



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, September 8, 2008

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

PRESENT: Mayor Chris Clement, Councillor Hy Freedman (Chair), Councillor Lynda Hundleby, Councillor Barbara Desjardins, Councillor Don Linge, Councillor Hy Freedman and Councillor Jane Sterk

STAFF: Tom Day, Chief Administrative Officer; Barbara Snyder, Director of Development Services; Gilbert Cote, Director of Engineering and Public Works, Marlene Lagoa, Diane Knight (recorder)

1. CALL TO ORDER

Councillor Freedman called the meeting to order at 7:00 p.m.

2. LATE ITEMS

1. Pertaining to Agenda Item 5(5), Staff Reports, Rezoning Application and Development Permit Application, 622 Admirals Road, Staff Report No. DEV-08-080

- Email from Lawrence E Ellis, Received September 4, 2008, Re: Legion Tower
- Email from John McKay, Received September 4, 2008, Re: Too Tall Buildings
- Email from Beverley Darche, Received September 4, 2008, Re: Legion Towers
- Email from Dan Wragg, Received September 4, 2008, Re: Legion Tower Project
- Email from Celine Anderson and Sebastian Lucero Groisman, Received September 4, 2008, Re: Legion Tower Proposal
- Email from Gwen Bavin, Received September 4, 2008, Re: Proposed Tower
- Email from Bob and Carol Randall, Received September 4, 2008, Re: 14 Story Condo Building
- Email from Carol-Ann Staples, Received September 4, 2008, Re: Proposed 17 Storey Highrise
- Email from Betty Notar, Received September 5, 2008, Re: Legion Towers

- Email from Tom Graham, Received September 5, 2008, Re: High Rise Development Proposal on Present Legion Site at Admirals Rd.
- Email from John Price, Received September 5, 2008, Re: Recent Development Requests the Fall Outside the Official Community Plan
- Email from Wendy L White, Received September 5, 2008, Re: Legion Tower
- Letter from Kim Bellefontaine, Received September 5, 2008, Re: Proposed Legion Tower Development Project
- Email from Karol and Warren Sanderson, Received September 5, 2008, Re: 17 Story High Rise
- Email from Beth Sobieszczyk and Dylan Reeves, Received September 5, 2008, Re: Please Do Not Approve a 17-Storey Building on Admirals and Esquimalt
- Email from Emmy Labonte, Received September 5, 2008, Re: Legion Proposal
- Email from Val MacMillan, Received September 5, 2008, Re: Stick to the OCP – Listen to the People
- Email from Robbie Taylor, Received September 6, 2008, Re: Legion Property Development
- Email from Wendy Barry, Received September 6, 2008, Re: Proposed Highrise
- Email from Alison Gaul, Received September 6, 2008, Re: 17 Storey Development Proposal
- Email from Rod Lavergne, Received September 6, 2008, Re: Application for High Rise 622 Admirals Road
- Email from Nancy Nigro, Received September 7, 2008, Re: Legion Towers
- Email from Sam Macey, Received September 7, 2008, Re: Esquimalt Legion Development Proposal
- Email from Bonney King and Eric Adams, Received September 7, 2008, Re: 17 Level Legion Building
- Email from Colin J MacLock, Received September 8, 2008, Re: Development Proposals Over 10 Stories in Height

- Letter from Jean Jenkins, Received September 8, 2008, Re: Proposed Building on the Esquimalt Legion Site
- Letter from Thomas Alfred Jenkins, Received September 8, 2008, Re: Proposed Building on the Esquimalt Legion Site
- Email from Eleanor Calder, Received September 8, 2008, Re: OCP Plan Does Not Include High Rise Towers
- Fax from Doug Grant, The Royal Canadian Legion, Esquimalt Dockyard Branch No. 172, Received September 8, 2008, Re: Support for 17 Storey Dev and Legion

2. APPROVAL OF AGENDA

Moved by Mayor Clement, seconded by Councillor Desjardins that the agenda be approved as amended.
The motion **CARRIED**.

3. MINUTES

- (1) Minutes of the Regular Committee of the Whole, June 9, 2008
- (2) Minutes of the Special Committee of the Whole, June 23, 2008

Moved by Councillor Linge, seconded by Mayor Clement that the minutes of the Regular Committee of the Whole meeting held June 9, 2008, and the minutes of the Special Committee of the Whole meeting held June 23, 2008 be adopted.
The motion **CARRIED**.

6. STAFF REPORTS

Development Services

(1) Amendment to Animal Bylaw to Allow Urban Hens, Staff Report No. DEV-08-078

The Director of Development Services reviewed the amendment to the Animal Bylaw to include a clause prohibiting the keeping of hens in any front yard.

Comments from Council include:

- Concerns with enforcing the bylaw.
- Suggestion to address individual cases of location as they come forward.

