



## COUNCIL REPORT

Date: September 8, 2020

To: Paul Gipps, CAO

File No: Z 20-03

From: Carla Eaton, Planner III

Subject: **Z 20-03, OCP and Zoning Amendment Bylaw No. 100.59 and 154.90 (1st and 2nd), 2971 Gorman Rd**

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### RECOMMENDATION

**THAT** Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.59, 2020 (File: Z 20-03); and

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.90, 2020 (File: Z 20-03); and

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

### STRATEGIC AREA(S) OF FOCUS

Focus on Economic Growth (Strategic Plan Priorities, 2009 and 2020-2022)

### BACKGROUND

The applicant has applied to rezone the subject property from Rural Residential Small Parcel Zone (RU2) to Single Family Residential Zone (R1) and Low Density Multiple Residential Zone (R3); and to amend the Official Community Plan Land Use Designation on a portion of the property from Single Family Residential to Low Density Multiple Family (*Attachment 1 and 2*). The proposed amendment will facilitate approximately seventeen (17) single family residential lots and forty-four (44) townhouse units in the Glenrosa area.

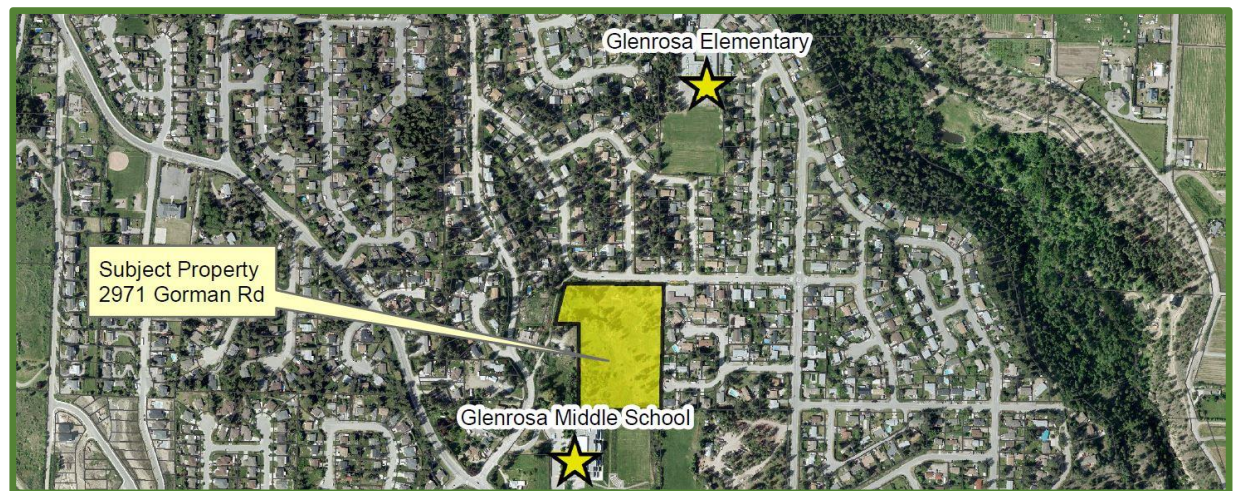
| PROPERTY DETAILS      |   |                        |   |
|-----------------------|---|------------------------|---|
| <b>Address</b>        |   | 2971 Gorman Road       |   |
| <b>PID</b>            |   | 028-587-154            |   |
| <b>Folio</b>          |   | 36414601.015           |   |
| <b>Lot Size</b>       |   | 2.959 ha (7.314 ac)    |   |
| <b>Owner</b>          | Kerr Properties 002 Ltd.                  | <b>Agent</b>           | Travis Tournier   |
| <b>Current Zoning</b> | Rural Residential Small Parcel Zone (RU2) | <b>Proposed Zoning</b> | Single Family Residential (R1) and Low Density Multiple Family (R3) |

|                                  |   |                     |   |
|----------------------------------|---|---------------------|---|
| <b>Current OCP</b>               | Single Family Residential                         | <b>Proposed OCP</b> | Low Density Multiple Family and Single Family Residential |
| <b>Current Use</b>               | Vacant  | <b>Proposed Use</b> | Residential   |
| <b>Development Permit Areas</b>  | Hillside and Sensitive Terrestrial Ecosystem      |                     |   |
| <b>Hazards</b>                   | None Identified but natural drainage course noted |                     |   |
| <b>Agricultural Land Reserve</b> | N/A   |                     |   |

