
CITY OF KELOWNA

MEMORANDUM

Date: October 10, 2002
File No.: Z02-1036

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. Z02-1036 OWNER: Double-Day Development Corporation, Inc. No. 124699

AT: 1585 Lewis Road APPLICANT: City of Kelowna, Barb Watson

PURPOSE: To rezone the subject property to facilitate the creation of a public park and a rural residential lot.

EXISTING ZONE: A1-Agriculture 1

PROPOSED ZONE: RR2 – Rural Residential 2 and P3 – Parks and Open Space

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z02-1036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 13, Township 26, ODYD, Plan 4636, located on Lewis Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR2 – Rural Residential 2 and P3 – Parks and Open Space zones as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 10, 2002 be considered by Council;

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

2.0 SUMMARY

The applicant is proposing to subdivide the subject property into two lots, creating a public park parcel on the southern portion of the property and a rural residential lot for the existing residence on the northern portion of the property. The portion of Druitts Pond located on the property will be returned to crown with this subdivision application. The proposed rural residential lot will be connected to sanitary sewer to meet the minimum lot area for the RR2 – Rural Residential 2 zone (4000 m²).

The subject property is located within the Agricultural Land Reserve. The current owner of the property had applied to exclude the subject property from the Agricultural Land Reserve. The Land Reserve Commission by resolution #38/2002 refused the proposed exclusion application however, the Commission granted permission to the owner to subdivide the 1.6 ha property as determined by the City of Kelowna.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of September 10, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1036, 1585 Lewis road, Lot 1, Plan 4636, Sec. 13, Twp. 26, ODYD, city of Kelowna (Barb Watson), to rezone from A1 – Agriculture 1 zone to RR2 – Rural Residential 2 and P3 – Parks and Open Space zones, in order to facilitate the creation of a Park.

4.0 BACKGROUND

4.1 The Proposal

The application will facilitate the creation of a public park at the southern end of Druitts Pond. The pond will be returned to crown. The intention is to create a public access to the pond for the residents of the City of Kelowna through the southern half of the subject property. The lot remainder will be retained as a rural residential lot with the existing dwelling and accessory building.

CRITERIA	PROPOSAL	RR2 ZONE REQUIREMENTS
Site Area (m ²)	6,257	4000
Site Width (m)	106.89	36.0
Site Depth (m)	40.0	30.0

CRITERIA	PROPOSAL	P3 ZONE REQUIREMENTS
Site Area (m ²)	5,729	NA
Site Width (m)	40.0	NA

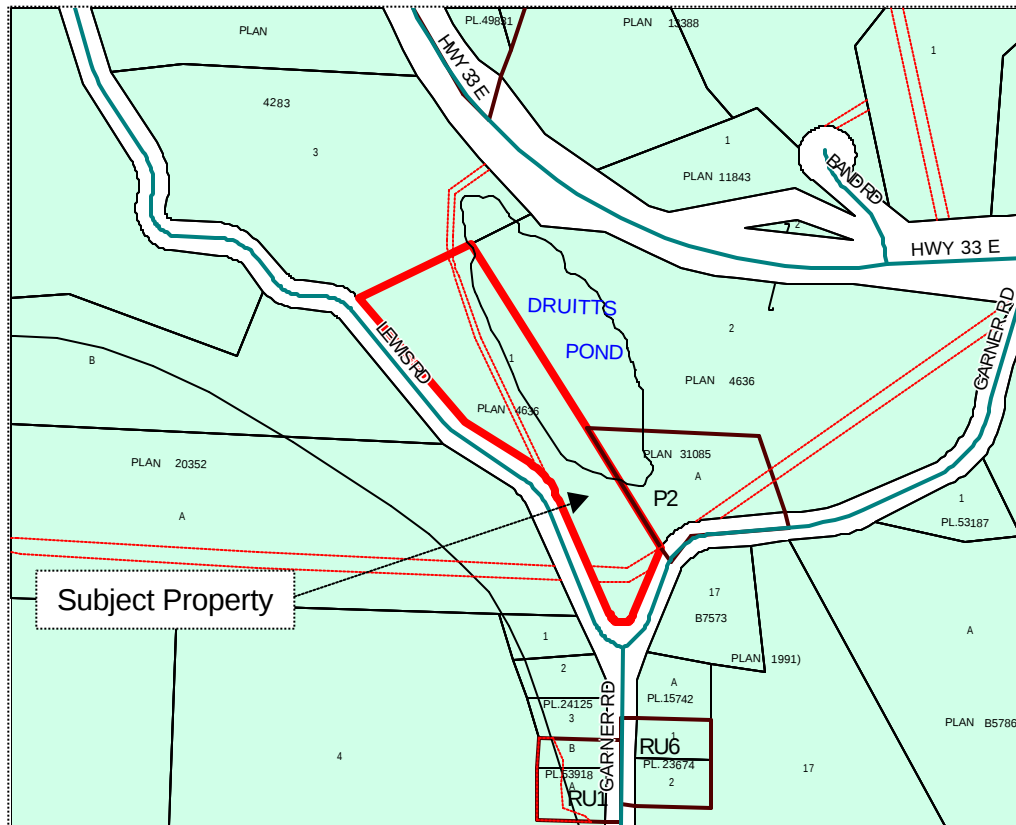
Notes: The existing dwelling located on the proposed Rural Residential 3 zone lot will be required to be connected to community sanitary sewer services.

