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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 1, 2002  
**File No.:** (3360-20) **Z02-1009**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z02-1009

OWNER: ABERDEEN HOLDINGS  
LTD

AT: 2350 BURTCH ROAD

APPLICANT: PROTECH CONSULTANTS  
(1989) LTD.

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO THE RU5 –  
BARELAND STRATA HOUSING ZONE TO PERMIT A  
BARELAND STRATA SUBDIVISION IN A MODULAR HOUSING  
FORM

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RU5 – BARELAND STRATA HOUSING

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Rezoning Authorizing Bylaw No. 8467 (Z99-1007) be advanced for adoption consideration and be DEFEATED by Council;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, DL 136, O.D.Y.D., Plan 1562 Exc. Plans 41601 and KAP46155, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated May 1, 2002, located on Burtch Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RU5 – Bareland Strata Housing zone;

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

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicant proposes to rezone the subject property from the existing A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone in order to permit the development of a 251 lot bareland strata subdivision in a modular housing form.

The applicant had originally made application in February 1999 (Z99-1007) to rezone the subject property from the existing A1 – Agriculture 1 zone to the RM7 – Mobile Home Park zone in order to permit the development of a 254 unit mobile home park in a modular housing form. Since that time, the development proposal has been revised to a 251 lot Bareland Strata form of subdivision in a modular housing form (refer to applicant's attached letter of intent).

The basic difference in land tenure is the RM7 mobile home park would be on a modular home pad rental basis, whereas the RU5 bareland strata subdivision will offer fee simple lots purchased on a long term leasehold agreement basis (i.e. 99 year lease), also in a modular housing form. The applicant, as with the proposed 254 unit mobile home park development proposal, is also requesting a side yard building setback variance from the required 1.5 m setback to the 1.2 m proposed and to reduce the sum of the 2 side yard building setbacks from the required 3.0 m to 2.4 m proposed.

### 2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of March 26, 2002 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z02-1009, 2350 Burtch Road, Lot 4, Plan 1562, Sec. 18, Twp. 26, O.D.Y.D., by Protech Consultants Ltd. (Grant Maddock), to rezone from the A1 – Agricultural 1 zone to the RU5 – Bareland Strata Housing zone in order to allow for a 245 unit bareland strata development;

AND THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP01-10,087, Lot 4, Plan 1562, Sec. 18, Twp. 26, O.D.Y.D., by Protech Consultants Ltd. (Grant Maddock), to vary the minimum requirements for both side yards from 3.0 m to 2.4 m.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant had made application to rezone the subject property from the existing A1 – Agriculture 1 zone to the RM7 – Mobile Home Park zone in 1999 (Z99-1007). The proposed development had been designed to create 254 mobile home sites in 5 stages for single storey modular homes constructed on site, similar to the existing and adjacent Sunrise Village development. That zone amending bylaw is currently at 3<sup>rd</sup> reading after having a successful public hearing on October 5, 1999. There have been three 6 month extensions approved up to April 5, 2002.

The applicant has now made a new application to rezone the subject property to the RU5 – Bareland Housing zone. The layout of the proposed 251 lot bareland strata subdivision will take the form of the previous application for the Mobile Park zone application. It is anticipated that the development will occur in 11 phases, and in particular, also in a modular housing form. The basic difference in land tenure is the

RM7 mobile home park would be on a modular home pad rental basis, whereas the RU5 bareland strata subdivision will offer fee simple lots purchased on a long term leasehold agreement basis (i.e. 99 year lease), also in a modular housing form.

As part of the proposed modular housing bareland strata subdivision, the applicant has also submitted an application for a Development Variance Permit to reduce the required building side yard setback of the RU5 Bareland Strata zone from the minimum 1.5 m side yard setback required to the 1.2 m set back proposed. As well, this variance seeks to reduce the sum of the side yards on a bareland strata lot from 3.0 m required to 2.4 m proposed. This requested variance is similar to the variance sought by the reduction in the building side yard setback requested in the previous development proposal for the Mobile Home Park modular housing form.

The revised concept plan for the site development comprises perimeter fencing and landscaping, common facilities such as a clubhouse and open space similar to the Sunrise Village mobile home park development, as well as the development of a total of 251 ± bareland strata lots. A landscaped common area is also being proposed which forms an internal park-like amenity area located at the rear of the proposed lots in the centre of the proposed development.

