REPORT TO COUNCIL

Date:

October 5, 2012

To:

City Manager

From:

Land Use Management, Community Sustainability (GS)

Application:

OCP12-0008

Z12-0052

Owner:

Heinz Strege

Address:

2219 Mayer Road

Applicant: Heinz Strege

Subject:

OCP Amendment and Rezoning Applications

Existing OCP Designation:

Resource Protection Area (REP)

Proposed OCP Designation

Single/Two Unit Residential (S2RES)

Existing Zone:

A1 - Agriculture

Proposed Zone:

RU6b - Two Dwelling Housing with Boarding or Lodging

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP12-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated October 5, 2012, NOT be considered by Council;

AND THAT Rezoning Application No. Z12-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging zone NOT be considered by Council.

2.0 Purpose

The applicant is proposing an OCP amendment from Resource Protection Area to Single/Two Unit Residential to facilitate a rezoning of the subject property from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging zone. The OCP amendment and rezoning are to enable the development and operation of a supported housing facility containing 16 units.

3.0 Land Use Management

While the subject property is technically within the ALR, the property is exempted from the provisions of the ALC Act (as per Section 23(1) of the Act) as it is confirmed to have been on separate title prior to 1972 and less than 2 acres. As a result the use does not require a "Non-Farm Use" application to the ALC to proceed.

Despite not being subject to ALC Act requirements, municipal zoning and future land use designations are consistent with agricultural land uses (i.e. Resource Protection Area and on the rural side of the City's Permanent Growth Boundary). Lands outside the growth boundary are not expected to be required for urban uses prior to 2030 at a minimum.

The applicant seeks to legalize an existing illegal use of the subject property. The applicant has confirmed that he is currently operating the home as a boarding house despite the zoning being agricultural and which does not support this use. As noted in Section 6.2 of this report, there have been an inordinate number of Bylaw Enforcement files for the subject property. While relations between City Departments such as Bylaw Enforcement and the applicant have improved in recent months with the applicant paying outstanding fines, the illegal use of the home and subject property continue. Meanwhile residents are occupying dwelling units that have not been constructed and inspected to ensure that life safety (i.e. Building Code) requirements have been met through the issuance of permits.

Boarding and lodging houses are recognized as an important housing type within our City. It is expected that our aging population will generate an increased demand on this housing form in the near to mid-term. The OCP recognizes and encourages this use within the City's urban areas. Boarding and lodging houses reflect a higher intensity use than is typically supported in rural/agricultural areas. Ideally, boarding and lodging homes will be developed within urbanized areas with excellent access to urban services (e.g. retail, health care), infrastructure such as sidewalks and multi-modal pathways and access to public transit all of which support the needs of the targeted demographic.

In summary, this application proposes to legalize a relatively intense urban use in an agricultural district with good agricultural potential. Land Use Management staff agree with the Agricultural Advisory Committee who noted as part of their recommendation that allowing an urban use such as a boarding house dramatically increases the potential for conflict with normal farm practices. Further, the change in land use will necessitate an upgrade from rural to urban services. While these services would be front-ended by the applicant, ongoing maintenance and future replacement of infrastructure will be public expenditures which in this case are avoidable.

Extensive options for boarding and lodging homes exist within areas designated for urban uses. While the parcel is likely not large enough to function as an agricultural property as the zoning would suggest, staff feel that single dwelling housing, or single dwelling housing with a carriage house (e.g. RR1c) represent the highest and best use of this property. Staff therefore do not support the proposed OCP amendment and rezoning to legalize the use at this location.

4.0 Proposal

4.1 Background/Project Description

The subject property has a land use designation of Resource Protection Area in the City's Official Community Plan and is zoned for Agriculture (A1). The property is also within the ALR (although not subject to ALC regulations) and outside of the City's "Permanent Growth Boundary".

The applicant is proposing to operate a boarding house on the subject property which would cater to "able bodied seniors". A Boarding House is defined as "a building in which the owner or manager may supply accommodation for their family, and sleeping unit accommodation, for remuneration. It may or may not include meal service. It includes lodges for senior citizens..."

The proposal is to utilize an existing dwelling. The proposed accommodations include 15 fully furnished units which would be marketed to 55+ residents. Fifteen units is the maximum permitted within the RU6b zone which allows for a maximum of 10 residents in addition to a household which is defined by an additional up to 5 residents not related by blood.

The units would be spread over three floors with one kitchen. To make the use conform to the zoning regulations, a principal use of the structure (i.e. "single dwelling housing") would need to be satisfied to permit the secondary use in the form of the "boarding house". The single dwelling housing and boarding house would be permitted a single kitchen. Building & Permitting staff note that if the zoning is approved a Code Consultant would need to be retained to determined if the existing structure can accommodate the proposed use and if so, what upgrades and improvements are required.

The proposed floor plan also includes a number of dining and living areas within the existing footprint. The applicant is also proposing to construct an 82m² multi-purpose "hobby and workshop room" within an accessory structure.

The applicant has proposed 12 parking spaces with six located in the front yard and six more located behind the home with a drop-off lane in the front yard which recognizes the higher volume of traffic associated with the proposed use.

To achieve the proposed development the applicant requires amendments to the Official Community Plan future land use designation from "Resource Protection Area" to "Single / Two Unit Residential". The applicant also requires an amendment to the City's Permanent Growth Boundary which was first implemented in 2011 as part of the adoption of the 2030 OCP. Finally, the subject property requires rezoning from an agricultural land use (i.e. A1) to an urban residential land use (i.e. RU6b).

4.2 Site Context

The subject property is located east of Mayer Road and south of Benvoulin Road. The 0.33 ha (0.82 ac) subject property is in a rural/agricultural area, outside of the City's Permanent Growth Boundary and backs onto Mission Creek and the Mission Creek Regional Park (Greenway) to the east. Properties across Mayer Road are larger agricultural holdings at 4.1 and 10.0 ha (10.2 and 24.9 acres) while properties to the north and south are similar in nature to the subject property.

The subject property is subject to Development Permits for Natural Environment (Mission Creek), Farm Protection and Form & Character (Intensive Residential).

