

## DISTRICT OF SOOKE

### LAND USE AND ENVIRONMENT COMMITTEE

January 21, 2013

7:00 p.m. Council Chambers  
2225 Otter Point Road, Sooke, B.C.

#### Committee Members Present:

Councillor Herb Haldane (Acting Chair)  
Councillor Rick Kasper  
Councillor Bev Berger  
Geoff Steele  
Andrew Haden  
Mayor Wendal Milne (Ex-Officio)

**Staff:** Gerard LeBlanc, Municipal Planner  
Tina Hansen, Corporate Assistant

**Alternate:** Adrian Cownden

**Absent:** Councillor Kevin Pearson, Councillor Maja Tait

#### ACTION

1. **Call to Order**

The meeting began at 7:00 p.m.

2. **Approval of Agenda**

The agenda was approved with the following items as supplemental information:

- Item 4: Delegation Tim Horton's Application – 6527 Sooke Road
  - Bylaw No. 170, *Highway Closure and Dedication Removal Bylaw, Kennedy Street, 2004*
  - Council Resolution dated January 24, 2005
  - Staff Report dated June 22, 2004 as to Bylaw No. 170

3. **Adoption of Minutes:**

**MOVED** to adopt the minutes of the Land Use and Environment Committee dated December 17, 2012.

**CARRIED**

4. **Delegation: Jack Julseth, Three Point Properties**

- **Tim Horton's Application – 6527 Sooke Road**

Councillor Haldane requested that Councillor Kasper Chair the meeting during this agenda item as he has an interest in the property and left the meeting at 7:01 p.m.

Jack Julseth, Three Point Properties provided a power point presentation and addressed the Committee on a proposal for a Tim Horton's at 6527 Sooke Road. Mr. Julseth advised that the reason for the presentation this evening was to get an indication of whether there is enough interest from Council and the community for them to proceed with a development permit application and to

find a way to deal with issues around the Kennedy Street road closure.

Councillor Kasper requested a motion from the Committee to allow the adjacent property owner at 6509 Sooke Road to speak on this issue.

**MOVED** and seconded to allow Mr. Rabien an opportunity to speak to the issue of the road closure.

**CARRIED**

Mr. Rabien, E.J. Charters Buildings Ltd, addressed the Committee on concerns that he was unaware of the road closure for Kennedy Street and that the closure has landlocked one of their lots. Mr. Rabien reported that he did not receive notice regarding the road closure and requested that Council find a way to reverse the road closure.

Gerard LeBlanc provided a powerpoint presentation and background information to the Committee for Bylaw No. 170, *Highway Closure and Dedication Removal Bylaw, Kennedy Street, 2004*.

Committee discussion:

- Kennedy Street South portion of road owned by District of Sooke
- Concerns of closing a road and land locking a piece of property
- Solicitor's opinion as to section 41(2)(d) of the *Community Charter*
- Solicitor's opinion as to the District re-opening the road and submitting a new plan under the *Land Title Act*
- Accommodating the adjacent property owner
- Clarification as to the covenant on the property for height restrictions
- How long subject property has been zoned commercial
- Concern of liability the District faces as a result of the road closure
- Previous proposal had a traffic impact study completed by Boulevard Transportation Group

#### **Public Input:**

Sheila Beech, Sooke resident, addressed the Committee on discussions of the Council of the day for the road closure and advised that it is important to her to have the Kennedy Street remain closed to ensure corridor views to the water. Ms. Beech also expressed concern as to access and traffic and stated that she does not support a Tim Horton's in this particular location.

Linda Batty, Sooke resident, provided background as to the closure of Kennedy Street and the previous application for a condo building. Ms. Batty advised that she supported the road closure to protect the view scape for residents. Ms. Batty inquired as to why the zoning does not return to the original zoning if the condo building proposal is not moving forward. Ms. Batty expressed concern of a Tim Horton's being open 24 hours a day seven days a week in a residential neighborhood.

Ellen Lewers, Sooke resident, reported that it is contrary to the OCP to have drive-through businesses on the south side of Sooke Road. Ms. Lewers also suggested that Tim Horton's come up with a proposal for Sooke to stop using

paper plates and bags and look at using melamine products instead.

Gail Hall, Sooke resident, inquired as to the property at 6527 Sooke Road and whether there has been a joining of lots A and C. Ms. Hall advised that it is time that Council start thinking about the people who pay taxes and live here. Ms. Hall stated she does not support the proposed location in a residential neighborhood and that there are other locations more suitable for a Tim Horton's.

