



CITY OF WEST KELOWNA PUBLIC HEARING AGENDA

Tuesday, January 24, 2023, 6:00 P.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE PUBLIC HEARING TO ORDER

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public and all representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. OPENING STATEMENT

5. PUBLIC HEARING

5.1 LUCA 22-01; Land Use Contract Discharge Bylaw No. 0302 (Public Hearing); 753 Lindsay Court

3

Legal / Address: Lot 1, District Lot 2689, Osoyoos Division Yale District Plan
29101 / 753 Lindsay Court

Current Zoning: Land Use Contract No. 183

Proposed Zoning: Single Family Residential (R1)

Purpose: To discharge Land Use Contract No. 183 from the subject property to allow for the alteration of an accessory building into a two-bedroom carriage house.

5.2 Z 22-02; Zoning Amendment Bylaw No. 0265.09 (Public Hearing); 3746A Wetton Road

15

Legal / Address: Lot A, District Lots 5059 and 5069, Osoyoos Division Yale
District Plan EPP69264 / 3746A Wetton Road

Current Zoning: Low Density Multiple Residential Zone (R3)

Proposed Zoning: Site Specific Text Amendment

Purpose: To permit a Floor Area Ratio of 0.95 instead of the 0.75 permitted in the R3 Zone.

6. ADJOURNMENT OF THE PUBLIC HEARING

No other submissions from the public or applicant may be received by Council.

Copies of the proposed bylaws, information and reports are available for review at the City of West Kelowna Planning Department, 2760 Cameron Road, between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding statutory holidays), or online at <https://calendar.westkelownacity.ca/councilcommittee>.



PUBLIC HEARING REPORT

To: Paul Gipps, CAO

Date: January 24, 2023

From: Cam Graham, Planner 1

File No: LUCA 22-01

Subject: **LUCA 22-01; Land Use Contract Discharge Bylaw No. 0302 (Public Hearing); 753 Lindsay Court**

BACKGROUND

The subject property currently has a single-family dwelling with a detached accessory building at the rear. The property is subject to Land Use Contract No. 183, which restricts secondary uses, including carriage houses or secondary suites. The intent of this application is to discharge the Land Use Contract to allow the existing accessory building to be converted into a carriage house. This Land Use Contract Amendment Bylaw received first and second readings on December 13th, 2022 – see Attachment 1 for the report.

ADDITIONAL INFORMATION FOR PUBLIC HEARING

Public Notification

In accordance the *Local Government Act*, 39 notices have been mailed to owners and tenants of properties within 100 m of the subject property, as well as advertising in the local newspaper, advising of the Public Hearing and how to make a submission. At the time of writing this report, no written submissions have been received from the public.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
December 13 th , 2022	THAT Council resolve to give first and second readings to Land Use Contract Discharge Bylaw No. 0302, 2022; and THAT Council direct staff to schedule the application for public hearing	C315/22

REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Attachments:

1. LUCA 22-01, First and Second Reading Report
2. B0302 To discharge Land Use Contract No. 183

Powerpoint: Yes ☒ No ☐



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 13, 2022

From: Chris Oliver, Planning Supervisor

File No: LUCA 22-01

Subject: **LUCA 22-01; Land Use Contract Discharge; 753 Lindsay Court**

RECOMMENDATION

THAT Council consider and resolve to give first and second readings to Land Use Contract Discharge Bylaw No. 0302, 2022; and

THAT Council consider and resolve to direct staff to schedule the application for Public Hearing.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – We will work with our partners on the Westside and 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 currently has a single-family dwelling with a detached accessory building at the rear. The property is subject to Land Use Contract No. 183 which restricts secondary uses such as carriage houses or secondary suites.

PROPERTY DETAILS			
Address		753 Lindsay Court	
PID		004-413-628	
Folio		36414409.600	
Lot Size		1354.4825 sq m (14,374.77 sq ft)	
Owner	Ryan Zazelenchuk	Agent	Ryan Zazelenchuk
Current Zoning	Single Family Residential (R1)	Proposed Zoning	Single Family Residential (R1)
Current OCP	Single Family Residential	Proposed OCP	Single Family Residential

Current Use	Accessory Building –Storage	Proposed Use	Carriage House
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ADJACENT ZONING & LAND USES

North	^	Agriculture (A1/ALR)
East	>	Single Family Residential (R1)
West	<	Single Family Residential (R1)
South	v	Single Family Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

The *Miscellaneous Statutes Amendment Act, 2014* amended several sections of the *Local Government Act*, which included new provisions regarding the termination of all land use contracts in the Province effective June 30, 2024. Local governments containing lands that were subject to these contracts were required to establish zoning for these lands through the adoption of a zoning bylaw no later than June 30, 2022. The City has this underlying zoning in place for all land use contract areas.

