
MEETING TYPE: Regular Council Meeting
MEETING DATE: June 20, 2023
AUTHOR: Trevor Empey, Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Zoning Amendment Bylaw 1204, 2023 | Z2021-005 | 10539 Powley Court
DESCRIPTION: To rezone from RM2 Low Density Row Housing to RM4 Low Density Multiple Housing to develop a Row House at 10539 Powley Court

QUESTION

Does council support advancing an application to rezone 10539 Powley Court from Low Density Row Housing (RM2) to Low Density Multiple Housing (RM4) facilitating a row house development proposal that is in alignment with the Official Community Plan?

OPTIONS

- A. THAT Zoning Amendment (Z2021-005) Bylaw 1204, 2023 be read a first, second and third time;
AND THAT prior to adoption, a Covenant be registered to secure improvements to the existing pedestrian walkway.
- B. THAT Zoning Amendment (Z2021-005) Bylaw 1204, 2023 not receive any readings and the file be closed.
- C. THAT consideration of Zoning Amendment (Z2021-005) Bylaw 1204, 2023 be deferred pending additional information as identified by Council.

EXECUTIVE SUMMARY

The applicant proposes to rezone the subject property from RM2 – Low Density Row Housing to RM4 – Low Density Multiple Housing. The developer's concept for the site is six townhouse-style homes in two buildings of three units each. The requested Zoning Bylaw amendment is consistent with the subject property's Official Community Plan (OCP) High Density Residential designation and the overall redevelopment occurring along Powley Court.

If approved, the Zoning Bylaw amendment would permit an increase in density on the subject property, primarily through increased building height and floor area ratio. The proposed zone would permit additional forms of residential buildings and include enhanced requirements for private open space (see the Discussion for more information).

Should Council support the proposed amendment application, upgrades to local infrastructure would occur along the frontage of Powley Court and Bottom Wood Lake Road through the Building Permit process.

There is an existing inaccessible walkway (stairs) south of the subject property that provides a pedestrian connection between Powley Court and Lodge Road. Upgrading the walkway to include a barrier-free ramp would allow existing and future residents of all abilities to utilize this connection. Council has the authority to secure accessibility improvements through the rezoning process via a Land Title Act (section 219) covenant if granted by the owner.

With the Zoning Bylaw amendment application, the applicant also submitted applications for a Development Permit and a Development Variance Permit. Should council support the proposed Zoning Bylaw amendment

application, the Development Permit and Development Variance Permit applications would come before council following adoption of the proposed rezoning application. Council is asked to consider the proposed Zoning Bylaw amendment first to inform the review of the associated development applications.

BACKGROUND/HISTORY

Planning staff received the Zoning Bylaw amendment on April 28, 2021 along with concurrent Development Permit and Development Variance Permit applications. The OCP future land use designation for the subject property is High Density Residential.

The application was presented to Council on June 20, 2023 where Council decided to waive public hearing requirements as per the Local Government Act (LGA) section 464. As per the LGA, public notification occurred via letter, newspaper advertisements and posted signs to inform the public that Council decided to waive public hearing requirements for this application.

