



Public Notice

penticton.ca

February 22, 2018

Subject Properties:

330 Power Street: That Part of "Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728

705 Wade Ave W: Lot 6, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745, Except Plans 3134 and DD 1573D

701 Wade Ave W: That Portion of Closed Road in District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Shown on Plan B7684, Lying Adjacent to Lot 5, Plan 745

669 Wade Ave W: That Part of Lot 5, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745

667 Wade Ave W: That Part Lot 4, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745

645 Wade Ave W: That Part Lot 3, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745

Applications

The owner of 705, 701, 669, 667 and 645 Wade Ave W has made an offer to the School Board to purchase the rail right-of-way. The offer has been accepted. The intent is to add the lands (portion of 330 Power St) to the properties on Wade Ave W. The following applications are being considered:

OCP Amendment PL2018-8157

Amend Schedule 'B' Future Land Use of OCP Bylaw 2002-20 for the portion of 330 Power Street shown outlined in black from A (Administrative/Institutional-Including Schools) to MFMD (Multi-Family Medium Density) (Figure 1)

Rezone PL2018-8159

Rezone the portion of 330 Power Street shown outlined in black from P1 (Public Assembly) to C3 (Mixed Use Commercial), shown as Area 'A' and C7 (Service Commercial) shown as Area 'B'. (Figure 2)

C3 Zone (Mixed Use Commercial): Add "public parking" and "storage and warehousing" as permitted uses to the portion of 330 Power Street and 705, 701, 669 and 667 Wade Ave W. (Area 'A'; Figure 3)

C7 Zone (Service Commercial): Add "public parking" and "storage and warehousing" as permitted uses to the portion of 330 Power Street, and 645 Wade Ave W. (Area 'B', Figure 3)

Information:

The staff report to Council, Official Community Plan Amendment Bylaw 2018-12 and Zoning Amendment Bylaw 2018-13 will be available for public inspection from **Friday, February 23, 2018 to Tuesday, March 6, 2018** at the

following locations during hours of operation: City Hall (171 Main Street), Library (785 Main Street) and 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, March 6, 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, March 6, 2018** to:

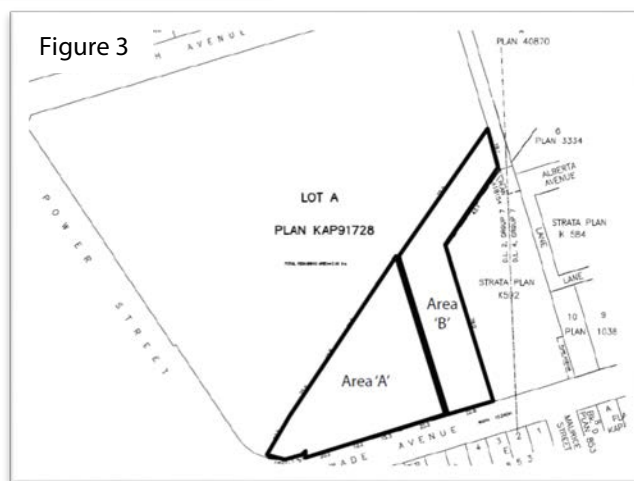
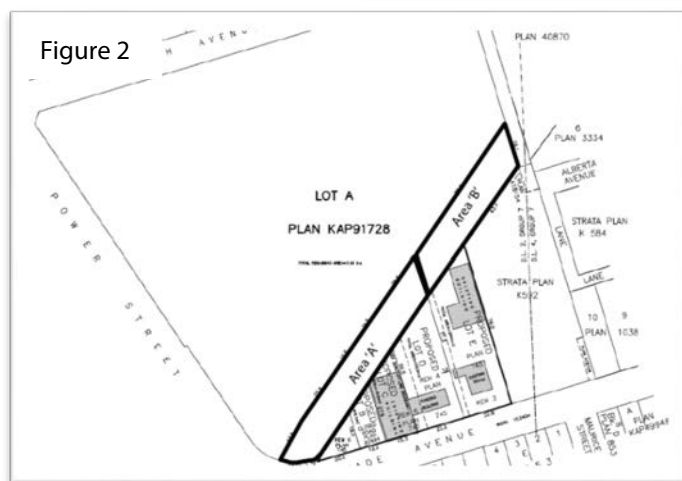
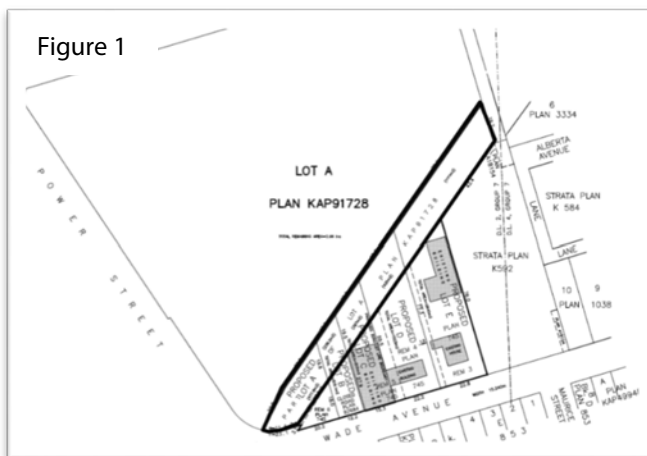
Attention: Corporate Officer, City of Penticton, 171 Main Street, Penticton, B.C. V2A 5A9;

Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the March 6, 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



Date: February 20, 2018
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 330 Power Street and 645, 667, 669, 701 and 705 Wade Avenue
Subject: **Official Community Plan Amendment Bylaw No. 2018-12 and
Zoning Amendment Bylaw No. 2018-13**

File No: RMS ADDRESS/330 Power St

Staff Recommendation

Official Community Plan Amendment

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2018-12" 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 consultation completed to date with School Board #67 and the proposed Public Hearing is sufficient consultation;

AND THAT "Official Community Plan Amendment Bylaw 2018-12", a bylaw that amends OCP Bylaw 2002-20 by changing the OCP designation on That Part of "Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan kAP91728" shown on Schedule A of the Bylaw from A (Administration / Institutional – Including Schools) to MFMD (Multi-Family Medium Density), be introduced, read a first time and be forwarded to the March 6, 2018 Public Hearing.

Zoning Bylaw Amendment

THAT " Zoning Amendment Bylaw No. 2018-13", a bylaw that amends Zoning Bylaw 2017-08, changing the zoning of That Part of "Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP91728" shown on Schedule A of the Bylaw, from P1 (Public Assembly) to C3 (Mixed Use Commercial) and C7 (Service Commercial) as shown on Schedule A of the bylaw, and that adds the uses "public parking" and "storage and warehousing" to the C3 and C7 zones as site specific uses for those areas identified on Schedule B of the Bylaw, be introduced, read a first time and be forwarded to the March 6, 2018 Public Hearing.

Strategic Priority

N/A

Background

The subject strip of land was once part of the Kettle Valley Railway that led through Penticton to the Penticton Warf at the base of Martin Street in Downtown. When the rail line was closed in 1964, the portion fronting Queens Park School was given to the School Board. In 2001, when the Power Street 'roundabout' was being planned for and a land swap and road dedication with the City was being done, the old rail bed was consolidated with the school property. With the adoption of the new OCP in 2002 and new zoning bylaw in 2011, the old rail bed was designated and zoned the same designation and zoning of the School. Up until that time, the land was identified as industrial / heavy commercial.

Even though the lands do form part of the school's legal parcel area, the lands have never been really utilized by the school. The lands remain fenced off from the school field and are used informally as parking for business of adjoining properties on Wade Avenue and parking for events. The lands are in an undeveloped state, with a gravel surface for the most part and little to no stormwater management.

The owner of the adjoining businesses on Wade Avenue has made an offer to the School Board to purchase the rail right of way and the offer has been accepted. The intent for the lands would be to add them to the adjoining parcels, through a lot line adjustment subdivision application and develop more formalized parking in the interim and have a larger development land available in the future.

