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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** May 6, 2005  
**File No.:** OCP04-0020 / Z04-0077  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** OCP04-0020  
Z04-0077      **OWNER:** Arnold Frank & Melitta Frank

**AT:** 1429 KLO Road      **APPLICANT:** Arnold Frank & Melitta Frank

**PURPOSE:** TO AMEND THE FUTURE LAND USE DESIGNATION FROM MULTIPLE UNIT RESIDENTIAL (LOW DENSITY) TO SINGLE/TWO UNIT RESIDENTIAL **AND** TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1 TO RU5 – BARELAND STRATA HOUSING

**EXISTING ZONE:** A1 – AGRICULTURE 1

**REPORT PREPARED BY:** NELSON WIGHT

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### **1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0020 to amend Map 19.1 of the Kelowna 2020 – Official Community Plan Bylaw No. 7600, by changing the Future Land Use designation of Lot 52 District Lot 131 O.D.Y.D. Plan 186, located on K.L.O. Road, Kelowna, BC from the Multiple Unit Residential – Low Density designation, to the Single/Two Unit Residential designation, **not** be considered by Council;

AND THAT Rezoning Application No. Z04-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 52 District Lot 131 O.D.Y.D. Plan 186, located on K.L.O. Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone, **not** be considered by Council.

### **2.0 SUMMARY**

The Applicant is proposing to amend the Future Land Use designation, as it is shown in Map 19.1 of Kelowna 2020 Official Community Plan (OCP), and to rezone the property in order to allow for the development of a 101-unit bareland strata project on this ± 5.39 ha (13.31 ac) site.

### **3.0 AGRICULTURAL ADVISORY COMMISSION**

The development should not affect drainage for the adjacent agricultural land. The AAC recommends a drainage study be performed in an attempt to improve drainage in the area. Buffering and fencing should be appropriate, and within the A3 designation. All titles should be registered as being adjacent to agricultural property.

#### 4.0 ADVISORY PLANNING COMMISSION

At a meeting held on December 14, 2004, the Advisory Planning Commission passed the following recommendation:

THAT the Advisory Planning Commission not support Official Community Plan Amendment Application No. OCP04-0020 and Rezoning Application No. Z04-0077, for 1429 KLO Road, Lot 52, Plan 186, Sec. 18, Twp. 26, ODYD to amend the Official Community Plan Future Land Use designation from Multiple Unit Residential – Low Density, to Single / Two Unit Residential; and to rezone from the A1-Agriculture 1 zone to the RU5-Bareland Strata zone in order to allow for a 101 unit bareland strata development.

#### 5.0 BACKGROUND

##### 5.1 The Proposal

This application is intended to allow for a 101 unit bareland strata development on the subject property. Because the property is designated Multiple Unit Residential (Low Density), the Applicant must first amend the OCP to allow for this lower density form of housing. The rezoning application, which seeks to change the zoning of the property from the A1 Agriculture 1 zone to the RU5 – Bareland Strata Housing zone, is to be considered concurrently.

The subject property is approximately 5.39 ha (13.31 ac), and is presently used for agricultural purposes, in addition to meeting the residential needs of the current owners. Topography could be described as relatively flat, with no more than a  $\pm 2$  m (6.5 ft) change in elevation from north to south across  $\pm 368$  m of land. The site drains south and west, towards Fascieux Creek, which lies on the southern boundary of this property.

Development proposed for this site involves the creation of 101 bareland strata units (see attached Site Plan). Vehicular access is to come from KLO Road, leading to a looping internal road, with 60 lots on the outside ring of development, and 41 lots inside the ring. Shared open space is to take the form of a private linear park feature stretching from north to south in between the two rows of inner ring lots. The lots range in size from  $\pm 325$  m<sup>2</sup> to  $\pm 683$  m<sup>2</sup>, with the majority of lots hitting that minimum bareland strata lot area of 325 m<sup>2</sup>. It should be noted that this is a conceptual layout only at this time. If the RU5 zoning is approved, the layout of the bareland strata development would be subject to the Approving Officer's review.

