

Memo



Date: June 27, 2011
File: ASP10-0001
To: City Manager
From: Land Use Management, Community Sustainability
Subject: North Clifton Road Area Structure Plan - Request for Authorization

Recommendation:

THAT Council authorize the preparation of an Area Structure Plan for a maximum of 200 dwelling units on the following properties, in accordance with Council Policy No. 247:

- Lots 1 and 2, Section 17, Township 23, ODYD, Plan 65503;
- S ½ NE ¼, Section 17, Township 23, ODYD; and
- N ½ NE ¼, Section 17, Township 23, ODYD.

Purpose:

To consider a request for authorization to prepare an Area Structure Plan for the North Clifton area, in accordance with the Kelowna 2030 - Official Community Plan and Council Policy No. 247. The applicant is seeking authorization to investigate the potential for the development of up to 230 dwelling units, consisting predominantly of single dwelling housing, along with some potential for cluster housing.

Land Use Management Comments:

The Kelowna 2030 - Official Community Plan (OCP) directs the majority of development to urban centres in the form of multi-unit residential development. However, the OCP does make some provision for low density development in several specific areas of Kelowna identified in the plan. Clifton Road North is identified in the OCP as a potential Area Structure Plan (Map 4.1 Generalized Future Land Use and Table 4.2 - Potential ASP Development Components) and the growth strategy indicated in Map 3.1 New Housing Distribution and Table 3.5 provides for up to 200 dwelling units. The corresponding 20 Year Servicing Plan and Financing Strategy was developed on the basis of 200 dwelling units in the North Clifton area.

The subject properties contain many challenging constraints to development, including steep slopes, environmentally sensitive features, and wildfire hazard. While these challenges are understood to be common among hillside development, there are additional features with which staff will be concerned, focused specifically on the visual impact of hillside development and the preservation of Kelowna's views.

Over and above the 200 dwelling units considered by the Servicing Plan, the applicant is seeking permission for an additional 30 dwelling units (total 230 units), or an increase in density of 15% in exchange for "energy conservation" and "other sustainable measures". While Staff encourage the incorporation of sustainable features in all new development, the proposed increase in density beyond what is contemplated by the 20 Year Servicing Plan may require alterations to that plan. Further, the nature of those sustainable features is not clear, nor is it clear to Staff that these

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features may not be accomplished under the existing density. Should Council so desire, the Alternate Recommendation considers pursuing the additional density in exchange for sustainable features.

Despite these substantial challenges, Land Use Management recommends that the applicant be authorized to engage the appropriate professional resources to work with Staff to examine the viability of development on the subject properties. The completed assessment will be presented to Council in the form of an ASP for further consideration.

Proposal:

Background:

In November of 2010, the proponent made application to the City to initiate an Area Structure Plan (ASP) for the North Clifton area. During initial discussion with Staff, it was determined that the ASP request was inconsistent with the OCP in effect at that time. Specifically, the boundaries of the proposal were inconsistent with those outlined in the OCP.

Subsequently, the proponent made some adjustments to their original proposal and made a formal submission to the OCP review process requesting that the new OCP make provision for an ASP in the North Clifton area consistent with their adjusted proposal. The new OCP has been adopted and it has made provision for the development of an ASP for the North Clifton Road area.

It should be noted that the recently finalized 20 Year Servicing Plan only considers 200 dwelling units in the subject area.

While the application requesting authorization to prepare an ASP does contain some details regarding servicing, these details should be understood to be preliminary and conceptual in nature. Details regarding all aspects of the proposal will be addressed in the next phases of ASP development.

Should the request be authorized, the next phases of the ASP process are as follows, as outlined in Council Policy No. 247¹:

1. Development of a Terms of Reference (TOR) in cooperation with the Applicant, City staff, and legal representation, as necessary;
2. Preparation of a draft ASP for review by City staff, in accordance with the TOR;
3. Preparation of second draft ASP for review by City staff;
4. Holding of a Public Information Meeting (PIM);
5. Submission of Final draft ASP and associated OCP and Zoning Bylaw amendment applications;
6. The remainder of the process will follow standards practices for OCP / Zoning Bylaw amendments.

