
**CITY OF KELOWNA
MEMORANDUM**

Date: May 28, 2009
File No.: Z09-0026 & OCP09-0009
To: City Manager
From: Community Sustainability Division
Purpose: An OCP amendment to change the future land use designation for a portion of the subject property (Lot A Plan KAP88802) from Major Park/Open Space to Single/Two Unit Residential.

A Zoning Bylaw Amendment for portions of the subject properties (Lot A Plan KAP88802; Lot 1 Plan KAP71865; Lot A Plan KAP57304; NW ¼ SEC 14 TWP 28 SDYD) to recognize housekeeping amendments necessary to reconcile the edge of the CD2 - Kettle Valley Comprehensive Residential Development with neighbouring properties.

APPLICANT: Protech Consultants Ltd.

OWNERS: Cedar Creek Developments Ltd., 0775362 BC Ltd., Kettle Valley Holdings Ltd.

AT: (S OF) South Perimeter Way, (W OF) Mountainside Drive, 5570 Mountainside Drive, 5635 Chute Lake Road

**EXISTING OCP FUTURE LAND USE DESIGNATION
OF THE PORTION OF THE SUBJECT PROPERTY
BEING AMENDED:**

Major Park/Open Space

**PROPOSED OCP FUTURE LAND USE DESIGNATION
OF THE PORTION OF THE SUBJECT PROPERTY
BEING AMENDED:**

Single/Two Unit Residential

EXISTING ZONES: A1 – Agriculture 1
RU1 – Large Lot Housing
CD2 – Kettle Valley Comprehensive Residential Development

PROPOSED ZONES: RU1 – Large Lot Housing
CD2 – Kettle Valley Comprehensive Residential Development

REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP09-0009 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 23 TOWNSHIP 28 SDYD PLAN KAP88802, located on (S OF) South Perimeter Way, Kelowna, B.C., from the MAJOR PARK/OPEN SPACE designation to the SINGLE/TWO UNIT RESIDENTIAL designation, as shown on Map "A" attached to the report of the Community Sustainability Division, dated May 28, 2009, 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 Community Sustainability Division dated May 28, 2009;

AND THAT Rezoning Application No. Z09-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. a portion of LOT A SECTION 23 TOWNSHIP 28 SDYD PLAN KAP88802 (“LOT A PLAN KAP88802”), located on (S OF) South Perimeter Way, Kelowna, B.C., from the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and a portion of LOT A PLAN KAP88802 from the A1 – Agriculture 1 zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;
- ii. a portion of LOT 1 SECTION 23 TOWNSHIP 28 SDYD PLAN KAP71865 EXCEPT PLANS KAP71954, KAP72416, KAP72846, KAP73329, KAP74924, KAP75525, KAP76664, KAP79583, KAP80284, KAP80574, KAP81737, KAP82635, KAP84295, KAP85435 AND KAP88803, located on (W OF) Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;
- iii. a portion of LOT A SECTION 14 TOWNSHIP 28 SDYD PLAN KAP57304 EXCEPT PLANS KAP82635, KAP84031 AND KAP84295, located on 5570 Mountainside Drive, Kelowna, B.C., from the CD2 – Kettle Valley Comprehensive Residential Development zone to the RU1 – Large Lot Housing zone;
- iv. a portion of THE NORTHWEST 1/4 OF SECTION 14 TOWNSHIP 28 SDYD, located on 5635 Chute Lake Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the CD2 – Kettle Valley Comprehensive Residential Development zone;

all as shown on Map "B" attached to the report of Community Sustainability Division, dated May 28, 2009, be considered by Council;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP09-0009 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 ADVISORY PLANNING COMMISSION

At the May 26, 2009 meeting of the Advisory Planning Commission, the following resolutions were adopted:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP09-0009, for (S OF) South Perimeter Way, Lot A, Plan 88802, Sec 23, Twp 28, SDYD to change future land use designation for a portion of the subject property from MAJOR PARK/OPEN SPACE to SINGLE/TWO UNIT RESIDENTIAL to enable zoning changes to reconcile the edge of the CD2 - Kettle Valley Comprehensive Residential Development zone with neighbouring properties.

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0026, for 5635 Chute Lake Rd, NW1/4 of Sec 14, Twp 28, SDYD; (W OF) Mountainside Drive, Lot 1, Plan 71865, Sec 23, Twp 28, SDYD; 5570 Mountainside Dr, Lot A, Plan 57304, Sec 14, Twp 28, SDYD; (S OF) South Perimeter Way, Lot A, Plan 88802, Sec 23, Twp 28, SDYD; to rezone in order to recognize housekeeping amendments necessary to reconcile the edge of the CD2 - Kettle Valley Comprehensive Residential Development with neighbouring properties.