As the land is designated by the OCP as Administrative and zoned as P1 (Public Institutional), to process the lot line adjustment between the lands, amendments to the Official Community Plan and Zoning Bylaw are required. If the OCP and Zoning amendments are ultimately successful, the subdivision (lot line adjustment) process will then proceed.

Proposal

The applicants are proposing to amend Schedule B (Future Land Use Plan) of Official Community Plan Bylaw 2002-20 of the subject portion of 330 Power Street from A (Administration / Institutional – Including Schools) to MFMD (Multi-Family Medium Density) and to amend Zoning Bylaw 2017-08 of the same area from P1 (Public Assembly) to C3 (Mixed Use Commercial) and C7 (Service Commercial) to correspond to the zoning of the lands that the property will ultimately be forming part of.

In addition, the applicants are proposing to allow, on a site specific basis, the use "public parking" and "storage and warehousing" on the C3 and C7 zoned areas, as those are the current and intended interim use of the land. The following amendments are proposed for Zoning Bylaw 2017-08:

Add to Section 11.3.4:

.2 In the case of the following lands, “public parking” and “storage and warehousing” shall be permitted uses:

- Lot 6, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745, Except Plans 3134 and DD 1573D (705 Wade Avenue W);
- That Portion of Closed Road in District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Shown on Plan B7684, Lying Adjacent to Lot 5, Plan 745 (701 Wade Avenue W);
- That Part of Lot 5, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (669 Wade Avenue W);
- That Part Lot 4, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (667 Wade Avenue W);
- That Part of “Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C3 and as identified on Schedule ‘B’ of this bylaw.

And add to Section 11.7.4:

.4 In the case of the following lands, “public parking” and “storage and warehousing” shall be permitted uses:

- That Part Lot 3, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (645 Wade Avenue W);
- That Part of “Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C7 and as identified on Schedule ‘B’ of this bylaw.

Financial Implications

N/A

Technical Review

The subject application was reviewed by the Technical Planning Committee (TPC) at their meeting on February 8, 2018. Several items in relation to the servicing of the properties and the location of current property lines were identified as items that would need to be addressed at the subdivision stage of the process. Ideally, the resulting properties would all have servicing to each property and any buildings on the lands would meet spatial separation from property lines. Currently, services cross over property lines and buildings straddle property lines. In addition, several of the properties are smaller than the minimum lot area identified by the zoning bylaw. The most likely and desired outcome will be the consolidation of the 5 separate lots into two lots. This is a good opportunity to clean up a non-conforming situation.

Functionally, no immediate change to the lands will be happening, other than the development of more formalized parking. In the future, if a development were to occur on the property, servicing would be assessed at that time.

Consultation

As this is a relatively minor amendment to the OCP and zoning bylaw, staff are suggesting that the consultation with School Board #67 done to date is sufficient consultation and are recommending that Council proceed to Public Hearing without additional consultation. Council may feel that additional public consultation should occur in accordance with the guidelines of the Local Government Act. If this is the case, Council should direct staff to work with the applicant in hosting a public open house or advertise some other way for the public to provide comment on the proposed bylaw amendment prior to the Public Hearing.

Analysis

Support "OCP Amendment Bylaw 2018-12" and "Zoning Amendment Bylaw 2018-13"

The subject bylaws deal with lands that are technically part of Queens Park School but have never functionally formed part of the school grounds. Until the 2002 OCP and 2011 zoning bylaw was adopted, the lands were identified as industrial / heavy commercial. The lands have always been used by adjacent businesses for parking. Furthermore, the school board has agreed to disinvest of the lands, indicating that there is no operational necessity for the lands.

Adding the lands to the adjacent business sites provide opportunities for larger development in the long term and more formalized parking in the shorter term.

With regard to the site specific addition of the use 'public parking' and 'storage and warehousing' to the C3 and C7 portions of land, the reason for these amendments are to reflect what is currently happening on the property and what is intended to happen in the interim. Public parking is not a permitted use in either zone. For the parking on the lands to be formalized, the zoning amendment is required.

