

STAFF REPORT TO COUNCIL

From: Lisa Brinkman, Senior Planner
 Meeting Date: November 19, 2018
 File No: 3360-18-11
 RE: **ZONING BYLAW AMENDMENT APPLICATION (C. RONALD)**
 Subject Property: Lot B, District Lot 72, Oyster District, Plan EPP20506
 (10910 Westdowne Road)

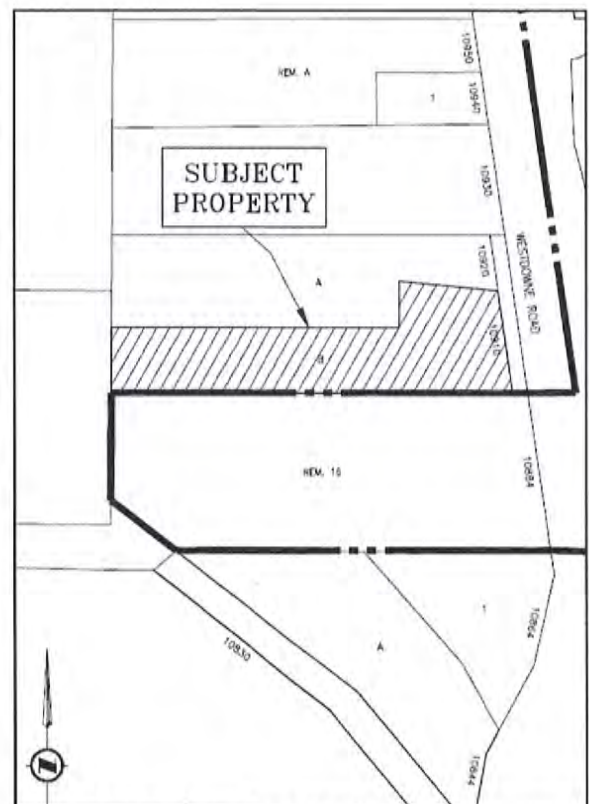
RECOMMENDATION:

That Council:

1. Consider the application (3360-18-11) to amend the Zoning Bylaw for the property legally described as Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road) to:
 - a) add 'storage yard' as a site specific principal permitted use;
 - b) add a definition of 'contractor tool crib'; and
 - c) amend the definition of 'storage yard' to include RVs, boats, and contractor tool cribs.

2. Direct staff to commence the preparation of the Zoning Bylaw amending bylaw for application 3360-18-11 (10910 Westdowne Road).

3. Direct that prior to presenting the Zoning Bylaw amending bylaw to Council for consideration, the owners of 10910 Westdowne Road shall complete the following:
 - Obtain a building permit for the retaining wall;
 - Obtain a demolition permit for the dwelling;
 - Connect the property to the Town of Ladysmith water system as required by DVP 11-01 and Covenant CA2774644; and
 - Submit the riparian landscape bond of \$1200 (DP 18-06).



PURPOSE:

The purpose of this staff report is to introduce an application to amend the Zoning Bylaw for the property at 10910 Westdowne Road and to seek direction from Council regarding next steps.

PREVIOUS COUNCIL DIRECTION

Council Meeting Date and motion #	Council Motion
<p>July 16, 2018 CS 2018-266</p>	<p>That Council:</p> <ol style="list-style-type: none"> 4. Issue Development Permit 3060-18-06 to permit land clearing and riparian restoration on Lot B, District Lot 72, Oyster District, Plan EPP20506 (10910 Westdowne Road); and 5. Authorize the Mayor and Corporate Officer to sign Development Permit 3060-18-06.
<p>November 7, 2011 2011-467</p>	<p>It was moved, seconded and carried that Development Variance Permit 3090-11-01 be approved, to permit a variance to Section C-4.05(f) and 4.05(g) of the Subdivision Control Bylaw No. 1115 to allow the property at 10910 Westdowne Road (Lot 15 District Lot 72, Oyster District, Plan 8793, Except Part in Plan 895 RW), to be subdivided into two lots subject to approval and registration of a covenant that states the following:</p> <ol style="list-style-type: none"> a) to postpone the required connection to the water supply until prior to issuing a building permit for either of the proposed two lots; and b) to postpone the required connection to the sanitary sewer system until within two years of the sanitary sewer being available to either of the proposed two lots; and <p>subject to Vancouver Island Health Authority confirmation that the property conforms to the Public Health Act; and that the Mayor and Corporate Officer be authorized to sign Development Variance Permit 3090-11-01.</p>

INTRODUCTION:

The purpose of this staff report is to introduce an application from Chris Ronald to amend the Zoning Bylaw for the subject property at 10910 Westdowne Road; and to seek direction from Council regarding next steps.

