

December 6, 2018

Subject Property:
310 Comox Street

Lot 7, District Lot 366, Similkameen Division Yale District,
Plan 5419

Application:
Rezone PL2018-8396

The applicant is proposing to convert the existing dwelling into a commercial unit. Since the proposed use is not permitted in the current zone, the following is being requested by the proponents.

- Rezone 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial).

Information:

The staff report to Council and Zoning Amendment Bylaw 2018-81 will be available for public inspection from **Friday, December 7, 2018 to Tuesday, December 18, 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.

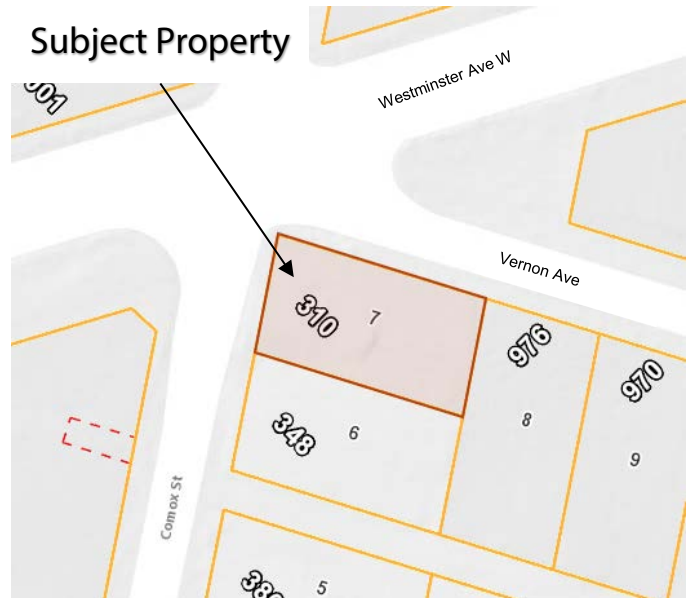
Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, December 18, 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, December 18, 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 December 18, 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: December 4, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 310 Comox Street
Subject: Zoning Amendment Bylaw No. 2018-81

File No: 2018 PRJ-228

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2018-81", a bylaw to rezone Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial), be given first reading and be forwarded to the December 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-81", a 5.0m x 5.0m northwest corner cut is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by Official Community Plan (OCP) No. 2002-20 as GC (General Commercial). Photos of the site are included as Attachment D. The lot is 618 m² (6,655 ft²) in area and features an older single family dwelling which is intended to be converted into a commercial rental unit. Surrounding properties are primarily zoned single family and tourist commercial. Surrounding properties are similarly designated by the OCP as GC (General Commercial). The site is located in the North Gateway area, as described by the OCP and along the Westminster Avenue commercial corridor. It is in close proximity to the South Okanagan Events Centre and various car dealerships and motels.

Proposal

The applicant is proposing to convert the existing dwelling into a commercial unit with a reception area, two offices and a staff room. Since the proposed use is not permitted in the current zone, a rezoning to C4 (General Commercial) is being requested by the proponents.

Financial implication

Rezoning the property from residential to commercial will result in an increase in taxes for the City. Any costs associated with the development will be at the responsibility of the developer.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. Through the review process, a 5.0m by 5.0m northwest corner cut is required on the subject property to help address safety and visibility concerns. All servicing and technical

requirements will be addressed during the building permit stage. As per the Subdivision and Development Bylaw No. 2004-81, Section 9.3, every Owner making an application for a building permit with construction costs exceeding \$150,000 are required to upgrade the street frontage of the property. This can include curb, gutter and sidewalk. The exact design will be determined during the building permit stage. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions will apply, prior to occupation and use of the building as a commercial business.

New OCP

While the current OCP identifies this area as GC (General Commercial), the draft OCP that is currently under development and anticipated to be adopted early in the new year, identifies this area for 'Tourist Commercial.' The proposed rezoning would not be in-line with the Tourist Commercial designation.