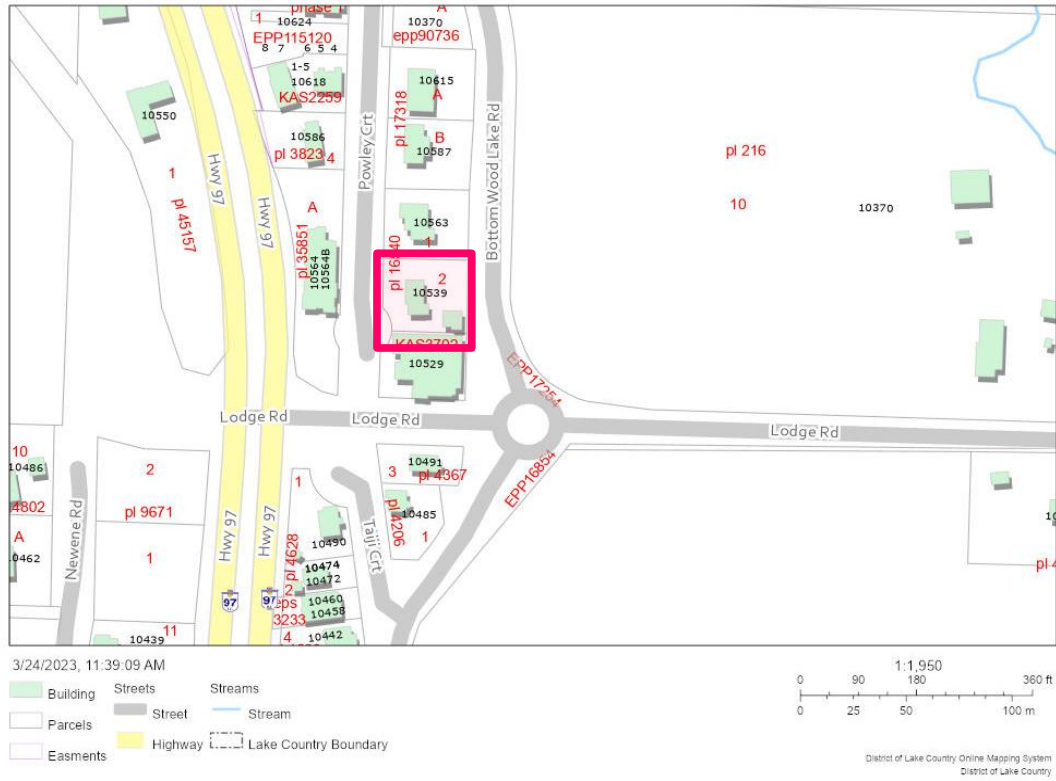
TABLE 1: SITE CONTEXT

PROPERTY INFORMATION			
Associated Files:	DP2021-018-C & DVP2021-010		
Civic Address:	10539 Powley Court		
Roll Number:	11602000		
Legal Description:	PID: 002-382-300 Lot 2 District Lot 169 ODYD Plan 16540 Except Plan 43162		
Applicant:	Birte Decloux – Urban Options Planning Corp.	Owner:	Michael Wiens - 1209515 BC Ltd.
OCP Designation:	High Density Residential		
Existing Zoning Designation:	Low Density Row Housing - RM2		
Proposed Zoning:	Low Density Multiple Housing – RM4		
Land Use Contract:	No		
ALR:	No		
Parcel Size:	1,376m ² (0.34acres)		
DP Area(s):	Agricultural, Town Centre, Multi-Unit, GHG Reduction & Resource Conservation		
Water Supply:	District of Lake Country		
Sewer:			
Adjacent Land Use:	Zoning:	Use:	
<i>North:</i>	RM - 2 Low Density Row Housing	Single-family dwelling	
<i>East:</i>	A1- Agriculture	Agricultural (ALR)	
<i>South:</i>	RM4 – Low Density Multiple Housing	Multi-family development	
<i>West:</i>	C-1 Town Centre Commercial	Mixed-Use Commercial	

