



CITY OF WEST KELOWNA PUBLIC HEARING AGENDA

Tuesday, March 9, 2021, 1:30 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.

In accordance with the Provincial Health Officer Order on Gatherings and Events, members of the public are restricted from attending public hearings in person. Public participation will be available by phone or by written submission 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. Z 20-13; Zoning Amendment Bylaw No. 0154.101, 2021 (PH); 2500 Tallus Heights Lane

3

Legal/Address: Lot 13, DL 3793, ODYD, Plan EPP83661 / 2500 Tallus Heights Lane

Current Zoning: Compact Residential Zone (RC3)

Proposed Zoning: Site Specific Text Amendment for the Compact Residential Zone (RC3)

Purpose: To permit a secondary suite on a parcel less than 550 m² in the Compact Residential Zone (RC3)

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: March 9, 2021

From: Jayden Riley, Planner II

File No: Z 20-13

Subject: **Z 20-13; Zoning Amendment Bylaw No. 0154.101, 2021 (PH); 2500 Tallus Heights Lane**

BACKGROUND

This application is proposing a site-specific text amendment to permit a secondary suite on a parcel under the minimum parcel size for secondary suite use. The subject property is zoned Compact Single Detached Residential (RC3), which permits secondary suites on parcels greater than 550 m², whereas the subject property is 535 m². Please see attached report presented at first and second reading, February 9, 2021, for more information (*Attachment 2*).

ADDITIONAL INFORMATION FOR PUBLIC HEARING

Further to Council discussion at first and second reading, 5 of 8 residences built or permitted on Tallus Heights Lane include secondary suites.

In accordance with the *Local Government Act*, 23 notices were mailed to property owners and their tenants within 100 m of the subject property (*Attachment 3*) and an advertisement has been published in the local newspaper. Notice of Application signage has also been installed on the property.

At the time of writing this report, two (2) submissions from the public have been received opposing the proposal (*Attachment 4*). Concerns detailed in the submission include:

- Inability for the site to provide secondary suite parking;
- Increased traffic and on-street parking to impede in snow removal and street sweeping, and cause decreased sighting for vehicles; and
- Increased noise and nuisances for neighbourhood.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
February 9, 2021	THAT Council give first and second reading to Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13); and THAT Council direct Staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw	C080/21

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

Attachments:

1. Zoning Bylaw No. 0154.101
2. Z 20-13 – first and second reading report
3. Public Notification Map
4. Public Submissions

CITY OF WEST KELOWNA

BYLAW NO. 0154.101

A BYLAW TO AMEND “ZONING BYLAW NO. 0154”

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA ZONING BYLAW NO. 0154” 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. 0154.101, 2021”.

2. Amendments

“Zoning Bylaw No. 0154” is hereby amended as follows:

2.1 By adding to the following to 12.1.4 Site Specific Uses, Buildings and Structures:

- (d) On Lot 13, DL 3793, ODYD, Plan EPP83661 (2500 Tallus Heights Lane): a secondary suite on a parcel zoned RC3 under 550 m², as indicated on Schedule ‘B’ attached to and forming part of this bylaw.

2.2 By depicting the change on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw Map) as shown on Schedule ‘A’ attached to and forming part of this bylaw.

