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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** February 16, 2006  
**File No.:** **Z05-0075**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO.	Z05-0075	OWNER:	OKANAGAN CHINESE BAPTIST CHURCH
AT:	1025 RUTLAND ROAD N.	APPLICANT:	FINE HOME DESIGNS (PETER CHATAWAY)

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING  
A1 – AGRICULTURE 1 ZONE TO THE PROPOSED P2 –  
EDUCATION AND MINOR INSTITUTIONAL TO PERMIT THE  
CONTINUED USE OF THE EXISTING SITE DEVELOPMENT  
FOR INSTITUTIONAL USES

**EXISTING ZONE:** A1 – AGRICULTURE 1

**PROPOSED ZONE:** P2 – EDUCATION AND MINOR INSTITUTIONAL

**REPORT PREPARED BY:** PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 26, Twp. 26, O.D.Y.D., Plan 4841, located on Rutland Road North, Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed P2 – Education and Minor Institutional zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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;

**2.0 SUMMARY**

The Okanagan Chinese Baptist Church organization purchased the church building located on the subject property in 2002. They wish to rezone the property from the existing A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone in order that the zone of the property is appropriate for the use of the property as a church. They have also made application for a Development Variance Permit to address the existing non-conforming north flanking sideyard setback of 3.68 m, where the P2 zone

requires a minimum 6.0 m setback for a flanking sideyard, and the address the existing 65% site coverage for buildings, parking areas and roadways, where the P2 zone limits the maximum site coverage for buildings, parking areas and roadways to 60%.

## 2.1 Advisory Planning Commission

The above noted application (Z05-0075) was reviewed by the Advisory Planning Commission at the meeting of December 20, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application # Z05-0075, to rezone from the A1-Agriculture 1 zone to the P2-Education & Minor Institutional zone in order to allow for Institutional uses in the P2 zone.

## 3.0 BACKGROUND

### 3.1 The Proposal

The existing church building was originally constructed on the subject property in 1968, at a time before this area of the City was part of the City of Kelowna. The Okanagan Chinese Baptist Church organization purchased the church building located on the subject property in 2002.

The Okanagan Chinese Baptist Church organization wish to rezone the subject property from the existing A1 – Agriculture 1 zone to the P2 – Education and Minor Institutional zone in order that the property be zoned appropriately for the ongoing use as a church.

Owing to the non-conforming siting of the existing development on the property, it has also been necessary for the Okanagan Chinese Baptist Church to make application for a development variance permit to deal with the existing north side flanking side yard setback of 3.68 m where the P2 zone requires a minimum flanking sideyard setback of 6.0 m, as well as to address the existing 65% site coverage for buildings, parking areas and roads, where the P2 zone permits a maximum of 60%.

At this time, the Okanagan Chinese Baptist Church is not planning any new buildings on site, other than to reline the paved parking lot and to install some fencing and landscaping on the property. There may be a building program in the future that may add some class rooms to the property, a use that is permitted in the proposed P2 – Education and Minor Institutional zone. As the subject property is used for institutional uses and the proposed zone is an institutional zone, there will not be a Development Permit triggered as part of any future building permit applications.

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

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	2,504 m <sup>2</sup>	660 m <sup>2</sup>
Site Width (m)	42.57 m	18 m
Site Coverage (%) Buildings only Buildings, parking and road	16% 65% ❶	50% Buildings 60% Bldgs, Parking & Road
Total Floor Area (m <sup>2</sup> )	413 m <sup>2</sup>	
F.A.R.	2,504 m <sup>2</sup> max	FAR = 1.0 max.
Storeys (#)	1 (8.73m)	3 (13.5 m) max.
Setbacks (m)		
- Front	7.62 m	6.0 m min.
- Rear	13.41 m	7.5 m min.
- North Side (Flanking)	3.68 m ❷	6.0 m min.
- South Side	18.79 m	4.5 m min.
Parking Stalls (#)	39 stalls existing	1 per 5 seats or 10 per 100 m <sup>2</sup> of GFA whichever is the greater (171 persons = 35 stalls required)

**NOTE:**

Variances requested;

- ❶ Vary maximum site coverage for Buildings, Parking areas, and roads from 60% permitted to 65% existing
- ❷ Vary north side flanking side yard setback from 6.0 m required to 3.68 m existing

### 3.2 Site Context

The subject property is generally level, and developed with a church building, which was constructed on the site in 1968. The neighbourhood is developed with single unit housing to the north, east and west. The property to the south has recently been developed with commercial uses and an 8 unit row house.

