
CITY OF KELOWNA

MEMORANDUM

Date: November 29, 2002
File No.: Z02-1040

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. Z02-1040 OWNER: Antony and Tracy Hutton

AT: 3668 Luxmoore Road APPLICANT: Same

PURPOSE: To rezone the subject property to facilitate a two lot single unit dwelling subdivision.

EXISTING ZONE: A1-Agriculture 1

PROPOSED ZONE: RR1 – Rural residential 1

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z02-1040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Plan 37950, Sec. 34 & 35, Twp. 29, ODYD, located on Luxmoore Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone **not** be considered by Council.

2.0 SUMMARY

The applicant is proposing to rezone the subject property to facilitate the creation of an additional single unit rural residential lot. The applicant intends on constructing a handicapped accessible dwelling for his disabled son on this additional lot.

Zoning Bylaw No 8000 requires that all proposed rural residential lots not connected to the City's community sanitary sewer system have a minimum lot area of 1.0 ha. The existing lot is approximately 2.2 ha in area and the applicant is proposing to create two lots with a minimum area of 1.0 ha.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of October 15, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1040, 3668 Luxmoore Road, Lot A, Plan 37950, Sec. 34 & 35, Twp. 29, ODYD, Antony & Tracey Hutton to rezone from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone in order to facilitate a two lot subdivision.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to create two single unit rural residential lots. The existing house will be retained on the westerly lot that is proposed to be 1.21 ha in area. The proposed single unit rural residential dwelling is proposed to be located on the easterly lot that is proposed to be 1.0 ha in area.

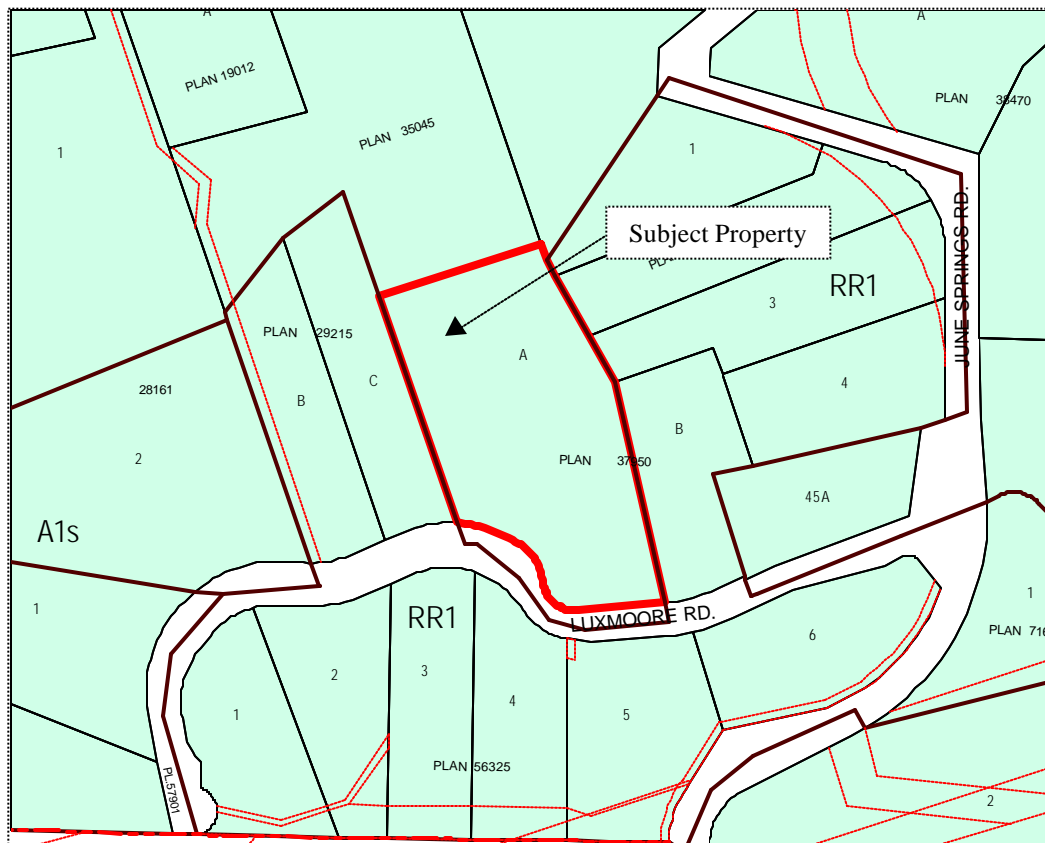
CRITERIA	PROPOSAL	RR1 ZONE REQUIREMENTS
Lot Area (ha)	1.21 & 1.0	1.0
Lot Width (m)	50.988 & 40.298	40.0
Lot Depth (m)	137.970 & 220.692	30.0

Note: The minimum lot area is 1.0 Ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed.