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-81"

The proposed amendment from R2 (Small Lot Residential) to C4 (General Commercial) is in line with the GC (General Commercial) designation of OCP No. 2002-20. The new OCP will be in effect early next year and identifies this property as Tourist Commercial, which does not support the proposed use. That being said, given the current policy environment staff considers this development to be an appropriate use of the land for the following reasons:

- General commercial uses are best in areas located along major roadways. The subject property is located adjacent to Westminster Avenue, which is the main connection between the City's north entrance and downtown. The proposed commercial use will fit into the existing mix of commercial and tourist commercial uses in the area.
- The proposal is in line with the OCP's commercial policies as highlighted below:
 - o Ensure sufficient land is designated for present and future commercial use.
 - o Facilitate the provision of a range of commercial opportunities that will increase the overall self-sufficiency of the City and contribute to its employment and tax base growth.
 - o Create a favourable economic climate which attracts new business and promotes the City as the prime business center in the South Okanagan region.
 - o Work towards achieving a well-balanced economy that provides a range of economic and employment opportunities for the community.
- The property is located within the North Gateway Urban Village as identified by OCP No. 2002-20. Sites that are designated GC within this area may support mixed use commercial. The proposed rezoning will provide a gentle mix of commercial in a residential neighbourhood.

The C4 (General Commercial) zone has an extensive list of permitted uses including office, retail store, health service, financial service, day care centre, among others. At this time, the owner is unsure of the exact use to pursue, but is simply rezoning the property to align with the current OCP's vision for the property. Four parking spaces will be provided on site, in addition to on-street parking spaces in front of the property.

Should a future commercial use that is permitted in the C4 Zone require more parking than is able to be permitted on site, that issue would be dealt with in the future. Ultimately, the size of the existing building and the available parking on the site will determine the best use for the property.

It is important to analyze the negative impacts that the proposed rezoning from residential to commercial could have on the surrounding neighbourhood. The property to the west is Murray GM, and the property to the north is the Coast Hotel, which are unlikely to be affected by a small scale commercial use. To the east are two empty lots which are unlikely to be impacted. The biggest impact would be to the property to the south, which remains a residential property. The subject building sits approximately 2.44m from the common property line, with no entrances or changes to the south elevation of the building being proposed. Vehicular access to the subject property will remain unchanged.

Given the close proximity to various commercial uses, the alignment with the OCP's vision for this property as well as the limited impacts that a small scale commercial use will have on the surrounding neighborhood, it is reasonable to support the amendment. Staff recommends that Council support "Zoning Amendment Bylaw No. 2018-81" and forward the application to the December 18, 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 and that the zoning shall remain for single family development. Council may consider denying the application at this time since the OCP designation for this property may change with the adoption of the new OCP. Council may also consider requiring the applicant to provide screening along the south property line as a condition of approval.

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 dwelling unit on the ground floor is not a permitted use in the C4 (General Commercial) 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 require that the dwelling unit be discontinued prior to final adoption of the zoning amendment bylaw, through removal of a cooking facility. The applicant is aware of the situation with the non-conforming use that would be created should the zoning amendment be supported.

If council has concerns with the proposal, then they 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.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-81"
2. THAT Council support first reading of the bylaw with a condition that the dwelling unit be removed prior to adoption.
3. THAT Council support first reading of the bylaw with a condition that screening is provided along the south property line.
4. 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 Floor Plan
Attachment G: Conceptual Building Elevations
Attachment H: Letter of Intent
Attachment I: Zoning Amendment Bylaw No. 2018-81

