
CITY OF KELOWNA
MEMORANDUM

DATE: January 21, 2008
FILE NO.: OCP06-0010/Z06-0033

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. OCP06-0010 / **OWNER:** SEVENTH-DAY
Z06-0033 ADVENTIST CHURCH
(BC CONFERENCE)

AT: 1215 HWY 33 W **APPLICANT:** RUTLAND SEVENTH-DAY
ADVENTIST CHURCH

PURPOSE: OFFICIAL COMMUNITY PLAN AMENDMENT TO CHANGE THE
FUTURE LAND USE DESIGNATION OF THE SUBJECT
PROPERTY FROM THE EXISTING "SINGLE / TWO UNIT
RESIDENTIAL" DESIGNATION TO THE PROPOSED
"EDUCATION / MAJOR INSTITUTIONAL" DESIGNATION,

TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING
"RU1 – LARGE LOT HOUSING" ZONE TO THE PROPOSED "P2
– EDUCATION AND MINOR INSTITUTIONAL" ZONE IN ORDER
THAT THE EXISTING BUILDING CAN BE USED FOR CHURCH
ASSOCIATED USES,

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL ZONE

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP06-0010 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705, located on Highway 33, Kelowna, B.C., from the existing "Single/Two Unit Residential" designation to the proposed "Education/Major Institutional" Park and Open Space designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated January 21, 2008, be considered by Council;

AND THAT Council considers APC public process to be appropriate consultation for the purpose of section 879 of the *Local Government Act*, as outlined in the report of the Planning & Development Services Department dated January 21, 2008.

AND THAT Rezoning Application No. Z06-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sec. 22, Twp. 26, O.D.Y.D., Plan 12600, Exc. Plan 39705, located on Highway 33, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed P2 – Education and Minor Institutional zone as shown on Map "B" attached to the report of Planning & Development Services Department, dated January 21, 2008 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0010 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

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;

2.0 SUMMARY

The applicants wish to rezone the subject property from the existing "RU1 – Large Lot Housing" zone to the proposed "P2 – Education and Minor Institutional" zone in order that the existing dwelling located on the property may be used for church associated "Community Outreach" services. As the proposed land use is not consistent with the current Official Community Plan Future Land Use Designation of "Single / Two unit residential", there has also been an application made to change the OCP future land use designation of the subject property to "Education/Major Institutional".

2.1 Advisory Planning Commission

The above noted applications (OCP06-0010 / Z06-0033) were reviewed by the Advisory Planning Commission at the meeting of May 22, 2007 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Application No. OCP06-0010, for 1215 Highway 33 W., Lot B, Plan 12600, Sec. 22, Twp. 26, ODYD, by Seventh Day Adventist Church (Michael Wixwak), to amend Official Community Plan Future Land Use designation from Single/Two Unit Residential to Institutional subject to amalgamation of the lots.

THAT the Advisory Planning Commission support Rezoning Application No. Z06-0033, for 1215 Highway 33 W., Lot B, Plan 12600, Sec. 22, Twp. 26, ODYD, by Seventh Day Adventist Church (Michael Wixwak), to rezone from RU1-Large Lot Housing zone to the P2-Education & Minor Institutional zone in order to use the subject property for community outreach services.

NOTE; The applicant is in the process of consolidating the two properties into one title.

3.1 The Proposal

This current application seeks to have the subject property rezoned from the existing "RU1 – Large Lot Housing" zone to the proposed "P2 – Education and Minor Institutional" zone in order that the existing building located on the subject property may be used as for a "Community Outreach" program operated by the Seventh-Day Adventist Church. This program is currently operated out of the basement area of the church located on the adjacent property to the east. The existing dwelling located on the subject property would have to be converted to an institutional use after the rezoning with appropriate building permits.

A review of the site plan for the subject property indicates that the property is of adequate size to support a rezoning to the P2 – Education and Minor Institutional zone. However, the existing dwelling located on the subject property is located only 1.8 m from the east property line, where the proposed P2 zone requires a 4.5 m side yard setback. It would have been necessary for an application for a Development Variance Permit to address this non-conforming setback. However, as the applicant is in the process of consolidating the subject property with the adjacent Seventh-Day Adventist church property, a variance to the building siting will not be required.

