



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

DATE: March 4, 2020 File: Z 17-18

TO: Paul Gipps, CAO

FROM: Carla Eaton, Planner III

RE: Z 17-18; Official Community Plan Amendment Bylaw No. 0100.51 and Zoning Amendment Bylaw No. 0154.68 (3rd); 2734 and 2736 Lower Glenrosa Road
Legal: Lot 2, DL 3188, Plan KAP23537 and Lot A, DL 3188, Plan KAP31219 (PID: 006-364-551 and 003-769-950)
Owner: 1109808 BC Ltd. / Richard Barber
Agent: Pilling & Associates / David Mori

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018 (File: Z 17-18); and

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018 (File: Z 17-18); and

THAT Council direct staff to schedule bylaws for consideration of adoption as per the conditions outlined further in this report.

RATIONALE:

- In consideration of previous Council direction, the applicant has increased the proposed no build - no disturb covenant area to protect steep slopes along the north boundary and has confirmed proposed park dedication area as a condition of future development to protect additional steep slopes and environmental features, which aligns with the OCP Resource Land policies.
- To assist with the alignment of Park 2 along the eastern boundary, the applicant has completed a road closure process which adjusted the property above Lower Glenrosa Road.
- The proposed Official Community Plan and Zoning Bylaw amendment aligns with the desired attributes of the Neighbourhood Growth Management Designation.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- The proposal is attempting to cluster development away from a steeply sloped hillside area, provide park dedication, preserve open space and habitat, and address connectivity to adjacent parks and community amenities.
- The proposal will not obstruct views from adjacent neighbourhoods.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 472 and s.479) of the *Local Government Act (LGA)* to create and amend its Official Community Plan and Zoning Bylaw.

BACKGROUND:

A public hearing was held on August 14, 2018, with an overview presented to Council on October 2, 2018 where Council postponed third reading of the proposed bylaw amendments noting concerns with drainage, steep slope protection and confirmation of the proposed covenant area. In response to these concerns, the applicant has been working through a number of development options for the site including a road closure and purchase of 460.9 m² of land above Lower Glenrosa Road (Figure 1). The road closure application was considered and approved by Council on December 10, 2019, which allowed for a realignment of the development site. The revisions included an increased proposed no disturb covenant area (approximately doubled in size – as shown on Figure 2) to protect steep slopes and confirmation of the proposed park dedication area which will also protect additional steep slopes, riparian area and sensitive ecosystem values.



Figure 1 – Subject Property and Zoning

Proposal

The applicant is requesting an amendment to the Official Community Plan (OCP) future land use designation from Resource Land and Single Family Residential to Low Density Multiple Family. Additionally, the proposal includes an amendment to the Zoning Bylaw to rezone the subject properties from Rural Residential Small Lot Parcel Zone (RU2) and Institutional & Assembly Zone (P2) to the Low Density Multiple Residential Zone (R3) (*Attachment 1 and 2*). The intent of the application is to permit a multiple family development consisting of townhomes. The application includes a significant parkland dedication component.

Location and Context

The subject properties are 2.55 ha in size and are located in the Glenrosa Neighbourhood (*Attachment 3 and 4*). A single detached dwelling is located on each lot. The larger of the two parcels, located at 2734 Lower Glenrosa Road, is steeply sloped and mainly treed. Knoppler Brook is located on the subject property and travels from the north of the site from the Webber Road Community Centre, along the western portion of the property, and enters into a culvert located at the rear of the property located at 2738 Lower Glenrosa Road (Figure 4). Several informal trails through the western portion of the property provide connections between Glenway Park and the Webber Road Community Centre. The surrounding land uses include (Figure 1):

- North – Compact Single Detached Residential (RC3)
- North and West – Single Detached Residential (R1); Webber Road Community Centre (P2); Glenway Park (P1)
- East – Rural (RU2) and Park and Open Space (P1) (Glen Canyon Regional Park)
- South – Powers Creek Community Centre (P2); Lower Glenrosa Road / Highway 97

Steep Slopes Protection and Hillside Development

As a result of concerns noted at the Public Hearing and reiterated by Council when third reading was postponed, the applicant has revised their development proposal to address steep slopes and hillside areas. The applicant underwent a successful road closure application to allow a reconfiguration of the developable site area in order to increase the proposed Non Disturbance Zone. As shown on Figure 2, the proposed covenant area includes slopes greater than 30% which are an extension of the steep slopes on the properties to the north. The new covenant area is essentially twice the size of the previously proposed area and the applicant has committed to registration of a Section 219 covenant to protect this area prior to adoption of the zoning amendment bylaws. As such, it is recommended that a Section 219 covenant is required as a condition of adoption to restrict development until a No Build- No Disturb area has been registered on title in general accordance with area shown on the attached Site Plan (*Attachment 5*).

