

Regular Council Agenda

September 12, 2011 – 6:30 p.m.

Council Chambers

8645 Stave Lake Street, Mission, BC

1. PUBLIC HEARING

- | | | | |
|-----|------|--|---------|
| (a) | (i) | District of Mission Zoning Amending Bylaw 5230-2011-5050(50) (R11-017 – Toor) – a bylaw to rezone property at 7768 Taulbut Street from Urban Residential 558 Zone (R558) to RC465 Urban Residential Compact 465 Zone (RC465) | Page 3 |
| | (ii) | Development Variance Permit Application DV11-007, 7768 Taulbut Street | |
| (b) | (i) | District of Mission Zoning Amending Bylaw 5236-2011-5050(52) (R10-034-OTG Development Concepts) - a bylaw to rezone property at 33277 Richards Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7) | Page 14 |
| | (ii) | Development Variance Permit Application DV11-009, in the name of Esmial Al-Khaliq - 33277 Richards Avenue) | |
| (c) | | District of Mission Zoning Amending Bylaw 5237-2011-5050(53) (R11-015-OTG Development Concepts) - a bylaw to rezone property at 33766 Richards Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7) | Page 25 |

2. NEW BUSINESS

- | | | |
|-----|--|-----|
| (a) | Noise concerns due to Millstream Sorting Ltd.
(To be circulated under separate cover) | --- |
|-----|--|-----|

3. BYLAWS

MOTION: That the readings of all bylaws listed below be considered for third reading following the public hearing.

- | | | |
|-----|--|---------------|
| (a) | District of Mission Zoning Amending Bylaw 5230-2011-5050(50) (R11-017 – Toor) – a bylaw to rezone property at 7768 Taulbut Street from Urban Residential 558 Zone (R558) to RC465 Urban Residential Compact 465 Zone (RC465) | Third Reading |
| (b) | District of Mission Zoning Amending Bylaw 5236-2011-5050(52) (R10-034-OTG Development Concepts) - a bylaw to rezone property at 33277 Richards Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7) | Third Reading |

- (c) District of Mission Zoning Amending Bylaw 5237-2011-5050(53) (R11-015-OTG Development Concepts) - a bylaw to rezone property at 33766 Richards Avenue from Rural 16 Zone (RU16) to Rural Residential 7 Zone (RR7)

Third Reading

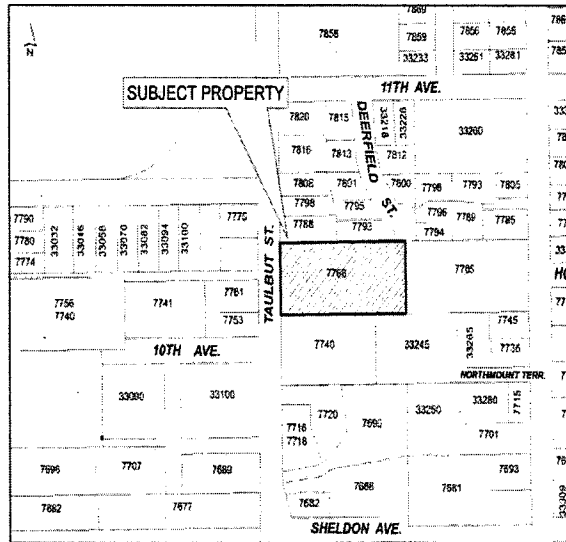
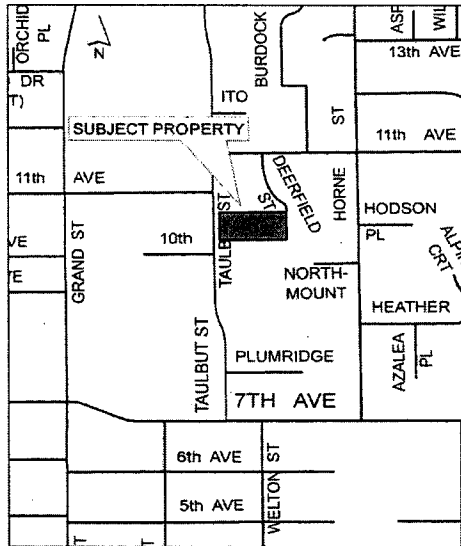
- 4. **QUESTION PERIOD (on new business only)**
- 5. **ADJOURNMENT**

1. DISTRICT OF MISSION ZONING AMENDING BYLAW 5230-2011-5050(50) (R11-017 - Toor)

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 009-720-944 Lot 13 Section 21 Township 17 New Westminster District Plan 12578 from Urban Residential 558 (R558) zone to Residential Compact 465 (RC465) zone.

The location of the subject property is 7768 Taulbut Street and is shown on the following maps:



The purpose of the proposed amendment is to accommodate the subsequent subdivision of the subject property into ten (10) lots of a minimum 558 square metre (6,006 sq. ft.) lot size.



Planning Department
Memorandum

FILE: PRO.DEV.ZON
R11-017

To: Chief Administrative Officer
From: Planner
Date: August 22, 2011
Subject: Rezoning Application R11-017 and Development Variance Permit Application DV11-007 – 7768 Taulbut Street

Recommendation

1. That, in accordance with Rezoning Application R11-017 (Gary Toor), the Corporate Officer prepare a bylaw to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 7768 Taulbut Street and legally described as:

Parcel Identifier: 009-720-944; Lot 13, Section 21, Township 17, New Westminster District Plan 12578

from Urban Residential 558 (R558) zone to RC465 Urban Residential Compact 465 (RC465) zone;

that the bylaw be considered for first and second reading at the Regular Council meeting on August 22, 2011; and

that following such a reading, the bylaw be forwarded to a Public Hearing on September 12, 2011.

2. That Development Variance Permit Application DV11-007 be forwarded for public input on September 12, 2011:

(a) to vary Section 601 C. 1. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required:

Conventional Lot Width:

- Lot 1 from 16 metres (52.4 feet) width to 15.21 metres (49.9 feet) width;
- Lot 2 from 16 metres (52.4 feet) width to 15.22 metres (49.9 feet) width;

(b) to vary Section 104 C. 3 a. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required:

Corner Lot Width:

- Lot 3 from 17.5 metres (57.4 feet) width to 16.3 metres (53.4 feet) width;

(c) to vary Schedule C, Part III, Drawing R-7 of District of Mission Subdivision Control Bylaw 1500-1985 by reducing the minimum required:

Typical Cul-De-Sac:

- Roadway dedication from 9 metres (29.5 feet) width to 7.5 metres (24.6 feet) width on the cul-de-sac running eastward from Taulbut Street;

3. That the applicant replant 27 trees in addition to the requirement to plant two trees per lot in accordance with LAN.32 Tree policy, for a total of 47 trees to be planted within the boundaries of the subdivision or provide \$250.00 for each tree of the required 47 trees (\$11,750 maximum).

4. That the five percent parkland provision in Section 941 of the *Local Government Act* be applied as cash-in-lieu of parkland to subdivision file S11-014.
5. That one road extension and one new cul-de-sac be named:
 - That extension of road running south of Deerfield Street be named Deerfield Street;
 - That portion of cul-de-sac running east from Taulbut Street be named Chomat Place.

Summary of Proposal

The applicant is proposing to rezone the property located at 7768 Taulbut Street (**Map 1**) from Urban Residential 558 (R558) to Urban Residential Compact 465 Zone (RC465) in order to facilitate a ten (10) lot subdivision.

The proposed rezoning and subdivision will eventually create three (3) new lots which will front Taulbut Street while four (4) lots will be accessed from a new cul-de-sac on the east side of Taulbut Street. The remaining three (3) lots will be accessed from a cul-de-sac that will be the southern terminus of Deerfield Street. The proposed lot configuration can be seen in the attached draft subdivision plan (**Plan 1**).

The following table represents the areas of each lot within the proposed subdivision:

<i>Lot Number</i>	<i>Area - Square Metres and (Square Feet)</i>
1	558 sq. m. (6,006 sq. ft.)
2	558 sq. m. (6,006 sq. ft.)
3	598 sq. m. (6,436 sq. ft.)
4	641 sq. m. (6,899 sq. ft.)
5	693 sq. m. (7,459 sq. ft.)
6	500 sq. m. (5,381 sq. ft.)
7	465 sq. m. (5,005 sq. ft.)
8	575 sq. m. (6,189 sq. ft.)
9	465 sq. m. (5,005 sq. ft.)
10	553 sq. m. (5,952 sq. ft.)

Site Characteristics and Neighbourhood Context

The property is located just south-east of Centennial Park and north-east of the Leisure Centre. The property gently slopes from east to west and exhibits an increased slope towards Taulbut Street. The property currently contains one single family dwelling on the south-west portion which is accessed from Taulbut Street (**Aerial Photo**). This existing residence is slated for removal as part of the development process.

The surrounding properties (south and east of the development property) are large urban residential properties with existing older homes while lots to the north comprise of mainly conventional urban residential densities (mid 1990's housing stock).

Zoning

The subject property and the surrounding properties (excluding the institutional and park uses to the west) are zoned Urban Residential 558 Zone (R558). The proposed lot sizes, under the proposed RC465 zoning, are considered oversized for the zone. All lots provide ample area for driveways, building envelopes and private amenity spaces. Additionally, given the 'compact' zoning, the designs of the house will be scrutinized and approved by the planning department. Given the

proposed oversized lots, the development will appropriately integrate into the surrounding urban residential neighbourhood while still providing densities envisioned within the OCP.

Official Community Plan (OCP) Designation and Future Roadway Network

The proposed Residential Compact 465 (RC465) zoning is permitted within the *Urban Residential-Compact* OCP designation; therefore, the proposed development does not require an OCP amendment. The development's density is in keeping with the future densities envisioned within the OCP.

