



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: March 12, 2024

From: Ron Mattiussi, Interim CAO

File No: Z 21-05

Subject: **Z 21-05; OCP & Zoning Bylaw Amendments, First and Second Reading (3636 McIver Road) & Zoning Part Lot Amendments, First and Second Reading (3640 McIver Road & 3625 Gates Road)**

Report Prepared By: Brad Clifton, Senior Planner

RECOMMENDATION to Consider and Resolve:

THAT Official Community Plan Amendment Bylaw No. 300.03, 2024 be given first and second reading;

AND THAT Zoning Amendment Bylaw No. 0265.23, 2024 be given first and second reading;

AND THAT Official Community Plan Amendment Bylaw No. 300.03, 2024 and Zoning Amendment Bylaw No. 0265.23, 2024 be forwarded to a Public Hearing;

AND FURTHER THAT Zoning Amendment Bylaw No. 0265.25, 2024; 3640 McIver Road and 3625 Gates Road be given first and second reading.

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 subject property, 3636 McIver Road, is in the Glenrosa Neighbourhood. The subject property is 1 ha (2.47 acres) and bordered by Glen Eagles Drive to the North and McIver Road on the east side of the property; west of the site is undeveloped residential zoned land encompassing Phase 3 of the Glen Eagles subdivision. The proposed OCP amendment and rezoning area is intended to form Phase 4 of the Glen Eagles

subdivision. The property is currently undeveloped, and there are no agricultural activities in operation. The property was excluded from the ALR in 2013.

In addition to the primary OCP and rezoning amendments proposed at 3636 McIver Road, two additional zoning changes are needed for the applicant's Phase 3 lands at 3640 McIver Road & 3625 Gates Road. These involve completing part lots and aligning existing R1 and RC3 zones with the applicants proposed subdivision's road centerline. A detailed discussion of these administrative amendments follows later in the report.

PROPERTY DETAILS

Address	3636 McIver Road		
PID	005-519-128		
Folio	36414763.128		
Lot Size	2.471 acres (1000 sqm)		
Owner	1128546 BC Ltd	Agent	New Town Architecture & Engineering Inc. Jacob Paul
Current Zoning	Agricultural Zone (A1)	Proposed Zoning	Compact Single Detached Residential (RC3)
Current OCP	Agricultural (Ag)	Proposed OCP	Low Density Residential
Current Use	Vacant Underutilized	Proposed Use	Residential

Development Permit Areas Hillside

ADJACENT ZONING & LAND USES

North	^	Single Detached Residential (R1)
East	>	Institutional Assembly Zone (P2)
West	<	Compact Single Detached Residential (RC3)
South	v	Compact Single Detached Residential (RC3)

NEIGHBOURHOOD MAP



PROPERTY MAP(S)



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

This application is for an OCP amendment and Zoning Bylaw amendment from the Agricultural designation (AG), to the Low Density Residential designation (LDR), and Agricultural Zone (A1) to the Compact Single Detached Residential Zone (RC3). The applicant will be developing the lands with single detached residential uses consistent with what exists in previous phases of the Glen Eagles Subdivision.

The applicant is also proposing two additional amendments within their Phase 3 lands. They are being requested to align part lots between a split zoned parcel per a plan of subdivision (Figure 1). The existing uses are already prescribed under approved zoning and the OCP, and the amendments are administrative in nature.

