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

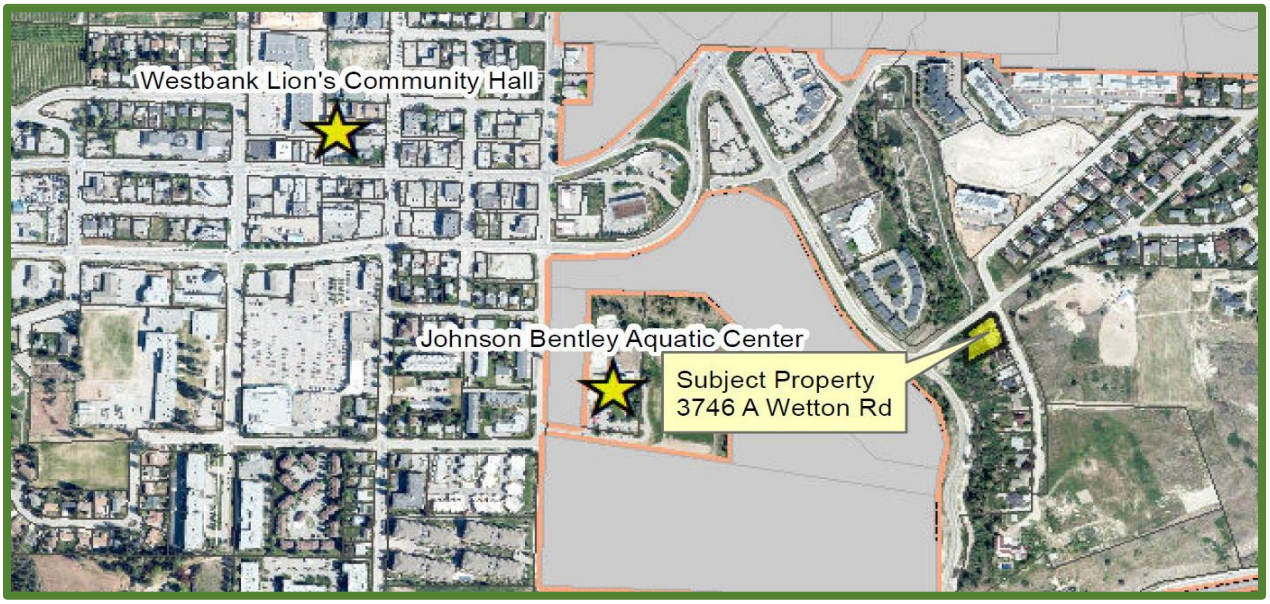
The subject property, located at 3746A Wetton Road, is in the Goats Peak/Gellatly neighbourhood. The property is currently developed with a quadplex and backs onto Smith Creek. Another quadplex is adjacent to the property. A previous development permit with variances (DP 18-33) for 18 stacked townhouse 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 However, this development permit with variances was never issued and has since been withdrawn.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).

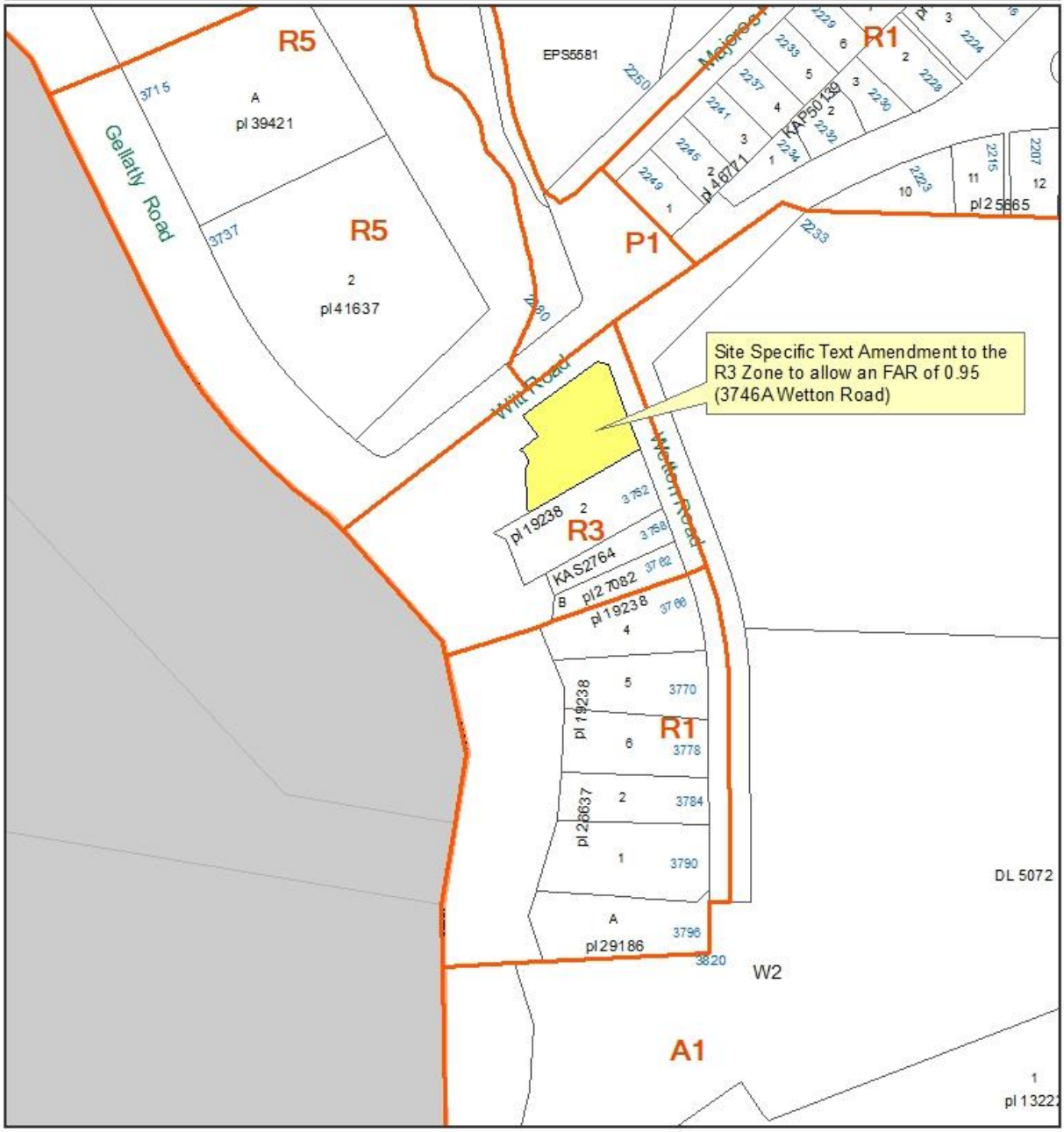
READ A FIRST TIME
READ A SECOND TIME
PUBLIC HEARING HELD
READ A THIRD TIME
ADOPTED

M A Y O R

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

N W E S

Date: 2022-11-04