



COUNCIL REPORT
Development Services
For the April 21, 2020 Council Meeting

DATE: April 14, 2020 File: Z 19-12

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: Z 19-12; Official Community Plan Amendment Bylaw No. 0100.58 and Zoning Amendment Bylaw No. 0154.89 (1st and 2nd Reading); 1080 Devon Road
Legal: Lot 26, District Lot 505, ODYD, Plan 24204
Owner: Evangel Christian Baptist Church
Agent: Andrew Schaefer

This file is being brought forward with the intention of furthering the proposed land use approval process. Should this application receive first and second reading, there will be an opportunity for additional public comment or input at a future Public Hearing.

RECOMMENDED MOTION

THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.58, 2020;

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.89, 2020; and

THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing, when appropriate.

RATIONALE

- Preliminary information provided with the application concludes the site can be developed for the intended use;
- Rezoning is not anticipated to create large-scale development opportunities, regardless of the permitted uses in the P2 Zone, due to existing steep slopes and environmentally sensitive areas;
- Concerns related to on-street parking and added traffic on local collector roads are not anticipated due to the proposed principal access/egress proposed from Westlake Road and with access from Devon Road / Devon Court limited to emergency purposes;
- Should the applicant be successful in rezoning the property, more detailed geotechnical and environmental information will be required at development permit to ensure proposed development conforms to specific hillside and environmental guidelines;

- Staff will recommend the registration of a covenant to protect the ESA 1 area identified by the Environmental Report;
- Church development aligns with the purpose of the 'Neighbourhood' Growth Management Designation for complete communities; and
- Additional details regarding proposed grading will be available prior to Public Hearing to confirm degree of buffering and retaining between the access road and adjacent properties.

LEGISLATIVE REQUIREMENTS

Council has the authority under Part 14, s. 472, of the *Local Government Act* to amend the Official Community Plan. Council has the authority under Part 14, s. 479, of the *Local Government Act* (LGA) to amend its Zoning Bylaw. At the time this report was written, the City is in the process of determining best methods for establishing Public Hearings.

BACKGROUND

Location and Context

The subject property is approximately 1.5 hectares, located in the West Kelowna Estates / Rose Valley Neighbourhood. It is surrounded by Single Detached Residential (R1) to the north and east, Country Residential (RU1) to the south, and Westlake Road to the west – see Figure 1 for context.

Proposal

The applicant is proposing to amend the Official Community Plan (OCP) Land Use Designation from Rural Residential to Institutional and rezone from Rural Residential Small Parcel (R2) to Institutional and Assembly (P2). The intent of rezoning is to accommodate the development of a 6,000 sq. ft. church, access road, and parking area. The applicant has submitted a site plan (Figure 2, Attachments 4 and 5) as well as professional reports and conceptual drawings related to siting, servicing, access, and geotechnical and environmental site features.



Figure 1: Subject Property

Additional Background

The subject property was created as part of a 26-lot subdivision in 1973 that included the single family subdivision of Sussex, Hants, and Devon Road. A covenant from 1973 is registered on the property that restricts construction on the subject property to one single family dwelling. Other restrictions of the building scheme include no businesses, no storage of vehicles or machinery, no poultry, swine, sheep or cows, and height restrictions on fencing. The owner has been advised of the covenant; however, due to the City of West Kelowna not being party to this covenant it does not prevent the application from being accepted and considered by Council.

