

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

Monday, February 2, 2015
at 6:00 p.m.

- | | | |
|-------|---|------|
| Mayor | Calls Public Hearing to Order for "Zoning Amendment Bylaw No. 2015-04" | 1-17 |
| CO | Reads Opening Statement and Introduction of Bylaw | |
| | 1. "Zoning Amendment Bylaw No. 2015-04" (739 Birch Avenue) | |
| | Purpose: To amend Zoning Bylaw No. 2011-23 as follows: | |
| | Rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane). | |
| | The applicant is proposing to subdivide the property and construct front-to-back duplexes with secondary suites on each lot. | |
| | Notice: The Public Hearing was advertised in the Penticton Western News on Friday, January 23, 2015 and Wednesday, January 28, 2015 (pursuant to the <i>Local Government Act</i>). | |
| CO | No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, January 28, 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. 2015-04" is terminated and no new information can be received on this matter.

Mayor	Calls Public Hearing to Order for "Zoning Amendment Bylaw No. 2015-02"	18-48
CO	Reads Opening Statement and Introduction of Bylaw	
	2. "Zoning Amendment Bylaw No. 2015-02" (96 Yorkton Avenue)	
	Purpose: To amend Zoning Bylaw No. 2011-23 as follows:	
	Add section 10.1.3 Site Specific Provisions; .5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted.	
	The applicant is intending to operate a licensed child care facility.	
	Notice: The Public Hearing was advertised in the Penticton Western News on Friday, January 23, 2015 and Wednesday, January 28, 2015 (pursuant to the <i>Local Government Act</i>).	
CO	Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, January 28, 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. 2015-02" is terminated and no new information can be received on this matter.	

- 1 -

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

Monday, January 19, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

1. Staff Reports

- 8.1 Zoning Amendment Bylaw No. 2015-04 & DVP PL2014-099
Re: 739 Birch Avenue

99/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-04", being a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the February 2, 2015 Public Hearing;

AND THAT Council support "Development Variance Permit PL2014-099" for Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, a permit to reduce the minimum lot width in the RD2 zone to allow for a two lot subdivision; AND THAT staff are directed to issue the permit, subject to adoption of "Zoning Amendment Bylaw No. 2015-04".

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: January 19th, 2014
To: Annette Antoniak, City Manager
From: Lindsey Fraser, Planner
Address: 739 Birch Avenue
Subject: **Support "Zoning Amendment Bylaw No. 2015-04 and approve "DVP PL2014-099"**

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2015-04", being a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the February 2nd, 2015 Public Hearing.

Development Variance Permit

AND THAT Council support "Development Variance Permit PL2014-099" for Lot 16, District Lot 2, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, a permit to reduce the minimum lot width in the RD2 zone to allow for a two lot subdivision

AND THAT staff are directed to issue the permit, subject to adoption of "Zoning Amendment Bylaw No.2015-04".

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is zoned RM2 and is designated by the City's Official Community Plan as MFLD (Medium Family Low Density). Currently, the lot is vacant and the proposal to subdivide the lot and erect two duplexes (one per lot) would be in keeping with the intent of the OCP; duplexes are specifically listed in the OCP under this designation. The surrounding area is a mixture of single family dwellings, duplexes, townhomes, and small apartment buildings. Recent developments in the area include a duplex on Bassett Street, a four-plex on Birch and Bassett (a few properties away from the subject property), and a duplex on Swift Street.

In 2011, the owner of the property had rezoned the lot from a single family to a multifamily designation; however, the market was not right for the follow-through on the construction of that project. The owner of the property has been holding it for several years in hopes that the real estate market would begin

demanding new development. With an increasing market appetite for smaller duplex units and access to downtown, combined with the relatively new allowance that duplexes may contain secondary suites, the owner has elected to develop his property with duplexes that contain secondary suites. Thus, in total, this property will contain 8 new units: four regular duplex units and four secondary suites. All parking for these units will be accessed from the rear lane. Please note that secondary suites cannot be stratified from the suite above.

Financial implication

N/A

Proposal

The applicant is requesting that the subject property be rezoned from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane). The applicant is also requesting a development variance permit to vary the following sections of Zoning Bylaw 2011-23, to accommodate subdivision of the lot:

- ☐ Section 10.6.2.1: reduce minimum lot width from 13m to 10.5m

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No conditions prior to rezoning or variance permit approval were identified through this referral process. Typical frontage upgrade and servicing requirements have been identified for the subdivision and building permit stage of the project, if the rezoning and variance permit applications are supported by Council. These items have been communicated to the applicant.

Development Statistics

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

Item	Requirement RD2 Zone	Provided on Plans (PER LOT)
Minimum Lot Width:	13 m	10.5 m (variance required)
Minimum Lot Area:	390 m ²	430 m ²
Maximum Lot Coverage:	40 %	28%
Maximum Density:	0.95 FAR	0.85 FAR
Vehicle Parking:	4 spaces	4 spaces
Required Setbacks Front yard (Birch Avenue): Side yard (east): Side yard (west): Rear yard (lane):	4.5m 1.5m 1.5m 6.0m	4.5m 1.5m 1.5m 6.0m
Maximum Building Height:	10.5m	8.5m
Other Information:	☐ Staff note that no variances are being requested to the development regulations, only lot size. ☐ Property is in the 'Downtown Multiple' Development Permit Area and a	

DP will be required.

Analysis – Zoning Amendment

Support Zoning Amendment

The subject property is designated for Low Density Residential Development by the City's OCP. As mentioned, this designation supports the requested duplex zone and this designation is popular for the construction of duplexes across the city. When reviewing an application for the rezoning of a lot to "duplex" the OCP encourages staff to focus on extensive criteria, including:

- ☐ Duplex development in areas designated Multi Family Low Density within the downtown west area is encouraged, however, since these areas encompass many changing single family neighbourhoods, duplexes shall be constructed in a manner sensitive to the surrounding neighbourhoods.
- ☐ Duplex development should be of a high aesthetic value and be consistent with the character of the recipient neighbourhood.

The proposed development is located in an area that is diverse by Penticton standards, containing many forms of housing within the span of a few blocks. It is an area with close proximity to downtown, schools, beaches, the Community Centre, fitness facilities, and health professionals. Its character is diverse, low to medium density buildings, of varying ages. There is generally a strong relationship with the street that is observed when walking in the area. The proposed duplexes, thus, would fit into the mix of housing common of the area and the design of the buildings (Attachment 'D') will lend favourably to the overall character of the community.

The proposed zoning amendments also meet these other OCP development goals:

- ☐ Facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to diverse needs
- ☐ Facilitate the residential densification in areas where existing services can accommodate this density

Given the above, staff find adequate policy to support the proposal to rezone the subject property from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) and recommend that Council support the zoning amendment bylaw and forward it to the February 2nd, 2015 Public Hearing for comment from the public.

Deny / refer

Council may feel that duplex development is not appropriate for this lot and the developer should conform to the existing zoning. Council should deny first reading of the amendment bylaw if that is the case.

Alternatively Council could refer the application back to staff.

Analysis – Development Variance Permit

Support Development Variance Permit

Council may support the zoning amendment but feel that the variance being requested is not reasonable. Staff, however, feel that the variance would allow for the development of a building that is well suited to its location and to the broader community. Staff note, that since the allowance of secondary suites within duplex units was added to Zoning Bylaw 2011-23 in 2014, this development will be the first purpose-built building that contains secondary suites within the duplex. The construction of these buildings will, thus, give City staff and Council a better understanding of the popularity of these units, understand their contributions to overall density objectives, and, generally, understand how they operate in the context of the City of Penticton.

Further, staff support the variance for the following reasons:

- No variances are being requested to setbacks, keeping the buildings adequately contained on the property. The only variances being requested are to create the lots.
- Utilization of the rear laneway for all vehicle access enables the development to present an attractive design to the street.

Staff feel that the variance will complement the rezoning of the property and will facilitate the construction of two duplexes which staff feel represents good planning practice. As such, staff recommend that Council support the application for variance and direct staff to issue the permit upon adoption of the associated zoning amendment bylaw.

Deny / refer

Council may feel that the creation of these smaller lots will have a negative impact on the neighbourhood. If that is the case, Council should deny the variance request.

