



**MINUTES OF THE DISTRICT OF PORT HARDY
PUBLIC HEARING HELD MAY 9, 2018
COUNCIL CHAMBERS, MUNICIPAL HALL
7360 COLUMBIA STREET**

PRESENT: Mayor Hank Bood, Councillors Pat Corbett-Labatt, Dennis Dugas, Rick Marcotte, Fred Robertson, John Tidbury and Leighton Wishart

ALSO PRESENT: Allison McCarrick, Chief Administrative Officer; Heather Nelson-Smith, Director of Corporate & Development Services

MEDIA: North Island Gazette & North Island Eagle **MEMBERS OF THE PUBLIC:** Twelve

Mayor Hank Bood, called the Public Hearing to order at 1:00 pm.

Mayor Bood advised that this public hearing is being held in accordance with the *Local Government Act* to allow the public to make representations to the District of Port Hardy regarding proposed District of Port Hardy Zoning Bylaw Amendment Bylaw No. 1078-2018. He indicated a copy of the proposed Bylaw is available at the table by the entrance to the Council Chambers.

Mayor Hank Bood advised that notice of this public hearing was published in the North Island Eagle Newspaper on April 27, 2018 and North Island Gazette Newspaper on May 2, 2018 and was posted on the public notice board at the District of Port Hardy Municipal Hall located at 7360 Columbia Street, Port Hardy, BC. A notice was also mailed to the owners and tenants of the properties within 50 metres of the subject property and the notice and applications were made available on the website.

Mayor Bood indicated that all persons who believe that their interests are affected by proposed Bylaw No. 1078-2018 will be given an opportunity to be heard respecting matters contained in the Bylaws.

The Director of Development Services then reviewed the bylaw and explained the intent of the proposed changes to the bylaw.

Bylaw 1078-2018

- a) Table 5.1 in section 5.1 of Part 5 is amended by adding a new zone listing at the very end of the Table as follows:

CD-9: Comprehensive Development 9	CD-9
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- b) Part 12: Comprehensive Development Zones is amended by adding a new section 12.5 CD-9: Comprehensive Development 9 as shown on Schedule "A" to this Bylaw.
- c) The list of zones included in the legends titled "Zoning Descriptions" on each of Schedules A, B, C and D are amended by including "CD-9: Comprehensive Development 9".
- d) Schedule A: Zoning Map – West is amended by changing the applicable zone of the property legally described Lot 1, Section 1, Township 8, Rupert District, Plan 45379 PID 008-079-188 Civic Address 8700 Park Drive to the CD-9: Comprehensive Development Zone 9.

SCHEDULE “A” TO BYLAW NO. 1078-2018

12.5 CD-9: COMPREHENSIVE DEVELOPMENT ZONE 9

The purpose of this zone is to provide a mixed-use Strata development to allow the range of uses permitted in the RM-1: Multiple Unit Residential with the additional provision of Duplex Dwellings and all property will be common property. The property located at 8700 Park drive is legally described as Lot 1, Section 1, Township 8, Rupert District, Plan 45379 PID 008-079-188.

- (a) The following principal uses are permitted:
 - (1) Duplex Dwelling
 - (2) Apartment Dwelling
 - (3) Attached Dwelling
 - (4) Community Care Facility

- (b) The following accessory uses are permitted:
 - (1) Minor Home Occupation (see section 3.12)
 - (2) One common Accessory Building (see section 3.9)

- (c) The following conditions of use apply:
 - (1) Outdoor amenity space equal to 15.0 square metres per Apartment Dwelling and Attached Dwelling shall be provided on the same parcel.

