
CITY OF KELOWNA

MEMORANDUM

Date: December 12, 2006

To: City Manager

From: Planning and Development Services Department

APPLICATION NO: OCP06-0024/ **OWNER:** R354 Enterprise Ltd.
TUP04-0001

AT: 2355-2455 Acland Road **APPLICANT:** Aberdeen Hall Preparatory School

PURPOSE: TO RECEIVE AUTHORIZATION FOR THE EXTENSION OF A
TEMPORARY COMMERCIAL PERMIT AS PER CHAPTER 19 OF THE
OFFICIAL COMMUNITY PLAN

EXISTING ZONE: I1-BUSINESS INDUSTRIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Chapter 19 – Temporary Commercial and Industrial Use Permits, of the City of Kelowna Official Community Plan be amended, to extend the effective dates of the temporary use area to June 30, 2007 in relation to part of 2355-2455 Acland Road, identified as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263 as identified on Map “A” attached to the report dated December 12, 2006;

AND THAT an Official Community Plan amending bylaw be forwarded to a Public Hearing for further consideration;

THAT Council authorize, subject to final adoption of the Official Community Plan amending bylaw, the renewal of Temporary Use Permit No TUP04-0001; for the Okanagan Independent School Society (Aberdeen Hall Preparatory School), on lands described as Lot 1, Sec. 2, Twp. 23, ODYD, Plan 11263; and located at 2355-2455 Acland Road, in Kelowna, BC, subject to the following terms and conditions:

1. The subject property is to be used solely for temporary commercial use as a private school, in accordance with Chapter 19 of the City of Kelowna Official Community Plan;
2. The authorization for the temporary commercial use be valid until June 30, 2007;
3. The dimensions and siting of the buildings be in general accordance with Schedule “A”;

4. Upon termination of the temporary use permit, the use of the land shall revert back to the existing zoning of the land;

5. Prior to renewal of the temporary commercial use permit, the applicant must provide written acknowledgement that the use will be carried out in compliance with any and all direction from the City of Kelowna Fire Department, an acknowledgement by the applicant of any fire protection deficiencies and further, an agreement to indemnify and save harmless the City from any and all liabilities, claims or demands arising out of fire damage or issuance of this permit, to the satisfaction of the City solicitor;

6. Prior to renewal of the temporary commercial use permit, the applicant must provide evidence that the owner's insurance policy has been amended to recognize the implication of Condition No 5 and that the City is named insured in order to guarantee performance of the terms of the permit.

2.0 SUMMARY

The applicant applied for and was granted an OCP Amendment to enable Council to consider the issuance of the original Temporary Commercial Use Permit. The applicant is a private school, who was forced to vacate their premises, and needed to find an appropriate school location in order to continue providing their services to the children attending the school.

The subject property has previously been used as a school, however, was rezoned to the existing I1-Business Industrial zone. The OCP Future Land Use designation is identified as Industrial and reflects the current zoning. This request for a temporary commercial use permit is the vehicle to have the matter brought before Council for consideration, relating to the specifics of the proposed use. Specific conditions can be made for each individual permit application, including bonding requirements and may define a variation to the term of the permit, as long as it does not exceed two years.

There are several conditions that this recommendation is subject to, including the requirement that the applicant confirm acknowledgement of the deficiencies related to fire protection, and that the City be indemnified under agreement to the satisfaction of the City solicitor. The enabling legislation provides that the local authority can only issue a permit for a period of up to two years. However, the applicant is able to apply for one renewal of the temporary use permit for a period of not more than an additional two years.

Staff had been hesitant to support the extension of the temporary use permit beyond the initial period ending on November 10, 2006 as the proposed permit duration appeared to be sufficient for the tenant to make an alternative arrangement for a school location. The applicant is in the development process which will lead to the construction of a new school in the University South Area and the owners of 2355-2455 Acland Road have indicated that they will not support the extension of the permit beyond June 30, 2007.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of November 9, 2004, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP04-0017 and Temporary Use Permit Application No. TUP04-0001, for

2355/2455 Acland Road, Lot 1, Plan 11263, Sec. 2, Twp. 23, ODYD, by Okanagan Independent School Society (Michael Holzhey), to receive authorization for a temporary commercial permit, as per Chapter 19 of the Official Community Plan, for a commercial school.

