



Public Hearing

penticton.ca

**Public Hearing
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.**

**Monday, January 19, 2015
at 6:00 p.m.**

- Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2014-49”**
- CO Reads Opening Statement and Introduction of Bylaw
1. “Zoning Amendment Bylaw No. 2014-49” (2750 Cedar Road)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 16865, located at 2750 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).
- The applicant is proposing to subdivide the property to create single family lots.
- Notice: The Public Hearing was advertised in the Penticton Western News on Friday, January 9, 2015 and Wednesday, January 14, 2015 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, January 14, 2015)
- Mayor Requests the Planning Manager describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2014-49” is terminated and no new information can be received on this matter.

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, December 15, 2014
Following the Public Hearing at 6:00 p.m.

Resolutions

8.3 Zoning Amendment Bylaw 2014-49
Re: 2750 Cedar Road

516/2014

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2014-49", a bylaw to rezone Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 16865, located at 2750 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential) , be given first reading and be forwarded to the January 19, 2015 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: December 15, 2014
To: Annette Antoniak, City Manager
From: Blake Laven, Planner
Address: 2750 Cedar Road

Subject: **Zoning Amendment Bylaw 2014-49**

File No(s): RZ PL2014-082

Staff Recommendation

THAT "Zoning Amendment Bylaw 2014-49", a bylaw to rezone Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 16865, located at 2750 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential) , be given first reading and be forwarded to the January 19th, 2015 Public Hearing.

Strategic Priority Objectives

N/A

Background

The subject property (Attachment 'A') is currently zoned A (Agriculture) by City of Penticton Zoning Bylaw 2011-23, but is designated by the City's Official Community Plan (OCP) as LR (Low Density Residential) (Attachment B). Official Community Plan designations outline what the future use of a property is intended to be. The City uses these future uses to plan road, water, sewer and storm infrastructure and likewise the School District, protective services and other such agencies do the same. In this case, with the property being designated for Low Density Residential, the intended use of this property is for single family development and the proposed R1 zone will allow for this type of development to occur. The applicant intends to develop between 24 -26 single family lots.

Currently, the subject property features a large single family house and several accessory buildings (Attachment 'D'). The property is lightly wooded and features a rolling terrain. Prior to subdivision approval, the house and accessory buildings will have to be removed from the property. Also, significant earthworks are required to create the internal road network and buildable lots. The technical aspects of the earthworks will be dealt with through the subdivision process if the rezoning process is successful.

The subject property is also in an area of the City where an area plan exists. The Cedar Road Area Plan was created through neighbourhood and public consultation in 2009 when there was development pressure in this area. The plan takes into account neighbouring properties and deals with how the transportation network will tie all of the different development lands together. At the time that the plan was under

development, other issues, such as sewer and water servicing were also reviewed and planned for. The proposed rezoning and subsequent subdivision application align with the Cedar Road Area Plan. During the subdivision of the subject property, a small road dedication will be required and has been agreed to by the developer. The applicant also has interest in a portion of a neighbouring property, 2740 Evergreen Drive. As part of the subdivision application the portion of 2740 Evergreen Drive on the west side of Evergreen Drive will be included in the residential development. 2740 Evergreen Drive has not been included in the subject rezoning application as it already has the R1 zoning being sought through this zoning amendment process.

Proposal

The applicants are requesting that the subject property be rezoned from A (Agriculture) to R1 (Large Lot Residential) to allow for the subdivision of the property for the creation of between 24 – 26 single family lots. The applicants are requesting first reading of the zoning amendment bylaw and for a Public Hearing on January 19th, 2015.

Financial Implications

N/A

Technical Review

During the Cedar Road Area Plan planning process, technical issues such as sewer, water, stormwater and the transportation system were all reviewed. While staff have not received an Engineering pre-design report at this time, staff are confident that the land can be subdivided in accordance with the preliminary plans submitted without the need for extraordinary engineering or alternative solutions. At this stage of the project, typically the engineering solutions are not completely determined. As such staff are not recommending any conditions prior to zoning approval. At the subdivision stage of the project however, the developer will be responsible for the construction of Evergreen Drive and ensuring the intersection of the new subdivision ties into the City's street network in a safe way that meets the City's bylaw standards and is done to best engineering practices.

Analysis

Support

When reviewing applications for zoning amendments, staff encourage Council to look at what the OCP designation for the property is, what policy and guidelines exist in the OCP for Council to follow and if the plan is in line with any other plans.

In this case, the property is designated for low density residential development. The R1 (Large Lot Residential) is a zone intended for the LR designation. The proposal meets several objectives and policies of the OCP for general and low density residential development, including the following:

- Consistent with the City's desire to provide a variety of housing types, the City encourages the development of higher-end residential developments, including single family development.
- Establish a maximum density of 30 units per hectare and a range of parcel sizes in low density residential areas.
- Maintain the existing character of single family neighbourhoods.

As this proposal is in-line with both the OCP and the Cedar Road Area Plan, staff recommend that Council support the application by giving first reading to the bylaw and forwarding it to the January 19th, Public Hearing from comment from the public.

Deny

Council may feel that the proposed development is not appropriate for this lot, or that the property is not suited for the R1 zone. If either of these scenarios are the case, Council should deny the application, or refer the application back to staff. Alternatively, Council may support the application with conditions that Council sees appropriate.

Alternate Recommendations

1. THAT Council deny first reading and close and abandon "Zoning Amendment Bylaw 2014-49".
2. THAT Council support "Zoning Amendment Bylaw 2014-49" with conditions that Council feels are appropriate.