As noted in previous reports, a geotechnical report was submitted that identifies the subject properties as safe for the intended use if the northwest and eastern portion of the site remain in its natural state. The subject properties are within a Hillside Development Permit Area, which will require further site specific review in conjunction with the future form and character development permit for the site.

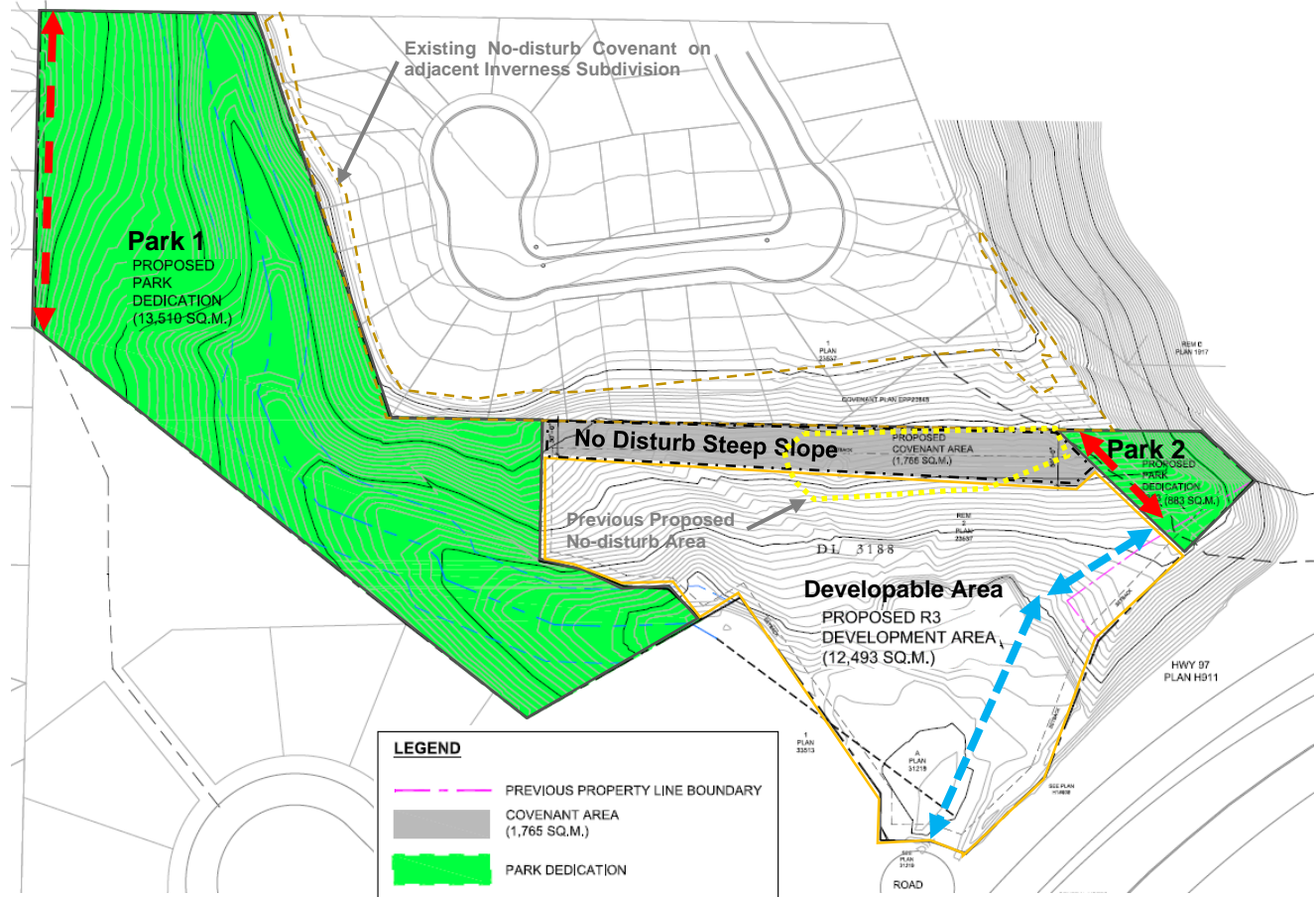


Figure 2: Proposed Park Dedication, Trails, Pedestrian SRW and No Disturb Covenant Area

