



**Public Hearing
Information Package**

March 23, 2015 at 7:00 pm
Sooke Council Chamber
2225 Otter Point Road, Sooke, BC

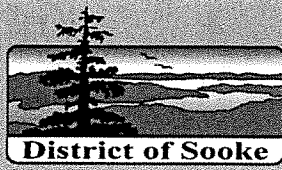
6509 Sooke Road

Proposed Bylaw:	Bylaw No. 611, <i>Zoning Amendment Bylaw (600-15)</i>
Zoning Amendment:	A bylaw to amend Bylaw No. 600, <i>Sooke Zoning Bylaw, 2013</i> for the purpose of amending the zoning on 6509 Sooke Road from Light Industrial (M1) to Service Commercial (C3).

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



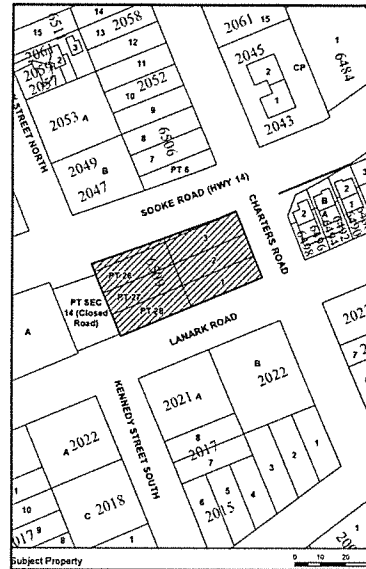
NOTICE OF PUBLIC HEARING

A Public Hearing will be held in the Sooke Council Chambers at 2225 Otter Point Road, Sooke, BC on **Monday March 23, 2015** at 7:00 pm to hear presentations on the following matters:

Bylaw No. 611, Zoning Amendment Bylaw (600-15)

The intent and purpose of Bylaw No 611, *Zoning Amendment Bylaw (600-15)* is to change the zoning on 6509 Sooke Road from **Light Industrial (M1)** to **Service Commercial (C3)**. 6509 Sooke Road consists of 8 properties legally described as:

- Lot 1, Block 11, Section 14, Sooke District, Plan 217
- Lot 2, Block 11, Section 14, Sooke District, Plan 217
- Lot 3, Block 11, Section 14, Sooke District, Plan 217
- Lot 4, Block 11, Section 14, Sooke District, Plan 217
- Lot 25, Block 11, Section 14, Sooke District, Plan 217 Except That Part Shown on Plan 1110 OS
- Lot 26, Block 11, Section 14, Sooke District, Plan 217
- Lot 27, Block 11, Section 14, Sooke District, Plan 217
- Lot 28, Block 11, Section 14, Sooke District, Plan 217



6509 Sooke Road is shown outlined in black and hatched on the subject property map. It is proposed in Bylaw No. 611 that the following uses will be prohibited uses on 6509 Sooke Road: Car wash, Gas bar, Place of worship, Restaurant and Employee housing. Bylaw No. 611 also proposes to reduce the maximum height of a principal building or structure on 6509 Sooke Road from 15 meters to 10 meters.

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 March 11, 2015 to and including March 23, 2015.

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



DISTRICT OF SOOKE

BYLAW No. 611

A bylaw to amend Bylaw No. 600, *Sooke Zoning Bylaw, 2013* for the purpose of amending the zoning on 6509 Sooke Road from Light Industrial (M1) to 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 (600-15)*.
2. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is amended in **Schedule A** by changing the zoning on the properties legally described as:
 - Lot 1, Block 11, Section 14, Sooke District, Plan 217
 - Lot 2, Block 11, Section 14, Sooke District, Plan 217
 - Lot 3, Block 11, Section 14, Sooke District, Plan 217
 - Lot 4, Block 11, Section 14, Sooke District, Plan 217
 - Lot 25, Block 11, Section 14, Sooke District, Plan 217 Except That Part Shown on Plan 1110 OS
 - Lot 26, Block 11, Section 14, Sooke District, Plan 217
 - Lot 27, Block 11, Section 14, Sooke District, Plan 217
 - Lot 28, Block 11, Section 14, Sooke District, Plan 217

and as shown outlined in black and hatched on Schedule A to this bylaw, from Light Industrial (M1) to Service Commercial (C3).

3. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* is further amended in *Schedule 403 – Service Commercial (C3)* by adding the following clause as section 403.8(e):

“403.8(e) Notwithstanding the Permitted Uses set out in section 403.2 and the Maximum Height for Principal Buildings set out in section 403.5 for properties in the C3 zone, on the properties identified as:

- Lot 1, Block 11, Section 14, Sooke District, Plan 217
- Lot 2, Block 11, Section 14, Sooke District, Plan 217
- Lot 3, Block 11, Section 14, Sooke District, Plan 217

- Lot 4, Block 11, Section 14, Sooke District, Plan 217
- Lot 25, Block 11, Section 14, Sooke District, Plan 217 Except That Part Shown on Plan 1110 OS
- Lot 26, Block 11, Section 14, Sooke District, Plan 217
- Lot 27, Block 11, Section 14, Sooke District, Plan 217
- Lot 28, Block 11, Section 14, Sooke District, Plan 217”

a Car wash, Gas bar, Place of worship, Restaurant and Employee housing are prohibited uses and the maximum height of a principal building is not to exceed 10m.”

Introduced and read a first time the 23rd day of February, 2015.

Read a second time the 23rd day of February, 2015.

Public hearing held the _____ day of _____, 2015.

Read a third time the _____ day of _____, 2015.

Approved by Ministry of Transportation and Infrastructure the _____ day of _____, 2015.

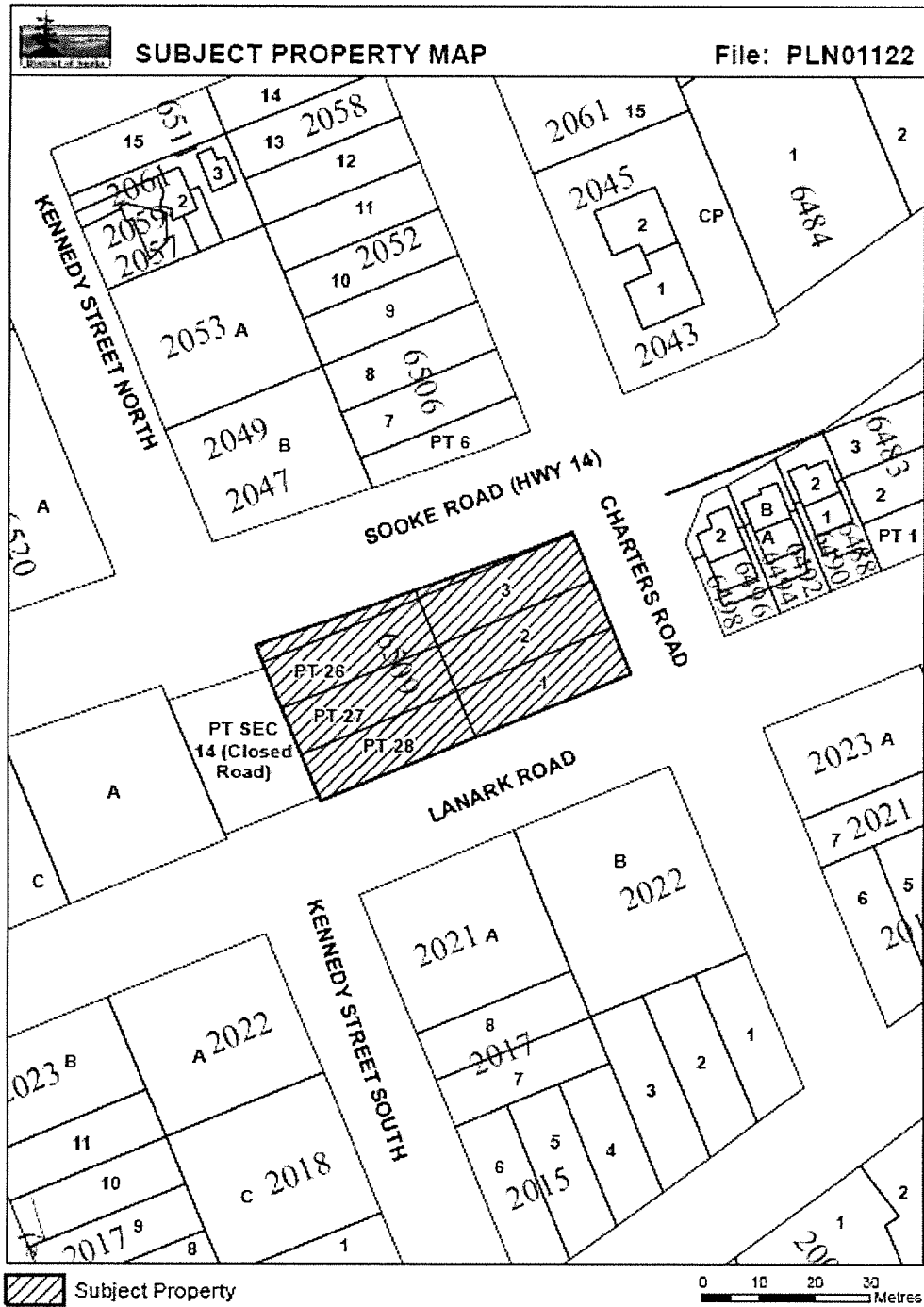
Adopted on the _____ day of _____, 2015.

