



COUNCIL REPORT

To: Mayor and Council

Date: February 14, 2023

From: Paul Gipps, CAO

File No: Z 22-08

Subject: **Z 22-08; Zoning Amendment Bylaw No. 265.12, 2023 (First Reading); 2741 Auburn Road**

Report Prepared by: Jayden Riley, Planner III

RECOMMENDATION

THAT Council consider and resolve to give First Reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023; and

THAT Council consider and resolve to direct staff to schedule the bylaw for Second Reading pending further traffic review and analysis to determine necessary off-site improvements to mitigate noted intersection failures near the surrounding site and the steps required to initiate those improvements.

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

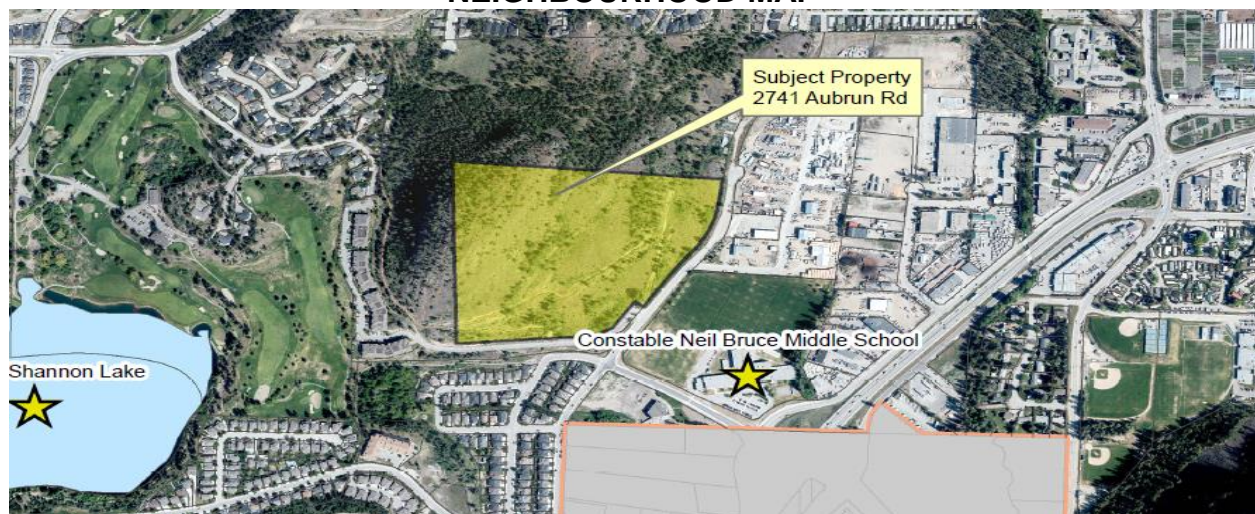
This application is seeking to rezone the subject property from Low Density Multiple Residential (R3) to Comprehensive Development (CD 10) and Parks and Open Space (P1) to accommodate a 401-unit apartment development. At the request of the applicant, staff are presenting the application for First Reading to receive feedback on the density limiting covenant and initial support before further investigating potential traffic improvements.

As a condition of Second Reading, staff are recommending that further traffic analysis is completed to confirm if there is potential for off-site improvements and the process of implementation.

PROPERTY DETAILS			
Address	2741 Auburn Road		
PID	026-159-601		
Folio	36414135.233		
Lot Size	12.4 ha		
Owner	0761681 BC LTD.	Agent	David Eaton Architecture
Current Zoning	Low Density Multiple Residential (R3)	Proposed Zoning	Comprehensive Development (CD 10); Parks and Open Space (P1)
Current OCP	Low Density Multiple Family, Parks and Natural Areas	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	Apartment / Condo
Development Permit Areas	Hillside, Sensitive Terrestrial		
Hazards	Hillside, Sensitive Terrestrial, Traffic		
Agricultural Land Reserve	None		

ADJACENT ZONING & LAND USES		
North	^	Rural Residential Large Parcel (RU4)
East	>	Compact Single Detached Residential (RC3) Light Industrial (I1), Heavy Industrial (I2), Gravel Extraction (I4)
West	<	Low Density Multiple Residential (R3)
South	v	Institutional and Assembly (P2)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under Part 14, S.497 of the *Local Government Act* to amend its Zoning Bylaw.

