

REPORT TO COUNCIL



Date: January 24, 2022

To: Council

From: City Manager

Department: Development Planning

Application: OCP22-0001 & Z21-0064 **Owner:** Paul Andrew Mitchell & Ronda Ann Mitchell

Address: 4628 McClure Road **Applicant:** Curtis Mitchell

Subject: Rezoning Application

Existing OCP Designation: S-RES – Suburban Residential & NAT – Natural Area

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU2 – Medium Lot Housing & P3 – Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP22-0001 to amend Map 3.1 in the Kelowna 2040 – Official Community Plan Bylaw No. 12300 by changing the Future Land Use designation of portions of Lot D District Lot 167 and Section 25 Township 28 SDYD Plan KAP53791, located at 4628 McClure Road, Kelowna, BC from the S-RES – Suburban Residential designation to the NAT – Natural Area designation, as shown on Map “A” attached to the Report from the Development Planning Department dated January 24, 2022, be considered by Council;

AND THAT Rezoning Application No. Z21-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot D District Lot 167 and Section 25 Township 28 SDYD Plan KAP53791, located at 4628 McClure Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing and P3 – Parks and Open Space zones, as shown on Map “B” attached to the Report from the Development Planning Department dated January 24, 2022, be considered by Council;

AND THAT the Official Community Plan Map Amending Bylaw and 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 Development Planning Department dated January 24, 2022;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of an Environmental Development for the subject property;

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

To amend the Official Community Plan to change portions of the subject property from the S-RES – Suburban Residential designation to the NAT – Natural Area designation and to rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing and P3 – Parks and Open Space zones to facilitate a 4-lot subdivision.

3.0 Development Planning

Staff support the proposal to rezone the subject property from RU1 – Large Lot Housing to RU2 – Medium Lot Housing to facilitate a 4-lot subdivision. The subject property has the Future Land Use Designation of S-RES – Suburban Residential and NAT – Natural Area and is within the City’s Permanent Growth Boundary. As such, the proposed zone is consistent with the Official Community Plan’s (OCP) objectives. In addition, all four lots meet the minimum dimensions of the RU2 zone and can be adequately serviced.

As part of the application, the applicant is required to dedicate land along Bellevue Creek which will be used for a lineal corridor pathway and a no-disturb riparian area, which is defined in both the 2030 and 2040 Official Community Plans. This dedication will also include a pedestrian access connecting to the lineal corridor off McClure Road.

4.0 Proposal

4.1 Project Description

The proposed rezoning application from RU1 – Large Lot Housing to RU2 – Medium Lot Housing is to facilitate a 4-lot subdivision. The existing dwelling will be removed, and all four homes are proposed to meet all the development regulations of the RU2 zone, so no variances are anticipated.

4.2 Site Context

The property is located in the North Mission – Crawford OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RU1 – Large Lot Housing, RU2 – Medium Lot Housing and P3 – Park and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RU1 – Large Lot Housing	Single-Family Dwelling
West	P3 – Parks and Open Space	Bellevue Creek

Subject Property Map: 4628 McClure Road



5.0 Current Development Policies

5.1 Kelowna 2040 Official Community Plan (OCP)

Chapter 10: Parks

Objective 10.2. Ensure parks and public spaces are connected to each other and accessible for all citizens	
<i>Policy 10.2.5 Linear Parks.</i>	<p>Continue to work towards implementing the <i>Linear Park Master Plan</i> and connecting with other trail systems and transportation networks with a minimum 10m public access through dedication as a titled lot or Statutory Right-of-Way at subdivision or rezoning for all development types as outlined on Map 10.1.</p> <p><i>The proposed four-lot subdivision would include a 10m dedication along Bellevue Creek.</i></p>
<i>Policy 10.2.6. Dedication of Linear Parks</i>	<p>At subdivision and rezoning for all development types secure a minimum 10-metre-wide linear corridor for public access as included on Map 10.1. The 10-metre-wide corridor may be in addition to, and outside, any riparian management area requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:</p> <ul style="list-style-type: none"> • Title property in the name of the City as a park, protected area, or • Statutory right of way.
<i>Policy 10.2.7. Applicant’s Costs</i>	<p>Require that all survey and legal costs incurred with establishing the linear park dedication, as a result of a development application, be the responsibility of the applicant. The City of Kelowna will accept responsibility for all survey and legal costs incurred due to the voluntary establishment of a linear park dedication.</p>
<i>Policy 10.2.9.</i>	<p>Plan street and development designs to maintain pedestrian connections through</p>

<i>Pedestrian Connectivity through Developments</i>	alternative routes. Plan for trails between lots, at ends of cul-de-sacs and in areas of challenging topography, to maintain pedestrian connections to all park types. Connections may be achieved through road dedication, lot dedication or statutory right of way.
	<i>The proposed linear park dedication also will include a pedestrian access from McClure Road.</i>

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Development Engineering Department Memo attached dated June 25, 2021.

7.0 Application Chronology

Date of Application Received: June 9th, 2021
 Date Public Consultation Completed: July 6th, 2021

- Report prepared by:** Tyler Caswell, Planner I
- Reviewed by:** Dean Strachan, Community Planning & Development Manager
- Reviewed by:** Terry Barton, Development Planning Department Manager
- Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

- Schedule A: Development Engineering Memo
- Attachment B: Proposed Site Plan
- Map A – Proposed Official Community Plan Amendment
- Map B - Proposed Rezoning