

Public Hearing

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

To view the Council Meeting, visit www.penticton.ca

Tuesday, June 7, 2022
at 6:00 p.m.

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2022-26” | 1-13 |
| CO | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2022-26”</p> <p>Purpose: To amend Zoning Bylaw No. 2021-01 as follows:</p> <p style="padding-left: 40px;">Rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from the R1 (Large Lot Residential) zone to the R2 (Small Lot Residential) zone in order to facilitate a 2-lot subdivision.</p> <p style="padding-left: 40px;">The applicant intends to subdivide the subject property into two lots.</p> <p>Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Friday, May 27, 2022 and Wednesday, June 1, 2022 (pursuant to the <i>Local Government Act</i>).</p> | |
| CO | No correspondence has received regarding the Zoning Amendment Bylaw (as of noon Wednesday, June 1, 2022). | |
| Mayor | Requests Development Services staff describe the proposed bylaw | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invitation to electronic and in person 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. 2022-26” is terminated and no new information can be received on this matter.

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

Tuesday, May 17, 2022
at 1:00 p.m.

Resolutions

8.11 Zoning Amendment Bylaw No. 2022-26
Re: 221 Huth Avenue

183/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-26", a bylaw to rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from the R1 (Large Lot Residential) zone to the R2 (Small Lot Residential) zone in order to facilitate a 2-lot subdivision; AND THAT Council forward "Zoning Amendment Bylaw No. 2022-26" to the June 7, 2022 Public Hearing;

AND THAT Council direct staff to include the installation of sidewalk on the north side of Huth Avenue between Fairview Road and Atkinson Street into the Capital Works schedule to align with the developer's responsibility to install sidewalk along the frontage of 221 Huth Avenue.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: May 17, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 221 Huth Avenue

File No: RMS/221 Huth Ave

Subject: Zoning Amendment Bylaw No. 2022-26

Staff Recommendation

1. THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-26", a bylaw to rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from the R1 (Large Lot Residential) zone to the R2 (Small Lot Residential) zone in order to facilitate a 2-lot subdivision;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-26" to the June 7, 2022 Public Hearing.

2. THAT Council direct staff to include the installation of sidewalk on the north side of Huth Avenue between Fairview Road and Atkinson Street into the Capital Works schedule to align with the developer's responsibility to install sidewalk along the frontage of 221 Huth Avenue

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.

Asset & Amenity Management: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Proposal

The applicant is proposing to subdivide the subject property into two lots (Attachment 'E'). In order to facilitate the proposed new lot sizes, the applicant has submitted an application to rezone the property from the R1 (Large Lot Residential) zone to the R2 (Small Lot Residential) zone.

Background

The subject property is located on the north side of Huth Avenue, east of Fairview Road (Figure 1). The property is currently vacant after a single detached dwelling was demolished due to fire damage in 2019. Surrounding land uses are residential in nature, consisting of single detached dwellings. The subject

The subject property is designated 'Detached Residential' by the OCP. The Detached Residential designation envisions lower-density residential neighbourhoods, primarily consisting of single detached dwellings with 1-2 dwelling units per lot. Both the R1 and R2 zones are considered consistent with the Detached Residential designation (Figure 2):

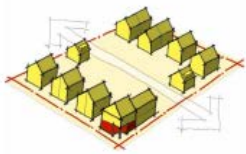
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	<ul style="list-style-type: none"> Single detached houses with secondary suites or carriage houses Duplexes Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) Manufactured homes 	<ul style="list-style-type: none"> Residential Limited retail/service 	<ul style="list-style-type: none"> 1 or 2 units per lot Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw 	<ul style="list-style-type: none"> R1 R2 R3 RD1 RSM C2
<p>Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</p>					

Figure 2 - Excerpt from OCP Land Use Designations table.

