

THE CORPORATION OF THE CITY OF VERNON

**RECORD OF A PUBLIC HEARING OF COUNCIL
HELD MONDAY, MAY 25, 2020, VERNON RECREATION CENTRE AUDITORIUM
3310 – 37TH AVENUE, VERNON, B.C.**

PRESENT: Mayor Cumming

Councillors: S. Anderson, K. Fehr, K. Gares,
A. Mund, B. Quiring, D. Nahal (absent)

Staff: W. Pearce, CAO
P. Bridal, DCAO / Director, Corporate Services
K. Austin, Manager, Legislative Services
S. Blakely, Manager, Legislative Services (Ret.)
K. Flick, Director, Community Infrastructure and Development
C. Broderick, Manager, Current Planning/Approving Officer
K. Chamberlain, Planning Assistant
S. Wright, Manager, Recreation Programs
S. Melenko, Information Technician
C. Poirer, Manager, Communications and Grants

Others: Members of the Public

Mayor Cumming called the Public Hearing to order at 5:30 p.m.

Mayor Cumming outlined the procedures to be followed.

Corporate Officer, Patti Bridal, advised that Notice of the Public Hearing was published in the **May 14 and May 21, 2020** issues of the Morning Star Newspaper, as required by the *Local Government Act*.

Administration provided a brief overview of the application.

Prior to the Public Hearing, 13 written submissions were received.

Date	Name
May 13, 2020	Mike and Colleen Lindsay
May 19, 2020	Reiner Stass
May 20, 2020	Bill and Michelle Crum
May 22, 2020	Viktor and Irina Arnaoutova
May 22, 2020	Ariel Rose, submission was not related to subject property and staff has provided information to Ms. Rose.
May 23, 2020	Clint and Bev Buhr
May 24, 2020	Heinrich Metzger and Claudia Mueller
May 24, 2020	Heinrich Metzger, Procom Industries Corp.
May 24, 2020	Danielle Lindholm

May 24, 2020	Carl and Marianne Clayton
May 24, 2020	Carrie Greene
May 25, 2020	Lew Rossner, President, Strata Plan CAS1371 (Phoenix Estates)
May 25, 2020	Lew and Midge Rossner

Mayor Cumming called a first time for representation from the public in attendance with regard to "9188 Tronson Road Rezoning Amendment Bylaw Number 5802, 2020":

SPEAKER NAME	COMMENTS
Mike Lindsay	<p>Mr. Lindsay spoke directly to his letter, which was part of the package submitted to Council on May 25, 2020. Key points included:</p> <ul style="list-style-type: none"> • The development is not in the best interest of the community • Understands the financial benefits to the developer and the City • What is the City's priority: money or community? • Request to have the entire property rezoned to R2 • Phoenix Estates has a building scheme, one house per lot, and permits rentals, the new development • Increase units/density will devalue the community • Would support R5 if there were restrictions to prohibit rentals, require a building scheme, require hidden RV/boat storage, regulate parking, ensure no car repairs on lots, tree retention, green buffers and cost sharing agreement for maintenance of the gate and snow removal/road sanding <p>Council inquired as to whether there were covenants on the subject property that would restrict rentals and whether there had been discussion regarding RV/boat storage? A. Admin: Answered no to both questions.</p> <p>Council inquired about the shared gate. A. Admin: In order to subdivide, street frontage would be required (Tronson Road) so the access would require use of the shared gate, which is partially located on the subject property, which will require a variance and an access agreement.</p>
Lew Rossner, President and Representing Strata Plan KAS1371, (Phoenix Estates)	<p>Mr. Rossner spoke directly to his letter, which was part of the package submitted to Council on May 25, 2020. Key points included:</p> <ul style="list-style-type: none"> • President for 20 years • Aware of history of the formation of Phoenix Estates going back to 1994 • Water and sewer are supplied by Corix, not the City of Vernon • Phoenix estates has a total of 50, R1 lots of which all but 6 have been developed

