

Electronic Public Hearing
to be held via Zoom
City of Penticton
171 Main Street, Penticton, B.C.

Monday, March 15, 2021
at 6:00 p.m.

- 1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2021-10”** 1-15
- CO Reads Opening Statement and Introduction of Bylaw
- “Zoning Amendment Bylaw No. 2021-10” (3115 Juniper Drive)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
 - Rezone Lot 2 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3115 Juniper Drive, from RC (Country Residential) to R1 (Large Lot Residential).
 - The applicant is proposing to subdivide the subject property into three (3) lots.
- Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, March 9, 2021 and Wednesday, March 10, 2021 (pursuant to the *Local Government Act*).
- CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, March 10, 2021).
- Mayor Requests Development Services staff describe the proposed bylaw
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invitation to electronic participants to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and participants may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2021-10” 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, March 2, 2021
at 1:00 p.m.

Resolutions

10.2 Zoning Amendment Bylaw No. 2021-10
Re: 3115 Juniper Drive

69/2021

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-10", a bylaw to rezone Lot 2 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3115 Juniper Drive, from RC (Country Residential) zone to R1 (Large Lot Residential) zone, to allow for a future 3-lot subdivision;

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-10" to the March 15, 2021 Public Hearing.

CARRIED UNANIMOUSLY

Date: March 2, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 3115 Juniper Drive
Subject: Zoning Amendment Bylaw No. 2021-10

File No: RMS/3115 Juniper Dr

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2021-10”, a bylaw to rezone Lot 2 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3115 Juniper Drive, from RC (Country Residential) zone to R1 (Large Lot Residential) zone, to allow for a future 3-lot subdivision;

AND THAT Council forward “Zoning Amendment Bylaw No. 2021-10” to the March 15, 2021 Public Hearing.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The applicant is proposing to subdivide the subject property into three (3) lots (Attachment ‘E’). In order to facilitate the proposed subdivision, the applicant has requested to rezone the property from RC (Country Residential) to R1 (Large Lot Residential).

Background

The subject property is approximately 4,200m² (1 acre) in size and is located on the west side of Juniper Drive, south of Pineview Road (Figure 1). The property contains a single detached dwelling located in the middle of the lot. The lot slopes down from east to west, and is located above agricultural properties on Valleyview Road to the west. The subject property is zoned RC (Country Residential) and is designated ‘Detached Residential’ in the Official Community Plan, which supports R1 zoned lots.



Figure 1 - Property location map

Surrounding properties on Juniper Drive contain single detached dwellings. This area has undergone a transition in recent years as residential subdivisions have occurred nearby, along Juniper Drive, Gordon Place, and Penrose Court. The subject property was originally developed as a single family lot in the 1970's with private, on-site well and septic systems. Over the years, municipal infrastructure has been installed on sections of Juniper Drive and the subject property has since been connected to municipal water and sewer systems.

Financial Implication

The applicant is responsible for any required upgrades to service the proposed new lots, including the extension or construction of any infrastructure in the municipal road right-of-way as may be required by the Subdivision and Development Bylaw 2004-81. This property is also subject to a latecomer's agreement (spoken to below). It is the City's responsibility to administer the latecomer's process. The property will pay development cost charges (DCC's) on the two newly created lots. While there are three total lots being proposed, the owners are credited one lot in recognition of the current existing residential lot.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC) on August 20, 2020. In the outcome letter from that meeting, Staff requested further information including, locations of the decommissioned well and septic tank on the property in relation to the proposed lot lines and details about the north and south facades of the existing dwelling. This information was requested to confirm the building would meet the spatial separation and protected opening requirements of the BC Building Code based on the proposed new property lines.

Future requirements related to the proposed subdivision were also provided to the applicant. An Environmental Development Permit and Wildfire Risk Assessment will be required as conditions of subdivision, in addition to the applicant's responsibility to complete road frontage upgrades, as well as providing water and sanitary line connections to each new lot.

