

City of Kelowna

Public Hearing

AGENDA



Tuesday, May 12, 2020
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Individual Bylaw Submissions

2.1 CD18 Zone Text Amendment, TA20-0013 (BL12009) - McKinley Hillside Limited Partnership

3 - 13

To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint.

3. Termination

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: April 6, 2020

To: Council

From: City Manager

Department: Development Planning (DS)

Application: TA20-0013

Owner: N/A

Address: N/A

Applicant: McKinley Hillside Limited Partnership

Subject: Zoning Bylaw Text Amendment Application No. TA20-0013

Existing OCP Designation: Mixed Use Tourism (MXT)

Existing Zone: CD18 – McKinley Beach Comprehensive Report Development

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0013 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule 'A' attached to the Report from the Development Planning Department dated April 6th be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint.

3.0 Development Planning

Staff are recommending that a proposed text amendment to the CD18 – McKinley Beach Comprehensive Resort Zone to remove specific restrictions on maximum gross floor area and building footprint be supported. The development regulations of the CD18 zone impose a maximum floor area of 150m² per unit on apartments, hotels, congregate housing, motel units or row housing. For single detached housing, semi-detached housing, row housing with four units or less the maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit.

The original purpose for limiting unit size and building footprint was to facilitate the development of small scale dwellings to be used for vacation resort purposes. To date the McKinley Beach area has developed into a suburban and mixed use residential subdivision instead of a resort style development therefore staff

support the removal of the unit size restriction from the CD18 zone. The limit on gross floor area and building footprint is redundant as the buildable areas of each lot are being determined through the subdivision and development permit process.

4.0 Proposal

4.1 Background

The CD18 Zone is a comprehensive development zone that encompasses the McKinley Beach neighborhood. The zone was created to allow for the development of a comprehensively planned multifaceted destination community having a variety of commercial and accommodation uses organized around a central lifestyle village.

Section 1.3 (g) of the CD18 zone states that a maximum floor area for attached apartment, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) is 150m² per unit . For single detached housing, semi-detached housing, row housing with four units or less the maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit .

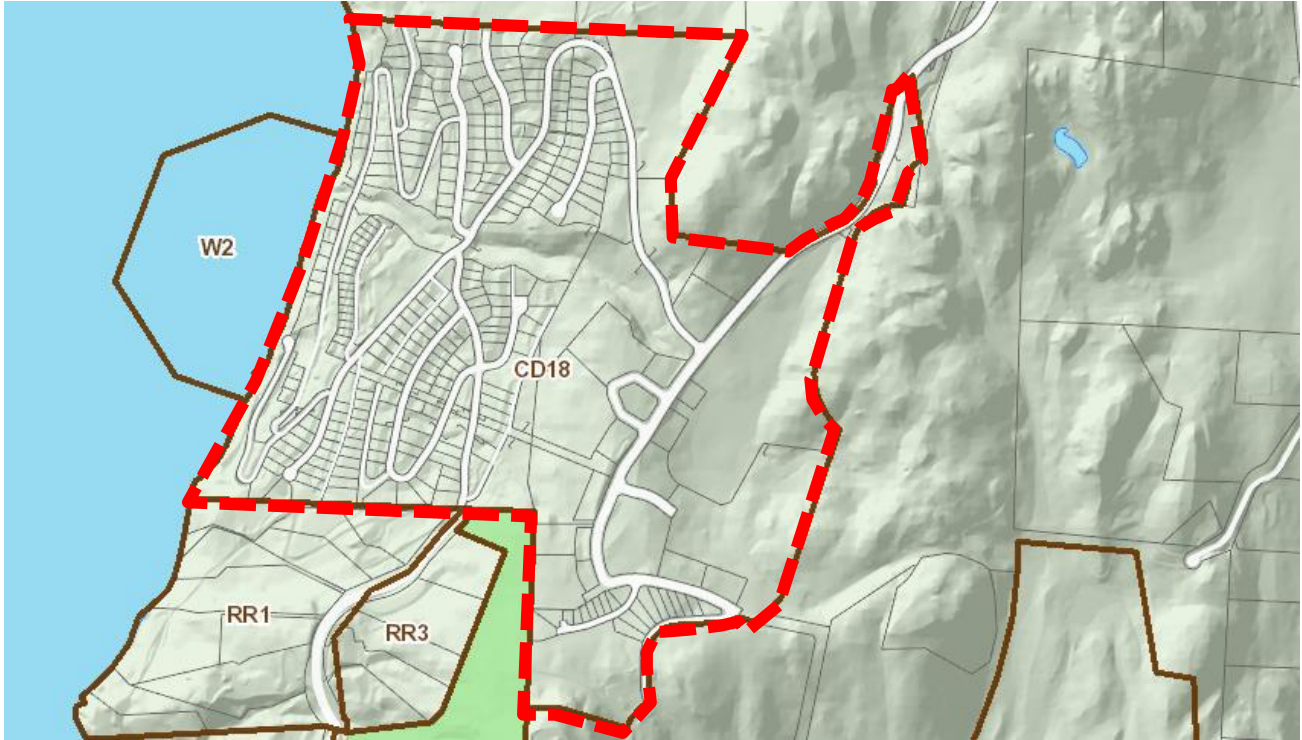
The original purpose for limiting unit size and building footprint was to keep the use of residential units as a vacation resort dwellings with a limited size and scale. The McKinley Beach area has developed as a single family and mixed-use suburban residential subdivision rather than a resort style development.

