

City of Kelowna Public Hearing AGENDA



Tuesday, April 14, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR 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 reason-able 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 March 31, 2015 (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 4975 Buckhaven Court, BL11072 (OCP15-0003) & BL11073 (Z14-0057) - Vincent & Pamela Blaskovich

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To consider Official Community Plan Amendment and Rezoning applications to amend the Future Land Use designations and rezone portions of the subject property to facilitate the development of a single family residential subdivision.

4. Termination

5. 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 representation (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.

REPORT TO COUNCIL



Date: March 18, 2015

RIM No. 1250-30

To: City Manager

From: Subdivision, Agriculture & Environment, Community Planning & Real Estate (LB)

Application: OCP15-0003 / Z14-0057 **Owner:** Vincent & Pamela Blaskovich

Address: 4975 Buckhaven Court **Applicant:** Dave Lange

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: MRC - Multiple Unit Residential - Cluster Housing
PARK - Major Park / Open Space
S2RES - Single / Two Unit Residential
S2RESH - Single / Two Unit Residential - Hillside

Proposed OCP Designation: PARK - Major Park / Open Space
PSU - Public Services / Utilities
S2RES - Single / Two Unit Residential

Existing Zone: A1 - Agriculture 1

Proposed Zone: P3 - Parks and Open Space
P4 - Utilities
RU1 - Large Lot Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP15-0003 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plans KAP92565, EPP23066 and EPP31364, located on 4975 Buckhaven Court, Kelowna, BC from the MRC - Multiple Unit Residential - Cluster Housing designation to the PARK - Major Park / Open Space, PSU - Public Services / Utilities and S2RES - Single / Two Unit Residential designations, from the S2RES - Single / Two Unit Residential designation to the PARK - Major Park / Open Space and PSU - Public Services / Utilities designations, and from the S2RESH - Single / Two Unit Residential - Hillside designation to the PARK - Major Park / Open Space and S2RES - Single / Two Unit Residential designations, as shown on Map "A" attached to the Report of the Subdivision, Agriculture & Environment Department, dated March 18, 2015, be considered by Council;

AND THAT Council considers the Public Hearing public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Department, dated March 18, 2015;

AND THAT Rezoning Application No. Z14-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, Sections 20 and 29, Township 29, SDYD, Plan KAP44335, Except Plans KAP92565, EPP23066 and EPP31364, located on 4975 Buckhaven Court, Kelowna, BC, from the A1 - Agriculture 1 zone to the P3 - Parks and Open Space, P4 - Utilities and RU1 - Large Lot Housing zones, as shown on Map "B" attached to the Report of the Subdivision, Agriculture & Environment Department, dated March 18, 2015, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To consider Official Community Plan Amendment and Rezoning applications to amend the Future Land Use designations and rezone portions of the subject property to facilitate the development of a single family residential subdivision.

3.0 Subdivision, Agriculture & Environment

Staff support the proposal to amend the Future Land Use designations and rezone portions of the subject property for Phase 3 of The Ponds Bellevue development. This application is intended to align the OCP designations and zoning with the proposed subdivision layout. Through more detailed site assessments, the applicant identified the environmentally sensitive areas and prepared a preliminary lot layout, which has been submitted for staff review.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by directly contacting neighbouring properties. As staff understand it, no major concerns were identified during this consultation. Some property owners expressed support for the amount of parkland being dedicated through this development, as well as support for an extension of the large lot housing format created in Phase 2. To date, staff have not been contacted with any questions or concerns regarding this application.

OCP Amendments

The applicant is seeking to amend the OCP Future Land Use designation on portions of the subject property to better reflect site conditions and environmentally sensitive areas identified through detailed site assessments. The existing Future Land Use designations were based on work completed through the Neighbourhood 3 Area Structure Plan. It is common for developers to request refinements to the Future Land Use designations when more detailed work has been prepared for the preliminary subdivision layout.

The S2RESH - Single / Two Unit Residential - Hillside designation is intended to facilitate single family residential development that is sensitive to the site's topography. Much of the portion of the property currently designated S2RESH will be amended to the PARK - Major Park / Open Space designation around Mair Pond and south of Bellevue Creek, protecting the environmentally sensitive areas and natural features. The applicant has submitted a report outlining planned improvements to the dam at Mair Pond, which is being reviewed along with the subdivision application.

