



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 26, 2021

From: Carla Eaton, Planner III

File No: Z 20-10

Subject: **Z 20-10, OCP and Zoning Amendment Bylaw No. 100.63 and 154.98 (1st and 2nd Reading), 2749 and 2769 Shannon Lake Road**

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### RECOMMENDATION

**THAT** Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.59, 2021 (File: Z 20-10); and

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 154.98, 2021 (File: Z 10-10); and

**THAT** Council direct staff to schedule the proposed bylaw amendments for Public Hearing subject to the submission of the following technical report updates to the satisfaction of the Director of Development Services:

- Functional Servicing Report,
- Geotechnical Report, and
- Storm Water Management Report.

### STRATEGIC AREA(S) OF FOCUS

Focus on Economic Growth (Strategic Plan Priorities, 2009 and 2020-2022)

### BACKGROUND

The applicant has applied to amend the Official Community Plan from Low Density Multiple Family to Mixed Use and amend the Zoning from Low Density Multiple Residential Zone (R3) to Comprehensive Development Zone (CD 10). The amendment will facilitate a proposed development for congregate housing and multiple residential uses in the townhouse (up to 3 storeys) and apartment (up to 4 storeys) form to a maximum of 99 units, which may include some small-scale secondary commercial uses, on the 1.35 ha (3.336 acre) subject property (*Attachment 1 and 2*).

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### PROPERTY DETAILS

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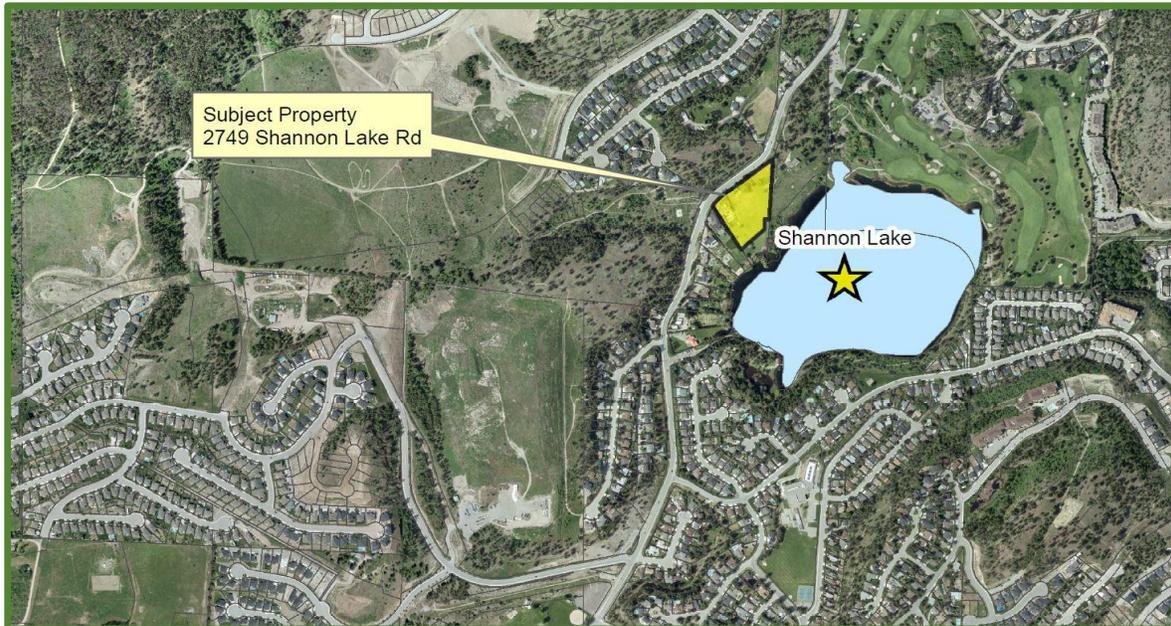
<b>Address</b>	2749 and 2769 Shannon Lake Road
<b>PID</b>	030-751-420
<b>Folio</b>	36414117.017
<b>Lot Size</b>	1.35 ha (3.336 acres)

