



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Jayden Riley, Planner II

File No: Z 20-02

Subject: **Z 20-02; Zoning Amendment Bylaw No. 0154.91, 2020 (1st and 2nd Reading), 2417 Apollo Road**

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### RECOMMENDATION

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02); and

**THAT** Council direct staff to schedule a public hearing for the proposed Zoning Amendment Bylaw.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Strategic Plan Priorities 2020-2022)

### BACKGROUND

This application proposes to amend the zoning designation of the subject property from Single Detached Residential (R1) to Urban Centre Commercial (C1) to support a mixed-use development. The applicant is proposing to mirror a recently approved development (DP 20-03) of the adjacent property, 2411 Apollo Road, consisting of a 3-storey building with 100 sq. m. of commercial space at ground level and two (2) storeys of residential above, each with four (4) residential units – see *Attachment 1, Figure 3*. In anticipation of rezoning, the applicant has submitted a concurrent Form and Character Development Permit application (File: DP 20-11).

PROPERTY DETAILS			
<b>Address</b>		2417 Apollo Road	
<b>PID</b>		012-083-992	
<b>Folio</b>		36412444.000	
<b>Lot Size</b>		566 sq. m.	
<b>Owner</b>	Elias and Kevin Ferreira	<b>Agent</b>	Randi Fox, Fox Architecture

<b>Current Zoning</b>	Single Detached Residential (R1)	<b>Proposed Zoning</b>	Urban Centre Commercial (C1)
<b>Current OCP</b>	Commercial	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Single Family Dwelling	<b>Proposed Use</b>	Mixed Use
<b>Development Permit Areas</b>	Commercial; Multiple Family and Intensive Residential		
<b>Hazards</b>	No		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Institutional and Assembly (P2)
<b>East</b>	>	Urban Centre Commercial (C1)
<b>West</b>	<	Urban Centre Commercial (C1)
<b>South</b>	v	Urban Centre Commercial (C1)

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP



## Legislative Requirements

Council has the authority under Part 14 (S.479) of the *Local Government Act (LGA)* to create and amend its Zoning Bylaw. Section 464(2) of the *Local Government Act* allows local governments to waive the holding of a public hearing on a proposed zoning bylaw amendment if there is an official community plan in effect for the area that is subject to the bylaw and the bylaw is consistent with the plan. Should Council choose to waive the public hearing, the City will be required to give notice that it is waiving the public hearing and the opportunity for the public to review the bylaw.

## Rationale for Recommended Motion

The recommended motion is subject to consideration of any comments or concerns raised by the public and is based on the following rationale:

- The proposal is aligned with the subject property's Commercial Land Use Designation;
- The applicant has applied for a concurrent development permit application which intends to mirror the form and character of a mixed-use building approved under DP 20-03 and Z 19-04; and
- The proposal aligns with the Westbank Centre Revitalization Plan and the desired attributes of the Westbank Centre neighbourhood.

## **DISCUSSION**

### *Official Community Plan No. 0100*

The subject property has a Land Use Designation of Commercial, which is intended to support a variety of built form reflecting a diversity of retail, office, and personal service uses, with opportunities for increased density and height in Westbank Centre and above-street residential. The property is also located within Westbank Centre Neighbourhood. Desired attributes of this neighbourhood include excellent pedestrian facilities (i.e. walkability), a mix of residential, commercial and civic uses, and human scale development at street level.

### *Westbank Centre Revitalization Plan*

The Westbank Centre plan area is defined by Butt Road to the north, Old Okanagan Highway and Westbank First Nation lands to the east, agricultural lands to the south, and Glen Canyon Regional Park and Paynter Road to the west (*Figure 1*).

The Westbank Centre Revitalization Plan provides a long-term vision for the Westbank Centre aimed to improve the quality of both private development and the public streetscape, as well as enhancing the cultural and heritage aspects of the community. The vision for Westbank Centre is a thriving, unique, walkable, transit-oriented and highly attractive urban place with a range of businesses, services, and cultural and civic facilities. The vision includes a concentration and mix of housing for a diversity of lifestyles, ages and income levels. The strategy for revitalization of Westbank Centre



includes amending zoning regulations to achieve density and flexibility in unit types and to allow for buildings up to 6 storeys in designated areas. The proposed zoning amendment for 2417 Apollo Road aligns with the vision and strategy of the Westbank Centre Revitalization Plan.

