
**CITY OF KELOWNA
MEMORANDUM**

DATE: December 28, 2006
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. TA06-0007 **APPLICANT:** Deanne Leung
AT: 1369 Richter Street **OWNERS:** Deanne Leung
Chi-Hang Leung
PURPOSE: TO AMEND ZONING BYLAW 8000 AND SIGN BYLAW 8235 TO
INCLUDE REGULATIONS RELATING TO A NEW USE CALLED
HEALTH SERVICES, MINOR.
EXISTING ZONE: RU6 – TWO DWELLING HOUSEING
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment Application No. TA06-0007, to amend the City of Kelowna Zoning Bylaw No. 8000 and Sign Bylaw No. 8235 as outlined in Schedule "A" of the report of the Planning and Development Services Department, dated December 28, 2006 be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA06-0007 be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

This application seeks to amend the Zoning Bylaw to address a specific request of the Applicant, which is to be able to provide child counseling services in a residential setting. The changes include the establishment of a new use within the P2 – Education and Minor Institutional zone called, HEALTH SERVICES, MINOR. This use is intended to accommodate "counseling" only, in a manner similar to the impact from a HOME-BASED BUSINESS, MAJOR use, which is permitted in the surrounding RU6 zone.

3.0 BACKGROUND

The Applicant recently purchased the subject property at 1369 Richter Street, which is zoned P2 – Education and Minor Institutional. Existing development includes a ± 140 m² (1,500 ft²) house, which was previously converted to accommodate a daycare, most recently known as "Early Explorer's Daycare". The accessory building was recently demolished by the Applicant.

The intended use of the property is similar to the previous activity, albeit at a much lower level of intensity. In essence, the desire is to establish a child counseling practice, specializing in Play Therapy techniques certified by Play Therapy International (PTI) and the Canadian Association for Child and Play Therapy (C.A.C.P.T.).

The Applicant (and up to a maximum of one additional therapist) would be providing counseling services to clients at this location throughout the day, and possibly early evening. There would be no residential use of the property, but the residential character of the neighbourhood and the building itself is important. Clients coming to this facility typically respond better to a less-institutional setting, which can be intimidating. This converted dwelling is a suitable alternative to the more traditional "clinic" environment.

4.0 TEXT AMENDMENT

Details of the proposed text amendment are provided in the attached Schedule "A". The following points outline the general intent:

- create a new use called HEALTH SERVICES MINOR, which is restricted to "counseling" only;
- add this use to the P2 – Education and Minor Institutional zone only;
- restrict the use to no more than two clients at any one time, which is similar to the restriction for commercial activity in residential areas governed under the HOME-BASED BUSINESS, MAJOR use category;
- restrict signage and activity to ensure it respects the residential character of the surrounding neighbourhood.


5.0 CONCLUSION


The Applicant has met with the Inspections Services department, and will continue to work with Staff to identify the necessary upgrades that may be needed in order to satisfy B.C. Building Code requirements. In addition, Staff will continue to work with the Applicant to reorganize the site to accommodate parking and provide adequate landscaping that ensures that the privacy concerns of the neighbours are addressed.

Staff recommends that Council consider adopting the proposed changes described above, and detailed in this attached Schedule "A".



