



**Public Hearing
Information Package**

May 11, 2015 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

2435 Phillips Road

Proposed Bylaw:	Bylaw No. 616, <i>Zoning Amendment Bylaw (600-17)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of adding an exception clause in Area E (Single Family) in section 802.2 of Schedule 802 – Sun River Estates CD Zone as to Section 28, Sooke District except that part in Plan VIP75447 and VIP75783, VIP76240, VIP76309, VIP76938, VIP83653, VIP85291, VIP86227 and VIP88959.

Information Package Contents:

	Page #
1. Notice of Public Hearing published in Sooke News Mirror April 29, 2015 and May 6, 2015.	1
2. Bylaw No. 616, <i>Zoning Amendment Bylaw (600-17)</i> at 2 nd reading.	3
3. Council resolution dated April 27, 2015 as to Bylaw No. 616.	5
4. Staff Report to Council dated April 27, 2015:	7
• Referral Agency Comments	
• Subject property map and aerial photo	
• CD2 Zone	

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



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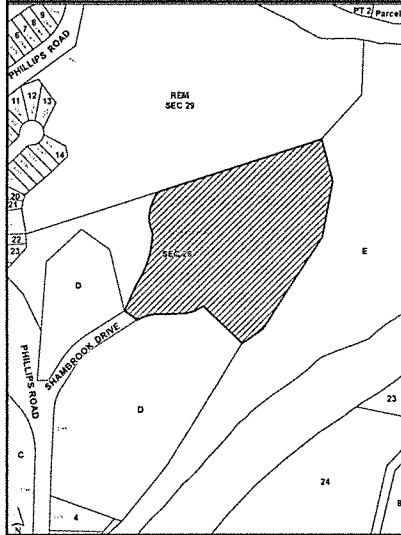
NOTICE OF PUBLIC HEARING

A Public Hearing will be held in the Sooke Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday May 11, 2015** at 7:00 pm to hear presentations on the following matters:

Bylaw No. 616, Zoning Amendment Bylaw (600-17)

The intent and purpose of Bylaw No 616, *Zoning Amendment Bylaw (600-17)* is to allow as an accessory use, an "amenity area" for "assembly use" on the portion of property zoned for single family residential at 2435 Phillips Road with the condition that commercial use is prohibited.

2435 Phillips Road is zoned for single family residential, which is classified as Area E in the Sun River Estates Comprehensive Development zone (CD2-E). The Zoning Amendment is specific to Area E in 2435 Phillips Road and does not affect other Area E's or other Area's in the CD2 zone.



An "Amenity Area" is defined as an indoor or outdoor area provided for and maintained by the owners or residents of a building or lot for social, aesthetic, recreational or leisure purposes, having in the case of an outdoor area no dimension less than 6m and no slope greater than 10 percent, and does not include any required building setback area, storage area, off-street parking or loading area, driveway or area designated for private use by an individual owner such as limited common property in a strata plan.

"Assembly Use" means the use or occupancy of a structure or a part thereof for the gathering of persons for civic, social, charitable, philanthropic, cultural, private recreational or private educational purposes.

To ensure that the maximum commercial/retail floor area of 1000m² stated within the Sun River overall development plan (covenant ET136519) is not affected, the assembly use shall not be used for commercial purposes.

All persons who believe their interests in property are affected by these proposed amendments shall be afforded an opportunity to be heard or to present written submissions before Council on the matters contained in the proposed amendments at the above time and place. If you are unable to attend the hearing, we ask that written submissions be provided prior to the close of the public hearing. Please be advised that submissions to Council will become part of the public record.

Copies of the application and all other relevant background documents may be inspected at the offices of the District of Sooke Planning Department, 2205 Otter Point Road, Sooke, BC, between the hours of 8:30 am and 4:30 pm, Monday to Friday (excluding statutory holidays), commencing April 29, 2015 to and including May 11, 2015.

If you have any questions regarding this application, please contact the Planning Department at (250) 642-1634.



