

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION

File No: 0009-20-OR-END

December 2, 2020

APPLICANT: Brandon Mazur

OWNER(S): Bayssie Woinshet, 421457 BC Ltd., 419263 BC Ltd.

LEGAL DESCRIPTION: PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069

PID #: 013-806-190

LOCATION: 806 Cliff Avenue, Enderby BC

PROPERTY SIZE: 4.53 acres (1.83 hectares/18,322 square meters)

PRESENT ZONING: Residential Single Family (R.1-A)

PROPOSED ZONING: Residential Multi-Family Medium Intensity (R.3)

PRESENT O.C.P DESIGNATION: Country Residential/Residential Medium Density

PROPOSED O.C.P DESIGNATION: Residential Medium Density

PROPOSAL: Strata subdivision

RECOMMENDATION:

THAT Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 which proposes to change the future land use designation of a portion of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, from *Country Residential* to *Residential Medium Density*, be given First Reading;

AND THAT after First Reading of the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 and in accordance with Sections 473 (2.1) and 477 of the *Local Government Act*, Bylaw No. 1713

be considered in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020 in conjunction with the City's Housing Needs Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1713 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by the Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND THAT Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1714, 2020 which proposes to:

1. Rezone the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone; and
2. Reduce the maximum permitted gross density for adult retirement housing, apartments or multi-family use on the aforementioned property from sixty (60) units per hectare (24.28 units per acre) to forty-one (41 units) per hectare (16.59 units per acre),

be given First and Second Reading and forwarded to a Public Hearing;

AND FURTHER THAT a potential adoption of Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1714, 2020 be subject to the applicant consolidating the existing statutory rights-of-way registered on the title of the subject property (Plan A1090 and Plan 39093), and updating the charge to reflect the change in land use.

BACKGROUND:

This report relates to a Joint Official Community Plan Amendment and Rezoning Application for the property located at 806 Cliff Avenue, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation for a portion of the subject property from *Country Residential* to *Residential Medium Density* and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

Site Context

The 4.53 acre (1.83 hectare) subject property is undeveloped and located on the southwest corner of the intersection of Cliff Avenue and High Street, which are both designated as local roads in the OCP. The property is located on a hillside with slopes that run predominantly west to east and become more pronounced towards the southern and western property boundaries. The subject property has a road frontage of 9.54 m (31.31 feet) off of Cliff Avenue.

Community water, sanitary sewer and storm sewer system services are available adjacent to the property on Cliff Avenue.

The City's water supply mains to its reservoirs bisect the property and are secured through two abutting statutory rights-of-way. A private easement is registered on the title of the subject property which provides access rights to the adjacent property to the north.

The Zoning and OCP designations of the subject property and surrounding properties are as follows:

- Subject property - Zoned Residential Single Family (R.1-A) and designated in the Official Community Plan (OCP) as Country Residential/Residential Medium Density
- East property – Zoned Residential Multi-Family Medium Intensity (R.3) and designated in the OCP as Residential Low Density
- East properties – Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density
- Northeast properties - Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Low Density
- Northeast property – Zoned Residential Two Family (R.2) and designated in the OCP as Residential Low Density
- North property – Zoned Assembly, Civic and Public Service (S.1) and designated in the OCP as Institutional
- North property – Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Medium Density/Country Residential
- West property – Zoned Residential Single Family (R.1-A) and Country Residential (C.R) and designated in the OCP as Country Residential
- South property – Zoned Residential Single Family (R.1-A) and designated in the OCP as Country Residential/Knoll Comprehensive Development Area

The following figure shows the zoning designations of the subject and surrounding properties:

