

COUNCIL REPORT

Date: 10 December 2015
File: 7.5.3.127
To: Warren Waycheshen, CAO for Mayor and Council
From: Director of Community Planning & Development
Re: **Riverbrook Manufactured Home Park Rezoning Application**



Recommendation

THAT 'Riverbrook Estates Zoning Amendment Bylaw No. 1878' be given First Reading;

AND THAT Bylaw 1878 be referred to:

- a. Kitimat Advisory Planning Commission (APC);**
- b. District of Kitimat Housing Committee; and**
- c. Ministry of Environment;**

AND THAT approval to issue public notice that a zoning amendment bylaw is under consideration be granted; and

AND FURTHER THAT the Public Hearing be scheduled for 25 January 2015.

Background

Leonard Kerkhoff of Riverbrook Estates Ltd. has applied to rezone a portion of Block 210; Plan 8918 (current civic address 167 Konigus St) to allow the development of a 70-unit manufactured home park. The site is currently zoned G5 – Forestry. The applicant is seeking that the site be zoned to allow for a strata-titled Manufactured Home Park.

On 16 November 2015, Council passed the following resolution:

THAT Council accept the Riverbrook Manufactured Home Park rezoning application for consideration of R6-B zoning and covenant amendment; refer this application to the Advisory Planning Commission; and that staff provide clarification regarding R6-B zoning and the ability of this property for strata titling.

This report provides clarification with reflect to form of ownership. Initial Commission comment is also provided. APC will comment on the draft bylaw at the January meeting.

Discussion

Staff, as directed by Council motion 015-182, have prepared amendments to the *Kitimat Municipal Code* and Zoning Bylaw Map. Proposed bylaw includes amendments to R6-A - Mobile Home on Individual Lot Zone to accommodate the desired land use. R6-A is not an active designation within the District of Kitimat, changes to suit Riverbrook Estates will not affect any other properties in this zone.

Draft bylaw reflects amendments to accommodate the intended use by Riverbrook Estates and also broadens the use to include small homes. The inclusion of small homes provides opportunity for Kitimat's housing stock to continue to diversify while offering affordable housing options.

Kitimat APC discussed proposed development during APC meeting held on 24 November 2015. The following motion was made:

THAT Council approve zoning application to allow for the development of a 70-unit manufactured home park, as presented.

a. Adjacent Land Uses

Adjacent land uses to the subject property include:

| | | |
|-------|--|--------------------------|
| North | R1-B: One Family - Detached or Semi Detached | Liard and Nadine Street |
| East | R1-B: One Family - Detached or Semi Detached | Ochwe Street |
| | G3: Small Holdings | 865 – 921 Kuldo |
| South | G3: Small Holdings | 200 Quatsino |
| | G5-A: Welfare or Rest Homes | 325 Quatsino |
| West | G1: Institutional | Bill Rich Soccer Complex |
| | G2: Local Park | Radley Park (East) |

There is also a park area along Sumgas Creek.

b. Official Community Plan (OCP)

Proposed Manufactured Home Park complies with future land use designation of 'Neighborhood' on Schedule D of the Official Community Plan (OCP). The site falls within the 200-year flood zone as indicated on OCP Schedule C: Hazardous Areas.

c. Covenant

Alteration of flood covenant would require consent of the Ministry of Environment and the District of Kitimat. Ministry of Environment has indicated support on condition that the District of Kitimat likewise supports alteration of the flood covenant.

The Administration has carefully considered potential impacts of removing the no build restriction. If Council agree to remove the restriction, staff recommend all buildings have a minimum floor elevation 0.6m (≈ 24") above the crown of the nearest municipal road. This condition would then apply across the Riverbrook site, as well as adjacent streets.

Next Steps

a. Public Notice

Notice which describes the application and invites public comment will be posted on municipal website, made available at municipal office, and advertised in the newspaper. *Kitimat Municipal Code* mandates that notice be mailed to all owners and residents of property within 90 metres of the affected site. A map of notice area is attached.

b. Public Handbook

Planning handbook providing application and bylaw details will be available to view online and at the municipal office. See www.kitimat.ca/pn. Incoming comments will be added to the handbook during the consultation period.

c. Agency Referral

Staff recommend the proposed bylaw be shared with three agencies and commissions as noted in the recommendations on page 1 of this report: Kitimat Advisory Planning Commission, District of Kitimat Housing Committee, and Ministry of Environment.

d. Open House

Riverbrook Estates Ltd. has expressed interested in holding an open house prior to the public hearing. Details of the open house will be left up to the applicant; however, the District of Kitimat will post details on website and in public handbook. Planning staff members will attend this open house to gather public comment.

e. Public Hearing

In accordance with s. 890 of the *BC Local Government Act*, a public hearing must be held after first reading and prior to third reading. Notice is required to be published in two consecutive issues of the local newspaper. Public Hearing could be held prior to Council meeting scheduled on 25 January 2016. Alternatively, Council may wish to hold this hearing on a date without other regular Council or Committee business; for example, Wednesday, 27 January 2016 or Thursday, 29 January 2016.

