



## CITY OF WEST KELOWNA

### MINUTES OF THE ADVISORY PLANNING COMMISSION HELD AT THE CITY OF WEST KELOWNA CITY HALL VIA WEBEX WEDNESDAY, JUNE 17, 2020

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Members Present: Wayne Kubasek, Chair  
Anthony Bastiaanssen, Vice Chair (joined at 9:31 a.m.)  
Julian Davis (joined via phone at 9:52 a.m.)  
Bea Kline  
Nicole Richard  
Joe Gluska

Staff Present: Carla Eaton, Planner III  
Dallas Clowes, Senior Planner  
Jayden Riley, Planner II  
Hailey Rilkoff, Planner II  
Stiring Scory, Planner II – Long Range  
Natasha Patricelli, Recording Secretary

Member Absent: Katalin Zsufa

#### 1. CALL THE REGULAR ADVISORY PLANNING COMMISSION MEETING TO ORDER:

The meeting was called to order at 9:30 a.m.

In response to the COVID-19 pandemic, the orders of the Provincial Health Officer and the Province of BC Ministerial Order No. M139, the Advisory Planning Commission meeting space was not open to the public. The meeting was webcast live and archived on the City's website.

Additionally, in accordance with the Province of BC Ministerial Order No. M139, the Advisory Planning Commission members attended the meeting by electronic means.

#### 2. INTRODUCTION OF LATE ITEMS:

#### 3. ADOPTION OF AGENDA:

It was moved and seconded

**THAT** the agenda be adopted as presented.

CARRIED UNANIMOUSLY

**4. ADOPTION OF MINUTES:**

**4.1 Minutes of the Advisory Planning Commission Meeting held Wednesday, December 18, 2019 at the City of West Kelowna Council Chambers**

It was moved and seconded

**THAT** the minutes from the Advisory Planning Commission meeting held Wednesday, December 18, 2019 at the City of West Kelowna Council Chambers be adopted.

CARRIED UNANIMOUSLY

**5. PRESENTATIONS:**

**4.1 Official Community Plan Update - #OURWK Community Visioning**

Highlights of the presentation by Dallas Clowes includes:

- Moving forward with the review of our Official Community Plan;
- First phase is development of new community vision for West Kelowna;
- Reach as many voices in the community in as many ways as possible;
- Switched to online format;
- Formal presentation to come on project with rollout and involvement;
- Publically launched our project website and community questionnaire;
- Stakeholder kickoff sessions end of June/beginning of July;
- Community leader kits to help facilitate discussions in the community.

Questions on the presentation:

- Decision process to start this year online instead of more traditional (in person) vs. next year if COVID-19 was no longer a factor? Vision was to try and move ahead. Looking at all kinds of forms, print media, radio ads, library inserts, food bank, painters market, and print ads. Information cards when people come to pay taxes at City Hall. Relying on connections in the community and community leaders/groups to disseminate information. Where possible doing some in person engagement.
- The website is [www.ourwk.ca](http://www.ourwk.ca)

**6. DELEGATIONS:**

**7. REFERRALS:**

**7.1 File Z 20-02, Zoning Amendment Application, 2417 Apollo Road**

Highlights of the presentation by the Planner include:

- 566 sq. m in Westbank Centre;
- Applicant owns adjacent property, 2411 Apollo Road, approved for development permit (DP 20-03) on May 26, 2020;
- DP application submitted with rezoning application to mirror DP 20-03 concept;
- The subject property is currently zoned Single Detached Residential (R1);
- Apollo Road/Rear Lane Access;

