
CITY OF KELOWNA

MEMORANDUM

Date: March 20, 2002

File No.: File No. Z01-1069 (3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To rezone parts of the subject properties to facilitate a 13 lot single family residential subdivision

Owner: John & Sarina Weisbeck; and
John, Patricia, Walter & Henk Verwoerd

Applicant/Contact Person: John & Sarina Weisbeck

At: 1494 Highway 33 & 1177 Oswell Drive

Existing Zone: A1 – Agriculture 1 &
RR3 – Rural Residential 3

Proposed Zone: RU1 – Large Lot Housing

Report Prepared by: Shelley Gambacort

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 and part of Lot 1, Sec. 13, Twp. 26, ODYD, Plan 30654, as shown on Map "A" attached to the report of the Planning & Development Services Department, dated March 14, 2002, located on Highway 33 and Oswell Drive, Kelowna, BC, from the A1 – Agriculture 1 zone and the RR3 – Rural Residential 3 zone to the RU1 – Large Lot Housing zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

The applicant is proposing to rezone the northern portion of the subject property in order to subdivide that portion into 13 single family residential lots. The subdivision will also incorporate a lot line adjustment with the property to the north (Lot 1, Plan 30654) in order to facilitate the proposed subdivision lot configuration (see attached Map "B").

3.0 BACKGROUND

The subject properties form part of the Highway 33 Area Structure Plan, which designates the area for Single Family Residential development. The area under development to the east of the subject properties represents the first two stages in the residential development of the Highway 33 Area Structure Plan and a total of 64 lots have been created to date with the potential for an additional 21 lots through the extension of Longley Crescent.

3.1 The Proposal

The area under application is located off the west end of Loseth Drive, which will be extended to facilitate the proposed 13 lot single family residential subdivision. The balance of the subject properties will remain undeveloped at this time since further development is primarily dependent on the development of adjacent lands to the west and east.

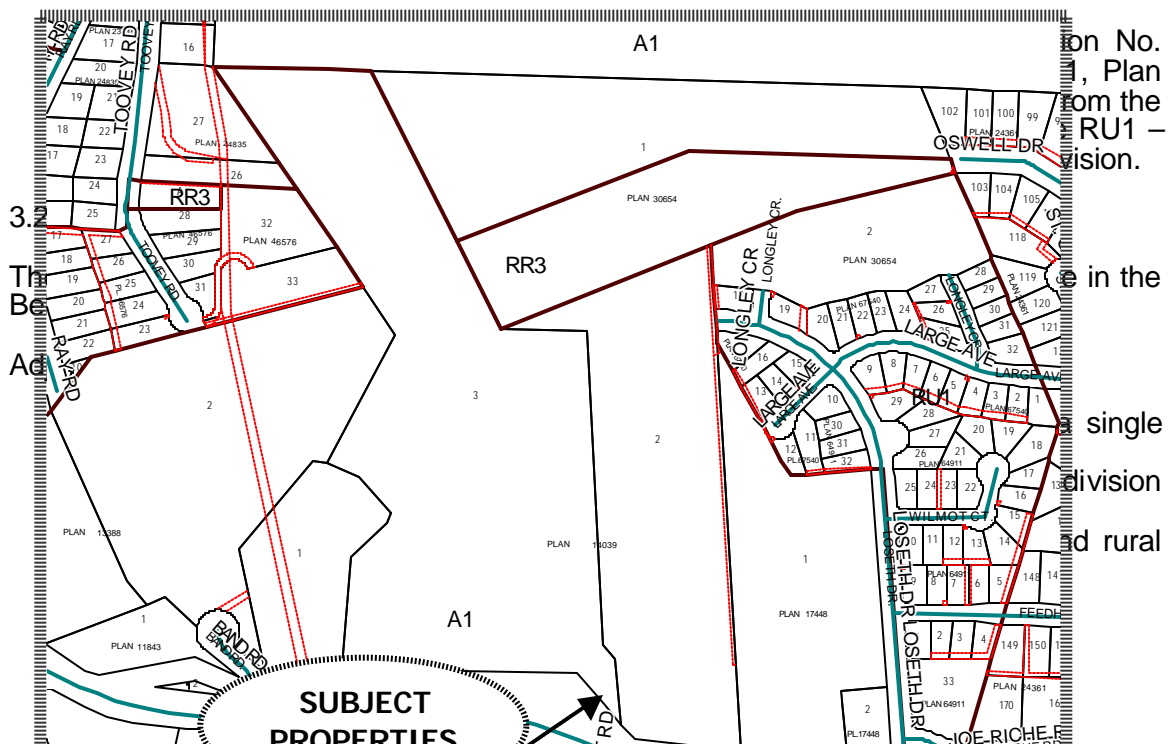
All lots will be fully serviced with water, sanitary and storm sewer services. The drainage from this proposed development will be accommodated by the existing storm water detention facility, which is located at the intersection of Loseth Drive and Old Joe Riche Road (Lot 33, Plan 64911).

