



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: October 24, 2023

From: Paul Gipps, CAO

File No: Z 22-09

Subject: **Z 22-09 & DVP 23-07; Zoning Amendment Bylaw No. 0265.02, 2022 (Adoption) and Development Variance Permit; 3349 Glenrosa Road**

Report Prepared By: Chris Oliver, Planning Manager

RECOMMENDATION to Consider and Resolve:

THAT Council adopt the City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022; and

THAT Council authorize issuance of Development Variance Permit (DVP 23-07) to vary the following sections of the Works and Services Bylaw No. 0249:

- Schedule 3 to allow a RU2 zoned property to be serviced community water by pump as opposed to gravity; and
- S.3.2.3 – to connect a property to community water in absence of adequate fire flow; and

THAT Council deny the issuance of a Development Variance Permit (DVP 23-07) to exempt S.3.1.6 for frontage improvement (or cash in lieu) at time of subdivision to Glenrosa Road (rural arterial standard) and the unnamed access road (rural reserve local standard).

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

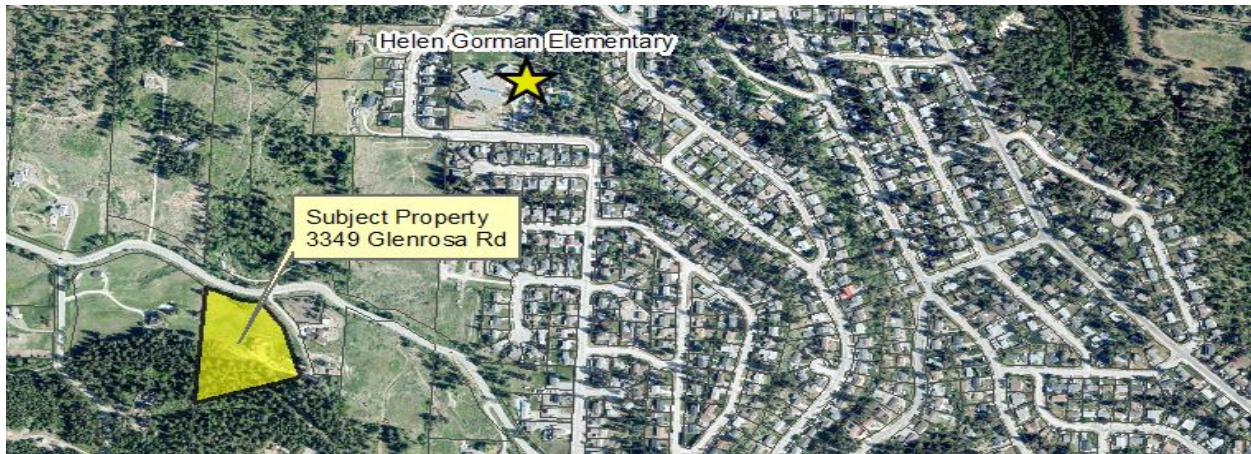
This amendment bylaw was first considered by Council on September 6, 2022. Council deferred consideration and directed staff to provide more information related to water servicing alternatives as the applicant could not meet the City's requirements for water provision. Following the deferral, the application received additional readings and third reading was given post-public hearing. Council resolved to adopt the amendment bylaw subject to registration of a covenant requiring sprinklering of any new dwelling constructed

on the property, with the understanding that pumped water would be required to support any future subdivision.

PROPERTY DETAILS			
Address	3349 Glenrosa Road		
PID	004-791-304		
Folio	36414641.632		
Lot Size	2 ha		
Owner	Desmond O'Brien	Agent	D.E. Pilling and Associates
Current Zoning	Rural Residential Large Parcel (RU4)	Proposed Zoning	Rural Residential Small Parcel (RU2)
Current OCP	Rural Residential	Proposed OCP	N/A
Current Use	Single Family Dwelling	Proposed Use	2-lot subdivision
Development Permit Areas	None		
Hazards	Increased Fire Hazard		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES	
North, West, South	^ Rural Residential Large Parcel (RU4)
East	> Rural Residential Large Parcel (RU4) Institutional and Assembly (City Reservoir) (P2)

NEIGHBOURHOOD MAP



DISCUSSION

Overview of Proposed Zoning Amendment

This application is proposing to rezone the subject property from Rural Residential Large Parcel (RU4) to Rural Residential Small Parcel (RU2) to accommodate a two-lot subdivision.

Conditions of Adoption

On May 9, 2023, at time of third reading, Council directed staff to schedule the amendment bylaw for adoption subject to registration of a S.219 covenant to require that any new building constructed on the property include a sprinkler system and that any additional infrastructure required to support the system be operated, maintained, and located on private property. This condition has since been satisfied.

