
**CITY OF KELOWNA
MEMORANDUM**

Date: September 19, 2008
File No.: Z07-0088
To: City Manager
From: Planning & Development Services Department
Subject:

APPLICATION NO. Z07-0088 **OWNER:** B.H.K.T. Holdings Ltd.

AT: 5020 Killdeer Rd. **APPLICANT:** Protech Consultants Ltd.

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO THE RU5 – BARELAND STRATA ZONE, IN ORDER TO FACILITATE A SINGLE FAMILY RESIDENTIAL SUBDIVISION.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RU5 – BARELAND STRATA HOUSING

REPORT PREPARED BY: LUKE TURRI

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Section 24, Township 28, SDYD, Plan 30848, located at 5020 Killdeer Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU5 – Bareland Strata Housing, as shown on Map "A" attached to the report of the Planning & Development Services Department, dated September 19, 2008, 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 Works & Utilities Department being completed to their satisfaction.

2.0 SUMMARY

The applicant is proposing to rezone a portion of the subject property from A1 (Agriculture 1) to RU5 (Bareland Strata) to allow for the creation of a residential subdivision.

3.0 ADVISORY PLANNING COMMISSION

This application was reviewed by the Advisory Planning Commission at the meeting held on November 6, 2007, and the following recommendation was passed.

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0088, 5020 Killdeer Road/Lot A, Plan 30848, Twp. 28, Secs. 24 & 25, ODYD to for a change in zoning from A1 – Agriculture 1 to RU2 – Medium Lot Housing zone, RM3 – Low Density Multiple Family zone, and P3 – Parks and Open Space.

The application has since been revised to propose the RU5 zone, as opposed to the RU2 zone, although this does not change the proposed residential density. This was pursued to allow for lots with a depth less than 20m, as required by the RU2 zone. In addition, the potential P3 and RM3 zones have been separated from this zoning amendment, and are to be reviewed at a later date upon satisfaction of the requirements of the Environment Division, the Works & Utilities Department, and the Ministry of Environment through a subsequent rezoning amendment.

4.0 BACKGROUND

4.1 The Proposal

The application proposes to rezone the subject property to the RU5 – Bareland Strata Housing, to accommodate a residential strata subdivision. Surrounding parcels are primarily developed as single family lots, with the linear park allocation to reflect the hydro power line right-of-way to the south. The RU5 portion would include 18 stratified residential lots, accessed solely from Killdeer Road.

The future development of the remaining site will include a linear park allocation through the Fortis right-of-way, as well as multi-family development south of the right-of-way to be consolidated with the other multi-site.

The proposed development conforms to the RU5 – Bareland Strata Zone as follows:

CRITERIA	PROPOSAL	RU5 ZONE REQUIREMENTS
Subdivision Regulations		
Total Site Area	1.16 ha	1.0 ha
Minimum Site Width	Meets requirements	40.0 m
Strata Lot Regulations		
Individual Strata Lot Width	Meet requirements	12.0 m
Individual Strata Lot Depth	Meet requirements	25.0 m