3.0 SUMMARY

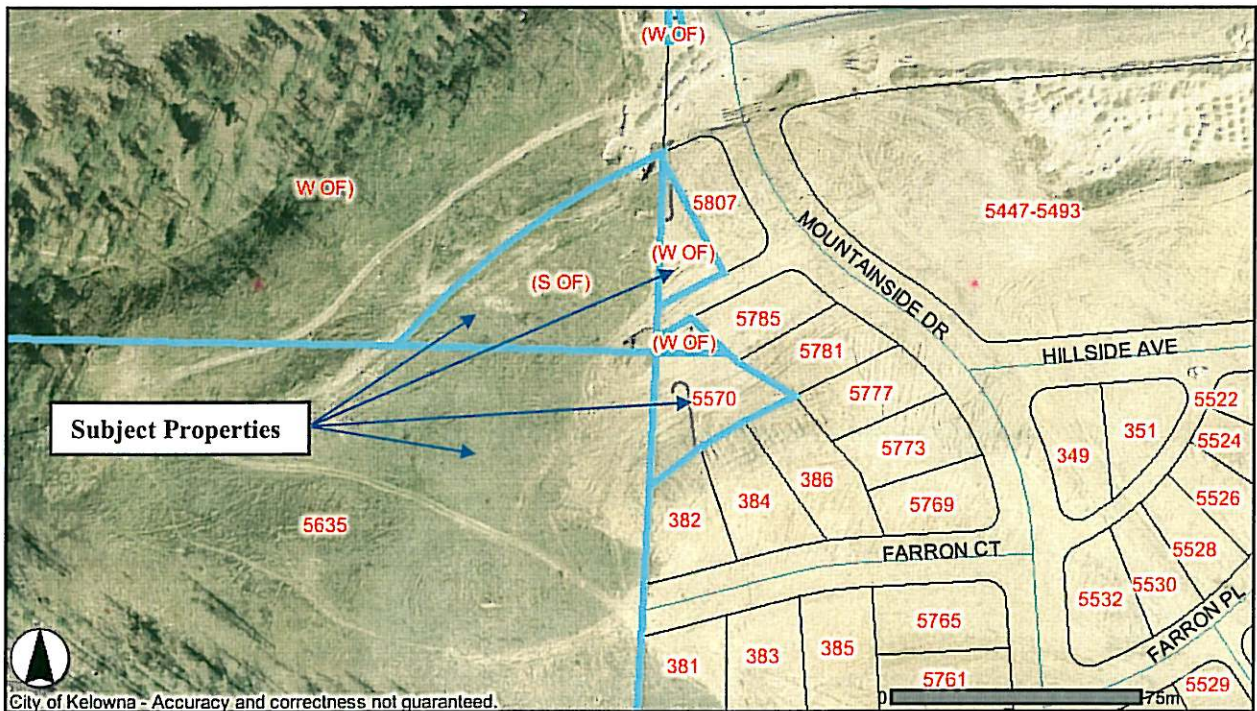
This application seeks to make housekeeping changes in order to reconcile the OCP future land use and zoning boundaries between Kettle Valley and adjacent property owners.

4.0 PROPOSAL

The layout of the CD2 – Kettle Valley Comprehensive Residential Development zone was conducted at a macro-level and was not able to anticipate the location and configuration of every future lot. As Kettle Valley is a Comprehensive Development and neighbouring parcels are being developed with conventional zones, consistency in zoning must be achieved for those future residential parcels that today straddle the boundary between each zone. This application seeks to remedy any zoning inconsistency across future lots.

5.0 SITE CONTEXT

The subject properties are located approximately at the end of South Perimeter Way in the Southwest Mission / Kettle Valley area.



6.0 CURRENT DEVELOPMENT POLICY

6.1 Public Process

Staff recommends that 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 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.

7.0 TECHNICAL COMMENTS

7.1 Building & Permitting

No comment.

7.2 Development Engineering

All City of Kelowna servicing requirements have been dealt with as part of application #S07-0114, Z07-0083, OCP08-0017.

7.3 Fire Department

The roadway/lane that provides access to the main entrance used to access the dwellings must be named and the addressing/numbering for the dwelling must incorporate the roadway/lane name.

7.4 Parks Planning Manager

No concerns.

7.5 Policy & Planning

The subject properties are designated as Single / Two Unit Residential and Major Park / Open Space. The subject properties are also subject to the Wildland Fire Hazard DP Area. The applicant wishes to change the portion of the site that is currently designated as Major Park / Open Space to Single / Two Unit Residential.

