
CITY OF KELOWNA
MEMORANDUM

January 30, 2002:
File No.: (3360-20) **Z01-1056**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1056

OWNER: BHF BUILDING HEALTHY
FAMILIES SOCIETY,
INC. NO. 24098S

AT: 1390 KLO ROAD

APPLICANT: PORTER RAMSAY,
BARRISTERS &
SOLICITORS

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO PERMIT THE USE
OF THE EXISTING DWELLING AS A TRAINING FACILITY FOR
PARENTING AND LIFE SKILL COURSES

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z01-1056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 131, O.D.Y.D., Plan 15596, located on KLO Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to the Municipal Council for consideration;

AND THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act that the requirement for the public hearing be waived;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing A1 – Agricultural 1 zone to the P2 – education and Minor Institutional zone in order to permit the continued use of the building located on the subject property for providing training courses for parenting and life skills. The proposed zone amendment is consistent with the future land use designation of “Institutional” as shown in the City of Kelowna Official Community Plan.

2.1 Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting of November 20, 2001 and the following recommendation was passed;

That the Advisory Planning Commission supports Rezoning Application No. Z01-1056 by Porter Ramsay (Tom Smithwick QC), Lot 1, Plan 15596, Sec. 18, TWP. 26, O.D.Y.D., 1390 KLO Road to rezone the subject property to the P2 – Education and Minor Institutional zone to permit the use of the existing dwelling for training and counselling uses.

3.0 BACKGROUND

3.1 The Proposal

The dwelling that is located on the subject property was constructed in 1971, at a time when the subject property was not located within the city limits of the City of Kelowna. The Building Healthy Families Society has been in existence since 1988, and has operated out of the building located on the subject property for the last 3 years. The society provides training in the area of parenting and life skills, and is directed towards young parents 15 years to 24 years of age. As well, the society also provides training and support for anger management, and intensive short term service and support for those situations where there is a higher risk of abusive or neglectful environment for children.

This application seeks to rezone the subject property from the existing A1 – Agricultural 1 zone to the P2 – Education and Minor Institutional zone, a zone that permits the use of the land for education purposes. The applicant has provided letters of support from area residents for this proposed rezoning.

The properties surrounding the subject property are used for institutional uses and the subject property is designated “Education/Major Institutional” future land use in the Official Community Plan. Section 2.4.2. of the Development Application Procedures Bylaw permits the Public Hearing to be waived when the future land use of the property is consistent with the zone under application, and when the surrounding properties are not residential.

A review of the building location on the site plan indicates that the building setback to the west property line is less than required by the P2 zone. The existing building is sited 1.03 m from the west property line, where the P2 zone requires a 4.5 m setback. A Development Variance Permit application has been made to vary the side yard setback

provision of the P2 zone in order to authorize the non-conforming building setback to the west property line.

The proposal as compared to the P2 zone requirements is as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	2,017 m ²	660m ²
Site Width (m)	37.02 m	18m
Site Coverage (%)	9%	40% Building only 60% Bldg & parking areas
Total Floor Area (m ²)	184.2 m ²	2,017m ² max @ FAR = 1.0
F.A.R.	0.091	FAR = 1.0 max
Storeys (#)	1 storey	13.5 m (3 Storeys)
Setbacks (m)		
- Front	17.42 m	6.0m
- Rear	25.53 m	7.5m
- West Side	1.03 m ❶	4.5m
- East Side	19.63 m	4.5m
Parking Stalls (#)	5 stalls provided	1 per 10 persons plus 1 per 2 employees, min. of 4 stalls

Note;

- ❶ A Development Variance Permit application has been made to address the existing building side yard setback of 1.03 m where the P2 zone requires a side yard of minimum 4.5 m.

3.2 Site Context

The subject property is generally level, and has one single family dwelling constructed on it, located near the south west corner of the property.

