



Public Notice

penticton.ca

March 21, 2019

Subject Property:

1682 Lawrence Avenue

Lot 1, District Lot 2710, Similkameen Division Yale District, Plan EPP52845, Except Plan EPP71048

Application:

Development Variance Permit PL2019-8457

The property owner is intending to subdivide the lands into three separate parcels as delineated by the roads bisecting the site. To accommodate the subdivision, a variance to the current zone is necessary. The two areas of the parcel zoned FG (Forest Grazing) will only be 3.80 ha (9.4 acres) and 0.526 ha (1.3 acres) after the subdivision. For split zone properties, each zone within the parcel is treated as a separate parcel by the zoning bylaw. As such with the FG zoned lands, the Zoning Bylaw requires a minimum parcel area of 16 ha, and with the lot sizes proposed it necessitates a variance. The following variance request is being considered:

- Vary Section 9.1.2.2 of Zoning Bylaw 2017-08 to reduce the minimum lot area of a FG (Forest Grazing) zoned property from 16 ha to 0.526 ha.

Information:

The staff report to Council and Development Variance Permit PL2019-8457 will be available for public inspection from **Friday, March 22, 2019 to Tuesday, April 2, 2019** 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:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, April 2, 2019** 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, April 2, 2019** to:

Attention: Corporate Officer, City of Penticton

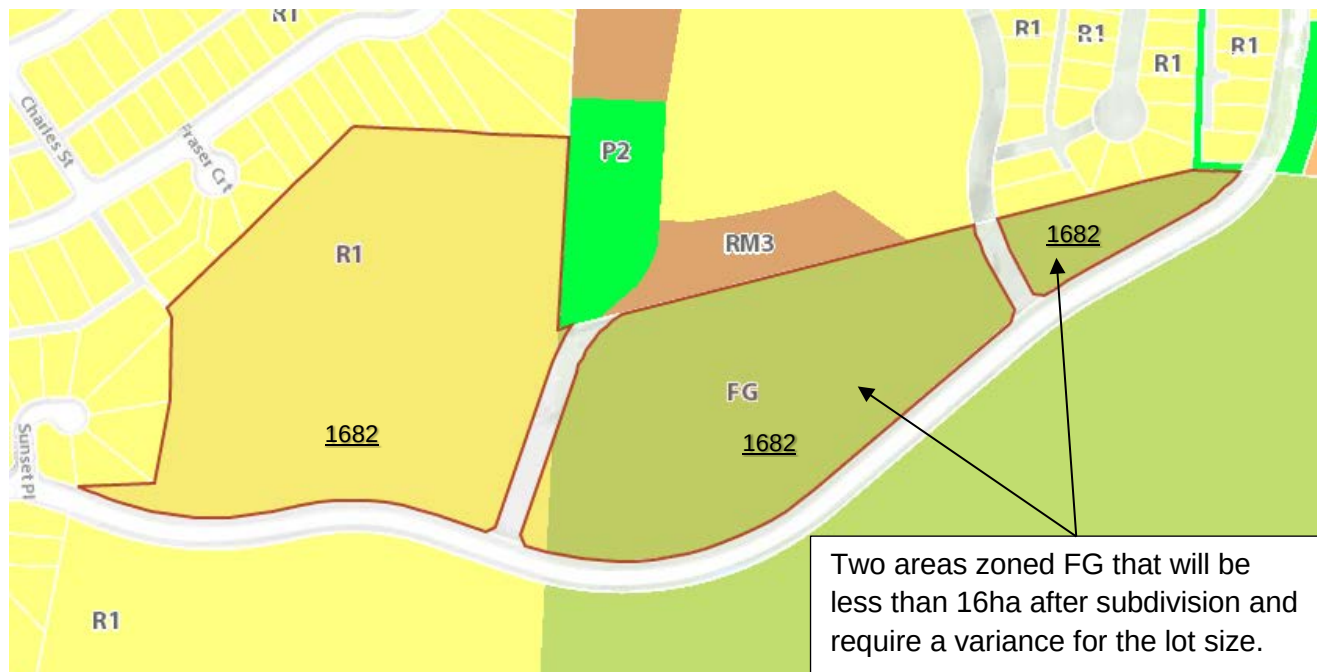
171 Main Street, Penticton, B.C. V2A 5A9

Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the April 2, 2019 Council Meeting.

