



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
ADVISORY PLANNING COMMITTEE MEETING
HELD FEBRUARY 14, 2023
OKANAGAN ROOM (COUNCIL CHAMBER) CITY HALL**

PRESENT: Claire Ishoy
Craig Neville
Jessica Kirkham
Jordan Hart
Margaret Jarman
Margo Lupien
Mayor Cumming
Michaela Gaudreau
Monique Hubbs-Michiel

GUEST: Councilor Teresa Durning
Councilor Brian Guy

ABSENT: Scott Chatterton

STAFF: Cheryl Sali, Development Clerk
Danielle DeVries, Transportation Planner
Ellen Croy, Transportation Manager
Jennifer Pounder, Committee Clerk
Matt Faucher, Planner
Michelle Austin, Planner

ORDER The meeting was called to order at 4:01 p.m.

**LAND
ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF THE
AGENDA** Moved by **M. Jarman**, seconded by **J. Hart**:

THAT the agenda of the February 14, 2023 meeting for Advisory Planning Committee be adopted:

CARRIED

**ADOPTION OF THE
MINUTES**

Moved by **C. Ishoy**, seconded by **C. Neville**:

THAT the minutes for the January 24, 2023 meeting of Advisory Planning Committee be adopted.

CARRIED

NEW BUSINESS:

**6450
(PROJECTS/DRIVE
THROUGHS)**

D. DeVries, Transportation Planner, provided a brief overview of her report titled "Zoning Bylaw 5000 Amendments – Drive-Through Uses", dated November 29, 2022, that Council reviewed on December 12, 2022. The purpose of the report is to request Councils direction to amend Zoning Bylaw 5000 to remove drive-throughs as permitted uses within the City Centre Neighborhood Plan (CCNP) area to align with the Official Community Plan (OCP) and Climate Action Plan (CAP). Council reviewed this report and has requested that the Advisory Planning Committee review the same and provide their feedback.

The following comments / questions were posed by members of the Committee:

- The Committee inquired as to any feedback received from local business this would impact. Staff confirmed they have spoken with the Downtown Vernon Association (DVA) and the DVA is in favor of removing drive-through uses in the City Centre per the CCNP.
- Staff confirmed that if a business with a drive-through already in place changes ownership, then the drive-through would still be permitted as a continuing use.
- Staff confirmed the reason for the request to change Bylaw 5000 came forward due to traffic safety for a second drive-through in Fruit Union Plaza.
- The Committee commented they are worried about people who are not able to walk everywhere, especially in the winter season.
- The Committee commented they can see the climate action issue, which is a critical issue in front of us and inquired if this is going to be implemented city-wide. Staff

confirmed that the recommendation would only be in the city center, and reviewed for implementation city-wide in the future.

- Staff confirmed this amendment would prevent any new drive-throughs from being created.
- Staff confirmed that the City of Kelowna has implemented a city-wide ban on any new drive-throughs being created.
- The Committee commented that it would be more proactive to implement city-wide now.
- The Committee also commented that during the winter months there is not a lot of public transportation available in the city and current transit operating hours are not feasible and they hesitate with implementing this city wide.
- The Committee further commented that Vernon is only going to keep growing and we should implement this city wide.

Moved by **C. Ishoy**, seconded by **J. Hart**:

THAT Council direct Administration to prepare amendments to Zoning Bylaw 5000 to remove 'drive-through services' and 'drive-through vehicle services' as permitted uses within the City Centre Neighbourhood Plan Area as outlined in the report titled "Zoning Bylaw 5000 Amendments – Drive-Through Uses" dated November 29, 2022 and respectfully submitted by the Transportation Planner;

AND FURTHER, that Council direct Administration to prepare amendments to Zoning Bylaw 5000 to revise the specific use regulations for 'vehicular oriented uses' to improve traffic flow where 'drive-through services' and 'drive-through vehicle services' may still be permitted;

AND FURTHER, that Council direct Staff to review city-wide implementation in the near future.

CARRIED

**DVP00573 (5300
PLEASANT VALLEY
ROAD)**

Matt Faucher, Current Planner, provided an overview of the application as follows:

- The purpose of the application is to review a request to vary three provisions of Zoning Bylaw 5000 in order to construct five duplexes (ten units) on the subject property.
- The application is to vary Section 4.16.1 (30% slopes), Section 6.5.11 (maximum height of a retaining wall), and Section 7.1.12 (minimum width of a two-way aisle) of Zoning Bylaw 5000.
- There has already been a Geotechnical Assessment completed, as well as a review by Vernon Fire Rescue Services and the proposed variances were deemed satisfactory.

