

City of Kelowna Public Hearing AGENDA



Tuesday, January 29, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

CHAIRMAN WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend Kelowna 2030 - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after January 15, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

- 3.1 Bylaw No. 10791 (OCP12-0018) and Bylaw No. 10792 (Z12-0058) - Blaskovich and Mair Developments Ltd. - (N. OF) Steele Road and 1450 Steele Road

5 - 13

Proposed OCP Amendment:

To change the Future Land Use designation from the S2RES – Single/Two Unit Residential designation, the S2RESH – Single/Two Unit Residential - Hillside designation, the MRC – Multiple Unit Residential – Cluster designation and the PARK – Major Park and Open Space designation to the S2RES – Single/Two Unit Residential designation and the PARK – Major Park and Open Space designation. (See Map “A”)

Requested Zoning Change:

From the A1 – Agriculture 1 zone to the RU1 – Large Lot Housing zone and the P3 – Parks & Open Space zone. (See Map “B”)

Purpose:

The applicant is proposing to amend the Official Community Plan and rezone a portion of the subject property in order to accommodate the proposed single family subdivision located in “The Ponds” neighbourhood and to further enhance the neighbourhood’s natural features and trail infrastructure.

- 3.2 Bylaw No. 10793 (OCP12-0019) and Bylaw No. 10794 (Z12-0057) - Interval Investment Inc., The Creeks Kelowna - (E OF) Steele Road

14 - 23

Proposed OCP Amendment:

To change the Future Land Use designation from the:

-S2RESH – Single/Two Unit Residential – Hillside designation to the S2RES – Single/Two Unit Residential designation;

-S2RES – Single/Two Unit Residential designation to the S2RESH – Single/Two Unit Residential – Hillside designation; and

-S2RESH – Single/Two Unit Residential – Hillside designation to the PARK – Major Park and Open Space designation. (See Map “A”)

Requested Zoning Change:

From the A1 – Agriculture 1 zone to the RU3 – Small Lot Housing zone, P3 – Parks & Open Space zone and the A1 – Agriculture 1 zone. (See Map “B”)

Purpose:

The applicant is proposing to amend the Official Community Plan and rezone a portion of the subject property in order to accommodate the proposed single family subdivision located in “The Ponds” neighbourhood.

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Land Use Management);
- (b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.
- (c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (d) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for resrepresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

5. Termination

REPORT TO COUNCIL



Date: December 21st, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: OCP12-0018 / Z12-0058 **Owner:** Vincent & Pamela Blaskovich
Mair Developments Ltd., Inc. No. BC0753083
Address: (N OF) Steele Road **Applicant:** The Creeks Kelowna (Dave Lange)
1450 Steele Road
Subject: OCP Amendment & Rezoning Applications

Existing OCP Designations: Single / Two Unit Residential (S2RES), Single / Two Unit Residential - Hillside (S2RESH), Multiple Unit Residential - Cluster (MRC) and Major Park/Open Space (PARK).
Proposed OCP Designations: Single / Two Unit Residential (S2RES) and Major Park and Open Space
Existing Zone: A1 - Agriculture 1
Proposed Zones: RU1 - Large Lot Housing & P3 - Parks and Open Space

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP12-0018 to amend Map 4.1 of the *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 by changing the Future Land Use Designation of Lot A Sections 20 and 29 Township 29 Similkameen Division Yale District Plan KAP44335 Except Plan KAP92565, located at 1450 Steele Road and Lot 1 Section 29 Township 29 Similkameen Division Yale District Plan EPP23066, located at (N OF) Steele Road from Single / Two Unit Residential (S2RES), Single / Two Unit Residential - Hillside (S2RESH), Multiple Unit Residential - Cluster (MRC) and Major Park/Open Space (PARK) to Single / Two Unit Residential (S2RES) and Major Park and Open Space, as shown on Map "A" attached to the report of the Land Use Management Department, dated December 21st, 2012, be considered by Council;

AND THAT the requirement to hold a public information meeting, prior to the bylaws receiving first reading, in accordance with the *Local Government Act* and the City of Kelowna's Development Applications Procedures Bylaw No. 10540, be waived;

AND THAT Rezoning Application No. Z12-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 29 Township 29 Similkameen Division Yale District Plan EPP23066, located at (N OF) Steele Road from A1 - Agriculture 1 to RU1 - Large Lot Housing and by changing the zoning classification of a portion of Lot A Sections 20 and 29 Township 29 Similkameen Division Yale District Plan KAP44335 Except Plan KAP92565, located at 1450 Steele Road from A1 - Agriculture 1 to P3 - Parks & Open Space as shown on Map "B"

attached to the report of the Land Use Management Department, dated December 21st, 2012, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0018 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 ravine area being rezoned to P3 - Major Parks and Open Space be dedicated to the City as a titled lot;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the applicant entering into a Parks Agreement with the City for construction of a public trail within 10m from the Ravine's top of bank;

AND THAT final adoption of the zone amending bylaw be considered subsequent to a Natural Environment Development Permit being issued for the proposed development;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a PLR for the proposed subdivision.

2.0 Purpose

An OCP Amendment application is required to ensure that the existing OCP Future Land Use Designations are shifted to match the proposed rezoning and subdivision layout. This application seeks to rezone a portion of the subject properties from A1 - Agriculture 1 to RU1 - Large Lot Housing and P3 - Parks & Open Space to accommodate the proposed single family subdivision located in "The Ponds" Neighbourhood and to further enhance the neighbourhood's natural features and trail infrastructure.

3.0 Land Use Management

The subject properties are designated a mix of Single / Two Unit Residential (S2RES), Single / Two Unit Residential - Hillside (S2RESH), Multiple Unit Residential - Cluster (MRC) and Major Park/Open Space (PARK). This application seeks to expand the Single / Two Unit Residential (S2RES) to accommodate the proposed RU1 - Large Lot Housing rezoning and subdivision. While the proposal is not entirely consistent with what was anticipated in the Area Structure Plan it is consistent with the Ponds Neighbourhood development. In addition, the Major Park & Open Space designated area will be increased to include an extra 10m from the top of the Ravine's bank for a public trail. The ravine area will be zoned and dedicated to the City as part of this application process. Although the proposal expands the Single / Two Unit Residential (S2RES) designation into an area designated for hillside development the applicant will be restoring a portion of the gully that has been disturbed and will be constructing a public trail.

