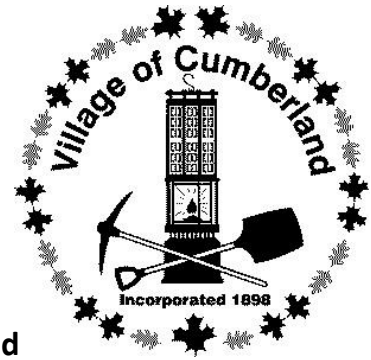


PUBLIC HEARING AGENDA

14/2017/PH



The Corporation of the Village of Cumberland

Public Hearing
April 26, 2017 at 7 p.m.
Village Council Chambers

1. Call to Order

- 1.1 Agenda for the Public Hearing, April 26, 2017
Recommend THAT Council approve the agenda for the Public Hearing, April 26, 2017.

2. Public Hearing Procedure

- 2.1 Mayor Baird will describe the procedure for the Public Hearing.

3. Background Information

- 3.1 4681 Cumberland Road Rezoning Staff Report 1
Prepared by Judith Walker, Senior Planner
- 3.2 Zoning Amendment Bylaw No. 1055, 2017 11
- 3.3 Notice of Public Hearing, April 26, 2017 15

4. Submissions from the Public

- 4.1 Verbal Submissions – Speakers List
- 4.2 Written Submissions
- 4.3 Mayor Baird will call for public submissions.
- 4.4 Mayor Baird will call a second time for public submissions.
- 4.5 Mayor Baird will call a third and final time for any further submissions regarding Bylaw No. 1055.

5. Termination

COUNCIL REPORT



DATE: April 5, 2017
MEETING DATE: April 10, 2017

TO: Mayor and Councillors

FROM: Judith Walker, Senior Planner

SUBJECT: 4681 Cumberland Road Rezoning: Bylaw No. 1055, 2017
Staff Report for Considerations of First and Second Reading

FILE:	2016-01-RZ		
AGENT:	Marjorie Morris	OWNER:	Paul Daley
FOLIO NO.:	516 00494.000	PID:	005-493-684
LEGAL DESCRIPTION:	Lot 1, Block 4, Section 25 Township 10, Comox District, and of District Lot 24, Nelson District, Plan 4222		
CIVIC ADDRESS:	4681 CUMBERLAND ROAD		
EXISTING ZONE:	Residential Three (R-3)	PROPOSED ZONE:	Residential One (R-1) and Residential Two A (R-2A)

RECOMMENDATION

- i) THAT Council receive the "4681 Cumberland Road Rezoning: Bylaw No. 1055, 2017 –Staff Report for Consideration of First and Second Reading;
- ii) THAT Council consider the applicants proposed amenity contribution of \$4000;
- iii) THAT Council consider First and Second reading of Zoning Amendment Bylaw No. 1055, 2017;
- iv) THAT Council agrees with the concept of a proposed Covenant on the property restricting use of land for the new lots until subdivision, and directs staff to engage legal counsel for the preparation of the draft Covenant at the applicant's cost; and
- v) THAT Council directs staff to hold a Public Hearing for Wednesday April 26, 2017 in Council chambers at 7pm.

SUMMARY

An application to rezone the above property was received in October 2016. The intention of the rezoning is to permit future subdivision of the existing lot into three lots, retaining the owner's house on one of the lots.

BACKGROUND

The applicant has lived on the 3035metres² (32,668.5square feet) property for many years. The owner now wishes to reduce the size of their property in order to decrease the maintenance of the unused portion of the large lot. The current zoning is Residential Three, with a minimum lot size of 2024m²(21,786.2square feet)

The owner wishes to rezone the property to permit the subdivision of two 550m² (minimum area) lots on Bruce Street, with the remainder of the parent lot to retain the existing house. The existing lot has 103.9metres frontage on Bruce Street that can accommodate the additional frontage requirements of two new lots of Residential One zoning. The depth and width of the potential lots can each meet setback requirements for a residential building.

Note that subdivision is an entirely separate process, and may follow if the rezoning is approved. Rezoning does not automatically mean a subdivision will take place, only that it is possible for the owner to make application.

