



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 20, 2021

From: Hailey Rilkoff, Planner II

File No: Z 20-05

Subject: **Z 20-05; Zoning Amendment Bylaw No. 0154.100 (Options); 2485 Hayman Road**

OPTIONS FOR COUNCIL'S CONSIDERATION:

Option 1 – Give 3rd Reading

THAT Council give third 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 bylaw for consideration of adoption following:

- Confirmation of the registration of a Section 219 Covenant to restrict building on the RC3 zoned portion of subject property until completion of the subdivision.

Option 2 – Postpone Consideration

THAT Council postpone consideration of third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.100, 2021 (File: Z 20-05).

Option 3 – Deny Application

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

THAT Council direct staff to close file Z 20-05.

BACKGROUND

Proposal

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.

Overview of the Public Hearing

A Public Hearing was held on March 23, 2021. The City received a total of 35 written submissions including a 59 signature petition opposed to the rezoning. Of the 35 submissions, 11 were in support of the proposed rezoning.

Six (6) speakers addressed Council during the Public Hearing who were opposed to the proposed rezoning. The applicant also addressed Council to share their rationale for the proposed rezoning.

Questions for Staff from Public Hearing

Future Subdivision Process

Confirmation on the future subdivision process and considerations was requested. If the rezoning application receives third reading, the applicant will apply for subdivision to create a new titled parcel on the portion of the property zoned RC3. The subdivision application will ensure the proposal meets all requirements prior to subdivision registration including proposed accesses, road requirements and servicing.

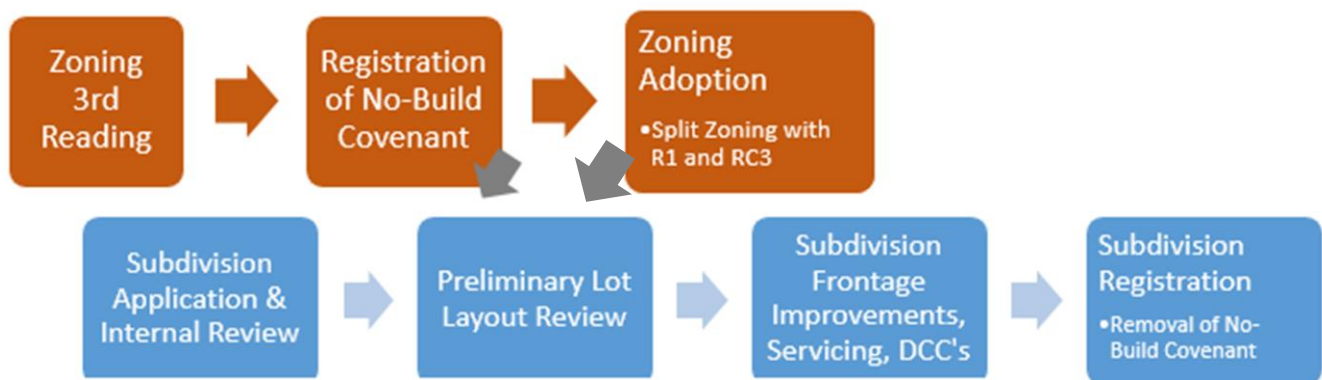


Figure 1 - Concurrent Application Process Flowchart

While the proposed subdivision layout does show the existing driveway partially encroaching on the new proposed lot area, there are no building encroachments. The driveway could be realigned to be completely within the remainder lot's boundaries, there is sufficient space on the proposed remainder lot to accommodate a standard width driveway. The final driveway location is determined after subdivision at building permit and is dependent on the future house layout and garage position. The driveway may be located on Crestview Road and/or on Hayman Road, depending on house layout, and must meet the City's Traffic Bylaw No. 0092, in particular:

Crossings shall be located adjacent to the interior side lot line of a property and no closer than 7.5 metres (24.61 feet) at any point to the point of intersection of two highway right-of-way boundaries, or if one or more of the highways is a lane, within 4.5 metres (14.76 feet) of the intersection.

The applicant provided a functional servicing report which did not identify any new servicing concerns. Any required road upgrades will be considered through the subdivision application and the City's Subdivision Approving Officer would determine whether to require the works to be completed by the applicant or to accept cash-in-lieu for the works. The application would go through a typical referral, design and construction process for subdivision applications. Once the subdivision was completed, the no-build covenant would be removed to allow construction on the new RC3 lot.

Withdrawn Variance

Confirmation regarding the status of the variance was requested. The applicant has withdrawn their Development Variance Permit application to reduce the required building setback from parcels in another zone. No variances are being requested as a part of this rezoning.

Intersection Analysis



Parking Requirements

The City's Zoning Bylaw requires two off-street parking spaces for a single detached dwelling. In addition, the required 6.0m setback for a front facing garage ensures there is an adequate driveway length for vehicles to park in front of a garage without encroaching within the road right of way. The proposed remainder R1 Lot would require two (2) parking spaces for the principal residence and one (1) parking space for the one-bedroom secondary suite which is currently under construction. The proposed new RC3 lot would require two (2) parking spaces for the principal residence¹.

Council could require registration or a restrictive covenant as a condition of the Zoning Amendment in order to require additional off-street parking spaces be provided and maintained on the subject property.

Households

Confirmation on the City's regulations in relation to the number of long term rentals permitted within one dwelling was requested. The City's Zoning Bylaw does not regulate long term rentals, however it does define a household (a household being the user(s) of a dwelling unit).

A household is two or more related persons and is limited to not more than five un-related persons, including boarders.

If there is a group of related persons (i.e. a family) up to three additional un-related persons, including boarders, may make up the household. There is no maximum number of people who may make up a household if they are all related.



Figure 3 - Household can be up to 5 un-related persons



Figure 4 - Household with 2 (or more) related persons can include up to 3 un-related persons

Consultation

In accordance with the City's Development Applications Procedures Bylaw No. 0260, notification of the Public Hearing was mailed to all properties within 100m of 2485 Hayman Road (27 notices) and the Public Hearing was advertised in two consecutive issues of the newspaper. Bylaw No. 0260 does not require applicants to undertake any formal neighbourhood consultation. However, it is understood that the applicant did undertake some door to door consultation in advance of the Public Hearing within the Lakeview Heights neighbourhood.

¹ The proposed new RC3 lot area (444 m²) is too small to permit a secondary suite.

Official Community Plan Update

The review and update of the Official Community Plan (OCP) is in process with an anticipated completion of mid 2022. This process may provide further direction regarding expectations and identified locations for infill and compact housing development in more detail than the current OCP. This process may result in additional policy guidance for the Lakeview Heights neighbourhood in terms of appropriate infill development.

NEXT STEPS

Option 1 – Give 3rd Reading

Should Council choose to give third reading, staff will prepare the bylaw for consideration of adoption following registration of the No-Build Covenant. The City's Zoning Bylaw treats each split zoned area of one parcel as a separate parcel, therefore the no-build covenant is required as a temporary measure between the time the Zoning is adopted and the Subdivision process is completed. This ensures a second dwelling is not constructed prior to the new lot being created through subdivision.

Option 2 – Postpone Consideration

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

Option 3 – Deny Application

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

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
March 23, 2021	Public Hearing Held	N/A
January 26, 2021	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.	C067/21

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. Zoning Amendment Bylaw No. 0154.100, 2021
2. Crestview Rd Sightlines Memo