.
- Finally, this indirect route to the site is prohibitive to those with mobility challenges.



Figure 4: Visitor parking spaces not proportional to number of units and prohibitive to those with mobility challenges.

4. *Revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus.*

- The applicant has revised their proposal to widen the lane at the terminus of the Ensign Lane extension adjacent to Unit 39 to accommodate turning movements for a 5.6 m passenger vehicle (Figure 5). Staff note that a crew cab Ford F150 with a 5.5 ft (short) box is 5.8 m in length.

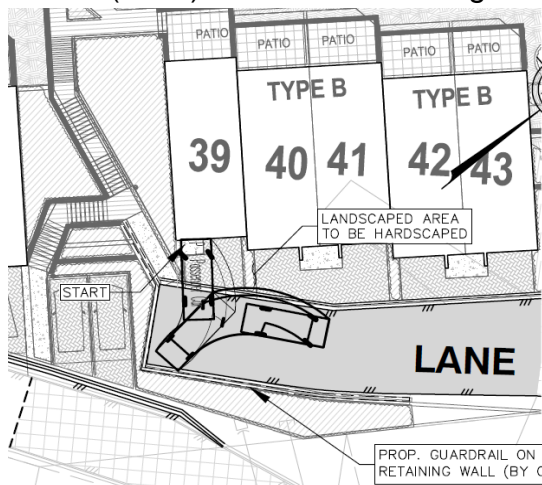


Figure 5: Turning movement for access to Unit 39

- Staff have noted that the landscape plan proposes a 0.4 m landscape wall and shrub bed located within the path of the turning radius. The applicant has confirmed they would hardscape this area to ensure the turning movements would be accommodated. This would be noted on the permit drawings and confirmed at time of building permit.

- The drawings provided by the applicant show a guardrail proposed on top of the retaining wall south of unit 39 (Figure 5), to be designed by others at time of building permit and in conjunction with the 3.5 m retaining wall.

- While an improvement to the design is noted from the original submission, staff have concerns with safety of this access due to the tight turning radius, the 3.5 m elevation difference from the lane and the surrounding area, and the fact that no snow deposition area has been provided (see point 5 below).

5. *Clearly provide a location for snow deposition on the Ensign Lane extension.*

- The applicant has not revised their design to provide a snow deposition area.
- The applicant maintains that the private snow clearing company they have been in contact with noted they would not need a storage area. The company would use bobcats to pile the snow and load onto trucks and use the turnaround and loading space for temporary snow storage during snow removal operations.
- Snow clearing would ultimately be privately managed with the strata and the easement holders. Staff continue to have concerns about how snow clearing may impact safety and exacerbate related site circulation challenges for vehicles and pedestrians under certain weather conditions.

Additional Laneway Improvements and Related Considerations

- To address safety concerns noted at the May 16 meeting, a jersey barrier is proposed at the base on Ensign Quay Lane to provide some security for vehicles, to mitigate potential roll-over at the base of the slope at the Ensign Quay Lane / Ensign Lane intersection (Figure 6a). This work may require additional approvals from easement holder(s) or landowner(s), as the proposed location of the barrier appears to be outside of the existing easement.
- The proposal includes lane widening to 6.2 m on both Ensign Quay Lane and the Ensign Lane extension to meet the (6.0 m) drivable surface reflected in the City's Hillside Lane Standard. However, there are two existing sections of laneway that