Attachments

- | | |
|---------------|-------------------------------|
| Attachment A: | Subject property location map |
| Attachment B: | OCP Future Land Use Map |
| Attachment C: | Zoning Map |
| Attachment D: | Images of subject property |
| Attachment E: | Cedar Road Area Plan |
| Attachment F: | Proposed subdivision plan |

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

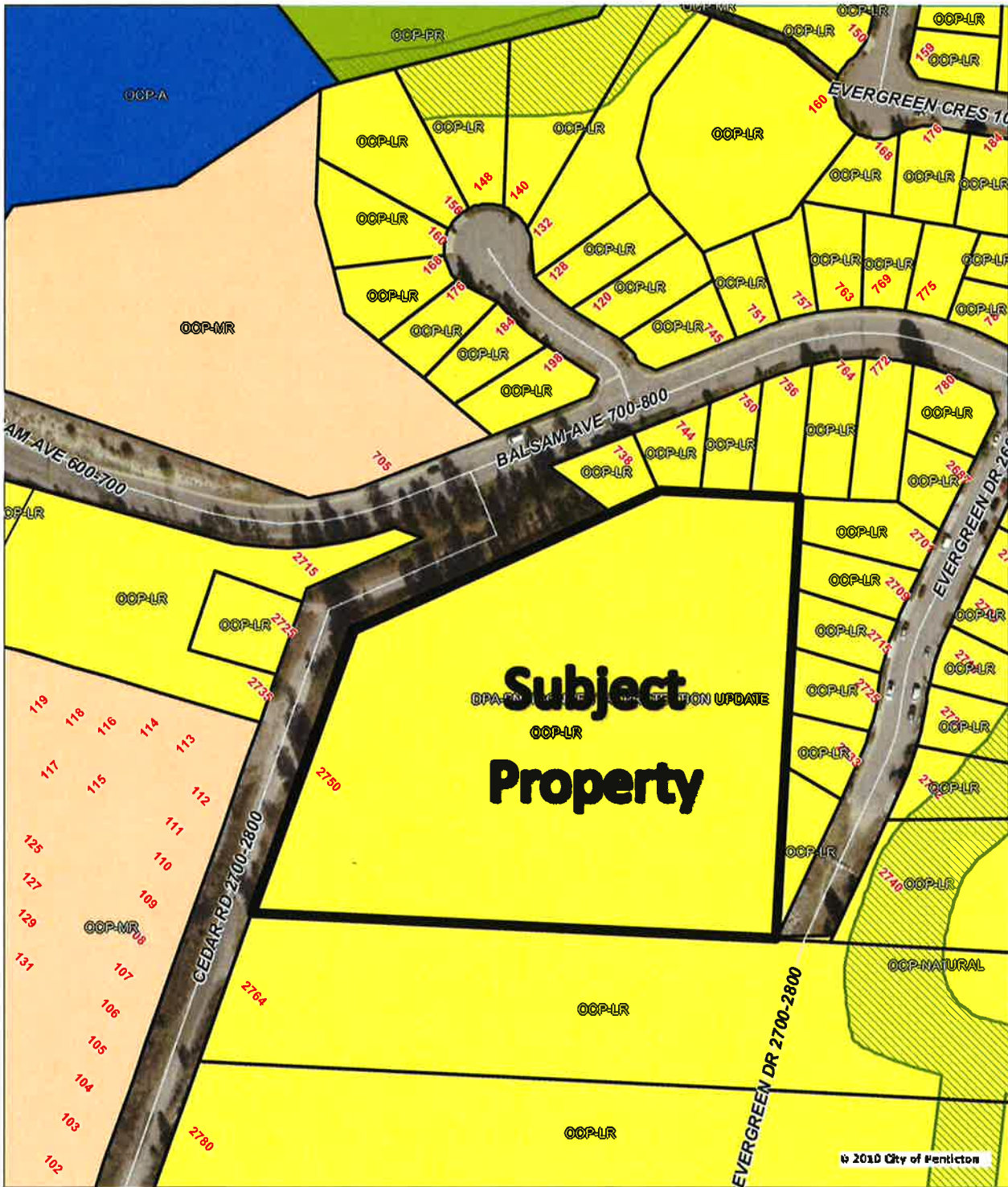
City Manager


Attachment A

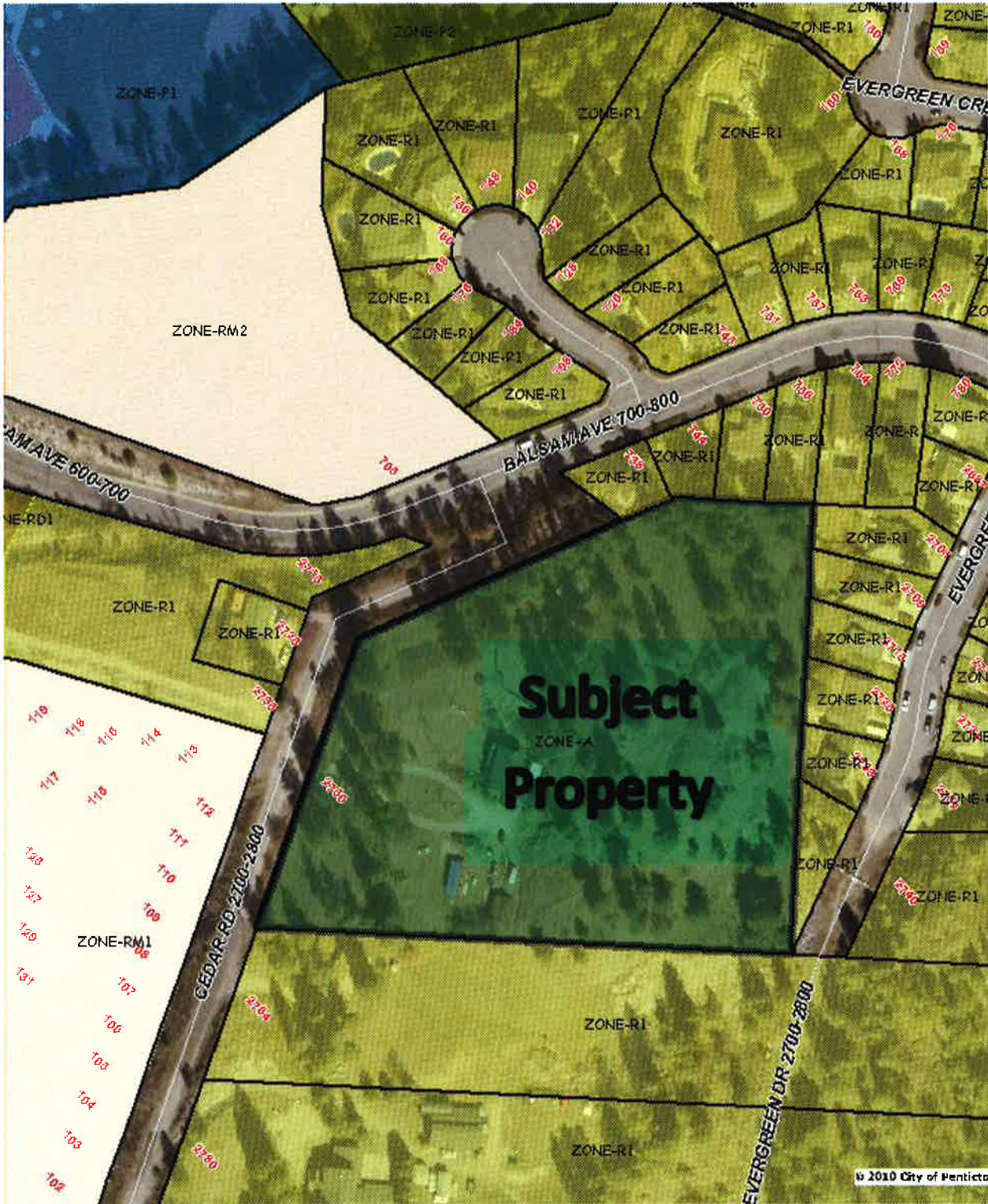
Subject Property Location Map



Attachment B
Official Community Plan – Future Land Use Map



Attachment 'C'
Zoning Map



Attachment 'D'
Images of Subject Property



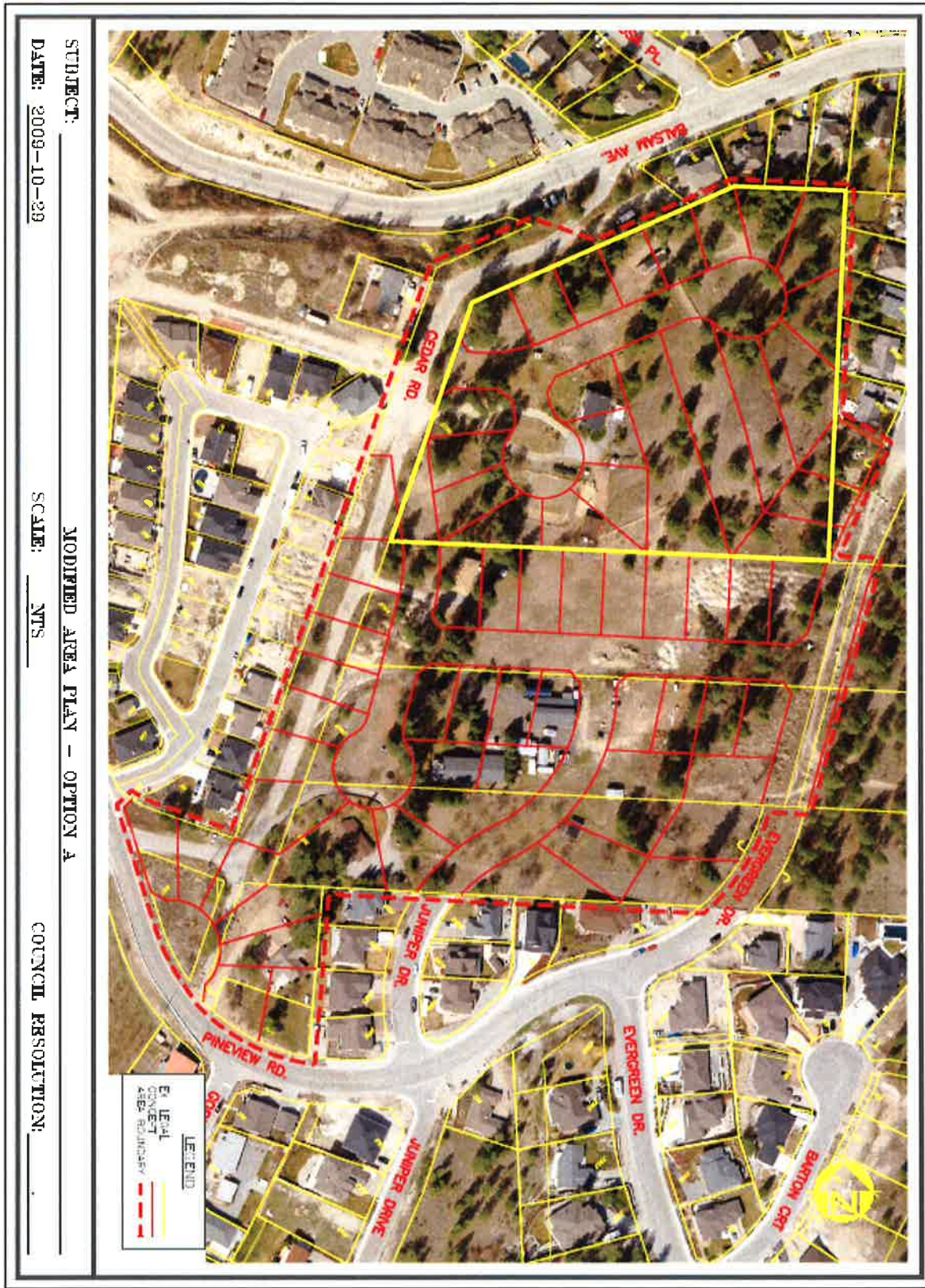


Figure 1: Image of subject property from intersection of Cedar Road and Balsam Avenue