In accordance with the OCP and the development regulations within the CD18 zone any development that impacts slopes over 30% will require a Natural Environment/Hazardous Condition Development Permit. For any development to occur in these areas, it must be demonstrated that the proposal will be sensitively integrated with the natural environment and will present no hazards to persons or property. For all multi-family development a Form and Character Development Permit is required.

Staff are recommending the maximum unit size regulations stated in the CD18 zone be removed as they are not required to effectively regulate development within this area. The lot layout and buildable areas of each lot in the CD18 zone is being determined through the subdivision and development permit process. Specifically, for single family development at time of subdivision 'no-build' and 'no-disturb' covenants are being required to be registered on the title of each new lot to ensure geotechnically unsafe or environmentally sensitive areas are avoided. Staff review commercial or multi-family projects based on the overall size, massing, height, parking spaces etc. in order to determine their suitability in relation to urban design guidelines.

The overall density of 1300 residential units in the CD18 zone is controlled in the form of a 219 covenant registered on the remainder parcel(s), of the McKinley Beach area which is updated at time of development permit or subdivision.

Subject Property Map:



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process

Policy 10 - North McKinley: Not approve any additional residential uses or densities (beyond existing zoning) for lands in the North McKinley area designated in the OCP for mixed use tourism use.

Chapter 12 – Natural Environment DP Guidelines:

2.1 – Habitat Protection: Plan, design and implement land development and subdivision to protect environmentally sensitive areas.

Chapter 13 – Hazardous Condition DP Guidelines:

General DP Guidelines - Disturbance of steep slopes and hazardous condition areas will be avoided in accordance with City of Kelowna hillside development guidelines.

Report Prepared by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Proposed Text Amendments

Schedule A – Proposed Text Amendment

Schedule B – Comprehensive Development Zones - CD18 – McKinley Beach Comprehensive Resort Development – Development Regulations

No.	Section	Current Wording	Proposed	Reason for Change
1.	1.3 (f) 2.	2. for those lots not requiring a form & character Development Permit it will be through the subdivision approval process based on a calculation of 350m ² per unit (based on 1.3(g) Type B below). For example: if there are 10 lots being approved and eight of those lots are for single detached housing and two of the lots are for semi-detached housing the calculation used to determine the buildable area would be 12x350m ² = 4,200m ² .	2. for those lots not requiring a form & character Development Permit total site density will be reduced through the subdivision approval process based on the maximum developable area of each lot measured as all areas of a lot that are able to be developed excluding development permit areas not allowing development.	<p>The proposed change will allow for residential units to have a greater floor area and building footprint subject to the developable area of each lot.</p> <p>The developable area of each lot will be determined at the subdivision stage through the development permit process.</p>

