



CITY OF WEST KELOWNA ADVISORY PLANNING COMMISSION AGENDA

Wednesday, October 20, 2021, 9:00 A.M.

COUNCIL CHAMBERS

2760 CAMERON ROAD, WEST KELOWNA, BC

	Pages
1. CALL THE ADVISORY PLANNING COMMISSION MEETING TO ORDER	
The meeting is open to the public. In accordance with COVID-19 protocols, Interior Health Restrictions, and the City's COVID-19 Safety Plan regarding indoor seated gatherings and events, a viewing area that will accommodate twelve members of the public is available on a first come, first serve basis. 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. ADOPTION OF MINUTES	
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10. OTHER BUSINESS

11. ADJOURNMENT OF THE MEETING

The next Advisory Planning Commission meeting is scheduled for Wednesday, November 17, 2021 at 9:00 a.m.



CITY OF WEST KELOWNA
MINUTES OF THE ADVISORY PLANNING COMMISSION MEETING

Wednesday, September 15, 2021
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

MEMBERS PRESENT: Wayne Kubasek, Chair
Anthony Bastiaanssen, Vice Chair
Julian Davis
Joe Gluska
Bea Kline
Nicole Richard
Katalin Zsufa

Staff Present: Carla Eaton, Planner III
Jayden Riley, Planner II
Natasha Patricelli, Recording Secretary

1. CALL THE ADVISORY PLANNING COMMISSION MEETING TO ORDER

The meeting was called to order at 9:30 a.m.

The meeting was open to the public. In accordance with COVID-19 protocols, Interior Health Restrictions, and the City's COVID-19 Safety Plan regarding indoor seated gatherings and events, a viewing area that can accommodate twelve members of the public was available. This meeting was webcast live and archived on the City's website.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

It was moved and seconded

THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

4. ADOPTION OF MINUTES

4.1 Minutes of the Advisory Planning Commission meeting held July 21, 2021 in the City of West Kelowna Council Chambers

It was moved and seconded

THAT the minutes of the Advisory Planning Commission meeting held July 21, 2021 in the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

5. PRESENTATIONS

6. DELEGATIONS

7. UNFINISHED BUSINESS

8. REFERRALS

8.1 Z 21-05, OCP and Zoning Amendment, 3636 McIver Road

Agent Jesse Alexander from New Town Developments attended via Teams

Highlights of the presentation include:

Subject Property

- Located in Glenrosa Neighbourhood;
- Land Use Designation: Agricultural partially within Rural Reserve;
- Located within Neighbourhood Growth Management Designation;
- Hillside Development Permit area;
- Approximately 2.4 acres currently vacant;
- Excluded from the ALR in 2013;
- Conditions of previous Zoning Amendment required road network connection on McIver Road - covenant registered on the property;

Proposal

- OCP amendment to rezone Agricultural Land Use to Single Family Residential;

- Zoning amendment to rezone from Agricultural (A1) to Compact Single Detached Residential (RC3);

Applicant Rationale

- Site is currently vacant and not used for agricultural purposes;
- Surrounded by institutional and Single Family Residential;
- Potential road realignment is under review and will consider access through new road connection;

Policy and Bylaw Review

- Official Community Plan speaks to Agricultural Land Use and currently no existing farm operations on the property or in the surrounding area;
- Zoning Bylaw RC3 is consistent with adjacent lands;

Technical Review

- Geotechnical: site is safe for proposed use intended;
- Functional Servicing Report based on existing infrastructure;

Considerations

- Proposed use is consistent with surrounding uses;
- Efficient use of existing City infrastructure;
- Limited impacts to agricultural operations in surrounding areas.

Highlights of the discussion include:

- Consistent with Phase 3;
- Road alignment better approach with T intersection;
- Application is consistent with the surrounding uses and there is a need for housing in the area.

It was moved and seconded

THAT the Advisory Planning Commission recommend support for file Z 21-05, OCP and Zoning Amendment, 3636 McIver Road.