Figure 2: Image looking towards subject property from Balsam Avenue

Attachment 'E'
Cedar Road Area Plan

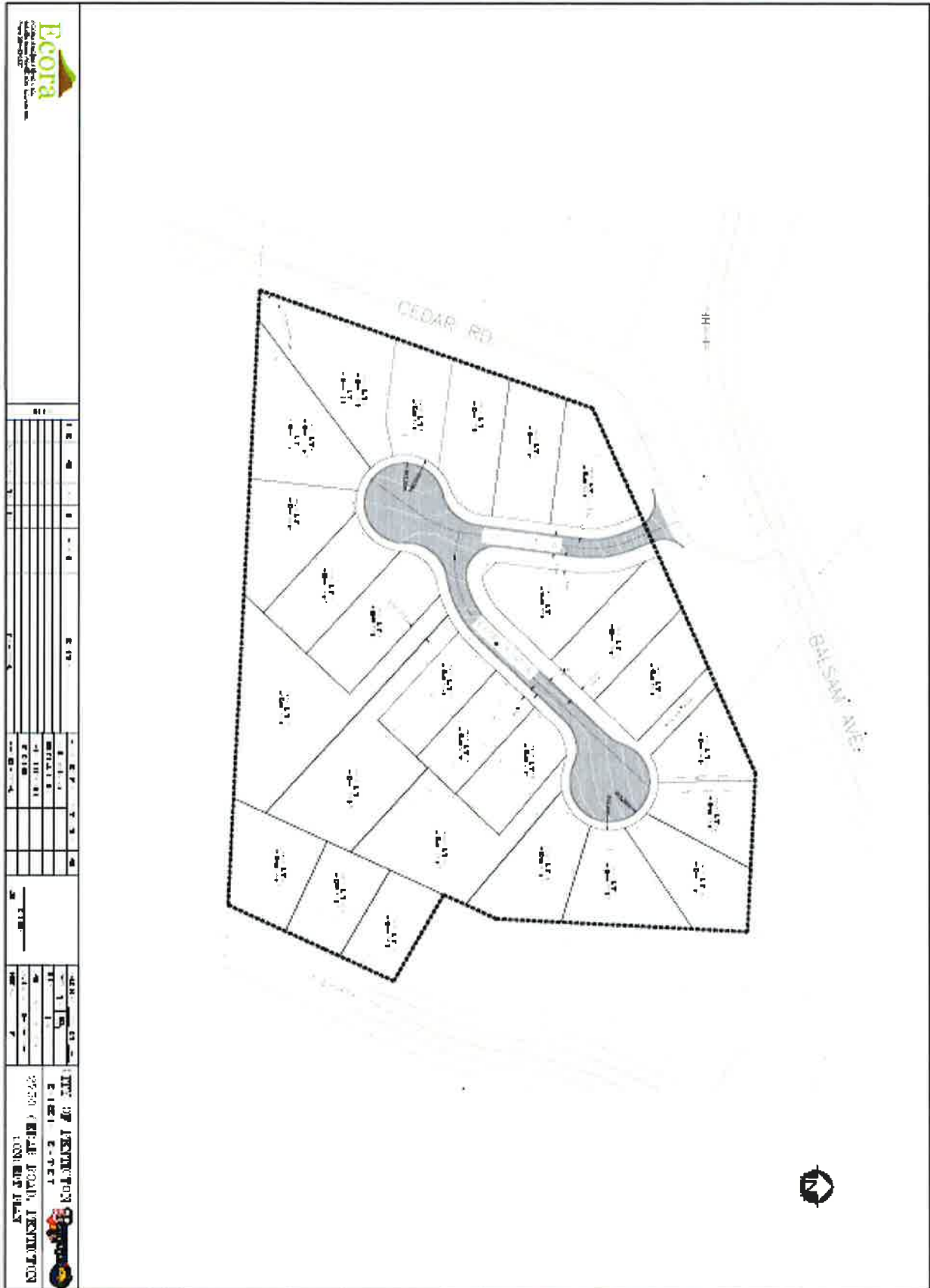


SUBJECT: _____
DATE: 2009-10-29

MODIFIED AREA PLAN - OPTION A
SCALE: NTS

COUNCIL RESOLUTION: _____

Attachment 'F'
Proposed Subdivision Plan



NO.	DESCRIPTION	DATE	BY	REVISIONS
1	PRELIMINARY PLAN	11/15/11
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE CITY OF LEXINGTON
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025
 2026
 2027
 2028
 2029
 2030
 2031
 2032
 2033
 2034
 2035
 2036
 2037
 2038
 2039
 2040
 2041
 2042
 2043
 2044
 2045
 2046
 2047
 2048
 2049
 2050
 2051
 2052
 2053
 2054
 2055
 2056
 2057
 2058
 2059
 2060
 2061
 2062
 2063
 2064
 2065
 2066
 2067
 2068
 2069
 2070
 2071
 2072
 2073
 2074
 2075
 2076
 2077
 2078
 2079
 2080
 2081
 2082
 2083
 2084
 2085
 2086
 2087
 2088
 2089
 2090
 2091
 2092
 2093
 2094
 2095
 2096
 2097
 2098
 2099
 2100

The Corporation of the City of Penticton

Bylaw No. 2014 -49

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;
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 2014 -49".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 1, District Lot 2710, Similkameen Division Yale District, Plan 16865, located at 2750 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).

