
**CITY OF KELOWNA
MEMORANDUM**

DATE: July 25, 2008

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION: OCP08-0013 / Z08-0049

APPLICANT: Velma Feeny

AT: 795-797 Birch Avenue

OWNERS: Velma Feeny

PURPOSE: To amend the Official Community Plan Future Land Use designation from Single / Two Unit Residential to Educational / Major Institutional;

To rezone the subject property from RU6 – Two Dwelling Housing to P2 – Education And Minor Institutional to allow for the expansion of the existing day care facility;

EXISTING OCP DESIGNATION: Single/Two Unit Residential

PROPOSED OCP DESIGNATION: Educational / Major Institutional

EXISTING ZONE: RU6 – Two Dwelling Housing

PROPOSED ZONE: P2 – Education and Minor Institutional

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP08-0013 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, Kelowna B.C., from the Single/Two Unit Residential designation to the Educational / Major Institutional designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 25, 2008, be considered by Council;

AND THAT Council considers the 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 July 25, 2008;

THAT Rezoning Application No. Z08-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, Kelowna B.C., from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone be considered by Council;

THAT the OCP Bylaw Amendment No. OCP08-0013 bylaw and 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 properties;

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

This rezoning application seeks to amend the Official Community Plan Future Land Use Designation from Single / Two Unit Residential to Educational / Major Institutional and rezone the subject property from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone in order to facilitate the expansion of the existing day care facility. A Development Variance Permit is also required as the P2 zone has stricter side yard set back requirements. As such, the applicant has applied to vary the side yard setbacks from 4.5m required to 2.38m and 2.47 m for the existing side yard setbacks. A variance is also required to reduce the loading space requirements from three required to one proposed.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on July 15, 2008, the APC passed the following motions:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP08-0013, for 795-797 Birch Avenue, Lot CP, Plan K1996, Sec. 18, Twp. 26, ODYD by Velma Feeny to change the future land use designation of the subject property from the "Single/Two Unit Residential" designation to the "Educational/Major Institutional" designation.

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0049, for 795-797 Birch Avenue, Lot CP, Plan K1996, Sec. 18, Twp. 26, ODYD by Velma Feeny to rezone the subject property from the RU6 –Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone in order to allow for the expansion of the existing day-care facility.

4.0 THE PROPOSAL

The applicant has been operating a small day care on the subject property for a number of years and is seeking to expand the existing day care operation due to the rising demand for day care services. The subject property's existing RU6 – Two Dwelling Housing zone allows for a minor care centre with a maximum of 10 children attending the day care. Rezoning the subject property to the P2 – Education and Minor Institutional zone would permit a Major Care Centre which allows 26 or more patrons. The applicant lives on the property, will have one additional staff member and intends to provide services for approximately 30 children. The applicant has also advised Staff that there will be no structural changes to the subject property.

This application compares to the P2 zone as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,010 m ²	660 m ²
Lot Width	24 m	18 m
Lot Depth	42 m	30.0 m
Development Regulations		
Site Coverage	Meets requirements	40% - Buildings
Site Coverage		60% - Building /Parking Roads
Height	Meets requirements	3 storeys / 13.5m

Front Yard	8.5 m	6.0 m
Side Yard (west)	2.38 m ¹	4.5 m
Side Yard (east)	2.47 m ²	4.5 m
Rear Yard	14.6 m	7.5 m
Other requirements		
Parking Stalls (#)	6 spaces	6 spaces
Loading Stalls	1 space ³	3 spaces
Private Open Space	Meets Requirements	60m ²

¹ Vary western side yard setback from 4.5 m required to 2.38 m proposed (existing).

² Vary eastern side yard setback from 4.5 m required to 2.47 m proposed (existing).

³ Vary loading space requirement from 3 required to 1 proposed.

4.1 Site Location Map:

795-797 Birch Avenue



4.2 Site Context

The surrounding area has been developed primarily as a single/two-family neighbourhood. More specifically, the adjacent land uses are as follows:

North	P3 – Parks & Open Space - Park
East	RU6 – Two Dwelling Housing – Residential
South	RU6 – Two Dwelling Housing – Residential
West	RU6 – Two Dwelling Housing – Residential

5.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the APC 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, in regards to the City's financial plan and waste management plan and the project may proceed.