### ADJACENT ZONING & LAND USES

|              |   |  |
|--------------|---|--|
| <b>North</b> | ^ | Single Family Residential (including some duplex use)                              |
| <b>East</b>  | > | Neighbourhood Commercial and Single Family Residential (including some duplex use) |
| <b>West</b>  | < | Single Family Residential and Country Residential                                  |
| <b>South</b> | v | Glenrosa Middle School and Agricultural (in and out of ALR)                        |

### NEIGHBOURHOOD MAP



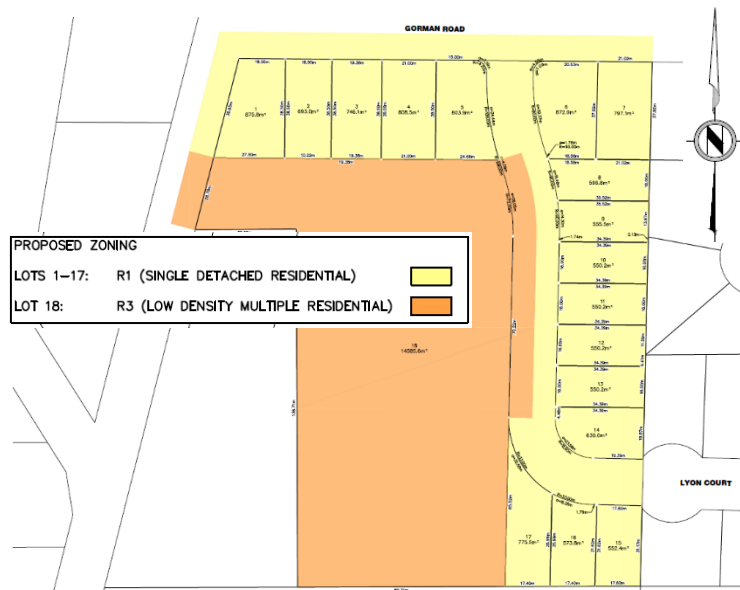
### PROPERTY MAP



## DISCUSSION

### Applicant Rationale

As part of this application, the applicant submitted a development proposal summary in support of the proposed amendments (*Attachment 3*), as well as a preliminary subdivision layout for seventeen (17) single family lots and one (1) multi-family lot (see Figure 1 and *Attachment 4*). While the proposed subdivision layout and future townhouse development are subject to additional subdivision and development permit processes, the applicant has highlighted that the preliminary design and density for the R3 zone (44 units) is “substantially under the allowable density and site coverage in the R3 zone.”



**Figure 1:** Proposed Zoning & Preliminary Subdivision Layout

### Policy and Bylaw Review

#### *Official Community Plan (OCP) Bylaw No. 0100*

The subject property is located within the Single Family Residential land use designation, which supports traditional single family housing opportunities and encourages more land efficient compact housing forms for families. The proposed single family (R1) lots are consistent with this designation and will create a buffer between the proposed low density townhouse development and the existing single family residential lots adjacent to the subject property.

The proposed amendment to Low Density Multiple Family land use designation on the south-west portion of the property will accommodate the proposed townhouse development. Although, the proposed LDMF designation is not in accordance with the existing land use plan, the townhouse development does meet broader goals within the OCP for variety of housing types and densification. For example, the purpose of the designation to provide a range of housing opportunities in areas served by transit and in walking distance to community amenities, shops and services, while acknowledging the adjacent land use. The proposed use seems consistent with these objectives given that it is located within a transit service area, is immediately adjacent to the only neighbourhood commercial use, as well as being located less than five minutes walking distance to two schools. Additionally, the proposed ground oriented townhouses are consistent with Neighbourhood Growth Management designation policies that encourage infill housing where designed to respect and complement the type, scale and character of the neighbourhood.