- The surrounding land uses include:
  - North – Institutional and Assembly (P2);
  - East, South, West – Urban Centre Commercial (C1);
- Proposing to amend zoning designation to Urban Centre Commercial (C1) to support mixed use development;
- To mirror approved (DP 20-03), 2411 Apollo: 3-storey building consisting of 2 x 55 sq. m units of commercial space (first storey) and 8 residential units (storeys 2 and 3);
- OCP Designation: commercial to support a variety of uses and increased density;
- Zoning Amendment: Single Detached Residential to Urban Centre Commercial to support mixed development;
- Conceptual Materials mirrors the adjacent development; rear laneway would have vehicular access;
- Policy Considerations:
  - Growth Management Designation (GMD): “Westbank Centre”: Foster urban growth, mix of residential and commercial uses;
  - C1 zone: apartment and retail permitted;
  - Westbank Centre Revitalization Plan (2011): long term vision walkable, transit oriented urban space mix of uses;
- Technical Review:
  - Site Servicing: Existing infrastructure will support development;
  - Access: vehicular and pedestrian from rear lane and on street parking in front of development;
  - Referral period ends June 24 and awaiting some comments;
- Key Considerations:
  - Applicant has submitted a concurrent DP application (DP 20-11) to mirroring the development approved for the adjacent property (DP 20-03);
  - Rezoning does not consider form and character which are approved at Development Permit, subject to rezoning and must demonstrate how the applicant meets the OCP design guidelines;
  - Although site plan and renderings have been provided, rezoning to C1 would permit development of the site in accordance with the C1 Zone’s permitted uses and siting and development regulations;
  - Should Council give first and second readings to the bylaws, a Public Hearing would be held.

Highlights of the discussion include:

- In view of previous phase of development, please clarify that this one does not need variance for height restriction? Not anticipating any variances for height.
- Why the applications are happening in two stages for the same thing? Applicant applied for these separately therefore we have processed it separately.
- This is keeping with what we want Westbank Centre to be.

It was moved and seconded

**THAT** the APC recommend support for file Z 20-02, Zoning Amendment Application, 2417 Apollo Road as presented.

CARRIED UNANIMOUSLY

## 7.2 File TUP 20-02, TUP Application, 1698 Ross Road

Highlights of the presentation by the Planner include:

- The subject property is 0.89 acre (3,601 m<sup>2</sup>);
- C1 Zoned;
- Located in the Boucherie Centre;
- The surrounding land uses include:
  - North – RU1 – Country Residential (Bylands Nurseries);
  - East – C1 – Urban Centre Commercial (Mixed Use);
  - South – C5 – Campground, Cabin and Motel Commercial and RMP – Manufactured Home Park (Trailpark Mobile Villas);
  - West – C3 – Gasoline Service Station Commercial (Petro-Canada) and C4 – Service Commercial (Sunrise Trailer Sales);
- There are two commercial buildings located on the subject property;
- Application is specific to the commercial building at the north-east corner of the site;
- A previous TUP 16-03 was issued in August 2016 for the sale and rental of compact construction machinery for Finning International;
- The TUP was renewed 16-03.01 in October 2019 to continue this use, and to specifically permit the sale, rental and repair of construction machines and equipment, including excavators and wheel loaders;
- TUP 16-03.01 expires August 2022;
- The smaller commercial has two units: Pioneer Meats, Currently vacant (previously pawn shop/U-Haul rentals);
- The applicant is requesting a TUP for a period of three years, to permit a Contractor Service use on the property;
- The applicant, Valley Garage Doors, is proposing to lease the vacant unit to operate the garage door company;
- Valley Garage Doors provides sales, installation and repair of garage doors;
- The site would be use as an office, garage door showroom and storage of garage doors and parts;
- Deliveries of garage doors would occur weekly to deliver custom orders;
- Customers may pick up at the rear of the building or Valley Garage Doors will provide delivery and on-site installation;
- Applicant Rationale:
  - Business will bring positive traffic to the commercial property;
  - Business is growing;
  - Don't have a showroom location;
  - Anticipate outgrowing this space in the future;
- Zoning Bylaw:
  - Zoned C1: Retail sale and excludes sale and repair of industrial equipment;
  - Contractor Services: services of a construction nature which require on-site storage of equipment and vehicles, warehouse space and accessory sales and office space;
  - Urban Centre Commercial Zone does not permit Contractor Services as a permitted use;
  - Service Commercial (C4) or Industrial Zones would permit a Contractor Services use.