Alternate recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw 2015-04” and not support “DVP PL2014-099”.
2. THAT Council support “Zoning Amendment Bylaw 2015-04” but not support “DVP PL2014-099”.
3. THAT Council support “Zoning Amendment Bylaw 2015-04” and “DVP PL2014-099” with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject property location map
Attachment B:	Zoning map of neighbourhood
Attachment C:	Images of subject property
Attachment D:	Proposed site plan and renderings
Attachment E:	Draft DVP
Attachment F:	Zoning Amendment Bylaw No. 2015-04

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Director		City Manager
		
		

Attachment 'A' – Subject Property Location Map



Attachment 'B' – Zoning Map of Neighbourhood



Attachment 'C' – Images of Subject Property



Figure 1: Aerial photo of subject property



Figure 2: Image of subject property from Birch Avenue looking north



Figure 3: Image of subject property looking south



Figure 4: Image of subject property and back lane looking toward apartment building, southeast

Attachment 'D' – Proposed Site and Elevation Plans

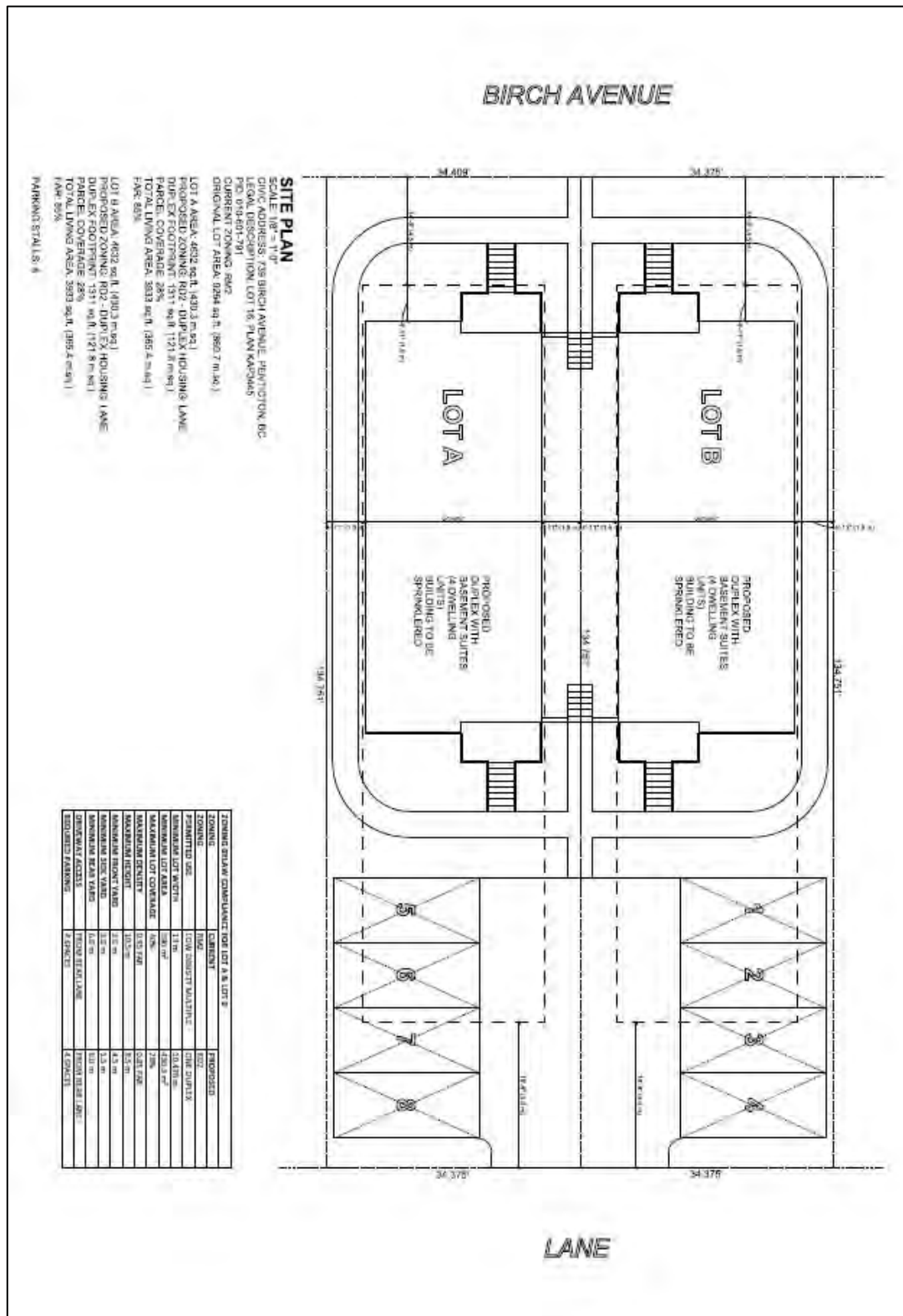
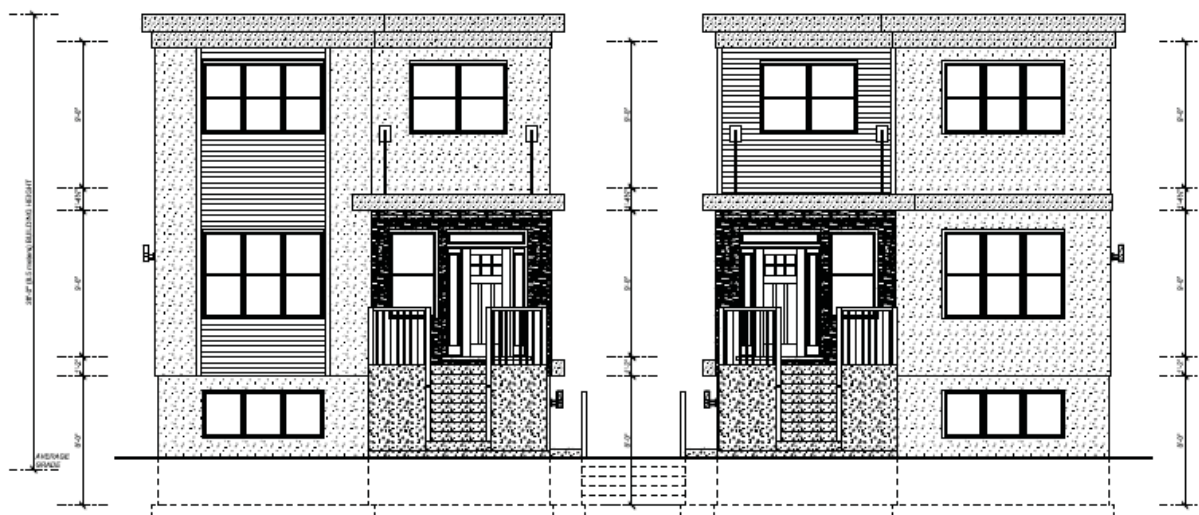
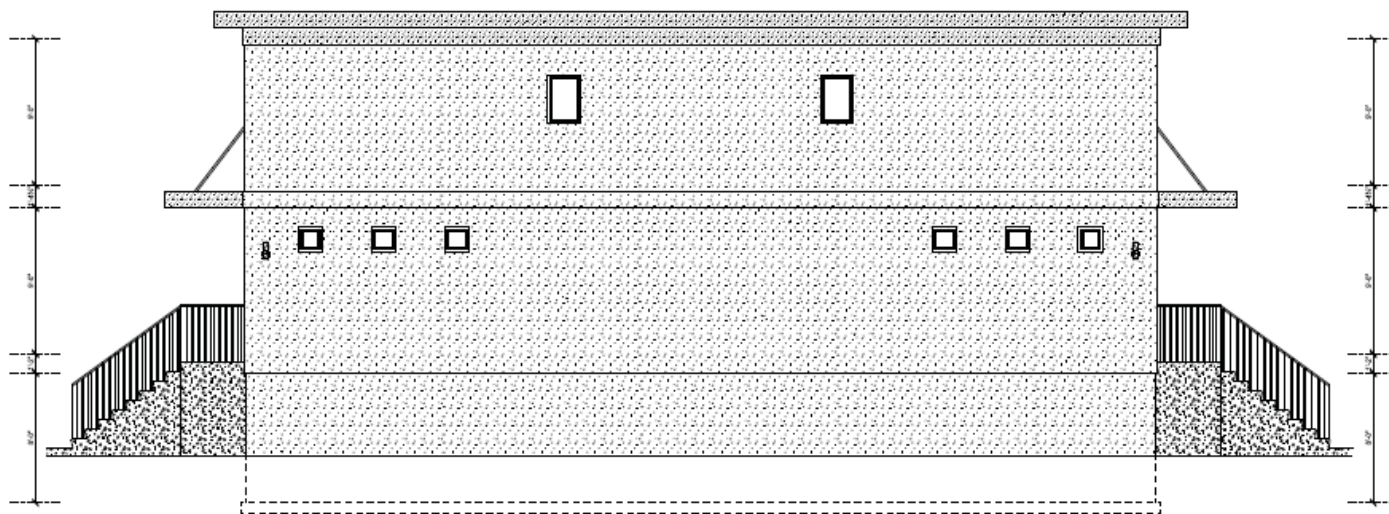


Figure 5: Site plan for 739 Birch Avenue



LOTS A & B DUPLEXES - FRONT ELEVATIONS
SCALE: 1/4" = 1'-0"



LOT A DUPLEX - RIGHT ELEVATION
LOT B DUPLEX - LEFT ELEVATION

Figure 6: Elevation plan for 739 Birch Avenue

GIROUX DESIGN group

Custom Home and Building Design Since 1950.