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

Subject Property: 1682 Lawrence Avenue

Date: April 2, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1682 Lawrence Avenue
Subject: Development Variance Permit PL2019-8457

File No: 2019 PRJ-014

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8457", for Lot 1, District Lot 2710 Similkameen Division Yale District Plan EPP52845, located at 1682 Lawrence Avenue, a permit to reduce the lot area from 16ha to 0.526 ha to allow for subdivision;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8457."

Background

The subject lands (Attachment 'A') are one large legal parcel bisected by two roads and fronting onto Lawrence Avenue. The lands are part of the Columbia Heights Neighbourhood Plan Area and are located to the south of the Ridge and Sendero Canyon residential developments. The property owner is intending to subdivide the lands into three separate parcels as delineated by the roads bisecting the site.



The City's Official Community Plan and the 1994 Columbia Heights Neighbourhood Plan designate the lands for a mixture of land uses. The Columbia Heights Plan was developed with a vision towards respect for the environment, through retention and restoration of natural areas; a focus on community and a development plan that includes the full service levels identified in City works and service bylaws.

Presently, the OCP (2019) draft future land use plan shows a mixture of land uses for the subject lands including clustered single-family development, parkland /conservation, commercial and multiple family sites.

According to the City's Zoning bylaw the property is *split* zoned, with the western portion zoned R1 (Large Lot Residential) and the larger remainder zoned FG (Forestry Grazing). To accommodate the subdivision, a

variance to the current zone is necessary. The two areas of the parcel zoned FG (Forest Grazing) will only be 3.80 ha (9.4 acres) and 0.526 ha (1.3 acres) after the subdivision. For split zone properties, each zone within the parcel is treated as a separate parcel by the zoning bylaw. As such with the FG zoned lands, the Zoning Bylaw requires a minimum parcel area of 16 ha, and with the lot sizes proposed it necessitates a variance.

Proposal

The applicants are proposing to vary Section 9.1.2.2 to reduce the minimum lot area of a FG (Forest Grazing) zoned property from 16 ha to 0.526 ha.

Financial implication

N/A

Technical Review

Redevelopment of these lands is a complex process. Because the subject application is just a preliminary step in the overall development process, staff have not completed a full technical servicing review at this point. The owners will be dealing with the remediation of a gravel mine as well as dealing with bringing utility services to a greenfield area. City policy necessitates that prior to further development, suitable consideration must be completed to matters such as the following:

- Utility servicing (Water, Sanitary and Storm Sewer and Electrical)
- Trails ,parks and conservation area
- Transportation Routes (vehicles and pedestrian)
- Land Use and Density
- Environmental impacts
- Hazards

Prior to being able to pursue development of the lands, the property owners will also needs to obtain zoning amendment, earthworks permit and development permit approval. Once the approvals are in place, additional subdivision will then be possible.

Analysis

Support Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Support for the variance will allow the eventual subdivision to go ahead, which will assist in future planning for this area. No rezoning is being proposed at this time and development potential is limited until such time detailed plans are created and further approvals are obtain. This is to say, the approval of the subject variance is only the first step in the development process to create additional residential development in this

area. For these reasons, staff are recommending that Council support the application and direct staff to issue the permit.

Deny/Refer Variance

Council may feel that the variance application is premature and more information is required to support the subdivision. If that is the case, Council should deny the application.

