



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

WEDNESDAY, NOVEMBER 13, 2019

4:00 pm – OKANAGAN LAKE ROOM

A G E N D A

1. **ADOPTION OF AGENDA**

2. **ADOPTION OF MINUTES**

October 16, 2019 (attached)

3. **NEW BUSINESS**

a) DVP00461 – Development Variance Permit Application for 8840 Somerset Place

b) ZON00333 – Rezoning Application for 3202 16 Avenue and 1504 32 Street

c) DVP00463/ZON00337 – Development Variance Application for 967 MT, Beaven Place

d) ZON00342 – Rezoning Application for 5577 27 Avenue

4. **INFORMATION ITEMS**

a) The Staff Liaison reviewed APC related items discussed at the October 28, 2019 Council meeting.

5. **NEXT MEETING**

The next meeting is tentatively scheduled for Tuesday, November 26, 2019.

6. **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

WEDNESDAY, OCTOBER 16, 2019

PRESENT: VOTING

Mark Longworth, Chair
Doug Neden, Vice-Chair
Bill Tarr
Jamie Paterson
Monique Hubbs-Michiel
Larry Lundgren
Harpreet Nahal
Lisa Briggs
Don Schuster

NON VOTING

Councillor Anderson

ABSENT: Phyllis Kereliuk

STAFF: Craig Broderick, Manager, Current Planning/Staff Liaison
Amanda Watson, Manager, Transportation
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 4:00 p.m.

**ADOPTION OF
AGENDA**

Moved by Monique Hubbs-Michiel, seconded by Larry Lundgren;

THAT the agenda of the Advisory Planning Committee meeting for October 16, 2019 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Doug Neden, seconded by Jamie Paterson;

THAT the minutes for the Advisory Planning Committee meeting of October 1, 2019 be adopted.

CARRIED.

NEW BUSINESS:

**ZONING BYLAW
TEXT AMENDMENT –
ACCESSIBLE
PARKING**

The Manager, Transportation reviewed the proposed amendments to Zoning Bylaw #5000 for accessible parking. The Committee noted the following:

- Concern that the BC Building Code removed this section to begin with.
- It was noted that the federal government recognizes that those with a disabilities has increased to 22% of the population, provincial government recognizes that 25% of BC’s population have disabilities.
- These amendments only apply to new buildings.
- Concern that the changes may increase costs to developers.
- It was noted that, because the requirement not part of the building code and is now part of the Zoning bylaw, it can be varied.
- These are fairly substantial changes when it comes to underground parking (specifically the height issue) and could impact the affordability.
- There is no correlation between the number of accessible spots and the number of accessible units in the building.
- The drawings in the staff report showing comparison between current and proposed parking are confusing.

Moved by Lisa Briggs, seconded by Monique Hubbs-Michiel;

THAT the Advisory Planning Committee recommends that Council endorse amendments to Zoning Bylaw #5000, as show in red in Attachment 2 in the report titled “Refined Zoning Bylaw #5000 Accessible Parking Amendments” dated October 8, 2019 b the Transportation Planner, that would revise accessible off-street parking requirements to follow current best practice.

CARRIED, with Harpreet Nahal and Don Schuster opposed.

**ZONING BYLAW
TEXT AMENDMENT –
DEVELOPMENT
REGULATIONS FOR
EMERGENCY
SHELTERS**

The Manager, Current Planning reviewed the proposed amendments to Zoning Bylaw #5000 for development regulations for emergency shelters. The Committee noted the following concerns:

- This will apply to new shelters only.
- If they operated last winter and discontinued for greater than six months, these requirements would be in force if they were to open again.

- Would like to see this apply to existing shelters if possible.
- Would be difficult to apply to existing buildings , there is a trade-off between providing housing and providing storage.
- When Gateway was built it was not accessible, there are many people that access these services that have mobility impairments. These amendments should also include accessible requirements.
- The lobby space does not seem valuable when storage space is needed.
- Suggestion that the City work with the non-profits to see if the storage issue can be addressed.
- There may be push back for storage of stolen property.

Moved by Monique Hubbs-Michiel, seconded by Doug Neden ;

THAT the Advisory Planning Committee recommends that Council support the proposed amendments to Zoning Bylaw #5000 as outlined in the report titled “Zoning Bylaw #5000 Amendment – Development Regulations for Emergency Shelters”, dated October 10, 2019 and respectfully submitted by the Economic Development Planner.

CARRIED.

The Manager, Current Planning reviewed the following APC related applications discussed at the October 15, 2019 Council meeting:

- **DVP00459** - #2 50 Kestrel Place – issued once all conditions are satisfied.
- **ZON00305** – 5757 Okanagan Landing Road Rezoning – one year extension granted to November 13, 2020.
- **ZON00335/DVP00445** – 3610 25th Avenue – 1st and 2nd reading given, PH set for November 12, 2019
- **3911 31 Street** – application withdrawn, PH cancelled and first and second reading rescinded
- **ZON00329** – 5661 Okanagan Landing Road – PH held, given 3rd reading
- **ZON00334** – 3904 Alexis Park Drive – PH held, given 3rd reading with condition that efforts be made to save blue spruce
- **OCP00073** – 6141 Hwy 97 and 6162 Pleasant Valley Road – PH held, given 3rd reading

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, October 29, 2019.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:41 p.m.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Carie Liefke
Planning Assistant
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: December 16, 2019
REPORT DATE: November 6, 2019
FILE: DVP00461

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 8840 SOMERSET PLACE

PURPOSE:

To review the development variance permit application for 8840 Somerset Place to vary a section of Zoning Bylaw #5000 in order to legalize a retaining wall constructed over 1.2m in height.

RECOMMENDATION:

THAT Council NOT support Development Variance Permit Application #DVP00461 to vary the following section of Zoning Bylaw #5000 in order to allow a retaining wall 3.1m in height to remain on Lot 3, DL 298, ODYD, Plan KAP86381 (8840 Somerset Place):

- a) Section 6.5.11. to increase the maximum height of a retaining wall on a residential lot from 1.2m to 3.1m, measured from grade on the lower side.

AND FURTHER, that the applicant be directed to work with staff to find an alternative solution.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application #DVP00461 to vary the following section of Zoning Bylaw #5000 in order to allow a retaining wall 3.1m in height to remain on Lot 3, DL 298, ODYD, Plan KAP86381 (8840 Somerset Place):

- a) Section 6.5.11. to increase the maximum height of a retaining wall on a residential lot from 1.2m to 3.1m, measured from grade on the lower side;

AND FURTHER, that Council support of DVP00461 is subject to the following:

- a) Approval of a Building Permit under Building and Plumbing Bylaw #4900, including a report from a Registered Professional, as may be required, to provide design and plan certification and field review supported by Letters of Assurance; and
- b) *any conditions that may be cited by Council.*

Note: This alternative supports the development variance permit application and provides for additional conditions as may be cited by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 13, 2019 the Advisory Planning Committee passed the following resolution:

“ ”

B. Rationale:

1. The subject property is located at 8840 Somerset Place, which is a private frontage road off Tronson Road, as shown on Figures 1 and 2. The property is 0.619 ha in size and is situated on and above Okanagan Lake. The lot slopes downward from the road towards Okanagan Lake and the property is sparsely treed.

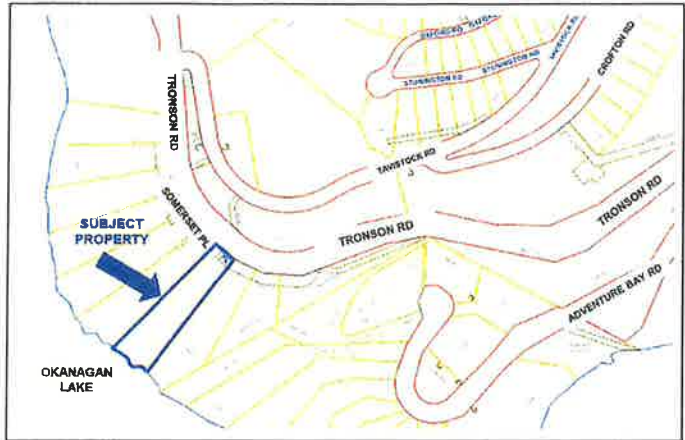


Figure 1 – Property Location Map

2. The subject application proposes to vary the following section of Zoning Bylaw #5000 in order to allow an existing over-height retaining wall to remain:

a) Section 6.5.11. to increase the maximum height of a retaining wall on a residential lot from 1.2m to 3.1m, measured from grade on the lower side.

3. Application was made to construct a single family residence on this property in August of 2018 (BP6948). The plan check for siting, completed in October 2018 identified concerns about the height of this retaining wall on three separate drawings in the drawing package: Site Plan 0.1, Foundation Plan 1.0 and Basement Plan 1.1.



Figure 2 – Aerial View of Property

4. Subsequently, a Building Permit (BP6948) to construct a single family home on this property was issued in November of 2018 with plan notations stating that the retaining wall height must not exceed 1.2m in height.