Development Permit Application for 739 Birch Avenue, Penticton, BC



WP-5408



Figure 7: Colour rendering of proposed duplexes

Attachment 'E' – Draft DVP



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

Development Variance Permit

Permit Number: DVP PL2014-099

Bruce Dilley
Westridge Contracting Ltd.
151 Westview Drive
Penticton, BC V2A 7V9

bhdilley@shaw.ca

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 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445
Civic: 739 Birch Avenue
PID: 010-601-791
3. This permit has been issued in accordance with Section 922 of the *Local Government Act*, to vary Section 10.6.2.1 of Zoning Bylaw 2011-23 to allow for a reduction of the minimum lot width from 13m to 10.5m, as shown in the plans attached in Schedule A.

General Conditions

4. In accordance with Section 928(2) 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 926 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 _____ day of _____, 2014

Issued this _____ day of _____, 2014

Dana Schmidt,
Corporate Officer

Bylaw No. 2015-04

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 2015-04”.

2. **Amendment:**

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

Rezone Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane).

2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

READ A FIRST time this 19 day of January, 2015

A PUBLIC HEARING was held this 2 day of February, 2015

READ A SECOND time this day of , 2015

READ A THIRD time this day of , 2015

RECEIVED the approval of the day of , 2015

Ministry of Transportation on the

ADOPTED this day of , 2015

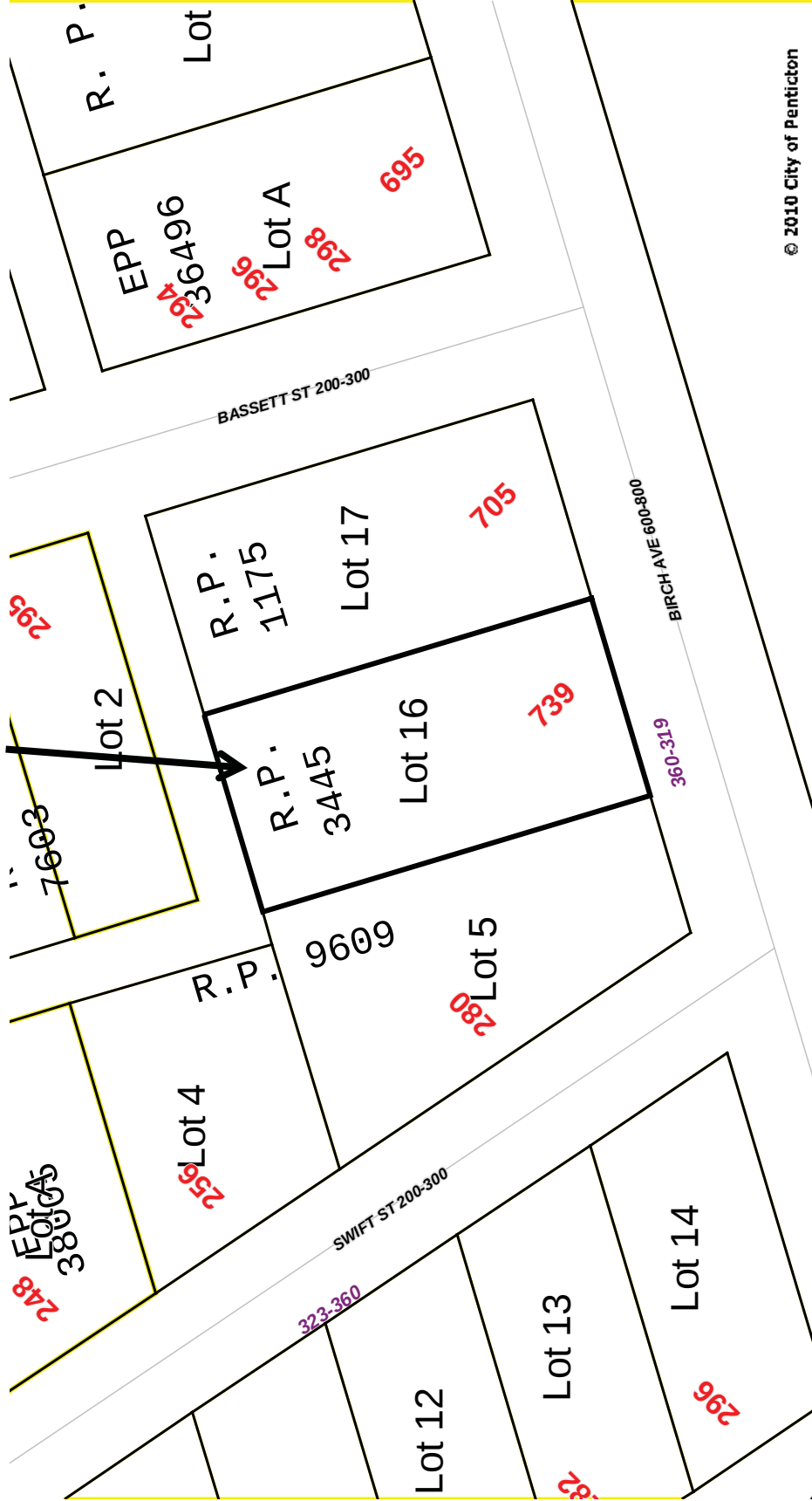
Notice of intention to proceed with this bylaw was published on the 23 day of January, 2015 and the 28 day of January, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 739 Birch Avenue

From RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane)



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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-04

Date: _____ Corporate Officer: _____

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

Monday, January 12, 2015
at 6:00 p.m.

Resolutions

- 8.2 Zoning Amendment Bylaw No. 2015-02
Re: 96 Yorkton Avenue

85/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-02" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.5 "In the case of Lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 18867, located at 96 Yorkton Avenue, a day care centre, major shall be permitted", be introduced, read a first time and forwarded to the February 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: January 12, 2015
To: Annette Antoniak, City Manager
From: Audrey Tanguay, Senior Planner
Address: 96 Yorkton Avenue
Subject: **Zoning Amendment Bylaw No. 2015-02**

File No: RZ PL2014-087

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2015-02" being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.1.3.5 " In the case of lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton), Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted", be introduced, read a first time and be forwarded to the February 2, 2015 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is designated as LR (Low Density Residential) by the city's Official Community Plan and is zoned R1 (Large Lot Residential) by Zoning Bylaw 2011-23. The property is 971 m² (0.24 acre) and currently features a single detached dwelling. It is the applicant's intention to renovate the existing house for the operation of a daycare for up to 20 children. There is no intention to maintain the residential use of the house. Under provincial regulation, day care centres for up to 8 children can be operated despite any zoning restrictions to the contrary. The day care operator does, however, have to meet provincial regulations pertaining to minimum play areas and health and safety standards. In the case of a day care for more than 8 children (or dependent adults) - zoning does apply. Penticton's zoning bylaw allows for both a day care 'minor' use for up to 16 children and a day care 'major' use for greater than 16 children and provides certain zones for each use. The R1 zone, to which the subject property is zoned, does not allow for either a day care minor or a day care major. As such, the property owner (applicant) is required to obtain an amendment to the zoning bylaw to allow for the use.

Rather than re-zoning to a commercial or institutional use (which have day care centre, major listed as a permitted use), the applicant is requesting that a site specific amendment be adopted allowing for the day care use and that the existing R1 zoning remain, as that is more reflective of other zones in the immediate area.

Proposal

The applicant is proposing to add the following section to the zoning bylaw:

Add: Section 10.1.3.5. In the case of lot 1, District Lot 189 Similkameen Division Yale (Formerly Yale-Lytton), Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted,

Development Engineering Review

The Development Engineering department have reviewed the proposed development and has not identified any significant concerns or conditions prior to zoning approval.

