



COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 26, 2021

From: Hailey Rilkoff, Planner II

File No: Z 20-05

Subject: **Z 20-05, Zoning Amendment Bylaw No. 154.100 (1st and 2nd), 2485 Hayman Road**

RECOMMENDATION

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.100, 2021 (File: Z 20-05); and

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

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

BACKGROUND

This application proposes to amend the zoning designation of a portion of the subject property from the R1 – Single Detached Residential Zone to the RC3 – Single Detached Compact Residential Zone to support a future subdivision. The applicant is proposing to create one additional residential lot within the RC3 Zone, which could be developed with a Single Detached Dwelling. If the rezoning is successful, the applicant could apply for subdivision. The applicant has also applied for a setback variance for the proposed new lot which would be considered by Council following adoption of a successful rezoning.

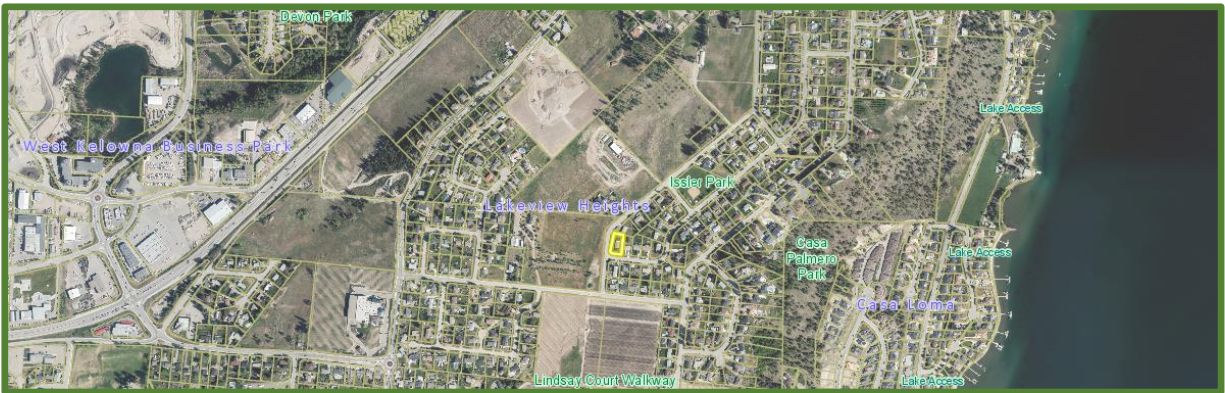
PROPERTY DETAILS			
Address		2485 Hayman Road	
PID		006-793-339	
Folio		36414409.156	
Lot Size		~0.35 Acres (1,428 m ²)	
Owner	1254449 B.C. Ltd	Agent	Lorn Humenuik
Current Zoning	R1 – Single Detached Residential	Proposed Zoning	R1 – Single Detached Residential & RC3 –

		Single Detached Compact Residential
Current OCP	SFR – Single Family Residential	Proposed OCP -
Current Use	Residential	Proposed Use Residential
Development Permit Areas	None	
Hazards	N/A	
Agricultural Land Reserve	Adjacent to ALR (across Hayman Road)	

ADJACENT ZONING & LAND USES

North	^	R1 - Single Detached Residential
East	>	R1 - Single Detached Residential
West	<	A1 – Agricultural (ALR)
South	v	R1 - Single Detached Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



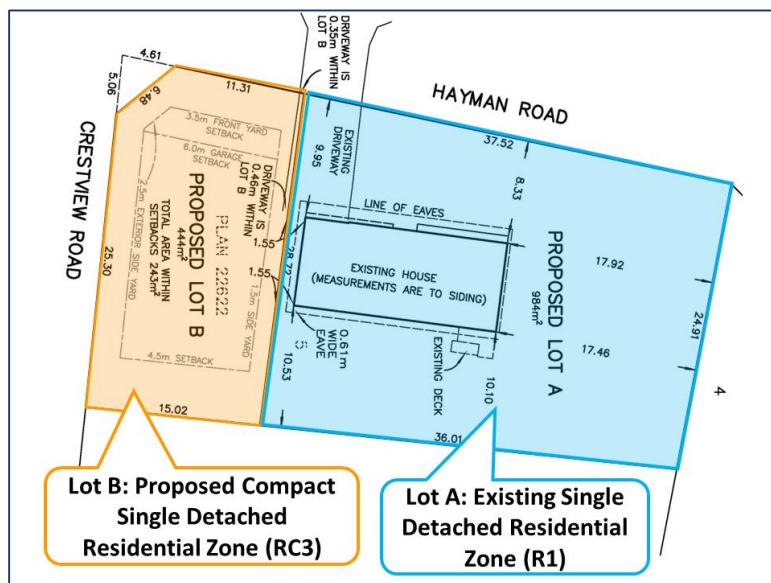
Subject Property

The subject property is ~0.35 acres (1,428 m²), located on the corner of Hayman and Crestview Road. The subject property is located in the Lakeview Heights neighbourhood and is zoned R1 - Single Detached Residential. The property is currently developed with a single detached dwelling. The subject property is located nearby agricultural properties (ALR parcel across Hayman Road) and is surrounded by residential and agricultural land uses.

