



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: June 27, 2023

From: Paul Gipps, CAO

File No: P 21-01

Subject: **P 21-01; Official Community Plan Bylaw No. 300, 2023 (1st and 2nd)**

Report Prepared By: Carla Eaton, Senior Planner (Long Range)

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### RECOMMENDATION:

**THAT** Council give First and Second Reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”, including the recommended revisions to the Gellatly Village Neighbourhood Centre; and

**THAT** Council direct staff to schedule the Public Hearing for Bylaw No. 0300, 2023, following Council’s consideration of the Official Community Plan (OCP) and the City’s Financial and Waste Management Plans, and referral of the OCP to the Agricultural Land Commission.

### BACKGROUND

Further to Council direction on June 13, 2023 and deferral of first reading, the draft OCP has been updated to reflect the most recent Council feedback. To address Council’s additional request, information and revision options have also been provided for Council consideration of the Gellatly Neighbourhood Centre for potential incorporation into the draft document.

Pending inclusion of the Gellatly Neighbourhood Centre revisions as applicable, the draft OCP reflects the most recent public, stakeholder, agency, and Council input, and is now ready for formal consideration by Council as a bylaw, including referral to the Agricultural Land Commission and Public Hearing. Proposed Bylaw No. 0300, and the updated document which also forms Schedule A to Bylaw No. 0300 is provided as *Attachment 1 and 2*. Should Council direct revisions to the Gellatly Neighbourhood Centre, *Attachment 2* will be updated to reflect this as part of the formal reading, as applicable.

It is noted that the draft OCP also includes significant density and height adjustments as result of previous Council direction on May 16th. In consideration of the demand for new housing and potential funding through the Housing Accelerator Fund to support housing initiatives, Council has placed considerable focus on increased development

opportunities within the City's defined Centres, as well as supporting future infill opportunities in the OCP.

## **DISCUSSION**

### Updates following June 13th Council Direction

Based on consideration of the most recent Council input, the draft OCP (*Attachment 2*) has been updated to reflect this feedback, including:

- Extending Westbank Urban Centre Commercial Core and Residential Shoulder north to Butt Road,
  - Revising Industrial and Business Park areas to include opportunity for multiple caretaker units to be determined at future zoning bylaw update,
  - Revising Westbank Urban Centre Residential Shoulder to allow Commercial and Institutional uses up to and including the 4<sup>th</sup> storey; and
  - Providing additional clarification that maximum heights identified in the OCP may only be achievable within a structured density bonusing program to be outlined in the future zoning bylaw update.
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- Revised Westbank Urban Centre Residential Shoulder to allow Commercial and Institutional uses up to and including the 4<sup>th</sup> storey,
  - Provide additional clarification that maximum heights identified in the OCP may only be achievable within a structured density bonusing program to be outlined in the future zoning bylaw update.

A detailed summary of the mapping and content revisions is outlined on *Attachment 3*.

### Outstanding Consideration of Gellatly Neighbourhood Centre

As per Council direction, a comparative analysis of the Gellatly Village Study (2017) and the Draft OCP Gellatly Neighbourhood Centre (NC) was completed to provide Council with additional background and context for the Gellatly Neighbourhood Centre concept and policy implications. A detailed summary is provided as *Attachment 4*, which outlines the key similarities, differences, and consistencies between the Gellatly Village Study (GVS) and the draft OCP Gellatly NC land use designation, policies and development permit guidelines.

The draft OCP is largely consistent with the recommendations from the GVS and includes essentially the same developable properties (Gellatly NC includes adjacent parkland). Recommendations included establishing a specific land use designation for the area, along with specific design guidelines to ensure the implementation of the vision for the area, along with other recommendations noted in further detail in the attachment. Much of this review was also informed by a detailed financial review of the potential viability for a number of development options for the affected properties. It is noted that this financial review is a snapshot in time (2017) that require additional consideration of the escalation in both land and construction costs in the context of economic viability.

