

# REPORT TO COUNCIL



**Date:** October 19, 2015

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning (DB)

**Application:** OCP14-0018/ Z14-0033      **Owner:** Lakeside Communities Inc.  
Inc. No. A57531

**Address:** 1855 Bennett Rd  
1005 Clifton Rd N      **Applicant:** MMM Group Ltd.  
(E OF) Paly Rd

**Subject:** Z14-0033 OCP14-0018

**Existing OCP Designation:** Single / Two Unit Residential, Major Park & Open Space,  
Future Urban Reserve

**Proposed OCP Designation:** Single / Two Unit Residential, Major Park & Open Space,  
Future Urban Reserve

**Existing Zones:** A1 - Agriculture 1, P4 - Utilities

**Proposed Zones:** RU1H - Large Lot Housing Hillside, P3- Parks and Open Spaces

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0018 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 1, Section 17, Township 23, ODYD, Plan KAP65503 located Bennett Road, Kelowna, BC and portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC from FUR - Future Urban Reserve to PARK - Major Park/Open Space, PARK - Major Park/Open Space to FUR - Future Urban Reserve, PARK - Major Park/Open Space to S2RESH - Single / Two Unit Residential Hillside and S2RES - Single / Two Unit Residential to PARK - Major Park/Open Space designations as shown on Map "A1" attached to the Report from the Community Planning Department dated October 19, 2015, be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP14-0018 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 1, Section 17, Township 23, ODYD, Plan KAP65503 located Bennett Road, Kelowna, BC and portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC, portion of Fractional South  $\frac{1}{2}$  of east  $\frac{1}{2}$  of the north west  $\frac{1}{4}$  of Section 17 Township 23 ODYD located at Paly Road, Kelowna, BC and portions of The North  $\frac{1}{2}$  of

the Fractional East  $\frac{1}{2}$  of the fractional North West  $\frac{1}{4}$  of Section 17 Township 23 ODYD located at Paly Road, Kelowna, BC from S2RES - Single / Two Unit Residential to S2RESH - Single / Two Unit Residential Hillside designation as shown on Map "A2" attached to the Report from the Community Planning Department dated October 19, 2015, be considered by Council;

AND THAT the applicant be required to hold a public information session in accordance with Council Policy 367 following Council consideration of the road safety improvement options prior to public hearing;

AND THAT Rezoning Application No. Z14-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, Section 17, Township 23, ODYD, Plan KAP65503 located Bennett Road, Kelowna, BC and portions of Lot 2, Section 17, Township 23, ODYD, Plan KAP65503 located at Clifton Road, Kelowna, BC and portion of Fractional South  $\frac{1}{2}$  of east  $\frac{1}{2}$  of the north west  $\frac{1}{4}$  of Section 17 Township 23 ODYD located at Paly Road, Kelowna, BC and portions of The North  $\frac{1}{2}$  of the Fractional East  $\frac{1}{2}$  of the fractional North West  $\frac{1}{4}$  of Section 17 Township 23 ODYD located at Paly Road, Kelowna, BC from the A1 - Agriculture 1 to RU1H - Large Lot Housing Hillside and to P3 - Parks and Open Space as shown Map "B" attached to the report of Community Planning, dated October 19, 2015, 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 Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated October 19, 2015;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

## **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**

The Community Planning Department recommends support for the proposed Official Community Plan (OCP) amendment and Rezoning applications as consistent with the Area Structure Plan (ASP) approved by Council on July 15, 2014 and the additional requirements of Council from the July 15, 2014 meeting.

The proposed development complies with the City's expectations for the land by achieving park, transportation and environmental objectives. The overall design respects the topographic limitations of the site limiting site grading while protecting a significant amount of environmentally sensitive features.

The proposed housing type fits in well with the existing settlement patterns in McKinley Landing and North Clifton neighborhoods.

The applicant has provided a development phasing plan (attached to this report) and has now made a formal subdivision application for the first phase of development. Final subdivision approval of Phase 1 will be subject to the adoption of this OCP amendment and Rezoning application.

## **Background**

### **4.0 Proposal**

#### **4.1 Background**

On October 14, 2010, the developer made application to the City of Kelowna for the preparation of an Area Structure Plan (ASP) for portions of the subject properties (North Clifton Area). The purpose of the ASP was to investigate development potential on the site, and to plan future development comprehensively together with public infrastructure and servicing requirements. On July 11, 2011, Council authorized the preparation of the ASP. At that time, Council also limited the number of units on the site to a maximum of 200. Part way into the planning process, the applicant requested that Council allow them to expand the ASP boundary area to encompass the entirety of the four subject properties.

