Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2015-44”

CO Reads Opening Statement and Introduction of Bylaw

1. “Zoning Amendment Bylaw No. 2015-44” (864 Government Street)

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

Rezone Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, except Plan KAP68054, located at 864 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes on the site.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, August 7, 2015 and Wednesday, August 12, 2015 (pursuant to the Local Government Act).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, August 12, 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. 2015-44” is terminated and no new information can be received on this matter.
8.3 **Zoning Amendment Bylaw No. 2015-44 and DP PL2015-050**  
Re: 864 Government Street  

It was MOVED and SECONDED  
THAT “Zoning Amendment Bylaw No. 2015-44”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, Except Plan KAP68054, located at 864 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the August 17, 2015 Public Hearing;  
AND THAT Council support “Development Permit PL2015-050” for Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, Except Plan KAP68054, located at 864 Government Street, a permit to approve the construction of a “Cluster Housing” development in the form of two duplexes, one of which will face Government Street and the other facing the lane;  
AND THAT staff are directed to issue “DP PL2015-050”, subject to adoption of “Zoning Amendment Bylaw No.2015-44”.  

CARRIED UNANIMOUSLY
Date: August 4, 2015
To: Eric Sorensen, City Manager
From: Lindsey Fraser, Planner I
Address: 864 Government Street
Subject: Zoning Amendment Bylaw No. 2015-44 and DP PL2015-050

Staff Recommendation

Zoning Amendment

THAT “Zoning Amendment Bylaw No. 2015-44”, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, Except Plan KAP68054, located at 864 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the August 17th, 2015 Public Hearing;

Development Permit

THAT Council support “Development Permit PL2015-050” for Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, Except Plan KAP68054, located at 864 Government Street, a permit to approve the construction of a “Cluster Housing” development in the form of two duplexes, one of which will face Government Street and the other facing the lane.

AND THAT staff are directed to issue “DP PL2015-050”, subject to adoption of “Zoning Amendment Bylaw No.2015-44”.

Strategic priority objective

N/A

Background

The subject property (Attachment ‘A’) is zoned R2 and is designated in the City’s Official Community Plan as MR (Medium Density Residential). The property owner intends to rezone the property in-line with the OCP designation and construct a two-duplex development, providing four three-bedroom units in total. Currently, the lot is vacant and has been for many years. It is located along Government Street - an area evolving from single family homes to more medium density infill development.
The lot is of a regular shape and substantial size, measuring just over 0.25 acre. There is strong redevelopment potential of this site and the highest and best use can be achieved here with the rezoning of the property to RM2.

The property is also in a development permit area and a development permit will be required to be issued prior to construction if the zoning amendment is successful. The property is in the General Multiple Family development permit area.

Proposal

The applicant is requesting that the subject property be rezoned from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing). The applicant is also requesting that the Development Permit for the site be approved in order to move ahead with construction of the project.

Financial implication

N/A

Technical review

This application was forwarded to the City’s Technical Planning Committee (TPC) and reviewed by various departments within the City. No irregular conditions or restrictions were observed through this process. Preliminary cost estimates have been communicated to the applicant.

Development statistics

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>Minimum Lot Width:</td>
<td>18 m</td>
<td>18.5 m</td>
</tr>
<tr>
<td>Minimum Lot Area:</td>
<td>670 m²</td>
<td>1017 m²</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40 %</td>
<td>35%</td>
</tr>
<tr>
<td>Maximum Density:</td>
<td>0.75 FAR</td>
<td>0.60 FAR</td>
</tr>
<tr>
<td>Vehicle Parking:</td>
<td>1.0/unit + .25/unit for visitor parking</td>
<td>6 regular and 1 visitor stall</td>
</tr>
<tr>
<td>Required Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard (Winnipeg St):</td>
<td>3.0 m</td>
<td>3.5 m</td>
</tr>
<tr>
<td>Side yard (north):</td>
<td>3.0 m</td>
<td>3.0 m</td>
</tr>
<tr>
<td>Side yard (south):</td>
<td>3.0 m</td>
<td>3.0 m</td>
</tr>
<tr>
<td>Rear yard:</td>
<td>6.0 m</td>
<td>10.8 m</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>12.0 m</td>
<td>8.5 m</td>
</tr>
<tr>
<td>Other Information:</td>
<td>✓ Property is in the ‘General Multiple’ Development Permit Area and a Development Permit (DP) will be required.</td>
<td></td>
</tr>
</tbody>
</table>
Analysis – Zoning Amendment

Support Zoning Amendment

Staff feel that rezoning the lot from Single Family Residential to Low Density Multiple Housing is creating the highest and best use for the lot for the following reasons:

- As per the Official Community Plan, 864 Government Street is designated for Multiple Family Residential development.
- The property has a lot area large enough to accommodate higher density than a single family home. Single family houses are typically developed on lots in the 400 m² to 750 m² range. At over 1000 m², this property can support higher densities.
- According to Penticton’s OCP, residential development should be accommodated through infill development. Set between two single family homes that, themselves, will likely be redeveloped to multi-family housing in the near future, this application is a strong example of appropriate infill.
- Intensification, or higher densities, should be encouraged along transit routes. Government Street is on the West Side/Duncan East transit route.
- The neighbourhood is characterized by numerous duplex, townhouse, and apartment buildings. This development will not be out of place/character in the area.
- The proximity to downtown and nearby services encourages more walking and active forms of transportation.

