



To: Port Alberni Advisory Planning Commission

Ken McRae (Chair)
Ed Francoeur (Vice-Chair)
Amy Anaka
Jolleen Dick (Hupačasath Nation)
Stefanie Weber
Callan Noye
Joe McQuaid

Ken Watts (Tseshah First Nation)
Chris Washington - (SD #70)
Sgt. Peter Dionne, (R.C.M.P. Liaison)
Andre Guerin (P.A.F.D. Liaison)
Councillor Deb Haggard (Council Liaison)
Amy Needham (Parks Operations Liaison)

From: Scott Smith, Director of Development Services/Deputy CAO

Copy: Larry Ransom - (Alternate - School District #70)
TBD (Alternate - Tseshah (č išaaʔath) First Nation)
Roger Nopper (Alternate - Hupačasath First Nation)
Councillor Helen Poon - (Alternate - Council Liaison)
Clerk's Dept.: Twyla Slonski, Sara Darling, Tanis Feltrin, Annie O'Connor
City Staff: Brian McLoughlin, Price Leurebourg, Cara Foden. Tim Pley

Date: July 8, 2021

Re: Advisory Planning Commission Meeting
Thursday, July 15, 2021 at 12:00 pm (via Zoom remote access)

A meeting of the Advisory Planning Commission has been scheduled for **Thursday, July 15, 2021** at 12:00 pm via Zoom. A notice will be sent via email providing details for accessing the online meeting electronically via Zoom. If you have questions or are unable to attend please contact Brian McLoughlin (Tel: 250-720-2806 / email: brian_mcloughlin@portalberni.ca) or Cara Foden (Tel: 250.720.2850 / email: cara_foden@portalberni.ca).

AGENDA

1. **Acknowledgements** and Introductions- This APC meeting is being held within the un-ceded traditional territories of the Hupačasath and the Tseshah (č išaaʔath) First Nations.
2. **Minutes** of the April 15, 2021 meeting of the Advisory Planning Commission.
3. **DEVELOPMENT APPLICATION – Amendments to Official Community Plan and Zoning Bylaw 4905 Cherry Creek Road**
Strata Lots 1-5, Plan EPS6042; and Lot 1, District Lot 14, Alberni District, Plan EPP85811 Except Plan EPS6042 (Phase 1)
Applicant: Colin Evans and Christine Evans dba Coastal Porting Enterprises Ltd., C & C Complete Contracting
4. **Status Update** – Director of Development Services/Deputy CAO
5. **Other business**
6. **Adjournment** - The next APC meeting is scheduled for **August 19, 2021**.



**Summary Report / Minutes of the Advisory Planning Commission Meeting
(Held on April 15, 2021
Via remote access through Zoom software platform, at 12:00 p.m.)**

Commission Members Present

Ken McRae (Chair)
Ed Francoeur (Vice-Chair)
Stefanie Weber
Amy Anaka
Joe McQuaid
Jolleen Dick, Councillor, Hupačasath F.N.
Chris Washington, S.D.70 Liaison
Andre Guerin, P.A.F.D. Liaison

Regrets

Callan Noye
Councillor Deb Haggard, Council Liaison
Peter Dione, R.C.M.P. Liaison
Ken Watts, CEO Tseshah (č išaa?ath) F. N.

Staff

Scott Smith, Dir. of Dev. Services/Deputy CAO
Brian McLoughlin, Development Planner
Cara Foden, Planning Technician

Guests

Members of the Public: None

Alternates (not in attendance)

Larry Ransom (Alt. – S.D.70)
Councillor Helen Poon (Alt. – Council)
C. Anderson/M. Bigmore, (Alt. – Tseshah (č išaa?ath) F.N.)
Roger Nopper CEO, (Alt. - Hupačasath F.N.)



1. Acknowledgements and Introductions –

- Acknowledgement, by the Chair, that this APC meeting is being held within the un-ceded, traditional territories of the Hupačasath and the Tseshah (č išaa?ath) First Nations.
- Welcome to new members and introductions.

2. Minutes - Adoption of February 18, 2021 Minutes

Motion:

That the City of Port Alberni Advisory Planning Commission adopt the minutes of the February 18, 2021 regular meeting.

