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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** March 27, 2002  
**File No.:** Z01-1051

**To:** City Manager

**From:** Planning & Development Services Department

APPLICATION NO. Z01-1051      OWNER: 434003 BC Ltd./Singla Bros.  
Holdings Ltd./South Okanagan  
Construction Ltd.  
AT: 4639 Lakeshore Road      APPLICANT: Planning Solutions Consulting Inc.

PURPOSE: To rezone the subject property from A1 – Agriculture 1 zone to RU1 – Large Lot Housing zone and P3 – Parks and Open Space zone to accommodate the creation of a nine lot single unit residential subdivision and a park

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONES: RU1 – Large Lot Housing and P3 – Parks and Open Space

REPORT PREPARED BY: Josephine Duquette

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Rezoning Application No. Z01-1051 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Section 25, Township 28, SDYD and of DL 167, ODYD, Plan 6731 except Plans 34961, 37256 and H13734, located on Lakeshore Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Development Services Department, dated March 27, 2002 be considered by Council;

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

### 2.0 SUMMARY

The application is to rezone the subject property from A1 – Agriculture 1 zone to RU1 – Large Lot Housing zone and P3 – Parks and Opens Space zone to accommodate the creation of a nine lot single unit residential subdivision and a park. The residential lots will front onto Vintage Terrace Road and the park lot will front onto Lakeshore Road and continue easterly along Bellevue Creek.

This application was reviewed by the Advisory Planning Commission on October 23, 2001 and the following recommendation was passed:

That the Advisory Planning Commission defers consideration of Rezoning Application No. Z01-1051 by Planning Solutions Consulting Inc. (Tony Markoff), Lot 3, Plan 6731, Sec. 25, Twp. 28, ODYD, 4639 Lakeshore Road to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone and the P2-Education and Minor Institutional zone, until further consultation has occurred between the applicant, Westbank First Nations, the Archaeological Branch and the City with regards to the archaeological significance of the subject property.

Note: The proposed P2 - Education and Minor Institutional zone has since been revised to the P3 – Parks and Opens Space zone. A fire hall was originally planned to be the principal use on proposed Lot A of the attached subdivision plan with the park being the secondary use. The fire hall is no longer planned to be located on proposed Lot A in the foreseeable future.

The applicant has submitted an Archaeological Impact Assessment report to the Ministry of Sustainable Resource Management for review. Also, City staff co-ordinated a meeting in November 2001 between the Westbank First Nations, the applicant, and the Archeology and Forest Branch of the Ministry of Sustainable Resource Management. The Archeology Branch has issued a letter on March 6, 2002 stating that “all constituents of the site are protected and further permit(s) will be required to disturb the ground in the site boundaries.” The letter continues to identify various types of impact management plans to mitigate the development impact on these features. The applicant is required to contact the Archeology Branch indicating the impact management plan that they prefer and to apply for an alteration permit. The City of Kelowna will require the requirements of the Heritage Conservation Act be complied to prior to subdivision approval. This may include the registration of a restrictive covenant on the subject property for the areas to be protected as identified by the Archeology Branch through the alteration permit.

### 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of March 26, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z01-1051 by Planning Solutions Consulting Inc. (Tony Markoff), Lot 3, Section 25, Township 28, SDYD and of DL 167, ODYD, Plan 6731 except Plans 34961, 37256 and H13734, 4639 Lakeshore Road to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone and the P3-Parks and Open Space zone.

### 4.0 BACKGROUND

#### 4.1 The Proposal

The proposed nine residential lots range in size and dimension but in all cases will meet or exceed the minimum subdivision requirements for the RU1 – Large Lot Housing zone. The table below indicates the approximate range for each of the subdivision requirements.

| CRITERIA                    | PROPOSAL                                  | RU1 ZONE REQUIREMENTS              |
|-----------------------------|-------------------------------------------|------------------------------------|
| Site Area (m <sup>2</sup> ) | 699 m <sup>2</sup> to 1056 m <sup>2</sup> | 550 m <sup>2</sup>                 |
| Site Width (m)              | 16.5 m to 22.5 m                          | 16.5 m and 17.0 m for a corner lot |
| Site depth                  | 31.2 m to 55.0 m                          | 30.0 m                             |

The proposed park lot exceeds the subdivision requirements for the zone. Also, the barn which is located approximately 1.75 m from the north property line will be allowed to remain in a legal non-conforming side yard building setback (a 3.0 m or 4.5 m side yard would be required for any new buildings). The barn is significant because it was the first to have electricity in the area and was used for dances by the Riding Club. The house on the property is identified as a heritage building on the City of Kelowna Heritage Register. The house is known within the community as the Ritz Cafe and the Riding Club. The house is considered historically significant due to the architecture, the past uses, recognition within the community and the unchanged nature of the structure.

