

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, May 6, 2008 at 3:00 p.m. – 5:30 p.m. in **Council Office, 7400 Prospect Street.**

Page No.

1. CALL TO ORDER

3:00 p.m. – 4:00 p.m.

2. IN CAMERA

THAT pursuant to Section 90 (2) (b) of the Community Charter, the Council of the Village of Pemberton serves notice to hold an In-Camera Meeting on today's date for the purpose of dealing with matters of which the public shall be excluded from attending.

3. RISE FROM IN CAMERA

4:00 p.m. – 4:30 p.m.

**4. PEMBERTON VALLEY SPIRIT OF BC COMMITTEE –
Presentation/Update**

Presentation: France LaMontagne

4:30 p.m. – 5:30 p.m. (if required)

5. OFFICIAL COMMUNITY PLAN AMENDMENT (Highway Frontage Commercial re-designation to Residential) BYLAW No. 611, 2008 **2**

ZONING AMENDMENT (Residential Townhouse permitted use) BYLAW No. 612, 2008 **11**

Review of Report and Bylaws – Michael Rosen to attend by telephone

6. ZONING AMENDMENT (Village Core Commercial/Industrial Temporary Use Permit) BYLAW No. 613, 2008 **12**

Discussion of Report – Richard Diamond to provide overview

7. TERMINATION

Date: May 6, 2008

From: Michael Rosen, Planning Consultant
Richard Diamond, Planning Technician

Subject: Proposed Amendments to the Official Community Plan and Zoning Bylaws - Residential Development within Commercial Precincts

RECOMMENDATIONS

- 1) THAT Official Community Plan Amending Bylaw 611, 2008 be read a first time;
- 2) THAT Zoning Bylaw Amending Bylaw 612, 2008 be read a first time; and
- 3) THAT pursuant to Section 879 of the *Local Government Act*, Village Council refer the proposed bylaw amendments to the Advisory Land Use Committee, the Advisory Design Review Committee, the Squamish Lillooet Regional District, the Lil'wat Nation, the Ministry of Transportation, the Pemberton and Area Chamber of Commerce, and the affected property owners along Highway 99 and Portage Road for comment; said referral organizations to be requested to submit their respective comments to the Village within 30 days of first reading.

BACKGROUND AND COMMENTS

Earlier this year, Drew Meredith made a presentation to Council regarding commercial development within the Village of Pemberton. One of the messages from the presentation was that in order to foster a successful pedestrian oriented town centre, less commercial development should take place outside of the town centre, and to achieve that notion, stand-alone residential development should be permitted on sites along Highway 99 (C-2 zoned area) and Portage Road (C-3 zoned area) that are currently sitting vacant. Drew Meredith suggested that changes to the Zoning Bylaw for both the C-2 and C-3 zones should be pursued.

From a planning perspective, strengthening the Town Centre is completely supportable. Restricting commercial development so that retail and office type uses are directed into the town centre is also supported, and is actually the cornerstone of the existing commercial development policy framework within the current Official Community Plan and the regulatory framework within the Zoning Bylaw.

That being said, from a long term planning perspective, protecting the supply of commercial land to service a future growing population is important for not only the provision of commercial services, but also for the jobs that would be created and the tax base that would accrue. However, there may be some specific circumstances where

such a conversion would in fact be appropriate, and other cases where it would not. For example, commercially zoned sites along Highway 99 that may not have good access could be considered for an alternative use, as such a constraint may significantly challenge the viability of a commercial development.

a) Highway 99 Corridor

It is critical that the Highway 99 corridor **not** be developed in a manner that it takes on a strip commercial appearance through the Village. One way to do that is to exercise strong design controls, as has been the practice in the past. Another measure that could be pursued is to reduce the length of the highway corridor that would be developed for commercial use, and replace future commercial use with other uses, for example residential.