Helen Ritts, Sooke resident, inquired as to the zoning of the property at 5227 Sooke Road. Ms. Ritts addressed the Committee on ensuring that the OCP guidelines are taken into consideration in respect to limiting traffic generating businesses on the south side of Sooke Road. Ms. Ritts expressed her concerns as to traffic issues in Sooke advising that there must be a more suitable location for a Tim Horton's.

Rasmus Rabien, advised that Kennedy Street was always a road that connected to Lanark and that due to the steep slope MoTI cut off Kennedy Street and did some work to create a safer access for residents. There were never any discussions of closing the road or taking it away from him. He uses the road continually for his business.

Matt Johnston, Sooke resident, inquired as to whether there has been a traffic study done and how it would impact Sooke Road. Mr. Johnson asked when in the planning process would you expect to see a traffic study from the proponent.

Jack Julseth, reported that without support from the community and something done with the Kennedy Street closed road, the application cannot move forward. Mr. Julseth advised that a drive-through is necessary from Tim Horton's perspective, and that access/egress off of lot 5 needs to be dealt with. If there is not clear indication that there is support for the application, they would not move forward with a formal application.

**MOVED** and seconded to refer the Kennedy Street road closure and dedication back to staff to provide a report to Council on the access and re-opening of Kennedy Street including any legal implications associated with the re-opening of Kennedy Street.

**Staff**

**CARRIED**

Councillor Haldane returned to the meeting at 8:02 p.m.

5. **Delegation: Judith Harris**

- **Strata Conversion 1810 & 1820 Connie Road**

Judith Harris, applicant, provided background on the application process for her strata conversion at 1810 and 1820 Connie Road. Ms. Harris addressed the Committee on concerns of the lengthy process and District of Sooke requirements for her strata conversion in particular conditions related to upgrades of certain elements to the road and a riparian area assessment. Ms. Harris is not comfortable with accepting these required conditions.

**Committee discussion:**

- Strata conversion vs. Bare Land Strata
- Clarification as to the conditions required of the applicant
- Ensuring Municipal Engineer and Municipal Planner meet with the proponent as soon as possible to sort out
- Requirements for s. 946 subdivisions
- Ensuring legitimate conditions from applicants
- Riparian Area Assessment would not apply as not physically changing the land
- Concerns that the proponent was not permitted to do a s. 946 subdivision
- Requirements in place may be too onerous and not serving a legitimate purpose
- Possibility of granting an extension to the proponent

Randy Clarkston, Westcoast Design and Development Services advised that he had reviewed the District of Sooke letter with the required conditions at no cost and stated that it wrong what was done and it needs to be fixed.

The Committee agreed by general consensus to direct the matter back to staff to meet with the proponent to discuss the conditions of the application and that staff provide an updated report to the Land Use and Environment Committee.

**Staff**

**MOVED** and seconded to recommend that Council provide a 1 year extension for the strata conversion application at 1810 and 1820 Connie Road.

**Council**

**CARRIED**

**6. Inclusion of Land into the Agricultural Land Reserve – 2727 Phillips Road**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

**Public Input:** NIL

**MOVED** and seconded to recommend that Council forward this request for inclusion of land into the Agricultural Land Reserve (ALR) to the Agricultural Land Commission with a recommendation for approval.

**Council**

**CARRIED**

**7. Development Permit – 6764 Ayre Road – Ayre Manor Expansion**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

**Committee discussion:**

- Clarification as to some of the language in new building code and associated increased costs to the applicant
- Concerns as to additional requirements from CRD Water Board since original development

**Public Input:**

Sandy Pedeneault, Chair, Sooke Elderly Citizens' Housing Society thanked the Committee for their support and advised that during the initial development permit they had upgraded the CRD Water and Hydro infrastructure.

**MOVED** and seconded to recommend that Council authorize the issuance of Development Permit PLN00987 to allow for the expansion of Ayre Manor on the property legally described as Lot 11, Section 3, Sooke District, Plan 16754.  
**CARRIED**

**Council**

**8. Development Permit – 6661 Sooke Road – Laundromat & Car Wash**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

**Committee discussion:**

- Whether applicant would consider working with the Chair of the Arts and Beautification Committee for art work on the building
- Form and character guidelines through the OCP
- Ensuring proponent is not put in the position to have to purchase custom windows
- Ensuring greenery between commercial and residential properties
- Concerns that there is not enough opportunity for vegetation or screening between the commercial and neighboring residential properties
- Committee support for the Architectural design and materials being used

**Public Input:**

Doug Wittich, representing JCB Holdings Inc. advised that consideration was given to the fact that the Laundromat and car wash buildings back onto a residential neighborhood when choosing the type of materials for the buildings. Consideration was also given to the lifespan of the materials to ensure that they continue to stay appealing for the neighborhood and the business.

