
CITY OF KELOWNA

MEMORANDUM

Date: December 6, 2004

File No.: Z04-0068

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0068

OWNER: RAH Investments

AT: 644 Mugford Road

APPLICANT: Protech Consultants

PURPOSE: To rezone the subject property from the A1-Agriculture 1 zone to the proposed RU1-Large Lot Housing zone and the P3-Parks and Open Space zone in order to facilitate an eighteen lot single family residential subdivision and a public park

EXISTING ZONE: A1-Agriculture 1

PROPOSED ZONE: RU1-Large Lot Housing
P3-Parks and Open Space

REPORT PREPARED BY: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No Z04-0068 to amend the City of Kelowna Zoning Bylaw No 8000 by changing the zoning classification of Lot 5, Plan 439, Sec. 25, Twp. 26, ODYD, located on Mugford Road, in Kelowna, BC, from the A1 – Agriculture 1 zone to the RU1-Large Lot Housing and the P3-Parks and Open Space, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated December 1, 2004 BE considered by Council;

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

2.0 SUMMARY

The applicant is proposing to rezone the subject property from the existing A1-Agriculture 1 zone to the proposed RU1-Large Lot Housing and the P3-Parks and Open Space zones. The proposal is in order to facilitate an eighteen lot single family subdivision and a public park. This rezoning application and corresponding subdivision application have been facilitated by a recent approval from the Agricultural Land Commission (ALC) to release the subject property from the Provincial Agricultural Land Reserve (ALR). As part of the exclusion approval, the ALC requires that the developer install a buffer along the east property line adjacent to ALR lands.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at their meeting of November 23, 2004, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0068, for 644 Mugford Road, Lot 5, Plan 439, Sec. 25, Twp. 26, ODYD, by Protech Consultants Ltd. (Grant Maddock), to rezone from the A1-Agriculture 1 zone to the RU1-Large Lot Housing zone and the P3-Parks and Open Space zone in order to facilitate an 18 lot single family residential subdivision and a public park.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located within the Rutland Sector Plan area, and is zoned A1-Agriculture 1. A concurrent subdivision application has been submitted, applying for a proposed eighteen lot single family subdivision of the subject property. The current Official Community Plan future land use designations for the property are Single/Two Unit Residential and Parks and Open Space.

The application meets the requirements of the proposed zones as follows:

CRITERIA (PROPOSED LOTS 1-18)	PROPOSAL	RU1-LARGE LOT HOUSING
Site Area (m ²)	551-1190m ²	550m ²
Site Width (m)	16.5m	16.5m
Site Depth (m)	30.67m	30m
CRITERIA (PROPOSED LOT 19)	PROPOSAL	P3-PARKS AND OPEN SPACE
Site Width (m)	95m	N/A
Site Depth (m)	65m	N/A

