

STAFF REPORT TO COUNCIL

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DATE: December 15, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Director of Planning and Development

SUBJECT: Rezoning Application No. RZ100716 (Bylaw No. 9247, 2021)

APPLICANT: L&M Engineering Ltd. for 1187150 B.C. Ltd., Inc. No. BC1187150

LOCATION: 7215 and 7163 Kelly Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9247
Appendix "B" to Bylaw No. 9247
Exhibit "A" to RZ100716
Traffic Impact Analysis
Supporting Document: L&M Public Consultation Summary Report
Supporting Document: Letters from Applicants
Supporting Document: Correspondence Received

RECOMMENDATION(S):

THAT Council:

1. **GIVES** First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9247, 2021";
2. **WAIVES** the requirements for a Public Hearing for proposed "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9247, 2021";
3. **EXPANDS** the public mail out notice area to include the properties identified in Exhibit "A" to RZ100716; and,
4. **PERMITS** that consideration of Final Reading of proposed Bylaw No. 9247, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Receipt of a Servicing Brief; and,
 - b. Receipt of a Section 219 Covenant restricting the "housing, apartment" use.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Director of Planning and Development.

PURPOSE:

The applicant would like to construct a privately owned and operated seniors congregate housing facility at 7215 and 7163 Kelly Road (subject properties). In order to facilitate the development, the applicant has applied to rezone the subject property from AF: Agriculture & Forestry to RM3: Multiple Residential, as shown on Appendix "A" to Bylaw 9247.

Additionally, the subject property is within the Home Business Overlay (HBO), which permits the Home Business 3 use on larger rural residential lots. As part of this application, Administration recommends the removal of the subject properties from the HBO be added as a consequential amendment, as shown on Appendix "B" to Bylaw 9247.

Site Characteristics

Location	7215 and 7163 Kelly Road
Legal Description	Lots 2-3, District Lot 4048, Cariboo District, Plan 8970
Current Use	Single family dwellings
Site Area	3.9 ha
Future Land Use	Neighbourhood Residential Corridor (0.4ha) Neighbourhood Residential (3.5 ha)
Growth Management Class	Growth Priority (0.4 ha) Infill (3.5 ha)
Servicing	Services available

Zoning (see Appendix "A" to Bylaw No. 9247)

Current Zoning	AF: Agriculture & Forestry
Proposed Zoning	RM3: Multiple Residential

Home Business Overlay (see Appendix "B" to Bylaw No. 9247)

Existing	Home Business Overlay
Proposed	Remove from Home Business Overlay

Surrounding Land Use Table

North	Single and Two-Unit Residential
South	Single Residential
East	Kelly Road, Undeveloped Commercial
West	Heather Road, Heather Park Elementary

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as *Neighbourhood Residential* and *Neighbourhood Residential Corridor* in Schedule B-6: Future Land Use of the Official Community Plan. The Neighbourhood designations are intended to support neighbourhoods that are primarily single family residential in nature, however additional densities and uses are permitted along collector and arterial roads.

Within the OCP, Policy 8.3.58 indicates that the City should maintain a similar scale of housing to the existing neighbourhood and encourage ground-oriented multiple residential forms, while Policy 8.3.57 permits additional housing types such as townhomes and apartments along collector and arterials, with densities up

to 150 units per hectare. Further, Policy 8.3.5 encourages ground oriented multi-family development to be situated near amenities and close to transit.

The subject properties are located along Kelly Road, which is classified as a major collector. There is existing commercial development to the east, with commercial zoning already in place for additional commercial development potential in the future. There are transit stops along Kelly Road, Handlen Road, and Heather Park Road. The proximity of the subject properties to commercial amenities and transit are consistent with OCP policies.

The proposed RM3 zone permits a maximum density of 60 dwellings per hectare and allows for a variety of small-scale, ground oriented multiple residential forms, such as duplex, four-plex, and row housing. While the zone allows for apartment housing, the applicant has volunteered a Section 219 Covenant to restrict that use.

The applicant's proposal to develop congregate seniors housing comprised of a mix of small-scale housing forms is consistent with the OCP Future Land Use Designation. Administration supports this application.

Development Permit Area

The OCP designates all lands on which the zoning allows for multiple residential, comprehensive two-unit dwelling areas, or comprehensive residential strata developments to be a Multiple Residential Form and Character Development Permit Area. As a result, a Multiple Residential Form and Character Development Permit will be required prior to the construction of the proposed seniors housing facility, which will allow Administration to ensure that the future development will have appropriate levels of landscaping to reduce impacts to the adjacent properties.