On December 8, 2020, Council passed an excess and extended service resolution for the property located at 3110 Valleyview Road. That property is being subdivided and the new lot will be accessed from the end of Juniper Drive. The existing water and sewer mains in Juniper Drive are being extended from their current endpoints (Figure 2) to the end of the street. 3115 Juniper Drive will benefit from the sanitary sewer main being extended across the entire frontage, and the applicant will be required to pay their contribution of the infrastructure improvements if the subject property is subdivided within 15 years.



Figure 2 - Extent of municipal water main (blue) and municipal sanitary sewer main (pink) in Juniper Drive. Both services will be extended to the cul-de-sac by a different developer.

Analysis

When considering a zoning amendment bylaw application, staff encourages Council to consider the OCP policies, the property's future land use designation, and the potential impacts on neighbouring properties.

Staff consider that the proposed rezoning and subdivision conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- *Staff: The subject property is located adjacent to single-detached residential development, and the proposed rezoning to R1 is consistent with the current zoning on properties to the north along Juniper Drive.*
- Policy 4.1.3.3 Foster diversity and create relative affordability while maintaining neighbourhood character in single-family areas by encouraging the creation of smaller-frontage lots in new neighbourhoods and subdivisions, and permitting the subdivision of larger lots in established neighbourhoods where access and servicing are adequate.
- *Staff: The proposal would create new, smaller frontage residential building lots, which would be serviced by municipal water and sewer systems.*
- Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- *Staff: The proposed rezoning and subdivision on the subject property will continue to allow single detached dwellings on each lot, with a similar residential lot size as the recently subdivided lots further north on Juniper Drive and nearby on Gordon Place.*

The subject property is designated 'Detached Residential' by the OCP. The Detached Residential designation envisions lower-density neighbourhoods consisting of single detached houses and/or duplexes. The proposed rezoning will allow for one single detached dwelling on each lot (among other accessory uses/structures), which is consistent with the uses envisioned by the Detached Residential designation.

Certain Zoning Bylaw regulations are different between the current RC (Country Residential) zone and the proposed R1 (Large Lot Residential) zone, including the regulations for lot area, lot coverage, and lot width; as shown in the table below:

	RC Zone Requirement	R1 Zone Requirement	Proposed on Plans
Minimum Lot Width	45 m	16 m	16 m to 77 m
Minimum Lot Area	4,000 m ²	560 m ²	1,100 m ² to 1,700 m ²
Maximum Lot Coverage	15%	40%	<i>No building plans submitted</i>
Maximum Building Height	10.5 m	10.5 m	<i>No building plans submitted</i>
Required Setbacks			
Front Yard	9.0 m	6.0 m	<i>No building plans submitted</i>
Side Yard	4.0 m	1.5 m	

Rear Yard	6.0 m	6.0m	
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The proposal for three lots meets the above noted zoning regulations for the R1 zone. Although building plans have not been provided at this time, the applicant has indicated building envelopes on each lot based on the proposed R1 zone requirements listed above. If future building plans did not conform to the bylaw, a variance would be required and a separate application would be considered by Council at that time.

The proposed rezoning and future subdivision is not anticipated to negatively impact surrounding neighbours. As shown on the Zoning Map (Attachment 'A'), the proposed R1 (Large Lot Residential) zoning on the subject property will extend the R1 zoning currently in place on other properties along Juniper Drive. The RC (Country Residential) zone is intended for rural residential development on large lots, not connected to municipal services. Since municipal services have been installed over the years, it is considered an efficient use of City infrastructure to allow more connections to those services through appropriate subdivision of these larger properties. The proposed development allows moderately increased density while maintaining the single-detached housing form in the area. The three proposed lots comply with the R1 (Large Lot Residential) zone lot area and lot width requirements, without requiring variances. Should variances be requested for future buildings on any of the proposed lots, a new application would come before Council and neighbours would have the opportunity to comment at that time.

Furthermore, with the upcoming extension of City services past this property, new connections to the municipal water and sewer mains are encouraged. Having these proposed lots connected to the new line will ensure that it is more efficiently utilized.