Council has the authority under the *Local Government Act* to discharge Land Use Contracts on title. All land use contracts are required by the Provincial government to be terminated on June 30, 2024. Early termination of a land use contract may occur before June 30, 2022, in accordance with s. 548 of the *Local Government Act*.

DISCUSSION

Proposal

The applicant is requesting a discharge of Land Use Contract (LUC) No. 183 of the subject property to allow the underlying zoning of R1 to allow for the alteration of an accessory building into a two-bedroom carriage house.

Policy and Bylaw Review

Land Use Contracts

During the late 1970s, the provincial *Municipal Act* enabled local governments to enter into agreements with property owners specifying area and site-specific land uses and conditions of development. While new LUCs are no longer allowed to be created, some LUCs are still in effect such as LUC 183.

Official Community Plan No. 0100

The application is consistent with the Official Community Plan (OCP). The property is designated Single Family Residential which aims to provide low density, single detached housing opportunities and encourage more land efficient compact housing forms. The neighbourhood policies include infill development of carriage houses that complements the type, scale, use and character of adjacent buildings and the neighbourhood, where appropriate.

Zoning Bylaw No. 0265

If the land use contract is successfully discharged, the underlying Single Detached Residential (R1) zone automatically applies. The R1 Zone permits the secondary use of a carriage house in accordance with section 10.5.3 of Zoning Bylaw No. 0265. The proposed accessory building complies with the Zoning Bylaws requirements, including necessary on-site parking, and no variances appear necessary (Attachment 2).

Referral Responses

The application was referred internally and externally, and no concerns were highlighted.

The application was also presented to the City's Advisory Planning Commission (APC) on November 16, 2022, and the Commission carried the following motion:

THAT the Advisory Planning Commission recommend support for file LUCA 22-01, Land Use Contract Discharge, 753 Lindsay Court.

PUBLIC NOTIFICATION

Per the City's Procedures Bylaw, a development notice sign has been installed on the property. Should Council give first and second reading to the proposed bylaw amendment, a public hearing will be held in accordance with the Local Government Act, which includes a mail out to all property owners and their tenants within 100 metres of the subject property and advertisements to be placed in the local newspaper.

CONCLUSION

Staff recommend that Council give reading to the discharge bylaw as the request precedes the imminent discharge of all land use contracts scheduled on June 30, 2024. The existing building can accommodate conversion to a carriage house with the required parking on site, and minimal impact on the neighbourhood.

Alternate Resolution:

- 1) **THAT** Council consider and resolve to postpone first and second reading to Land Use Contract Discharge Bylaw No. 0302, 2022.

Should Council postpone consideration of the proposed land use contract discharge, further direction to staff on how to proceed is required.

- 2) **THAT** Council consider and resolve to deny City of West Kelowna Land Use Contract Discharge Bylaw No. 0302, 2022.

Should Council deny the proposed land use contract discharge, the file will be closed. As per the City's Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Director of Development Approvals.

Corinne Boback, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Land Use Contract Discharge Bylaw No.0302, 2022
2. Site plan

CITY OF WEST KELOWNA

BYLAW NO. 0302

A BYLAW TO DISCHARGE “LAND USE CONTRACT NO. 183”

WHEREAS the Council of the City of West Kelowna, pursuant to the *Local Government Act*, may discharge a land use contract that is entered into and registered in a land title office subject to the terms and conditions therein set out;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as the “CITY OF WEST KELOWNA LAND USE CONTRACT DISCHARGE BYLAW NO. 302, 2022.”

2. Discharge

2.1 “Land Use Contract No. 183” is hereby discharged in its entirety (charge number M72284) and Amendment (charge number R12557) from Lot 1, DL 2689, ODYD, Plan 29101 (PID: 004-413-628), as shown on Schedule ‘A’, attached to and forming part of this bylaw.