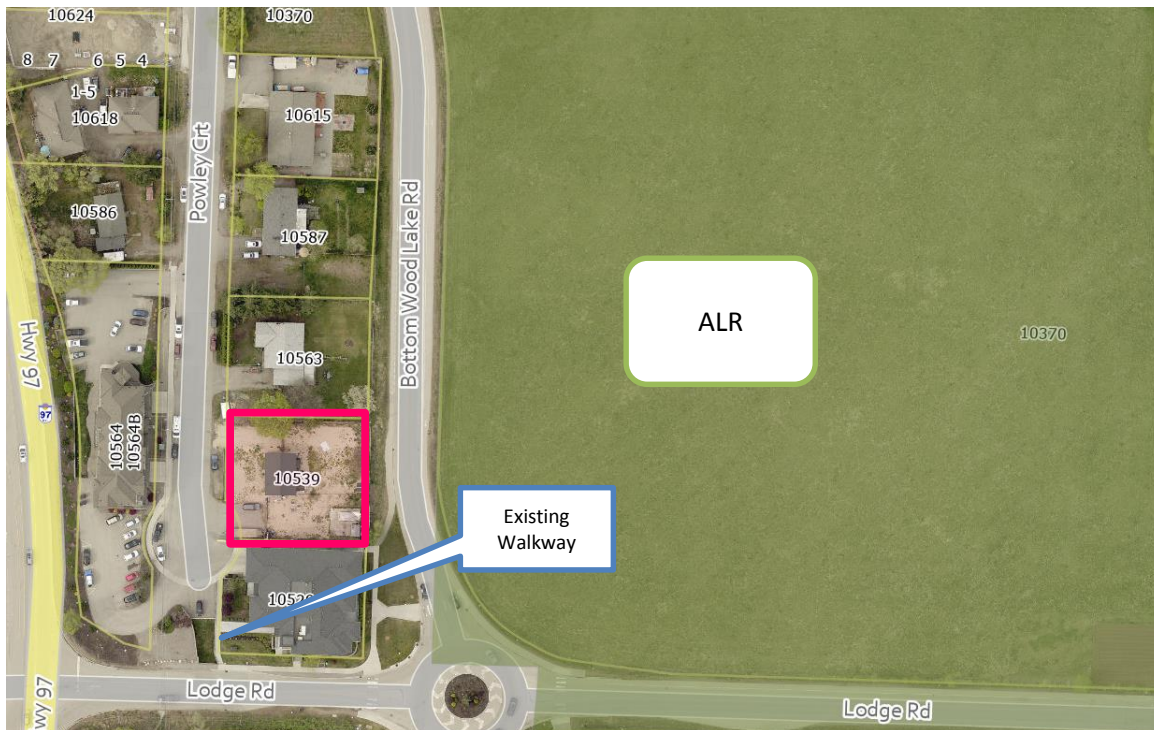
SITE CONTEXT

The subject property is urban in nature, located along Powley Court with additional frontage on Bottom Wood Lake Road. Powley Court is a higher-growth area of the community; single-detached properties in this area are transitioning to higher density residential uses including a mix of townhomes and apartment buildings. Access to the property is from Powley Court; no vehicular access is proposed to Bottom Wood Lake Road. There is an existing public pedestrian right-of-way on the southern portion of Powley Court connecting to Lodge Rd. Currently this walkway is inaccessible for those with a disability due to a small stairway (Map 2: Orthophoto).