With this in mind, four options have been considered, briefly described as follows:

- 1) Amend the Official Community Plan Land Use Map by re-designating specific sites along Highway 99 from Highway Commercial Frontage to Residential while retaining the sites' existing C-2 zoning until an application comes forward;
- 2) Amend the Official Community Plan Land Use Map by re-designating specific sites along Highway 99 from Highway Commercial Frontage to Residential and **in advance** of receiving a development proposal, rezoning the sites to accommodate residential use only;
- 3) Amend the Zoning Bylaw by adding Residential use to the list of permitted uses for all or some of the sites currently zoned C-2 zone; or
- 4) Consider changing the OCP re-designation and rezoning a site to permit Residential use **in response** to the submission of a rezoning application for residential use.

Option 3 is not recommended because it would not necessarily prevent the continued commercialization of the highway; it would only create the opportunity for residential use. Option 4 is a reasonable approach, but would be more reactive than proactive.

Option 1 and 2 are similar, the difference being that in Option 2, the specific sites are actually rezoned in advance of receiving a development proposal. Pursuing either one of these options would send the signal out that Council is interested in accommodating uses along portions of the highway other than commercial. As well, this approach would enable Council to proactively gain control over the potential commercialization of the highway corridor by focussing the commercial area around the Highway 99 / Portage Road intersection. Dialogue with the affected property owners would be required, given the significant proposed change of zoning.

Should Council be interested in pursuing either Options 1 or 2, the next issue is which C-2 sites should be re-designated and rezoned, and how should they be rezoned? One

approach would be to designate the vacant or underdeveloped C-2 lands **west** of the power line and **east** of the canal for non-commercial uses, thus tightening up the commercial component of the highway corridor. Three properties would be involved - the Phare property located south of Signal Hill Elementary School along Highway 99, the old card lock site, and the vacant site on the north side of the highway at Harrow Road.

Given that the commercial zoning along the highway has been in place for over 20 years, the fact that the property owners have not yet been consulted regarding a potential zoning change, and the difficulty of appropriately pre-zoning the sites, Option 1 is considered the more practical approach. The downside of this option is the risk that the owners of the sites may in fact proceed with commercial projects under the existing zoning, and thus result in further stringing out commercial development along the highway.

b) Portage Road Gateway

The C-3 lands include the Portage Road gateway between Signal Hill Elementary and the Highway 99 intersection, and Arbutus Street. Currently, as is identified on the attached drawing, there are five undeveloped sites zoned C-3 – the old “pony site” next to Portage Station, and four sites within the Arbutus Street subdivision, one of which has been authorized for DP approval a few years ago (Lot 3 - Gateway), and another that is currently the subject a DP application (Lot 5 - the old Sunstone site).

This gateway area has in the past and continues to experience development activity in the form of commercial, residential, and community facility development. While the mixture of uses is considered positive from a Smart Growth perspective, the commercial activities, though limited by zoning regulations, are surfacing at the expense of the town centre. One idea that has been presented is to provide flexibility in the C-3 zone whereby a C-3 site could be developed for a stand alone residential building.

To accommodate this notion, four options have been considered, briefly described as follows:

- 1) Amend the Zoning Bylaw by rezoning specific sites along Portage Road from Commercial to Residential **in advance** of receiving a development proposal;
- 2) Amend the Zoning Bylaw by adding stand alone townhouses to the list of permitted uses within the C-3 zone; or
- 3) Amend the Zoning Bylaw by adding stand alone townhouses to the list of permitted uses within the C-3 zone for **specific properties**; or
- 4) Consider rezoning a site to permit Residential use **in response** to the submission of a rezoning application.

Option 1 is not recommended because it would be premature to prejudge which sites should be converted from commercial to residential use in advance of further technical analysis and discussion with the property owners. Option 4 is a reasonable approach, but much like with the Highway 99 issue would be more reactive than proactive.

Options 2 and 3 would provide flexibility to the development community such that the C-3 zone would enable both stand alone residential development and mixed use buildings, the difference being that Option 2 would permit stand alone residential buildings on **any** site zoned C-3, whereas Option 3 would permit stand alone residential buildings on **specific** sites so determined by Council. Should Council want to retain control over which sites should be developed with stand alone residential buildings and not rely upon the prevailing market conditions, then Option 3 would be the appropriate course of action. One idea would be to permit stand alone residential buildings for the two sites within the Arbutus Street subdivision that are considered **not** to have good commercial presence (Lots 4 and 6 - see amending bylaw). The other three vacant C-3 sites, including the “old Pony site”, would require a zoning change to permit stand alone residential buildings.