4.2 Site Context

The site is located on the east side of Lewis Road and north of Garner Road in the Belgo / Black Mountain Sector area of the city. The site is 1.54 ha (3.8 ac) in area and slopes from 536 m along Garner Road to 528 m near the middle of the property to 531 m along the northern property line. Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; Small field and associated residence
- West - A1 – Agriculture 1; Steep bushland and rural residential
- South - A1 – Agriculture 1; Rural Residential
- East - A1 – Agriculture 1, P2 – Educational and Minor Institutional; field and associated residence, and Orchard City Seventh-Day Adventist Church

The subject property is located on the map below.



4.3 Existing Development Potential

The existing development potential for the lot is Agricultural and associated uses.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

An objective of the Strategic Plan is to provide a balanced approach to parkland acquisition including a balance between various types of parks and recreational facilities.

4.4.2 Kelowna Official Community Plan

The Official Community Plan designation of the subject property is Rural / Agricultural. A policy of the Plan endeavours to provide a variety of parks and open spaces to meet the diverse needs of the community.

4.4.3 Black Mountain Sector Plan

The Sector Plan designates the future land use of the subject property as Rural / Agricultural. The Sector Plan acknowledges a lack of developed parks and recreational facilities in the Black Mountain area specifically at the level of the neighbourhood park. The area is identified within the Plan as suitable for the location of a neighbourhood park facility.

5.0 TECHNICAL COMMENTS

5.1 The relevant utility agencies

The relevant utility agencies requirements associated with this application are identified within the subdivision application (S02-0113).

5.2 Works & Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to and RR2 & P3 are as follows:

1. Subdivision.

- a) Dedicate a right of way at the intersection of Garner and Lewis Roads to provide a proper intersection angle as shown on the attached sketch.
- b) Provide a storm drainage right of way to the satisfaction of the Drainage Engineer for the purpose of providing a water level control and outfall from Garner Pond
- c) Provide easements as may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, The study is to address the following:

- 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. All charges for service connection, and upgrading costs are to be paid to the City prior to the 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.
- b) Garner pond does not have a positive outlet and the Drainage Division requires a right of way through the property in order to construct a level control structure and an outlet pipe. The exact location for these works has not been determined as of the date of this report. A right of way must be provided to the satisfaction of the Drainage Engineer.

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.

Garner Road

The intersection of Garner and Lewis Road has been identified as substandard by the Transportation Division. Garner Road requires upgrading as shown on the attached sketch and the cost of the realignment is estimated at \$ 14,900.00 without bonding escalation.

8. Bonding and Levies Summary.

a)	Performance Bonding	None Required
b)	Levies (prior to subdivision approval)	
	Garner road intersection upgrading	\$ 14,900.00
	Sewer Specified Area inclusion fee	\$ 250.00

5.3 Ministry of Transportation

This Ministry has no objection to the proposed rezoning.

5.4 Planning & Development Services Department

The Planning & Development Services Department supports the proposed subdivision and rezoning applications. The proposed park and existing rural residential uses are supported on the property.

The city has identified Druitts Pond as a protected wetland with a moderate wetland rating in the Wetland Habitat Management Strategy. However, the department has identified an overriding community benefit to establishing a park in this area. The future development of the park will require an Environmental Development Permit (DP) prior to construction as it is located within a Natural Environment DP area as per Map 7.1 of the Official Community Plan. The Wetland Habitat Management Strategy (pages 47 - 51) identifies specific guidelines for development within the protected wetlands. The need to protect the riparian area surrounding the pond will be considered with any Development Permit application.

Although there should be a no-build zone, comprised of the wetland and its buffer zone, there are exemptions including development and maintenance work related to open space or recreation use. Work within the no-build zone shall respect the natural biophysical function of the wetland and shall restore disturbed areas to a condition compatible with the natural function of a wetland and the natural surroundings. The Vegetation Retention guidelines (page 48) and Restoration and Enhancement guidelines (page 50/51) are located within the Wetland Habitat Management Strategy as indicated.

The proposed subdivision was granted approval by the Land Reserve Commission by Resolution #38/2002.

R.G. (Bob) 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. **APPLICATION NO.:** Z02-1036
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Double-Day Development Corporation,
Inc. no. 124699
· **ADDRESS** 406 Moubray Road
· **CITY/POSTAL CODE** Kelowna, BC V1V 1R4
4. **APPLICANT/CONTACT PERSON:** City of Kelowna, Barb Watson
· **ADDRESS** 1435 Water Street
· **CITY/POSTAL CODE** Kelowna, BC V1Y 1J4
· **TELEPHONE/FAX NO.:** local 497 / 470-0641
5. **APPLICATION PROGRESS:**
Date of Application: August 21, 2002
Date Application Complete: August 21, 2002
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: October 21, 2002
6. **LEGAL DESCRIPTION:** Lot 1, Section 13, Township 26, ODYD,
Plan 4636
7. **SITE LOCATION:** East side of Lewis Road and north of
Garner Road
8. **CIVIC ADDRESS:** 1585 Lewis Road
9. **AREA OF SUBJECT PROPERTY:** 1.54 ha
10. **AREA OF PROPOSED REZONING:** 1.54 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RR2 – Rural Residential 2 and P3 –
Parks and Open Space
13. **PURPOSE OF THE APPLICATION:** To rezone the subject property to
facilitate the creation of a public park.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 2-81-20024
**NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**
(a) Natural Environment DP Area Not Applicable

Attachments that are missing from the Electronic Version

Subject Property Map
Proposed Subdivision Layout (Map "A")