6.0 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

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The subject property has been used as a day care for a number of years, the applicant is rezoning the property in order to provide more day care spaces. The property is centrally located and has park access directly across the street. Staff worked with the applicant to determine the best solution for the increased parking demand. Accommodating the required parking and loading spaces in the rear yard would take the valuable play space and turn it into a parking surface. The applicant is able to accommodate the required parking off of the lane, while an additional tandem space could be added if parking becomes an issue. Interior Health and the neighbouring property owners have provided letters of support.

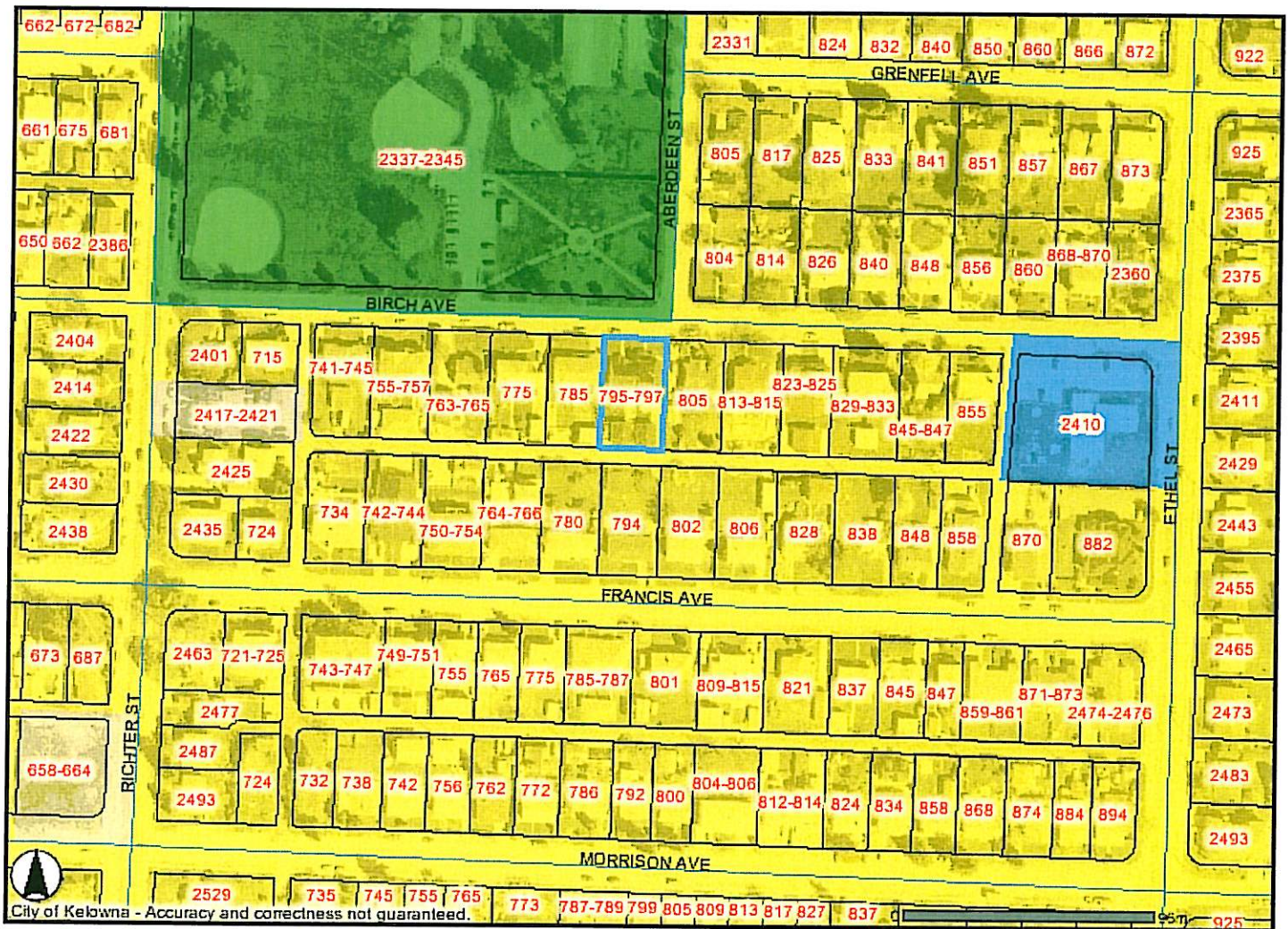


for Shelley Gambacort
Planning and Development Services
SG/aw

ATTACHMENTS

Location of subject property
Elevations
Photographs
Interior Health - Letter
Works & Utilities – Comments
Circulation Comments

