
**CITY OF KELOWNA
MEMORANDUM**

DATE: May 30, 2007
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. Z07-0031 **APPLICANTS:** Runnalls Denby & Associates /OCP07-0012
AT: 865 Paret Rd. **OWNER:** No. 21 Great Projects Ltd.

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE RR1 – RURAL RESIDENTIAL 1 ZONE, RU1 – LARGE LOT HOUSING ZONE AND A1 - AGRICULTURE 1 ZONE TO THE P4 – UTILITIES ZONE AND RU1 – LARGE LOT HOUSING ZONE.

EXISTING ZONES: RR1 – RURAL RESIDENTIAL AND RU1 – LARGE LOT HOUSING ZONES

PROPOSED ZONE: P4 - UTILITIES ZONE AND RU1 – LARGE LOT HOUSING ZONE

REPORT PREPARED BY: DANIELLE NOBLE

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP07-0012 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot A, D.L. 579, SDYD, Plan KAP68860, Except Plan KAP74689, located off Paret Road, Kelowna, B.C., from the Single/Two family residential designation to the Public Services/Utilities designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated June 12, 2007, be considered by Council;

THAT Rezoning Amendment No. Z07-0031 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 579, SDYD, Plan KAP68860, Except Plan KAP74689, located off Paret Road, Kelowna, B.C., from RR1 – Rural Residential 1 zone and RU1 – Large Lot Housing zone to RU1h – Large Lot Housing (hillside) zone and P4 – Utilities 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 withheld until the applicant has addressed the requirements of the Works and Utilities department, and a completed wildfire mitigation report.

2.0 SUMMARY

The landowner wishes to convey the balance of this property to the City and has agreed to rezone the subject property to accurately reflect the intended civic utility purposes of the property. The subject property currently hosts a variety of utility purposes, including storm detention and various easements/right-of-ways for utility objectives. There are significant topography and gradient limitations on site. The rezoning of the balance of the property

ensures that no future residential subdivision will be sought and property ownership will be transferred to the City of Kelowna.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of April 24, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Official Community Plan No. OCP07-0012, for 865 Paret Road, Lot A, Plan 68860, Sec. 30, Twp. 29, ODYD, by Runnalls Denby and Associates (N. Denby), to amend the OCP Future Land Use designation for a portion of the subject property from Single/Two Unit Residential to Public Service/Utilities.

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0031, for 865 Paret Road, Lot A, Plan 68860, Sec. 30, Twp. 29, ODYD, by Runnalls Denby and Associates (N. Denby), to rezone a portion of the subject property from the RR1-Rural Residential 1 zone to the RU1-Large Lot Housing zone and the remainder of the property to be rezoned to P4-Utilities zone.

4.0 BACKGROUND

The subject property is one legal lot covered by three zones; RR1 – Rural Residential 1 zone, RU1 – Large Lot housing, and A1 – Agricultural 1 zones and is surrounded by predominantly RU1 and RU2 zoned properties. The OCP designates the property as Single/Two Unit residential.

The landowner wishes to convey the balance of this property to the City and has agreed to pursue zoning and OCP amendments to facilitate property ownership transfer. The subject property is extremely steep sloped, and could be problematic to facilitate future subdivision/development given the topography limitations. The northern portion of the lot is to be retained as large lot urban residential housing zone to facilitate the existing house on the parcel.

The area for the proposed zone amendment to P4 - Utilities is 2.22 ha in size, and has no legal lot frontage. The northern portion of the parcel to be retained as residential use does have legal access off of Paret Road.

As per the Zoning Bylaw, there are no minimum subdivision regulations that apply to the P4 - Utilities zone.