Growth Management

The subject property is designated as *Growth Priority* and *Infill* in Schedule B-4: Growth Management of the Official Community Plan. Growth Management policies outlined in the OCP encourage infill and redevelopment within the infill and growth priority designation (Policy 8.3.45 and Policy 11.4.1).

The applicant's proposal will redevelop and add infill to an underutilized site in an existing neighbourhood. Administration supports this application as it is consistent with the OCP's growth management policies.

Zoning Bylaw

The subject property is zoned as AF: Agriculture & Forestry which is intended to conserve and manage agricultural and forestry lands on parcels larger than 15 ha. The property owner would like to rezone the subject property to RM3: Multiple Residential to permit the development of a congregate seniors housing facility. The intent of the RM3 zone is to provide for multiple residential housing with a maximum density of 60 dwellings per hectare.

The proposed RM3 zone permits a maximum density of 60 dwellings per hectare and allows for a variety of small-scale, ground oriented multiple residential forms, such as duplex, four-plex, and row housing. While the zone allows for apartment housing, the applicant has volunteered a Section 219 Covenant to restrict that use.

The RM3 zone supports a variety of small-scale housing forms, and the proposed Section 219 Covenant to restrict the apartment use, will ensure that the built form is consistent with the primarily small-scale housing character of the area.

The RM3 zone is consistent with OCP policy, and the applicant's proposal to focus on small-scale, ground oriented housing is consistent with the character of the surrounding neighbourhood. Administration supports

this application. The subject property is primarily surrounded by single family dwellings, with a duplex to the north. Heather Park Elementary School is immediately to the west of the subject property, with Shas Ti Kelly Road Secondary School to the north. East of the subject property, there is some existing commercial development with the zoning in place to permit future commercial expansion in the area.

Home Business Overlay

Schedule B: Home Business Overlay (HBO) of City of Prince George Zoning Bylaw No. 7850, 2007 permits the Home Business 3 use on large residential lots in rural areas. As the applicant has proposed to rezone the subject property for Multiple Residential development, the HBO designation is no longer required. Consequentially, Administration requires that the subject properties be removed from the HBO.

OTHER CONSIDERATIONS:

Public Meetings

Prior to Council consideration of this application, the applicant undertook a public engagement process to inform the surrounding neighbourhood of the proposal, and to gather feedback. Information packages were delivered to the properties identified in Exhibit "A" to RZ100716.

Comments provided during the consultation included the following themes:

- Concerns over disruption caused by construction activity;
- Concerns over the loss of green space;
- Concerns over traffic generation;
- Concerns over the quality of City services being impacted.

Please see the attached Public Engagement Summary Report provided by L&M Engineering for more details.

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Title

A review of the legal titles of the subject properties indicated no encumbrances or restrictions that will affect this application.

Lot Consolidation

Currently, the subject properties are two legal parcels. As the site layout has yet to be determined and each lot meets the subdivision regulations of the RM3 zone, Administration is not requiring lot consolidation at this time. Lot consolidation requirements will be determined at the Development Permit stage, once the site design has been determined.

Servicing Brief

A Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required. The Servicing Brief will address technical issues related to water supply, sanitary sewer collection, and storm drainage system designs.

Administration recommends that Final Reading of Bylaw No. 9247 be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

Traffic Impact Analysis

The Traffic Impact Analysis provided by the applicant and reviewed by Administration determined that a full Traffic Impact Study was not warranted based on the traffic volumes projected to be generated by the proposed development. Due to the removal of the apartment housing use, the proposed development is estimated to be under 82 total dwelling units. As a result, a Traffic Impact Study is not required by the City or the Ministry of Transportation and Infrastructure.

Section 219 Covenant

Based on feedback received from the Public Engagement, the applicant has volunteered to register a Section 219 Covenant that prohibits the apartment housing use on the subject property.

Administration recommends that Final Reading of Bylaw No. 9247 be withheld until a Section 219 Covenant which restricts the “housing, apartment” use is submitted to Administration’s satisfaction and is registered on the title of the subject properties.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9247 requires the Ministry of Transportation and Infrastructure’s approval prior to Final Reading and adoption.

Council Procedures and Statutory Notification

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by these applications.

In order to align with the larger Public Engagement area established by the applicant, Administration is recommending that the public notice mail out area that is required as per the “City of Prince George Development Procedures Bylaw No. 7635, 2005” is increased from 30 meters to include the area shown in Exhibit “A” to RZ100716.

Members of the public may provide comment by written submission. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws.

ALTERNATIVES:

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No 9247, 2021 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to rezone 7215 and 7163 Kelly Road from AF: Agriculture & Forestry to RM3: Multiple Residential in order to facilitate the development of congregate seniors housing. Administration supports this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: **Tristin Deveau, Planner**

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/1/10