The other areas currently designated S2RESH in the far east and west portions of the property will be amended to the S2RES - Single / Two Unit Residential designation to connect with the

existing S2RES areas and facilitate contiguous lot development. Through the subdivision process the applicant may be required to register no build / no disturb covenants on portions of some lots to protect steep slopes.

The MRC - Multiple Unit Residential - Cluster Housing designation is generally used to reduce environmental impacts of residential development in areas with steeper slopes. The existing MRC designation on the subject property covers a relatively small area without significant topography and the applicant is proposing to develop only large lot single family dwellings. The portion of the MRC designation with steeper slopes will be amended to the PARK designation, tying in with the natural area along Bellevue Creek. The remainder will be amended to the PSU - Public Services / Utilities designation to accommodate the placement of a temporary water booster pump to service this proposed phase of The Ponds.

Downstream of Mair Pond, some of the area currently designated S2RES will be amended to the PARK designation to allow a drainage connection and wildlife corridor between Mair Pond and Bellevue Creek. A small portion of land designated S2RES in the west portion of the subject property will be amended to the PSU designation for the temporary water booster pump.

Rezoning

The rezoning application is consistent with the proposed OCP Future Land Use amendments. The P3 - Parks and Open Space zone will align with the PARK designations around Mair Pond and Bellevue Creek. The P4 - Utilities is consistent with the PSU designation in the northwest portion of the property. The residential development will be zoned RU1 - Large Lot Housing in keeping with the S2RES designation in the central area for Phase 3 of The Ponds Bellevue. Approximately 31 single family residential lots will be created through this development, extending from Fawn Run Road in Phase 2 to the west.

4.0 Proposal

4.1 Project Description

The subject property is located in the City's Southwest Mission Sector and is Phase 3 of The Ponds Bellevue development. This forms part of the Neighbourhood 3 Area Structure Plan, which was finalized in 2007 under the larger Southwest Okanagan Mission Sector Plan. As a whole, The Ponds is a predominantly single family residential development with a commercial centre and low and medium density residential development around the intersection of Gordon Drive and Frost Road. Residential development in Phases 1 and 2 of The Ponds Bellevue was approved through previous development applications. Phase 3 is intended to create approximately 31 single family residential lots.