Project Description:

The applicant proposes to undertake the preparation of an Area Structure Plan (ASP) over four parcels lying between the north end of Clifton Road and the southern boundary of the McKinley Landing neighbourhood. These parcels are largely undeveloped and in their natural state.

¹ Council Policy No. 247 - Hierarchy of Plans (Sector Plans/Structure Plans/Redevelopment Plans), approved June 4, 1996

The proposal includes the development of up to 230 dwelling units consisting principally of single dwelling housing, with the potential for some compact cluster housing, conceptually identified in nine "development nodes" (see Attachment). None of the properties are presently serviced by water or sanitary sewer.

The proponent will explore with City staff issues such as servicing, road access, storm drainage, topography, and environmentally sensitive features before bringing the ASP forward for Council consideration.

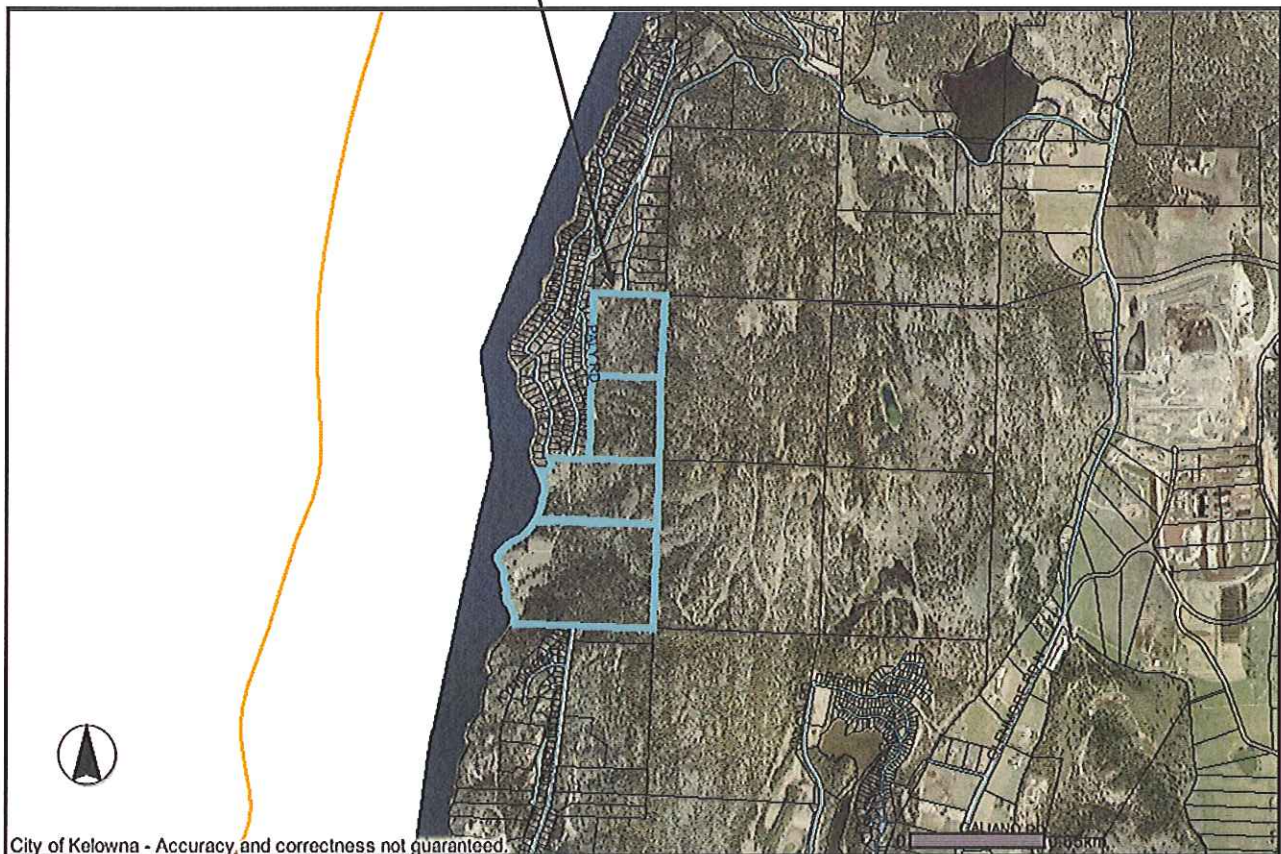
Site Context:

