
CITY OF KELOWNA

MEMORANDUM

Date: May 18, 2004

File No.: OCP04-0007/Z04-0021

To: City Manager

From: Planning & Corporate Services Department

Purpose: To amend the Official Community Plan Future Land Use designation of Multiple Unit Residential Low Density to the Single/Two Unit Residential designation. To rezone from the A1-Agriculture 1 zone to the RU5 – Bareland Strata Housing zone, in order to allow for a 50 unit bareland strata subdivision.

Owner: Aberdeen Holdings Ltd. **Applicant/Contact Person:** Protech Consultants Ltd./Grant Maddock

At: 2350 Byrns Road

Existing OCP Designation: Multiple Unit Residential – low density

Proposed OCP Designation: Single/Two Unit residential

Existing Zone: A1 – Agriculture 1 **Proposed Zone:** RU5 – Bareland Strata Housing

Report Prepared By: Shelley Gambacort

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP04-0007 to amend Map 19.1 of the *Kelowna2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, BC, from the Multiple Unit Residential – low density designation to the Single/Two Unit designation, as shown on Map “A” attached to the report of Planning & Corporate Services Department, dated May 18, 2004 be considered by Council;

THAT Rezoning Application No. Z04-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 136, ODYD, Plan KAP72184, located on Byrns Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0007 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

The applicant is proposing a 50 unit bareland strata subdivision development as a Stage II component of the nearly completed Balmoral Resort Community development that is accessed off Stillingfleet Road. Access to this Stage II bareland strata development will be off Guisachan Road.

2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of April 13, 2004 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP04-0007 and Rezoning Application No. Z04-0021, for 2350 Byrns Road/Lot 2, Plan 72184, Sec. 18, Twp.26, ODYD, by Protech Consultants Ltd. (Grant Maddock) to amend the Official Community Plan Future Land Use from Multi-Family Low Density to Single/Two Family Residential; and to rezone from the A1-Agriculture 1 zone to the RU5-Bareland Strata Housing zone in order to facilitate a 50 unit strata housing subdivision;

2.2 Agricultural Advisory Committee

The Agricultural Advisory Committee at their meeting of April 8, 2004, reviewed the application and advised that a restrictive covenant is needed on all residential properties adjacent to agricultural lands.

3.0 BACKGROUND

3.1 The Proposal

The property is located at the southwest corner of Guisachan Road and Burtch Road and is separated from the nearly completed Balmoral Resort Community by the dedicated but un-constructed re-alignment of Guisachan Road.

The Official Community Plan designation of the subject property is Multiple Unit Residential – low density and the proposed RU5 – Bareland Strata development requires an OCP amendment to the Single/two Unit residential future land use designation. Given the residential character of the existing subdivisions to the north of the subject property and the RU5 development (Balmoral Resort Community) to the south, the proposed development may be considered as an infill type of subdivision development.

Proposed units 1 to 16 will be designed to front Guisachan Road. Along this Guisachan Road frontage the applicant is proposing a wrought iron fence with a pedestrian gate for each lot. All other units are solely accessed from within the development. There will be a split block fence along property lines facing Burtch Road and the new alignment of Guisachan Road, similar in design to the fence provided as part of the existing Balmoral Resort Community development.

The applicant has also submitted an application for a Development Variance Permit to vary the side yard setbacks from the 3.0 m required to 1.5 m proposed. The zoning bylaw requires that the sum of both side yards on a bareland strata lot be 3.0m. In a case where zero lot lines are proposed, the one side yard setback is to be a minimum of 3.0m. In addition, the setback shall be a minimum of 3.0 from the flanking roadway and the sum of both side yards shall not be less than 4.5 m. This proposed development under application is showing a minimum of 1.5 m for the sideyard setback.

