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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 9, 2003  
**File No.:** ASP02-0001 / OCP03-0012  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Subject:**

APPLICATION NO. ASP02-0001 / OCP03-0012      OWNER: WENINGER CONST AND DESIGN LTD.

AT: (E OF) LONE PINE DRIVE / 1151 MCKENZIE ROAD / LOTS A&B, PLAN 31717, SWAINSON ROAD / SWAINSON ROAD (NEAR)      APPLICANT: MARLIN WENINGER

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN TO ALLOW FOR THE ADOPTION OF THE BELL MOUNTAIN AREA STRUCTURE PLAN, A MIXED USE DEVELOPMENT THAT INCLUDES SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL, GOLF COURSE, COMMERCIAL, PARKS AND OPEN SPACE USES

EXISTING ZONE: A1-AGRICULTURE 1

REPORT PREPARED BY: MARK KOCH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Council endorse the Bell Mountain Area Structure Plan dated August 8, 2003, attached as Schedule "A" to the report of the Planning & Corporate Services Department dated September 9, 2003;

AND THAT OCP Amendment No. OCP03-0012 to amend Table 19.1 of the Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by deleting line 11 in its entirety be considered by Council;

AND THAT OCP Amendment No. OCP03-0012 to amend Map 19.1 – Generalized Future Land Use of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of SE ¼ of Sec. 24, Twp. 26, ODYD, Except Plans KAP54413, KAP63620, and KAP69503; Lot 2, Sec. 24 & 25, Twp. 26, ODYD, Plan KAP62397; Lot A, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot D1, Sec. 3 & 19, Twp. 27, ODYD, Plan 1760, Except Plan 33849; located: (E of) Lone Pine Drive / 1151 McKenzie Road / Lots A & B, Plan 31717, Swainson Road / Swainson Road (Near), Kelowna, B.C., **FROM** the Single/Two Family Residential and Rural/Agricultural designations **TO** the Single/Two Unit Residential; Multiple Unit Residential – Low Density; Multiple Unit Residential –

Medium Density; Commercial; Major Park/Open Space; and Private Recreational designations, as shown on Figure 2.1, following Page 37 in the attached Schedule “A”, dated August 8, 2003, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP03-0012 be forwarded to a public hearing for further consideration.

AND FURTHER THAT final adoption of any related zone amending bylaw be withheld, pending Ministry of Transportation approval;

## 2.0 SUMMARY

The purpose of the application is to amend the City of Kelowna Official Community Plan in order to adopt the Bell Mountain Area Structure Plan (ASP) and incorporate it into the Official Community Plan. The Bell Mountain ASP is intended to be a guide for the future rezoning, subdivision, and development of the subject area.

The ASP boundary encompasses five different properties, which are owned by Bell Mountain Golf Estates Ltd, Bell Mountain Golf Course Ltd, the Day family, and the Black Mountain Irrigation District.

Municipal Council authorized the preparation of this ASP on July 15, 2003. The purpose of the plan is to provide the applicant and future property owners with a blueprint for development, and an understanding of the associated requirements for any subsequent rezoning, subdivision, and development permit applications. The ASP covers approximately 209ha (516ac), with the future residential component of the plan comprising approximately 48.56ha of the site. The residential land use will consist of a mix of single family lots with small areas of cluster housing and multi family housing. The proposed future park and open space component of the ASP will comprise approximately 11.74ha of the site. This land use shall include a neighbourhood park and slopes over 30%. The proposed golf course will be 48.72ha in area.

## 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of, August 26, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Area Structure Plan Application No. ASP02-0001, SE ¼ of Sec. 24, Twp. 26, ODYD, Except Plans KAP54413, KAP63620, and KAP69503; Lot 2, Sec. 24 & 25, Twp. 26, ODYD, Plan KAP62397; Lot A, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717; Lot D1, Sec. 3 & 19, Twp. 27, ODYD, Plan 1760, Except Plan 33849, Weninger Construction & Design Ltd. (Marlin Weninger) to amend the Official Community Plan to allow for the adoption of the Bell Mountain Area Structure Plan.