4.0 Site Context

The subject property is located within the Highway 97 Sector Plan area, and is situated within a neighbourhood that is primarily industrial in nature.

Adjacent zones and uses are, to the:

North - I2–General Industrial / Industrial Building Development /RR3–Rural Residential/ Single Dwelling Housing

East - I1–Business Industrial / Industrial Building Development/I2–General Industrial/ Industrial Building Development

South - A1–Agricultural 1 / Single Dwelling Housing

West - I2 – General Industrial / Industrial Building Development

This application meets the requirements of the I1- Business Industrial zone as follows:

CRITERIA	PROPOSAL	I1 ZONE REQUIREMENTS
Site Area (m ²)	34,182m ² (entire site)	1ha 4000m ² where sewer is available
Site Width (m)	160m (525')	40.0m
Site Coverage (%) IHA BLDG School	29.7% 4.6%	N/A
Total Floor Area (m ²) IHA BLDG School	5662m ² (60,820SF) 1589m ² (17,104SF)	Max 41,018 m ² @ FAR = 1.2
F.A.R.	0.212	Max. FAR = 1.2
Storeys (#)	2 storeys(30.5') 9.2m	3 storeys (16m)
Setbacks (m) School Building		
- Front (Acland Road)	39m (128')	6.0m
- Rear	25m (84')	The minimum rear yard is 0.0m where adjacent to commercial or industrial zones, except that it is 6.0m abutting other zones.

- North Side	49m (162')	The minimum side yard is 0.0m where adjacent to commercial or industrial zones, except that it is 6.0m abutting other zones. The minimum side yard is 4.5m from a flanking street.
- South Side	35m (117')	The minimum side yard is 0.0m where adjacent to commercial or industrial zones, except that it is 6.0m abutting other zones. The minimum side yard is 4.5m from a flanking street.
Parking Stalls (#) School	44 provided	40 stalls required

Notes: PARKING CALCULATIONS:

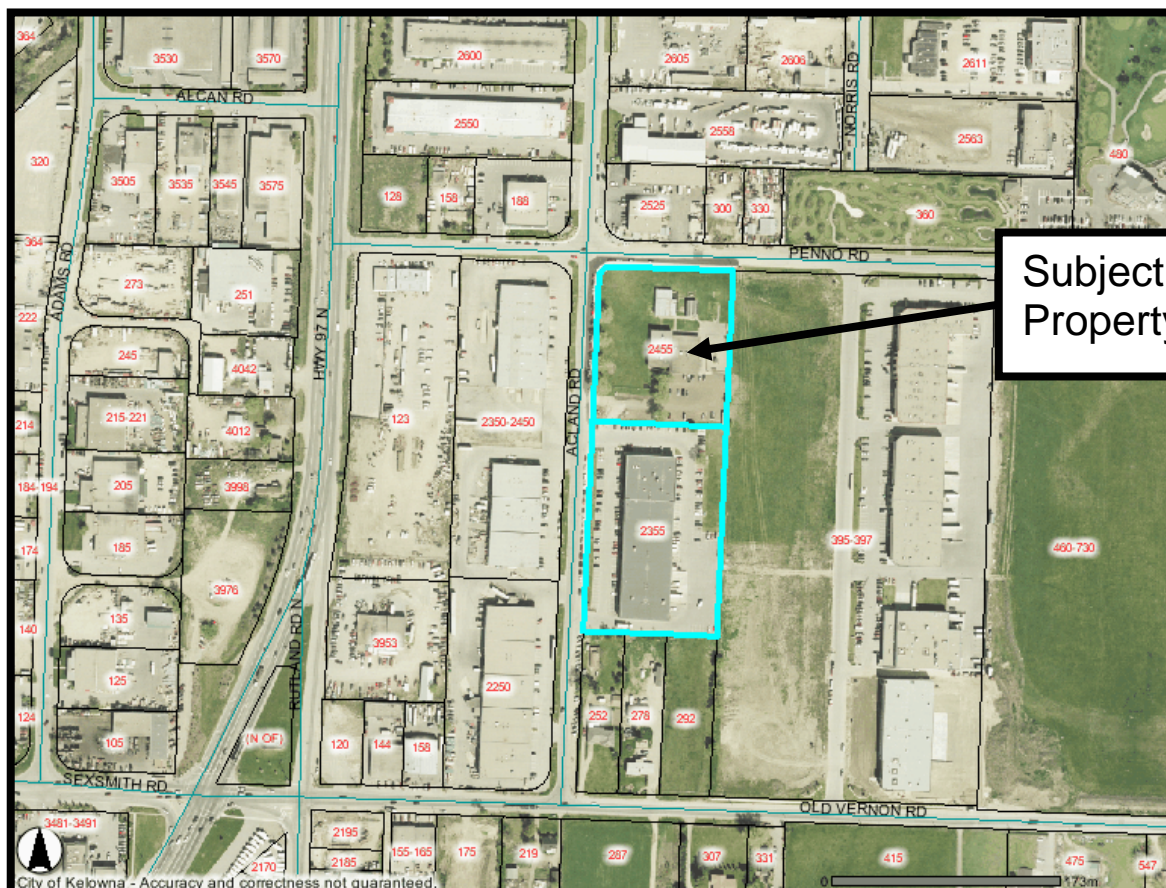
IHA building – 5664m² @ 2.5 stalls per 100m² = 142 stalls