The Ministry of Transportation has identified an issue with the existing access of both the subject property and the adjacent property located at 1225 Highway 33 W. to Highway 33. The two properties currently share a common driveway to provide a single access driveway to the 2 dwellings from Highway 33 W. There is a reciprocal access easement in place to protect this driveway. The applicant has committed to the removal of the existing access from Highway 33 to the subject property, and providing access to this building internally from the adjacent parking lot. The existing driveway to 1225 Highway 33 W. will remain.

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

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²) (prior to consolidation)	1,444 m ²	660 m ²
Site Width (m) (prior to consolidation)	19.06	18.0m
Site Coverage (%) (prior to consolidation)	10%	40% buildings 60% for bldg, prkg, and roads
Total Floor Area (m ²)	146.5 m ²	
F.A.R.	0.10	Max FAR = 1.0
Storeys (#)	1.5	13.5 m, or 3 storeys
Setbacks (m)		
- Front	9.75m	6.0 m
- Rear	38m	7.5 m
- East Side	1.8m ①	4.5 m
- West Side	5.3 m	4.5 m

NOTES;

Variances Required;

- ① Variance NOT required to east side yard to vary setback from 4.5 m required to 1.8 m existing as the subject property is being consolidated with the parent church property.

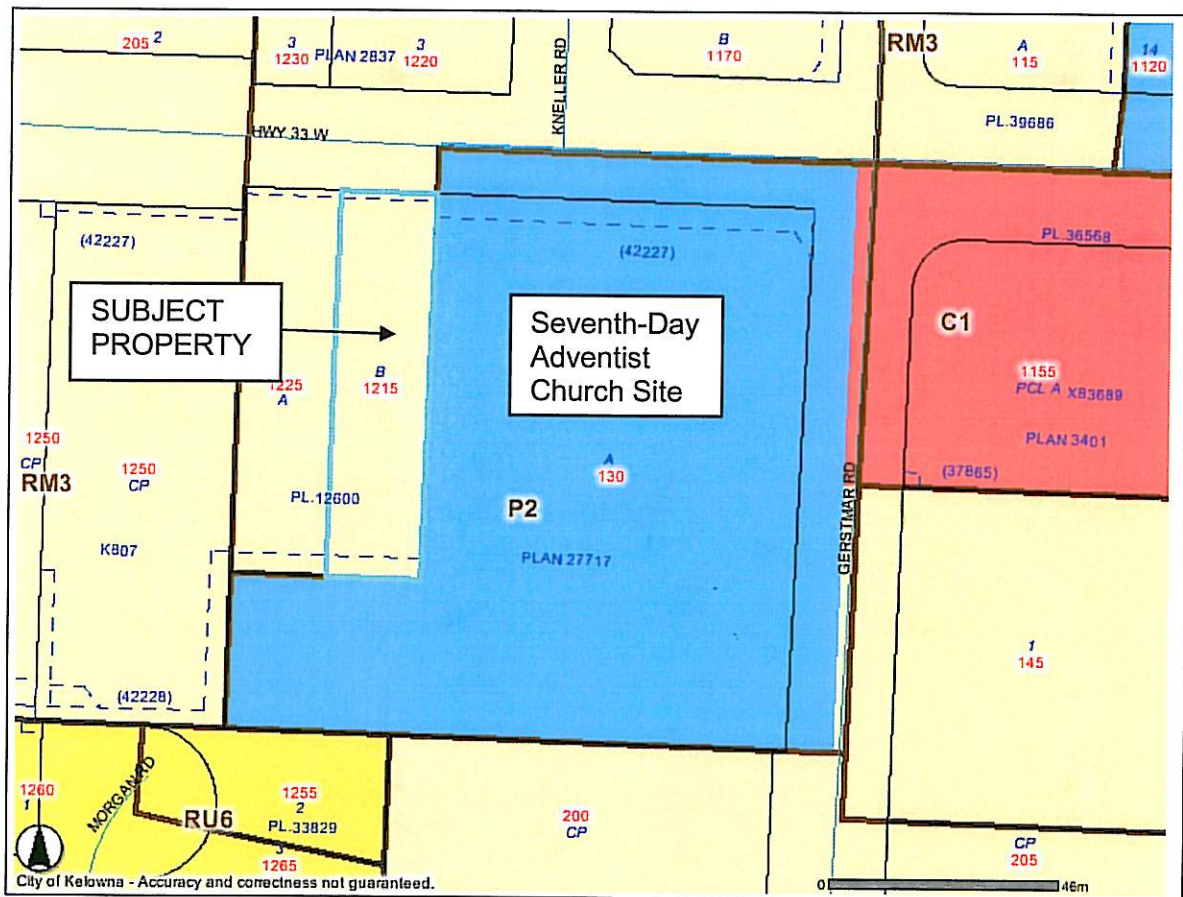
3.2 Site Context

The subject property is developed with a single unit dwelling and a garage. The property is generally flat and level, with a shared access from Highway 33 that also provides access to the dwelling located at 1225 Hwy 33 W. The dwellings located at 1215 and 1225 Hwy 33 W were both constructed in the early 1960's.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing / HWY 33 W – single unit residential uses
- East - P2 – Education, Minor Institutional – 7th Day Adventist Church
- South - P2 – Education, Minor Institutional – 7th Day Adventist Church
- West - RU1 – Large Lot Housing – single unit residential uses

SUBJECT PROPERTY MAP