4.2 Site Context

The subject property is located in the Southeast Kelowna Sector area of the city and on the north side of Luxmoore Road. The subject property is located near the southern city boundary and the Aquila power line right-of-way. The property slopes down from Luxmoore Road from an elevation of 592 m to 562 m at the north west corner of the property.

The subject property is identified on the map below.



Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; rural residential dwelling units
- East - RR1 – Rural Residential 1; rural residential dwelling units
- South - RR1 – Rural Residential 1; rural residential dwelling units
- West - RR1 – Rural Residential 1; rural residential dwelling units

4.3 Existing Development Potential

The existing development potential is agricultural and related uses.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the sequential development of future urban areas as opposed to permitting simultaneous development of identified future urban areas. Development of the areas designated as future urban areas will not be supported until development of the existing urban areas are near completion. Also, the City provides protection for productive agricultural land within the city.

4.4.2 Kelowna Official Community Plan

The Official Community Plan designates the subject property as Rural / Agricultural. The Official Community Plan does not support the further parcelization of lots in these rural peripheral locations due to potential impacts to adjoining agricultural operations and downstream impact of increased traffic on a rural road network not designed to absorb the suburban traffic patterns associated with creation of multiple smaller "acreage" lots. In general this type of application should not be supported.

4.4.3 Southeast Kelowna Sector Plan

The future land use designation of the subject property is Rural Non- ALR. The Plan does not support the further parcelization of lands designated as rural non-agricultural.

5.0 TECHNICAL COMMENTS

5.1 Works and Services Department, Black Mountain Irrigation District and the relevant utility agencies Comments

The technical requirements relating to the subdivision to create an additional lot will be addressed in the concurrent subdivision application.

5.2 Planning & Development Services Department Comments

The City's relevant development policies do not support the further parcelization of lots in these rural peripheral locations. In particular the concerns relate to the potential impacts to adjoining agricultural operations and downstream impact of increased traffic on a rural road network not designed to absorb the suburban traffic patterns associated with creation of multiple smaller "acreage" lots.

This particular site is almost completely surrounded by smaller parcels zoned RR1. Many of these parcels are also less than 1.0 ha because they were approved prior to the Official Community Plan and Zoning amendments that raised the minimum parcel size to 1.0 ha on lots not served by the City's community sanitary sewer system.

Should City Council choose to favourably consider the application, the following is an alternative recommendation for Council's consideration:

THAT Rezoning Application No. Z02-1040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Plan 37950, Sec. 34 & 35, Twp. 29, ODYD, located on Luxmoore Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RR1 – Rural Residential 1 zone be considered by Council;

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

R. G. (Bob) Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/JD/jd
Attach.

FACT SHEET

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| 1. | APPLICATION NO.: | Z02-1040 |
| 2. | APPLICATION TYPE: | Rezoning |
| 3. | OWNER: | Antony & Tracy Hutton |
| | · ADDRESS | 3668 Luxmoore Road |
| | · CITY/POSTAL CODE | Kelowna, BC V1Y 7R2 |
| 4. | APPLICANT/CONTACT PERSON: | Antony & Tracy Hutton |
| | · ADDRESS | 3668 Luxmoore Road |
| | · CITY/POSTAL CODE | Kelowna, BC V1Y 7R2 |
| | · TELEPHONE/FAX NO.: | 764-5059 / 862-5275 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | September 16, 2002 |
| | Date Application Complete: | September 16, 2002 |
| | Servicing Agreement Forwarded to Applicant: | |
| | Servicing Agreement Concluded: | |
| | Staff Report to Council: | December 4, 2002 |
| 6. | LEGAL DESCRIPTION: | Lot A, Sections 34 and 35, Township 29, ODYD, Plan 37950 |
| 7. | SITE LOCATION: | Northside of Luxmoore Road near the southern City boundary |
| 8. | CIVIC ADDRESS: | 3668 Luxmoore Road |
| 9. | AREA OF SUBJECT PROPERTY: | 2.2 ha |
| 10. | AREA OF PROPOSED REZONING: | 2.2 ha |
| 11. | EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. | PROPOSED ZONE: | RR1 – Rural Residential 1 |
| 13. | PURPOSE OF THE APPLICATION: | To rezone the subject property to facilitate a two lot single unit dwelling subdivision. |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | Not Applicable |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not Applicable |

Attachments that are missing from the Electronic Version

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