
MEETING TYPE: Regular Council Meeting
MEETING DATE: March 19, 2024
AUTHOR: Trevor Empey, Senior Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Development Permit | DP000802 | 10660 Highway 97
DESCRIPTION: To authorize the development of a 76-unit townhouse development with a variance for building height at 10660 Highway 97

PURPOSE

To consider a Multiple Unit Development Permit that would permit a 76-unit townhouse development that includes a variance for building height (from 9.5m/2 storeys to 12.0m/3 storeys).

RECOMMENDATION

THAT Development Permit DP000802 (Attachment D to the Report to Council dated March 19, 2024) for property at 10660 Highway 97 (Roll 1151800; PID 012-592-641) to allow for a multiple unit development be approved.

EXECUTIVE SUMMARY

A multiple unit development permit has been applied for to support a 76-unit townhouse development. Staff reviewed this application using the Multiple Unit and Greenhouse Gas Reduction & Resource Conservation Guidelines under the District's Official Community Plan 2018-2038 (OCP) and note that the proposal is in accordance with the applicable DPA Guidelines.

The applicant requested a variance of 2.5m/0.5 storey to the permitted height under the RM2 zone. The proposed variance would change the permitted height under this zone from 9.5m or 2.5 storeys to 12.0m or 3 storeys. Staff are supportive of this variance request as it is relatively minor, would support creation of a large amount of housing in the District and would have minimal impact to surrounding parcels.

A small portion of the Hillside Development Permit Area is located on this parcel; however the permit area does not coincide with the developed portion of the site.

To support the expedition of this application under the OCP, the applicant has voluntarily agreed to enter into a 10-year rental tenure covenant for the proposed townhouses on the subject property. The covenant will be registered on title as a condition of the Development Permit.

BACKGROUND/HISTORY

TABLE 1: PROPERTY INFORMATION

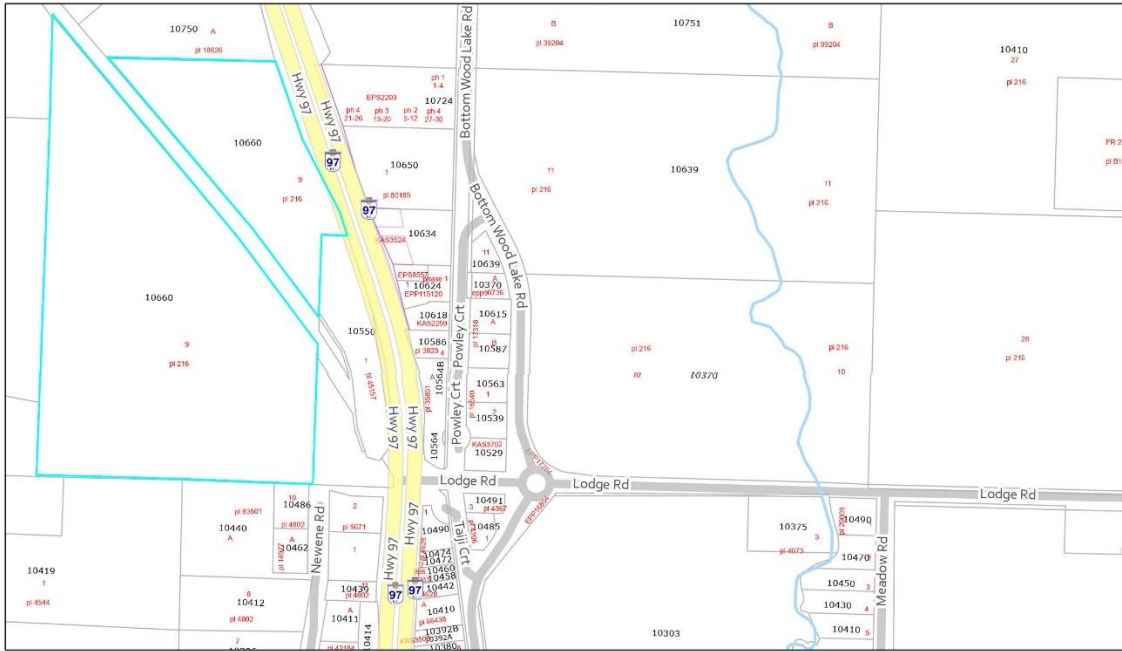
PROPERTY INFORMATION			
Civic Address:	10660 Highway 97		
Roll Number:	11518000		
Legal Description:	Lot 9 District Lot 169 ODYD Plan 216 except Plans 3028, 7818, & 40583		
Applicant:	New Town Architecture	Owner(s):	1151716 B.C Ltd.
OCP Designation:	Urban Residential		
Existing Zoning Designation:	RM2 – Low Density Row Housing		
Proposed Zoning:	No change proposed		
Land Use Contract:	N/A		
ALR:	N/A		
Parcel Size:	2.0 Hectares / 5.0 Acres		
DP Area(s):	Multiple-Unit, Hillside, Greenhouse Gas Reduction & Resource Conservation		
Water Supply:	Community		
Sewer:	Proposed Community		
Site Context:	Zoning:	Use:	
<i>North:</i>	RR1 – Rural Residential	Vacant	
<i>East:</i>	RM2 – Low Density Row Housing RM4 – Low Density Multiple Housing	Row Housing	
<i>South:</i>	C10 – Service Commercial	Service Station	
<i>West:</i>	RU1 – Urban Residential	Vacant	