Certified by:

Maja Tait
Mayor

Bonnie Sprinkling
Corporate Officer

SCHEDULE A



B-2 Bylaw No. 611, Zoning Amendment Bylaw (600-15) – 6509 Sooke Road – Rezone to Service Commercial (C3)

MOVED and seconded that Bylaw No. 611, *Zoning Amendment Bylaw (600-15)* be introduced and read a first time.

CARRIED UNANIMOUSLY

MOVED and seconded that Bylaw No. 611, *Zoning Amendment Bylaw (600-15)* be read a second time.

CARRIED UNANIMOUSLY

MOVED and seconded to direct staff to schedule a Public Hearing for Bylaw No. 611, *Zoning Amendment Bylaw (600-15)* in accordance with the requirements of the *Community Charter* and the *Local Government Act*.

CARRIED UNANIMOUSLY



REQUEST FOR DECISION

Regular Council

Meeting Date: February 23, 2015

To: Gord Howie, Chief Administrative Officer

From: Planning Department

Re: **6509 Sooke Road - Rezone to Service Commercial (C3)**
(Lots 1, 2, 3, 4, 25, 26, 27 and 28, Block 11, Section 14, Plan 217)

RECOMMENDATION:

THAT COUNCIL introduce and give first and second reading to Bylaw No. 611, *Zoning Amendment Bylaw (600-15)*

AND THAT COUNCIL direct staff to schedule a Public Hearing for Bylaw No. 611 in accordance with the requirements of the *Community Charter* and the *Local Government Act*

1. Executive Summary:

The applicant has applied to rezone 6509 Sooke Road from Light Industrial (M1) to Service Commercial (C3). The applicant proposes to use a portion of the building as an automobile repair shop. The applicant would maintain the existing Sooke Backhoe business on the property.

To reduce impacts on the neighborhood, it is proposed that "gas bar" and "car wash" be prohibited uses on the subject property.

Due to the history of past industrial and commercial uses that have operated on the property since the 1930's, there is a potential for contamination on the site. For this reason staff cannot reasonably determine if "restaurant", "place of worship", and "employee housing" are suitable uses for the property. Since the owner does not want to use the property for "restaurant", "place of worship", or "employee housing", the owner has no objection to these uses being prohibited on the properties.

To ensure "small, neighbourhood scale" development is maintained, staff is suggesting that the maximum height of a principal building on the subject properties be reduced from 15m (49ft) to 10m (32.8ft).

The Service Commercial Zone as proposed will meet Bylaw No. 400, *Official Community Plan Bylaw, 2010 (OCP)*.

2. Background:

The subject property consists of 8 properties all created in 1900. The properties total approximately 1780m² (+/- 0.44 acres). The building was built in the early 1930's. A rezoning does

not trigger consolidation of these lots even though the existing building straddles the lot lines. In the future, if the owner was to remove the existing building and construct a new building, lot consolidation might be required.