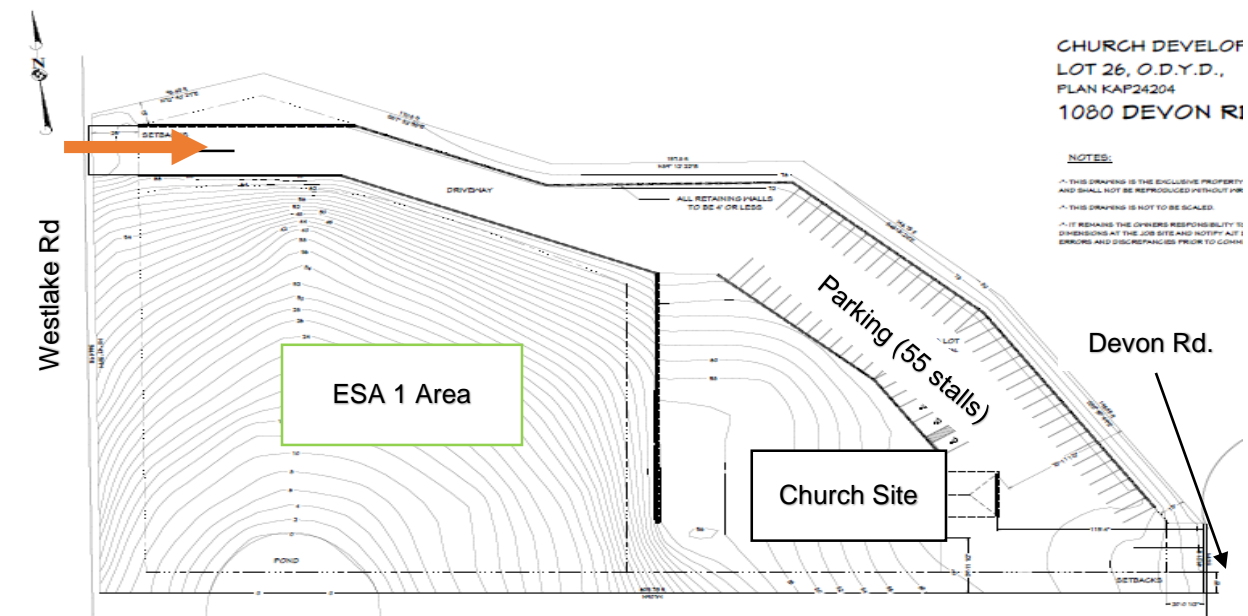


Figure 2: Conceptual Site Plan / Grading Plan

BYLAW AND POLICY REVIEW

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Rural Residential, which is intended to support agriculture production and other land-intensive home industries. An amendment to the Land Use Designation from Rural Residential to Institutional is required to support church development.

The Growth Management Designation (GMD) for the subject property is Neighbourhood¹. The desired attributes of this GMD include low and medium residential areas and accessible neighbourhood parks. The purpose of the GMD is to protect and enhance neighbourhood character and work towards compact, complete communities that reduce vehicle trips, greenhouse gases and foster a healthy, involved community.

Development Permit Areas

Due to the steep slopes, forested area, and wetlands, the property is subject to Aquatic, Terrestrial, and Hillside Development Permit Areas – see *Attachment 3*. Should the applicant be successful in rezoning the property, they will be required to submit detailed reports that more specifically address their proposal as it relates to hillside, environmental and aquatic features of the site. At Development Permit, these reports will be reviewed against the applicable OCP guidelines and may be approved via delegated authority, as per *Development Applications Procedures Bylaw No. 0260*. Understanding the extent of delegated authority as it related to issuing development permits, and

¹ The West Kelowna Official Community Plan (S.3.2) delineates and describes the Growth Management Designations throughout the community. Growth Management Designations are intended to identify growth priority areas and support OCP Land Use Designations. Although Growth Management Designations are more descriptive than they are regulatory, a proposal to amend the OCP Land Use Designation for a property should be considered with regard to the policies contained in both the respective Growth Management Designation and the Land Use Designation.

that institutional development does not require a form and character development permit, the file would not require further Council consideration or public consultation following rezoning, assuming no variances are required.

Zoning Bylaw No. 0154

The subject property is zoned Rural Residential Small Parcel (RU2), intended to accommodate rural, agriculture and residential uses on parcels of land that are 1 hectare or greater. In order to accommodate a church development, an amendment from the Rural Residential Small Parcel Zone (RU2) to the Institutional and Assembly Zone (P2) is required.

The P2 Zone permits a variety of uses, in addition to community or assembly hall (i.e. church), such as education facility, congregate housing, fire, police or ambulance services, library, and office. Rezoning the subject property would therefore open development potential of the site beyond the proposed church use. However, considering existing topography and environmental features, development of the property under the P2 Zone would be anticipated to be of a relatively small scale and impact. See *Attachment 6* for a list of permitted uses, buildings and structure, and development and siting regulations of the P2 Zone.

TECHNICAL REVIEW

Environmental Assessment

The subject property contains High (ESA 1) and Moderate (ESA 2) Environmentally Sensitive Areas. *Figure 3* identifies ESA 1 (dark green) adjacent to the wetland area, located south west of the property, and ESA 2 (light green) comprising the remainder of the site. The diagonal red lines over the ESA 2 area in *Figure 3* indicate the maximum development footprint based on the maximum 50% coverage of the P2 Zone.