SITE CONTEXT

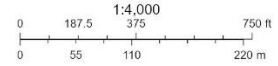
The subject property (10660 Hwy 97) is urban in nature and is bisected by the Pretty/Newene Road dedication. The focus of this development permit application is on the smaller portion of the subject property that is located directly adjacent to Highway 97. This area of the District is transitioning to higher density residential uses including a mix of townhomes, apartment buildings and single-family dwellings.

MAP 1: LOCATION

10660 Hwy 97



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District of Lake County Online Mapping System
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MAP 2: ORTHO AND DEVELOPMENT PERMIT AREAS

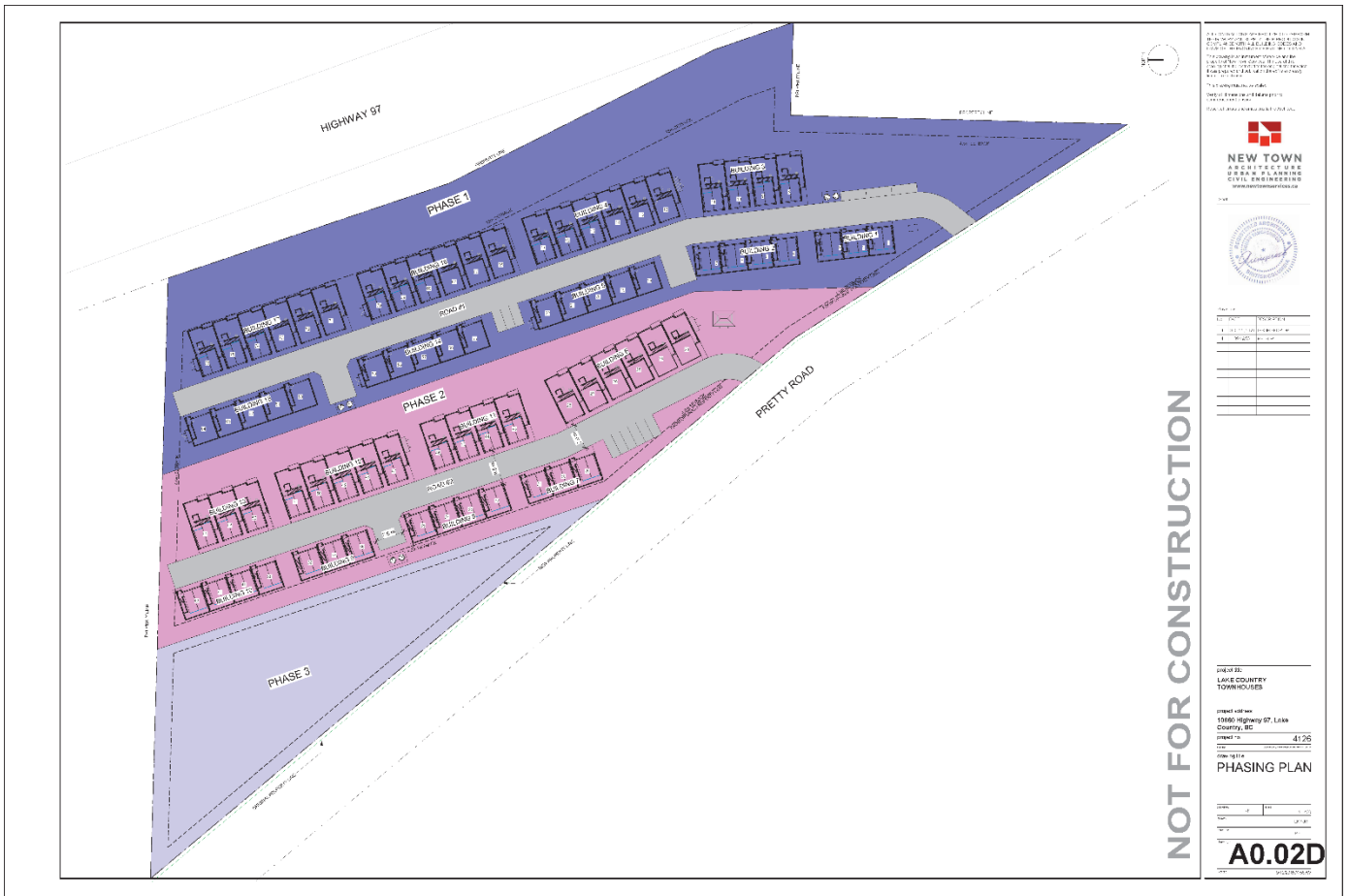


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District of Lake County

FIGURE 1: CONCEPTUAL SITE PLAN



NOT FOR CONSTRUCTION

NEW TOWN
 ARCHITECTS
 ENGINEERS
 CIVIL ENGINEERING
 www.newtowninc.com

PROJECT NO. 4126
 SHEET NO. A0.02D
 PHASING PLAN

FIGURE 2: PROPOSED ELEVATION RENDERINGS



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PROJECT NO. 4126
 SHEET NO. A9.02D
 RENDERINGS

TABLE 2: FILE CHRONOLOGY

Date	Event
2021-10-21	Application submission
2023-01-19	Core Team Meeting #1
2023-02-09	External Referrals
2023-05-16	Comprehensive Letter Issued
2023-18-10	Comprehensive Letter Response
2023-18-12	Comprehensive Letter #2
2024-22-01	Comprehensive Letter #2 Response

DISCUSSION/ANALYSIS