DISCUSSION

Application History

The subject property was rezoned under File Z 07-12 from RU2 to R3A to accommodate a 220-unit development in the form of three apartment buildings, including a private recreational amenity facility. As a condition of rezoning, the City required the owner to 1) register a covenant restricting the density of the property to 220 units and 2) register a covenant to require the donation of a 7.6 ha portion of the site to the City as parkland at time of building permit.

The density covenant was intended to better align the proposal with the densities proposed under Shannon Lake Neighbourhood Plan (SLNP) (Appendix B-3 of the Westside Official Community Plan), which has since been repealed with the subsequent adoption of the current Official Community Plan Bylaw No. 0100. It should also be noted that the Auburn Road / Shannon Ridge Drive Road Connection was not constructed at the time the SNLP was adopted.

The density and parkland covenants are still registered on the property. The 401 units proposed under this current zoning amendment application would require Council to discharge the density covenant prior to adoption.

Proposal

This application is proposing to rezone a 4.8 ha portion of the subject property from Low Density Multiple Residential (R3) to a Comprehensive Development Zone (CD 10) and a 7.9 ha portion Parks and Open Space (P1) to support a 401-unit apartment development

contained within five buildings. Two of the five building are proposed to be located at the Auburn Road frontage with three buildings accessed via private lane at the upper elevation, further west of the site (*Figure 1*).

The apartment buildings are proposed to contain 74 to 83 units each. Specifically, 'Building 1' is proposed to contain 74 units; 'Building 2' is proposed to contain 78 units; and 'Buildings 3-5' are proposed to contain 83 units each. The CD Zone proposes each building to be four storeys, with two or three storeys exposed on the upland side and four storeys exposed on the street fronting façade of the buildings (*Attachment 1*). Each building is proposed to consist of mix of one- and two-bedroom units. Total parking requirements are anticipated to be met with a mixture of underground and surface parking.

The CD zone and site plan also include two outdoor amenity spaces over a total area of 1,094 sq. m. and an indoor amenity space contained within a 451 sq. m. area.



Figure 1: Site plan

Given that the proposal is to rezone to a CD zone, additional controls can be applied to the siting of building and other elements of a proposal that are more commonly identified

at Development Permit, as the site plan would be attached to the amendment bylaw as a schedule, once finalized.

Should Council give First Reading to the proposed amendment bylaw, the application will return with additional amendments/refinements to the CD zone criteria that reflect additional staff review and Council direction.

Policy and Bylaw Review

Official Community Plan Bylaw No.0100

The subject property contains Medium Density Multiple Family (MDMF) and Parks and Natural Areas Land Use Designations (LUDs). The MDMF LUD is intended to consist of semi-detached, attached, townhouse and/or low-rise apartment housing. Its purpose is to provide a broader range of housing opportunities in areas served by transit and in walking distance to community amenities, shops, and services, where the density is appropriate to the adjacent land use.

The subject property also contains a Parks and Natural Areas LUD over a 7.6-ha portion of the property¹. This LUD is intended to contain a variety of public, accessible green and natural space, as well as preserve significant natural areas and provide diverse recreation opportunities. No amendments the LUDs are proposed with this application.

The property is subject to multiple Development Permit Areas, including Steep Hillside, Sensitive Terrestrial Ecosystems, and Form and Character (Multiple Family and Intensive Residential). Submitted with the application includes a geotechnical report and environmental assessment. These reports are intended to provide information on general feasibility of the proposed CD zone. Subject to rezoning, more detailed reporting will be required at time of Development Permit.

Zoning Bylaw No. 0265

The subject property is currently zoned Low Density Multiple Residential (R3). This zone permits care facility, duplex, group home, and townhouse use up to three storeys. The purpose of this zone is to accommodate multiple residential in low density housing form. Apartment is not a permitted use in the R3 zone.

The proposed CD 10 zone (*Attachment 1*) is intended to accommodate 401 apartment units within five buildings. The CD zone criteria is intended to be specific to this proposal and outlines the number of units and storeys for each building. The CD zone criteria will also include a site plan as a schedule. What is presented in the existing CD Zone criteria is not necessarily final and may be amended prior to second reading.

In addition to establishing the siting of roads, amenity space, buildings and other proposed site features, the CD zone is also proposing to accommodate four-storey buildings otherwise not permitted in the existing R3 zone.

