

November 4, 2020

Subject Properties :

2990 Partridge Drive

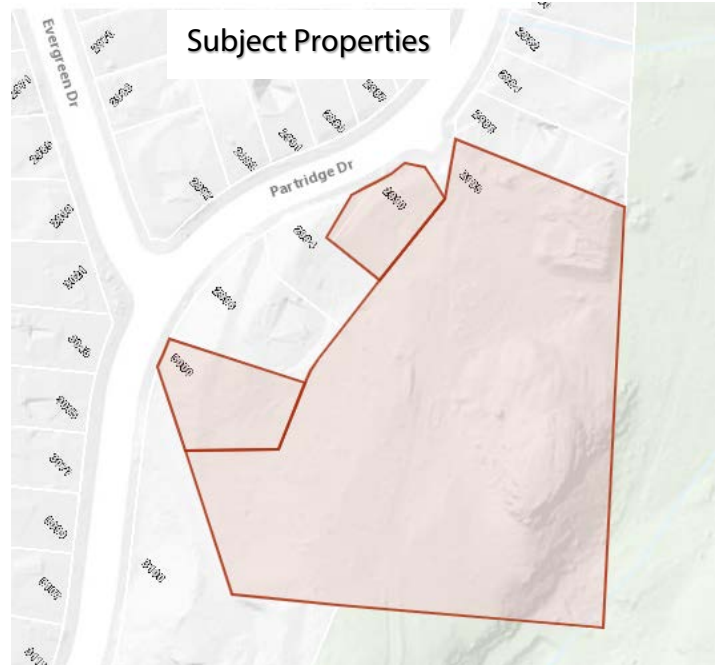
Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP84202

2995 Partridge Drive

Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP68490, Except Plans KAP74592, KAP84202, KAP84204, KAP91988, EPP28587 and EPP58898

3000 Partridge Drive

Lot 12, District Lot 2710, Similkameen Division Yale District, Plan KAP68490



Application:

Rezone PL2019-8578

The applicant is intending to subdivide the subject lands to create a 14 lot bareland strata development consisting of single detached dwellings and a remainder that will be dedicated as park (refer to Figure 1 on Page 2).

The applicant has submitted an application to rezone the property from R1 (Large Lot residential) to RM1 (Bareland Strata Housing) and P2 (Parks and Recreation) in order to facilitate the proposed bareland strata subdivision. The proposed rezoning includes site specific provisions to prohibit duplexes and townhouses, and to allow a maximum principal building height on the strata lots of 10.5 m.

Information:

You can find the staff report to Council and Zoning Amendment Bylaw 2020-43 on the City's website at www.penticton.ca/latestannouncements. Select the Public Notice category.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Monday, November 16, 2020** at the Penticton Trade & Convention Centre (273 Power Street, Penticton).

All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed bylaw:

1. May appear in person (adapted to comply with physical distancing requirements);
2. May telephone the evening of the Public Hearing. Contact the Corporate Officer at 250-490-2410 before 9:30 am, Monday, November 16, 2020 to register and receive the dial in number and participation instructions; or
3. Submit written comments by mail or email no later than 9:30 am, Monday, November 16, 2020 to

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca

For more information on Public Hearings during Covid-19, please go to www.penticton.ca/publichearings.

No letter, report or representation from the public will be received by Council after the conclusion of the November 16, 2020 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

