
CITY OF KELOWNA

MEMORANDUM

Date: March 22, 2004

File No.: Z03-0033

To: City Manager

From: Planning & Corporate Services Department

Purpose: To rezone the subject properties from the A1 – Agriculture 1; RR3 – Rural Residential 3; RU1 – Large Lot Housing zones to the RU1h – Large Lot Housing (Hillside Area) zone in order to facilitate single family residential unit development

Owners: John, Patricia, Walter & Henk Verwoerd; Romesha Ventures Inc.; & John & Sarina Weisbeck.

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

At: 1374, 1494 Highway 33 and 1177 Oswell Drive

Existing Zones: A1 – Agriculture 1; RR3 – Rural Residential 3; RU1 – Large Lot Housing

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

Report Prepared by: Shelley Gambacort

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT Rezoning Application No. Z03-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297; Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039; and Lot 14, Sec. 13, Twp. 26, ODYD, Plan KAP72297, located on (Highway 33 & Oswell Drive), Kelowna, BC, from the A1 – Agriculture 1; RR3 – Rural Residential 3; RU1 – Large Lot Housing 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 February 24, 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 the subject properties in order to facilitate the development of a ±65 lot single family hillside residential subdivision in keeping with the Official Community Plan single/two unit designation of the properties.

A preliminary lot layout is attached for reference. There is a concurrent subdivision application being processed for the first 29 lots with the future development of additional lots to be applied for at a later date.

2.0 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 initial stages in the residential development of the Highway 33 Area Structure Plan.

2.1 Advisory Planning Commission

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

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0033, 1374, 1494 Hwy 33E & 1177 Oswell Drive, Lots 2 & 3, Plan 14039, Sec.13 & 24, Twp.26, ODYD & Lot 14, Plan KAP72297, Sec. 13 & 24, Twp.26, & Sec 18, Twp. 27, ODYD, by DE Pilling & Associates Ltd. (David Pauls) to rezone from the A1 – Agriculture 1, RR3 – Rural Residential 3, and the RU1 – Large Lot Housing zones to the RU1h – Large Lot Housing (Hillside Area) to facilitate a single detached housing subdivision

3.0 BACKGROUND

3.1 The Proposal

The proposal is to rezone the subject properties to the RU1h – Large Lot (Hillside Area) zone. The hillside area designation has been requested due to the topography of the subject properties and will be consistent with the future development of the lands beyond. The elevation range for the area under application is from ~606 m to ~655 m with a grade of approximately 17%. The area under application will be accessed through the lands to the east, as a continuation of Loseth Drive, which will continue north through the development to serve future development.

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.

CRITERIA	PROPOSAL	RU1h ZONE REQUIREMENTS
Site Area (m ²)	550 (min.) to 1,554 (max.)	550
Site Width (m)	16.5 (min.)	16.5 (17 corner lots)
Site Depth (m)	30 (min.)	30

