



Public Notice

penticton.ca

January 11, 2018

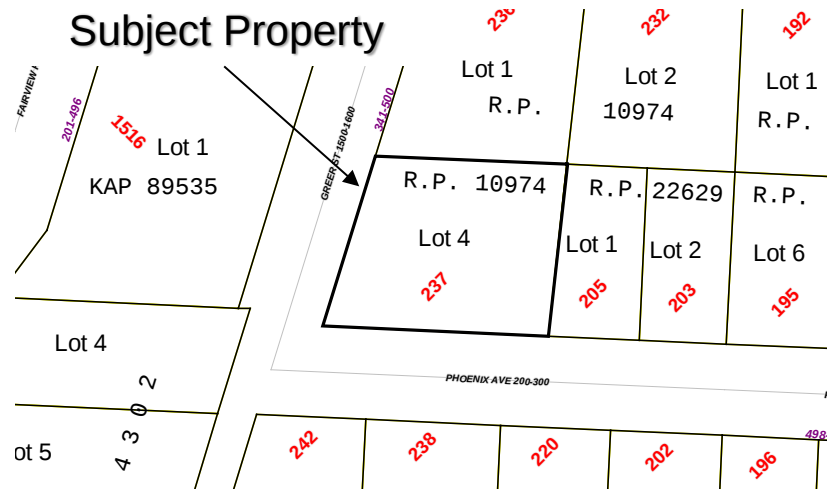
Subject Property:

237 Phoenix Avenue

Lot 4, District Lot 5, Group 7 Similkameen
Division Yale (Formerly Yale-Lytton) District, Plan
10974

Application:

The applicant is proposing to construct a side-by-side duplex on the subject property. The following application is being considered:



Rezone PL2017-8114: Rezone 237 Phoenix Avenue from R1 (Large Lot Residential) to RD1 (Duplex Housing).

Information:

The staff report to Council and Zoning Amendment Bylaw 2018-02 will be available for public inspection from **Friday, January 12, 2018 to Tuesday, January 23, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **6:00 p.m., Tuesday, January 23, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 a.m., Tuesday, January 23, 2018** to:

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

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No letter, report or representation from the public will be received by Council after the conclusion of the January 23, 2018 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.

Blake Laven, RPP, MCIP
Manager of Planning



Council Report

penticton.ca

Date: January 9, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 237 Phoenix Avenue
Subject: Zoning Amendment Bylaw No. 2018-02

File No: RZ PL2017-8114

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-02", a bylaw to Rezone Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 237 Phoenix Avenue from R1 (Large Lot Residential) to RD1 (Duplex Housing), be given first reading and be forwarded to the January 23, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-02", a 5.0m by 5.0m southwest corner cut on the subject property is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The lot is 1007.0m (10,840ft²) in area and features a single family dwelling which will be demolished. Surrounding properties are primarily zoned R1 (Large Lot Residential), RD1 (Duplex Housing) and C7 (Service Commercial). Surrounding properties are designated by the OCP as LR (Low Density Residential) and SC (Service Commercial).

Proposal

The applicant is proposing to construct a side by side duplex on the subject property. Each unit will be two storeys with an approximate floor area of 2500ft² plus a garage and decks. The conceptual floor plan features a garage, living area and bedroom on the main level with a kitchen and two bedrooms on the upper level. Since a duplex is not a permitted use in the current zone, an amendment is required to Zoning Bylaw 2017-08 to rezone the subject property from R1 (Large Lot Residential) to RD1 (Duplex Housing). At this time, the applicant is not proposing variances to any City bylaws.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. A 5.0m by 5.0m southwest corner cut will be a condition of zoning approval to help improve safety and visibility concerns. A 1.9m road dedication along Greer Street was identified through the review process but the City sees little strategic purpose this will serve to the road network, especially given that sidewalk already exists on the west side of the street. At the building permit stage, the developer is required to provide fixture counts to determine if upgrades to the water and sewer connections will be required given the density increase. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement RD1 zone (no lane)	Proposed
Maximum Lot Coverage:	50%	42%
Maximum Density:	NA	NA
Minimum Lot Width:	22.0m	37.0m
Minimum Lot Area:	750.0m ²	1007.0m ²
Vehicle Parking:	1 space per dwelling unit (2 total)	4 spaces
Required Setbacks		
Front yard (south, Phoenix Avenue):	6.0m	6.0m
Rear yard (north):	6.0m	6.0m
Exterior yard (west, Greer Street):	3.0m	3.0m
Interior yard (east):	1.5m	1.5m
Maximum Building Height:	10.5m (three storeys)	two storeys
Other Information:	Subject property is not located within a Development Permit Area. As such, a development permit is not required.	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-02"

