
CITY OF KELOWNA
MEMORANDUM

DATE: February 27, 2008

TO: City Manager

FROM: Planning and Development Services Department

APPLICATION NO. OCP08-0004/Z07-0087 **OWNER:** Kirschner Mountain Estates & Various Owners

AT: Loseth/Montenegro & Kloppenburg Roads **APPLICANT:** D.E. Pilling & Associates Ltd.

PURPOSE: TO CHANGE THE DESIGNATION OF A PORTION OF THE SUBJECT PROPERTY CURRENTLY DESIGNATED MULTIPLE UNIT RESIDENTIAL - LOW DENSITY TO SINGLE/TWO UNIT RESIDENTIAL TO PERMIT REZONING FROM RM3 LOW DENSITY MULTIPLE HOUSING TO RU4H - LOW DENSITY CLUSTER HOUSING (HILLSIDE AREA) TO EXPAND THE EXISTING RU4H SITE. A SUBSEQUENT SUBDIVISION WILL CONSOLIDATE THE RU4H LOT; AND

TO CORRECT A MAPPING OVERSIGHT THAT RESULTS IN A SLIVER OF MAJOR PARK/OPEN SPACE BEING CORRECTLY IDENTIFIED AS SINGLE/TWO UNIT RESIDENTIAL.

TO REZONE THE EXISTING A1, P3, RM3 AND RU1H ZONES TO THE REQUESTED RU1H AND RU4H ZONES TO CORRECT MAPPING OVERSIGHTS AND ADJUST DEVELOPMENT PLANS TO RESPECT SITE TOPOGRAPHY.

EXISTING OCP DESIGNATION: MRL – Multiple Unit Residential – Low Density
S2RES – Single/Two Unit Residential
PARK – Major Park/Open Space

PROPOSED OCP DESIGNATION: S2RES – Single/Two Unit Residential

EXISTING ZONE: A1 – Agriculture Zone; RU1h - Large Lot Housing (Hillside) Zone; RM3 – Low Density Multiple Residential Zone and P3 – Parks and Open Space

PROPOSED ZONE: RU1h – Large Lot Housing (Hillside) Zone and RU4h – Low Density Cluster Housing (Hillside Area) Zone

REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Council forward OCP Bylaw Amendment No. OCP08-0004 to amend Map 19.1 of the *Kelowna 2020 – Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of a portion of:

Lot A Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plans KAP75167, KAP76806, KAP80103, KAP80832, KAP84278 and KAP85820, located at the south

end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from Multiple Unit Residential - Low Density and Major Park/Open Space to Single/Two Unit Residential;

and a portion of Lot D Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plan KAP80103 located on south end of Loseth Road at Kirschner Mountain Estates from Multiple Unit Residential – Low Density to Single/Two Unit Residential;

as shown on Map “A” attached to the report of the Planning and Development Services Department, dated January 21, 2008, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act* as outlined in the report of the Planning & Development Services Department dated February 27, 2008;

AND THAT Rezoning Application No. Z07-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

A portion of Lot A Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plans KAP75167, KAP76806, KAP80103, KAP80832, KAP84278 and KAP85820, located at the south end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from:

1. A1 – Agriculture 1 Zone to RU4h – Low Density Cluster Housing (Hillside Area)(0.253 ha);
2. RU1h – Large Lot Housing (Hillside Area) zone to RU4h – Low Density Cluster Housing (Hillside Area) (0.539 ha);

A portion of Lot D Section 13 Township 26 Osoyoos Division Yale District Plan KAP48770 Except Plan KAP80103, located at the south end of Loseth Road at Kirschner Mountain Estates, Kelowna, BC from:

1. RM3 – Low Density Multiple Housing to RU4h – Low Density Cluster Housing (Hillside Area) (0.637 ha); and
2. RM3 – Low Density Multiple Housing to RU1h – Large Lot Housing (Hillside Area) (0.325 ha);

and Lots 3 -22 Section 13 Township 26 Osoyoos Division Yale District Plan KAP84278, located at Montenegro Drive, Kirschner Mountain Estates, Kelowna, BC from A1 – Agriculture 1 Zone to RU1h – Large Lot Housing (Hillside Area) (1.775 ha)

as shown on Map “B” attached to the report of the Planning and Development Services Department, dated February 27, 2008, be considered by Council.