MAP "A"



Subject Property to have Future Land Use designation changed from "SINGLE/TWO UNIT RESIDENTIAL" to "EDUCATIONAL / MAJOR INSTITUTIONAL"

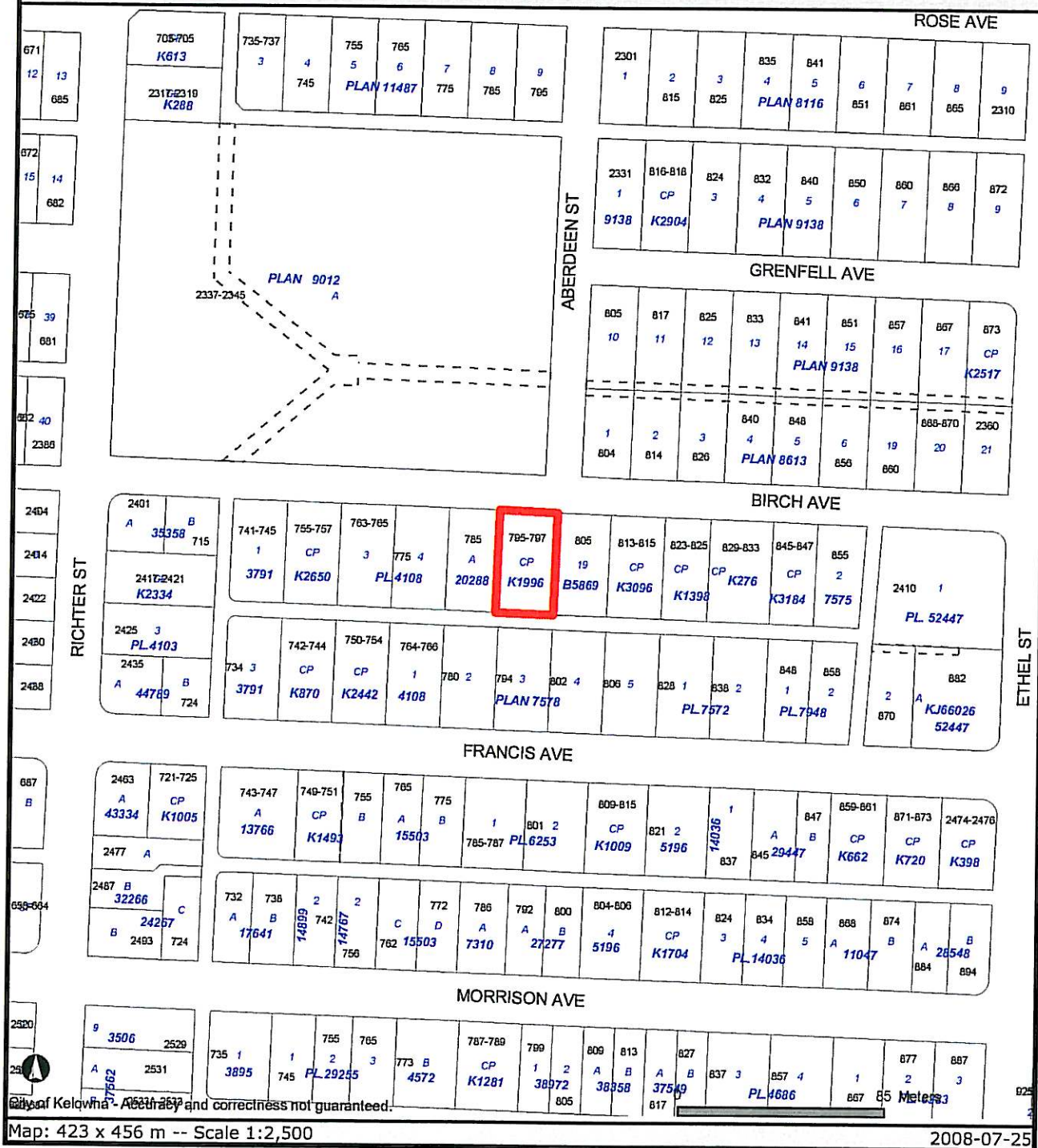
Application

OCP08-0013

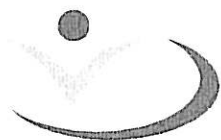
Z08-0049



Subject Property



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.