Parkland Dedication

As part of the revision related to the road closure, the applicant has committed to the dedication of two park areas (Park 1 and Park 2 as shown on Figure 2) which includes a reconfiguration of the boundary of Park 2 to follow the new property boundary while retaining the same area (883 m²). In the absence of a Park Acquisition Policy, park dedication proposals are typically reviewed at the staff level to assess the benefits and liability of accepting park area, including the following considerations:

- consistency with City master plans, policy, etc.;
- access to the site for pedestrian and/or wildlife corridor connections, and site maintenance;
- value of ecosystem (ESA) or natural features that will be protected;
- value of the greenspace based on potential cultural, social, or recreational use; and
- site hazard assessment (such as wildfire, drainage, rock fall, etc.) and the impact on long term maintenance costs, potential user risk, etc.

Based on this assessment, recommendations to mitigate risk are typically highlighted for Council's consideration with the proposed park dedication.

As noted in previous reports, the proposed parkland dedication will protect steep slopes to the northwest and east from development in accordance with Geotechnical and Environmental Assessment recommendations, and aligns with City policy direction for protection of Knoppler Brook and other natural features (including hillsides and environmental landscapes). Prior to dedication of these areas, wildfire mitigation works will be required to ensure that the wildfire hazard rating is at a low to moderate risk and additional drainage considerations will be addressed through the Development Permit process (which is elaborated in further detail below). As such, it is recommended that a Section 219 covenant is required as a condition of adoption to restrict development until such time as the two parks have been dedicated and that any required wildfire mitigation works have been completed.

Proposed Trails and Pedestrian Connectivity

As noted at public hearing, the subject properties are also located in walking distance proximity to Westbank Centre and the proposed parkland areas have existing informal trails that indicate people travel through the subject properties. The dedication of these areas as parkland will enable the development of formal trails and the park to be managed for fire risk and invasive species where the long term management of the parks will become the City's responsibility. As a condition of rezoning and prior to park dedication, it is recommended that trails are constructed to the Narrow Multi-use Trail Standard – Blue Square (Intermediate) Rating between the Webber Road Community Centre and Glenway Park through Park 1, and from the Inverness Neighbourhood pedestrian pathway through Park 2 (red arrows in Figure 3).

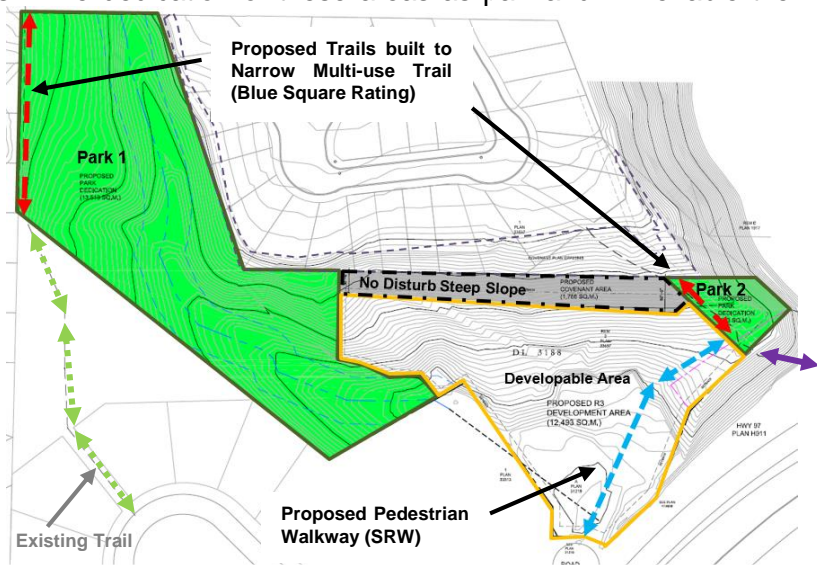


Figure 3: Park Dedication and Proposed Trails and SRW

Additionally, the public hearing identified concerns with ensuring a connection between Park 2, Glen Canyon Regional Park and Lower Glenrosa Road. Based on the steep slopes above Lower

