



CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION MEETING MINUTES
HELD ON
TUESDAY JANUARY 19, 2016
ESQUIMALT COUNCIL CHAMBERS

MEMBERS PRESENT:	Nick Kovacs, Chair Christina Hamer David Schinbein	Graeme Dempster Lorne Argyle Amy Higginbotham
REGRETS:	Mark Salter	
STAFF LIAISON:	Trevor Parkes, Senior Planner Karen Hay, Planner	
COUNCIL LIAISON:	Councillor Susan Low Councillor Tim Morrison	
SECRETARY:	Simone Manchip	

I. CALL TO ORDER

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

II. LATE ITEMS

III. ADOPTION OF AGENDA

Moved by Lorne Argyle seconded by David Schinbein that the agenda be adopted as distributed.

The Motion **CARRIED UNANIMOUSLY.**

IV. ADOPTION OF MINUTES – DECEMBER 15, 2015

Moved by Lorne Argyle seconded by Graeme Dempster that the minutes of the Advisory Planning Commission held December 15, 2015 be adopted as distributed.

The Motion **CARRIED UNANIMOUSLY.**

V. BUSINESS FROM MINUTES

There was no outstanding business from the Minutes.

VI. STAFF REPORTS

(1) TEMPORARY USE PERMIT

856 Esquimalt Road and 858 Esquimalt Road
PID 026-691-418, Lot A Section 11 Esquimalt District Plan VIP80973
PID 002-925-966, Lot 2, Section 11, Esquimalt District, Plan 23904

Purpose of the Application

Karen Hay, Planner outlined that the property owner is requesting a Temporary Use Permit in order to legitimize the use of the northern portion of the existing parking lot at 856 Esquimalt Road for the parking of large commercial trucks [moving trucks] not associated with the Cambie Pub and Liquor Store. And the northern portion of 858 Esquimalt Road for the parking of large commercial trucks [moving trucks] associated with the business currently located at this address [2 Burley Men Moving Ltd.].

A similar application was brought before the APC on March 31, 2015 which attempted to deal with the many illegal uses that were occurring on the 856 Esquimalt Road property at that time, and were generating numerous police and bylaw complaints. That application was considered by Council in August and the direction to staff and the applicant was to consult with the neighbours and find a way to allow 2 Burley Men Moving Ltd. to temporarily continue operating at this location without causing further disturbance to the neighbourhood.

The existing building at 858 Esquimalt Road is currently occupied by 2 Burley Men Moving Ltd., who are operating a business office with onsite storage space solely for their goods and services (not clients). There is also one single residential dwelling unit located upstairs in this building that is independent of the business. The building at 856 Esquimalt Road continues to be used as a Licensed Liquor Establishment [Cambie Pub and Liquor Store].

The Esquimalt Official Community Plan and the Zoning Bylaw allow Council to consider approving a commercial or industrial land use, on a temporary basis for a period of up to two years, with appropriate notifications (as required by the *Local Government Act*).

If necessary, the temporary commercial or industrial use permit may be renewed for a second two year term, however, only one renewal is permitted.

The *Local Government Act* allows the local government to 'specify conditions under which the temporary use may be carried on'. Staff are recommending the following conditions would form part of the Temporary Use Permit:

1. 'Commercial and Industrial Parking' means the parking of 'Moving Trucks' is allowed on the northern portion of the properties at 856 Esquimalt Road and 858 Esquimalt Road subject to the following conditions:

- a. 'Business office with associated storage' for the business at 858 Esquimalt Road shall occupy no less than 125 square metres of the building at this location;
- b. That the sixty-seven [67] parking spaces required for the Cambie Pub and Liquor Store shall be maintained at all times;
- c. That two [2] parking spaces for the business office located at 858 Esquimalt Road shall be maintained at 856 Esquimalt Road [PID 026-691-418, Lot A Section 11 Esquimalt District Plan VIP80973] during regular daytime business hours;
- d. That the moving trucks and commercial vehicles will be located away from the neighbouring residential properties and toward the northern and western most property lines;