The Westbank Centre Revitalization Plan includes Design Guidelines similar to the OCP Design Guideines, which emphasize desirable form and character, siting and landscaping for new development projects.



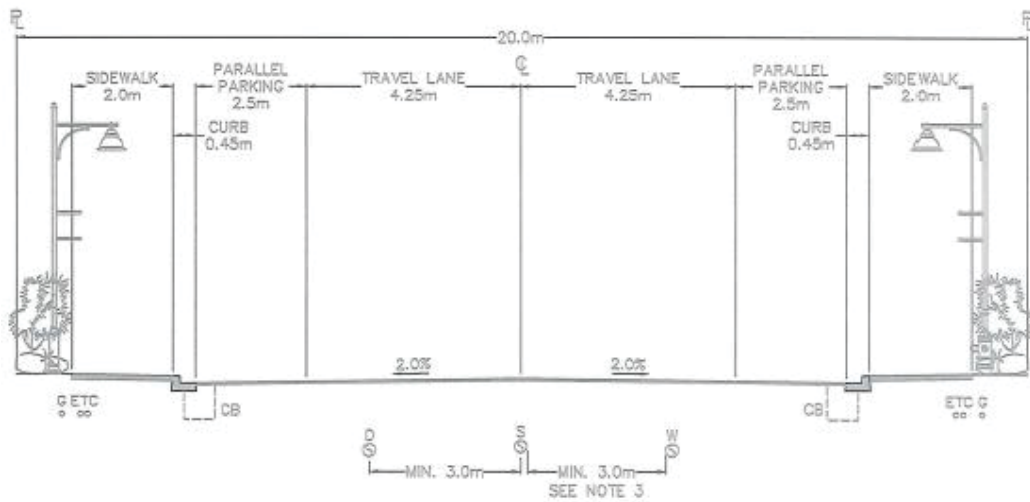
**Figure 1:** Westbank Centre Revitalization Plan Area

#### *Zoning Bylaw No. 0154*

The subject property is currently zoned Single Detached Residential (R1), intended to accommodate low density single detached residential use on parcels of land that are 550 sq. m. and larger. The proposed zone is Urban Centre Commercial (C1), intended to accommodate a mix of uses with active commercial frontages, such as apartment, retail, personal services establishment, and office. The subject property meets the minimum parcel size and frontage requirements of the C1 Zone. No variances to setbacks, building height, or parking are anticipated.

#### *Technical Review*

The applicant has provided a functional servicing report, concluding that existing infrastructure will support the proposed development, subject to road upgrades (*Figure 2*), lane upgrades, water service upgrade, and installation of storm and sanitary sewer services.



**Figure 2: Urban Centre Road Detail**

### *Potential to Waive Public Hearing*

Considering the subject property's existing commercial Land Use Designation and the concurrent development permit application submitted (DP 20-11) to mirror the form and character of the approved development permit (DP 20-03) for the adjacent property, 2411 Apollo Road, Council may choose to waive the public hearing. The proposal is consistent with the surrounding commercial and mixed-use nature of the neighbourhood, and the City did not receive any submissions or public comments for file Z 19-04 to rezone 2411 Apollo Road from Single Detached Residential (R1) to Urban Centre Commercial (C1).



**Figure 3: Mirrored Concept, Application Summary**

## ALTERNATE MOTIONS

### Alternate 1 - Give 1<sup>st</sup> and 2<sup>nd</sup> Reading and Waive Public Hearing

1. **THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.91, 2020 (File: Z 20-02) and direct staff waive the public hearing for the proposed Zoning Amendment Bylaw.

Should Council choose to waive the public hearing, in accordance with S.467 of the *Local Government Act*, the City will be required to give notice that it is waiving the public hearing and the opportunity for the public to review the bylaw.

