



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, MAY 31, 2022, at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT VOTING

Mark Longworth (Chair)
Don Schuster
Joshua Lunn
Phyllis Kereliuk
Lisa Briggs
Jamie Paterson

NON-VOTING Mayor Cumming

ABSENT Monique Hubbs-Michiel
Harpreet Singh Nahal
Doug Neden
Claire Ishoy

STAFF Craig Broderick, Manager, Current Planning
Jack Shipton, Environmental Planning Assistant
Michelle Austin, Current Planner
Roy Nuriel, Planner, Economic Development
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.*

ADOPTION OF AGENDA Moved by D. Schuster, and seconded by J. Paterson:

THAT the Advisory Planning Committee agenda of May 31, 2022, be adopted.

CARRIED

ADOPTION OF MINUTES

Moved by D. Schuster, and seconded by P. Kereliuk:

THAT the minutes of the Advisory Planning Committee meeting of **May 10, 2022**, be adopted.

CARRIED

NEW BUSINESS:

**ZON00382
(4011 32 STREET)**

R. Nuriel, Planner, Economic Development, provided an overview of **ZON00382 (4011 32 STREET)**; an application to rezone the subject property located at 4011 32nd Street from C10 – Tourist Commercial to C5 – Community Commercial.

- The site was originally zoned to support tourist type businesses; the applicant has requested rezoning from C10 to C5 which will allow additional uses; the plan is to utilize the space as an office building.

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

- Staff clarified that the drive-thru use is permitted under the C5 zone but not the City Centre Neighbourhood Plan; however, the applicant has requested rezoning to change the use of the existing restaurant building into an office.

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

THAT Council support rezoning application 00382 (ZON00382) to rezone Lot A, Plan 34135, Section 3, Township 8, ODYD (4011 32nd Street) from C10 – Tourist Commercial to C5 – Community Commercial in order to allow for additional uses in the existing building as outlined in the report titled “Rezoning Application for 4011 32nd Street” dated May 24, 2022 and respectfully submitted by the Economic Development Planner, subject to the following condition:

- a) the owner registers a Land Title Act section 219 restrictive covenant prohibiting drive-throughs on the subject property.

CARRIED

**DVP00562
(7599 KLINGER ROAD)**

C. Broderick, Manager, Current Planning, provided an overview of **DVP00562 (7599 KLINGER ROAD)** an application to vary building height and construction on slopes greater than 30% in Zoning Bylaw 5000, as well as to vary the maximum combined width of two accesses in Subdivision & Development Servicing Bylaw 3843 in order to support the construction of a 29-unit townhome development at 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road.

- The report before the Committee is for the upper part of the site. There is concurrent rezoning to rezone the lower portion of the subject properties for a proposed multi-family project.
- The proposal is to vary building heights and slopes for a portion of the site in conjunction with the 29-unit townhome development.
- The applicant has been working with the City to come up a design that is suitable for the site that works with the topography and the neighbourhood context.
- The recommendation before the Committee is for the proposal to go forward to Council for support; the applicant is requesting to vary the maximum height to 3 storeys, vary 30% slopes, and to have a combined access to both sites with specific subjects attached.

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

- The Committee requested clarification regarding the difference between attainable versus affordable housing, noting that the staff report describes the project as “increasing attainable housing” under Council’s Strategic Plan. Staff clarified that affordable housing typically has rents that are subsidized by the government whereas attainable housing means that townhouses are more affordable for families and a wide range of individuals based on the current market conditions.
- In response to a question from the Committee regarding timing of the project and how staging would work, staff clarified that one of the subjects would be that the reconfiguration required prior to the final Development Approval of the townhouses.

- Staff further noted that the lower portion of the site will take longer and that the application for the lower lot is expected to come to the APC in the late summer or early fall 2022.
- Staff further noted that the orientation and layout of the development site was designed to have less impact on the existing single-family homes in the area.
- In terms of connectivity, staff will be requesting a statutory right of way with the intent of having a walkway to provide a Landing pedestrian connection to the upper part of Okanagan Road.

Moved by J. Paterson, and seconded by D. Schuster:

THAT Council support Development Variance Permit Application 00562 (DVP00562) to vary the following sections of Zoning Bylaw 5000 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road) as outlined in the report titled "Development Variance Permit Application for 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road" dated May 26, 2022 and respectfully submitted by the Current Planner:

- a) Section 9.6.6 maximum height from the lesser of 10m or 2.5 storeys to 10m or 3 storeys; and
- b) Section 4.16.1 permit construction of a building, structure or swimming pool on slopes of 30% or greater;

AND FURTHER, that Council support Development Variance Permit Application 00562 (DVP00562) to vary the following sections of Subdivision & Development Servicing Bylaw 3843 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624

Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road):

- a) Section 3.5.5 maximum combined width of two accesses from 8m to 14m;

AND FURTHER, that Council's support of DVP00562 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 DVP00562;
- b) Consolidation of LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road) into a title that supports the proposed townhouse development on a single lot; and
- c) That prior to issuance of DVP00562 the Development Permit (DP000958) is ready for issuance.

CARRIED

**DVP00557
(3204A 16 STREET)**

M. Austin, Current Planner, provided an overview of **DVP00557 (3204A 16 STREET)**, an application to increase allowable fence height along a rear lot line.

- Staff noted that the subject site is located across from Lakeview Park. The fence between 3204A and 3204B 16 Street was built higher than what is permissible under the existing zoning bylaw; however, both home owners are in support of the requested variance.

