



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, MARCH 15, 2022 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT: VOTING
Doug Neden, Acting Chair
Jamie Paterson
Lisa Briggs
Monique Hubbs-Michiel
Phyllis Kereliuk

NON-VOTING: Mayor Cumming

ABSENT: Joshua Lunn
Mark Longworth
Don Schuster
Councillor Mund
Harpreet Nahal

STAFF: Craig Broderick, Manager, Current Planning
Shawn Knuhtsen, Manager, Building & Licensing
Matt Faucher, Current Planner
Michelle Austin, Current Planner
Tracy Mueller, Committee Clerk

ORDER The Chair called the meeting to order at 4:00 PM.

**LAND
ACKNOWLEDGMENT** *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.*

Before the start of the meeting, the Chair varied the agenda to review Item 5e) DVP00552 - 3351 ALEXIS PARK DRIVE before Item 5c) DVP00543 / ZON00374 - 4408 25 Street.

Committee member L. Briggs arrived at 4:02 PM.

ADOPTION OF AGENDA Moved by P. Kereliuk, seconded by M. Hubbs-Michiel:

THAT the Advisory Planning Committee agenda of March 15, 2022, be adopted as amended.

CARRIED

ADOPTION OF MINUTES Moved by M. Hubbs-Michiel, seconded by J. Paterson:

THAT the minutes for the Advisory Planning Committee meeting of March 01, 2022, be adopted.

CARRIED

NEW BUSINESS:

**ZON00381
4004 31 STREET**

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

- The City is the applicant for the proposed rezoning to address a historical error and apply the correct commercial zoning to the subject property located at **4004 31 STREET**.
- The application before the Committee is to rezone the subject property from R2 – Large Lot Residential to C4 – Street-Oriented Commercial.
- The building is the home of the Vernon Teacher's Association.
- The owner applied for a Development Permit (DP) to construct an addition to the building. When processing the application, staff discovered a historical error whereby when the new Zoning bylaw was adopted, the map of the new zoning bylaw did not incorporate the correct zoning for the subject site which was approved by Council.
- In order to process the requested rezoning, the historical error needs to be corrected and the correct zone applied to the subject property.
- Staff noted that Administration is requesting the requirement for a Public Hearing be waived by Council in accordance with s. 464(2) of the Local Government Act to expedite the correction of the error.

There were no comments / questions were posed by members of the Committee.

Moved by J. Paterson, seconded by L. Briggs:

THAT Council support the application (ZON00381) to rezone LT 16 SEC 3 TWP 8 ODYD PL 1257 (4004 31st Street) from R2 – Large Lot Residential to C4 – Street-Oriented Commercial as outlined in the report titled “Rezoning Application for 4004 31st Street” dated March 11, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council waive the requirement to hold a Public Hearing in accordance with s. 464(2) of the Local Government Act;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate.

CARRIED

DVP00466
4105 30 STREET

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

- Development Variance Permit (DVP) application 00466 (DVP00466) to vary Zoning Bylaw 5000 to reduce the side yard setback, increase the maximum length of a structural projection, increase the maximum projection into a front yard and increase the maximum projection into a side yard at **4105 30 STREET**.

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

- A question from the Committee was posed regarding the neighbourhood context surrounding the development.
 - In response staff noted that it is RH1 and the area is slated for that level of densification; however, densification will occur in the area over time.
 - In terms of context, there are similar density in the form of 4 plexes located adjacent to the local school and there are more similar developments planned for the area.

- It was noted that the total coverage of the site is 83.6% of impervious surfaces, the zoning allows a maximum of 85%. It was suggested that staff might wish to give this further consideration as the area builds out.
 - Staff clarified that this particular application will stand under the current bylaw as they are meeting the provisions of the bylaw.
 - Staff clarified that the proposed lots do not meet the size requirements for the zone and the applicant will be required to manage their water on site.
 - Staff further noted that through the building permitting process the applicant will need to work on the storm drainage. At the building permit stage, they will deal with the storm drainage connections. All onsite drainage will be under the purview of a professional engineer in terms of design and sign off.