4.0 Proposal

The applicant has submitted the Official Community Plan amendment and rezoning applications in order to move forward with another residential phase of the Ponds development. The proposed amendments to the Official Community Plan are to accommodate the proposed residential development and to designate additional space as Major Parks & Open Space. The proposal also involves a rezoning to the RU1 - Large Lot Housing zone. Staff have been working with the applicant to secure and improve the ravine and to sensitively integrate public access into this area. As part of this proposal the applicant will be constructing a public trail within 10m of the

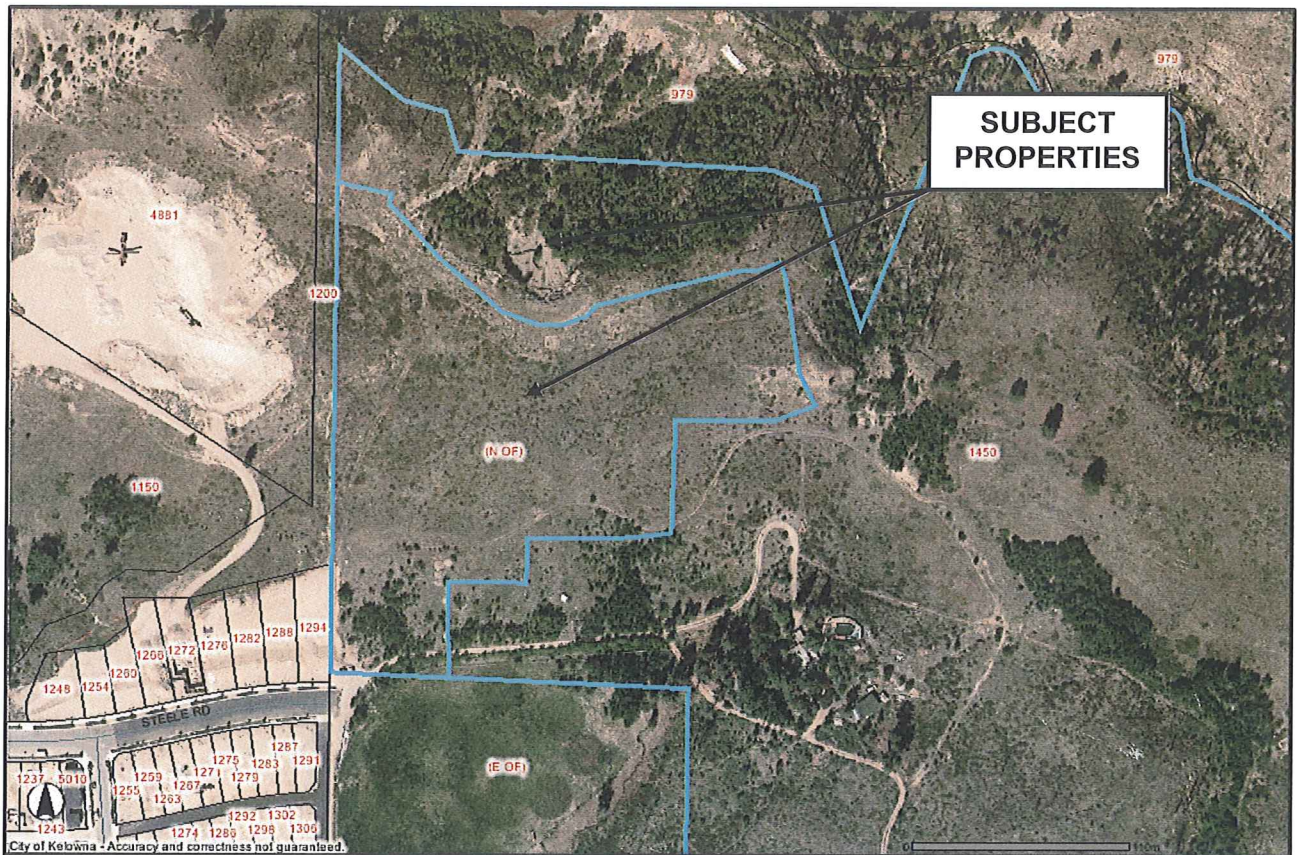
ravine’s top of bank to the existing trail network to the west. These details will be dealt with through a Natural Environment Development Permit and a Parks Agreement.

4.1 Site Context

The subject properties are located in the South West Mission Sector and the adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Future Park / Open Space
West	P3 - Parks & Open Space RU2 - Medium Lot Housing	Future Park Residential
South	A1 - Agriculture 1	Neighbourhood 3 ASP
East	A1 - Agriculture 1	Neighbourhood 3 ASP

4.2 Subject Property Map



5.0 Kelowna Official Community Plan (OCP)

5.1 Development Process (Chapter 5)

Provide parks for a diversity of people and a variety of uses (Objective 5.14)

- Dedication of Linear Parks. At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access.
- Protect Sensitive Areas. Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Development Engineering Department

All servicing requirements associated with the proposed rezoning as well as the preliminary layout review have been addressed in the subdivision application under file S12-0044.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 60ltr/sec flow.

6.4 Fortis BC - Gas

Upon review of the property referral referencing the above noted matter, please be advised that FortisBC facilities will not be adversely affected. FortisBC, therefore, has no objection to the rezoning application from A-1 (agricultural) to RU1 (large lot housing) in order to subdivide & develop a portion of the property as an additional phase of The Ponds Neighbourhood.

6.5 Infrastructure Planning

Trail details to be worked out as part of Parks Agreement. IPLAN is supportive of transferring the park dedication area to City ownership for the Bellevue Creek Greenway as it is consistent with the Area Structure Plan and OCP. The proposed park dedication area should be zoned P3 - Parks & Open Space and transferred as a titled lot.

As part of the upcoming subdivision application, IPLAN requests that the applicant submit more detailed landscape drawings for the park dedication area showing the proposed treatment of the public/private interface (e.g. fencing, buffer, any grading, etc.). In addition, a public walkway (3.0 m wide road right-of-way) will be requested to provide access from Road A and Road B to the dedicated parkland.

