

February 8, 2018

## Subject Properties:

### 240 Riverside Drive

*Lot 1, District Lot 366, Similkameen Division  
Yale District, Plan 10541*

### 251 Wylie Street

*Lot 2, District Lot 366, Similkameen Division  
Yale District, Plan 14177*

### 1140 Burnaby Avenue

*Lot 1, District Lot 366, Similkameen Division  
Yale District, Plan 14177*

## Applications:

The applicant is proposing to construct a 35-unit townhouse development. The following applications are being considered:

### Official Community Plan Amendment PL2017-8097

Amend OCP Bylaw 2002-20 to change the designation of 240 Riverside Drive, 251 Wylie Street and 1140 Burnaby Avenue from TC (Tourist Commercial) to MR (Medium Density Residential)

### Rezone PL2017-8098

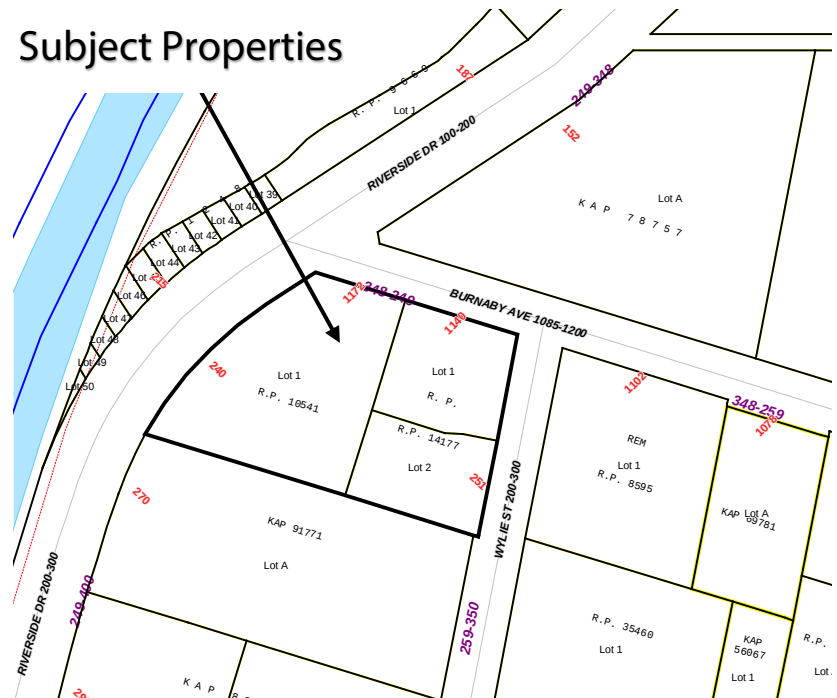
- Rezone 240 Riverside Drive and 251 Wylie Street from CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing)
- Rezone 1140 Burnaby Avenue from CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing)

### Development Variance Permit PL2017-8099

Vary the following sections of Zoning Bylaw 2017-08:

- Section 10.9.2.6 To reduce the front yard setback from 3m to 1.5m
- Section 10.9.2.7ii. To reduce the exterior yard setback from 4.5m to 1.5m
- Section 10.9.2.8 To reduce the rear yard setback from 6m to 3m

## Subject Properties



**Information:**

The staff report to Council, Official Community Plan Amendment Bylaw 2018-05, Zoning Amendment Bylaw 2018-06, and Development Variance Permit PL2017-8100 will be available for public inspection from **Friday, February 9, 2018 to Tuesday, February 20, 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](http://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, February 20, 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, February 20, 2018** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the February 20, 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:** February 6, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 240 Riverside Drive, 251 Wylie Street, 1140 Burnaby Avenue  
**Subject:** OCP Amendment Bylaw 2018-05  
Zoning Amendment Bylaw No. 2018-06

File No: OCP PL2017-8097  
RZ PL2017-8098  
DVP PL2017-8099  
DP PL2017-8100

## Staff Recommendation

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-05" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from TC (Tourist Commercial) to MR (Medium Density Residential);

AND THAT "Official Community Plan Amendment Bylaw No. 2018-05" be introduced, read a first time and forwarded to the February 20, 2018 Public Hearing.

## *Zoning Bylaw Amendment*

THAT "Zoning Amendment Bylaw No. 2018-06", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street from CT1(Tourist Commercial) and CT2(Campground Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 20, 2018 Public Hearing;

AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2018-06” the following conditions are met:

- The subject lots are consolidated and registered with the Land Title Office;
- A 5m X 5m road dedication on the corner of Wylie and Burnaby be registered with the Land Title Office;

AND THAT, in accordance with section 211(1)(b) of the *Community Charter*, staff bring forward a Local Area Service for street improvements to parts of Burnaby Ave, Wylie St and Riverside Drive;

AND THAT, in accordance with section 507 of the *Local Government Act*, if the Local Area Service bylaw fails, Council require the developer to construct the full width of Wylie Street, Burnaby Avenue and Riverside Drive as per Attachment “H”.

#### *Development Variance Permit*

THAT delegations and submissions for “Development Variance Permit PL2017-8099” include Lot 1, District Lot 366, Similkameen Division Yale District Plan 10541, located at 240 Riverside Drive and on Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 located at 1140 Burnaby Avenue and 251 Wylie Street, a permit varying the following provisions of Zoning Bylaw 2017-08:

- decrease the front yard setback from 3m to 1.5m
- decrease the rear yard setback from 6m to 3m
- decrease the exterior yard setback from 4.5m to 1.5m

be heard at the February 20, 2018 Public Hearing;

AND THAT Council consider “DVP PL2017-8099” following the adoption of “Zoning Amendment Bylaw No. 2018-06”;

#### *Development Permit*

AND THAT Council consider “DP PL2017-8100” following the adoption of “Zoning Amendment Bylaw No. 2018-06”.

### **Strategic priority objective**

The subject application is aligned with the Council Priorities of Community Building and Economic Vitality and Environmental Sustainability. The project represents smart growth by increasing density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

### **Background**

This application proposes a 35-unit townhouse complex on the subject lands. The subject properties (Attachment ‘A’) represent three parcels of land, which are currently designated by Official Community Plan 2002-20 (OCP) as TC (Tourist Commercial) and zoned CT1 (Tourist Commercial) and CT2 (Campground Commercial) by City of Penticton Zoning Bylaw No. 2017-08. The most recent use of one of the parcels (1140 Burnaby Avenue) was a motel of older building stock that accommodated long term residency. The motel, operating under the trade name ‘Highland Motel’ was recently demolished. The other two parcels accommodate an RV Park operating as the Park Royal RV Resort.

Surrounding properties are designated by the OCP as GC (General Commercial), TC (Tourist Commercial), and MR (Medium Density Residential and include the Ogo Pogo Motel and the Days Inn.

The property is located within the General/Tourist Commercial Development Permit area, thus a development permit is required prior to construction.

