

Report

City of Merritt
Public Hearing
January 26, 2021

File Number: 3900.2295 and 3900.2296

To: Sean Smith, Chief Administrative Officer

From: Don McArthur, Planning Manager

Date: January 21, 2021

Subject: OCP Amendment Bylaw No. 2295 and Zoning Amendment No. 2296
(Lindley Creek Road) – Public Hearing

RECOMMENDATION:

THAT Council receive this report as information.

Executive Summary:

The proposed Amendment Bylaws would enable the creation of a townhome development, seniors oriented mobile home park, condominium development, and a large community park.

The current Official Community Plan (OCP) land use designations for the subject property are Future Development and Parks, Schools & Open Spaces. The Future Development designation would need to be revised to Residential.

With regard to OCP sector, the primary question for Council is whether the subject property, and other undeveloped parcels south of Lindley Creek Road, belong in the Collettsville or the South Merritt sector. If Council is desirous to proceed with the proposed development, removing the properties south of Lindley Creek Road, including the subject property, from the Collettsville sector and adding them to South Merritt would be more consistent with the intent of the OCP than amending Collettsville policies. See Attachments A and B.

The subject property's current zoning is Low Density Residential (R2), Medium Density Residential (R7), and Future Development (FD). The applicant is proposing to remove

the R2 zone, reconfigure the R7 zone, and add Mobile Home Park (R5) and Park & Cemetery (P1) zones. See Attachments C, D, and E.

Rezoning is the first step in the development process. If the rezoning were to be approved, a Subdivision, Development Permit, and Building Permit would be required.

The developer has provided a conceptual site plan (Attachment E), which illustrates the potential site configuration. The conceptual plan includes 98 townhomes, 95 mobile homes in a seniors oriented development, and up to 180 condominium units in several lowrise buildings. The proposed development would be constructed in phases, with an expected build out of 10 years.

The developer would be required to dedicate and construct the road (Hill Street) from Lindley Creek Road to the entrance of the proposed condominiums, as well as the parking lot for the community park. Servicing, including water and sewer, will also need to be extended to the property, at the developer's expense.

A park dedication of 9.49 hectares (23.46 acres) is being proposed. This is substantially more than the Provincial requirement of 5% of the property area. The park dedication would be 45% of the property. The proposed park would be another piece of the Windy Canyon Park that is envisioned by the OCP.

Local First Nations have indicated to the City that the subject property is of high cultural and historical significance. An archaeological site investigation would be a condition of Subdivision approval. Staff would register a covenant on title to ensure the site investigation is conducted.

The current OCP does not require a geotechnical report for the area of the property where development is being proposed. Therefore, staff can request geotechnical analysis, but cannot require it.

Background:

At the December 15, 2020 Regular Council Meeting, Council gave First and Second Readings to Official Community Plan Amendment Bylaw No. 2295, 2020 and Zoning Amendment Bylaw No. 2296, 2020.

Council also directed staff to register a covenant on title to require an archaeological site investigation prior to Building Permit issuance, and declined to direct staff to register a 55+ covenant on title for the proposed mobile home park.

Defeating the 55+ covenant motion doesn't prevent the developer from registering their own covenant on title, or prevent marketing of the mobile home development to seniors.

The proposed Official Community Plan Amendment Bylaw No. 2295, 2020 would redesignate the subject property from Future Development and Parks, Schools & Open Spaces to Residential and Parks, Schools & Open Spaces. The Bylaw would also

remove the subject property, and other industrial properties south of Lindley Creek Road, from the Collettsville neighbourhood and include them in the South Merritt neighbourhood.

The proposed Zoning Amendment Bylaw No. 2296, 2020 would rezone the subject property from Low Density Residential (R2), Medium Density Residential (R7), and Future Development (FD) to Medium Density Residential (R7), Mobile Home Park (R5), and Park & Cemetery (P1).

Official Community Plan

The proposed Official Community Plan Amendment Bylaw No. 2295, 2020 would redesignate the subject property from Future Development and Parks, Schools & Open Spaces to Residential and Parks, Schools & Open Spaces. The Bylaw would also remove the subject property, and other industrial properties south of Lindley Creek Road, from the Collettsville neighbourhood and include them in the South Merritt neighbourhood.