6.6 Subdivision Branch

The Subdivision Approvals Branch supports the proposed layout provided that it accommodates:

- a) setback from TOB as specified by a Geotechnical Engineer

b) setback from TOB has adequate room for linear pathway to the satisfaction of the Parks Planning Manager.

7.0 Application Chronology

Date of Application Received: August 7th, 2012

Date of final layout: November 30th, 2012

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director of Land Use Management

Attachments:

Zoning Plan

Site Plan

Subject Property Notes:

- Amend the OCP for a portion of the property from (S2RESH) Single / Two Unit Residential - Hillside to (PARK) Major Park and Open Space

Subject Property Notes:

- Amend the OCP for a portion of the property from (MRC) Multiple Unit Residential (Cluster Housing) to (PARK) Major Park and Open Space



PARK

MRC

S2RESH

(N OF)

Subject Property Notes:

- Amend the OCP for a portion of the property from (MRC) Multiple Unit Residential (Cluster Housing) to (S2RES) Single / Two Unit Residential

**MAP "A" OCP AMENDMENT
OCP12-0018**

- Major Park and Open Space - PARK
- Single / Two Unit Residential - S2RES
- Single / Two Unit Residential - Hillside - S2RESH
- S2RESH to PARK
- S2RESH to S2RES
- S2RES to S2RESH
- Subject Property
- Legal Parcel
- Easement

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

0 20 40 Meters

Rev. Dec.17/12



Subject Property Notes:

- Amend the OCP for a portion of the property from (S2RESH) Single / Two Unit Residential - Hillside to (S2RES) Single / Two Unit Residential

(E OF)

4881

1150

1200

1282

1288

1294

1276

STEELE RD

1279

1283

1275

1304-1305

N



Subject Property Notes:

- Rezone a portion of the Subject Property from (A1) Agricultural to P3 Parks and Open Space

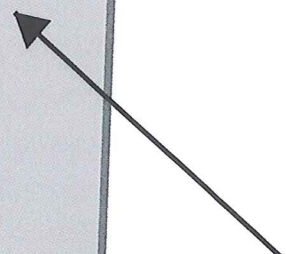


P3

A1

Subject Property Notes:

- Rezone the Subject Area from A1 Agricultural to RU1 Large Lot Housing



RU1H





RU2

STEELE RD

RU3

MAP "B" PROPOSED ZONING

Application #Z12-0058

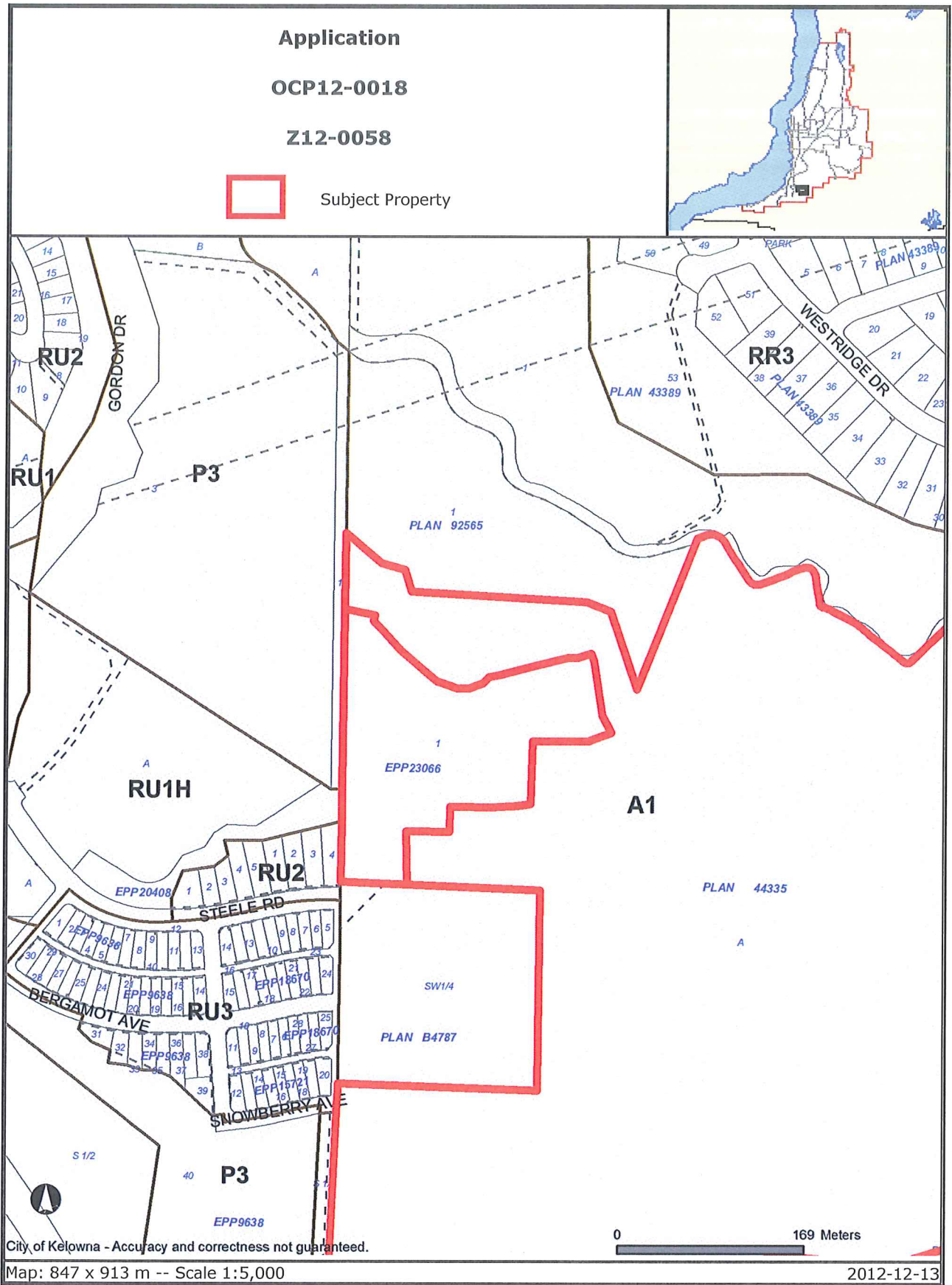
-  Zoning
-  Legal Parcel
-  A1 to P3
-  A1 to RU1

