

CITY OF LANGFORD

PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Tuesday, April 10th, 2012 @ 7:00 pm

Council Chambers

AGENDA

Page

1. CALL TO ORDER

2. APPROVAL OF THE AGENDA

3. ADOPTION OF THE MINUTES

a) Planning, Zoning & Affordable Housing Committee Meeting – March 26th, 2012 001

4. REPORTS

a) Application to Rezone 2835 Peatt Road from R1 (One-Family Residential) to C8A (Community Town Centre Pedestrian A) to Allow a 4-Storey Mixed-Use Building
- Staff Report (File No. Z12-0004) 005

b) Application to rezone the properties at 997 and 999 Goldstream Avenue from R2 (One- and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) in order to allow a Group Day Care as currently permitted by Temporary Use Permit TUP-11-0004)
- Staff Report (File No. Z12-0003) 019

5. ADJOURNMENT

CITY OF LANGFORD

MINUTES OF THE PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Monday, March 26th, 2012 @ 7:00 pm

Council Chambers

PRESENT

Councillor D. Blackwell (Chair), Councillor R. Wade (Vice-Chair): Members: S. Harvey, K. Sheldrake and N. Stewart.

ATTENDING

City Planner, Matthew Baldwin and Deputy Manager of Engineering, Michelle Mahovlich.

ABSENT

Members: M. Hall, D. Horner, J. Butler-Smythe, A. Creuzot,

1. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR WADE

SECONDED: S. HARVEY

That Planning, Zoning and Affordable Housing Committee approved the Agenda as circulated.

CARRIED.

3. ADOPTION OF THE MINUTES

a) **Planning, Zoning & Affordable Housing Committee Meeting – March 12th, 2012**

MOVED BY: N. STEWART

SECONDED: COUNCILLOR WADE

That the Planning, Zoning & Affordable Housing Committee approve the Minutes of the Planning, Zoning and Affordable Housing meeting held on March 12th, 2012.

CARRIED.

4. REPORTS

- a) **Application to vary lot width, setbacks, parking requirements, turnaround area and height to allow for a five lot subdivision at 3380 Happy Valley Road**
- Staff Report (File No. DVP12-0004)

MOVED BY: COUNCILLOR WADE
SECONDED: S. HARVEY

That the Planning, Zoning & Affordable Housing Committee recommend to Council:
That Council:

1. Proceed with consideration of a Development Variance Permit No. DVP12-0004 for 3380 Happy Valley Road, with the following variances:

- i) That Section 6.27.02 (2) of Zoning Bylaw No. 300 be varied to reduce the lot width from the required 9m (29.5ft) to 8.25m (27ft) for Lot 4;
- ii) That Section 6.27.06 (1)(a) of Zoning Bylaw No. 300 be varied reduce the distance of a building to a front lot line from the required 3m (10ft) to 2m (6.6ft) for Lot 2 and for the portion that comprises a garage only;
- iii) That Section 6.27.06 (1)(b) of Zoning Bylaw No. 300 be varied to reduce the distance of a building to a rear lot line from the required 5.5m (18ft) to 1.5m (5ft) for Lot 1;
- iv) That Section 6.27.06 (2) of Zoning Bylaw No. 300 be varied to increase the height of a one-family dwelling from 8.5m (28ft) to three storeys for Lots 1-4;
- v) That Section 4.01.01 VII be varied to reduce the required parking stalls from 2.5 stalls per unit to 2 stalls per unit;
- vi) That the required two-point turnaround area in Schedule 11 - 36 of Subdivision and Development Servicing Bylaw No. 1000 be varied from the required 5m (16ft) wide and 13m (42ft) deep to 3.5m (11.5ft) wide and 9m (29.5ft) deep.

Subject to the owner installing a 1.8m (6ft) high solid board fence along the northern property boundary.

2. Direct Staff to amend Zoning Bylaw No. 300 to reduce the parking requirement for RS3 (Residential Small Lot 3) from 2.5 parking spaces to 2 parking spaces per dwelling unit;

CARRIED.

- b) **Application to Amend the Zoning Designation of the Property at 790 Hockley Avenue from R1 (One- Family Residential) to C8A (Community Town Centre Pedestrian A) to allow for the construction of a four (4) storey multi-family residential building consisting of approximately 21 dwelling units.**
- Staff Report (File No. Z12-0008)

MOVED BY: COUNCILLOR WADE
SECONDED: N. STEWART

That the Planning, Zoning & Affordable Housing Committee recommend to Council:
That Council:

1. Give First Reading to Bylaw No. 1391, which will amend the zoning of the property at 790 Hockley Avenue from R1 (One-Family Residential) to C8A (Community Town Centre Pedestrian A) subject to the following terms and conditions:
 - a. That the following amenity contributions are included in the bylaw for increased density, to be payable at the time of subdivision:
 - i. \$2,700 per unit created towards the General Amenity Reserve Fund;
 - b. That the upper storeys of the building being proposed at 790 Hockley Ave are setback by at least 4ft to the satisfaction of the City Planner;
 - c. That the applicant provide the following items prior to public hearing:
 - i. A tree preservation plan prepared by a certified arborist to the satisfaction of the City Planner to ensure that appropriate measures are in place to protect the Garry Oak tree in the road Right-of-Way; and
 - ii. A road dedication plan, if required, to the satisfaction of the City Engineer;
 - d. That the applicant register a Section 21.9 covenant, prior to bylaw adoption, that includes the following:
 - i. The owner provide secure and enclosed bicycle storage for residents to the satisfaction of the City Planner;
 - ii. The owner obtains a construction easement prior to excavation to the satisfaction of the City Engineer should the footings of the building encroach into neighbouring properties;
 - iii. The owner provide a traffic and public safety plan and construction parking plan, prior to any onsite works and/or clearing, to the satisfaction of the City Engineer; and
 - iv. Frontage improvements, works and services to Subdivision and Servicing Bylaw No. 1000 standards.

CARRIED.

**c) Planning Department – Statistical Information – February 2012
- Staff Report (File No. Planning)**

MOVED BY: COUNCILLOR WADE
SECONDED: K. SHELDRAKE

That the Planning, Zoning and Affordable Housing Committee receive the Planning Department Statistical Information Report for February, 2012.

CARRIED.

5. ADJOURNMENT

The Chair adjourned the meeting at 7:17 p.m.

MAYOR

CERTIFIED CORRECT
Administrator



Staff Report to Planning, Zoning and Affordable Housing Committee

Date: April 10, 2012
Department: Planning
Application No.: Z12-0004
Subject: *Application to Rezone 2835 Peatt Road from R1 (One-Family Residential) to C8A (Community Town Centre Pedestrian A) to Allow a 4-Storey Mixed-Use Building*

PURPOSE

Ryan Mogensen has applied on behalf of Ryan, Nicole and Kim Mogensen to rezone 2835 Peatt Road from R1 (One-Family Residential) to C8A (Community Town Centre Pedestrian A) to allow a 4-storey mixed-use building containing approximately 15 residential dwelling units and one commercial unit.

BACKGROUND

PREVIOUS APPLICATIONS

In 1995, the subject property was involved in a large scale rezoning of lands within downtown Langford to the One-Family Residential Zone (then called R2, now called R1) to prevent further duplexing of existing single-family dwellings and pandhandle subdivisions. This was done in order to preserve the capability of the lands for a redevelopment proposal such as this.

Table 1: Site Data

<i>Applicant</i>	Ryan Mogensen	
<i>Owner</i>	Ryan, Nicole and Kim Mogensen	
<i>Civic Address</i>	2835 Peatt Road	
<i>Legal Description</i>	Lot A, Section 72, Esquimalt District, Plan 27517	
<i>Size of Property</i>	809 m ² (8,708 ft ²)	
<i>DP Areas</i>	n/a	
<i>Zoning</i>	Existing: R1 (One-Family Residential)	Proposed: C8A (Community Town Centre Pedestrian A)
<i>OCP Designation</i>	Existing: City Centre	Proposed: no change

SITE AND SURROUNDING AREA

The subject property is located on the east side of Peatt Road, approximately mid-block between Goldstream Ave and Hockley Ave.

