
CITY OF KELOWNA

MEMORANDUM

Date: June 27, 2001
File No.: File No. Z92-1016
(3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To request Council review the Toovey Road upgrading requirements in the existing Voluntary Cost Contribution Agreement for the original Lone Pine Estates Rezoning Application No. Z92-1016

Owner: Colin Day
Applicant/Contact Person: Earth Tech Canada Inc (formerly Reid Crowther & Partners Ltd.)

At: Toovey Road

Existing Zone: RU1 – Large Lot Housing

Report Prepared by: Shelley Gambacort

1.0 RECOMMENDATION

THAT Municipal Council consider the request by Earth Tech Canada Inc. (Colin Day – Z92-1016) to amend the Voluntary Cost Contribution Agreement dated May 6, 1994 by deleting Item D.(i)(b).2 and deferring it to the future, and incorporating this road construction requirement into Area Structure Plan 11 for the subject property and surrounding lands.

2.0 SUMMARY

The applicant has requested that Council review the Toovey Road upgrading requirements, as previously agreed to through the Voluntary Cost Contribution Agreement associated with rezoning application No. Z92-1016 (Lone Pine Estates). The 1994 Voluntary Cost Contribution Agreement (VCCA) required the rough grading of Toovey Road through Lot B, Plan 26330, based on plans approved by the City and with the necessary retaining structures, following the subdivision creating the 45th lot from the subject property.

The applicant is now proposing an application for Subdivision Approval, which will create the 45th lot, thus triggering the upgrading requirements as specified in the VGA. There are currently 33 existing lots and the proposed subdivision is for an additional 24 lots, for a total of 57 lots.

3.0 BACKGROUND

In 1992 an application was submitted to rezone the area at the north end of Toovey Road, now know as the Lone Pine Estates subdivision, to facilitate the development of approximately 90 lots. One of the key issues regarding the development of this property concerned improved road access to Highway 33 along Toovey Road to the subject property, (refer to the attached Reid Crowther letter dated December 9, 1993, circulated to the City Manager and City Council prior to the December 21, 1999 Public Hearing that was held on this rezoning application).

At the time of rezoning the applicant agreed to upgrade the existing Toovey Road at an estimated cost of \$70,000.00. The actual total cost of this work, in accordance with the attached Consulting Engineer's letter dated April 19, 1999 was \$180,000 including construction, engineering and geotechnical services.

As a result of the various neighbourhood meetings held between the applicant, City staff and the Toovey neighbourhood residents, the developer at the Public Hearing for this rezoning application committed to do the following with respect to the new Toovey collector road:

- i Entering into a Road Reservation Agreement with the City of Kelowna over Lot B, Plan 26330, Sec. 24, Twp. 26, ODYD, to secure the necessary right-of-way for this collector road at no cost to the City, following the subdivision creating the 30th lot from the Lands; and
- ii Rough grading this collector road through Lot B, Plan 26330, based on plans approved by the City and with the necessary retaining structures, following the subdivision creating the 45th lot from the lands.
- iii Construct the road at the 61st lot.

With regards to Item i, the developer acquired and dedicated this land outright at a cost of \$275,000 prior to the creation of the 30th lot..

It should be noted that the Item ii requirement was not as a result of the Traffic Impact Studies, but rather the commitment made by the Developer at the Public Hearing. The initial August 1992 and January 1993 traffic impact study's and the more recent traffic impact study, completed in December 2000, concluded that with up to an additional 120 lots over the existing 150 Toovey neighbourhood lots, the existing intersections function efficiently. The safety issue identified in the January 1993 traffic impact study, was rectified by the improvements made by the Developer to the existing Toovey Road.

Road work that has been completed to date by the developer in association with the Lone Pine Estates subdivision as per the attached April 19, 1999 letter from Reid Crowther & Partners Ltd., is as follows:

- ♦ Highway 33 to Bentien was widened to a minimum of 9.5 m over a length of approximately 230 m;
- ♦ Bentien Road to Lone Pine Drive was widened to a minimum of 8.5 m for 300 m and to 8.0 m for 100 m;

- ♦ 135 m² of retaining wall;
- ♦ 400 m of concrete barrier curb;
- ♦ four catch basins connected to the storm drainage system;
- ♦ extending existing culvert and ditching improvements.

4.0 PLANNING & DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The issue for Council's consideration is the requirement to rough grade the Toovey collector road at the 45th lot. The costs for this work, in the year 2001, are estimated at \$830,000 and all of the technical traffic information verifies that this is not needed at this time.

From a technical perspective, the Transportation Division of our Works and Utilities Department, concurs with the conclusions outlined in the three traffic impact studies.

The Works and Utilities Department does not see the need for a "rough-graded roadway" sitting idle for the foreseeable future as this DCC collector road is not scheduled for construction until the year 2013.

Staff would recommend deleting item D(l)(b).2 of the Voluntary Cost Contribution Agreement and deferring this requirement to the future and incorporate this roadway construction requirement into the Area Structure Plan (ASP) for the remainder of the subject property and surrounding lands. The ASP would determine the trigger point for its future construction past the potential 90 lots that could be approved within the existing RU1 zoning boundaries.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/hb

Attachments

(Not attached to the electronic copy of the report)

Location Map