5. The over-height retaining wall was first noted in an inspection report dated April 18, 2019. Several solutions were offered to the applicant at that time and as construction progressed, this deficiency was carried forward through subsequent inspections. The Building Permit Process for this single family house included multiple scheduled inspections, up to and including Retaining Wall Review, which has not been passed. The Building Permit application is being held pending resolution of this item.

6. It is noted that several design solutions have been suggested and are still viable, including revisions to grading and/or landscaping plans, adding a concrete window well, or changing the window.

7. Administration does not support the requested variances for the following reasons:

- a) The applicant was made aware of the Zoning Bylaw #5000 provision regarding the maximum height of retaining walls early in the process at the plan check stage (October of 2018) and at subsequent inspections periodically through the construction process.
- b) The applicant proceeded to complete the retaining wall which now measures 3.1m in height.
- c) Retaining walls greater than 1.2m require professional review and certification by a qualified structural engineer. Without a professional review, the structural integrity of the wall is unknown and failure of the wall could result in damage to persons or property.
- d) Administration expresses concern regarding the response by the applicant to this issue. The applicant could have rectified the non-compliant wall through the building permit process. City of Vernon administration values its working relationships with all applicants, offering guidance where appropriate.

C. Attachments

Attachment 1 – Site Plan showing Retaining Wall location

Attachment 2 – Photo of Existing Retaining Wall

D. Council's Strategic Plan 2019 – 2022 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential development process.

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan

- The Hillside Guidelines address retaining walls in the following manner (excerpts):

The use of retaining walls is not encouraged. These are only supported where they preserve native undisturbed areas, address unstable native slopes or rock faces, or form part of the neighbourhood character. Where provided, the following criteria should be considered in their design:

- d. Retaining wall height should not exceed 3.0m for roads and site specific works, 1.2m for yards. Higher walls may be appropriate where they are articulated, have a surface texture/pattern, or where sufficient landscaping is provided to screen the wall.
- e. Employ a system of smaller stepped retaining walls instead of a large uniform wall. The height and depth of the wall steps should be consistent with the natural terrain or with the slope above and below the walls. For stepped retaining wall systems, the walls must be designed to permit landscaping of the terraces that will screen the wall, including irrigation to all terraces. Landscaping of the terraces using mixed hardy native shrubs or trees is required. Width of each terrace proposed must be sufficient to enable the landscaping required and permit access for maintenance.
- g. All retaining walls over 1.2m tall require a building permit to ensure all professional documentation has been undertaken and provided to the City. Final acceptance and

approval of the development for issuance of house building permits includes completion and acceptance of all retaining wall building permit requirements.

- The height of this retaining wall contravenes the following provisions of Zoning Bylaw #5000 and Building and Plumbing Bylaw #4900:

Zoning Bylaw #5000:

- Section 6.5.11 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2m measured from grade at the lower side, and must be constructed to that multiple retaining walls are spaced to provide a least a 1.2m horizontal separation between them.

Building and Plumbing Bylaw #4900

- Section 2.3 The provisions of this Bylaw apply to retaining walls, to stacked rock walls, and to retaining structures that in the opinion of a Building Official require a plan certified by a registered professional due to siting conditions.
- Section 3.1.1 No person shall commence or continue any construction, alteration, extension, structural repair, health or safety repair, placement of any building or structure or other work related to construction, including work described in Section 1.1.2 of the Building Code, unless a valid and subsisting permit has been issued for the work by a Building Official.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Carie Liefke
Planning Assistant

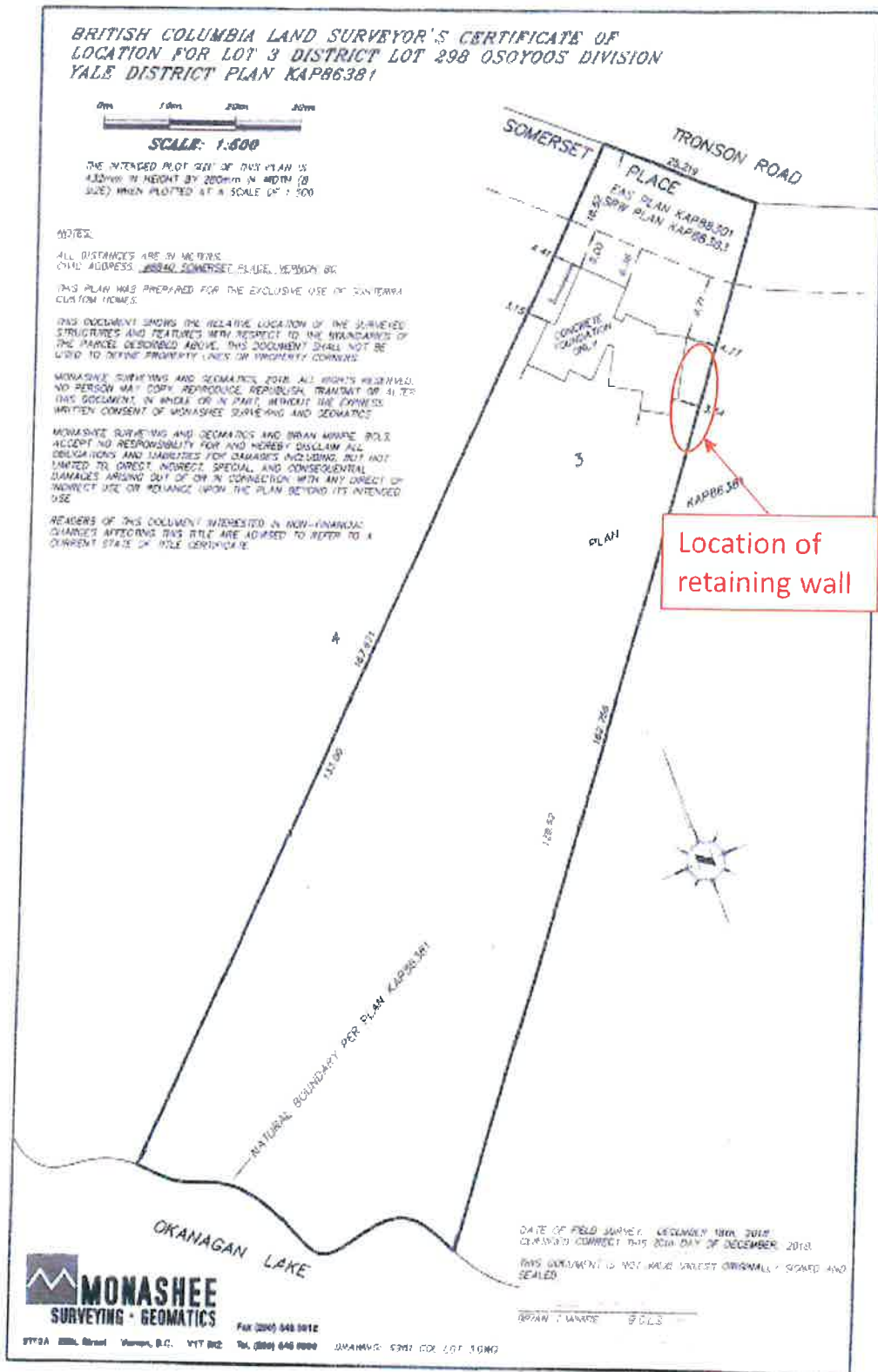
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Signer 2

