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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** December 13, 2004

**File No.:** Z04-0070

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z04-0070

OWNER: Peter & Cornelia Gevers

AT: 1240 Neptune Road

APPLICANT: PSC / Tony Markoff

PURPOSE: To rezone from the existing RR1-Rural Residential 1 zone to the RR2-Rural Residential 2 zone in order to facilitate a two lot single unit residential subdivision

EXISTING ZONE: RR1-Rural Residential 1

PROPOSED ZONE: RR2-Rural Residential 2

REPORT PREPARED BY: Mark Koch

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATIONS**

THAT Rezoning Application No. Z04-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Plan 27837, Sec. 14, Twp. 26, ODYD, located on Neptune Road, Kelowna, BC, from the RR1-Rural Residential zone to the RR2-Rural Residential 2 zone be considered by Council;

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

**2.0 SUMMARY**

The applicant has applied to rezone the subject property from the RR1-Rural Residential 1 zone to the proposed RR2-Rural Residential 2. This rezoning request has been made in order to facilitate a proposed two lot subdivision. The applicant had previously submitted an application to rezone the site to the RU1-Large Lot Housing zone, however, it has since been determined that the total area proposed for two the lot subdivision could potentially support an RR2-Rural Residential 2 zone instead of the RU1-Large Lot Housing zone. The RR2-Rural Residential 2 rezoning would not trigger the urbanization of the Hollywood Road frontage, and as such the applicant has directed staff to amend their application accordingly.

## 2.1 Advisory Planning Commission

The Advisory Planning Commission at their meeting of November 9, 2004 reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0070, 1240 Neptune Road, Lot 1, Plan 27837, Sec. 14, Twp. 26, ODYD, to rezone from the RR1-Rural Residential 1 zone to the RU1-Large Lot Housing zone in order to facilitate a two lot single family residential subdivision.

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject property is located within the Rutland Sector Plan area of the City of Kelowna, and is currently zoned RR1-Rural Residential 1. The applicant has indicated that they seek to retain the existing single family detached dwelling which is currently located on the easterly portion of the property. A concurrent application has been submitted to subdivide the subject property into two single family residential lots. The site is currently not connected to the sanitary sewer system, however a sewer line is situated on Neptune Road, near to the eastern property boundary. Additionally, the subject property is situated in a sewer specified area, providing the proposed Lot A the potential to also connect to the sanitary sewer system in approximately one year.

Connection to the community sanitary sewer is a requirement for subdivision, however is not a requirement for this proposed rezoning.

The application meets the requirements of the RR2-Rural Residential zone as follows:

CRITERIA	PROPOSAL	RR2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (Proposed Lot A)	+/- 4100m <sup>2</sup>	4000m <sup>2</sup>
Site Width (m) (Proposed Lot A)	+/- 22m	36m
Site Depth (m) (Proposed Lot A)	+/- 52m	30m
Site Area (m <sup>2</sup> ) (Rem Lot 1)	+/- 4100m <sup>2</sup>	4000m <sup>2</sup>
Site Width (m) (Rem Lot 1)	+/- 69m	36m
Site Depth (m) (Rem Lot 1)	+/- 52m	30m

