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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** September 22, 2005

**TO:** City Manager

**FROM:** Planning & Development Services Department

**APPLICATION No.:** Z05-0051

**OWNER:** Irandokht Khodarahmi

**APPLICANT/CONTACT PERSON:** Protech  
Consultants Ltd./Grant Maddock

**LOCATION:** 5110 Frost Road

**PURPOSE:** To rezone from the A1-Agriculture 1 zone to the RU2-Medium Lot  
Housing zone and P3 – Parks & Open Space zone in order to  
facilitate an 18 lot single family residential subdivision

**OCP DESIGNATION:** Single/Two Unit Residential

**EXISTING ZONE:** A1 – Agriculture 1

**PROPOSED ZONE:** RU2 – Medium Lot  
Housing & P3 – Parks & Open Space

**REPORT PREPARED BY:** Shelley Gambacort

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot B, DL 1688s, SDYD, Plan 23489, located on Frost Road, Kelowna, BC from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone & P3 – Parks & Open Space zone as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated September 22, 2005, 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 provision of an executed Servicing Agreement to the satisfaction of the Works & Utilities Department.

**2.0 SUMMARY**

The applicant is proposing to rezone the subject property from the A1 – Agriculture 1 zone to the RU2 – Medium Lot Housing zone and the P3-Parks and Open Space zone, in order to facilitate an 18 lot single family subdivision.

**2.1 Advisory Planning Commission**

The application was reviewed by the Advisory Planning Commission at the meeting of August 2, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0051, for 5110 Frost Road, Lot B, DL 1688s, SDYD, Plan 23489, by Protech Consultants Ltd. (Grant Maddock), to rezone a portion of the subject property from the A1-Agriculture 1 zone to the RU2-Medium Lot Housing zone and the P3-Parks and Open Space zone in order to facilitate a 18 unit single family residential subdivision lot.

### 3.0 THE PROPOSAL

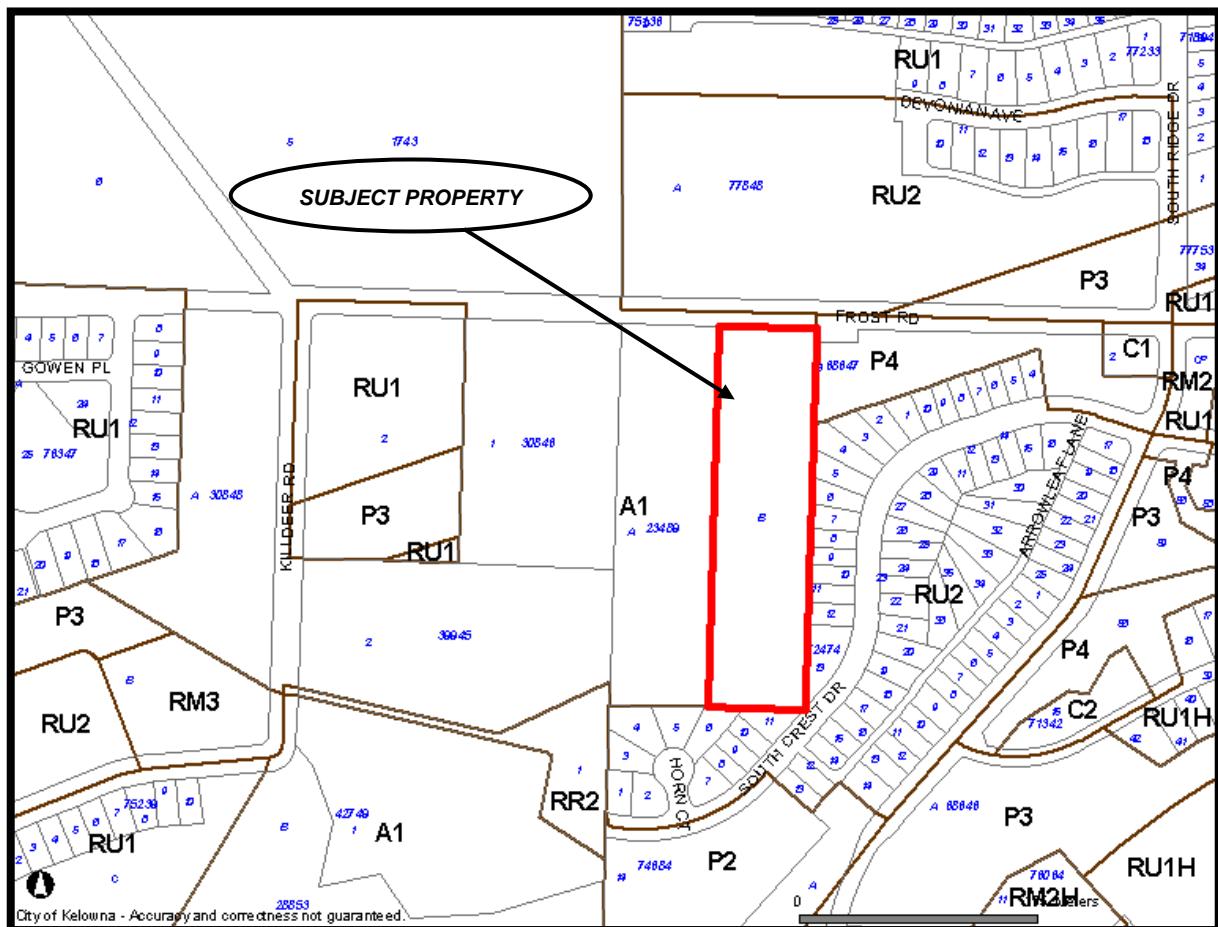
The subdivision development proposal is for 18 single family residential lots. The requirements of the City of Kelowna RU2 – Medium Lot Housing zone are that each proposed lot must have a minimum area of 400 m<sup>2</sup>, a minimum width of 13 m (16.5 m for corner lots), and a minimum depth of 30 m.