The application meets the requirements of the RU5 Bareland Strata zone as follows:

CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Subdivision Regulations		
Site Area	5.39 ha (13.31 ac)	1.0 ha
Site Width	145 m	40.0 m
Bareland Strata Lot Width	12.0 m	12.0 m
Bareland Strata Lot Depth	25.0 m	25.0 m
Bareland Strata Lot Area	325 m <sup>2</sup>	325 m <sup>2</sup>
Development Regulations		
Height	(not known at this time)	9.5 m or 2 ½ storeys
Strata Lot Coverage	(not known at this time)	max. 50%
Site Front Yard	(not known at this time)	4.5 m

Site Flanking Side Yard	(not known at this time)	3.0 m
Site Rear Yard	(not known at this time)	6.0 m
Strata Lot Side Yard	(not known at this time)	sum of both > 3.0 m
To Flanking Roadway	(not known at this time)	3.0 m, and sum > 4.5 m
Setback to Garage	(not known at this time)	6.0 m from curb or sidewalk
Strata Lot Rear Yard	(not known at this time)	1-storey: 4.5 m above 1-storey: 6.0 m
Other Regulations		
Open Space	(not known at this time)	min. 10% of site beyond required <b>yard</b> areas

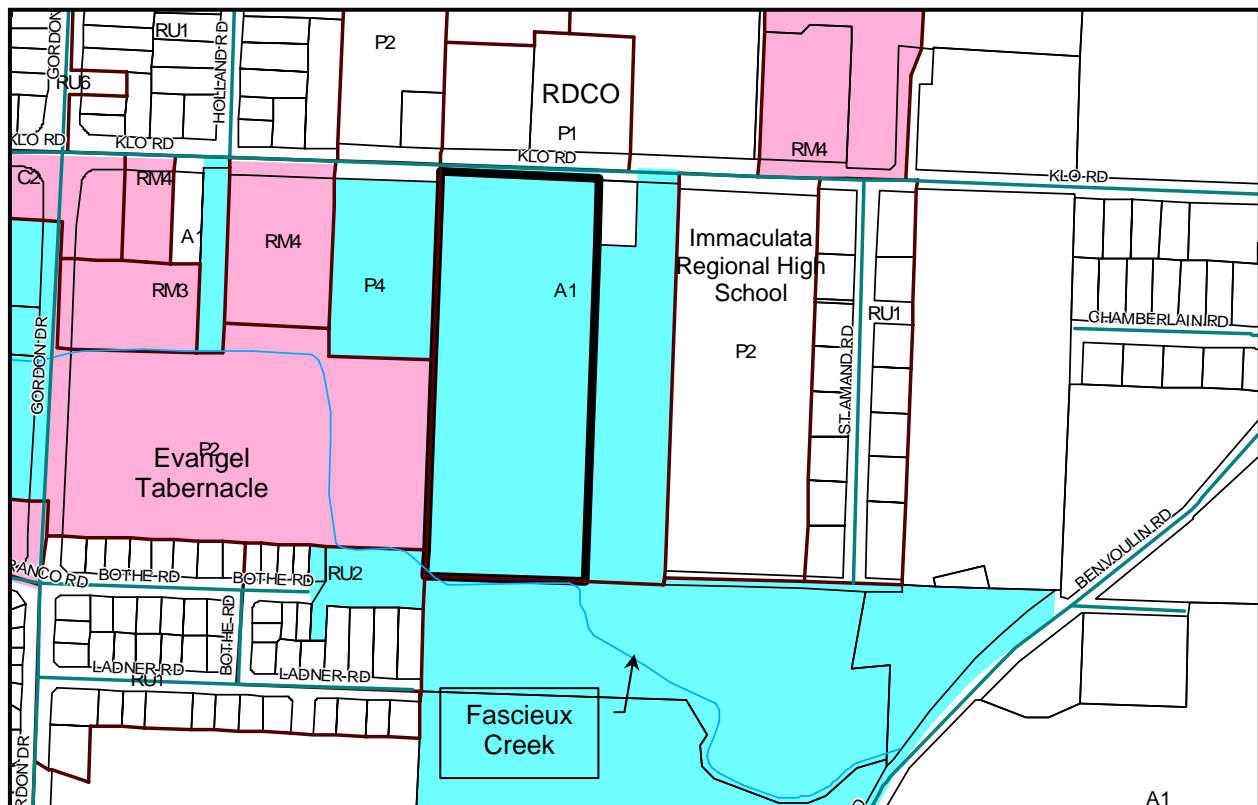
## 5.2 Site Context

The subject property is located on KLO Road, approximately 350 m (1/4-mile) east of Gordon Drive. The City of Kelowna Parks Department yard site abuts to the west, the Regional District office lies across KLO to the north, and Immaculata Regional High School lies two properties to the east. The adjacent land uses are as follows:

North	P1 – Major Institutional
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	RU2 – Medium Lot Housing
	P2 – Education and Minor Institutional
	P4 – Utilities

## 5.3 Site Map

Subject property: 1429 KLO Road



#### 5.4 Development Potential

The purpose of the RU5 – Bareland Strata Housing zone is to provide a zone for bareland strata use on serviced urban lots.

#### 5.5 Current Development Policy

##### 5.5.1 Kelowna Official Community Plan

The Future Land Use designation for this property is for Multiple Unit Residential (Low Density). The proposed land use is inconsistent with this designation.

##### **Section 5.1 Growth Management**

- Encourage development and land use changes to take place in a manner that will not compromise the ability of future generations to meet their needs and to enjoy the quality of life that we experience today;
- Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and re-development within existing areas, particularly in designated Urban Centres, and by providing for higher densities within future urban areas. Encourage development to proceed in a logical, sequential order, concurrently with availability of required urban services;