DISTRICT OF SOOKE

BYLAW No. 616

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of adding an exception clause in Area E (Single Family) in section 802.2 of Schedule 802 – Sun River Estates CD Zone as to Section 28, Sooke District except that part in Plan VIP75447 and VIP75783, VIP76240, VIP76309, VIP76938, VIP83653, VIP85291, VIP86227 and VIP88959

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

1. This bylaw is cited as *Zoning Amendment Bylaw (600- 17)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in Schedule 802 – **Sun River Estates Zone (CD2)** by adding the following clause as (g) under Area E (Single Family) in section 802.2:

“802.2 Area E (Single Family):

(g) Notwithstanding the Permitted Uses set out in section 802.2 for properties in Area E (Single Family), on the property identified as Section 28, Sooke District except that part in Plan VIP75447 and VIP75783, VIP76240, VIP76309, VIP76938, VIP83653, VIP85291, VIP86227 and VIP88959, shown shaded on Schedule “A” attached to and forming a part of this bylaw, an amenity area for assembly use is permitted as an accessory use provided the assembly use is not used for commercial purposes.”

Introduced and read a first time the 27th day of April, 2015.

Read a second time the 27th day of April, 2015.

Public hearing held the day of , 2015.

Read a third time the day of , 2015.

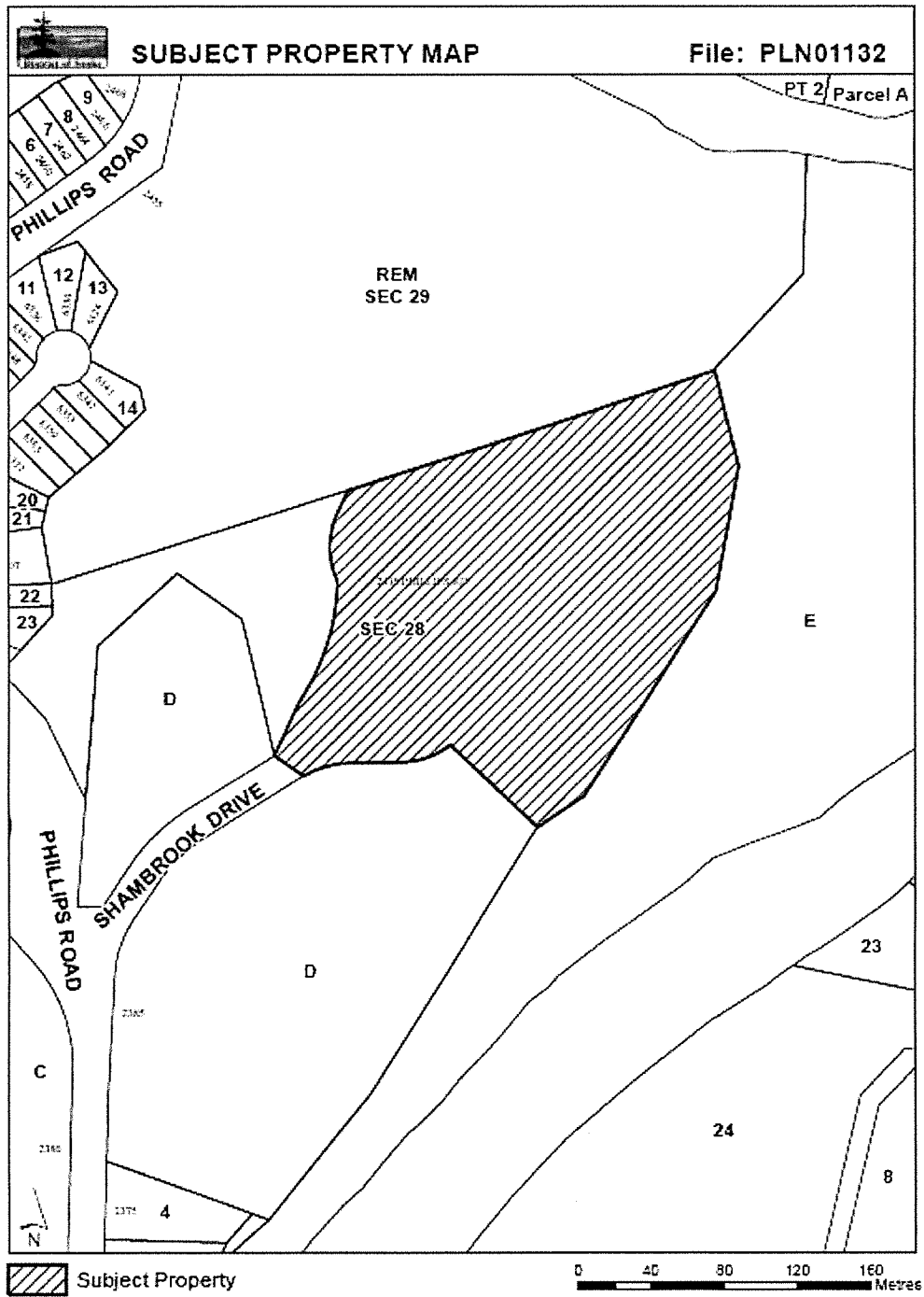
Adopted on the day of , 2015.