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	PW

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

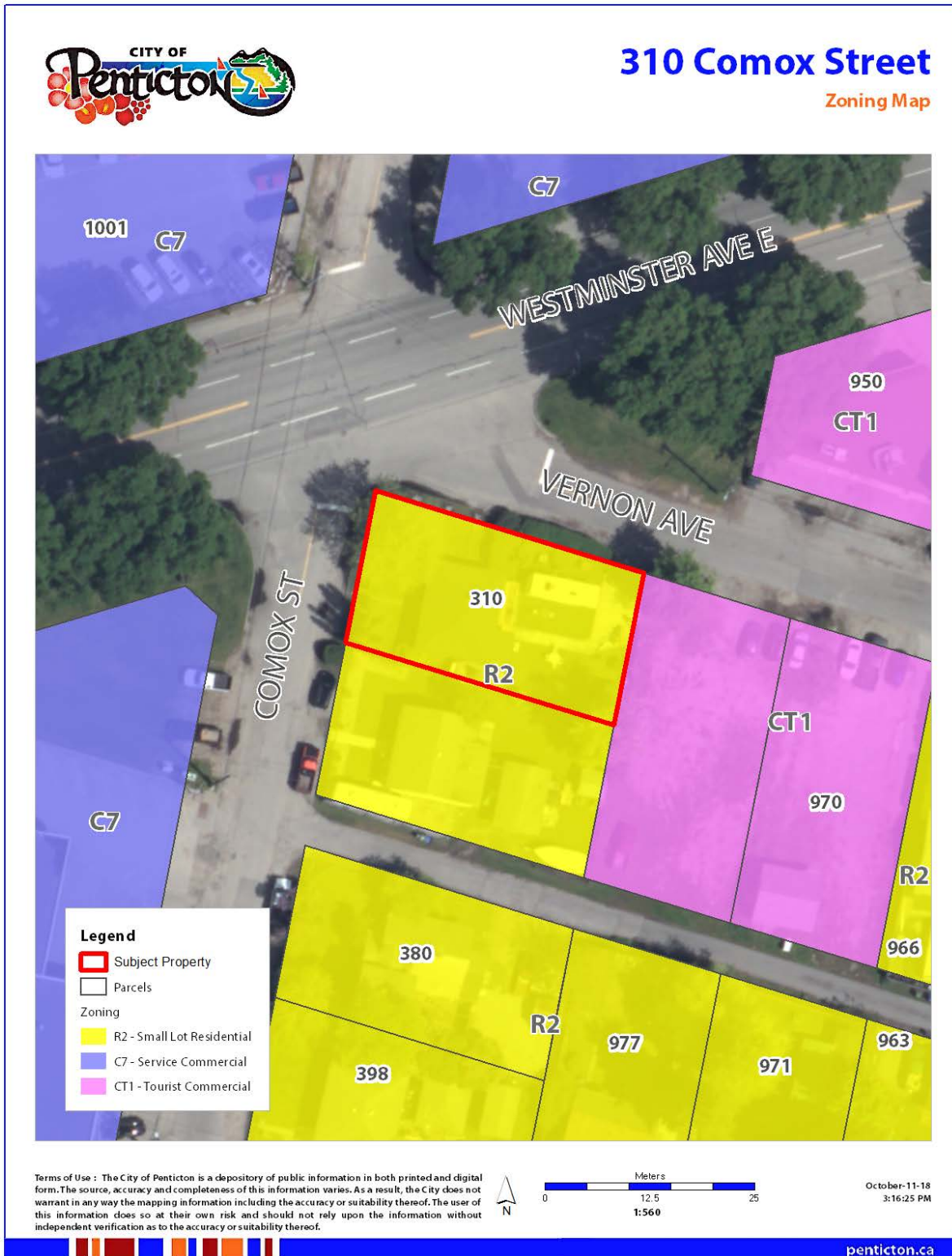


Figure 2: Zoning Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North view of subject property (from Vernon Avenue)



Figure 5: West view of subject property (from Comox Street)