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations (Proposed RU1 Lot)		
Lot Area (m ²)	1900 m ²	550 m ²
Lot Width (m)	22.6 m	16.5 m
Lot Depth (m)	84.7 m	30.0 m

5.0 ZONING AND USES OF ADJACENT PROPERTY

North A1 – Agriculture 1 & RU6 – Two Dwelling Housing

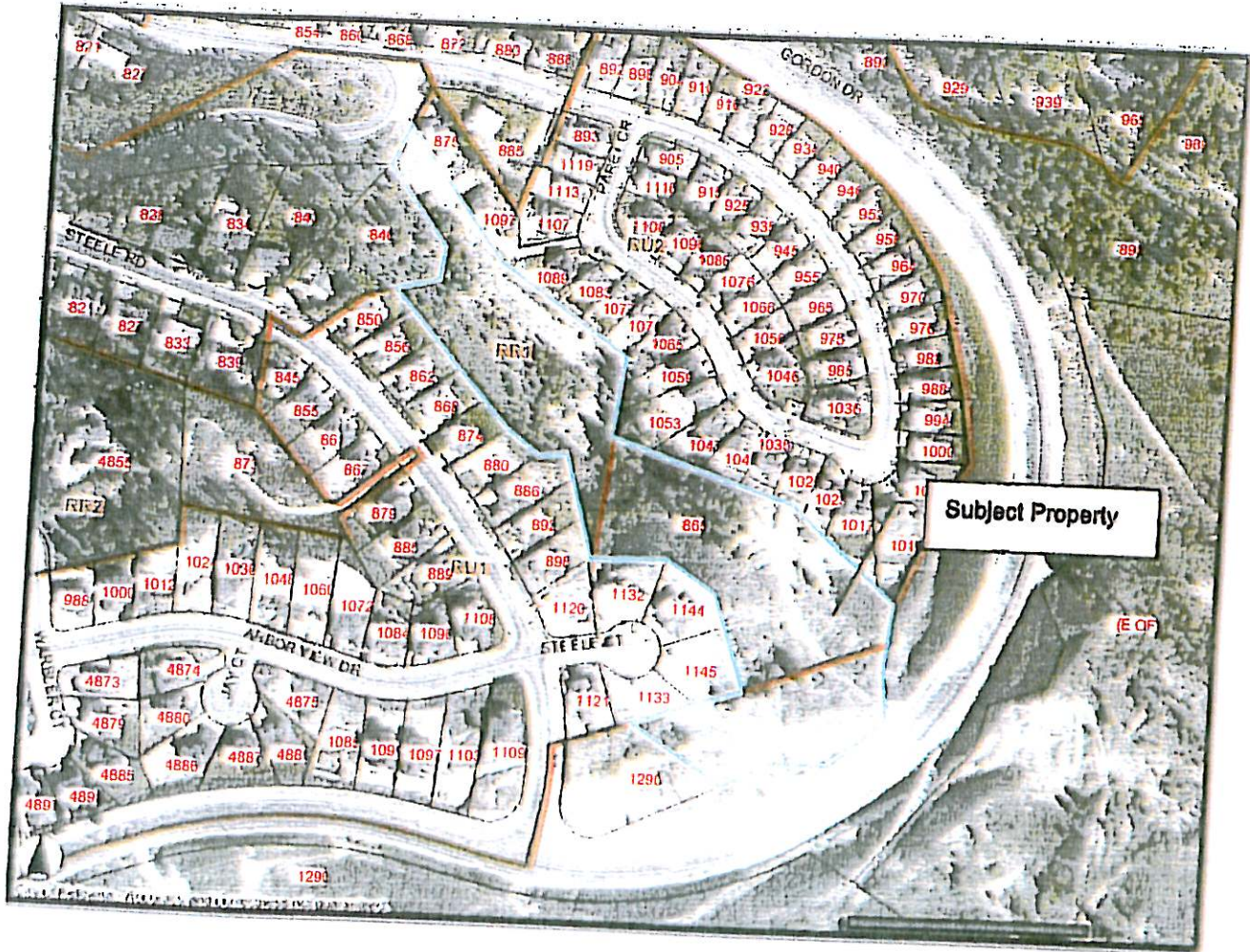
East
South
West

A1 – Agriculture 1 & RU2 – Medium Lot Housing

A1 – Agriculture 1

RU1 – Large Lot Housing, RR2 – Rural Residential 2 & A1 – Agriculture 1

5.1 Subject Property Map



6.0 CURRENT DEVELOPMENT POLICY

6.1.1 City of Kelowna Strategic Plan (2004)

Goal #1 - To maintain, respect, and enhance our natural environment

Goal #2 - To foster a strong, stable, and expanding economy.

