



## **CORPORATION OF THE CITY OF VERNON**

### **ADVISORY PLANNING COMMITTEE**

**DECEMBER 13, 2022 AT 4:00 PM**

**OKANAGAN ROOM (COUNCIL CHAMBER) CITY HALL**

## **A G E N D A**

**1) CALL TO ORDER**

**2) 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.*

**3) ADOPTION OF AGENDA**

**4) ADOPTION OF MINUTES**

a) November 15, 2022 (Attached)

**5) NEW BUSINESS**

a) ZON00387 / DVP00595 (5101 Turtle Pond Place)

b) DVP00604 (7371 Tronson Road)

c) REZONING CIVIC MEMORIAL PARK (3003 37<sup>TH</sup> Avenue)

**6) INFORMATION ITEMS**

a) Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

**7) NEXT MEETING**

The next meeting is tentatively scheduled for **January 10, 2023**

**8) ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE  
ADVISORY PLANNING COMMITTEE MEETING  
HELD TUESDAY, NOVEMBER 15, 2022  
OKANAGAN ROOM (COUNCIL CHAMBER) CITY HALL**

**PRESENT:** Claire Ishoy  
Don Schuster  
Harpreet Nahal  
Jamie Paterson  
Joshua Lunn  
Lisa Briggs  
Margaret Jarman  
Mark Longworth  
Mayor Cumming  
Monique Hubbs-Michiel  
Phyllis Kereliuk

**ABSENT:** Doug Neden

**STAFF:** Craig Broderick, Manager, Current Planning/Approving Officer  
Jennifer Pounder, Committee Clerk  
Michelle Austin, Current Planner  
Roy Nuriel, Planner, Economic Development

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

THAT the agenda of the November 15, 2022 meeting for Advisory Planning Committee be adopted:

**CARRIED**

**ADOPTION OF THE  
MINUTES**

Moved by **J. Paterson**, seconded by **P. Kereliuk**:

THAT the minutes for the October 12, 2022 meeting of Advisory Planning Committee be adopted.

**CARRIED**

**NEW BUSINESS:**

**DVP00581 (4803  
PLEASANT VALLEY  
ROAD)**

**M. Austin, Current Planner**, provided an overview of the application as follows:

- The application before the Committee is to increase allowable sign area for two street frontages.
- Signage would be placed on the building walls on the north, west and south sides of the building. Two signs on the north side, 5 signs on the west side and 11 signs on the south side.

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

- A member of the Committee asked if the intention of the signage is to attract foot traffic. They are not in support of the application and concerned that the signs pose a danger to vehicular traffic.
- The Committee asked if any samples of the historical photographs intended for use were available to view. Staff did not have any available but did confirm they would be photographs of the site throughout the years in black and white (greyscale).

Moved by **M. Jarman**, seconded by **H. Nahal**:

THAT Council support Development Variance Permit 00581 (DVP00581) to vary Sign Bylaw 4489, Part III, Section A.1. for Lot A, Sec 11, TP 8, ODYD, Plan EPP21497 (4803 Pleasant Valley Road) as outlined in the report titled "Development Variance Permit Application for 4803 Pleasant Valley Road" dated November 10, 2022 and respectfully submitted by the Current Planner, by increasing the maximum sign area of Fascia Signs on a building wall for two street frontages from 28m<sup>2</sup> to 68.8m<sup>2</sup>, in addition to existing business name signs, as follows:

- a) 11 signs each 4ft<sup>2</sup> for a combined sign area of 44ft<sup>2</sup> (4.1m<sup>2</sup>) on the south elevation (fronting Silver Star Road);
- b) 5 signs each 105.8ft<sup>2</sup> for a combined sign area of 529.1ft<sup>2</sup> plus 2 signs each 41.9ft<sup>2</sup> for a combined sign area of 83.8ft<sup>2</sup> for a total area of 612.9ft<sup>2</sup> (56.9m<sup>2</sup>) on the west elevation (fronting Pleasant Valley Road); and
- c) 2 signs each 41.9ft<sup>2</sup> for a combined sign area of 83.8ft<sup>2</sup> (7.8m<sup>2</sup>) on the north elevation (fronting the parking lot);

AND FURTHER, that Council's support of DVP00581 is subject to the following:

- a) That the signage generally complies with the elevation drawings (Attachment 3) to be attached to and form part of DVP00581.