As this is a Development Permit for a multiple unit development, staff reviewed Section 21.5 – Multiple-Unit Development Permit Area Guidelines under the District’s OCP. Further, as this application also is within the GHG Development Permit Area, staff reviewed s.21.13 of the OCP in comparison to this application. The applicant is proposing 3 phases for multiple unit development on this parcel, with phases 1 and 2 being evaluated as part of this Development Permit application.

Official Community Plan: Multiple Unit Development Permit Area (s.21.5)

The purpose of the Multiple Unit DPA a is to ensure multiple unit residential development in Lake Country is built to a high aesthetic standard which benefits the community.

Site Guidelines:

Overall, staff are supportive of the proposed development as it integrates into the existing terrain and would benefit the area’s overall character. Buildings would be located to support view corridors, with spacing between unit blocks. Further, the building clusters would integrate large common open spaces with play spaces and community gardens along landscaped pathways between unit blocks which meet the objective to enhance the public realm of this development. Staff noted the lack of walkability on the drive aisles for residents to the applicant, however pedestrianization of the drive aisles is not a guideline under the s.21.5 of the OCP (Multiple Unit Development Permit Area), and further, the proposed common areas and walking paths should provide some walkable areas away from the drive aisles. Proposed downcast lighting would reduce glare and minimize light pollution. Waste disposal areas would incorporate landscaped screening, all which support the Multiple Unit Site DPA guidelines.