The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use	
North	A1 - Agriculture 1	Rural residential	
East	P3 - Parks & Open Space	Mission Creek / Mission Creek Greenway	
South	A1 - Agriculture 1	Rural Residential	
West	A1 - Agriculture 1	Rural / Agricultural	

4.3 Context Map: 2219 Mayer Road-



4.4 Subject Property Map: 2219 Mayer Road



4.5 Zoning Analysis Table

The proposed application meets the requirements of RU6b - Two Dwelling Housing with Boarding or Lodging zone as follows:

Zoning Analysis Table				
CRITERIA	PROPOSAL	RU6b ZONE REQUIREMENTS		
S	ubdivision Regulations			
Lot Area	3,328 m²	700 m ²		
Lot Width	48.4 m	18.0 m		
Lot Depth	67.3 m	30.0 m		
De	velopment Regulations	*		
Site Coverage	8.1 %	40 %		
Site Coverage Inc. Driveways & Parking	21.3 %	50 %		
Height	2 storeys/ 7.75 m	2 ½ storeys / 9.5 m		
Front Yard	Exceeds 4.5 m	4.5 / 6.0 m		
Side Yard (north)	7.0 m	2.0 / 2.3 m		
Side Yard (south)	7.0 m	2.0 / 2.3 m		
Rear yard	Exceeds 7.5 m	7.5 m		
	Other Requirements			
Required Open Space	Exceeds	75 m ²		
Parking	12	12		

5.0 Current Development Policies

5.1 Kelowna 2030 Official Community Plan (OCP)

Land Use Designation Definitions¹.

Resource Protection Area

Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will

¹ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Future Land Use Chapter; p. 4.2 & 4.6.

allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Minimum parcel size for ALR land is 2.0 ha and non-ALR land is 4.0 ha as indicated in the A1 Agricultural Zone of Zoning Bylaw 8000.

Single / Two Unit Residential

Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

Permanent Growth Boundary

Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030. Lands designated as Future Urban Reserve within the permanent growth boundary may be considered for urban uses beyond 2030. Lands outside the permanent growth boundary will not be supported for urban uses.

Objective 5.33 Protect and enhance local agriculture².

Policy. 1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .4 Transition Uses. Consider complementary agricultural land uses such as urban agriculture (as defined in the Zoning Bylaw) along the urban-rural interface that act as a transition between existing urban development and farming operations.

Policy .9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).

Farm Protection Development Permit Objectives³.

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

6.0 Technical Comments

6.1 Building & Permitting Department

² City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.33.

³ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Farm Protection Development Permit Guidelines Chapter; pp. 15.2.

- a. This property has a Section 57 as per the Community Charter attached to the property title for construction related issues. These building contravention issues are required to be resolved prior to 3rd reading and adoption of the rezoning.
- b. Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- c. A Structural Engineer is required to be involved in this project and provide drawings, schedules and site inspections.
- d. A Mechanical Engineer may be required to review the plumbing system installed without inspections and provide a sealed report verifying code compliance.
- e. A Code consult engineer may be required to ensure building code compliance if the structural engineer is not able to deal with Section 57 compliance requirements.
- f. Full plan check for all other Building Code related issues will be done at time of Building Permit application(s).
- g. Obtain a Building Permit and Unconditional Occupancy permit prior to 3rd reading by City Council.

6.2 Bylaw Enforcement

While there have been eleven (11) Bylaw Enforcement service requests generated for this address between July 2006 and December 2011, all outstanding bylaw fines are paid. The applicant has shown a positive change in attitude and has been working cooperatively with Bylaw Enforcement staff over the past several months.

Bylaw Services has one open Service Request for reflecting zoning concerns including that rooms are being rented out.

6.3 Development Engineering Department

See attached.

6.4 Fire Department

The homes should have an approved fire alarm system installed as per the BC Building Code and a fire safety plan as per section 2.8 of the BC Fire code.

6.5 Fortis BC Electric

FortisBC will require SRW for the power line providing service.

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file Z12-0052, DP12-0018, DVP12-0019 to initiate all necessary arrangements for electrical service with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any SRWs that may be required for this proposal have been addressed prior to receiving final approval.

6.6 Public Health Inspector

Drinking Water & Wastewater Disposal

It does not appear that the subject property is connected to City sewer or drinking water, however, we note that the neighbouring Residential Care Facility located at 2209 Mayer road is connected to City of Kelowna sewer and drinking water. It is recommended that approval of this proposal is contingent upon connection to the City of Kelowna municipal sewer and drinking water supply systems.

Food Premises/Foodservice Establishment

Please note that any proposal for a shared/common foodservice kitchen at this proposed senior's residence will require prior approval by an Environmental Health Officer at the Kelowna Health Centre including an application for a Permit to Operate a Foodservice Establishment.

6.7 Regional District of Central Okanagan

The subject property shares a boundary with Mission Creek Regional Park. Installation of chain link fencing along the shared property line with the Regional Park with no gates for public access into the park is requested.

7.0 Application Chronology

Date of Application Received:

June 21, 2012

Agricultural Advisory Committee:

August 9, 2012

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on August 9 and the following recommendations were passed:

THAT the Agricultural Advisory Committee <u>NOT</u> support Rezoning Application No. Z12-0052/OCP12-0008, for 2219 Mayer Road, for the proposed boarding house containing upwards of 16 seniors on the subject property.

Anecdotal Comment:

The Agricultural Advisory Committee did not support the proposal due to the negative impact on agricultural land as well as the problems associated with urban/rural conflict which are more likely to result with an urban use operating in a predominantly rural/agricultural area.

Application Refined:

October 3, 2012

8.0 Alternate Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP12-0008 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation, as shown on Map "A" attached to the Report of Land Use Management Department dated October 5, 2012, be considered by Council;

AND THAT Rezoning Application No. Z12-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 16, Township 26, ODYD Plan 31979 located at 2219 Mayer Road, Kelowna, BC from the A1 - Agriculture zone to the RU6b - Two Dwelling Housing with Boarding or Lodging House zone be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Building Permit and Unconditional Occupancy permit by the Building & Permitting Department;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a Section 219 Restrictive Covenant which restricts the occupancy of the dwelling to 15 persons;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch and Regional District of Central Okanagan being met

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Natural Environment and Farm Protection Development Permits.

