



# ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: September 15, 2021

From: Jayden Riley, Planner II

File No: Z 21-07

Subject: **Z 21-07; OCP and Zoning Amendment; 4058 & 4066 Gellatly Road**

## BACKGROUND

This application is proposing to amend the subject property's Land Use Designation (LUD) from Agriculture to Mixed Use and Zoning from Light Industrial (I1) to a Comprehensive Development (CD) Zone. The proposed CD Zone (*Attachment 1*) would accommodate a maximum 250 residential units, 10 live/work units, and seven commercial units, up to a maximum 10 storeys or 39 m in height. The majority of the property contains a Mixed Use LUD; however a 1,500 m<sup>2</sup> portion consists of an Agriculture LUD, due to the area previously being part of the ALR prior to its exclusion in 2017 (File: A 17-01).

### PROPERTY DETAILS

<b>Address</b>	4058 & 4066 Gellatly Road		
<b>PID</b>	011-347-201; 006-128-653		
<b>Folio</b>	36415185.000; 36412656.000		
<b>Lot Size</b>	11,904 m <sup>2</sup> (3,932 m <sup>2</sup> + 7,972 m <sup>2</sup> )		
<b>Owner</b>	688962 B.C. LTD.	<b>Agent</b>	Brian Quiring, MQN Architects
<b>Current Zoning</b>	Light Industrial (I1)	<b>Proposed Zoning</b>	Comprehensive Development (CD10)
<b>Current OCP</b>	Mixed Use / Agriculture	<b>Proposed OCP</b>	Mixed Use
<b>Current Use</b>	Boat Storage	<b>Proposed Use</b>	Mixed Use
<b>Development Permit Areas</b>	None		
<b>Hazards</b>	None		
<b>Agricultural Land Reserve</b>	No		

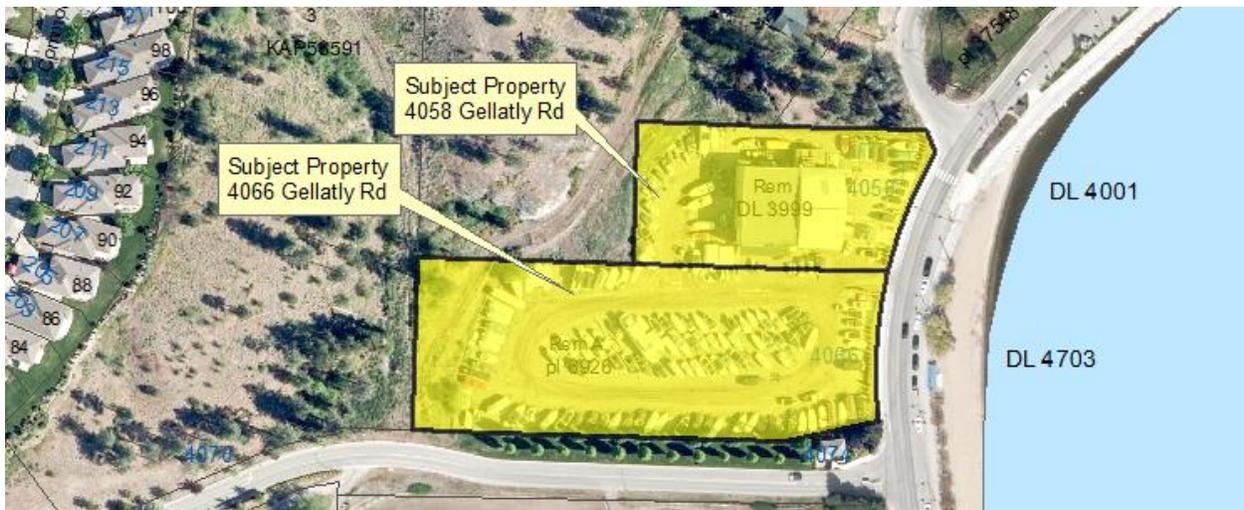
### ADJACENT ZONING & LAND USES

<b>North</b>	^	Rural Residential Large Parcel (RU4)
<b>East</b>	>	Parks and Open Space (P1) / Okanagan Lake
<b>West</b>	<	Compact Single Detached Residential (RC4)
<b>South</b>	v	Compact Single Detached Residential (RC4)

## NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

### Background

The subject property contains two parcels that front Gellatly Road, the Gellatly Pedestrian Corridor and Willow Beach to the east and Flying Horse Drive, a private road to the south that provides access to The Pointe strata development. The single family units (115) of The Pointe are located approximately 90 m to the west of subject property, at its closest point, and 30-36 m higher in elevation.

## Proposal

This application is proposing to amend a 1,500 m<sup>2</sup> portion of the subject property's LUD from Agriculture to Mixed Use and rezone both parcels from Light Industrial (I1) to a Comprehensive Development Zone in order to accommodate mixed commercial and residential use. The proposed CD zone would permit apartment, a variety of commercial uses, and boat storage. The proposed CD zone would also permit up to 1,951 m<sup>2</sup> of live-work units (max. 10 units), 650 m<sup>2</sup> of commercial space (max. seven units), and 23,225 m<sup>2</sup> of residential units (max. 250 units).

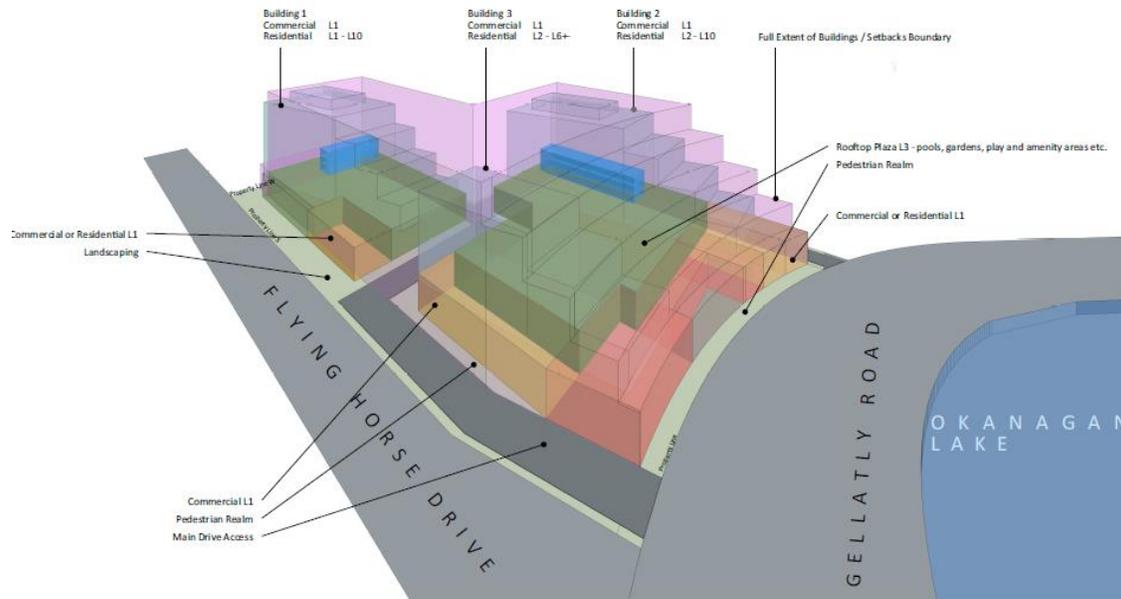


Figure 1: Setbacks and Height

The proposed CD zone includes progressive setbacks to each storey to ensure development steps back from Gellatly Road as height increases, up to a maximum 39 m or 10 storeys (*Figure 1*). The applicant's intention is stated to bring year-round local and visitor users/traffic by providing commercial and residential spaces within this pedestrian-friendly lakeside resort neighbourhood and within a design that embraces West Kelowna's Official Community Plan waterfront village.



