

Memo



DATE: July 9th, 2010

TO: City Manager

FROM: Community Sustainability Division

APPLICATION: Z07-0079/ OCP08-0011 **OWNER:** Kathleen Mooney

AT: 5007 Chute Lake Road **APPLICANT:** Kimble Mooney

PURPOSE: To amend the Official Community Plan Future Land Use Designation for a portion of the subject property from Major Park / Open Space to Single/Two Unit Residential.

To rezone a portion of from RR1 - Rural Residential 1 to RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite and RU2h Medium Lot Housing (Hillside Area) to facilitate an eleven lot residential subdivision;

EXISTING OCP DESIGNATION: Single / Two Unit Residential & Major Park & Open Space
PROPOSED OCP DESIGNATION: Single / Two Unit Residential

EXISTING ZONE: RR1 - Rural Residential 1
PROPOSED ZONES: RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite & RU2h Medium Lot Housing (Hillside Area)

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP08-0011 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation for a portion of Lot 2, Sec. 24, Twp. 28, SDYD, Plan 33972, Except Plan 35765, located at 5007 Chute Lake Road from the Major Park & Open Space to the Single / Two Unit Residential, as shown on Map "A" attached to the report of the Land Use Management, dated July 9th, 2010, be considered by Council;

THAT Rezoning Application No. Z07-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Lot 2, Sec. 24, Twp. 28, SDYD, Plan 33972, Except Plan 35765, located at 5007 Chute Lake Road, Kelowna, B.C. from the RR1 - Rural Residential 1 to the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite and RU2h Medium Lot Housing (Hillside Area) zone, as shown on Map "B" attached to the report of the Land Use Management, dated July 9th, 2010, be considered by Council;

THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated July 9th, 2010; THAT the OCP amending bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent the submission of a plan to subdivide in registerable form.

2.0 SUMMARY

The applicant has applied to rezone the subject property to the RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite and the RU2h Medium Lot Housing (Hillside Area) concurrent with a subdivision application to create eleven separate residential lots. An OCP amendment is required in order to ensure that the Future Land Use designation for this property fits with the proposed development. As a part of this proposal the applicant will dedicate the land required to construct the Frost Road extension.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on December 18, 2007, the APC passed the following motions:

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0079, for 5007 Chute Lake Road, Lot 2, Plan 33972, Twp. 28, Secs. 24 & 25, ODYD by Protech Consultants Ltd. (G. Maddock), to rezone the subject property from the RR1 - Rural Residential 1 to the RU1h - Large Lot Housing (Hillside Area) zone to facilitate an eight (8) lot subdivision.

Comment

The Members encouraged the applicant to include secondary suite zoning when bringing this application forward to Council.

At a meeting held on June 3, 2008, the APC passed the following motions:

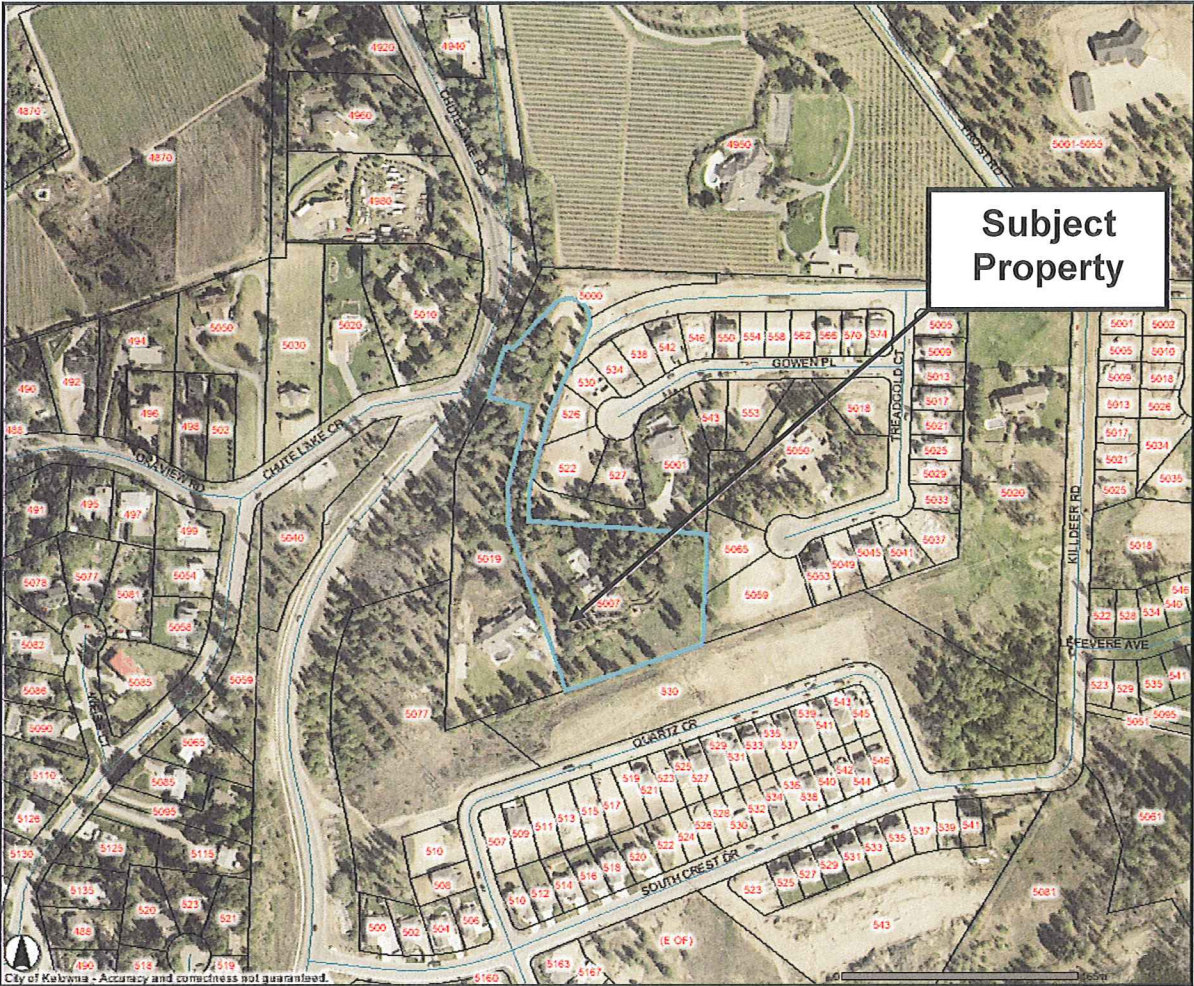
THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP08-0011, for 5007 Chute Lake Road, Lot 2, Plan 33972, Secs. 24 & 25, Twp. 28, ODYD by Protech Consultants Ltd. (Kathleen Mooney), to change the future land use designation for a portion of the subject property from the "Major Park/Open Space" designation to the "Single/Two Unit Residential" designation.

4.0 PROPOSAL

This project contemplates the redevelopment of an existing lot, both through this rezoning application and an accompanying subdivision application. The one existing house will be retained during the first phase of the subdivision but will eventually be demolished to accommodate the proposed layout. An OCP amendment is also required in order to ensure that the Future Land Use designation for this property fits with the proposed development.

As part of the subdivision application, land will be dedicated for the Frost Road expansion. Currently, an easement on the subject property provides the neighbour with access to their property from Chute Lake Road. Upon final approval of the subdivision and the Frost Road dedication, the neighbour will gain access from the new public road which is accessed via Quartz Crescent. The applicant will be required to construct the new access road where the existing Road Reserve is located.

4.1 Location Map



4.2 Site Context

The subject property is located just off of Chute Lake Road, the area to be dedicated to the City is relatively steep will the proposed development area is located on a sloping bench. The adjacent land uses are as follows:

- North A1 - Agriculture 1 - Agriculture / Single Family Residence
- East RU1 - Large Lot Housing - Single Family Residences
- South P3 - Parks & Open Space - Power Line
- West RR1 - Rural Residential 1 - Single Family Residence

5.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the APC 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 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.

5.1 Official Community Plan - Housing Chapter 8

5.1.1 Housing Policies¹

Infrastructure Availability (8.30). Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

Land Utilization within Single Detached Areas (8.35). Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

Housing Variety (8.40). Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices;

Integration (8.44). Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

6.0 TECHINCAL COMMENTS

6.1 Development Engineering

See Attached.