Certified by:

Maja Tait
Mayor

Bonnie Sprinkling
Corporate Officer

SCHEDULE A:



B-3 Bylaw No. 616 Zoning Amendment Bylaw (600-17) – 2435 Phillips Road

Councillor Berger declared a conflict of interest with this agenda item as her husband is a sub-contractor for Citta Construction Ltd. who is a contractor for Sun River Estates and left the meeting at 8:54 p.m.

MOVED and seconded that Bylaw No. 616, *Zoning Amendment Bylaw (600-17)* be introduced and read a first time.

CARRIED UNANIMOUSLY

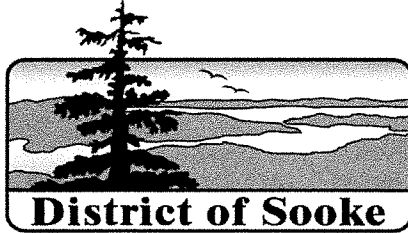
MOVED and seconded that Bylaw No. 616, *Zoning Amendment Bylaw (600-17)* be read a second time.

CARRIED UNANIMOUSLY

MOVED and seconded to schedule a Public Hearing for Bylaw No. 616 in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED UNANIMOUSLY

Councillor Berger returned to the meeting at 9:00 p.m.



REQUEST FOR DECISION

Regular Council
Meeting Date: April 27, 2015

To: Gord Howie, Chief Administrative Officer

From: Planning Department

Re: **2435 Phillips Road – Zoning Amendment to allow an amenity area/building for residential in Area E at 2435 Phillips Road**

RECOMMENDATION:

THAT COUNCIL introduce and give first and second reading to Bylaw No. 616, *Zoning Amendment Bylaw (600-17)*

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 616 in accordance with the requirements of the *Community Charter* and the *Local Government Act*

1. Executive Summary:

The owner has applied for a zoning amendment to have an amenity area with an amenity building for use by residents of a future strata development at 2435 Phillips Road.

2435 Phillips Road is zoned Sun River Estates Comprehensive Development Zone (CD2) - Area C and Area E. Area E (CD2-E) is zoned for single family development. This Zoning Amendment is specific to the Area E highlighted within the draft Bylaw and does not affect other Area E's or other Area's in the CD2 zone.

An amenity building falls within the definition of "Assembly Use" in Bylaw No. 600, *Sooke Zoning Bylaw, 2013 (Zoning Bylaw)*. The amenity building will not be used for commercial purposes.

The Zoning Amendment as proposed is in compliance with Bylaw No. 400, *Official Community Plan Bylaw, 2010 (OCP)*.

2. Background:

2435 Phillips Road is zoned Sun River Estates Comprehensive Development Zone (CD2), Area C and Area E. Area C is zoned for Park and Amenity Area and is not subject to the proposed amendment.

