

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

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

- Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2015-51”** 1-11
- CO Reads Opening Statement and Introduction of Bylaw
1. “Zoning Amendment Bylaw No. 2015-51” (2800 Cedar Road)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone the easterly 84m of Lot 1, District Lot 2710, SDYD, Plan 14911, Except Plans 20725 and KAP66018 located at 2800 Cedar Road from A (Agriculture) to R1 (Large Lot Residential). This portion will be included in a residential subdivision.
- Notice: The Public Hearing was advertised in the Penticton Western News on Friday, October 23, 2015 and Wednesday, October 28, 2015 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, October 28, 2015)
- Mayor Requests the Director of Development Services 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. 2015-51” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2015-54"** 18-31

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2015-54" (Eckhardt Avenue W.)

Purpose: To amend Zoning Bylaw No. 2011-23 as follows:

Rezone Lots 1, 2, 5, 6, 7 and 8, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244 located at 903, 911, 941, 947, 955 & 963 Eckhardt Ave. W.; Lot 2 and 1, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244 located at 921 & 935 Eckhardt Ave. W.; and Lot 9, District Lot 366 Similkameen Division Yale District Plan 3536, Except Plan 42663 and KAP87244 located at 969 Eckhardt Ave. W. from R2 (Small Lot Residential) to C4 (General Commercial). The City intends to formalize the lands into a public parking lot.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, October 23, 2015 and Wednesday, October 28, 2015 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, October 28, 2015)

Mayor Requests the Director of Development Services 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. 2015-54" 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, October 19, 2015
at 6:00 p.m.

Resolutions

- 8.4 Zoning Amendment Bylaw No. 2015-51
Re: 2800 Cedar Road

518/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2015-51", a bylaw to rezone the easterly 84m of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential), be given first reading and forwarded to the November 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 19, 2015
To: Eric Sorensen, City Manager
From: Blake Laven, Planning Manager

File No: RZ L2015-065

Subject: "Zoning Amendment Bylaw 2015-51" for 2800 Cedar Road

Staff Recommendation

THAT "City of Penticton Zoning Amendment Bylaw 2015-51", a bylaw to rezone the easterly 84m of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential), be given first reading and be forwarded to the November 2, 2015 Public Hearing.

Strategic priority objective

N/A

Background

The subject property (Attachment A) is designated for low density residential development by the City's Official Community Plan, but is currently zoned A (Agriculture). The large rectangular property (4.3 acres) is lightly treed and features one single detached dwelling which is accessed off of and located close to Cedar Road. The property runs from Cedar Road at its west side, is bisected by Evergreen Drive (although unconstructed at that point) and runs east to Partridge Drive.

A developer is interested in purchasing a portion of this property to include it in the residential subdivision and development of 2740 Evergreen Drive (Attachment C). The intent is to extend Partridge Drive through the subject property and toward 2740 Evergreen Drive. The area that the developer is interested in purchasing is the easterly 84m of the subject property. All other properties adjacent to the subject property and included in the subdivision proposal are zoned for residential development (Attachment B).

Because the intent is for residential development and because the current lands are currently zoned Agriculture, a zoning amendment is required prior to subdivision.

Proposal

The applicant is proposing to rezone the easterly 84m of 2800 Cedar Road. The remainder of the property will maintain its agricultural zoning.

Financial implication

N/A

Technical review

This application was reviewed by the Technical Planning Committee on October 1, 2015. The subsequent subdivision application that will follow this zoning amendment, if adopted, presents several technical aspects that will require full engineering consultation and review by the City's Public Works and Engineering departments. That review will look for conformance to the City's Subdivision and Development Bylaw, Sewer, Irrigation and Water Bylaw and other relevant City policies. Early consultation between the City and the developer's professional consultants has been ongoing.

For the application at hand, the Technical Planning Committee did not have any objections or conditions prior to zoning adoption. This is a necessary step to move to the more technical phase of the process.

Analysis

The City's Official Community Plan has identified the area where this is property located for residential development. The current Agricultural zoning of the property is not in-line with that future vision for the property and no agricultural activity has taken place on the property. This area has seen strong residential growth in the past few years with development activity along Partridge Drive and more recently the Avery Place 27 lot subdivision on Cedar Road, which is currently underway.

Supporting the zoning amendment will allow for the developer to have some comfort in moving forward with the technical subdivision plans.

The proposal meets the following policies of the OCP:

- Ensure that the Zoning Bylaw accommodates all housing types
- Consistent with the City's desire to provide a variety of housing, the City encourages the development of higher-end single detached dwellings
- The City will work towards guiding hillside development, with the use of the hillside guidelines

For the reasons listed above, staff recommend that Council support the application to rezone the portion of this lot identified and recommend that the bylaw be forwarded to the November 2nd, 2015 Public Hearing for comment from the public.

Alternate recommendations

THAT "Zoning Amendment Bylaw 1025-51" be denied first reading.

THAT "Zoning Amendment Bylaw 2015-51" be referred back to staff with instructions 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 – Proposed subdivision plan
- Attachment E – Area of zoning amendment

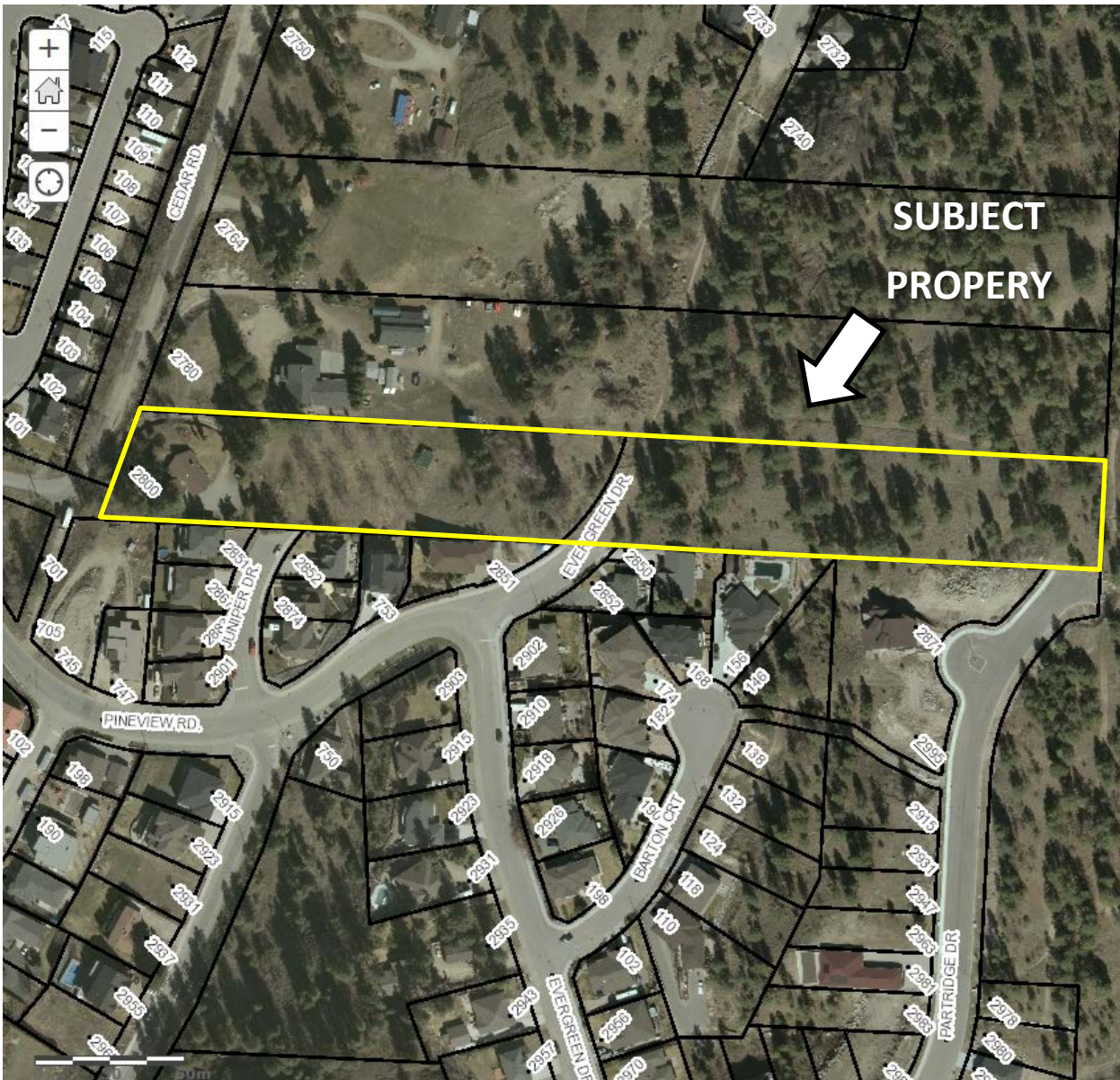
Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