## 4.0 BACKGROUND

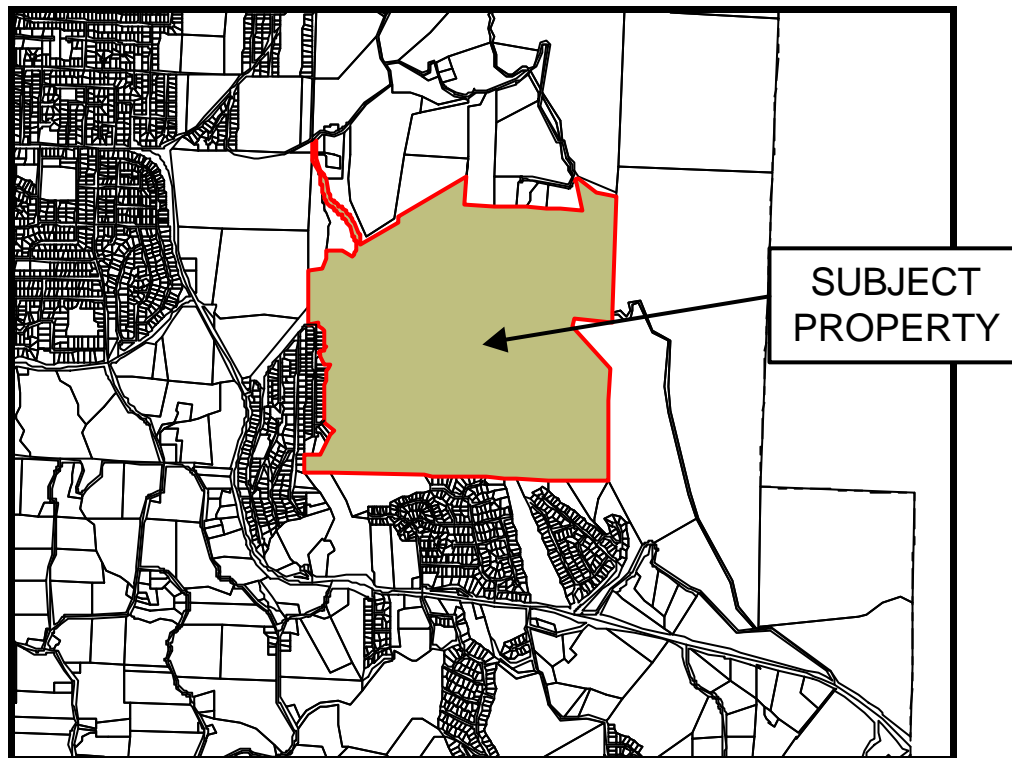
### 4.1 Site Context

These properties are located within the Black Mountain Sector Plan area of the City of Kelowna. The site is located north of Highway 33, east of Toovey Road and south of Swainson Road.

Adjacent zones and uses are, to the:

- North - A1-Agriculture 1 / Farmland and Rural Residential
- East - A1-Agriculture 1 / Rangeland & Proposed BMID Reservoir
- South - A1-Agriculture 1 / Single Family Housing
  - RR1-Rural Residential 1 / Single Family Housing
- West - RU1-Large Lot Housing / Single Family Housing
  - A1-Agriculture 1 / Farmland and Rural Residential

Site Location Map



4.2 Existing Development Potential

The existing development potential is based on the A1-Agriculture 1 zone, allowing agricultural and related land uses.

4.3 Current Development Policy

4.3.1 City of Kelowna Strategic Plan (1992)

The current application conforms to a number of goals and strategies in the Strategic Plan, such as: to support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents; to preserve important natural features and environmentally sensitive areas within the City; to manage the visual impacts associated with development on hillsides; allow for differing densities and scale of development in new urban areas to provide for choice in urban environments; to ensure that a sufficient number of new urban areas are developed to allow choice in terms of residential location, amenities, and cost; the city will ensure that there is coordination between its plans and those of the Ministry of Transportation which has jurisdiction for Highway No. 33.

#### 4.3.2 Kelowna Official Community Plan

The subject property is located within the boundaries of lands designated for the preparation of an Area Structure Plan. This proposal conforms to the components noted in the OCP, which include public open space, neighbourhood commercial, one/two family residential, and low density multi family residential.

#### 4.3.3 Black Mountain Sector Plan (1997)

The sector plan recognizes that the plan area is a relatively homogenous single family residential environment but allows for an increase in the existing densities due to the increased costs of providing adequate services to the site. Also, the proposed future land uses are located within the area identified as a future urban area within the plan.

#### 4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Municipal Council authorized the preparation of the Bell Mountain Area Structure Plan on July 15, 2003, and required that the applicant prepare an Environmental Impact Assessment, Drainage Study, and a Traffic Impact Analysis Report. The plan and associated documents were prepared by Planning Solutions Consulting, Rock Glen Consulting, and EarthTech.