Glenrosa Road (purple arrow in Figure 3) it was not recommended that a direct trail was constructed over the slope. As such, it is recommended that a condition of rezoning include the registration of a Section 219 covenant to restrict development until a Statutory Right of Way for pedestrian access has been secured through the subject property to connect Park 2 to the cul-de-sac at Lower Glenrosa Road and a pathway has been constructed through the subject site from Park 2 to the cul-de-sac at Lower Glenrosa Road (blue arrows in Figure 3).

Technical Review

Drainage

Concern for the drainage of Knoppler Brook was highlighted at the Public Hearing, specifically noting discharges into a culvert inlet located on private property at 2738 Lower Glenrosa Road adjacent the subject properties (Figure 4). However, given the culvert is located on private property and the owner is not interested in works associated with the adjacent development, no additional stormwater works related to the culvert were recommended as a condition of rezoning. It should be noted that review of all onsite stormwater works at Development Permit will be in accordance with the Works and Services Bylaw and any works that impact drainage during development activities on the site will be the responsibility of the developer.



Figure 4: Existing Culvert Inlet for Knoppler Brook at 2738 Lower Glenrosa Road

However, with the proposed dedication of Park 1, drainage through Knoppler Brook would continue through its existing course and any long term maintenance would be the responsibility of the City.

Traffic

Concerns for speeding traffic and safety on Lower Glenrosa Road were presented at the Public Hearing. A traffic study is not required as per the terms of reference for professional reporting which requires traffic impact assessment when more than 100 residential units are proposed. Based on the Functional Servicing Report which included recommendations to improve traffic safety and access with upgrades to the existing cul-de-sac to improve sightlines and safety and to accommodate vehicles with large turning radii. The existing right of way on Lower Glenrosa Road provides sufficient space for a cul-de-sac and will require frontage improvements as per the Works and Services Bylaw.

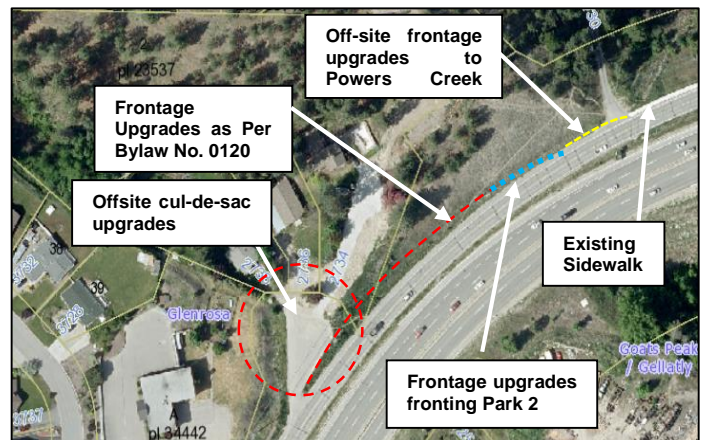


Figure 5: Cul-de-Sac and Proposed Sidewalk Extension Lower Glenrosa Road

Additionally, it is recommended that the developer complete frontage improvements on Lower Glenrosa Road fronting Park 2 (as shown in Blue on Figure 5) and that this requirement is secured within a section 219 covenant as a condition of zoning; otherwise after the Park dedication they would not be required to complete the frontage improvement along the park boundary along Lower Glenrosa Road. Given the small gap that will be created with the above noted works between the edge of the existing subject property to the next section of sidewalk improvement moving east along

Lower Glenrosa Road, it is further recommended an additional 25 metres of frontage (including bike lane, sidewalk and ditch on one side) on Lower Glenrosa Road from Park 2 to the Powers Creek culvert be required as a condition of rezoning and secured within a section 219 covenant as shown in yellow in Figure 5.

Prior to adoption and registration of the covenant, it is recommended that preliminary design drawings and cost estimates for the identified works have been provided subject to approval of the Director of Development Services.

