



Public Hearing

penticton.ca

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

Tuesday, November 7, 2017
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-71”** 1-19
- CO Reads Opening Statement and Introduction of Bylaws
“Zoning Amendment Bylaw No. 2017-71” (223, 227 Conklin Avenue)
Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
Rezone Lot A and Lot B District Lot 1, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).
The applicant is proposing to construct a front-to-back duplex on each lot.
Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, October 27, 2017 and Wednesday, November 1, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, November 1, 2017)
- 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. 2017-71” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-72”** 20-33

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-72” (1760 Carmi Avenue)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone “Proposed Lot 2” of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bare land Strata Housing).

Add Section 10.7.3 SITE SPECIFIC PROVISIONS

.1 In the case of “Proposed Lot 2” of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, townhouses are not permitted.

The applicant is proposing to subdivide property into two lots with the intent to develop the newly created parcel into a three lot ‘Bare land Strata’ development.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, October 27, 2017 and Wednesday, November 1, 2017 (pursuant to the *Local Government Act*).

CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, November 1, 2017)

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. 2017-72” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-73”** 34-49

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-73” (216 Westminster Avenue)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lots 1 – 5, Group 7, District Lot 4, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 871, located at 200, 208, 216, 228, 240 Westminister Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial).

The applicant is proposing to develop a downtown parking lot for employees of the Valley First Credit Union.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, October 27, 2017 and Wednesday, November 1, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, November 1, 2017)

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. 2017-73” 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.

Tuesday, October 17, 2017
at 1:00 p.m.

Resolutions

- 9.7 Zoning Amendment Bylaw No. 2017-71
Re: 223/227 Conklin Avenue

569/2017

It was MOVED and SECONDED

THAT Council "Zoning Amendment Bylaw No. 2017-71", a bylaw to Rezone Lot A and Lot B District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the November 7, 2017 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 17, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 223, 227 Conklin Avenue
Subject: **Zoning Amendment Bylaw No. 2017-71**

File No: RZ PL2017-8056

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-71", a bylaw to Rezone Lot A and Lot B District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the November 7, 2017 Public Hearing.

Background

The subject properties (Attachment A) are both zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The two empty lots are 524.5m² (5,646ft²) each in area. Surrounding properties are primarily zoned R1 (Large Lot Residential). On the same block there are a few parcels zoned RD2 (Duplex Housing: Lane) and C1 (Commercial Transition). Surrounding properties are designated by the OCP as LR (Low Density Residential).

The two lots used to be one lot. In 2016, the property was rezoned from R1 (Large Lot Residential) to R2 (Small Lot Residential) to facilitate a two-lot subdivision. The proposal at that time was to construct a single family dwelling and carriage house on each lot, for a total of four dwelling units. The existing house was demolished and the property was subdivided in half.

No development has happened to the lots since the subdivision occurred. A new property owner has recently purchased both lots and rather than construct the house and carriage house is proposing a duplex on each lot. To do so a zoning amendment is required.

Proposal

The applicants is proposing an amendment to Zoning Bylaw 2017-08 to rezone both subject properties from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) to facilitate the construction of a front to back duplex on each lot.

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. Through the previous subdivision and rezoning application, the lane was upgraded and water/sewer services were installed on the new parcel. The developer is to provide fixture counts to determine if upgrades to the new water and sewer connections will be required for the proposed duplex use. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the requests for the zoning amendment is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

The total number of units over the two lots is four units. Each unit will have a living area on the main level, with 3 bedrooms upstairs and an optional bedroom in the basement. All of the required parking is being provided from the lane. The application is not proposing and variances to any City bylaws.

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

Item	Requirement RD2 zone	Proposed (each lot)
Maximum Lot Coverage:	40%	31.5%
Maximum Density:	0.95 FAR	0.85 FAR
Minimum Lot Width:	9.1m	9.14m
Minimum Lot Area:	275m ²	524m ²
Vehicle Parking:	1 space per dwelling unit (2 total)	3 spaces
Required Setbacks		
Front yard (south, Conklin Avenue):	6.0m	8.23m
Rear yard (north, lane)	6.0m	17.37m
Interior yard (west):	1.5m	1.52m
Interior yard (east):	1.5m	1.52m
Maximum Building Height:	10.5m	7.91m
Other Information:	Subject property is not located within a Development Permit Area. As such, a development permit is not required.	

Analysis

Zoning Amendment

Support “Zoning Amendment Bylaw No. 2017-71”

The subject lands are designated as low density (LR) residential. ‘Duplex housing’ is a use that is supported in the LR land use designation. The City’s Official Community Plan (OCP) states that “When reviewing

applications to allow duplexes within the LR designation” that Council and staff should “consider overall neighbourhood character and locating duplexes in areas that meet the following guidelines:

- a) areas with existing duplexes;
- b) areas in close proximity to multiple family, commercial or institutional uses
- c) predominately in single family areas undergoing redevelopment
- d) duplexes shall have a high aesthetic value and be consistent with the character of the recipient neighbourhood.

With those guidelines in mind, staff can provide the following points:

- Although duplex development does not exist in close proximity to the property, two other properties in the same block are zoned for duplex development. Additionally, there are multiple duplex zoned properties along Douglas Avenue and adjacent blocks.
- The proposed development is in close proximity to commercial transition zoned properties as well as a small corner store.
- This area is undergoing redevelopment through carriage houses being constructed in the rear lane.
- The proposed duplexes feature fiber cement lap siding and shingling, picture windows, peaked roofs, grass and trees in the front yard and a walkway to the sidewalk allowing for a pleasant connection to the street. Although the proposal is a slight change to the character of the street, the proposed units have been designed with the form of a single family home from the street with vehicle access coming from the rear lane.

The applicant has submitted plans that meet all of the regulations of the proposed zone and has designed the buildings in keeping with the character of the area (sloped roof, rear lane access, front porch). Even though the development of duplex buildings is often seen as more density or more intrusive than single family development, in this case the proposed development has a lot coverage of 31.5%, which is less than the 37% approved in the previous application.

Overall, the Planning department feels that this proposal achieves the same number of units as the previous approved proposal with less lot coverage and more amenity space. Having the parking from the rear lane will add additional on-street parking to the neighbourhood and improve the aesthetic appeal of the project. Furthermore, the proposal will add to the diverse range of dwelling types and housing options in this desirable neighbourhood.

Given the above, staff recommends that Council support “Zoning Amendment Bylaw No. 2017-71” and forward the application to the November 7, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2017-71”.
2. THAT Council refer the bylaw back to staff.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Proposed Elevations
- Attachment G: Proposed Renderings
- Attachment H: Previous Application
- Attachment I: Letter of Intent
- Attachment J: Zoning Amendment Bylaw No. 2017-71

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>RH</i>	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

