

Memo



Date: November, 26, 2009

To: City Manager

From: Community Sustainability Division

File No: Z09-0048 **Applicant:** City of Kelowna

At: 1940 Union Road **Owner:** City of Kelowna

Purpose: To rezone the subject property from the existing A1 - Agriculture 1 zone to the proposed P2 - Education and Minor Institutional zone to allow consolidation of a portion of the subject property with the adjacent school property

Existing Zone: A1 - Agriculture 1

Proposed Zone: P2 - Education and Minor Institutional

OCP Designation: Education / Major Institutional

Report Prepared by: Paul McVey

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z09-0048 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Sec. 4, Twp. 23, O.D.Y.D., Plan KAP60991, located at 1940 Union road, Kelowna, BC, from the A1 - Agriculture 1 zone to the P2 - Education and Minor Institutional zone as shown on Map "A" attached to the report of the Land Use Management Department, dated November 26, 2009, 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 Development Engineering Department being completed to their satisfaction;

2.0 SUMMARY:

The applicant wishes to rezone the subject property to the P2 - Education and Minor Institutional zone in order that a portion of the property can be sold to the School District and consolidated with the adjacent Glenmore Elementary school property. The proposed P2 - Education and Minor Institutional zone is consistent with the "Education / Major Institutional" future land use designation for the subject property in the Official Community Plan.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on September 15, 2009 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0048, for 1936 & 1940 Union Road; Lot A, Section 4, Township 23, ODYD, Plan KAP70106; Lot 3 Section 4, Township 23, ODYD, Plan KAP60991; to rezone the subject property from the A1 - Agriculture 1 zone to the P2 - Educational and Minor Institutional zone.

4.0 BACKGROUND:

The City of Kelowna is proceeding with the sale of a 27.4m wide strip of land off of the north west portion of the subject property (1940 Union Road) in exchange for the portion of Lot A, Plan KAP70106 (1936 Union Road) that is required for the proposed Glenmore Bypass right of way. The 27.4m wide portion of 1940 Union Road will then be sold to the School District and consolidated with the neighbouring lot to the north west, Lot A, Plan KAP70106 (1936 Union Road). The proposed P2 zone is consistent with the Official Community Plan future land use designation of "Institutional" for the subject property.

The school district was not interested in the purchase of the remainder of the subject property, and there have been no development proposed for this remainder portion of the lot.

