

CITY OF LANGFORD

MINUTES OF THE PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Monday, April 23rd, 2012 @ 7:00 pm

Council Chambers

PRESENT

Councillor D. Blackwell (Chair), Councillor R. Wade (Vice-Chair), Members: J. Butler-Smythe, S. Harvey, and K. Sheldrake.

ATTENDING

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

ABSENT

Members: N. Stewart. M. Hall, A. Creuzot and D. Horner.

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 – April 10th, 2012

MOVED BY: COUNCILLOR WADE

SECONDED: K. SHELDRAKE

That the Planning, Zoning & Affordable Housing Committee approve the Minutes of the Planning, Zoning and Affordable Housing meeting held on April 10th, 2012.

CARRIED.

4. REPORTS

a) **Amending Bylaw 300 with respect to Community Care Facilities and Food Catering Services - Staff Report (File No. Z12-0011)**

MOVED BY: COUNCILLOR WADE
SECONDED: S. HARVEY

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

1. Direct staff to prepare a bylaw that would amend Zoning Bylaw No. 300, with respect to Community Care Facilities and Food Catering Services by:
 - a. Replacing the definition of "Assisted Living Apartment" in Section 1 with the following:

"Assisted Living Apartment" means an apartment, other than a community care facility, where food, housekeeping, personal care and/or nursing care are provided to 3 or more adults who are not related by blood or marriage to an operator of the facility in addition to the residential us;
 - b. Replacing the definition of "Community Care Facility" in Section 1 with the following:

"Community Care Facility" means a facility licensed pursuant to the Community Care and Assisted Living Act and may include assisted living and supported care, home occupation day care, group day care and preschool;
 - c. Replacing the definition of "Family Day Care" in Section 1 with the following:

"Home Occupation Day Care" means a facility that provides care, with or without charge, to minimum 3 but no more than eight children, not related by blood or marriage to an operator of the facility, which may or may not be licensed pursuant to the Community Care and Assisted Living Act, and specifically does not include a pre-school or school;
 - d. Replacing the definition of "Group Day Care" in Section 1 with the following:

"Group Day Care" means a facility that provides care, with or without charge, to more than eight (8) children not related by blood or marriage to an operator of the facility, which may or may not be licensed pursuant to the Community Care and Assisted Living Act, and specifically does not include a school;
 - e. Replacing the definition of "Live-work studio – permitted use (e)" in Section 1 with the following:

"Day care providing care to not more than eight (8) children at a time;"
 - f. Replacing the definition of "Multiple Residential or Community Amenity Space" in Section 1 with the following:

"Multiple Residential or Community Amenity Space" means an outdoor and indoor space provided in a multiple residential or community development and specifically designed for use for cultural, social, and recreation activities and, except as specifically permitted in the zone, not used for commercial purposes. Such spaces may include community meeting space, community care facilities, urban plazas, sports, and fitness facilities, cultural facilities,

artist studios, workshops, tennis courts, outdoor swimming pool, garden patches, and children's play structures;

- g. Replacing the definition of "Personal Care Use" in Section 1 with the following:
"Personal Care Use" means a use providing for the care of the sick, injured, young or aged, other than in a public hospital; may or may not be licensed under the Community Care and Assisted Living Act;
- h. Moving Section 3.09.01(1)(b) to 3.09.03(1) and replacing the text with the following:
A home occupation day care, for the care of not more than eight children, is permitted as an accessory use in a one-family dwelling, two-family dwelling, attached housing unit, or townhouse unit;
- i. Adding to Section 3.09.01(1) the following:
A home occupation community care facility, for the care of not more than eight persons or as a residence for no more than 10 persons, not more than 6 of whom are persons in care, is permitted as an accessory use in a one-family dwelling;
- j. Replacing Section 3.09.01(2)(d) with the following:
In the case of a home office, community care facility or home occupation day care and home occupation community care facility, cause an increase in demand for, or usage of, on-site parking or parking on the adjacent street;
- k. Replacing Section 3.09.01(12) with the following:
Notwithstanding any provision of Section 3.09 of this bylaw, and in addition to the off-street parking spaces required for the dwelling by Part 4 of this bylaw, a home occupation day care other than in a one-family dwelling shall provide, on site, one parking space for pick-up and drop-off and one additional parking space for a non-resident employee;
- l. Deleting Section 3.09.01(13):
Notwithstanding any other provision in this part of this bylaw, and in addition to the off-street parking spaces required for the dwelling by Part 4 of this bylaw, a family day care that is operated as a home occupation shall provide, on site, two parking spaces for pick-up and drop-off;
- m. Deleting Section 3.09.03(1)(e):
Community Care Facility or preschool, providing care and/or education to not more than seven children at a time;
- n. Deleting Section 3.09.03(1)(f):
Family Day care operated as a home occupation in a one-family dwelling in accordance with Section 3.26.02;
- o. Deleting Section 3.09.03(1)(g):
A family day care operated as a home occupation in a two-family dwelling, attached housing or a townhouse, limited to the care of not more than eight children and in accordance with Section IV(3) of Table 1 in Section 4.01.01;
- p. Replacing Section 3.09.03(2) with the following:
A home business other than a bed and breakfast, home occupation day care or home occupation community care facility must not occupy more than 65 m² (700 ft²) of floor area on any lot;
- q. Moving Section 3.21.04 to Section 3.26 and replacing with the following:

The regulations in this subsection apply to the provision and maintenance of screening and landscaping to mask or separate day care and community care facility uses from adjacent one- and two-family residential uses except as otherwise expressly permitted or required by this Bylaw.

1. A group day care or community care facility shall provide a 1.8 m (6 ft.) high decorative solid wood fence along all property boundaries directly adjacent to a one- or two-family residential use;

r. Replacing Section 3.26.01 with the following:

In addition to, and despite any other regulations for Community Care Facilities in any Zone in this bylaw, the following regulations apply to Community Care Facilities in any Zone in which they are a permitted use:

1. A community care facility may not exist in conjunction with any other permitted use on the same property;
2. With the sole exception of a home occupation day care, a community care facility is not permitted as a home occupation in a two-family dwelling, a townhouse, an attached dwelling unit, an apartment, or a mobile home;
3. Notwithstanding Section 3.26.01(1) above, a community care facility may exist as a home occupation provided that the one-family dwelling in which the community care facility exists is occupied by the caretaker or proprietor of the community care facility;
4. Notwithstanding Section 3.26.01(1) above, a community care facility may exist as a home occupation in conjunction with a home office use within the same one-family dwelling unit;
5. Notwithstanding Section 3.26.01(1) above, a community care facility may exist on the same property as any institutional use.
6. Notwithstanding Section 3.26.01(1) above, a community care facility use may be conducted on the same property as any other use in the CT3 (Tourist Commercial – Hotel) Zone;

s. Replacing Section 3.26.02 with the following:

The following regulations apply to Group Day Care and Home Occupation Family Day Care facilities in any Zone in which they are a permitted use:

1. In Residential Zones, a Group Day Care is permitted only where the dwelling is occupied by the proprietor of the group daycare, and only in a one-family dwelling or a permitted accessory building associated with a one-family dwelling;
2. In Commercial and Institutional Zones, a group day care is permitted as a stand-alone permitted use;
3. In the C8, C8A, MU1, and MU1A Zones, a group day care is only permitted within commercially designated space on the ground floor;

4. A group day care limited to a capacity of 20 children is permitted on lots with areas less than or equal to 1 099 m² (11 830 ft²);
5. A group day care limited to a capacity of 36 children is permitted on lots with areas greater than 1 099 m² (11 830 ft²);
6. Group day cares permitted by Section 3.26.02(5) must not be sited within 15 m (50 ft.) of any lot line adjoining a property occupied by a one- or two-family residential use;
7. Group day cares in a residential zone and home occupation day cares are not permitted in conjunction with a secondary suite;
8. Notwithstanding any provision of Section 3.09 of this bylaw, and in addition to the off-street parking spaces required for the dwelling by Part 4 of this bylaw, a group day care in a residential zone shall provide, on site, two parking spaces for pick-up and drop-off and one additional parking space per non-resident employee;

- t. In section 4.01.01, change the entry for “Group Day Care and Home Occupation Family Day Care” in part IV.3 of Table 1 Off-Street Parking Requirements to:

Group Day Care use in a One-Family Dwelling (Bylaw No. 1039)	2 spaces in addition to 1 space per staff person, and in addition to the required parking for any other use
--	---

- u. In section 4.01.01, change the entry for “Home Occupation Family Day Care in a Two-Family Dwelling, Attached Housing, or Townhouse (Bylaw No. 1039)” in part IV.3 of Table 1 Off-Street Parking Requirements to:

Home Occupation Day Care in a Two-Family Dwelling, Attached Housing, or Townhouse (Bylaw No. 1039)	1 space in addition to 1 space per non-resident staff person and in addition to the required parking for any other use on the same lot
--	--

- v. Deleting Section 4.02.05(1):

The Group Day Care is permitted within a one-family dwelling only if the highway frontage of the lot is improved to the standard that would be applicable under Langford Subdivision and Development Servicing Bylaw No. 1000, 2010 if the lot were being subdivided or developed;

