Mayor: Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-45”

CO: Reads Opening Statement and Introduction of Bylaw

1. “Zoning Amendment Bylaw No. 2015-45” (2922 Wilson Street)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696 located at 2922 Wilson Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) and site specific amendment to increase the maximum density from 0.75 FAR to 0.92 FAR.

The applicant intends to develop a strata, multi-family project with one duplex building facing Wilson Street and one single family dwelling and a duplex facing the lane. The development will have a total of five units.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, August 28, 2015 and Wednesday, September 2, 2015 (pursuant to the Local Government Act).

CO: No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, September 2, 2015)

Mayor: Requests the Director of Development Services describe the proposed amendments

Mayor: Invitation to applicant for comment or elaboration on the application

Mayor: Invites those in attendance to present their views

Mayor: Invites Council members to ask questions

Mayor: Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2015-45” is terminated and no new information can be received on this matter.
Regular Council Meeting  
held at City of Penticton Council Chambers  
171 Main Street, Penticton, B.C.  

Monday, August 17, 2015  
Following the Public Hearing at 6:00 p.m.  

Resolutions  

8.3  Zoning Amendment Bylaw No. 2015-45 and DVP PL2015-044  
Re: 2922 Wilson Street  

430/2015  

It was MOVED and SECONDED  
THAT “Zoning Amendment Bylaw No. 2015-45”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) with a site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.92 FAR, be given first reading and be forwarded to the September 8, 2015 Public Hearing;  
AND THAT prior to adoption of the bylaw, a road dedication of 0.6m along Wilson Street frontage be registered with the land title office.  
THAT Council support “Development Variance Permit PL2015-044” for Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, a permit to reduce the minimum interior yard setback from 3.0m to 1.5m and to reduce the minimum rear yard setback from 6m to 1.5m;  
AND THAT delegations and submissions be heard for “Development Variance Permit PL2015-044” during the September 8, 2015 Public Hearing;  
AND THAT staff are directed to issue DVP PL2015-044, subject to adoption of “Zoning Amendment Bylaw No. 2015-45”.  

CARRIED UNANIMOUSLY
Council Report

Date: August 17, 2015    File No: RZ PL2015-043 & DVP PL2015-044
To: Eric Sorensen, City Manager
From: Audrey Tanguay, Senior Planner
Address: 2922 Wilson Street
Subject: Zoning Amendment Bylaw No. 2015-45 and Development Variance Permit PL2015-044

Staff Recommendation

#1 Zoning Amendment

THAT “Zoning Amendment Bylaw No. 2015-45”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) with a site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.92 FAR, be given first reading and be forwarded to the September 8th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw, a road dedication of 0.6m along Wilson Street frontage be registered with the land title office.

#2 Development Variance Permit

THAT Council support “Development Variance Permit PL2015-044” for Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, a permit to reduce the minimum interior yard setback from 3.0m to 1.5m and to reduce the minimum rear yard setback from 6m to 1.5m;

AND THAT delegations and submissions be heard for “Development Variance Permit PL2015-044” during the September 8th, 2015 Public Hearing;

AND THAT staff are directed to issue DVP PL2015-044, subject to adoption of “Zoning Amendment Bylaw No. 2015-45”.

Strategic priority objective

N/A
Background

The subject property (Attachment ‘A’) is designated by the Official Community Plan (OCP) as MR (Medium Density Residential) and is currently zoned RD1 (Duplex Housing). Photos of the site are included in Attachment ‘D’. The property is also identified as being in the “General Multiple Family Development Permit Area” under OCP Bylaw 2002-20. The 769 m² (0.19 acre) property currently features a single detached dwelling that will be removed from the property.

The property is located in a neighbourhood with a mix of single family, duplex and multi-family housing. Residential intensification has been happening over time, with the redevelopment of single family lots into multi-family housing along Green Avenue and Wilson Street.

