



COUNCIL REPORT

To: Paul Gipps, CAO

Date: November 23, 2021

From: Jayden Riley, Planner II

File No: Z 21-08

Subject: **Z 21-08; Zoning Amendment Bylaw No. 154.110 (1st and 2nd Reading);
3595 Elliott Road**

RECOMMENDATION

THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 154.110, 2021 (File: Z 21-08); and

THAT Council direct staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is proposing to rezone the subject property in the form of a site-specific text amendment to permit live/work unit on the subject property while maintaining the existing Neighbourhood Commercial (C2) Zone. Live/Work Unit is defined as a commercial use combined with a dwelling unit whose occupant of the dwelling is the primary operator of the commercial use. The commercial component of the live/work unit would be limited to the uses permitted in the existing C2 Zone (*Attachment 2*).

PROPERTY DETAILS			
Address	3595 Elliott Road		
PID	004-645-839		
Folio	36412643.580		
Lot Size	1,011 m ²		
Owner	Adriano Aprile	Agent	Matt Johnston, Lime Architecture Inc.
Current Zoning	Neighbourhood Commercial (C2)	Proposed Zoning	Neighbourhood Commercial (C2) with Live-Work Unit use

Current OCP	Commercial	Proposed OCP	Commercial
Current Use	Vacant	Proposed Use	Commercial, Live-Work
Development Permit Areas	Commercial		
Hazards	None		
Agricultural Land Reserve	No		

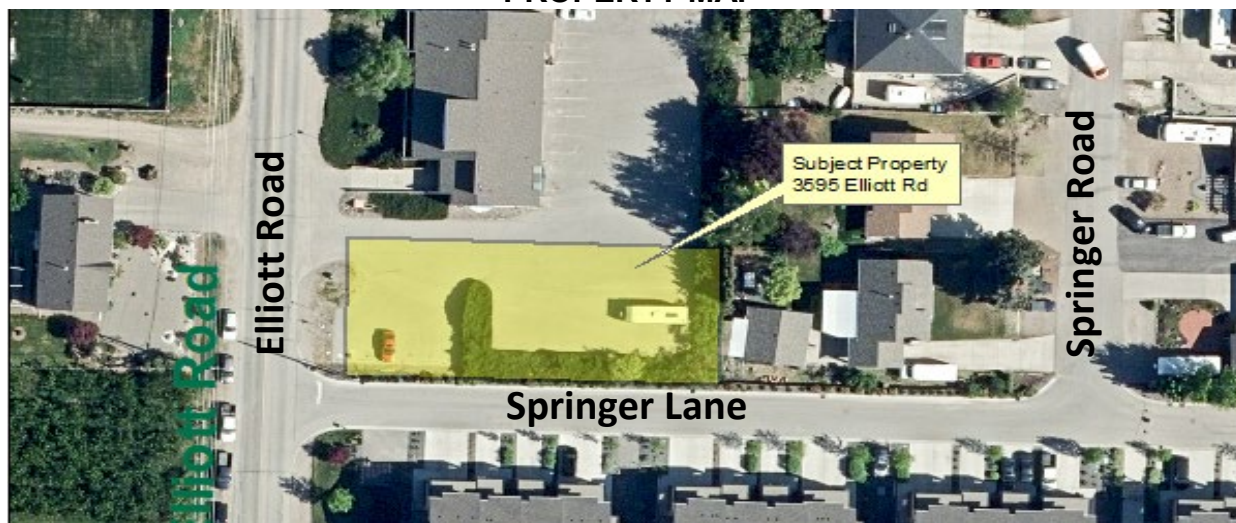
ADJACENT ZONING & LAND USES

North	^	Neighbourhood Commercial (C2)
East	>	Westbank Centre Compact Residential (RC1)
West	<	Single Detached Residential (R1)
South	v	Westbank Centre Multiple Residential Zone (R5)

NEIGHBOURHOOD MAP



PROPERTY MAP



Site-Specific Considerations

The subject property is located in the Westbank Centre Neighbourhood, on the corner of Elliott Road and Springer Lane. The subject property shares an access from Elliott Road with an adjacent Neighbourhood Commercial (C2) property located immediately to the north. Springer Lane is located immediately to the south, is 6.0 m wide, and provides access to the Gateway townhouse community and to Elliott Road from Springer Road. Due to its 6.0 m width, the laneway does not permit on-street parking.

Proposal

This application is seeking to rezone the subject property in the form of a site-specific text amendment to permit live/work unit on the property while maintaining the Neighborhood Commercial (C2) Zone. The applicant has provided a site plan and renderings for live/work units at this location, however these are conceptual only (*Attachment 3*). The proposal to rezone the property is limited to the proposed use. Any proposed development, including landscaping, number of units, building height, parking, access, etc. would be evaluated at time of development permit, subject to rezoning approval.

Applicant Rationale

Based on the proposal summary submitted with the application, the applicant has stated they seek to develop land within an established community that respects and combines existing commercial and residential aspects of the neighbouring properties, thus requiring a site-specific zoning amendment to permit live/work use. The applicant also states that they intend to deliver an attractive infill project that provides needed residential units and addresses the human scale, while being sensitively designed to reduce impact on neighbouring properties.