Environmental Management and Tree Retention

District of Mission mapping records indicate that there are no watercourses or environmentally sensitive areas located on the property. There were a number of larger significant trees sited on the property; however, tree removal was conducted on the property in the spring of 2011. The previous tree cover on the eastern portion of the property can be seen in the **Aerial Photo**. Accordingly, planning staff conducted a site visit after the tree removal and determined that an estimated twelve (12) significant trees were removed above and beyond the fifteen (15) trees still present on the western portion of the property (**Plan 1**). The applicant has indicated that all trees must be removed on the site to allow for lot grading and proper building envelopes.

In accordance with LAN. 32 'Tree Retention and Replanting Policy' there is to be 'no net loss' in the number of significant trees during the development process; additionally, the policy also requires that two (2) new trees per lot are planted as part of the development process. Therefore, the applicant is required to plant forty-seven (47 trees) within the subdivision or provide \$250.00 per tree to the district. All monies received in lieu of tree planting will be used the Parks, Recreation and Culture Department to plant trees in other areas such as parks or other district owned lands.

Development Permit - House Designs

Through the introduction of development permits, the *Local Government Act* enables municipalities to regulate 'form and character' of intensive residential development. The objective of intensive residential development permits is to facilitate a high standard of building design, site compatibility, and site aesthetics to integrate single-family infill residential development into existing neighbourhoods through general provisions for form and character. That being said, Council has delegated the approval of intensive residential development to the Director of Planning. Staff will work with the developer's house designer to create designs that follow proper urban design principles and ensure façade elements are complimentary with surrounding development.

Parkland

The development proposal was forwarded to Ray Herman, Director of Parks, Recreation and Culture in order to obtain internal comment on the proposal. As the development proposal is within close proximity to the Leisure Centre and Centennial Park, the Director of Parks, Recreation and Culture recommends that the District of Mission should accept cash-in-lieu of parkland. The amount paid will be in accordance with Section 941 of the *Local Government Act* and will not exceed 5% of the value of the land being proposed for subdivision.

Community Amenity Contribution

In accordance with Council Policy LAN. 40 – COMMUNITY AMENITY CONTRIBUTIONS, the applicant has volunteered to contribute \$2680.00 per lot. Accordingly, the applicant will provide \$42,120.00 (9 lots x \$2680.00) in community amenity contributions.

Internal Comments

Engineering Department

The application was forwarded the District of Mission Engineering Department. The Engineering Department determined that Municipal storm sewer is available on Taulbut St. However, at this time it is undersized to accommodate the flows that would be produced by higher densities and will require upgrading (**Schedule A**). Accordingly, the developer has volunteered to construct the deficient services and all engineering related requirements to service the lots will be completed as part of the subdivision process.

External Referrals

Utility Agencies (B.C. Hydro, Terasen, Telus)

The development proposal has been sent to all utility agencies as part of the subdivision process.

Development Variance Permit Application DV11-007

Conventional Lots

The development variance permit is requested to address minor lot frontage reductions on Lots 1 and 2 from the required 16 metres (52.49 feet) (**Plan 1**). The proposed lot widths of Lot 1 and 2 are 15.21 and 15.22 metres (49.9 +/- feet) respectively. The proposed variances will not significantly reduce the buildable areas or amenity spaces given that both lots will maintain the minimum required lot size of 465 square metres (5,005 sq. ft.).

In respect to lot 3, the zoning bylaw requires the width of all corner lots are to be 1.5 metres (4.9 feet) greater than the minimum lot width required by the zone. This wider width is to generally address design considerations for corner lots. The applicant is requesting a reduction from 17.5 metres to 16.3 metres (57.4 feet to 53.4 feet) width.

Generally, variances that are less than 10% of lot frontage requirements are considered minor in nature and usually do not adversely the streetscape or the overall neighbourhood character. As the minor lot frontage variances will allow for the proposed lot yield with little effect on the streetscape or neighbourhood, planning staff supports the frontage variance for Lot 1, 2 and 3.

Cul-De-Sac Width

The applicant is requesting a reduction in the required road dedication for the proposed cul-de-sac east of Taulbut Street. The proposed variance was forwarded to the engineering department for comment. Accordingly, the engineering department supports the reduction of the roadway dedication provided (1) the applicant supplies engineering drawings that ensure actual roadway width is not reduced and (2) that all utilities and services can be installed to the satisfaction of the engineering department. The engineering department will ensure that the constructed roadway width will not be affected by the reduced roadway dedication variance and achieve proper vehicular and pedestrian access to the cul-de-sac. The engineering department recognizes that the cul-de-sac is relatively short in length and will not adversely affect the future roadway network; therefore, the engineering department supports the proposed variance from the required 9 metres (29.5 feet) to 7.5 metres (24.6 feet) roadway dedication for the cul-de-sac.

Irregular Lots

In respect to the remaining lots within the subdivision, which are considered 'irregular shaped lots', the zoning bylaw permits their frontage to be reduced below the minimum prescribed width by 50% provided the minimum frontage is met at the mid-point of the depth of the lot. That being said, all other lots within the subdivision achieve the 50% threshold; therefore, a variance to the zoning bylaw requirement is not needed for those lots.

Road Naming

The new roads within the proposed development will be named in accordance with STR. 28 *Street Naming*. Cul-de-sacs that generally extend in an East-West direction should be designated as *Places*. Accordingly, the proposed cul-de-sac running east from Taulbut Street will be named *Chomat Place*. Marie Louise Chomat was a long time Mission resident and she was born in 1877 and died in 1950

As seen in the draft plan of subdivision (**Plan 1**), Deerfield Street will terminate within the subdivision. The street naming policy requires that Cul-de-sacs that generally extend in a South-North direction should be designated as *Terraces*. However, there are already ten (10) properties that are addressed onto Deerfield Street. Recognizing that renaming the street could be problematic for the existing residents; planning staff recommend that the roadway extension within the subdivision remain with the existing Deerfield Street name.

Public Hearing Information Package

In accordance with Council Policy LAN.50 – PRE-PUBLIC HEARING INFORMATION PACKAGES, a package will be produced containing material related to the development application.

Requirements Prior to Adoption of the Zone Amending Bylaw

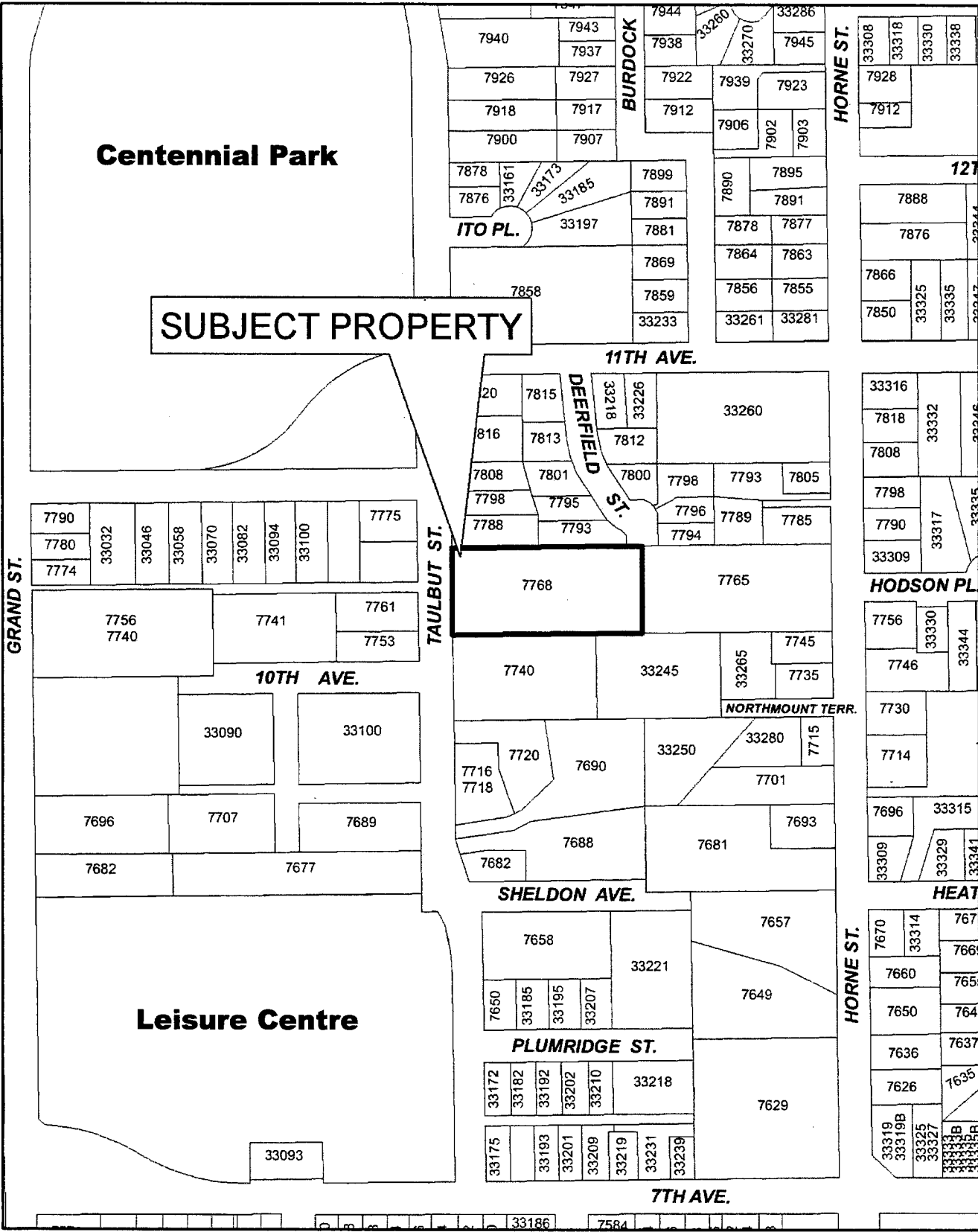
- Receipt of the Community Amenity contribution in the amount of \$2680.00 per lot (9 lots = \$24,120.00);
- Receipt of a signed 'volunteering letter' from the applicant to complete offsite deficient storm sewer works;
- Receipt of professional engineer drawings that confirm cul-de-sac roadway width and proper installation of in-ground services to the satisfaction of the engineering department;
- Approval of Development Variance Permit DV11-007;
- That the applicants plant a total of forty-seven (47) trees within the boundaries of the subdivision or provide \$250.00 for each tree of the required forty-seven (47) trees (\$11,750 maximum).
- That the five percent parkland provision in Section 941 of the *Local Government Act* be provided by the applicant.
- Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.



