



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 27, 2021

From: Jayden Riley, Planner II

File No: Z 21-04

Subject: **Z 21-04; OCP Amendment Bylaw No.100.66, 2021 and Zoning Amendment Bylaw No.154.106, 2021 (1st and 2nd Reading); 3830 Gellatly Road South**

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### RECOMMENDATION

**THAT** Council give first and second reading to Official Community Plan Amendment Bylaw No.100.66, 2021; and

**THAT** Council give first and second reading to Zoning Amendment Bylaw No.154.106, 2021; and

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

### STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity (Council's Strategic Priorities 2021-2022).

### BACKGROUND

This application is proposing to amend the subject property's Land Use Designation from Single Family Residential to Low Density Multiple Family Residential and Zoning from Large Parcel Single Detached Residential (R1L) to Low Density Multiple Residential (R3) to support townhome development.

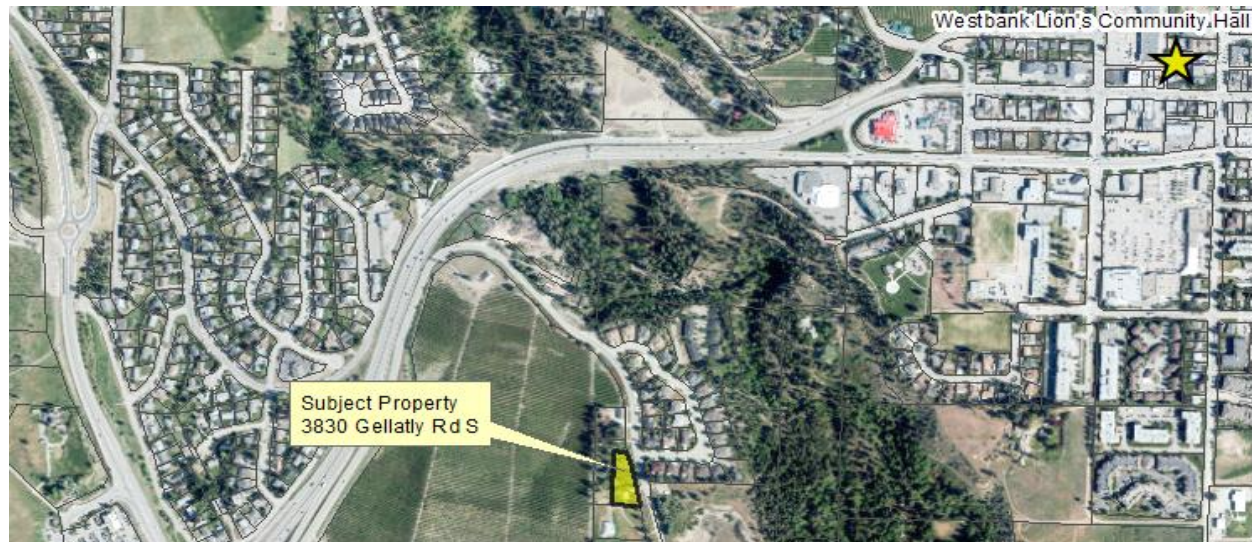
PROPERTY DETAILS			
<b>Address</b>		3830 Gellatly Road South	
<b>PID</b>		023-208-449	
<b>Folio</b>		36414572.025	
<b>Lot Size</b>		3,439 sq. m.	
<b>Owner</b>	James Cove, Jenine Campbell-Cove, Robin Cove, Lorrain Cove	<b>Agent</b>	Robin Cove

<b>Current Zoning</b>	Large Parcel Single Detached Residential (R1L)	<b>Proposed Zoning</b>	Low Density Multiple Residential (R3)
<b>Current OCP</b>	Single Family Residential	<b>Proposed OCP</b>	Low Density Multiple Family Residential
<b>Current Use</b>	Single family dwelling	<b>Proposed Use</b>	Duplex / townhome
<b>Development Permit Areas</b>	Hillside		
<b>Hazards</b>	Hillside, Gas Line		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Low Density Multiple Residential (R3)
<b>East</b>	>	Duplex Residential (R2) Rural Residential Large Parcel (RU4)
<b>West</b>	<	Large Parcel Single Detached Residential (R1L)
<b>South</b>	v	Large Parcel Single Detached Residential (R1L)

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



### 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 amend the Zoning Bylaw.

### DISCUSSION

#### Property Details

The subject property is located in the Goats Peak / Gellatly Neighbourhood. The property contains steep slopes and includes one access from Gellatly Road. The lot is surrounded by an adjacent Large Parcel Single Detached Residential (R1L) property located up-slope and acts as a buffer between the subject property and agricultural (A1 / ALR) land to the west.

#### Proposal

This application is proposing to amend the subject property's Land Use Designation from Single Family Residential to Low Density Multiple Family and Zoning from the Large Parcel Single Detached Residential Zone (R1L) to the Low Density Multiple Residential Zone (R3) to support future townhouse and duplex development. Conceptual development plans have not been provided with this application.



## Policy and Bylaw

### Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation (LUD) of Single Family Residential. The purpose of this LUD is to provide traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The built form and the Single Family Residential LUD includes single detached, duplex, carriage house, and compact or clustered single detached housing. The proposed Low Density Multiple Family LUD aims to provide a broader range of housing opportunities in areas served by transit and in walking distance to community amenities, shops and services. The intended built form of the Low Density Multiple Family LUD is semi-detached and attached townhouse.