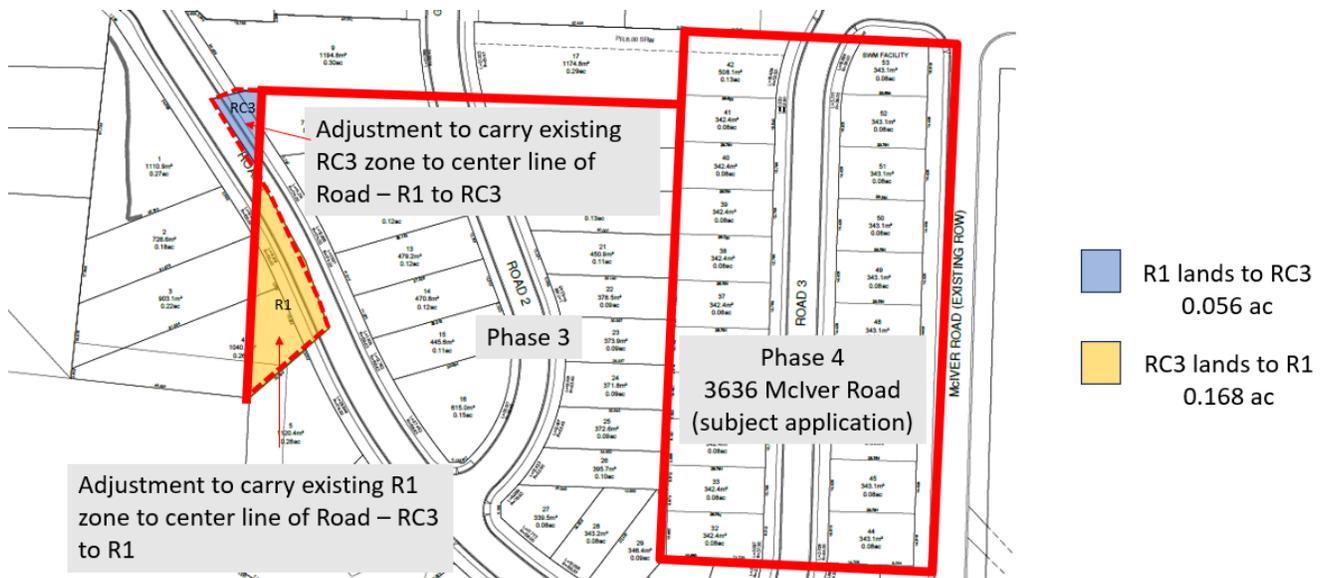


Figure 1: Applicants proposed Phase 3 zoning mapping amendments. The applicant is proposing that 0.168 acres of Compact Single Detached Residential (RC3) land be rezoned to Single Detached Residential (R1) (yellow hatch above) and 0.056 acres of R1 land be rezoned to RC3 (blue hatch above)

Applicant's Rationale

A detailed rationale has been provided in Attachment 4. In summary, the applicant has requested the amendments to facilitate a proposed 20 unit single detached residential subdivision. The applicant states that the proposed OCP amendment, rezoning and future subdivision are consistent with surrounding land uses and the existing neighbourhood context.

DISCUSSION

It should be noted that the following sections discuss the main application at 3636 McIver Road. The requested Phase 3 amendments are administrative in nature to align the City's Zoning Bylaw mapping and they conform with the City of West Kelowna Official Community plan. The administrative amendments are recommended based on alignment with existing policy, and were also supported by the Advisory Planning Commission Dec 20, 2023.

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 Agricultural. The lands were excluded from the ALR in 2013 with City support under resolution C266/13. Rationale for the exclusion included the property's proximity to other urban uses in the Glenrosa Neighbourhood and its size being only 1ha, limiting the

parcel's ability to operate as a farming unit. The lands anticipated to be developed would form the final phase of the Glen Eagles Subdivision (Phase 4).

The proposed Low Density Residential Land Use Designation permits a variety of low-rise residential uses that are limited to 1-2 units, including single detached dwellings including secondary suites, carriage houses and clustered housing, and duplexes, up to 3 storeys in height. The proposed zoning amendment is consistent with the Low Density Residential Land Use Designation. Key objectives and policies within the Low Density Residential Land Use Designation include:

2.9.1 Low Density Residential Objectives

2. To promote more compact and diverse low density housing forms for families, including the consideration of smaller lot sizes, secondary suites, carriage houses, duplexes, and clustered single-detached housing in support of neighbourhood diversity and healthy communities.

The proposal is a rezoning to the RC3 Zone, which permits single detached housing with secondary suites on more compact lots.

3. Infill opportunities will be considered in established residential areas that are well serviced by existing infrastructure, transit and other services.

The subject rezoning forms part of the Glen Eagles subdivision. The proposed road network and extension of municipal services have been designed and planned in an orderly sequence to accommodate sequential growth.

2.9.2 Low Density Policies

4. Zoning amendment applications to accommodate infill housing opportunities are encouraged to maintain suitable setbacks that do not require variances and are encouraged with sensitive integration into existing neighborhood's.

The proposal would be sensitively integrated as the proposed RC3 zoning matches that of the existing Phase 3 subdivision to the West. No variances to the RC3 zone are being proposed.

Development Permit Areas

A Hillside Development Permit would be required should the subject rezoning advance.

Zoning Bylaw No. 0265

The existing Agricultural Zone (A1) permits a single detached dwelling, modular home, mobile home, and a variety of agricultural uses. For subdivision in the A1 Zone, the minimum parcel area permitted is 4.0ha (9.9 ac).

