

CITY OF PORT ALBERNI
PUBLIC HEARING AGENDA

Monday, April 24, 2017 at 6:00 pm in the City Hall Council Chambers

This Public Hearing is held pursuant to Sections 464, 465 and 466 of the *Local Government Act*.

Introductory Remarks by the Chair: The Chair of the Public Hearing will describe the Public Hearing procedures.

1. Description of the Application *(To be read by the Clerk)*

Applicant: T. and P. Tilley

The applicant is applying to amend the Zoning Bylaw to facilitate the addition of residential units at ground level, behind commercial units. The amendment being considered is as follows:

The proposed bylaw is:

"Zoning Bylaw Text Amendment No. T11 (Site Specific Use – C3 Service Commercial), Bylaw No. 4930"

**2. Background Information from the Director of Development Services
Report dated April 18, 2017**

3. Correspondence

4. Input from the Public regarding the Bylaw

5. Late Correspondence Regarding the Matter *(To be read by the City Clerk)*

6. Questions from Council: *(Members of Council may ask questions, through the Chair, of the Director of Development Services or of the members of the public who may have spoken.)*

7. Calling for any Further Input: (To be asked three times by the Chair.)

Calling for any further input a first time:

Calling for any further input a second time:

Calling for any further input a third time:

8. Closing Remarks by the Chair:

After this Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made at this Hearing. In most cases, the Report of this Hearing will be presented to the next Regular Meeting of Council, where Council will decide whether or not to proceed with approving the application by way of passing further readings of the Bylaw.

Once this Public Hearing has terminated, members of Council may not, as a group or as individuals, receive any further oral or written presentations on this matter, including what might be perceived of as informal discussions immediately after the termination of this meeting. I ask all parties to comply with this.

9. Termination of the Public Hearing:

It was moved and seconded:

That this Public Hearing terminate at _____ pm.



CITY OF PORT ALBERNI NOTICE OF PUBLIC HEARING

Pursuant to Sections 464, 465, and 466 of the Local Government Act, Notice is hereby given that a Public Hearing will be held in the Council Chambers at City Hall, 4850 Argyle Street, Port Alberni, BC on **Monday, April 24, 2017 at 6:00 pm** to hear representation about the following proposed bylaw:

**A. "Zoning Bylaw Text Amendment No. T11 (Site Specific Use – C3 Service Commercial),
Bylaw No. 4930"**

APPLICANT: T. and P. Tilley - The applicant is applying to amend the Zoning Bylaw to facilitate the addition of residential units at ground level, behind commercial units. The amendments being considered are as follows:

A. Zoning Bylaw Text Amendment:

1. Applying to amend the text of Port Alberni Zoning Bylaw 2014, No. 4832 as follows:

- a) By adding the following text under C3 Service Commercial Section 5.20.1 Site Specific Uses: "Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second storey".
- b) By adding the following text under C3 Service Commercial Section 5.20.3(d) Conditions of the Use: "Notwithstanding any other provision of this Bylaw, in addition to any required commercial parking, only one-half (0.5) parking space for each residential dwelling unit is required at 3575 3rd Avenue (Lots 24-25, Block 50, District Lot 1, Alberni District, Plan197B, (PID's: 000-171-891, 000-171-905))".
- c) By adding the following text to the table under C3 Service Commercial Section 5.20.4 Site Specific Uses:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second storey"	3575 3 rd Avenue	Lots 24-25, Block 50, Alberni, District, Plan 197B (PID's: 000-171-891, 000-171-905)"

TAKE NOTICE THAT persons who deem their interest in property affected by the above noted bylaw amendments shall be afforded an opportunity to be heard before Council on matters related thereto. Written submissions should be addressed to City Council, 4850 Argyle Street, Port Alberni, BC, V9Y 1V8. The above noted bylaw amendments, together with the Port Alberni Zoning Bylaw 2014, No. 4832, may be inspected at the offices of the Planning Department, City Hall, 4850 Argyle St., between Monday and Friday (exclusive of statutory holidays) from April 14, 2017 to April 24, 2017 during regular business hours (8:30 a.m. to 4:30 p.m.).

DATED AT PORT ALBERNI, B.C. this 14th day of April, 2017.
Scott Smith, Director of Development Services



CITY OF PORT ALBERNI

PUBLIC HEARING REPORT

TO: Tim Pley, CAO
FROM: Scott Smith, Director of Development Services
DATE: April 18, 2017

SUBJECT: Development Application
Zoning Bylaw Text Amendment
3575 3rd Avenue
Lots 24-25, Block 50, District Lot 1, Alberni District, Plan 197B
(PID's: 000-171-891, 000-171-905)
Applicant: Tyson and Penelope Tilley

Issue

To consider an application for amendments to the text of the Zoning Bylaw for property located at 3575 3rd Avenue.

Background

There are two separate parcels that make up the site. Both lots are occupied by the same building that covers the front portion of the site. Within the existing building there are six (6) historically recognized dwelling units on the upper level. There are two dwelling units on the lower ground level that are not currently permitted by the Zoning Bylaw and that were constructed without the required Building Permits. Facing 3rd Avenue, at street level, there are three commercial units.

The applicant wishes to add additional dwelling units at street level and is applying for a text amendment to the Bylaw that would facilitate the construction of dwelling units to be located behind the street fronting commercial units. In addition to adding dwelling units at the street level the applicant is applying to change the general parking requirements by reducing the parking standard to 0.5 parking space per residential unit.

Discussion

Official Community Plan and Zoning Bylaw Designations

- a) The Official Community Plan Schedule A - Future Land Use Map designation for 3575 3rd Avenue is currently General Commercial. No amendment is required.

- b) The Official Community Plan Schedule B – Development Permit Areas Map includes the property in Development Permit Area No. 2 Commercial (General Commercial). No amendment is required.
- c) The Zoning Bylaw designation for 3575 3rd Avenue is currently 'C3 – Service Commercial'. Site specific text amendments to the C3 zone will be required.

Surrounding Area

The lower 3rd Avenue commercial area contains a variety of commercial uses. All of 3rd Avenue is zoned C3 Service Commercial and C4 Highway Commercial between Dunbar Street to the south and Redford Street to the north (4 city blocks). There are a couple of commercial buildings that include non-conforming residential units above the street level.

Zoning

Residential uses are very limited in the C3 or C4 zones with the exception of a 'Caretaker's Dwelling' subject to Section 6.16. 'Caretaker's Dwelling unit' is permitted in the C3 General Commercial zone only as an accessory use necessary to the operation of a business.

The City of Port Alberni has a significant amount of vacant commercial space throughout the community. Some recent work by the Economic Development Manager has shown a 29% vacancy of commercial storefronts in the lower 3rd and 4th Avenue area. There is also a need for more affordable rental housing in the community.

Permitting residential units on the ground level of this building behind smaller commercial units would add needed rental housing in the community. The resulting commercial units would be smaller in size and it is hoped that this would make them more leasable for commercial uses that do not need or cannot afford large spaces. The proposed bylaw amendment would also recognize and permit the existing second storey residential units.

Interior layout

An interior layout plan by McGill Engineering showing three commercial units fronting 3rd Avenue and four residential units behind the commercial units is attached for information. The proposed residential units range in size from approximately 36 m² (387 ft²) to 57 m² (614 ft²). This plan was done in consultation with the City of Port Alberni building inspector. A building permit will be required for the renovation, ensuring compliance with the Building and Fire codes.

Facade and Exterior

The exterior of the building (see photos) is in need of some improvements. The property is located within the Commercial Development Permit Area. However, the renovations to add the proposed residential units would be limited to the interior and would not require a Development Permit. Some façade improvements to all sides of the building would benefit the building and the streetscape. The applicant has submitted the attached letter regarding their proposed exterior improvements. Information on the Façade Improvement program has been provided to the applicant.





Parking

The City of Port Alberni parking standard for dwelling units in Commercial zones is 1.25 parking spaces per dwelling unit. The parking standard is reduced in the core business zone to 0.5 parking spaces for each dwelling unit. Many residents who will live in the core area will not have vehicles. The building at 3575 3rd Avenue is just outside the core area, but has many of the same characteristics. Residents can take advantage of nearby shopping and make use of the available public transit. A reduced parking standard of 0.5 spaces per new dwelling unit is supported.

Status of the Application

At the February 2, 2017 meeting of the Advisory Planning Commission the following motions were carried:

1. *That the Advisory Planning Commission recommends to City Council that the City proceed with a site specific Zoning Bylaw amendment for 3575 3rd Avenue to permit residential units behind the commercial spaces and that a parking standard of 0.5 parking spaces per dwelling unit be permitted.*
2. *That the Advisory Planning Commission recommends to City Council that the applicant be required to submit elevation plans for façade improvements to the building prior to a public hearing.*
3. *That the Advisory Planning Commission recommends to City Council that the properties be required to be consolidated into one legal parcel prior to final adoption of the bylaw.*

At its February 14, 2017 regular meeting, City Council accepted the APC recommendations and gave 1st and 2nd reading to Zoning Bylaw Text Amendment No. T11 (Site Specific Use – C3 Service Commercial), Bylaw No. 4930.

Conclusions

In considering the Zoning amendment, City Council should consider whether the proposed amendments are appropriate for the site and for the community.

The City of Port Alberni should strongly consider how zoning regulations can assist with improving the viability of older commercial buildings and still be appropriate to the overall community. The Planning Department supports the proposed amendment to permit residential units on the ground level, behind commercial units, and a reduced parking standard. It is recommended that the amendment be site specific to 3575 3rd Avenue. Although there may be other buildings in the C3 zone where additional residential units and reduced parking may be supportable, the majority would not be appropriate for such zoning changes.

As previously noted the property consists of two legal parcels, with the building straddling the interior property line. It is recommended that the property be consolidated into one legal parcel. The applicants have committed to some improvements to the exterior of the building. It is recommended that those improvements be completed before final adoption of the bylaw. City Council could also require that the applicants make an application to the Façade Improvement program.

Respectfully submitted,



Scott Smith, MCIP
Director of Development Services

Bylaw 4832

C3 – SERVICE COMMERCIAL

5.20 The purpose of this *zone* is to establish and maintain areas for *retail* and service operations that are vehicle-oriented or require large storage areas.

5.20.1 Permitted usesPrincipal Uses

Ambulance station
Amusement establishment
 Appliances and electronics, sales and repair
Artist's studio
Automotive sales, repair and servicing
 Bakery
 Bank or other financial institution
 Boat or *recreational vehicle* sales and repair
Building supply
Cartage and delivery services
 Catering establishment
Club or lodge
Contractor's shop
 Custom woodworking
 Enclosed storage and warehousing, including mini storage
 Garden shop, nursery and *landscape* supplies
 Gasoline service station
 Glass shop
 Medical service
Office

Principal Uses (continued)

Pawn shop
Personal service
 Petroleum products, wholesale
 Prefabricated *buildings* sales
 Printing, publishing and allied industry
 Recycling depot
 Restaurant, including drive-through
Retail
 Signs and displays industry
Transportation dispatch and depot
 Veterinary clinic
 Wholesale

Accessory Uses

Caretaker's *dwelling* unit, subject to Section 6.16
 Outdoor storage

Site Specific Uses:

Liquor, wine and beer store

5.20.2 Site Development Regulations

Minimum <i>Lot Area</i>	930 m ²	(10,011 ft ²)
Minimum <i>Frontage</i>	30 m	(98.4 ft)
Maximum <i>Coverage</i>	75%	
Minimum <i>Setbacks</i> :		
<i>Front yard</i>	0 m	
<i>Rear yard</i>	3 m	(9.84 ft)
<i>Side yard</i>	0 m	
Maximum Height, Principal <i>Building</i>	10 m	(32.8 ft)
Maximum Number of Principal <i>Building Storeys</i>	2	

Bylaw 4832

5.20.3 Conditions of Use

- (a) Outdoor storage areas shall be screened or *fenced* on all sides not facing the principal *building* and no material shall be piled so as to be higher than such *screening*.
- (b) All industrial, business, repair or servicing *uses* shall be conducted within a completely enclosed *building* except for outdoor display, rental, sales or outdoor storage areas, activities that are normally done at gasoline service pumps, parking and loading, and activities related to the operation of a *drive-through* or *drive-in* facility.
- (c) No *club* or *lodge* shall have more than three machines on which mechanical, electrical automatic, digital or computerized games are played for amusement, recreation, competition or entertainment and for which a fee is charged for *use* or for which a coin or token must be inserted.

5.20.4 Site Specific Uses

The following *uses* shall be permitted on a site specific basis:

<u>Use</u>	<u>Site Address</u>	<u>Site Legal Description</u>
Liquor, Wine and Beer Store	3684 3rd Avenue	Lot 1, District Lot 1, Alberni District, Plan EPP30558

To Whom it may concern,

Further to our previous discussion where I was asked what improvements my husband and I would be will to make on the said propert of 3575 3rd Avenue Port Alberni, the following is a list of improvements that we are willing and have already proceeded to implement:

- pressure was exterior of building
- repair facade woodwork
- paint exterior of building
- wash windows
- clean and maintain surrounding area of building

We have recently given one of the tenants a reduction in rent to maintain cleanliness of interior and exterior of the property. It is in our best interest as business/property owners to keep the said building and property as clean and attractive as possible. I hope this proposal meets your needs.

Penelope and Tyson Tilley



CITY OF PORT ALBERNI

BYLAW NO. 4930

A BYLAW TO AMEND PORT ALBERNI ZONING BYLAW 2014, NO. 4832

The Municipal Council of the City of Port Alberni in Open Meeting Assembled Enacts as follows:

1. Title

This Bylaw may be known and cited for all purposes as "**Zoning Text Amendment T11 (Site Specific Use – C3 Service Commercial), Bylaw No. 4930**".

2. Zoning Text Amendment

Port Alberni Zoning Bylaw 2014, No. 4832 is hereby amended as follows:

- a) By adding the following text under C3 Service Commercial Section 5.20.1 Site Specific Uses: "Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second storey".
- b) By adding the following text under C3 Service Commercial Section 5.20.3(d) Conditions of the Use: "Notwithstanding any other provision of this Bylaw, in addition to any required commercial parking, only one-half (0.5) parking space for each residential dwelling unit is required at 3575 3rd Avenue (Lots 24-25, Block 50, District Lot 1, Alberni District, Plan197B, (PID's: 000-171-891, 000-171-905))".
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READ A FIRST TIME THIS 14th DAY OF FEBRUARY, 2017.

READ A SECOND TIME THIS 14TH DAY OF FEBRUARY, 2017.

A PUBLIC HEARING WAS HELD THIS DAY OF , 2017.

READ A THIRD TIME THIS DAY OF , 2017.

FINALLY ADOPTED THIS DAY OF , 2017.

Mayor

Clerk