



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: May 28, 2024

From: Ron Mattiussi, Interim CAO

File No: DP 24-09

Subject: **DP24-09, Development Permit with Variances, 3401 Sundance Drive**

Report Prepared By: Brad Clifton, Senior Planner

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Multiple Family and Intensive Residential, Sensitive Terrestrial Ecosystem, and Hillside Development Permit (DP 24-09) for a townhouse development located at 3401 Sundance Drive;

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

- Minimum front parcel boundary setback be reduced from 6.0m to 4.0m;
- Minimum interior side parcel boundary setback be reduced from 4.5m to 3.0m;
- Minimum rear parcel boundary setback be reduced from 7.5m to 6.0m;
- Minimum drive aisle width be reduced from 7.0m to 6.0m over the access lane;
- Minimum required truck or van loading spaces be reduced from 4.0 to 3.0;
- Maximum retaining wall height be increased from 2.5m to 4.5m; and
- Maximum building height for units 55-58 be increased from 12m to 13.3m;

AND THAT the issuance of the Development Permit be withheld pending receipt of a Landscape Security in the amount of \$428,588.125;

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 within the Shannon Lake Neighbourhood and features steep topography, sloping down from Sundance Drive to Ensign Quay Lane, a private access road with legal access via easement. The property is adjacent to a townhouse development currently under construction (File: DP 20-09) to the north, Parks and Open Space to the East, and R1 zoning to the west and south. The subject parcel is zoned R4 which permits townhouses.

This application represents a revision of a previous townhouse submission (DP 22-26) that was denied by Council on September 26, 2023. The previous application proposed a spatially demanding site plan, impacting existing residents, and necessitating numerous variances. The revised plan offers improvements over the previous application, optimizing both vehicular and pedestrian circulation with a reduced number of variances. Additionally, the number of units fronting existing private laneways have been reduced, enhancing overall safety, accessibility, and addressing concerns raised by residents as part of the previous application.

PROPERTY DETAILS

Address 3401 Sundance Drive

PID 028-172-001

Folio 36413691.497

Lot Size 13040.62m²

Owner Gatehouse Developments
(Providence) Inc.,

Agent Ryan Jones P.Eng 778-
968-0230

Current Zoning R4 Medium Density
Multiple Residential Zone

Proposed Zoning N/A

Current OCP Medium Density Residential

Proposed OCP N/A

Current Use Vacant

Proposed Use Townhouses

Development Permit Areas Sensitive Terrestrial, Hillside, Form and Character

Hazards N/A

Agricultural Land Reserve No

ADJACENT ZONING & LAND USES

North ^ R4 – Medium Density Residential Zone

East > P1 – Parks and Open Space

West < R1 – Single Detached Residential

South v R1 – Single Detached Residential

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

This application is for Multi Family Intensive Residential, Hillside, and Sensitive Terrestrial Development Permits for a 58-unit townhouse development. The three-story townhouses offer 3-bedroom layouts and feature a visually appealing mix of three-color tones and brickwork.

The development's primary access point is Sundance Drive, a public road. A single-entry point leads to a proposed internal access lane, which provides garage access to units 1-54. No individual driveways directly front Sundance Drive. Secondary access is provided via Ensign Quay Lane, a private lane, which offers vehicle access to units 55-58. Unlike the prior proposal, no units front Ensign Lane.

Visitor parking is internal, accessible via the proposed interior access lane. Units fronting Ensign Quay Lane also offer direct visitor parking. The design includes three hammerheads for vehicle turnaround and fire truck movement. Three loading stalls are included across each level of the development, and garbage collection will utilize bins stored in each unit with private pickup. The proposal meets all parking requirements under zoning bylaw 0265. Dedicated snow storage areas have been allocated adjacent to units 1 and 29, with additional backup space located south of the entry ramp.

The applicants revised submission significantly reduces the number of variances compared to the prior submission. These variances will be addressed later in the report.



