

Public Hearing
to be held electronically and at the Penticton Trade and Convention Centre
273 Power Street, Penticton, B.C.
To view the Public Hearing, visit www.penticton.ca

Tuesday, September 21, 2021
at 6:00 p.m.

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2021-30” | 1-19 |
| CO | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2021-30”</p> <p>Purpose: To amend Zoning Bylaw No. 2021-01 as follows:</p> <p style="padding-left: 40px;">Rezone the north 9.14 metre portion of Common Property District Lot 202 Similkameen Division Yale District Strata Plan K654, located at 649 Burns Street, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) as identified on Schedule ‘A’.</p> <p>Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, September 14, 2021 and Wednesday, September 15, 2021 (pursuant to the <i>Local Government Act</i>).</p> | |
| CO | No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, September 15, 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 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. 2021-30” is terminated and no new information can be received on this matter. | |

Regular Council Meeting
held at the Penticton Trade and Convention Centre
273 Power Street, Penticton, B.C.

Tuesday, September 7, 2021
at 1:00 p.m.

Resolutions

15.4 Zoning Amendment Bylaw No. 2021-30
Re: 649 Burns Street

297/2021

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-30", a bylaw to rezone the north 9.14 m portion of Common Property District Lot 202 Similkameen Division Yale District Strata Plan K654, located at 649 Burns Street, from 'RM2 Low Density Multiple Housing' zone to 'RD2 Duplex Housing: Lane' zone, to facilitate a two-lot subdivision and future development of one duplex building;
AND THAT Council forward "Zoning Amendment Bylaw No. 2021-30" to the September 21, 2021 Public Hearing.

CARRIED UNANIMOUSLY

Date: September 7, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 649 Burns Street

File No: RMS/649 Burns St

Subject: Zoning Amendment Bylaw No. 2021-30

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2021-30”, a bylaw to rezone the north 9.14 m portion of Common Property District Lot 202 Similkameen Division Yale District Strata Plan K654, located at 649 Burns Street, from ‘RM2 Low Density Multiple Housing’ zone to ‘RD2 Duplex Housing: Lane’ zone, to facilitate a two-lot subdivision and future development of one duplex building;

AND THAT Council forward “Zoning Amendment Bylaw No. 2021-30” to the September 21, 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 two lots and build one duplex on the vacant lot. In order to facilitate the proposed subdivision and duplex development, a rezoning application has been received to change the zoning on the portion of the property to be subdivided from ‘RM2 Low Density Multiple Housing’ zone to ‘RD2 Duplex Housing: Lane’ zone. Should the rezoning be adopted by Council, a subdivision application is required to legally divide the subject property into two parcels. After the proposed lot is registered, a staff-issuable development permit is required for approval of the form and character of the proposed duplex.

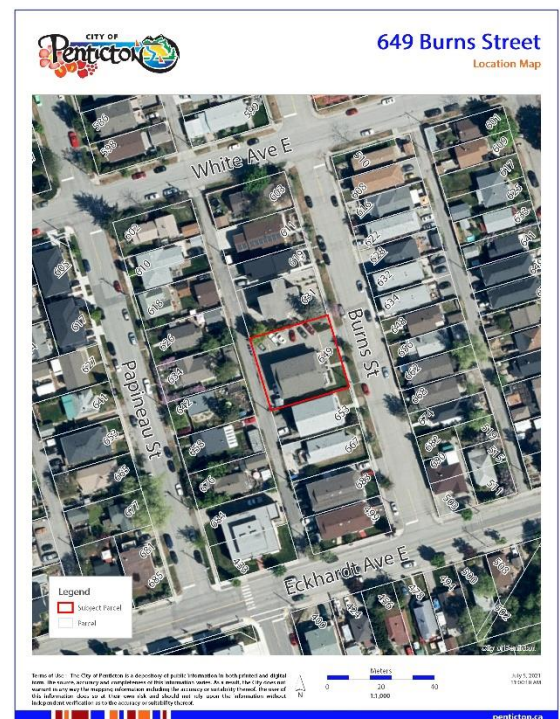


Figure 1 - Property location map

Background

The subject property is located on the west side of Burns Street, north of Eckhardt Avenue East (Figure 1). The property was rezoned for a multifamily development in 1986 and contains a fourplex strata development, which was constructed in 1987. The surrounding neighbourhood is residential in nature, consisting of a mix of single detached dwellings, duplexes, and ground oriented multifamily developments. The subject property provides parking for eight (8) vehicles on the north side of the fourplex.

The subject property is currently zoned RM2 Low Density Multiple Housing and is designated Infill Residential by the Official Community Plan (OCP).

The current application before Council is to rezone the subject property, and should the rezoning be adopted the applicant is planning to subdivide the property into two lots. Subdivisions involve many technical requirements which will require time for the applicants to complete. As a result of the required subdivision, the new lot may not be registered for some time. As a result of this, the development permit application for the proposed duplex will be submitted at a later date. In the meantime, the applicant has submitted a draft version of the plans for Council’s consideration (Attachment ‘F’).

Financial Implication

The applicant is responsible for all associated development costs, including any service upgrades, frontage upgrades and development cost charges. The applicant will be required to provide new service connections to the proposed lot and cover the costs of removing the existing driveway letdown onto Burns Street.