2.0 SUMMARY

The Planning and Development Services Department recently became aware of a mapping oversight at the Kirschner Mountain Estates development site. Coincidentally, the applicant has determined that some adjustments to the original OCP and zone boundaries would allow for more sensitive development of the site. As such, portions of land previously designated for low density multiple-unit residential and for large lot single family residential may be more suitably developed as RU4h – Low Density Cluster Housing (Hillside Area).

2.0 BACKGROUND

The property under application may be divided into two sections related to the zone amendment requested. The first portion of the application is the housekeeping amendment to correct past mapping oversights. The intention of a previous zone amending application was to rezone portions of the Kirschner Mountain site from A1 – Agriculture Zone to RU1h to facilitate single family housing development. Development proceeded as intended based on the assumption that the mapping correctly identified the portion of the site subject to the rezoning application. However, for a portion of the property east of Loseth Road, the polygon used as the zone boundary excluded a portion of the subject site. It is now necessary to correct the mapping oversight. For efficiency the Planning Department determined that dealing with this oversight as part of the next subsequent subdivision was most suitable, hence this amendment has been included in this rezoning application.

The second portion of the application relates to that area of the development site located between Kloppenburg and Loseth Roads, north-west of the intersection of Montenegro Drive with Loseth Road. The intention is to down-zone the former RM3 – Low Density Multiple Residential Zone site to RU4h – Low Density Cluster Housing (Hillside Area) Zone to facilitate development that is more sympathetic to the existing site topography. A portion of the rezoned area will be added to the adjacent existing RU4h site from which two reconfigured RU4h lots will be created by subdivision application S07-0119. Also to be included in the RU4h site are the areas shown as RU4h and A1 (see stars on Attachment 'A' - Subject Property Map).

2.1 The Proposal (Proposed RU4h area)

CRITERIA	PROPOSAL Lot 1	PROPOSAL Lot 2	RU4h ZONE REQUIREMENTS
Site Area (m ²)	1.70 ha.	1.82 ha.	6000 m ²
Site Width (m) (Kloppenburg Rd) (Loseth Rd)	n/a 165.05m	> 40 m 70.05 m	40 m
Site Depth (m)	79.95+ m	> 30 m	30 m

2.2 Site Context

Adjacent zones and uses are, to the:

North - RU1h – Large Lot Housing (Hillside) Zone
 East - RU1h – Large Lot Housing (Hillside) Zone; RR3 – Rural Residential 3 Zone (Existing non-conforming as to lot size)
 South - RU1h – Large Lot Housing (Hillside) Zone
 West - RM3h – Low Density Multiple Housing (Hillside) Zone; RU1h – Large Lot Housing (Hillside) Zone and P3 – Parks and Open Space Zone

2.3 Site Location Map (See Attachment 'A')

Subject Property: 2980 Gallagher Road (portions between Kloppenburg Court and Loseth Road and south of Sunrise Lane)

3.0 DEVELOPMENT POTENTIAL/FUTURE LAND USE

The majority of the subject property is currently designated "Single/Two Unit Residential" by the Official Community Plan. That portion of the property that is designated Low

Density Multiple Residential is proposed to be changed to Single/Two Unit Residential to allow the down-zoning to RU4h. The purpose of the RU4h – Low Density Cluster Housing (Hillside Area) zone is to provide for comprehensively planned clusters of single detached and semi-detached housing, in a strata format with urban services, in order to preserve topography, natural features, open space or environmentally sensitive features. Two separate RU4h sites will be created by subdivision to reflect the fact that there are two distinctly separate areas available for development; Lot 1 will be serviced and accessed from Loseth Road and Lot 2 will be serviced and accessed from Kloppenburg Road.