READ A FIRST AND SECOND TIME THIS 9TH DAY OF FEBRUARY, 2021

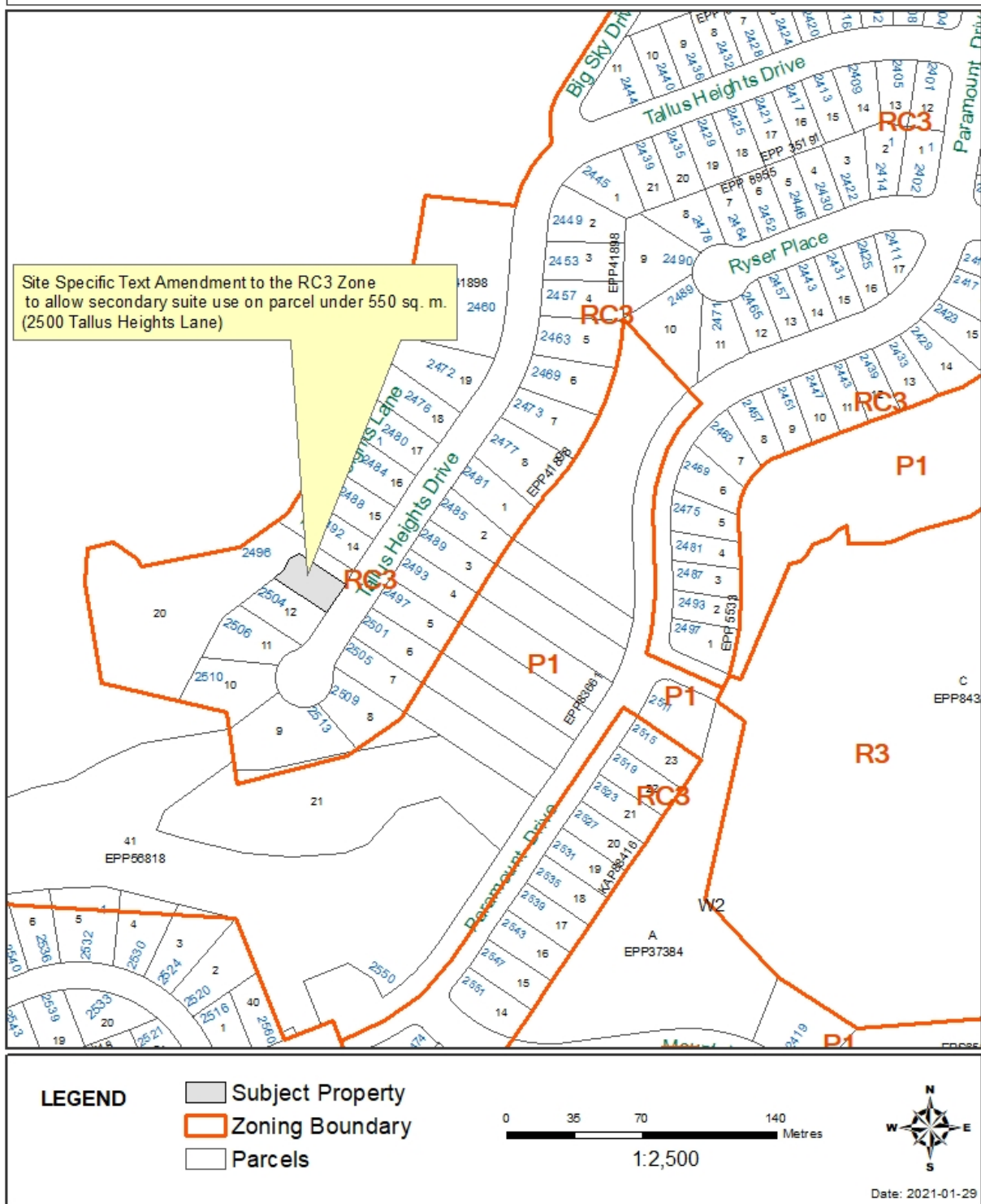
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.101





COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Jayden Riley, Planner II

File No: Z 20-13

Subject: **Z 20-13; Zoning Amendment Bylaw No. 154.101, 2021; 2500 Tallus Heights Lane**

RECOMMENDATION

THAT Council give first and second reading to Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13); and

THAT Council direct staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw.

STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity (Council's Strategic Priorities 2020-2022)

BACKGROUND

This application is proposing a site-specific text amendment to permit a secondary suite on a parcel that is under the required minimum parcel size for secondary suite use. The subject property is zoned Compact Single Detached Residential (RC3), which permits secondary suites on parcels greater than 550 m², whereas the subject property is 535 m².