¹ This area is consistent with the parkland dedication area and proposed P1 zone boundary

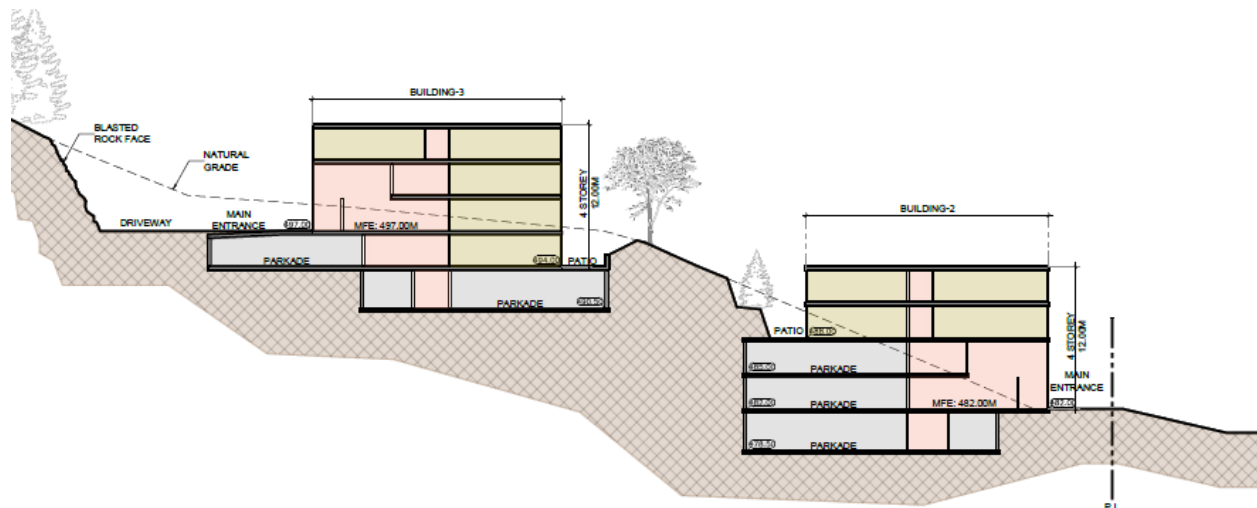


Figure 2: Sections of Buildings 2 and 3

Technical Review

Servicing

A Functional Servicing Report² was submitted with the application that outlines the existing and proposed services required to accommodate the proposal. The following is a summary of the servicing conditions:

- **Roads** – Auburn Road is an Urban Collector. The owner is responsible for any frontage improvements to meet Bylaw No. 0249 CWK Standard Detail Dwg 203, including streetlighting. The property is proposing two regular accesses from Auburn Road plus an emergency access road to 2780 Auburn Rd.
- **Water** – The site is not currently serviced. There is an existing looped 400 mm water main on Auburn Road which will provide a new 250 mm water service to the property. New off-site hydrants will be required along the property frontage spaced 90 m apart.
- **Sewer** – The site is not currently serviced. There is an existing 200 mm sewer main that runs through 2575 Auburn Road within a Statutory Right of Way. It is proposed to be extended across Auburn Road to the property line of the subject property. In anticipation of future development, a sanitary main is to be constructed on Auburn Road up to the north property line of this development.
- **Stormwater** – The site is not currently serviced. There is an existing 250 mm storm main located on Auburn Road. It is expected that this storm main will be extended along the full frontage of the subject property to provide a connection to the

² Prepared by Ecora Engineering & Resources Group Ltd., dated July 2022

development site and to provide storm drainage to the catch basins required for the frontage improvements. A new storm service off this main will be provided to the proposed development.

Geotechnical Investigation

A geotechnical report was conducted by Geopacific Consultants, dated November 8, 2021. The intention of the report was to confirm general feasibility of the proposed development via assessment of site conditions, and to provide general recommendations for future consideration. Subject to rezoning, more detailed geotechnical report information related to site grading would be provided at time of Development Permit.

The report notes the site contains gradients between 20 - 60% with small gravel access roads on the southeast portion of the site, vegetated with sparse mature coniferous trees and indigenous grass and shrubs, with bedrock outcrops over the majority of the property. The investigation found the site to be underlain by bedrock, encountered at all 12 test pits that were excavated in the development area.

