



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: July 23, 2024

From: Ron Mattiussi, Interim CAO

File No: DP24-10

Subject: **DP24-10, Development Permit with Variance, 2419 Mountains Hollow Lane**

Report Prepared By: Brad Clifton, Senior Planner

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**RECOMMENDATION** to Consider and Resolve:

**THAT** Council authorize the issuance of a Multiple Family and Intensive Residential, Aquatic, Sensitive Terrestrial Ecosystem, and Hillside Development Permit (DP 24-10) for a townhouse development located at 2419 Mountains Hollow Lane;

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

- Minimum required truck or van loading spaces be reduced from 4.0 to 3.0;

**AND THAT** the issuance of the Development Permit be withheld pending receipt of a Landscape Security in the amount of \$503,142.50

**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 situated within the Shannon Lake Neighbourhood forming part of the Tallus Ridge Development and is characterized by a steep southwest slope

towards Mountains Hollow Lane. Parks and Open Space (Paramount Park) border the property to the south and west. This initial application represents the first phase of a multi-phase medium density residential development, encompassing the southwest portion of the parcel. The previous rezoning (Z12-04) established clear boundaries and protections for valuable environmental areas, providing a natural buffer zone for nearby residents. This includes protection of High value ESA 1 lands, and delineation of a landscape buffer.

The subject property borders an A1-zoned parcel to the east. While currently unused for agricultural purposes, this parcel is designated for medium-density residential and parks and natural areas under OCP Bylaw 300, identifying potential for future development.

### PROPERTY DETAILS

<b>Address</b> 2419 Mountains Hollow Lane		
<b>PID</b> 028-788-044		
<b>Folio</b> 36414916.149		
<b>Lot Size</b> 66058.846		
<b>Owner</b>	Ryser Developments Ltd.	<b>Agent</b> Damien Burggraeve
<b>Current Zoning</b>	R3 Low Density Multiple Res	<b>Proposed Zoning</b> R3 Low Density Multiple Res (no change)
<b>Current OCP</b>	MDR Medium Density Res	<b>Proposed OCP</b> MDR Medium Density Res (no change)
<b>Current Use</b>	Vacant	<b>Proposed Use</b> MDR
<b>Development Permit Areas</b>	Aquatic, Hillside, Form and Character, Sensitive Terrestrial	
<b>Hazards</b> N/A		
<b>Agricultural Land Reserve</b>	No	

### ADJACENT ZONING & LAND USES

<b>North</b>	^	R3 - Medium Density Res
<b>East</b>	>	P1 - Parks
<b>West</b>	<	A1 - Agricultural
<b>South</b>	v	P1 - Parks

## 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 includes various development permit areas, including Aquatic, Hillside, Sensitive Terrestrial and Multi-Family and Intensive Residential to facilitate the construction of a 46-unit townhouse development. Only one variance is requested related to loading space requirements (Figure 1).

The development layout features fourplex buildings with townhouse units offering ground-floor entry in either walk-up or walkout configurations. To optimize the road layout, a few triplex buildings are also included in the design. All units will provide three bedrooms. The development incorporates two colour schemes and a variety of elevation treatments to create visual interest and architectural character contributing to a distinct sense of place the project. The development also includes a 330m<sup>2</sup> (3552ft<sup>2</sup>) common landscaped amenity area, along with private deck and patio areas within each individual townhouse unit.

The development will be accessed through a single entry point located off Paramount Drive, a public road. This central entry will lead to two internal, private access lanes that will provide circulation throughout the development (Figure 2). Refuse pickup would be private, with bins collected from each individual unit.

While an emergency access road isn't required for this initial development phase, the applicant allocated an area for an easement across the southern portion of the site to accommodate a potential future need. This proactive approach acknowledges the possibility of future development phases and ensures flexibility in location for long-term planning. The proposed access area may require additional approval processes in the future if utilized as there are existing constraints due to the existing vegetation, covenant area, and mature vegetation.