4.1 Site Context

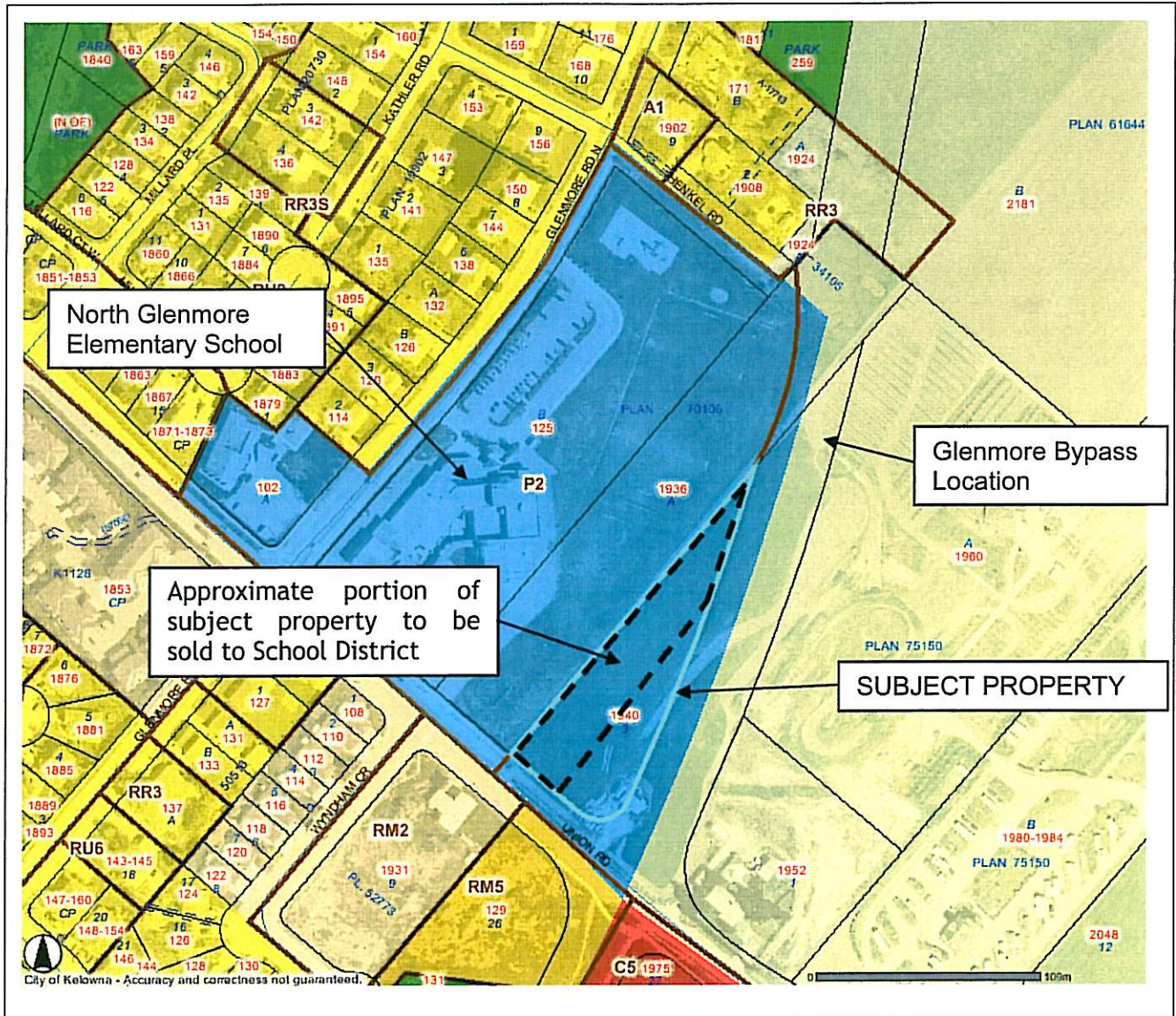
The subject property is located north of the intersection of the proposed Glenmore Bypass and Union Road. North Glenmore Elementary School is located on the adjacent property to the north-west of the subject property.

Adjacent land uses are as follows:

- North - P2 - Education and Minor Institutional / North Glenmore elementary
- East - A1 - Agriculture 1 - Glenmore Bypass & Agri-tourist facility
- South - RM5 - Medium Density Multiple Housing
- West - P2 - Education and Minor Institutional / North Glenmore elementary

4.2 Site Location Map

Subject property: 1940 Union Road



5.0 **DEVELOPMENT POTENTIAL/CURRENT POLICY:**

5.1 Proposed Development Potential

The proposed zone of P2 – Education and Minor Institutional zone allows for: Care Centres – Major, Community Recreation Services, Emergency and Protective Services, Health Services, Private Club, Private Education Services, Public Education Services, Religious Assembly, and Utility Services – Minor impact as principal permitted uses, and Public Parks, residential Security/Operator unit, and Supportive Housing as permitted secondary uses.

5.2 Current Development Policy

Future Land Use

The subject property is designated "Education / Major Institutional" in the OCP. The proposal to rezone the subject property to the P2 – Education and Minor Institutional zone is consistent with that designation.


6.0 TECHNICAL COMMENTS:

The application has been circulated to various technical agencies and City departments and their comments which have been submitted are attached to this report.

7.0 LAND USE MANAGEMENT DEPARTMENT:

The subject property has been owned by the City of Kelowna since 1998 and the Glenmore Bypass has been identified as a road project in the Official Community Plan since 1986. The subject property is designated as an "Education/Major Institutional" future land use in the Official Community Plan. It is proposed that a portion of the subject property will be consolidated with the neighbouring Lot A, Plan KAP70106, owned by the School District, as shown on the attached proposed subdivision plan.