Fig. 3 ESA Areas

Based on the proposed site plan, the primary environmental concern is for the continued functionality and connectivity of the site's wetland community (i.e. ESA 1). The environmental assessment submitted with the application states that as long as the recommended mitigation measures are incorporated into design and construction, such as limiting construction activities to the above footprint, the proposed development is not anticipated to have a significant effect on the habitat values within the project area.

Servicing

The applicant is proposing to connect to water located at Westlake Road and connect to sewer via pump to an existing sanitary sewer main on Devon Court. Further information will be provided prior to Public Hearing to confirm if upgrades to the lift station on Devon Court will be required as a result of development of the site. An on-site storm sewer system is proposed to include dry wells and rock pits. See preliminary lot layout for conceptual servicing plan (*Attachment 4*).

Roads and Access

Principal access/egress is proposed from Westlake Road, located north-west of the property. The access road is planned to travel adjacent to the north property boundary until reaching a parking area located at the north-east of the property near the church – see *Figure 2, Attachments 4 and 5*. Staff will recommend the registration of a covenant at 3rd reading to gate and limit access to the site from Devon Road for emergency purposes only.

The Westlake Road right of way at the frontage of the subject property is approximately 105 m. The road has been upgraded through a previous Public Works project, therefore no upgrades are anticipated as a condition of rezoning. Upgrades to the Devon Road right of way frontage, which is approximately 15 m in length, are also not anticipated as the road generally meets existing design standards.

The proposed 6,000 sq. ft. church concept has been determined not to require a traffic impact assessment or any offsite road upgrades (e.g. turning lane), as per the City's Terms of Reference for Professional Reports and confirmed by the City's Traffic Engineer. Should the concept change following rezoning, further analysis regarding traffic impacts may be requested at either development permit or building permit.

Geotechnical

The geotechnical report submitted with the application concludes that the site appears generally suited for development and safe building sites outside of the wetland area. No increased risk of landslide, flooding, or other geotechnical hazards are anticipated as a result of the proposed church development. A preliminary grading plan has been provided with the application (*Attachment 5*), however further details regarding the access road, buffering between it and adjacent parcels, and proposed retaining will be available prior to Public Hearing should the application receive first and second reading. A detailed grading plan will be required at development permit, subject to adoption of the proposed zoning.

REFERRAL RESPONSES

The application was referred to various internal departments and external agencies. The majority of the referral comments did not identify any concerns with the proposal. Following the conclusion of the referral period, concerns regarding access and grading have either been addressed or will be addressed prior to Public Hearing.

The application was presented to the Advisory Planning Commission (APC) on November 20, 2019. It was moved and seconded that the APC recommend support for File Z 19-12, as presented, subject to Council consideration of:

- 1) an expanded public notification area to include all the impacted residents within the Sussex / Somerset / Devon Rd. neighbourhood;
- 2) the registration of a restrictive covenant to restrict the permitted use to a community or assembly hall; and
- 3) the requirement for a storm water management system designed to ensure that there are no impacts to the ESA 1 area from run-off from the site (contaminants, sediment, etc.).

Development Applications Procedures Bylaw No. 0260 requires notification to property owners and their tenants within 100 m of the subject property. This notification requirement is consistent with the all other rezoning applications processed by City, therefore an expansion of the notification requirement is not recommended. Staff will recommend registration of a covenant to gate and limit the Devon Road access for emergency purposes. Registration of a covenant to restrict use is also not recommended, although an option, as development of the site is limited in scale due to steep slopes and environmentally sensitive areas. Should the P2 Zone be in place, any development proposal will need to obtain development permits and building permits which will carry a host of conditions to confirm development feasibly as it relates to City Bylaws. Finally, the storm drainage will be contained on site and require quality control measures if discharge is proposed within the ESA 1 areas – this will be confirmed at development permit.

PUBLIC NOTIFICATION

Development Proposal a sign has been posted on site in accordance with *Development Applications Procedures Bylaw No. 0260*.

ALTERNATE MOTIONS:

1. **THAT** Council deny application file Z 19-12 (1080 Devon Road) and direct staff to close the file.

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

2. **THAT** Council postpone consideration of first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.58, 2020 and Zoning Amendment Bylaw No. 0154.89, 2020.

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

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. Development Permit Areas Map
4. Conceptual Servicing Plan
5. Conceptual Site Plan / Grading Plan
6. P2 Zoning Criteria
7. BOCF No. 0100.58
8. ZB No. 0154.89

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