### Alternate 2 – Postpone Consideration

2. **THAT** Council postpone first and second reading to the City of West Kelowna Bylaw No. 0154.91, 2020 (File: Z 20-02).

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

### Alternate 3 – Deny Application

3. **THAT** Council deny first and second reading to the City of West Kelowna Bylaw No. 0154.91, 2020 (File: Z 20-02).

Should Council deny the proposal, the application will be closed in accordance with Development Application Procedures Bylaw No. 0260 and the applicant may re-apply after a period of six (6) months.

## REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

## APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

### Attachments:

1. Conceptual Site Plan and Renderings
2. C1 Zone
3. Zoning Amendment Bylaw No. 0154.91





1 3/4 STREET VIEW



2 STREET VIEW



3 3/4 STREET VIEW



6 3/4 LANE VIEW



5 LANE VIEW



4 3/4 LANE VIEW




A-902	<div>3-D PHASE 2</div> <div>ISSUED FOR REVIEW &amp; DP 05.12.20</div>	<div>PRELIMINARY</div> <div>2417 Apollo Rd West Kelowna BC Lot 3, Blik 2, DL 486, ODYD Pln 761</div>	<div>Apollo Mixed-Use Phase 2</div> <div>20-032</div>	<div>510 West Ave Kelowna BC V1Y 4Z4 Foxarchitectur.ca 778.484.3696</div> <div> <div> <div>FOX ARCHITECTURE</div> <div>SUSTAINABLE MODERN DESIGN</div> </div> </div>
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2 VIEW TO SW



1 VIEW TO SE

A-903	ISSUED FOR REZONE & DP 05.12.20	
	3-D PHASE 1 & PHASE 2	
PRELIMINARY	Apollo Mixed-Use Phase 2	
	2417 Apollo Rd West Kelowna BC Lot 3, Blk 2, DL 486, ODYD Pln 761	
	20-032	
510 West Ave Kelowna BC V1Y 4Z4 foxarchitectural.ca 778.484.3696		
 <div>FOX ARCHITECTURE MODERN SUSTAINABLE DESIGN</div>		



1 PHASE 1 & 2 VIEW TO SE



2 PHASE 1 & 2 VIEW TO SW

# PART 11 – COMMERCIAL ZONES

## 11.1. URBAN CENTRE COMMERCIAL ZONE (C1)

Bylaw No.  
154.36

### .1 Purpose

To accommodate a mix of uses with active commercial frontages.

### .2 Principal Uses, Buildings and Structures

- (a) Agricultural market
- (b) Apartment
- (c) Brewery, distillery or meadery
- (d) Broadcasting studio
- (e) Cabaret, bar or lounge
- (f) Commercial school
- (g) Community or assembly hall
- (h) Care facility, major
- (i) Congregate housing
- (j) Education facility
- (k) Extended medical treatment facility
- (l) Entertainment facility, indoor
- (m) Fire, police or ambulance service
- (n) Food bank
- (o) Funeral establishment
- (p) Group home
- (q) High technology business
- (r) Hotel
- (s) Library, museum or art gallery
- (t) Live/work unit
- (u) Neighbourhood pub
- (v) Office
- (w) Personal service establishment
- (x) Postal or courier service
- (y) Printing or publishing
- (z) Recreation services, indoor
- (aa) Restaurant
- (bb) Retail, general
- (cc) Temporary shelter service
- (dd) Transportation station
- (ee) Vehicular parking areas or structures
- (ff) Vehicle washing facility
- (gg) Winery or cidery

**.3 Secondary Uses, Buildings and Structures**

- (a) Accessory uses, buildings and structures
- (b) Home based business, minor

**.4 Site Specific Uses, Buildings and Structures**

- (a) On Lot 2, DL 486, ODYD, Plan 9660: allow the existing accessory building to be occupied as a dwelling.
- (b) On Lot 1, District Lot 5057, ODYD, Plan 41637: despite Section 11.1.6(c), permit apartments to exceed 40% of the Gross Floor Area of the first storey of a building located only at 2301 Carrington Road.
- (c) On Lot 28, DL 486, ODYD, Plan 19995 Except Plan 40663 (#14-2528 Main Street): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.77.
- (d) On Lot A, DL 468, ODYD, Plan KAP84320 (#101-3710 Hoskins Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.78.
- (e) On Lot A, DL 486, ODYD, Plan 36181 (2475 Dobbin Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.85.

