

May 23, 2019

Subject Property:

595 Carmi Avenue

Lot 13, District Lot 250, Similkameen Division Yale District,
Plan 6505

Application:

Rezone PL2019-8513

The applicant is proposing to renovate the existing commercial building into a pharmacy which is currently not a permitted use in the C2 (Neighbourhood Commercial) zone. Thus, the applicant is proposing to rezone the subject property to C3 (Mixed Use Commercial) to allow for a retail store, which includes the pharmacy use.



Information:

The staff report to Council and Zoning Amendment Bylaw 2019-16 will be available for public inspection from **Friday, May 24, 2019 to Tuesday, June 4, 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:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, June 4, 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, June 4, 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 June 4, 2019 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: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 595 Carmi Avenue
Subject: Zoning Amendment Bylaw No. 2019-16

File No: 2019 PRJ-068

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-16", a bylaw to rezone Lot 13 District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial), be given first reading and forwarded to the June 4, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-16", a 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned C2 (Neighbourhood Commercial) and designated by the City's Official Community Plan (OCP) as MR (Medium Density Residential). The property is located directly across Carmi Avenue to the north of the Penticton Regional Hospital. Photos of the site are included as Attachment D. The lot is approximately 886.0m² (9,537ft²) in area and features a small commercial building with a residence on the 2nd floor. An older building is constructed on-site, with a commercial unit on the main floor and a dwelling unit on the second storey. Historically, a corner store operated on-site until it was converted to a coffee shop in the early 2000s. It continued to operate as a coffee/ice cream shop until it's present day unoccupied state. The subject property is in close proximity to several institutional uses (hospital and churches), small-scale commercial buildings (medical offices) and single and multiple family developments. The site is located in a high profile area, at the intersection of Government Street and Carmi Avenue right across from the Hospital.

Proposal

The applicant is proposing to renovate an existing commercial building into a pharmacy which is not a permitted use in the C2 (Neighbourhood Commercial) zone. Thus, the applicant is proposing to rezone the subject property to C3 (Mixed Use Commercial) to allow for a retail store, which includes the pharmacy use. The pharmacy will be approximately 1200ft² in area, with the main entrance on the west side of the building facing the parking lot that can accommodate 9 vehicles. Vehicle access will be relocated from the existing driveway entrances along Government Street and Carmi Avenue to the lane instead. Landscaping will replace asphalt around the frontage of the property. The building will undergo significant façade improvements, making the building more modern with fibre cement panel cladding, and glass entry canopies.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. It has been determined that the existing driveway along Government Street shall be closed due to safety concerns. The existing driveway along Carmi Avenue will be narrowed down to a 3.0m width to serve as an exit for vehicles leaving the site which will also provide enhanced safety. The costs of re-instating curb, gutter and sidewalk will be charged to the developer. The rear lane has been re-surfaced over the past few years but it has been identified by the City's Engineering Department that the entry ways to the lane should be widened to allow for easier access to the lane.

A 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue will be obtained by the City as a condition of rezoning to help achieve the desired width of the streets (20.0m) to accommodate traffic lanes, bike lanes, sidewalks and utilities. The existing water and sewer connections may require upgrading, depending on fixture counts and conditions of services.

As part of the development permit process, the developer will be required to landscape the entire frontage of the property, which will significantly benefit the property and the area. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, 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 will apply.

New OCP

While the current OCP identifies this area as MR (Medium Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, identifies this area for 'Commercial.' This designation allows for a wide range of commercial uses including office, retail, goods and services. This also includes mixed use buildings with residential units on the second floor and above. The proposed zoning amendment is in line with this future designation.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the application:

Item	Requirement C3 zone	Proposed
Maximum Lot Coverage:	50%	12.3%
Minimum Lot Width:	18.0m	22.0m
Minimum Lot Area:	1000.0m ²	886.26m ² *
Maximum Density:	2.0 FAR	0.25 FAR
Vehicle Parking:	1 space per 50m ² Floor Area (2) + 1 per dwelling unit = 3 total	9 spaces

Required Setbacks		
Front yard (east, Government Street):	3.0m	5.45m
Rear yard (west, lane):	6.0m	25.05m
Interior yard (north):	4.5m	3.94m (non-conforming)
Exterior yard (south, Carmi Avenue):	4.5m	8.55m
Maximum Building Height:	18.0m	7.2m
Other Information:	<p>- The subject property is located in a Development Permit Area. Since the site is undergoing significant renovation, a development permit is required. This permit is staff-issuable and will be addressed following the rezoning application.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

Analysis

Zoning Amendment

Support Zoning Amendment Bylaw No. 2019-16

The MR (Medium Density Residential) OCP designation allows for small scale neighbourhood commercial uses such as convenience stores and small scale retail stores such as the pharmacy proposed. A number of guidelines for consideration of rezoning applications and staff's comments are as follows:

- *The size, scale, and scope of the proposed commercial use is compatible with the character of the area:*
 - The small scale, two storey nature of the building with sufficient parking will not change the character of the area. The proposed pharmacy is within walking distance to several compatible uses (medical offices and the hospital), as well as neighbouring residential dwellings.
- *The proposed commercial use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on adjacent uses:*
 - The building is existing; no additions or increases in floor area are being proposed at this time. The proposed pharmacy would increase the number of vehicles that could access the lane, but widening the lane access from Carmi Avenue will make it easier for vehicles to enter and exit at the same time. The parking lot for the proposed pharmacy is designed for vehicles to enter from the lane and exit onto Carmi Avenue by making a right hand turn. Closing the driveway accesses in close proximity to the intersection will improve safety in the area. There is a medical office to the west of the subject property that uses the lane as a primary means of vehicular access. Pharmacy's operate regular hours and are unlikely to generate additional noise or traffic beyond a typical commercial use. The parking lot will be reconfigured to properly park up to 9 vehicles.
- *Commercial uses are best in areas located along major roadways:*

- The subject property is located in a high profile area, along Government Street and across from the Penticton Regional Hospital.

Although the current OCP identifies this property for medium density residential, a rezoning to allow for a wider range of commercial uses, while maintaining the residential use on the second floor is still considered to be consistent with the guidelines. The subject property is already commercial zoned, which allows for a convenience store, personal service establishments (photo studio, dry cleaners, shoe repair, etc.) and other small scale commercial uses up to 125m² in area. The proposed C3 zone adds other uses such as retail stores and offices as permitted uses with no limits on the size. The current C2 zone places a maximum of 1 residential unit within a commercial building while no maximum exists in the C3 zone. This could mean that the developer could expand the commercial use or add more residential density to the lot as desired. Given that this is an area in close proximity to the hospital, IGA, and nearby services, additional density or a wider range of commercial uses is not seen as a concern.

As part of the project, a staff-issuable development permit is required. A detailed landscape plan will be submitted which will highlight the conversion of the existing asphalt frontage into landscaping. The required parking spaces for the current size of retail space and one dwelling unit is 3 total. The developer is proposing 9 parking spaces.

Closing the existing driveways and directing traffic through the lane is ultimately consolidating multiple accesses into one location, which will enhance safety to the site. This also enables landscaping to replace existing asphalt, which will help to beautify the area in a high profile corner next to the brand new hospital expansion.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-16" and forward the application to the June 4, 2019 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 as C2 (Neighbourhood Commercial), permitted small scale commercial uses and a maximum of one residential dwelling unit. Council may also feel that a small apartment building would be a better fit for the property, given the current MR (Medium Density Residential) OCP designation. If this is the case, Council 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. 2019-16."
2. THAT Council support first reading of the "Zoning Amendment Bylaw No. 2019-16" with conditions.
3. THAT Council refer "Zoning Amendment Bylaw No. 2019-16" 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: Site Plan
- Attachment F: Building Elevations
- Attachment G: Floor Plans
- Attachment H: Letter of Intent
- Attachment I: Zoning Amendment Bylaw No. 2019-16

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>PH</i>	CAO DvD
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Attachment A – Subject Property Location Map