The OCP designates the southern portion of the subject property as Parks, Schools & Open Spaces. However, the land use designation for the northern portion of the property is currently Future Development. To ensure conformance with the OCP, the northern portion of the parcel would need to be redesignated as Residential.



Figure 1: OCP Land Use Designations

With regard to OCP sector, the primary question for Council is whether this property, and other undeveloped parcels south of Lindley Creek road, belong in the Collettsville or the South Merritt sector. While OCP policies for the Collettsville sector do encourage a mixture of housing types, only portions of this development are consistent with Collettsville sector policy.

Section 5.4.9.2 of the OCP (Page 56) states the following:

It is Council policy to:

- .1 Retain the large lot semi-rural character and servicing standards in the area.
- .2 Maintain a mixture of residential dwelling types while preserving the character of the area.

There is a case that the subject property, and the other undeveloped properties south of Lindley Creek Road should be included in the South Merritt sector, where sector policy would be more supportive of this development. The direction for new development in South Merritt is for “mixed density residential and to create a new neighborhood.”

Section 5.4.4.2 of the OCP (Page 48) also states the following:

It is Council policy to:

- .2 Promote future development on the lands south of the Houston Street truck route and the Coldwater River for industrial and residential uses.

There may be a difference in character between the properties south of Lindley Creek Road and other properties in the Collettsville sector. These same properties have more characteristics in common with the South Merritt sector. The OCP currently envisions the undeveloped parcels south of Lindley Creek Road as being developed for a mix of residential, park and industrial uses. This is the same mix contemplated for the adjacent South Merritt sector.

The South Merritt industrial parcels are immediately adjacent to, and along the same truck route as the industrial parcels south of Lindley Creek Road, which are currently in the Collettsville sector. It may make more sense to consider these industrial parcels as being within a single neighbourhood sector, particularly where there are no other industrial parcels in the Collettsville sector.

Similarly, what the OCP ultimately envisions as Windy Canyon Park is stretched across multiple parcels south of Lindley Creek road, some of which are currently in the Collettsville sector while others are in the South Merritt sector. It may be logical to envision the development of this park as a single entity within a single neighbourhood sector.

If considering all of this information, Council is desirous to proceed with the proposed rezoning, removing the properties south of Lindley Creek Road, including the subject property, from the Collettsville sector and adding them to South Merritt would be more consistent with the intent of the OCP than amending Collettsville policies. See Attachments A and B.

