



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: March 12, 2024

From: Ron Mattiussi, Interim CAO

File No: Z 23-12

Subject: **Z 23-12; OCP & Zoning Bylaw Amendment, First and Second Reading
(Unaddressed Boucherie Road)**

Report Prepared By: Brad Clifton, Senior Planner

RECOMMENDATION to Consider and Resolve:

THAT Official Community Plan Amendment Bylaw No. 300.04, 2024 be given first and second reading;

AND THAT Zoning Amendment Bylaw No. 0265.24, 2024 be given first and second reading;

AND FURTHER THAT Official Community Plan Amendment Bylaw No. 300.04, 2024 and Zoning Amendment Bylaw No. 0265.24, 2024 be forwarded to a Public Hearing.

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 subject property is unaddressed and is a remnant portion of land that remained A1-Agricultural following the construction and re-alignment of Boucherie Road. The property has never been farmed and is surrounded by residential uses. The applicant owns the parcel immediately north which is zoned for Medium Density Residential with a site specific amendment for apartments and intends to consolidate the subject property with this larger land holding. The property interfaces Boucherie road with a large retaining wall immediately south of Mission Hill Winery. There are no previous applications on the subject property. The property is not located within the Agricultural Land Reserve.

PROPERTY DETAILS

Address: Boucherie Road Unaddressed

PID : 010-978-542

Folio : 36412254.000

Lot Size : 1052.18m²

Owner : Main Development Limited

Agent: Morgan McLeod (McElhanney)

Current Zoning : A1 Agricultural

Proposed Zoning: Low Density Multiple Residential R3 with a site-specific amendment (SSA) for apartments

Current OCP: Low Density Residential LDR

Proposed OCP: Medium Density Residential MDR

Current Use : N/A

Proposed Use : 25 Townhouses

Development Permit Areas

: Hillside, Sensitive Terrestrial Ecosystem

Hazards: N/A

Agricultural Land Reserve : N/A

ADJACENT ZONING & LAND USES

North	^	Medium Density Residential / R3 SSA Apartment
East	>	Parks – Mission Ridge Park / P1
West	<	Low Density Residential / R3 SSA Apartment
South	v	ALR / A1 (separated by public ROW)

NEIGHBOURHOOD MAP



PROPERTY MAP

Legislative Requirements

Council has the authority under s.472 of the *Local Government Act* to amend the Official Community Plan. Council has the authority under s.479 of the *Local Government Act* to amend the Zoning Bylaw.

Proposal

The proposal is to rezone the property from A1-Agriculture to Medium Density Residential-R3 with a site-specific amendment (SSA) for apartments. The applicant intends to consolidate the lot with their larger holding which is already zoned Medium Density Residential with an SSA to allow for apartments to permit a 25 unit Townhouse Development.

The SSA for apartments is required as part of this rezoning so the subject lands carry the same zoning as the larger holding

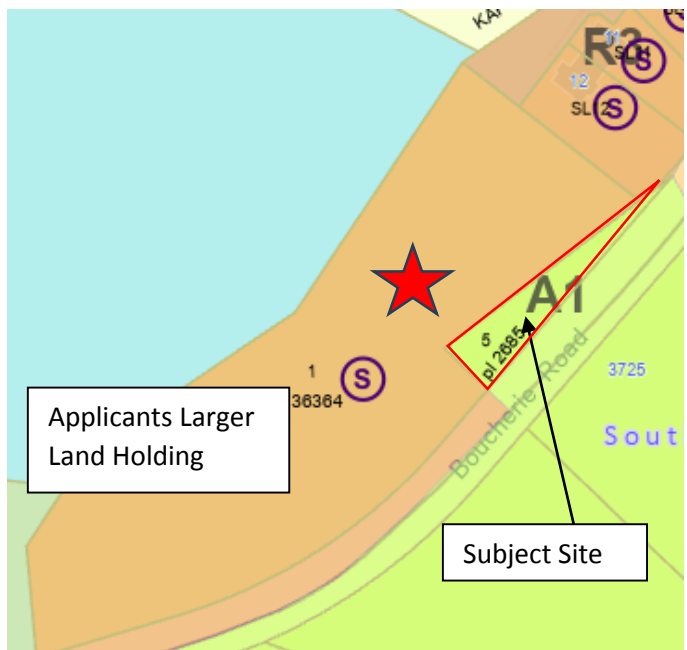


Figure 1: Relationship to Applicants Larger Land Holding

enabling a more simplified lot consolidation without a split zoned parcel. The applicants larger holding is noted with a red star adjacent in Figure 1. The SSA for apartments on the larger parcel is a carry over from a prior rezoning before the current owner purchased the lands. The applicant does not intend to construct apartments.