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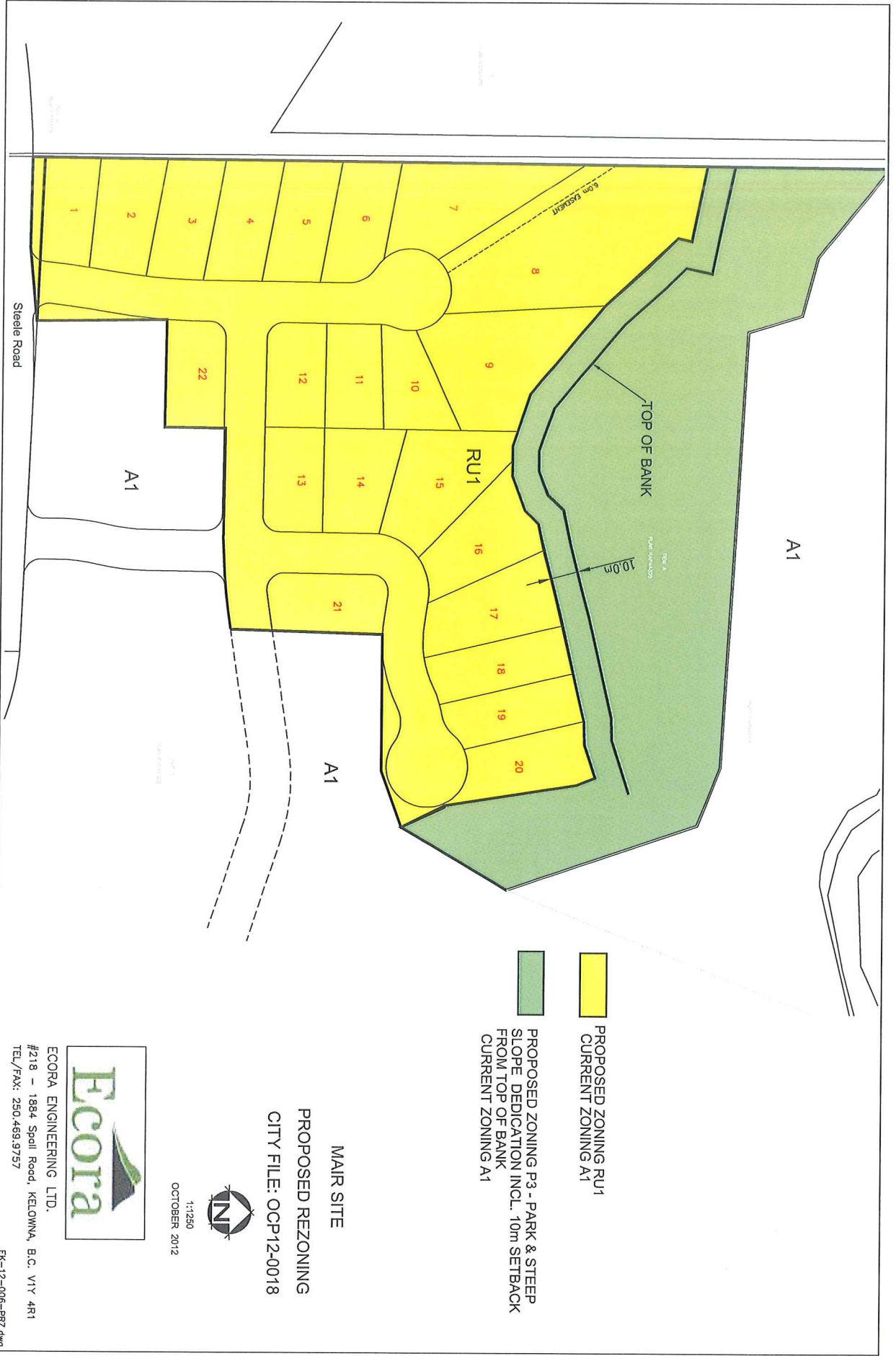
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Rev. Dec. 17/12





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
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A1

TOP OF BANK

10.0m

- PROPOSED ZONING RU1
- CURRENT ZONING A1
- PROPOSED ZONING P3 - PARK & STEEP SLOPE DEDICATION INCL. 10m SETBACK FROM TOP OF BANK CURRENT ZONING A1

MAIR SITE

PROPOSED REZONING
CITY FILE: OCP12-0018



1:1250
OCTOBER 2012



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TEL/FAX: 250.463.9757

ER-12-006-PRZ.dwg

REPORT TO COUNCIL



Date: December 21st, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: OCP12-0019 / Z12-0057 **Owner:** Interval Investment Inc., Inc. No. 196442
Address: (E OF) Steele Road **Applicant:** The Creeks Kelowna (Dave Lange)
Subject: OCP Amendment & Rezoning Applications

Existing OCP Designations: Single / Two Unit Residential (S2RES) and Single / Two Unit Residential - Hillside (S2RESH)
Proposed OCP Designations: Single / Two Unit Residential (S2RES), Single / Two Unit Residential - Hillside (S2RESH) and Major Park and Open Space
Existing Zone: A1 - Agriculture 1
Proposed Zones: RU3 - Small Lot Housing, P3 - Parks & Open Space, A1 - Agriculture 1

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP12-0019 to amend Map 4.1 of the *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Part 8.1 acres more or less of the South West ¼ Section 29 shown outlined green on Plan B4787 Township 29 Similkameen Division Yale District, located at (E OF) Steele Road, Kelowna, B.C. from Single / Two Unit Residential (S2RES) and Single / Two Unit Residential - Hillside (S2RESH) to Single / Two Unit Residential (S2RES), Single / Two Unit Residential - Hillside (S2RESH) and Major Park and Open Space, as shown on Map "A" attached to the report of the Land Use Management Department, dated December 21st, 2012, be considered by Council;

AND THAT the requirement to hold a public information meeting, prior to the bylaws receiving first reading, in accordance with the *Local Government Act* and the City of Kelowna's Development Applications Procedures Bylaw No. 10540, be waived;

AND THAT Rezoning Application No. Z12-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for a portion of Part 8.1 acres more or less of the South West ¼ Section 29 shown outlined green on Plan B4787 Township 29 Similkameen Division Yale District, located at (E OF) Steele Road, Kelowna, B.C. from A1 - Agriculture 1 to RU3 - Small Lot Housing, P3 - Parks & Open Space, A1 - Agriculture 1 as shown on Map "B" attached to the report of the Land Use Management Department, dated December 21st, 2012, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP12-0002 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 in conjunction with Council's consideration of a Development Variance Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the gulley area shown on the attached rezoning and OCP Amendment plans by Ecora be dedicated to the City as a titled lot;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a PLR for the proposed subdivision.