<b>Owner</b>	Suntory City Develop & Invest Group Inc.	<b>Agent</b>	Patrick Yang / Pacific West Architecture
<b>Current Zoning</b>	R3 Low Density Multiple Residential Zone	<b>Proposed Zoning</b>	CD10 Comprehensive Development Zone (Injoy Lakeview)
<b>Current OCP</b>	Low Density Multiple Family	<b>Proposed OCP</b>	Mixed Use
<b>Current Use</b>	Vacant residential	<b>Proposed Use</b>	Multiple Family and Congregate housing with small scale commercial
<b>Development Permit Areas</b>	Sensitive Terrestrial and Aquatic Ecosystem, Hillside and Form and Character		
<b>Hazards</b>	None identified		
<b>Agricultural Land Reserve</b>	N/A		

### ADJACENT ZONING & LAND USES

<b>North</b>	^	A1 Agricultural and P1 Parks and Open Space (privately held)
<b>East</b>	>	R3 Low Density Multiple Residential (vacant)
<b>West</b>	<	R1L Large Parcel Single Detached Residential, R3 Low Density Multiple Residential (vacant) and P1 Parks and Open Space (privately held)
<b>South</b>	v	Undeveloped dedicated park land and Shannon Lake

### NEIGHBOURHOOD MAP



## PROPERTY MAP



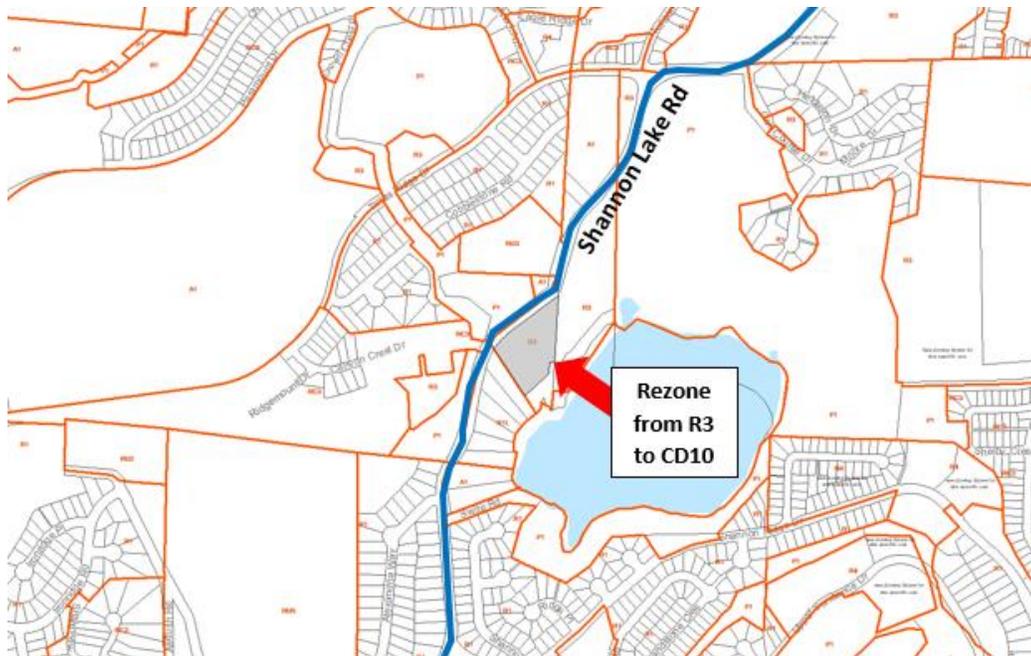
## DISCUSSION

### Subject Property - History

The subject property is accessed directly from Shannon Lake Road (see Figure 1 – blue line) with two vacant residences and grassy areas sloping upwards from Shannon Lake that were formerly used as pasture. The subject property was previously rezoned (File: Z 18-04) from Large Parcel Single Detached Residential (R1L) and Rural Residential Small Parcel (RU2) to the Low Density Multiple Residential (R3) zone in 2019 to facilitate a proposed townhouse development (approximately 65 units in 12 buildings).

As a condition of the zoning, the two parent parcels were consolidated, the required land along Shannon Lake was dedicated as park, and a pedestrian statutory right of way was registered. Additional covenants were also registered on title to restrict future development until the following items have been constructed:

- off-site infrastructure installed to provide a looped water connection,
- pedestrian crosswalk improvements across Shannon Lake Road,
- park improvements and environmental restoration within the dedicated foreshore park, and
- a 3 m wide pedestrian access between Shannon Lake Road and the foreshore park.