MAP 1: LOCATION



MAP 2: ORTHOPHOTO



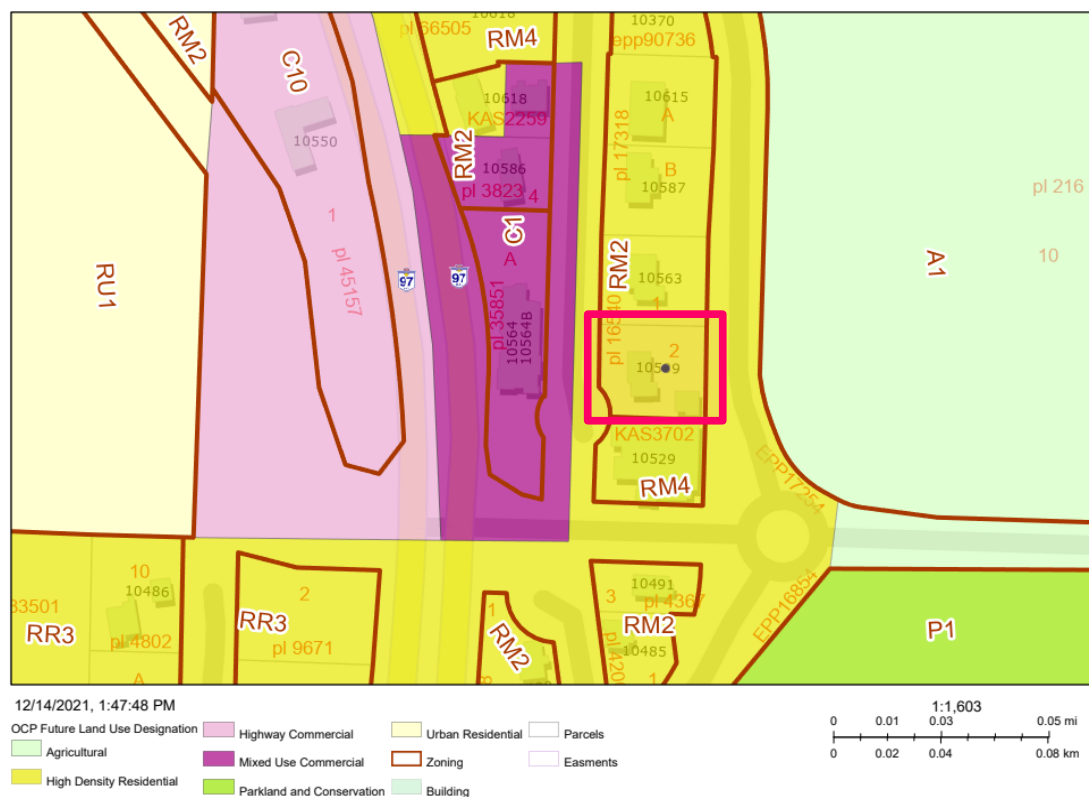
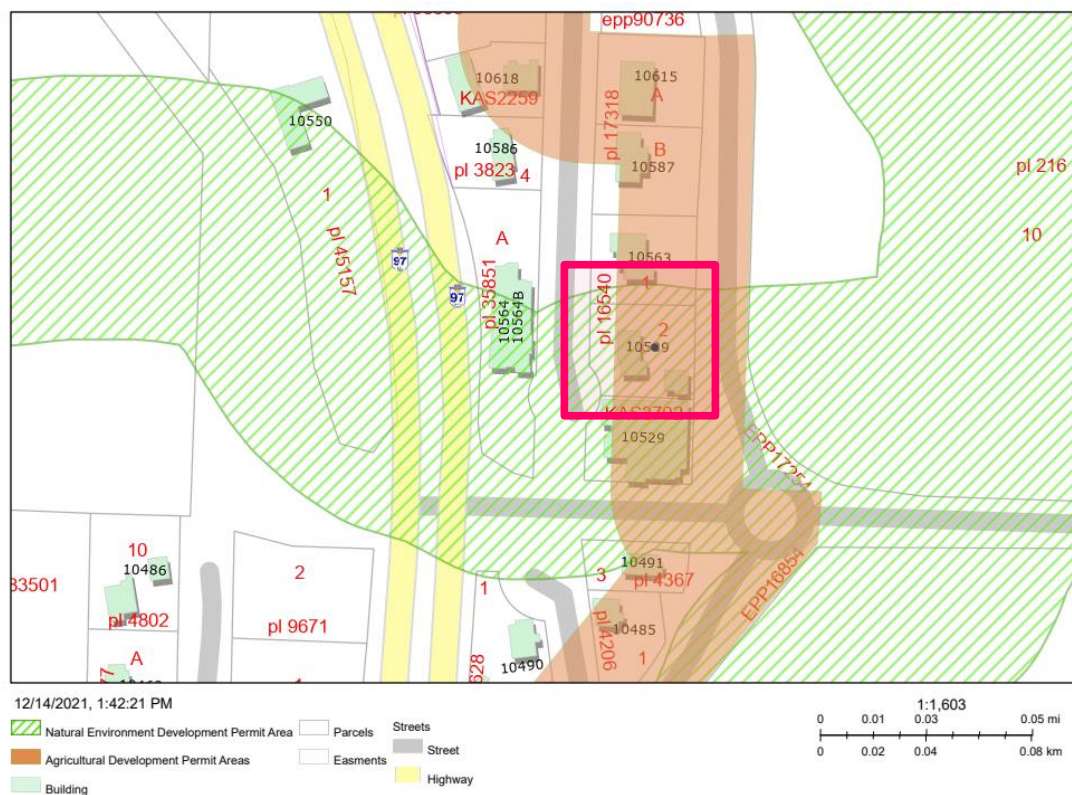
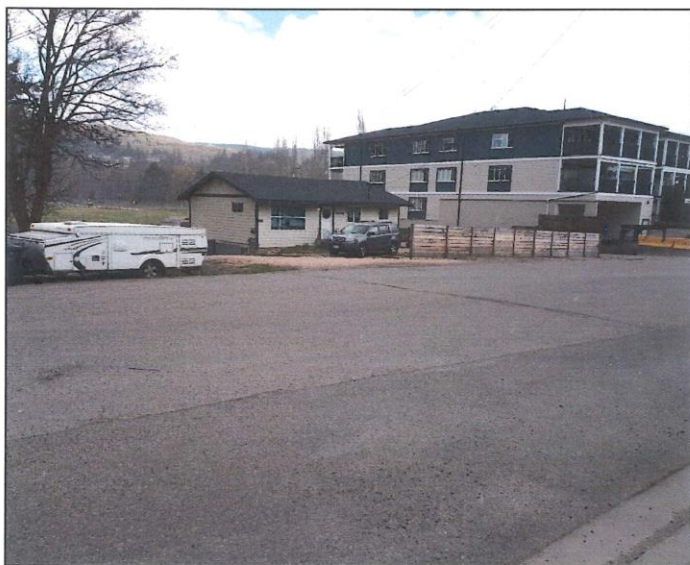
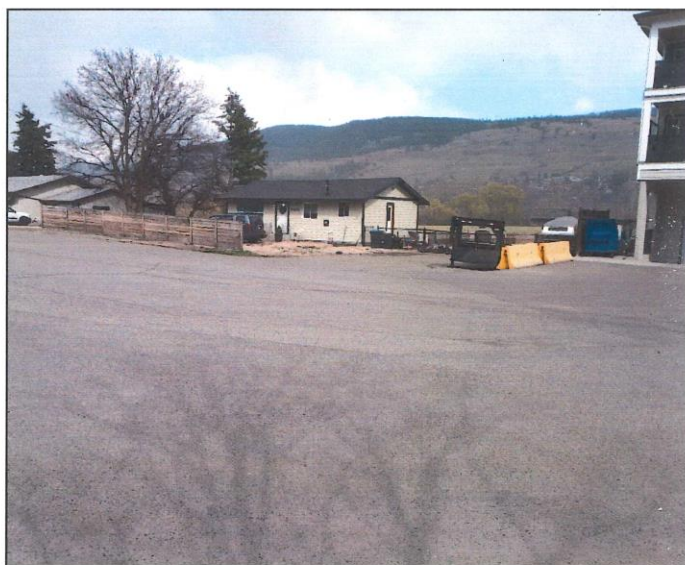
MAP 3: OCP LAND USE DESIGNATIONS & ZONING**MAP 4: DEVELOPMENT PERMIT AREAS**