Figure 1: Rendering looking southeast from Sundance Drive.

Current Proposal – Minimal Impact on existing laneways (4 units on Ensign Quay Lane)



Prior Proposal – Extensive Impact on existing laneways (37 units across both lanes)



Figure 2: Current vs Prior Proposal (SS= Snow Storage)

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.

The applications form and character stands out with a modern farmhouse-style aesthetic, a unique addition to West Kelowna's architectural landscape. This distinctive design choice, combined with extensive landscaping, creates a strong sense of place within the

site boundaries, enhancing the experience for both residents and pedestrians. A unique landscaped pathway system with outlook and seating areas further fosters community connection by linking units 30-54 and 55-58.

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.)
- 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.) See Figure 3.
- Landscaping is provided on private property to respect and improve the streetscape and public realm (Guideline s.4.2.12.1.)

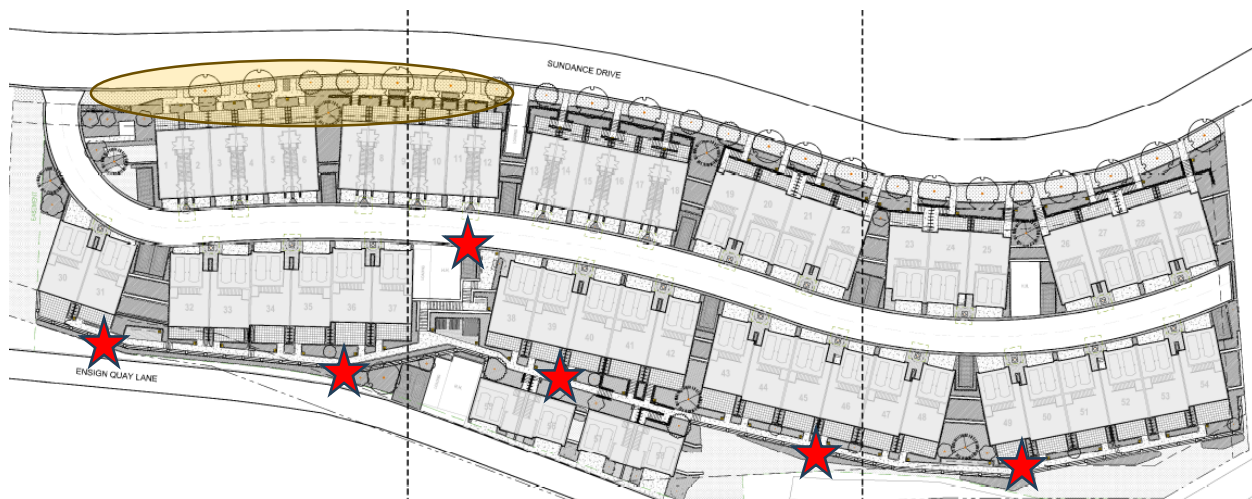


Figure 3: *Landscape plan showing pedestrian pathway connection noted with a red star and additional planting and landscaping along the streetscape frontage. Units fronting Sundance are recessed below street level and offer extensive private landscaping.*

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) (Townhouses are proposed)

- The site plan accommodates all 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 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). (Multiple colour variations are proposed with varied materials)



Figure 4: Units 1-18 from interior access lane showing varied colours and materials (note red arrow for contrast in materials)



Figure 5: Units 55-58 fronting Ensign Quay Lane / along with pedestrian mews noted with a red star.

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).