4.2 Site Context

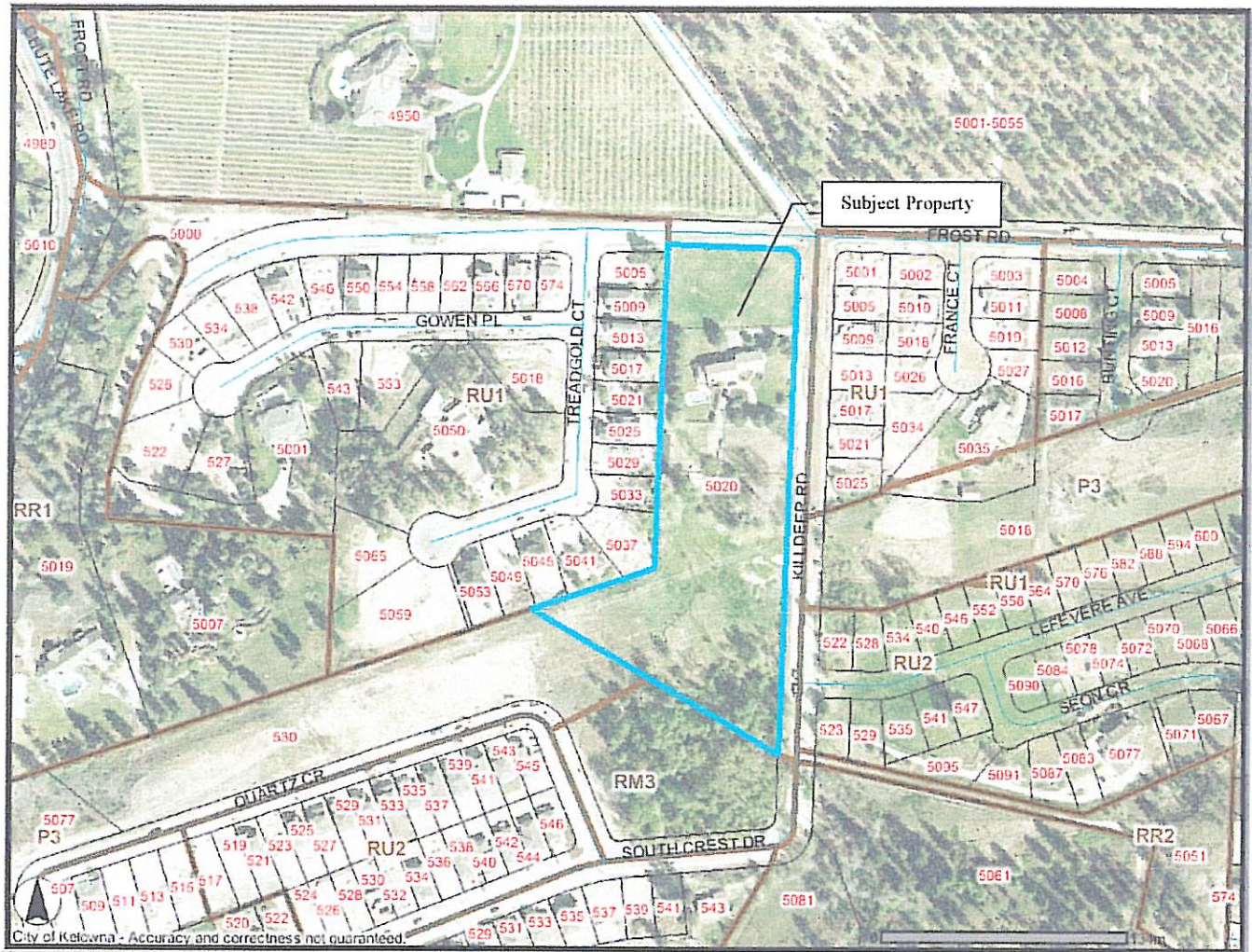
The subject property is located south of Frost Road and is bounded by existing single family development to the east and west, park allocation to the southern east and west, and low density multi-family to the south. The site is irregular in shape and has limitations with the existing power line traversing through the property in an east/west fashion. More specifically, the adjacent land uses are as follows:

North	A1 – Agriculture 1
East	RU1 – Large Lot Housing & P3 – Parks & Open Space
South	RM3 – Low Density Multiple Housing
West	RU1 – Large Lot Housing

A large portion of the property (0.9 hectares) is currently used as a single family residence. The southern portion of the site (approximately 0.7 hectares) is a Fortis power line right-of-way. While some of the property had been used as grazing land in the past, there are currently no major agricultural uses on the site. The property was affected by the 2003 Okanagan Mountain Park Fire, and as such, there is no coniferous cover on the property.

4.3 Site Map

Subject Property: 5020 Killdeer Rd



4.4 Existing Development Potential

The property currently is zoned A1. The purpose of this zone is to provide for rural areas and agricultural uses as well as other complimentary uses suitable in an agricultural setting. The applicant has applied to rezone the subject property to RU5, which allows bareland strata use on serviced urban lots.

5.0 CURRENT DEVELOPMENT POLICY

5.1 Kelowna 2020 – Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached and detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15). Provisions for park space are included in this designation.

6.0 TECHNICAL COMMENTS

6.1 Environmental Division

An environmental assessment has been conducted on this property. A supplemental engineering report will help to address drainage conditions, impacts and recommendations. Department requirements to be addressed at time of subdivision.

6.2 Parks Manager

To prevent private/public encroachment, the applicant will be required to delineate all private property lines (lots 13-14) adjacent to the open space parcel with a minimum 1.2 metre high black vinyl chain link fence (or approved equivalent) located 150 millimetres within the private property.

6.3 Works and Utilities

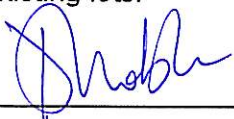
See attached.

7.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Official Community Plan designates the subject property as single / two unit residential. The proposed land use for the single family component (RU5) is consistent with the direction of this policy document. Given that the area is surrounded predominantly by single family lots already built or created, this land use is congruent with the established adjacent uses.

Staff are supportive of the proposed RU5 zone, designated for smaller, stratified housing lots. The current site layout has been developed following several revisions based on the Fortis right-of-way, optimal access, lot size, and road configuration. The final lot layout would be decided upon at time of subdivision approval.

Staff have been working with the applicant to address drainage and groundwater issues for the site. The final drainage plan will be approved at the time of subdivision, and will address the entire subject property, not simply the portion to be rezoned at present. This will allow for a comprehensive water management plan to ensure that no negative impacts will be placed on existing lots.