Technical Review

This application was reviewed by the Technical Planning Committee, a group of internal staff from various City departments who review planning applications. The committee required a revised parking configuration for the remainder lot to ensure that adequate parking remains on site for the existing development, and a designated location for a new garbage/recycling storage area. Future servicing upgrades and required works at the subdivision stage were provided to the applicant. The committee will perform a detailed review of the development permit plans after registration of the subdivision.

Development Statistics

The following table outlines how the proposed development meets the applicable zoning regulations:

	RD2 Zone Requirement	Provided on Plans
Minimum Lot Width:	9.1 m	9.14 m
Minimum Lot Area:	275 m ²	278.6 m ²
Maximum Lot Coverage:	40%	Zoning compliance will be confirmed once development permit application has been submitted. The applicant has demonstrated a proposed duplex can be accommodated on the proposed lot. If a variance is
Maximum Density:	0.95 Floor Area Ratio (FAR)	
Vehicle Parking:	1 parking space per dwelling unit	
Required Setbacks		
Front Yard (Burns St):	4.5 m	
Side Yard (north):	1.5 m	
Side Yard (south):	1.5 m	

Rear Yard (lane):	6.0 m	requested in the future, it will be decided on by Council.
Maximum Building Height	10.5 m	

Analysis

The OCP designation for the property is 'Infill Residential'. This land use designation supports lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot. The proposed rezoning to facilitate the construction of one duplex on the proposed lot results in a housing form consistent with the uses envisioned in the Infill Residential land use designation, and the uses already present in the surrounding neighbourhood.

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

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- The property is located in an existing developed neighbourhood with municipal services.
- Policy 4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
- The owner will pay Development Cost Charges (DCC's) for the new lot at the subdivision stage. DCC's assist with offsetting the additional demands on municipal services from new development. The developer is responsible to cover development costs, including any infrastructure upgrades.
- Policy 4.1.3.1 Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- There are many duplexes on this block of Burns Street. The proposed development would be consistent with this existing built form on the street. The OCP requires that a Development Permit be issued prior to any intensive residential development, which includes duplexes. This ensures the Development Permit Area Guidelines are met.
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
- The proposed duplex will provide additional residential units to accommodate a range of potential occupants. Preliminary plans show 3-bedrooms in each duplex unit (Attachment 'F').
- Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- The subject property is located in a high amenity area close to schools, trails, parks, shopping, services, and active transportation routes.

- 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 will continue to work with the developer to ensure the final design of the development meets the applicable Development Permit Area guidelines, should the rezoning be adopted and the subdivision completed.
- 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).
- This neighbourhood has several duplexes and small-scale multifamily developments. The proposed lot is where the existing parking is for the fourplex, and the parking will be relocated to the rear of the existing building. Subdivision and development on this portion of the lot improves the streetscape and removes an existing driveway letdown, which provides more landscaped area along the public realm.

Staff consider that the application proposes an appropriately scaled development in an area of the community that has been identified for infill development by the OCP. The applicant has demonstrated that duplex development can be accommodated on the proposed lot without the need for any variances to the applicable Zoning Bylaw regulations.

Given that there is adequate policy through the OCP to support the rezoning and future development, staff recommend Council give first reading to “Zoning Amendment Bylaw No. 2021-30” and forward it to the September 21, 2021 Public Hearing.

Alternate Recommendations

Council may consider the proposed rezoning to facilitate future subdivision and duplex development is not appropriate on the subject property. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw. Staff are recommending against this option, as the proposed rezoning is consistent with the OCP.

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2021-30”.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Site Plan
- Attachment F – Draft Duplex Plans

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

<p>Director of Development Services</p> <p><i>BL</i></p>	<p>Chief Administrative Officer</p> <p>DvD</p>
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Attachment A – Zoning Map



