



AGRICULTURAL ADVISORY COMMITTEE REPORT

To: Agricultural Advisory Committee Members Date: May 1, 2024

From: Yvonne Mitchell, Planner III File No: Z 23-05

Subject: **Z 23-05; Zoning Bylaw Amendment and Official Community Plan Amendment; 3900 Gellatly Road**

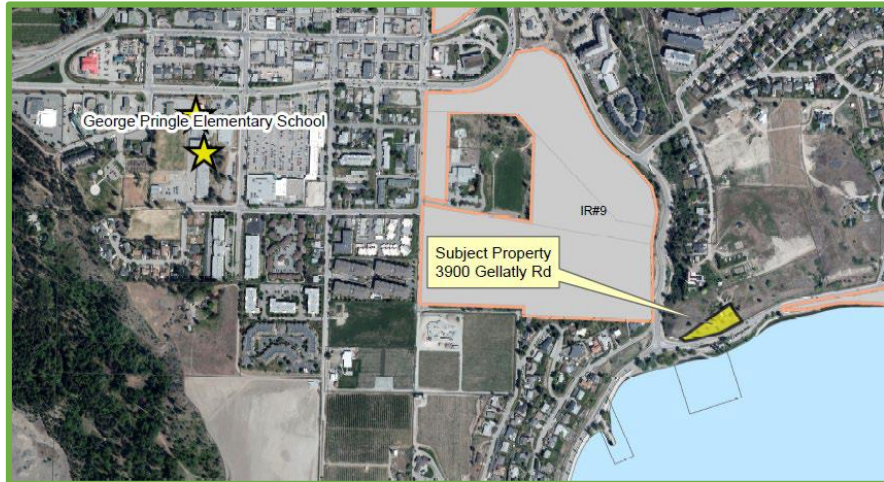
BACKGROUND

The subject property is in the Goats Peak/Gellatly Neighbourhood. The property is currently developed with a driveway and a single detached dwelling in the upper northeast corner of the site. The property abuts agricultural land (zoned A1 and within the ALR) to the north and east.

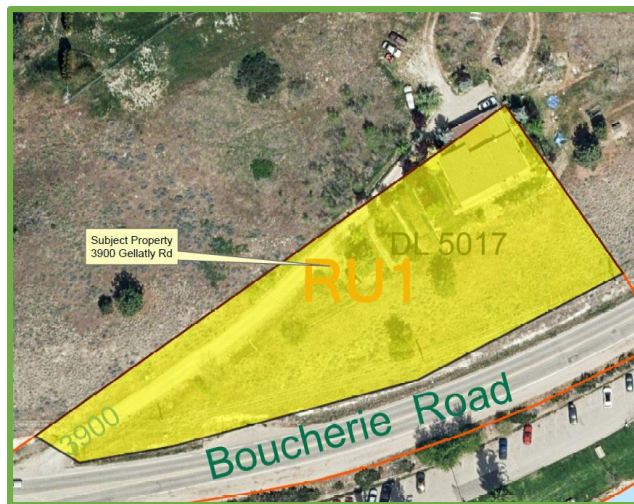
PROPERTY DETAILS			
Address	3900 Gellatly Road		
PID	011-646-551		
Folio	36415416.000		
Lot Size	1.12 acres (4532.48 sqm)		
Owner	Ruy Cabrita	Agent	Mark Takanen, Talo Build
Current Zoning	Country Residential Zone (RU1)	Proposed Zoning	Comprehensive Development Zone (CD)
Current OCP	Rural Residential	Proposed OCP	Commercial
Current Use	Single Detached	Proposed Use	4 storey mixed-use building
Development Permit Areas	Aquatic, Hillside, Sensitive Terrestrial		
Hazards	Hillside		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	Agricultural Zone (A1) / ALR
East	>	Agricultural Zone (A1) / ALR
West	<	Single Detached Residential (R1) & Parks and Open Space Zone (P1)
South	v	Parks and Open Space Zone (P1)

NEIGHBOURHOOD MAP



PROPERTY MAP



AGRICULTURAL LAND RESERVE AND A1 ZONING MAP



DISCUSSION

Proposal

The application is a zoning bylaw amendment from the Country Residential Zone (RU1) to a Comprehensive Development Zone (CD), and an OCP amendment from the Rural Residential Land Use Designation to Commercial.

Applicant's Rationale

The applicant has indicated they have applied for these amendments to build a four-storey mixed-use building on the subject property. The building would include a maximum of 614m² of commercial space at grade and 23 apartment units in the three storeys above.

