

REPORT TO COUNCIL



Date: September 26th 2022

To: Council

From: City Manager

Department: Community Planning

Application: TA20-0009 **Owner:** Westcorp on the Lake Inc. Inc.
No. A75763

Address: 3773-3795 Lakeshore Road **Applicant:** Westcorp Development
Management Inc.

Subject: Zoning Bylaw Text Amendment

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

Existing Zone: CD24 – Comprehensive Development Zone / P3 – Parks and Open
Space

1.0 Recommendation

THAT council authorize staff to enter into a 'Master Development Agreement' for the subject property attached as Schedule "A" to the report from the Development Planning Department dated September 26th 2022 for Lot 1, DL 134, ODYD, Plan EPP41204 Except Plan EPP112300, located at 3773-3795 Lakeshore Road, Kelowna, BC;

AND THAT Final Adoption of Zoning Bylaw Amendment Bylaw No. 12366 be considered by Council.

2.0 Purpose

To authorize staff to enter into a Master Development Agreement for the subject property and adopt the proposed Zoning Bylaw amendment.

3.0 Background

On May 31st, 2022 after a Public Hearing, Council gave third readings to a Zoning Bylaw amendment to update the CD24 – Comprehensive Development Zone. The staff recommendation was that final adoption of the bylaws be considered subsequent to staff being authorized to enter into a Master Development Agreement (MDA) to guide future development on the property.

Previous Council Resolution

Resolution	Date
<p>THAT Zoning Bylaw Text Amendment Application No. TA20-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated May 2nd 2022 for Lot 1, DL 134, ODYD, Plan EPP41204 located at 3773-3795 Lakeshore Road be considered by Council;</p> <p>AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>AND THAT final adoption of the Text Amending Bylaw be considered subsequent to council authorizing staff to enter into a 'Master Development Agreement' for the subject property;</p> <p>AND THAT final adoption of the Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Development Planning Department dated May 2nd 2022;</p> <p>AND FURTHER THAT final adoption of the Text Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.</p>	<p>First Reading May 2nd 2022</p> <p>Second and Third Reading May 31st 2022</p>

4.0 Discussion

A Master Development Agreement (MDA) is proposed to guide future development on the site. Staff are recommending that prior to final adoption council authorize staff to enter into an MDA. Specifically, an MDA is proposed to be used as tool to ensure the site develops in accordance with the concept plans submitted in support of the text amendment and includes:

- a) The provision, protection and maintenance of access roads;
- b) The construction of off-site and on-site streetscape and site servicing improvements;
- c) The provision, protection and maintenance of City owned water utility services within the Development, including the provision of covenants, or statutory rights of way, or any combination thereof;
- d) Amenity phasing and the construction of Wilson Creek Linear Park;
- e) Dedication or transfer of Wilson Creek Linear Park to the City;
- f) Allocation of density through different phases of the Development;
- g) The construction of the Roads and Sidewalks through the Lands, including the provision of covenants, or Statutory Rights of Way, or combination thereof, to secure public use of the Roads and Sidewalks;
- h) Section 219 Covenant restricting development on the Lands except as contemplated by the Agreement;
- i) The provision, protection and maintenance of storm and sanitary sewer works throughout the Development;
- j) The construction of Bird Place bridge;

- k) Construction of Lakeshore Road frontage improvements and the installation of a pedestrian crossing on Lakeshore Road

5.0 Conclusion

The proposed Master Development Agreement has been reviewed by staff and the City Solicitor. Staff are recommending council authorize staff to proceed with entering into the Master Development Agreement. The applicant for Zoning Bylaw Text Amendment Bylaw No. 12366 has satisfied all other conditions of adoption and staff are recommending the bylaw be adopted.

The Master Development Agreement will be attached by legal agreement to the title of the property to ensure that the requirements are binding and enforceable in the long term. With the adoption of the City's new Zoning Bylaw; the updated CD zone will be replaced by the key development regulations have been incorporated into the new zone applied to the property.

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Draft Master Development Agreement