Moved by J. Paterson, seconded by M. Hubbs-Michiel:

THAT Council support Development Variance Permit Application 00466 (DVP00466) to vary Zoning Bylaw 5000 on LT 4, BLK 2, SEC 3, TWP 8, ODYD, PL 383 Pleasant Heights (4105 30th Street) as follows:

- a) Section 9.12.5(b) to reduce the side yard setback from 4.5m to 2.4m;
- b) Section 4.4.1 to increase the maximum length of a structural projection from 3m to 3.71m;
- c) Section 4.4.2 to increase the maximum projection of a structure into a front yard from 1.5m to 3.37m;
- d) Section 4.4.2 to increase the maximum projection of a structure into a side yard from 0.8m to 1.12m;

AND FURTHER, that Council's support of DVP00466 is subject to the following:

- a) That the site plan and elevations, intended to illustrate the siting of structures and projections into the front and side yards (Attachment 1) in the report titled

“Development Variance Permit Application for 4105 30th Street” dated March 11, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00466 as Schedule ‘A’.

CARRIED

The Agenda was varied

DVP00552 3351 ALEXIS PARK DRIVE

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

- To review Development Variance Permit application 00552 (DVP00552) to vary Zoning Bylaw 5000 to permit construction on slopes greater than 30% and decrease the number of required parking spaces at **3351 ALEXIS PARK DRIVE**.
- Proposing a three-phase development. The site was originally three separate properties that were consolidated. The applicant is proposing two 10 storey towers with a phased approach. The applicant has not specified what they propose for phase three at this time which is why it has not been included in the application.
- The applicant is seeking a variance to the 30% slope requirement. In terms of neighbourhood context, there is another development in the area on Alexis Park that is a large multi-family development in line with planned densification.
- In terms of parking, the applicant is looking at including ground floor commercial, underground parking with a significant amount of amenity space.
- There is green amenity space provided for the residents and the applicant is focussing on commercial space that will service the residents of the area, such as cafes, etc. The area is close to major services and is within walking and biking distance to downtown. Staff are working with the applicant to encourage providing alternative modes of transportation to the site.
- A parking study was conducted to support the application and the results suggested that what the Applicant is proposing, 115 parking stalls, will be acceptable.

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

- The Commercial level will be located higher than the slope. Staff noted the applicant will be digging down a significant depth to affix the structural foundation to the bedrock. The applicant is looking at completing the sub-prep for all three phases concurrently.
- The Committee asked for clarification regarding the potential impact on viewscape. Staff in response noted that there will be some individuals impacted in residential housing located to the north; however, the OCP and zoning for the area allows for the height and massing of the proposed structure.
- The parking spaces down to 115 include the commercial surface parking stalls. The maximum parking utilization comes to 115 based on the industry parking standards. The development will be comprised of purpose-built rentals, and the applicant is looking to participate in the Rental Housing Incentive Grant program for the first two phases. Phase 3 has yet to be decided.

The Committee requested clarification regarding future park. Staff clarified that some of the thought was that the applicant would run a "switchback" trail through the development to the park behind to make the existing trail system accessible.

- With the exception of some recent projects, there have not been many purpose-built rentals built in Vernon since the 1980's, this project will assist with rental housing stock.
- The Committee asked if the units could be converted to condos in the future; staff noted that a significant process would need to be undertaken to achieve that and Council would have to approve any proposed conversion.
- It was suggested that the parking requirements identified in the application were not based on substantial urban areas such as Vernon. It was suggested that further consideration be given to the parking provisions associated with the proposed project.
- It was suggested that the calculation on parking spaces assumes that significant parking is not a requirement; however, that does not prove to be the case for Vernon structures of this nature. The parking "comparisons" used as an example in the report are not relative to Vernon.
 - Staff advised that they would pass the Advisory Planning Committee comments to the applicant and

will strongly suggest that the applicant have an expert attend the public input session to answer questions.