##### **Housing**

- Encourage development to contribute to the City's goal of over the 2000 – 2020 timeframe, having 53% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings;
- Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets;
- Discourage the creation of developments enclosed on all sides with walls or other physical or visual barriers to access if such developments compromise the principles embedded in the Crime Prevention Through Environmental Design guidelines and hinder efforts to create more pedestrian, bicycle and transit-friendly communities or inhibit the efficient use of infrastructure.

#### **6.0 TECHNICAL COMMENTS**

##### 6.1 Environment Manager

Fascieux Creek borders the south boundary of this property and is a designated Environment Development Permit Area requiring 15-m setback Riparian Management Area (RMA) adjacent to the full length of the stream. The 15-m RMA is a no-build/no-disturb area and the inherent riparian values that have been impacted by the agricultural activity should be restored to a natural state. The RMA could be integrated as a "private park" area within the strata development.

We do not support this application to amend the land use for this property as proposed. The proposed land use and submitted lot layout would result in a far greater impact and a much larger area (%) of impermeable surface (i.e., rooftop, driveway and road network). A more compact urban form is better suited to this property as it allows for a greater percentage of on-site open space and an

increased opportunity to accommodate the extension of Bothe road and the required Fascieux Creek riparian management area.

6.2 Fire Department

Fire flows, hydrants, and fire dept access as per BC Building Code and City of Kelowna Subdivision By-law.

6.3 FortisBC

Will provide underground electrical service.

6.4 Inspection Services

No comments.

6.5 Kelowna Regional Transit/Operations Manager

No comments.

6.6 Ministry of Water Land and Air Protection

Refused to comment as per Grant Furness.

6.7 Parks Department

The Parks Division's maintenance yard and storage depot is adjacent to the subject property. The nature of our work creates noise and a certain aesthetic quality similar to a light industrial area. In the interest of the future housing owners, we require the developer to provide a landscape buffer and screening on the properties backing on to Parks Yard, lots 3 to 15.

We recommend the planting of street trees along both sides of the neighbourhood roads on the individual property lots.

6.8 Shaw Cable

Owner/developer to install an u/g conduit system.

6.9 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

6.10 Terason

No comment.