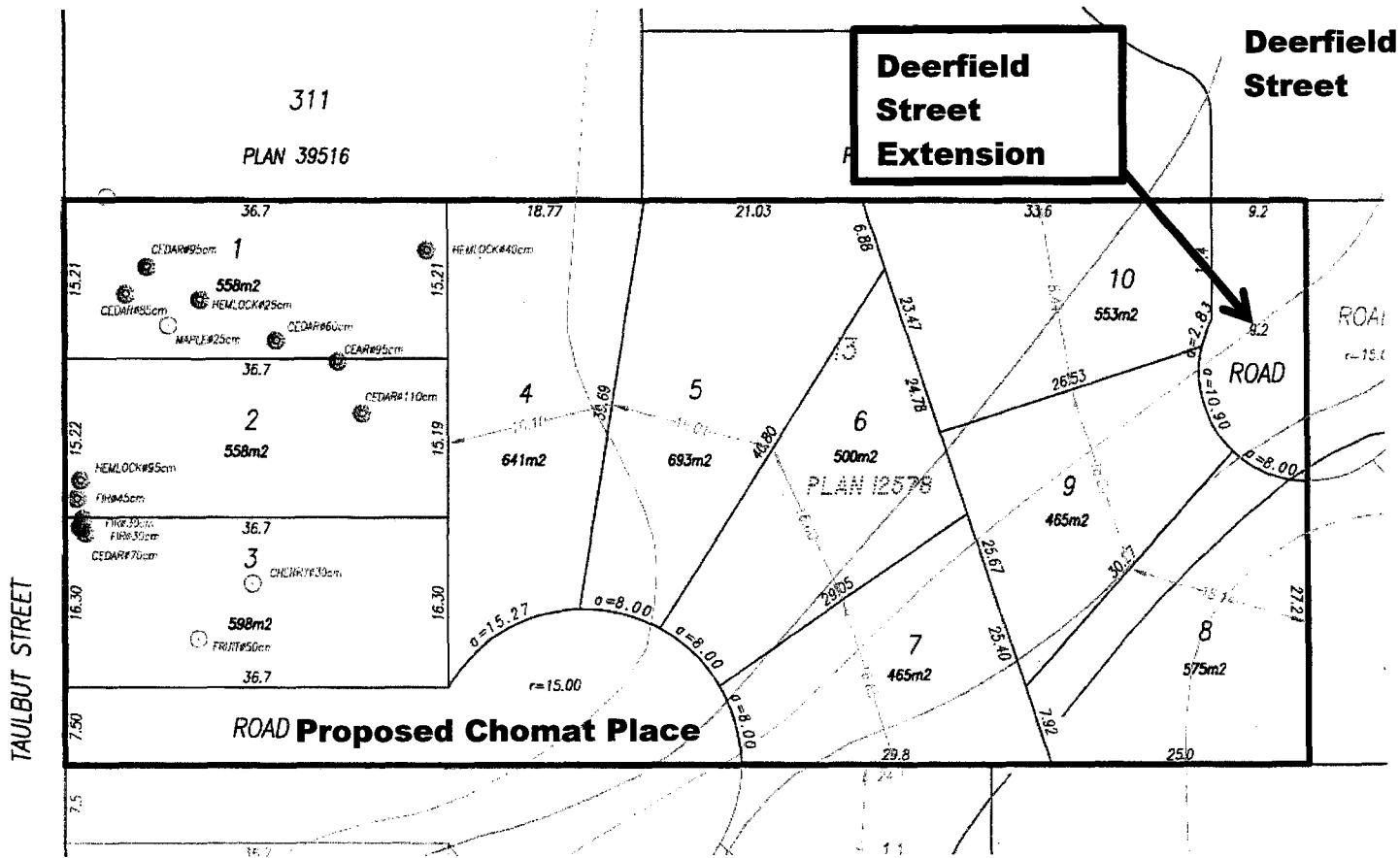
Erik Wilhelm
PLANNER

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MAP 1



Plan 1 Proposed Lot Layout



Property to be rezoned to RC465 which is in accordance with the OCP

Schedule A

FILE: R11-017
CIVIC ADDRESS: 7768 Taulbut St

1. DOMESTIC WATER REQUIREMENTS:

Municipal water is available on Taulbut St and on Deerfield Street. No further upgrading required.

2. SANITARY SEWER REQUIREMENTS:

Municipal sanitary sewer is available on Taulbut St and Deerfield Street. No further upgrading required.

3. STORM SEWER REQUIREMENTS:

Municipal storm sewer is available on Deerfield St. No further upgrading required.

Municipal storm sewer is available on Taulbut St. However, at this time it is undersized to accommodate the flows that would be produced by higher densities and will require upgrading. The Developer will be required to volunteer the deficient servicing prior to the rezoning proceeding.

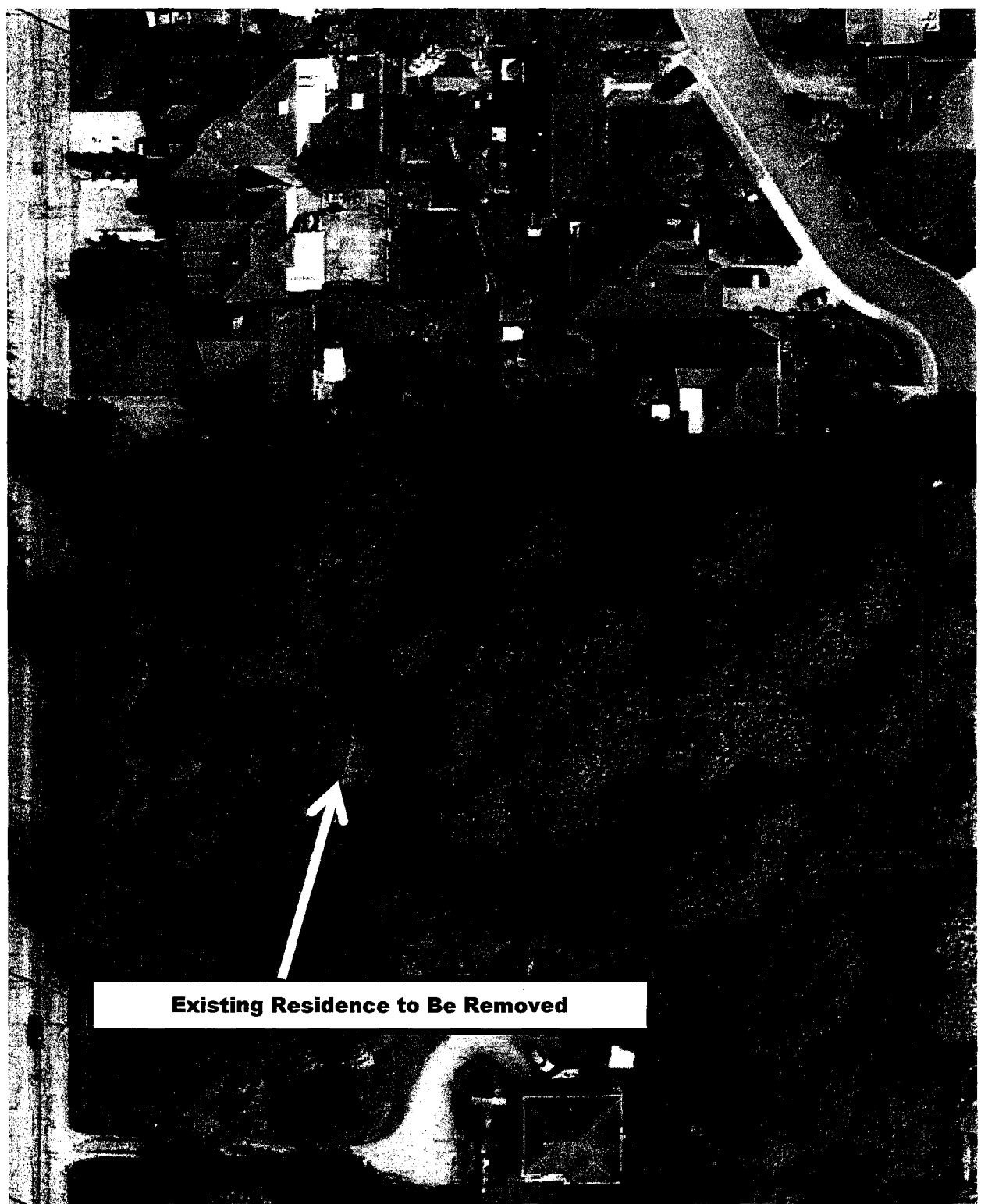
4. ROAD WORK REQUIREMENTS:

Taulbut St and Deerfield St provide access to the site. No further upgrading is required.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption when the storm sewer requirements have been met.

Aerial Photo



Existing Residence to Be Removed



FILE: PRO.DEV.ZON/PRO.DEV.DEV
R11-017/DV11-007

August 31, 2011

Dear Owner/Occupant:

Re: Rezoning Application R11-017 and Development Variance Permit Application DV11-007 (Toor) – 7768 Taulbut Street

Rezoning and development variance permit applications have been received from Mr. Gary Toor. Enclosed is a Public Hearing Notice for your information describing the rezoning proposal within Item 1.