For these reasons, staff are recommending that Council give first reading to the subject bylaws and forward them to the March 6, 2018 Public Hearing for comment from the public.

Deny / Refer "OCP Amendment Bylaw 2018-12" and "Zoning Amendment Bylaw 2018-13"

Council may feel that these lands should continue to form part of the Queens Park School campus. While the lands are not being utilized currently, having a larger campus dedicated to the school, will provide greater options for redevelopment of the school site in the future when the elementary school needs to be replaced or added on to. If this is the case, Council should not give first reading to the bylaw. School Board #67 in their decision to disinvest of the lands, however, should give Council some indication that the lands are not deemed necessary for the future of Queens Park School.

Alternatively, Council may want to give the public greater opportunity to provide comment on this item prior to considering the bylaw. If this is the case, Council should direct staff to work with the applicant and the School Board to provide opportunities for the public to receive information on the proposal and to give comment prior to the official Public Hearing on March 6.

Alternatives

1. THAT Council not support *“Official Community Plan Amendment Bylaw No. 2018-12” and “Zoning Amendment Bylaw No. 2018-13”*.
2. THAT Council give direction to staff to work with the applicant and the school board to set up opportunities for the public to receive information and provide comment on the proposal prior to consideration of *“Official Community Plan Amendment Bylaw No. 2018-12” and “Zoning Amendment Bylaw No. 2018-13”*.

Attachments

Attachment A – Property location map

Attachment B – Images of Subject Property

Attachment C – *“Official Community Plan Amendment Bylaw No. 2018-12”*

Attachment D – *“Zoning Amendment Bylaw No. 2018-13”*

Respectfully submitted

Blake Laven, MCIP, RPP
Planning Manager

Approvals

Director Development Services 	Chief Administrative Officer PW
--	---

Attachment A
Property Location Map



Attachment B
Images of Subject Property



Figure 1: Aerial image of subject lands (2017)



Figure 2: Street view image of subject property showing current state of the lands



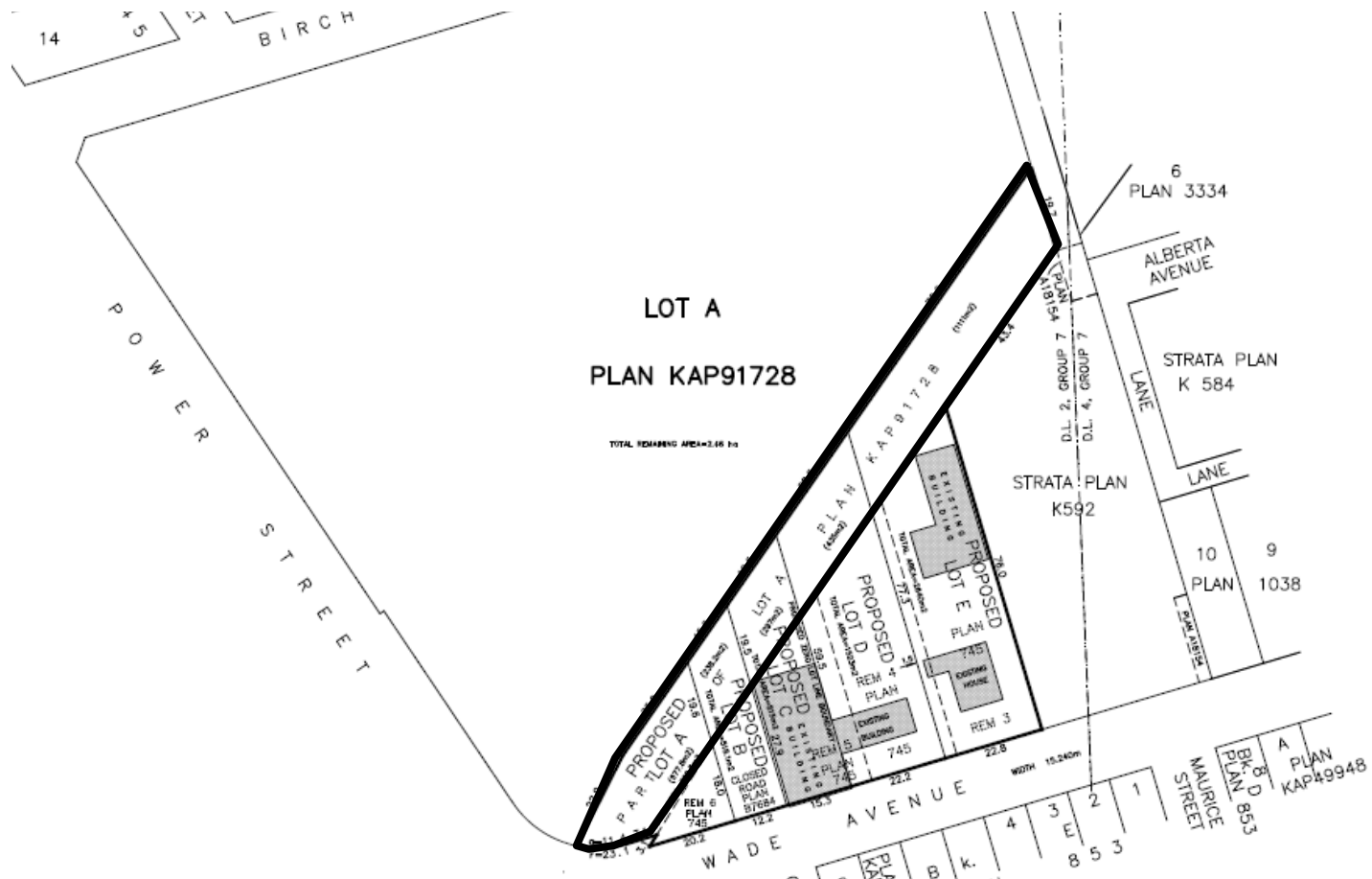
Figure 3: Street view image of subject lands showing the interface between the school site and adjacent businesses