649 Burns Street

Zoning Map



Legend

- Subject Parcel
- Parcel

Zoning

- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing

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July 5, 2021
10:58:30 AM

Attachment B – Official Community Plan Map

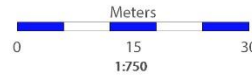


649 Burns Street

Official Community Plan Map



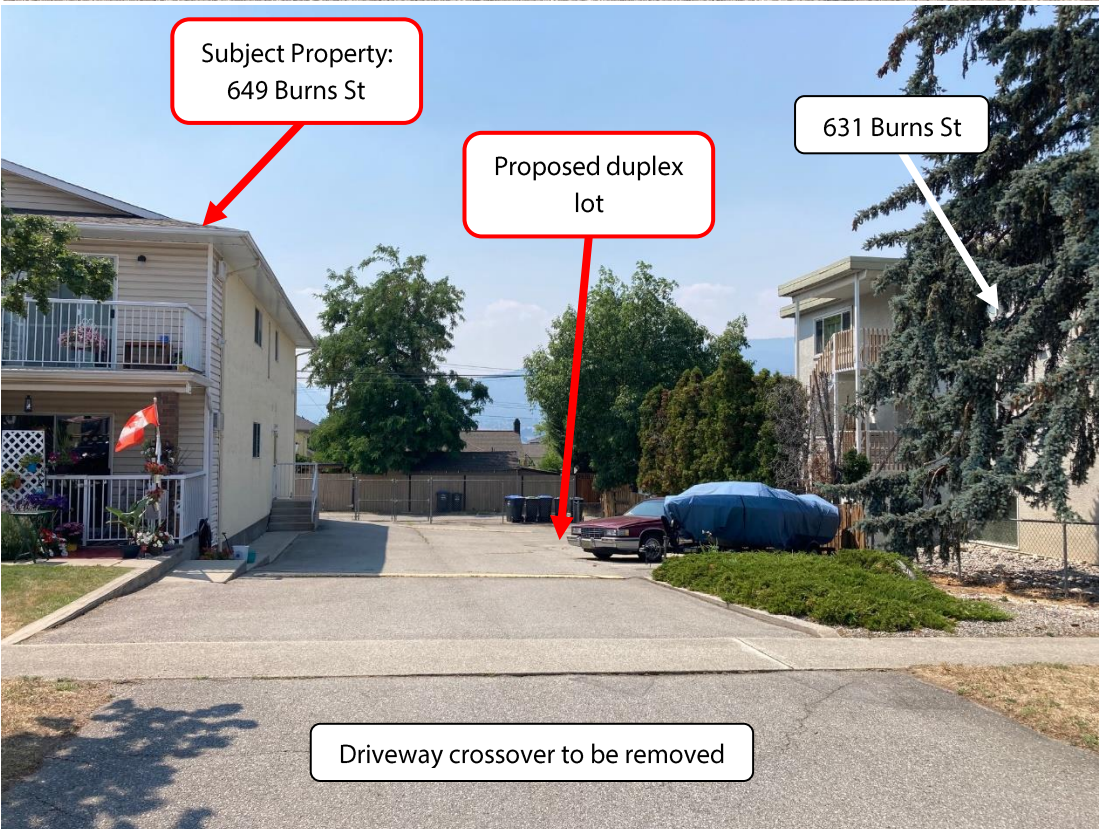
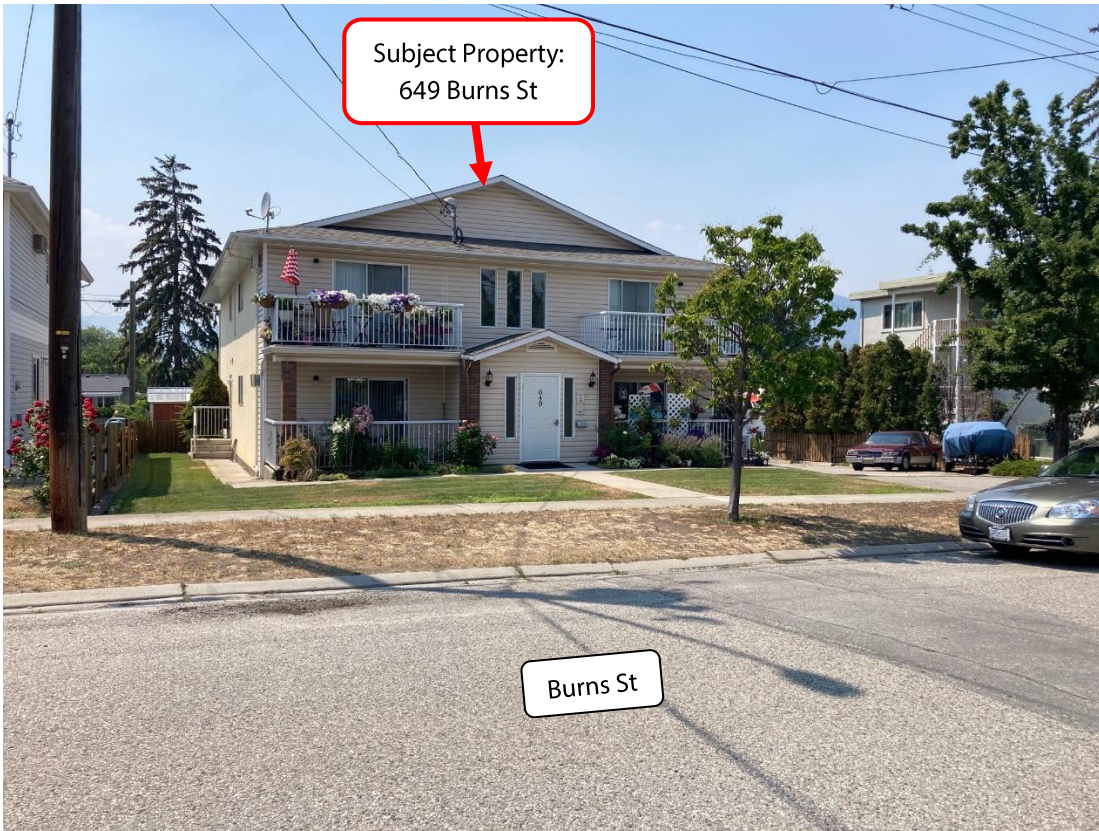
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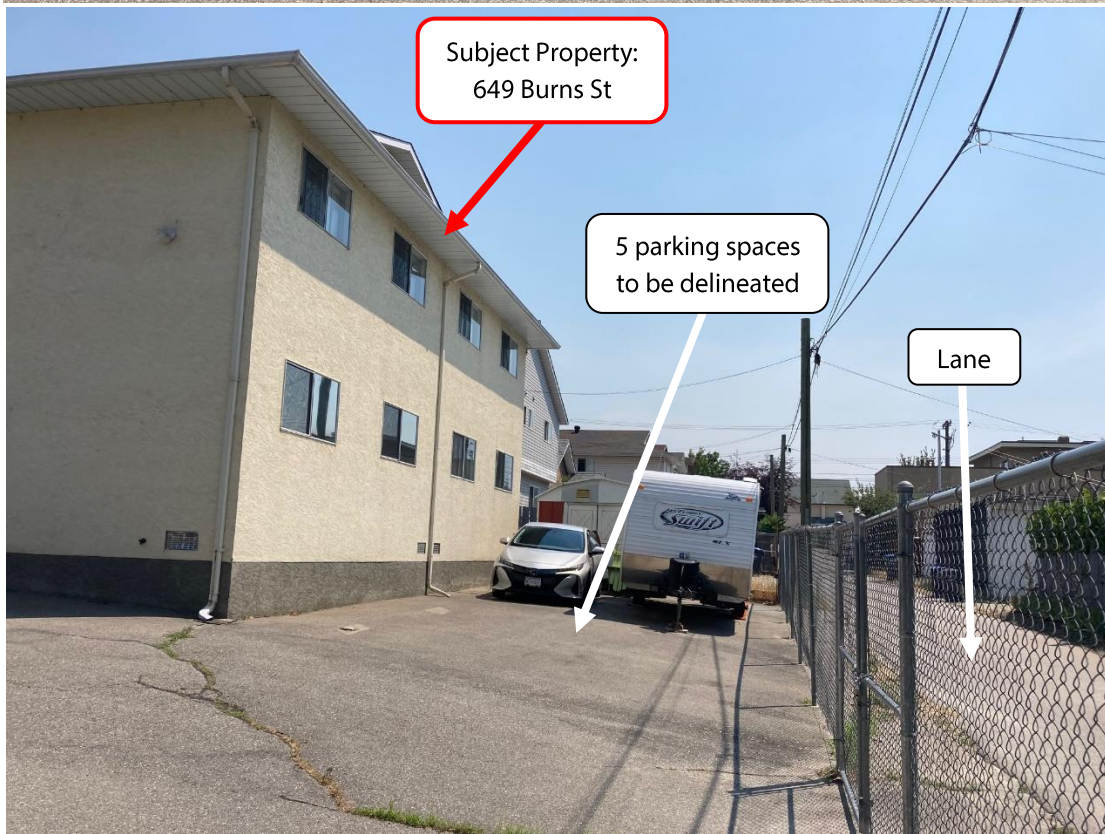


