
**CITY OF KELOWNA
MEMORANDUM**

DATE: August 28, 2008

TO: City Manager

FROM: Planning & Development Services Department

SUBJECT:

APPLICATION NO. Z07-0074

APPLICANT: City of Kelowna

OCP07-0024

AT: 6060 Spencer Road
(East of) Spencer Road -
various addresses)

OWNERS: Baljit & Manjit Shokar
The Owners, Strata Plan No. KAS1411,
Lots (1-133)

PURPOSE: TO AMEND THE OCP BY APPLYING THE APPROPRIATE DESIGNATION ON THE SUBJECT PROPERTIES ON MAP 19.1 GENERALIZED FUTURE LAND USE IN ACCORDANCE WITH THE EXISTING ACTIVITY THEREON (SINGLE/TWO UNIT RESIDENTIAL, MAJOR PARK/OPEN SPACE, ETC.).

TO APPLY AN APPROPRIATE ZONING DESIGNATION ON THE SUBJECT PROPERTIES IN ACCORDANCE WITH THE APPROVED ACTIVITY THEREON (RU5 - BARELAND STRATA, C1 - LOCAL COMMERCIAL, P3 - PARKS AND OPEN SPACE).

PROPOSED FUTURE LAND USE DESIGNATION

COMMERCIAL
MAJOR PARK / OPEN SPACE
SINGLE / TWO UNIT RESIDENTIAL

EXISTING ZONE: RC1 - COMPACT HOUSING
C3 - GASOLINE SERVICE STATION
P1 - PARK AND OPEN SPACE

PROPOSED ZONE RU5 - BARELAND STRATA HOUSING
C1 - LOCAL COMMERCIAL
P3 - PARKS AND OPEN SPACE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATIONS

THAT Official Community Plan Amendment Application No. OCP07-0024 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the future land use designations of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 - 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with Map 19.1, attached to the Planning and Development Services Department report dated August 28, 2008 be considered by Council;

AND THAT Council considers the Advisory Planning Commission 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 and Development Services Department, dated August 28, 2008.



AND THAT the necessary changes or additions to relevant Maps within the Kelowna 2020 – Official Community Plan be completed on Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with the maps attached to the report of the Planning and Development Services Department, dated August 28, 2008.

AND THAT Rezoning Application No. Z07-0074 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the zoning classifications of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with Map "A" be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP07-0024 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

The subject properties were included within the City of Kelowna boundaries back in 2006, as a result of them connecting to the City's municipal wastewater system. These applications are the necessary steps needed to formalize the zoning in accordance with the City's Zoning Bylaw, and amend the relevant sections of Kelowna 2020 – Official Community Plan, which would normally apply to property within the City (e.g. Future Land Use designation, relevant Development Permit areas, etc.)

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

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on September 11, 2007, the Advisory Planning Commission passed the following resolution:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP07-0024 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the future land use designations of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication in accordance with Map 19.1, attached to the Planning and Development Services Department report dated August 21, 2007 .

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0074 to amend City of Kelowna Zoning Bylaw No. 8000 by applying the zoning classifications of Lot B, District Lot 120, O.D.Y.D., Plan KAP51562, That Part of District Lot 119, Shown on Plan B3553, O.D.Y.D., Plan H17738, Strata Lots 1 – 133, District Lot 144, O.D.Y.D., Strata Plan KAS1411 together with an interest in the common property in proportion to the unit entitlement of the strata, and the Park Dedication, in accordance with Map "A".

4.0 BACKGROUND

Existing development of the subject properties includes a bare land strata of approximately 133 lots, and interspersed with private open space. There is a convenience store located on the western end of the site at the intersection of Old Vernon Road and Spencer Road. There

is also a public park parcel that forms part of the Mill Creek Regional Park, which is included in the area affected by these applications.

The following table outlines the necessary changes to be made to the zoning of these parcels:

TABLE 1 – ZONING BYLAW NO. 8000	
Prior zoning under the Regional District of Central Okanagan	Proposed Zoning Within the City of Kelowna
RC1 – Compact Housing	RU5 – Bareland Strata Housing
C3 – Gasoline Service Station	C1 – Local Commercial
P1 – Park and Open Space	P3 – Parks and Open Space

The following table outlines the necessary changes to be made to the Kelowna 2020 – Official Community Plan with respect to these parcels:

TABLE 2 – KELOWNA 2020 – OFFICIAL COMMUNITY PLAN	
Proposed changes to the Kelowna 2020 – Official Community Plan	Action
Map 6.2 Urban Development Permit Area Designation	Completed – February 6, 2007
Map 7.1a Natural Environment Development Permit Area Designation	Extend Mill Creek buffer through Country Rhodes (CR).
Map 7.1b Hazardous Condition Development Permit Area Designation	Add slope polygon for a portion of this site (north of Mill Creek) as hazardous condition.
Map 7.2 Wildland Fire Hazard Development Permit Area Designation	Extend City boundary and add a wildfire polygon to a portion of this site.
Map 8.1 New Housing Distribution	Extend City boundary to include CR.
TABLE 1 – KELOWNA 2020 – OFFICIAL COMMUNITY PLAN (continued)	
Map 10.1 Sand and Gravel Deposits	Extend City boundary to include CR and include as sand/gravel resource area. See RDCO map from Aggregate Study.
Map 11.2 Urban – Rural / Agricultural Boundary	Extend City boundary only. CR not in the ALR.
Map 12.1 20-Year Major Road Network and Road Classification	Completed April 3, 2007.
Proposed changes to the Kelowna 2020 – Official Community Plan	Action
Map 13.2 Sanitary Sewer System	Extend City boundary to include CR as an existing

	service area. New sewer trunk along Old Vernon Road north of the airport.
Map 13.3 Water Supply System	Extend City boundary and include CR as part of the GEID service area.
Map 14.2 Linear Park Concept Plan	Extend City boundary and creek trail along Mill Creek.
Map 19.1 Generalized Future Land Use	Extend City boundary and designate as Single/Two Unit Residential, Major Park / Open Space Rural / Agricultural, and Commercial.
Map 19.2 Sector and Neighbourhood Plans	Extend City boundary and include as part of Hwy 97 Sector

5.0 SITE CONTEXT

The subject properties are located in the Ellison Area of the City, near the extreme northeast corner of the City boundaries. The affected area is bounded by Old Vernon Road and Postill Drive to west and south, the ALR to the east, and Spencer Road to the north. The Country View Estates development to the north of Mill Creek Regional District Park is similar to this one, but both are anomalies within the broader agricultural context of surrounding land, as well as the Kelowna International Airport to the south. More specifically, the adjacent land uses are as follows:

North-	RC1 – Compact Housing (RDCO), Country View Estates
East	A1 – Agricultural (RDCO)
South	A1 – Agricultural (RDCO)
West	A1 – Agriculture (City of Kelowna)

6.0 CURRENT DEVELOPMENT POLICY

6.1 Kelowna 2020 –Official Community Plan

Staff recommends that the the Advisory Planning Commission 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 Sectio 879 is no required in this case.

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

7.0 PLANNING AND DEVEOPMENT SERVICES DEPARTMENT COMMENTS

Through the processing of this rezoning application, Staff intends to ensure that all existing uses are recognized accordingly under the City of Kelowna Zoning Bylaw No. 8000, now that these lands are within this municipality's legal jurisdiction.

Similarly, the changes proposed to the Kelowna 2020 – Official Community Plan are deemed necessary in order to identify those lands that require special attention through the development review process, in accordance with the policies of that Plan. Specifically, natural areas marked for protection will be identified, areas exposed to other potential hazards will be identified, and the necessary mapping changes will be completed.