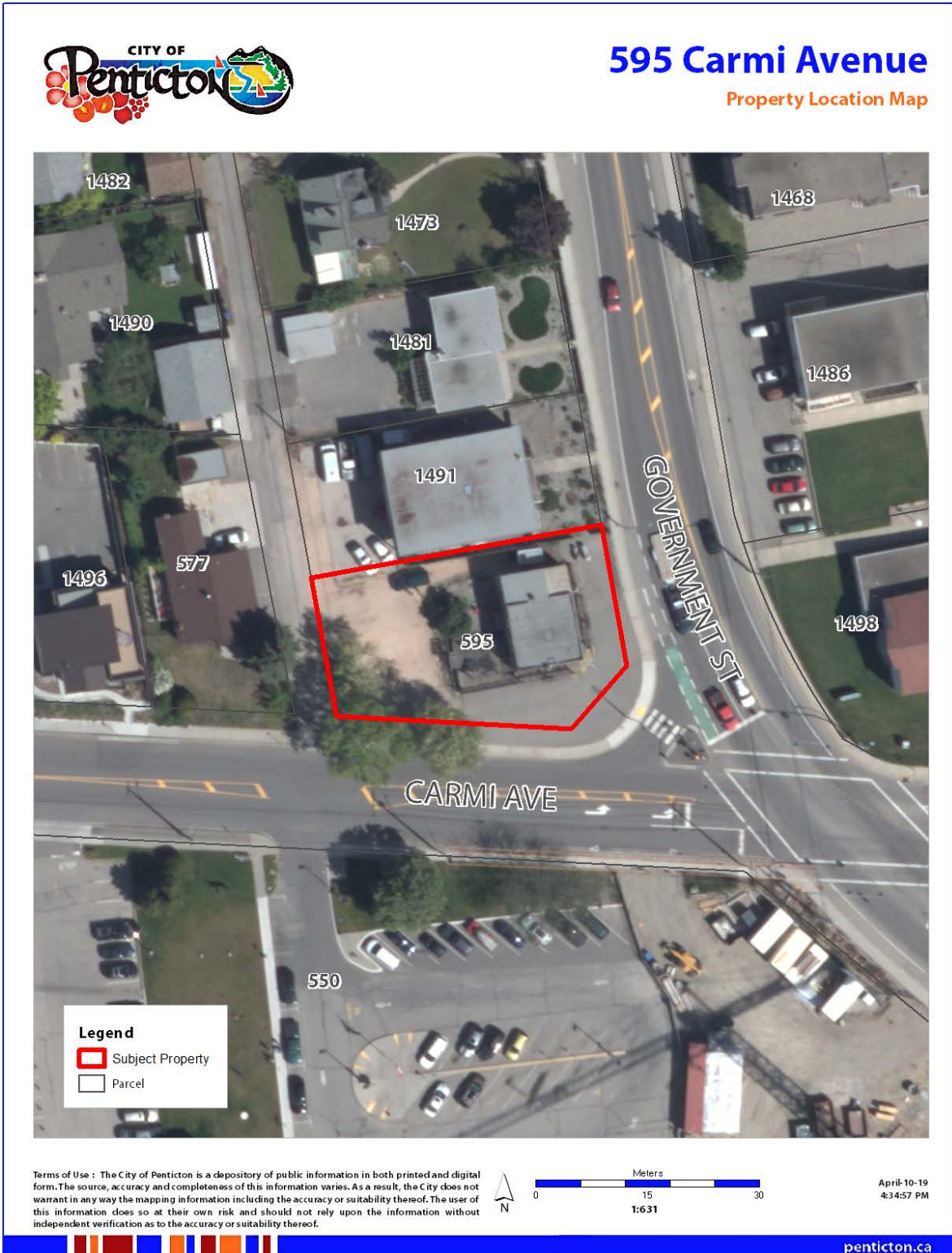


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

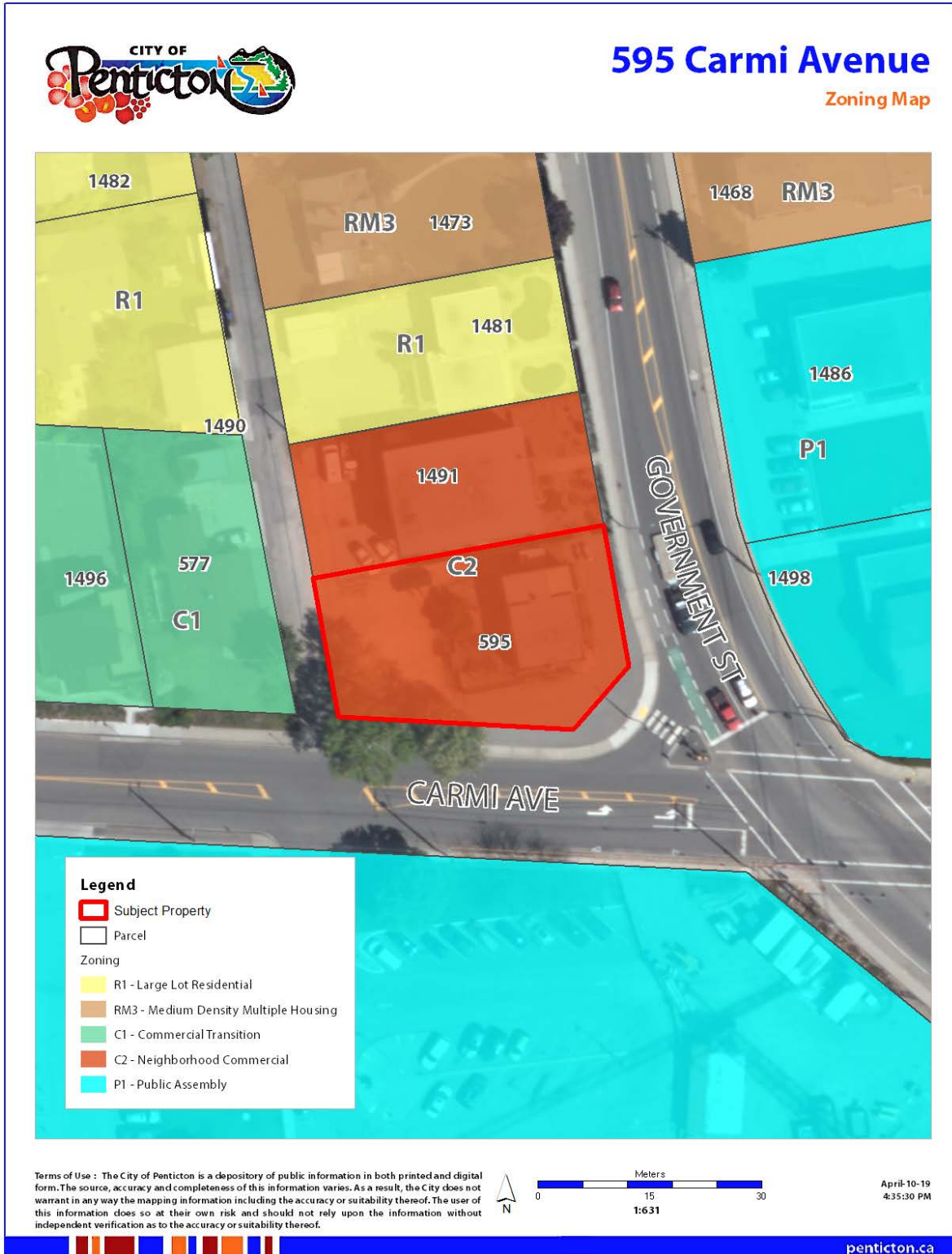


Figure 2: Zoning Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South view of subject property (from Carmi Avenue)



Figure 5: South view showing eastern portion of property (along Government Street)



Figure 6: South view showing western portion of property



Figure 7: South view showing western portion of property (lane access)



Figure 8: West view (from the lane)



Figure 9: North side of subject property (looking from Government Street)