Staff consider that the proposed rezoning is consistent with 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 within a developed residential neighbourhood.*
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
 - *Staff: The applicant has demonstrated that a sufficient building envelope exists on each proposed lot to allow for a variety of future building designs.*
- 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 development of two single detached dwellings where there was previously one will moderately increase density in the area, while maintaining the lower density residential character along Huth Avenue.*

In addition to the OCP policies above, staff consider the following as further reasons to support the proposed rezoning and 2-lot subdivision:

1. The majority of the north side of Huth Avenue is already zoned R2 (Small Lot Residential), including the properties to the east.

The proposed rezoning would extend the R2 zoning which currently ends beside the subject property. The proposal would provide a zone which is already present on Huth Avenue, with 13 of 30 properties on this block zoned R2 (Small Lot Residential). Other properties are zoned R1 (Large Lot Residential) mainly on the south side of the street, with two RD1 (Duplex Housing) zoned properties as well (Attachment 'A').

2. The proposed subdivision allows a moderate increase in density while maintaining the single-detached character of the street.

The OCP guides new development into already developed areas of the City. Infill development can take many forms, ranging in impacts to neighbourhood character. One of the least impactful methods of increasing density in residential areas is to build single detached homes on smaller lots to make a better use of serviced land. This block of Huth Avenue consists primarily of single detached dwellings, and the proposed R2 zoning is aligned with this housing form. The development proposal maintains the primarily single detached character of the surrounding established neighbourhood while making an efficient use of urban, serviced land.

3. The proposed lot width maintains an appropriate building envelope on each lot.

When considering a proposed subdivision, it is important to confirm that there will be an appropriate building envelope to allow for future construction. The building envelope is determined by considering the required setbacks and the maximum allowable lot coverage under the Zoning Bylaw. The applicant has indicated the required setbacks based on the proposed R2 zoning and has indicated a potential 159m² (1,718 ft²) building envelope on each lot within the allowable 40% lot coverage. When considering that future development can be up to 10.5m in height under the R2 zone, staff are of the opinion that there is more than sufficient room on each proposed lot for a future single detached dwelling, in keeping with the character of surrounding neighbourhood.

Given the reasons above, staff are recommending that Council give first reading to Zoning Amendment Bylaw No. 2022-26 and forward it to the June 7, 2022 Public Hearing. Staff are also recommending that Council give direction on the inclusion of the sidewalk works on Huth Avenue into the Capital works plan.

Alternate Recommendations

Council may consider the proposed rezoning to facilitate a 2-lot subdivision is undesirable in this location. If this is the case, Council should deny first reading of the application. Staff are recommending against this option, as in staff's opinion the proposed development is in keeping with the OCP and maintains the single detached character of the surrounding neighbourhood while allowing a more efficient use of serviced land in the built-up area of the City.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-26".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Subdivision Plan
- Attachment F – Zoning Amendment Bylaw No. 2022-26

