

SPECIAL COUNCIL MEETING
FOR THE PURPOSES OF A **PUBLIC HEARING**
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, MAY 31, 2005 AT 7:30 P.M.

Present:

Chair: Mayor Leonard
Council: Councillors Brownoff, Cubberley, Gillespie, Derman, and Wergeland
Staff: Ken Krieger, Director of Parks and Recreation; Wayne Randall, Lands Commissioner; Anne Topp, Manager of Community Planning; Rae Roer, Parks Manager; Jagtar Bains, Development Coordinator and, MaryAnn Greco, Senior Committee Clerk.

No. 200
Bylaw No. 8653
McKenzie Ave

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8653"

**PROPOSED LIQUOR RETAIL STORE ON MCKENZIE AVENUE
(TUSCANY VILLAGE)**

To rezone Lot A, Section 57, Victoria District, Plan VIP78262 (**1654 MCKENZIE AVENUE**) from zone C-3 (shopping centre) to zone C-3L (shopping centre/liquor retail) to allow a full service liquor retail store in the future Tuscany Village Shopping Centre. Council will also consider a restrictive covenant to limit the size of the proposed liquor retail store to 450 m². Adjourned from the Public Hearing of April 5, 2005.

The Notice of Public Hearing; the report of the Director of Planning dated February 24, 2005 recommending rezoning approval and that the applicant register a restrictive covenant limiting the size of the liquor retail store to 450m²; 3 letters from the applicant and 2 letters in opposition, were introduced.

APPLICANT:

Mr. D. Foord, Tuscany Holdings Ltd., stated:

- At the onset of the design of Tuscany Village, the intent was always to provide a full service liquor retail store so that people can purchase liquor while purchasing their groceries on their way to and from work.
- An application for rezoning and a development permit came before Council in April of 2004 and at that time, Council had not yet determined the process for dealing with liquor retail stores within the Municipality.
- In the meantime, a liquor retail store was able to transfer their license to the University Heights Shopping Centre despite the fact that Tuscany Village had already made an application to the BC Liquor Control and Licensing Board (LCLB).
- Given that Tuscany Village had made an application to the LCLB prior to the University Heights application, a liquor license was granted for Tuscany Village.
- The University Heights Shopping Centre is a convenience liquor retail store and does not provide the full range of products that Tuscany Village will offer.
- Unless a private winery or brewery can provide a certain amount of one product, they cannot be included in the buying list for the LCLB.
- The only way that private wineries and breweries can be represented is through private liquor retail stores.
- The government liquor stores at 1960 Foul Bay Road, 3611 Shelbourne Street and 1087 McKenzie Avenue are all larger than the proposed Tuscany Village store; the private liquor stores at 3201 Shelbourne Street and 1505 Admirals Road are also larger.

- The floor area consists of 900 square feet for room temperature storage, 750 square feet for cold storage, 100 square feet for office use, 200 square feet for washrooms and 2560 for retail space.
- The intent is to create a quality, full service liquor retail store featuring a sample wine bar; a selection of wines will be offered that people would not otherwise be able to get at government liquor stores.
- In order to compete with the other wine stores, space is needed to offer a selection of product and provide quality service.
- The vast majority of residents in Gordon Head are supportive of a liquor retail store at Tuscany Village and the Gordon Head Residents Association are in support.
- The license will be through Paul's Motor Inn which is a division of the Laurel Point Inn.
- Deliveries will take place from 9:00 am to 5:30 pm; generally they do not intend to have deliveries take place during the weekends unless a truck has missed a ferry and has to deliver on a Saturday.
- There is a separate loading dock and bay for the liquor retail store so deliveries will not interfere with the other merchants of the shopping centre.
- They will try to control the deliveries so that they do not occur on the weekends.

PUBLIC INPUT:

Mr. S. Coe, 29 – 3987 Gordon Head Road, President of the Gordon Head Residents Association, spoke in support and stated:

- The Association has been aware that a liquor retail store was part of the original rezoning application for Tuscany Village.
- There is neighbourhood support for a full service, high quality liquor retail store at this location.
- He understands that the School Board and the Saanich Police Department do not have an issue with this application.
- The Association wishes the applicant success and eagerly awaits the completion of the Tuscany Village development.