The following comments / questions were posed by members of the Committee:

- Staff confirmed the wall and hillside is behind building.
- The Committee asked if staff has seen a request for a lane this narrow previously and if there are any renderings. Staff confirmed it is rare and approval is not easily obtained. The owners will still need to go through the development permit process, and that is when the renderings will be completed.
- Staff further confirmed that this wall will not be seen from Pleasant Valley Road.
- The Committee inquired into the background behind the 1.2 meter retaining wall height restriction. Staff confirmed that it is in the current Bylaw, and anything greater than 1.2 meters will require a development variance permit approval and engineered design.
- The Committee inquired about a tiered approach on the retaining wall to incorporate landscaping. Staff stated that Pleasant Valley road and the slope leading up to it make that highly problematic. Staff confirmed they are proposing putting in trees and landscaping between the building and wall to make it more esthetically pleasing.

- Staff confirmed garbage collection will be done at the first corner in the access road as you come into the development.
- The Committee asked if a two-tiered wall could be used on this project. Staff said it could be brought to the developer for consideration, but it is their understanding that it is not advisable from a geotechnical perspective.
- Staff confirmed the retaining wall will also be used to lessen the safety risk from Pleasant Valley Road. The Committee suggested looking into adding more ways to make it safe.
- The Committee inquired as to the minimum lane width for a 2-way lane. Staff confirmed it is 7m. The Committee further inquired as to how we physically get two vehicles down a lane that is 5.5m wide. Staff confirmed that a back lane must be 5.5m wide, giving 2.5m per vehicle.
- Staff confirmed each residence will have a garage and a driveway to park in and will confirm the total number of parking spaces and bring the information when presenting to Council.
- Staff further confirmed that according to Zoning Bylaw 5000, there needs to be one visitor parking space for every seven units, thus there will be one space available for all ten units.
- The Committee inquired as to where the street parking would be for these units. Staff confirmed it would be back in the cul de sac. The Committee commented that parking is a problem. Zoning Bylaw 5000 does not work when there is no street parking available which is relevant when you look at 27th Street and 25th Avenue.
- Staff confirmed they have looked into having a walkway exit and the strata to strata complexity makes it problematic.
- Staff further confirmed that the coverage percent of permeable surfaces is 48.5%.

- The Committee inquired if they lowered the number of units, could they widen the access road. Staff confirmed the access road is set at that width as the easement to access the property is only 6m wide. The owners did ask the neighboring strata owner if there was any way they could widen the easement, and it is not an option.
- Staff confirmed there is no human access to Pleasant Valley Road from this site, however access can be discussed during the Development Permit stage as there is an easement beside the strata that could possibly be used for a future access lane for residents.

Moved by **J. Kirkham**, seconded by **M. Lupien**, THAT:

THAT Council support Development Variance Permit application 00573 (DVP00573) to vary Zoning Bylaw 5000 on LT A, SEC 11, TWP 8, ODYD, PL 23988 (5300 Pleasant Valley Road), as follows:

- a) Section 4.16.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 4.5m; and
- c) Section 7.1.12 to reduce the minimum width of a two-way aisle from 7.0m to 5.5m;

AND FURTHER, that Council's support of DVP00573 is subject to the following:

- a) That the site plan, site grading and cross-sections, intended to illustrate the siting of structures, drive access and retaining wall height (Attachment 1) in the report titled "Development Variance Permit Application for 5300 Pleasant Valley Road" dated January 17, 2023 and respectfully submitted by the Current Planner, be attached to and form part of DVP00573 as Schedule 'A';
- b) That the Geotechnical Investigation and Report (Attachment 2) in the report titled "Development

Variance Permit Application for 5300 Pleasant Valley Road" dated January 17, 2023 and respectfully submitted by the Current Planner, be attached to and form part of DVP00573 as Schedule 'B';

- c) That a qualified geotechnical engineer be retained to review the site and any design(s) or other work for soils or for soils related structures connected with this project regarding conformity to the project requirements and intent of the geotechnical report, as well as to monitor the development of the subject property through the construction phase of development; and
- d) That a Section 219 Covenant be registered on the title of the subject property to ensure the following:
 - i. That all buildings and structures, including covered decks, have fire suppression systems (sprinklers) installed;
 - ii. That no parking is permitted on either side of the Deleenheer Road access or drive aisle within the site;
 - iii. That no snow accumulation or piles are to be placed or stored in the required vehicle turn arounds; and
 - iv. That Technical Memorandum, prepared by Kerr Wood Leidal Consulting Engineers, dated September 9, 2022 (Attachment 5), is attached to ensure any future residents, owners or strata corporation are aware of the requirements imposed on structures, as well as the access route from Deleenheer Rd through the subject property;

AND FURTHER, that issuance of DVP00573 be withheld until a Development Permit for the subject property is authorized to be issued.

