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

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**Date:** June 19, 2002  
**File No.:** File No. Z02-1001  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To facilitate a 29 lot single family residential subdivision and a Park Lot

**Owner:** Ranjit Kaur Padda & Gurnam Singh Padda  
**Applicant/Contact Person:** Protech Consultants/Grant Maddock

**At:** 339 – 349 Fitzpatrick Road

**Existing Zone:** A1 – Agriculture 1  
**Proposed Zones:** RU1 – Large Lot Housing & RU2 – Medium Lot Housing

**Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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1.0 RECOMMENDATIONS

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of the west ½ of Block 17, Sec. 35, Twp. 26, ODYD, Plan 264, located on Fitzpatrick Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone, RU2 – Medium Lot Housing zone and the P3 – Parks & Open Space zones as shown on Map "A" attached to the report of the Planning & Development Services Department, dated June 19, 2002;

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

AND FURTHER THAT final adoption of the zone amending bylaw be withheld pending the execution, by the owner of the subject property, a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant is proposing to rezone the subject property in order to facilitate a 29 lot single family residential subdivision, with twelve RU1 lots and seventeen RU2 lots being proposed. The RU1 lots would have a minimum lot width of 16.76 m and a minimum lot area of 608 m<sup>2</sup>. The RU2 lots would have a minimum lot width of 15.24 m and a minimum lot area of 543 m<sup>2</sup>.

In addition, the remainder of the subject property, which is 1.5 ha in area and is located to the south of the proposed single family lots will be zoned as P3 – Parks & Open Space and will form part of the Chichester Park system.

2.1 Advisory Planning Commission

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

That the Advisory Planning Commission supports Rezoning Application No. Z02-1001, 339/349 Fitzpatrick Road, Lot 17, Plan 264, Twp. 26, Sec. 35, ODYD by Protech Consultants Ltd. (Grant Maddock) to rezone from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and the RU2 – Medium Lot Housing zone to facilitate a 29 lot single family residential subdivision.

3.0 BACKGROUND

3.1 The Proposal

The subject property is presently a vegetable farm with a single family residence situated on the northeast corner of the subject property. Hillaby Avenue deadends both to the east and west of the subject property and as part of the proposed subdivision will be connected as a through road.

The area north of the Hillaby Avenue extension is proposed as RU1 – Large Lot Housing with six single family residential lots fronting Fitzpatrick Road and six single family residential lots fronting Hillaby Avenue. The area south of the Hillaby Avenue extension is proposed as RU2 – Medium Lot Housing with 17 single family residential lots proposed in a cul-de-sac. The remainder of the subject property will be zoned P3 – Parks & Open Space and will form part of the Chichester Park system.

**RU1 – LARGE LOT HOUSING**

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	608 – 622	550
Site Width (m)	16.76	16.5
Site Depth (m)	36.49 – 37.14	30