**Figure 1: Location and Proposed Zoning Amendment**

### Proposal

The applicant's proposal now includes a draft comprehensive development (CD10) zone tailored to accommodate proposed land uses, setbacks and building forms that are a combination of regulatory elements from the R3, R4, and R5 zones<sup>1</sup>. In addition to townhouses up to three (3) storeys which are already permitted in the existing R3 zone, the proposed CD10 zone would permit an apartment and congregate housing in apartment form up to four (4) storeys, as well as two small-scale commercial secondary uses<sup>2</sup> that would be ancillary to the congregate housing. The proposed zone will not change the minimum parcel area, minimum useable parcel area, parcel frontage, maximum density or maximum parcel coverage of the R3 zone. The proposed zone has also selected appropriate setbacks from each of the zones for each proposed use.

### Applicant Rationale

As part of this application, the applicant has provided a proposal summary (*Attachment 3*) stating that the intent of the development is to provide a mix of multiple residential and congregate housing developments integrated with private and public amenity features adjacent to Shannon Lake Regional Park (see Figure 2 – Concept Plan). The overall vision for the development will incorporate principles of smart growth, a high level of urban design and sustainability, and “By providing a wide range of housing, the development

<sup>1</sup> R3 Low Density Multiple Residential, R4 Medium Density Multiple Residential, R5 Westbank Centre Multiple Residential Zone

<sup>2</sup> Proposed commercial secondary uses: Personal service establishment and Office



Residential policy encourages the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities. The proposed development still includes a mix of ground oriented townhouses with at-grade private entrances, which is considered an appropriate form of infill housing that has the ability to complement the type, form, scale and use of the surrounding neighbourhood.

The proposed addition of congregate housing and apartment form up to four (4) storeys is a challenge to OCP policy, which typically encourages greater building height and higher density development within the Westbank Centre. However, the proposed development will not increase density but is rather proposing a more compact apartment building form that will increase greenspace on the site in comparison to a townhouse only development. This type of consideration is consistent with OCP policy that supports the consideration of density bonuses to aid in the protection of green space and natural or open space. The proposed Mixed Use land use designation also supports the retention of compatible service-related and low intensity commercial uses within a livable community, where these uses can be integrated with a sensitive transition to adjacent uses. The proposed amendment does not affect the trail construction and park improvements secured through previous rezoning and neighbourhood planning processes, which are consistent with OCP policy regarding interconnected linear trails and park systems.

#### Zoning Bylaw No. 0154

The proposed Comprehensive Development (Injoy Lakeview) CD10 zone is intended to accommodate multiple residential units in townhouse and apartment form, while also permitting the congregate housing use (*Attachment 2*). As shown in Table 1, the proposed zoning amendment will not increase density for the site but will adjust maximum building height, number of storeys, and setbacks to accommodate the proposed apartment form allowing for a reduced hillside disturbance and building footprint, as well as increased greenspace. Additionally, the CD10 zone has proposed standard amenity space provisions for the multiple residential units, as well as standard common dining and community space requirements for congregate housing. The conceptual development boundary will meet the required minimum parcel size, frontage, and parcel coverage for the R3 zone (*Attachment 4* and Concept Plan shown in Figure 2 above).

