
CITY OF KELOWNA

MEMORANDUM

Date: March 30, 2004

File No.: OCP03-0014/Z03-0071

To: City Manager

From: Planning & Corporate Services Department

Purpose: To amend the Official Community Plan designation of Single/Two Unit Residential to the Multiple Unit Residential Low Density designation and to rezone from the A1-Agriculture 1 zone to the RM3-Low Density Multiple Housing zone, in order to allow for congregate housing use within the existing building.

***Note:** OCP amendment and rezoning application applies only to that portion of the property containing the existing building proposed for the congregate housing use.*

Owner: John & Ingrid Paavilainen **Applicant/Contact Person:** New Town Planning/Keith Funk

At: 1170 Band Road

Proposed OCP Designation: Multiple Unit Residential Low Density

Existing Zone: A1 – Agriculture 1 **Proposed Zone:** RM3 – Low Density Multiple Housing

Report Prepared By: Shelley Gambacort

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP03-0014 to amend Map 19.1 of the *Kelowna2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 2, Sec., 13, Twp. 26, ODYD, Plan 13388, located on Band Road, Kelowna, BC, from the Single/Two Unit Residential designation to part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 13388 designation, located on Band Road, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated March 30, 2004, be considered by Council;

AND THAT Rezoning Application No. Z03-0071 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 13388, located on Band Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone as shown on Map "B" attached to the report of Planning & Development Services Department, dated March 30, 2004, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0014 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP and zone amending bylaws be considered subsequent to the requirements of the Fire Department and Public Health Inspector being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP and zone amending bylaws be considered subsequent to the provision of an executed Housing Agreement.

2.0 SUMMARY

The applicant is proposing to amend the Official Community Plan to multiple unit residential and Rezone to RM3- Low Density Multiple Housing in order to reactivate the congregate housing operation within an existing building on the subject property. The OCP amendment and Rezoning will only apply to an approximately 0.34 ha portion of the property with the remaining property retaining the single/two unit residential future land use designation and the A1 – Agriculture 1 zone.

2.1 Advisory Planning Commission

The Advisory Planning Commission at the meeting of January 20, 2004, reviewed this application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP03-0014 and Rezoning Application Z03-0071, by New Town Planning Services Inc. (Keith Funk), to amend the Official Community Plan designation of Single/Two Unit Residential & Associated Uses to the Multiple Unit Residential Low Density designation and to rezone from the A1-Agriculture 1 zone to the RM3-Low Density Multiple Housing zone, in order to allow for congregate housing use within the existing building, subject to a Housing Agreement restricting the use to a congregate care facility being registered on the title of the subject property.

3.0 BACKGROUND

3.1 The Proposal

The OCP amendment and Rezoning application are required in order to re-activate the congregate care facility on the subject property. The 14 room/22 bed facility had been in operation, prior to annexation with the City of Kelowna, and there was a business licence held with the City of Kelowna from approximately 1973 to 2001 with the operation of the facility considered a legal non-conforming use as the property was zoned A1 – Agriculture.

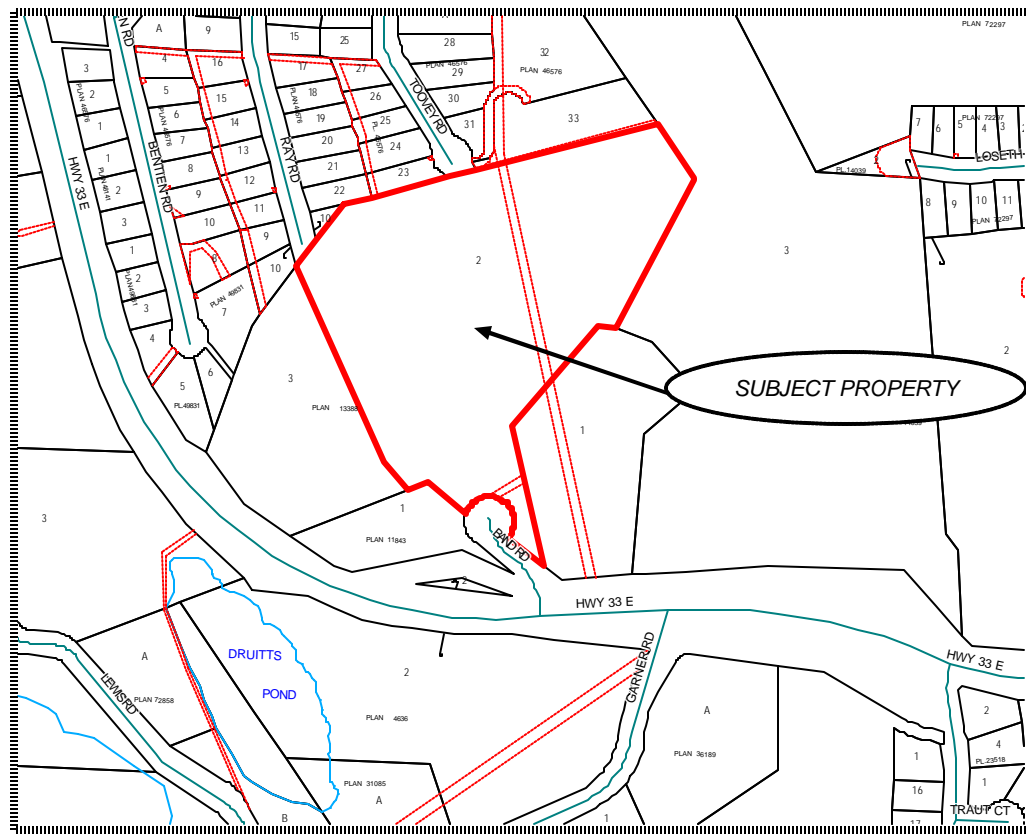
The subject property is 5.15 ha in size and the OCP amendment and rezoning applications only apply to the 0.34 ha containing the proposed congregate care facility. The proposed use will be fully contained within an existing building on site and the applicant has confirmed that the proposed use will comply with the RM3 zone requirements.

