

Memo



Date: June 28, 2010

To: City Manager

From: Community Sustainability Division

File No: DVP09-0085

Applicant: DE Pilling & Associates

At: 4075 McClain Rd

Owner: Figueira Holdings Ltd.

Purpose: To vary the required setbacks of the RM7 - Mobile Home Park Zone and the buffer requirements of the Mobile Home Bylaw 5453-83 for 5 existing mobile homes.

To vary the height of the north entrance retaining wall from 1.2 m permitted to a 2.4m proposed.

To vary the maximum height of a free-standing sign from 1.8m permitted to 3.2m proposed.

Existing Zone: RM7 - Mobile Home Park

Report Prepared by: Birte Decloux

1.0 RECOMMENDATION:

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0085 for parcel Z (DF K39600) Section 2, Township 26, ODYD Plan 1247 except Plan 28626 located at McClain Road, Kelowna, B.C.

AND THAT variances to the following sections of Mobile home Bylaw 5453-83 be granted for 5 mobile home spaces as follows:

Section 4.05 (1) Buffer areas:

Existing Mobile Home 1A - Vary buffer area from 4.6 m required to 0.9 m proposed

Existing Mobile Home 85 - Vary buffer area from 4.6 m required to 3.0 m proposed.

Existing Mobile Home 86 - Vary buffer area from 4.6 m required to 3.0 m proposed

Existing Mobile Home 88 - Vary buffer area from 4.6 m required to 3.0 m proposed.

Existing Mobile Home 92 - Vary buffer area from 4.6 m required to 3.0 m proposed.

AND THAT variances to the following sections of Zoning Bylaw 8000 be granted:

Section 13.13.6(d) Development Regulations

Existing Mobile Home 1A - Vary site setback from 4.5 m required to 0.9 m proposed.

Existing Mobile Home 85 - Vary site setback from 4.5 m required to 3.0 m proposed.

Existing Mobile Home 86 - Vary site setback from 4.5 m required to 3.0 m proposed.

Existing Mobile Home 88 - Vary site setback from 4.5 m required to 3.0 m proposed.

Existing Mobile Home 92 - Vary site setback from 4.5 m required to 3.0 m proposed.

Section 7.5.9 Fencing and Retaining Walls

To vary the height the north entrance retaining wall with appropriate engineering sign off from 1.2 m permitted to a maximum 2.4m proposed.

AND THAT variances to the following sections of Sign Bylaw 8235 be granted:

Section 6.1 - Higher Density Residential Zones Free-standing signs part (a)

To vary the maximum height of a free-standing permitted from 1.8m permitted to 3.2m proposed;

AND THAT a Building Permit for the north retaining wall (with required engineered drawings) and for the freestanding sign be applied for prior to issuance of the Development Variance Permit;

2.0 SUMMARY

An expansion to the mobile home park on the subject property to create 48 new mobile home pads and general improvements to the park is being pursued. In order to proceed with the proposed improvements, a number of variances are required.

3.0 ADVISORY PLANNING COMMISSION

This application was discussed at the Advisory Planning Commission meeting on October 27, 2009 and the following resolutions were passed:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP09-0085, for 4075 McClain Road; to vary site setback from 4.5 m required to 0.9 m proposed and to vary landscape buffer from 4.6 m required to 0.9 m proposed; to vary site setback from 4.5 m required to 3.0m proposed and to vary landscape buffer from 4.6 m required to 3.0 m proposed.

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP09-0085, for 4075 McClain Road; to vary the height of the north entrance retaining wall from 1.2 m permitted to a maximum 2.4 m proposed.

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP09-0085, for 4075 McClain Road; to vary the maximum height of a free-standing permitted by the Sign Bylaw 8235 from 1.8 m permitted to 3.2 m proposed.

4.0 BACKGROUND

The McClain Road Mobile Home Park, formally known as the Edelweiss Mobile Home Park, has been in existence since the early 1970's. In 1996 park contained 96 units which was expanded to 105 by 2007. The current owner purchased the park in May 1998.