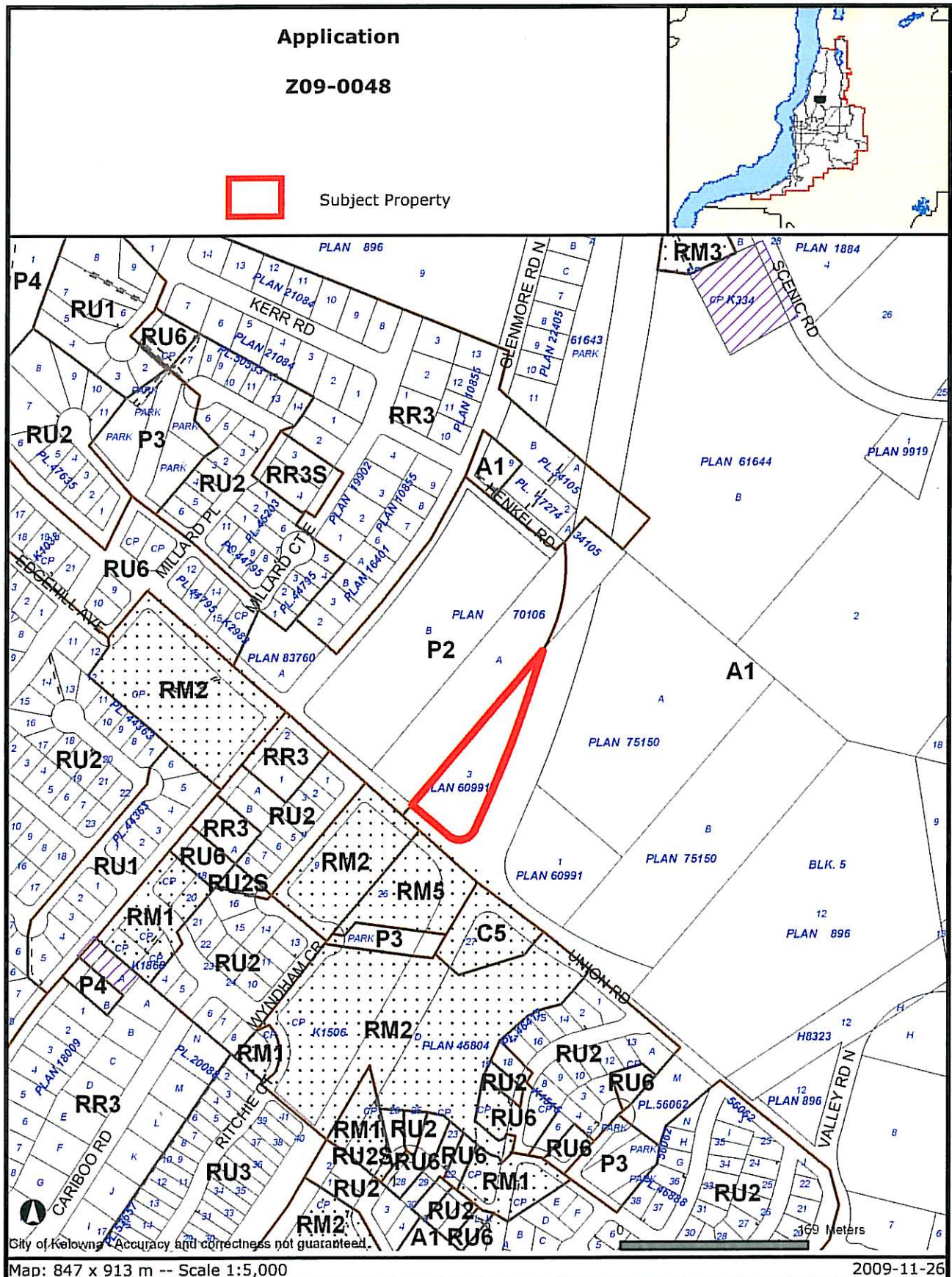
The proposed rezoning is in compliance with the future land use designation, and therefore it is recommended to be supported.



