

# Memo



**Date:** May 28/10

**To:** City Manager

**From:** Community Sustainability Division

**File No:** OCP09-0013                      **Applicant:** City of Kelowna  
Z09-0044

**At:** Dilworth Mountain Estates    **Owner:** Various  
(see attached)

**Purpose:** TO AMEND OCP FUTURE LAND USE DESIGNATIONS WITHIN DILWORTH  
MOUNTAIN ESTATES TO RECOGNIZE FINAL DEVELOPMENT BOUNDARIES AND  
ALLOW THE DISCHARGE OF LUC 74-57  
  
TO REZONE THE SUBJECT PROPERTIES IN COMPLIANCE WITH ZONING BYLAW  
NO. 8000 TO ALLOW THE DISCHARGE OF LUC 74-57

**Existing Future Land Use:** Single/Two Unit Residential  
Multiple Unit Residential - Low Density  
Commercial  
Major Park / Open Space  
Educational / Major Institutional

**Proposed Future Land Use:** Single/Two Unit Residential  
Multiple Unit Residential - Low Density  
Multiple Unit Residential - Medium Density  
Commercial  
Major Park / Open Space  
Public Service/Utilities  
Educational / Major Institutional

**Existing Zone:** LUC 74-57

**Proposed Zoning:** RU1h - Large Lot Housing (Hillside Area)  
RM3 - Low Density Multiple Housing  
RM4 - Transitional Low Density Housing  
C5 - Transitional Commercial  
P2 - Educational & Minor Institutional  
P3 - Parks & Open Space  
P4 - Utilities

Supplemental Report Prepared by: Luke Turri and Sandi Horning

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**1.0 RECOMMENDATION:**

THAT Bylaw No. 10323 (OCP09-0013) be amended at first reading as outlined in revised Map "A" attached to the Report of the Land Use Management Department dated May 28, 2010;



AND THAT Bylaw No. 10324 (Z09-0044) be amended at first reading as outlined in revised Map "B" attached to the Report of the Land Use Management Department dated May 28, 2010;

AND FURTHER THAT Bylaw No. 10323 (OCP09-0013) and Bylaw No. 10324 (Z09-0044) be forwarded to a Public Hearing for further consideration.

## **2.0 COUNCIL DIRECTION**

At the May 18, 2010 Public Hearing, Council passed the following resolution:

THAT the Public Hearing with respect to Bylaw Nos. 10322, 10323 and 10324 be kept open and rescheduled to June 1, 2010;

AND THAT Council directs staff to invite a representative from School District No. 23 to address Council at the June 1, 2010 Public Hearing.

At the May 31, 2010 Special Meeting of Council, the following resolution was adopted:

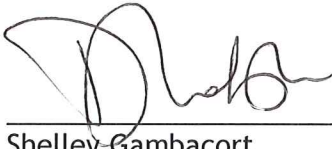
THAT Council direct staff to amend Official Community Plan Bylaw Amendment Application No. OCP09-0013 and Rezoning Application No. Z09-0044 related to the discharge of the Dilworth Land Use Contract for future consideration.

## **2.0 SUMMARY:**

Staff have now met with School District #23 representatives and have reviewed in detail the requirements for discharge outlined within Land Use Contract 74-57. As the discharge clause specifically references not making the "agreed use" (in this case the school sites) non-conforming, the appropriate zoning is now considered to be the "P2 - Educational & Minor Institutional" zone, with the appropriate OCP Future Land Designation being "Educational/Major Institutional". The two (2) School District properties were originally proposed to be zoned and designated as park space in consideration of their existing use. These changes are reflected in the revised OCP Future Land Use Designation map (attached as Map "A") and Zoning map (attached as Map "B").

Staff have also received correspondence from School District #23 advising that the designation is now consistent with other educational property and is supported by the School District. A copy of School District #23's May 31, 2010 letter is attached at Appendix 1.