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

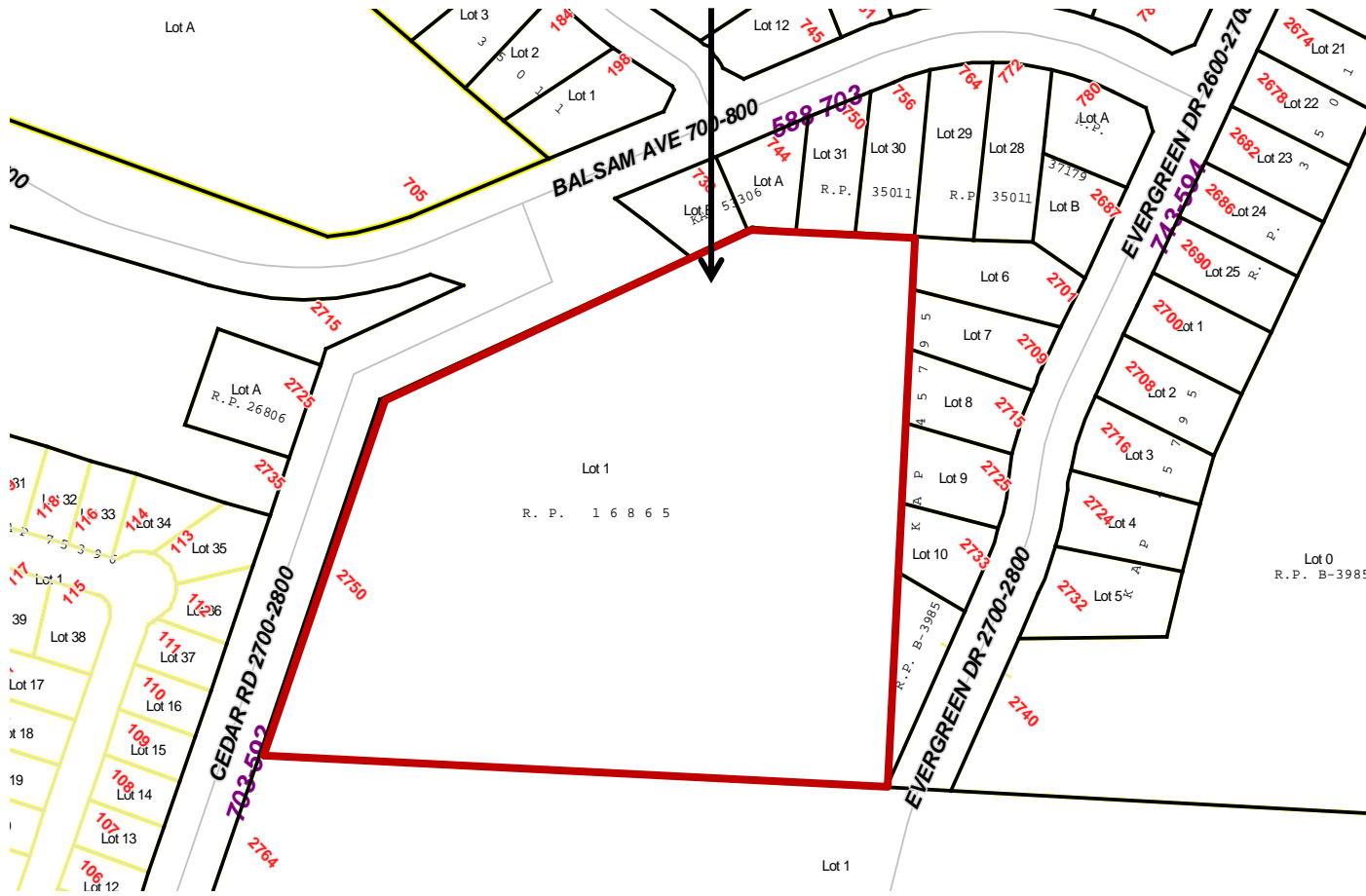
READ A FIRST time this	15	day of	December, 2014
A PUBLIC HEARING was held this	19	day of	January, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 9 day of January, 2015 and the 14 day of January, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

2750 Cedar Road Rezone from A (Agriculture) to R1 (Large Lot Residential)



CITY OF PENTICTON – SCHEDULE 'A'

ZONING BYLAW AMENDMENT NO. 2014-49

DATE: _____

CORPORATE OFFICER: _____

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, December 15, 2014
Following the Public Hearing at 6:00 p.m.

Resolutions

8.4 Zoning Amendment Bylaw 2014-50
Re: 101 Brunswick Street

517/2014

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2014-50" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23, to rezone lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 368 from RD2(Duplex Housing: Lane) to RM2(Low Density Multiple Housing)be introduced, read a first time and be forwarded to the January 19, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw, a road dedication of 1.9m along the Churchill Avenue frontage and a 4m X 4m corner cut at the corner of Lakeview Street and Churchill Avenue and a 4m X 4m corner cut at the intersection of Churchill Avenue and Brunswick Street be registered with the land title office.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: December 15th, 2014
To: Annette Antoniak, City Manager
From: Audrey Tanguay, Senior Planner

File No: RZ PL2014-034

Address: 101 Brunswick Street
Subject: Zoning Amendment Bylaw No.2014-50

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2014-50" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23, to rezone lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), Plan 368 from RD2(Duplex Housing: Lane) to RM2(Low Density Multiple Housing)be introduced, read a first time and be forwarded to the January 19th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw, a road dedication of 1.9m along the Churchill Avenue frontage and a 4m X 4m corner cut at the corner of Lakeview Street and Churchill Avenue and a 4m X 4m corner cut at the intersection of Churchill Avenue and Brunswick Street be registered with the land title office.

Strategic priority objective

The project will increase the residential density in a downtown peripheral area in-line with the City's Downtown Plan.

Background

The subject property (Attachment 'A') is designated for MFLD (Multiple Family Low Density) housing by the city's Official Community Plan and is zoned RD2 (Duplex Housing: Lane) by Zoning Bylaw 2011-23. Photos of the site are included in Attachment 'D'. The property is also identified as being in the "Downtown Multiple Family Development Permit Area" under OCP Bylaw 2002-20. The 647 m² (0.16 acre) property currently features a single detached dwelling that will be removed from the property in early 2015.

Proposal

The applicant is proposing to rezone the property with the intent of developing a three storey, 4-unit multiple family building. Three of the units' entrances are facing Churchill Avenue and one unit has the entrance on Brunswick Street.

Project Specifications

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

Item	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40 %	37 %
Maximum Density:	0.75 FAR	0.75 FAR
Vehicle Parking:	1 space per unit (4 spaces)	4 spaces
Required Setbacks		
Front yard (Brunswick St)	3m	3.43m
Front yard(Lakeview St)	3m	3m
Exterior Side Yard(Churchill Av)	6m	6m
Interior Side yard	3m	6.0m
Maximum Building Height:	12.5m	11.2m
Other Information:	<ul style="list-style-type: none"> • Property is in the Downtown Multiple Development Permit Area • The plans generally conform to the DPA guidelines. • Development permit will be required prior to building permit application. The DP is staff issuable • Staff note that no variances are being requested to the development regulations. 	

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Road widening is suggested as part of this application. Prior to approval of the rezoning, staff recommend a 1.9m dedication along the entire Churchill Avenue frontage to achieve a future 16m right-of-way .The road widening on Churchill Avenue would allow for the placement of sidewalks. Staff are also requesting a 4m x 4m corner cut on the intersection of Lakeview Street and Churchill Avenue and a 4m x 4m corner cut at the intersection of Churchill Avenue and Brunswick Street. The corner cuts at both intersections will improve sight lines.