Shelley Gambacort
Planning and Development Services
NW//nw

ATTACHMENTS

Location of subject property

Site Plan of Country Rhodes Development

Regional District of Central Okanagan Zoning Map

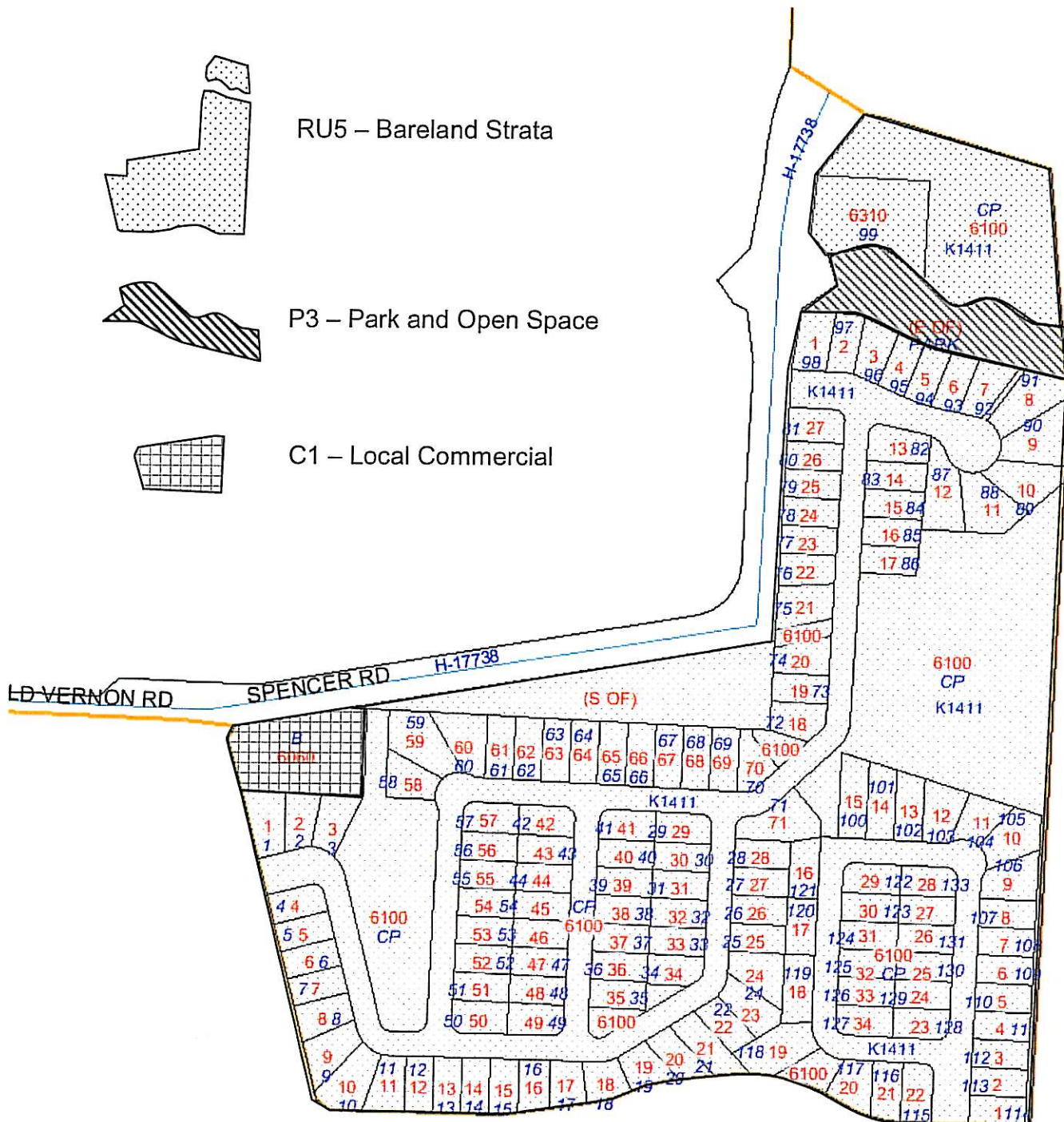
Map "A"

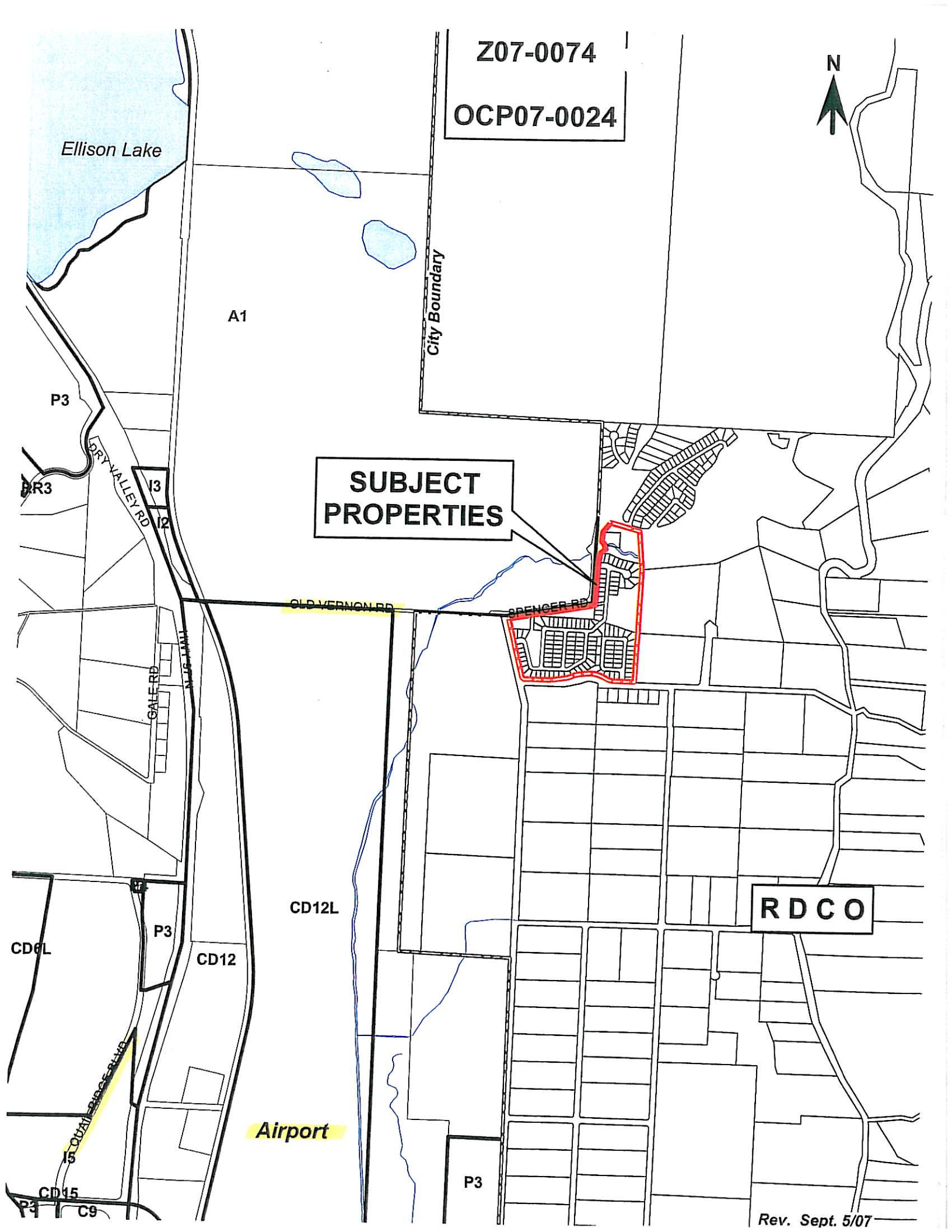
Kelowna 2020 –Official Community Plan Maps