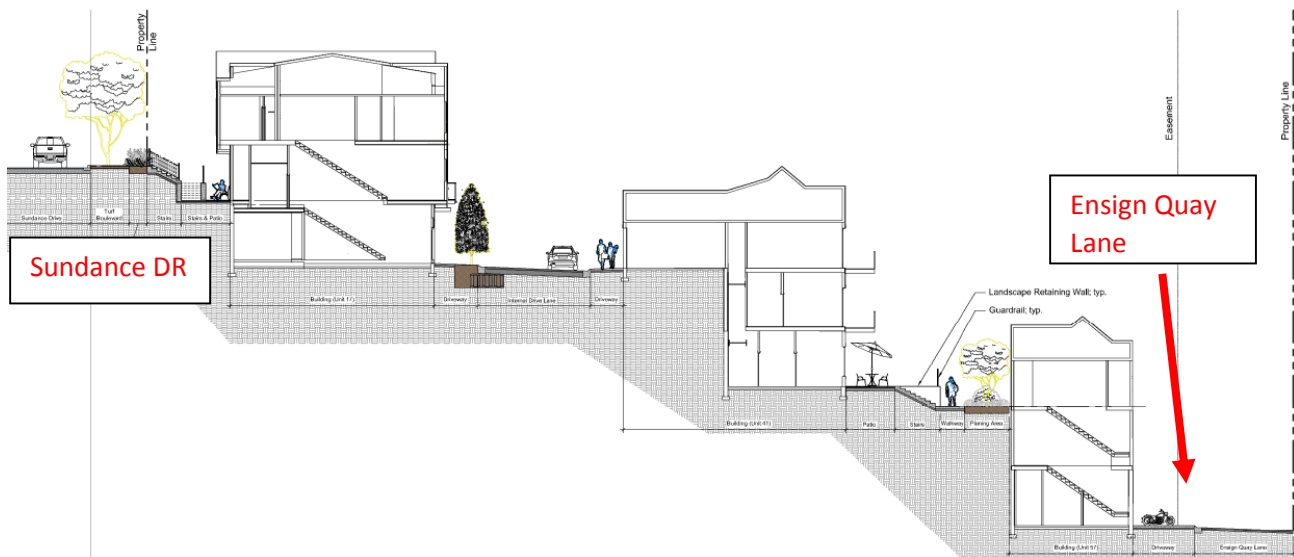


Figure 6: Cross section through middle of site showing integration of townhome product into natural site topography and centrally located laneway. The buildings themselves provide the majority of retaining across the site.

Sensitive Terrestrial Ecosystem Permit Guidelines

The proposed development is subject to the sensitive terrestrial ecosystem DPA. The guidelines are applied to all land as having environmental value. These guidelines ensure that development considers relevant provincial legislation, that site design is consistent with the environmental reporting, and that disturbance to highly sensitive environmental areas is minimized. Key highlights of the guidelines include:

- Site design and development should be consistent with an Environmental Report prepared by a QEP (Qualified Environmental Professional) (Guideline 1/9).
- The report should identify and assess sensitive ecosystems on the site (Guideline 9b).

As part of this application, an Environmental Assessment was submitted, noting the area to contain Moderate (ESA 2) and Low (ESA 3) Environmentally Sensitive Areas. Most of the disturbance is proposed within the ESA 3 area. Recommendations of the environmental report are included as part of the permit conditions.

Zoning Bylaw 0265

Summary of Variances

The following zoning variances are proposed. Some of these were also supported in the previous proposal. The prior submission also included several Traffic Bylaw variances regarding crossings onto Sundance Drive for individual unit garage access. As garage access has been relocated to the new common drive aisle, traffic variances are no longer needed.

Table 1 - Summary of Variances

Variance Request	Revised Submission Variance	Original Submission Variance	Staff Position
Maximum retaining wall height	Unchanged (2.5m to 4.5m)	2.5m to 4.5m	Supported
Two way Access Aisle width	7.0m to 6.0m	N/A	Supported
Truck or Van space Loading stall reduction	New request improved (4 to 3)	4 to 2	Did not support previous request - support new request for 3 spaces.
Maximum Building Height in R4 zone	Requesting 1.3m increase for units 55-58 (units fronting Ensign Quay Lane)	N/A	Supported
Reduced parcel boundary (front)	Unchanged (6m to 4m)	6m to 4m	Supported
Reduced parcel boundary (rear)	Unchanged (7.5m to 6m)	7.5m to 6m	Supported
Reduced parcel boundary (interior side)	Slightly reduced (4.5m to 3m)	4.5m to 3.5m	Supported