The applicant is seeking to legalize a number of existing non-conforming conditions of five mobile homes on the subject property with the intent to construct with a new phase of infill on the existing mobile home park site.

In the past, the park had many issues with the failure of the on-site septic system. In the early 1990's, a waste management system approved directly by the Ministry of Environment was installed on the site across the street at 4062 McClain road (a legal agreement links the two properties). The creation of a new septic treatment facility on the adjacent lot expanded the capacity to accommodate additional sites. As the on-site septic field is no longer required, this area is available for the expansion of additional mobile home pads.

In 2005, the South East Kelowna Irrigation District raised concerns about the provision of water to the site to service all the residents. A consultant was retained to upgrade the water requirements which are completed to date.

However, a Stop Work Order was issued by the City's Building and Permitting Department in the summer of 2008, as expansion work of the mobile home park had begun without the required Development Permit and Development Variance Permit. With this application, the applicant is seeking the appropriate approvals to proceed with the expansion.

5.0 THE PROPOSAL

A Development Permit application (to be executed at a staff level) proposes to expand the mobile home park by adding 25 mobile pads to the north east corner and 23 infill pads to the south side of the site. However, prior to proceeding with the Development Permit, variances to both the Mobile Home Bylaw and Zoning Bylaw are required for the siting of non-conforming existing mobile home pads and retaining wall and sign structures.

Internal roads are being expanded to create a circular flow and consequently some pads that were created in 2007 have been removed to accommodate the new configuration of the site. A total of 48 additional mobile home pads are planned for the site to bring the overall total of mobile homes to 148.

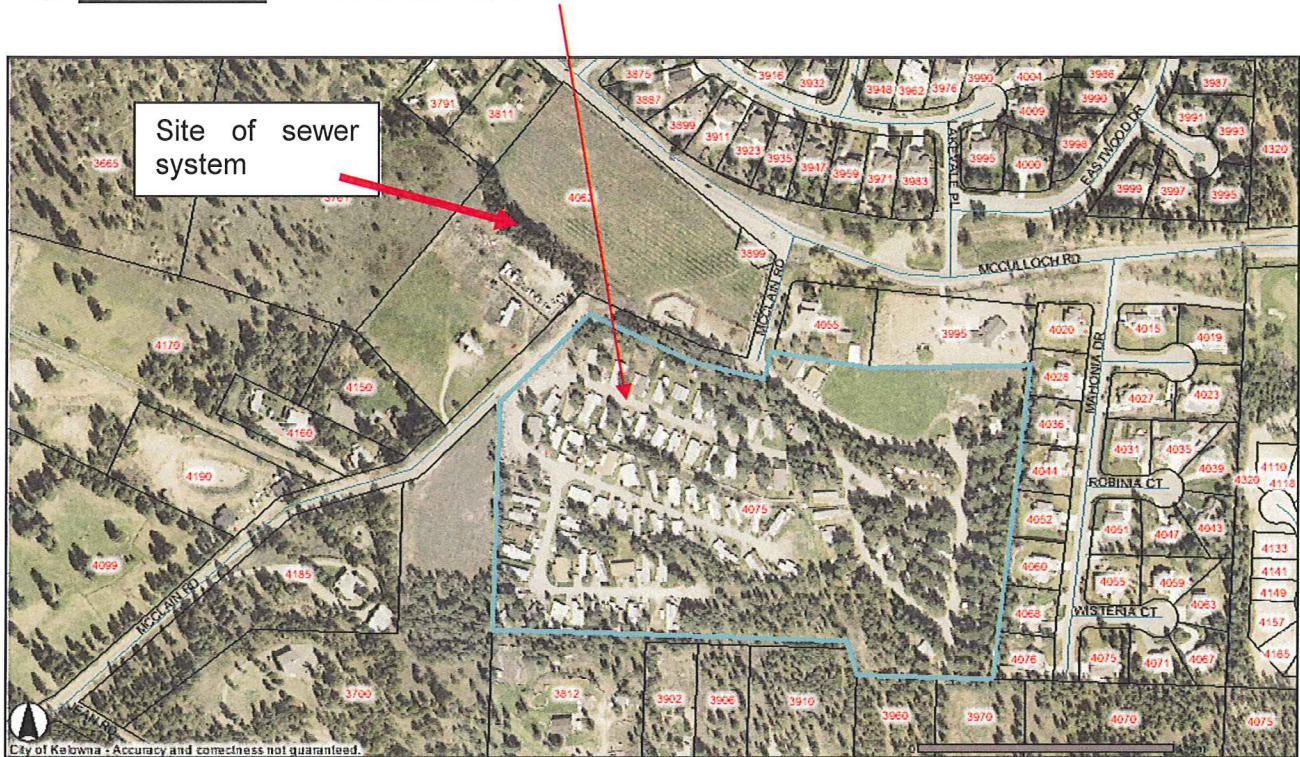
Recently, an over-height retaining wall was built as part of the site improvements at the north entrance to the mobile park. A variance is being sought to legitimize the existing non-conforming wall. A sign is incorporated as part of this wall that exceeds the permitted maximum height of 1.8 m and a variance is sought to allow the constructed sign.