CARRIED UNANIMOUSLY

8.2 Z 21-07, OCP and Zoning Amendment to CD Zone, 4058 and 4066 Gellatly Road

Highlights of the presentation include:

Property Details

- Zoned: Light Industrial (I1);
- Land Use Designations Mixed Use, Agriculture and Gellatly Village GMD;
- Surrounding land uses include: Rural Residential Large Parcel (RU4), Parks and Open Space (P1) Willow Beach/Okanagan Lake, Compact Single Detached Residential (RC4);
- Current use is boat storage and servicing;
- Commercial and Multi Family Development Permit Area;

Proposal

- To amend subject property's Land Use Designation and rezone to support mixed commercial and residential use;
- Land Use Designation amendment to 1500 sq. m portion of property from Agriculture to Mixed Use;
- Zoning amendment to rezone from Light Industrial to Comprehensive Development Zone (CD10);
- Proposed CD Zone (CD10) to permit apartment, hotel, boat storage, vehicle parking areas;
- Other CD10 zone regulations include: Commercial Live/Work units, parking, open space and height exemptions;
- Conceptual renderings provided by the applicant, including a cross section showing the elevation and setbacks in relation to The Pointe strata development;

Policy and Bylaw Review

- Official Community Plan notes the Mixed Use Land Use Designation desires a combination of retail, personal services with a residential component and opportunity for increased density while the Agriculture Land Use Designation is intended to support and foster local food systems;

- Property was part of the ALR but excluded in 2017 due to legacy mapping error, however the land use designation still remains;
- Growth Management Designation (GMD) is Gellatly Village and is intended to implement the vision of the 2011 Waterfront Plan and 2017 Gellatly Village Study into a small scale mixed-use village, focusing on West Kelowna's waterfront;
- Waterfront Master Plan (2011) is a guide for future development of West Kelowna's waterfront. Prioritizing short-to-long-term actions for land use and development directions; Classified as Area 2 - primary waterfront recreation area that encourages public-oriented shops and services, with residential and tourist accommodations above;
- Gellatly Village Study (2017) examined market viability and financial feasibility of various scenarios. 3 sites analyzed. Mixed use development anticipated in 5-10 years with recommendation to be complete over 5 phases;
- Zoning Bylaw currently zoned as Light Industrial (I1); Proposed CD Zone would permit up to 250 residential units, 7 commercial spaces, 10 live-work units, apartment hotel, surface and non-surface parking;

Technical Reports include: geotechnical, functional servicing report, visual impact study, and traffic impact assessment;

Referrals

- Referral comments anticipated by September 22, 2021;
- Notice of application signage installed;
- Should Council give first and second reading, then a Public Hearing would be held;

Key Considerations

- Proposed CD zone is currently under review;
- Mixed use development for specific site is supported, however height and density of CD zone is not consistent with the Land Use Designation;
- Form and Character Development Permit would be required, subject to rezoning;

- Subject to rezoning, massing may be regulated through CD zoning criteria;
- Opportunity for public comment would be provided at a Public Hearing.

Questions on presentation:

- Area of agriculture removed from ALR in 2017? Correct;
- 10 stories? Correct. 2 stories of parking and 8 stories for residential;
- Any other buildings on West Kelowna land taller than 4 stories? Not that the planner is aware of;
- How many public parking spots are available for boats, trailers and cars in that area? Exact numbers not available at the time of presentation;
- Is there a requirement for public boat parking spaces to be available? Waterfront plan, OCP and Gellatly Village Study express importance for West Kelowna residents to have public boat storage and public parking in that area;
- Is there a maximum for boat storage on site? CD zone would dictate minimums but not necessarily maximums;
- Proposed application building height 39m and 31m for existing homes at The Pointe? That is correct;
- How many residents at The Pointe to lose their view? Building form and character has not been determined at this time; Only maximum height has been established.