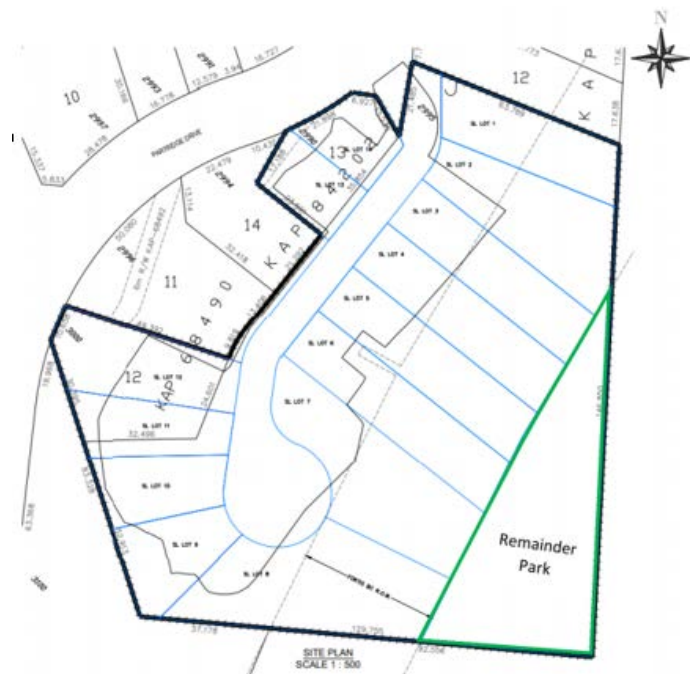


Figure 1



Council Report

penticton.ca

Date: October 20, 2020
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Planning Manager
Address: 2990, 2995 and 3000 Partridge Drive

File No: RMS /2990 and 2995 Partridge Drive

Subject: Zoning Amendment Bylaw No. 2020-43

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-43", for Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP84202 located at 2990 Partridge Drive and Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP68490, Except Plans KAP74592, KAP84202, KAP84204, KAP91988, EPP28587 and EPP58898, located at 2995 Partridge Drive and Lot 12, District Lot 2710, Similkameen Division Yale District PLAN KAP68490 located at 3000 Partridge Drive, a bylaw to rezone the subject properties from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing) and P2 (Parks and Recreation), as shown on the schedule to the bylaw, to allow for a 14 lot strata subdivision with the following site-specific provisions:

- Notwithstanding Section 10.7.1.4, duplexes are not permitted.
- Notwithstanding Section 10.7.1.7, townhouses are not permitted.
- Notwithstanding Section 10.7.2.6, the maximum building height for principal buildings shall be 10.5m.

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-43" to the November 17, 2020 Public Hearing.

AND THAT the three lots be consolidated prior to adoption of "Zoning Amendment Bylaw No. 2020-43".

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is intending to subdivide the subject lands to create a 14 lot bareland strata development consisting of single detached dwellings and a remainder that will be dedicated as park. The applicant has submitted an application to rezone the property from R1 (Large Lot residential) to RM1 (Bareland Strata

Housing) and P2 (Parks and Recreation) in order to facilitate the proposed strata subdivision. The proposed rezoning includes site specific provisions to prohibit duplexes and townhouses, and to allow a maximum principal building height on the strata lots of 10.5 m.

Background

The subject properties are 0.22 acres (2990 Partridge Drive), 3.7 acres (2995 Partridge Drive) and 0.331 acres (3000 Partridge Drive) in size and are located at the intersection of Evergreen Drive and Partridge Drive (Figure 1). The surrounding land uses are primarily residential or planned for future residential development. The subject lands have a large Fortis ROW going through the eastern portion of the site. The most environmentally-sensitive area on the site is along the southern edge of the parcel, as indicated in a preliminary Environmental Assessment report.

The properties are zoned R1 (Large Lot Residential) and are designated 'Detached Residential' by the OCP.

Financial Implication

The applicant is responsible for all development costs associated with the subject property. This development will bring a total of \$77,672 in Development Cost Charges (DCCs) to help offset the added demands on municipal infrastructure and services from the proposed development.

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). Requirements of the future strata subdivision stage have been provided to the applicant. A geotechnical engineer will be required to ensure future grading and development remains stable for the long term. As a condition of subdivision, an Environmental Development Permit and a Hillside Development Permit will be required. Typical frontage upgrades and servicing requirements have been identified for the subdivision and building permit stage of the project, if rezoning is supported by Council.

