

REPORT TO COUNCIL



Date: July 30th 2019

RIM No. 0940-50

To: Council

From: City Manager

Application: DVP19-0120

Owner: First Lutheran Church of Kelowna

Address: 4091 Lakeshore Road

Applicant: Henri Cullinan

Subject: Development Variance Permit

Existing OCP Designation: EDINST – Educational/Major Institutional

Existing Zone: P2 – Education and Minor Institutional

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0120 for Lot A, Section 6, Township 26, ODYD, Plan KAP76720 and a 1/3 interest in Lot D Plan KAP76720 Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 16.2.5 (d) : P2 – Education and Minor Institutional Development Regulations

To vary the required minimum front yard from 6.0m to 4.0m as proposed

AND

Section 8 – Parking and Loading, Table 8.1 – Parking Schedule

To vary the required number of additional off-street vehicle parking spaces from eight (8) parking stalls to zero (0).

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider a Development Variance Permit application to reduce a front yard setback from 6.0 to 4.0m in order to allow for 3 'portables' with a total of 4 classrooms to be constructed in the front yard of the subject site, and to consider varying the off-street parking requirement to not require that any additional parking stalls are provided to accommodate the proposed structures.

3.0 Development Planning

The Development Planning Department is recommending that the proposed Development Variance Permit application be supported. The proposed variance to reduce the front yard set-back is relatively minor and is not expected to significantly impact the existing street-scape. High quality siding is proposed and landscaping is planned to buffer the 'portables' from the street. The proposed variance is required to create safe egress/access between the existing building and the proposed trailers and is desired in order to create an interior court-yard space between the proposed trailers and existing building. The site is over 4 acres but is constrained by the existing building, parking lot, soccer field, and geothermal field at the rear of the building. The proposed location of the trailers has been identified by the school as a future expansion area. The applicants have stated that the proposal is meant to be temporary in nature until the School Boards raises sufficient funds to build an addition to the existing building with a permanent structure.

The proposed variance to reduce the required amount of parking is requested because the Zoning Bylaw requires that parking stalls are provided for all uses on a property, specifically the Zoning Bylaw requires that parking for both the church plus the school are provided on site. The parking related variance is a request to allow for shared parking in which the school and church utilize the amount of existing parking on site recognizing that the two uses operate separately at different times and days of the week. The Official Community Plan policy related to ensuring that the development of institutional facilities meets the needs of residents is to encourage the joint use of community facilities and services for non-profit purposes.

4.0 Proposal

4.1 Background

The subject site is the location of the Willowstone Academy private school. The property is being used for both private education services (Willowstone Academy) and religious assemblies (First Lutheran Church). The church area is 15,000sqft and seats a maximum of 580 persons. The school has eleven (11) existing classrooms. There are a total of 141 parking spaces on the site.

4.2 Project Description

The proposal is to place three 'portable' trailers on the property. Four additional classrooms are proposed to be located within the three trailers. If approved the number of classrooms on site would increase from eleven to fifteen. The trailers would have a sandal wood coloured metal siding meant fit in with the look of the existing building. To buffer the trailers from the street landscaping is proposed which includes trees and shrubs in the remaining front yard space between the trailers and the street.

Two variances are requested to accommodate the proposed trailers:

A Development Variance Permit is requested to place the portables as close as 4.0m from the front property line. The proposed variance is requested because if the trailers were to conform to the required 6.0m front setback there would only be 0.6m (2ft) of space between the proposed buildings and the existing school. The requested variance is meant to create a small interior courtyard space between the proposed classrooms and existing main school building. Specifically, the applicant's letter of rational states:

This variance is necessary given the size of the portable classrooms that Willowstone Academy requires in order to accommodate the number of incoming elementary school students. If these trailers were to conform to the required front yard setback outlined in the City of Kelowna's bylaws then this distance separating the classrooms from the school would be reduced to 0.6m in distance. This presents a variety of safety concerns as it severely limits access to the entrance of the portable classrooms by creating a narrow, poorly lit corridor. Additionally, this creates access issues in emergency situations as

not only is the entrance to the classrooms located on this side of the portable structures, the emergency exit is as well.