5.1 Site Context

The subject property is located in South East Kelowna south of McCulloch Road. More specifically, the adjacent land uses are as follows:

- North RR2 - Rural Residential 2
- East RR3 - Rural Residential 3
- South RR1 - Rural Residential 1 and A1- Agriculture 1
- West A1 - Agriculture 1

5.2 Site Location: 4075 McClain Road



6.0 CURRENT DEVELOPMENT POLICY

Mobile Home Parks Bylaw 5453-83

4.01 Signs

Subject to the provisions of any Sign Bylaw in effect within the City of Kelowna, identification signs to a maximum height of 1.8 m (6 ft.) above ground and to a maximum area of 3 m² (32 sq.ft.) may be located at the principal entrance to a mobile home park.

4.05(1) Buffer Areas

Mobile home spaces shall be located not less than 7.6 m (25 ft.) from that boundary of the park abutting a highway and not less than 4.6 m (15 ft.) from the remaining boundaries of the park. These buffer areas shall be suitably landscaped.

Official Community Plan

Objectives for Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);

- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);

7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

7.1 Development Engineering

The Development Permit application to allow 25 additional mobile homes to the existing Mobile Home Park will require the necessary agreements with the City of Kelowna for the private utility (sanitary sewer main) crossings thru McClain Road. Please contact Mr. Doug Gilchrist, Community Services, Real Estate & Building Services, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. *In 1999 a covenant was registered linking the site of the mobile home park with the site of the private sewer system.*

The application to vary the height of the retaining wall from 1.2m to 2.4m does not compromise City of Kelowna servicing requirements; however the retaining wall must be built 6" within the subject property and not on the City Road Right-of-way. As part of the variance request, the applicant needs to confirm the location. The City of Kelowna does not allow any structures be placed within the road right of way. *A license of occupation has been negotiated to permit the wall within the City Road Right-of-way.*

7.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. New fire hydrants may be required to service additional lots. If access roads are the 6M Minimum width "No Parking Signs" are to be installed along roadways.

7.3 Terasan

Terasan Gas' facilities will not be adversely impacted by this proposal and has no objection to the proposal at the above-noted location.

7.4 Shaw Cable

Owner/Developer to supply an underground conduit system

7.5 Building and Permitting Branch

Building permits required for placement of all mobile homes. Engineered drawings and schedules are required. Any identification sign for the mobile park must meet the requirements of the Mobile Home Parks Bylaw No. 5453-83.

8.0 LAND USE MANAGEMENT DEPARTMENT

The enhancement and expansion of the mobile home park adds functional and aesthetic improvements to the site, while creating additional affordable housing units. Improvements to the waste water system have increased capacity and have made additional land available for additional mobile homes. However, prior to considering the form and character of the overall site, approval for the following variances is required:

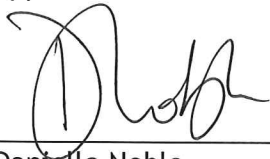
1. For five existing mobile homes:
 - a. To vary the site setback requirement
 - b. To vary the required buffer area
2. A variance for the height of a free-standing at the north entrance
3. A variance for the height of a retaining wall on the north side of the property.