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

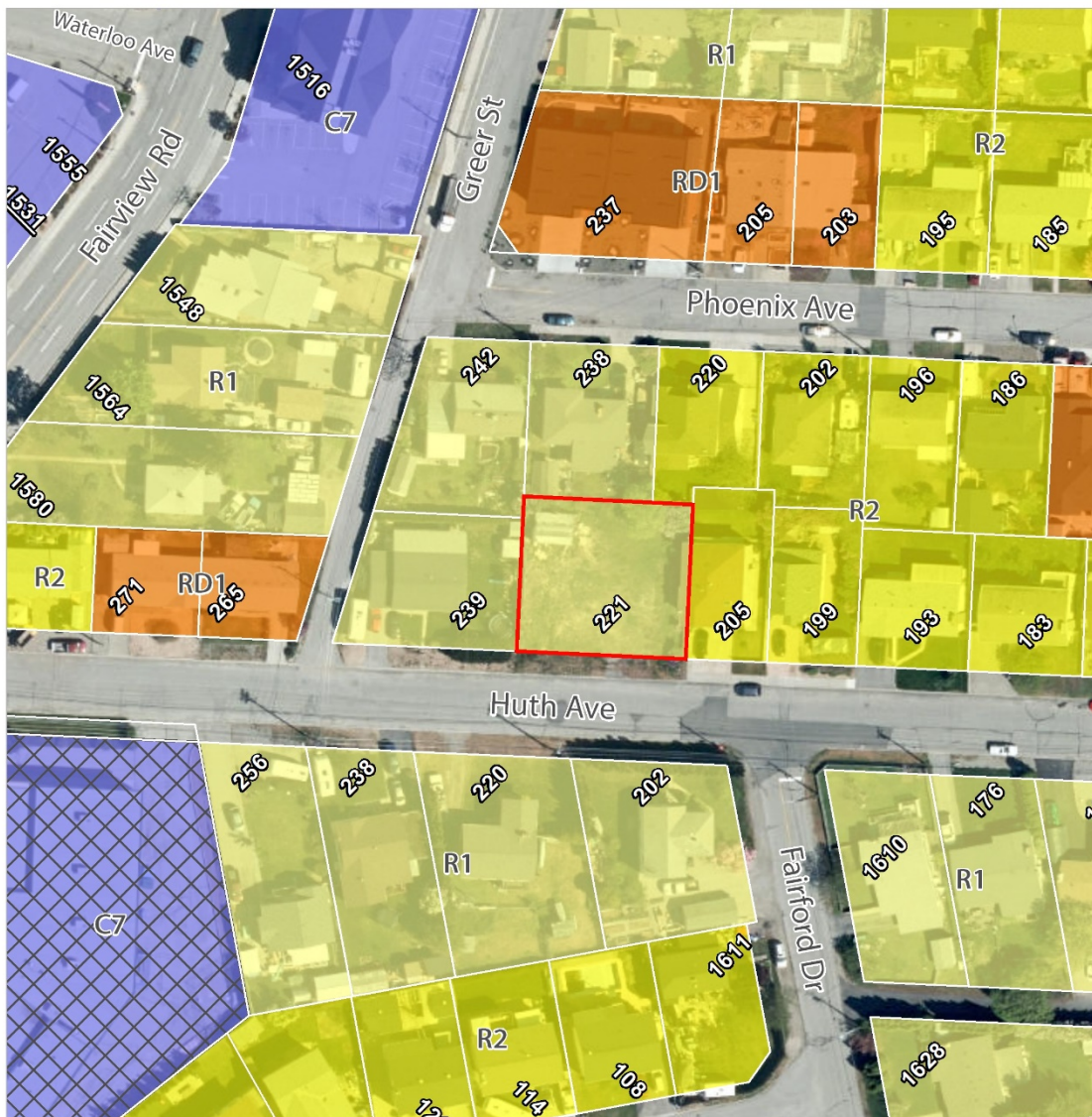
Director of Development Services <i>BL</i>	General Manager of Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map



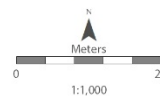
221 Huth Avenue

Zoning Map



Legend

- Subject Parcel
- Site Specific Zoning
- Zoning Bylaw**
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RD1 - Duplex Housing
- C7 - Service Commercial