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.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposed institutional use is not consistent with the Official Community Plan. This application for an OCP amendment has been made to change the future land use from the existing "Multi-Unit Residential – Low Density" designation to the proposed "Education/Major Institutional" designation.

Staff recommends that Advisory Planning Commission public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan

3.4.2 City of Kelowna Strategic Plan (2004)

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.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments which have been submitted are attached to this report.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed change in land use to an Institutional use in order to support an "Community Outreach program in conjunction with the neighbouring church appears to be a reasonable proposal. The existing "Community Outreach" program has been operated out of the basement of the Seventh Day Adventist Church building located on the neighbouring property. The Church has owned the subject property since 1999.

The church has made attempts to purchase the neighbouring property located at 1225 Highway 33 W. in order that the neighbouring lot could be included with this application. The concern is that 1225 Hwy 33 W will be left as an "orphan". However, there has not been a successful conclusion to that negotiation.

There was also the issue of access to the two existing residential properties from Highway 33 which the Ministry of Transportation has identified. Currently there is a shared access to the two properties from Highway 33. The access to the subject property (1215 Highway 33 W.) will be removed, and that building will be access through the parking lot of the church. As well, this property is in the process of being consolidated with the church property. The existing access to 1225 Highway 33 W. will remain, as set out in the registered agreement.

In conclusion, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.


Shelley Gambacort
Current Planning Supervisor

PMc/pmc
Attach.