- w. Deleting Section 4.02.05(2):

If the applicable standard under Section 4.02.05 does not include curbs and full width paving, the day care use is permitted only if the highway frontage is improved to a standard that does include curbs and full width paving, and the City Engineer may require the owner to provide to the City, in lieu of constructing such improvements, security in the amount of 125% of the Engineer’s estimate of the cost of such improvements, to be held by the City and expended on the installation of such improvements on an entire block basis;

- x. Inserting into Section 3.09.01 the following:

Any home occupation that involves the provision of food or drink, as defined in "Regulations Governing the Sanitation and Operation of Food Premises," must be approved by the Medical Health Officer prior to operation;

- y. Inserting into Section 3.09.01(4) the following:
Notwithstanding Section 3.09.01(4), food catering services must be contained within a one-family dwelling unit;
 - z. Inserting into section 3.09.03(1) the following:
Food Catering Services in a One-Family Dwelling;
 - aa. Inserting into section 3.09.04(1) the following:
Food Catering Services in a One-Family Dwelling;
2. Approve the addition of the PR1 (Institutional Residential) Zone to Bylaw 300; and
 3. Direct Staff to proceed with creating a bylaw to rezone all properties currently operating Group Day Cares in residential zones to the new PR1 (Institutional Residential) Zone.

CARRIED.

b) Application to Vary Lot Width and Setbacks to Allow for a Three Lot Subdivision at 2524 Mill Hill Road
- Staff Report (File No. DVP12-0007)

MOVED BY: COUNCILLOR WADE

SECONDED: S. HARVEY

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

That Council proceed with consideration of a Development Variance Permit No. DVP12-0007 for 2524 Mill Hill Road, with the following variances:

- i) That Section 6.21.02 (3) of Zoning Bylaw No. 300 be varied to reduce the lot width from the required 16m (53ft) to 9.3m (31ft) for Lots A and C;
- ii) That Section 6.21.06 (1) (b) of Zoning Bylaw No. 300 be varied reduce the distance of a building to an interior side lot line from the required .5m (5ft) to 1.2m (4ft) for Lots A and C.

CARRIED.

Member John Butler-Smythe arrived at 7:24pm.

- c) Application to Vary the Distance of a Building to a Rear Lot Line from 6m (20ft) to 5m (16ft) at 2505 Martin Ridge**
- Staff Report (File No. DVP11-0035)

MOVED BY: COUNCILLOR WADE
SECONDED: S. HARVEY

That the Planning, Zoning & Affordable Housing Committee recommend to Council:
That Council proceed with consideration of a Development Variance Permit No. DVP-11-0035 for the property at 2505 Martin Ridge (soon to be addressed as 922 Nel Hamerton Place), with the following variance:

- a) That Section 6.21.06 5)b) of Zoning Bylaw No. 300 be varied to reduce the distance of a building to a rear lot line from 6m (20ft) to 5m (16ft).

CARRIED.

- d) Application to Amend the Zoning Designation of the Property at 3497 Luxton Road from RR2 (Rural Residential 2) to a new Comprehensive Development Zone to Allow for a Mix of Residential and Commercial Uses)**
- Staff Report (File No. Z12-0005)

MOVED BY: COUNCILLOR WADE
SECONDED: K. SHELDRAKE

That the Planning, Zoning & Affordable Housing Committee recommend to Council:
That Council consider First Reading to Bylaw No. 1408, which will amend the zoning of the property at 3497 Luxton Road from RR2 (Rural Residential 2) to a new CD20 (Comprehensive Development – Luxton Mixed Use (CD20) Zone) subject to the following terms and conditions:

1. That the following amenity contribution is included in the bylaw for increased density, to be payable at the time of building permit:
 - i. \$1,000 per SFE towards the Affordable Housing Reserve Fund or 1 in 15 single-family dwellings an affordable housing unit;
 - ii. \$6,000 per SFE towards the General Amenity Reserve Fund; and
 - iii. \$4.19 per m² site area towards the General Amenity Reserve Fund for urban residential land uses; and
 - iv. \$6.86 per m² site area towards the General Amenity Reserve Fund for commercial and/or industrial land uses;
- b. That the applicant provide the following items prior to public hearing:
 - i. Provide an environmental assessment prepared by a Registered Professional Biologist to determine if there are any sensitive ecosystems that need to be preserved on the site;
 - ii. Provide a buffer plan prepared by a Qualified Professional and to the satisfaction of the City Planner, and secure any recommendations from the Qualified Professional in to in a Sec.219 Covenant registered to title prior to final adoption of the bylaw;