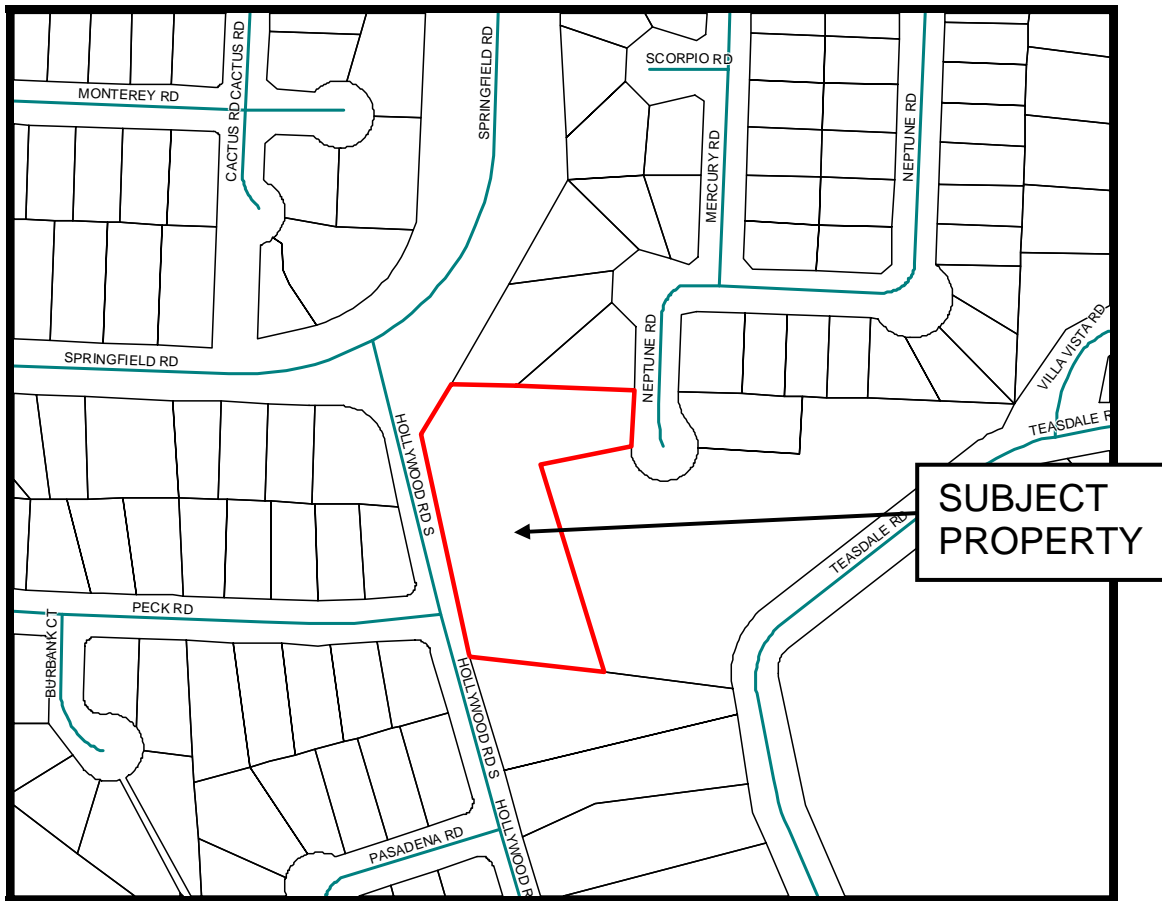
### 3.2 Site Context

The subject property lies within the Rutland Sector Plan boundary, and is situated in a primarily single detached residential neighbourhood.

Adjacent zones and uses are, to the:

North - RU1-Large Lot Housing / Single Family Residential  
 East - P2-Education and Minor Institutional / Church  
 South - RR2-Rural Residential 2 / Single Family Residential  
 West - RU1-Large Lot Housing / Single Family Residential

Site Location Map



3.3 Existing Development Potential

The existing development potential for the RR1-Rural Residential 1 zoned subject property is for rural residential and associated uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Official Community Plan Future Land Use Designation for the entire subject property been identified as Single/Two Family Residential, and therefore the proposed rezoning to RR2-Rural Residential 2 is consistent with the single family direction of the OCP.

4.0 TECHNICAL COMMENTS

The works and Utilities Department comments and requirements regarding this application to rezone the subject property from RR1 to RR2 are as follows:

1. Subdivision.

- a) Dedicate a road widening along the Hollywood Road frontage of approximately 3.2 m. for a total road right of way of 20.0 m. ( class 1 collector)
- b) Provide easements or rights of way as may be required.

2. Geotechnical Study.

Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

3. Domestic water and fire protection.

- a) This development is within the service area of the Rutland Waterworks District (RWWD). The developer is required to make satisfactory arrangements with the RWWD for these items. All charges for the service connection and upgrading area to be paid directly to the RWWD.
- 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 computation to confirm the available water supply.

4. Sanitary Sewer.

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. The City is in the process of creating a South Rutland sanitary sewer specified area and it is anticipated that a waste collection for the subject property may be operational in the year 2006.
- b) The developer will be responsible to pay all the connections fees and cash commute the specified area charges if and when a subdivision is approved.

5. Drainage.

A comprehensive site drainage management plan and design in compliance with the City's drainage design and policy manual, is a requirement of this application.

6. Power and Telecommunication.

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

7. Road Improvements.

a) Hollywood Road

The rural character of Hollywood Road is consistent with Bylaw 7900 works and servicing requirements for the requested RR2 zone

b) Neptune Road

The Neptune Road frontage is fully urbanized in accordance with current bylaws and Policies. There is no further upgrading required.

8. Street Lights.

Street lights must be installed on all the fronting roads as determined by the manager of Electrical Utilities.

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer.

10. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

11. Bonding and Levies Summary.

a) Performance Bonding

None required

6.0 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.

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Bob Shaughnessy  
Subdivision Approving Officer

RGS/MK/mk

Attach.

Approved for inclusion

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

*ATTACHMENTS*

*(not attached to the electronic version of the report)*

- Location of Subject Property
- Proposed Plan of Subdivision
- State of Title