



## DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: March 26, 2024

From: Ron Mattiussi, Interim CAO

File No: Z 21-05.1

Subject: **Z 21-05.1; Zoning Part Lot Amendments Bylaw No. 0265.25, (First to Adopt); 3640 McIver Road and 3625 Gates Road**

Report Prepared By: Brad Clifton, Senior Planner

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**RECOMMENDATION** to Consider and Resolve:

**THAT** City of West Kelowna Zoning Bylaw Amendment No. 0265.25, 2024; 3640 McIver Road and 3625 Gates Road be given first, second, third reading and adoption.

### STRATEGIC AREA(S) OF FOCUS

**Economic Growth and Prosperity** – We will work with our partners on the Westside and 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 applicant is proposing zoning amendments to their Phase 3 lands at 3640 McIver Road and 3625 Gates Road within the Glen Eagles subdivision (Glenrosa neighbourhood). These minor amendments aim to complete part lots and align existing R1 and RC3 zones with the applicant's proposed subdivision road centerline.

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#### PROPERTY DETAILS

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<b>Address</b>	3640 McIver Road & 3625 Gates Road		
<b>PID</b>	003-308-553 (3640), 001-605-895 (3625)		
<b>Folio</b>	36414763.111 (3640) & 36414760.015 (3625)		
<b>Lot Size</b>	0.168 ac (3640), 0.056 (3625)		
<b>Owner</b>	1128546 BC Ltd	<b>Agent</b>	New Town Architecture & Engineering Inc. Jacob Paul

<b>Current Zoning</b>	Compact Single Detached Residential (RC3) (3640) and Single Detached Residential (R1) (3625)	<b>Proposed Zoning</b>	Compact Single Detached Residential (RC3) (3625) and Single Detached Residential (R1) (3640)
<b>Current OCP</b>	Low Density Residential (LDR)	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Vacant Underutilized	<b>Proposed Use</b>	Residential

**Development Permit Areas** Hillside

**ADJACENT ZONING & LAND USES**

<b>North</b>	^	Single Detached Residential (R1)
<b>East</b>	>	Compact Single Detached Residential (RC3)
<b>West</b>	<	Single Detached Residential (R1)
<b>South</b>	v	Parks P1

**NEIGHBOURHOOD MAP**



## PROPERTY MAP



### Legislative Requirements

Council has the authority under s.479 of the *Local Government Act* to amend the Zoning Bylaw. Under s.464(3) in the *Local Government Act* a local government must not hold a public hearing on a proposed zoning bylaw if: it is consistent with the community plan and permits development where at least half of gross floor area is to be residential.

Council also has the authority under s. 480 of the *Local Government Act* that despite section 135 (3) [at least one day between third reading and adoption] of the *Community Charter*, a council may adopt a zoning bylaw at the same meeting at which the bylaw passed third reading. With recent changes regarding prohibited public hearings, applications where a public hearing cannot be held, and when there are no third reading conditions, Zoning Bylaw amendments can be given three readings and adopted at the same meeting.

## Proposal

The proposed application includes a Zoning Bylaw amendment to change a portion of 3640 McIver Road from Compact Single Detached Residential (RC3) to Single Detached Residential (R1) and a portion of 3625 Gates Road From Single Detached Residential (R1) to Compact Single Detached Residential (RC3). The applicant plans to utilize the land for single-detached residential development, consistent with the existing Glen Eagles

