

# REPORT TO COUNCIL



**Date:** October 14, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (PMc)

**Application:** TUP11-0001

**Owner:** Trustees of the Congregation of St. Paul's United Church

**Address:** 3131 Lakeshore Road

**Applicant:** Rob Couch

**Subject:** Temporary Use Permit

**Existing OCP Designation:** Mixed Use (Residential / Commercial)

**Proposed OCP Designation:** Temporary Commercial

**Existing Zone:** P2 - Education and Minor Institutional

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## 1.0 Recommendation

THAT Final Adoption of OCP Bylaw Text Amendment No. 10625 be considered by Council;

AND THAT Council authorize Temporary Use Permit No. TUP11-0001 to allow the use of a portion of the parking lot for "non-accessory parking" for Lot 1, District Lots 14 & 135, O.D.Y.D., Plan 34984, Exc. Plans 35454 & KAP67299, located on Lakeshore Road, Kelowna, BC as shown on Map 'A' attached to the report of the Land Use Management Department, dated October 14, 2011 subject to the following conditions:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule 'A';
- b) That a hard, dust free surface be maintained for this parking area.

## 2.0 Purpose

The applicant is seeking a Temporary Use Permit in order to utilize a portion of the subject property for "non-accessory parking". The temporary use permit will allow the church to hire a parking company to manage the parking lot.

### **3.0 Land Use Management**

The Temporary Use Permit will allow the church to utilize a portion of the subject property adjacent to KLO Road as a “non-accessory” parking lot as an interim use until a comprehensive redevelopment of the subject property is pursued. Notably, this area of the property has been used by patrons of the neighbouring commercial uses for parking while conducting business at those locations. The temporary use of this portion of the property as a pay parking lot will not replace any existing uses in the area. At this time, there have been no changes proposed to the overall site landscaping as it would be addressed in the future as part of the comprehensive redevelopment of the property.

### **4.0 Proposal**

#### **4.1 Background & Project Description**

The subject property has been the location of the St. Paul’s United Church since 1958. The church development has been expanded several times. The current building and site development has reached the end of the life cycle, and the church membership is exploring ways to redevelop the property. However, the plans have not been developed to an advanced stage and the church is not in a position to make an application for a comprehensive redevelopment of the property at this time.

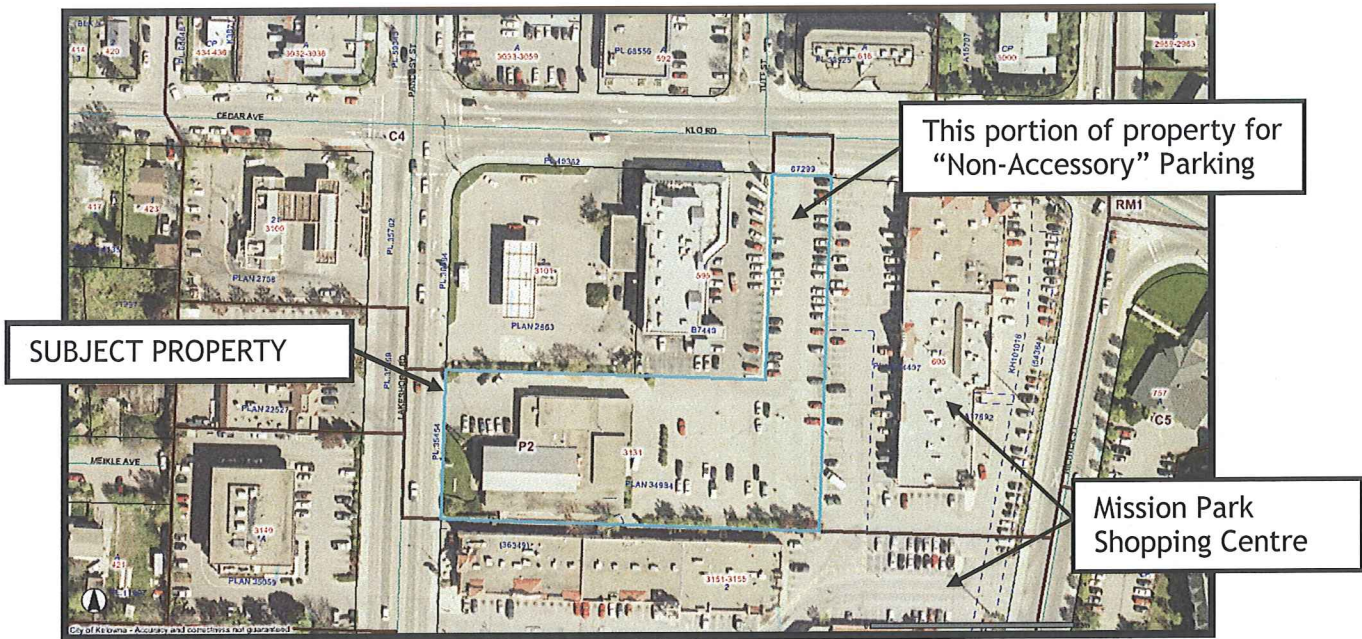
Currently, the church is looking at ways to manage the property adjacent to KLO road. This portion of the property has been developed as a parking lot and outdoor play area for the church. However, the existing site development does not clearly delineate the property boundaries from the neighbouring parking lots and a portion of the Mission Park Shopping Centre tenants have benefited from these available stalls.