FIGURE 2: SUBJECT PROPERTY AND NEIGHBOURHOOD CONTEXT PHOTOS

10539 Powley Ct. — Subject Property



Frontage



Rear yard (existing dwelling & shed to be removed)



Neighbourhood Context



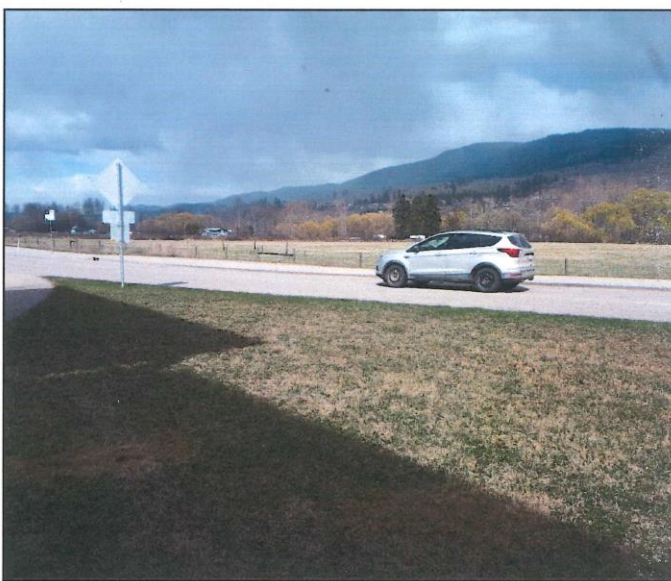
Neighbour to the south



Neighbour across Powley Court



Neighbour to the north—rear yard



Across Bottom Wood Lake Road

TABLE 2: FILE CHRONOLOGY

Date	Event
2021-04-28	Application submission
2022-08-22	Internal & external referrals
2022-12-19	Comprehensive letter issued
2023-06-20	Staff presented this application to Council and Council waived Public Hearing

DISCUSSION/ANALYSISOfficial Community Plan (OCP)

Staff note that this land use application supports the goals, objectives and policies of the OCP (Table 3). The proposed development would encourage growth within the Urban Containment Boundary and increase density (urban infill) within an area serviced by municipal infrastructure resulting in more efficient land use and service delivery. Adding residential density near mixed-use commercial-designated areas would support the further development of the Winfield Town Centre as a complete community.

Rezoning the subject property would allow further diversification of the local housing stock and increase the supply of multiple-unit dwellings in an area both serviced by transit and within a 10-minute walk of schools, employment, commercial services.

The subject property is adjacent to Agricultural Land Reserve (ALR) farmland (zoned A1). Bottom Wood Lake Road separates the subject property from the adjacent farmland. The roadway would help reduce potential land use conflicts resulting from adjacent agricultural and non-agricultural land uses.

The development concept would result in a conceptual density of approximately 43 units per hectare which is within the OCP target range of 25 to 120 units per hectare.