Proposal

The applicant is proposing to rezone a portion of the subject property to the RC3 – Single Detached Compact Residential Zone to facilitate a 2 lot subdivision.

The new proposed parcel would have the RC3 zoning, while the remainder parcel, with the existing home, would retain the R1 zoning. The applicant has submitted a proposed plan of subdivision (Attachment 2) which shows the proposed new and remainder lot area and dimensions. This proposed plan is subject to an additional subdivision process.



The applicant has also applied for a Development Variance Permit to reduce the required building setback from parcels in another zone on the proposed RC3 lot from 4.5 m required to 1.5 m proposed. This reduction would apply to the property boundary between the proposed new and remainder lots.

Bylaw & Policy Review

Official Community Plan Bylaw No. 0100

The property is within the City's *Neighbourhood Growth Management Designation*. This designation anticipates low and medium density residential areas, ground oriented residential, slower traffic movement, and a system of safe bicycle & pedestrian pathways.

The property is within the City's *Single Family Residential* future Land Use Designation which permits single detached, duplex and carriage house building forms including compact or clustered housing. The purpose of this designation is to provide traditional single family housing opportunities and encourage more land efficient compact housing forms.

The OCP encourages sensitive integration of different housing forms in support of neighbourhood diversity and healthy communities¹. Infill development is also supported within existing Neighbourhood GMD areas to permit smaller lot sizes through zoning amendment applications².

The property does not fall within any of the City's Development Permit Areas and as there is only one additional residential unit proposed a Form & Character Development Permit is not required.

Zoning Bylaw No. 0154

The proposal meets the minimum subdivision regulations for both the remainder lot (R1 Zone) and the proposed new lot (RC3 Zone).

Subdivision Regulation	R1 Zone	Remainder Lot	RC3 Zone	Proposed New Lot
Min Parcel Area	550 m ²	984 m ²	325 m ²	444 m ²
Min Usable Parcel Area	330 m ²	984 m ²	195 m ²	444 m ²
Min Parcel Frontage	16.0 m	37.52 m	12.0 m	15.92 m (Hayman) 30.36 m (Crestview)

The RC3 Zone provides for a more compact single detached dwelling development pattern with a smaller parcel area than the R1 Zone. Attachment 3 includes excerpts from the Zoning Bylaw for the R1 and RC3 Zone subdivision and development regulations.

The Siting Regulations within the RC3 Zone requires a 4.5m setback from parcels in another zone; the applicant proposes to reduce this setback from the proposed remainder R1 lot to 1.5 m, which is the existing interior side setback. A 4.5m setback will be maintained from the parcel boundary with the existing R1 Zoned lot to the East of the subject property (2540 Crestview Road).

Siting Regulation	RC3 Zone Required	Proposed New Lot
Front Parcel Boundary	3.5 m or 6.0 m for a front entry garage/carport	6.0 m
Exterior Side Parcel Boundary	2.5 m or 6.0 m for a front entry garage/carport	2.5 m
Rear Parcel Boundary	3.0 m	>3.0 m
Any Other Zone (North)	4.5 m	1.5 m (Variance Requested)
Any Other Zone (East)	4.5 m	4.5 m
A1 Zone or ALR	15.0m	>18.0m

¹ Section 3.3.1 Residential Objectives

² Section 3.3.1 Residential Policies 10.

Section 3.21 of the Zoning Bylaw requires setbacks and buffers from agricultural land. A 15.0 m setback (49.2 ft) is required from the A1 Zone or land within the Agricultural Land Reserve (ALR). When a road separates a parcel from the A1 Zone or ALR land, the road forms part of the required minimum distance. The road right-of-way of Hayman Road is approximately 18 m wide fronting the subject property, therefore the minimum setback from Agricultural land would be met by any development on the proposed new lot.

Section 2.3 of the Zoning Bylaw requires that for split zoned parcels, each zone area shall be treated as a separate parcel for the purposes of determining compliance with its zone. This section of the Zoning Bylaw was not intended for newly created split zoned parcels but rather for existing parcels that have split zoning due to historic subdivisions.

Technical Review

Planning

The existing lot is 1,428 m², which would support a two lot subdivision within the R1 Zone. However, the existing house on the property is proposed to remain, and is currently undergoing renovations which includes legalizing a secondary suite. The location of the existing house on the lot makes it challenging to subdivide within the R1 Zone, as the minimum parcel area of 550 m² is difficult to achieve with a standard rectangular lot (Figure 2).



Figure 3 - R1 Zone Minimum Lot Area of 550 m² Intersects Existing House



Figure 2 - Proposed Lot Areas (RC3 & R1 Zone)

The reduced setback along the North parcel boundary of the new proposed RC3 lot is not anticipated to create negative impacts. The increased setback from parcels in another zone is intended for large compact residential developments with multiple lots being created adjacent to an existing residential subdivision. This setback was not intended for infill development at the scale as is proposed by this application. Staff do not anticipate this variance application to result in significant negative impacts as one owner is involved and any future owners of either lot would be aware of the reduced setback. The proposed

variance would be specifically brought forward to Council for consideration at the time of adoption of the Zoning Bylaw Amendment.