2.0 Purpose

An OCP Amendment application is required to ensure the proposed rezoning and subdivision layout matches the OCP Future Land Use Designations. This application seeks to rezone a portion of the subject properties from A1 - Agriculture 1 to RU3 - Small Lot Housing and P3 - Parks & Open Space to accommodate the proposed single family subdivision located in "The Ponds" Neighbourhood.

3.0 Land Use Management

The subject property is designated a mix of Single / Two Unit Residential (S2RES) and Single / Two Unit Residential - Hillside (S2RESH). This application seeks to expand the Single / Two Unit Residential (S2RES) to accommodate the proposed RU3 - Small Lot Housing rezoning and subdivision. Generally, the land uses are consistent with the vision of the Area Structure Plan (ASP) for this area. When the ASP and initial OCP Future Land Use work was completed in 2007, a small natural drainage feature was not recognized. As part of this development proposal the small gulley will be dedicated to the City and the steep areas will be designated Major Parks & Open Space and protected with a no build covenant. Although the subdivision layout is not entirely consistent with the existing neighbourhood pattern, the applicant has worked with Staff to better integrate the development.

The applicant has also submitted a Development Variance Permit to allow direct front driveway access where the Zoning Bylaw requires access from a rear lane (when present). Although Staff typically prefer access from the rear lane to reduce pedestrian and vehicular conflicts, this isolated project will allow the developer to experiment with a different form of housing that provides both front and rear lane access.

4.0 Proposal

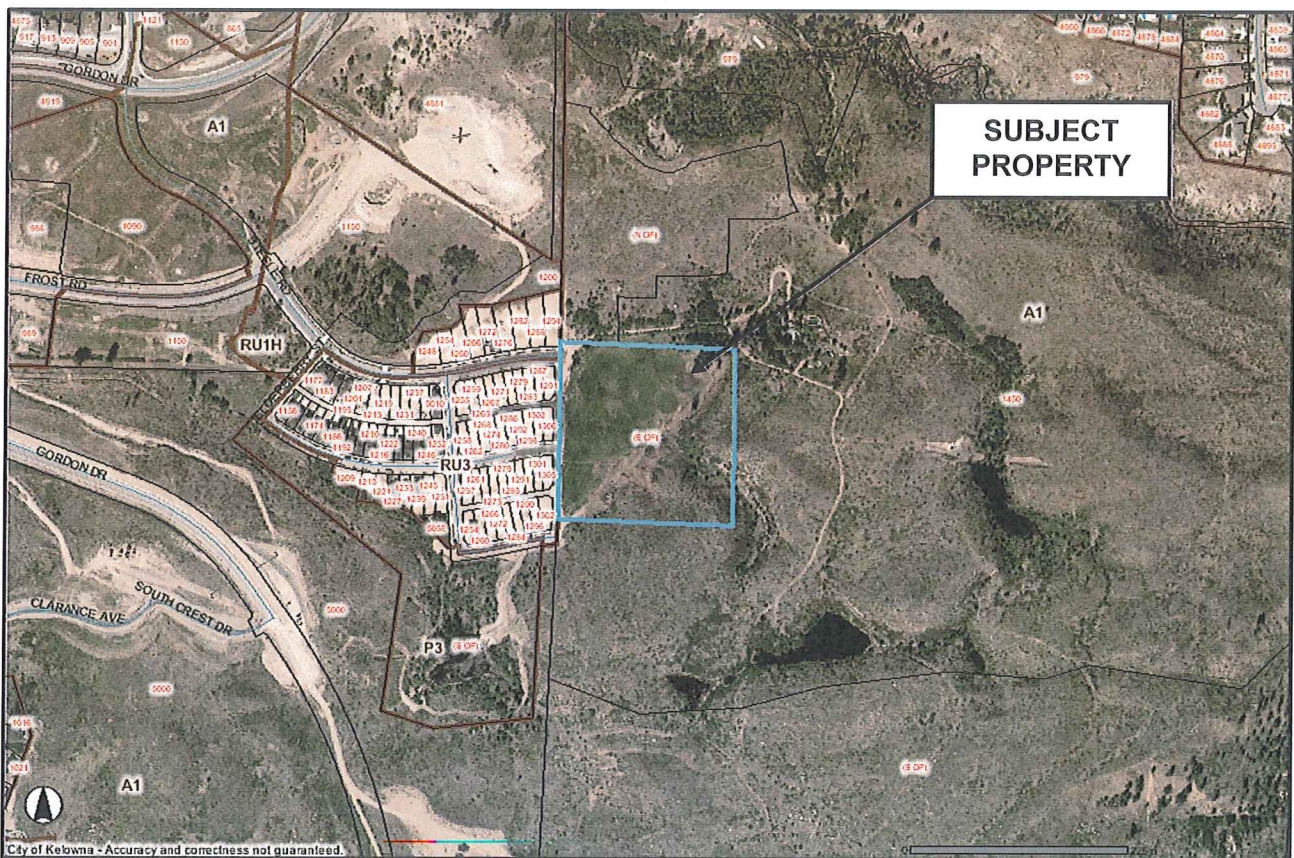
The applicant has submitted the Official Community Plan amendment and rezoning applications in order to move forward with another residential phase of the Ponds development. The proposed amendments to the Official Community Plan are limited to shifting the existing designations to accommodate the proposed subdivision layout of 23 lots and to designate additional space as Major Parks & Open Space. The proposal also involves a rezoning that will allow the applicant to move the development project forward. Staff have been working with the applicant on the natural environment details through a Natural Environment Development Permit. The applicant has also submitted a Development Variance Permit to allow direct front driveway access where the Zoning Bylaw requires access from a rear lane.