In the Sooke Region Museum book called "The Sooke Story – The History and the Heartbeat", this property and the existing building were a gas station and automobile repair shop in the 1930's. It was operated by and called the "Cains Brothers Garage".

The building has since been converted where half of the building was used as a welding shop for many years, with the other half being occupied by Sooke Backhoe. Currently, Sooke Backhoe is the only tenant, occupying 1600ft² of a 3200ft² building. Attached to the back of the 3200ft² building, adjacent to Lanark Road is a 1200ft² carport-like structure. The owner proposes this space to be utilized by the auto repair shop. It is proposed that the auto repair shop also occupy the now empty half of the building, where the welding shop used to be.

Although there are no plans to build any new structures on the property, the owner has stated that the entire exterior of the building, including windows and doors will be improved to beautify the building through creating a "west coast" look.

A. Neighboring Properties

The subject property is adjacent to Lanark Road, Charters Road, Sooke Road and closed Kennedy Road. The land uses surrounding the subject property across Charters Road to the east and Lanark Road to the south is single family residential. There is single family residential across Highway 14 to the north as well as some commercial (vet clinic) at 6250 Sooke Road. To the east on the other side of closed Kennedy Road is a commercial zone (6527 Sooke Road).

Due to the history of uses on the site, the potential for site contamination is there. The *Environmental Management Act* is the main law governing contaminated sites. Until such time that the site is confirmed to not be contaminated, staff cannot determine whether residential uses or assembly-like uses are suitable uses on the site. The owner has no objection to the following uses being prohibited: "restaurant", "place of worship", and "employee housing".

Staff is also recommending and the owner is in agreement, that "gas station" and "car wash" are not uses appropriate for the neighborhood and that these uses also be prohibited on the property.

Dedication of land for Highway 14 will be dealt with at the time of any disposition of Closed Kennedy Road land.

3. Analysis:

The property is designated *Community Residential* within Bylaw No. 400, *Official Community Plan Bylaw, 2010* (OCP) and is within the Sewer Specified Area (SSA).

This rezoning application meets the intent of the OCP. In the *Community Residential* designation of the OCP, Section 5.1.3(j)(ii) 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.

To ensure the "small, neighbourhood scale" development is maintained on this property, staff is suggesting that the maximum height of a principal building on the property be reduced from 15m (49ft) to 10m (32.8ft). The existing building is approximately 4.8m (16ft) high. As the height of the

service commercial building would be less than that allowed for single family development, the two uses should be compatible in height. The neighbouring duplexes at the corner of Charters Road and Lanark Road are 9.6m in height.

The proposed Service Commercial (C3) zone is predominately a commercial automobile service zone. Because the proposed auto repair shop would be occupying a building that was originally constructed and previously used for an auto repair shop establishment, its use for another auto repair shop would not significantly change the property's presence in the neighbourhood. The proposed change in zoning to C3 is regarded as a more compatible zone for the area than the current industrial zone as this is not an area where the OCP encourages industrial development to be established.

The residential properties on the east side of Charters Road and on the south side of Lanark Road are legally established uses and consideration must be given to control excessive illumination, noise and visual blight which might result from the operation of an auto repair shop when near residential uses. Common auto repair shop characteristics can be mitigated by requiring buffering, and using fully shielded lighting that is directed downward in strategic locations.

Adequate buffering such as fencing, landscaping, or topographic characteristics protects adjacent properties from adverse effects of a proposed use. Bylaw No. 600, *Sooke Zoning Bylaw, 2013* (Zoning Bylaw) requires continuous landscaping not less than 1.5m wide along the developed portions of each side of the site which abuts a public highway. The building is approximately 4.8m high and is screened by blackberry bushes and trees along Lanark Road and Charters Road. The drop in elevation from Sooke Road to Lanark Road also helps to provide natural shielding for the ground floor residence's to the east and for residences to the south.

The improvements to the exterior of the building may require a Development Permit and at this time, in addition to reviewing the form and character of the building, staff can look at site illumination and noise as well as improvements to screening.

Any traffic generated by the proposed uses within the C3 zone would be accessing Highway 14, an arterial road and traffic is not expected to negatively affect neighbouring residential use. Ministry of Transportation and Infrastructure (MOTI) have no concerns and have given the owner a Controlled Access Permit for the proposed businesses accesses onto Highway 14.