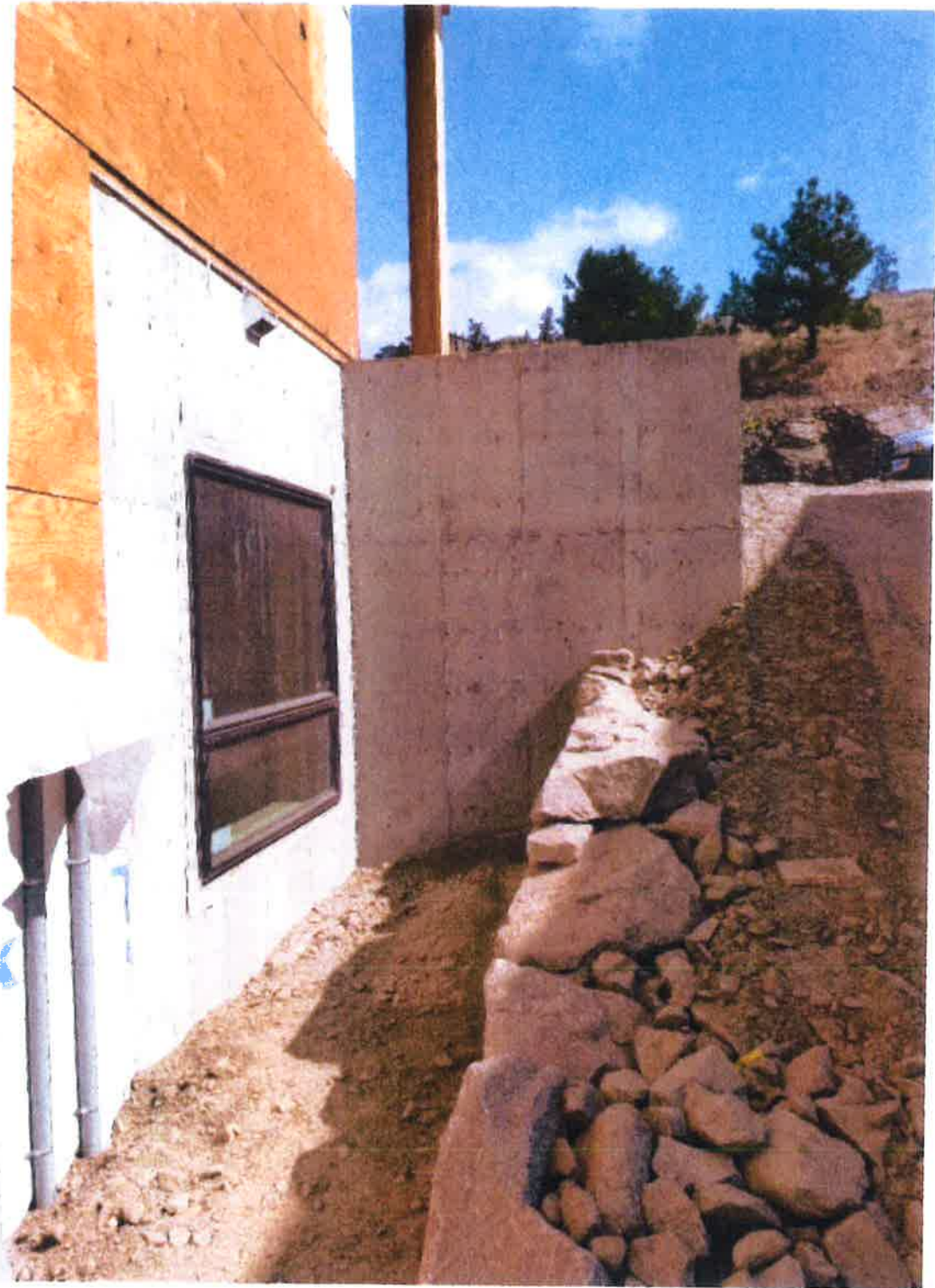
Kim Flick
Director, Community Infrastructure and Development

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| <input type="checkbox"/> OTHER: | | |



Attachment 2





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Carie Liefke
Planning Assistant
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: November 25, 2019
REPORT DATE: November 6, 2019
FILE: ZON00333

SUBJECT: REZONING APPLICATION FOR 3202 16TH AVENUE AND 1504 32ND STREET

PURPOSE:

To review the rezoning application which proposes to rezone the subject properties located at 3202 16th Avenue and 1504 32nd Street from R2 (Large Lot Residential) to RM2 (Multiple Housing Residential) in order to construct a residential building containing three units.

RECOMMENDATION:

THAT Council support the application (ZON00333) to rezone Lots 7 and 8, Blk 15, DL 73, ODYD, Plan 225 (3202 16th Avenue and 1504 32nd Street) from R2 (Large Lot Residential) to RM2 (Multiple Housing Residential) in order to construct a residential building containing three units, subject to the following conditions:

1. Consolidation of Lots 7 and 8, Blk 15, DL 73, ODYD, Plan 225 into one lot;
2. Dedication of Road Right of Way adjacent to Highway 97 to the satisfaction of the Ministry of Transportation and Infrastructure;
3. The design and construction of all on-site and off-site works and services necessary to service the property to standards set out in the Subdivision and Development Servicing Bylaw #3843, or securities to the satisfaction of the Municipal Engineer to ensure the required upgrades.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council NOT support the application (ZON00333) to rezone Lots 7 and 8, Blk 15, DL 73, ODYD, Plan 225 (3202 16th Avenue and 1504 32nd Street) from R2 (Large Lot Residential) to RM2 (Multiple Housing Residential).

Note: This alternative does not support the rezoning application, and as a result the application as submitted would not proceed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 13, 2019, the Advisory Planning Committee passed the following resolution:

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B. Rationale:

1. The subject properties are located at 3202 16th Avenue and 1504 32nd Street (Figures 1 and 2), adjacent to Highway 97 at the southern entrance to the City. The land is designated as Residential Medium Density (RMD) within the Official Community Plan (OCP) and is within the R2 Large Lot Residential zoning district as shown on the attached OCP and zoning map excerpts (Attachments 1 and 2).
2. The subject properties combined are approximately 465 sq. metres, and are currently vacant.
3. The properties were the site of a former gas station which has since been remediated and a Final Determination from the Ministry of Environment has been received.
4. The land uses immediately adjacent to the subject properties include: commercial (north, and across the highway to the east), single family (west), and multifamily (south). Future land uses for this area, as designated in the Official Community Plan, are Medium Density Residential on the west side of the highway and Mixed Use Commercial Residential across the highway to the east.
5. The application to rezone the subject land to RM2 – Multiple Housing Residential (Attachment 3) is consistent with the OCP land use designation of Residential Medium Density. The OCP designation allows for a maximum base density of 110 units per ha (44.5 units per acre). Under the proposed RM2 zone, the maximum allowable density would be 60 units per gross hectare, or two units given the area of the subject properties. With a housing agreement, as proposed by the applicant, the maximum allowable density for the subject properties would be 3 units.
6. The applicant has prepared a prospective site plan (Attachment 4 Site Plan) which illustrates that a three unit residential structure could be developed on this property without Development Variances. Since the proposal is for three units, a Development Permit for Form and Character pursuant to the OCP is not required.
7. A covenant (H537) in favour of the Ministry of Transportation and Infrastructure (MoTI) is registered on title. This covenant relates to building setbacks from Highway 97. Referral comments received from MoTI indicate that a building setback of 4.5m would be required from Highway 97 if vehicle access were from the front of the property or a 3.0m setback if vehicle access is from the lane; access from the land and a 3.0m setback has been proposed.
8. Administration supports the rezoning application as the proposed use and density conforms to the OCP, and the applicant has demonstrated that the properties can be successfully developed under the proposed zoning without the need for Development Variances.

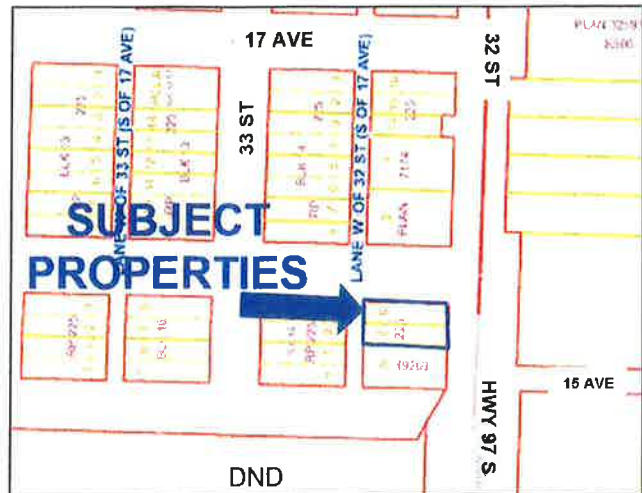


Figure 1 – Property Location Map



Figure 2 – Aerial Map of Property

C. Attachments:

- Attachment 1 – Current Official Community Plan (OCP) designation
- Attachment 2 – Current zoning district
- Attachment 3 – Proposed zoning district
- Attachment 4 – Proposed site plan
- Attachment 5 – Zoning Bylaw excerpt: RM2 Multiple Housing Residential zoning district

D. Council’s Strategic Plan 2019 – 2022 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan:

- 7.3 Support the development of the City Centre District, neighbourhood centres, and designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Will Pearce, CAO