(Francoeur / Washington) CARRIED

3. INFORMATION ITEM – APC Orientation package

- The Director of Development Services presented an overview of the Advisory Planning Commission and its role. Members are encouraged to review the APC Orientation package. The importance of the Official Community Plan bylaw and the Zoning Bylaw as guiding documents for the community was noted.

4. STATUS UPDATE:

The Director of Development Services updated the APC with respect to the following:

- BC Housing project – 4305 Kendall Ave. – a Public Hearing will be held on May 13th.
- Rainbow Gardens – Housing Agreement in place and Building Permit ready for issue.

- Anderson Hill (former ADSS site) – Construction moving ahead with duplex and fourplex development. Building Permits have been issued for several units. The developer is doing pre-sales.
- Swallow Drive – Multi-Family development is now under construction.
- 4279 Ravenhill Ave. – OCP/ZON bylaws have been given 3rd reading following a Public Hearing. Subdivision application in process and Preliminary Layout Review must be issued prior to final adoption of the bylaws.
- Quality Foods / Cascadia Liquor store – Zoning amendment has received 3rd reading and staff are working with developer to determine if off-site works are needed prior to asking Council for final adoption.
- Staff will be working on an RFP for a consultant to help with the Official Community Plan review. It was noted that there will be challenges engaging the public during COVID-19 pandemic. Courtenay has been very innovative and the City is looking forward to the review with a sense of optimism and acknowledges the importance of the review.
- Local housing shortage and recommendations from the recent Housing Needs Assessment report with respect to Carriage Home regulations – The Director of Development Services indicated that it is very important to engage the public. It may not be feasible to have regulations in place before the fall. The topic could form a portion of the upcoming OCP review.
- Katelyn McDougall has taken a position in Oak Bay and is no longer with the City. The City has recently posted positions for an additional Development Planner and an additional Building Inspector.
- Zoning amendment on 3rd Ave (Galloway) is under review for legal opinion regarding the proposed amendment and the applicant is continuing with design work.
- Development Permit report for property at Victoria Quay will be going to Council (for residential unit above Commercial use).
- Vancouver Resource Society (Senior facility) development at 3550 Anderson Ave. continues to move forward and the subdivision is almost ready for registration.
- Upcoming agenda items are in varying stages of readiness to bring to the Commission and will be determined before the next agenda is distributed.

5. OTHER BUSINESS - None

6. ADJOURNMENT – The meeting adjourned at 12:33 pm. The next meeting is scheduled for 12:00 pm on **May 20, 2021**.

(McRae/Francoeur) CARRIED

Ken McRae (Chair)





CITY OF PORT ALBERNI

PLANNING DEPARTMENT REPORT TO THE ADVISORY PLANNING COMMISSION

TO: Advisory Planning Commission

FROM: Scott Smith, Director of Development Services / Deputy CAO

DATE: July 7, 2021

SUBJECT: DEVELOPMENT APPLICATION – Proposed Official Community Plan bylaw and Zoning Bylaw Amendments

4905 Cherry Creek Rd.

*Strata Lots 1-5, District Lot 14, Alberni District, Strata Plan EPS6042 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V (PID's: Strata **Lot 1** - 031-008-925, Strata **Lot 2** - 031-008-933, Strata **Lot 3** - 031-008-941, Strata **Lot 4** - 031-008-950, Strata **Lot 5** - 031-008-968); **and** Lot 1, District Lot 14, Alberni District, Plan EPP85811 Except Plan EPS6042 (Phase 1)*

Applicants: Colin Evans and Christine Evans dba Coastal Porting Enterprises Ltd., and Kristi Wolff dba Wolff Holdings Ltd. BC1139118

ISSUE

The issue for consideration is an application for map amendments to the Official Community Plan (OCP) bylaw and to the Zoning Bylaw for the properties located at 4905 Cherry Creek Rd. A text amendment to the Zoning Bylaw is also proposed.