Figure 6: East view of subject property



Figure 7: East view showing proximity to south neighbour

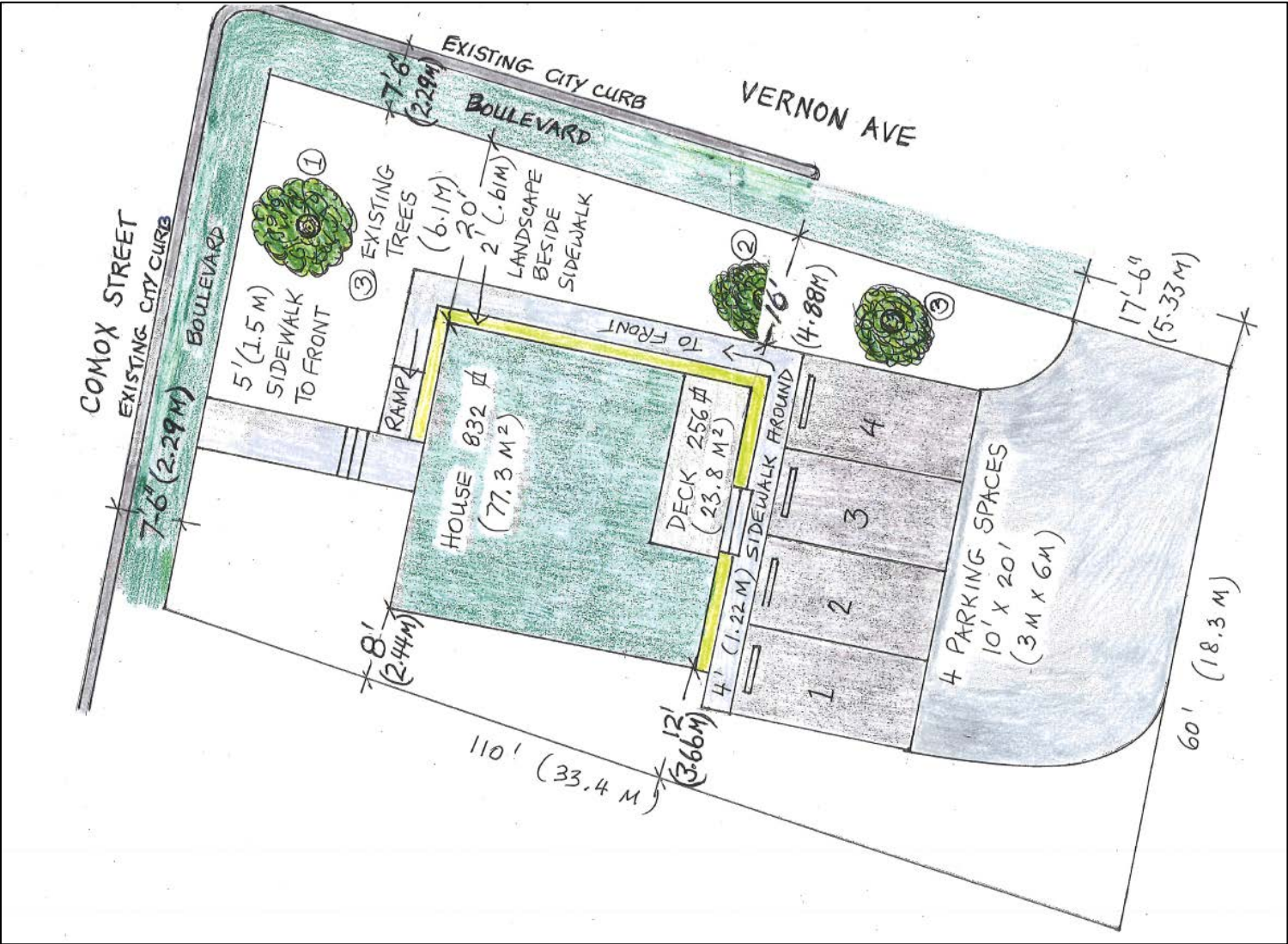


Figure 8: Conceptual Site Plan

Attachment F – Conceptual Floor Plan