Date: _____

Carie Liefke
Planning Assistant

X

Signer 2





Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

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| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
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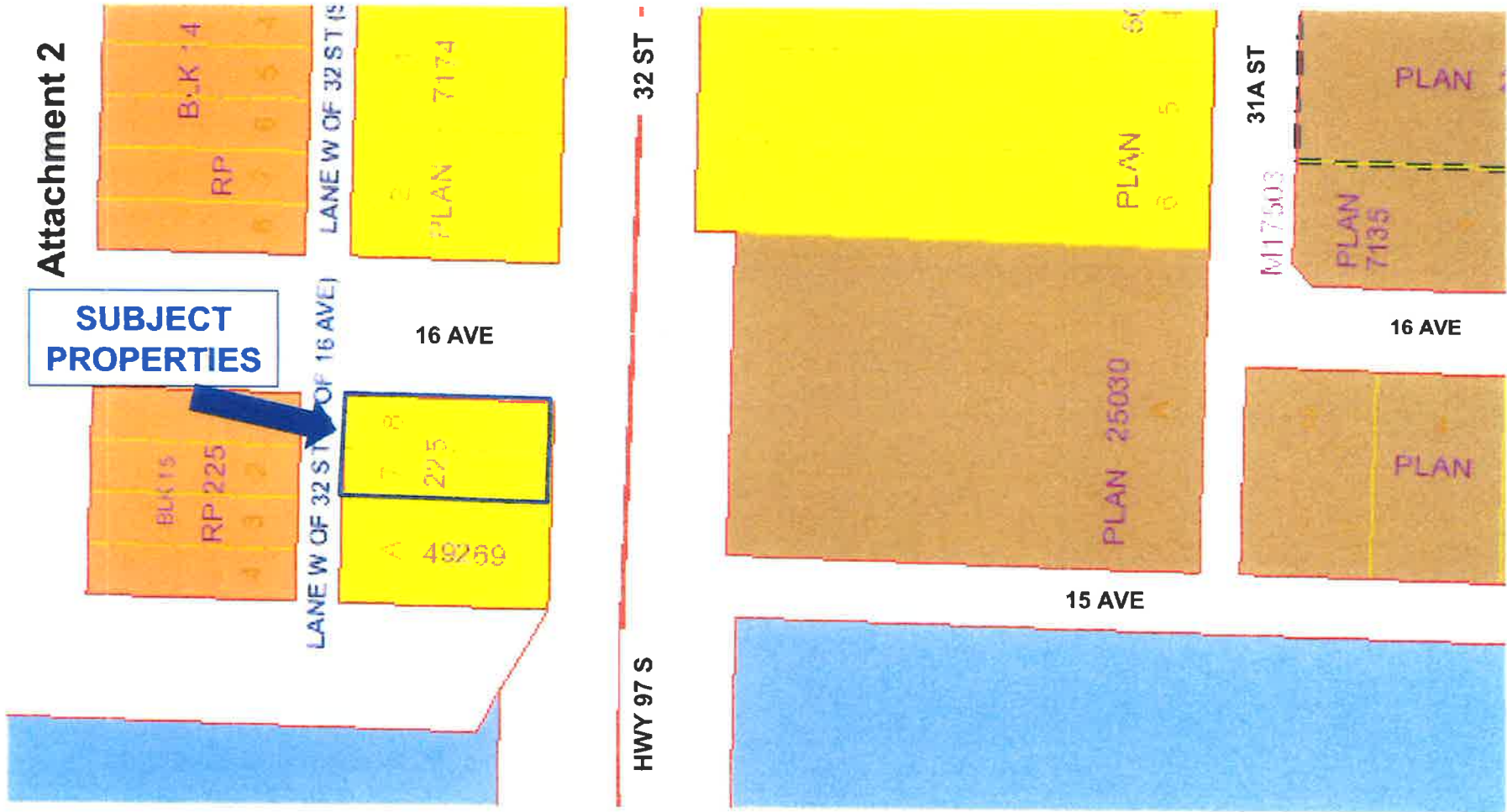
Attachment 1







-  PUBINS – Public & Institutional
-  RMD – Residential – Medium Density
-  RSL – Residential Small Lot – Single & Two Family Dwelling
-  MDCOMRES – Mixed Use – Medium Density Commercial & Residential

OCP Designation

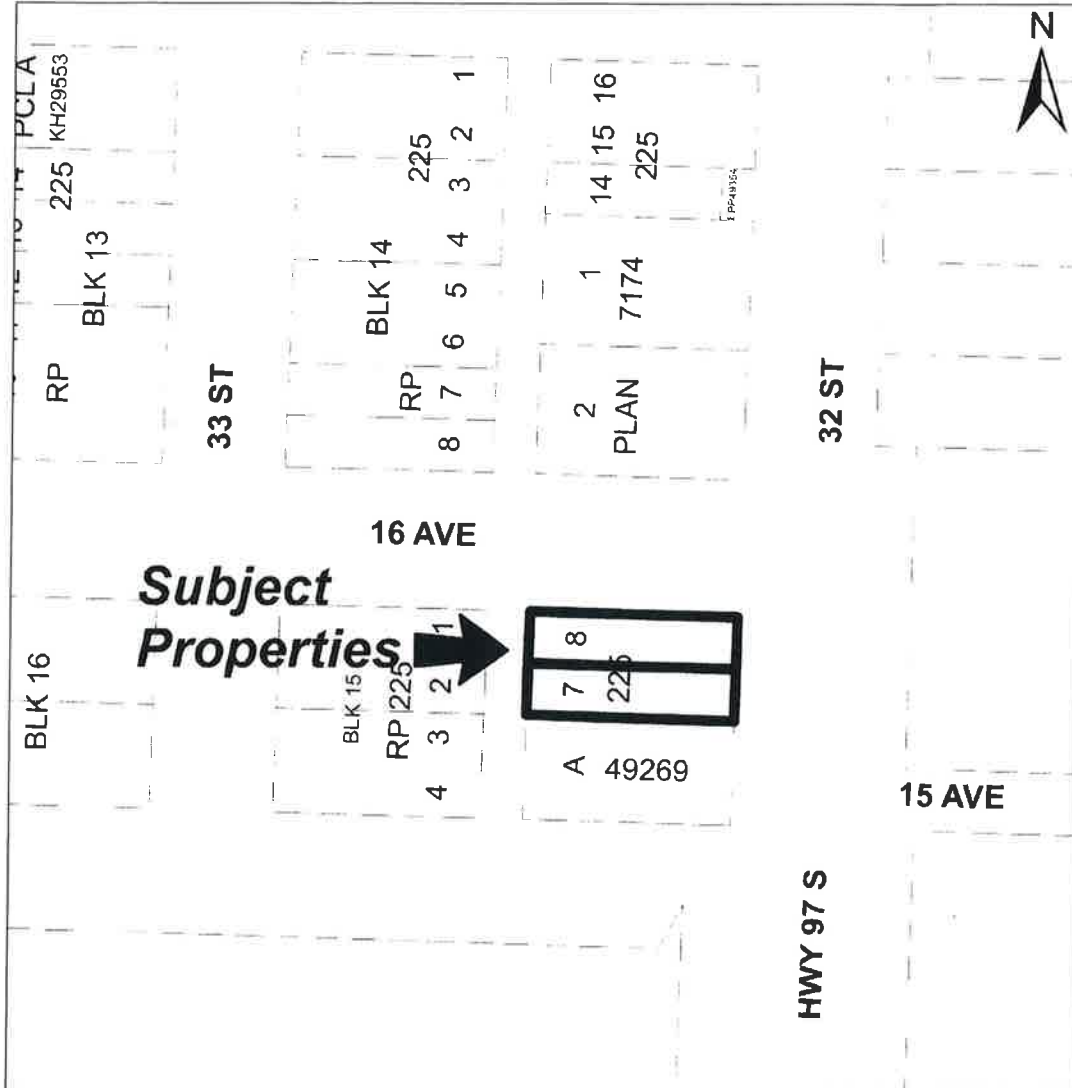
Attachment 2



-  P2 – Public Institutional
-  RM1 – Row Housing Residential
-  RH1 – Low-Rise Apartment Residential
-  R2 – Large Lot Residential