The subject lands are designated as Low Density (LR) Residential by the City's Official Community Plan. The OCP states that "when reviewing applications to allow duplexes within the LR designation, Council and staff should consider overall neighbourhood character and locating duplexes in areas that meet the following guidelines:"

- a) areas with existing duplexes;
- b) areas in close proximity to multiple family, commercial or institutional uses.

- c) predominately in single family areas undergoing redevelopment.
- d) duplexes shall have a high aesthetic value and be consistent with the character of the recipient neighbourhood.

With those guidelines in mind, staff can provide the following points:

- The surrounding neighbourhood features three duplexes; one to the east, one across Phoenix Avenue and one along Huth Avenue as depicted in Attachment H.
- The proposed development is in close proximity to commercial zoned properties.
- The proposal is in a neighbourhood of an older building stock, with some minor re-development occurring in the form of additions and duplex construction.
- The conceptual rendering submitted with the application is of high aesthetic value with brick and large picture windows. Although the modern design will add a different look to the neighbourhood, it is anticipated that re-development will occur in this area in some form or another in the next decade.

Staff feel that it is reasonable to densify this property given the location's proximity to commercial and industrial nodes as well as the KVR trail and other transit routes. Two parking spaces are proposed for each duplex with ample street parking in the area. An alternative to a duplex would be subdividing the property in half with a minor variance to the minimum lot area to allow for a single family dwelling to be constructed on each lot. These dwellings would be required to meet interior yard setbacks making them narrower and less amenity space. Staff feel that a duplex is a better fit for the property and will achieve the same number of units. The conceptual site plan (Attachment E) shows that a sizeable duplex can be constructed on the subject property without any variances. The proposal will go back to Council for approval if any variances are proposed after zoning approval. If the applicant does not follow through with the development, the existing dwelling will still conform to the RD1 (Duplex Housing) zone as a single family dwelling is a permitted use.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-02" and forward the application to the January 23, 2018 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate. Council may also consider including this property in a development permit area to ensure the eventual building design will blend in well with the existing neighbourhood and that landscaping requirements are met.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-02".
2. THAT Council refer the bylaw back to staff.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map

Attachment C: OCP Map
Attachment D: Photos of Subject Property
Attachment E: Conceptual Site Plan
Attachment F: Conceptual Rendering
Attachment G: Conceptual Floor Plans
Attachment H: Surrounding Duplexes
Attachment I: Letter of Intent
Attachment J: Zoning Amendment Bylaw No. 2018-02