Staff strongly recommends a covenant is registered on the entire property in order to ensure that, if the rezoning is successful, an owner of a split-zoned property will not build on the newly zoned area prior to actual subdivision of the two new proposed parcels. This is required due to Section 1.8 (c) (v) in Zoning Bylaw 1027, 2017 which states *"where a lot is divided by a zone boundary the areas created by such division shall be deemed to be separate lots for the purposes of this Bylaw."* Without the covenant, the R-1 Zone is treated as a separate lot and the owner would be able to build one single family dwelling (plus secondary suite) without subdivision. The covenant would be registered before consideration of final adoption, and if the rezoning is not approved, it would be removed from title. Staff have discussed the covenant with the applicant who has agreed with this approach and the key terms. Village counsel will draft the covenant at the applicant's expense and the applicant will complete the covenant and registration. The covenant will be registered prior to approval of the bylaw.

Official Community Plan (OCP)

The property is designated Residential in the OCP so an amendment is not required. Residential designation *"includes new neighbourhood-scaled residential development within the Village. It includes single detached and multiple dwellings in accordance with the Village's Zoning bylaw."* The proposed additional density is supported in the OCP under Section 5.1.5 General Land Use Policies:

- *The majority of new development will be encouraged to locate in close proximity to or within the Village Centre,*
- *Servicing outside existing serviced area is discouraged,*
- *Zoning amendment shall demonstrate that the project will be a benefit to the community (opportunity for new homes in the Village)*

Under 5.2.1 Housing, 5.2.3. Housing policies states a *"priority to development proposals for small and compact forms of housing such as small lot single detached homes...."*

Zoning Bylaw

The proposed new lots fit under the existing Residential One (R-1) zoning. R-1 zoning occurs in parts of Coal Valley Estates, Primrose/Bevan and other area in the Village. The 550metres² minimum lot size is popular for building family-sized single family homes. However, the R-1 Zone is not appropriate for the entire property as that would permit the whole property to be subdivided into four lots, which is not the owner's intent.

The proposed Residential Two-A (R-2A) zone is a new zone with the same permitted uses as the R-3 Zone but with a smaller minimum lot size of 1000metres². Since the owners wish to keep the larger lot for the family home, this new zoning prevents further subdivision of the remainder, unless an owner in the future came forward with a development application.

Neighbourhood Meeting

The applicant held a neighbourhood meeting on November 1, 2016. The results are attached to this report.

Amenity Contribution

As per Section 5.1.5 (6) (b) (iii) in the Official Community Plan the applicant has offered an amenity contribution of \$4000 (\$2000 per proposed new lot) to go towards construction of the new fire hall. If this offered contribution is not accepted by Council, staff requests direction from Council and the Bylaw No. 1055 would be on hold until an agreement is reached.

Advisory Planning Commission

The APC reviewed the application on February 7, 2017. The APC motion is as follows:

“THAT the Advisory Planning Commission recommends that the application (2016-01-RZ Daley - 4681 Cumberland Road) to rezone the subject property proceeds through the public planning process.”

FINANCIAL IMPLICATIONS

As an amenity contribution to the Village (as per 5.1.5 Land Use Policies in the OCP 6) b. iii.), the applicant has agreed to provide \$4000 to go towards the new fire hall. The amenity contribution is required to be paid to the Village prior to adoption of Zoning Amendment Bylaw No. 1055.

STRATEGIC OBJECTIVE

None

ATTACHMENTS

- Existing Zoning map (excerpt)
- Proposed Zoning bylaw amendment map
- Draft survey with proposed future subdivision
- Copy of existing R-3 zone
- Copy of existing R-1 zone
- Proposed Residential Two-A (R-2A) zone.

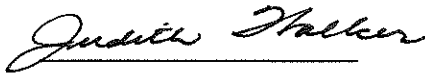
CONCURRENCE

Rob Crisfield, Manager of Operations

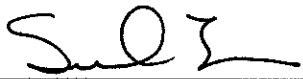
OPTIONS

- i) THAT Council consider the applicants proposed amenity contribution of \$4000;
- ii) THAT Council consider First and Second reading of Zoning Amendment Bylaw No. 1055, 2017;
- iii) THAT Council agrees with the concept of a proposed Covenant on the property restricting use of land for the new lots until subdivision, and directs staff to engage legal counsel for the preparation of the draft Covenant at the applicant's cost; and
- iv) THAT Council directs staff to hold a Public Hearing for Wednesday April 26, 2017 in Council chambers at 7pm.; or
- v) Any other action deemed appropriate by Council.

