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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** February 10, 2004  
**File No.:** Z03-0064  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Purpose:** To rezone the subject property from A1 – Agriculture 1 to RU1 – Large Lot Housing to facilitate a proposed subdivision comprising 15 single detached housing lots  
**Owner:** T245 Enterprises Ltd.      **Applicant/Contact Person:** Robert Bennett  
**At:** 5065 Frost Road  
**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. Z03-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 357, SDYD, Plan KAP48057, located on Frost Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone be considered by Council;

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

AND FURTHER THAT final adoption of the zone amending bylaws be withheld pending the execution and registration, by the owner of the subject property, of a Servicing Agreement acceptable to the City of Kelowna.

#### 2.0 SUMMARY

The applicant proposes to rezone the subject property from the current A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone to facilitate a proposed subdivision comprising 15 single detached housing lots. The application is in accordance with the future single/two family residential land use designation of the Neighbourhood Two Area Structure Plan and the Official Community Plan.

#### 2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of January 20, 2004 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0064, 5065 Frost Road, Lot A, Plan KAP48057, Sec. 30, Twp. 29, SDYD, by Bob Bennett, to rezone from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to facilitate a 15 lot single family residential subdivision.

### 3.0 BACKGROUND

#### 3.1 The Proposal

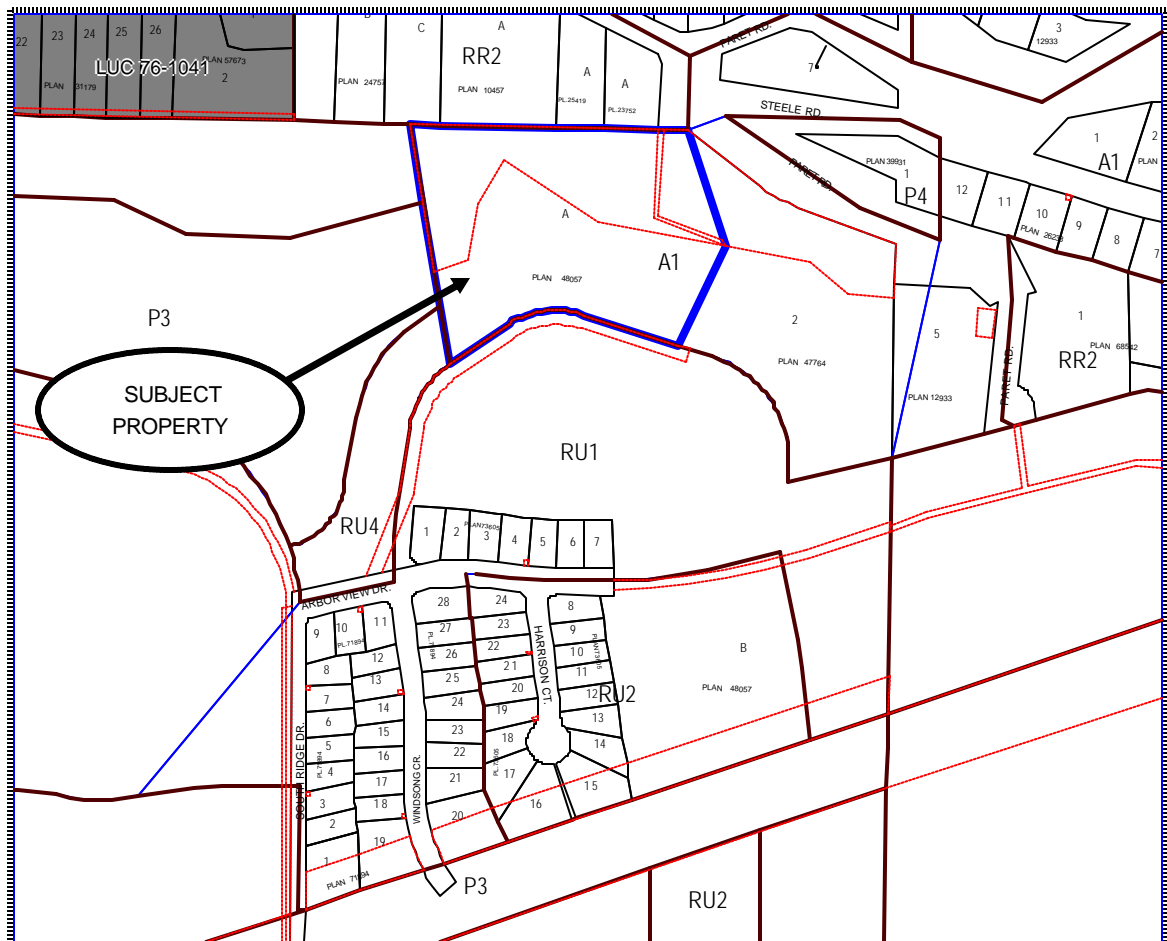
The proposed subdivision comprises 15 single family lots ranging in size from 551.5 m<sup>2</sup> to 5055.8 m<sup>2</sup>. Access to the proposed subdivision will be through the adjacent single family subdivision currently under development to the south of the subject property and to the east of the subject property. The application is in accordance with the future single/two family residential land use designation of the Neighbourhood Two Area Structure Plan and the Southwest Okanagan Mission Sector Area.

The proposal, as compared to the requirements of the RU1 zone requirements are as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	551.5 – 5055.8	550
Site Width (m)	Min. 16.5 (17 corner lot)	16.5 (17 for corner lot)
Site Depth (m)	30 - ~92	30

#### 3.2 Site Context

The subject property fronts on the south side of Paret Road. Due to topographic constraints, access to the property is by way of a legal access easement, off the newly dedicated and constructed Arbor View Drive. Arbor View Drive is located off the extension of South Ridge Drive, north of Frost Road.