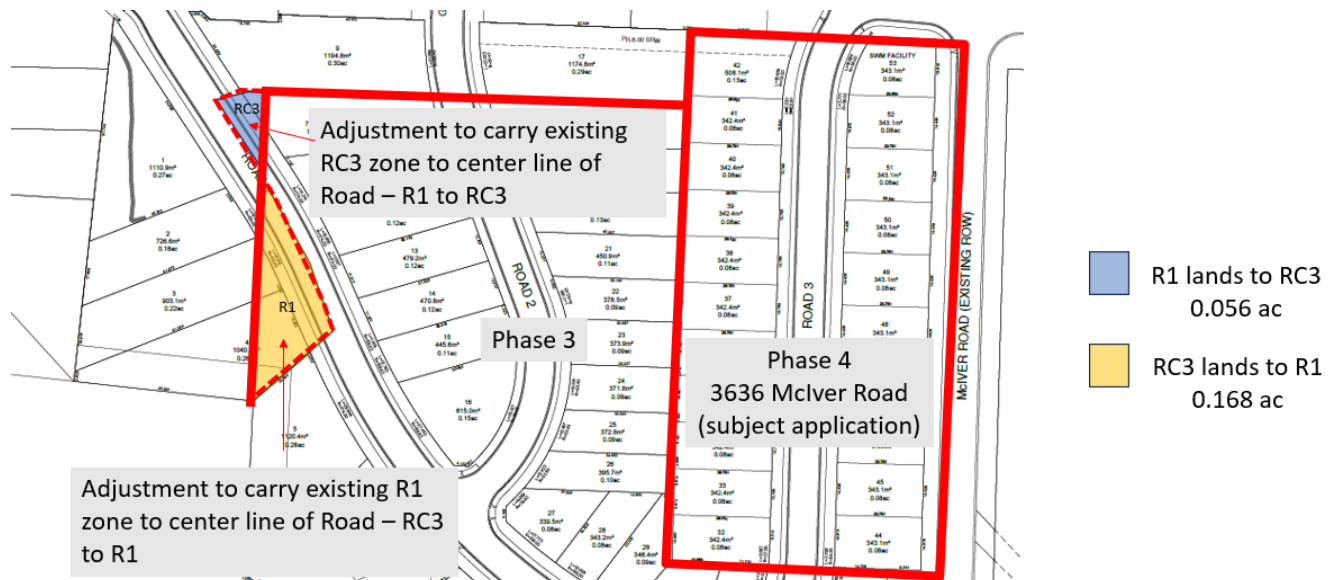


Figure 1: Applicants proposed Phase 3 zoning mapping amendments. The applicant is proposing that 0.168 acres of Compact Single Detached Residential (RC3) land be rezoned to Single Detached Residential (R1) (yellow hatch above) and 0.056 acres of R1 land be rezoned to RC3 (blue hatch above)

Subdivision. The requested changes primarily serve to adjust part-lot boundaries on a split-zoned parcel (see Figure 1). These amendments are mainly administrative, as the existing uses are already permitted under approved zoning and the OCP.

## DISCUSSION

### Zoning and Policy Review

#### Official Community Plan Bylaw No. 0300

The current Land Use Designation for the subject property in the Official Community Plan is Low Density Residential. No change is proposed. Both the R1 and RC3 Zones are consistent with the OCP.

#### Zoning Bylaw No. 0265

The existing zoning for each parcel is already defined. The proposed changes would extend the R1 zone from 3625 Gates Road and the RC3 zone from 3640 McIver Road. There is no significant change in land use intended; this amendment is primarily administrative and procedural.

## Public Notification

In accordance with the *Local Government Act* and the Development Applications Procedures Bylaw No. 0260, notice of first reading for 3640 Mclver Road & 3625 Gates Road was sent to all property owners and their tenants within 100 m of the subject property, was posted in the newspaper, and on the City's website. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No. 0260. Correspondence received will be included in the agenda provided to Council.

## CONCLUSION

The proposed Zoning Bylaw amendment would adjust part-lot boundaries on a split-zoned parcel within the Glen Eagles Subdivision. This would involve no land use related changes, as the single-detached residential development aligns with existing zoning and the OCP. The amendment is primarily administrative in nature.

### Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone the proposed Zoning Amendment Bylaw No.0265.25.

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

2. **THAT** Council deny the proposed Zoning Amendment Bylaw No.0265.25;

**AND THAT** Council direct staff to close the file.

Should Council choose to deny the proposed amendment bylaws, the file will be closed in accordance with the City's Development Applications Procedures Bylaw No. 0260.

## REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

## APPROVED FOR THE AGENDA BY

Ron Mattiussi, Interim CAO

Powerpoint: Yes  No

### Attachments:

1. Zoning Amendment Bylaw No. 0265.25