The current P2 - Education and Minor Institutional zone does not allow “non-accessory parking” as a permitted use. The church has seating for 410 parishioners in the sanctuary, which requires parking for 82 vehicles (1 stall per 5 seats). The site plan submitted indicates a total of 132 parking stalls available on site. The applicant is proposing a Temporary Use Permit to allow “non-accessory parking” and to hire a parking company to manage 32 parking stalls adjacent to KLO Road as pay parking.

4.2 Site Context

Site Location Map

3131 Lakeshore Road



The subject property is located on the east side of Lakeshore Road, south of KLO Road, in the South Pandosy Urban Centre.

The adjacent zones are as follows:

Direction	Zoning Designation	Land Use
North	C4 - Urban Centre Commercial	Commercial
East	C4 - Urban Centre Commercial	Commercial
South	C4 - Urban Centre Commercial	Commercial
West	C4 - Urban Centre Commercial C4lp/rls - Urban Centre Commercial/Liquor Primary/Retail Liquor Sales	Commercial Neighbourhood Pub

5.0 Current Development Policies

5.1 Kelowna Official Community Plan 2030 (OCP) <sup>1</sup>

In accordance with the *Local Government Act* (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary 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 specific uses on the designated sites. Within these

<sup>1</sup> City of Kelowna Official Community Plan 2030, Chapter 4, page 4.9

areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which 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.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

The Temporary Use Permit application, to use the property for temporary parking lot, does not compromise servicing requirements.

**6.2 Fire Department**

No Concerns

**7.0 Application Chronology**

Date of Application Received: July 27, 2011

Advisory Planning Commission August 30, 2011

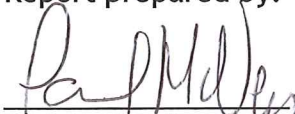
The above noted application was reviewed by the Advisory Planning Commission at the meeting on August 30, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Temporary Use Permit Application No. TUP11-0001 for 3131 Lakeshore Road, to allow non-accessory parking on a portion of the P2 zoned church property.

**Anecdotal Comment:**

The Advisory Planning Commission supported the Temporary Use Permit as it was believed that the interim parking was a well thought out plan that will solve the parking and liability issues for the church and will not further impact parking in South Pandosy business area.