Figure 1 – Orthophoto Map

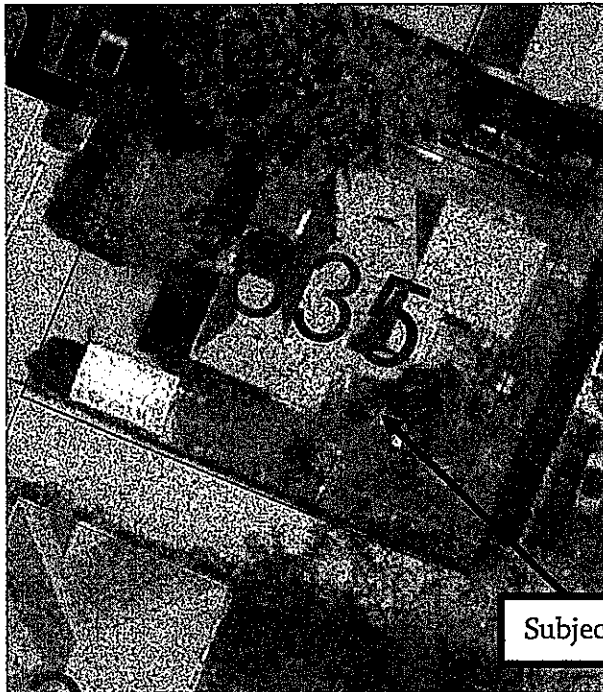
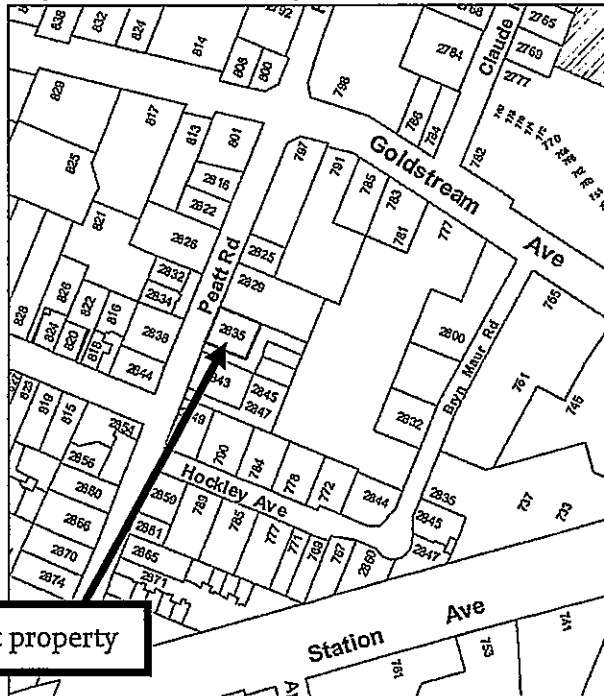


Figure 2 – Location Map



The subject property is flat and contains one existing single-family dwelling.

Table 2: Surrounding Land Uses

	Zoning	Use
North	C8 (Community Town Centre Pedestrian)	Mixed-use building
East	R1 (One-Family Residential), C3 (District Commercial)	Two-family dwelling, commercial complex
South	C8 (Community Town Centre Pedestrian), MU1 (Mixed-Use Residential Commercial)	Mixed-use buildings
West	R1 (One-Family Residential), C8 (Community Town Centre Pedestrian)	One- and two-family dwellings, commercial complex

OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designates the subject property as “City Centre,” which is defined as:

- *A major regional growth centre that supports a wide range of high density housing, including affordable and rental housing;*
- *A major employment area for institutional, office, commercial and light industrial;*
- *Major civic uses and public buildings are key landmarks;*
- *A major place of community gathering and celebration;*
- *A wide range of public squares, parks and open spaces are integrated throughout;*
- *The City’s major entertainment and/or cultural precinct;*
- *Inter-city and/or inter-regional transit hub connects residents.*

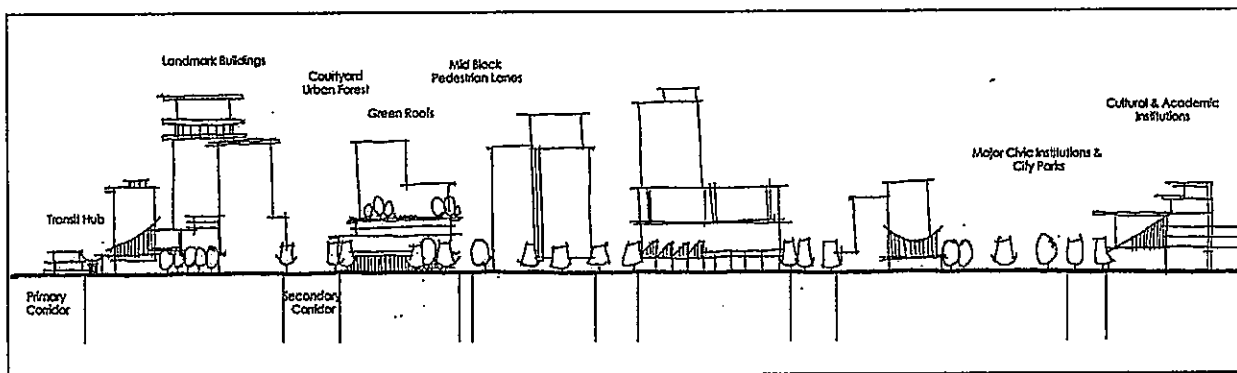


Figure 3. Concept for the City Centre

Policy 5.1.3: *Relate all neighbourhood development and infill to the nearest centre through direct and/or improved connections, scale and character.*

Objective 5.2: *Encourage the growth of business activities in all parts of the community as a mixed-use urban design objective.*

Policy 5.4.1: *Encourage street-orientation of buildings along all roads and corridors where topographical conditions allow.*

Policy 5.5.2: *Ensure residential densities and the location of dense development increases viability and frequency of transit service.*

Policy 5.5.4: *Ensure cycling infrastructure is accommodated in development projects and street design near transit stops.*

The development of a 4-storey mixed-use building on the subject property is in line with Official Community Plan objectives and policies, such as those noted above, to create a higher-density, vibrant downtown. As the subject property is an infill lot, with fairly new multi-storey mixed-use buildings fronting Peatt Road on either side, the development proposal will create a more continuous, attractive streetscape along this key road within the core of downtown Langford.

DEVELOPMENT PERMIT AREAS

The subject property is located within the Downtown Pedestrian Commercial and Multi-Family Development Permit Areas designated by OCP Bylaw No. 1200. Therefore, the development proposal will be subject to a form and character development permit prior to the issuance of a Building Permit.

The subject property is not within any environmentally sensitive or hazardous development permit areas.

COMMENTS

DEVELOPMENT PROPOSAL

The applicant has applied to rezone the subject property to C8A (Community Town Centre Pedestrian A) in order to allow for the construction of a four storey mixed-use building consisting of 15 one-bedroom plus den units and one ~40 m² (430 ft²) commercial unit on the ground floor. Please refer to Table 3 for a summary of the development proposal.

Table 3: Proposal Data

	Permitted by R1 (One-Family Residential)	Permitted by C8A (Community Town Centre Pedestrian A)	Proposed by Rezoning Application
<i>Density (FAR/minimum lot size)</i>	550 m ² min. lot size; one residential building per lot	2.25 FAR	1.93 FAR
<i>Height</i>	9m (30ft)	4 storeys	4 storeys
<i>Site Coverage</i>	35%	90%	58%
<i>Front Yard Setback</i>	6m (19.7ft)	2m (6.5ft)	0m*
<i>Interior Side Yard Setback</i>	1.5m (4.9ft)	n/a	<ul style="list-style-type: none"> • North side - 3.66m (12ft) • South side - 0m
<i>Exterior Side Yard Setback</i>	4.5m (14.8ft)	n/a	n/a
<i>Rear Yard Setback</i>	6m (19.7ft)	7.5m (25ft)	6.8m (22.5ft)*
<i>Parking Requirement</i>	2 spaces per one-family dwelling	<ul style="list-style-type: none"> • 1 space per 1-bedroom unit; • 1 space per 20m² of commercial floor area • Total 17 spaces 	<ul style="list-style-type: none"> • 1 space per 1-bedroom unit; • 1 space per 40 m² of commercial space* • Total 16 spaces*

*VARIANCE REQUIRED

REQUESTED VARIANCES

As noted in Table 3, the development proposal will require several variances to proceed as proposed. First, the applicant wishes to vary the front setback to 0m and the rear setback to 6.8m (22.5ft). While the proposed building is setback approximately 2m from the current front lot line, 1.98m (6.5ft) of road dedication will be required in order to ensure that all frontage improvements, including the sidewalk, will be within the road right-of-way rather than within a statutory right-of-way (SRW) on private property. At the time the adjacent buildings were constructed, Council agreed to allow certain frontage improvements, such as sidewalks, to be located within SRWs instead of requiring road dedication. So, while these adjacent buildings are setback approximately 2m from their respective front lot lines, the public sidewalk occurs within the setback area, thereby giving the appearance of a 0m setback. Council's preference in recent years has been to require the road dedication instead, particularly along key roads such as Peatt Road. The applicant has agreed to dedicate the necessary amount of road as part of this application; however, since he would like to line up the front building face of this new building with that of the adjacent buildings, he has proposed a 0m setback. Maintaining a consistent front building line will create a more cohesive streetscape along this portion of Peatt Road, which is an objective of the Downtown Langford Design Guidelines. Council may wish to note in the Section 219 Covenant to be registered prior to Bylaw Adoption that the new building (including projections, footings, etc) may not encroach into the newly dedicated road. If any part of the building is shown to encroach on the final survey plan, the applicant will be required to close a portion of Peatt Road and register an encroachment agreement before the strata plan can be registered.