#### *Zoning Bylaw No. 0154*

The subject property is currently Rural Residential Small Parcel (RU2) Zone, which is intended to accommodate rural, agricultural, and residential uses on parcels of land that



are 1 ha or greater. The proposed Single Detached Residential (R1) Zone is intended to accommodate low density single detached residential use on parcels of land that are 550 m<sup>2</sup> and larger (*Attachment 5*). The Low Density Multiple Residential (R3) Zone is intended to accommodate multiple residential in low density house form which includes duplex and townhouse forms (*Attachment 6*). All three zones only permit building heights up to 9 m with a maximum of three storeys, but do have some differences between parcel coverage and setbacks (see comparisons in Table 1 below).

**Table 1. Zoning Regulations Comparison**

| Regulations                  | RU2 Zone                                    | R3 Zone   | R1 Zone                     |
|------------------------------|---|---|-----------------------------|
| <b>Parcel Area</b>           | 1.0 ha                                      | 1000 m <sup>2</sup>   | 550 m <sup>2</sup>          |
| <b>Frontage</b>              | 30.0 m                                      | 30.0 m  | 16.0 m                      |
| <b>Parcel Coverage</b>       | 10%   | 40%   | 40%                         |
| <b>Building Height</b>       | 9.0 m to a max of 3 storeys (20 m for barn) | 9.0 m to a max of 3 storeys (5.0 m for accessory buildings)           | 9.0 m to a max of 3 storeys |
| <b>Front Setback</b>         | 6.0 m                                       | 4.5 m/ 6.0 m (garage)   | 4.5 m/ 6.0 m (garage)       |
| <b>Rear Setback</b>          | 7.5 m                                       | 7.5 m   | 3.0 m                       |
| <b>Interior Side Setback</b> | 4.5 m                                       | 3.0 m   | 1.5 m                       |
| <b>Exterior Side Setback</b> | 4.5 m                                       | 4.5 m/ 6.0 m (garage)   | 4.5 m/ 6.0 m (garage)       |
| <b>Agricultural Setback</b>  | 15.0m/ 9.0 <u>w</u> buffer                  | 15.0m for the 1 <sup>st</sup> two storeys/ 18.0m for the third storey | 15.0m/ 9.0m <u>w</u> buffer |

### *Development Permit Areas*

The subject property is located within the Hillside and Sensitive Terrestrial Ecosystem Development Permit areas. Additionally, the proposed R3 townhouse development will also require a separate form and character Multiple Family Residential Development Permit to facilitate any future Building Permits.

### Technical Review

#### *Transportation and Site Access*

A Servicing Report<sup>1</sup> proposes frontage improvements to allow site access from Gorman Road and Lyon Road. Lyon Road is proposed to be extended to Gorman Road<sup>2</sup> to allow additional access/egress from the new development as well as for existing residences.

Additional discussion is required regarding the following potential pedestrian access improvements:

- Pedestrian sidewalks/pathways fronting Gorman Road and the extension of Lyon Road will be required, however design to be determined as stormwater routing may affect requirements;
- Pedestrian access to Glenrosa Middle School along the unconstructed McTaggart Road (see additional detail below);

<sup>1</sup> Prepared by Aplin Martin, dated Jun 8, 2020

<sup>2</sup> Although Gorman Road and Lyon Road are identified as a Rural Local Road classification as per Works and Services Bylaw No. 0249, which includes an 18 m right of way with ditches, street lighting, and optional paved pathway, typically consideration for an urban road classification is given for new development. However, additional discussion is required with the applicant due to stormwater routing considerations and consideration for pedestrian movement.