Report prepared by:

Greg Sauer Environment & Land Use Planner

Reviewed by:

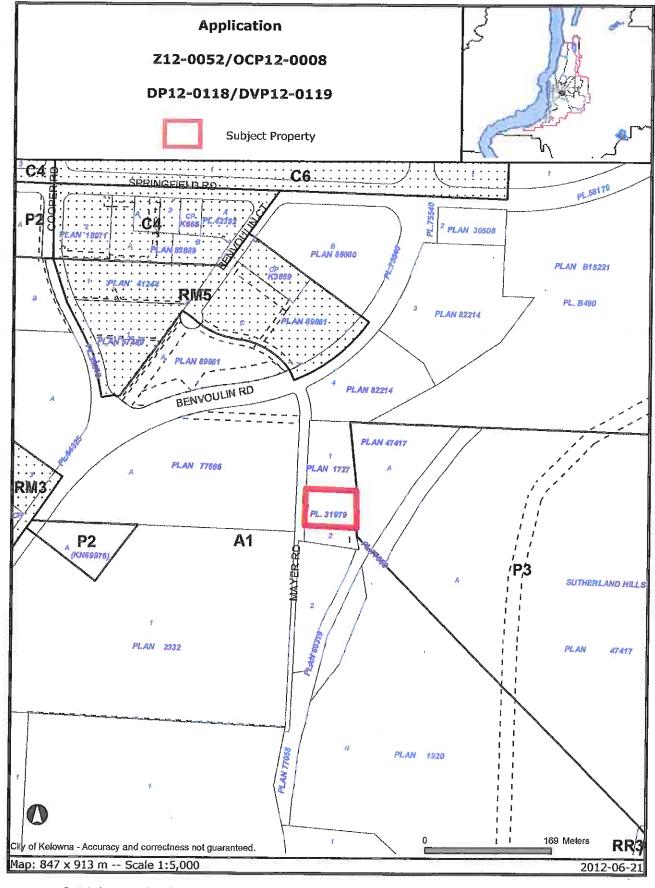
Danielle Noble Manager, Urban Land Use

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

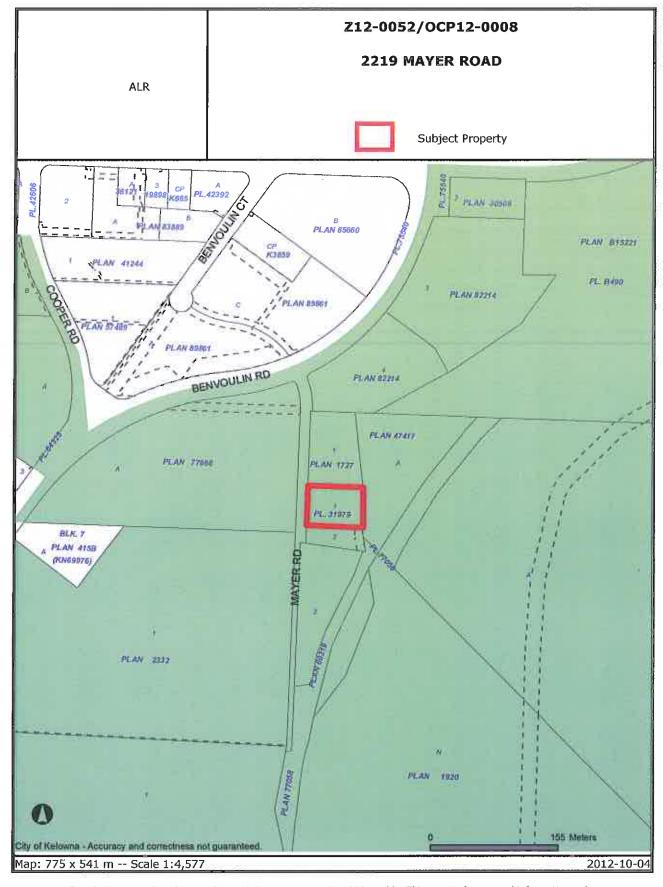
Attachments:

Subject property/zoning map & ALR map (2 pages)
Development Engineering Comments (3 pages)
Map "A" (1 page)
OCP Map - Land Use Comparison (1 page)
Site Sketch Plan (1 page)
Floor Plans (3 pages)
Elevation Photos - Existing (4 pages)
Rendering - Proposed Elevation (1 page)
Brochure (2 pages)



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.



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CITY OF KELOWNA

MEMORANDUM

Date:

October 3, 2012 (revision 1)

File No.:

Z12-0052

To:

Land Use Management (GS)

From:

Development Engineer Manager (SM)

Subject:

2219 Mayer Road - Lot 1, Plan 31979, Sec. 16, Twp. 26, ODYD

The Development Engineering comments and requirements regarding this application to rezone from A1 and RU6b are as follows:

1. Subdivision

- a) Provide easements as required.
- b) Dedicate approximately 2.0m. along the Mayer Road frontage to provide a full 15m. Road right of way.

Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed building 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 springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must provide recommendations for the decommission of the existing sewage disposal field.

3. <u>Domestic water and fire protection.</u>

a) This development is within the City of Kelowna service area; however, it is not connected to the Municipal domestic water system. The owner is required to extend the watermain to the southerly property line of the subject property and install two services for the proposed duplex; however, in order to avoid the accumulation of stale water in the pipe, the main could be extended just past the proposed services locations as per the drawing provided in support of this application. The cost of the domestic water extension and road restoration is estimated at 23,800.00, inclusive of a bonding escalation.

4. Sanitary Sewer.

a) The subject property is not currently serviced by the municipal sanitary sewer collection system. The owner is required to extend the Municipal wastewater collection system. The wastewater main cannot be extended much further due to the lack of cover over the pipe beyond the service. A manhole must be installed at the end of the wastewater main. The cost of the sanitary sewer extension and road restoration is estimated at \$27,100.00, inclusive of a bonding escalation. b) The subject property is subject of a Sewer Specified Administration Fee of \$250.00 to amend the service boundary.

