

# REPORT TO COUNCIL



**Date:** November 21, 2016

**RIM No.** 1250-20, 1250-04, & 1250-30

**To:** City Manager

**From:** Community Planning Department (EW)

**Application:** OCP 16-0018, TA16-0013, & Z16-0059      **Owner:** Michael Arthur Ohman

**Address:** 1893 Ethel St      **Applicant:** Deanne Marian Leung

**Subject:** OCP Amendment, Text Amendment, & Rezoning

Existing OCP Designation: S2RES - Single/Two Unit Residential

Proposed OCP Designation: EDINST - Educational/Major Institutional

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: P2 - Education and Minor Institutional

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0018 to amend Map 4.2 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 6 District Lot 138 ODYD Plan 3189, located at 1893 Ethel St, Kelowna, BC from the S2RES - Single/Two Unit Residential designation to the EDINST - Education/Major Institutional designation;

AND THAT Rezoning Application No. Z16-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 138 ODYD Plan 3189, located at 1893 Ethel St, Kelowna, BC from the RU6 - Two Dwelling Housing Zone to the P2- Education and Minor Institutional Zone;

AND THAT Text Amendment No. TA16-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 as outlined in "Schedule A" attached to the Report from the Community Planning Department dated November 21<sup>st</sup> 2016, be considered by Council;

AND THAT the OCP Amending Bylaw, Text Amending Bylaw, and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

## 2.0 Purpose

To consider an application to amend the Official Community Plan, rezone the subject property, and amend the interpretation of 'health services, minor' within the P2 Zone to facilitate the operation of a counselling office.

## 3.0 Community Planning

Community Planning supports the Official Community Plan and Zoning Bylaw amendment applications. The proposed land use, a counselling office, is not expected to generate any land use conflicts with surrounding residential uses. The subject property is a corner lot, in close proximity to other educational and institutional uses. The size of the property is a limiting factor and the availability of parking on site can only support minor educational and institutional uses. The property will maintain the single family character with screened parking and minor external modifications including bicycle parking and an accessible ramp.

## 4.0 Proposal

### 4.1 Background

The applicant currently operates Stepping Stones Counselling Group at 1369 Richter Street. Stepping Stones Counselling Group specializes in counselling for vulnerable and complex children. The applicant would like to relocate to the subject property, 1893 Ethel St, because it is a larger space and centrally located.

### 4.2 Project Description

The applicant has applied to amend the Official Community Plan and Rezone the subject property to facilitate the operation of a counselling office. A text amendment to the health services, minor interpretation and the P2 Zone is also to be considered. The current OCP designation for the property is S2RES Single/Two Unit Residential and the zoning is RU6 - Two Dwelling Housing.

The primary proposed use for the existing house is to provide child counselling, not currently permitted in the RU6 Zone. Adult/family counselling is also proposed but is generally in the context of the child as the primary referral. Recreation therapy and small group therapy sessions to a maximum of 6 children would also be offered at the Ethel St location. The existing house will not be used for residential purposes. The applicant's development proposal as well as two letters of support from a current and past neighbour are attached for review (Attachments A & B).

In addition to the proposal at 1893 Ethel St, the proposed text amendments to the health services, minor interpretation will facilitate additional therapy uses including occupational therapy, currently proposed by a prospective buyer at the applicant's current 1369 Richter Street location. As the Richter Street property is already zoned P2, no additional amendments are proposed.

### Rezoning and OCP Amendment

In order to permit the proposed use, rezoning to a zone that permits health services is required. Health services is permitted in a number of commercial and health district zones, as well as the P1 and P2 Zones. Given the location of the subject property outside the OCP Health District future land use designation and the other permitted uses in the commercial zones including gas bars, rezoning to a commercial or HD zone was not recommended. Similarly, the permitted uses in the P1 Zone were too intensive for the subject property.

The P2 - Education and Minor Institutional Zone has a smaller scale of uses more appropriate to the location and size of the subject property. However, the size of the property, particularly the availability of parking, will be a limiting factor in allowing other uses currently permitted in the P2 Zone on site. Taking into consideration the maximum 60% site coverage for buildings and parking, it would not be possible for higher impact uses including community recreation services or religious assemblies to be accommodated on site.

Text Amendment

In order to allow adult counselling, complimentary therapy services, and group therapy sessions in the P2 Zone, text amendments to the health services, minor interpretation and the P2 Zone are proposed.

The current interpretation of health services, minor *means development used for the provision of child counselling services*. The proposed text amendments remove “child” from the interpretation, add “therapeutic services”, and restrict the number of clients for a health services, minor use to a maximum of six (6), for lots smaller than 1000 m<sup>2</sup> in the P2 Zone.