Alternate Recommendations

1. THAT Council refer “DVP PL2019-8457” back to staff.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D- Columbia Heights Neighborhood Plan
AttachmentE: Photos of Subject Property
AttachmentF: Site Plan
Attachment G: Letter of Intent
AttachmentH : Development Variance Permit PL2019-8457

Respectfully submitted,

Audrey Tanguay

Approvals

DDS <i>ASH</i>	CAO
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Figure 1: Subject Property Location Map

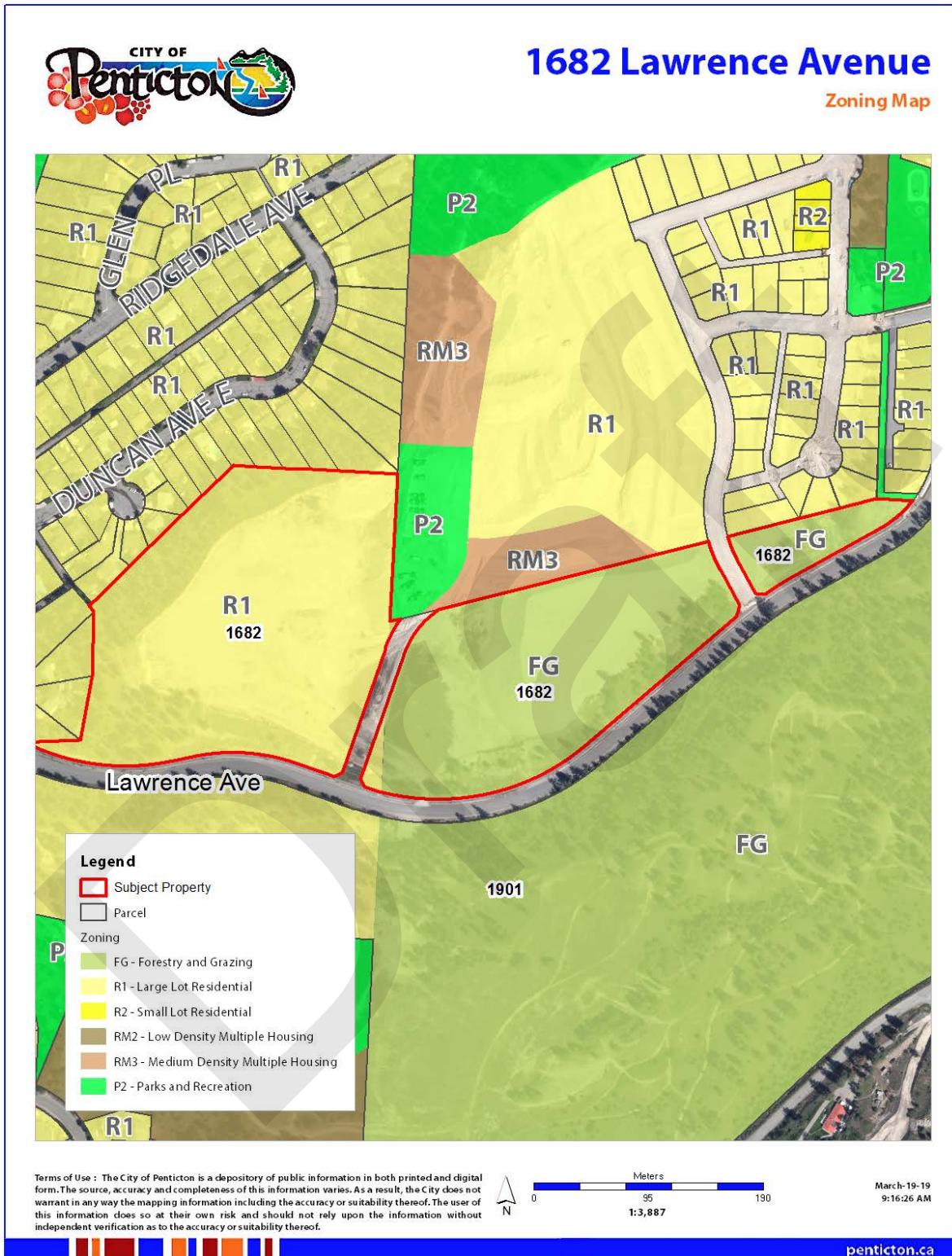


Figure 2: Zoning Map

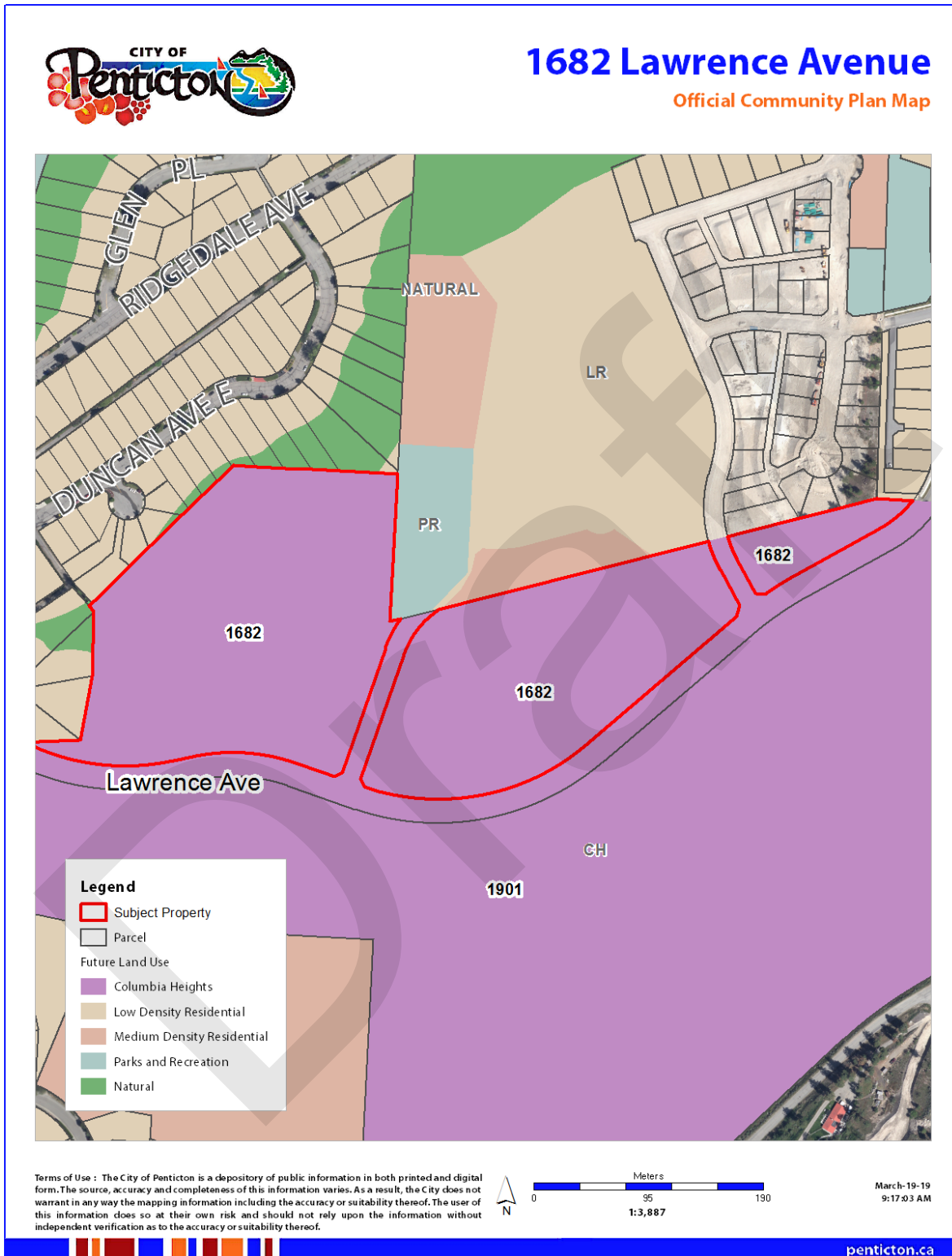


Figure 3: OCP Map

Attachment D- Columbia Heights Neighborhood Plan

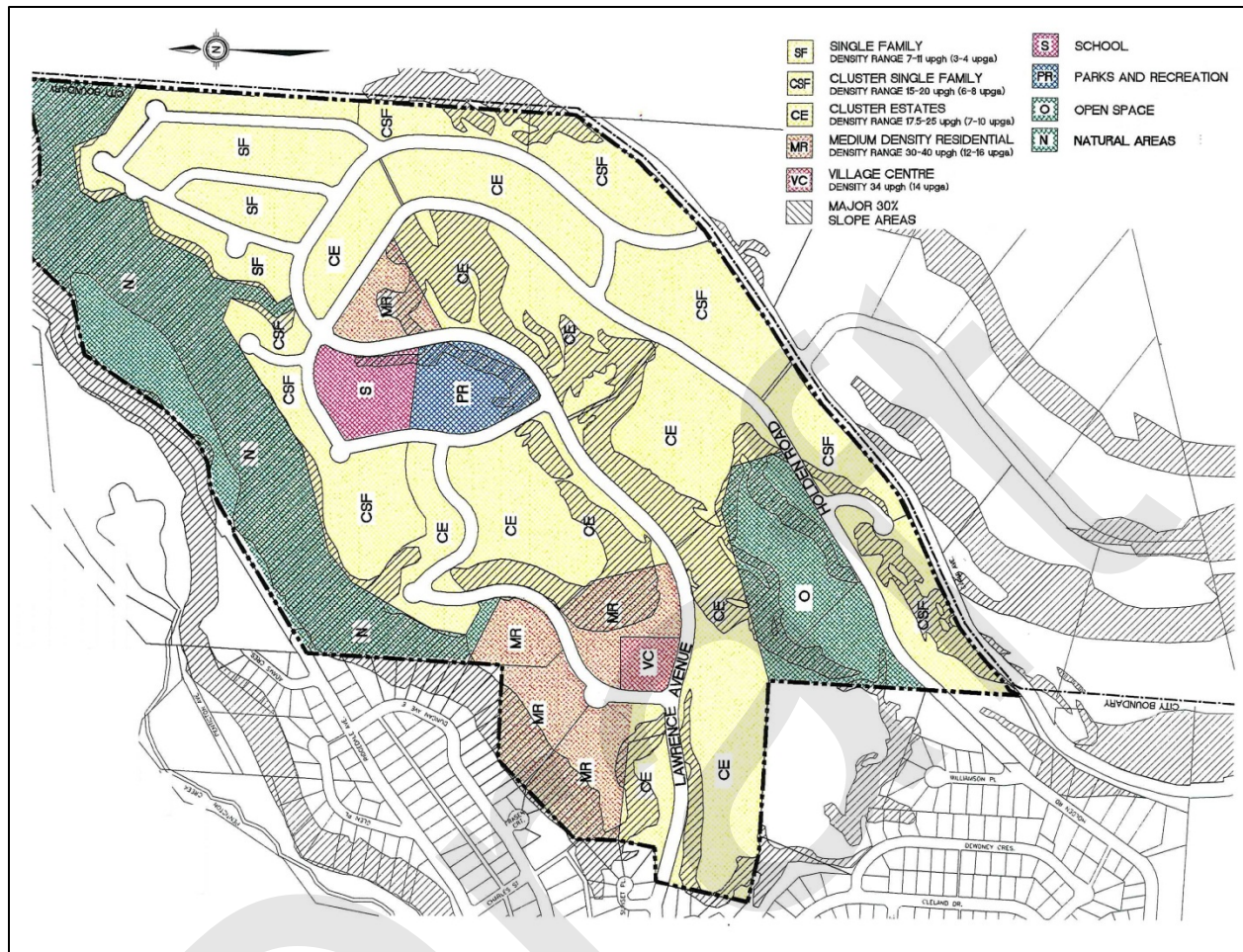