3.2 Site Context

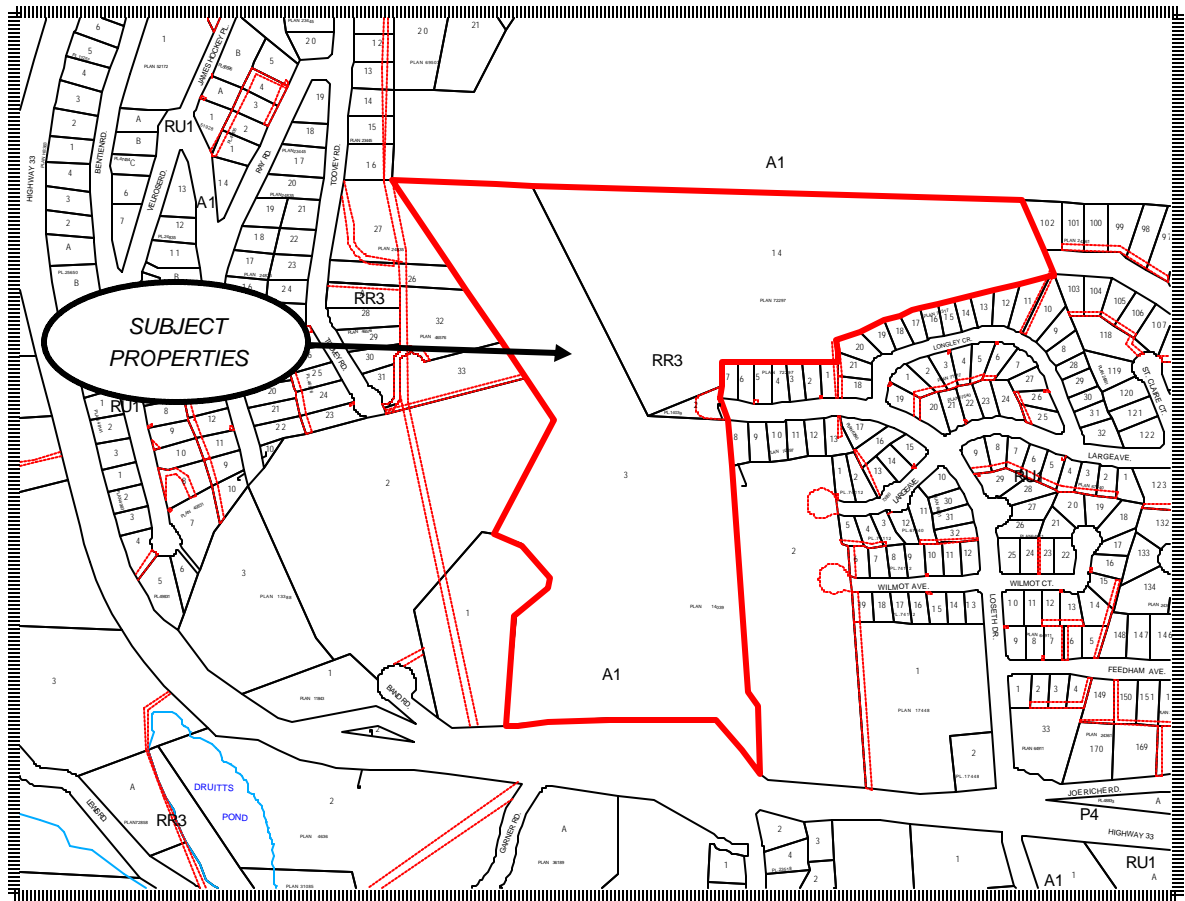
The subject properties are located north of Highway 33 and west of Loseth Drive in the Belgo/Black Mountain Sector area of the City.

Adjacent zones and uses are, to the:

North - A1 – Agriculture; rural

- East - RU1 – Large Lot Housing; single family subdivision
 South - Highway 33 & A1 – Agriculture 1; Highway, single family subdivision and rural residential
 West - A1 – Agriculture & RU1 – Large Lot Housing; rural and single family subdivision

AREA MAP



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.

3.4 Proposed Development Potential

The purpose of the RU1h zone is to provide a zone for single detached housing, and compatible secondary uses (i.e. bed & breakfast, care centres minor, group homes minor, home based businesses major & minor, second kitchen) on larger serviced urban lots.

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone the subject properties are as follows:

1. Subdivision.

Provide easements as may be required.

2. Geotechnical Report to address the following

- a) Overall site suitability for development.
- b) Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- c) Presence of ground water and/or springs.
- d) Presence of fill areas.
- e) Presence of swelling clays.
- f) Presence of sulfates.
- g) Potential site erosion.
- h) Provide specific requirements for footings and foundation construction.
- i) Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. 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.

4. Sanitary Sewer.

- a) The subject property must be serviced by the municipal sanitary sewer prior to final subdivision approval.

- 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.
5. 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 is located at the intersection of Loseth Drive and Old Joe Riche Road. The detention facility was constructed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$ 10,497.76, plus any interest accrued until payment is made in full, must be paid prior to the subdivision application.

6. 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.