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March 22, 2022 9:54:55 AM

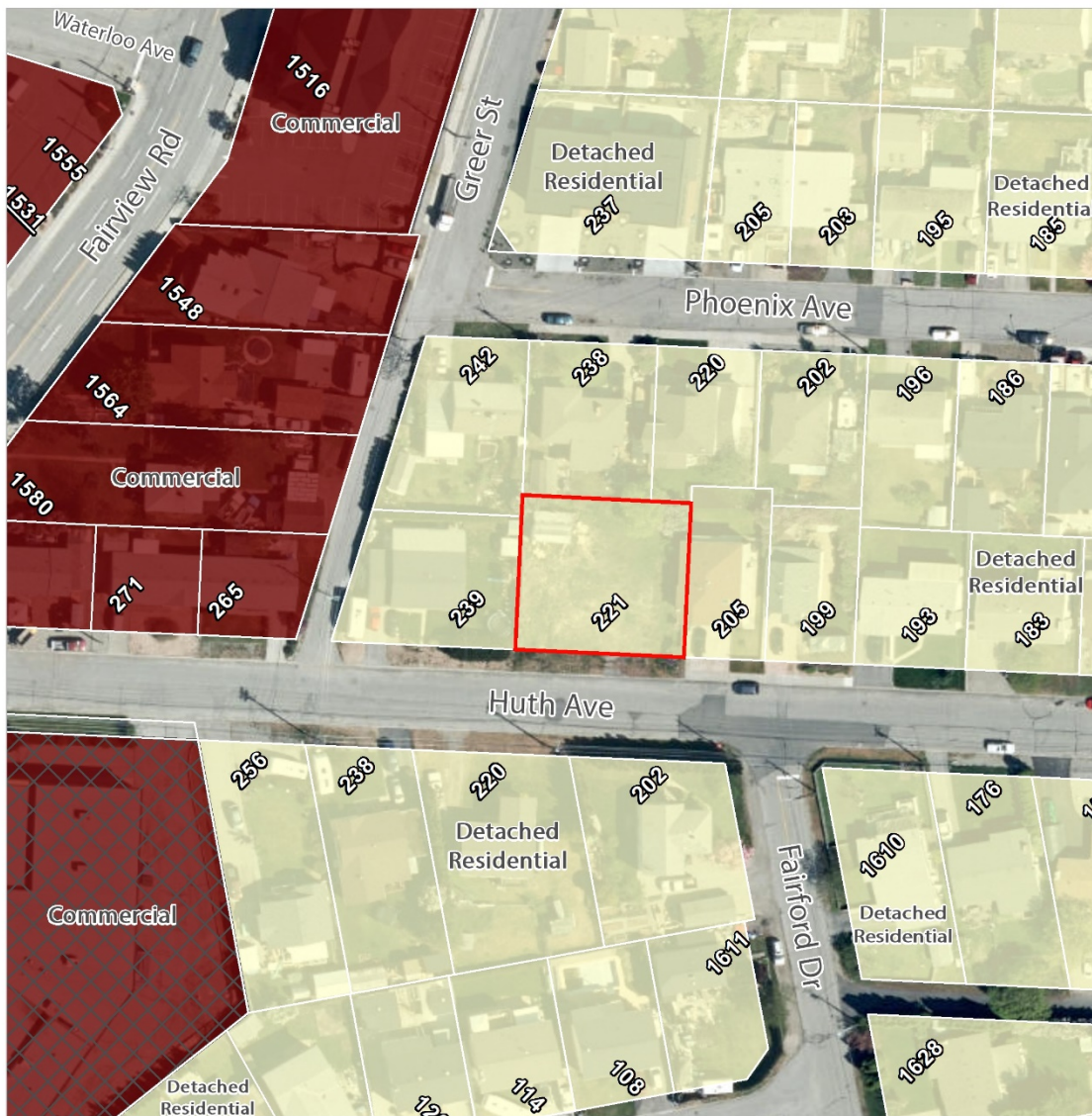
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Attachment B – Official Community Plan Map



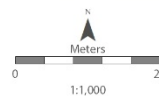
221 Huth Avenue

Official Community Plan Map



Legend

- Subject Parcel
- Site Specific Zoning
- Future Land Use - Detached Residential
- Future Land Use - Commercial