The proposed rear setback of 6.8m (22.5ft) is 0.7m (2.3ft) short of the required 7.5m (25ft) setback. To offset this reduced setback, the applicant has provided a 1.7m (5.6ft) wide landscaped strip along the rear property line, which exceeds the minimum 1m (3.3ft) requirement, and will be constructing a 1.8m (6ft) solid board fence. The property adjoining the subject property's rear lot line contains an existing attached duplex, which is setback approximately 11m (36ft) from their shared lot line. Council may view the separation between the existing duplex and proposed building to be sufficient, despite the proposed reduced setback for the development proposal. Council may wish to note that this adjacent property is designated as City Centre by Official Community Plan Bylaw No. 1200, and as such, may be rezoned and redeveloped in a similar manner as proposed for the subject property at some point in the future.

The proposed site plan is attached to this report as Appendix C.

Secondly, the proposed site plan includes 16 off-street parking spaces whereas 17 spaces are required in accordance with Part 4 – Parking Regulations of the Zoning Bylaw. As noted in Table 3, 15 spaces have been provided, as required, for the 15 one-bed room plus den residential units. The variance is necessary due to the provision of one space, rather than two spaces, for the commercial unit.

Council may wish to note that Section 4.01.04(2) of the Zoning Bylaw allows on-street parking spaces to count towards the off-street parking requirement in the proposed C8 (Community Town Centre Pedestrian) Zone, where:

- The on-street parking spaces are on an adjacent public street;
- The on-street spaces are immediately adjacent to the subject property; and
- The applicant has provided full frontage improvements, including demarcation of the on-street parking spaces.

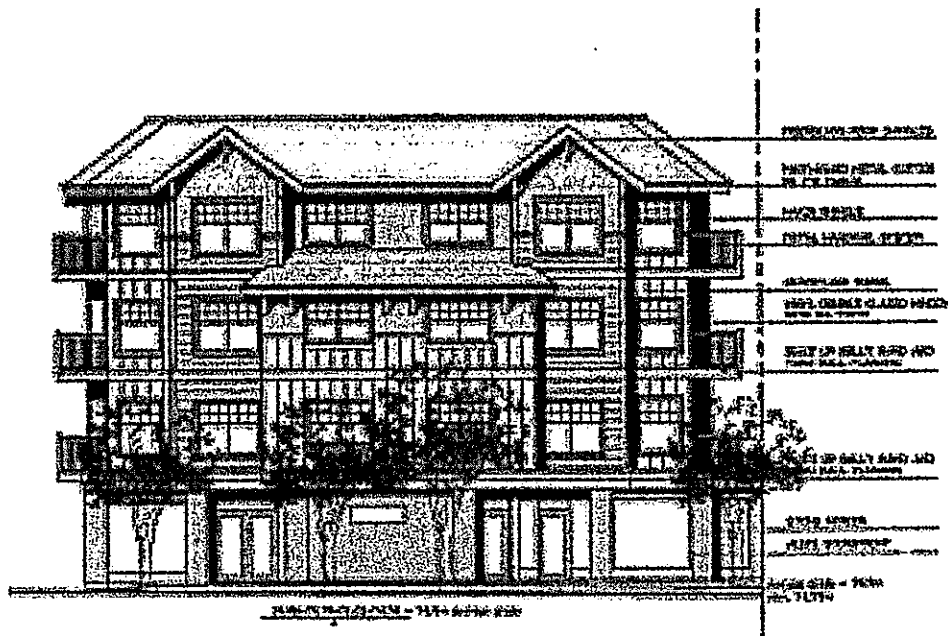
If the two-on-street parking spaces that will be created within the frontage of the subject property are permitted to count towards the off-street requirement, the applicant will exceed the parking requirement for the development proposal by one space. However, in recent years, due to parking complaints generated near new developments, Council’s direction has been to require all parking to be provided on-site, despite this above-noted provision of the Zoning Bylaw.

In this case, as the parking deficiency is for one space that would have been allocated to the commercial unit (i.e. the residential parking requirement has been met), Council may wish to allow the applicant to utilize Section 4.01.04(2) and therefore avoid the need for a parking variance. Conversely, if Council does not wish to allow the applicant to count on-street parking towards the off-street requirement, they may wish to require a cash donation that could be used to create a municipal parking facility in downtown Langford. In the past, Council has accepted a \$5,000 per parking stall contribution as a condition of issuing a parking variance.

DESIGN GUIDELINES

In accordance with the Downtown Langford and Multi-Family design guidelines, the applicant has oriented the proposed building towards Peatt Rd, and has created a visually interesting front façade with distinct entrances for the commercial unit and the lobby for the residential units. A variety of architectural features and building materials have been provided in order to achieve the intent of the design guidelines and the general “look and feel” expected by Council. Figure 4 below illustrates the front elevation of the proposed building, which will face Peatt Road. The applicant will be required to obtain a form and character development permit for the development proposal prior to the issuance of a Building Permit.

Figure 4 – Front Elevation



PEDESTRIAN, CYCLING AND MOTORIST NETWORK

As previously discussed, the applicant will be dedicating 1.98m (6.5ft) of their land to widen Peatt Road. In addition, full frontage improvements to Subdivision and Development Servicing Bylaw No. 1000 standards for downtown Langford are required. Council may wish to require the applicant to install the red brick sidewalk pavers required for the public sidewalk right up to the face of the building in order to maintain a consistent hard surface treatment from the sidewalk edge to the building face.

As can be seen on the site plan, the applicant has provided a secure bicycle storage room within the main floor of the proposed building, which will accommodate at least one bicycle per residential unit. In addition, the applicant has shown a bicycle rack in front of the building, which will be available for use by the public.

Council may wish to secure the above-noted requirements and features in a Section 219 Covenant, registered in priority over all other charges on title, prior to Bylaw Adoption.

The subject property is within 200m (650ft) of a bus stop on Goldstream Ave and within 450m (1,476ft) of the BC Transit exchange on Station Ave. Both of these provide frequent bus service to/from downtown Victoria and other Westshore destinations.

The bicycle lanes and wide sidewalks existing along Peatt Road and Goldstream Ave promote and facilitate non-motorized methods of transportation to access local businesses, services, and amenities in Langford, including those along Goldstream Ave (approximately 200m away) and within the Westshore Town Centre (approximately 700m away).

INFRASTRUCTURE

The proposed building will be connected to the municipal sanitary sewer system, as required by Subdivision and Servicing Bylaw No. 1000.

As commonly applied to new development proposals of this scale, Council may wish to require the applicant to install internal sprinklers to NFPA standards, as well as a strobe light and remote enunciator panel in a location approved by the Fire Chief. Furthermore, Council may wish to require the applicant to provide a fire safety plan for construction and occupancy to the satisfaction of the Fire Chief, prior to the issuance of a Building Permit. These requirements may be secured in a Section 219 Covenant, registered in priority over all other charges on title, prior to Bylaw Adoption.

FINANCIAL CONTRIBUTIONS

COUNCIL'S AFFORDABLE HOUSING, PARK AND AMENITY CONTRIBUTION POLICY

As the subject property is located within the Pedestrian Downtown area defined by Council's Amenity Contribution Policy (the Policy), no affordable housing units or open space dedication is required.