The main entry to the proposed development is designed to be located across from the driveway access to Guisachan Village located across Stillingfleet Rd. from the subject property. The entry is designed with a substantial amount of landscaping, and a vehicle turn-around area. As well, there is also a landscaped island that separates the two traffic lanes as they enter and exit the proposed development. The interior of the development site is designed to have two main roads that run parallel to the site boundaries. There is a landscaped portion that separates the rear yards of the two banks of modular home bareland strata lots. There is also an emergency access from Burtch Road located at the south east end of the development site. The perimeter of the development site is designed to be fenced and landscaped. The proposed fence is designed to consist of a solid concrete block panels with a substantial quantity of landscaping along the road frontages. The solid concrete panel fence is also anticipated to function as a major sound attenuation device along the Guisachan Road and Burtch Road frontages. The fence along Stillingfleet Road is proposed to be constructed of wrought iron with brick pillars. It is anticipated that there will be a substantial amount of landscaping along the Stillingfleet Road frontage.

The proposal as compared to the RU5 zone requirements is as follows:

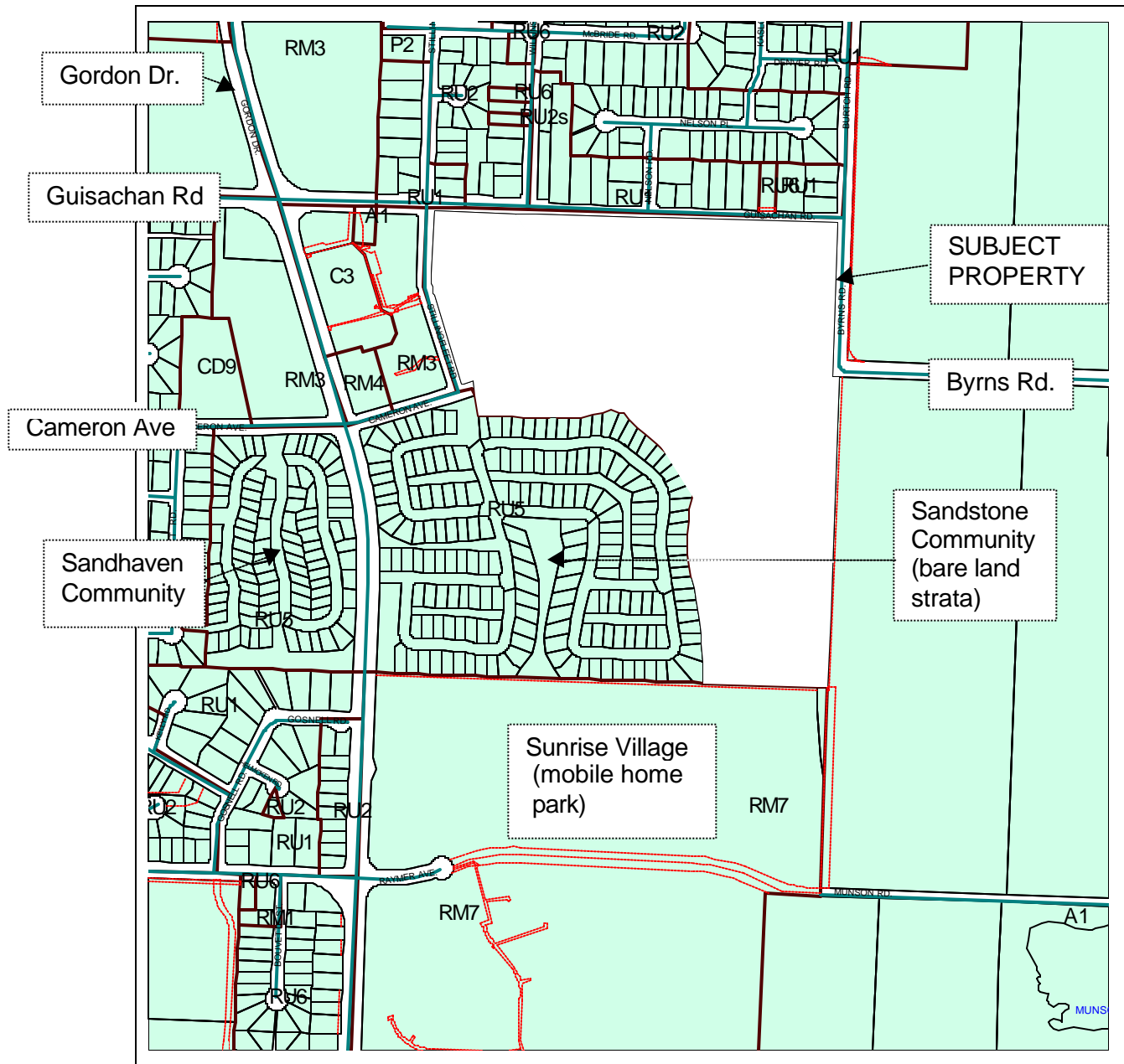
CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	15.62Ha.	1.0Ha (min.)
Site Width (m)	219m	40.0m (min.)
Bareland Lot Area (m <sup>2</sup> )	370 m <sup>2</sup> (min.)	325 m <sup>2</sup> (min.)
Bareland Lot Width (m)	12.0 m (min.)	12.0 m (min.)
Storeys (#)	1 storey	2 ½ storey (9.5m) max.
Setbacks (m)		
- Site Front (Stillingfleet Rd)	7.5m	4.5 m (min.)
- Site Rear (Burtch Rd)	7.5m	6.0m (min.)
- Site North Side (flanking)	7.5m	3.0m (min.)
- Site South Side	4.5m	4.5m (min.)
Setbacks (m) Strata Lot		
- Front	6.0 m to back of curb	4.5 m
- Rear	5.0 m	The minimum bareland strata rear yard for an internal lot is 4.5 m for a one storey building and 6.0 m for development above the first storey, but may be reduced to 3.0 m where the rear yard abuts common property used for recreational or open space purposes, or public open space.
- Side	1.2 m each side ❶	The sum of both side yards on a bareland strata lot shall be 3.0 m except where a bareland strata lot abuts an internal roadway, the setback shall be a minimum of 3.0 m from the flanking roadway and the sum of both side yards shall not be less than 4.5 m. A garage or carport shall be no less than 6.0 m from a curb or sidewalk.
Open Space		Minimum of 10% of the site shall be open space.
Parking Stalls (#)	Provided parking: 490 residential stalls 68 visitor & RV stalls	2 stalls per residential unit visitor stalls @ 1 stall per 7 residential units