4.1 Site Context

The subject properties are located in the South West Mission Sector and the adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Neighbourhood 3 ASP
West	RU3 - Small Lot Housing	Residential
South	A1 - Agriculture 1	Neighbourhood 3 ASP
East	A1 - Agriculture 1	Neighbourhood 3 ASP

4.2 Subject Property Map



5.0 Kelowna Official Community Plan (OCP)

5.1 Development Process (Chapter 5)

Provide parks for a diversity of people and a variety of uses (Objective 5.14)

- Dedication of Linear Parks. At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access.

- Protect Sensitive Areas. Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment

6.2 Development Engineering Department

All servicing requirements associated with the proposed rezoning as well as the preliminary layout review have been addressed in the subdivision application under file S12-0045.

6.3 Fire Department

No concerns

7.0 Application Chronology

Date of Application Received: August 7th, 2012

Date of final layout: November 30th, 2012

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director of Land Use Management

Attachments:

Zoning Plan

Site Plan

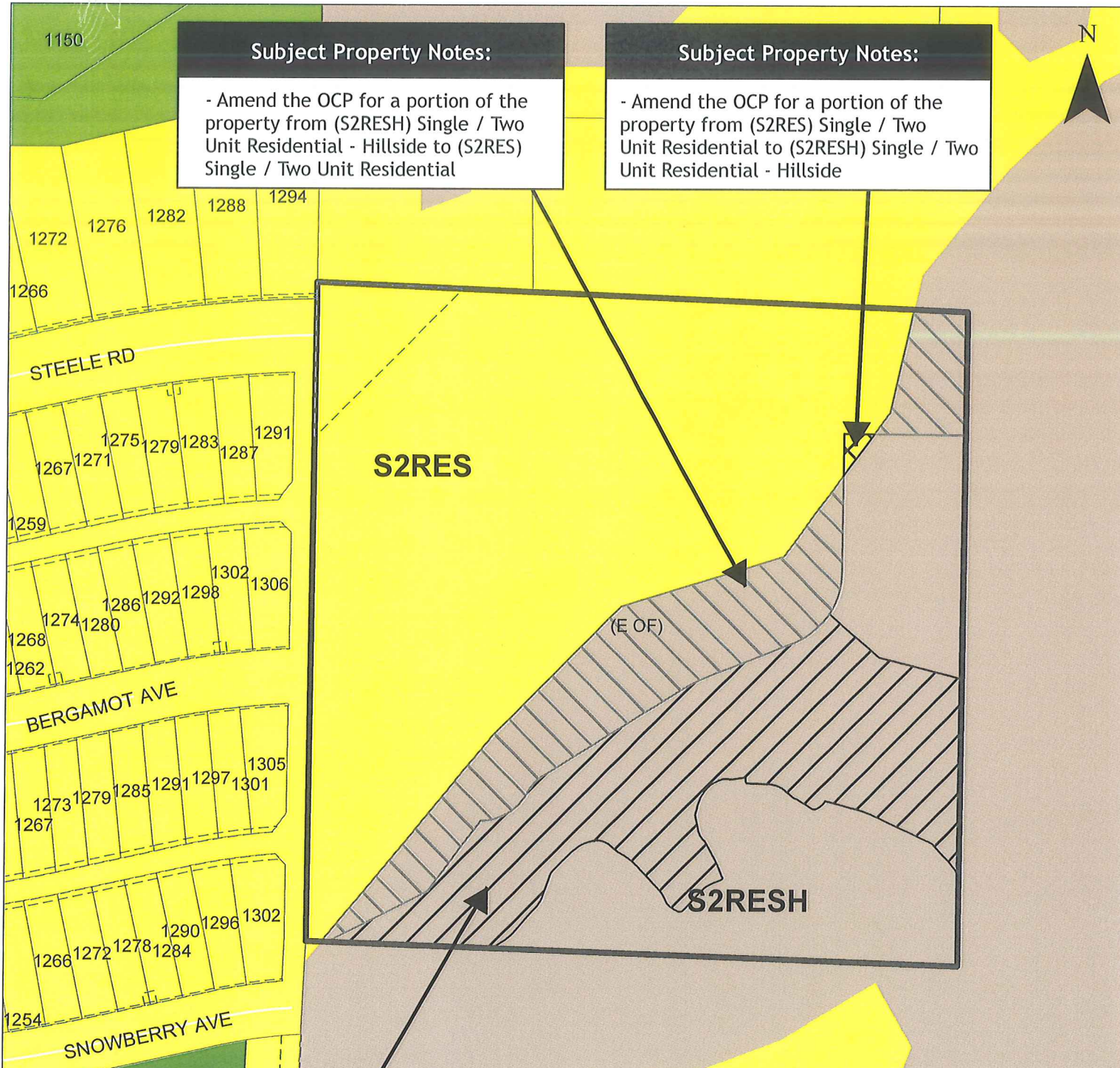
Subject Property Notes:

- Amend the OCP for a portion of the property from (S2RESH) Single / Two Unit Residential - Hillside to (S2RES) Single / Two Unit Residential

Subject Property Notes:

- Amend the OCP for a portion of the property from (S2RES) Single / Two Unit Residential to (S2RESH) Single / Two Unit Residential - Hillside

N



Subject Property Notes:

- Amend the OCP for a portion of the property from (S2RESH) Single / Two Unit Residential - Hillside to (PARK) Major Park and Open Space

**MAP "A" OCP AMENDMENT
OCP12-0019**

- Major Park and Open Space - PARK
- Single / Two Unit Residential - S2RES
- Single / Two Unit Residential - Hillside - S2RESH
- S2RESH to PARK
- S2RESH to S2RES
- S2RES to S2RESH
- Subject Property
- Legal Parcel
- Easement

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RU1H

RU2

Subject Property Notes:

- Rezone the Subject Area from (A1) Agricultural to RU3 Small Lot Housing

N



STEELE RD

BERGAMOT AVE

RU3

SNOWBERRY AVE

A1





Subject Property Notes:

- Rezone the Subject Area from (A1) Agricultural to P3 Parks and Open Space

P3

MAP "B" PROPOSED ZONING

Application #Z12-0057

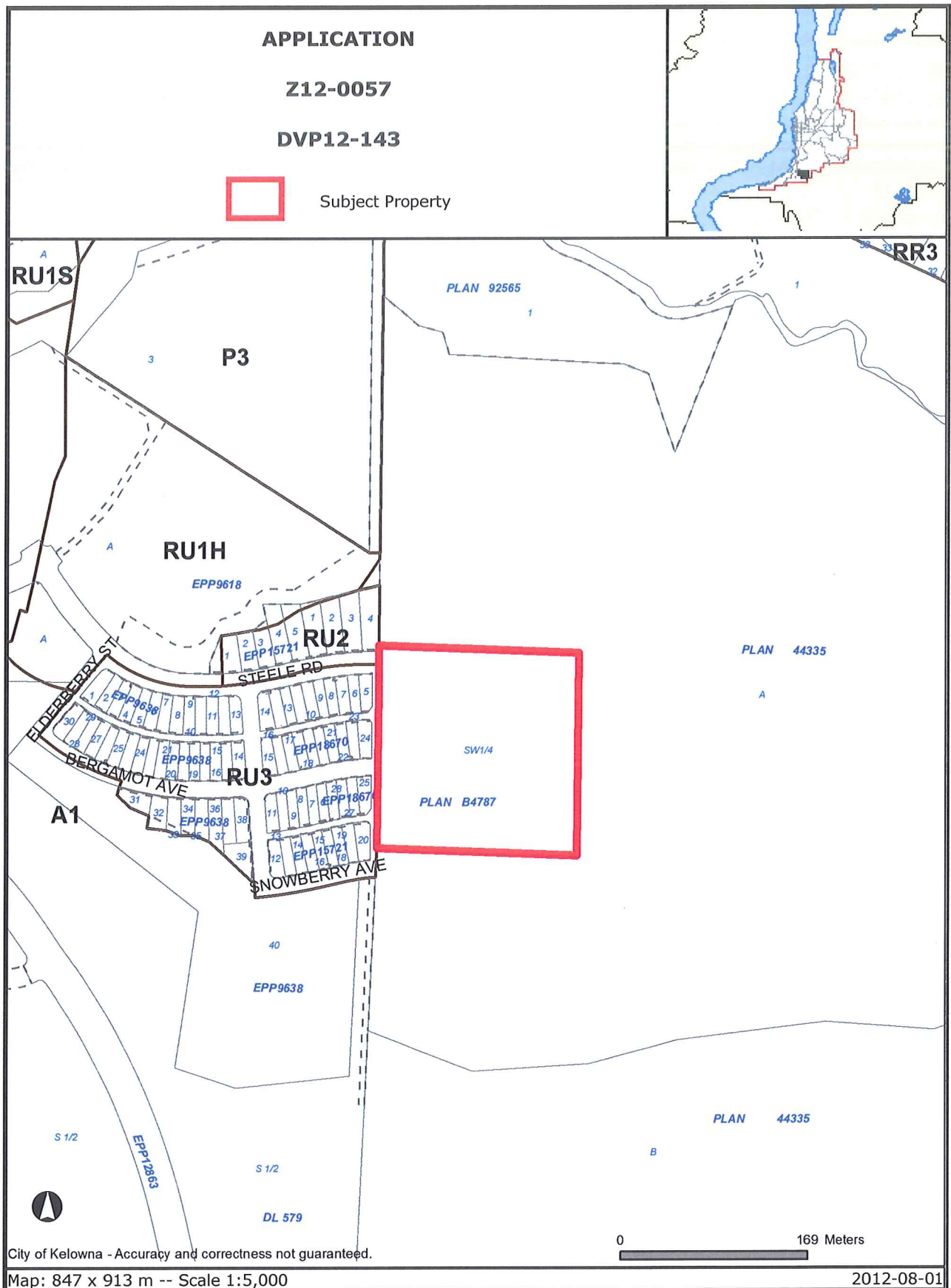
-  Zoning
-  Legal Parcel
-  A1 to P3
-  A1 to RU3

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0 20 40 Meters

Rev. Dec. 17/12





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INTERVAL LANDS SITE
PROPOSED REZONING