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

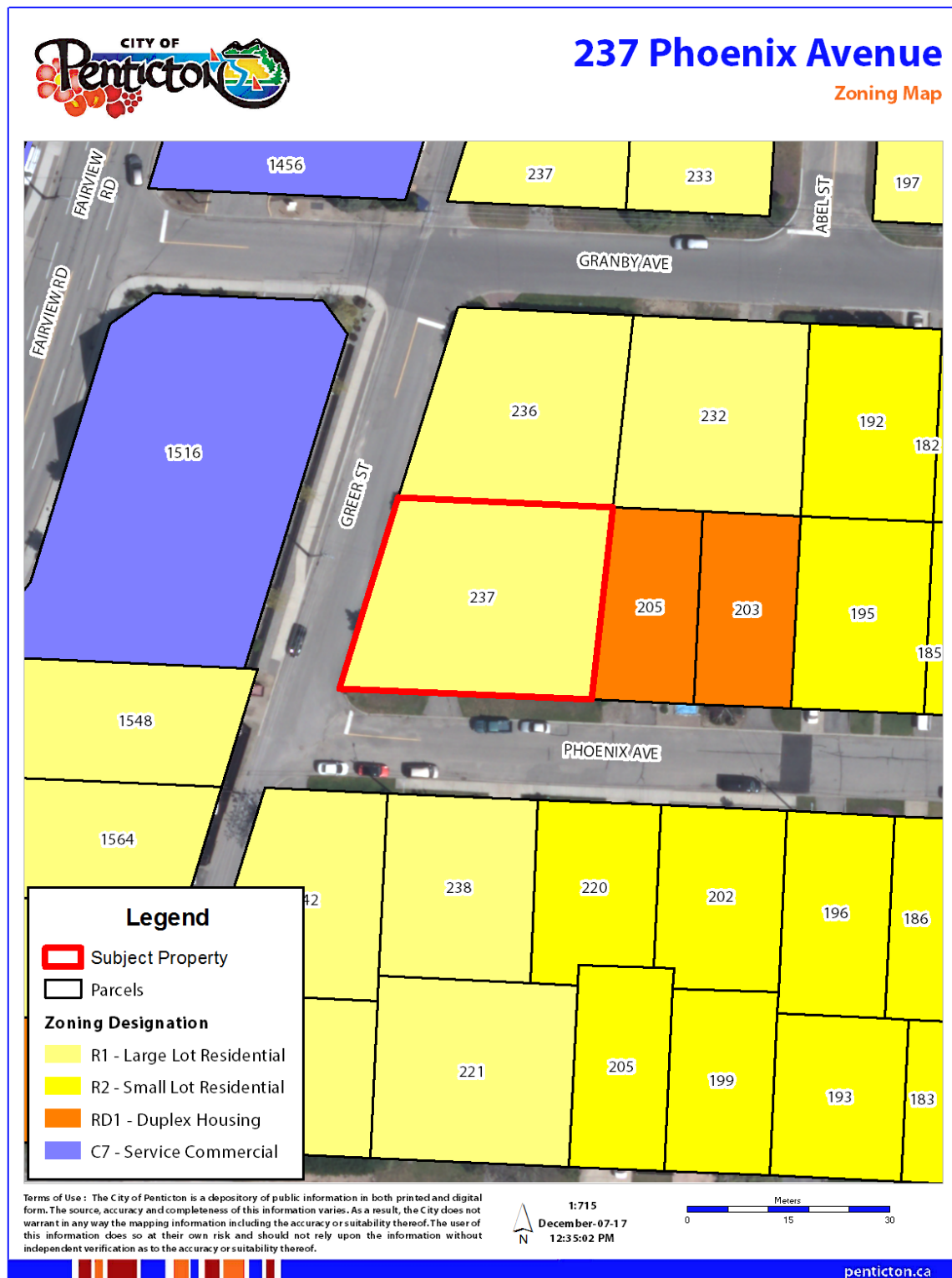


Figure 2: Zoning Map

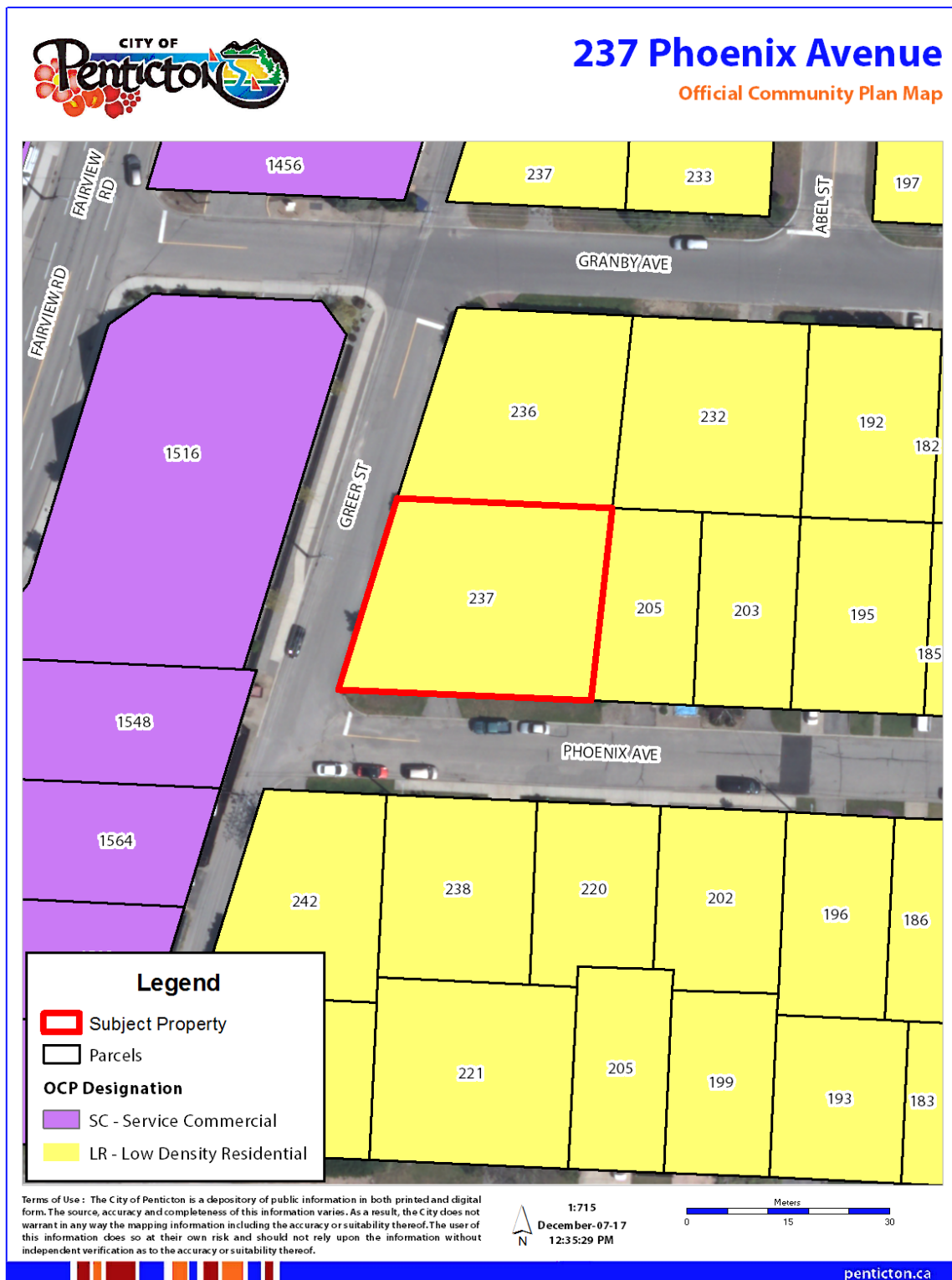


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Phoenix Avenue)



Figure 5: South View showing proximity to east duplexes



Figure 6: West View (from Greer Street)



