

TOWN OF SIDNEY



ADVISORY PLANNING COMMISSION MEETING MINUTES

September 21, 2021

Meeting held via Videoconferencing

PRESENT:

Vice Chairperson: Kelly Bull-Tomer

Members: Bernadine van der Meer, Clarence Bolt, Denny Gelinis, Douglas Watt, Richard Novek, Lucina Baryluk, Andrew Tidman

Council Liaison: Councillor Chad Rintoul

Staff: Corey Newcomb, Senior Manager of Long Term Planning
Richard Roy, Municipal Planner
Kelly Albucz, Development & Administrative Coordinator

Absent: John Crowhurst

1. **CALL TO ORDER:**

The Chair called the meeting to order at 3:00 p.m.

2. **ADOPTION OF AGENDA:**

Moved by D. Gelinis, seconded by R. Novek that the Agenda be adopted as circulated.

CARRIED

3. **ADOPTION OF MINUTES:**

Moved by C. Bolt, seconded by B. van der Meer that the Minutes of September 7, 2021 be adopted as circulated.

CARRIED

4. **PROCEDURE CHANGE**

The Commission agreed to change the start time to 2:00 p.m. going forward. Staff to update new meeting start time for public information.

5. **DEVELOPMENT PERMIT APPLICATION NO. DP100816 & DEVELOPMENT VARIANCE APPLICATION NO. DV100294**

9805 Seaport Place

PROPOSAL:

- **The proposal is to construct a roof over the restaurant patio area located on the property's interior side yard setback (southeast corner).**
- **A variance to reduce the required interior side yard setback from 3.4m to 0.0 m is being requested in order to construct the roof to property line.**

Commission member B. van der Meer recused herself from the meeting at 3:08 p.m.

Richard Roy, Municipal Planner, gave a brief overview of the application.

Presenter: Sylvia Bonet of Finlayson Bonet Architecture

- New design; not involved in the original design, and new plan has different design features.
- New plan fits in with existing features of existing building.
- Satisfies building code requirements.
- Indicated columns in centre to support folding windows that can open and close according to seasonal requirements.
- Pedestal for windows facing park will be a stone façade to complement the existing building.
- Fixed glass installation on the side of the building where the entrance to the lobby is located to mitigate evening noise from restaurant.

Moved by D. Watt, seconded by L. Baryluk that the Advisory Planning Commission lift from the table Development Permit Application No. DP100816 and Development Variance Application No. DV100294 for 9805 Seaport Place

CARRIED

Record of Decision:

- Design of patio well received and well regarded by Commission members.
- Concern regarding the need and appearance for an air handling or mechanical on the roof as it would detract from the overall appearance of the addition and views past the building.
- Noise of a unit may affect the residents/guests in the building.
- Discussion of whether this is considered a patio or part of an extension of the restaurant and what the ramifications of this are.

Moved by L. Baryluk, seconded by R. Novek that the Advisory Planning Commission recommends to Council that owners and tenants in occupation of property within 75 metres (246 feet) of 9805 Seaport Place be notified regarding Development Variance Permit Application No. DV100294 (to relax the eastern interior side yard setback to 0m for an enclosed patio area) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.

CARRIED

Moved by R. Novek, seconded by A. Tidman that the Advisory Planning Commission recommends to Council that Development Permit Application No. DP100816 (to construct a roof over the restaurant patio area) for the property at 9805 Seaport Place be brought before Council for consideration of approval if Council authorizes the issuance of the development variance permit, subject to the condition that the exterior design remains unaltered from the plans dated July 7, 2021.

CARRIED

Commission member B. van der Meer returned to the meeting at 3:56 p.m.

6. OCP UPDATE PROJECT: PHASE 2 SUMMARY & KEY DIRECTIONS REPORT

Presentation by Corey Newcomb, Senior Manager of Long Range Planning, summarizing Phase 2 of the OCP Review/Update Project and the Key Directions Report.

- Introduction
- Phase 1 and 2 overviews
- Key Directions Report Overview
- Next Steps

The Commission members thanked Corey Newcomb for his comprehensive presentation and work to date on this project.

The Commission commended the design and structure of the document; the goals were well thought out as well as the section to address climate change considerations. It was agreed to discuss and comment on each of the policy directions as set out in the staff report.