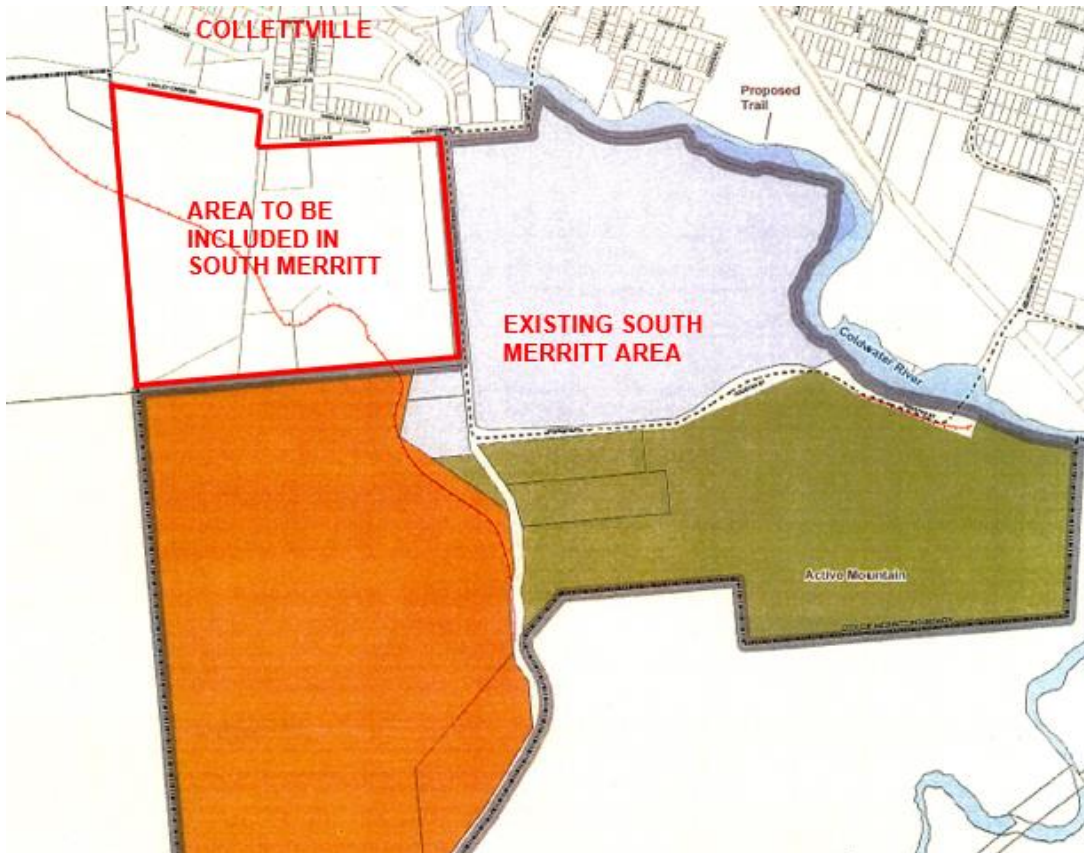


Figure 2: South Merritt Neighbourhood

Zoning Bylaw

The proposed Zoning Amendment Bylaw No. 2296, 2020 would rezone the subject property from Low Density Residential (R2), Medium Density Residential (R7), and Future Development (FD) to Medium Density Residential (R7), Mobile Home Park (R5), and Park & Cemetery (P1).

Townhomes could currently be constructed on the subject property in the R2 and R7 zones. However, the applicant is proposing to reconfigure the R7 zone boundaries, eliminate the R2 zone, and add the R5 zone. Much of the area currently zoned as FD would become P1 (park).

While the R7 zone permits a maximum density of 90 units per hectare, the developer is proposing lower densities. Lot 1 (townhomes) density is proposed to be approximately

35 units per hectare, Lot 2 (townhomes) density is proposed to be approximately 38 units per hectare, and Lot 4 (condominiums) density is proposed to be approximately 72 units per hectare.

The area surrounding the subject property has a mixture of low and medium density residential.

The property to the south is zoned Comprehensive Development (CD-1), which allows multi-family residential up to 40 units per hectare. While the owner of the CD-1 property has yet to develop, the zoning has been in place since 2011, so development could have been constructed there at any time since 2011.

The residential properties to the north are mostly zoned Low Density Residential (R2), which allows single family, duplex, and townhomes up to 60 units per hectare. There are also several R7 zoned properties in the area, which allow up to 90 units per hectare.

The proposed development's townhome and condominium densities of 35-38 and 72 units per hectare, respectively, are therefore consistent with current area densities of 40 – 90 units per hectare.