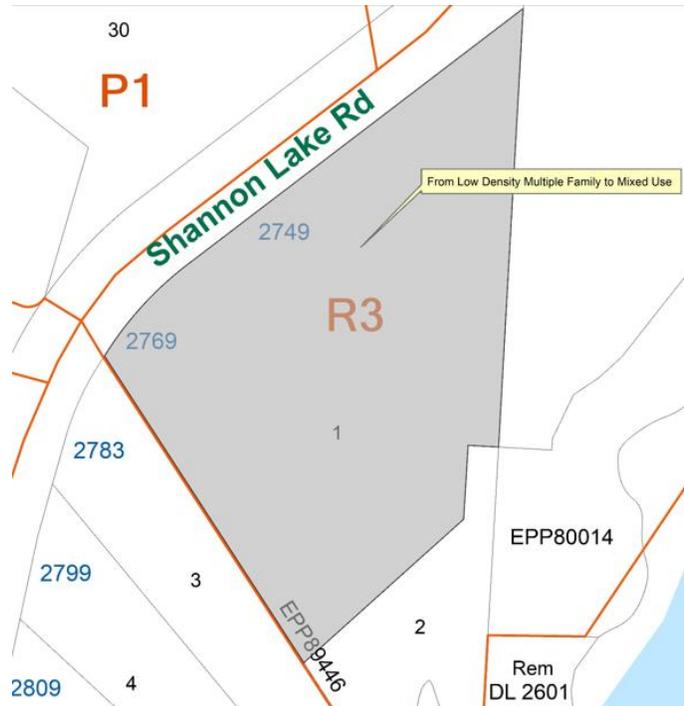


Figure 3: Proposed Mixed Use Land Use Designation

**Table 1: Comparative Summary of Density and Uses across Zones That Permit Multi-family Uses**

<b>Regulation</b>	<b>R3 Zone</b>	<b>R4 Zone</b>	<b>R5 Zone</b>	<b>Proposed CD10</b>
<b>Min parcel area</b>	1000 m2	1400 m2	1600 m2	1000 m2
<b>Min parcel frontage</b>	30 m	30 m	30 m	30 m
<b>FAR</b>	0.75	1.0	1.4 (surface parking) – 1.8 (non-surface parking)	0.75 (to a max of 99 units)
<b>Max parcel coverage</b>	40%	50%	60%	40%
<b>Max building height</b>	<ul style="list-style-type: none"> <li>9 m to a max of 3 storeys (5 m for accessory buildings &amp; structures)</li> </ul>	<ul style="list-style-type: none"> <li>12 m to a max of 3 storeys (5 m for accessory buildings &amp; structures)</li> </ul>	<ul style="list-style-type: none"> <li>15 m to a max of 4 storeys (5 m for accessory buildings &amp; structures) &amp; options for 6 storeys w/density bonus</li> </ul>	<ul style="list-style-type: none"> <li>Townhouse to 9 m to a max of 3 storeys</li> <li>Any other built form than a townhouse to 15 m to a max of 4 storeys (except 5 m for accessory buildings &amp; structures)</li> </ul>
<b>Principal uses</b>	<ul style="list-style-type: none"> <li>Care facility, major, in duplex or townhouse form only</li> <li>Duplex</li> <li>Group home, in duplex or townhouse form only</li> <li>Townhouse</li> </ul>	<ul style="list-style-type: none"> <li>Apartment</li> <li>Care facility, major, in duplex, townhouse or apartment form only</li> <li>Duplex</li> <li>Group home, in duplex, townhouse or apartment form only</li> <li>Townhouse</li> </ul>	<ul style="list-style-type: none"> <li>Apartment</li> <li>Care facility, major, in townhouse or apartment form only</li> <li>Congregate housing</li> <li>Group home, in townhouse or apartment form only</li> <li>Townhouse</li> </ul>	<ul style="list-style-type: none"> <li>Apartment</li> <li>Care facility, major, in townhouse or apartment form only</li> <li>Congregate housing</li> <li>Group home, in townhouse or apartment form only</li> <li>Townhouse</li> </ul>
<b>Secondary uses</b>	<ul style="list-style-type: none"> <li>Accessory uses</li> <li>Home based business, minor</li> </ul>	<ul style="list-style-type: none"> <li>Accessory uses</li> <li>Home based business, minor</li> </ul>	<ul style="list-style-type: none"> <li>Accessory uses</li> <li>Home based business, minor</li> </ul>	<ul style="list-style-type: none"> <li>Accessory uses</li> <li>Home based business, minor</li> <li>Office</li> <li>Personal service establishment</li> </ul>
<b>Front Setback</b>	<ul style="list-style-type: none"> <li>4.5 m/6m to garage</li> </ul>	<ul style="list-style-type: none"> <li>6 m</li> </ul>	<ul style="list-style-type: none"> <li>Townhouse 3 m / 6 m to garage</li> <li>Any other built form 4.5 m</li> </ul>	<ul style="list-style-type: none"> <li>Townhouse 4.5 m / 6m to garage</li> <li>Any other built form 6 m</li> </ul>
<b>Rear Setback</b>	<ul style="list-style-type: none"> <li>7.5 m</li> </ul>	<ul style="list-style-type: none"> <li>7.5 m</li> </ul>	<ul style="list-style-type: none"> <li>7.5 m</li> </ul>	<ul style="list-style-type: none"> <li>7.5 m</li> </ul>
<b>Interior Side Setback</b>	<ul style="list-style-type: none"> <li>3 m</li> </ul>	<ul style="list-style-type: none"> <li>4.5 m</li> </ul>	<ul style="list-style-type: none"> <li>6 m</li> </ul>	<ul style="list-style-type: none"> <li>Townhouse 3 m</li> <li>Any other built form 6 m</li> </ul>

*Note: red-highlighted portion of CD10 column shows what is different from R3 zone*

### *Development Permit Areas*

The subject property is located within the Hillside, Aquatic and Sensitive Terrestrial Ecosystem Development Permit areas. Additionally, the proposed multiple family residential development with secondary commercial uses will also require a separate form and character Multiple Family Residential Development Permit to facilitate any future Building Permits.

