



**Public Hearing
Information Package**

June 27, 2016 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

Kennedy Closed Road

Proposed Bylaw:	Bylaw No. 604, <i>Official Community Plan Amendment Bylaw (400-7)</i>
OCP Amendment:	A bylaw to amend Bylaw No. 400, <i>Official Community Plan, 2010</i> for the purpose of amending the “Park” land use designation that covers a portion of the property legally described as a portion of <i>THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310</i> to “Community Residential”.
Proposed Bylaw:	Bylaw No. 605, <i>Zoning Amendment Bylaw (600-13)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of amending the zoning on the property legally described as <i>THAT PART OF SECTION 14, SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310</i> from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3).

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Please note that written and verbal submissions will become part of the public record.



NOTICE OF PUBLIC HEARING

The Council of the District of Sooke will hold a Public Hearing pursuant to the provisions of the Local Government Act in the Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday, June 27, 2016** commencing at 7:00 pm.

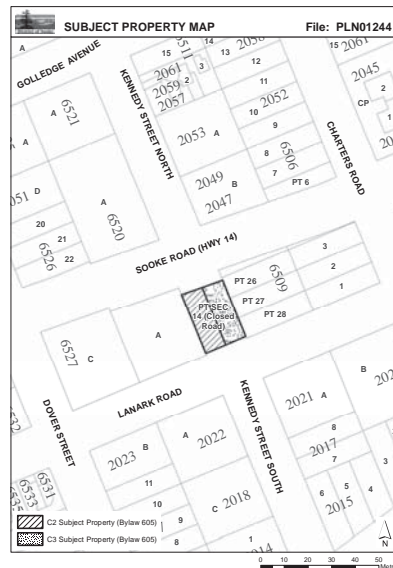
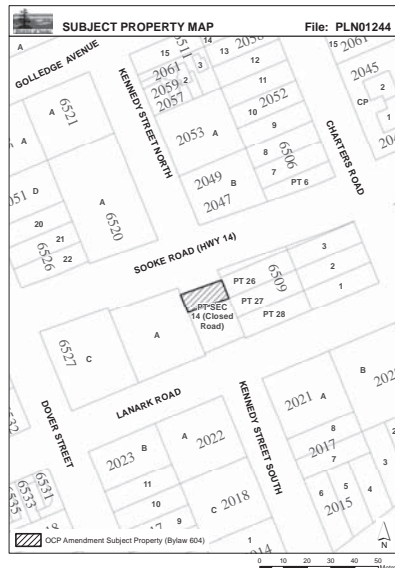
Application Information:

Bylaw: Bylaw No. 604, *Official Community Plan Amendment Bylaw (400-7)*
 Bylaw No. 605, *Zoning Amendment Bylaw (600-13)*
File No: PLN01244
Civic Address: Kennedy Closed Road (shown outlined in black and hatched on the subject map)
Legal Description: That part of Section 14, Sooke District shown as closed road on Plan VIP78310
Applicant: **Harbourview Centre Joint Venture c/o - Ian Laing**
 Suite #311, 185-911 Yates Street, Victoria BC, V8V 4Y9

Proposal:

The purpose of **Bylaw No. 604**, *Official Community Plan Amendment Bylaw (400-7)* is to amend a portion of 'Kennedy Closed Road' from Park (P) to Community Residential (CR) as shown on the attached subject property map referencing Bylaw No. 604. This amendment will ensure consistency between the Official Community Plan and the proposed zoning amendment.

The purpose of **Bylaw No. 605**, *Zoning Amendment Bylaw (600-13)* is to rezone 'Kennedy Closed Road' from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3) as shown on the attached subject property map referencing Bylaw No. 605. The permitted uses on the 'Kennedy Closed Road' will be limited to unenclosed parking and landscaping.



Further Information:

Copies of the bylaw(s), supporting written reports and any relevant background documentation may be viewed in the "Public Notices" section of the District of Sooke website www.sooke.ca or inspected at the District Municipal Offices at 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing June 15, 2016 to and including June 27, 2016.

Public Input:

All persons who believe their interests in property are affected by the proposed bylaw(s) will be afforded an opportunity to be heard at the Public Hearing on the matters contained in the proposed bylaw(s). Should you have any concerns or comments you wish to convey to Council, please submit in writing by fax to 250-642-0541, email gjoseph@sooke.ca or in person to the Corporate Officer at the District Municipal Offices no later than **Monday, June 27, 2016 at 4:00 pm**. Please be advised that submissions to Council will become part of the public record.

NOTE: Council cannot receive further information concerning this application after the Public Hearing has concluded.



DISTRICT OF SOOKE

BYLAW No. 604

A bylaw to amend Bylaw No. 400, *Official Community Plan, 2010* for the purpose of amending the “Park” land use designation that covers a portion of the property legally described as a portion of *THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310* to “Community Residential”.

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This Bylaw is cited as *Official Community Plan Amendment Bylaw (400-7)*.
2. Bylaw No. 400, *Official Community Plan Bylaw, 2010* is amended by deleting from the Park (P) designation and adding to the Community Residential (CR) designation the property shown outlined in black and hatched on Schedule A to this bylaw and legally described as a portion of:

THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED
ROAD ON PLAN VIP78310

Introduced and read a first time the 13 day of June, 2016.

Read a second time the 13 day of June, 2016.

Public Hearing held the day of , 2016.

Read a third time the day of , 2016.

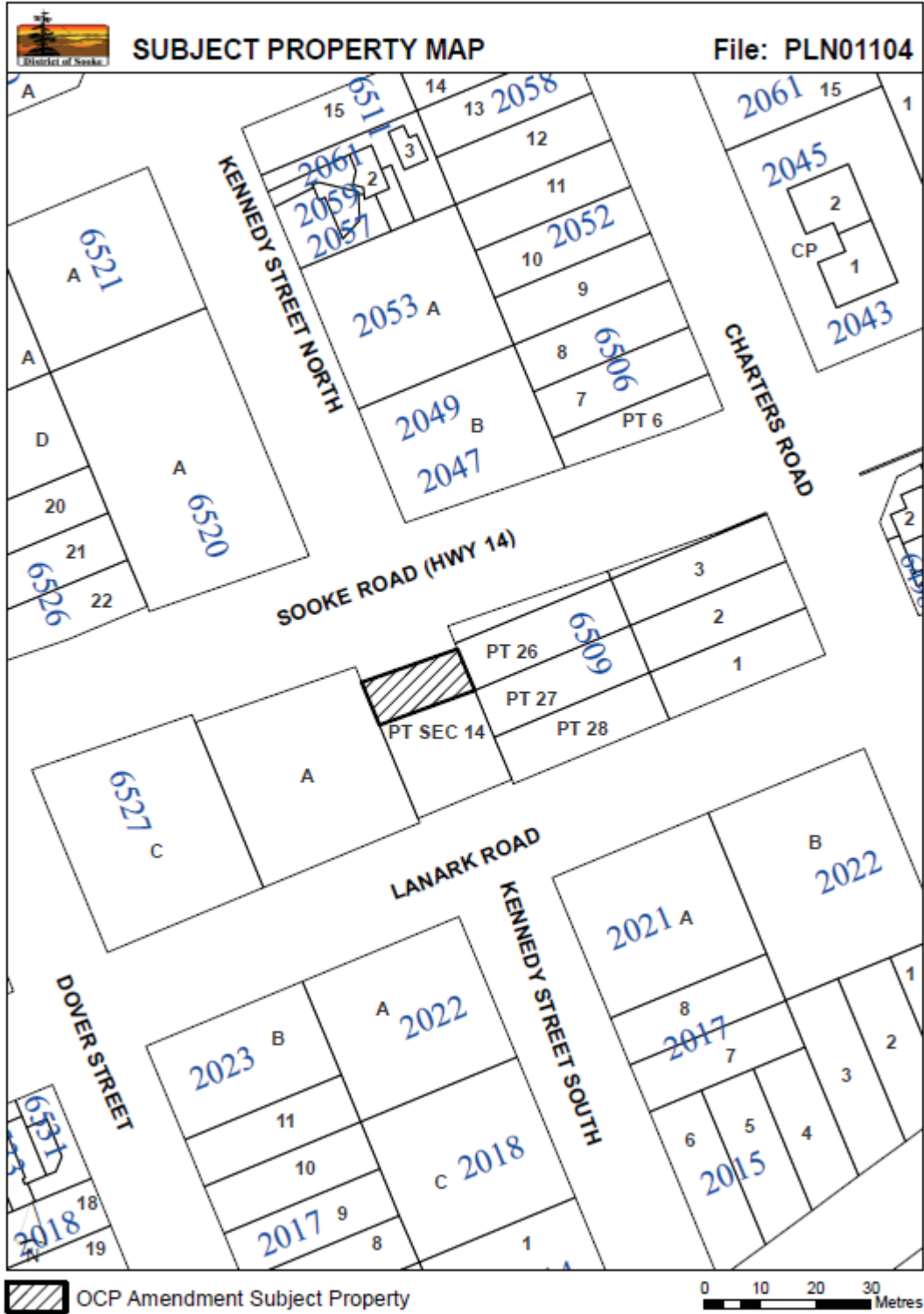
Adopted on the day of , 2016.

Certified by:

Mayor

Corporate Officer

SCHEDULE A





DISTRICT OF SOOKE

BYLAW No. 605

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property legally described as THAT PART OF SECTION 14, SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310 from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3).

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw (600-13)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in **Schedule A** by changing the zoning on the property legally described as THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310 as shown outlined in black and hatched on Schedule A to this bylaw from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is further amended by adding the following clause under Section 402.8 Conditions of Use: “f) Notwithstanding the Permitted Uses set out in Section 402.2, on the western portion of That Part of Section 14, Sooke District shown as closed road on Plan VIP78310, the only uses that are permitted are landscaping and unenclosed motor vehicle parking accessory to a permitted use on a parcel into which that land has been consolidated.”
4. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is further amended by adding the following clause under Section 403.8 Conditions of Use: “f) Notwithstanding the Permitted Uses set out in Section 403.2, on the eastern portion of That Part of Section 14, Sooke District shown as closed road on Plan VIP78310, the only uses that are permitted are landscaping and unenclosed motor vehicle parking accessory to a permitted use on a parcel into which that land has been consolidated.”

Introduced and read a first time the 13 day of June, 2016.

Read a second time the 13 day of June, 2016.

Public hearing held the _____ day of _____, 2016.

Read a third time the _____ day of _____, 2016.

Approved by Ministry of Transportation and Infrastructure the _____ day of _____, 2016.

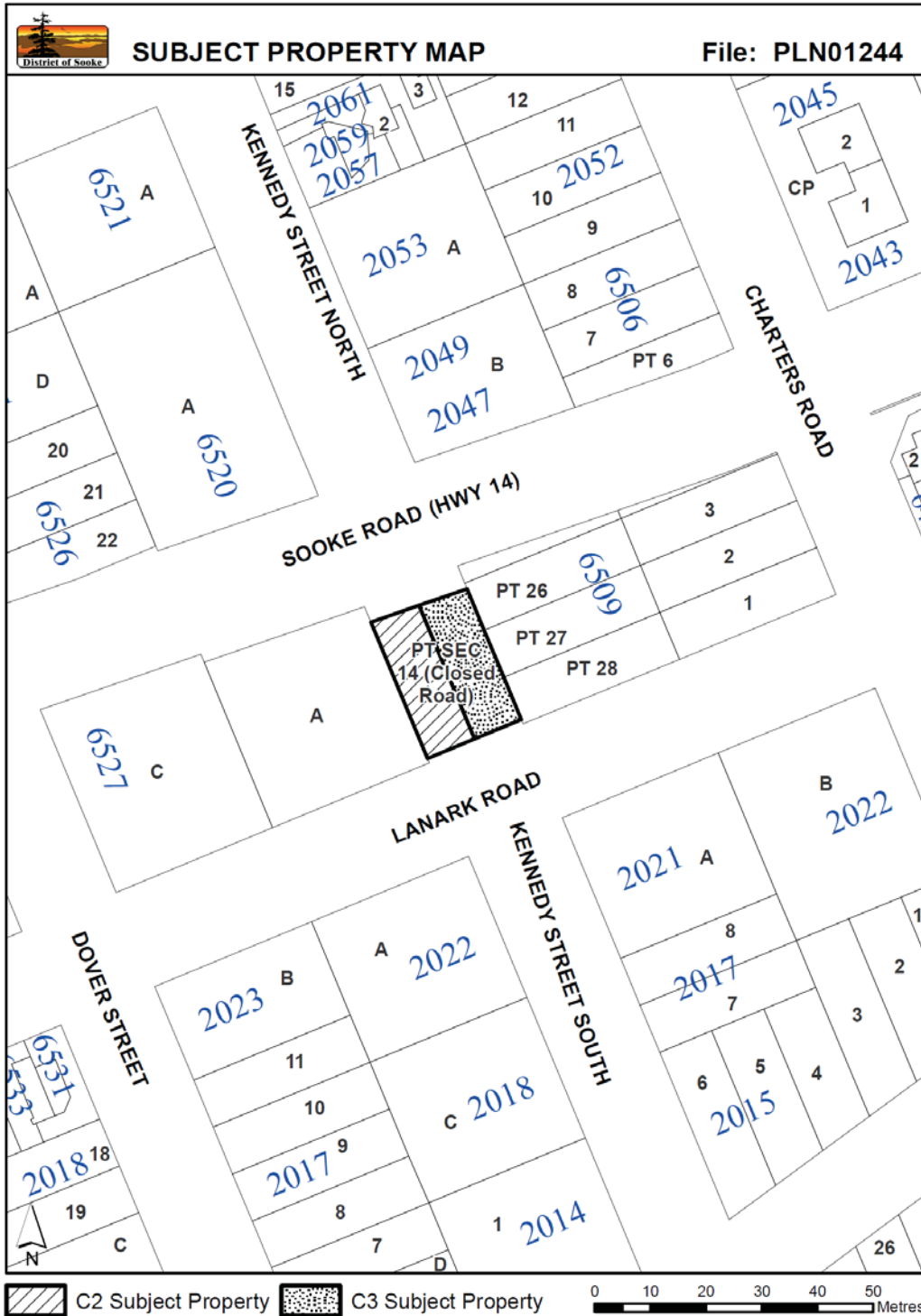
Adopted on the _____ day of _____, 2016.

Certified by:

Mayor

Corporate Officer

SCHEDULE A



B-1 Bylaw No. 604, Official Community Plan Amendment Bylaw (400-7) & Bylaw No. 605, Zoning Amendment Bylaw (600-13) – Kennedy Closed Road

MOVED: E. Logins – R. Kasper

That Bylaw No. 604, *Official Community Plan Amendment Bylaw (400-7)* & Bylaw No. 605, *Zoning Amendment Bylaw (600-13)* be read a first time.

CARRIED

In favour:

Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Logins, Councillor Parkinson, Councillor Pearson, Councillor Reay

MOVED: B. Berger – R. Kasper

That Bylaw No. 604, *Official Community Plan Amendment Bylaw (400-7)* & Bylaw No. 605, *Zoning Amendment Bylaw (600-13)* be read a second time.

CARRIED

In favour:

Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Logins, Councillor Parkinson, Councillor Pearson, Councillor Reay

MOVED B. Parkinson – K. Pearson

That staff be directed to schedule a Public Hearing for Bylaw No. 604 and Bylaw No. 605 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED

In favour:

Mayor Tait, Councillor Berger, Councillor Kasper, Councillor Logins, Councillor Parkinson, Councillor Pearson, Councillor Reay



File No. PLN01244

REQUEST FOR DECISION
Regular Council
Meeting Date: Jun 13, 2016

To: Teresa Sullivan, Chief Administrative Officer
From: Development Services
Re: **Kennedy Closed Road – Rezoning and OCP Amendment**

RECOMMENDATION:

THAT COUNCIL give first and second reading to Bylaw No. 604. *Official Community Plan Amendment Bylaw (400-7)*;

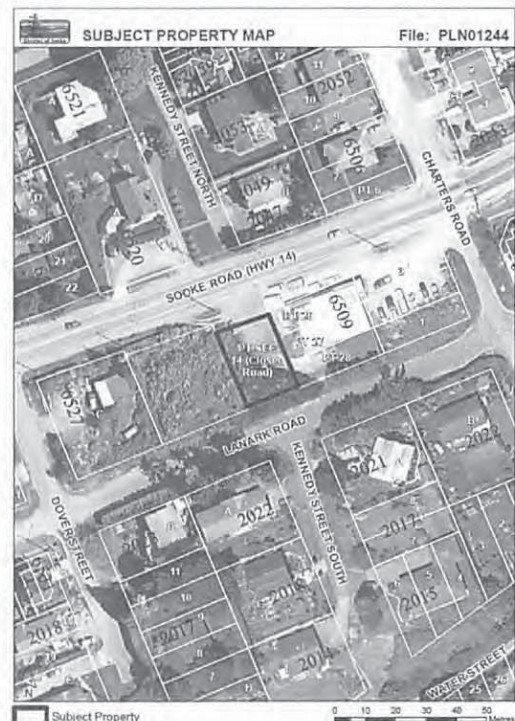
AND THAT COUNCIL give first and second reading to Bylaw No. 605, *Zoning Amendment Bylaw (600-13)*;

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 604 and Bylaw No. 605 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

1. Executive Summary:

The owners of 6527 and 6509 Sooke Road have initiated, and are acting as the applicant to rezone *That part of Section 14, Sooke District Shown as Closed Road on Plan VIP78310*, known as “Kennedy Closed Road”. The property is approximately 470m² in size. The application is to amend the zoning on the property from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3). This will also require an OCP Amendment for a portion of the parcel designated Park (P) to Community Residential (CR). All application fees have been paid by the applicants.

The use of Closed Kennedy Road will be limited to unenclosed parking and landscaping, in order to preserve the view corridor toward Sooke Harbour from Sooke Road, and to achieve neighbourhood scale commercial use of the land in compliance with the OCP.



2. Background:

The owners of 6527 and 6509 Sooke Road are entering into an agreement with the District of Sooke to purchase the 'Kennedy Closed Road' property. The land will be divided in half, and consolidated with the adjoining properties by way of that agreement.

The owner of 6527 Sooke Road (western neighbour) is hoping to achieve additional parking onsite to facilitate a development. The owner of 6509 Sooke Road (eastern neighbour) is also hoping to use the land for additional parking for the existing businesses located on that site.

The properties at 6527 Sooke Road were zoned to Town Centre Mixed Use (CTC) from General Commercial (C2) on November 26, 2007. At that time, the property was designated "Town Centre" in the 2001 Official Community Plan. The Town Centre boundary changed with adoption of the 2010 Official Community Plan (OCP) and the subject property is now designated "Community Residential". This is the reason that C2 is being applied to this site, rather than the CTC Zone.

The applicants will each consolidate their portion of the closed road into their adjacent properties.

3. Analysis:

A. Bylaw No. 400, Sooke Official Community Plan, 2010 (OCP)

The majority of the property is designated CR Community Residential and will be consistent with the OCP, however, the portion of the lot that abuts Sooke Road is designated as (P) Park. To provide consistency with the OCP, it is recommended that the portion of the property designated Park (P), be amended to Community Residential (CR). This will ensure that the proposed zoning will be consistent with the OCP.

Figure 1 - Current OCP Designations

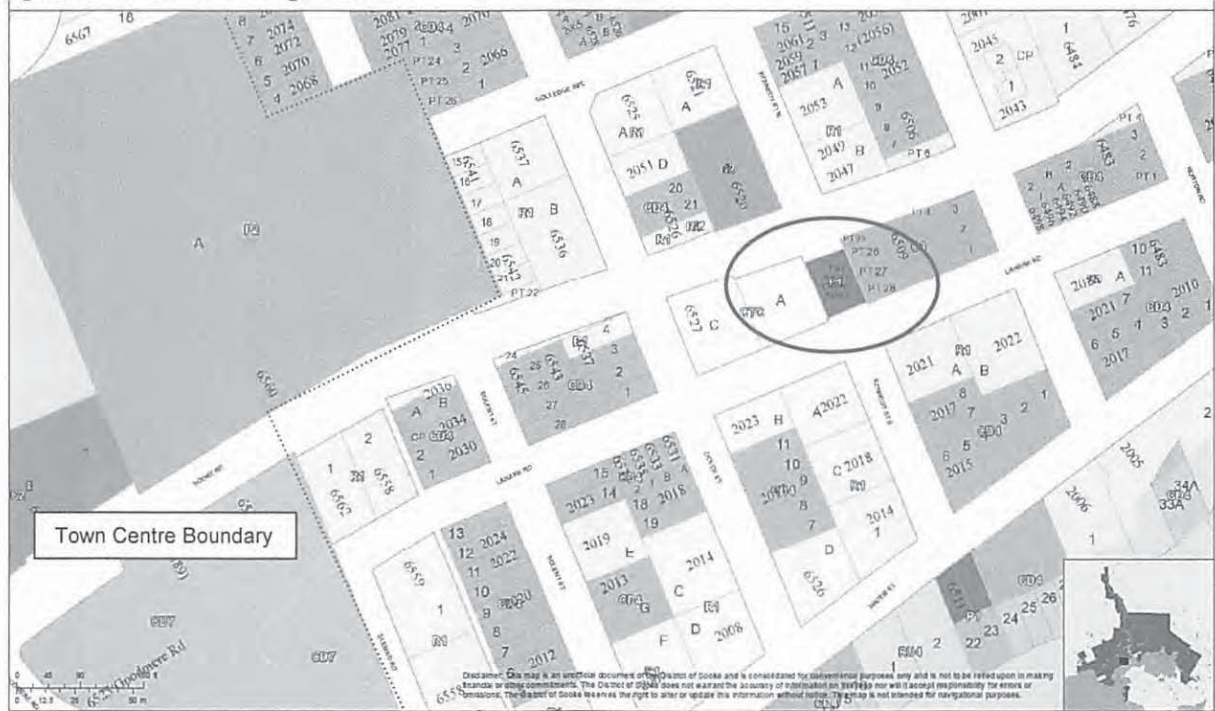


View corridors toward the harbour will be secured by restricting the use of the closed road to parking and landscaping. (OCP 3.2.9 d. OCP 5.1.3 g)

B. Bylaw No. 600, Sooke Zoning Bylaw, 2013 (Zoning Bylaw)

The closed road is currently zoned Public Recreation (P1). The applicant has applied to rezone the closed road to a split zone of General Commercial (C2) and Service Commercial (C3), each of which will be consolidated with the adjoining properties.

Figure 2 – Current Zoning Context



The rezoning application will meet the intent of the CR OCP designation, and is in accordance with Section 5.1.3 (j)(ii) that states that small, neighbourhood scale commercial development may be considered on Sooke Road between Charters Road and Sooke Elementary School. The subject property falls within this area.

Even though 6527 Sooke Road is zoned Town Centre Mixed Use (CTC), the western half of Kennedy Closed Road cannot have a CTC zone because the property is no longer within the “Town Centre” designation. The C2 Zone will be complementary to the CTC portion of the property by permitting a mix of commercial and residential uses, including parking. However, to ensure the ‘small, neighbourhood scale’ development within the C2 and C3 Zones, and to preserve the view corridor toward Sooke Harbour from Sooke Road, the closed road will be limited to unenclosed parking and landscaping related to a permitted use on the site.

4. Legal Impacts:

Neighbours within a 100 meter radius of the subject properties will be notified at least 10 days in advance of the Public Hearing date. An advertisement will also be put in the Sooke News Mirror for two consecutive weeks.

This application is necessary as part of the offer to purchase agreement.

5. Financial Impacts:

The applicants have paid for all associated fees in relation to this application. All other financial implications are detailed in the offer to purchase.

7. Strategic Relevance:

This proposal meets the following strategic priorities in In Council's 2016 Corporate Strategic Plan:

Economic Prosperity


The District will work towards developing appropriate mechanisms to facilitate and promote long-term community economic prosperity.

- Proactively pursue economic opportunities
- Focus on being consistent in our decision making
- Ensure our criteria are reflective of our community's needs

Attachments:


1. Application Summary
2. Referral Agency Comments
3. Bylaw Nos. 604 & 605

Respectfully Submitted,




Rob Howat,
Director of Development Services

Approved for Council Agenda



Development
Services



Corporate Services

Financial Services



CAO

APPLICATION SUMMARY

Address	"Closed Kennedy Road"
Legal	That part of Section 14, Sooke District, shown as closed road on Plan VIP78310
Existing Zoning	P1
Proposed Zoning	C2/C3
Existing OCP	P and CR (split)
Proposed OCP	CR
Services	Water: CRD Sewer: Municipal Drainage: onsite
Adjacent Land Uses	North: Hwy 14, single family residential and commercial South: Lanark Road and single family residential East: C3 – Service Commercial West: CTC – Town Centre Mixed Use

SUMMARY OF COMMENTS RECEIVED IN RESPONSE TO
DISTRICT OF SOOKE REFERRAL SENT December 24, 2015

External Referrals		
Agency	Comments	District's Response
Shaw Cable	Shaw would like to be named on the SRW/easement along with BC Hydro and Telus, so that we can perform maintenance on the cable lines that run from Sooke Road to Lanark Road.	<i>A SRW will be part of the land transaction in favour of Shaw Cable. It has been written into the offer to purchase.</i>
BC Hydro	Since BC Hydro owns equipment on this property, a SROW charge must be registered against the property in Land Title Office, in the name of BC Hydro for electrical, transmission and distribution purposes before we will approve the rezoning or BC Hydro plant will need to be relocated at the customers cost.	<i>A SRW will be part of the land transaction in favour of BC Hydro. It has been written into the offer to purchase.</i>
Ministry of Transportation and Infrastructure	No concerns.	
Canada Post	No response.	
BC Transit	BC Transit supports the proposed OCP Amendment. BC Transit encourages the proposed SROW as it will enable more direct access to transit and enhance walkability within the community.	
Beecher Bay	No response.	
CRD Water	Community piped water can be supplied to this proposed development provided that the owner is prepared to pay necessary costs and fees as authorized under CRD Bylaw No 3889, for the supply and installation of a water distribution system capable of meeting all domestic and fire flow requirements, designed in accordance with CRD	

	specifications and drawings.	
Ministry of Environment	If any vegetation is removed during the subsequent development of the property, its recommended that vegetation clearing be minimized and occur outside the nesting period to reduce impacts on all bird species.	<i>Site is mostly cleared and/or covered in invasive plant species.</i>
Seaparc	No response.	
SD 62	No concerns with this amendment.	
Fortis	No conflicts noted.	
T'Souke Nation	No concerns.	
Archaeological Branch	There are no known archaeological sites recorded on the subject property. There is always a possibility for unknown arch sites to exist on the property. These sites are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Branch.	
RCMP	No response.	
Telus	No objections to the proposed rezoning, provided that a ROW for the existing overhead lines is in place, as Telus does not wish to remove the existing facilities.	<i>A SRW will be part of the land transaction in favour of Telus. It has been written into the offer to purchase.</i>
Internal Comments		
Building	No response.	
Engineering	No concerns regarding the OCP/RZ application.	
Fire	No concerns.	



DISTRICT OF SOOKE

BYLAW No. 604

A bylaw to amend Bylaw No. 400, *Official Community Plan, 2010* for the purpose of amending the "Park" land use designation that covers a portion of the property legally described as a portion of *THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310* to "Community Residential".

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1. This Bylaw is cited as *Official Community Plan Amendment Bylaw (400-7)*.
2. Bylaw No. 400, *Official Community Plan Bylaw, 2010* is amended by deleting from the Park (P) designation and adding to the Community Residential (CR) designation the property shown outlined in black and hatched on Schedule A to this bylaw and legally described as a portion of:

THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED
ROAD ON PLAN VIP78310

Introduced and read a first time the day of , 2016.

Read a second time the day of , 2016.

Public Hearing held the day of , 2016.

Read a third time the day of , 2016.

Adopted on the day of , 2016.

Certified by:

Mayor

Corporate Officer

SCHEDULE A





DISTRICT OF SOOKE

BYLAW No. 605

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on the property legally described as THAT PART OF SECTION 14, SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310 from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3).

The Council of the District of Sooke, in open meeting assembled, enacts as follows:

1. This bylaw is cited as *Zoning Amendment Bylaw (600-13)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in **Schedule A** by changing the zoning on the property legally described as THAT PART OF SECTION 14 SOOKE DISTRICT SHOWN AS CLOSED ROAD ON PLAN VIP78310 as shown outlined in black and hatched on Schedule A to this bylaw from Public Recreation (P1) to a split zone of General Commercial (C2) and Service Commercial (C3).
3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is further amended by adding the following clause under Section 402.8 Conditions of Use: "f) Notwithstanding the Permitted Uses set out in Section 402.2, on the western portion of That Part of Section 14, Sooke District shown as closed road on Plan VIP78310, the only uses that are permitted are landscaping and unenclosed motor vehicle parking accessory to a permitted use on a parcel into which that land has been consolidated."
4. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is further amended by adding the following clause under Section 403.8 Conditions of Use: "f) Notwithstanding the Permitted Uses set out in Section 403.2, on the eastern portion of That Part of Section 14, Sooke District shown as closed road on Plan VIP78310, the only uses that are permitted are landscaping and unenclosed motor vehicle parking accessory to a permitted use on a parcel into which that land has been consolidated."

Introduced and read a first time the _____ day of _____, 2016.

Read a second time the _____ day of _____, 2016.

Public hearing held the _____ day of _____, 2016.

Read a third time the _____ day of _____, 2016.

Approved by Ministry of Transportation and Infrastructure the _____ day of _____, 2016.

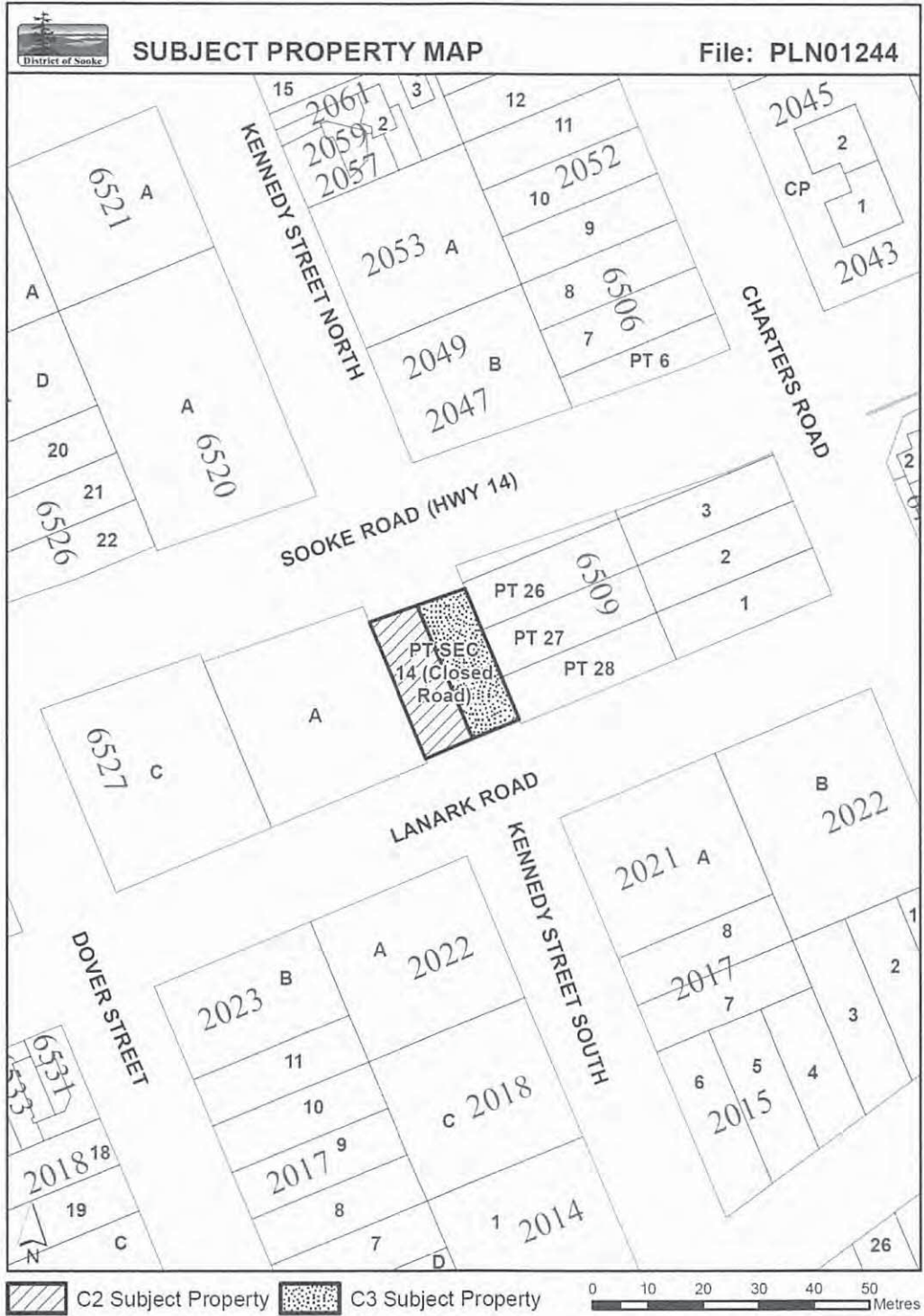
Adopted on the _____ day of _____, 2016.

Certified by:

Mayor

Corporate Officer

SCHEDULE A





Kennedy Closed Road Rezoning/OCP Amendment

Regular Council Meeting
June 13, 2016



Subject Property – Kennedy Closed Road



