
CITY OF KELOWNA

MEMORANDUM

Date: January 12, 2004

File No.: Z03-0052

To: City Manager

From: Planning and Corporate Services Department

Purpose: To rezone part of the subject property from the A1– Agriculture 1 zone to the RU1h–Large Lot Housing (Hillside) zone in order to allow for a 17 lot single unit subdivision

Owner/ Applicant: Bell Mountain Estates Ltd

Contact Person: Marlin Weninger

At: Swainson Road

Existing Zone: A1 – Agriculture 1

Proposed Zone: RU1h–Large Lot Housing (Hillside Area)

Report Prepared By: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT Rezoning Application No. Z03-0052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717, located on Swainson Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 12, 2004 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 a 1.2ha (3ac) portion of the subject property from the A1–Agriculture 1 zone to the RU1h–Large Lot Housing (Hillside) zone in order to facilitate a 17 lot single unit residential lot subdivision. The proposed rezoning and associated subdivision are part of phase one for the Bell Mountain Estate Area Structure Plan development, which was recently approved by Council.

2.1 Advisory Planning Commission

The Advisory Planning Commission at the meeting of November 25, 2003, reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0052, Swainson Road, Lot B, Plan 31717, Sec. 19, Twp. 27, ODYD, by Bell Mountain Estates Ltd., to rezone part of the subject property from the A1–Agriculture 1 zone to the RU1h – Large Lot Housing (Hillside Area) zone in order to facilitate a 17 lot subdivision.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located in the Black Mountain Sector Plan area of the City, and is currently zoned A1–Agriculture 1. The subject property is currently used for agricultural and range land purposes. The applicant is seeking to rezone part of the subject property to RU1h–Large Lot Housing (Hillside) in order to allow for a 17 lot single family residential subdivision. The property is currently not connected to the community sanitary sewer system; however, connection to the community sanitary sewer system will be a requirement for the associated subdivision approval.

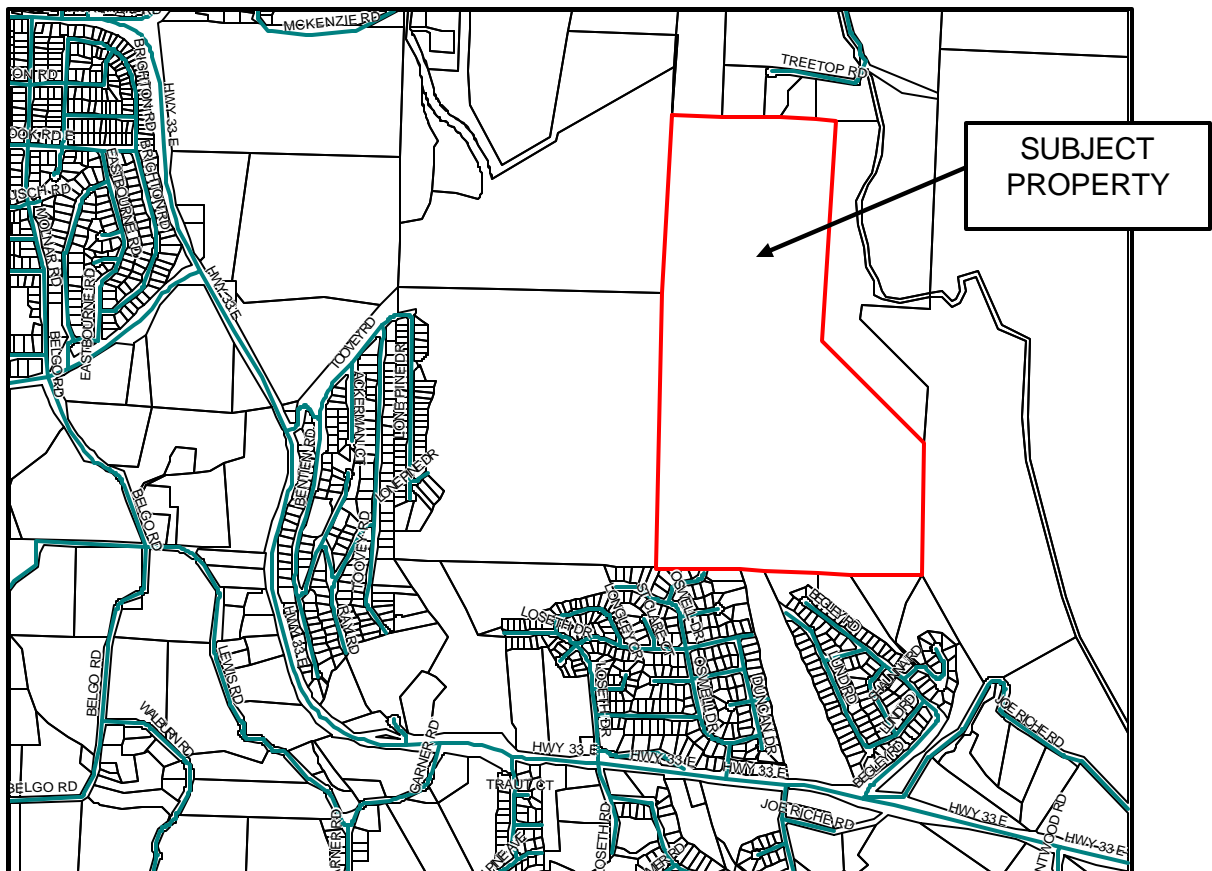
The application meets the requirements of the proposed RU1 Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1h ZONE REQUIREMENTS
Minimum Site Area (m ²)	570 – 911	550.0 m ²
Minimum Site Width (m)	17.0 – 25.8	16.5 m
Minimum Site Depth (m)	34.3 – 40.4	30.0 m

