



THE CORPORATION OF THE
DISTRICT OF SUMMERLAND
COUNCIL REPORT

DATE: May 3, 2017 File: ZON 2016-01
TO: David Svetlichny, Acting Chief Administrative Officer
FROM: Dean Strachan, MCIP, RPP – Director of Development Services
SUBJECT: OCP and Zoning Bylaw Amendment for a portion of District Lot 2890 ODYD except plans 14667, 15075, 15076 and EPP3229; Lot 1, DL 2890, ODYD, Plan EPP3229; Lot 2, DL 2890, ODYD, Plan EPP3229; and Lot 3, DL 2890, ODYD, Plan EPP3229

STAFF RECOMMENDATION:

That Council pass the following resolutions:

1. *THAT the letter dated May 1, 2017 from Brad Elenko, MCIP, RPP of McElhanney Consulting Services Ltd. on behalf of the property owners requesting an amendment to remove the townhouse area from their application be received.*
2. *THAT first reading for "Official Community Plan Amendment (14600 Cartwright Avenue) Bylaw No. 2017-004" be rescinded.*
3. *THAT "Zoning Bylaw Amendment (14600 Cartwright Avenue) Bylaw No. 2017-005" be amended to remove the rezoning for the area proposed for townhouse development.*
4. *THAT "Zoning Bylaw Amendment (14600 Cartwright Avenue) Bylaw No. 2017-005, as amended" be given second reading.*
5. *THAT a Public Hearing be held on June 12, 2017 to receive public feedback on Bylaw No. 2017-005.*

PURPOSE:

To receive the request from the applicant on behalf of the property owner to amend their application to remove the townhouse area and consider further processing of an amended application and scheduling of a Public Hearing.

BACKGROUND:

At their meeting of March 27, 2017 Council granted first reading to the subject Bylaws and requested that staff host a Public Open House. A Public Open House was scheduled for April 20, 2017 from 4:30 – 7:30 pm, in Council Chambers.

At their meeting of April 24, 2017 Council received a summary of the Public Open House and a letter from the applicant requesting the application not be considered further at that time. The applicant had reviewed the input received at the Public Open House and was requesting time to consider an amendment request for their application.

On May 1, 2017 staff received a letter from the applicant requesting that the application be amended to remove the townhouse development area and ask that the application for rezoning for the 22 single family strata lots proceed (see Figure 4).

The portion of the application that required an amendment to the OCP, Neighbourhood Plan designation was the area for townhouse development. If Council supports the owner's request to amend the application, the OCP amendment bylaw is not required. In addition, the rezoning bylaw would be amended to only include the rezoning to allow for the 22 single family strata lots.

If the proposed rezoning is approved by Council the owners would then submit for subdivision. As the proposed Phase 2 site includes areas identified as being environmentally sensitive (ESA) in the Neighbourhood Plan the site would be within the OCP, Environmentally Sensitive Development Area (ESDPA) and would require a Development Permit Prior to subdivision approval. Applications for development in the ESDPA must be accompanied by an Environmental Assessment (EA) prepared by a registered professional biologist (RPBio). The environmental assessment is required to be in accordance with the Districts OCP terms of reference.

DISCUSSION:

The input received from the public was focused on concerns with the proposed townhouse component of the development. If Council approves amending the application to remove the townhouse component a significant portion of the public concerns would likely be addressed. Further, if the rezoning for the single-family area is approved and the subdivision proceeds concerns around the management of lands adjacent to the existing homes would be addressed.

The area proposed for 22 single family strata lots is designated in the OCP, Neighbourhood Plan for this form of development, the proposed rezoning is therefore in line with the higher-level plan in place at this time. In addition, the proposed strata lots would fit with the form and character of the adjacent existing Phase 1 residential development.

As the proposed development is within areas previously designated for development in the Neighbourhood Plan no additional study or review of plan components are recommended at this time. If the subject application is approved the owners would submit a subdivision application. During this process, more detailed engineering would be undertaken that would impact the layout of roadways and lots. This engineering process would also include servicing reviews and identification of works required to be included within a servicing agreement. The subject development is not anticipated to proceed all at once and would likely proceed in blocks or phases to be established within the servicing agreement.

Environmental study and reporting is recommended to be conducted through a Development Permit process prior to subdivision approval. The timing for requesting this report from the owner is recommended to be during the subdivision process for three reasons. First, the subdivision designs are preliminary and lot configurations will likely be modified as detailed engineering is undertaken. Secondly, the Neighbourhood plan provided preliminary environmental review. And finally, the detailed alignment of infrastructure including roads, service lines and utilities have yet to be identified and would impact building sites, road alignment and major utility structure locations such as a potential new water reservoir that may be required.

Emergency egress is a requirement to be designed and constructed as a part of the proposed development phase (Phase 2). This requirement is already included in a 219 Restrictive Covenant registered on the property title. If the proposed OCP amendment and rezoning are approved, the

emergency egress would be designed and its construction included within the servicing agreement as part of the subdivision approval.

CIRCULATION COMMENTS:

The summary of the Public Open House held on April 20, 2017 was received by Council at their April 24, 2017 meeting.

This application has been circulated to the District's Works and Utilities Department and Fire Department. The responses received noted that several variances to the Subdivision and Development Servicing Bylaw would be required as a part of completing detailed engineering design for the servicing agreement during the subdivision process.

It was also noted that the subject site is not currently located in the District's 'sewer area' and would need to be added. It is recommended that this requirement be addressed at subdivision as detailed engineering design can impact lot configuration and layout, therefore, the area to be included in the District's 'sewer area'.

This application was presented to the Advisory Planning Commission (APC) at their March 3rd, 2017 meeting and resulted in the following resolution:

"That the application be supported."