Given that the siting variances likely have been in existence prior to the Mobile Home Park Bylaw, no additional impact for on-site mobile home park owners is anticipated.

The owners have been making improvements to beautify and upgrade the mobile home park. New entrance features with rock structures and vegetation have been constructed at both entrances to the site. The retaining wall at the north entrance exceeds the requirements of the zoning bylaw and thus a variance is being sought to permit this structure. The wall also contains a sign feature as part of its design which exceeds the allowable height. If variances for these structures are granted, a Building Permit will be required for both the sign and wall structures.

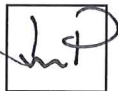
The applicant had built a portion of the entry rock retaining wall on a City road right-of-way. After exploring all possible solutions, an agreement for a license of Occupation has been negotiated for the wall to remain on City land until such time that the road is constructed.

While the overall site improvements are commendable, Staff do not disregard that many of these variances have been created after construction of these structures and do not condone this approach.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



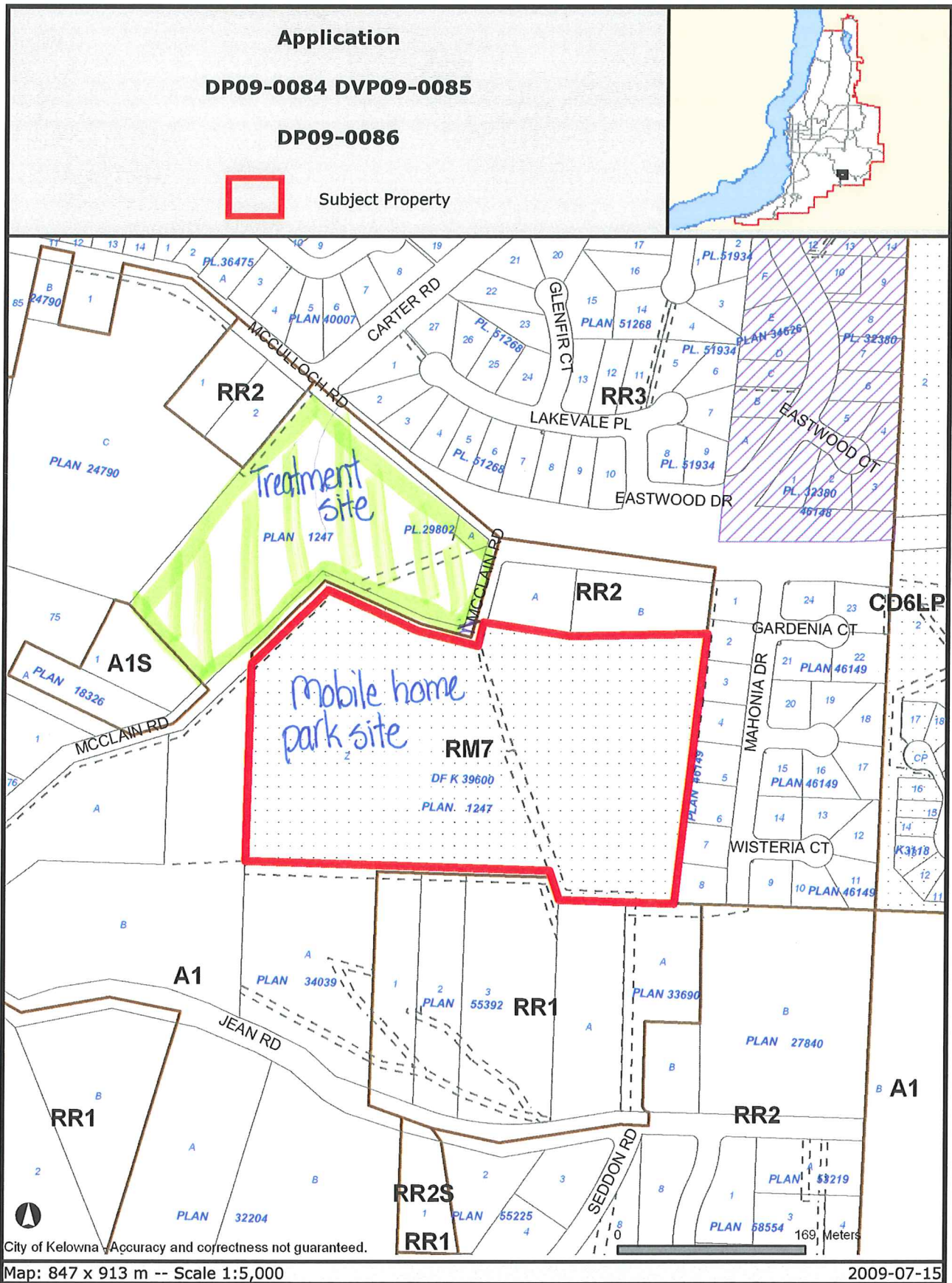
✓ Shelley Gambacort
Director, Land Use Management