Schedule A – Proposed Text Amendment

2.	1.3 (g)	<p>Dwelling units or resort accommodation which allows for short-term stays is made up of two types:</p> <p>Type A:</p> <p>Attached apartment, hotel, congregate housing, motel units or row housing units (units in buildings exceeding 4 units with common amenities) – maximum area of 150m² per unit floor area net.</p> <p>Type B:</p> <p>Single detached housing with or without secondary suites, semi-detached housing, row housing with four units or less, with amenities that may be in separate buildings. The maximum gross floor area is 350m² per unit (excluding garages). The main floor footprint (excluding garage) may not exceed 175m² per unit (excluding garages).</p>	Delete Section 1.3 (g) in its entirety and remove any reference to this section within the CD18 zone.	The proposed change will remove specific restrictions on floor areas and building footprint.
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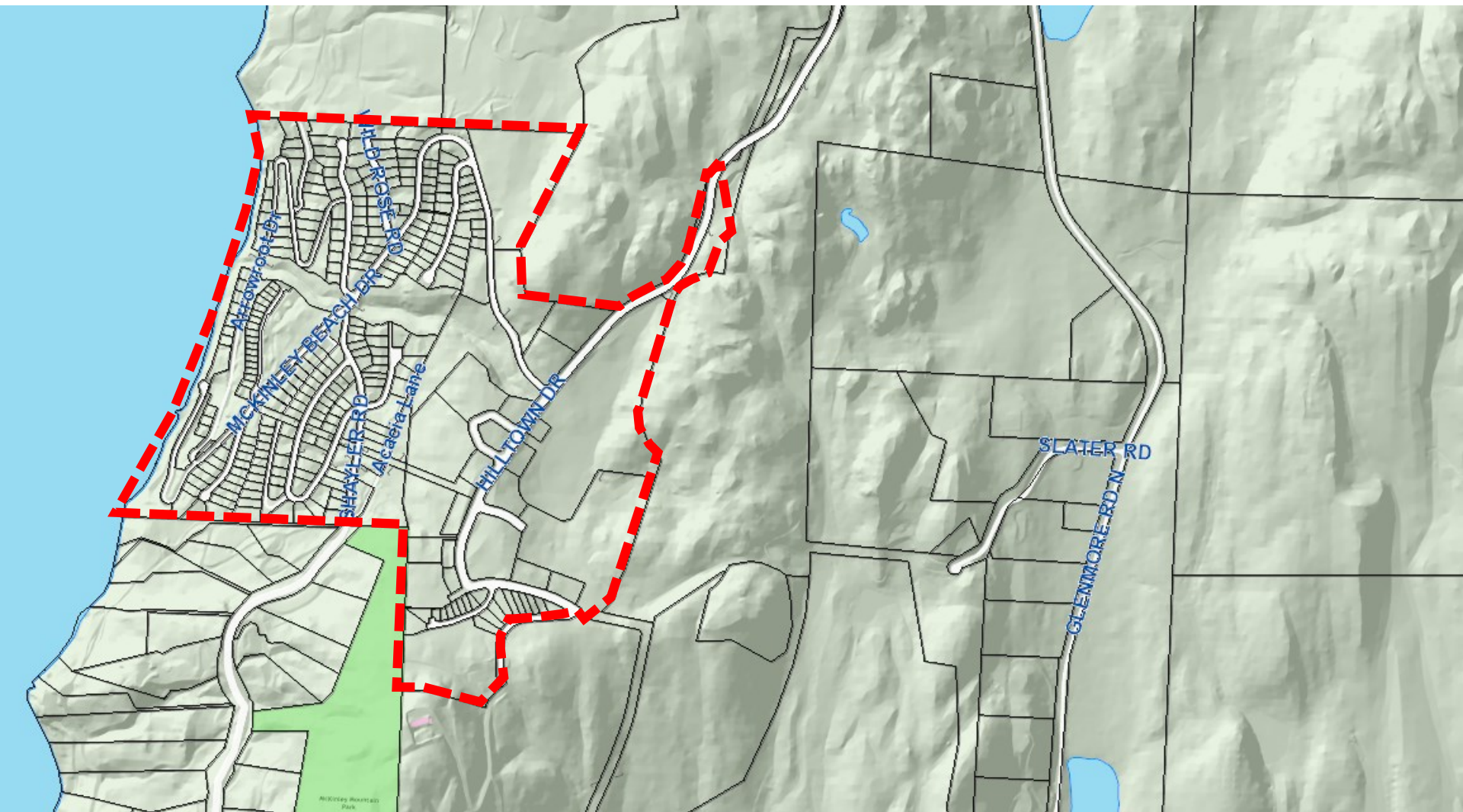


TA20-0013 (W OF) Shayler Rd

Zoning Bylaw Text Amendment Application



Context Map



Proposal

- ▶ To amend the CD18 – McKinley Beach Comprehensive Resort Zone to remove restrictions on maximum gross floor area and building footprint.

Current Zoning Regulation

- ▶ The maximum floor area for attached apartment, hotel, congregate housing, motel units or row housing units is 150m² per unit .
- ▶ The maximum gross floor area is 350m² per unit and the main floor footprint may not exceed 175m² per unit for single detached housing, semi-detached housing.

Staff Recommendation

- ▶ Remove maximum unit size regulations stated in the CD18 zone as they are not required to effectively regulate development within this area.
- ▶ The lot layout and buildable areas of each lot in the CD18 zone is being determined through the subdivision and development permit process.
 - ▶ 'no-disturb' covenants are being required to be registered on the title of each new lot to ensure geotechnically unsafe or environmentally sensitive areas are avoided
 - ▶ Staff review commercial or multi-family projects based on the overall size, massing, height, parking spaces etc. in order to determine their suitability in relation to urban design guidelines.
 - ▶ The overall density in the CD18 zone is controlled in the form of a 219 covenant registered on the remainder parcel(s)



Conclusion of Staff Remarks