Danielle Noble
Manager, Urban Land Use

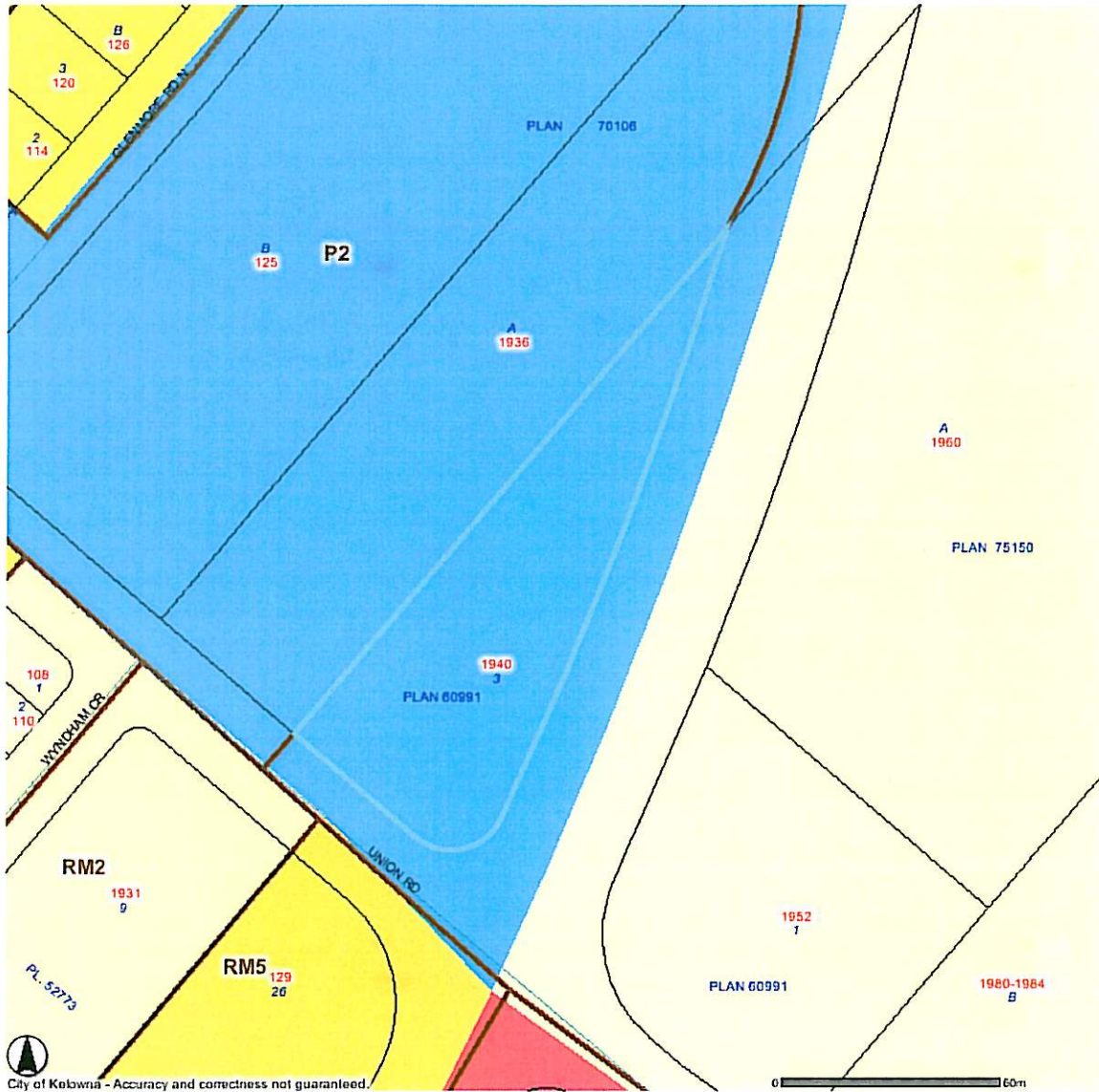
Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management

-
- Attachments:**
Subject Property Map
Map "A" - Proposed Zoning Amendment
Proposed subdivision Plan
Print-out of tracking system
Development Engineering comments
G.E.I.D. Letter



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"



Subject Property to be Rezoned from "A1 – Agriculture 1" zone to "P2 – Education and Minor Institutional" zone

**SUBDIVISION PLAN OF PART OF LOT 3, SECTION 4,
TOWNSHIP 23, OSOYOOS DIVISION YALE DISTRICT,
PLAN KAP60991 AND LOT A, SECTION 4, TOWNSHIP 23,
OSOYOOS DIVISION YALE DISTRICT, PLAN KAP70106**

PLAN KAP

Deposited in the Land Title Office at Kamloops, B.C.,
this day of _____, 2008.