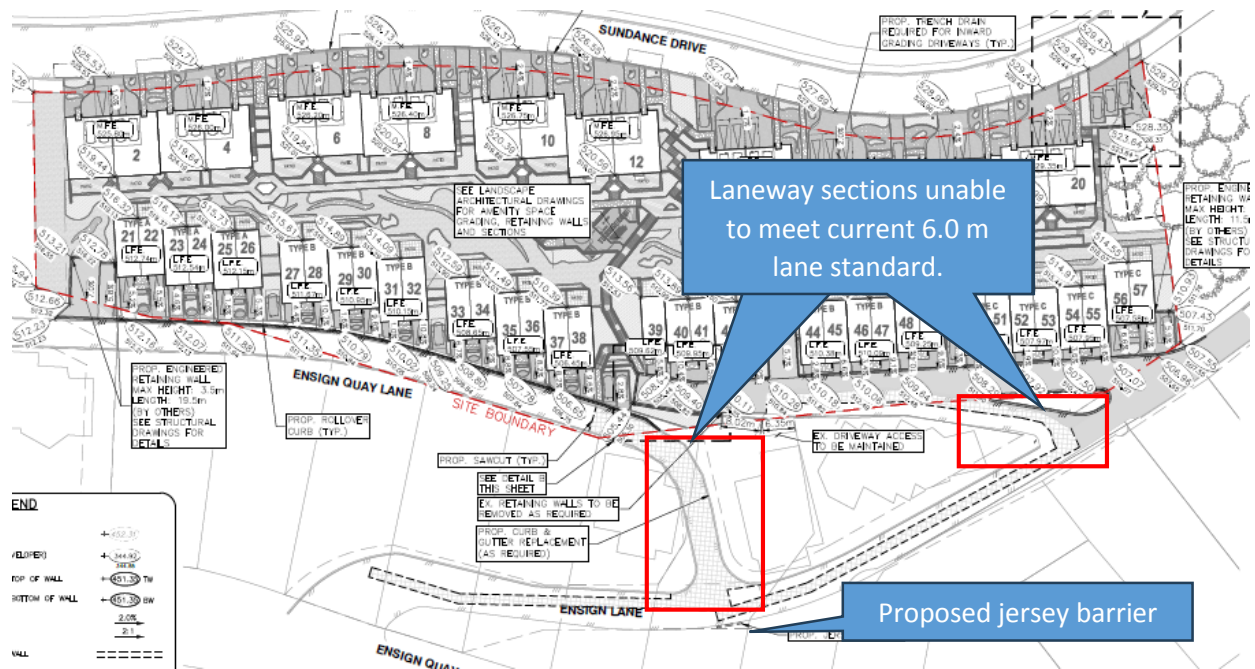


Figure 6a: laneway improvements (i.e., widening and safety barrier)

are unable to meet the hillside standard width due to existing site constraints (retaining wall and house - Figure 6a & 6b). These sections are considered legal non-conforming, however do present circulation challenges given the significant increase in traffic from the units.

- Some of the laneway widening, driveway, loading and turnaround construction is proposed within the private easement boundary. Improvements within the private easement would require approval from neighbours that are party to the easement agreement; therefore, this work may not be completed as proposed. Staff have included an alternate motion that requires confirmation of the approval of easement holders prior to issuance of the development permit.



Figure 6b: Ensign Quay Lane access to units 21-38 (18 units) – ~5.6 m width is constrained by existing retaining wall and single family residence.

Summary of Variances (Zoning Bylaw No. 0265)

The following is a list of the variances proposed by this development. Only those that are new to the proposal or have been modified since the May 16 report (Attachment 1) will be discussed in the following sections of this report.

1. Reduction to the minimum required front parcel boundary (Sundance Drive) setback from 6.0 m to 4.0 m (varies);
2. Reduction to the minimum required interior parcel boundary setback from 4.5 m to 3.5 m **(NEW)**;
3. Reduction to the minimum required rear parcel boundary setback from 7.5 m to 5.97 m (varies) **(NEW)**;
4. Reduction to the minimum required distance from required visitor parking spaces (7) to the front parcel boundary (Sundance Drive) from 3.0 m from 0.0 m (varies);
5. Reduction to the minimum required number of loading spaces from 4 to 2 spaces **(NEW)**;
6. Reduction to the minimum dimensions of a (1) loading space from 3.0 m x 9.0 m to 2.8 m x 9.0 m **(NEW)**;

7. Increase the maximum height of three retaining walls from 2.5 m to 3.5 m **(NEW)**; and
8. Increase the width of driveway crossings at the property line from 7.0 m up to 9.4 m (varies).

Additional or Modified Variances

2. Reduction to the minimum required interior parcel boundary setback distance from 4.5 m to 3.5 m S.10.11.5(g)iii – (Figure 7).

- The addition of the turnaround and loading spaces has required the re-siting of the units on the Ensign Lane extension, including unit 57 to be situated within the minimum required interior parcel boundary setback distance from 4.5 m to 3.5 m at its closest distance.
- Staff are supportive of this variance as impacts to the adjacent property is anticipated to be negligible.



Figure 7: Variance to the interior parcel boundary setback

3. Reduction to the minimum required rear parcel boundary setback distance from 7.5 m to 5.97 m (varies) (S.10.11.5(g)ii) (Figure 8).

- This variance was identified following the May 16 Council meeting after a re-interpretation of the rear parcel boundary and its application to public lanes as opposed to private lanes. Due to this laneway being private, this property line is considered as a rear boundary and a 7.5 m setback is required as opposed to 6.0 m for a double fronting property. The variance affects proposed units 21-27 and 57.
- Staff are supportive of this variance given that the proposal would otherwise meet a 6.0 m front setback distance from the parcel boundary, which is determined to be adequate separation.



