
CITY OF KELOWNA

MEMORANDUM

Date: November 19, 2002
File No.: File No. Z02-1034
(3360-20)

To: City Manager

From: Planning & Development Services Department

Purpose: To rezone the subject property to facilitate a 40 lot single family residential subdivision

Owner: Markui Contracting Ltd. **Applicant/Contact Person:** D.E. Pilling & Associates Ltd./David Pauls

At: 1504 Highway 33

Existing Zone: A1 – Agriculture 1 **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 Lot 1, Sec. 13, Twp. 26, ODYD, Plan 17448, located on Highway 33, Kelowna, BC, from the A1 – Agriculture 1 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 requesting approval to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to facilitate a 40 lot single family residential subdivision. This application is consistent with the Official Community Plan single/two unit residential future land use designation and the Highway 33 Area Structure Plan single family residential designation.

2.1 Advisory Planning Commission

The 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. Z02-1034, 1504 Hwy 33 E/Lot 1, Plan 17448, Twp. 26, Sec. 13, ODYD, DE Pilling & Associates Ltd. (David Pauls), to rezone from the A1-Agriculture 1 zone to the RU1-Urban Residential zone in order to facilitate the development of a 40 lot single family residential subdivision.

3.0 BACKGROUND

3.1 The Proposal

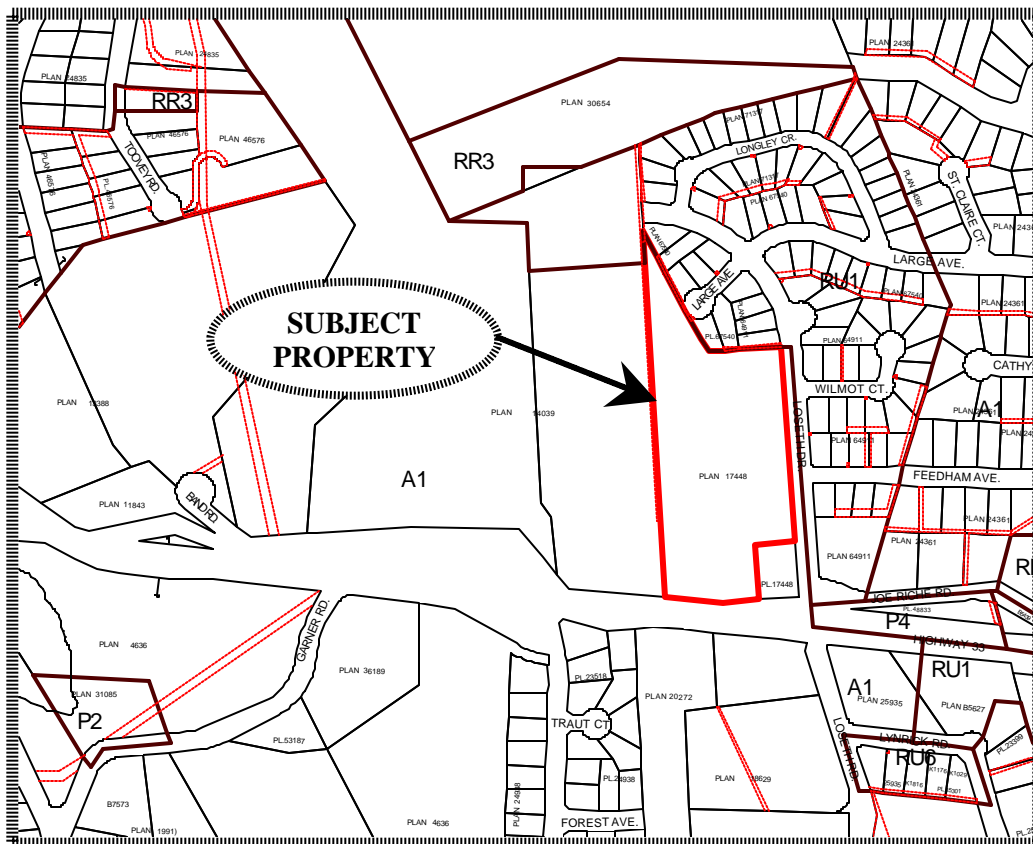
The proposed subdivision comprises 40 single family lots ranging in size from 550 m² to 1170 m². Access to the proposed subdivision will be off of Loseth Road and will include an extension of Feedham Avenue. A pre-plan showing how the subdivision of the property to the west ties in with the proposed subdivision has been provided with this request to rezone.

The proposal, as compared to the requirements of the RU1 zone requirements is as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	550 – 1171	550
Site Width (m)	16 (min.)	16.5 (17 corner lot)
Site Depth (m)	30	30

3.2 Site Context

The subject property is located north of Highway 33 and west of Loseth Drive between the existing Toovey Road subdivision to the east and the newer subdivision off of Loseth Drive to the east of the subject property.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing; single family residential subdivision
- East - RU1 – Large Lot Housing; single family residential subdivision
- South - Highway 33 & A1 – Agriculture 1; rural residential lots
- West - A1 – Agriculture 1; undeveloped land

3.4 Current Development Policy

3.4.1 City of Kelowna Strategic Plan (1992)

The Kelowna Strategic Plan supports the orderly progression of urban development, in particular, infill development, where the extension of required municipal servicing can easily be accommodated within an existing urban area.

3.4.2 Kelowna Official Community Plan (1994-2013)

The OCP designation of the subject properties is single/two unit residential.

3.4.3 Black Mountain Sector Plan (1991)

The Black Mountain Sector Plan designates the subject property for single family residential development.