SUMMARY OF PROPOSED AMENDING BYLAWS

Attached to this report, are proposed amendments to both the Official Community Plan and Zoning Bylaw. To assist Council in reviewing the two draft bylaws, the following is some background context and a brief summary of each of the amending bylaws:

a) Official Community Plan Amendment Bylaw 611, 2008

In accordance with Option 1 regarding the Highway 99 corridor, Section 2 of the draft amending bylaw would redesignate the Phare, old card lock and Harrow Road properties from Highway Frontage Commercial to Residential. This would enable Council to consider a rezoning application for residential development for these lands without having to amend the OCP.

Regarding the Portage Road gateway, Section 3 of the draft amending bylaw would create Policy 15A that would accommodate non-commercial uses within the Portage Road / Arbutus Street corridor in cases where a site is not considered appropriate for commercial use.

b) Zoning Bylaw Amendment Bylaw 612, 2008

As noted previously, the Highway 99 and Portage Road properties are typically zoned C-2 and C-3, respectively. In both these zones, stand alone residential uses are not permitted, however within the C-3 zone, residential above or to the rear of commercial is permitted (Portage Station, Winchester, and Mountains Edge).

Sections 2 and 3 of the draft zoning amendment bylaw would permit townhouse and stacked townhouse uses for two specific sites within the C-3 zone (Lots 4 and 6). The two sites, located within the Arbutus Street subdivision, are considered inferior commercial properties due to access and visibility issues. It should be noted that parking requirements for the residential use would be as per the existing requirements

for residential uses that apply elsewhere within the Village. It should also be noted that “stand alone **apartment style**” residential uses would still **not** be permitted within the C-3 zone. Rezoning would be required to accommodate apartment style units, as was the case with the apartments in Pioneer Junction.

There are no zoning changes proposed for the C-2 Highway 99 lands. Council would consider zoning changes upon the submission of a site specific rezoning application in accordance with the revised OCP land use designations.

OPTIONS FOR COUNCIL

The following options are provided for Council’s consideration:

- Option 1: Give first reading to the two amending bylaws and commence the referral and consultation processes;
- Option 2: Request staff to revise the bylaws prior to proceeding with bylaw enactment process; or
- Option 3: Request staff to initiate a referral and consultation process prior to proceeding with bylaw enactment process.