Water Servicing

Concerns for water capacity and supply were noted at the Public Hearing. Through the application review process it was determined that additional water capacity would be needed for the subject property to allow for additional dwelling units. The applicant identified 140 metres of new watermain along Lower Glenrosa Road is required to increase fire flow to the subject site. Additionally, a review of the existing PRVs to determine whether they are capable of meeting the water demand is required. It is recommended that a condition of rezoning include the design and construction of 140 metres of new water main to increase fire flow to 90Lps and a review of whether the system should be looped and whether the existing PRVs are capable of meeting the water demand. And further, if looping or additional PRVs are required, the works will be designed and constructed at the developer's expense. With the proposed upgrades it is not expected that neighbouring properties will experience a decrease in their water servicing. Prior to adoption and registration of the covenant, it is recommended that a preliminary design drawing and cost estimate for the 140 m of watermain improvement works have been provided subject to approval of the Director of Development Services.

Summary of Recommended Zoning Conditions:

1. That the owner submit design drawings and cost estimates to the satisfaction of the Director of Development Services for improvements to Lower Glenrosa Road, including the following additional improvements:
 - a. approximately 25 m of frontage (including bike lane, sidewalk, and ditch) on the north side of Lower Glenrosa Road from Park 2 to Powers Creek Culvert which lies east of the subject property (Figure 5),
 - b. off-site improvements to Lower Glenrosa Road fronting Park 2 to the Works and Services Bylaw requirement (Figure 5);
 - c. the cul-de-sac on Lower Glenrosa Road to accommodate sight lines and turning radius for garbage trucks and emergency vehicles;
 - d. 140 metres of watermain on Lower Glenrosa Road to increase fire flow to 90 Lps for the proposed development; and
2. That the owner register a Section 219 covenant prior to adoption of the amendment bylaw to require the following as a condition of future development:
 - a. Dedication of the two identified park areas as shown generally on the attached Site Plan, where the applicant must complete the following prior to park dedication:
 - i. Wildfire mitigation within Park 1 and Park 2 (Figure 2) in accordance with the recommendations of the Wildfire Hazard Assessment, dated November 29, 2017, by R.J.P. Holdings; and
 - ii. Construction of two trails (Figure 3) to the Narrow Multi-use Trail Standard – Blue Square (Intermediate) Rating through:
 1. Park 1 from the Webber Road Community Centre to Glenway Park, and

2. Park 2 to connect the Inverness Neighbourhood to the subject property;
- b. Registration of a No Disturb Covenant to protect slopes greater than 30% as shown generally on the attached Site Plan, to the satisfaction of the Director of Development Services;
- c. Registration of a statutory right of way and construction of a pedestrian walkway (Figure 3) through the subject property to connect Park 2 to the cul-de-sac at Lower Glenrosa Road;
- d. Construction of off-site improvements by the owner in general accordance with the approved design drawings and cost estimates noted above and to the satisfaction of the Director of Development Services, including:
 - i. Off-site improvement to Lower Glenrosa Road for an additional 25 m of frontage to the east of Park 2;
 - ii. Off-site improvements to Lower Glenrosa Road fronting Park 2;
 - iii. the cul-de-sac on Lower Glenrosa Road; and
 - iv. watermain improvements on Lower Glenrosa Road; and
- e. Review of existing PRVs for water demand capacity and any upgrades necessary for the proposed development will be designed and constructed by the Owner.

COUNCIL REPORT/RESOLUTION HISTORY

Date	Report Topic/Resolution	Resolution No.
October 2, 2018	THAT Council postpone third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; and THAT postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018.	C387/18
August 14, 2018	Public Hearing held for bylaw amendments.	N/A
July 10, 2018	THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.51, 2018; THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.68, 2018; and THAT Council direct staff to schedule the bylaw for public hearing pending receipt of additional information regarding the proposed access to the subject property.	C290/18

ALTERNATE MOTION(S):

Alternate Motion 1: Postpone Consideration

THAT Council postpone third reading to City of West Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0154.68, 2018 (File: Z 19-05).

Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

Alternate Motion 2: Deny Bylaw Amendments

THAT Council rescind first and second readings to Official Community Plan Amendment Bylaw No. 0100.51, 2018, and Zoning Amendment Bylaw No. 0154.68, 2018 (File: Z 17-18), and abandon the bylaws.

Should Council deny the proposed bylaw amendments, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

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. Official Community Plan Amendment Bylaw No. 0100.51
2. Zoning Amendment Bylaw No. 0154.68
3. Context Map
4. Subject Property Map
5. Site Plan