

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: January 21, 2025
Meeting Type: Regular Council Meeting

Prepared by: Sheeja Vimalan, Planner
Department: Planning and Development

Title: Zoning Amendment Bylaw 1259 | File # Z0000274 | Lot 64 Tyndall Road
Description: Rezoning from RR2 – Rural Residential 2 to RU1 – Small-Scale Multiple Housing to support future development of the property.

RECOMMENDATION

THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 be read first and second time.

EXECUTIVE SUMMARY

An application applied to rezone a portion of Lot 64 Tyndall Road from RR2 – Rural Residential 2 to RU1 - Small-Scale Multiple Housing. The subject property (vacant) is located on the west-facing slope of Tyndall Road and is within the urban containment boundary of the Official Community Plan (OCP) where growth is directed to concentrate. Nighthawk Road runs through the subject property, dividing it into three (3) sections. A portion west of Nighthawk Road will remain under the existing RR2 zone.

The Official Community Plan (OCP) designates the property as Urban Residential, rezoning the subject property would be consistent with the future land use designation and would support achieving the OCP policy objectives concerning the environment, growth, infill development strategy and housing.

Pursuant to Sections 464(3), 464(4), and 467 of the *Local Government Act* (LGA) a Public Hearing must not be held for the proposed Zoning Amendment Bylaw 1259, 2025.

The proposed rezoning, which would permit single-dwelling housing and small-scale multiple housing on the subject property, is consistent with the OCP’s Urban Residential designation. Staff support the proposed Zoning Bylaw amendment.

BACKGROUND

Property Information			
Application Type	Zoning Bylaw Amendment	Application Date: 2022-09-16	
Variances	N/A		
Folio/Roll #:	2216.000		
PID & Legal Description	LOT 64 SHOWN ON PLAN B13454; SECTIONS 9 AND 16 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN 521 EXCEPT PLANS H18660 AND KAP70483		
Civic Address:	Lot 64 Tyndall Road		
Applicant:	D.E Pilling & Associates Ltd.	Owner:	Jass Bhatia
OCP Designation:	Urban Residential		
Zoning Designation:	Current: RR2 – Rural Residential 2 Proposed: RU1 - Small-Scale Multiple Housing		
Land Use Contract	N/A		
ALR:	N/A		

Property Information		
Parcel Size:	~2.41 Hectares / 5.97 Acres	
Development Permit Areas:	Natural Environment & Multiple Unit	
Water Supply:	Lake Intake	
Sewer:	Current: NA Proposed: Municipal Sewer	
Site Summary:	Zoning:	Use:
	<i>North:</i> RR1 – Rural Residential 1	Residential
	<i>East:</i> RR1 – Rural Residential 1	Residential
	<i>South:</i> RR1 – Rural Residential 1	Residential
	<i>West:</i> RR2 – Rural Residential 2	Residential

DISCUSSION/ANALYSIS

Application Overview

The subject property is west of Tyndall Road, with Nighthawk Road dividing it into three sections (Attachment A). Under the OCP, the future land use designation of the subject property is urban residential. The applicant proposes to rezone the subject property from RR2—Rural Residential 2 to RU1—Small Scale Multi-Unit Housing (Attachment B) for a future subdivision development. A portion west of Nighthawk Road (west) would remain in the existing RR2 zone.

Official Community Plan

The proposed rezoning would be consistent with the OCP future land use designation of Urban Residential (Attachment C) and supports the vision as outlined: New Urban Residential development should be provided with complete urban services. Servicing in existing areas should be upgraded where possible (s.16.2).

Zoning Bylaw

The applicant has requested that the land be rezoned to RU1 - Small Scale Multi-Unit Housing. The purpose of the RU1 zone (Attachment D) is to provide a zone that permits up to four dwelling units with compatible secondary uses, on medium-sized serviced urban lots. This zone would allow for lots with a minimum lot area of 500m², building site coverage not to exceed 50% (and with driveways and parking areas, not to exceed 60%), and maximum building height of 3 storeys (11m).

District staff support the proposed rezoning, which would be consistent with the OCP and create more opportunities for residential development on a parcel located within the Urban Containment Boundary. The proposed development would integrate into the existing terrain and would benefit the area, contribute to the community at large and help in achieving provincial housing demands.

Future Servicing

There are servicing challenges in this area that will need to be addressed at future development stages. Staff continue to work with this applicant, and applicants of surrounding properties, to ensure all servicing requirements can be provided in an efficient manner.

FINANCIAL IMPLICATIONS

None Budget Previously Approved Other (see below)

COMMUNICATION

- This application was referred to internal departments and comments were provided and shared with the applicant through the Comprehensive Letter.
- As per the Local Government Act, notices were posted in the Lake Country Calendar on January 9th and 16th, 2025, notifying the public of this rezoning application. This application meets Section 467 of the Local Government Act; therefore, a public hearing is prohibited.

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- The Applicant posted a development notice sign on the subject property for at least ten days prior to the Council meeting. Staff notified the properties within 100m with notice letters about this application.
 - As of the date of report drafting, no public feedback has been received regarding this application.

ALTERNATE RECOMMENDATION(S)

- A. THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 not be read a first, second, third time and the file be closed.
- A. THAT Zoning Amendment (Z0000274) Bylaw 1259, 2025 be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Sheeja Vimalan, Planner

Report Approval Details

Document Title:	Zoning Bylaw Amendment Z0000274 - Lot 64 Tyndall Road.docx
Attachments:	<ul style="list-style-type: none"> - Attachment A-Z0000274-Location Map, Orthophoto and Site Photos.pdf - Attachment B-Z0000274-Draft Zoning Amendment Bylaw 1259, 2025.pdf - Attachment C-Z0000274-OCP Future Land Use Map (excerpt).pdf - Attachment D-Z0000274-RU1-Rural Residential 1 Zone Details.pdf
Final Approval Date:	Jan 17, 2025

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

Carie Liefke, Manager of Current Planning - Jan 16, 2025 - 8:53 AM

Steven Gubbels, Development Engineering Manager - Jan 17, 2025 - 10:47 AM

Matthew Salmon, Infrastructure & Development Engineering Director - Jan 17, 2025 - 11:56 AM

Jeremy Frick, Director of Development Approvals - Jan 17, 2025 - 12:01 PM

Reyna Seabrook, Director of Corporate Services - Jan 17, 2025 - 12:23 PM

Paul Gipps, Chief Administrative Officer - Jan 17, 2025 - 12:29 PM