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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** April 7, 2005  
**File No.:** Z05-00013 / LUC05-0004

**To:** City Manager

**From:** Planning and Corporate Services Department

**Purpose:** To discharge the Land Use Contract and rezone the subject property to the RU1 – Large Lot Housing zone in order to facilitate a two lot single family residential subdivision

**Owners:** Stroda, Verena and Dirk

**Applicant/Contact Person:** Stroda, Verena and Dirk

**At:** 394 Stellar Drive

**Existing Zone:** RR1 – Rural Residential 1    **Proposed Zone:** RU1 – Large Lot Housing

**Report Prepared By:** Mark P. Koch, MES MCIP

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### 1.0 RECOMMENDATION

THAT Application No. LUC05-0004 to discharge Land Use Contract No. 77-1002 (Bylaw 4468-77) from Lot 163, Sec. 23, Twp. 28, SDYD, Plan 32591, located on Stellar Drive be considered by Council;

THAT Rezoning Application No. Z05-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 163, Sec. 23, Twp. 28, SDYD, Plan 32591, located on Stellar Drive, Kelowna BC from the RR1-Rural Residential 1 zone to the RU1-Large Lot Housing zone be considered by Council;

AND THAT the Land Use Contract amendment and zone amending bylaw be forwarded to a Public Hearing for further consideration.

### 2.0 SUMMARY

The applicant proposes to discharge the existing Land Use Contract and to rezone the subject property from the RR1–Rural Residential 1 zone to the RU1–Large Lot Housing zone to facilitate the development of a two lot single family residential subdivision. The application is consistent with the single/two unit residential designation of the Official Community Plan.

### 3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at their meeting of March 15, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0013, for 394 Stellar Drive/Lot 163, Plan 32591, Sec. 23, Twp. 28, ODYD, by Dirk & Verena Stroda, to discharge the Land Use Contract and to rezone the subject property from the RR1-Rural Residential 1 zone to the RU1-Large Lot Housing zone in order to facilitate a 2 lot single family subdivision.

#### 4.0 BACKGROUND

Council adopted the Land Use Contract No. 77-1002 November 28, 1978. The Land Use Contract allowed for the development of the properties as low density single family residential lots with minimum parcel sizes being regulated by the requirements of the Medical Health Office, in order to facilitate sewage disposal fields. In order to proceed with the current two lot single family residential subdivision proposal the Land Use Contract must be discharged and the subject property rezoned RU1-Large Lot Housing.

#### 4.1 The Proposal

The subject property fronts onto Stellar Drive, and currently contains one existing single family dwelling. The applicant has proposed to rezone their property from the RR1-Rural Residential zone to the RU1-Large Lot Housing zone in order to facilitate the subdivision of their property into two single family lots. The sanitary sewer system is currently being extended into the neighbourhood, allowing for both of the proposed lots to be serviced by the sanitary sewer system.

The application meets the requirements of the proposed RU1 Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) $\supseteq$	1110m <sup>2</sup>	550m <sup>2</sup>
Site Width (m) $\supseteq$	38m	16.5m
Site Depth (m) $\supseteq$	40m	30m
Site Area (m <sup>2</sup> ) $\nsubseteq$	1350m <sup>2</sup>	550m <sup>2</sup>
Site Width (m) $\nsubseteq$	40m	16.5m
Site Depth (m) $\nsubseteq$	31m	30m

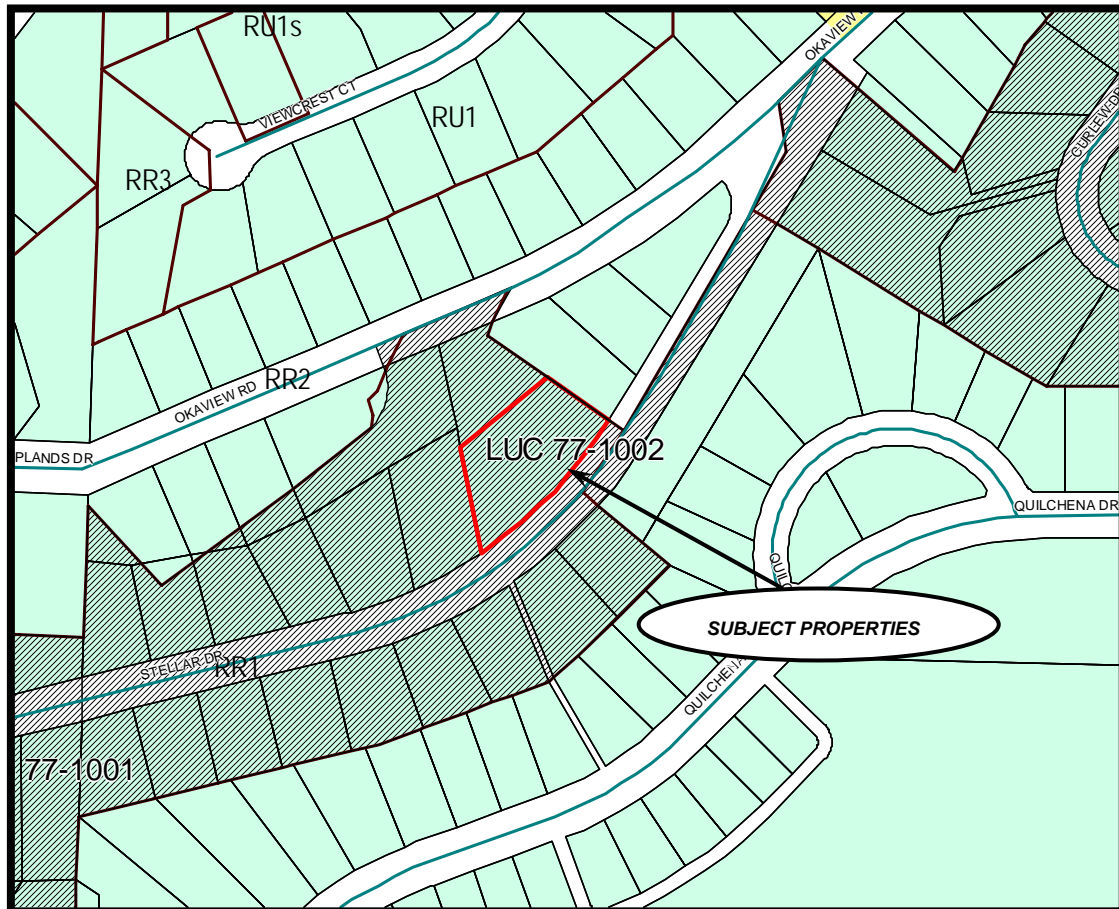
Notes:

$\supseteq$  Proposed Lot A  
 $\nsubseteq$  Proposed Lot B

#### 4.2 Site Context

The subject property is located on the north side of Stellar Drive between Okaview Road in the Southwest Mission sector plan area of the City of Kelowna.

Site Location Map:



Adjacent zones and uses are, to the:

- North - Land Use Contract / RR1 – Rural Residential 1; Single Family Lot
- East - RR2 – Rural Residential 1; Single Family Lot
- South - Land Use Contract / RR1 – Rural Residential 1; Single Family Lot
- West - Land Use Contract / RR1 – Rural Residential 1; Single Family Lot

**4.3** Current Development Policy

**4.3.1** 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.

**4.3.2** Kelowna Official Community Plan (1994-2013)

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

**4.3.3** Southwest Okanagan Mission Sector Plan

The Southwest Okanagan Mission Sector Plan identifies generalized road locations, density, and form of housing. The current proposal is in accordance with the general parameters set out in the Plan.

#### 4.4 Proposed Development Potential

The purpose of the RU1 – Large 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.

#### 5.0 Technical Comments

##### WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Kelly Hanson.

The following Works & Services are required for this subdivision:

##### .1) General

- a) The South Mission water system is currently short of reservoir storage capacity in the Neighbourhood 1 service area. A developer has committed to install a new cell at the Adam's reservoir site above Chute Lake Road; however, the Approving Officer may want to consider this matter when issuing the PLR.

##### .2) Geotechnical Report

- a) 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, including effects upon adjoining lands.
- ii) Recommendations for roof drains and perimeter drains.

- iii) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is located within the City water service area. Arrange for individual lot connections.
- b) Remove or relocate any existing service connections encroaching on the proposed lots.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections. Provision has been made for extension of the sewer installed in the rear of the lot as part of the Sewer Specified Area 28A. Extend the sewer complete with a terminal manhole on the existing house lot.
- b) Both parcels to be created will be subject to the Specified Area debt charges for this service. The applicant must pay-out the outstanding financial obligation for each lot.
- c) After the design is complete we will confirm the extent of the existing Statutory Right-of-way required.
- d) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

.6) Roads

- a) No road upgrading is required.
- b) Verify that physical driveway access will satisfy City requirements for the proposed lot. Maximum driveway grade is 15%. Show driveways on the lot grading plan with grades or profiles.
- c) Re-locate existing poles and utilities, if necessary.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground.
- b) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions are not satisfied, then underground service will be required for that lot.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- e) If applicable, remove aerial trespass(es)

.8) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) The property is located in Sewer/Water Specified Area No Sewer Specified Area 28A) and therefore, all parcels to be created will be subject to the debt charges for this service. The applicant must pay-out the outstanding financial obligation for each lot. Contact the Revenue Supervisor Genelle Davidson at 469-8564 for this amount.

.9) Charges and Fees

- a) Payout of Sewer Specified Area Charges.
- b) Water Extended Service Area Latecomers (ESA's):

ESA#	Frontender	Component	To	Rate/unit \$
1	Kettle Valley	Intake/pipe/PS etc	April 15/05	976
9* Pending	Kettle Valley	Reservoir (Adams) Cell #3	Estimate	1420

\* ESA 9 is not finalized at this time (see comment under “General”) but if the Approving Officer allows the subdivision to occur and the applicant wishes to proceed, payment of this amount is required.

#### 6.0 PLANNING COMMENTS

The proposed two lot single family subdivision proposal complies with the Single/Two Unit residential Future Land Use designation of the Official Community Plan. Through the concurrent subdivision application, the servicing issues will be addressed, including the provision of community water and sanitary sewer to the proposed development.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion

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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
- Proposed Plan of Subdivision
- Land Use Contract