To ensure the intent of the GVS is maintained in the OCP and to address potential areas of inconsistency between the GVS and the OCP (*Attachment 4*), and in consideration of Council's concern, the following four revisions are recommended for inclusion in the draft OCP:

***Gellatly Neighbourhood Centre Recommended Options:***

- 1) Revise references to "Gellatly Neighbourhood Centre" to "**Gellatly Village Neighbourhood Centre**" in the following areas:
  - a. Table of Contents – Figure 14 and Page 38 Figure title;
  - b. Page 11, Map 1;
  - c. Page 12, Table 2;
  - d. Page 19 Neighbourhood Centres – Complete Neighbourhoods;
  - e. Section 2.7.3 Gellatly Neighbourhood Centre Policies title;
  - f. Section 2.7.3.3, 4 and 5; and
  - g. Section 4.7.6 Neighbourhood Centre Guidelines Specific to Gellatly Neighbourhood Centre title and first paragraph, and 4.7.6.1 and 2.
- 2) Insert the following policy to address the access recommendations from the Gellatly Village Study:
  - a. "Consider securing additional public right of ways to enhance public access options to the development area, as well as future opportunities for on-street parking in the area."
- 3) Insert the following policy to address some of the scope and scale of commercial development recommendations from the Gellatly Village Study:
  - a. "Consider future commercial development at the Gellatly Village Neighbourhood Centre to an appropriate scope and scale in accordance with recommendations in the Gellatly Village Study for commercial development."
- 4) Insert the following at the end of Policy 2.7.3.5 after "within the development":
  - a. ", including consideration of boat/trailer parking."

It is recommended that these changes be incorporated into the document as part of First Reading (Recommended Motion).

***Gellatly Neighbourhood Centre - Additional Option - Height (Alternate Motion):***

Based on the detailed financial analysis of land and construction cost completed in 2017, the GVS recommended that the future land use designation consider a minimum height requirement of 3 storeys and a maximum building height up to 5 storeys. However, the images in the GVS include conceptual drawings with 4, 5 and 6 storey buildings. In contrast, based on May 16, 2023 Council direction, the current GNC includes maximum building heights of up to 6 storeys.

While the GNC considers one additional potential storey than the GVS, it is important to note that land and construction costs have substantially increased since the "snapshot" of the GVS in 2016-2017 which may affect viability projections of development in this area and may require consideration of the additional storey.

### ***Gellatly Neighbourhood Centre - Height comparison and Option***

For context, the existing CD 9 zone - Olalla Road permits a maximum of 6 storeys at 22.5m in height. The draft Neighbourhood Centre Zone permits a maximum of 6 storeys at 24 m in height. The height of the top of slope behind the adjacent residential development units (The Pointe) is approximately 32 m above Gellatly Road (376m – 344m).

An option has been drafted for Council's consideration regarding limiting height in the Gellatly area to 5 storeys, but this option is not recommended due to potential impacts on viability of the commercial space as well as consideration of the existing Development Permit guidelines that require building step backs, setbacks, and articulation along the frontage (see additional detail in *Attachment 4* regarding “Building Form & Step backs”). It is also noted that the proposed 6 storey buildings still provides measurable vertical separation from the above residences. Further consideration of building height may also occur during the review of the upcoming Zoning Bylaw.

If Council wishes to consider setting an alternate maximum height for only the GNC area, the following is recommended which is reflected in **Alternate Motion 1**:

- 5) Revise Section 2.7, in the Maximum Building Height column:
  - a. “Up to 6 storeys, except that Gellatly Village Neighbourhood Centre shall have a maximum height up to 5 storeys.”

#### **Next Steps**

Should Council give first and second reading of the OCP bylaw and direct staff to hold a public hearing, the following options are available (subject to consideration of the Financial and Waste Management Plans):

#### **Public Hearing Option 1: July 11, 2023 at 6:00 PM**

This option intends to hold the hearing after the regularly scheduled Council meeting. This option focuses on ensuring the public hearing is held with minimum delay to the OCP process. Although minimum public notice requirements can be met, additional notice to the public on the hearing will not be able to be accommodated.

#### **Public Hearing Option 2: July 18-20, 2023 at 5:00 PM**

This option provides the first opportunity for a stand alone public hearing date that can accommodate additional notice to the public, but is scheduled during the summer break for Central Okanagan Public Schools.

#### **Public Hearing Option 3: July 26 or 27, 2023 at 5:00 PM**

This option provides the best opportunity to schedule a stand alone public hearing date with additional public notice which provide the community the greatest ability to participate in the hearing. As it would be occurring during summer break, there is potential for residents to be unavailable for the hearing; however, with additional

notice, opportunity to provide written representations to be reviewed at the hearing are available.

**Public Hearing Option 4: September, 2023 - date and time to be determined**

This option provides the greatest opportunity for public participation due to ample notification opportunities, and the return of residents to the community for the resumption of school.

In addition, the remainder of the adoption process is as follows:

- Council to consider the Financial Plan and Waste Management Plan (proposed June 27<sup>th</sup>, 2023);
- Refer the OCP to the Agricultural Land Commission;
- Hold Public Hearing (subject to Council direction);
- Amend OCP as necessary to reflect Council and Public feedback (noting that substantive amendments may require repeating the previous steps); and
- Council to consider third and final readings of the OCP, as applicable, noting that the last two readings may be given at the same meeting.

