

SPECIAL COUNCIL MEETING  
FOR THE PURPOSES OF A **PUBLIC HEARING**  
HELD IN THE COUNCIL CHAMBERS  
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE  
**TUESDAY, SEPTEMBER 13, 2005 AT 7:30 P.M.**

Present: **Chair:** Mayor Leonard  
**Council:** Councillors Brownoff, Derman, Gillespie, Ngai, Pickup and Wergeland.  
**Staff:** Anne Topp, Manager of Community Planning; Von Bishop, Manager of Development and Municipal Facilities; and MaryAnn Greco, Senior Committee Clerk.

No. 342  
Bylaw No. 8651  
Short St/Oak St

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8651"

**PROPOSED AUTOMOBILE STORAGE AND SALES LOT ON SHORT AND OAK STREETS**

At the April 5, 2005 Public Hearing, an application was approved to rezone Lots 7 and 8, Section 7, Victoria District, Plan 2431 and Lot A, Section 7, Victoria District, Plan 31196 (**829 AND 841 SHORT STREET/3371 OAK STREET**) from zones RS-6 (single family dwelling) and C-2 (general commercial) to zone C-6DE (Douglas East Highway Commercial) for a proposed automobile storage and sales lot. **A DEVELOPMENT PERMIT** applicable to the above lands was also considered and approved to require the buildings and lands to be constructed and developed in accordance with the plans submitted. The Public Hearing is being reconvened to clarify a proposed covenant to ensure a building remains at the corner of Short and Oak Streets as part of any site redevelopment.

The Notice of Public Hearing; report of the Manager of Legislative Services dated August 29, 2005 recommending a formal resolution be adopted should Council wish to accept the applicant's offer of a covenant for a 6,000 square foot office/retail building at the corner of Short and Oak Streets; and a letter from the applicant, were introduced.

**APPLICANT:**

Mr. G. Wilson, Searidge Management Inc., stated:

- At the April 5, 2005 Public Hearing, he had agreed to a covenant to ensure an office building will remain at the corner of Short and Oak Streets however the intent was not to restrict it to just office use but to allow a retail use as well.
- The current building contains both retail and office use.
- The proposed covenant will ensure that if the building is ever removed, another building will be built with a minimum of 6,000 square feet with a mixed use.
- The covenant does not specify office or retail, it relies on the current zoning which allows for office, retail or residential.

**PUBLIC INPUT:**

Nil.

**APPLICANT'S RESPONSE:**

Nil.

**MOTION:** **MOVED by Councillor Wergeland and Seconded by Councillor Pickup: "That a restrictive covenant be required to ensure that a 6,000 square foot office/retail building will remain at the corner of Short and Oak Streets."**

**The Motion was then Put and CARRIED**

No. 343  
Bylaw No. 8651  
Short St/Oak St

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8651"  
Third Reading.

**MOVED by Councillor Pickup and Seconded by Councillor Gillespie: "That Bylaw No. 8651 be now passed."**

**CARRIED**

No. 344  
Bylaw No. 8695  
Feltham Road

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8695"

**PROPOSED 2 LOT RESIDENTIAL SUBDIVISION ON FELTHAM ROAD AT LONGVIEW DRIVE**

To rezone Lot 1, Section 58, Victoria District, Plan 12725 (**1882 FELTHAM ROAD/LONGVIEW DRIVE**) from zone RS-10 (single family dwelling – minimum lot size 780 m<sup>2</sup>) to zone RS-6 (single family dwelling – minimum lot size 560 m<sup>2</sup>) for a proposed two lot residential subdivision.

The Notice of Public Hearing; report from the Director of Planning dated May 18, 2005 recommending rezoning approval; supplemental report from the Director of Planning dated August 9, 2005 recommending that the Approving Officer consider the concept plans prepared by Banks Design received on July 28, 2005 at the Subdivision Review stage; 7 letters in opposition; a 17 signature petition in support; and 1 letter from the applicant, were introduced.