Works and Services Bylaw No. 0249

Development Variance Permit

As previously identified, in order to facilitate the desired subdivision follow rezoning, two variances are required and one additional variance has been requested to the Works and Services Bylaw No. 0249:

Variance - Previously determined (Required for adoption)

1. Schedule 3 of the Works and Services Bylaw to allow an RU2 zoned property to be serviced community water by pump as opposed to gravity
2. S.3.2.3 – to connect a property to community water in the absence of adequate fire flow

Variance– Applicant Request (New/Optional)

3. S.3.1.6 – to exempt frontage improvements (or cash in lieu) at time of subdivision to Glenrosa Road (rural arterial standard) and the unnamed access road (rural reserve local standard) (Figures 1-3). The applicant has further requested an additional variance to not require the road frontage improvements for Glenrosa Road and the public access road fronting their property which are required (by bylaw) as a part of subdivision. It is noted that similarly, the development of the properties across Glenrosa Road (Z 17-02) are currently responsible for improving the Glenrosa Road frontage if it proceeds. If the subject property were to develop in advance of the adjacent development, it would be responsible for the improvements (or cash in lieu). The unnamed road access portion has partially been improved with recent works related to the adjacent reservoir, which will reduce the extent of the overall improvements needed on that portion of road.



Figure 1. Rural Arterial Road (Blue) and Rural Reserve Local Road (Green) Standard Areas