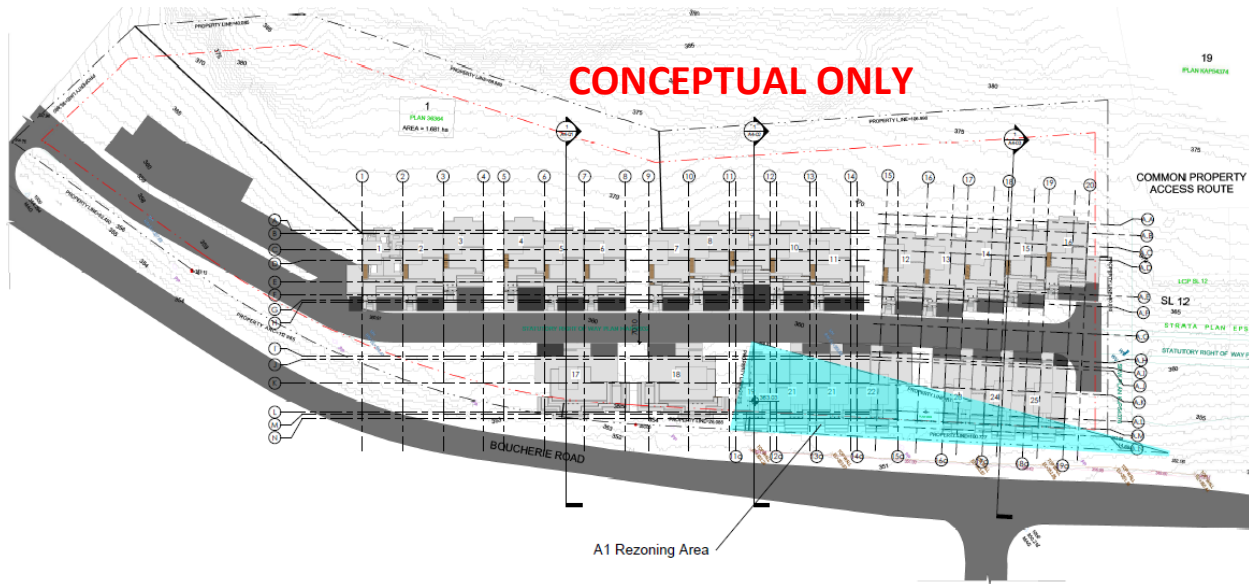


Figure 2: Applicants conceptual 25 unit townhouse plan noting the subject rezoning in blue. Future development permits would be required to facilitate the townhome development. This site plan has been enclosed as Attachment 3.

Applicants Rationale

A detailed rationale has been provided by the applicant and is included as Attachment 4. In summary, consolidation of the remnant parcel with the applicants larger holding will facilitate development on an underutilized portion of land within the City of West Kelowna. The property has never been used for agriculture, does not form part of the ALR, and through development will provide much needed housing supply for the City. The proposal will not have a negative impact on the use and enjoyment of adjacent or surrounding properties and will not have a negative impact on the farm uses in the area.

DISCUSSION

Zoning & Policy Review

Official Community Plan Bylaw No. 0300

The applicant is proposing an amendment from Low Density Residential (LDR) to Medium Density Residential land use (MDR). LDR encourages a variety of low-rise residential uses including, single-detached dwellings, including secondary suites, carriage houses and clustered housing / duplexes. The designation is not intended for townhome uses. The MDR designation allows for low-rise housing forms including townhouses up to three

stories, and multi-unit housing (greater than three units) up to four stories. The MDR Designation would align with the applicant’s townhome proposal.