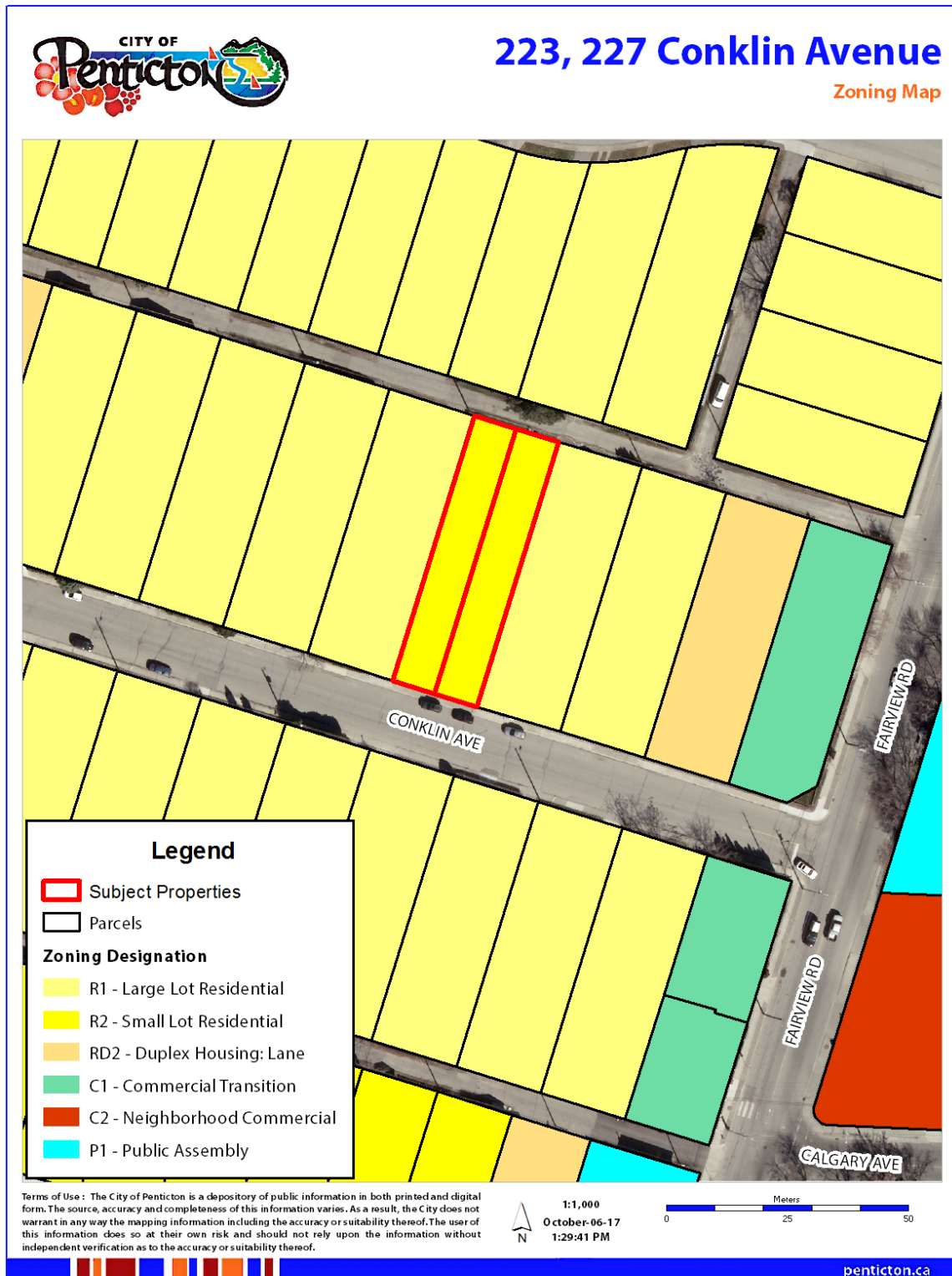


Figure 2: Zoning Map

Attachment C- OCP Map

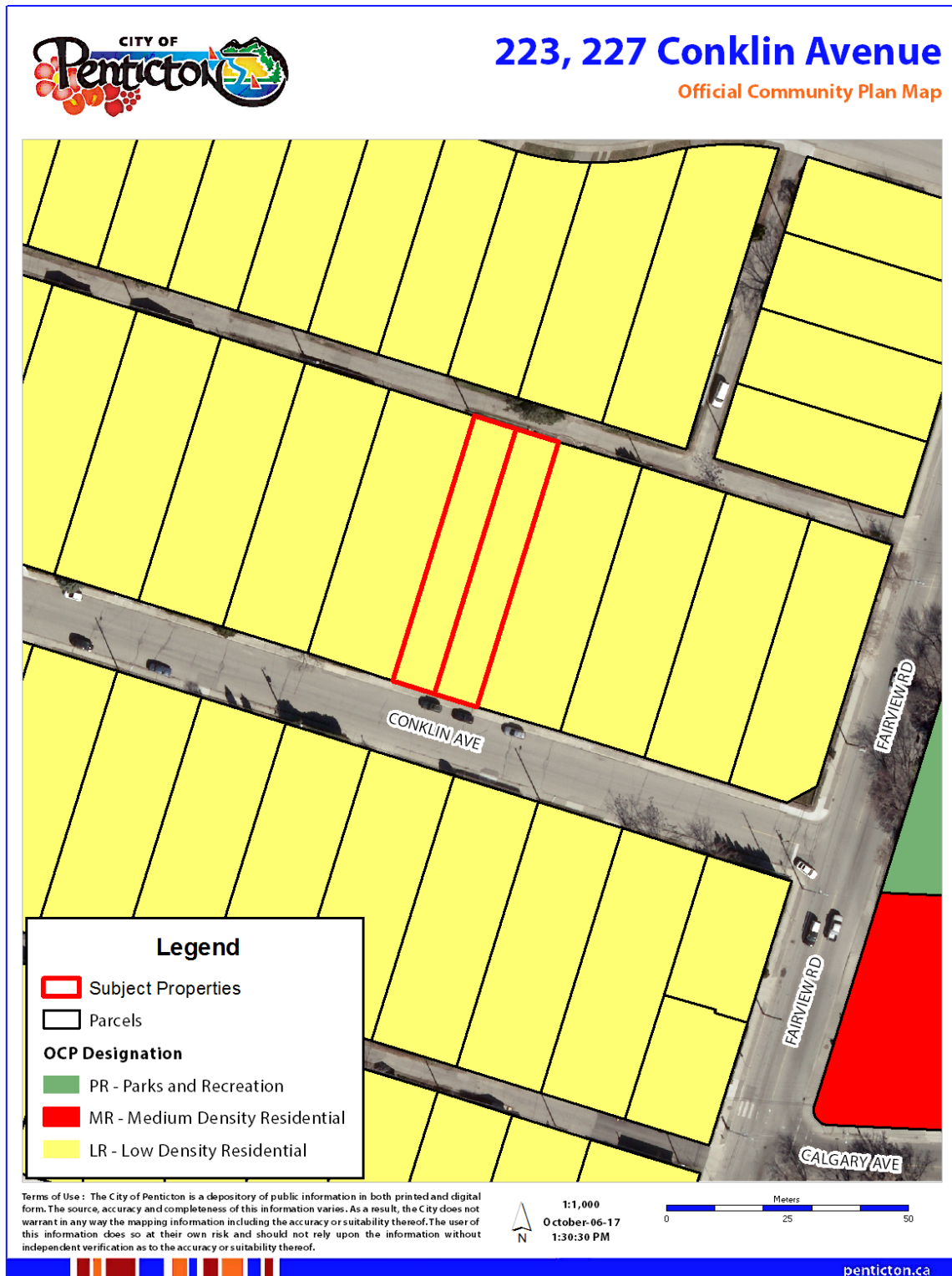


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Conklin Avenue)



Figure 5: North View (from lane)