AND FURTHER, that a tiered retaining wall be explored by the Developer;

AND FURTHER, that a walkway be considered between the subject property and Pleasant Valley Road via the current easement;

CARRIED

Discussion ensued regarding City of Vernon Zoning Bylaw No. 5000 (2003). The Committee consensus was that "Section 7: Parking and Loading", of current Zoning Bylaw 5000 does not suitably address contemporary parking needs and should be revisited.

Moved by **C. Ishoy**, seconded by **M. Lupien**:

THAT Staff provide Zoning Bylaw 5000 (2003) to Council for review of "Section 7: Parking and Loading".

CARRIED

**DVP00580 (7373
BROOKS LANE)**

Michelle Austin, Current Planner, provided an overview of the application as follows:

- The application before the Committee is to increase fence height within a front yard area and combined retaining wall/fence height along a side lot line.
- The main reason the Strata is asking to build a higher fence is for security from transient traffic and to improve the aesthetics of the development from the street.
- The property at 7349 Brooks Lane is approximately 4.8m lower than the subject property. Any proposed fencing erected at the finished grade must include, within the maximum 2m allowance, the height of the existing retaining wall. In order to comply with this, the maximum height of a fence that the Strata could build would be 1ft-3in high without a variance.
- If Council supports the recommendation, the height of the solid portion of the fence at the rear would be approximately in line with the existing fence. The pickets would extend about 3ft above the existing fence and approximately 2ft above the existing lattice.

- The difference between the proposal and staff recommendation is that the applicant would like to build a 4ft high solid wall with 2ft pickets on top whereas staff recommends reducing the solid wall height to 3ft with 3ft of pickets on top.

The following questions / comments were posed by the Committee:

- Staff commented that the applicant has verbalized that the neighbor has been in support of a new higher fence, however staff was not sure whether the neighbor was in support of the design and height as proposed. Neighbours will have an opportunity to voice any comments and concerns before the application is presented to Council.
- The Committee inquired as to the security issues. Staff confirmed that a majority of the occupants are away in the winter and theft is a concern of the residents.
- The Committee commented that the fence looks high as it stands already.
- Staff confirmed that flooding is a concern for the majority of properties along the lake.
- The Committee commented that there was a similar application for a property on Brooks Lane that previously came through this Committee and it was approved.
- The Committee commented that they are not in favor of this variance as the proposed fence is not esthetically pleasing and support would set a bad precedence. Also, the natural grade of the subject property sloped from the road toward the lake. The natural grade was raised (filled), levelled and retained to create a flat site and level driveways. Staff confirmed that Council is not governed by precedent and is at liberty to consider and decide on each variance individually and based on its own merits.
- Staff confirmed that the fence highest portion of the fence on top of a retaining wall would be 3.6m, or 11.7ft high. The Committee commented that is a very tall fence for an area that does not have a high amount of transient traffic.

Moved by **J. Kirkham**, seconded by **M. Jarman**:

THAT Council approve Development Variance Permit 00580 (DVP00580) to vary Zoning Bylaw 5000 for Common Property Strata Plan KAS3991 (7373 Brooks Lane) as outlined in the report titled "Development Variance Permit Application for 7373 Brooks Lane" dated February 9, 2023 and respectfully submitted by the Current Planner, by increasing:

- a) Section 6.5.1.i, height of a fence within a front yard, from 1.2m (4ft) to 1.93m (6.3ft); and
- b) Section 6.5.12, combined height of a fence on top of a retaining wall, behind the front yard along the east property line, from 2m (6.4ft) to 2.8m (9.1ft) at the south end and to 3.6m (11.7ft) at the north end;

AND FURTHER, that Council's approval of DVP00580 is subject to the following:

- a) That the fencing complies with the site plan (Attachment 1), fencing design (Attachment 2) and east side elevation (Attachment 3), to be attached to and form part of DVP00580;
- b) That the fencing not be located within the Riparian Assessment Area;
- c) That fire rescue services be provided with emergency access to the main gate; and
- d) That the main gate be a slide gate and not swing open into the public right of way.

DEFEATED

With J. Kirkham, C. Neville, M. Jarman, M. Lupien, M. Gaudreau, J. Hart and M. Hubbs-Michiel opposed.

No further motions were considered by the Advisory Planning Committee.

No further direction given to Staff on this item.