- OCP Policies:
  - Commercial Future Land Use: intended to promote retail, office and personal services uses above street residential;
  - Located in Boucherie Center: intended to create a “bookend” urban centre pedestrian oriented mixed use development;
  - Growth Management Centre to include increasing the mix and intensity of land uses, promoting economic development and fostering a positive community image.
- OCP Temporary Use Permit Guidelines:
  - Use must be clearly temporary or seasonal in nature;
  - Not create an unacceptable level of negative impact on surrounding permanent uses;
  - Outline detailing when and how the use in that location will be ended;
  - Asks for information on the appearance of the building;
  - No industrial uses will be considered for sites located in Boucherie Center.
- Proposed Site Improvements:
  - Applicant has proposed planters along the front façade of the building facing Highway 97 and will be installing signage to face Highway 97 as well;
- Key Considerations:
  - Existing Temporary Use Permit on subject property;
  - Use should be temporary or seasonal in nature;
  - Applicant has expressed that they will outgrow this space;
  - TUP can include conditions such as landscaping, security;
  - Council will consider application at the July 14, 2020 meeting.

Highlights of the discussion include:

- When they think they may outgrow? Applicant has not provided specific timeline. Looking to move into site ASAP as it is currently vacant. Currently do not have a location and operating out of their home, online and outside. They are aware that TUP limitations and timelines.
- Does the applicant understand prohibition of manufacturing? Do they understand that they cannot build? Not in the business of manufacturing, only sell, repair and install. Could be a condition of their TUP if there is a concern.
- It is seen as a positive for the community;
- Pleased to see the planters and a good use of the property.

It was moved and seconded

**THAT** the APC recommend support for file TUP 20-02, Temporary Use Permit Application, 1698 Ross Road as presented.

CARRIED UNANIMOUSLY

### **7.3 File TUP 18-05.01, TUP Renewal, 1375 Green Bay Road**

Highlights of the presentation by the Planner include:

- Located in the South Boucherie neighbourhood and zoned RMP – Manufactured Home Park;
- Site of the Green Bay Mobile Home Park;

- The surrounding land uses include:
  - North – R1 – Single Detached Residential;
  - East – R1 – Single Detached Residential and P1 – Parks and Open Space (Osprey Park);
  - South – P2 – Institutional and Assembly (Green Bay Bible Camp) and RC4 – Compact Single Detached Residential Zone;
  - West – P2 – Institutional and Assembly (Green Bay Bible Camp);
- Specific site is 15A, directly adjacent to Green Bay road;
- Background:
  - TUP 18-05; Application requested RV use for three lots (15A, 16B, 19B) for three years;
  - APC Recommended approval for 2 years and 15A only;
  - Replacement of mobile homes challenged by floodplain regulations;
  - Redevelopment of site challenging with Manufactured Home Redevelopment Policy, Environmental requirements due to Green Bay canal.
- Previous Proposal Rationale:
  - MHP built in the 60's;
  - Non-conforming under current regulations;
  - New Mobile Home would have to meet current floodplain regulations;
  - RV can easily be removed if there is flooding;
  - RV provides modestly priced housing.
- TUP 18-05 was approved by Council June 2019 with the following conditions:
  - No physical structures be constructed and attached to the RV;
  - The RV shall remain mobile (i.e. with wheels and hitch present on the unit);
  - Connection to sanitary sewer system must receive approval from Engineering;
  - Approved for one year – Expiry June 17, 2020.
- Proposal:
  - Applicant has requested a TUP renewal for an additional 2 years;
  - Property is well maintained, tidy and RV is fairly new;
  - Tenants have been unable to find alternate accommodation;
  - COVID state of emergency in BC will increase alternative housing demand;
  - Restrictions on Evictions during state of emergency.
- Zoning Bylaw No. 0154:
  - defines a Recreational Vehicle as: *“a vehicle intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers and tent trailers. Recreational vehicles also includes personal watercraft, all terrain vehicles, snowmobiles, and boats.”*
  - MHP Zone does not permit Recreational Vehicles as a permitted use;
  - Restricts occupancy of RV to no more than 10 days in a 30 period in residential zones.
- OCP Policies:
  - Residential objectives – ensuring housing development is appropriate and sensitive to surrounding uses;
  - Residential policies – MHP recognized as affordable housing and exploring opportunities for affordable housing;