Figure 7: West View showing proximity to north neighbour

Attachment E – Conceptual Site Plan

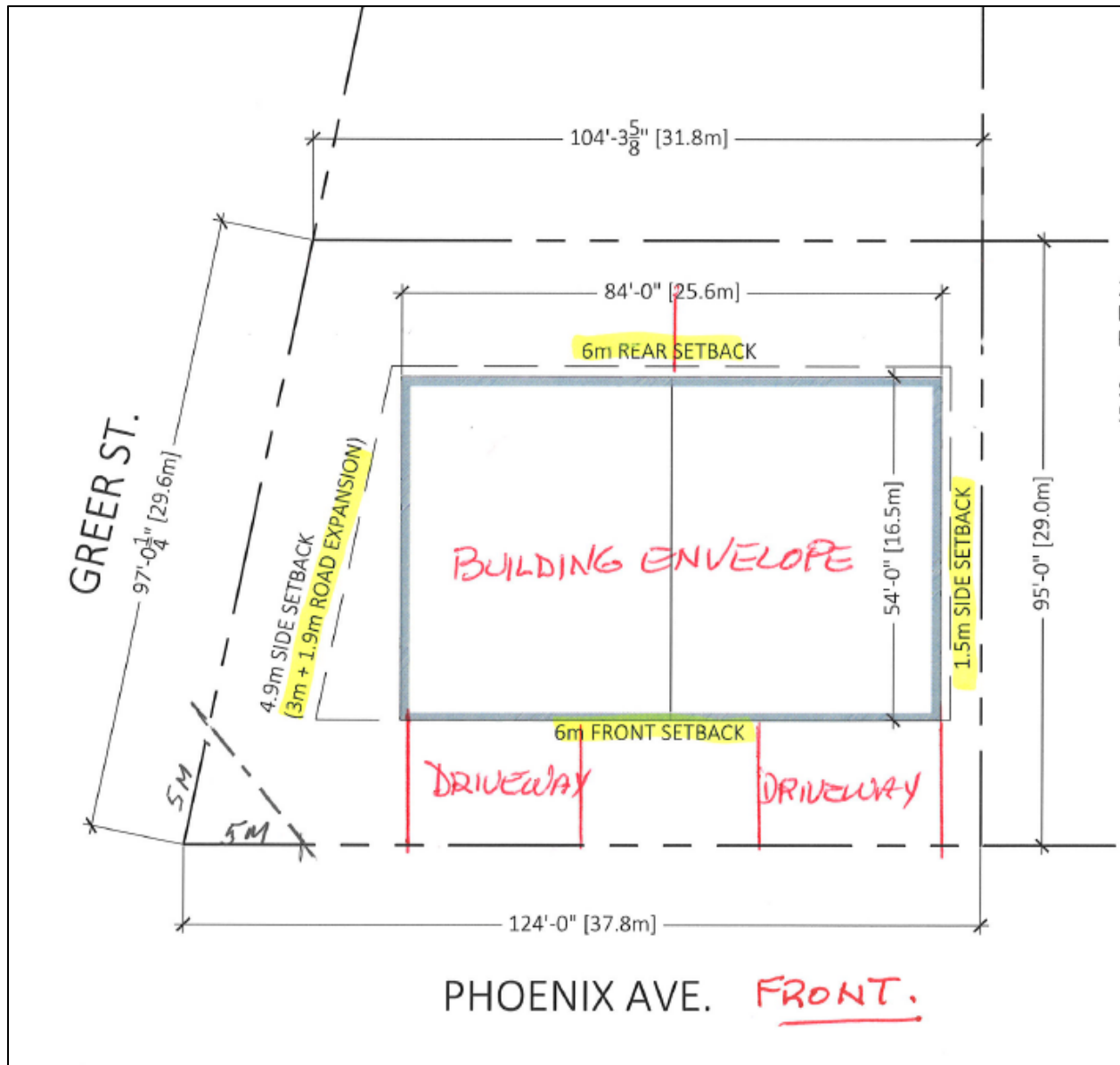


