



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: September 26, 2023

From: Paul Gipps, CAO

File No: Z 22-08

Subject: **Z 22-08; Zoning Amendment Bylaw No. 0265.12, 2023 (Second Reading); 2741 Auburn Road**

Report Prepared By: Jayden Riley, Planner III

RECOMMENDATION to Consider and Resolve:

THAT Council give second reading to Zoning Amendment Bylaw No. 0265.12, 2023; and

THAT Council direct staff to schedule a public hearing regarding the proposed amendment bylaw.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders 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 zoning amendment bylaw received first reading on February 14, 2023. At that meeting, Council directed staff to schedule the bylaw for second reading subject to further traffic analysis to determine necessary off-site improvements to mitigate intersection failure and safety concerns near the surrounding site and the steps required to initiate those improvements. The results of the traffic analysis were presented at the time of second reading on July 25, 2023 (Attachment 1) where Council postponed second reading pending additional information on a proposed cost sharing proposal related to the off-site traffic improvements. A cost sharing proposal has since been prepared by the applicant and is attached to this report (Attachment 2). A summary of the proposal is outlined in the following section of this report.

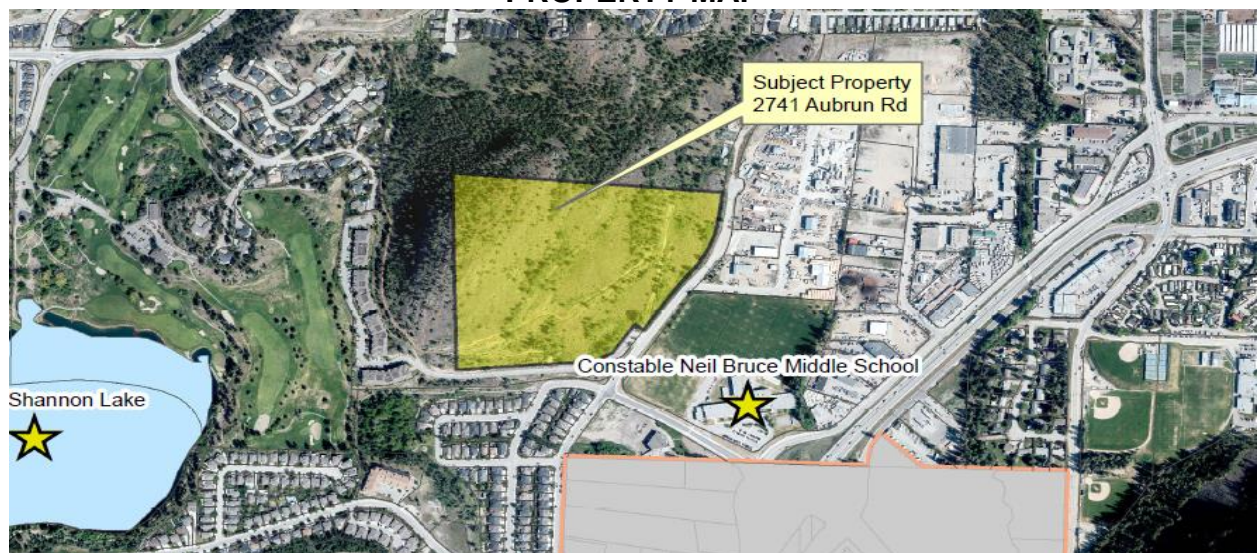
PROPERTY DETAILS

Address	2741 Auburn Road		
PID	026-159-601		
Folio	36414135.233		
Lot Size	12.4 ha		
Owner	0761681 BC LTD.	Agent	ParaMorph Architecture Inc. (formerly David Eaton Inc. Architecture)
Current Zoning	Low Density Multiple Residential (R3)	Proposed Zoning	Comprehensive Development (CD 10); Parks and Open Space (P1)
Current OCP	Medium 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	>	Institutional and Assembly (P2) Light Industrial (I1) Heavy Industrial (I2) Gravel Extraction (I4)
West	<	Low Density Multiple Residential (R3)
South	v	Compact Single Detached Residential (RC3)

PROPERTY MAP



DISCUSSION

Summary of Applicant's Cost Sharing Proposal

The applicant has submitted a cost sharing proposal for the off-site road improvements related to their development (Attachment 2). The proposal includes a phased approach with a proposed 50% cost share between the City and the developer for approximately \$1.7 million of off-site improvements, based on a preliminary estimate – see Table 1.

Table 1: Cost share proposal from applicant

Phase	Unit / Building Trigger	Item	Estimated Cost (\$)	Cost Share (%)
1	Unit 1 / Building 1 of 5	Auburn Road frontage lane widening for on-street parking	Unknown	100% Developer
		Dual left turn lane on Daimler Drive to Hwy 97	\$300k	50% Developer, 50% CWK
2	Unit 236 / Building 4 of 5	Auburn Road Roundabout	\$1.15 million	50% Developer, 50% CWK
		Old Okanagan / Byland / Daimler intersection through restriction	\$250k	50% Developer, 50% CWK

The applicant's rationale for cost sharing, as noted in the proposal, is that the development site is located adjacent to a road network already experiencing pressures from traffic and parking demands. With intersections in the area already experiencing near failing levels of services without development traffic, the applicant has proposed a 50/50 cost share for all off-site improvements, including those located outside the City's jurisdiction. The dual left turn lanes onto Hwy 97 and the intersection improvement to restrict through access from Byland Road to Old Okanagan Highway are primarily located within Ministry of Transportation and Infrastructure (MoTI) jurisdiction. The proposal also outlines a trigger for cost sharing based on the number of units, which coincides with the existing covenant on title.

There are concerns with the cost sharing proposal as a portion of the works are located outside of the City's jurisdiction where improvements are not generally funded by the City. Further, the proposed improvements are not currently identified as part of the City's Capital Works Plan and are not eligible for Development Cost Charge credits. As such final determination of the cost sharing proposal will require additional consideration at third reading following public input.

FINANCIAL IMPLICATIONS

The off-site road improvements are estimated at \$1.7 million, however, estimated costs will be more clearly known once a design review is completed. Any cost sharing would need to be supported through budgetary discussions and prioritized accordingly in the City's capital works program.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
February 14, 2023	THAT Council resolve to give first reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023; and THAT Council 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 intersections failures near the surrounding stie and the steps required to initiate those improvements.	C125/23
July 25, 2023	THAT Council postpone second reading to the City of West Kelowna Bylaw No. 0265.12, 2023 (File Z 22-08).	C289/23

CONCLUSION

Staff recommend that Council give second reading to the proposed amendment bylaw and allow the opportunity for the public to comment on the proposal at time of public hearing. Staff position regarding the cost sharing proposal would be outlined at time of third reading.

Alternate Recommendation to Consider and Resolve:

1. That Council postpone consideration of the amendment bylaw.

THAT Council postpone second 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 deny the City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023 (File: Z 22-08) and abandon the bylaw and direct staff to close the file.

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

REVIEWED BY

Bob Dargatz, Development Manager

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

1. Second Reading Report, July 25, 2023 (File Z 22-08)
2. Applicant's Cost Sharing Proposal
3. Zoning Amendment Bylaw No. 0265.12, 2023