
MEETING TYPE: Regular Council Meeting
MEETING DATE: July 2, 2024
AUTHOR: Trevor Empey, Senior Planner
DEPARTMENT: Planning and Development
ITEM TITLE: Zoning Bylaw Amendment | Z0000279 | 3223 Woodsdale Road
DESCRIPTION: Rezoning from C10 - Service Commercial to C1 - Town Centre Commercial

PURPOSE

To consider a Zoning Bylaw amendment to rezone a commercial property in the Winfield Ward of the District.

RECOMMENDATION

THAT Zoning Amendment (Z0000279) Bylaw 1235, 2024 be read a first, second and third time;
AND THAT prior to adoption, the District secure rental housing on the subject property for a 10 year term;
AND THAT prior to adoption, the District secure road dedication at the northwest corner of the subject property;
AND FURTHER THAT prior to adoption, the existing covenant restricting residential land use on the subject property be removed.

EXECUTIVE SUMMARY

The applicant proposes to rezone 3223 Woodsdale (subject property) from C10 - Service Commercial to C1 - Town Centre Commercial. Staff are supportive of this application as rezoning to C1 - Town Centre would better align with the goals, objectives and policies and the future land use designation (Mixed Use Commercial) under the Official Community Plan 2018-2038 (OCP) to permit mixed-use development on the subject property. Mixed-use development typically includes commercial uses on the main floor with residential use above.

This application has been expedited by staff as the applicant has agreed to voluntarily enter into a covenant to secure rental housing on the subject property for a 10-year period. With the adoption of the Purpose-Built Rental Incentive Bylaw 1232,2024, the applicant would be eligible to participate in the incentive program if they could meet the terms of the regulation.

BACKGROUND/HISTORY

In 2009, a covenant was placed on title through previous rezoning to restrict land uses only to commercial services. No residential use is currently permitted on the subject property as a result of this covenant; further analysis of this covenant is noted under the Discussion section of this report.

In 2015, an application was made to the District to rezone the subject property from C10 to C1. The 2015 rezoning application received first and second reading and the conditions set by Council were not met which then led to the file being closed in 2017.

TABLE 1: PROPERTY INFORMATION

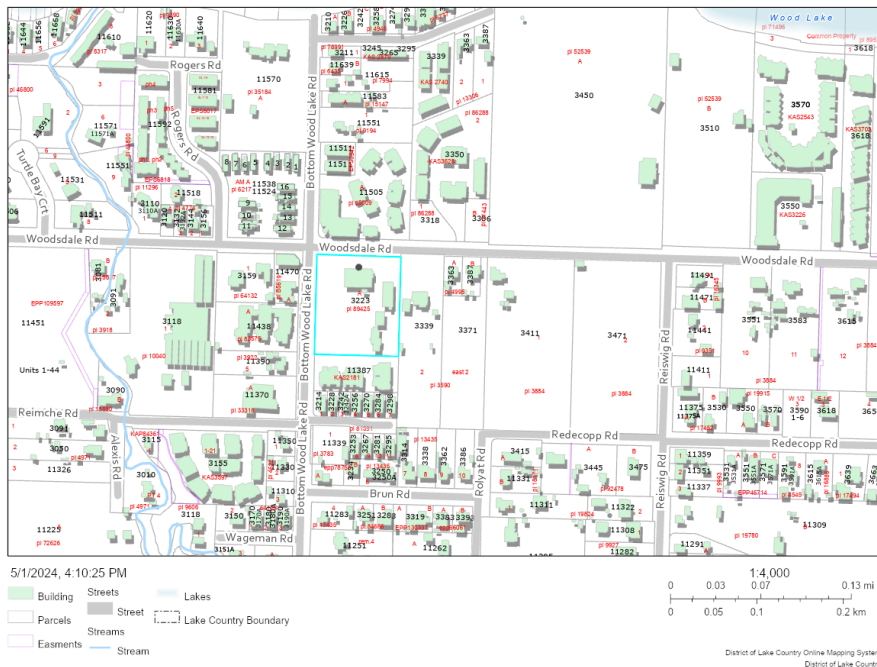
PROPERTY INFORMATION			
Civic Address:	3223 Woodsdale Road		
Roll Number:	11591.001		
Legal Description:	PID: 027-968-529 LOT A DISTRICT LOT 169 OSOYOOS DIV OF YALE LAND DISTRICT PLAN KAP89425		
Applicant:	NOvation Architecture Ltd.	Owner(s):	0945725 BC Ltd.
OCP Designation:	Mixed Use Commercial		
Existing Zoning Designation:	C10 – Service Commercial		
Proposed Zoning:	C1 – Town Centre Commercial		
Land Use Contract:	N/A		
ALR:	N/A		
Parcel Size:	1.11 Hectares / 2.74 Acres		
DP Area(s):	Agricultural, Multiple Unit, Commercial		
Water Supply:	Municipal		
Sewer:	Municipal		

