



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: November 14, 2023

From: Paul Gipps, CAO

File No: DP 22-20

Subject: **DP 22-20; Development Permit with Variances; 2102 Shannon Ridge Drive)**

Report Prepared By: Yvonne Mitchell, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Multiple Family and Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit (DP 22-20) for a townhouse development at 2102 Shannon Ridge Drive, subject to the conditions outlined in the attached Development Permit; and

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

- maximum retaining wall height be increased from 2.5m to 6.84m;
- maximum building height be increased from 12.0m to a maximum of 3 storeys to 18.87m to a maximum of 4 storeys;
- minimum interior side parcel boundary setback be reduced from 4.5m to 2.83m;
- minimum dimensions for a two-way access aisle be reduced from 7.0m to 6.0m; and
- minimum distance parking and loading spaces shall be from any front parcel boundary be reduced from 3.0m to 0.37m; and

THAT issuance of the Development Permit be withheld pending receipt of:

- Landscape Security in the amount of \$85,308.05;
- Remediation Security in the amount of \$7,975.00; and
- Registration of an environmental no disturb covenant on the rear of the subject property; and

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.

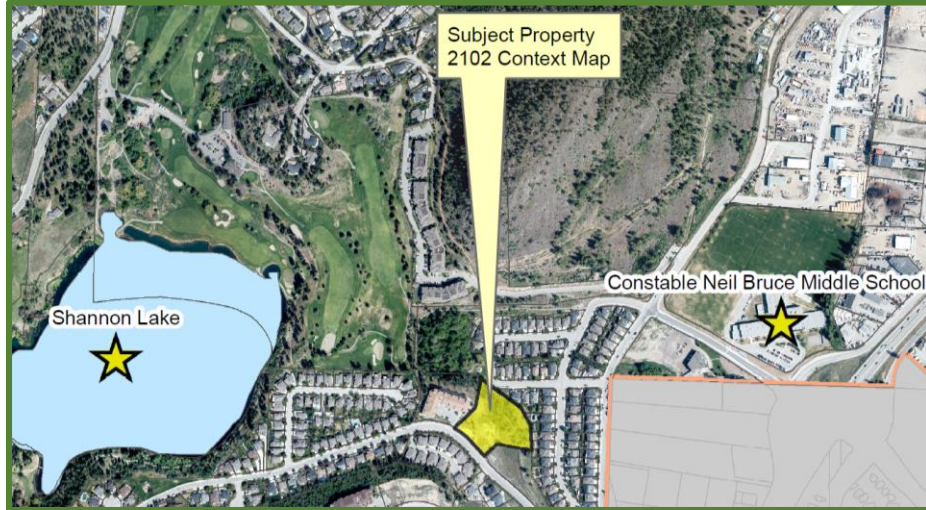
BACKGROUND

The subject property is located at 2102 Shannon Ridge Drive in the Shannon Lake neighbourhood. The property is 2.4 acres with an upper and lower bench adjacent to Shannon Ridge Drive and a steep forested area at the rear. A site-specific text amendment to the R4 zone to prohibit apartments has been placed on this property among others. The property has remained undeveloped since it was subdivided in 2006 and is one of the last vacant parcels in the area. The other remaining undeveloped parcel is 2082 Shannon Ridge Drive to the south of the subject property. 2082 Shannon Ridge Drive is zoned RC3 and had a Development Permit issued in 2022 for a 10 lot single family subdivision which is not yet under construction.