Preservation of Neighbourhood Character

The site can accommodate the 4 required parking spaces for the proposed health services use (Site Plan and Parking Rationale - Attachments C & D). Parking will be accessed off the lane and will be screened with existing hedges and the addition of fencing. Bicycle parking is proposed at the front of the property facing Ethel St. The residential character of the property will be maintained and no exterior changes are proposed to the building apart from an accessible ramp and bicycle parking.

4.3 Site Context

The 769 m<sup>2</sup> property is a corner lot located in the South Pandosy - KLO city sector, at the intersection of Sutherland Ave and Ethel St. The surrounding neighbourhood is primarily residential but has also Education and Minor Institutional uses. Within approximately 75 m of the subject property is Immaculate Conception Church and Clubhouse at Sutherland, a 90 children capacity daycare.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Residential
East	RU6 - Two Dwelling Housing	Residential
South	RU6 - Two Dwelling Housing	Residential
West	C10 - Heritage Cultural	Residential

Subject Property Map: 1893 Ethel St



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	P2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	660 m <sup>2</sup>	769 m <sup>2</sup>
Lot Width	18.0 m	18.29 m
Lot Depth	30.0 m	37.19 m
Development Regulations		
Site Coverage (Building)	40%	21%
Site Coverage (Building, parking)	60%	44%
Height	3 storeys	2 storeys
Front Yard	6.0 m	12.48 m
Flanking Side Yard (south)	6.0 m	4.56 m*
Side Yard (north)	4.5 m	2.45 m*
Rear Yard	7.5 m	17.43 m
Other Regulations		
Minimum Parking Requirements	4 spaces (health services uses)	4 spaces (including 1 accessible space)
Bicycle Parking	6 spaces (1 Class I; 5 Class II)	6 spaces

* Legal non-conforming status
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## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Neighbourhood Impact**<sup>1</sup>. When considering an OCP Amendment, the City will seek information with respect to the impact on land values related to the likelihood that other properties in the immediate neighbourhood will remain or develop as indicated in the OCP.

**Health Care Facilities**<sup>2</sup>. Support the extension of services and appropriate building expansions of the Kelowna General Hospital and other health care facilities, as provided for on the Generalized Future Land Use Map 4.1. The form and character of future expansions should be compatible with the surrounding neighbourhood context.

**Evaluation Checklist**<sup>3</sup>. Evaluate development applications that require an OCP amendment on the basis of the extent to which they comply with underlying OCP objectives, including the following:

- Does the proposed development respect the OCP Permanent Growth Boundary (OCP Map 4.1 and 5.2)?
- Is the proposed development located in an Urban Centre?
- Does the proposed development feature a mix of residential, employment, institutional, and/or recreational uses?
- Does the proposed development increase the supply of affordable housing (as defined in the OCP)?
- Is the property serviced with water and City sanitary sewer at the time of application?
- Is there transit service within 400 metres of major multiple unit residential projects (30 + units) or other non-residential projects or major employment generators (50 + employees)?
- Does the proposed project involve redevelopment of currently under-utilized, urbanized land?
- Does the proposed development contribute to preserving lands with slopes greater than 30%?
- Will the project likely facilitate future development on adjacent parcels that meets the policies of the OCP?
- Does the project avoid negative impacts (shadowing, traffic etc.) on adjoining properties?
- Is the project consistent with the height principles established in the OCP?
- Would the additional density or new land use designation enhance the surrounding neighbourhood (i.e. Complete Communities) or introduce incompatible uses?
- Could the project be supported without over-burdening existing park and other neighbourhood resources?
- Could the proposed project be built at minimal (<\$) cost to the City? (This should consider operational and maintenance costs.)

## 6.0 Technical Comments

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.9 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.32.10 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.39.1 (Development Process Chapter).

6.1 Building & Permitting Department

No comment.

6.2 Development Engineering Department

See attached memorandum dated October 21, 2016.

6.3 Bylaw Services

No concerns.

6.4 Fire Department

No concerns with zoning. Ensure appropriate life safety equipment and devices.

6.5 Real Estate & Building

A 6.0 m corner rounding and road dedication is required for the Sutherland Ave active transportation corridor as per True Consulting Land Acquisition Plan Dwg # LA13 at the intersection of Ethel St and Sutherland Ave.

6.6 School District No. 23

No objections to the application as proposed.

6.7 FortisBC - Gas

No concerns.

6.8 FortisBC - Electric

Applicant responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FBC(E) has no concerns with this circulation.

**7.0 Application Chronology**

Date of Application Received: September 2, 2016

Date Public Consultation Completed: October 3, 2016

**Report prepared by:** Emily Williamson, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

**Reviewed by:** Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:** Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

Attachment A - Applicant's Development Proposal

Attachment B - Neighbours' Letters of Support

Attachment C - Site Plan

Attachment D - Applicant's Parking Rationale

Attachment E - Development Engineering Memorandum, dated October 21, 2016

Schedule A - Text Amendment TA16-0013