Figure 4: Land Use Map

Attachment E – Photos of Subject Property



Figure 4: View Looking South on Lawrence Avenue



Figure 5: View looking North on Lawrence Avenue

Attachment F – Site Plan

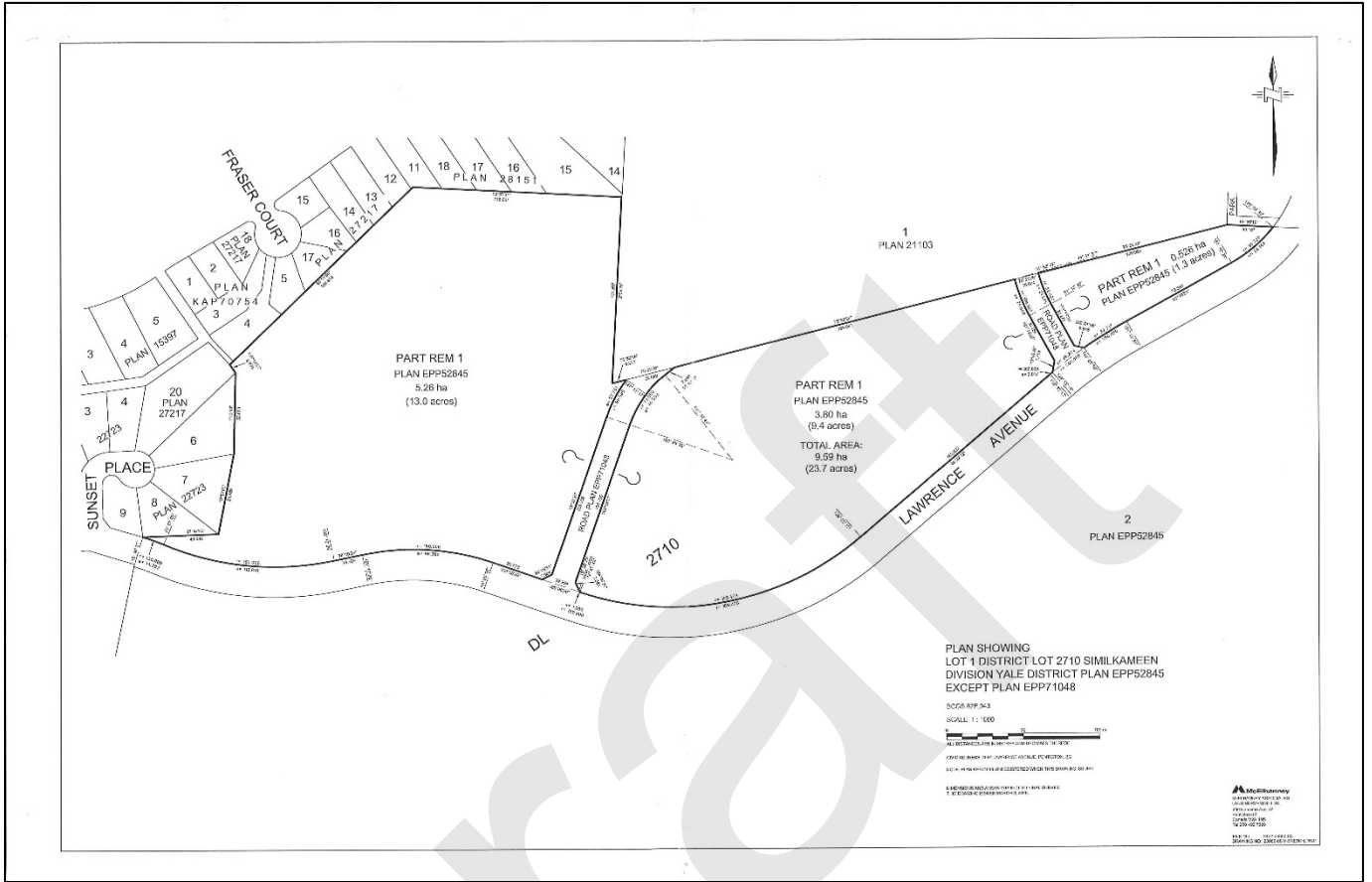


Figure 10: Site Plan

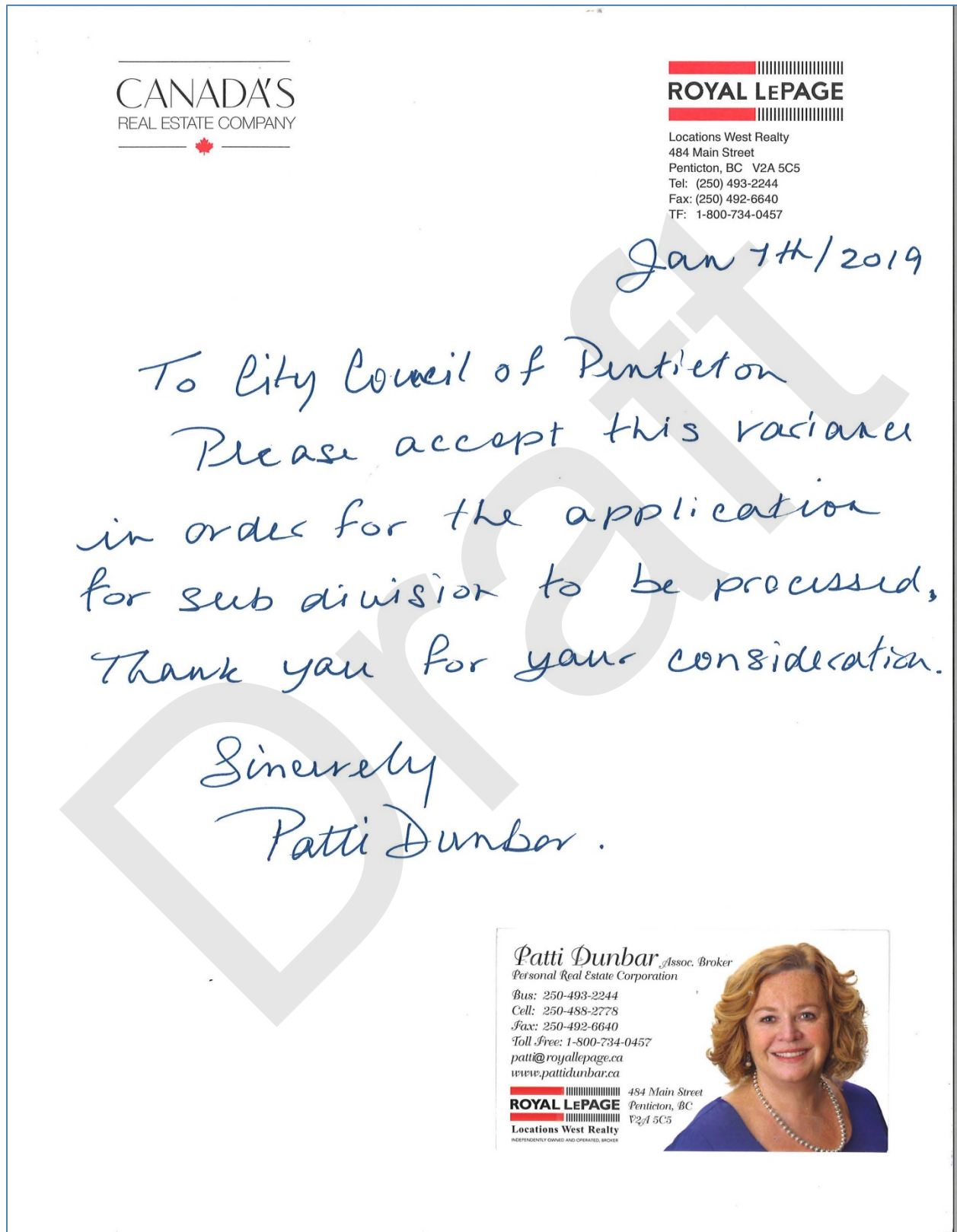


Figure 20: Letter of Intent



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

Development Variance Permit

Permit Number: DVP PL2019-8457.

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 2710 Similkameen Division Yale District Plan EPP52845
Civic: 1682 Lawrence Avenue
PID: 029-638-372
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the subdivision of the parcel.
 - Section 9.1.2.2 to reduce the minimum lot area of a FG (Forest Grazing) zoned property from 16 ha to 0.526 ha.

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 2 day of April, 2019

Issued this ____ day of _____, 2019

Angie Collison
Corporate Officer

Draft

DVP PL2018-8283

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