PROPERTY DETAILS			
Address	2102 Shannon Ridge Drive		
PID	026-791-854		
Folio	36413691.450		
Lot Size	2.471 acres (9999.79 m2)		
Owner	Shannon Views Ventures Ltd.	Agent	Bluegreen Architecture
Current Zoning	Medium Density Multiple Residential Zone (R4) with site-specific text amendment – apartments prohibited	Proposed Zoning	N/A
Current OCP	Medium Density Residential	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	Townhomes
Development Permit Areas	Multiple Family and Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem.		
Hazards	Hillside, Sensitive Ecosystem		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Compact Single Detached Residential Zone (RC3) and Parks and Open Space (P1)	
East	>	Compact Single Detached Residential Zone (RC3)	
West	<	Medium Density Multiple Residential Zone (R4)	
South	v	Compact Single Detached Residential Zone (RC3)	

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 construct 29 townhouse units in six buildings. Units are 3-4 bedrooms, each with an attached two car garage, and private outdoor space in the form of patios and/or decks. Variances are required given the hillside and sensitive terrestrial characteristics of the site, to reflect the townhouse use instead of the typical apartment use seen in the R4 zone, and to accommodate parking and driving areas within the development. The applicant has provided a rationale for the proposal (Attachment 2).

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:

- Landscaping is provided on private property to respect and improve the streetscape and public realm (Guideline s.4.2.12.1.)
- Environmental features such as mature stands or trees and existing native vegetation is protected (Guidelines s.4.2.5.7. and s.4.2.5.8.)

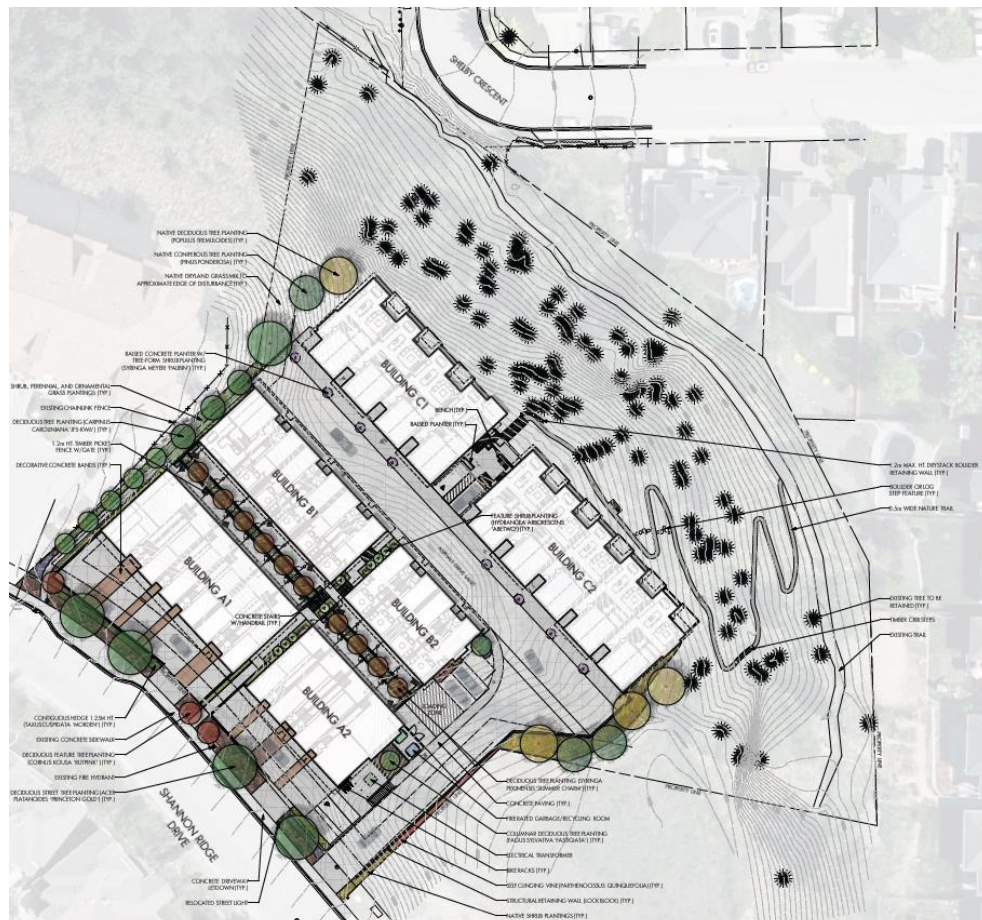


Figure 1 – Site plan showing development concentrated on the top of the site to retain natural vegetation, and landscaping throughout the development.