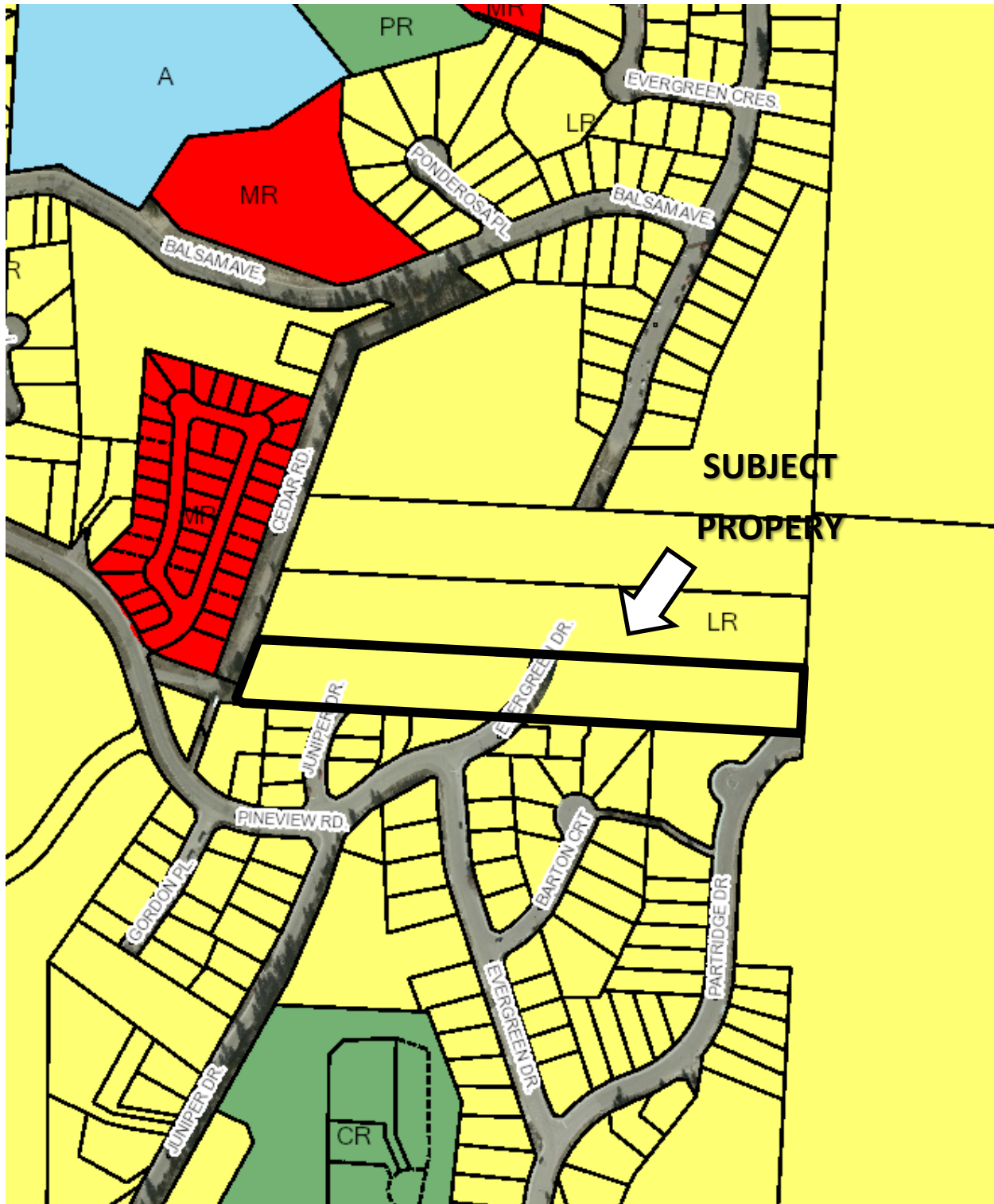
Approvals

Director <i>JGH</i>	City Manager <i>ES</i>
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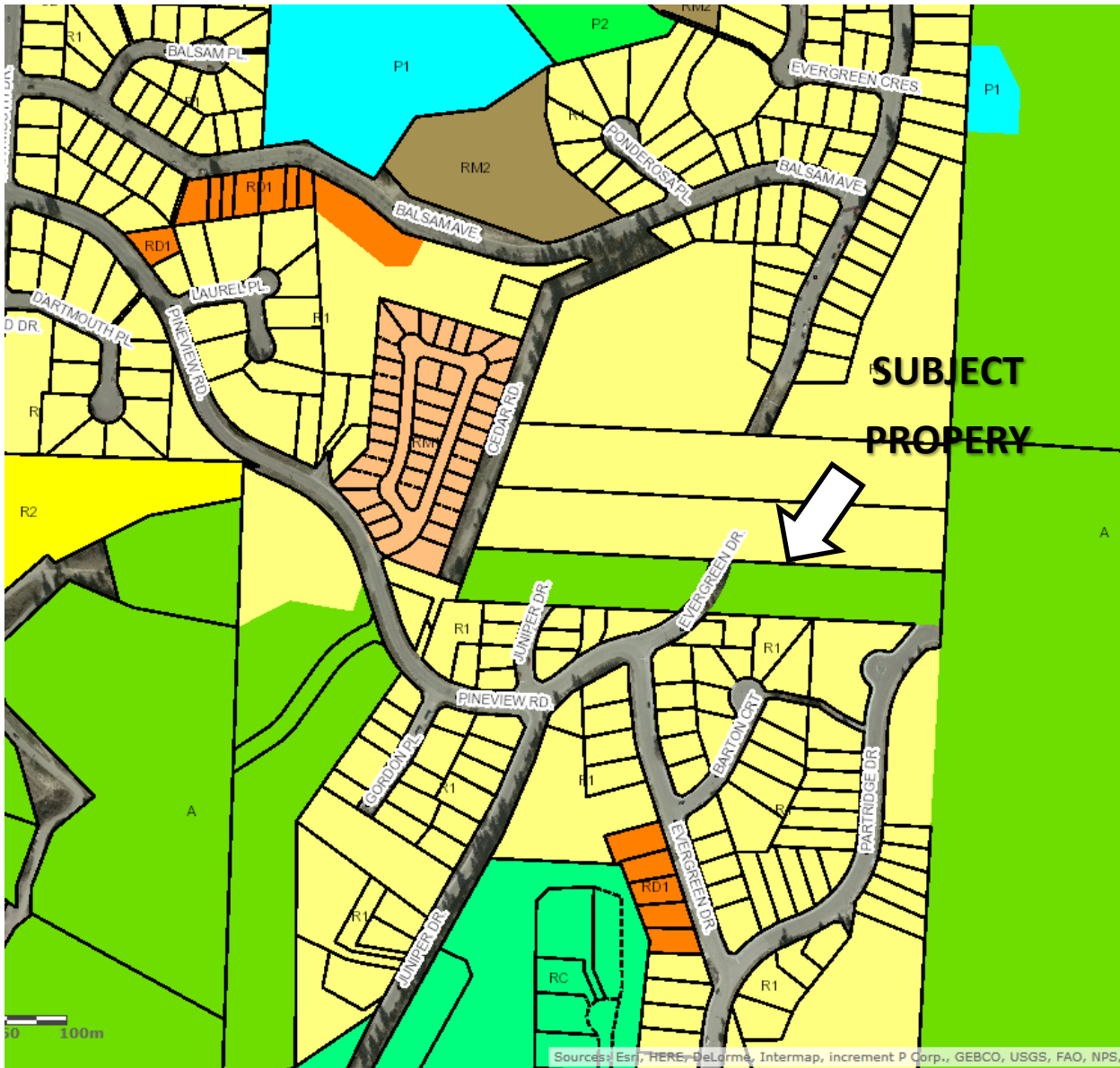
Attachment A
Subject Property Location Map



