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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** January 20, 2005  
**File No.:** Z04-0072  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Purpose:** To rezone the subject properties to facilitate a 20 lot single family residential lot subdivision  
**Owner:** Richard & Linda Monti      **Applicant/Contact Person:** D. E. Pilling & Associates Ltd./Rob Webster  
**At:** 1160 Band 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. Z04-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, Sec. 13, Two.26, ODYD, Plan 13388 except Plan H8383, located on Band 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;

**2.0    SUMMARY**

The applicant is proposing to rezone the subject property from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone in order to facilitate a 20 lot single family subdivision.

**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. Z04-0072, for 1160 Band Road, Lot 3, Plan 13388, Sec. 13, Twp. 26, ODYD, to rezone from the A1-Agriculture 1 zone to the RU1h-Large Lot Housing (Hillside Area) zone in order to facilitate a 20 lot single family housing development.

## **2.2 Agricultural Advisory Committee**

No comment. Subject property is across a Provincial Highway from the Agricultural Land Reserve.

## **3.0 BACKGROUND**

### **3.1 The Proposal**

The subject property forms part of the Highway 33 Area Structure Plan, which designates the area for Single Family Residential development. A significant amount of the area within the Highway 33 Area Structure Plan, situated east of the subject property, has been or is in the process of being developed into single family lots.

As an interim measure, to facilitate the proposed development, the applicant is proposing direct access off of Band Road with the proposed new road terminating at the north end of the subject property. There would be a temporary turn around, until such time as the abutting property chooses to develop and the road would then continue through to the future developments to the east. The Band Road access would also be eliminated at the time the abutting property develops as the proposed new road would then extend through, connecting with the properties east of the subject property. This proposed use of Band Road as an interim access point is currently under review by the Ministry of Transportation and will be subject to the Ministry's approval.

The proposal also provides those lots fronting onto Highway 33 with an access easement road off of the proposed new road. This is necessary as no direct access onto Highway 33 will be allowed.

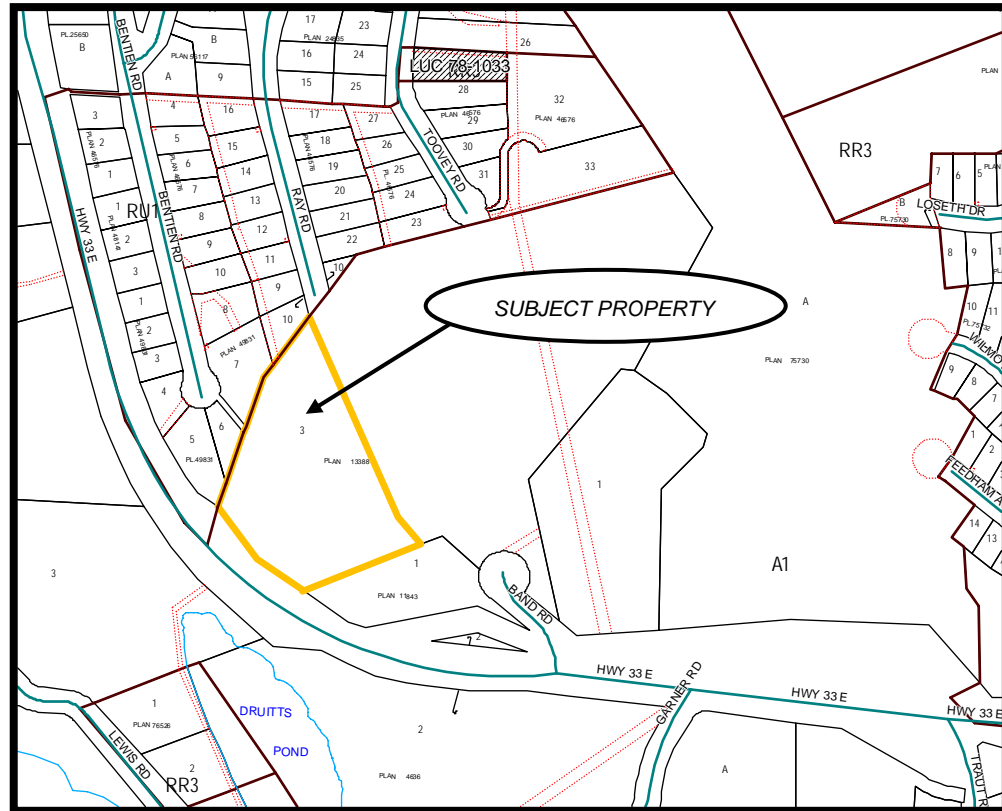
The proposed lots sizes compare to the RU1 – Large Lot Housing subdivision requirements as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU1 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	550 - 1053	550
Site Width (m)	16.5	16.5
Site Depth (m)	30	30

### **3.2 Site Context**

The subject property is located off the west end of Band Road abutting Highway 33, east of Bentien Road. Adjacent zones and uses are, to the:

- North - A1 – Agriculture; rural
- East - A1 – Agriculture; rural
- South - Highway 33, A1 – Agriculture; rural
- West - RU1 – Large Lot Housing; existing single family subdivision



### 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 2020 – Official Community Plan

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 RU1 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 property from A1 to RU1 are as follows:

###### **.1 General**

Provide a comprehensive plan showing the layout for the entire area, including preliminary profiles to ensure that it will all fit nicely in the end. There are several concepts and they do not all seem to achieve the same goal with regard to the overall development and connectivity.

The future extension with Ray Road could be vastly improved by changing or eliminating proposed lot 16 as shown on the attached sketch. It needs to be confirmed with an overall plan.

###### **.2 Subdivision**

a) Some road dedication might be required by the Ministry of Transportation along the frontage of Hwy 33 for the ultimate carriageway.

b) Provide easements as may be required.

###### **.3 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

###### **.4 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.

###### **.5 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 # 1 service boundary must be made and an administration levy of \$250.00 is required to incorporate this development into the existing Sewer Service Area #1.

.6 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.

.7 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.

.8 Road improvements

These are W. & U. initial comments and are subject to MOT requirements.

Band Road – The temporary connection to Band Road is not recommended by Works and Utilities due to the added traffic to a substandard and blind intersection with Hwy 33. The proposed development should be done in conjunction and incorporated with the new proposed intersection at Garner Road.

.9 Street lights

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

.10 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.

**4.2 Ministry of Transportation**

We have no objections to the proposed twenty fee simple lot subdivision of the above-noted property subject to the following:

1. A restrictive covenant to be registered on the titles of proposed Lots 1-6 stating that the property may not be used to gain access to Highway #33. Access to be via proposed municipal street.
2. Dedication of Highway #33 to 23 metres from existing mean centerline.
3. Regarding access to Highway #33, there are two options that the Ministry would be agreeable to that would provide a safe intersection to support the intended land use:

- (a) Re-align Band Road to provide a 90° approach at Highway #33.

- (b) Construct a temporary paved road to the future 4<sup>th</sup> leg of the Garner Road and Highway 33 intersection. This can be done within the existing highway right-of-way.

If Option (b) is selected, Band Road at Highway #33 is to be physically closed. Engineered drawings to be submitted for either option. Drawings to show sight distance, to Ministry standard, on Highway #33.

A left turn lane may be required at either Band Road or Garner Road. Engineering work will be required to determine whether this is warranted.

Once development of adjacent properties provide a municipal road link to the future 4<sup>th</sup> leg of Garner Road, Band Road will be permanently closed at Highway #33.

#### **4.3 Community Development & Real Estate Manager**

Contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ½ x 11 copy, of any survey plans.

#### **4.4 Parks Manager**

Parks recommends a building height restriction of one (1) floor on the proposed lots to keep the character of the surrounding neighbourhood and to protect the outstanding views from the future neighbourhood park.

To promote community safety and security, the pedestrian walkway between the proposed road and Bentien Road should be properly aligned with no corners or turns.

#### **4.5 Black Mountain Irrigation District**

The property is within BMID boundaries and can be service by same subject to:

- a) A capital cost charge of \$1,200 per lot (1 lot credit) 19 new lots = \$22,800.00.
- b) A connection fee of \$300.00 per lot at time of building.
- c) A watermain design approved by BMID.

#### **4.6 Fire Department/Inspection Services/Environment Manager/RCMP**

No comments for rezoning.

#### **4.7 FortisBC/Shaw Cable/Telus**

Underground service required for development.

#### **4.8 School District No. 23/Terasen Utility Services**

No response.

## **5.0 PLANNING COMMENTS**

The proposed 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 the proposed 20 lot subdivision. All servicing issues will be addressed through this PLR process. Subdivision of the property is contingent on the resolution of the access and provision of community water and sanitary sewer to the proposed development.

R. G. Shaughnessy  
Subdivision Approving Officer

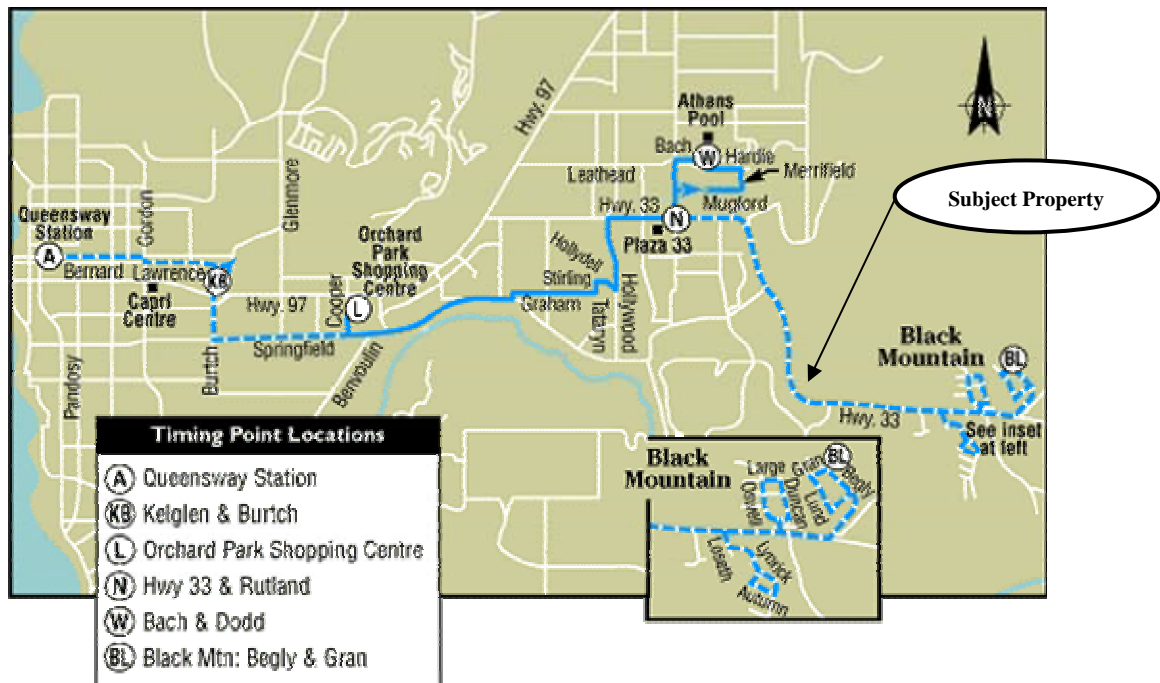
Approved for inclusion ☐

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

RGS/SG/sg

Attachment

### Transit Route Map



### **Attachments**

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

- Location Map
- Plan of Proposed Subdivision