Figure 8: Conceptual Site Plan

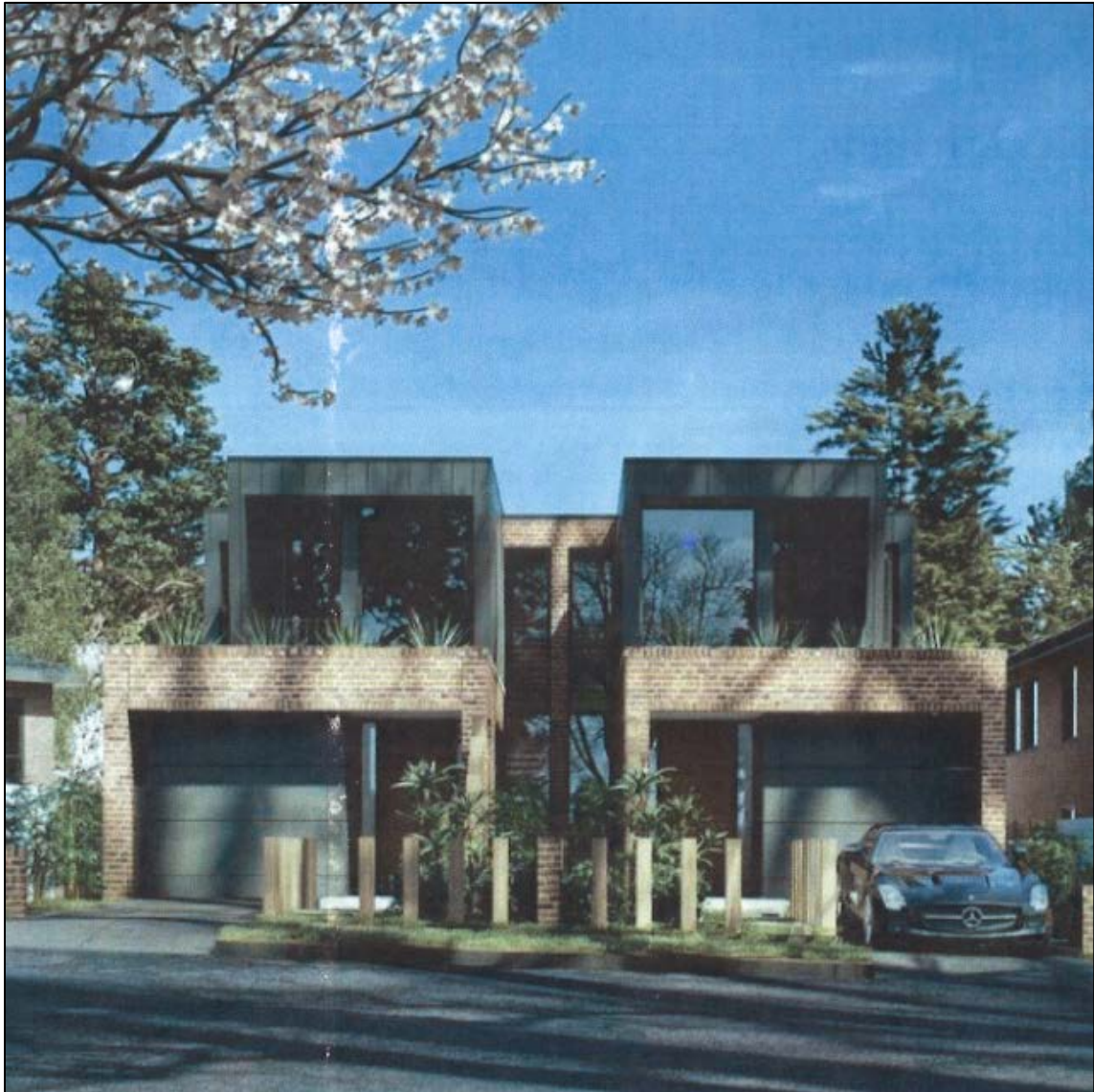


Figure 9: Proposed Concept for proposed development (View from Phoenix Avenue)