Summary


Site is currently zoned G5 – Forestry, and a no-build covenant prohibits building. Proposal is for a manufactured home park of up to 70 pads. R6-A Zone allows individual lots. Strata ownership is possible but not required. Strata ownership is, in this case, preferred by the District of Kitimat. The Strata Council, not the municipality, would own and maintain on-site water and sewer systems, roads and greenspace areas. Development of a Manufactured Home Park would also require municipal support to amend an existing flood covenant. The Administration recommends uniform flood covenant conditions apply to this site and adjacent lands; and that the municipality takes advantage of this opportunity to further diversify the housing market with lots for small detached strata homes.

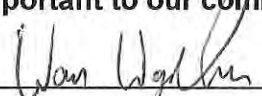
Budget Implication: Amendment of zoning and covenant is likely to increase assessed value


Treasurer Initials

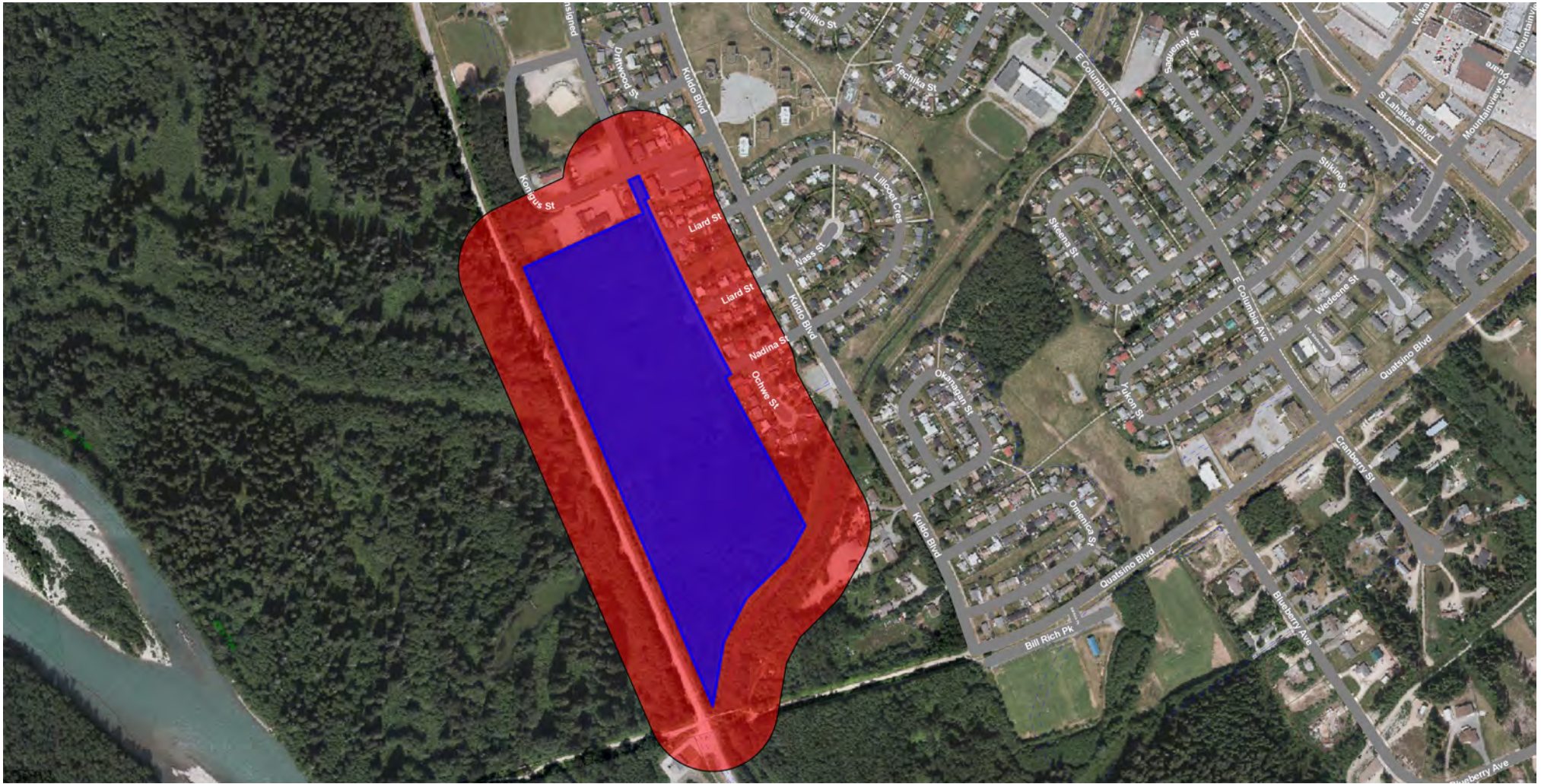
Council Initiative: 3. Community Planning must be disciplined with a long-term view