Bylaw No. 2018-12

Page 1 of 1

Amend OCP Bylaw 2002-20

By changing the OCP designation of a portion of 330 Power Street (outlined in black)
From A (Administration/Institutional-Including Schools) To MFMD (Multi-Family Medium Density)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-12

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2018-13

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. 2018-13”.

2. **Amendment:**

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

Rezone That Part of Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan AP91728 as shown on Schedule ‘A’ of this bylaw from P1 (Public Assembly) to C3 (Mixed Use Commercial) and C7 (Service Commercial).

2.2 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 11.3.4:

.2 In the case of the following lands, “public parking” and “storage and warehousing” shall be permitted uses:

- Lot 6, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745, Except Plans 3134 and DD 1573D (705 Wade Avenue W);
- That Portion of Closed Road in District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Shown on Plan B7684, Lying Adjacent to Lot 5, Plan 745 (701 Wade Avenue W);
- That Part of Lot 5, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (669 Wade Avenue W);
- That Part Lot 4, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (667 Wade Avenue W);
- That Part of “Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C3 and as identified on Schedule ‘B’ of this bylaw.

2.3 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 11.7.4:

.4 In the case of the following lands, “public parking” and “storage and warehousing” shall be permitted uses:

- That Part Lot 3, Lying South of Kettle Valley Railway Company Right of Way (AFB VOL FOL 111 No 1573D), Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 745 (645 Wade Avenue W);
- That Part of "Lot A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP91728 (330 Power Street) that is zoned C7 and as identified on Schedule 'B' of this bylaw.