Figure 6: North View looking towards the west neighbour



Figure 7: North View looking towards the east neighbour

Attachment E – Site Plan

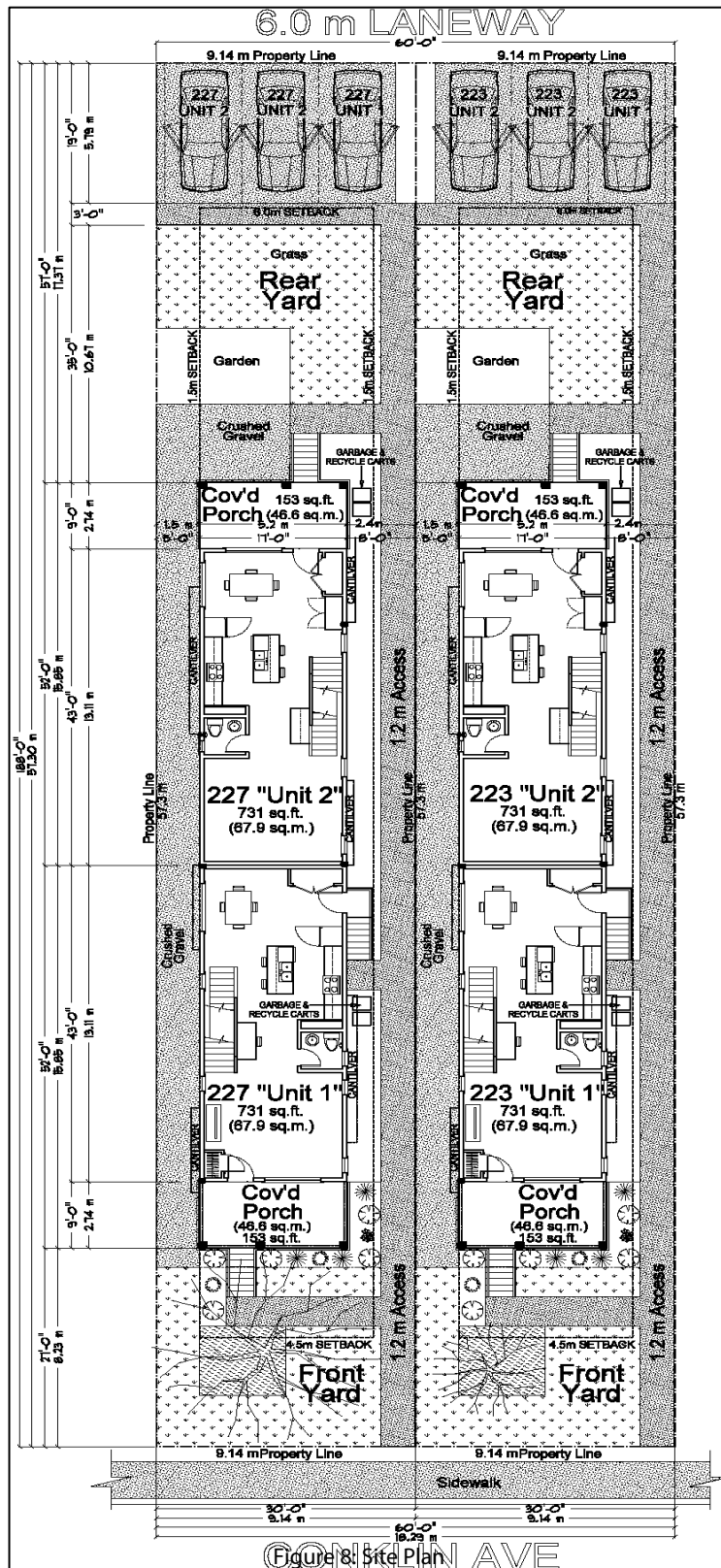


Figure 8: Site Plan

Attachment F – Proposed Elevations

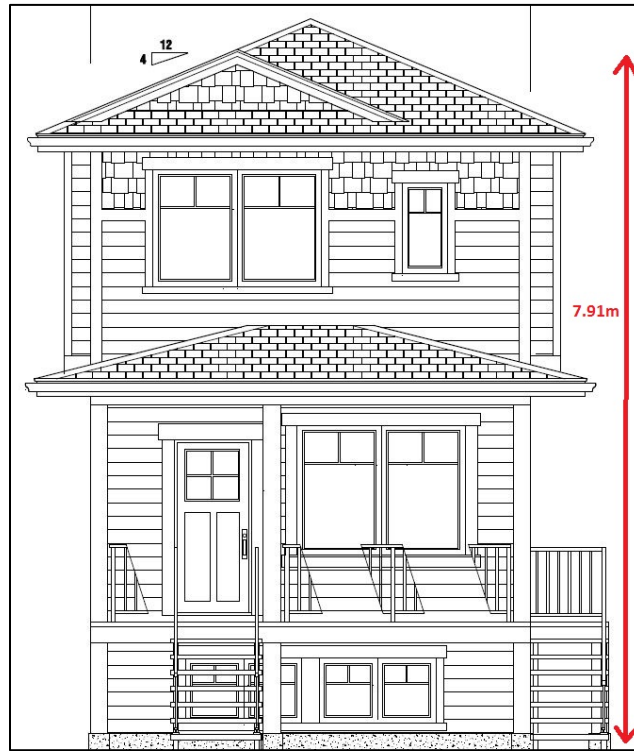


Figure 9: South Elevation (from Conklin Avenue)

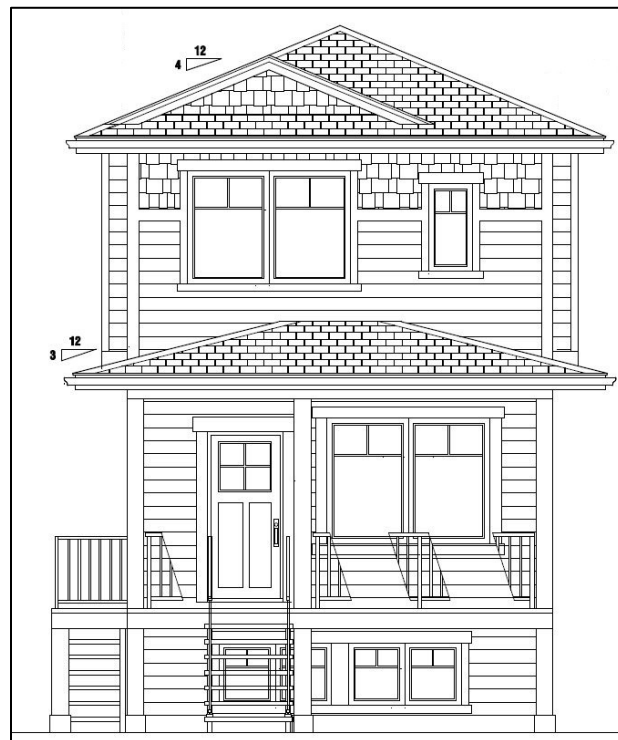


Figure 10: North Elevation (from lane)