In summary, it is staff's consideration that the proposed development is consistent with the detached residential character of the neighbourhood. No variances to the Zoning Bylaw regulations are requested at this time. Future buildings on the proposed lots will be required to comply with the R1 (Large Lot Residential) zone provisions. Finally, having additional lots along the newly installed services will make more efficient use of the services. Given these reasons, staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2021-10" and forward the bylaw to the March 15, 2021 Public Hearing.

Alternate Recommendations

Council may consider the proposed rezoning from RC (Country Residential) zone to R1 (Large Lot Residential) zone is undesirable, and that the property should remain under the existing zoning. If this is the case, Council should deny first reading of the zoning amendment bylaw. Staff are recommending against this option, as in staff's opinion the proposed rezoning is consistent with the Official Community Plan and will allow a consistent housing form as the surrounding area.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2021-10".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Subdivision Sketch
- Attachment F – Zoning Amendment Bylaw No. 2021-10

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director <i>BL</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map



3115 Juniper Drive

Zoning Map



Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

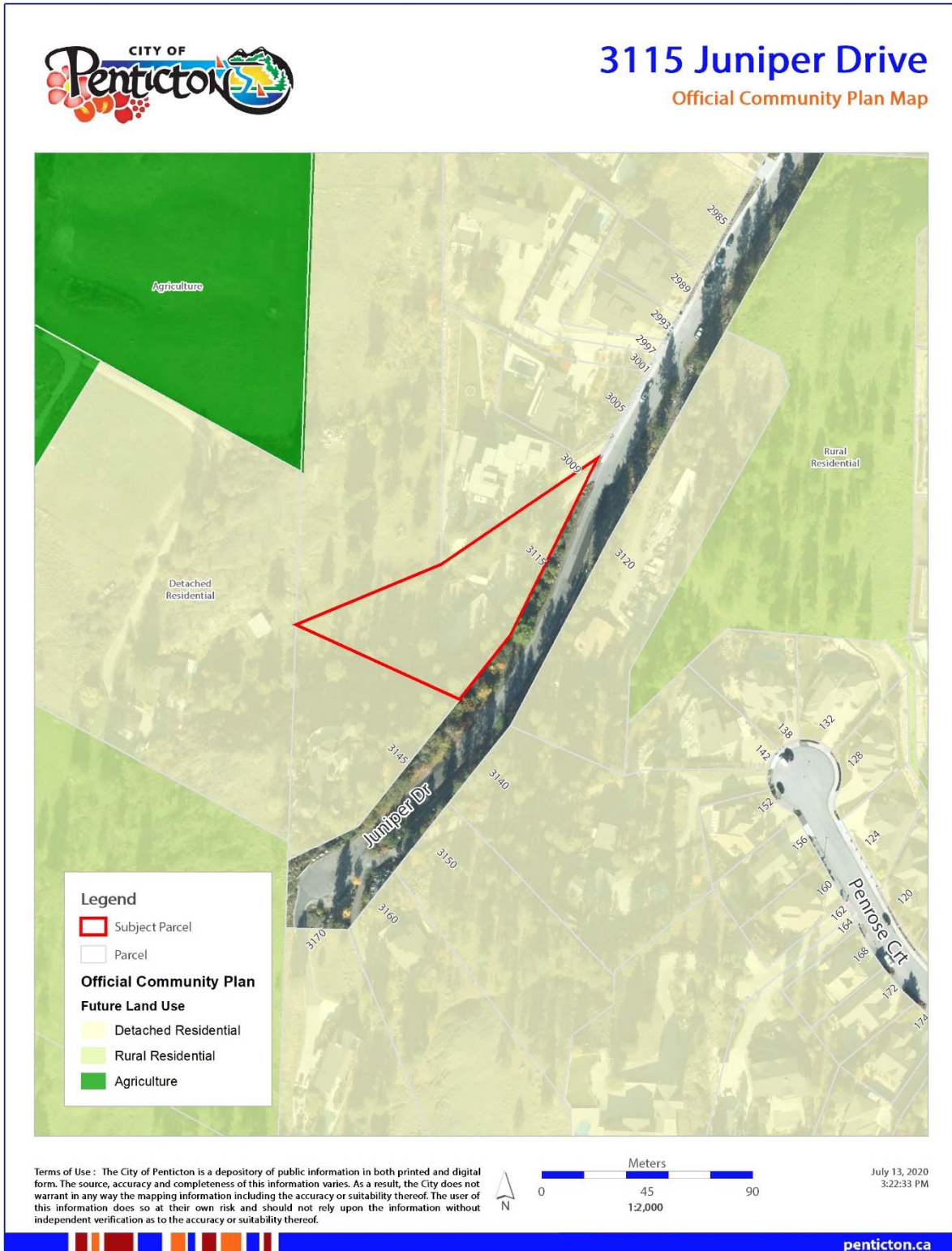


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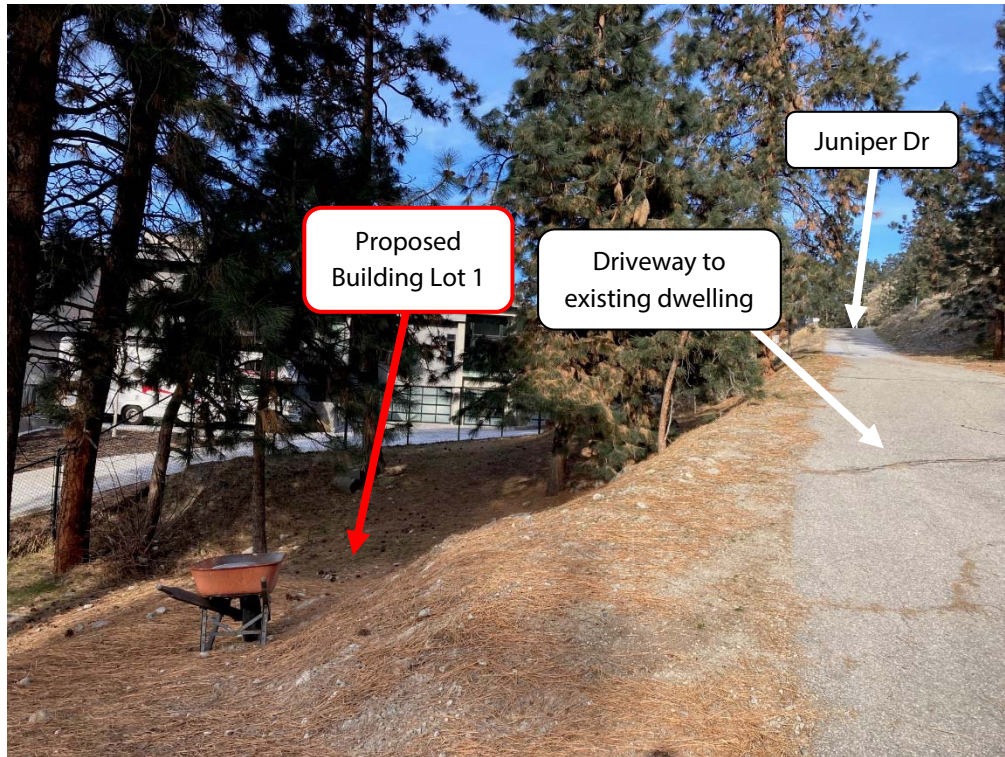
penticton.ca