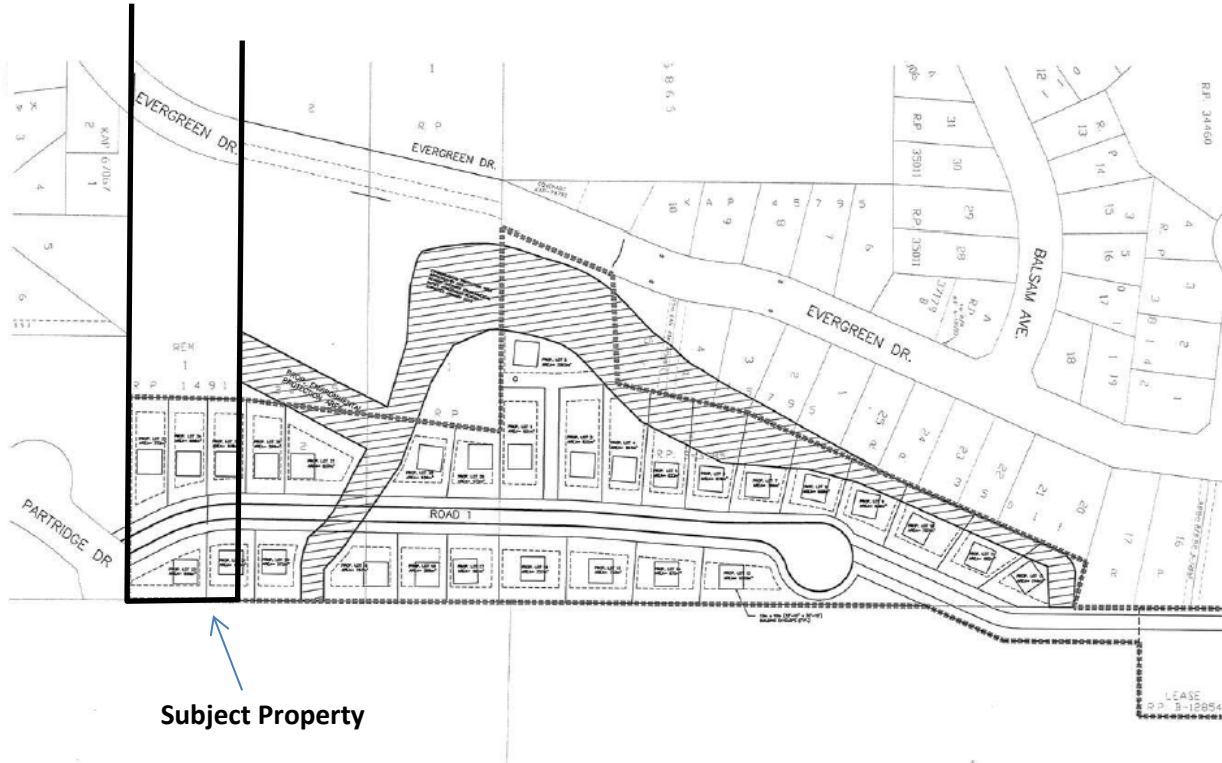
Attachment B
OCP – Future Land Use Map



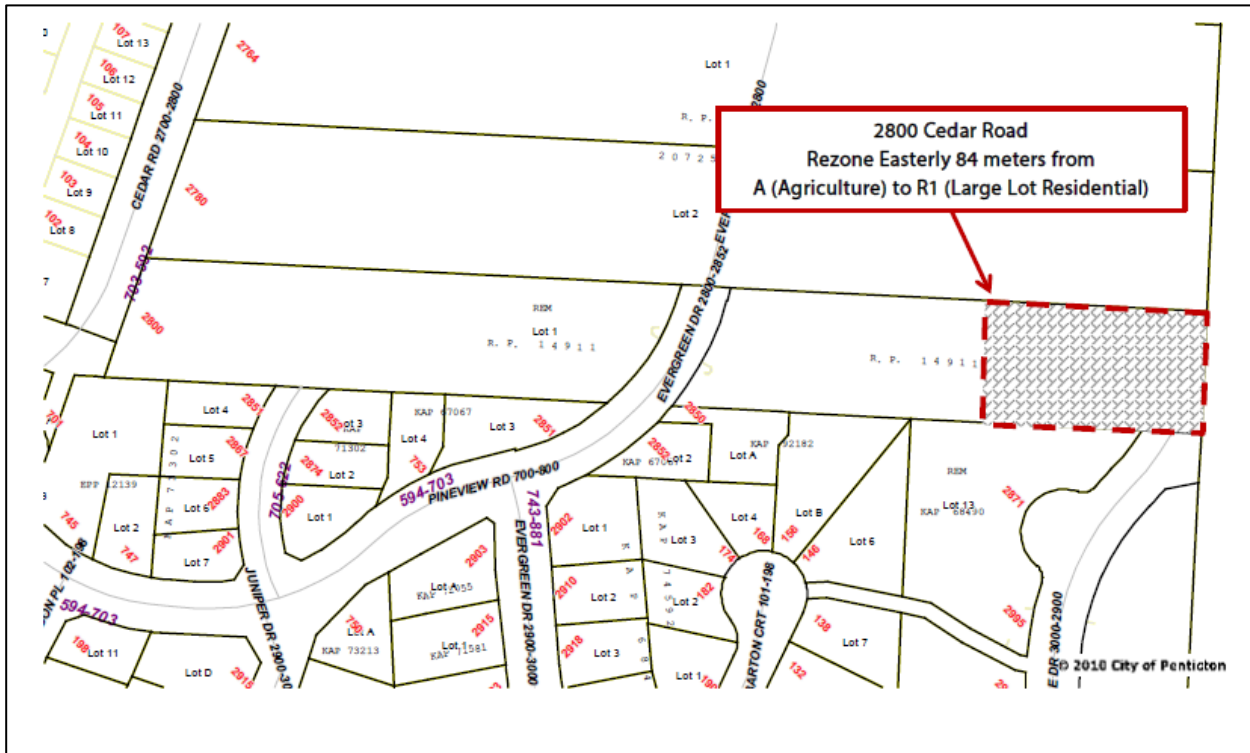
Attachment C Zoning Map



Attachment D Proposed Subdivision Plan



Attachment E Area of Zoning Amendment



Bylaw No. 2015-51

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 2015-51".

2. **Amendment:**

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

Rezone the easterly 84m of Lot 1, District Lot 2710, Similkameen Division Yale District Plan14911, Except Plans 20725 and KAP66018, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).

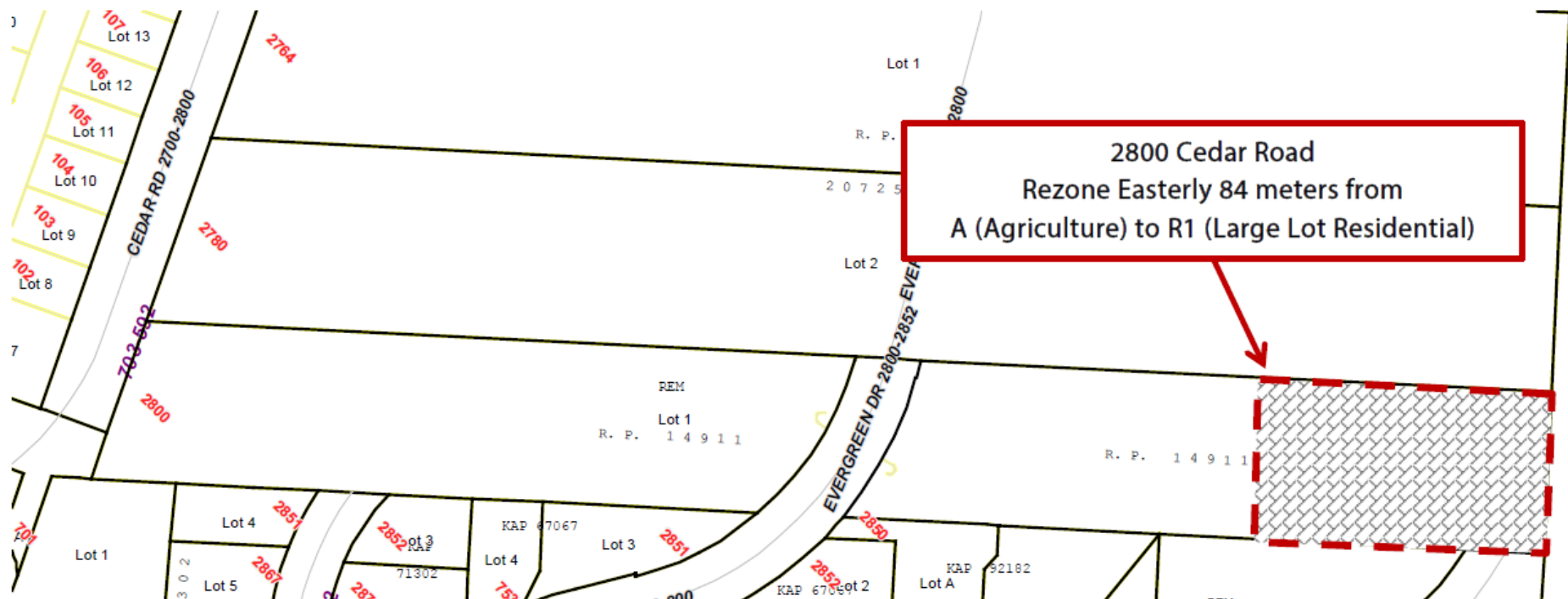
2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	19	day of	October, 2015
A PUBLIC HEARING was held this	2	day of	November, 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 October, 2015 and the 28 day of October, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-51

Date: _____

Corporate Officer: _____

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

Monday, October 19, 2015
at 6:00 p.m.

Resolutions

8.6 Zoning Amendment Bylaw No. 2015-53

520/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2015-53", be given first reading and be forwarded to the November 2, 2015 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 19, 2015
To: Eric Sorensen, City Manager
From: Blake Laven, Planning Manager

File No: RMS 3360

Subject: "Zoning Amendment Bylaw No. 2015-53"

Staff Recommendation

THAT "Zoning Amendment Bylaw 2015-53", be given first reading and be forwarded to the November 2, 2015 Public Hearing.

Background

The Penticton Lakeside Resort, located at 21 Lakeshore Drive W, has recently indicated that it will not be renewing its lease with Gateway Casinos, effective May 2017 (reported in the Penticton Herald on-line on October 10, 2015). The casino is a large employer and significant revenue generator for the City of Penticton – as well as a popular entertainment venue for locals and tourists alike. For these reasons keeping the casino in Penticton is seen as a strategic priority.

It has become apparent that the zoning bylaw is unclear on what zones would accommodate a casino. Staff are proposing the subject amendment to bring clarity to this issue.

Approvals for the casino in its current location were done under a different zoning bylaw than the one the City currently operates under. Under the current bylaw 'casino is not listed in any specific zones. The bylaw does however, have the use 'indoor amusement, entertainment and recreation' listed in several zones.

The definition of 'indoor amusement, entertainment and recreation' lists, but does not limit uses, to such operations as pool halls, bowling alleys, bingo halls, motion picture theaters and music and concert halls. From a land use perspective a 'casino' is seen as a similar use to these operations. The proposed change would include casino in that list.