Zoning Designation

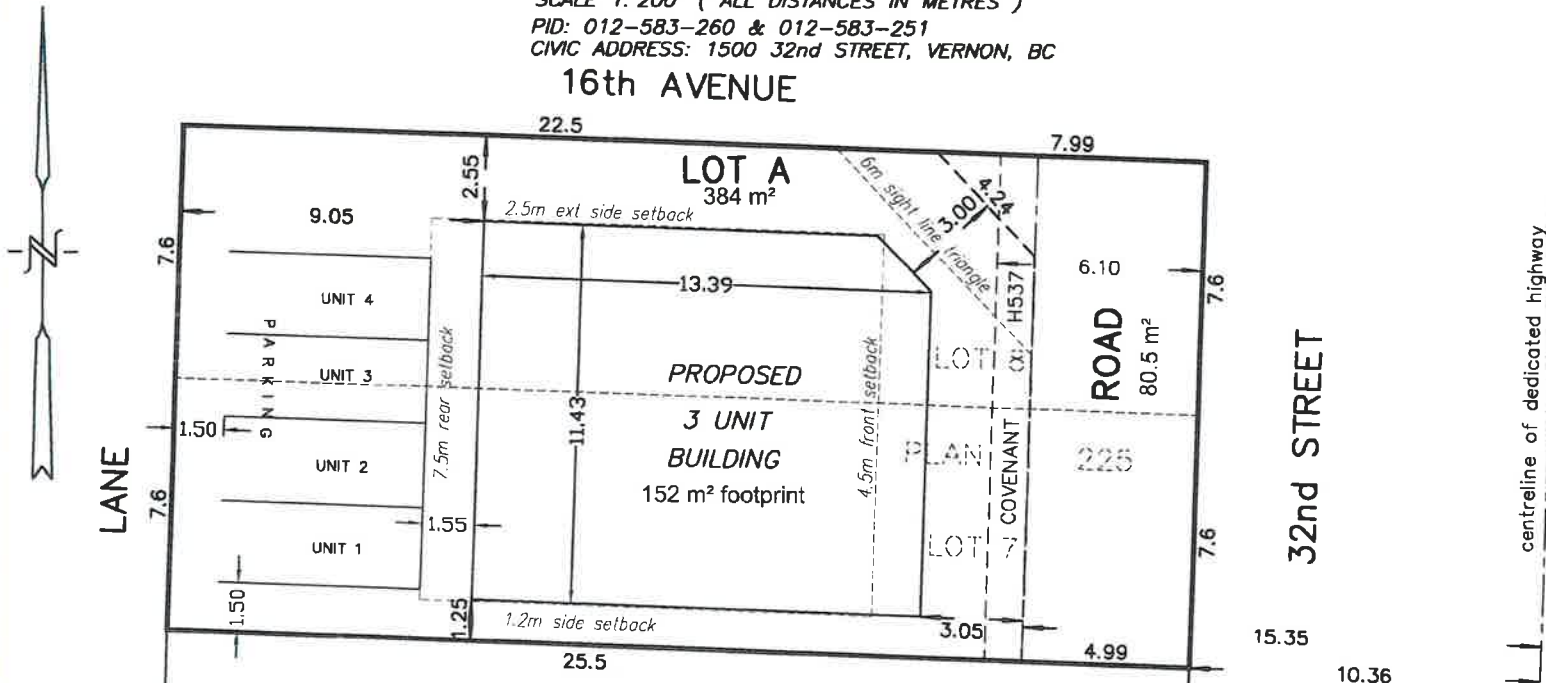
Rezone from R2 to RM2



PLAN SHOWING PROPOSED DEVELOPMENT ON
 LOTS 7 & 8, BLK 15, DL 73, ODYD, PLAN 225

SCALE 1: 200 (ALL DISTANCES IN METRES)
 PID: 012-583-260 & 012-583-251
 CIVIC ADDRESS: 1500 32nd STREET, VERNON, BC

16th AVENUE



LOT A
 PLAN KAP49269

CURRENT ZONING: R2
 OCP ZONING: RMD
 PROPOSED ZONING: RM2 with housing agreement
 Density: 3 units (.0465ha @72 units/ha) with housing agreement
 Front yard: 4.5m (1.5m min. See Sec 1.8.1)
 Rear yard: 7.5m
 Side yard: 1.2m
 Side yard (exterior): 2.5m
 Max coverage: 50%

Special Building Setback from
 dedicated ϵ of road (hwy) plus
 min bldg setback of 3m
 (alternate access).

Proposed:
 2 units below/ 1 unit above
 Site coverage 40% (152m²/384m²)

© JASON R SHORTT, BCLS, 2019

russell shortt

land SURVEYORS

2801-32nd Street, Vernon, B.C.

Phone (250)545-0511 email: jasons@jrshortt.ca

FILE: 27033

OCT 28, 2019

THIS PLAN IS PREPARED FOR THE USE OF:
 RUBI-JANE INVESTMENTS



9.11 RM2 : Multiple Housing Residential

9.11.1 Purpose

The purpose is to provide a **zone** for ground oriented medium **density** multiple housing on urban services.

9.11.2 Primary Uses

- apartment housing
- care centre, major
- duplex (Bylaw 5440)
- four-plex housing
- group home, major
- row housing
- semi-detached housing
- seniors assisted housing
- seniors housing
- seniors supportive housing
- single detached housing
- three-plex housing

9.11.3 Secondary Uses

- boarding rooms (Bylaw 5440)
- care centres, minor
- home based businesses, minor
- secondary suites (in single detached housing only) (Bylaw 5440)

9.11.4 Subdivision Regulations

- Minimum **lot width** is 18.0m, except it is 20.0m for a **corner lot**. For fee simple **three-plex, four-plex, row housing** and **semi-detached dwellings**, the minimum **lot width** is 7.5m for **interior lots** and 12.0m for **corner lots**.
- Minimum **lot area** is 900m², or 10,000m² if not serviced by a **community sewer system**.

9.11.5 Party Wall Subdivision Regulations

| Lot Type | Minimum Lot Area | | Minimum Lot Width | |
|------------------------------|-------------------|-------------------|-------------------|--------|
| | interior | corner | interior | corner |
| Semi-Detached Housing | 225m ² | 275m ² | 7.8m | 9.0m |
| Three-Plex Housing | 150m ² | 200m ² | 6.5m | 7.8m |
| Four-Plex Housing | 150m ² | 200m ² | 6.5m | 7.8m |
| Row Housing | 150m ² | 200m ² | 6.5m | 7.8m |

9.11.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 72.0 units per gross hectare (29.0 units/gross acre).
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, the maximum **density** shall be 75.0 units per gross hectare (30.5 units/gross acre). Where all the required parking



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Hayley Campbell, Planning Assistant
Keltie Chamberlain, Economic Development Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: December 16, 2019
REPORT DATE: October 31, 2019
FILE: DVP00463/ZON00337

SUBJECT: DEVELOPMENT VARIANCE APPLICATION FOR 967 MT BEAVEN PLACE

PURPOSE:

To review the Development Variance Permit application to allow parking related to a proposed Home Based Business, Major within a driveway located on the city boulevard on the property located at 967 Mt Beaven Place.

RECOMMENDATION:

THAT Council support the Development Variance Permit application (DVP00463) to vary the following section of Zoning Bylaw #5000 in order to allow parking related to a proposed Home Based Business, Major within a driveway located partially on the city boulevard on LOT 33 PL KAP53255 SEC 26 TWP 9 ODYD (967 Mt Beaven Place):

- a) to vary Section 7.1.11 "each required on-site parking space shall be a minimum of 2.5m in width with a minimum clear length of 6.0m exclusive of access drives or aisles, ramps, columns"

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the Development Variance Permit application (DVP00463) to vary Zoning Bylaw #5000 Section 7.1.11 to allow parking related to a proposed Home Based Business, Major within a driveway located partially on the City boulevard on LOT 33 PL KAP53255 SEC 26 TWP 9 ODYD (967 Mt Beaven Place).

Note: This alternative does not support the requested variance and therefore the Home Based Business, Major could not operate.

ANALYSIS:

A. Committee Recommendations:

At its Regular Meeting of November 13, 2019 the Advisory Planning Committee passed the following resolution:

" "

B. Rationale:

1. The subject property is located at 967 Mt Beaven Place (Figures 1 and 2). The property is approximately 581.23m² in area within a residential area in the Middleton Mountain neighbourhood.
2. The required 2 parking spaces for the single family dwelling are located within the attached double car garage. The intent of Development Variance Permit application (DVP00463) is to vary Zoning Bylaw #5000 Section 7.1.11 to allow parking related to a proposed Home Based Business, Major within a driveway located partially on the City boulevard.

3. There is an on-site driveway that is approximately 5m in length (Attachment 1). As per Section 7.1.11 of Zoning Bylaw #5000, the minimum required length of a driveway must be of 6m in order to accommodate a vehicle parking on-site. The variance is to sanction parking on the existing driveway as a portion (i.e. 1m) of the required parking for the proposed homes based business (ZON00337) would extend into the boulevard. The boulevard width is approximately 3.6m so the total length between the face of the garage and the curb if approximately 8.6m.
4. The subject property, along with the rest of the neighbourhood, was sited as per the required 5.0m front yard setback that was in the R1 zone of Zoning Bylaw #2458 which was in place when this home was built.
5. There is no sidewalk on that side of the street so there would be no interruption to pedestrian traffic. The area was developed without sidewalks, therefore the property owners take responsibility of the city boulevard to the road edge.
6. The property is the subject of a rezoning application to rezone the property from R2 to R2h to allow for a Home Based Business, Major. There is 5m of on-site parking available on the property, therefore this application is to request a variance to Section 7.1.11 of Zoning Bylaw #5000.
7. Administration support the requested variance as there is adequate distance between the face of the garage and the curb (i.e. approximately 8.6m).

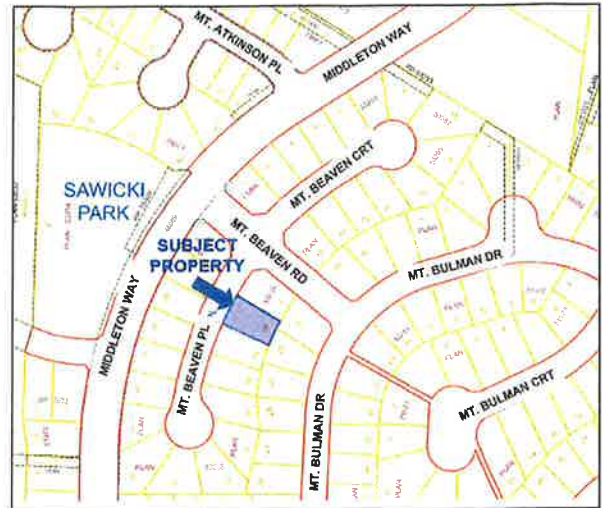


Figure 1 - Property Location Map



Figure 2 - Aerial Photo of Property

C. Attachments

Attachment 1 – Site Plan

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

- The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:
- Work towards a sustainable Vernon – environmentally, economically and socially
 - Encourage sustainable infrastructure, agriculture and landscaping

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw #5000, As Amended:

- 7.1.11 Each required on-site **parking space** shall conform to the following provisions, as illustrated in Diagram 7.1:

- except as provided below, each required on-site **parking space** shall be a minimum of 2.5m in width with a minimum clear length of 6.0m exclusive of access drives or aisles, ramps, columns.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by: _____ Approved for submission to Council: _____

X

Signer 1

Will Pearce, CAO

Date: _____

Hayley Campbell,
Planning Assistant

X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

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| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
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| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: APC (November 13, 2019) | | |
| <input type="checkbox"/> OTHER: | | |

Roll 6179.164
967 MT BEAVEN PL.