**CARRIED**  
**with J. Lunn opposed**

*M. Austin left the meeting at 4:11 p.m.*

*Before DVP00576 3708 25<sup>th</sup> AVENUE was discussed, Committee member Joshua Lunn declared a conflict of interest and left the meeting at 4:12 p.m.*

**DVP00576 (3708 25<sup>th</sup> AVENUE)**

**R. Nuriel, Planner, Economic Development**, provided an overview of the application as follows:

- The application before the Committee is to vary the maximum building height as measured in storeys in Zoning Bylaw 5000, Section 9.10.6, in order to support the construction of a six unit multi family development.

*C. Ishoy arrived at 4:16 p.m.*

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

- The Committee inquired if there will be any guest parking available. Staff confirmed that there will be 1 visitor spot available as per bylaw standards.
- The Committee asked about the “boxy” design of the building. Staff stated that the 2 storey requirement was implemented at a time when the City was mostly dealing with houses on the hillside. Initially, one half storey was used for a walkout basement or for the roof gable. This building is designed to be “boxy” to accommodate a potential third level. Staff is reviewing these regulations related to building height and number of storeys.
- The Committee expressed concern for the black rooftop. The black encourages the building to heat up and suggested that they paint the roof white.
- The Committee also expressed concern with the amount of visitor parking as there is no street parking available in that area. Staff will bring the comments and recommendations to the owners.

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

THAT Council support Development Variance Permit application 00576 (DVP00576) to vary the following sections of Zoning Bylaw 5000 to permit the construction of a multi family development on LT 1 DL 71 ODYD PL 20017 (3708 25th Avenue) as outlined in the report titled “Development Variance Permit Application for 3708 25th Avenue” dated November 7, 2022 and respectfully submitted by the Current Planner:

- a) Section 9.10.6 maximum height from the lesser of 10m or 2.5 storeys to 10m or 3 storeys;

AND FURTHER, that Council’s support of DVP00576 is subject to the following:

- a) the site plan, floor plan and building elevations (Attachment 1) illustrating the general siting, layout and dimensions of the proposed development be attached to and form part of DVP00576; and

b) that prior to issuance of DVP00576 a Development Permit is ready for issuance.

**CARRIED**

**DVP00561 (1606 38<sup>TH</sup> AVENUE)**

**C. Broderick, Manager, Current Planning/Approving Officer,** provided an overview of the application as follows:

- The application before the Committee is to vary Zoning Bylaw 5000, Section 4.5.6 and Section 4.5.7, to allow for the construction of a detached garage.
- Applicant has work vehicles, RVs and boats they want to store on the property in an enclosed structure.
- The Applicant has reduced the size and height from the original application.
- Road reserve covenant be placed on title to require 5.5m to continue a lane at some point in the future. Staff noted, as per the report, that the applicant is not in favor of the road reserve to be placed on the title of the property.

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

- The Committee asked regarding the impermeable surface and what areas will be paved. Staff clarified that it will be just under 50% as the pool is also included in that calculation.
- The Committee inquired when the lane is built in the future. Staff noted that the lane through the property to connect to the lane to the east is not identified in the 5-year Capital Plan.
- The Committee commented that they are in support of this application as the garage is mostly hidden. Staff stated that part of the proposal is to excavate part of the lawn area to keep the garage roof as low as possible.
- Staff confirmed that the neighbors will be notified and they will have a chance to voice their comments and concerns to Council.

- The Committee asked when the road reserve covenant can be exercised. Staff noted the owners usually receive one year's notice and such stipulations are written into the terms of a road reserve covenant.