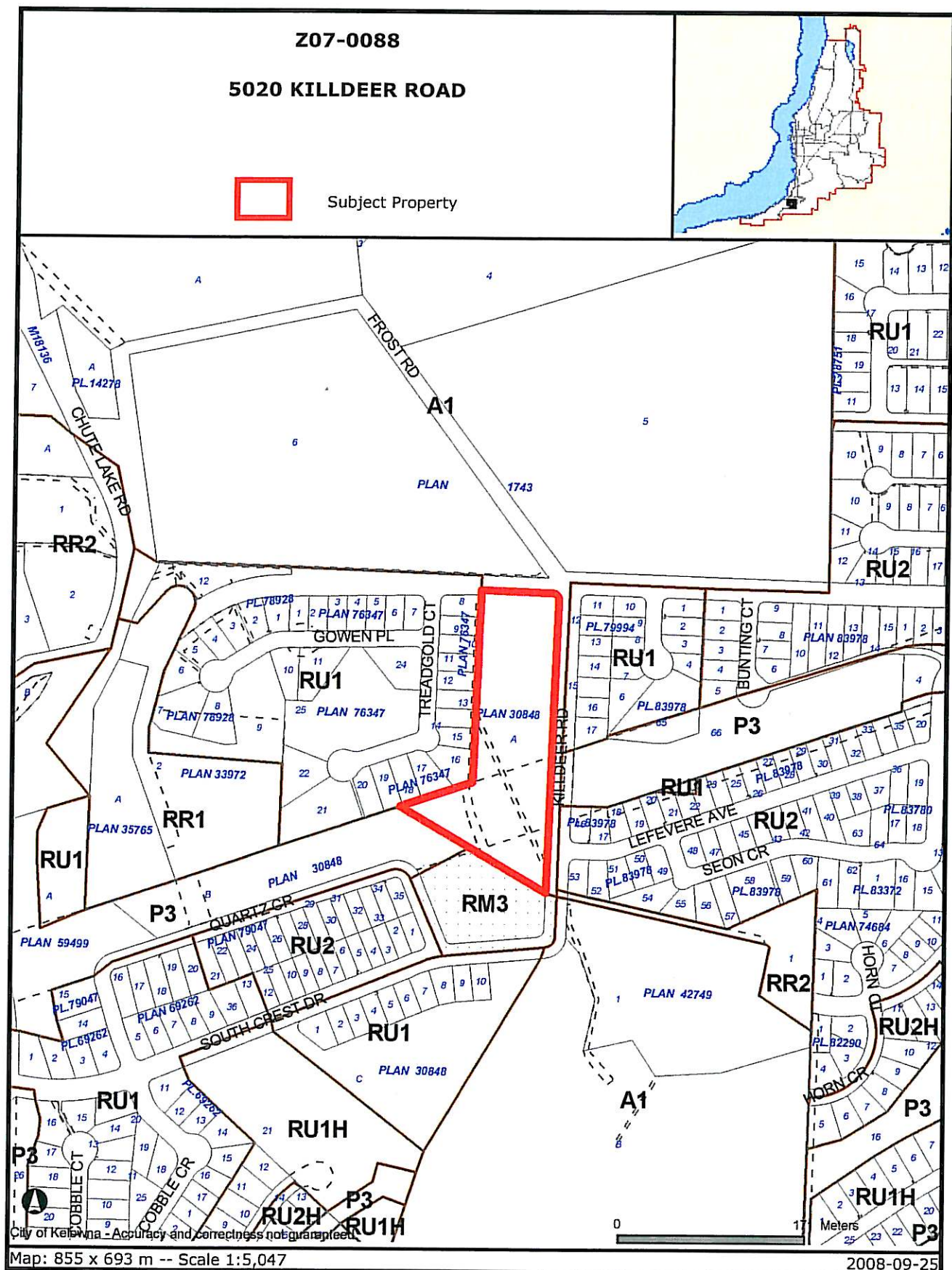
Danielle Noble

Current Planning Supervisor

DN/lt

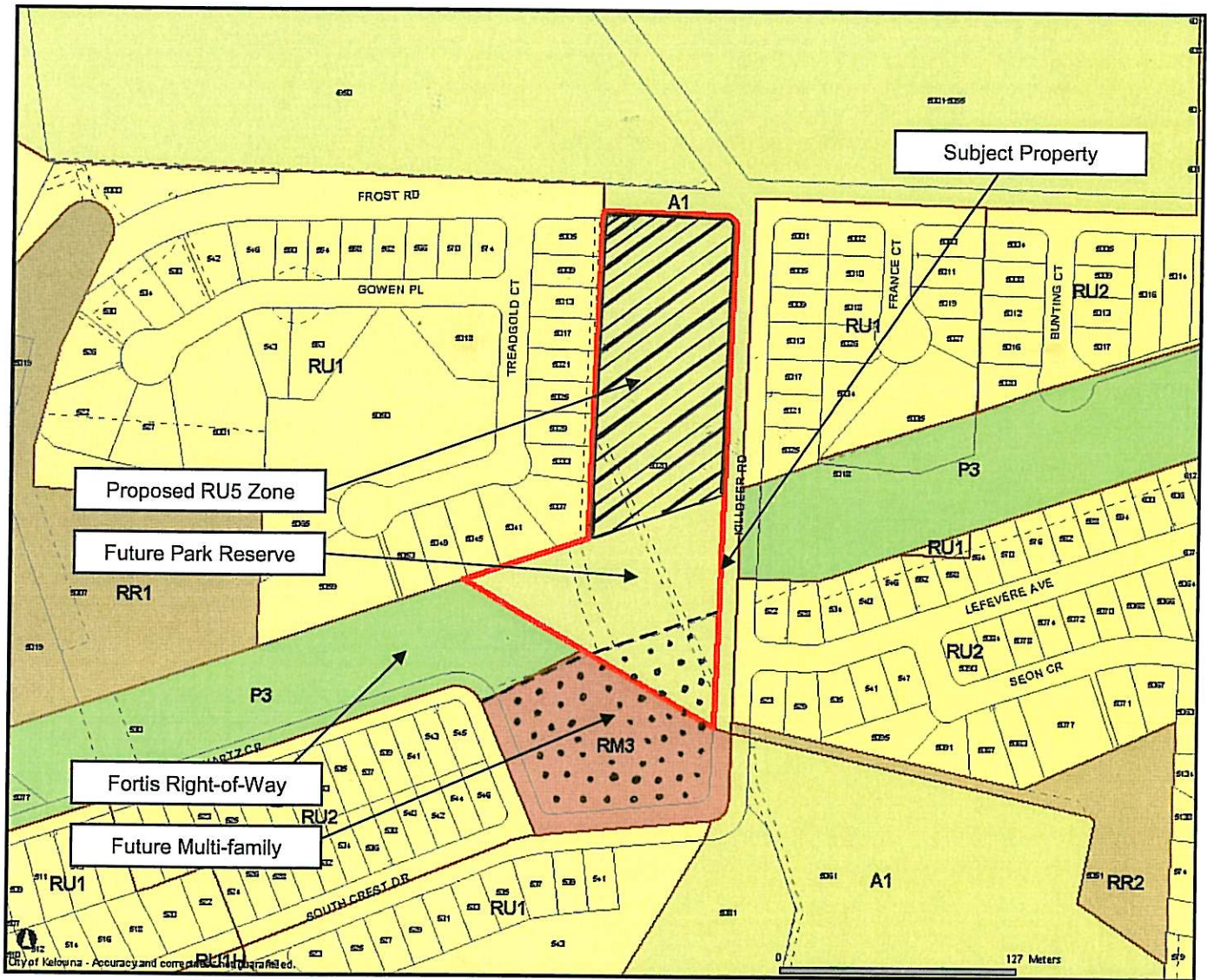
ATTACHMENTS