Bylaw No.  
154.63

Bylaw No.  
154.77

Bylaw No.  
154.78

Bylaw No.  
154.85

**.5 Regulations Table**

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	400 m <sup>2</sup> (4,305.6 ft <sup>2</sup> )
(b)	Minimum parcel frontage	5.0 m (16.4 ft)
DEVELOPMENT REGULATIONS		
(c)	Maximum density:	
.1	With surface parking	2.35 FAR
.2	With non-surface parking	2.5 FAR
(d)	Maximum parcel coverage	100%
(e)	Maximum building height	15.0 m (49.2 ft) to a maximum of 4 storeys
SITING REGULATIONS		
(f)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary	4.5 m (14.8 ft), except it is:  0.0 m (0.0 ft) for buildings and structures on Elliot Road and Hoskins Road;  2.0 m (6.6 ft) for buildings and structures on Brown Road; and  3.0 m (9.8 ft) for buildings and structures on Main Street that have vehicular



		access from a highway other than a Provincial Highway.
.2	Rear parcel boundary	0.0 m (0.0 ft)
.3	Interior side parcel boundary	0.0 m (0.0 ft)
.4	Exterior side parcel boundary	4.5 m (14.8 ft), except it is:  0.0 m (0.0 ft) for buildings and structures on Elliot Road and Hoskins Road;  2.0 m (6.6 ft) for buildings and structures on Brown Road; and  3.0 m (9.8 ft) for buildings and structures on Main Street that have vehicular access from a highway other than a Provincial Highway.
.5	A1 Zone or ALR	15.0 m (49.2 ft) for the first two storeys or portion of the building less than or equal to 6.0 m (19.7 ft) in height, whichever is less
		18.0 m (59.1 ft) for the third storey or portion of the building above 6.0 m (19.7 ft) but less than or equal to 9 m (29.5 ft) in height, whichever is less
		21.0 m (68.9 ft) for the fourth storey or portion of the building above 9.0 m (29.5 ft) in height, whichever is less

## .6 Other Regulations

- (a) Despite Section 11.1.5(c), in circumstances where a combination of surface and non-surface parking is proposed, the maximum density of 2.35 FAR may be increased by 0.15 multiplied by the ratio of non-surface parking spaces to the total required parking spaces, but in no case shall the FAR exceed 2.5.
- (b) Density bonusing for Westbank Centre Plan Area (As defined in the 2011 Westbank Centre Revitalization Plan)
- .1 Despite Section 11.1.5(c), the maximum density may be increased to 2.8 FAR if the owner of the land pays to the City of West Kelowna prior to the issuance of a building permit, the amount equal to \$26.90 per square metre of additional GFA (\$2.50 per square foot of additional GFA), to be deposited in a Restricted Reserve Fund for Westbank Centre Amenities.

- .2 Buildings that are being constructed at an FAR in excess of 2.5 in accordance with Section 11.1.6(b) shall have a maximum height of 6 storeys, or 22.5 m (73.8 ft), whichever is less, if all of the parking spaces are provided in the form of non-surface parking.
- (c) Apartment and Congregate Housing
  - .1 If apartments or congregate housing units are located on the first storey of a building, no more than 40% of the Gross Floor Area of that storey may be occupied by apartments or congregate housing units and no first storey apartments or congregate housing units shall face parcel boundaries along the following highways:
    - (a) Brown Road
    - (b) Dobbin Road
    - (c) Elliot Road
    - (d) Hoskins Road
    - (e) Main Street
    - (f) Old Okanagan Highway between Main Street and Dobbin Road
    - (g) Hebert Road between Main Street and Dobbin Road