

# REPORT TO COUNCIL



**Date:** June 26, 2017

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** OCP17-0009 / Z17-0024      **Owner:** Kirschner Mountain Estates Ltd., Inc. No. 665480  
Donald & Amy Kirschner

**Address:** 2045 Loseth Road      **Applicant:** Kirschner Mountain Joint Venture  
1261 Kloppenburg Road

**Subject:** OCP Amendment and Rezoning Application

**Existing OCP Designation:** S2RESH – Single / Two Unit Residential – Hillside  
MRL – Multiple Unit Residential (Low Density)  
PARK – Major Park / Open Space (Public)

**Proposed OCP Designation:** S2RESH – Single / Two Unit Residential – Hillside  
MRL – Multiple Unit Residential (Low Density)  
PARK – Major Park / Open Space (Public)

**Existing Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space  
RU1h – Large Lot Housing (Hillside Area)  
RU4h – Low Density Cluster Housing (Hillside Area)  
RM3h – Low Density Multiple Housing (Hillside Area)

**Proposed Zone:** A1 – Agriculture 1  
P3 – Parks and Open Space  
RU1h – Large Lot Housing (Hillside Area)  
RU4h – Low Density Cluster Housing (Hillside Area)  
RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP17-0009 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of:

- portions of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road, Kelowna, BC from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation, and from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation; and

- portions of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 1261 Kloppenburg Road, Kelowna, BC from the MRL – Multiple Unit Residential (Low Density) designation to the PARK – Major Park / Open Space (Public) designation

as shown on Map “A” attached to the Report from the Community Planning Department dated June 19, 2017 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 Hearing process to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated June 26, 2017;

AND THAT Rezoning Application No. Z17-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of:

- portions of Lot 3 Section 13 Township 26 ODYD Plan KAP86315, located at 2045 Loseth Road, Kelowna, BC from the RU4h – Low Density Cluster Housing (Hillside Area) zone to the P3 – Parks and Open Space zone, and from the P3 – Parks and Open Space zone to the RU1h – Large Lot Housing (Hillside Area) zone; and
- portions of Lot 2 Section 13 Township 26 ODYD Plan KAP86315, located at 1261 Kloppenburg Road, Kelowna, BC from the RM3h – Low Density Multiple Housing (Hillside Area) zone to the RM3 – Low Density Multiple Housing zone, and from the A1 – Agriculture 1 zone to the P3 – Parks and Open Space zone

as shown on Map “B” attached to the Report from the Community Planning Department dated June 26, 2017, be considered by Council;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to approval from the Ministry of Transportation and Infrastructure.

## **2.0 Purpose**

To amend the Official Community Plan to change the Future Land Use designation and to rezone portions of the subject property to facilitate the creation of residential development parcels and park dedication.

## **3.0 Community Planning**

Staff support the proposed OCP amendments and rezoning, consistent with the proposed subdivision of the subject site at this pre-development stage. The proposal would allow for dedication of a trail corridor, add to an existing park and open space area, facilitate a lot line adjustment, and support future development on the site.

An informal trail with an access easement granting access between properties currently runs through the centre of the site and connects to a pedestrian walkway at the end of Kloppenburg Court. A trail through the site was identified in the Kirschner Mountain Area Structure Plan (ASP) and subsequently in the City’s Linear Park Master Plan, and this proposal would see the trail dedicated to the City. This supports the intent of these plans as well as policy objectives for pedestrian connectivity through a development area.

In the east portion of the site, the applicant proposes to change approximately 500 m<sup>2</sup> of park and open space to residential to be added the existing single dwelling housing lot at 2001 Kloppenburg Court. No

further development is proposed for this area and Parks Planning staff did not have concerns with this change since it is a small piece of land between a BMID booster pump station and the pedestrian trail. The applicant proposes expanding the park and open space corridor north of the existing trail.

The RM3h – Low Density Multiple Housing (Hillside Area) zone was contemplated prior to the City adopting new hillside development guidelines and developing new residential hillside zones. Hillside development must now comply with the requirements of the Hillside Development Permit Guidelines, and the RM3h zone was since removed from the Zoning Bylaw. Furthermore, the majority of the area zoned RM3h has slopes of less than 20%. As such, staff directed the applicant to rezone from the RM3h zone to the RM3 zone. Future development would be subject to the regulations of the RM3 zone, and an Urban Design Development Permit would be required to review the proposed project against the applicable Comprehensive and Hillside Development Permit Guidelines. Development Permits for multiple family residential development would be brought forward for Council's consideration.

As part of the subdivision application, the City sent notices of the proposal to 17 nearby properties in April 2016. In this instance, staff considered this appropriate notification for the purposes of Council Policy No. 367 and did not require further notification for the OCP amendment and rezoning application.