6.11 Works and Utilities

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or subdivision approval, but are outlined in this report for information only.

6.11.1 Domestic water and fire protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish the hydrant locations and size of the new service. The disconnection and removal of existing small diameter water services and the tie-in of the new service will be by City forces at the developer's expense.
- (b) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the

Inspection Services Department, and prepare the meter setter at his cost.

- (c) The boulevard landscape irrigation system is to be connected to the on the site irrigation system.
- (d) Site servicing issues will be reviewed and comments related to site servicing and hydrant spacing will be addressed when a detailed site plan is received
- (e) Construct a watermain system on Bothe Road fronting this development.
- (f) A one-time cash payment in lieu of construction must be collected from the applicant for future construction of the watermain on Bothe Road by the City. The cash-in-lieu amount is determined to be \$46,800.00

#### 6.11.2 Sanitary Sewer

- (a) The developer's civil consulting engineer must determine if there is sufficient downstream sewer capacity in KLO Rd. Additional flows from the proposed development may require upsizing a section of main on KLO Rd between Gordon Dr and Lowe Ct. This will effect bonding requirements.
- (b) Site servicing issues will be reviewed and comments related to site servicing will be addressed when a detailed site plan is provided.
- (c) A sanitary sewer service for this development can be provided from a 300mm diameter sanitary sewer main on KLO Road.
- (d) Construct a sanitary main on Bothe Road fronting this development. A connection to this main will require the property join the St Amand Sewer Service Area and an amendment to the connection area bylaw will be required.
- (e) A one-time cash payment in lieu of construction must be collected from the applicant for the future construction of a sanitary sewer main on Bothe Road by the City. The cash-in-lieu amount is determined to be \$39,600.

#### 6.11.3 Storm Drainage

- (a) Construct a storm drainage facility on KLO Road fronting this development. Road right-of-way widening is necessary on the subject property for construction of the storm drainage facility. The estimated cost for frontage drainage facility improvements for bonding purposes is included in the road upgrading cost estimates
- (b) Construct storm drainage facilities on Bothe Road fronting this development. The estimated cost for frontage drainage facility improvements for bonding purposes is included in the road upgrading cost estimates
- (c) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and

setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service. A direct pipe discharge to the creek is not permitted

- (d) The requirements and environmental ramifications of Fascieux Creek along the rear lot boundary must be considered, but Development Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government.

#### 6.11.4 Road Improvements

- (a) KLO Road must be upgraded to a full urban standard including the construction of the curb and gutter and a separate sidewalk, a piped storm drainage system, fillet pavement, landscaped boulevard complete with underground irrigation system, street lights, and adjustment and/or re-location of existing utility poles and appurtenance to accommodate this construction. The estimated cost for frontage KLO Road improvements (not including pole relocation) for bonding purposes, is \$195,000.00
- (b) Bothe Road fronting this development must be constructed to a modified standard (SS-R5 with a minimum 8.5m pavement width) including curb and gutter, monolithic sidewalk north side, gravel shoulder south side, a storm drainage system, landscaped boulevard complete with underground irrigation system, street lights, and adjustment and/or re-location of existing utility appurtenance if required to accommodate this construction.
- (c) A one-time cash payment in lieu of construction must be collected from the applicant for future construction on Bothe Road by the City. The cash-in-lieu amount is determined to be \$132,600.00

#### 6.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide an additional highway allowance widening for the frontage of KLO Rd to achieve a full right-of-way width of 30.0 m.
- (b) Dedicate a road allowance widening of 14.2m for the future construction of Bothe Rd.
- (c) A 7.5-meter wide "Riparian Management Area (RMA)" is required adjacent to Fascieux Creek along the rear lot boundary of this property. This RMA shall be registered as a road right-of-way and will provide a total right-of-way width of 21.7 m for Bothe Road.
- (d) Grant Statutory Rights Of Way if required for utility services.

#### 6.11.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

#### 6.11.7 Street Lighting

Street lighting including underground ducts has been installed on all roads fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement is included in the roads upgrading item.