Moved by **D. Schuster**, and seconded by **L. Briggs**:

THAT Council support Development Variance Permit Application 00561 (DVP00561) to vary the following sections of Zoning Bylaw 5000 to allow for the construction of a detached garage on LOT 8 PLAN 474 SEC 2 TWP 8 ODYD OF S 156.14' EXC PL B1275 (1606 38th Avenue) as outlined in the report titled "Development Variance Permit Application for 1606 38th Avenue" dated November 8, 2022 and respectfully submitted by the Approving Officer:

- a) maximum allowable height for a secondary building to the mid-point of the roof structure, Section 4.5.6 from 4.5m to 5.0m up to a total building height of 5.7m; and
- b) maximum allowable building area of a secondary building, Section 4.5.7 from 90m<sup>2</sup> to 105m<sup>2</sup> and a cumulative total area of 187m<sup>2</sup>;

AND FURTHER, that Council's support of DVP00561 is subject to the following:

- a) the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development be attached to and form part of DVP00561; and
- b) a Road Reserve Covenant be registered on title that will allow the City to acquire the needed land to connect 38th Avenue/lane in the future at no cost and ensures no buildings are built on the future alignment.

**CARRIED**

**DVP00588 (4816, 4960  
AND 5000 SILVER  
STAR ROAD)**

**R. Nuriel, Planner, Economic Development**, provided an overview of the application as follows:

- The application before the Committee is to vary different sections of Sign Bylaw 4489 to allow for three freestanding signs to be constructed in the business park located at 4816, 4960 and 5000 Silver Star Road.
- The Board of Variance reviewed a similar application from the applicant to install a freestanding sign for phase one of the business park. With the application, the applicant presented rationale for hardship and the requested variance was supported by the Board. As the Board of Variance's resolution included only one freestanding sign on phase one of the business park, an additional variance is required in order to install the remaining three identical freestanding signs on the property.

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

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

THAT Council support Development Variance Permit Application 00588 (DVP00588) to vary the following sections of Sign Bylaw 4489 to allow for three freestanding signs to be constructed on Lots 1 and 2, Plan EPP91551, Sec 2, Twp 8, ODYD (4816 and 5000 Silver Star Road) and on Lot B, Plan 39472, Sec 2, Twp 8, ODYD (4960 Silver Star Road):

- a) to vary the minimum clearance of freestanding signs from 2.75m to 1.6m (Part III Section C.3.a); and
- b) to vary the freestanding signs location to be 1.0m from the property line and the signage area to be located from 1.6m instead of 2.75m (Part III Section C.3.b);

AND FURTHER, that Council support of DVP00588 is subject to the following:

- a) the site plan and signs elevation generally noted as Attachments 2 and 3 contained in the report titled "Development Variance Permit for 4816, 4960 and 5000 Silver Star Road" dated October 24, 2022 and

respectfully submitted by the Economic Development Planner be attached to and form part of DVP00588 as Schedule 'A'.

**CARRIED**

**PROPOSED TEXT  
AMENDMENTS TO  
C10A**

**R. Nuriel, Planner, Economic Development**, provided an overview of the application as follows:

- The application before the Committee is to propose text amendments to C10A: Tourist Commercial and Residential zoning district.
- Current C10A zoning in the city is in the Okanagan Landing Waterfront Neighborhood Plan.
- The C10A zoning was initially introduced in 2004 to accommodate more full time residential in a tourist area.
- The new wording will allow more variety of land uses in the areas.

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

- In response to a question, staff confirmed they are not adding new areas to the current zones, only amending the text. If the amendment receives final adoption, staff anticipate to see more applications for rezoning.
- The Committee inquired as to the height maximum in the current bylaw. Staff confirmed it is currently four stories/15m except for nine storeys/30m for apartment and tourist housing.
- Staff confirmed the existing buildings that do not comply with the new zoning will be grandfathered in. Any new builds will have to comply with the new zoning.

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

THAT Council support the preparation of a text amendment to zoning district C10A: Tourist Commercial and Residential as

outlined in the report titled "Proposed Text Amendments to C10A: Tourist Commercial and Residential Zoning District" dated October 25, 2022 and respectfully submitted by the Economic Development Planner.

### CARRIED

**OCP00098/ZON00391/  
DVP00593 (2702 AND  
2800 40<sup>th</sup> STREET)**

**R. Nuriel, Planner, Economic Development**, provided an overview of the application as follows:

- To review the applications to amend the Official Community Plan land use designation at 2702 and 2800 40<sup>th</sup> Street from 'Residential Small Lot' to 'Public and Institutional', to rezone the properties from 'RM2 – Multiple Housing Residential' to 'P3 – Private Institutional' and to vary sections of Zoning Bylaw 5000 in order to expand and upgrade an existing seniors residential care facility.
- In 2004 the property at 2800 40<sup>th</sup> Street was approved for a 24-hour senior care facility. The owner has since purchased the property adjacent to it and would like to extend the current facility.
- Since 2004 there have been no nuisances reported from the neighbors, or bylaw complaints regarding the current senior care facility.

