



Public Hearing

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

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

- Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2015-12"**
- CO Reads Opening Statement and Introduction of Bylaw
1. "Zoning Amendment Bylaw No. 2015-12" (115 Kinney Avenue)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).
- The applicant is proposing to construct a 4-unit townhouse development.
- Notice: The Public Hearing was advertised in the Penticton Western News on Friday, February 20, 2015 and Wednesday, February 25, 2015 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, February 25, 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. 2015-12" 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, February 16, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

2. Staff Reports

- 8.1 Zoning Amendment Bylaw No. 2015-12
Re: 115 Kinney Avenue

136/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-12", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3, District Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the March 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

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Date: February 16th, 2015
To: Annette Antoniak, City Manager
From: Lindsey Fraser, Planner
Address: 115 Kinney Avenue

File No: RZ PL2014-108

Subject: Zoning Amendment Bylaw No. 2015-12

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2015-12", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Ave, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the March 2nd, 2015 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is zoned R1 and is designated in the City's Official Community Plan as MD (Medium Density Residential). A single family dwelling is currently located on the property and is surrounded by single family dwellings, commercial (Cherry Lane Mall) and high density residential (Cherry Lane Towers). The City encourages the densification of this area and, although the vision for this area is for a higher density product, which would require amalgamation of the subject property with neighbouring properties, the townhouse development is a higher density use than currently exists and is in line with the MR OCP designation.

The site is well-positioned geographically as a myriad of services are located close by. As such, densification should be encouraged. Cherry Lane mall provides grocery, medical, and general retail opportunities; staff feel that in supporting the rezone and careful development of this lot, it may attract more conversions from single-family to multi-family in the area. Additionally, the applicant has stated the building is intended to serve as rental, adding a positive contribution to Penticton's rental stock.

Although the current address is from Kinney Avenue, the applicant's intent is to have the building's frontage off Atkinson Avenue to the east. Thus, addressing will also be from Atkinson Street.

Proposal

The applicant is requesting that the subject property be rezoned from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing), with the intent of construction a 4 unit townhouse development.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by Engineering and Public Works departments. It was identified by Engineering that a 5 m x 5 m corner cut is required, as a portion of the City's sidewalk is constructed on a small corner of the property. The property owner has offered to transfer this area to the city as part of the rezoning of the property. The surveying and legal costs associated with the corner cut will be paid for by the City. Engineering also identified that this area is deficient with regard to fire hydrant spacing. The City's Public Works Department has confirmed that the area will need to be outfitted with a hydrant at a later date and at the City's expense. 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 RM2 Zone	Provided on Plans
Minimum Lot Width:	20 m	36m (Atkinson St)
Minimum Lot Area:	670 m ²	824 m ²
Maximum Lot Coverage:	40 %	24%
Maximum Density:	0.75 FAR	0.45 FAR
Vehicle Parking:	5 spaces (4 resident, 1 visitor)	5 spaces
Required Setbacks Front yard (Atkinson St): Side yard (south): Side yard (north): Rear yard:	3.0m 6.0m 6.0m 6.0m	6.0m 3.0m (this will be changed to 6.0m after conversation with applicant. No variance will be required) 11.0m (this may be reduced approximately 3 meters) 7.0m
Maximum Building Height:	12.0m	7.0m
Other Information:	☐ Property is in the 'General Multiple' Development Permit Area and a DP will be required. At DP stage, the City will require some design changes to the building, including the location of one unit frontage or appropriate aesthetic treatment along Kinney Avenue.	

Analysis

Support Rezone

The subject property is designated as 'Multiple Residential' by the City's OCP. Within this designation, the OCP encourages staff to promote a wide range of housing forms including triplexes, fourplexes, apartments

and, as is the case with this application, townhouses. Additionally, the OCP encourages a wide range of housing tenures including rental housing and the provision of new housing through infill practices.

Although this application is only in rezoning stage, the applicant and his designer have been proactive in seeking City guidance throughout preliminary stages. Plans do not show the final product of the building and are provided for context as to how the development intends to meet the criteria set out in the City's development regulations. The City will continue to work with the applicant through the Development Permit stage in formalizing a design that meets the client's needs as well as the needs of the broader community. As mentioned in the table (previous page) the City will be requesting that a unit entrance be located on Kinney Avenue in order to ensure 'activation' of that street edge and a more welcoming building presence. Additionally, there may be some minor adjustments to the proposed setback distances.