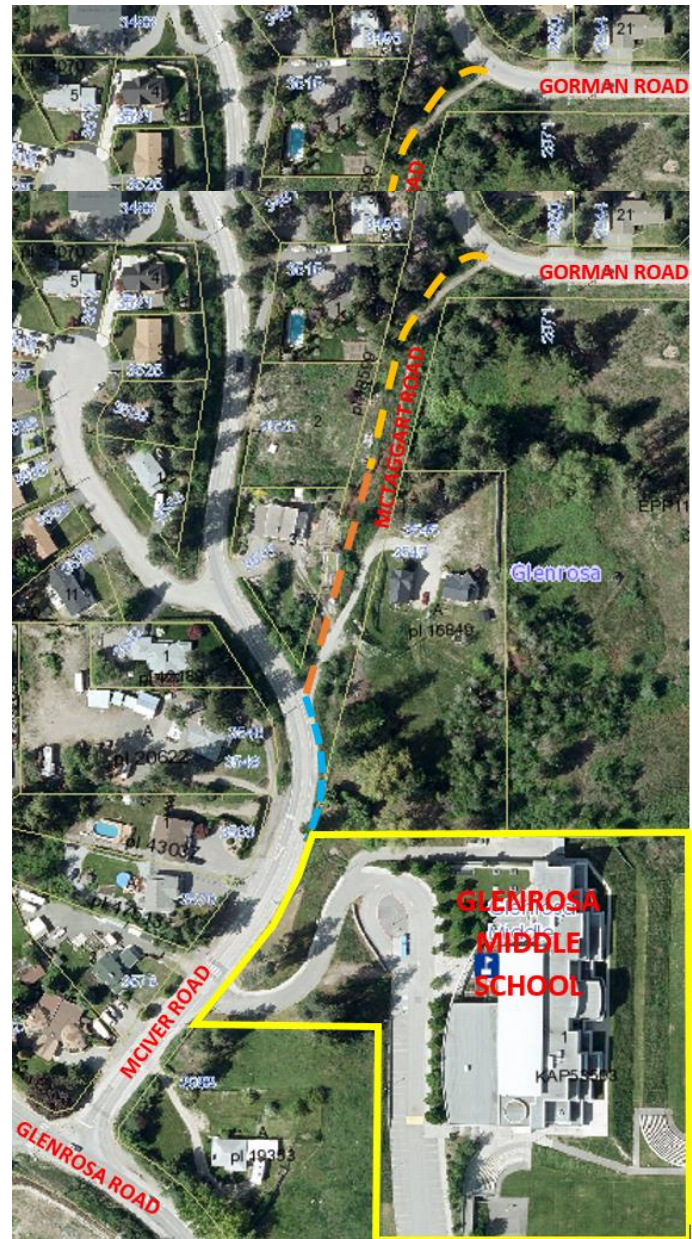
- Crossing upgrades at the corner of Gorman Road and the extension of McTaggart Road pedestrian access (markings, signage, lighting, sightlines, landing area);
- Crossing potential at new road crossing Gorman Road to Ficke Road (sidewalk letdown or culvert crossing, as necessary);
- BC Transit bus stop improvements at an existing stop along Webber Road to enhance universal accessibility (concrete pad at correct height); and street lighting at the Lyon Road and Webber Road intersection to enhance access to transit stop.

It is anticipated that any of the final off-site transportation works will be recommended to be constructed at time of future development as a condition of the zoning amendment and additional information will be provided prior to public hearing.

#### *Pedestrian Connection between Gorman Rd and McIver Rd*

Based on desired pedestrian connections between Gorman Road and McIver Road<sup>3</sup> with access to Glenrosa Middle School, additional discussion is required with the applicant regarding the potential to construct a pedestrian connection along the entire length of McTaggart Road (see Figure 2). This connection would also serve as emergency access linking Glenrosa and Gorman Roads.

The portion of McTaggart Road that lies beyond the subject property (orange dashed line) would be considered an off-site improvement and the portion of McTaggart Road that fronts the property (yellow dashed line) would be required in accordance with the Works and Services Bylaw No. 0249. The blue dashed portion is currently under construction by the City as part of the Glenrosa Road improvement project. Previous residential rezoning application on the adjacent 3545 McIver Road property (Z 17-14) had recommended that the construction of a pedestrian trail<sup>4</sup> along the length of McTaggart Road be secured through the registration of a Section 219 covenant as a condition of the zoning amendment. However, the proposed amendments were never adopted and more recent comments have noted that additional



**Figure 2:** Recommended Connection to Glenrosa Middle School

<sup>3</sup> Identified as a Future Multi-Use Trail (Figure 13), Pedestrian and Bicycle Infrastructure Plan, Jan 15, 2016

<sup>4</sup> Narrow multi-use trail with asphalt finish (2 m width) along McTaggart Road from the subject property to Gorman Road, including lighting and drainage

width should be added to the trail to allow for emergency vehicle access in addition to pedestrian movement<sup>5</sup>.