Figure 2: Rendering, Gellatly Rd perspective

The proposed CD zone also includes a minimum 250 parking spaces for owners and tenants and additional exterior surface or parkade visitor and boat parking. Parking is proposed to be located at the first 2-3 storeys, wrapped with commercial units and live-work spaces at the first and second storey, and 250 residential units above, with roof-top amenities (*Figures 2 and 3*).



**Figure 3:** Rendering, south east and north east aerial views

### Applicant Rationale

The applicant has submitted a proposal summary that outlines their rationale for the proposed CD Zone (*Attachment 2*). The letter states that this proposal meets the City's Gellatly Village Growth Management Designation's desired attributes in all areas except for the height of the residential towers. The applicant also states that the design embraces the waterfront setting and the project will attract year-round local and visitor uses. It is also noted that the towers would be oriented east-west, easing any sightlines impacts to neighbouring properties, such as The Pointe.

### **Policy and Bylaw Review**

#### Official Community Plan No.0100

The subject property has an LUD of Mixed Use and Agriculture. The built form / land use of the Mixed Use LUD is intended to be a combination of retail and personal services uses with office on upper floors, along with a required residential component, with opportunities for increased density and height in Boucherie/Westbank Centre and Neighbourhood centres. The purpose of this LUD is to meet the needs of residents for employment, shopping, and personal services in Centres and Neighbourhood Centres which have residential densities and amenities necessary to support walkable services.

An approximate 1,500 m<sup>2</sup> portion of the subject property has a LUD of Agriculture, which is intended to support the community's agricultural heritage and foster a local food system for greater self-sufficiency, economic development and local food security. This LUD is segregated from nearby Agriculture LUDs or uses. The property was successfully excluded from the ALR in 2017 and has most recently been used for light industrial use – specifically, boat storage and servicing.

*Growth Management Designation*

The subject property is contained within the Gellatly Village Growth Management Designation (GMD). GMDs summarize and illustrate the City’s growth management policies and priorities and, in particular, identify growth priority areas and their broad attributes and characteristics. As such, they are more descriptive than regulatory. The Gellatly Village GMD is intended to contain a presence of small-scale, multi-residential uses in the form of townhouses and apartments for year-round residents which complement existing adjacent communities, small-scale commercial uses, and the inclusion of public spaces (i.e. promenades, plazas), public vehicle and boat parking, and active street frontages.

The purpose of this GMD is to implement the vision of the 2011 Waterfront Plan and 2017 Gellatly Village Study, and work towards the development of this area as a small scale mixed-use village that is a focal point for West Kelowna’s waterfront and attracts year-round residents.

*Development Permit Areas*

The subject property is located in a Commercial a Multiple Family and Intensive Residential Development Permit Area. Subject to rezoning, any proposed development would require an application for development permit to address form and character, in accordance with the City Official Community Plan guidelines.

Waterfront Master Plan (2011)

The purpose of the Waterfront Plan is to guide future decision-making regarding the preservation, development and celebration of West Kelowna’s waterfront. The Plan is intended to assist the City in setting policies and prioritizing realistic short-, medium-, and long-term actions for environmental protection, land use and development directions, recreation investment, and transportation connections over a 50 year time frame.