Part 3 - General Regulations

Retaining Wall Height

The applicant is requesting a variance to the maximum retaining wall height from 2.5m to 4.5 to accommodate additional slope stability abutting Ensign Quay Lane & the eastern portion of the property. The variance is isolated to only these locations. All other retaining walls on site meet the 2.5m maximum requirement. The variance is supported as the walls are not excessive, and the wall on the east side of the property abuts P1 Park with minimal impact on existing neighbours. See Figure 7 for wall locations.

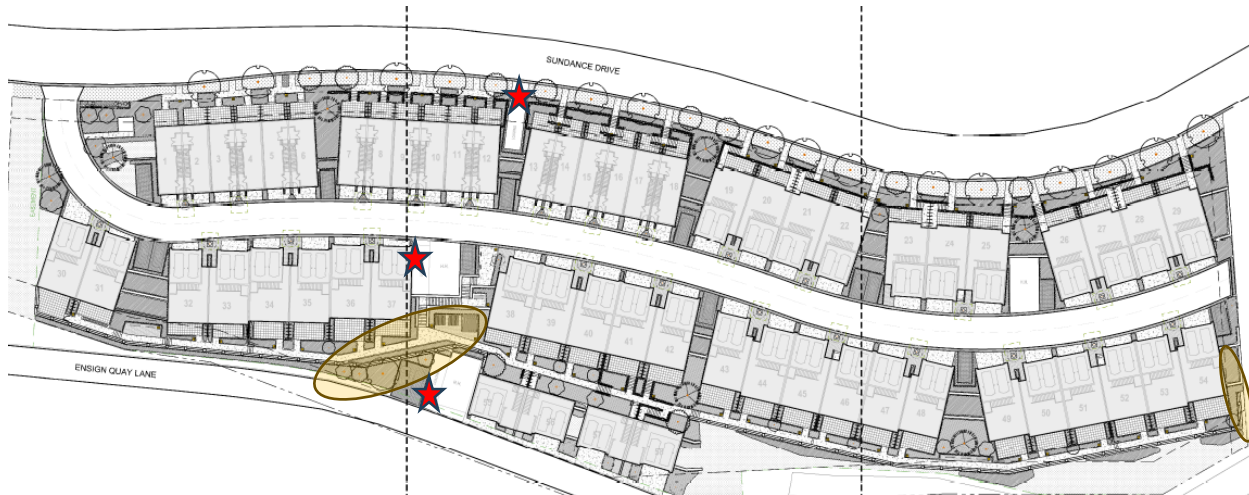


Figure 7: Landscape plan showing areas where retaining walls require max height of 4.5m (yellow hatch) and loading stall locations noted with a red star. The entire central access lane will require a variance from 7.0 to 6.0m.

Part 4 – Off-Street Parking and Loading Regulations

Two Way Access Isle

The Zoning Bylaw requires a 7-meter two-way access aisle for access. However, due to the significant grade constraints across the site, a variance to reduce the access aisle to 6 meters is requested. This variance is supported by the development's design, which prohibits parking in the laneway for sufficient maneuverability (installation of no parking signs will be completed) and utilizes private garbage bins stored in resident garages and collected privately, eliminating the need for lane storage. The reduced aisle width is considered appropriate given the sites unique grading conditions.

Loading

The applicant seeks to reduce the number of truck/van loading stalls from four to three. This variance is supported by the proposed product (townhouses) and the availability of garage access for each individual unit. Additionally, the project has one extra visitor parking space that could be utilized for short-term loading if necessary. Sundance drive also offers temporary on street parking & loading. All loading spaces are centrally located across all three tiers of the development.