Mr. K. Fair, University Heights Shopping Centre Liquor Store, spoke in opposition and stated:

- This area is greatly saturated with liquor retail stores; there are already eight liquor retail stores within a 2 km radius.
- Their store carries the same products that the government liquor stores carry.
- The University Heights Shopping Centre has plans to redevelop in the near future and as part of these plans, they will acquire additional space for the expansion and renovation of their store.
- He fears that he will not receive support for the future expansion of his store if a liquor retail store is permitted at Tuscany Village.
- The parking requirement for liquor retail stores is more than other retail uses; he does not believe there is sufficient parking at Tuscany Village given the substantial size of the proposed liquor store.
- The lack of parking at Tuscany Village will have a negative impact at this shopping centre and its traffic flow.

Mr. K. Brown, 107 – 2829 Arbutus Road, spoke in support and stated:

- Free enterprise will determine which stores remain in business.
- Given the future redevelopment of Safeway and the inclusion of Home Depot, an expanded liquor retail store at the University Heights Shopping Centre will survive equally as well as in Tuscany Village.
- Because of the high population density, this area is so under-serviced that he does not believe there will be a competition issue with the liquor store at University Heights Shopping Centre.
- There is sufficient parking at Tuscany Village to accommodate the proposed liquor retail store.

Ms. B. Tabata, 4151 Torquay Drive, Chair of the Gordon Head Residents Association Traffic Sub-Committee, spoke in support and stated:

- The developer has always indicated his intention to include a liquor retail store at Tuscany Village; the Association is in support of this proposal.
- Measures should be taken to mitigate traffic impacts on the intersections of Cedarwood Street and McKenzie Avenue, and Larchwood Drive and McKenzie Avenue.

APPLICANT'S RESPONSE:

Mr. Foord, stated:

- He had made an application for a liquor license to the LCLB one year prior to the application made for a liquor retail store at University Heights Shopping Centre.
- Together with he and his wife, professional managers will also be hired to help operate the store.
- The parking study prepared for Tuscany Village included a future liquor retail store.
- He does not believe the intersections of Cedarwood Street and McKenzie Avenue, and Larchwood Drive and McKenzie Avenue will be negatively impacted; the proposed traffic improvements that will be undertaken on McKenzie Avenue will improve the egress and access for residents of Cedarwood Street.

Councillor Gillespie stated:

- The market will determine the success or failure of any business.
- It is appropriate to have a liquor retail store in major commercial centres.

MOTION:

Moved by Councillor Gillespie and Seconded by Councillor Cubberley:

“That,

- 1. The application to rezone to C-3L be approved; and,**
- 2. The applicant register a restrictive covenant limiting the size of the liquor retail store facility to 450 m² (4843 ft²).”**

Councillor Derman stated:

- In many ways, the Tuscany Village development is an example of the kind of residential and commercial mix Saanich anticipates for the future however he is concerned about the negative impact of this development on the existing residential neighbourhood.
- The original design provided a reasonable transition from the building that housed the liquor retail store to the neighbours but the revised design does not.

Councillor Wergeland stated:

- He does not support large scale liquor retail stores in principle and is concerned about the close proximity of this proposed liquor store to an existing liquor establishment.
- However, given that the applicant had already made an application to the LCLB prior to the liquor retail store going in at University Heights, he will support the application on the basis of fairness to the process.

Councillor Brownoff stated:

- At the time the applicant first made their application for rezoning at Tuscany Village, it was always their intention to be a 'one-stop shopping' village.
- Given the residential component at Tuscany Village, there will be a lot of pedestrian traffic at this centre.
- She hopes that it will be a high quality liquor retail store and that it will promote some of British Columbia's small breweries and wineries.

