

Memo



Date: July 29/10

To: City Manager

From: Community Sustainability Division

File No: OCP10-0010/Z10-0057 **Applicant:** Mission Group Creations Ltd.

At: 2061 Garner Road/2045 Loseth Road **Owner:** Kirschner Mountain Estates Ltd/
Donald & Amy Kirschner

Purpose: TO AMEND THE BOUNDARIES OF THE MAJOR PARK/OPEN SPACE AND
SINGLE/TWO UNIT RESIDENTIAL OFFICIAL COMMUNITY PLAN FUTURE LAND USE
DESIGNATIONS FOR THE SUBJECT PROPERTIES

TO AMEND THE ZONING BOUNDARIES FOR THE SUBJECT PROPERTIES;
REZONING A PORTION FROM RU4H - LOW DENSITY CLUSTER HOUSING TO P3 -
PARKS AND OPEN SPACE, AND A PORTION FROM P3 - PARKS AND OPEN SPACE
TO RU4 - LOW DENSITY CLUSTER HOUSING

Existing & Proposed Zoning: RU4 - Low Density Cluster Housing
P3 - Parks & Open Space

Existing & Proposed Future Land Use: Single/Two Unit Residential
Major Park/Open Space

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT OCP Bylaw Amendment No. OCP10-0010 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 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the Major Park/Open Space designation to the Single/Two Unit Residential designation; and changing the Future Land Use designation of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the Single/Two Unit Residential designation to the Major Park/Open Space designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2010, be considered by Council;

AND THAT Rezoning Application No. Z10-0057 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 2061 Garner Road, Kelowna BC from the P3 - Parks & Open Space zone to the RU4 - Low Density Cluster Housing zone; and changing the zoning classification of a portion of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road from the RU4 - Low Density Cluster Housing zone to the P3 - Parks & Open Space, as shown on Map "B" attached to the report of the Land Use Management Department, dated July 29, 2010, 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 Land Use Management Department dated July 29, 2010;

AND THAT OCP Bylaw Amendment No. OCP10-0010 bylaw and 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 receipt of a plan of subdivision in a registrable form.

2.0 SUMMARY:

This application seeks to amend the OCP Future Land Use Designations and zoning boundaries for the subject properties, creating a linear park connection to existing single family development, and a more viable development area for the existing low density cluster housing parcel.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on July 20, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Bylaw Amendment Application No. OCP10-0010, for 2061 Garner Road and 2045 Loeth Road, to amend the boundaries of the Major Park/Open Space and Single/Two Unit Residential future land use designations of the subject properties.

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0057, for 2061 Garner Road and 2045 Loeth Road, to rezone a portion of the subject properties from the RU4h - Low Density Cluster Housing zone to the P3 - Parks and Open Space Zone and to rezone a portion of the subject properties from the P3 - Parks and Open Space zone to the RU4 - Low Density Cluster Housing zone.

APC Comment: While the Advisory Planning Commission supports the OCP Amendment, it was suggested by a Member that the Applicant expand the narrow band of dedicated park to a wider park corridor to ensure a usable corridor is created.

Land Use Management has confirmed with Infrastructure Planning that the park corridor is adequately sized.

4.0 BACKGROUND AND PROPOSAL:

The existing future land use designations and zoning for the area are based on the Kirschner Mountain Area Structure Plan (2001). Within the design concept, areas were identified for single family, multiple-unit residential and park/open space.

The applicant is requesting to rezone a portion of land zoned P3 - Parks & Open Space to RU4 - Low Density Cluster Housing to consolidate with the existing RU4 zoning to the south (2061 Garner Road). In exchange, a portion of the existing RU4 development parcel would be converted to P3 - Parks & Open Space, establishing an east-west linear park connection to Kloppenburg Ct. The areas being exchanged are of equal land area, creating no net loss in parkland. The proposed P3 - Parks & Open Space parcel would be transferred to the City upon subdivision approval.

The applicant has proposed the revised boundaries based on the topographical features of the site, and to assist in a more efficient site plan for future development. In addition, the proposed park corridor would take advantage of an existing trail on-site.

The proposed development parcel meets the requirements of Zoning Bylaw No. 8000 as follows:

Criteria	Proposal	RU4 Zone Requirements
Subdivision Regulations		
Site Area (m ²)	25,700m ²	6000m ²
Site Width (m)	280.0m	40.0m
Site Depth (m)	84.0m	30.0m

There are no minimum site dimension requirements for the P3 - Parks and Open Space zone.

