



COUNCIL REPORT
Development Services
For the March 10, 2020 Council Meeting

DATE: March 4, 2020

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: Z 19-13, Zoning Amendment Bylaw No. 0154.87, 2020, 1130 Thomas Road
Legal: Lot 1, District Lot 506, ODYD, Plan 22046
Owner: Michael and Roberta Kay

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13); and

THAT Council direct staff to schedule the bylaw for consideration of adoption following the registration of a S.219 No Build Covenant over “Lot A”, as identified by *Attachment 3*.

RATIONALE

- The proposal is aligned with the parcel’s Land Use Designation of Single Family Residential (SFR).
- The subject property has sufficient parcel area for an R1 and R2 parcel, but insufficient parcel area to be rezoned to R2 and later subdivided.
- Split zoning provides assurance to the applicant that duplex is a permitted use prior to investing in subdivision related costs.
- Split zoning a portion of the property to R2, allows for subdivision with two (2) water and sewer connections rather than being limited to one (1), as per Water Systems Bylaw No. 1108 and Sanitary Sewer Use Bylaw No. 0072.
- A S.219 No-Build covenant will ensure no building occurs on “Lot A” (see *Attachment 3*) prior to subdivision registration

LEGISLATIVE REQUIREMENTS

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

BACKGROUND

Proposal

The applicant is proposing to rezone an 800 m² portion of the subject property from the Single Detached Residential Zone (R1) to the Duplex Residential Zone (R2). The intent of the rezoning is to support a two (2) lot subdivision and subsequent duplex development. A subdivision application has been submitted concurrently with the rezoning application; however, issuance of a Preliminary Layout Review (PLR) is subject to rezoning approval, as conditions of the PLR will be specific to the proposed R2 Zone as opposed to the existing R1 zone. The applicant has submitted a preliminary layout identifying the 800 m² portion of the property proposed for rezoning and subdivision (*Attachment 3*).

Overview of Public Hearing

A Public Hearing was held on February 25, 2020. No written submissions were received and no public comments were made at the Public Hearing. As noted at the Public Hearing, the only remaining item to be addressed is the registration of a no build covenant, which would be discharged upon registration of subdivision.

DISCUSSION

The proposal to split zone the subject property will allow the applicant to apply for subdivision under the R2 zone. Staff are in support of split zoning in this particular situation due to minimum parcel size requirements and subdivision requirements otherwise requiring a less timely and more costly process for the applicant to reach their goal of a subdivided parcel with R1 and R2 zoning. As it is not the intent of the Zoning Bylaw to encourage the creation of split zoned parcels to permit development, staff recommend the registration of a no build covenant over "Lot A" prior to adoption of the zoning amendment to ensure construction does not occur until subdivision is registered.

COUNCIL REPORT/RESOLUTION HISTORY

Date	Report Topic/Resolution	Resolution No.
February 11, 2020	THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13); and THAT Council direct staff to schedule the proposed amendment for Public Hearing	C044/20
February 25, 2020	Public Hearing held	

ALTERNATE MOTION 1: POSTPONE

This alternate motion is provided should Council wish to provide direction on a specific matter related to the application.

THAT Council postpone third reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13).

REVIEWED AND APPROVED BY

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 Layout and Proposed Zoning
4. Duplex Residential Zone (R2)
5. Zoning Amendment Bylaw No.0154.87

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Rd\Bylaw_Rpts_Minutes\3rd Reading