Old School building – 1589m² @ 2.5 stalls per 100m² = 40 stalls

Total parking stalls required: **182 stalls**

Provided: 197 Stalls

4.1 Site Location Map



5.0 Existing Development Potential

The proposed I1 – Business Industrial Zone permits; broadcasting studios, business support services, care centres – major, commercial storage, contractor services – limited, custom indoor manufacturing, emergency and protective services, food primary establishment, general industrial uses, liquor primary establishment – minor, offices, participant recreation services - indoor, private clubs, utility services - minor impact, as principal permitted uses, and residential security/operator unit as a permitted secondary use.

5.1 Current Development Policy

5.1.1 Kelowna Official Community Plan - Temporary Commercial and Industrial Use Permits

In accordance with the Local Government Act (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary commercial and industrial uses, and may specify general conditions regarding the issuance of temporary use permits in those areas. The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit commercial or industrial uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Commercial or Industrial Use Permit and specify the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000. A temporary commercial permit may be issued for any area designated as commercial on OCP Map 19.1 Generalized Future Land Use and/or zoned commercial under Zoning Bylaw 8000. A temporary industrial permit may be issued for any area designated as industrial on OCP Map 19.1 Generalized Future Land Use and/or zoned industrial under Zoning Bylaw 8000.

6.0 TECHNICAL COMMENTS

6.1 Works & Utilities Department

As a condition of this application, Works and Utilities recommends that all the servicing and frontage upgrading previously identified under files Z03-0022 and S04-0048 be undertaken to provide safety to the user of the school facility. The property owner has submitted a letter of credit and a duly signed a servicing agreement for the frontage upgrading.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

In this particular case, a temporary use permit has been used to assist an existing private school, and help preserve the unique relationships already formed between teachers and students. Although the Planning and Development Services Department would not support a rezoning of the subject property to the required P2-Education and Minor Institutional zone, staff recommended that Council consider a temporary use permit for the subject property in order to facilitate the survival of the former Central Okanagan Academy School (now called the “Aberdeen Hall Preparatory School”). At this point, staff

are willing to support the extension of the Temporary Use Permit until the end of the school year but beyond that time frame, staff feel that the school will have had sufficient time to make alternate arrangements for a new home.

Shelley Gambacort
Development Services Manager

Approved for Inclusion:

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services
MP/SG/rs
Attach.

MAP "A"