As part of the offsite water infrastructure works for the development some minor upgrades to the Gordon Booster system will be required. The developer will be working with the City to finalize these requirements prior to the subdivision.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:



	RM1 Zone Requirement	Provided on Plans
Minimum Parent Parcel Lot Width:	40 m	42 m
Minimum Parent Parcel Lot Area:	6,000 m ²	16,005 m ²
Maximum Strata Lot Coverage:	50% (single storey building) 40% (two storey building)	Maximum 50% for single storey dwelling ⁽³⁾ Maximum 40% for two-storey dwelling ⁽³⁾
Vehicle Parking:	2 parking spaces per single detached dwelling	Minimum 2 spaces per single detached dwelling ⁽³⁾
Required Parent Parcel Setbacks Front Yard (Smythe Drive): Side Yard (east): Side Yard (west): Rear Yard:	4.5 m 4.5 m 4.5 m 4.5 m	Minimum 4.5 m ⁽³⁾ Minimum 4.5 m ⁽³⁾ Minimum 4.5 m ⁽³⁾ Minimum 4.5 m ⁽³⁾
Maximum Building Height	10.5 m ⁽¹⁾	Maximum 10.5 m
Other Information:	1. Proposed site specific provision 2. Duplexes and townhouses are not permitted uses - an additional site-specific provision 3. Building setbacks, building heights, strata lot coverage and parking requirements will be confirmed at the building permit stage	

Analysis.

When considering a Zoning Amendment Bylaw application, staff encourages Council to consider the applicable OCP designation and other associated policies contained in the OCP. The subject property is designated 'Detached Residential' by the OCP, which supports low-density, single family neighbourhoods. The "Detached Residential" land use designation supports lower-density neighbourhoods with properties having one to two dwelling units. Common housing forms in the Detached Residential designation include single detached dwellings, with or without a secondary suite or a carriage house, and duplexes with a maximum of two dwelling units on-site. The proposed rezoning intended to facilitate a 14 lot bareland strata subdivision of single detached dwellings is consistent with the uses planned in the Detached Residential land use designation.

Duplexes, although consistent with the Detached Residential designation, are not permitted uses in the proposed site-specific rezoning. The proposed rezoning to RM1 is consistent with the Detached Residential land use designation, as the proposed strata will consist of single detached dwellings. The proposed site specific provisions are consistent with recent proposals in other areas of the city looking at incorporating the RM1 zone into traditionally single family neighbourhoods. The addition of the P2 (Park and Recreation) designation is supported by the OCP. The increase of parks and trails for the benefit of the surrounding community helps to create a complete and healthy neighborhood.

Staff have reviewed the proposed development against the OCP policies for residential development and environment and resilience. The following policies supports the rezoning application.

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Policy 4.1.1.4 Ensure all new developments fully cover the cost of the require infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
- OCP Policy 4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.1.5.4 Ensure that all new neighbourhood developments and redevelopments of existing large sites, including bareland strata, are fully integrated into the surrounding community through publically-accessible roads, sidewalks, trails and public park lands.
- OCP Policy 4.1.6.2 Increase the supply of neighborhood amenities, such as pocket parks and trails, for the use, enjoyment and social benefit of the surrounding community as residential intensification occurs.
- OPC Policy 4.4.2.1 Identify environmentally sensitive areas and riparian areas, and protect them through applications of the Environmental and Riparian Development Permit

The existing large Fortis Right of Way has a significant impact on the suitability of the land to be developed under the current R1 zoning. The proposed RM1 (Bareland Strata) designation allows for single family residential development while protecting the highly sensitive area. The proposed remainder, on the other side of the Fortis Right of Way is proposed to be designated P2 (Park and Recreation). The strata subdivision configuration maintains a portion of the property undeveloped. The Environmental Assessment submitted in conjunction with this application recommended that the highly sensitive portion of 2995 Partridge Drive remain in its natural state but would allow for trail connection and public access. The remainder will be dedicated to the City as part of the subdivision approval (Figure 2). This will allow for future connection to existing trails and parks in the area.