Interior Health

June 24, 2008

Velma Feeney
797 Birch Avenue
Kelowna, BC V1Y 5H3

RE: Dynamic After School Care – Licence # 0582830

An application has been made to increase the capacity at the above licensed facility to allow for 30 children. The upstairs areas will be included in the existing floor space to allow for the additional floor space requirements.

A site visit was made on May 7, 2008 to view the upstairs. The upstairs has appropriate space and facilities available for the increase in capacity. There are no outstanding issues with this child care facility.

The gate between the two existing garages could be used as a secondary loading zone for children.

Community Care Facility Licensing has no concerns with an increase of capacity for this facility.

Sincerely,

Pam Moore, Licensing Officer
Interior Health Authority - OHSA
Kelowna Health Centre

PM:pw

CITY OF KELOWNA
MEMORANDUM

Date: July 8, 2008
File No.: Z08-0049
To: Planning & Development Services Department (AW)
From: Development Engineering Manager (SM)
Subject: 795-797 Birch Ave., Plan K1996, Lot CP, ODYD

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-1 to P-2. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Derek Corning EIT

1. Domestic Water and Fire Protection

The existing lot is serviced with two 19mm-diameter copper water services, which should be adequate.

2. Sanitary Sewer

The existing lot is serviced with a 100mm sanitary service, which should be adequate.

3. Road Improvements

Birch Avenue does not meet the current zoning standard along the frontage of the property. The applicant is responsible to upgrade the Birch Avenue frontage to a full urban standard (SS-R4) including curb and gutter, monolithic sidewalk, storm drainage works, fillet pavement and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of construction for bonding purposes is estimated at \$11,100.00.