- The Committee noted that further consideration should be given to providing wheelchair accessible parking and wheelchair accessibility to the future trail connection.
 - Staff clarified that the final line of the trail is conceptual at this point; there are not a lot of details to share in that regard; the connection and alignment come forward with phase two of the development.
- The Committee expressed concern that the site has no offsite/ on street parking.
 - Staff clarified that the applicants will provide a road dedication to assist with maneuvering. Additionally, the applicant will provide a traffic study to address safe ingress and egress into the site.
- Staff were asked for clarification regarding what would be needed (by the applicant) in order to increase the number of parking stalls to facilitate more on-street / guest parking.
 - Staff noted that increased surface parking (at ground level and paving) would be the only way to increase available spots. With the OCP the height restriction the development is limited as to how high the structure could be. The aim is to leave the area to the rear of the project as natural as possible.

Moved by M. Hubbs-Michiel seconded by J. Paterson:

THAT Council support Development Variance Permit Application 00552 (DVP00552) to vary Zoning Bylaw 5000 on LT A, DL 72, ODYD, PL KAP57410 (3351 Alexis Park Drive) as follows:

- a) Section 4.16.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;
- b) Section 7.1.2 to decrease the quantity of required parking spaces from 143 stalls to 115 stalls (reduction of 28 stalls);

AND FURTHER, that Council's support of DVP00552 is subject to the following:

- a) That the site plan, intended to illustrate the siting of structures, drive access and parking (Attachment 1) in the report titled "Development Variance Permit Application for 3351 Alexis Park Drive" dated March 11, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00552 as Schedule 'A';
- b) That a restrictive covenant be registered on title to ensure that the recommendations of the geo-technical report are implemented at the building permit stage, that the areas with slopes greater than 30% that are not required for development remain undisturbed and that the covenant terms provide for future public access through the development to Becker Park and allow establishment of infrastructure required to accommodate a future trail network.

CARRIED

**DVP00543 / ZON00374
4408 25 STREET**

Craig Broderick, Manager, Current Planning, provided an overview of the application as follows:

- To review the Development Variance Permit Application 00543 (DVP00543) to vary setbacks of Zoning Bylaw 5000 in order to facilitate the construction of single detached dwellings in a proposed bareland strata development.
- The proposal before the Committee is to keep the existing home at the front to add dwellings.
- The proposed variance is related to the siting of the homes with the rear yard setback. The requested variances are to reduce the new rear yard setbacks of the new lots down to four.
- The proposal before the Committee is similar in context to an existing strata development located to the south of the subject site.

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

- The Committee requested for clarification regarding the lane and if it will be upgraded. Staff noted the applicant would have to upgrade the lane for their frontage.
- The Committee asked for clarification regarding the difference in the current application from the previous. Staff noted that the difference is based on the zoning. The applicant is looking at zoning variances and subdivisions to create single family detached zones which were not permissible under an R5.
- Staff noted that the proposed is for an existing home; the two new lots would be two new bungalows located to the west of the subject site.

Moved by P. Kereliuk, seconded by L. Briggs:

THAT Council support Development Variance Permit Application 00543 (DVP00543) to vary the following sections of Zoning Bylaw 5000 to permit the construction of two new single-family dwellings as part of a proposed bareland strata on LT 1 SEC 2 TWP 8 ODYD PL 4869 (4408 25th Street):

- a) Section 9.5.5 minimum rear yard setback requirement from: 6.0m to 4.0m for Strata Lot 1; 4.5m to 4.0m for Strata Lots 2 and 3; and
- b) Section 9.5.5 minimum side yard setback requirement from 4.5m to 1.2m for Strata Lots 2 and 3;

AND FURTHER, that Council's support of DVP00543 is subject to the following:

- a) the site plan and elevations illustrating the general siting, form and character of the proposed dwellings be attached to and form part of DVP00543 as outlined in the report titled "Development Variance Permit for 4408 25th Street" dated March 8, 2022 and respectfully submitted by the Manager, Current Planning.