As specified in the recently amended Policy, contributions are no longer calculated according to the number of dwelling units, but rather the "Single Family Equivalent (SFE)." For a multi-family use, the SFE rate is 0.61. Council may also wish to note that the contribution to the General Amenity Reserve Fund includes a \$300 per SFE contribution towards a downtown parking structure.

Table 4 – Amenity Contributions per Current Council Policy

Amenity Item	Per SFE / area contribution	Multiplier	Total
<i>Affordable Housing Reserve Fund</i>	\$1000 per SFE	8.54 SFE (14 new units x 0.61)	\$8,540
<i>General Amenity Reserve Fund – Residential Component</i>	\$2,500 per SFE	8.54 SFE	\$21,350
<i>General Amenity Reserve Fund – Commercial Component</i>	\$10.75 per m2 (\$1 / sq. foot) GFA	40 m ² (430 ft ²)	\$430
TOTAL			\$30,320

DEVELOPMENT COST CHARGES

Table 5 – Current Development Cost Charges

Development Cost Charge	Per unit / area contribution	Total
<i>Roads</i>	<ul style="list-style-type: none"> \$2,184 / dwelling unit \$4,272 / 1000 sq. feet commercial floor area 	<ul style="list-style-type: none"> \$32,760 \$1,836.96
<i>Storm Drainage</i>	<ul style="list-style-type: none"> \$1.34 / m2 site area (Multi-family – 97.2% of site area) \$1.51 / m2 site area (Commercial – 2.8% of site area) 	<ul style="list-style-type: none"> 786.3 m2 x \$1.34 per m2 site area = \$1,053.71 22.7 m2 x \$1.51 per m2 site area = \$34.20
<i>Park Improvement</i>	\$1,890 / dwelling unit	\$28,350
<i>Park Acquisition</i>	\$1,100 / dwelling unit	\$16,500
<i>Incremental Storage Improvement Fees</i>	<ul style="list-style-type: none"> \$331.65 / dwelling unit \$290 / 1000 sq. feet commercial floor area 	<ul style="list-style-type: none"> \$4,974.75 \$124.70
<i>Integrated Survey Area</i>	\$35 per parcel created	n/a
Subtotal (DCCs paid to City of Langford)		\$85,634.32
<i>CRD Water</i>	<ul style="list-style-type: none"> \$1,705.59 per dwelling unit \$11.15 / m2 commercial floor area 	<ul style="list-style-type: none"> \$25,583.85 \$446

<i>School Site Acquisition</i>	\$488 / dwelling unit	\$7,320
TOTAL (estimate) DCCs		\$118,984.17

OPTIONS

That the Planning, Zoning and Affordable Housing Committee recommend that Council:

Option 1

1. Direct staff to prepare a bylaw to amend the zoning of the property located at 2835 Peatt Road from R1 (One-Family Residential) to C8A (Community Town Centre Pedestrian A), subject to the following terms and conditions:
 - a) That the owner agrees to provide, as a bonus for increased density:
 - i. The following contributions per Single Family Equivalent created, prior to the issuance of a Building Permit:
 - a. \$1,000 towards the Affordable Housing Reserve Fund;
 - b. \$2,500 towards the General Amenity Reserve Fund;
 - c. \$10.75 per m² of commercial gross floor area towards the General Amenity Reserve Fund;
 - b) That the applicant registers a Section 219 Covenant, in priority over all other charges on title, prior to Bylaw Adoption, which agrees to the following:
 - i. That the owner will dedicate 1.98m (6.5ft) of road along the Peatt Road frontage, prior to the issuance of a Building Permit;
 - ii. That no portion of the new building may encroach into the Peatt Road right-of-way, including that portion dedicated as a condition of this application. If, despite the applicants best effort to eliminate encroachments, the final survey plan does identify an encroachment, the applicant will be required to close the necessary portion of Peatt Road and register an encroachment agreement prior to the registration of a strata plan;
 - iii. That the secure bicycle storage room within the main floor of the building contains at least one bicycle parking space for each residential unit and that an outdoor bicycle rack be provided in front of the building in a location approved by the City Engineer;
 - iv. That full frontage improvements to the downtown Langford standards of the Subdivision and Servicing Bylaw No. 1000 be completed to the satisfaction of the City Engineer;
 - v. That red brick pavers used for the public sidewalk within the road ROW extend onto private property, to the front building face;
 - vi. That internal fire sprinklers to NFPA standards be installed within the building as well as a strobe light and remote enunciator panel to the satisfaction of the Chief Building Inspector and Fire Chief;

- vii. That a Fire Safety Plan for the construction period and occupancy be provided to the satisfaction of the Fire Chief;

AND EITHER

2. Direct the applicant to provide \$5,000 towards the General Amenity Reserve Fund as a condition of a one-space parking variance, and further direct the city Planner to issue the parking variance in the Development Permit;

OR

3. Allow the applicant to count one (1) on-street parking space towards the off-street parking requirement in accordance with Section 4.01.04(2) of Zoning Bylaw No. 300;

OR

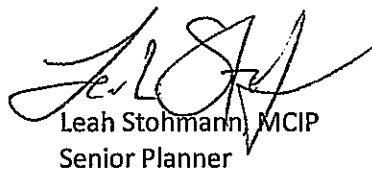
4. Direct the applicant to redesign the development proposal such that all required parking is provided on-site;

