
CITY OF KELOWNA
MEMORANDUM

Date: June 14, 2002
File No.: OCP02-0002 / Z02-1004
To: City Manager
From: Planning and Development Services Department

Subject:

APPLICATION NO. OCP02-0002 / Z02-1004 OWNER: SUKHBIR SANDHU
AT: 1386-1388 HIGHLAND DRIVE SOUTH APPLICANT: SUKHBIR SANDHU

PURPOSE: TO CHANGE THE FUTURE LAND USE DESIGNATION FROM SINGLE-TWO UNIT RESIDENTIAL TO MULTIPLE UNIT RESIDENTIAL – LOW DENSITY

TO REZONE THE PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO RM3 – LOW DENSITY MULTIPLE HOUSING ZONE TO PERMIT A CONGREGATE HOUSING FACILITY

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP02-002 to amend Map 19.1 of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, from the Single-Two Unit Residential designation to the Multiple Unit Residential – Low Density designation, as shown on Map “A” attached to the report of Planning and Development Services Department, dated June 13, 2002, **not** be considered by Council;

AND THAT Rezoning Application No. Z02-1004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone **not** be considered by Council.

2.0 SUMMARY

The applicant wishes to change the future land use designation of the subject property from single/two unit residential to multiple unit residential – low density and rezone the property from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone in order to legalize an existing congregate housing facility. The multiple housing zoning and designation furthermore requires a Development Permit for the form and character of the development. The applicant also has made application for a Development Variance Permit to vary the minimum lot width, side yard setbacks and parking requirements. The Development Permit and Development Variance Permit will be forwarded to Council to be considered in conjunction with final adoption of the zone amending and OCP amending bylaws.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed the applications at their meeting on March 12, 2002, and the following recommendation was passed:

THAT the Advisory Planning Commission **not** support OCP amendment No. OCP02-002 and rezoning application No. Z02-1002, Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, Sukhbir Sandhu, to amend the Future Land Use designation from Single/Two Unit Residential to Multiple Unit Residential – Low Density and to rezone from the RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone in order to allow for the congregate housing proposed.

As a result of the APC not supporting the OCP amendment and Rezoning applications, no recommendation was passed on the Development Permit and Development Variance Permit applications.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in South Glenmore, north of Bernard Avenue, on the west side of Highland Drive South. The existing duplex is used for “W.I.N.G.S.” (Women in Need Getting Support), a programme for women and children in need. The facility is run by Shepherd’s Reach Ministries and offers long-term and short-term stay, as well as emergency beds. In addition to W.I.N.G.S., the Kelowna Friendship Society is also leasing a part of the building. The latter provides similar services to those offered in this building by Shepherd’s Reach Ministries.

The applicant wishes to legalize the current use and therefore has applied for the RM3 – Low Density Multiple Housing zone, which allows congregate housing. Congregate Housing is defined as “housing in the form of multiple sleeping units where residents are provided with common living facilities, meal preparation, laundry services and room cleaning”. The current facility has sleeping units and common living facilities. The services provided, other than meals and accommodation, include instruction in life-skills, parenting skills, home-making skills, stress management, anger management and money management. The services are consistent with congregate housing, which does allow other services, such as counseling. Should Council approve the rezoning and OCP amendment applications, the building would be either entirely occupied by W.I.N.G.S., or would continued to be used by both W.I.N.G.S. and the Kelowna Friendship Society, if the latter chooses to renew its sublease.

Currently, the home is run in two semi-detached units. The building would require major upgrades to conform to the Building and Fire Codes. The applicant stated that he was prepared to make all required changes.

The location of the existing building does not meet all development regulations of the RM3 - Low Density Multiple Housing zone. The side yard setbacks are non-conforming, and the applicant has made application for a development variance permit to legalize the existing north side yard of 1.73m and the south side yard, which is 1.68m. In addition, the applicant has asked for a variance of the required lot width from 30.0m required to 18.3m existing.