Councillor Cubberley stated:

- This is an appropriate location for a liquor retail store.
- The applicant should not be penalized from having a liquor retail store when Council was always made aware of their intention to include one on this site.
- The free market will sort out the success or failure of any business.

Mayor Leonard stated:

- Liquor Retail stores should be permitted in shopping centres and shopping centre zoning should include liquor retail stores as a permitted use.
- The market will determine whether this liquor retail store will be successful.

The Motion was then Put and CARRIED

No. 201
Bylaw No. 8653
McKenzie Ave

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8653"
Second and Third Readings.

Moved by Councillor Gillespie and Seconded by Councillor Cubberley: "That Bylaw No. 8653 be read a second time."

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Cubberley: "That Bylaw No. 8653 be now passed."

CARRIED

No. 202
Bylaw No. 8676
Dupplin Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8676”

CONTRACTING BUSINESS ON DUPPLIN ROAD

To rezone Lot 2, Section 7, Victoria District, Plan 5056 (**450 DUPPLIN ROAD**) from zone RS-6 (single family dwelling) to zone M-1DW (Douglas West) to allow the existing contracting business to be retained. **A DEVELOPMENT PERMIT** applicable to the above lands will also be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted. The Notice of Public Hearing and the report from the Director of Planning dated March 23, 2005 recommending that a bond equal to the cost of the stormwater management system and mandatory building renovations be submitted prior to final reading, an access easement across 444 Dupplin Road be registered at the Land Titles Office prior to final reading, the application to rezone to M-1DW be approved and the development permit be approved, were introduced.

APPLICANT:

Mr. D. Logue, 6251 Springlea Road, stated:

- He believes that all of the requirements for a building permit have been met.

PUBLIC INPUT:

Nil.

APPLICANT’S RESPONSE:

Nil.

MOTION:

Moved by Councillor Derman and Seconded by Councillor Cubberley: “That,

- 1. A bond equal to the cost of the stormwater management system and mandatory building renovations be submitted prior to final reading;**
- 2. An access easement across 444 Dupplin Road be registered at the Land Titles Office prior to final reading;**
- 3. The application to rezone to M-1DW be approved; and,**
- 4. The Development Permit No. DPR2002-00009 be approved.”**

CARRIED

No. 203
Bylaw No. 8676
Dupplin Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8676”
Second and Third Readings.

Moved by Councillor Derman and Seconded by Councillor Cubberley: “That Bylaw No. 8676 be read a second time.”

CARRIED

Moved by Councillor Derman and Seconded by Councillor Cubberley: “That Bylaw No. 8676 be now passed.”

CARRIED

Moved by Councillor Derman and Seconded by Councillor Gillespie: “That it be recommended that Council approve and issue Development Permit No. DPR2002-00009 on Lot 2, Section 7, Victoria District, Plan 5056 (450 Dupplin Road).

CARRIED

No. 204
Bylaw No. 8677
Ridgegrove Ave

AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8677"

PROPOSED CHURCH OFFICE ON RIDGEGROVE AVENUE

To rezone Lot B, Section 98, Lake District, Plan 47746 (**588 RIDGEGROVE AVENUE**) from zone A-1 (rural) to zone P-1R (assembly) to allow the conversion of the existing single family dwelling to an office for the Saanich Baptist Church. A restrictive covenant will also be considered to limit the use of the site to what is currently proposed.

The Notice of Public Hearing; report of the Director of Planning Services dated April 14, 2005 recommending the rezoning to P-1R be approved, a covenant be registered prior to final reading restricting the use of the site to what is currently proposed and public passage through the site from Ridgegrove Avenue to Wilkinson Road be legally secured prior to final reading; 2 letters from the applicant and 2 letters in opposition, were introduced.

APPLICANT:

Mr. D. Johnson, 966 Bradley Dyne Road, stated:

- They have addressed the issues raised at the previous Committee of the Whole meeting.
- The access to Ridgegrove Avenue will be closed off and a private fire hydrant will be installed.

