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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** July 15, 2003

**File No.:** File No. Z03-0020 (3360-20)

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To rezone the subject properties to facilitate a 42 lot single family residential subdivision

**Owner:** John & Sarina Weisbeck /  
Romesha Ventures Inc.

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

**At:** 1494 Highway 33

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** RU1 – Large 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 Rezoning Application No. Z03-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297 and part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039, located on Highway 33, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated July 15, 2003, 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 rezone the subject property in order to subdivide into 42 single family residential lots as shown on the attached Preliminary Lot Layout and Rezoning Plan.

## 2.1 Advisory Planning Commission

The Advisory Planning Commission at the meeting of May 6, 2003 reviewed this application and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z03-0020, 1494 Hwy 33 E, Lot 2, Plan 14039, Sec. 13, Twp. 26, ODYD, DE Pilling & Associates (David R. Pauls), to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone to facilitate a 42 lot single family residential development

## 3.0 BACKGROUND

The subject properties form part of the Highway 33 Area Structure Plan, which designates the area for Single Family Residential development. The area under development to the east of the subject properties represents the first two stages in the residential development of the Highway 33 Area Structure Plan.

### 3.1 The Proposal

The area under application will be accessed through the lands to the east, which are currently under application for the development of 41 single family residential lots.

Access will be through a continuation of Large Court which will then terminate in a cul-de-sac on the subject property, and a continuation of Feedham Avenue as well as two additional new roads that will continue west through the development and would serve the future development of the adjacent property.

All lots will be fully serviced with water, sanitary and storm sewer services.

The subdivision process will address all the servicing issues and any preplanning requirements that may be necessary to ensure that the future development of the remaining lands in the Highway 33 Area Structure Plan is not compromised in any way by this application.

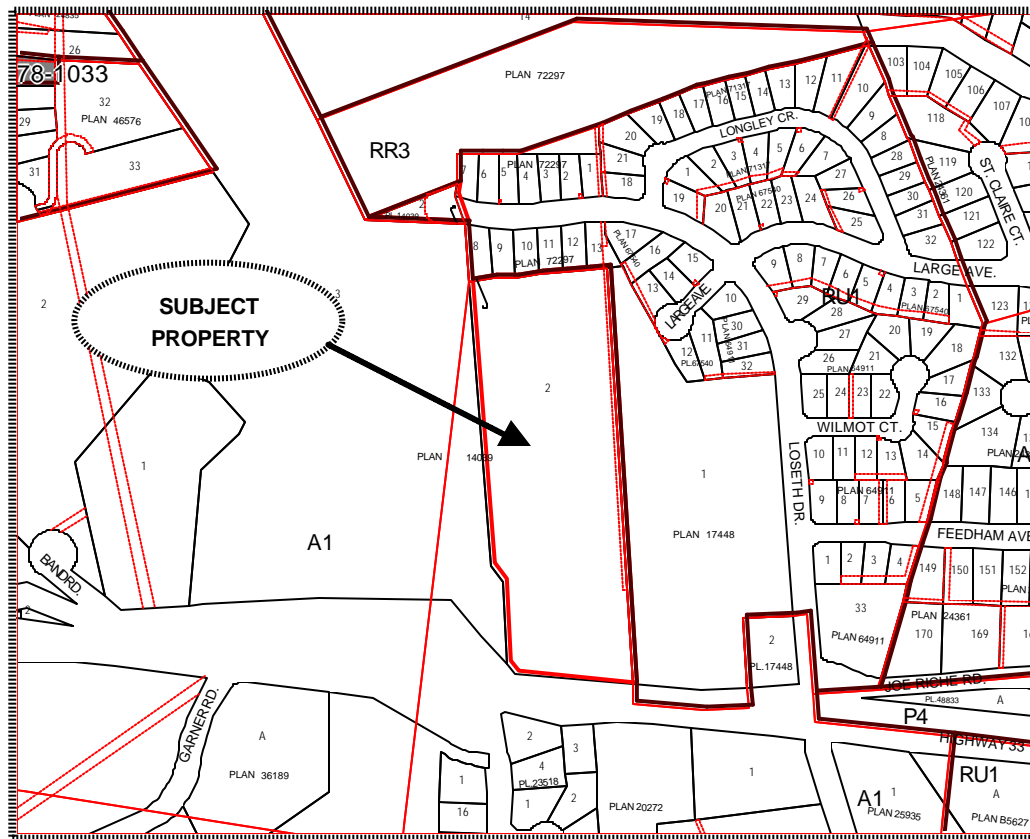
| <b>CRITERIA</b>             | <b>PROPOSAL</b> | <b>RU1 ZONE REQUIREMENTS</b> |
|-----------------------------|-----------------|------------------------------|
| Site Area (m <sup>2</sup> ) | 550 (min.)      | 550                          |
| Site Width (m)              | 16.5 (min.)     | 16.5 (17 corner lots)        |
| Site Depth (m)              | 30 (min.)       | 30                           |

### 3.2 Site Context

The subject properties are located north of Highway 33 and west of Loseth Drive in the Belgo/Black Mountain Sector area of the City.

Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3 & RU1 – Large Lots Housing; single family residential
- East - RU1 – Large Lot Housing; future single family subdivision
- South - Highway 33 & A1 – Agriculture 1; single family subdivision and rural residential
- West - A1 – Agriculture; rural



### 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.

#### 3.3.3 Highway 33 East Area Structure Plan

The Area Structure Plan (ASP) designates the subject property as single family residential.