4. Bonding and Levy Summary

Bonding

Birch Ave. frontage upgrade

\$11,100.00

Steve Muenz, P. Eng.
Development Engineering Manager
DC

File: Z08-0049

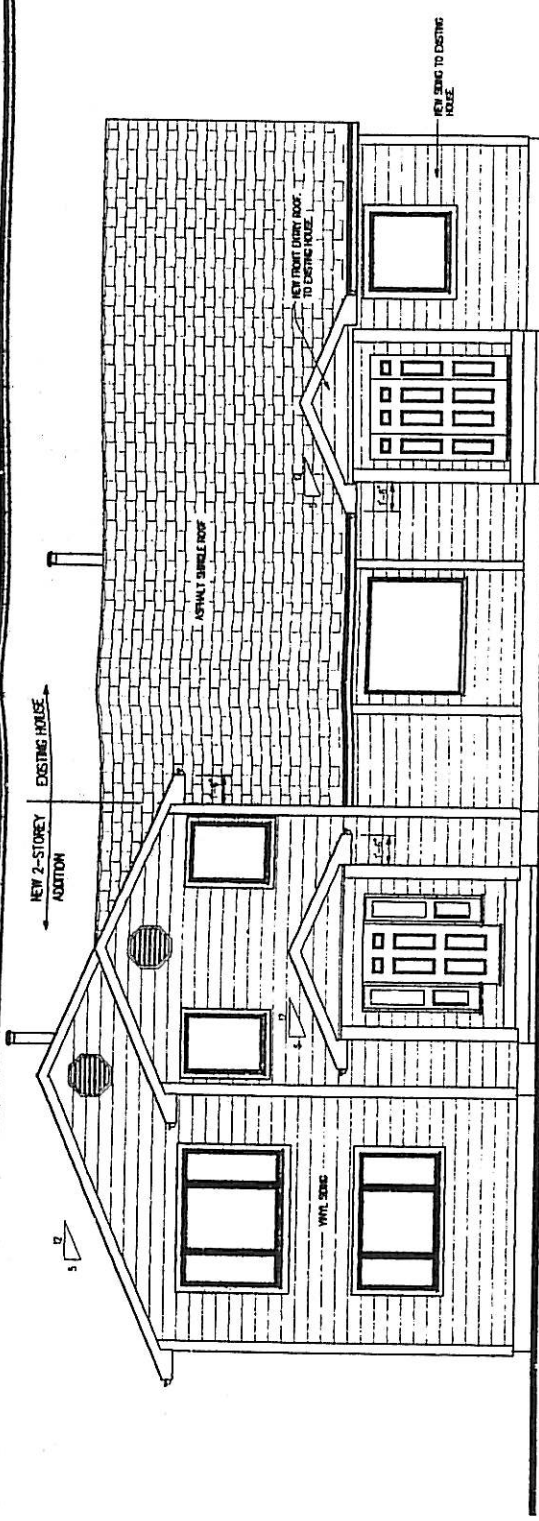
Application

File: Z08-0049

Type: REZONING

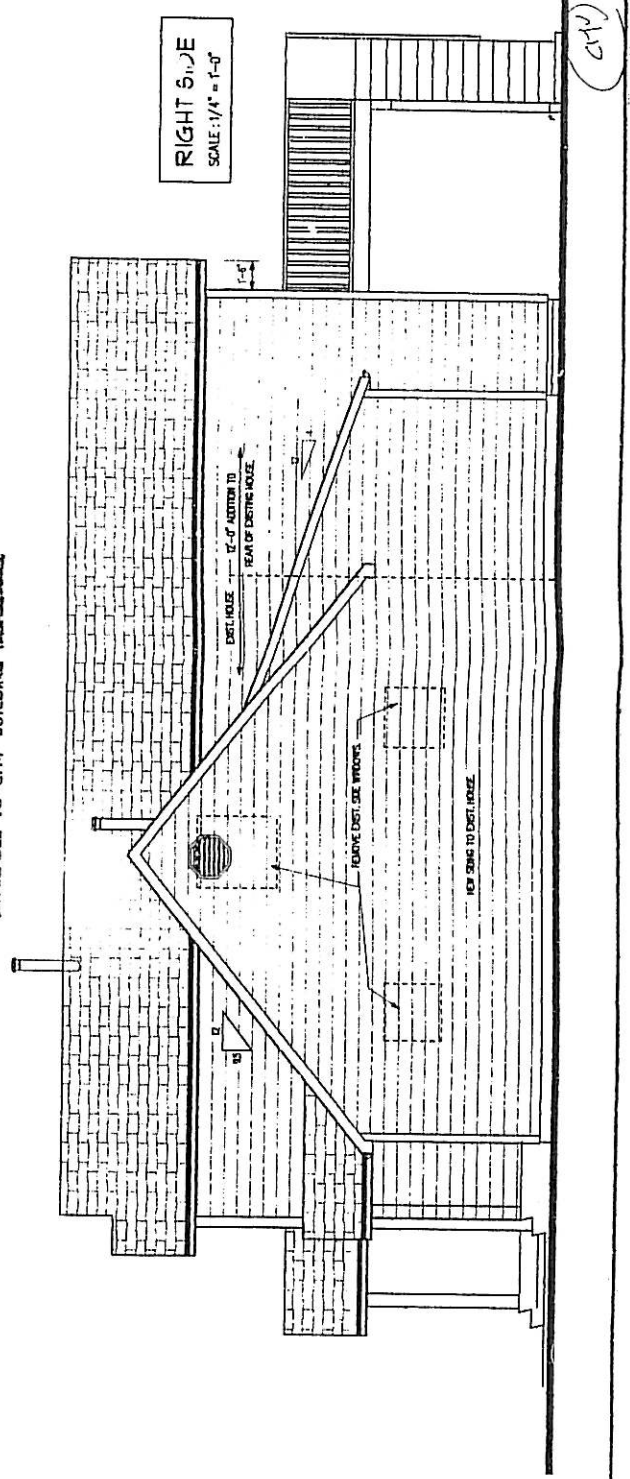
File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2008-05-26	2008-05-26		
				Community Development & Real Estate Mgr
	2008-05-26	2008-06-13	SALEXANC	CD&RE 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 ? x 11 copy, of any survey plans. Must meet BCBC 2006 for day care facility.
				Fire Department
	2008-05-26	2008-06-27	MNEID	
				FortisBC
	2008-05-26	2008-07-18		No response
				Inspections Department
	2008-05-26	2008-06-03	RREADY	Existing home to be upgraded to meet current requirements of BCBC 2006 for day care facility based on proposed capacity.
				Mgr Policy, Research & Strategic Plannin
	2008-05-26	2008-07-02		The subject property is designated as Single / Two Unit Residential in the OCP and is currently zoned RU6. The Single / Two Unit Residential land use designation on the Future Land Use Map includes the provision of care centres, although the text description of the designation provides for minor care centres. It would be appropriate to support care centre services in a residential location and depending on whether this facility is considered a minor care centre or not would determine if it is necessary to proceed with an OCP amendment. It is recommended that this application be supported subject to confirmation that a care centre even requires an OCP amendment.
				Park/Leisure Services Dir. (info only)
	2008-05-26	2008-05-26		
				Parks Manager
	2008-05-26	2008-05-27	TBARTON	No comment
				Public Health Inspector
	2008-05-26	2008-06-12		No comment.
				RCMP
	2008-05-26	2008-06-03		No comment
				Shaw Cable
	2008-05-26	2008-05-30		No requirements
				Telus
	2008-05-26	2008-06-19		TELUS has No Comment regarding this Application.
				Terasen Utility Services
	2008-05-26	2008-07-07		No comment.
				Works & Utilities
	2008-05-26	2008-07-09		see documents tab



FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

APPROVED
 FORMING PART OF BUILDING PERMIT # 10059
 THESE DRAWINGS SHALL REMAIN ON SITE
 AVAILABLE TO CITY BUILDING INSPECTORS



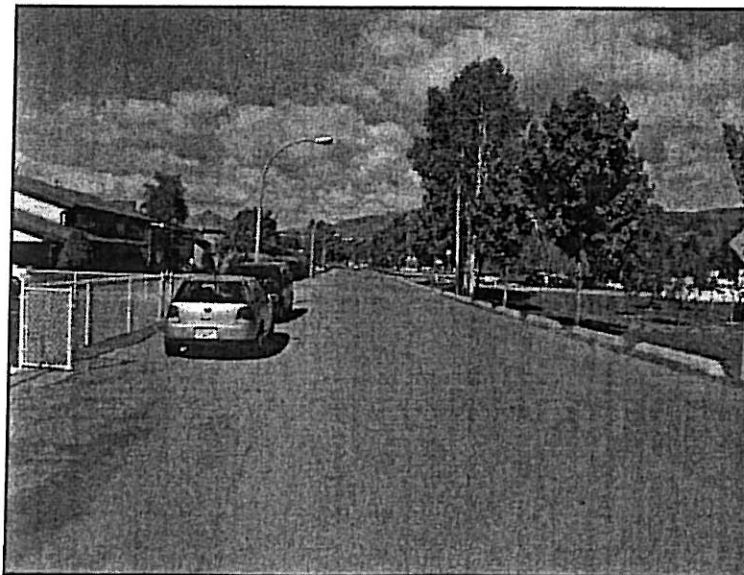
797 Birch Avenue, Kelowna, BC



FRONT VIEW OF THE
SUBJECT RESIDENCE



REAR VIEW OF THE
SUBJECT RESIDENCE



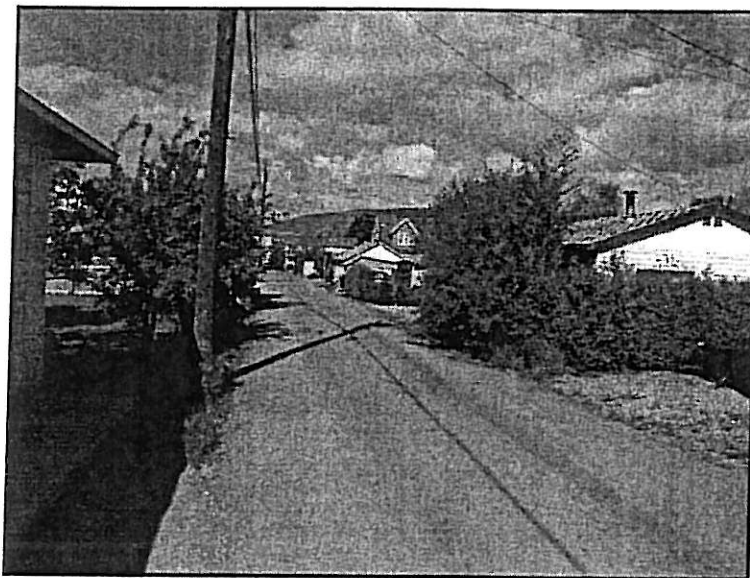
STREET SCENE

797 Birch Avenue, Kelowna, BC



VIEW OF DETACHED
GARAGE

182



VIEW OF REAR LANE