File: Z06-0033

Application

File: Z06-0033

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2006-05-30	2006-05-30		
				Community Development & Real Estate Mgr
	2006-05-30	2006-06-01	SALEXAND	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 1/2 x 11 copy, of any survey plans.
				Community Planning Manager
	2006-05-30	2006-07-13		There is a need for outreach services in Rutland. Most services to the homeless are located in downtown Kelowna and agencies have difficulty reaching those in need in Rutland. Details regarding how the space would be used would help in the review of the application. For example, will someone still live in the house? Why is it not feasible to use the church building for this use?
				Environment Manager
	2006-05-30	2006-06-12		No comment.
				Fire Department
	2006-05-30	2006-06-30	MNEID	Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.
				FortisBC
	2006-05-30	2006-07-12		No response.
				Inspections Department
	2006-05-30	2007-08-02		no response.
				Mgr Policy, Research & Strategic Plannin
	2006-05-30	2006-06-28		The subject property is designated as Multiple Unit Residential (low density) in the OCP and as such this proposal would not be in compliance. Thus the OCP amendment application.
				Under most circumstances, the re-designation and rezoning of a parcel of land adjacent to a church for community related activities would generally not be a problem and most likely could be supported.
				In this case, the proposed site is one of two existing residential parcels sandwiched between larger developments on either side. In addition, the two residences share a common driveway access to Highway 33. These sites are so designated because the Hwy 33 frontage along this entire block is intended for redevelopment to higher density residential. If we support this institutional use on one parcel, the remaining parcel will be isolated and will not be able to redevelop as per the OCP.
				It is suggested that the Seventh Day Adventist Church should also acquire the adjacent property to the west to avoid rending the single lot as un-developable. If such acquisition is not possible it is suggested that this application not be supported.
				In response to your May 29, 2006 referral I can advise that although the Ministry has no objection to the rezoning in principle, we will require the following items to be addressed prior to approval of the bylaw:
				1. No direct access to Highway 33. All access to be gained through the adjacent church site.
				2. Removal of the existing drop curb on Highway 33.
				3. Consolidation of Lot B, Plan 12600 with Lot A, Plan 27717.
				2. Highway 33 to be established 15m from existing centreline by legal survey plan.
				Ministry of Transportation
	2006-05-30	2006-06-20		
				Park/Leisure Services Dir. (info only)
	2006-05-30	2006-05-30		No comment.
				Parks Manager
	2006-05-30	2006-06-06	TBARTON	The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the owner to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
				provided w & s are available.
				Public Health Inspector
	2006-05-30	2006-06-12		No comment.
				RCMP
	2006-05-30	2006-06-12		No response.
				School District No. 23
	2006-05-30	2006-07-12		
				Shaw Cable
	2006-05-30	2006-07-06		Owner/Developer to install Shaw duct, as per Shaw specifications and drawings.

CITY OF KELOWNA
MEMORANDUM

Date: July 12, 2006
File No.: Z06-0033
To: Planning & Development Services Department (PMcV)
From: Development Engineer Manager (SM)
Subject: 1215 Hwy 33 West - Lot B, Plan 12600, Section 22, Township 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RU-1 (Large Lot Housing) to P2 (Minor institutional) are as follows:

These are W. & U. initial comments and are subject to MOH requirements

1. Subdivision
 - a) Dedicate approximately 4.5m. to establish the Highway 33 Right of Way 15 m. from existing mean centreline by survey plan registered in the Land Title Office.
 - b) Provide easements as may be required.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

3. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements for the requested zone.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

4. Sanitary Sewer.

The property is currently serviced by the Municipal wastewater collection system. A 150 mm. service with an inspection chamber is provided at the property line.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual will be a requirement of the proposed parking lot design. The drainage study should indicate the size and location of the detention system and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

6. Power and Telecommunication Services.

Any new services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Road improvements.

a) Hwy.33

The applicant is responsible for the relocation of the existing drop curbs on Hwy. 33 and the construction non-mountable curb and gutter to MOTH standard. The existing portion of the sidewalk constructed adjacent to the curb must be removed and relocated by the property line at the same alignment as the existing separate sidewalk. The boulevard must be constructed with interlocking bricks and irrigated trees set in concrete barrels. The location of the trees and species are to be approved by the City of Kelowna Parks Department. The estimated cost of this work, for bonding purpose would be **\$11,500.00**, inclusive of a bonding contingency. Some of the work may be deferred and done at the time of the redevelopment of the adjacent property to the west.

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer and the Ministry of Transport.

10. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

11. Bonding and Levies Summary.

a) Performance Bonding

Hwy.33 frontage upgrading

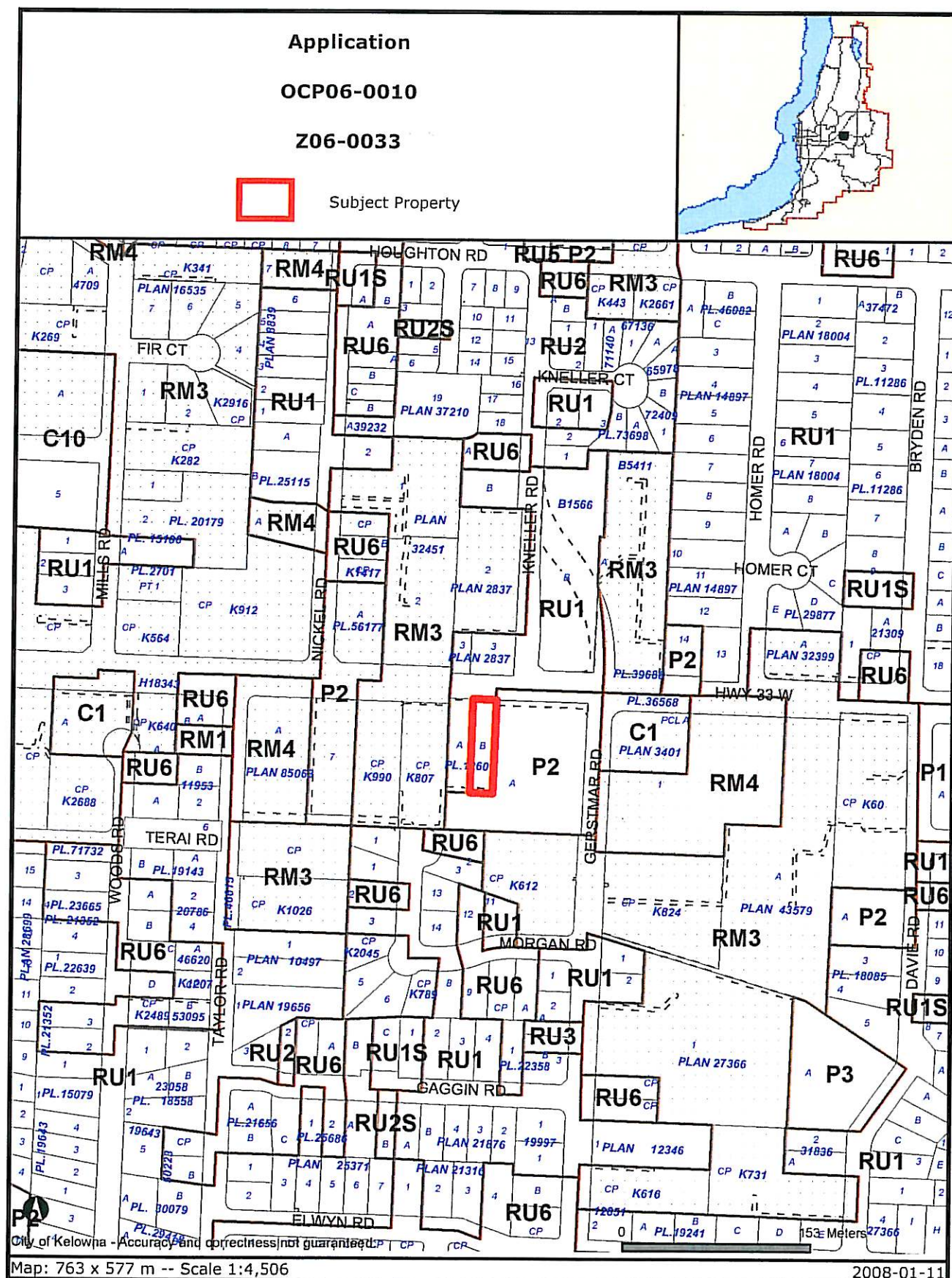
\$11,500.00

b) Levies

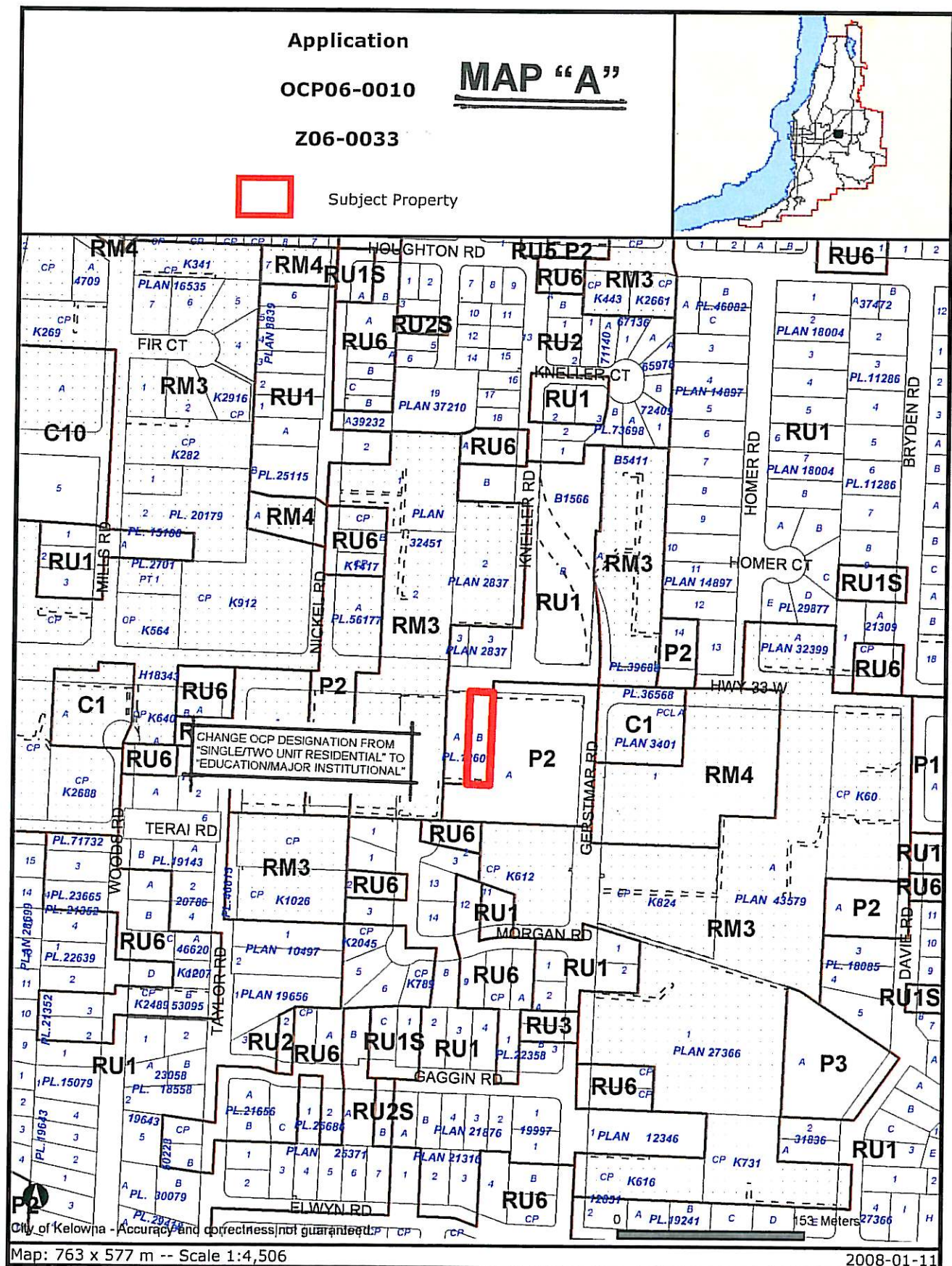
Deferred to building permit

Steve Muenz, P.Eng.