**FINANCIAL IMPLICATIONS**

As noted in the June 13, 2023 report, the local government must consider the OCP in conjunction with its financial plan (being presented under separate cover – proposed June 27<sup>th</sup>). Implementation of the OCP suggests the consideration of a number of actions, policies and processes, such as zoning amendments to bring existing City regulations into alignment with new policy. However, there are an additional number of action items identified within the OCP for possible future implementation at the discretion of Council. Future consideration of staff capacity to implement the various plan, policy and operational objectives is also imperative to the successful implementation of the OCP. The implementation plan will provide direction to staff in formulating the budget for Council's consideration. However, Council has the opportunity to review the annual contribution to the affected department each year through the budget deliberation process.

**COUNCIL REPORT / RESOLUTION HISTORY**

Date	Report Topic / Resolution	Resolution No.
Jun 13, 2023	THAT Council direct staff to report back to align the Gellatly Neighbourhood Centre with the Gellatly Village Plan.	C231/23
	THAT Council direct staff to expand the residential shoulder North to Bering Road and Westbank Urban Commercial would extend to Butt Road.	C232/23
	THAT Council direct staff to remove Item 9 from 2.18.2 from Natural Areas and Public Parks Policies.	C234/23

	THAT Council direct staff to amend Westbank Urban Centre shoulder to allow commercial from grade up to 4 stories.	C235/23
	THAT Council direct staff to amend the Industrial Land Use designation to allow ancillary caretaker units.	C237/23
	THAT Council defer first reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”.	C238/23
May 16, 2023	Council workshop where they received the Phase 4 What We Heard Report, and summary of the formal referral responses.	N/A
November 22, 2022	Council received the Official Community Plan Update Report for information purposes.	N/A
May 24, 2022	Council received the Ideas in Place (Phase 3) What We Heard Report for information purposes.	N/A
December 14, 2021	THAT Council direct staff to proceed with development of a draft land use plan and initiate policy development based on the preferred Growth Concept – Vibrant Centres and Complete Neighbourhoods.	C382/21
October 26, 2021	Council received the Phase 2 What We Heard Report for information purposes.	N/A
September 28, 2021	Council received the Phase 2 Status Update for information purposes.	N/A
June 8, 2021	Council received the Engagement Plan Overview for information purposes.	N/A
April 6, 2021	Council received the 2021 Long Range Planning Work Plan for information purposes.	N/A
February 23, 2021	THAT Council endorse the West Kelowna, OurWK Community Vision Final Draft.	C093/21

## CONCLUSION

Based on input received from the community and agencies during the Official Community Plan formal referral process, and in consideration of any feedback received from Council, it is recommended that Council give first and second reading to “West Kelowna Official Community Plan Bylaw No. 0300, 2023”, subject to further amendment from Mayor and Council pending public hearing, and clarifying as to whether they wish to proceed with the additional revisions to the Gellatly Neighbourhood Centre as outlined above.

## **Alternate Recommendation(s):**

### Alternate Motion 1 – Gellatly Village Maximum Height at 5 Storeys

1. THAT Council give First and Second Reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”, including the recommended revisions to the Gellatly Village Neighbourhood Centre (NC), and the additional revision to limit the maximum building height to 5 storeys in the Gellatly Village NC; and
2. THAT Council direct staff to schedule the Public Hearing for Bylaw No. 0300, 2023, following Council’s consideration of the Official Community Plan (OCP) in conjunction with the City’s Financial and Waste Management Plans, and referral of the OCP to the Agricultural Land Commission.

Should Council give First and Second Reading to the bylaw, the noted revisions will be incorporated into the draft OCP as part of the formal bylaw as read by Council.

### Alternate Motion 2 – Postpone Consideration

1. **THAT** Council postpone consideration of First Reading to the “City of West Kelowna Official Community Plan Bylaw No. 0300, 2023”.

Should Council postpone consideration of First Reading, it is requested that Council provide specific direction as to which changes should be made to the Bylaw prior to reconsideration.

## **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. West Kelowna Official Community Plan Bylaw No. 0300, 2023
2. Schedule ‘A’ – Draft West Kelowna Official Community Plan (text and schedules)
3. Summary of OCP Revisions following Jun 13, 2023 Council Direction
4. Comparison of Draft OCP Gellatly NC to Gellatly Village Study