Goal #3 - To foster the social and physical well-being of residents and visitors.

6.1.2 Kelowna Official Community Plan (OCP)

The subject property is designated "Single/Two Unit Residential" in the OCP. However, the current OCP amendment aims to allocate the balance of this property to Public Services/Utilities.

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

Objectives for Services and Utilities

- Encourage the utilization of surface drainage systems as amenity/open space corridors and also consider the use of open space/parks for storm water detention areas and conveyance corridors;
- Prioritize storm water quality impact locations and initiate an improvement program;
- Require new drainage infrastructure to be implemented according to the Storm Water Management Design Manual utilizing Best Management Practices that are appropriate for Kelowna's conditions including the use of the natural environment for the conveyance and treatment of storm water.

7.0 TECHNICAL COMMENTS

7.1 Environment Department

The only concerns are the >30% slopes on lot 1, which is being proposed to change from RR1 to RU1. There are no concerns with rezoning the other portions of the lot to P4. (Note: any development would require either a Development Permit Waiver or Hazardous Condition Development Permit).

7.2 Fire Department

Visible address required as per City of Kelowna Building Bylaw No. 7071.

7.3 Parks Department

The Parks Division has no interest in ownership of this steeply sloped hazardous area. There is no recreational or park benefit and the liability from potential falling rocks, debris and slope slippage is extremely high.

7.4 Interior Health

Sewer required.

7.5 Works and Utilities Department

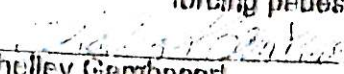
The Subdivision of the land and all related works and utilities shall comply with the Subdivision, Development and Servicing Bylaw.


3.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department is agreeable to the rezoning of the majority of the subject property to P4 – Utilities zone to facilitate the land acquisition into the City's ownership, exclusive of the northern RU1 build lot. The Community Real Estate and Development department is coordinating the land deal with the property owner.

Given the challenging topography of the parcel and the current storm detention pond and other utilities on-site, the rezoning of the property to reflect the current utility uses is supported. However, prior to the City accepting ownership of the property, three issues have been identified as requiring additional attention:

- The subject property falls under the Wildfire Development Permit area as identified on Map 7.2 of the OCP. As such, the City requires the developer to commission a Registered Professional Forester (RPF) to complete a wildfire mitigation report and execute the works recommended;
- Currently, the site contains sewer assets in addition to a drainage retention pond. These City utilities will need to be accessed from time to time for maintenance. Consequently, protection of the access via right-of-way across the proposed Lot 1 should be secured to ensure access for City crews from both the southern and northern portions of the site;
- While access to the site for utility maintenance is currently assured via easement, the Community Development and Real Estate department should work to ensure that this site has access provided for the general public either by altering the terms of the associated right-of-way agreements relating to the site or by securing land from the area of the proposed Lot 1. Currently, this site is a utility parcel with minimal development potential. However, with the addition of a significant amount of commercial development across Gordon Drive, there may be a future demand to convert this into a linear green space allowing a safe pedestrian access for residents near the foot of the ridge leading up to amenities and park space. This will offer a viable future connection rather than forcing pedestrians to use the sidewalk adjacent to Gordon Drive.