Building and Structure Guidelines:

Staff are supportive of this proposal in relation to the Multiple Unit DPA Guidelines for building and structures. The provided elevation drawings and colour board identify a varied façade, with a range of permitted materials and colours. The proposed buildings would be positioned to support numerous breaks by use of pedestrian alleys and landscaping. The proposed building materials meet the listed permitted materials which create a visually appealing pedestrian realm and offer varied and articulated design lines.

Landscaping Guidelines:

Staff are supportive of this proposal in relation to the Multiple Unit DPA Guidelines for landscaping. The proposed landscaping would enhance the existing property which appropriate planting areas, community gardens and a play area for residents. Parking areas are also proposed to be screened using landscaping along with buffers on property lines to adjacent parcels and roadways.

Official Community Plan: Greenhouse Gas Reduction and Resource Conservation (GHG) Area (s.21.13)

The purpose of the GHG DPA is to aid in the reduction of greenhouse gases and conservation of water and energy.

Site Design, Buildings, and Landscaping

Staff support the proposal. The compact design of the development would result in large greenspace for the use and enjoyment of residents. Contemporary buildings would incorporate modern construction standards into the proposed development to reduce energy consumption for heating and cooling. Landscaped areas would be maintained with high efficiency irrigation systems.

Zoning Bylaw 561, 2007

This parcel is zoned as RM2-Low Density Row Housing and staff reviewed this application in comparison to the regulations under the RM2 zone, along with other applicable regulations under Zoning Bylaw 561, 2007.

The purpose of the RM2 zone is to provide for low density row housing and compatible secondary uses on urban services.

Height Variance: 9.5m/2.5 storeys to 12.0m/3.0 storeys

The applicant requested a variance of 2.5m/0.5 storey to the permitted height under the RM2 zone. The proposed variance would change the permitted height under this zone from 9.5m or 2.5 storeys to 12.0m or 3 storeys. Staff are supportive of this variance request as it is relatively minor, would support creation of a large amount of housing in the District and would have minimal impact to surrounding parcels.

Setbacks

Staff reviewed the proposed setbacks provided in the applicant's Site Plan and Zoning Analysis Table which indicates conformity to all setback requirements for the RM2 zone and from the Provincial Highway 97.

Parking

Staff reviewed the proposed off-street parking requirements under Section 9 of Zoning Bylaw 561, 2007 in relation to the applicant's site plan and zoning analysis table and note conformity to parking requirements. Two private stalls per dwelling would be provided in garages (152 spaces in total) and 11 visitor parking stalls would be provided in designated visitor parking areas on this parcel. Further, the applicant would provide Class I bike parking in resident's garages and 8 short-term bike parking racks would be provided on site.

Private Open Space

Staff reviewed the proposed Site Plan and Zoning Analysis table provided by the applicant in relation to the Private Open Space requirements for RM2 zoned parcels and this applicant exceeds to private open space requirements with a total 5,311m² proposed in the form of private patios and communal space.

Covenant to Secure Rental Tenure Housing

This application has been expedited under s.7.1.7(b) of the OCP, which permits expedition of file review for applications that are proposing rental units, among other identified developments.

The applicant voluntarily agreed to enter into a Land Title Act Section 219 covenant agreement on the Phases 1-2 portion of the RM2 parcel. The covenant would require the proposed 76 townhouse units to be secured on title as rental tenure for a period of 10 years.

Staff reviewed Section 7 (Housing) of the OCP where 7.1.7(f) notes that housing agreements can be used to ensure the long-term provision of affordable, rental and special needs housing. Although this covenant agreement would be medium-term, it would support the creation of rental tenure housing in an appropriate location and support the diversification of housing tenures in the District which is identified in the OCP and 2023 Housing Needs Assessment Report. The covenant would be included as a condition of the Development Permit.