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	3367	900
Site Width (m)	30 min	30 min
Site Depth (m)	30 min	30 min
Site Coverage (%)	11%	40% bldgs/50% bldgs. Driveway/parking
Total Floor Area (m ²)	487	1700

F.A.R.	.17	.5
Storeys (#)	1	9.5m/2.5 storeys
Setbacks (m)- Front	35	6
- Rear	6	7.5
- Side	4.5	4.5
- Side	8.4	4.5
Parking Stalls (#)	22 beds=8 stalls plus staff stalls	1 stall/3 beds, 1/res. Staff, 1/principal dwelling
Loading Stalls (#)	1	1
Usable Private Open Space (m²)	165	7.5 m² x 22 bedroom = 165 m²

3.2 Site Context

The subject property is located north of Highway 33 off Band Road.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing; single family residential subdivision
 East - A1 – Agriculture; Rural (portions of property under application for single family residential unit development)
 South - A1 – Agriculture 1; rural residential, Band Road & Highway 33
 West - A1 – Agriculture 1; rural residential

4.0 Current Development Policy

4.1 City of Kelowna Strategic Plan (1992)

The proposed development is in keeping with the goals and objectives of the Strategic Plan, which are to encourage infill development, encourage higher densities than in existing areas and to require a full level of urban services at the time as development occurs.

4.2 Kelowna Official Community Plan (1994-2013)

The OCP Future Land Use designation of the subject property is Single/Two Family residential.

4.3 Highway 33 East Area Structure Plan

The Area Structure Plan (ASP) designates the subject property as single family residential.

5.0 Proposed Development Policy

The purpose of the RM3 - Low Density Multiple Housing zone is to provide a zone for low density multiple housing on urban services. Principal uses in this zone are apartment housing, congregate housing, group home, major, row housing, semi-detached housing, and stacked row housing.

6.0 TECHNICAL COMMENTS

6.1 Works & Utilities

Works and Utilities comments with regard to this application to rezone a portion of the subject property from A1 to RM3 are as follows:

These are the City of Kelowna initial comments and are subject to the MOT comments and requirements.

.1 Proposed Layout

- a) The proposed road layout as provided in support of this application does not reflect the preferable ultimate traffic configuration for the area. The main focus of the traffic pattern was to establish a minor collector class road between Feedham Road and Ray Road complete with sidewalk. The proposed collector could ultimately be serviced by the public transit transportation system. The revision to the road layout could affect the shape of the proposed RM3 parcel.
- b) The proposed local road connection to Toovey Road was not shown in the original Comprehensive Development Plan, however, in view of more detailed information, at this stage, it appears that the extension of Toovey Road is preferable from both a transportation and a topographical point of view.
- c) Band Road must intersect with the Feedham collector at right angle and the intersection with Hwy 33 must be directly across Garner Road. The proposed layout should be extended to the south side of Hwy 33 to confirm the location of Garner Road.

- d) The location of the driveway or preferred location must be indicated on the plan to ensure that the facility can be adequately accessed without disruption as the development of the property and the surrounding land takes place.
- e) Provide easements as may be required.

.2 Geotechnical Study

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:
- b) The Geotechnical report must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (iv) Any special requirements for construction of roads, utilities and building structures.
 - (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
 - (vi) Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
 - (vii) Identify in detail all slopes greater than 30%.
 - viii) Top of bank assessment and location including recommendations for property line locations, building setbacks, and ground water disposal locations.
 - ix) Recommendations for items that should be included in a Restrictive Covenant.
 - x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
 - xi) Any items required in other sections of this document.
 - xii) Recommendations for roof drains and perimeter drains.
 - xiii) Recommendations for construction of detention or infiltration ponds and their effects on the downstream properties.

.3 Domestic Water and Fire protection

- a) The proposed development is within the service area of the Black Mountain Irrigation District (BMID). All charges and securities for service connections and system upgrading costs are to be paid directly to the BMID.
- b) The applicant is to provide the City of Kelowna the assurance that the supply of domestic water and fire protection is achievable in accordance with the City standards.