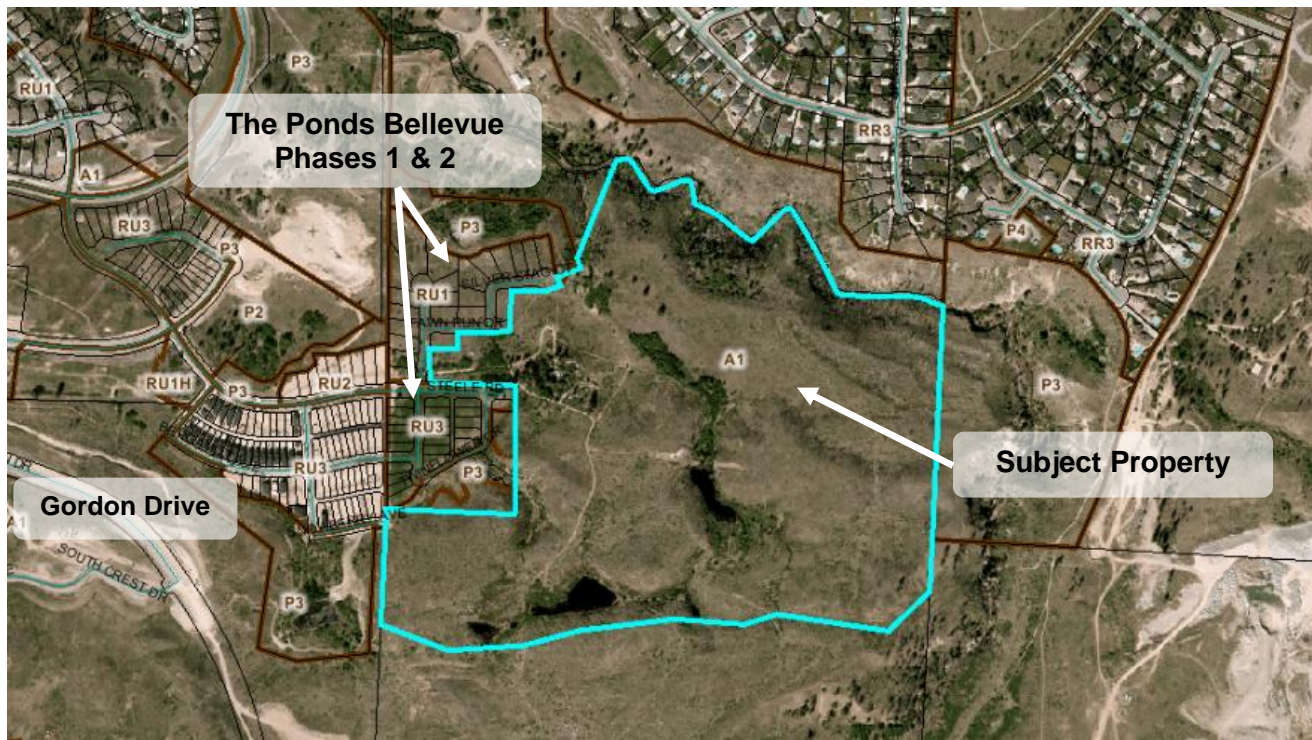
4.2 Site Context

The subject portion of the property is located immediately south of Bellevue Creek and east of Phase 2 of The Ponds Bellevue development along Silver Stag Court and Fawn Run Road. Future development is anticipated within the subject property to the east and south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture 1	Bellevue Creek Regional Park
East	A1 - Agriculture 1 P3 - Parks and Open Space	Open space Canyon Falls Park
South	A1 - Agriculture 1	Open space / vacant land
West	A1 - Agriculture 1 P3 - Parks and Open Space RU1 - Large Lot Housing	Open space / vacant land Ponds Community Park Single family residential

Subject Property Map: 4975 Buckhaven Court



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Accessibility Measures.¹ Review all development proposals to ensure that accessibility needs have been addressed in compliance with City Guidelines for Accessibility in Outdoor Areas. Consult with stakeholders and/or other appropriate agencies, as required, to ensure accessibility measures in development projects are addressed.

Maximize Pedestrian / Cycling Connectivity.² Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-

¹ City of Kelowna Official Community Plan, Policy 5.6.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Dedication of Linear Parks.³ At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park - Public Access and/or are shown on Map 5.9 - Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

- Titled property in the name of the city as a park, protected area; or
- Road reserve right of way; or
- Statutory right of way.

Protect Sensitive Areas.⁴ Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

Environmentally Sensitive Area Linkages.⁵ Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

Steep Slopes.⁶ Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

6.0 Technical Comments

6.1 Building & Permitting Department

- Building requirements for drainage and lot grading requirements in the form of a new report from the geotechnical engineer and hydrological engineer due to the amount of groundwater issues showing up in previous phases.

6.2 Development Engineering Department

- See attached memorandum, dated December 10, 2014.

6.3 Fire Department

- Ensure Fire Department access is appropriate as per the BC Building Code 2012 Division B, Part 3.2.5.6, and the City of Kelowna Subdivision Bylaw No. 7900.
- Ensure the length of the cul-de-sac does not exceed the requirements of the Bylaw.

³ City of Kelowna Official Community Plan, Policy 5.14.2 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.14.4 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.15.3 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Policy 5.15.12 (Development Process Chapter).

- Fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw No. 7900.
- Should this subdivision be a strata community, the hydrants installed shall be deemed private hydrants.
- All applicable sections of the Fire and Life Safety Bylaw No. 10760 shall be met.
- The laneways are not considered Fire Department access unless they meet all the BC Building Code and Bylaw requirements for access. Ensure the lots are addressed off of a roadway and not a lane.

7.0 Application Chronology

Date of Application Received: November 25, 2014
Date Public Consultation Completed: February 6, 2015

Report prepared by:

Laura Bentley, Planner

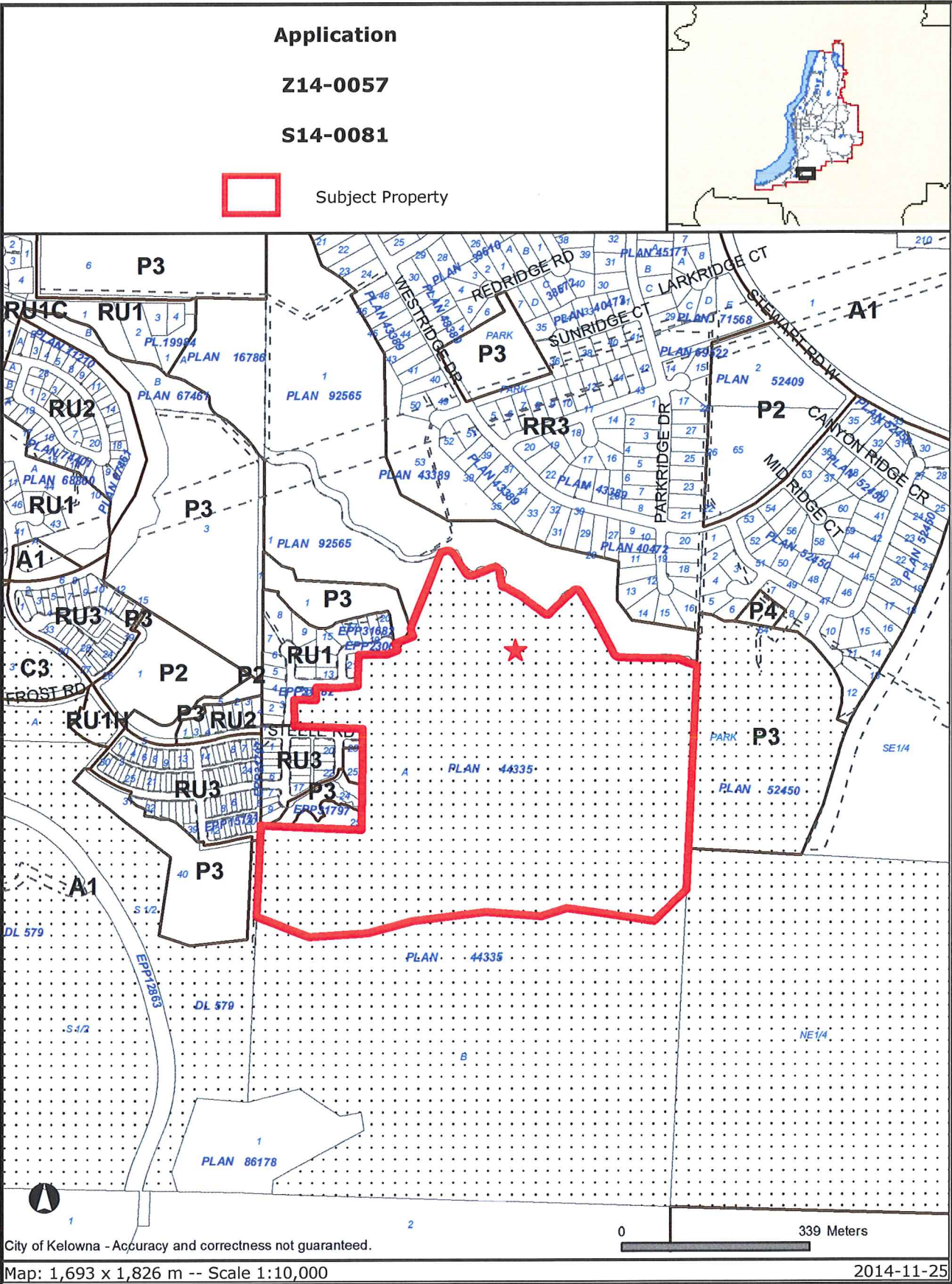
Approved for Inclusion:



Shelley Gambacort, Subdivision, Agriculture & Environment
Services Director

Attachments:

Subject Property Map
Map "A"
Map "B"
Preliminary Subdivision Layout
Development Engineering Memorandum