Financial Implication

N/A

Analysis

Support zoning amendment

The subject property is designated for Low Density Residential Development under OCP Bylaw 2002-20. The OCP has criteria for staff and Council to consider when reviewing applications in this area. The LR (Low Density Residential) OCP designation allows for small scale neighbourhood commercial uses such as convenience stores and small scale institutional uses and provides a number of guidelines for consideration of rezoning applications. The guidelines and staff's comments are as follows:

- Maximum commercial lot area of 2000m²: The subject property is 971m² and is under the maximum size permitted for a commercial property in the LR (Low Density Residential) designation of the OCP.
- Commercial use is located on a collector road and on an intersection: The property is located at the intersection of Yorkton Avenue and Cypress Street. Yorkton Avenue is a minor collector road therefore the intent of this guideline is met.
- Provides screening along a property line that abuts residentially zoned areas: The site plan submitted in support of the rezoning application shows screen fencing adjacent to the residential property on Yorkton Avenue. Staff feel that the installation of fencing will help diminish any undesirable externalities from the institutional use of the property and provide safety for the children.
- The size, scale and scope of the proposed use are compatible with the character of the area: Recreations facilities and community services such as daycare helps create neighborhoods that have a feeling of "community" and support the OCP residential policies.
- The proposed use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on the adjacent residential uses: Staff do not feel that any negative externalities will impact any neighbouring residences, given that the proposed use of the property is a daycare. Daycare's usually have daytime hours Monday to Friday.

The plans submitted in support of the rezoning application show that the proposed development meets the guidelines for small scale institutional uses in the LR (Low Density Residential) 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 February 2, 2015 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 single family use. Alternatively, Council may refer the application back to staff with further instructions.

Alternate recommendations

Zoning Amendment

1. That Council deny first reading of Zoning Amendment Bylaw No. 2015-02.
2. That Zoning Amendment Bylaw No. 2015-02 be referred back to staff for further research.

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 G:	Zoning Amendment Bylaw No. 2015-02

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Planning Manager 	City Manager 
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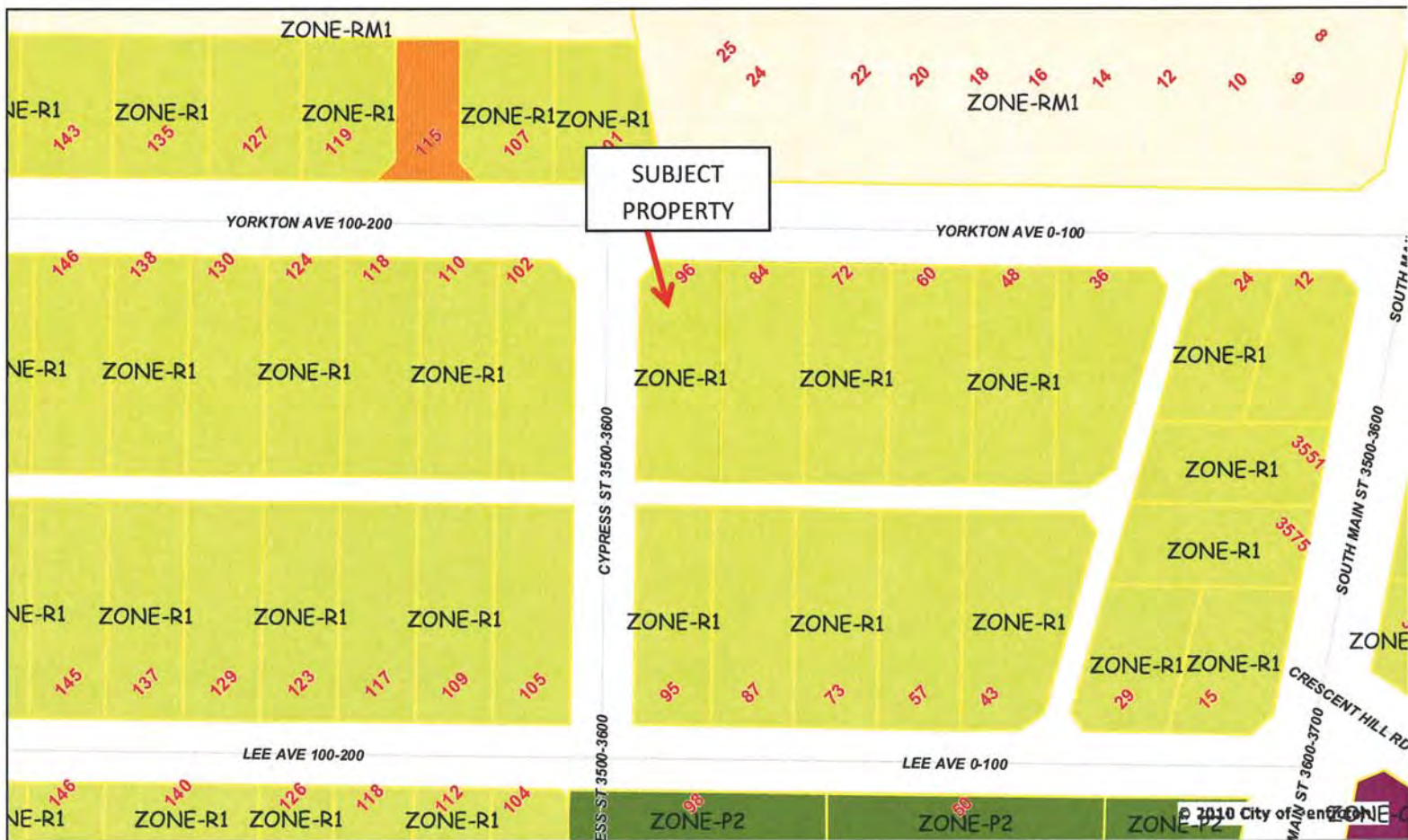
Attachment A - Subject Property