The developer intends to consolidate the three lots and develop a thirty-five (35) unit townhouse development with three bedroom units. Each unit has an approximate floor area of 140 m<sup>2</sup> (1,500 ft<sup>2</sup>) and include double enclosed garages. Each townhouse block is proposed to be three stories in height with a roof top deck. The two main accesses to the site are from Wylie Street. The design incorporates pedestrian accesses off Riverside Drive and Burnaby Avenue. There is a large courtyard and amenity building behind the units, on the south property line. Landscaping has been incorporated into the plans along each frontage with over 52 larges trees proposed on site.

### **Consultation**

Staff had requested that the applicant meet with the adjacent neighbourhood prior to this application and a public information meeting was held at the Sandman Hotel on November 29, 2017. 117 notices were sent out to adjacent properties. The consultation session was well attended with over 50 attendees from the community. Positive commentaries were conveyed regarding the proposed development, the location and the quality of the proposal.

### **Proposal**

To accommodate the townhouse proposal the applicant is proposing the following amendment to the Official Community Plan Bylaw 2002-20:

‘Schedule B: Future Land Use Map’ to change the OCP designation of the site (as identified on Attachment B of this report) from TC (Tourist Commercial) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the properties located at 240 Riverside Drive and 251 Wylie Street from CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing and the property located at 1140 Burnaby Avenue from CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing) as identified in Zoning Bylaw 2017-08.

Additionally, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- **Section 10.9.2.6** To reduce the front yard setback from 3m to 1.5m
- **Section 10.9.2.7ii.** To reduce the exterior yard setback from 4.5m to 1.5m
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 3m

Furthermore, the applicant is seeking approval of development permit PL2017-8100 to allow for the construction of the 35-unit townhouses project.

### **Financial implication**

The cost of a Local Area Service, estimated to be \$800,000 for the complete street improvement works and are proposed to be funded out of the Local Improvement Reserve. The funds collected from the benefiting parcels will be paid back into the reserve.

## **Technical Review**

This proposal was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. The following items are noted and will need to be addressed as this project moves through the development process:

### *Lot Consolidation*

Staff have recommended that lot consolidation of the three parcels occur prior to adoption of the zoning bylaw.

### *Road Dedication*

A 5m X 5m corner cut at the corner of Burnaby Avenue and Wylie Street is required, and the developer has agreed to transfer this land to the City at no cost.

## **Infrastructure Upgrades**

### *Electrical*

Electrical service to the development will be underground from a new pad mount transformer. An easement will be required for city owned equipment on private property. The easement will be registered as part of the building permit process, if rezoning is successful.

### *Offsite Works and Services*

The conditions of Wylie Street and Burnaby Avenue are deemed to be in very poor condition, with storm water management issues and crumbling asphalt. As part of building permit approval, the developer is responsible to improve the street fronting the development lands up to the centreline of the road.

These works and services include, upgrades to pavement, curb, stormwater, boulevard and sidewalk to the centre line of Burnaby Avenue and Wylie Street. Due to the condition of the road, the developer cannot upgrade only to the centerline, as is required by the bylaw. To physically construct the required works and services the full width of Burnaby Avenue and Wylie Street will need to be upgraded. Furthermore, due to the requirement to raise the grade of Wylie Street the entire elevation of Wylie Street will need to be raised and upgraded to the entrance of 300 Riverside Drive (Riverside Village Plaza).

As the developer is only responsible to construct to the centre line of the street, the remaining works are considered 'excess' and can be funded through a few different options. Through discussion with staff and the developer, the creation of a Local Area Service is being recommended as the preferred method of financing the works. A 'local area service' is any municipal service that is designed to benefit an area and is paid for by local property owners through a local service tax. A Local Area Service must be established by bylaw.

In this case, there would be 5 properties that would benefit through the improved streetscape that would be subject to the bylaw. The initial detailed design is attached in Schedule "G". The estimated cost of the works outlined in the plans is \$800,000 and will, if the Local Area Service is supported, be shared across the owners of the benefiting parcels. The exact cost and equitable allocation to parcels will be finalised as the proposed development proceeds through the planning process. The following illustration shows the properties that would be included in the Local Area Service (152, 240 and 270 Riverside Drive, 1102 Burnaby Avenue and 1035 Westminster Avenue):



Figure 1: Image showing properties subject to local area service. (Road upgrade area in red)

The cost of the works will initially be paid by the City of Penticton and the benefiting parcels will payback the cost over a 15-20 year period through property taxes, as determined by the final Bylaw. Spreading out this cost will reduce the cost of any future development on these lots while providing a significant visual and pedestrian improvement for the current businesses. A further benefit to the properties is there would be no latecomers owed when the parcels do redevelop in the future. The streetscape in the entire area is enhanced at once rather than patchwork as the individual parcels develop.

Under Section 213 of the *Community Charter*, Council may proceed with a Local Area Service, unless a majority of registered owners petition Council to not proceed with the project and tax that represent:

- a) at least one-half of the total assessed value of the parcels which are subject to the proposed local improvement tax; and
- b) at least one half of assessed parcels which are subject to the proposed local improvement tax

Staff have sent out notification to all of the identified benefiting parties and have not yet received any comments. If Council supports the direction recommended by staff, all owners would be invited to participate in a formal process, where the design will be formalized and the bylaw established. Staff are requesting direction from Council to begin this process. Once prepared, this bylaw will be brought back to Council for their approval.

The alternative recommendation is to enter into an extended service agreement with the developer and have them undertake the works. While this will enable the development to continue, the City loses the benefit of the upgrade to the wide area.

#### *Alternative funding option (excess or extended service)*

If Council does not wish to proceed with the Local Area Service or if the local services petition fails, Staff are recommending that Council formally require the developer to build beyond that Subdivision and Development bylaw requirement in order to fully complete the required street upgrades. Under current Subdivision and Development Bylaw requirements, the developer is responsible to design and construct works to the centerline of existing roads adjacent to the development. In cases where it is in the public interest, the *Local Government Act* gives authority to Council to formally require the developer to build beyond that requirement. The developer will then be eligible for latecomer contributions from any land owner that later-on ties into the excess services constructed. With this alternative, the ultimate road design would be much more limited in vision, with the developer only completing the works necessary to physically tie into existing streets and services (Schedule H). The full build-out of the area, as envisioned through the Local Area Service drawing would not be achieved until each individual property were to come forward and develop.