The number of parking stalls provided on site does not meet the requirements for parking as specified in the Zoning Bylaw No. 8000. Currently, four conforming stalls are located on the site. The applicant wishes to be permitted to provide additional parking spots in the front yard, which would result in two additional parking stalls. The number of stalls would therefore have to be varied from eight stalls required to six provided. The applicant explains that many residents of the facility do not own cars, and that eight parking stalls would therefore not be necessary.

The application meets the requirements of the proposed RM3 – Low Density Multiple Housing zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m ²)	1043.8m ²	900m ²
Lot Width (m)	18.3m ❶	30.0m
Lot Depth (m)	61.2m	30.0m
FAR	0.48	0.5
Site Coverage (%)	14.9% 24.6%	40% for building 50% with parking and driveways
Storeys (#)	2 ½ storeys	2 ½ storeys (9.5m)
Setbacks (m)		
- Front	6.51m	4.5m for house, 6.0m for garage or carport
- Rear	40.0m	7.5m
- North Side	1.73m ❷	4.5m
- South Side	1.68m ❷	4.5m
Parking Spaces	4	8 ❸

Notes:

- ❶ The applicant wishes to vary the minimum lot width requirement.
- ❷ The applicant has made an application for a Development Variance Permit to legalize the existing side yard setbacks.
- ❸ Based on one stall for the dwelling and one stall per 3 beds. The applicant wishes to be permitted additional parking in the front yard, which would result in six parking stalls provided. He therefore also wishes to vary the number of stalls from eight required to six provided on site.