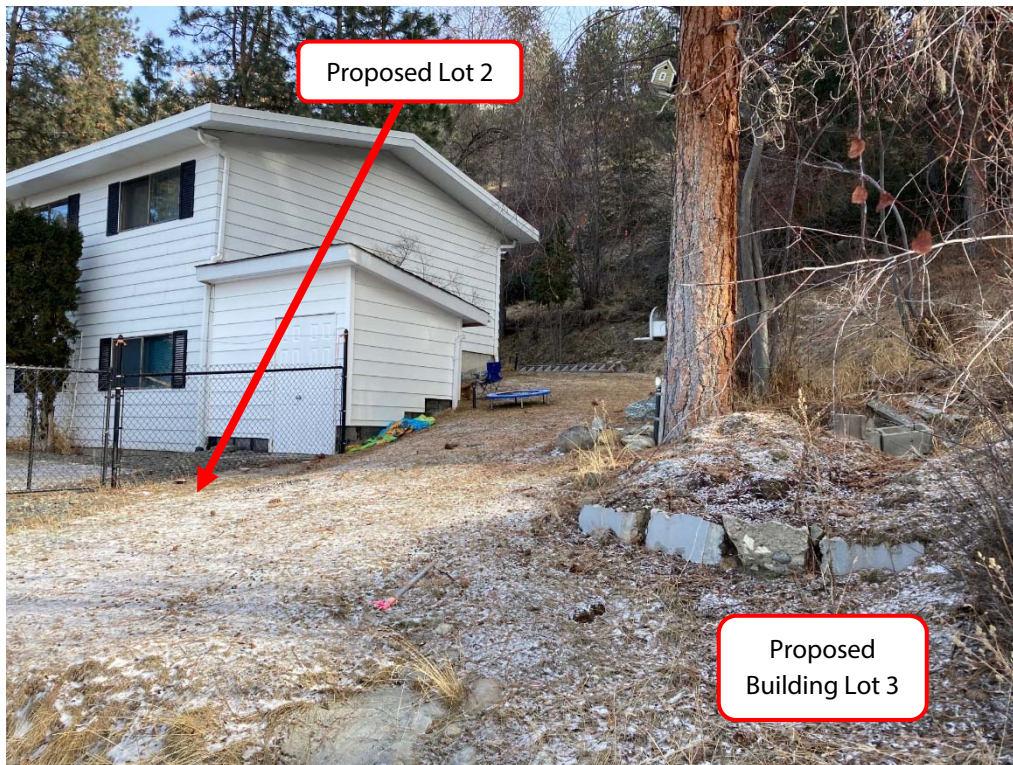
Attachment B – Official Community Plan Map



Attachment C – Photos of Property







Attachment D – Letter of Intent

July 02 2020
City of Penticton Planning Department

171 Main Street
Penticton BC, V2A 5A9

RE: 3115 Juniper Drive

Dear Planning Department,

I am Dori Lionello the registered owner of the property. The site is currently zoned RC; which accommodates a single family home. The home is neighbouring another single family home with R1 zoning all along the street. I am proposing the following subdivision (from 1 lot to 3 lots) and rezoning from RC to R1 which is keeping with the scale and form of the neighbourhood.