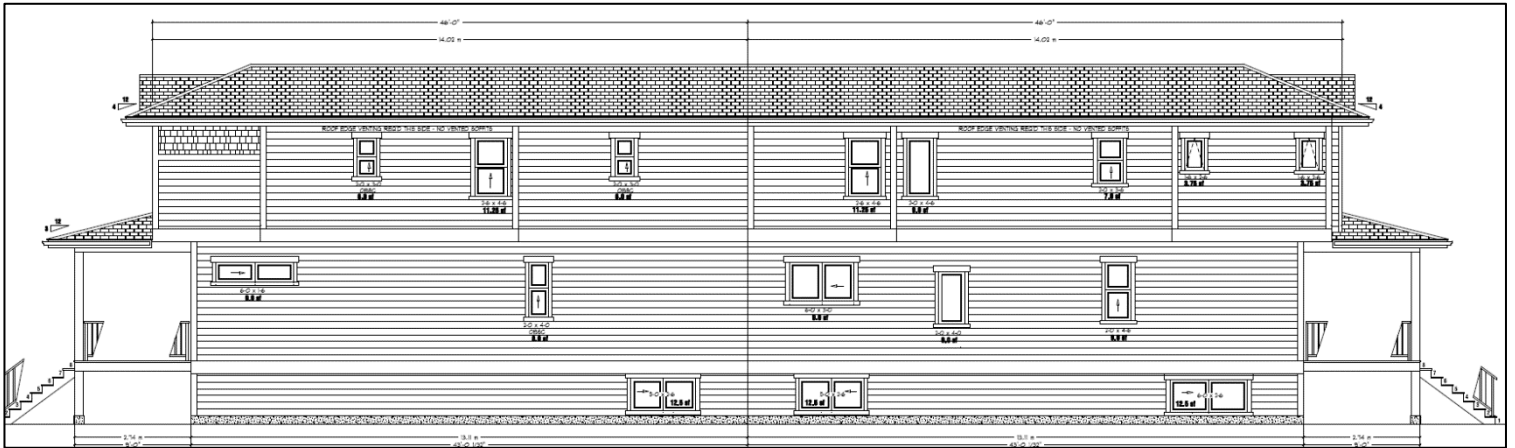


Figure 11: East and West Elevation



Figure 12: Side Elevation Between Units

Attachment G – Proposed Renderings



Figure 13: Front Rendering

Attachment H – Previous Application

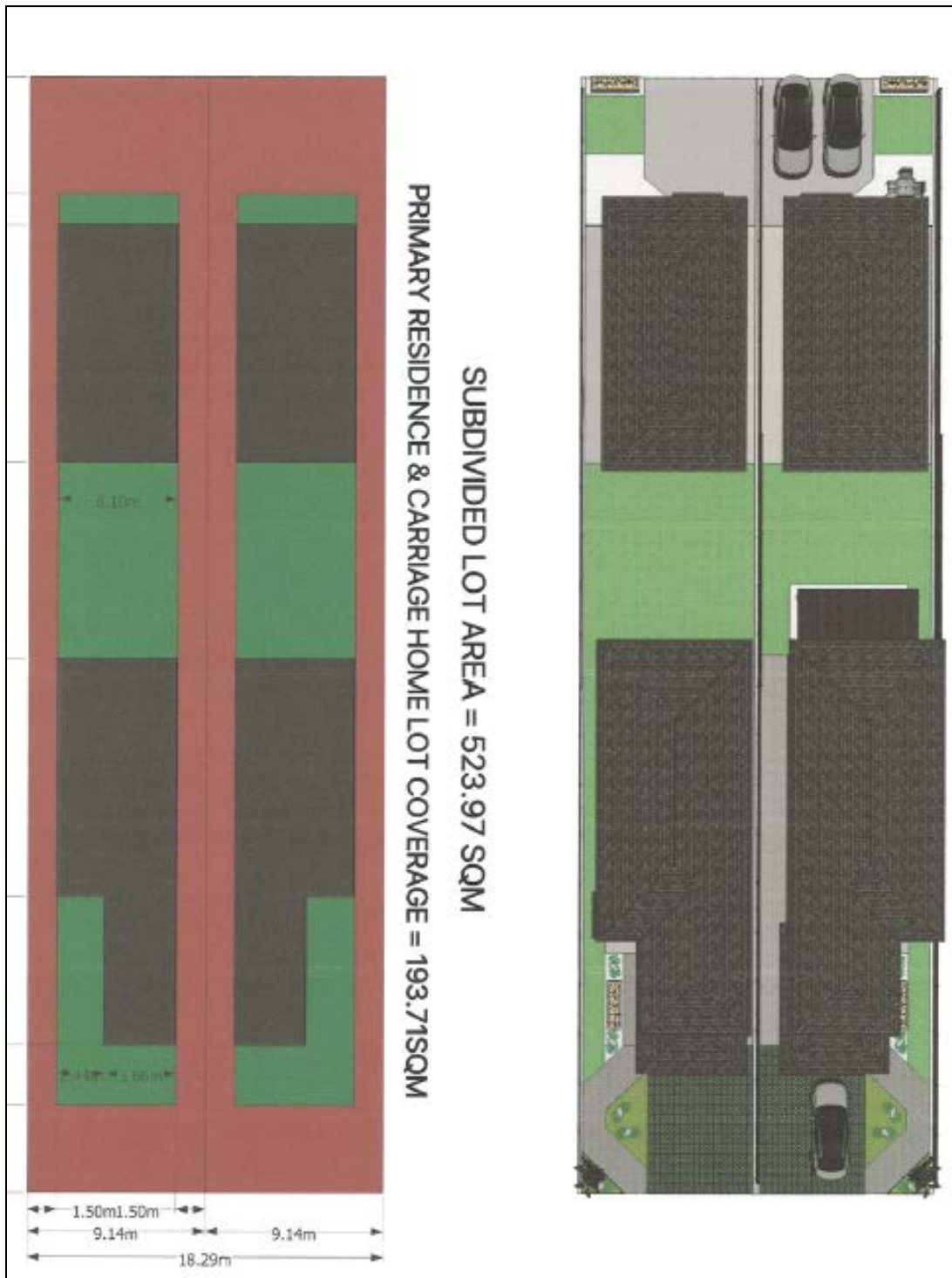


Figure 14: Previous Application Site Plan



Figure 15: Previous Application Front Elevation



Figure 16: Previous Application Rear Elevation

Attachment I – Letter of Intent

LETTER OF INTENT-223 & 227 CONKLIN AVENUE, PENTICTON

Trainor Marketing Ltd. (DBA Trainor Construction) proposes to build for sale two front/back duplex buildings containing four units of approximately 1550 square feet, plus unfinished basements of a further 730 square feet.

These Craftsman-styled homes will appeal to young families and will have three bedrooms, 2.5 baths, covered front verandas and large front yards. They will be fully landscaped with underground irrigation, mature trees and three parking spaces per building.

The applicant recognises that this would be the first duplex project on this street but there are 9 duplexes on neighbouring Douglas, along with a number of four-plexes in the area---including one built by Trainor Construction---at the corner of Argyle and Hastings.

Pride of ownership, particularly on Conklin and Windsor, is apparent. We believe Trainor Construction's previous projects speak to our commitment to enhancing the neighbourhoods we build in. We strive always to be a good neighbour.

Figure 17: Letter of Intent

Bylaw No. 2017-71

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-71".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot A and Lot B District Lot 1, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

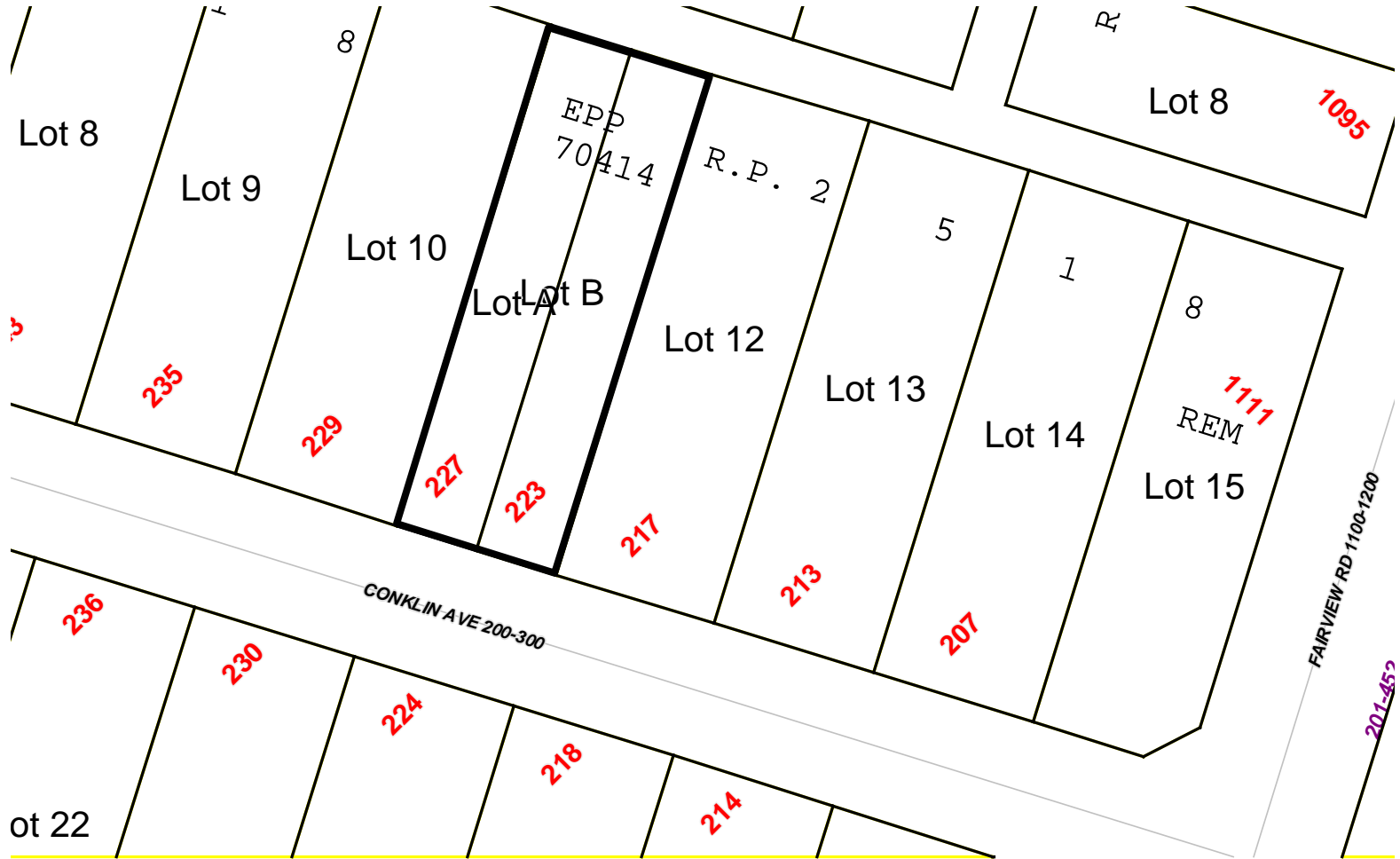
READ A FIRST time this	17	day of	October, 2017
A PUBLIC HEARING was held this	7	day of	November, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 223 & 227 Conklin Avenue From R2 (Small Lot Residential) To RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-71

Date: _____

Corporate Officer: _____

- 20 -

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

Tuesday, October 17, 2017
at 1:00 p.m.

Resolutions

14. Land Matters

14.2 Zoning Amendment Bylaw No. 2017-72
Re: 1760 Carmi Avenue

580/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-72", a bylaw that rezones "Proposed Lot 2" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject lands, be given first reading and be forwarded to the November 7, 2017 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 17, 2017
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 1760 Carmi Avenue
Subject: **Zoning Amendment Bylaw No. 2017-72**

File No: RZ PL2017-7920

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2017-72", a bylaw that rezones "Proposed Lot 2" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject lands, be given first reading and be forwarded to the November 7, 2017 Public Hearing.

Strategic priority objective

The proposed development provides the opportunity for three new single family housing sites, increasing the City's tax base.

Background

The subject property is located on the east side of Carmi Road at the city's boundary with Area D of the Regional District Okanagan Similkameen (RDOS). The property is 4.06 acres in area and is characterized by rocky outcrops and relatively steep topography. One single detached dwelling is located on the property.

A subdivision request to sever off a 9,000 m² vacant parcel from the single family house lot has been given preliminary layout approval by the City's Approving Officer. The subdivision application also involves a land exchange with a city lot that is surrounded by the subject lot and accommodates a City reservoir. The land exchange cleans up an awkward lot boundary and resolves a situation where accesses to the City's reservoir is through a trespass.