- (d) The following siting, size and dimension requirements apply:

Setbacks		
Yard Setback	Buildings	Accessory Use
Front Yard	Minimum of 7.6 metres (24.93 feet)	Minimum of 7.6 metres (24.93 feet)
Rear Yard	Minimum of 7.6 metres (24.93 feet)	Minimum of 1.5 metres (4.92 feet)
Interior Side Yard	Minimum of 3.0 metres (9.84 feet)	Minimum of 1.5 metres (4.92 feet)
Exterior Side Yard	Minimum of 4.5 metres (14.76 feet)	Minimum of 4.5 metres (14.76 feet)
Floor Area		
Dwelling	Minimum Gross Floor Area	
Studio	32.0 square metres (344.45 square feet)	
One Bedroom	55.7 square metres (599.55 square feet)	
Two Bedroom	74.3 square metres (799.78 square feet)	
Three Bedroom	92.5 square metres (995.66 square feet)	
Four Bedroom	111.5 square metres (1,200.18 square feet)	
Size of Buildings and Structures		
Maximum Height (All Buildings)	11.0 metres (36.09 feet)	
Maximum Parcel coverage	50%	
Parcel Area and Dimensions		
Minimum Parcel Area	23,060 square metres (248,215.77 square feet)	

The Director of Corporate Services reported to Council that no comments were received in advance of the Public hearing to share with the Council.

Mayor Bood called the first time for speakers to the proposed bylaw amendment Bylaw 1078-2018.

Derek Venter, Derek Venter Architectural Design Architect for the project.

The purchasers of the property require a rezone in order to purchase the property. People want to see what the development is going to look like, but in this case the developer can not spend money on the design of the project until it has the rezone and subsequently the purchase of the property complete.

Mayor Bood called the second time for speakers to the proposed bylaw amendment Bylaw 1078-2018.

Ross Stone, property owner 8920 Seaview Drive

Would like to find out more about the project – how many units are private dwellings and how many will be for rental accommodations? How are they sold, as a lump or individually?

Mayor Bood requested the Developer to respond to the question.

Derek Venter, Derek Venter Architectural Design Architect for the project.

If we are doing a project of this lot size in Langley, 170 units could be fit onto the property, however we know that this type of development will not be suitable in Port Hardy. The draft drawing (which is not a final drawing but an idea of what may be done on the property) shows approximately 70-80 units. The vision from the client, is to create a space to live and to experience nature.

Currently we are looking at some rental units, that is up to the client, and the province is providing an incentive through grant funding. Any person could buy a unit and rent it out as well. We have not yet talked about nightly rentals and can not comment on that.

Councillor Wishart

Stated that he received a call from a citizen regarding the rezoning expressing concern that the complex is across from the Gwa'sala-'Nakwaxda'xw Nations reserve and wondered if there was the potential to move members from the reserve to this property?

Derek Venter, Derek Venter Architectural Design Architect for the project.

Stated that he has no information regarding the question. The intention of the project is to have people move here, however the units can be sold again after the development and it is unclear what that would look like.

Kathleen Davidson, property owner 7540 Market Street

Who is the developer and who has hired the developer?

How do you propose to develop the property avoiding the potential two eagle's nests on the property? And what do you envision as a community care facility?

Derek Venter, Derek Venter Architectural Design Architect for the project.

Hired by the developer, Pathfinder Development who is the development manager, and he acts on behalf of the owner of the property, the property purchasers are Gwa'sala-'Nakwaxda'xw Nations. The eagle's nests are regulated through the Wildlife Act and there are rules that will have to be adhered to. At the moment the vision is to create a building that people can gather, washrooms, offices, commercial kitchen approx. 2000 square feet.

Gerry Davidson, property owner 7540 Market Street

There doesn't appear to be a plan except for a few options in the zoning amendment?

Derek Venter, Derek Venter Architectural Design Architect for the project

Explained that in order for the developer to plan the property the zone must accommodate that. The cost of planning a development of this type is about \$150,000 and it is unreasonable to plan this without a specific zone attached to the property that will allow for the planning of the development.

When the proposal was considered the developer worked with District staff to see what was permissible in the zoning in other areas to ensure consistency with other types of multi family zoning. The setbacks and the heights were reviewed and were copied so that we would not have a disproportionate development from what is currently in Port Hardy.

Gerry Davidson, property owner 7540 Market Street

There are two eagle's nests on the top right of the property. Tourist draw from Tsulaquate Park. Any disturbance will be detrimental to tourism.

In addition, assessment of the drainage, water, sewer and roads. This development is different from an apartment block.

Why give a zoning change when you don't know what will happen?