.4 Sanitary Sewer

- a) The section of land to be rezoned under this application is less than one hectare, and is not currently serviced by the Municipal wastewater collection system. Should an expansion to the existing facility or subdivision of the land be contemplated then a sanitary sewer system must be provided to service the property in accordance with current regulations.
- b) The fees and requirements associated with the sanitary sewer connection will be addressed at the time when the City receives an application to subdivide the land or to expand the facility.

.5 Drainage

A preliminary site drainage management plan and design to comply with the City's drainage and policy manual is a requirement of this application.

.6 Power and Telecommunication services

The existing services to and within this development can remain overhead until an application is made to subdivide the property.

6.2 Ministry of Transportation

Ministry of Transportation has no objection to the rezoning of a portion of Lot 2, Plan 13388 as shown on the attached sketch. Access via Band Road may continue until the remainder of the lot is developed. At which time all access must be gained via Toovey and Ray Roads.

6.3 Inspection Services

To limit the use on the land a housing agreement should be entertained. No other concerns.

6.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing Bylaw. The existing access drive is too narrow and requires upgrading. Water supply for fire suppression is required and engineered fire flows should determine hydrant requirement(s). Contact FPO for preferred location of new hydrant(s). Hydrant required within 90m of principal entrance.

6.5 Black Mountain Irrigation District, RCMP, Terasen, Telus

No comment.

6.6 Public Health Inspector

May be able to utilize existing system, subject to our approval. If existing system does not meet requirements that hook-up to community sewer system will be necessary.

6.7 Parks Manager

As this parcel continues to develop in the coming years, Parks requires a 0.6HA neighbourhood park to be located on flat ground (less than 5% slope) between Toovey Road and Ray Road, which we will purchase at fair market value - zoned, but unserviced value from DCC's in the area.

6.8 School District No. 23

No response.

7.0 PLANNING COMMENTS

The Planning & Corporate Services Department acknowledges that this facility operated as a legal non-conforming use until approximately January 2002. As the use has been discontinued for longer than six months, it no longer retains the legal non-conforming status and requires the appropriate Official Community Plan future land use designation and zoning designation.

The RM3 – Multiple Housing zone was not envisaged in the Official Community Plan designation for this area or Highway 33 East Area Structure Plan, however it is the zone necessary to facilitate the proposed congregate care use. The proposed use can be supported on the basis of the continuation of a pre-existing legal, non-conforming use, but the size in terms of number of residents and/or beds should not be increased beyond the previous licenced size. Registration of a Housing Agreement can ensure that only the use requested will be facilitated by this rezoning, and is recommended for this proposal.

The Planning & Corporate Services Department recognizes that there are several development related issues that need to be addressed on the subject property in relation to future development. However, staff are prepared to defer these issues until such time as further rezoning and/or subdivision is applied for. The applicant will have to resolve the fire protection, Public Health requirements and the Housing Agreement prior to final adoption of the OCP and Zone amending Bylaws.

Andrew Bruce
Manager Development Services

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

RGS/SG/sg

FACT SHEET

1. **APPLICATION NO.:** OCP03-0014/Z03-0071
2. **APPLICATION TYPE:** Official Community Plan amendment and Rezoning
3. **OWNER:** John & Ingrid Paavilainen
· **ADDRESS** 1170 Band Road
· **CITY/ POSTAL CODE** Kelowna, BC
4. **APPLICANT/CONTACT PERSON:** New Town Planning/Keith Funk
· **ADDRESS** 1450 Pandosy Street
· **CITY/ POSTAL CODE:** Kelowna, BC V1Y 1P3
· **TELEPHONE/FAX NO.:** 860-8185/860-0985
5. **APPLICATION PROGRESS:**
Date of Application: December 9, 2003
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: March 30, 2004
6. **LEGAL DESCRIPTION:** Lot 2, Sec. 13, Twp. 26, ODYD, Plan 13388
7. **SITE LOCATION:** North side of Highway 33, off of Band Road
8. **CIVIC ADDRESS:** 1170 Band Road
9. **AREA OF SUBJECT PROPERTY:** 5.15 ha
10. **AREA OF PROPOSED REZONING:** 0.34
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RM3 – Low Density Multiple Housing
13. **PURPOSE OF THE APPLICATION:** To amend the Official Community Plan designation of Single/Two Unit Residential & Associated Uses to the Multiple Unit Residential Low Density designation and to rezone from the A1-Agriculture 1 zone to the RM3-Low Density Multiple Housing zone, in order to allow for congregate housing use within the existing building
14. **MIN. OF TRANSPORTATION FILES NO.:** 2-81-20590
Note: Only if Lands Are Within 800 M Of A Controlled Access Highway
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS**

Attachments

(Not attached to the electronic copy of the report)

Location Map

Map “A”

Map “B”

TRANSIT ROUTE MAP