Attachment E – Site Plan

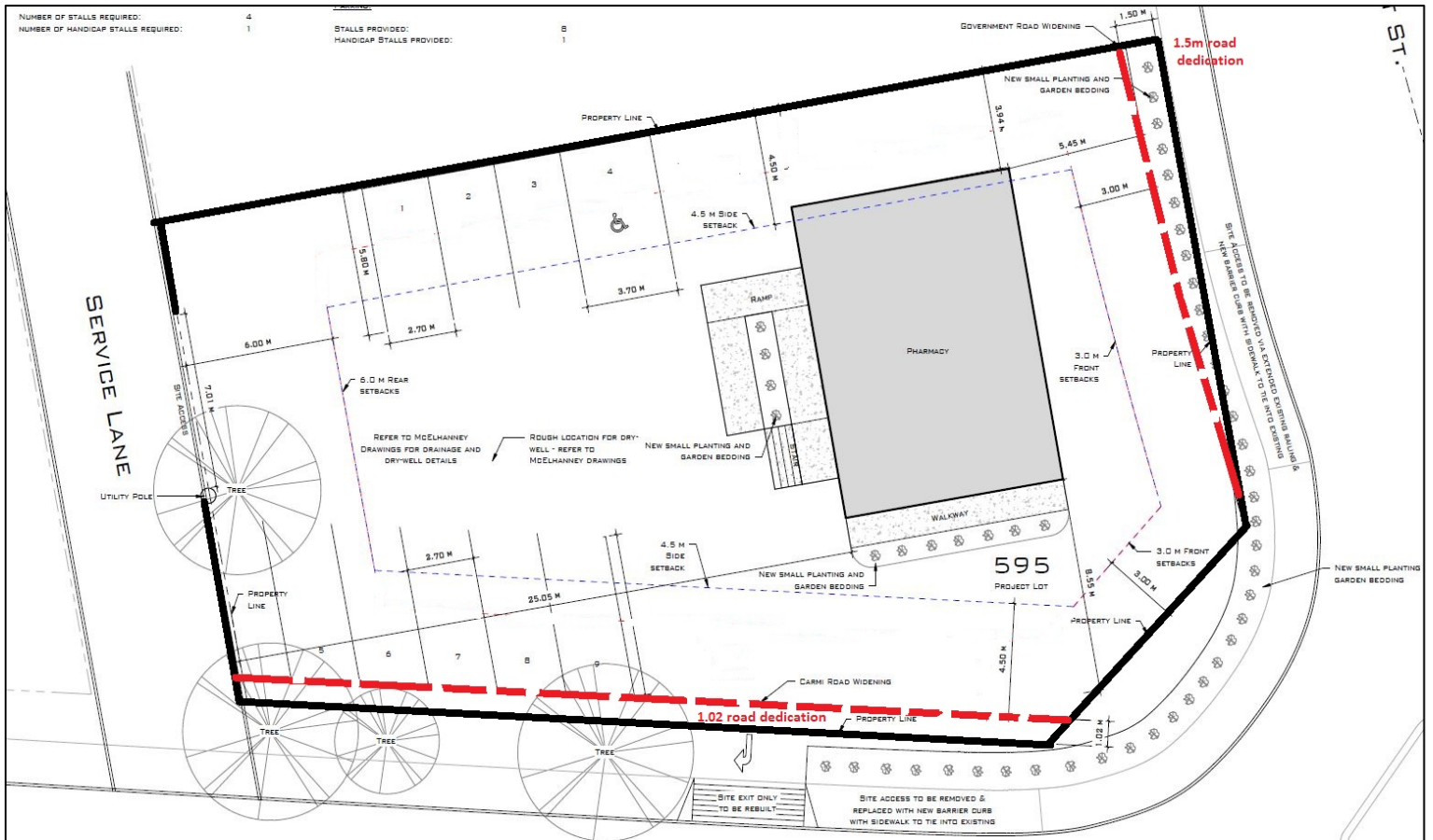


Figure 10: Site Plan

Attachment F – Building Elevations

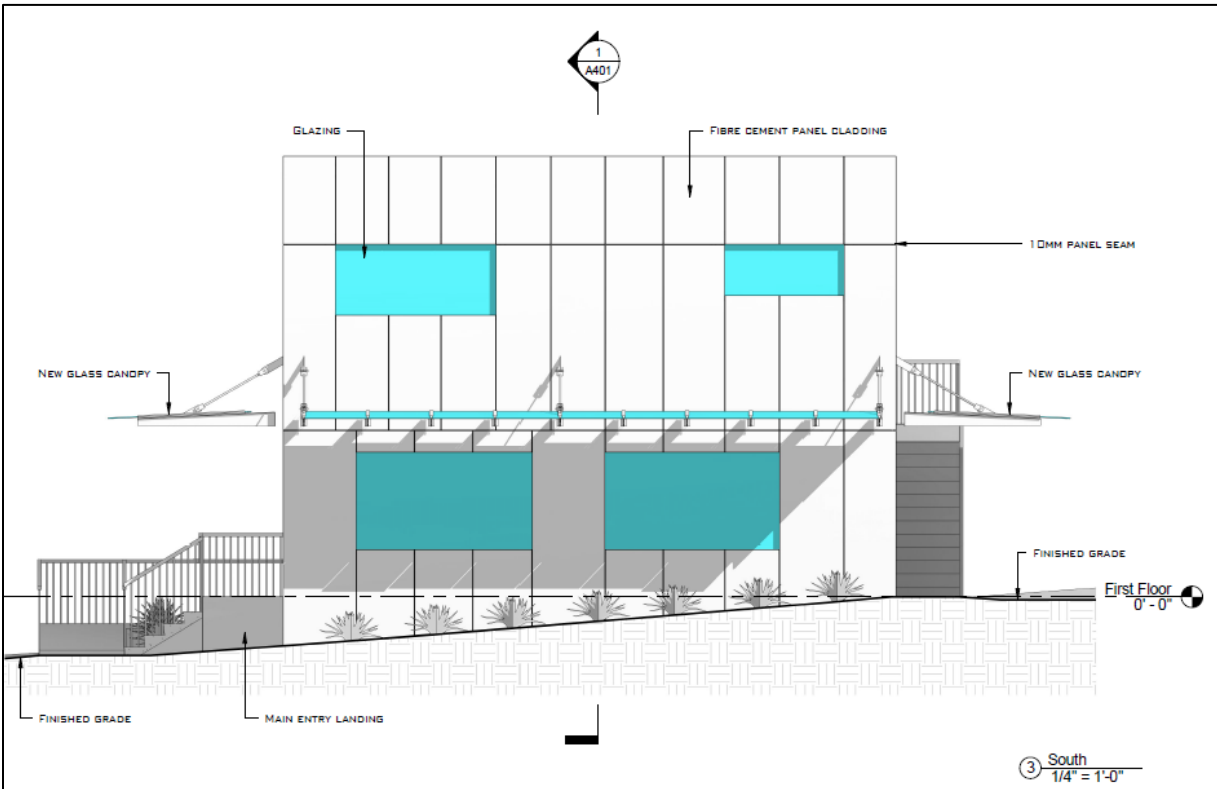


Figure 11: South Elevation (from Carmi Avenue)