The applicant is proposing to rezone a portion of the subject property to the RC3 Zone to facilitate a two-lot subdivision. This would create a split zoned parcel until the proposed subdivision is created. In order to prevent a situation of a split zoned lot with multiple residences, each built within the different zone areas, it is recommended that a no-build covenant is registered on the property as a condition of rezoning approval. This covenant would be discharged upon subdivision and would be used as a temporary assurance between the time the Zoning Amendment is adopted and final subdivision registration.

This would be the first property in the Lakeview Heights neighbourhood to rezone to the compact residential zoning. The closest area with similar compact residential zoning is in the Boucherie Centre neighbourhood, along Ross, Brentwood and Ponderosa Roads.

Development Engineering

The applicant has provided a Functional Servicing Report (FSR), prepared by ARDA Consultants Ltd., which does not identify any new servicing concerns. A new fire hydrant is proposed, which is located at the corner of Hayman and Crestview Roads.

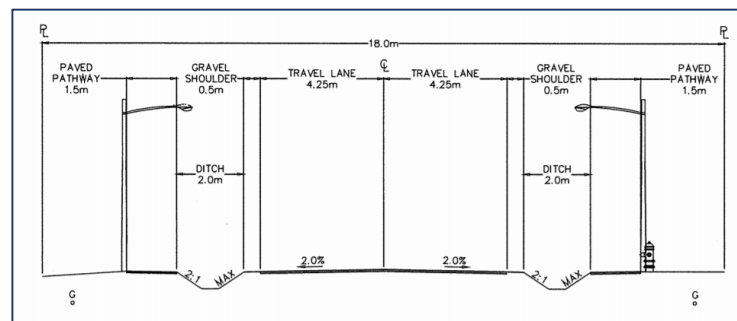


Figure 4 - Rural Minor Collector Road - 18.0 m ROW Standard

The FSR proposes cash-in-lieu for the frontage works to bring Hayman and Crestview roads up to the required standard of Rural Minor Collector road which requires pavement widening, ditching and a pathway. The required upgrades will be considered under a future subdivision application, and the City's Subdivision Approving Officer would determine whether to require the works or to accept cash-in-lieu.

Referral Responses

A referral for this application was circulated to all key departments and agencies. No objections were noted. The subject property is within 800m of a Provincial Highway, therefore Ministry of Transportation and Infrastructure (MOTI) approval is required prior to adoption of the Zoning Amendment. No response has been received from MOTI at the time of writing this report.

In addition to the above Technical Review comments, referral responses have been received from the following departments and agencies who did not advise of any concerns with the proposed rezoning:

- Fire Department
- BC Hydro
- Fortis BC
- TELUS

Advisory Committees

The Advisory Planning Commission (APC) considered this application at the December 16, 2020 APC meeting and carried the following motion:

THAT the APC recommend support for the file as presented.

The Agricultural Advisory Committee (AAC) has not considered this application as the committee is currently seeking new members and have not had a scheduled meeting since the application was referred at the beginning of December. However, the AAC was involved in the creation of the agricultural buffer regulations in the Zoning Bylaw which are met by this proposal. The proposal is not anticipated to result in negative impacts to the adjacent agricultural and ALR property.

Public Notification

A notice of application sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260, at the corner of Hayman and Crestview Roads.

Legislative Requirements

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

DISCUSSION

While this would be the first compact residential zoning in the Lakeview Heights neighbourhood, the proposed rezoning is consistent with the OCP. The rezoning fits within the OCP designations and is in line with residential policies to support sensitive infill and neighbourhood policies which permit smaller lot sizes through zoning amendment applications.

The subject property has adequate parcel area for both an RC3 and R1 parcel, however would not support two R1 parcels with the location of the existing house. A no-build covenant is recommended to be registered on the subject property as a temporary measure to ensure that a second residence is constructed on the split zoned parcel without subdivision being completed.

The applicant is anticipated to apply for Subdivision after a Public Hearing has been held, and after the Zoning Amendment Bylaw receives third reading. Once the subdivision has been completed and registered, the no-build covenant would be discharged to allow for the construction of a new residence on the newly created RC3 lot.

CONCLUSION

It is recommended that Council give first and second reading to the proposed bylaw amendment (Z 20-05) and direct staff to schedule a Public Hearing to provide an opportunity for residents to provide comments on the proposal.

Alternate Motion(s):

Option 1: Postpone 1st and 2nd Reading

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.100, 2020 (File: Z 20-05).

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

Option 2: Deny the Application

THAT Council deny File: Z 20-05 for 2485 Hayman Road.

Should Council deny the proposal, the file will be closed. As per the City's Development Applications 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

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Amendment Bylaw No. 0154.100, 2021
2. Applicant's Proposal Summary
3. Proposed Plan of Subdivision
4. RC3 and R1 Zone Excerpts from the Zoning Bylaw