#### **Project specifications**

As stated above the proposal is for a 35-unit townhouse complex. The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

| Item                                                                                                                                       | Requirement RM3 Zone                                                                          | Proposed                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Maximum Lot Coverage:</b><br><b>Maximum Density:</b>                                                                                    | 50%<br>1.6 FAR                                                                                | 35%<br>0.9FAR                                                               |
| <b>Vehicle Parking per unit:</b><br><b>Visitor Parking</b>                                                                                 | 1 per dwelling<br>8                                                                           | 2 per dwelling<br>9                                                         |
| <b>Required Setbacks</b><br>Front yard (Burnaby Avenue):<br>Rear yard (Adjoining Lot):<br>Exterior yard (Wylie Street and Riverside Drive) | 3.0m<br>6m<br>4.5                                                                             | 1.5m(VARIANCE REQUIRED)<br>3m(VARIANCE REQUIRED)<br>1.5m(VARIANCE REQUIRED) |
| <b>Maximum Building Height:</b>                                                                                                            | 24m                                                                                           | 14m (Three Storey)                                                          |
| <b>Other Information:</b>                                                                                                                  | Subject properties are located within the General/Tourist Commercial Development Permit Area. |                                                                             |

#### **Analysis**

#### *Support OCP and Zoning amendment*

The subject properties are designated for Tourist Commercial under OCP Bylaw 2002-20. The OCP also provides a list of criteria when considering re-designating areas to Medium Density Residential. The proposal is located in the North Gateway Urban Village as per the OCP. The North Gateway's scope and location is driven by Okanagan Lake and existing amenities including the South Okanagan Event Centre, Convention Centre, parks and commercial establishments. The guidelines and staff's comments are as follows:

*The city will support rezoning to higher densities:*

- *On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:*

The character of the neighborhood will not significantly change as this is an area that has seen development pressure recently. In 2010 Council approved a rezoning in vicinity to allow a 15 storey residential development containing 218 apartment and townhouse units. The neighbourhood that the subject property is located in features predominantly tourist commercial and residential style development, including motels and townhouses. The proposal is located adjacent to existing medium density designation. According to the City's OCP, residential development should be accommodated through infill development. The North Gateway Urban Village policies speak to opportunities for high density residential development taking advantage of location adjacent to surrounding amenities, proximity to the Downtown, location on major roads.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The building has been set to respect the rear setback adjoining the southern property where the 15-storey building was approved. The approved podium for the buildings on the neighboring property sits at 2.5m from the property line. The proposal meets the required 3m buffer between the high density residential and the medium density residential. Appropriate fencing and landscaping will be included as part of the development permit. The proposal adds to the already varied range of housing, types, tenures and densities existing and envisioned for this area.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density nearby the downtown core and existing commercial activities. The property is located directly adjacent to Okanagan Lake and the channel. The North Gateway Urban village policies in the OCP reference the need to provide favorable transition from surrounding higher density. This development will increase the residential offerings and encourage greater use of amenities and businesses nearby. The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets;*

There are two vehicular accesses proposed on Wylie Street. All the units have pedestrian access on Riverside Drive and Burnaby Avenue and maintain a positive relationship with the street.

Staff considers that rezoning the lots from CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing), to enable this development is an appropriate use of the land for the following reasons:

- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of motels, townhouses, and commercial buildings, this application encourages a mixed range of housing, types, tenures and densities;
- Supports residential intensification near commercial activities, institutional facilities (including the Community Centre) and in proximity to the downtown;
- Supports densification in areas where existing services can accommodate higher densities;
- The proposed townhouses development will fit into the existing mix of housing and motels in the area and the design of the buildings will lend positively to the overall character of the community.

Overall, staff consider that the proposed development will contribute positively to the area with the increase in residential units. Staff considers that the design is fitting and consistent with the latest medium density development in the area. The plans, submitted in support of the rezoning application to RM3, prove that the development meets the intent of the OCP. For these reasons staff is recommending that Council supports the land use designation change, as provided in this report and refers the application to the February 20, 2018 Public Hearing.

### ***Deny/Refer***

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

### ***Support Variance***

This proposal is unique as the site has three frontages. Additionally, parking areas between the front of buildings and the street is discouraged as per the OCP. The applicant is proposing to rezone to RM3 to limit the number of variances. However, RM3-Medium Density Multiple Housing is typically used for taller apartment buildings thus requiring greater setbacks. When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances are as follows and are included as attachment "E":

#### **Section 10.6.2.6: To vary the minimum front yard setback from 3m to 1.5m**

The applicant is requesting a 1.5m front setback reduction. As with other infill projects in the City, it is challenging to build within required setbacks on lots that were originally intended for a different form of development. The reduced setback is requested in order to accommodate the design of the internal roadway and access to the rear of each townhouse unit. Townhouses developments are encouraged to use rear lane or internal access as per the OCP. Landscaping is proposed and will enhance the street appeal

along all three frontages. This development will contribute to a pedestrian friendly environment for the area, improving access to the Riverside Village commercial development. The development also provides a smooth transition between approved high-density buildings. Staff does not consider that, given the magnitude of the variance requested, that there will have an adverse impact on neighbouring properties.

#### **Section 10.9.2.7ii. of Zoning Bylaw 2017-08 to reduce the exterior yard setback from 4.5m to 1.5m**

The applicant is requesting a 3m setback reduction along both Riverside Drive and Wylie Street from the required setback of 4.5m to 1.5m. As per the OCP policies, multiple dwelling buildings should have a street orientation to all adjacent streets. In this case, this proposal has three street frontages. The proposed buildings shape and architectures is varied and will bring interest to all frontages and provide harmony and continuity to the neighborhood. This variance will maximize the development potential of the site and enhance the streetscape in a manner that is sensitive to surrounding land uses.

#### **Section 10.9.2.8 of Zoning Bylaw 2017-08 to vary the minimum rear yard setback from 6m to 3m**

The applicant is requesting a reduction of the rear yard setback from 6.0m to 3m. The proposed development maximizes the use on the site. The rear yard will still provide enough space for required 3-metre landscape buffer. Adequate landscaping and fencing will provide screening from the neighbouring properties. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

Given the above, staff feels that the variances requested are reasonable and recommend that Council, after hearing from any other affected neighbours, support the application.

#### ***Approve Development Permit DP PI2017-8100***

The subject property is in the General Tourist Development Permit Area. When evaluating an application in this DPA, staff review the proposed plans against the DPA guidelines contained in the Official Community Plan. Staff feel that the plans conform to the DPA guidelines. The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. The development meets the following objectives of the OCP under the development permit guidelines:

- The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.
- The building design incorporates architectural detailing and a variety of building finishes that provide visual interest.
- The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.
- Landscaping is extensive and includes a number of trees, several shrubs and bushes that provide a decent view from the street level.

The application is consistent with the intent of the North Gateway policies in the OCP. The policies of the OCP support the need for medium density residential development in this area and the proposed development is considered to provide a positive contribution to the North Gateway Urban Village. Staff

considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons, staff are recommending that Council approve the development permit.