OR Option 2

5. Reject this application for rezoning.
-



Matthew Baldwin, MCIP
City Planner

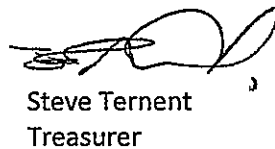


Leah Stohmann, MCIP
Senior Planner

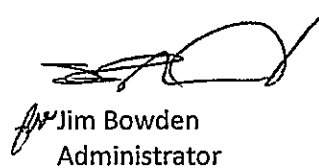
Bob Beckett
Fire Chief



Michelle Mahovlich, P.Geo.
Acting Director, Engineering



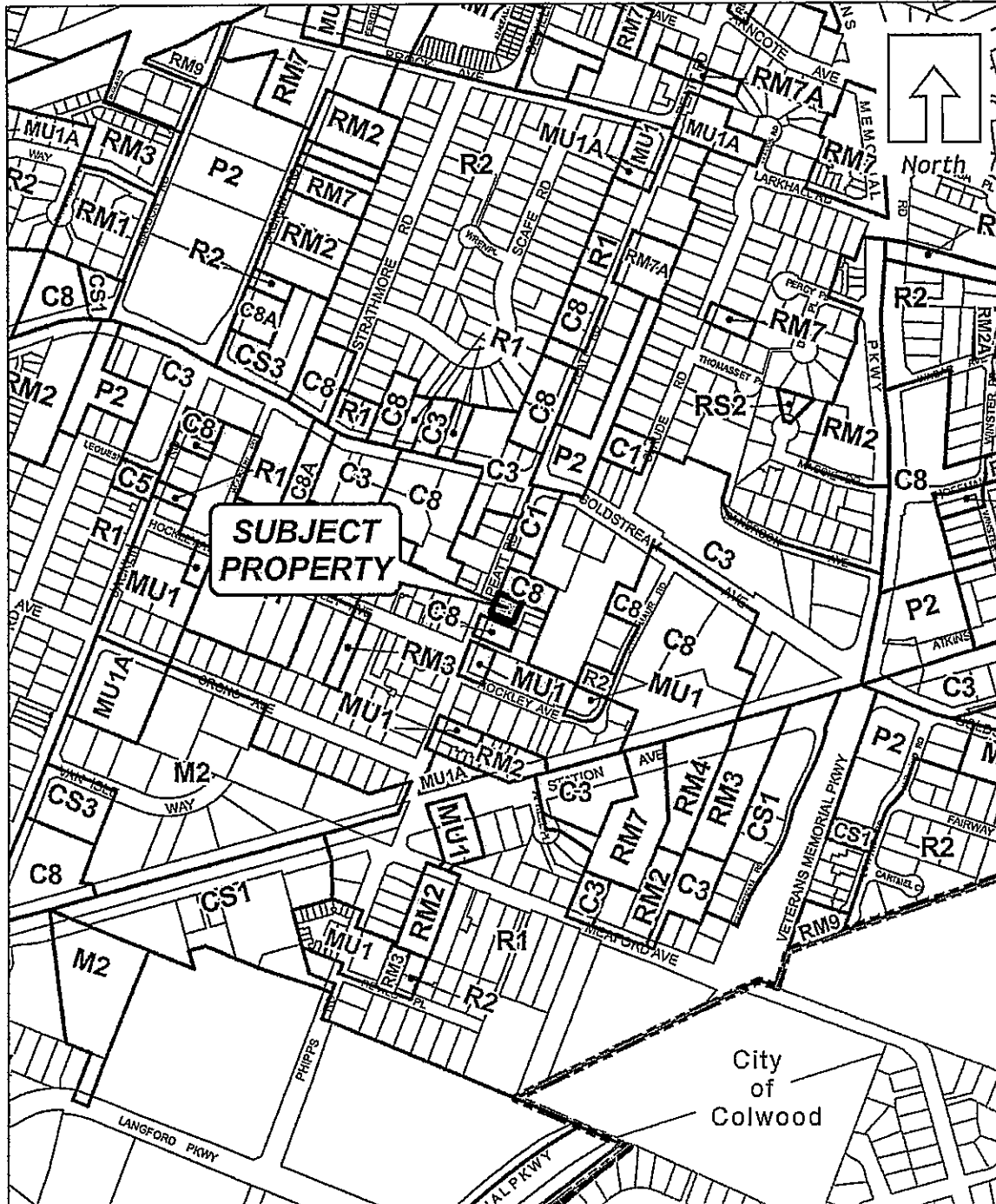
Steve Ternent
Treasurer



Jim Bowden
Administrator

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REZONING BYLAW AMENDMENT
2835 Peatt Rd.
(Z12-0004)