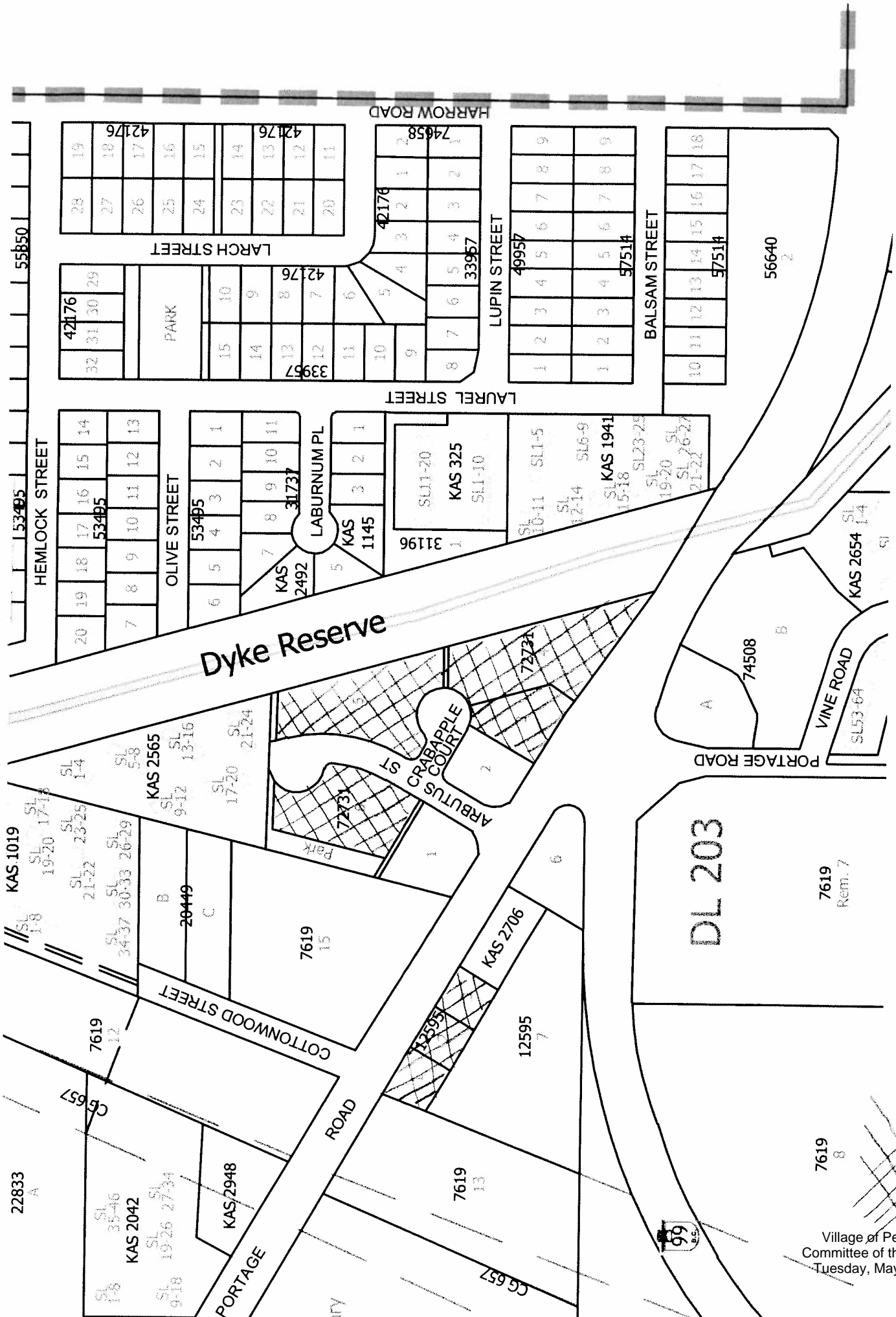
CONCLUSION

Based upon previous discussions with Council, it is apparent that Council is interested in providing flexibility to property owners and developers regarding the residential use of commercially zoned property along Highway 99 and Portage Road. The two amending bylaws are intended to provide for this flexibility, while at the same time enabling Council to exercise some control over the ultimate development of the Highway 99 and Portage Road commercial sites.

Attachments:

- 1) *Map – Vacant C-3 Zoned Properties*
- 2) *Bylaw 611, 2008 – OCP Amending Bylaw*
- 3) *Bylaw 612, 2008 – Zoning Bylaw Amendment Bylaw*

VACANT C-3 ZONED LANDS MAP



HATCHED AREA ARE THE CURRENTLY VACANT C-3 AS THEY EXIST APRIL 30TH, 2008

THE VILLAGE OF PEMBERTON

BYLAW NO. 611, 2008

Being a bylaw to amend the Village of Pemberton Official Community Plan Designation Bylaw No. 435, 1999

WHEREAS the Council may amend its Official Community Plan from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to accommodate stand alone residential development within commercial areas;

NOW THEREFORE the Council of the Corporation of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as “Official Community Plan Amendment (Highway Frontage Commercial redesignation to Residential) Bylaw No. 611, 2008.”
2. Schedule A – Land Use Map of Official Community Plan Designation Bylaw No. 435, 1999 is amended by redesignating the lands shown in bold highlight on Schedule 1 of this Bylaw from Highway Commercial Frontage to Residential.
3. Schedule 1 of Official Community Plan Designation Bylaw No. 435, 1999 is amended by adding the following policy to to Section 3.1.2 (Commercial):

“Policy 15a

Sites along the Highway 99 corridor and Portage Road / Arbutus Street gateway that are designated for commercial uses on Schedule A - Land Use Map may be developed for non-commercial uses in cases where it can be demonstrated to the satisfaction of Council that the site:

- a) is not suitable for commercial use due to access, location, size, shape, adjacent land uses reasons; or
- b) has a higher and better use from an overall community planning perspective as deemed by Council.”