The intent of the property owner is to develop the newly created parcel into a three lot 'bare-land strata' development, where a shared private road will provide access to three new single family lots. The property is currently zoned by Zoning Bylaw 2017-08 as CR (Country Residential). The proposed development would not be possible under the CR zone, so an amendment to the zoning bylaw is required.

Proposal

The applicants are requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the newly created lot, “Proposed Lot 2” of the subdivision of “Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850”), from RC (Country Residential Housing) to RM1 (Bareland Strata Housing). The remainder parcel will retain its country residential zoning.

The bylaw will also include a site specific provisions as follows:

Add Section 10.7.3 Site Specific Provisions:

.1 In the case of “Proposed Lot 2” of the subdivision of “Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850”, townhouses are not permitted.

Technical Review

The subject application was referred to the City’s Technical Planning Committee (TPC) for their review and comment. This is a complicated development given that the subject lands are currently under-serviced by water and sewer service and the fact that the development lands are steeply sloped and include challenging terrain. Much of the servicing issues have been identified through the subdivision process and have been communicated to the applicants. Staff are satisfied with the engineering solutions proposed by the developer.

Road widening on Carmi Avenue has been identified. This will happen as part of the subdivision process.

Development statistics

The following table provides statistics on the proposed three-lot bareland strata development:

	Required by bylaw	Proposed
Remainder CR lot	4,000 m2	9,632 m2
Proposed Strata Lot 1	n/a (total lot 6,000m2)	2,043 m2
Proposed Strata Lot 2	n/a (total lot 6,000m2)	3,871 m2
Proposed Strata Lot 3	n/a (total lot 6,000m2)	2,536 m2
Proposed Strata Road (shared)	n/a (total lot 6,000m2)	1,182 m2
General	<ul style="list-style-type: none"> • All bareland strata lots will be accessed via a private road • The lands are not located within a development permit area 	

Financial implications

If approved, the development contemplated by this zoning amendment application will create three new development sites for single family housing, contributing to an increase in the City’s tax base. Approval of the land exchange as part of the subdivision will also provide the city with land to access its water reservoir at little cost.

Analysis

When considering a zoning amendment application, staff and Council look toward the Official Community Plan’s future land use map for guidance. According to the map, the subject lands are currently designated for low density residential (LR) development. The LR designation is intended to support single family and duplex development as well as minor neighbourhood commercial uses and institutional uses (schools, churches etc). The current zoning of the property, which is CR (Country Residential), represents less development density than is contemplated by the OCP. The CR zone has a minimum lot size of 0.4 ha and the proposed three lot development would not be possible under the current zoning. The proposed RM1 zone, which is the zone that is specifically designed for bareland strata development, would allow for the proposed three-lot bareland strata subdivision.

The RM1 zone, though, allows townhouses, which are not a use contemplated in the low density residential OCP land use designation. As such, staff are recommending that if Council supports the zoning change that a site specific amendment be included in the zoning bylaw prohibiting townhouse development on the subject lands. All the other uses of the RM1 zone (single detached housing, duplex housing, home based business etc) are uses that are envisioned in the low density residential land use designation.

Supporting the zoning change will create three new development areas in a desirable area of the city and is in keeping with the intent of the OCP. As such staff are recommending that Council give first reading to the bylaw and forward it to the November 7th Public Hearing for comment from the public.

Alternate recommendations


1. THAT Council deny first reading to “Zoning Amendment Bylaw No. 2017-72”.
2. THAT Council refer the application back to staff for further discussions with the applicants.

Attachments

- Attachment A – Location map
- Attachment B – Images of subject property
- Attachment C – Site and subdivision plan
- Attachment D – Letter of intent from applicant
- Attachment E – Proposed road widening
- Attachment F – “Zoning Amendment Bylaw No. 2017-72”

Respectfully submitted

Blake Laven, MCIP, RPP
Planning Manger

Director Development Services 	Chief Administrative Officer PW
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Attachment A
Subject Property Location Map



Attachment B
Images of Subject Property



Figure 1: Image of subject lands from Carmi Avenue looking east, with current driveway shown



Figure 2: Image of subject lands from Carmi Avenue looking east



Figure 3: Image of subject lands looking west with water pump house in mid-ground



Figure 4: Image from subject lands looking towards downtown Penticton over pump house and reservoir

Attachment D
Letter of intent



OKANAGAN DEVELOPMENT CONSULTANTS INC
17007 Garnet Valley Road, Summerland, B.C. V0H 1Z3
Office 13222 Kelly Ave., Summerland
Ph. 250-494-0747 Email: odcinc@telus.net

City of Penticton
Development Services
171 Main Street, Penticton, V2A 5A9

March 31, 2017

Attn: Blake Laven, Planning Manager

Dear Mr. Laven:

RE: 1760 CARMi ROAD, LOT 2, PL. KAP 26850, DL 2710, ODYD – PROPOSED REZONING AND SUBDIVISION OF THE PROPERTY.

Further to our recent discussions with yourself and City staff regarding the possible development of the above-noted property, please find attached the following applications:

- Fee Simple subdivision Application (2 lots)
- OCP Amendment and Rezoning Application, and a Bareland Strata Subdivision Application.

We are proposing to submit the applications together in one package, since the intent is to complete the 2 lot fee simple subdivision first, followed immediately by completion of the 3 lot strata subdivision. As noted in the applications and on the accompanying drawings the proposed lot 1 from the 2 lot subdivision will remain a fee simple lot and the remaining lot 2 will be subdivided into 3 strata lots.

Discussions regarding the proposed development have identified a critical time frame for completion of any rock blasting for utility and road construction, considering the City's plans for the installation of a new reservoir on the adjacent property. We are hopeful that the submission of the applications in this order may help expedite the approval process. We are anxious to work with the City to ensure that any necessary work on the subdivision does not impact the City's plans for the reservoir and to allow our clients to proceed with their development plans for their property if the applications receive approval.

We will be engaging the services of a Consulting Engineer to provide the design of utility services and strata road design in the near future. We will forward under separate cover our preliminary strata road layout for your consideration.

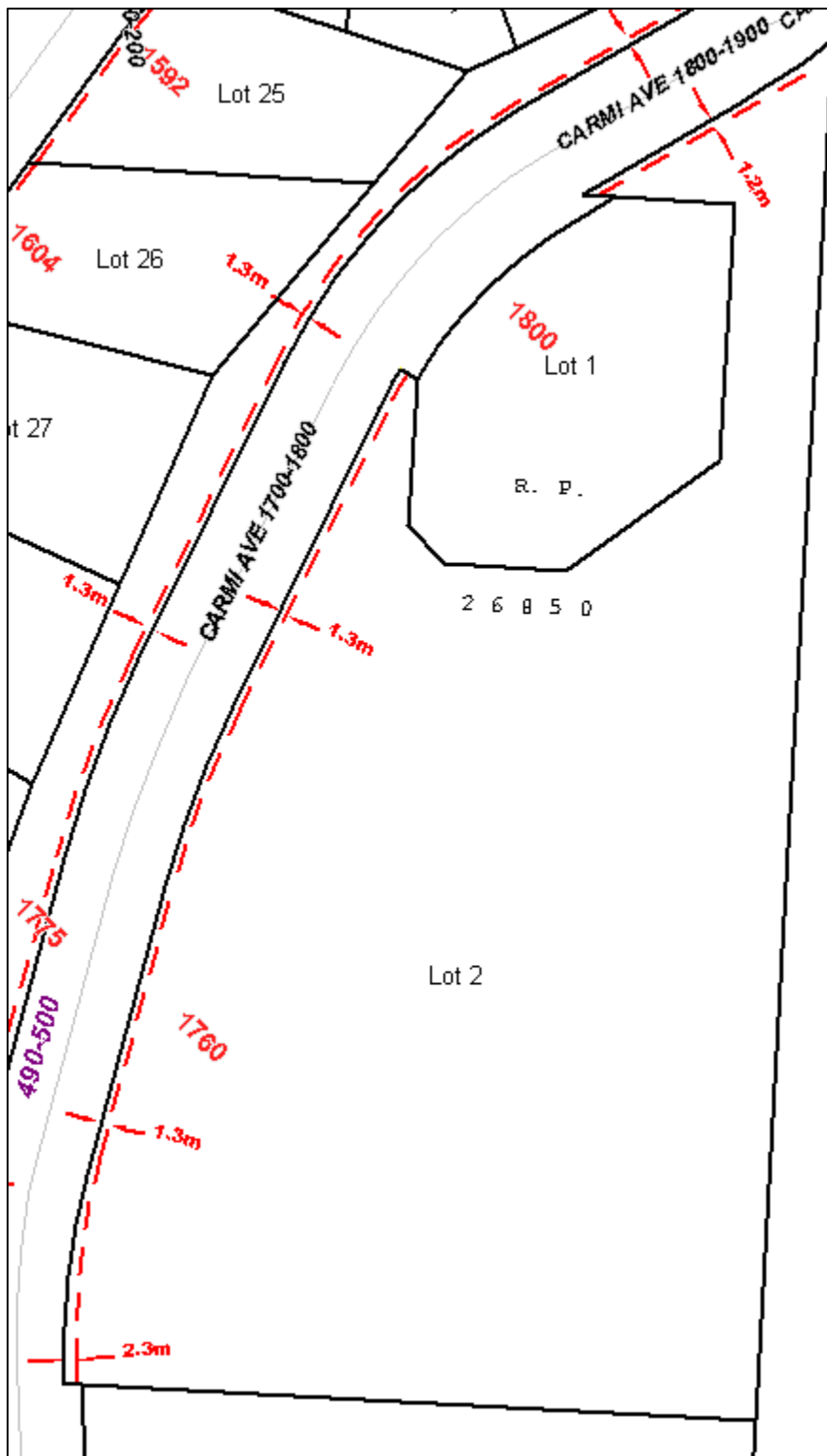
Thank you for considering our applications and please feel free to contact the writer if you require any further information or clarification at this time.