The Kirschner Mountain Area Structure Plan indicates a linear trail connection from Gopher Creek Linear Park across Kloppenburg Road to Sunrise Road. The off-road corridor shall be a 10 metre wide statutory right-of-way for public access. This aspect of the proposed development will be secured through the subdivision application process.

4.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

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

1.1 Kelowna Official Community Plan (OCP)

OCP Policies

- 8.1.44 **Integration.** Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.
- 8.1.46 **Cluster Housing.** Encourage, especially in environmentally sensitive areas and areas of steeper slopes (see Map 7.1), the creation of cluster housing to lessen environmental impact. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features that otherwise could be developed and to maximize open space in order to:
- a) facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
 - b) protect environmentally sensitive areas of a development site and preserve them on a permanent basis;
 - c) decrease or minimize non-point source (*i.e. asphalt roofs, driveways and parking*) pollution impacts by reducing the amount of impervious surfaces in site development;
 - d) promote overall cost savings on infrastructure installation and maintenance; and
 - e) provide opportunities for social interaction, walking and hiking in open space areas. (p. 8-7)

5.2 Kelowna Hillside Development Guidelines


1.1 Overview states: Encourage cluster housing options which respond to the natural environment on appropriate sites where cluster housing will reduce required grading and site disturbance. (p. 1-1)

2.0 Design Principles

Clustering: Clustering is the concentration of residential units. Clustering will help to retain open space in hillside settings for conservation, recreation and visual quality (p. 2-3)

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department recommends that that portion of land within a polygon between Sunrise Lane and Montenegro Lane that was missed from previous rezoning applications be rezoned to reflect previous intentions. Further, the Planning and Development Services Department is satisfied that the applicant has given due consideration to the Kirschner Mountain Area Structure Plan and issues related to feasibility of development from a topographical perspective. The Planning and Development Services Department is encouraged by the intention of the applicant to develop low-density cluster housing in this difficult hillside environment. Hazardous Condition Development Permit applications will be required at the time of individual site development to deal more specifically with hillside issues at the time of development.