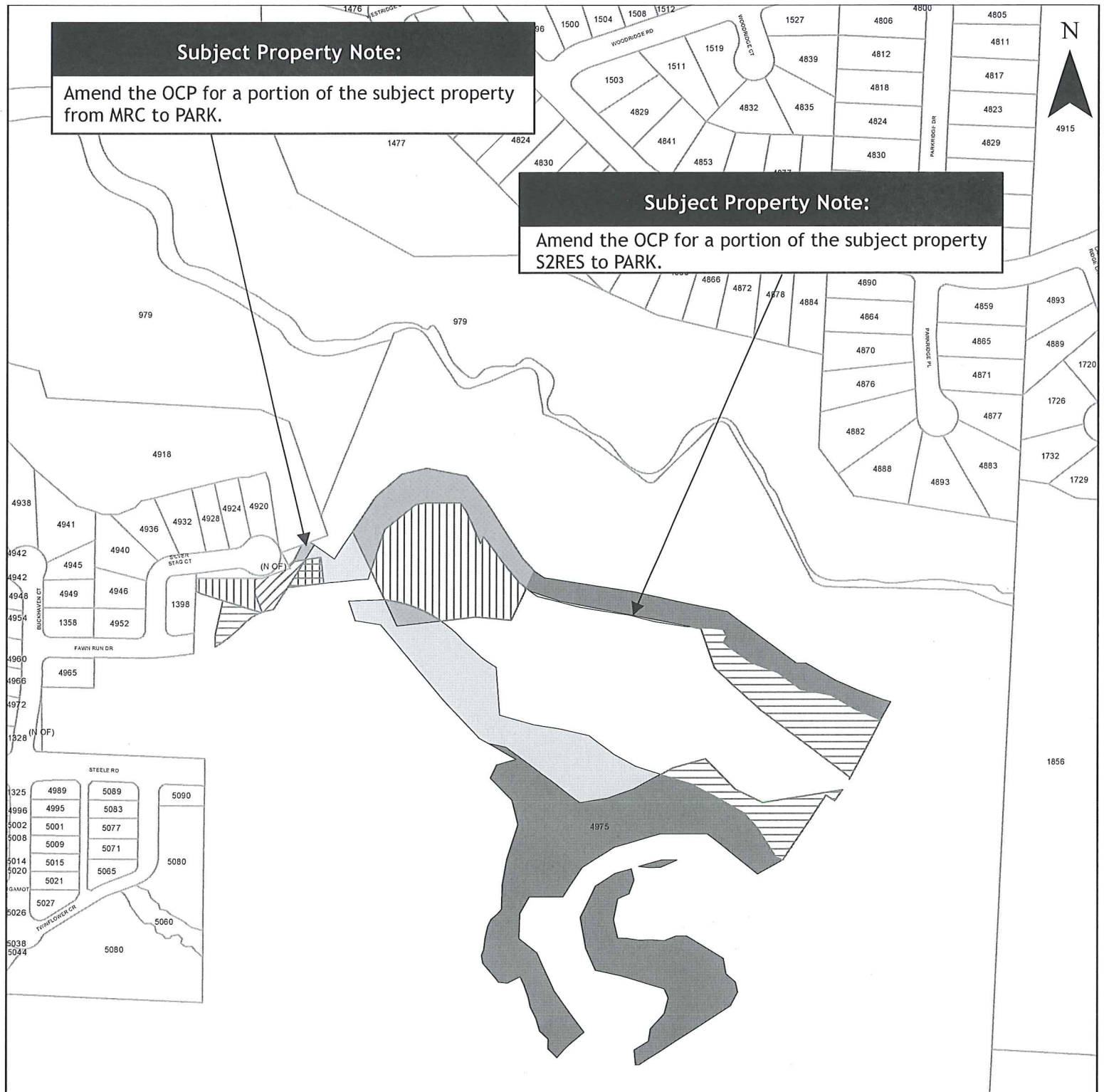
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Subject Property Note:

Amend the OCP for a portion of the subject property from MRC to PARK.

Subject Property Note:

Amend the OCP for a portion of the subject property S2RES to PARK.



**MAP "A" OCP AMENDMENT
FILE #OCP15-0003**

- Legal Parcel
- MRC to PARK
- MRC to PSU
- MRC to S2RES
- S2RES to PARK
- S2RES to PSU
- S2RESH to PARK
- S2RESH to S2RES