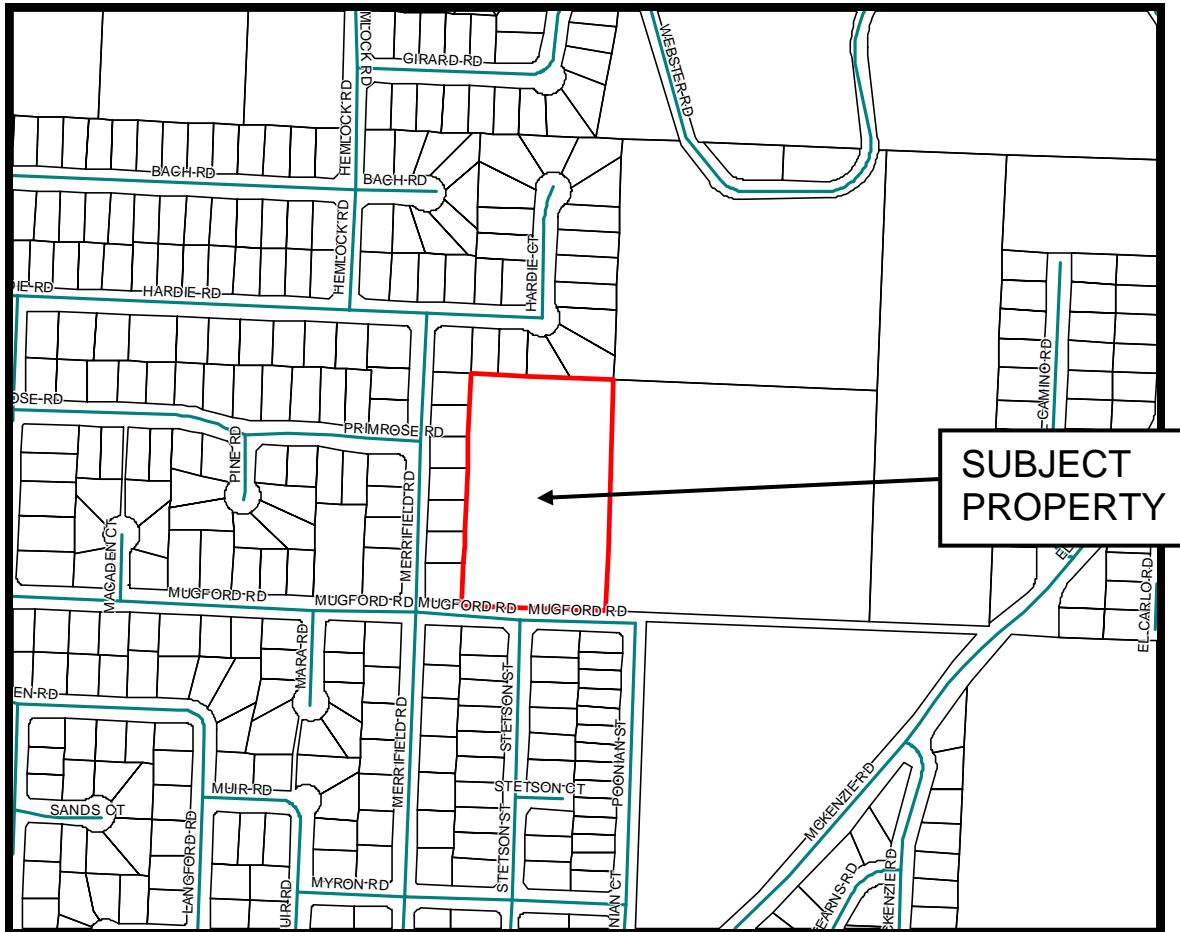
5.0 Site Context

The subject property is in the Rutland Sector Plan boundary, and is situated in a predominantly single detached neighbourhood, and is located along the urban-agricultural boundary.

Adjacent zones and uses are, to the:

North - RU1-Large Lot Housing / Single Detached Residential
 East - A1-Agriculture 1 / Agricultural
 South - RU1-Large Lot Housing / Single Detached Residential
 West - RU1-Large Lot Housing / Single Detached Residential

Site Location Map



5.1 Existing Development Potential

The existing development potential for the A1-Agriculture 1 zoned subject property is for Agricultural and associated uses.

5.2 Current Development Policy

5.2.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for a large portion of the subject property is identified as Single/Two Family Residential, and therefore the proposed rezoning to RU1-Large Lot Housing is considered to be consistent with the OCP policies. Furthermore, a portion of the subject property is identified as being Parks and Open Space within the OCP, and therefore the proposed partial rezoning to the P3-Parks and Open Space is consistent with policy direction.

6.0 TECHNICAL COMMENTS

6.1 Works & Utilities Department and relevant utility agencies

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1 and RU6 are as follows:

6.1.1 Subdivision

- a) Refer to file S04-0103 for the comments referring to the subdivision requirements
- b) The centerline of the new proposed road at the intersection with Mugford should be in line with the centerline of Stetson Street to the south as per the suggestion shown on the attached drawing.
- c) Dedicate approx. 1.4m. along the Mugford Road frontage to provide half of a 18m. Right of way measured from the mean centerline.
- d) Provide easements as may be required.

6.1.2 Geotechnical Study

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The study is 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

6.1.3 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.

6.1.4 Sanitary Sewer

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. An application for inclusion in Specified Area # 21-A must be made and an administration levy of \$250.00 is required to incorporate this development into the Specified Area # 21-A
- b) The developer will be responsible to pay the sanitary sewer area charge for each of the proposed lots. The charge is currently set at \$8,716.63 (2004) per Equivalent Dwelling Unit. The total Specified Area charge is \$156,899.34 (18 EDU x \$8,716.63)

6.1.5 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.

6.1.6 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.

6.1.7 Road improvements

Road improvements along the frontage of the subject property and within the property will be dealt with in conjunction with the pending subdivision application.

6.1.8 Bonding and Levies Summary

a) Performance Bonding	None Required
b) Levies	
Sewer specified Area fees (\$8,716.63 x 18)	\$156,899.34
Sewer Specified Area inclusion fee	\$ 250.00

7.0 Agricultural Land Commission Requirements

The minimum landscape buffering between this development and the adjacent farmland to the east is to be in accordance with City of Kelowna landscape requirements, and the approval granted by the Agricultural Land Commission, dated September 30, 2004. This required buffer is to include a yearly screen, summer screen, trespass inhibiting shrubs, screening shrubs, and a fence, as is outlined by the attached schedule. The minimum distance from the property line to the first row of trees is to be five metres.

8.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning & Corporate Services Department has no concerns over this proposed change in zoning, which is also supported by the relevant planning and development policies, including the Kelowna Official Community Plan.

Bob Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/MK/mk

Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Proposed Plan of Subdivision
- State of Title
- ALC Buffer Requirements