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# CITY OF KELOWNA

## MEMORANDUM

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**DATE:** March 14, 2005

**FILE NO.:** Z04-0083

**TO:** City Manager

**FROM:** Planning & Corporate Services Department

**PURPOSE:** To rezone that portion of the subject property adjacent to Tanemura Crescent and Hwy 33, from RU1 – Large Lot Housing to RU2 – Medium Lot Housing, to facilitate a 15 lot single family residential subdivision

**OWNER:** John & Sarina Weisbeck      **APPLICANT/CONTACT PERSON:** D. E. Pilling & Assoc. Ltd./David Pauls

**AT:** 1494 Feedham

**EXISTING ZONE:** RU1 – Large Lot Housing      **PROPOSED ZONE:** RU2 – Medium 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. Z04-0083 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot B, Sec. 13, Twp. 26, ODYD, Plan KAP75730 except Plans KAP75732 and KAP76178, located on Feedham Avenue, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated March 14, 2005, 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 that portion of the subject property, adjacent to Highway 33 and Tanemura Crescent, in order to facilitate a 15 single family residential subdivision.

#### 2.1 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission, at their meeting of January 18, 2005, reviewed the application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0083, for 1494 Feedham Avenue, Lot B, Plan 75730, Sec. 13, Twp. 26, ODYD, by DE Pilling & Associates (David R. Pauls), to rezone from the RU1-Large Lot Housing zone to the RU2-Medium Lot Housing zone in order to facilitate a 15 lot single family residential subdivision.

### 3.0 BACKGROUND

The subject property forms part of the Highway 33 Area Structure Plan, which designates the area for Single Family Residential development. The subject property was successfully rezoned from A1 – Agriculture 1 to the current designation of RU1 – Large Lot Housing in December of 2003. At that time the Advisory Planning Commission recommended support for the requested RU1 zoning.

### 3.1 THE PROPOSAL

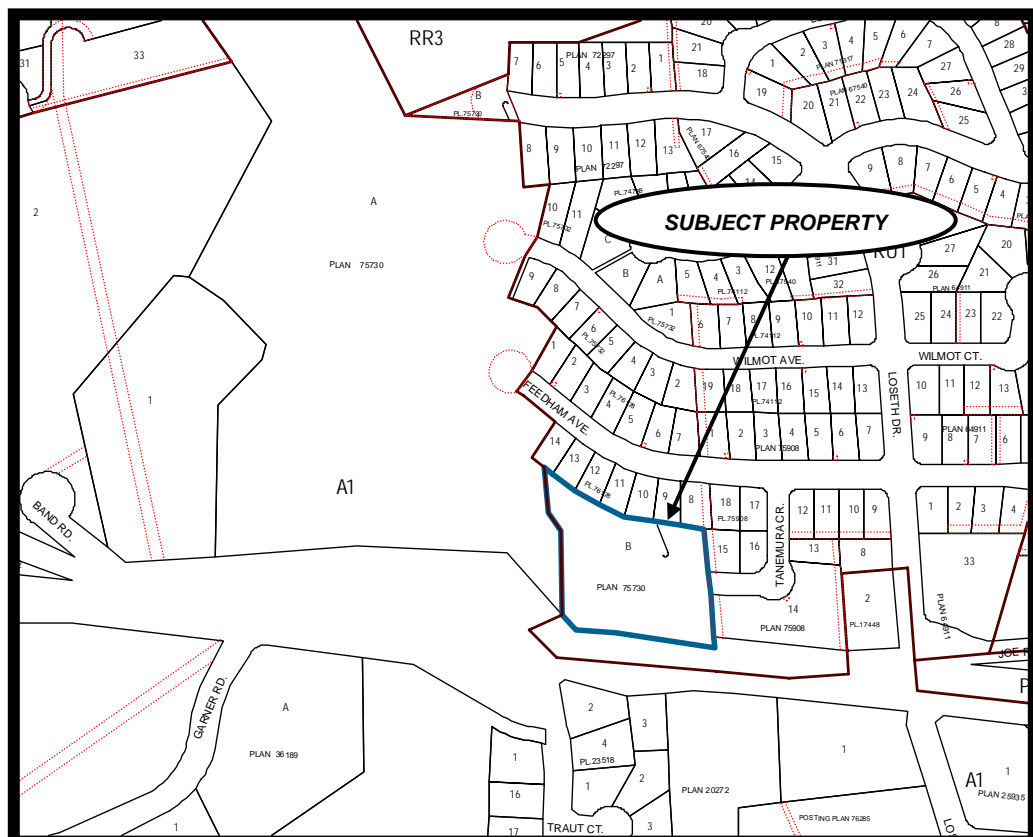
The area under application for rezoning is located adjacent to Highway 33 at the west end of Tanemura Crescent, which will be extended to facilitate the proposed 15 lot single family residential subdivision. All lots will be fully serviced with water, sanitary and storm sewer services.