Helen Ritts, Sooke resident stated that she appreciates the consideration by the proponent that has been given to the noise, design and land use but would like to be involved with the landscaping and fencing. Ms. Ritts expressed concern as to the safety of pedestrian traffic when cutting through the property and concerns of drainage. Ms. Ritts supports the use of public art on the buildings.

A discussion ensued between Ms. Ritts and Mr. Wittich with regard to fencing, trees and noise reduction with the vacuum system and they have agreed to meet to discuss Ms. Ritts concerns.

**MOVED** and seconded to recommend that Council approve Development Permit PLN00971 as presented providing the proponent meet with the adjacent neighbors to discuss the outstanding issues that directly affect them.  
**CARRIED**

**Council**

9. **Development Permit and Development Variance Permit – 6978 West Coast Road**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

Laurie Wallace, Westcoast Design and Development Services provided a timeline of the Development Permit and Development Variance Permit process for 6978 West Coast Road to the Committee. Ms. Wallace expressed concern over revisions requested by District staff, insufficient turn around times and process. Ms. Wallace advised that the proponents have been financially responsible for all costs incurred for professional services and that after three years; the application has still not made it to the subdivision stage. Ms. Wallace requested that the LUEC Committee forward the Development Permit application to Council for approval and that the Committee make a recommendation to Council for the removal of DP's for subdivision.

**Committee discussion:**

- Concerns around the issue of delays for these applications
- Factors for deciding what developments are required to provide a fire truck turn around and ensuring consistency
- Paved roadway width change from 8.5m to 7.0m
- Concerns that the Development Permit component is a flaw in the OCP
- Road standard right of ways – country lane standards
- Concerns that 2m sidewalk seems to be substantially wide for 14 lots
- No guarantee that subdivision is approved in a timely fashion
- Concerns of proponent having to continue a lengthy process
- Chair of Committee meet with the Municipal Engineer

**Public Input:**

Randy Clarkston, Westcoast Design and Development, addressed the Committee on the challenges and the frustration level that they have had through this Development Permit process. They want this application to move forward now. Mr. Clarkston expressed concerns that subdivision requirements are pushed onto Engineers at a cost to the applicants. Mr. Clarkston requested that Council review the process of DP's at the strategic planning session.

Adrian Cownden, addressed the Committee as to engineering, electrical drawings, paved surfaces, suggesting that there could be some separation difficulties and perhaps sidewalks could be reduced to 1.5m.

**MOVED** and seconded to recommend that Council authorize the issuance of Development Permit PLN00952 for the purpose of subdividing the properties at 6978 West Coast Road up to 14 single family residential lots of not less than 350m<sup>2</sup>;

**AND FURTHER** that Council authorize the issuance of Development Variance Permit PLN00973 for the properties at 6978 West Coast Road by relaxing Bylaw No. 65, Subdivision and Development Standards Bylaw, 2003, Schedule C, SDD-R06C Cross Section Suburban Local:

- a. to reduce the paved roadway width from the required 8.5m to 7.0m,

- b. to provide a 2.0m wide sidewalk on the internal roadway, and
- c. to provide ornamental street lighting, cyclone VY1507 rather than the cobra-head style lighting as depicted on the cross-section.

**Council**

**CARRIED**

**10. Development Variance Permit – 2554 Sooke River Road**

Gerard LeBlanc provided a power point presentation and summary of the staff report for the Committee.

**Committee discussion:**

- Access to lot A
- Concerns over 14m road right of way
- Cost incurred by applicant for road right of way
- Ensuring clearly defined standards for subdivision
- Financial burden on applicant to accommodate something that may not happen

**Public Input:**

Carl Wilkinson, representing the applicant, provided information to the Committee on access to lot A, the existing private right of way, and the covenant for Development Variance Permit at 2554 Sooke River Road.

**MOVED** and seconded to recommend that Council authorize the issuance of Development Variance Permit PLN00991 for 2554 Sooke River Road required for a proposed subdivision, to allow the following variance from section 104.7 Minimum Setbacks in Bylaw No. 500, *Sooke Zoning Bylaw, 2011*:

**Council**

1. Relax front lot line setback for the existing principal building from 7.5m to 0m on proposed Lot 1 as shown on attached;

**CARRIED**

**11. Monthly Development Services Application Status Reports**

**Public Input:** NIL

**MOVED** and seconded to receive the Monthly Development Services Application Status Reports for information.

**CARRIED UNANIMOUSLY**

**12. Next Meeting:** February 18, 2013

**13. Adjournment**

The meeting adjourned at 10:34 p.m.

Certified by:

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Herb Haldane  
Acting Chair

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Bonnie Sprinkling  
Corporate Officer