5. 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.

6. Road improvements.

a) Mayer Road must be upgraded to a full urban standard (SS-R4 15m. ROW)) including sidewalk, curb and gutter, piped storm drainage system, fillet pavement, street lights, adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction. The cost of these frontage upgrades including are estimated at \$33,100.00 and is inclusive of a bonding escalation.

7. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

8. <u>Design and Construction.</u>

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted in accordance with the City's Policy 265. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Bonding and Levies Summary.

a) Performance security

Mayer Road frontage upgrades including storm sewer	\$ 33,100.00
Wastewater main extension	\$ 27,100.00
Domestic water main extension	\$ 23,800.00

Total performance security <u>\$84,000.00</u>

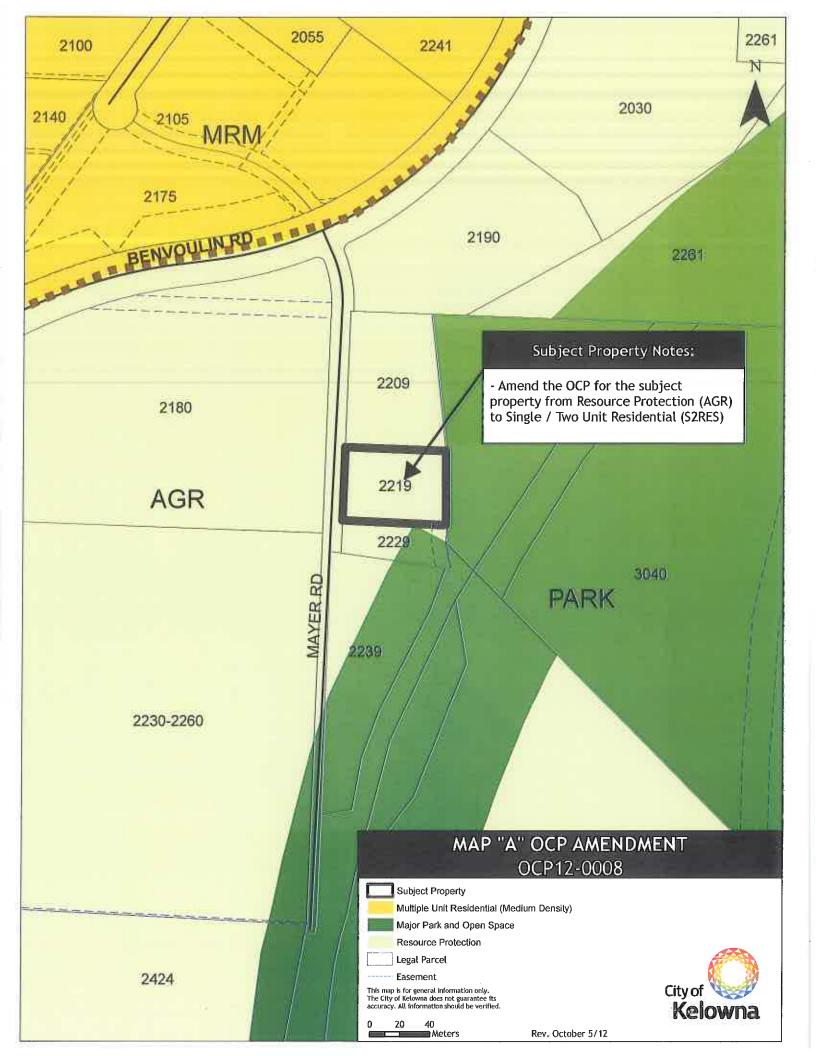
b) levies

 Specified Area amendment fee
 \$ 250.00

 Engineering & Admin. fee (3% of \$60,000.00 + HST)
 \$ 2,016.00

Total levies <u>\$ 2,266.00</u>

Steve Muenz, P.Eng/ Development Engilpering Manager

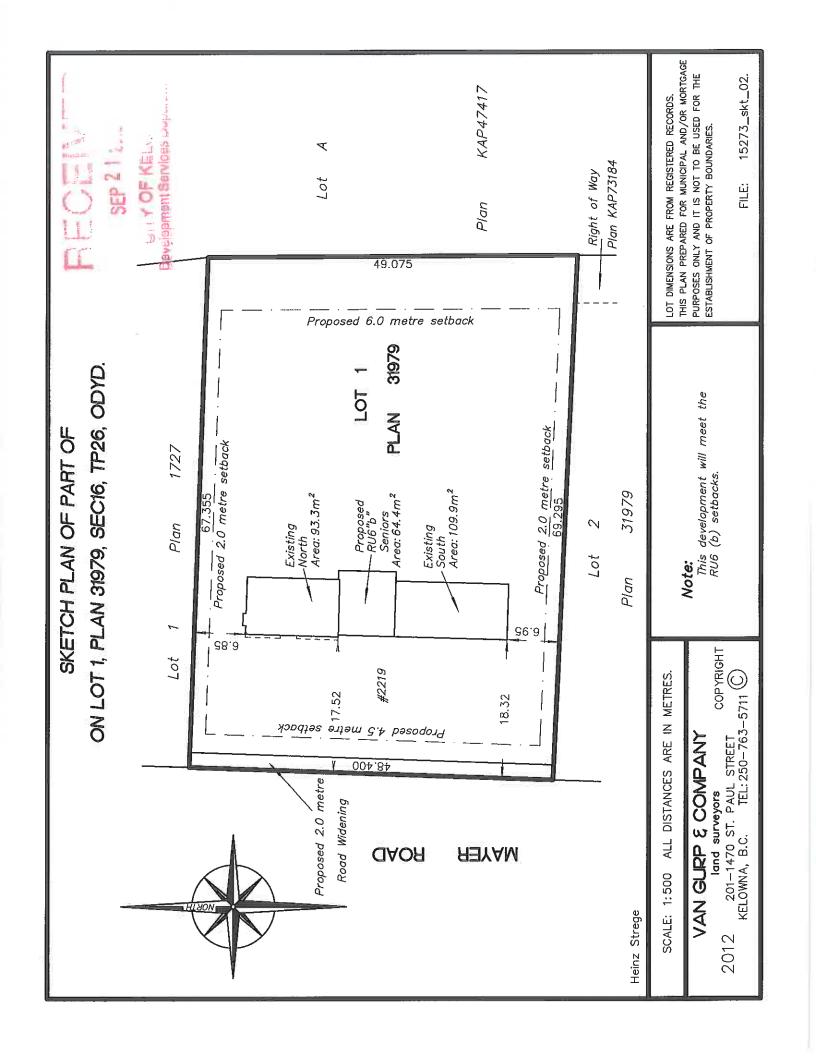




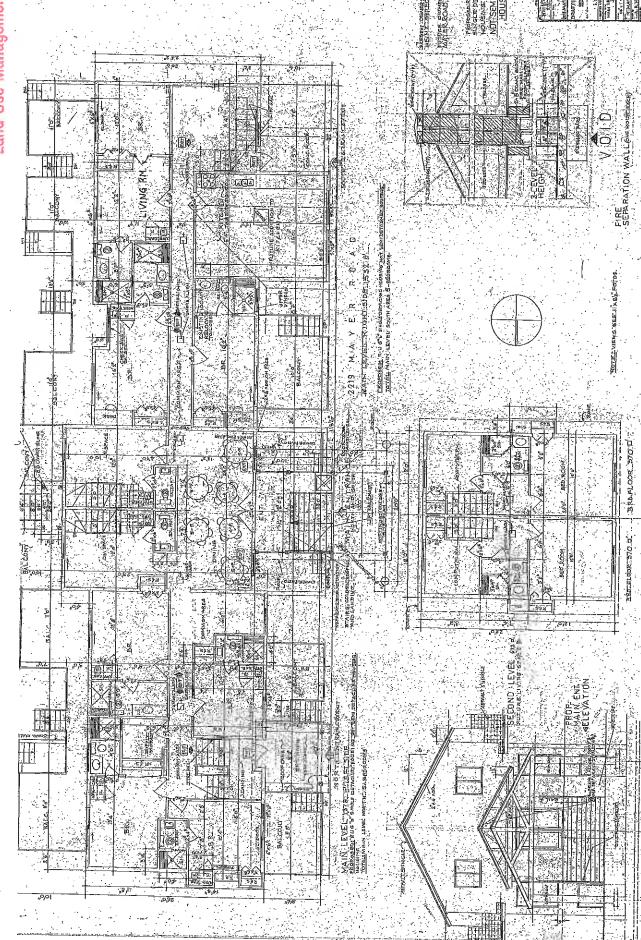
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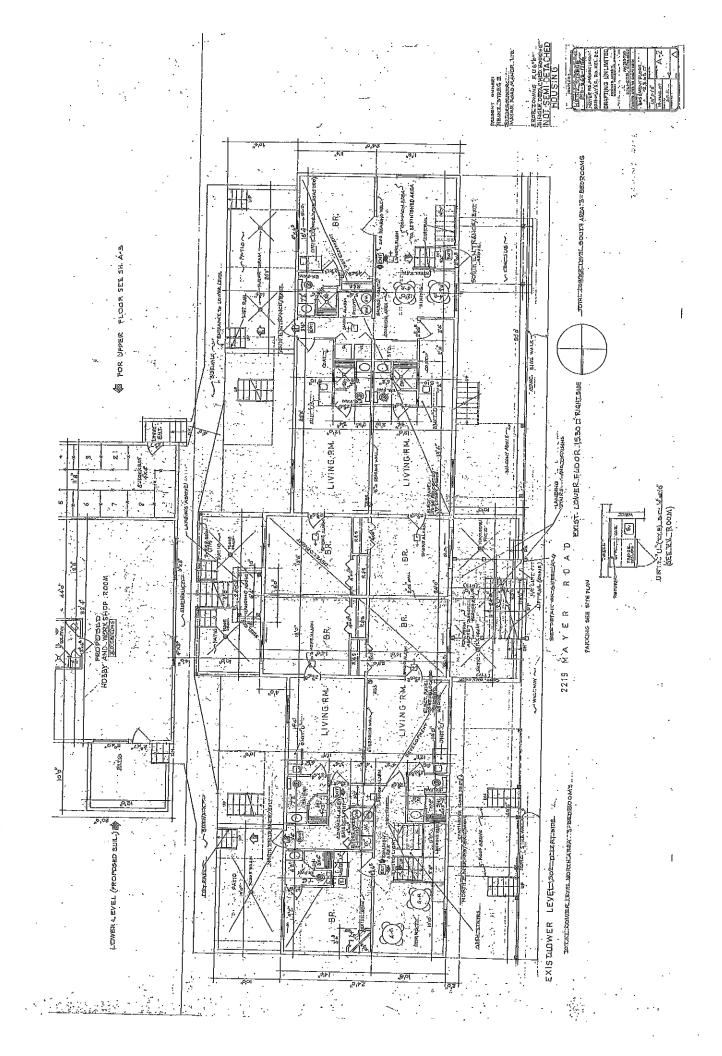
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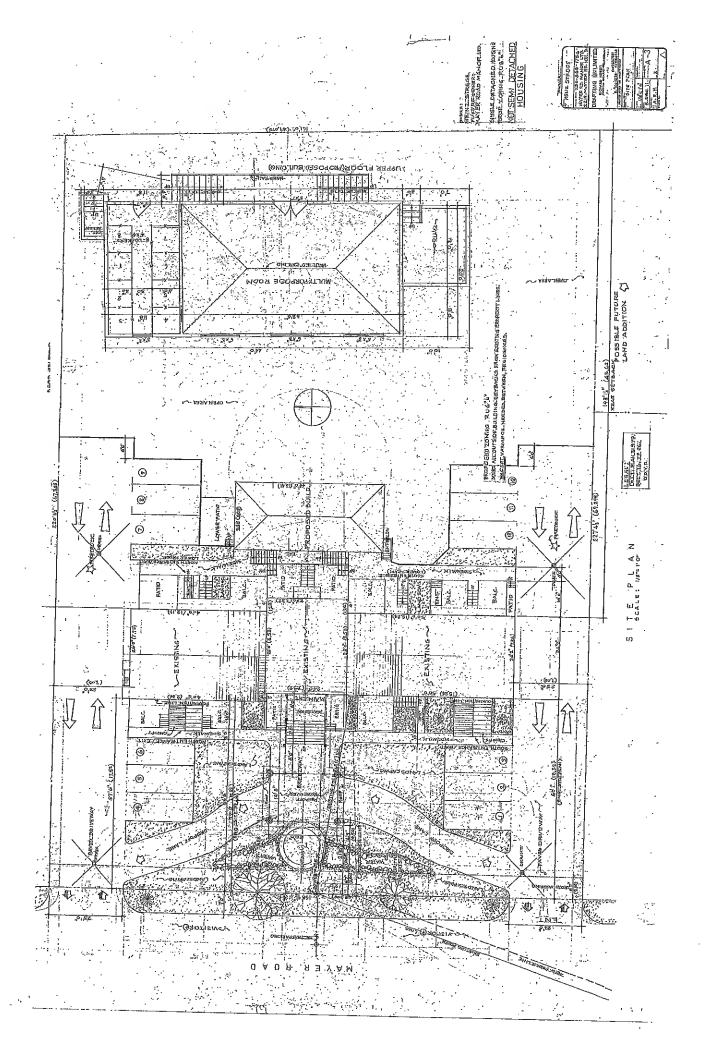
October 2012