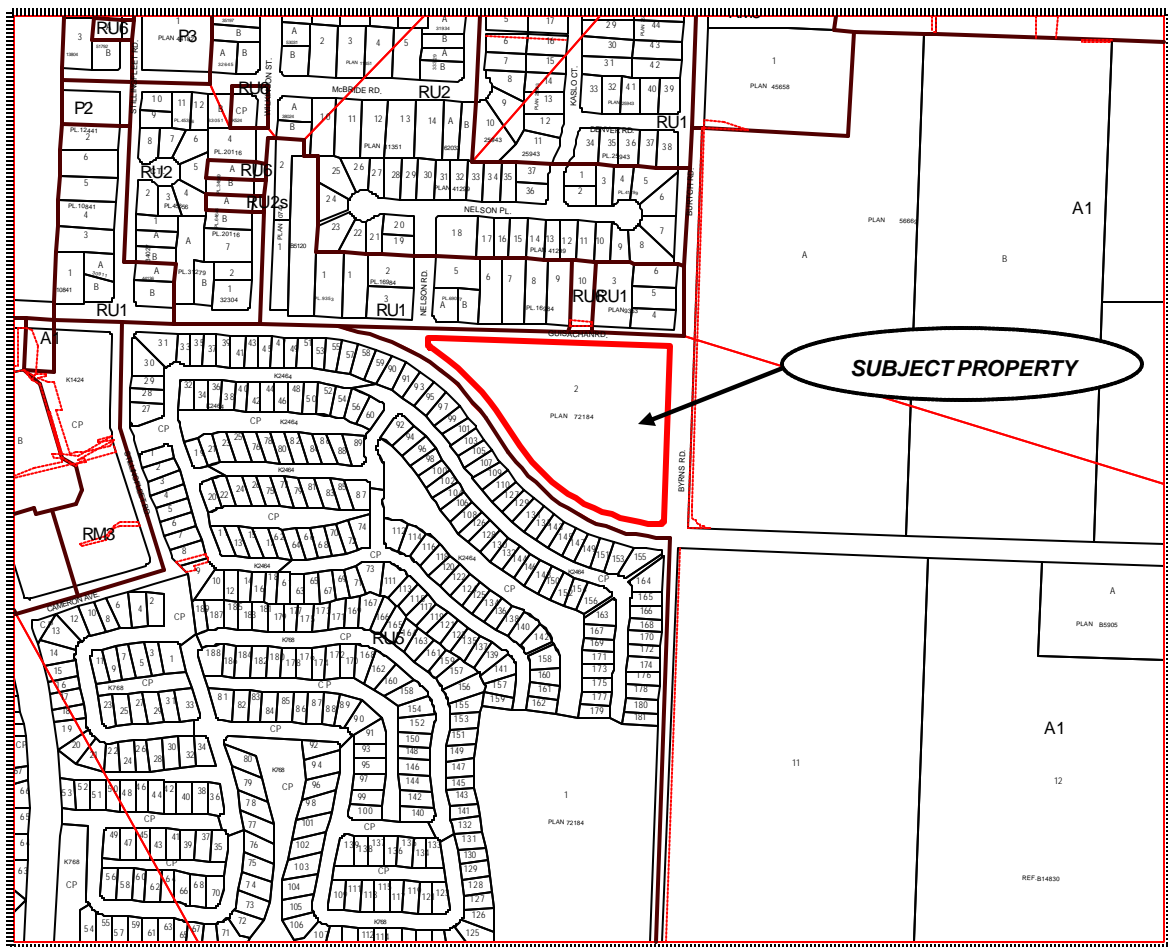
CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Site Area	2.63	1.0 ha
Site Width (m)	168.41	40
Bareland Strata Lot Width (m)	12	12
Bareland Strata Lot Depth (m)	27.5	25
Bareland Strata Lot Area (m ²)	330	325
Site Coverage (%)	47	50
Storeys (#)	1	2 ½
Setbacks (m)		
- Site Front (Burtch Road)	4.5	4.5

- Site Rear (new road)	6	6
- North Side	4.5	3
- South Side	4.5	3
Strata Lot Setbacks (m):		
Back or curb (garage or carport)	6	6
Side/Side = Total	0/1.5=1.5❶	Total = 3
Rear	4.5	4.5
Parking Stalls (#)	100 (each unit has a two car garage) Visitor parking is facilitated on driveways	2 stalls/unit (2 x 50 = 100) Visitor = 1 stall/7units

- 1** Section 13.5.5(f) of the zoning bylaw requires that the sum of both side yards on a bareland strata lot shall be 3.0 except where a bareland strata lot abuts an internal roadway, the setback shall be a minimum of 3.0 from the flanking roadway and the sum of both side yards shall not be less than 4.5 m. The requested variance is to reduce these requirements down to a minimum of 1.5 m.

