City of Kelowna
Public Hearing
AGENDA

Tuesday, October 18, 2016
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 October 4, 2016 (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

3.1 196 Cariboo Road, BL11288 (Z16-0018) - D & S Schulz Enterprises Ltd. 4 - 17

To rezone the subject property from the RR3 – Rural Residential zone to the RU6 - Two Dwelling Housing zone.

3.2 3580 Casorso Road, BL11289 (Z16-0050) - Lonewolf Homes Ltd. & Andrew Paterson 18 - 26

The applicant is requesting permission to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a subdivision of the parcel into two lots.

3.3 5100 Gordon Drive, BL11291 (OCP16-0008) & BL11292 (Z16-0045) - No. 21 Great Projects Inc. 27 - 37

To consider an Official Community Plan Amendment and Rezoning application and to amend the Future Land Use designations and rezone portions of the subject property to facilitate a single family residential subdivision for Phase 5 of The Ponds and to dedicate parkland to the City.

3.4 2980 Gallagher Road, BL11293 (OCP16-0014) & BL11294 (Z16-0051) - Kirschner Mountain J.V. 38 - 49

To amend the Official Community Plan Future Land Use Designation and to rezone portions of the subject properties in order to accommodate the development of a single family subdivision.

3.5 752 & 760 Bechard Road, BL11295 (Z16-0047) - Louis & Elda Pagliaro 50 - 58

To rezone portions of the subject properties from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a four lot 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 respresentation (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:	October 3, 2016		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (TY)		
Application:	Z16-0018	**Owner:**	D & S Schulz Enterprises Ltd
Address:	196 Cariboo Rd	**Applicant:**	Siegfried Schulz
Subject:	Rezoning Application		
Existing OCP Designation:	S2RES – Single/Two Unit Residential		
Existing Zone:	RR3 – Rural Residential 3		
Proposed Zone:	RU6 - Two Dwelling Housing		

1.0 Recommendation

THAT Rezoning Application No. Z16-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot H Section 4 Township 23 ODYD Plan 20088, located at 196 Cariboo Road, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RU6 - Two Dwelling Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated October 3, 2016.

2.0 Purpose

To rezone the subject property from the RR3 – Rural Residential zone to the RU6 - Two Dwelling Housing zone.

3.0 Community Planning

Community Planning supports the proposed application to rezone the subject property from a rural residential zone to an urban residential zone. The subject property is located in a neighbourhood designated as a S2RES – Single/Two Unit Residential Future Land Use and is within the Permanent Growth Boundary. The RU6 - Two Dwelling Housing zone meets the Future Land Use of Kelowna's Official Community Plan. No variances are triggered as part of this rezoning.

4.0 Proposal

4.1 Background

A similar development proposal was considered by Council in 2010. The application was given third reading. Extensions were granted however, the applicant did not fulfill the required items of the rezoning and the application was canceled.

4.2 Project Description

Existing Conditions

Currently the property contains one single family dwelling constructed in the 1970s. This dwelling is positioned on the northern portion of the property. The remainder of the property is undeveloped, there are no accessory structures on the parcel.

Image 1: Subject Property

4.3 Proposed Development

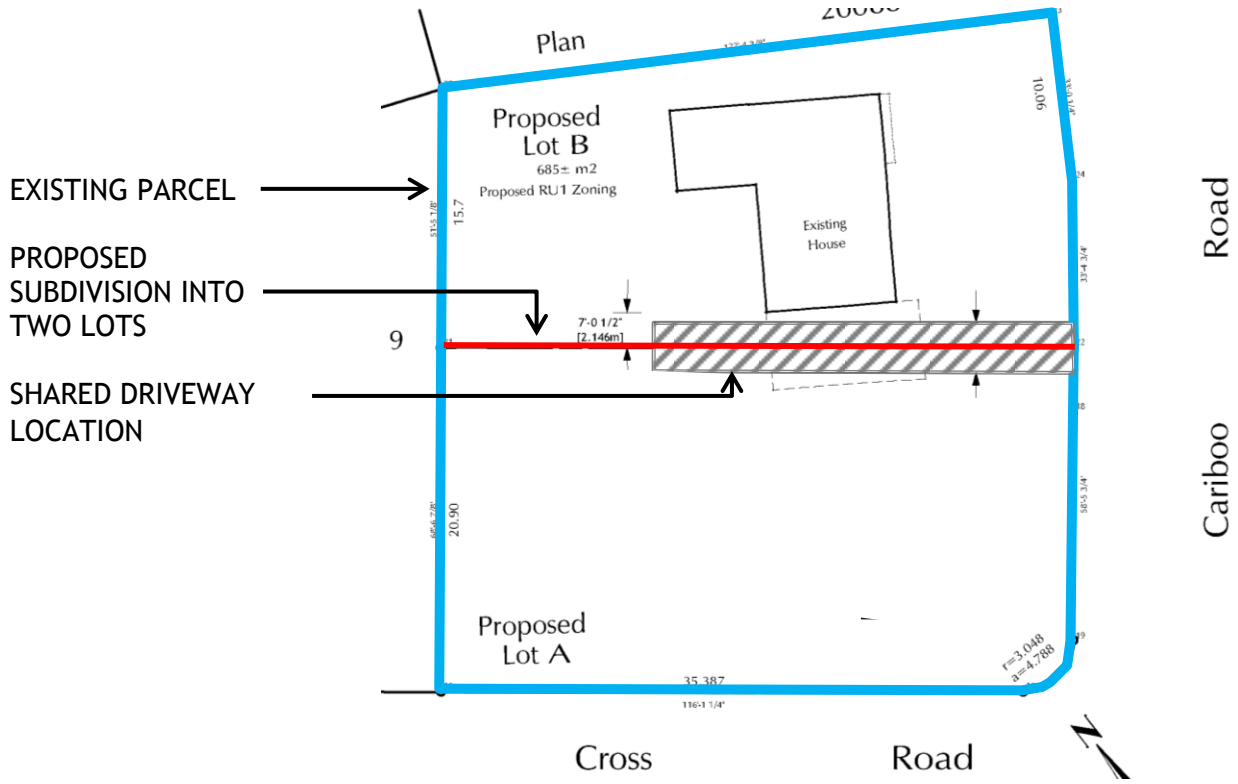
The application to rezone the subject parcel is being considered by Council. Should the rezoning application be successful, the applicant will apply to subdivide the subject parcel into two lots.

The future two lot subdivision would permit:

- Proposed Lot A 800 m^2 - Two Dwelling Housing
- Proposed Lot B 685 m^2 - Single Family Dwelling (with a secondary suite <u>or</u> a carriage house)

The proposed two lot split will require the removal of the existing attached garage. This will be required at the time of subdivision of the subject parcel.

Image 2: Future RU6 Subdivision



Vehicle access currently exists off of Cariboo Road. No access is permitted from Cross Road as per the City of Kelowna, Subdivision and Servicing Bylaw[1]: "Where a lot abuts a lane or road of different classification, the driveway shall be located to access the lane or road of the lower classification."

As such, a future subdivision creating Lot A would prohibit vehicular access from Cross Road. To ensure future owners and developers understand this regulation and safety precaution, a covenant will be registered on title at time of subdivision limiting vehicular access of both parcels to the location shown on the sketch above. The two lots would also share one driveway access off of Cariboo Road in this registered easement area.

[1] City of Kelowna Subdivision & servicing bylaw Schedule 4 of Bylaw 7900 City of Kelowna Design Standards 4.6

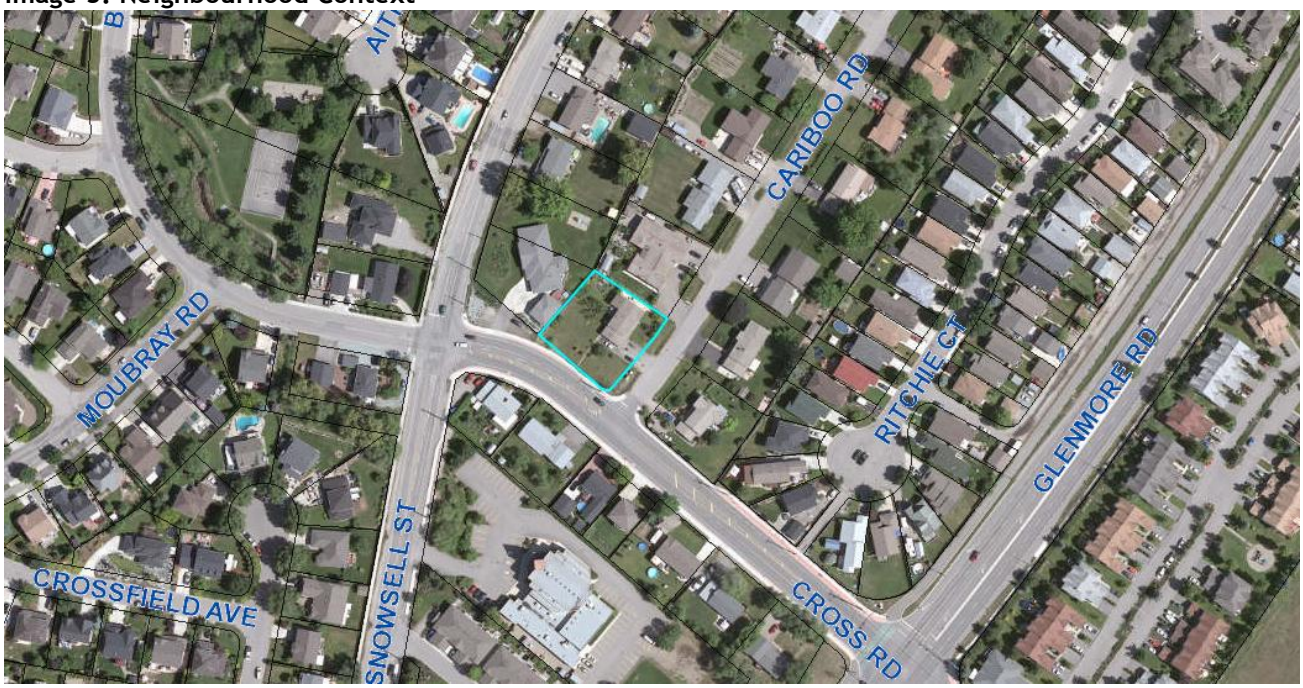
4.4 Site Context

The subject parcel is located on the northwest corner of Cross and Cariboo Road. The parcel is 30.0 m from the intersection of Cross Road and Snowsell Street, and 150 m from the intersection of Cross Road and Glenmore Road. The immediate neighbourhood is designated S2RES Single/Two Unit Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3	Single Family Dwelling
East	RR3	Single Family Dwelling
South	RR3 RU2	Single Family Dwelling Single Family Dwelling
West	RR3	Single Family Dwelling

Image 3: Neighbourhood Context



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	**RU6 ZONE REQUIREMENTS**	**PROPOSED**
Existing Lot/Subdivision Regulations		
Lot Area for Two Dwelling (for a corner lot)	800 m^2	1,484.7 m^2
Lot Width for Two Dwelling (on a corner lot)	20.0 m	38.5 m
Lot Depth	30.0 m	38.4 m
Development Regulations		
Site Coverage	40%	18%
Site Coverage including driveways & parking	50%	31%
Height	9.5 m or 2.5 storeys	1.5 storeys
Front Yard	4.5 m to dwelling 6.0 m to garage	+ 10.0 m
Side Yard (flaking street)	4.5 m	+ 10.0 m
Side Yard (north)	2.0 m for 1.5 storey	+ 2.4 m
Rear Yard	7.5 m	+ 10.0 m
Other Regulations		
Minimum Parking Spaces	2 per dwelling	2

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process
Compact Urban Form.[2] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Goals for A Sustainable Future
Address Housing Needs of All Residents [3] Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Two Dwelling Housing Design Guidelines [4]
Locate parking and garages within the rear yard with direct access from the lane. On properties which do not abut a lane, locate parking within the rear yard with driveway access from the street;

Minimize the amount of impervious paved surfaces (i.e., share driveways between two dwellings or between the principal dwelling and secondary suite or use pervious paving materials such as grasscrete)

[2] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
[3] City of Kelowna Official Community Plan, Goal 2 (Introduction Chapter).
[4] City of Kelowna Official Community Plan, Guideline 1.15 (Urban Design Development Permits Areas Chapter).

Design buildings located on a double fronting or corner lot so that there is frontage onto both streets (i.e., entrance to principal dwelling from the front street and the entrance to the second dwelling/secondary suite from the side street or a front to back configuration with the principal dwelling fronting onto one street and the secondary suite fronting onto the other);

5.2 Subdivision & Servicing Bylaw No. 7900

Design Standards [5] Each property shall only have one (1) driveway access per road frontage. Upon demonstrated need and approval from the City Engineer, more than one (1) driveway access may be granted to service stations, major commercial and other developments. Where a lot abuts a lane or road of different classification, the driveway shall be located to access the lane or road of the lower classification.

Residential driveway access onto an arterial or Class 1 collector road, is not permitted unless alternate access is impossible. Wherever physically possible, alternate local road or lane access shall be dedicated to preclude residential driveways accessing directly onto major roads. Residential driveway accesses serving corner lots shall be a minimum of 7 m from the lot corner nearest the intersection. All residential driveway accesses shall have a minimum width of 4 m and a maximum width of 6 m.

6.0 Technical Comments

6.1 Building & Permitting Department
Building Permit required for the modification to the existing house.

6.2 Development Engineering Department
The applicant is responsible for frontage upgrades along Cariboo Road including but not limited to curb, gutter and sidewalk. A servicing agreement must also be entered into for water and sanitary upgrades. See attached requirements in Schedule "A" for full details.

6.3 Irrigation District GEID
All required upgrades will be addressed at time of subdivision.

7.0 Application Chronology

Date of Application Received:	March 21, 2016
Date of Revised Site Plan:	July 4, 2016
Date Public Consultation Completed:	July 21, 2016
Referral Process Completed:	September 8, 2016

Report prepared by: Tracey Yuzik, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

[5] City of Kelowna Subdivision & Servicing Bylaw No 7900, 4.6

Schedule A: Development Engineering Memorandum
Attachment A: Existing Conditions Site Plan
Attachment B: Proposed (Future) Subdivision Plan

SCHEDULE A

This forms part of application

Z16-0018

Planner Initials TY

City of Kelowna
COMMUNITY PLANNING

CITY OF KELOWNA

MEMORANDUM

Date: September 8, 2016
File No.: Z16-0018

To: Land Use Management Department (TY) (Revised Comments)

From: Development Engineering Manager (SM)

Subject: 196 Cariboo Rd. - Rezoning Application – RR3 to RU6

Development Engineering has the following comments and requirements associated with this application.

The Development Engineering Technologist for this project is John Filipenko AScT

.1 General

The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.

.2 Geotechnical Report

(a) Provide a modified geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below.
The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

(i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

(ii) Site suitability for development.

(iii) Any special requirements for construction of driveways, utilities and building structures.

(iv) Recommendations for roof drains and perimeter drains.

(v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

(vi) Recommendations for items that should be included in a Restrictive Covenant.

(vii) Any items required in other sections of this document.

.3 Water

a) The property is located within the Glenmore Ellison Improvement District (GEID) service area).

b) Confirmation is required from GEID that the water system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.