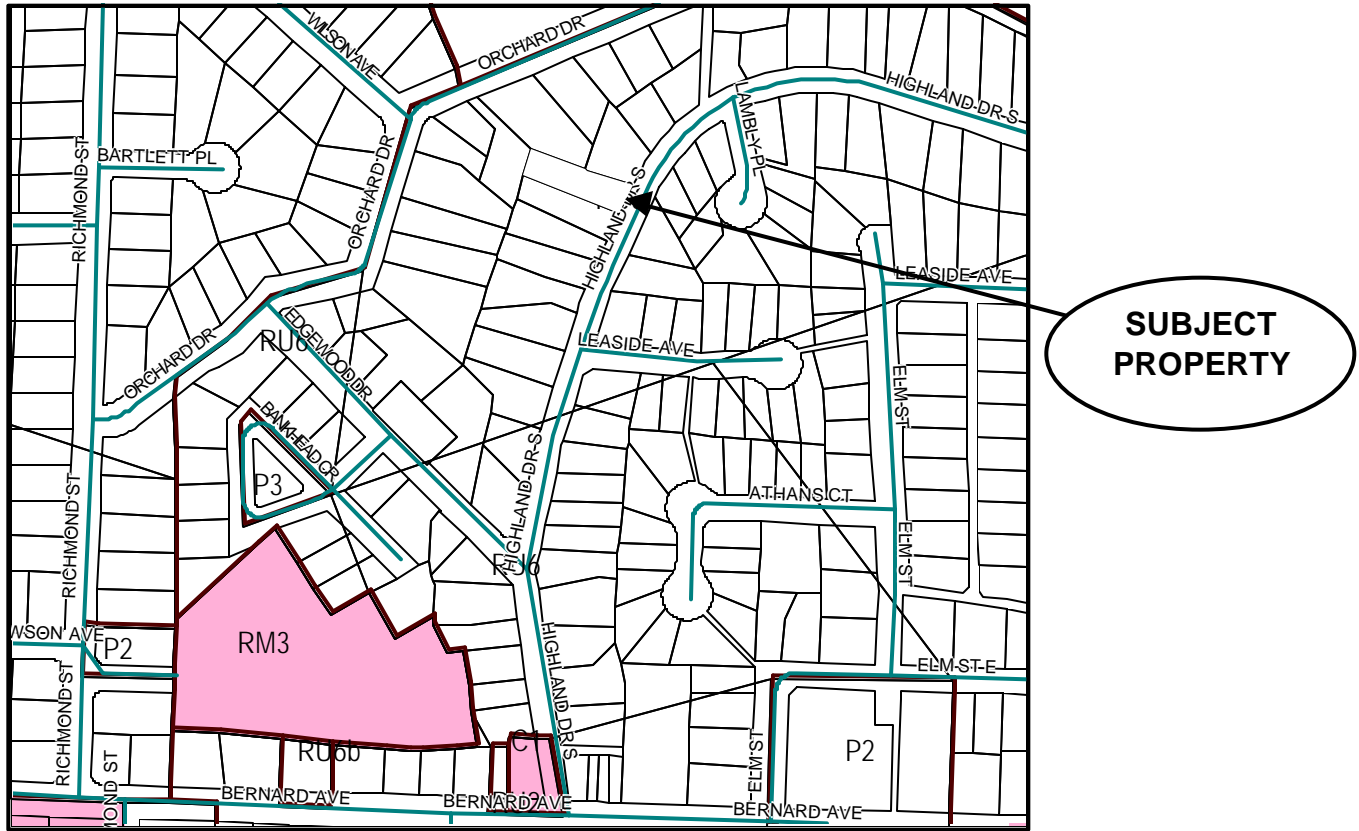
4.2 Site Context

The subject property is located in South Glenmore. The area is predominantly a single / two unit residential neighbourhood, with mainly RU6 – Two Dwelling Housing zoning. Higher residential densities exist to the south along Bernard Avenue.

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing – Semi-detached units
- East - RU6 – Two Dwelling Housing - Semi-detached and single-detached dwellings
- South - RU6 – Two Dwelling Housing - Semi-detached units
- West - RU6 – Two Dwelling Housing – Single detached units

Site Location Map



4.3 Existing Development Potential

The property is zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide for a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing, or semi-detached housing with secondary suites.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is not consistent with the designation of Single/Two Unit Residential in the Official Community Plan. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses. Multiple family dwellings and congregate housing is not permitted under this designation. The applicant has made application for an Official Community Plan amendment to change the future land use designation of the subject property to Multiple Unit Residential – Low Density.

4.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan includes policies on socially assisted housing and housing for families and people with special needs. The facility provides housing for women and children in need and is consistent with these policies.

4.4.3 Glenmore / Clifton / Dilworth Sector Plan (1998)

The plan identifies the future land use of the subject property as Single / Two Unit residential, and the existing and proposed use is not consistent with this designation.

The plan also includes the objective to encourage a range of housing types within each neighbourhood which serve to improve the integration of human needs and thereby ensuring a diversity in the population. The proposed congregate housing facility is consistent with this objective.

5.0 TECHNICAL COMMENTS

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

5.1 Works & Utilities

The proposed rezoning application does not compromise W & U requirements. This development is within the service area of the C/K. All charges for service connection and upgrading costs are to be paid directly to the C/K.

This property is currently serviced by the municipal water main. The 2 existing 19mm diameter copper water services may not be adequate for the required rezoning.

This property is currently serviced by the municipal sanitary sewer system. The existing 100 mm diameter sanitary sewer service is adequate for the requested rezoning.

The requested side yard setback variance does not compromise W & U servicing requirements. The DVP Application to reduce the number of required parking stalls and to allow parking in the front yard does not compromise W & U requirements. It is recommended that the existing lamp standard in front of this property have some form of protection.

5.2 BC Gas

Existing structure served by 2 gas services. Further development may require billable alteration if required.

5.3 Fire Department

The continued current use of this building will require building code upgrades. Generally, the department does not support this application. The building in question is operating as a women's shelter on one side and as a shelter for the Indian Friendship Society on the other. It has met no fire or building code requirements, as well as licensing requirements. There are in excess of 10 persons sleeping on the one side and it is unknown how many on the other. The fire department has been trying to achieve compliance since January of 2001, with very little success.

5.4 Inspection Services Department

It will be difficult to upgrade this building to conform to the Building Code.

- The following items must be addressed:
- Two separate exits are required from each floor. The exit stair shall be separated from each floor to the exterior.
- Each individual bedroom is a "suite" and shall be separated from each other and the corridor. Each bedroom door shall be 20 min. rated and the walls shall have a 3/4 hr. rating. (1 layer 1/2 type X)
- A fire alarm system is required (more than 10 persons sleeping).
- The furnace room shall be separated from the floor area.
- Each floor shall be separated from the other by a 3/4 hr. rating. (1 layer 5/8 type X)

An Equivalency report prepared by a Registered Professional experienced Fire Protection Engineering may be solution to these upgrades.