4. Legal Impacts:

A Development Permit may be required for this project. Notification of the application will be advertised in the local newspaper for two consecutive weeks prior to the date of the Public Hearing (PH). Adjacent landowners within a 100m radius will also be notified of the PH at least ten days prior to the meeting.

5. Financial Impacts:

The Applicant will pay for all costs associated with offsite improvements and development must follow District of Sooke Bylaws and regulations. The application fees received from the applicant will be used to cover the cost of advertising for the public hearing.

The proposed change in zoning will generate employment opportunities and would enable the re-use of a partially vacant commercial building.


6. Implication of Recommendation:

Staff recommends approval for the application to move forward for the following reasons:



- This rezoning application will meet the intent of OCP section 5.1.3(j)(ii) that says small, neighbourhood scale commercial development may be considered on Sooke Road between Charters Road and Sooke Elementary School provided that “gas bar” and “car wash” are prohibited uses on the land and the maximum height is restricted to be equal or lesser than what the maximum heights are in the surrounding neighbourhood;
- This rezoning will meet OCP objective 5.1.2(d) as a C3 zone will provide the most efficient use of land and efficient use of existing infrastructure for infill/densification with the condition that residential uses and assembly-like uses be prohibited as uses on the property;
- Use of the property for an auto repair shop would not significantly change the property's presence in the neighbourhood;
- A C3 zone is regarded as a more compatible zone for this area than the current industrial zone as the OCP does not support industrial in this area.

Attached Documents:

1. Application Summary
2. Referral Agency Comments
3. Subject property map
4. Bylaw No. 611



Tara Johnson, MCIP, RPP
Planner II

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

Application Summary

Address	6509 Sooke Road
Legal	Lot 1, 2, 3 and 4, Block 11, Section 14, Plan 217 Lot 25, 26, 27 and 28, Block 11, Section 14, Plan 217
Existing Zoning	Light Industrial (M1)
Proposed Zoning	Service Commercial (C3)
Existing OCP	Community Residential
Proposed OCP	n/a
Parcel Size	1780 m ² (0.44 acres)
DP Area	A DP may be required
Services	Water: CRD Water Sewer: Municipal Drainage: On-site
Adjacent Land Uses	North: Hwy 14, single family residential and commercial South: Lanark Road and single family residential East: Charters Road and single family residential West: Closed Kennedy Road and commercial

Present Zoning and Proposed Zoning

	M1	C3
Minimum Lot Size for Subdivision	600 m ²	600 m ²
Maximum Height of Principle Building	13 m	15 m, however, staff is recommending a reduction to 10 m
Maximum height accessory building	9 m	9 m
Maximum Lot Coverage	70%	60%