Attachment B - OCP Map



Attachment C - Zoning Map



Attachment D - Images of the Subject Property



View from Yorkton Avenue

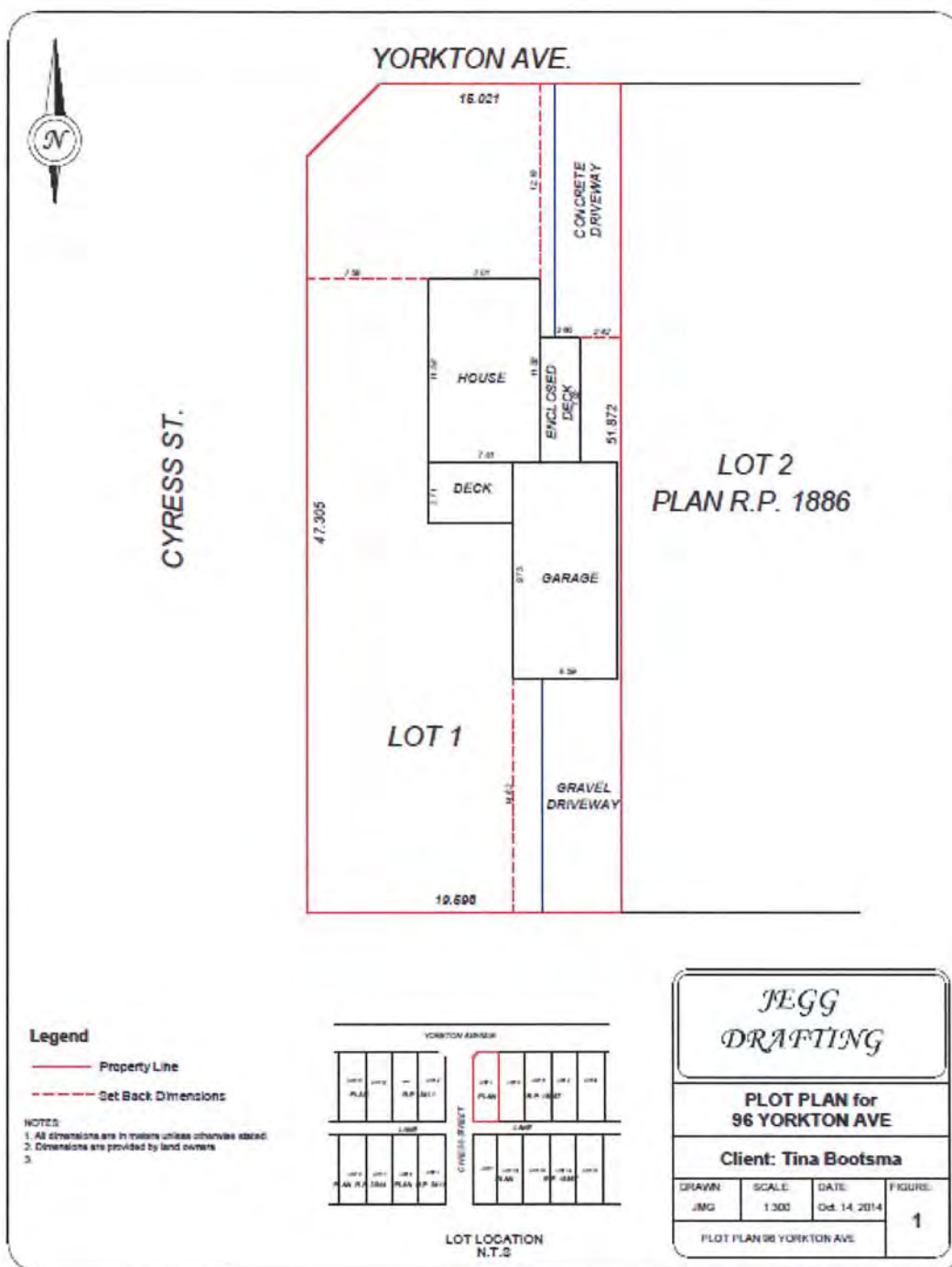


View on Cypress Street



View at the intersection of Yorkton Avenue and Cypress Street

Attachment "E" – Site Plan and Access





Bylaw No. 2015-02

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 No. 2015-02."

2. **Amendment:**

Zoning Bylaw 2011-23 is hereby amended as follows:

2.1 Add section 10.1.3 Site Specific Provisions

.5 In the case of Lot 1, District Lot 189 Similkameen Division Yale District, Plan 18867, located at 96 Yorkton Avenue, a **day care centre, major** shall be permitted.

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

READ A FIRST time this	12	day of	January, 2015
A PUBLIC HEARING was held this	2	day of	February, 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 23 day of January, 2015 and the 28 day of January, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

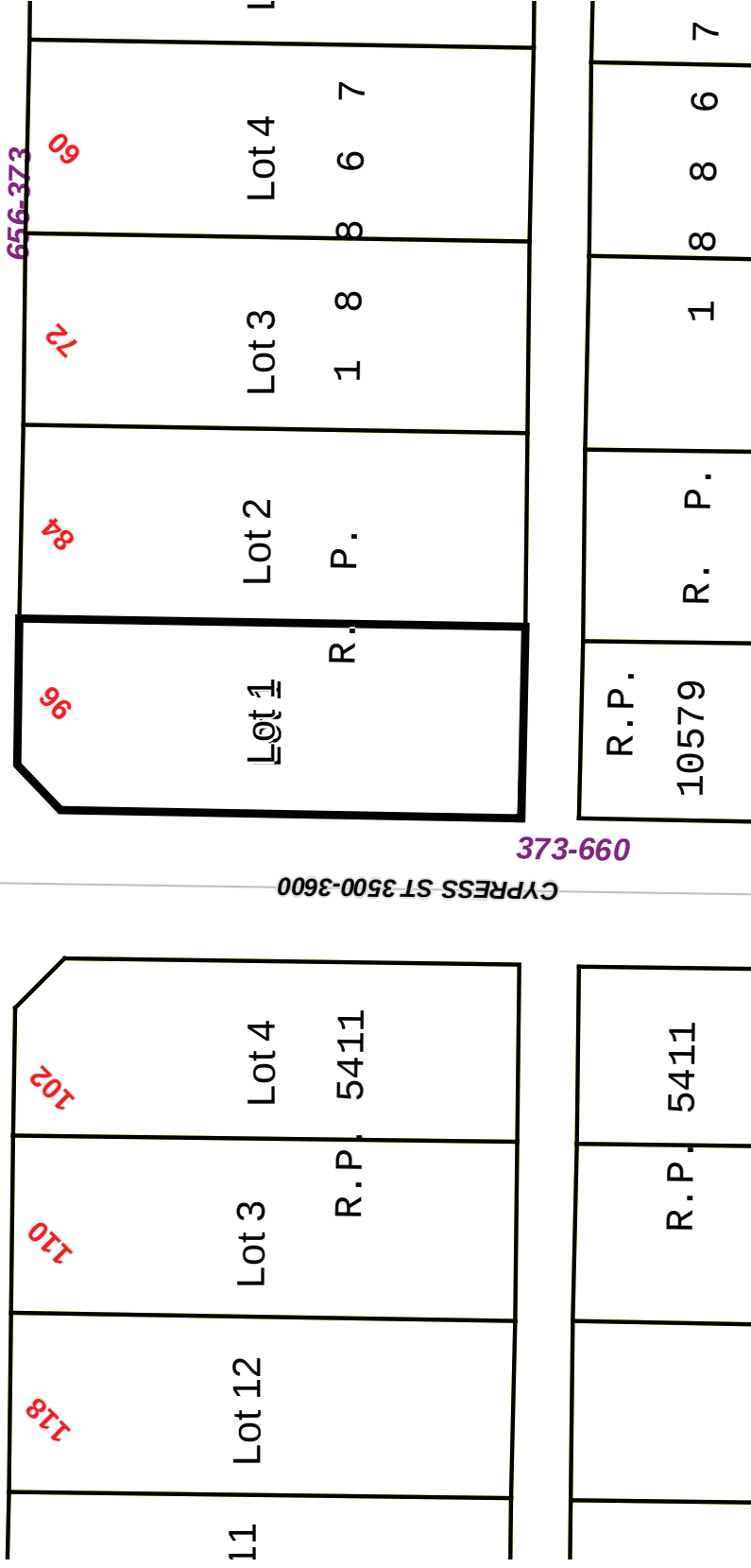
Dana Schmidt, Corporate Officer

96 Yorkton Avenue

Site specific rezoning to add **Day Care Centre** as a permitted use

YORKTON AVE 100-200

YORKTON AVE 0-100



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-02

Date: _____

Corporate Officer: _____

From:
Sent: January-13-15 3:59 PM
To: Lorraine Williston
Subject: Penticton Website - Staff Directory - 96 Yorkton Avenue, Penticton

You have received an email from Cheri Buchanan via the City of Penticton website:

Name: Cheri Buchanan
Topic: 96 Yorkton Avenue, Penticton

Message:

Yesterday, a concerned neighbour brought to my attention the City's recommendation to amend the zoning of 96 Yorkton Avenue, Penticton to include a "Major Daycare Centre". As a Major Daycare Centre, they will be able to provide care to children, youth or adults. I would appreciate an explanation of exactly what makes 96 Yorkton a good place to put such an institution.

Traffic and parking are also both major concerns that need to be addressed.

I understand there will be a Public Hearing on February 2, 2015 but it would be appreciated if it could be postponed to later in the spring. I truly believe more time is required to ensure that this type of facility will fit the long term plan for the area. Also, being that our neighborhood is comprised of many "snowbirds" it would only be fair to postpone this hearing until later in the spring.

Date: January-13-15 3:58:52 PM

RECEIVED

JAN 15 2015

9:56 am

Hanna Taylor
110 Yorkton Ave.
Penticton, B.C. V2A 3V2
Phone:
Email:

January 13, 2015

Mayor Jakubeit and Council
City of Penticton

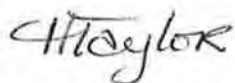
Re: 96 Yorkton Ave., Zoning Amendment Bylaw 2015-02

As a nearby neighbour, I strongly object to the large daycare institution proposed for our neighbourhood. I am shocked that the City proposed this location, and that staff and Council have already made public comments supporting this when our voices have not been heard, because we still have not been officially notified. The short notice of a February 2nd public hearing is not appropriate as many affected residents are away and it's not fair to rush this major change through with 2 weeks' notice.

The problems are many and I concur with the letter dated Jan. 12th from Albert and Jill Cronie, 95 Lee Ave., (attached) which documents the traffic, parking, noise and other problems this will bring to our residential neighbourhood. I support all of their comments.

I ask you to delay the public hearing until all of the residents can be involved in this major decision. Leave our neighbourhood as a residential one which was what we all purchased and pay our taxes for.

Yours truly,



Hanna Taylor
Email:

Attached: Letter from A. and J. Cronie, dated Jan. 12/15

January 12, 2015

To Mayor Andrew Jakubeit and Councillors,

Re: Zoning Amendment Bylaw No. 2015-02

It has come to our attention, quite by chance, that the property directly behind our home, 96 Yorkton Avenue, Penticton, is seeking a zoning amendment to be designated as a “Major Daycare Centre,” which will allow more than 16 children to be placed at the Centre. We understand that a public hearing is currently scheduled for February 2, 2015. Unfortunately, we will not be able to attend, and submit this letter of opposition instead.