3.2 Site Context

The subject property is located at the southwest corner of Guisachan and Burtch Roads.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, RU6 – Two Dwelling Housing, RU2 – Medium Lot Housing; primarily single family residential neighbourhood with one lot zoned for a two units.
- East - A1 – Agricultural 1; agricultural land – in the Agricultural Land Reserve
- South - new alignment of Guisachan Road, RU5 – Bareland Strata Housing; Balmoral Resort Community
- West - RU5 – Bareland Strata Housing; Balmoral Resort Community

3.4 Current Development Policy

3.4.1 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.

3.4.2 Kelowna Official Community Plan (1994-2013)

The current OCP Future Land Use designation of the subject property is Multiple Unit Residential Low Density and the applicant is requesting an OCP amendment to designate the property for Single/Two Unit Residential development.

There are a number of policies within the OCP that relate to the proposed development and they are:

Chapter 8 – Housing Policies

- 8.1.51 **“Walled Communities”**. Discourage the creation of developments enclosed on all sides with walls or other physical or visual barriers to access if such developments compromise the principles embedded in the “Crime Prevention Through Environmental Design” guidelines and hinder efforts to create more pedestrian, bicycle and transit-friendly communities or inhibit the efficient use of infrastructure.

The proposed development will be enclosed on both the Burtch Road and new Guisachan Road alignment frontages, similar to the existing Balmoral Resort Community. This will provide for some sound attenuation from the roads as well as added buffering from the ALR lands to the east. The existing Guisachan Road frontage will be fenced with a wrought iron fence and individual gates, which provides a visual connection with the established neighbourhood, and allow for direct pedestrian connectivity to the street for a portion of the development.

- 8.1.34 **Land Utilization within Single Detached Areas**. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

The OCP also addresses the issue of development adjacent to agricultural land with the following policy statements from Chapter 11 – Agriculture:

- 11.1.19 **Buffers**. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features,

watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas;

- 11.1.20 **Buffering.** Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (please refer to Zoning Bylaw and Provincial Land Reserve Commission specifications for information on minimum landscape buffers);

4.0 TECHNICAL COMMENTS

4.1 Works & Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan. The Development Engineering Technician for this project is John Filipenko.

The following Works & Services are required for this subdivision:

.1) General

- (a) Requirements of the Rezoning Application No. Z99-1007 (as amended) must be satisfied before subdivision approval.
- (b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2) Geotechnical Report

- (a) A comprehensive geotechnical report prepared by Golder Associates Ltd. is on file (S99-011)

Stockpiled soils must be hydroseeded to prevent wind erosion. Stripped lands must be kept to a minimum to prevent wind and water erosion.

.3) Water

- (a) The property is located within the City Specified Area No. 1 service area and therefore, all parcels to be created will be subject to Specified Area charges that must be paid in full for new lot(s) created at the time of Subdivision Approval. Should you require further information in this regard, please contact the Revenue Manager.
- (b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections on all fronting roads. 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 fire flow calculations for this subdivision to confirm this.
- (c) Remove or relocate any existing service connections encroaching on the proposed lots.
- (d) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

.4) Sanitary Sewer

- (a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- (b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) Drainage

- (a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development & 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.
- (b) Provide the following drawings:
 - (i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any 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) A hydrogeotechnical report will be required for on-site disposal of drainage water, 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.
- (e) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

.6) Roads

- (a) Frontage road upgrading associated with the development:
 - (i) Guisachan Road (New) must be constructed to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, landscaped boulevard with underground irrigation systems and adjustment

and/or re-location of existing utility appurtenances if required to accommodate this construction
 - (ii) Burtch Road fronting this parcel must be constructed to an urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, landscaped boulevard with underground irrigation systems and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. Construction is also to include the portion of Burtch Rd to the south of Byrns Rd
 - (iii) Existing Guisachan Road fronting the development must be upgraded to a urban standard including curb and gutter, monolithic sidewalk, piped storm drainage system, fillet pavement, street lights, landscaped

boulevard with underground irrigation systems and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