PUBLIC INPUT:

Ms. E. Turnbull, 785 Viaduct Avenue East, President of the Royal Oak Community Association, spoke in support and stated:

- She hopes that a covenant will be registered to restrict the use of the site and that a pedestrian right-of-way will be provided.
- The Fire Department has confirmed that the applicant has agreed to install a new fire hydrant.
- Some residents have requested that a berm be provided on Ridgegrove Avenue.

APPLICANT'S RESPONSE:

Nil.

Moved by Councillor Wergeland and Seconded by Councillor Derman: "That,

- 1. The application to rezone to P-1R be approved;**
- 2. A covenant be registered prior to final reading restricting the use of the site to what is currently proposed; and,**
- 3. Public passage through the site from Ridgegrove Avenue to Wilkinson Road be legally secured prior to final reading."**

CARRIED

No. 205
Bylaw No. 8677
Ridgegrove Ave

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8677”
Second and Third Readings.

Moved by Councillor Wergeland and Seconded by Councillor Derman: “That Bylaw No. 8677 be read a second time.”

CARRIED

Moved by Councillor Wergeland and Seconded by Councillor Derman: “That Bylaw No. 8677 be now passed.”

CARRIED

No. 206
Bylaw No. 8678
PLD55

i. OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8678”

PROPOSED DESIGNATION OF PROPERTY ON CADBORO BAY ROAD IN THE CADBORO BAY VILLAGE DEVELOPMENT PERMIT AREA

The intent of this proposed bylaw is to amend the Development Permit Areas Justifications and Guidelines to include Lot 3, Block D, Section 44, Victoria District, Plan 1483 (**3855 CADBORO BAY ROAD**) in the Cadboro Bay Village Development Permit Area.

Bylaw No. 8679
Cadboro Bay Rd

ii. AZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8679”

PROPOSED PARKING AREA ON CADBORO BAY ROAD

To rezone Lot 3, Block D, Section 44, Victoria District, Plan 1483 (**3855 CADBORO BAY ROAD**) from zone RS-10 (single family dwelling) to zone C-2 (general commercial) to provide additional parking for the adjacent commercial property at 3849 Cadboro Bay Road. **A DEVELOPMENT PERMIT** applicable to the above lands will also be considered to require the buildings and lands to be constructed and developed in accordance with the plans submitted.

The Notice of Public Hearing; report of the Director of Planning Services dated April 29, 2005 recommending the Cadboro Bay Village Development Permit Area be amended, the application to rezone to C-2 be approved, the Development Permit be approved, the properties at 3855 and 3849 Cadboro Bay Road be consolidated prior to final reading and an arborist report be submitted to the Parks Department that provides specifications for the parking area and a description of how the work will be performed for review and approval prior to final reading; and 1 letter in support from the Cadboro Bay Residents Association, were introduced.

The Manager of Community Planning stated:

- The applicant has already submitted an arborist report to the Parks Department for their review and approval.

APPLICANT:

Mr. M. Johnson, representing the owner of 3855 Cadboro Bay Road, Beau-Core Holdings Corporation, stated:

- In 2004, the owner applied to release the Land Use Contract at 3849 Cadboro Bay Road from a bank use only to allow the possibility of a restaurant and office use.