Yours truly,


G.A. (George) Giannotti, CTech, RHI
Okanagan Development Consultants Inc.

cc. Mr. Rob Eddison

Attachment E
Road Dedication Map



Bylaw No. 2017-72

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-72".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone "Proposed Lot 2" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bare land Strata Housing).

2.2 Add Section 10.7.3 SITE SPECIFIC PROVISIONS

.1 In the case of "Proposed Lot 2" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, townhouses are not permitted.

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

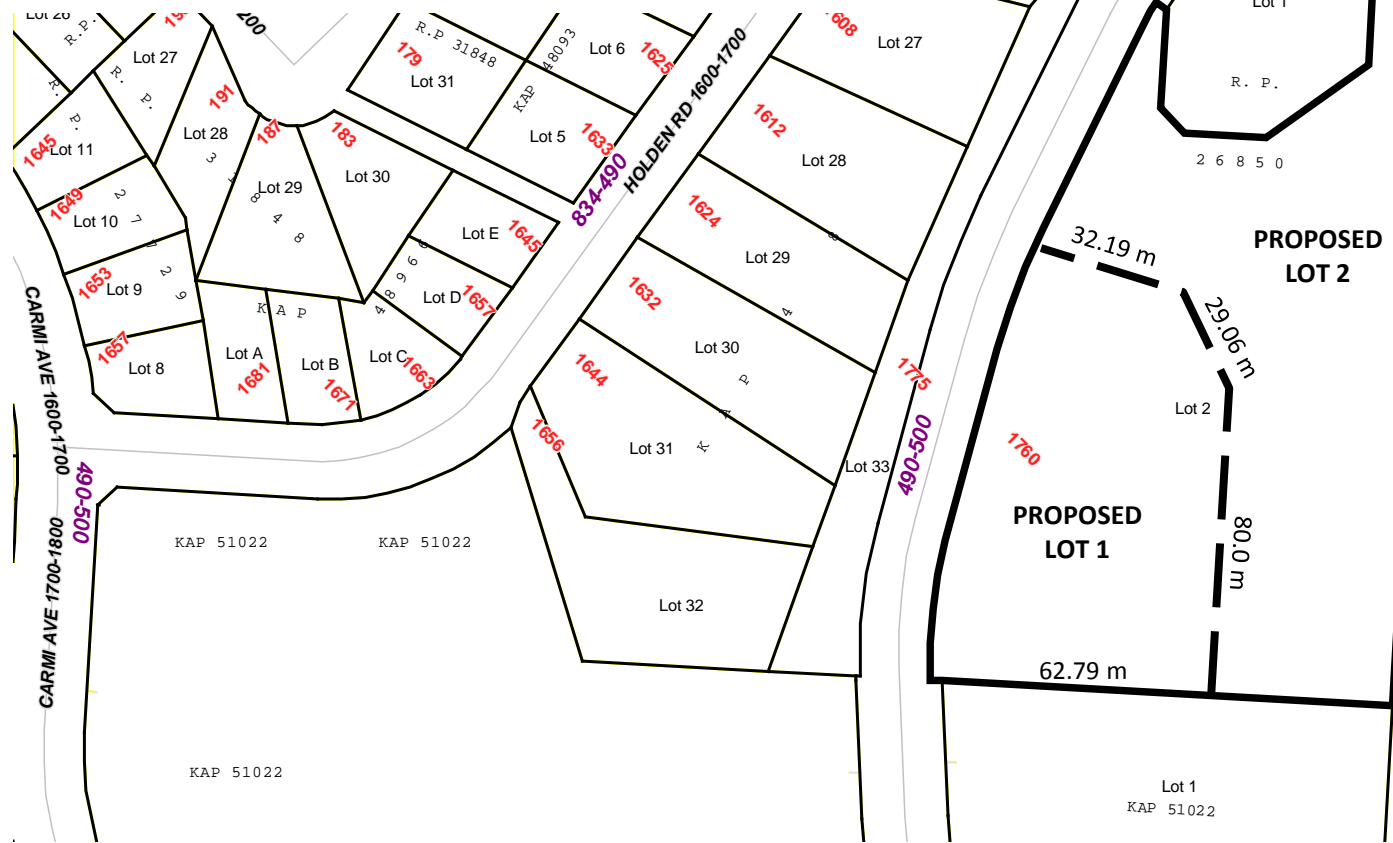
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ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone Proposed Lot 2 of the subdivision of 1760 Carmi Avenue From RC (Country Residential Housing) To RM1 (Bareland Strata Housing)



City of Penticton – Schedule 'A' Zoning Amendment Bylaw No. 2017-72

Date: _____

Corporate Officer: _____

From: Bohun, Colleen <Colleen.Bohun@fortisbc.com>
Sent: October-31-17 11:21 AM
To: Public Hearings
Subject: PL2017-7920 - Subdivision of 1760 Carni Avenue, Penticton
Attachments: Scanned from a Xerox Multifunction Device.pdf

We have reviewed the attached referral and advise that FortisBC Energy Inc. has no concerns or objections to the proposed subdivision.

Thanks,

Colleen Bohun
Land Representative
FORTISBC ENERGY INC.
16705 Fraser Highway
Surrey, B.C., V4N 0E8

Phone: (604)576-7121
Toll Free: 1-800-773-7001 (local 7121)

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

Tuesday, October 17, 2017
at 1:00 p.m.

Resolutions

- 14.3 Zoning Amendment Bylaw No. 2017-73
Re: 216 Westminster Avenue West

581/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-73" a bylaw that rezones "Lots 1-5, District Lot 4, Similkameen Division Yale District, Plan 871, located at 216 Westminster Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial), be given first reading and be sent to the November 7, 2017 Public Hearing;

AND THAT a 1.0m portion of the property along Westminster Avenue and a 1.0m portion along Winnipeg Street as well as a 4.5m X 4.5m corner cut be dedicated to the City prior to final adoption of Zoning Amendment Bylaw No. 2017-73;

AND FURTHER THAT the City participate in the upgrading of the streetscape adjacent to the subject lots by providing street trees funded from the City's Amenity Reserve Fund for a total project contribution not exceeding \$2,000.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: October 17, 2017
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 216 Westminster Avenue West

File No: RZ PL2017-8083

Subject: Zoning Amendment Bylaw No. 2017-73

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-73" a bylaw that rezones "Lots 1-5, District Lot 4, Similkameen Division Yale District, Plan 871, located at 216 Westminster Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial), be given first reading and be sent to the November 7, 2017 Public Hearing;

AND THAT a 1.0m portion of the property along Westminster Avenue and a 1.0m portion along Winnipeg Street as well as a 4.5m X 4.5m corner cut be dedicated to the City prior to final adoption of Zoning Amendment Bylaw No. 2017-73;

AND FURTHER THAT the City participate in the upgrading of the streetscape adjacent to the subject lots by providing street trees funded from the City's Amenity Reserve Fund for a total project contribution not exceeding \$2,000.

Strategic priority objective

Cleaning up of brownfield sites and the creation of 'park lots", which are parking lots with landscaping and high aesthetic appeal, are policy objectives of the Downtown Plan.