**Report prepared by:**

  
Paul McVey, Urban Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Manager, Urban Land Use

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

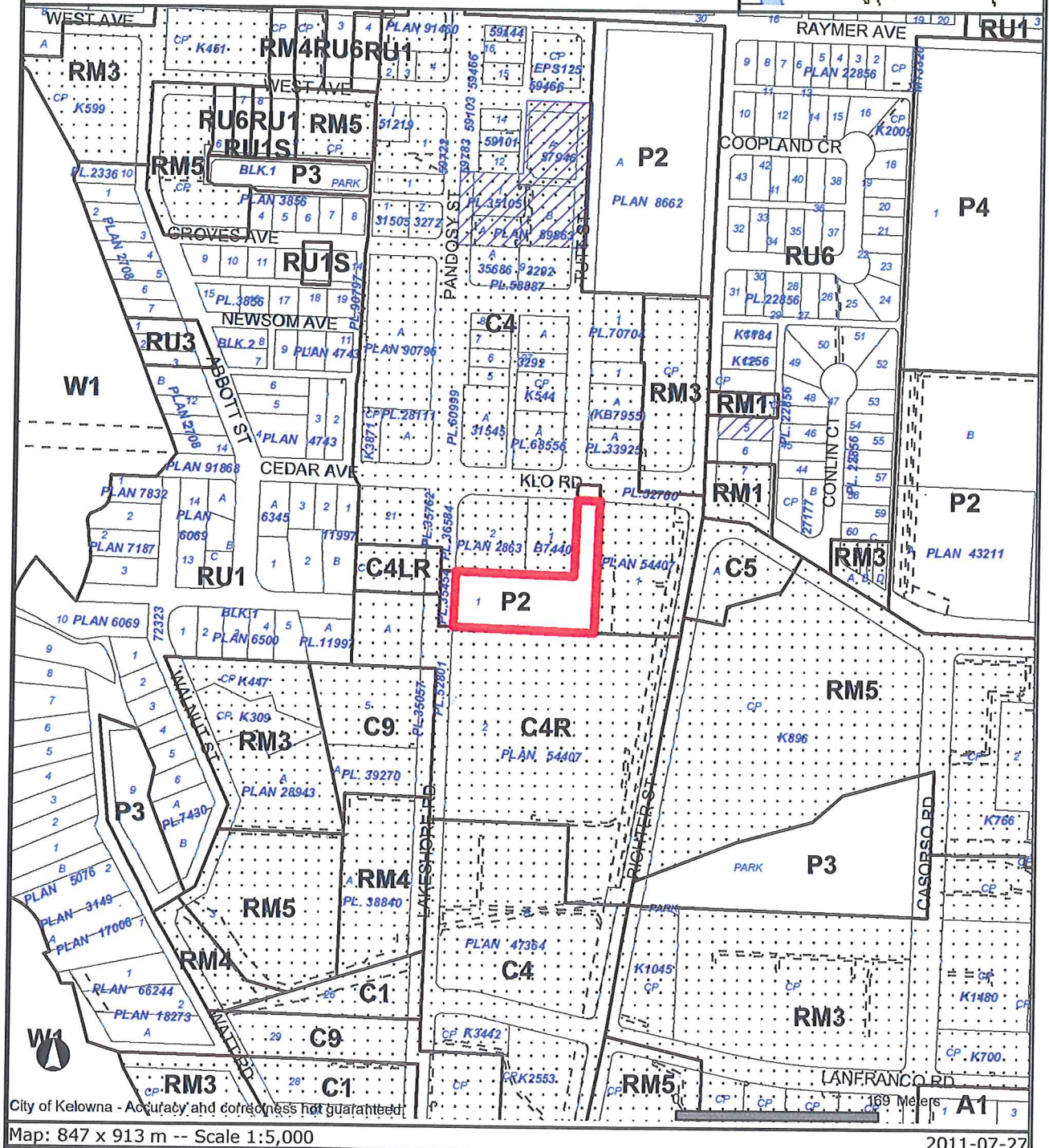
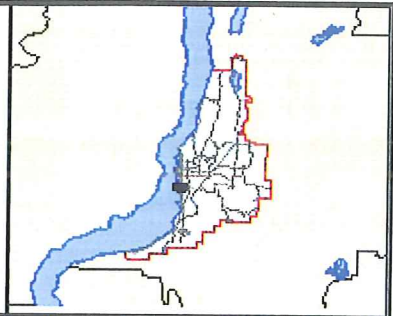
Subject Property Map  
Site Plan  
Site Photos  
Landscape Plan