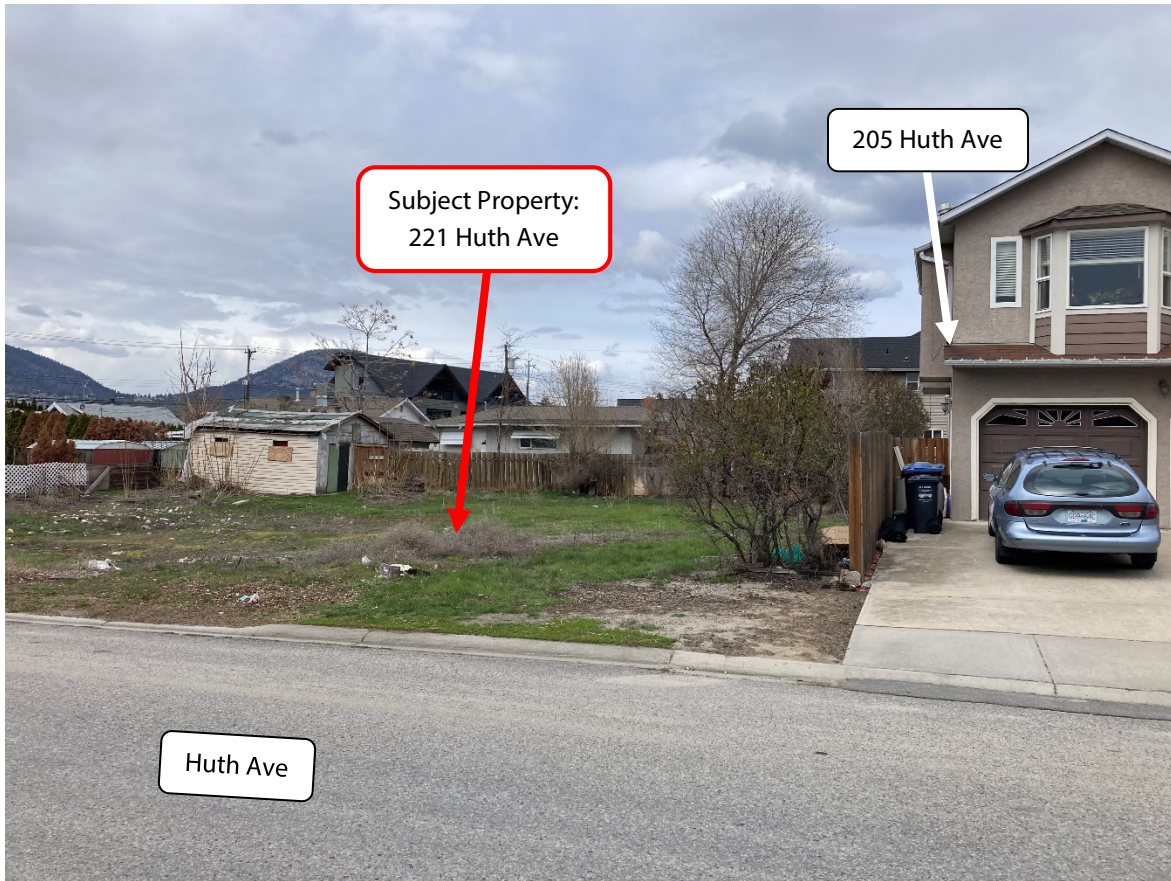


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March 22, 2022 9:56:35 AM

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Attachment C – Photos of Property



Attachment D – Letter of Intent



March 17, 2022

Giroux Design Group Inc.
23216 Garnet Valley Rd.
Summerland, BC V0H 1Z3

City of Penticton
Penticton, BC

Re: 221 Huth Avenue Subdivision and Rezoning Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposed subdivision and rezoning of the property at 221 Huth Avenue.

The proposal is to subdivide the existing single-family lot with R1 zoning into two single family lots with R2 zoning. The subdivision and rezoning will allow for better use of the land and allow for the construction of two new single-family homes. The rezoning is consistent with the OCP for the area which is Detached Residential.

Thank you for considering our proposal.

Best regards,



Tony Giroux **ASTBC.RBD, BCABD**
Owner/Registered Building Designer Giroux
Design Group Inc.

The Corporation of the City of Penticton

Bylaw No. 2022-26

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-26".

2. Amendment:

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential) as shown on Schedule 'A'.