**ZON00379/DVP00591
(2206 32nd STREET)**

Michelle Austin, Current Planner, provided an overview of the application as follows:

- The application before the Committee is to rezone the properties from R2 – Large Lot Residential to RM1 – Row Housing Residential. The applicant is also requesting a Development Variance Permit to decrease minimum unit width and modify landscape buffer requirements.
- The proposal brings the zoning into better alignment with the RMD OCP designation.
- Access to the units would be from the rear lane and each unit will have two uncovered off-street parking spaces at the rear of the units.

The following questions / comments were posed by the Committee:

- Staff confirmed that the proposed building includes two units.
- The Committee commented on the lack of landscaping on this property. Staff explained that landscaping is required under certain zones; however, there is no mechanism to force owners to install landscaping on smaller projects that do not trigger a development permit. Zoning Bylaw 5000 includes an exemption for landscaping when access parking is located at the rear of the property. For this property, in lieu of landscaping, Staff is recommending that a new fence be installed, as the setback is less than the width of the required buffer and the owners will need access to the sides of the building.
- The Committee further commented that there is an incongruence between the Climate Action Plan and bylaws, and the Climate Action Advisory Committee should be made aware of the gap in zoning.

Moved by **C. Ishoy**, seconded by **M. Lupien**:

THAT Council support Zoning Application 00379 (ZON00379) to rezone Lot 11 and Lot 12, Blk 2, DL 73, ODYD, Plan 225 (2206 32nd Street) from R2 — Large Lot Residential to RM1 — Row Housing Residential as outlined in the report titled "Zoning and Development

Variance Permit Applications for 2206 32nd Street" dated February 9, 2023 and respectfully submitted by the Current Planner;

AND FURTHER, that Council's support of ZON00379 is subject to the following: a) That road dedication on Highway 97 be provided to satisfy the Ministry of Transportation;

AND FURTHER, that Council not hold a public hearing, pursuant to 464(2) of the Local Government Act, on a proposed bylaw to rezone Lot 11 and Lot 12, Blk 2, DL 73, ODYD, Plan 225 (2206 32nd Street) from R2 — Large Lot Residential to RM1 — Row Housing Residential;

AND FURTHER, that Council direct Administration to issue a public notice of initial readings and prepare a proposed bylaw to be brought forward for Council's consideration at the Regular Meeting of March 27, 2023 to rezone Lot 11 and Lot 12, Blk 2, DL 73, ODYD, Plan 225 (2206 32nd Street) from R2 — Large Lot Residential to RM1 — Row Housing Residential;

AND FURTHER, that Council be advised that Development Variance Permit Application 00591 (DVP00591) will be brought forward for Council's consideration and public input at the Regular Meeting of March 27, 2023, to vary Zoning Bylaw 5000 for Lot 11 and Lot 12, Blk 2, DL 73, ODYD, Plan 225 (2206 32nd Street) by:

- a) Decreasing Section 9.10.6, minimum unit width for semi-detached housing units, from 7.5m to 5.96m;
- b) Varying Table 6.1, minimum landscape buffer schedule for the RM1 zone, for the side yards from "Level 1 (1.5m)" to "Om with a fence", except that a 1.5m landscape buffer is required along the side yards adjacent to the proposed parking stalls; and
- c) Varying Table 6.1, minimum landscape buffer schedule for the RM1 zone, for the rear yard from "Level 2 (1.5m with a fence)" to "Om without a fence";

AND FURTHER, that issuance of DVP00591 is subject to the following:

- a) That a detailed landscape plan, including an estimate for works to be completed, be provided to the satisfaction of Administration; and
- b) That security in the amount of 125% of the landscape estimate be provided to the City to be held until the works are complete and a satisfactory landscaping inspection has been completed by Administration.

CARRIED

INFORMATION ITEMS:

M Austin provided a brief overview regarding past applications seen by the Advisory Planning Committee, as follows:

- DVP00592 – Council supported recommendation.
- OCP00096/ZON00388/DVP00575 – Council supported alternative one (as proposed by the Applicant and the APC).
- Bylaw 5940 - Rezone Civic Memorial Park – Council gave first, second and third reading to the Bylaw.
- RM1 and Strata lot clarification – Council supported and notice was given for first, second and third reading.
- OCP00098/ZON00391/DVP00593 – Council gave first, second and third reading and supported the DVP.
- ZON00387/DVP00595 – Council gave first, second and third reading and supported the DVP.

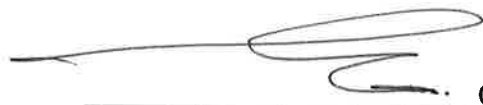
NEXT MEETING

The next meeting for the Advisory Planning Committee is set for **February 28, 2023 at 4:00 p.m.**

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at **5:41 p.m.** by call of the Chair.

CERTIFIED CORRECT:


_____ Chair