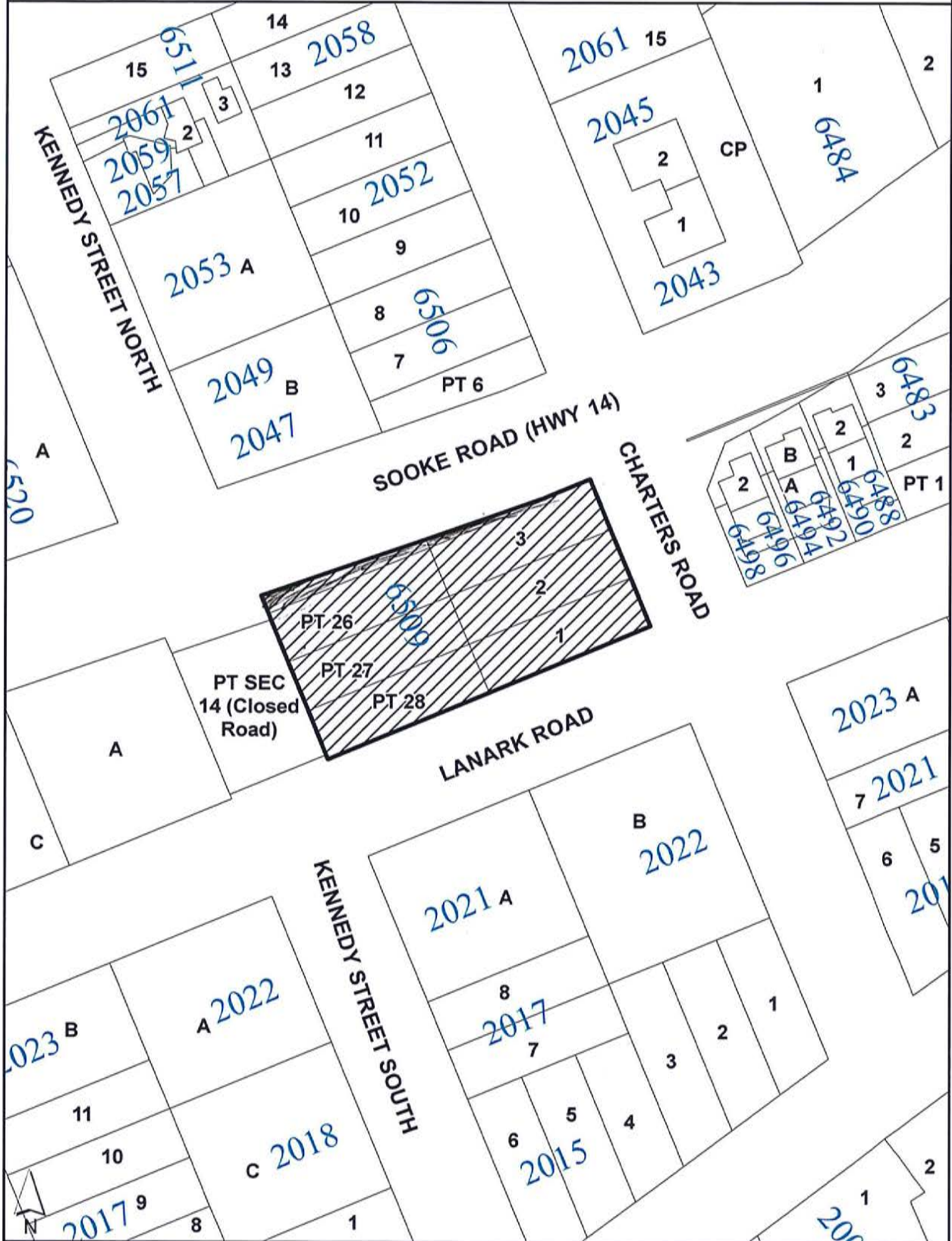
**SUMMARY OF COMMENTS RECEIVED
IN RESPONSE TO DISTRICT OF SOOKE REFERRAL SENT January 15, 2015**

EXTERNAL REFERRALS	
Agency	Comments
BC Hydro	No objections
Ministry of Transport and Infrastructure	The ministry has no objections to the proposed rezoning as long as the owner has required a Controlled Access Permit to Hwy 14 for the proposed new use. MOTI has since granted a Controlled Access Permit.
BC Transit	No response
Beecher Bay	No concerns but encourages consultation with them and T'Sou-ke nation should any archaeological sites be found.
CRD Water	Community piped water can be supplied to the proposed development provided that the owner(s) is prepared to pay all necessary costs and fees authorized under CRD Bylaws for the supply and installation of a water distribution system capable of meeting all domestic and fire flow requirements. Existing lots are presently serviced with water by a single 19mm (3/4') water service located at the property frontage on Sooke Rd. A fire flow of greater than 15,000 L/min with 138 kPa (20 psi) residual pressure is presently available to this development in the water main adjacent to the fire hydrant located at the intersection of Sooke Rd and Charters Rd. Full letter available if requested.
SEAPARC	No response.
T'souke Nation	No response.
Archeological Branch	No response
School District #62	No concerns
Fortis BC	No concerns.
Shaw Cable	No response.
Telus	No response
Fire	No concerns. For information purposes at this point in time, there may be a requirement to upgrade fire separation and a fire safety plan will be required
Engineering	Listed below is the Engineering Department referral response for the application to rezone the property noted above: a. Any construction on or related to the site must be in accordance with the District of Sooke Subdivision and Development Standards Bylaw 404, Suburban Area requirements and any other applicable bylaws. b. Allowance for pedestrian movement along Highway 14 frontage to be maintained or improved as appropriate.