The report also notes that a significant amount of rock removal and a series of retaining walls will be required to achieve final design grades on site, including excavation of several metres of bedrock, blasting, rock cuts and rock fall catchment ditches. Rock cuts are noted to potentially leave unstable rock masses which require additional work to stabilize, such as heavy scaling, meshing, or rock bolting. In conclusion, the report notes that from a geotechnical perspective the site is generally well-suited for the proposed development.

Environmental Assessment Report

The Environmental Assessment Report³ submitted with the application identifies ESA1 (high sensitivity) and ESA 2 (moderate) areas located within the proposed Parks and Open Space (P1) area of the site, northwest of the proposed development / CD area. The development area is determined to contain primarily ESA 3 (low sensitivity). A small portion of ESA 2 (moderate) is anticipated to be impacted by the proposed development; however, these impacts are generally aligned with the City's retention objectives of 40-80%, subject to the ecology of the surrounding ESA 1 areas not being impacted.

The report concludes with general recommendations for mitigation measures, habitat restoration, and environmental monitoring. Further information would be required at time of development permit, following rezoning.

Traffic Impact Assessment

The TIA⁴ prepared as part of the application noted that the Byland Road and Old Okanagan Highway intersection is expected to perform poorly for all scenarios along the stop-controlled approaches with and without site-generated traffic. The report states that future improvement options, including roundabouts or signalization at Daimler Drive, may be desirable in conjunction with improvements to the Highway 97 / Daimler Drive intersection (Figure 2).

³ Report prepared by Ecoscape Environmental Consultants Ltd., dated May 4, 2022

⁴ Report prepared by McElhanney Consulting Services Ltd., dated June 29, 2022

Highway 97 is identified to be near capacity by Opening Day (2024) and is expected to exceed capacity by 2034. Without capacity improvements along the Highway 97 corridor (e.g., six highway through-lanes), poor intersection performance at the Highway 97 / Daimler Drive intersection is expected.

The traffic improvements proposed include:

- All-way stop control at Auburn Road & Daimler Drive (within City's jurisdiction)
- Dual left turn lane on Daimler Drive approaching Highway 97
- Roundabout or signals at Daimler Drive & Old Okanagan Highway / Byland Road

Ministry of Transportation and Infrastructure Comments

It is important to note that 2 the intersections identified are controlled by the Ministry of Transportation and Infrastructure (Hwy 97 & Daimler Dr, Daimler Dr & Old Okanagan/Byland Road). MoTI was involved in the scoping of the TIA and its review and have advised they do not require any improvements as a condition of this development.

Additional Traffic Review

Given the noted intersection performance issues, staff have engaged the City's traffic engineer⁵ to consider additional options to address operational and safety concerns in the immediate area. The preliminary comments received indicate traffic conditions deteriorate with background growth⁶, and with the addition of development traffic conditions will be impacted at the time of development (in 2024) as follows:

- *The southbound stop-controlled approach of Auburn Road at Daimler Drive deteriorates to LOS F.*
- *Eastbound queue spillback from Highway 97 is expected to increase to 205 m in the PM peak with development compared to 128m in the PM peak background condition. This would extend beyond both the Constable Neil Bruce Middle School and Alliance Church accesses. The eastbound queue on Daimler Drive from Highway 97 has only 60 m of vehicle storage to Old Okanagan Highway / Byland Road.*
- *Northbound (Old Okanagan Highway) and southbound (Byland Road) movements fail, and queues have major spillback over 300 m in the simulation model accounting for intersection spillover⁷*

In reviewing the improvements presented by the applicant, the City's traffic consultant notes:

- *All-way stop control at Auburn Road & Daimler Drive improving operations from LOS E to LOS C. It is noted that in the simulation, this intersection operates well.*
- *Dual left turn lane on Daimler Drive approaching Highway 97 however this will impact current signal timings and may not fully relieve traffic queues.*

⁵ Align Engineering, April 2022

⁶ Excluding projected development traffic

⁷ Align Engineering updated memo, February 6, 2023

The preliminary transportation review concludes that *the existing closely spaced intersections on Daimler Drive from Highway 97 limits operations of the adjacent intersections with Old Okanagan Highway / Byland Road and Ross Road. A roundabout would be placed too close to the intersection to be functional without backing up the roundabout. Signals would need to communicate with the Highway 97 signal controller and could improve cross Daimler Drive movements but may not improve Daimler Drive queues. Other mitigation could consider turning restrictions and previous plans to recirculate traffic at Daimler Drive & Auburn Road with a roundabout, but this needs to be further explored.*

It is recommended⁷ that:

- *The City pursues resolving existing safety issues at Daimler Drive & Old Okanagan Highway / Byland Road and network options in partnership with WFN and MoTI in step with the City's Transportation Plan.*
- *Any additional measures that could be taken by the City of West Kelowna and/or MoTI to resolve operational and safety challenges.*

Based on this information, while staff are in general support of the proposed lands use, there are significant concerns with the impact of the development on the functionality of the existing intersections. As a result, staff are completing additional measures to resolve operational and safety challenges as recommended by the City's traffic consultant. Additional traffic review that will be presented at time of Second Reading.



