

To: Mayor and Council
From: Paul Gipps, CAO
Prepared by: Jason Tran, Planner

Meeting Date: October 15, 2024
Meeting Type: Regular Council Meeting
Department: Planning and Development

Title: Zoning Bylaw Amendment | Z0000268 | 11511 Turtle Bay Court
Description: To rezone a property allowing future Tourist Commercial development

RECOMMENDATION

THAT Zoning Amendment (Z0000268) Bylaw 1245, 2024 be read a first and second time;
 AND THAT Zoning Amendment (Z0000268) Bylaw 1245, 2024 be forwarded to a public hearing.

EXECUTIVE SUMMARY

A rezoning request has been submitted for 11511 Turtle Bay Court to allow Council to consider changing the zoning from RU1 – Small-Scale Multiple Housing to C9A – Tourist Commercial. The Official Community Plan (OCP) designates the property Tourist Commercial.

The applicant has proposed to develop the site with commercial units and a hotel. The requested zone would allow for a Floor Area Ratio (FAR) of 1.5 and a maximum 6 storey building. The concept design is for a 6 storey building with an FAR of 1.23 (52 units, plus 2 commercial spaces). Middle Vernon Creek would be protected with a substantial buffer.

The proposed rezoning is consistent with the OCP and staff support the proposed Zoning Bylaw Amendment.

BACKGROUND

Property Information			
Application Type:	Zoning Bylaw Amendment	Application Date: Jun 10, 2021	
Folio/Roll #:	11606.210		
PID & Legal Description	017-705-398; LOT 8 DISTRICT LOT 169 OSOYOOS DIVISION YALE DISTRICT PLAN KAP46800		
Civic Address:	11511 Turtle Bay Court		
Applicant:	Stephen Duke, Frontside Developments	Owner (s):	1169398 B.C. LTD., INC. NO. BC1169398 Ltd.
OCP Designation:	Tourist Commercial		
Zoning Designation:	RU1 – Small-Scale Multiple Housing		
Land Use Contract	NA		
ALR:	NA		
Parcel Size:	0.25 ha/0.63 ac		
Development Permit Areas:	Commercial, Natural Environment & Drainage Hazards		
Water Supply:	Municipal		
Sewer:	Municipal		

Site Summary:	Zoning:	Use:
<i>North:</i>	RU1 – Small-Scale Multiple Housing	Single Dwelling Housing

<i>East:</i>	P1 – Public Park and Open Space & RU1 – Small-Scale Multiple Housing	Vernon Creek Crown Land & Single Dwelling Housing
<i>South:</i>	RM5 – Medium Density Multiple Housing & RU1 – Small-Scale Multiple Housing	Residential & Multiple Dwelling Housing & Single Dwelling Housing
<i>West:</i>	C9A – Tourist Commercial	Single Dwelling Housing

DISCUSSION/ANALYSIS

The applicant proposes to rezone the subject property from RU1 – Small-Scale Multiple Housing (RU1) to C9A – Tourist Commercial (C9A). The applicant’s development concept for the subject property is a hotel with associated ground floor commercial units.

Application Overview

A rezoning application is for the consideration of the land use associated with the zone requested. This application proposes to rezone the subject property from RU1 – Small-Scale Multiple Housing (RU1) to C9A – Tourist Commercial (C9A).

The applicant has provided preliminary designs of the proposal in order to demonstrate the viability of the project during the rezoning stage. The concept design includes a hotel (52 units) with associated ground floor commercial units (2 units). A variance for parking would also be necessary (10 space reduction). Middle Vernon Creek would be protected with a 16.3m streamside protection and enhancement area. Council will have the opportunity to consider development permit(s) and development variance permit(s) at a future Council meeting.

Official Community Plan

The OCP designates the future land use of the property as Tourist Commercial. The OCP notes that Tourism will continue to play a vital role in the District’s economic development, with growth potential in the market.

The subject property is located in the Woodsdale Neighbourhood. The vision for Woodsdale is outlined in the OCP’s goal: to develop a mixed use and walkable neighbourhood with higher densities to preserve the surrounding rural and agricultural areas (s.5.4.1). Further, the OCP encourages tourist commercial development in Woodsdale, in mid-rise, mixed-use developments (s.5.4.7).

Zoning Bylaw

The purpose of the C9A zone: to designate and preserve land for the orderly development of commercial facilities and services for visitors to the community, encouraging a mix of commercial developments in a walkable urban setting. The principal and secondary uses authorized in the C9A zone would support the growth of tourism in the District, and encourage limited tourism-related growth in the Woodsdale Neighbourhood. The proposed C9A zone would be consistent with the OCP’s Tourist Commercial destination.

The existing RU1 zone reflects the historic use (single family residential) on the subject property; however, the zone is not consistent with the Tourist Commercial designation of the OCP.