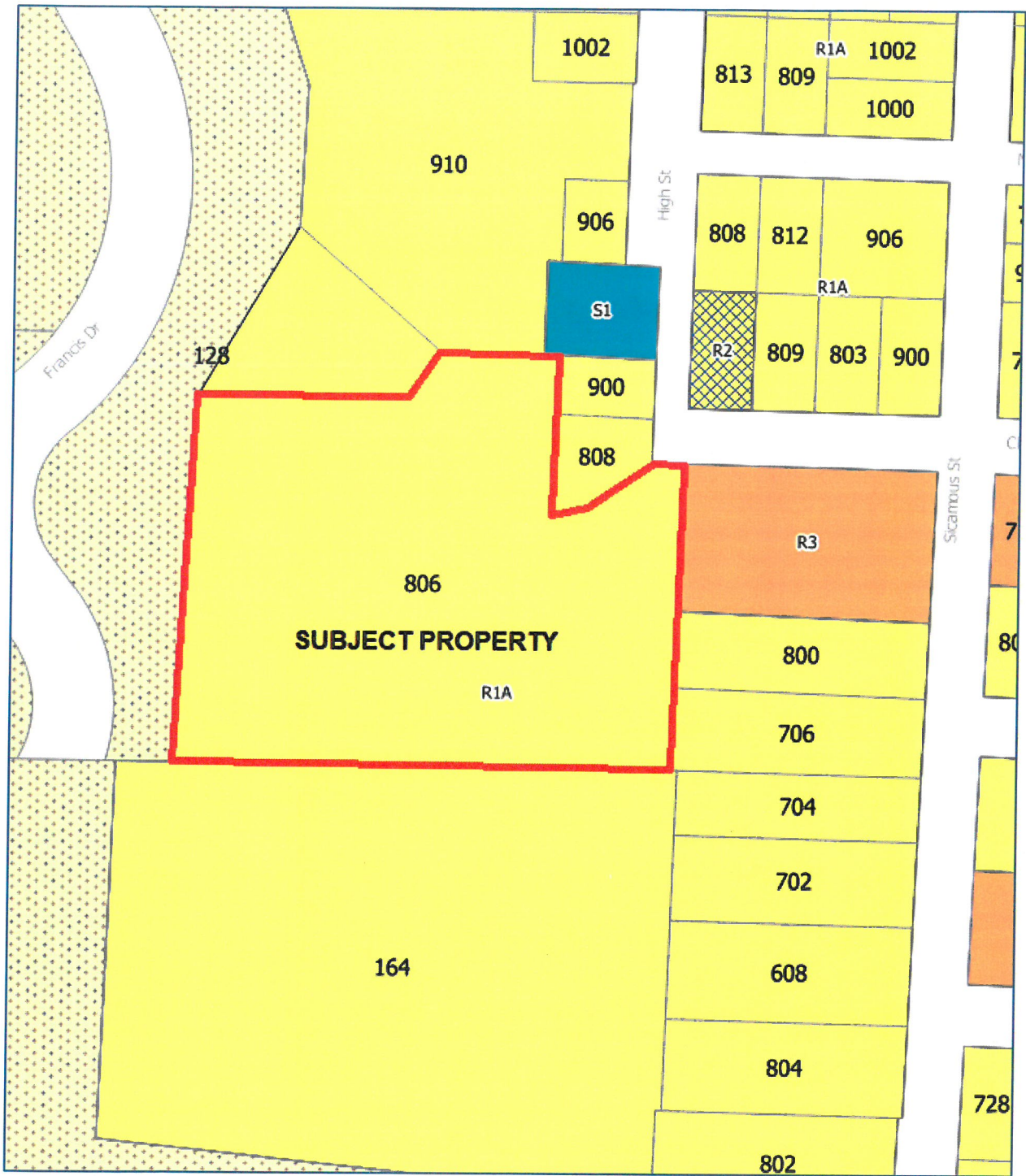


Figure 1. Zoning Map

Yellow – Residential Single Family (R.1-A)

Crosshatch – Residential Two Family (R.2)

Orange – Residential Multi-Family Medium Intensity (R.3)

Dotted – Country Residential (C.R)

Blue – Assembly, Civic and Public Service (S.1)

The following figure shows the OCP future land use designations of the subject and surrounding properties:

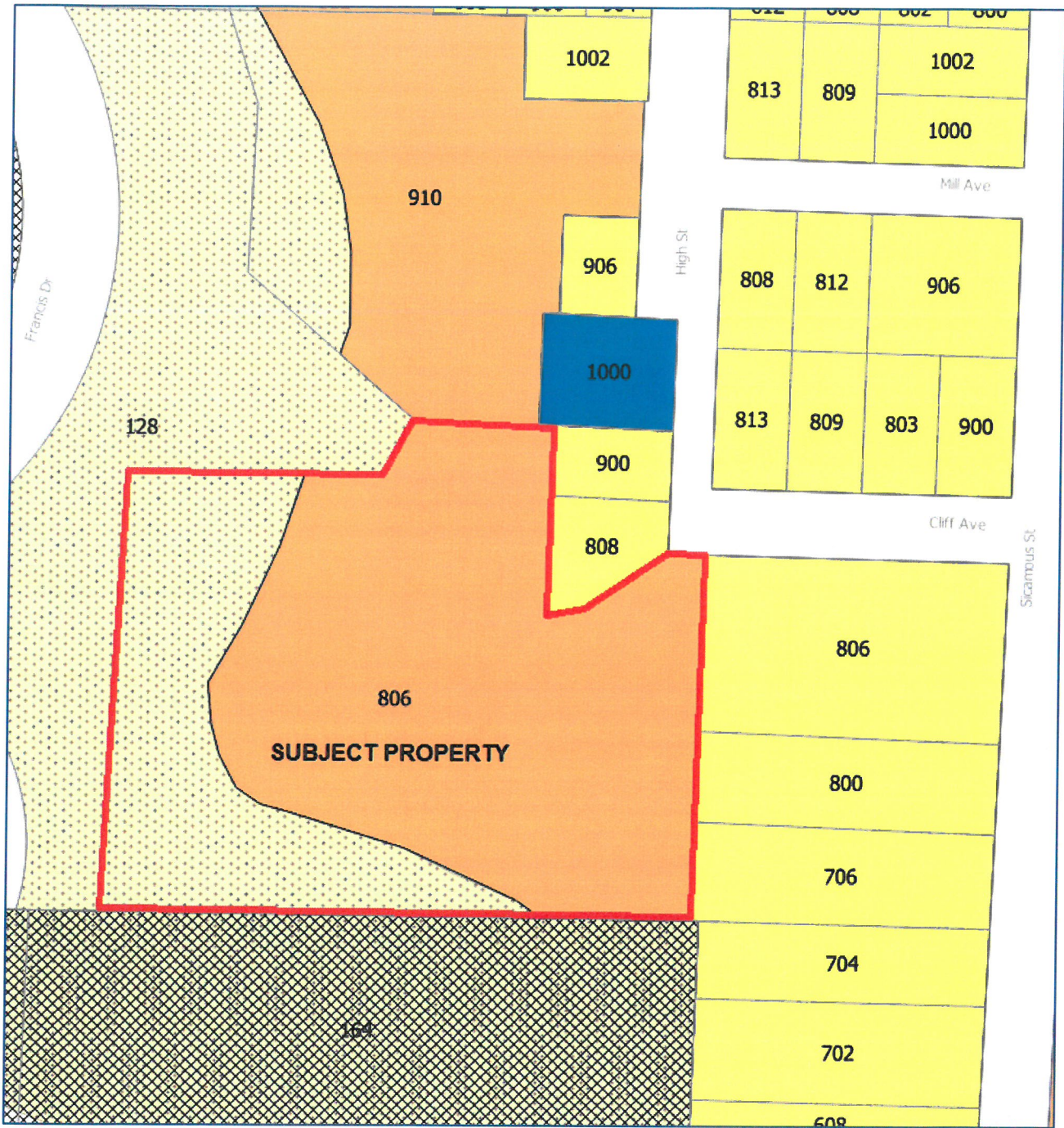


Figure 2. OCP Future Land Use Designations

- Yellow – Residential Low Density
- Orange – Residential Medium Density
- Dotted – Country Residential
- Cross Hatch – Country Residential/Knoll Comprehensive Development Area
- Blue – Institutional