Multiple Family and Intensive Residential Development Permit Guidelines

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

- Variations in building design (Guideline 7);
- Outdoor recreational facilities (Guideline 9); and
- A variety of building materials (Guideline 8).



Figure 2 – Front elevation of proposed development from Shannon Ridge Drive showing variation in building design. A pedestrian connection into the site separate from vehicles is shown with a red arrow.



Figure 3 – Rear elevation of proposed development showing variation in design. A pedestrian connection shown with a red arrow leads to the proposed trail amenity. Trail provides future residents with a direct connection to Shannon Springs Park at the bottom of the property.

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 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). Further geotechnical reporting will be required at time of Building Permit;

- Protects in perpetuity natural features (Guideline 3)
- Development is concentrated in flatter areas of the site (Guideline 4) (See Figure 4 below); and
- Engineered retaining walls are well-integrated and are colours, textures, and materials that complement the natural landscape (Guideline 19c).

Sensitive Terrestrial Ecosystem

The subject property is within the Sensitive Terrestrial Ecosystem Development Permit Area. The purpose of these guidelines is to ensure that development does not adversely affect the natural environment. The proposal meets the Guidelines. Key highlights include:

- Site design and development is consistent with the provided environmental report (Guideline 2) and is focused within the Environmental Sensitivity Area (ESA) – Low portion of the site (Figure 4); and
- An environmental report prepared by a registered professional biologist together with other professionals has been provided as part of the proposal (Guideline 9). Highlights of the report include:

- The requirement to mark and fence off environmentally sensitive areas to prevent unnecessary encroachment during construction (Guideline 9c).
- A plan for restoration of the site where the site has been disturbed or where invasive weeds have intruded (Guideline 9h); and
- An environmental monitor is to be present during construction works (Guideline 9j).

Zoning Bylaw No. 0265

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.



Figure 4 – Proposed development overlaid on environmentally sensitive areas and contour line mapping. Majority of development proposed within Environmental Sensitivity Area (ESA) 3 – Low (light green) and in flatter portion of the site.

Parking/Loading Regulation	Required/Permitted	Proposed
Standard Parking Spaces	2 standard parking spaces per townhouse unit = 58 spaces	58 spaces
Accessible Spaces	21-100 units = 2 spaces	2 spaces
Visitor Parking Spaces	10% of standard parking space requirement = 6 spaces	6 spaces
Small Car Spaces	30% of total number of required parking spaces = 20 spaces	20 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	4 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 R4 Zone except for:

1. A variance to increase the maximum retaining wall height from 2.5m to 6.84m;
2. A variance to increase the maximum building height from 12.0m to a maximum of 3 storeys to 18.87m to a maximum of 4 storeys;
3. A variance to reduce the minimum interior side setback from 4.5m to 2.83m;
4. A variance to reduce the minimum dimensions for a two-way access aisle from 7.0m to 6.0m; and
5. A variance to reduce the minimum distance parking and loading spaces shall be from any front parcel boundary from 3.0m to 0.37m;

The variances are discussed in detail below. The applicant's rationale for the variances has been included as Attachment 2.

1. Maximum Retaining Wall Height

This development proposes a maximum retaining wall height of 6.84m instead of 2.5m. The intent of the retaining wall height regulation is to limit the visibility of large walls in developments and the manipulation of the natural topography of the site. The highest retaining wall on the site (Figure 5) will be screened by shrubs and trees in front of the wall and the wall itself will be landscaped with a self-clinging vine (Virginia creeper). The development is stepped to the natural topography of the site and site disturbance is minimized where possible in line with development permit guidelines.