Site Context:	Zoning:	Use:
North:	RM5 – Medium Density Multiple Housing	High-Density Residential
East:	A1 – Agricultural	Single-family dwelling
South:	RM4 – Low Density Multiple Housing	High-Density Residential
West:	C2 – Neighbourhood Commercial	Mixed-use Commercial
West:	P2 – Administration, Public Service and Assembly	Institutional

SITE CONTEXT

The subject property is urban in nature and located in the Winfield Ward of the District of Lake Country and is surrounded by a variety of land uses including mixed use commercial, high-density residential and agricultural land. This area of the Woodsdale neighbourhood is transitioning to a mixed-use, high-density node under the OCP.

MAP 1: LOCATION MAP

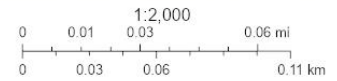


MAP 2: ORTHOPHOTO



5/1/2024, 4:11:31 PM

Parcels (On Ortho)
 Easements
 Lake Country Boundary
 Parcels
 Streets
 Street



District of Lake Country Online Mapping System
District of Lake Country

FIGURE 1: SITE PHOTOS



Photo 1: Subject property looking Northeast



Photo 2: Southeast corner of Woodsdale and Bottom Wood Lake Rd. Intersection

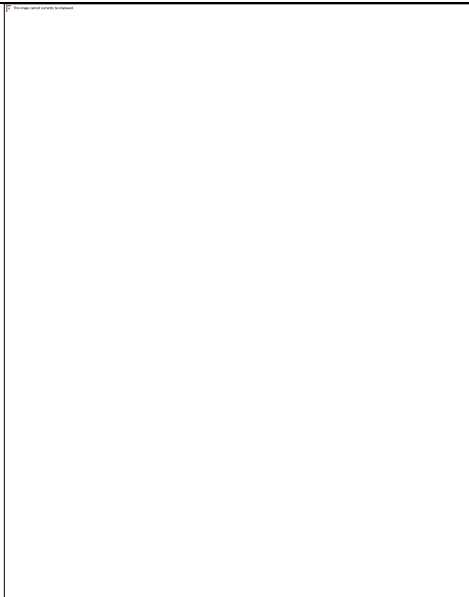


Photo 3: Existing building on adjacent parcel looking west



Photo 4: Adjacent multi unit residential buildings looking north

TABLE 2: FILE CHRONOLOGY

Date	Event
2023-08-01	Application submission
2024-01-18	Core Team Meeting
2024-02-29	External Referrals
2024-03-28	Comprehensive Letter Issued

DISCUSSION/ANALYSIS

To evaluate this Zoning Bylaw Amendment application, staff reviewed the District's OCP for policy direction. Further, the review of this redevelopment proposal has been expedited by staff for Council's consideration as the applicant has voluntarily agreed to enter a covenant held by the District to limit any future residential development to rental housing on the subject property for a 10-year period. Future development permits would come before Council for consideration to authorize mixed-use development on the subject property.

Official Community Plan 2018-2038: Land Use

The OCP Future Land Use Designation for the subject property is Mixed Use Commercial which is outlined as an efficient land use to help reduce urban sprawl and conserve existing the existing land base within the District. The intent of this land use is to provide high-quality design that includes residential and commercial uses connected to full urban services. The proposed zoning (C1 – Town Centre) better aligns with the mixed-use commercial land use designation for the subject property as it would permit a both residential and commercial use, where the current zoning (C10 – Service Commercial) does not permit any residential uses.

