
CITY OF KELOWNA

MEMORANDUM

Date: August 3, 2004

File No.: Z03-0043

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. Z03-0043

OWNER: CITY OF KELOWNA

AT: 260 FRANKLYN ROAD

APPLICANT: CITY OF KELOWNA
(JOHN GRANT)

PURPOSE: To rezone from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone to allow for the future development of a multi-dwelling housing project.

EXISTING ZONE: RU1- LARGE LOT HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0043 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 27, Twp. 26, ODYD, Plan 12913 except 22268, located on Franklyn Road, Kelowna, B.C. from the RU1- Large Lot Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

2.0 SUMMARY

The City is proposing to rezone the subject property from the RU1- Large Lot Housing zoning to RM3 – Low Density Multiple Housing zoning. The proposed rezoning will facilitate the redevelopment of the site for multi-dwelling housing project. If supported by Council, the zone amending bylaw will be held at third reading, until such time that a developer is prepared to proceed with the redevelopment of the site. At that time, a development permit will be required to address the form and character of the multi- dwelling housing project.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of September 9, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0043, 260 Franklyn Road, Lot 1, Plan 12913, Sec. 27, Twp. 26, ODYD, Plan 12913 except 22268, by the City of Kelowna, to rezone from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone to allow for the future development of a multi-family housing project;

4.0 BACKGROUND

4.1 The Proposal

The City is proposing to rezone the subject property from the RU1- Large Lot Housing zoning to RM3 – Low Density Multiple Housing zoning in order to facilitate the development of a multi-dwelling housing project on the subject property. The property was developed to serve as a temporary park until such time that Ben Lee Park was developed. As Ben Lee Park is now a functional and available to the broad community, the property is no longer needed for park purposes.

At this time, the City is initiating the rezoning process with the intention of holding the zone amending bylaw at third reading. The City then intends to sell the property. In selecting a purchaser of the property, the City will consider both the price and the number affordable dwelling units offered. The purchase price of the subject property may be discounted based on the applicant's commitment to the provision of affordable housing and the possible inclusion of space for a community recreation service. The developer of the project will be responsible for the submission of a development permit addressing issues concerning the form and character of the proposed development. The zone amending bylaw will be forwarded for final reading in conjunction with Council's consideration of the development permit.

As a condition of the development permit, the developer will be required to enter into a Housing Agreement that will be registered on the title of the property. The housing agreement will establish the terms and conditions for the proposed affordable dwelling units (rental and owner occupied). City Staff have prepared two standard Housing Agreements, one for owner and one for rental affordable housing, with special needs as a subset for either agreement. Enforcement of rental units is to be tied to the business license renewal process whereas ownership is to be enforced whenever an affordable ownership unit is sold. The Housing Agreement for ownership units also provides an option for an owner to opt out of the affordability requirements if they have lived there at least 25 years and have submitted a request to lift the restriction.

In addition, though the intended primary use of the site is for housing, the City has previously received interest in providing a community recreation service on part of the property. The City therefore has an application for a text amendment in stream proposing to add "Community Recreation Services" as a permitted secondary use in the RM3 – Low Density Multiple Housing; RM4 – Transitional Low Density Housing; RM5 – Medium Density Multiple Housing; and RM6 – High Rise Apartment Housing zones. If the text amendment is approved, the developer may propose a community recreation service facility in addition to the housing units. Alternately, if no community recreation space may be provided, an additional number residential units provided must meet the City's definition of affordability. The community recreation service area would be considered a common amenity space and therefore be exempt from the density (Floor Area Ratio) calculation.