5.5 Public Health Officer

The public health officer has no concerns with the proposed rezoning and OCP amendments.

5.6 RCMP

The RCMP has no concerns with the proposed rezoning and OCP amendments.

5.7 Telus

Revised Application Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

5.8 Shaw

Owner/contractor to supply and install conduit system as per Shaw Cable drawings & specifications.

5.9 Utilicorp

UNC has no additional requirements.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is not supportive of the rezoning and OCP amendment applications. The existing and proposed use of the house for congregate housing is not consistent with the future land use designation of the subject property in the Official Community Plan and the Glenmore/Clifton/Dilworth Sector Plan. Although it is recognized that the facility provides affordable housing and associated services for women and children in need, the department has concerns with the location of the facility in a predominantly single/two unit residential neighbourhood. While the department is keenly aware of the need for shelter and housing for homeless people and people in need, it cannot support these uses in a low-density neighbourhood. When the zoning by-law was re-written in 1998, opportunities for temporary shelter services, congregate housing and boarding homes were maximized in higher density residential and town centre commercial zones. This was done in recognition of the need for these housing types.

7.0 ALTERNATE RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP02-002 to amend Map 19.1 of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 by changing the Future Land Use designation of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, from the Single-Two Unit Residential designation to the Multiple Unit Residential – Low Density designation, as shown on Map “A” attached to the report of Planning and Development Services Department, dated June 13, 2002, be considered by Council;

AND THAT Rezoning Application No. Z02-1004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, from the RU6 – Two Dwelling Housing zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

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

AND THAT final adoption of the OCP Bylaw and zone amending bylaw be considered in conjunction with Council’s consideration of a Development Permit and Development Variance Permit;

AND THAT final adoption of the OCP Bylaw and zone amending bylaw be considered subsequent to the applicant meeting the requirements to the satisfaction of the Inspection Services Department.

AND FURTHER THAT final adoption of OCP amending bylaw No. 8878 and zone amending bylaw No. 8879 for Strata Lots 1 & 2, D.L. 137, ODYD, Plan KAS945, located on Highland Drive South, Kelowna, BC, be considered subsequent to the owner of the subject property entering into a housing agreement limiting the number of residents in the building to 20 total.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** OCP02-0002 / Z02-1004 / DP02-0007 / DVP02-0008
2. **APPLICATION TYPE:** Official Community Plan Amendment, Zone Amendment, Development Permit, Development Variance Permit
3. **OWNER:** Sukhbir and Charnjit Sandhu
 - . **ADDRESS** 825 Birch Avenue
 - . **CITY** Kelowna, BC
 - . **POSTAL CODE** V1Y 5H3
4. **APPLICANT/CONTACT PERSON:** Sukhbir Sandhu
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
 - . **TELEPHONE/FAX NO.:** 860-8583
5. **APPLICATION PROGRESS:**
 - Date of Application:** February 22, 2002
 - Date Application Complete:**
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** March 7, 2002
 - Staff Report to Council:** June 14, 2002
6. **LEGAL DESCRIPTION:** Strata Lots 1&2, D.L. 137, ODYD, Strata Plan KAS945
7. **SITE LOCATION:** South Glenmore, north of Bernard Avenue on the west side of Highland Drive South
8. **CIVIC ADDRESS:** 1386-1388 Highland Drive South
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 1044m²
10. **AREA OF PROPOSED REZONING:** 18144m²
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing Zone
12. **PROPOSED ZONE:** RM3 – Low Density Multiple Housing

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| 13. PURPOSE OF THE APPLICATION: | To change the FLU of the property to Multiple Unit Residential – Low Density; to rezone the property to RM3; to obtain a Development Permit for the form and character of the house and to vary minimum lot size, side yard setback and parking requirements |
| 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 | General Multiple Unit Residential |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations