
**CITY OF KELOWNA
MEMORANDUM**

Date: August 13, 2009
File No.: Z09-0043
To: City Manager
From: Community Sustainability Division
Purpose: A housekeeping rezoning to correct zoning designations for the Kelowna Mountain development and to update zoning boundaries for future subdivision phases.

OWNER: Various owners

APPLICANT: City of Kelowna

AT: 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338, and 5348 Upper Mission Dr and 5127 Chute Lake Rd

EXISTING ZONES: RR2h, RR3h, RU1h, P4

PROPOSED ZONES: RR2, RR3, RU1h, P4

REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- i. Lots 1-9 Section 24 Township 28 SDYD Plan KAP87908, located at 5268, 5278, 5288, 5298, 5308, 5318, 5328, 5338, and 5348 Upper Mission Dr, Kelowna, B.C. from the RR2h – Rural Residential (Hillside Area) zone to the RR2 – Rural Residential 2 zone;
- ii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RU1h – Large Lot Residential (Hillside Area) zone to the RR3 – Rural Residential 3 zone;
- iii. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h – Rural Residential 3 (Hillside Area) zone to the RR3 – Rural Residential 3 zone;
- iv. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR3h – Rural Residential 3 (Hillside Area) zone to the RR2 – Rural Residential 2 zone;

- v. A portion of Lot 1 Section 24 Township 28 SDYD Plan 5485 Except Plans 18646, KAP49406, KAP50989, KAP64523 and KAP87908, located on 5127 Chute Lake Rd, Kelowna, B.C., from the RR2h – Rural Residential 2 (Hillside Area) zone to the RR2 – Rural Residential 2 zone;

all as shown on Map “B” attached to the report of the Community Sustainability Division, dated August 13, 2009, be considered by Council;

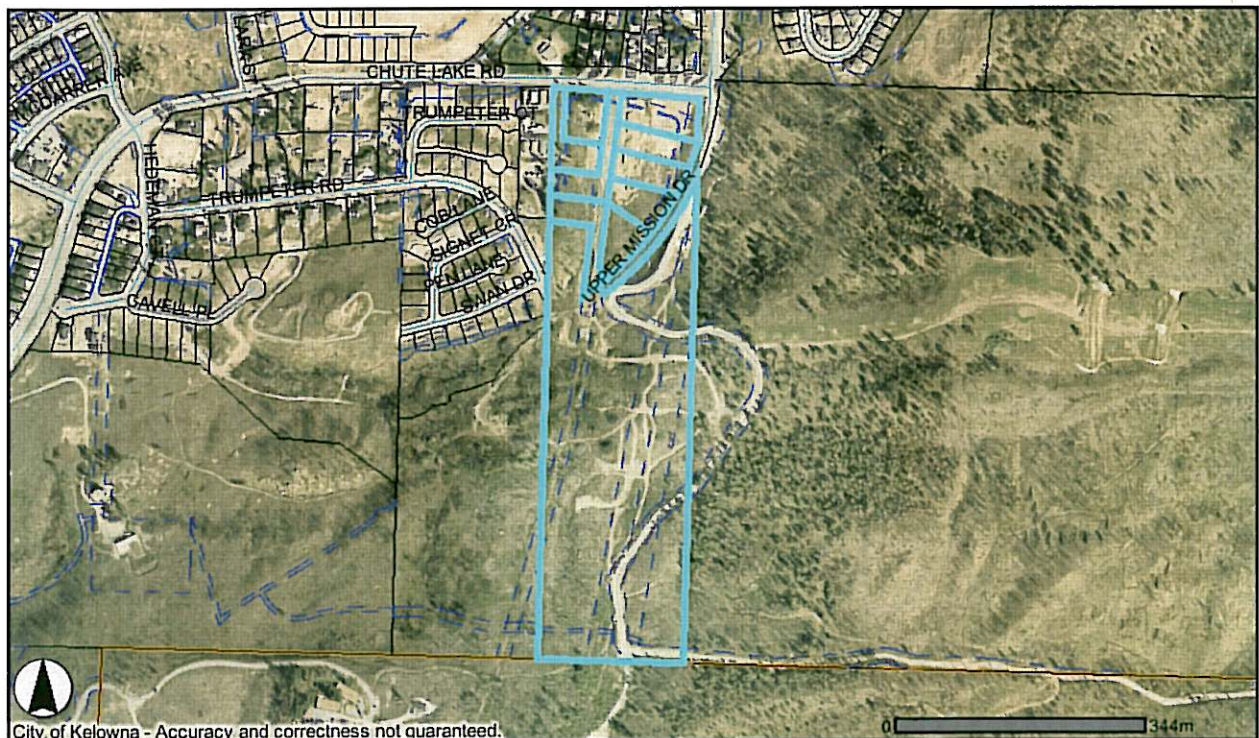
AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

Prior to subdivision a rezoning took place to facilitate the Kelowna Mountain development. Discrepancies between the Council resolution text and accompanying zoning amendment map resulted in erroneous zoning being applied to some of the properties. This application seeks to correct this.

3.0 SITE CONTEXT

The subject properties are located on Chute Lake Road and Upper Mission Drive in the Southwest Mission, as highlighted below.



4.0 TECHNICAL COMMENTS

4.1 Building & Permitting Branch

Supportive of the rezoning as it will provide consistency and clarity in determining what development regulations apply at the time of building permit.


5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The rezoning associated with the first phase of subdivision at Kelowna Mountain (Z05-0020) proceeded to Council with some discrepancies between the Council resolution text and the rezoning map that formed a part of the Zone Amending Bylaw. While the resolution text referred to Rural Residential zones without reference to hillside designation, the map did refer to hillside designations which do not exist in the Zoning Bylaw for the Rural Residential group of zones.


In the interim, the provisions of the Rural Residential zones that do exist in the Zoning Bylaw have been applied for the purpose of building permits. This rezoning application serves to correct the discrepancy.

In addition to the above, zoning boundaries for the remainder parcel are proposed to be reconfigured to reflect the actual proposed subdivision boundaries in accordance with direction from the Subdivision Approvals Branch and the developer.

Land Use Management staff recommend support for the application.



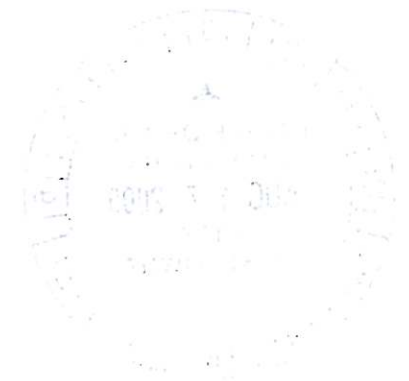
Danielle Noble
Urban Land Use Manager

Approved for inclusion: 
Shelley Gambacort
Director of Land Use Management

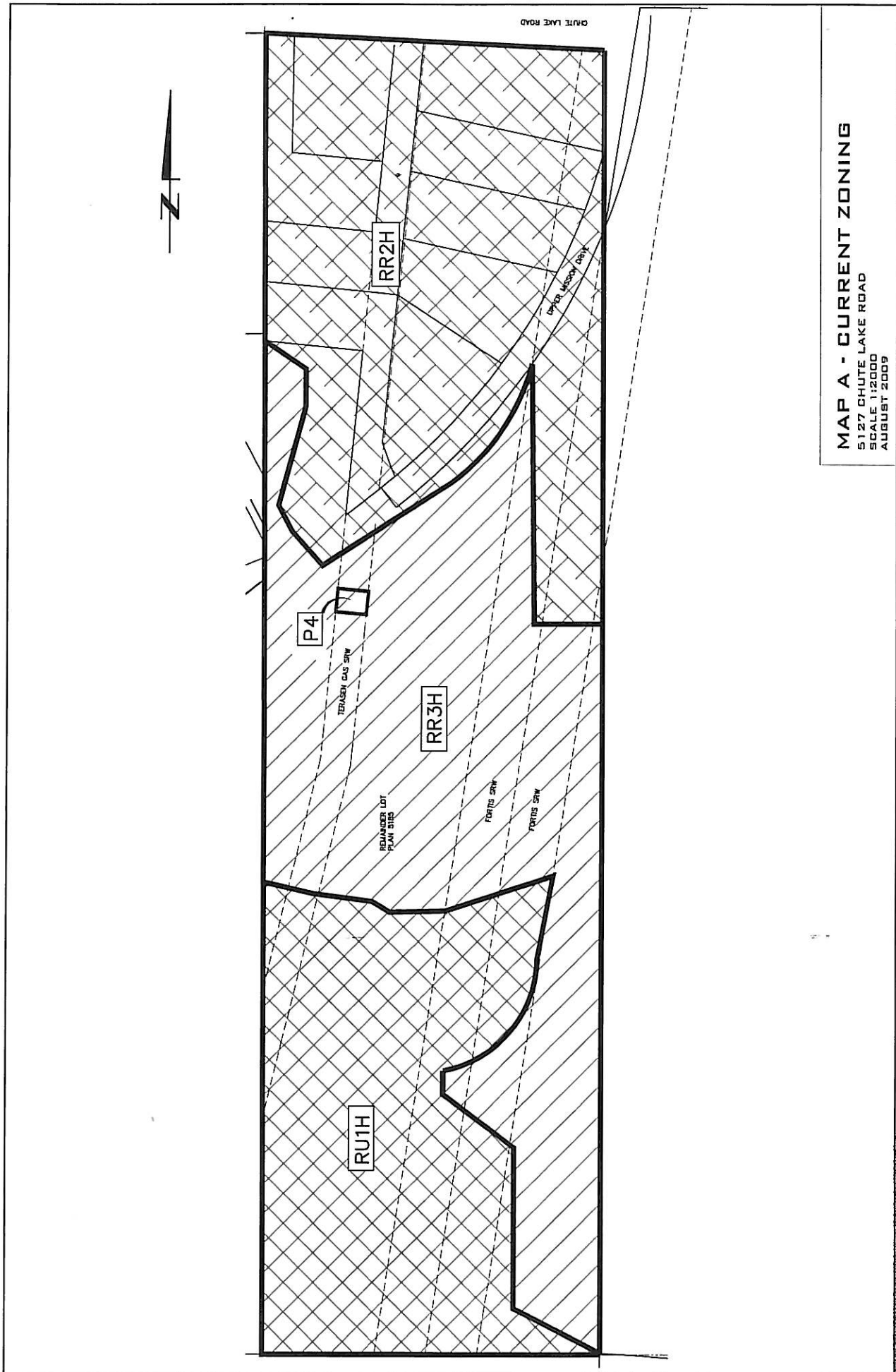
ATTACHMENTS

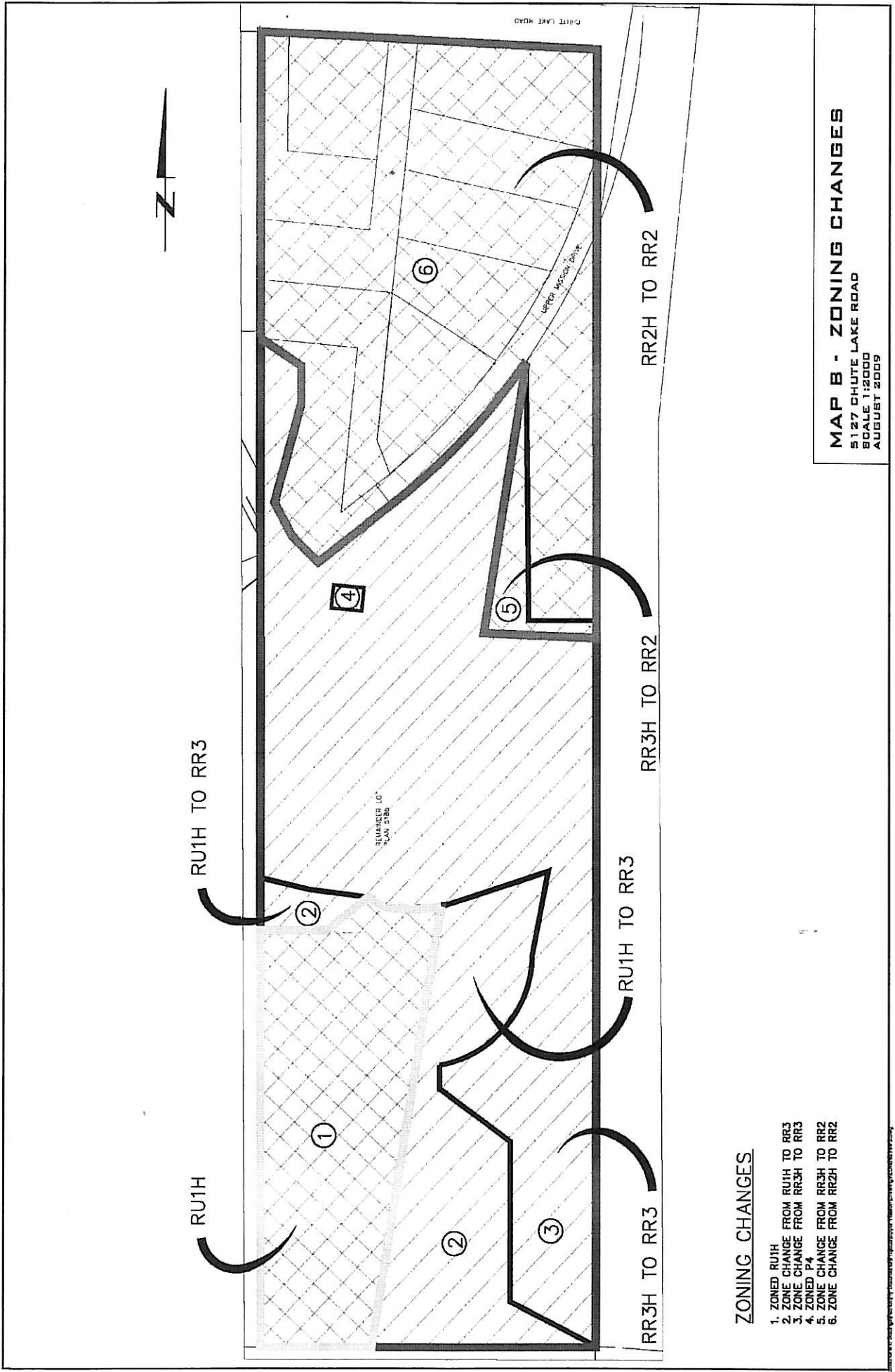
- Location map of subject property
- Map "A" – Current Zoning
- Map "B" – Zoning Changes
- Map "C" – Adjusted Zoning Boundaries

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MAP A - CURRENT ZONING
5127 CHUTE LAKE ROAD
SCALE 1:2000
AUGUST 2009