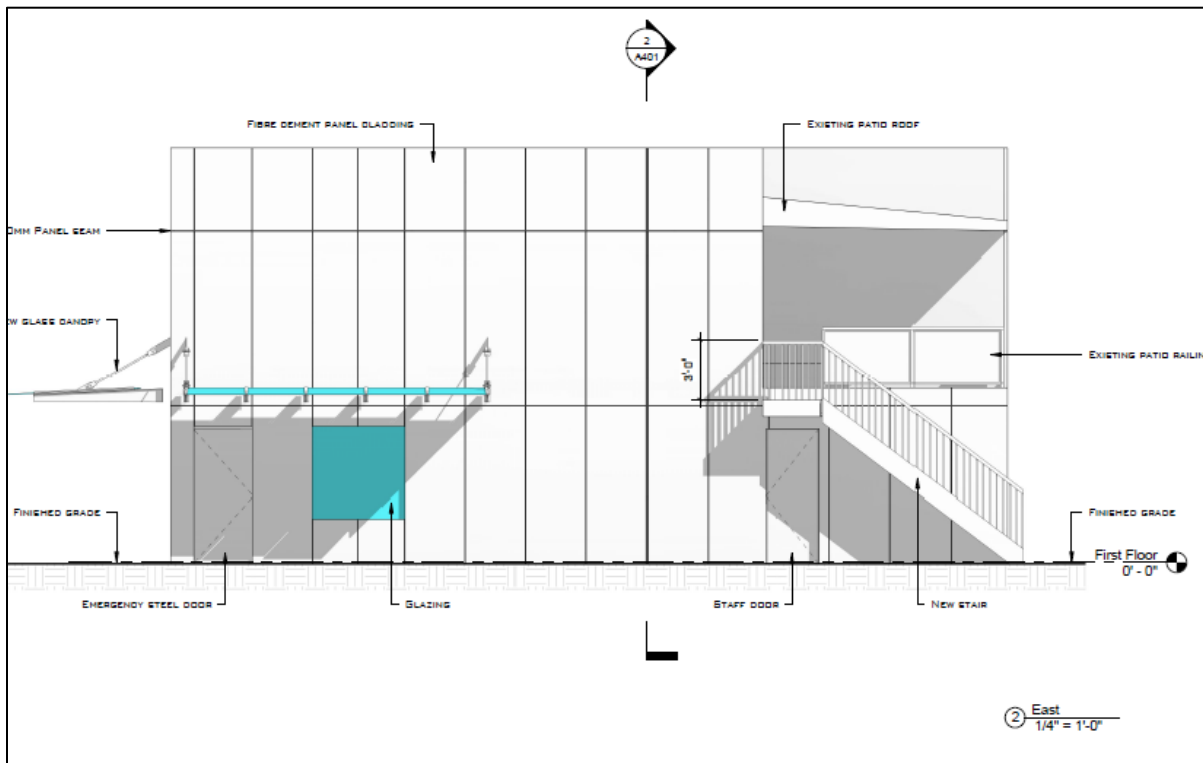


Figure 12: East Elevation (from Government Street)