6.2 Fire Department

Detailed drawings are required showing article 3.2.5.6, "Access Route Design", of the BC Building Code is met for the roads and the cul-de-sac. Hydrants and fire flows as per City of Kelowna Subdivision Bylaw.

6.3 Inspections Department

Hillside development guidelines may apply to some lots, demolition permit required for existing buildings.

6.4 Parks Department

1.To prevent private/public encroachment, the applicant will be required to delineate the private property line adjacent to the Power Line Corridor with a minimum 1.2 m high (4 foot) high black vinyl chain link fence (or approved equivalent) located 150 mm (6 inch) within the private property.

2.The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the property owner to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

3.There are no concerns with the proposed OCP amendment to remove the Major Parks/Open Space designation.

¹ Official Community Plan, Pages 8-6 – 8-7

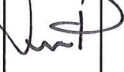
7.0 LAND USE MANAGEMENT DEPARTMENT

The subject property is designated as Single/Two Unit Residential and Major Park/Open Space as adopted by Council through the Neighbourhood Two Area Structure Plan. The Major Park/Open Space designation was intended to augment the potential public use of the linear power line right-of-way established to the south. The application to amend the OCP to remove the Major Parks and Open Space designation is not a significant concern as the Parks Department has advised that they do not require this portion of the subject property for park purposes.

Originally the proposal sought the RU1 - Large Lot Housing zone with a bareland strata Subdivision. The applicant has worked with the City and has since agreed to rezone to the RU1hs and RU2h zones and to seek a fee simple subdivision. All of the proposed lots meet the Zoning Bylaw requirements. The proposed zoning and lot layout will be consistent with the existing developments to the south and the east of the subject property. The 'h' designation will provide for a reduced road standard and will allow for the Hillside Guidelines to be applied to the subdivision. The RU2h lots will provide for a medium lot size while the larger lots will accommodate suites through the RU1hs zone. The proposed development site is a gently sloping bench, although retaining will be required at the north edge of the development site. As a part of this proposal the applicant will dedicate the land required to construct the Frost Road extension. Access for the proposed subdivision will be from Quartz Crescent, the applicant will be required to construct the road where the existing Road Reserve (through Forstis ROW) connecting the subject property to Quartz Crescent is located.



Shelley Gambacort
Director, Land Use Management

Approved for inclusion: 