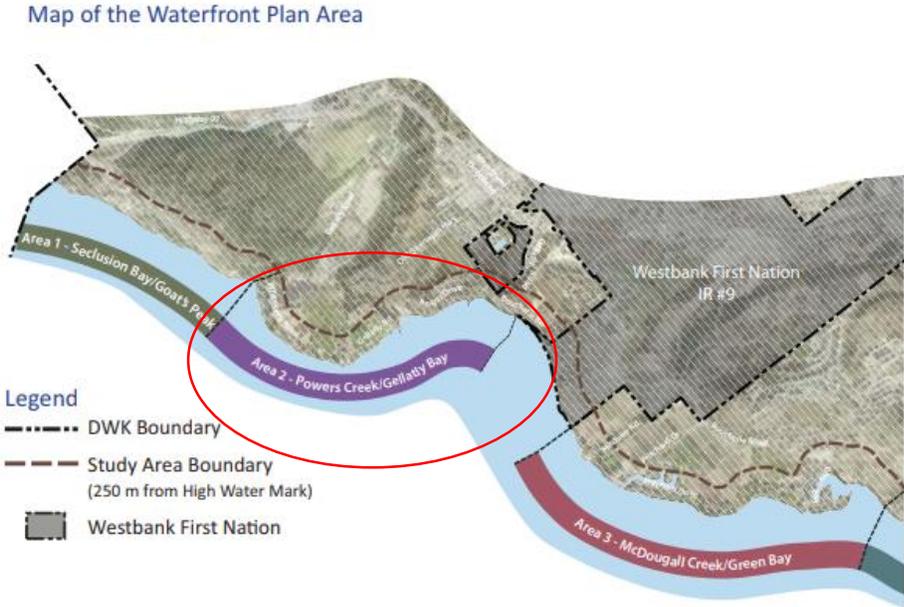


Figure 4: Waterfront Plan, Area 2

The Plan focusses on six areas, with the subject property is contained within ‘Area 2 – Powers Creek/Gellatly Bay’ (*Figure 4*). Area 2 was determined to be the primary waterfront recreation area within West Kelowna and a showcase for Okanagan Valley views and vistas, with extensive vehicle, pedestrian, and bicycle traffic along the Gellatly Recreational Corridor. The Plan recommended that the immediate focus for Gellatly Village development be on existing unconstrained land, with established single-family residential and agriculture uses to remain. The Plan identifies the subject property as an opportunity for mixed-use, with the intent to encourage publicly-oriented shops and services located at grade and oriented towards waterfront open spaces, with residential and/or tourist accommodation located above. The Plan also provides recommendations, policies, and actions for environmental, recreation, access, and connectivity components for each waterfront area.

### Gellatly Village Study (2017)

The purpose of the Gellatly Village Study was to assess and update the land use and development recommendations outlined in the 2011 Waterfront Master Plan. The 2017 study included meetings with property owners and stakeholders, preparation of conceptual development scenarios in conjunction with an examination of market viability and financial feasibility of each scenario, community consultation via open house, and presentations to the Advisory Planning Commission (APC), Agricultural Advisory Committee (AAC), and Economic Development Commission (EDC). The study analyzed three sites (*Figure 5*) that front portions of Gellatly Road, Flying Horse Drive, and Rotary Trails Park, recommending a mix of small-scale commercial, townhouse and apartment development in various conceptual land use scenarios. The subject property is identified as Site 1 – see Concept ‘A’ for Site 1 below (*Figure 6*).



Figure 5: Gellatly Village Study, Sites 1-3



Figure 6: Gellatly Village Study, Concept 'A'

As noted in the study, the market viability of the conceptual development uses and forms envisioned for the Gellatly Village was estimated to be 5-10 years out for the mixed use form of the development with stand-alone townhouse development estimated to be viable within 5 years, and small scale commercial viability within 1-2 years. The study stated that future mixed use village development would likely occur through comprehensive development given the form, scale, and density, and incorporation of above ground structured parking envisioned. It was recommended that these projects be broken into five phases to the extent possible and practical to help make the project more viable over the medium-term (*Figure 7*):



Figure 7: Gellatly Village Study, Conceptual Phasing

- **Phase 1:** one or two small temporary commercial structures and associated open space improvements, public pay parking and boat parking on all three sites
- **Phase 2:** stand-alone, phased courtyard townhouse development on Site 2
- **Phase 3:** mixed residential development with boat and public parking with commercial potential
- **Phase 4:** mixed residential development of northern half of Site 1, with the potential for commercial use to townhouse/commercial flex use, and continued boat storage.
- **Phase 5:** continued boat storage and public parking on western portion of Site 1.