.4 Sanitary Sewer

a) The existing 100mm sanitary service can be utilised for the proposed RU6 (Lot A). An inspection chamber must be installed at the applicant's cost

a) A new sanitary service for proposed lot B must be provided at the applicant's cost.

b) The estimated cost of the service upgrades, for bonding purposes, would be **$8,600.00**, inclusive of a bonding contingency.

b) Arrange for a lot connection before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

.5 Drainage

(a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires 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.

(b) Storm service connections to Lot A and Lot B can be provided from the new main within Cariboo Road.

(c) The estimated cost of installing a Storm Main including service connections are included in road improvement frontage costs.

.7 Roads and Dedication

a) Cariboo Road property frontage must be constructed to a urban local standard (SS-R3) complete with curb and gutter, sidewalk, piped storm drainage system, fillet pavement, and adjustment and, or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of this work, for bonding purposes, would be **$28,500.00**, inclusive of a bonding contingency.

b) Cross Road fronting this property is fully urbanized to a collector standard complete with curb and gutter and sidewalk. No driveway access will be permitted onto Cross Road

.8 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.

.9 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.

.10 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.

.11 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.

.12 Charges and Fees

a) Development Cost Charges (DCC's) are payable

b) Fees per the "Development Application Fees Bylaw" include:

i) Survey Monument Fee: **$50.00** per newly created lot (GST exempt).
ii) Survey Monument, Replacement Fee: $1,200.00 (GST exempt) – only if disturbed.

c) A hydrant levy charge of **$250.00** per lot (not required if developer installs a fire protection system – mains and hydrants).

i) Engineering and Administration Fee: 3.5% of construction value ($26,500) (plus GST). **$ 973.87** ($ 927.50 + $46.37)

d) <u>Performance Security (Letter of Credit or Cash)</u>

Sanitary servicing	$ 8,600.00
Cariboo Road frontage Improvements	$ 28,500.00
Total Amount	**$ 37,100.00**

_____
Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager
JF/jf

ATTACHMENT A

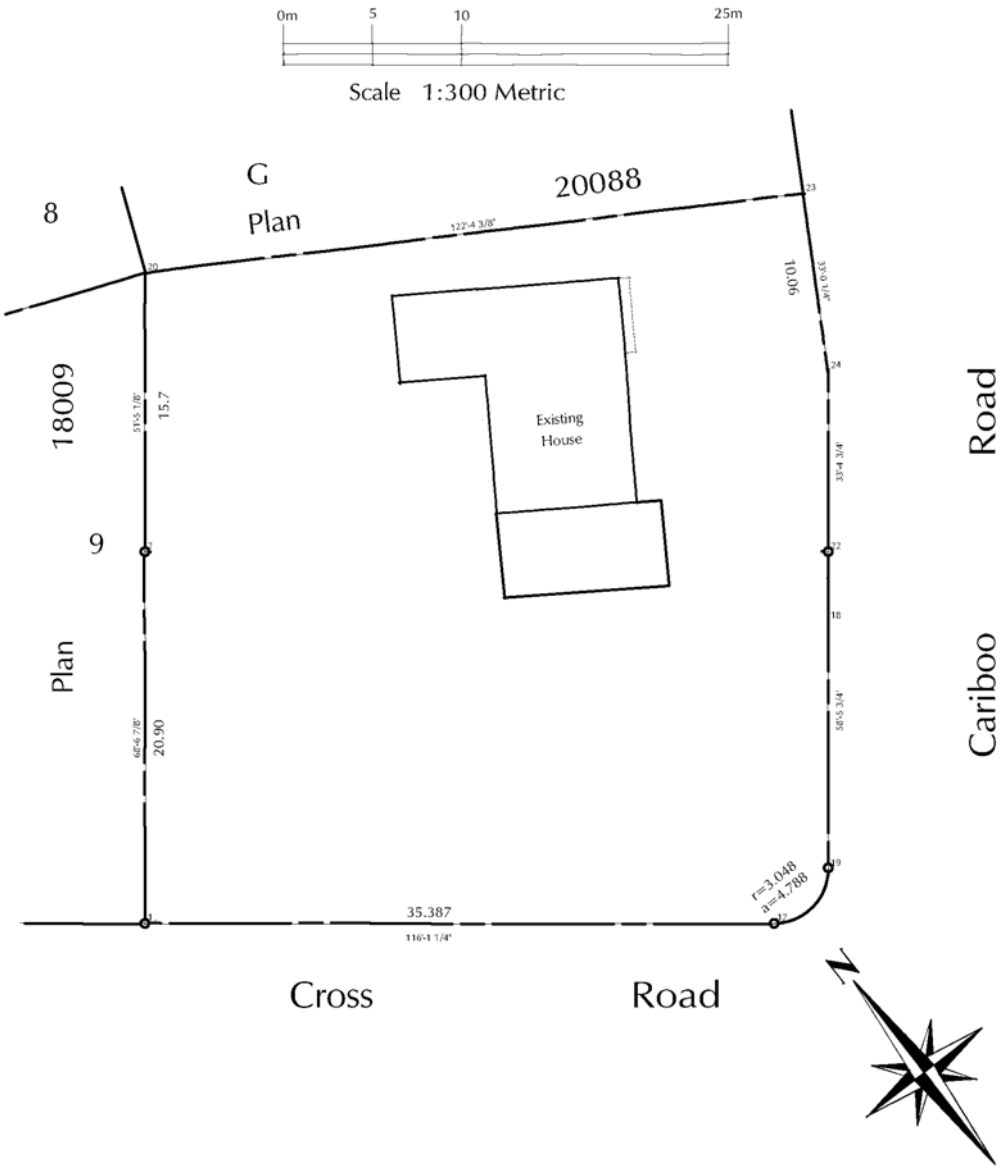
This forms part of application

Z16-0018

Planner Initials TY

City of Kelowna
COMMUNITY PLANNING

Lot H, Sec 4, Tp 23, ODYD, Plan 20088.
196 Cariboo Road - Kelowna BC V1V 2E4



ATTACHMENT **B**

This forms part of application

Z16-0018

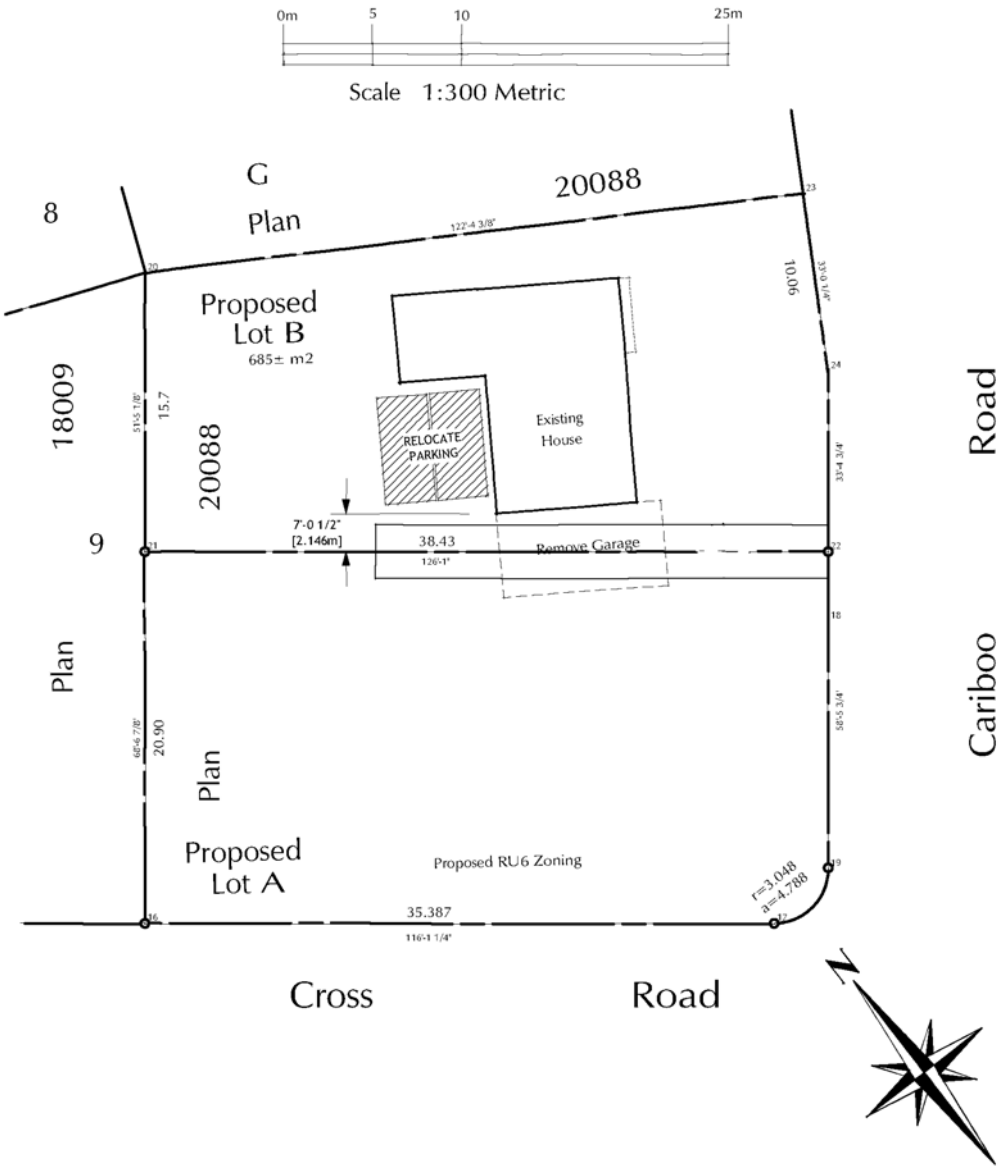
City of Kelowna
COMMUNITY PLANNING

Planner Initials TY

Proposed Plan Of Subdivision Based On RU6 Zoning

Lot H, Sec 4, Tp 23, ODYD, Plan 20088.

196 Cariboo Road - Kelowna BC V1V 2E4



REPORT TO COUNCIL

Date:	October 3, 2016		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (KB)		
Application:	Z16-0050	**Owner:**	Lonewolf Homes Ltd., Inc. No. BC0734044 & Andrew Louis Scott Paterson
Address:	3580 Casorso Road	**Applicant:**	Andrew Louis Scott Paterson
Subject:	Rezoning application from RU1 to RU2 to facilitate a two lot subdivision		
Existing OCP Designation:	S2RES – Single / Two Unit Residential		
Existing Zone:	RU1 – Large Lot Housing		
Proposed Zone:	RU2 – Medium Lot Housing		

1.0 Recommendation

THAT Rezoning Application No. Z16-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 16 District Lot 134 Osoyoos Division Yale District Plan 20399, located at 3580 Casorso Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated (September 1, 2016);

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

The applicant is requesting permission to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a subdivision of the parcel into two lots.

3.0 Community Planning

The subject property is within the South Pandosy - KLO Sector of Kelowna. It is designated as S2RES – Single/Two Unit Residential in the Official Community Plan (OCP) and as such the application to rezone to RU2 to facilitate a 2 lot subdivision is in compliance with the designated future land use. In addition, the OCP's urban infill policies generally support the densification of residential neighbourhoods through sensitive development, including the use of smaller lots.

The proposed lots meet or exceed the zoning criteria standards for the RU2 – Medium Lot Housing zone. The property is serviced by City of Kelowna water and sanitary sewer.

Based on current City of Kelowna policy and the services available, Community Planning Staff supports this application.

4.0 Proposal

4.1 Project Description

The applicant is requesting permission to rezone and then subdivide the existing 1416 m^2 (0.35 ac) parcel into two equal parcels.

4.2 Site Context

The subject property is located in the South Pandosy - KLO Sector of Kelowna (see Map 1 - Subject Property, below). The property had an existing single family dwelling, however there is an open demolition permit and it is in the process of being demolished and the site cleaned up.

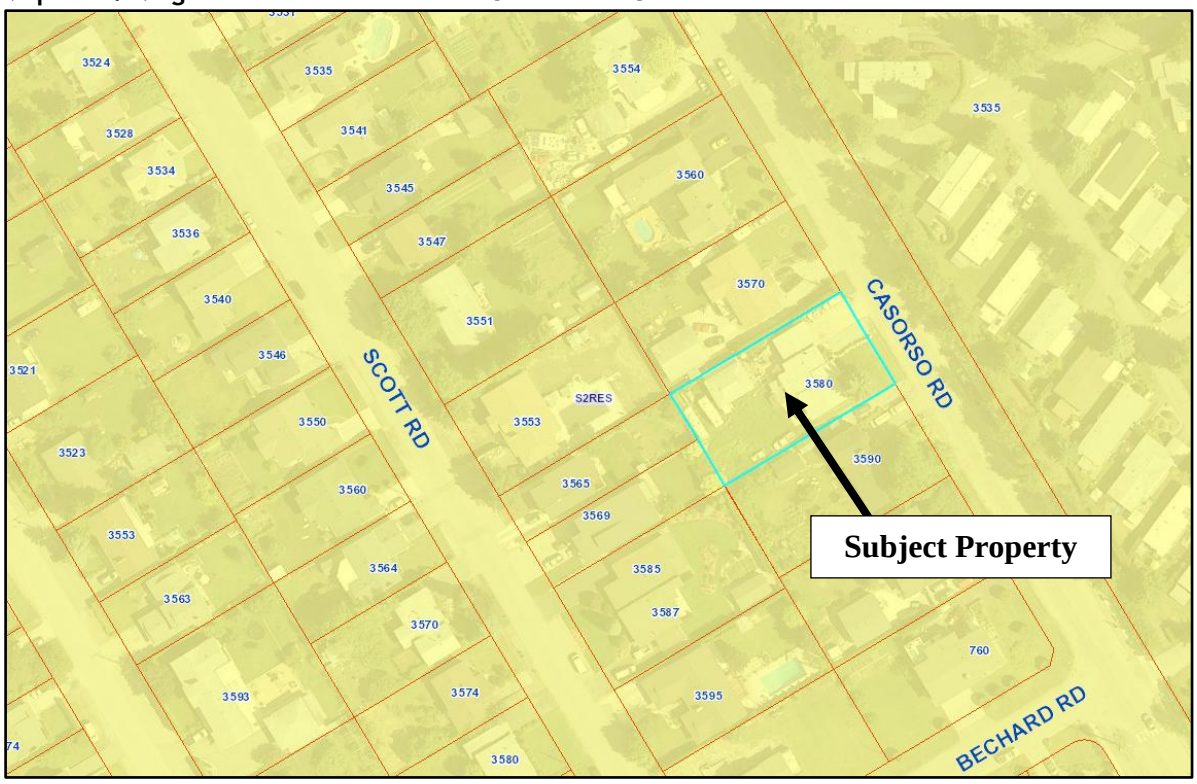
The adjacent properties are characterized by single family dwellings, and a mobile home park is located on the opposite side of Casorso Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use	Future Land Use
Northeast	RM7 – Mobile Home Park	Residential	S2RES – Single / Two Unit Residential
Southeast	RU1 – Large Lot Housing	Residential	S2RES – Single / Two Unit Residential
South	RU6 – Two Dwelling Housing	Residential	S2RES – Single / Two Unit Residential
West	RU2 – Medium Lot Housing	Residential	S2RES – Single / Two Unit Residential
Northwest	RU1 – Large Lot Housing	Residential	S2RES – Single / Two Unit Residential

Map One: Subject Property Map - 3580 Casorso Road

Map Two: Neighbourhood Future Land Use - 3580 Casorso Road



4.3 Local Amenities

Casorso Road is currently serviced by the Lakeshore/Downtown Bus Transit Route. The nearest bus stop is approximately 450 m west of the subject property. Additional transit options are available at the Okanagan College exchange, approximately 1.2 km northeast of the subject property. The subject property is also in close proximity to local parks and bikeways.