2.4 Schedule 'A' and Schedule 'B' 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*.

Andrew Jakubeit, Mayor

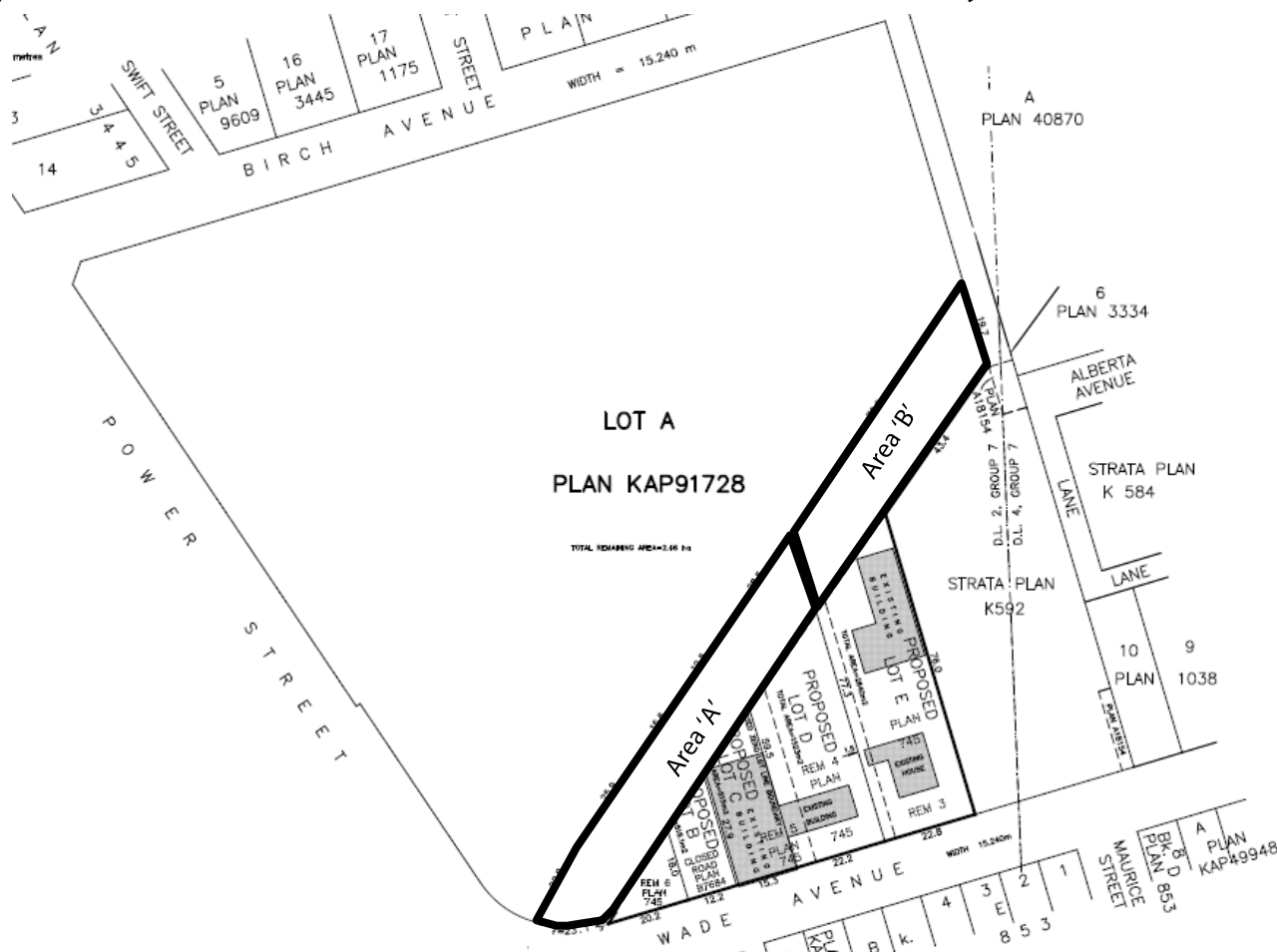
Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2018

for Minister of Transportation & Infrastructure

Dana Schmidt, Corporate Officer

Rezone a portion of 330 Power Street (Area 'A'): From P1 (Public Assembly) to C3 (Mixed Use Commercial)

Rezone a portion of 330 Power Street (Area 'B'): From P1 (Public Assembly) to C7 (Service Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-13