The subject properties are situated between the southern end of the McKinley Landing neighbourhood and the northern terminus of Clifton Road. The properties have seen limited forestry and agricultural uses in the past, but remain principally in their natural state. Some recent wildfire mitigation work has been undertaken in the area.

There is one existing residence on the southwest portion of the lands, which is accessed from a driveway extending from the south end of Bennett Road in the McKinley Landing neighbourhood.

Existing environmental information suggests that there are several areas containing sensitive terrestrial habitat, and the foreshore is comprised of very high value Kokanee spawning habitat. Also, the terrain on the subject properties is challenging, with a large proportion of land exceeding a slope of 30%.

Subject Property Map: Proposed ASP parcels



Internal Circulation:

Policy & Planning
Infrastructure Planning
Development Engineering Branch
Real Estate & Building Services

Hierarchy of Plans:

Area Structure Plans provide an important link between an OCP, which is prepared at a broad community scale, and an actual development proposal prepared at a property scale. ASPs provide Council and Staff with the ability to identify impacts, to resolve issues, and to set standards for larger scale developments in advance of a formal rezoning or Development Permit application.

Existing Policy:

Council Policy No. 247 establishes the Hierarchy of Plans and lays out the broad processes by which an ASP is to be prepared (outline above under "Background"). This policy is reinforced by direction in the OCP that describes the role of ASPs. Further, the OCP makes specific provision for the preparation of an ASP in the North Clifton Road area in Chapter 4 of the document and on the associated Future Land Use Map.

The request for authorization is consistent with Council Policy No. 247 and with the maps and guidelines of the OCP.

Financial/Budgetary Considerations:

The application fee required for the preparation of Area Structure Plans reflects the magnitude of these plans and their impact on staff time and associated legal resources. As such, it is not anticipated that there will be significant financial or budgetary consideration. However, it is difficult to anticipate the precise costs for each application.

Personnel Implications:

The development of Area Structure Plans does require significant staff resources from multiple departments. Staff resources will be principally required from the Land Use Management Department, where it is anticipated that 20% of the time of one Land Use Planner will be required throughout the ASP process.

Other departments, such as Infrastructure Planning, Policy & Planning, Development Engineering, Subdivision, and Real Estate and Building Services will also be impacted to varying degrees.

External Agency/Public Comments:

The coming phases of the ASP process will provide opportunities for both external agencies and the general public to submit comments and to make representations. The application will be referred to external agencies as necessary, and the public will be provided with multiple opportunities to provide input including the holding of a Public Information Meeting, an Advisory Planning Commission meeting, and a Public Hearing. Further opportunities will be considered where appropriate during the development of the ASP.

Alternate Recommendation:

THAT Council authorize the preparation of an Area Structure Plan for a 200 dwelling units on the following properties, in accordance with Council Policy No. 247:

- Lots 1 and 2, Section 17, Township 23, ODYD, Plan 65503;
- S ½ NE ¼, Section 17, Township 23, ODYD; and
- N ½ NE ¼, Section 17, Township 23, ODYD.

AND THAT an additional 30 dwelling units be considered in the Area Structure Plan subject to the incorporation of significant community amenities in the development, such that the proposed additional units will create no net increase in greenhouse gas emissions;

AND THAT the applicant engage the appropriate Qualified Professionals to undertake an investigation into the impact of the additional 30 dwelling units on the 20-year Servicing Plan.