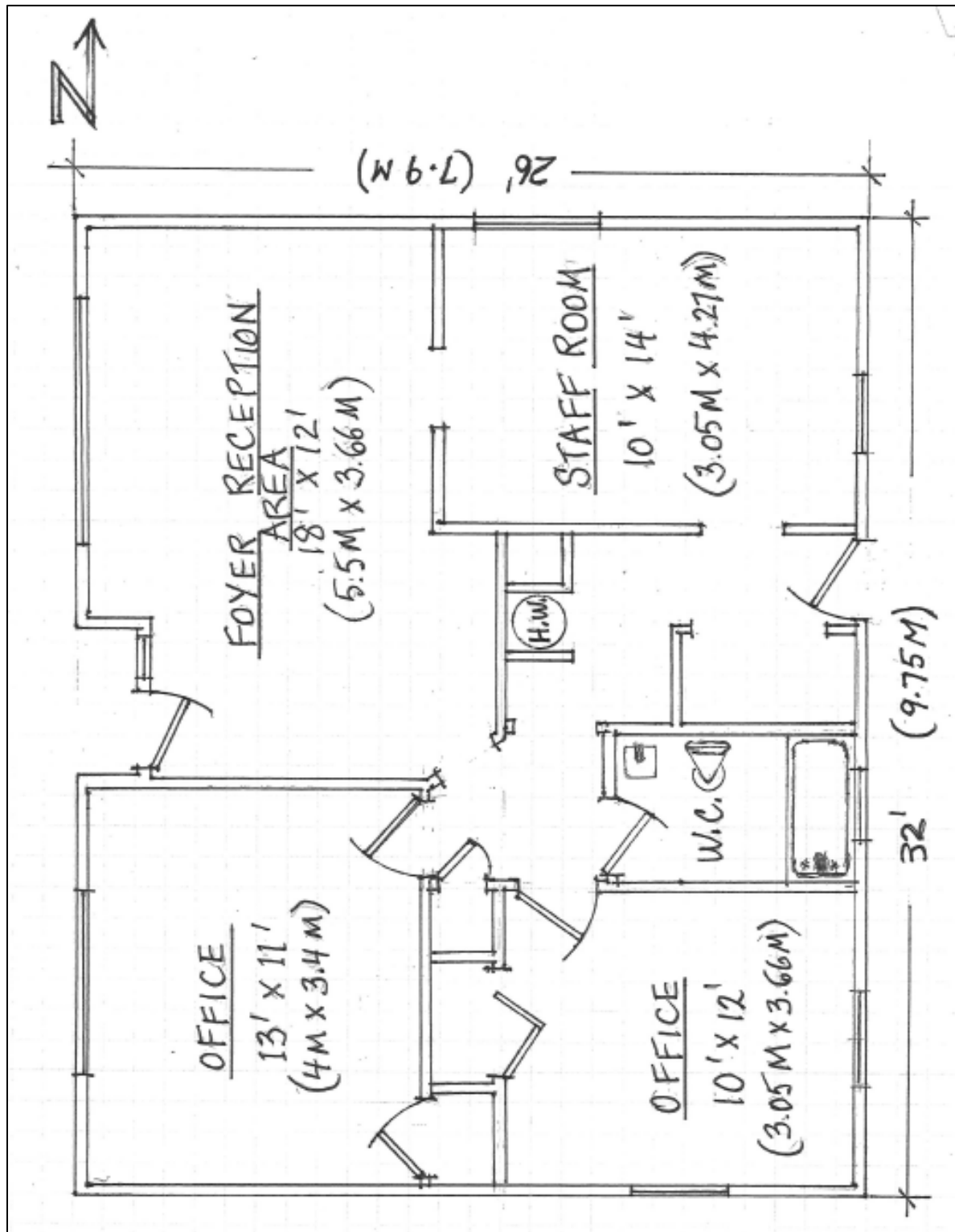


Figure 9: Conceptual Floor Plan

Attachment G – Conceptual Building Elevations

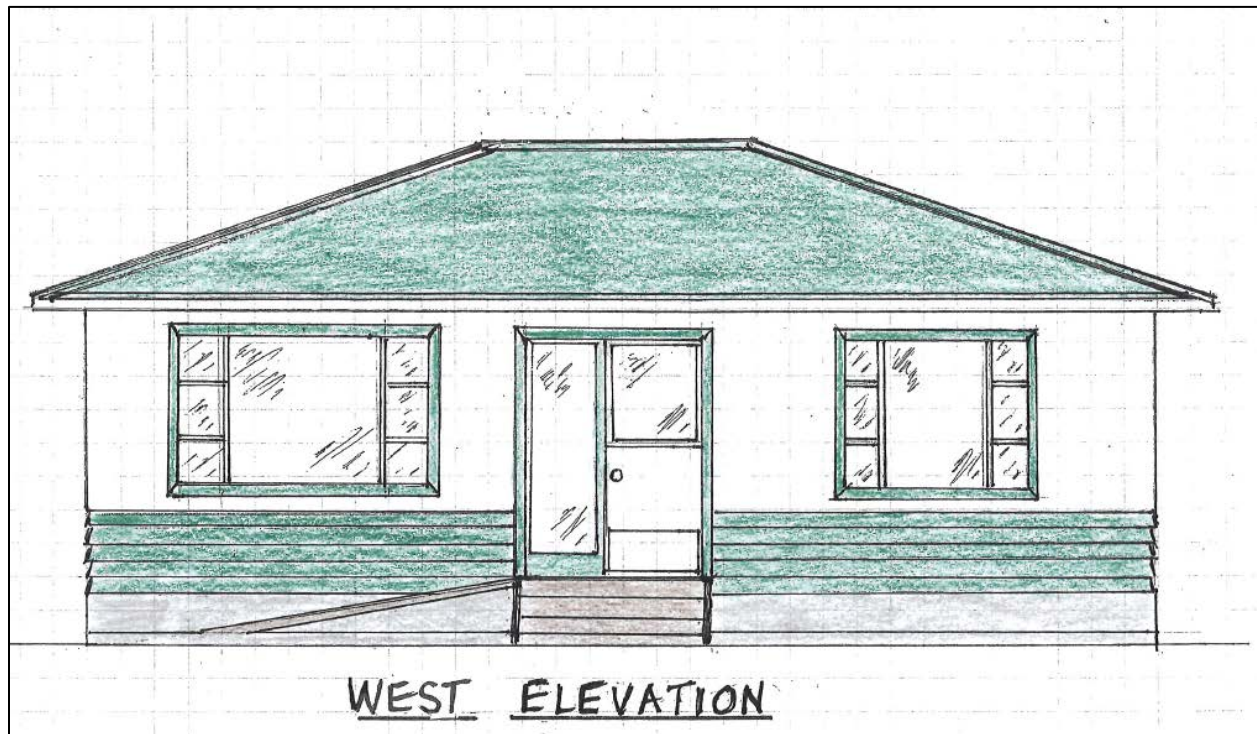


Figure 10: West Elevation of existing dwelling (facing Comox Street)