The use 'indoor amusement, entertainment and recreation' is permitted in several commercial and tourist commercial zones, including the following:

C4 (General Commercial), C5 (Urban Centre Commercial), C6 (Mixed Use Commercial), C7 (Service Commercial), CT1 (Tourist Commercial), CT2 (Campground Commercial), CT3 (Hotel Resort) and P1 (Public Assembly).

Adding casino into the list of typical uses in the 'indoor amusement, entertainment and recreation' definition will remove any uncertainty surrounding the operation of a casino in a zone that permits the use.

Proposal

That the following change be made to Zoning Bylaw 2011-23:

Amend definition of 'indoor amusement, entertainment and recreation'

From:

INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION means facilities within an enclosed **building** intended for leisure activities where patrons are predominantly participants or spectators. Typical **uses** include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion picture theatres, and concert or music halls. Such **permitted uses** may be licensed by the *British Columbia Liquor Control and Licensing Branch* to sell alcoholic beverages as an **accessory use**.

To:

INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION means facilities within an enclosed **building** intended for leisure activities where patrons are predominantly participants or spectators. Typical **uses** include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion picture theatres, concert or music halls and casinos. Such **permitted uses** may be licensed by the *British Columbia Liquor Control and Licensing Branch* to sell alcoholic beverages as an **accessory use**.

Including casino within the above definition renders the defined 'casino' use redundant in the Zoning Bylaw. The subject amendment bylaw will remove the specifically defined use.

In addition, table 7.5 – parking requirements includes 'casino' as a specific use generating parking requirements. Indoor amusement, entertainment and recreation has its own parking requirement in that table. It is, therefore, unnecessary to separate casino from the general parking requirement for indoor amusement, entertainment and recreation. The amendment Bylaw will remove reference to 'casino' from table 7.5.

Financial implication

Lake City Casino contributes significantly to the City of Penticton general revenue accounts each year and the loss of the revenue from the casino would require an increase in revenue in other areas of operations or a reduction in City services.

Analysis

Support

Lake City Casino is a popular entertainment destination for tourists and locals alike and is a significant contributor to the local economy. The use is similar to other uses in the 'indoor amusement, entertainment and recreation' definition. The proposed amendment is meant for clarification.

The change in definition will not affect the current operation of the casino at the Lakeside Resort as 'indoor amusement, entertainment and recreation' is a permitted use in the CT1 zone to which 21 Lakeshore Drive is zoned. Further, the bylaw has a site specific provision dealing specifically with regulations around a casino on that property, to limit the number of slot machines and gaming tables (section 11.10.4.6). This limitation on 21 Lakeshore Drive West will remain. The zoning bylaw also has provisions for parking for the casino use. Given that the proposed amendment properly includes casinos into the 'indoor amusement, entertainment and recreation' use, which is separately included in the parking requirement table, the specific reference to parking calculations for casinos is not necessary.

Provincial legislation covers casinos under the Gaming Control Act. As with other municipalities in the Province, Penticton would be required to abide by the rules laid down in that legislation in terms of location. Adding the use of casino within the definition of 'indoor amusement, entertainment and recreation', does not mean that all of the above noted commercial and tourist commercial zones would automatically have the opportunity to provide casinos. Any application would have to go through a rigorous proper consultation process.

The subject amendment will allow for a casino to be located on any property that permits 'indoor amusement, entertainment and recreation' without the requirement to go through a further zoning amendment as long as all provincial and local requirements are met. This will assist in keeping the casino in Penticton.

For the reasons listed above, staff recommend that Council give first reading the bylaw and forward it to the November 2, 2015 Public Hearing for comment from the public.

Deny and/or refer

Council may consider that 'casino' should be a stand-alone use within the zoning bylaw. If that is the case, Council should deny first reading of the bylaw and support an amendment that specifically excludes 'casino' from the definition of 'indoor amusement, entertainment and recreation.' Alternatively, Council may wish to refer the matter back to staff for further work as Council directs.

Alternate recommendations

THAT Council deny first reading of "Zoning Amendment Bylaw 2015-53" as drafted and direct staff to redraft the bylaw specifically excluding the use 'casino' from the definition of 'indoor amusement, entertainment and recreation.'

THAT Council refer the matter back to staff.

Attachments

Attachment A – Zoning Amendment Bylaw No. 2015-53

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Director	City Manager
JH	<i>ES</i>

Bylaw No. 2015-53

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. 2015-53".

2. **Amendment:**

Zoning Bylaw 2011-23 is hereby amended as follows:

2.1 Remove the following definition from Section 4.2 DEFINITIONS:

CASINO means a facility that is licensed under the Gaming Control Act, which may include table games, slot machines or electric devices.

2.2 Amend the following definition from Section 4.2 DEFINITIONS to read:

INDOOR AMUSEMENT, ENTERTAINMENT AND RECREATION means facilities within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include but are not limited to amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, motion pictures theatres, concert or music halls and casinos. Such permitted uses may be licensed by the *British Columbia Liquor Control and Licensing Branch* to sell alcoholic beverages as an accessory use.

2.3 Remove Casino and the minimum parking and loading space requirements from Table 7.5 – Parking Requirements.

READ A FIRST time this	19	day of	October, 2015
A PUBLIC HEARING was held this	2	day of	November, 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 October, 2015 and the 28 day of October, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 18 -

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

Monday, October 19, 2015
at 6:00 p.m.

Resolutions

- 8.7 Zoning Amendment Bylaw No. 2015-54
Re: Eckhardt Avenue W

521/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2011-54" be closed and abandoned;

AND THAT "Zoning Amendment Bylaw 2015-54", a bylaw that rezones the following properties from R2 (Small Lot Residential) to C4 (General Commercial):

- 903 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 911 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 921 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 935 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 941 Eckhardt Avenue: Lot 5, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 947 Eckhardt Avenue: Lot 6, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 955 Eckhardt Avenue: Lot 7, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 963 Eckhardt Avenue: Lot 8, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 969 Eckhardt Avenue: Lot 9, District Lot 366 Similkameen Division Yale District Plan 3536, Except Plan 42663 and KAP87244 be given first reading and be forwarded to the November 2, 2015 Public Hearing;

AND THAT prior to adoption the properties are consolidated into one or more titles with land areas over 1,000m² per lot.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 19, 2015
To: Eric Sorensen, City Manager
From: Blake Laven, Planning Manager

File No: RZ PL2015-084

Subject: "Zoning Amendment Bylaw 2015-54"

Staff Recommendation

THAT "Zoning Amendment Bylaw 2011-54" be closed and abandoned;

AND THAT "Zoning Amendment Bylaw 2015-54", a bylaw that rezones the following properties from R2 (Small Lot Residential) to C4 (General Commercial):

- 903 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 911 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 921 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 8717, Except Plan KAP87244
- 935 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 941 Eckhardt Avenue: Lot 5, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 947 Eckhardt Avenue: Lot 6, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 955 Eckhardt Avenue: Lot 7, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 963 Eckhardt Avenue: Lot 8, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 969 Eckhardt Avenue: Lot 9, District Lot 366 Similkameen Division Yale District Plan 3536, Except Plan 42663 and KAP87244

be given first reading and be forwarded to the November 2, 2015 Public Hearing;

AND THAT prior to adoption the properties are consolidated into one or more titles with land areas over 1,000m² per lot.