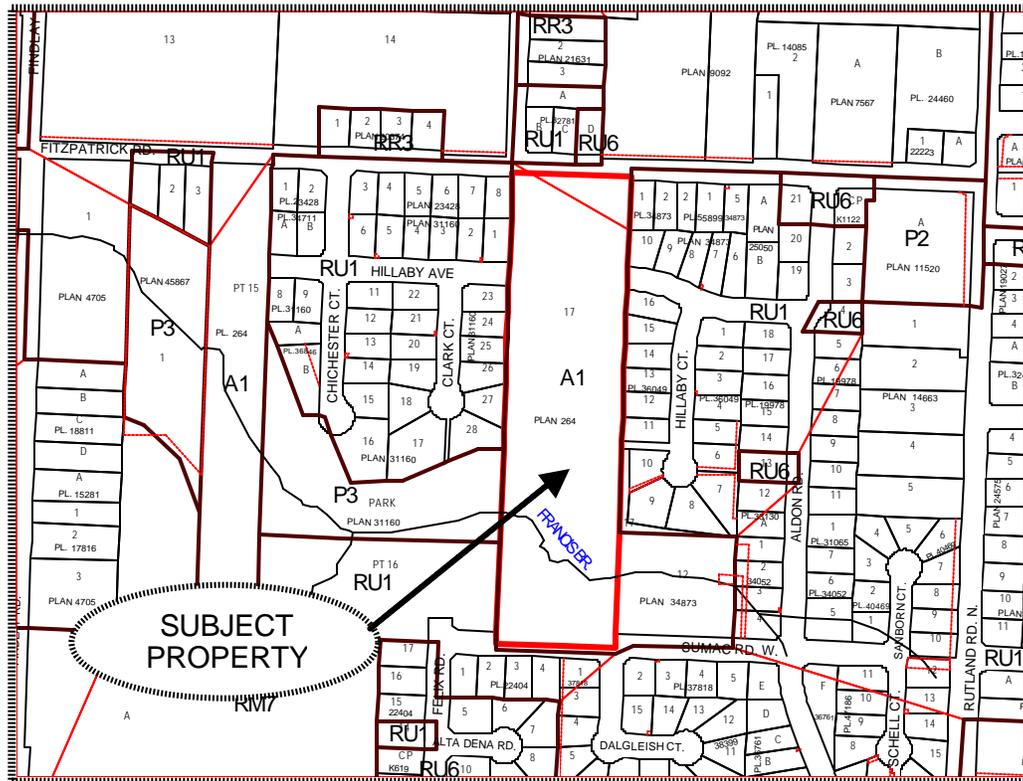
**RU2 – MEDIUM LOT HOUSING**

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	543 – 1124	400
Site Width (m)	15.24 (17 corner lot)	13 (15 corner lot)
Site Depth (m)	35.45 – 41.26	30

The proposed subdivision will be fully serviced with water, sanitary and storm sewer systems.

### 3.2 Site Context

The subject property is located between Fitzpatrick Road and Sumac Road.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, RU6 – Two Dwelling Housing and A-1 – Agriculture; single family dwellings, two family dwelling and agricultural land
- East - RU1 – Large Lot Housing and A1 – Agriculture; single family residential lots and Chichester Bird Sanctuary
- South - RU1 – Large Lot Housing; single family residential lots
- West - RU1 – Large Lot Housing and P3 – Park and Open Space; single family residential lots and Chichester Bird Sanctuary

### 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 and Major Park/Open Space.

2.3.3 Rutland Sector Plan (1997)

The Sector Plan designation of the subject property is Single/Two Family Residential and Major Park/Open Space.

3.0 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 & RU2 are as follows:

1. Subdivision

- a) Dedicate the necessary widening along Fitzpatrick Rd to provide for a 20.0-m. right of way.
- b) Dedicate the necessary widening along Sumac Road West to provide for a 20.0-m. right of way.
- c) Dedicate a minimum of 15 m. of right of way on each side along Francis Brook measured from the high water level.
- d) Add a walkway between the proposed cul-de-sac and the existing walkway connecting to Hillaby Court
- e) Provide easements as may be required.

2. Geotechnical Study

- Overall site suitability for development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- 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 this service. 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 is not currently serviced by the municipal sanitary collection system. The property must be serviced by the municipal sanitary sewer prior to final subdivision approval.
- b) The subject property is located within the Sanitary Sewer Service area No. 20 and as such is subject to the charges in the amount of \$11,100.00 per Dwelling Unit less the cost of the permanent sanitary sewer infrastructure installed as part of this development. The developer will be required to pre-service the properties and liase with the owners of the properties fronting the sanitary sewer extension necessary to service the proposed development. The developer is required to confirm that the properties located east on Hillaby court can be serviced by gravity through the proposed development as planned on the pre-design drawings prepared for the area.
- c) The City is in the process of applying for a Sewer Specified Area funding and creation that would include the subject property. The developer will be required to pay the established charge of the day. Should this project proceed prior to the Sewer Specified Area creation, the developer will not be eligible for a refund of the difference between of the Sewer Service Area charge and the Sewer Specified Area charge.
- d) There is a sanitary sewer Latecomer filed against the subject property. The Latecomer will be paid out by the City at the time when the developer submits the Sanitary Sewer Service Area # 20 charges.