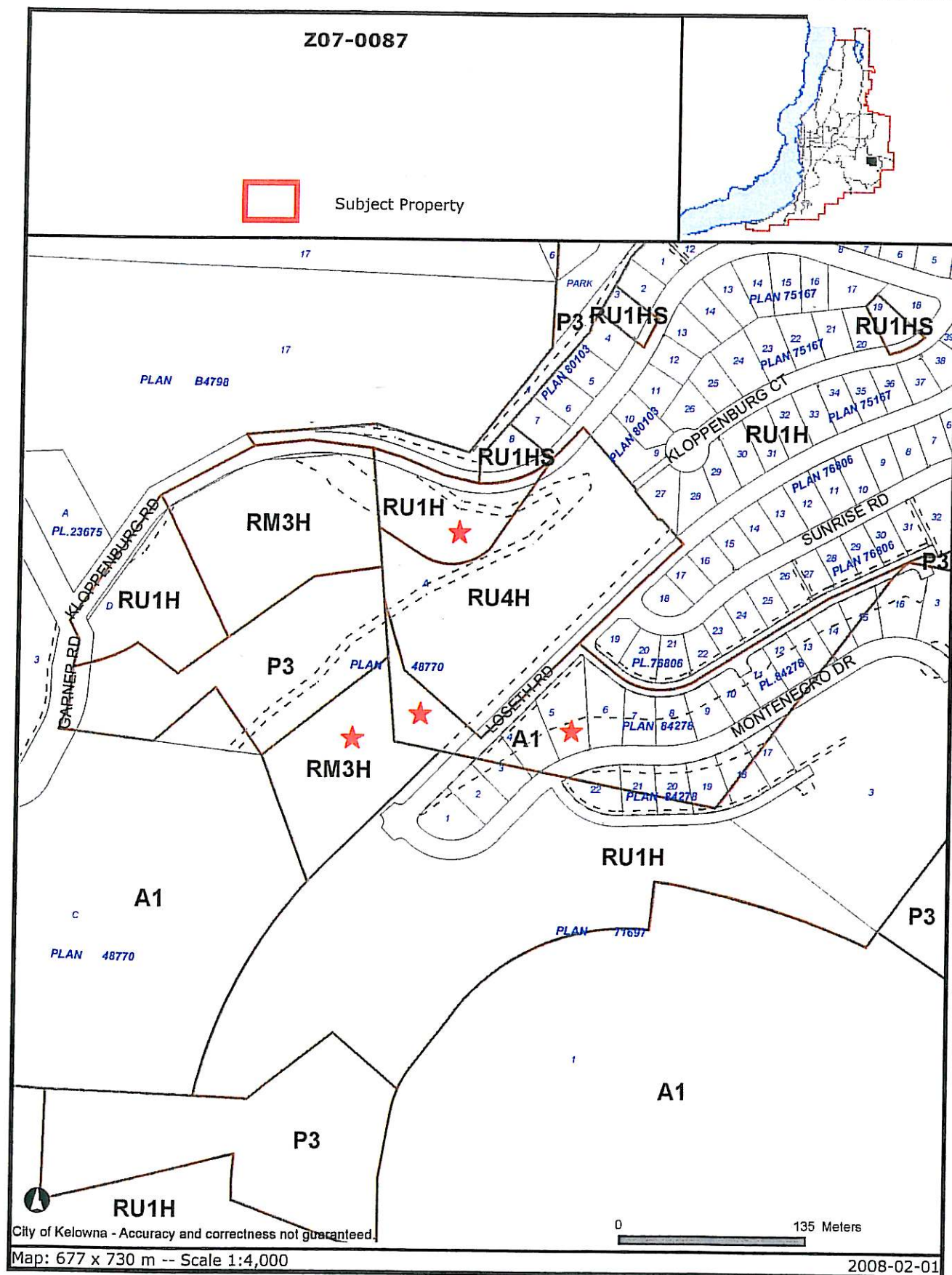


Shelley Gambacort
Current Planning Supervisor

SG/cg

ATTACHMENTS

- A** Location Maps (1:4,000)
- B** Future Land Use Map
- C** Ortho Map (Scale 1:4,389)
- D** Kirschner Mountain Estates OCP Plan (Drawing No. 2007-OCP1) (Map "A")
- E** Kirschner Mountain Estates Rezoning Plan (Drawing No. 2007-Z1) (Map "B")
- F** Proposed Subdivision Plan (S07-0119)