As this application proposes to rezone the subject property, staff also reviewed other applicable sections in the OCP that provide policy direction on growth, infill development, neighbourhood planning, housing, and the environment. Staff note that rezoning the subject property would meet wide policy objectives under the OCP such as focusing growth within the Urban Containment Boundary, complete community development with a range of housing options and support development of high-density multiple unit projects within easy access to services (e.g., stores) and amenities (e.g., parks, beaches) in areas such as Woodsdale.

Zoning Bylaw 561,2007

This application requests to rezone the subject property from C10 – Service Commercial to C1 -Town Centre Commercial. Table 3 provides a comparison between the two zones. Major differences between the C10 and C1

commercial zones include more mix of uses, a floor area ratio to determine site coverage and an increase in permitted height. Staff are supportive of this application as the C1 – Town Centre Commercial zone better aligns with the mixed-use land use designation under the OCP as highlighted above.

Other Considerations

The existing width of the roadways at the intersection of Woodsdale and Bottom Wood Lake Road do not comply with District standards and specifications. Through rezoning, the District can secure road dedication to expand the width of public roadways.

At time of rezoning, staff support securing the dedication of a corner-cut area on the north-west corner of the subject property to facilitate public infrastructure improvements. The dedication would form a triangle 6.0 metres along each of the Woodsdale and Bottom Wood Lake Road property lines. This dedication area would mirror the existing corner on the southwest side of the Woodsdale and Bottom Wood Lake Road intersection. This information was communicated to the applicant in the Comprehensive Letter on April 28, 2024.

TABLE 3: ZONING ANALYSIS

Development Regulations	C10 – Service Commercial	C1 – Town Centre Commercial
Principle Uses	<ul style="list-style-type: none"> • Extensive commercial uses permitted relative to retail and vehicular oriented uses • No residential uses permitted 	<ul style="list-style-type: none"> • Extensive commercial uses permitted relative to retail, entertainment, governmental, financial, and cultural developments
Site Coverage	<ul style="list-style-type: none"> • 60% 	<ul style="list-style-type: none"> • N/A
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> • Max: 0.65 	<ul style="list-style-type: none"> • Commercial uses only: 1.5 FAR • Mixed Use: 3.0 FAR except 3.5FAR with density bonusing
Height	<ul style="list-style-type: none"> • 12.0m / 3 storeys 	<ul style="list-style-type: none"> • Apartments: 12.4metres / 4 storeys • Density bonus: 22.0m / 6 storeys
Front Yard	<ul style="list-style-type: none"> • 2.0m 	<ul style="list-style-type: none"> • 2.0m
Side Yard	<ul style="list-style-type: none"> • 0.0m with exceptions 	<ul style="list-style-type: none"> • 0.0m
Rear Yard	<ul style="list-style-type: none"> • 0.0m with exceptions 	<ul style="list-style-type: none"> • 0.0m
Mixed Use	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Commercial use shall be on first floor occupying 90% of any street frontage and 50% of gross floor area of main floor

COVENANTS

As per OCP s.7.1.7(b) this application has been expedited by staff for Council’s consideration. As such, the applicant has voluntarily agreed to enter into a restrictive covenant on the subject property to secure rental tenure housing for a 10-year period.

Staff note that Council placed a restrictive covenant on the subject property in 2009. This covenant on title restricts permitted uses to commercial only. Staff support removing this covenant on the title of the parcel to facilitate mixed-use development, including rental apartment housing, on the subject property. If the subject property is rezoned, the proposed C1 zone would better align with the OCP’s future land use designation of the subject property.

Additionally, Council adopted a proposed Purpose-Built Rental Incentive Bylaw (1232, 2024) to encourage the construction of rental housing in the Town Centre and in Woodsdale. The proposed bylaw would incentivize developers to construct purpose-built rental units in the community by reducing municipal taxes payable for a period of 10 years. The applicant could be eligible for the program if the proposed development would comply with the conditions of the bylaw.

APPLICABLE LEGISLATION, BYLAWS AND POLICIES

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 (3) of the *Local Government Act* requires that local government must not hold a public hearing on a proposed zoning bylaw if:

- a. an official community plan is in effect for the area that is the subject of the zoning bylaw,
- b. the bylaw is consistent with the official community plan,
- c. the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
- d. the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development

IMPACT ON INFRASTRUCTURE, SERVICES AND STAFF CAPACITY

Engineering and Environmental Services has no concerns with this application. Subject to modelling confirmation of capacities, the property can be serviced with water, sanitary and storm sewer. At time of subdivision or building permit urban frontage improvements including sidewalk, curb and gutter, boulevard, and street lighting will be required.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

CONSULTATION

External referrals occurred to applicable agencies with general support for this application. Future considerations provided by agencies were shared with the applicant through a comprehensive letter.