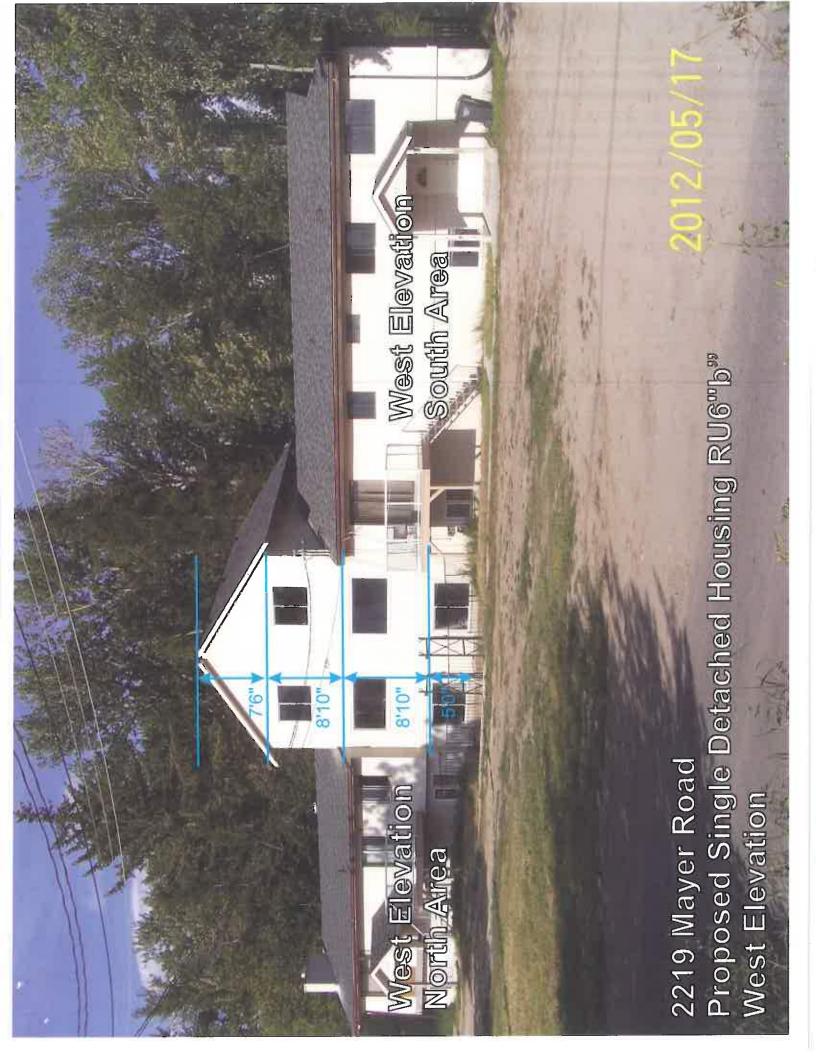


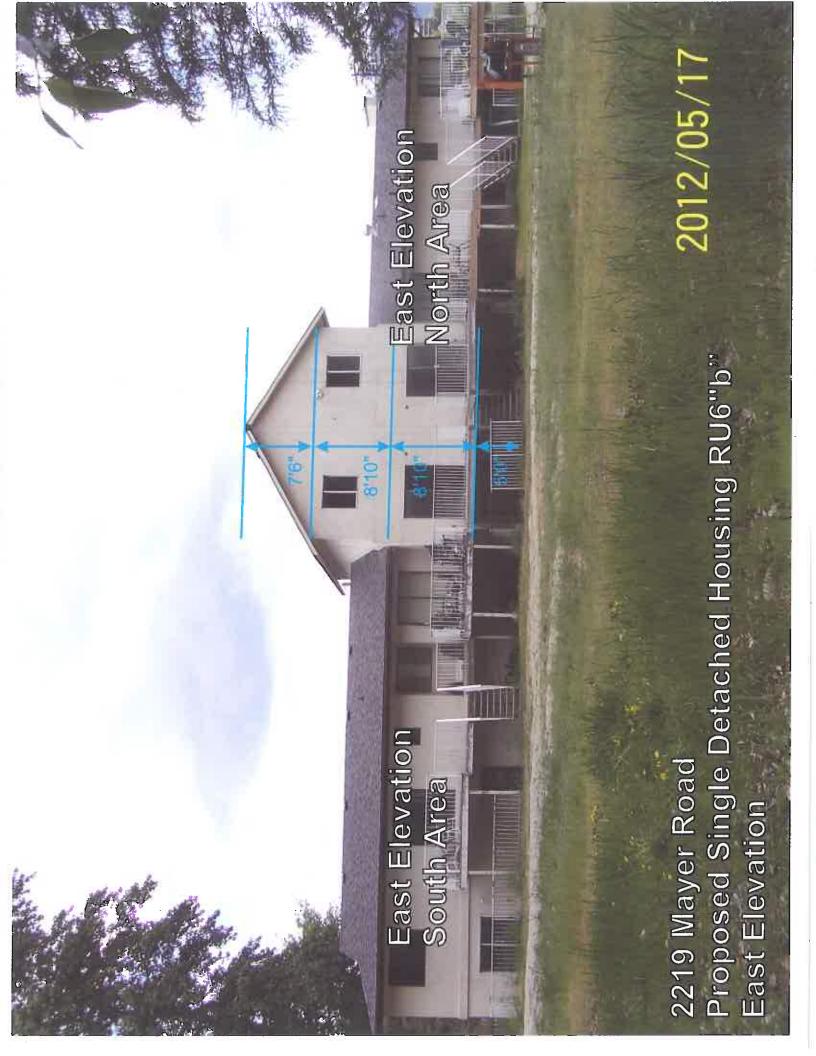
CITY OF KELOWNA Land Use Management

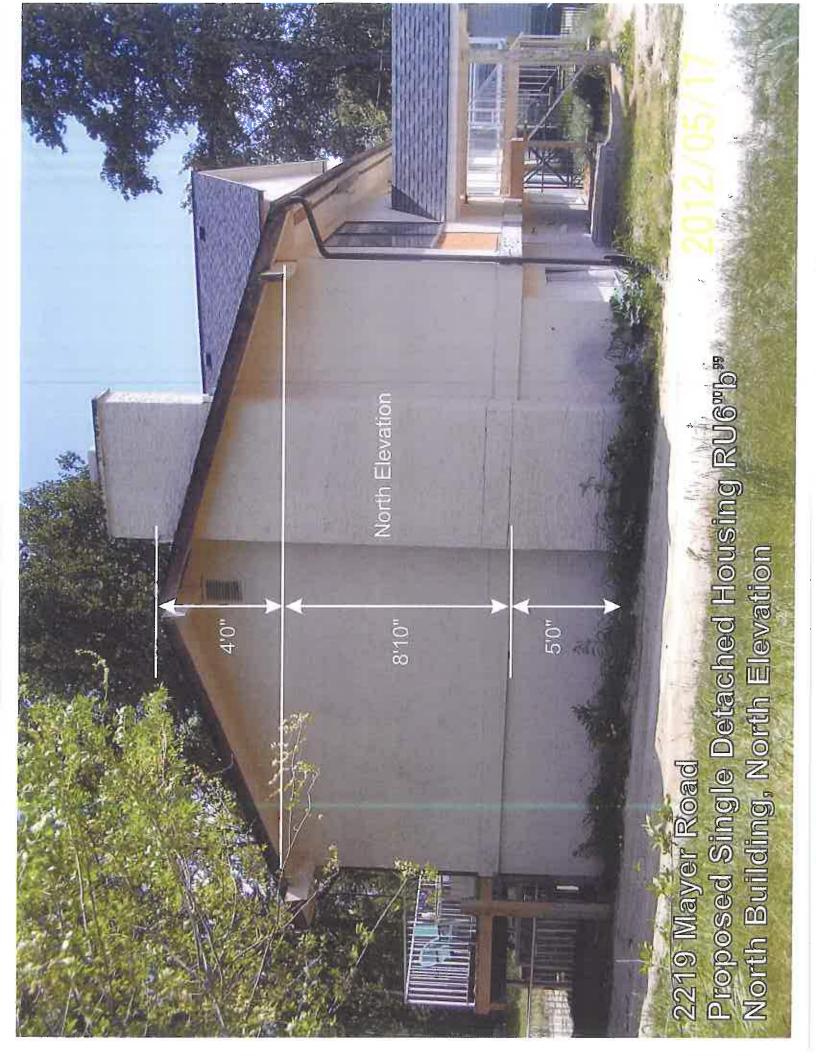


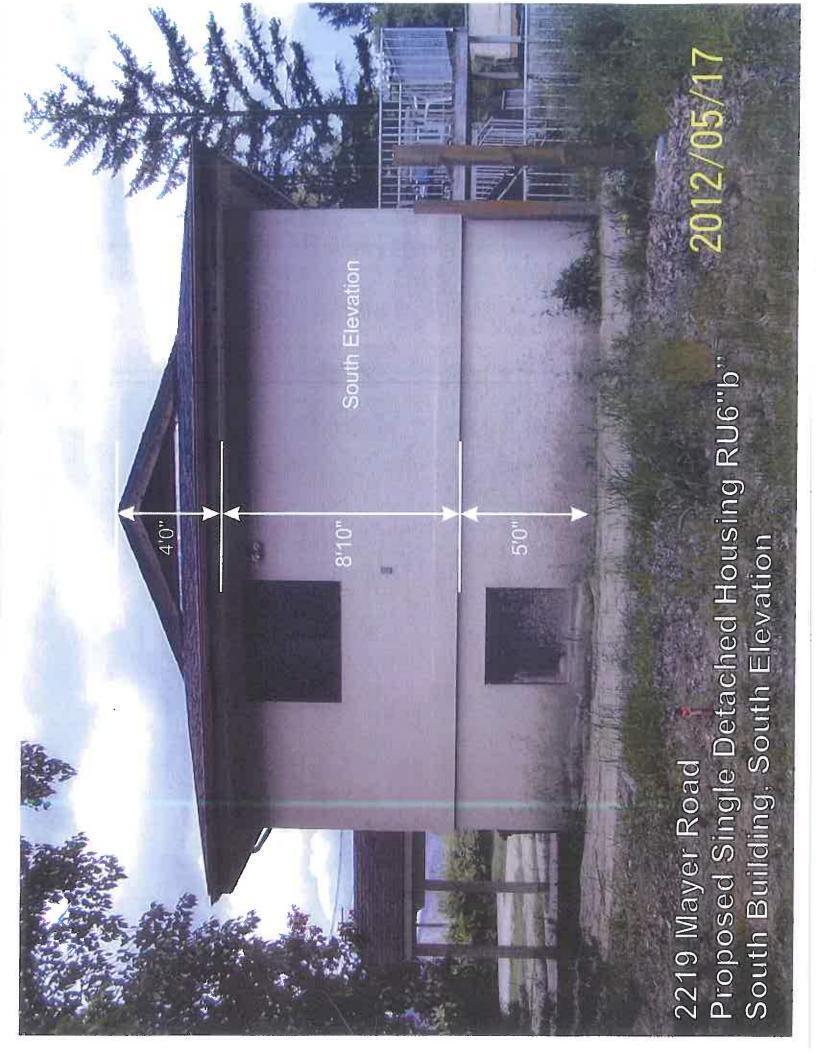


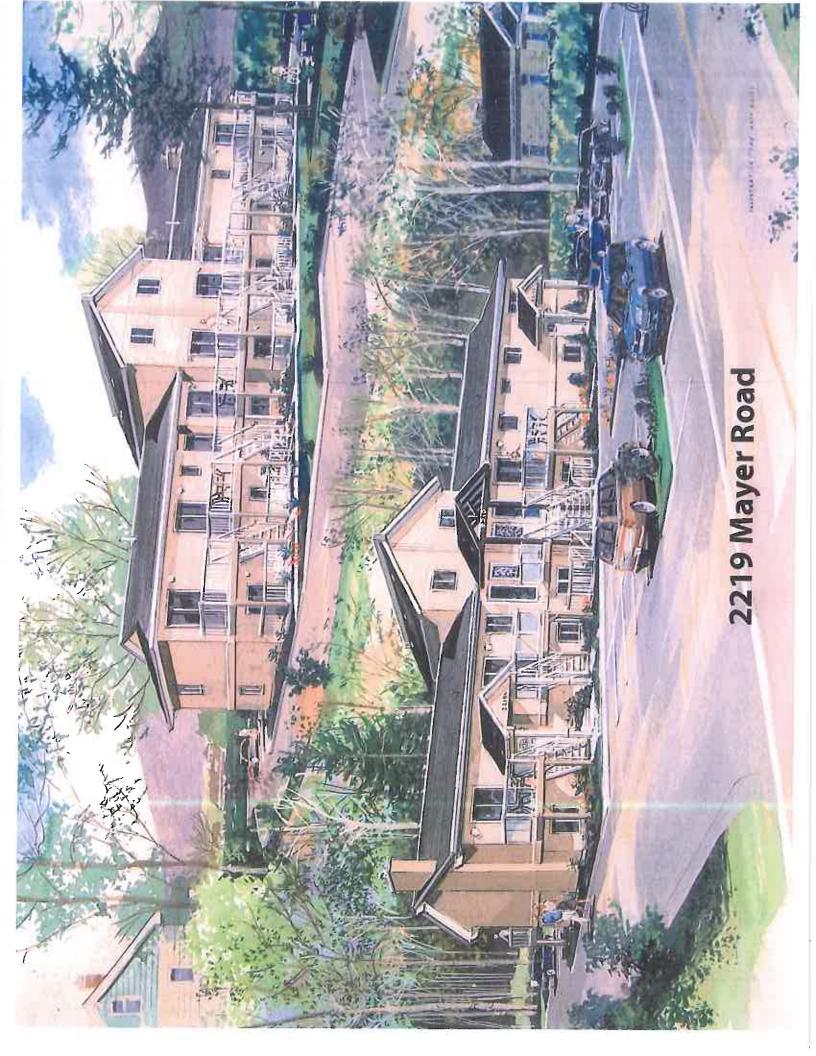




















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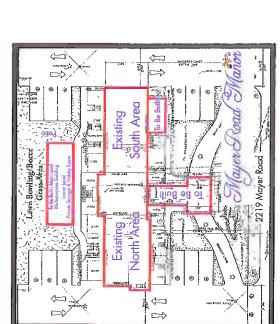
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If requested we will assist you with Inspecial assistance that may be ovariable through S.A.FE.R (Shelter Aid for Elderly Renteral fair 60+ and G.I.S. (Guaranteed Income









AMENITIES & FEATURES

Common areas: laundry room, multi-purpose building, outside courtyard, lawn bowling area, barbeque, large common patio and hobby room.