4.4 Servicing

The area is currently serviced by City of Kelowna water and sanitary sewer.

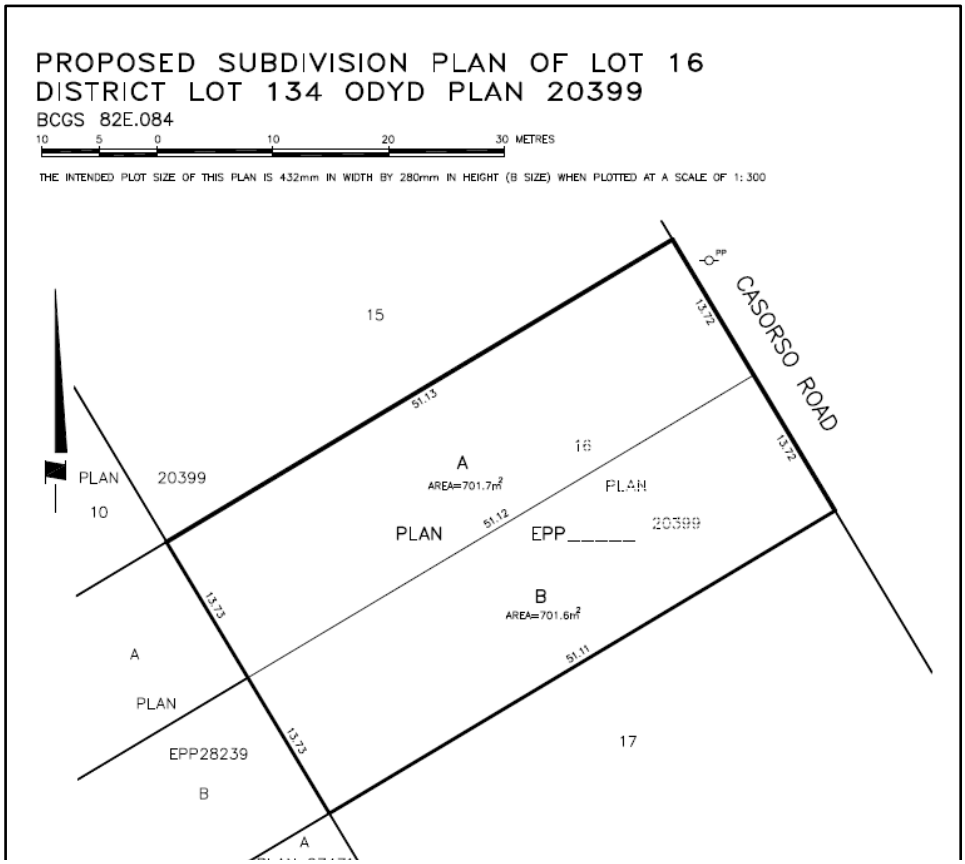
4.5 Subdivision and Development Criteria

The proposed lot configuration conforms to the requirements of the RU2 – Medium Lot Housing zone requirements. Subdivision and development criteria for the RU2 zone are shown in the Table below.

Zoning Analysis Table		
CRITERIA	**RU2 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m^2	701 m^2
Minimum Lot Width	13.0 m	13.72 m
Minimum Lot Depth	30.0 m	51.11 m

No variances are required for this subdivision at this time.

Map Three: Proposed Subdivision Layout – 3580 Casorso Road



5.0 Current Development Policies

5.1 Kelowna 2020 – Official Community Plan - General Policies[1]

Focus development to designated growth areas

Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres in particular and existing areas as per the provisions of the Generalized Future Land Use Map.

Permanent Growth Boundary.[2] Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

1 City of Kelowna Official Community Plan – Development Process; p. 5.3
2 City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).

Ensure context sensitive housing development[3]

Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Demolition Permit required for any existing structures
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See attached Memorandum, dated September 1, 2016.

6.3 School District No. 23

- The Subdivision application triggers the School Site Acquisition Charge which applies to residential development where new (additional) residential lots or dwellings are created through subdivision or new construction. Further details on the charge can be found in Division 10.1 of the Local Government Act

6.4 Shaw Cable

- Owner/developer must install new 1-2" (50mm) DB2 WHITE conduit from new structure to nearest Shaw service location on road right-of way.

6.5 Telus

- Developer is responsible for contacting TELUS to discuss service requirements and to provide a site plan proposed shallow utilities.

3 City of Kelowna Official Community Plan – Development Process; p. 5.27

7.0 Application Chronology

Date of Application Received: July 15, 2016
Date Public Notification Completed: August 24, 2016

Report prepared by:

_____
Kim Brunet, Planner I

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:
Schedule A: Development Engineering Memorandum, dated September 1, 2016
Site Plan – Proposed Subdivision Layout

CITY OF KELOWNA

MEMORANDUM

Date: September 1, 2016
File No.: Z16-0050

To: Community Planning (KB)

From: Development Engineering Manager (PI)

Subject: 3580 Casorso Rd RU1 to RU2

Development Engineering has the following comments and requirements associated with this application.

1. General

Frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcels being subdivided into two lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.

Purvez Irani, MS, P Eng., PTOE
Development Engineering Manager
SS

SCHEDULE A
This forms part of development
Permit # Z16-0050

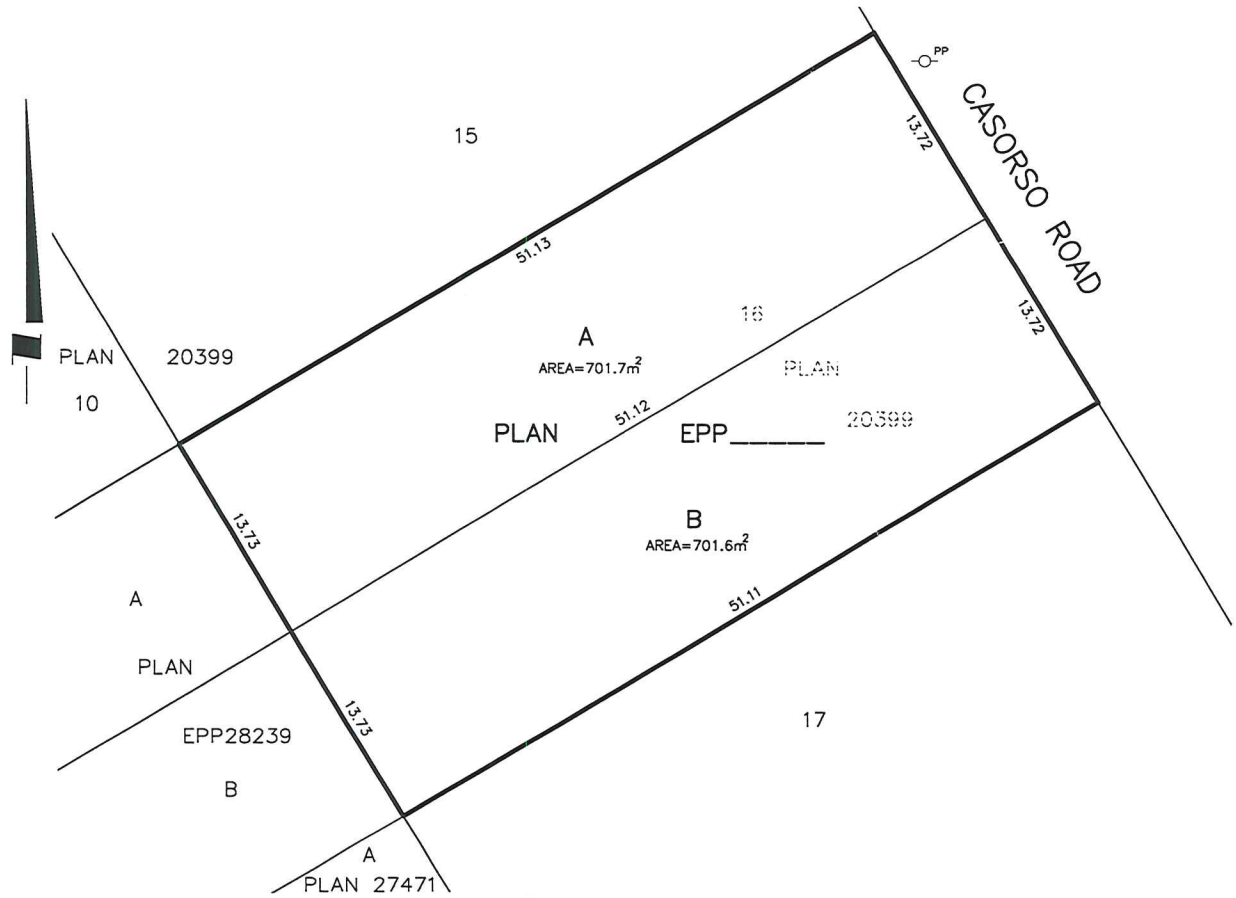
PROPOSED SUBDIVISION PLAN OF LOT 16
DISTRICT LOT 134 ODYD PLAN 20399

BCGS 82E.084

10 5 0 10 20 30 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 280mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:300

PLAN EPP_____



LEGEND:

PP POWER POLE

ADDRESS: 3580 CASORSO ROAD
DATE: JUNE 17, 2016

CURRENT ZONING: RU1
PROPOSED ZONING: RU2

THIS PLAN IS FOR THE EXCLUSIVE USE OF OUR CLIENT AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

PLEASE NOTE AREAS AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE UPON FINAL SURVEY.

Ferguson Land Surveying & Geomatics Ltd.
B.C. AND CANADA LAND SURVEYORS
404-1630 PANDOSY STREET, KELOWNA, B.C.
TELEPHONE (250) 763-3115 FAX (250) 763-0321

JOB No: 20653-PROP SUB

S:\Shared (Aug 10, 2006)\Job_Files\206XX\20653\20653-PROP SUB.DWG
DRFTD BY: FL FB/PG: SEE FILE

REPORT TO COUNCIL

Date:	October 3, 2016		
RIM No.	1250-20/ 1250-30		
To:	City Manager		
From:	Community Planning Department (TY)		
Application:	OCP16-0008 Z16-0045	**Owner:**	No. 21 Great Projects Ltd., Inc.No. 355991
Address:	5100 Gordon Dr	**Applicant:**	No. 21 Great Projects Ltd., Inc.No. 355991
Subject:	OCP Amendment/ Rezoning Application		
Existing OCP Designation:	MRC - Multiple Unit Residential – Cluster Housing S2RES - Single/ Two Unit Residential S2RESH - Single/ Two Unit Residential – Hillside PARK - Major Park/ Open Space (public)		
Proposed OCP Designation:	S2RESH - Single/ Two Unit Residential – Hillside MRC - Multiple Unit Residential – Cluster Housing PARK - Major Park/ Open Space (public)		
Existing Zone:	A1 – Agriculture 1		
Proposed Zone:	P3 – Parks and Open Space RU2H – Medium Lot Housing (Hillside Area)		

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP16-0008 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land use designations of portions of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located at 5100 Gordon Dr Kelowna, BC, from the Multiple Unit Residential (Cluster Housing) to Single/ Two Unit Residential – Hillside, from Single/ Two Unit Residential – Hillside to Major Park and Open Space, from Single/ Two Unit Residential to Single/ Two Unit Residential – Hillside, from Multiple Unit Residential (Cluster Housing) to Major Park and Open Space, from Single/ Two Unit Residential to Major Park and Open Space, from Major Park and Open Space to Multiple Unit Residential (Cluster Housing) as sown on Map "A" attached to the report of Community Planning dated October 3, 2016 be considered by Council;

AND THAT Rezoning Application No. Z16-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of portions of The South ½ DL 579 SDYD Except Plans KAP77336, KAP86178, KAP86917, KAP87090, KAP87918, EPP9619, EPP9638, EPP12863, EPP15721, EPP18670, EPP22118 and EPP55978, located at 5100 Gordon Dr Kelowna, BC, from A1- Agriculture

1 to P3 - Parks and Open Space and RU2h – Medium Lot Housing (Hillside Area) as shown on Map "B" attached to the report of Community Planning, dated October 3, 2016 be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment 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 issuance of Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To consider an Official Community Plan Amendment and Rezoning application and to amend the Future Land Use designations and rezone portions of the subject property to facilitate a single family residential subdivision for Phase 5 of The Ponds and to dedicate parkland to the City.

3.0 Community Planning

Planning Staff support the proposal to amend the Future Land Use designation and rezone portions of the subject property for Phase 5 of The Ponds development. The subject area is located in an unique hillside area between two small bodies of water, Hill Spring and Jack Smith Lake. The applicant worked closely with City Staff to provide large contiguous areas of undisturbed land to be designated to the City as Park. This approach to Park land dedication is supported by the environmental assessment on the property. It also meets many Official Community Plan policies with regards to protection measures and habitat protection noted in Section 5.0 of this report. The proposed amendments will result in a net gain in natural open space compared to the current Official Community Plan Future Land Use designations on the subject property (see Map A).

Staff reviewed the application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Project Description

The subject property is located in the City's Southwest Mission Sector and is Phase 5 of The Ponds development. Residential development in Phases 1 through 4 of The Ponds was approved through previous development applications. Phase 5 is intended to create approximately 34 single family residential lots that are sensitive to the site's sloped topography under the proposed RU2h – Medium Lot Housing (Hillside Area) zone. The majority of the land proposed for RU2h zoning has been used for the past ten years as gravel and rock storage for The Ponds development. Land around Jack Smith Lake and another portion south of Hill Spring park will be dedicated to the City as parkland.

4.2 Design Rationale

An environmental assessment was carried out specifically for this phase of development. It was determined that the land designation collaboratively proposed by City Staff and the applicant is an appropriate allocation of park and single family residential area.

Environmental Assessment Report[1]

[1] Ecoscape Environmental Consultants Ltd. Environmental Assessment at the Ponds Phase 5 Report, June 2016, 4.0 Impact Assessment Section.

"Based on the proposed subdivision layout, the development including road and lot layout generally avoids the majority of the Environmentally Sensitive Area 2 (High value) areas surrounding Jack Smith Lake and Hill Spring and also avoid encroachment beyond the 30 m setback associated with Jack Smith Lake…

The area of ESA 2 conserved under the currently proposed site plan is compensation for land development associated with other phases of The Ponds development including the School Site and the amendment of land designated as Major Park/ Open Space (public) to Multiple Unit Residential – Cluster Housing in Phase 6. The conservation of the ESA 2 land provides reasonable protection in maintaining the ecological integrity of the subject property."