The purpose of the development variance permit is:

- a) to vary Section 601 C. 1. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required:
Conventional Lot Width
 - Lot 1 from 16 metres (52.4 feet) width to 15.21 metres (49.9 feet) width
 - Lot 2 from 16 metres (52.4 feet) width to 15.22 metres (49.9 feet) width;
- b) to vary Section 104 C. 3 a. of District of Mission Zoning Bylaw 5050-2009 by reducing the minimum required:
Corner Lot Width
 - Lot 3 from 17.5 metres (57.4 feet) width to 16.3 metres (53.4 feet) width;
- c) to vary Schedule C, Part III, Drawing R-7 of District of Mission Subdivision Control Bylaw 1500-1985 by reducing the minimum required:
Typical Cul-De-Sac
Roadway dedication from 9 metres (29.5 feet) width to 7.5 metres (24.6 feet) width on the cul-de-sac running eastward from Taulbut Street.

This letter is to serve as notice to all adjacent property owners and occupiers of land that the District of Mission Council will consider the rezoning and development variance permit applications at the Monday, September 12, 2011 Regular Council meeting. The Regular Council meeting will be held at 6:30 p.m. in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, BC.

An opportunity will be given for any interested parties to comment on the rezoning and the development variance permit applications at the Regular Council meeting.

Yours truly

for 
Sharon Fletcher
DIRECTOR OF PLANNING

Encl.

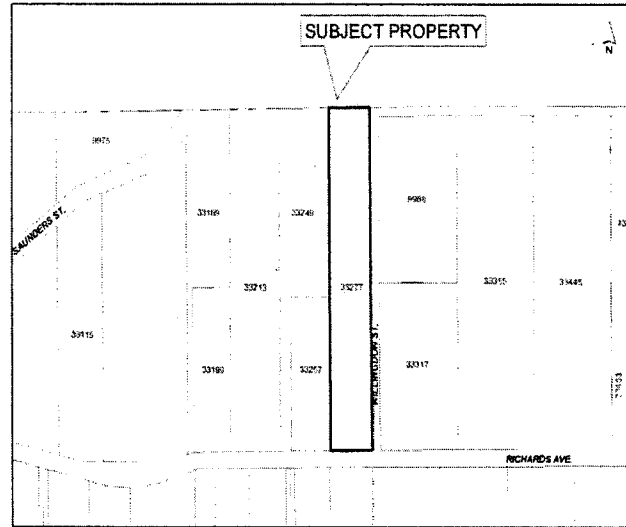
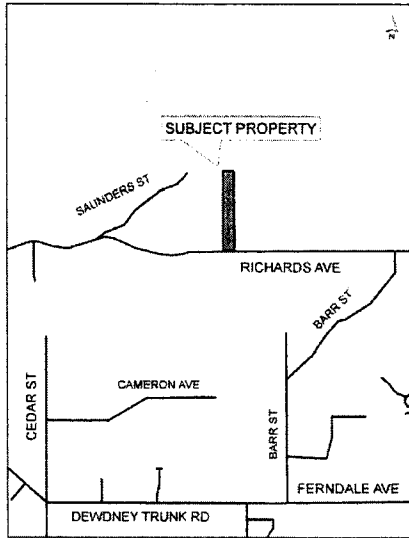
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2. DISTRICT OF MISSION ZONING AMENDING BYLAW 5236-2011-5050(52) (R10-034 – OTG Development Concepts)

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: .007-203-276 Lot 14 Section 4 Township 18 New Westminster District Plan 35599 from Rural 16 (RU16) zone to Rural Residential 7 (RR7) zone.

The location of the subject property is 33277 Richards Avenue and is shown on the following maps:



The purpose of the proposed amendment is to accommodate the subsequent subdivision of the subject property into 2 lots of a minimum 0.7 hectare (1.73 acre) lot size.



Planning Department Memorandum

To: Chief Administrative Officer
From: Planner
Date: August 22, 2011
Subject: **Rezoning Application R10-034 and DV11-009 33277 Richards Avenue (OTG Development Concepts)**

Recommendation

1. That, in accordance with Rezoning Application R10-034, the Corporate Officer prepare a bylaw to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 33277 Richards and legally described as:
 Parcel Identifier: 007-203-27, Lot 14, Section 1, Township 18, New Westminster District Plan 35599 from Rural 16 (RU16) to Rural Residential zone (RR7);
 that the bylaw be considered for 1st and 2nd reading at the Regular Council meeting on August 22, 2011; and
 the application be forwarded to public hearing on September 12, 2011.
 2. That Development Variance Permit Application DV11-009, in the name of Esmial Al-Khaliq to vary
 - (a) District of Mission Subdivision Control Bylaw 1500-1985 for Willingdon Street adjacent to 33277 Richards Avenue as follows:
 - (a) R-2A ½ Road Rural Local Residential standard from 5.7 metre asphalt to 3.2-3.5 metre chip seal
 - (b) No requirement to upgrade to R-2A ½ Road Rural Local Residential standard
 - (c) No requirement for ditch construction to R-2A ½ Road Rural Local Residential standard
 - (d) No requirement for road dedication to R-2A ½ Road Rural Local Residential standard
 - (e) Cul- de sac construction requirement to a 'hammerhead type' standard that meets the requirement of the Fire Department including requirements for two gravel pullouts constructed to rural road base standard.
 - (b) District of Mission Zoning Bylaw 5050-2009 as follows:
 - (i) Section 301 Part D Setbacks 1. Accessory Building /Structure from 3.0 m (9.8ft) to 1.11m (3.6 ft.) to the interior side lot line to allow for the existing shop to remain on Lot A.
- In a proposed single family residential development located at 33277 Richards Avenue, be forwarded to a Public Input meeting on September 12, 2011

Summary of Proposal

The proposal is to rezone the property at 33277 Richards Avenue (**Map 1**) to Rural Residential zone (RR7) with a minimum parcel size of 0.7 hectares, to facilitate a two lot rural residential subdivision, (**Plan 1**). Proposed Lot A, fronting Richards Avenue will be 0.7 hectares and proposed Lot B, accessed from Willingdon Street will be 1.32 hectares (3.26 acres). There is one existing dwelling and some accessory buildings on proposed Lot A that will remain as part of the subdivision. There are no dwellings or structures on proposed Lot B

Site Description

The property is 3.2 hectares (4.99 acres), and is on the north side of Richards Avenue, between Sauders Street and Doyle Street.

The property slopes from north to south towards Richards Avenue. The north portion of the property is heavily treed. There is a watercourse just off the property on the northwest corner. A preliminary geotechnical report from Valley Geotechnical dated August 27, 2010 has identified potential debris and mud flow hazard at the northern property line and possible slope instability at the north property line. Based on this information, a landslide hazard assessment is required prior to adoption of the zone amending bylaw to ensure a safe building site is available on each proposed lot. If the engineer finds there no hazards on the property then a report is required justifying their change in opinion of the potential hazards.

There is one watercourse along the eastern property boundary which requires protection pursuant to Section 108 of District of Mission Bylaw as identified in the Scott Resources Service Report dated October 12, 2010.

Official Community Plan Designation

The Official Community Plan designation is Rural Residential. The target zone of Rural Residential is consistent with the Official Community Plan designation and therefore, no Official Community Plan amendment is required.

Zoning

The subject property is currently zone Rural 16. The minimum parcel size in the target Rural Residential 7 zone is 0.7 hectares (1.72 acres). Both lots meet the minimum parcel size requirement of 0.7 hectares (1.72 acres) with Lot A being (0.7 hectares (1.72 acres) and Lot B 1.32 hectares (3.26 acres).

Analysis of Proposal

Neighbourhood Context

The rezoning and subdivision proposal fits within the neighbourhood context as other properties in the area have also rezoned and subdivided under the Rural Residential zone.

Section 108 Environmental Protection

The Scott Resource Services report dated October 12, 2010 identifies a non-permanent, non-fish bearing watercourse along the east property line, adjacent to Willingdon Street. According to Section 108 of District of Mission Zoning Bylaw this watercourse requires a 15 metre Streamside Protection and Enhancement Area setback, measured from the top of bank. The recommendations of the Scott Resources report for protecting the Environmentally Sensitive area must be completed prior to adoption of the zone amending bylaw and subdivision approval.

The access to Lot B, off of Willingdon Street encroaches into the Streamside Protection and Enhancement Area by 12 sq. metres. The applicant has agreed to provide compensation in the amount of 20 sq. metres north of the access road and adjacent to the watercourse.

Development Variance Permit

The applicant is requesting two variances:

- 1) Road construction variance and
- 2) Shop setback variance

The Engineering Department has reviewed the proposal road variance (**Plan 2**) and offers the following comments:

The new lot that will be created will be utilizing an existing road that has an effective width of 3.2 -3.5 meters which is less than the required road width is 5.7 m per the Subdivision Control Bylaw. We understand the developer wishes to submit a variance application to reduce the road width required and avoid the expense of road works.

Staff is prepared to support a variance for a reduced road width (to match the existing width of 3.2 – 3.5 m) on the basis that:

1. There is a fish nutrient stream adjacent to the existing road and any work would adversely affect the stream. The applicant has provided a qualified professionals report to support this.
2. The municipal forest abuts the current road to the north and it is unlikely there will be any significant further development that will increase the traffic on this existing road structure.
3. The existing road has been reviewed by the applicants engineer and a structural test has verified the road can withstand the additional traffic anticipated with road life expectancy beyond ten years.
4. That the applicant will construct two gravel pullout's on the east side of the road to allow opposing vehicles to pass. The pullouts must be a minimum of 15 m long by 3.5 m with a road base matching the rural road base standard.
5. That the applicant will construct a 'hammer-head' turnaround at the north end of the road which meets the requirements by the Fire Department. The road base must meet the rural road base standard.