B.C.G.S. No. 82E.093

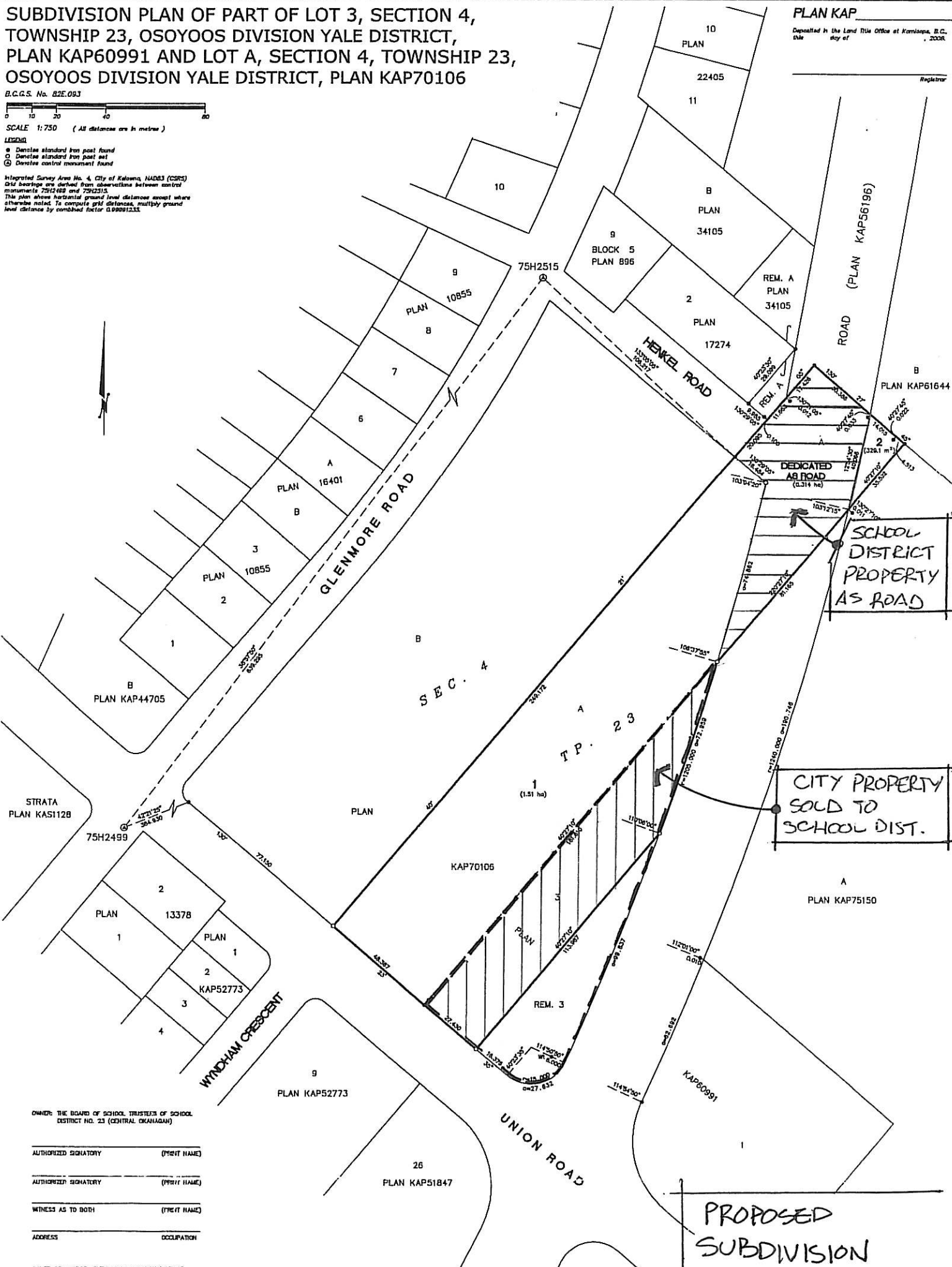


SCALE 1:750 (All distances are in metres)