CARRIED

**DVP00551
9260 KOKANEE ROAD**

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

- To review a development variance permit application to vary the floor area and horizontal dimension (length and width) of a Land Use Contract (LUC) for an accessory residential building at **9260 KOKANEE ROAD**.
- The property is located off east side road. Staff noted that the applicant is applying for a variance to the existing LUC.
- There will be a shop with a covered area out front. The shop is a little larger than the house.
- The recommendation before the Committee is to support a modified version of the proposed design without the covered area, restricting the shop to be slightly smaller than the house.

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

- Staff clarified that the applicant proposes using the shop for vehicle storage / carpentry shop.
- Staff further clarified that Administration is not recommending support of the proposed covered area. The reduced area will be accomplished by eliminating the requested overhang.
- The Committee requested clarification regarding the height of the building. Staff clarified that the height is below both the LUC and R1 zone maximums.
- Members of the Committee discussed that they were in support of Council approving the DVP as originally requested by the applicant.

Moved by M. Hubbs-Michiel, seconded by P. Kereliuk:

THAT Council approve Development Variance Permit 00551 (DVP00551) to vary Land Use Contract Bylaw No. 291, 1978 for LT 6, SEC 11, TP 13, ODYD, PL 32582 (9260 Kokanee Road) by varying Schedule A - Section 4. (b) Floor Area for an accessory residential building from a maximum 55 m² to 136.6 m² and a maximum horizontal dimension from 9 m to 9.14 m and 14.94 m;

AND FURTHER that Council's approval of DVP00551 is subject to the following:

- a) That the proposed development generally complies with the site plan (Attachment 2), by McPherson Maddox Land Surveying, dated September 23, 2021, to be attached to and form part of DVP00551;
- b) That the proposed development generally complies with building elevations (Attachment 3) to be attached to and form part of DVP00551;
- c) That the accessory residential building site be located outside of 30% slope areas; and
- d) That a Section 219 Covenant (Wildfire), complying with FireSmart BC guidelines and the Community Wildfire Protection Plan, in relation to the new accessory residential building, in favour of the City of Vernon, be registered on the Certificate of Title.

CARRIED

DVP00552
3351 ALEXIS PARK DRIVE

This item was considered by the Committee earlier in the meeting.

INFORMATION ITEMS

- a) C. Broderick, Manager, Current Planning, provided a brief overview regarding some of the projects discussed at Council on **March 14, 2022**, as follows:
 - **DVP00546 -Unit #12 – 40 Kestrel Place.** Vacant lot, part of the building will be within the 30% slope designation. It was approved by Council.
 - **DVP00547 – 8160 Okanagan Landing Road** - There was a variance for a pool proposed in the front yard, which was the only suitable placement given the site layout. Council approved without the requirement for screening but had a requirement for fencing.
 - **DVP00549 – 904 Mt. Griffin Road** - Application on Mt. Griffin for retaining wall on 904 Mt. Griffin. Council supported the application at 3.4 meters off the back subject to considerations suggested by APC. Council will require architectural concrete for the retaining wall with patterning.

- **DVP00560- 160 Whistler Place** (located in the Foothills)
This is a new subdivision, the application was supported to reduce the side yard setbacks in order to accommodate the development of a 16 lot, semi-detached subdivision.
- **ZON00380 - 8801 TAVISTOCK ROAD** – This proposed rezoning was reviewed by the APC on February 15, 2022. The project is located in the Adventure Bay neighbourhood, and is a zoning to facilitate multi-family from RH1 to RM1 to allow for a series of five, semi-detached dwellings (10 units). Staff noted that this application will go to Council for consideration in late March or early April.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, March 29, 2022, at 4:00 PM.**

The meeting of the Advisory Planning Committee was adjourned, at the call of the Acting Chair, at 5:04 PM.

CERTIFIED CORRECT:


Chairperson