

File # 11.60.00

To: Port Alberni Advisory Planning Commission

Chris Colclough - Chair
Shelley Chrest
Vern Barnett
Seva Dhaliwal
Wes Hewitt

Linda Kelsall – Vice Chair
Larry Ransom - (SD #70)
S. Sgt. Kevin Murray - (R.C.M.P. Liaison)
Councillor Hira Chopra - (Council Liaison)
Randy Thoen (P.A.F.D. Liaison)

From: Scott Smith, City Planner

Copy: Councillor Rob Cole - (Alternate – Council Liaison)
John Bennie (Alternate - SD #70)
Matt Skinner - Planning Technician
Digital copy to Clerks Department

Date: March 8, 2012

Re: **Advisory Planning Commission Meeting**
Thursday, March 15, 2012 at 12:00 pm in the Committee Room at City Hall

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, March 15, 2012 at 12:00 pm in the Committee Room at City Hall**. If you have any questions or are unable to attend please contact Scott Smith at 250-720-2808 (voice mail available).

AGENDA

- 1. Minutes of the February 16, 2012 meeting of the Advisory Planning Commission.**
- 2. Development Application: Development Variance Permit
3550 Johnston Road (Alberni Mall)
(Lot 1, District Lot 14, Alberni District, Plan VIP63601)
Applicant: Shape Properties**
- 3. Update - City Planner - Status of current projects.**
- 4. Other business.**
- 5. Adjournment. The next regular meeting is scheduled for April 19, 2012.**

**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on February 16, 2012
in the Committee Room at City Hall at 12:00 p.m.**

Advisory Planning Commission

Chris Colclough
Shelley Chrest
Vern Barnett
Seva Dhaliwal
Wes Hewitt
Linda Kelsall
Larry Ransom - (SD #70)
Randy Thoen (P.A.F.D.)
Councillor Hira Chopra (Council Liaison)
Councillor Rob Cole (Alternate Council Liaison)

Staff

Scott Smith, City Planner
Matt Skinner, Planning Technician

Guests

Will Pulford

Regrets

S.Sgt. Kevin Murray (R.C.M.P.)



1. Adoption of January 19, 2012 Minutes

The minutes of the January 19, 2012 meeting of the Advisory Planning Commission were adopted.

(Kelsall/Hewitt) CARRIED

2. Development Application: Zoning Bylaw Amendment

4608 – 10th Avenue

(Lot 1, District Lot 1, Alberni District, Plan 7775)

Applicant: R. Chretien

- The City Planner summarized his report to the APC dated February 9, 2012.
- The APC discussed the application with respect to the following:
 - Duplex frontage on 10th Avenue and future traffic volumes.
 - It was felt that the development proposal under consideration was a positive direction for the neighborhood.

MOTION:

That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an amendment to the Zoning Bylaw Schedule A (Zoning District Map) to rezone Lot 1, District Lot 1, Alberni District, Plan 7775, located at 4608 10th Avenue, from R1 – Single Family Residential District to R2 – One and Two Family Residential District.

(Barnett /Hewitt) CARRIED

3. Development Application: Official Community Plan and Zoning Bylaw Amendment Beaver Creek Road

A portion of Lot 2, District Lot 11, Alberni District, Plan VIP88069

Applicant: Van Isle Ford, represented at the meeting by Will Pulford

- The City Planner summarized his report to the APC dated February 9, 2012.
- The APC discussed the application with respect to the following:
 - Environmental concerns associated with paved surfaces, automotive service bays, and runoff to adjacent creek. Mr. Pulford indicated that mitigation systems would be included in the eventual site design.
 - Consideration that the Tseshaht First Nation and Port Authority are both asking the City to not proceed with the application until after the Waterfront study is completed.
 - The City Planner was asked if the City could have retained a more intact parcel. It was generally agreed by the APC, Staff and the Applicant that much discussion between all parties had occurred prior to reaching the final proposed boundaries. Mr. Pulford indicated that the proposed site represented a compromise between facilitating boat trailer access to Clutesi Marina and sight lines from River Road.
 - The present site of the dealership was also discussed. Concern was raised over the creation of another empty commercial building in the North Port downtown, should the application proceed. Mr. Pulford stated that given current industry standards, a new vehicle dealership would not move into the existing site, however, Ford has been approached by several interested parties. The City Planner indicated that the CMX zoning on the present site allows for many potential uses.