*Deny or refer*

Council may consider that the proposed development does not meet the guidelines of the Medium Density Residential Development Permit Area and the intent of the Official Community Plan. If this is the case, Council can deny the amendments, development variance permit and the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

**Alternate Recommendations**

1. THAT Council deny first reading of "OCP Bylaw No. 2018-05 and Zoning Amendment Bylaw No. 2018-06".
2. THAT Council support the zoning bylaw amendment but choose to proceed with the alternative funding model (excess or extended service)

**Attachments**

|               |                                    |
|---------------|------------------------------------|
| Attachment A: | Subject Property Location Map      |
| Attachment B: | Zoning Map                         |
| Attachment C: | OCP Map                            |
| Attachment D: | Photos of Subject Property         |
| Attachment E: | Site Plan                          |
| Attachment F: | Elevations                         |
| Attachment G: | Local Area Service                 |
| Attachment H: | Excess Service Drawing             |
| Attachment I: | Letter of Intent                   |
| Attachment J: | DP                                 |
| Attachment K: | DVP                                |
| Attachment L: | OCP Amendment Bylaw No. 2018-05    |
| Attachment M: | Zoning Amendment Bylaw No. 2018-06 |

Respectfully submitted,

Audrey Tanguay

Senior Planner

Approvals

|                                                                                     |     |
|-------------------------------------------------------------------------------------|-----|
| DDS                                                                                 | CAO |
|  | PW  |

