
CITY OF KELOWNA
MEMORANDUM

DATE: September 16, 2005
TO: City Manager
FROM: Planning & Corporate Services Department
APPLICATION No.: Z05-0029
OWNER: Tony Balisky
APPLICANT/CONTACT PERSON: D E Pilling & Associates Ltd./ David Pauls
LOCATION: 1240 Band Road
PURPOSE: To rezone from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone
EXISTING ZONE: A1 – Agriculture 1
PROPOSED ZONE: RU1 – Large Lot Housing zone
REPORT PREPARED BY: Shelley Gambacort

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0029 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 13, Twp. 26, ODYD, Plan 13388, 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Ministry of Transportation being completed to their satisfaction.

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 21 lot single family subdivision.

2.1 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at the meeting of May 17, 2005 and the following recommendation:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0029, for 1240 Band Road, Lot 1, Plan 13388, Sec. 13, Twp. 26, ODYD, by DE Pilling & Associates (David Pauls), to rezone from the A1-Agriculture 1 zone to the RU1- Large Lot Housing (Hillside Area) zone, in order to facilitate a proposed 21 lot single family residential subdivision.

3.0 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 residential lots.

There will be no direct access permitted from the proposed lots to Highway 33. Development of the upper lots will be subject to the provision of the proposed road through the property to the east. The development of the lower lots will require the realignment of the intersection across from Garner Road at Highway 33 to the satisfaction of the Ministry of Transportation.

There are currently two homes on the subject property and the proposal is to retain the home that is located at the south end of the property and remove the home located at the north end of the property.

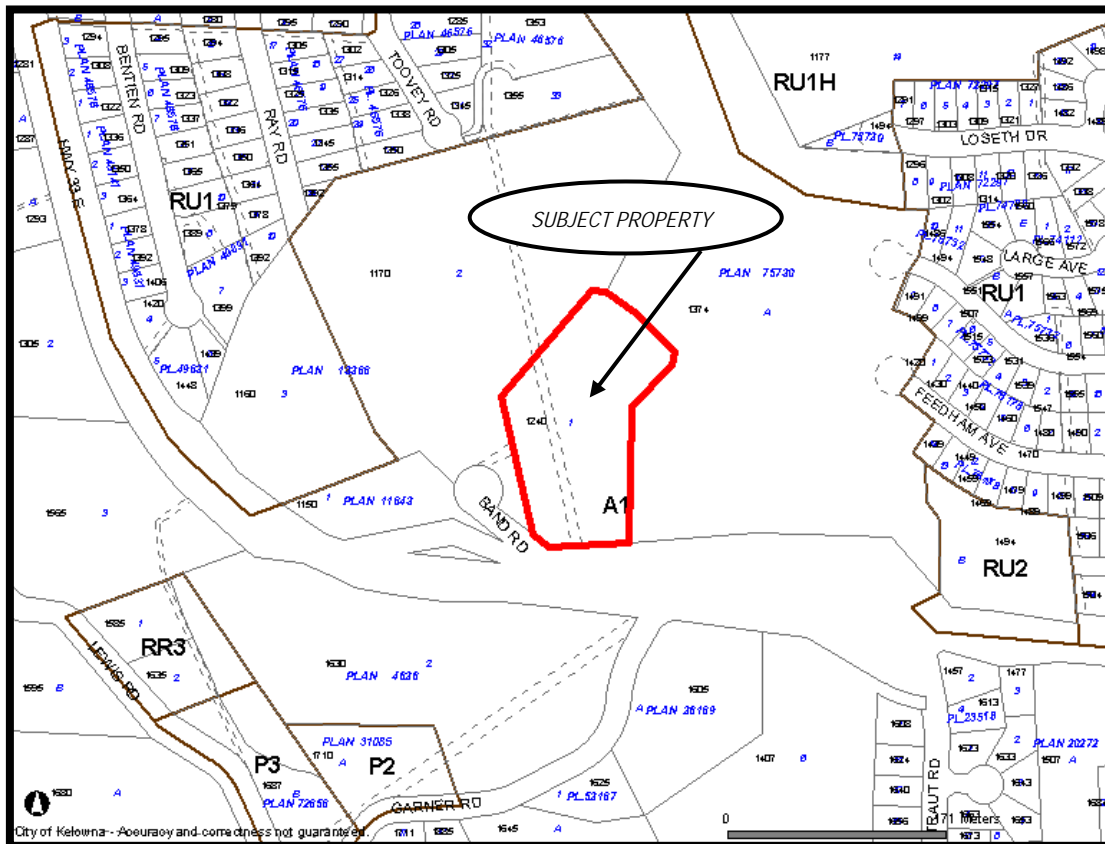
Through the concurrent subdivision application, the servicing issues will be addressed including the provision of community water (Black Mountain Irrigation District) and sanitary sewer to the proposed development.