BACKGROUND

The site at 4905 Cherry Creek Road is located immediately south of the Alberni Mall and the property owner has constructed the first phase of the development, including five building strata units in two separate buildings. The property owner is receiving a significant amount of interest from potential tenants or purchaser's; however the interest is commercially oriented rather than industrial. The owner is seeking to increase the commercial potential of the existing units and the future units to be constructed on the site, while still maintaining some light industrial options. The proposal is to amend the OCP designation from 'Industrial' to 'General Commercial' and to include the site in 'Development Permit Area No. 2 Commercial' and; to rezone from 'M1 – Light Industry' to 'C3 – Service Commercial'. A text amendment to the Zoning bylaw is also being requested to permit a micro-distillery.

The land uses in the area around 4905 Cherry Creek Road are primarily commercial and light industrial. The Alberni Mall is to the north and the Ministry of Forest Office is directly to the south.

To the west are a multi-unit commercial building, Gaming Centre, Pacific Coast University, Mini-storage, City water reservoir and the SPCA in the immediate area.

Official Community Plan (OCP) and Zoning Bylaw designations

Designations	Current	Proposed
OCP Designation	Industrial	General Commercial
Development Permit Area	Development Permit Area No. 3 Industrial	Development Permit Area No. 2 Commercial
Zoning	M1 Light Industry	C3 Service Commercial
Text		Allow for Micro-Distillery

DISCUSSION

Official Community Plan and Zoning Bylaw

The OCP sets the policy direction for the City regarding the designation and regulation of industrial lands. The land use categories established in the OCP are intended to guide community development; however, the OCP is also considered to be a “living document” and Council may consider OCP amendments that respond to changing circumstances within the City.

The proposal to amend the OCP from Industrial to General Commercial and rezone from M1 to C3 would reduce the amount of land available for some light industrial uses. The C3 zone does allow for some of the same uses in the M1 zone, that would be considered light industrial uses and also allows for more commercial related uses.

If the OCP and Zoning amendments are approved by Council, the property will move from the Development Permit Area No. 3 – Industrial to Development Permit Area No. 2 – Commercial.

A micro-distillery is planned for one of the existing building units. The current M1 zone permits ‘food and beverage processing’ which would allow for micro-distillery production, but would have some limitation for the business. The City of Port Alberni permits ‘Micro-brewery’ in the C3, C7 and W1 zone and as an accessory use in the C6 zone.

‘Micro-brewery’, in the Zoning Bylaw, means ‘a facility for the manufacturing of beer, that produces less than 10,000 hectolitres per year and is licenced under a Manufacturing License by the Province of British Columbia and may include the following accessory uses: wholesaling of, tours of, retail sales of and tasting of beer produced on-site’.

A micro-brewery and micro-distillery are very similar land uses and staff recommend that a text amendment to include the manufacturing of spirits and ciders be made to the definition of ‘Micro-brewery’ in the Zoning Bylaw. This would allow micro-distilleries to locate in the same zones that currently allow for the micro-brewing of beer. If the text amendment to the Zoning Bylaw is approved by City Council any micro-distillery will also be required to receive approval by the Province.

Site Plan

The attached plans show the first two buildings that have been constructed and possible future buildings on the property. As part of the bylaw amendment process the property will be included

in Development Permit Area No. 2 – Commercial. Massing, siting, and form, parking, landscaping, and other factors will be considered to ensure that the development appears to be cohesive and compatible with the proposed OCP and zoning designations and that it will integrate well into existing neighborhood.

Infrastructure and Site Servicing

There are major sanitary and storm sewer mains, under a 20 metre right-of-way along the south side of the property. There is also a smaller right-of-way that provides service to the Alberni Mall. These rights-of-way limit where buildings can be constructed, however they can be used for access, parking and non-permanent storage.

The Ministry of Transportation and Infrastructure has no objection to the proposed OCP and Zoning amendments. From a traffic management perspective this property is a good location for the potential commercial and light industrial uses permitted in the C3 zone. It has good access to the community and there are signalized intersections nearby.

REFERRALS

In reviewing land use OCP and Zoning Bylaw amendments staff request referral comments from various City departments and external agencies. The following table summarized the feedback received for this development application.