There is a subdivision application being processed concurrently with this rezoning application, which will address all the servicing issues and any preplanning requirements that may be necessary to ensure that the future development of the remaining lands in the Highway 33 Area Structure Plan is not compromised in any way by this application.

CRITERIA	PROPOSAL	RU2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	401 (min.)	400
Site Width (m)	13.06 (min.)	13 (15 corner lots)
Site Depth (m)	30.02 (min.)	30

### 3.2 SITE CONTEXT

The subject property is located on the north side of Highway 33 at the west end of Tanemura Crescent.



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing; single family residential subdivision
- East - RU1 – Large Lot Housing; single family residential subdivision
- South - A1 – Agriculture 1; Highway 33, single family and rural residential development
- West - A1 – Agriculture; single family dwelling (property is under application for rezoning to RU1 – Large Lot Housing)

### **3.3 CURRENT DEVELOPMENT POLICY**

- CITY OF KELOWNA STRATEGIC PLAN 2004 EDITION

The Strategic Plan objectives relating to development are:

- Manage human impacts on our natural environment, including Okanagan Lake and the surrounding hillsides.
- Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

- KELOWNA 2020 – OFFICIAL COMMUNITY PLAN

The OCP Future Land Use designation of the subject property is Single/Two Family residential.

### **3.4 PROPOSED DEVELOPMENT POTENTIAL**

The purpose of the RU2 – Medium Lot Housing 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 RU2 are as follows and are subject to the Ministry of Transportation requirements.

- .1 Subdivision – Provide easements as may be required.
- .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:
  - Overall site suitability for development
  - Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %)
  - Presence of ground water and/or springs
  - Presence of fill areas
  - Presence of swelling clays
  - Presence of sulfates
  - Potential site erosion
  - Provide specific requirements for footings and foundation construction
  - Provide specific construction design sections for roads and utilities over and above the City's current construction standards

- .3 Domestic water and fire protection – 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. BMID has advised of the following requirements:

- i. A capital cost charge of \$1200 / lot, 15 new lots = \$18,000.
- ii. A connection fee of \$300 / lot at time of building
- iii. A watermain design approved by BMID.
- iv. An FUS calculation to show required fire flows.

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.

- .4 Sanitary Sewer – The subject property is serviced by the municipal wastewater collection system. All offsite mains have been constructed in conjunction with the previous phase of this development.

- .5 Drainage – A storm detention facility designed and built to accommodate this project has been built in the initial development phase of this property.

- .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.

- .7 Road improvements – subject to Ministry of Transportation requirements

Hwy 33 – The Intersection of Loseth Drive and Hwy 33 has been substantially upgraded to accommodate the traffic generated from the new and potential development along Loseth Drive. The upgrading was performed by the developer of the adjacent property. A Latecomer is filed against the subject property. The Latecomer fee in the amount of \$8,401.35 (15x \$560.09) if paid after Nov. 17, 2005 must be remitted prior to the subdivision application.

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

- .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 Bonding and Levies Summary

- a) Performance Bonding - None Required
- b) Levies - Loseth and Hwy 33 intersection Latecomer \$8,401.35

**4.2 MINISTRY OF TRANSPORTATION**

- Physical removal of all existing accesses to Highway #33.
- No direct access to Highway #33 - all lots to obtain access via the proposed municipal street.
- Physical removal of the existing house on proposed Lot 15.
- Dedication of right-of-way for Highway #33 at 23 metres from existing mean centreline.
- All buildings on proposed Lots 9-15 to be setback 4.5 metres from new property line along Highway #33.
- There is an existing restrictive covenant #KT133423 on the title for Lot B, Plan KAP75730. The Ministry is prepared to release this covenant with this last phase of development of this property.

**4.3 INSPECTION SERVICES**

Provide a geotechnical report – all cut and fill work to be supervised by a geotechnical engineer.

**4.4 FIRE DEPARTMENT**

Fire Department access and fire hydrants as per BC Building Code and the City of Kelowna Subdivision & Development Services Bylaw.

**4.5 COMMUNITY DEVELOPMENT & REAL ESTATE MANAGER**

Please contact the Land Agent for road dedications over 20 metres in width. The Land Department requires a full size copy, together with an 8 ½ x 11 copy, of any survey plans.

**5.0 PLANNING COMMENTS**

The 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 15 lot subdivision. All servicing issues will be addressed through this PLR process.

Subdivision Approval will be contingent on the approval of a Development Variance Permit to vary Section 6.10 Setback from Provincial Highways, of Zoning Bylaw No. 8000, which states as follows:

- 6.10 All buildings and structures on lots abutting Highway 97 or Highway 33, shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m.

As the subject property is outside of an urban centre the required building setback would be 15 m and the application is requesting that this be reduced down to 7.5 m, which is the rear yard setback requirement for the RU2 – Medium Density zone.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

**ATTACHMENTS**

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

- Location Map “A
- Plan of proposed subdivision