READ A FIRST AND SECOND TIME THIS XX DAY OF XXX, 2022

PUBLIC HEARING HELD THIS XX DAY OF XXX, 2022

READ A THIRD TIME AND ADOPTED BY 2/3 OF COUNCIL THIS XXX DAY OF XXX, 2022

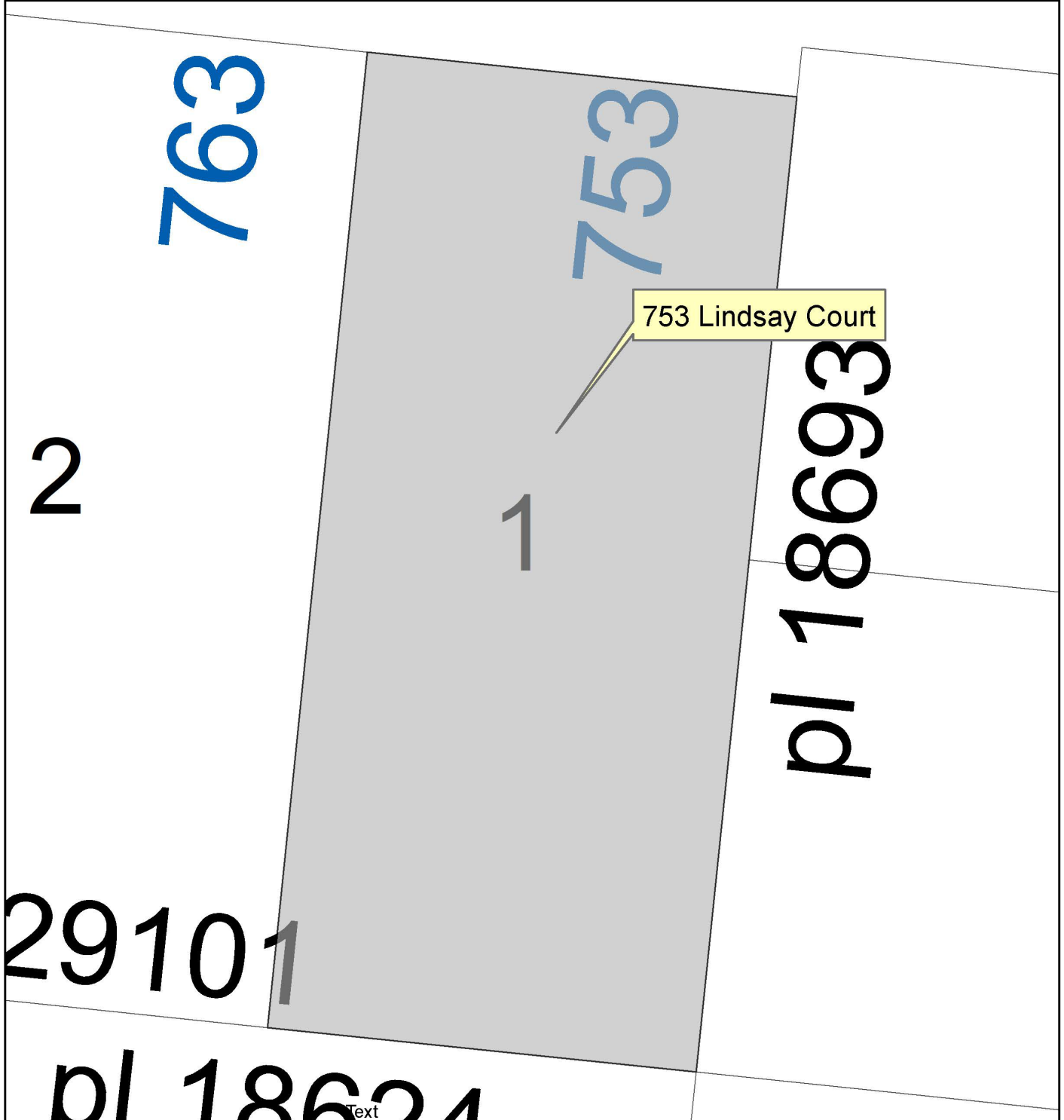
MAYOR

CORPORATE OFFICER



SCHEDULE 'A' of BYLAW NO. 0302

Date: 2022-11-24



File: LUCA 22-01

Legal Description: Lot 1, DL 2689, ODYD, Plan 29101

Subject Property Zoning Boundary Parcels

Path:

0 4.25 8.5 17 Metres



CITY OF WEST KELOWNA

BYLAW NO. 0302

A BYLAW TO DISCHARGE “LAND USE CONTRACT NO. 183”

WHEREAS the Council of the City of West Kelowna, pursuant to the *Local Government Act*, may discharge a land use contract that is entered into and registered in a land title office subject to the terms and conditions therein set out;