6.11.8 Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems and lot grading, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

A lot-grading plan is to be submitted prior to construction and adhered to during the construction of this development. The Bothe Road grade fronting this development will need to be established to set the future sidewalk and driveway access elevations.

6.11.9 Development Cost Charge Reduction Consideration

The pavement widening on KLO Road is eligible for DCC credits for the cost of road base and asphalt widening based on the excess widening required as opposed to the pavement width stipulated by the zoning standards.

6.11.10 Latecomer Protection

Storm drainage construction on KLO Road.

6.11.11 Geotechnical Report

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:

- (a) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (b) Site suitability for development.
- (c) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (d) Any special requirements for construction of roads, utilities and building structures.
- (e) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.



- (f) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (g) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- (h) Recommendations for items that should be included in a Restrictive Covenant.
- (i) 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.
- (j) Any items required in other sections of this document.
- (k) Recommendations for erosion and sedimentation controls for water and wind.
- (l) Recommendations for roof drains and perimeter drains.

6.11.12 Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made

6.11.13 Bonding and Levy Summary

**Bonding**

Road Frontage Improvements	KLO	\$195,000.00
Service Upgrades		\$15,000.00
	<b>Total</b>	<b>\$210,000.00</b>

**Cash Levy**

Road and Drainage Works	Bothe	\$132,600.00
Water Main	Bothe	\$46,800.00
Sanitary Sewer Main	Bothe	\$39,600.00
	<b>Total</b>	<b>\$219,000.00</b>

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

The additional cost for oversize works required by the City may be reimbursed to the owner subject to availability of funds. The oversize cost must be verified by actual construction tender or invoice.

6.11.14 Development Permit and Site Related Issues

The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

A lot-grading plan, erosion and sediment control plan are to be submitted prior to construction and adhered to during the construction of this development.

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

KLO Road driveway access will be eventually restricted to a right-in / right-out only, and the future main access to the site will be provided to Bothe Road when the road link is complete.

Revised site access and egress designs onto Bothe and KLO Roads must be submitted for approval by the City Works & Utilities Department. This is required to guarantee that the requirements and the limitations of ingress and egress required by the City have been addressed to the City's satisfaction.

6.11.15 Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

## **7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS**

Staff has concerns with both the proposed OCP amendment and rezoning applications. The adopted policies of Council, as articulated in the Kelowna 2020 Official Community Plan, do not support this lower density, nor do they support this form of development ("gated development").

Firstly, although it is recognized that there is a healthy market for "gated developments", this development does not use the land as efficiently as a multi-family project could, nor does it allow for an easy transition to a higher order of development. The proposal submitted with this application could, at best, achieve around 19 units per hectare (uph). By comparison, a low-density row housing development could yield approximately 60 uph.

The second major failing of this development, from a planning perspective, relates to the effect that this type of development has on the broader community of the City of Kelowna. By their nature, "gated developments" disrupt the traditional fabric of the City. From an urban design perspective they frustrate the dynamic intra-neighbourhood movements that help make for a cohesive community.

There may be a place for this development within the Okanagan region, but the City of Kelowna OCP discourages the further creation of "gated developments" within this city, because the land

and social costs to be paid for this type of development are too high. Consequently, Staff are not in support of this application.

### **8.0 ALTERNATE RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP04-0020 to amend Map 19.1 of the Kelowna 2020 – Official Community Plan Bylaw No. 7600, by changing the Future Land Use designation of Lot 52 District Lot 131 O.D.Y.D. Plan 186, located on K.L.O. Road, Kelowna, BC from the Multiple Unit Residential – Low Density designation, to the Single/Two Unit Residential designation, be considered by Council;

AND THAT Rezoning Application No. Z04-0077 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 52 District Lot 131 O.D.Y.D. Plan 186, located on K.L.O. Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing zone, be considered by Council.

AND THAT the OCP Bylaw Amendment No. OCP04-0020 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

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### **ATTACHMENTS**

**Location of subject property**  
**Site Plan**