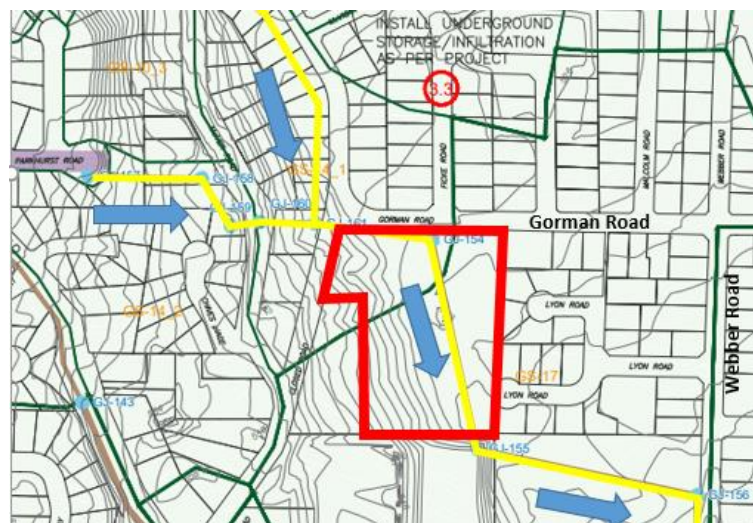
### *Servicing*

A Servicing Report<sup>6</sup> was submitted that notes that the site can be adequately serviced.

Sanitary Sewer: Off-site sanitary sewer service upgrades have been identified along Gorman Road as per the Sanitary Sewer Master Plan<sup>7</sup> and are anticipated to be recommended as conditions of adoption.

Water: The servicing report noted that no additional off-site water servicing requirements are anticipated, although it has been noted that a section of older watermain will likely be impacted by the future frontage improvements where the pipe would typically be replaced. This will be addressed with the future subdivision design stage and is not required as a condition of the zoning.

Stormwater: The report notes that stormwater management is expected to be addressed onsite through infiltration, however the applicant is completing additional review of storm drainage based on existing conditions in the surrounding neighbourhood and in consideration of the City's Master Drainage Plan (MDP). The MDP identifies conceptual routing through this property (refer to Figure 3) which essentially conveys the flows from Gorman Road to Webber Road, where the expectation is that works are located within road right of way or conveyed through statutory rights of way.



**Figure 3:** Master Drainage Plan - Excerpt from Figure 3.5

Drainage considerations may also impact road design with regard to ditching if necessary which may impact the design of pedestrian access. Final design at time of future development permit must also consider stormwater routing and private storage for the townhouse development.

It is anticipated that additional information regarding off-site drainage works will be provided prior to public hearing. These will be recommended to be constructed at time of future development as a condition of the zoning amendment.

<sup>5</sup> 2 m wide asphalt multi-use path (Recreation Trails Master Plan – Narrow Multi-use Standard) with an overall 3 m wide driveable surface for emergency vehicles with gates and bollards at entrances, including a maximum 12% grade including lighting and drainage

<sup>6</sup> Prepared by Aplin Martin, dated Jun 8, 2020

<sup>7</sup> Potentially upsize approximately 100m of sanitary main in Gorman Road between Malcolm and McNamara Road from 250mm to 300 mm with additional information to be provided prior to public hearing



### *Geotechnical*

A Geotechnical Review<sup>8</sup> was submitted that notes that “the site is suitable for the proposed residential development, and appears adequate and safe for the intended purpose.” Site development has been concentrated in the flatter areas of the property and site cut and fill requirements have been kept to a minimum to preserve the natural topography of the site. The geotechnical engineer noted that control and redirection of the drainage course at the northwest corner of the property is anticipated at the time of the site development. The report makes additional future building recommendations regarding considerations for foundation design, groundwater and drainage, and pavement and trench backfilling. As a condition of the future development permit and subdivision process, it is likely that a geotechnical covenant will be registered on title to ensure the recommendations of the report are addressed during future construction.