Heather Nelson-Smith, Director of Corporate Services

The Official Community Plan (OCP) is the District's guiding document. When a re-zone application comes to the District we review the land designations as set out in the OCP and see if the intention is consistent. In this case, the District has labeled this area as Comprehensive Development Zone -1 which encourages a mix of residential densities as well as mixed commercial residential use with trails and commuting opportunities.

We looked at other areas where we allow multiple unit residential or multi family. In the Multi family zones we currently permit apartments, attached dwellings and community care facility. The applicant wanted to also permit the ability to add in duplex dwellings from the current zoning to allow for flexibility in development. The addition to the multi family of the duplex dwellings required the District to consider a comprehensive or site-specific development to this property.

The District also has a Development Permit requirement which requires the developer to conform to the form and character as set out in the OCP as well as a subdivision approval process which will review the works and services required for the development.

In a lot of cases the developer owns the land and will apply for the rezone, subdivision and development permit at the same time, but this is typically common on lots where the owners have most of the uses permitted on a property.

Gerry Davidson, property owner 7540 Market Street

Do you think it is a good idea to increase the population in a tsunami zone?

Heather Nelson-Smith, Director of Corporate Services

Our OCP does not say you can't develop in a tsunami zone.

Derek Venter, Derek Venter Architectural Design Architect for the project

The tsunami and flood planes are reviewed as part of the design of any development.

Ross Stone, property owner 8920 Seaview Drive

What kind of building structures? Straw, stick or brick, and what kind of finish?

Derek Venter, Derek Venter Architectural Design Architect for the project

Diversity and no straw buildings, from a finish point of view, the developer is looking for energy efficient houses and the firm will be designing passive houses that reduce energy consumption up to 90%.

This sets the standard in a construction point of view. From a finish point of view this development will have a wide range of finishes.

Mayor Bood called the third time for speakers to the proposed bylaw amendment Bylaw 1075-2018.

Kathleen Davidson, property owner 7540 Market Street

The artist rendering shows the access from Rupert Street is there any possibility that the access won't come off of Rupert Street as Park Drive is a blind corner.

Derek Venter, Derek Venter Architectural Design Architect for the project

The intention is to access the property from Rupert Street.

Mayor Bood called again for speakers to the proposed bylaw amendment Bylaw 1078-2018.
No comments.

No final comments or input was forthcoming

The Public Hearing was adjourned at 1:32pm to reconvene at 6:00pm.

Mayor Bood reopened the Public Hearing at 6:00pm.

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Laura Burns, Property Owner 7550 Market Street

Came to the meeting for more information on the application. Raised concerns over the eagle's nests and the natural habitat.

Also, that it does not make sense to develop in a tsunami zone and put the strain on emergency responders to evacuate the area.

Derek Venter, Derek Venter Architectural Design Architect for the project

The intent is to develop the site for 70-80 units. The intention is to preserve as much of the natural aspects of the site as they are hoping to attract long term purchasers and those purchasers will want as much of the natural landscape preserved.

In relation to the tsunami zone, tsunami and flood planes are reviewed as part of the design of any development.

Justin Reusch, property owner 8730 Seaview Drive

Concerns over the use of the property for high density purposes including noise, increased foot and vehicle traffic, conflicts with neighbours, small parcel with too much coverage and unclear as to who the property owner is.

Derek Venter, Derek Venter Architectural Design Architect for the project.

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The vision from the client, is to create a space to live to experience nature and to keep the natural environment.

Pathfinder Development is the development manager, and he acts on behalf of the owner of the property, the property purchasers are Gwa'sala-'Nakwaxda'xw Nations.

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Mayor Bood called the second time for speakers to the proposed bylaw amendment Bylaw 1078-2018.

Laura Burns, Property Owner 7550 Market Street

Wondered if the low vacancy rate is driving this type of development because the low vacancy rate may be skewed.

Mayor Bood called again for speakers to the proposed bylaw amendment Bylaw 1078-2018.
No comments.

No final comments or input was forthcoming.

CERTIFIED CORRECT:

Original signed by:

DIRECTOR
OF CORPORATE SERVICES

MAYOR