

# REPORT TO COUNCIL



**Date:** July 24, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** OCP17-0013 / Z16-0079      **Owner:** Starland Development Company Ltd., Inc.No. BC0410092  
Louis Pouliot & Fiona Knox

**Address:** 1330 Mine Hill Drive      **Applicant:** CTQ Consultants Ltd.  
1340 Mine Hill Drive

**Subject:** Official Community Plan Amendment & Rezoning Application

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

Proposed OCP Designation:      S2RESH – Single / Two Unit Residential – Hillside

Existing Zone:      RU1h – Large Lot Housing (Hillside Area)  
RU4h – Low Density Cluster Housing (Hillside Area)

Proposed Zone:      RU1h – Large Lot Housing (Hillside Area)

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## 1.0 Recommendation

THAT Official Community Plan Amendment Application No. OCP17-0013 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, from the PARK – Major Park / Open Space (Public) designation to the S2RESH – Single / Two Unit Residential – Hillside designation, as shown on Map "A" attached to the Report from the Community Planning Department dated July 24, 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 July 24, 2017;

AND THAT Rezoning Application No. Z16-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 Section 24 Township 26 ODYD Plan EPP67683, located at 1330 Mine Hill Drive, Kelowna, BC, and of a portion of Lot 23 Section 24 Township 26 ODYD Plan EPP67683,

located at 1340 Mine Hill Drive, Kelowna, BC, from the RU4h – Low Density Cluster Housing (Hillside Area) zone to the RU1h – Large Lot Housing (Hillside Area) zone, as shown on Map “B” attached to the Report from the Community Planning Department dated July 24, 2017, 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 approval from the Ministry of Transportation and Infrastructure;

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 the future land use designation and to rezone the subject property to facilitate a six lot residential subdivision.

## **3.0 Community Planning**

Staff support the request to amend the future land use designation from PARK – Major Park / Open Space (Public) to S2RESH – Single / Two Unit Residential – Hillside and to rezone from RU4h – Low Density Cluster Housing (Hillside Area) to RU1h – Large Lot Housing (Hillside Area) to allow the site to be subdivided into six residential lots. The proposal is generally in keeping with the overall vision established through the Bell Mountain Area Structure Plan (ASP) and subsequent plan updates in 2007, and is consistent with the surrounding development.

### *Future Land Use Designation*

The 2007 rezoning plan for Prospect at Black Mountain established the direction for development in the area; however, an OCP amendment was not completed at that time. As such, staff consider this proposal to be a housekeeping amendment that is consistent with the previous direction supporting residential development on the subject site. The entirety of the site would have the future land use designation of S2RESH, with PARK surrounding it on three sides, as per OCP17-0016.

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

### *Zoning*

The original plan for the site was a small strata development of single detached homes under the RU4h zone, in part due to topographical constraints and the ability to accommodate municipal services. Changes to road standards for hillside development now allow for narrower road right-of-ways, thereby reducing impacts on slopes. This has allowed the developer to provide municipal road access into the site and to create individual lots. Staff will work with the developer to ensure appropriate long-term protection of and setbacks from slopes through the subdivision process. The RU1h zone is consistent with the future land use designation of S2RESH, and the surrounding development area is also zoned RU1h.