A second variance is requested to not require that any additional parking spaces are provided for the structures. The proposed classrooms would increase the amount of required parking by 8 spaces (2 spaces per classroom). The applicants are requesting not to add any additional parking spaces on the site as the two uses operate separately from each other. Specifically, in this case, the timing and use of the each use do not overlap with each other in any way as the church parking demand is Sunday morning, and school demands are during school days (Monday to Fridays).

The amount of existing parking stalls provided on site is non-conforming in relation to the Zoning Bylaw parking requirements but has met and exceeded the operational requirements for the school and church. A detailed parking rational letter has been submitted from a transportation consultant (see Attachment 'C') which states: *In my opinion as a professional engineer with expertise in transportation, mobility and parking, and a frequent user of the building, there are no parking issues at the property, and no need to further expand parking capacity.* There are a 141 parking spaces on the property. The Zoning Bylaw requires 140 parking spaces for the existing church/religious assembly area and 22 stalls for the existing 11 school classrooms. The Zoning Bylaw requires that parking spaces for both uses are provided on site which means that a total of 162 spaces are required to accommodate the existing school and church for the building to conform to the Zoning Bylaw. If eight additional parking spaces are required the total parking requirement would be 170 stalls.

4.3 Site Context

The subject site is a 4.3 acre parcel located in the North Okanagan Mission City Sector. The site is accessed from a laneway along the south property line. The surrounding area is a mix of single family lots and multi-family developments. To the north of the site is Belmont Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM ₃ , P ₃	Multi-Family/Park
East	RM ₃ , RM ₅	Multi-Family
South	RM ₃ , RM ₅	Multi-Family
West	RU ₁	Single Family

Subject Property Map:



Figure 1. Aerial view of the property located at 4091 Lakeshore Road with supplementary images illustrating the proposed portables and where on site they would be located. The proposed location of the portable classrooms is outlined in red

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	660sqm	17,401m ²
Min. Lot Width	18.0m	133.95
Min. Lot Depth	30m	36m-142m
Development Regulations		
Max. Floor Area Ratio	1.0	0.4
Max. Site Coverage (buildings)	40%	22.1%
Max. Site Coverage (buildings, parking, driveways)	60%	49%
Max. Height	13.5m (3 storeys)	3.65 m
Min. Front Yard	6.0m	4.0m❶
Min. Side Yard (south)	4.5m	40m
Min. Side Yard (north)	4.5m	60m
Min. Rear Yard	7.5m	136m
Other Regulations		
Min. Parking Requirements	170 stalls	141❶
❶ Indicates a requested variance to parking and front yard setback		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5 – Development Process

Objective 5.32 Ensure the development of institutional facilities meets the needs of residents:

Policy 5 Location of Schools. Plan residential and other development such that schools (public and private) can be viably operated in central and easily accessible areas such as the City Centre, Town Centres, Highway Centre or Village Centres. Encourage retention of schools, and location of new schools, in central and easily accessible areas. Locations within the Urban Centres should be promoted wherever possible.

Policy 8 Joint Use. Continue to encourage the development of joint use of community facilities and services for non-profit purposes.

Policy 14 Places of Worship. Encourage places of worship to locate within the Urban Centres, but appropriately located buildings in residential neighbourhoods may also be considered.

6.0 Technical Comments

6.1 Development Engineering Department

This Development Variance permit to vary the front yard setback from 6.0m to 4.0m to accommodate for the addition of four portable classrooms for Willowstone Academy as well as reduce the required parking from 170 to 141 stalls, does not compromise any municipal services.

7.0 Application Chronology

Date of Application Received: April 26th 2019

Date Public Consultation Completed: July 5th 2019

Report prepared by: Alex Kondor, Planner Specialist

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments

Attachment A: Draft Development Variance Permit DVP19-0120

Attachment B: Variance Rational Letter from Applicant

Attachment C: Supplementary Parking Rational Letter