Zoning and Policy Review

Official Community Plan Bylaw No. 0300

Rural Residential Land Use Designation (Existing)

The existing Land Use Designation of the subject property in the Official Community Plan is Rural Residential. The Rural Residential Land Use Designation permits single detached dwellings (including suites and carriage houses), agricultural activities, and home industry uses. Uses are to be at a low density, low rise, and a maximum of three storeys.

Commercial Land Use Designation (Proposed)

The application proposes to change the Land Use Designation of the property to Commercial. The Commercial Land Use Designation permits commercial uses, mixed-use buildings, intuitional uses, live-work units, parks and open space, and pedestrian connections. Uses are to be low density, low-rise to mid-rise, and a maximum of four storeys.

Development Permit Areas

If the applicant wishes to develop the site with the proposed mixed-use building a Multi-Family Development Permit and Commercial Development Permit will be required. In addition, the site is within the Hillside, Sensitive Terrestrial Ecosystem, and Aquatic Ecosystem Development Permit Areas. These development permits would also be required unless exemptions in the Official Community Plan can be met.

Zoning Bylaw No. 0265

The purpose of the Country Residential Zone (RU1) is to accommodate rural, agricultural, and residential uses on parcels of land that are 0.5 ha or greater. Principal uses include, but are not limited to, agriculture, greenhouse or plant nursery, and single detached dwelling. The application proposes to rezone the property to a Comprehensive

Development Zone (CD). The CD Zone would be custom to the proposed development and permit a four-storey mixed-use building. The City's existing Neighbourhood Commercial Zone (C2) permits a mixed-use building but not the specific proposal (proposal would permit general retail use instead of convenience retail, a larger FAR, and an increased height).

Agricultural Setbacks and Buffers

As per s.3.25 of the Zoning Bylaw, principal buildings must be a minimum of 15.0m from land with the A1 Zone or Agricultural Land Reserve. A buffer must also be provided. For mixed-use development, as is proposed in the CD Zone, a level 2 buffer is required (6.0 m in width and composed of fencing, shrubs, and trees).

As per s.3.26 of the Zoning Bylaw, larger setbacks are required for portions of taller buildings abutting agricultural land. Setbacks increase to 21.0 m for any fourth storey or portion of a building over 9.0m in height.

The proposed CD Zone includes a 15.0 m setback from the agricultural land. No buffer is shown on the preliminary development plans.

Agricultural Plan

One of the recommendations in the Agricultural Plan is Recommendation 23: Land Use Management and Buffering. This recommendation includes the following Objective and Policy:

Objective - To create appropriate separations for land uses that abut agriculture and to ensure land in the Agricultural Land Reserve and zoned A1 is engaged in agricultural production.

Policy - The City of West Kelowna continues to consider edge planning strategies that do not interfere with farming operations, as one option for supporting existing farm operations and mitigating potential land use conflict.

The subject property is adjacent to land in the ALR and zoned A1 to the north and east. The proposed CD Zone includes a 15.0 m setback from the agricultural land. No buffer is shown on the preliminary development plans.

Referrals

The application has been referred to various external agencies and internal departments. The below response was received from the Agricultural Land Commission:

It is noted that the apartment development lies outside the ALR, but adjacent to the ALR. As such the ALC is pleased that the area(s) adjacent to the ALR are used

for parking, and that the residences are located as far from the ALR boundary as possible.

It is recommended that the development be fenced with a trespass fence and that residences be advised through a notation on the title that the adjacent ALR could be used for intensive farming and that farm noises and odors might be expected in the future.

TECHNICAL REVIEW

Geotechnical Considerations

The applicant has provided a geotechnical report. The report confirms, from a geotechnical point of view, that the proposed development is feasible, provided the recommendations outlined in the report are incorporated into the overall design. Further geotechnical analysis will be required.

Environmental/Aquatic Considerations

The applicant has provided an environmental report. The report states the property is within Environmental Sensitivity Area (ESA) 4 - Not Sensitive, and ESA 3 – Low. As per the report it is expected 97% of total ESAs (Low and Not Sensitive) will be directly impacted (lost) to the proposed development.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the AAC may wish to consider the following:

- The existing Country Residential Zone (RU1) does not permit the proposed four storey mixed-use building. A rezoning to a Comprehensive Development Zone is proposed.
- The proposal is not consistent with the Rural Residential Land Use Designation in the Official Community Plan. An OCP amendment to the Commercial Land Use Designation is proposed.
- A 15.0m setback from adjacent agricultural land is proposed. No buffer is proposed.

Specific comments would be appreciated should the AAC have any concerns with the proposed zoning bylaw and official community plan amendments, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Yvonne Mitchell, Planner III

Powerpoint: Yes No

Attachments:

1. Draft Architectural Drawings
2. Proposed CD Zone
3. Relevant Zoning Bylaw Sections