Figure 2: Related Traffic Intersections

Density Covenant (LB138594)

A density covenant was registered on the subject property as a condition of rezoning under File Z 07-12 that restricts the total number of units to 220. Council would therefore need to discharge the covenant to move the application forward to adoption due to the proposed 401-unit density being proposed under the CD zone. If Council determines the covenant should remain, the applicant will have the option to develop the site under the maximum density and existing R3 zone, subject to compliance with Development Permit and other regulations, or modify their CD zone proposal.

Parkland Dedication

A parkland dedication covenant is registered on the property for the dedication of a 7.6-ha portion of land northwest of the development area, an area consistent with the proposed Parks and Open Space (P1) boundary (*Attachment 1*). The trigger for dedication noted in the covenant is at time of building permit. The parkland dedication was determined as a condition under File Z 07-12 following environmental review at the time the adjacent site, now containing the Terravita development, was subdivided from the parent parcel.

The City's Parks Department has confirmed that dedication of these lands is generally aligned with the City's Parkland Acceptance Policy and would provide an amenity opportunity for neighbourhood residents. More information on suitability of these lands for dedication in relation to the Parkland Acceptance Policy will be presented at time of Second Reading.

Referrals

Advisory Planning Commission

The Advisory Planning Commission (APC) was presented the application on July 20, 2022. The APC passed a motion recommending support for the proposal. Highlights from the discussion included the public benefit from the parkland dedication and future hiking trails, opportunities for traffic improvements, that the site was in a suitable location, as well as concerns related to increased traffic and potential on-street parking within the surrounding neighbourhood and accessibility through a school zone.

School District

The Central Okanagan Public Schools Operations Department noted the proximity of the subject property to the Constable Neil Bruce Middle School, which has a current enrollment of 961 students. Enrollment at the school is anticipated to peak at 1031 in 2025 and maintain over 900 students through to 2027. Concerns were noted in relation to traffic, given increased residential development in the area together with enrollment, particularly on Daimler Drive, and the safety and convenience for students, staff, and visitors to the school. Improvements in 2018 to Daimler Drive are described to have improved traffic flows and pedestrian safety. Also, to help improve drop-off / pick-up for the school, the School District has entered into an agreement with the Westside Alliance Church to utilize the church's parking lot. The School District suggests that the recent improvements may need to be considered again due to the anticipated increase of traffic volumes and access to the school site with the proposed development.

Public Notification

On-site Notice of Application signage has been installed on the subject property in accordance with the City's Applications Procedures Bylaw No. 0260. Should the application proceed to Public Hearing, a notice will be mailed to owners and tenants living within 100 m of the subject property and advertised in the local newspapers in accordance with the *Local Government Act*.

CONCLUSION

Staff recommend that Council give First Reading based on the following rationale:

- The applicant and City will engage in further traffic review and analysis to determine if there is potential to resolve noted intersection issues via off-site improvements. More information will be shared about potential improvements and their ability to address traffic issues, as well as the steps required to initiate those improvements, at time of Second Reading.
- The proposed use is consistent with the existing Land Use designation of Low Density Residential.
- The proposed multi-family use of the site is determined to be generally suitable for the neighbourhood, notwithstanding potential traffic issues.

Alternate Resolution:

1. That Council postpone consideration of the amendment bylaw.

THAT Council consider and resolve to postpone First Reading to the City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023 (File: Z 22-08).

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

2. That Council deny the amendment bylaw.

THAT Council consider and resolve to deny First Reading to the City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023 (File: Z 22-08) and abandon the bylaw; and

THAT Council consider and resolve to direct staff to close the file.

Should Council deny First Reading to the amendment bylaw, the file will be closed in accordance with the Application Procedures Bylaw No. 0260.

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. Zoning Amendment Bylaw No. 0265.12, 2023
2. Delegation Request