Submitted by:



James Moore, Land Use Planner

Reviewed by:



Danielle Noble, Urban Land Use Manager

Approved for Inclusion:

for:



Shelley Gambacort, Director, Land Use Management

Attachments:

Letter from City of Kelowna, dated December 17, 2010
Letter from Applicant, dated February 3, 2011
Site Plan



Our Job: 300-448

February 3, 2011

Environmental & Land Management
City of Kelowna
1435 Water Street
V1Y 1J4

Attention: Mr. Todd Cashin

Dear Sir:

Re: Area Structure Plan for North Clifton Road: ASP10-0001

Further to your letter dated December 17, 2010, we have had the opportunity to consider the options presented and have reviewed them in detail with our client. While we may still disagree with your interpretation of the current OCP and in particular Table 19.1 with respect to what is currently envisioned for the subject properties, we appreciate that the City has presented options to move forward that are progressive and logical.

In general terms, we agree to follow the process outlined as Option 2. We have included a schematic plan for the new boundaries for the ASP Area and the permanent growth boundary for the subject properties. The contemplated development areas shown on this diagram are supported by the topographical conditions, the existing hazardous conditions study and the overall Environmental Impact Assessment that are referenced and included with our original ASP request submission. You will note that there is a development node located outside of the proposed growth boundary and the proposed ASP boundary. This has been left on the plan but will not be pursued for development consideration as part of the ASP process.

With respect to the four bullet points that you have indicated as general condition for your support, we are in agreement with them all but would like to add one modifier to the maximum number of units. We would like to include the potential to increase the maximum potential units by 15% (or 30 units) provided that the additional density is achieved through innovative design and demonstrates significant efforts towards energy conservation and other sustainable measures. We don't think this additional density needs to be finalized at this stage but we would want the opportunity to demonstrate our ability to achieve this when we are actually preparing the ASP for consideration.

We appreciate your consideration and the options presented to us. We look forward to the adoption of the new OCP and proceeding with the ASP process in due course.

Regards,
Site360 Consulting Inc.



Andrew Bruce
Senior Project Manager

cc: **Lakeside Communities**
City of Kelowna Signe Bagh, Policy and Planning
Gary Stephen, Long Range Planning Manager
Shelley Gambacort, Director, Land Use Management
Danielle Noble, Urban Land Use Manager



Andrew Bruce
Senior Project Manager
Site 360 Consulting/MMM Group
540 Leon Avenue
Kelowna, BC
V1Y 6J6

December 17, 2010

Dear Mr. Bruce,

Re: Application for Authorization to Prepare an Area Structure Plan for North Clifton Road
(Our File: ASP10-0001)

This letter is to follow up the December 10th, 2010 meeting at City Hall where it was discussed how best to proceed with the proposed Area Structure Plan (ASP) for the North Clifton Road area. City Staff recommended that the meeting be held due to comments received during the internal circulation process for the application that indicated that an amendment to the current Official Community Plan Bylaw (OCP) would be required prior to proceeding to Council with a request for authorization.

As discussed in the meeting, Staff would be prepared to support the preparation of an ASP for North Clifton road provided that it includes:

- the four (4) properties shown in your current application (see *Attachment 1*);
- an adjusted western ASP boundary to exclude the significant environmental features and steep slopes;
- a maximum of 200 dwelling units; and
- all other relevant City requirements as determined through the internal review process.

To confirm, the current OCP only contemplates development in the North Clifton Road area with a minimum lot size of 1ha on three parcels¹. The ASP application proposes to exceed this density limit and to adjust the ASP boundary to include four (4) parcels. Therefore, it remains the position of Staff that amendments to the OCP would need to be approved by Council prior to authorizing the preparation of an ASP as proposed for the area.

A further relevant note is that it is the intention of Staff to bring forward the draft OCP for Council consideration early in the new year, and that the estimated timeline for adoption could be as short as four (4) months after the introduction of the bylaw.

Given this, Staff have identified three (3) potential options for your proposal to proceed. Each is outlined below and assumes the conditions noted above.

