



COUNCIL REPORT
Development Services
For the January 28, 2020 Council Meeting

DATE: January 22, 2020 File: Z 19-14

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: Application: Zoning Bylaw Amendment No. 0154.86, 2020 (File: Z 19-14)
Legal: Lot 37, District Lot 1119, ODYD, Plan KAP 52689
Address: 1150 Sunview Place
Owners: Leszek and Kerry Pazio
Agent: Dave MacBride

RECOMMENDED MOTION:

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14); and

THAT Council direct staff to schedule the proposed bylaw amendment for Public Hearing.

RATIONALE

- The proposed amendment is consistent with the existing and intended use of the subject property.
- The proposal is aligned with the parcel's Land Use Designation of Single Family Residential (SFR).
- Servicing for both water and sanitary sewer is currently available to facilitate the anticipated two (2) lot subdivision under the proposed RC3 Zone.
- Although rezoning will create the potential for subdivision, the number of dwelling units permitted over the same area will not increase.

LEGISLATIVE REQUIREMENTS

Council has the authority under Part 14 (s. 479) of the *Local Government Act (LGA)* to amend its Zoning Bylaw.

BACKGROUND

The subject property is 980 m² and located in the West Kelowna Estates / Rose Valley neighbourhood (*Figure 1, Attachments 1 and 2*). The property is surrounded by Single Detached Residential (R1) to the north, east, south, and west. There is currently a single family dwelling located on the subject property. The property is not subject to any development permit areas.

PROPOSAL

The applicant is proposing to amend the subject property's zoning designation from the Single Detached Residential Zone (R1) to the Compact Single Detached Residential Zone (RC3) in order to facilitate a two (2) lot subdivision. See *Attachment 3* for the preliminary subdivision plan.

BYLAW AND POLICY REVIEW

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Single Family Residential (SFR), which is intended to support traditional single family housing opportunities and encourage more land-efficient compact housing form for families. The proposal aligns with the purpose of the SFR designation to encourage compact housing form.



Figure 1: Subject Property

Zoning Bylaw No. 0154

The existing Single Detached Residential Zone (R1) is intended to accommodate low density single detached residential use on parcels of land 550 m² and larger. The proposed Compact Single Detached Residential Zone (RC3) is intended to accommodate single detached residential use on parcels of land 325 m² and larger, with a minimum 195 m² usable parcel area. Single Detached Dwelling is the sole permitted principal use of the R1 and RC3 zones. For a comparison of the R1 and RC3 zones, see *Table 1*.

	Existing: Single Detached Residential Zone (R1)	Proposed: Compact Single Detached Residential Zone (RC3)
Subdivision		
Min. Parcel Area	550 m ²	325 m ²
Min. Usable Parcel Area	330 m ²	195 m ²
Min. Parcel Frontage	16 m	12 m
Density		
Max. Density	1 Single Detached Dwelling, 1 Secondary Suite or 1 Carriage House per parcel ¹	1 Single Detached Dwelling, 1 Secondary Suite per parcel ²
Max. Parcel Coverage	40%	40%
Max. Building Height	9 m to a max. of 3 storeys	9 m to a max. of 3 storeys
Setbacks		
Front Parcel Line	4.5 m or 6 m with garage	3.5 m or 6.0 m with garage

¹ The R1 Zone permits carriage houses on parcels 1100m² or greater.

² The RC3 Zone permits secondary suites on parcels 550m² or greater.

Rear Parcel Line	3 m	3 m
Interior Parcel Line	1.5 m	1.5 m
Exterior Parcel Line	4.5 m or 6 m with garage	2.5 m or 6.0 m with garage
Parcels in another zone	n/a	4.5 m

Table 1: Zoning Comparison

TECHNICAL REVIEW

Zoning Bylaw No. 0154

Single Detached Dwelling is the sole permitted principal use of the R1 and RC3 zones. Both zones include similar secondary uses, except Carriage House and Bed and Breakfast are permitted only in the R1 Zone. However, the R1 zone requires that parcels are a minimum 1,100 m² to permit a carriage house, which the subject property does not meet. The R1 and RC3 zones also permit secondary suites, however the preliminary subdivision plan (*Attachment 3*) proposes to create two (2) parcels under 550m², which would remove the potential for secondary suites on either proposed parcel.

Rezoning the property from R1 to RC3 will reduce the number of potential secondary uses of the property, with subsequent subdivision further reducing secondary use potential by eliminating secondary suites due to the limited parcel area. Rezoning to RC3 is consistent with the *Official Community Plan* designation and encourages compact housing by creating subdivision potential for the subject property. For these reasons, staff are in support of the proposed zoning amendment.

Subdivision

A subdivision application is anticipated to be submitted, subject to adoption of the proposed zoning amendment. The applicant has submitted a preliminary subdivision plan showing setbacks and a potential building envelope to accommodate the subdivision under the proposed Compact Single Detached Residential Zone (RC3) – see *Attachment 3*. The preliminary subdivision plan identifies two (2) parcels that would generally comply with the subdivision and siting regulations of the RC3 Zone; however, further review would occur at subdivision.

Servicing and Access

The existing single detached dwelling is sufficiently supported by existing public sewer, water, and storm infrastructure, with future connection to services possible within the Sunview Place right of way. Staff confirm that nearby community services can support an additional single detached dwelling, should the applicant proceed with subdivision. Further consideration of proposed servicing will occur at subdivision.

Access to the existing dwelling is provided via Sunview Drive with access to “Lot B” proposed via Sunview Place.

Referral Comments

The application was referred to internal and external agencies and no major concerns were identified. The proposal was also supported by the Advisory Planning Commission (APC) on December 18, 2019. In anticipation of a subdivision application, staff included advisory comments within a comprehensive letter to the applicant in relation to future subdivision considerations, i.e. frontage improvements, service connections, development cost charges, etc.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Should Council give first and second reading to the proposed bylaw amendment, a Public Hearing will be held in accordance with the *Local Government Act*, which includes a mail out to all property owners and their tenants within 100 metres of the subject property and advertisements to be placed in the local newspaper.

ALTERNATE MOTIONS

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14).

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

2. **THAT** Council deny first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14).

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED AND APPROVED BY

Bob Dargatz, Development Manager
Brent Magnan, Planning Manager
Mark Koch, Director of Development Services
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Context Map
2. Subject Property Map
3. Preliminary Subdivision Plan
4. Compact Single Detached Residential Zone (RC3)
5. Zoning Bylaw Amendment NO. 0154.86, 2020

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