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READ A FIRST AND SECOND TIME THIS 13TH DAY OF DECEMBER, 2022

PUBLIC HEARING HELD THIS XX DAY OF XXX, 2022

READ A THIRD TIME AND ADOPTED BY 2/3 OF COUNCIL THIS XXX DAY OF XXX, 2022

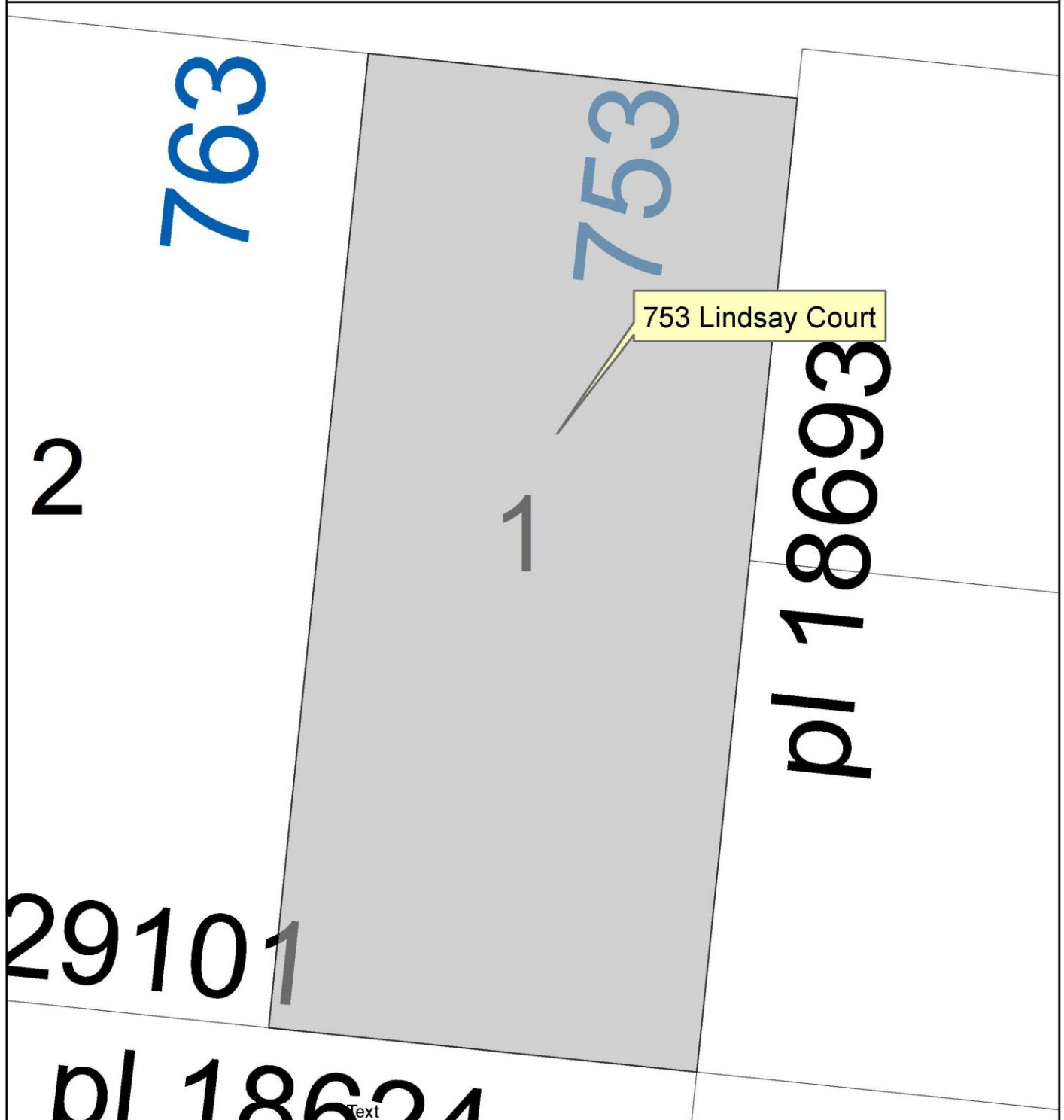
MAYOR

CORPORATE OFFICER



SCHEDULE 'A' of BYLAW NO. 0302

Date: 2022-11-24



File: LUCA 22-01

Legal Description: Lot 1, DL 2689, ODYD, Plan 29101

Path:

Subject Property Zoning Boundary Parcels

0 4.25 8.5 17 Metres





PUBLIC HEARING REPORT

To: Paul Gipps, CAO

Date: January 24, 2023

From: Yvonne Mitchell, Planner II

File No: Z 22-03

Subject: **Z 22-02; Zoning Amendment Bylaw No. 0265.09 (Public Hearing); 3746A Wetton Road**

BACKGROUND

The applicant is requesting a site-specific text amendment for the subject property, located in the Goats Peak/Gellatly neighbourhood, to permit a Floor Area Ratio of 0.95 instead of the 0.75 permitted in the R3 Zone. This Zoning Amendment Bylaw received first and second readings on December 13, 2022 – See Attachment 1 for report.

ADDITIONAL INFORMATION FOR PUBLIC HEARING

BC Transit Development Referral Response

During development referrals a response was received from BC Transit. These comments would typically be provided to Council at first reading, but due to a change in file managers, comments were identified later in the review process. BC Transit's comments included a request for a safe pedestrian crossing across Gellatly Road and improvements to bus stop #103580, including adding a raised concrete platform to allow for universal accessibility (See Figure 1 for location). The applicant has been notified of this request. Additional discussion is required should Council determine these improvements are necessary.



Figure 1 – Proposed location of requested pedestrian crossing and bus stop #103580 on

Renderings for Proposed Townhouse Development

At first and second reading Council requested more renderings for the proposed townhouse development. The developer has provided more detailed and additional renderings (Attachment 2). These renderings are conceptual only and Council will have the opportunity to review form and character, access, parking, height, etc. at the time of Development Permit.