We’ve heard that the maximum number of children allowed is 20, but we have also heard the maximum may be 25 children. It is astonishing to us that the City specifically proposed this location to the applicants and that Council is even considering allowing an institutional day care centre in a residential neighbourhood, when there are so many more suitable locations for such a large facility. We are by no means against day cares in general, but this location is simply not suitable for a centre of this size. Therefore, we request Council leave the neighborhood zoning as is, and reject the proposed amendment.

We strongly oppose this zoning amendment for several reasons:

1. The neighbourhood absolutely cannot bear the additional traffic that such a large institutional centre will necessarily bring to the neighbourhood on a year round basis. If the Centre houses 25 full-time children, an additional 25 cars will impact the neighbourhood at any given time throughout the day, in addition to cars for staff. But as far as we know, there could be 50 part-time children, which would bring 50 additional cars to our streets in the morning and again in the evening. And those numbers are likely to come and go throughout a 16-hour period, considering the Centre is allowed to operate for 16 hours a day. In other words, this Centre may bring 50 to 100 cars to this small residential neighborhood at all times of the morning, day and evening. Heavy traffic has become tolerable during the busy summer months, but this business will bring heavy traffic year round.
2. Yorkton, Cypress and Lee Avenue are popular streets for families and seniors walking to and from Skaha Park. Unfortunately, traffic in the area, particularly in the busy summer months, is quite heavy along these streets. It is not uncommon to see cars speeding on their way to and from the beach; it is also not uncommon for drinking to occur at the beach. There are no traffic lights in the immediate area, and we’ve witnessed cars cruising through the stop signs that exist. These intersections are not safe for children to cross. We are concerned that if children run off the property to their parents’ cars, or leave the Centre unaccompanied (it happens), tragedy is sure to ensue. The fact the Centre is on a corner, contributes to the lack of visibility. It is just a matter of time before we will hear the all too familiar ambulance sirens. We have these same concerns when our own grandchildren have come for visits, but keeping track of one or two children is a lot easier than 20 or 25.
3. Parking will be lacking year round, not only during the summer months when tournaments occur at the ball park and events occur at the beach. If parents are expected to park along Cyprus Street, we are concerned that children will dart out from between parked cars, which will lead to tragedy. We are also concerned cars will block residents’ access to their own driveways year round, especially by parents who believe it’s okay to park “for a minute” while they pick up or drop off their children.

4. The picture provided at page 10 of the Senior Planner's report to the City indicates that one staff parking spot will be provided at the back of the lot. It is highly unlikely that this institutional-sized Centre will be allowed to operate with only one staff member; therefore, the parking indicated for staff is not suitable, and is an outright misrepresentation. If additional parking in the back is provided, we are concerned that cars will jut out into the back lane, and the added traffic will cause additional concerns for those of us who regularly use the back lane. If cars jut out of that parking area, we will not be able to access our parking pad, which is directly behind the staff parking area. Instead, it is more likely that staff will park on the street, resulting in a lack of parking for residents of the area for 16 hours a day year round.
5. During Council's January 12, 2015 meeting, we discovered that this Centre will be allowed to operate for a maximum of 16 hours a day. In other words, the Centre will be entitled to operate from 5 or 6 a.m. until 9 or 10 p.m. The proposed playground area is directly behind our home. It is incomprehensible that we will have to suffer the traffic, the parking, and the non-stop noise associated with this business for the vast majority of every day of the year. It is unbelievable that the City can assert that this institution is "compatible" with the existing neighbourhood.
6. This is a well-established, primarily single family neighbourhood. The residents take pride in the ownership of their properties, as reflected in their well-kept yards. The look and feel of their properties will be forever changed if this amendment is allowed, as it will inevitably be the first of many sought-after amendments.
7. This application contradicts this council's prior efforts to shut down other residents who have tried to operate businesses out their homes in residential neighbourhoods. Based on the comments from councillors on January 12, 2015, it appears Council is intent, in this case, to allow an institutional size enterprise to operate in a quiet residential neighborhood. It is simply not logical, unless it is the City's intent to devastate the single family neighbourhood that currently exists, and open the way for further zoning amendments in this area. If that is council's intent, it should be open and transparent with the residents, who have invested in this neighbourhood for decades.
8. We are also concerned about the reasons for the applicant's change of intent regarding whether the home will be occupied as a private dwelling as we understand different laws apply if the home is occupied as a private dwelling. We encourage Council to enquire further.

We feel misled by the City. When we enquired about this property, we were lead to believe that the proposed day care was not compatible for this neighbourhood. During the City's January 12, 2015 meeting, we discovered that the City actually proposed this location to the applicants and recommends it to Council as being compatible for this neighbourhood. Nothing could be further from the truth. Council appears eager to simply push this application through the process. Instead, we ask Council to deny this amendment and preserve the character of this residential neighbourhood.

Respectfully Submitted,

Albert and Jill Cronie
95 Lee Ave.
Penticton, B.C. V2A 3V7
Email,

To Mayor Jakubeit and Council

Re: 96 Yorkton Ave.. Zoning Amemdmment Bylaw 2015-02

We respectfully request a postponement of the public hearing on Feb. 2, 2015. We would ask that this be moved to the last week in March. Many of the neighbors are away on winter breaks and will not be back, for the Feb 2 deadline. Us included.

As this has been sprung on us rather abruptly, we feel it is unfair not to give us the extended time. Many in the area do not get the newspaper, and are very unaware that this piece of property had been sold for a Major Day Care.

Major Day Care according to Zoning Bylaw No 2011-23 covers a very broad area. If this property is resold in the future, according to the guidelines it can become many things, and Adult Day Care or Group Home. Special needs daycare. More or less all bets are off.

Realistically the homeowners who have property in very close proximity will see a decrease in value, will this be reflected on our City property taxes.

There are just too many unanswered questions to rush this forward, the neighborhood needs more time to digest and assess the fall out with this rezoning.

Respectfully submitted

Albert and Jill Cronie

95 Lee Ave.

Penticton, B.C. V2A 3V7



Daycares & Group Care Homes

The purpose of this handout is to provide information on the City of Penticton requirements for the operation of Daycare & Group Homes.

Anyone interested in establishing Child Care or Group Care Home Facilities in the City of Penticton should discuss their plans with a Planning or Building staff member prior to contacting Licensing Direct to ensure the location is zoned correctly for this type of business. Come in to meet with us at City Hall, 171 Main Street, Penticton, on the second floor, or phone (250) 490-2488.

The safety of the public is our number one priority, because of this we do ask that anyone considering opening up a Daycare or a Group Home first contact Licensing Direct at Interior Health for a preliminary review. When that can be confirmed we can start the process of reviewing a Business Licence for you.

When you have been approved by the Licensing Direct Department within Interior Health they will issue you a Community Care Facilities Licence, which is required for all programs and facilities providing care to three or more children who are not related to the operator by blood or marriage.

To contact Interior Health - Licensing Direct - 1-877-980-5118 or www.interiorhealth.ca

Please contact the Building Department at 250-490-2501 for further information or to book a pre-application meeting with an inspector.

When dealing with issues that involve Daycare and Group Care Homes you will mainly be dealing with two sets of regulations: Zoning Bylaw No 2011-23 and the Community Care and Assisted Living Act under the Ministry of Health.

Zoning Bylaw No. 2011-23

Please come into City Hall and chat with our Planners to ensure proper zoning for your business. Daycares' are classified into one of the two groups as per our Zoning Bylaw 2011-23

Daycare Centre, Minor means the premise licensed as required under the Community Care Facilities Act intended to provide care to children, youth or adults where not more than thirteen hours of care is provided per day.

This includes:

- In home multi age child care for up to eight (8) children,
- Group day care limited for up to sixteen (16) children,
- Child minding for up to sixteen (16) children,
- Preschool for up to fifteen (15) children,
- Out of school care for up to twenty (20) children, and
- All other care provided under the Community Care Facilities Act for up to eight (8) people including but not limited to special needs day care, emergency child care, and adult day care.

Daycare Centre, Major means the premise licensed as required under the Community Care Facilities Act intended to provide care to children, youth, or adults where not more than thirteen hours of care is provided per day.

This includes:

- Group day care limited for more than sixteen (16) children,
- Child minding for more than sixteen (16) children,
- Preschool for more than fifteen (15) children,
- Out of school care for more than twenty (20) children, and
- All other care provided under the Community Care Facilities Act for more than either (8) people including but not limited to special needs day care, emergency child care, and adult day care.