LEGEND

- Denotes standard iron post found
- Denotes standard iron post set
- ⊙ Denotes control monument found

Integrated Survey Area No. 4, City of Kamloops, MA083 (CSRS)
Old bearings are derived from observations between control
monuments 75H2499 and 75H2515.
This plan shows horizontal ground level distances except where
otherwise noted. To compute grid distances, multiply ground
level distance by combined factor 0.99981233.



OWNER: THE BOARD OF SCHOOL TRUSTEES OF SCHOOL
DISTRICT NO. 23 (CENTRAL OKANAGAN)

AUTHORIZED SIGNATORY (PRINT NAME)

AUTHORIZED SIGNATORY (PRINT NAME)

WITNESS AS TO BOTH (PRINT NAME)

ADDRESS OCCUPATION



Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore_ellison@shaw.ca

Website: www.glenmoreellison.com

Fax: 250-763-5688

Phone: 250-763-6506

November 12, 2009

Land Use Management Dept.
City of Kelowna
1435 Water St
Kelowna, BC V1Y 1J4

Attn: Paul McVey

Re: Rezoning application Z09-0048
Lot A, KAP70106 – 1936 Union Rd.
Lot 3, KAP60991 – 1940 Union Rd.

In response to the referral for Rezoning Application Z09-0048, Glenmore-Ellison Improvement District (GEID) provides the following comments:

Background

Based upon both the application and information received October 14th, it appears that the consolidation and rezoning of the properties is underway due to road dedication for the Glenmore Bypass. At the present time, water allocation to existing Lot A, KAP70106, owned by SD 23 is 3.59 acres of "A" Grade (land with water rights) with service from a connection on Lot B, KAP 70106. Water allocation to existing Lot 3 owned by the City is 1.52 acres of "A" Grade, and lands were previously serviced by a single connection on Union Rd. This connection has been removed with construction of the bypass.

GEID has no comments on the rezoning, and our interests are unaffected. Our remaining comments are related to the proposed subdivision. We understand that a portion of Lot A, KAP70106 will be amalgamated with a portion of Lot 3, KAP60991 to create a new Lot 1 comprising 1.51 ha (3.73 ac).

The remainder of Lot A (0.314 ha/0.775 ac) will be dedicated as road for the Glenmore Bypass. The remainder of Lot 3 will comprise approximately 0.5 ac (size has not been confirmed). This rezoning/consolidation plan will also see a tiny sliver of land, Lot 2, created near the northwest corner of Lot A, KAP75150. This lot has no services installed.

The following sections describe the water servicing requirements to meet GEID servicing bylaws and policies

1. Water Availability

As noted above, the existing, metered water service on Lot B, Plan KAP70106 will supply water to the new Lot 1. No charges or further works are required due to this application, and existing water rights and allocations for that portion of Lot 3 will be transferred to the new Lot 1.

A water service connection will be required to Rem. Lot 3, as the City of Kelowna removed the existing service connection during construction of the Glenmore bypass. The proposed zoning is P2, however we understand that the City may decide to sell the property for residential use in the future. Depending upon the final use and water service size that is required, an appropriately sized connection will need to be installed by GEID, at the City's (or current landowner's) expense. While a ¾" domestic service would normally be installed for a single family parcel of this size, a larger service may be required if commercial or multifamily land use is sought in the future. As such, the City may wish to delay service installation until the final land use is known.

We understand that the City of Kelowna intends to retain Lot 2, and hold this parcel for future re-sale to one of the adjacent farm properties. Based on this, no separate water connection is required for this lot, although CECs are applicable for this newly created parcel under GEID's subdivision bylaw. We note that if the new Lot 2 were not created and were to instead remain as a part of Rem. Lot 3 pending sale and consolidation with an adjacent parcel, the City of Kelowna could avoid paying CECs.