July 5, 2021
10:59:28 AM

penticton.ca

Attachment C – Photos of Property





Attachment D – Letter of Intent

SCHOENNEHOMES

210 Hastings ave, Penticton BC V2A 2V6
www.schoennehomes.com



Tel: 250-462-1250

June 28,2021

Attention Mayor and Council.

Re: 649 Burns street

The property located at 649 Burns street in Penticton BC, is currently zoned RM2 and consists of a stacked fourplex with a parking lot on the north side of the building. Our intent is to rezone to RD2- Duplex housing lane and subdivide a 30 foot wide portion of the property to accommodate the construction of a single front to back duplex building.

We are not looking for any variances and feel that this project is in line with the current OCP designations for this area.

Regards,

Chris Schoenne
Schoenne Homes

CHRIS SCHEENNE
649 BURNS STREET
PENTICTON, BC
DESIGN BY: AJG
DRAWN BY: AJG
DATE: 6/08/21
REVISED:

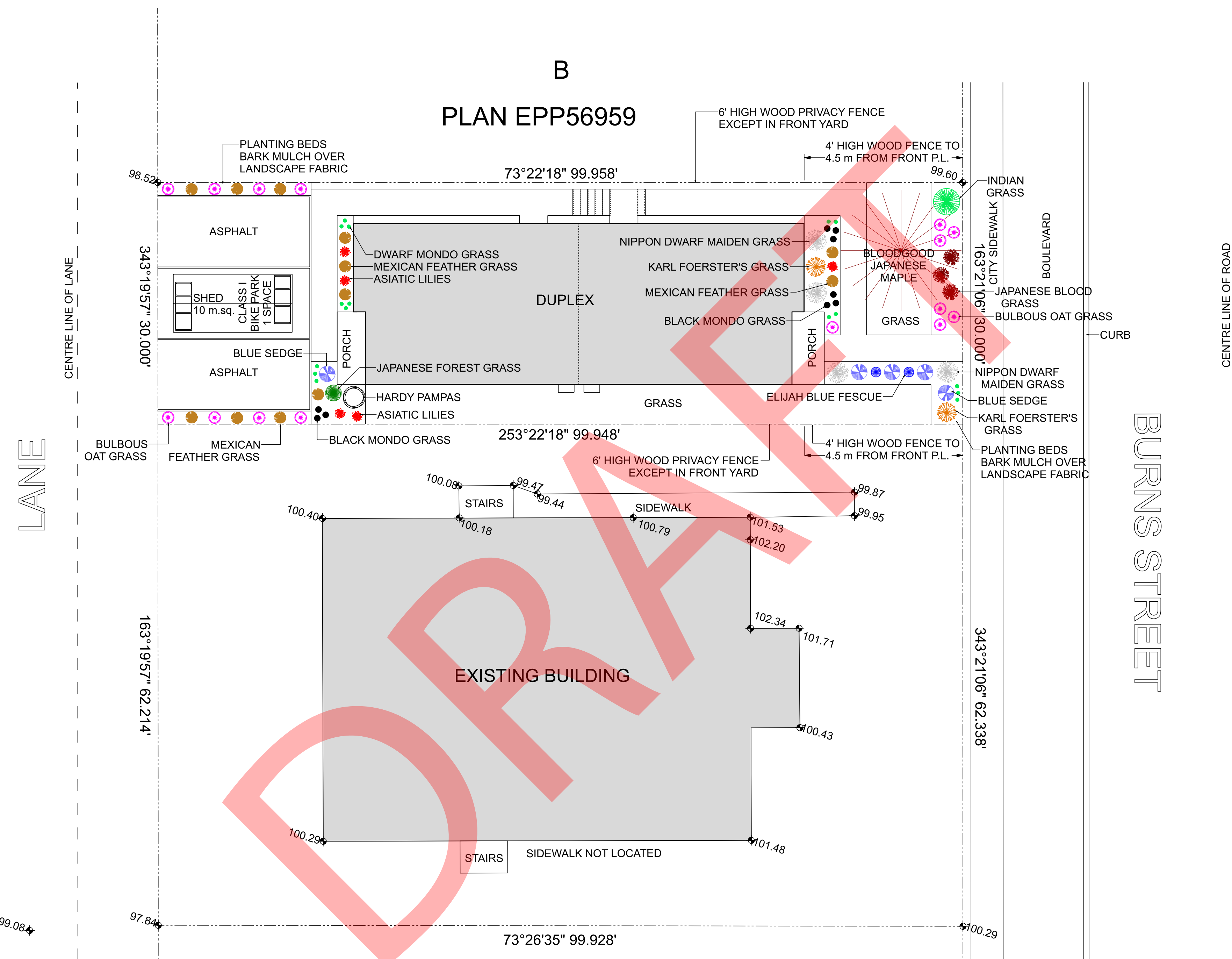
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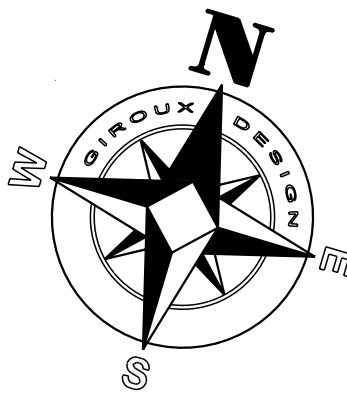
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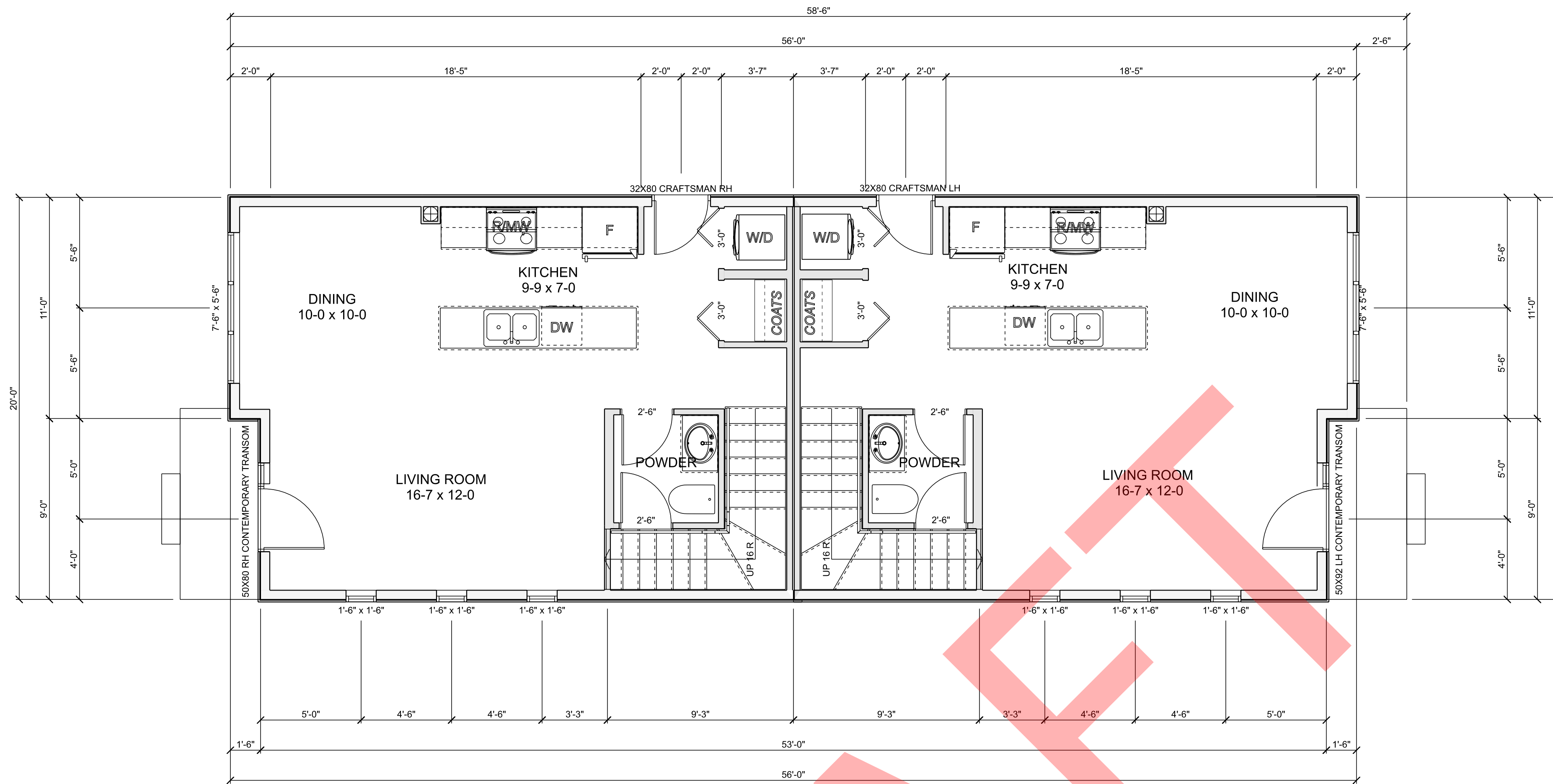
PLAN NO.
WP-5713
SLAB
SHEET NO.
A2