### Technical Review

#### *Transportation and Site Access*

The owner is responsible for frontage improvements to the centerline of Shannon Lake Road to the Urban Arterial Standard<sup>3</sup> to be constructed at time of building permit. The site access is proposed as a new 6.0 m wide paved entrance located mid-way along the site's frontage with Shannon Lake Road. The access point meets the Transportation Association of Canada's line of sight recommendations for roads with a 50 km/hr speed limit. This sight distance analysis includes consideration of the surrounding grades as it affects sightlines<sup>4</sup>. The final access design would be completed with the future development permit process.

Transportation improvements identified with the previous rezoning (File: Z 18-04) are required to be constructed in accordance with Covenant CA7432661 and CA7432658 registered on title, which include:

- a pedestrian cross-walk at the intersection of Shannon Lake Road and Crown Crest Drive; and
- re-surfacing a portion of Shannon Lake Road (associated with off-site works to accommodate the related water looping improvements).

The City's traffic consultant has reviewed the proposed zoning amendment and confirmed that additional traffic study is not required. As such, no additional off-site transportation improvements are anticipated or recommended to accommodate the proposed development based on the new CD10 zone other than those identified above.

#### *Servicing*

A Servicing Report<sup>5</sup> was submitted that notes that the site can be adequately serviced. However, the report identifies the proposed apartment buildings as three (3) storeys and a total of 90 units, while the proposed CD10 zone identifies four (4) storey apartments and up to 99 units in total. It is recommended that prior to public hearing, the applicant provide an updated Functional Servicing Report (FSR) to clarify this information and any potential requirements to the satisfaction of the Director of Development Services.

#### Sanitary Sewer

The report notes that the capacity of downstream sanitary system is sufficiently sized to accommodate the proposed development, with no anticipated off-site improvements. A private pump system is proposed to service the site into an existing 250mm service main along Shannon Lake Road.

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<sup>3</sup> As per Works and Services Bylaw No. 0249, Drawing No. 200, including sidewalk behind the boulevard

<sup>4</sup> Functional Servicing Report, prepared by Allnorth, dated January 7, 2020

<sup>5</sup> Prepared by Aplin Martin, dated Jun 8, 2020

### Water

A covenant (CA7432661) is registered on title requiring off-site improvements to address water looping as a condition of the previous rezoning application. In order to accommodate fire flow for the apartment form, this covenant will need to be revised to include a 250 mm water main for the entire length of the new water main with new drawings and cost estimate as a condition of the current zoning application prior to adoption. It is not anticipated that any other off-site water improvements are necessary to accommodate the proposed development. However, the servicing report notes additional on-site hydrants will be required, where final on-site design will be addressed at time of future development and building permit review.

### Stormwater

The report notes that a private storm water detention facility will be provided for the development, as well as emergency overland route, with release at pre-development rates into Shannon Lake. It is recommended that the updated FSR include consideration of the location and design for the portion of the emergency overland route through the park, and ensures infiltration of the 1:100 year storm flows. Final design will be addressed at time of future development permit and building permit review.

### *Geotechnical*

A Geotechnical Report<sup>6</sup> was submitted that notes that “the land may be used safely for the use intended” and that “the site will achieve the levels of safety currently adopted by the City of West Kelowna” with no obvious geotechnical hazards. However, the report relied on test holes completed in 2018 with the previous rezoning application which was focused solely on townhouses. The new report thus recommends “additional geotechnical investigations be completed within the proposed apartment building areas to adequately evaluate the soil conditions and prepare suitable foundation preparation and design recommendations.” It is recommended that prior to public hearing, the applicant provide an updated Geotechnical Report to the satisfaction of the Director of Development Services to address the proposed apartments, as well as consideration of new infiltration rates noted in the stormwater section above.