7. Road improvements.

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 \$ 6,989.84 plus any interest accrued until payment is made in full, must be paid prior to the subdivision application.

8. Street lights.

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

10. Bonding and Levies Summary.

Latecomers

- Drainage detention pond (13 EDU @ \$807.52*) = \$10,497.76
 - Highway 33 intersection (13 EDU @ \$537.68*) = \$6,989.84
- * Unit cost valid until Nov. 2004*

Note: Units (EDU) allocation is as follows:

Lot 14	plan 72297	7 units
Lot 3	plan 14039	5 units
Lot 2	plan 14039	1 unit

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision, Development and Servicing By-law. Contact Fire Prevention Officer for preferred location(s) of new hydrant(s).

4.3 Inspection Services

No concerns with re-zoning application. Please ensure the developer is clear on the development regulations. Specifically 13.1.5.(f) & (g) and the height of retaining walls. These items cause problems at permit time. Please provide geotechnical report.

4.4 Irrigation District – BMID

BMID agrees to the rezoning of the entire properties as shown on the D. E. Pilling & Associates drawing 1619-Z1, Rev. 0. After more discussions with our engineer and David Pauls, P. Eng. of Pilling and Associates, we agree to the development of Lots 1 – 29 as shown on the D. E. Pilling & Associates drawing 1599-P1, Rev 0.

These lots would be subject to all applicable costs (\$3,250/lot capital charge, \$300/lot levy for booster upgrade, \$146/lot cost share of watermain upgrade, \$300/lot connection fee). Approval also subject to water design approval. The fire flow is considered adequate, however we request that the design consultant provide a FUS calculation form for the development building so that the fire flow requirement for this site can be documented.

4.5 Parks Division

Boulevard maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

Boulevard tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible for watering and replacement of trees during the establishment period, for at least two years after planting.

4.6 Kelowna Regional Transit/Operations Manager, Terasen & RCMP

No Comment

4.7 Aquila/Shaw & Telus

Underground services required at owners expense.

4.8 School District No. 23

No response

4.9 Ministry of Transportation

Comments pending.

PLANNING COMMENTS

The Planning & Corporate Services Department has no concerns with this proposed development. The development is in keeping with the intent of the Official Community Plan and the Highway 33 Area Structure Plan. There is a concurrent Preliminary Subdivision Layout Review (PLR) application being processed for a proposed 29 lot subdivision. All servicing issues will be addressed through this PLR process. Subdivision of the property is contingent on the provision of community water and sanitary sewer to the proposed development.

R. G. Shaughnessy
Subdivision Approving Officer

RGS/SG/sg

Attachments

FACT SHEET

1. **APPLICATION NO.:** Z03-0033
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

OWNERS Lot 14: John & Patricia Verwoerd
· **ADDRESS** 1177 Oswell Drive RR5, S17, C7
· **CITY/ POSTAL CODE** Kelowna, BC V1X 4K4
Walter & Henk Verwoerd
· **ADDRESS** 6258 Brantford Avenue
· **CITY/ POSTAL CODE** Burnaby, BC V5E 2R7
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 Complete Application: November 28, 2003
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council:
6. **LEGAL DESCRIPTION:** Part of Lot 2, Sec. 13, Twp. 26, ODYD, Plan 14039 except Plans H8433 and KAP72297; Part of Lot 3, Sec. 13, Twp. 26, ODYD, Plan 14039; and Lot 14, Sec. 13, Twp. 26, ODYD, Plan KAP72297
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)
1177 Oswell Drive (Lot 14)
9. **AREA OF SUBJECT PROPERTIES:** 16 ha
10. **AREA OF PROPOSED REZONING:** ~ 5 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1; RR3 – Rural Residential 3; RU1 – Large Lot Housing
12. **PROPOSED ZONE:** RU1h – Large Lot Housing (Hillside Area)

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| 13. PURPOSE OF THE APPLICATION: | To rezone the subject properties to facilitate single family residential development |
| 14. MIN. OF TRANSPORTATION FILE NO.:
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)

Location Map
Plan of proposed subdivision