MOTIONS:

- 1. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an amendment to the Schedule A (Land Use Map) of the Official Community Plan to change the designation of a portion of Lot 2, District Lot 11, Alberni District, Plan VIP88069 from General Commercial and Institutional to General Commercial.*
- 2. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an amendment to the Schedule B (Development Permit Area Map) of the Official Community Plan to include of a portion of Lot 2, District Lot 11, Alberni District, Plan VIP88069 in Development Permit Area No. 2.*
- 3. That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with an amendment to the Schedule A (Zoning District Map) of the Zoning Bylaw to rezone a portion of Lot 2, District Lot 11, Alberni District, Plan VIP88069 from C7 – Commercial Recreation District and P1 – Institutional District to C4 – Highway Commercial District.*

(Ransom, Hewitt) CARRIED

4. Updates from City Planner, Scott Smith - Status of current projects.

The two rezoning applications that the APC considered at its January meeting are proceeding and Council will consider the applications at a public hearing on February 27, 2012.

5. Adjournment – The meeting adjourned at 1:00 p.m. The next regularly scheduled meeting will be **March 15, 2012** at 12:00 pm in the Committee Room at City Hall.



City Clerk

Chair



CITY OF PORT ALBERNI

PLANNING DEPARTMENT

TO: Advisory Planning Commission

FROM: Scott Smith, City Planner

DATE: March 8, 2012

SUBJECT: Development Variance Permit
3550 Johnston Road - Lot 1, District Lot 14, Alberni District, Plan VIP63601
(PID: 023-476-842)
Applicant: Michael Nygren dba Shape Properties Corporation

ISSUE

At issue is the consideration of an application for a Development Variance Permit that will vary the Zoning Bylaw regulations, for multiple setback requirements, for a proposed subdivision of the Alberni Mall property.

BACKGROUND

The Alberni Mall has been working on a proposed subdivision of the property. The applicant had previously proposed and received a Development Variance Permit for setbacks based on a proposed five lot subdivision. The applicant is now proposing a six lot subdivision and that requires the City to consider an additional variance.

Even though only one additional setback variance is required, the actual permit will show all the setback variances that are necessary for the subdivision because of the renumbering of the lots and for it to be more understandable as a stand-alone document.

The existing Alberni Mall at 3550 Johnston Road is currently located on one legal parcel, with three legal road frontages and is 5.75 hectares (14.2 ac). The applicant is proposing to subdivide the property (see attached plan) into six legal parcels.

The setbacks of the C2 District are as follows:	Front Yard	8m (26.2 ft)
	Rear Yard	8m (26.2 ft)
	Side Yard	4m (13.1 ft)

DISCUSSION

With respect to a property line, where the proposed subdivision is directly impacting the setbacks of an existing building, the Approving Officer cannot approve a subdivision where an existing building will not meet the setback requirements of the Zoning Bylaw.

The subdivision plan proposal includes three new lot lines that will go through the existing main mall building. A variance to a zero lot line setback will be required between proposed Lot 1 and Lot 2, between proposed Lot 2 and Lot 4 and between proposed Lot 4 and Lot 6.

The separate, Boston Pizza Restaurant, building on proposed Lot 3 has an existing setback from Johnston Road of 6.19 metres (20.3 ft). This exceeds the required current side yard setback of 4 metres. On proposed Lot 3, the subdivision would change the current side yard setback, from Johnston Road, to a front yard setback. The existing building does not meet the 8 metre front yard setback requirement. A variance from 8.0 metres to 6.19 metres has been previously approved for the north property line of proposed Lot 3.

The subdivision will involve a number of agreements for access, parking and services. These legal agreements and other matters will be part of the subdivision process.

CONCLUSION

The proposed variance will not change the physical location of the existing buildings and will not negatively impact any adjacent properties. If City Council approves the requested Development Variance the Approving Officer will subsequently consider the proposed subdivision.

City Council previously approved a Development Variance Permit to allow for a five lot subdivision. This DVP would effectively replace the existing variance, but is actually only adding one additional setback variance to allow for the proposed six lot subdivision. The Planning Department supports the requested variances in to order facilitate the proposed subdivision.

RECOMMENDATIONS

- 1.** *That the City of Port Alberni Advisory Planning Commission recommends to City Council that the City proceed with the necessary Development Variance Permit to vary Zoning Bylaw #4395 as follows:*
 - A. For proposed Lot 1** as outlined on the preliminary plan attached:
 - 1.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **0 meters** for the **West** property line; and
 - B. For proposed Lot 2** as outlined on the preliminary plan attached:
 - 1.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **0 meters** for the **West** property line; and
 - 2.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **0 meters** for the **East** property line; and
 - C. For proposed Lot 3** as outlined on the preliminary plan attached:
 - 1.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **6 meters** for the **North** property line; and
 - D. For proposed Lot 4** as outlined on the preliminary plan attached:
 - 1.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **0 meters** for the **West** property line; and
 - 2.** Vary Section 6.17.3 Bulk and Site Regulations Setback to **0 meters** for the **East** property line; and

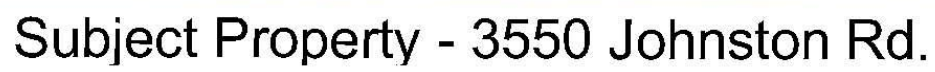
E. For proposed Lot 6 as outlined on the preliminary plan attached:

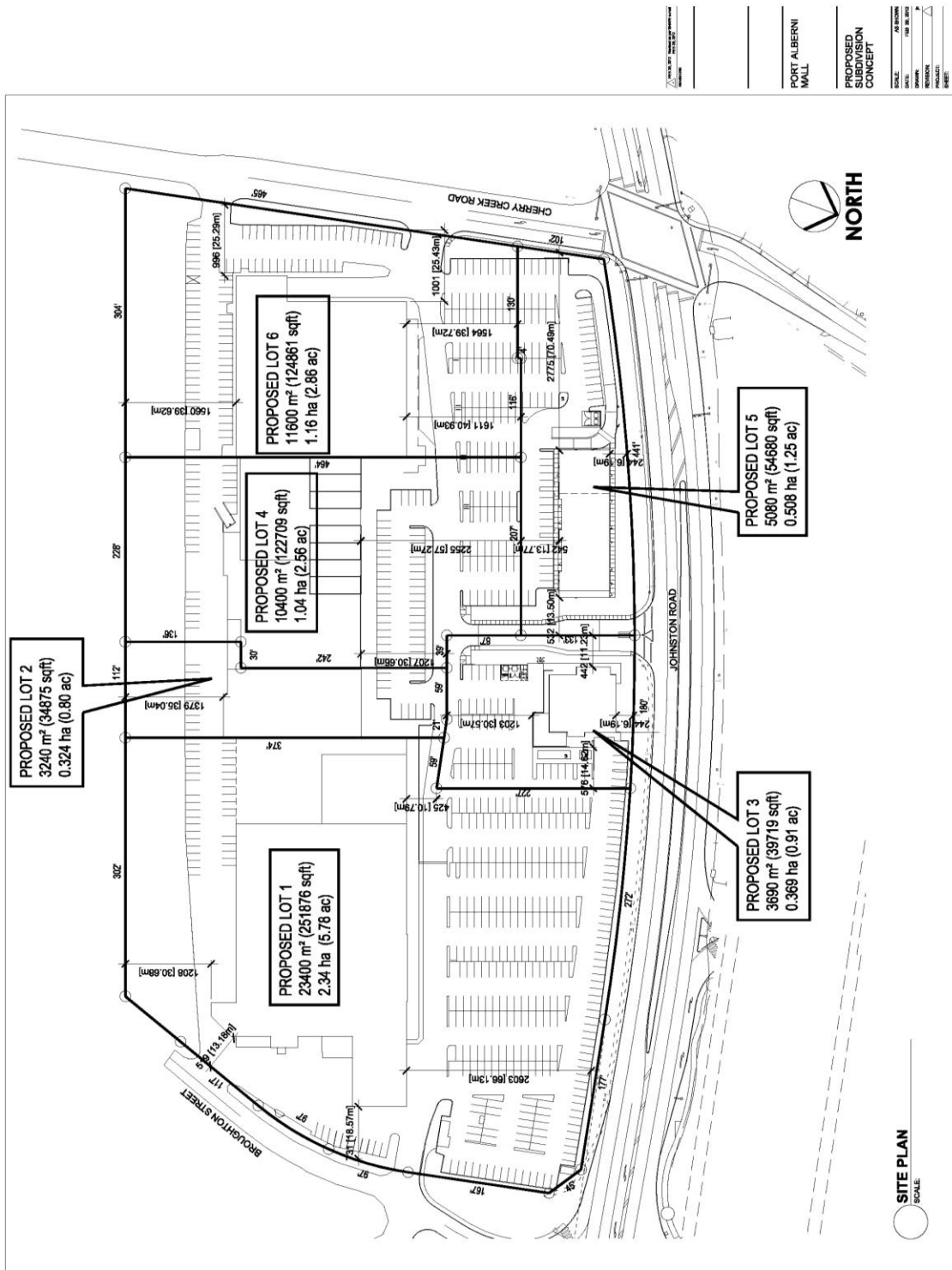
- 1. Vary Section 6.17.3 Bulk and Site Regulations Setback to 0 meters for the East property line; and**
- 2. That City Council gives notice of intent to consider the issuance of a Development Variance Permit for 3550 Johnston Road.**

Respectfully submitted,



Scott Smith, MCIP
City Planner





Bylaw 4395

6.17 C2 - COMMUNITY SHOPPING CENTRE DISTRICT

6.17.1 General Purpose

~~#4532 Oct 27-03 To establish and maintain community-oriented retail shopping mall areas which are developed and managed as a unit, constructed as one building, contain 10 or more commercial units and provide significant parking adjacent to the facility.~~

#4532 Oct 27-03 To establish and maintain community-oriented retail shopping areas.

6.17.2 Permitted Uses

Food Stores

General Merchandise Stores

Department Stores

Sporting Goods Stores

Computer and Electronic Stores including repairs

Home and Auto Supply Stores

Household Furniture and Appliance Stores

Garden Supply Stores

Hardware Stores

Gift Stores

Drug Stores

~~#4524 July 14-03 Liquor, Wine and Beer Stores~~

Retail Stores

New and Used Book Stores

New and Used Apparel and Shoe Stores

Antique Stores

Bakeries

Restaurants, including Drive-Thru

Shoe Repair Shops

Personal Services Shops

Amusement Establishment (or Vending Machine Agency or

Amusement/Video Arcade)

Laundries and Dry Cleaners

Tourist Guide Services

Automotive Repair Shops

Gasoline Service Stations

Banks and Other Financial Institutions

Insurance Agency Offices

Real Estate Offices

Physicians and Surgeons Offices

Paramedical Services Offices

Dentists Offices

Veterinary Clinics

Accessory Buildings and Uses

Bylaw 4395

4459 Oct 23-00 *Video Rental Stores*
4412 May 10-99 *Schools*

6.17.3 Bulk and Site Regulations

Minimum Lot Area	1750 m ²	(18837.5 ft ²)
Minimum Frontage	50 m	(164 ft)
Maximum Coverage	50%	
Minimum Setbacks:		
Front Yard	8 m	(26.2 ft)
Rear Yard	8 m	(26.2 ft)
Side Yard	4 m	(13.1 ft)
Maximum Building Height	9 m	(29.5 ft)
Maximum Number of Principal Building Storeys	1	

6.17.4 Conditions of Use

Notwithstanding the provisions of 6.17.3,

- #4532 Oct 27-03 (a) ~~Amusement establishments shall have customer access only from within the interior of a shopping centre.~~
- #4532 Oct 27-03 (b) ~~One freestanding building in addition to the shopping centre is permitted with a maximum gross floor area of 510 m² (5488 ft²) and it shall contain a setback of not less than 3.0 m (9.8 ft) from any adjacent property line.~~
- #4532 Oct 27-03 (c) ~~Food stores shall not exceed 4645 m² (50000 ft²) of gross floor area.~~
- # 4556 June 14-04 (d) ~~Every business or undertaking shall be conducted within a completely enclosed building except for parking, loading, display activities related to the operation of a drive thru facility and activities done at gasoline service station pumps.~~
- # 4556 June 14-04 (a) *Every business or undertaking shall be conducted within a completely enclosed building except for parking, loading, restaurant patios, display, activities related to the operation of a drive thru facility, activities done at gasoline service station pumps and temporary garden supply structures.*