5. Drainage

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. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

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.

Fitzpatrick Road

The south half of Fitzpatrick Road along the frontage of the subject property is required to be upgraded to a full urban standard complete with curb, gutter, sidewalk, street lighting, asphalt fillet, storm drainage, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be \$67,500.00, inclusive of a bonding contingency.

Sumac Road

The north half of Sumac Road West along the frontage of the subject property is required to be upgraded to a full urban standard complete with curb, gutter, sidewalk, street lighting, asphalt fillet, storm drainage, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be \$63,200.00, inclusive of a bonding contingency.

Aldon/Hillaby intersection

There have been numerous written concerns from the property owners adjacent to the proposed development regarding the existing configuration of the Aldon/Hillaby intersection. An investigation by the Transportation division confirmed that the increase in traffic generated by the proposed development will further degrade the traffic operation at the intersection. It is recommended that the developer reconstruct the Aldon/Hillaby intersection by straightening out the East Side of Aldon Road and provide corresponding eastward shift of the curb return on Hillaby Ave. The shift will increase the sight lines and provide an overall improved safety. The estimated cost of this work, for bonding purposes, would be \$11,500.00, inclusive of a bonding contingency.

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

Fitzpatrick Road upgrading	\$ 67,500.00
Sumac Road West upgrading	\$ 63,200.00
Aldon/Hillaby intersection upgrading	\$ 11,500.00
Total performance bonding	<u>\$ 142,200.00</u>

b) Levies

Sewer connection Area #2 (29 EDU x \$11,100.00) (Less permanent sanitary sewer infrastructure installed as part of the servicing requirement for this development )	<u>\$ 321,900.00</u>
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4.2 Fire Department

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

#### 4.3 Inspection Department

Provide a geotechnical report which determines soil types, soil bearing capacity and water table elevations, specifically look for expanding clays, peat and fill. Recommend any necessary work to make the land safe for the intended use.

#### 4.4 Parks Division

The OCP that recently went to Council calls for a 15m setback along Francis Brook that runs through the wetland. It is Parks Division understanding that this measurement is taken from the top-of-the-bank of the wetland. This will complete and expand the existing protected Chichester Wetland system comprised of Francis Brook and the lowlands.

The Mill Creek Linear Park Master Plan identified an important link from Mill Creek into Rutland along Francis Brook. This TYPE "E" trail is a crush surface not to exceed 2.0 m in width. This trail connection can now be extended along this portion of the Chichester system. There is already a city ROW from Hillaby Court that will provide an excellent entry point from surrounding residential areas.

The Park Acquisition Plan (PAP) has identified the need for a neighbourhood park in this area of Rutland to help make up for a deficiency of the park class. A typical neighbourhood park is 0.6 ha. The PAP had identified this parcel as a potential site for the park based on the ability to not have to acquire parcels with structures vs. undeveloped land to create the park.

All entry feature signs for the development to be located on private property. This includes any landscape treatment around the entry feature.

Trees planted in sidewalk and not in grass boulevard may require a vault and grate and/or root shield barriers. All trees in grass boulevard to use root shield barriers to prevent damage to curbs and sidewalks.

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.

#### 4.5 Black Mountain Irrigation District

We have no objection to the proposed development subject to:

1. A capital cost charge of \$1,200 per lot - 29 lots = \$34,800.00.
2. A connection fee of \$300.00 per lot - payable at time of building.
3. Installation of watermains, services and hydrants to BMID approval and at owners cost.

Notes:

- A) The two existing services of Fitzpatrick Road can be utilized depending on alignment.
- B) The watermain into the proposed new road shall be connected to the watermain in the walkway between Lots 10 & 11 of Hillaby Ct. A right of way in favour of BMID will be required on Lot 22 of the proposed subdivision. This is to prevent a dead-end main and to ensure fireflow.

