



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

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**Title:** Zoning Text Amendment -1182 Colville Road, Unit 15, Staff Report DEV-18-049

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appendix A - Bylaw No. 2931 - 1182 Colville Road - Amendment to CD-57, 2. Appendix B - Maps, CD-57 zone, 3. Appendix C - Applicants Letters and Neighbourhood Meeting Feedback, 4. Appendix D - Notification and Newspaper Ad - 1182 Colville Rd

Date	Ver.	Action By	Action	Result
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## REQUEST FOR DECISION

**DATE:** July 11, 2018      Report No. DEV-18-049

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**  
Zoning Text Amendment -1182 Colville Road, Unit 15 ]

### RECOMMENDATION:

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2931 [Appendix A], which would amend the Zoning Bylaw, 1992, No. 2050, Comprehensive Development District No. 57 zoning regulations to allow additional commercial uses at 1182 Colville Road - Unit 15 [PID 026-875-683; Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V] **be considered for third reading and adoption.**

### RELEVANT POLICY:

- Official Community Plan Bylaw, 2018, No. 2922
- Official Community Plan Bylaw, 2006, No. 2646 (repealed June 2018)
- Zoning Bylaw 1992, No. 2050
- Parking Bylaw, 1992, No. 2011
- Development Application Procedures and Fees Bylaw, 2012, No. 2791
- Advisory Planning Commission Bylaw, 2012, No. 2792

## **STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

## **BACKGROUND:**

Appendix A: Amendment Bylaw No. 2931

Appendix B: Maps, Air Photo, CD No. 57 zone

Appendix C: Applicant's Letters and Neighbourhood Meeting Feedback

Appendix D: Notification and Newspaper Notice

## **Purpose of the Application**

The applicants/ new owners of the subject property are requesting that additional commercial uses be added to the Permitted Uses allowed in Comprehensive Development District No. 57 [CD No. 57], in the location where a convenience store has existed for many years. The applicants wish to offer music lessons, counselling, dance, art, yoga and meditation classes to small groups of people. They would not operate the convenience store but would like that use and several other commercial uses available in the future.

## **Context**

Applicants/ Owners: Heather Bowness [Boulding] / Elyssa Lefurgey-Smith

Existing Land Use: Convenience Store with Dwelling Unit above

Surrounding Land Uses:

North: Single Family and Multiple Family Residential [part of CD No. 57]

South: Single Family Residential [zoned RS-1]

West: DND (ball fields) [zoned P-1]

East: Single Family Residential [part of CD-57]

Existing Zoning: Comprehensive Development District No. 57 [CD No. 57]

Proposed Zoning: Comprehensive Development District No. 57 with amended text

Existing OCP Designation: Commercial Mixed-Use [no change required]

## **Official Community Plan [OCP]**

The new OCP Commercial Mixed Use policies encourage the Township to create a 'mix of uses in the commercial mixed use areas', and 'that the majority of the frontage of mixed use buildings at the ground floor, should be commercial'. The applicants are not planning any structural changes to the main floor; the whole lower level frontage would remain commercial.

## **Zoning**

The Comprehensive Development District No. 57 [CD-57] zone was created in 2006 to allow the consolidation of two properties and the construction of 15 new single family residences, with one containing a convenience store. The 'Convenience Store' use actually dates from 1949, when it was located in this location on its own parcel, in a former building with a dwelling above. The convenience store was for sale for many months prior to the applicants purchasing the building. With the majority of grocery stores now open seven days a week and later in the evening, there is little need for the traditional corner store.

The applicants have proposed to start a new small business [see Appendix C] with the proposed new commercial use 'Arts and Wellness Teaching Centre'. They have requested some additional commercial uses also be added to the zone to provide more flexibility for future businesses, including: Retail Store, Business and Professional Office, and Personal Service Establishment.

These uses would allow a variety of services which could serve the neighbourhood with little impact on pedestrian and vehicle traffic to the area.

### **Parking**

There are two onsite parking spaces dedicated to the commercial unit at the front of the building and one space for the dwelling unit located behind the building. This number of spaces is lower than Parking Bylaw, 1992, No. 2011 requires for a convenience store, but it has functioned this way for many years. The proposed text amendment would allow the alternative uses to exist with this same parking space allowance. There are two street parking spaces directly in front of the convenience store that allow for 15 minute parking.

### **Comments from Other Departments**

The plans for this proposal were discussed with the Senior Building and Plumbing Official who is satisfied the proposed 'service' type uses would not require upgrades to the building. See the applicants' letters in Appendix C.

### **Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on May 15, 2018. The APC members were supportive of the application.

The APC made the following motion: *The application for a Zoning Text Amendment, authorizing additional commercial uses be added to the Commercial Unit (Unit 15) where a Convenience Store has existed for many years permitting a small 'Arts and Wellness Teaching Centre', at 1182 Colville Road - Unit 15 [PID 026-875-683, Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V], be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposed use is compatible with the residential neighbourhood.*

### **Time Line**

- May 15, 2018: Advisory Planning Commission considers the zoning text amendment application;
- June 25, 2018: Council grants first and second reading to Bylaw No. 2931;
- July 2018: Public Hearing is scheduled, notifications and advertising are prepared.

### **ISSUES:**

#### 1. Rationale for Selected Option

The proposed new uses that the applicants have requested should have similar or less impact on the neighbourhood in terms of traffic and will provide space for a new small business within Esquimalt. The APC has recommended approval of the zoning text amendment application. The neighbours appear to support the application and at the time of writing this report neighbours have not raised any concerns.

#### 2. Organizational Implications

This Request for Decision has no organizational implications.

#### 3. Financial Implications

This Request for Decision has no financial implications.

#### 4. Sustainability & Environmental Implications

This application should have minimal sustainability and environmental implications. Providing additional commercial uses that serve the neighbourhood should support reductions in green house gas emissions from low occupancy vehicle travel, and the provision of further employment within Esquimalt.

#### 5. Communication & Engagement

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on July 3, 2018 [Appendix D]. Notice of the Public Hearing was placed in the July 6, 2018 and July 11, 2018 editions of the Victoria News. The sign, indicating that the property is under consideration for a change to the zoning, that has been installed on the Colville Road frontage since May 2018, was updated to show the date, time and location of the Public Hearing. At the time of writing this report, Development Services staff have not received any comments from the public regarding the proposed rezoning application.

The applicants held a Neighbourhood Meeting [Appendix C] and met with various neighbours on June 5, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2971.

#### **ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2931 be considered for third reading and adoption.
2. Council postpone consideration of Amendment Bylaw No. 2931 pending receipt of additional information. [Note that receipt of new information from the applicant or the public may require a new Public Hearing.]
3. Council defeats Amendment Bylaw No. 2931.