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 3: Orthophoto

****NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

The Proposal

The applicant is proposing to change the OCP designation for that portion of the subject property that is entirely *Country Residential* to *Residential Medium Density* (making it consistent with the rest of the parcel) and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

A proposed site plan has not been provided by the applicant at this time but would be required as part of a subdivision application process, should this application be approved by Council. It should be noted that if the application were to be approved, the applicant would not be tied to their proposal of a strata development. Although the applicant may intend to develop the property in accordance with this proposal, it is important to note that if the application is approved then the property could develop in any manner that is consistent with the Zoning Bylaw and any charges registered against the title of the property (covenants, statutory building scheme, etc.).

It should be noted that the subject property's minimal road frontage of 9.54 m (31.31 feet) prevents the property from developing under a conventional subdivision (fee simple lots) as there is insufficient frontage to accommodate the required right-of-way for a local road, as specified in the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000. However, under a strata subdivision all internal roads are private and do not have to meet the specifications of the City's Subdivision Servicing and Development Bylaw, but instead would have to satisfy the Strata Property Act and associated Regulations, which could include having to demonstrate that the proposed access routes of the strata development meet good engineering standards.

ZONING BYLAW:

The subject property is zoned Residential Single Family (R.1-A) and uses permitted within this zone include:

- Accessory residential;
- Restricted agriculture;
- Single family dwellings;
- Secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

Uses permitted within the proposed Residential Multi-Family Medium Intensity (R.3) zone include:

- Apartment and multi-family residential;
- Adult retirement housing;
- Four family dwellings;
- Three family dwellings;
- Two family dwellings;
- Single family dwellings
- Row housing;
- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing and personal care homes;
- Restricted agricultural use;
- Secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

Section 604.11.b of the Zoning Bylaw states that the maximum permitted gross density for adult retirement housing, apartments or multi-family use within the R.3 zone shall not exceed sixty (60) units per hectare (24.28 units per acre); given the property's area of 4.53 acres, the maximum number of dwelling units permitted on the property would be 109.

Although the maximum permitted gross density limit for the R.3 zone theoretically allows for up to 109 dwelling units, Staff do not anticipate that it would be feasible for the subject property to develop to this density, even if a more intensive residential use was pursued (i.e. apartments), for the following reasons:

- The property has significant grades that would limit the area of the lot that can be used for intensive residential use;
- For apartment and multi-family uses, the Zoning Bylaw requires the provision of useable open space, maneuvering aisles, off-street parking areas, significant setbacks, etc., which limit the area of the lot that can be used for intensive residential use; and
- The Zoning Bylaw limits apartment uses to 3 stories in height which, when coupled with the items listed above, acts as a limiting factor on density.

OFFICIAL COMMUNITY PLAN:

Policies contained within the Official Community Plan which apply to this development include:

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.
- Policy 8.3.h - Council will support infill and redevelopment within the community.
- Policy 8.3.i - Council will employ Smart Growth principles in future development.
- Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.
- Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.
- Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

Schedule 'C' – Parks and Transportation Map of the OCP depicts a multi-use pathway being aligned through the subject property in order to provide connectivity to Johnston Park and the City's future growth area of the Knoll. Pursuant to Section 510 of the *Local Government Act*, an owner of land being subdivided must provide to the municipality park land in the amount of up to 5% of the land being subdivided, or cash-in-lieu of an equivalent value; it is anticipated that this trail would be secured through park land dedication at the subdivision stage.

HOUSING NEEDS REPORT

As per Section 473 (2.1) of the *Local Government Act*, when a local government is amending its OCP in relation to statements or map designations relating to the location, amount, type and density of residential development required to meet anticipated housing needs, the local government must consider its most recently received Housing Needs Report. The City of Enderby received its first Housing Needs Report at the Regular Council Meeting of November 2, 2020, which can be accessed through the following link:

<https://www.cityofenderby.com/enderby-housing-needs-assessment-report/>

In the Planning Analysis section of this report is an overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report.