The following table indicates the approximate minimum dimension for the buildings on the property.

| CRITERIA                           | PROPOSAL                        | P3 ZONE REQUIREMENTS                          |
|------------------------------------|---------------------------------|-----------------------------------------------|
| Site Area (m <sup>2</sup> )        | 17 800 m <sup>2</sup> (1.78 ha) | NA                                            |
| Site Width (m)                     | 54.59 m                         | NA                                            |
| Site depth                         | 320 m                           | NA                                            |
| Total Floor Area (m <sup>2</sup> ) | 522 m <sup>2</sup>              | 1780 m <sup>2</sup>                           |
| F.A.R.                             | 0.03                            | 0.1                                           |
| Site Coverage (%)                  | 2.2 % for buildings             | NA                                            |
| Storeys (#)                        | 1.5 Storeys                     | 10 m                                          |
| Setbacks (m)                       |                                 |                                               |
| - Front                            | 10.0 m                          | 6.0 m                                         |
| - Rear                             | 230 m                           | 3.0 m or 4.5 m adjacent to a residential zone |
| - North Side                       | 1.75 m *                        | 3.0 m or 4.5 m adjacent to a residential zone |
| - South Side                       | 5.0 m                           | 3.0 m or 4.5 m adjacent to a residential zone |
| Parking Stalls (#)                 | 6 Stalls **                     | 6 Parking Stalls                              |
| Loading Stalls (#)                 | 1 loading stall**               | 1 per 2800 m <sup>2</sup> GFA                 |

Note: \* The barn will be allowed to remain in a legal non-conforming side yard building setback.

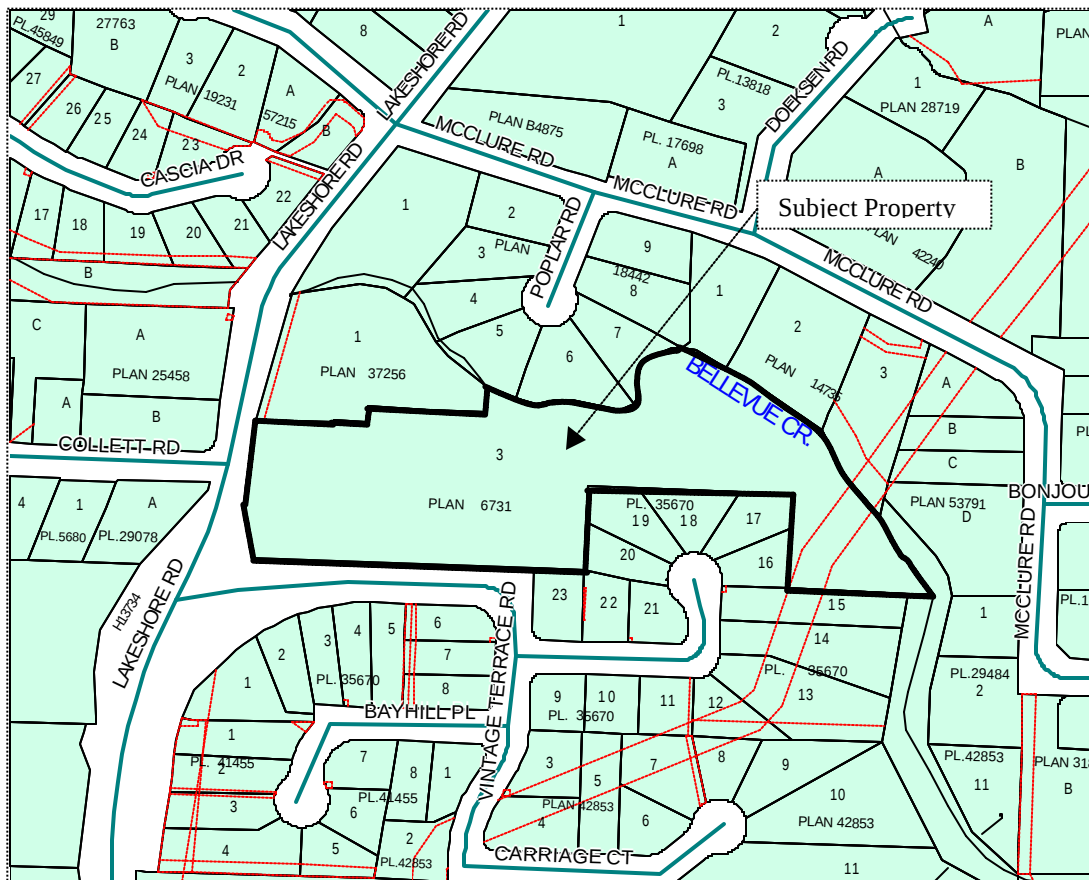
\*\* Although the site plan does not indicate the location of the parking stalls and a loading stall the site is large enough to accommodate these requirements.

#### 4.2 Site Context

The site is located in the Southwest Mission Sector area of the city. The property is located south of Bellevue creek and east of Lakeshore Road. Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing and P2 – Education and Minor Institutional; Residential and St. Andrew's Anglican Church
- East - RU1 – Large Lot Housing zone; Residential
- South - RU1 – Large Lot Housing zone; Residential
- West - C2 – Neighbourhood Commercial; Strip mall and grocery store

The property is located on the map below.