On June 23, 2014, the ASP and the corresponding amendment to the Official Community Plan was presented to Council for initial consideration. Council subsequently decided to forward the proposal to a Public Hearing.

On Tuesday, July 15, 2014, a Public Hearing was held for the Official Community Plan amendments resulting from the conclusion of the North Clifton Area Structure Plan development process. Residents from both Clifton Highlands and McKinley Landing neighbourhoods were present and raised concerns about the proposal.

At its Regular Meeting immediately following the Public Hearing, Council asked staff to report back with a draft resolution providing further direction on the following issues:

- Timing of the permanent road connection between Clifton Highlands and McKinley Landing neighbourhoods;
- Scope and timing of upgrades to improve the safety of existing roads in both neighbourhoods;
- Limiting access through the existing Bennett Road until such a time as the permanent road connection between both neighbourhoods is completed; and,
- Access via trail to the lakeshore as part of the proposed park.

In order to give direction to staff regarding a number of issues raised at the public hearing, a supplemental report was presented for Council on August 11, 2014 and the following resolution (R591/14/08/11) was adopted:

THAT further to discussions following the July 15, 2014 Public Hearing and adoption consideration of ASP10-0001 and OCP13-0019, Council directs staff as follows:

1. THAT trail access to the Lake from the Park be provided in accordance with City standards;

2. AND THAT the Bennett Road access be limited via gate to emergency vehicles only until such time as the Clifton Road extension is constructed and open to public traffic;
3. AND THAT staff bring forward a road safety improvement plan for McKinley and Clifton Roads prior to initial consideration by Council of the initial rezoning application;
4. AND FURTHER THAT staff be directed to work with the applicant to ensure the Clifton Road extension be completed as quickly as possible, while considering any necessary upgrades to existing roads.

Over the past several months, the applicant has worked with staff to address the above mentioned issues.

- The Real Estate Division has been working directly with the Developer to prepare a Parks Agreement addressing the Council requirement and meeting the ASP objective of creating an extensive and publicly accessible trail network linked to a centrally located city-wide park. A draft version of the Parks Agreement will be available to Council consideration prior to final adoption of the zone amendment.
- The second and fourth item will be addressed through the Preliminary Layout Review (Subdivision file). The Subdivision Approving Officer will work with the developer to determine the timing of the Clifton Rd extension. The Developer has indicated that the connection will likely take place as part of Phase 4.

#### 4.2 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 a single family subdivision. The proposal is in general accordance with the North Clifton Area Structure Plan (2014).

##### OCP Amendment

The applicant is proposing to amend the OCP Future Land Use designation from the existing Single/Two Family residential (S2RES) to Major Park/Open Space (PARK) designation to accommodate a proposed beach access at the south end of the proposed development. This OCP amendment will facilitate placement of a future trail to access the Lake below and connect the overall trail network.

The applicant is also proposing to amend the OCP Future Land Use designation from the existing Single/Two Family Residential (S2RES) to Single/Two Residential Hillside. The OCP Future Land Use Designation was mistakenly amended to S2RES without the "hillside" designation. As the developer is proposing to use a hillside zone (RU1h), it is important to align the zoning with the proper OCP Future Land Use designation. This amendment is seen as an administrative exercise and does not change the proposed single family land use and does not increase the proposed density.