4.3 Site Context

The subject property is located southeast and southwest of the intersection of Gordon Drive and Clarence Avenue, between Hill Spring Park and Jack Smith Lake.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space RU3 – Small Lot Housing	Hill Spring Park Single Family Housing
East	A1 – Agriculture 1	Natural Open Space
South	A1 – Agriculture 1	Natural Open Space
West	A1 – Agriculture 1 RU1h – Large Lot Housing (Hillside Area) P3 – Parks and Open Space	Natural Open Space Single Family Housing Kuipers' Peak Mountain Park

Subject Property Map: 5100 Gordon Drive

WINDSONG CR
FROST RD
FAWN RUN DR
STEELE RD
GORDON DR
BERGAMOT AVE
LEDGEVIEW CT
CANTINA CT
CLARANCE AVE
Phase 5
LAMONT CT
HEWETSON AVE
HEWETSON CT

Current Development Policies

4.4 Kelowna Official Community Plan (OCP)

Future Land Use

Single / Two Unit Residential – Hillside (S2RESH)[2] Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

Development Process

Ensure Environmentally Sustainable Development

Environmentally Sensitive Area Linkages[3]
Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

Habitat Management Hierarchy[4]
Ensure the following sequence of management actions for all public or private projects be adhered to, as identified in a Development Permit, to achieve
the "no net loss/net gain" principle of ESA's:

- AVOID impacts to habitat through appropriate project siting and design;
- MITIGATE minor or temporary impacts by minimizing impacts, and repairing and restoring damaged habitats to their former state or better;
- COMPENSATE only when residual, permanent loss of habitat is unavoidable, acceptable and compensable. Habitat compensation proposals will not be accepted as a trade-off for incomplete on-site mitigation where eff active mitigation efforts are feasible. Development proponents are responsible for proving that all measures to avoid or mitigate potential habitat impacts have been exhausted prior to proposing habitat compensation measures on or off -site.

Compensation Guidelines[5]
When compensation for loss of habitat is necessary and acceptable, implement the following guidelines in making habitat compensation decisions:

- On-site compensation (e.g. in or near the same location as the area being impacted) is generally preferred over off –site compensation, particularly when sufficient space is available and there is adequate biophysical capacity on the site to create or enhance similar habitat. However, in some instances, compensation eff orts away from the site may result in greater ecological benefits to the overall watershed, habitat type, species or community;
- When it is deemed necessary or appropriate, off -site compensation should occur within the same watershed or ecological unit as the area being impacted;
- 'Like-for-like' compensation is generally preferred over replacing lost habitat with a different type of habitat. However, replacing with unlike habitat may be preferable in

[2] City of Kelowna Official Community Plan, Future land Use Chapter.
[3] City of Kelowna Official Community Plan, Policy 5.15.3, Development Process Chapter.
[4] City of Kelowna Official Community Plan, Policy 5.15.4, Development Process Chapter.
[5] City of Kelowna Official Community Plan, Policy 5.15.5, Development Process Chapter.

cases when the replacement habitat will have higher productivity and/or will address a limiting factor within the natural system affected.

Compensation Ratio[6]

When compensation for loss of habitat is necessary and acceptable, require a compensation ratio (area of replacement habitat to area of lost habitat) that takes into account factors such as:

- Time lags in achieving habitat replacement;
- Risk associated with the success of compensation measures; the relative significance of the impacted habitat (e.g., does it support threatened, endangered and / or economically important species);
- Whether compensation is occurring on site or off -site; and
- Whether the replacement habitat is of the same type as the lost habitat.

Protection Measures[7]

Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication as a City park or trail where the area complements the goals and objectives of sustainable development. ESA's acquired as parks or trails will be managed to protect their sensitive features in balance with public use;
- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants;
- Some form of development incentive (density transfer, cluster housing, etc.) that will facilitate the protection of all or significant portions of ESAs;
- Protection of ESAs or portions of ESAs as an amenity contribution when new development requires a change to zoning that in-creases density over present zoning;
- Ensure setbacks on adjacent developments are adequate to maintain the integrity of the ESA and to minimize hazards created at the interface between natural areas and development. For example, ensure housing is setback an adequate distance adjacent to an interface area with potential tree, rockfall, flooding or fi re hazards;
- As a last option, dedication to a land trust or similar nongovernment organization for conservation purposes.

Habitat Protection[8]

Ensure a proposed development footprint within an ESA is configured in such a way as to minimise the encroachment toward aquatic or terrestrial habitat. Consider zoning and/or subdivision variances where needed to prevent or minimize a relaxation of or encroachment into the RMA or to acquire greater RMA width for environmental protection or hazard avoidance.

5.0 Technical Comments

5.1 Building & Permitting Department

No comment.

5.2 Development Engineering Department

The site is vacant, un-serviced land. Offsite and Onsite infrastructure and servicing requirements will be addressed in the PLR at time of subdivision.

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[6] City of Kelowna Official Community Plan, Policy 5.15.6 Development Process Chapter.
[7] City of Kelowna Official Community Plan, Policy 5.15.7 Development Process Chapter.
[8] City of Kelowna Official Community Plan, Policy 5.15.11 Development Process Chapter.

5.3 Fire Department

- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements of 60 litre/second for single family residential. All the hydrant(s) shall be operational PRIOR to the start of construction. Should this be a strata community, the hydrants shall be deemed private hydrants
- Fire Department access is to be met as per BCBC 3.2.5. (The minimum required width of the roadways shall be 6 m clear, turnarounds shall be provided with a 12 m turning radius, hammerheads to accommodate largest responding fire apparatus, maximum gradient 1:12.5 over 15M.) All roadways shall have a proper turning radius on corners or a proper turn around facility.;
- The houses shall be accessible from the street they are addressed off of - lanes are not considered emergency access routes. If lanes are utilized, they shall be named and meet the requirements of the BCBC for FD access;
- Ensure the length of the cul de sac does not exceed 200 metres as per Bylaw 7900;
- Requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met;
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met; and
- Do not issue BP unless all life safety issues are confirmed complete.

5.4 School District No. 23

School District 23 has no objections to the application as proposed.

6.0 Application Chronology

Application Received:	June 22, 2016
Public Consultation Completed:	September 2, 2016
Referral Comments Received:	September 7, 2016

Report prepared by: Tracey Yuzik, Planner

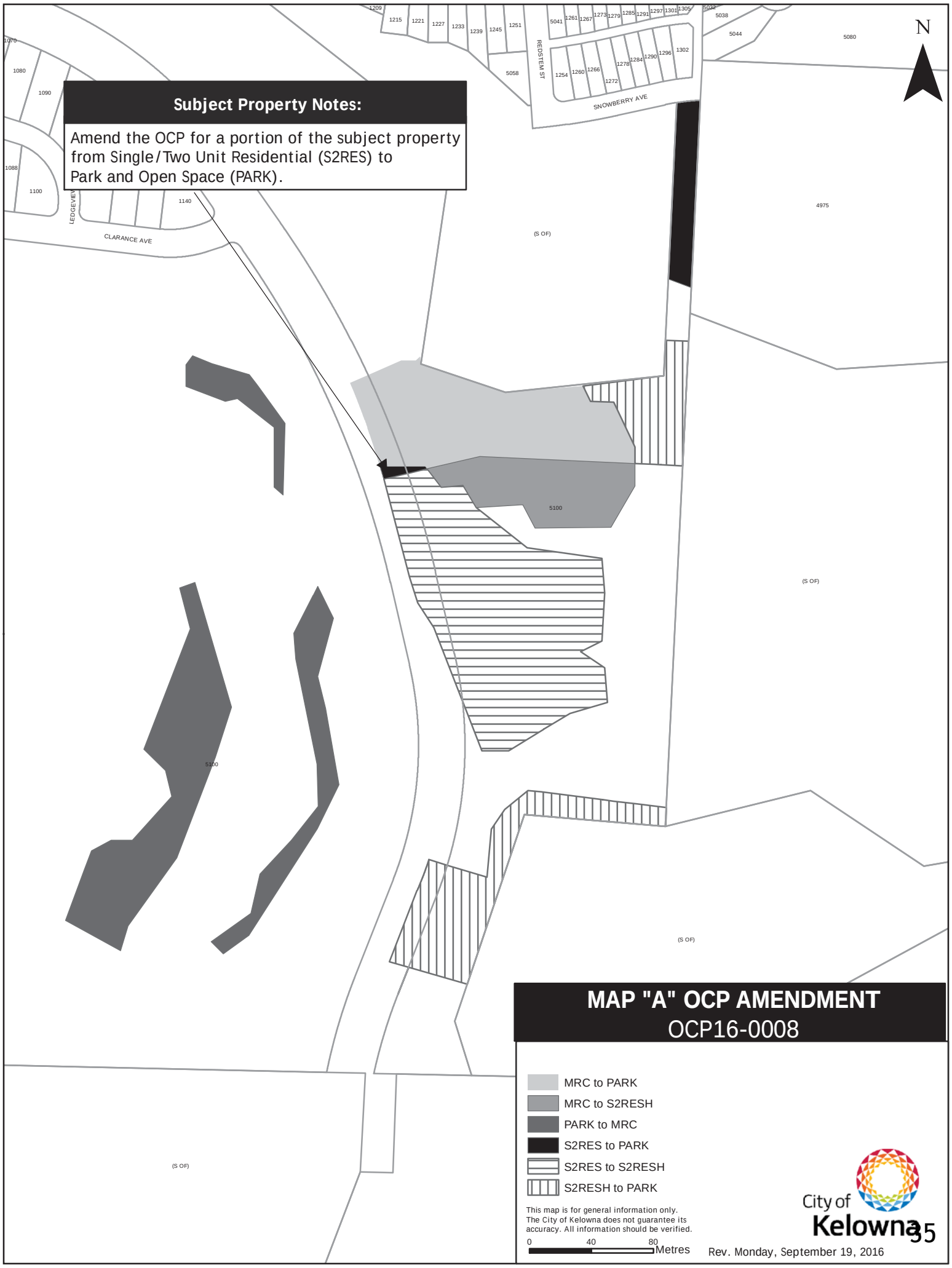
Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Map "A" OCP Amending Map
Map "B" Zone Amending Map
Proposed Subdivision Layout


Subject Property Notes:
Amend the OCP for a portion of the subject property from Single/Two Unit Residential (S2RES) to Park and Open Space (PARK).
N
CLARANCE AVE
LEDGEVIEW
REDSTEM ST
SNOWBERRY AVE
1070
1080
1090
1088
1100
1140
1209
1215
1221
1227
1233
1239
1245
1251
5058
5041
1261
1267
1273
1279
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1291
1297
1301
1305
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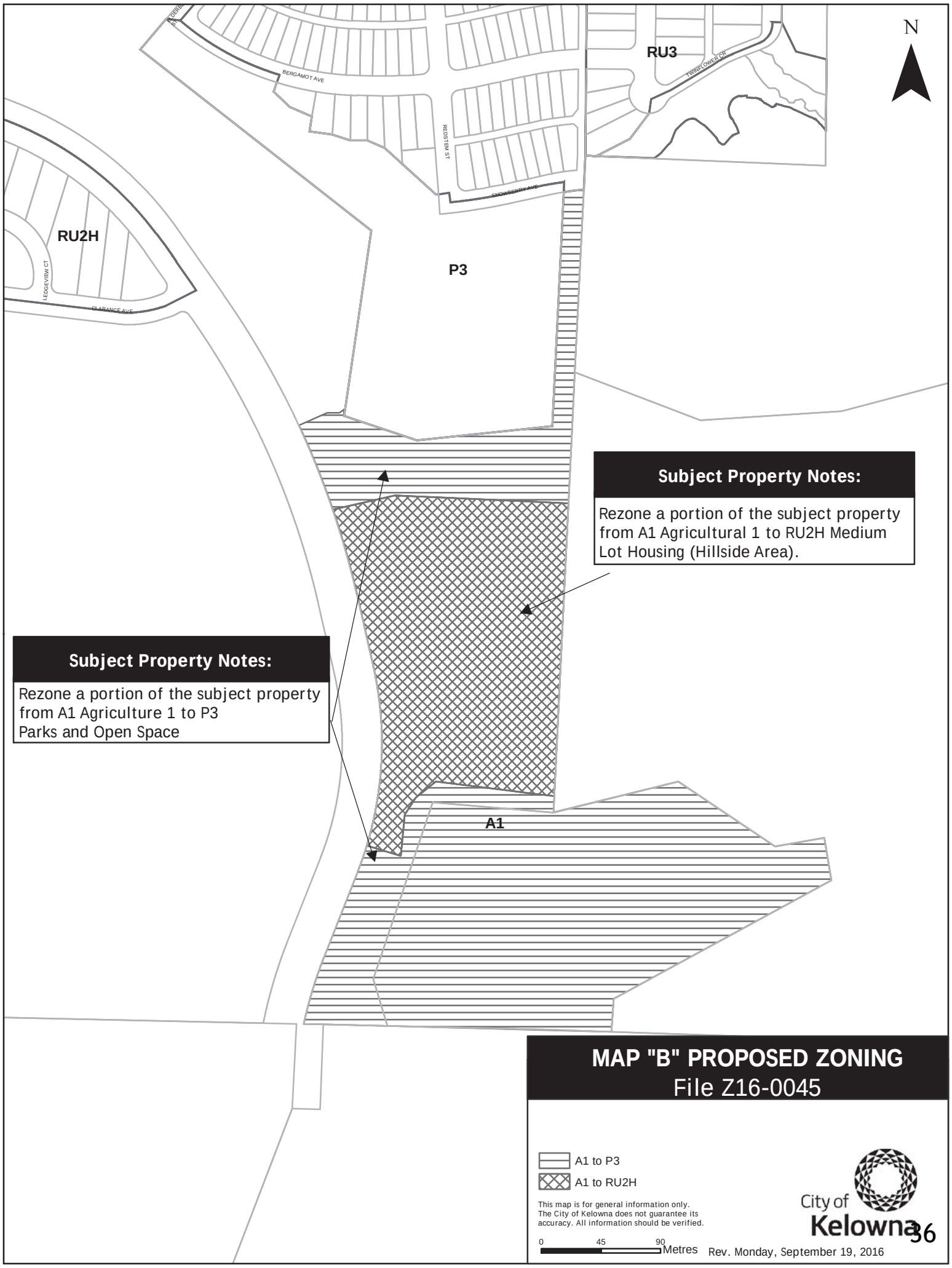
5038
5044
5080
1254
1260
1266
1272
1278
1284
1290
1296
1302
4975
(S OF)
5100
MAP "A" OCP AMENDMENT
OCP16-0008
MRC to PARK
MRC to S2RESH
PARK to MRC
S2RES to PARK
S2RES to S2RESH
S2RESH to PARK
This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.
0
40
80
Metres
City of Kelowna
Rev. Monday, September 19, 2016


N
RU3
TWINFLOWER CR
BERGAMOT AVE
REDSTEM ST
SNOWBERRY AVE
RU2H
LEDGEVIEW CT
CLARANCE AVE
P3
Subject Property Notes:
Rezone a portion of the subject property from A1 Agricultural 1 to RU2H Medium Lot Housing (Hillside Area).
Subject Property Notes:
Rezone a portion of the subject property from A1 Agriculture 1 to P3 Parks and Open Space
A1
MAP "B" PROPOSED ZONING
File Z16-0045
A1 to P3
A1 to RU2H
This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.
0
45
90
Metres
Rev. Monday, September 19, 2016
City of Kelowna

LEGEND

WATER
SAN. SEWER
STORM SEWER
GAS
U/G TELEPHONE
U/G ELECTRICAL

MANHOLE M.H.
UTILITY POLE U.P.
POWER POLE P.P.
LAMP STANDARD L.S.
CATCH BASIN C.B.
HYDRANT HYD
TREES T
SURVEY MONUMENT

1:1000 0 20 60m

NAD 83
INSERTION BASE POINT= 300,000 , 5,500,000

Locations and offsets of existing utilities shown on this plan are not guaranteed to be accurate and must be verified in the field PRIOR TO CONSTRUCTION. The City of Kelowna does not guarantee their accuracy. Concerned persons should not rely on these documents and should verify all information shown by way of site survey and other appropriate methods. The City of Kelowna accepts no liability for use of these files or information.