Notes: ❶ Variance required to reduce the minimum side yard setback on a bareland strata lot from 1.5 m required to 1.2 m proposed, and to reduce the sum of the side yards from 3.0 m required to 2.4 m proposed.

### 3.2 Site Context

The subject property is located at the corner of Guisachan Road, Stillingfleet Road, and Burtch Road in the KLO / South Pandosy Sector area of the City. There is a mix of single and two family residential uses to the north, agricultural uses to the east, existing walled communities of the “Sandstone” bareland strata development and “Sunrise Village” mobile home park development to the south, and the Guisachan Village mixed use commercial and multi-family residential development to the west.

## Subject Property Map



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing  
RU6 – Two Dwelling Housing / Guisachan Road
- East - A1 – Agricultural 1 / agricultural uses
- South - RU5 – Bareland Strata Housing (Sandstone)  
RM7 – Mobile Home Park (Sunrise Village)
- West - RM3 – Low Density Multiple Housing (Guisachan Village)  
RU5 – Bareland Strata Housing (Sandstone)

### 3.3 Existing Development Potential

The existing zone of A1 - Agricultural 1 allows for agriculture, animal clinics – major (in existence prior to July 1, 1998), aquaculture, greenhouses and plant nurseries, mobile homes, single detached housing, and utility services – minor impact as permitted principal uses. The zone also permits agricultural dwellings – additional, agri-tourism accommodation, animal clinics – major and minor, bed and breakfast homes, care centres major and minor, group homes- minor, home based businesses – minor, major, rural, kennels and stables, and wineries and cideries as permitted secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposal is consistent with the Single/Two Family Residential future land use designation of the Official Community Plan.