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

## Attachment B – Zoning Map

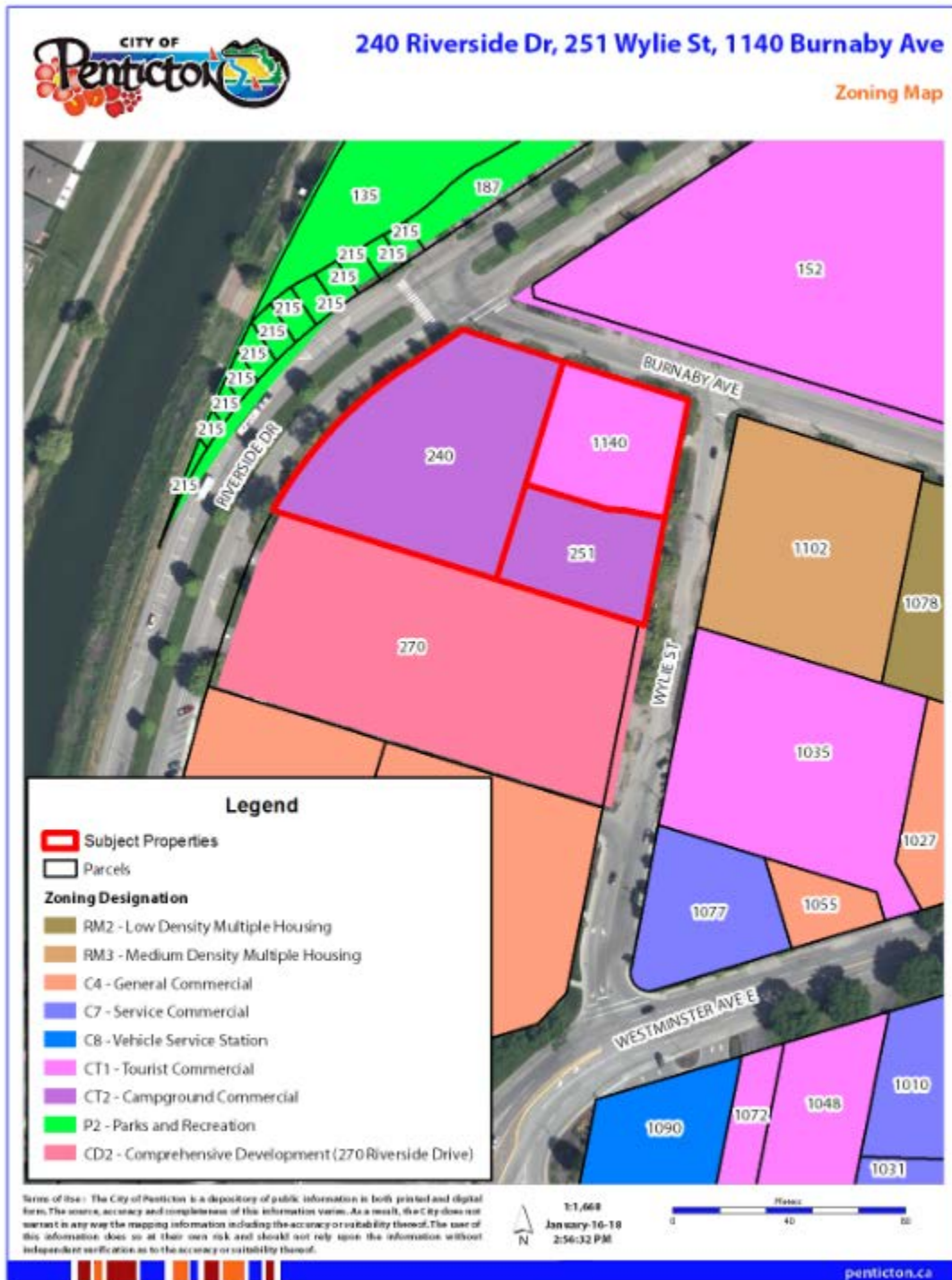


Figure 2: Zoning Map

# Attachment C- OCP Map

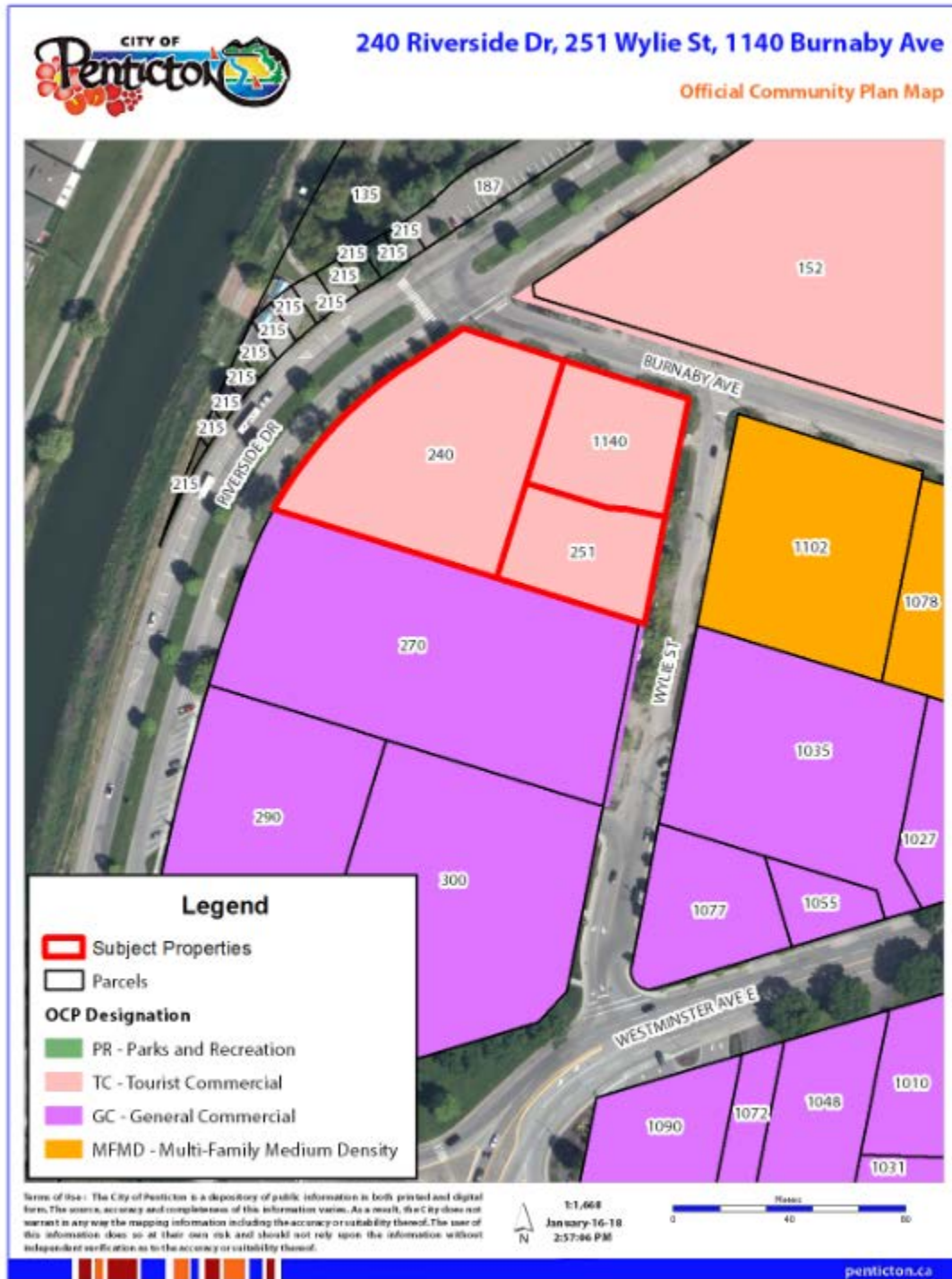


Figure 3: OCP Map

## Attachment D – Photos of Subject Property



Figure 4: View on Riverside Drive Looking East



Figure 5: View of Burnaby Avenue



Figure 6: View of Wylie Street

# Attachment E - Site Plan / Variance Locations

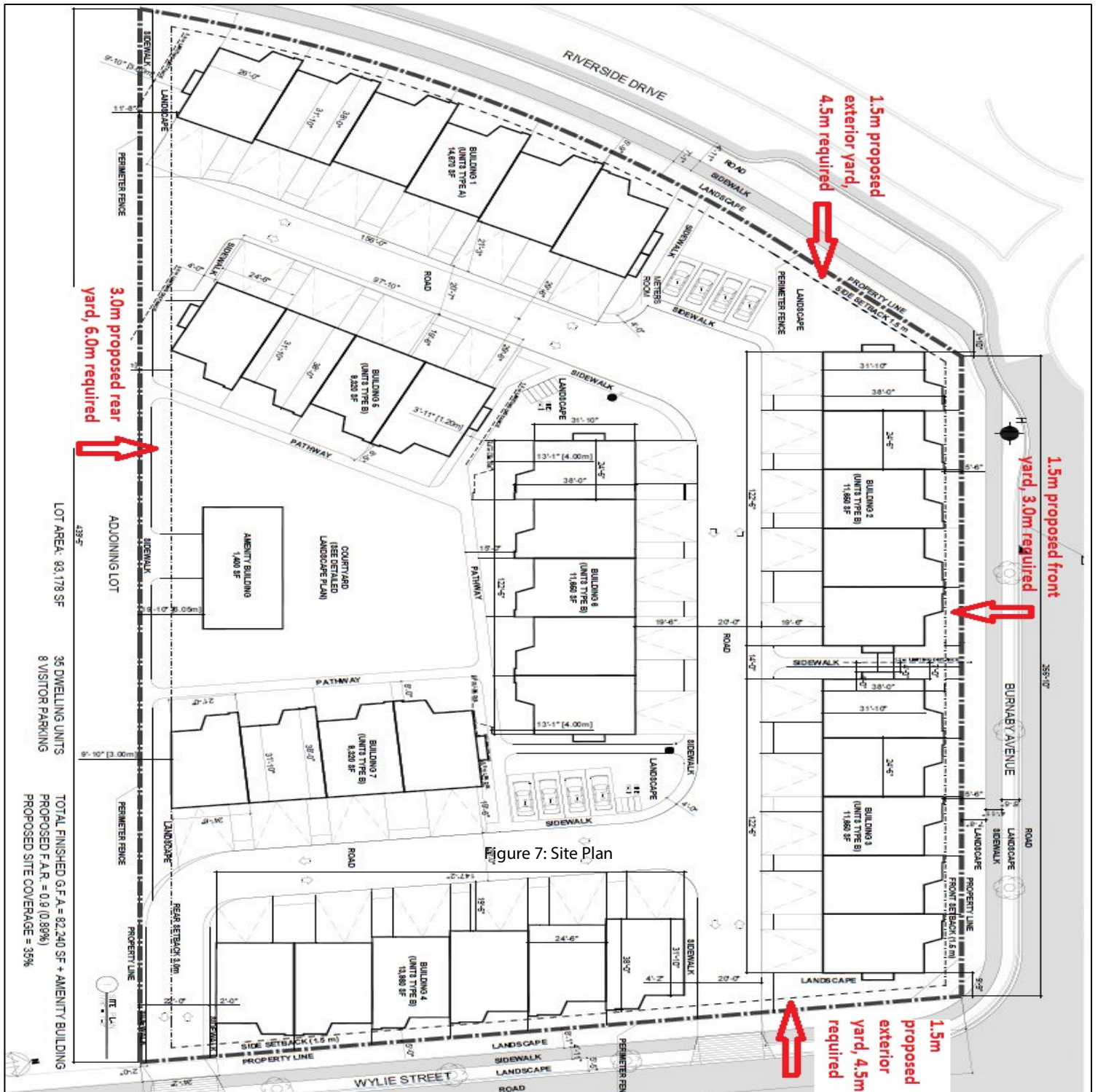




Figure 8: Landscaping Plan

## Attachment F – Elevations



Figure 9: Building –Front



Figure 10: Building -Back

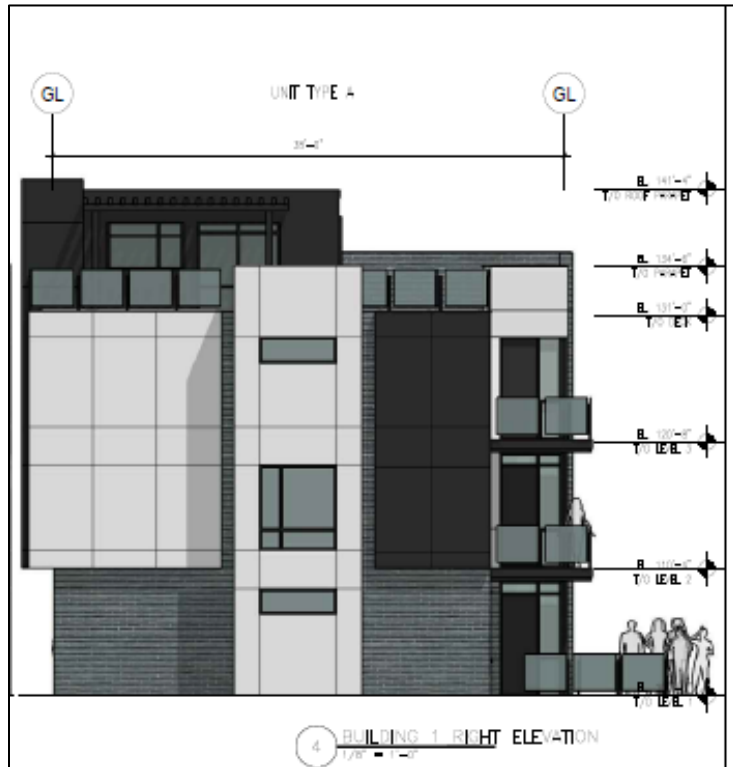


Figure 11: Right elevation

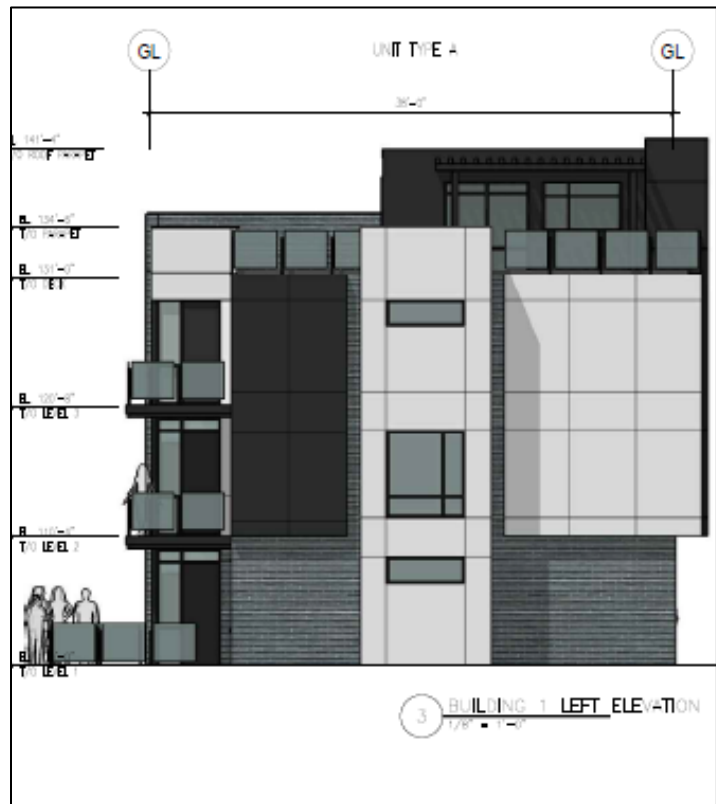


Figure 12: Left Elevation

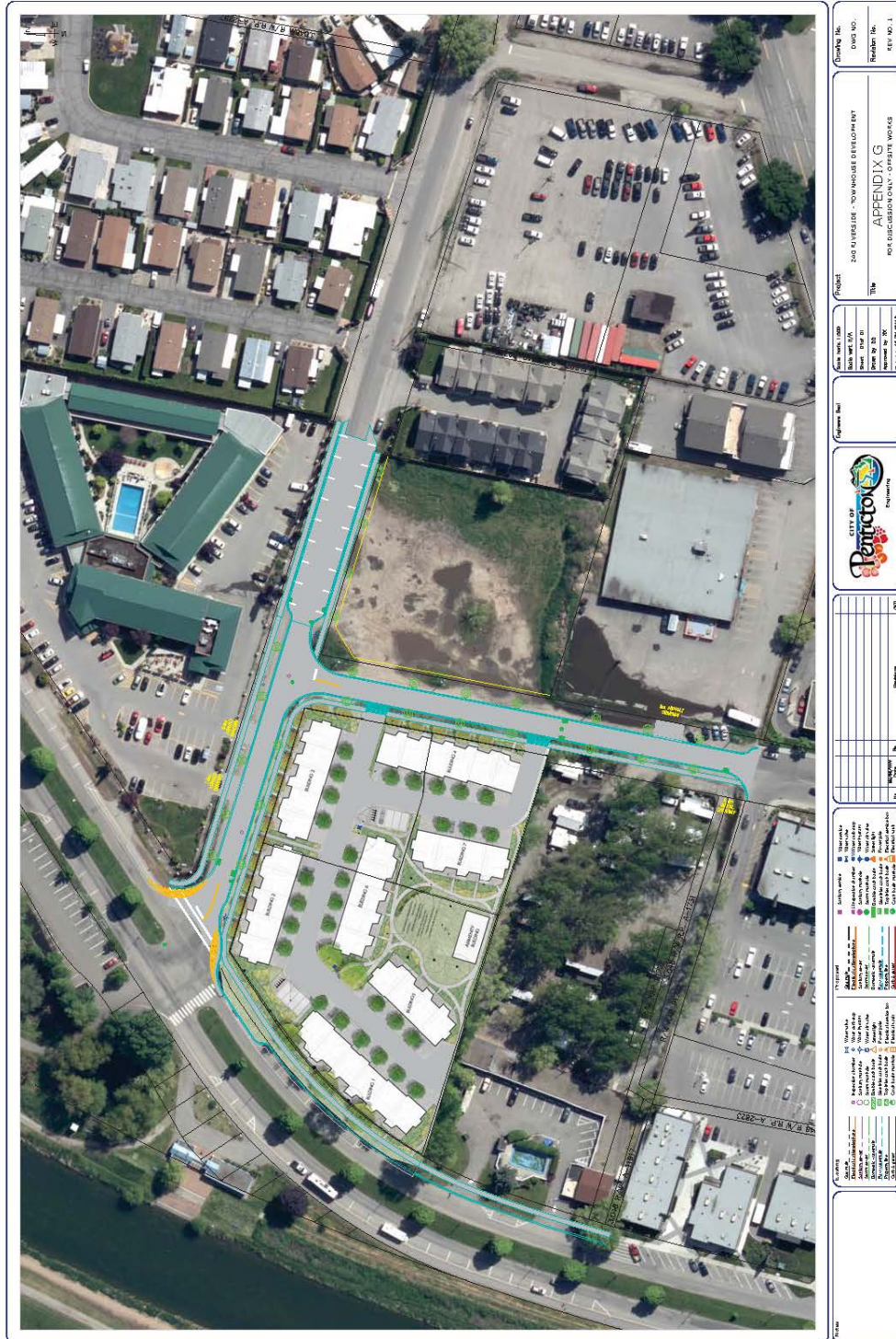


Figure 13: Front Perspective

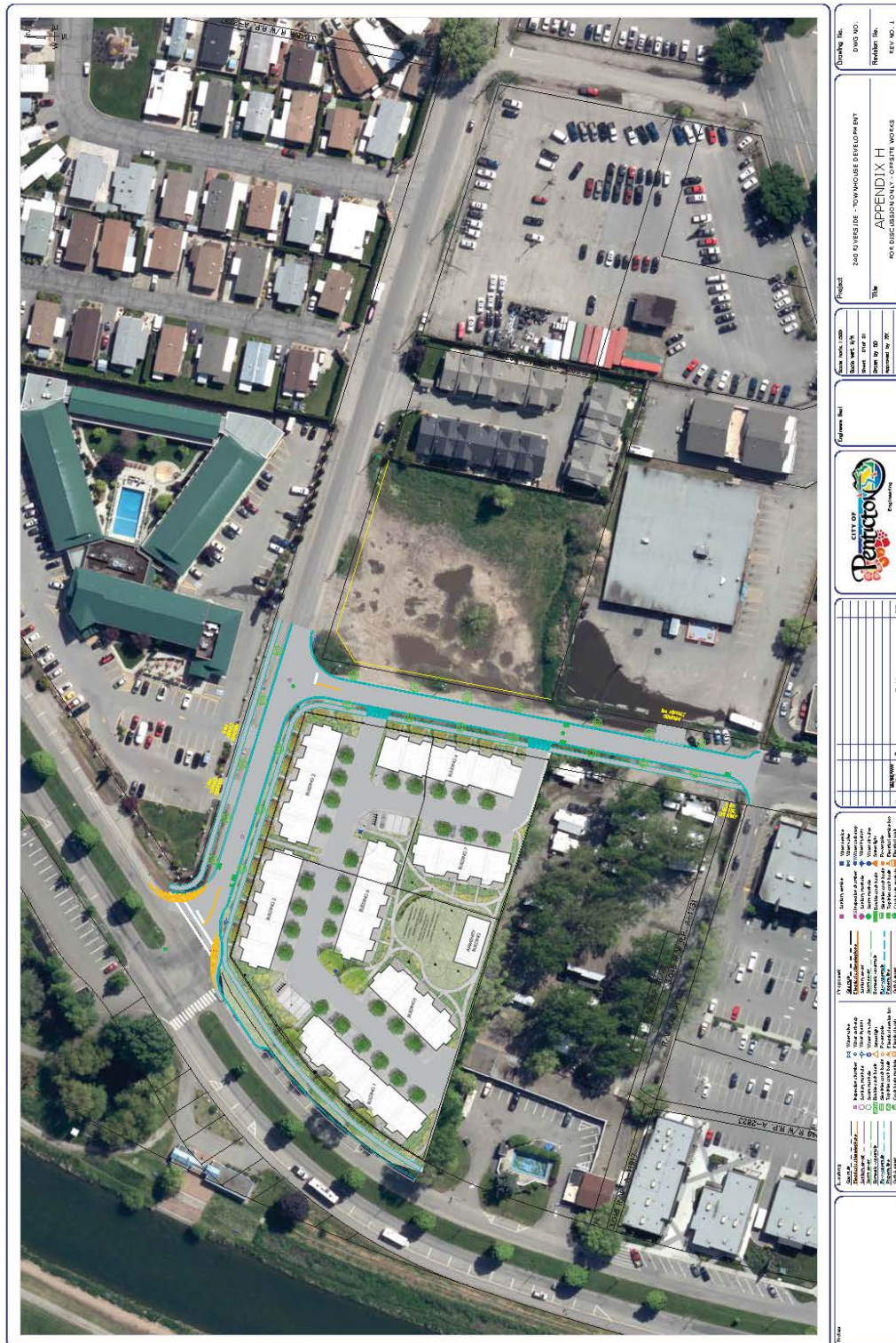


Figure 14: Back Perspective

# Attachment G – Local Area Service drawings (full and limited)



## Attachment H – Excess Service drawings



## Attachment I- Letter of Intent

October 18<sup>th</sup>, 2017

**By Hand**

Audrey Tanguay  
Planner, Long Range Planning  
City of Penticton  
171 Main Street  
Penticton, BC V2A 5A9

Dear Ms. Tanguay,

**RE: Rezoning/OCP Amendment/Development variance permit application – 240 Riverside Dr., Penticton, 251 Wylie St., Penticton, and 1140 Burnaby Ave., Penticton**

Azura is pleased to submit a formal Rezoning/OCP Amendment/Development variance permit application to the City of Penticton for the property located at 240 Riverside Dr. Penticton, and 251 Wylie St. Penticton, and 1140 Burnaby Ave. Penticton.

