

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: November 5, 2024
Meeting Type: Regular Council Meeting

Prepared by: Brian Zurek, Manager of Planning
Department: Planning and Development

Title: OCP and Zoning Bylaw Amendment | OPZ00002|9751 & 9819 Bottom Wood Lake Road
Description: OCP and Zoning Bylaw Amendment to facilitate proposed Westpoint Apartment Housing

RECOMMENDATION

THAT Official Community Plan Amendment (OPZ00002) Bylaw 1247, 2024 be read a first and second time and forwarded to a public hearing;

THAT Zoning Amendment (OPZ00002) Bylaw 1248, 2024 be read a first and second time and forwarded to a public hearing;

AND THAT prior to adoption, the District secure, via registered covenant, a monetary contribution for off-site transportation network infrastructure upgrades.

EXECUTIVE SUMMARY

The applicant proposes to change the future land use designation of the subject properties from Service Commercial to High Density Residential. The High Density Residential future land use designation would be consistent with the Official Community Plan's (OCP's) goals and objectives for the Town Centre.

The applicant proposes to redevelop the subject properties into a multi-family residential development. To authorize the development, the applicant proposes a comprehensive development zone (CD14 – Comprehensive Development 14 (Westpoint Apartment Housing)). The CD14 zone would permit development density at or above the RM5 – Medium Density Multiple Housing zoning regulations. Serviced by existing municipal infrastructure and located near commercial services, schools, transit, and recreational amenities, the proposed development would support the continued growth of the Town Centre and contribute to the broader housing goals of the community.

Traffic congestion in the regional transportation network has been well documented. MOTI and the District of Lake Country are working with the developer to review options for transportation network upgrades. Staff recommend that Council consider securing via covenant a monetary contribution from the developer for future off-site transportation network improvements as a condition of rezoning.

Staff support the proposed OCP and Zoning Bylaw amendments.

BACKGROUND

The subject properties are part of the former BC Tree Fruits Cooperative facility. The municipal boundary bisects the former facility, leaving two parcels in the District of Lake Country (9751 and 9819 Bottom Wood Lake Road (Attachments A and B)) and two parcels in the City of Kelowna (9595 Bottom Wood Lake Road and 672 Beaver Lake Road).

The developer submitted joint OCP and Zoning Bylaw amendment applications to both the District of Lake Country and the City of Kelowna on June 20th, 2024 to authorize the redevelopment of the properties (Attachments C and D).

In conjunction with the above-noted redevelopment applications, the District of Lake Country and the City of Kelowna have submitted a municipal boundary adjustment application to the province to include 9595 Bottom Wood Lake Road and 672 Beaver Lake Road within the District.

Property Information			
Application Type	Official Community Plan and Zoning Bylaw Amendment		Application Date: 2024-JUN-20
PID & Legal Description	011-168-196; Lot 44 District Lot 118, Osoyoos Division, Yale District, Plan 457 Except Plans 20108, 36673, and 39429 (9751 Bottom Wood Lake Road); and 003-448-991; Lot 2 Sections 10 and 11, Township 20, Osoyoos Division, Yale District, Plan 4169 (9819 Bottom Wood Lake Road)		
Civic Address:	9751 & 9819 Bottom Wood Lake Road		
Applicant:	Corey Makus, 9751 Bottom Wood Lake Road Properties Ltd.	Owners:	1432858 BC Ltd. & 1432863 Ltd.
OCP Designation:	Existing: Service Commercial; Proposed: High Density Residential		
Zoning Designation:	Existing: I1 – General Industrial; Proposed: CD14 – Comprehensive Development 14 (Westpoint Apartment Housing)		
Land Use Contract	NA		
ALR:	NA		
Parcel Size:	2.6 ha / 6.5 ac (District of Lake Country); 0.9 ha / 2.2 ac (City of Kelowna); 3.5 ha / 8.7 ac (total)		
Development Permit Areas:	Agricultural, Town Centre		
Water Supply:	Municipal		
Sewer:	Municipal		
Site Summary:	Zoning:	Use:	
North:	A1 – Agriculture	Agriculture	
East:	I2 – General Industrial (City of Kelowna) I3 – Heavy Industrial (City of Kelowna)	Industrial	
South:	I2 – General Industrial (City of Kelowna)	Industrial	
West:	I1 – General Industrial P2 – Administration, Public Service and Assembly	Light Industrial, & Institutional	

