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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 13, 2003

**File No.:** DVP03-0151

**To:** City Manager

**From:** Planning & Corporate Services Department

**Purpose:** To vary the road frontage improvement requirements as required by the Subdivision, Development and Servicing Bylaw No. 7900, in order to facilitate a two lot rural subdivision

**Owner:** Alan & Rita Clarke      **Applicant/Contact Person:** D.E. Pilling & Associates / Dale Pilling

**At:** 1980-1984 Union Road

**Prepared by:** Mark Koch

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

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**1.0    RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0151: D.E. Pilling & Associates for Alan and Rita Clarke; 1980-1984 Union Road, Lot 2, Plan KAP 60991, Sec. 4, Twp. 23, ODYD;

AND THAT variances to the following section of Subdivision, Development and Servicing Bylaw No. 7900 be granted, waiving the frontage improvement requirements for the Union Road and [future Glenmore Road bypass frontages, as per the Planning and Corporate Services Department report dated November 13, 2003:

**Part 5: OWNER TO PERFORM WORK:**

**Section 9.3 – Required Works and Services (1) (a) (i)**

- In the case of a Subdivision all onsite Works and Services and
- all offsite Works and Services on that portion of the highway(s) immediately adjacent to the site, up to the centre line of that adjacent highway(s), insofar as their requirement is directly attributable to the Subdivision.

**2.0    SUMMARY**

This Development Variance Permit application is the result of an associated subdivision preliminary layout review application, where based on the Subdivision, Development and Servicing Bylaw No. 7900 the Subdivision Approving Officer required that the applicant contribute towards the frontage improvements on Union Road and for the frontage improvements adjacent to the future Glenmore Road Bypass in the estimated amount of \$245,000.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant has applied to subdivide the subject property into two parcels, as there are currently two businesses and a principal residence located on the subject property. The owner has been unable to secure insurance for the RV park and Teahouse businesses, and as such has applied to subdivide the property, after being told that the businesses will be insurable once they are located on an independent parcel from the principal residence. The subject property is located within the Agricultural Land Reserve, with the Agricultural Land Reserve Commission already granting their approval to subdivide the subject property, subject to a covenant restricting the proposed parcels from being sold independently of each other.

This Development Variance Permit application is to vary the Subdivision, Development and Servicing bylaw No. 7900 requirements that were triggered as a result of the prior subdivision preliminary layout review application. These requirements include:

The Glenmore Bypass Road is designated as a rural arterial road within the 20 year Servicing Plan. This development is therefore responsible for construction of the road frontage ( $\frac{1}{2}$  road to the centerline) in accordance with City standard SS-R10. The works are to include excavation, gravel fills, one 3.5m paved travel lane, 1.5m bike lane, 1.5m gravel shoulder, ditching, street lighting, and storm drainage (50%). The estimated construction cost is \$150,000.

Union Road is designated as an urban arterial road in the 20 year Servicing Plan but with a rural character (no curb and gutter or sidewalk) fronting the agricultural lands on North side (fronting this development). The proposed road is intended to be re-aligned and lowered in elevation according to predesigns for this road. This development is responsible for constructing the road frontage ( $\frac{1}{2}$  road to the centerline) in accordance with City standard SS-R10. The works are to include excavation, gravel fills, one 3.5m paved travel lane, 1.5m bike lane, 1.5m gravel shoulder, ditching, street lighting, and storm drainage (50%). The estimated construction cost is \$95,000.