	<ul style="list-style-type: none"> • Concerned that there was little notice of the development and no contact with the Strata Council • Couldn't discuss the matter as a Strata Council because the Strata Act requires two-weeks' notice to members to convene a meeting • Organized a Zoom meeting on May 18, 2020 with the applicant/developer • Strata has an AGM scheduled for June 4, 2020 to hear from owners and they hope to hear from their owners as to how they wish the strata to proceed in this matter • Request that the comment period be extended to Friday, June 5, 2020 to be able to provide comments <p>Council inquired as to when the notices were sent out. A. Admin: Letters were sent to 90 property owners on May 8, 2020 and signage was posted on the property on May 10, 2020.</p> <p>Council inquired if it would be possible to extend the period to receive written submissions to June 5, 2020. A. Admin: It would be possible and if there were to be an extension, Administration recommends June 8, 2020 to reconvene the meeting.</p>
Lew Rossner	<p>Mr. Rossner, speaking on behalf of himself and his wife, spoke directly to their letter, which was part of the package submitted to Council on May 25, 2020. Key points included:</p> <ul style="list-style-type: none"> • Would like the subject property to be zoned either R1 or R2 and invited Council to view the property in question to see the impact it would have on the existing properties • Would support R2, with one lot and single home and R5, with a maximum of two triplex units subject to the conditions outlined in his letter • Was concerned to hear from the applicant of his plans to store Boats and RVs on the north end of the development.

Mayor Cumming called a second time for representation from the public in attendance with regard to "**9188 Tronson Road Rezoning Amendment Bylaw Number 5802, 2020**":

SPEAKER NAME	COMMENTS
Brent Holomis, Applicant	<ul style="list-style-type: none"> • Submitted application in October 2019 and hoped there would be no further delays • C6 zoning permits a variety of uses and up to 48 units • Timelines were reviewed and requirements were met • Letter sent out on May 8 and the sign was installed on May 10 • Participated in the Zoom scheduled by the Strata Council on May 18, 2020, on two-hours' notice

	<ul style="list-style-type: none"> • The President of the Strata indicated they were not notified and it was his understanding that notifying the Strata was not a requirement. • Disagreed that there would be a negative impact to the surrounding community • Believes it will be an improvement • Disagreed with comments that the property value would be reduced, noted that the triplex is valued at \$1.5 million, being above the average of neighbouring home values • Road access is provided from the current road over the front of the property, as confirmed by the applicant’s lawyer • The gate location to the strata is in the wrong location, and it is actually located on his property, which is why he has offered to cost share with the current strata (has the right to have it removed) • Lot has been vacant a long time and the proposal makes good use of the property and will build additional residential homes not just commercial • The no-covenant subdivision is complicated. The covenant was registered when the land was one parcel, then it was subdivided, but the covenant was left on the subdivided lot in error or due to an oversight • Not sure why the community would not want to eliminate the C6 zone given the variable capability of what could be developed. • Requires a certain number of units to make the numbers work and is willing to work with the Strata <p>Council inquired was the existing zoning industrial and how would the proposal affect water supply? A. Admin: Yes, light industrial. Water is supplied by Corix and as part of the referral process they have approved.</p> <p>Council inquired as to how many units could be on the property with the current C6 zoning. A. Applicant. Approximately 48 units.</p> <p>Council inquired about the concern expressed regarding rental and was the applicant prepared to take measures to prohibit them. A. Applicant: Did not believe a restrictive covenant prohibiting rentals could be registered; however, if the units were a strata, a strata bylaw could be adopted to prohibit them.</p>
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Mayor Cumming called a third and final time for representation from the public in attendance with regard to "9188 Tronson Road Rezoning Amendment Bylaw Number 5802, 2020":

SPEAKER NAME	COMMENTS
Lew Rossner	<ul style="list-style-type: none"> • Thanked the applicant for attending the May 18, 2020 Zoom meeting