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

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Site Area (m ²)	555 - 1171	550
Site Width (m)	16.5	16.5
Site Depth (m)	30	30

4.0 Site Context

The property is located east of Band Road on the north side of Highway 33.



Adjacent zones and uses are, to the:

North - A1 – Agriculture 1; *under application for RU1 zoning*
East - A1 – Agriculture 1; *under application for RU1 zoning*
South - Highway 33
West - A1 – Agriculture 1; rural residential lot.

5.0 **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.

6.0 **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.

7.0 **TECHNICAL COMMENTS**

7.1 **Works & Utilities**

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1 are as follows:

These are Works and Utilities initial comments and are subject to the Ministry of Transport (MOT) comments and requirements.

.1 General

- a) 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.

.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) 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 and presence of sulfates.
- f) Potential site erosion.
- g) Provide specific requirements for footings and foundation construction.
- h) 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.
- c) A Latecomer for the off-site sanitary sewer is registered against the subject property. The charge is **\$17,202.92**.

.6 Drainage

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

- a) 'Ray Road' connection to Highway 97 is required. A temporary connection from 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 which would require the dedication of a right of way on the property located to the east of the proposed development.

- b) The MoT has indicated that the Hwy 33 widening is imminent and that some financial contribution toward the intersection of Ray road with Highway 33 may be expected from the applicant.

.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.

.11 Bonding and Levies Summary

- a) Performance Bonding = None Required
- b) Levies:
 - i. Specified Area inclusion Fee = \$250.00
 - ii. Intersection with Hwy 33 at Garner (as per MoT requirements) = to be determined
 - iii. Latecomer – off-site sanitary sewer = \$17,2020.91

7.2 Ministry of Transportation

Regarding the proposed 21 lot, fee simple subdivision as shown on Pilling plan 1676-P1, the Ministry of Transportation has no objections to this proposal, subject to:

- No direct access to Highway 33 for any of the proposed lots, all access to be gained via a municipal street.
- Registration of a suitably worded restrictive covenant on the subject property that no development of proposed lots 1 - 9 will proceed without the construction of the fourth leg of the Garner Road / Highway 33 intersection.
- With the construction of the fourth leg of the Garner Road /Highway 33 intersection, the existing Band Road at Highway 33 is to be removed and then connected with the new fourth leg of Garner Road.

7.3 Black Mountain Irrigation District

No objection however there will be some difficulty in providing water to it as a stand alone project. A connection to the 900 mm watermain in our easement at west side will be required, located at proposed road G. This would provide water to lots 10 through 18 only. A temporary watermain design could be achieved as an interim measure to service lots 1 - 9 until the property to the east is developed. A watermain design by client's engineers would be previewed in this aspect. The proposed development would be subject to:

- Capital Cost charges - 3.59 lots in C Grade land at \$1200 per lot = \$4308; 13.41 lots in D Grade land at \$3250 per lot = \$43,582.50 - total \$47,890.50.
- A connection fee of \$300 per lot at time of building.
- A meter supply and installation fee of \$383.55 per lot at time of building.

- An FUS calculation should be submitted to determine required fire flow. A flow test will be required after construction to confirm the above.

8.0 PLANNING COMMENTS

The proposed subdivision 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 21 lot subdivision. Subdivision of the property is contingent on the provision of community water and sanitary sewer to the proposed development and the provision of the required access roads through the property to the east, which is also under application for development.

Subdivision Approval will also 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 in order to facilitate the development of proposed Lots 2, 3, & 4 this requirement would need to be reduced down to 7.5 m, which is the rear yard setback requirement for the RU1 – Large Lot Housing zone. The rear property line is presently ranging from 30 – 40 m from the edge of the highway.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

RGS/SG/sg

Attachments

(Not attached to the electronic copy of the report)

- Location Map
 - Draft Plan of Subdivision
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