#### 4.3 Existing Development Potential

The property is currently zoned A1 – Agriculture 1 and the development potential is limited to agricultural uses

#### 4.4 Current Development Policy

##### 4.4.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the preservation of heritage buildings, natural features and environmentally sensitive areas. The plan also supports a more compact urban form through infill development within existing urban areas.

##### 4.4.2 Kelowna Official Community Plan

The Official Community Plan identifies the future land use of the site as Single Two family and Major Park/open Space. The Plan identifies objectives to preserve stream corridors and to provide a public route of access (linear park) along Bellevue Creek.

##### 4.4.3 Southwest Mission Sector Plan

The Southwest Mission Sector Plan identifies two natural features on the property for preservation, Bellevue Creek and Indian Middens. The plan also identifies an objective to provide a linear park adjacent to Bellevue Creek.

5.0 TECHNICAL COMMENTS

5.1 Works & Utilities Department and relevant utility agencies

All Works & Utilities Department and relevant utility agencies requirements associated with this application are identified within the subdivision application (S01-073).

5.2 Planning & Development Services Department

The proposed rezoning is consistent with the policies and objectives of the relevant planning documents and will accommodate the preservation of the natural features and the heritage buildings. In addition the applicant has the conditional support of the Ministry of Sustainable Resources, Archeology and Forest Branch as stated in the letter dated March 6, 2002 (attached). The applicant is required to submit an application for an alteration permit prior to subdivision approval indicating the impact management plan for the archeological sites and to identify the areas to be protected by registration of a restrictive covenant.

R.G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/JD/jd  
Attachment

**FACT SHEET**

- |     |                                                 |                                                                                                                                                                                                              |
|-----|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | <b>APPLICATION NO.:</b>                         | Z01-1051                                                                                                                                                                                                     |
| 2.  | <b>APPLICATION TYPE:</b>                        | Rezoning                                                                                                                                                                                                     |
| 3.  | <b>OWNER:</b>                                   | 434003 BC Ltd/Singla Bros. Holdings                                                                                                                                                                          |
|     | · <b>ADDRESS</b>                                | 3832 Capozzi Road                                                                                                                                                                                            |
|     | · <b>CITY/POSTAL CODE</b>                       | Kelowna, BC V1W 3L2                                                                                                                                                                                          |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>                | Planning Solutions Consulting Inc. / Tony Markoff                                                                                                                                                            |
|     | · <b>ADDRESS</b>                                | 744 Barnaby Road                                                                                                                                                                                             |
|     | · <b>CITY/POSTAL CODE</b>                       | Kelowna, BC V1W 4N9                                                                                                                                                                                          |
|     | · <b>TELEPHONE/FAX NO.:</b>                     | 763 – 7377 / 764 - 7822                                                                                                                                                                                      |
| 5.  | <b>APPLICATION PROGRESS:</b>                    |                                                                                                                                                                                                              |
|     | Date of Application:                            | September 28, 2001                                                                                                                                                                                           |
|     | Date Application Complete:                      | October 5, 2001                                                                                                                                                                                              |
|     | Staff report to APC:                            | October 15, 2001                                                                                                                                                                                             |
|     | Staff report to APC:                            | February 28, 2002                                                                                                                                                                                            |
|     | Staff Report to Council:                        |                                                                                                                                                                                                              |
| 6.  | <b>LEGAL DESCRIPTION:</b>                       | Lot 3, Section 25, Township 28, SDYD and of DL 167, ODYD, Plan 6731 except Plans 34961, 37256 and H13734                                                                                                     |
| 7.  | <b>SITE LOCATION:</b>                           | East of Lakeshore Road and north of Vintage Terrace                                                                                                                                                          |
| 8.  | <b>CIVIC ADDRESS:</b>                           | 4639 Lakeshore Road                                                                                                                                                                                          |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>                | 2.62 ha (26 200 m <sup>2</sup> )                                                                                                                                                                             |
| 10. | <b>AREA OF PROPOSED REZONING:</b>               | 2.62 ha (26 200 m <sup>2</sup> )                                                                                                                                                                             |
| 11. | <b>EXISTING ZONE CATEGORY:</b>                  | A1 – Agriculture 1                                                                                                                                                                                           |
| 12. | <b>PROPOSED ZONE:</b>                           | RU1 – Large Lot Housing and P3 – Parks and Open Space                                                                                                                                                        |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>              | To rezone the subject property from A1 – Agriculture 1 zone to RU1 – Large Lot Housing zone and P3 – Parks and Open Space zone to accommodate the creation of a nine lot residential subdivision and a park. |
| 14. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | Not Applicable                                                                                                                                                                                               |

**Attachments that are missing from the Electronic Version**

Subject Property Map  
Proposed Subdivision Layout and proposed Zoning (Map "A")