3.2 Site Context

The subject property is located north of Henderson Drive, in the Black Mountain Sector area of the City. The property is situated within the Bell Mountain Area Structure Plan boundaries, and is part of the first phase of the Bell Mountain Estate development.

Site Location Map



Adjacent zones and uses are, to the:

- North - A1–Agriculture 1 / Range Land
RR1–Rural Residential 1 / Rural Residential Subdivision
- East - A1–Agriculture 1 / Future BMID Reservoir
- South - A1–Agriculture 1 / Rural Residential Subdivision
RR1–Rural Residential 1 / Rural Residential Subdivision
RR2–Rural Residential 2 / Rural Residential Subdivision
- West - A1–Agriculture 1 / Range Land

3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the policies of the Kelowna Strategic Plan, which seek to “stage the development of new urban areas and only open up new areas where the capital and operating costs are within the City's financial capability”.

3.3.2 Kelowna Official Community Plan

The proposal is consistent with the Single Family/Two Family Residential designation of the Official Community Plan. The Official Community Plan has long recognized the area as being suitable for development.

3.3.3 Black Mountain Sector Plan

The Black Mountain Sector Plan identifies that the Black Mountain area is to retain a single family residential nature, with future urban development being confined to the identified urban areas within the boundary.

3.3.4 Bell Mountain Area Structure Plan

The proposal is consistent with the recently adopted Bell Mountain Area Structure Plan, which identifies the area as being part of the first phase in the Bell Mountain Estate development.

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

Works and Utilities comments with regard to this application to rezone a portion of the subject property from A1 to RU1-h are as follows:

.1 Subdivision

- a) A Restrictive Covenant must be registered for all the steep slopes and environmentally sensitive areas.

.2 Geotechnical Study

Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering.

.3 Domestic Water and Fire protection.

- a) The proposed development is within the service area of the Black Mountain Irrigation District (BMID). All charges for service connections and upgrading costs are to be paid directly to the BMID.
- b) The applicant is to provide the City of Kelowna the assurance that the supply of domestic water and fire protection is achievable in accordance with the City standards.

.4 Sanitary Sewer.

- a) The ASP recognized that there are some flow restrictions along the some of the downstream portion of the sanitary sewer trunks. The City is in the process of determining the actual flows and fine tuning the wastewater computer model to ascertain the exact excess or shortfall flows available downstream of the development.
- 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 Sewer service area # 1

.5 Drainage

- a) A comprehensive detailed site drainage management plan and design to comply with the City's drainage and policy manual is a requirement of this application. The drainage area located upstream of the subject property and its potential effect on the proposed development must be addressed.

