

March 8, 2018

Subject Property:
274 Kinney Avenue

Lot 101A, District Lot 116, Similkameen
Division Yale District, Plan 333, Except
Plan 24855

Application:
Rezone PL2018-8143

The applicant is proposing to construct a
three storey, 6-unit townhouse. The
following rezoning is being considered:

- Rezone 274 Kinney Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

Information:

The staff report to Council and Zoning Amendment Bylaw 2018-14 will be available for public inspection from **Friday, March 9, 2018 to Tuesday, March 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.

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

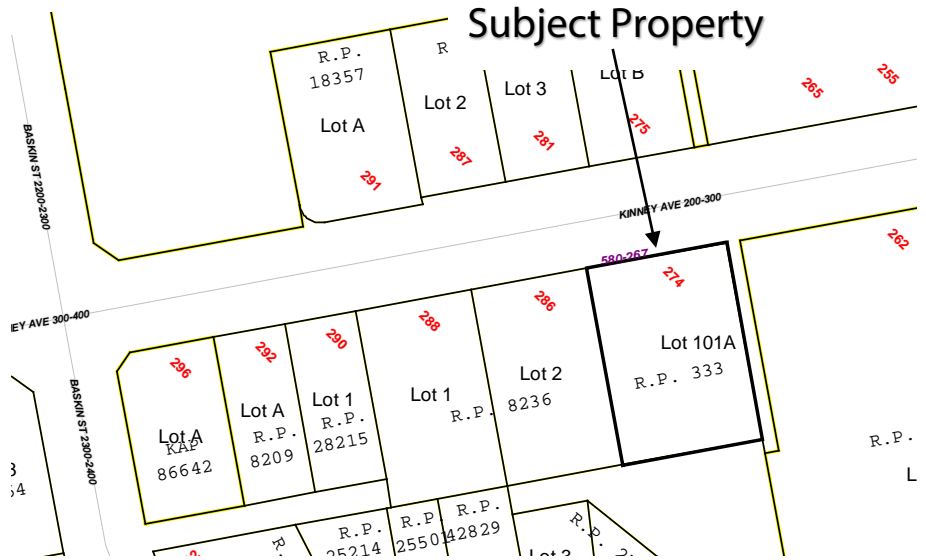
Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, March 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 am, Tuesday, March 20, 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 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: March 6, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 274 Kinney Avenue
Subject: Zoning Amendment Bylaw No. 2018-14

File No: RZ PL2018-8143

Staff Recommendation

Zoning Amendment

THAT “Zoning Amendment Bylaw No. 2018-14”, a bylaw to Rezone Lot 101A, District Lot 116, Similkameen Division Yale District, Plan 333, Except Plan 24855, located at 274 Kinney Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the March 20, 2018 Public Hearing.

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by the City’s Official Community Plan (OCP) as MR (Medium Density Residential). Photos of the site are included as Attachment D. The lot is approximately 1296.0m (13,950ft²) in area and features an older single-family dwelling. Surrounding properties are primarily zoned R2 (Small Lot Residential), RM2 (Low Density Multiple Housing) and P2 (Parks and Recreation). The surrounding area is designated by the OCP as MR (Medium Density Residential). A public walking path borders the subject property which leads to a community garden and Baskin Park. The property is located in close proximity to Lion’s park, Parkway Elementary and the mall.

Proposal

The applicant is proposing to construct a three-storey, six-unit townhouse. The conceptual floor plan features a garage and flex room on the first storey, kitchen and living area on the second storey and three bedrooms on the third storey. Since a townhouse is not a permitted use in the R2 (Small Lot Residential) zone, an amendment to RM2 (Medium Density Residential) is required. 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. The existing driveway is in close proximity to a crosswalk and the traffic volume increase associated with the increased density requires relocation of the driveway to the west portion of the property to address safety concerns. The works associated with the driveway relocation and a

new sidewalk across the frontage of the property will be required to be paid by the developer at the building permit stage. Water and sewer connection upgrades will be required given the density increase. A new pad-mount transformer will be required on the property. 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 RM2 zone | Proposed |
|------------------------------------|---|----------------------|
| Maximum Lot Coverage: | 40% | 32% |
| Maximum Density: | 0.8 FAR | 0.785 FAR |
| Minimum Lot Width: | 18.0m | 30.346m |
| Minimum Lot Area: | 540.0m ² | 1296.0m ² |
| Vehicle Parking: | 1 space per dwelling unit (6) + 0.25 visitor (1) = 7 required | 13 spaces |
| Required Setbacks | | |
| Front yard (north, Kinney Avenue): | 3.0m | 3.0m |
| Rear yard (south): | 6.0m | 6.0m |
| Interior yard (west): | 3.0m | 3.0m |
| Interior yard (east): | 3.0m | 3.0m |
| Maximum Building Height: | 12.0m | <12.0m |
| Other Information: | Subject property is located within the General Multiple Family Development Permit Area. As such, a development permit is required prior to construction. This permit is staff-issuable. | |

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-14"

The OCP designation for this site is MR (Medium Density Residential), which supports townhouse development. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the mall, schools and nearby services encourages more walking and active forms of transportation.

- The current proposal will convert an aging single family dwelling into six units in a time with low vacancy rates.

The plans submitted are conceptual in nature and an application for a development permit will be required prior to any approval for construction on the lands. The development permit drawings will have much more detail. It is staff's understanding that the current owner is not planning on developing the lands himself, only going through the zoning amendment process to create a more desirable product to market to a developer that will build on the site.

Nevertheless, the plans submitted show general conformance to the City's zoning bylaw. The number of parking spaces for the proposed development meets the requirements of the zoning bylaw and there are no variances proposed to any City bylaws.

Staff considers that the location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-14" and forward the application to the March 20th Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that a single family dwelling with a carriage house is better suited for the property. If this is the case, Council should deny the bylaw amendment.

Approval of the zoning amendment will result in a non-conforming situation if the existing house is retained and the applicant decides not to proceed with the development. This is because a single family dwelling is not a permitted use in the RM2 (Low Density Multiple Housing) zone. This will limit any additions or significant upgrades to the existing dwelling. In the case that the house was damaged by more than 75%, it could not remain on the property. If this non-conforming situation is a concern for Council, Council may wish that the house be demolished prior to adoption of the zoning bylaw. The applicant is aware of the situation with the non-conforming use that would be created should the zoning amendment be supported.

Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-14".
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: Letter of Intent
Attachment I: Zoning Amendment Bylaw No. 2018-14

Respectfully submitted,

Randy Houle
Planner I

Approvals

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

Attachment B – Zoning Map

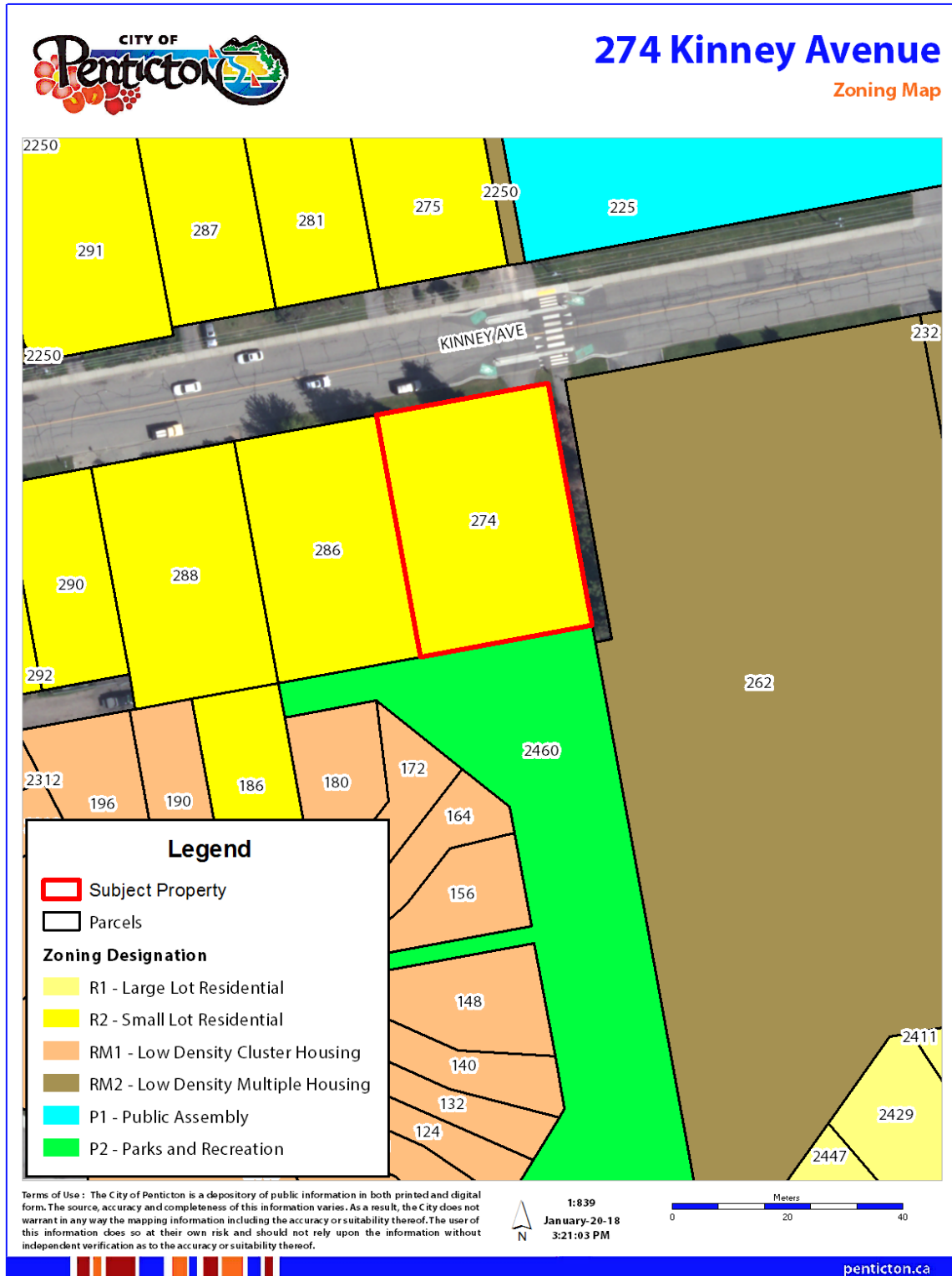


Figure 2: Zoning Map

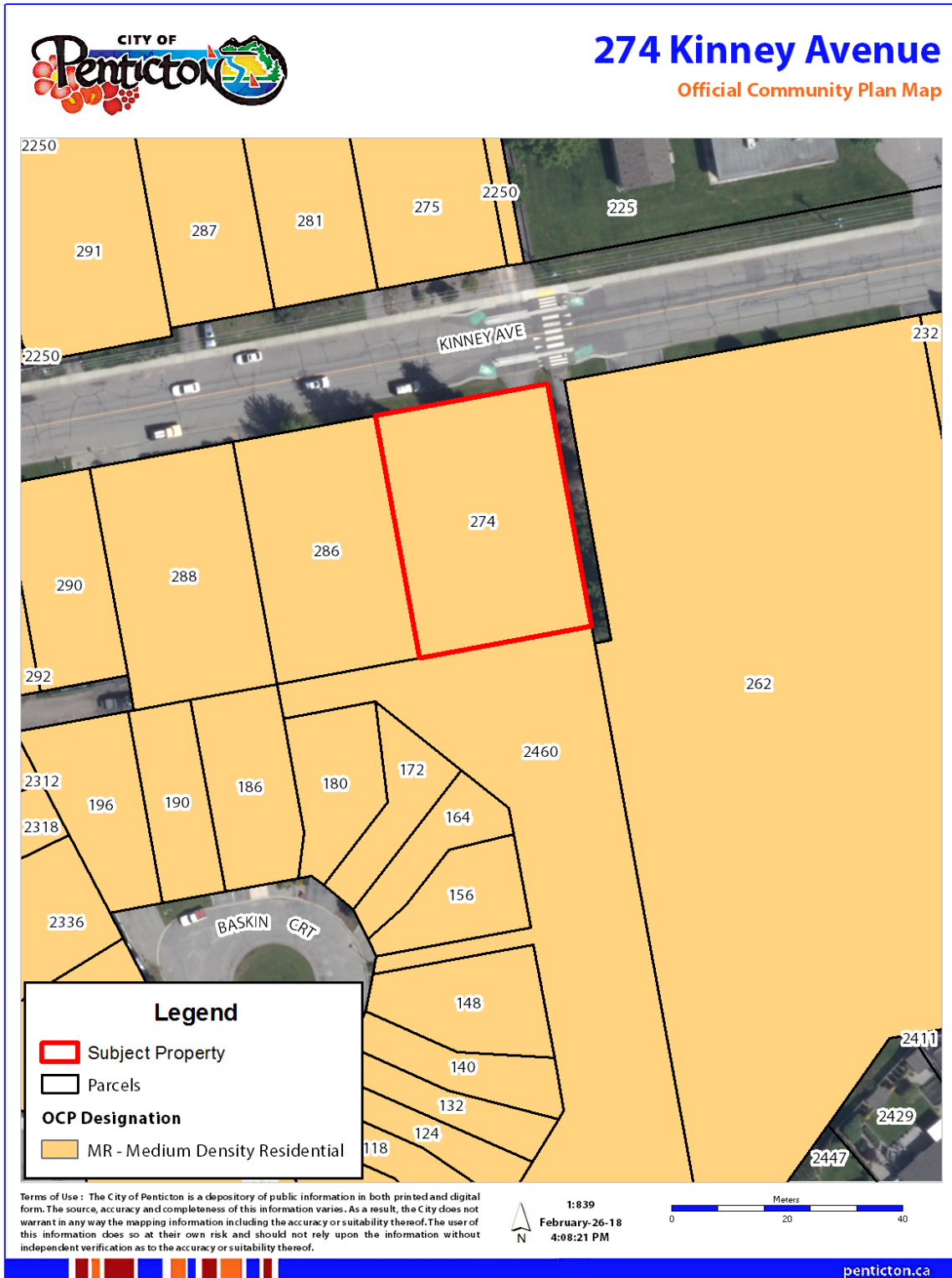


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North View (from Kinney Avenue)