Figure 2: OCP Map

Staff consider that the application proposes a suitable scaled development in an area of the community that has been identified for low density residential development by the OCP. Staff consider that the proposed rezoning will allow for development that conforms to several OCP policies as listed above. The Zoning

Amendment Bylaw includes site-specific provisions prohibiting townhouses and duplexes, and increasing the maximum building height in order to be consistent with the recent zoning amendments. In addition, the development will see the dedication of lands to the City as park land and will protect the environmentally sensitive areas from development through applicable covenants and other protections.

Given the above, staff are recommending Council give first reading to “Zoning Amendment Bylaw No. 2020-43” and forward it to the November 3, 2020 Public Hearing.

Alternate Recommendations

Council may consider the proposed rezoning is not appropriate for the property and the lands should remain zoned R1 (Large Lot Residential). If this is the case, Council should deny first reading of “Zoning Amendment Bylaw No. 2020-43”.

THAT Council deny first reading of “Zoning Amendment Bylaw No. 2020-43”.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Property Photos

Attachment D – Letter of Intent

Attachment E – Proposed Strata Subdivision Plan

Attachment F – Zoning Amendment Bylaw No. 2020-43

Respectfully submitted,

Audrey Tanguay
Planning Manager

Concurrence

Director <i>BL</i>	Chief Administrative Officer DvD
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Attachment A-Zoning Map