ANALYSIS

Official Community Plan Amendment

The OCP designates the future land use of the subject properties as Service Commercial, which acknowledges the historic industrial use of the parcels as a fruit processing facility. The OCP includes policy (section 18.4) stating that Service Commercial-designated developments should focus on uses that are not suitable for the Town Centre. With the closure of the former BC Tree Fruits facility, there is potential to better align the use of the properties with the District's vision for the community.

The OCP identifies the subject properties with the Town Centre neighbourhood. The OCP's goal (section 5.1.1) and objective (section 11.3.1) would see the Town Centre develop as the multi-unit residential, employment and cultural core of the community.

The applicant proposes to change the future land use designation of the subject properties from Service Commercial to High Density Residential. The High Density Residential future land use designation would be

consistent with the OCP's goals and objectives for the Town Centre. Additional analysis of the redevelopment proposal is included in the report to Council prepared by City of Kelowna staff (Attachment I).

Staff support the proposed OCP amendment (Attachment G).

Zoning Bylaw Amendment

The applicant proposes to redevelop the subject properties into a multi-family residential development. The concept would include approximately 640 units in apartment and townhouse building forms. Additionally, the proposed development would include private outdoor amenity space and underground and surface vehicle parking.

To accommodate the redevelopment, the applicant proposes a comprehensive development zone (CD14 – Comprehensive Development 14 (Westpoint Apartment Housing)). Noted previously, the former BC Tree Fruits properties straddle the municipal boundary between the District of Lake Country and the City of Kelowna. The City of Kelowna's MF3 – Apartment Housing zone was used as a template for the redevelopment and the District's proposed CD14 zone. The proposed zone is compared to existing District zones in the Development, Landscaping, and Parking Regulations tables below.

DEVELOPMENT REGULATIONS			
CRITERIA	I1 ZONE REQUIREMENTS	RM5 ZONE REQUIREMENTS	CD14 PROPOSAL
Principal Uses	General Industrial Uses (32)	Boarding and Lodging Houses Congregate Housing Group Home, Major Multiple Dwelling Housing	Apartment Housing Congregate Housing Multiple Dwelling Housing Public Park Row Housing Stacked Row Housing
Secondary Uses	Care Centres, Major Residential Security Operator Unit Utility Services, Minor Impact	Care Centres, Major Home Occupation Financial Services Food Primary Establishment Government Services Health Services Offices Participant Recreation Services, Indoor Personal Service Establishments Public Libraries and Cultural Exhibits Retail Stores, Convenience	Accessory Buildings Accessory Uses Care Centres, Major Food Primary Establishment Health Services Home Occupations Offices Participant Recreation Services, Indoor Personal Service Establishments Public Libraries And Cultural Exhibits Retail Store, Convenience
Site Coverage	60%	40%	65%
Site Coverage (Building, Driveways, Parking)	60%	60%	85%
Height	14 m	12.4 m or 3 storeys, but 16.5 m or 4 storeys (density bonusing s.7.18)	22 m or 6 Storeys
Density	Max FAR = 1.5	Max FAR = 1.0 but Max FAR = 1.3 (density bonusing s. 7.18) plus MAX 0.2 (parking) and MAX 0.1 (housing agreement)	Max FAR = 2.35 Min FAR = 0.5

Min. Front Yard	7.5 m	6.0 m	3.0 m
Min. Side Yard	4.5 m or 0 m (adjacent commercial / industrial) or 6.0 m (flanking street)	4.5 m (not over 2 ½ storeys) and 7.5 m (over 2 ½ storeys or and flanking street)	3.0 m but 6 m (adjacent to ALR)
Min. Rear Yard	6.0 m or 0 m (adjacent commercial / industrial)	9.0 m	4.5 m
Private Open Space	NA	7.5 m ² per bachelor unit 15 m ² per 1 bedroom 25 m ² per 2 / 3 bedroom	5 m ² per dwelling unit
Daylighting Standards	NA	65° (centre line of adjacent street, and rear / side lot line)	NA

The proposed CD14 zone includes a mix of residential and commercial uses consistent with the OCP's Town Centre neighbourhood and High Density Residential future land use designation.