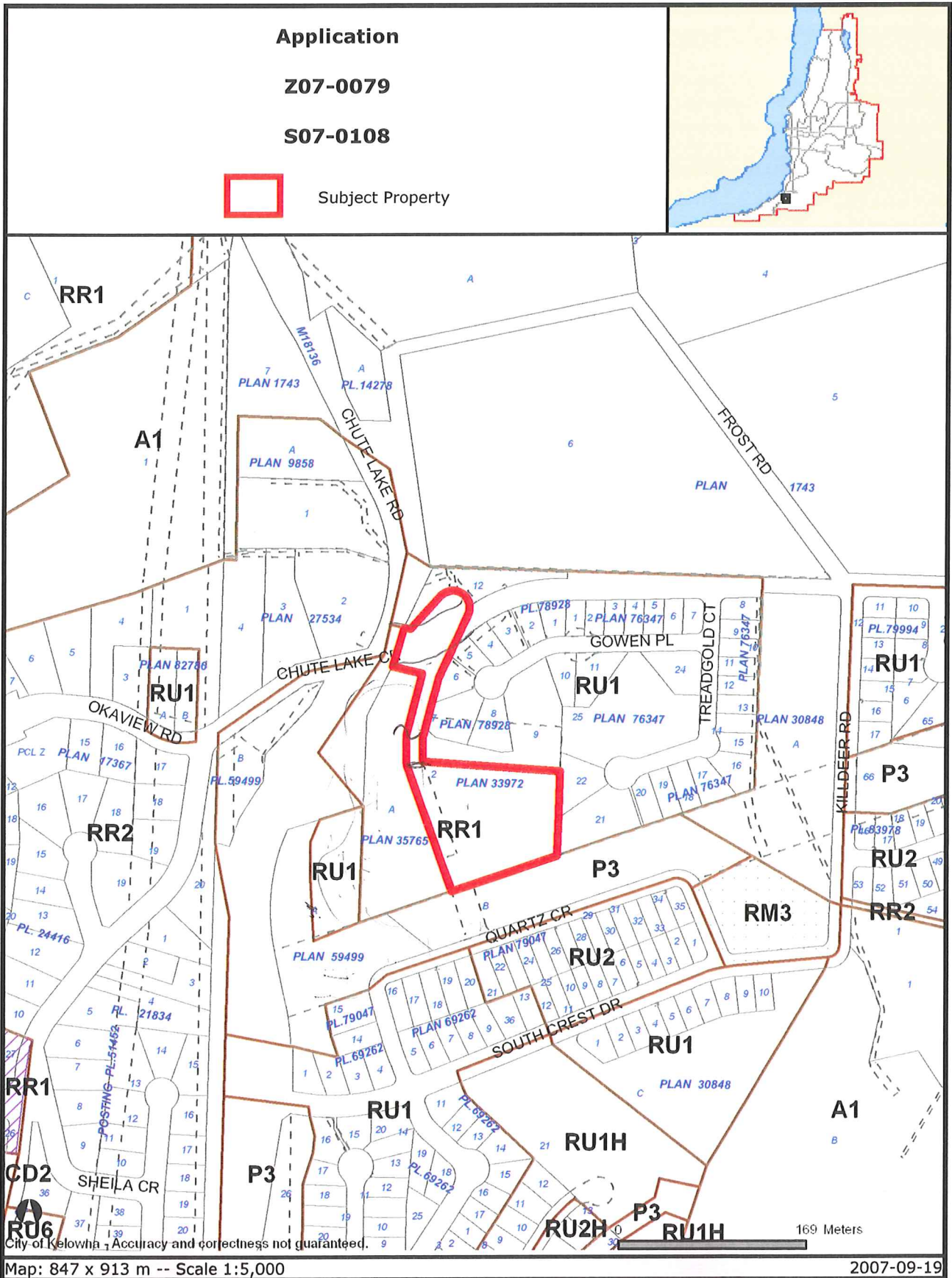
Jim Paterson
General Manager, Community Sustainability

Attachments:

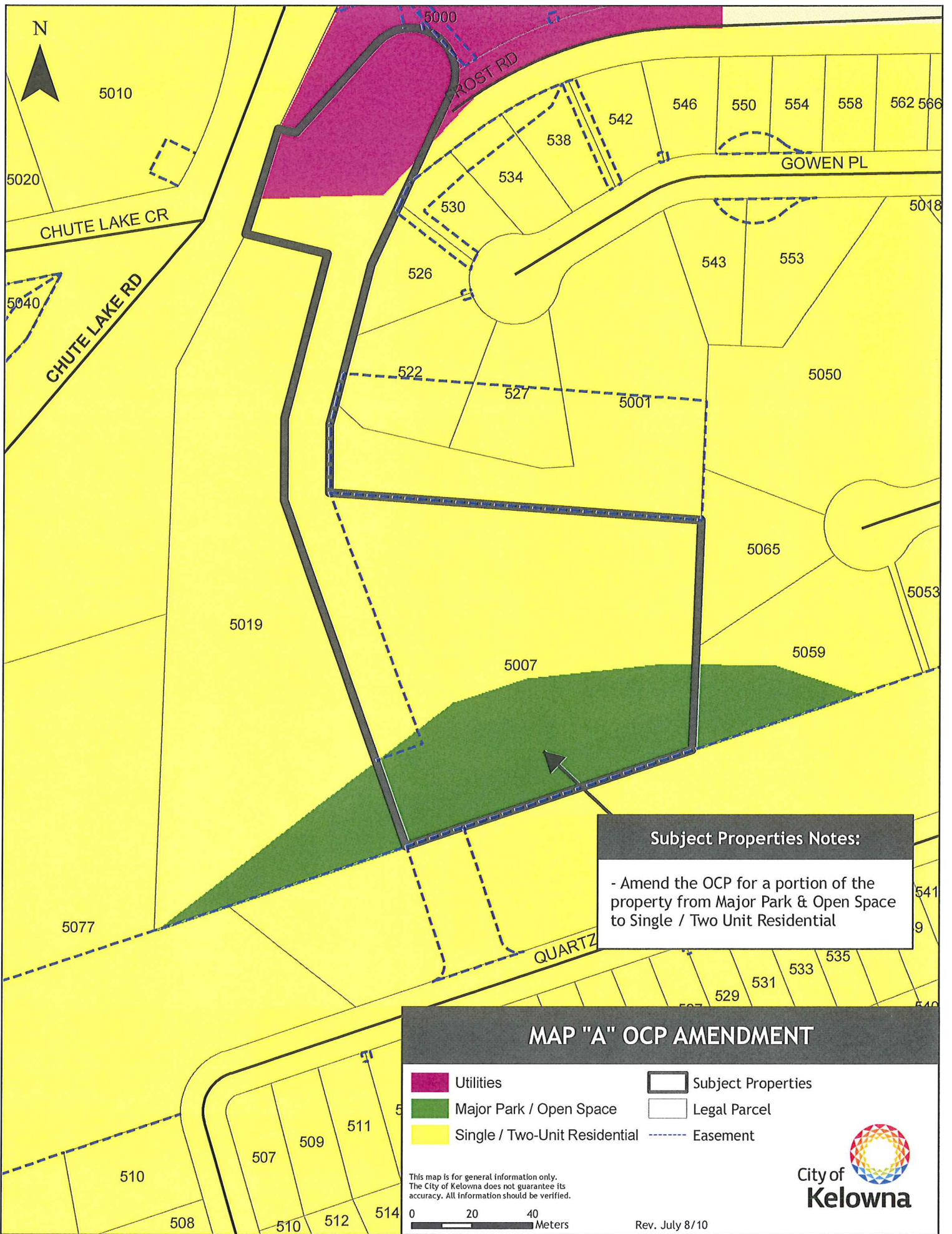
Subject Property Map
Map "A" OCP Amendment
Map "B" Proposed Rezoning
Plan of Proposed Subdivision
Development Engineering Requirements