NO.	DATE	BY	REVISION	CH'KD
1	2016/04/08	NKR	FOR DEVELOPMENT PERMIT	CWH

WSP
ENGINEERING • PLANNING • GEOMATICS
SUITE 602–1708 DOLPHIN AVENUE
KELOWNA, B.C. V1Y 9S4
PHONE (250) 980–5500
FAX (250) 980–5511

BASE | DESIGN
APPROVED
DATE JUL 2015
SCALE HORIZ. 1:500 VERT.
SCALE NOT ACCURATE OVER LONG DISTANCES

THE CITY OF KELOWNA
DESIGN AND CONSTRUCTION

THE PONDS
PHASE 5 RESIDENTIAL
SITE PLAN

DIVISION: MUNICIPAL
DRAWING NO.: SP1
REV NO.: 1

CITY FILE: ZXX–XXXX

REPORT TO COUNCIL

Date:	October 3rd, 2016		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning (DB)		
Application:	OCP16-0014/ Z16-0051	**Owner:**	Kirschner Mountain J.V.
Address:	2980 Gallagher Rd	**Applicant:**	Kirschner Mountain J.V.
Subject:	OCP & Rezoning Application		
Existing OCP Designation:	Single / Two Unit Residential Hillside, Major Park & Open Space		
Proposed OCP Designation:	Single / Two Unit Residential Hillside, Major Park & Open Space		
Existing Zones:	A1 – Agricultural 1, RU1h – Large Lot Housing (Hillside Area), RM3h – Low Density Multiple Housing, P3- Parks and Open Spaces		
Proposed Zones:	P3- Parks and Open Spaces, RU1h – Large Lot Housing (Hillside Area),		

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP16-0014 to amend Map 4.1 of the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 Section 12 and 13 Township 26 and Sections 7 and 18 Township 27 ODYD KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598 and EPP36504 from the Single/Two Unit Residential (S2RESH) to Major Park/Open Space (Public) (PARK) and from Major Park/Open Space (Public) (PARK) to Single/Two Unit Residential (S2RESH) as shown on Map "A" attached to the report of Community Planning, dated October 3, 2016 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of Community Planning, dated October 3, 2016;

AND THAT Rezoning Application No. Z16-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 12 and 13 Township 26 and Sections 7 and 18 Township 27 ODYD KAP71697 Except Plans KAP84278, KAP86315, KAP86363, KAP88598 and EPP36504 from the P3-Park and Open Spaces to RU1h-Large Lot Housing (Hillside Area), from A1-Agricultural 1 to RU1h-Large Lot Housing (Hillside Area), from A1-Agricultural 1 to P3-Parks and

Open Spaces, from RM3h-Low Density Multiple Housing to RU1h-Large Lot Housing (Hillside Area), from RM3h-Low Density Multiple Housing to P3-Parks and Open Spaces, and from RU1h-Large Lot Housing (Hillside Area) to P3-Park and Open Spaces as shown on Map "B" attached to the report of Community Planning, dated October 3, 2016 be considered by Council;

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

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction

2.0 Purpose

To amend the Official Community Plan Future Land Use Designation and to rezone portions of the subject properties in order to accommodate the development of a single family subdivision.

3.0 Community Planning

This application is before Council requesting approval to amend the OCP future land use designation and rezone portions of the Kirschner Mountain Development. The detailed lot configuration and road design has now been created for this portion and this application is intended to align the zoning and OCP designations with the proposed lot layout. The overall proposal is in general accordance with the Official Community Plan and will result in a net gain in natural open space.

Planning staff have completed a detailed review of this proposed OCP and rezoning amendment and have been working with the applicant to ensure long term protection of steep slopes and environmental features. In addition, staff requested the applicant to provide a 15m buffer between agricultural land and the proposed residential development on the eastern portion of the subject property. Staff will work with the applicant through the development permit and subdivision process to ensure the above mention comments as well as the technical comments identified under section 5.0 of this report are met.

The proposed amendments are to reflect the more detailed site development that has resulted in the proposed subdivision layout.

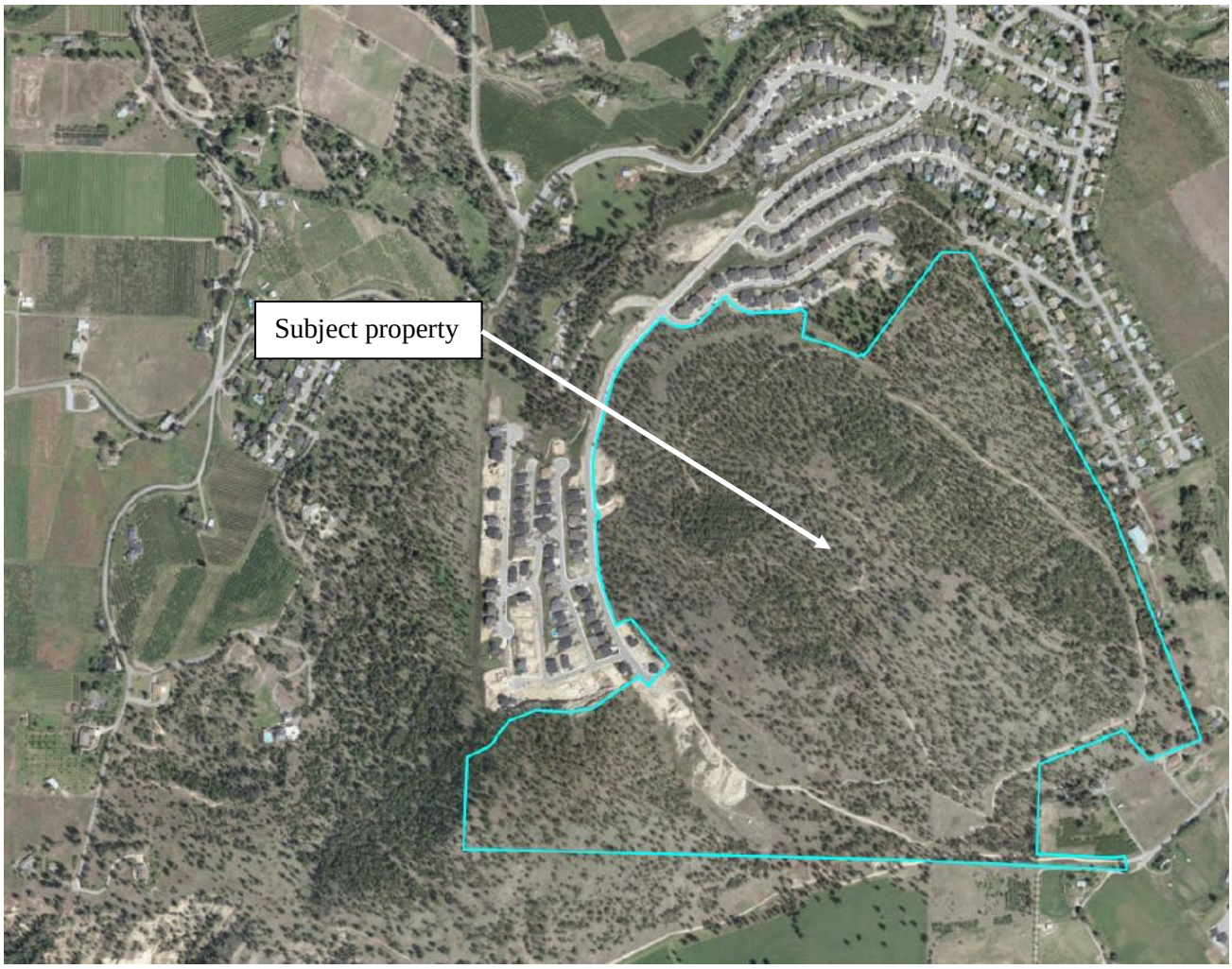
4.0 Proposal

4.1 Project Description

The applicant is proposing to amend the OCP future land use designation and rezone parts of the subject properties required to facilitate the development of the next phase of the Kirschner Development.

4.2 Site Context

Subject Property Map:



The subject property is located in the Kirshner Mountain development in a predominantly single family neighbourhood. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h – Large Lot Housing (Hillside Area)	Single/Two Unit Residential
East	A1 – Agricultural 1	Agricultural
South	A1 – Agricultural 1	Agricultural
West	RU1h – Large Lot Housing (Hillside Area)	Single/Two Unit Residential

5.0 Current Development Policies

2.1 Kelowna Official Community Plan (OCP)

Future Land Use

Single/Two Unit Residential (S2RES)[1]: Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

Development Process

Sensitive Infill.[2] Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Housing Mix.[3] Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

5.0 Technical Comments

Most of the technical comments will be addressed at subdivision preliminary layout review stage. However, the following comments are included for Council's information.

5.1 Park comments

- Cross walks will be required wherever a trail crosses or exits onto local road
- Trail alignments will be confirmed in the field by GPS and approved by staff
- Several public access walkways will be required for maintenance and pedestrian access to park land. These walkways will be required to be built to subdivision standards and include a 1.2 m high black vinyl coated chain link fencing 6 inches inside private property lines
- The neighborhood park will be dedicated to the City of Kelowna at time of final subdivision approval
- Interim access, until a through road is constructed needs to be provided for the public between the natural area park and neighborhood park
- Trail connections to correspond with proposed utility right of ways where appropriate
- Crosswalk over Loseth Rd to correspond with the existing trail leading to the Bella Vista park
- Barrier curb required on all park/road frontages
- Water service to the neighborhood park to be provided by the developer prior to final subdivision approval
- Applicant to build trail network as per OCP amendment OCP15-0015.

[1] City of Kelowna Official Community Plan – Future Land Use Chapter.
[2] City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).
[3] City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

5.2 Policy and Planning

- Policy & Planning has no concerns with the applications. The changes are minor in nature and reflect refinements that adhere to the vision of the OCP.

5.3 Development Engineering Branch

- All the offsite infrastructure and servicing requirements are addressed in the Development Engineering PLR report under file S16-0069.

- Proposed amendments will have no impact on existing municipal infrastructure.

Application Chronology

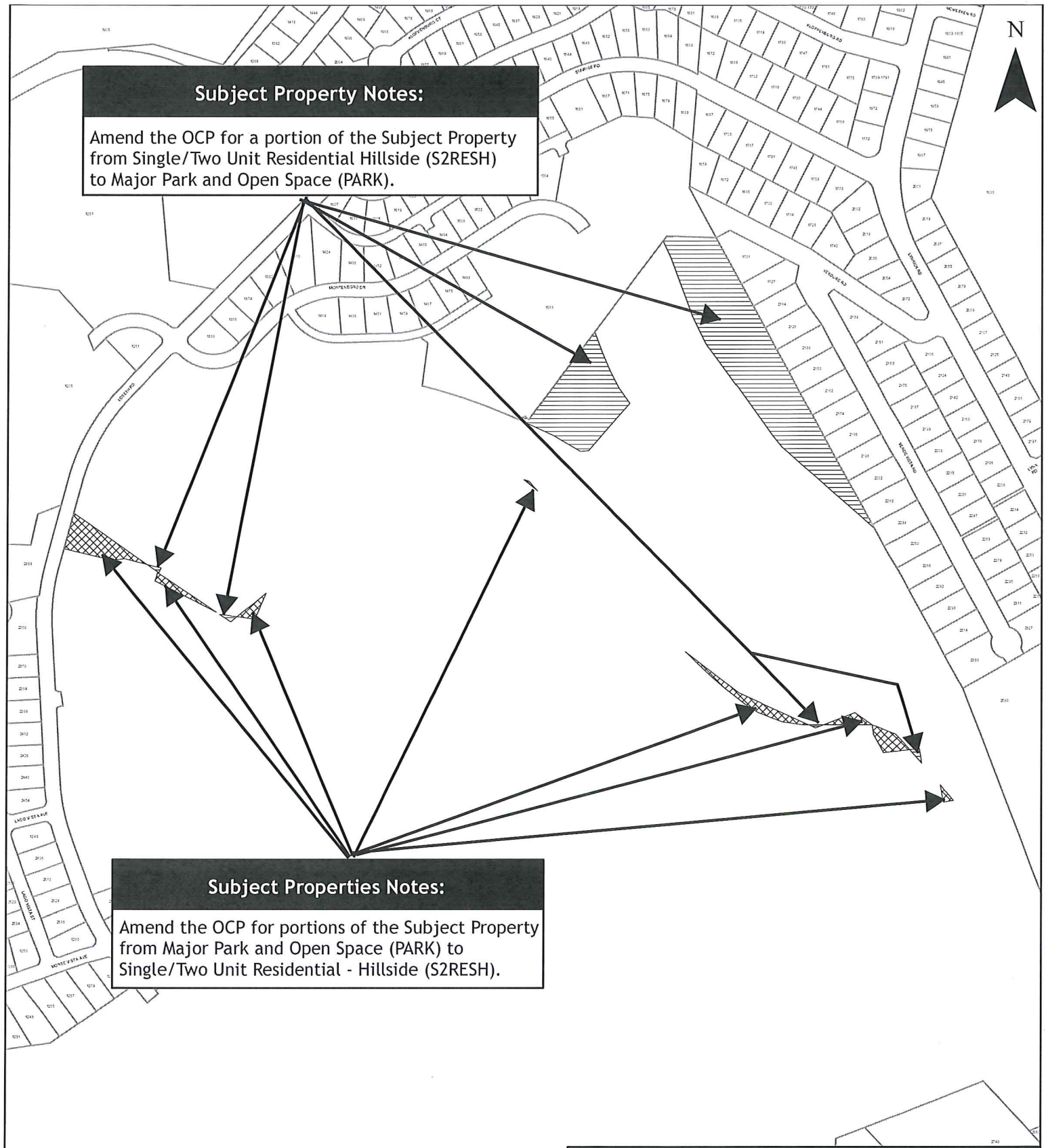
Date of Application Received:	August 4, 2016
Referral Comments Received:	September 20, 2016
Public Notification Received:	October 14, 2016

Report prepared by:

_____
Damien Burggraeve, Land Use Planner

Approved for Inclusion: ☐ Todd Cashin, Suburban & Rural Planning Manager

Attachments:
Map A
Map B
Subdivision Layout
Development Engineering Memorandum
Public Consultation Notice