The developer has also provided a letter from the owner of 2082 Shannon Ridge Drive adjacent to the retaining wall (Attachment 3). The letter states that when 2082 Shannon Ridge Drive is developed (single family residential subdivision), the grading required will reduce the height of the retaining wall to 5 meters.

This variance is supported as the retaining walls have been well integrated into the site and are used to avoid further disturbance to the natural topography aligning

with development permit guidelines. The highest retaining wall will be screened by landscaping in front and on the wall itself and will be reduced in height when the neighbouring property develops.



Figure 5 – Highest retaining wall adjacent to interior side parcel boundary. Wall will be screened by landscaping in front of the wall and a self-clinging vine on the wall itself.

2. Height Variance

The proposed height variance from 12m to a maximum of 18.87m effects buildings A1, A2, C1, and C2. The highest height is for block C2 which has a max height of 18.87m at the rear (Figure 6). All blocks (A - front, B - middle, and C – rear) meet the height requirement of 12m, up to three stories, when viewed from Shannon Ridge Drive, and all parts of Block B are under 12m. The variance from 3 stories to four stories is for the townhomes at the rear of the site. The fourth story is a mezzanine space above the garages. For more information on the heights/storeys refer to Sheet A1.2 and A1.3 of the Architectural Drawings found in Attachment 1.

This variance is supported as the highest part of the development is adjacent to the protected area and will be screened by existing vegetation. The increase to four stories is only for mezzanine spaces in the rear block which improves the form and character of the development from Shannon Ridge Drive (Figure 7).

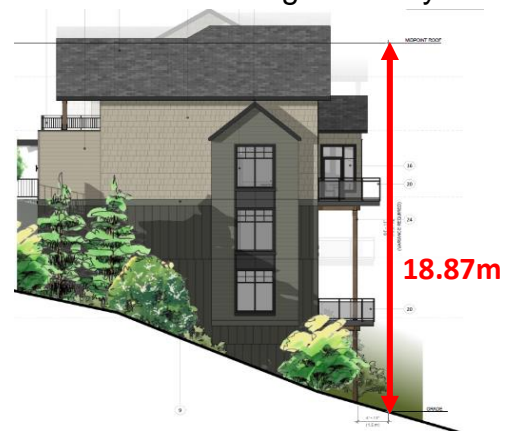


Figure 6 – Highest building on site (Block C2) facing treed covenant area.

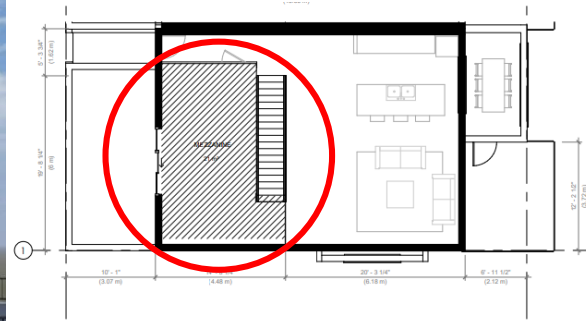


Figure 7 – Left: rendering of fourth story mezzanine space above garages of rear townhomes. Right: preliminary floor plan showing mezzanine space.

3. Setback Variance

The R4 Zone requires a 4.5m setback from the interior side parcel boundary. The applicant has instead proposed the 3.0m setback requirement found in the R3 Zone. An additional 0.17m setback is proposed to allow for a pop-out (Figure 8). The pop-out meets the Zoning Bylaw siting exemption requirements of extending no more than 0.6m into the proposed 3m interior side setback and not taking up more than 35% of the building face.

This variance is supported as the setback proposed is the requirement used for townhomes elsewhere in the City in R3 Zones. Although this property is zoned R4, the proposal matches the R3 Zone use (townhomes) and lower density (0.6 FAR) making the smaller setback reasonable for this development. The proposed pop-out adds architectural detail to the development aligning with development permit guidelines and meets siting exemptions in the Zoning Bylaw.