- At the time, four additional parking spaces were required to accommodate the restaurant use (currently Starbuck's) and general office use in the building leaving a variance of four parking spaces.
- The owner has been searching for one year but has not been able to find a tenant for the office space but were able to find a possible tenant for a retail use; the problem is that a retail use has a greater parking requirement than an office use.
- The site at 3855 Cadboro Bay Road was purchased to provide additional parking to allow a retail use in the vacant space adjacent to Starbuck's.
- The proposal is to provide eight additional parking spaces on the adjacent property at 3855 Cadboro Bay Road resulting in a total of 21 parking spaces to accommodate the retail use.
- The existing house will remain as a residential home and no additional buildings will be erected.
- The additional parking spaces will be located in the front yard; the existing asphalt driveway will be replaced with permeable pavers and a new boulevard and sidewalk will be introduced.
- A hedge and further plantings will be provided along the front lot line to buffer the parking area from the road.
- A six foot high privacy fence will be erected around the entire property; the existing shrubs will remain.
- Given the layout of the parking area, the lights from the vehicles will shine onto the commercial businesses and not into the residential homes.
- All of the trees will be retained and the measures suggested in the arborist's report to protect the trees through the construction phase will be undertaken.
- The parking will be moved back from the existing trees to not impact on their root system.
- The Cadboro Bay Residents Association and the Cadboro Bay Village Business Improvement Association are in support.
- He has received a letter from the owners of 3859 Cadboro Bay Road who have indicated their opposition primarily due to concerns regarding car lights, location of the parking lot and privacy; he believes they have addressed all of these issues.
- If approved, there will be a two vehicle rather than a four vehicle parking variance.
- The existing garden space at 3855 Cadboro Bay Road will remain as is for the use of the residents of the single family dwelling.
- If the site was developed further in the future, an application would have to be made for a development permit and Council's approval would be required.

PUBLIC INPUT:

Mr. B. Dunn, Smuggler's Cove Pub and Liquor Store, 2581 Penryhn Street, representing the Cadboro Bay Village Business Improvement Association, spoke in support and stated:

- The improvements that the owner has made so far have been a positive influence on the village.
- Signage should be erected in front of Starbuck's to indicate that parking is available for their customers otherwise people going down Penryhn Street turn right to use the parking lots at Pepper's Mall or at Smuggler's Cove Pub.

- In addition, there should be a two hour limit for people parking on Penryhn Street in front of Starbuck's; this parking should be for the public use and not staff.
- The Association is looking forward to new retail businesses coming into the village.

Mayor Leoanrd suggested that the Cadboro Bay Village Business Improvement Association submit a letter to Saanich regarding their parking suggestions for a response from staff.

Mr. R. Nyhoff, representing Lyn Wray, owner of 3859 Cadboro Bay Road, stated:

- Ms. L Wray has submitted a letter to Mayor and Council outlining her concerns regarding the proposed rezoning.

Ms. E. Miller, on behalf of the Cadboro Bay Residents Association, spoke in support and stated:

- Providing adequate parking is important to the success of the businesses in the village.
- It is also good to have a variety of businesses operating successfully.

APPLICANT'S RESPONSE:

Nil.

Moved by Councillor Derman and Seconded by Councillor Brownoff: "That,

- 1. The Cadboro Bay Village Development Permit Area be amended;**
- 2. The application to rezone to C-2 be approved;**
- 3. The properties at 3855 and 3849 Cadboro Bay Road be consolidated prior to final reading; and,**
- 4. An arborist report be submitted to the Parks Department that provides specifications for the parking area and a description of how the work will be performed for review and approval prior to final reading."**

Councillor Derman stated:

- The quality of work that the owner has done in the village is outstanding and it encourages him to support this application.
- The improvements have been first class and have revitalized the corner of Cadboro Bay Road and Penrhyn; this proposal will continue on that theme.

Councillor Gillespie stated:

- He is pleased with the success of the new Starbuck's business.

The Motion was then Put and CARRIED

No. 207
Bylaw No. 8678
PLD55

OFFICIAL COMMUNITY PLAN BYLAW, 1993, AMENDMENT BYLAW, 2005, NO. 8678”
Second and Third Readings.

Moved by Councillor Derman and Seconded by Councillor Brownoff: “That Bylaw No. 8678 be read a second time.”

CARRIED

Moved by Councillor Derman and Seconded by Councillor Brownoff: “That Bylaw No. 8678 be now passed.”

CARRIED

No. 208
Bylaw No. 8679
Cadboro Bay Rd

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8679”
Second and Third Readings.

Moved by Councillor Gillespie and Seconded by Councillor Derman: “That Bylaw No. 8679 be read a second time.”

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Derman: “That Bylaw No. 8679 be now passed.”