Figure 5: East View showing public walkway



Figure 6: South View



Figure 7: North View showing proximity to west neighbours

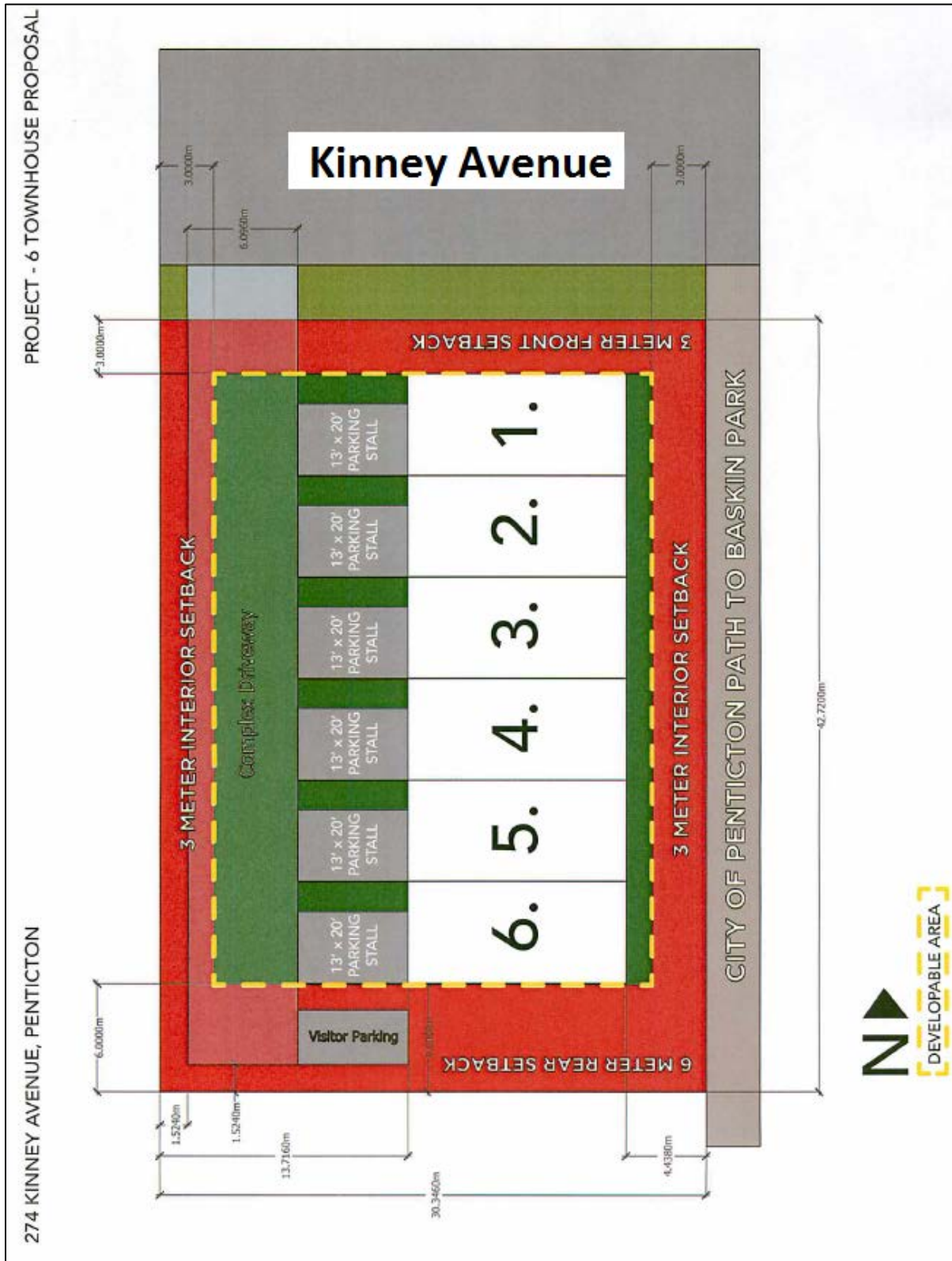


Figure 8: Conceptual Site Plan

Attachment F – Conceptual Rendering

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Figure 9: Conceptual Rendering