British Columbia Building Code

Daycare

Child care facilities are subject to provincial Building Code requirements, which vary depending on the number of children in care. Please consult with a Building Inspector at City Hall for details.

Group Care

Group Care homes within residential homes fall under Part 9 of the British Columbia Building Code, which outlines:

1) Children's custodial homes and convalescent homes for ambulatory occupants living as a single housekeeping unit in a dwelling unit with sleeping accommodation for not more than 10 persons are permitted to be classified as residential occupancies (Group C).

2) A care facility accepted for residential use pursuant to provincial legislation is permitted to be classified as a residential occupancy provided

- a) The occupants live in a dwelling unit used as a single housekeeping unit with sleeping accommodation for not more than 10 persons,
- b) Interconnected smoke alarms are installed in each sleeping room in addition to the requirements of Article 9.10.19.2,
- c) Emergency lighting is provided in conformance with Article 9.9.11.3., and
- d) There are sprinklers throughout the Building.

Community Care and Assisted Living Act

Under the Community Care and Assisted Living Act:

"Assisted Living Residence" means a premises or part of premises, other than a community care facility;

- a) In which housing, hospitality services and at least one but not more than 1 prescribed services are provided by or through the operator to 3 or more adults who are not related by blood or marriage to the operator of the premises, or
- b) Designated by the Lieutenant Governor in Council to be an assisted living residence.

Standards to be maintained

7 (1) A licensee must do all of the following:

- (a) Employ at a community care facility only persons of good character who meet the standards for employees specified in the regulations;
- (b) Operate the community care facility in a manner that will promote
 - The health, safety and dignity of persons in care, and
 - In the case of adult persons in care, the rights of those persons in care;
- (c) Display the licence in the prescribed manner;
 - (c.1) Display the rights of adult persons in care
 - In a prominent place in the community care facility, and
 - In a form and in the manner acceptable to the minister;
 - (c.2) Make the rights of adult persons in care known, orally and in writing, to persons in care and their families and representatives;
- (d) Appoint a manager for the community care facility.
 - For the purposes of subsection (1) (b), (c.1) and (c.2), the rights of adult persons in care are the rights set out in section 1 of the Schedule.
 - The minister may make orders for the purposes of subsection (1) (c.1) (ii).
 - For purposes of subsection (1) (d), a licensee who is not a corporation may also be a manager.

For more detailed information on the Community Care and Assisted Living Act please go to www.bclaws.ca

B.C. Fire Code Regulations Section 2.10. Community Care Facilities

2.10.1 Construction

1) Community care facilities shall be constructed in conformance with the requirements of the B.C. Building Code.

2.10.2 Staffing

1) Community Care facilities shall be staffed in accordance with the appropriate requirements of the Community Care and Assisted Living Act and pursuant regulations.

2.10.3 Combustible Materials

1) Combustible materials such as artwork and teaching materials that are attached to walls shall not exceed 20% of the area of such walls.

2.10.3.2 Waste Receptacles

1) Waste receptacles shall be made of non-combustible materials.

2.10.3.3 Flammable and Combustible Liquids

1) Flammable liquids and combustible liquids shall be stored in conformance with Part 4 and in areas inaccessible to children.

2.10.4 Fire Safety Measures

-2.10.4.1 Fire Prevention Inspections

1) Staff members of daycare centres in which more than 10 children are cared for shall conduct fire prevention inspections in conformance with the fire safety plan at intervals not greater than one month.

Please note a Fire Safety Plan is required and should be posted on site. A Carbon Monoxide Detector, Interconnected smoke alarms and a minimum 5lb ABC Fire Extinguisher should also be on the premises.

Business Licence Bylaw 2012-5020

The Business Licence placard must be permanently posted in a prominent location and that the Licence must be renewed on an annual basis.

Inspection of Premises – Section 6.0

The Licence Inspector may inspect the Premises for which a Business Licence Application is made or a Business Licence is issued and such Inspection shall be for the purpose of and limited to:

- Observe that the Business Category and/or Business Type is in accordance with the City Zoning Bylaw.
- Observe the Business and Premises for compliance with the City Building Bylaw, and the City Fire and Life Safety Bylaw.

Yearly Renewal

The Business licence must be renewed on a yearly basis and the Licence Inspector may attend to audit the premise to ensure regulations within the City Bylaws are maintained.

Contacts

City of Penticton RCMP

1168 Main St.
Penticton BC V2A 5E8
Phone: (250) 492-4300

Penticton & District Community Resources Society

330 Ellis St.
Penticton BC, V2A 4L7
Phone: (250) 492-5814

Interior Health – Licensing Direct

1-877-980-5118

City of Penticton Fire Department

250 Nanaimo Ave. W.
Penticton BC, V2A 1N5
Phone: (250) 490-2300



Petition to Oppose Zoning Amendment Bylaw No. 2015-02

Petition summary and background	<u>Re: Zoning Amendment Bylaw No. 2015-02 to allow a Major Use Day Care Facility at 96 Yorkton Avenue, Penticton.</u>		
Action petitioned for	We, the undersigned, are concerned citizens, who live in the vicinity of 96 Yorkton Avenue and hereby urge our City Council to oppose the Zoning Amendment Bylaw No. 2015-02.		

Printed Name	Signature	Address	Comment	Date
North Western	<i>North Western</i>	84 Yorkton Ave	Not in my backyard	Jan 13/15
Hanna Taylor	<i>HTaylor</i>	110 Yorkton Ave.	Not appropriate	Jan 13/15
Laurie Stabler	<i>L Stabler</i>	105 Lee Ave	Not suitable for residential	Jan 13/15
Chris Stabler	<i>Chris Stabler</i>	105 Lee Ave	They are not living there this is for insurance/business use NOT in our neighborhood	Jan 13/15
Jill Cronie	<i>Jill Cronie</i>	95 Lee Ave.	IT IS NOT FAIR TO PUT AN INSTITUTE IN A RESIDENTIAL AREA	Jan 13/15
ALBERT CRONIE	<i>Albert Cronie</i>	95 Lee Ave.	When did Penticton Council become a board they are making decisions with me disagree with them should be much for they are not they have rules as the area.	Jan 13/15

Printed Name	Signature	Address	Comment	Date
CHERI BUCHANAN	<i>Cheri</i>	87 LEE AVE	OPPOSED TO A MATOR INSTITUTION	JAN 13/15
BRUCE BARKER	<i>Bruce</i>	87 LEE AVE	AS PER THE HANDOUT REVISITED BY THE CITY OF REMINGTON IN DAYCARE & GROUP CARE HOMES, A DAYCARE CENTRE MASTER, THE POTENTIAL IS THATS PROBABLY COULD BE SPECIAL NEEDS, SOME, EMERGENTLY CHILD CARE, AND ADULT DAY CARE. ANOTHER WORDS, THIS COULD BE A GROUP CARE HOME FOR INSTITUTIONALIZED CLIENTS. I am formally AGAINST THIS PROPOSAL.	

JAN 13/15

I have read the Letter to City Council dated January 12, 2015, submitted by Albert and Jill Cronie, of 95 Lee Avenue, Penticton, and agree with their reasons for opposition to the Zoning Amendment Bylaw No. 2015-02, which if granted will allow a Major Use Day Care Facility to be established at 96 Yorkton Avenue, Penticton.

We live in the vicinity of 96 Yorkton Avenue, Penticton and oppose the Zoning Amendment Bylaw No. 2015-02 for the reasons stated in the Cronies' letter, and for the additional reasons stated below:

Printed Name	Signature	Address	Comment	Date
MARION + BRIAN PARSON	<i>Marion Parson</i>	102 Yorkton Ave	This is totally inappropriate	13-01-15
"	<i>Brian Parson</i>	102 YORKTON AVE	We pay high taxes in this area; what's next!!	13-01-15
			We've lived in this same house "44" years.	
			and now this to live next door to a Day +	
			Group care institution I don't think so.	
SYD + FRANCES BATES	<i>Sy Bates</i>	101 YORKTON AVE	NOT A GOOD THING!!	
RITA DRAGE	<i>Rita Drage</i>	130 Yorkton Ave	Not in favour	13-01-15
DON ROBSON	<i>Mr. Robson</i>	135 YORKTON	NOT IN FAVOR	13-01-15
DEREK BEWS	<i>D. Bews</i>	72 YORKTON	NOT IN FAVOR	13-01-15

[illegible]

IAN 16 2015

16 2015
3:11 pm

Petition to Oppose Zoning Amendment Bylaw No. 2015-02

Petition summary and background	<u>Re: Zoning Amendment Bylaw No. 2015-02 to allow a Major Use Day Care Facility at 96 Yorkton Avenue, Penticton.</u>
Action petitioned for	We, the undersigned, are concerned citizens, who live in the vicinity of 96 Yorkton Avenue and hereby urge our City Council to oppose the Zoning Amendment Bylaw No. 2015-02.