Development Engineering Manager

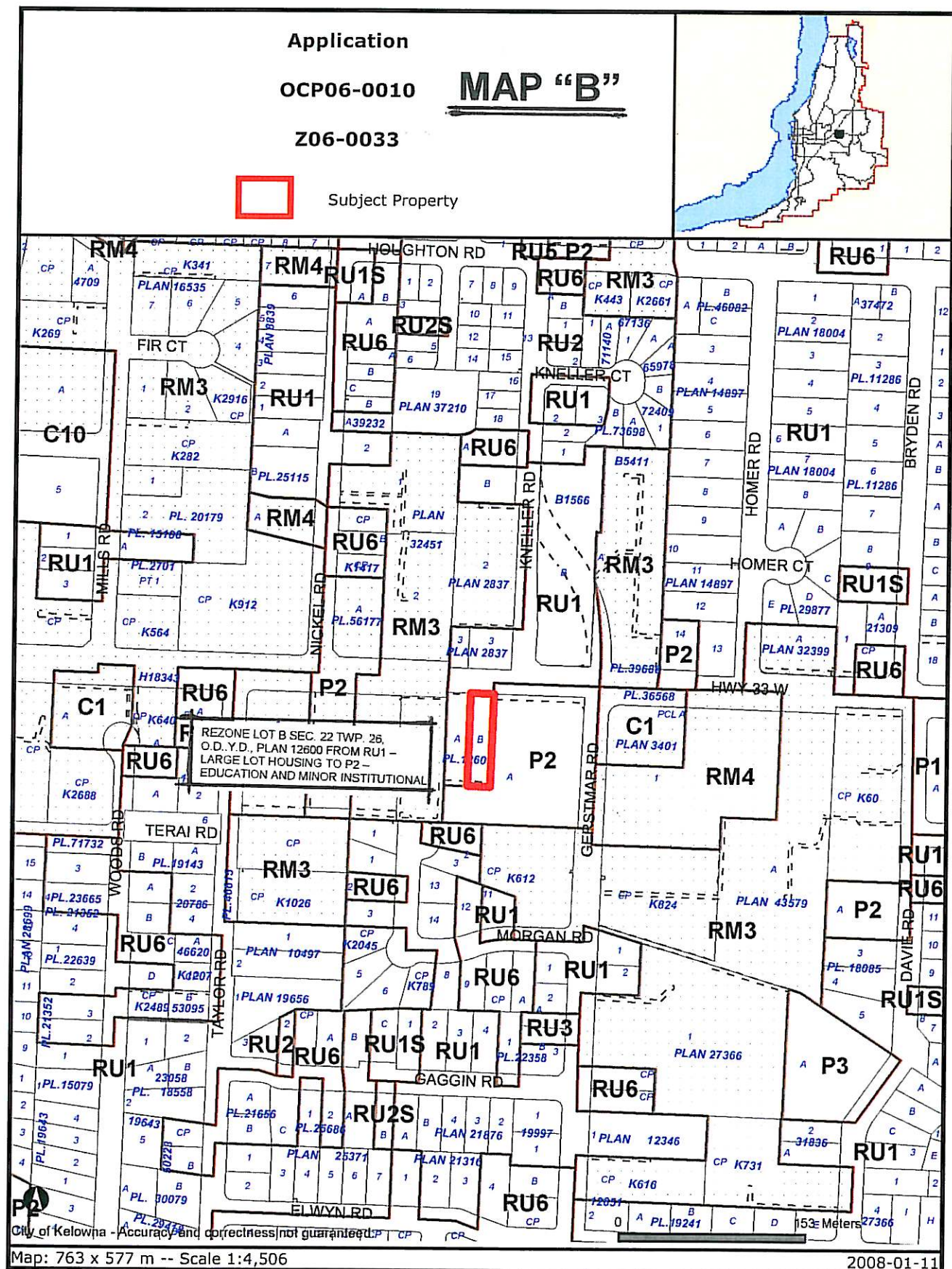
BB



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.