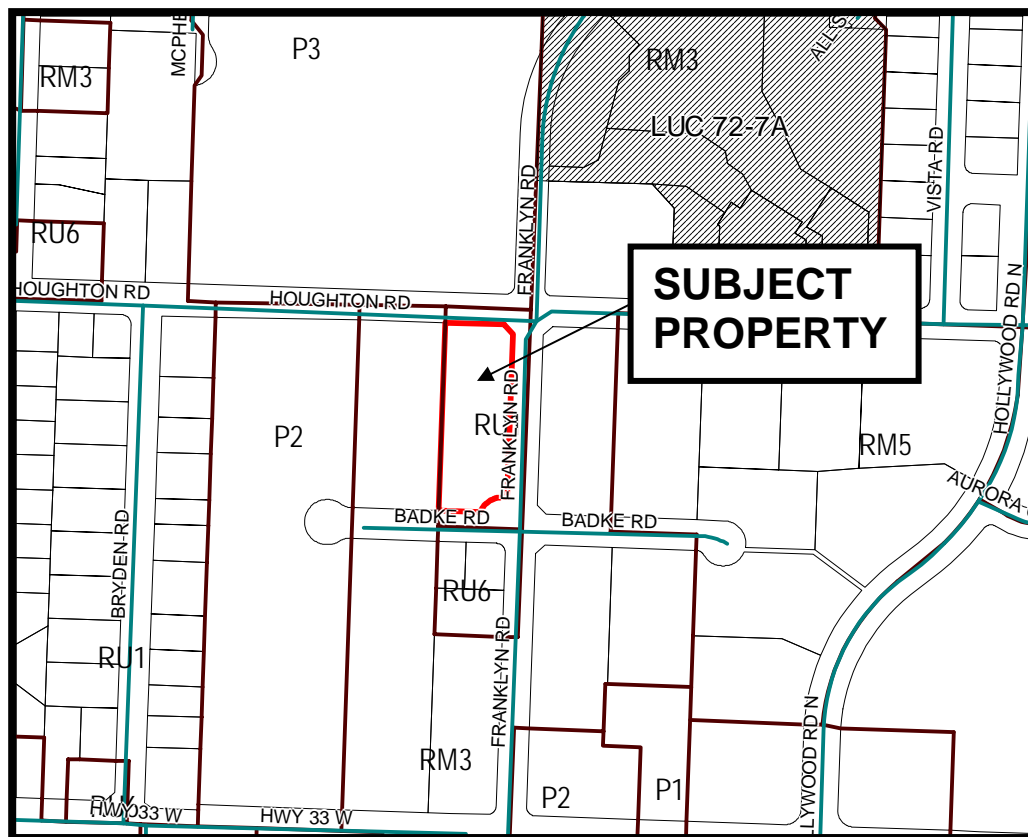
4.2 Site Context

The subject property is located on Franklyn Road between Houghton Road & Highway 33.

Adjacent zones and uses are:

- North - P3 - Parks and Open Space
- East - RM3 - Low Density Multiple Housing
- South - RU6 - Two Dwelling Housing
- West - RM3 - Low Density Multiple Housing

Site Location Map



4.3 Development Potential

The property is currently zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses. Secondary suites are permitted on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

The proposed zoning is RM3- Low Density Multiple Housing. The purpose is to provide a zone for low density multiple housing on urban services. Permitted used include apartment housing,

congregate housing, group home (major), row housing, semi-detached housing, stacked row housing. Secondary uses care centres (major) and home based businesses (minor).

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

4.4.2 Kelowna Official Community Plan (OCP)

The subject property is designated as Multiple Unit Residential - low density in the OCP. This application would be consistent with that designation and could be supported. In addition, the proposed rezoning to RM3 would be consistent with the surrounding character of the area, given that much of the area is also zoned RM3 – Low Density Multiple Dwelling Housing. The site is in close proximity to community park facilities and use of this site as ground oriented housing fulfills specific OCP objectives and policies with respect to increasing densities, especially within Urban Centres, and creation of more affordable ground oriented housing suitable for families in inner City areas.

The OCP also encourages the further development of affordable housing within the City. The OCP establishes affordability benchmarks for both owned and rented affordable dwelling units. Affordable Ownership is based on the income level at which a household would be capable of entering then Kelowna ownership market. This is equivalent to the "starter home" price and is derived based on the purchase ability at the median income level for all two or more person households from the most recent Census, assuming 30 % of gross household income expenditure for shelter. The starter home price will be updated annually between Census years using the B.C. Consumer Price Index (CPI), be published annually by the City and be given for a non-strata-titled home, a strata-titled home and a mobile /manufactured home. Affordable Rental is based on the average rents for Kelowna from the annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report. Income for an affordable rental will be based on the annual gross income at which 30% will be equal to the affordable rent.

4.4.3 Rutland Sector Plan

The proposed development is consistent with the Rutland Sector plan which calls for the encouragement of medium and low density multiple housing adjacent to the commercial core serving to buffer lower density development from the commercial area.

5.0 TECHNICAL COMMENTS

5.1 Aquila Networks Services

No requirements.

