



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: November 28, 2023

From: Trevor Seibel, Deputy CAO

File No: Z 22-08

Subject: **Application No. Z 22-08 – Zoning Bylaw Amendment (2741 Auburn Road)**

Report Prepared By: Brent Magnan, Director of Development Approvals

RECOMMENDATION to Consider and Resolve:

THAT Council rescind second reading of City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023;

AND THAT Council give second reading as amended to City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023.

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

The Zoning Amendment Bylaw received first reading on February 14, 2023. Second reading was postponed on July 25, 2023, and then given on September 26, 2023. Upon further review of the proposed CD zone presented by the applicant, several corrections were identified which require the rescinding and rereading of second reading as amended, before the application can proceed to public hearing. These changes do not change the intent of the application which was previously presented to Council and have been identified in detail below.

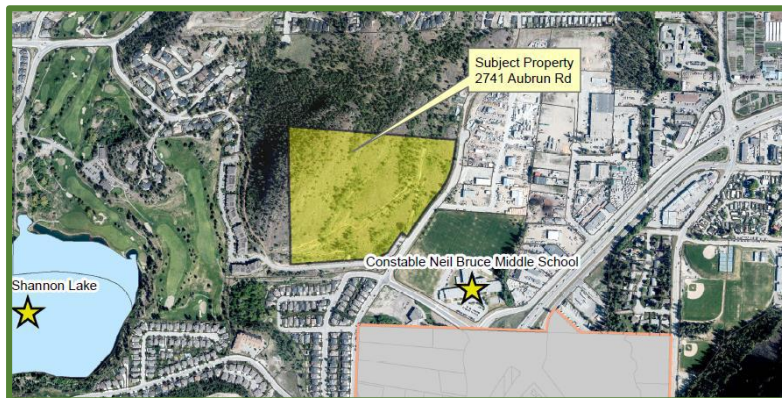
PROPERTY DETAILS	
Address	2741 Auburn Road
PID	026-159-601
Folio	36414135.233

Lot Size	30.887 acres (124,995 sqm)		
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	Medium Density Residential, Natural Areas and Public Parks	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		

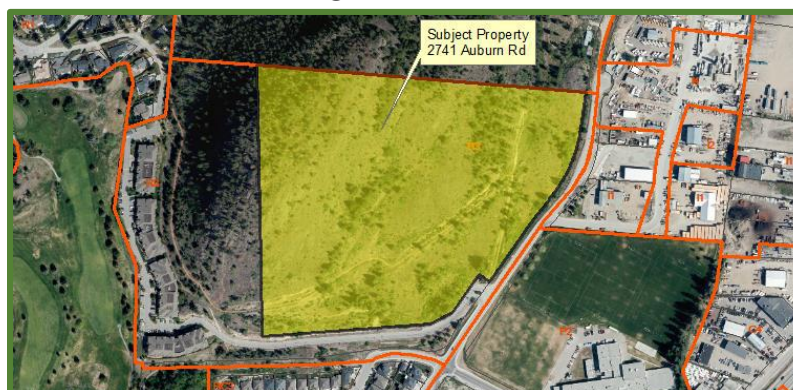
ADJACENT ZONING & LAND USES

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



DISCUSSION

The information below and changes to the CD Zone help to clarify the Zoning Bylaw amendment proposal and ensure the CD Zone can accommodate the proposed development. The applicant's proposal for the subject property has not changed.

It should be noted that a full review of the application for compliance with the Zoning Bylaw No. 0265 has not been completed at this time (e.g., retaining wall and building height, parking etc.) and will be done at time of Development Permit application.

Summary of Changes

Maximum Density

The maximum density proposed in the CD Zone by the applicant has been updated from 0.236 FAR to 0.65 FAR. The previous density was not calculated in accordance with Zoning Bylaw No. 0265. The maximum density calculation included the proposed Parks and Open Space (P1) Zone and did not include all required floor areas, such as proposed lobbies, garbage rooms, and the indoor amenity building. The maximum density in the CD Zone has been updated to be in accordance with the Bylaw.

Maximum Gross Floor Area and Maximum Units by Building

The maximum gross floor area and maximum units per building in the proposed CD Zone have been removed. This change allows greater flexibility at the time of Development Permit and Building Permit to ensure designs meet development permit guidelines and building code requirements. In addition, removing the number of units (per building) allows the developer to respond to market demands at the time of construction (ex: number of bedrooms, unit size, etc.). A maximum of 401 units total and of 5 apartment buildings on the subject property, remains as a proposed regulation.

Maximum Parcel Coverage

The maximum parcel coverage in the proposed CD Zone has been updated from 7.36% to 19%. The previous parcel coverage included the proposed Parks and Open Space (P1) Zone. The parcel coverage has been updated to be in accordance with Zoning Bylaw No. 0265 and only include the area proposed to be in the CD Zone.

Interior Side Setback

The interior side yard setback in the proposed CD Zone has been updated from 44.50m to 4.50m. The previous interior side yard setback requirement did not accommodate the proposed 4.50m interior side setback to the southwest.

Height

The height in the proposed CD Zone has been updated to "12.0m (39.4ft) to a maximum of 4 storeys except it is 5.0m (16.4ft) for accessory buildings and structures". Building sections (Schedule B) have also been removed from the CD Zone. This change simplifies the proposed height regulation by using a format found in existing zones in Zoning Bylaw

No. 0265. Future development will be subject to this height regulation and reviewed for compliance at time of development permit.

Other Regulations

The other regulations section of the CD Zone has been updated to acknowledge that private access and emergency egress are part of this proposal and ensures consistency with the Official Community Plan.

Zoning Map

The zoning map attached to the zoning amendment bylaw has been updated to reflect the correct boundaries and size of the proposed Parks and Open Space (P1) and CD Zone.

Advisory Planning Commission

NOTE The previous staff report presented to Council stated the Advisory Planning Commission recommended support of the zoning bylaw amendment application. This was incorrect, as the motion to support the application was defeated as provided below:

It was moved and seconded

THAT the Advisory Planning Commission recommend support for file Z 22-08, Zoning Amendment, 2741 Auburn Road.

DEFEATED; Members N. Richard, A. Smith and M. Smith opposed.

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
September 26, 2023	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.	C331/23

CONCLUSION

It is recommended that Council rescind second reading and give second reading as amended to the proposed zoning amendment bylaw to address the errors identified above. The changes help to clarify the proposal and ensure the CD Zone can accommodate the proposed development. The applicant's proposal for the subject property has not changed.

Staff anticipate significant input will be provided at public hearing for the application and have scheduled a stand-alone public hearing on December 11 at 5PM. Should Council wish to postpone or not re-read the amendment bylaw, the public hearing date would need to change.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone second reading of City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023.

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 City of West Kelowna Zoning Amendment Bylaw No. 0265.12, 2023.

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 Manager

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Trevor Seibel, Deputy CAO

Powerpoint: Yes No

Attachments:

1. Second Reading Report, September 26, 2023 (File Z 22-08)
2. Zoning Amendment Bylaw No. 0265.12, 2023