 Shelley Gambacort
 Acting Development Services Manager

Approved for inclusion 

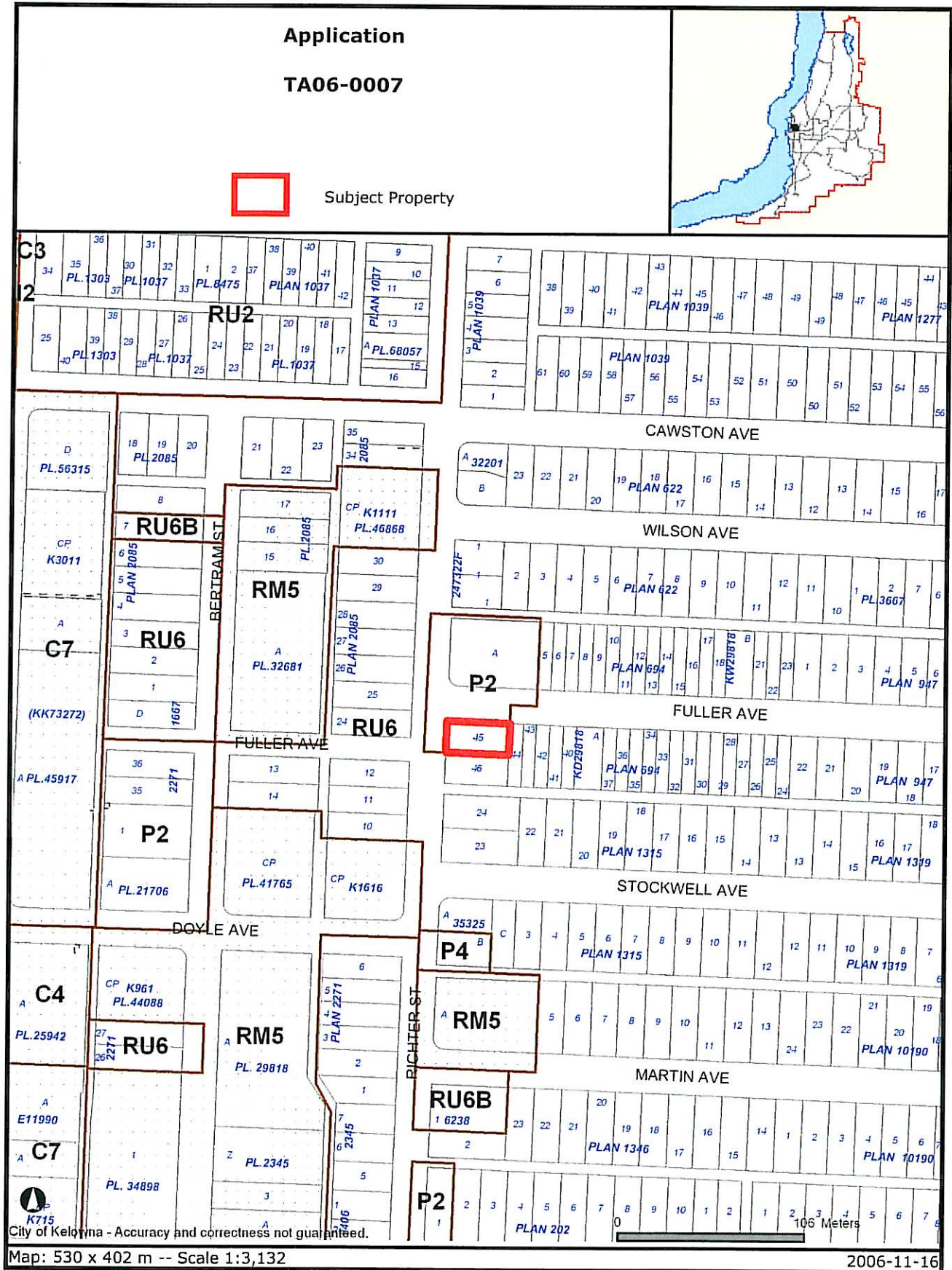

 Mary Pynenburg, MRAIC MCIP
 Director of Planning & Development Services
 NW/nw

ATTACHMENTS

Location of subject property
 Site Plan (existing)
 Site Plan (proposed)
 Floor Plan (existing)
 Floor Plan (proposed)
 Photos Showing Existing Elevations
 Schedule "A"

SCHEDULE "A"
**Text Amendment No. TA06-0007 – Re: P2 – Education and
 Minor Institutional Zone**

Proposed Amendments – Zoning Bylaw No. 8000			
Section 2.2.3	Add definition for HEALTH SERVICES, MINOR, as follows: HEALTH SERVICES, MINOR means development used for the provision of counselling services on an out-patient basis. The business shall not change the residential character of the dwelling or accessory building.		
Section 16.2.2	P2- Education and Minor Institutional Zone (Principal Uses) – Add the following use: HEALTH SERVICE, MINOR		
Section 16.2.6	P2 – Education and Minor Institutional Zone (Other Regulations) – Add the following wording, under new section (c): A HEATH SERVICES, MINOR use shall not generate more than two clients to the site from which the business is being operated at any given time.		
	P2 – Education and Minor Institutional Zone (Other Regulations) – Add the following wording, under new section (d): No variation from the residential character and appearance of land or buildings shall be permitted for the purpose of accommodating a HEATH SERVICES, MINOR use.		
Proposed Amendments – Sign Bylaw 8235			
Section 6 – Specific Zone Regulations			
Section 6.1	Immediately following that section dealing with Public and Institutional Zones (P1, P2, P3, P4, W1, and W2), add the following:		
	Notwithstanding provisions for P2 zone, restrict HEALTH SERVICES, MINOR use to the following:		
	Fascia or Free-standing	1 per lot	1.0 m ² maximum area. Max. 1.5 m for free-standing signage, measured from sidewalk elevation. Min. 1.0 m setback from property line for free-standing signage. No backlit signage; only low-watt ground lighting or pendant lighting.