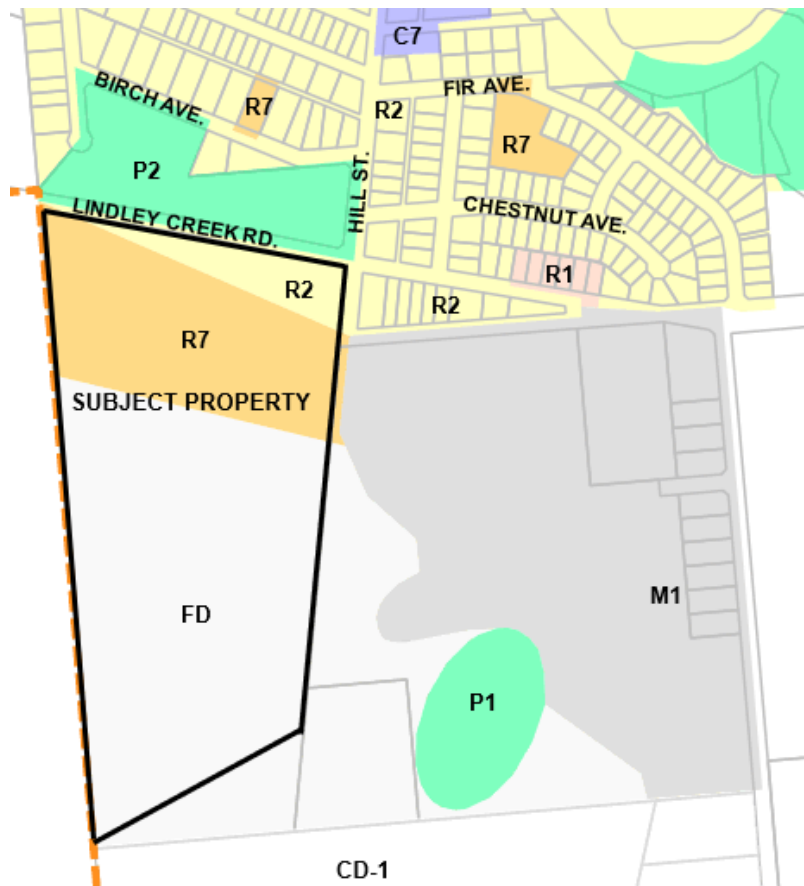


Figure 3: Map of Adjacent Zones

Development Process

Rezoning is the first step in the development process. Issues such as zone, use, and density are addressed at rezoning stage. If the rezoning were to be approved, Subdivision, Development Permit, and Building Permit stages would follow.

At Subdivision stage, issues such as road and park dedications, water, sewer, and stormwater servicing, and archaeological, geotechnical and traffic impact analysis would be addressed.

One of the conditions of Subdivision approval would be a Development Permit. Issues such wildfire covenant, form and character, landscaping, fencing, and parking would be addressed by the Development Permit.

Following Subdivision approval and Development Permit issuance, the final development stage is the Building Permit. Final design of the buildings and conformance with the BC Building Code would be addressed at this stage.

Conceptual Site Design

The applicant has submitted a conceptual site plan (see Attachment E). This document illustrates a potential site layout, so that Council and residents will have an idea of what could be possible on the property, if the rezoning were to be approved.

The proposed development would be constructed in phases. The townhome 'Lot 1' would likely be developed first, along with the first phase of the seniors oriented mobile home park. The condominium buildings are likely to be constructed last. Build out is expected to be approximately 10 years.

The townhomes that are situated adjacent to Lindley Creek Road would have front doors facing the street, to create a welcoming streetscape. The driveway entrance off Lindley Creek Road would also be aligned with the elementary school driveway, to ensure better traffic flow.

The seniors oriented mobile home park would include a clubhouse and dog park for mobile home park residents. There would also be RV parking under the power lines.

Population

Staff cannot speculate on population projections at rezoning stage. There are too many variables.

Firstly, there is no guarantee that all of the proposed 373 dwelling units will be constructed. The project would be built in phases, over many years, and could be impacted by many factors, including the economy, housing demand, and construction and servicing costs. As few as zero and as many as all of the proposed units could end up being built.

Secondly, there is no way to determine at rezoning stage how many people would live in each unit. There are industry approximations that could be applied, but such analysis amounts to a “best guess”. These calculations would be conducted much later in the development process, and would reflect the buildable area as a result of the archaeological site investigation, engineering studies, and developer’s marketing strategy, which has not yet been finalized. For example, if the townhomes are marketed to seniors, a figure of less than 2 persons per dwelling would be used for population calculations, whereas the number would be higher if the units are marketed to families.

Infrastructure and Servicing

At the Subdivision stage, the developer would be required to dedicate the extension of Hill Street. Space for a parking lot would also need to be dedicated, which would provide parking for residents visiting the community park. Furthermore, a statutory right of way or easement would need to be registered to provide pedestrian access to the park from the southern terminus of Hill Street to the park boundary.

While there is water and sanitary sewer service at Lindley Creek Road, the developer would have to extend services south along Hill Street to service the mobile home park and condominium buildings. The developer’s engineer would also need to determine if existing City services have sufficient capacity to service the proposed development.