The proposed RC3 zone permits single detached dwelling as a principal use and a variety of secondary uses, including but not limited to home based businesses, secondary suite, and minor care facilities. For subdivision the minimum parcel area permitted is 325m²

(3,498.3 ft²). The applicants proposed plan of subdivision exceeds this requirement. See Attachment 5.

Small Scale Multi Unit Housing (SSMUH)

Bill 44 requires the City of West Kelowna to increase density in single-detached zones, with a base of 4 units permitted on lots over 280m². Currently, RC3 zoning has a minimum lot size of 325m², automatically meeting this density requirement. The City is updating the zoning bylaw to fully implement Bill 44; these updates will include changes to several existing zones.

The potential for dual frontage on McIver Road (discussed later) creates a unique opportunity to add housing units under the SSMUH policy. Staff will explore this option as we continue to develop policies to align with Bill 44 regulations.

Technical Considerations

Traffic & pedestrian circulation

A traffic impact study was completed with the original Glen Eagles rezoning application under file Z 09-20. Through this application, an existing covenant CA3050232 was placed on title to the preceding phases and specifies that the applicant is required to provide frontage upgrades along McIver Road and connect McIver Road through to Phases 2, 3 and 4 of the Glen Eagles subdivision (Figure 2). These frontage improvements will be secured as a condition of zoning approval, and a new covenant will need to be registered on title for Phase 4. The frontage improvements consist of urbanizing the west side of McIver Road (curb, sidewalk), and completing the east side of McIver Road to a rural standard. The applicant's Phase 3 subdivision project would complete the portion of the road network connecting Phase 3 to Phase 4 (noted with a star in Figure 2). If Phase 4 was to advance ahead of Phase 3, Phase 4 would be required to secure a temporary turnaround and connection into Phase 3.

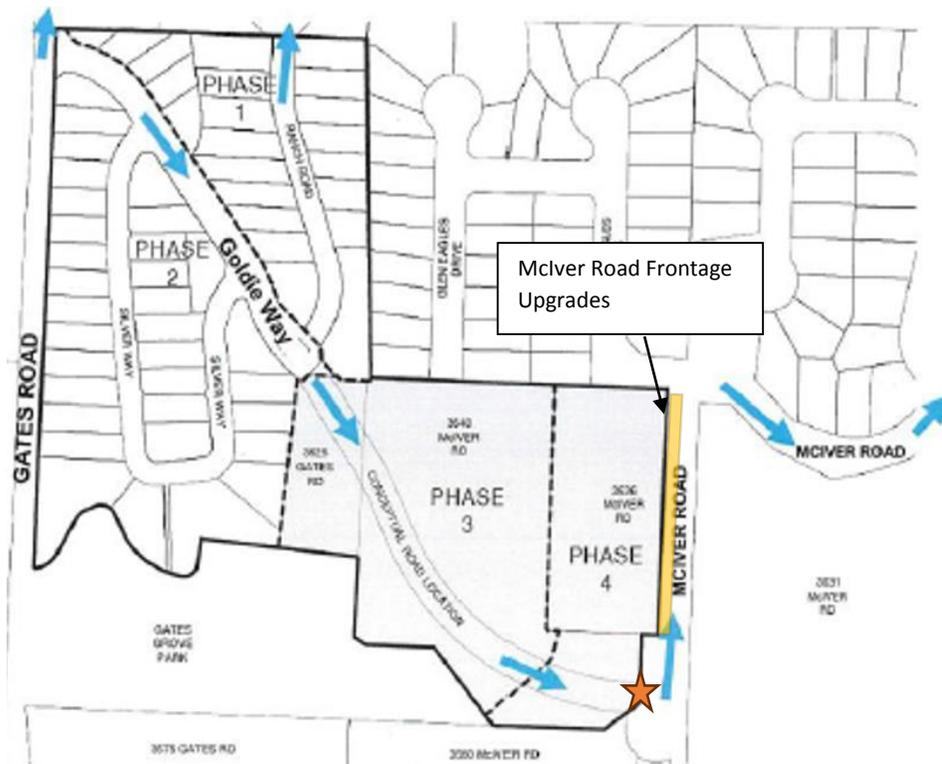


Figure 2: Road network required as a condition of covenant CA3050232. The blue arrows specify the planned network. Council should note that the applicants enclosed subdivision looks slightly different. This is because the figure above is dated to a time when the covenant was created. Priority road connections as specified in the original covenant have been maintained in the applicant’s current plan of subdivision.