- Manufactured Home Park Tenancy Act specifies that landlords have responsibilities to their tenants but does not invalidate local bylaws;
- During the pandemic state of emergency (COVID-19), landlords can end a tenancy to comply with an order of a municipal authority;
- Site visit was conducted on June 5, 2020;
- RV has been skirted and wheels removed which is a contravention of the existing TUP conditions;
- Key Considerations:
  - Use should be temporary or seasonal in nature;
  - Use of Recreational Vehicle for long-term permanent dwelling;
  - Affordable Housing availability;
  - TUP can include conditions such as landscaping, security;
  - Council will consider application at the July 14, 2020 meeting.

Highlights of the discussion include:

- If someone wanted to vary the TUP conditions can they apply for a variance? No variance process for TUP. Conditions approved by Council are what maintains TUP. Came to our attention through renewal application review that a condition was not being met. May be possibility for Council to amend those conditions. Rationale in removing the wheels was to allow skirting to make it more habitable RV during winter months.
- Intention for wheels was to keep it mobile during flooding. Some further information required with intent to the condition.
- When inspecting the site, did they see the wheels on site or taken off site? During our site inspection, it was not something we looked for. We did not go into the vehicle or into storage.
- Future permanent buildings would not meet new standards, would there be an opportunity for hybrid use for temporary and permanent so the property owner could use the property and have a viable income? Would be looked at case-by-case basis. Hybrid is what we are looking at today. RV suitability as a permanent dwelling ensuring there are safe standards of living.
- Challenging site to redevelop but a number of solutions, depending on future use of the property;
- Committee recommended a 2-year term but Council modified it to be a single year. Did they record or provide any rationale for additional limitation? Original application was a 3-year permit; APC supported a 2-year term, when presented to Council Staff recommended a 1-year term. Intended to be transitional timeline for their RV or more long-term accommodation. Owner/tenant say it is difficult to find alternative sites for RV, and COVID caused more difficulty. A renewal offers more flexibility to find affordable housing.
- The tenant is the owner of the RV and leasing the site from the mobile home park;
- 1 year for transitional purposes and then skirting was put up;
- Idea of the pandemic makes this impossible, they had 8 months before pandemic;
- Lots of RV parks that have spaces;
- Seems difficult to accept that nothing is available;
- Houses being bought and sold, rentals are ongoing during COVID-19 pandemic;

- Enabling to convert to an RV park. This is not fair to the other residents. Not making a genuine effort to find a solution;
- APC recommended support for the application last year and the applicant has met all the AP requirements. It was Council who made restrictions and reduced a term that the APC had supported. How do we support something one year and not support it the next?
- Situations change – not a contradiction changing our mind from last year. Concerns with skirting installed in contravention of permit conditions. Suggests misuse of permit. Installing skirting, suggests that this may extend permit applications.
- Council is the higher authority and indicated only to extend the use for 1 year. Applicants ignored Councils one year use.
- Concern that this will be an ongoing thing that will come back in the future.

*Bea Kline declared a Conflict of Interest and removed herself from discussion and vote.*

It was moved and seconded

**THAT** the APC recommend not supporting (denying) the file TUP 18-05.01, Temporary Use Permit Renewal, 1375 Green Bay Road as presented.

CARRIED; opposed Joe

## **8. CORRESPONDENCE AND INFORMATION ITEMS:**

- 8.1 Decision Letter – Z 17-14, Zoning Amendment, 3545 McIver Road**
- 8.2 Decision Letter – Z 19-14, Zoning Amendment, 1150 Sunview Place**
- 8.3 Decision Letter – Z 19-05, Zoning Amendment, 2370 Tallus Ridge Drive**
- 8.4 Decision Letter – Z 18-08, Zoning Amendment, 2377 Thacker Drive**

## **9. NOTICE OF MOTION:**

## **10. OTHER BUSINESS:**

- 10.1 Issues Identification (Standing Item)

Standing Items will resume once we can meet in person.

## **11. ADJOURNMENT OF THE REGULAR MEETING:**

The meeting adjourned at 10:46 a.m.

**CERTIFIED CORRECT**

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Chair

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Recording Secretary