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0 50 100 Metres

Rev. 3/5/2015



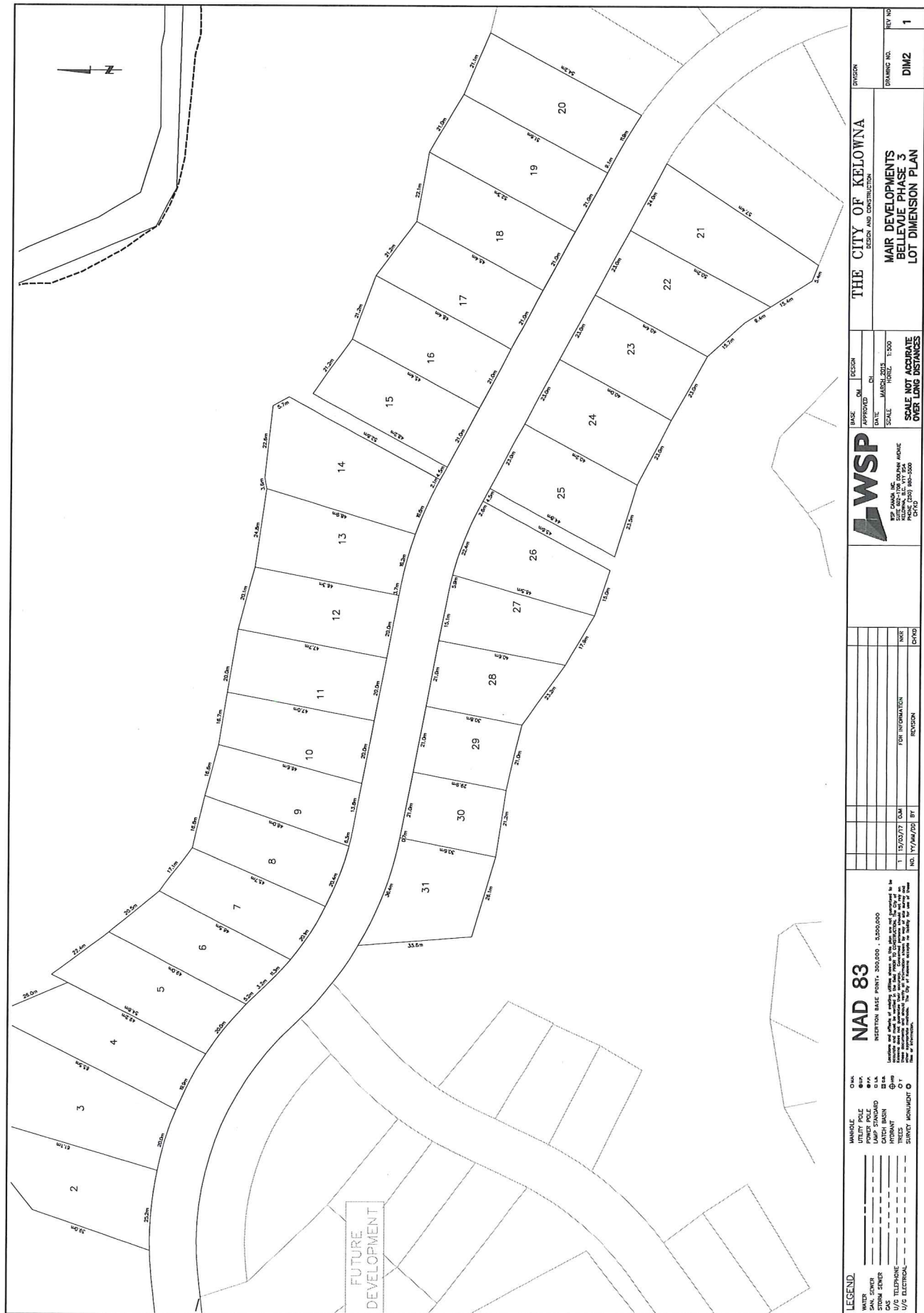
MAP "B" PROPOSED ZONING File #Z14-0057

-  A1 to P3
-  A1 to P4
-  A1 to RU1

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0 50 100 Metres

Rev. 3/5/2015



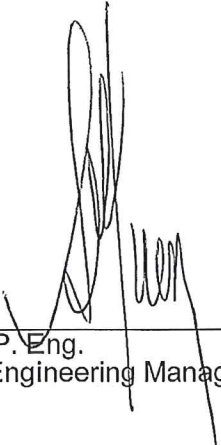
CITY OF KELOWNA
MEMORANDUM

Date: December 10 2014
File No.: Z14-0057
To: Land Use Management (DB)
From: Development Engineering Manager
Subject: 4975 Buckhaven Ct Plan 44335 Lot A **Ponds Bellevue PH3**

The Development Engineering Branch comments and requirements regarding this application to rezone from A-1 to RU-1 are as follows:

The Development Engineering Technologist for this project is John Filipenko. AScT

All servicing requirements associated with the proposed rezoning as well as the preliminary layout review have been addressed in the subdivision application under file S14-0081.



Steve Muenz, P. Eng.
Development Engineering Manager

JF