The applicant intends to develop a strata, multi-family project with one duplex building facing Wilson Street and one single family dwelling and a duplex facing the lane (Attachment ‘F’). The proposed development consists of 5 units in total, with each unit having an approximate floor area of 138 m² (1486 sq.ft). Each dwelling comprises 3 bedrooms and an enclosed garage.

Proposal

The applicant is requesting that the subject property be rezoned from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) and that a site specific zoning amendment be supported to increase the maximum density from 0.75 FAR to 0.92 FAR.

The applicant is also requesting a development variance permit to vary the following sections of Zoning Bylaw 2011-23:

- Section 10.8.2.7 i.: reduce the minimum interior yard setback from 3.0m to 1.5m
- Section 10.8.2.8: reduce the minimum rear yard setback from 6m to 1.5m

Project Specifications

The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

<table>
<thead>
<tr>
<th>Item</th>
<th>Requirement RM2 Zone</th>
<th>Provided on Plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40 %</td>
<td>36.62 %</td>
</tr>
<tr>
<td>Maximum Density:</td>
<td>0.75 FAR</td>
<td>0.92 FAR(Site Specific)</td>
</tr>
<tr>
<td>Vehicle Parking:</td>
<td>1 space per unit (5 spaces)</td>
<td>5 spaces</td>
</tr>
<tr>
<td>Required Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard (Wilson St)</td>
<td>3m</td>
<td>3m</td>
</tr>
<tr>
<td>Rear yard</td>
<td>6m</td>
<td>1.5m(variance required)</td>
</tr>
<tr>
<td>Interior Side yard (North)</td>
<td>3m</td>
<td>1.5m(variance required)</td>
</tr>
<tr>
<td>Side Yard(South)</td>
<td>3m</td>
<td>3m</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>12m</td>
<td>10m</td>
</tr>
<tr>
<td>Other Information:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Property is in the General Multiple Development Permit Area</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The plans generally conform to the DPA guidelines.

Development permit will be required prior to building permit application. The DP is staff issuable

Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Road widening is suggested as part of this application. Prior to approval of the rezoning, staff recommend a 0.6m dedication along the Wilson Street frontage to achieve a future 20m right-of-way. The road widening on Wilson Street would allow for the placement of sidewalks. The applicant has been notified of the requirements and has placed the building accordingly to the new property line. Typically, the City pays the legal and survey costs for the road widening acquired as part of a rezoning. Usual frontage upgrade and servicing requirements have been identified for and will form part of the building permit stage of the project. These items have been communicated to the applicant. The applicant will be responsible for the construction of the sidewalk along Wilson Street and paving of the lane.

Financial implication

The City will incur some legal and survey costs with the transfer of the road dedication, but the property is needed to have room for the installation of sidewalks.

Analysis

Support zoning amendment

The subject property is designated for Medium Density Residential under OCP Bylaw 2002-20. The MR designation encourages a wide range of housing forms including cluster housing. The proposed RM2 zone is intended for this OCP designation. The OCP has criteria for staff and Council to consider when reviewing applications in this area. The development meets the following objectives of the OCP:

- Encourage residential intensification near commercial activities and institutional facilities
- Encourage a diversified range of housing, types, tenures and densities
- Encourage densification in areas where existing services can accommodate higher densities.
- Largely, new development should be accommodated through infill development
- Encourage a wide range of Medium Density Residential housing, including cluster housing and compact housing
- Require a high standard of architectural building design and landscaping for development in the Medium Density Residential designation

It is also important to note that Council recently approved a Zoning Amendment for the inclusion of cluster housing in the RM2 zone to respond to developers demand for multiple duplex and single detached dwellings on a single parcel.

The plans submitted in support of the rezoning application show that the proposed development meets the guidelines for this multiple housing designation as outlined in the OCP. As such, staff recommend that
Council support the application to rezone the property and refer the application to the September 8th Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the zoning amendment does not go forward, the property will be restricted to the duplex or single family uses. Alternatively, Council may refer the application back to staff with further instructions.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable.