However, **Section 8.1 Housing Policies** of the Official Community Plan also includes the following policy statements;

**.33 Land Utilization within Single Detached Areas.** Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

**.38 Housing Variety.** Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices;

**.42 Integration.** Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

**.50 "Walled Communities".** Discourage the creation of developments enclosed on all sides with walls or other physical or visual barriers to access if such developments compromise the principles embedded in the "Crime Prevention Through Environmental Design" guidelines and hinder efforts to create more pedestrian, bicycle and transit-friendly communities or inhibit the efficient use of infrastructure;

**Section 11.1 Agricultural Policies** of the Official Community Plan includes the following policy statements;

**.19 Buffers.** Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas;

**.20 Buffering.** Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and Provincial Land Reserve Commission specifications for information on minimum landscape buffers);

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

The proposal is consistent with the intent of the Strategic Plan which states:

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

#### 3.4.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the Single/Two Family Residential land use designation of the South Pandosy/KLO Sector Plan. However, the Sector Plan also states that the "City of Kelowna's objectives are to... encourage a wide range of housing forms and tenures in the sector..."

### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

#### 4.1 Agricultural Advisory Commission (from Z99-1007)

THAT the Agricultural Advisory Committee does not oppose the Subdivision, Rezoning and O.C.P. Applications No. S99-011, Z99-1007 and OCP99-006, however the Agricultural Advisory Committee has concerns with regard to the impact the proposed road dedications may have on adjacent farm operations.

#### 4.2 B.C. Gas

BC Gas can service proposed development. Possible easements may be required.

#### 4.3 Environmental Coordinator (from Z99-1007)

- The area is not a wetland, however there remains some upland vegetation as well as some wetland associated scrub. The area at present is a drainage corridor for Benvoulin water and Ritchie Brook water.
- The site visit clarified the wetland issue however the water still flows and the issue of where it goes and what they intend to do is still open to discussion. Recollection of past events is that after it flooded overland for a few seasons there was an abundance of new scrub growth. The Nicolls then bermed the area preventing overland flow and confining the flow of water to the present ditched area.

#### 4.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

#### 4.5 Parks Manager

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

#### **Landscape Plan Requirements:**

2. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
  - A. Planting plan to include a plant materials list:

i) Latin name	iv) plant symbol key
ii) common name	v) indicate existing trees
iii) size at planting	vi) indicate existing trees to be removed
  - B. Minimum plant material specifications for blvds. as follows:
    - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
  - D. Scale of plan and north arrow clearly indicated on plan.
  - E. Planting plan to include all u/g utility locations in BLVD.
3. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
4. **BLVD maintenance** (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
5. **BLVD tree maintenance** is responsibility of Parks Division.
6. Planting plan to include all u/g utility locations in BLVD.



7. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.
8. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

Planting plan to include all u/g utility locations in BLVD.

#### 4.6 Shaw Cable

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

#### 4.7 Telus

A 4 m by 6 m easement is to be provided to Telus at no cost. The Developer will be responsible for placing a concrete walk-in-cabinet to house switching equipment to services this property and which could also serve surrounding properties

#### 4.8 Utilicorp Networks Canada

UNC will provide underground electrical service to development. Existing overhead line along east property line to remain as overhead.

#### 4.9 Works and Utilities Department

All Works & Utilities Department requirements associated with this application will be deferred to the subdivision application. See File S99-011

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

As part of the original rezoning application to develop the site as a Mobile Home Park, the applicant had worked with City of Kelowna Works and Utilities staff to resolve a number of issues that had been raised at the Advisory Planning Commission meeting, from both the Commission and the area residents. The issues were as follows;

1. The applicant being encouraged to realign the main access to the site by moving it northward on Stillingfleet Road;
2. The curvature of the Guisachan Road realignment being increased so as to minimize the impact of automobile lights on lot 3;
3. A traffic study being done to ensure traffic impacts on surrounding neighbourhood are addressed and minimized.

The Advisory Planning Commission, regardless of support for the rezoning, would not support the walled community as proposed at this time and encourages the development of subdivisions that are inviting to the neighbourhood.

The applicant has revisited the site layout and has relocated the entrance to the development to a location northward on Stillingfleet Road in order to reduce the potential for conflicts that may occur if the entrance to the subject property was to be located adjacent to the entrance of the neighbouring Sandstone bareland strata subdivision, as was originally proposed. The applicant has also been working with the Works and

Utilities Department to address concerns regarding the geometric design of the realignment of Guisachan Road, as well as ensuring traffic impacts of surrounding neighbourhoods are addressed.