Access on Witt Road

At first and second reading concerns were raised by Council with the safety of entry and exit using Witt Road. Council will have an opportunity to review any accesses that are proposed for the townhouse development at the time of Development Permit.

Public Notification

In accordance the *Local Government Act*, 97 notices have been mailed to owners and tenants of properties within 100 m of the subject property, as well as advertising in the local newspaper, advising of the Public Hearing and how to make a submission. At the time of writing this report, no written submissions have been received from the public.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
December 13, 2022	THAT Council give First and Second Reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.09, 2022; and THAT Council direct staff to schedule a Public Hearing regarding the proposed zoning amendment.	C318/22

REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. First and Second Reading Report (File Z 22-02)
2. Conceptual Townhouse Development Renderings
3. Zoning Amendment Bylaw No. 0265.09



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 13, 2022

From: Yvonne Mitchell, Planner II

File No: Z 22-02

Subject: **Z 22-02; Zoning Bylaw Amendment No. 0265.09 (First and Second Reading); 3746A Wetton Road**

RECOMMENDATION

THAT Council consider and resolve to give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.09, 2022; and

THAT Council consider and resolve to direct staff to schedule a Public Hearing regarding the proposed zoning amendment.

STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity - We will work with our partners on the Westside and 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, located at 3746A Wetton Road, is in the Goats Peak/Gellatly neighbourhood. The property is currently developed with a quadplex and backs onto Smith Creek. Another quadplex is adjacent to the property. A previous development permit with variances (DP 18-33) for 18 stacked townhouse units in 3 standalone buildings and partially exposed underground parkade, was approved by City Council in 2019. However, this development permit with variances was never issued and has since been withdrawn.

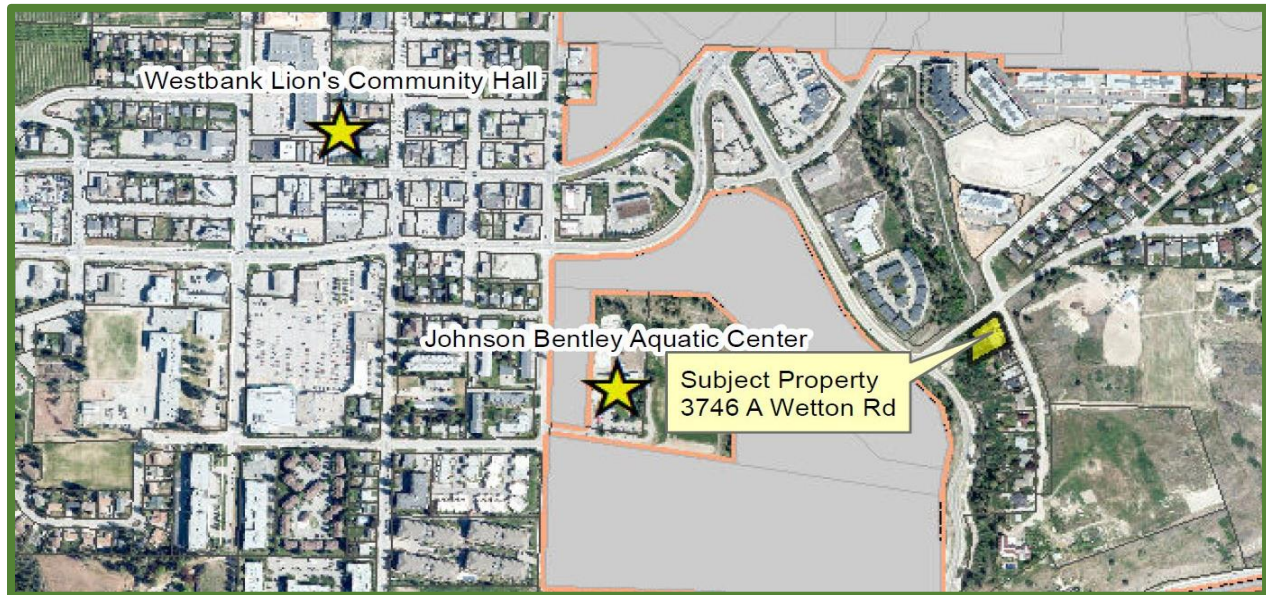
PROPERTY DETAILS	
Address	3746A Wetton Road
PID	030-401-241
Folio	36415471.076
Lot Size	2359.32 m2

Owner	Rajinder Vermani	Agent	Mark Aquilon
Current Zoning	R3 (Low Density Multiple Residential Zone)	Proposed Zoning	Site Specific Text Amendment
Current OCP	Low Density Multiple Family	Proposed OCP	N/A
Current Use	Quadplex	Proposed Use	Townhouses
Development Permit Areas	Aquatic, Hillside, Sensitive Terrestrial Ecosystem, Form and Character		

ADJACENT ZONING & LAND USES

North	^	Westbank Centre Multiple Residential Zone (R5) Parks and Open Space Zone (P1) (Majoros Pond Park)
East	>	Agricultural Zone (A1)
West	<	Smith Creek
South	v	Low Density Multiple Residential Zone (R3)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.479 of the *Local Government Act* to amend the Zoning Bylaw.