SITING OK.
CMT- 96/07/10.
32

SURVEY CERTIFICATE SHOWING BUILDING LOCATION ON :

**LOT 33, PLAN KAP53255,
SEC. 26, TP. 9, O.D.Y.D.**

| | |
|----------------------|--------------|
| DATE : 26 JUNE 1996. | DRAWN : SP |
| SCALE : 1:250 | FILE : C1631 |
| CLIENT : MATTIES | |

This document is not valid unless originally signed and sealed. This plan is to be used for Mortgage purposes and is not to be used to define property boundaries.©

CERTIFIED CORRECT THIS 26th DAY OF June, 1996.

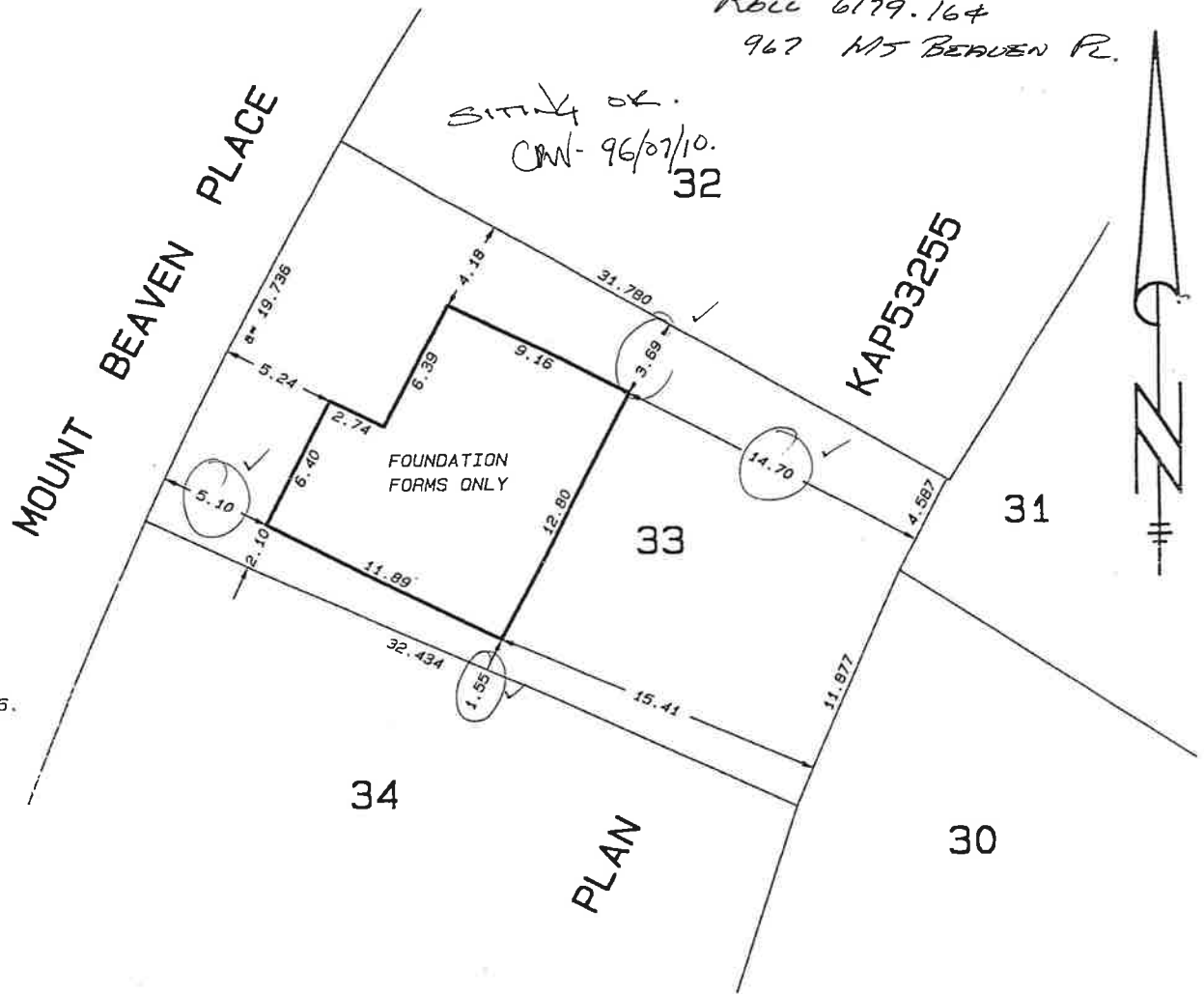
Wadey L. Horn
B.C.L.S.

R.C. POWER & ASSOCIATES

2916 29TH STREET VERNON B.C. V1T 5A6
PHONE : (604) 542-1235
FAX : (604) 542-7472

MOUNT BEAVEN PLACE

KAP53255





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Keltie Chamberlain
Economic Development Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: November 25, 2019
REPORT DATE: November 7, 2019
FILE: ZON00342

SUBJECT: REZONING APPLICATION FOR 5577 – 27TH AVENUE

PURPOSE:

To review the application to rezone the property at 5577– 27th Avenue from R1 – Estate Lot Residential to RH1 – Low Rise Apartment Residential in order to construct a rental apartment development.

RECOMMENDATION:

THAT Council support the application to rezone Lot Pt 10, Plan B1827, DL 66, ODYD (5577 – 27th Avenue) from R1 – Estate Lot Residential to RH1 – Low Rise Apartment Residential in order to construct a rental apartment development, subject to the following:

- a) The owner is to enter into a reciprocal access agreement for parking and drive aisles across the site and adjacent properties (5577 and 5545 – 27th Avenue).

AND FURTHER, that:

- a) Prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the application to rezone Lot Pt 10, Plan B1827, DL 66, ODYD (5577 – 27th Avenue) from R1 – Estate Lot Residential to RH1 – Low Rise Apartment Residential in order to construct a rental apartment development.

Note: This alternative does not support the rezoning application and would result in the property remaining zoned R1, or that the owner consider submitting an application to rezone the property to a different zoning district. A different zoning district would allow for development that differs from what is currently being proposed. The property is designated Neighbourhood Centre on the land use map in the Official Community Plan (OCP). Policies within the OCP related to the Neighbourhood Centre designation allow for zoning districts other than the RH1 zoning district proposed for the property.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 13, 2019, the Advisory Planning Committee passed the following resolution:

“ ”

B. Rationale:

1. The application is to rezone the property at 5577 – 27th Avenue as shown on Figures 1 and 2 from R1 – Estate Lot Residential (Attachment 1) to RH1 – Low Rise Apartment (Attachment 2) in order to construct a second phase of affordable rental housing, consistent with the parcel at 5545 – 27th Avenue (Thunderbird Manor) which is operated by the Vernon Native Housing Society Inc.

2. The subject property has an area of 0.25 ha (0.62 acre) and contains an existing single family dwelling. Under the existing R1 – Estate Lot Residential zone a minimum lot size required is 740 sq.m. (7,965 sq.ft.). Under the proposed RH1 – Low Rise Apartment zone, the maximum density would be based on a Floor Space Ratio (FSR) of 1.50 with exceptions as noted in Attachment 2. The RH1 zoning district allows a maximum height of 16.5 m or 4.5 storeys.

3. The property is designated Neighbourhood Centre in the Official Community Plan (OCP) and is located in the Okanagan Landing Neighbourhood Centre as shown on Attachment 3.

4. For areas designated Neighbourhood Centre, the OCP states that:

“The neighbourhood centres are envisioned as mixed use medium density centres with commercial uses that are more suitable to daily or weekly trips. These commercial uses will be integrated with medium density residential development such as row houses, townhouses and small apartments, where appropriate. Neighbourhood centres will act as hubs for alternative transportation, and will therefore be easily accessed by public transit, have high quality cycling facilities and be pedestrian-oriented in design. By providing commercial uses closer to more residents and offering options for travel choice, fewer people will need to drive to get basic services and can instead walk, cycle or take transit. Neighbourhood Centres will be highly integrated with their surrounding communities to promote easy access.”

5. Policy 8.10 in the OCP provides support for the subject application to rezone the property for multiple family housing. The policy states:

“8.10 The City supports the provision of neighbourhood centres which may provide general retail facilities, offices, community and institutional uses, as well as multiple family housing within or separate from the commercial buildings.”