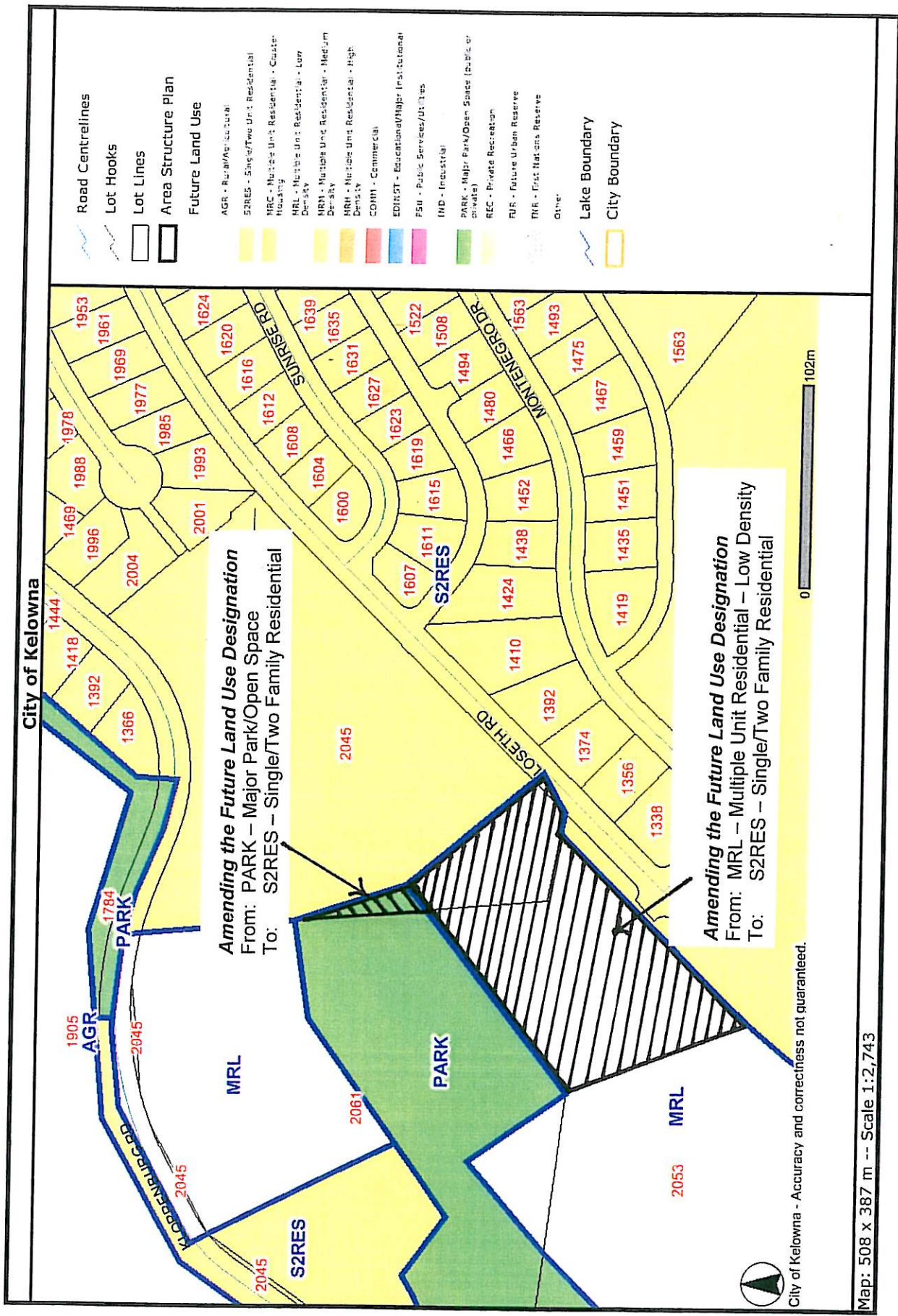


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