5.2 Fire Department

No comment.

5.3 Inspections Services

No concerns.

5.4 Parks Manager

Parks will relocate the on-site children's play structure, lights, benches, etc. when funds become available from the Lands Division. We are planning to relocate these structures to Ben Lee Park.

5.5 RCMP

No comment.

5.8 Rutland Water Works

We have no objection.

5.9 School District No.23

No response.

5.9 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings and specification.

5.10 Telus

No comment.

5.11 Terasen Utility Services

No comment.

5.12 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone from RU1 to RM3 are as follows:

5.12.1 Subdivision

- a) Provide easements as may be required.
- b) A road exchange to close a portion of Badke Road (bulb) could be done at the corner of the property where Badke Road & Franklyn Road intersect.

5.12.2 Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

5.12.3 Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID. The developer is required to provide a

confirmation that the district is capable of supplying fire flow in accordance with current requirements.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

5.12.4 Sanitary Sewer.

The subject property is not currently serviced by the Municipal sewer collection system and is located within the Sanitary sewer connection area # 22 (Central Rutland). A development on the property would trigger a payment of \$6,800.00 x 0.7 per multi-family units. The fees include the installation of a service.

5.12.5 Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

5.12.6 Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

5.12.7 Road improvements.

a) Badke Road

The applicant is responsible for the construction of a sidewalk along the frontage of the property. The estimated cost of this work, for bonding purpose would be \$5,800.00, inclusive of a bonding contingency.

5.12.8 Bonding and Levies Summary.

a) Performance Bonding

Badke Road sidewalk	\$5,800.00
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b) Levies

Sanitary sewer connection area fee	\$6,800.00 x 0.7 x proposed unit
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6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning & Development Services Department supports the proposed rezoning from RU1-Large Lot Housing to RM3 – Low Density Multiple Housing. The proposal is consistent with the Future Land Use Designation outlined in the Official Community Plan. In addition, the proposed rezoning is consistent with the City's objective for achieving further multiple dwelling housing as outlined in the Rutland Sector Plan. Consequently, the rezoning of the subject property for low density multiple housing will also help facilitate the further development of affordable housing dwelling units within the City. The form and character of the proposed development will be reviewed by Staff at the time of development permit. At that time, the conditions of the Housing Agreement will also be finalized. The developer will be also be required to fulfill the requirements of the City's Works & Utilities Department prior to issuance of the building permit.

Andrew Bruce
Development Services Manager

Approved for inclusion
R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services

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Attach.

FACT SHEET

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|----|----------------------------------|------------------------------|
| 1. | APPLICATION NO.: | Z03-0043 |
| 2. | APPLICATION TYPE: | Rezoning |
| 3. | OWNER: | City of Kelowna |
| | • ADDRESS | 1435 Water Street |
| | • CITY | Kelowna, BC |
| | • POSTAL CODE | V1Y 1J4 |
| 4. | APPLICANT/CONTACT PERSON: | City of Kelowna (John Grant) |
| | • ADDRESS | 1435 Water Street |
| | • CITY | Kelowna, BC |
| | • POSTAL CODE | V1Y 1J4 |
| | • TELEPHONE/FAX NO.: | 862-3339 ext. 497 |
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- APPLICATION PROGRESS:**
- | | |
|---|-------------------|
| Date of Application: | August 13, 2003 |
| Date Application Complete: | August 13, 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | September 2, 2003 |
| Staff Report to Council: | n/a |
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|-----|--|---|
| 6. | LEGAL DESCRIPTION: | Lot 1, Sec. 27, Twp. 26, ODYD, Plan 12913 except 22268 |
| 7. | SITE LOCATION: | on Franklyn Road between Houghton Road and Highway 33 |
| 8. | CIVIC ADDRESS: | 260 Franklyn Road |
| 9. | AREA OF SUBJECT PROPERTY: | 5460 m ² |
| 10. | AREA OF PROPOSED REZONING: | 5460 m ² |
| 11. | EXISTING ZONE CATEGORY: | Ru1 – Large Lot Housing |
| 12. | PROPOSED ZONE: | RM3 – Low Density |
| 13. | PURPOSE OF THE APPLICATION: | To rezone from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone to allow for the future development of a multi-dwelling housing project. |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | n/a |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Multi-Family DP Area |

Z03-0043

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **Housing Agreement**