#### Zoning Bylaw No. 0154

The current zoning designation of the subject property is Light Industrial (I1), which accommodates a variety of light industrial uses, such as outdoor storage, service commercial, office, and contractor services.

The proposed CD zone is drafted to permit up to 250 residential units, seven commercial units, 10 live/work units, a ground floor parkade, and various commercial uses. The density proposed by the CD zone is a maximum 2.3 FAR (Floor Area Ratio), up to 10 storeys (max. 39 m), with a minimum setback of 9.1 m to the rear, interior, and exterior parcel boundaries (Flying Horse Drive). Proposed setbacks to the front parcel boundary (Gellatly Road) are 3.0 m for first 3 floors, and 6.5 m for floors 4 to 10.

The proposal is not consistent with the City's existing zones due to height, form, and the inclusion of specific regulations related to the location of the commercial and live/work uses, parking and setbacks, the amount of open space (m<sup>2</sup>), and particular exemptions. As a result, the alternative to a CD zone would require rezoning with a number of site specific text amendments.

The proposal is in the early stages of the application process, currently in the referral stage; therefore, the CD Zone may change in advance of Council consideration as a result of feedback received following the review period.

### **Technical Review**

Reports submitted with the application include a geotechnical report, functional servicing report, visual impact assessment, and a traffic impact assessment.

The geotechnical report was prepared by Cascade Geotechnical and outlines site conditions, settlement considerations, and provides recommendations for footings, compaction, pile installation or alternatives, and site preparation.

The functional servicing report was prepared by CTQ consultants and identifies existing and proposed servicing and site access. The report was not conclusive as to water or sewer system upgrades that may be required to accommodate the proposal, but does anticipate a developer-contribution to a new water reservoir. It is also stated that the proposed development will be designed to the City's standards related to stormwater management with emergency overland flows to be directed onto Gellatly Road.

The visual impact study was completed by MQN Architects and includes a shadow analysis, elevations, and renderings of the anticipated massing of the buildings from various perspectives (*Attachment 2-5, 7*).

The Traffic Impact Assessment was prepared by CTQ Consultant and is currently being reviewed by the City staff and the City's traffic consultant.

Should any upgrades to public roads or services be required to accommodate the proposal, they would be secured prior to adoption of the proposed zone.

### **Referrals**

The application is currently in the referral stage with comments from external agencies and internal departments anticipated by September 22, 2021. Notice of application signage has been installed on the property in accordance with the City's Development Application Procedures Bylaw No. 0260. Should the application be given first and second reading by Council, a public hearing will be scheduled and staff will notify residents by mail and advertisement in the newspaper regarding how to make a submission for Council's consideration.

## KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- Mixed use development for this specific site is supported by the Land Use Designation, Gellatly Village GMD, Waterfront Plan and Gellatly Village Study;
- The proposed height and density of the CD zone is not consistent with the desired attributes and purpose of the Mixed Use Land Use Designation or the Gellatly Village GMD, or vision of the Waterfront Plan and Gellatly Village Study;
- Subject to rezoning, the massing of any development on the site would be regulated through the CD zoning criteria;
- The proposed CD zone is currently being reviewed by internal departments and external agencies and may change prior to Council consideration;
- Should Council give first and second reading to the proposal, staff will schedule a public hearing and provide an opportunity for the public to comment on the proposal for Council's consideration.

Specific comments would be appreciated should the APC have any concerns with the proposed OCP and Zoning amendments so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the rezoning application.

Respectfully submitted,

Jayden Riley, Planner II

Powerpoint: Yes  No

### Attachments:

1. Proposal Summary
2. Ideogram, Setbacks and Height
3. Renderings
4. Elevations
5. Cross Sections
6. Draft CD10 Zone
7. Visual Impact Assessment