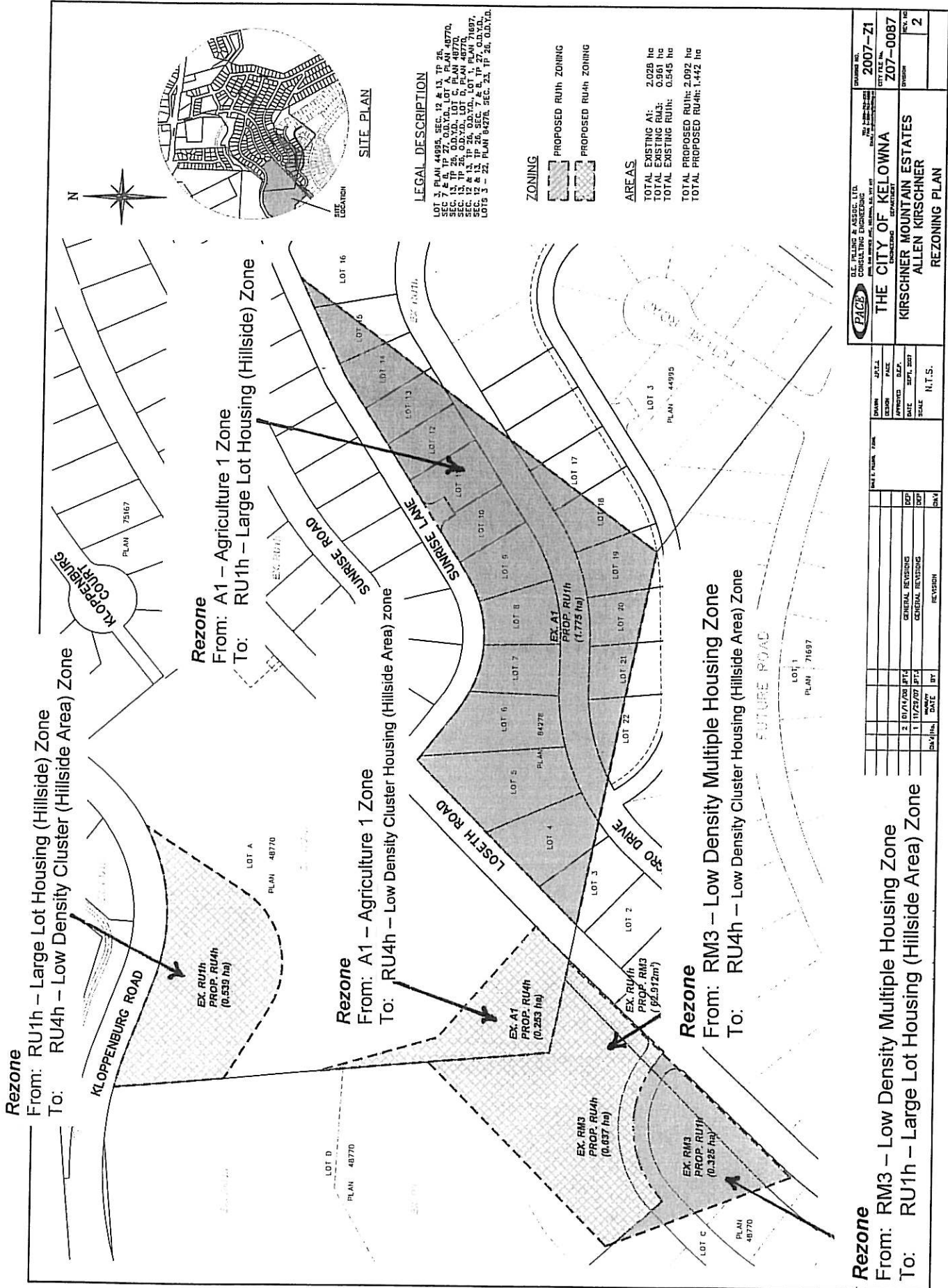




MAP 'A'