Brian Quiring from MQN Architects presented

Highlights of the applicants presentation include:

- Preliminary design concept;
- Firm began on the site in 2003, redesigned site application presented today;
- Application proposes mixed use commercial and residential promoting a village centre and Gellatly Bay lakefront with pedestrian oriented streetscape;
- Building designed to internalize public vehicle and boat parking;

- Proposing internal roundabout and 2 story parking structure screened from view by live/work, commercial and townhouses on ground level;
- Level 3 is amenity space shared by all owners of development; Residential units on this level are garden units;
- 2 - 8 story buildings and 1 - 6 story building above the 2 story parkade;
- Buildings strategically located to minimize view obstruction;
- Building elevations show step massing and view corridors between buildings;
- Site cross-section indicates approximately 350 ft between rear of buildings and neighbouring strata;
- Proposed building is 38m and floor level at The Pointe is 31m;
- Drawing 3 illustrates view for residents at The Pointe;
- Designed to mitigate impact of view;
- Design is preliminary, unit size and configuration have not been resolved. Height, scale and massing is in the proposal;
- Mixed use development with a wide range of housing types for the Gellatly Bay neighbourhood;

Questions on the presentation:

- Is rooftop equipment included in the building height of 39m? Exemptions built into the CD zone for rooftop mechanical equipment, projection is minimal for building services;
- Would anyone at The Pointe lose their view? Don't believe any view would be completely obstructed;
- Does this development benefit residents of The Pointe? A boat share program may be available for residents which could be extended to residents at The Pointe. Potential for boat storage facility that would extend to the community;
- Is this an apartment building or hotel? Apartment building;
- Is there any guest parking inside the property? Development is required to provide visitor parking and loading;

- Front 3m setback is minimal - will it include a plaza and benches? Including sidewalk there is 15 ft of space between the building and curb; Goal to enhance streetscape and village feel;
- Doesn't feel like a small scale development, is this respecting desire for GMD? Currently updating OCP, 2011 GMD established and 2017 Gellatly Bay study. Proposal inconsistent based on those reports however it could be established with new growth scenarios;
- Is it premature to be looking at an application like this at this time? Market research has determined this is the scale that needs to be done in this location to utilize the site.

Highlights of the discussion include:

- Illustrated view from Gellatly Road looks 2 stories too high;
- Proposal is too high for what is currently in the community;
- Applicants proposal of 250 units equals 250 to 500 vehicles with possibly an extra 75 boats and commercial vehicles to the area;
- Limited parking and increased density for commercial use as well as the public marina and Gellatly Bay is compounding a problem that already exists in the area;
- Large scale precedent setting development for the area however premature;
- Residents have been waiting for this type of opportunity;
- Market research has been done;
- Visual consideration from the Pointe - buildings will be seen but won't block panoramic view;
- Concern with boat parking; Boat storage inside development is a concern, other boat storage spaces exist;
- Needs to be developed in a way to benefit West Kelowna residents;
- This development is not the place for a boat storage facility;
- Massing and overall height seems too high;
- Businesses need to be viable year round. The area does not currently have access to close retail/commercial;

- Support zoning change to CD zone with potential considerations to text amendments;
- Valuable project to the community;
- Good area to build tourism along the lake to walk, shop and eat;
- Use this area for people and businesses, boat storage elsewhere;
- Difficult to not support other proposals with the same height; No other buildings are more than 4 stories;
- Concern with height and extra level to house rooftop equipment;
- Only place left to have a concentrated waterfront development;
- Elimination of boat storage would have more visitor parking spots;
- With a 10 storey building is there increased cost for fire department? Likely to be increased cost, have not received referral comments at this time;
- There has to be a first for this type of development. This site would make the best use of the land and has limited impact on the neighbourhood, as it's not right next to the Pointe;
- Truck and boat trailer parking is needed for the community. Unsure if it needs to be part of the development but it should be considered with approvals going forward;
- Supportive of OCP and Zoning amendment concern with scale of development. Suggestion to consider public input and surrounding resident concerns.