### Application

TUP11-0001



Subject Property

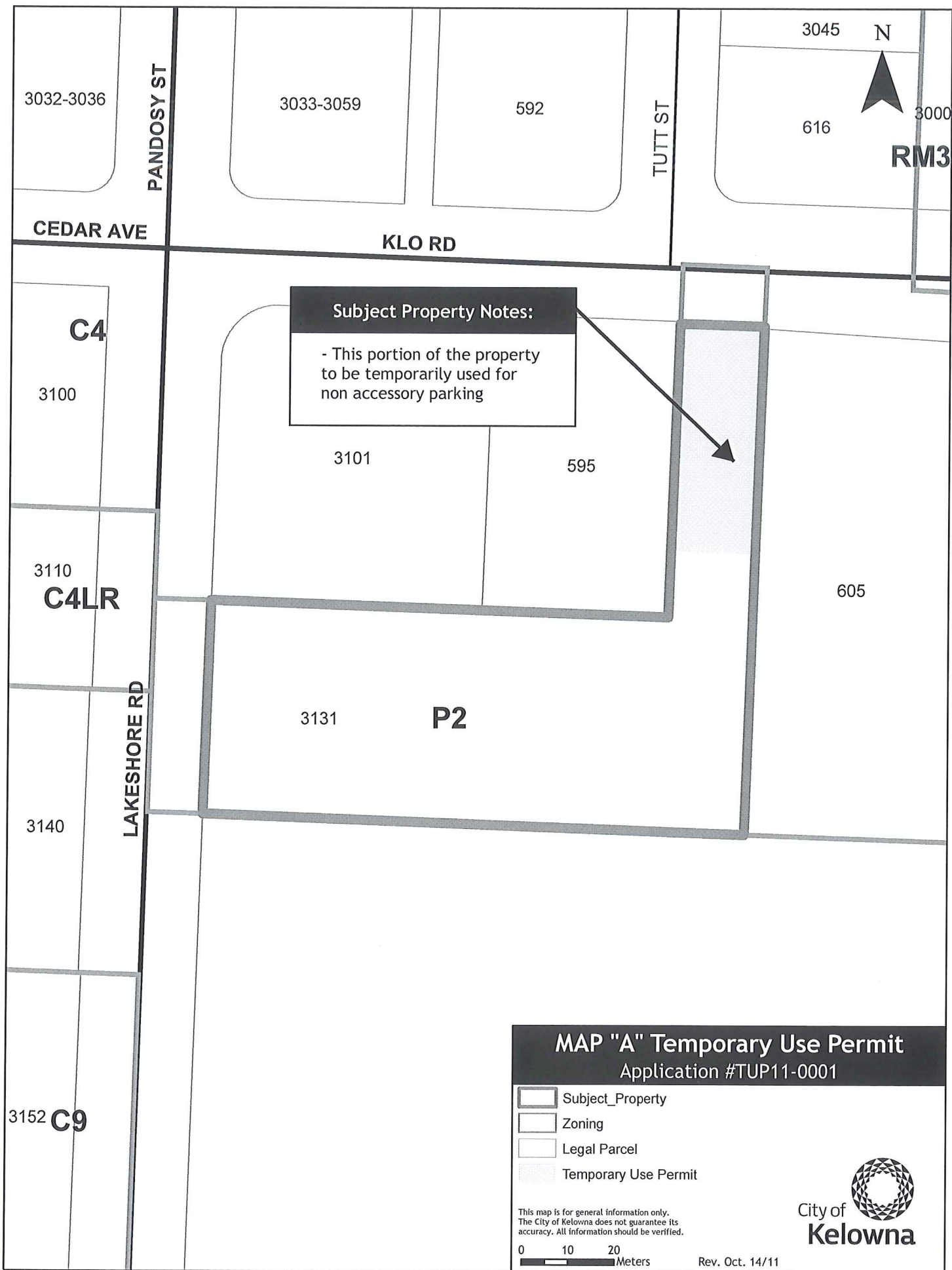


City of Kelowna - Accuracy and correctness not guaranteed

Map: 847 x 913 m -- Scale 1:5,000

2011-07-27

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.