Background

Zoning Amendment Bylaw 2011-54 has been at third reading since 2011. The Council Procedure Bylaw deems a bylaw closed after two years if not adopted. A resolution to close and abandon is required.

The subject properties (Attachment 'A') were purchased by the City in 2007 as part of the South Okanagan Event Center (SOEC) project. The properties all featured single detached dwellings, which were removed shortly after purchase. The lands were then used as a staging ground for the construction of the SOEC as well as for the widening of Highway 97, which was required by the Ministry of Transportation and Highways.

After completion of construction and until 2011, the lands were used un-officially as overflow parking for events at the SOEC. In 2011, the City was approached by a private developer with the intent to construct dorms for the Okanagan Hockey School on the property. That project, while seeing investment in the land in the form of land stabilization, did not proceed. Some foundation work was also put in and removed at the halt of construction. The properties were levelled and treated with a 'crush' top coating. The lands have since reverted to their unofficial parking use for larger SOEC events. The parking use, however, does not conform to the current zoning of the properties (Schedule 'D'), which is still zoned R2 (Small Lot Residential).

The intent of the City is to formalize the lands into a proper parking lot including paving, landscaping, lighting, curbing, storm water management and signage. Preliminary plans have been created for a parking lot featuring 141 spaces (Attachment 'E'). Prior to that work preceding the zoning must be amended to a zone that allows for parking.

The Official Community Plan designation (Attachment 'C') for the property is GC (General Commercial). The General Commercial OCP designation provides for a wide range of retail, financial, office, food and beverage and other commercial uses. Given this designation, staff are recommending that the lands be rezoned from their current residential zone to C4 (General Commercial). Public parking lot is a permitted use in the C4 zone and as the C4 zone allows for a range of other commercial uses, the change in zone would allow for the redevelopment of the lands at a later date.

Proposal

That the zoning map, attached as Schedule A to Zoning Bylaw 2011-23, be amended to change the zoning for the subject properties from R2 (Small Lot Residential) to C4 (General Commercial).

As the properties on their own are not the required minimum size for a C4 zoned property, staff are also recommending that it be a requirement of bylaw adoption to consolidate the lands prior to adoption of the zoning amendment.

Financial implication

As these are City owned properties and this is a City initiated project, all costs related to the development of the parking lot will be borne by the City. The cost for a zoning amendment is approximately \$2,000.00 and the costs for consolidation are estimated at \$1,500.00.

Analysis

Support

The City of Penticton intends to develop a parking lot on the subject properties in support of the South Okanagan Event Centre and associated uses at 325 Power Street. In addition, there is a disconnect between the provisions of the OCP and the current land use provided by the zoning bylaw. The development of the parking lot will formalize a use that has historically occurred on the site without proper zoning in place and clean up and beautify a high-profile property along a major arterial road way.

The zoning change to the C4 zone is in line with the OCP designation for the property. Aside from the parking lot use, having the C4 zoning on the property will allow for a variety of commercial uses. The change in zone brings some certainty to potential future development and more flexibility for the City in the administration of the lands. If commercial development were to follow in time, uses of the site under the C4 zoning would be compatible with surrounding land uses.

The subject proposal meets the following policies of the Official Community Plan:

- Providing sufficient land designated for future commercial uses.
- Ensure that commercially designated properties present an attractive visual impression.
- Ensure that properties have good traffic circulation patterns and safe exits and entrances.

For the reasons listed above, staff recommend that Council support the proposed zoning amendment and forward the Bylaw to the November 2, 2015 Public Hearing for comment from the public.

Deny and/or refer

Council may feel that the lands in question should not be consolidated. If this is the case, Council could approve the application without the requirement for consolidation. Alternatively, Council may wish to deny first reading of the bylaw.

Alternate recommendations

THAT "Zoning Amendment Bylaw 2015-54" be denied first reading.

THAT "Zoning Amendment Bylaw 2015-54" is given first reading and supported without the condition for consolidation.

Attachments

Attachment A – Subject property location map

Attachment B – Images of subject property

Attachment C – OCP land use map

Attachment D – Zoning map

Attachment E – Proposed parking plan

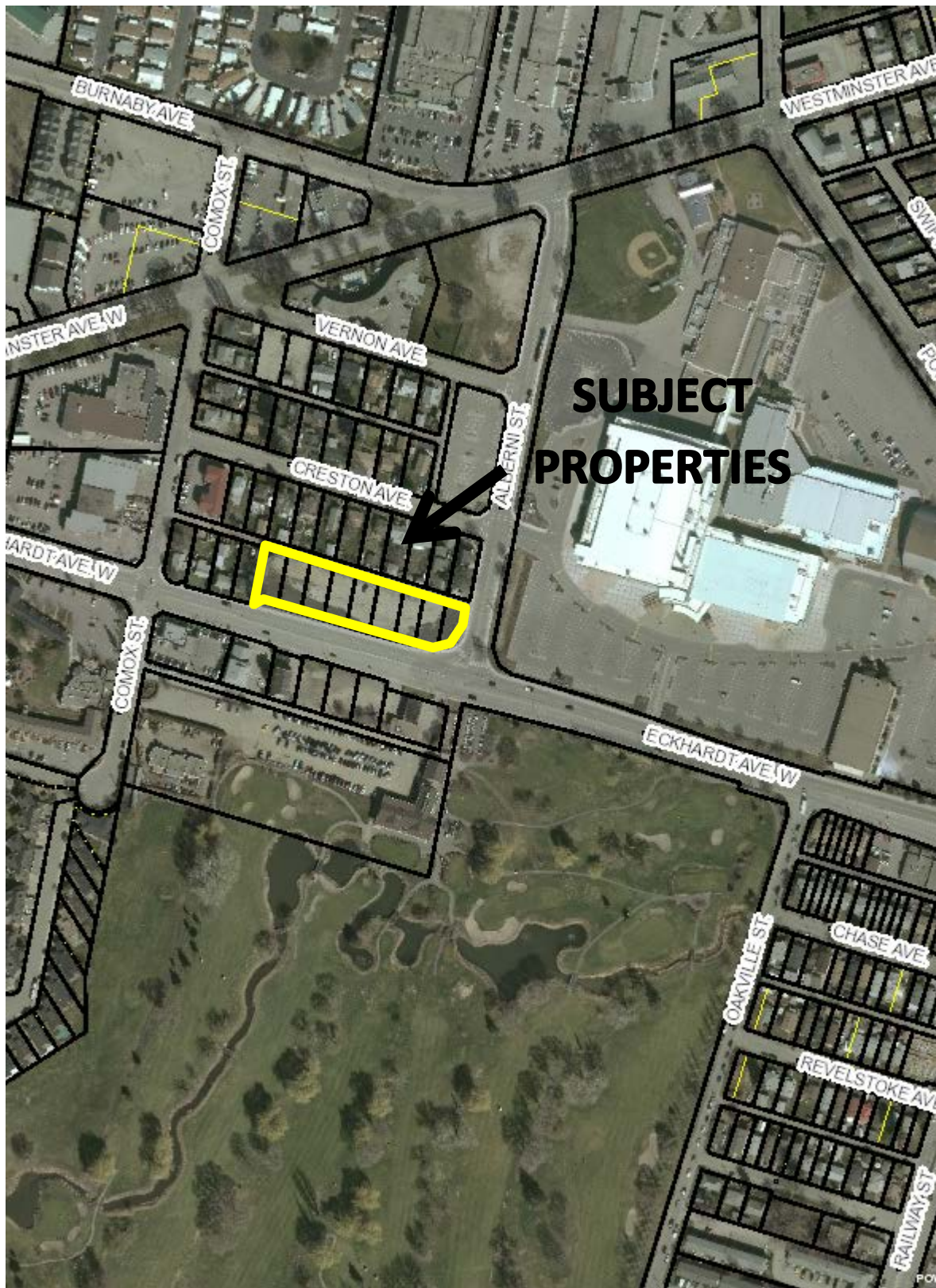
Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