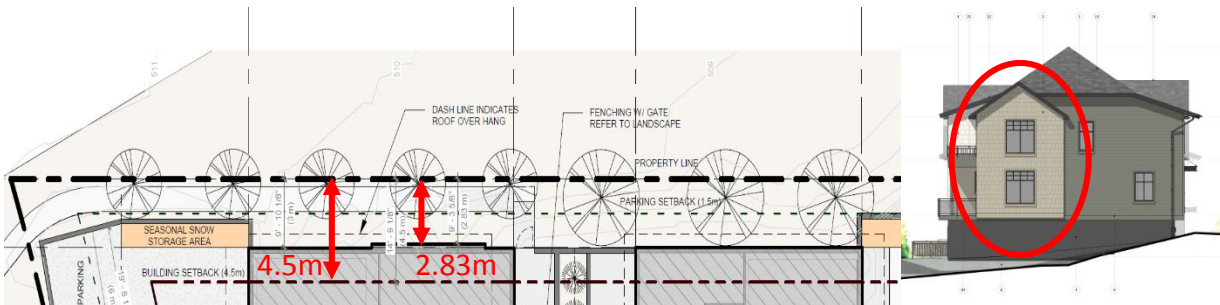


Figure 8 – Left: reduced interior side setback to 2.83m (3m building setback with 0.17m for a pop-out). Right: proposed 0.17m pop-out.

4. Access Aisle Variance

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 6 meters. As shown, 7.5 meters is available for vehicles when moving in and out of parking spaces (Figure 9).

This variance is supported as it allows room for a loading area, internal street trees, and space for pedestrians aligning with development permit guidelines. The drive aisle remains usable for vehicles with adequate space provided for moving in and out of parking spaces.

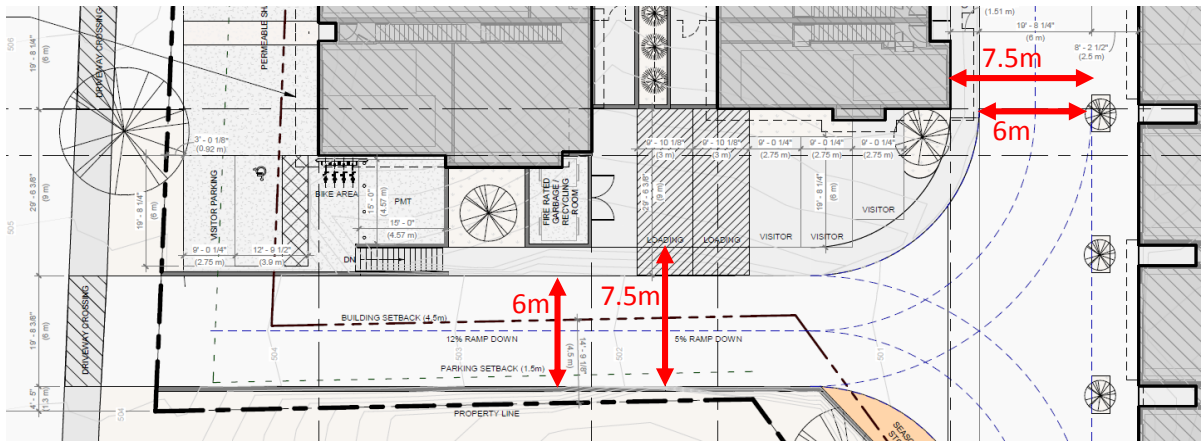


Figure 9 – Reduced two-way drive aisle width to make room for loading spaces, internal street trees, and space for pedestrians. 7.5m of functional space is provided for vehicles moving in and out of parking spots.

5. Parking Setback Variance

The minimum setback requirement of 3.0m for parking is to limit visibility of parking areas from the street and provide space for landscaping. The parking stalls are located closer to the front parcel boundary (max 0.37m) but are screened by approx. 3 meters of landscaping in the right of way (Figure 10).