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

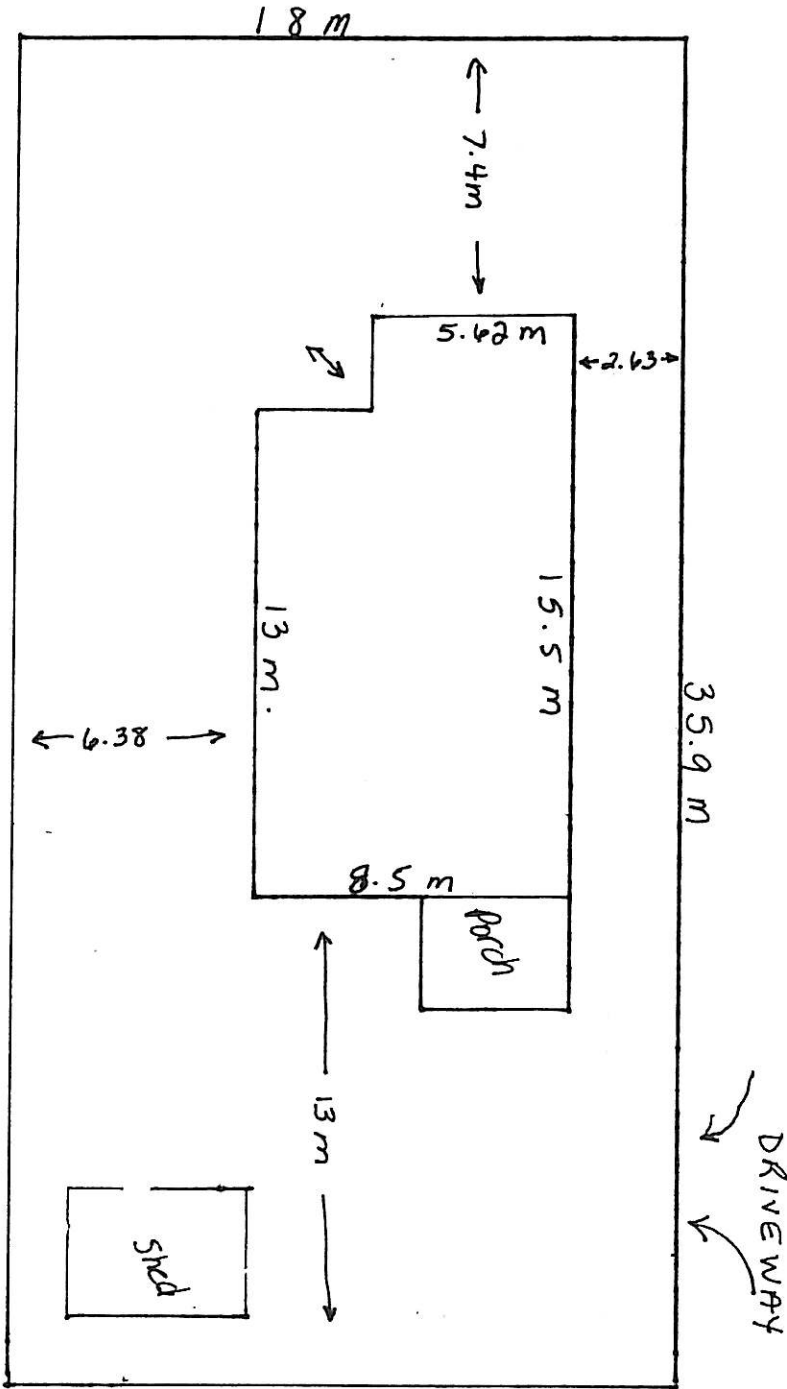
Existing Site Plan

1369

RICHTER ST

LOT 45
OD 40

DL 138
PLAN - 694



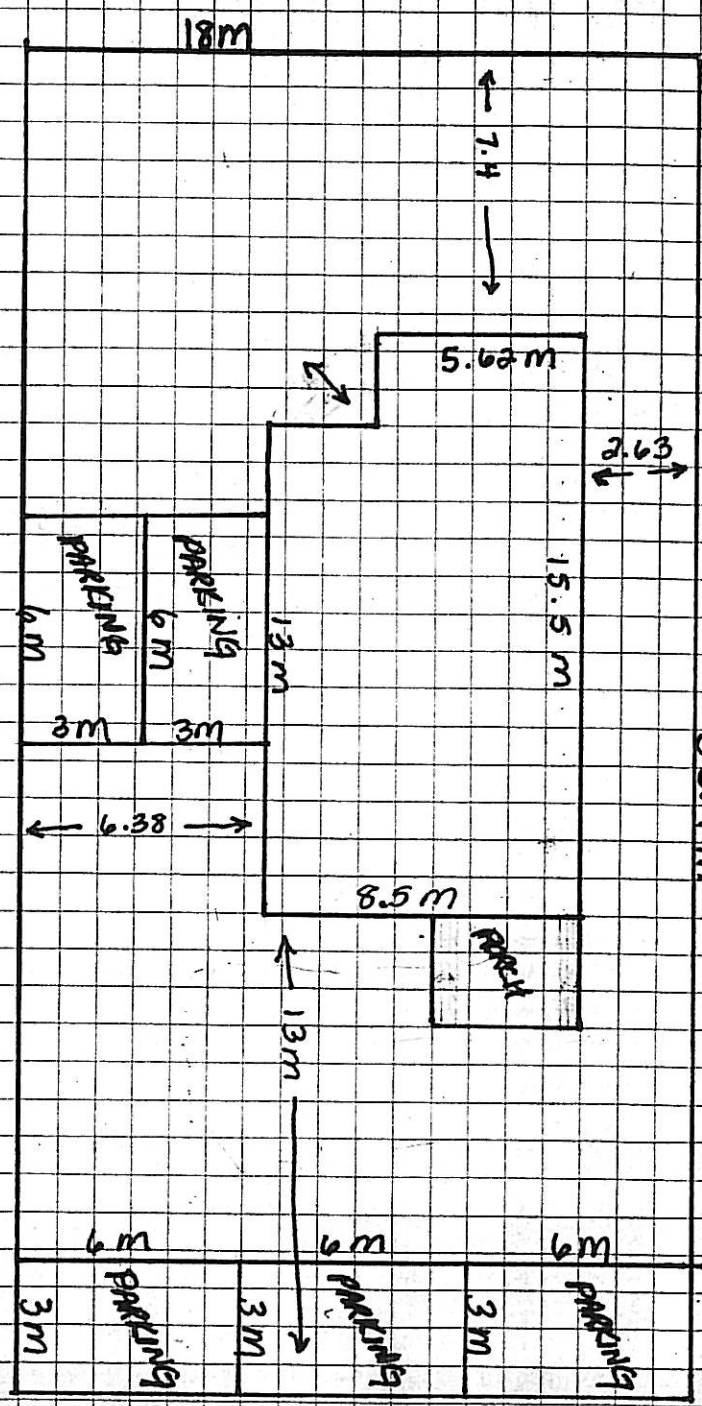
NA FULLER AVE