- Diversity in housing is important to our community


Submitted by:
Gwendolyn Sewell, MCIP, RPP
Director of Community Planning & Development


Approved for Submission
Warren Waycheshen
Chief Administrative Officer

Riverbrook Estates - 90m buffer



DISTRICT OF KITIMAT

BYLAW NO. 1878

A BYLAW TO AMEND THE KITIMAT ZONING MAP AND THE *KITIMAT MUNICIPAL CODE* WITH RESPECT TO LAND USES PERMITTED

WHEREAS the *BC Local Government Act* allows a local government to divide portions of the municipality into zones and regulate permitted land uses within zones;

AND WHEREAS Kitimat Council deems it is in the public interest to amend zoning governing a portion of 167 Konigus St with respect to R6-A Zone boundaries to include these lands in the R6-A Manufactured Home on Individual Lot, and to amend the *Kitimat Municipal Code* with respect to conditions of development in the R6-A Manufactured Home on Individual Lot, Part 9 of the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as 'RIVERBROOK ESTATES, ZONING AMENDMENT BYLAW NO. 1878, 2015'
2. Part 9 – PLANNING, Division 1 – General, Subdivision 1 – Interpretation amended to include:
“Small Home” means any detached residence of 25 to 100 square metres.
3. Part 9 - PLANNING, Division 4 - Residential Zoning, Subdivision 15 – R6-A Manufactured Home or Small Home amended to read as follows:

Subdivision 15 - R6-A Special Residential Zone

9.4.15. Permitted Uses

1. a. Single Family Residence
- b. Home Business Address
- c. Home Occupation
- d. The keeping of not more than two lodgers in each dwelling unit
- e. Bed and Breakfast (B&B)

Conditions of Use

2. Permitted buildings and structures per lot:
 - a. one manufactured home or detached dwelling having no more than one dwelling unit;
 - b. accessory buildings and structures.
3. Lot or Strata Lot Area (Minimum): 272 square metres.
4. Lot Frontage (Minimum): 10.25 metres.
5. Lot Coverage (Maximum): 40%.
6. Height of Building (Maximum): 5 metres.
7. Front Yard (Minimum): 6.5 metres.
8. Side Yard (Minimum): 1.8 metres.
9. Rear Yard (Minimum): 5.5 metres.

Subdivision 15 - R6-A Special Residential Zone (Continued)

9.4.15. Building Setbacks on a Corner Lot: Refer to 9.4.1.6.

Off-Street Parking (Minimum)

11. Two parking spaces are required for each manufactured home or detached dwelling, one of which must have unrestricted access to a highway.
12. Each parking space shall be 3.5 metres in width and 6.5 metres in length.

Access

13. Each access shall be paved if the abutting street is paved.
14. No more than one access up to 7.5 metres wide per lot.

Accessory Buildings in Required Yards: See 9.4.1.7 to 9.4.1.13

Signs: See Part 9, Division 3.

3. The zoning maps of the District of Kitimat are hereby amended by deleting those portions of the following lands labelled 'R6-A", generally as shown on Bylaw Map No. 1878, attached as Schedule 'A' which forms part of this bylaw, from the G5 – Forestry Zone and placing them in the R6-A Residential Zone –Manufactured Home or Small Home.

Parcel Identifier: 006-652-701

Block 210 District Lots 6019, 6023, 6020, and 6024 Range 5 Coast District Plan 8918

4. This bylaw shall come into force and be binding on all persons from the date of adoption.

READ a first time this _____ day of _____, 2015.

READ a second time this _____ day of _____, 2016.

A PUBLIC HEARING was held this _____ day of _____, 2016.

READ a third time and passed this _____ day of _____, 2016.

FINALLY ADOPTED this _____ day of _____, 2016.

MAYOR

Philip Germuth

CORPORATE OFFICER

Debbie Godfrey

Schedule A: Riverbrook Estates, Zoning Amendment Bylaw No.1878, 2015