The applicant has been notified of the requirements and has placed the building accordingly to the new property line. The City typically requests road widening at time of rezoning. In the past, the City will pay the legal and survey costs for the road widening acquired as part of a rezoning. Typical frontage upgrade and servicing requirements have been identified for and will form part of the building permit stage of the project. These items have been communicated to the applicant. The applicant will be responsible for the construction of the sidewalk along Churchill Avenue.

Financial implication

The City will incur some legal and survey costs with the transfer of the road dedication, but the property is needed to have room for the installation of sidewalks.

Analysis

Support zoning amendment

The subject property is designated for Multiple Family Low Density Residential Development under OCP Bylaw 2002-20. The MFLD designation encourages a wide range of housing forms including four-plexes. The proposed RM2 zone is intended for this OCP designation. The OCP has criteria for staff and Council to consider when reviewing applications in this area. The guidelines and staff's comments are as follows:

The city will support rezoning to higher densities:

- On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:

The character of the neighborhood will not change considerably as this is an area that has seen development pressure recently. The property adjacent to the proposal was rezoned to RM2 in 2006 to allow for the construction of a fourplex.

- Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing:

The applicant is not requesting any variances to the proposed development and has worked within the constraints and restrictions of the zoning bylaw.

- Near parks, commercial activities or public/institutional facilities:

The OCP supports intensification of residential land use and density around the downtown core. The property is located directly adjacent to Okanagan Lake and in proximity of the downtown commercial core. This proposal will increase the residential population directly adjacent to the downtown area and consequently encourage more use of the Downtown amenities.

- And on sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and:

Three of the units' entrances are facing Churchill Avenue and one unit has the entrance on Brunswick Street. All the units have pedestrian orientation and maintain a positive relationship with the street.

The plans submitted in support of the rezoning application show that the proposed development meets the guidelines for this multiple housing designation as outlined in the OCP. As such, staff recommend that Council support the application to rezone the property and refer the application to the January 19th Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the zoning amendment does not go forward, the property will be restricted to the duplex or single family uses. Alternatively, Council may refer the application back to staff with further instructions.

Alternate recommendations

Zoning Amendment

1. That Council deny first reading and close and abandon Zoning Amendment Bylaw No. 2014-50.
2. That Zoning Amendment Bylaw No. 2014-50 be referred back to staff for further research.
3. That Zoning Amendment Bylaw No.2014-50 be read a first time without any conditions.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Zoning Amendment Bylaw No. 2014-50.

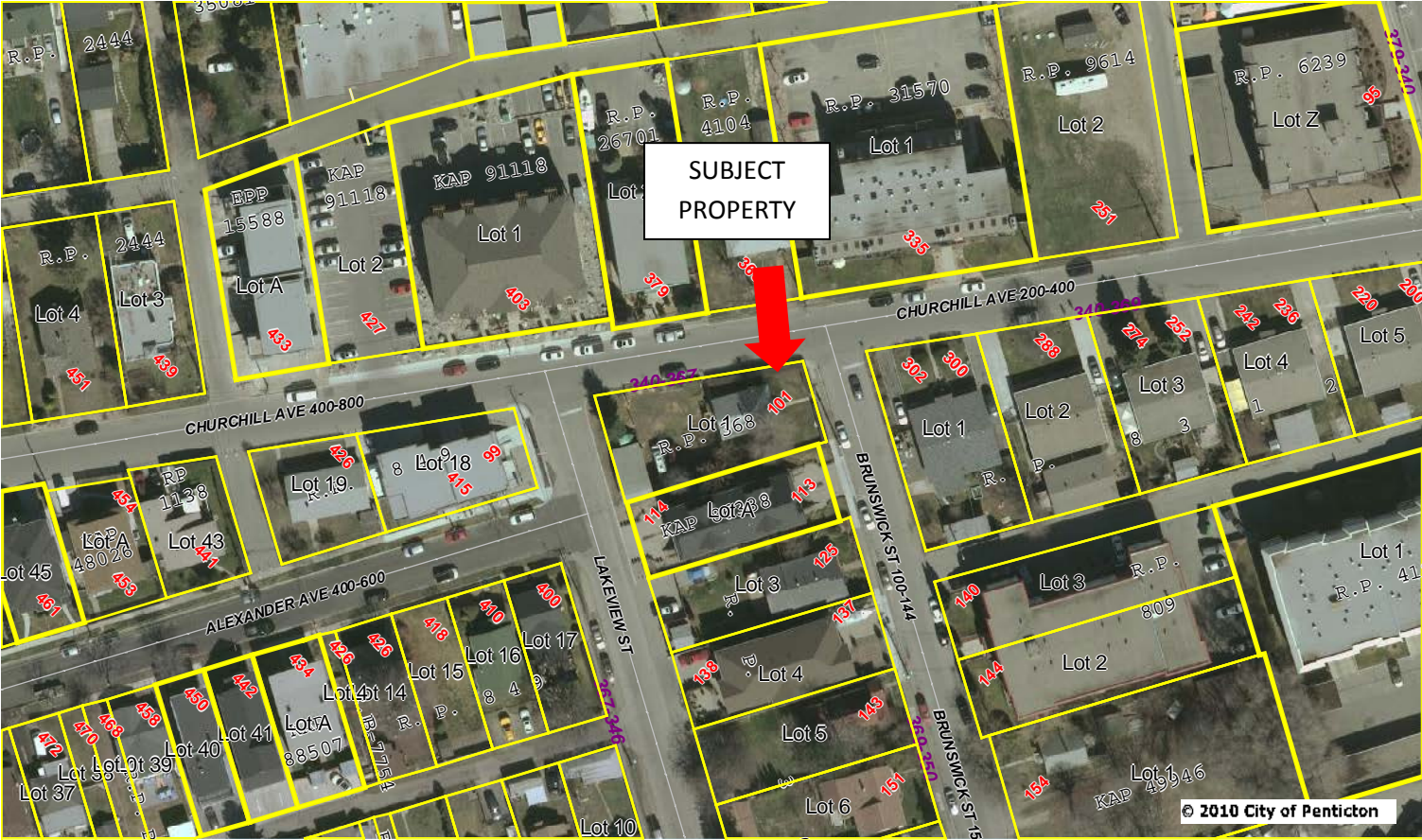
Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