**MAP "A" Temporary Use Permit**  
 Application #TUP11-0001

- Subject\_Property
- Zoning
- Legal Parcel
- Temporary Use Permit

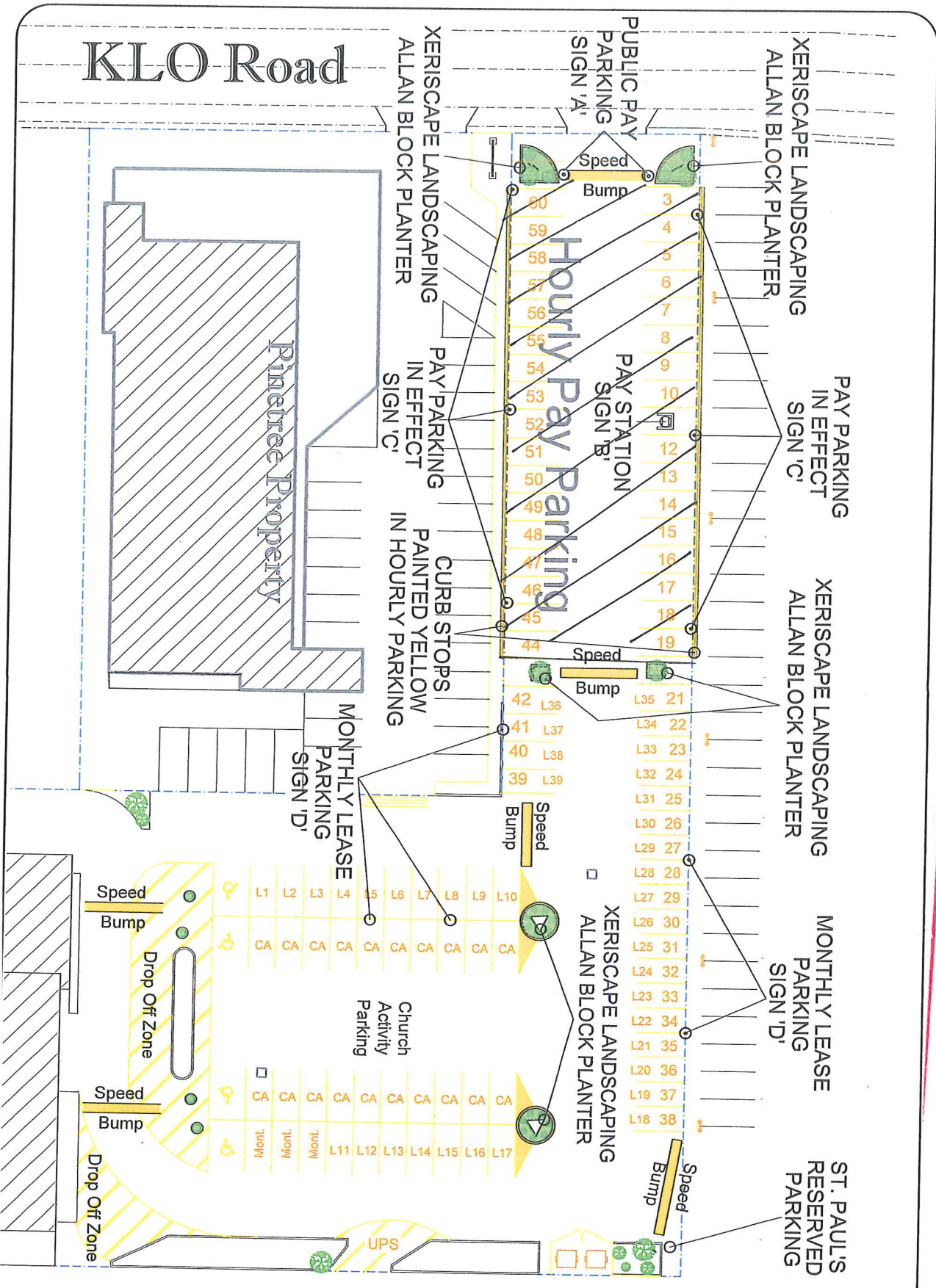
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Rev. Oct. 14/11