The applicant has pointed out some inconsistencies on how road standards have been imposed in other recent applications and expressed his preference to not have to upgrade the road at all. Staff has done a cursory review of these applications and agree there has been some inconsistencies and this needs to be improved. Staff also has noticed some inequity in how properties that only have one road frontage can subdivide through a panhandle split while 'corner' properties are required to construct costly road upgrades. Staff will review this in greater detail and report back to Council with suggested changes to the Subdivision Control Bylaw. In order to move this application forward staff support the variance for the reasons noted above subject to pullouts and hammer-head being constructed.

The second variance being requested is for the existing shop (**Plan 3**) is 1.1 metres from the interior side lot line and therefore does not meet the required 3.0 metre setback. The applicant has indicated they wish to keep the shop, therefore a development variance permit is required. There is no record of a building permit for the shop. Prior to adoption of the zoning bylaw and approval of the Development Variance Permit the applicant must apply for a building permit and must meet all of the requirements of the BC Building Code. An architect may be required to sign off of the building. The applicant also has the option of removing the building (which will require a demolition permit) or moving the building which will also require a building permit).

Staff is able to support the requested variance as the shop appears to have been on site for many years and the subdivision is not resulting in a new or further encroachment to the adjacent lot. The purpose of the variance permit is to make a currently illegal structure legal.

Community Amenity Contribution

In accordance with Council Policy LAN. 40 – COMMUNITY AMENITY CONTRIBUTIONS, the applicant has volunteered to contribute \$2815.00 per new lot.

Tree Retention and Replanting

LAN 32 TREE RETENTION /REPLANTING POLICY requires tree replacement based on no net loss. The Central Valley Tree and Arborist Service report dated October 1, 2010 identifies twenty-two significant trees to be removed to accommodate the construction of the new house and the driveway.

Thus, as per LAN 32 TREE RETENTION /REPLANTING POLICY the applicant must replant the twenty-two trees and plant 2 trees per lot for a total of 26 trees. If additional trees are to be removed for the septic field the number of trees to be planted will be increased.

Internal Comments

The application was reviewed at the Pre-application meeting with the developer, Planning Department and Engineering Department. The Engineering Department is requiring a cross section of the existing road, similar to drawing R-2A Typical Initial ½ Road section – Rural Local Residential as shown in the subdivision Control Bylaw, prior to public hearing. These drawings will be circulated prior to public hearing.

External Referrals

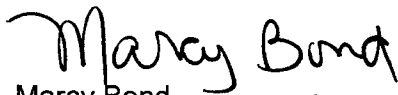
As the District has received a report from a Qualified Environmental Professional no referral to the Department of Fisheries and Oceans is required. The usual external referrals will be made to the various utility agencies as part of the subdivision process.

Public Hearing Information Package

In accordance with Council Policy LAN.50 – PRE-PUBLIC HEARING INFORMATION PACKAGES, a package will be produced containing material related to the development application.

Requirements Prior to Adoption of the Zone Amending Bylaw

- Receipt of the Community Amenity contribution in the amount of \$2,680.00
- Installation of trees or a letter of credit for installing and maintaining trees proposed in the arborist report.
- Building permit required for existing shop.
- Engineering requirements.
- Approval of Development Variance Permit DV11-009, this will be considered as part of the same Council agenda as the Zone Amending Bylaw is considered
- Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.



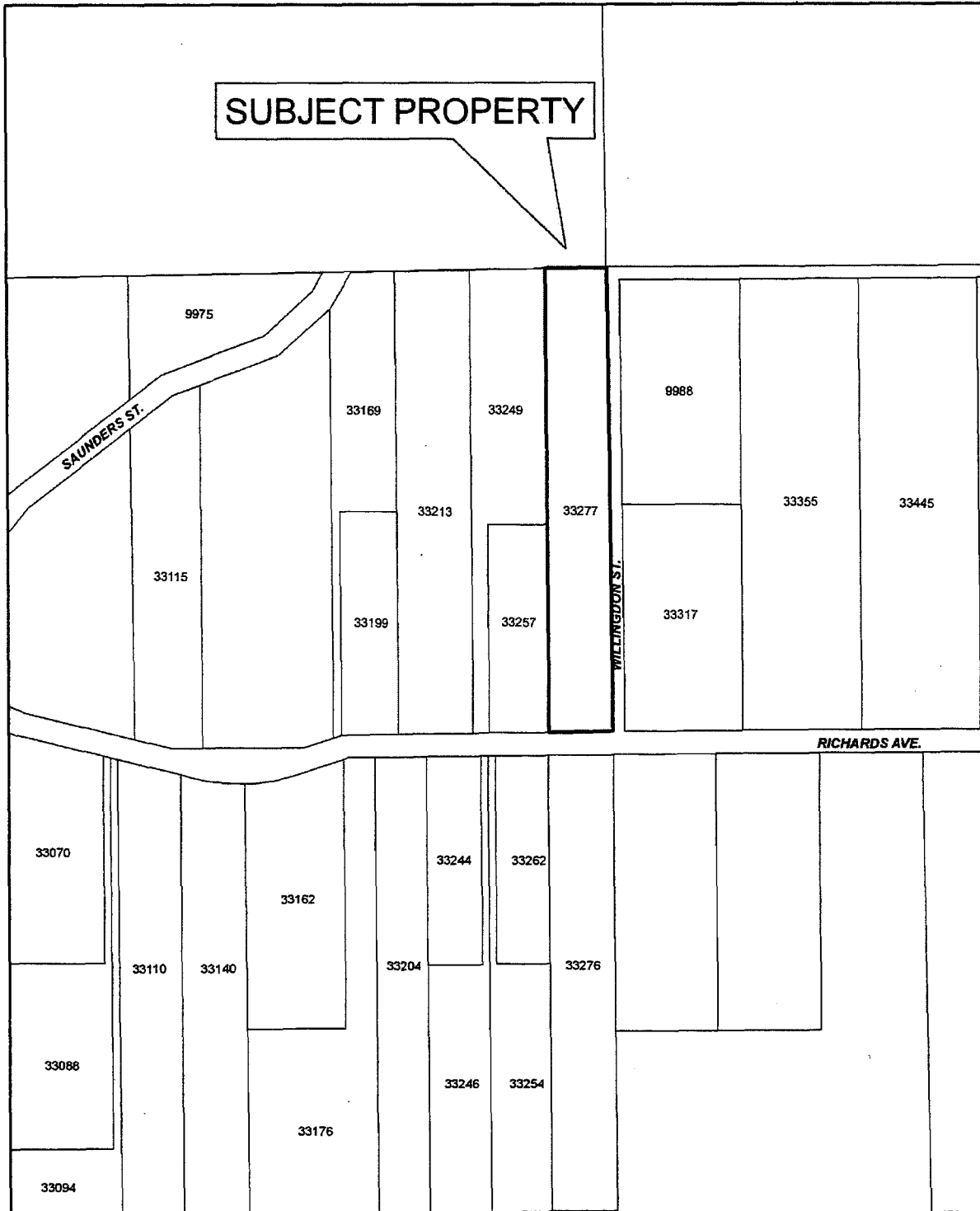
Marcy Bond
PLANNER

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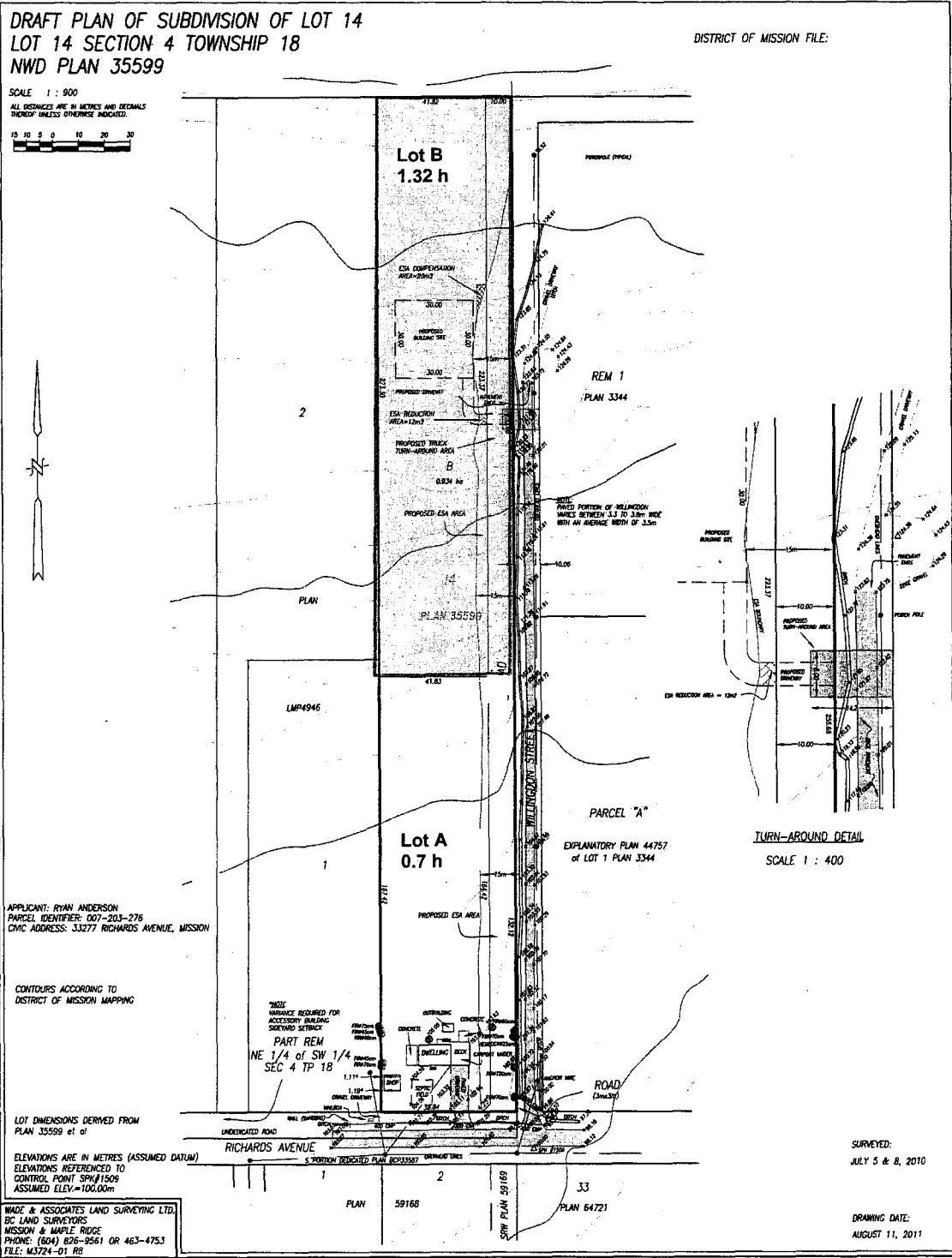
MAP 1