TABLE 3: OFFICIAL COMMUNITY PLAN ANALYSIS TABLE

Section	Goals/Objectives	Policy Number	Policy
Growth OCP Section 4	4.1.1– 4.1.5 – Goals to establish Lake Country as a Complete Community	4.1.8(a)	<ul style="list-style-type: none"> Focus future development and land use changes to the Urban Containment Boundary (UCB)
	4.11 – Encourage use of existing municipal infrastructure investments	4.1.12(a)	<ul style="list-style-type: none"> Support infill projects in existing urban neighbourhoods that use land more efficiently
	4.1.15 – Establish Lake Country as a complete community with a range of different housing options	4.1.16(d)	<ul style="list-style-type: none"> Support an increase in multiple-unit housing inside the UCB
Infill Development Strategy OCP Section 4	4.6.1 – Support appropriate infill development and use the existing land base more intensively	4.6.2(d)	<ul style="list-style-type: none"> Support the subdivision or densification of land within the UCB to utilize the land base more efficiently
Neighbourhood Planning (Winfield) OCP Section 5	5.1.1 – Develop the Town Centre as the residential, employment and cultural core of the community	5.1.3(e)	<ul style="list-style-type: none"> Encourage the redevelopment of single-family dwellings into multiple-unit dwellings such as, triplexes, apartments, and mixed-use buildings
	5.8.7 – Increase density in existing developed neighbourhoods	5.8.8(a)	<ul style="list-style-type: none"> Where appropriate servicing exists, consider rezoning applications to more intense forms

Section	Goals/Objectives	Policy Number	Policy
			of urban residential development such as duplexes or townhomes
Housing OCP Section 7	7.1.1 – 7.1.3 Support a variety of residential housing options	7.1.5(d)	<ul style="list-style-type: none"> Continue to shift composition of housing stock by encouraging more multiple unit dwellings and fewer single-detached dwellings
		7.1.5(h)	<ul style="list-style-type: none"> Support the development of higher density housing in the UCB

Zoning Bylaw

This application proposes to rezone the subject property from RM2 – Low Density Row Housing to RM4 Low Density Multiple Housing (Attachment A: Draft Zoning Bylaw Amendment). For a detailed comparison of RM2 and RM4 zoning, see Tables 4 and 5 below.

Overall, a minor increase in density could occur, primarily through the permitted height and floor area ratio of the subject property. This zoning amendment would also permit more options of buildings and structures and additional requirements for private open space on the lot.

If approved, a change in zoning would permit the following:

TABLE 4: CHANGE TO RM4 ZONING – KEY INFORMATION

Development Regulations	Summary of Change
Floor Area Ratio	<ul style="list-style-type: none"> 15% increase in Floor Area Ratio maximums, including parking (when enclosed and located below habitable or amenity space)
Site Coverage	<ul style="list-style-type: none"> 10% increase in Total Site Coverage (including parking, driveways and buildings)
Buildings & Structures	<ul style="list-style-type: none"> More options for type of building and structures located on the subject property
Height	<ul style="list-style-type: none"> Increase permitted storeys from 9.5m (2.5 storeys) to 12.4m (3.0 storeys)
Setbacks	<ul style="list-style-type: none"> Increase front and rear yard setback requirements Decrease side yard setback requirements for first 2.0 storeys of a building
Private Open Space	<ul style="list-style-type: none"> Specified requirements per unit type (e.g., 7.5m² open space for bachelor unit, 15m² per unit with more than 1 bedroom etc.)