MAP "A" OCP AMENDMENT
OCP16-0014

PARK to S2RESH

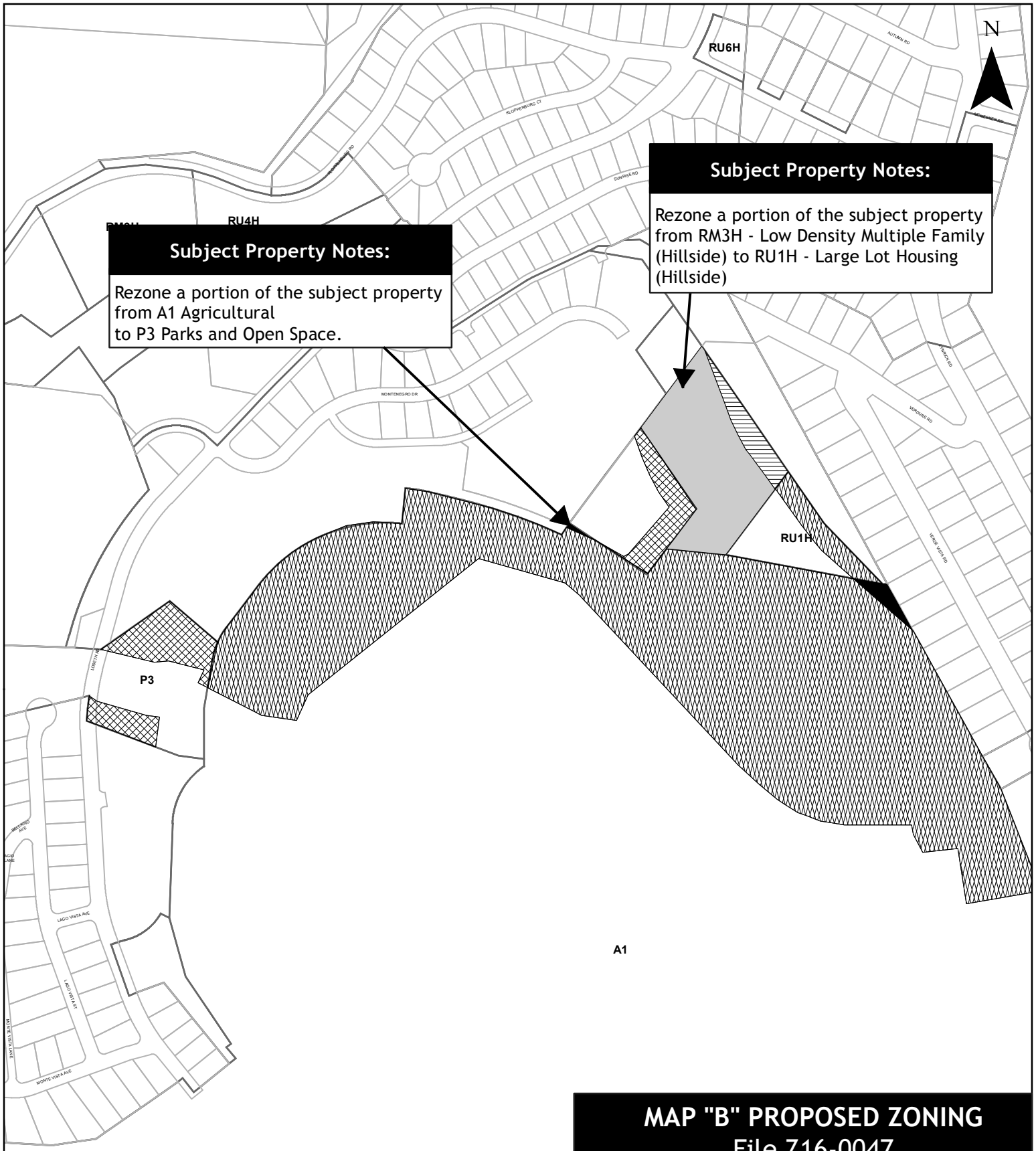
S2RESH to PARK

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

0 50 100 Metres

City of Kelowna

Rev. Wednesday, September 21, 2016



MAP "B" PROPOSED ZONING
File Z16-0047

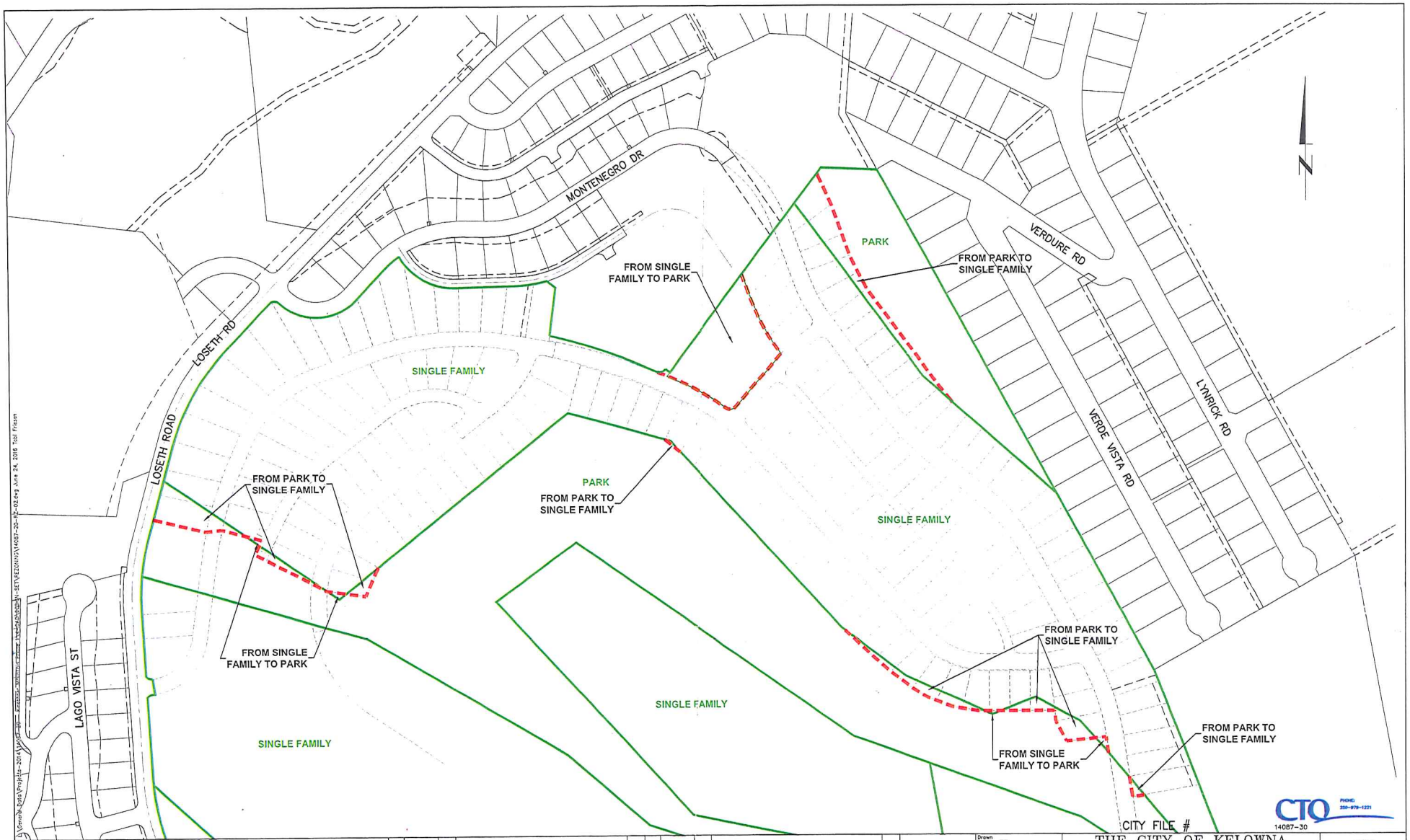
- A1 to P3
- A1 to RU1H
- P3 to RU1H
- RM3H to P3
- RM3H to RU1H
- RU1H to P3

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

0 50 100 Metres

City of Kelowna

Rev. Friday, September 23, 2016



Legend

No.	YY.MM.DD	By	Issued	Chkd	No.	YY.MM.DD	By	Revision	Chkd
1	16.06.24	DC	FOR LAND USE AMENDMENT	DC					

Drawn TF
Design TF/DC
Approved
Date JUNE 2016
Scale 1:3000

THE CITY OF KELOWNA
ENGINEERING DEPARTMENT
KIRSCHNER MOUNTAIN DEVLEOPMENT
FUTURE LAND USE
PROPOSED PLAN

Division MUNICIPAL
Drawing No. RZ-02
Rev No. 0

CITY OF KELOWNA

MEMORANDUM

Date:	September 20, 2016		
File No.:	OCP16-0014, Z16-0051		
To:	Suburban and Rural Planning (DB)		
From:	Development Engineer Manager (PI)		
Subject:	2980 Gallagher Rd	Proposed Zoning:	A1, P3, RU1H

The Development Engineering division has the following comments and requirements regarding this application to amendment the OCP with minor adjustments to land use boundaries, and modified zoning to accommodate development of single family lots and park lands:

1. **General.**

   a) All the offsite infrastructure and servicing requirements are addressed in the Development Engineering PLR Report under file S16-0069.

   b) Proposed amendments will have no impact on existing municipal infrastructure.

Jason Ough
Development Engineering Technologist

Development Engineering
Manager (initials)

RE: NOTICE OF OCP AMENDMENT and REZONING APPLICATION

September 8th 2016

City File# OCP 16 -0014 and Z16-0051

Located at 2980 Gallagher Road (Kirschner Mountain)

DEAR PROPERTY OWNER/RESIDENT/TENANT

Please be advised that **Kirschner Mountain JV** has made application to the City of Kelowna to amend the Official Community Plan land use designations and rezone a portion of the property at Kirschner Mountain. (Shown on the back of this notice).

In keeping with the requirements of the City's Policy *#367* (Public Notification and Consultation for Development Applications), we are informing you of this application to the City, and inviting property owners in the vicinity of the subject property to attend the Public Hearing regarding the proposed OCP amendment and Rezoning Application.

Any questions or comments about the application should be directed to the consultant, using any of the following means:

- **EMAIL:** dcullen@ctqconsultants.ca
- **CANADA POST:** CTQ Consultants Ltd. 1334 St. Paul Street Kelowna, BC V1Y 2E1 Attn: Ed Grifone
- **PHONE:** 250-979-1221 (Ext 120)
- **ATTEND MEETING:** (Comments can be made in writing)

RELEVANT INFORMATION

- **AGENT** David D. Cullen, P.Eng. - CTQ Consultants Ltd.
- **OWNER** Kirschner Mountain JV - Attention: Al Kirschner
- **Future OFFICIAL COMMUNITY PLAN Designation:** Single 2-Family Residential Hillside (S2RESH); Single 2-Family Residential (S2RES); Park; MRL; REP
- **PROPOSED DESIGNATION:** Similar but reconfigured
- **CURRENT ZONING:** A1; P3; RM3H; RU1H

EXPLANATION – The proposed amendment is generally consistent with the goals of the current Official Community Plan that calls for a mixture of single and two family residential and parks/open space. The proposed amendment requests the reconfiguration of land uses, minor increase in density and changes to the open space/ park system that is integral to the new neighborhood.

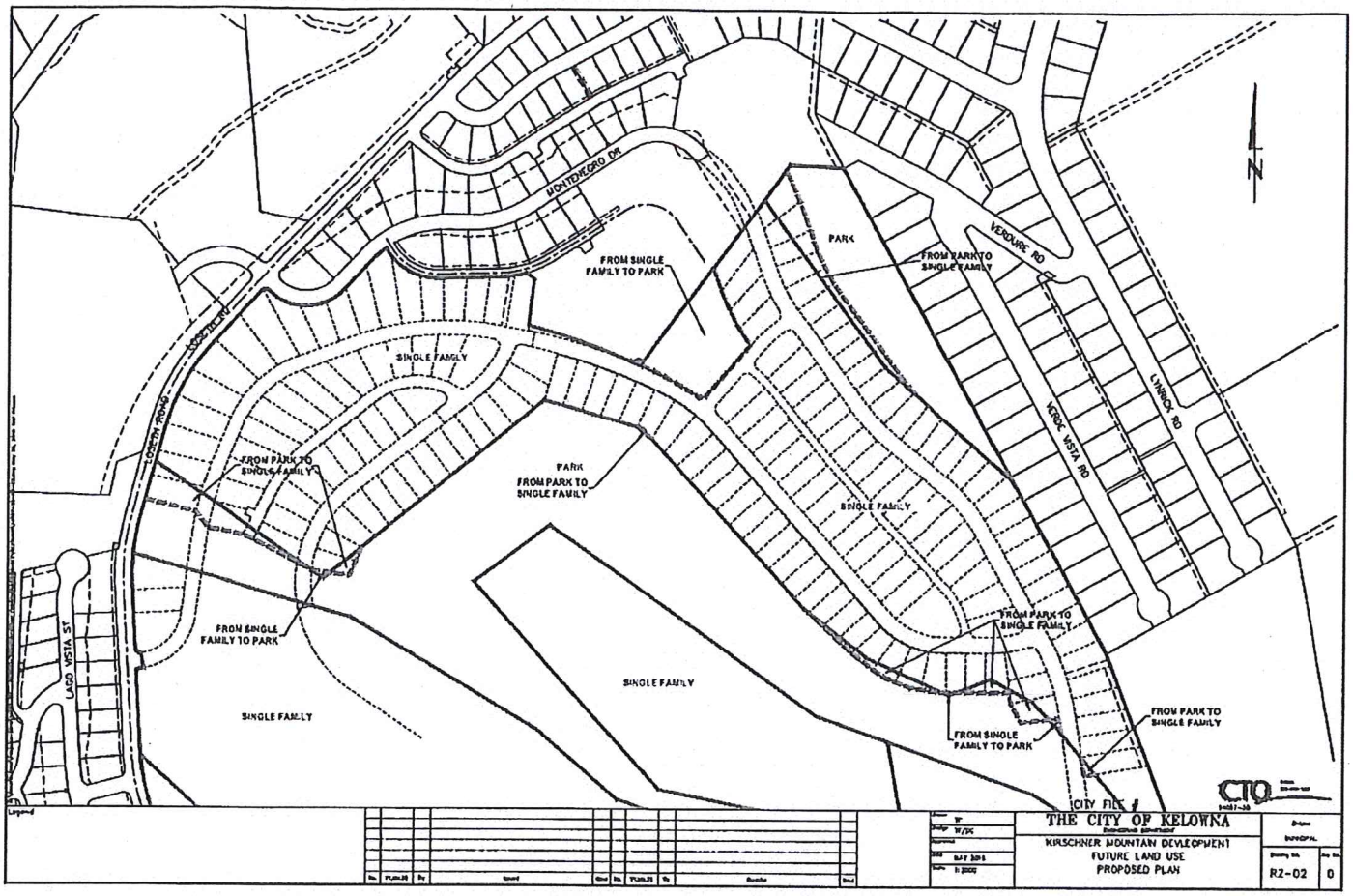
Thank you very much for your interest in this matter.

David D. Cullen, P.Eng.
CTQ Consultants Ltd.