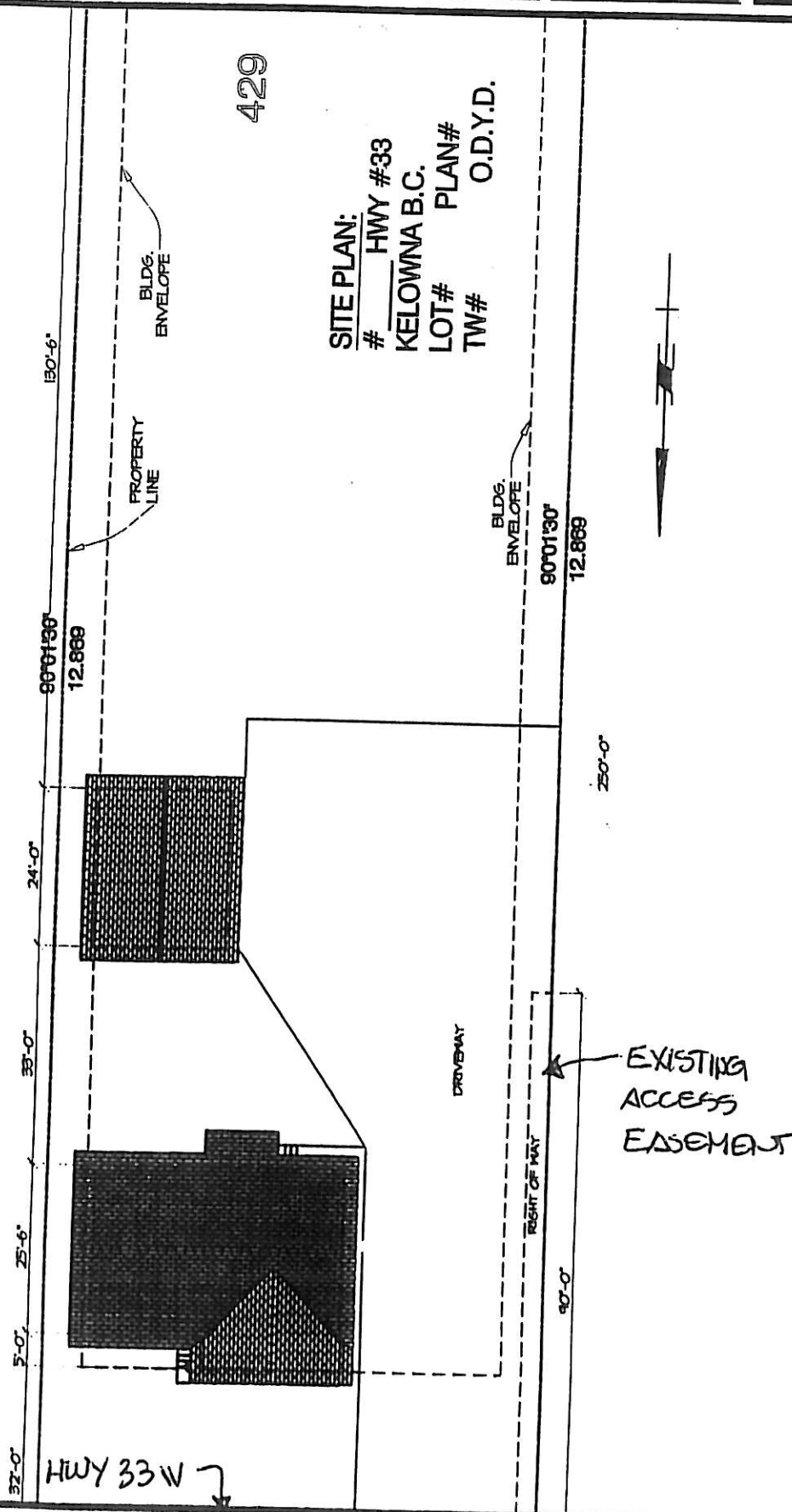


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DATE: DEC 13/05	DRAWING No. A0.1



EXISTING
SITE
PLAN

100.90' (30.754m)

RUTLAND SEVENTH-DAY ADVENTIST CHURCH

180 GERSTMAR ROAD
KELOWNA B.C.

DRAWING SCALE $\frac{1}{32} = 1"$

7,397 50 FT PARKING POSSIBLE

CLOSE DRIVEWAY
FROM HWY 33 W

STORAGE SHED
LAWN MOWER &
SNOWBLOWER

SITE PLAN:
HWY #33
KELOWNA B.C.
LOT# PLAN# TW#
O.D.Y.D.

LOT #

TW#

DRIVEWAY

EXISTING HOUSE

EXISTING GARAGE

NEW INTERNAL
ACCESS DRY

CONSOLIDATE LOT
WITH CHURCH SITE

CONVERT GARAGE
TO STORAGE BLDG

PARKING 146 CARS
CHURCH USE ONLY

CHURCH FOOTPRINT

LANDSCAPING

351.40' (107.106m)

GERSTMAR RD.

HIGHWAY 33 W.

PROPOSED SITE PLAN