

# REPORT TO COUNCIL



**Date:** November 14, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** OCP21-0021 & Z21-0079      **Owner:** Calcan Investments Inc.,  
Inc.No. BC0383776

**Address:** 5639 Upper Mission Ct      **Applicant:** Calcan Investments Inc. –  
Andrew Bruce

**Subject:** OCP Amendment and Rezoning Application

**Existing OCP Designation:** NAT – Natural Area

**Proposed OCP Designation:** S-MU – Suburban - Multiple Unit  
NAT – Natural Area

**Existing Zone:** P3 – Parks and Open Space

**Proposed Zone:** RU1 – Large Lot Housing  
P3 – Parks and Open Space

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP21-0021 to amend Map 3.1 in Kelowna 2040 – Official Community Plan Bylaw No 12300 by changing the Future Land Use designation of portions of Lot 12, Section 14, Township 28, SDYD, Plan EPP116470, located at 5639 Upper Mission Court, Kelowna, BC, from the NAT – Natural Area designation to the S-MU – Suburban - Multiple Unit designation, as shown on Map “A” attached to the Report from the Development Planning Department dated November 14, 2022, be considered by Council;

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

AND THAT Council considers the Public Consultation process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Development Planning Department dated November 14, 2022;

AND THAT Rezoning Application No. Z21-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 12, Section 14, Township 28, SDYD, Plan EPP116470, located at 5639 Upper Mission Court, Kelowna, BC, from the P3 – Parks and Open Space zone to the RU1 –

Large Lot Housing zone as shown on Map "B" attached to the Report from the Development Planning Department dated November 14, 2022, 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 issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Natural Environment Development Permit for the subject property.

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation of portions of the subject property from the NAT – Natural Areas designation to the S-MU – Suburban Multiple Unit designation and to rezone portions of the subject property from the P3 – Parks and Open Space zone to the RU1 – Large Lot Housing zone to facilitate the addition of 1 residential lot to an adjacent residential subdivision.

## **3.0 Development Planning**

Staff supports the Official Community Plan (OCP) amendment and Rezoning to facilitate 1 additional residential lot being added to a recently developed residential subdivision. The effect of the proposed application would be to reverse a previous redesignation and rezoning of the subject site in 2016. The proposal is considered minor in nature as it would allow the addition of a single lot to an adjacent residential subdivision. The developer has demonstrated the proposed lot and driveway can be accommodated outside of the Riparian Management Area of Cedar Creek and with minimal impact on Environmentally Sensitive Areas.

The Parks Department determined that they have no concerns with the proposal as the area is outside of the Riparian Management Area and they do not have an interest in the area as parkland. Trail connectivity is planned to be provided on the south side of Cedar Creek. Once the proposed lot is subdivided, the balance of the property will be transferred to the city as parkland, including the Riparian Management Area.

## **4.0 Proposal**

### **4.1 Background**

The subject property was designated in the 2020 Official Community Plan Bylaw No. 7600 (adopted in 2002) as Single/Two Unit Residential and Major Park/Open Space. In 2012, Council considered an OCP Amendment and Rezoning application to refine the OCP designations and zoning of the property to take advantage of the natural topography of the land by identifying areas that were developable for small clusters of units. The subject site was identified as being a developable area and were redesignated to Multiple Unit Residential (Cluster Housing) and rezoned to RH1 – Hillside Large Lot Residential in 2014.

In 2016, the subject site was redesignated to Major Park & Open Space and rezoned to P3 – Parks & Open Space to reflect the proposed subdivision layout of the adjacent portions of the property. At the time, the subdivision layout did not anticipate development of the subject site. In 2021, a Preliminary Layout Review Letter was issued for an 11-lot residential subdivision of the adjacent lands. That subdivision was finalized in early 2022.

As the RH1 – Hillside Large Lot Residential zone was removed from Zoning Bylaw No. 12375, portions of the property previously zoned RH1 were rezoned to RU1 – Large Lot Housing in the new Zoning Bylaw.

4.2 Project Description

The developer is proposing to redesignate and rezone the subject site to facilitate 1 additional lot being added to an existing 11-lot residential subdivision. The location of this lot is in an area that was originally designated for development in 2014, but was redesignated and rezone as Park in 2016 when it was not anticipated to be developed. As a result of development of the adjacent subdivision, the developer has determined that they wish to develop this portion of the site.

The proposed additional lot would be located on a topographic feature southwest of the existing lots, adjacent to and elevated above Upper Mission Drive. Driveway access would be provided via an access easement over the adjacent residential lots from Upper Mission Ct.