Proposal

A new Development Permit with variances application for 12 townhouse units in two buildings with partial underground parking was submitted this year. However, the proposal included a floor area ratio (FAR) above that maximum permitted in the R3 zone. As such, this proposal is for a Site Specific Text Amendment to increase the maximum FAR in the R3 zone from 0.75 to 0.95.

Applicant's Rationale

The applicant has provided the following rationale:

We are requesting the additional .20 FAR in order to facilitate the building as designed on the overall site plan. With the sites geographic and environmental restrictions, we have incorporated the built form into the most applicable building area. We reduced the building footprints and circulation to meet realistic targets for livable spaces. We have incorporated the 7m wide drive aisle width as part of the central spine of the building which enlarged the requirement for site coverage to meet the bylaw.

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

Land Use Designation

The Land Use Designation of the subject property in the Official Community Plan is Low Density Multiple Family. The Low-Density Multiple Family Land Use Designation supports semi-detached and attached townhouse development. The purpose is to provide for a broader range of housing opportunities in areas served by transit and in walking distance to community amenities, shops and services, while acknowledging the adjacent land use. The subject property is located beside the Westbank Centre neighbourhood, served by transit on Gellatly Road, and adjacent to existing multiple family developments. Therefore, the proposal to increase the floor area ratio on this site is consistent with the Low-Density Multiple Family Land Use Designation.

Development Permit Areas

The developer has indicated that future development would consist of 12 townhouse units. This development proposal would be required to address multiple family form and character considerations through a Multiple Family and Intensive Residential Form and Character Development Permit. In addition, a Hillside Development Permit will be required to address protection from hazardous conditions, and Aquatic and Sensitive Terrestrial Development Permits will be required to address protection of the natural environment, its ecosystems and biological diversity.

Zoning Bylaw No. 0265

The Low Density Multiple Residential Zone (R3) permits duplexes and townhouses and has a maximum density of 0.75 Floor Area Ratio. Floor Area Ratio means the gross floor area on all storeys of all buildings and structures on a parcel divided by the area of the parcel. Therefore, increasing the Floor Area Ratio allows for more gross floor area to be constructed on the parcel. Gross floor area is used to calculate other requirements such as parking and can affect aspects of a proposal such as building size.

Staff have been working with the applicant on the Development Permit for the proposed buildings at the applicant's request and anticipate that variances will be required to accommodate the proposal. These requests would be considered in the future with the Development Permit application.



Figure 1 – West Kelowna neighbourhoods and Official Community Plan land use designations. Subject property shown by red dashed lines.

Referral Comments

The application was referred to various external agencies and internal departments. The referral comments received did not include any objections to the application.

Advisory Planning Commission (APC)

The APC considered the application on November 16, 2022, and carried the following motion:

“THAT the Advisory Planning Commission recommend support for file Z 22-02, Zoning Bylaw Amendment, 3746A Wetton Road.”

Discussion amongst the APC members included that applications like this are what they are looking for in the community, specifically the ability to take advantage of densification opportunities in existing areas to provide more housing diversity.

Public Notification

A notification sign has been posted on the subject property in accordance with Development Application Procedures Bylaw No. 0260, 2018. No comments have been received at the time of writing this report. Should this application proceed to Public Hearing, additional notification by mail and advertisement in the local newspaper is required under the *Local Government Act*.

CONCLUSION

The proposed site-specific text amendment to increase the FAR in the R3 Zone is consistent with the Low-Density Multiple Family Land Use Designation in the Official Community Plan. The subject property is in close proximity to the Westbank Centre, is served by transit and would have limited impacts to the surrounding area. In addition, the rezoning of the subject property would allow for future development to make efficient use of existing services and land within the City of West Kelowna.

Alternate Resolution:

1. **THAT** Council consider and resolve to postpone first and second reading of Zoning Amendment Bylaw No. 0265.09, 2022.

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

2. **THAT** Council consider and resolve to deny Zoning Amendment Bylaw No. 0265.09, 2022.

Should Council deny the proposed amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months in accordance with Development Applications Procedures Bylaw No. 0260, 2018.

REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals.

Corinne Boback, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Amendment Bylaw, No. 0265.09, 2022

CITY OF WEST KELOWNA

BYLAW NO. 0265.09

A BYLAW TO AMEND "ZONING BYLAW NO. 0265"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0265" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.09, 2022".