Respectfully submitted,



Judith Walker
Senior Planner



Sundance Topham
Chief Administrative Officer

EXHIBIT 2: NEIGHBORHOOD MEETING SUMMARY

1. Project Case No.: 2016-01 RZ
2. Meeting Date & Time: Nov 1st 4:00-6:30 PM
3. Meeting Location: 4681 CUMBERLAND RD.
4. Number of Invitations that were sent: 20
5. How was the mailing list generated: All households within 300ft of property
6. Number of neighbors in attendance (attach a sign-in sheet): 2 (see Attached)
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

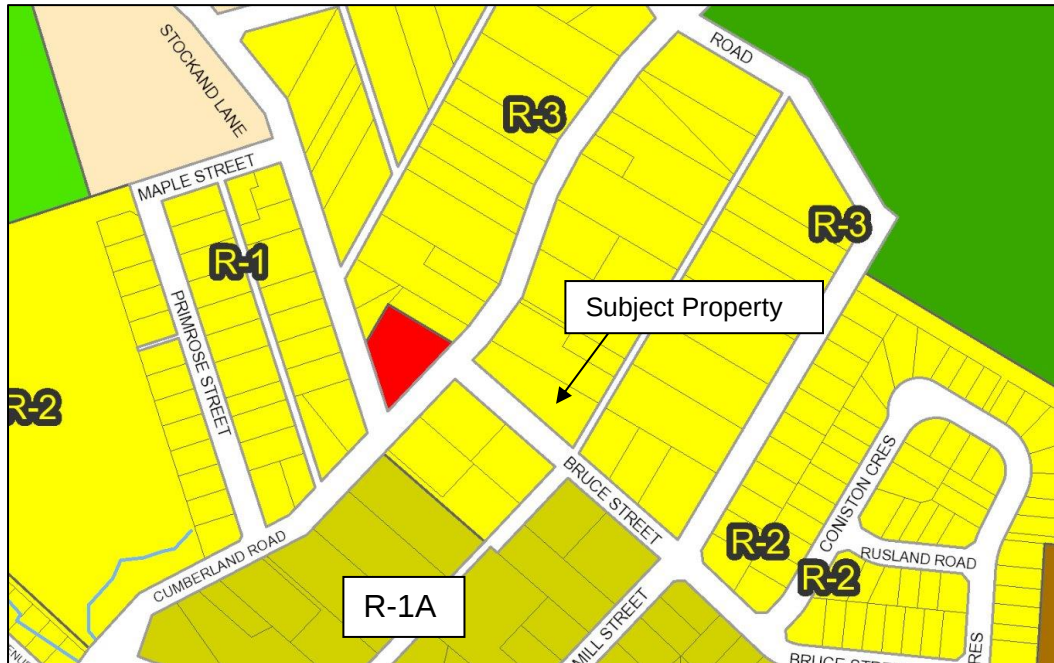
All positive comments
Inquiries regarding purchasing

8. List or attach the written comments and how you plan to address any issues:

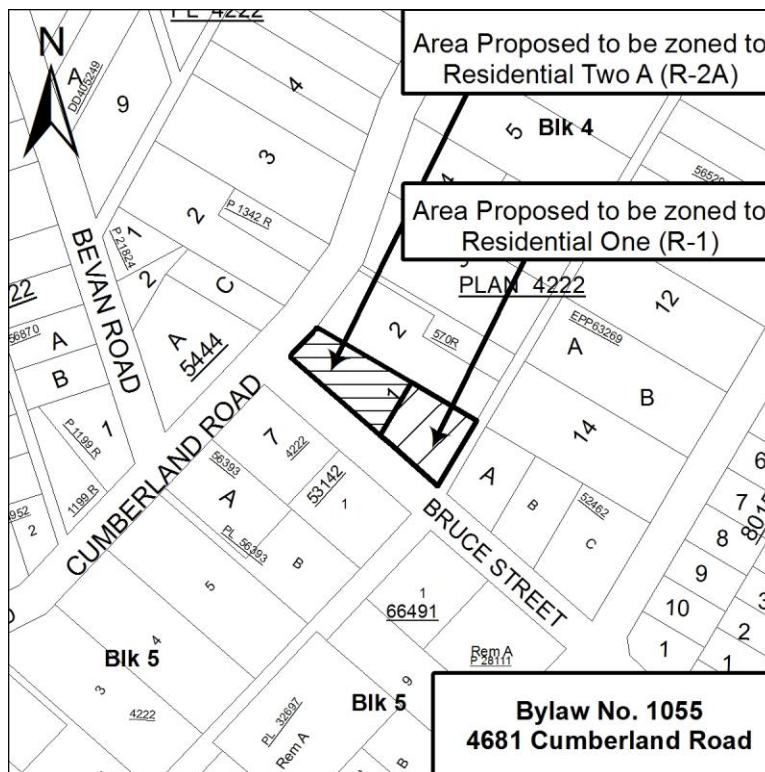
No negative comments recieved at meeting.
Positive comments recieved while delivering invites.

Note: two neighbours attendd the meeting

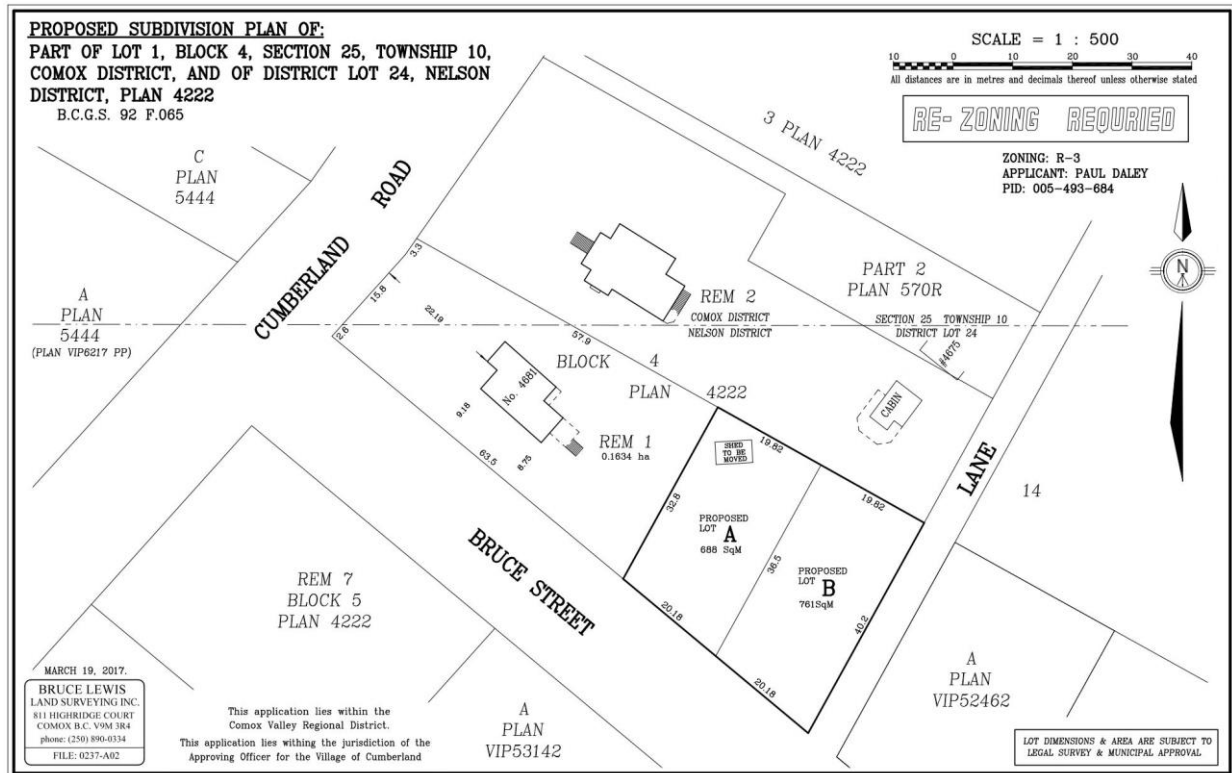
Existing Zoning Map (excerpt)