Figure 1 - Location of Subject Property



Figure 2 - Aerial View of Subject Property

6. A review of a rezoning application includes a review of the existing condition of infrastructure adjacent to the property and servicing to the property. With respect to the subject property, the 27th Avenue roadway frontage is paved and curbed and includes a concrete sidewalk adjacent to the property. Phase one provided a connection to municipal services and the sanitary, storm and water main were extended to the service mains to the Phase 1 property.
7. As per Attachment 4, the development consultant has submitted a "Proposal for Rezoning" which provides an overview of the proposed development. As part of the Development Review process, Administration will work with the applicant to encourage the new project to be complementary and integrated with the existing project to the north (i.e. 5545 – 27th Avenue (Thunderbird Manor).
8. Administration supports the rezoning application and the proposal (Attachment 4) for the following reasons:
 - a) The proposed rezoning conforms to the Official Community Plan (OCP) land use designation on the property and the related policies.
 - b) The proposed rezoning would allow for a non-profit rental housing development which meets the goals and objectives in the City's Strategic Plan.
 - c) The proposed rezoning allows for a development that meets Policy 20.9 in the OCP, which states:

20.9 Work in partnership with community agencies, non-profit organizations, senior levels of government and the business community in the provision of affordable housing, special needs housing and emergency shelter and housing.
9. As conditions of rezoning, Administration recommend that: the owner is to enter into a reciprocal access agreement for parking and drive aisles across the site and adjacent properties (5577 and 5545 – 27th Avenue); and that prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.

C. Attachments:

Attachment 1 – R1: Estate Lot Residential zoning district
Attachment 2 – RH1: Low Rise Apartment Residential zoning district
Attachment 3 – OCP land use designation map
Attachment 4 – Proposal for Rezoning

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject rezoning application involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Create accessible and attainable housing for families with annual income below \$70,000
- Streamline the residential development approval process
- Promote transit oriented housing and mixed use development
- Work towards a sustainable Vernon – environmentally, economically and socially

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Neighbourhood Centre on the land use map in the Official Community Plan (OCP). The application to rezone the property to RH1 – Low Rise Apartments conforms to the land use designation and associated policies in the OCP.
2. Conditions related to rezoning approvals are established so as to enable the property to be developed in accordance with allowable uses and provisions of the zoning district to be applied to the property. If the current infrastructure and the configuration of road right-of-way adjacent to the property are not suitable for development of the property, then approval of the rezoning is normally subject to the appropriate infrastructure and right-of-way being provided.
3. City development cost charges related to a "low income housing" project are waived through a grant request process. The RDNO development cost charge bylaws are in the process of being amended to provide a development cost charges (DCC) waiver provision that does not involve a grant request process. The subject project involves low income housing to be developed, owned and operated by a non-profit housing society. This project would qualify for the City and RDNO DCC waiver provisions.
4. The proposed development will need to obtain an approved Development Permit. That process will evaluate the form and character of the project and encourage integration with the project to the north (i.e. 5545 – 27th Avenue, Thunderbird Manor).

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Signer 1

Keltie Chamberlain
Economic Development Planner

Will Pearce, CAO

Date: _____

X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

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| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
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| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (191113) | | |
| <input type="checkbox"/> OTHER: | | |

9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



9.12 RH1 : Low-Rise Apartment Residential

9.12.1 Purpose

The purpose is to provide a **zone** primarily for medium **density** apartments on urban services.

9.12.2 Primary Uses

- **apartment housing**
- **care centres, major**
- **group home, major**
- **seniors assisted housing**
- **seniors housing**
- **seniors supportive housing**
- **stacked row housing**

9.12.3 Secondary Uses

- **home based businesses, minor**
- **real estate sales centres** (in apartment housing only)

9.12.4 Subdivision Regulations

- Minimum **lot width** is 30.0m.
- Minimum **lot area** is 1400m², or 10,000m² if not serviced by a **community sewer system**.

9.12.5 Development Regulations

(a) Density:

The maximum Floor Space Ratio (FSR) is 1.50, except that:

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be increased by FSR 0.25; and
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the parking spaces are screened from view, the maximum **density** shall be increased by FSR 0.25; or
- Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined through multiplying the FSR 0.25 by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas;

Provided that the maximum Floor Area Ratio with all bonuses shall not exceed FSR 2.00.

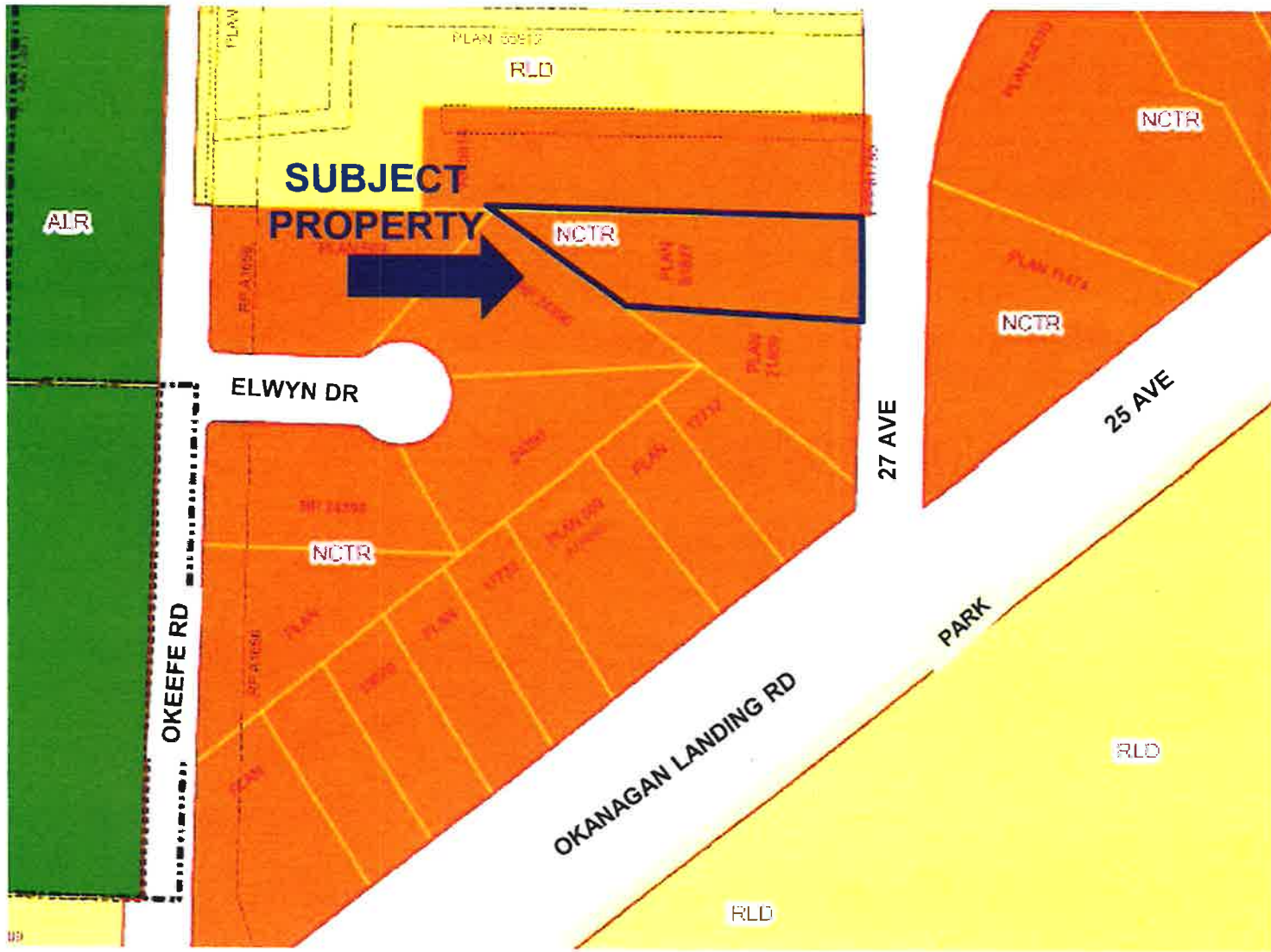
(b) Building Regulations:

- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.
- Maximum **height** is the lesser of 16.5m or 4.5 **storeys**, except it is 4.5m for **secondary buildings and secondary structures**.

- Minimum **front yard** is 4.5m.
- Minimum **side yard** is 4.5m, except it is 4.5m from a **flanking street**.
- Minimum **rear yard** is 9.0m, except it is 1.0m for **secondary buildings**. (*Bylaw 5661*)

9.12.6 Other Regulations

- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- No continuous **building frontage** shall exceed 40.0m for a 3 to 4.5 **storey building**, or 65.0m for a 2 **storey building**. If the frontage is interrupted by an open courtyard equivalent in depth and width to the **building height**, the maximum continuous 4.5 **storey building frontage** may be 80.0m provided that no **building** section exceeds 40.0m.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**. (*Bylaw 5440*)
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5339*)
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)



- ALR – ALR Lands
- NCTR – Neighbourhood Centre
- RLD – Residential – Low Density
- PARK – Parks & Open Space

OCP Designation



Proposal for Rezoning
5577 27th Ave

Introduction

This application is for the re-zoning of the property located at 5577 27th Ave. This proposed rezoning is the first step towards implementation of a second phase of affordable housing built by the Vernon Native Housing Society, who own the adjacent property to the North.