LEGISLATION AND POLICY:

- Local Government Act
- Zoning Bylaw 2000-450

CONCLUSION:

Council is considering a request to amend the subject application to remove the townhouse component and proceed with processing an amended application.

OPTIONS:

1. Pass a motion supporting the amended application.
2. Pass a motion denying the amended application.
3. Refer back to staff for other options.

Respectfully submitted,



Dean Strachan MCIP, RPP
Director of Development Services

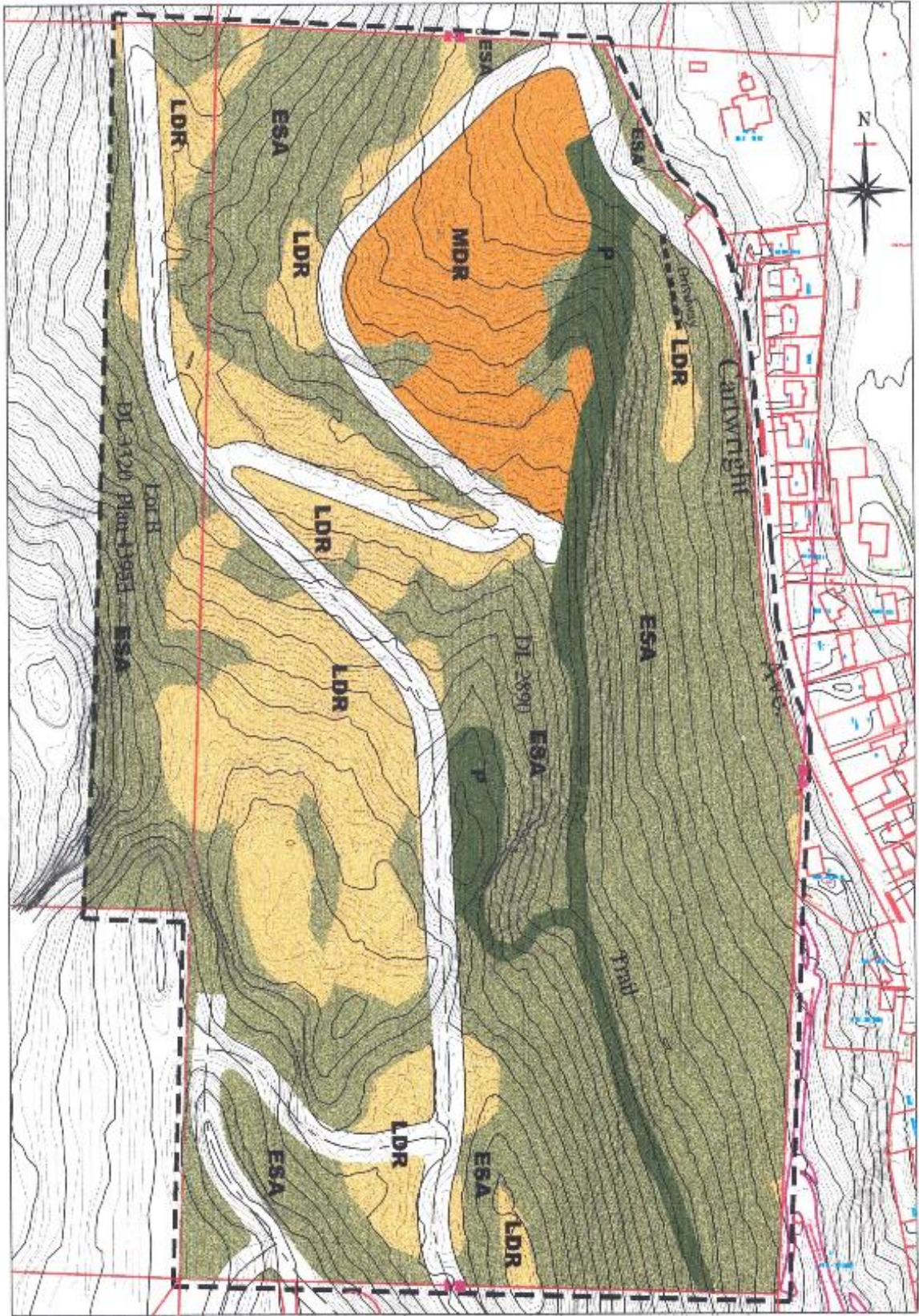
Approved for Agenda



David Svetlichny, Acting CAO



Figure 3





May 1, 2017

Our file: 20056-00

District of Summerland
PO Box 159,
Summerland B.C.
VOH 1Z0

Attention: Dean Strachan, Director of Development Services

Dear Mr. Strachan:

Re: OCP and Zoning Bylaw Amendments for 14600 Cartwright Avenue Phase II

Thank you for forwarding our earlier letter to Council asking that a decision of the OCP and Zone amending bylaws be postponed to allow the owners time to review and consider the comments received from the public at the Open House which was held on April 20. Upon review and consideration of the public comments, the owners of the property have decided that they want to amend their OCP and rezoning application to only include OCP and zoning amendments that would be required to allow for the construction of the 22 lot bareland strata subdivision adjacent to the west side of the existing bareland strata development. As such, the owners would like the application to proceed to Council for consideration of second reading of the bylaw(s) as amended only with the bylaw amendments required to facilitate the 22 lot bareland strata development.

Thank you for your time and consideration regarding this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Elenko', is written over a horizontal line.

Brad D. Elenko, MCIP, RPP
Senior Planner, Interior of B.C.
Division Manager, Penticton Engineering and Planning
McElhanney Consulting Services Ltd.

pc WPS Development Ltd.

Box 313
100, 8305 - 68th Ave
Osoyoos BC
Canada V0H 1V0
Tel 250 495 0499
Fax 250 495 0489
www.mcelhanney.com