There should be no direct negative effect on surrounding properties. There is only one property that abuts the subject property: 125 Kinney Avenue. This neighbouring lot currently houses a single family dwelling. The applicant has provided an ample buffer area between the proposed development and this neighboring property (7.0m). Any setback adjustments made after rezone will not reduce the proposed interior setback distance of 7.0m.

To the rear of the property is the high density Cherry Lane Towers development. There is a substantial setback distance of approximately 12m from the rear property line to the vertical face of Cherry Lane Towers, and a distance of 23m (75 ft.) between the rear building face of the proposed development and the closest vertical face of Cherry Lane Towers. There should be no deleterious effect on the Cherry Lane Towers development.

Given the above, staff feel that the request for rezone on 115 Kinney Avenue is reasonable, in keeping with City policies and bylaws, and should be forwarded to the March 2nd, 2015 Public Hearing.

Deny/Refer

Council may feel that townhouse development is not appropriate for this lot and the property owner should wait until neighbouring property owners are ready to amalgamate lots in an effort to construct buildings with higher density potential. If this is the case, Council should deny the first reading.

Alternatively, Council could refer the application back to staff.

Alternate recommendations

1. THAT Council refer "Zoning Amendment 2015-12" back to staff to make changes Council feel are appropriate.

Attachments

- Attachment A: Subject property location map
- Attachment B: Zoning map of neighbourhood
- Attachment C: OCP designation map
- Attachment D: Images of subject property
- Attachment E: Letter from applicant
- Attachment F: Proposed site plan and preliminary renderings

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Manager	City Manager
 	

Attachment A – Subject Property Location Map



Figure 1: Subject property, 115 Kinney Avenue highlighted in blue

Attachment B – Zoning Map of Neighbourhood



Figure 2: Zoning map showing subject property as R1

Attachment C- Official Community Plan (OCP) Designation



Figure 3: OCP designation map showing desire for multiple family residences to buffer single family area from Cherry Lane Towers development

Attachment D – Images of Property



Figure 4: Front of 115 Kinney Avenue with Cherry Lane Towers in background



Figure 5: 115 Kinney Avenue, looking west



Figure 6: Rear of 115 Kinney Avenue looking west with alley separating 115 Kinney Avenue with Cherry Lane Towers



Figure 7: Current spacing between 115 Kinney Avenue (right) and 125 Kinney Avenue (left). Note, cedar trees are present on 125 Kinney Avenue.

Attachment E – Letter from Applicant



People plus Space: Planning and Design
203-166 Main Street
Penticton, BC V2A 5A4

December 16th, 2014

City of Penticton - Development Services
Attn: Lindsey Fraser
Planner
171 Main Street
Penticton, BC V2A 5A9

Dear Lindsey Fraser,

Please accept this application for the rezoning of 115 Kinney Avenue. The subject property is currently zoned R1 Large Lot Residential with a future land use, as per the Official Community Plan (OCP), of Medium Density Residential. This application requests the rezoning of the property as outlined below, please be advised the applicant is not requesting any variances.

The purpose of the application at this time is to increase the value of the property with the opportunity to develop in the future.

Site Use

The intent of this application is to rezone the subject property from an R1 Large Lot Residential zone to an RM2 Low Density Multiple Housing zone. The OCP designates the future land use in this area as Medium Density Residential; therefore, the request to rezone the property aligns with the future growth of the property and surrounding area.

The proposed building design which complies with the RM2 Zoning Bylaw setbacks is also designed "in a manner sensitive to the surrounding neighbourhoods" (CoP OCP). Larger setbacks than required by the Zoning Bylaw provide sensitivity to the adjacent neighbour. Adjacent properties to 115 Kinney Avenue are zoned RM4 and C4; therefore, the rezoning of 115 Kinney Avenue is keeping with the surrounding neighbourhood and future growth as per the OCP.

Conclusion

The proposed building design is reflective of the surrounding aesthetic and future vision for the area as outlined in the OCP. Rezoning the property will allow for any future development of 115 Kinney Avenue, a prominent location flanking two streets in Penticton. Support of the rezoning of the site will continue to encourage future development in the area.