4.1 Site Context

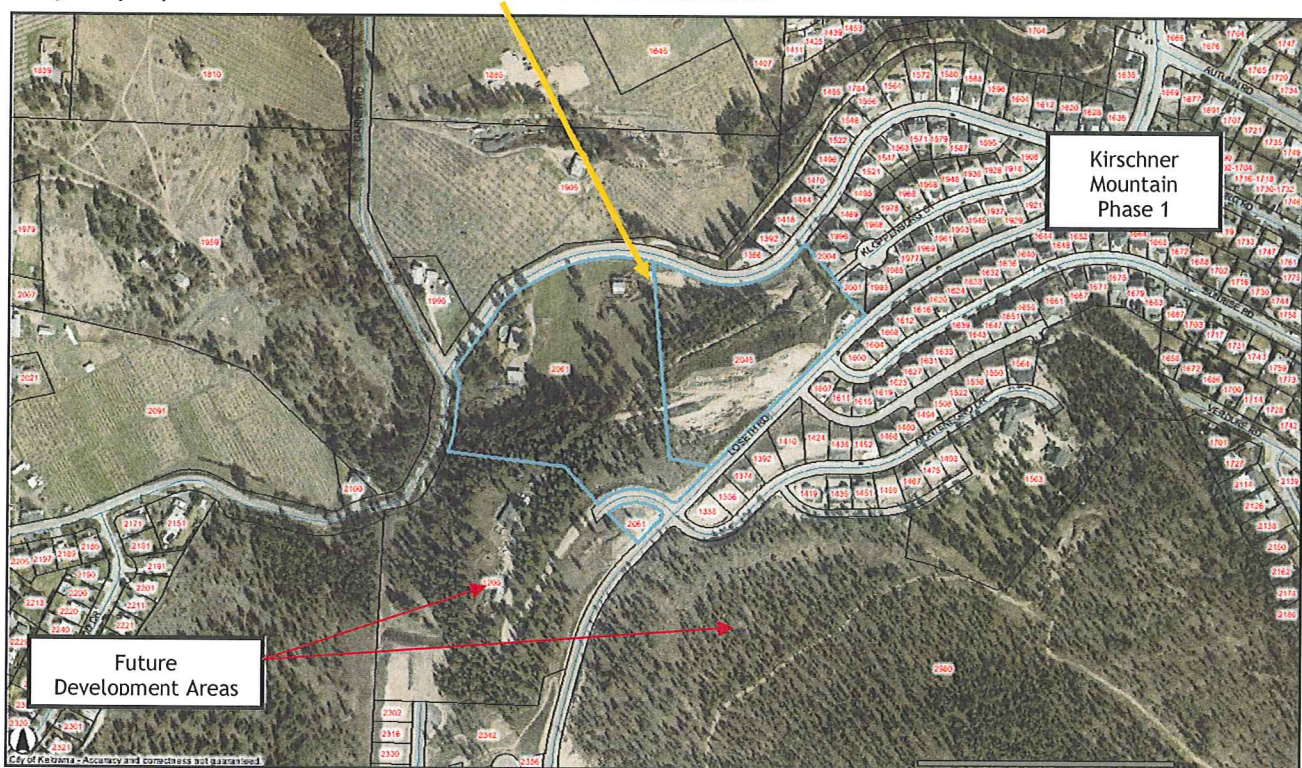
The subject properties are located in the northwest sector of the Kirschner Mountain area, between Garner & Loseth Roads.

Specifically, the adjacent zones and uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Agricultural/ALR Land
East	RU1 - Large Lot Housing	Existing Single Family Subdivision
South	RU1h - Large Lot Housing (Hillside Area)	Existing & Future Single Family Subdivision
West	A1 - Agriculture 1	Future Kirschner Mountain Development Phase

4.2 Site Location Map

Subject properties: 2061 Garner Road & 2045 Loseth Road



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 Kirschner Mountain Area Structure Plan (2001)

Active and passive open space, with significant inter-connected pedestrian access, will help create an integrated and cohesive community.¹

Pedestrian links and open space will be emphasized.²

Cluster housing may be used on the moderately sloping sites, and a means to preserve slopes >30% for open space.³

5.2 Official Community Plan

Cluster Housing: Encourage, especially in environmentally sensitive areas and areas of steep slopes, the creation of cluster housing to lessen the environmental impact. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features that otherwise could be developed.⁴

6.0 TECHNICAL COMMENTS:

The application was circulated to a number of departments and external agencies. No concerns were raised with the proposed OCP Amendment and Rezoning applications.