SUBJECT PROPERTY

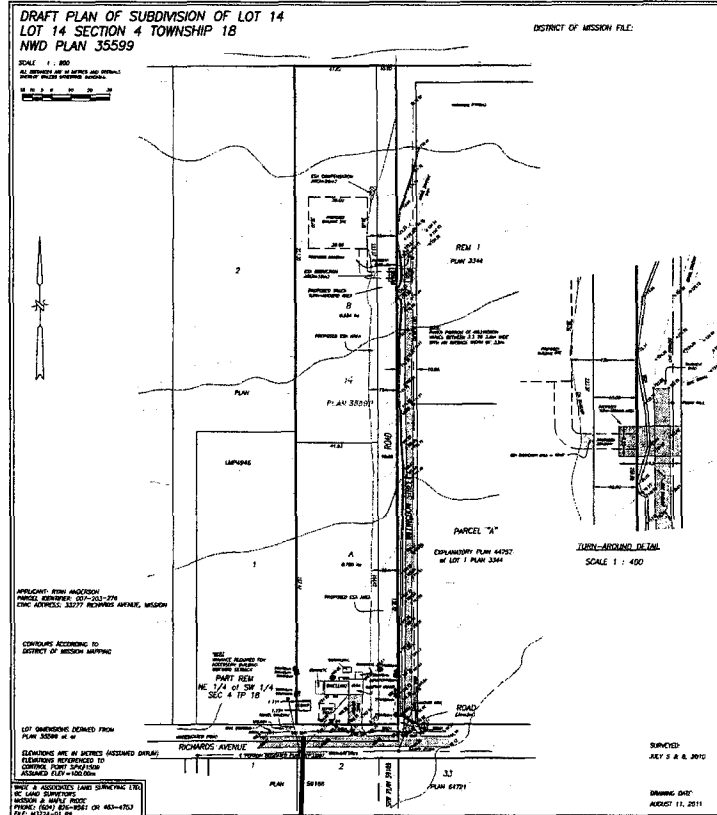


PLAN 1 DRAFT PLAN OF SUBDIVISION

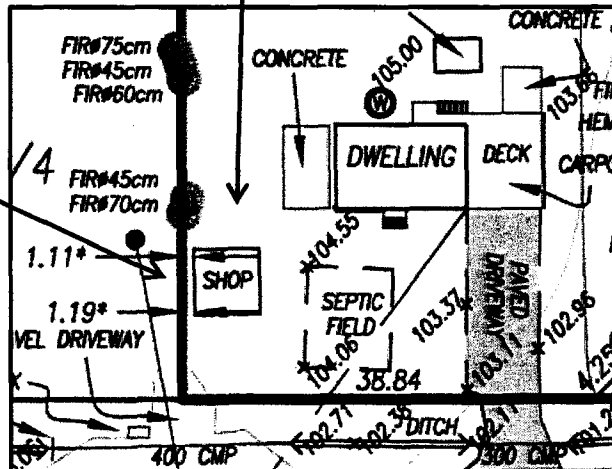


PLAN 3

DEVELOPMENT VARIANCE FOR EXISTING SHOP



Shop: Interior Side lot Line
 From: 3.0 m to 1.1 m





FILE: PRO.DEV.ZON
R10-034

August 31, 2011

Dear Owner/Occupant:

Re: Public Hearing Notification for R10-034 (OTG Development Concepts) – 33277 Richards Avenue

As a neighbouring resident or property owner to the subject property located at 33277 Richards Avenue, you are invited to attend the Public Hearing and make known any comments that you may have.

Reference should be made to Item # 2 in the enclosed Public Hearing notice for more specific information regarding the proposal. Details of the Public Hearing time and location are stated at the top of the Public Hearing notice.

Additional information may be obtained by contacting the District of Mission Planning Department at (604) 820-3748.

Yours truly

Sharon Fletcher
DIRECTOR OF PLANNING

Encl.

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FILE: PRO.DEV.ZON/PRO.DEV.DEV
R10-034/DV11-009

September 7, 2011

Dear Owner/Occupant:

Re: Development Variance Permit Application DV11-009 – 33277 Richards Avenue

A development variance permit application has been received from OTG Development Concepts.

The purpose of the development variance permit is to vary:

- District of Mission Subdivision Control Bylaw 1500-1985 for Willingdon Street adjacent to 33277 Richards Avenue as follows:
 - (a) R-2A ½ Road Rural Local Residential standard from 5.7 metre asphalt to 3.2-3.5 metre chip seal
 - (b) No requirement to upgrade to R-2A ½ Road Rural Local Residential standard
 - (c) No requirement for ditch construction to R-2A ½ Road Rural Local Residential standard
 - (d) No requirement for road dedication to R-2A ½ Road Rural Local Residential standard
 - (e) Cul- de sac construction requirement to a 'hammerhead type' standard that meets the requirement of the Fire Department including requirements for two gravel pullouts constructed to rural road base standard; and
- District of Mission Zoning Bylaw 5050-2009 as follows:
 - Section 301 Part D Setbacks 1. Accessory Building /Structure from 3.0 m (9.8ft) to 1.11m (3.6 ft.) to the interior side lot line to allow for the existing shop to remain on Lot A.

This letter is to serve as notice to all adjacent property owners and occupiers of land that the District of Mission Council will consider the development variance permit application at the September 12, 2011 Regular Council meeting. The Regular Council meeting will be held at 6:30 p.m. in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, BC.

An opportunity will be given for any interested parties to comment on the development variance permit application at the Regular Council meeting.

Yours truly

Sharon Fletcher
DIRECTOR OF PLANNING
Encl.

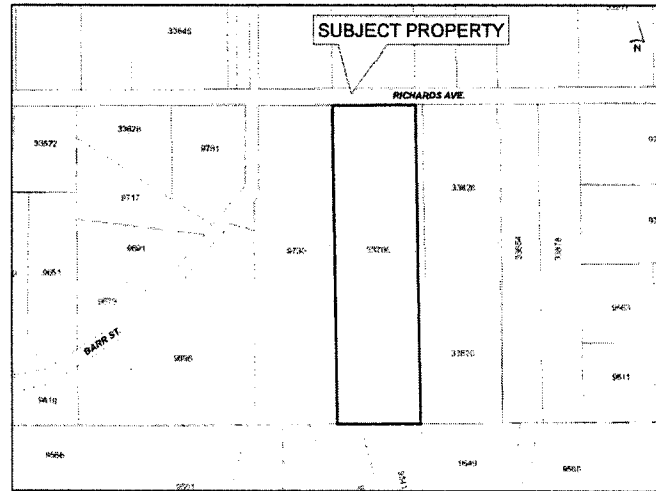
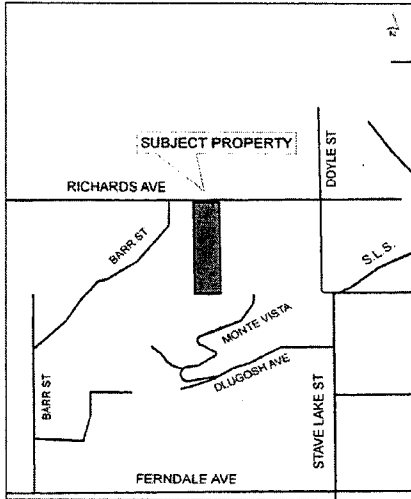
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3. DISTRICT OF MISSION ZONING AMENDING BYLAW 5237-2011-5050(53) (R11-015 – OTG Development Concepts)

This bylaw proposes to amend District of Mission Zoning Bylaw 5050-2009 by amending the zoning of the following legally described property:

Parcel Identifier: 012-371-335 Lot "J" Section 3 Township 18 New Westminster District Plan 1762 from Rural 16 (RU16) zone to Rural Residential (RR7) zone.

The location of the subject property is 33766 Richards Avenue and is shown on the following maps:



The purpose of the proposed amendment is to accommodate the subsequent subdivision of the subject property into five (5) lots of a minimum 0.7 hectare (1.73 acre) lot size.



Planning Department
Memorandum

FILE: PRO.DEV.ZON
R11-015

To: Chief Administrative Officer
From: Planner
Date: August 22, 2011
Subject: Rezoning Application R11-015 (OTG Development Concepts)
 - 33766 Richards Ave

Recommendation

1. That, in accordance with Rezoning Application R11-015 (OTG Development Concepts), the Corporate Officer prepare a bylaw to amend District of Mission Zoning Bylaw 5050-2009 by rezoning the property located at 33766 Richards Avenue and legally described as:
 Parcel Identifier: 012-371-335 (Lot "J", Section 3, Twp 18, NWD Plan 1762)
 from Rural 16 (RU16) zone to Rural Residential (RR7) zone;
 that the bylaw be considered for 1st and 2nd readings at the Regular Council meeting on August 22, 2011; and
 that following such a reading, the bylaw be forwarded to a Public Hearing on September 12, 2011.
2. That the five percent parkland provision in Section 941 of the *Local Government Act* be applied as cash-in-lieu to subdivision file S11-011.
3. That third reading of District of Mission Street Naming Bylaw 5139-2010 be rescinded;
4. That District of Mission Street Naming Bylaw 5139-2010 be amended by deleting the words "Darbyshire Terrace" and replacing them with the words "Darbyshire Drive", adding the legal description for 33766 Richards Avenue and by replacing the map attached as Schedule "A".