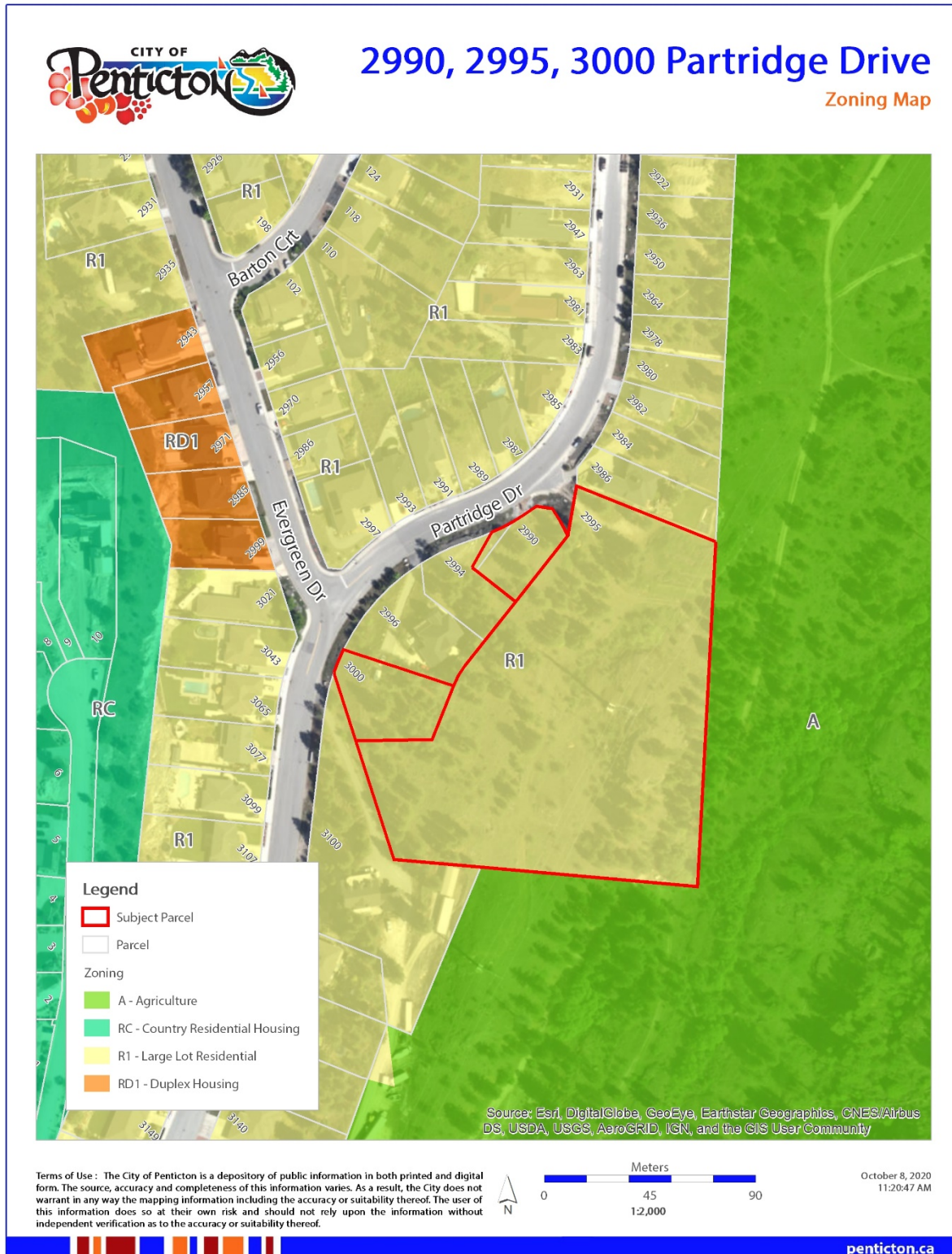


Figure 3: Zoning Map

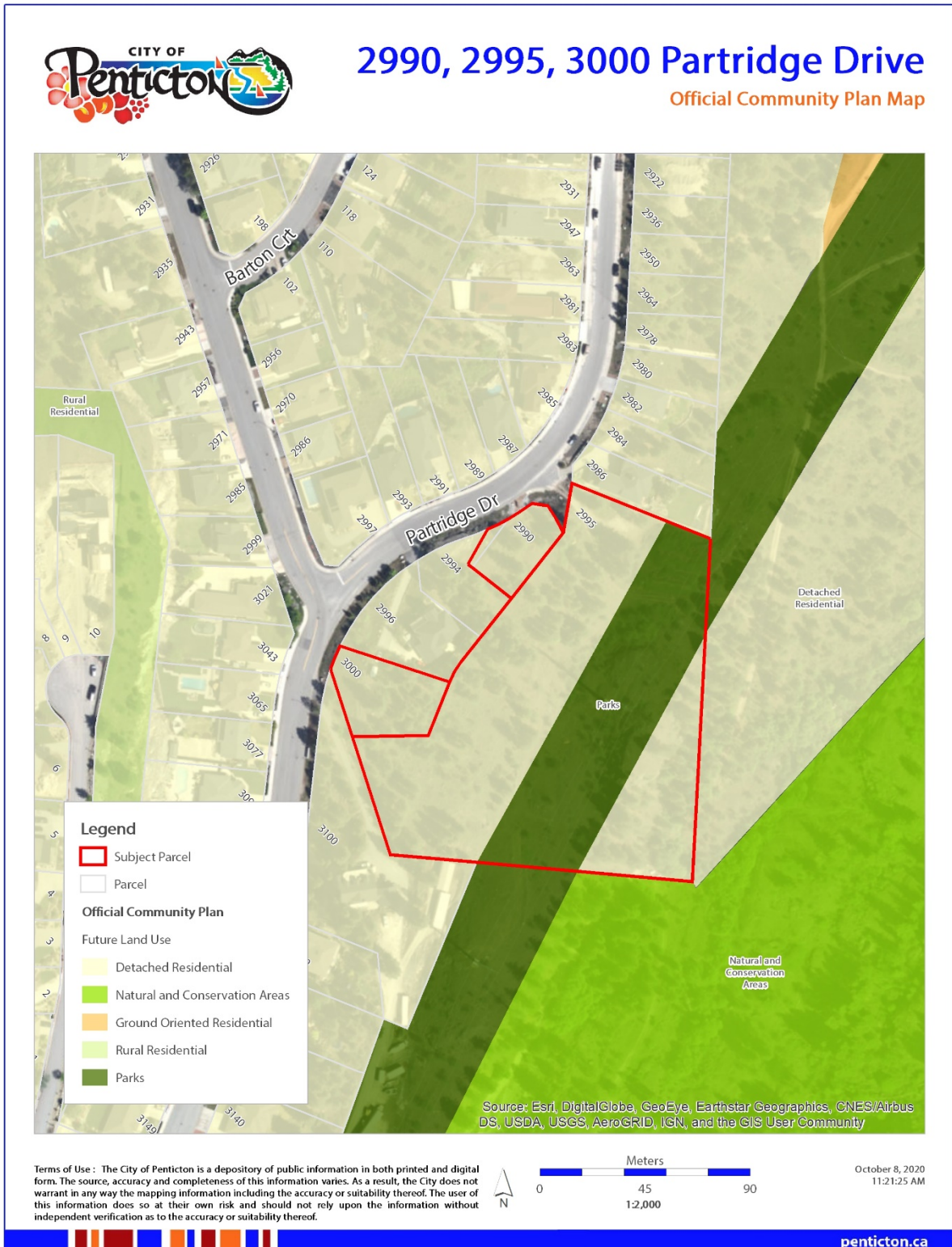


Figure 4: OCP Map

Attachment C – Property Photos



Figure 5: front view on Partridge Drive



Figure 6: View on Partridge Drive looking East

Attachment -D

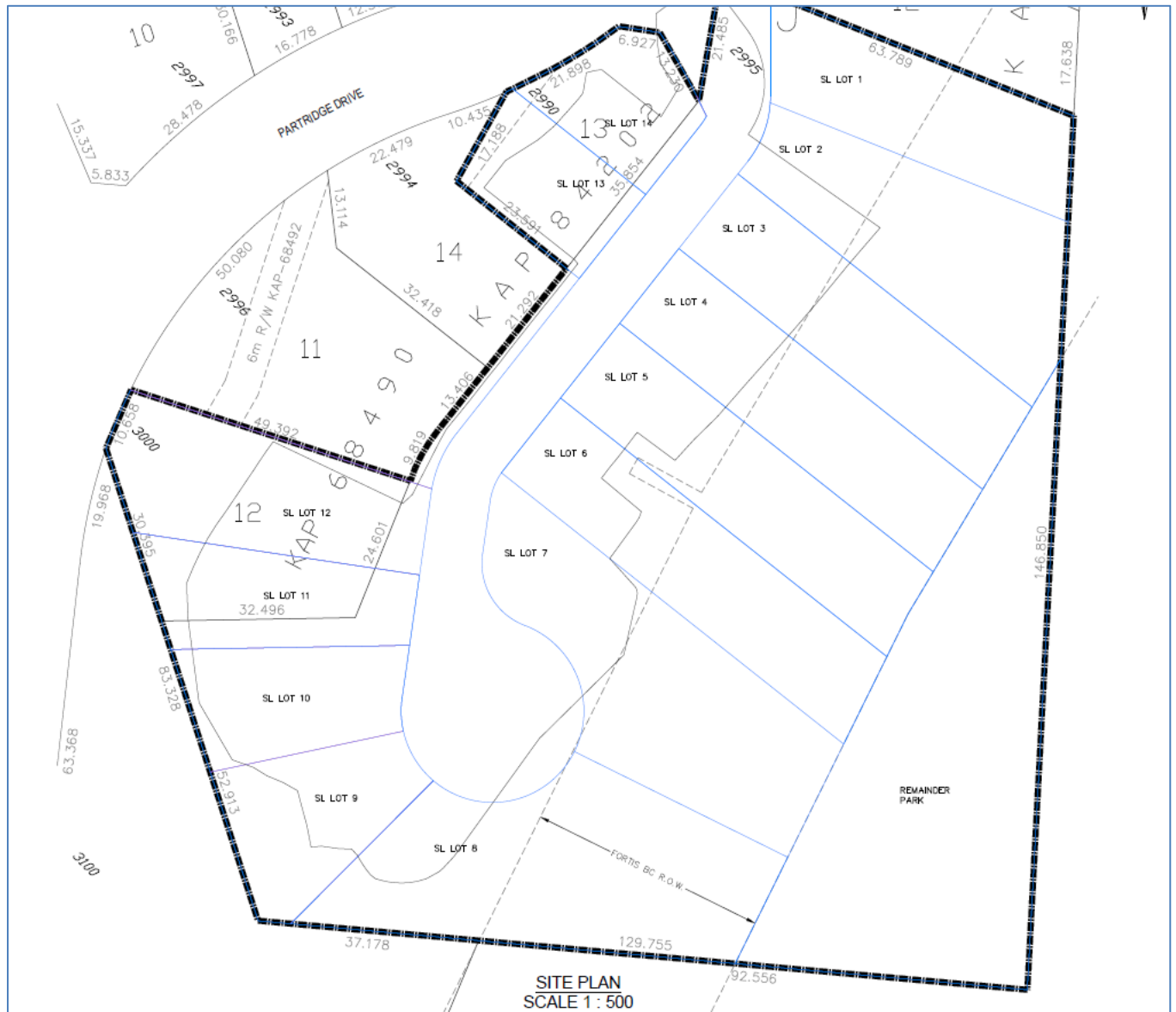


Figure 7: Proposed Subdivision

Attachment E–Letter of Intent

August 09, 2020

LETTER OF INTENT

Re: 2995, 2990 and 3000 Partridge Drive – request for rezone and subdivision

The owner of the subject properties has submitted applications to the City of Penticton to change the zoning to RM1 and to permit a 14 bare land strata lot subdivision.

The majority of the subject property is significantly impacted in a negative way by the power line right of way which runs through the property making a conventional subdivision unfeasible.

Development of this site will be the final phase of a subdivision of the original parent parcel which began in the early 2000's.

Because of the power line R/W it was always envisioned that the subject area lent itself more towards a bare land strata type subdivision rather than the more conventional fee simple type subdivision.

Darryl Haddrell

The Corporation of the City of Penticton