It was moved and seconded

THAT the Advisory Planning Commission recommend support for file Z 21-07, OCP and Zoning Amendment to CD Zone, 4058 and 4066 Gellatly Road.

CARRIED; Members Kline and Gluska opposed

9. CORRESPONDENCE AND INFORMATION ITEMS

10. OTHER BUSINESS

11. ADJOURNMENT OF THE MEETING

The meeting adjourned at 10:51 a.m.

CHAIR

RECORDING SECRETARY



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: October 20, 2021

From: Meg Jacks, Planner I

File No: TUP 18-03.01

Subject: **TUP 18-03.01., Temporary Use Permit Renewal, 350 – 1405 Stevens Rd**

BACKGROUND

To consider a renewal application for a Temporary Use Permit to allow 350-1405 Stevens Rd to continue operating a commercial winery on a parcel zoned for Light Industrial (I1) for an additional three years.

PROPERTY DETAILS			
Address		350-1405 Stevens Rd, West Kelowna	
PID		008-762-678	
Folio		36412718.000	
Lot Size		30,060 m ²	
Owner	0838235 BC Ltd – Midwest Ventures Ltd. Argus Industries Ltd.	Agent	Tender Hope Holdings Ltd. Midwest Ventures Ltd
Current Zoning	Light Industrial I1	Proposed Zoning	N/A
Current OCP	Industrial	Proposed OCP	N/A
Current Use	Commercial Winery – TUP 18-03	Proposed Use	Commercial Winery
Development Permit Areas	N/A		
Hazards	N/A		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	A1 – Agricultural Zone
East	>	I1 – Industrial Zone
West	<	I1 – Industrial Zone
South	v	C4 – Service Commercial Zone

This application is seeking a renewal to the existing Temporary Use Permit, TUP 18-03, which was issued on August 17, 2018 and expired August 14, 2021.

This application is seeking a renewal to the existing Temporary Use Permit, TUP 18-03, to continue operating a commercial winery in an I1 zone which currently does not permit the use of a winery.

The operation of a commercial winery involves the following on-site components:

- On-site manufacturing;
- Filtering and bottling;
- Fermentation in both stainless steel tanks and oak barrels;
- Storage of packaged goods; and
- Wine tastings.

While the proposed permit is intended to be temporary, if the TUP request for renewal is approved, the applicant is hopeful that the City's future housekeeping amendments to the Zoning Bylaw considers the inclusion of winery as a permitted use within the I1 zone.

Applicant Rationale

The applicant has provided a letter of rationale outlining the positive impacts the winery has had on the community over the last three years. It has been operating in good standing, provides employment opportunities for local residents and contributes to the West Kelowna tourism industry.

DISCUSSION

Planning

The subject property is located within the City's Business Park. The subject property is 30,060 m² in size and is zoned Light Industrial. The 2014 Zoning Bylaw review added brewery, distillery and meadery uses to the Light Industrial (I1). A winery is a use of a similar nature and as such it may be included in the Zoning Bylaw housekeeping amendments. The proposed use will not negatively impact the surrounding uses or areas.

Legislative Requirements

Section 497 of the *Local Government Act* regulates that the Temporary Use Permit may be renewed only once for a period of up to three years at the discretion of Council.

Policy & Bylaw Review

Official Community Plan (OCP)

The subject property currently maintains a Growth Management Designation (GMD) of Corridor which supports the promotion of economic development through the increase of mixed uses. The proposed use is consistent with the OCP's Land Use Designation of Industrial which contains policy statements to ensure diverse employment opportunities and a broad range of industrial and industrial-related uses.

Zoning Bylaw No. 0154

The subject property is zoned Light Industrial (I1). The purpose of this zone is to accommodate light industrial and associated uses.