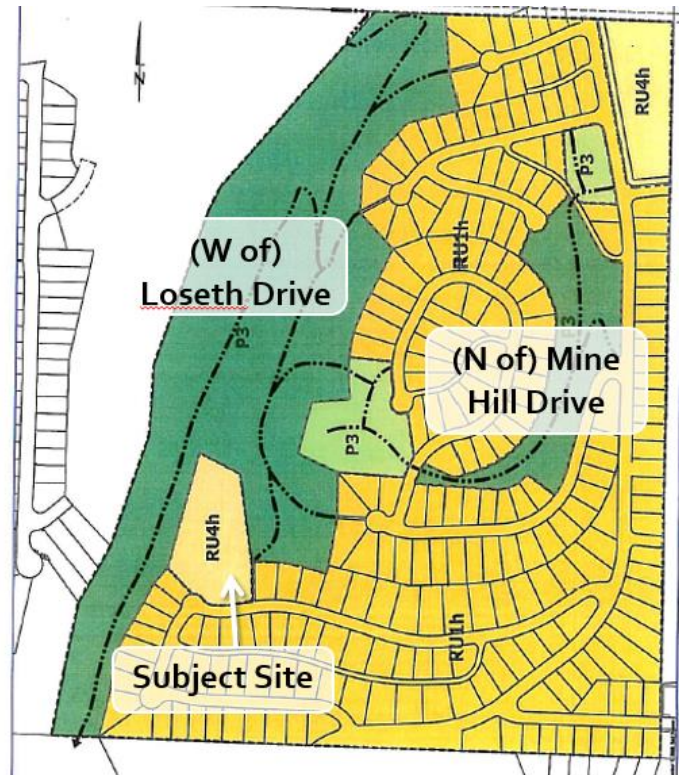
As a result of minor adjustments to proposed property boundaries in previous subdivision phases, 1340 Mine Hill Drive is zoned both RU1h and RU4h. This application proposes to rezone this property to RU1h in its entirety.

Public consultation and notification was not required since no privately owned properties were within 50 m of the subject site at time of application. The development is part of a master planned community and is generally consistent with the ASP and development plan for the area.

## 4.0 Proposal

### 4.1 Background

Through Council's endorsement of the Bell Mountain (Black Mountain) ASP and corresponding OCP Amendments in 2003, the subject site was designated as S2RES – Single / Two Unit Residential and PARK – Major Park / Open Space. In 2007, Council considered a revised comprehensive plan and rezoning for Prospect at Black Mountain, which encompassed an area of nearly 50 hectares and includes the subject site, as shown in the image to the right. This rezoning resulted in the subject site changing from the A1 – Agriculture 1 zone to the RU4h – Low Density Cluster Housing (Hillside Area) zone. An OCP amendment was not completed at the time, resulting in inconsistencies between the future land use designations and the zoning. The intent was to move forward with development that follows the zoning as approved in 2007, and the first phases of development proceeded accordingly.



**Zoning Plan Approved in 2007**

In conjunction with this application, staff are bringing forward an application under OCP17-0016 for the City-owned lot at (W of) Loseth Drive to amend the future land use designations to align with the existing zoning of P3 – Parks and Open Space. The remainder of the Prospect at Black Mountain land at (N of) Mine Hill Drive was purchased by Melcor Developments in spring 2017, and they are reviewing development plans for the site. Staff will work with Melcor to ensure any changes meet City policies and guidelines, and the inconsistencies between the future land use designations and zoning for that property will be addressed through a future application.

### 4.2 Project Description

As the final phase in Prospect at Black Mountain, the proposed development is for six residential lots under the RU1h – Large Lot Housing (Hillside Area) zone. The applicant is proposing to rezone from RU4h to RU1h to facilitate this subdivision, and each proposed lot exceeds the zone's minimum required lot width, depth and area. The application includes a housekeeping amendment to correct the future land use designation based on the previous rezoning of the entirety of the site. The applicant has also submitted applications for Preliminary Layout Review of the subdivision and a Development Permit for hazardous conditions and natural environment, which are reviewed and issued by staff.