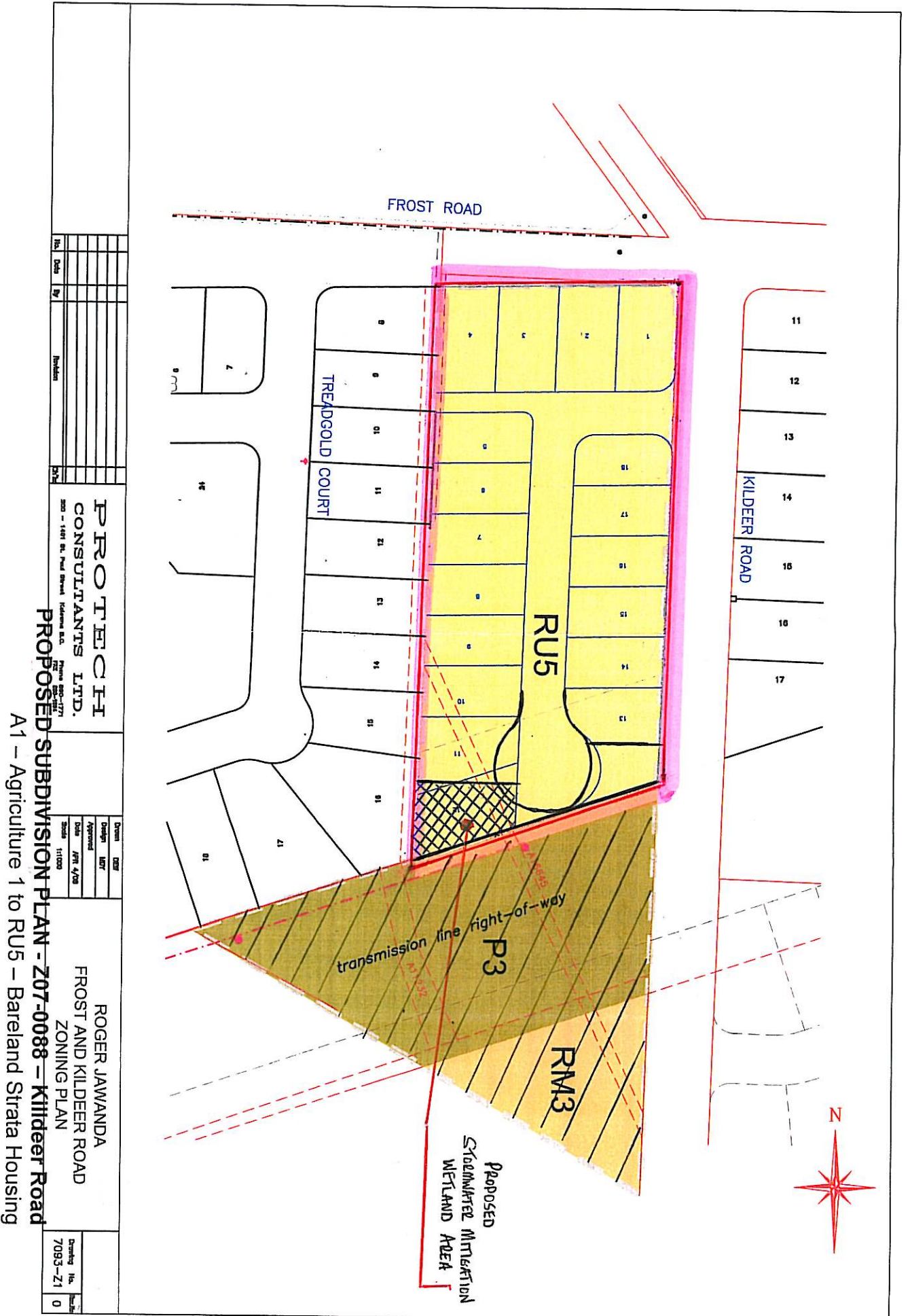
- A - Location of subject property
- B - "Map A" – Proposed Zoning Amendment
- D - Proposed Subdivision Plan
- E - Works And Utilities Comments