Section 10.8.2.7 i. to vary the minimum side yard setback from 3m to 1.5m

The applicant is requesting a 1.5m interior setback reduction along the north property line. Only one unit will be closer to the property line at 1.5m as the other units are located 7.8m from the north property line. A new 6 feet pressure treated wood fence will be installed along with communal garden alongside the fence. Staff do not feel the 1.5m variance will have a negative effect as this is a minor variance.

Section 10.8.2.8 to vary the minimum rear yard setback from 6m to 1.5m

Building 3 (duplex on the lane) is proposed to be located at 1.5m from the west property line. As with other infill projects throughout the City, it is often difficult to build within required setbacks on lots that were originally intended for single family housing. The variance to the required rear yard, although quite large, still allow for adequate landscaping between the proposed buildings and neighbouring developments.

Considering the above, it is recommended that Council support the application and direct staff to issue the permit.

Deny/Refer

Council may consider that the number of variances requested demonstrate that the development will negatively affect the residential neighborhood. If this is the case, Council can deny all or one of the proposed variances. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council support “Zoning Amendment Bylaw No.2015-45” but denies support to “Development Variance Permit PL2015-044”.
2. THAT Council support “Zoning Amendment Bylaw No.2015-45” without any conditions.
3. THAT Council support “Development Variance Permit PL2015-012” with conditions.
Attachments

Attachment A: Subject Property Location Map
Attachment B: OCP Map
Attachment C: Zoning Map
Attachment D: Images of Subject Property
Attachment E: Letter of Intent
Attachment F: Site Plan
Attachment G: Elevations
Attachment H: DVP
Attachment I: Zoning Amendment Bylaw No. 2015-45

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

<table>
<thead>
<tr>
<th>Director</th>
<th>City Manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>JGH</td>
<td>ES</td>
</tr>
</tbody>
</table>
Attachment A - Subject Property

Figure 1: Location Map
Attachment B  - OCP Map

Figure 2: OCP Map
Attachment C - Zoning Map

Figure 3: Zoning Map
Attachment D - Images of the Subject Property

Figure 4: View from Wilson St

Figure 5: View from Lane
Figure 6: Looking West onto the subject property

Figure 7: Looking North East onto the subject property
Rezoning and Development Rationale

2922 Wilson Street, Penticton, BC

The attached application for Rezoning and Development Permit is submitted by Radec Group Inc. on behalf of Joseph Walters, the future owner of the subject property. Radec Group has discussed the development with the City of Penticton’s Planning Department and the preliminary concept was supported. The proposed development is targeted to meet the growing demand for affordable housing for Penticton’s families.

The subject property’s Future Land Use designated by the Official Community Plan as Medium Density Residential (MR). This includes cluster housing, townhomes, and condominiums. Bareland Strata developments are permitted in properties designated MR. Radec Group proposes to rezone the subject property from RD 1 (Duplex Housing) to RM 2 (Low-Density Multiple Housing). The purpose of RM 2 is to provide a zone for low density multiple housing up to three stories above grade on urban services. RM 2 is consistent with the Medium Density Residential Future Land Use designation. The area features a mix of single-family, duplexes, multi-family and commercial uses. Several properties in the immediate vicinity are zoned RM 2. The subject located one block from Princess Margaret Secondary School and Skaha Lake Middle School, which makes the subject property an ideal location for families.

The subject property is 20,528 m x 36,576 m (67'-4" x 120'-0"). The front of the property abuts Wilson Street, with the length of the property along a lane. The intention is to demolish the existing house, which was built in 1970, and construct 2 duplexes and 1 single-family home. Each 3-storey residence will have a well-defined entrance, 3 bedrooms on the upper floor, an open-concept living area on the second floor, and a ground level featuring a single-car garage and flex area at the rear with a total net living area of 1,485.6 SF. Radec is proposing increasing the FAR from 0.75 to 0.92, consistent with low to medium density. Each dwelling unit will also feature generous decks with privacy screens facing a communal yard, with planters for gardens. Design elements include board & batten cladding painted subdued hues of blue, green and taupe, windows placed in interesting configurations, and steel roofing. The proposed homes evoke a ‘cottage-like’ character with contemporary design lines.