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- City of Enderby Chief Financial Officer;
- Building Inspector;
- Fire Chief;
- Regional District of North Okanagan Manager of Regional Engineering Services;
- Ministry of Transportation and Infrastructure.

The following comments were received in response to the application

City of Enderby Public Works Manager

"In terms of land use planning, the applicant's proposal appears consistent with future growth projections for the area. This is also an important area in terms of infrastructure and future trail connectivity.

The City's water supply mains to its reservoirs run through this parcel and are secured through a pair of statutory rights-of-way. These statutory rights-of-way will need to be updated to reflect the change in land use and should be consolidated at the same time. Rezoning should be conditional upon this occurring.

The subject parcel is identified in the Official Community Plan as part of a future trail alignment to Johnston Park and the Knoll, which would be dedicated at subdivision; given the grades, some preliminary design work will be required to identify a suitable alignment. As the access off Cliff Avenue and High Street is narrow, caution will need to be taken at the design stage to achieve pedestrian connectivity without inviting a conflict with vehicles. The neighbourhood design will need to consider how to integrate this public amenity into (and through) what is currently proposed as a strata so as to minimize conflicts with the future residential uses. As mentioned above, the narrow access will need to be designed in such a way that it follows good engineering practices.

At the subdivision stage, there will be a need for a geotechnical study and engineering analysis to confirm the adequacy of water supply and sanitary and storm sewer capacity. The latter will require the development to maintain pre-development flows."

City of Enderby Chief Financial Officer

"The proposed rezoning would not have any material impacts to the financial plan."

RDNO Manager of Regional Engineering Services

"No conditions need be applied with respect to solid waste management planning or SWMP [Solid Waste Management Plan] implementation."

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to change the OCP future land use designation of the property from *Country Residential* to *Residential Medium Density* and to rezone the subject property from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone, and upon consideration of input received at a Public Hearing, recommends that Council approve the subject application for the following reasons:

- The proposal would facilitate infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
 - More efficient use of land by increasing the ratio of improvement-to-land values;
 - Reducing pressures related to greenfield development and boundary expansion which supports urban containment and rural protection;
 - Focusing future growth within developed areas of the community in order to maximize the value derived from existing infrastructure; and
 - Adding residential capacity without encroaching upon rural protection zones.
- The proposed development of the property to a more intensive residential land use would foster additional housing in the community, while potentially broadening the spectrum of housing choices, both of which are key elements of Smart Growth;
- The City of Enderby Housing Needs Report states, *"The limited growth in the housing sector over the past decade may be attributed to a relatively low supply of vacant lots in the community upon which single family dwellings could be developed."*; it should be noted that the proposed strata development could introduce numerous new lots to the community, which would help to facilitate

additional growth in the housing sector, particularly in the form of attainable housing as strata units are generally priced lower than traditional fee simple lots; alternatively, the other permitted uses within the R.3 zone could involve the provision of rental units, which the Housing Needs Report identifies as a critical need;

- Given the property's large lot area, it is a prime candidate for development to a more intensive residential use;
- The subject property is adjacent to a large parcel to the east which is zoned Residential Multi-Family Medium Intensity (R.3), as well as a large parcel to the north which is designated in the OCP as Residential Medium Intensity (zoned Residential Single Family (R.1-A)); given this, the proposed development of the subject property to a higher intensity residential land use is consistent with current and future land uses within the immediate vicinity;
- Given the subject property's minimal road frontage of 9.54 m (31.31 feet), the property cannot develop under a traditional fee simple subdivision (i.e. single-family dwellings on fee simple lots) as there is insufficient lot frontage to accommodate the required right-of-way for a local road through the subject property; given this, the only meaningful residential development that could occur on the subject property (aside from the construction of one single-family dwelling) is some form of strata or multi-family development;
- The adjacent road network is sufficient to meet the traffic demands associated with a higher intensity residential use on the subject property, based on the following:
 - Cliff Avenue was re-constructed in 2013 and is of a sufficient standard to accommodate the demands of the development;
 - Given that there is approximately 81 m (266 feet) of distance between the subject property and the Cliff Avenue/Sicamous Street intersection, and this intersection is a 4-way stop, there are sufficient opportunities for traffic from the proposed development to gain access on to Sicamous Street without there being a potential for significant 'stacking' of vehicles up Cliff Avenue;
 - Given the property's location at the intersection of High Street and Cliff Avenue, there are adequate sight lines for vehicles from the property to safely gain access on to Cliff Avenue;
 - Sicamous Street is a minor-collector road and is able to safely accommodate traffic from the development to two lighted intersections on Highway 97A, which are in relatively close proximity to the subject property.