1. Portion of Map 6.2 – Urban Development Permit Area Designation
2. Portion of Map 7.1a – Natural Environment Development Permit Area Designation
3. Portion of Map 7.1b – Hazardous Condition Development Permit Area Designation
4. Portion of Map 7.2 – Wildland Fire Hazard Development Permit Area Designation
5. Portion of Map 8.1 – New Housing Distribution Development Permit Area Designation
6. Portion of Map 10.1 – Sand and Gravel Deposits
7. Portion of Map 11.2 – Urban-Rural Agriculture Boundaries
8. Portion of Map 12.1 – 20 Year Major Road Network & road Classification Plan
9. Portion of Map 13.2 – Sanitary Sewer System
10. Portion of Map 13.3 – Water Supply System
11. Portion of Map 14.2 – Linear Part Concept Plan
12. Portion of Map 19.1 – Generalized Future Land Use 2000 – 2020
13. Portion of Map 19.2 – Sector and Neighbourhood Plans
14. Portion of Map 19.1 – Generalized Future Land Use 2000 – 2020
15. Portion of Map 19.1 – Generalized Future Land Use 2000 – 2020

MAP "A"

Zoning





Z07-0074

OCP07-0024



Ellison Lake

A1

City Boundary

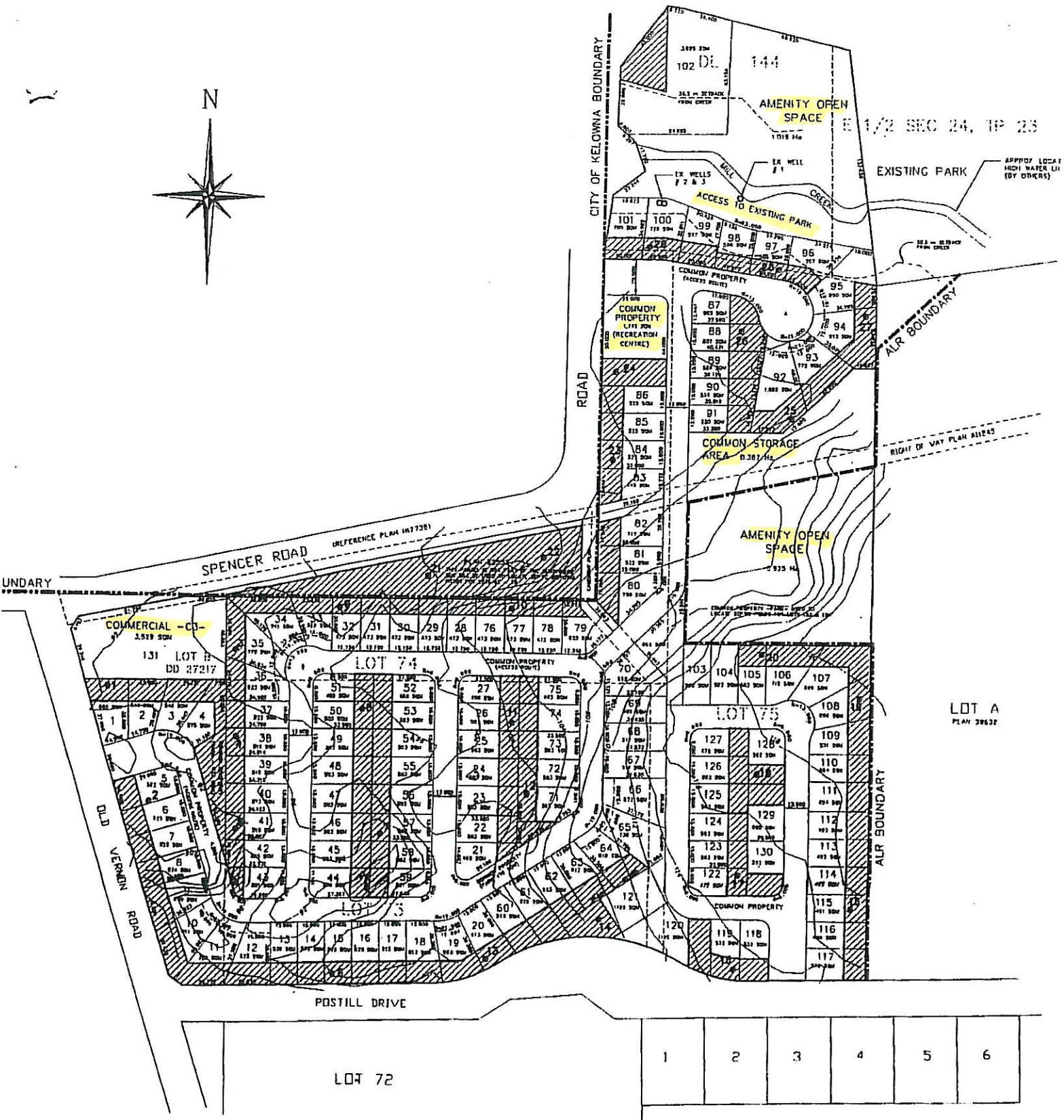
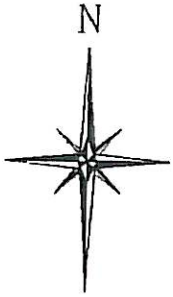
SUBJECT PROPERTIES

OLD VERNON RD

SPENCER RD

RD CO

Airport




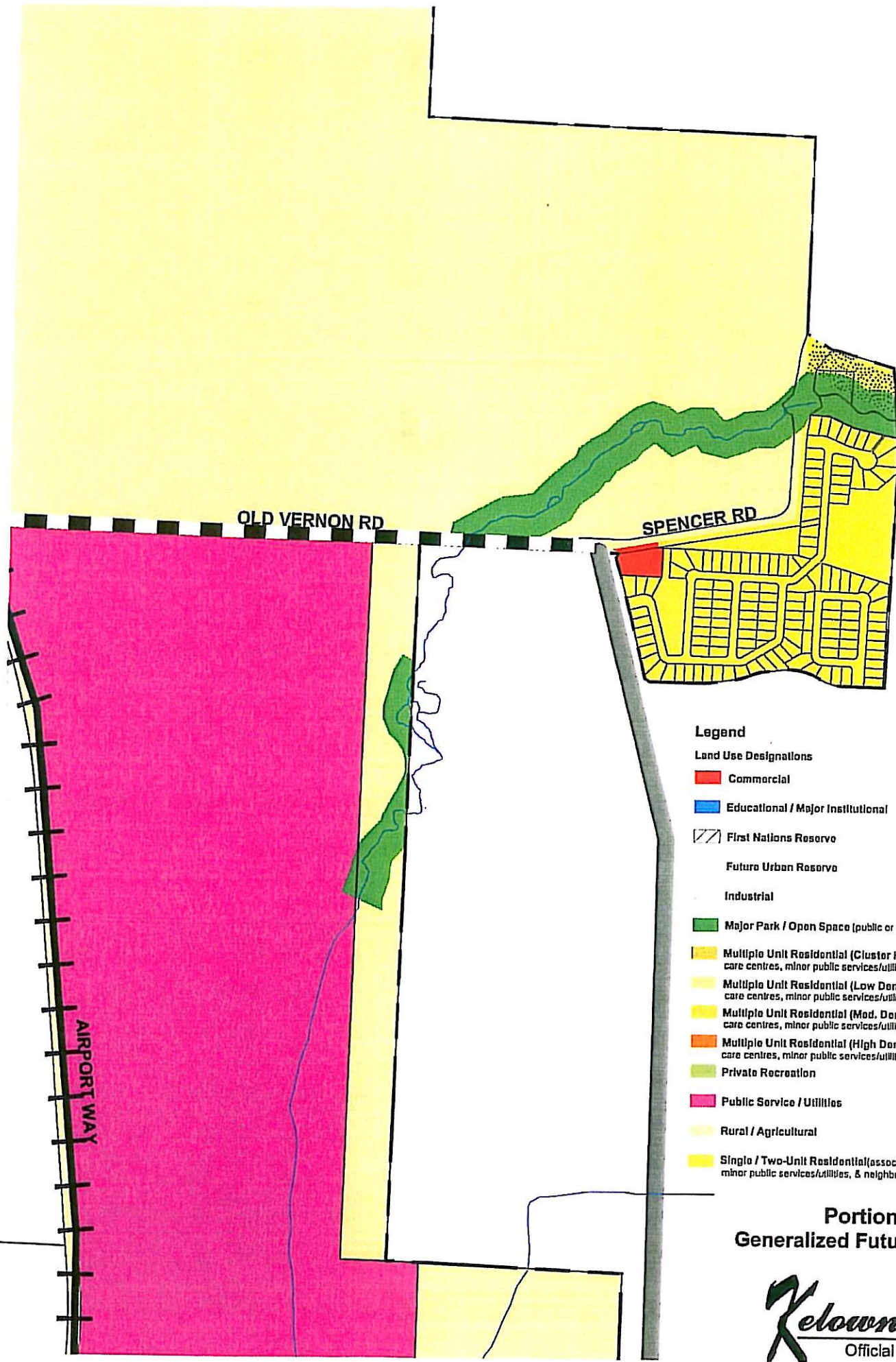
MANHOLE	○ MH
POWER POLE	□ PP
LAMP STANDARD	□ LS
CATCH BASIN	□ CB
HYDRANT	◆ HYD
TREES	■ T