Bylaw No. 2020-43

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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 No. 2020-43".

2. **Amendment:**

Zoning Bylaw No. 2017-08 is hereby amended as follows:

- 2.1 Rezone Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP84202, located at 2990 Partridge Drive from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing) as shown on Schedule 'A'.
- 2.2 Rezone Lot 13, District Lot 2710, Similkameen Division Yale District, Plan KAP68490, Except Plans KAP74592, KAP84202, KAP84204, KAP91988, EPP28587 and EPP58898, located at 2995 Partridge Drive from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing) and P2 (Parks and Recreation) as shown on Schedule 'A'.
- 2.3 Rezone Lot 12, District Lot 2710, Similkameen Division Yale District, Plan KAP68490, located at 3000 Partridge Drive from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing) as shown on Schedule 'A'.
- 2.4 Add Section 10.7.3.3: "In the case 2990 Partridge Drive (formerly known as 2990, 2995 and 3000 Partridge Drive), duplexes are not permitted, townhouses are not permitted, and the maximum building height for principal buildings shall be 10.5m."

2.5 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2020
A PUBLIC HEARING was held this	day of	, 2020
READ A SECOND time this	day of	, 2020
READ A THIRD time this	day of	, 2020
ADOPTED this	day of	, 2020

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2020 and the __ day of ____, 2020 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

The site plan shows a subdivision of land into 14 lots. Lot 1302 is highlighted with a thick black border. The lots are numbered 1 through 14. The plan includes a central water feature (lake) and a green line indicating the boundary of the 'Remainder Park'. The plan also shows surrounding streets: Partridge Drive to the north, KAP to the east, and a road to the south. Lot numbers and area measurements are provided for each lot. A north arrow is located in the top right corner. The text 'SITE PLAN SCALE 1 : 500' is at the bottom.

LOT 1302

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

Partridge Drive

KAP

Remainder Park

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1301

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2. Rezone 2995 (remainder of) Partridge Dr. from R1 (Large Lot Residential) to P2 (Parks and Recreation)

Zoning Amendment Bylaw No. 2020-43

Corporate Officer: _____