Environmental Considerations

The subject property is located within 220 m of Wood Lake and adjacent to Middle Vernon Creek. The parcel is identified within the Middle Vernon Creek Flood Hazard Study, and the future redevelopment of the lot would be subject to recommendations included in the report. The property sits outside the Wood Lake floodplain area identified by Okanagan Basin Water Board (OBWB).

Should Council support the proposed Zoning Bylaw amendment, the applicant would be required to apply for a Development Permit and a Building Permit to advance the development concept. The District would evaluate the proposed development against the Natural Environment Development Permit Area guidelines which require the applicant to identify any sensitive environmental habitat on the lot, and to mitigate any impacts of associated development. Through the Building Permit process, the staff would evaluate the proposed development against

the District's new stormwater management regulations, plans, and guidelines. Managing post-development stormwater generated from the site would be conditions of Permit approvals.

Additionally, the proposed development on the subject property would be subject to the provincial Riparian Areas Protection Regulation.

Existing Conditions

The existing single-family dwelling has private water and sanitary sewer services, and vehicle access off Turtle Bay Court. The District would require any proposed commercial development to connect to municipal water, sewer, and stormwater infrastructure. The District would limit vehicle access to the subject property off Turtle Bay Court.

Staff supports the proposed Zoning Bylaw amendment.

ZONING ANALYSIS

Development Regulations	RU1 – Small-Scale Multiple Housing	C9A – Tourist Commercial
Principle Uses	<ul style="list-style-type: none"> Group homes, minor Single dwelling housing Small-scale multiple housing 	<ul style="list-style-type: none"> Hotels / Motels Food / liquor primary establishment Breweries / distilleries Participant recreation services Spectator entertainment establishments
Site Coverage	<ul style="list-style-type: none"> 40% - 60% 	<ul style="list-style-type: none"> 40%
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> 1.5
Height	<ul style="list-style-type: none"> 9.5m or 2 ½ storeys – 11m or 3 storeys 	<ul style="list-style-type: none"> 12.4m or 3 storeys 22.9m or 6 storeys (subject to amenity in compliance with the density bonusing provisions in S. 7.18)
Front Yard	<ul style="list-style-type: none"> 4m - 6m 	<ul style="list-style-type: none"> 6m
Side Yard	<ul style="list-style-type: none"> 1.5m – 2m 	<ul style="list-style-type: none"> 3m
Side Yard (flanking)	<ul style="list-style-type: none"> 4m – 6m 	<ul style="list-style-type: none"> 4.5m (flanking to Woodsdale)
Rear Yard	<ul style="list-style-type: none"> 3m – 6m 	<ul style="list-style-type: none"> 4.5m

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other

COMMUNICATION

This application was referred to internal departments and comments were provided and shared with the applicant through the Comprehensive Letter. The Ministry of Transportation and Infrastructure reported that the proposal does not trigger a traffic impact study. Staff are required to forward the bylaw for Ministry signature following third reading.

Should Council support the proposed rezoning, staff would prepare the appropriate advertising and surrounding property owner letters. The Applicant would be required to post a development notice sign on the subject property for at least ten days prior to the public hearing.

ALTERNATE RECOMMENDATION(S)

- A. THAT Zoning Amendment (Z0000268) Bylaw 1245, 2024, not be read a first and second time and the file be closed.
- B. THAT Zoning Amendment (Z0000268) Bylaw 1245, 2024, be deferred pending receipt of additional information as identified by Council.
- C. THAT a public hearing for Zoning Amendment (Z0000268) Bylaw 1245, 2024 be waived;
AND THAT Zoning Amendment (Z0000268) Bylaw 1245, 2024 be brought back for consideration following the required notice.

Respectfully Submitted,

Jason Tran, Planner

Report Approval Details

Document Title:	Zoning Bylaw Amendment - Z0000268 - 11511 Turtle Bay Court.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A - Z0000268 - Location.pdf - Attachment B - Z0000268 - Orthophoto.pdf - Attachment C - Z0000268 - Site Plan.pdf - Attachment D - Z0000268 - Drone View Photos.pdf - Attachment E - Z0000268 - C9A-Tourist Commercial.pdf - Attachment F - Z0000268 - Draft Zoning Amendment Bylaw 1245, 2024.pdf
Final Approval Date:	Oct 8, 2024

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

Brian Zurek, Manager of Planning - Oct 7, 2024 - 2:50 PM

Carie Liefke, Manager of Current Planning - Oct 7, 2024 - 2:52 PM

Steven Gubbels, Development Engineering Manager - Oct 7, 2024 - 3:23 PM

Matthew Salmon, Infrastructure & Development Engineering Director - Oct 7, 2024 - 3:28 PM

Jeremy Frick, Director of Planning & Development - Oct 7, 2024 - 6:56 PM

Reyna Seabrook, Director of Corporate Services - Oct 8, 2024 - 8:52 AM

Paul Gipps, Chief Administrative Officer - Oct 8, 2024 - 3:23 PM