Date: _____

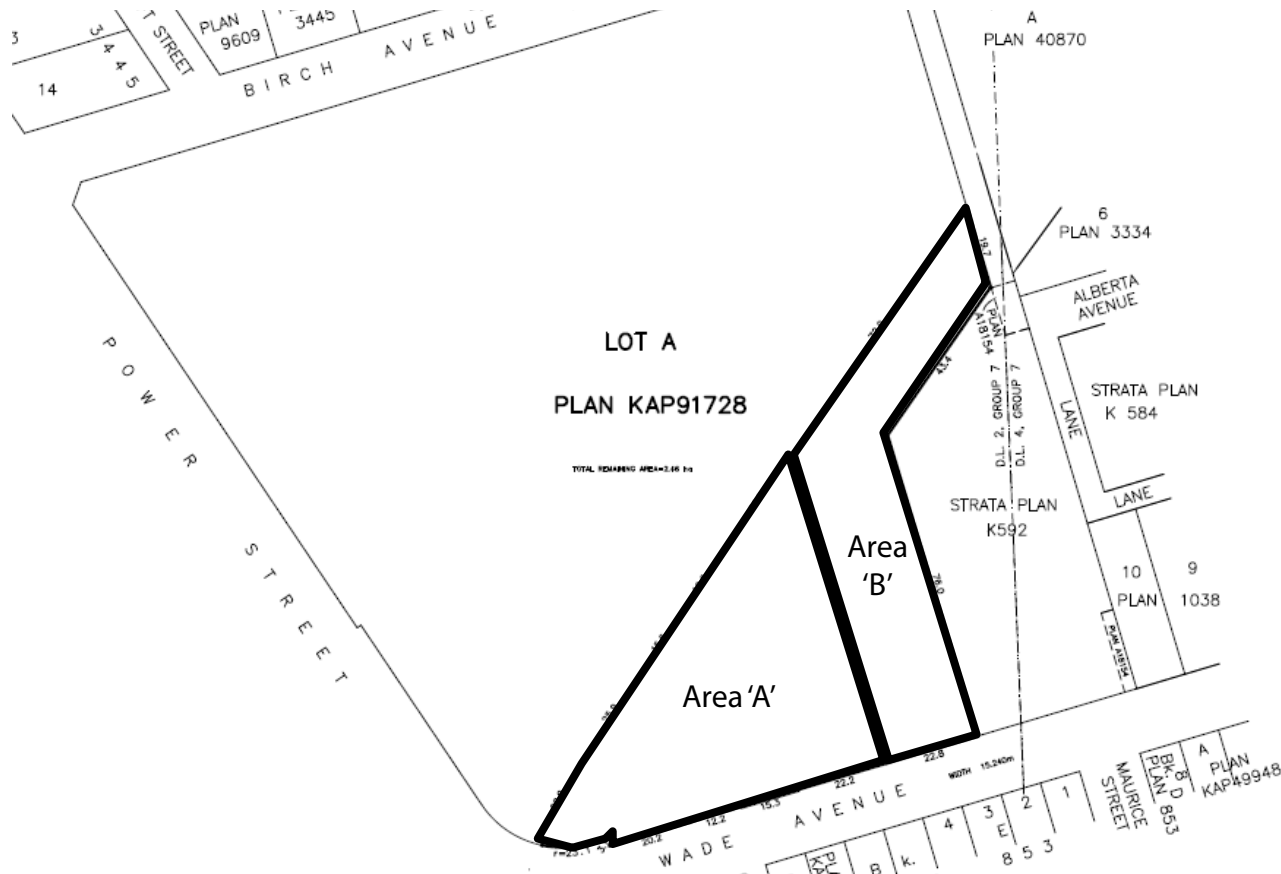
Corporate Officer: _____

C3 (Mixed Use Commercial)

Add "public parking" and "storage and warehousing" as permitted uses to a portion of 330 Power Street and 705, 701, 669, 667 Wade Ave W (Area 'A')

C7 (Service Commercial)

Add "public parking" and "storage and warehousing" as permitted uses to a portion of 330 Power Street and 645 Wade Ave W (Area 'B')



City of Penticton – Schedule 'B'

Zoning Amendment Bylaw No. 2018-13

Date: _____

Corporate Officer: _____