#### 4.6 Ministry of Water, Land and Air Protection

Ecosystems Section Comments – The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada “Land Development Guidelines for the Protection of Aquatic Habitat” must be adhered to.

All work must be undertaken and completed in such a manner as to prevent the release of silt, sediment or sediment-laden water, raw concrete or concrete leachate, or any other deleterious substances into any ditch, watercourse, ravine or storm sewer system.

Land & Water Management Program Comments – It is preferred that the proposed remainder of the property be protected by dedication as a municipal park. However if this is not possible, the area is to be protected by a restrictive covenant and registered against the title of the property(ies) affected as a priority agreement according to our standard covenant format.

This proposal falls within Section 82 of the Land Title Act regarding the *Subdivided Land subject to flooding*. Pursuant to this Section, please find attached a letter outlining the requirements of the Designated Official, which include the flooding covenant requirement.

In addition to the covenant requirements we recommend that the floor system of any proposed building, or structure on the property in question be not less than zero point six (0.6) metres above the high ground water levels on the site. This may result in no basements being allowed on Lots 13 – 29, due to the high water table.

We recommend that, prior to approval of this application, consideration be given to a drainage system if the property is subject to flooding from local runoff or a high groundwater table. A storm water management plan should be developed to meet or exceed the criteria outlined in the *Land Development Guidelines for the Protection of Aquatic Habitat*.

4.7 BC Gas

A main extension will be required on Fitzpatrick and Hillaby to serve this development with natural gas.

4.8 Shaw Cable

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

4.9 Telus

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

4.10 Utilicorp Networks Canada

UNC will provide underground electrical service.

5.0 PLANNING COMMENTS

The Planning & Development Services Department has no objections to this rezoning application as the proposed single family residential development 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 Rutland Sector Plan. In addition, the area designated for P3 – Parks and Open Space addresses the need for a neighbourhood park site within this area.

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**

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|---|--|
| <b>1. APPLICATION NO.:</b>  | Z02-1001   |
| <b>2. APPLICATION TYPE:</b>   | Rezoning   |
| <b>3. OWNER:</b>  | Ranjit Kaur Padda & Gurnam Singh Padda                                       |
| . <b>ADDRESS</b>  | 182 Fitzpatrick Road   |
| . <b>CITY/ POSTAL CODE</b>  | Kelowna, BC V1Z 7T9  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | Protech Consultants Ltd./Grant Maddock                                       |
| . <b>ADDRESS</b>  | 200 – 1449 St. Paul Street   |
| . <b>CITY/ POSTAL CODE:</b>   | Kelowna, BC V1Y 2E4  |
| . <b>TELEPHONE/FAX NO.:</b>   | 860-1771/860-1994  |
| <b>5. APPLICATION PROGRESS:</b>                                       |  |
| Date of Application:  | January 31, 2002   |
| Servicing Agreement Forwarded to Applicant:                           |  |
| Servicing Agreement Concluded:  |  |
| Staff Report to Council:  | June 19, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>  | West ½ of Block 17, Sec. 35, Twp. 26, ODYD, Plan 264                         |
| <b>7. SITE LOCATION:</b>  | South of Fitzpatrick Road, North of Sumac Road between Hillaby Avenue        |
| <b>8. CIVIC ADDRESS:</b>  | 339 – 349 Fitzpatrick Road   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                   | 4.03 ha  |
| <b>10. AREA OF PROPOSED REZONING:</b>                                 | 4.03 ha  |
| <b>11. EXISTING ZONE CATEGORY:</b>                                    | A1 – Agriculture 1   |
| <b>12. PROPOSED ZONE:</b>   | RU1 – Large Lot Housing, RU2 – Medium Lot Housing, P3 – Parks and Open Space |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                | To facilitate a 29 lot single family residential subdivision and a Park Lot  |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | Natural Environment/Hazardous Condition                                      |

**Attachments**

*(Not attached to the electronic copy of the report)*

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Location Map  
Plan of Subdivision