This variance is supported as the applicant is providing approximately 3 meters of landscaping in the right of way to screen the parking area.

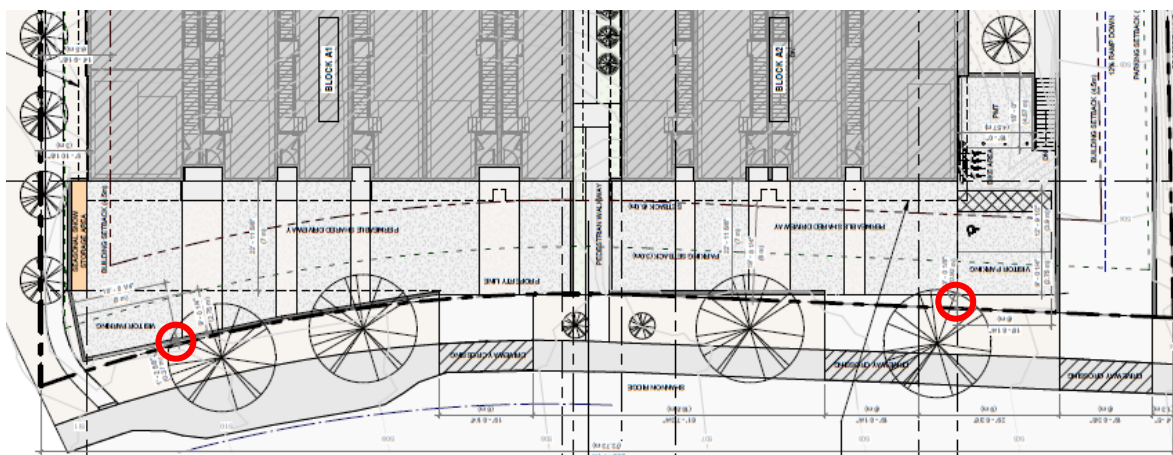


Figure 10 – Parking stalls shown adjacent to the front parcel boundary and screened from Shannon Ridge Drive by landscaping in the right of way.

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 information meeting on Wednesday, October 18th, 2024, at 7pm. During the Q&A portion of the meeting 1 comment was received and three questions which are listed below. A report summarizing the meeting is provided in Attachment 3.

- Comment: “Thank you for the great presentation. No comments at this time.”
- Question: “How long do you anticipate construction to be until construction is completed?”
- Question: “Can you give us a comparison of the height and sight line of the townhomes being built compared to the Condo Building at 2120.”
- Question: “Will I get this recording?”

CONCLUSION

The proposed townhouse development adds additional housing units and housing options in an existing residential neighbourhood on a site that has remained vacant for an extended period. The development is in accordance with the applicable General, Multiple Family and Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit Guidelines and conforms to the regulations in Zoning Bylaw No. 0265, except for 5 variances. These variances allow the project to work with the topography of the site and be largely located on the portion of the site in Environmental Sensitivity Area 3 – Low. The variances also allow an interior setback to be used that is more appropriate for townhouse developments of this density, and adequate parking, room for pedestrians, and street trees, to be accommodated within the development.

Alternate Recommendations to Consider and Resolve:

Option 1:

THAT Council deny the issuance of a Multiple Family and Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit (DP 22-20) for a townhouse development at 2102 Shannon Ridge Drive 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.

Option 2:

THAT Council postpone the issuance of a Multiple Family and Intensive Residential, Hillside, and Sensitive Terrestrial Ecosystem Development Permit (DP 22-20) for a townhouse development at 2102 Shannon Ridge Drive 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.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Development Permit DP 22-20
2. Applicant's Rationale
3. Letter from 2082 Shannon Ridge Drive Owner
4. Applicant's Public Information Meeting Report
5. Submissions