Submitted by:



for | Shelley Gambacort  
Director, Land Use Management

Approved for inclusion:



Jim Paterson  
GM, Community Sustainability

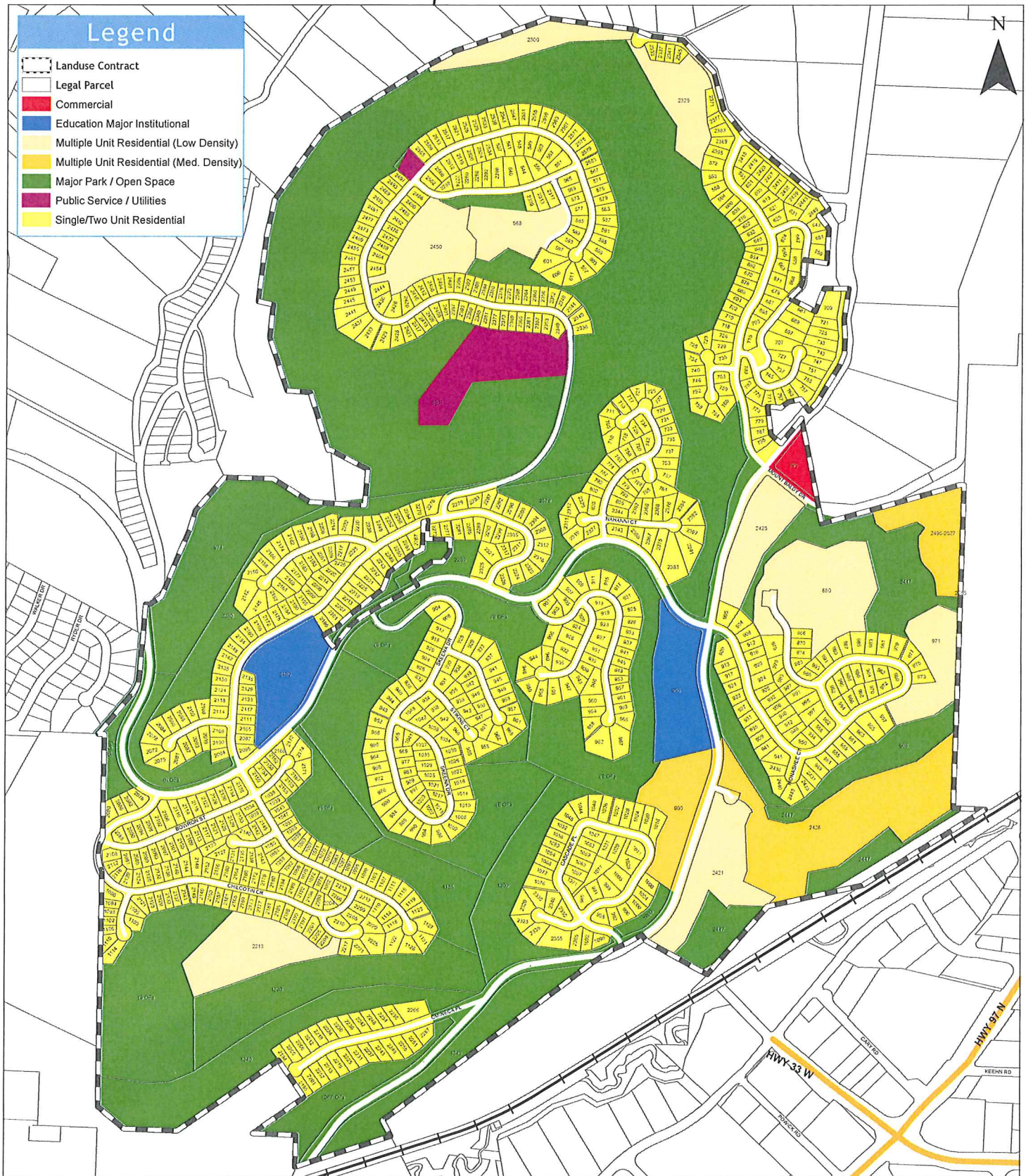
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**Attachments:**

Revised Map "A" - Proposed Future Land Use Designation  
Revised Map "B" - Proposed Zoning