There is a subdivision application being processed concurrently with this rezoning application, which will address all the servicing issues and any preplanning requirements that may be necessary to ensure that the future development of the remaining lands in the Highway 33 Area Structure Plan is not compromised in any way by this application.

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	587 (min.)	550
Site Width (m)	16.5 (min.)	16.5 (17 corner lots)
Site Depth (m)	33.84 (min.)	30

3.1 Advisory Planning Commission

The Advisory Planning Commission reviewed this application at their meeting of February 26, 2002 and the following recommendation was passed:



3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (1992)

The proposed development is in keeping with the goals and objectives of the Strategic Plan which are to encourage infill development, encourage higher densities than in existing areas and to require a full level of urban services at the time as development occurs.

3.3.2 Kelowna Official Community Plan (1994-2013)

The OCP Future Land Use designation of the subject property is Single/Two Family residential.

3.3.3 Highway 33 East Area Structure Plan

The Area Structure Plan (ASP) designates the subject property as single family residential.

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1 are as follows:

.1 Subdivision

- a) Adjust the lot line between the subject properties as proposed on submitted sketch
- b) Some road dedication might be required by the Ministry of Transportation along the frontage of Hwy 33 for the ultimate carriageway. The comments from the MOT have not been received to date.
- c) Provide easements as may be required.

.2 Geotechnical Study

- a) Overall site suitability for development.
- b) Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- c) Presence of ground water and/or springs.
- d) Presence of fill areas.
- e) Presence of swelling clays.
- f) Presence of sulfates.
- g) Potential site erosion.
- h) Provide specific requirements for footings and foundation construction.
- i) Provide specific construction design sections for roads and utilities over and above the City's current construction standards

.3 Domestic water and fire protection

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

.4 Sanitary Sewer

- a) The subject property must be serviced by the municipal sanitary sewer prior to final subdivision approval.
- b) An application for inclusion in the Specified Area service boundary must be made and an administration levy of \$250.00 is required to incorporate this development into the existing Sewer Service Area.

.5 Drainage

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage area upstream of the subject property and its potential effect on the proposed development must be addressed.

- b) A storm detention facility designed and built to accommodate this project is located at the intersection of Loseth Drive and Old Joe Riche Road. The detention facility was constructed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$6,129.49, plus any interest accrued until payment is made in full, must be paid prior to subdivision approval.

.6 Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

.7 Road improvements

Hwy 33 – The Intersection of Loseth Drive and Hwy 33 has been substantially upgraded to accommodate the traffic generated from the new and potential development along Loseth Drive. The upgrading was performed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$12,416.12, plus any interest accrued until payment is made in full, must be paid prior to subdivision approval.

.8 Street lights

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan.

.9 Engineering

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city Engineer.

.10 Bonding and Levies Summary

a)	Performance Bonding	None Required
b)	Levies -	
	Latecomer – Drainage detention pond	\$ 6,129.49 + int.
	Latecomer – Highway 33 intersection	\$12,416.12 + int.

4.2 Inspections Department

No concerns with zoning. Provide a geotechnical report indicating that the property is safe for the intended use.

4.3 Fire Department

Fire Department access and hydrants as per the BC Building Code and City Kelowna Subdivision, Development and Servicing Bylaw.

4.4 BC Gas

Gas is available to this development. Main extension from Loseth Drive required.

4.5 Shaw Cable

Owner/contractor to supply and install conduit system as per Shaw Cable drawings and specifications.

4.6 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.7 Utilicorp Network Canada

All electrical equipment will be underground.

4.9 SD #23

No response to date.

4.10 RCMP

No comment.

4.11 Parks Division

All entry feature signs for the proposed development to be located on private property and not on the City boulevard. This includes any landscape treatment.

.1 For the information of the developer/owner the following standards apply for all landscape improvements in the right-of-way boulevards:

- a) All plant material (trees, shrubs, ground covers, seed/sod etc.) that may be proposed for the boulevard shall be reviewed by the City of Kelowna Parks Division. All materials specified shall meet City standard for size and method of installation.
- b) The use of rock for mulch will not be accepted.
- c) Plant material specifications are as follows for:
 - i) Deciduous Tree by calliper @ 300 mm measured 60 mm above the root ball.
 - ii) Deciduous shrub by spread @ 450 mm min.
 - iii) Coniferous tree by height @ 2.5 min.
 - iv) Coniferous shrub by spread @ 450 mm min.
 - v) Seed/sod mix according to proposed activity use and location.
- d) Boulevard maintenance (irrigation, shrubs, ground cover, and sod) is the responsibility of the owner/occupant except for the boulevard tree maintenance, which is the responsibility of the Parks Division.