The Official Community Plan promotes the enhancement of agriculture. The subject property offers little agricultural value because of topography, size and isolated nature of the property. A change in the land use designation is supported to promote the intensification of an underutilized parcel of land.

Because the proposal for rezoning is inconsistent with the Official Community Plan designation, a Public Hearing will be required.

Development Permit Areas

The applicant will be required to submit Form and Character, Sensitive Terrestrial ecosystem, and Hillside development permits to advance subsequent development on the property.

Zoning Bylaw No. 0265

The property borders ALR land to the south (Frind winery). The 4.5m front yard setback in the R3 zone, combined with the buffer provided from the Boucherie Road ROW (20m), along the existing retaining wall provides ample buffer from ALR uses for any future development. Existing developments on the north side of Boucherie road are not encumbered by an agricultural covenant.



Figure 3: 2023 Google Street View

Below are the principal permitted uses of both zones. The R3 zone is required to permit the applicants townhome proposal.

Table 1: Permitted Uses

<u>A1 Permitted Uses</u>	<u>R3 SSA Apartments Permitted Uses</u>
Agriculture	Duplex
Single Detached Dwelling	Townhouses
Mobile or Modular Home	Apartments
Alcohol Production Facility	Care facility, major in duplex or townhouse form only

<i>Kennels</i>	Group home, in duplex or townhouse form only
<i>Greenhouse or plant nursery</i>	
<i>Various other similar uses</i>	

Technical Considerations

Traffic & Pedestrian Circulation

No traffic report is required as the proposal is under 100 units. Through the submission of future development permits, pedestrian connectivity and vehicle access site lines out to Boucherie Road from the proposed Townhome Development will be reviewed.

Engineering & Servicing

Detailed Functional Servicing, Geotechnical and Environmental detail will be reviewed with a future DP application for townhomes once the parcels are consolidated.

The applicant has been advised of existing water pressure limitations in the immediate area. The applicant has been advised that prior to issuance of subsequent Development Permits following rezoning, this will need to be analyzed further and a solution specified. Any offsite upgrades resulting from compliance with the Works and Services Bylaw requirements would be triggered as a condition of Building Permit issuance.

Referral Comments

Advisory Planning Commission (APC)

The APC considered the application for OCP amendment from LDR to MDR & Rezoning from A1 to R3: SSA Apartments Z 23-12 on February 14, 2024

The Advisory Planning Commission recommend support for file Z 23-12 Official Community Plan and Zoning Bylaw Amendment, unaddressed Boucherie Road

Agricultural Advisory Committee (AAC)

The AAC considered the application for rezoning from OCP amendment from LDR to MDR & Rezoning from A1 to R3: SSA Apartments Z 23-12 on February 7, 2024 2024 and made the following motion:

The Agricultural Advisory Committee recommended support for file Z 23-12, Official Community Plan and Zoning Bylaw Amendment, unaddressed Boucherie Road

The AAC recognized the minimal agricultural value the lands presents in its current configuration and size.

Public Notification

A notification sign has been posted on the subject property in accordance with Development Application Procedures Bylaw No. 0260, 2018. No comments have been received at the time of writing this report. Should this application proceed to Public

Hearing, additional notification by mail and advertisement in the local newspaper, and City's website is required under the *Local Government Act*.

Per the Development Applications Procedures Bylaw No. 0260, a public hearing is required for zoning bylaw amendment applications not consistent with the Official Community Plan.

CONCLUSION

The proposed amendments will enable be a natural extension of the surrounding residential area. The parcel has little agricultural value as presently zoned A1 and a subsequent lot consolidation will facilitate a more robust development on an underutilized parcel of land.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone first and second reading of Official Community Plan and Zoning Amendment Bylaw No.0300.04 & 0265.24, 2024 (File Z 23-12).

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

2. **THAT** Council deny Official Community Plan and Zoning bylaw Amendment Bylaw No. 0300.04 & 0265.24, 2024 (File Z 23-12); and

THAT Council direct staff to close the file.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Ron Mattiussi, Interim CAO

Powerpoint: Yes No

Attachments:

1. Official Community Plan Bylaw Amendment 300.04, 2024
2. Zoning Bylaw Amendment 0265.24. 2024
3. Applicants Proposed Townhome site plan
4. Applicants Rationale