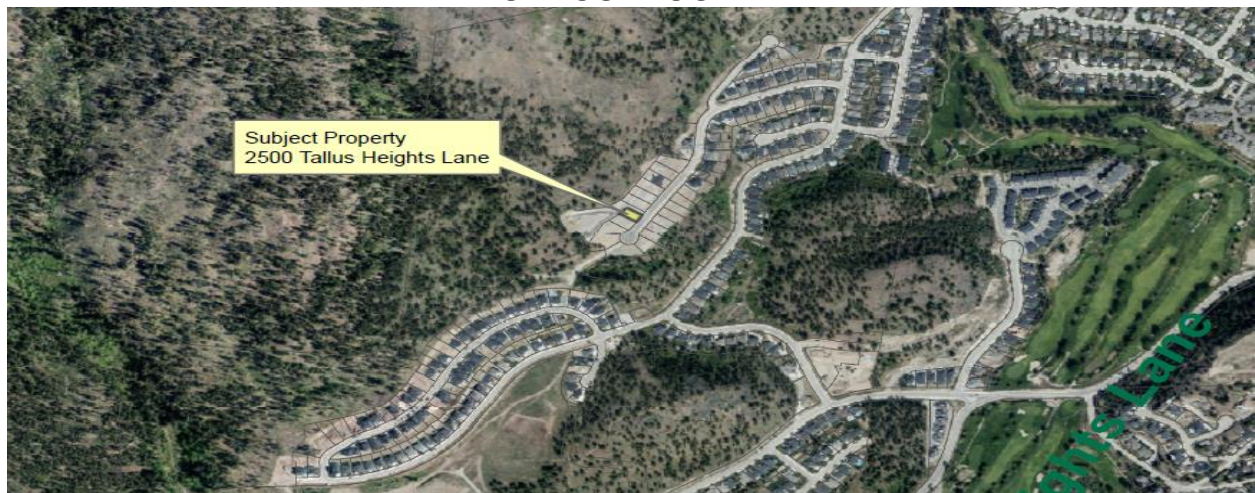
PROPERTY DETAILS			
Address	2500 Tallus Heights Lane		
PID	030-666-791		
Folio	36414916.233		
Lot Size	535 m ²		
Owner	Ryser Developments	Agent	Jamie Mullen, Willow Developments
Current Zoning	Compact Single Detached Residential (RC3)	Proposed Zoning	Compact Single Detached Residential

			(RC3) with secondary suite
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	vacant	Proposed Use	Single Family Dwelling with secondary suite
Development Permit Areas	None		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Compact Single Detached Residential (RC3)
East	>	Tallus Heights Drive Compact Single Detached Residential (RC3)
West	<	Compact Single Detached Residential (RC3) Parks and Open Space (P1)
South	v	Compact Single Detached Residential (RC3)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under S. 479 of the *Local Government Act* to amend its Zoning Bylaw, including the creation of provisions specific to a single zone.

DISCUSSION

Background

The subject property is located in the Shannon Lake neighbourhood within a compact residential neighborhood. The subject property was subdivided in 2018 as part of a 20-lot subdivision.

Proposal

This application is proposing a site-specific text amendment to allow a secondary suite on a parcel zoned Compact Single Detached Residential (RC3) under the minimum 550 m² required by the RC3 zone. The applicant has submitted a letter of rationale with the application (*Attachment 1*).

Policy and Bylaw Review

Official Community Plan

The property has a Land Use Designation of Single Family Residential, intended to support traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The property is not subject to any development permit areas.

Zoning Bylaw No. 0154

The property is zoned Compact Single Detached Residential (RC3), which permits single detached dwelling on parcels 325 m² and larger. The RC3 zone also permits secondary suites on parcels 550 m² and larger. The minimum parcel size for a secondary suite is specifically stated within the list of permitted secondary uses; therefore, a site-specific text amendment is required to permit the use, as opposed to a variance, as the *Local Government Act* does allow the local government to vary use.