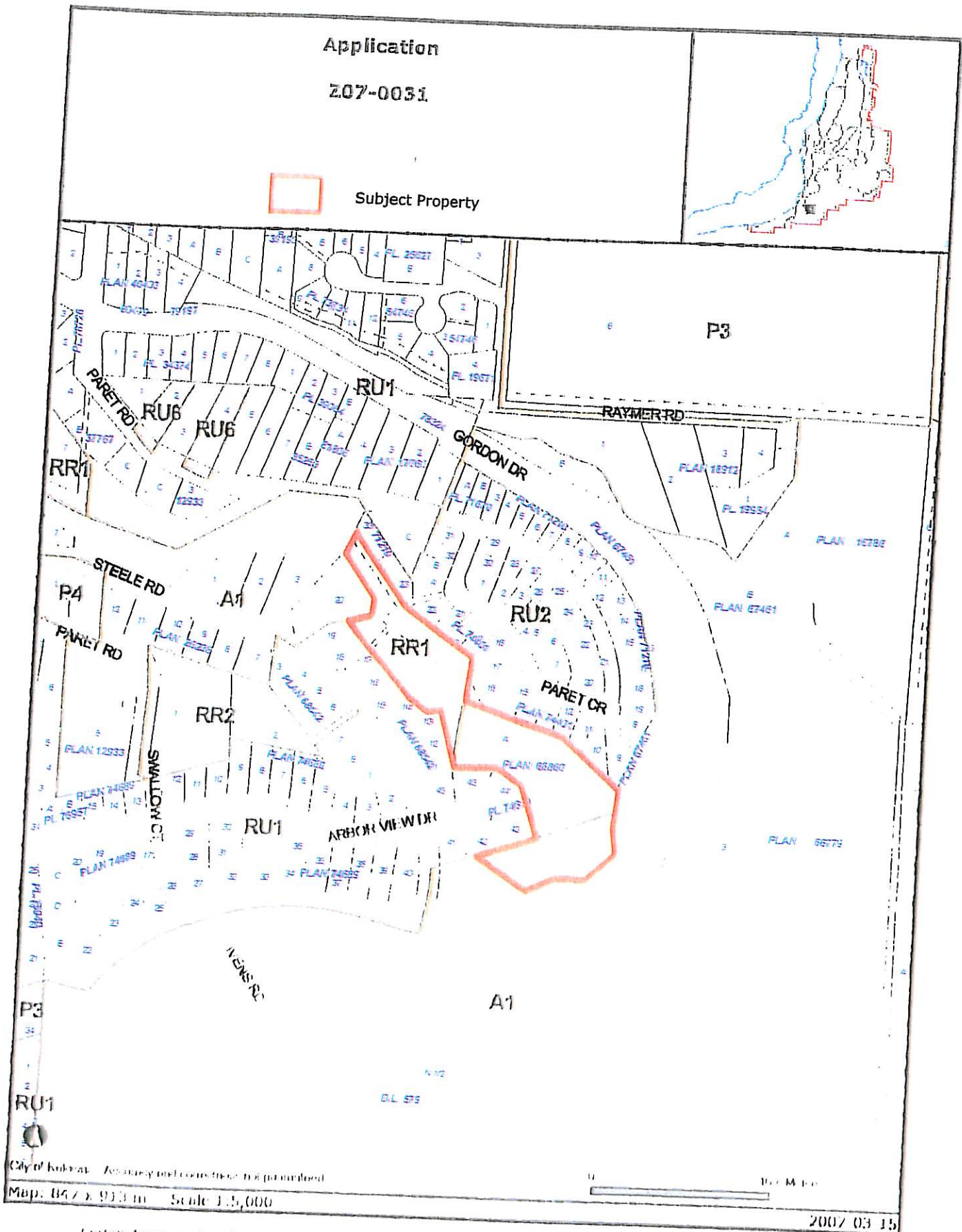

Shelley Gambacorti
Current Planning Supervisor

Approved for inclusion 
Mary Pynchburg, MRAIC MCIF
Director of Planning & Development Services