CARRIED

Moved by Councillor Gillespie and Seconded by Councillor Derman: “That it be recommended that Council approve and issue Development Permit No. DP2005-00002 on Lot 3, Block D, Section 44, Victoria District, Plan 1483 (3855 Cadboro Bay Road).

CARRIED

No. 209
Fowler Road

APPLICATION TO EXCLUDE MUNICIPAL PROPERTY ON FOWLER ROAD FROM THE AGRICULTURAL LAND RESERVE

The intent of this proposed application is to exclude that Part of Section 40, Lake District, containing 4.02 acres more or less as shown on Plan deposited under DD304551 except that Part in Plan VIP64574 (**5455 FOWLER ROAD**) from the Agricultural Land Reserve. The site is owned by the District of Saanich and the intent is to develop approximately 1.45 ha (3.58 ac) for park purposes and to subdivide the remainder to accommodate the existing single family dwelling.

The Notice of Public Hearing; report of the Director of Planning Services dated March 23, 2005 recommending the proposal to create a 1.45 ha (3.58 ac) park on this site and to subdivide off the existing single family dwelling be supported and the application to exclude the land from the Agricultural Land Reserve be supported and forwarded to the Land Commission; staff briefing notes; 1 letter in support and 4 letters in opposition, were introduced.

APPLICANT:

The Corporation of the District of Saanich.

In response to a question from Council, the Manager of Parks and Recreation Services stated:

- If the Land Commission supports the exclusion of this site from the Agricultural Land Reserve, the Municipality will ensure that all neighbours, user groups and the Cordova Bay Community Association are involved in the process of developing a concept plan for this site.

PUBLIC INPUT:

Mr. F. Leversedge, 4939 Cordova Bay Road, spoke in support and stated:

- As a resident of Cordova Bay for 35 years, he cannot recall this land ever being utilized for agricultural purposes.
- The soil and agricultural assessment undertaken for this site indicates its limitation for agricultural use without significant remediation.
- If it is excluded from the Agricultural Land Reserve, it will broaden the potential uses of this land for the benefit of the community.

Mr. M. Jawl, 1078 Noble Road, spoke in support and stated:

- In acquiring this land, the Municipality acknowledges the parking needs associated with Lochside Park and the Galloping Goose Trail.
- The Municipality purchased this property at a fraction of the price that it was offered to him in 1991.
- It will serve the public interest well if the site is excluded from the Agricultural Land Reserve.

Mr. L. Yee, past president of the Cordova Bay Soccer Club, spoke in support and stated:

- If this site is excluded from the Agricultural Land Reserve and developed into a park, it will further enhance the community facilities that are already provided in the Cordova Bay area.

Mr. M. Marshall, 977 Sutcliffe, Director of the Cordova Bay Soccer Club, spoke in support and stated:

- He supports the use of this site for park purposes.

APPLICANT'S RESPONSE:

Moved by Councillor Derman and Seconded by Councillor Gillespie: "That,

- 1. The proposal to create a 1.45 ha (3.58 ac) park on this site and to subdivide off the existing single family dwelling be supported; and,**
- 2. The application to exclude that Part of Section 40, Lake District, containing 4.02 acres more or less as shown on Plan deposited under DD304551 except that Part in Plan VIP64574 (5455 FOWLER ROAD) from the Agricultural Land Reserve be supported and forwarded to the Land Commission."**

Councillor Derman stated:

- He does not believe the site has any agricultural potential.
- If the Land Commission agrees to exclude the land, the Municipality should try and restore as much ecological value to the site as possible.

In response to a question from Council, the Development Coordinator stated:

- The sewage pump servicing the existing residence was initially not working properly; it has since been fixed to the satisfaction of the Health Authority.
- The size of the field is based on the number of bedrooms not on the amount of users.

Councillor Brownoff stated:

- She does not believe this site is viable agricultural land.
- There should be a public process on the concept plan for this site.

The Motion was then Put and CARRIED

Adjournment

On a motion from Councillor Cubberley the meeting adjourned at 8:45 p.m.

.....
MAYOR

I hereby certify these Minutes are accurate.

.....
MUNICIPAL CLERK