#### 3.2 Site Context

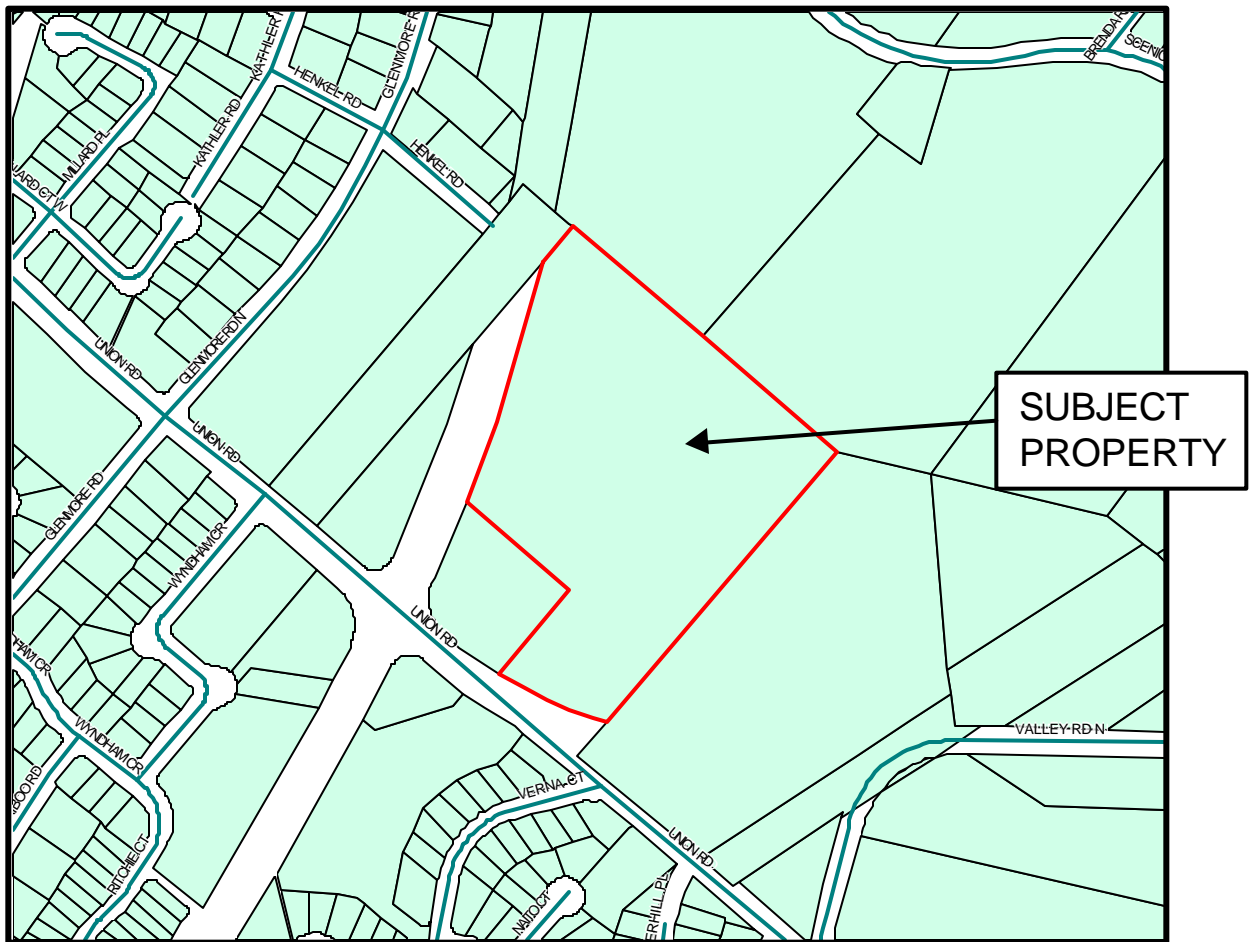
The subject property is located on Union Road, on the east side of Glenmore Road, to the west of Valley Road and is situated in the Glenmore/Clifton/Dilworth sector plan area of the City.

Adjacent zones and uses are:

- North - A1–Agriculture 1 / Agricultural
- East - A1–Agriculture 1 / Agricultural
- South - RM2–Low Density Row Housing / Urban Residential  
C5–Transitional Commercial / Urban Residential
- West - P2–Education and Minor Institutional / School

### 3.3 Location Map

Subject Property: 1980-1984 Union Road



### 4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed variance. The property in question is unique in that the land uses are not changing, and the associated subdivision is required in order to secure insurance for the businesses operating on the subject property.

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Bob Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/MK/mk  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** DVP03-0151
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Alan and Rita Clarke  
 . **ADDRESS** 1952 Union Road  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1V 2E8
4. **APPLICANT/CONTACT PERSON:** D.E. Pilling & Associates / Dale Pilling  
 . **ADDRESS** 200-540 Groves Avenue  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1Y 4Y7  
 . **TELEPHONE/FAX NO.:**
5. **APPLICATION PROGRESS:**  
 Date of Application: November 6, 2003  
 Date Application Complete: November 6, 2003  
 Servicing Agreement Forwarded to Applicant:  
 Servicing Agreement Concluded:  
 Staff Report to APC: N/A
6. **LEGAL DESCRIPTION:** Lot 2, Plan KAP 60991, Sec. 4, Twp. 23, ODYD
7. **SITE LOCATION:**
8. **CIVIC ADDRESS:** 1980-1984 Union Road
9. **AREA OF SUBJECT PROPERTY:** 5.4 ha (13.5ac)
10. **EXISTING ZONE CATEGORY:** A1–Agriculture 1
11. **PURPOSE OF THE APPLICATION:** To vary the road frontage improvement requirements as required by the Subdivision, Development and Servicing Bylaw No. 7900, in order to facilitate a two lot rural subdivision
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
13. **DEVELOPMENT PERMIT MAP 13.2** N/A  
**IMPLICATIONS**

## *ATTACHMENTS*

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

- Location of subject property
- Proposed Subdivision Plan
- Standard Detail Drawing SS-R10