READ A FIRST TIME this 6th day of May, 2008.

READ A SECOND TIME this day of 2008

PUBLIC HEARING HELD this day of 2008.

READ A THIRD TIME this day of 2008.

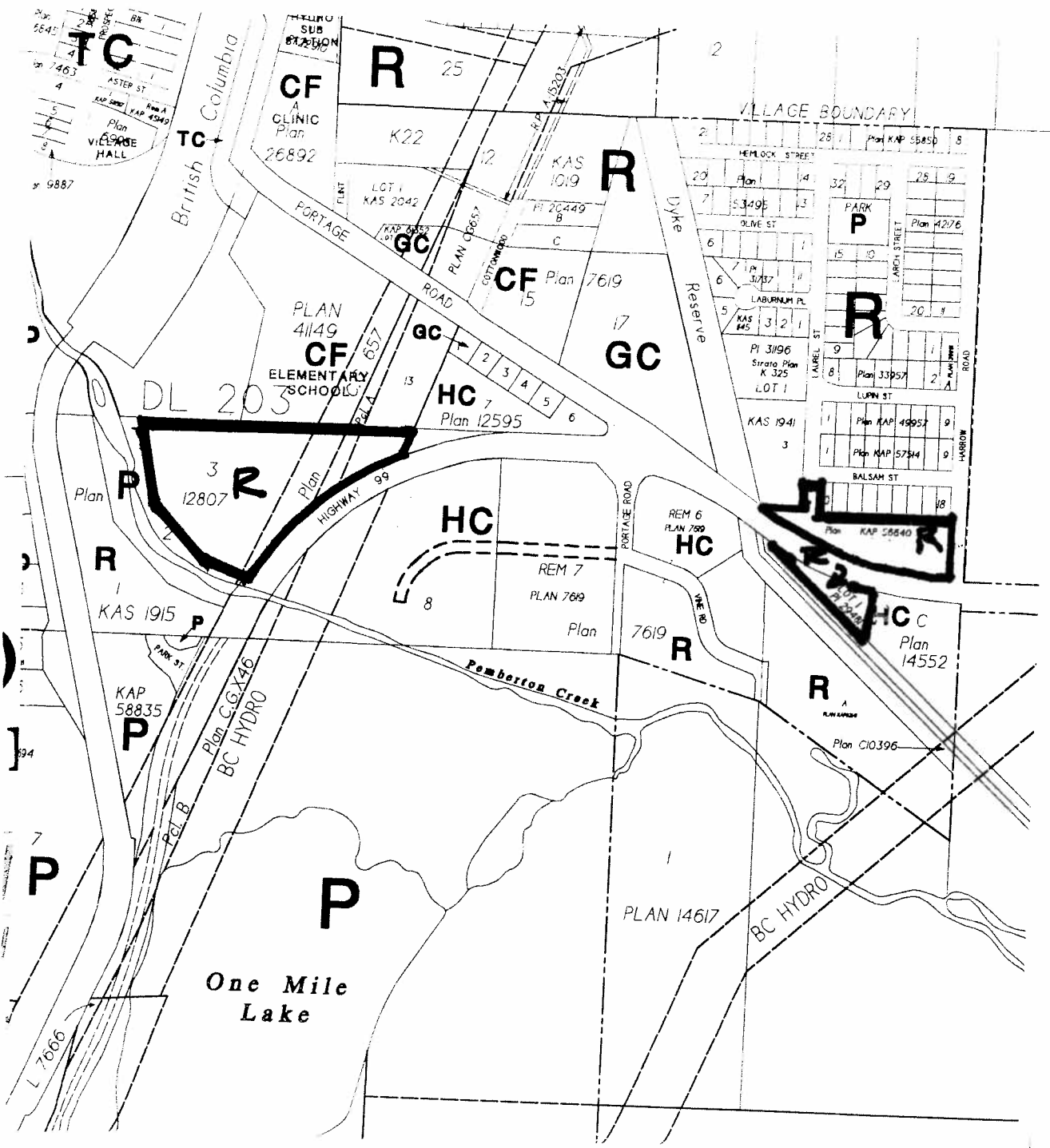
RECONSIDERED AND FINALLY ADOPTED this day of , 2008.