Attachment G – Conceptual Floor Plans

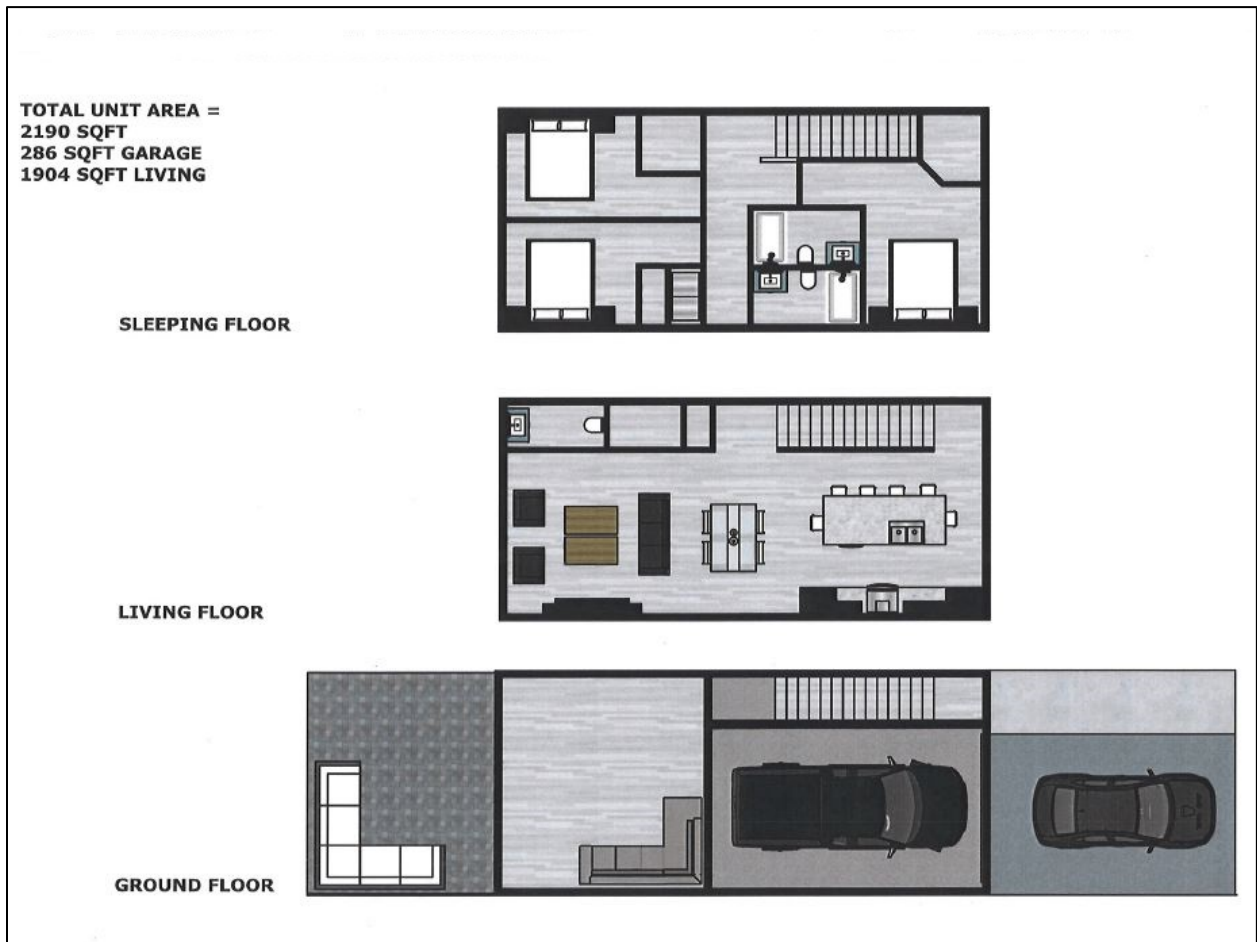


Figure 10: Floor Plans

Attachment H– Letter of Intent

Mayor, Members of Council and City Staff

171 Main Street Penticton, BC

V2A 5A9

Re: 274 Kinney Avenue, Penticton, BC V2A 3P3

Please accept this as a letter of intent regarding 274 Kinney Avenue. We have owned the property for approximately 15 years and have always rented the house. It is now in a condition that would require new flooring, new kitchen and bathrooms and other renovations to bring it up to an acceptable standard. The purpose of the rezoning application is to allow construction of up to six townhouses on the 1/3rd acre site. It is proposed to build three-bedroom, two-bathroom townhouses each with a garage and one additional parking stall. This fills a need for medium priced family housing in an area that is one half of a block from a school and parks and 1.5 blocks from Cherry Lane Mall. With zoning approval, it is proposed to obtain a building permit in 2018 and begin construction in the Fall of 2018 or Spring of 2019. Please note that this property has a vacant city lot on the south boundary and a public walkway on the east boundary and construction of townhouses in this neighborhood is completely consistent with the intent of the community plan and will fit in with other multi family projects on the same block.

Thank you for your consideration to this rezoning request.

Len Fox, P.Eng

250.490.7662

len@pentictonproperties.com

Figure 11: Letter of Intent

The Corporation of the City of Penticton

Bylaw No. 2018-14

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. 2018-14".

2. Amendment:

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

Rezone Lot 101A, District Lot 116, Similkameen Division Yale District, Plan 333, Except Plan 24855, located at 274 Kinney Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

| | | |
|-----------------------------------|--------|--------|
| READ A FIRST time this | 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*.

| |
|--|
| <p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2018</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p> |
|--|

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