Attachments:

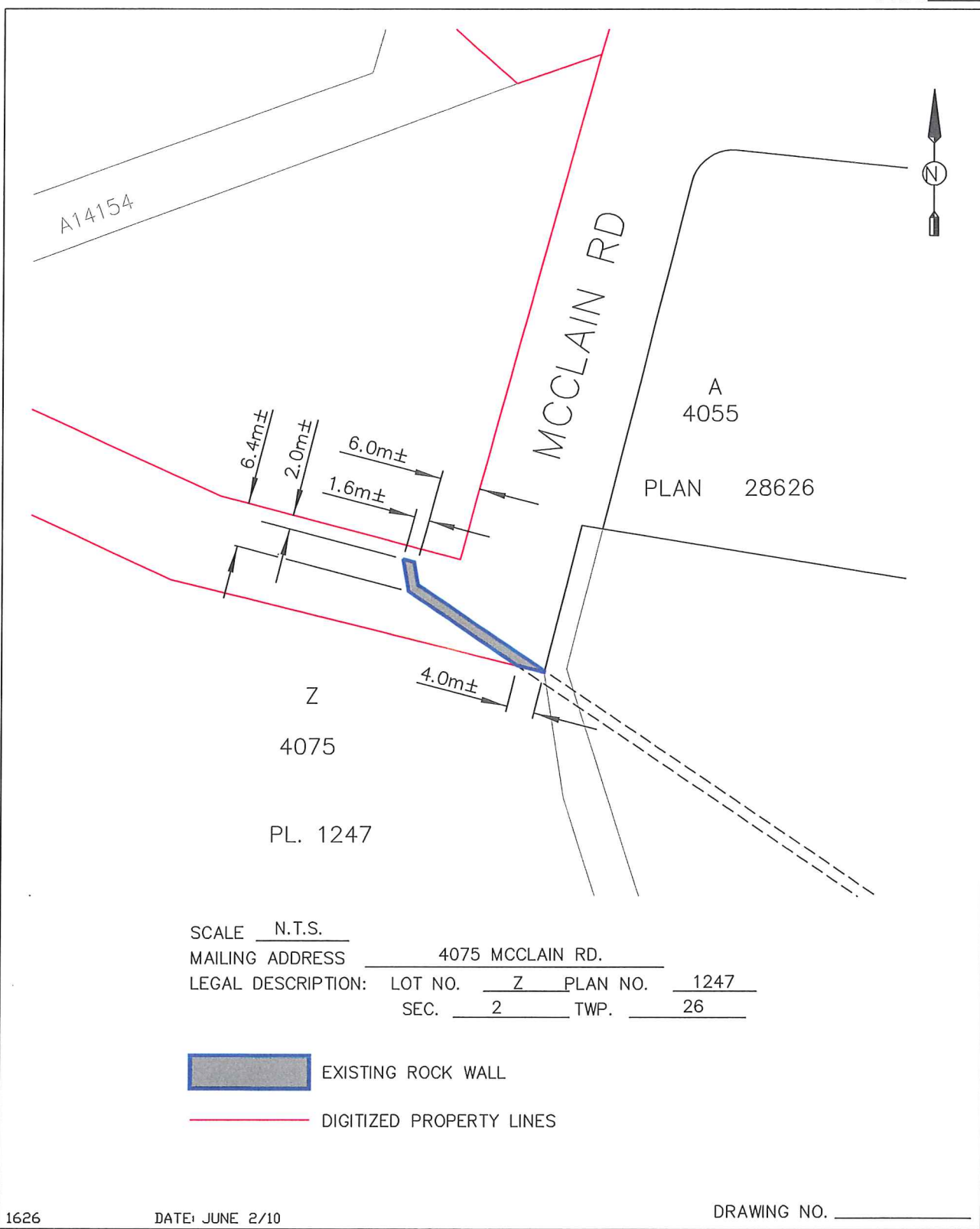
Subject Property Map
Site Plan
Photos of retaining wall and sign