The cost of constructing the road, with sidewalks, street trees, street lights, curb and gutter, and bike lanes, and extending services to the property, is one of the reasons the property owner is requesting the density that is being proposed. Constructing lower density housing would not provide the revenue required to cover the costs of infrastructure and servicing.

Park Dedication

The developer would also be required to dedicate a park space. As per the Local Government Act, the City is permitted to request a dedication up to 5% of the area of the property. However, the developer is proposing to dedicate a much larger park of 9.49 hectares (23.46 acres), which is 45% of the subject property area.

The area that would be dedicated as park is identified in the OCP as Parks, Schools and Open Space. The vision for the park is to keep it natural, but improve access, so that residents can continue to use the trail network in the Windy Canyon area.

During the Subdivision stage, staff would request that the developer install garbage and recycling receptacles, and a dog waste bag station, at the parking lot.

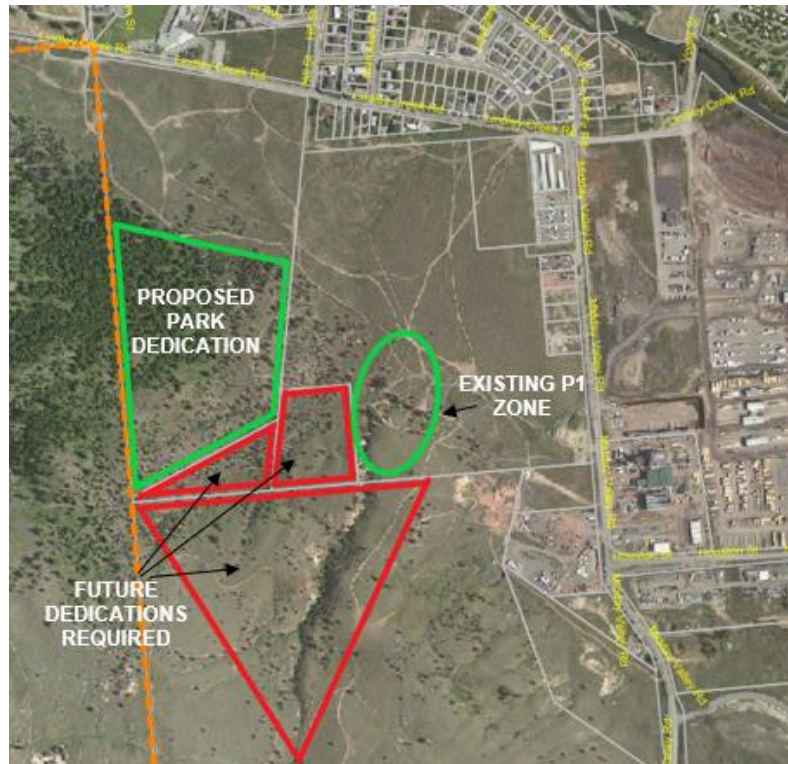


Figure 4: Future Windy Canyon Park (boundaries estimated and undetermined)