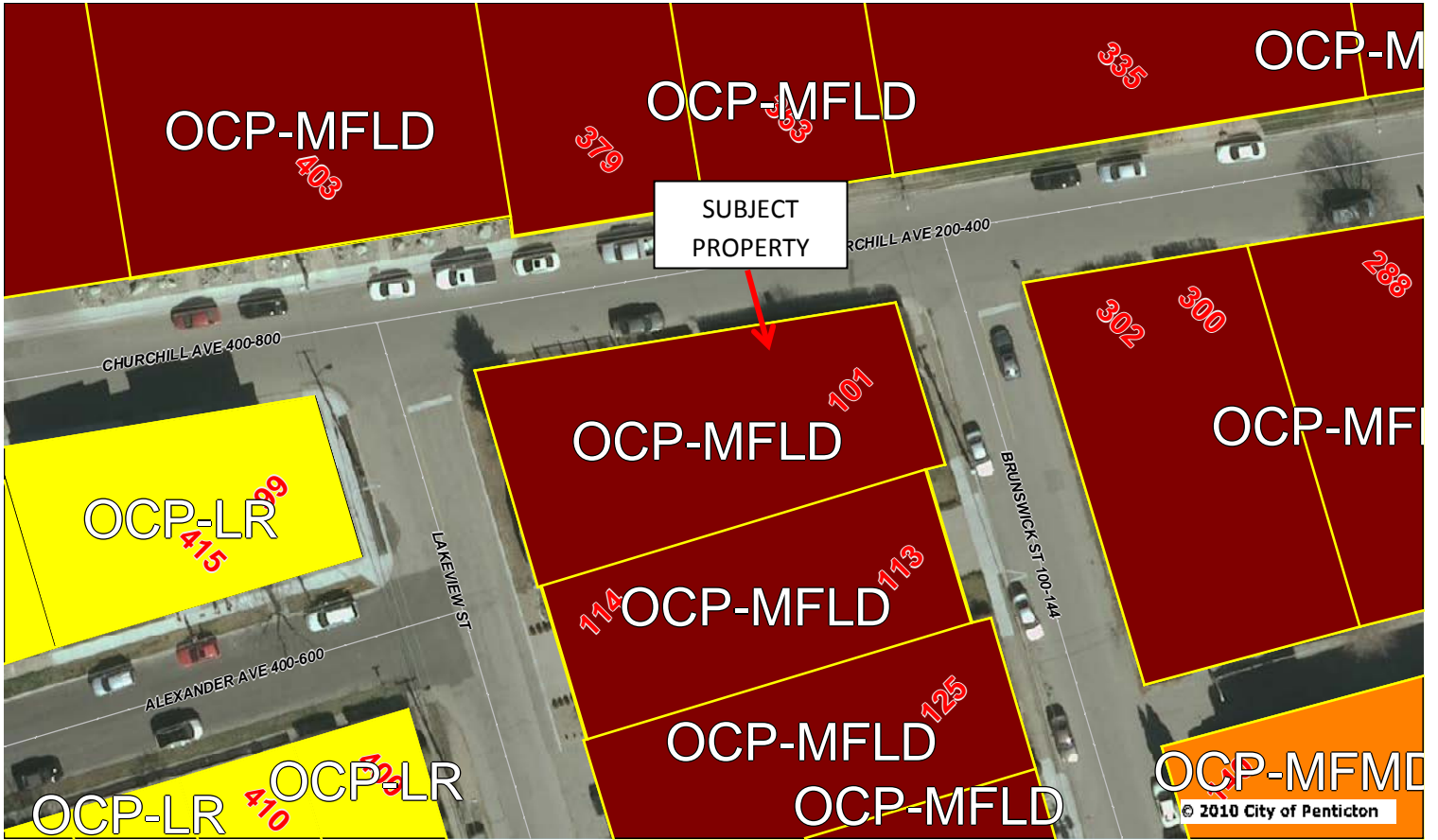
Approvals

Planning Manager 	City Manager
---	--------------

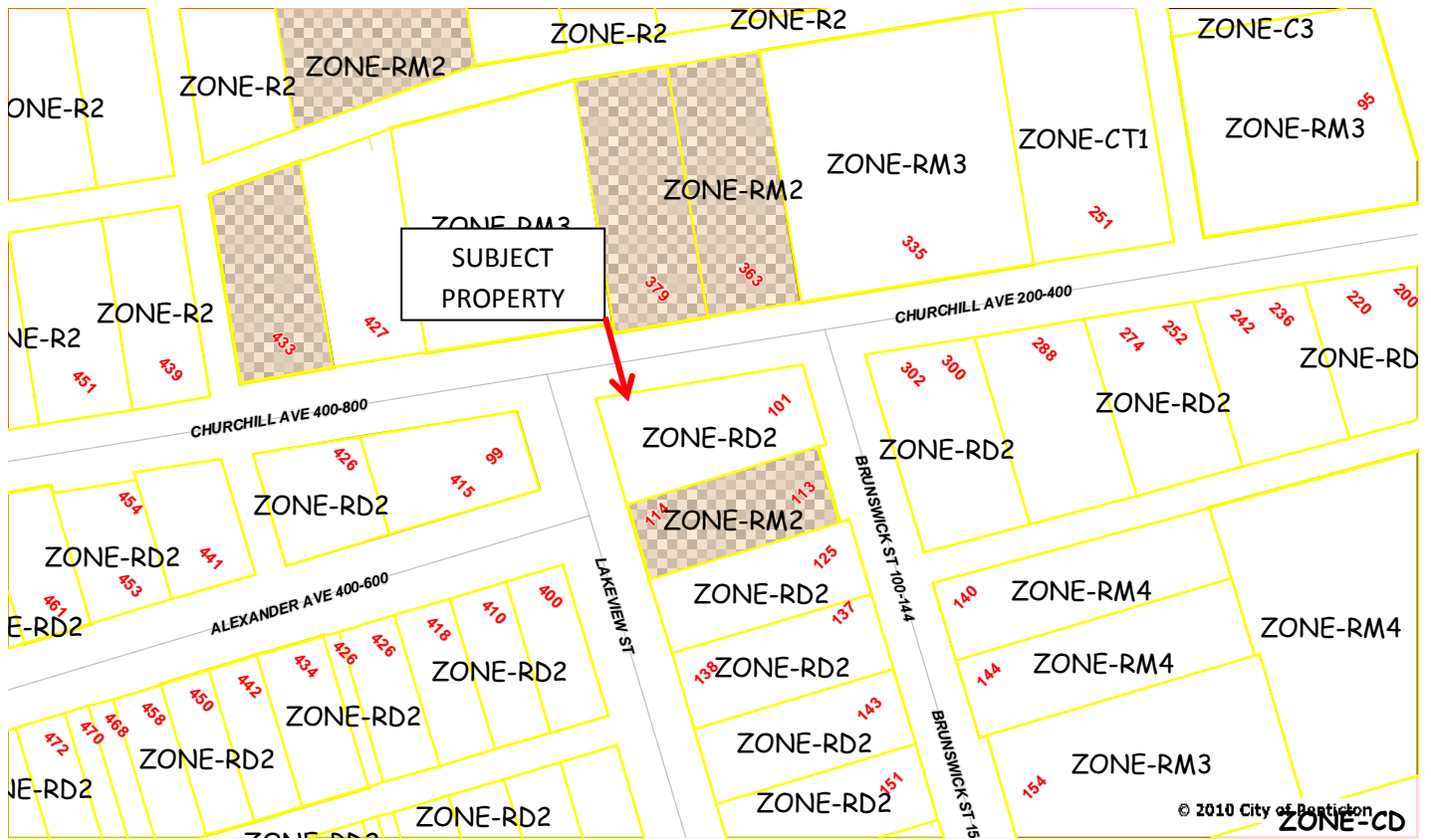
Attachment A - Subject Property



Attachment B - OCP Map



Attachment C - Zoning Map



Attachment D - Images of the Subject Property



View from Brunswick St



View on Lakeview Street



View on Churchill Av

Attachment "E" – Site and Landscape Plan



People plus Space Planning and Design
203 186 Main Street
Penticton BC V0A 5M4
250-586-1811
health@ppspace.ca

No.	Description	Date
01	ISSUED FOR REZONING	2014-11-27
02	ISSUED FOR DP	2014-11-27

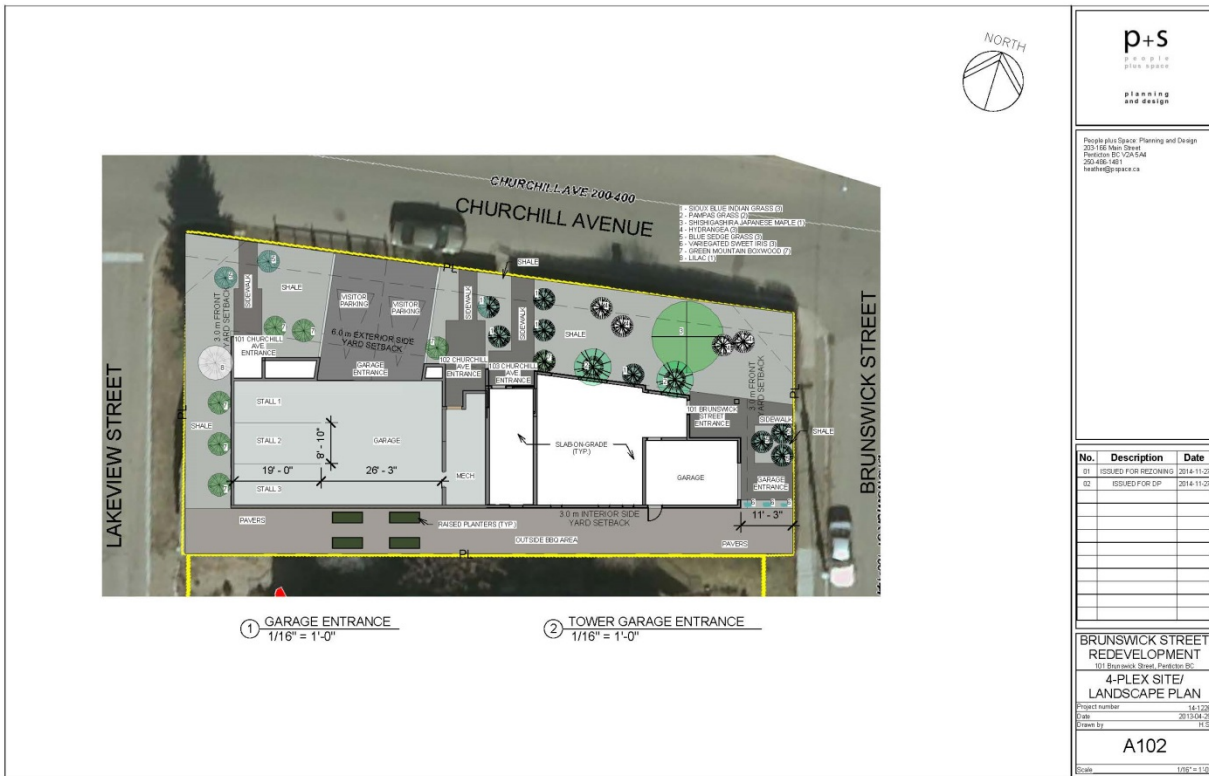
BRUNSWICK STREET REDEVELOPMENT
101 Brunswick Street, Penticton BC

SITE PLAN

Project Number: 143-1298
Date: 2013/04/20
Drawn by: H.S.

A101

Scale: 1/16" = 1'-0"



People plus Space Planning and Design
203 186 Main Street
Penticton BC V0A 5M4
250-586-1811
health@ppspace.ca

No.	Description	Date
01	ISSUED FOR REZONING	2014-11-27
02	ISSUED FOR DP	2014-11-27

BRUNSWICK STREET REDEVELOPMENT
101 Brunswick Street, Penticton BC

4-PLEX SITE/ LANDSCAPE PLAN

Project Number: 143-1298
Date: 2013/04/20
Drawn by: H.S.

A102

Scale: 1/16" = 1'-0"

The Corporation of the City of Penticton

Bylaw No. 2014 -50

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;
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 2014 -50".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) Plan 368 from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	15	day of	December, 2014
A PUBLIC HEARING was held this	19	day of	January, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 9 day of January, 2015 and the 14 day of January, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