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

The works and servicing requirements of the Subdivision and Development Servicing Bylaw are required at time of building permit application. The RM2 zoning requires improvements including highways and walkways, sidewalk, curb and gutter, boulevards and landscaping, water distribution system, community sewer, storm sewer, sediment and erosion control, street lighting and underground utilities.

In addition, signalization and pedestrian improvements to the Pretty/Lodge and Highway 97 intersection are required by the Ministry of Transportation and Infrastructure through an existing covenant on title. Road network improvements including extensions and connections for Pretty and Newene Roads will be required as part of a future subdivision and in accordance with the Mobility Master Plan.

Water and sewer modelling previously completed in 2020 will need to be revised to account for changes in provincial legislation to account for potential increased densities in the proposed single-family portion of the development site. The modelling will determine the extent and requirements of water and sewer infrastructure needed to service the proposed development overall.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

CONSULTATION (Internal referrals, External Agencies, Committees, Stakeholders)

This application was referred to internal departments and comments were provided and shared with the applicant through the Comprehensive Letter. Comments provided by District Departments largely addressed considerations as the application progresses to the Engineering and Building Permit stages. Staff addressed comments from the Parks and Recreation Department in regard to the initial Landscape Plan where the applicant provided revisions to meet the applicable OCP DPA guidelines.

External agencies were referred to for comment where agencies noted support. As there is a Ministry of Transportation and Infrastructure (the Ministry) covenant requiring works and services to intersection upgrades as noted above, staff consulted with the Ministry to better understand the requirements of the covenant and to share these future works with the applicant through the Comprehensive letter.

COMMUNICATIONS

N/A

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage With Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness With Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community
- Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- Agricultural Plan
- Climate Action Charter
- Housing Needs Report
- Official Community Plan
- Parks & Recreation Master Plan 2019
- Sanitary Sewer System Map

- Liquid Waste Management Plan Stage 1/2 Report
- McCoubrey Plateau Area Structure Plan
- Mobility Master Plan
- Transit Future Plan-Central Okanagan Region-DRAFT
- Transportation for Tomorrow
- Water Master Plan

OPTIONS

The following options are presented for Council’s consideration:

- A. THAT Development Permit DP000802 (Attachment D to the Report to Council dated March 19, 2024) for property at 10660 Highway 97 (Roll 1151800; PID 012-592-641) to allow for a multiple unit development be approved.
- B. THAT Development Permit DP000802 (Attachment D to the Report to Council dated March 19, 2024) for property at 10660 Highway 97 (Roll 1151800; PID 012-592-641) to allow for a multiple unit development not be approved.
- C. THAT Development Permit DP000802 (Attachment D to the Report to Council dated March 19, 2024) for property at 10660 Highway 97 (Roll 1151800; PID 012-592-641) to allow for a multiple unit development not be approved pending receipt of additional information as identified by council.

Collaborators: *(each individual collaborator to add name and date reviewed)*

Name	Date Reviewed

Respectfully Submitted,
Trevor Empey, Senior Planner MCIP, RPP

Report Approval Details

Document Title:	Development Permit with Variance - DP000802 - 10660 Highway 97.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - DP000802 - Development Permit Checklists.pdf - Attachment B - DP000802 - Site Plan, Renderings and Elevations.pdf - Attachment C - DP000802 - Landscape Plan.pdf - Attachment D - DP000802 - Draft Permit.pdf
Final Approval Date:	Mar 12, 2024

This report and all of its attachments were approved and signed as outlined below:

Brian Zurek, Manager of Planning - Mar 11, 2024 - 10:42 AM

Steven Gubbels, Manager of Development - Mar 11, 2024 - 1:08 PM

Matthew Salmon, Director of Engineering and Environmental Services - Mar 11, 2024 - 4:50 PM

Jared Kassel, Director of Planning & Development - Mar 11, 2024 - 7:19 PM

Reyna Seabrook, Director of Corporate Services - Mar 11, 2024 - 8:50 PM

Paul Gipps, Chief Administrative Officer - Mar 12, 2024 - 7:54 AM