### *Environmental*

An Environmental Assessment<sup>7</sup> was submitted with the previous rezoning application that identifies the subject property as having Environmental Sensitive Area (ESA) 3 and 4 over a large majority of the historically disturbed site, with small pockets of ESA 2 near the lake which has been dedicated as park (Figure 4). As a result of that report, the previous rezoning required restoration (Covenant CA7432658) with the outstanding future parks

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<sup>6</sup> Prepared by Interior Testing Services Ltd., dated October 26, 2020

<sup>7</sup> Prepared by Ecoscape Environmental Consultants Ltd., dated May 2018

improvements. These works in the park and other recommendations for the remainder of the site from the report will be considered with the future development permit prior to site disturbance, as well as consideration of the new development layout to determine if an updated report may be required.

### Neighbourhood Park Analysis

The previous rezoning (File: Z 18-04) identified park land dedication and park trail connections that were addressed through the dedication of 0.27 ha (0.67 acres) of park land and the registration of a 3.0 m wide pedestrian statutory right of way along the west side of the property (Plan EPP89446) as a condition of adoption. The construction of the pedestrian trail as well as the park improvements and aquatic restoration works (see Figure 5) are still outstanding commitments under Section 219 Covenant (CA7432658).

The applicant will be required to construct the required works prior to development of the lands, however, additional stormwater review is underway to confirm proposed emergency flow routes will not impact the park improvements. If there are significant impacts to the proposed park improvements, the Park Covenant (CA7432658) will need to be revised to include new drawings and cost



**Figure 4: Environmental Sensitive Areas**



**Figure 5: Proposed Future Park Area to be constructed as per Covenant CA7432658**

estimate as a condition of adoption of the zoning amendment. Additional information will be provided at public hearing.

### Referral Responses

A referral for the application was circulated to all departments and key agencies. Based on comments received thus far, no objections were noted, but the following external comments were received:

- *BC Transit*
  - Has no objection to the development but recommends that the future internal road network includes sidewalks to connect to Shannon Lake Road to support safe access to transit, and recommends that the east side of Shannon Lake is improved to include a sidewalk connecting the development to the bus stop near the intersection of Crown Crest Drive and Shannon Lake Road.
- *Interior Health*
  - Has no objection to the development but recommends safe pedestrian design within the site, and encourages incorporating social spaces such as community garden spaces with raised beds/amenities suitable for accessibility.
- *Ministry of Forests, Lands, Natural Resource Operations and Rural Development*
  - recommends that a survey for Western Painted Turtle (blue listed in BC) is conducted on the developable area to ensure proposed development avoids impact to possible nesting sites
  - recommends that on-site stormwater management is designed to avoid water quality impacts to Shannon Lake and to reduce runoff as much as possible

### **CONCLUSION**

It is recommended that Council give first and second reading to the proposed amendments (Z 20-10) as per the recommended motion based on the following:

- The official community plan encourages medium to high density multiple family developments off collector and arterial roads, which is consistent with access off Shannon Lake Road which is classified as an Urban Arterial road.
- While the proposed amendments allow additional storeys and height, the overall impact may be minimal given that there is no increase in density and the more compact building form will increase greenspace.
- The Official Community Plan growth management designation encourages an interconnected network of community-wide linear parks to protect significant features, support recreational opportunities, and encourage multi-modal transportation alternatives, which are supported by existing covenants on title to construct park improvements with the proposed development.
- Although the proposed congregate housing and apartment form are more typically encouraged within the Westbank Centre based on proximity or walking distance to community amenities, shops and services, the applicant has proposed some on-site services within the development in an effort to meet resident's needs.

- The Mixed Use land use designation is intended to meet the needs of residents for employment, shopping, and personal services where there are residential densities to support the walkable services, although typically encouraged within the identified Centres or Neighbourhood Centres to which this property is an outlier.

### **ALTERNATE MOTION(s):**

#### Option 1: Postpone 1st and 2nd Reading

- 1) THAT Council postpone first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.63, 2021 (File: Z 20-10); and
- 2) THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.98, 2021 (File: Z 20-10).

Should Council postpone consideration of the proposed bylaw amendments, further direction to staff on how to proceed is required.

#### Option 2: Deny the Application

- 1) THAT Council deny File: Z 20-10 for 2749 and 2769 Shannon Lake Road.

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

### **REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes  No

#### Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.63, 2021
2. Zoning Amendment Bylaw No. 0154.98, 2021 (DRAFT CD10 Zone)
3. Applicant Proposal Summary
4. Low Density Multiple Residential (R3) Zone