In addition to road connectivity connections as specified in the covenant. Through further study included with the current application, the applicants traffic consultant also identified the following additional offsite traffic improvements to support the planned road network. Figure 3 below illustrates the location of these improvements.

1. Proportional contribution toward a future left-turn lane at the intersection of Glenrosa Road and McIver Road;
2. Proportional contribution toward a pathway or sidewalk on McIver Road to connect the development to Glenrosa Road;
3. Connection of the hard surface pedestrian pathway SRW in Phase 3 through Phase 4 to McIver Road.



Figure 3: Offsite Traffic Improvements

Engineering & Servicing

The property is outside the water service area and will petition Council to join. It is expected the water service area petition application will run concurrently with the Zoning Bylaw amendment and will be introduced at third reading.

As the development forms part of a phased servicing network, only two main servicing items will be required as a condition of zoning. There are no core upgrades required for the provision of sanitary and water services.

4. The applicant will be required to prepare and submit a Stormwater Management Plan to address catchment areas within the subject property, future upstream phases, and existing phases that are currently detained by the temporary stormwater management constructed within Phase 2 of the Glen Eagles Subdivision.
5. The applicant will be required to clean the ditch and repair collapsed culverts in the south ditch on Mclver Road

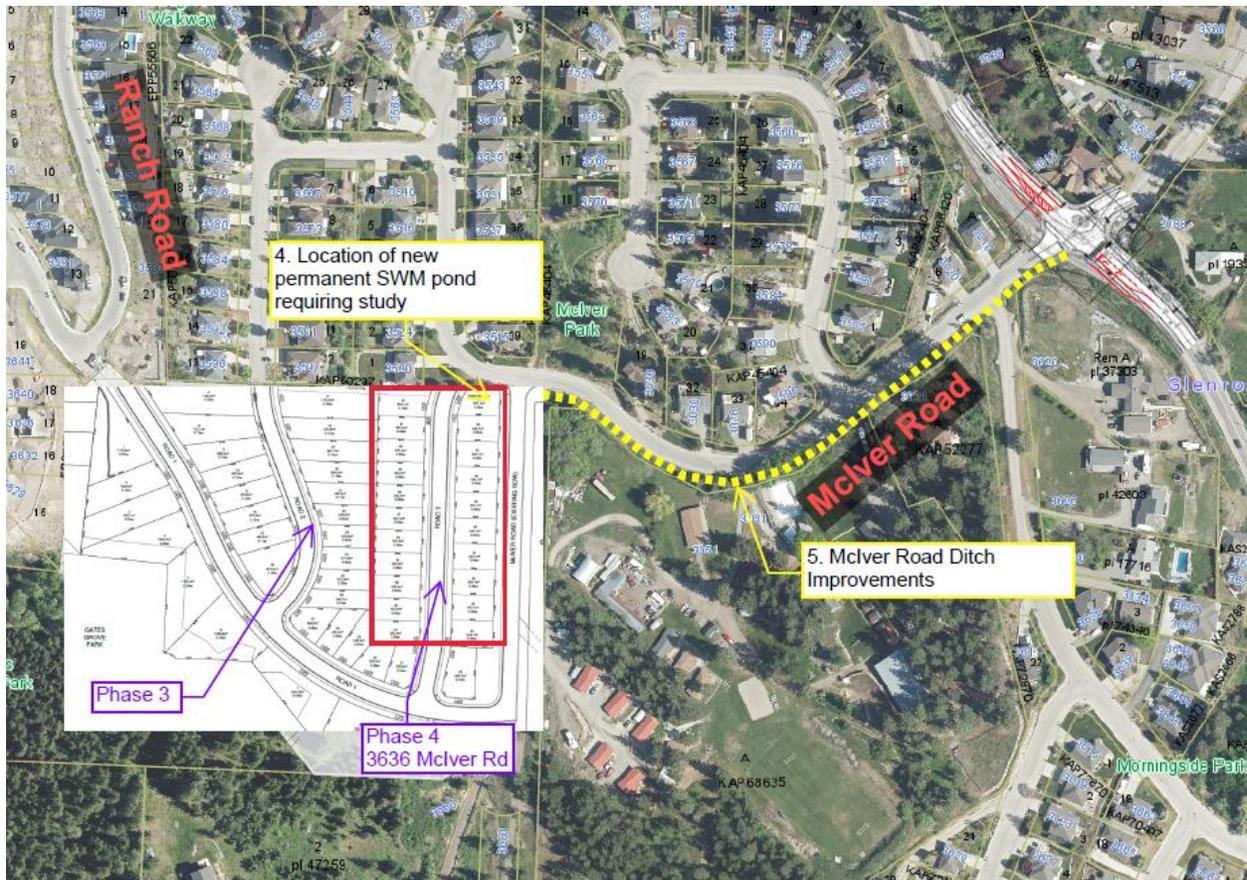


Figure 4: Servicing Improvements

Referral Comments

Parks

Due to the proximity of Gates Grove Park and Mclver Park, in accordance with S.510 of the local government act, cash in lieu of dedicated park land will be required at the time of future subdivision.

Advisory Planning Commission (APC)

The APC considered the application on two separate occasions; first for the 3636 Mclver Road rezoning from A1 to RC3 Z 21-05 on September 15 2021, and second for the Phase 3 amendments on December 20, 2023.

The APC recommend support for file Z 21-05 & the Phase 3 amendments, Official Community Plan and Zoning Bylaw Amendment, 3636 Mclver Road and 3640 Mclver Road & 3625 Gates Road.

Agricultural Advisory Committee (AAC)

The AAC considered the 3636 McIver Road rezoning from A1 to RC3 Z 21-05 on September 1, 2021, The AAC recommended support for file Z 21-05, Official Community Plan and Zoning Bylaw Amendment, 3636 McIver Road.

The AAC noted that that property had limited use for agricultural capability based on soil and topography.

Expected Conditions of Approval

Conditions are expected to be as follows:

1. Traffic & Pedestrian Improvements secured by covenant
 - Frontage improvements along McIver Road per existing covenant CA3050232 (a new covenant will be registered on title to Phase 4)