This proposed change to the OCP and Zoning would appear to be fairly minor and could be supported. However, the Major Park / Open Space designation on this site was intended to complete the potential for a linear corridor along Lebanon Creek and connect it to South Perimeter Way. The change of this designation would mean that the link to Lebanon Creek from South Perimeter Way would be lost unless that link can be replaced on the adjoining property to the north (also owned by the same company?).

Therefore it is recommended that the OCP and Rezoning applications be supported subject to confirmation of a replacement for the Major Park / Open Space designation on the adjoining property to the north to complete the Lebanon Creek linear corridor link to South Perimeter Way and that future subdivision and development will be subject to Wildland Fire Hazard DP requirements.

7.6 Real Estate & Building Services

Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Real Estate & Building Services Department requires a full-sized copy, together with an 8 ½ x 11 copy, of any survey plans.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

These applications recognize housekeeping amendments that are required in order to facilitate the development anticipated for these properties.

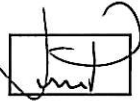


Shelley Gambacort
Director of Land Use Management

Approved for inclusion

Jim Paterson

General Manager, Community Sustainability



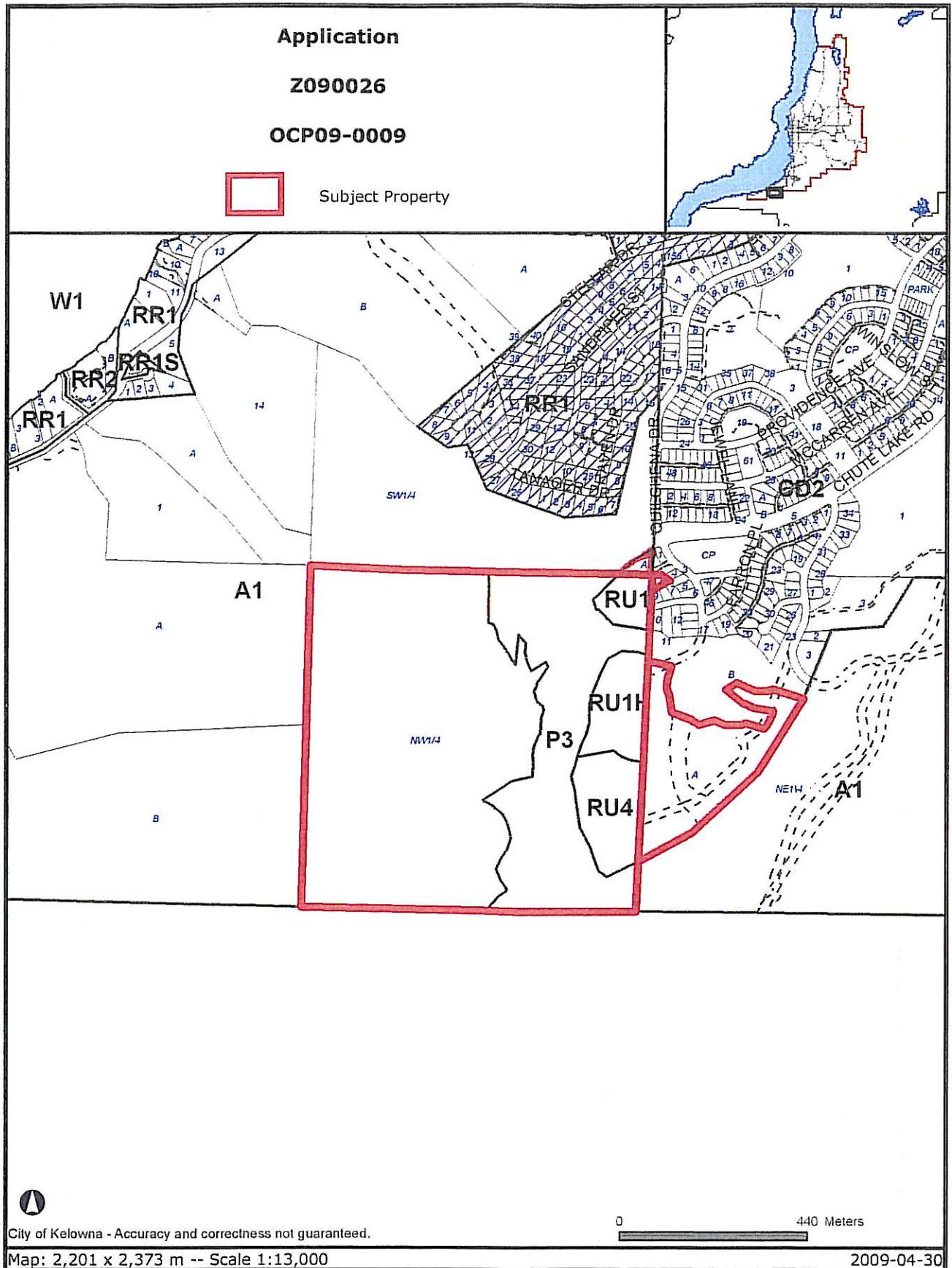
ATTACHMENTS

Location and zoning map of subject properties

Map "A" – OCP amendment

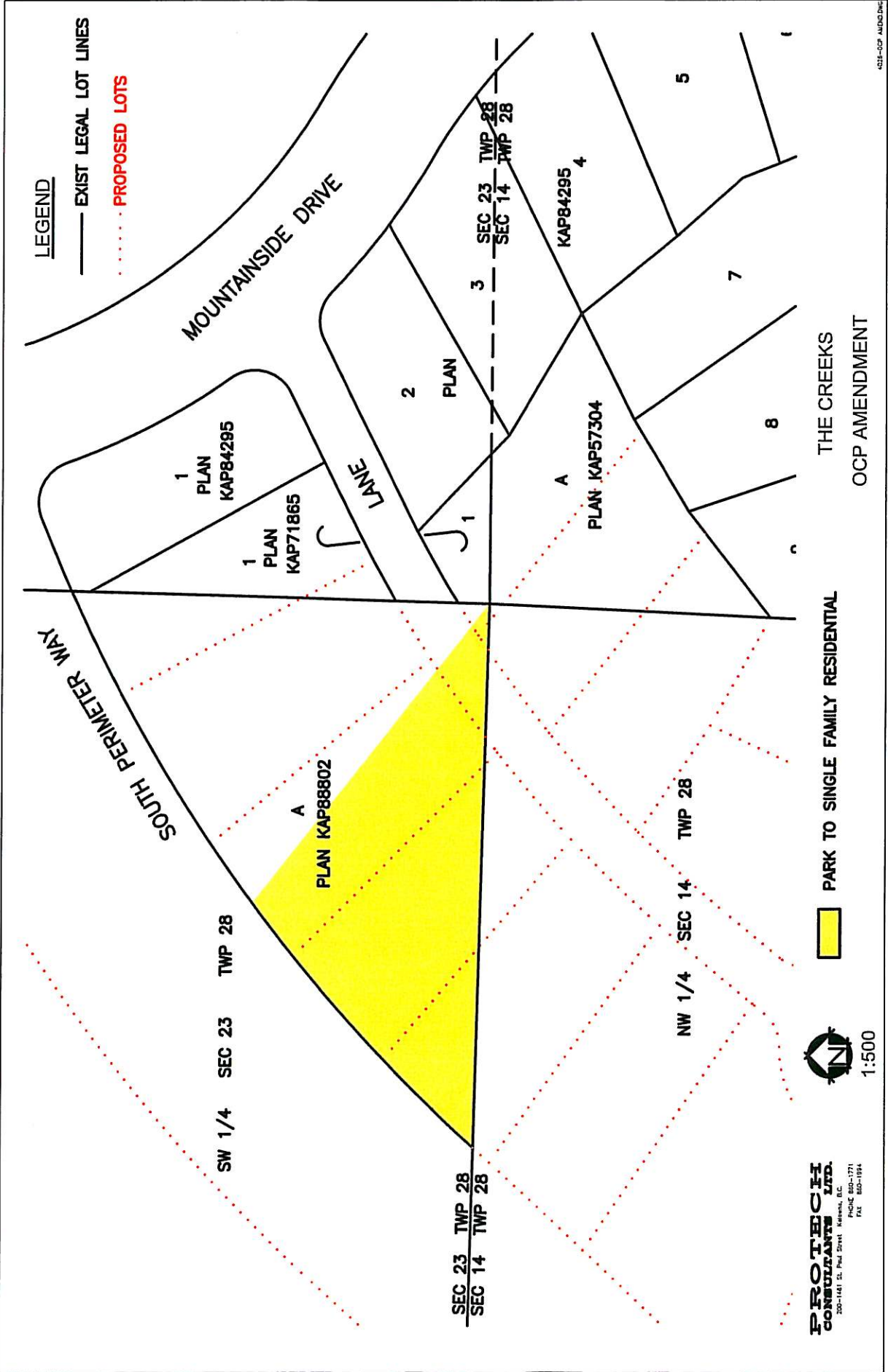
Map "B" – Zoning amendments



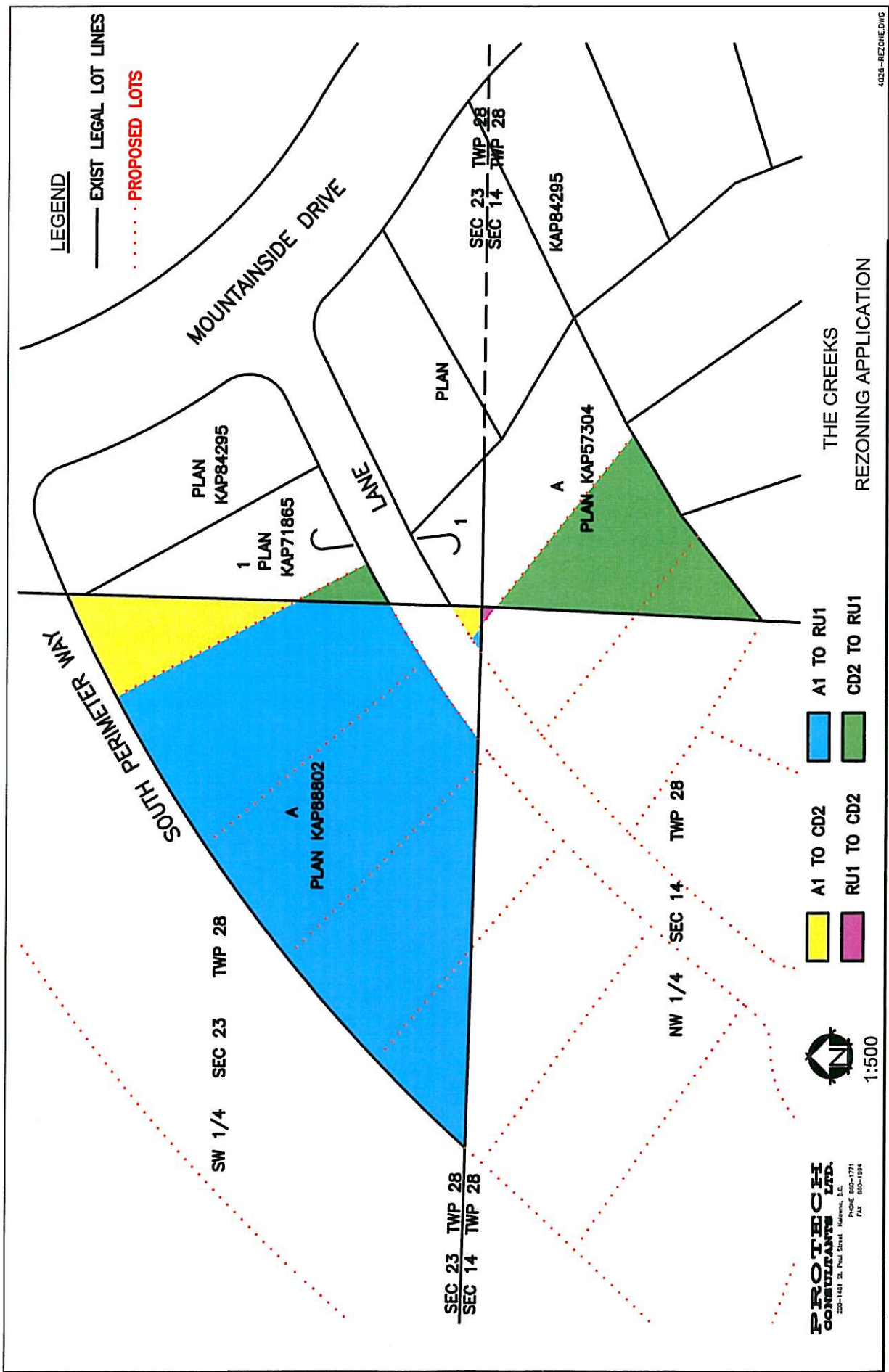


*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.*

MAP "A"



MAP "B"



LEGEND

- EXIST LEGAL LOT LINES
- PROPOSED LOTS

- A1 TO RU1
- A1 TO CD2
- CD2 TO RU1
- RU1 TO CD2



1:500

PROTECH CONSULTANTS LTD.
 200-1481 St. Paul Street, Marietta, G.E.
 PHONE 600-1771
 FAX 600-1914

THE CREEKS
 REZONING APPLICATION