

# TOWN OF SIDNEY

## ADVISORY PLANNING COMMISSION MEETING MINUTES

February 18, 2020

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### **PRESENT:**

- Chairperson: Kelly Bull-Tomer
- Members: Bernardine van der Meer, Clarence Bolt, Denny Gelinas, Don Carscadden, Douglas Watt, Graden Sol, John Crowhurst, Patrick Killeen
- Council Liaison: Councillor Peter Wainwright
- Staff: Corey Newcomb, Senior Manager of Long Range Planning  
Yazmin Hernandez Banuelas, Municipal Planner  
Kevin Webber, Planning Technician  
Alissa McCrea, Administrative Assistant
- Absent: Donald Macnamara

### 1. **CALL TO ORDER:**

The Chair called the meeting to order at 2:58 p.m.

### 2. **ADOPTION OF AGENDA:**

Moved by Douglas Watt, seconded by Denny Gelinas, that the Agenda be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY:**

### 3. **ADOPTION OF MINUTES:**

Moved by Don Carscadden, seconded by Graden Sol, that the Minutes of February 4, 2020 be adopted as circulated.

**MOTION CARRIED UNANIMOUSLY:**

### 4. **DEVELOPMENT PERMIT APPLICATION NO. DP100796:**

9570 & 9574 Fifth Street

#### **PROPOSAL:**

- The proposal is for a 4-storey multi-family residential development containing 19 dwelling units with surface and underground parking.
- No variances are being requested as part of this proposal.

Yazmin Hernandez Banuelas gave a brief overview on the proposed development.

Presenter: Greg Gillespie, Development Manager, Mike Geric Construction  
Tony James, project architect  
Keith Grant, landscape architect  
(Applicant representatives)

The applicants gave a PowerPoint presentation outlining the changes to the development highlighting on the following:

- Removal of the retaining wall from the original design;
- Parking is now mostly below grade and underground along with storage, garbage and bicycle room;
- 3 additional units have been added to the main floor;
- Re-design has allowed an increase in parking – 2 visitor spaces and an additional resident space;
- As a result of a rotation of the stairway, the top floor configuration has changed and the rooftop structure is now more slender and less noticeable from the street;
- The main appearance of the building has not changed with the exception of the removal of the retaining walls;
- Landscaping is intended to be complimentary to the building design and maintain views to the exterior. Plants will a mix of indigenous and ornamental species that are hardy and drought tolerant and reasonably maintainable;
- Additional hedging and plantings have been added in place of the retaining wall.

Record of Decision:

- Discussion regarding FCL, insurability, future liabilities and costs.
- It was noted that the lack of an FCL Bylaw prevents the Town from requiring building to an FCL.
- Mixed opinions regarding 14 foot ceilings on the fourth floor even though compliant within the height restrictions
- There was not much discussion in regards to the general design of the building and no concerns were expressed other than over all height by some members of the Commission.

**Moved by John Crowhurst, seconded by Don Carscadden, that the Advisory Planning Commission recommends to Council that Development Permit Application No. DP100796 (for the form and character of a 4-storey multi-family residential development containing 19 multi-family dwelling units) be approved, subject to the following conditions:**

- 1. That the property owner shall, prior to issuance of Building Permit, pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development; and**
- 2. That the property owner shall, prior to issuance of Building Permit, register a flood hazard covenant on the title of the property.**

**Opposed: D. Watt & C. Bolt  
MOTION CARRIED 7:2**

*Yazmin Hernandez Banuelas left the meeting at 4:20pm*

5. **DEVELOPMENT PERMIT APPLICATION NO. DP100781 & DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DV100274:**

10502 & 10504 Resthaven Drive

**PROPOSAL:**

- The proposal is for the conversion of the existing 2-storey duplex into a townhouse development consisting of 4 multi-family dwelling units.
- Three variances are being requested: the setback of an accessory structure located in the rear yard, a reduction in the number of adaptable dwelling units provided and to reduce the minimum width of the access aisle for the rear parking area.

Kevin Webber gave a brief overview on the proposed development.