Attachment G – Conceptual Floor Plans

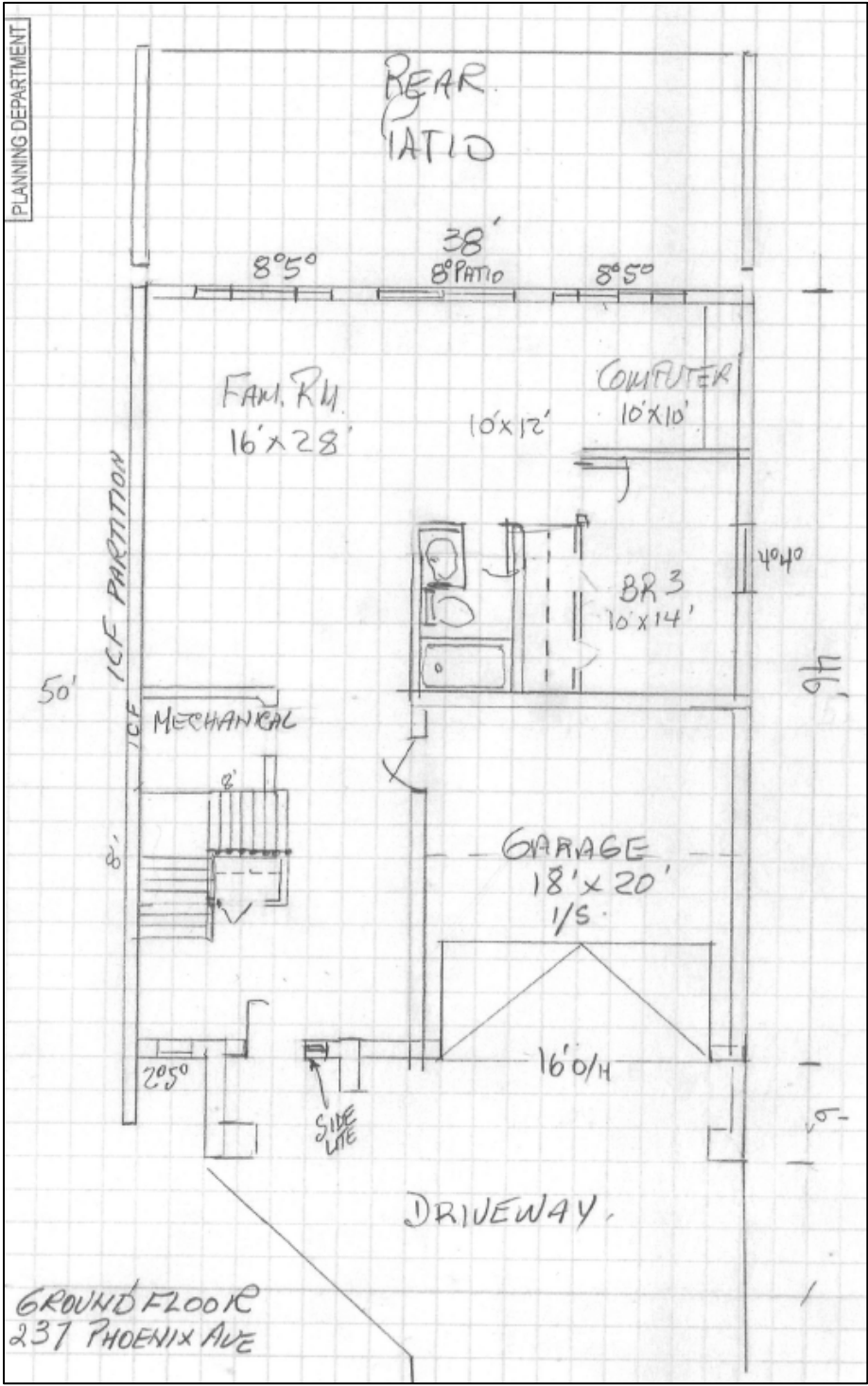


Figure 10: Main Floor Plan

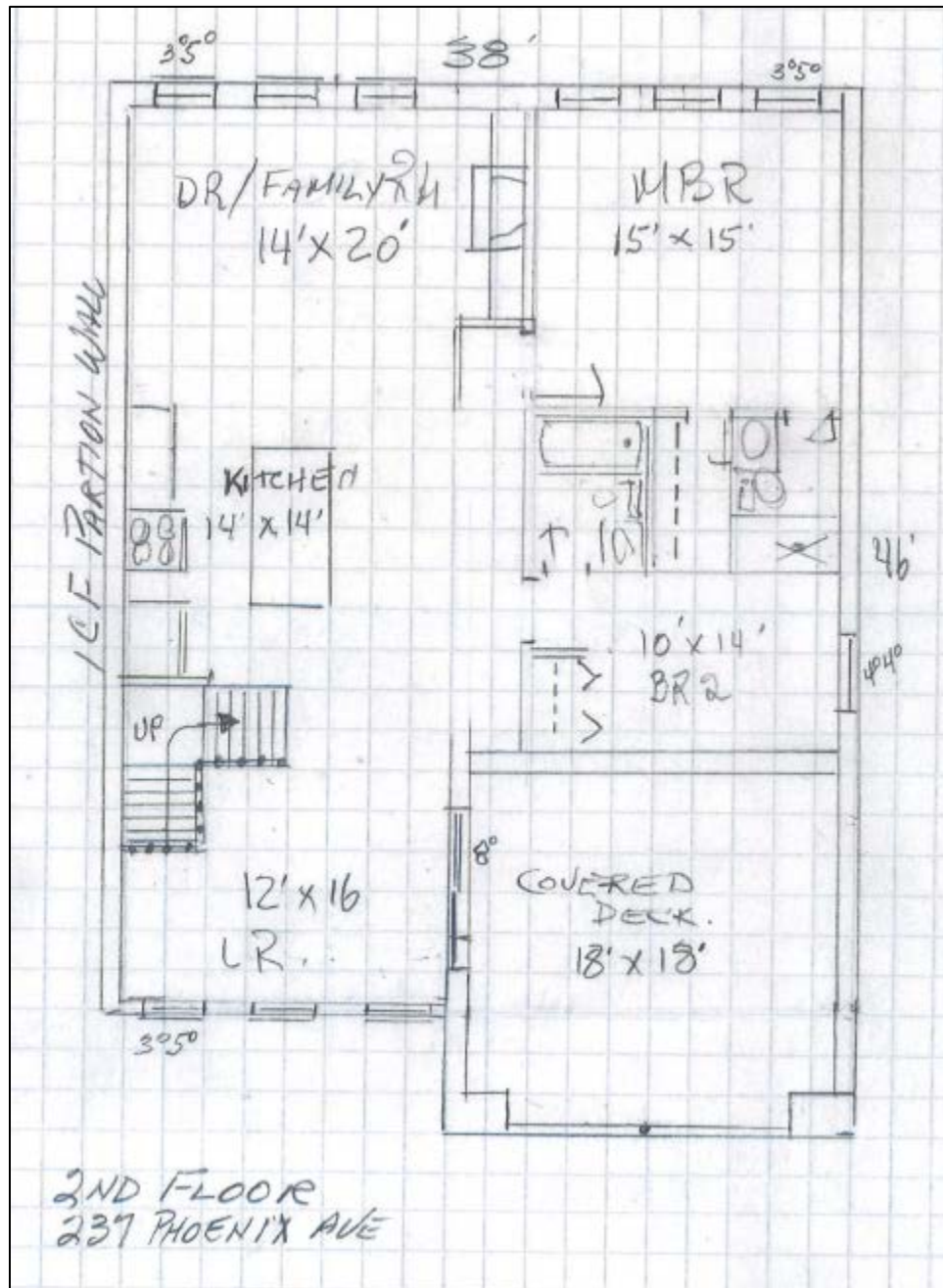


Figure 11: Second Floor Plan



Figure 12: Surrounding Duplexes

November 27, 2017

Attention: City of Penticton Planning Department

Zoning change application: R-1 change to RD1

Subject Property: 237 Phoenix Ave. City of Penticton Lot 4, Plan KAP10974

We herewith request rezoning for the above noted property located at 237 Phoenix Ave.

There is currently an older home on the subject property that has deteriorated beyond reasonable repair. It is our intention to remove the existing home to replace it with a slightly upscale duplex that will be attractively finished and will be in keeping with the trend on this street to replace older homes with modern new homes.

The subject property is currently zoned R-1, however the property immediately to the East of our property is zoned RD1.

I have attached an example exterior picture of the type of home we plan to place on the subject property. I have also added a hand drawing of the proposed floor plan which would be mirrored to fit both sides of the planned duplex.

We request our application to change to RD1 zoning to accommodate duplex construction be viewed favorably by the City Planning Department. If you have any questions please don't hesitate to contact me.

Ron Dyck

On behalf of owners Dave Kampe and Joe Cuzzocrea

Figure 13: Letter of Intent

The Corporation of the City of Penticton

Bylaw No. 2018-02

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. 2018-02".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 4 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 237 Phoenix Avenue from R1 (Large Lot Residential) to RD1 (Duplex Housing).

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

READ A FIRST time this	day of	, 2018
A PUBLIC HEARING was held this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
RECEIVED the approval of the	day of	, 2018
Ministry of Transportation on the		
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2018 and the __ day of ____, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this ____ day of _____, 2018

for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

237 Phoenix Avenue – Rezone from R1 (Large Lot Residential) to RD1 (Duplex Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-02

Date: _____

Corporate Officer: _____