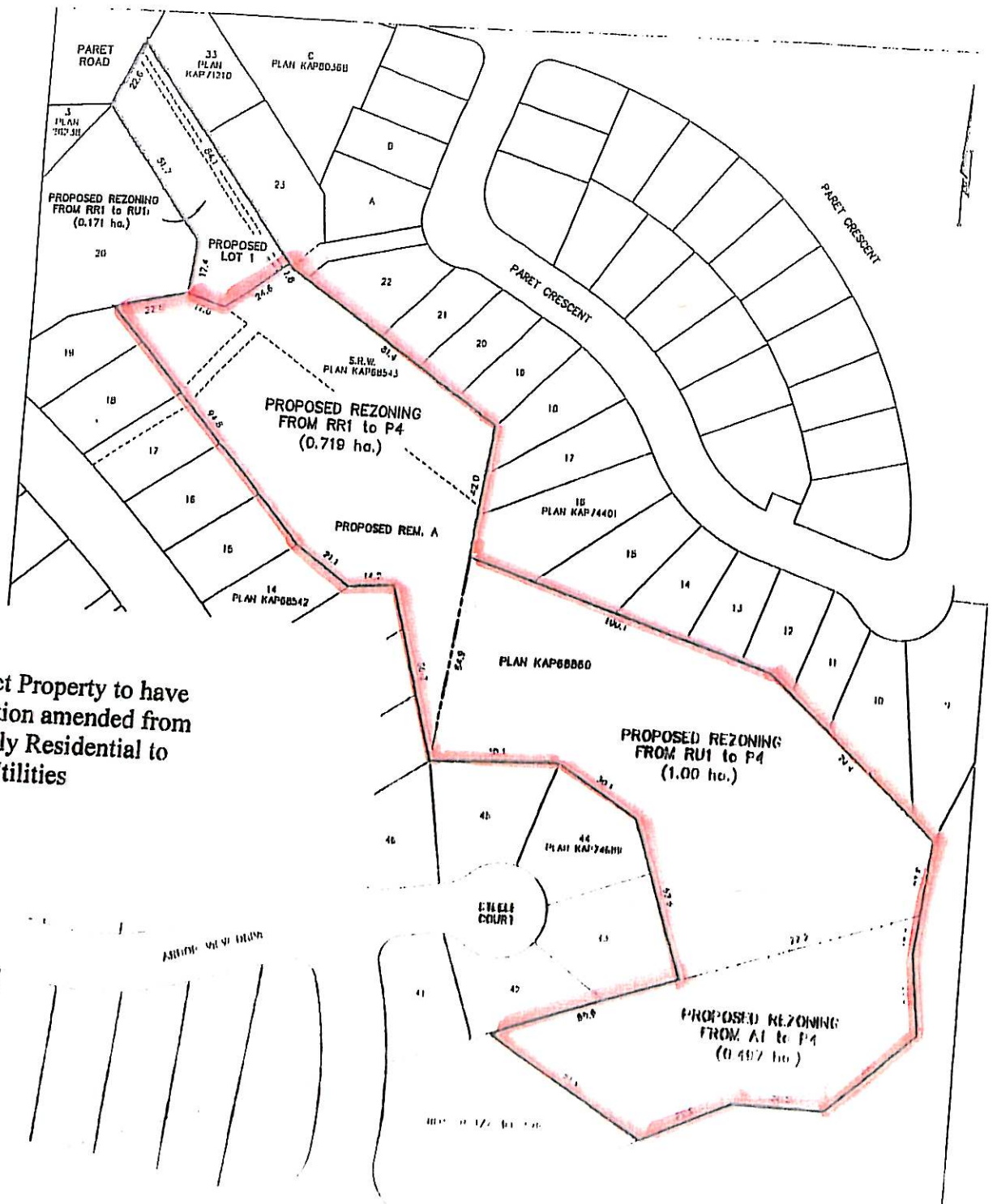
Attach
SG/DN

ATTACHMENTS

- Location of subject property
- Proposed Subdivision Plan
- Contour Map



Certain layers, such as jobs, zoning and approvals are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