A. *Policy Direction: Maintain the half blocks north and south of Beacon Avenue between Second Street and half a block past Fifth Street by:*

- *Limiting density and building heights to a maximum of three storeys, and*
- *Establishing design guidelines for fine-grained storefronts and use of natural materials (e.g. wood, brick)*

The Commission discussed the following aspects:

- Current step back requirements are for buildings of four to five storeys; step backs for buildings of over two stories on Beacon Avenue would make more sense. Staff indicated that these are currently in the Downtown Local Area Plan (part of the OCP) and are reviewed and revised going forward.
- Step backs are difficult to design and considered challenging for developers trying to balance construction costs and increasing land costs.
- Restricting building heights to one or two storeys effectively “freezes” any future redevelopment for those buildings as development becomes uneconomical. Staff noted that the OCP will attempt to create a balance between realistic redevelopment opportunities and the community desire for a lower scale of development along Beacon Avenue.
- “Fine grained” building frontages would be the kind seen currently on Beacon Avenue; smaller storefront windows with materials such as brick or wood creating a more traditional main street look rather than a modern steel/glass look.

B. *Policy Direction: Actively pursue opportunities for improved public space in downtown Sidney, including a public square, a “pedestrian priority” street design for Beacon Avenue and opportunities around the waterfront.*

The Commission discussed the following aspects:

- Development Cost Charges (DCCs) and other associated fees paid by development should be revisited after the OCP has been updated to ensure that the town is achieving the desirable level of public amenities from new developments.
- Land in downtown Sidney is already quite expensive and the opportunity to obtain land to create a village square and improved pedestrian corridors will diminish as time and infill development proceeds.
- Downtown public plaza hasn't been realized due to the high cost and small size of most downtown lots/developments, and the limited potential to carve off a piece of land large enough for such a project.

C. *Policy Direction: Designate "Downtown West" the area from Patricia Bay Highway to the half block before Fifth as Sidney's "Regional Hub" with a limit of four storeys. A fifth storey may be permitted, only in this area, via discretionary approval (i.e. a rezoning or variance application) where a substantial public amenity is proposed (e.g. social housing, etc.). Regulate the form and character of the area through downtown guidelines, including step backs from streets (especially along Beacon Avenue) for buildings above four storeys and use of natural materials (e.g. wood, brick).*

The Commission discussed the following aspects:

- There is an opportunity for additional development away from downtown Sidney but this is complicated by the lack of Highway 17 access from all directions in the north end of Sidney. Likely area of future access improvements (e.g. RapidBus, highway overpass, etc.) is in the Beacon Avenue area.
- Consideration should be given to retaining some uses where the only appropriate place may be in the downtown area; i.e. gas stations or fast food restaurants. These uses will need land going forward as well. Staff responded that the existing uses of this type are likely to stay in place as long as there is market demand for them, but that they would still be permitted going forward.

D. *Policy Direction: Areas of Downtown outside of "Downtown East" will be limited in scale to 4 storeys, and density bonusing and other zoning regulations will be adjusted accordingly. Allowable uses on the ground floor will be expanded to include a limited number of ground-oriented residential units (e.g. townhomes) and live/work units located primarily around the periphery of downtown.*

The Commission discussed the following aspects:

- Retail in Sidney continues to thrive in spite of challenging conditions, supporting the need for commercial space at street level with possibility of integration of residential space in some areas.
- Appreciation that not every street in the downtown is entirely suited to commercial use; support for the Council resolution to allow some residential at street level where it makes sense.
- Relevant policy and design guidelines from the existing Downtown Local Area Plan will be incorporated within the new OCP.

Due to time constraints, the Commission agreed to defer review of the remaining items to their next meeting in order to provide thorough and meaningful input on the report.

Moved by D. Gelinas, seconded by C. Bolt that the Advisory Planning Commission will continue review of the OCP Review/Update Project Key Directions Report at the next scheduled meeting.

CARRIED

6. ITEMS DISPOSITION BY COUNCIL:

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

7. ADJOURNMENT:

Moved by R Novek, seconded: D. Watt that the meeting be adjourned.

CARRIED

Meeting adjourned at 5:19 p.m.

CHAIRPERSON