This current application to rezone the subject property to the RU5 – Bareland Strata zone is the result of implied tax implications regarding the development of the site as a Mobile Home Park as compared to the Bareland Strata subdivision form currently proposed (refer to applicant's attached letter of intent). It is still the intent of the owner to maintain ownership of the development site, and to market the individual strata lots on a long-term lease to the occupants (99 years), with the option to purchase in the future if market conditions require. It is anticipated that this form of a modular home bareland strata subdivision will provide a more affordable form of housing to the marketplace than a conventional fee-simple bare land strata subdivision.

The proposed development incorporates a well developed entrance feature to identify the entry point to the proposed community. The wide expanse of landscaping provides a significant degree of visual interest. The use of a solid fence along Guisachan and Burtch Roads, while providing for sound attenuation for the residents of the subject property, does create a "walled community", which has the potential to become isolated from the surrounding community. However, the use of a open, wrought iron style of fence will assist in the creation of a visual connection of the new bareland subdivision with the established neighbourhood across Stillingfleet Road. (Refer to attached landscape plan)

The proposed development of the subject property will result in a form and character that will be similar to the neighbouring "Sandstone" bareland strata subdivision, located at the corner of Cameron and Stillingfleet Roads, and the "Sandhaven" bareland strata subdivision located at the south west corner of Cameron Avenue and Gordon Drive.

While Staff continue to have reservations regarding the cumulative effect of modular homes and homogeneous adult oriented housing within this sector of the City, the Planning and Development Services Department is forwarding this report to Council for consideration given that Council has supported this application when the development was in the form of a mobile home park.

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Bob Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

- |   |                                    |
|---|------------------------------------|
| <b>1. APPLICATION NO.:</b>                    | Z02-1009                           |
| <b>2. APPLICATION TYPE:</b>                   | Rezoning                           |
| <b>3. OWNER:</b>                              | Aberdeen Holdings Ltd.             |
| . ADDRESS                                     | 1264 Ellis St.                     |
| . CITY  | Kelowna, BC                        |
| . POSTAL CODE                                 | V1Y 1Z4                            |
| <b>4. APPLICANT/CONTACT PERSON:</b>           | Protech Consultants (1989) Ltd./   |
| . ADDRESS                                     | Grant Maddock                      |
| . CITY  | 200-1449 St. Paul Street           |
| . POSTAL CODE                                 | Kelowna, BC                        |
| . TELEPHONE/FAX NO.:                          | V1Y 2E4                            |
|   | 860-1771/860-1994                  |
| <b>5. APPLICATION PROGRESS:</b>               |                                    |
| Date of Application:                          | March 1, 2002                      |
| Date Application Complete:                    | March 3, 2002                      |
| Servicing Agreement Forwarded to Applicant:   | @                                  |
| Servicing Agreement Concluded:                | @                                  |
| Staff Report to Council:                      | May 1, 2002                        |
| <b>6. LEGAL DESCRIPTION:</b>                  | Lot 4, DL 136, O.D.Y.D., Plan 1562 |
| <b>7. SITE LOCATION:</b>                      | Exc. Plans 41601 and KAP46155      |
| <b>8. CIVIC ADDRESS:</b>                      | South-West corner of Burtch Road   |
|   | and Guisachan Road                 |
| <b>9. AREA OF SUBJECT PROPERTY:</b>           | 2350 Burtch Road                   |
|   | 19.64 Ha.                          |
| <b>10. AREA OF PROPOSED REZONING:</b>         | 15.62 Ha.                          |
| <b>11. EXISTING ZONE CATEGORY:</b>            | A1 – Agricultural 1                |
| <b>12. PROPOSED ZONE:</b>                     | RU5 – Bareland Strata Housing      |
| <b>13. PURPOSE OF THE APPLICATION:</b>        | To Rezone the Subject Property to  |
|   | the RU5 – Bareland Strata Housing  |
|   | Zone to Permit a Bareland Strata   |
|   | Housing Development                |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b> | N/A                                |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b>   |                                    |
| <b>CONTROLLED ACCESS HIGHWAY</b>              |                                    |
| <b>15. DEVELOPMENT PERMIT MAP 13.2</b>        | N/A                                |
| <b>IMPLICATIONS</b>                           |                                    |

Attachments

Subject Property Map

10 pages of;

- site plan
- phasing plan
- landscape drawings
- applicant's letter of intent (5 pgs)