The submission seeks to rezone the site from the existing CT 2 and CT 1 to RM 2 zoning, in order to accommodate a series of townhouse buildings and containing approximate 35 units in total. These residential units will be comprised of a variety of floor plans.

And there are two development variances we want to apply. One is to change the Maximum height from 12 m in RM-2 to 14 m. (The other is to change the Maximum density in RM-2 from 0.8 F&R to 0.9 F&R. - REZONE - SITE SPECIFIC)

Thank you for your consideration, and we look forward to continuing to work with City staff on this proposal.

Yours truly,

Azura Management (Kelowna) Corp.



Ewen Stewart  
President

Figure 15: Letter of Intent



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Permit

**Permit Number:** DP PL2017-8002

### 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 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177 **Civic:** 240 Riverside Drive, 1140 Burnaby Avenue, 251 Wylie Street  
**PID:** 009-542-647, 004-395-077, 009-038-582
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 35 units townhouse development as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the total amount of \$196,824 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(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:

|                                                      |        |
|------------------------------------------------------|--------|
| 1 <sup>st</sup> Inspection                           | No fee |
| 2 <sup>nd</sup> Inspection                           | \$50   |
| 3 <sup>rd</sup> Inspection                           | \$100  |
| 4 <sup>th</sup> Inspection or additional inspections | \$200  |

#### General Conditions

7. In accordance with Section 501(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 504 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 (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 day of 2018

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Variance Permit

Permit Number: DVP PL2017-8099

### 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 1, District Lot 366, Similkameen Division Yale District Plan 10541 and Lot 1-2, District Lot 366, Similkameen Division Yale District Plan 14177  
**Civic:** 240 Riverside Drive, 1140 Burnaby Avenue, and 251 Wylie Street  
**PID:** 009-542-647, 004-395-077, 009-038-582
3. This permit has been issued in accordance with Section 498 of the Local Government Act, to vary the following sections of Zoning Bylaw 2017-08:
  - decrease the front yard setback from 3m to 1.5m
  - decrease the rear yard setback from 6m to 3m
  - decrease the exterior yard setback from 4.5m to 1.5m

### General Conditions

4. In accordance with Section 501 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 504 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 day of 2018