Area E in the CD2 zone (CD2-E) does not permit "amenity area" and "assembly use" therefore a condition of use has been added to CD2-E to allow the specific property of 2435 Phillips Road to have as an accessory use to residential, an amenity area for assembly use. The amenity area will be used and managed for social, educational, recreational and leisure purposes by the Strata within the future development.

An amenity building as proposed by the applicant would fall under the definition of "Assembly Use" in the Zoning Bylaw. Assembly Use means the use or occupancy of a structure or a part thereof for the gathering of persons for civic, social, charitable, philanthropic, cultural, private recreational or private educational purposes. The applicant has suggested that the amenity building would be no bigger than 370m² in floor area.

An "Amenity Area" is defined in the Zoning Bylaw as an indoor or outdoor area provided for and maintained by the owners or residents of a building or lot for social, aesthetic, recreational or leisure purposes, having in the case of an outdoor area no dimension less than 6m and no slope greater than 10 percent, and does not include any required building setback area, storage area, off-street parking or loading area, driveway or area designated for private use by an individual owner such as limited common property in a strata plan.

The owner would like to subdivide 2435 Phillips Road into single family strata lots but because an amenity building would be a significant component of the development, the owner has applied for this zoning amendment first.

A. Neighboring Properties

On the east and south sides of the subject property is land in the Agricultural Land Reserve (ALR); zoned CD2-B (Agriculture). To the north and west of the subject property is land zoned CD2-C (Parks/Amenity Area).

3. Analysis:

The subject property is designated "Community Residential" in the OCP and is located within the sewer specified area. The current permitted uses within CD2-E are: single family residential, institutional use, home-based business, community care facility, secondary suite and show home.

To not affect the maximum commercial/retail floor of 1000m² stated within the Sun River overall development plan (covenant ET136519), the proposed assembly use is not permitted for commercial use. Restricting commercial use in the proposed assembly use will ensure that the commercial/retail floor area potential of the Neighbourhood Centre in Area D of Sun River is not affected.

Staff have reviewed the covenants registered to the property and providing that commercial use is prohibited, the zoning amendment would be in compliance.

The zoning amendment is in compliance with the OCP because it will support recreational opportunities and provide opportunities for social support networks for the residents of the future subdivision (OCP section 3.2.1). Amenity areas promote safety and a healthy community.

4. Legal Impacts:

Notification of this application will be advertised in the local newspaper for two consecutive weeks prior to the date of the Public Hearing. Adjacent landowners within a 100m radius will also be notified of the Public Hearing at least ten days prior to the meeting.

As per current OCP regulations, subdivisions that create five lots and more are required to apply for a Development Permit prior to subdivision.

5. Financial Impacts:


The Applicant will pay for all costs associated with offsite improvements and development must follow District of Sooke Bylaws and regulations.

6. Implication of Recommendation:

The application is in compliance with the OCP. Staff can support the application and recommends the application move forward to Public Hearing.

Attached Documents:

1. Referral Agency Comments
2. Subject property map and aerial photo
3. CD2 zone
4. Bylaw No. 616



 Tara Johnson, MCIP, RPP
 Planner II

Approved for Council Agenda	
 Engineering	_____ Planning
 Corp. Services	_____ Finance
 CAO	

Application Summary

Address	2435 Phillips Road
Legal	Section 28, Sooke District Except That Part in Plan VIP75447 and VIP75783, VIP76240, VIP76309, VIP76938, VIP83653, VIP852912, VIP86227 and VIP88959
Existing Zoning	Sun River Estates Comprehensive Development Zone – Area E
Proposed Zoning	No change to the zone. Addition of a “use” to Area E for the specific property.
Existing OCP	Community Residential
Proposed OCP	n/a
Parcel Size	Area E in 2435 Phillips Rd - 3.82 ha (9.45 acres)
DP Area	A DP will be required for subdivisions of five lots or more
Services	Water: CRD Water Sewer: Municipal Drainage: On-site
Adjacent Land Uses	North: CD2-C Parks/Amenity Area South: CD2-B Agriculture East: CD2-B Agriculture West: CD2-C Parks/Amenity Area