LANDSCAPE SCHEDULE	
PLANTINGS:	
Asiatic Lilies (Asiatic Hybrid Lilies)	5 qty.
Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens')	9 qty.
Blue Sedge (Carex flacca)	5 qty.
Bulbous Oat Grass (Arrhenatherum bulbosum 'Variegatum')	15 qty.
Dwarf Mondo Grass (Ophiopogon japonicus 'Nanus')	16 qty.
Elijah Blue Fescue (Festuca glauca 'Elijah Blue')	2 qty.
Hardy Pampas (Eriophorum spaldingii)	1 qty.
Indian Grass (Sorghastrum nutans 'Indian Steel')	1 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron')	3 qty.
Japanese Forest Grass (Hakonechloa macra 'Fubuki')	1 qty.
Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster)	2 qty.
Mexican Feather Grass (Stipa tenuissima)	12 qty.
Nippon Dwarf Maiden Grass (Miscanthus sinensis 'Nippon')	4 qty.
TREES:	
Bloodgood Japanese Maple (Acer palmatum var. atropurpureum 'Bloodgood')	1 qty.
GARBAGE DISPOSAL:	
Garbage & Recycling Containers	2 sets
GROUND COVER/HARD SURFACES:	
Property Area	2,399 sq.ft.
Asphalt	509 sq.ft.
Grass	497 sq.ft.
Planting Beds-Bark Mulch	331 sq.ft.
River Rock-2" Rainbow	104 sq.ft.
Landscape Fabric	435 sq.ft.
Sidewalk/Steps	465 sq.ft.
FENCING:	
4" High Wood Fence	40 lin.ft.
6" High "Good Neighbour" Privacy Fence	160 lin.ft.
LANDSCAPE NOTES:	
SHRUBS SHALL BE A MIN OF NO. 2 POT SHRUBS	
ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m	
NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION	
NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA	
LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.	
LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)	
PLANTING BEDS ARE TO BE COVERED WITH LANDSCAPE FABRIC AND BARK MULCH. GRAVEL AREAS COMPLETE WITH LANDSCAPE FABRIC.	
DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.	