Option 1 – ASP Application under Current OCP: this option reflects the current application submitted with the City. However, as noted above, before Council may authorize the preparation of an ASP which exceeds current density limitations and with an altered boundary, amendments to

Land Use Management
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8626
FAX 250 862-3320
kelowna.ca

¹ Kelowna 2020 Official Community Plan Bylaw No. 7600, pg. 19-5, Table 19.1, Footnote 1

the current OCP will be required. If approved, the request for authorization to prepare the ASP may proceed to Council. The estimated timeframe for an OCP amendment in this case is between 3-7 months.

Under this option, please be aware that there is the potential for a discrepancy between the estimated timelines for the adoption of the draft OCP and the adoption of an amendment under the current OCP. As a possible consequence, the new OCP may be adopted without the proposed changes while the amendment application is still in process.

Please also be aware that Staff support does not guarantee Council support for the proposed change

Option 2 – New OCP Public Process Submission: in coordination with Option 1 or by itself, this option would involve you providing a reasoned submission to the public process for the draft OCP – supported by necessary evidence and including updated environmental work – requesting an amendment to the proposed Permanent Growth Boundary and ASP boundary.

Staff would be prepared to support this proposed change to the draft OCP provided the submission includes the four (4) properties as proposed in your current application, an adjusted western boundary to exclude some environmentally sensitive lands (as discussed in our meeting), and a maximum of 200 dwelling units.

Once again, please be aware that Staff support does not guarantee Council support for the proposed change.

If adopted as proposed, the new OCP would then provide a clear direction for authorization to prepare an ASP for North Clifton Road.

Option 3 – Application without OCP Amendments: despite the above, you may still proceed with the preparation of an ASP under the policy direction of the current OCP, which includes three (3) lots and a minimum lot size of 1ha. This would avoid the requirement for any OCP amendments until the ASP is approved by Council.

Under this scenario, a revised application would have to be submitted and re-circulated for review by City departments.

Once you have had the opportunity to review the above and to give the options due consideration, please advise staff of how you wish to proceed. In the meantime, if you have any questions or if you require any additional information, please don't hesitate to contact the file manager, James Moore, Land Use Planner, at (250) 469-8959.

Sincerely,



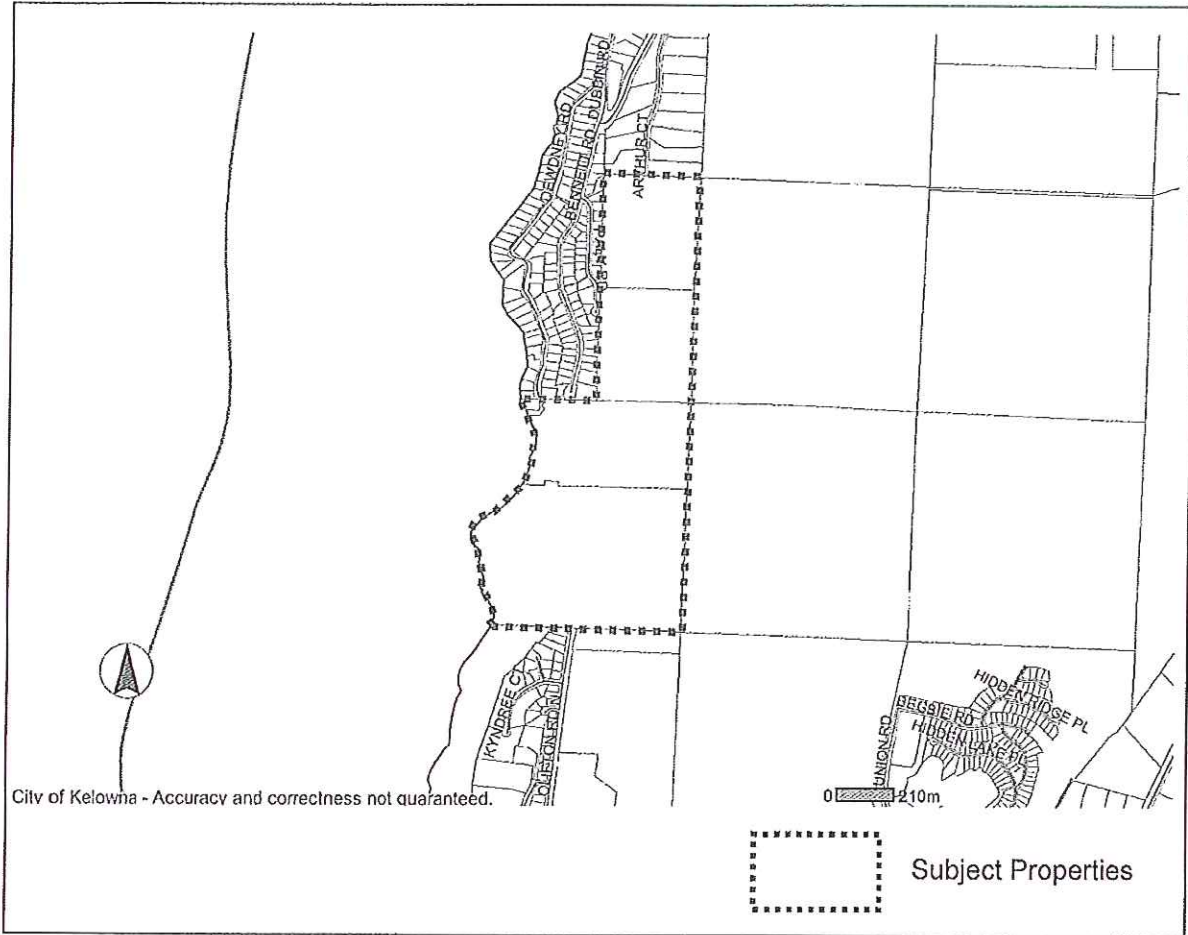
Todd Cashin
Environment & Land Use Manager
(250) 469-8470