Figure 11: East Elevation of existing dwelling (towards empty lots at 970 & 976 Vernon Avenue)

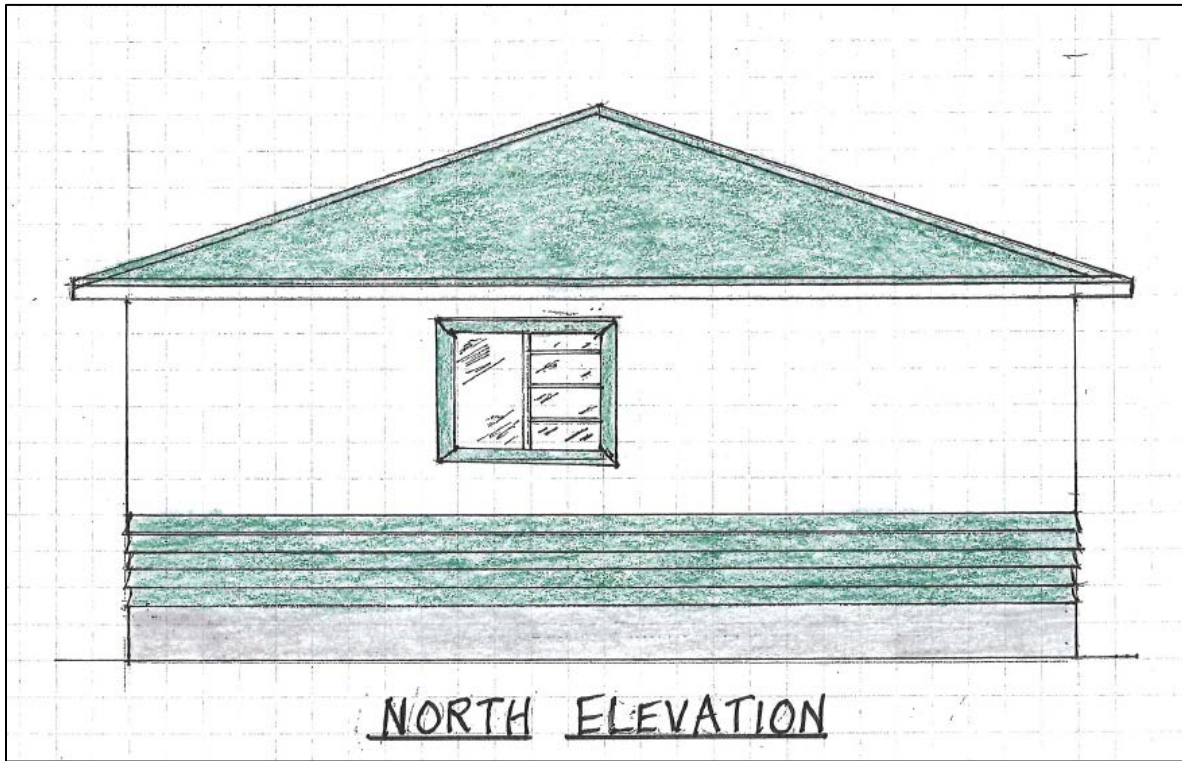


Figure 12: North Elevation of existing dwelling (facing Vernon Avenue)



Figure 13: South Elevation of proposed development (facing neighbours to the South)

To Whom It May Concern

Letter of Intent for Development Application for Subject Property

310 Comox Street, Penticton B C V2A 5Y1

Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419

To be re-zoned to C-4 to allow opportunity for the owners to explore income possibilities for approved businesses that fall under C-4 zoning.

Owner Tim Coy
Signature Tim Coy
Date Oct. 5 / 18

Figure 14: Letter of Intent

Rezone 310 Comox St

From R2 (Small Lot Residential)
To C4 (General Commercial)



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2018-81

Date: _____

Corporate Officer: _____