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

READ A FIRST time this 17 day of May, 2022
A PUBLIC HEARING was held this 7 day of June, 2022
READ A SECOND time this day of , 2022
READ A THIRD time this day of , 2022
RECEIVED the approval of the day of , 2022
Ministry of Transportation on the
ADOPTED this day of , 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ____ day of _____, 2022
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

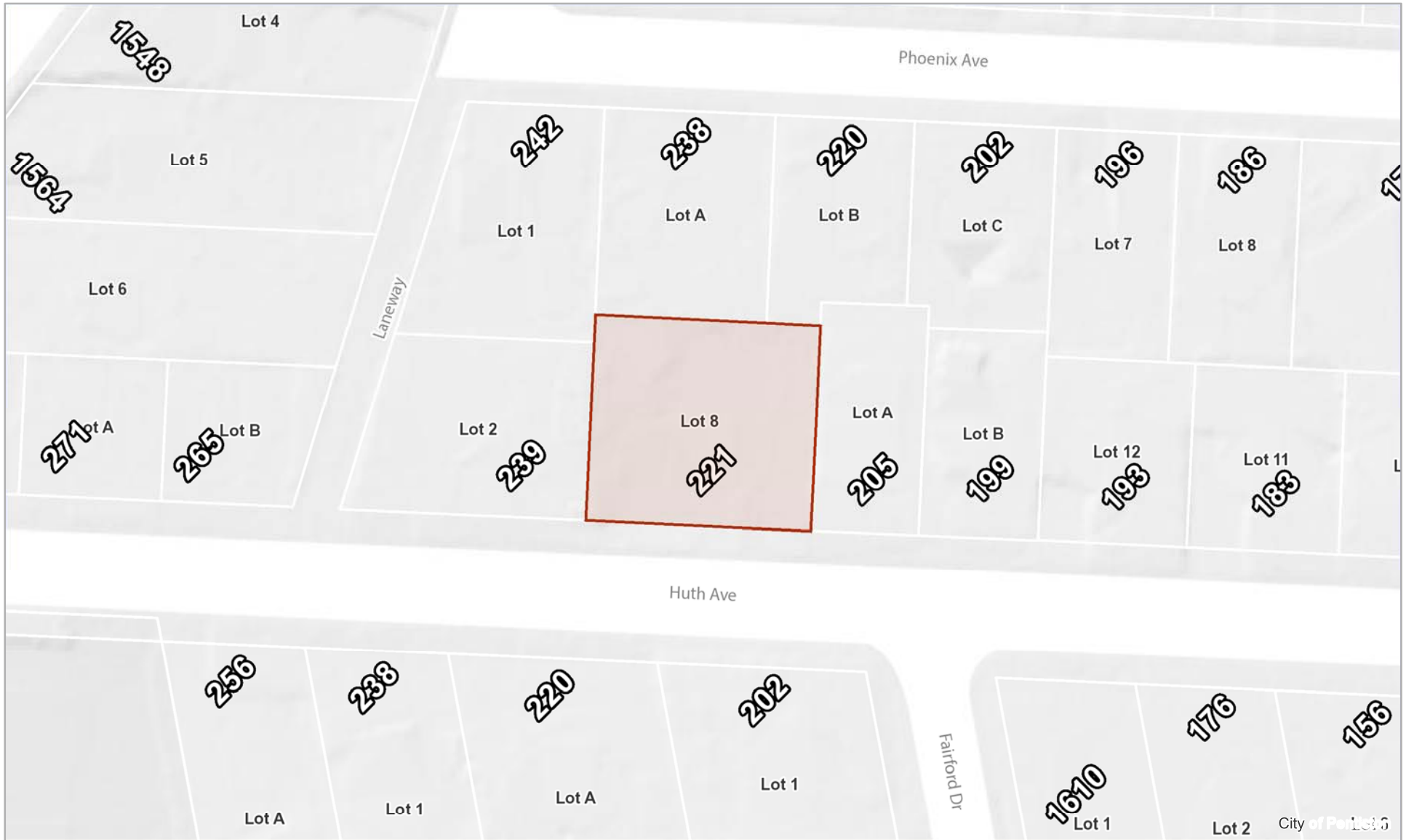
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-26

Date:

Corporate Officer:

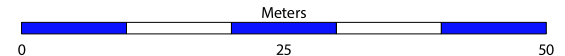


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May 12, 2022 9:11:56 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N