CTQ

You may also contact Damien at the City of Kelowna if you have any questions
Damien Burggraeve, Deputy Approving Officer, City of Kelowna
Direct Line 250.469.8473 dburggraeve@kelowna.ca

See Reverse Side


MONTENEGRO DR
LOCKTON ROAD
LAGO VISTA ST
VERDURE RD
VERDUE VISTA RD
LYNBROK RD
PARK
SINGLE FAMILY
FROM SINGLE FAMILY TO PARK
FROM PARK TO SINGLE FAMILY
FROM PARK TO SINGLE FAMILY
FROM PARK TO SINGLE FAMILY
FROM SINGLE FAMILY TO PARK
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CITY FILE
THE CITY OF KELOWNA
KIRSCHNER MOUNTAIN DEVELOPMENT
FUTURE LAND USE
PROPOSED PLAN
RZ-02
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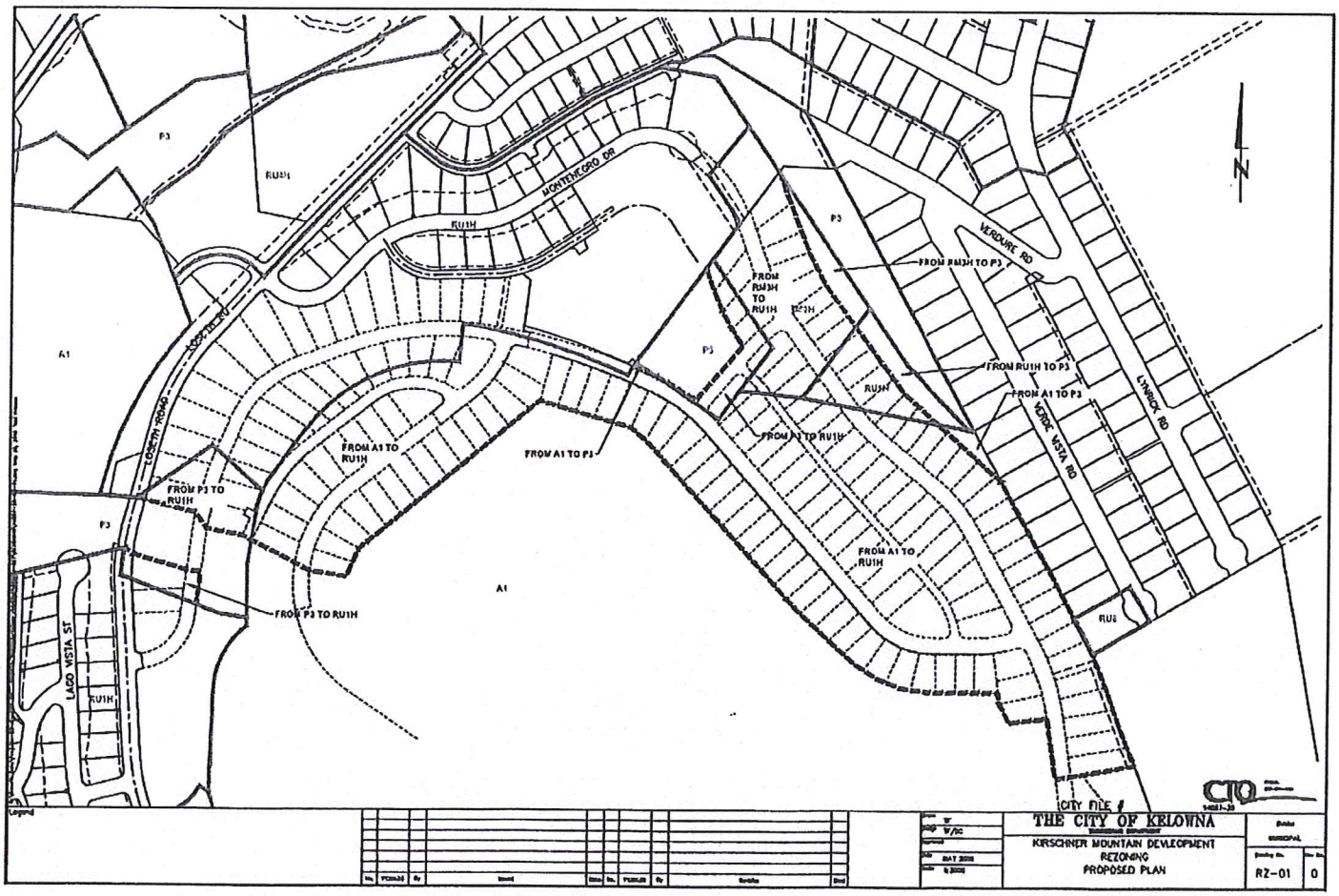
P3
RU1H
MONTENEGRO DR
LOCKTON ROAD
LAGO VISTA ST
A1
VERDURE RD
VERDUE VISTA RD
LYNBROK RD
RU6
FROM RM3H TO P3
FROM RM3H TO RU1H
FROM RU1H TO P3
FROM A1 TO P3
FROM A1 TO RU1H
FROM A1 TO RU1H
FROM A1 TO P3
FROM P3 TO RU1H
FROM P3 TO RU1H
CITY FILE
THE CITY OF KELOWNA
KIRSCHNER MOUNTAIN DEVELOPMENT
REZONING
PROPOSED PLAN
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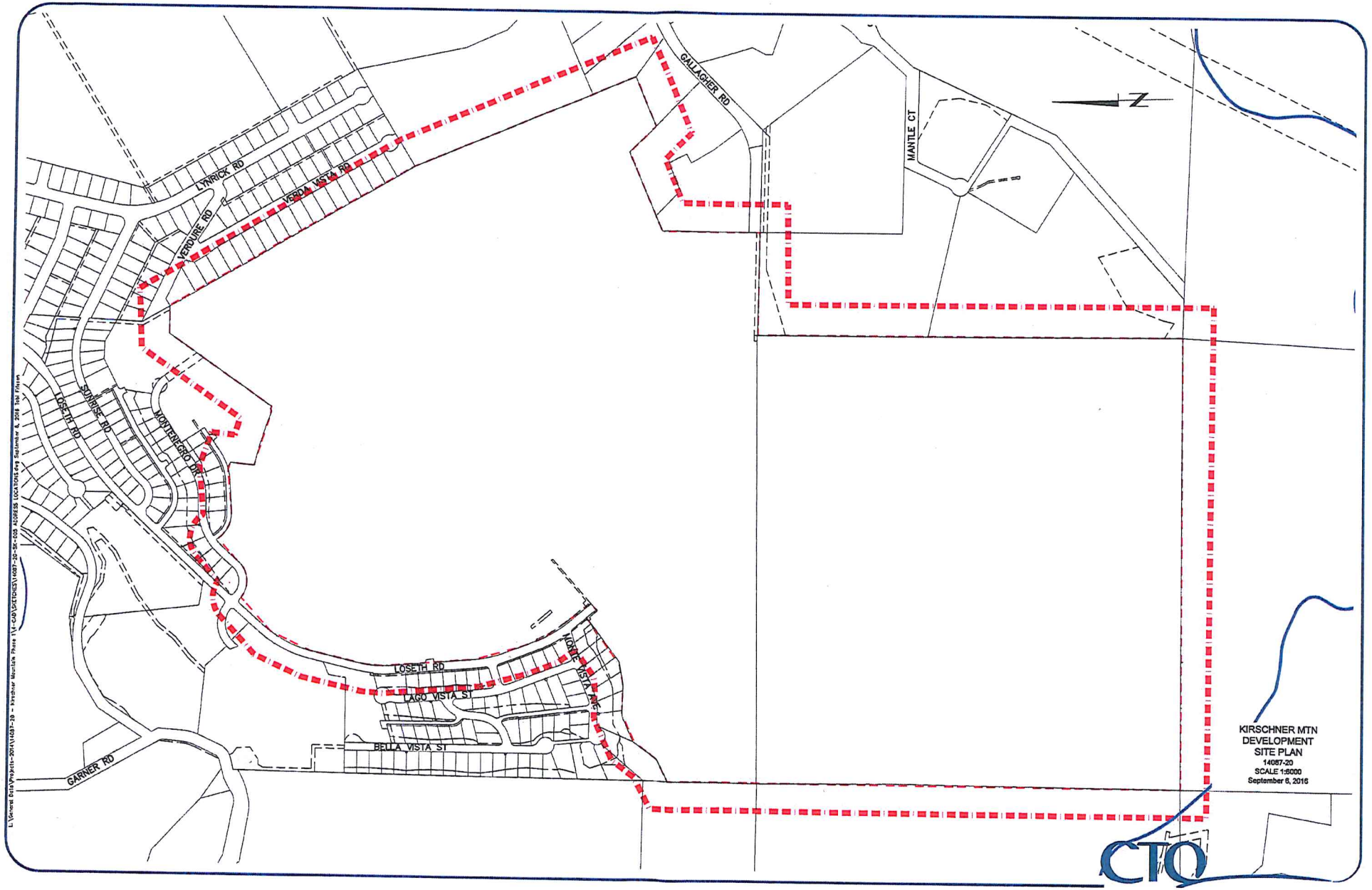

LYNRICK RD
VERDURE RD
VERDA VISTA RD
GALLAGHER RD
MANTLE CT
N
LOSETH RD
SUNRISE RD
MONTENEGRO DR
LOSETH RD
LAGO VISTA ST
LOST VISTA AVE
BELLA VISTA ST
GARNER RD
KIRSCHNER MTN
DEVELOPMENT
SITE PLAN
14067-20
SCALE 1:6000
September 6, 2016
CTO

REPORT TO COUNCIL

Date:	October 3, 2016		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (KB)		
Application:	Z16-0047	**Owner:**	Louis John Pagliaro & Elda Pagliaro
Address:	752 & 760 Bechard Road	**Applicant:**	Juliet Anderton
Subject:	Rezoning Application		
Existing OCP Designation:	S2RES – Single / Two Unit Residential		
Existing Zone:	RU1 – Large Lot Housing		
Proposed Zone:	RU1 – Large Lot Housing & RU2 – Medium Lot Housing		

1.0 Recommendation

THAT Rezoning Application No. Z16-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 19, District Lot 134, Osoyoos Division Yale District Plan 20399 and a portion of Lot 6, District Lot 134, Osoyoos Division Yale District Plan 20399, located at 752 & 760 Bechard Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone as shown on Map "A" attached to the Report from the Community Planning Department, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated October 3, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

2.0 Purpose

To rezone portions of the subject properties from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a four lot subdivision.

3.0 Community Planning

The subject properties are located within the South Pandosy - KLO Sector of Kelowna. They are designated as S2RES – Single/Two Unit Residential in the Official Community Plan (OCP) and as such the application to rezone portions of the properties to RU2 to facilitate a four lot subdivision is in compliance with the designated future land use. In addition, the OCP generally supports the densification of neighbourhoods through appropriate infill development, including the use of smaller lots.

Four variances would be required for the proposed subdivision. These four variances include the minimum rear yard setback for the existing dwellings on Lot 1 (7.5 m required, to 2.39 m proposed) and Lot 4 (7.5 m required, to 2.35 m proposed), and to the minimum lot depth for newly created Lots 2 and 3 (30.0 m required, 27.7 m proposed). The two proposed RU2 lots meet the minimum lot width requirements, and the proposed lots match the existing streetscape on Bechard Road. The properties are serviced by City of Kelowna water and sanitary sewer. Should the zoning bylaw be approved by Council, Staff will bring forth the variances to Council for formal consideration.

Based on current City of Kelowna policy and the services available, Community Planning Staff support this zoning application.

4.0 Proposal

4.1 Project Description

The applicant is requesting permission to rezone portions of two adjacent properties in order to facilitate a four lot residential subdivision.

4.2 Site Context

The subject properties are located in the South Pandosy - KLO Sector of Kelowna (see Map 1 - Subject Property Map, below). The applicant is proposing to retain the two existing single family dwellings that are located on the subject properties.

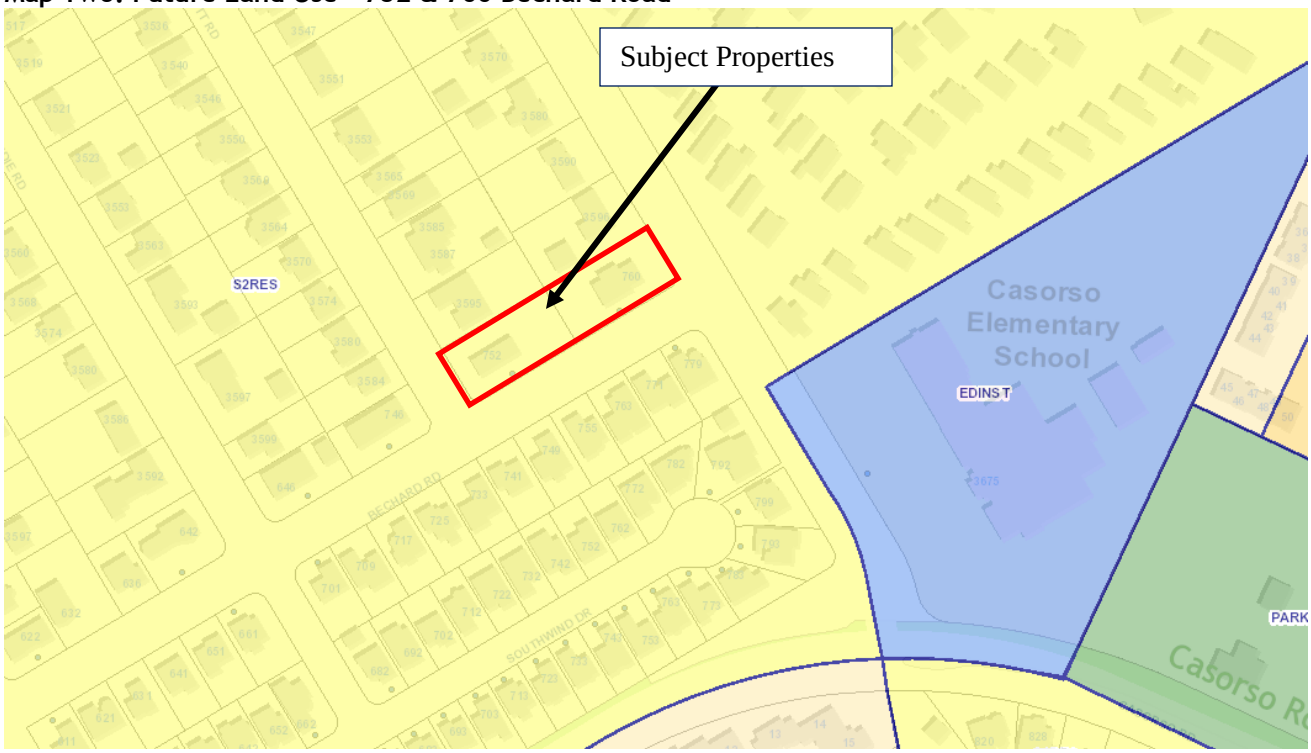
The area is characterized by single family dwellings, and a mobile home park is located on the opposite side of Casorso Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use	Future Land Use
North	RU1 – Large Lot Housing	Residential	S2RES – Single / Two Unit Residential
East	RM7 – Mobile Home Park	Residential	S2RES – Single / Two Unit Residential
South	RU1 – Large Lot Housing	Residential	S2RES – Single / Two Unit Residential
West	RU1 – Large Lot Housing	Residential	S2RES – Single / Two Unit Residential

Map One: Subject Property Map - 752 & 760 Bechard Road

Map Two: Future Land Use - 752 & 760 Bechard Road



4.3 Amenities

The proposed increase in density is supported by neighbourhood amenities such as parks, schools and transit. Casorso Road is currently serviced by the Lakeshore/Downtown Bus Transit Route. The nearest bus stop is approximately 275 m west of the subject property. Additional transit options are available at the Okanagan College exchange, approximately 1.2 km northeast of the subject property.

4.4 Servicing

The area is currently serviced by City of Kelowna water and sanitary sewer and FortisBC Gas and Electric.

4.5 Subdivision and Development Criteria

As the applicant is proposing to retain the two existing single family dwellings, the proposed lot configurations do not fully conform to the requirements of the RU1 – Large Lot Housing and RU2 – Medium Lot Housing zone requirements and variances would be required. Subdivision and development criteria for the RU1 and RU2 zones are shown in the two Zoning Tables below.

