

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 .

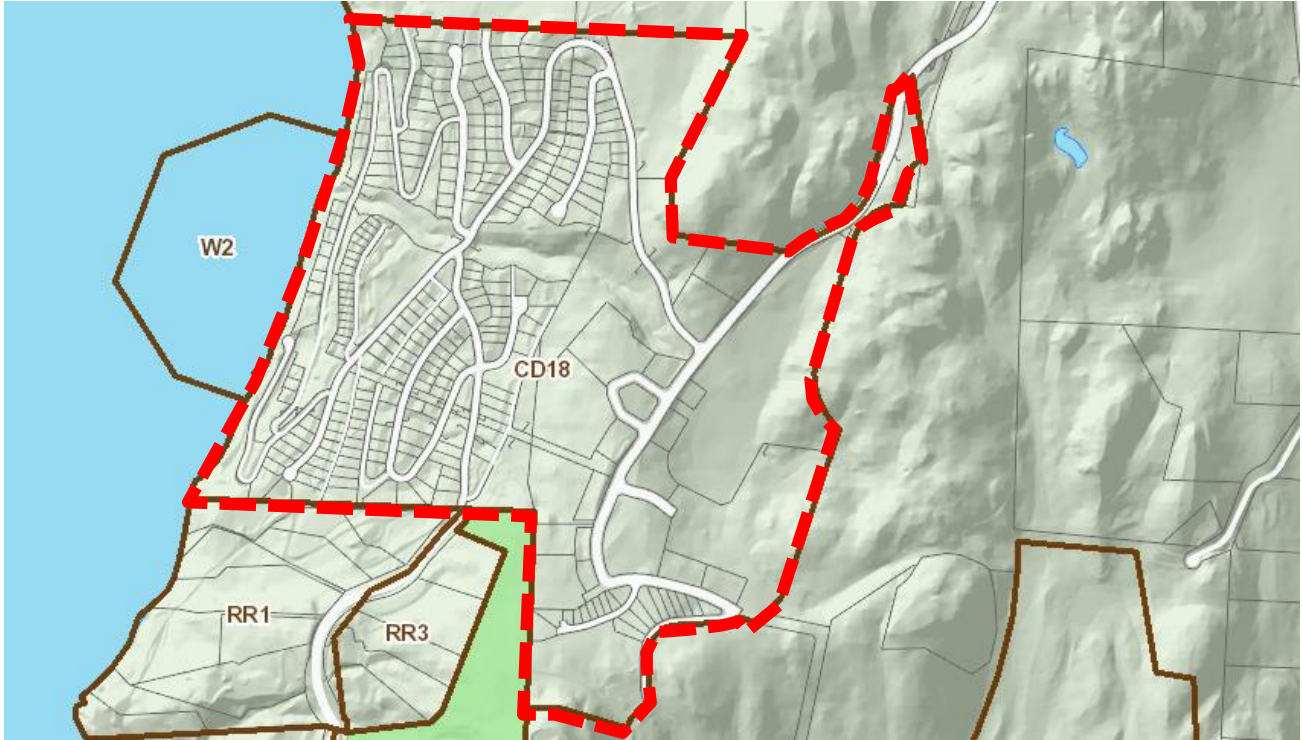
The original purpose for limiting unit size and building footprint was to keep the use of residential units as a vacation resort dwellings with a limited size and scale. The McKinley Beach area has developed as a single family and mixed-use suburban residential subdivision rather than a resort style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