A duplex will face Wilson St, while the single family home and a second duplex will have access from the lane. The front yard setback of 3.0 m (9'-10") will be maintained along the side-yard abutting the lane. The intention is to continue the character and landscaping of the front yard along the side yard, creating inviting and ground-oriented access with the provisions for a new sidewalk along Wilson and a pedestrian pathway along the lane. We are proposing a relaxation of the minimum side yard from 3.0 m to 1.5 m along the north property line, and a relaxation of the minimum rear yard from 6.0 m to 1.5 m along the east property line. A Japanese Pagoda tree will be planted for shade and was selected because
of its rapid growth rate, broad crown, and tolerance for city conditions, heat, and drought. Xeriscaping techniques will reduce the need for supplemental water, and innovative wastewater technologies such as low-consumption fixtures, grey waste water systems, and storm water irrigation are further strategies for water conservation. Permeable driveways and walkways will be installed to mitigate a higher water table, and storm water will be managed and maintained as required by Building By-Law 94-45 and Subdivision Development By-law 2004-61.

As part of our proposal, we enclose a preliminary perspective, rendered context elevations, site plan, landscape plan, floor plans and elevations. Key features of this development are the provision of ground-oriented three bedroom residences with a high standard of liveability, thoughtful architecture and design, densification, and affordable home-ownership for Penticton's families. Therefore, we respectfully request a site-specific rezoning to RM2 (Low Density Multiple Housing) and a variance to the setback and FAR requirements.
Attachment “F” – Building Rendering

Figure 8: Elevation on Wilson Street

Figure 9: Elevation on the Lane
Figure 10: Perspective on Wilston Street

Figure 11: Perspective on the Lane
Figure 12: Rear Yard Perspective
Attachment G: Site Plan

Figure 13: Site Plan
Development Variance Permit

Permit Number: DVP PL2015-044

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:
   
   Legal: Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696
   Civic: 2922 Wilson Street
   PID: 001-687-115

3. This permit has been issued in accordance with Section 922 of the Local Government Act to vary Section 10.2.2.1 of Zoning Bylaw 2011-23 to reduce Section 108.2.7 i: to reduce the minimum interior yard setback from 3.0m to 1.5m and vary Section 108.2.8: to reduce the minimum rear yard setback from 6m to 1.5m as shown in the plans attached in Schedule A.

General Conditions

4. In accordance with Section 928(2) of the Local Government Act, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.

5. In accordance with Section 926 of the Local Government Act, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC’s), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the of , 2015

Issued this _____ day of __________, 2015

______________________________  
Dana Schmidt,  
Corporate Officer
The Corporation of the City of Penticton

Bylaw No. 2015-45

A Bylaw to Amend Zoning Bylaw 2011-23

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2011-23;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

   This bylaw may be cited for all purposes as “Zoning Amendment Bylaw 2015-45”.

2. **Amendment:**

   2.1 Zoning Bylaw 2011-23 Schedule ‘A’ is hereby amended as follows:

   Rezone Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing).

   2.2 Add 10.8.4 Site Specific Provisions

   .2 In the case of Lot 2, District Lot 116, Similkameen Division Yale District, Plan 9696, located at 2922 Wilson Street, the maximum density shall be 0.92 FAR.

   2.3 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this 17 day of August, 2015
A PUBLIC HEARING was held this 8 day of September, 2015
READ A SECOND time this day of , 2015
READ A THIRD time this day of , 2015
RECEIVED the approval of the Ministry of Transportation on this day of , 2015
ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 28 day of August, 2015 and the 2 day of September, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

______________________________
Andrew Jakubeit, Mayor

______________________________
Dana Schmidt, Corporate Officer
2922 Wilson Street
Rezone from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) with a site specific zoning amendment to increase the maximum density from 0.75 FAR to 0.92 FAR