Background

The subject lands comprise of five (5) downtown lots located on the corner of Westminster Avenue and Winnipeg Street. The site was developed in 1982, as a gas station and convenience store and operated as such until 2002. In 2003 remediation of the gas station site began with the demolition of the commercial building, removal of underground fuel storage tanks and installation of monitoring wells. A certificate of compliance (CoC) was issued to the site in 2016. A CoC is an instrument issued by the province's Ministry of Environment – Land Remediation Division that allows redevelopment of a previously contaminated site. The CoC outlines conditions in which the site may be redeveloped – often limiting excavation and soil disturbance and certain types of uses. In this case, there are limitations to the type of development that can happen on the site. Specifically, no residential development is permitted on the ground floor and disturbance of the soil beyond a certain depth is prohibited.

The site has recently been purchased with the intent of developing a downtown parking lot for employees of the Valley First Credit Union, which is located a few blocks away on the corner of Main Street and Westminster Avenue. The lands, although being located in the downtown, retain the historic gas station zoning (C8). To develop a parking lot, the property owners are required to amend the zoning bylaw to change the zoning of the subject lands from the gas station zone to a zone that permits public parking.

Proposal

The applicants are proposing to amend Zoning Bylaw 2017-08 to rezone the subject lands from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial).

Technical Review

During the planning stage for the parking lot, the property owner's engineering consultants worked closely with City staff on maximizing the number of parking stalls that are included on the plan and meeting the vision for the creation of a 'park lot' as outlined in the City's Downtown Plan. The final design has 39 parking stalls and involves all access to the lot coming from the rear lane.

This approach leads to the closure of three driveways – two on Westminster Avenue and one on Winnipeg Street. To remove a driveway, the curb return needs to be removed and the curb and sidewalk reestablished. There is a significant cost to this. Other options would have been cheaper for the developer. Because most of the frontage has to be rebuilt, it was opportune to look at a higher standard for this corner, including the installation of street trees to complement the works completed along Westminster and Martin Street in 2013. The developer has agreed to go *above and beyond* what is required by the Subdivision and Development Bylaw, including the installation of large street tree pits. As a contribution to the project, staff are recommending that the installation of the street trees themselves come from the City's street tree reserve.

Also through the technical review, it was determined that some minor road dedications are required to meet the ultimate road widths of Westminster Avenue and Winnipeg Street. 1.0m road dedications along the frontages of both streets are shown on the City's road dedication plan. There is also a corner but identified. The applicants have agreed to dedicate these areas to the City for no cost. The City would be responsible for the survey and legal costs of the dedication.

Financial implication

Staff are recommending that the City include funds to install street trees into the improvement of the streetscape fronting this property. Under the City's Subdivision and Development Bylaw, there is no ability to require the developer to build at the enhanced standard envisioned for the downtown. That said the developer has agreed to install all of the concrete and other works for the enhanced standard, if the City would participate in the cost for the trees. The installation of a street tree is \$475.00 per tree. The City would then be responsible for the installation of four trees (three along Westminster Avenue and one along Winnipeg Street) for a total project contribution of \$2,000. Those funds could come from the City's amenity reserve fund. A fund set up to add urban amenities to the streetscape.

Staff are also recommending accepting the identified road dedications. The cost for the survey and registration of the road is estimated at under \$1,500.

Analysis

Support "Zoning Amendment Bylaw No. 2017-73".

Under the city's Official Community Plan, the subject properties are designated as downtown commercial. The current zoning for the property is C8 (Vehicle Service Station). The C8 zone is intended specifically for gas stations and does not have any other uses permitted. The use of a property for a gas station is not consistent with the downtown commercial designation.

Rezoning the property to C5 (Downtown Commercial) allows for the development of a parking lot, but also puts zoning in place for future redevelopment of the site. The C5 zone is consistent with other zones in the immediate area, which feature a mix of C5 and C6 (Urban Peripheral Commercial). The parking lot is intended for use of an existing downtown office during the day, but will be open for public use in the evenings and on weekends.

The redevelopment of the streetscape fronting the property, including the installation of street trees, will greatly increase the aesthetic appeal of the parking lot and street corner. Additional landscaping is included in the parking lot itself to deal with storm water and to add to the character of the parking lot. Underground irrigation will service the onsite landscaping as well as the street trees in the City boulevard. Decorative fencing is also included in the plans.

In reviewing the Downtown Plan (2013), Policy 19 of the Plan encourages the conversion of existing parking lots and new parking lots into 'park lots', "by enhancing landscaping, site permeability and improving storm water management on existing and proposed parking lots." Staff feel that plans provided meet the objectives of the policy.

The property is also located in a development permit area (DPA), which controls the form and character of development in the downtown commercial area. Staff are confident that the plans proposed meet the general intent of the DPA guidelines. If the zoning is successful, the applicant will be required to submit an application for development permit prior to the creation of the parking lot.

Given the above points, staff are recommending that Council give first reading to the bylaw and that the bylaw be sent to the November 7, 2017 Public Hearing for comment from the public. Staff are also recommending that if they do support the zoning amendment that Council give support to the City paying for the installation of the trees and accepting the road dedications identified.

Deny/Refer Zoning Amendment

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. That said, Council may feel that this is not an appropriate place for a parking lot. If that is the case, Council could deny first reading of the bylaw.

Alternatively, Council may feel that the zoning amendment is acceptable, but not wish to commit the City to contribute in the installation of street trees in this location. If that were the case, the developers would have to decide to install the trees at their cost or revert to a more standard street cross section, without the upgrading of the frontage area.

Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2017-73” and refer the application back to staff for further work.
2. THAT Council give first reading to “Zoning Amendment Bylaw No. 2017-73” but deny the contribution to the street trees and / or the road dedication.


Attachments

- Attachment A: Subject property location map
- Attachment B: Images of subject property
- Attachment C: Official Community Plan (OCP) – Future Land Use Map, and Zoning Map
- Attachment D: Site and landscape plan
- Attachment E: Letter of intent from applicant
- Attachment F: Road dedication map
- Attachment G: Zoning Amendment Bylaw No. 2017-73

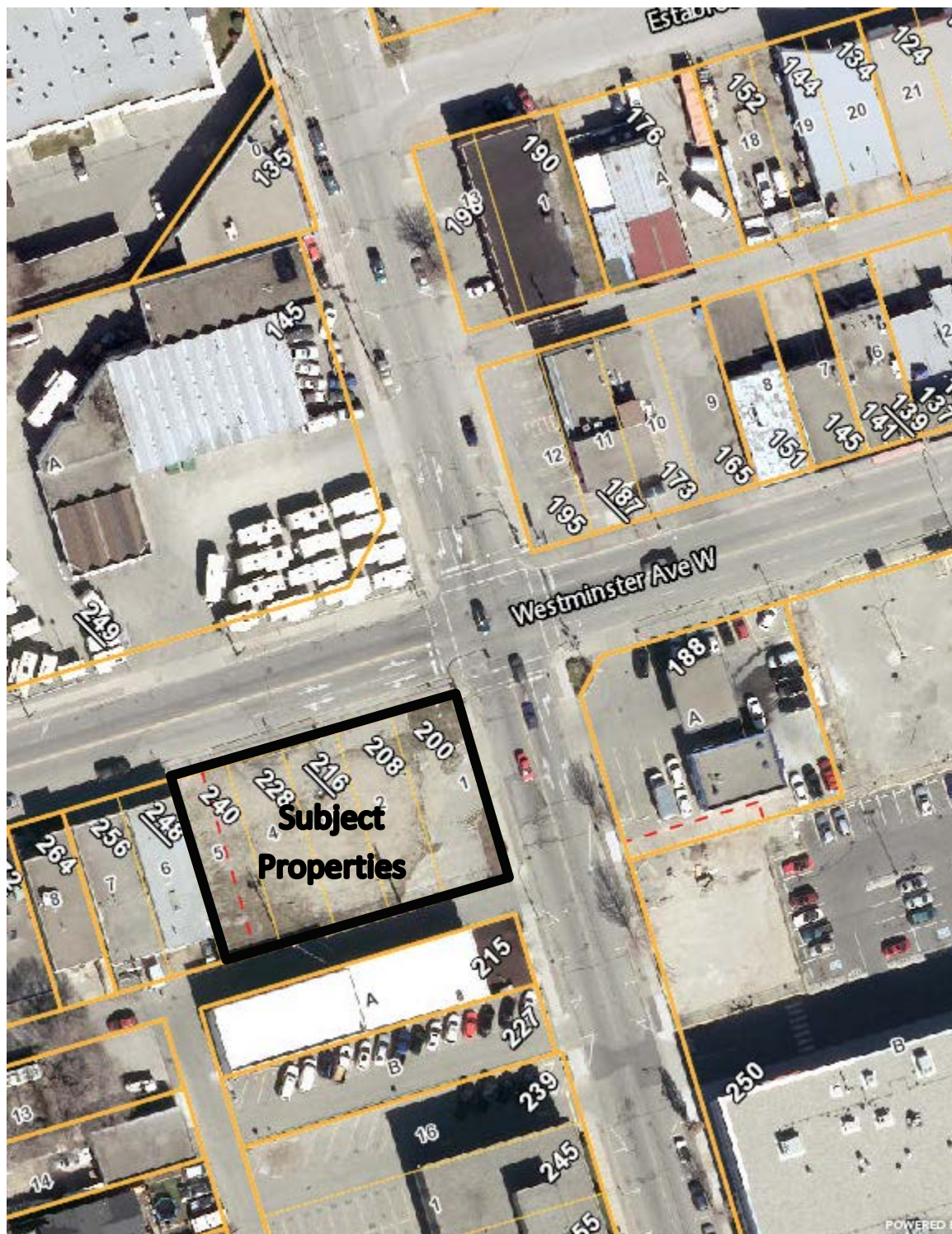
Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

DDS 	CAO PW
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Attachment A
Subject Property Location Map



Attachment B
Images of Subject Property



Figure 1: Subject properties from the corner of Westminster Avenue and Winnipeg Street looking west



Figure 2: Frontage of subject property along Westminster Avenue showing the existing curb returns



Figure 3: Image showing the condition of the sidewalk and frontage at the corner of Westminster Avenue and Winnipeg Street, looking down Winnipeg Street

Attachment C
OCP – Future Land Use Map and Zoning Bylaw Map



Figure 4: Official Community Plan Future Land Use Map showing the subject and surrounding lands as DC downtown commercial



Figure 5: Zoning Map of subject property showing the C8 zoning and surrounding zoning

Attachment E
Letter of intent from applicant



October 5, 2017

Ecora File No.: CP-17-200[

Development Services
City of Penticton
171 Main Street
Penticton, B.C V2A 5A9

Attention: Planning Department

Reference: Rezoning and Development Permit Applications – 216 Westminster Avenue West

Applications are being submitted for a parking lot at 216 Westminster Avenue West (at Winnipeg Street). The property is currently vacant and has been so for some time after the removal of the Esso service station and 7/11 convenience store. The site has been remediated and is available for use.

First West Credit Union has now acquired the property and are proposing to construct a new parking lot for employees. The Credit Union is centralizing employees who work in Penticton into the Downtown office building on Main Street and is providing parking for their use. The parking lot will also be available for public use during non-business hours.

Thirty-nine (39) parking stalls will be developed and will be accessed from the lane. Three existing sidewalk cross-overs on Westminster and Winnipeg will be removed. Site landscaping and boulevard trees will enhance the appearance of the property.

Adjacent land uses include Landmark Cinemas, offices, restaurants and automotive uses. Nearby zones include C8, Service Station; C6, Mixed Use; and C5, Urban Centre Commercial.

Rezoning

The site is currently zoned C8, Vehicle Service Station. The only permitted use in this zone is a service station and rezoning is required. It is proposed to rezone to C5, Urban Centre Commercial Zone being the main zone for the Downtown and a zone that permits a "public parking lot". This zone also permits future redevelopment to a wide range of commercial uses.

subject

File No. CP-17-200 | October 2017

This rezoning is consistent with the Community Plan directions for the Downtown area of Penticton. The Plan supports continued intensification and growth in the core area and provision of additional off-street parking. A major theme of the Community Plan is the beautification of the Downtown and enhancement of entrance areas. The current appearance of site, with gravel surface and chain link fence will be much improved with the new parking lot. The location at the western edge of the Downtown will also create a more attractive entrance use.

Development Permit

In terms of the Downtown Commercial Development Permit Guidelines, the following is noted:

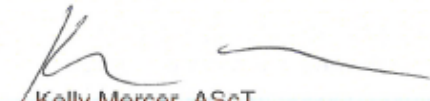
- The parking lot is accessed from the lane
- The access and egress point does not cross a sidewalk
- Landscaping is provided along Winnipeg Street frontage and within the parking lot
- Boulevard trees will be planted along Westminster and Winnipeg road edges
- A decorative chain and post fence is provided around the parking lot

In addition, the Winnipeg Street landscape strip will function as a drainage swale – keeping storm water on the site. Two light standards will enhance security.

The new parking lot will significantly enhance the north entrance to the Downtown in conformance with the Official Community Plan and City design guidelines.

Sincerely

Ecora Engineering & Resource Group



Kelly Mercer, ASCT
Branch Manager

Bylaw No. 2017-73

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-73".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lots 1 – 5, Group 7, District Lot 4, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 871, located at 200, 208, 216, 228, 240 Westminster Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial).

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

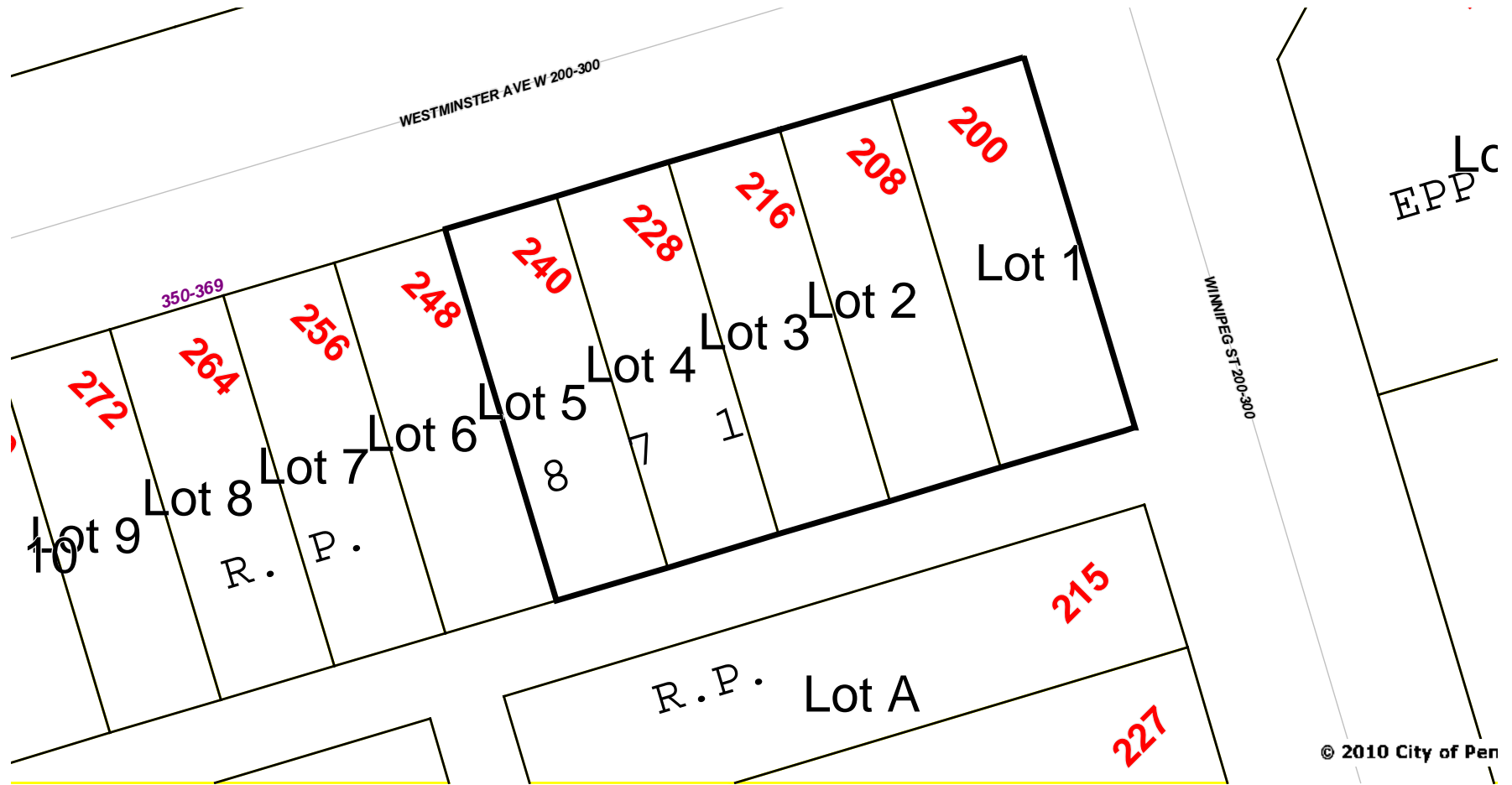
READ A FIRST time this	17	day of	October, 2017
A PUBLIC HEARING was held this	7	day of	November, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 200, 208, 216, 228 & 240 Westminster Ave W From C8 (Vehicle Service Station) To C5 (Urban Centre Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-73

Date: _____

Corporate Officer: _____