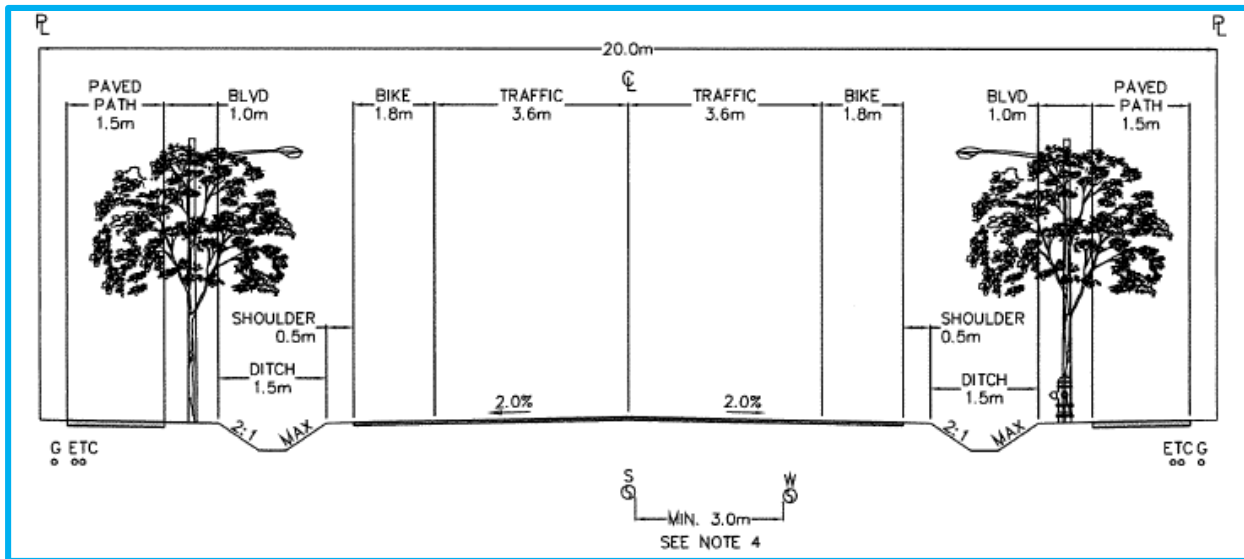


Figure 2. Rural Arterial Road Standard - Blue

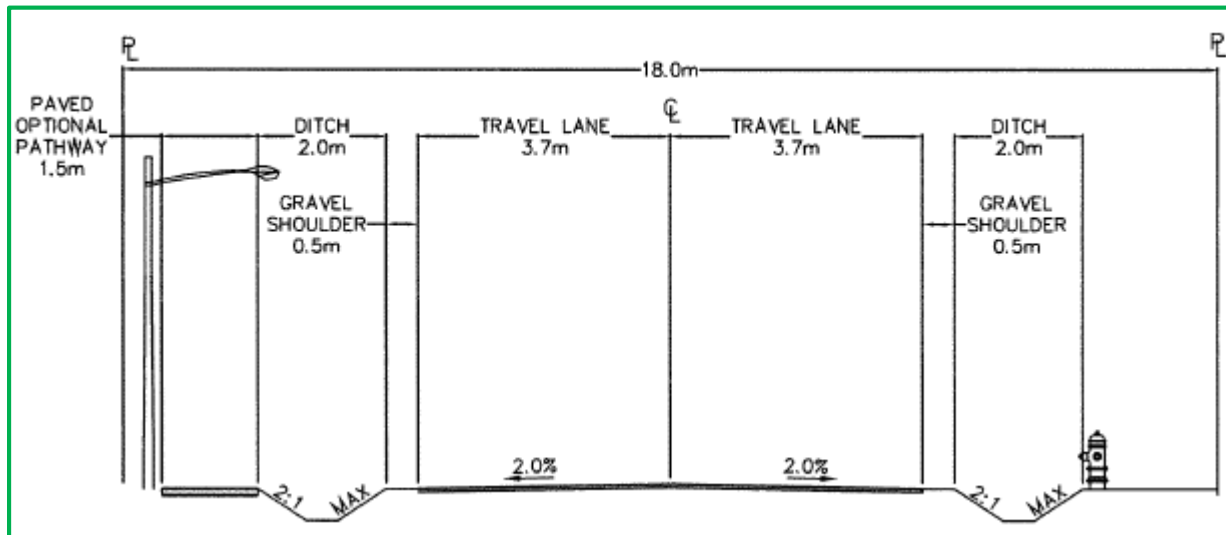


Figure 3. Rural Reserve Local Road - Green

Based on previous Council direction, the applicant has met the conditions of Third Reading with the goal of facilitating a subdivision. The first two variances are directly associated with the ability to subdivide where a gravity water service and appropriate fire flows are unavailable. Staff consider these variances directly linked to the rezoning approval and were anticipated as part of previous consideration.

The third variance to not require frontage improvements is not required to facilitate the requested subdivision. It is not recommended as it would just allow for additional cost savings for the applicant; it is noted that similar frontage improvements are being required of the applicant across Glenrosa Road and any cash in lieu acquired from this subdivision would be transferred to the applicant across Glenrosa Road (Z 17-02).

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
September 6, 2022	THAT Council defer First and Second Reading to the City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022 (File: Z 22-09) to a future Regular Council meeting.	C252/22
April 11, 2022	THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2022 (File: Z 22-09); and THAT Council direct staff to schedule a Public Hearing related to the proposed amendment bylaw.	C171/23
May 9, 2023	Public Hearing	N/A
May 9, 2023	THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0265.02, 2023 and schedule the bylaw for adoption subject to: <ul style="list-style-type: none">• Registration of a S.219 covenant to require any new dwelling constructed on the subject property to include a sprinkler system, and that any additional infrastructure required to support the sprinkler system is operated, maintained, and located on private property.	C200/23

CONCLUSION

Staff are recommending that Council adopt the proposed amendment bylaw as the condition established by Council at third reading has been satisfied.

Staff recommends that Council approve authorization of the Development Variance Permit as it relates to pumping and fire flow but does not recommend varying the subdivision requirement for frontage improvements. Council has already contemplated the context of the variance to inadequate fire flow and pumping during the rezoning process for the subject property under file Z 22-09. The covenant registered as a condition of adoption to require the installation of a sprinkler system in any new building constructed has been determined adequate in-lieu of meeting the Bylaw requirements.

The road standards are tailored to the rural context of the area and represent lower standards than in other urbanized areas. An alternative motion has been provided if Council wishes not to require the frontage improvements for either Glenrosa Road, or the unnamed access road.

ALTERNATIVE MOTIONS

1. Approve the issuance of the Development Variance Permit, including frontage exemption for unnamed access lane only.

THAT Council authorize issuance of a Development Variance Permit (DVP 23-07) to vary the following sections of the Works and Services Bylaw No. 0294:

- Schedule 3 of the Works and Services Bylaw to allow an RU2 zoned property to be serviced community water by pump as opposed to gravity;
- S.3.2.3 – to connect a property to community water in absence of adequate fire flow; and
- S.3.1.6 – to exempt frontage improvement (or cash in lieu) at time of subdivision to the unnamed access road (rural reserve local standard).

2. Approve the issuance of the Development Variance Permit, including frontage exemption (applicant's request).

THAT Council authorize issuance of a Development Variance Permit (DVP 23-07) to vary the following sections of the Works and Services Bylaw No. 0294:

- Schedule 3 of the Works and Services Bylaw to allow an RU2 zoned property to be serviced community water by pump as opposed to gravity;
- S.3.2.3 – to connect a property to community water in absence of adequate fire flow; and
- S.3.1.6 – to exempt frontage improvement (or cash in lieu) at time of subdivision to Glenrosa Road (rural arterial standard) and the unnamed access road (rural reserve local standard).

3. Postpone consideration of the Development Variance Permit.

THAT Council postpone the issuance of a Development Variance Permit (DVP 23-07)

Should Council postpone consideration, further direction to staff is requested.

REVIEWED BY

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw No. 0265.02, 2022
2. Draft Development Variance Permit (DVP 23-07)