Agency/department	Comments
RCMP	No objections.
PARKS Operations	No comments
BUILDING	Approval recommended subject to required parking.
ENGINEERING	No objections.
FORTIS	No objection.
BC Hydro	There are 2 buildings at this property. The front building is serviced with 120/208 volt and the back building is a large 347/600 volt service. BC Hydro had no issues with this application. Approved
Chamber of Commerce	In full support of the proposal.
M.O.T.I. (Transp. & Infrastructure)	No objections.
Chamber of Commerce	In full support of the proposal
VIHA	Island Health has a regulatory role in food premises; a distillery is considered a food premises. Construction of a new food premises must be undertaken with the appropriate construction and operating approvals issued under the Food Premises Regulation.

Tseshah First Nation	Tseshah has reviewed the development application for rezoning amendment for Micro-Distillery. At this time, with this application, Tseshah has no objections to the work proposed.
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CONCLUSIONS

In considering the OCP and Zoning amendments, the Advisory Planning Commission and City Council should consider whether the proposed amendments are appropriate for the site and for the community.

The area is primarily used for commercial and light industrial purposes. The proposal would reduce the amount of land available for some light industrial uses. The C3 zone does allow for some of the same uses in the M1 zone, that would be considered light industrial uses, however given the interest most of the development is likely to be more commercial related uses.

OPTIONS

1. Recommend to Council that staff proceed with the proposed amendments to the OCP and Zoning Bylaws as outlined below.
2. Recommend to Council that the application to amend the OCP and Zoning bylaws be denied.
3. Request that staff gather additional information before proceeding with a recommendation to Council.

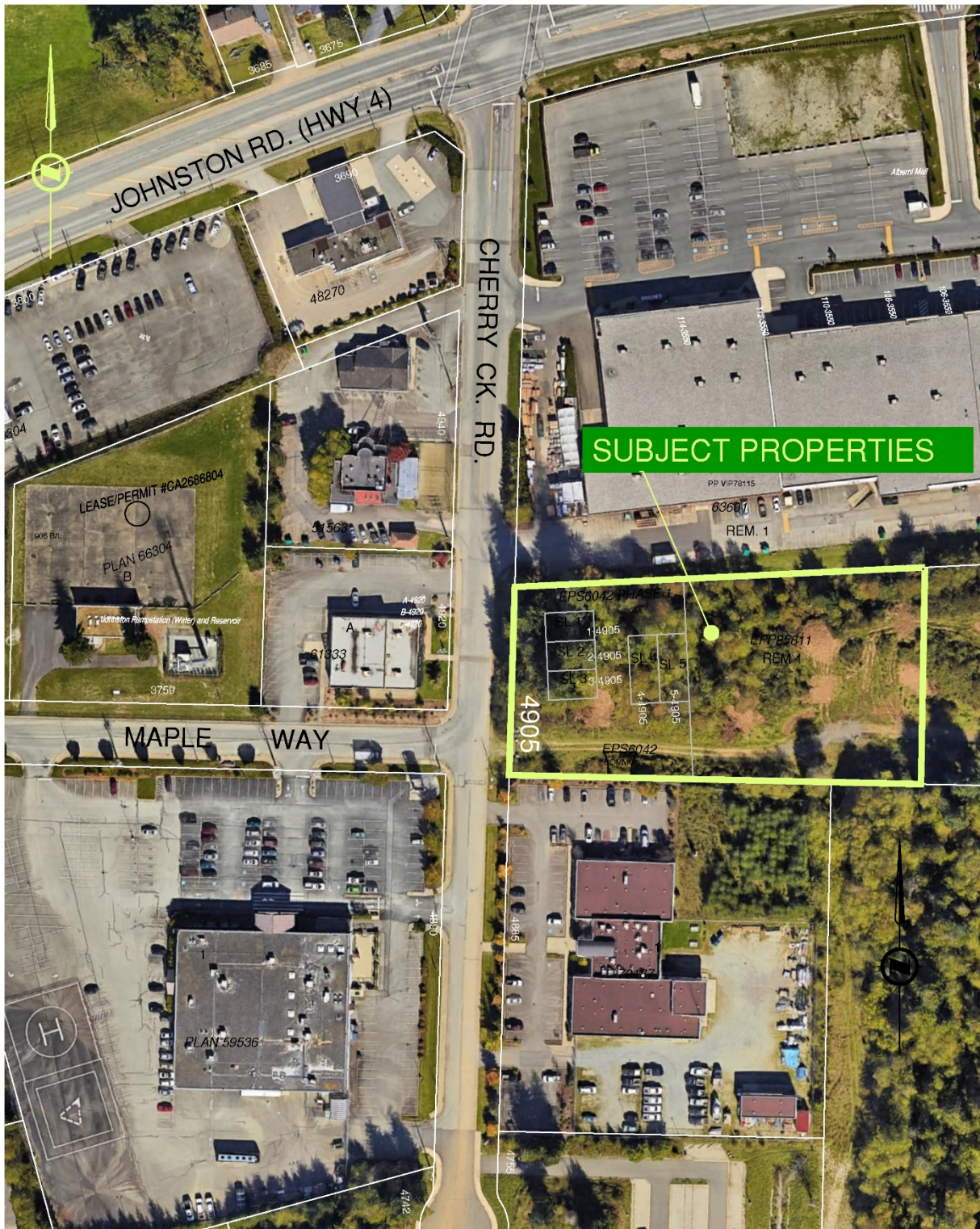
RECOMMENDATIONS

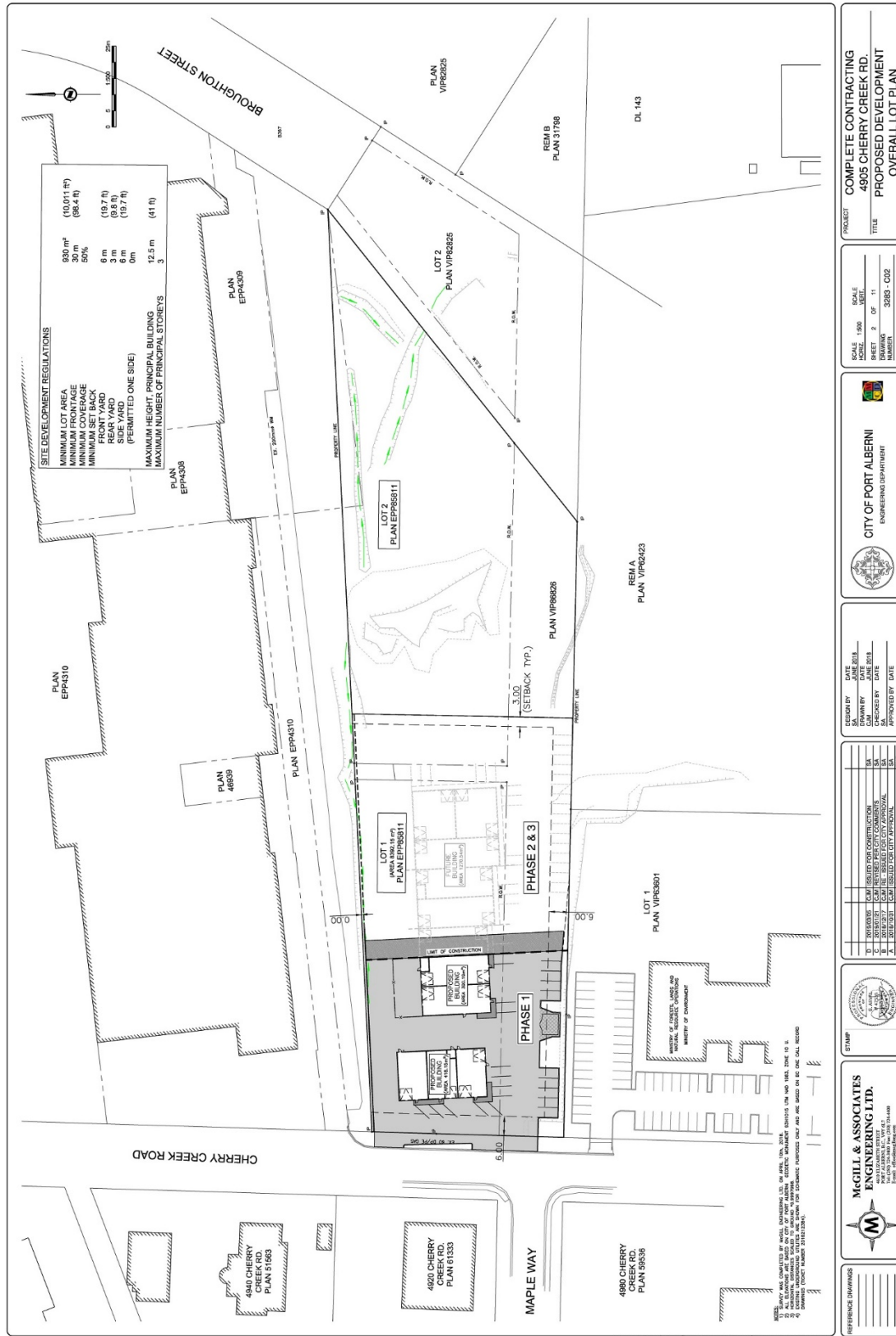
The Development Services department recommends Option 1:

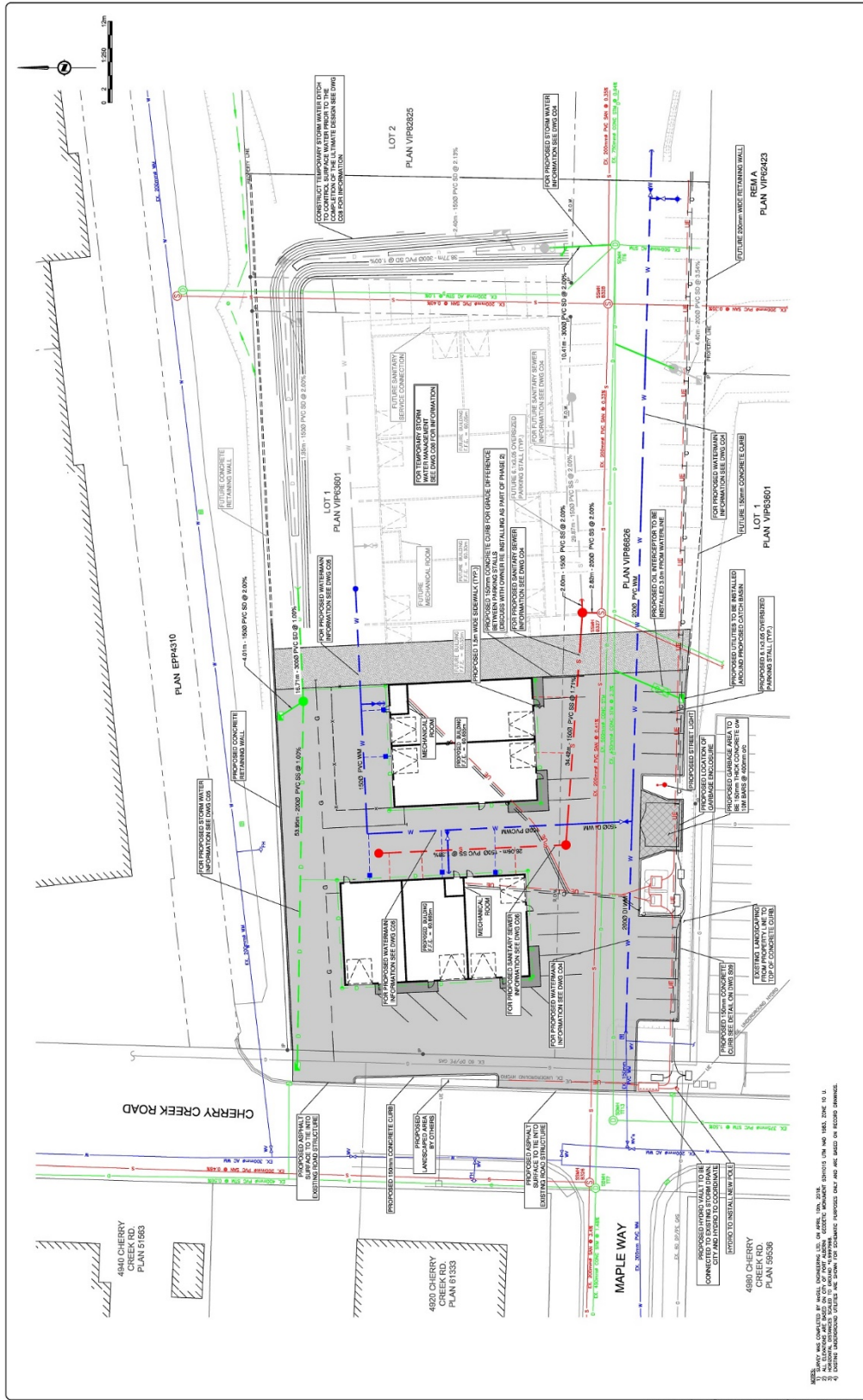
1. *That the Advisory Planning Commission recommend to City Council that the City proceed with the following bylaw amendments for Strata Lots 1-5, District Lot 14, Alberni District, Strata Plan EPS6042 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V (PID's: Strata **Lot 1** - 031-008-925, Strata **Lot 2** - 031-008-933, Strata **Lot 3** - 031-008-941 Strata **Lot 4** - 031-008-950, Strata **Lot 5** - 031-008-968); and Lot 1, District Lot 14, Alberni District, Plan EPP85811 Except Plan EPS6042 (Phase 1) all located at **4905 Cherry Creek Road**:*
 - a) *Amend the Official Community Plan Schedule A Land Use Map from Industrial to **General Commercial**.*
 - b) *Amend the Official Community Plan Schedule B Development Permit Area Map from Development Permit Area No. 3 (Industrial) to **Development Permit Areas No. 2 (Commercial)**.*
 - c) *Amend Schedule A Zoning Bylaw Map from M1 – Light Industrial to **C3 – Service Commercial**.*
 - d) *Amend the text of Zoning Bylaw 4832, Section 4 Definitions to provide for the production of spirits and cider within the definition of a 'Microbrewery'.*

Respectfully submitted,
 Scott Smith, MCIP, RPP
 Director of Development Services/Deputy CAO

SUBJECT PROPERTY – 4905 CHERRY CREEK ROAD







	McGill & Associates Engineering Ltd. 1000 CHERRY CREEK ROAD SUITE 100 CALGARY, ALBERTA T2C 1S4 TEL: (403) 243-1111 FAX: (403) 243-1112 WWW.MCGILL-ASSOCIATES.COM	STAMP 	REFERENCE DRAWINGS 1. 4905 CHERRY CREEK RD. SITE PLAN 2. 4905 CHERRY CREEK RD. SANITARY SEWER 3. 4905 CHERRY CREEK RD. WATERMAIN
	DESIGNER A. McGill CHECKED BY J. Smith DATE JUNE 2021	APPROVED BY J. Smith DATE JUNE 2021	DATE JUNE 2021 BY J. Smith FOR SUBMITTAL TO CITY OF CALGARY
PROJECT COMPLETE CONTRACTING 4905 CHERRY CREEK RD. PROPOSED DEVELOPMENT SITE PLAN	SCALE 1:200 SHEET 3 OF 11 DRAWING NUMBER 3393 - 003	CITY OF PORT ALBERTA ENGINEERING DEPARTMENT 	PROJECT COMPLETE CONTRACTING 4905 CHERRY CREEK RD. PROPOSED DEVELOPMENT SITE PLAN

M1 – LIGHT INDUSTRY

5.27 The purpose of this *zone* is to establish and maintain areas containing light industrial *uses*, such as wholesale, warehouse and light *manufacturing* operations.

5.27.1 Permitted uses

Principal Uses

Automotive sales, repair and servicing
Boat or recreational vehicle sales and repair
Building supply
Cartage and delivery service
Contractor's shop
Custom workshop
Electronics repair
Enclosed storage and warehousing, including mini storage
Exterminating service
Food and beverage processing (excluding the fish, meat and poultry products industries)
Furniture and fixture manufacturing
Garden shop, nursery and landscape supplies
Gasoline service station
Glass shop
Health and fitness centre
Machine shop
Machinery and equipment sales, rental and repair
Other light manufacturing industry
Petroleum products, wholesale
Prefabricated buildings sales
Printing, publishing and allied industry
Recycling depot

Principal Uses (continued)

Signs and displays industry
Storage yard
Transportation dispatch and depot
Veterinary clinic
Wholesale (excluding wholesalers of scrap and waste materials)
Works yard

Accessory Uses

Caretaker's dwelling unit, subject to Section 6.16
Display, storage, and retail sales of goods produced on the premises
Office

Site-Specific Uses

Medical Marihuana Facility

5.27.2 Site Development Regulations

Minimum Lot Area

930 m² (10,011 ft²)

Minimum Frontage

30 m (98.4 ft)

Maximum Coverage

50%

Minimum Setbacks:

<i>Front yard</i>	6 m	(19.7 ft)
<i>Rear yard</i>	3 m	(9.8 ft)
<i>Side yard</i> (total)	6 m	(19.7 ft)
(Permitted on one side)	0 m	
Maximum Height, Principal <i>Building</i>	12.5 m	(41 ft)
Maximum Number of Principal <i>Building Storeys</i>	3	

5.27.3 Conditions of Use

- (a) Nothing shall be done which is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluent, dust, fumes, smoke, vibration, noise or glare; nor shall anything be done which creates or causes a health, fire or explosion hazard, electrical interference or undue traffic congestion.
- (b) All portions of a required *front yard* not *used* for permitted parking or display areas shall be fully and suitably *landscaped* and properly maintained.
- (c) 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*. Required front *screening* shall be situated so as to conform with the *front yard setback* provisions.
- (d) All activities and *uses* shall be conducted within a completely enclosed *building* except for parking, loading, outside storage and product display *uses*.
- (e) Along any *lot* line adjacent to an R, RR, or RM *zone*, a continuous *landscape buffer*, excluding any areas *used* for access, shall be provided and shall be not less than 1.8 m (5.9 ft) in height.

5.27.4 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>
Medical	4921 Bute St.	<i>Lot A</i> , District <i>Lot 1</i> ,
Marihuana		Alberni District, Plan
Facility		VIP31847

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 uses

Principal 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

(Bylaw 4979)

Cannabis Retail Store, subject to 6.26

(Bylaw 5013)

Cannabis Micro-Cultivation

Cannabis Micro-Processing

Cannabis Nursery

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

(Bylaw No. 4873)

Microbrewery

Principal Uses (continued)

Pawn shop

Personal service

Petroleum products, wholesale

Prefabricated buildings sales

Printing, publishing and allied industry

(Bylaw 4979) Public Market

Recycling depot

Restaurant, including drive-through

Retail

Signs and displays industry

Transportation dispatch and depot

Veterinary clinic

Wholesale

(Bylaw 4979) (Bylaw No. 4893) Medical

Marijuana Dispensary (Subject to 6.26)

Accessory Uses

Caretaker's dwelling unit, subject to Section 6.16

Outdoor storage

Site Specific Uses:

Liquor, wine and beer store

(Bylaw 4930) Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second storey

5.20.2 Site Development Regulations

Minimum Lot Area

930 m²

(10,011 ft²)

Minimum Frontage

30 m

(98.4 ft)

Maximum Coverage	75%	
Minimum Setbacks:		
Front yard	0 m	
Rear yard	3 m	(9.84 ft)
Side yard	0 m	
Maximum Height, Principal Building	10 m	(32.8 ft)
Maximum Number of Principal Building Storeys	2	

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, (*Bylaw 4979*) *Public Market*.
- (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.
- (Bylaw No. 4930) (d) 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, Plan 197B, (PID's: 000-171-891, 000-171-905))

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	<i>Lot 1, District Lot 1, Alberni District, Plan EPP30558</i>
(Bylaw No. 4930) Dwelling unit(s) behind street facing commercial units and dwelling unit(s) on the second story	3575 3rd Avenue	<i>Parcel B, Block 50, Alberni District, Plan 197B (PID: 030-520-347)</i>