Figure 8: Variance to the rear parcel boundary setback

5. Reduction to the minimum number of loading spaces from four to two spaces (S.4.10.1(a)) (Figure 9).

- This variance has been reduced from the original submission with the addition of a loading space on the Ensign Lane extension (Figure 9).
- Each laneway now includes one loading space.
- Loading can otherwise be accommodated on the Sundance Drive units via driveway or on-street parking.
- Loading space No. 1 will require approval of the adjacent property owner due to the installation of a retaining wall within the easement area.

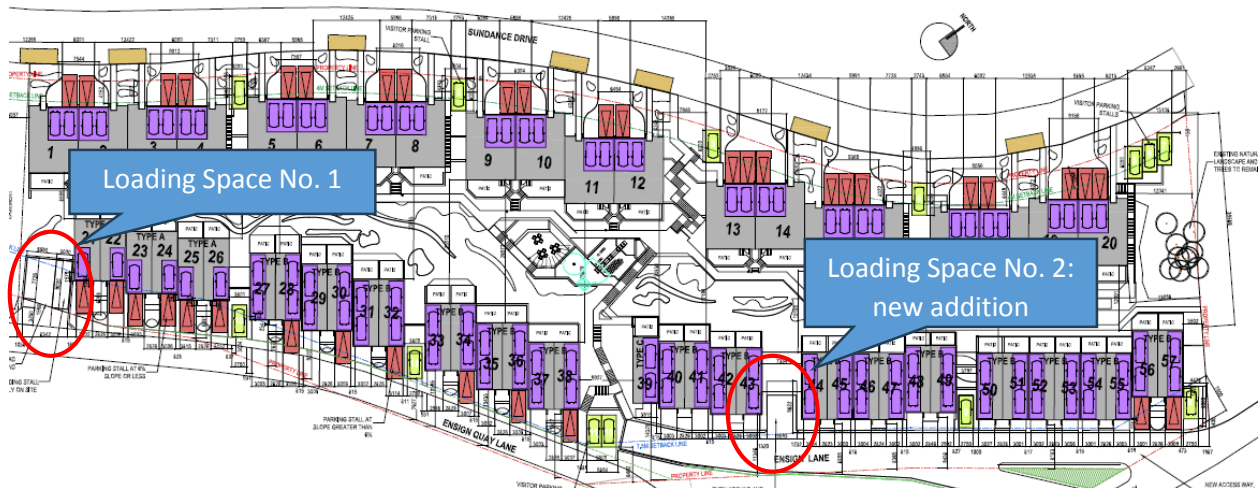


Figure 9: Variance to the number of loading spaces.

6. To reduce the minimum dimensions of a loading space from 3.0 x 9.0 m to 2.84 m x 9.0 m (S.4.10.2(a)) (Figure 10).

- This variance is required to pair the loading space with a turnaround on the Ensign Lane extension and not impact the unit count.
- The width of the loading space is slightly less than standard, by 0.16 m.
- Staff do not have concerns related to this variance.

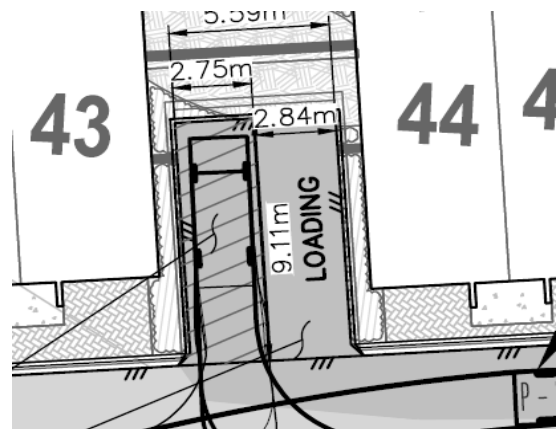


Figure 10: Variance to loading space dimensions.

7. To increase the maximum height for three individual retaining walls from 2.5 m to 3.5 m (S.3.14.1) (Figure 11).

- This variance has been modified to include an additional 3.5 m retaining wall to accommodate the revised laneway access design and visitor parking space adjacent to Unit 57.