**APPLICANT:**

Mr. Nigel Banks, Banks Design, 1173 Portage Road, on behalf of the owner, Mr. Tomo Cvitanovic, stated:

- Due to an oversight, he did not meet with Mr. and Mrs. Haynes, owners of 1886 Feltham Road, prior to submitting his concept plans for review to the Planning Department; it was not intentional and he apologizes for the mix-up.
- There were a number of issues raised at the Committee of the Whole meeting and in the correspondence received; he has attempted to resolve these matters in the proposed concept plan for the new dwellings.
- The proposed dwellings will have a minimum setback of approximately 25 feet as opposed to the current distance of 6.5 feet from 1886 Feltham Road.
- The upper floors have been stepped back resulting in a distance of 38.5 feet from the upper floors to 1886 Feltham Road for proposed Lot A and 46 feet for proposed Lot B.
- There is significant screening along the property line with 1886 Feltham Road that will be retained.
- To address concerns of the potential size of the home that could be built under the proposed RS-6 zone, the size of the new dwellings will be limited to the maximum gross floor area allowable in the RS-4 zone.
- All the trees identified by the surveyor will be retained.

- In response to a request from the Engineering Department, the existing access from Feltham Road has been removed and the new driveways will be located on Longview Drive.
- Both proposed dwellings will be one and one-half storey and if there is no rock, the owners would like to include a basement; the intention is to build the basement below grade so that it does not exceed the height shown on the concept plan.
- He is willing to provide a covenant to not exceed the maximum height allowable in the RS-4 zone with a basement.
- For privacy reasons, the only windows facing onto 1886 Feltham Road is from the kitchen and obscured glass in one bathroom; additionally the hedging and new fencing will ensure that there will not be any overview onto the neighbours.
- Because of the requirement to provide access on Longview Drive, the entrance to proposed Lot A will be located on the corner so that there is a street presence on both Longview Drive and Feltham Road.
- Proposed Lot A has a site coverage of under 28% and proposed Lot B is 30%.
- He is willing to provide a covenant to limit the development to the concept plans presented and to protect the existing vegetation on the easterly property boundary.

**PUBLIC INPUT:**

Mr. B. Haynes, 1886 Feltham Road, spoke in opposition and stated:

- At the Committee of the Whole meeting, he expressed concern that the property was being divided into two small lots for potentially two large houses and the applicant agreed to meet with them to develop a concept plan.
- The applicant contacted them yesterday but he felt it was too late to discuss the concept plan given that he had already submitted it to the Planning Department for review.
- It appears that the applicant has addressed some of their concerns regarding privacy.
- He would prefer the property remain zoned RS-10 otherwise a precedent will be set for other lots on the street.
- The lots on Feltham Road are spacious which allow the street to have some openness and room for lawn, trees, gardens and privacy.
- To deviate from the existing RS-10 zone should only be to improve the quality of life in this neighbourhood and not for the sole benefit of the developer.
- He wants assurances that a fence will be provided as part of the subdivision proposal.

Ms. D. Haynes, 1886 Feltham Road, spoke in opposition stated:

- She was very disappointed that a Public Hearing date had been set for this proposal when the applicant had not made arrangements to meet with them to provide input into the concept plans.

Mr. L. Powell, 1876 Feltham Road, spoke in support and stated:

- This site is spacious and is often used as a holding area for roofing bins, backhoes and gravel trucks; the creation of two new dwellings will solve this problem.

- The owners' intention is to build a new home and sell the other one; the owner has done a great job with a previous development on Feltham Road and he is sure he will do the same with this one.

**APPLICANT'S RESPONSE:**

Mr. Banks stated:

- Many of the concerns expressed by Mr. Haynes will be addressed as part of the subdivision review process such as the provision of new fencing.
- He is willing to revisit the details of the concept plan and any other outstanding issues with Mr. and Mrs. Haynes if they so wish.

**MOTION:**

**MOVED by Councillor Gillespie and Seconded by Councillor Pickup: "That,**

- 1. The application to rezone to RS-6 be approved; and,**
- 2. The concept plans, prepared by Banks Design received on July 28, 2005 be referred to the Approving Officer for consideration of a restrictive covenant at the subdivision review stage."**

Councillor Gillespie stated:

- Moving the driveways off of Feltham Road and locating them on Longview Drive will be an improvement to the area.
- He is pleased that the applicant is willing to discuss the details of the proposal with the adjacent neighbours.
- The proposed buildings are not large and the site coverage is not significant.

Councillor Pickup stated:

- She is pleased the applicant will meet with the adjacent neighbours before proceeding with the Subdivision Review Process.
- The applicant has addressed some of the issues raised.
- The restrictive covenant on the size of the house is great and it will retain the character and quality of life enjoyed in this neighbourhood.
- The lot coverage is not significant.
- Restricting the proposed dwelling size to what is allowable in the RS-4 zone is a significant concession.
- In terms of precedent, each proposal is considered on its own merits.