Policy and Bylaw Review:

Official Community Plan No. 0100

The subject property has a Commercial Land Use Designation (LUD), intended to consist of a variety of building types, reflecting a diversity of retail, office, and personal service uses, with opportunities for increased density and height in the Boucherie/Westbank Centre, and opportunity for above street residential where appropriate. The proposed use is consistent with the existing LUD.

Growth Management Designation

The property is located within the Westbank Centre Growth Management Designation (GMD). GMDs are more descriptive than regulatory, but are intended to identify growth priorities areas and their broad attributes and characteristics are in line with the Community Vision outlined in Section 2 of the Official Community Plan. The desired attributes of this GMD includes a mix of residential, commercial, and civic uses. The purpose of this GMD is to foster urban growth through infill and intensification as a preferred option alternative to continued expansion of low density development. The proposed use is consistent with the existing GMD.

Development Permit Areas

The subject property is located within a Commercial Development Permit Area and may also be subject to a Multiple Family and Intensive Residential Development Permit should future development contain a residential component. At time of Development Permit, development would be evaluated in accordance with the City's Development Permit Area Guidelines and Zoning Bylaw Regulations.

Zoning Bylaw No. 0154

The subject property is zoned Neighbourhood Commercial (C2). This zone is intended to accommodate a limited range of convenience services typically required on a day-to-day basis by residents of local neighbourhoods. The permitted uses of this zone include (see also *Attachment 2*):

- Care facility, major
- Fire, police or ambulance service
- Office
- Personal service establishment
- Postal or courier service
- Recreation services, indoor
- Retail, convenience
- Restaurant, except drive-through
- Apartment (secondary use, permitted above the non-residential use)

Live/Work Unit is defined as:

A commercial use combined with a dwelling unit whose occupant of the dwelling is the primary operator of the commercial use.

Subject to rezoning approval, the commercial component of the Live/Work Unit would be limited to the permitted uses contained within the C2 zone. Live/Work Unit is a use permitted only in the City's Urban Centre Commercial (C1) Zone.

Parking Requirements

Part 4 of the Zoning Bylaw No. 0154, requires one (1) off-street parking space per live/work unit in addition to the residential parking requirements; therefore, each unit would require additional parking for the residential component of the live/work unit. For example, a live/work unit containing two (2) or more bedrooms would require a total of three (3) off-street parking spaces.

Technical Review:

A Functional Servicing Report was submitted with this application, prepared by Tetra Tech. The report outlines existing and proposed water, sanitary sewer, and storm water services. The City's Development Engineering Department has identified frontage

improvements on Elliott Road and an extension of services from Elliott Road and Springer Lane to be required at time of building permit.

Referrals:

The subject application was referred to various internal department and external agencies for comment. No major comments have been received; however, the applicant was provided advisory comments from our Building and Development Engineering Departments through a comprehensive letter.

Advisory Planning Commission

The Advisory Planning Commission (APC) was presented the application on October 20, 2021. The APC recommended support for the proposal as presented. Discussion included the advantages of living and working in the same location and for the use being a better solution than commuting. However, the commission members did voice concerns regarding on-street parking.

Legislative Requirements

Council has the authority under S.479 of the *Local Government Act* to amend the Zoning Bylaw.

Public Notification:

Notice of Application signage has been posted on the subject property in accordance with the City's Development Applications Procedures Bylaw No. 0260. Additional notification by mail and advertisement in the local newspaper is required under the *Local Government Act*, subject to receiving first and second reading, which will advise of the time and date of the Public Hearing and how to make a submission for Council's consideration.

DISCUSSION

A proposed live/work unit development would be the first of its kind in the city. Live/work units permit a range of building types, but are limited to the commercial uses to those within the C2 zone. The Zoning Bylaw currently requires only one (1) off-street parking space per live/work unit, which may be problematic for this particular location considering that on-street parking is not permitted on Springer Lane or Elliott Road. However, considering use only, live/work units are supported on the condition that adequate off-street parking would be provided at time of development permit. As a result, specific language has been included in the text amendment to ensure adequate parking is calculated separately for commercial uses and residential uses.

CONCLUSION

Staff recommend that Council give first and second reading to the proposed zoning amendment bylaw based on the following rationale:

- The proposed use is consistent with the existing Commercial Land Use designation;
- The proposal has the opportunity to provide additional infill options for mixed use development to blend with the existing character of the neighbourhood; and
- Should Council give first and second reading to the proposed zoning amendment, a Public Hearing would be scheduled and the public would be sent notification by mail and by advertisement in the local newspaper to advise of the time and date of the Public Hearing and how to make a submission for Council's consideration.

Alternate Motion:

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.110, 2021 (File Z 21-08).

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

2. **THAT** Council deny Zoning Amendment Bylaw No. 0154.110, 2021 (File: Z 21-08).

Should Council deny the zoning amendment bylaw, the application will be closed in accordance with the City's Development Applications Procedures Bylaw No. 0260 and the applicant may not apply for a similar application for a period of six (6) months.

REVIEWED BY

Brent Magnan, Planning Manager

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Bylaw No. 0154.110
2. Neighbourhood Commercial (C2) Zone
3. Conceptual Site Plan and Rendering