- e. That no trucks weighing over 10 000 kg, no semi-trailers or tandem axle trucks, shall be parked on the subject properties;
- f. That all vehicles parked on the subject properties overnight will be single axle, fully licensed for road transit, and in operational condition;
- g. That no more than twenty-seven [27] Moving Trucks will be parked on the northern portion of the 856 Esquimalt Road property at any time;
- h. That no more than four [4] Moving Trucks will be parked on the northern portion of the 858 Esquimalt Road property at any time;
- i. That a maneuvering aisle will be maintained adjacent to the rear of the Cambie Pub and Liquor Store building, allowing for fire truck access at all times;
- j. Moving Truck access and egress from the northern portion of the property at 856 Esquimalt Road would be limited by the Esquimalt Maintenance of Property, Unightly Properties and Nuisance Bylaw, Bylaw No. 2826;
 - (1) Notwithstanding Bylaw No. 2826, the site will only be used:
 - (i) Saturdays: 9:00 am to 7:00 pm;
 - (ii) Sundays and Statutory Holidays: 9:00 am to 5:00 pm; and
 - (iii) Weekdays: 7:00 am to 7:00 pm;
- k. Moving Truck access and egress from the northern portion of the property at 858 Esquimalt Road shall be permitted 24 hours a day 7 days per week;
- l. No commercial activity associated to the Moving Trucks (ie. no selling from the vehicles) is permitted;
- m. No washing or maintenance of vehicles is allowed on the subject properties;
- n. No fuel storage, or storage of waste fluids for the vehicles is allowed on the subject properties;
- o. No parking or storage of vehicles containing 'dangerous goods', as defined by the *Transport of Dangerous Goods Act* allowed on the subject properties;
- p. Within fourteen days [14] of Council's approval of this Permit the parking lots of both properties will be painted and signs posted, delineating spaces dedicated for the Moving Trucks and other current uses of the subject properties, or the Permit will not be issued;
- q. Within fourteen days [14] of Council's approval of this Permit the continuous cedar fence, as proposed in the landscape plan of DP No. 06/2011, will be erected along the eastern property line of 856 Esquimalt Road, or the Permit will not be issued;
- r. Within fourteen days [14] of Council's approval of this Permit a security deposit in the sum of \$10 000.00 (ten thousand) will be deposited with the Township of Esquimalt, [to guarantee performance to the Terms and Conditions of the Permit], or the Permit will not be issued;
- s. Permit shall be valid until _____, 2018 [2 years from the date of issuance];
- t. All 'Moving Trucks' shall be removed from the subject properties within forty-eight [48] hours of the expiry of the Temporary Use Permit.

Staff met with the applicant the afternoon of January 19, 2016 to discuss alternate conditions to the Temporary Use Permit (TUP). Staff suggested that the APC members consider the following alternate conditions:

- The Temporary Use Permit would be valid for 1 year;
- Would not require painting of the parking lot;
- The cedar fence does not need to be installed on the east side of the property; and
- The security deposit would be set at \$5,000.

Sam Yehia, Owner/Applicant and Gabriel Ducharme were present to answer questions from the Advisory Planning Commission.

APC Comments:

Members commented that they were in support of the amended conditions to the Temporary Use Permit as presented by staff.

RECOMMENDATION:

Moved by David Schinbein, seconded by Christina Hamer that the Advisory Planning Commission recommends to Council that the application for a Temporary Use Permit [TUP] authorizing the Commercial/Industrial Parking for Moving Trucks on the northern portion of the properties located at PID 026-691-418, Lot A Section 11 Esquimalt District Plan VIP80973 [856 Esquimalt Road] and PID 002-925-966, Lot 2, Section 11, Esquimalt District, Plan 23904 [858 Esquimalt Road], be forwarded to Council with a recommendation **to approve as presented amended by staff.**

The Motion **carried unanimously.**

(2) REZONING APPLICATION

“West Bay Triangle”

- 468 Head Street [Lot 8, Block H, Section 11, Esquimalt District, Plan 292]**
- 470 Head Street [Lot 5, Block H, Section 11, Esquimalt District, Plan 292]**
- 472 Head Street [Lot 4, Block H, Section 11, Esquimalt District, Plan 292]**
- 515 Gore Street [Lot 1, Block H, Section 11, Esquimalt District, Plan 292]**
- 509 Gore Street [Lot 2, Block H, Section 11, Esquimalt District, Plan 292]**
- 922 Lyall Street [Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509]**
- 920 Lyall Street [Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509]**
- 918 Lyall Street [Lot 6, Block H, Section 11, Esquimalt District, Plan 292]**
- 912 Lyall Street [Lot 7, Block H, Section 11, Esquimalt District, Plan 292]**

Purpose of the Application

Trevor Parkes, Staff Liaison outlined that the applicant is requesting a change in zoning from the current mix of RS-1 [Single Family Residential], RD-2 [Two Family Small Lot Residential], and C-7 [West Bay Commercial] zoning which currently regulates the 9 subject properties to a Comprehensive Development zone [CD] to facilitate the consolidation of the subject properties and authorize a new 6 storey, commercial mixed use building containing ground floor commercial space oriented toward Head Street and 73 residential units.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed height, density and massing, proposed unit sizes, setbacks, lot coverage, useable open space, how the building relates to adjacent and surrounding sites and whether the proposed uses are appropriate and consistent with the overall direction

contained within the Official Community Plan and the West Bay Neighbourhood Design Guidelines [attached], endorsed by Esquimalt Council on November 16, 2015.

Specific form and character issues relating to the aesthetics of the building, such as cladding materials, window materials, doorways, streetscape improvements and landscaping will be evaluated in a separate application for Development Permit should this rezoning application be approved by Council.