# Map "A"

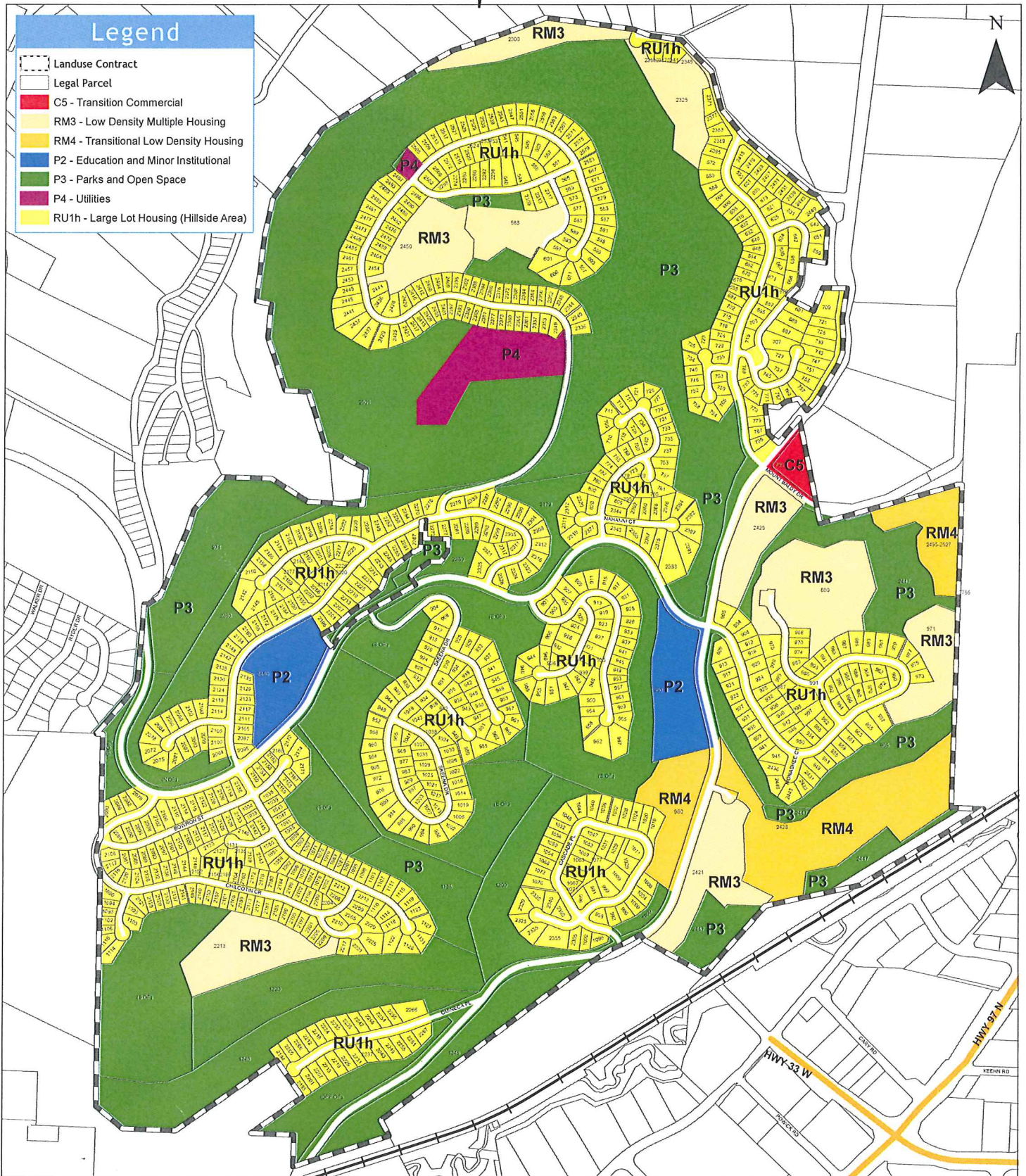


**Dilworth LUC**  
Future Land Use - Proposed  
April 2010





# Map "B"



Dilworth LUC  
Proposed Zoning  
April 2010







# Appendix 1

**SCHOOL DISTRICT No. 23**

(CENTRAL OKANAGAN)

1940 Underhill Street, Kelowna, B.C. V1X 5X7

Tel. (250) 860-8888 Fax (250) 860-9799

Website: [www.sd23.bc.ca](http://www.sd23.bc.ca)

"Together We Learn"

May 31, 2010

Ms. Shelly Gambacort, Director  
Land Use Management  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

Re: Dilworth Mountain Land Use Contract Discharge

Dear Ms. Gambacort:

I would like to thank you and Jim Paterson for the meeting with Alan Cumbers and myself on May 25, 2010. As expressed in that meeting, the School District's concerns with the Dilworth Mountain properties re-zoning application, is that the zoning was non-conforming to the purpose that the School District originally obtained the property. Furthermore, when the School District decides to develop the property, a rezoning process would have to occur to return the property to its original intended use.

Based on correspondence from Danielle Noble and yourself, my understanding is that City staff are now prepared to amend the bylaw, so that the two properties owned by the School District will have the following designation:

- OCP Future Land Use: Educational/Major Institutional
- Zoning : P2 – Educational & Minor Institutional

This designation is consistent with other educational property and is supported by the School District. Also, until the School District needs to access the Dilworth Mountain property, the continued use by the City of Kelowna is welcomed.

Sincerely,

Larry Paul  
Secretary-Treasurer