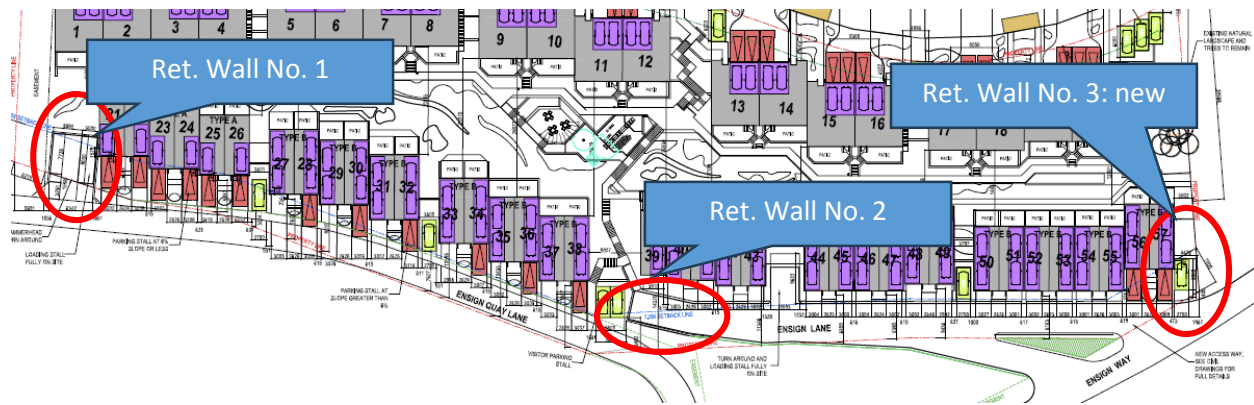


Figure 11: Variance to retaining wall height x3.

Public Notification

In accordance with the *Local Government Act*, staff have mailed 92 notices to residents and tenants located within 100 m of the subject property to provide an opportunity to comment on the proposal. Any submissions received will be attached to this report prior to its publication.

Should Council decide to postpone consideration of the proposal, no further notification will be required for subsequent iterations of the proposal subject to there being no additional variances proposed or a reduction to those currently included.

CONCLUSION

Staff recommend that Council deny the application based on the following rationale:

- The application has not been revised to align with the previous direction provided by Council via the resolution from May 16, 2023.
- The number of units proposed, particularly on the Ensign Lane extension, have caused numerous variances to be requested and are anticipated to cause significant impacts to new and existing residents from a lack of visitor parking and designated snow storage areas, as well as safety challenges related to pedestrian and vehicle site circulation.
- The proposal requires approval from adjacent easement holders; feedback from some neighbouring residents suggests approvals will not be provided.
- The application is not consistent with the City’s Development Permit Guidelines, particularly around access to visitor parking, which should be easily identifiable and located close to site entrances, or on large sites, conveniently located throughout the site.
- Concerns related to visitor pedestrian access for those with mobility challenges.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
May 16, 2023	<p>THAT Council postpone consideration of the proposed multiple family and intensive residential, hillside, and sensitive terrestrial ecosystem development permit with variances (File: DP 22-26) and direct the applicant to revise the following elements of their proposal:</p> <ul style="list-style-type: none">• Include a turnaround and loading space on Ensign Lane;• Secure legal access for units 52-56 (approx.) on the Ensign Lane extension;• Reallocate the number of visitor spaces for each laneway to be proportional to the number of units;• Revise the design of the extended portion of Ensign Lane to include increased safety elements consistent with best practices and the City's Hillside DPA guidelines and demonstrate that turning movements can be reasonably accommodated to any units near its terminus; and• Clearly provide a location for snow deposition on Ensign Lane.	C213/23

Alternate Recommendation to Consider and Resolve:

1. Postpone consideration of Development Permit (file DP 22-26)

THAT Council postpone consideration of the proposed development permit (DP 22-26) and direct the applicant to revise the proposal to include designated snow storage locations, proportional visitor parking on the Ensign Lane extension, and ensure works within the easement or on neighbouring properties are addressed prior to issuance.

Should Council resolve to postpone consideration, further direction to staff is requested.

2. Authorize Approval of Development Permit with Variances (file DP 22-26), with issuance subject to agreement from easement holders

THAT Council authorize approval of a development permit with variances (DP 22-26) with issuance of the permit subject to approval by affected easement or land holders for any works proposed within the access easement or neighbouring properties.

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. May 16, 2023, Council Report (DP 22-26)
2. May 16, 2023, Late Item Submissions
3. Architectural Submission (Site Plan, Elevations, Floor Plan, Renderings)
4. Landscape Plan
5. Draft Development Permit DP 22-26
6. Delegation Request – Ryan Jones
7. Submission as of September 21, 2023