As per the Development Approval Procedures Bylaw 1133, 2023, the applicant was required to consult neighbours within a 50m radius and provide any feedback to staff prior to this application proceeding to Council. To satisfy notice requirements under the bylaw, two notice signs were posted on the subject property to notify the public of this proposal and options to provide feedback.

The *Local Government Act* also requires the District of Lake Country to notify the public of the prohibited hearing through mail notice. To satisfy statutory requirements, 46 parcels were notified within a 50m radius of the subject property.

COMMUNICATIONS

As per the *Local Government Act*, notices were posted in the Lake Country Calendar notifying the public that a public hearing is prohibited for this application.

ALIGNMENT WITH COUNCIL STRATEGIC PRIORITIES

- Create and Support Opportunities for a Healthy, Active and Inclusive Community
- Create Infrastructure That Meets Community Needs
- Encourage Growth of the Downtown Core
- Ensure Sustainable Water Service Delivery for the Community
- Explore Opportunities to Engage with Regional Local Governments for the Betterment of the Community
- Honour Reconciliation by Strengthening Relationships and Inclusiveness with Our Indigenous Partners
- Identify and support improvements to the Development Process
- Implement the Agricultural Plan
- Preserve, Protect and Enhance Our Natural Environment
- Secure long term wastewater service delivery for our community

Support Opportunities to Diversify Lake Country's Tax Base

ALIGNMENT WITH MASTER PLANS

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Plan | <input checked="" type="checkbox"/> Official Community Plan |
| <input type="checkbox"/> Climate Action Charter | <input type="checkbox"/> Parks & Recreation Master Plan 2019 |
| <input checked="" type="checkbox"/> Housing Needs Report | <input type="checkbox"/> Sanitary Sewer System Map |
| <input type="checkbox"/> Liquid Waste Management Plan Stage 1/2 Report | <input type="checkbox"/> Transit Future Plan-Central Okanagan Region-DRAFT |
| <input type="checkbox"/> McCoubrey Plateau Area Structure Plan | <input type="checkbox"/> Transportation for Tomorrow |
| <input checked="" type="checkbox"/> Mobility Master Plan | <input type="checkbox"/> Water Master Plan |

OPTIONS

- A. THAT Zoning Amendment (Z0000279) Bylaw 1235, 2024 be read a first, second and third time;
AND THAT prior to adoption, the District secure rental housing on the subject property for a 10 year term;
AND THAT prior to adoption, the District secure road dedication at the northwest corner of the subject property;
AND FURTHER THAT prior to adoption, the existing covenant restricting residential land use on the subject property be removed.
- B. THAT Zoning Amendment (Z000279) Bylaw 1235, 2024 not be read a first, second and third time and the file closed.
- C. THAT Zoning Amendment (Z000279) Bylaw 1235, 2024 be deferred pending additional information as identified by Council.

Collaborators: *(each individual collaborator to add name and date reviewed)*

Name	Date Reviewed
Sid Smith	May 10, 2024

Respectfully Submitted,
Trevor Empey, Senior Planner
MCIP, RPP

Report Approval Details

Document Title:	Zoning Bylaw Amendment-Z0000279-3223 Woodsdale Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A-Z0000279-Bylaw 1235, 2024.pdf - Attachment B-Z0000279-Site Plan.pdf - Attachment C-Z0000279-OCP Analysis Table.pdf - Attachment D-Z0000279-Public Correspondence.pdf - Attachment E-Z0000279-Newspaper Advertisements
Final Approval Date:	Jun 26, 2024

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

Brian Zurek, Manager of Planning - Jun 25, 2024 - 9:08 AM

Steven Gubbels, Manager of Development - Jun 25, 2024 - 11:15 AM

Matthew Salmon, Director of Engineering and Environmental Services - Jun 25, 2024 - 11:26 AM

Reyna Seabrook, Director of Corporate Services - Jun 25, 2024 - 11:54 AM

Paul Gipps, Chief Administrative Officer - Jun 26, 2024 - 7:57 AM