Table One: RU1 Zone

Zoning Analysis Table		
CRITERIA	**RU1 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations – **Lot 1**		
Minimum Lot Area	550 m^2	834 m^2
Minimum Lot Width	17.0 m	27.7 m
Minimum Lot Depth	30.0 m	30.3 m
RU1 Development Regulations – **Lot 1**		
Minimum Front Yard	4.5 m	8.69 m
Minimum Side Yard (south)	2.0 m	5.43 m
Minimum Side Yard (north)	2.0 m	5.42 m
Minimum Rear Yard	7.5 m	2.39 m❶
Existing Lot/Subdivision Regulations – **Lot 4**		
Minimum Lot Area	550 m^2	958 m^2
Minimum Lot Width	17.0 m	27.7 m
Minimum Lot Depth	30.0 m	34.8 m
RU1 Development Regulations – **Lot 4**		
Minimum Front Yard	4.5 m	12.82 m
Minimum Side Yard (south)	2.3 m	6.86 m
Minimum Side Yard (north)	2.3 m	4.50 m
Minimum Rear Yard	7.5 m	2.35 m❶

❶ Indicates a requested variance to:

1. Minimum Rear Yard for Lot 1
2. Minimum Rear Yard for Lot 4

Table Two: RU2 Zone

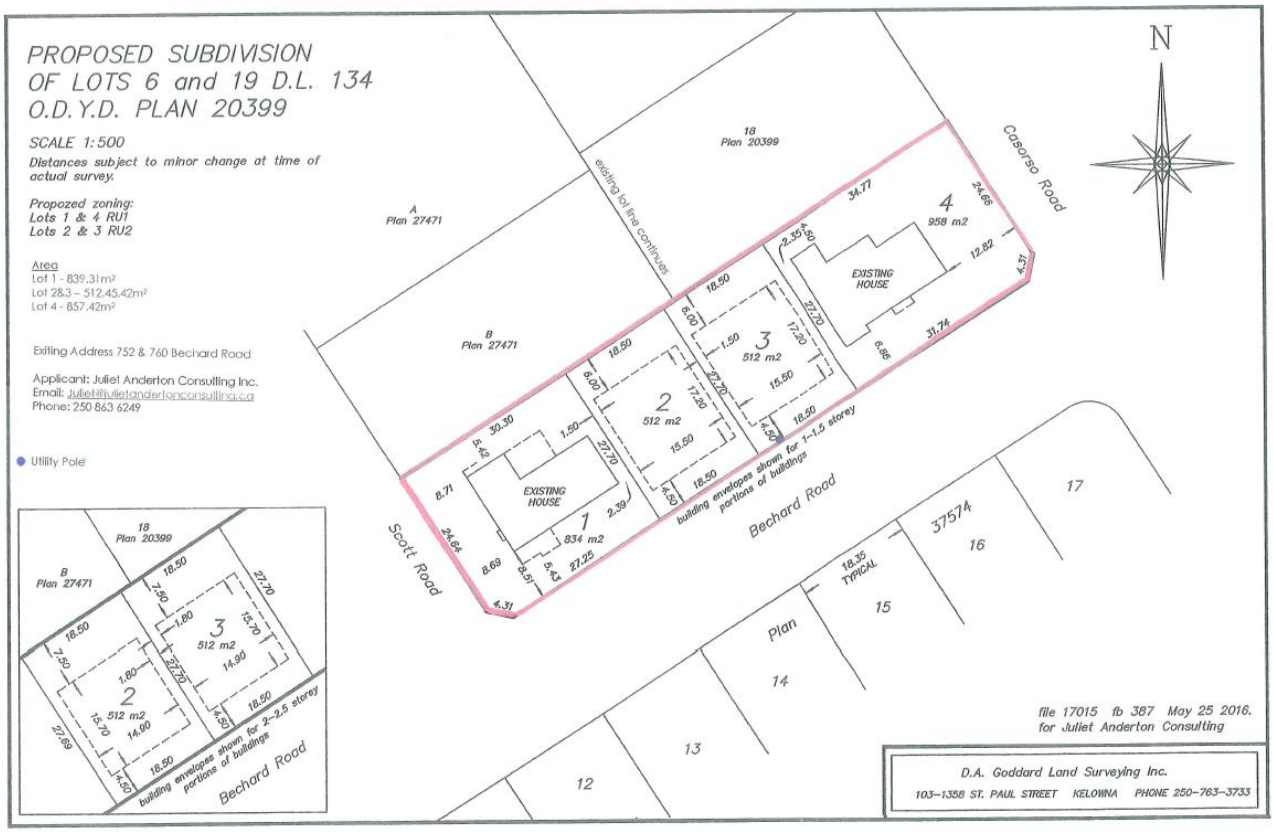
Zoning Analysis Table		
CRITERIA	**RU2 ZONE REQUIREMENTS**	**PROPOSAL**
Existing Lot/Subdivision Regulations – **Lot 2**		
Lot Area	400 m^2	512 m^2
Lot Width	13.0 m	18.5 m
Lot Depth	30.0 m	27.7 m❶

Existing Lot/Subdivision Regulations – **Lot 3**		
Lot Area	400 m^2	512 m^2
Lot Width	13.0 m	18.5 m
Lot Depth	30.0 m	27.7 m❶

❶ Indicates a requested variance to:

3. Minimum Lot Depth for Lot 2
4. Minimum Lot Depth for Lot 3

Map Three: Proposed Subdivision Layout – 752 & 760 Bechard Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Compact Urban Form.[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

1 City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Permanent Growth Boundary.[2] Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Ensure context sensitive housing development[3]

Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Healthy Communities. Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Development Engineering Department

- See attached Memorandum, dated September 1, 2016

7.0 Application Chronology

Date of Application Received:	June 17, 2016
Date Public Consultation Completed:	September 8, 2016
Referral Comments Completed:	September 8, 2016

Report prepared by:

_____
Kim Brunet, Planner I

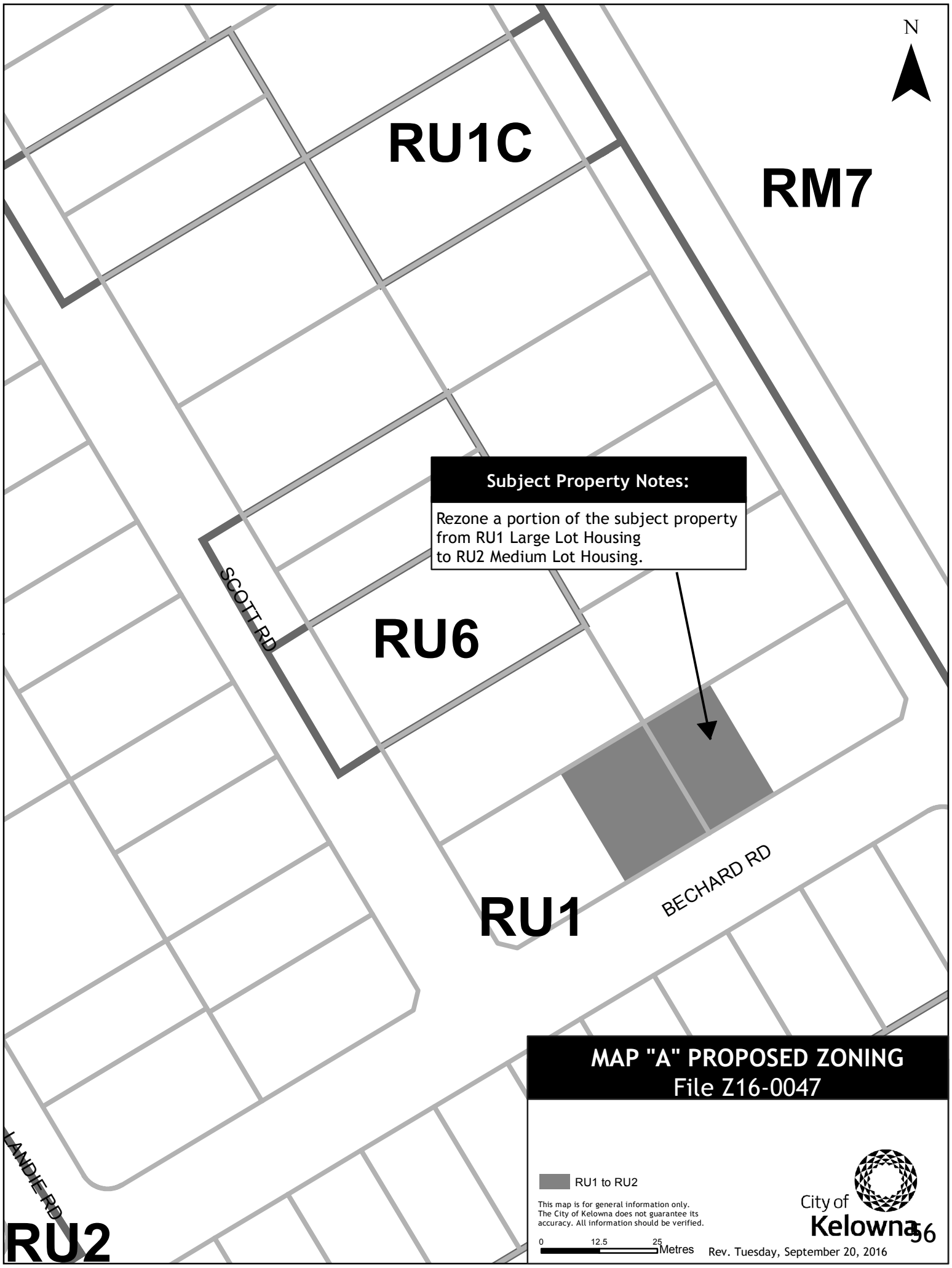
Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Map "A": Proposed Zoning
Proposed Subdivision Layout
Schedule A: Development Engineering Memorandum, dated September 1, 2016

2 City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).
3 City of Kelowna Official Community Plan – Development Process; p. 5.27


N
RU1C
RM7
Subject Property Notes:
Rezone a portion of the subject property from RU1 Large Lot Housing to RU2 Medium Lot Housing.
SCOTT RD
RU6
RU1
BECHARD RD
LANDIE RD
RU2
MAP "A" PROPOSED ZONING
File Z16-0047
RU1 to RU2
This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.
0
12.5
25
Metres
City of Kelowna
Rev. Tuesday, September 20, 2016

PROPOSED SUBDIVISION OF LOTS 6 and 19 D.L. 134 O.D.Y.D. PLAN 20399

SCALE 1:500

Distances subject to minor change at time of actual survey.

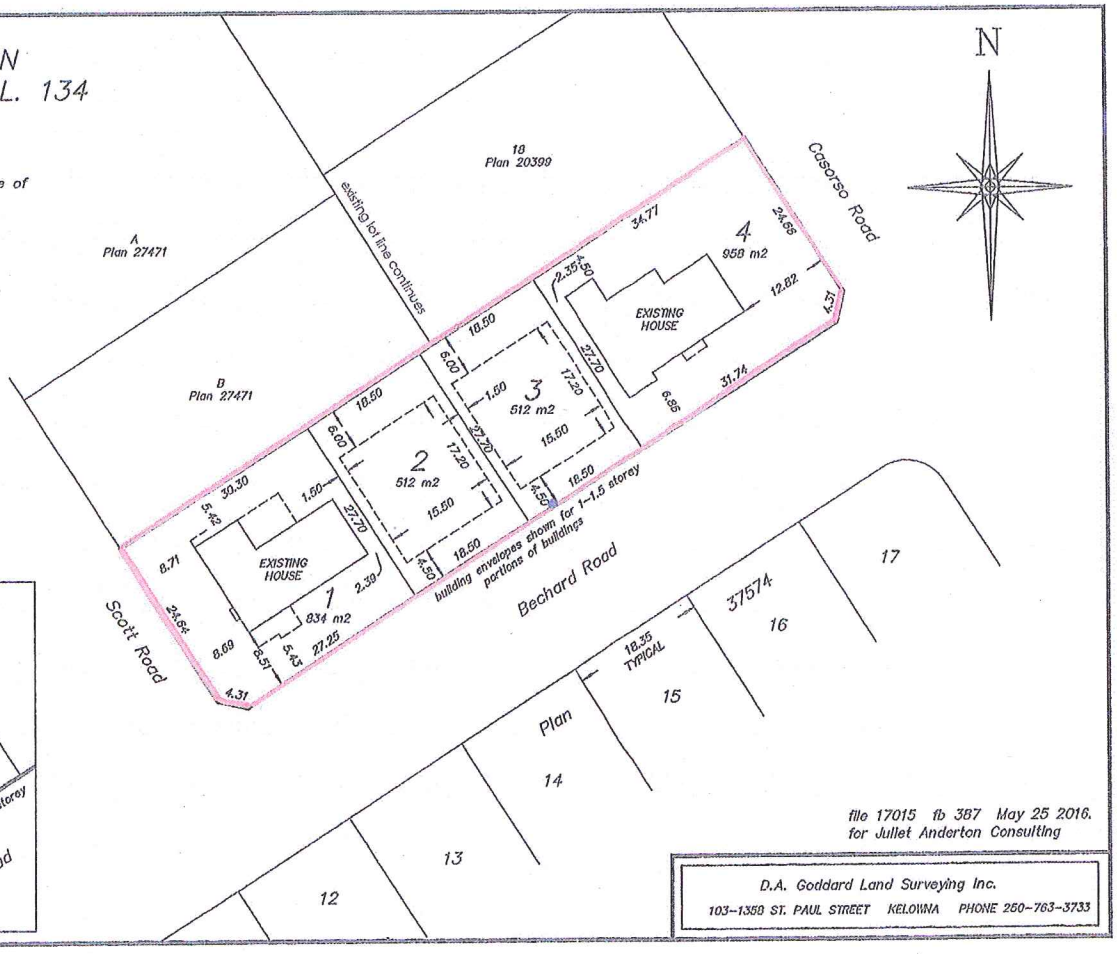
Propozed zoning:
Lots 1 & 4 RU1
Lots 2 & 3 RU2

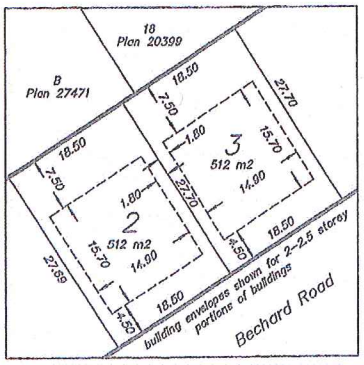
Area
Lot 1 - 839.31m²
Lot 2&3 - 512.45.42m²
Lot 4 - 957.42m²

Exiting Address 752 & 760 Bechard Road

Applicant: Juliet Anderton Consulting Inc.
Email: Juliet@julietanderton consulting.ca
Phone: 250 863 6249

Utility Pole





file 17015 fb 387 May 25 2016.
for Juliet Anderton Consulting

D.A. Goddard Land Surveying Inc.
103-1359 ST. PAUL STREET KELOWNA PHONE 250-763-3733

CITY OF KELOWNA

MEMORANDUM

Date: September 1, 2016
File No.: Z16-0047

To: Community Planning (DB)

From: Development Engineering Manager (PI)

Subject: 752 & 760 Bechard Rd RU1 to RU2

Development Engineering has the following comments and requirements associated with this application.

1. General

Road dedication & frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcels being subdivided into four lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.

Purvez Irani, MS, P Eng., PTOE
Development Engineering Manager
SS

SCHEDULE A
This forms part of development
Permit # Z16-0047