Summary of Proposal

An application has been received from OTG Development Concepts, on behalf of the property owners Glenn and Denise Schwalb, to rezone and subdivide the property located at 33766 Richards Avenue (**Map 1**) into five (5) fee simple lots under the proposed RR7 zoning as shown on **Plan 1**. The proposed RR7 zone allows for a minimum parcel size of 0.7 hectares (1.73 acres). The proposed lots all meet the minimum parcel size requirements of the proposed zone.

The proposal requires the extension of Darbyshire Terrace to provide access to the proposed lots. The proposed extension would be approximately 111 meters (364 feet) in length. Since Darbyshire Terrace may one day become a thru-road which connects to Doyle Street, staff propose that it be renamed to Darbyshire Drive, which is in keeping with the District's Street Naming Policy (STR.28); please see **Plan 2**.

Background

The subject site is approximately 3.612 hectares (9.6 acres), and is fronted by Richards Avenue to the north. The surrounding area is rural in nature with adjacent development to the east (9730 Barr Street) which has created lots similar in size to the proposed lots.

There are two (2) watercourses located within the northern portion of the subject property. There is also an existing home that is located on the subject property near the Richards Avenue frontage. A fish habitat assessment was undertaken by Scott Resources Services Inc. on October 27, 2010 to confirm the status of these watercourses and the required setbacks as per Section 108 of the Zoning Bylaw No. 5050-2009. The details of this assessment are discussed within the Analysis of Proposal section of this report.

Official Community Plan Designation

The Official Community Plan (OCP) designation for the property is Rural Residential. The Rural Residential designation supports the proposed RR7 Zone.

Policy 2.3.1 – *Minimum Lots Sizes for Residential Areas* indicates that the Rural Residential OCP designation will provide large lot housing choices with lot sizes that respect the rural nature of the area.

Zoning

The minimum lot size in the RR7 zone is 0.7 hectares (1.73 acres). The proposed zoning of the property is consistent with the OCP designation for both lot size and use. Given recent development within the area, it is anticipated that lots of similar size will become more common within this area as it develops over time. The property adjacent to the east is currently in the process of being subdivided to create RR7 lots of similar size and the extension of Darbyshire Terrace is expected to facilitate further subdivision proposals to the east consisting of similar sized lots.

Analysis of Proposal

The site was reviewed by Scott Resource Services on October 27, 2010 and the results of this site assessment are outlined in their report dated July 5, 2011. The site assessment confirms the presence of two watercourses that are located within the northern portion of the property (see **Plan 1**). In order to meet the environmental protection regulations of Section 108 of the Zoning Bylaw 5050-2009, the report recommends that Streamside Protection Areas consisting of a 30 metre setback from top-of-bank be established for these watercourses given their status (Watercourse 1 [Coronado Creek] is permanent, fish-bearing and Watercourse 2 is permanent, non-fish bearing). During the subdivision stage, a restrictive covenant will be registered on title for the subject property to protect the Streamside Protection Areas for these two watercourses as per the recommendations of the report.

The concurrent subdivision proposal involves the eastward extension of Darbyshire Terrace from the adjacent subdivision to the west (9730 Barr Street property). It is anticipated that this roadway may eventually extend eastward toward Doyle Street as the area develops over time. A conceptual plan outlining the potential road configuration of this road has been provided (see **Plan 2**). Staff will be examining the future road configuration of Darbyshire Drive as part of the subdivision process to ensure that the road configuration is equitable in terms of protecting the

future subdivision potential of nearby properties. The configuration of the road will also be incumbent on the protection of watercourses, topographical constraints, and transportation engineering standards.

Community Amenity Contribution

In accordance with the District of Mission's LAN 40 Land Use Policy, the applicant has agreed to provide \$2,815 per single family lot for a total contribution of \$11,260.00.

Tree Retention and Replanting

As the proposed subdivision associated with the rezoning is for less than ten (10) lots, the Approving Officer is granted the authority to approve Tree Retention/Replanting Proposals. Therefore, a Tree Retention and Replanting plan will be required at the subdivision stage.

Street Renaming

Given the continued extension of Darbyshire Terrace, staff is bringing forward Recommendation #4 to rename Darbyshire Terrace to Darbyshire Drive which is consistent with the District of Mission Street Naming Policy (STR.28). A "Terrace" is a term used for South-North cul-de-sacs whereas the term "Drive" is used for roadways that are "relatively continuous undulating roads with several blocks that move in a general east-west direction" (District of Mission Street Naming Policy STR.28). As shown on **Plan 2**, the proposed Darbyshire Drive will extend from Barr Street and may eventually connect to Doyle Street. The Street Naming Policy (STR.28) provides the following information about Lionel Charles Darbyshire:

Darbyshire, Lionel Charles

- *Was a Lieutenant in Lord Strachona's Horse and 54th (Kootenay) Battalion;*
- *Joined June 1916;*
- *Died July 31, 1917;*
- *Was an employee of Western Power Corp.*
- *Remains in Villers Station Cemetery, France.*

Parkland

A referral was sent to the Parks, Recreation and Culture Department and their comments are attached as **Appendix A**.

Internal Comments

The application was referred to Engineering, Fire, and Parks. Engineering Comments are attached as **Appendix B**.

External Referrals

External referrals have been made to Telus, BC Hydro, Terasen, Shaw, Canada Post, and School District #75. Comments from the various utility agencies are applicable to the subdivision process.

Public Hearing Information Package

In accordance with Council Policy LAN.50 – PRE-PUBLIC HEARING INFORMATION PACKAGES, a package will be produced containing material related to the development application.

Requirements Prior to Adoption of the Zone Amending Bylaw

- Receipt of the Community Amenity contribution in the amount of \$11,260.00
- Engineering requirements – no works required
- Any other items that Council may require resulting from the Public Hearing or Council consideration of the application.

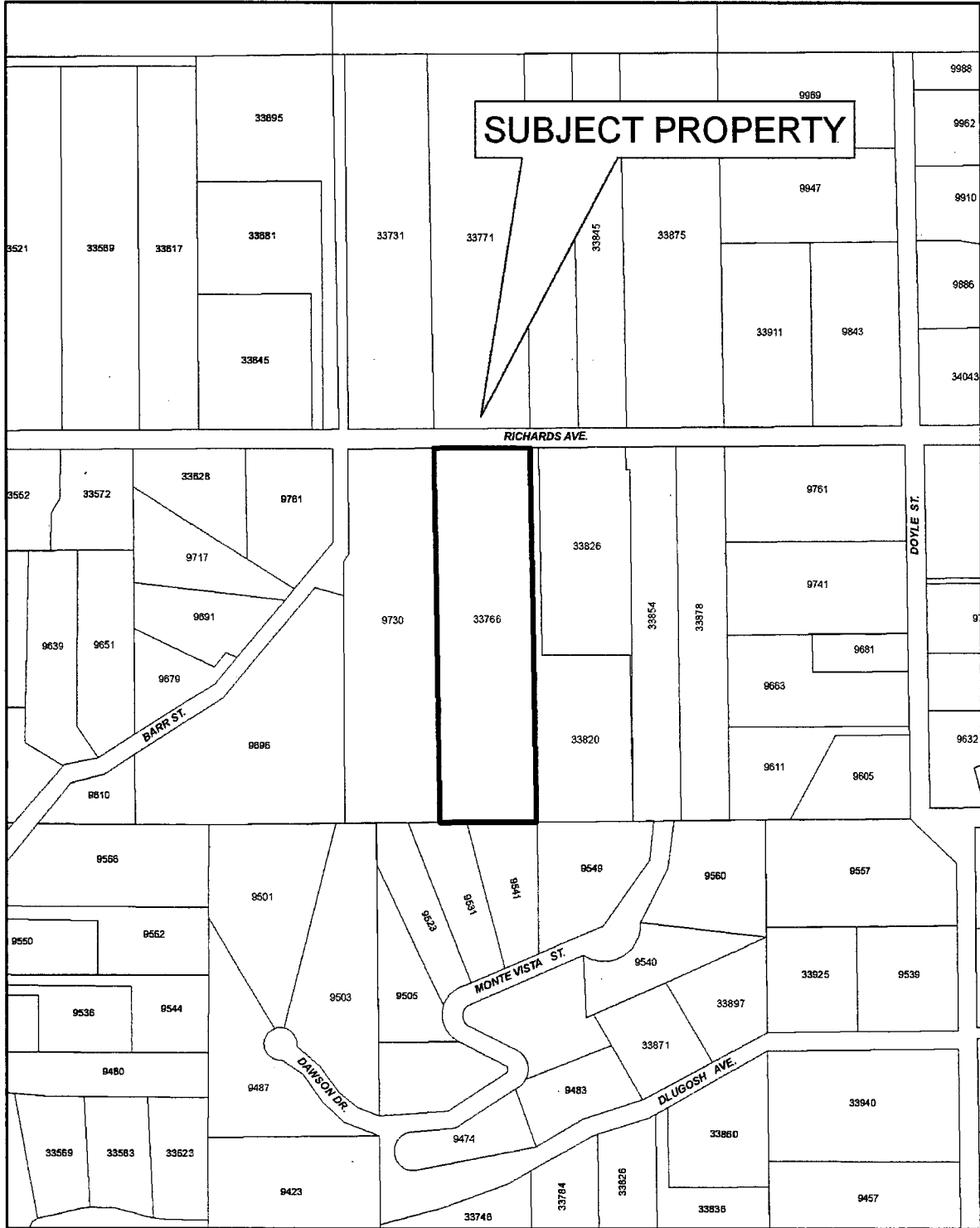
In summary, staff recommends that the Rezoning proposal proceed to Public Input and Public Hearing on September 12, 2011.



