

Memo



Date: 27 October 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: Z10-0075

Owner: Watermark Developments Ltd.

Address: 2960 Appaloosa Rd

Applicant: Watermark Developments Ltd.

Subject: Rezoning Application

Existing OCP Designation: Single/Two Unit Residential

Existing Zone: A1 - Agriculture 1 & RU2s - Medium Lot Housing with Secondary Suite

Proposed Zone: RU2s - Medium Lot Housing with Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z10-0075 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of part of Lot 5 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP8916, located on 2960 Appaloosa Rd, Kelowna, BC from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone as shown on Map "A" attached to the report of the Land Use Management Department, dated 27 October 2010, be considered by Council.

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Glenmore Ellison Improvement District being completed to their satisfaction.

2.0 Purpose

The applicant is proposing to rezone portions of the subject property from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone in order to facilitate a six lot subdivision and road re-alignment. Small portions of the property are already zoned RU2s.

3.0 Land Use Management

Watermark Developments Ltd, the developer of Sol Terra Ranch to the north, is seeking to formalize and complete the road re-alignment that was required by the City as part of their subdivision. Six additional residential lots are proposed in conjunction with this re-alignment.

The proposed rezoning complies with the current Official Community Plan future land use designation for the subject property (Single/Two Unit Residential), though the new draft OCP does propose a new Industrial - Limited future land use designation for the area.

4.0 Proposal

4.1 Project Description

The applicant is proposing to rezone portions of the subject property from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone in order to facilitate a six lot subdivision and feature entrance to Sol Terra Ranch and, principally, a road re-alignment. The proposed application compares with the Zoning Bylaw No. 8000 requirements for the RU2s - Medium Lot Housing with Secondary Suite zone as follows:

	Lot Area	Lot Width	Lot Depth
Required	400 m ²	13 m; 15 m (corner)	30 m
Proposed Lot 1	818 m ²	~ 19.5 m	~ 40 m
Proposed Lot 2	818 m ²	~ 22.2 m	~ 36 m
Proposed Lot 3	818 m ²	~ 55 m	~ 30 m
Proposed Lot 4	1101 m ²	~ 70 m	~ 30 m
Proposed Lot 5	823 m ²	18.0 m	~ 45 m
Proposed Lot 6	964 m ²	18.0 m	~ 53 m

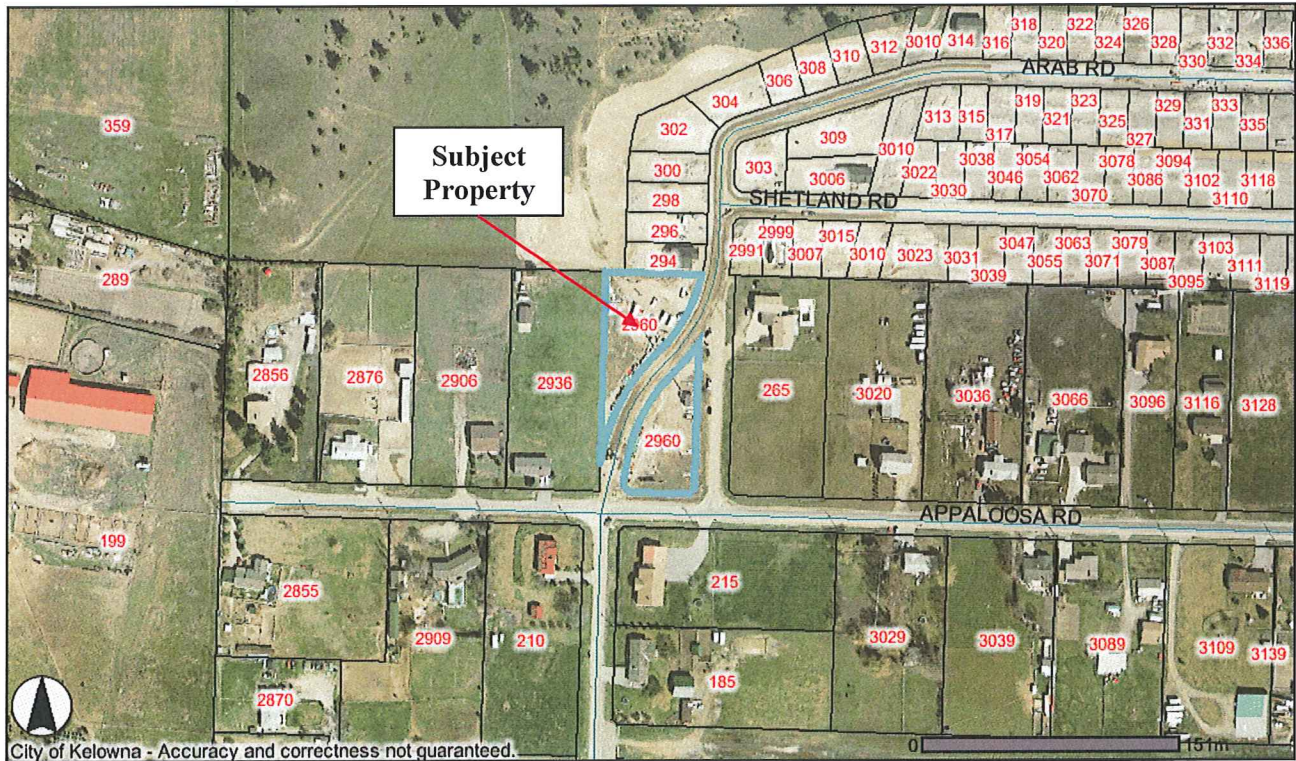
4.2 Site Context

The subject property is located in the Highway 97 OCP sector, specifically in the Sexsmith Road area, alongside a variety of agricultural and rural land uses. The property is adjacent to the Sol Terra Ranch subdivision and is being utilized to re-align Arab Road access to the subdivision.

Topographically, the site slopes generally down from the northwest to the southeast, with elevations in the range of 416-428 m. Recently subdivided lots to the north are intended for single detached dwellings (which may incorporate a secondary suite) and are typically 560 m² (6,000 sq ft) in size, whereas the existing pattern of rural/agricultural lots generally to the south and east are typically 7430 m² (80,000 sq ft) in size.

Specifically, the adjacent zones are:

Direction	Zone	ALR
North	A1 - Agriculture 1 & RU2s - Medium Lot Housing with Secondary Suite	No
South	A1 - Agriculture 1 & A1s - Agriculture 1 with Secondary Suite	No
East	A1 - Agriculture 1	No
West	A1 - Agriculture 1	No



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP) - Housing Policies (Chapter 8)

Housing Policies:

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

Integration. 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 Technical Comments

See attached.

7.0 Application Chronology

Date of Application Received: 2 September 2010

Advisory Planning Commission 28 September 2010

The above noted application was reviewed by the Advisory Planning Commission and the following recommendations were passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0075 at 2960 Appaloosa Road, to rezone portions of the subject property from the A1 - Agriculture 1 zone to the RU2s - Medium Lot Housing with Secondary Suite zone in order to facilitate a six lot subdivision.

APC/ANECDOTAL COMMENT:

The Advisory Planning Commission supports this Rezoning Application, however, the Commission encourages the Development Engineering Branch to develop plans for access

from the old Arab Road (i.e. should the new lots be notified that they cannot be guaranteed access from the old Arab Road indefinitely, and, should the old Arab Road be closed).

All Agency Comments Received 13 October 2010

Report prepared by:



Andrew Browne, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject property and zoning map

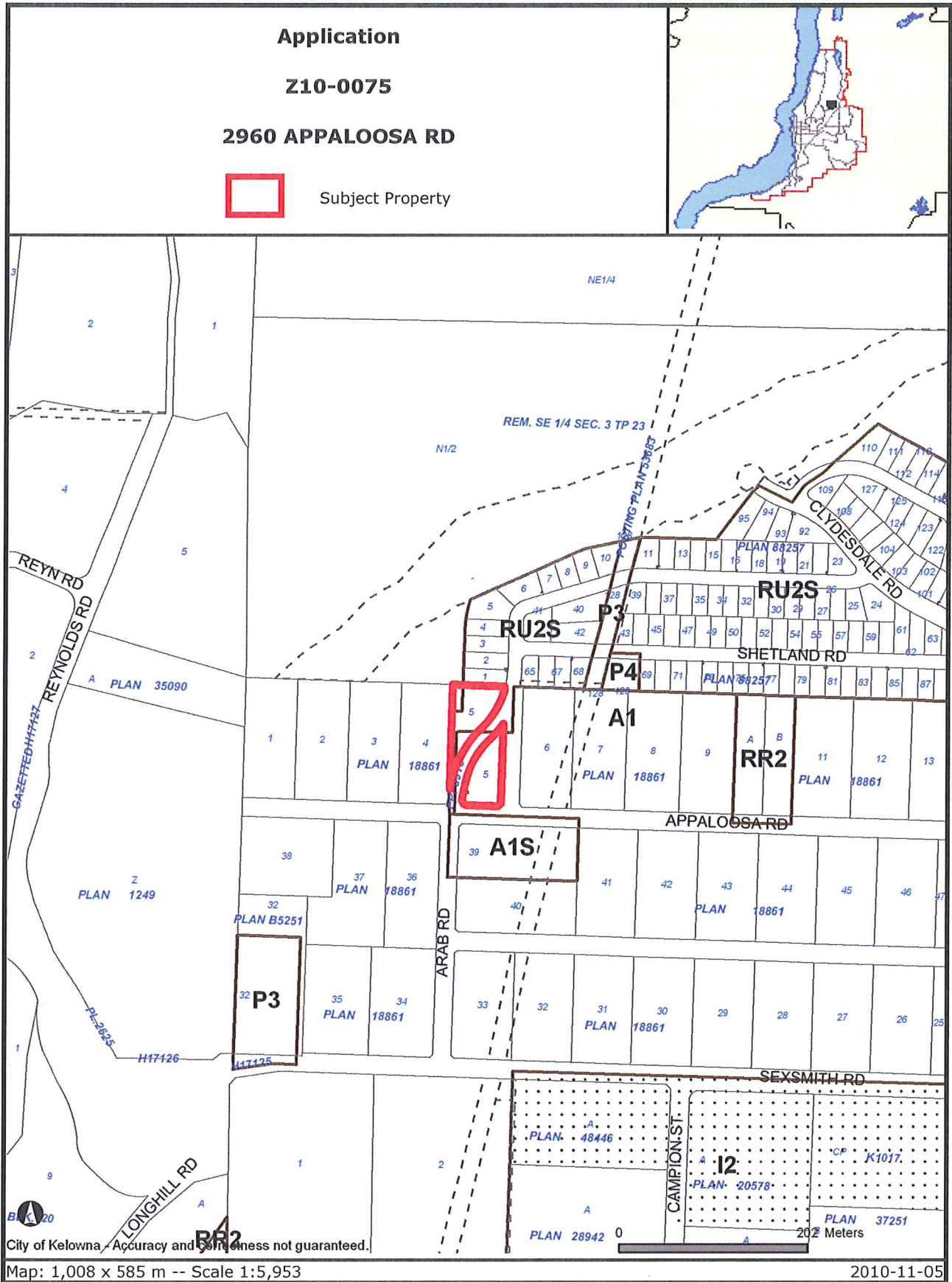
Draft rezoning and subdivision plan

Development Application File Circulation Report (2 pages)

Development Engineering technical comments (4 pages)

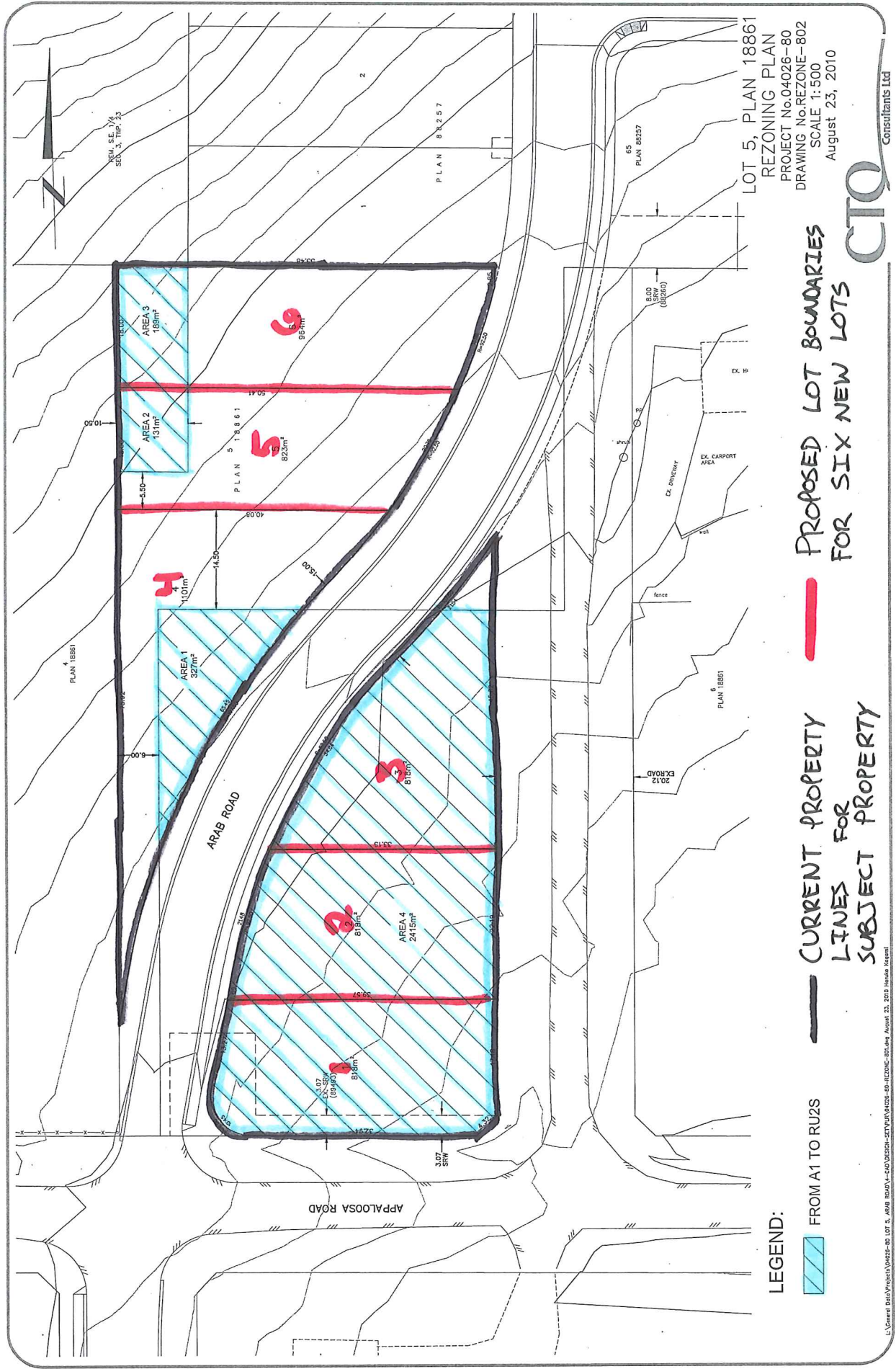
Glenmore Ellison Improvement District technical comments (3 pages)





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"



LOT 5, PLAN 18861
 REZONING PLAN
 PROJECT No.04026-80
 DRAWING No.REZONE-802
 SCALE 1:500
 August 23, 2010

LEGEND:

- FROM A1 TO RU2S
- CURRENT PROPERTY
- SUBJECT PROPERTY
- PROPOSED LOT BOUNDARIES

FOR SIX NEW LOTS



U:\General\2010\Projects\8026-80 DOT 5, Arab Road\4-240\2010-23\PLAN\8026-80-REZONE-802-04 August 23, 2010\Housa.Rohani

File: Z10-0075

Application

File: Z10-0075

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2010-09-02 2010-09-02 Information only.
				Building & Permitting 2010-09-02 2010-09-08 TKOWAL No comment.
				Canada Post 2010-09-02 2010-10-13 No comment.
				Development Engineering Branch 2010-09-02 2010-10-13 See "Documents" tab
				Fire Department 2010-09-02 2010-09-07 GPACHOLZ Additional addressing required. Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met. Fire separations are required between the suite and the main home as per BCBC 2006.
				FortisBC 2010-09-02 2010-10-13 No comment.
				Infrastructure Planning 2010-09-02 2010-10-13 No comment.
				Irrigation District - GEID 2010-09-02 2010-10-12 See PDF letter saved in P drive. No fundamental problems were identified in the letter; bonding and fees were identified.
				Ministry of Transportation 2010-09-02 2010-09-30 File No. 2010-04809 for Z file 2010-04810 for S file "Property is beyond Ministry jurisdiction, outside of 800 metres."
				Policy & Planning 2010-09-02 2010-10-04 The subject property is designated as Single / Two Unit Residential in the OCP and as such the proposed rezoning and subdivision would be in compliance and could be supported. The draft OCP is undergoing a review that could see a significant change in potential land use in this area that could impact the liveability of future low density residential development. The draft OCP to date has envisaged a Home Based Business Industrial designation for this general area. That in itself would not be so much of a problem with these proposed new lots as residential in that they could still be used for a more intensive industrial based home business in conjunction with the residential component. However, our more recent thinking, along with a development proposal for some of the properties in the Sexsmith Road area, is that it may be more appropriate to consider a new OCP designation - Industrial Limited. This new designation would allow a limited range of general industrial uses while maintaining compatibility with the residential uses within and adjacent to the Sexsmith / Appaloosa / Arab Road area. Purely residential uses on smaller lots may no longer be the norm in this area in the future and would likely be incompatible with a more industrial based development pattern. Given that the draft OCP is not official, and the proposed Industrial - Limited designation may or may not actually happen, it would be appropriate to support the proposed rezoning and subdivision. It is suggested that the applicant be made aware of the proposed OCP direction in case there is a desire to hold off on this application until Council has made some final decisions with respect to this area. The application for Industrial Limited zoning on four lots on Sexsmith should be going to Council soon and would a litmus test for Council and neighbourhood support for a change in use for the general area.
				Public Health Inspector 2010-09-02 2010-09-20 No objections. Hard copy of Interior Health (Vernon Office) letter dated Sept 17/10 in file. PDF saved in P:drive
				RCMP 2010-09-02 2010-10-13 No comment.
				Real Estate & Building Services Manager 2010-09-02 2010-09-10 KGENCE See "Remarks" Tab. RE&BS Comments for Inclusion in Council Report: Please contact the Manager, Real Estate Services, 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 1/2 x 11 copy, of any survey plans.
				School District No. 23 2010-09-02 2010-10-13 No comment.
				Shaw Cable 2010-09-02 2010-09-14 owner/developer to install an underground conduit system per Shaw Cable drawings and specifications.

File: Z10-0075

Seq	Out	In	By	Comment
	Subdivision Approving Officer 2010-09-02	2010-10-13		No comment.
	Telus 2010-09-02	2010-09-09		Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.
	Terasen Utility Services 2010-09-02	2010-09-10		Please be advised that Terasen Gas' facilities will not be adversely affected as we do not currently service the subject property. Therefore, Terasen Gas has no objection to the proposed applications for purposes of a 6 lot subdivision.

CITY OF KELOWNA
MEMORANDUM

Date: October 5, 2010
File No.: Z10-0075
To: Land Use Management (AB)
From: Development Engineering Manager (SM)
Subject: Rezoning Application – A1 to RU2S

LOCATION: 2960 Appaloosa Road Existing Zone A-1 Proposed Zone RU2S
APPLICANT: John Hertay
LEGAL: Lot 5 Plan 18861

WORKS AND SERVICES REQUIREMENTS

The City's Development Engineering Branch will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan.

The Development Engineering Technologist for this project is Derek Corning.

The following Works & Services are required for this rezoning:

.1 General

Dedicate the required land to provide a SS-R4 standard for the extension of Arab Road through the subject property.

.2 Geotechnical Report

We recommend that a comprehensive geotechnical study be undertaken over the proposed building 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 subdivision. As well, the study should address drainage patterns including the identification of ground water and the presence of any 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 and the recommendation for foundations and construction over the decommissioned sewage disposal field.

.3 Water

- a) The property is located within the GEID service area.
- b) Provide an adequately sized domestic water service to the lot.

.4 Sanitary Sewer

- a) Provide an adequately sized sanitary service to the lot.
- b) Remove or relocate any existing service connections encroaching on the proposed lots.
- c) The property is adjacent to the Sewer Connection Area #35 and as such is required to join Connection Area #35 and pay the Connection Area Charges. The charge is currently set at \$19,500.00 per SFE (Single Family Equivalent) and RU2S is considered 1.5 SFE. This rezoning will require the payment of **\$29,250** (1.5 x \$19,500) subject to council adoption of the connection area bylaw amendment.

.5 Drainage

The Subdivision, Development and Servicing Bylaw require 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 hydro-geotechnical 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.

.6 Roads and Dedication

- a) Arab Road fronting these properties has been constructed to a Minor Collector standard (SS-R4) including curb, gutter and sidewalk, piped storm drainage system, fillet pavement, street lights.
- b) Appaloosa Road fronting these properties must be constructed to a full urban collector standard complete with curb and gutter, sidewalk, storm drainage system, fillet pavement, street lights, and adjustment and, or re-location of existing utility appurtenances if required to accommodate this construction.
- c) The original Arab Road to the east of lots 1,2 and 3 will require a turnaround at the north end. It should also be noted that the Street name will need to be changed.

.7 Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground.
- b) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- c) Streetlights must be installed on all roads. Design drawings must be submitted.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- e) Before making application for approval of your subdivision plan, please make arrangements with FortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.

.8 Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9 Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, “Security for Works and Services”, of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10 Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City’s Development Manager.

.11 Charges and Fees

- a) Fees per the “Development Application Fees Bylaw” include:
 - i) Survey Monument, Replacement Fee: \$1,200.00 (HST exempt) – only if disturbed.
 - ii) Engineering and Administration Fee: 3% of construction value (plus HST).

b) Bonding

Appaloosa Road frontage Improvements	\$ 33,200
Arab Road turn around (Rear)	\$ 7,000
Lot Servicing	\$ 10,000

c) Levies

Sewer Connection Area #32	\$ 29,250
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Steve Muenz, P.Eng.
 Development Engineering Manager
 DC



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

October 6, 2010

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

Attention: Andrew Browne

**Re: Watermark Developments Ltd - 6-lot subdivision
City of Kelowna Files: Z10-0075 & S10-0057
2960 Appaloosa Rd.**

Glenmore-Ellison Improvement District (GEID) has completed a review of the proposed six (6) lot subdivision of Lot 5, Plan 18861 at 2960 Appaloosa Road, under the above-noted applications.

The subject property is located within GEID boundaries, and is presently assessed by GEID with 1.75 acres "D" grade land (land with no water). The present application, submitted by Watermark Developments, proposes to subdivide the property into six residential lots.

Fireflow Availability and Hydrants

In May 2007, GEID's engineering consultant, Agua Consulting Inc., completed a review of available fire flows and pressure zones in the College Heights and adjacent areas. The proposed subdivision is within GEID's PZ502 (Scenic) zone, and adequate fire flows are available to meet the minimum requirement of 60 L/s for residential areas.

Hydrant spacing and flow rates must conform to City of Kelowna Bylaw # 7900. GEID requires that the developers have hydrant locations and spacing reviewed by the City of Kelowna Fire Department, and that a written response be provided to GEID prior to constructing the proposed water works. In the event that additional hydrants are required by the Kelowna Fire Department, hydrant purchase, connection, and installation shall be at the applicant's cost.

Water Works

We note that the property owner is responsible for providing water works within the new subdivision. The Owner's engineer is to complete inspections during construction, in accordance with GEID's inspection policy.

The Applicant must submit two (2) copies of engineered plans in accordance with City of Kelowna and GEID servicing bylaws and policies, for review.

Review and approval by GEID, the City of Kelowna, and IHA is required for the design of all water works in public roadways that are completed by the developer.

A performance bond in the amount of 125% of the estimated cost to complete the water works is required. The performance bond will be released upon completion of the water works, acceptance of these facilities by GEID, and receipt of a maintenance bond. The maintenance bond shall be in the amount of 25% of the construction cost of the water works, and shall be provided to GEID for a minimum one-year period after final inspection and acceptance of the works by GEID. In the event that works are not completed to the satisfaction of GEID, the works may not be accepted, or a longer maintenance bonding period may be required.

Upon completion of the water works, the Owner's engineer must provide the following prior to connecting the new works to the existing GEID-owned water mains:

- a. A stamped certificate that all water works have been constructed according to the approved plans and good engineering practices;
- b. Bacteriological testing results; and
- c. Pressure test results.

3. Capital Expenditure Charges (CEC's)

Payment of Capital Expenditure Charges (CEC's) is required for each new parcel. GEID Bylaw # 84 presently states that non- irrigated land CEC's are payable at a rate of \$3,600 per parcel, for a total of \$21,600.00 for the six (6) residential lots.

4. Connection, Administration and Inspection Fees

The applicant is responsible for GEID connection, administration and inspection/observation fees for the water works.

Connection fees are payable in the amount of \$1,000 for GEID staff time to observe and assist the developer's contractor with the live tapping of service connections onto GEID's existing water main at the developer's expense. Administration fees are payable in the amount of \$100 (10% of connection fees). Inspection and observation fees are payable in the amount of 1% of estimated construction costs, with a minimum of \$1,000.

5. New Account Fees

GEID Bylaw #76 states that all new accounts or transfer of ownership shall pay a fee of \$20.00/parcel. Therefore for the proposed six lot subdivision, the fees are \$120.

6. Summary of Engineering Submissions and Payables

In order to provide water service to the proposed subdivision, GEID requires payment of applicable fees along with completion of off-site works.

Prior to issuance of a Water Service Certificate (required by the City of Kelowna prior to subdivision), GEID requires the following:

- Performance bonding for water works in the amount of 125% of the estimated waterworks (to be supplied by the applicant);
- Payment of Capital Expenditure Charges for 6 residential lots, in the amount of \$21,600.00.

- Connection fees in the amount of \$1,000, payable prior to issuance of a water letter, and administration fees in the amount of \$100 (10% of connection fees);
- Inspection fees in the amount of 1% of the water works construction costs, with a minimum amount of \$1,000; and
- New Account Fees for 6 parcels in the amount of \$120.

Prior to permitting water works construction to proceed, GEID requires all of the above and the following:

- Written confirmation from Kelowna Fire Department that they have reviewed and approve the hydrant spacing;
- GEID to provide comments on the servicing drawings to be supplied by the applicant. Revisions will be required as necessary prior to resubmission to GEID for final approval for construction. Submit one (1) copy of revised engineering plans, in accordance with City of Kelowna and GEID servicing bylaws and policies, completed by a Professional Engineer who is registered and insured in the Province of British Columbia;
- Provide City of Kelowna approved drawings; and
- Provide Interior Health Authority Waterworks Construction Permit, for the revised water works.

Prior to permitting connection to GEID's existing water works, GEID requires all of the above, and the following:

- Satisfactory installation of the new water works within the proposed subdivision;
- Submission of daily inspection reports by the Owner's Engineer in accordance with GEID requirements; and
- Satisfactory water works pressure test results and bacteriological results;

Prior to the release of the construction performance bond into a maintenance bond, GEID requires all of the above, and the following:

- Signed and stamped as-built drawings for all water works;
- Stamped certification by the Owner's Engineer that all works have been installed in accordance with approved plans;
- One year maintenance bond in the amount of 25% of the value of the works that will become property of GEID; and
- Completion of all water works in accordance with GEID standards, including satisfactory inspection by GEID and amendment of all deficiencies.

If you have any further questions please contact me at (250) 763-6506.

Sincerely,

GLENMORE-ELLISON IMPROVEMENT DISTRICT



Darren Schlamp, B.Sc.
Operations Manager

cc: Watermark Developments (via email: johnhertay@highlinerealty.com)