### *Environmental*

An Environmental Assessment<sup>9</sup> was submitted that identifies the site as having approximately 30% Environmental Sensitive Area (ESA) 2 and 70% ESA 3 which consist primarily of habitat “islands” fragmented from other natural areas by surrounding urban development. As the proposed development will create disturbance within both areas, it recommends “mitigation measures are incorporated into the design and construction and the development footprint is limited to the areas proposed, [to ensure that] the proposed development is not anticipated to have landscape-level effects on the habitat values within the project area.” Recommended mitigation measures include limiting disturbance areas, restoring a vegetated swale designed to capture groundwater, installing bird and bat boxes as compensation for lost habitat, and ensuring that tree clearing either avoids bird nesting periods or includes a site survey for active nests and bird activity. These and other recommendations from the report will be considered with the future development permit prior to site disturbance.

### *Neighbourhood Park Analysis*

The parks provision for the Glenrosa neighbourhood is in line with other neighbourhoods in West Kelowna and is considered sufficient. In accordance with the City’s Parks Master Plan, both City and regional parks are included when considering overall parkland provision. Additionally, Glenrosa benefits from the school grounds at Glenrosa Elementary School and Glenrosa Middle School, as well as the partnership the City has through site-specific agreements for Glenrosa Middle School and Webber Road School. The recommendations in the Parks Master Plan for Glenrosa (which included consultation with area residents) included developing existing undeveloped parks to increase playground and other park amenities. McIver Park was developed in the fall of 2019 with a brand new playground, fencing and trail connection. Additionally, Astoria Park is being improved through the development process (includes a playground and trail loop). There are no additional parks planning capital projects planned for Glenrosa in the near term<sup>10</sup>.

As such, cash in lieu of parkland dedication at time of future subdivision will be required should this development proceed.

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<sup>8</sup> Prepared by Interior Testing Services Ltd, dated April 8, 2020

<sup>9</sup> Prepared by Ecoscape Environmental Consultants Ltd., dated May 2020

<sup>10</sup> The Parks Master Plan is currently scheduled for an update in 2021 and through this process additional recommendations for improvements to parks and park amenities in Glenrosa will be identified

## Referral Responses

A referral for the application was circulated to all departments and key agencies. Based on comments received thus far, no objections were noted, but the following external comments were received:

- *BC Transit*
  - Recommend accessible transit infrastructure and crossing improvements on Webber Rd;
- *BC Hydro*
  - Requires a statutory right of way from the developer;
- *Interior Health (Healthy Communities)*
  - Support for development as it is:
    - Supporting pedestrian connection between McIver Road and Gorman Road;
    - within walking distance to schools and commercial area; and
    - provides alternate forms of housing.
- *Advisory Planning Commission (APC)*
  - At the July 15, 2020 meeting, the APC recommended support for the rezoning application as presented.
- *Agricultural Advisory Committee (AAC)*
  - At the August 6, 2020 meeting, the AAC recommended support for the rezoning application as presented.

## Public Notification

Two notice of application signs have been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260, along Lyon Road and Gorman Road.

## Legislative Requirements

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

## **CONCLUSION**

It is recommended that Council give first and second reading to the proposed amendments (Z 20-03) as per the recommended motion based on the following:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- The proposed low density multi-family residential use has an appropriate transition to existing single family residential uses and is similar in form in respect of ground oriented 3 storey buildings.
- The future development permit process will address hillside and environmental mitigation, as well as form and character issues with the proposed townhouse development.



- There are opportunities to provide additional trail connections through the new development area and along the adjacent McTaggart Road providing improved pedestrian connectivity to Glenrosa Middle School that require additional discussion.
- The proposal was supported by the City's Advisory Planning Commission (APC) and the Agricultural Advisory Committee (AAC).

### **ALTERNATE MOTION(s)**

#### Option 1: Postpone 1st and 2nd Reading

- 1) THAT Council postpone first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.59, 2020 (File: Z 20-03); and
- 2) THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.90, 2020 (File: Z 20-03).

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

#### Option 2: Deny the Application

- 1) THAT Council deny File: Z 20-03 for 2971 Gorman Road.

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 six months after initial Council consideration.

### **REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

### **APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

#### Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.59, 2020
2. Zoning Amendment Bylaw No. 0154.90, 2020
3. Context Map
4. Subject Property
5. Applicant Proposal Summary
6. Conceptual Subdivision Plan
7. Single Detached Residential (R1) Zone
8. Low Density Multiple Residential (R3) Zone