Moved by Mayor Clement, seconded by Councillor Sterk that:

- (1) Third reading of Bylaw No. 2692 amending Animal Bylaw No. 2495 to provide for the keeping of up to four hens in the RS-1, RS-2, RS-3, RS-4 and RS-5 Single Family Residential Zones be rescinded;

- (2) Bylaw No. 2692 be amended by adding the following clause in Section 57.1:

"I) any structure containing hens or chickens, whether that structure is portable or stationary, must not be located within the front yard setback unless such structure is screened by vegetation of a sufficient height and width to prevent the structure being visible from the street or from any adjacent residence."

The motion **CARRIED**.

Councillor Desjardins **OPPOSED**.

Moved by Mayor Clement, seconded by Councillor Linge that amended Bylaw No. 2692 be given third reading.

The motion **CARRIED**.

- (2) **Development Variance Permit, 372 Pooley Place, [Lot 1, Section 11, Esquimalt District, Plan VIS2352], Staff Report No. DEV-08-081**

The Director of Development Services reported that the Variance Permit is to permit increasing the size of an existing deck.

The applicant spoke on the Variance and advised that neighbours have expressed support for the renovations to 372 Pooley Place.

Moved by Mayor Clement, seconded by Councillor Hundleby that the application for a development variance permit authorizing the expansion of an existing deck located at Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place] as shown on the site plan and elevation drawing stamped "Received July 31, 2008", and based on construction drawings stamped "Received June 13, 2008", and including the following variance to Zoning Bylaw No. 2050, be forwarded to Council for approval.

Bylaw No. 2050, Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of a Parcel.

The motion **CARRIED**.

- (3) **Development Permit, 774 Fairview Road, [Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127], Staff Report No. DEV-08-082**

The Director of Development Services advised on landscape changes being made to the industrial site.

Comments from Council include:

- Changes show a positive improvement to the area.
- Will accommodate the future E&N Rail Trail and benefit the community at large.
- Pleased with process and working in cooperation with staff.

Moved by Mayor Clement, seconded by Councillor Sterk that the application for a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped "Received September 2, 2008", and including the following variances to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011, be forwarded to Council for approval.

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that maneuvering aisles shall be provided on the same Parcel as the use, building or structure for which they are required.

The motion **CARRIED**.

(4) Closure of Recycling Depot at Tudor House, Staff Report No. DEV-08-083

The Director of Development Services reported on the closure of the Recycling Depot at the Tudor House site due to ongoing complaints from the public.

Comments from Council include:

- Recycling depot is a valuable service to the residents of Esquimalt.
- Questions were raised regarding why this initiative did not work in Esquimalt whereas it is successful in other municipalities.
- Suggestion was made to look into using Public Works yard.
- Suggestion was made to have a member of Council and a municipal staff member meet with Pacific Mobile Depot to come to an agreement on an alternate location for the Depot in the municipality.

Moved by Councillor Desjardins, seconded by Mayor Clement that Staff Report No. DEV-08-083, Closure of Recycling Depot at Tudor House be received for information.

The motion **CARRIED**.

(5) Rezoning Application and Development Permit Application, 622 Admirals Road, [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854], Except Part in Red on Plan 312 BL], Staff

Report No. DEV-08-080

The Director of Development Services introduced the Rezoning and Development Permit to request a change in zoning to allow construction of a 17 storey mixed use tower at 622 Admirals Road.

The applicants, Chris Fitzpatrick and Robert Schmidt, were present to answer questions. Also in attendance were Michael Levin, Richard Dixon and Les Archer to answer questions regarding landscaping and traffic design.

Comments from Council include:

- Concerns with small amount of commercial space available for the size of the building.
- Concerns with space between building and the street, would like to see more space in front.
- Increased density in Esquimalt is a positive step and stimulates the economy.
- Increased use of parks and schools is good for the community.
- Need to develop a DCC bylaw to give developers a better idea of what is expected of them.
- Would like to see a more comprehensive neighbourhood plan and expansion of the Esquimalt Village Project before moving this project forward.
- Need to give residents and developers a vision for the area.
- Would like to see rental accommodation included and space for Veterans.
- Imperative to get input from residents regarding what they want to see for the community.
- Disturbing to see the community divided on a project.
- Congratulations to developer on green initiatives and traffic design.
- All construction should meet LEEDS standards.
- Need to review and possibly revise the OCP.
- Concerned with the fact that the APC did not make a recommendation on the development.
- Feel that it is the responsibility of this Council to give staff more guidance on developments such as this and future planning for the community.
- Ensure that future developers are responsible for the cost of infrastructure improvements required by new projects.
- Council expressed support for the Legion and for the Veterans.
- Council supports staff's recommendation on the direction for this development.

Moved by Councillor Desjardins, seconded by Mayor Clement that:

- (1) The application be held in abeyance pending a review of

the Official Community Plan to examine and better define suitable reasons for considering increases in height and density; and

- (2) Staff be directed to prepare a work plan for preparation of a DCC bylaw.

The motion **CARRIED**.

9. ADJOURNMENT

Moved by Mayor Clement, seconded by Councillor Linge that the meeting adjourn at 8:16 p.m.

The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS 10th DAY OF NOVEMBER, 2008

CERTIFIED CORRECT:

LARRY RANDLE
CORPORATE OFFICER