Councillor Brownoff stated:

- She is pleased that the applicant will review the concept plans with the adjacent neighbours and is willing to provide covenants to control house design and size and driveway locations.
- The neighbours will have an opportunity to provide input on the proposed subdivision through the Subdivision Review Process.

Councillor Derman stated:

- If this site were to remain in the RS-10 zone, a new dwelling could be built to a maximum of 5,000 square feet without the requirement of a Public Hearing.
- Future opportunity for infill development is limited in this area.
- This proposal is more appropriate than one large house where Council would not have any control on the size or design; it would only require a building permit.
- He is pleased that the applicant will meet with the neighbours prior to going to the Approving Officer.

Councillor Ngai stated:

- The proposal for two smaller homes will create an opportunity for younger families to afford to buy in this neighbourhood.
- She concurs with the comments made by the previous speaker.

Councillor Wergeland stated:

- This proposal will improve the community and be an asset to the neighbourhood when finished.
- The applicant will meet with the neighbours and address some of their issues.
- Each rezoning application is looked at on a case-by-case basis.

**The Motion was then Put and CARRIED**

No. 345  
Bylaw No. 8695  
Feltham Road

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004, NO. 8695”  
Second, Third and Final Readings.

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8695 be read a second time.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8695 be now passed.”**

**CARRIED**

**Moved by Councillor Gillespie and Seconded by Councillor Pickup: “That Bylaw No. 8695 be adopted by Council and the Seal of the Corporation be attached thereto.”**

**CARRIED**

No. 346  
Bylaw No. 8706  
Royal Oak Ave

“ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8706”

**PROPOSED SIX LOT RESIDENTIAL SUBDIVISION ON ROYAL OAK DRIVE**

To rezone Lot A, Section 9, Lake District, Plan 45835 (**520 ROYAL OAK DRIVE**) from zone A-1 (rural – minimum lot size 2 ha) to zone RS-8 (single family dwelling – minimum lot size 665 m<sup>2</sup>) for a proposed six lot residential subdivision.

The Notice of Public Hearing; report of the Director of Planning Services dated July 26, 2005 recommending rezoning approval; and 2 letters from the applicant, were introduced.

The Manager of Community Planning stated:

- On the last page of our report in the first bullet we make reference to a Natural State Area on Lots 3, 4, 5 and 6; the Environmental Services Section of the Planning Department has recently become aware that the hedgerow was not on the property line.
- The suggestion is that the Natural State Area be amended to maintain the Oregon Ash within Lot 6 and the common area and to preserve the environment that it survives in.

**APPLICANT:**

Mr. B. Perrin, member of the Pipeline Church, stated:

- He is pleased with the amendment to the Natural State Covenant proposed by the Environmental Services Section.
- There will be a right-turn in and a right-turn out from the development; in addition, they are offering to install a deceleration lane to allow cars to move away from the fast moving traffic on Royal Oak Drive.
- The turnaround has been adjusted slightly and this will provide for an additional landscape area.
- In regard to the issue of fill, a geotechnical engineer has been engaged and he has found two pre-fill surveys; from these surveys he is able to predict, with confidence, the depth of the fill on the property.
- In spirit of Normandy Road, which recognizes the western front in World War II, the road into the development will be called Smokey Smith Place in recognition of the heroism of war veteran Smokey Smith.

Mr. J. Bartlow, Landscape Architect, Lombardy North Group, stated:

- There will be a significant lawn boulevard with large street trees and eight feet of solid plantings between the sidewalk and the solid fence including trees, shrubs, ground cover, ornamental and native plantings.
- All the vegetation will be irrigated.

Mr. Robert J. Milne, Jawl and Bundon, Barristers and Solicitors, stated:

- At the request of the applicant, he has taken the proposed design guidelines for this development and created a statutory building scheme to ensure what has been told to the community will be followed through.
- The applicant will enforce the guidelines for as long as he remains involved with the project; the applicant has made a commitment to not sell the final lot until all of the buildings have been approved in accordance with the guidelines and construction has begun.
- Once the development is fully constructed, it will be the responsibility of the owners of the six lots to enforce the guidelines amongst themselves.

**PUBLIC INPUT:**

Ms. J. Barrick, 562 Normandy Road, spoke in support and stated:

- He appreciates all the effort made by the applicant to ensure that the development is compatible with the existing neighbourhood.
- He is concerned about the amount of fill that was previously deposited and hopes it will not impact on the privacy of the adjacent properties.

Ms. I. Skinner, 4563 Pipeline Road, spoke in support and stated:

- She is concerned for the trees along the property lines and hopes they will be retained; these trees provide privacy, shade and a sanctuary for birds.
- It would be to the advantage to the new owners to retain some of those existing trees regardless of their size and whether they are bylaw protected.

Mr. J. Morgan, 564 Normandy Road, spoke in support and stated:

- He appreciates the effort made by the applicant to address the neighbours concerns; this project is appropriate for this neighbourhood.
- He is concerned about the increase in traffic and the cul-de-sac parking area; he fears that people backing out of these parking spaces will be in conflict with motorists travelling at high speeds on Royal Oak Drive coming into this development.
- Motorists travelling down Royal Oak Drive have to slow down to turn onto Pipeline Road however the motorists behind you think you are going to turn onto West Saanich Road and do not slow down; perhaps the deceleration lane can continue to Pipeline Road to alleviate this problem for the new and existing residents.
- The current design of Royal Oak Drive lends itself to fast moving traffic.

Mr. J. Rafuse, 571 Normandy Road, spoke in support and stated:

- The turn onto Pipeline Road is a concern as other motorists behind you are expecting you to turn onto West Saanich Road; this is going to cause an accident sooner or later.
- He supports the suggestion of extending the deceleration lane to Pipeline Road.
- Normandy Road is a busy street for pedestrian traffic so the speed should be reduced to 30KM.

Mr. K. Whitworth, President of the Royal Oak Residents Association, 4580 Viewmont Avenue, spoke in support and stated:

- The Association would like the building guidelines to be vetted to the Association and the neighbours' representative before it is finalized.
- She is happy with the proposed street name of Smokey Smith given that 2005 is the year of the veteran.

#### **APPLICANT'S RESPONSE:**

Mr. B. Perrin stated:

- Most of the vegetation is within their property lines and the substantial trees will remain.
- They will be sensitive when installing the fence to ensure that the root systems of the trees are not disturbed.
- The height of the new dwellings will be measured from the original undisturbed grade.
- They look forward to vetting the building scheme with the neighbours.

In response to questions from Council, the Manager of Development and Municipal Facilities, stated:

- It is the requirement of the Engineering Department to have a standard cul-de-sac with a turnaround that includes parking.
- The parking turnaround has been designed so that there will not be a problem with backing out movements conflicting with motorists coming into the development.

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That the application to rezone to RS-8 be approved."**

Councillor Derman stated:

- The applicant has taken an exemplary approach in working with the community.
- He is pleased that a parking turnaround island has been provided and that it will be landscaped.
- He is concerned that if the deceleration lane was extended it will have an adverse impact on the aesthetics of the streetscape; it will also give the impression of a larger road and encourage speeding.
- This is an appropriate development for this community.

Councillor Pickup stated:

- She is pleased that the applicant and the community worked together to come to a satisfactory conclusion.
- This is a good project and an appropriate use of the property.

Councillor Wergeland stated:

- He is pleased that the community and the applicant were able to come together to reach a consensus.
- The parking turnaround is an important asset to this cul-de-sac as there is already limited parking in this area.

Councillor Gillespie stated:

- He is pleased that a covenant will be provided for the natural state area.
- He appreciates the hard work of the applicant with the community.

Councillor Brownoff stated:

- She is pleased that the community and the applicant were able to work together on this project.
- This project is an appropriate use of this site.

**The Motion was then Put and CARRIED**

No. 347  
Bylaw No. 8706  
Royal Oak Ave

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2005, NO. 8706"  
Second and Third Readings.

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8705 be read a second time."**

**CARRIED**

**Moved by Councillor Derman and Seconded by Councillor Gillespie: "That Bylaw No. 8705 be now passed."**

**CARRIED**

Adjournment            On a motion from Councillor Brownoff the meeting adjourned at 9:11 p.m.

The meeting reconvened at 9:47 p.m.

RECOMMENDATION

*From the Special Committee of the Whole meeting of September 13, 2005.*

No. 348  
Tillicum Road  
Restrictive  
Covenant

**3133 TILlicum ROAD – MONTAGUE HOUSE – REQUEST TO AMEND  
RESTRICTIVE COVENANT**

**MOVED by Councillor Pickup and Seconded by Councillor Derman: “That  
the existing covenant for 3133 Tillicum Road be rescinded in its entirety with  
the exception of the age restriction for residents contained in clause 1 (1).”**

**CARRIED**

Adjournment            On a motion from Councillor Brownoff the meeting adjourned at 9:48 p.m.

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MAYOR

I hereby certify these Minutes are accurate.

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MUNICIPAL CLERK