



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** August 14, 2019

Report No. DEV-19-078

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

**FROM:** Janany Nagulan, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Zoning Text Amendment - 1182 Colville Road - Unit 15

**RECOMMENDATION:**

1. That Council resolves that Bylaw No. 2977 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, Comprehensive Development District No. 57, located at 1182 Colville Road [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] by amending the zoning regulations to add and extend the Permitted Uses for the subject property, be considered for first and second reading; and

2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2977, and to advertise for same in the local newspaper.

**RELEVANT POLICY:**

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Declaration of Climate Emergency

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 supports the following specific strategic priorities and goals:  
Support community growth, housing and development consistent with our Official Community Plan.

**BACKGROUND:**

Appendix A: Bylaw No. 2977 - Bylaw to Amend Zoning Bylaw 1992, No. 2050

Appendix B: Maps, CD No. 57 Zone

Appendix C: Applicants Letters and Neighbourhood Meeting Feedback

## Appendix D: Public Comments

### **Purpose of the Application**

The applicants are requesting a zoning text amendment to Comprehensive Development District No.57. The amendment would add and extend the Permitted Uses for “Unit 15”, the existing mixed commercial/residential building. The applicants are proposing to operate a ‘Group Children’s Daycare’ on the first storey of the building. Initially the ‘Arts and Wellness Teaching Centre’ will also operate out of this space but at different times. The residential unit will remain for now. Eventually, the ‘Arts and Wellness Teaching Centre’ may relocate to the second storey. The result of this proposed amendment would allow the existing mixed commercial/residential building to operate exclusively as a commercial unit.

### **Context**

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

Existing Land Use: Art and Wellness Teaching Centre with Dwelling Unit above

Floor Area: Metric: 182 m<sup>2</sup> Imperial: 1959 ft<sup>2</sup>

Surrounding Land Uses:

North: Single Family and Multiple Family Residential [part of CD-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

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

Present Land Use Designation: Neighbourhood Commercial Mixed-Use [No change required]

### **Zoning**

The subject property is located within Comprehensive Development District No.57. The zone was created in 2006 to allow for the consolidation of two properties and the construction of 15 single family residences with one containing a convenience store. In July 2018, a zoning text amendment was made to permit alternate commercial uses within the zone including Arts and Wellness Teaching Centre, Business and Professional Office, Personal Service Establishment and Retail Store. Currently, there is a residential dwelling unit on the second storey and Arts and Wellness Teaching Centre on the first storey.

The proposed amendment would extend the existing uses permitted in the commercial portion of the building to the entire building. The applicants have requested that the mixed commercial/residential use be retained and the use “Group Children’s Day Care Centre” be added to the Permitted Uses for the subject property within the zone.

### **Parking**

Comprehensive Development District No.57 outlines that 3 parking spaces shall be provided for a Combined Commercial/Residential Dwelling Unit. Currently there are two onsite parking spaces for the commercial unit and one for the residential unit. The zoning text amendment would allocate 3 parking spaces specifically for “Unit 15”. In addition there are two parking spaces directly in front of the building allowing for 15 minute parking.

The minimum number of parking spaces required varies based on use. If “Unit 15” is to be used

exclusively as commercial unit, an average calculation based on Parking Bylaw No. 1992, No.2011 would require that "Unit 15" have 7 parking spaces.

### **Official Community Plan**

The 'Present' and the 'Proposed' Land used Designation of the subject property is Neighbourhood Commercial Mixed-Use. The objective of Section 6.4 Neighbourhood Commercial Mixed Use is "to encourage the development of a series of neighbourhood commercial mixed-use nodes throughout Esquimalt that will primarily serve the daily needs of the surrounding neighbourhood but may also include destination uses."

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

At its regular meeting held July 16, 2019 the APC recommended that application for a Zoning Text Amendment, authorizing the additional use of "Group Children's Day Care Centre" to the existing commercial unit and authorizing that commercial uses be extended to the existing residential unit allowing for one combined residential/ commercial dwelling or one commercial unit at 1182 Colville Road - Unit 15 be forwarded to Council with a recommendation to approve; as it would be positive for the neighbourhood.

### **ISSUES:**

1. Rationale for Selected Option

The uses being added are complementary to the existing uses permitted within the zone. The APC has recommended approval of the zoning text amendment application.

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 will have a minimal sustainability and environmental implications.

5. Communication & Engagement

As this is a rezoning application, should it proceed to a Public Hearing, a notice would be mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Notice of the Public Hearing would be placed in two editions of the Victoria News. A sign indicating that the property is under consideration for a change in zoning has been installed on the property since July 2019. The sign would be updated to include the date, time, and location of the Public Hearing.

The applicants held a Neighbourhood Meeting [Appendix C] on July, 18 2019 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971.

### **ALTERNATIVES:**

1. Council give Bylaw No. 2977 first and second reading, and direct the Corporate Officer to schedule a Public Hearing.

2. Council postpone consideration of Bylaw No. 2977 pending addition information regarding the appropriateness of uses for the area.
3. Council deny first and second reading of Bylaw No. 2977.