TABLE 5: DETAILED ZONING ANALYSIS COMPARIOSN

Development Regulations	Low Density Row Housing – RM2	Low Density Multiple Housing – RM4
Principle Uses	<ul style="list-style-type: none"> Multiple Dwelling Housing Two Dwelling Housing 	<ul style="list-style-type: none"> Multiple Dwelling Housing Two Dwelling Housing Boarding, lodging houses Group Home, Major
Buildings & Structures	<ul style="list-style-type: none"> Duplex Row Semi-detached Accessory Buildings or structures 	<ul style="list-style-type: none"> Apartment Duplex Row Semi-detached Stacked row housing Accessory building or structures
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> 0.50 FAR If parking provided below habitable space of principle building or common amenity areas FAR may increase by 0.08 by ratio of parking spaces to the total required up to maximum of 0.08 	<ul style="list-style-type: none"> 0.65 FAR If parking provided below habitable space of principle building or common amenity areas FAR may increase by 0.20 by the ratio of such parking spaces to the total required parking spaces <p>EXAMPLE:</p> <ul style="list-style-type: none"> Max FAR = 0.65 Bonus for parking under habitable space: $0.20 \times \text{ratio of stalls: } 0.2 \times 6/9 = 0.13$ Max FAR = 0.78 (0.65 + 0.13)
Site Coverage	<ul style="list-style-type: none"> 45% for building 50% including driveways, buildings and parking areas 	<ul style="list-style-type: none"> 45% for building 60% including driveways, buildings and parking areas
Height	<ul style="list-style-type: none"> Lesser of 9.5m or 2.5 storeys 	<ul style="list-style-type: none"> Lesser of 12.4m or 3 storeys
Front Yard	<ul style="list-style-type: none"> Minimum 4.5m 	<ul style="list-style-type: none"> Minimum 6.0m
Side Yard	<ul style="list-style-type: none"> Minimum 4.0m for 1 or 1.5 storey portion of a building and; 4.5m for 2 or 2.5 storey portion of building 	<ul style="list-style-type: none"> Minimum 2.3m for building under 2 storeys and; 4.5m for any part of building over 2 storeys with exception of 4.5m if from flanking street
Rear Yard	<ul style="list-style-type: none"> Minimum is 6.0 m for a 1 or 1.5 storey portion of a building and; 7.5 m for a 2 or 2.5 storey portion of a building 	<ul style="list-style-type: none"> Minimum 7.5m

Applicant's Conceptual Proposal

The applicant's development concept for the site is six townhouse-style homes in two (three-storey) buildings of three units each.

A variance for the front yard setback would likely be required as the southern end of Powley Court is limited by the vehicle turnaround. A conceptual analysis of the proposal has been provided (Attachment B: Applicants Zoning Analysis Table, and Attachment C: Applicant's Project Overview).

Pedestrian Connectivity and Local Infrastructure

A pedestrian walkway exists between Powley Court and Lodge Road (Map 2: Orthophoto). This pathway provides residents with more direct access to the Town Centre; however, the walkway is currently inaccessible to those with physical disabilities due to stairs necessary to accommodate existing grades.

The OCP (s.8.5) and the Mobility Master Plan provide policy direction to support the development of a complete community. Complete communities can be enhanced through improved pedestrian connectivity supporting mobility for people of all ages and abilities.

Accessibility improvements would benefit existing and future residents of the area and be consistent with policy goals and objectives of the OCP and Mobility Master Plan. This application is an opportunity for Council to secure walkway improvements through the rezoning process via a Land Title Act (section 219) covenant if granted by the owner. Staff and the applicant have discussed securing accessibility improvements through the rezoning process. Prior to presenting to Council on June 20, 2023, no agreement has been reached regarding the barrier-free upgrades to the pedestrian connection at Powley Court and Lodge Road.

APPLICABLE LEGISLATION AND POLICIES

Provincial Legislation:

The proposed development proposal meets the requirement for municipal zoning bylaws being consistent with land use policies identified in OCPs.

Local Government Act:

Section 478 of the *Local Government Act* requires all bylaws enacted after the adoption of an OCP to be consistent with than plan.

Section 464(2) states that a local government is not required to a Public Hearing on a proposed Zoning Bylaw amendment application if the proposal is consistent with the OCP. If council decides not to hold a Public Hearing in accordance with the Act, the local government must provide public notice of the procedural change in accordance with section 467 of the Act. If a Public Hearing is waived, public notice must be provided prior to first reading of the amendment bylaw in a manner that is consistent with the notice requirements for a Public Hearing.

Agricultural Plan:

Concentrating development in the established neighbourhood nodes identified for increased residential density supports the goals of the Agricultural Plan.

Zoning Bylaw:

Should Council grant third reading to the proposed Zoning Bylaw amendment, staff will prepare DP2021-018-C and DVP2021-010 for Council consideration following the adoption of the bylaw.

Development Application Procedures Bylaw:

The Zoning Bylaw amendment portion of this development proposal is proceeding to council in advance for associated Development Permit and Development Variance Permit applications as required by bylaw.

Highway Bylaw (Driveway Access Permit):

Access Permit (A2021-075) was approved and issued August 13, 2021, by the District of Lake Country.

IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

As per the Subdivision and Development Servicing Bylaw, the applicant is required to complete offsite works prior to the issuance of any building permit. Staff have communicated these requirements to the applicant for awareness through a Comprehensive Letter issued in December 2022.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

Regular staff time has been used to process the application. No impacts beyond those normally associated with municipal business are expected to result from this development.

COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

A combined circulation was sent to external agencies for their review and comment. The following comments apply to the Zoning Bylaw Amendment application:

TABLE 6: SUMMARY OF EXTERANL REFERRAL COMMENTS

Agency	Comment
Ministry of Transportation & Infrastructure	<ul style="list-style-type: none"> No objections
BC Transit	<ul style="list-style-type: none"> Denser land uses are more supportive of and conducive to transit use. To ensure that the nearby bus stops are accessible, it is recommended that an accessible path connects between the front and back of the development allowing access to Bottom Wood Lake Road.

CONSULTATION AND COMMUNICATION

As required under the District's Approval Procedures Bylaw (Schedule C & s. 18.8), the applicant is required to inform residents within a 50m radius of this Zoning Bylaw Amendment proposal. The applicant completed the consultation on May 2, 2023. Staff will provide a summary of feedback received by the applicant in the presentation to council.

As Council decided to waive the public hearing requirements for this application on June 20, 2023, staff have undertaken notification to inform the public of this decision. Staff completed mail notifications to properties in a 50m radius of the subject property. Further, staff also posted notices in two circulations of the Lake Country Herald newspaper and prepared two notice signs for the applicant to post on the subject property.

The applicant has been notified of this application proceeding to council for consideration and is encouraged to attend the meeting to hear deliberations.

Consultation Feedback Received

As of July 5, 2023, Staff received two letters from adjacent residents with feedback on potential implications to on-street parking and resident views impacted by the proposed development. Staff responded directly to one resident's letter to outline how this proposal meets District land use objectives and policies under the OCP.

ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council chooses Option A, the application will receive first, second and third readings and a public hearing will not be held under Local Government Act (LGA) Section 464 as per Council's decision on June 20, 2023 on this application to waive public hearing requirements.

Rezoning the subject property from RM-2 to RM-4 would be in direct alignment of the OCP's growth management, neighbourhood planning, infill development and housing diversification policies. The proposed RM-4 zone would be better aligned with the subject property's high-density residential land use identified in the OCP, and consistent with adjacent residential infill development.

Improvements to the existing pedestrian walkway on the southern portion of Powley Court could be approved through Option A. The option for the covenant would be presented with consideration of readings.

OPTION B: If Council chooses Option B, the bylaw will not be read and the file will be closed.

Denying the proposed rezoning application would leave the subject property's zoning unchanged. If council were to deny the rezoning application, the decision would be inconsistent with past rezoning decisions to increase density in the local area.

OPTION C: If Council chooses Option C, staff will work with the applicant to obtain the additional information as identified by Council. Further consideration of the application would be delayed until a future date.

Respectfully Submitted,
Trevor Empey, Planner
MCIP, RPP

Attachments:

A.	Draft Zoning Bylaw Amendment
B.	Applicant's Zoning Analysis Table
C.	Applicant's Project Overview

Report Approval Details

Document Title:	Z2021-005.docx
Attachments:	<ul style="list-style-type: none">- Attachment A Draft Zoning Bylaw Amendment.pdf- Attachment B Applicant's Zoning Analysis .pdf- Attachment C Applicant's Project Overview.pdf
Final Approval Date:	

This report and all of its attachments were approved and signed as outlined below:

Report Approval Details

Document Title:	Request for Council Decision - Z2021-005 - 10539 Powley Ct. .docx
Attachments:	- Attachment A-Zoning Amendment (Z2021-005) Bylaw 1204, 2023-1.docx - Attachment B Applicant's Zoning Analysis .pdf - Attachment C Applicant's Project Overview.pdf
Final Approval Date:	Jul 10, 2023

This report and all of its attachments were approved and signed as outlined below:

Brian Zurek, Manager of Planning - Jul 7, 2023 - 1:31 PM

Steven Gubbels, Manager of Development - Jul 7, 2023 - 1:50 PM

Matthew Salmon, Director of Engineering and Environmental Services - Jul 7, 2023 - 2:53 PM

No Signature - Task assigned to Jared Kassel, Director of Planning & Development was completed by assistant Makayla Ablitt, Legislative Technical Clerk

Jared Kassel, Director of Planning & Development - Jul 10, 2023 - 8:50 AM

Reyna Seabrook, Director of Corporate Services - Jul 10, 2023 - 1:53 PM

Tanya Garost, Chief Administrative Officer - Jul 10, 2023 - 4:46 PM