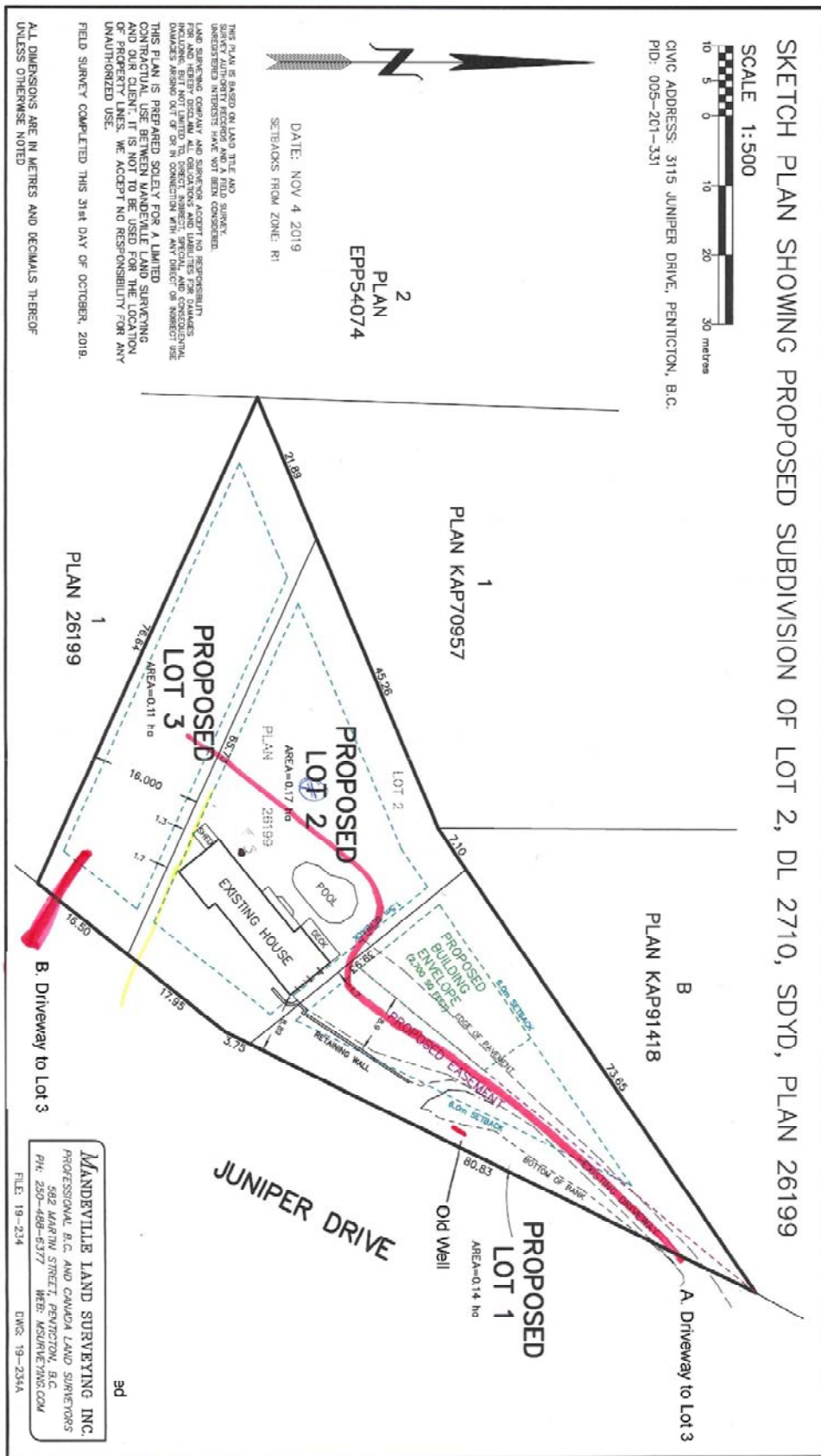
This proposal will be a positive contribution to our community by allowing more housing opportunities to the Wiltse area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dori Lionello', with a long, sweeping horizontal stroke extending to the right.

Dori Lionello
Owner, resident at 3115 Juniper Drive, Penticton BC

Attachment E – Subdivision Sketch



THE PLAN IS BASED ON LAND TIE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNDESIRABLE INTERESTS HAVE NOT BEEN CONSIDERED. LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR THE ACCURACY OF THE PLAN OR THE RESULTS OF ANY INVESTIGATION INCLUDING, BUT NOT LIMITED TO, CORRECTING, REPAIRING, SPECIAL AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE. THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN MANDEVILLE LAND SURVEYING AND OUR CLIENT. IT IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

FIELD SURVEY COMPLETED THIS 31st DAY OF OCTOBER, 2019.

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

MANDEVILLE LAND SURVEYING INC.
 PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
 502 MARTIN STREET, PENTICTON, B.C.
 PH: 250-466-5377 WEB: MANDEVILLENS.COM
 FILE: 19-234 DWG: 19-234A

Bylaw No. 2021-10

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. 2021-10".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 2 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3115 Juniper Drive, from RC (Country Residential) to R1 (Large Lot Residential).

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

READ A FIRST time this	2	day of	March, 2021
A PUBLIC HEARING was held this	15	day of	March, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 9 day of March, 2021 and the 10 day of March, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
3115 Juniper Drive
From RC (Country Residential)
To R1 (Large Lot Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-10

Date: _____

Corporate Officer: _____