
CITY OF KELOWNA
MEMORANDUM

Date: June 16, 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THAT second reading given OCP Amending Bylaw No. 9211 under Resolution No. R498/04/05/18 be rescinded;

AND THAT OCP Amending Bylaw No. 9211 and Zone Amending Bylaw No. 9212 (Paavilainen – 1170 Band Road) be rescheduled to a new Public Hearing;

AND THAT final adoption of the OCP amending Bylaw No. 9211 and Zone Amending Bylaw No. 9212 be withheld pending the connection of the proposed congregate care facility to the sanitary sewer system and the registration of legal access agreements in favour of the adjacent properties;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement in the Land Title Office;

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 BACKGROUND

At the regular meeting of Council on Monday June 7, 2004, a resolution was adopted by Council to reconsider Resolution No. R498/04/05/18 defeating OCP Amending Bylaw No. 9211. This was based on the information that the applicant was now prepared to connect the property to sanitary sewer. As it has been deemed that this is new information it is necessary to go back to a new Public Hearing with both the OCP amending bylaw and the Zone amending bylaw.

When the resolution to rescind the defeating bylaw was adopted members of Council also indicated that they would like the easement/access issues that were raised at the Public Hearing for Bylaws 9211 and 9212 be addressed if they were to reconsider the OCP amending and rezoning applications. Based on this it is the recommendation of staff that the applicant enter into the necessary easement agreements to maintain the current access that the adjacent property owners have to Band Road. In addition, it is recommended that the owner enter into a road reservation agreement, for those portions of the property shown on Map "A", to allow for the required road links necessary for the future development of the adjacent properties.

As indicated in our report dated March 30 22004, 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. Registration of a Housing Agreement can ensure that only the use requested will be facilitated by this rezoning, and is recommended for this proposal.

Andrew Bruce
Manager Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MC IP
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 |
| Staff Report to Council: | March 30, 2004 |
| Supplemental Report to Council: | June 16, 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