2. Capital Expenditure Charges

No CEC's are payable for the creation of Lot 1 under this application. In regard to Rem. Lot 3, CECs for one single family house are considered to have been paid, therefore a credit of one single family unit is available for future construction on this property. Payment of CECs will be required for Lot 2 if subdivision proceeds, in the amount of \$2,880.

3. New Account Fees

A \$20.00 new account fee is applicable for each newly created lot. In the subject application, new account fees would be required at the time of subdivision for three parcels, for a total of \$60.

4. Water Tolls and Taxes

After subdivision, GEID will assess the properties with charges for water taxes and tolls:

- "A" property taxes are assessed annually against properties in excess of one acre with watering rights
- C1 taxes are assessed quarterly against properties up to and including 1/3 acre with watering rights

Rezoning application Z09-0048
Lot A. KAP70106 – 1936 Union Rd
Lot 3 KAP60991 – 1910 Union Rd

- C2 taxes are assessed quarterly against properties over 1/3 acre and* up to one acre with watering rights.

Lot 1 – “A” taxes only, based on property size.
Lot 2 – “C1” taxes only
Rem Lot 3 – “C2” taxes only

Upon final subdivision, Lot 2 will be assessed with C1 taxes even though the property does not have any service connection. If a sale proceeds to a neighbouring agricultural holding, the property area will be added to that of the larger holding at that time.

If you have any comments please call me at (250) 763-6506.

Sincerely

GLENMORE-ELLISON IMPROVEMENT DISTRICT



Darren Schlamp, B.Sc.
Manager, Engineering & Development

CITY OF KELOWNA
MEMORANDUM

File No.: Z09-0048
Date: September 17, 2009
To: Land Use Planner (PM)
From: Development Engineering Manager (SM)
Subject: 1936 & 1940 Union Road - Lot a & 3, Plan 70106 & 60991

The Development Engineering Department comments and requirements regarding this application are as follows:

1. General

Consolidate the properties and provide easements as may be required.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. Domestic water and fire protection.

The subject property is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.

4. Sanitary Sewer.

According to our records the subject properties are unserved. Once consolidated with plan 70106 lot B the entire property will be adequately serviced. Only one service is permitted per lot, any unused services must be decommissioned and capped at the main.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual is a requirement of this application but can be deferred until the application for a building permit is made.

6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Access.

No access will be permitted onto Glenmore Bypass.

Steve Muenz, P. Eng.
Development Engineering Manager

DC

File: Z09-0048

Application

File: Z09-0048

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				Agricultural Advisory Committee 2009-08-26
				B.C. Assessment Authority (info only) 2009-08-26 2009-08-26
			RREADY	Building & Permitting 2009-08-26 2009-08-27 No comment
				Development Engineering Branch 2009-08-26 2009-09-22 See "Documents" Tab.
			GDAFT	Fire Department 2009-08-26 2009-09-24 There is no objections to the change in zoning. Fire hydrants are required as per the BC Building Code and City of Kelowna Subdivision Bylaw. Additional comments may be required as the adjoining property is developed.
				FortisBC 2009-08-26
			TBARTON	Infrastructure Planning 2009-08-26 2009-09-16 No concerns
				Irrigation District - GEID 2009-08-26 2009-11-13 see further comments 2009 11 16 See file. PDF letter saved in Z09-0048.
				Policy & Planning 2009-08-26 2009-09-28 The subject property is designated as Institutional in the OCP and intended for consolidation with SD 23 property to the west. The proposed rezoning is in compliance with the OCP and therefore it is recommended that the application be supported.
				Public Health Inspector 2009-08-26 2009-09-23 No comment.
				RCMP 2009-08-26
			KGENCE	Real Estate & Building Services Manager 2009-08-26 2009-09-10 RE&BS Comments for Inclusion in Council Report: 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.
				Shaw Cable 2009-08-26 2009-09-15 No comment.
				Telus 2009-08-26 2009-09-11 Telus has no comment regarding this application.
				Terasen Utility Services 2009-08-26