 - Proportional contribution toward a future left-turn lane at the intersection of Glenrosa Road and McIver Road;
 - Proportional contribution toward a pathway or sidewalk on McIver Road to connect the development to Glenrosa Road;
 - Connection of the pedestrian pathway in Phase 3 through Phase 4 to McIver Road.
2. Servicing conditions secured by covenant
 - Prepare and submit a Stormwater Management Plan to address catchment areas within the subject property, future upstream phases, and existing phases that are currently detained by the temporary stormwater management constructed within Phase 2 of the Glen Eagles Subdivision.
 - Clean the ditch and repair collapsed culverts in the south ditch on McIver Road.

Public Notification

In accordance with the *Local Government Act* and the Development Applications Procedures Bylaw No. 0260, notice of first and second reading for 3640 McIver 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 for both 3636 McIver and 3640 McIver Road & 3625 Gates Road.

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 (re: 3636 McIver Road). Should this application proceed to Public

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

CONCLUSION

The proposed zoning amendment would be compatible with the surrounding low density residential neighbourhood and proposes compact infill residential development on an underutilized parcel that was excluded from the ALR. The application also proposes several planned offsite upgrades to improve traffic circulation and pedestrian connectivity within the Glenrosa neighbourhood. Advancement of the rezoning would complete the intended phased development of the Glen Eagles subdivision project.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone first and second reading of Official Community Plan Amendment Bylaw No. 300.03,2024 & Zoning Amendment Bylaw No. 0265.23, 2024 (File Z 21-05).
2. **THAT** Council postpone first, and second reading of City of West Kelowna Zoning Amendment Bylaw No. 0265.25, 2024; 3640 McIver Road & 3625 Gates Road.

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

3. **THAT** Council deny Official Community Plan Amendment Bylaw No. 300.03, 2024 & Zoning Amendment Bylaw No. 0265.23, 2024 (File Z 21-05);

AND THAT Council direct staff to close the file.

4. **THAT** Council deny Zoning Amendment Bylaw No. 0265.25, 2024 (File Z 21-05);

AND THAT Council direct staff to close the file.

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

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. Official Community Plan Bylaw Amendment 300.03, 2024; 3636 McIver Road
2. Zoning bylaw Amendment 0265.23. 2024; 3636 McIver Road
3. Zoning bylaw Amendment 0265.25, 2024 administrative amendments Phase 3; 3640 McIver Road & 3625 Gates Road.
4. Applicants Rationale
5. Applicants Proposed Plan of Subdivision