Sincerely,

Heather Shedden
Principal Planner and Interior Designer
People plus Space: Planning and Design



KINNEY AVENUE

LANEWAY

3m FRONT YARD SETBACK

3m INTERIOR SIDE YARD SETBACK

6m EXTERIOR SIDE YARD SETBACK

6m REAR YARD SETBACK

SCREENED IN REAR YARD

PROPOSED STORAGE ATTACHED

UNIT 1

UNIT 2

UNIT 3

UNIT 4

UNIT 1 PARKING STALL

UNIT 2 PARKING STALL

UNIT 3 PARKING STALL

UNIT 4 PARKING STALL

VISITOR PARKING STALL

21'-8"

11'-10"

22'-2"

36'-2"

10'-0"

22'-0"

PL

PL

PL

PL

Page 11 of 12

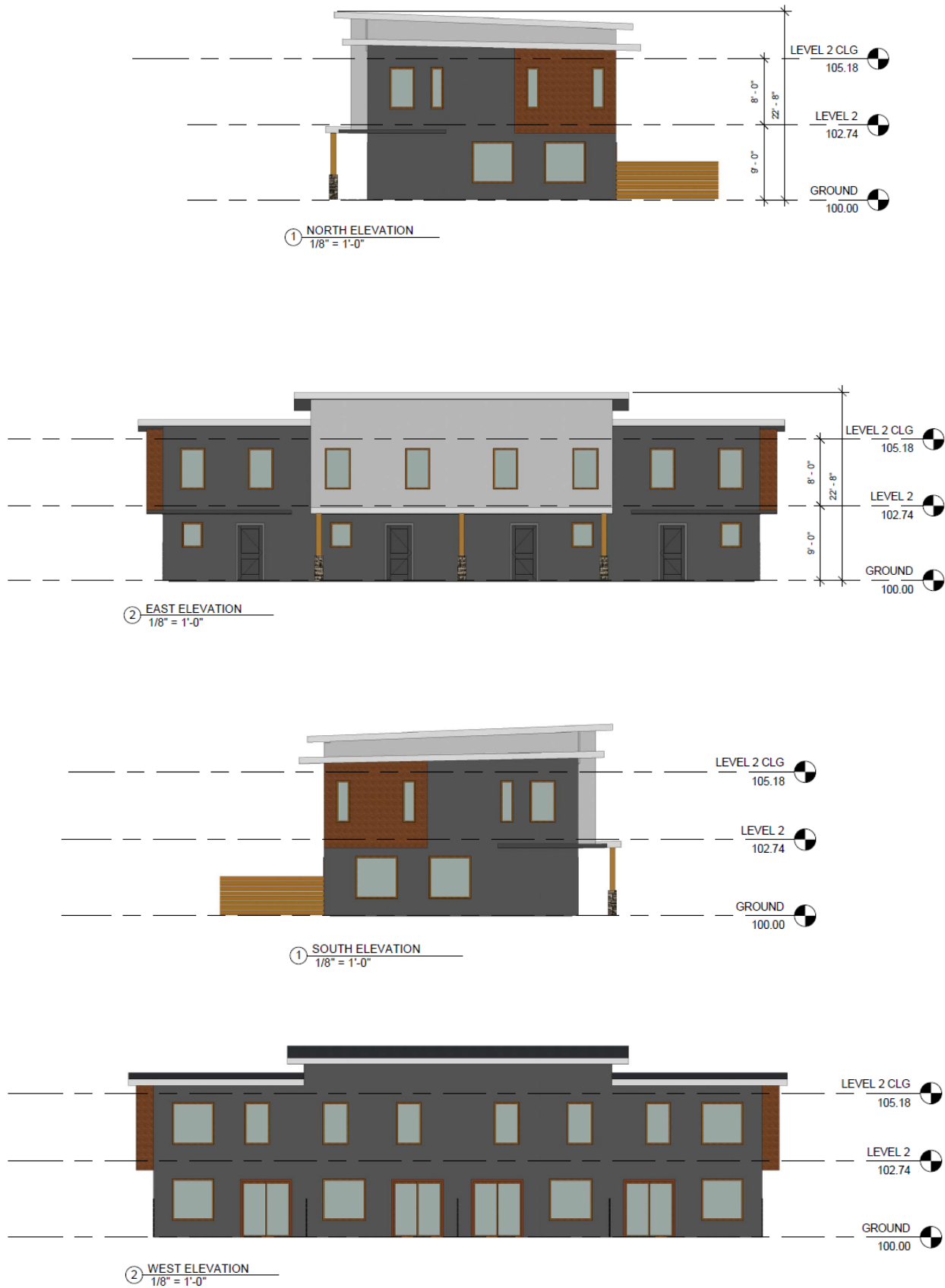


Figure 9: Elevation renderings of proposed development

The Corporation of the City of Penticton

Bylaw No. 2015-12

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 2015-12".