- (b) New Guisachan Road is designated an urban class 1 collector road. Construct the road in accordance with City standard SS-R6 (25 m wide dedication, collector Road).
 - (c) Burtch Road is designated an urban class 1 collector road. Construct the road in accordance with City standard SS-R6 (25 m wide dedication, collector Road).
 - (d) Existing Guisachan Road is designated an urban class 1 local road. Dedicate and construct one half of the road in accordance with City standard SS-R3 modified to include a monolithic sidewalk within a total right -of-way width of 18.0m.
 - (e) Provide traffic control and street name signs where required. When the subdivision is ready for sign installation the applicant is to contact the City Yard Office. The City will install all signs and traffic control devices at the developer's expense. The applicant will be required to authorize a third party Work Order prior to the City installing the signs and traffic control devices.
 - (f) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
 - (g) Landscaped boulevards, complete with underground irrigation, is required on all City dedicated roads.
 - (h) Re-locate existing poles and utilities, where necessary.
 - (i) Driveway access from created lots is not permitted onto Guisachan Road, (new) or Burtch 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. 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.
 - (j) Private access roads must be constructed and paved to the City standard (Policy 91).
- .7) Power and Telecommunication Services and Street Lights
- (a) The services to this development are to be installed underground.
 - (b) Street lights must be installed on all roads. Design drawings must be submitted.
 - (c) Before making application for approval of your subdivision plan, please arrange with Aquila Networks Canada for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
 - (d) The applicant must make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction. Servicing is to be underground.
- .8) Latecomer Provisions
- (a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

- (i) Water main installation on Burtch Road.
- (ii) Storm sewer installation on Burtch Road
- (iii) Storm sewer installation on Guisachan Road.

The consulting engineer is to prepare and submit the Latecomer Agreement(s) for the above items. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

.9) Rezoning and Variance Permit Application

The application to rezone from A-1 to RU-5 and the development variance application to reduce the side yard setbacks, do not compromise Works and Utilities requirements.

4.2 Fire Department

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

4.3 Inspection Services

Geotechnical report required.

4.4 Parks Division

All entry feature signs for the proposed development will be located on private property, not on City boulevard.

4.5 Aquila, Shaw Cable & Telus

Underground services to be installed at developer's expense.

4.6 Terasen, RCMP

No comment

4.7 School District No. 23

No response

5.0 PLANNING COMMENTS

Whenever an application proposes a reduction in the density permitted by the Official Community Plan future land use designation there is a concern with the under utilization of readily available, fully serviced land. The applicant is proposing to develop 50 bareland strata subdivision lots, primarily semi-detached units, on the subject properties. If the property were developed under the RM3 – Low Density Multiple Housing zone, as would be supported under the current OCP designation, the floor area ratio requirement would be 0.5. As a comparison, the proposed development has a floor area ratio of ~0.41.

The proposed development will be accessed off the existing Guisachan Road with emergency access being provided off the new alignment of Guisachan Road. The construction of the new alignment of Guisachan Road as well as the Burtch Road frontage will be completed by the developer as part of the construction requirements associated with both the Balmoral Resort Community development and the development of the subject property.

A Development Permit Application is not required for this proposed development. However, a Development Variance Permit application has been made to vary the side yard setbacks from the 3.0 m required to 1.5 m proposed.

Landscaping and fencing will be bonded for through the subsequent subdivision process.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

FACT SHEET

1. **APPLICATION NO.:** OCP04-0007/Z04-0021
2. **APPLICATION TYPE:** OCP amendment and Rezoning
3. **OWNER:** Aberdeen Holdings Ltd.
· **ADDRESS** 205 – 2365 Gordon Drive
· **CITY/ POSTAL CODE** Kelowna, BC V1W 3C2
4. **APPLICANT/CONTACT PERSON:** Protech Consultants Ltd./Grant Maddock
· **ADDRESS** 200 – 1449 St. Paul Street
· **CITY/ POSTAL CODE:** Kelowna, BC V1Y 2E4
· **TELEPHONE/FAX NO.:** 860-1771/860-1994
5. **APPLICATION PROGRESS:**
Date of Application: March 11, 2004
to Servicing Agreement Forwarded Applicant:
Servicing Agreement Concluded:
Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot 2, DL 136, ODYD, Plan KAP72184
7. **SITE LOCATION:** Southwest corner of Guisachan and Burtch Roads
8. **CIVIC ADDRESS:** 2350 Byrns Road
9. **AREA OF SUBJECT PROPERTY:** 2.63 ha
10. **AREA OF PROPOSED REZONING:** 2.63 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RU5 – Bareland Strata
13. **PURPOSE OF THE APPLICATION:** To amend the Official Community Plan Future Land Use designation of Multiple Unit Residential Low Density to the Single/Two Unit Residential designation. To rezone from the A1-Agriculture 1 zone to the RU5 – Bareland Strata Housing zone, in order to allow for a 50 unit bareland strata development.
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** None

TRANSIT MAP



Attachments

(Not attached to the electronic copy of the report)

- Location Map
- Plan of proposed subdivision