Technical Review

Subject to rezoning approval, the applicant is not anticipated to require a variance to accommodate off-street parking for the secondary suite. An existing covenant registered on the parcel would not permit access from Tallus Heights Drive.

Due the topography of the parent parcel and the location of the subject property in relation to the private access road, Tallus Heights Lane, the parcel was configured to accommodate sightlines and an adequate vehicle turning radius, resulting in the north corner of the parcel are being reduced.

Referrals

Advisory Planning Commission

The Advisory Planning Commission (APC) discussed the application on January 20, 2021. The APC was in support of the application, as proposed.

Public Notification

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. 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*.

CONCLUSION

Staff recommend that Council give first and second reading to the proposed amendment bylaw. The proposed zoning amendment is not anticipated to have any significant negative impacts to surrounding properties, as secondary suites are permitted on the surrounding lots, which share the same RC3 zoning and have adequate size to accommodate potential suites. Following first and second reading, the public will be notified and given the opportunity to submit feedback on the proposal, which will be summarized at the Public Hearing.

Alternate Motion:

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13).

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

2. **THAT** Council deny Zoning Amendment Bylaw No. 0154.101, 2021 (File: Z 20-13).

Should Council deny the zoning amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months.

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. Applicant Letter of Rationale
2. ZB 0154.101, 2021

Development Services

City of West Kelowna
2760 Cameron Road
West Kelowna, BC V1Z 2T6

Letter of Rationale regarding 2500 Tallus Heights Lane, West Kelowna

This letter is regarding the proposed: Site specific amendment to allow for secondary suite use on parcel under 550 sq. m. within RC3 parcel

The empty building lot is currently 535.3 sq. m. so it is just slightly smaller than the required 550 sq. m. that is required to put a legal suite in single family homes as per zoning regulations of RC3 areas. The developer admittedly made a mistake when laying out the lot sizes as all other surrounding lots are of ample size to accommodate legal suites. Their intent was to have lot sizes that allowed for legal suites in the Phase 9 area of the Tallus Ridge Development, and for that fact in all future phases of Tallus Ridge.

This particular lot is actually corner lot, so it has better parking availability than most other larger lots that only allow for parking at the front of the dwelling. We have requested and provided floor plans for a 1 bedroom legal suite. We recognize with a laneway home, we don't want to cause traffic congestion, thus the request for a 1 bedroom suite instead of 2 bedroom.

With the cost of construction, we feel the need for legal suites in homes is greater than ever before in order for homeowners to qualify for the mortgages required to pay for these homes. We also recognize that rental suites are in demand right now, so providing a legal suite in new construction built to BC Building Code and West Kelowna requirements benefits the homeowner with the piece of mind that the suite is safe, soundproofed and completely separated from the main living area of their home. It also benefits the tenant in knowing that their space is safe and secure from the rest of the home.

Willow Development has built a number of homes in West Kelowna over the last few years, many with legal suites (including Tallus Ridge area). We are actually building a custom home on the lot right next door (2504 Tallus Heights Lane) and as such have discussed the suite with the owners of that home. The quality of construction as well as the design elements will be suited to the neighboring homes, and it is our goal to build homes with legal suites, so the suites themselves blend in to the design and style of the home. Being that the lot size is so close to West Kelowna zoning requirements for suites in RC3 zoned homes and that the quality of construction is of utmost importance to us at Willow Development, we are hopeful that council will approve our request as stated above.

If there are any questions or additional information is required, please don't hesitate to reach out.