On a neighboring street, a two-duplex development was recently approved and it is thought that this form allows for considerable density while still providing for attractive frontages and sensitive siting to neighbouring properties. As such, staff recommend that Council support Zoning Amendment Bylaw 2015-44 and forward the application to the August 17th, 2015 public hearing for comment from the public.

Deny

Council may feel that this form of development is not appropriate for the lot or that the neighbouring residents will be negatively impacted by the proposal. If this is the case, Council should deny first reading of the amendment bylaw.

Alternatively, Council may wish to refer the document back to Planning staff with certain recommendations.

Analysis – Development Permit

Support Development Permit

The development permit that is being requested is staff-issuable, but is included in this report to streamline the approvals process. During the deliberation phase of a DP, staff examine the form, character, and community impact of developments. This analysis is cross-referenced with guidelines laid out in the OCP.

Staff feel that the design of the two-duplex development is in keeping with the OCP. For example, it meets a number of criteria laid out in the development permit guidelines, such as: varied building shape and architectural features; the development fronts a main street, creating an interesting and activated frontage.
for pedestrians; and all parking comes from the lane. Additionally, the applicant has provided a suitable landscaping plan.

With such close proximity to downtown, the redevelopment of this site in the form of multi-unit duplex housing shows a positive contribution to the core area’s growing density. Staff feel that the plans submitted meet the intent of the DPA guidelines and conform to the zoning bylaw. As such, staff recommend that Council approve the permit application and are directed to issue the permit.

Deny/refer

Council may feel that the design could be reworked in a way that better responds to the lots site-specific context. If this is the case, Council should deny the application. Alternatively, Council may wish to refer the application back to staff to work with the applicant in changing the design.

Alternate recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2015-44” and deny support to “DP PL2015-050”
2. THAT Council support “Zoning Amendment Bylaw No. 2015-44” but deny support to “DP PL2015-050”
3. THAT Council support “Zoning Amendment Bylaw No. 2015-44” and “DP PL2015-050” with conditions that Council feels are appropriate.

Attachments

Attachment A: Subject property location map
Attachment B: Zoning map of neighbourhood
Attachment C: OCP map of neighbourhood
Attachment D: Images of subject property
Attachment E: Letter of intent
Attachment F: Draft DVP, including site plan and elevation drawings

Respectfully submitted,

Lindsey Fraser
Planner I

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 Location Map

Figure 1: Subject property highlighted in blue
Attachment B – Zoning Map of Neighbourhood

Figure 2: Zoning map of neighbourhood, subject property zoned 'R2'
Figure 3: OCP Designation of lot is 'MR'
Attachment D – Images of Subject Property

Figure 4: Subject property looking west from Government Street

Figure 5: Subject property looking east from lane
LETTER OF INTENT

Trainor Marketing Ltd.
864 Government Street

The applicant intends to construct, for sale, two duplex buildings comprising four units, at the address noted above.

Mirroring the recently-completed duplex project at 268 Bassett Street, one duplex will front on Government Street; the other on the laneway. All parking will be off the laneway.

Each unit measures 1647 square feet and each will be completely fenced and landscaped.
Attachment F – Draft DP

Development Permit

Permit Number: DP PL2015-050

To be completed

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 14, District Lot 249, Similkameen Division Yale District, Plan 3578, Except Plan KAP68054
   Civic: 864 Government Street
   PID: 004-828-127

3. This permit has been issued in accordance with Section 920 of the Local Government Act, to permit the construction of two duplexes as shown in the plans attached in Schedule A.

4. In accordance with Section 925 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of $3600.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 925(2.1) of the Local Government Act, to undertake works or other activities required to:
   
   a. correct an unsafe condition that has resulted from a contravention of this permit,
   b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
   c. repair damage to the natural environment that has resulted from a contravention of this permit.

5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
   
   a. the permit has lapsed as described under Condition 8, or
   b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:
1st Inspection  
2nd Inspection  
3rd Inspection  
4th Inspection or additional inspections  

No fee  $50  $100  $200  

General Conditions

7. 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.

8. 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.

9. 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.

10. 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.

11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCCs), 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 17th day of August, 2015

Issued this _____ day of ___________, 2015

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

Bylaw No. 2015-44

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 2015-44”.

2. **Amendment:**

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

   Rezone Lot 14, District Lot 249, Similkameen Division Yale District, Plan 3578, except Plan KAP68054, located at 864 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this 4 day of August, 2015

A PUBLIC HEARING was held this 17 day of August, 2015

READ A SECOND time this day of , 2015

READ A THIRD time this day of , 2015

ADOPTED this day of , 2015

Notice of intention to proceed with this bylaw was published on the 7 day of August, 2015 and the 12 day of August, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

__________________________
Andrew Jakubeit, Mayor

__________________________
Dana Schmidt, Corporate Officer
864 Government Street
Rezone From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)

City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2015-44

Date: ___________________  Corporate Officer: ___________________