The boulevard landscape and irrigation plan is to be approved by Parks Division. Xeriscape plant material appropriate to the site conditions is recommended.

4.12 Black Mountain Irrigation District

We have no objections to the rezoning for the proposed subdivision, subject to:

- .1 A capital cost charge of \$3,250.00 for seven lots currently in 'D' grade status and \$1,200 for the remaining six lots = \$29,950.00.
- .2 A fee of \$300.00 per lot is assessed to new subdivision in this area. This is a cost share of the upgrading of our #1 Booster Station (13 lots = \$3,900.00).
- .3 A connection fee of \$300.00 per lot payable at time of building.
- .4 All watermain installation with services and hydrants at owners cost.

4.13 Ministry of Transportation

This Ministry has no objection in principal based on the rezoning of only that part being subdivided.

Ministry has some concern with creating a lot remainder for Lot 2, which does not comply with BC Reg. 8/89 and offer some form of alternate access to the existing Highway 33 access. It has been our understanding that these lands, once developed, will eventually be accessed via the Loseth Road and Highway 33 intersection. We would like to bring to your attention the fact that the parcel lying to the east, Lot 1, Plan 17448, must develop and provide the necessary road connections for the proposed remainder of Lot 2, Plan 14039 to develop further. No additional road connections to Highway 33 will be considered.

As a condition of subdivision the Ministry will require a "no development" covenant be registered against the proposed remainder of Lot 2, Plan 14039 stating that no development will occur until such time as alternate access is available to these lands in a form acceptable to the Ministry of Transportation.

5.0 PLANNING COMMENTS

The Planning & Development Services Department has no objections to this rezoning application as the proposed RU1 – Large Lot Housing residential use is in keeping with the intent of the Strategic Plan and the Single/Two Family Future Land Use designation of both the Official Community Plan and the Highway 33 East Area Structure Plan.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/SG/sg

FACT SHEET

1. **APPLICATION NO.:** Z01-1069
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** John & Sarina Weisbeck
· **ADDRESS** 890 Wellington Court
· **CITY/ POSTAL CODE** Kelowna, BC V1Y 8J3

OWNER: John & Patricia Verwoerd
· **ADDRESS** 1177 Oswell Drive, RR5, S17, C7
· **CITY/ POSTAL CODE** Kelowna, BC V1X 4K4

OWNER: Walter & Henk Verwoerd
· **ADDRESS** 6258 Brantford Avenue
· **CITY/ POSTAL CODE** Burnaby, BC V5E 2R7
4. **APPLICANT/CONTACT PERSON:** John & Sarina Weisbeck
· **ADDRESS** 890 Wellington Court
· **CITY/ POSTAL CODE:** Kelowna, BC V1Y 8J3
· **TELEPHONE/FAX NO.:** 765-8516/765-8516
5. **APPLICATION PROGRESS:**
 Date of Application: December 27, 2001
 Servicing Agreement Forwarded to Applicant:
 Servicing Agreement Concluded:
 Staff Report to Council: March 20, 2002
6. **LEGAL DESCRIPTION:** part of Lot 2, Plan 14039 (Weisbeck) and part of Lot 1, Plan 30654 (Verwoerd), Sec 13, Twp 26, ODYD
7. **SITE LOCATION:** North of Hwy 33 and west of Loseth Drive
8. **CIVIC ADDRESS:** 1494 Hwy 33 (Lot 2, Plan 14039)
1177 Oswell Drive (Lot 1, Plan 30654)
9. **AREA OF SUBJECT PROPERTY:** Lot 2, Plan 14039 = 4.83 ha
Lot 1, Plan 30654 = 6.95 ha
10. **AREA OF PROPOSED REZONING:** Lot 2, Plan 14039 = ~1.2 ha
Lot 1, Plan 30654 = ~ 644 m²
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1 (Lot 2, Plan 14039)
RR3 – Rural Residential 3 (Lot 1, Plan 30654)
12. **PROPOSED ZONE:** RU1 – Large Lot Housing
13. **PURPOSE OF THE APPLICATION:** To rezone the subject properties to facilitate a 13 lot single family residential subdivision

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| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 02-081-19638/19638 |
| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

(Not attached to the electronic copy of the report)

Location Map
Plan of proposed subdivision