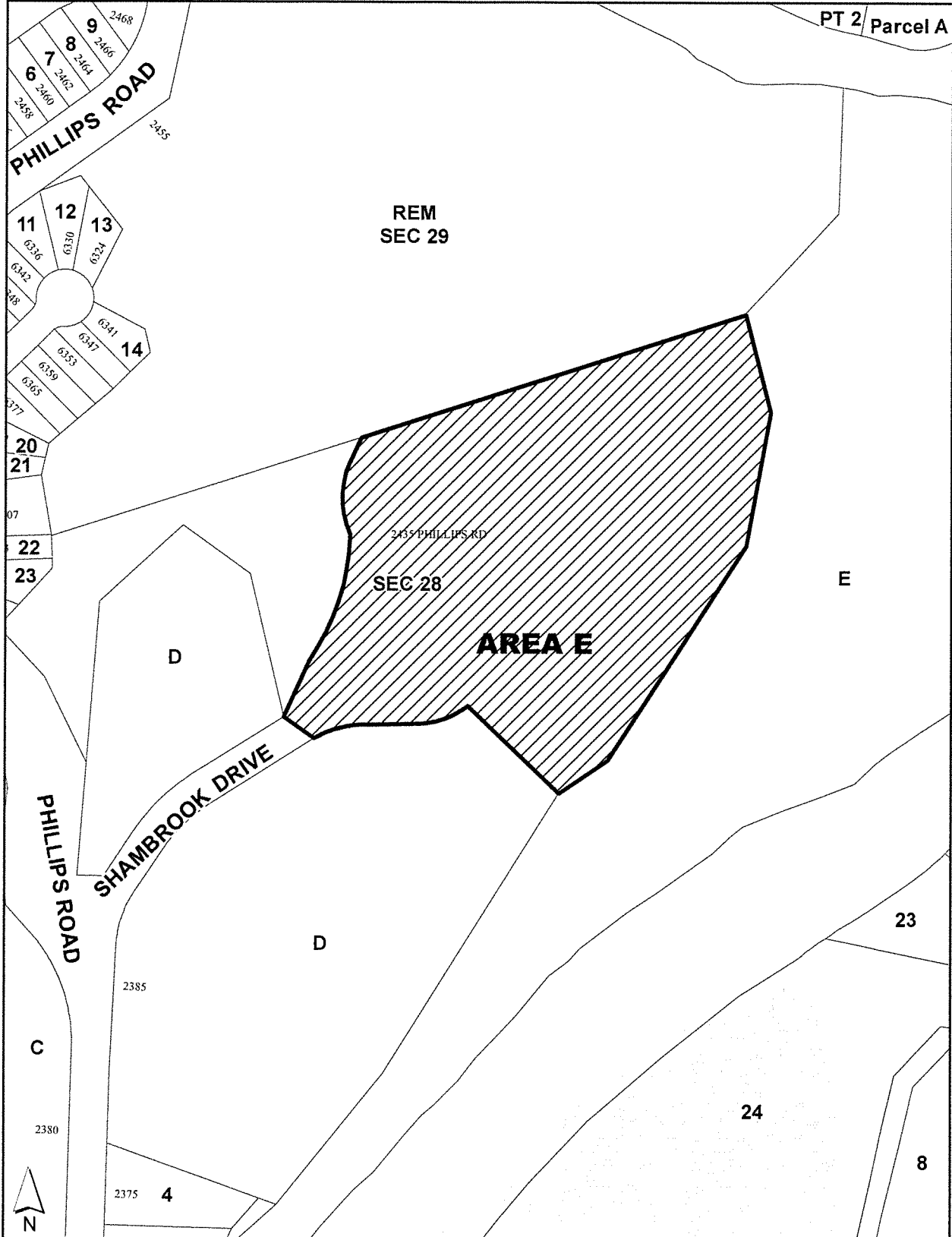
**SUMMARY OF COMMENTS RECEIVED
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL SENT March 24, 2015**

EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	No objections
BC Transit	No concerns
Beecher Bay	No comments or concerns
CRD Water	The existing property is not presently serviced with water. If proposal proceeds to development stage, a detailed review of water servicing design drawings will be required and a detailed statement of conditions will be provided.
SEAPARC	No response
T'souke Nation	No response
Archeological Branch	No response
School District #62	No response
Fortis BC	No response
Fire	No concerns. Assembly occupancy requirements for fire and life safety concerns will be addressed through the building and fire code.
Engineering	No concerns. It should be noted that the building is to be appropriately included in the unit calculation for the connection to the Community Sewage Disposal System
Building	When a building is over 275 m ² , an Architect is required under the Architects Act. A 370 m ² building will require an architect to be involved at time of development permit or building permit, whichever comes first.

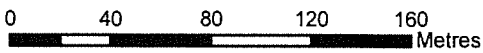


SUBJECT PROPERTY MAP

File: PLN01132



 Subject Property




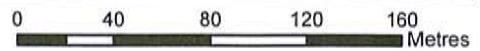


SUBJECT PROPERTY MAP

File: PLN01132



 Subject Property



Sun River Estates CD Zone

CD2

802.1 Purpose: This zone provides for a variety of uses on the subject property, including residential, neighborhood commercial, agriculture, school, park and trails.

802.2 Permitted Uses:

General Uses: Gravel extraction and processing for on-site development and on-site and off-site municipal services directly attributable to the on-site development shall be permitted.

Area A (Multi-Family):

- a) Apartment building, per provisions of the RM2 zone
- b) Townhouse, per provisions of the RM2 zone
- c) Duplex
- d) Home-based business
- e) Community care facility
- f) Show home

Area B (Agriculture):

- a) Agriculture
- b) One single family dwelling
- c) Home-based business
- d) Farm buildings
- e) Secondary suite

Area C (Parks/Amenity Area):

- a) Institutional use
- b) Playground
- c) Assembly use
- d) Public park
- e) Country market as accessory use to permitted institutional uses

Area D (Neighborhood Centre):

- a) Convenience store
- b) Retail store
- c) Personal service
- d) Community care facility
- e) Restaurant
- f) Playground
- g) The total commercial floor area in Area D shall not exceed 1,000 m²

Area E (Single Family):

- a) One single family residential dwelling
- b) Institutional use
- c) Home-based business
- d) Community care facility
- e) Secondary suite
- f) Show home

Schedule 802 – Sun River Estates CD Zone (CD2)

Area F (Small Lot Single Family):

- a) One single family residential dwelling per lot
- b) One secondary suite on a lot with a single family dwelling, where the lot is 550 m² or larger
- c) Home-based business
- d) Community care facility
- e) Show home

802.3 Minimum lot size for subdivision purposes:

- a) Area A – 900 m²
- b) Area E – 600 m²
- c) Area F – 400 m²

802.4 Maximum Commercial Floor Area:

- a) Convenience Store: 300 m²
- b) Restaurant: 150 m²

802.5 Maximum Height:

- a) Principal Buildings: 13 m
- a) Accessory Buildings: 9 m

802.6 Maximum Lot Coverage: 30%

802.7 Overall Density:

- i. Area B, E and F – one single family dwelling per lot
- ii. The maximum number of dwellings shall not exceed 650 units with connection to a common sewage treatment system
- iii. The maximum number of dwellings shall not exceed 715 units with connection to a municipal sewage system
- iv. Not less than 100 multi-family units shall be provided

802.8 Minimum Setbacks:

Use	Front Lot Line	Flanking Lot Line	Side Lot Line	Rear Lot Line	ALR Lot Line
Principal Building or Structure	6 m	3 m	1.5 m	6 m	15 m
Accessory Building or Structure	6 m	4 m	1.5 m	1.5 m	15 m
Farm Building	30 m	15 m	15 m	15 m	15 m

802.9 Subject Property Map: The official map for this CD zone is kept by the Corporate Officer, and forms part of this bylaw. The enclosed map is provided for information purposes only.

Schedule 802 – Sun River Estates CD Zone (CD2)