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

#### **4.0 Proposal**

##### **4.1 Background**

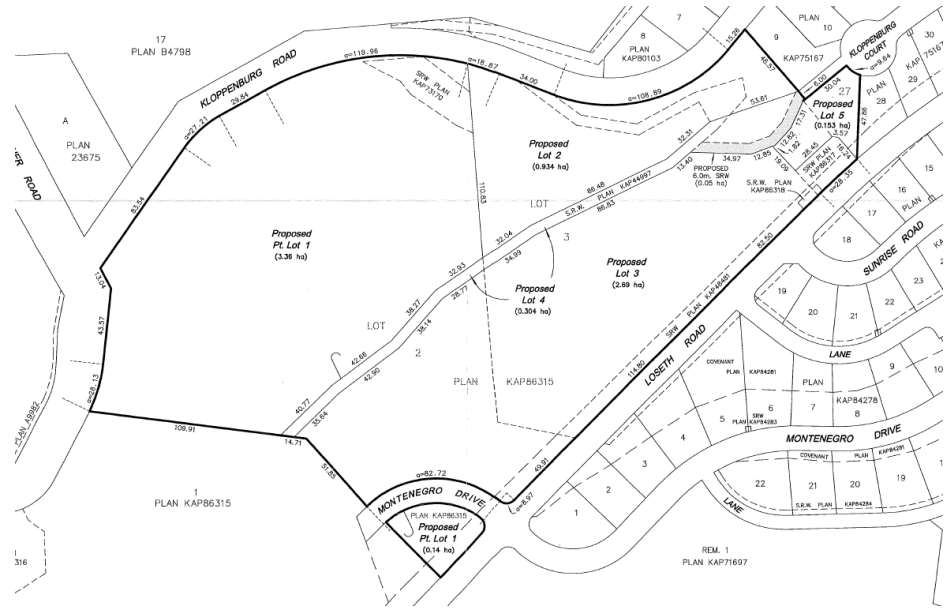
The subject site forms the northwest part of the Kirschner Mountain ASP area, endorsed by Council in 2002. The ASP expects a total of approximately 700 residential units across the entire ASP area, and identifies the subject site for single / two unit residential, multiple unit residential – low density, and major park / open space, with pedestrian links through the site.

Following preparation of the ASP, the applicant refined the development plan based on more detailed site investigations and correspondence with City staff regarding trail connections. OCP Amendment and Rezoning Bylaws adopted in 2006 and 2010 reconfigured the location of land uses on the site to better reflect the site topography, improve trail connections, and create more integrated development while maintaining the general vision of the ASP. The site is currently designated and zoned for single unit housing, single and two unit cluster housing, low density multiple unit housing, and park and open space.

##### **4.2 Project Description**

In 2016, the applicant submitted a subdivision application to create large development parcels that are better aligned with the existing residential zoning, and to dedicate a trail corridor through the centre of the site. A Preliminary Layout Review letter was issued on June 28, 2016 outlining the conditions of subdivision approval, one of which is OCP amendments and rezoning to reflect the proposed subdivision, particularly as it relates to the trail corridor.

The proposed OCP amendments and rezoning include extending the park and open space areas in the west and northeast portions of the site for the trail corridor, changing a small portion in the east to residential use to combine with an existing lot, and removing the hillside subzone from the low density multiple unit residential portion of the site. These changes align with the proposed subdivision plan shown to the right. The outcome of the OCP amendments, rezoning and subdivision would be three development parcels (two of which would be zoned RU<sub>4</sub>h, and one of which would have a combination of A<sub>1</sub>, P<sub>3</sub>, RU<sub>1</sub>h and RM<sub>3</sub> zoning for future development), one park parcel, and a lot line adjustment for an existing single family residential lot off Kloppenburg Court.



4.3 Site Context

The subject properties are located between Kloppenburg Road and Loseth Road in the City's Belgo – Black Mountain Sector. The surrounding area is characterized by single family residential neighbourhoods, vacant land / open space, and agricultural land. Future development is expected in the Kirschner Mountain area south of the subject site. Gopher Creek Linear Park is nearby, terminating north of the subject site.