Transportation bus with wheelchair ramp available for in & around Kelowna for shopping, doctors, personal services, picnics, beaches, activities, etc.

Residences back onto and are across from Mission Creek Greenway & Regional Park where you can enjoy walking, jogging, reading, picnics, horseback rides and more.

Amenities within 10 minutes away include; Parkinson Rec Centre & Kelowna Senior Centre, YMCA & Rutland Senior Centre, H2O Aquatic Centre, Shopping, Banks, Grocery Store, Drugstore, Medical, Dental, Transit and

Lawn Bowling/Bocce

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William Stocker Constru

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460 Graham Road

ACCOMPODATIONS

Mayer Road Manor: 16 units (fully furnished or unfurnished); 10 studios, 4 one bedroom suites and 2 one bedroom + den.

Greenway Residences:
13 studio units (fully furnished or unfurnished).

Private 8 × 10° balcony or pario.

Counter with sink, microwave and refridgerator. Three piece bathroom with 4'x3' tiled shower and bench or walkin bath.

Individual heating and air conditioning in each room.

Private storage lockers 4' × 4' × 4' (W × L × H) will shelvina.

Small pers are allowed.

STRUCES

Lunch and dinner meals are included.

Show cable digital 'black box' with over 200 channels and wireless internet. Emergency call system in every room, driving time 10 minutes to hospital. BC Health Services, respite care and trial stays available.

Weekly housekeeping service (personal laundry service can be arranged If required) 24 haurs responsible on-site staff.