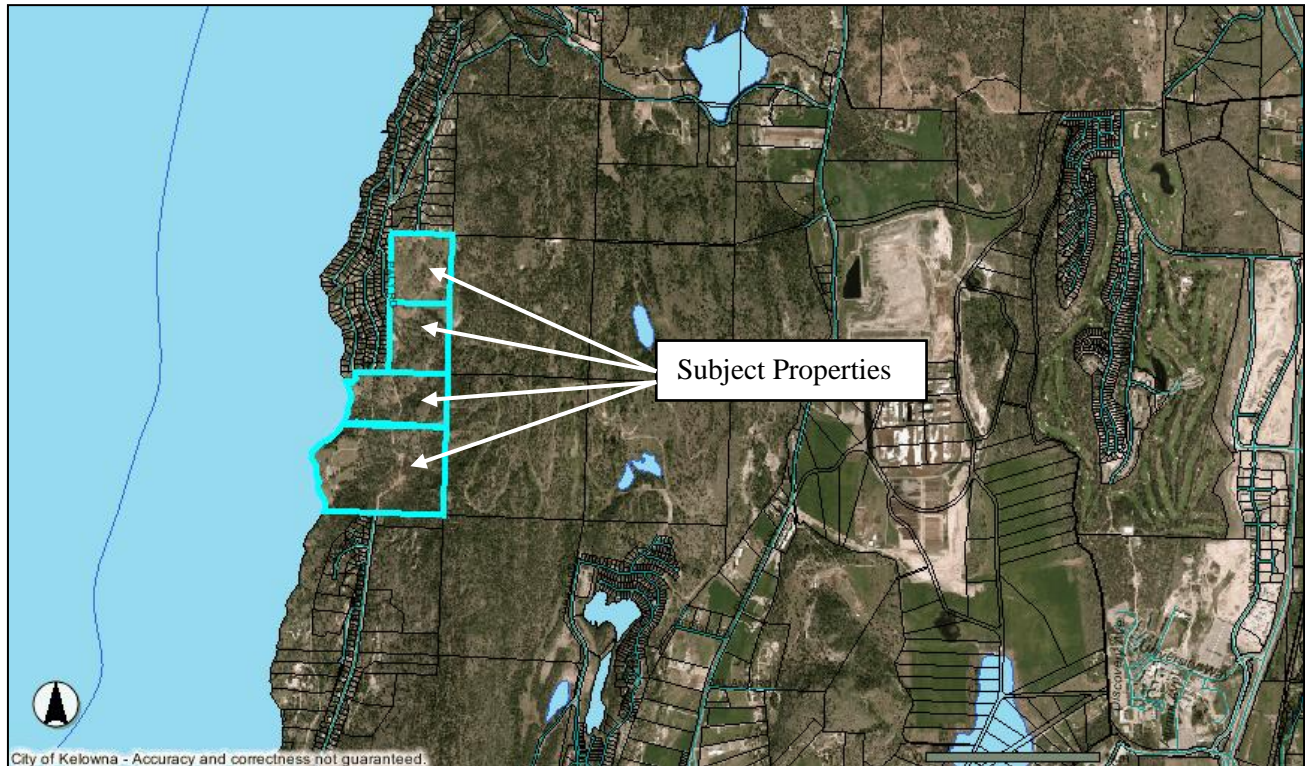
##### Rezoning

The applicant is seeking approval to rezone parts of the subject properties from A1- Agricultural 1 to RU1H - Large Lot Housing and to P3 - Parks and Open Spaces to accommodate the proposed

subdivision layout and ensure land uses align with the proposed layout. This proposed rezoning is in general accordance with the North Clifton Area Structure Plan.

## 4.2 Site Context

### Subject Properties Map:



The subject property is located at the Northwest of town in a predominantly single family neighbourhood. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 - Rural Residential 2	Single Family Housing Resource Protection
East	A1 - Agricultural Zone	Single Family Housing Resource Protection
South	RR3 - Rural Residential 3	Single Family Housing
West	RR3 - Rural Residential 3	Single Family Housing

## 3.0 Current Development Policies

### 3.1 Kelowna Official Community Plan (OCP)

#### Future Land Use

**Single/Two Unit Residential (S2RES)**<sup>1</sup>: 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, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Nonresidential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

### **Development Process**

**Compact Urban Form.**<sup>2</sup> 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.

**Sensitive Infill.**<sup>3</sup> 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.**<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

## **5.0 Technical Comments**

### Interior Health

Interior Health has previously made comment on this application during the initial Area Structure Plan development and raised concerns regarding safety for pedestrians and cyclists along North Clifton Road. The recently adopted Area Structure plan will address those concerns and provide road upgrades (barriers or sidewalks and warning signs/deflectors etc...) along Clifton Road.

### Infrastructure Planning

- Recommend that a partnership be established for the waterfront park (referred to in ASP as Bennett Park) in that the developer's land is transferred to the City in the short term for immediate public benefit and that the City and the developer look at jointly developing the park (Completed).
- The developer needs to work with the City's Real Estate Division to determine the details of transfer of the waterfront park (Completed).
- Park partnership to include: trail access to City standards for Class 4 standard multi-use trail from the upland park to the beach / waterfront to provide accessibility; and the parking area (Completed).

<sup>1</sup> City of Kelowna Official Community Plan - Future Land Use Chapter.

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

- Other proposed parks and open spaces to be dedicated at the time of subdivision of adjacent phases.
- The developer is encouraged to partner with the City on the overall long term trail network as open space areas become dedicated to the City (In process).

### **Application Chronology**

Date of Application Received: September 24<sup>th</sup>, 2014

### **Report prepared by:**

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Damien Burggraeve, Land Use Planner

### **Approved for Inclusion:**



Todd Cashin, Suburban and Rural Planning Manager



Ryan Smith, Community Planning Department Manager

### **Attachments:**

Map A

Map B

Subject Property Map

Conceptual Subdivision Layout

Conceptual Subdivision Phasing Plan

Development Engineering Requirements