**SCHEDULE A**  
 This forms part of development  
 Permit # TW11-0001

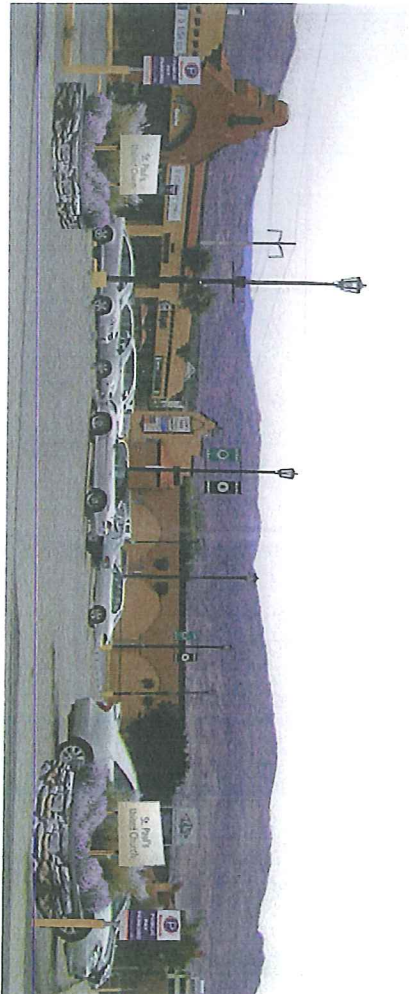


				DRAWN: RWC CHECKED: RWC SCALE: 1:500 DATE: SEPT 2011		P1.1
				<b>St. Paul's United Church          Proposed Parking Plan</b>		

St. Paul's Church  
 3111 Lakeside Road  
 Potomac, DC  
 admin@stpaulskelowna.ca  
 230-762-5143

Rec'd Oct 13/11

**SCHEDULE A**  
 This forms part of development  
 Permit # Twp11-0001



ENTRY AT KILO ROAD



GRAPHIC ILLUSTRATION # 1



GRAPHIC ILLUSTRATION # 2



SIGN 'A'



SIGN 'B'



SIGN 'C'



SIGN 'D'





# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Temporary Industrial Use Permit No. : TUP11-0001

EXISTING ZONING DESIGNATION: P2 – EDUCATION AND MINOR INSTITUTIONAL  
WITHIN DEVELOPMENT PERMIT AREA: SOUTH PANDOSY URBAN CENTRE

ISSUED TO: Trustees of the Congregation of St. Paul's United Church  
LOCATION OF SUBJECT SITE: 3131 Lakeshore Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	14 & 135	34984 Exc. Plans 35454 & KAP67299	13	25	O.D.Y.D.

### SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below

#### 1. TERMS AND CONDITIONS:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule "A";
- b) That a hard, dust free surface be maintained for this parking area.

#### 2. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

3. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

\_\_\_\_\_  
Telephone No.