Mark Lindholm, Owner/Applicant and Peter Hardcastle, Hillel Architecture were present to answer questions from the Advisory Planning Commission.

Peter Hardcastle, Hillel Architecture provided a PowerPoint presentation detailing the proposed development.

APC Comments:

The Chair thanked Mr. Hardcastle for the thorough comprehensive presentation.

Members commented that they were genuinely impressed with the thought and consideration put into the proposal.

Members sought and received confirmation that the proposed commercial retail spaces would remain commercial and could not change to residential use, that the development would be designed to accommodate disabled residents, that the proposal would include some electric vehicle infrastructure and that it was the developers intent to allow rental in a percentage of the units.

Members stated they were pleased that this plan has been developed with input from the local community and that stakeholders were given the opportunity to comment on the plan prior to it being presented to APC. A member commented that the West Bay Triangle has been a “dead zone” for too long and that change is welcome.

Members thanked Mr. Lindholm for not walking away from the project and for taking the time to redesign the proposal stating that this proposal represents a balance of the needs of the developer and those of the community. Members complimented the applicant for doing a good job recognizing community input and securing community “buy in” to this design.

RECOMMENDATION:

Moved by Amy Higginbotham, seconded by Lorne Argyle that the Advisory Planning Commission recommends that the application for rezoning to facilitate consolidation of nine properties located between Head Street, Gore Street and Lyall Street and to permit a new 6 storey, commercial mixed use building containing ground floor commercial space oriented toward Head Street and 73 residential units, sited in accordance with the survey plan prepared by McIlvaney Riley Land Surveying Inc., stamped “Received December 23, 2016”, and incorporating height and massing consistent with architectural plans prepared by Hillel Architecture, stamped “Received December 8, 2016” be forwarded to Council with a recommendation **for approval**.

The Motion **carried unanimously**.

VII. STAFF LIAISON

322 Plaskett Place: [Rezoning] APC recommended approval of the proposed changes to Zoning Bylaw, 1992, No. 2050 on November 17, 2015. The amendment Bylaw was presented to Council on December 7, 2015 and was granted 1st and 2nd reading. The Public Hearing occurred on January 18, 2016. After numerous members of the public addressed Council at a Public Hearing lasting approximately 3 hours, Council voted 5 – 2 to deny approval of the amendment bylaw.

616/620 Lampson Street: APC recommended approval of the proposed changes to Zoning Bylaw, 1992, No. 2050 on November 17, 2015. The amendment Bylaw was presented to Council on January 18, 2016 and was granted 1st and 2nd reading. The Public Hearing date remains pending until the applicant provides a Traffic Study.

933 Admirals Road: [Development Variance Permit] APC recommended the application to authorize relaxations associated with the installation of a new address sign be approved on December 15, 2015. The DVP application was presented to Council at the January 18, 2016 Council meeting and the DVP was approved for issuance.

808 Viewfield Road: [Development Variance Permit] APC recommended the application to authorize relaxations to parking be approved on December 15, 2015. The DVP application was presented to Council at the January 18, 2016 Council meeting and the DVP was approved for issuance.

973 Wollaston Street: [Development Permit Including Variances] APC recommended the application to authorize relaxations to parking be denied on December 15, 2015. The DP application was presented to Council at the January 18, 2016 Council meeting and Council voted 4-3 to deny the DP.

826 Esquimalt Road: APC recommended approval of the proposed changes to Zoning Bylaw, 1992, No. 2050 on December 15, 2015. The amendment Bylaw was presented to Council on January 4, 2016 and the amendment bylaw was granted 1st and 2nd reading. The Public Hearing is scheduled to occur on February 1, 2016.

Interim Zoning Bylaw Amendments: [Zoning Bylaw Revisions] APC recommended approval of the proposed changes to Zoning Bylaw, 1992, No. 2050. The amendment Bylaw was presented to Council on November 16, 2015 and the amendment bylaw was granted 1st and 2nd reading with minor amendments. The Public Hearing occurred on December 7, 2015. Staff have made changes requested by Council that do not effect density or use therefore the amended bylaw will be returned to Council on February 1st for consideration of 3rd reading and adoption.

VIII. COUNCIL LIAISON

Councillor Morrison commented that Council continues to make progress reviewing the Esquimalt Village Plan Request for Proposal submissions.

IX. INPUT FROM APC TO STAFF

None

X. NEW BUSINESS

None

XI. NEXT REGULAR MEETING

Tuesday, February 16, 2016

XII. ADJOURNMENT

On motion the meeting adjourned at 8:36 P.M.

CERTIFIED CORRECT:

VICE CHAIR, ADVISORY PLANNING COMMISSION

THIS 15 DAY OF MARCH , 2016

ANJA NURVO,
CORPORATE OFFICER