Mayor

Administrator

Schedule 1 to Bylaw No. 611, 2008

**SCHEDULE 1
BYLAW 611, 2008**



BOLD OUTLINED AREAS TO BE REDESIGNATED FROM HIGHWAY FRONTAGE COMMERCIAL (HC) TO RESIDENTIAL (R)

THE VILLAGE OF PEMBERTON
BYLAW NO. 612, 2008

Being a bylaw to amend the Village of Pemberton Zoning Bylaw No. 466, 2001

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to permit non-commercial uses on site along Highway 99 and Portage Road;

NOW THEREFORE the Council of the Corporation of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Bylaw (Residential townhouse permitted use) Amendment Bylaw No. 612, 2008."
2. Section 308.1 (Portage Road Commercial C-3 Zone: Permitted Uses) of Zoning Bylaw 466, 2001 is amended by adding the following to the list of Permitted Uses:

"Townhouse subject to Section 308.7
Stacked Townhouse subject to Section 308.7"
3. Section 308 (Portage Road Commercial C-3 Zone) of Zoning Bylaw 466, 2001 is amended by adding the following section:

"Section 308.7 Residential Uses
Townhouse and stacked townhouse uses shall be permitted on the following lots:
Lot 4, Plan KAP72731, LLD
Lot 6, Plan 72731, LLD"

READ A FIRST TIME this 6th day of May, 2008.

READ A SECOND TIME this day of 2008

PUBLIC HEARING HELD this day of 2008.

READ A THIRD TIME this day of 2008.

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO SECTION 52 of the *Transportation Act* this day of 2008.

RECONSIDERED AND FINALLY ADOPTED this day of , 2008.

Mayor

Administrator

Date: May 6, 2008

From: Richard Diamond, Planning

Subject: Zoning Amendment (Village Core Temporary Use Permits)
Bylaw No. 613, 2008

RECOMMENDATION:

THAT Zoning Amendment (Village Core Temporary Use Permits) Bylaw No. 613, 2008 receive First and Second Reading;

AND THAT the public hearing be scheduled for 8:00 a.m. Tuesday, May 20, 2008 prior to the Regularly Scheduled Council meeting.

BACKGROUND AND COMMENTS

Council has expressed a desire to facilitate temporary commercial uses associated with the operation and administration of the 2010 Olympic and Paralympics Games (the Games) within the Village Core C-1, C-2, C-3 and C-4 Zones. Section 920 of *the Local Government Act* permits that a local government may issue a temporary commercial or industrial use permit upon application from an owner of land, if said lands are located in an area designated as a temporary use permit area in an OCP or Zoning Bylaw.

The purpose of this report is to provide Council information with respect to designating the Village core commercial areas as a temporary use permit area.

Temporary Use Permits

Council may issue temporary use permits to allow for any commercial or industrial use including temporary tourist accommodation (commercial), processing of natural materials (industrial) or permit the construction or use of buildings or structures to accommodate persons who work at the commercial or industrial enterprise in respect for which the permit is issued. The permit may also specify conditions under which the temporary commercial or industrial use may be carried on. The conditions may include security (bonding) requirements to ensure timely removal of the temporary use, including any buildings and structures and restoration of the lands.

Temporary use permits may be issued for up to two (2) years and the owner may apply for one (1) extension for a further period of two (2) years. It is important to note that as part of the permit approval process, the *LGA* sets out specific minimum requirements for providing notice to the public that it is considering a permit application and includes a public hearing in accordance with Section 892 of the *LGA*.

Recommendation

As Council has expressed the desire to facilitate temporary uses with respect to the Games in the Commercial Zones in the Village core area, and as Section 921 specifies the process for approving and issuing temporary use permits including requirements for public consultation and provides for conditions to be attached to the permit, staff recommends that the attached bylaw be presented at the next open Council meeting for First and Second Reading and a Public Hearing scheduled.