The subject property is within a Hillside Development Permit Area, due to existing slopes over 20%. As a result, a geotechnical report was submitted with the application to confirm development feasibility. If the application is successful in amending the land use and zoning designations, a hillside development permit would be required prior to development of the site.



Figure 1: “Neighbourhood” GMD (property indicated by red star)

The Official Community Plan also indicates the property is part of the Neighbourhood Growth Management Designation (GMD) (*Figure 1*). GMDs summarize and geographically illustrate the City’s growth management policies and priorities, as well as identify growth priority areas and their broad attributes and characteristics. The Neighbourhood GMD is described to contain low and medium density residential housing, a variety of ground-oriented residential types of housing, and is intended to provide opportunities for localized housing diversity at appropriate locations.

### Zoning Bylaw No. 0154

The subject property is currently zoned Large Parcel Single Detached Residential (R1L). This zone accommodates single detached residential development on parcels of land that are 2,500 m<sup>2</sup> and larger. Permitted uses of the R1L zone include modular home and single detached dwelling, but is limited to one dwelling per parcel. The proposed Low Density Multiple Residential Zone (R3) accommodates multiple residential housing and permits Care Facility, Duplex, Group Home, and Townhouse uses. Below is a zoning analysis table comparing the existing and proposed zones.

Zoning Criteria	R1L Zone (Existing)	R3 Zone (Proposed)
<b>Min. Parcel Area</b>	2,500 sq. m.	1,000 sq. m.
<b>Min. Usable Parcel Area</b>	330 sq. m.	700 sq. m.
<b>Min. Parcel Frontage</b>	30 m	30 m
<b>Max. Density</b>	1 dwelling, 1 carriage house or secondary suite	0.75 FAR
<b>Max. Parcel Coverage</b>	20%	40%
<b>Max. Building Height</b>	9.0m (single family dwelling)	9.0 m
<b>Setbacks</b>		
Front	6.0 m	4.5 m or 6.0 m to garage
Rear	6.0 m	7.5 m
Interior	4.5 m	3.0 m
Exterior	4.5 m or 6.0 m to garage	4.5 m or 6.0 m to garage
<b>Min. Outdoor Amenity Space</b>	N/A	25 sq. m. per unit

**Table 2:** zoning comparison of the R1L and R3 Zone

## Technical Review

### Servicing

A Functional Servicing Report was submitted with the application. The report identifies existing and proposed services, access, offsite roadworks (frontage improvements), drainage, and grading. Frontage improvements (i.e. road widening, curb, gutter, sidewalk, and lighting) are anticipated at time of development. Also identified is an existing gas main and easement that crosses Gellatly Road running east to west through the middle of the lot. Fortis has provided additional advisory comments that have been shared with the applicant by staff in a comprehensive letter.

### Geotechnical

A geotechnical report was provided with the application due to the site containing a Hillside Development Permit Area. The report concludes that slope stability is not considered a concern for the site, taking into consideration the subsurface conditions and slope gradients. The report also provides general recommendations for site preparation, excavations, foundation design, and drainage.

## Public Notification

In accordance with the City's Development Applications Procedures Bylaw No. 0260, Notice of Application signage has been installed on the property. Should Council give first and second reading to the proposed Official Community Plan and Zoning Bylaw amendments, staff would schedule a Public Hearing notifying residents of the Public Hearing date and how to make a submission for Council's consideration, in accordance with the *Local Government Act*.

## Referrals

This application was referred to various internal departments and external agencies on May 28, 2021. Some of the referral comments include:

### Advisory Planning Commission

The Advisory Planning Commission reviewed the application on June 16, 2021. The APC supported the proposal as presented.

### Fortis

Fortis confirmed there is a pressure pipeline that runs through the property. Any work conducted within 10 m or crossing this pipeline, and/or within the right of way, will require a permit. Driveways or parking areas over the right of way or pipeline will require engineering drawings to be submitted for review. This and more detailed information has been shared with the applicant, advising of permit requirements and including contact information.

## Conclusion

Staff recommend that Council give first and second reading to the proposed OCP and Zoning Bylaw amendments due to the following rationale:

- The subject property is located within the Neighborhood Growth Management Designation, which supports low and medium density housing;
- Technical reports submitted with the application conclude that the lot can be developed without hillside hazard, although significant upgrades to the road frontage will be required; and
- Should Council provide first and second reading, the public will have an opportunity to comment on the proposal at a scheduled Public Hearing.

### Alternate Motion:

1. **THAT** Council postpone first and second reading to the City of West Kelowna Official Community Plan Amendment Bylaw No.100.66, 2021; and

**THAT** Council postpone first and second reading of Zoning Amendment Bylaw No.154.106, 2021.

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

2. **THAT** Council deny Official Community Plan Amendment Bylaw No.100.66, 2021; and

**THAT** Council deny Zoning Amendment Bylaw No.154.106, 2021.

Should Council deny the proposed amendment bylaws, the applicant may not apply for a similar application for a period of six (6) months.

**REVIEWED BY**

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. Official Community Plan Amendment Bylaw No.100.66, 2021
2. Zoning Amendment Bylaw No.154.106, 2021