Subject property is currently zoned Residential Three (R-3)



Proposed future subdivision for illustration only



7.4 R-3—Large Lot Residential Zone Existing

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Accessory dwelling unit Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		2,024.0square metres (21,786.9square feet)
	Frontage, minimum		25.0metres (82.0feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 100.0square metres (1,076.4square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	7.5metres (24.6feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		6.0metres (14.8feet)
	One storey accessory dwelling unit height, maximum		6.5metres (21.3feet)
	Two storey accessory dwelling unit height, maximum		7.5metres (24.8feet)
8. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-3

7.1 R-1—Standard Residential Zone

For proposed lots A & B

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Home occupation Secondary Suite Urban agriculture Market garden
3. Lots Created by Subdivision	Area, minimum		550.0square metres (5,920.2square feet)
	Frontage, minimum		15.0metres (49.2feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 50.0square metres (538.2square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	3.0metres (9.8feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (29.5feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		4.5metres (14.8feet)
8. Conditions of Uses	N/A		

End • R-1

NEW

7.35 R-2A—Medium Lot Residential Zone For remainder

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		1,000.0square metres (10,764ft²)
	Frontage, minimum		20.0metres (66.6feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 50.0square metres (538.2square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	3.0metres (9.8feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		4.5metres (14.8feet)
8. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-2A

THE CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 1055

A bylaw to amend the Zoning Bylaw No. 1027, 2016

The Council of the Corporation of the Village of Cumberland, in open meeting assembled, enacts the following amendments to the Zoning Bylaw No. 1027, 2016:

Citation

1. This Bylaw may be cited for all purposes as the Zoning Amendment Bylaw No. 1055, 2017.

Text Amendments

2. The Zoning Bylaw No. 1027, 2016 is amended by adding a new zone being Section 7.4 Residential Two A (R-2A) as set out in Schedule A attached to and forming part of this bylaw, and renumbering Part 7 zones following the new section.
3. The Zoning Bylaw No. 1027, 2016 is amended by adding a new 7.4 R-2A – Medium Lot Residential Zone in the Table of Contents and renumbering Part 7 Residential Zones in the Table of Contents.

Zoning Designation

4. That property known as Lot 1, Block 4, Section 25, Township 10, Comox District, and of District Lot 24, Nelson District, Plan 4222 PID 005-493-684 is hereby rezoned from Residential Three (R-3) to Residential Two A (R-2A) and Residential One (R-1), in the respective portions shown with a thick black outline and hatched on Schedule B. For greater certainty, the R-2A Zone portion is to have a frontage along Bruce Street of not less than 63metres and the R-1 Zone portion is to have a frontage along Bruce Street of not less than 40metres and not greater than 41metres.

Map Amendment

5. Schedule B of the Bylaw No. 1027, 2016 is amended to incorporate the amendments more particularly described in Section 4 Zoning Designation of this bylaw.
6. The map key for Schedule B of the Zoning Bylaw No. 1027, 2016 is amended to add R-2A with a descriptor of 'Residential Two A'.

Severability

7. If any section or subsection of this bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the bylaw.

READ A FIRST TIME THIS	10TH	DAY OF	APRIL	2017.
READ A SECOND TIME THIS	10TH	DAY OF	APRIL	2017.
PUBLIC HEARING HELD THIS		DAY OF		2017.
READ A THIRD TIME THIS		DAY OF		2017.
ADOPTED THIS		DAY OF		2017.