A portion of the area within the FortisBC right of way is designated as P3 – Parks and Open space and will form part of a linear trail corridor being developed in the South West Okanagan Mission Sector area of the City.

There is a concurrent subdivision application being processed with this rezoning application.

### 4.0 SITE CONTEXT

The property is located on the south side of Frost Road, west of the Southridge Neighbourhood midway between Kildeer Road and Southridge Drive.



Adjacent zones and uses are, to the:

- North - Frost Road, RU2 – Medium Lot Housing; *future single family development (part of the Quarry Development)*
- East - P4 – Utilities & RU2 – Medium Lot Residential; *storm water detention facility and existing single family development (Southridge)*
- South - RU2 – Medium Lot Residential; *existing single family development (Southridge)*
- West - A1 – Agriculture 1; *rural residential*

## **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 following Works & Services are required for this subdivision. Details of these requirements will be outlined in a Preliminary Layout Review letter for the proposed subdivision:

#### **.1) General**

- a) Prior to final adoption of the zone amending bylaw a pre-design report is required to confirm offsite works and costs. An offsite servicing agreement will be required for the works beyond the subdivision (such as sanitary sewer on Frost Road). For convenience the offsite servicing agreement may include the frontage works on Frost Road. A separate servicing agreement will be required for the onsite works. These agreements may be combined into one.

- b) South Mission Road Triggers: Offsite roadwork identified in the Southwest Mission Sector Plan are triggered at various stages of development based on subdivided lots or units.
- c) These works are identified in the Sector Plan and numerous components are triggered by developments occurring in the area at this time. However, other major developers in the area have committed to constructing these works as they are needed. Therefore this development is not required to build any of these road segments as long as the other developers in the area remain committed to building these roads.
- d) Existing water infrastructure is reaching capacity refer to comments under Water.

**.2) Water**

Existing infrastructure such as the South Crest Reservoir is approaching capacity for this area. If this subdivision is delayed or other subdivisions are registered before this one and use the available capacity, then further infrastructure may need to be built. It will need to be built either by this subdivision or in conjunction with others. The subdivision will not be approved if there is no capacity remaining.

**.3) Sanitary Sewer**

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Sanitary sewer is not available at the site but is located on Frost Road at Treadgold Place. Sewer will need to be extended from this point to the site. In addition Frost Road will require a full surface overlay from Killdeer Road west to the point of the sewer tie in.

**.4) 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.

**.5) Roads**

- a) Frost Road must be upgraded to a full urban standard (along the full frontage including the Power Right of Way) including curb and gutter, sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

- b) Dedication and Construction of internal roads will be required in accordance with the Subdivision Bylaw at the time of subdivision.
- c) Driveway access is not permitted onto Frost Road. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots.

**.6) Power and Telecommunication Services and Street Lights**

- a) All proposed distribution and service connections are to be installed underground.
- b) Street lights must be installed on all roads.

**.7) Servicing Agreements for Works and Services**

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

**.8) Latecomer Provisions**

- a) Under the provisions of the Local Government Act, Latecomer provisions are available for the following items:
  - i) Water main installation on Frost Road
  - ii) Storm sewer installation on Frost Road
  - iii) Sanitary sewer installation on Frost Road
- b) The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

**.9) Charges and Fees**

- a) The Road works on Frost Road are applicable for DCC credit considerations for work installed by the applicant, based on the lowest of the following

- i) DCC's payable for that class of item (i.e. roads),
  - ii) The value of the DCC item as estimated for the DCC Bylaw, or
  - iii) The actual cost of construction of the item as verified by contract costs.
- b) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.
  - c) Water Specified Area Administration Fee of \$250.00 to amend service boundary.
  - d) Water Extended Service Area Latecomers (ESA's):

ESA#	Frontender	Component	Anniversary (rates change)	*Rate/unit \$
1	Kettle Valley	Intake/pipe/PS etc	April 15/06	1,014
3	South Ridge	600 pipe Hedeman	October 10/05	116
4	South Ridge	600/400 pipe Killdeer	October 10/05	385
7	Progressive	Reservoir South Crest	January 20/06	885

\*(these fees are to be confirmed at time of subdivision)

## 7.2 **Parks Manager**

1. To prevent private/public encroachment, the applicant will be required to fence all lots adjacent to the park dedication to include the side yards of lots 4 & 18 with min. 4' high black chain link fence.
2. The design of the local road shall consider the safety of pedestrians and bicyclists crossing from the linear park.
3. Street trees contribute to the liveability of a street and improve the character of the neighbourhood. They can modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division encourages the Applicant to consider the planting of street trees on each new lot consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

## 8.0 **PLANNING COMMENTS**

The proposed use of the site complies with the Official Community Plan Generalized Future Land Use designation of Single/Two Unit Residential and the policies and guidelines of the Neighbourhood 2 Area Structure Plan.

As shown on the proposed rezoning plan attached to this report, a preplan illustrates that the ability to develop the adjacent properties is not compromised by the layout proposed for the subject property and allows for road connectivity to the properties west of the subject property.

The lot layout for the subject property may require a revision to address the Utility Policy contained in Section 13.5 which states as follows:

**Residential Setback.** Encourage residential development setbacks of 30 metres from the edge of the right of way for feeder lines;

Through the concurrent subdivision application, the servicing requirements will be addressed, which will ensure the provision of community water and sanitary sewer to the proposed development.

R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion



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

RGS/SG/sg

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**Attachments (2)**

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

- Map "A"
  - Proposed Subdivision Plan
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