

Report to Council



Date: August 22nd 2022

To: Council

From: City Manager

Department: Development Planning

Application: OCP21-0010/Z21-0032 **Owner:** Highstreet Canyon Falls Apartments Ltd., Inc. No. BC1311111

Address: 1055 Frost Road **Applicant:** Highstreet Ventures Inc.

Subject: Report to Council - Supplemental

Existing OCP Designation: VC – Village Centre, NAT – Natural Areas

Proposed OCP Designation: VC – Village Centre, NAT – Natural Areas

Existing Zone: A1 – Agriculture 1, RU1h – Large Lot Housing (Hillside Area)

Proposed Zone: A1 – Agriculture 1, P3 – Parks and Open Space, RM5 – Medium Density Multiple Housing

Recommendation:

THAT Council waives the requirement for a Preliminary Layout Review Letter by the Approving Officer to be considered in conjunction with Final Adoption of OCP Bylaw Amendment Bylaw No. 12382 and Zoning Bylaw Amendment Bylaw No. 12383;

AND THAT Final Adoption of OCP Bylaw Amendment Bylaw No. 12382 and Zoning Bylaw Amendment Bylaw No. 12383 be considered by Council.

Purpose:

To waive the requirement for a Preliminary Layout Review Letter for OCP Bylaw Amendment Bylaw No. 12382 and Zoning Bylaw Amendment Bylaw No. 12383 and to forward the Bylaws for adoption.

Background:

On May 31st2022 after a public hearing Council gave third readings to OCP and Zoning Bylaw amendments related to the construction of a multi-family development proposal at 1055 Frost Road. At that time the staff recommendation included that final adoption be considered subsequent to the issuance of a Preliminary Layout Review (PLR) Letter for a proposed subdivision.

Previous Council Resolution

Resolution	Date
<p><i>THAT Official Community Plan Map Amendment Application No. OCP21-0010 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot 1, DL 579, SDYD, Plan EPP74481, located at 1055 Frost Road, Kelowna, BC from the VC – Village Centre and the NAT – Natural Areas designations to the VC – Village Centre and the NAT – Natural Areas designations as shown on Map "A" attached to the Report from the Development Planning Department dated May 16th 2022, be considered by Council;</i></p> <p><i>AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;</i></p> <p><i>AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Development Planning Department dated May 16th 2022;</i></p> <p><i>AND THAT Rezoning Application No. Z21-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, DL 579, SDYD, Plan EPP74481, located at 1055 Frost Road, Kelowna, BC from the A1 – Agriculture 1 zone and the RU1h – Large Lot Housing (Hillside Area) zone to the P3 – Parks and Open Space zone and RM5 – Medium Density Multiple Housing zone as shown on Map "B" attached to the Report from the Development Planning Department dated May 16th 2022, be considered by Council;</i></p> <p><i>AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;</i></p> <p><i>AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated May 16th 2022;</i></p> <p><i>AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;</i></p> <p><i>AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.</i></p>	<p>First Reading May 16th 2022</p> <p>Second and Third Reading May 31st 2022</p>

Discussion:

Staff are recommending that Council waive the condition that final adoption be considered subsequent to the issuance of a subdivision PLR. As the requirement of a Development Permit and Development Variance Permit has been temporarily waived, decoupling the PLR will allow the amending Bylaws to receive final adoption by Council under Zoning Bylaw No. 8000. The applicant has satisfied all other outstanding conditions including entering into a servicing agreement for the development engineering requirements related to this application.

Should Council not support the recommendation to waive the condition, final adoption of the bylaws will be postponed until after the adoption of Zoning Bylaw No. 12375 and will require a Public Hearing to be held a second time.

Conclusion:

The applicants for OCP Bylaw Amendment Bylaw No. 12382 and Zoning Bylaw Amendment Bylaw No. 12383 have satisfied the conditions of adoption except for the issuance of a subdivision Preliminary Layout Review (PLR) letter. Staff are recommending this outstanding condition be waived.

Submitted by: Alex Kondor, Planner Specialist

Approved for inclusion: Terry Barton, Development Planning Department Manager