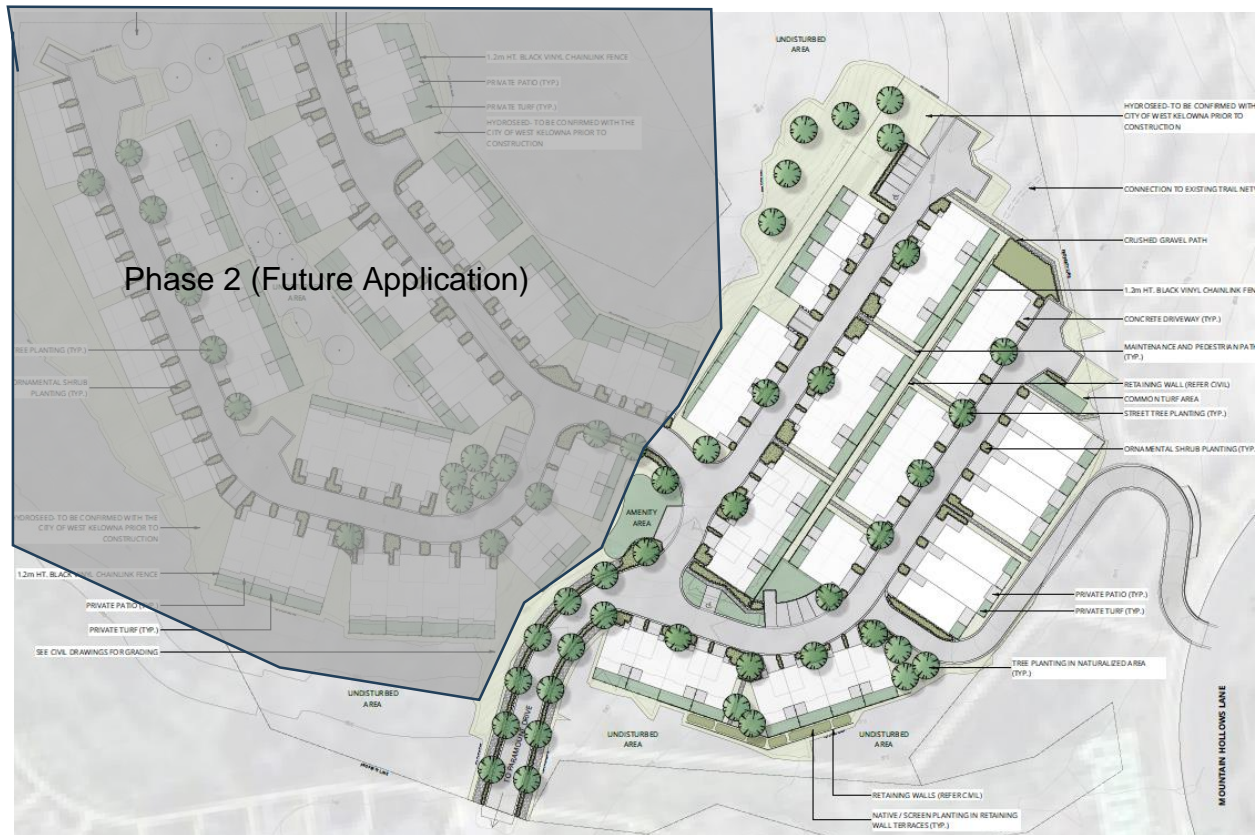


Figure 2: Applicants Proposed Landscape Plan

## DISCUSSION

### Policy & Bylaw Review

#### Official Community Plan Bylaw No. 300

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 selection of varied materials and colours to create visual interest across the buildings both vertically and horizontally (Figure 3 and 4 below). Design choices, combined with extensive landscaping, creates a strong sense of place within the site boundaries, enhancing the experience for both residents and pedestrians.

The City of West Kelowna's Official Community Plan (OCP) emphasizes the importance of maintaining buffers between residential developments and adjacent agricultural lands. While the abutting eastern property is designated for Medium Density Residential under OCP Bylaw 300, it remains zoned for agriculture currently.

OCP guidelines recommend incorporating effective buffering strategies in multi-family and intensive residential projects neighbouring A1 (Agriculture) zones to minimize potential conflicts and safeguard the agricultural land's functionality and productivity. The proposed development is significantly setback (approximately 60 meters) from the existing A1 zoned parcel. The natural grade and topography provide an inherent buffer, aligning well with the OCP's objectives.



Figure 3: Example form and Character, Walkout Elevation 1 (top), and Walkup Elevation 2 (bottom) showing colour scheme B



Figure 4: Example form and Character, Walkup Elevation 1 , showing colour scheme B



### *General Development Permit Guidelines*

The subject property complies with the General Development Permit Guidelines, effectively incorporating several key aspects into the proposal. Notable highlights include visually integrating buildings into the natural hillside with architectural treatments that reduce massing, and including landscaped front yards to enhance street frontage. Additionally, the building form and placement carefully considers transitions in heights to align with adjacent properties / environmental features, and ample landscaping is provided to enhance the public realm, ensuring a harmonious integration with the environment and surrounding community.

### *Multiple Family and Intensive Residential Development Permit Guidelines*

The subject property adheres to the Multiple Family and Intensive Residential Development Permit Guidelines. The proposal thoughtfully accommodates all visitor parking requirements per the Bylaw 0265, placing these facilities centrally within the development for convenient access by residents. It also fosters a strong sense of place, focusing on seamless integration into the existing neighbourhood through appropriate massing, scale, and street level engagement. The development includes various of building materials, enhancing the visual appeal and creating a distinctive design across different levels of each townhouse, with multiple colour variations and materials proposed (Figure 5).



Figure 5: Example colour variations and architectural treatments



## Hillside Development Permit Guidelines

The development prioritizes safety and adheres to the Hillside Development Permit Guidelines. A geotechnical report prepared by a professional engineer confirms the site's suitability for the project and provides recommendations for safe design and construction. The development is designed to minimize disruption to the surrounding area and reduce cuts and fills on the hillside. Private access routes are strategically located within the development, avoiding potentially hazardous areas like cliff faces, talus slopes, and rock outcrops.

