

**DISTRICT OF SEHEL
MINUTES OF PLANNING AND COMMUNITY DEVELOPMENT
COMMITTEE MEETING
Held at 5797 Cowrie Street, Sehel, BC
Wednesday, May 23, 2018**

PRESENT Councillors N. Muller (Chair); M. Shanks, D. Siegers; and A. Lutes

STAFF Director of Planning and Development Services, T. Corbett; Municipal Planner A. Letman; Community Planner A. Thompson (partial); Recording Secretary M. Roberts

1. CALL TO ORDER AND DECLARATION OF CONFLICT

The Chair called the Planning and Community Development Committee Meeting to order at 2:04pm and asked if there were any declarations of conflict.

Councilor Lutes announced a personal conflict of interest with item 3.1 West Porpoise Bay Estates Ltd. Development Variance Permit 2017-07 as she resides in a neighbouring complex and noted that she would recuse herself from the meeting while it was being dealt with.

2. ADOPTION OF AGENDA

Recommendation No. 1 – Agenda

Moved/Seconded

That the Agenda be adopted.

CARRIED

3. APPOINTMENTS AND DELEGATIONS

3.1 Tyler Schmidt, Architect

Tyler Schmidt, the Architect of the West Porpoise Bay Estates development, gave a presentation on the history of the past two years on the development proposal. Mr. Schmidt reviewed the purpose of the Form P, a form that is required under the Land Titles Act for the registration of a phased strata development. The document describes the form of the development, the density associated unit entitlements, and timing for the commencement and completion of each phase of the project. Once a Form P is signed and registered by BC Land Titles, it is a legally binding contract between all parties involved and those affected by it in the future. The Form P was expired when the

developer first purchased the property for the West Porpoise Bay Development. In the original Form P, there were sixteen phases of development, where three of the phases were completed and one phase was partially completed. All the phases, except for three of them, were designed for three storey buildings and required slab on grade, extensive cut and fill, and tree removal to accommodate that form of building. The original Form P had to be replaced with a new Form P to allow for the severing from the original strata. Before the new Form P was registered with BC Land Titles all of the initial strata owners signed off on phases one, two and three and were made aware of the project. This was required in order for the disposition to occur and be registered with the Supreme Court.

Mr. Schmidt reviewed the R-4 zoning and the development permit areas (DPA). He then demonstrated how the development proposal meets the DPA 5, 6 and 7 requirements. As the phases of development are completed, the views of the condos behind the new development will be altered. The development proposal minimizes the alteration of natural grades on the site because there is one road to access the units, there is underground parking and the buildings sit on stilts. Constructing the buildings on stilts reduces the impact to the site as it minimizes the blasting, need for cut and fill, and removal of natural vegetation. The stilts allow for open space beneath the buildings where vegetation can continue to grow. This type of architecture is found on steep building sites throughout the Sunshine Coast.

The development proposal has changed significantly from when the original Form P was approved. The developer has reduced the number of buildings from sixteen to six and the length of the road has also been shortened. In comparison to the original design the new proposal, which requires a height variance, has minimized the impact to the site, has more green space and is aesthetically pleasing because the parking and vehicles are underground. Mr. Schmidt then reviewed what the current zoning allows without a height variance and demonstrated that the development would require additional road, more buildings, and would further impact the environment and neighbours. It would also be more expensive to build and the affordable aspect of the project would start to diminish.

Mr. Schmidt then read the scenarios in which a development variance permit may be supported. He stated that if a development variance permit is granted for the West Porpoise Bay Estates development, the buildings could be built downwards and not be as high thus allowing some of the existing buildings to maintain their views. Access to the waterfront and view corridors will be maintained.

The Chair thanked Mr. Schmidt for his presentation.

The Director of Planning and Development clarified the effect of a Form P and explained to the Planning and Community Development Committee members that it is a form of subdivision and shows the unit allocation by phase. Form P gives certainty to each phase and ensures that amenities are not left to the last phase. The existing Form P for the property in question has a lot of detail and shows the intended yield of the whole development. The District is bound to certain elements of it. For Council's perspective what is more overriding is that Council can use their discretion to determine whether the underlying zoning and development permit requirements are met and provide guidance on areas for improvement. Form P does not bind Council to the actual allocation of units if the applicant does not meet the other aspects of the regulations in the development permit guidelines. The Director of Planning and Development confirmed that the alternative development proposal without a development variance permit for the height of the buildings would be significantly more impactful to the neighbours and environment.

Recommendation No. 2 – West Porpoise Bay Estates

Moved/seconded

That the Planning and Community Development Committee recommends to Council that staff be directed to prepare a report to Council on the West Porpoise Bay Estates Development Permit application and how it addresses the Development Permit Area (DPA) guidelines for DPAs #3, #4, #5 and #7; and that staff include the relevant Form P as an attachment to the report.

CARRIED

4. COMMITTEE / COMMISSION MINUTES AND REPORTS

4.1 Minutes of the Planning and Community Development Committee Meeting April 25, 2018

Recommendation No. 3 – Minutes of the Planning and Community Development Committee Meeting

Moved/Seconded

That the Minutes of the Planning and Community Development Committee Meeting of April 25, 2018 be received.

CARRIED

4.2 Minutes of the Advisory Planning Commission Meeting of May 10, 2018

Recommendation No. 4 - Minutes of the Advisory Planning Commission Meeting

Moved/Seconded

That the Minutes of the Advisory Planning Commission Meeting of May 10, 2018 be received.

CARRIED

4.3 Minutes of the Accessibility Advisory Committee Meeting of April 12th, 2018

Recommendation No. 5 - Minutes of the Accessibility Advisory Committee Meeting

Moved/Seconded

That the Minutes of the Accessibility Advisory Committee Meeting of May 2, 2018, 2018 be received.

CARRIED

5. NEW BUSINESS

6. BUSINESS ITEMS

6.1 RTC The Strand – Development Permit Application

Recommendation No. 6 - RTC The Strand – Development Permit Application

Moved/Seconded

That the report from the Community Planner, dated May 6, 2018 regarding the Development permit application from 1067369 B.C. Ltd. be received.

CARRIED

Recommendation No. 7 – RTC The Strand – Development Permit Application

Moved/Seconded

That the Planning and Community Development Committee recommends to Council that Development Permit 2018-13 be approved for Lots 3, 4, & 5, Block 2, District Lot 1331, Plan 2156 with the following conditions:

- a. The property will be developed in accordance with plans, elevations, and information contained in Schedules “A” & “B” attached to and herein forming part of this permit.
- b. That a landscape bond in the amount of \$204,137.80 be held to ensure that the proposed landscaping is installed and maintained for a period of two years after installation.
- c. That all onsite exterior lighting must be downcast and energy efficient.

CARRIED

Recommendation No. 8 – Watermark – Rezoning Text Amendment Application

Moved/Seconded

That the report from the Community Planner and the Municipal Planner dated April 27, 2018 regarding the application from Holywell Properties for a text amendment to Zoning Bylaw 25, 1987 be received.

CARRIED

Recommendation No. 9 – Watermark – Rezoning Text Amendment Application

Moved/Seconded

That the Planning and Community Development Committee recommends to Council that Zoning Amendment Bylaw No. 25-294, 2018 (Grove Art Gallery) be given first reading and referred to a Public Hearing.

CARRIED

Recommendation No. 10 – Non-Medical Marihuana - Zoning Bylaw Amendment

Moved/Seconded

That the report from the Municipal Planner dated May 9, 2018 regarding zoning bylaw amendments and business license bylaw amendment for Non-Medical Marihuana (cannabis) be received.

CARRIED

Recommendation No. 11 – Non-Medical Marihuana - Zoning Bylaw Amendment

Moved/Seconded

That the Planning and Community Development Committee recommends to Council:

- i. That Council give First Reading to Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) and direct staff to set a date for a Public Hearing.
- ii. That Council direct staff to pursue additional zoning amendments to permit the sale of Non-Medical Marihuana in a specific zone(s) through the proposed zoning bylaw rewrite (draft Bylaw 530) and including public consultation on the subject.
- iii. That Council direct staff to advise the existing Marihuana dispensaries and retailers of their effective date of closure, and the option to pursue a Temporary Use Permit until such time as Council has considered and endorsed additional zoning amendments with public consultation, following the enactment of provincial legislation regulating the sale of Non-Medical Marihuana.

- iv. That Council direct staff to bring forward an amendment to the Business License Bylaw No. 520, 2012 to recognize and regulate Non-Medical and Medical Marihuana businesses.
- v. That Council direct staff to bring forward an amendment to the smoking bylaw to regulate the smoking of Marihuana.
- vi. That Council direct staff to bring forward an amendment to Bylaw No. 333-Fees and Charges to add a fee for the review of a BC Cannabis Retail License Application, and a Canada Cannabis Cultivation and Production License Application.

AMENDED BY THE FOLLOWING

Recommendation No. 12 – Amendment to Recommendation 11

Moved/Seconded

That recommendation No. 11 (i) be amended to include scheduling a Public Information Meeting before the public hearing.

CARRIED

Recommendation No. 11 – Non-Medical Marihuana - Zoning Bylaw Amendment

Moved/Seconded

That the Planning and Community Development Committee recommends to Council:

- i. That Council give First Reading to Zoning Amendment Bylaw No. 288, 2018 (Non-Medical Marihuana) and direct staff to set a date for a Public Hearing with a Public Information Meeting held beforehand.
- ii. That Council direct staff to pursue additional zoning amendments to permit the sale of Non-Medical Marihuana in a specific zone(s) through the proposed zoning bylaw rewrite (draft Bylaw 530) and including public consultation on the subject.
- iii. That Council direct staff to advise the existing Marihuana dispensaries and retailers of their effective date of closure, and the option to pursue a Temporary Use Permit until such time as Council has considered and endorsed additional zoning amendments with public consultation, following the enactment of provincial legislation regulating the sale of Non-Medical Marihuana.
- iv. That Council direct staff to bring forward an amendment to the Business License Bylaw No. 520, 2012 to recognize and regulate Non-Medical and Medical Marihuana businesses.
- v. That Council direct staff to bring forward an amendment to the smoking bylaw to regulate the smoking of Marihuana.

- vi. That Council direct staff to bring forward an amendment to Bylaw No. 333-Fees and Charges to add a fee for the review of a BC Cannabis Retail License Application, and a Canada Cannabis Cultivation and Production License Application.

CARRIED

6.2 Development Action Chart

Recommendation No. 13 – Development Action Chart

Moved/Seconded

That the Development Action Chart be received.

CARRIED

ADJOURNMENT

Recommendation No. 14 - Adjournment

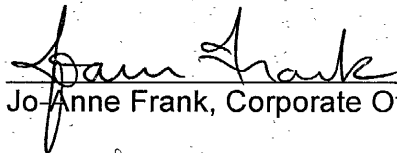
Moved/Seconded

That the Planning and Community Development Committee Meeting of May 23, 2018 be adjourned at 3:36pm.

CARRIED



Noel Muller, Chair



Jo-Anne Frank, Corporate Officer