.6 Power and Telecommunication services.

The services to and within this development are to be installed underground. It is the developer's responsibility to make an application to the respective utilities companies. The utility companies are then required to obtain the City's approval before commencing their works.

4.2 Environment Manager

This proposed extension of Henderson Road appears to be located outside of those areas of concern that were identified through the ASP process, however, the proposed lots 14-17 appear to back over slopes in excess of 30%. There appears to be sufficient area within those lots for building envelopes. A no-build covenant should be registered on those lots restricting development on the areas in excess of 30%. The covenant should also prohibit the placement of fill. Consideration should be given to fencing the top of the steep slopes to clearly delineate the no-build area.

4.3 Fire Department

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

4.4 Inspection Services

Provide a comprehensive geotechnical report that deals with soil types, bearing capacity, drainage and whether homes can be built safely on the filled in gulley.

4.5 Black Mountain Irrigation District

Proposed development is located within the BMID boundaries and can be supplied with water services from this district subject to the design of the distribution system being consistent with the BMID and City of Kelowna requirements. Capital Charges will apply.

The water distribution system will be designed to supply maximum day plus fire flow demands and must be approved by BMID. The irrigation water for the golf course will be supplied at the same volume as irrigation users – this being a maximum of 5.00 Usg/minute per acre.

The water supply system will include booster stations, standby power supply, reservoir and pressure zones to adequately service the development. All system components will be at developer's expense.

Developer is aware of BMID's long-range plan to construct a water storage reservoir adjacent to this development, and that there will be disruptions in terms of noise and dust when construction takes place. All future potential lot owners should be made aware of this.

4.6 Ministry of Water Land and Air Protection

In regard to your letter of September 17, 2003, the Ecosystem Section of the Ministry of Water, Land and Air Protection, Okanagan Region, have reviewed the above and have no comments regarding this proposal at this time.

4.7 Ministry of Transportation – File No. 2-81-20497

It is our understanding that this rezoning will only involve the area of the proposed 17-lot subdivision as per the CTQ Consultants Ltd. Drawing no. PLR-01. In this regard, we have no objection to the rezoning as proposed.

4.7 School District No. 23

No response.

4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

This application is supported by relevant planning and development policies, including the Official Community Plan, the Strategic Plan, the Black Mountain Sector Plan, and the Bell Mountain Area Structure Plan.

Bob Shaughnessy
Subdivision Approving Officer

RGS/MK/mk

Attach.

FACT SHEET

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| 1. | APPLICATION NO.: | Z03-0052 |
| 2. | APPLICATION TYPE: | Rezoning Application |
| 3. | OWNER: | Bell Mountain Estates Ltd. |
| | · ADDRESS | #105-200 Dougall Road N. |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1X 3K5 |
| 4. | APPLICANT/CONTACT PERSON: | Marlin Weninger |
| | · ADDRESS | # 105-200 Dougall Road N. |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | |
| | · TELEPHONE/FAX NO.: | V1X 3K5 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | September 9, 2003 |
| | Date Application Complete: | September 9, 2003 |
| | Staff Report to APC: | November 6, 2003 |
| | Staff Report to Council: | January 7, 2004 |
| | Servicing Agreement Forwarded to Applicant: | |
| | Servicing Agreement Concluded: | |
| 6. | LEGAL DESCRIPTION: | Lot B, Sec. 19, Twp. 27, Plan 31717, ODYD |
| 7. | SITE LOCATION: | North of Henderson Drive |
| 8. | CIVIC ADDRESS: | Swainson Road / Plan 31717 Lot B |
| 9. | AREA OF SUBJECT PROPERTY: | 86ha (212.5ac) |
| 10. | AREA OF PROPOSED REZONING: | 1.2ha (3.0ac) |
| 11. | EXISTING ZONE CATEGORY: | A1–Agriculture 1 |
| 12. | MIN. OF TRANSPORTATION FILE NO.: | 2-81-20497 |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 13. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan