
CITY OF KELOWNA

MEMORANDUM

Date: March 8, 2005
File No.: Z04-0073

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0073

OWNERS: Bell Mountain Estates

AT: Swainson Road

APPLICANT: Bell Mountain Estates

PURPOSE: To rezone a part of subject property from the existing A1-Agriculture 1 zone to the proposed RU4-Low Density Cluster Housing zone in order to facilitate approximately 41 cluster housing units

EXISTING ZONE: A1– Agriculture 1

PROPOSED ZONES: RU4-Low Density Cluster Housing

REPORT PREPARED BY: Mark P. Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0073 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 19, Twp. 27, ODYD, Plan 31717, located off of Swainson Road, in Kelowna, BC, from the A1 – Agriculture 1 zone to the RU4-Low Density Cluster Housing zone, 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 a portion of the subject property from the existing zoning designation of A1-Agriculture 1 to the RU4-Low Density Cluster Housing zone in to facilitate approximately 41 cluster housing units. The requested rezoning area covers approximately 6.56ha (16.21ac). The proposed rezoning forms part of the Bell Mountain Estates development, which was formally reviewed by Council in the adoption of the Bell Mountain Area Structure Plan in September of 2003.

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. Z04-0073, for Swainson Road, Lot B, Plan 31717, Secs. 18 & 19, Twp. 27, ODYD, by Bell Mountain Estates Ltd. (Marlin Weninger) to rezone from the A1-Agriculture 1 zone to the RU4-Low Density Cluster Housing zone in order to facilitate a cluster housing development.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in the Belgo/Black Mountain Sector Plan area of the City of Kelowna and is currently zoned A1-Agriculture 1. The subject property is vacant and has previously been used as rangeland. The applicant is hereby seeking to rezone part of the subject property to the RU4-Low Density Cluster Housing zone in order to facilitate approximately 41 cluster housing units. The property is currently not connected to the community sanitary sewer system; however, connection to the community sanitary sewer system will be a requirement for an associated subdivision approval.

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

CRITERIA	PROPOSAL	RU4-ZONE REQUIREMENTS
Minimum Site Area	65600m ²	6000m ²
Minimum Site Width	100m (Approx)	40m
Minimum Site Depth	180m (Approx)	30m

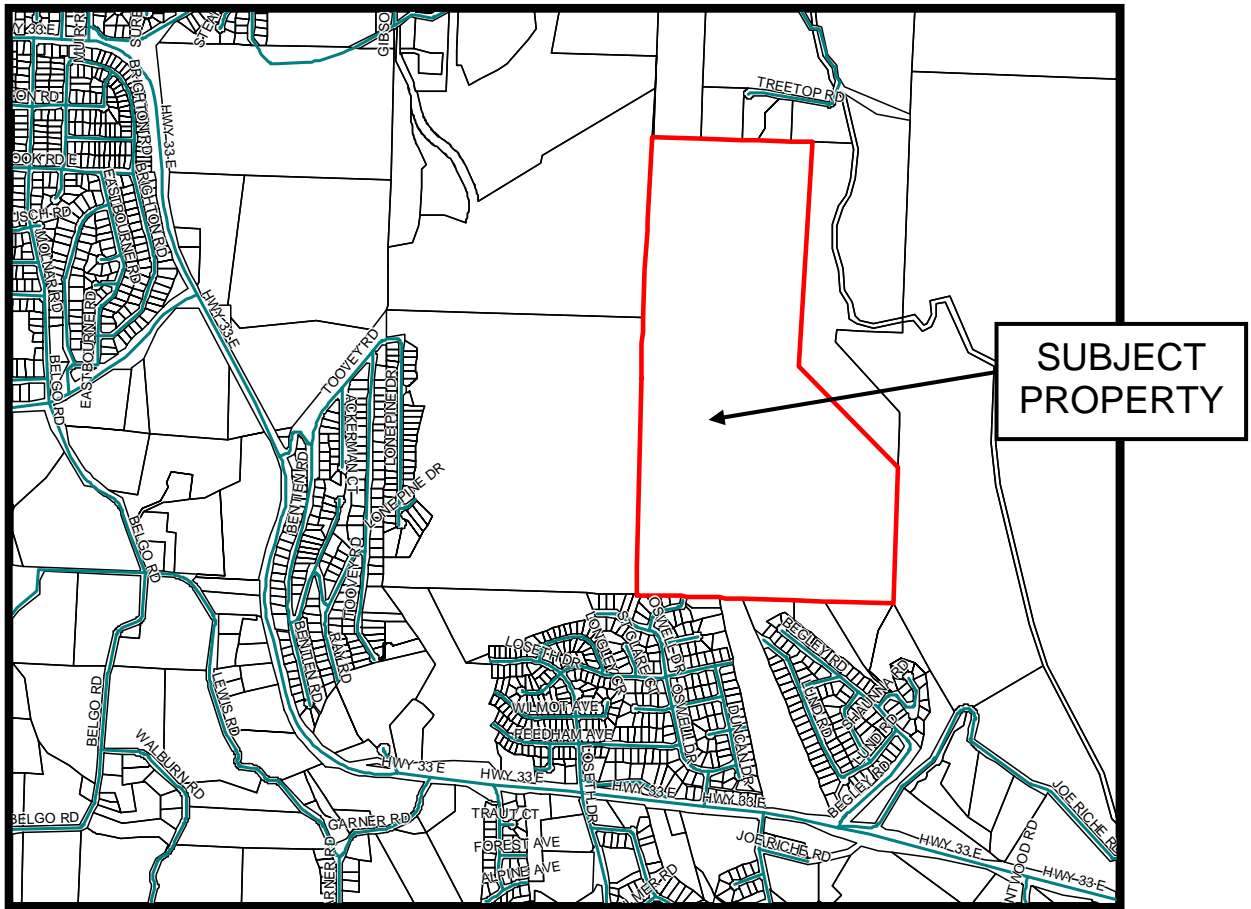
4.2 Site Context

The subject property is located south of Swainson Road, and north of Highway 33 E. in the Belgo/Black Mountain Sector plan area of the City of Kelowna. The subject property is situated within the Bell Mountain Area Structure Plan boundaries.

Adjacent zones and uses are:

- North - A1–Agriculture 1 / Range Land
RR1–Rural Residential 1 / Rural Residential Subdivision
- East - A1–Agriculture 1 / Future BMID Reservoir
- South - A1–Agriculture 1 / Rural Residential Subdivision
RR1–Rural Residential 1 / Rural Residential Subdivision
RR2–Rural Residential 2 / Rural Residential Subdivision
- West - A1–Agriculture 1 / Range Land

Site Location Map



4.3 Proposed Zone – RU4-Low Density Cluster Housing

The purpose of the RU4 zone is for comprehensively planned clusters of single detached housing in a strata format with urban services, in order to preserve topography, natural features, open space, or environmentally sensitive features.

Additionally, the RU4 zone permits both single dwelling housing and two dwelling housing as principal uses, and is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan.

5.0 Current Development Policy

5.1 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the policies of the Kelowna Strategic Plan, which seeks to “stage the development of new urban areas and only open up new areas where the capital and operating costs are within the City’s financial capability”.

5.2 Kelowna Official Community Plan

The proposal is consistent with the Single Family/Two Family Residential designation of the Official Community Plan.

5.3 Black Mountain Sector Plan

The Black Mountain Sector Plan identifies that the Black Mountain area is to retain a single family residential nature, with future urban development being confined to the identified urban areas within the boundary.

5.4 Bell Mountain Area Structure Plan

The proposal is consistent with the Bell Mountain Area Structure Plan.

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 RU4 are as follows:

.1 General

- .1 The current fire protection available within the proposed development area is limited by the designed capacity of the booster station which can only satisfy the protection of single family housing. A higher level of protection will not be available until a reservoir is constructed and is operational.
- .2 The applicant must provide an Fire Underwriters Survey calculation for the proposed anticipated development.
- .3 The Kelowna Fire Department has indicated in the past, for similarly zoned projects, that the fire flow available must be 150 l/s based on the fact that there is more than one single/duplex dwelling on the property.
- .4 The foregoing needs to be reviewed in detail by the City Kelowna Fire Department and Inspection Services prior to the submission of a final report by Works and Utilities.

7.0 PARKS DEPARTMENT REQUIREMENTS

The following comments are recommendations by the Parks Division in reviewing the development application:

- .1 Ensure the Park and Open Space land is properly zoned P3.
- .2 Parks requires the developer to fence the property line of the multifamily RU4 lots with a suitable fence consistent with the City of Kelowna's Crime Prevention Through Environmental Design (CPTED) Guidelines to maintain sight lines into the park. It will be the responsibility of the developer to submit a fence design to Parks for review and approval prior to installation.
- .3 Before the City assumes responsibility for the public open space, the developer will be required to retain a registered professional forester or recognized equivalent to develop a fire plan to reduce potential hazards through fuel reduction and tree thinning. The plan and work will be reviewed and approved by the Parks Division.

- .4 Parks recommends that the developer consider constructing a trail system through the park and open space land for a community amenity to local residents. All work will be reviewed and approved by the Parks Division.
- .5 The Parks Division recommends the planting of street trees along both sides of Bell Mountain Road consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

8.0 ENVIRONMENT DIVISION COMMENTS

It is important to establish zoning regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites.

In general, the more steeply the land slopes, the greater potential hazard and development limitation. Additionally, since hilly or mountainous areas within the city offer a desirable setting, visible to the entire city, they are a unique natural asset. It is important through zoning regulations to preserve the visual integrity and character of hillside areas, while allowing reasonable development which is both safe and functional. A detailed slope analysis should be provided and lot yields allocated based on site conditions that consider the slope of the landscape.

9.0 PUBLIC HEALTH INSPECTOR COMMENTS

Ensure hookup to community water and sewer. If no sewer available, apply for onsite sewage disposal permit.

10.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

This application is supported by relevant planning and development policies, including the Official Community Plan, the Strategic Plan, the Black Mountain Sector Plan, and the Bell Mountain Area Structure Plan. A concept plan of development has been provided for the rezoning application, while further detail will be required through the subdivision application to ensure that site grading and building locations can be done in a sensitive manner.

Bob Shaughnessy
Subdivision Approving Officer

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

RGS/MK/mk

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Concept Plan
- Zoning Map
- State of Title