The proposed development density of the CD14 zone would exceed the RM5 zone regulations for site coverage and floor area ratio (FAR). The proposed FAR would allow development on the subject properties to exceed the target density range (25 to 120 units per hectare) of the OCP's High Density Residential future land use designation. Serviced by existing municipal infrastructure and located near commercial services, schools, transit, and recreational amenities, the proposed development would support the continued growth of the Town Centre.

Additionally, the CD14 zone would include a minimum FAR of 0.5. Including a minimum FAR would ensure that the redevelopment of the site would achieve a base density that would address the demand for multi-family residential dwelling units in the District and contribute to the efficient use of existing District infrastructure.

The maximum building height would be consistent with the RM5 zone; however, the proposed CD14 zone would not require the payment of fees through density bonusing (section 7.18) to achieve the maximum height of 22 m or six storeys.

The CD14 would propose greater site coverage and reduced building setbacks than the associated regulations in the RM5 zone, resulting in the potential for a larger development footprint. The District's daylighting standards are not proposed in the CD14 zone. Although located in the Town Centre, the subject properties are neither near parcels designated for future residential development nor adjacent to existing residential dwellings. Surrounding properties are not expected to be directly impacted. The proposed building setbacks would be consistent with higher density urban development.

The DC14 zone proposes a lower rate of private open space per dwelling unit than in the RM5 zone; however, future residents of the subject properties would be within a short walking distance to recreation facilities (arena, curling rink, Multi-Generational Activity Centre (MAC)), outdoor amenities (water spray park, sports fields, Okanagan Rail Trail), and nature trails (Vernon Creek).

The future development of the subject properties would be evaluated against the Town Centre Development Permit Area guidelines for building form and character, site design and landscaping.

LANDSCAPING REGULATIONS			
CRITERIA	I1 ZONE REQUIREMENTS	RM5 ZONE REQUIREMENTS	CD14 PROPOSAL
Front	Level 2 Buffer: minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required		
Sides	Level 3 Buffer: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier		
Sides (ALR adjacent)	Level 5: a landscape buffer is required for all land abutting ALR land. The minimum buffer shall be 3.0 m wide and include an opaque barrier located on the ALR side of the buffer. This standard may be replaced or modified as a result of conditions of a decision by the Agricultural Land Commission.		Level 5: a landscape buffer is required for all land abutting ALR land. The minimum buffer shall be 3.0 m wide and include an opaque barrier located on the ALR side of the buffer. This standard may be replaced or modified as a result of conditions of a decision by the Agricultural Land Commission. The building setback would be limited to 6 m.
Rear	Level 3 Buffer: a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier		

The proposed CD14 landscaping regulations are consistent with the District of Lake Country's Zoning Bylaw. As noted previously, the future development of the subject properties would be evaluated against the Town Centre Development Permit Area guidelines for site design and landscaping.

PARKING REGULATIONS			
CRITERIA	I1 ZONE REQUIREMENTS	RM5 ZONE REQUIREMENTS	CD14 PROPOSAL
Total Required Vehicle Parking	2.0 per 100 m ² GFA	1 per bachelor dwelling unit, plus 1.25 per 1-bedroom dwelling unit, plus 1.5 per 2-bedroom dwelling unit, plus 2 per 3-or-more bedroom dwelling unit	1.0 stall per dwelling unit 0.33 stalls per unit of special needs or non-market housing non-residential parking requirements as per Zoning Bylaw (Section 9.5 General Provisions)
Visitor Parking	NA	1 space designated for visitors per 7 required spaces (no additional spaces required)	minimum of 0.14 parking spaces per required residential parking unit
Bicycle Stall Class I Bicycle Stall Class II	NA 0.3 per 100 m ² GFA	Class I: 0.5 per unit Class II: 0.1 per unit	