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

- In response to a question from the Committee, staff clarified that the length of the overheight (9.3 ft) subject is 20 feet long.

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

THAT Council approve Development Variance Permit 00557 (DVP00557) to vary Zoning Bylaw 5000 for THE EAST ½ OF LT 17, BLK 2, SEC 35, TP 9, ODYD, PL 384 (3204A 16th Street) as outlined in the report titled "Development Variance Permit Application for 3204A 16th Street" dated May 26, 2022 and respectfully submitted by the Current Planner, by increasing;

- a) Section 6.5.1 height of a fence within a rear yard from 2.0m (6.4ft) to 2.8m (9.3ft);

AND FURTHER, that Council's approval of DVP00557 is subject to the following:

- a) That the fence complies with the site plan (Attachment 1) and photos (Attachment 2), to be attached to and form part of DVP00554.

CARRIED

**DVP00559
(9169 SMITH ROAD)**

J. Shipton, Environmental Planning Assistant, provided an overview of **DVP00559 (9169 SMITH ROAD)**, an application to vary sections of Zoning Bylaw 5000 in order to accommodate the development of a single-family residential project in a riparian buffer at 9169 Smith Road.

- The subject property has an area of medium environmental sensitivity. The project is zoned R6 - Lake Front Residential.
- A qualified environmental professional delineated the Stream Protection and Enhancement Area (SPEA) associated with the riparian buffer at 9169 Smith Road.
- The applicant has requested variances as follows: to allow for a retaining wall to 2.5 metres, the maximum height of the building to 10.9 meters as well as vary the front yard setback to 1.6 meters.
- The applicant would like to vary hillside guidelines and zoning regulations to build on slopes greater than 30% and has been instructed to conduct a geotechnical assessment. Administration is supportive if the geotechnical report findings support the request.

- Due to the sloped nature of the site a retaining wall is required; the proposed retaining wall will be 2.5 metres in height.

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

- Staff clarified that an engineer will be required to sign off on the design / site of the proposed retaining wall.
- The Committee requested detail if the neighbouring homes have been granted the same variances. Staff noted that some of the existing homes predate the development regulations but noted that each variance request is unique.
- Staff clarified that the building footprint is contingent on the approval of the Development Variance Permit (DVP) and that the DVP will inform the riparian assessment and subsequent development approval.
- Staff noted that the applicant will need to work with the Qualified Environmental Professional (QEP) to develop a landscape plan that will form part of the Development Permit (DP). They will have to get the proposed footprint approved by Council and the Province as well as the geotechnical report before proceeding.

Moved by J. Lunn, and seconded by J. Paterson:

THAT Council support Development Variance Permit application 00559 (DVP00559) to vary the following sections of Zoning Bylaw 5000 to accommodate a single-family residential development project in a riparian buffer at Lot 6 KAP 3836 Section 14 Township 13 ODYD (9169 Smith Road) as outlined in the report titled "Development Variance Permit Application for 9169 Smith Road" dated May 25, 2022 and respectfully submitted by the Environmental Planning Assistant:

- a) Section 4.16.1 to permit a building and retaining wall to be constructed on slopes greater than 30%;
- b) Section 6.5.11 to vary the maximum height of a retaining wall from 1.2 meters to 2.5 meters;

- c) Section 9.7.6 to vary the overall height of the building from 10.0 meters to 10.9 meters; and
- d) Section 9.7.6 to vary the front yard setback 2.6 meters to 1.6m meters;

AND FURTHER, that Council's support of DVP00559 is subject to the following:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00559;
- b) the retaining wall material selection be attached to and form part of DVP00559;
- c) the geotechnical report be attached to and form part of DVP00559;
- d) the applicant adheres to the recommendations as outlined within the Environmental Assessment Report (Ecoscape Environmental Consultants Ltd., January, 2022), and that it be attached to and form part of DVP00559; and
- e) the applicant adheres to the recommendations as outlined within the Riparian Assessment Report (RAR) (Ecoscape Environmental Consultants Ltd., January, 2022) that is approved by the province, and that it be attached to and form part of DVP00559.

CARRIED

**ZON00373 / SUB00806
(4013 25 STREET)**

C. Broderick, Manager, Current Planning, provided an overview of **ZON00373 / SUB00806 (4013 25 STREET)**, an application to rezone from R5 – Fourplex Housing Residential to R4 – Small Lot Residential to provide for a one lot, single family subdivision.

- Staff clarified several lots in the subject area have been split to allow a house in the front and in back.

Moved by J. Lunn, and seconded by P. Kereliuk:

THAT Council support the application 00373 (ZON00373) to rezone LT 4 SEC 3 TWP 8 ODYD PL 5052 (4013 25th Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential.

CARRIED

INFORMATION ITEMS

Staff provided a brief overview of projects discussed at Council on May 30, 2022:

- **DVP00554 (9250 Chinook Road)** - To allow for an oversized shop. Council considered the application and approved it.
- **3340-20 OCP00089/ZON00376 – Proposed Port Okanagan Project (2525 Lakeshore Road and 7295 Okanagan Landing Road)** - A public open house was held; Council considered the application and set a date for Public Hearing.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, June 14, 2022, at 4:00 PM.**

ADJOURNMENT

The Advisory Planning Committee meeting of May 31, 2022, was adjourned at the call of the Chair.

The meeting of the Advisory Planning Committee adjourned at 4:51 PM.

CERTIFIED CORRECT:



Chairperson