The subject property is one hectare in size and is zoned ‘Light Industrial’ (I-1) which permits commercial indoor storage as well as other light industrial uses **within a building**. The owner would like to amend the Zoning Bylaw by adding ‘storage yard’ as a site specific principal permitted use to allow commercial storage **outside of a building** for RVs, boats, vehicles, contractor tool cribs, equipment and supplies.

The subject property is surrounded by a light industrial (I-1) zoned parcel to the north which contains a legal non-conforming dwelling; and an indoor mini-storage to the south (property is within CVRD).

The owner is also requesting a site specific amendment to the Zoning Bylaw to permit 20 shipping containers on the subject property. The applicant states:

"We are hoping to have containers stored on site from trades people who use them to lock their tools/equipment in between jobs. We've had inquiries from a handful of trades people who own their shipping containers and transport them from jobsite to jobsite, but wish to store the containers while they are in between jobs. There appears to be a shortage of this type of storage option in the area so we felt there was an opportunity to meet the demand and that 20 containers would be adequate."

Staff is supportive of the request to add 'storage yard' as a permitted use on the subject property as there is a need for temporary RV and boat storage in Ladysmith.

Regarding the request for 20 shipping containers as 'contractor tool cribs' staff has the following comments:

- The Ladysmith Zoning Bylaw already permits a maximum of three shipping containers on an industrially zoned parcel. Allowing twenty shipping containers on the subject property for storage could become unsightly. The City of Nanaimo permits a maximum of one or two shipping containers on their industrial zoned properties, and specifies that a shipping container may not be used for mini-storage. North Cowichan permits a maximum of 3 shipping containers on a one hectare industrial parcel.
- The Building Inspector has advised that a shipping container that is used for commercial storage is considered a building and would require a building permit and be subject to the B.C Building Code. It would also be subject to the Industrial Development Permit Area guidelines and require a Development Permit for form and character.
- A contractor tool crib is typically a trailer on wheels and is approximately 5m in length, 2m in height, 2.6m in width. Staff recommends adding contractor tool crib to the definition of 'storage yard' to satisfy the demand to store contractor equipment.

The property is designated in the Official Community Plan (OCP) as 'Industrial', and falls within the Industrial Development Permit Area (DPA 5). Prior to site development including placement and construction of buildings and structures (i.e. fence, shipping container, signage), the owner of the subject property requires a development permit to ensure complies with the DPA 5 guidelines. The DPA 5 guidelines include a requirement that storage areas located in close proximity to abutting properties should be screened from view by fencing or hedging.

BACKGROUND

2011-2012

- A Development Variance Permit (DVP-11-01) was approved by Council to vary the Subdivision Bylaw to allow a two lot subdivision in which the two new lots (10920 & 10910 Westdowne Rd) were not required to be connected to Town water and

sewer at time of subdivision. However, the DVP states: 1) that when an owner of the land applies for a building permit they must design and construct an approved connection to the Town water system; and 2) an owner of the land must connect to the Town's sanitary sewer system within two years of it being available. An approved septic system would be permitted for a new building on the land until that time.

- The two lot subdivision was approved and covenant CA2774644 was registered on the title of both new parcels. Covenant CA2774644 states that the owner of the land shall not build or construct a building on the land until it has first at its sole cost designed and installed a connection to the Town of Ladysmith water system and any necessary extension of a water main to allow such a connection.