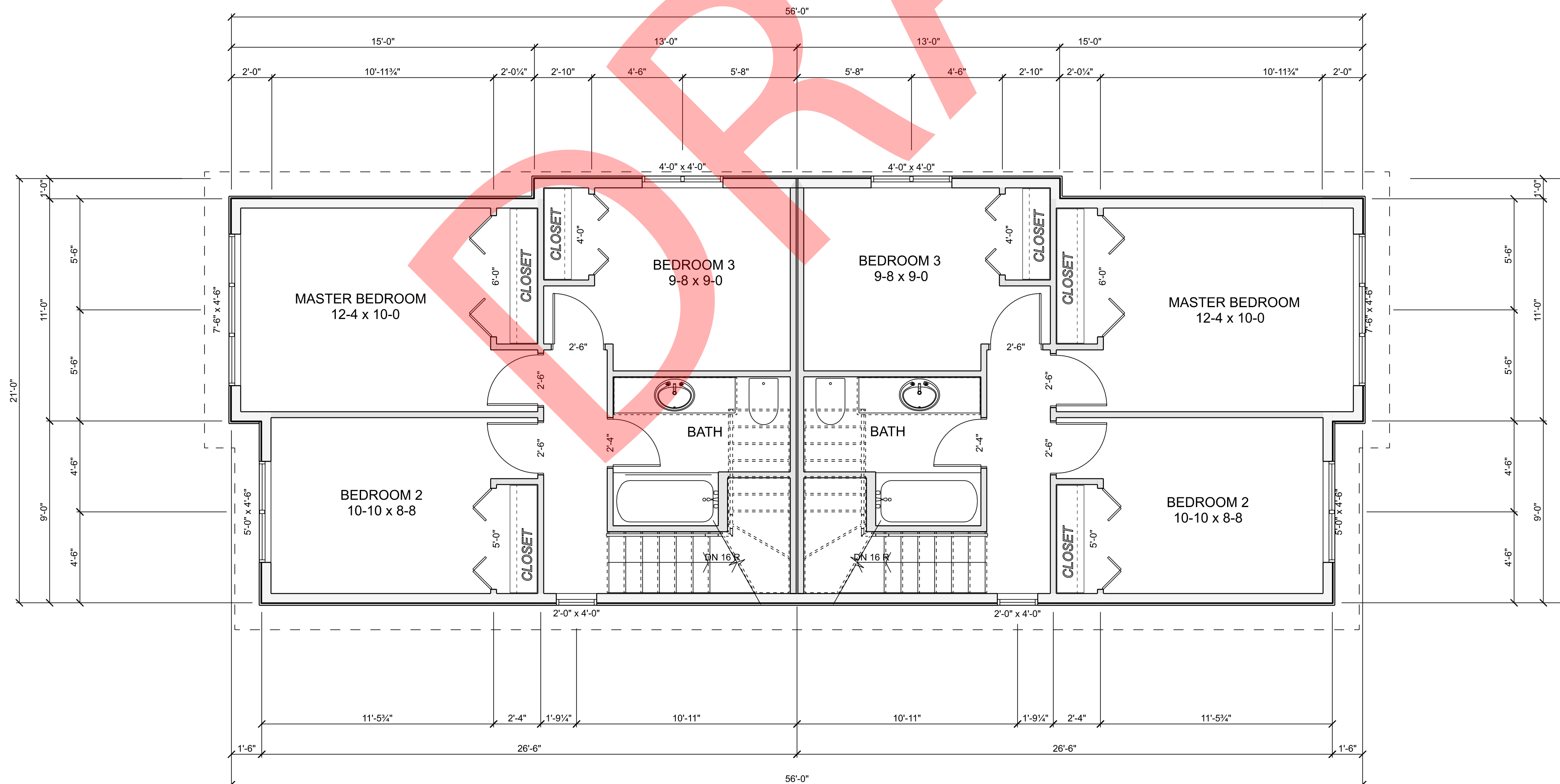


LANDSCAPE PLAN
 SCALE: 0.1200" = 1'-0"
 CIVIC ADDRESS: 649 BURNS STREET, PENTICTON, B.C.
 LEGAL DESCRIPTION: PROPOSED SUBDIVISION OF PART OF THE COMMON PROPERTY OF STRATA PLAN K654, DL 202, SDYD
 PIDs: 007-717-181, 007-717-202, 007-717-229, 007-717-245
 ZONING: RM2 LOW DENSITY MULTIPLE HOUSING
 OCP: INFILL RESIDENTIAL
 PARCEL AREA: 0.21 acres (278.58 m.sq.)





MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR AREA: 1093 sq.ft. (546.5 sq.ft. PER UNIT)



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 SECOND FLOOR LIVING AREA: 1119 sq.ft. (559.5 sq.ft. PER UNIT)

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Floor Plans



PLAN NO.
WP-5713
 SLAB
 SHEET NO.
A3

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CHRIS SCOEENNE
 649 BURNS STREET
 PENTICTON, BC
 DESIGN BY: AJG DATE: 6/08/21
 DRAWN BY: AJG REVISED:



FRONT ELEVATION (FACING WEST TO BURNS ST.)
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION FACING SOUTH
SCALE: 1/4" = 1'-0"



REAR ELEVATION FACING EAST TO LANE
SCALE: 1/4" = 1'-0"



LEFT ELEVATION FACING NORTH
SCALE: 1/4" = 1'-0"

CHRIS SCHOENNE
649 BURNS STREET
PENTICTON, BC

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SHEET NO.
A5

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Colour Elevations

Bylaw No. 2021-30

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. 2021-30".

2. **Amendment:**

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

Rezone the north 9.14 metre portion of Common Property District Lot 202 Similkameen Division Yale District Strata Plan K654, located at 649 Burns Street, from RM2 (Low Density Multiple Housing) to RD2 (Duplex Housing: Lane) as identified on Schedule 'A'.

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

READ A FIRST time this	7	day of	September, 2021
A PUBLIC HEARING was held this	21	day of	September, 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 14 day of September, 2021 and the 15 day of September, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