In 2014 the City added brewery, distillery and meadery to the I1 zone. The City will potentially be considering the inclusion of wineries as part of the next housekeeping review.

Referral Comments

After completing the initial referral stage there are no concerns from internal or external agencies. The Fire Department highlighted that the property completed substantial fire upgrades.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- The business has been operating on the property for a three year period with no issues reported from Bylaw.
- The proposed use will not negatively impact surrounding uses.

APC Consideration

Specific comments would be appreciated should the APC have any concerns with the proposed application, so that they may be further investigated or considered prior to staff providing recommendation to Council.

Respectfully submitted,

Meg Jacks, Planner I

Powerpoint: Yes ☒ No ☐

Attachments:

1. Context Map
2. Subject Property Map

3. Permit (TUP 18-03)
4. Draft Permit (TUP 18-03.01)
5. Applicant's Rationale Letter - Renewal



CONTEXT MAP: TUP 18-03.01

Date: 2021-07-09

CITY OF WEST KELOWNA
PLANNING DEPARTMENT



ATTACHMENT: 1

FILE NO.: TUP 18-03.01



File: TUP 18-03.01

Legal Description: Lot 9, Block 5, DL 505 & 506, ODYD,
Plan 1799, Except Plans 23732, KAP62797, and B4737





SUBJECT PROPERTY: TUP 18-03.01

Date: 2021-07-09

CITY OF WEST KELOWNA
PLANNING DEPARTMENT

ATTACHMENT: 2

FILE NO.: TUP 18-03.01



Stevens Road

Ross Road

Subject Property
350-1405 Stevens Rd

File: TUP 18-03.01

Subject Property

Legal Description: Lot 9, DL 505 & 506, Block 5,
Plan 1799 Except Plans 23732, KAP62797 and B4737

Path: H:\DEVELOPMENT SERVICES\PLANNING\4520 Permits - Individual\4520-20 Temporary Use Permits\TUP 18-03.01 1405 Stevens Rd\Maps\Subject Property Map.mxd

0 20 40 80 Metres

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**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 18-03**

TO: Tender Hope Holdings Ltd.
2169 Sunview Dr
West Kelowna, B.C. V1Z 3R2
c/o
Argus Industries Ltd. & Midwest Ventures Ltd
300 – 1060 Manhattan Drive
Kelowna, BC, V1Y 9X9

1. This Permit is issued subject to compliance with all of the Bylaws of the District of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

**Lot 9, Block 5, DL 505 & 506, ODYD, Plan KAP1799,
Except Plans 23732, KAP62797 and B4737
(350 – 1405 Stevens Rd)**

3. This Temporary Use Permit (TUP 18-03) allows for the use of a winery in unit 350 of building 1405, subject to conditions herein. The issuance and use of the Permit is subject to the following:
4. The TUP 18-03 shall be deemed to have expired on August 14, 2021
5. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. **This Permit is not a Building Permit.**

AUTHORIZING RESOLUTION NO. C319/18 PASSED BY THE MUNICIPAL COUNCIL ON
AUGUST 14, 2018.

EXPIRY DATE: August 14, 2021

ISSUED ON AUGUST 17, 2018

Signed on AUGUST 17, 2018



City Clerk



**CITY OF WEST KELOWNA
TEMPORARY USE PERMIT
TUP 18-03.01**

TO: Tender Hope Holdings Ltd.
2169 Sunview Dr
West Kelowna, B.C. V1Z 3R2
c/o
Argus Industries Ltd. & Midwest Ventures Ltd
300 – 1060 Manhattan Drive
Kelowna, BC, V1Y 9X9

1. This Permit is issued subject to compliance with all of the Bylaws of the District of West Kelowna applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies to and only to those lands described below, and any and all buildings, structures and other developments thereon:

**Lot 9, Block 5, DL 505 & 506, ODYD, Plan KAP1799,
Except Plans 23732, KAP62797 and B4737
(350 – 1405 Stevens Rd)**

3. This Temporary Use Permit (TUP 18-03.01) allows for the use of a winery in unit 350 of building 1405 Stevens Rd, subject to conditions herein. The issuance and use of the Permit is subject to the following:
4. The TUP 18-03.01 shall be deemed to expire on August 14, 2024
5. The land described herein shall be developed strictly in accordance with the terms and conditions of this Permit and any plans and specifications attached to this Permit, which shall form a part hereof.
6. **This Permit is not a Building Permit.**
7. **This Permit is not a Business License.**

AUTHORIZING RESOLUTION NO. C/ PASSED BY THE MUNICIPAL COUNCIL ON , .

EXPIRY DATE: August 14, 2024

ISSUED ON

Signed on

City Clerk

Date September 17, 2021

From: Tender Hope Winery

To: City of West Kelowna

TUP 18-03 Extension

Tender Hope Winery, located in 1405 Stevens Road, West Kelowna, BC, V1Z 3Y2, is requesting a three year extension to the TUP 18-03 allowing winery in the zone.

As:

The winery has been operating in the location for 3 years in good standing.

The winery supplies employment to local residents.

The winery contributes to the tourism industry in West Kelowna.

The bylaw allows for distillery and meadrey in the zoning, (meadery operates under a winery licence so technically a winery is allowed).

In the last TUP meeting the mayor asked that the zoning will be amended to include winery. We hope that this will happen in the near future.

Thank you for your consideration.

Ephraim Perel

Manager, Tender Hope Winery



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: October 20, 2021

From: Jayden Riley, Planner II

File No: Z 21-08

Subject: **Z 21-08; Site-Specific Text Amendment (Rezoning); 3595 Elliott Road**

BACKGROUND

This application is seeking to rezone the subject property in the form of a site-specific text amendment to permit live/work unit use. The subject property is currently zoned Neighborhood Commercial (C2). The proposal is to rezone the property to permit live/work unit use at the specific site while maintaining the existing C2 Zone.

PROPERTY DETAILS			
Address	3595 Elliott Road		
PID	004-645-839		
Folio	36412643.580		
Lot Size	1,011 m ²		
Owner	Adriano Aprile	Agent	Matt Johnston, Lime Architecture Inc.
Current Zoning	Neighbourhood Commercial (C2)	Proposed Zoning	Neighbourhood Commercial (C2) with Live-Work Unit use
Current OCP	Commercial	Proposed OCP	Commercial
Current Use	Vacant	Proposed Use	Commercial, Live-Work
Development Permit Areas	Commercial		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	Neighbourhood Commercial (C2)
East	>	Westbank Centre Compact Residential (RC1)
West	<	Single Detached Residential (R1)
South	v	Westbank Centre Multiple Residential Zone (R5)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Proposal

This application is seeking to rezone the subject property in the form of a site-specific text amendment to permit live/work unit use on the property while maintaining the Neighborhood Commercial (C2) Zone. The application has provided preliminary plans, including a rendering of the concept (*Figure 1*), however building form and character would be reviewed at time of development permit, subject to rezoning.



Figure 1: conceptual rendering of live-work unit

Applicant Rationale

The applicant has identified a priority to density within an established community while respecting the surrounding area and neighbourhood in a development that combines the commercial and residential aspects of the neighbouring properties.

Site Specific Considerations

The subject property is located in the Westbank Centre Neighbourhood, on the corner of Elliott Road and a laneway connecting to Springer Road. The laneway on which the property has frontage is 6.0 m wide and does not permit on-street parking. Parking is known to City Bylaw Compliance to be an enforcement challenge for Elliott Road, as on-street parking on this arterial road is not permitted.

Policy and Bylaw Review:

Official Community Plan No.0100

The subject property has a Commercial Land Use Designation (LUD), intended to consist of a variety of built forms reflecting a diversity of retail, office, and personal service uses, with opportunities for increased density and height in the Boucherie/Westbank Centre, and opportunity for above street residential where appropriate. There is no amendment to the LUD proposed.