The proposed CD14 zone would require a lower rate of off-street vehicle parking than the District's regulations for apartment housing (section 9.1). The subject properties are within walking distance to Main Street, the District's commercial employment centre, local schools, and other institutional amenities. The proposed development is near transit routes connecting to UBCO, the City of Kelowna, and the City of Vernon. Future residents of the subject properties could meet daily needs without relying on vehicles.

Staff support the proposed Zoning Bylaw amendment (Attachment H).

Transportation Network Enhancements

The Ministry of Transportation and Infrastructure (MOTI) is required to authorize the proposed rezoning application due to the subject properties' proximity to Highway 97. A preliminary traffic impact assessment for the proposed development indicates that projected increases in traffic volumes resulting from the proposed development would not trigger local road network improvements; however, traffic congestion in the regional transportation network has been well documented. MOTI and the District of Lake Country are working with the

developer to review options for transportation network upgrades. Through the rezoning process, the developer has agreed to provide a monetary contribution to be used for off-site upgrades to the regional transportation network, including the future intersection enhancements at Highway 97 and Commonwealth Road (see Attachment I for additional discussion). Staff recommend that Council consider securing, via covenant, a monetary contribution from the developer for future off-site transportation network improvements as a condition of rezoning.

Parks and Open Space

The subject properties are located adjacent to the Okanagan Rail Trail. The active transportation corridor serves as a regional attraction and local recreational amenity. As the corridor expands, the District's goal is to develop additional access to and open space along the Rail Trail. Should the province approve the proposed municipal boundary adjustment, the District of Lake Country would work with the developer to secure, through future subdivision and Building Permit processes, a multi-use path connecting Bottom Wood Lake Road to the Okanagan Rail Trail near the northern boundary of the development site (9819 Bottom Wood Lake Road), and public open space near the southern boundary of the site (672 Beaver Lake Road).

FINANCIAL IMPLICATIONS

☐ None ☐ Budget Previously Approved ☒ Other

- The OCP and Zoning Bylaw amendment applications would allow urban development density on the subject properties, resulting in more efficient use of existing municipal infrastructure. The redevelopment of the subject properties would generate Building Permit and Development Cost Charge fees paid to the District. Should Council support the recommended conditions of rezoning, the developer would provide a monetary contribution towards the future cost of enhancements to the local transportation network.
- Staff have reviewed the application and determined that it may proceed without impacting the District's Financial or Waste Management Plans.

COMMUNICATION

- The developer held two on-site public information meetings to comply with City of Kelowna (July 25, 2024) and the District of Lake Country (October 28, 2024) as per development approval regulations. A summary of the meeting held on October 28th is included as Attachment F.
- Should Council support first and second reading of the proposed amendment applications, both applications would proceed to a public hearing. A public hearing would be advertised through on-site signs, in two issues of the Lake Country Calendar, and through notice letters distributed to parcels within 100 metres of the subject properties.
- This application was referred to internal departments and external agencies. Comments received were incorporated into the report to Council.
- Ministry of Transportation and Infrastructure staff are working with the District to finalize off-site transportation network enhancements through the rezoning process.

ALTERNATE RECOMMENDATIONS

- A. THAT Official Community Plan Amendment (OPZ00002) Bylaw 1247, 2024 not be read a first and second time and the file closed;
 THAT Zoning Amendment (OPZ00002) Bylaw 1248, 2024 not be read a first and second time and the file closed.
- B. THAT Official Community Plan Amendment (OPZ00002) Bylaw 1247, 2024 be deferred pending additional information identified by Council;
 THAT Zoning Amendment (OPZ00002) Bylaw 1248, 2024 be deferred pending additional information identified by Council.

Respectfully Submitted,

Brian Zurek, Manager of Planning