### 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 General
  - a) Connecting roads are to be constructed in conjunction with the adjacent development application of Lot 1, Plan 17448 (S02-0117).
- .2 Subdivision
  - a) Adjust the lot line between the subject properties as proposed on submitted sketch
  - b) Provide easements as may be required.
- .3 Geotechnical Study will be required as part of subdivision requirements.
- .4 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.
- .5 Sanitary Sewer
  - a) The subject property must be serviced by the municipal sanitary sewer prior to final subdivision approval. Due to the proposed Black Mountain area population density increase over the original projections, the sanitary trunk main, downstream of the connection point, has some capacity limitation. It is the responsibility of the applicant to determine whether the trunk main will be able to handle the flow from the potential development of the contributing area.
  - 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.
  - c) The offsite sanitary sewer routing is in the process of being finalized. The construction likely be undertaken by the developer of the property east of the subject property. The developer installing the off-site sanitary sewer will be eligible to recover some of the costs by way of filing a Latecomer. The actual amount of the Latecomer has not been determined but will be payable prior to this application receiving fourth reading, by which time the Latecomer will be filed.
- .6 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. The drainage area upstream of the subject property and its potential effect on the proposed development must be addressed.
  - b) A storm detention facility designed and built to accommodate this project will be located along the Hwy 33 Right of Way. The detention facility is planned to be constructed by the developer of the adjacent

property. A Latecomer will be filed against the subject property. The Latecomer fees have not been determined but will be payable prior to this application receiving fourth reading, by which time the Latecomer will be filed.

.7 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.

.8 Road improvements (subject to Ministry of Transportation requirement)

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 \$21,641.76 plus any interest accrued if paid after Nov. 17, 2003 must be remitted prior to the subdivision application.

.9 Street lights

Streetlights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan

.10 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.

.11 Bonding and Levies Summary

|   |                   |
|---|-------------------|
| a) Performance Bonding                      | None Required     |
| b) Levies - Latecomers                      |                   |
| Offsite sanitary sewer                      | To be determined. |
| Storm detention pond                        | To be determined. |
| Highway 33 intersection (42 EDU @ \$515.28) | \$ 21,641.76      |

4.2 Inspection Services

A geotechnical report is required to establish soil conditions and water table.

4.3 Fire Department

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

4.4 Black Mountain Irrigation District

No objections to the proposed subdivision subject to:

- a) A capital cost charge of \$1,200 per lot

- b) A fee of \$300 per lot is assessed to new subdivision in this area. This is a cost share of the upgrading to our #1 Booster Station.
- c) A cost share of the Loseth Road watermain of \$112 per lot.
- d) A watermain design approved by BMID and installation of same at owner's cost.
- e) A connection fee of \$300 per lot payable at the time of building.

Fire Flow is sufficient is for this development.

4.5 Ministry of Transportation

The Ministry has no objection 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 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 Sc. 219 of the Land Title Act. Covenant is to be registered in priority over any financial charges.
- Removal of all existing accesses to Highway 33 and any structures within the required road dedication for Highway 33.
- Highway 33 to be established 23 m from existing mean centreline by legal survey plan.
- Quit claim the existing no-development covenant currently registered on the title.

The drainage ditches on Highway 33 were not designed to accommodate the development drainage from the 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 further overhang of any existing or future buildings. No encroachments will be permitted.

Future development proposals on the north side of Highway 33 will trigger a review of the left turn storage capacity on the highway at Loseth Avenue with possibly upgrading required.

4.6 Parks Department, Kelowna Regional Transit, RCMP & Terasan

No comment.

4.7 Aquila Networks Canada, Shaw Cable & Telus

Underground services to be provided.

4.8 SD #23

No response

5.0 PLANNING COMMENTS

The Planning & Corporate Services Department has no concerns with this proposed development. The development is in keeping with the intent of the Gallaghers Canyon Golf Resort Concept Development Plan.

Andrew Bruce  
Manager Development Services

Approved for inclusion ☐

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

AB/SG/sg  
Attachments

**FACT SHEET**

1. **APPLICATION NO.:** Z03-0020
2. **APPLICATION TYPE:** Rezoning
3. **OWNER Lot 2:** John & Sarina Weisbeck  
· **ADDRESS** 890 Wellington Court  
· **CITY/ POSTAL CODE** Kelowna, BC V1Y 8J3  
  
**OWNER Lot 3:** Romesha Ventures Inc.  
· **ADDRESS** 300 – 1111 Melville Street  
· **CITY/ POSTAL CODE** Vancouver, BC V6E 4H7
4. **APPLICANT/CONTACT PERSON:** D.E. Pilling & Associates Ltd. /  
David Pauls  
· **ADDRESS** 200 – 540 Groves  
· **CITY/ POSTAL CODE:** Kelowna, BC V1Y 4Y7  
· **TELEPHONE/FAX NO.:** 763-2315/763-6559
5. **APPLICATION PROGRESS:**  
Date of Application: April 11, 2003  
Servicing Agreement Forwarded to Applicant:  
Servicing Agreement Concluded:  
Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297; and Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039
7. **SITE LOCATION:** North of Hwy 33 and west of Loseth Drive
8. **CIVIC ADDRESS:** 1494 Hwy 33 (Lot 2)  
1374 Hwy 33 (Lot 3)
9. **AREA OF SUBJECT PROPERTIES:** 12 ha
10. **AREA OF PROPOSED REZONING:** 3.6 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RU1 – Large Lot Housing
13. **PURPOSE OF THE APPLICATION:** To rezone the subject properties to facilitate a 42 lot single family residential subdivision
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 2-81-20362  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP IMPLICATIONS** N/A



**Attachments**

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

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Location Map  
Plan of proposed subdivision