Site Context and Land Use

The subject site consists of a property 0.25 ha in size located on 27th Ave just north of the Okanagan Landing intersection. The property is currently zoned R1, with a Future Land Use of Neighborhood Centre, as prescribed by the City of Vernon OCP.



Site Location
Source: Google Map



Site Context
Source: North Okanagan Map

Proposal Overview

The owner is applying to rezone the property to *RH1* to facilitate the construction of a second phase of affordable housing, consistent with the Zoning, uses, and ownership of the parcel immediately North at 5545 27th Ave (Thunderbird Manor). The building will also be operated by the Vernon Native Housing Society as a low-cost rental building. The provision of affordable housing options is a critical priority within the City of Vernon, and the Okanagan as a whole. This project will help continue to fill that housing gap.

The proposed zoning of *RH1* is consistent with the Neighborhood Centre Future Land Use Designation outlined in the City of Vernon OCP and is a continuation of the *RH1* zoning to the North. It is expected that a Development Permit will also be applied for at a later date, but prior to Zoning Adoption.

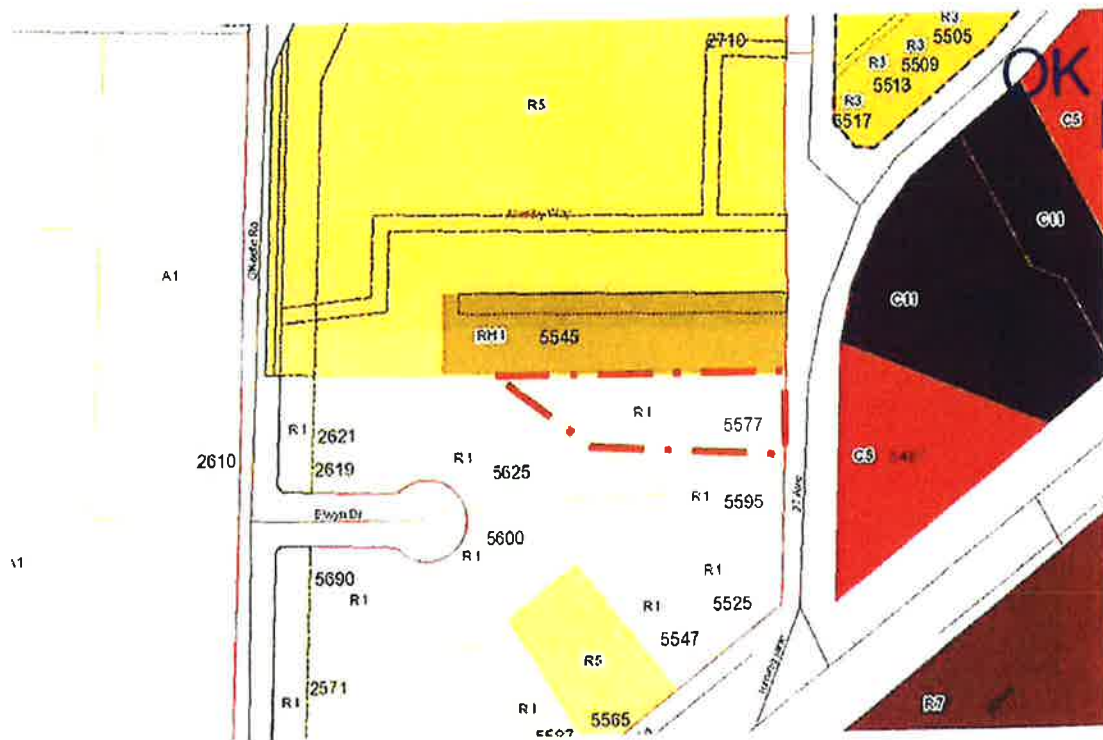


Figure 1: Current Zoning

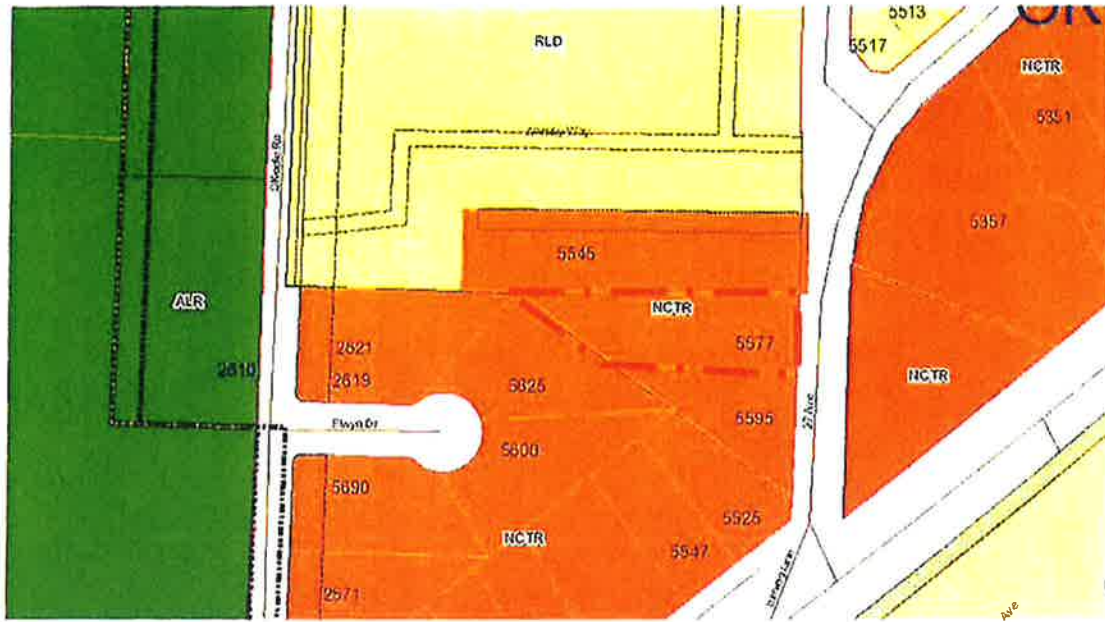


Figure 2: OCP Future Land Use Designation

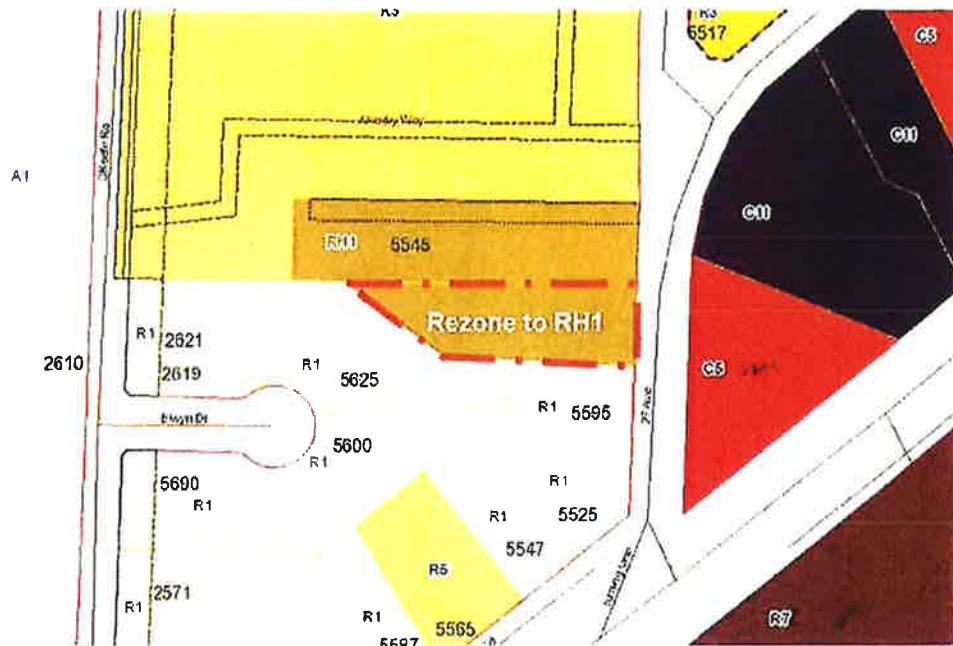


Figure 3: Proposed Zoning



Conclusion

This project will provide a variety of much needed affordable rental homes for the Vernon community. With housing costs in the Okanagan at an all-time high, these homes will have a range of rent prices to be attainable to a broader number of potential residents. The applicant kindly requests support from staff and council on this application.