The Area Structure Plan discusses the proposed future land uses for the site and major planning issues. The major planning issues identified within the Plan are the following:

- Compatibility of adjacent uses;
- Road and transportation connections;
- Hillside development guidelines;
- Parks and open space requirements;
- Infrastructure and servicing constraints.
- Environmental Issues

The Land Use chapter provides a guide for future rezoning, development permits, subdivision applications. The concept was developed considering site context, site character, site topography / natural drainage, the Official Community Plan and the Black Mountain Sector Plan policies, and the objectives of the land owners and the City of Kelowna. However, the land use areas will be refined to accommodate the development of the site throughout subsequent planning processes (Rezoning, Subdivision, and Development Permits). The plan identifies several possible future zones, including:

- RU1h-Large Lot Housing
- RU1hs-Large Lot Housing (Hillside Area)
- RU4-Low Density Cluster Housing
- RM5-Medium Density Multiple Housing
- C2-Neighbourhood Commercial
- C9-Tourist Commercial
- RM4-Transitional Low Density
- P3-Parks and Open Space

The residential component will comprise mostly single family lots interspersed with small areas of cluster and multiple family housing designed to suit the topographical constraints of the area. The areas to be designated as Major Park and Open Space are primarily the steeper slopes and will remain undeveloped land concentrating the development on the flatter portions of the site (i.e. <30% slopes). The plan proposes one

neighbourhood park, in a location satisfactory to the Parks Department. The pedestrian system within the neighbourhood will be a combination of sidewalks and trails.

The Servicing chapter examines the servicing for the area including the storm drainage system, water service, and sanitary sewer systems. The examination includes the existing capacities and the potential upsizing requirements for the development of the subject properties. Further detailed site servicing assessments will have to be undertaken to the satisfaction of the Development Engineering Manager prior to the approval of any rezoning, development permit or subdivision applications.

The Environment chapter summarizes the supplemental Environmental Impact Assessment report for the proposed development. The report concludes by saying that most potential impacts can be mitigated by careful site design that maximizes tree retention on steep slopes. However, the Environment Division has indicated that the open space areas should be increased to avoid more of the steep sloped areas. Greater effort should be made to avoid the steep slopes within the various zones and housing types, and no-build restrictive covenants should be registered on the golf course, steep slope and open space areas to restrict future development of those areas.

The Transportation chapter directs the reader to the Transportation Impact Assessment report for a detailed review of the proposed traffic flows relative to the capacities in the area. The vehicular traffic for the plan area will be based on a major north-south spine road to access the proposed nodes.

The implementation section of the report outlines the role of rezoning relative to the proposed phasing schedule which proposes to develop in a south to north direction, together with the required infrastructure.

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Bob Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** ASP02-0001
2. **APPLICATION TYPE:** Area Structure Plan, Official  
Community Plan Amendment
3. **OWNER:** Weninger Construction and Design  
Ltd.
  - . **ADDRESS** 1225 Mountain Avenue
  - . **CITY** Kelowna, BC
  - . **POSTAL CODE** V1Y 7G9
4. **APPLICANT/CONTACT PERSON:** Marlin Weninger
  - . **ADDRESS** 1225 Mountain Avenue
  - . **CITY** Kelowna, BC
  - . **POSTAL CODE** V1Y 7G9
  - . **TELEPHONE/FAX NO.:** 250-765-6898
5. **APPLICATION PROGRESS:**
  - Date of Application:** March 19, 2002
  - Date of 1<sup>st</sup> Draft of ASP** January 15, 2003
  - Date of 2<sup>nd</sup> Draft of ASP** August 8, 2003
  - Staff Report to APC:** August 18, 2003
  - Staff Report to Council:** September 9, 2003
6. **LEGAL DESCRIPTION:** SE ¼ of Sec. 24, Twp. 26, ODYD,  
Except Plans KAP54413,  
KAP63620, and KAP69503;  
Lot 2, Sec. 24 & 25, Twp. 26,  
ODYD, Plan KAP62397;  
Lot A, Sec. 19, Twp. 27, ODYD,  
Plan 31717;  
Lot B, Sec. 19, Twp. 27, ODYD,  
Plan 31717;  
Lot D1, Sec. 3 & 19, Twp. 27,  
ODYD, Plan 1760, Except Plan  
33849
7. **SITE LOCATION:** Black Mountain
8. **CIVIC ADDRESS:** (E of) Lone Pine Drive / 1151  
McKenzie Road / Lots A & B, Plan  
31717, Swainson Road / Portion (N  
of) Joe Riche Road
9. **AREA OF SUBJECT PROPERTY:** 209 ha (516 ac)
10. **PURPOSE OF THE APPLICATION:** To amend the Official Community  
Plan to allow the adoption of the Bell  
Mountain Area Structure Plan, a  
mixed use development that includes  
single family and multi family  
residential, golf course, commercial,  
parks and open spaces.

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| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b> | <a href="#"><u>2-81-19477</u></a>                   |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2</b><br><b>IMPLICATIONS</b>  | Map 15.1 Generalized Future Land<br>Use Map amended |  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Subject Property Map
- Proposed Future Land Use Map
- Bell Mountain Area Structure Plan (available for viewing in City Clerk's Department, 3<sup>rd</sup> level of City Hall)