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

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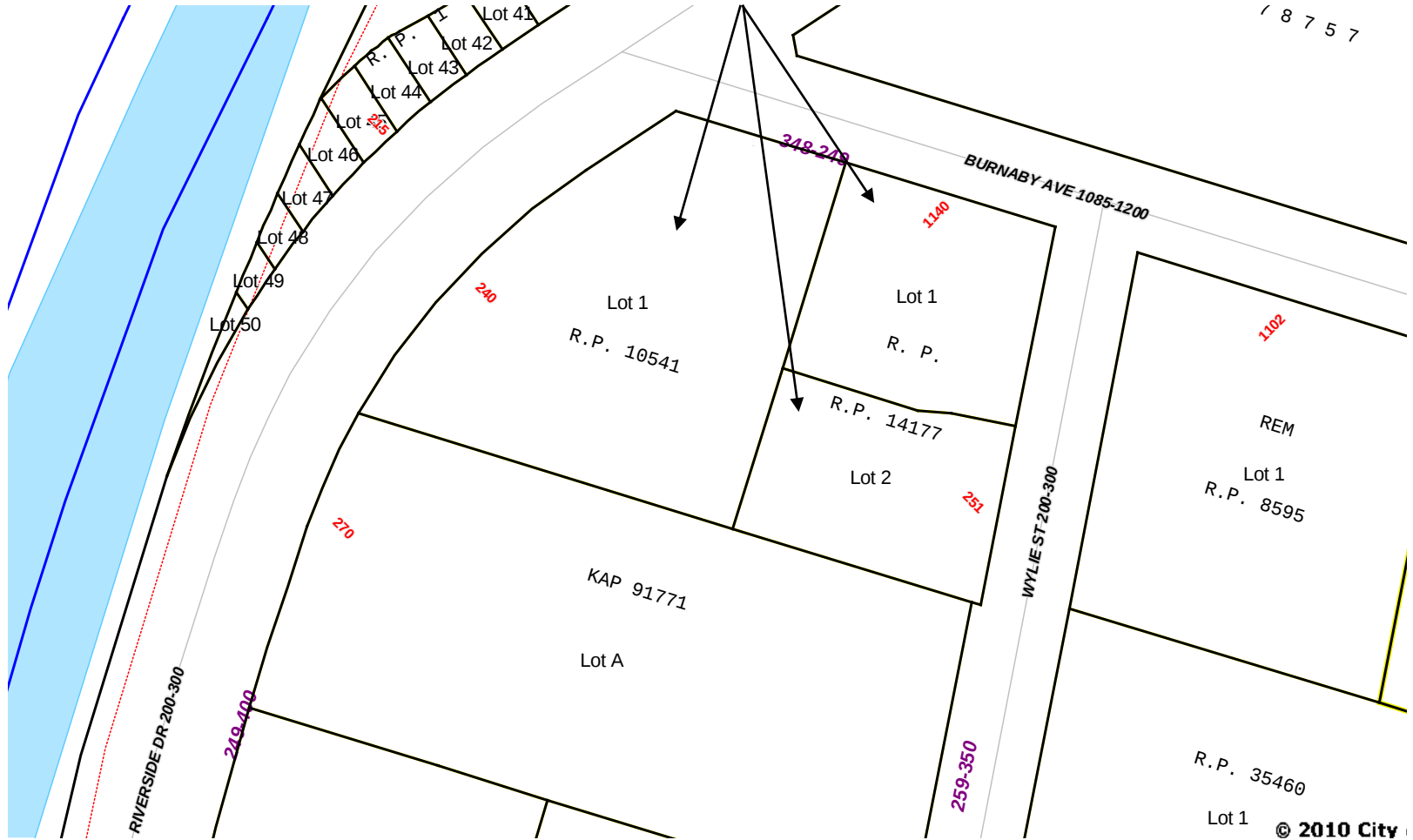
Dana Schmidt,  
Corporate Officer

DVP PL2017-8052

Page 2 of 2

## Bylaw No. 2018-05

Change the OCP designation of 240 Riverside Dr., 251 Wylie St., 1140 Burnaby Ave.  
from TC (Tourist Commercial) to MR (Medium Density Residential)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-05

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

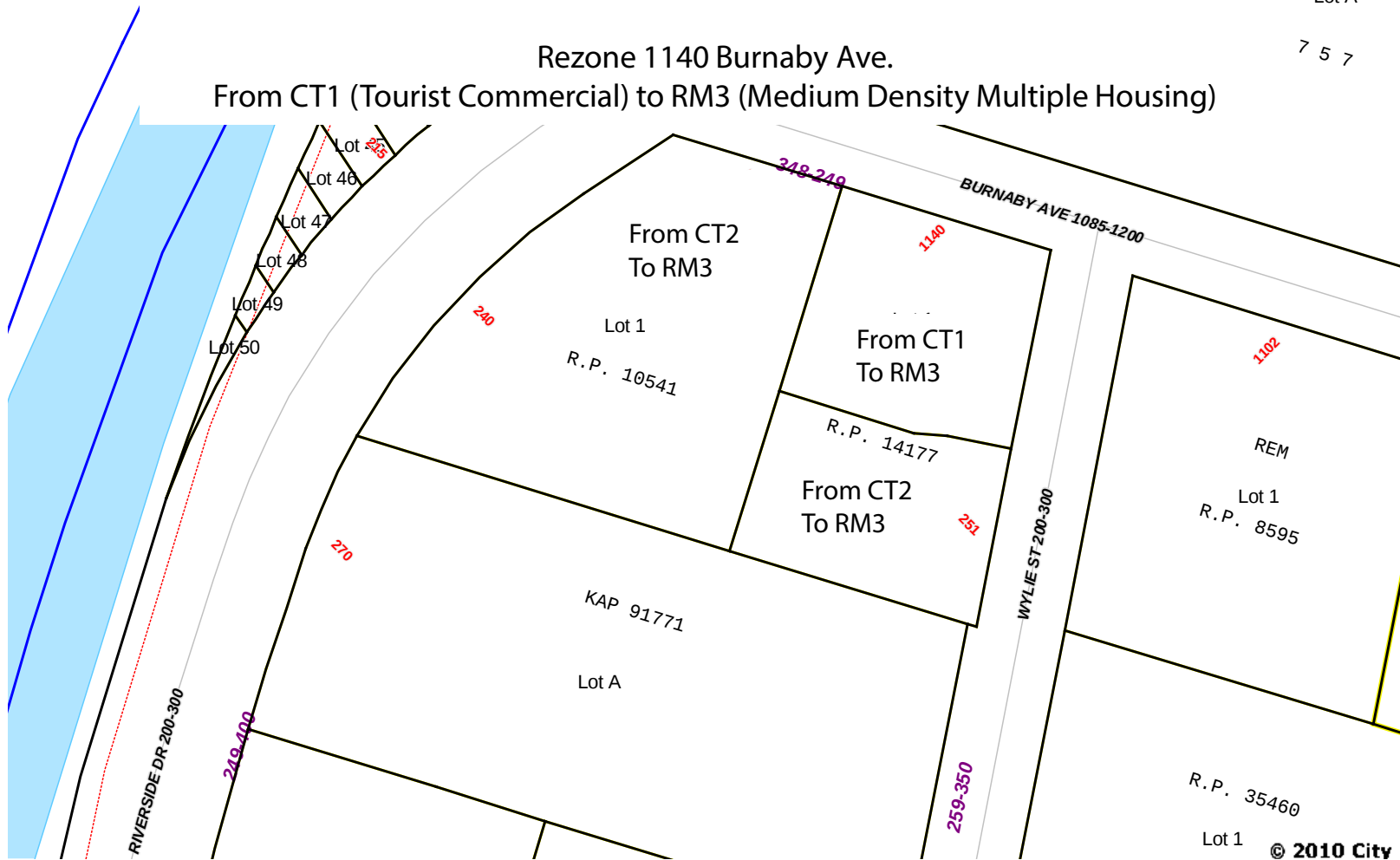


Rezone 240 Riverside Dr. and 251 Wylie St.  
From CT2 (Campground Commercial) to RM3 (Medium Density Multiple Housing)

Lot A

7 5 7

Rezone 1140 Burnaby Ave.  
From CT1 (Tourist Commercial) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-06

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_