3.4.4 Highway 33 East Area Structure Plan (1997)

The Highway 33 East ASP designates the subject property for single family residential subdivision.

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.
- (c) A watermain along Loseth Drive has been installed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$8,169.70, plus any interest accrued until payment is made in full must be paid prior to the subdivision approval.

.4 Sanitary Sewer

- a) The subject property must be serviced by the municipal sanitary sewer prior to subdivision approval.
- b) A sanitary sewer main along Loseth Drive has been installed by the developer of the adjacent property. A Latecomer is filed against the property. The Latecomer fee in the amount of \$5,050.56 plus any interest accrued until payment is made in full must be paid prior to subdivision approval.
- c) 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) A storm sewer main along Loseth Drive has been installed by the developer of the adjacent property. The storm drain is an integral part of the west half of the Loseth Drive construction. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$12,553.38, plus any interest accrued until payment is made in full, must be paid prior to the subdivision application.

.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 \$6,407.44 plus any interest accrued until payment is made in full, must be paid prior to the subdivision application.

The western half of Loseth Drive was constructed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$41,502.51 plus any interest accrued until payment is made in full, must be paid prior to the subdivision application.

Large Court – Large Court was designated as a no-through road with a potential extension of the cul-de-sac. Based on the proposed layout, Large court will now act as a class 1 local road and must be upgraded to a SS-R3 standard complete with widening, sidewalk on one side, the reconstruction of the bulb area and the relocation and/or removal of existing utilities as required. The estimated cost for this work is \$23,500.00 inclusive of a bonding escalation.

.8 Street light

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 - Large Court upgrading \$ 23,500.00

b) Latecomers (prior to subdivision approval)

Watermain (7 EDU @1,167.10)	\$ 8,169.70 + int.
Sanitary sewer (4 EDU @ \$1,262.64)	\$ 5,050.56 + int.
Storm drainage (7 EDU @ \$1,793.34)	\$12,553.38 + int
West ½ Loseth Dr. (7 EDU @ \$ 5,928.98)	\$41,502.51 + int.
Highway 33 intersection (40 EDU @ \$448.07)	\$17,922.80 + int.

Sewer Specified Area inclusion fee	\$ 250.00
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4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Please review new hydrant locations with F.P.O.

4.3 Black Mountain Irrigation District

The above property is within BMID boundaries and can be serviced by same subject to:

- A capital cost charge of \$1200 per lot - 40 lots = \$48,000
- A connection of \$300 per lot at time of building
- A watermain design approved by BMID
- Lots 36 to 40 are subject to a levy of \$300 per lot as cost share of the Booster #1 upgrade 5 x \$300 = \$1,500.
- A share cost of the Loseth Road watermain installed by others is required at \$146.00 per lot - 40 lots = \$5,840.00

4.4 Ministry of Transportation

The Ministry has no objections to the proposed rezoning subject to the following:

- Provision of a restrictive covenant specifying all access must be via municipal roads and that no direct vehicular access to Highway #33 will be permitted. Covenant to be in favour of both the City of Kelowna and the Ministry of Transportation and to be suitable for registration under Section 219 of the Land Title Act. Covenant to be registered as a priority charge.
- Removal of any existing driveway connections to Highway 33 within the frontage of the property and restoration of the highway ditch to the satisfaction of the Ministry.
- Highway 33 to be established 23 metres from existing mean centreline by legal survey plan.

The ditches on Highway 33 were not designed to accommodate development drainage from upland slopes and the Ministry is not prepared to accept development drainage into the highway system. We will therefore require provision of a storm water management plan to demonstrate how post-development drainage will be addressed.

A minimum setback of 4.5 metres must be provided from the new right-of-way boundary on Highway 33 to the furthest overhang of any existing or future buildings. No encroachments will be permitted.

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 Aquila

Aquila Network of Canada will provide underground electrical service.

4.8 Inspection Services Division

No concerns.

4.9 Parks Manager/RCMP/BC Gas

No comment

4.10 SD #23

No response

5.0 PLANNING COMMENTS

The proposed subdivision serves as an infill development for the existing single family development to the east and the proposed single family development to the west in the Belgo/Black Mountain Sector area of the City. The proposed subdivision layout configuration may require refinements through the concurrent subdivision application process.

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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| 1. APPLICATION NO.: | Z02-1034 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER:
· ADDRESS
· CITY/ POSTAL CODE | Markui Contracting
228 Drysdale Boulevard
Kelowna, BC V1V 1X1 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/ POSTAL CODE:
· TELEPHONE/FAX NO.: | D. E. Pilling & Associates/David Pauls
200 – 540 Groves Avenue
Kelowna, BC V1Y
763-2315/763-6559 |
| 5. APPLICATION PROGRESS:
Date of Application:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | July 29, 2002

November 19, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 13, Twp. 26, ODYD, Plan 17448 |
| 7. SITE LOCATION: | Northwest of Highway 33 and Loseth Drive |
| 8. CIVIC ADDRESS: | 1504 Highway 33 |
| 9. AREA OF SUBJECT PROPERTY: | 3.36 ha |
| 10. AREA OF PROPOSED REZONING: | 3.36 ha |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | RU1 – Large Lot Housing |
| 13. PURPOSE OF THE APPLICATION: | To rezone the subject property to facilitate a 40 lot single family residential subdivision |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | 2-81-19904 |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not applicable |

Attachments

(Not attached to the electronic copy of the report)

Location Map
Plan of Proposed Subdivision