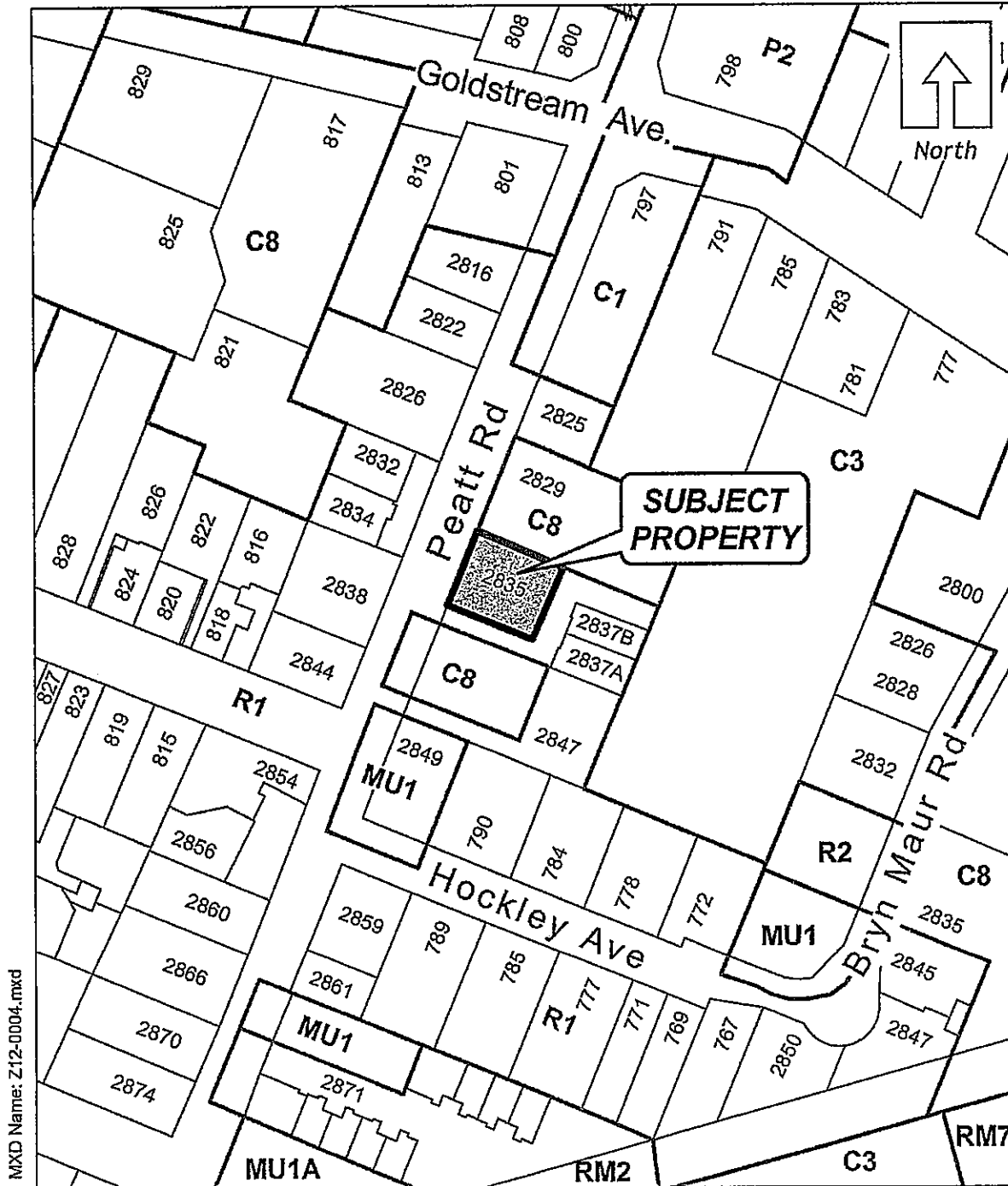


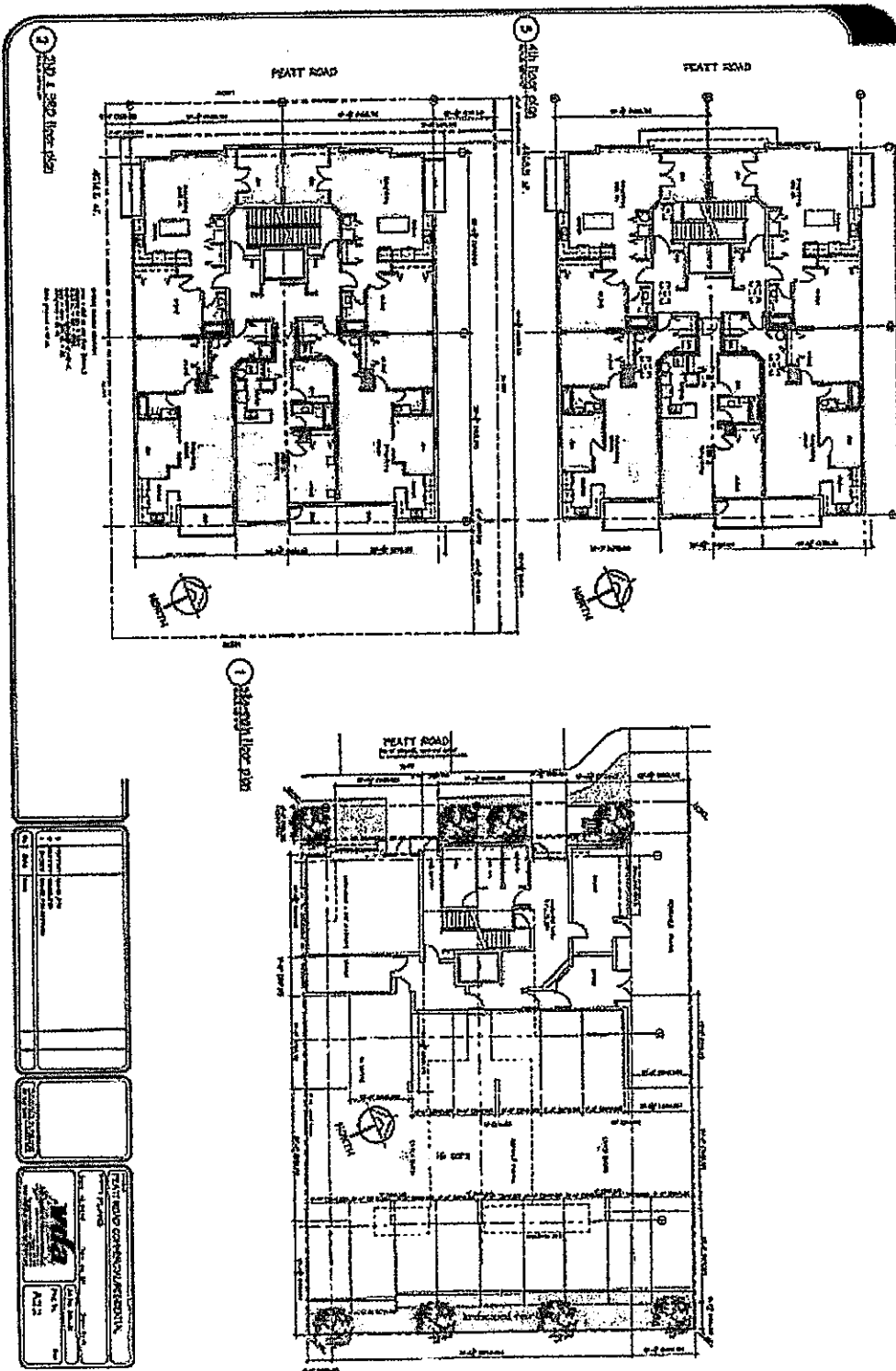
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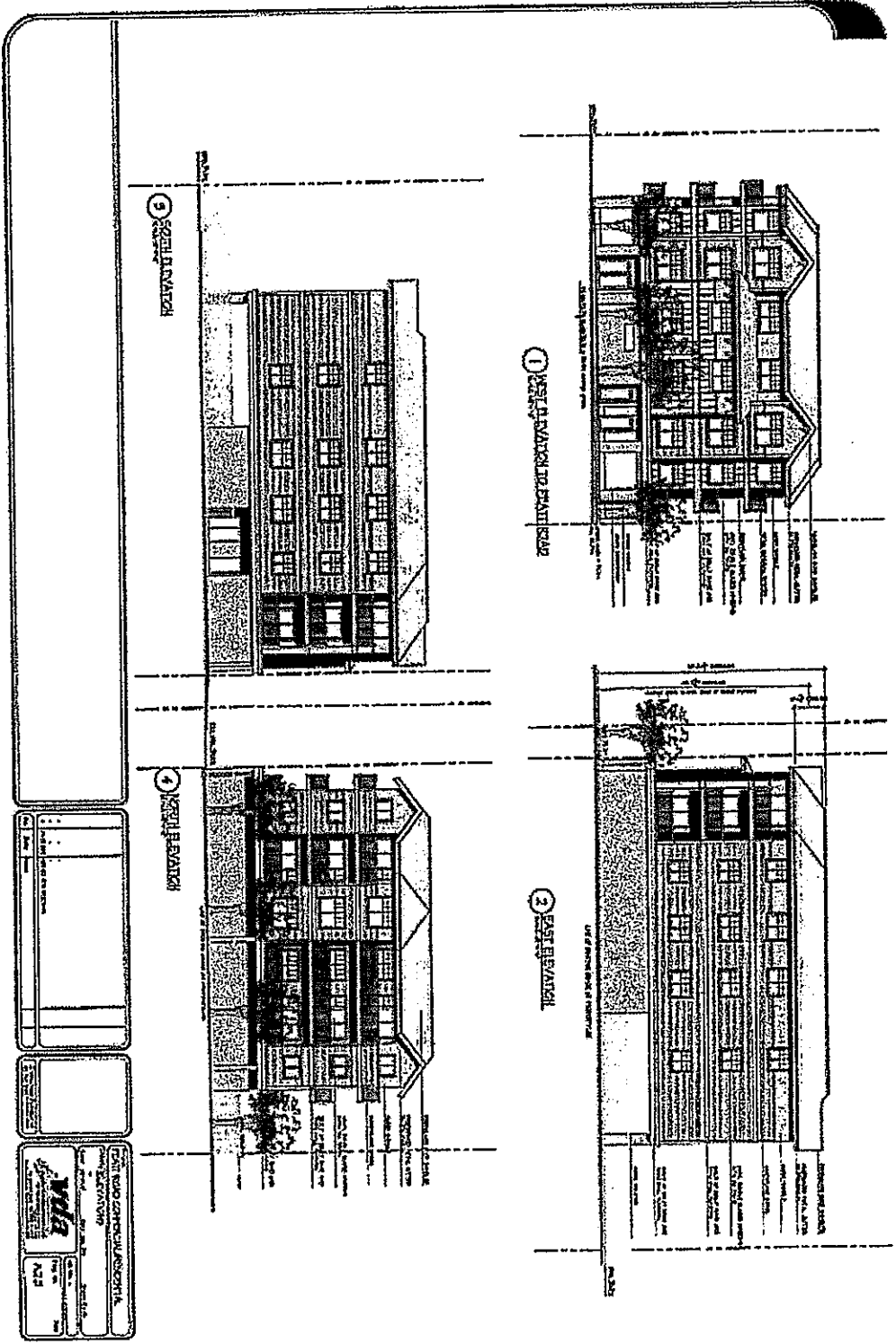
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Last Revised: January 26, 2012

REZONING BYLAW AMENDMENT
2835 Peatt Rd.
(Z12-0004)









**Staff Report
to
Planning, Zoning and Affordable Housing Committee**

Date: April 10, 2012
Department: Planning
Application No.: Z12-0003
Subject: Application to rezone the properties at 997 and 999 *Goldstream Avenue* from R2 (One- and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) in order to allow a Group Day Care as currently permitted by Temporary Use Permit TUP-11-0004), and to vary the minimum lot frontage requirements for a Group Day Care.

PURPOSE

Peter Smither has applied on behalf of Darrel and June Kolodziejak to rezone the properties at 997 and 999 Goldstream Avenue from R2 (One- and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) to allow a group day care containing up to eighteen (18) children. A Group Day Care (GDC) is currently operating from the site in accordance with the Temporary Use Permit (TUP11-0004) issued by Council in July 2011.

BACKGROUND

TUP11-0004 was issued by Council to allow the current day care to operate from the premise. At the time this TUP was granted, Council requested that the applicant seek rezoning. Although GDCs are a permitted use in single family dwellings in the current R2 Zone, rezoning is necessary in this case as the property at 999 and 997 Goldstream Avenue is a residential duplex.

SITE AND SURROUNDING AREA

The subject property is situated on the south side of Goldstream Avenue in the City Centre (please refer to Figure 1). The site is currently occupied by a duplex that has been renovated to accommodate GDC in the entire building.

Table 1: Site Data

<i>Applicant</i>	Peter Smither	
<i>Owner</i>	Darrel and June Kolodziejak	
<i>Civic Address</i>	999 and 997 Goldstream Avenue	
<i>Legal Description</i>	Lot 2, Section 5, Esquimalt District, Plan 26285 (PID 002-742-349)	
<i>Size of Property</i>	890.3 m ² (9 593.11 ft ²)	
<i>DP Areas</i>	None	
<i>Zoning</i>	Existing: R2	Proposed: MU1A
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

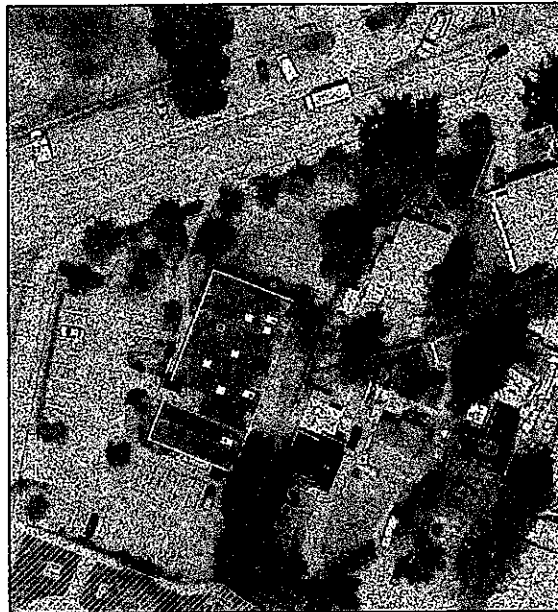


Figure 1. Site and Surrounding Area



Figure 2. Photo of subject property from Goldstream Ave



Figure 3. Existing dwelling unit

Surrounding land uses include:

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	C ₃ (District Commercial) and CS ₁ (Service Commercial)	Office
<i>East</i>	R ₂ (One- and Two- Family Residential)	Attached Duplex
<i>South</i>	R ₂ (One- and Two- Family Residential)	Single-Family Dwelling Unit
<i>West</i>	P ₂ (Community Institutional)	Westshore Parks and Recreation Society

COMMENTS

OFFICIAL COMMUNITY PLAN

The property is designated *Neighbourhood* in the Official Community Plan Bylaw No. 1200, an “existing settled area”:

- *Schools, community facilities and other institutional uses are permitted throughout the area*
- *This area allows for residential and mixed use commercial intensification of streets that connect centres and/or are serviced by transit*
- *Home-based businesses, live-work housing is encouraged*
- *Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites*
- *The current proposal for a Group Day Care matches well with the OCP “Neighbourhood” designation, offering an institutional usage that does not detract from the character of the neighbourhood, and increases the childcare opportunities for surrounding residences*

Council may also wish to note the following objective and policies in the Official Community Plan that encourage an increase in child care spaces in the community:

Objective 6.3 Ensure the specific needs of children and youth are addressed in all aspects of community and social planning and development.