The property is located within the Westbank Centre Growth Management Designation (GMD). GMDs are more descriptive than regulatory, but are intended to identify growth priorities areas and their broad attributes and characteristics are in line with the Community Vision outlined in Section 2 of the Official Community Plan. The desired attributes of this GMD includes a mix of residential, commercial, and civic uses. The purpose of this GMD is to foster urban growth through infill and intensification as a preferred option alternative to continued expansion of low density development.

The subject property is located within a Commercial Development Permit Area and may also be subject to a Multiple Family and Intensive Residential Development Permit should future development consist of apartments, which are permitted are permitted secondary use in the C2 Zone. Both Development Permit Areas would consider form and character and be reviewed in accordance with the City's guidelines at time of Development Permit.

Zoning Bylaw No. 0154

The subject property is zoned Neighbourhood Commercial (C2). This zone is intended to accommodate a limited range of convenience services typically required on a day-to-day basis by residents of local neighbourhoods. The permitted uses of this zone include:

- Care facility, major
- Fire, police or ambulance service
- Office
- Personal service establishment
- Postal or courier service
- Recreation services, indoor
- Retail, convenience
- Restaurant, except drive through
- Apartment (secondary use, shall be located above the non-residential use)

The proposed site-specific text amendment is to permit 'live/work unit' use, which is defined as a commercial use combined with a dwelling unit whose occupant of the dwelling is the primary operator of the commercial use. Live-Work unit use is permitted only in the City's Urban Centre Commercial (C1) Zone. The C1 and C2 Zones permit similar uses with the exception of live/work unit and retail convenience.

Off-street parking requirements vary by use and are outlined in Part 4 of the Zoning Bylaw. A live-work unit requires one parking space per unit.

Technical Review:

A Functional Servicing Report was submitted with this application, prepared by Tetra Tech. The report outlines existing and proposed water, sanitary sewer, and storm water services. This information and any off-site improvements, including frontage improvement, will be confirmed following staff review of the application.

Referrals:

The subject application has been referred to various internal department and external agencies for comment. At this time, the application is still in the referral period and comments have not yet been submitted.

Public Notification:

Notice of Application signage has been posted on the property in accordance with the City's Development Applications Procedures Bylaw No. 0260. Additional notification by mail and advertisement in the local newspaper is required under the *Local Government Act*, subject to receiving 1st and 2nd Reading, which will advise of the time and date of the Public Hearing and how to make a submission for Council's consideration.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- The proposed use is consistent with the existing Commercial Land Use designation and Westbank Centre Growth Management Designation;
- Form and character is not being considered as part of the proposed rezoning application, but would instead be reviewed at time of development permit, subject to rezoning; and
- Should Council give 1st and 2nd Reading to the proposed zoning amendment, a Public Hearing would be scheduled and the public would be sent notification by mail and by advertisement in the local newspaper to advise of the time and date of the Public Hearing and how to make a submission for Council's consideration.

Specific comments would be appreciated should the APC have any concerns with the proposed rezoning application, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Jayden Riley, Planner II

Powerpoint: Yes ☒ No ☐

October 4, 2021

Wayne Kubasek
Advisory Planning Commission Chair
City of West Kelowna
2760 Cameron Road, West Kelowna, BC, V1Z 2T6

Cc: Jayden Riley, City Planner II
Carla Eaton, City Planner III
Mayor Milsom and Council

Dear Mr. Kubasek,

Re: APC's Recommendation of item 8.3 (Unaddressed Shannon View Drive OCP/zoning bylaw amends) from the June 16th APC meeting

We are writing on behalf of concerned residents. It is our contention that the APC did not exercise due diligence upon unanimously recommending the developer's application as presented by the City of West Kelowna Planning Department.