Kind Regards,
Jamie Mullen
President
Willow Development Inc.
1662 Pritchard Drive, West Kelowna
jamie@willowdevelopment.ca

CITY OF WEST KELOWNA

BYLAW NO. 0154.101

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READ A FIRST AND SECOND TIME THIS

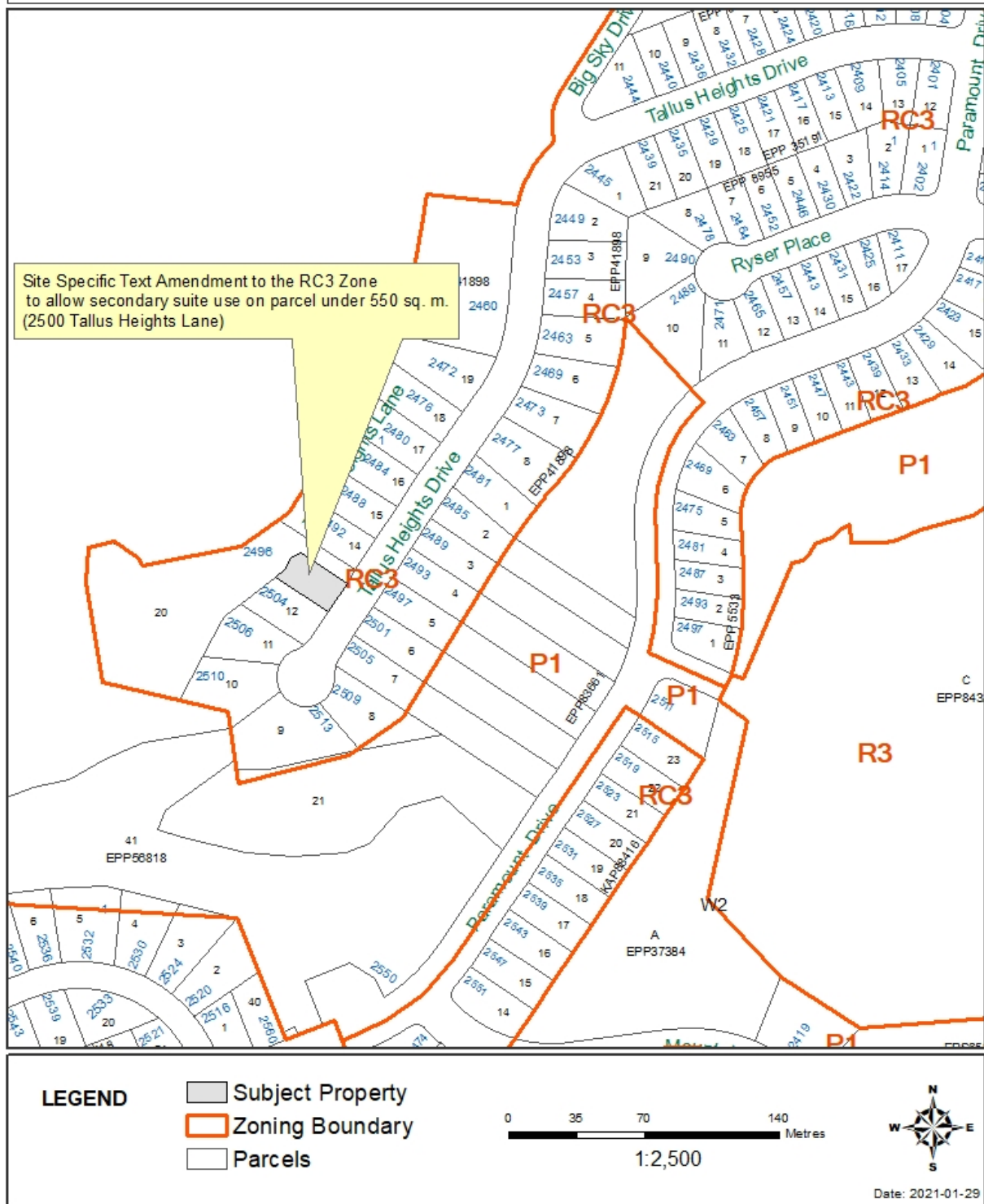
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA









SCHEDULE 'A' of BYLAW NO. 0154.101




GIS Notification Mail Map (Z 20-13)

Legend

Landmarks

-  Cemetery
-  City Hall
-  Community Centre
-  Dam
-  Fire Hall
-  Museum
-  RCMP
-  School