Vehicle Parking

The proposal is compliant in meeting all other parking requirements of zoning bylaw 0265, as outlined in Table 2.

Table 2 – Parking Space Requirements

Parking/Loading Regulation	Required/Permitted	Proposed
Standard Parking Spaces	2 standard parking spaces per townhouse unit = 116 spaces	116 spaces
Accessible Spaces	>21 units = 2 spaces	2 spaces (stalls 1 and 13)
Visitor Parking Spaces	10% of standard parking space requirement = 12 spaces	13 spaces (extra provided)
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

Development Regulations Medium Density Residential Zone

Maximum Height

The applicant is requesting a variance to increase the maximum height for units 55-58 (4 units) from 12.0m to 13.3m in the R4 zone. This increase will accommodate a rooftop terrace and pergola structure, which are not currently recognized as permitted projections under Bylaw 0265. Given the minor nature of this variance, affecting only 4 units, the variance is supported.



Figure 8: Rendering of units fronting Ensign Quay Lane showing Rooftop Terrace

Development Regulations Medium Density Multiple Residential Zone

Siting Regulations

The applicant is requesting several variances to the siting regulations for the property.

1. Front Parcel Boundary

The applicant intends to decrease the front yard setback (along Sundance Drive) from 6 meters to 4 meters to accommodate the spacing of townhomes on the site and help mitigate significant grade changes. An extensive landscape treatment along the front yards of units facing Sundance Drive will help reduce the visual impact of this reduction. The units are also dropped from the street level as a result of grading, minimizing the impact of the setback variance.



Figure 9: Rendering along Sundance DR showing sunken front entry and reduced impact of front setback

2. Rear Parcel Boundary

The applicant proposes to reduce the rear parcel boundary from 7.5m to 6.0m to accommodate the siting of units 30-33, 54 & 58. All other units sited along the rear of the property meet the original 7.5m requirement.



Figure 10: Markup of site plan showing impact of rear yard and interior side boundary reductions (blue dashed line)

3. Interior Side Parcel Boundary

The applicant requests a reduction in the interior side parcel boundary from 4.5 meters to 3.0 meters. The requested variance is supported by the fact that the eastern side of the

property borders P1 Park, not an existing residential area. The encroachment is considered minor, as no building structures will be placed on the park parcel.

Additional Access & Laneway Considerations

The proposal meets all requirements for fire truck movement, as confirmed by the Fire Department in their review of the enclosed vehicle maneuvering diagrams. Two hammerhead turnarounds are included along the central access lane, with an additional hammerhead on Ensign Quay Lane. The development also includes widening and improving a portion of Ensign Quay Lane, along with necessary servicing upgrades.

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.

The applicant has also proactively consulted with several neighbors to discuss the revised proposal and address any questions regarding the development. Hand-delivered copies of the new conceptual plan have been provided to neighboring residents. Furthermore, the developer has committed to continued communication with Ensign Quay Lane residents throughout the servicing upgrade process.

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, Terrestrial and Hillside 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. The distinctive architectural features and carefully chosen colours will reinforce the sense of place within the site and its surroundings, creating a cohesive and visually appealing environment.

Alternate Recommendation to Consider and Resolve:

Option 1:

THAT Council postpone the issuance of a Multiple Family and Intensive Residential, Sensitive Terrestrial Ecosystem, & Hillside Development Permit with variances (DP 24-09) for a townhouse development at 3401 Sundance 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.

Option 2:

THAT Council deny the issuance of a Multiple Family and Intensive Residential, Sensitive Terrestrial Ecosystem, & Hillside Development Permit with variances (DP 24-09) for a townhouse development at 3401 Sundance 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.

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

Warren Everton, Acting CAO

PowerPoint: Yes No

Attachments:

1. Development Permit (DP24-09) 3401 Sundance Drive
2. Submissions as of 4:30 p.m. May 23, 2024