It should be noted that zoning amendment bylaws would normally be referred the Villages Land Use Committee and other internal and external referrals, however; *in this* case staff feels that such referrals are not required, but that as part of any specific application for a temporary commercial or industrial use permit, said application would be referred for comment to the appropriate internal and external agencies. Referrals initiated at permit application time, will allow the referral agencies to comment on the specific proposal and allow staff to have the applicant address any concerns or issues raised.

BUDGET IMPACT

All Temporary Use Permit applications would include a fee to be paid at time of application to cover Village costs such as staff time, public notification and public hearing as will be required. Specific permits, if approved, may also require other fees or contributions to the Village. The free structure will be established upon approval of this bylaw.

Richard Diamond
Planning Technician

THE VILLAGE OF PEMBERTON

BYLAW 613, 2008

Being a bylaw to amend the Village of Pemberton Zoning Bylaw 466, 2001

WHEREAS the Council may amend its Zoning Bylaw from time to time;

AND WHEREAS the Council of the Village of Pemberton deems it desirable to permit temporary uses relating to the administration and operation of the 2010 Olympic Games in the C-1, C-2, C-3 and C-4 zones;

NOW THEREFORE the Council of the Corporation of the Village of Pemberton in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as "Zoning Amendment (Village Core Temporary Use Permits) Bylaw No. 613, 2008".
2. Section 306 (C-1 Town Center Commercial) is amended by adding:

306.7 Temporary Commercial and Industrial Use Permits

- a) Pursuant to Section 921 of the *Local Government Act*, the entire C-1 Zone shall be designated a Temporary Industrial and Commercial Permit Area as a mechanism to accommodate temporary commercial and industrial uses associated with the administration and operation of the 2010 Olympic and Paralympics Games.
 - b) Temporary Industrial and Commercial Permits shall be issued in accordance with the requirements specified in Section 921 of the *Local Government Act*.
3. Section 307 (C-2 Tourist Commercial) is amended by adding:

307.9 Temporary Commercial and Industrial Use Permits

- a) Pursuant to Section 921 of the *Local Government Act*, the entire C-1 Zone shall be designated a Temporary Industrial and Commercial Permit Area as a mechanism to accommodate temporary commercial and industrial uses associated with the administration and operation of the 2010 Olympic and Paralympics Games.
- b) Temporary Industrial and Commercial Permits shall be issued in accordance with the requirements specified in Section 921 of the *Local Government Act*.

4. Section 308 (C-3 Portage Road Commercial) is amended by adding:

308.7 Temporary Commercial and Industrial Use Permits

- a) Pursuant to Section 921 of the *Local Government Act*, the entire C-1 Zone shall be designated a Temporary Industrial and Commercial Permit Area as a mechanism to accommodate temporary commercial and industrial uses associated with the administration and operation of the 2010 Olympic and Paralympics Games.
- b) Temporary Industrial and Commercial Permits shall be issued in accordance with the requirements specified in Section 921 of the *Local Government Act*.

5. Section 309 (C-4 Service Commercial) is amended by adding:

309.7 Temporary Commercial and Industrial Use Permits

- a) Pursuant to Section 921 of the *Local Government Act*, the entire C-1 Zone shall be designated a Temporary Industrial and Commercial Permit Area as a mechanism to accommodate temporary commercial and industrial uses associated with the administration and operation of the 2010 Olympic and Paralympics Games.
- b) Temporary Industrial and Commercial Permits shall be issued in accordance with the requirements specified in Section 921 of the *Local Government Act*.

READ A FIRST TIME this 6th day of May, 2008.

READ A SECOND TIME this 6th day of May, 2008.

PUBLIC HEARING HELD this day of , 2008.

READ A THIRD TIME this day of , 2008.

APPROVED BY THE MINISTER OF TRANSPORTATION PURSUANT TO SECTION 52 of the *Transportation Act* this day of , 2008.

RECONSIDERED AND FINALLY ADOPTED this day of , 2008.

Mayor

Clerk