Policy 6.3.4 Facilitate the development of child care and preschool spaces in the community.

Policy 6.3.7 Ensure maximum potential for the provision of child care facilities in zoning bylaws

DEVELOPMENT PERMIT AREAS

The property is not in any Development Permit Areas.

PEDESTRIAN AND VEHICLE ACCESS

Vehicular access is limited to right-in only off of Goldstream Avenue, a major thoroughfare. The property is located opposite the intersection of Spencer Road and Goldstream Avenue, which faces known congestion issues. The applicant provided, at the request of Council, a parking plan as part of the Temporary Use Permit application, showing that parking requirements have been met. In addition, the site is served by a bus stop on the same block, providing access to BC Transit bus routes 49, 53, 56, 57,

and 58. Since commencing operation in September, traffic from the daycare has not resulted in any noticeable increase in accidents or congestion.

PERMITTED USE, PARKING, TRAFFIC, AND INFRASTRUCTURE

The applicant wishes to have the property rezoned to MU1A to allow for long-term development of the property, but intends to maintain the GDC use for the foreseeable future.

Full frontage improvement would be required as a condition of rezoning pursuant to Langford Subdivision and Development Servicing Bylaw No. 1000, 2009. However, Council may wish to note that West Shore Environmental Services (Corix) confirmed that the subject property is not currently serviced by municipal sewers and that they have no immediate plans to extend sewer service to this area in the near future (The site is currently managed by an on-site disposal system that is in place and regulated by Vancouver Island Health Authority). Furthermore, as there is no new space being added to the building, the owners are not required to seek a variance to Bylaw 1000 regarding sewer connections. Council therefore may wish to allow the applicant to delay frontage improvements until the sewer is extended to this property or the owners seek additional density.

As the current rezoning application is only being considered with respect to the existing GDC on the subject property, no recommendation can be made about the suitability of other uses permitted in the MU1A zone on this site. Of particular concern are the parking and traffic demands of increased density of residential and commercial usage possible under the MU1A zoning. Consequently, the applicant has agreed that, before any new development or uses are allowed on the property, a traffic study and sanitary sewer connection will be required. This would be assured through a text amendment to the MU1A zone and a Section 219 covenant.

As no uses other than a GDC will be permitted without a traffic study, current parking provisions under TUP11-0004 should still be adequate in the new zone.

Council may wish to note that Section 3.26.02(3) of Bylaw 300 states that a group day care is only permitted within commercially designated space on the ground floor in the MU1A Zone. As the current property will not have any other uses "mixed" with the GDC, it meets the intent of this clause (that GDCs should not occupy residential space in mixed-use buildings). Council therefore may wish to add a textual amendment to the MU1A Zone stating that a GDC shall be permitted on all floors of an existing building of the subject property.

ZONING BYLAW AMENDMENT

The applicant is seeking rezoning to allow a GDC use without substantially changing the form of an existing residential structure.

Council may further wish to note that, with a frontage of 22.75m, the present site does not meet the minimum 30.5m of lot frontage required for a GDC (Section 3.26.02(8) of Bylaw 300). The applicant has therefore requested to vary the minimum lot width to 22.75m.

NEIGHBOURHOOD CONSULTATION

Council may wish to note that while seeking TUP-11-0004 the applicant met with adjacent neighbours on Goldstream Avenue, Sybronden Road and Kingsgate Drive and circulated a petition to obtain support

for their application for a TUP and rezoning application. Out of the fifteen (15) adjacent neighbours contacted, ten (10) of them signed the petition in support of the group day care use on the subject property. The other five (5) neighbours were not home at the time when the applicant was circulating the petition.

FINANCIAL CONTRIBUTIONS

COUNCIL'S AFFORDABLE HOUSING, PARK AND AMENITY CONTRIBUTION POLICY

The proposal involves no new residential development. Therefore, Council's Amenity Contribution Policy does not apply.

At the time of eventual redevelopment of the site in accordance with the MU1A zoning, however, Council's Amenity Contribution Policy will apply, and the owners will have to contribute accordingly to the Affordable Housing Reserve Fund and the General Amenity Reserve Fund. These contributions are outlined in the attached bylaw.

OPTIONS

That the Planning, Zoning, and Affordable Housing Committee recommend that Council:

Option 1

1. Give First Reading to Bylaw No. 1393, which will amend the zoning of the properties at 997 and 999 Goldstream Avenue from R2 (One- and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) Zone subject to the following terms and conditions:
 - a. That the applicant provide, **prior to final adoption of the bylaw**, a Section 219 Covenant, registered in priority over all other charges on title, that agrees to the following:
 - i. That the applicant shall provide frontage improvements along Goldstream Avenue to Subdivision and Development Servicing Bylaw No. 1000 standards, and to the satisfaction of the City Engineer either upon a change of land use or when warranted by a traffic study, whichever should occur first;
 2. Amend the MU1A Zone to allow a Group Day Care on any floor of a building built before 2012 on the subject property.
 3. Direct staff to prepare a Development Variance Permit for lot width. Variance from 30.5m to 22.75m to be issued following adoption of Bylaw No. 1393.
-

OR Option 2

4. Extend TUP-11-0004 for another 18 months, or up to a maximum of 36 months, to allow more time to assess any impacts of the business on local traffic.
-