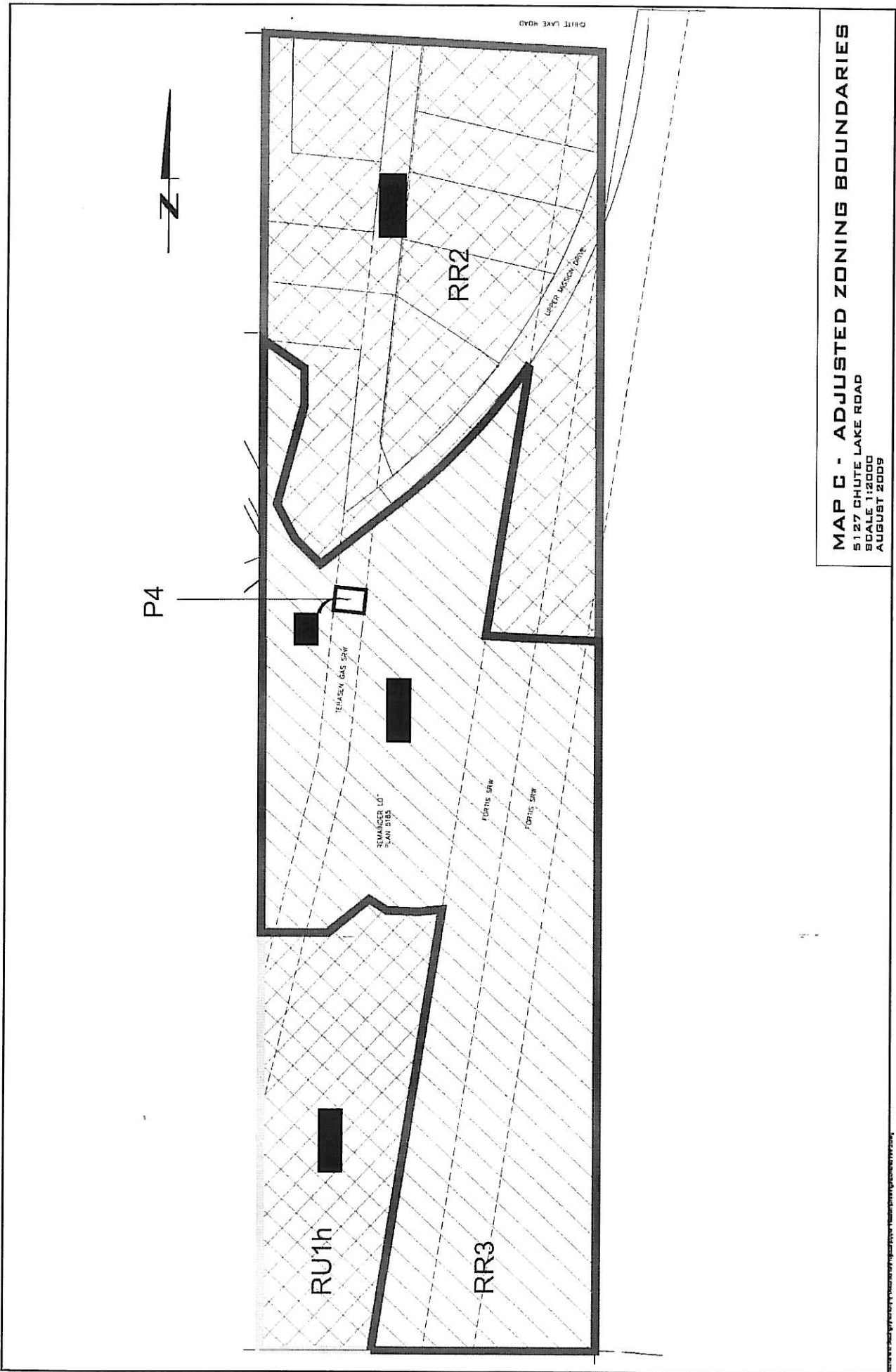




MAP B - ZONING CHANGES
 5127 CHUTE LAKE ROAD
 SCALE 1:2000
 AUGUST 2009

ZONING CHANGES

- 1. ZONED RU1H
- 2. ZONE CHANGE FROM RU1H TO RR3
- 3. ZONE CHANGE FROM RR3H TO RR3
- 4. ZONED P4
- 5. ZONE CHANGE FROM RR3H TO RR2
- 6. ZONE CHANGE FROM RR2H TO RR2



MAP C - ADJUSTED ZONING BOUNDARIES
 5127 CHUTE LAKE ROAD
 SCALE 1:12000
 AUGUST 2009