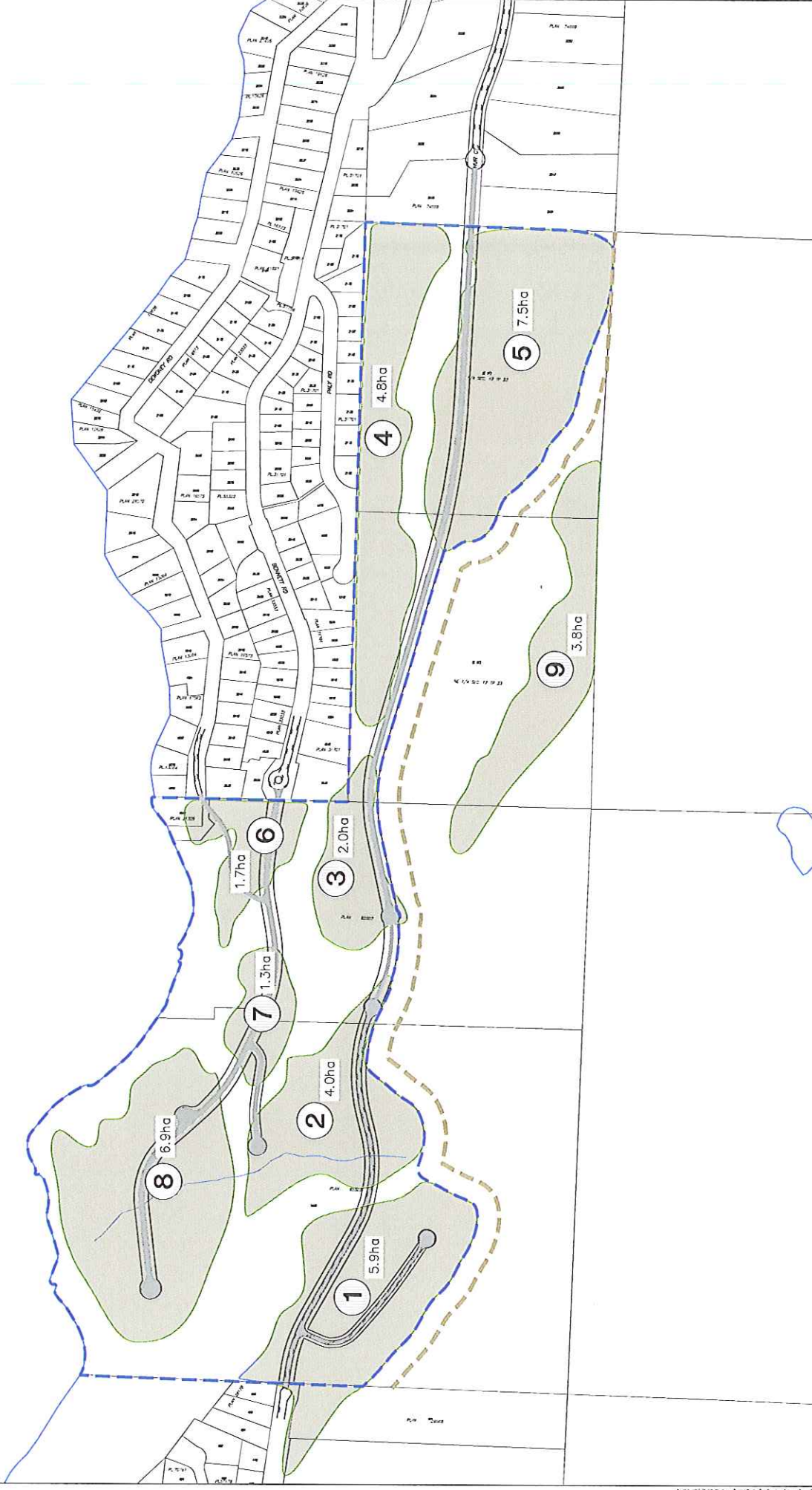
Attachments: Attachment 1 – Subject Properties Map