2. Amendments

"Zoning Bylaw No. 0265" is hereby amended as follows:

2.1 By adding the following to S. 10.10.4 Site Specific Uses, Buildings and Structures:

- (d) On Lot A District Lots 5059 and 5069 Osoyoos Division Yale District Plan EPP69264 (3746A Wetton Road): 0.95 FAR, as indicated on Schedule 'A' and forming part of this bylaw.

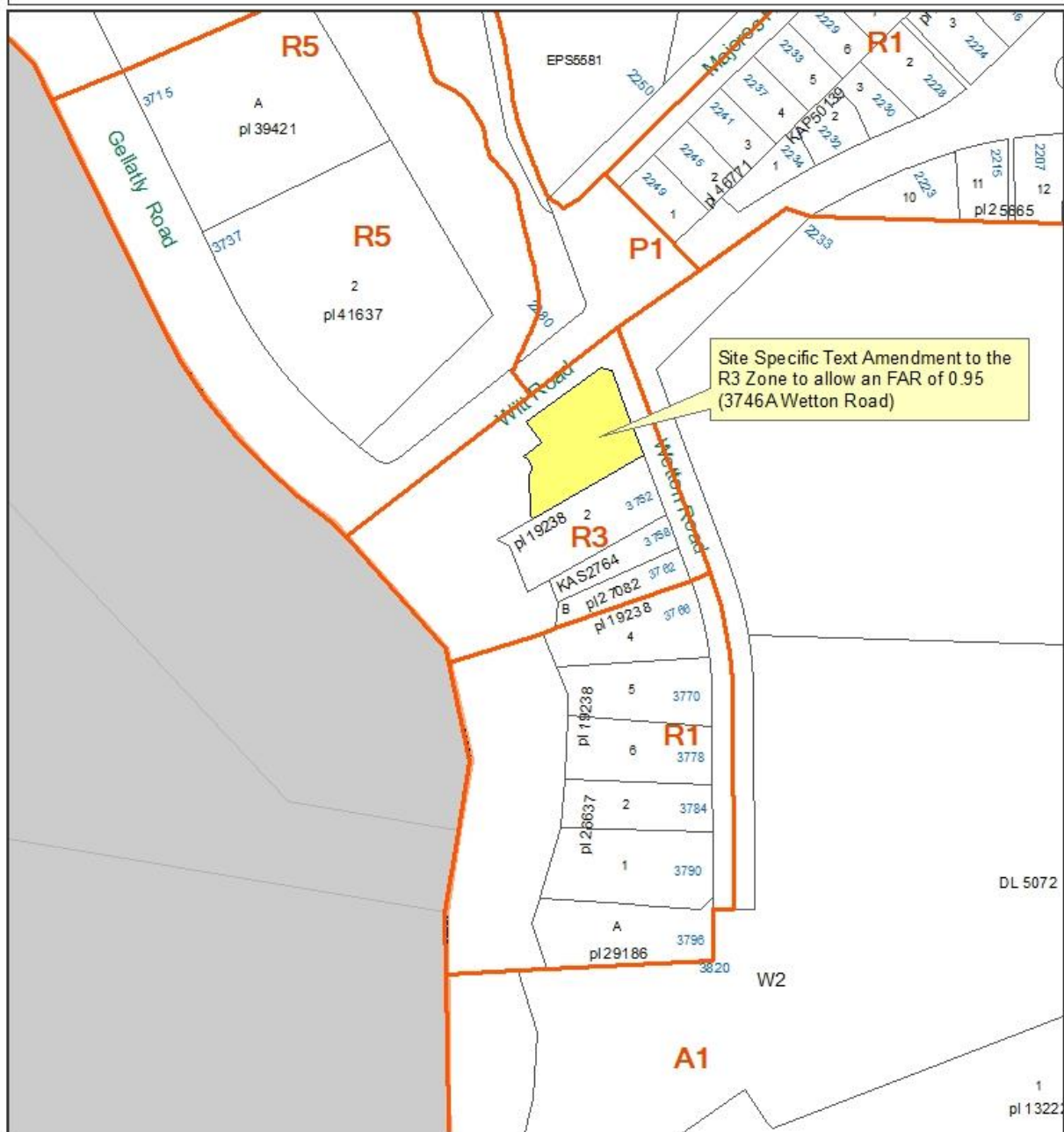
2.2 By depicting the change on "Zoning Bylaw No. 0265 Schedule B" (Zoning Bylaw Map).

READ A FIRST TIME
READ A SECOND TIME
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED




MAYOR

CORPORATE OFFICER

SCHEDULE 'A' of BYLAW NO. 0265.09



LEGEND

-  Subject Property
 Zoning Boundary
 Parcels



1:2,500



Date: 2022-11-04



Rendering 1 – Corner View



Rendering 2 – Rear View



Rendering 3 - Central View



Rendering 4 – Aerial View



Rendering 5 – Section View

CITY OF WEST KELOWNA

BYLAW NO. 0265.09

A BYLAW TO AMEND "ZONING BYLAW NO. 0265"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0265" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0265.09, 2022".