Application Chronology:



Accept: July 2009
APC: October 2009
Road Right-of-Way Agreement: May 28, 2010

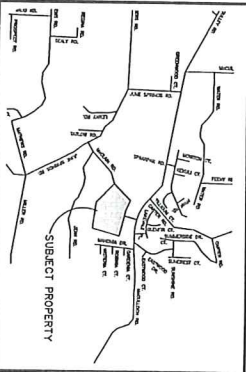


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



SCALE N.T.S.
MAILING ADDRESS 4075 MCCLAIN RD.
LEGAL DESCRIPTION: LOT NO. Z PLAN NO. 1247
SEC. 2 TWP. 26

-  EXISTING ROCK WALL
-  DIGITIZED PROPERTY LINES

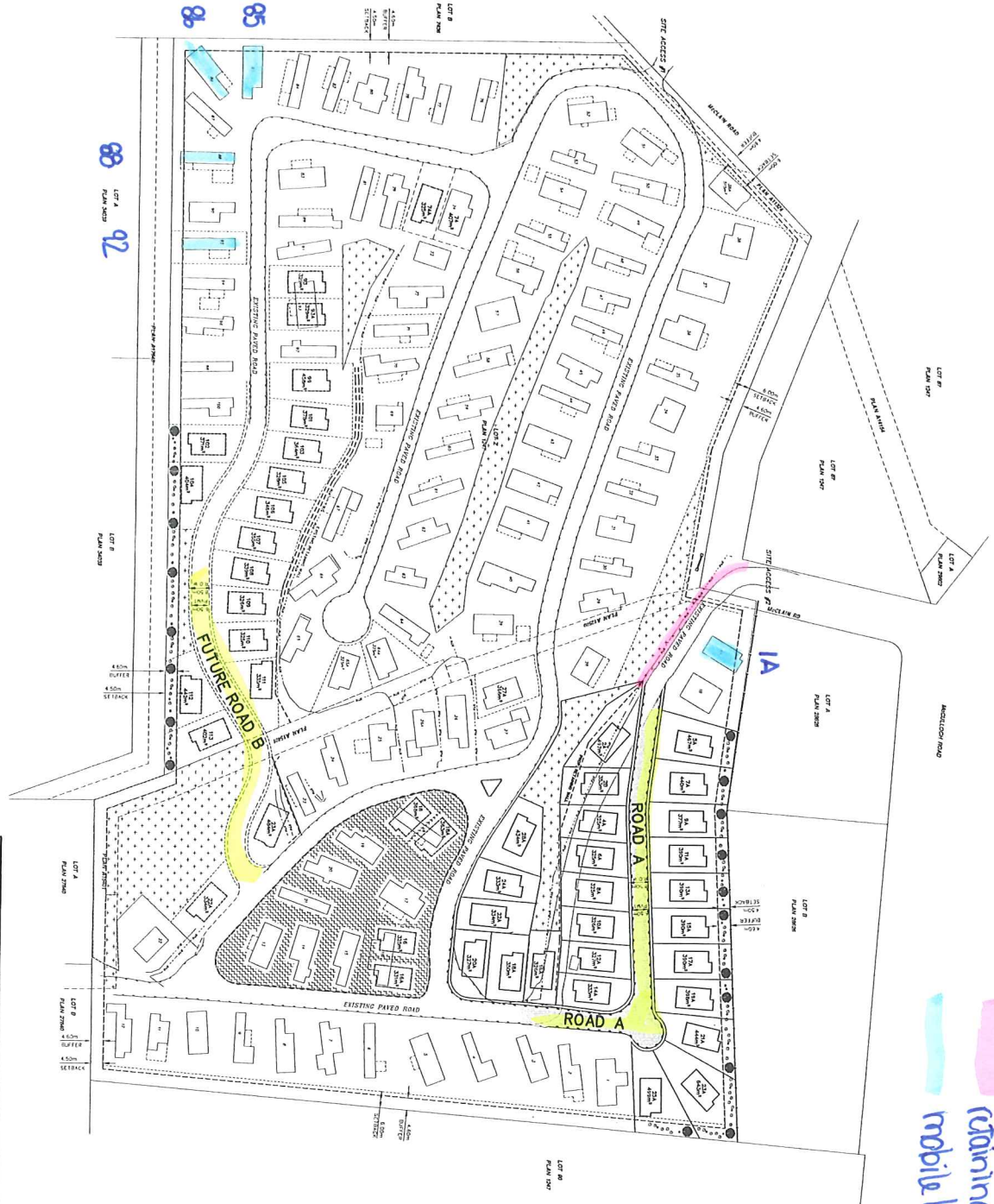


LEGAL DESCRIPTION
 LOT 2, PLAN 1241, SEC. 5, TP. 23, R. 03W.

- NOTES**
- PROPOSED RETAINING WALLS
 - 1 PRIVATE OPEN SPACE SAME AREA (11 HOUSES) - 4.23M
 - 2 PRIVATE OPEN SPACE AREA 2.33M x 5.5M CONCRETE
 - 3 PRIVATE OPEN SPACE RECORD - 55 (237m²)
 - 4 RECREATIONAL OPEN SPACE - (6.67M) OR CONCRETE
 - 5 RECREATIONAL OPEN SPACE RECORD - 55 (4232m²)
 - 6 EXISTING UTILITY HOUR
 - 7 PROPOSED UTILITY HOUR
 - 8 FUTURE UTILITY HOUR
 - 9 PROPOSED LANDSCAPING