Director	City Manager
JH	<i>ES</i>

Attachment A
Subject Property Location Map



Attachment B
Images of Subject Property



Figure 1: Aerial image of subject property (2013)

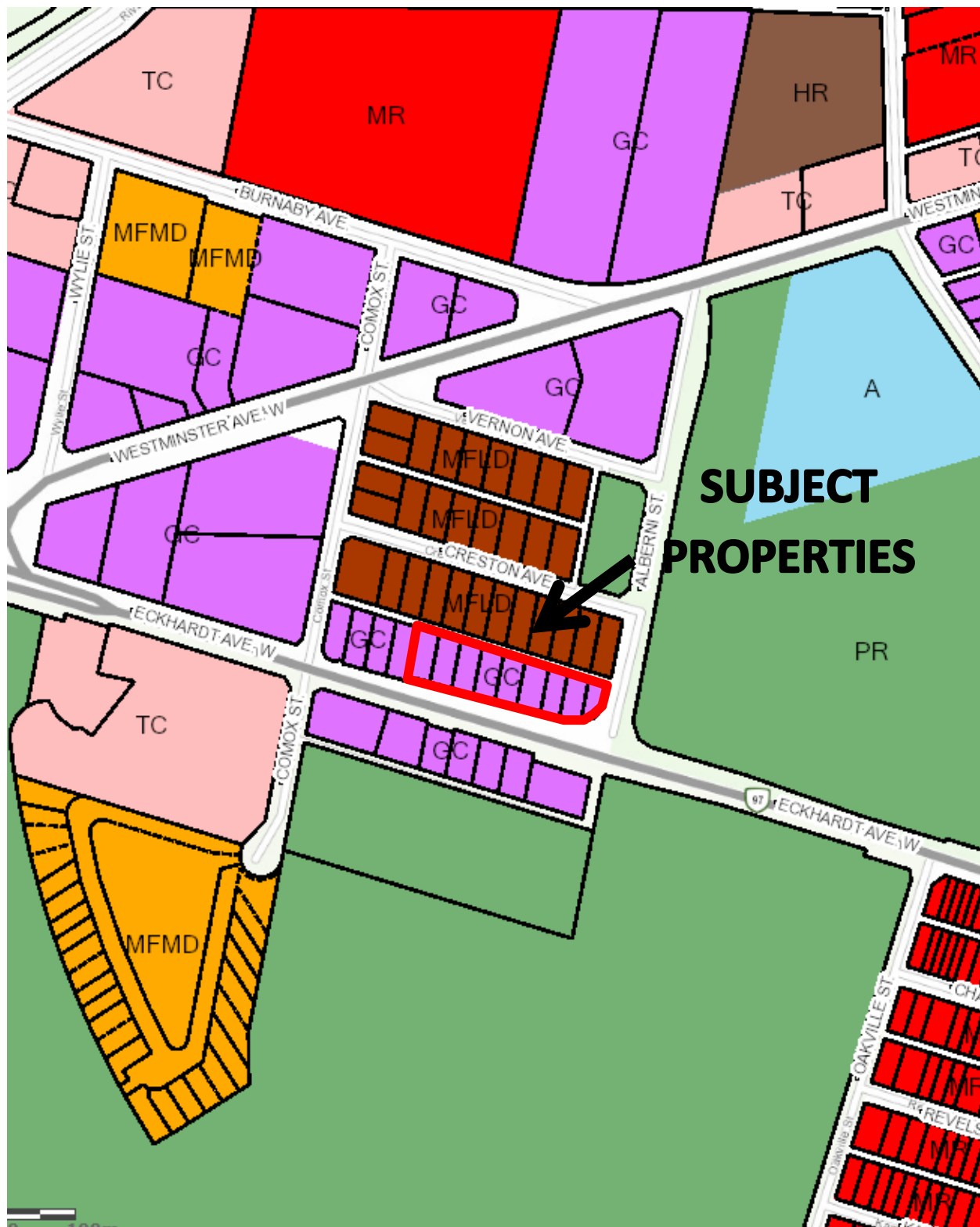


Figure 2: Image of subject lands from the corner of Eckhardt Avenue and Alberni Street looking west