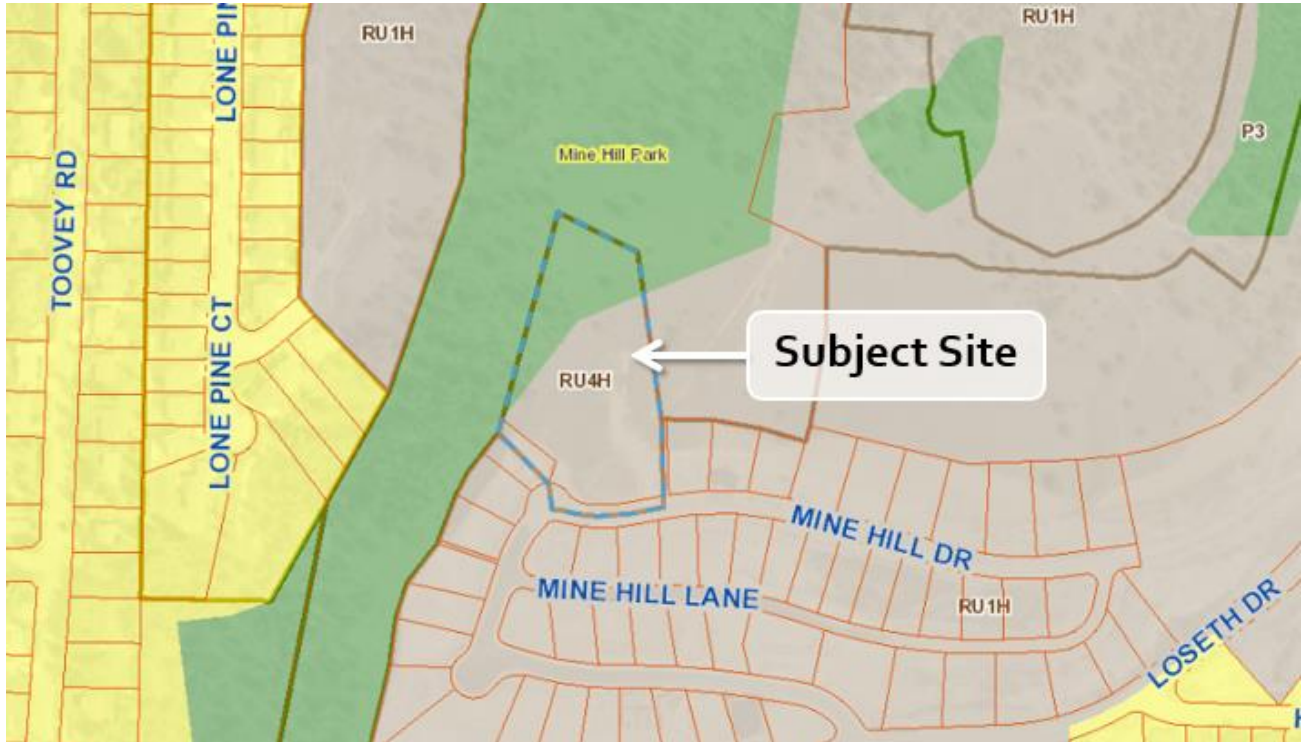
### 4.3 Site Context

The subject site is located north of Mine Hill Drive in the Prospect at Black Mountain neighbourhood, in the City's Belgo – Black Mountain Sector. The site is 1.2 ha in area and slopes downward from east to west, with the steepest portions near the east and west property lines. The surrounding area is characterized by existing and future large lot residential neighbourhoods and natural open space.

Adjacent land uses are as follows:

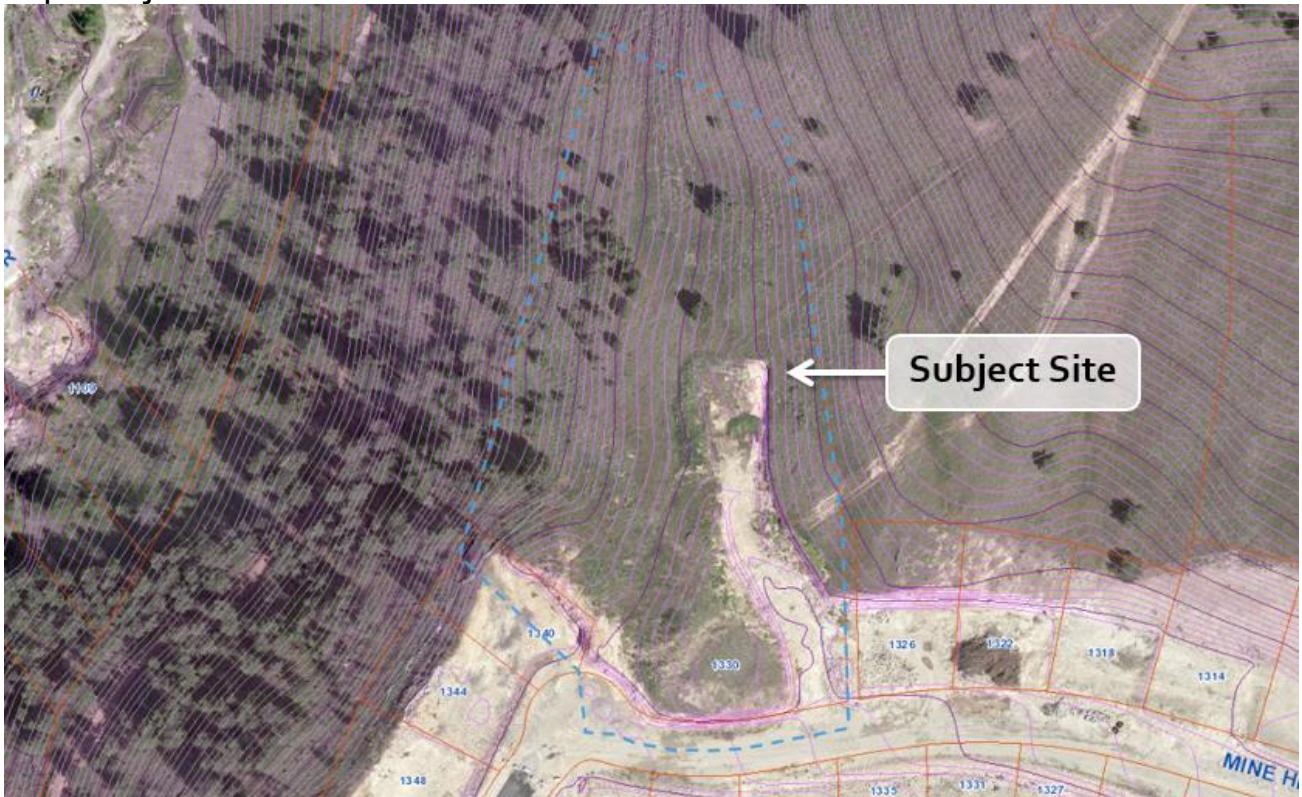
Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Natural open space (Mine Hill Park)
East	P3 – Parks and Open Space RU1h – Large Lot Housing (Hillside Area)	Natural open space (Mine Hill Park) Vacant residential lot
South	RU1h – Large Lot Housing (Hillside Area)	Vacant residential lots
West	P3 – Parks and Open Space	Natural open space (Mine Hill Park)

**Map 1: Surrounding Context – Future Land Use Designations & Zoning**





Map 2: Subject Site



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Policy 5.3.3 Phasing.** Require development to proceed in a logical, sequential order, concurrently with availability of required urban services.

**Policy 5.15.12 Steep Slopes.** Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- All works and services to be addressed at time of subdivision.

### 6.2 Ministry of Transportation & Infrastructure

- Preliminary approval is granted for the rezoning for one year pursuant to Section 53(3)(a) of the *Transportation Act*.

**7.0 Application Chronology**

Date of Application Received: November 24, 2016

Date of PLR Application Received: June 2, 2017

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

**Reviewed by:** Todd Cashin, Suburban & Rural Planning Manager

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

**Attachments:**

Map "A" OCP Amendments

Map "B" Rezoning

Proposed Subdivision Plan