1 = 1 m

Proposed Site Plan

1369
RICHTER ST.

LOT 45 DL138 OD4D
PLAN 694

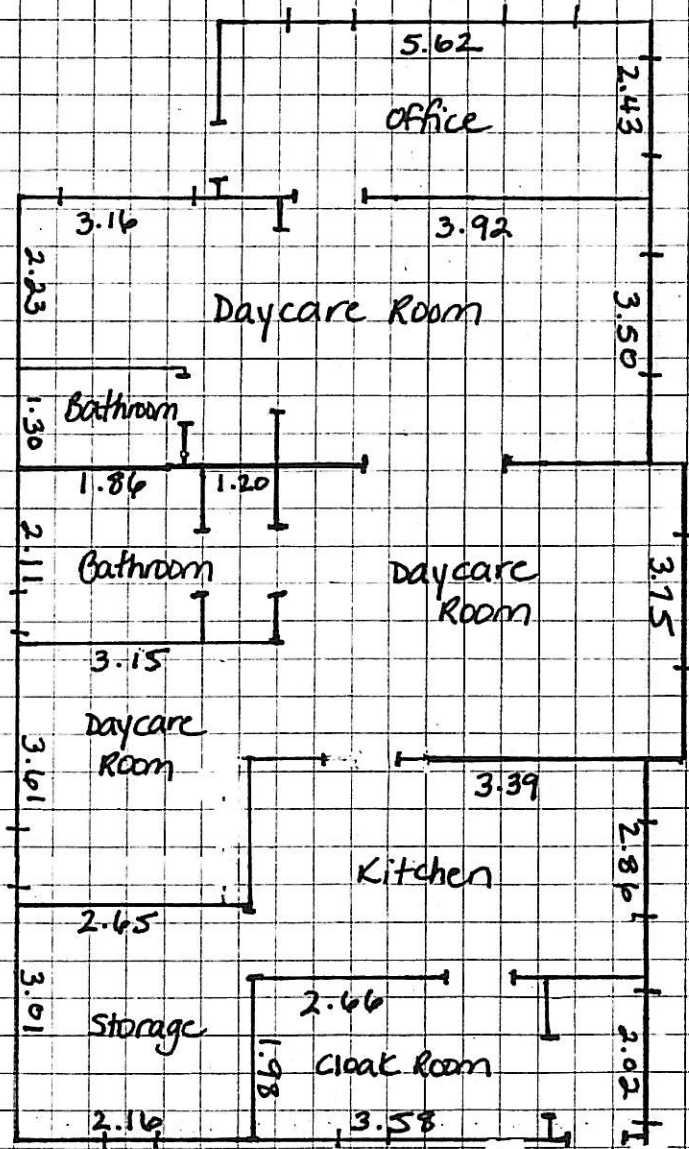


N → FULLER AVE

1369 RICHTER ST.

N →

1 = .5 Meter



FULLER AVE

⊗ Existing Floor Plan

—| = window
| — = door



