

# REPORT TO COUNCIL



**Date:** September 19<sup>th</sup> 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP20-0006, Z20-0023      **Owner:** 0977415 BC Ltd Inc. No. BC0977415

**Address:** 2160 Tower Ranch Blvd      **Applicant:** Christy & Associates Planning Consultants Ltd

**Subject:** Official Community Plan Amendment and Rezoning Application

**Existing OCP Designation:** S-RES – Suburban Residential, REC – Private Recreational, PSU – Public Services/Utilities

**Proposed OCP Designation:** S-RES – Suburban Residential, REC – Private Recreational, PSU – Public Services/Utilities

**Existing Zone:** RU1 – Large Lot Housing Zone, RU1h – Large Lot Housing (Hillside) Zone, P3 – Parks and Open Space Zone

**Proposed Zone:** RU5 – Bareland Strata Housing Zone, P3 – Parks and Open Space Zone

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## 1.0 Recommendation

THAT Council waives the requirement of a Development Permit related to the Natural Environment and Hazard Development Permit Areas for the adoption of Zoning Bylaw Amendment Bylaw No. 12380;

AND THAT final adoption of OCP Bylaw Amendment Bylaw No. 12379 and Zoning Bylaw Amendment Bylaw No. 12380 be considered by Council.

## 2.0 Purpose

To waive the requirement for a Natural Environment and Hazard Development Permit and to forward Bylaws No. 12379 and 12380 for adoption.

## 3.0 Background

On May 31<sup>st</sup>, 2022 after a Public Hearing, Council gave third readings to OCP and Zoning Bylaw amendments related to a proposed strata subdivision in the Tower Ranch neighborhood. At that time the staff recommendation was that final adoption of the bylaws be considered subsequent to the issuance of a Development Permit related to the Natural environment and Hazard Development Permit Areas. Staff are

proposing this condition be waived in order to have the land use bylaws adopted and if supported staff will continue to process the development permit applications.

*Previous Council Resolution*

| Resolution  | Date   |
|---|--|
| <p>THAT Official Community Plan Map Amendment Application No. OCP20-0006 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 4, Section 31, Township 27, ODYD, Plan KAP80993 located at 2160 Tower Ranch Blvd, Kelowna, BC from the S-RES – Suburban Residential and the REC– Private Recreational designations to the S-RES – Suburban Residential and REC – Private Recreational designations as shown on Maps “A1 and A2” attached to the Report from the Development Planning Department dated May 16, 2022 be considered by Council;</p> <p>AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>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 16, 2022;</p> <p>AND THAT Rezoning Application No. Z20-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 4, Section 31, Township 27, ODYD, Plan KAP80993 located at 2160 Tower Ranch Blvd, Kelowna, BC from the RU1 – Large Lot Housing, RU1h – Large Lot Housing (Hillside) and P3 – Parks and Open Space zones to the RU5 – Bareland Strata Housing and P3 – Parks and Open Space zones as shown on Maps “B1 and B2” attached to the Report from the Development Planning Department dated May 16, 2022 be considered by Council;</p> <p>AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>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 16, 2022;</p> <p>AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Development Permit related to the Natural Environment and Hazard Development Permit Areas;</p> <p>AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.</p> | <p>First Reading<br/>May 16<sup>th</sup> 2022</p> <p>Second and Third Reading<br/>May 31<sup>st</sup> 2022</p> |

#### **4.0 Discussion**

Staff are recommending that Council waive the conditions that final adoption be considered subsequent to the issuance of a Natural Environment/Hazard Development Permit. Decoupling the Development Permit allow the amending Bylaws to receive final adoption by Council under Zoning Bylaw No. 8000. If supported the Natural Environment/Hazard Development Permit application will continue to be processed by staff. The applicant has satisfied all other outstanding conditions of adoption.

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 re-readings and that a Public Hearing to be held a second time.

#### **5.0 Conclusion**

The applicants for OCP Bylaw Amendment Bylaw No. 12379 and Zoning Bylaw Amendment Bylaw No. 12380 have satisfied the conditions of adoption except for the issuance of Natural Environment/Hazard Development Permit . Staff are recommending this outstanding conditions be waived.

**Reviewed/Prepared by:** Alex Kondor, Planner Specialist

**Reviewed by:** Terry Barton, Development Planning Department Manager