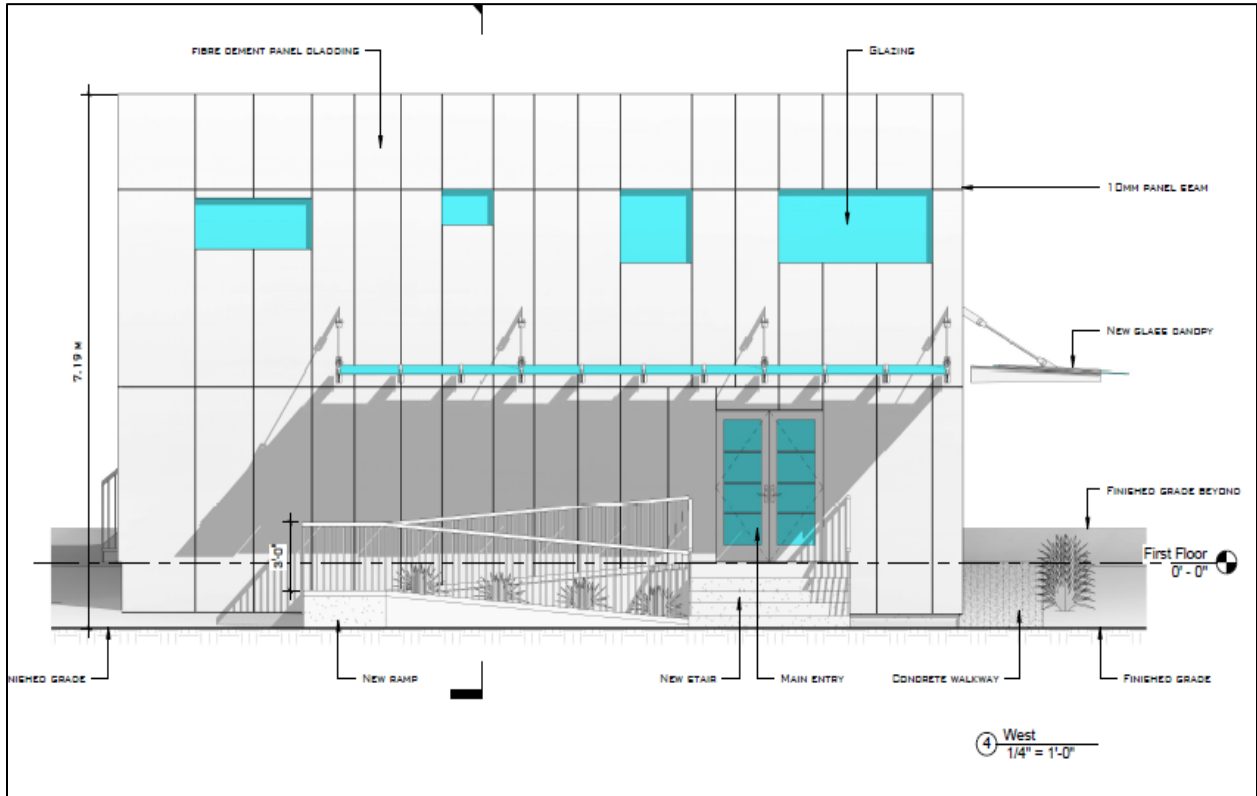


Figure 13: West Elevation (from the lane)