No.	DATE	BY	REVISION	Drawn	No.	DATE	BY	REVISION	Drawn

R1411



 <small>REGIONAL DISTRICT OF CENTRAL OKANAGAN</small>	Regional District of Central Okanagan		Development Services Department	
		Date: September 4, 2007	File: 0470-20	Drawn By st

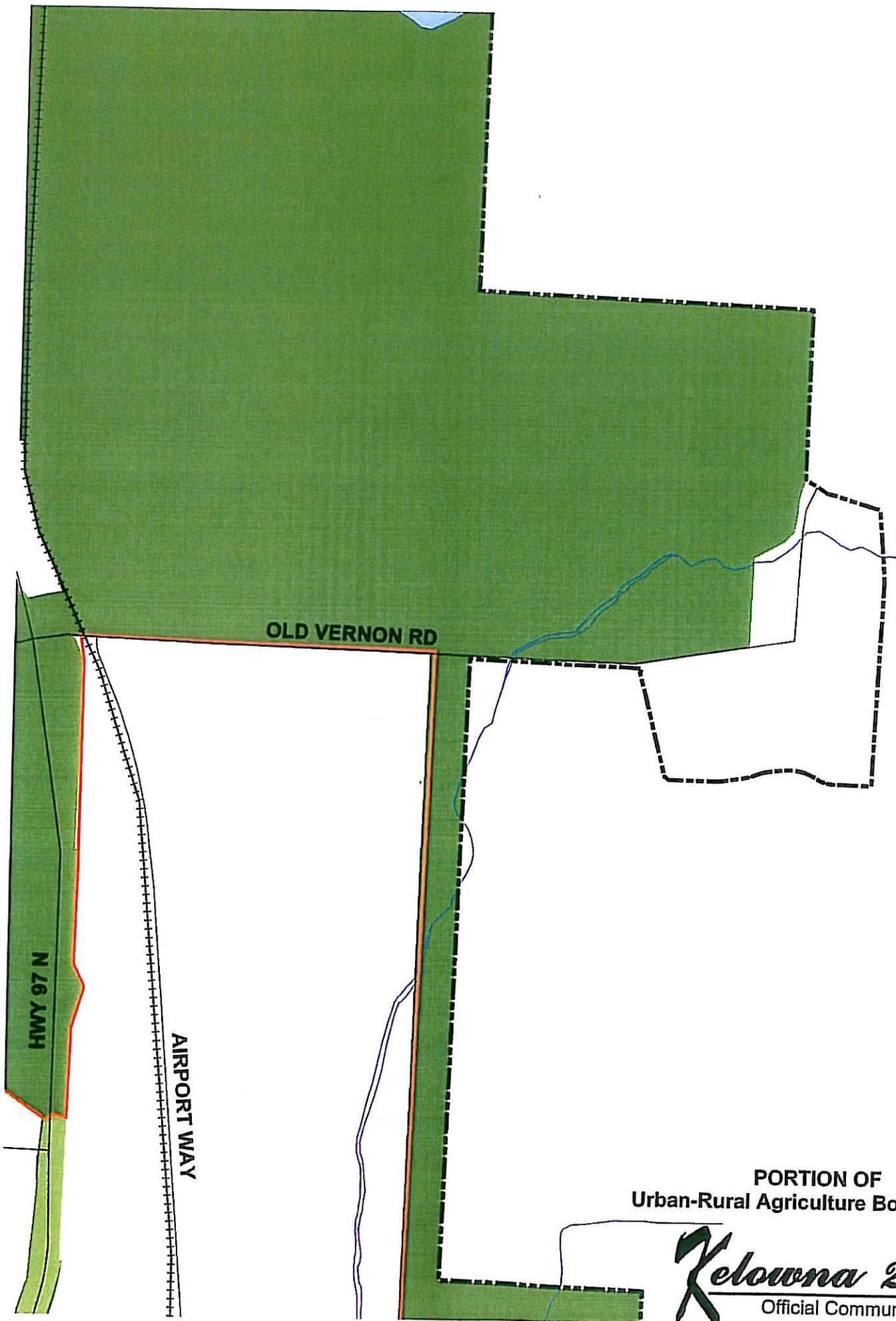


Legend

Land Use Designations

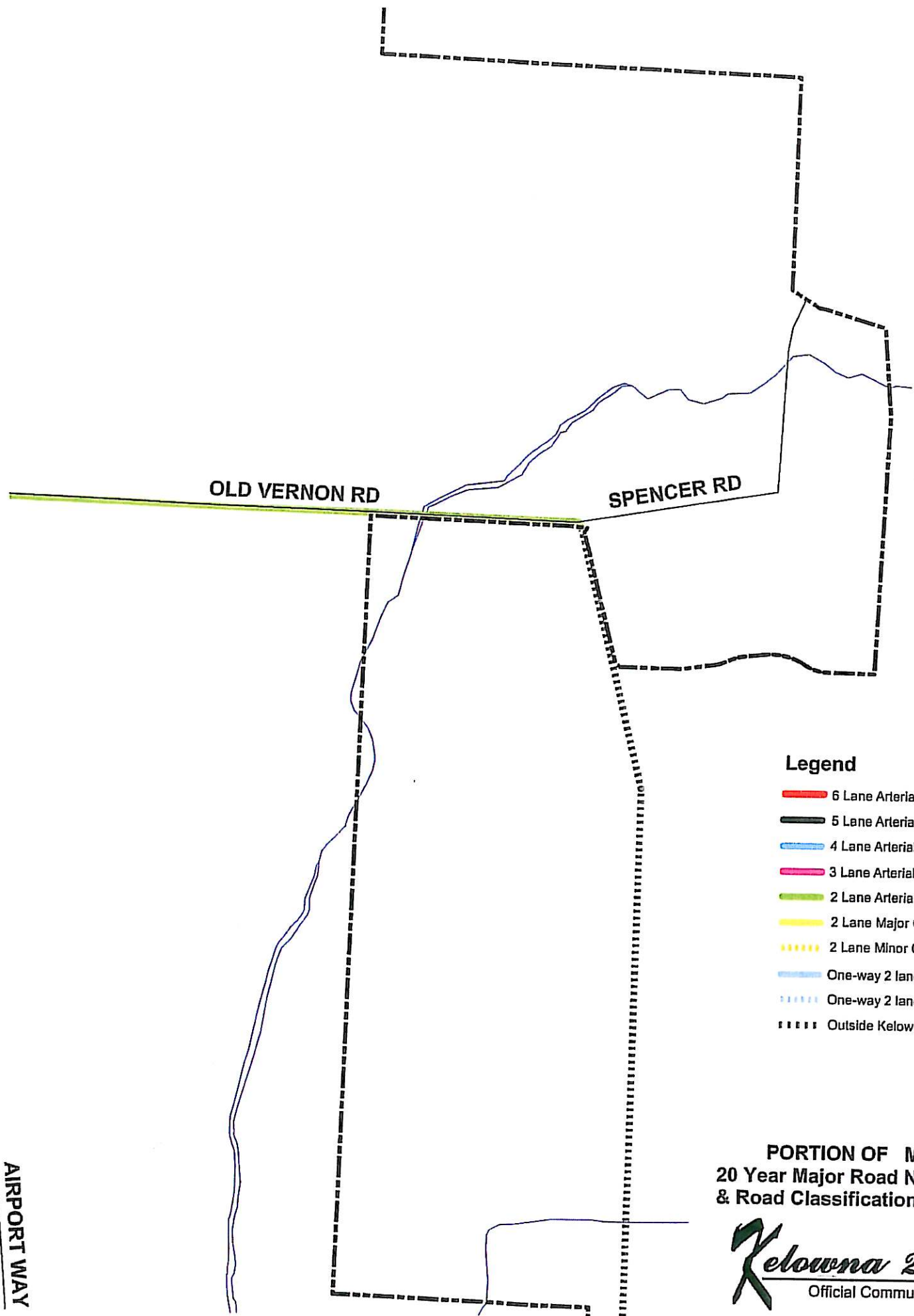
- Commercial
- Educational / Major Institutional
- First Nations Reserve
- Future Urban Reserve
- Industrial
- Major Park / Open Space (public or private)
- Multiple Unit Residential (Cluster Housing) (associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (Low Density) (associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (Mod. Density) (associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Multiple Unit Residential (High Density) (associated uses: care centres, minor public services/utilities, & neighbourhood park)
- Private Recreation
- Public Service / Utilities
- Rural / Agricultural
- Single / Two-Unit Residential (associated uses: care centres, minor public services/utilities, & neighbourhood park)