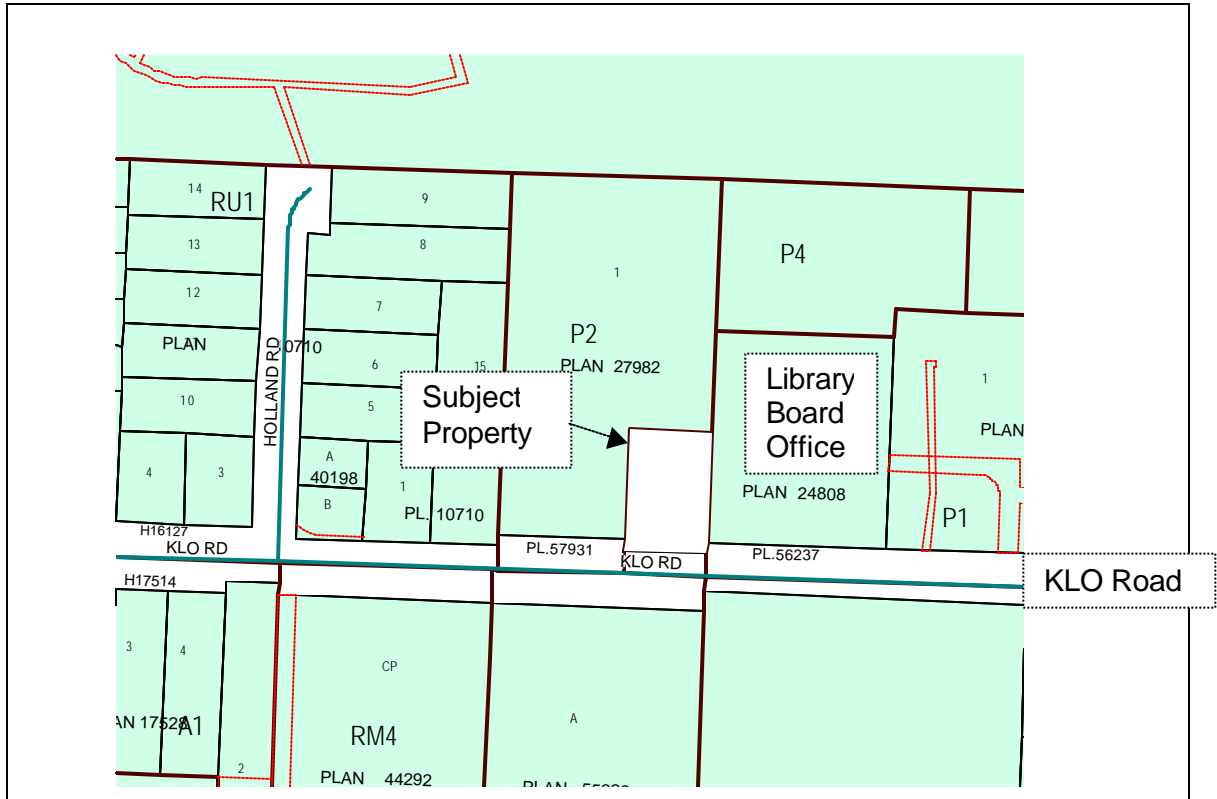
Adjacent zones and uses are, to the:

- North - P2 – Education and Minor Institutional, church uses
- East - P1 – Major Institutional, regional library office
- South - P4 – Utilities/ KLO Road, City Parks office
- West - P2 – Education and Minor Institutional, church uses

3.3 Existing Development Potential

The existing zone of A1 - Agricultural 1 allows for agriculture, animal clinics – major (in existence prior to July 1, 1998), aquaculture, greenhouses and plant nurseries, mobile homes, single detached housing, and utility services – minor impact as permitted principal uses. The zone also permits agricultural dwellings – additional, agri-tourism accommodation, animal clinics – major and minor, bed and breakfast homes, care centres major and minor, group homes- minor, home based businesses – minor, major, rural, kennels and stables, and wineries and cideries as permitted secondary uses.

SUBJECT PROPERTY MAP



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposal is consistent with the Kelowna Official Community Plan, which designates the subject property for Institutional future land use.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposed development is generally consistent with the City of Kelowna Strategic Plan (1992) by addressing the following areas;

Objective 7.7 states "To work cooperatively with other levels of government, community-based agencies and Kelowna residents to create and maintain an environment that creates a sense of security and belonging for all residents",

Strategy 7.12 states "The City will continue to support community-based agencies that deal with issues related to crime prevention including financial and family counselling, services to youth and families, and housing."

3.4.3 South Pandosy / KLO Sector Plan

The proposal is consistent with the South Pandosy / KLO Sector Plan, which designates the subject property for Institutional future land use.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

Emergency lighting to comply with the B.C. Building Code.
A business license may be required.

4.2 Parks Manager

1. Please note that Red Oak is “Qercus rubra” not “Pinus nigra Quercus rubra”.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

3. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan to include a plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) indicate existing trees to be removed
 - B. Minimum plant material specifications for blvds. as follows:
 - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
 - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. Planting plan to include all u/g utility locations in BLVD.
4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. **BLVD maintenance** (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
6. **BLVD tree maintenance** is responsibility of Parks Division.
7. Planting plan to include all u/g utility locations in BLVD.

8. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.
9. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
10. Planting plan to include all u/g utility locations in BLVD.

4.3 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.4 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.5 Utilicorp Networks Canada

No additional requirements.