- At the onset and at numerous times throughout the presentation Carla Eaton, city planner and presenter, indicated that the illustrations were conceptual drawings only and additional refinement and detailed considerations still needed to be drafted and that it was "very early on" in the application process.
- Ms. Eaton indicated that two Baden Spa representatives were present (virtually) to answer questions however no questions from APC members were directed to the developer.
- Ms. Eaton indicated there were no technical documents available to the APC at the time of her presentation. (Transportation review, geotechnical assessment, functional servicing report, environmental assessment)
- After it was indicated that it was early in the application, APC chair Wayne Kubasek asked if the planning department would return once the city had completed the technical reports. Ms. Eaton indicated that the application may not come back to the commission and encouraged a resolution at the June 16th meeting. Mr. Kubasek's comment could be interpreted that he had some concerns with the incompleteness of the presentation.
- Ms. Eaton repeatedly indicated that the city engineering department would address their consultants' concerns as the various reports became available. This reaffirms the incompleteness of the presentation.

Most of the APC members' comments were focused on the economic benefit of a commercial development such as the one proposed. Fewer comments addressed the impact to the character and liveability of the neighbourhood and the appropriateness of such a significant change to the Official Community Plan. We are in support of economic, employment and tourism growth however many homeowners are concerned with the appropriateness of the location and the impact on their established residential neighbourhood.

Some APC members' comments included:

- Joe Gluska, who stated "When you're building a resort after (the neighbourhood has been established) this is where more detailed analysis of information is needed. Does it fit with the neighbourhood? There needs to be an in-depth look at."
- Anthony Bastiaanssen likened the development to the Sparkling Hills Resort on the outskirts of Vernon. However, a google map comparison of the two properties shows drastically different development of the surrounding neighbourhood.

With all due respect to the commission, we request the APC make a motion to rescind their previous recommendation and invite the city planning department to return to a future APC meeting once the appropriate refinements, details and technical reports are available. We feel this would provide the APC members a much clearer understanding of the proposed development and, particularly, the impact on the neighbourhood.

Sincerely,

Steering Committee

Residents Opposed to Zoning Bylaw Changes

Darlene Gowans

Tom Groat

Sylvia Johnson

Darwin Kinchen

Joe Lesosky

Lill Lesosky

Wes McInnes

Nona McInnes

Dave Plumptre

Mick Wood

Suzanne Wood

Stuart Hill



City of West Kelowna

2760 Cameron Road, West Kelowna, British Columbia V1Z 2T6
Tel (778) 797.1000 Fax (778) 797.1001

October 12, 2021

Dear Mr. Wood and Members of the Steering Committee:

This letter is written in response to your letter dated October 4, 2021, regarding agenda item no. 8.3 (Unaddressed Shannon View Drive OCP/Zoning Bylaw Amendment) from the June 16, 2021 Advisory Planning Commission meeting.

I do appreciate your concerns related to the proposal, however the APC is unable to rescind motions that have been passed at our meetings, as requested. The role of the Commission, as outlined in Bylaw No. 0098, is to advise Council on matters respecting land use, community planning, or proposed bylaws, and certain permits under Division 2, 7, and 9 of Part 26 of the *Local Government Act*. The Commission is not a technical review committee and there is no procedural mechanism that would allow the APC to rescind a motion.

Technical documents are reviewed by City staff and often in conjunction with professional consultants. Prior to the proposed zoning amendment being considered by Council for 1st and 2nd Reading, all technical items will be reviewed in accordance with City bylaws and then summarized in the 1st and 2nd Reading report. If the proposal does receive 1st and 2nd Reading, a Public Hearing will be scheduled and notification to the public will occur. I respectfully suggest you review the information available at that time and consider making a written submission as part of the formal Public Hearing process.

Thank you for your interest in the proceedings of the Advisory Planning Commission. Please be advised that I will be circulating your letter and this response to the Commission members.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Kubasek", is written over a light blue, textured background.

Wayne Kubasek
Chair, Advisory Planning Commission
City of West Kelowna