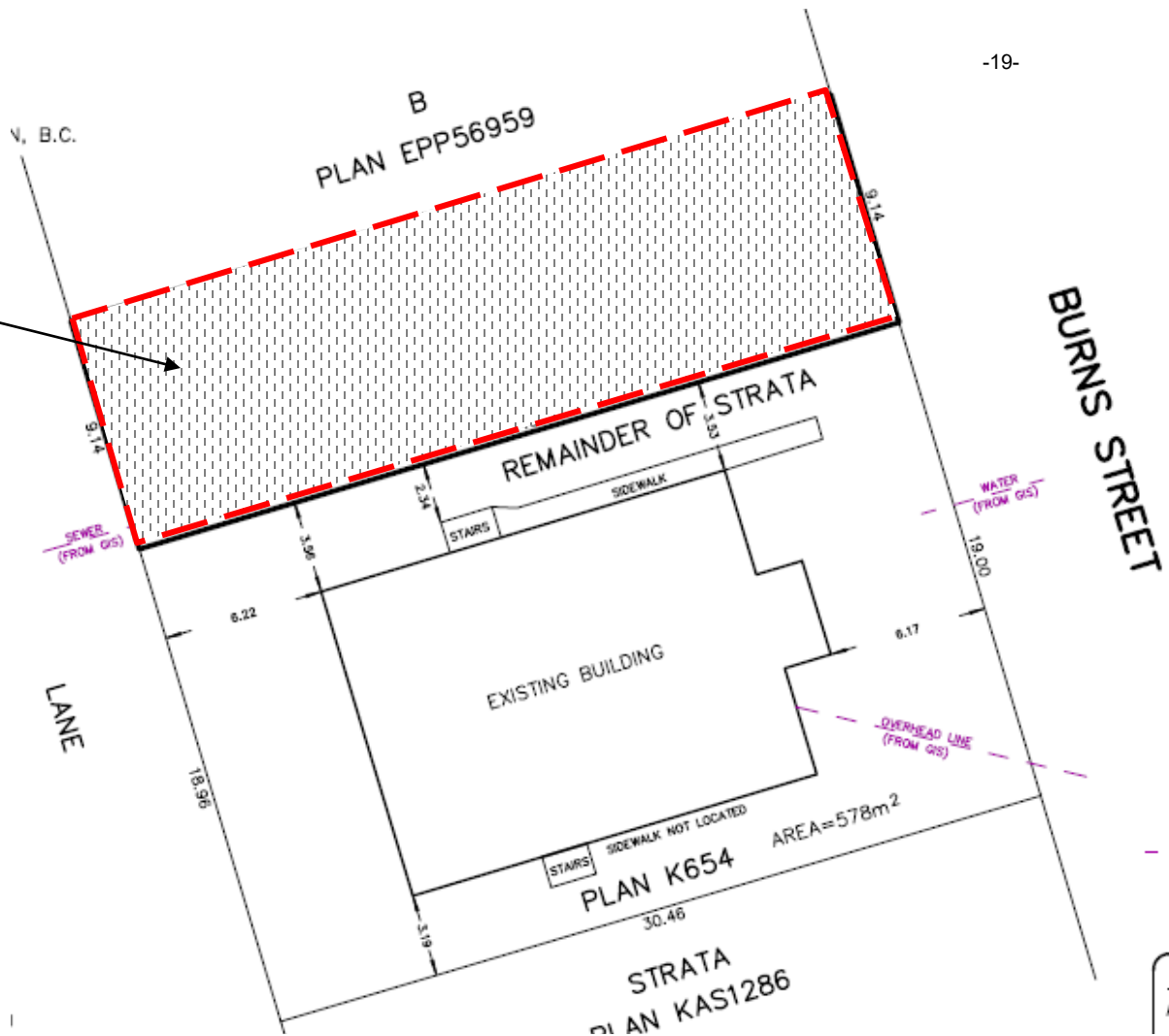
Angie Collison, Corporate Officer

649 Burns Street

Rezone the north 9.14 m portion of 649 Burns

From 'RM2 Low Density Multiple Housing'

To 'RD2 Duplex Housing: Lane'



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-30

Date: _____

Corporate Officer: _____

From: Amanda Profili
Sent: Sunday, September 19, 2021 6:29 PM
To: Public Hearings
Subject: Zoning Amendment Bylaw 2021-30

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Dear Council

I recently received a notice informing residents of the proposed subdivision and duplex development for the property at 649 Burns St. The property currently contains a fourplex and parking for eight vehicles. The RD2 Zone requirement for vehicle parking is one parking space per dwelling unit. My concern is that this will not provide adequate parking for the residents as most households consist of two vehicles. There are currently several duplexes located on Burns St and the majority have two vehicles. Over the past few years as these duplexes were added to the neighbourhood it has resulted in a shortage of on street parking spaces. The majority of residences on this street do not have any options for off street parking. I would like council to recommend that the developer provide additional on site parking for future residents.

Another brief note to consider was the choice of vegetation the developer listed on the Draft Duplex Plans. I understand that most of the choices appear to be drought resistant varieties, but my concern is for the Asiatic Lilies listed. Lilies are extremely toxic to cats and there are a large number of resident cats in the area. If possible the developer should be made aware of this information.

Thank you for allowing residents to provide input on the future of our neighbourhood.

Amanda Profili
603 Burns St
Penticton, B.C.
V2A 4X2

LATE SUBMISSION

From: Andrew Crompton <
Sent: Monday, September 20, 2021 1:39 PM
To: Public Hearings
Subject: RE: 649 Burns Street Subdivision

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To the attention of Mayor and Council,

I'd like to formally submit my support for the proposed development of 649 Burns Street subdivision, by Schoenne Homes. Schoenne Homes has been, and continues to be, an affordable builder creating quality homes in our community, and beautifying neighbourhoods. In times of a housing shortage, it's developments such as these that our community needs.

Thank you,

Andrew Crompton
102 - 436 Braid Street, Penticton BC

LATE SUBMISSION

From: daigen taylor <
Sent: Monday, September 20, 2021 1:54 PM
To: Public Hearings
Subject: 649 Burns Steet

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Attention Mayor and Council,

In regards to 649 Burns St subdivision. I am in favour of this development. As an owner of a Schoenne home at 102-493 Braid St. I believe this development is great for the community. Schoenne Homes is a wonderful business for the Penticton and essential for the growth of this city.

Thank you for your time, and have a great day.

Daigen Randy Taylor

Please note: This message was sent from a mobile device. Please forgive brevity and / or errors.

LATE SUBMISSION

From: Aubrey Smith
Sent: Tuesday, September 21, 2021 8:48 AM
To: Public Hearings
Subject: In regards to 649 Burns Street subdivision

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To the attention of the mayor and council,
I am writing in favor of the subdivision proposal for 649 Burns St. My wife and I have been looking for something affordable in this area and this is a development that would meet our needs.
Thank you
Aubrey Smith
413 Valiant Dr.