SUBJECT PROPERTY MAP

File: PLN01122



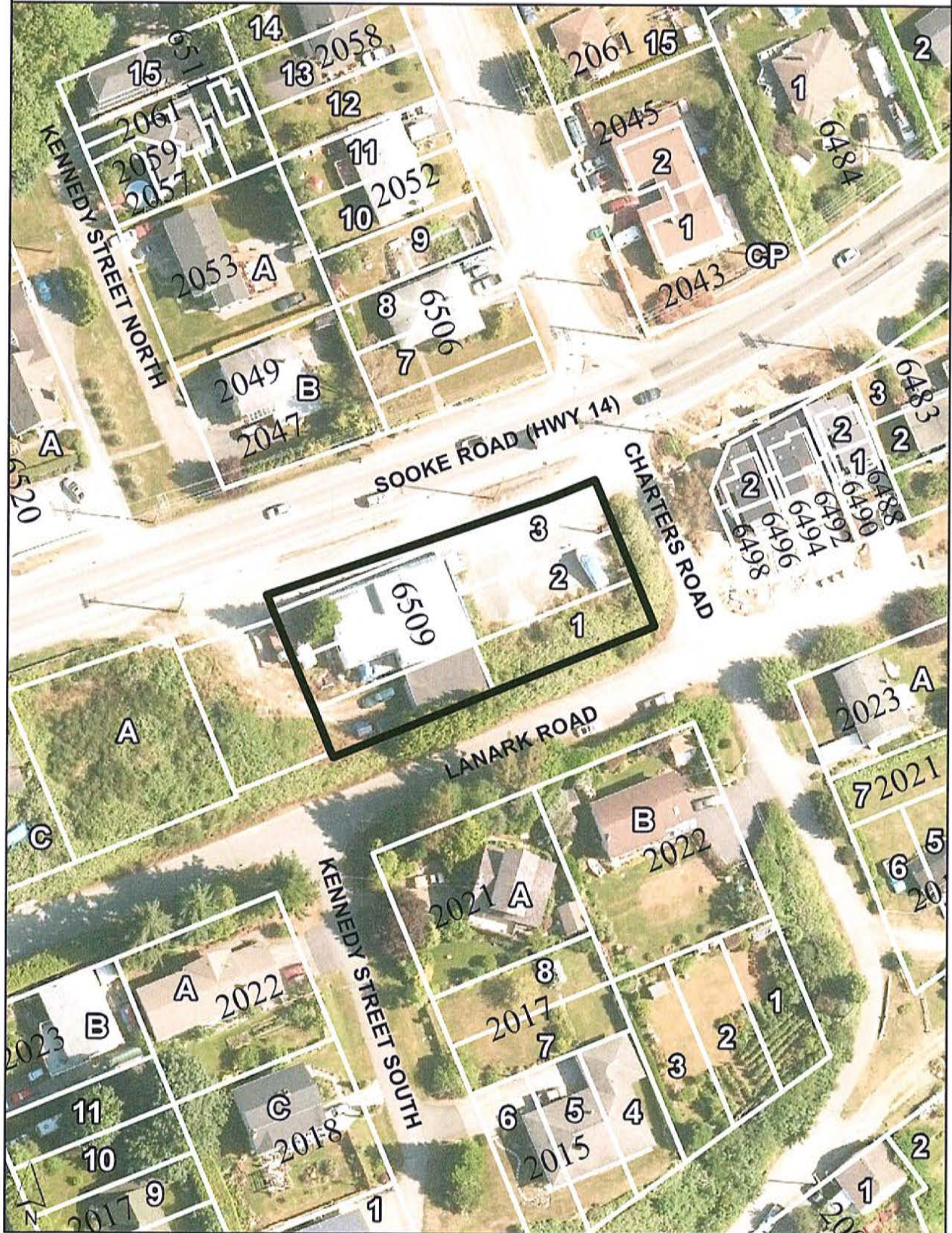
 Subject Property

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SUBJECT PROPERTY MAP

File: PLN01122



 Subject Property