[illegible]

RECEIVED

JAN 21 2015

To Mayor Jakubeit and Penticton city council

Re Zoning Amendment Bylaw for 96 Yorkton Avenue, Penticton (2015-02)

Honourable Mayor and City Councillors,

Please receive and review this letter of OPPOSITION to the proposed changes to the zoning designation of the above noted property. Our concerns are profound and, as always with these issues, the "devil is in the details". Please preserve.

We preface our remarks by saying that as of the writing of this letter that, despite being a contiguous neighbour to this property, we have not received ANY official notification, nor has there been any signage on the property to announce the proposed changes. (ten days would seem little time to allow for any neighbourhood discussion). There was admittedly a notice in the paper to which we do not subscribe).

This amendment IS NOT PART OF A COMMUNITY PLAN. The neighbourhood is well established and has been as it is for 30+ years. To state as in the Development Engineering Review that the purpose is "to create a 'feeling' of community" is completely false in this case. Firstly, this is to be a business pure and simple. This is not an "in house Daycare" with a neighbour in charge. This is purely a financial venture. If there were any "community plan", it would seem that the city has chosen to allow for more seniors' housing as noted by the new development down the road on Yorkton Ave. Virtually all of the children attending the proposed institution will be brought in by automobile. This will not give any sort of "feel" to the neighbourhood.

The property in question was chosen at random, the decision being driven by the cost of the property. This is a FINANCIALLY DRIVEN DECISION without regard for the neighbourhood. The purchase and pursuit of a zoning amendment is at best opportunistic and has nothing to do with any form of "neighbourhood enhancement". To see the motives otherwise would seem misguided.

If the bylaw change is approved there will be a major impact on the neighbours and neighbourhood. Below follow our concerns:

This property will produce 10X the usual GARBAGE with up to 30 people using it. This will likely necessitate a dumpster with its unsightly views, smells and noise of service notwithstanding the possibility of "dumpster divers"

The green space of the YARD WILL BE LOST to be taken over by dead zones and playground apparatus.

PARKING will become a major headache as the street by necessity will be used full time for staff (a problem for snow clearing and a major problem in the summer when beach and park goers use the on street parking). There will be as many as 100 arrivals for the patrons each day with constant slamming of doors etc.

SIGNAGE will no doubt become a contentious issue in what is now a RESIDENTIAL NEIGHBOURHOOD. Will there be 24h lighting? – One wonders.

Finally our biggest concern is that of the BLIGHTED LOT. This home was purchased for the proposed use purely for financial gain. There can be no other motivation. Likely the house needed some updating and thus the discounted price (for the neighbourhood). This proposed use for the property WILL COMPLETELY DESTROY THE INTEGRITY OF THE HOUSE. With up to 30 children occupying it, the wear and tear will be "terminal". Add to that any changes that the owners may make to make it more suitable to its new use and to that any changes mandated by the COMMERCIAL USE and safety regulations and suddenly, one has a building that is FOREVER BLIGHTED. The altered zoning designation will act as a further deterrent to resale as a residence. THIS PROPERTY WILL NEVER BE SUITABLE AGAIN AS A FAMILY HOME.

If the business survives, the property is BLIGHTED as the cost will be written off on taxes (given the easy multiplier of the patron's fees). When the business is closed, who will want it? Certainly not a family as by then it will need to be torn down (and this is not a 'view lot'). If the business survives it will remain a COMMERCIAL PROPERTY IN THE MIDDLE OF A RESIDENTIAL NEIGHBOURHOOD.

This property thus under any circumstance will remain BLIGHTED.

As per the Development Engineering Review, this lot could be then transformed into a corner store. Wouldn't that be plus for the neighbourhood but - why not? Easy to justify later when already the property is an eyesore.

When we bought our property we paid a premium for the type of neighbourhood it was in.

You as our elected officials are charged with protecting us as property owners and upholding the bylaws as they exist. Virtually all of the neighbours near this property are enraged at the proposed changes, the only nays being, it seems, in the abstention. No doubt, the commercialization of this property will increase its tax revenue but that is a very short term gain as the surrounding properties will drop in value (especially next door and across the street).

PLEASE DO NOT FORCE UPON US AND OUR NEIGHBOURHOOD a purely COMMERCIAL venture. We all love children and, sure an in house Daycare that fits the neighbourhood, but NO TO AN INSTITUTION.

We respectfully request that you vote against this amendment. DO NOT LEAVE US WITH A BLIGHTED LOT!!!

Yours Truly,



Chris and Laurie Stabler

(105 LEE AVENUE, PENIKTON)

Attachment A - Subject Property



X MARKS PROPERTY OWNERS WHO HAVE
ALREADY SIGNED A PETITION AGAINST THE
AMENDMENT

January 27, 2015

Penticton City Council,

Re: Proposed Site Specific Rezoning of 96 Yorkton Property as 'Daycare Center Major'

My husband and I are the property owners of 84 Yorkton which is located right next door to 96 Yorkton.

We bought our property last February knowing that it was located in LR - Low Density Residential by the city's official community plan. We purchased it as a home and neighbourhood to stay in with retirement here in mind. It is a peaceful, quiet neighbourhood of mainly retired people or working adults, who will retire within a number of years. We do not support the proposed site specific rezoning of 96 Yorkton.

The staff report to council seems fairly misleading to me as it does not reflect the opinions of the neighbourhood people directly affected by the change.

- Staff report states: "staff feel the installation of fencing will help diminish any undesirable externalities from the institutional use of the property" I have worked with children for over 25 years in group settings. I am well aware of the noise that exuberant, excited children make as well as the noise of upset, protesting children and I know that this type of noise happens multiple times a day each and every day in a child care operation. A fence will make minimal if any difference to the noise level to our property right next door. It will also not protect against things being thrown over it.

- Staff report the "size and scale & scope would be compatible with the character of the area". Our neighbourhood does not agree, this is a neighbourhood of mainly retired / adult people. Daycares belong in a neighbourhoods of families with young children.

- Staff report "proposed will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on the adjacent residential uses. (Daycare operating day time Mon - Fri.)" Day time is when retired people are out enjoying their yards. At our property 84 Yorkton, my husband, myself, my brother & retired mother live. We garden and work in our yard often during the day through the spring summer & fall. Our yard is our quiet oasis.. a place to re-energize and recharge. A major daycare right next door will have a negative impact with noise, traffic will definitely increase - 20 children will need to be picked up and dropped off somehow. My working career has been with children in group centres. I do not want to retire and live right next door to one.

We would never have purchased a property next door to a daycare Center and feel upset we may be forced into it. We know if the rezoning is approved our property value will diminish and it will be a less desirable property for resale.

We are aware that many of the property owners of the area are away for winter travels. They also would like the opportunity to voice their opinion regarding this change.

We hope you, our Council will listen to the residents in this neighbourhood and not approve this rezoning application.

Ginnie & Keith Weston
Property Owners, 84 Yorkton Avenue

From: Briar Pinch
Sent: January-28-15 9:37 AM
To: Public Hearings
Subject: Major daycare

To Corporate officer City of Penticton...

It has been brought to my attention that a proposal has been addressed to the city, to open a business of a "Major Day Care", at 96 Yorkton Ave.

I lived next door to this property for 12 yrs. and had previously owned a house 2 doors away.
I now live in the North end of Penticton.

Please take into consideration that this area is not suitable for a Major daycare!!!
Please take into consideration what trauma you are putting the neighbors into!!!

This is a residential area! A daycare is NOISEY!! I know because I had my children at the boys and girls club on Edmonton Ave. and Peaches Daycare on Carmi.
The traffic with dropping children off is extreme! I work next to OSNS and I see and hear it every day.

This would be horrible for those living in this neighborhood for resale on their homes. Who wants to live next door to a noisy daycare. Not me!!

Please council, think this through carefully. Some of these neighbors have lived here for up to 40 yrs. They love this area and have put time and money into their homes.

This would be absolutely horrific if it is allowed!

Thank you...Leisa Pinch

PS...Max Picton(you were my neighbor, stand up for your old neighborhood and put a stop to this!) I did vote for you

Sent from my iPad