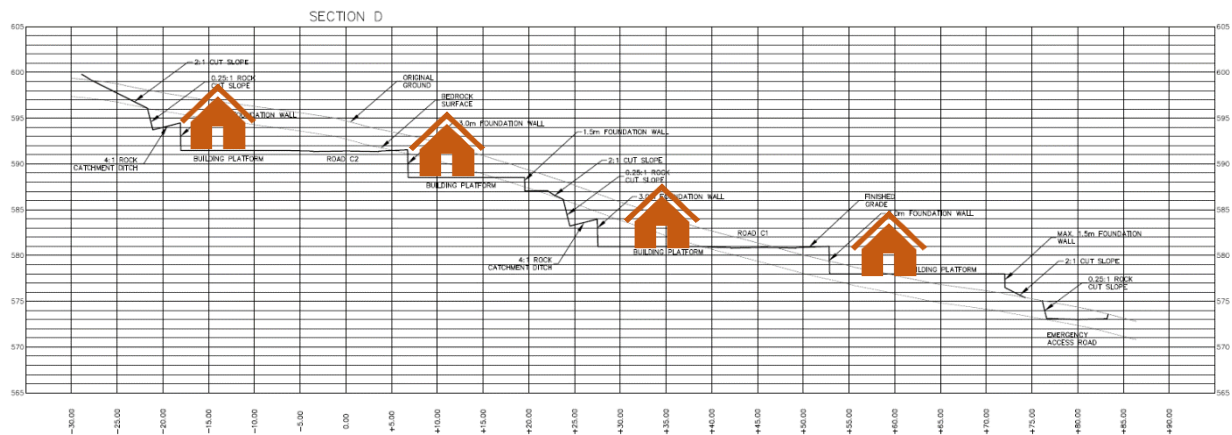


Figure 6: Site cross section looking north/south across the development. Note stepped hillside integration. Orange houses denote building platforms

## Aquatic & Sensitive Terrestrial Ecosystem Permit Guidelines

The proposed development is subject to the aquatic and 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.

An QEP prepared Environmental Assessment submitted with this application identifies the presence of Moderate (ESA 2) and Low (ESA 3) Environmentally Sensitive Areas (ESAs) within the subject property. It's important to highlight that high-value ESA 1 lands were deliberately excluded from development and safeguarded through restrictive covenants established during the previous Comprehensive Development Plan and Rezoning stage. Similarly, the wetland environment located west of the development, was protected with a no-disturb covenant at that time. No development activity is proposed in the vicinity of the feature. The environmental report's recommendations are incorporated as permit conditions within this application. This includes the provision of an environmental monitor during construction.

### *Wildfire*

The "Wildfire Hazard Assessment" for the Tallus Ridge Neighborhood was prepared alongside the original rezoning. An extreme wildfire hazard rating was assigned and a covenant was registered on title with prescriptive recommendations to reduce the rating. The report recommends reducing tree density by removing dead and insect-infected trees, pruning to eliminate ladder fuels, and maintaining defensible spaces around small tree clusters and structures. These mitigation works are required as part of the development of the site, prior to construction of each phase. . This would include scanning the buffer locations adjacent to the proposed building platforms and implementing the require treatment prescription. Tracts with very steep terrain, or high value environmental features, e.g. near the knoll of the property in the high value ESA 1 area may require manual treatment. Fire-safe building materials and regular maintenance were recommended to keep the wildfire hazard low.

### Zoning Bylaw 0265

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 driveways and garage access for each individual unit. The three loading spaces as planned are centrally located across the site. Staff are supportive of the reduction as there is ample alternative to the designated loading spaces and any impacts would be to the internal strata road.

### *Vehicle Parking*

The proposal is compliant in meeting all other parking requirements of zoning bylaw 0265, as outlined in Table 1.

Table 1 – Parking Space Requirements

<b>Parking/Loading Regulation</b>	<b>Required/Permitted</b>	<b>Proposed</b>
Standard Parking Spaces	2 standard parking spaces per townhouse unit = 92 spaces	92 spaces
Accessible Spaces	>21 units = 2 spaces	2 spaces
Visitor Parking Spaces	10% of standard parking space requirement = 10 spaces	10 spaces

### **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.

## **CONCLUSION**

The proposed townhouse development adds additional housing units and housing options in an existing residential neighbourhood on a site that has been identified for development since the Shannon Lake CDP was adopted. The development is in accordance with the applicable Development Permit Guidelines and conforms to most of the regulations in Zoning Bylaw No. 0265. The variance proposed is minor and inconsequential in the overall function of the development 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, Aquatic, Sensitive Terrestrial Ecosystem, & Hillside Development Permit with variances (DP 24-10) for a townhouse development at 2419 Mountains Hollow Lane 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, Aquatic, Sensitive Terrestrial Ecosystem, & Hillside Development Permit with variances (DP 24-10) for a townhouse development at 2419 Mountains Hollow Lane 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



**APPROVED FOR THE AGENDA BY**

Ron Mattiussi, Interim CAO

Powerpoint: Yes  No

Attachments:

1. Development Permit (DP24-10) 2419 Mountains Hollow Lane
2. Submissions Received Prior to 4pm on Thursday, July 18, 2024