Adjacent zones and uses are, to the:

- North - RR2 – Rural Residential 2; single family residential lots
- East - A1 – Agriculture; single family dwelling (at 3<sup>rd</sup> reading for rezoning to RU1 – Large Lot Housing)
- South - RU1 – Large Lot Housing; future single family residential development
- West - RU2 – Medium Lot Housing & P3 – Parks & Open Space; new single family residential development (The Quarry development)

### 3.3 Current Development Policy

#### 3.3.1 City of Kelowna Strategic Plan (1992)

The Kelowna Strategic Plan supports the orderly progression of urban development, in particular, infill development, where the extension of required municipal servicing can easily be accommodated within an existing urban area.

#### 3.3.2 Kelowna Official Community Plan (1994-2013)

The Official Community Plan designates the subject property for single/two unit residential development.

#### 3.3.3 Southwest Okanagan Mission Sector Plan

The Southwest Okanagan Mission Sector Plan identifies generalized road locations, density, and form of housing. The current proposal is in accordance with the general parameters set out in the Plan.

### 3.4 Proposed Development Policy

The purpose of the RU1 – Large Lot Housing zone is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

## 4.0 RECOMMENDATIONS

### 4.1 Works & Utilities

#### .1) General

- a) The development is premature unless connecting roads are constructed in conjunction with the adjacent application (S01-010) by Progressive Construction.

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

#### .3) Water

- a) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.

Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on the site. Measures may be required to prevent erosion and sediment transport in accordance with the Geotechnical recommendations.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections.

.6) Roads

- a) Staging of off-site improvements to major roads will be phased, as development progresses, in accordance with the parameters set out in the Southwest Okanagan Mission Sector Plan. Future offsite road works may be required when triggered by subdivision.

At this time, the major developers in the South Mission are undertaking to coordinate the road improvements triggered by subdivisions in this neighbourhood; therefore, no specific requirements will be imposed on this subdivision at this time. If this subdivision is delayed and the PLR expires then there may be improvements required depending on growth within this sector.

- b) At the time of subdivision, internal roads must be dedicated and constructed or bonded for, to a class 2 local standard (SS-R4) with 15m dedication per Schedule 1 of the Subdivision, Development and Servicing Bylaw.
- c) The City is intending to close Paret Road north of this development in the future. Driveway access is not permitted onto Paret Road. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

#### 4.2 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing Bylaw. As this is a recognized interface area, a wildfire hazard assessment will be required,

#### 4.3 Inspection Services

A geotechnical report is required.

#### 4.4 Parks Division

Street trees contribute to the liveability of a street. Trees modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division recommends the planting of street trees consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

Ensure that drainage on the property is not directed towards the Quarry Park.

#### 4.5 Aquila, Shaw Cable and Telus

Owner/developer will be required to install underground services for the proposed development.

#### 4.6 Terasen

No comment.

#### 4.7 School District 23 and RCMP

No response.

50     PLANNING COMMENTS

The proposed rezoning of the site is consistent with the Official Community Plan and the Neighbourhood Two Area Structure Plan future land use designation of single/two family residential. In order to proceed with the actual subdivision of the subject property it will be necessary to ensure that all services will be made available to the proposed development. This will include legal road frontage for all proposed Lots. These requirements will be addressed through the Preliminary Layout Review process and the subsequent Subdivision Approval process.

R. G. Shaughnessy  
Subdivision Approving

Approved for inclusion

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

RGS/SG/sg

**FACT SHEET**

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|---|---|
| <b>1. APPLICATION NO.:</b>                          | Z03-0064  |
| <b>2. APPLICATION TYPE:</b>                         | Rezoning  |
| <b>3. OWNER:</b>                                    | T245 Enterprises Ltd.   |
| . <b>ADDRESS</b>                                    | 170 – 3948 Finnerty Road  |
| . <b>CITY/ POSTAL CODE</b>                          | Penticton, BC V2A 8P8   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                 | Robert Bennett  |
| . <b>ADDRESS</b>                                    | 4 – 1960 Springfield Road   |
| . <b>CITY/ POSTAL CODE:</b>                         | Kelowna, BC V1Y 5V7   |
| . <b>TELEPHONE/FAX NO.:</b>                         | 763-7277/763-7290   |
| <b>5. APPLICATION PROGRESS:</b>                     |   |
| Date of Application:                                | November 16 2003  |
| Staff Report to Council:                            | February 10, 2004   |
| Servicing Agreement Forwarded to Applicant:         |   |
| Servicing Agreement Concluded:                      |   |
| <b>6. LEGAL DESCRIPTION:</b>                        | Lot A, DPL 357, SDYD, Plan KAP48057   |
| <b>7. SITE LOCATION:</b>                            | South side of Paret Road with physical access from Arbor View Drive   |
| <b>8. CIVIC ADDRESS:</b>                            | 5065 Frost Road   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                 | 2.6 ha  |
| <b>10. AREA OF PROPOSED REZONING:</b>               | 2.6 ha  |
| <b>11. EXISTING ZONE CATEGORY:</b>                  | A1 – Agriculture 1  |
| <b>12. PROPOSED ZONE:</b>                           | RU1 – Large Lot Housing   |
| <b>13. PURPOSE OF THE APPLICATION:</b>              | To rezone the subject property from A1 – Agriculture 1 to RU1 – Large Lot Housing to facilitate a proposed subdivision comprising 15 single detached housing lots |
| <b>14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b> | Not applicable  |

**Attachments**

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

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Location Map  
Plan of Proposed Subdivision