Mayor

Corporate Officer

Schedule A**7.4 R-2A—Medium Lot Residential Zone**

1. Principal Uses			Single family dwelling
2. Accessory Uses			Accessory buildings and structures Accessory dwelling unit Home occupation Market garden Secondary suite Urban agriculture
3. Lots Created by Subdivision	Area, minimum		1000.0 metres ² (10, 763.9square feet)
	Frontage, minimum		20.0metres (65.6feet)
4. Density	Principal buildings or uses per lot, maximum		One single family dwelling
	Accessory buildings or uses per lot, maximum		One secondary suite or One accessory dwelling unit
	Building GFA, maximum		Accessory buildings shall have a combined Floor Area no greater than 100.0square metres (1,076.4square feet).
5. Lot Coverage	Coverage, maximum		35%
6. Principal Buildings and Structures	Setbacks, Minimum	Front	7.5metres (24.6feet)
		Rear	4.5metres (14.8feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		10.0metres (32.8feet)
7. Accessory Buildings and Structures	Setbacks, minimum	Front	3.0metres (9.8feet)
		Rear	1.5metres (4.9feet)
		Side	1.5metres (4.9feet)
		Side, Exterior	3.0metres (9.8feet)
	Height, maximum		6.0metres (14.8feet)
	One storey accessory dwelling unit height, maximum		6.5metres (21.3feet)
	Two storey accessory dwelling unit height, maximum		7.5metres (24.8feet)
8. Conditions of Uses	An accessory dwelling unit shall only be permitted if the property is connected to all available municipal servicing.		

End • R-2A

Area Proposed to be zoned to Residential Two A (R-2A)

Area Proposed to be zoned to Residential One (R-1)

PLAN 4222

**Bylaw No. 1055
4681 Cumberland Road**



Corporation of the Village of Cumberland

Notice of Public Hearing

Pursuant to the *Local Government Act*, notice is hereby given that a Public Hearing of the proposed bylaw:

Zoning Amendment Bylaw No. 1055, 2017

WILL BE HELD AT: **Council Chambers**
2675 Dunsmuir Avenue, Cumberland, BC

ON: **Wednesday April 26, 2017**

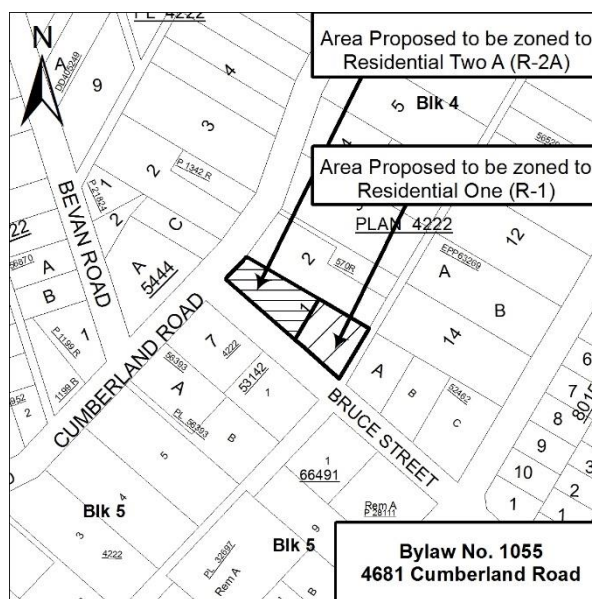
COMMENCING AT: **7:00 pm**

An application has been received to rezone the 0.3hectare (0.75acres) property located at 4681 Cumberland Road (as shown on the adjacent map). The amendment to the Zoning Bylaw, if successful, will permit a subdivision of two additional residential lots of a minimum 550m² each.

Bylaw No. 1055: The general intent of this bylaw is to amend 'Zoning Bylaw No. 1027, 2016' by rezoning the subject property from Residential Three (R-3) to Residential One (R-1) and a new zone Residential Two A (R-2A).

A copy of the proposed bylaw and related information may be viewed at the Village office, 2673 Dunsmuir Avenue, Cumberland, BC between the hours of 8:30am and 4:30pm, Monday through Friday, excluding statutory holidays.

At the public hearing, all persons who deem their interest in property affected by the proposed bylaws will be afforded an opportunity to be heard on matters contained here. Please note that legal considerations prevent the Village Council from considering any representations made after termination of the Public Hearing. Written comments may be submitted to the Village at any time up until the termination of the Public Hearing. Please note that all submissions to Council will become part of the public record.



**Comments and inquiries
should be directed to:**

Judith Walker, Senior Planner, Village of Cumberland
2673 Dunsmuir Avenue, PO Box 340, Cumberland, BC, V0R 1S0
Telephone: (250) 336-2291 FAX (250) 336-2321
Email: planning@cumberland.ca

**This is a legal notice of public hearing published pursuant to Section 466
of the *Local Government Act*.**