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

- The Committee commented that this proposal changes the scale of the neighborhood completely. It is a large building and the neighborhoods input is very important. Staff confirmed that this application will go to a Public Open House and neighbors will be notified as per bylaw requirements.

Moved by **C. Ishory**, seconded by **P. Kereliuk**:

THAT Council support, in principle, Official Community Plan Amendment application 00098 (OCP00098) to amend the Official Community Plan land use designation of Lot 3, Plan 3761, DL 71, ODYD (2702 40<sup>th</sup> Street) and Lot A, Plan KAP73789, DL 71, ODYD (2800 40<sup>th</sup> Street) from 'Residential Small Lot' to 'Public and Institutional', as outlined in the report titled "Official

Community Plan Amendment, Rezoning and Development Variance Permit Applications for 2702 and 2800 40th Street" dated November 9, 2022 and respectfully submitted by the Economic Development Planner;

AND FURTHER, that Council support presenting the proposed Official Community Plan Amendment application at a public open house in order to seek public input prior to the Public Hearing;

AND FURTHER, that Council support, in principle, rezoning application 00391 (ZON00391) to rezone Lot 3, Plan 3761, DL 71, ODYD (2702 40th Street) and Lot A, Plan KAP73789, DL 71, ODYD (2800 40th Street) from 'RM2 – Multiple Housing Residential' to 'P3 – Private Institutional' in order to expand an existing seniors residential care facility;

AND FURTHER, that Council support Development Variance Permit Application 00593 (DVP00593) to vary the following sections of Zoning Bylaw 5000 to allow for the expansion of a seniors residential care facility on Lot 3, Plan 3761, DL 71, ODYD (2702 40th Street) and Lot A, Plan KAP73789, DL 71, ODYD (2800 40th Street):

- a) to vary the maximum projections for the patio roof in the front yard setback from 1.5m to 3.96m (Section 4.4.2); and
- b) to vary the minimum south side yard setback for the building wall from 6.0m to 3.0m and 1.83m for the roof overhang (Section 12.3.5);

AND FURTHER, that Council's support of DVP00593 is subject to the following:

- a) that Lot 3, Plan 3761, DL 71, ODYD (2702 40th Street) and Lot A, Plan KAP73789, DL 71, ODYD (2800 40th Street) be consolidated into one lot;
- b) the owner is to build or enter into a Development Agreement for the construction of the curb, gutter and sidewalk along the frontage of Lot 3, Plan 3761, DL 71, ODYD (2702 40th Street);
- c) the owner is to pave the laneway for the remaining ~30m south of the property to 27th Avenue; and

- d) that the site plan, floor plan, building elevations and landscaping plans generally noted as Attachments 6–8 be attached to and form part of DVP00593.

**CARRIED**

Before the Staff Update, the Chair inquired as to when the Official Community Plan (OCP) is up for revision. Staff commented that the review of the OCP will start in 2023, however, it is going to take a few years to complete.

**INFORMATION ITEMS:**

**STAFF UPDATE**

**C. Broderick, Manager, Current Planning/Approving Officer,** provided a brief overview regarding some of the projects discussed at Council on November 14, 2022, as follows:

- ZON00385 / DVP00569 (1609 43 Avenue) – *Application to rezone the property from R5 to RH2*  
**Approved by Council for readings on December 12, 2022.**
- ZON00340 (173 Vineyard Way) – *Application to rezone the property from RTR and RTC to only RTR*  
**Approved by Council for readings on December 12, 2022.**
- LUC00024 (Mt. Fosthall Drive) – *A bylaw to discharge “City of Vernon Land Use Contract Bylaw Number 2613, 1977”*  
**Adopted**


**NEXT MEETING**

The next meeting for the Advisory Planning Committee is set for November 29, 2022 at 4:00 PM.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at 5:01 p.m. by call of the Chair

**CERTIFIED CORRECT:**

 Chair