**Portion of Map 19.1
Generalized Future Land Use
2000 - 2020**

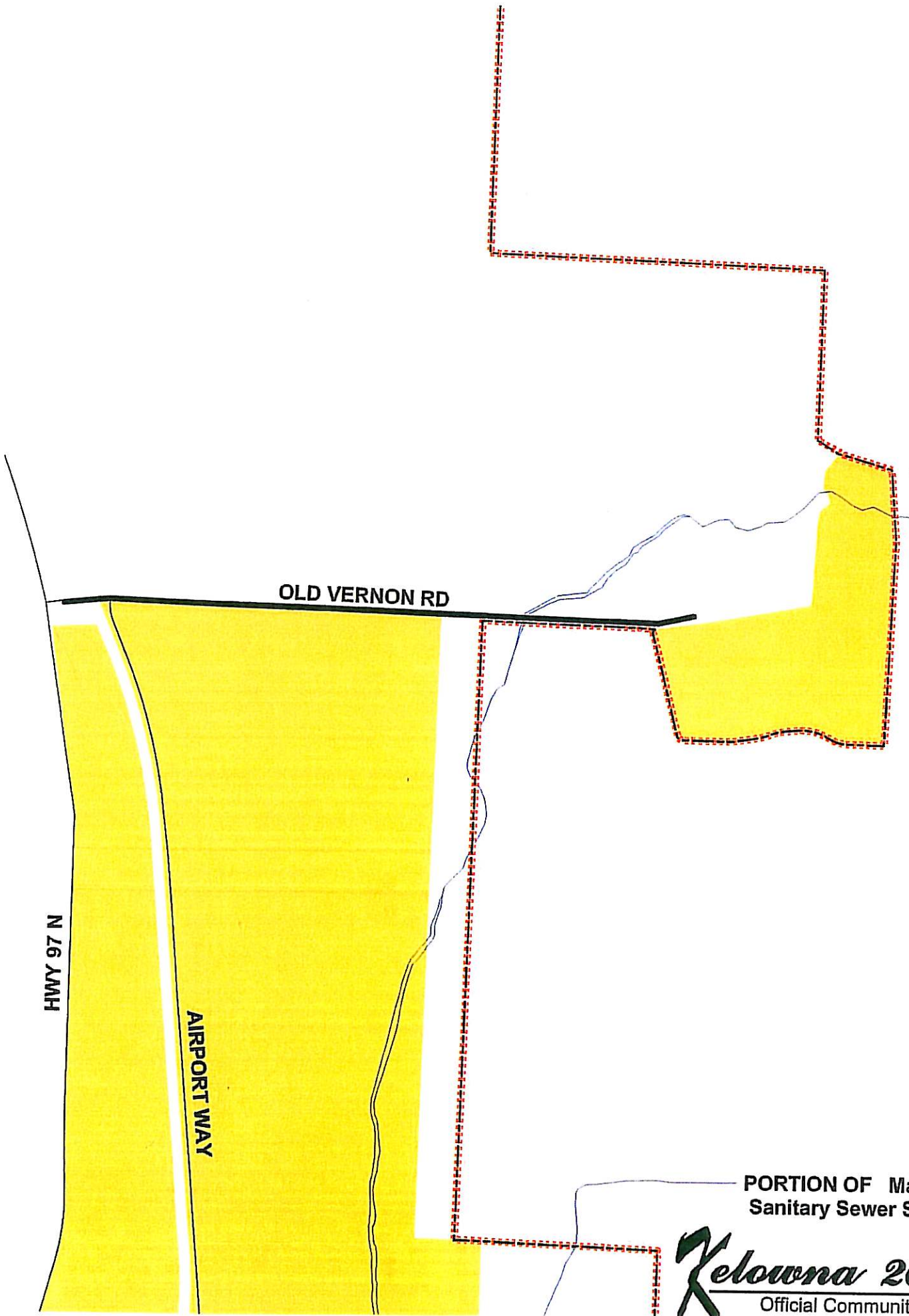


PORTION OF Map 11.2
Urban-Rural Agriculture Boundaries

Kelowna 2020
Official Community Plan



PORTION OF Map 12.1
20 Year Major Road Network
& Road Classification Plan



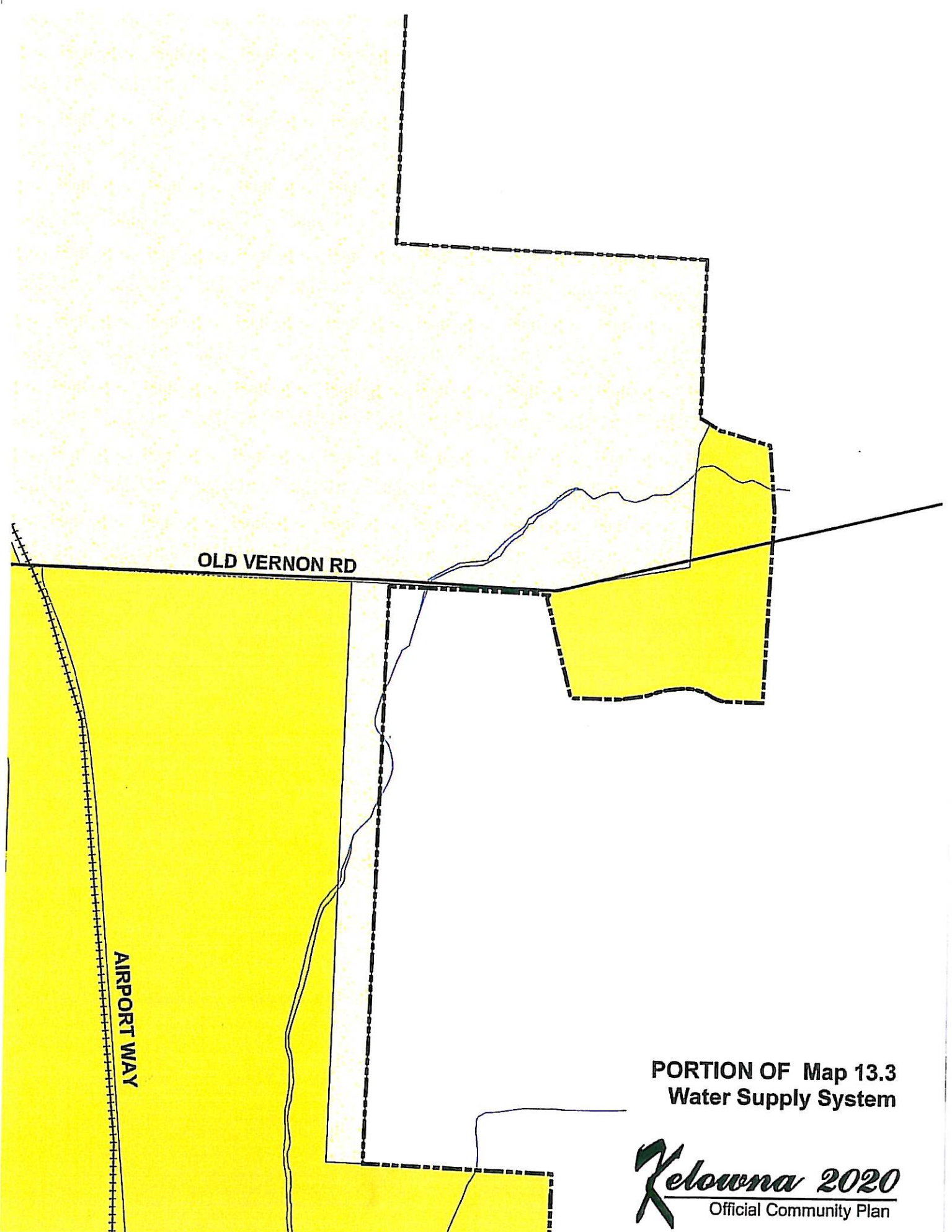
OLD VERNON RD

HWY 97 N

AIRPORT WAY

PORTION OF Map 13.2
Sanitary Sewer System

Kelowna 2020
Official Community Plan

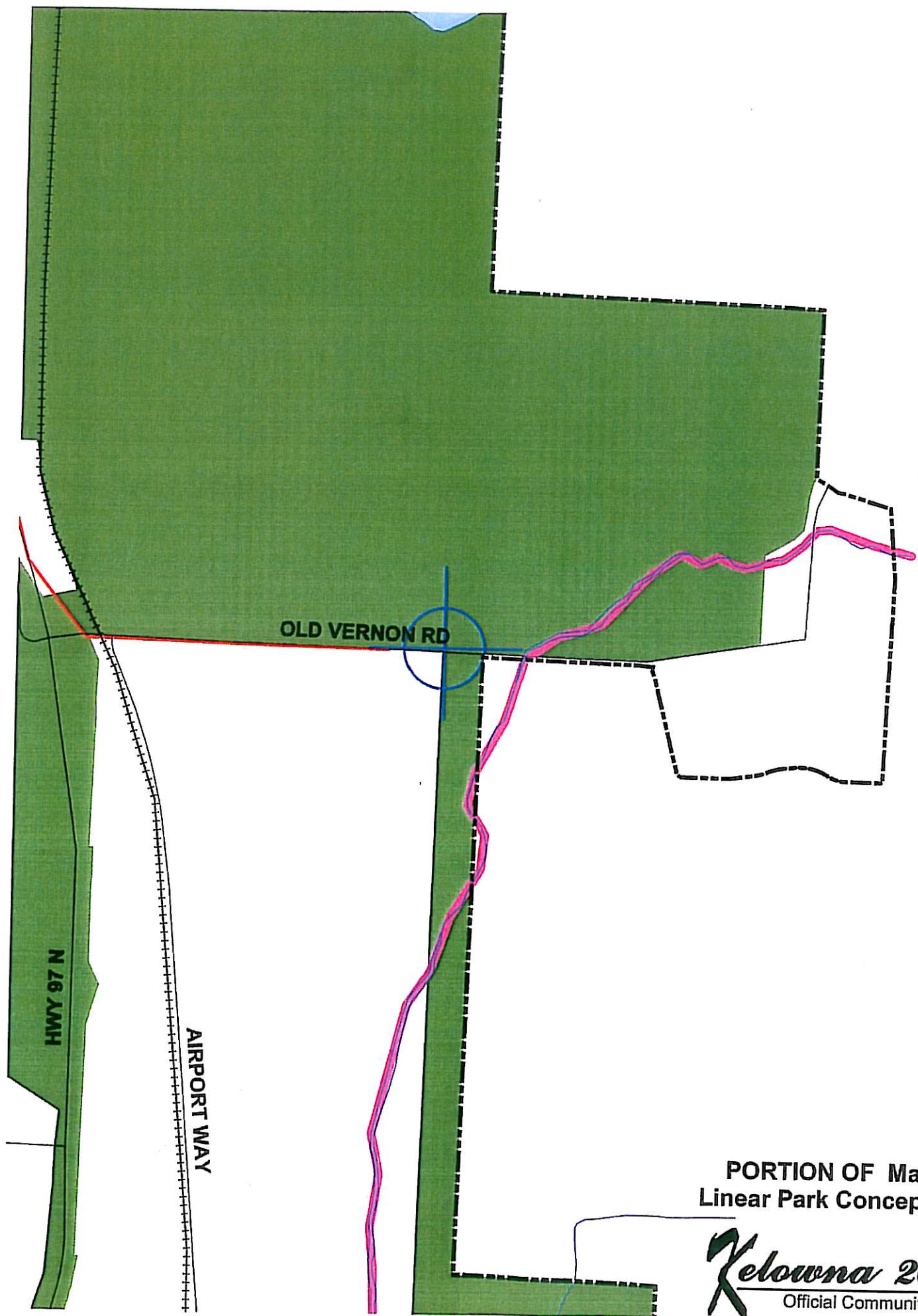
A map showing a portion of a water supply system. The system boundary is indicated by a dashed line. Two areas within this boundary are highlighted in yellow: a large rectangular area on the left and a smaller, irregularly shaped area on the right. A road, labeled 'OLD VERNON RD', runs horizontally across the middle of the map, passing through the yellow areas. Another road, labeled 'AIRPORT WAY', runs vertically along the left edge of the yellow area. A wavy line, possibly representing a stream or boundary, runs vertically through the center of the map. The background is a light yellow stippled pattern.