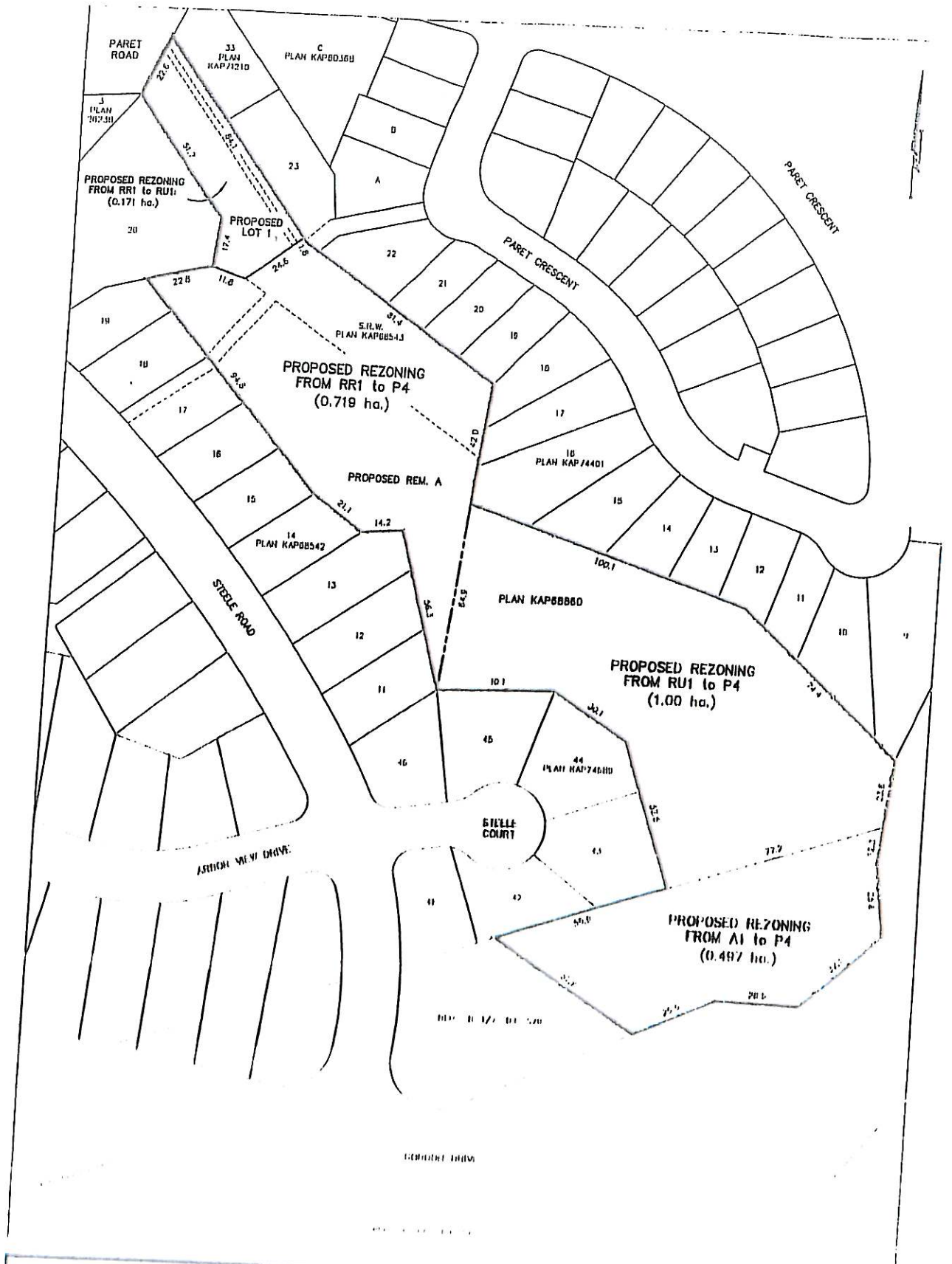
MAP "A"

Portion of Subject Property to have the OCP designation amended from Single/Two Family Residential to Public Services/Utilities

SKETCH PLAN

SHOWING PROPOSED REZONING OF PART OF LOT 7, 11212 EASTERN
 BL. 575, 11212, EXCEPT THIS KAP 74600

<p>FOR THE CLIENT:</p> <p>_____</p> <p>_____</p>	<p>DATE: _____</p> <p>SCALE: _____</p>
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SKETCH PLAN
 SHOWING PROPOSED REZONING OF PART OF LOT 7, PLAN KAP8880,
 DEED 525, 1 D.D., EXCEPT PLAN KAP74688

PLANNERS DENNY
 10010 Columbia Road, San Diego, CA 92121
 Tel: (619) 451-1111 Fax: (619) 451-1111

DATE	1-15-00
BY	BOBBI L. DENNY