Presenter: Don Pedde (Applicant)

The applicant gave a PowerPoint presentation on the proposed development highlighting on the following:

- The existing duplex structure will be retained with 2 additional units added in the front to create a 4-unit townhome development;
- 3 parking spaces to be located in the rear of the development and 2 tandem parking spaces will be located in the front. Rear parking is partially covered;
- Storage sheds for the units will be located in the rear yard;
- Due to limitations in the size and orientation of the new units, the project is unable to meet the adaptable unit requirement in the Zoning Bylaw;
- The project is attempting to create affordable, livable housing.

**Record of Decision:**

- Strong support for refurbishing, retaining and reusing the existing structure rather than demolition.
- Concerns about the variance for the adaptable housing unit were outweighed by the merits of providing affordable housing options.
- No concerns in regards to the variance request regarding the drive aisle width.
- Discussion regarding the amount and nature of hardscape.
- Variance for the accessory building setback was not supported because of the massing of the roof extension, parking geometry and impacts to the Douglas fir tree.

**Moved by Douglas Watt, seconded by Graden Sol, that the Advisory Planning Commission recommends to Council:**

1. **That owners and tenants in occupation of property within 75m (246ft) of 10502 and 10504 Resthaven Drive be notified regarding Development Variance Permit Application No. DV100274 (to vary the requirements for the number of adaptable units provided, and access aisle width) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance;**

**MOTION CARRIED UNANIMOUSLY**

**Moved by John Crowhurst, seconded by Don Carscadden, that the Advisory Planning Commission recommends to Council:**

- 2. That the applicant redesign the accessory building to eliminate the canopy over the rear parking area in order to eliminate the need for a variance;**

**Opposed: P. Killeen  
MOTION CARRIED 8:1**

**Moved by Douglas Watt, seconded by Denny Gelinas, that the Advisory Planning Commission recommends to Council:**

- 3. That as conditions of approval of Development Variance Permit Application No. DV100274, the property owner shall:**
  - a. Prior to issuance of Building Permit, register a covenant on title specifying that the drive aisle accessing the rear parking area is to remain free of obstructions at all times,**
  - b. Prior to issuance of Building Permit, register a restrictive covenant on the title of the property with the Town as a signatory, prohibiting the future strata council from passing any bylaws that may restrict occupancy of the building based on age;**
  - c. Prior to issuance of Building Permit, register a statutory right-of-way to allow for a portion of the public sidewalk to be located on the subject property;**
  - d. Prior to issuance of Occupancy Permit, install a sign for vehicles exiting the site reading “Yield to Oncoming Traffic” as per the Memorandum from Watt Consulting Group dated March 8, 2019; and**
  - e. Install a 2.0 metre wide concrete sidewalk along the entire frontage of the property as part of the frontage works associated with this development; and**

**MOTION CARRIED UNANIMOUSLY**

**Moved by Clarence Bolt, seconded by Don Carscadden, that the Advisory Planning Commission recommends to Council:**

- 4. That if Council authorizes the issuance of the Development Variance Permit Application No. DV100274, then Development Permit Application No. DP100781 (for the form and character of a two storey townhouse development containing 4 dwelling units) be brought before Council for consideration of approval with the following conditions:**
  - a. That the property owner be required to submit revised architectural and landscape plans addressing Development Permit Guidelines No. 20.3.21 (pedestrian walkway surface materials), No. 20.3.29 (utility kiosk and meter locations) and No. 20.3.34 (tree canopy over public sidewalks) to the satisfaction of the Senior Manager of Current Planning;**
  - b. That the property owner shall, prior to the issuance of Building Permit, pay to the Town a deposit in the amount of 115% of the estimated cost to complete the hard and soft landscaping for the development; and**
  - c. That if the protected Douglas fir tree on the neighbouring property at 10390 Patricia Place is not removed by the Town’s planned infrastructure work on sewer and storm mains in that area, then the applicant shall install tree protection fencing to the satisfaction of the Director of Engineering prior to commencing any site work and retain an Arborist to supervise any excavation within the root zone of the protected tree.**

**MOTION CARRIED UNANIMOUSLY**

*Denny Gelinis left the meeting at 5:32 pm*

**6. ITEMS DISPOSITION BY COUNCIL:**

Councillor Peter Wainwright gave an update on Council's decisions with regard to recent Development Applications.

**7. ADJOURNMENT:**

**Moved by Don Carscadden, seconded by Graden Sol, that the meeting be adjourned.**

**MOTION CARRIED UNANIMOUSLY**

Meeting adjourned at 5:43 p.m.

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CHAIRPERSON