7.0 LAND USE MANAGEMENT DEPARTMENT:

The proposed OCP amendment and concurrent rezoning application do not compromise the objectives and policies of the Kirschner Mountain Area Structure Plan (2001). The changes are a reflection of the detailed site planning that has occurred since the establishment of the land uses through the Area Structure Plan process.

The proposed park corridor area would be more favourable than the existing Major Park/Open Space allocation, as the topographical limitations of the site prevent active park uses. The revised layout would add to the pedestrian linkages envisioned for the Kirschner Mountain development and surrounding community. The proposed open space parcel includes an existing, informal trail corridor.

The refined RU4 - Low Density Cluster Housing development parcel would be an improvement on the existing orientation, allowing more efficient access and building placement. A Development Permit to review form & character would be a requirement of a future cluster housing development on the RU4 parcel.

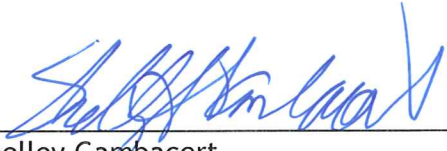
¹ Section 4.3(c) - Parks & Open Space Policies

² Section 4.5(e) - Transportation Policies

³ Section 4.2(c) - Residential Land Use Policies

⁴ Section 8.46

Submitted by:



Shelley Gambacort
Director, Land Use Management

Approved for inclusion:

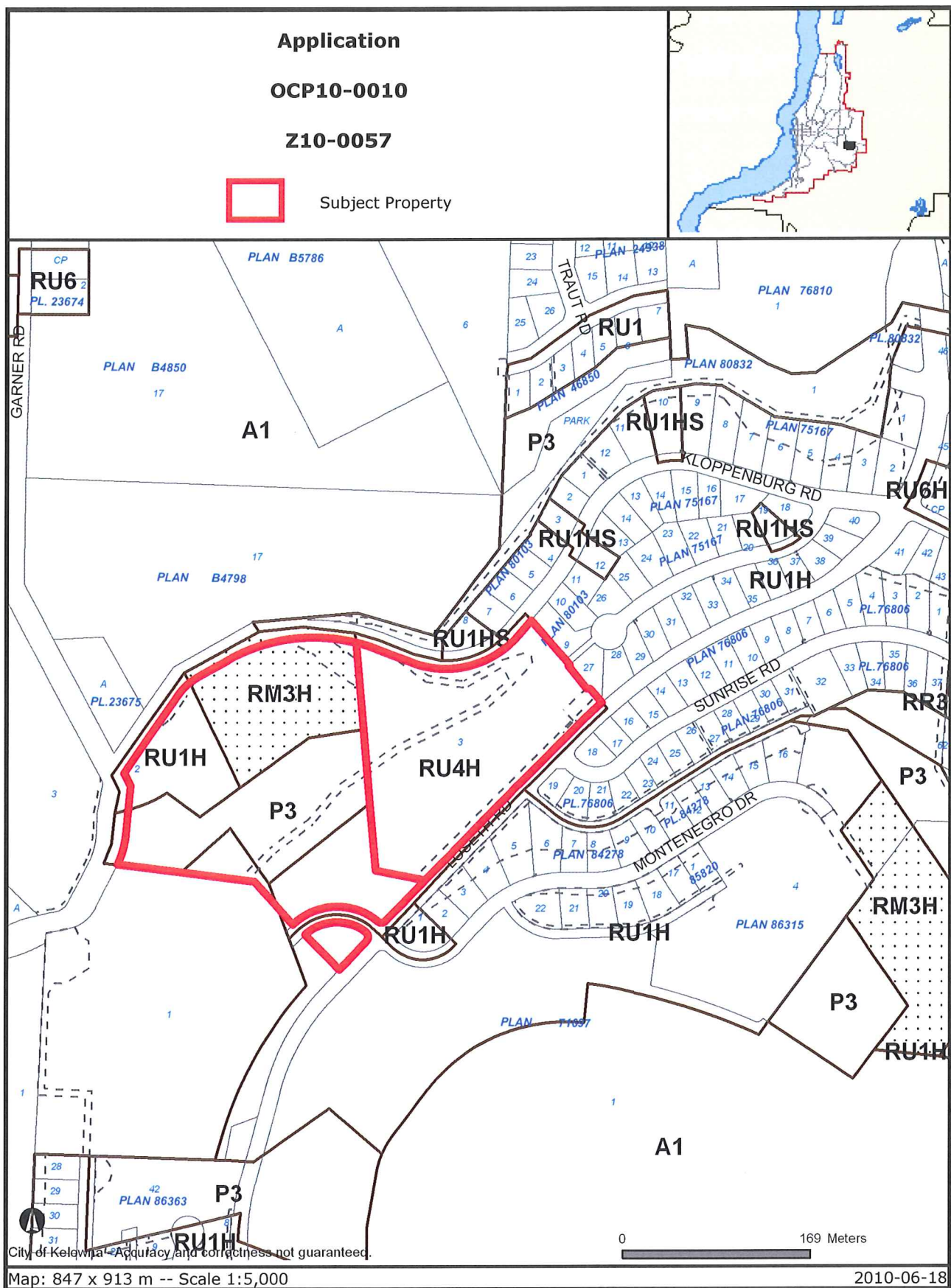


Jim Paterson
General Manager, Community Sustainability

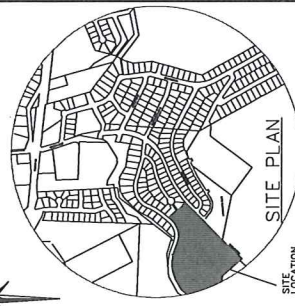
Attachments:

Subject Property Map
Existing OCP Future Land Use Designation
Proposed OCP Future Land Use Designation (Map "A")
Existing Zoning Plan
Proposed Zoning Plan (Map "B")

Date application accepted: June 18, 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.

[illegible]LEGAL DESCRIPTION

LOT 2, PLAN 86315, SEC. 13, TP 26, O.D.Y.D.,
LOT 3, PLAN 86315, SEC. 12 & 13, TP 26, O.D.Y.D.

LEGEND

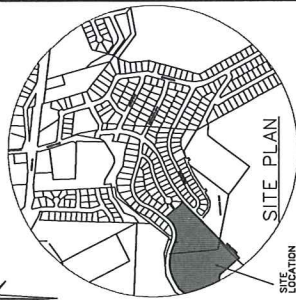
EXISTING QCP DESIGNATION

S2RES: SINGLE / TWO UNIT
RESIDENTIAL

MRL: MULTIPLE UNIT

PARK: MAJOR PARK /
OPEN SPACE
(PUBLIC OR PRIVATE)

[illegible]



LOT 2, PLAN 86315, SEC. 13, TP 26, O.D.Y.D.,
LOT 3, PLAN 86315, SEC. 12 & 13, TP 26, O.D.Y.D.

PROPOSED OCP DESIGNATIONS2RES: SINGLE / TWO UNIT
RESIDENTIAL

MRL: MULTIPLE UNIT
RESIDENTIAL
LOW DENSITY

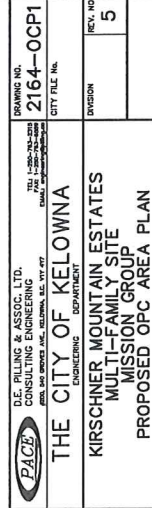
PARK: [REDACTED] MAJOR PARK / OPEN SPACE (PUBLIC OR PRIVATE)

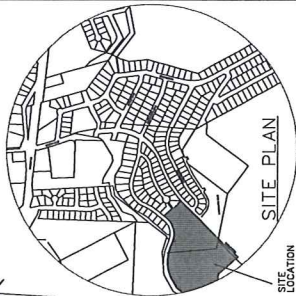
PROPOSED LAND TO BE REMOVED
FROM OCP PARK DESIGNATION: 3540m²

PROPOSED LAND TO BE ADDED
TO OCP PARK DESIGNATION: 3540m²

--- -- PROPOSED AMENDMENTS TO
THE OCP AND ZONING

MAP "A"

[illegible]

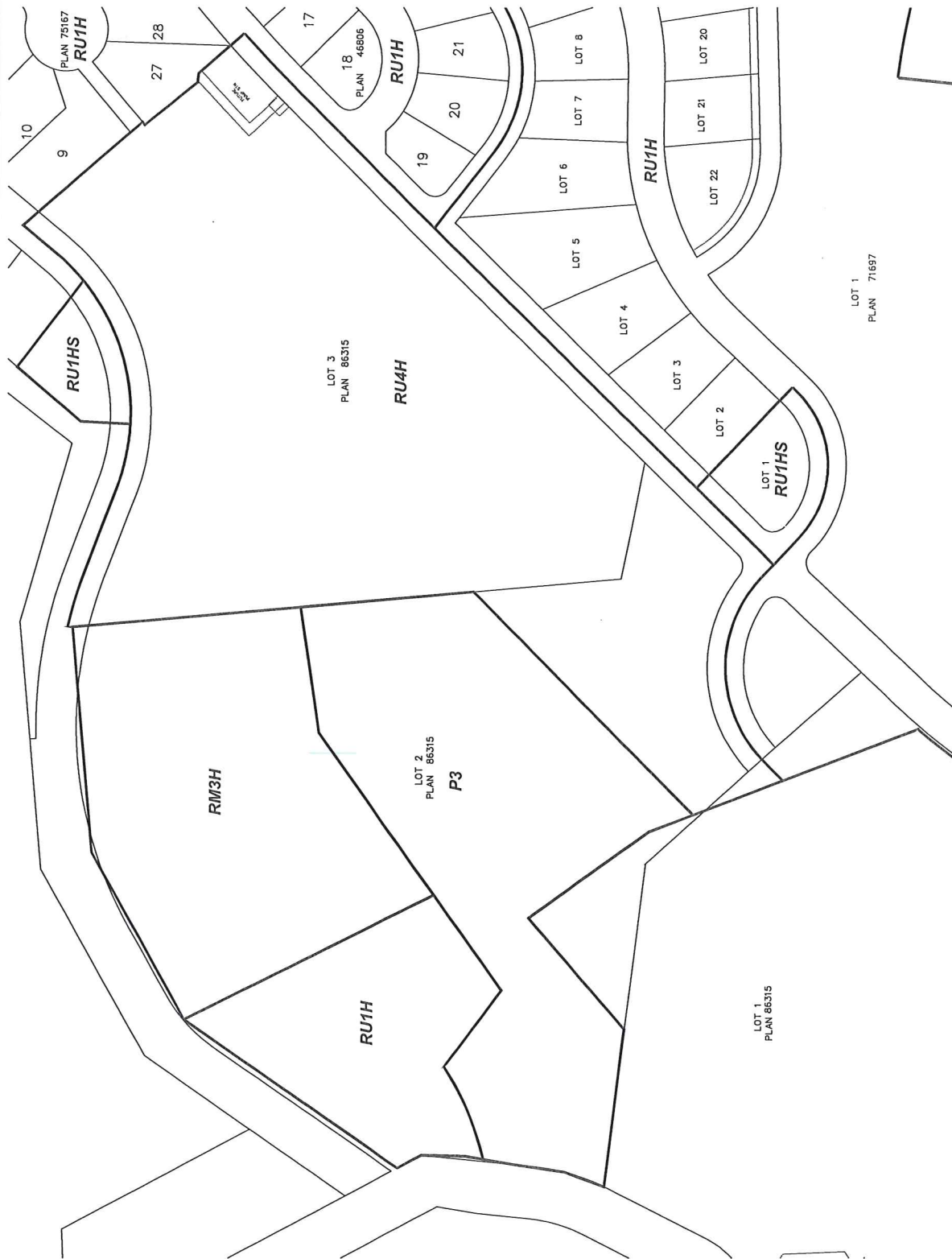


LEGAL DESCRIPTION

LOT 2, PLAN 86315, SEC. 13, TP 26, O.D.Y.D.,
LOT 3, PLAN 86315, SEC. 12 & 13, TP 26, O.D.Y.D.

LEGEND

————— EXISTING ZONE BOUNDARIES



LOT 1
PLAN 71697

[illegible]

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