The developer has shown that the proposed lot and driveway can be accommodated without impacting the adjacent Riparian Management Area of Cedar Creek, as well as minimize impact on Environmentally Sensitive Areas.

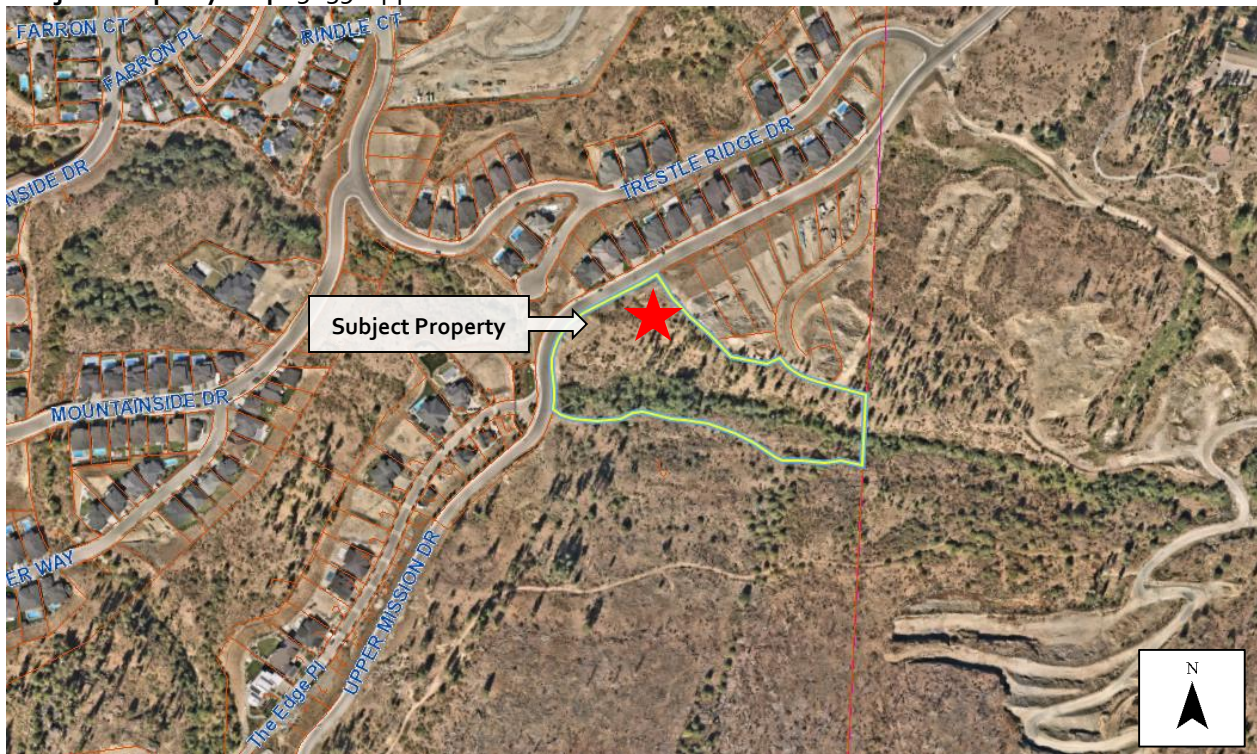
4.3 Site Context

The subject property is located on Upper Mission Drive, adjacent to the southern boundary of the City of Kelowna.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single detached homes
East	RDCO	Gravel extraction
South	P3 – Parks and Open Space RH1 – Hillside Large Lot Residential	Vacant hillside
West	P3 – Parks and Open Space RU1 – Large Lot Housing	Natural open space and trails Single detached homes

**Subject Property Map: 5639 Upper Mission Court**



**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable	
Policy 7.2.2 Hillside Housing Forms	Encourage housing forms that best match to the topography and have the lowest amount of impact in hillside areas, such as minimum cuts and fills, for example, and provide the greatest environmental protection. Discourage housing forms and associated roadways that cause high amounts of slope disturbance and visual impact.
	<i>The proposed development provides a suitable development site while avoiding the adjacent Riparian Management Area.</i>

**6.0 Application Chronology**

Date of Application Received: August 16, 2021  
 Date Public Consultation Completed: January 26, 2022

**Report prepared by:** Mark Tanner, Planner II  
**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**

- Attachment A: Site Layout
- Map A: Proposed Official Community Plan Amendment
- Map B: Proposed Rezoning