2. Amendments

"Zoning Bylaw No. 0265" is hereby amended as follows:

2.1 By adding the following to S. 10.10.4 Site Specific Uses, Buildings and Structures:

- (f) On Lot A District Lots 5059 and 5069 Osoyoos Division Yale District Plan EPP69264 (3746A Wetton Road): 0.95 FAR, as indicated on Schedule 'A' and forming part of this bylaw.

2.2 By depicting the change on "Zoning Bylaw No. 0265 Schedule B" (Zoning Bylaw Map).

READ A FIRST AND SECOND TIME THIS 13TH DAY OF DECEMBER, 2022
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

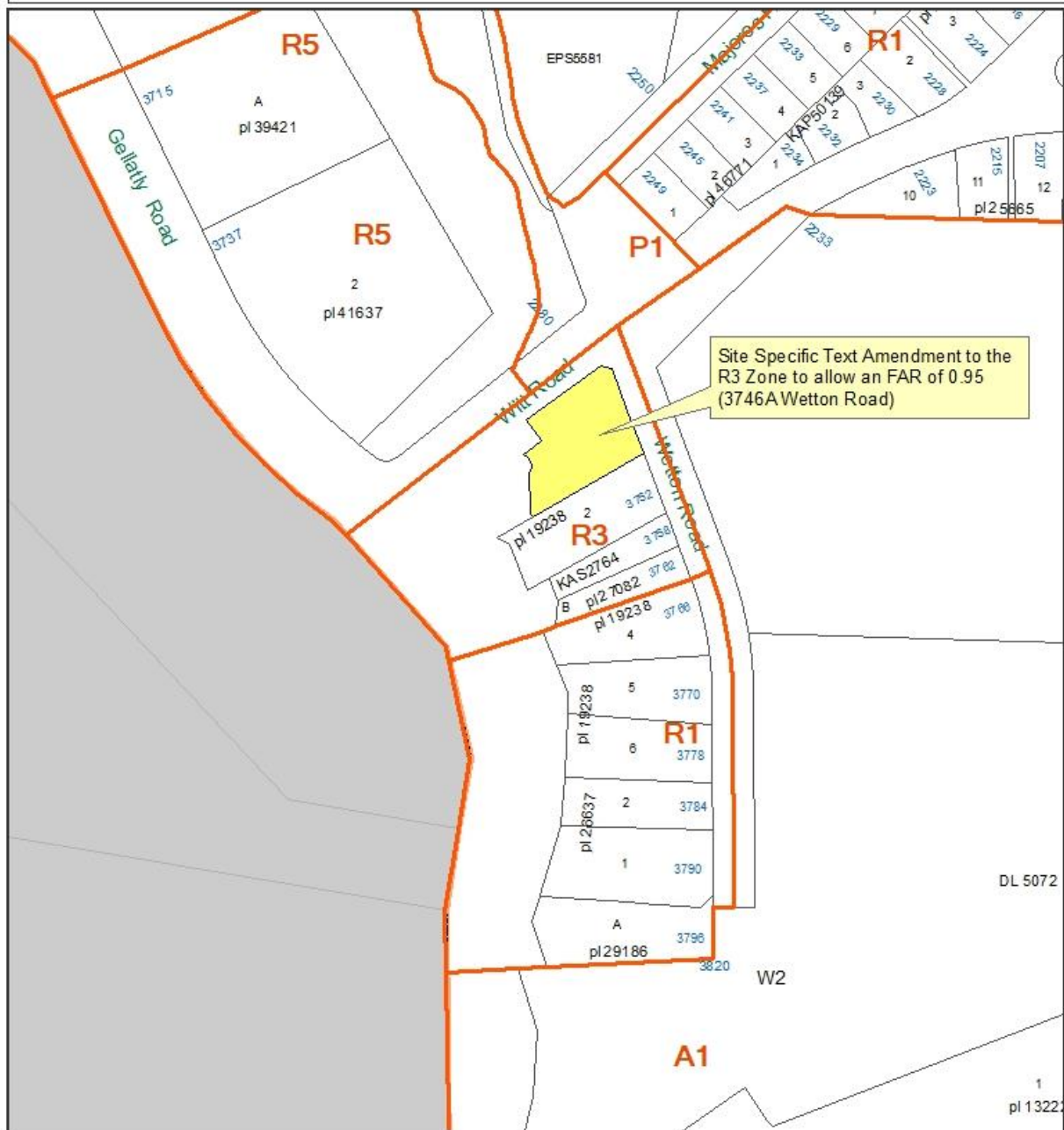
MAYOR

CORPORATE OFFICER



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0265.09



LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 25 50 100 150 Meters

1:2,500



Date: 2022-11-04