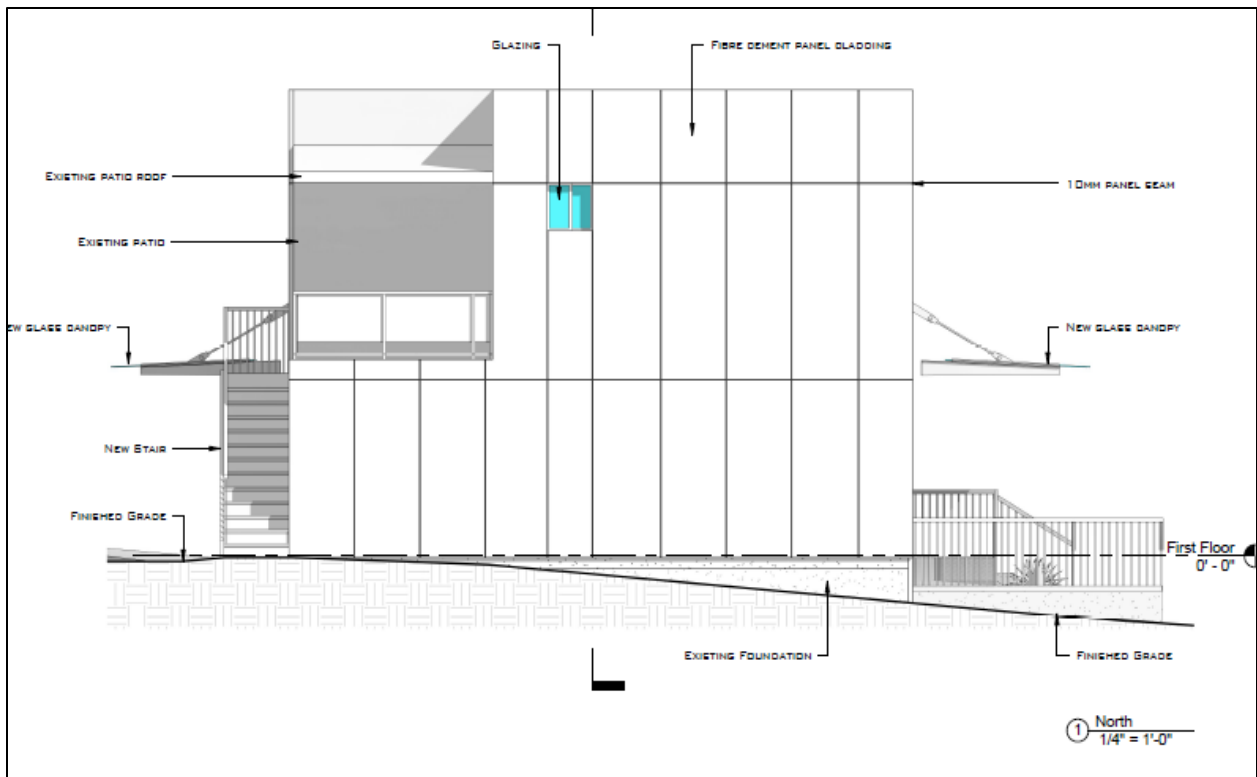


Figure 14: North Elevation

Attachment G –Floor Plans

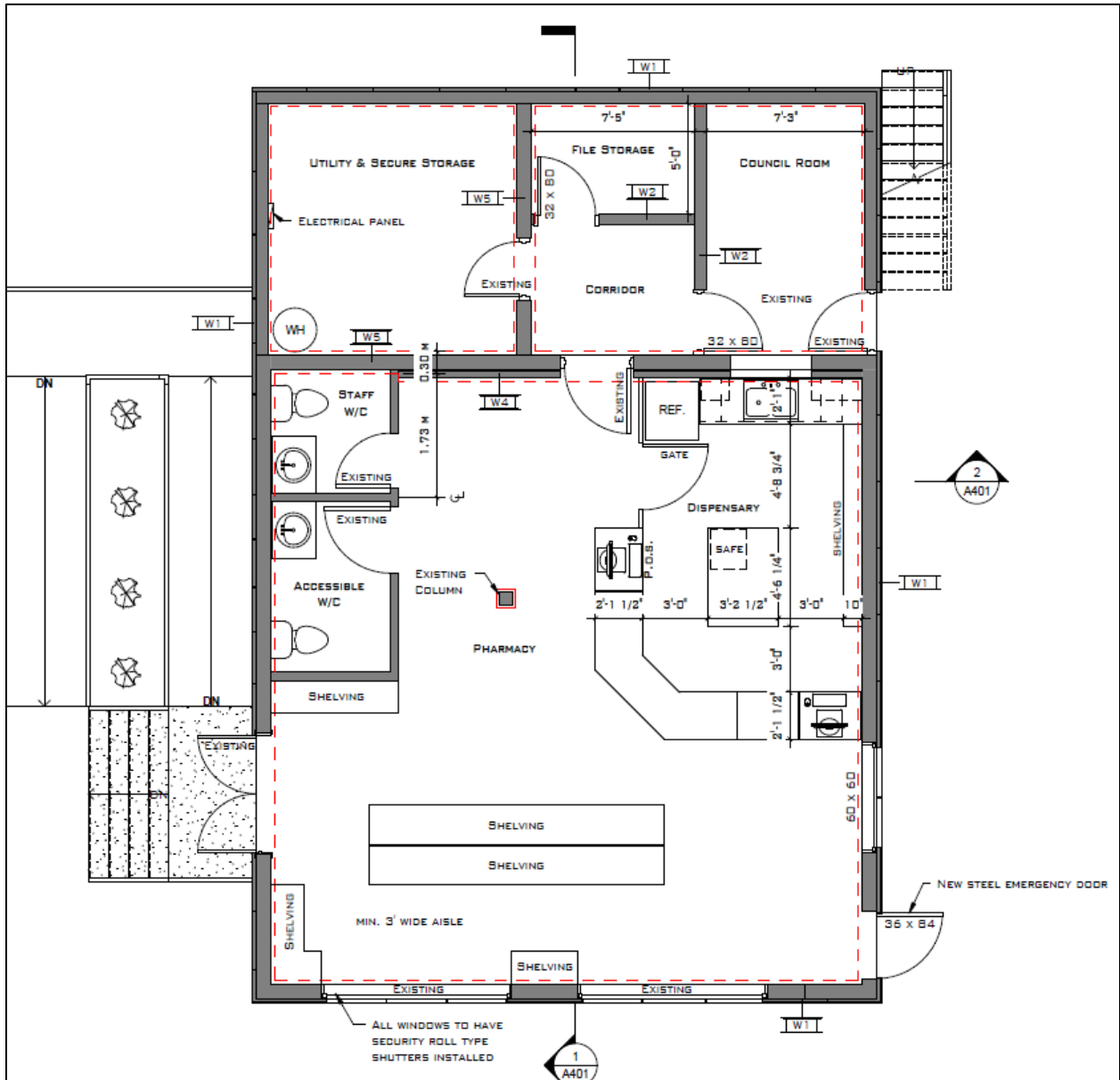


Figure 15: Main Floor Plan

Gartners Custom House Designs

Casey Gartner
2380 Wiltse Drive
Penticton, BC, V2A 7Y9



Date: April 10, 2019

City of Penticton
Rezoning letter of Intent for 595 Carmi Avenue
171 Main Street
Penticton, BC, V2A 5A9

Dear, Sir or Madam,

I am writing to provide you a letter of intent to express our interest in rezoning 595 Carmi Avenue from a C2, neighborhood commercial zone, to a C3, mixed use Commercial zone, to allow for a renovation of the existing buildings lower floor from a coffee house to a licensed pharmacy.

The scope of the project includes the renovation as noted above, as well as re-cladding with fiber cement panels with 10mm joints to bring the aesthetic to a clean modern look.

We are also expanding the building footprint by 4.5 square feet to square off the south east doorway. We will be adding stairs and a wheelchair ramp on the west entry to allow easier access from the proposed parking lot. Beyond that expansion, the rest of the footprint will remain.

When considering the impact on neighboring properties, this change will update the outdated and worn down look the building has fallen into, without altering the size of it. Therefore, it will not expand closer to any property lines, or abstract any views one may have from the neighboring properties. Furthermore, the building finish will be inspired from the newly added hospital tower across the street, and with existing hospital, doctor's office and health centre nearby, the pharmacy will fit the area appropriately. Additionally, it allows closer access to the community member to fill prescriptions upon discharge from the hospital. Thank- you for your consideration.

Sincerely,



Casey Gartner

Rezone 595 Carmi Ave
From from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-16

Date: _____

Corporate Officer: _____