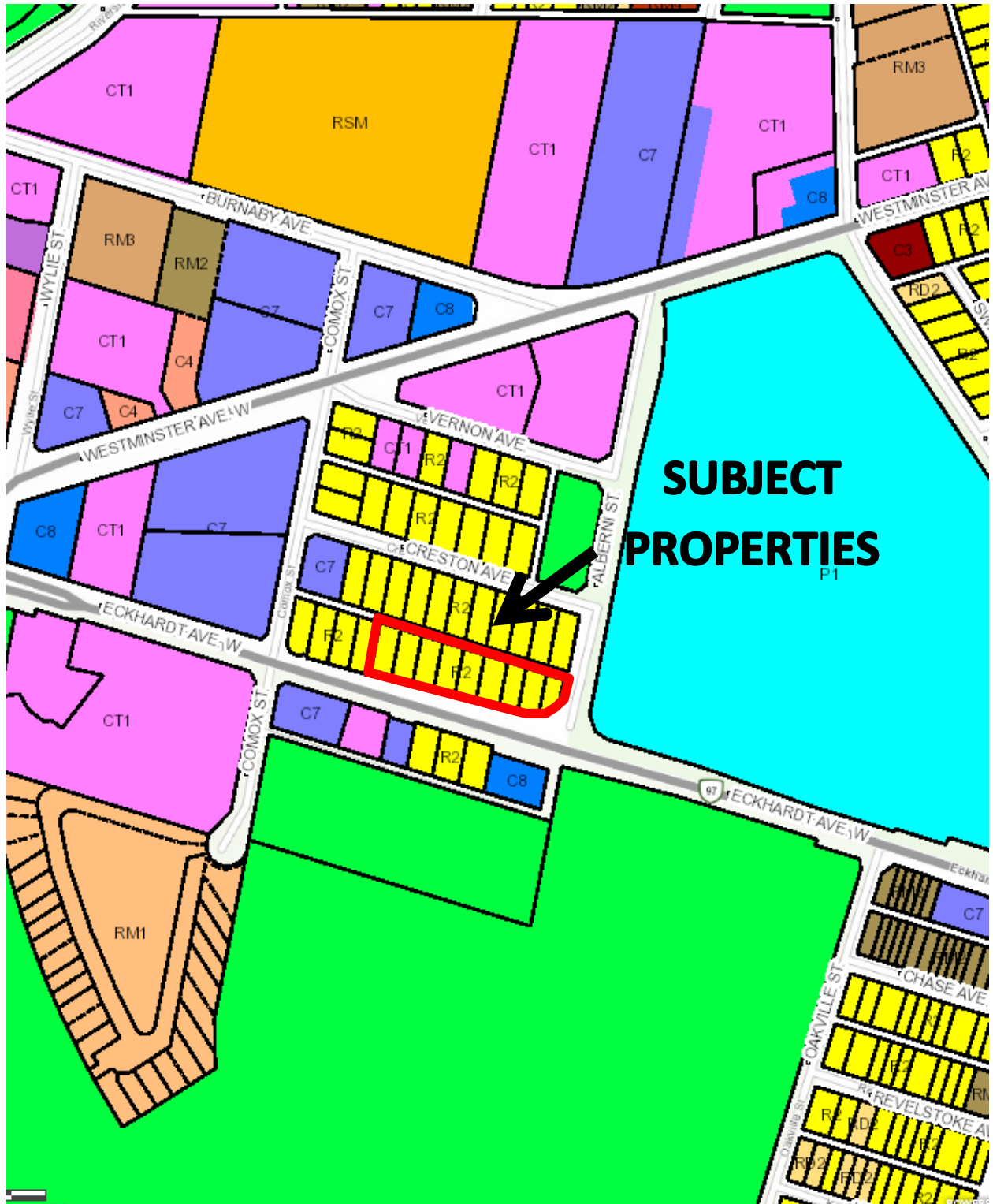


Figure 3: Image of subject lands from Eckhardt Avenue looking north east

Attachment C
Official Community Plan (OCP) – Future Land Use Map



Attachment D
Zoning Map



Bylaw No. 2015-54

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. 2015-54".

2. **Amendment:**

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

Rezone the following properties from R2 (Small Lot Residential) to C4 (General Commercial):

- 903 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 911 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 921 Eckhardt Avenue: Lot 2, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 935 Eckhardt Avenue: Lot 1, District Lot 366, Similkameen Division Yale District, Plan 7817, Except Plan KAP87244
- 941 Eckhardt Avenue: Lot 5, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 947 Eckhardt Avenue: Lot 6, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 955 Eckhardt Avenue: Lot 7, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 963 Eckhardt Avenue: Lot 8, District Lot 366, Similkameen Division Yale District, Plan 3536, Except Plan KAP87244
- 969 Eckhardt Avenue: Lot 9, District Lot 366 Similkameen Division Yale District Plan 3536, Except Plan 42663 and KAP87244

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

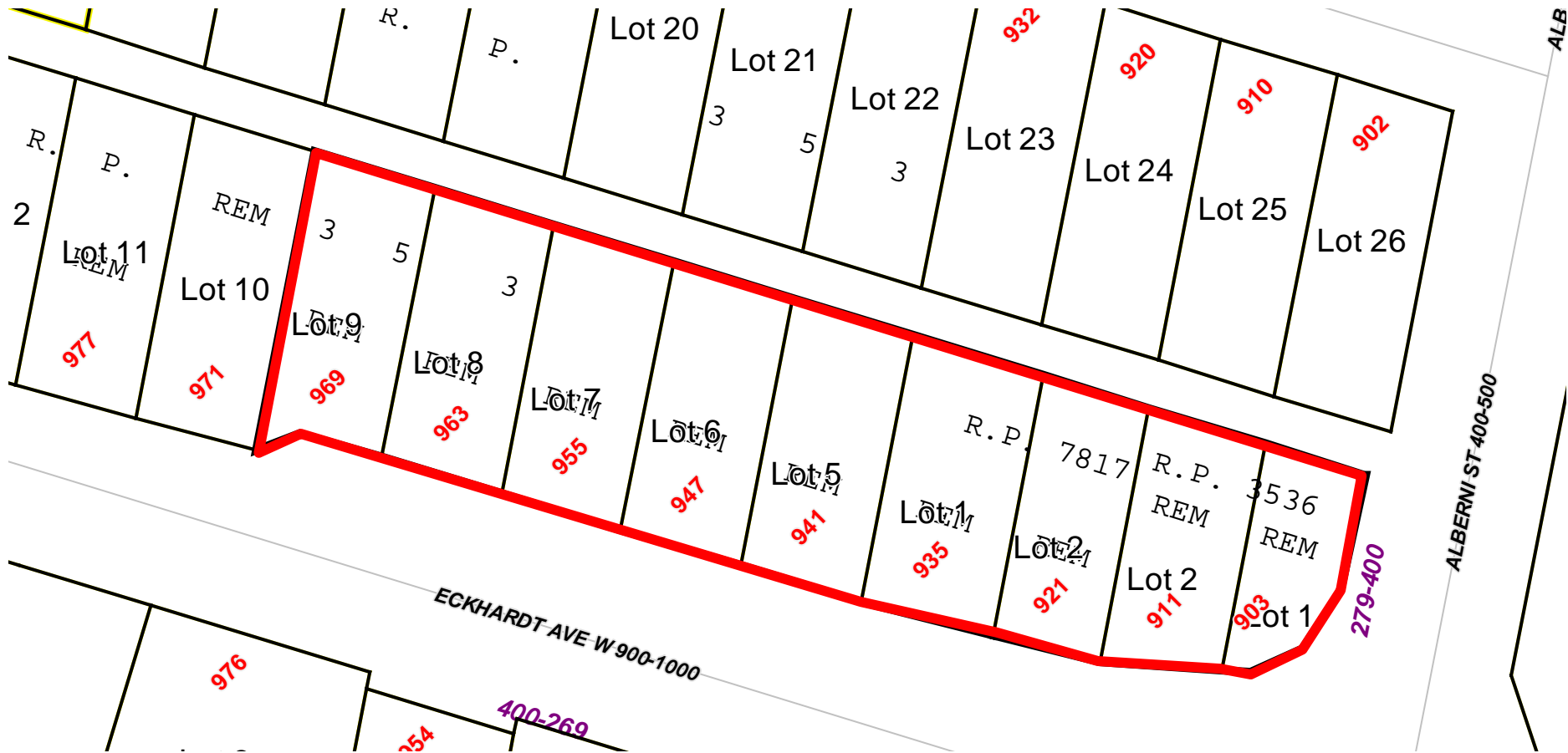
READ A FIRST time this	19	day of	October, 2015
A PUBLIC HEARING was held this	2	day of	November, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2015
ADOPTED this		day of	, 2015

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 903, 911, 921, 935, 941, 947, 955, 963 & 969 Eckhardt Ave. W.
From R2 (Small Lot Residential) To C4 (General Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-54

Date: _____

Corporate Officer: _____