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.

Z07-0088 – 5020 Killdeer Road
“Map A” – Proposed Zoning Amendment





CITY OF KELOWNA
MEMORANDUM

Date: April 16, 2008
File No.: S07-0121 Z07-0088 OCP07-0033
To: Planning and Development Officer (DN)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION: 5020 Killdeer Road	ZONE A1 to RU5
APPLICANT: Protech Consultants Ltd.	
LEGAL: Lot A Plan 30848	

WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) Requirements of the rezoning application no. Z07-0088 must be satisfied before subdivision approval.
- b) On the Frost Road frontage, provide 4.0m (approximate) dedication for future roadway widening.
- c) Prior to rezoning, 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
- d) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- e) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- v) Any items required in other sections of this document.
- vi) Recommendations for erosion and sedimentation controls for water and wind.
- vii) Recommendations for roof drains and perimeter drains.
- viii) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is located within the City of Kelowna water service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).
- d) Remove or relocate any existing service connections encroaching on the proposed lots.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) 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.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

.6) Roads

- a) Frost Road and Killdeer Rd must be upgraded to a full urban standard including curb and gutter, separate sidewalk, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Provide an additional highway allowance widening of +/- 4.0 m for the widening of Frost Road. This widening is to be accomplished by:
 - i) A dedication on the subdivision plan.
- c) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- d) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- e) Landscaped boulevards, complete with underground irrigation, is required on Frost Road.
- f) Re-locate existing poles and utilities, where necessary.
- g) 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. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
- h) Private access roads must be constructed and paved to the City standard SS-R2.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- e) Remove aerial trespass(es)

.8) Design and Construction

- a) 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. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) 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.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) DCC credits will be available, for DCC Works 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.
- c) The following works and services are applicable for DCC credit considerations:
 - i) Road works on Frost Road

Note that Killdeer Road is not a DCC road (the fronting costs are the responsibility of the applicant for the full frontage).
- d) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
- e) The following Latecomer charges are applicable to this property:
 - i) Water main installation on Killdeer Road **\$16,593.31**
 - ii) Storm sewer installation on Killdeer Road **\$17,640.89**
 - iii) Sanitary sewer installation on Killdeer & Frost Road **\$40,162.50**

Total Latecomer charge in the amount of **\$74,396.70**
- f) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.
- g) Water Specified Area Administration Fee of \$250.00 to amend service boundary.
- h) Water Extended Service Area Latecomers (ESA's):

ESA#	Front ender	Component	Anniversary (rates change)	*Rate/unit \$
3	South Ridge	600 pipe Hedeman	October 10/08	131
4	South Ridge	600/400 pipe Killdeer	October 10/08	436
11	No. 21	Reservoir South Crest	November02/08	1055

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

Steve Muenz, P.Eng.
Development Engineering Manager

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