File Chronology:

Date Accepted: September 19, 2007
APC: December 18, 2007 (rezoning) & June 3, 2008 (OCP amendment)
Application on hold: May 14, 2008 - Pending resolution of the required discharge of the access easement in favour of the abutting property. The applicant & his lawyer worked with the City's Real Estate Services, Development Engineering and the City's Solicitor in order to resolve this issue.
Confirmation that this has been resolved was received April 30, 2010.
Revised Development Engineering Comments: June 9, 2010
Revised Drawings Submitted: June 30, 2010









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.

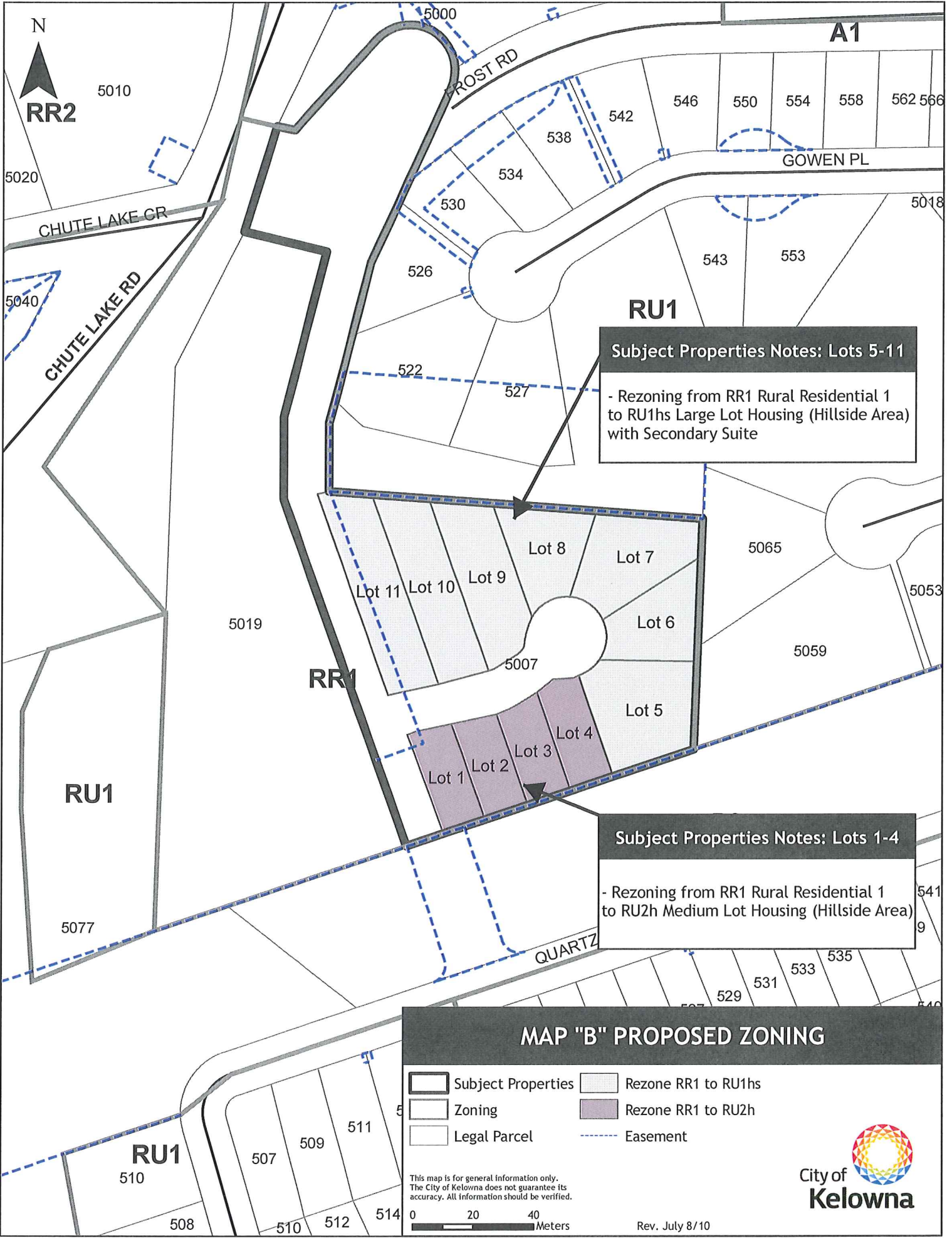


Subject Properties Notes:

- Amend the OCP for a portion of the property from Major Park & Open Space to Single / Two Unit Residential

MAP "A" OCP AMENDMENT

- | | |
|---|--|
|  Utilities |  Subject Properties |
|  Major Park / Open Space |  Legal Parcel |
|  Single / Two-Unit Residential |  Easement |



Subject Properties Notes: Lots 5-11

- Rezoning from RR1 Rural Residential 1 to RU1hs Large Lot Housing (Hillside Area) with Secondary Suite

Subject Properties Notes: Lots 1-4

- Rezoning from RR1 Rural Residential 1 to RU2h Medium Lot Housing (Hillside Area)

MAP "B" PROPOSED ZONING

Subject Properties	Rezone RR1 to RU1hs
Zoning	Rezone RR1 to RU2h
Legal Parcel	Easement

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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Rev. July 8/10



CITY OF KELOWNA
MEMORANDUM

Date: June 9, 2010
File No.: Z07-0079

To: Land Use Management Department (AW)

From: Development Engineering Manager

Subject: 5007 Chute Lake Road

RR1 to RU1h

Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

- a) This property is currently serviced with a 19mm-diameter water service. 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. This requirement can be deferred to subdivision.

2. Sanitary Sewer

- a) Our records indicate that this property is not serviced. Provide an adequately sized sanitary sewer system complete with individual lot connection.
- b) The property is located in Sewer Connection Area No. 28 (Okaview). The sewer charge for this property is currently **\$22,000.00**.
- c) 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.

3. 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. This requirement can be deferred to subdivision.

4. Roads

- a) Frost Road is designated an urban class 1 collector road. Dedicate the road in accordance with City standard SS-R5, 20.0m dedication, 10.3m road and sidewalk on both sides). This requirement can be deferred to subdivision.

5. Charges and Fees

- a) The property is located in Sewer Connection Area No. 28 (Okaview). The sewer charge for this property is currently **\$22,000.00** per lot. For rezoning the property the total is **\$22,000.00**.

Steve Muenz, P. Eng.
Development Engineering Manager

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