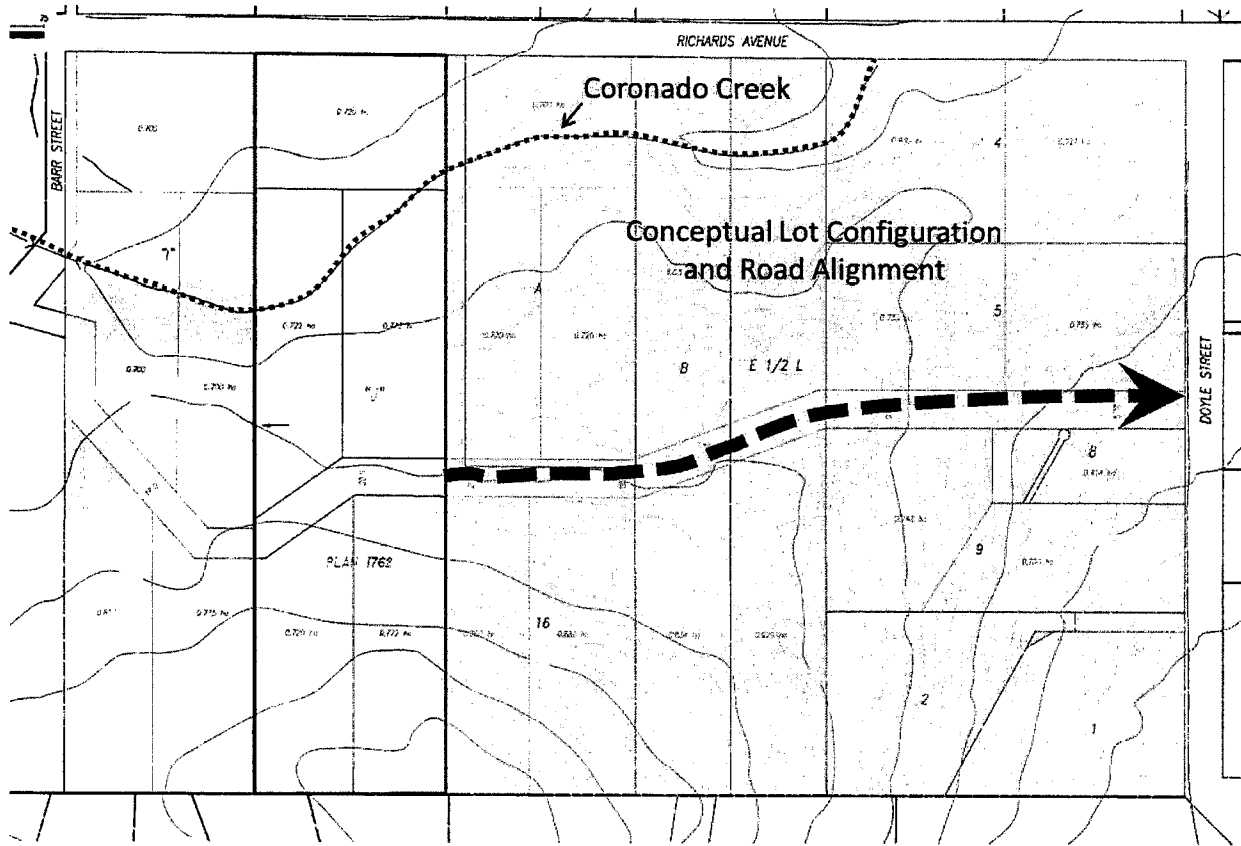
Rupinder Basi, MCIP

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MAP 1



Plan 2 –Potential eastward extension of Darbyshire Drive (CONCEPTUAL)



Appendix A – Park Comments



PLANNING DEPARTMENT

SUBDIVISION APPLICATION COMMENTS

DISTRICT OF MISSION PARKS, RECREATION & CULTURE DEPARTMENT COMMENTS

Referral Date: June 23, 2011

Subject Property: 33766 Richards Avenue


Legal Description: Parcel Identifier: 012-371-335 Lot "J" Section 3 Township 18 New Westminster District Plan 1762

File Number: PRO.DEV.SUB S11-011

of Proposed Lots: 5

Please provide your written comments within 1 month from the referral date (ie. July 23, 2011) to Rupinder Basi, Planner, via inter-office mail.

Accept cash in lieu
of parkland.

Signed: 
Date: July 4/11

Appendix B – Engineering Comments

FILE: R11-015

August 8, 2011.

CIVIC ADDRESS: 33766 Richards Avenue

1. DOMESTIC WATER REQUIREMENTS:

No municipal water available. Developer is required to provide at subdivision, potable water for each parcel and a hydrogeology report to confirm that the wells meet the requirements of the Subdivision Control Bylaw.

2. SANITARY SEWER REQUIREMENTS:

No municipal sanitary sewer available.

3. STORM SEWER REQUIREMENTS:

It is brought to the attention of the Planning Department that our records show the presence of water courses either on or adjacent to this property.

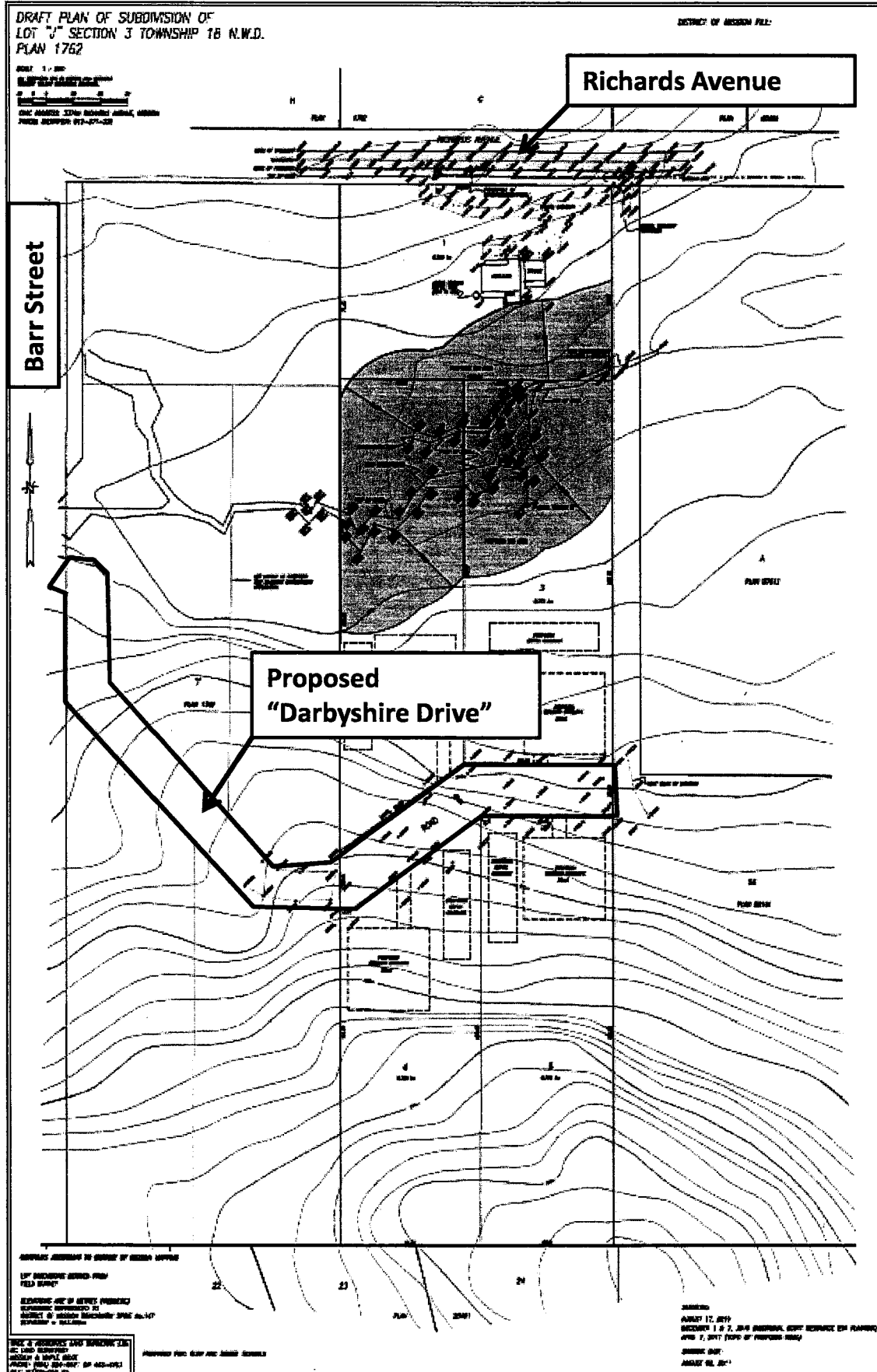
4. ROAD WORK REQUIREMENTS:

Richards Avenue provides access from the north. Once subdivision S09-014 has been completed and the works have been accepted by the District of Mission Derbyshire Drive will provide access from the west. No further upgrading required.

RECOMMENDATION

From an engineering point of view the rezoning application may proceed to final adoption.

Schedule "A" (Bylaw 5139-2010)





FILE: PRO.DEV.ZON
R11-015

August 31, 2011

Dear Owner/Occupant:

Re: Public Hearing Notification

As a neighbouring resident or property owner to the subject property located at 33766 Richards Avenue, you are invited to attend the Public Hearing and make known any comments that you may have.

Reference should be made to Item # 3 in the enclosed Public Hearing notice for more specific information regarding the proposal. Details of the Public Hearing time and location are stated at the top of the Public Hearing notice.

Additional information may be obtained by contacting the District of Mission Planning Department at (604) 820-3748.

Yours truly

Sharon Fletcher
DIRECTOR OF PLANNING

Encl.

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