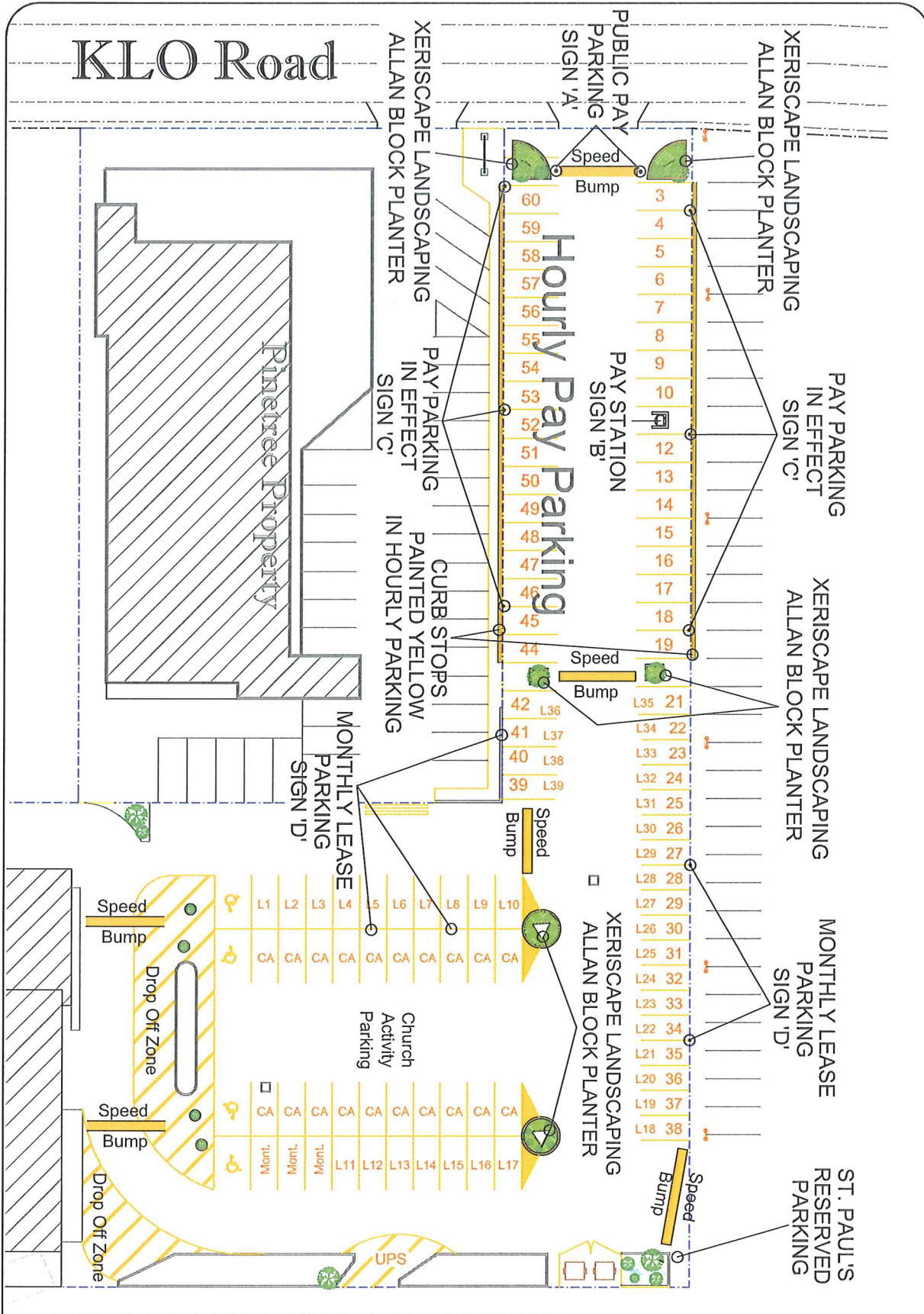
4. APPROVALS:

TEMPORARY USE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_\_ DAY OF OCTOBER, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_ DAY OF OCTOBER, 2011.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management

KLO Road



				RWC RWC 1:500 SEPT 2011	St. Paul's United Church Proposed Parking Plan		P1.1

SCHEDULE "A"