Although it is not anticipated that the subject property would be able to meet the maximum permitted gross densities allowable under the R.3 zone (60 units/hectare, 109 units total), for the reasons described on page 7 of this report, it is important to consider what maximum densities would be reasonable for the site. Given the subject property's location along a local road and on an interface with a single-family neighbourhood, Staff feel that the less intensive maximum permitted gross densities of the Residential Multi-Family Low Intensity (R.3-A) zone are more appropriate for the property. Given this, Staff are recommending that the application be supported subject to the Zoning Bylaw being amended to impose a reduced maximum permitted gross density of 41 units/hectare (16 units/acre) for any adult retirement housing, apartments or multi-family use on the property; this density limit would allow for a total of 72

units on the property (33.9% reduction), which the applicant has confirmed would be consistent with their development plans for the site.

Staff are recommending that support of the application be made subject to the updating and consolidation of the existing statutory rights-of-way registered on the title of the subject property (Plan A1090 and Plan 39093), consistent with the recommendation of the City's Public Works Manager.

SUMMARY

This report relates to a Joint Official Community Plan Amendment and Rezoning application for the property located at 806 Cliff Avenue, Enderby BC. The applicant is proposing to change the OCP designation for a portion of the subject property from *Country Residential* to *Residential Medium Density* and to rezone the property from the Residential Single-Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone. The intent of the applicant is to proceed with a strata subdivision consisting of single-family units and potentially multi-family units, both of which may contain secondary suites.

The City of Enderby Planner is supportive of the application, subject to the conditions described above.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner and Deputy Corporate Officer

Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY

OCP/REZONING APPLICATION

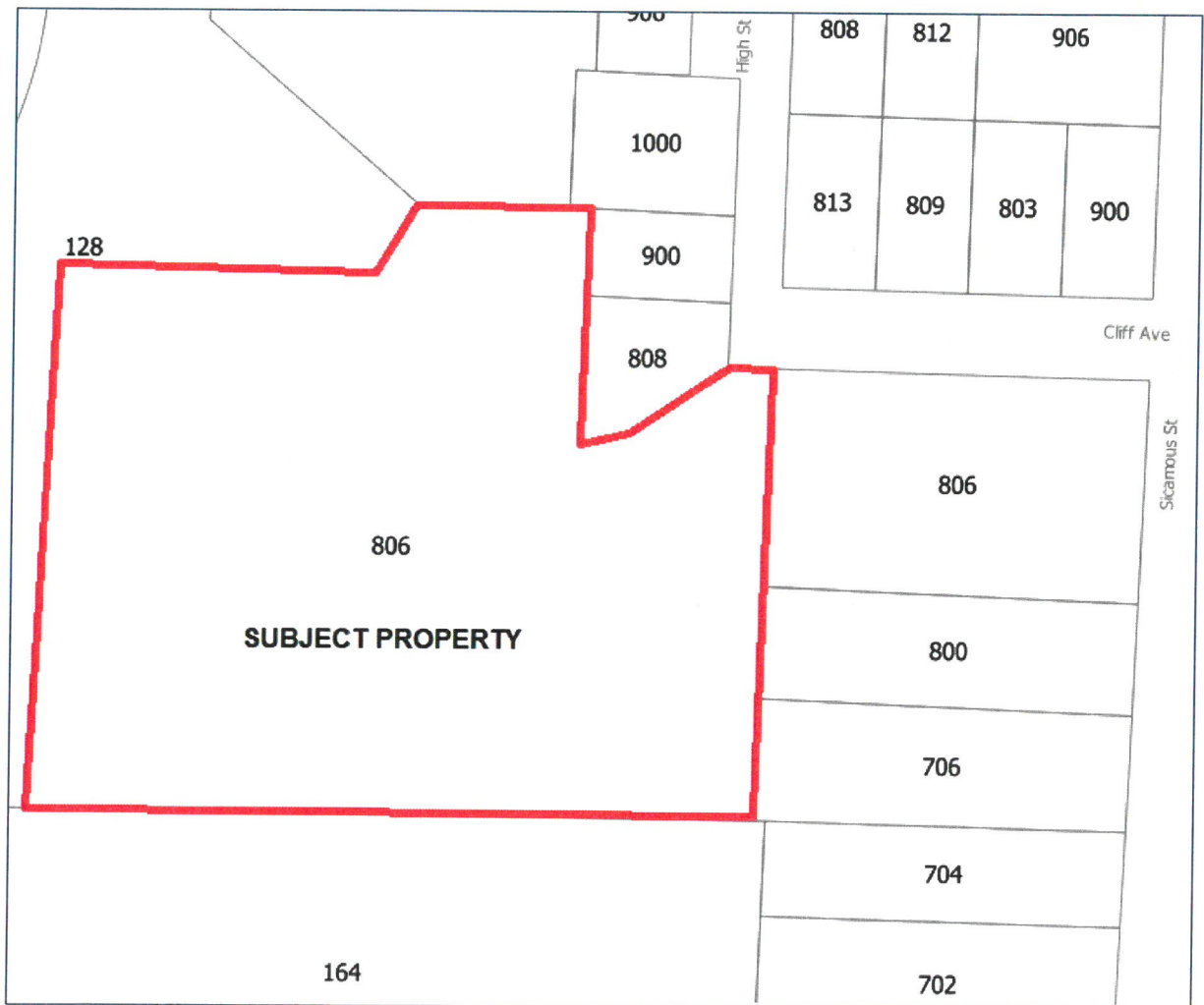
SUBJECT PROPERTY MAP

File: 0009-20-OR-END (Mazur)

Applicant: Brandon Mazur

Owner: Bayssie Woinshet, 421457 BC Ltd., 419263 BC Ltd.

Location: 806 Cliff Avenue, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1713

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014 AND AMENDMENTS THERETO

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1713, 2020".
2. The future land use designation of a portion of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, is hereby changed from *Country Residential* to *Residential Medium Density*.

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1714

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014 AND
AMENDMENTS THERETO

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1714, 2020".
2. The zoning designation of the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, is hereby changed from the from the Residential Single Family (R.1-A) zone to the Residential Multi-Family Medium Intensity (R.3) zone.
3. Division Six - Residential Zones (R.3) of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 604.11.j as follows:
 - j. Notwithstanding the maximum permitted gross densities outlined in Section 604.11.b of this Bylaw, the maximum permitted gross density for adult retirement housing, apartments or multi-family uses occurring on the property legally described as PARCEL A (DD L23640) OF THE SOUTH WEST 1/4 OF SECTION 26 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT PLAN 27069, and located at 806 Cliff Avenue, Enderby BC, shall not exceed forty-one (41 units) per hectare (16.59 units per acre).

READ a FIRST time this day of , 2020.

READ a SECOND time this day of , 2020.

Advertised on the day of , 2020 and the day of , 2020, and a Public Hearing held pursuant to the provisions of Section 464 of the Local Government Act on the day of , 2020.

READ a THIRD time this day of , 2020.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2020.

District Development Technician
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2020.

MAYOR

CORPORATE OFFICER