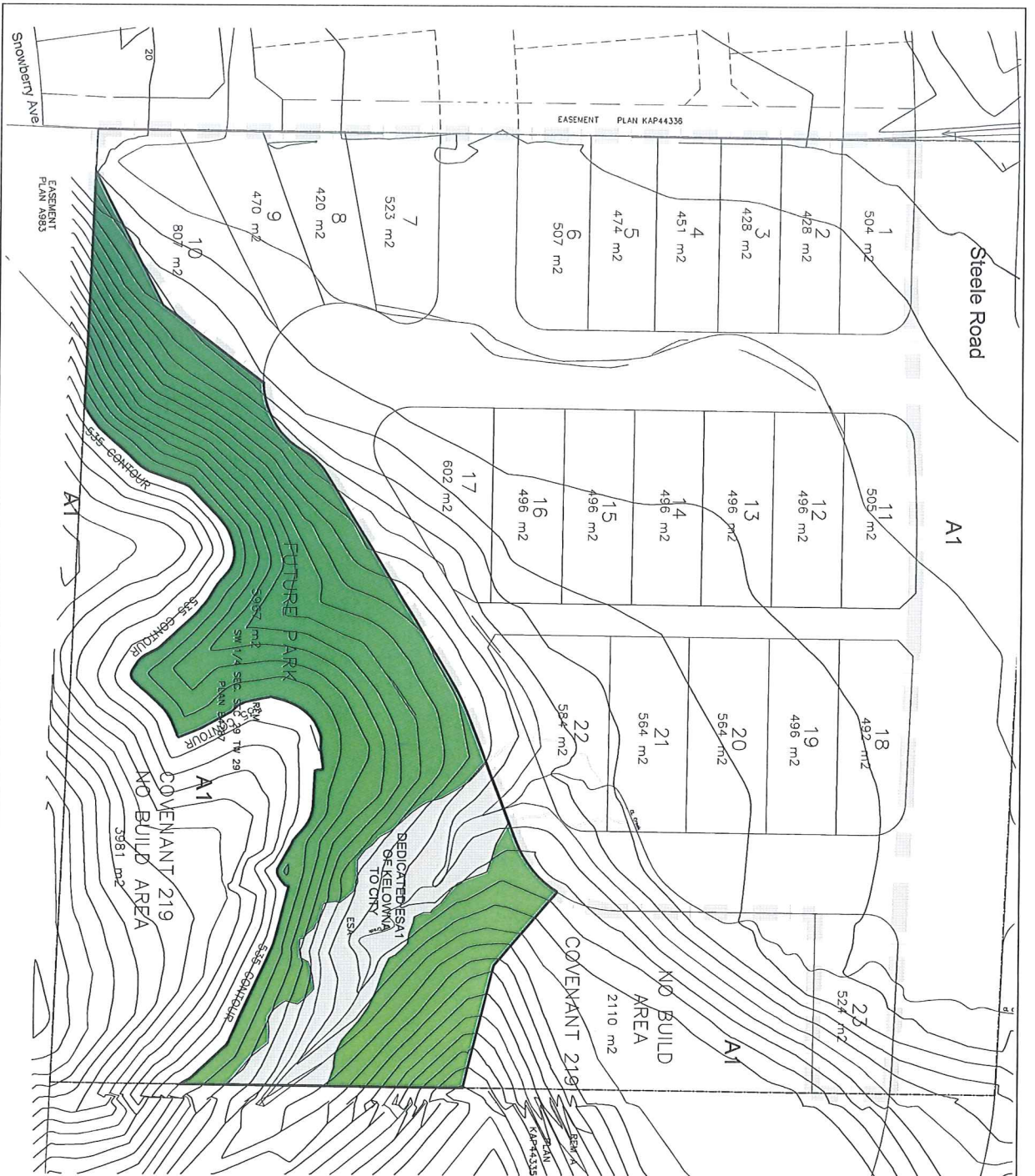


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OCTOBER 2012



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 FUTURE LAND USE - PARK
(AMENDMENT TO OCP)

INTERVAL LANDS
 OCP AMENDMENT PLAN
 PLAN B4787, SW 1/4
 CIVIC ADDRESS E OF STEELE ROAD

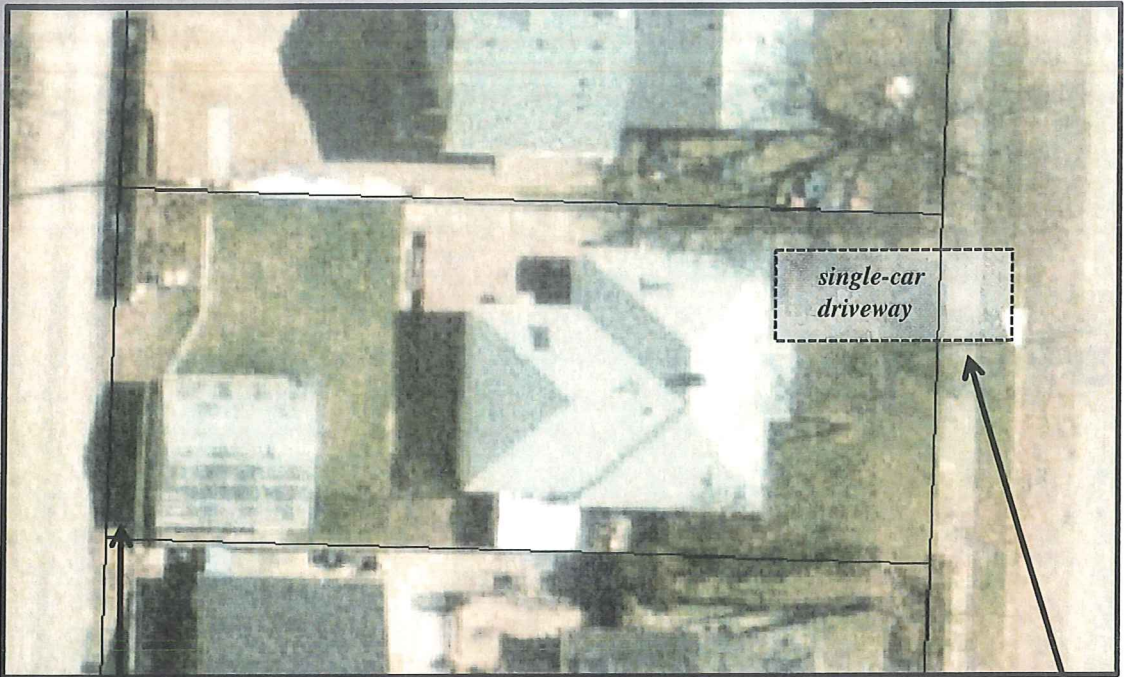


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 #218 - 1894 Spoil Road, KELLOWNA, B.C. V1Y 4R1
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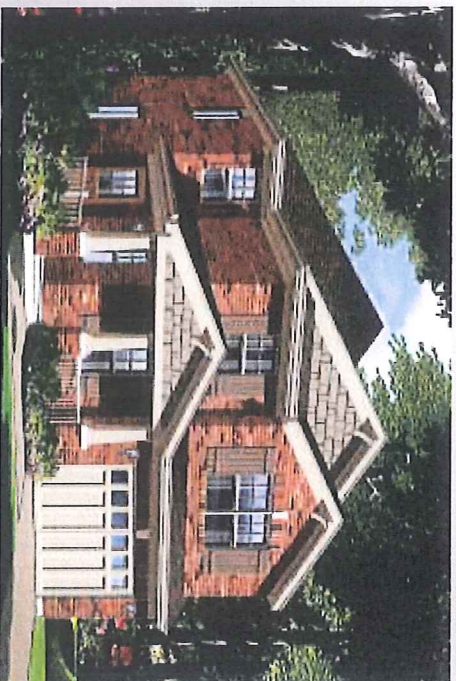
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 OCTOBER 2012

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Variance to the RU3 Zone (Vehicular access from the street and the lane)



Request to permit an additional single car garage and access from street. This would allow flexible use of rear garage for recreational vehicles, workshops, storage, etc., and maintain street appeal.



Single garage image from street

Rear lane vehicular access and detached garage allowable in the RU3 Zone