- iii. Provide a stormwater management plan prepared by a Professional Engineer to the satisfaction of the City Engineer and secure any recommendations in a Sec.219 Covenant registered to title prior to adoption of the bylaw;
- iv. A road dedication plan, if required, to the satisfaction of the City Engineer.
- c. That the applicant provide the following items prior to final adoption of the bylaw:
 - i. Register a Sec. 219 covenant that includes the following:
 - a) The owner provide secure and enclosed bicycle storage for residents to the satisfaction of the City Planner;
 - b) Green Development Checklist is applied at a site scale at the Development Permit stage;
 - c) 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
 - d) Postpone the requirement for a shadow study prepared by a Qualified Professional until the Development Permit stage;
 - d. Direct staff to work with the applicant to bring forward a road closure bylaw and purchase of sale and agreement for that portion of Hazelwood Road adjacent to the subject property prior to subdivision; and
 - e. Direct staff to engage a certified arborist to provide a tree preservation plan addressing the protection of trees abutting the Galloping Goose Regional Trail as condition of the purchase of sale and agreement for that portion of Hazelwood Road adjacent to the subject property.

CARRIED.

- e) **Application to Amend the Zoning Designation of the Property at 2720 Peatt Road from R1 (one-Family Residential) to MU1A (Mixed Use Residential Commercial A) to Allow for the Construction of 8 Townhomes Units - Staff Report (File No. Z12-0009)**

MOVED BY: J. BUTLER-SMYTHE
SECONDED: S. HARVEY

- That the Planning, Zoning & Affordable Housing Committee recommend to Council:
That Council direct staff to prepare a bylaw to amend the zoning of the property at 2720 Peatt Road from R1 (One-Family Residential) to MU1A (Mixed-Use Residential Commercial A) to allow the construction of eight (8) townhouse units, subject to the following terms and conditions:
- a. That the following amenity contribution is included in the bylaw for increased density, to be payable at the time of building permit:
 - i. \$1,000 per SFE towards the Affordable Housing Reserve Fund
 - ii. \$2,500 per SFE towards the General Amenity Reserve Fund;
 - b. That the applicant provide the following items prior to public hearing:
 - i. A plan demonstrating that emergency vehicles have sufficient room for access and turnaround on the site to the satisfaction of the City Engineer; and
 - ii. A road dedication plan, if required, to the satisfaction of the City Engineer.
 - c. That the applicant provide the following items prior to final adoption of the bylaw:
 - ii. Register a reciprocal access agreement to the satisfaction of the City Engineer; and

- ii. Register a Section 219 covenant that includes the following:
 - a) The owner provide secure and enclosed bicycle storage for residents to the satisfaction of the City Planner;
 - b) The owner installs fire sprinklers in the rear townhouse units to the satisfaction of the Building Inspector;
 - c) 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
 - d) Frontage improvements, works and services to Subdivision and Servicing Bylaw No. 1000 standards.
- d. That the ground floor residential units are raised above surrounding grade by at least 0.5 m (1.6 ft), in accordance with design guideline 6.3.1(d) in Appendix J of Bylaw No. 1201. to ensure proper overlook of public areas to the satisfaction of the City Planner;
- e. Amend the MU1A zone and Part 4 of Zoning Bylaw No. 300 as follows:
 - i. Adding to Section 6.51A.01 “townhouse” as a permitted use;
 - ii. Adding to Section 4.01.01(VII) the following:

Townhouses in MU1A (Mixed Use Residential Commercial) Zone	2 parking spaces per dwelling unit
--	------------------------------------

- iii. Adding to Section 4.01.01(VII) the following:

Visitor Parking Ratios for MU1 (Mixed Use Residential Commercial) and MU1A (Mixed Use Residential Commercial A) Zones	Number of dwelling units	Minimum number of visitor parking spaces
	Less than 10 units	2
	11 to 15	3
	16 to 20	4
	21 +	5

CARRIED.

- f) **Application to Amend the Text of the CD6 (Bear Mountain) Zone to allow Mini-Storage on the Property located at 2020 Country Club Way - Staff Report (File No. Z12-0012)**

MOVED BY: COUNCILLOR WADE
 SECONDED: K. SHELDRAKE

That the Planning, Zoning & Affordable Housing Committee recommend to Council:
 That Council consider First Reading to Bylaw No. 1402, which will amend the CD6 (Bear Mountain) Zone such that “mini-storage” is permitted on the property located at 2020 Country Club Way only.

CARRIED.

5. ADJOURNMENT

The Chair adjourned the meeting at 8:05 p.m.

CHAIR

CERTIFIED CORRECT
Administrator