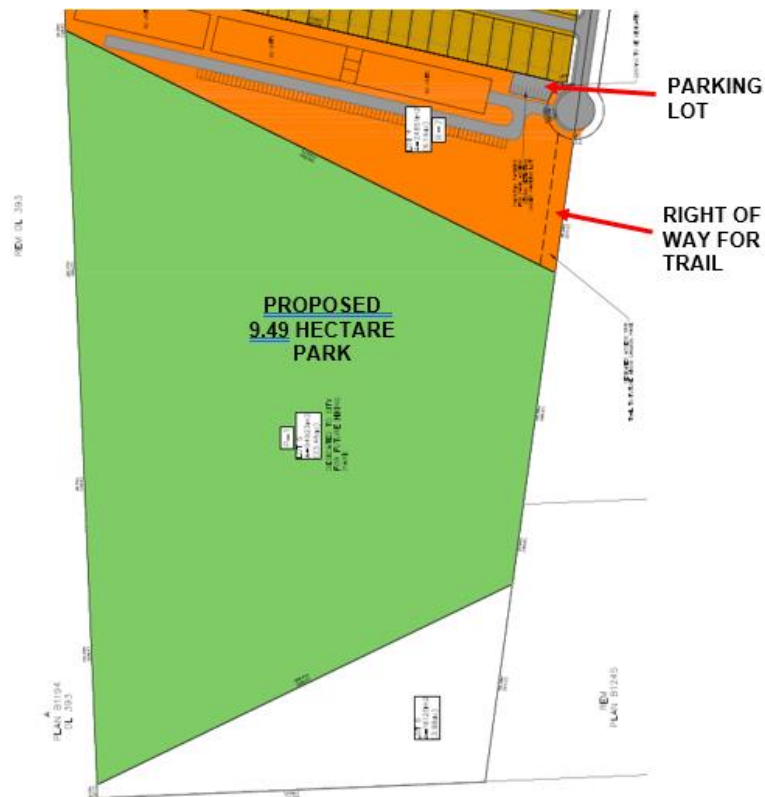


Figure 5: Proposed Park Dedication

Archaeological Considerations

The subject property has been identified as an area of high archaeological interest by local First Nations. Council have directed staff to prepare and register a covenant on title, which would require an archaeological site investigation prior to Building Permit issuance. The site investigation would be one of the conditions of Subdivision approval.

Due to the historical and cultural significance of the area, it may be appropriate to have an informational display at the entrance to the park. Staff will continue to communicate with local First Nations to determine an appropriate course of action.

Geotechnical Considerations

The current OCP would require a geotechnical report for the southern portion of the subject property. However, that area would be dedicated as park, with no planned construction of any buildings. The current OCP does not require a geotechnical report for the northern portion of the property, where development is planned. Therefore, no geotechnical analysis is required.

At Subdivision stage, staff will recommend that the developer do geotechnical analysis, but there is no mechanism to require it. If the soil conditions warrant it, geotechnical analysis could be requested at Building Permit stage, as well.

Traffic Impact Analysis

As the property is further than 800 metres from a controlled access highway, the Ministry of Transportation and Infrastructure cannot require a traffic study. However, staff intend to include a traffic impact study as one of the conditions of Subdivision approval.

The School District has indicated that improvements to Lindley Creek Road are important for safety of children walking and biking to Collettsville Elementary School. This development would increase traffic on Lindley Creek Road, further necessitating improvements to that street, in particular.

Public Notice

Notice of this Public Hearing was given in accordance with the *Local Government Act* and City of Merritt bylaws.

Rezoning signage was posted on the subject property on November 27, 2020. Once a Public Hearing was scheduled, the date of the hearing was added to the sign.

Notices were hand delivered on January 8, 2021 to properties within 30 metres of the subject property. Notices were also mailed to property owners.

Newspaper advertisements were posted in the January 14, 2021 and January 21, 2021 editions of the Merritt Herald.

The notice was also posted on the City of Merritt website.

As in-person submissions are not possible due to COVID-19, the submission of audio and video submissions were allowed, in addition to the regular written submission format.

The submission deadline was extended to the day before the hearing, rather than the regular deadline of the Friday prior to a hearing, to enable as much time as possible for residents to provide input.

Options / discussion

1. THAT Council receive this report as information.

Financial / Risk Implications:

N/A

Others Consulted:

The following departments and agencies were provided a referral for comment:

Internal

CAO

Corporate Services

Building Inspector

Finance Department

Fire Department

Public Works

Economic Development

External

Urban Systems

Local First Nations

Ministry of Transportation and Infrastructure

Interior Health

BC Assessment

School District No. 58 Nicola – Similkameen

Nicola Valley Transit

BC Hydro

Canada Post

Fortis Gas

Attachments:

Attachment A: Official Community Plan Amendment Bylaw No. 2295, 2020

Attachment B: Existing OCP Land Use Designation Maps

Attachment C: Zoning Amendment Bylaw No. 2296, 2020

Attachment D: Existing Zoning Map

Attachment E: Conceptual Site Plan

Respectfully submitted,

Don McArthur

Planning and Development Services Manager