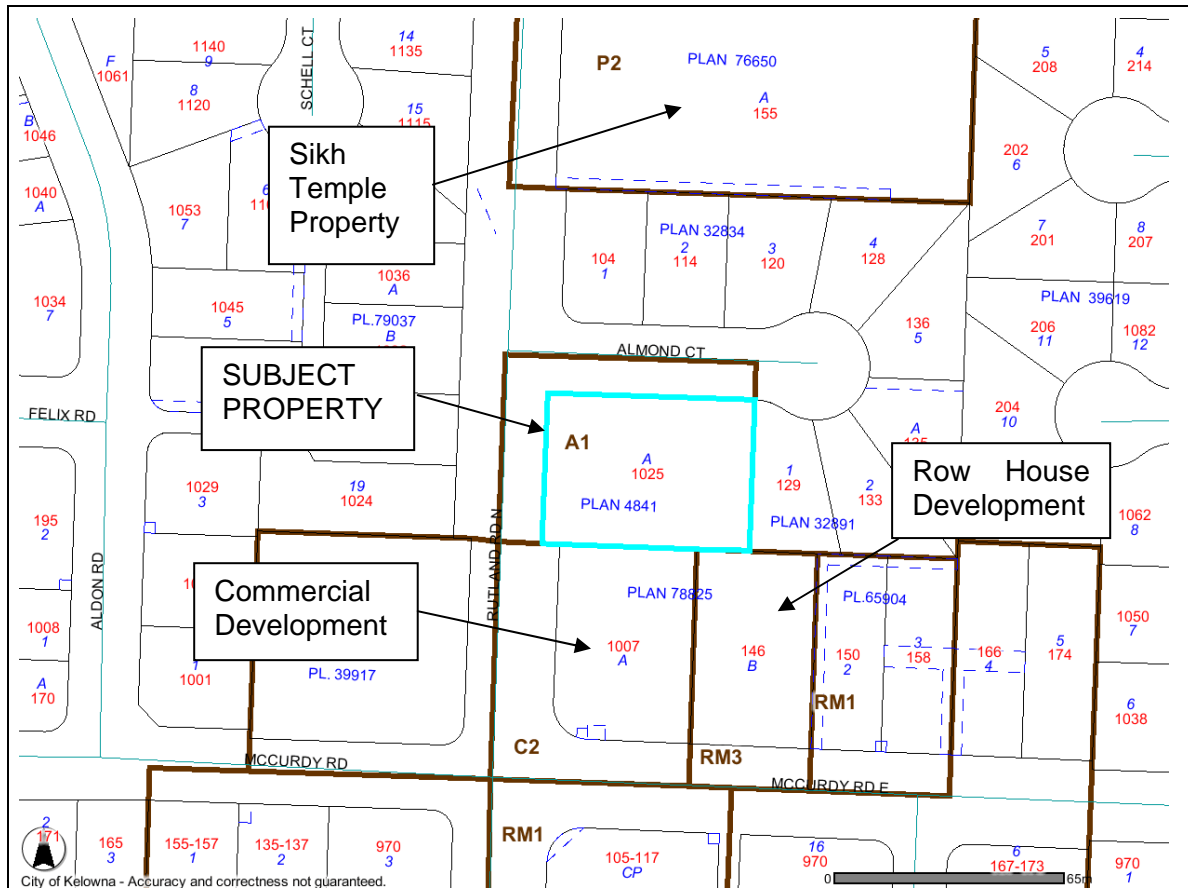
Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing
- South - C2 – Neighbourhood Commercial / commercial uses  
RM3 – Low Density Multiple Housing / row housing
- West - RU1 – Large Lot Housing – Rutland Road / Single dwelling unit housing

### 3.3 Proposed Development Potential

The proposed zone of P2 – Education and Minor Institutional zone permits; care centres – major, community recreation services, emergency and protective services, private clubs, private education services, public education services, religious assemblies, utility services - minor impact as principal permitted uses, and; public parks and residential security/operator unit as permitted secondary uses.

## SUBJECT PROPERTY MAP



### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

This proposal is consistent with the current Official Community Plan designation of “Institutional”.

#### 3.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

6. Provide infrastructure (utilities, transportation, parks, facilities) that keep pace with population growth and evolving opportunities.

#### 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

No Objections

##### 4.2 Parks Manager

1. The owner/occupier will be responsible to weed, water and mow the boulevards adjacent to the property. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
2. All proposed plant material (trees, shrubs, ground covers and sod) within the roadway boulevard will need to be reviewed and approved by Parks Staff prior to application approval.

##### 4.3 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

###### 1. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID) and is currently serviced. The developer is required to make satisfactory arrangements with the BMID and pay directly to the BMID any regrade fees and upgrading costs.

###### 2. Sanitary Sewer.

The subject property is currently serviced by the municipal sanitary sewer collection system. According to our records there is a 100mm service to the property line.

###### 3. Drainage.

The storm water management plan currently in place for the site as presently developed appears acceptable. Any expansion or alteration to the site surface will require a revised site drainage management plan in compliance with the City's drainage design and policy manual.

4. Power and Telecommunication Services.

The subject property is fully serviced and does not require any service upgrade.

5. Road improvements.

The Rutland Road frontage was recently urbanized under the City Development Cost Charge (DCC) program to the ultimate urbanized cross-section. This application does not trigger any further upgrade.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with the application to rezone the subject property to the P2 – Education and Minor Institutional zone. The application of this zone to the subject property is supported in the Official Community Plan, and will authorize the previously legal non-conforming use of the site as a Church.

The associated application for a Development Variance Permit seeks to authorize the existing non-conforming north flanking side yard setback and the non-conforming site coverage for the building, parking area, and roads that have been developed on the property. The change in zoning will not change the use of the property as a church. The Okanagan Chinese Baptist Church organization is anticipating to improve the fencing and landscaping of the property as part of the current development plan.

The Rutland Road frontage of the subject property has been recently reconstructed as part of the Rutland Sewer project.

In light of the above, the Planning and Corporate Services Department supports this application and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Corporate Services

PMc/pmc  
Attach.

Attachments  
(Not attached to the electronic copy of the report)

Subject Property Map  
4 pages of site plans & building elevations diagrams

AIR PHOTO