OR Option 3


5. Reject this application for rezoning.

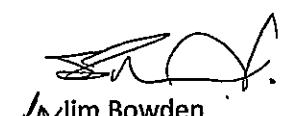

FOR: Matthew Baldwin, MCIP
City Planner


Kyle McStravick
Planner


Mike Leskiw, MA
Parks Manager


Michelle Mahovlich, P.Geo
Deputy Manager, Engineering

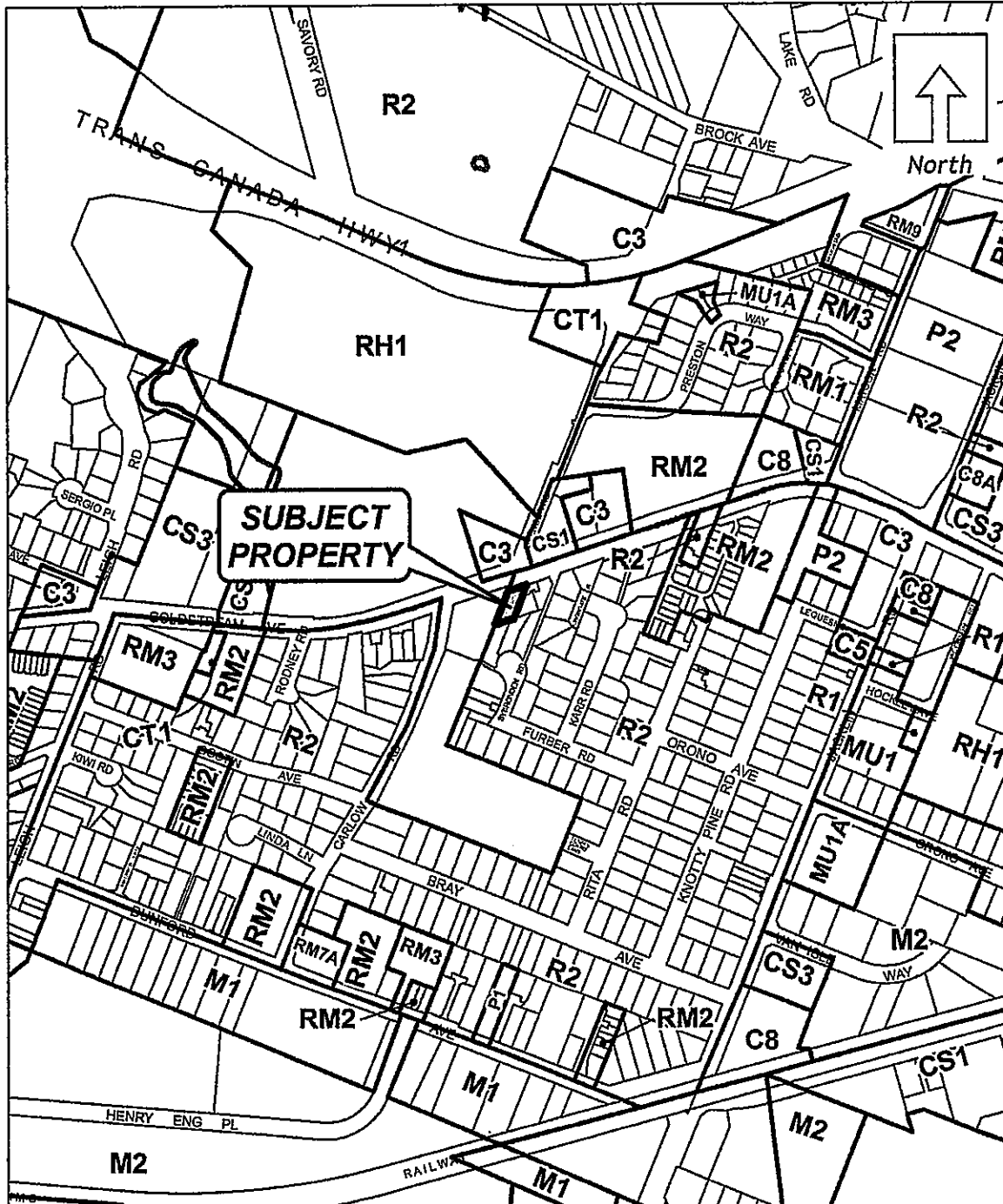

Steve Ternent
Treasurer


for Jim Bowden
Administrator

Bob Beckett
Fire Chief

:kmc

REZONING BYLAW AMENDMENT
997/999 Goldstream Ave.
(Z12-0003)

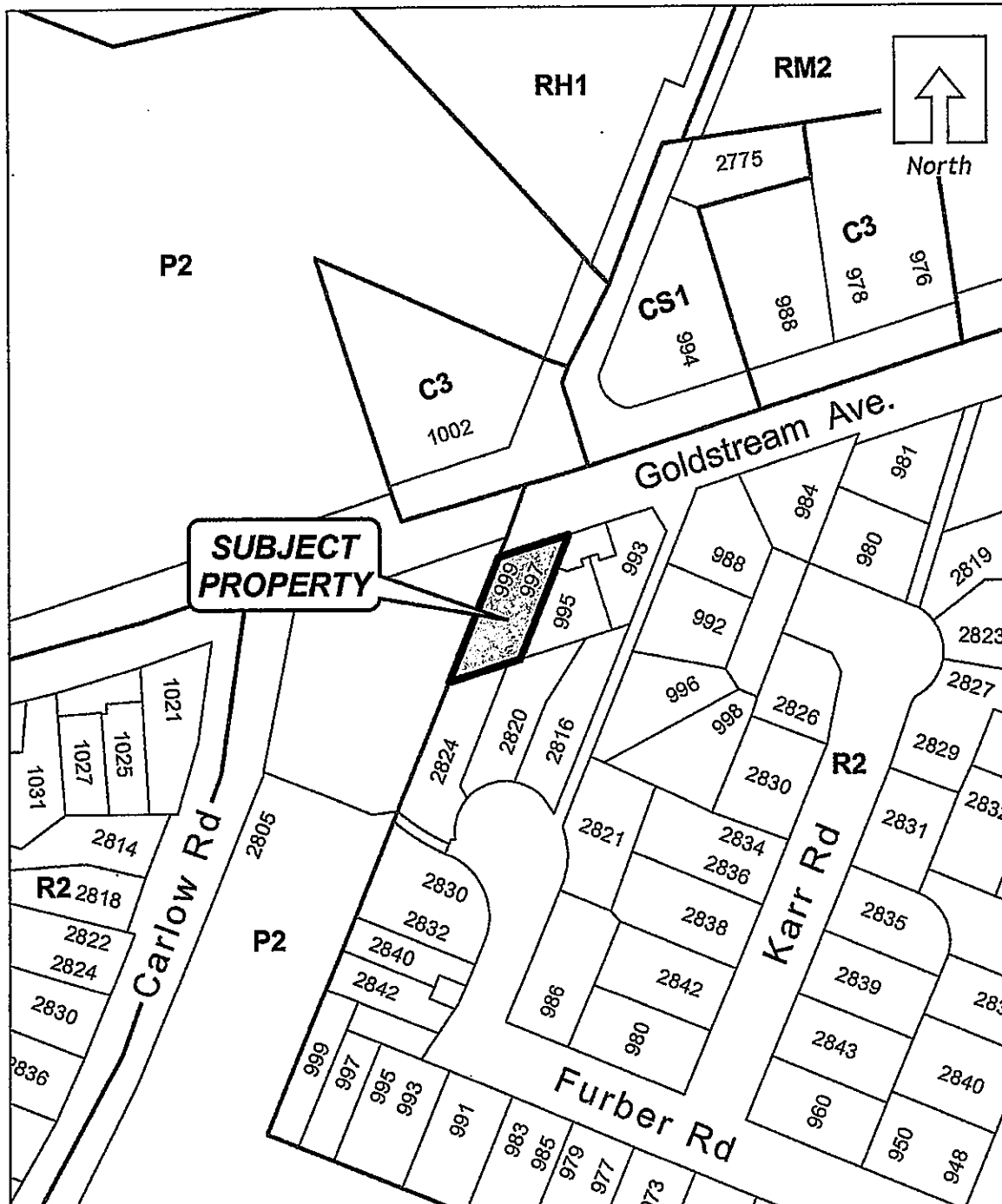


MXD Name: Z12-0003.mxd

Scale: N.T.S.

Last Revised: January 26, 2012

REZONING BYLAW AMENDMENT
997/999 Goldstream Ave.
(Z12-0003)



MXD Name: Z12-0003.mxd

Scale: N.T.S.

Last Revised: January 26, 2012

CITY OF LANGFORD

BYLAW NO. 1393

A BYLAW TO AMEND BYLAW NO. 300, LANGFORD ZONING BYLAW, 1999"

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. By deleting from the R2 (ONE- AND TWO-FAMILY RESIDENTIAL) ZONE and adding to the MU1A (MIXED USE RESIDENTIAL COMMERCIAL) ZONE the property legally described as LOT 2, SECTION 5, ESQUIMALT DISTRICT, PLAN 26285; in the portions as shown shaded on Plan No. 1 attached to and forming part of this Bylaw; and
2. By adding to Section **6.51A.04** the following:
Notwithstanding subsection 6.51A.04(1), on land legally described as Lot 2, Section 5, Esquimalt District, Plan 26285, the density of development shall be one Group Day Care. Any change of density shall require a traffic study to the satisfaction of the City Engineer.
3. By adding to Section **6.51A.03** the following:
On the property legally described as LOT 2, SECTION 5, ESQUIMALT DISTRICT, PLAN 26285, Group Day Cares shall be permitted on any floor of a structure built before 2012.
4. By adding the following line to Table 1 of Schedule AD:

Zone	Bylaw No.	Legal Description	Amenity Contributions
MU1A	1393	LOT 2, SECTION 5, ESQUIMALT DISTRICT, PLAN 26285 (997-999 Goldstream)	<ol style="list-style-type: none">a) \$1,000 per SFE created towards the Affordable Housing Reserve Fund;b) \$4,200 per SFE created towards the General Amenity Reserve Fund;c) \$10.75 per m2 of commercial GFA towards the General Amenity Reserve Fund;

- B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment No. 344, (997 and 999 Goldstream Avenue), 2012".

READ A FIRST TIME this day of, 2012.

PUBLIC HEARING held this day of, 2012.

READ A SECOND TIME this day of, 2012.

READ A THIRD TIME this day of, 2012.

APPROVED BY THE MINISTRY OF TRANSPORTATION this day of , 2012.

ADOPTED this day of , 2012.

MAYOR

(Certified Correct)
CORPORATE OFFICER