 - 10 LOT AREA - 0.2128Ha
 - 11 BOTTLE - 4.6M FROM ALL BOUNDARIES
 - 12 UTILITY HOUR SEPARATION - 6m ON 3m F. GEOSURF SING
 - 13 FRONT YARD SETBACK - 6.0M
 - 14 SIDE YARD SETBACK - 4.5M
 - 15 REAR YARD SETBACK - 6.0M
 - 16 MAX DENSITY - 20 DWELLINGS/HA
 - 17 PROPOSED DENSITY - 16.7 DWELLINGS/HA
 - 18 MAX BUILDING HEIGHT - LESSER OF 7.2M OR 1 STOREY
 - 19 UTILITY HOUR SPACE CONSTRAINTS:
 - 2250MM MIN. AREA
 - 120MM MIN. WIDTH
 - 250MM MIN. DEPTH

LEGEND

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PLATE CONSULTING ENGINEERING
 CONSULTING ENGINEERING
 THE CITY OF KELOWNA
 MOBILE HOME HEIGHTS
 SUBDIVISION LAYOUT PLAN

DATE: 2003-02-24
 SCALE: 1:750

2033-P2
 SHEET NO. 1

SCHEDULE A

This forms part of development
 Permit # **DIP09-0085**

retaining wall
 mobile home w/
 variance





North Entrance



East Entrance



North Entrance