cc Signe Bagh, Director, Policy and Planning
Gary Stephen, Long Range Planning Manager
Shelley Gambacort, Director, Land Use Management
Danielle Noble, Urban Land Use Manager

Attachment 1 – Subject Properties Map

ORTHO
in colour
please





LEGEND		MANHOLE		PROPOSED AREA SECTOR	
—	WATER	○	MANHOLE	—	PROPOSED AREA SECTOR
—	SEWER	○	UTILITY POLE	—	PLAN BOUNDARY
—	STORM SEWER	○	WATER TOWER	—	PERMANENT GROWTH BOUNDARY
—	W/O TELEPHONE	○	CATCH BASIN	—	POTENTIAL DEVELOPMENT NODE
—	ELECTRICAL	○	HYDRANT	○	POTENTIAL DEVELOPMENT NODE
		○	SEWER MANHOLE	○	POTENTIAL DEVELOPMENT NODE

NO.	DATE	BY	REVISION
D	2010/02/01	JRI	ADDED ASP & PERMANENT GROWTH BOUNDARIES
C	2010/02/01	JRI	REVISED LAYOUT CONDUIT
B	2010/02/01	JRI	PRELIMINARY SITE LAYOUT - TSP REVIEW
A	2010/02/01	JRI	PRELIMINARY DESIGN - FOR REVIEW

BASE	SECTION	DATE
APPROVED	JRI	2010/02/01
SCALE	1:2500	
SCALE	1:2500	

NAD 83
 MERIDIAN BEZEL POINTS - 300,000 - 3,500,000
 DISTANCE AND AREA IN METERS, THE UNIT OF MEASURE IS METERS. THE UNIT OF AREA IS SQUARE METERS. THE UNIT OF LENGTH IS METERS. THE UNIT OF AREA IS SQUARE METERS. THE UNIT OF LENGTH IS METERS.

THE CITY OF KELOWNA
 ENGINEERING DEPARTMENT
 MELCOR DEVELOPMENTS
 CLIFTON ROAD NORTH
 LEGAL BOUNDARIES &
 POTENTIAL DEVELOPMENT NODES

PROJECT NO.
 DRAWING NO.
 FIGURE 1 D