	<ul style="list-style-type: none"> Indicated that his challenge was that he couldn't speak for the Strata without direction from the Strata Council and for this reason he requested an extension of the comment period. <p>Council inquired about the access for emergency vehicles. A. Admin: Through the referral process the proposal was vetted and the proposal would general less traffic that what could be developed in the C6 Zone. It was also noted that any development on Tronson Road takes into consideration, for emergency vehicles</p> <p>Council inquired if there was a building scheme registered on title for Phoenix Estates? A. Admin: Would have to check the title, but it seems likely there is one given the design of the community.</p> <p>Council inquired if this proposal would be considered a 'down zoning'? A. Admin: Typically, a commercial zone is a higher order zone and the C6 Zone is quite generous in its variable uses, so perhaps it could be considered that way.</p>
Brent Holomis, Applicant	<ul style="list-style-type: none"> Asked if he would be able to withdraw his application if Council did not grant the rezoning? A. Admin: Yes, and the existing C6 zoning would remain intact
Wilf Mulder	<ul style="list-style-type: none"> Asked if the rezoning was approved, would Council have final approval on the form and character of the design of the triplexes? A. Admin: Building permits do not come before Council; Administration would work with the applicant to ensure the building design is acceptable Invited Council to view the subject property to see how it could impact the neighbourhood
Donna Danes	<ul style="list-style-type: none"> Noted that the applicant said that multi-units were not uncommon in the area and wished to clarify whether he meant not uncommon in the area of this neighbourhood or not uncommon in the City of Vernon? A. Applicant: Meant not uncommon in the neighbourhood; on Peregrine way there was a duplex, four-plex and six-plex Ms. Danes asked if the development was part of Phoenix Estates or adjacent to it? A. Admin. The development was separate from Phoenix Estates but would share an access road. <p>Council inquired about the deadwood on the subject property. A. Admin: Confirmed there were a lot of trees, including deadwood, on the subject property and that FireSmart Crews had been in the area approximately one year ago to address this.</p>

ADJOURN:

There being no further representations, Mayor Cumming adjourned the Public Hearing for:

A. "9188 Tronson Road Rezoning Amendment Bylaw Number 5802, 2020"

The Public Hearing was **recessed** at 6:37 pm, to be **reconvened** at 5:30 pm on June 8, 2020 at the Vernon Recreation Centre Auditorium, 3310 – 37th Avenue, at which time **only written submissions received by 4:00 pm on June 5, 2020**, would be considered.

RECONVENE – JUNE 8, 2020 5:30 PM:

PRESENT: Mayor Cumming

Councillors: S. Anderson, K. Fehr, K. Gares,
A. Mund, B. Quiring, D. Nahal

Staff: W. Pearce, CAO
P. Bridal, DCAO / Director, Corporate Services
K. Austin, Manager, Legislative Services
K. Flick, Director, Community Infrastructure and Development
C. Broderick, Manager, Current Planning/Approving Officer
K. Chamberlain, Planning Assistant
S. Wright, Manager, Recreation Program
S. Melenko, Information Technician

Others: None

Mayor Cumming reconvened and called the Public Hearing to order at 5:30 p.m.

Mayor Cumming outlined the procedures to be followed.

Corporate Officer, Patti Bridal, advised that since May 25, 2020 and up to 4:00 pm on June 5, 2020, five written submissions were received.

Date	Name
May 26, 2020	Debra and Darryl Tamagi
May 27, 2020	Alan and Margaret Anderson
June 1, 2020	Hank and Maggie Bangma
June 1, 2020	Andrew Allen
June 5, 2020	Lew Rossner, President, Strata Plan KAS1371

Mayor Cumming invited Council to ask questions of Administration; there were none.

ADJOURN:

There being no further questions, Mayor Cumming closed the Public Hearing for:

"9188 Tronson Road Rezoning Amendment Bylaw Number 5802, 2020"

CLOSE:

The Public Hearing was closed at 5:34 pm.

CERTIFIED CORRECT:



Mayor



Corporate Officer