2. Amendment:

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

Rezone Lot 3, District Lot 116, Similkameen Division Yale District, Plan 9716, located at 115 Kinney Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

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

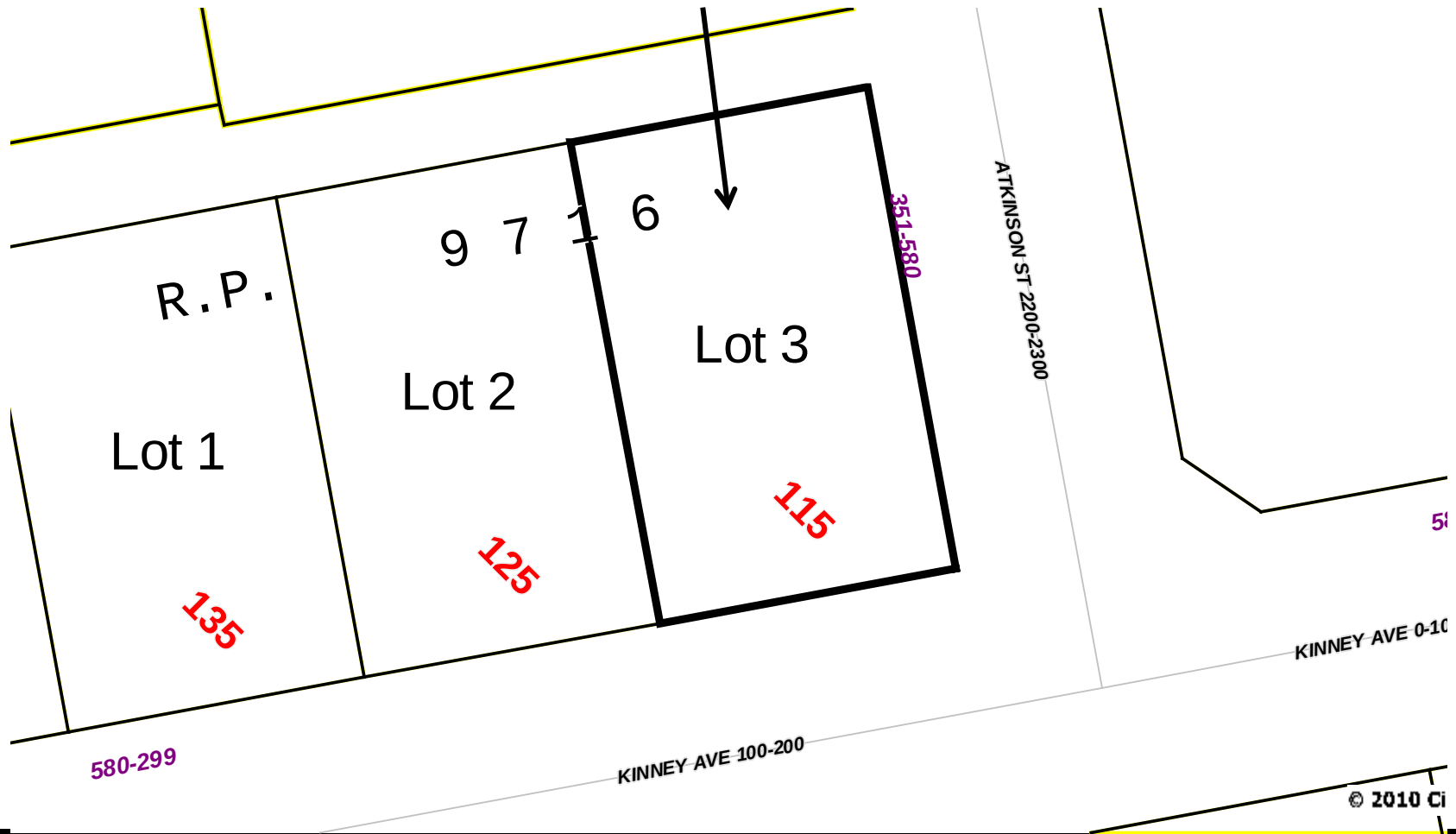
READ A FIRST time this	16	day of	February, 2015
A PUBLIC HEARING was held this	2	day of	March, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
RECEIVED the approval of the		day of	, 2015
Ministry of Transportation on the			
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 20 day of February, 2015 and the 25 day of February, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

115 Kinney Avenue - Rezone
From R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-12

Date: _____

Corporate Officer: _____