4.6 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) This development is within the service area of the City of Kelowna domestic water distribution system.
- (b) All the plumbing extension to service the proposed building expansion must be connected downstream of the existing watermeter. If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) The subject property is located within the City of Kelowna sanitary sewer collection system.
- (b) All the plumbing extension to service the proposed building expansion must be connected to the existing on-site sewer collection system.

3. Storm Drainage

A revised site grading and drainage management plan and design to comply with the City's drainage design and policy manual, must be provided as part of the building permit drawing submission.

4. Road Improvements

KLO Road must be upgraded to a full urban standard including curb and gutter, sidewalk, piped storm drainage system including catch basins, manholes/drywells, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The City of Kelowna will complete this work at their schedule. Collect \$ 27,800.00 as a Cash Levy for this work.

5. Road Dedication

By registered plan to provide the following:

- (a) Provide an additional highway allowance widening of 5.0 m for the widening of KLO Road. This widening is to be accomplished by:
 - i) A dedication on the subdivision plan.
 - ii) Sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, the City's Assistant Land Agent, if this option is selected.
 - iii) A Road Reservation Agreement with the City of Kelowna. Enclosed is a sample document that the City will prepare if the owner elects this option. Please contact Mr. D.L. Shipclark, the City's Assistant Land Agent, to have this documentation prepared. The document must be accompanied by a plan prepared by a B.C. Land Surveyor. The subdivision plan must be endorsed to the effect that there is an agreement to be registered under Section 526 of the Local Government Act. This agreement must be registered as a priority charge.
- (b) A cross access easement over the east lot line (approximately 3.4 meters), must be registered for:
 - Lot 1, Plan 27982 – Church.
 - Lot 2, Plan 53338 – Regional District.
 - Lot A, Plan 24808 – Library.

This is for a future ultimate access for all lots to KLO Road. At that time, this development will be required to move their central access location to this shared location at their eastern lot line.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked “issued for construction” by the City Engineer before construction may begin.

9. Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. hillside, unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

10. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

11. Levy Summary

Levies

KLO Road Upgrading: \$27,800.00

Total Levies

\$27,800.00

NOTE: The foregoing levies if over \$5,000.00 may at the applicant's option be temporarily secured by the provision of a separate irrevocable letter of credit to cover the amount of the levy, with the understanding that the City will convert the letter of credit to cash upon final adoption of the zone amending bylaw or prior to issue of a building permit.

If the applicant elects to secure the levies by an irrevocable letter of credit rather than cash, a \$50.00 non-refundable processing fee must be paid to the City upon provision of the letter of credit.

12. Development Permit and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (c) A bike rack must be provided in accordance with current bylaws and policies.

(d) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

- (e) The existing western access to KLO Road should be closed. The proposed central access can remain until the future ultimate access to KLO Road is required at the eastern portion of this property.

13. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

14. General.

All the utilities currently under the proposed expansion must be relocated and right of ways must be quit claimed.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this proposed rezoning. The subject property is located within an area of established institutional uses, and is designated with the "Institutional" future land use designation in the Official Community Plan. This application will apply a suitable zone to the subject

property in order to permit the continued use of the building located on the site for parenting and life skill courses. The counselling and education facility has been operating on the subject property since 1999, and forms a complementary use to the adjacent church development located on the property to the west.

As the subject property has an appropriate future land use designation in the Official Community Plan, and is surrounded by uses that are not residential, Section 2.4.2. of the Development Application Procedures Bylaw permits the Public Hearing to be waived.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

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|--|---|
| 1. APPLICATION NO.: | Z01-1056 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | BHF Building Healthy Families Society, Inc. No. 24098S |
| . ADDRESS | 1390 KLO Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3P6 |
| 4. APPLICANT/CONTACT PERSON: | Porter Ramsay, Barristers and Solicitors / Mr. Tom Smithwick QC |
| . ADDRESS | #200 – 1465 Ellis Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 2A3 |
| . TELEPHONE/FAX NO.: | 763-7646/762-9960 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 10, 2001 |
| Date Application Complete: | October 22, 2001 |
| Servicing Agreement Forwarded to Applicant: | January 11, 2002 |
| Servicing Agreement Concluded: | January 29, 2002 |
| Staff Report to Council: | January 30, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 131, O.D.Y.D., Plan 15596 |
| 7. SITE LOCATION: | North Side of KLO Road East of Holland Drive |
| 8. CIVIC ADDRESS: | 1390 KLO Road |
| 9. AREA OF SUBJECT PROPERTY: | 2,017 m ² |
| 10. AREA OF PROPOSED REZONING: | 2,017 m ² |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | P2 – Education and Minor Institutional |
| 13. PURPOSE OF THE APPLICATION: | To Rezone The Subject Property To Permit The Use Of The Existing Dwelling As A Training Facility For Parenting And Life Skill Courses |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

Subject Property Map
3 pages of site diagrams and building elevations

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