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LEGAL DESCRIPTION

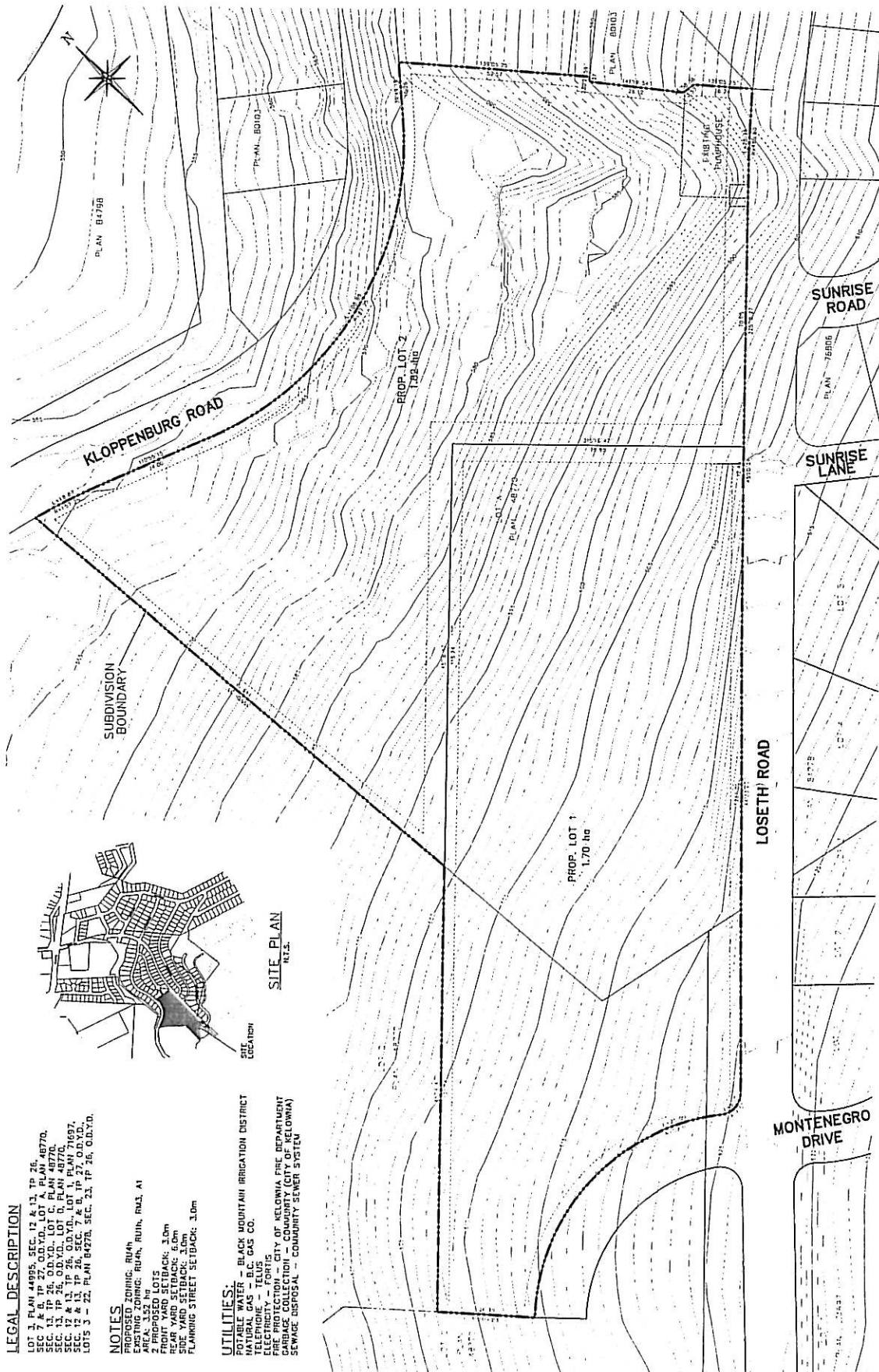
LOT 3 PLAN 44995, SEC. 12 & 13, TP. 26, SEC. 7 & 8, TP. 27, O.D.Y.D., LOT A, PLAN 48770, SEC. 13, TP. 26, O.D.Y.D., LOT C, PLAN 48770, SEC. 12 & 13, TP. 26, O.D.Y.D., LOT D, PLAN 48770, SEC. 12 & 13, TP. 26, SEC. 7 & 8, TP. 27, O.D.Y.D., LOTS 3 - 22, PLAN 44978, SEC. 23, TP. 26, O.D.Y.D.

NOTES

PROPOSED ZONING: RU4H
EXISTING ZONING: RU4H, RU4H, RM3, A1
PROPOSED LOTS
2 PROPOSED LOTS
FRONT YARD SETBACK: 3.0m
REAR YARD SETBACK: 6.0m
SIDE YARD SETBACK: 3.0m
FLANNING STREET SETBACK: 3.0m

UTILITIES:

POTABLE WATER - BLACK MOUNTAIN IRRIGATION DISTRICT
NATURAL GAS - B.C. GAS CO.
SEWER - FORTIS
ELECTRICITY - FORTIS
FIRE PROTECTION - CITY OF KELOWNA FIRE DEPARTMENT
CARBIDE COLLECTION - COMMUNITY (CITY OF KELOWNA)
SEWAGE DISPOSAL - COMMUNITY SEWER SYSTEM

SITE PLAN
N.T.S.SITE
LOCATION

LEGEND	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

DRAWING NO. 2007-P1		CITY FILE NO. S07-		REVISION 0	
THE CITY OF KELOWNA KIRSCHNER MOUNTAIN ESTATES ALLEN KIRSCHNER PRELIMINARY LOT LAYOUT					
DRAWN BY: J.P.T.		CHECKED BY: P.C.		DATE: SEPT. 2007	
APPROVED BY: N.T.S.		DATE: SEPT. 2007		SCALE: N.T.S.	