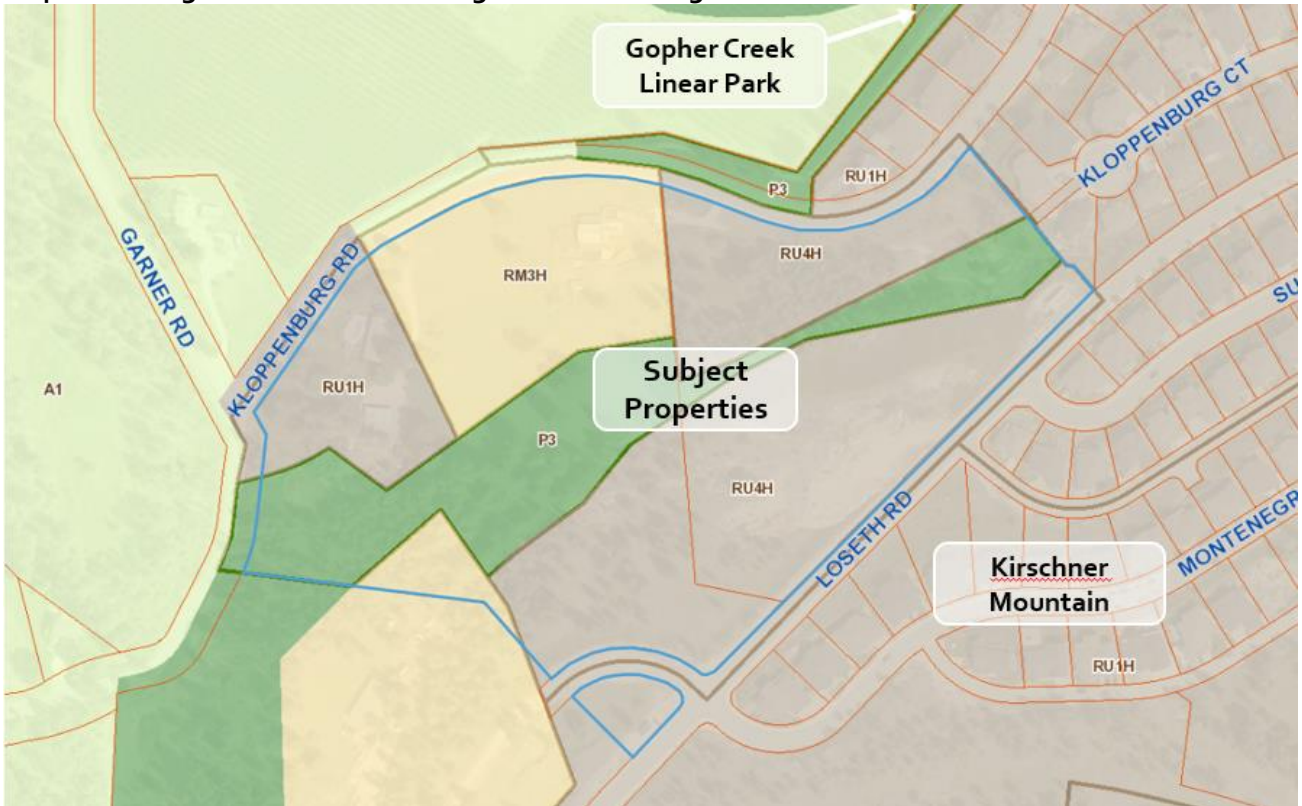
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A <sub>1</sub> – Agriculture 1 P <sub>3</sub> – Parks and Open Space RU <sub>1</sub> h – Large Lot Housing (Hillside Area)	Agriculture & farm residential Public park (Gopher Creek Linear Park) Single dwelling housing
East	RU <sub>1</sub> h – Large Lot Housing (Hillside Area)	Single dwelling housing
South	RU <sub>1</sub> h – Large Lot Housing (Hillside Area)	Single dwelling housing
West	A <sub>1</sub> – Agriculture 1	Agriculture & farm residential

Map 1: Subject Properties



Map 2: Existing Future Land Use Designations & Zoning



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Policy 5.10.1 Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

**Policy 5.14.2 Dedication of Linear Parks.** At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park – Public Access and/or are shown in Map 5.9 – Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional “no disturb” zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy. Linear trail corridors can have the following tenure which will be determined by staff at the time of subdivision or rezoning:

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

### 5.2 Kirschner Mountain Area Structure Plan (ASP)

- Active and passive open space, with significant inter-connected pedestrian access, will help create an integrated and cohesive community.
- Pedestrian links and open space will be emphasized.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- All offsite infrastructure and servicing requirements are addressed in the PLR under S16-0041.

### 6.2 Fire Department

- No issues with the zoning change.

### 6.3 Ministry of Transportation & Infrastructure

- Preliminary approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the *Transportation Act*.

### 6.4 Parks & Buildings Planning

- Satisfied with the proposed rezoning and OCP amendments.

**7.0 Application Chronology**

Date Public Consultation Completed:	April 26, 2016
Date of Preliminary Layout Review Letter Issued:	June 28, 2016
Date of Application Received:	March 14, 2017

**Report prepared by:** Laura Bentley, Planner II

**Reviewed & Approved by:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Map "A"

Map "B"

Proposed Subdivision Plan