OLD VERNON RD

AIRPORT WAY

PORTION OF Map 13.3
Water Supply System

Kelowna 2020
Official Community Plan



PORTION OF Map 14.2
Linear Park Concept Plan

Kelowna 2020
Official Community Plan

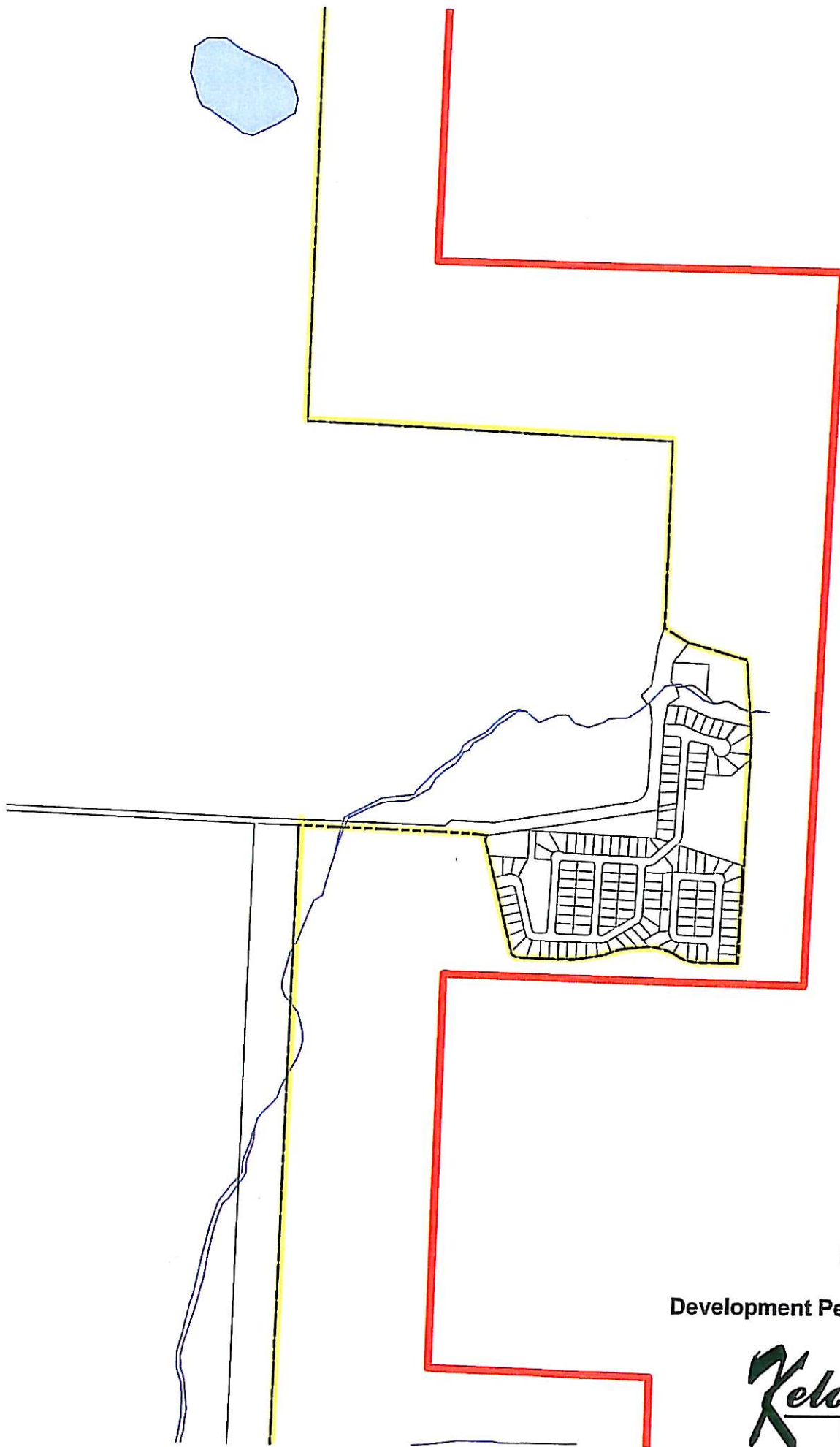
OLD VERNON RD

HWY 97 N

AIRPORT WAY

PORTION OF Map 19.2
Sector and Neighbourhood Plans

Kelowna 2020
Official Community Plan



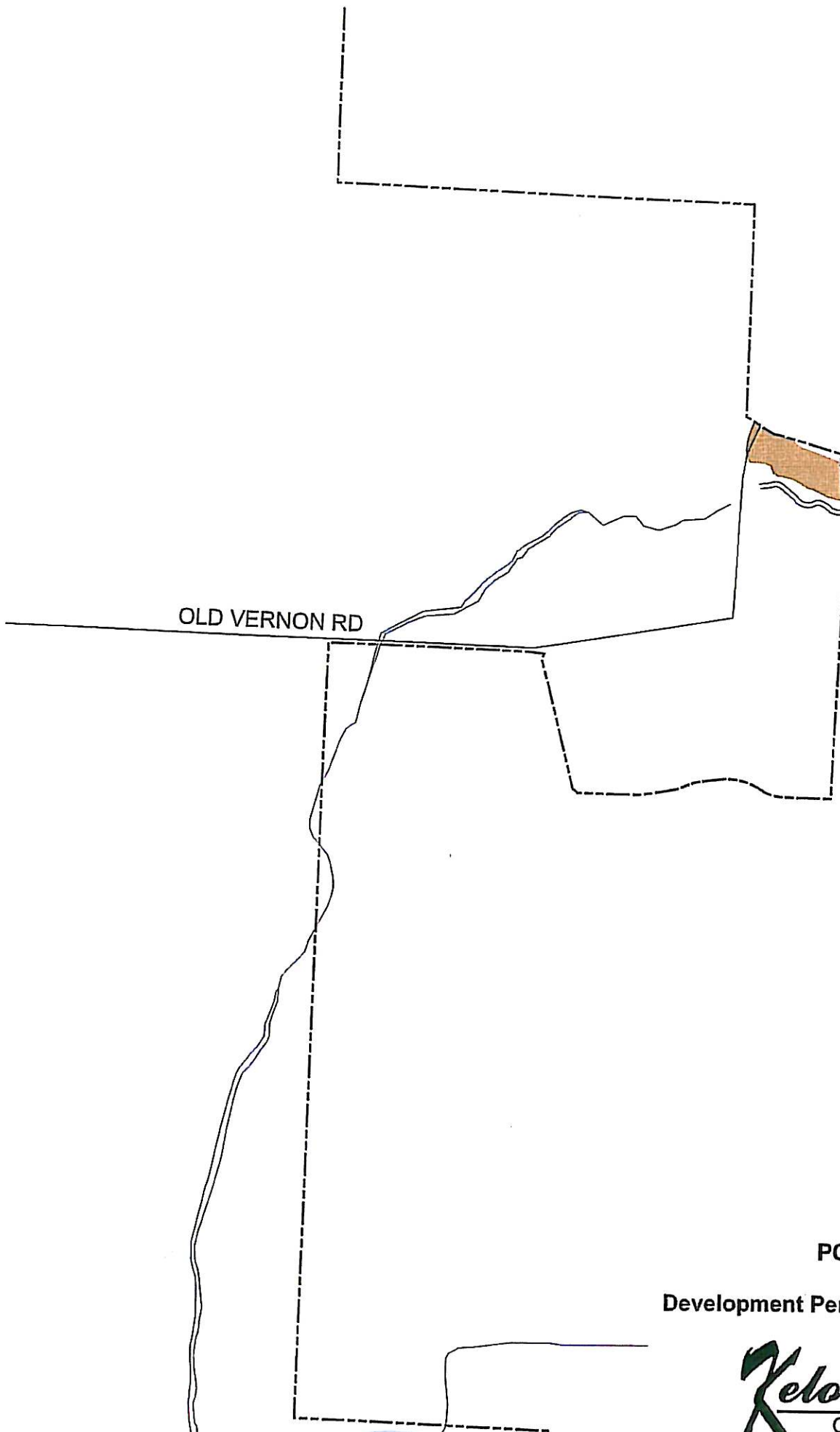
PORTION OF Map 6.2
Urban
Development Permit Area Designation