2018

- A new owner purchases the property at 10910 Westdowne Road.
- In July 2018 Council approved Riparian Development Permit (DP 18-06) to protect and replant the riparian area on the property and to authorize the clearing of the land outside of the riparian area. The owners are required to submit a bond of \$1200 to ensure the planting of the riparian area as approved by DP 18-06.
- A retaining wall has been constructed on the property and a residential building has been partly demolished with the building shell remaining, both without permits. The owners are required to submit an application for a building permit for the retaining wall and for the demolition of the dwelling. The building permit application will require that a Town waterline be extended along the frontage of the subject property with a connection for the proposed commercial storage business.
- Fencing and signage have been installed on the property. Prior to installing the retaining wall, signage and fencing an Industrial Development Permit is required. The owners have submitted an Industrial Development Permit (DPA 5) application and staff has requested additional information to ensure compliance with the DPA 5 guidelines and the Sign Bylaw.
- Currently approximately three boats, five RVs and one utility trailer are stored on the property which is not permitted under the I-1 zone.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS:

The Director of Infrastructure Services advises that:

- A commercial storage business, offering outdoor and/or indoor storage to customers should have a municipal water connection. Thus, it is recommended to enforce the requirements in DVP 11-01 and Covenant CA2774644.
- Bylaw 1834 requires that road frontage improvements are required at the time of a building permit where the value of construction is greater than \$50,000. Westdowne Road is identified as an Urban Collector road in the OCP requiring a higher level of road frontage improvements including concrete sidewalk, street light, boulevard tree, and other features. If the applicant wishes to build the road frontage to a rural industrial road standard, requiring less frontage improvements,

the land owner can apply to vary Bylaw 1834. This variance application would be presented to Council for consideration of approval.

Staff Recommendation Summary

In reviewing the zoning amendment application and the background for 10910 Westdowne Road staff recommends that Council:

1. Consider the application;
2. Direct staff to prepare the Zoning Bylaw amendment bylaw to:
 - add 'storage yard' as a site specific principal permitted use;
 - add a definition of 'contractor tool crib'; and
 - amend the definition of 'storage yard' to include RVs, boats, and contractor tool cribs.
2. Direct that prior to presenting the Zoning Bylaw amending bylaw to Council for consideration the owners of 10910 Westdowne Road shall complete the following:
 - Obtain a building permit for the retaining wall;
 - Obtain a demolition permit for the dwelling;
 - Connect the property to the Town of Ladysmith water system as required in DVP 11-01 and Covenant CA2774644; and
 - Submit the riparian landscape bond of \$1200 (DP 18-06).

Table 1: Summary of Zoning Bylaw Amendment Application 3360-18-11

	Existing	Proposed
Official Community Plan	Industrial	Industrial
Development Permit Area	Industrial (DPA 5)	Industrial (DPA 5)
Zoning	Light Industrial (I-1)	Light Industrial (I-1) <ul style="list-style-type: none"> • Site specific amendment for 10910 Westdowne Rd. to permit 'storage yard' as principle permitted use; • Add a definition for 'contractor tool crib' • Amend the definition of 'storage yard' to include contractor tool cribs, RVs and boats.

ALTERNATIVES:

Council can choose to not proceed with rezoning application 3360-18-11 or provide additional direction to staff.

Council could direct staff to include waiving the public hearing in the bylaw. This formal direction would be made following second reading of the bylaw.

FINANCIAL IMPLICATIONS:

None.

LEGAL IMPLICATIONS:

If the application proceeds a public hearing could be required to be held. Alternatively, the proposed zoning amendments are consistent with the Official Community Plan thus the public hearing could be waived.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS:

As the zoning amendment application is consistent with the Official Community Plan it is not required to refer the application to the Advisory Planning Commission.

ALIGNMENT WITH SUSTAINABILITY VISIONING REPORT:

- Complete Community Land Use
- Green Buildings
- Innovative Infrastructure
- Healthy Community
- Not Applicable
- Low Impact Transportation
- Multi-Use Landscapes
- Local Food Systems
- Local, Diverse Economy

ALIGNMENT WITH STRATEGIC PRIORITIES:

- Employment & Tax Diversity
- Watershed Protection & Water Management
- Communications & Engagement
- Natural & Built Infrastructure
- Partnerships
- Not Applicable

SUMMARY:

An application has been received to amend the Zoning Bylaw for the property at 10910 Westdowne Road. Recommendations are provided for the next steps in the application process.

Report prepared by:



Lisa Brinkman, Senior Planner

November 13, 2018

Director Approval:



Felicity Adams, Director of Development Services

I concur with the recommendation.



Guillermo Ferrero, City Manager

ATTACHMENTS:

none