-  Tax Parcels

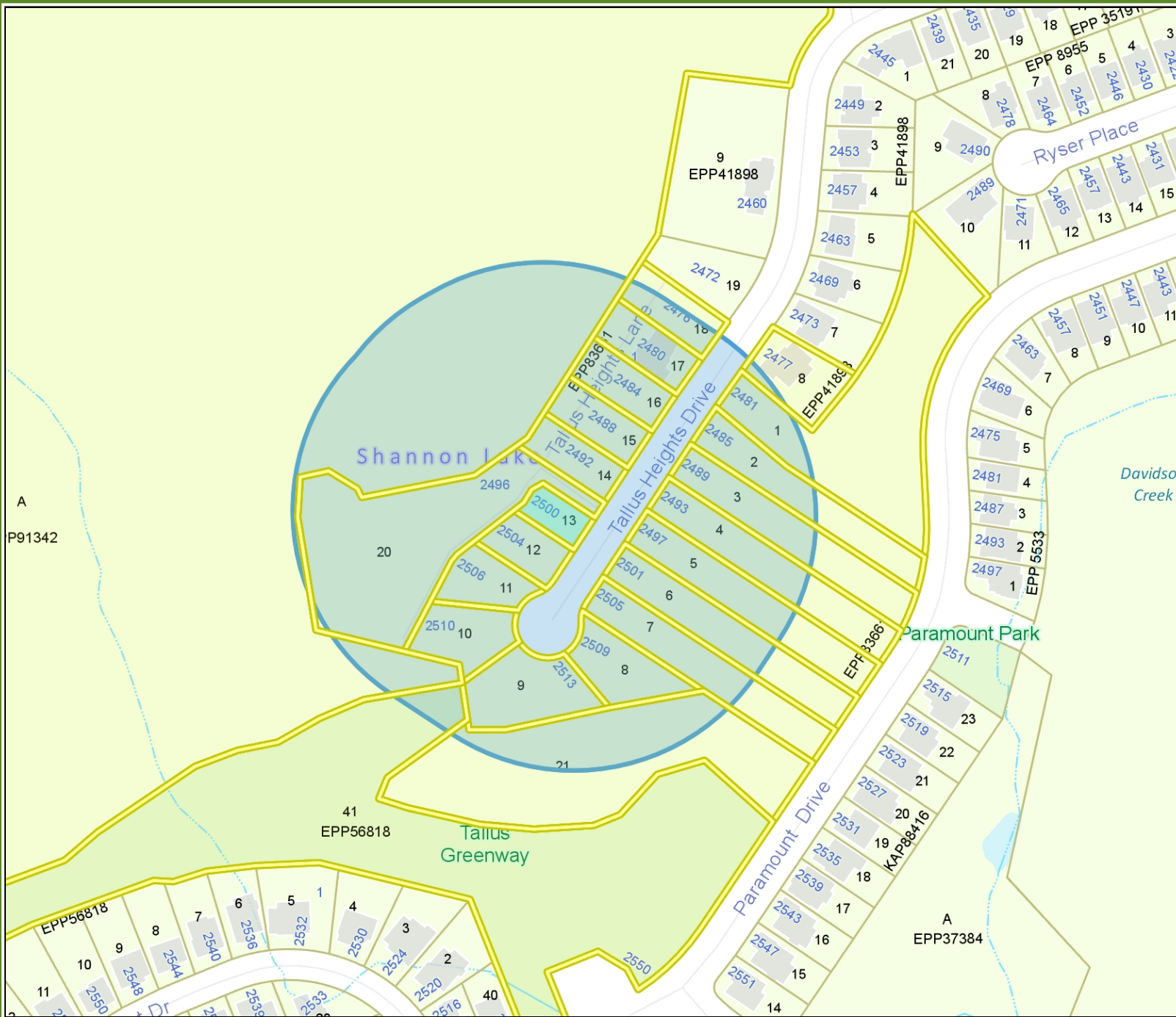
Basemap Parcel Type

- | | |
|---|--|
|  Ownership |  Lease |
|  Land Strata |  Park |
|  Building Strata |  Road Right-Of-Way |
|  Common Property |  Walkway |
|  Crown Land |  Common Access |



Scale 1 : 2,500

Notes



0 64 127 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna

Map Produced on: 2/17/2021 1:01:06 PM



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.