Kelowna 2020
Official Community Plan



**PORTION OF Map 7.1a
Natural Environment
Development Permit Area Designation**

Kelowna 2020
Official Community Plan

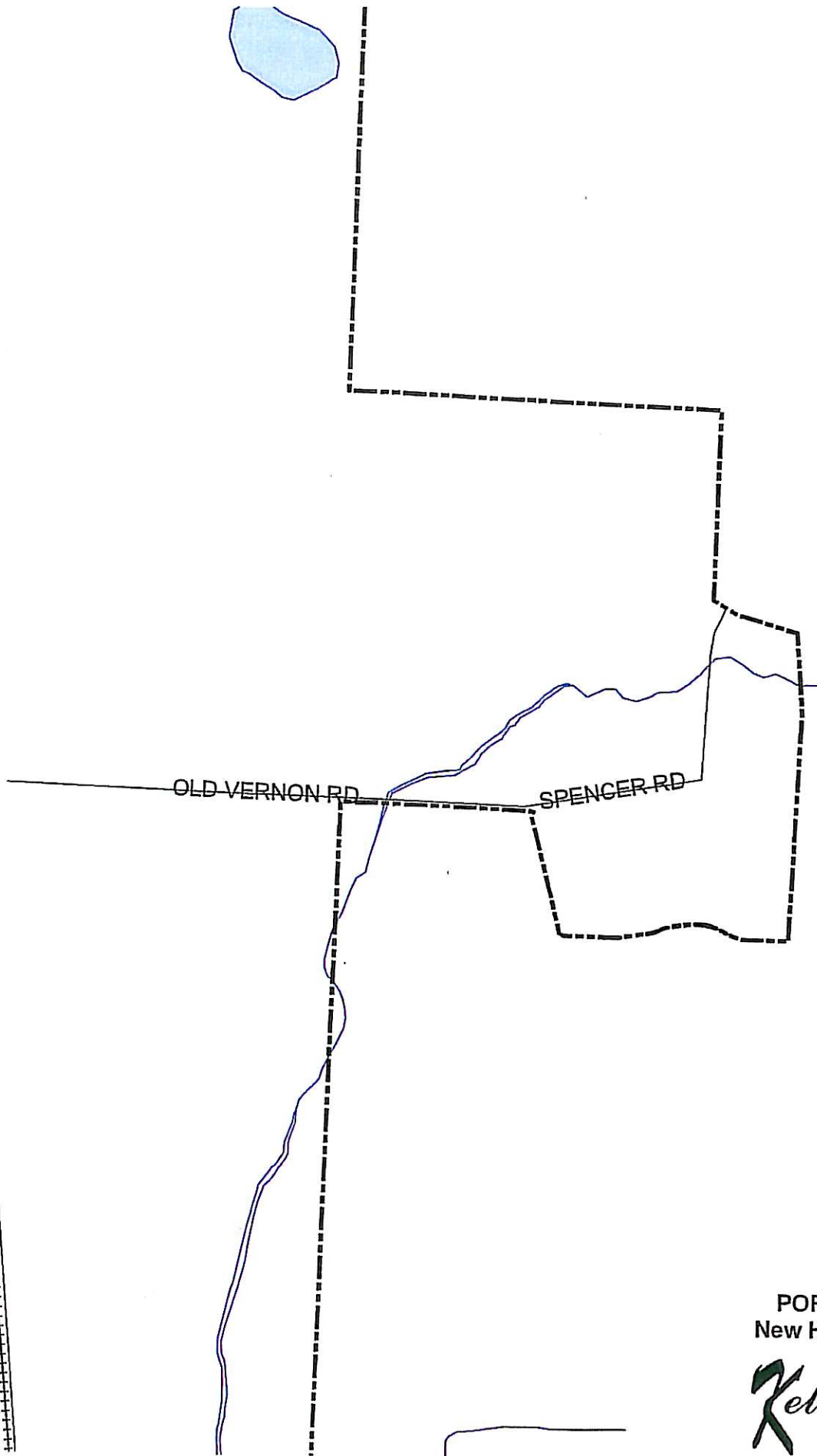


PORTION OF Map 7.1b
Hazardous Condition
Development Permit Area Designation

Kelowna 2020
Official Community Plan

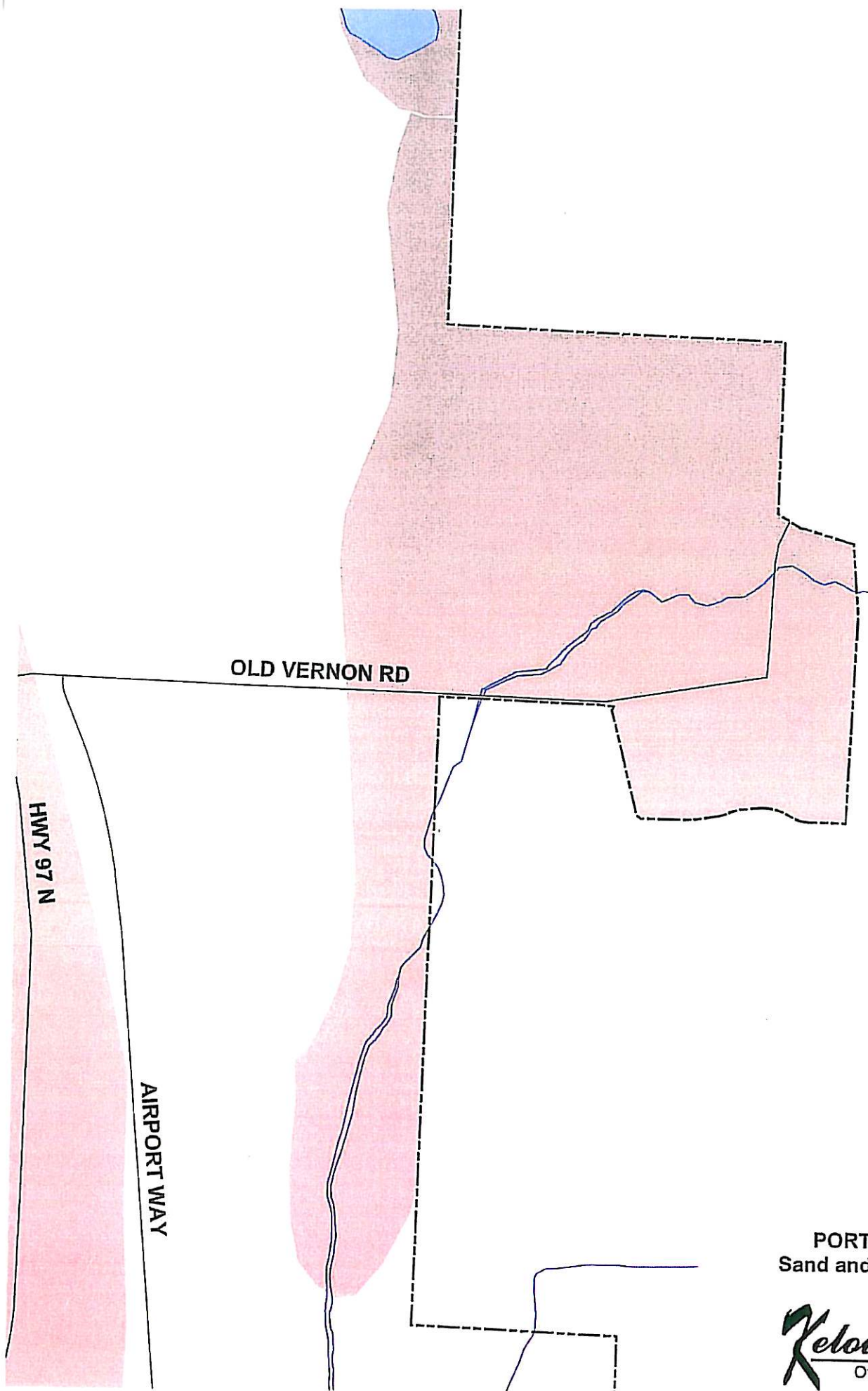


PORTION OF Map 7.2
Wildland Fire Hazard
Development Permit Area Designation



PORTION OF Map 8.1
New Housing Distribution

Kelowna 2020
Official Community Plan



OLD VERNON RD

HWY 97 N

AIRPORT WAY

PORTION OF Map 10.1
Sand and Gravel Deposits

Kelowna 2020
Official Community Plan