1.1 Resubmitted.
March 2, 2021
@ 4:59 PM

Meg Jacks

From: Paul Shul [REDACTED]
Sent: March 2, 2021 4:59 PM
To: City of West Kelowna Submissions
Subject: Attn: City Clerk, File Number (Z 20-13)
Attachments: IMG_4261.JPG

Good afternoon,

We are 27 year homeowners and residents of Westside/West Kelowna and have just moved into our new home in November that we had built at 2493 Tallus Heights Drive which is immediately kitty corner to the Willow Development Proposal at 2500 Tallus Heights Lane, West Kelowna Legal Description: Lot 13, DL 3793, ODYD, Plan EPP83661 .

Having lived in West Kelowna Estates continually since 1994 we have seen and experienced first hand the detrimental impact on quality of life in a single detached home residential neighbourhood when illegal and legal suites permeate the area. Traffic increases, narrow streets which were not designed and built for on-street parking become congested with renters and renter's guests vehicles, exiting your driveway becomes a risky venture because of increased traffic and decreased sight distances, snow removal and street sweeping are impeded, and noise and nuisance levels rise.

When we purchased our \$350,000 lot in spring of 2020 and spent over a million dollars here building our dream home I relied on the City of West Kelowna enforcing the existing development bylaws and guidelines to maintain the neighbourhood accordingly. There are plenty of areas where homes with secondary suites can be built in accordance with the existing development bylaws and guidelines. There is no compelling reason to allow this developer to back in and be granted an amendment to allow a secondary suite on a parcel less than 550 m2.

As a long time property owner, tax payer, resident and voter living immediately adjacent to the property in question, I adamantly oppose granting of this text amendment and development proposal.

Rhonda and Paul Shul
2493 Tallus Heights Drive,
West Kelowna, BC

RECEIVED

MAR 02 2021

CITY OF WEST KELOWNA
Development Services

2 March 2,
2021
@ 11:33PM

Meg Jacks

From: Brandon [REDACTED]
Sent: March 2, 2021 11:33 PM
To: City of West Kelowna Submissions
Subject: Attn: City Clerk, File Number (z 20-13) - Brandon Shul 2516 Crown Crest Drive

I am writing in opposition to the zoning amendment to bylaw no 154.101 for 2500 Tallus Heights Lane in West Kelowna.

I have concerns with the building of a suite on a lot smaller than 550m². Along with many other concerns, a major one is the unlikely ability to achieve the one or two off road parking spaces on this lot with its indicated setbacks which is required for legal suites in west kelowna. Already with the abundance of legal and illegal suites in the area, on street parking has become overwhelming and comes with a handful of issues. This past winter, the upper subdivisions of Tallus Heights had poor snow clearing due to the amount of cars on the streets preventing the snow plows from being able to do their jobs. With the amount of sand on the roads in Tallus currently, it is looking like the spring will pose the same issues for the street sweepers. Visibility also becomes an issue, as cars parked on streets decrease visibility. The ICBC Drivers Licensing manual for new drivers even states this on page 60- "If you see cars parked by the side of the road, be careful. A child may be walking out from between them..." Knowingly increasing that risk in a subdivision that has a large young family demographic would be negligent.

My partner and I moved to the area to raise our family, and are not opposed to suites in general, but would like to see them done properly in order to maintain safety and prevent the overcrowding of our streets. If anything I would like to see greater enforcement of bylaws in regards to illegal suites and on-street parking.

Thank you for your consideration,
Brandon Shul

RECEIVED

MAR 02 2021

CITY OF WEST KELOWNA
Development Services