

Memorandum

To: Mayor & Council

From: Larry Plourde, Administrator

Date: March 14, 2017

Re: Zoning Bylaw Text Amendment – 370 Muchalat Drive – Gold River Buildings Inc.

The attached application to amend the Zoning Bylaw has been submitted by Kent O'Neill on behalf of Gary Filizetti and Gold River Buildings Inc. requesting a "text" change to provide "police stations and jail cells" as an authorized use within the Central Commercial Use Zone (C.1). The applicant is proposing the construction of mixed use building(s) on the site to provide for retail space and a Police Station complete with Jail Cells. Staff reviewed the Zoning Bylaw and concluded "police stations/jail cells" is not a permitted use within the Central Commercial Zone.

"Police Stations" has specifically been included as a permitted use within the P.2 Civic Use Zone. The OCP addresses Commercial Development and Public/Institutional Services but does not make specific reference for "police stations" within Public Use and Institutional Services or Commercial Development Zones.

The OCP is a broader vision document using general statements and visioning, whereas the Zoning Bylaw is more specific and detailed. Therefore with the OCP providing institutional use in Commercial Development Council has discretion over this interpretation without amending the OCP. The Zoning Bylaw which is specific as to prescribed uses includes Police Stations in the P.2 Civic Use Zone and not the Central Commercial Zone. Therefore it is clear that the Zoning Bylaw restricts police stations from the Central Commercial Zone. The OCP does not include definitions leaving this interpretation somewhat vague.

Based on review of the OCP and Zoning Bylaw it has been staff's conclusion that the use of properties within commercial zones for other than commercial uses or prescribed uses specifically identified were not intended. The vagueness (lack) of definition in the OCP could be interpreted that broader institutional uses are consistent with the reference to institutional uses under the OCP. If this were the interpretation then provision for police station/jail cell use in the Central Commercial Zone could be interpreted as consistent with the OCP.

I believe historically Councils chose not to interpret "institutional" that way (at least until church use was permitted in the 2007 rezoning). This belief is due to specifically including police station (and other institutional uses) within institutional use in the Zoning Bylaw.

Further, Section 4.2 of the OCP (without specific definitions) references "institutional" but is clear within the Policies 4.2.2 *"Emphasis should be placed on encouraging commercial*

activities which would serve the needs of both Gold River area residents and the visiting public". Having outlined these interpretations Council in 2007 chose to permit church into the Central Commercial Zone. Council's views, interpretations and discretion change over time with community evolution. Although Police Station is specifically referenced as a P.2 Civic Use due to the term "institutional" being included in the Central Commercial Zone of the Zoning Bylaw the vagueness leaves a level of discretion.

I have included the referenced sections of the OCP and Zoning Bylaw for Council consideration (the information has also been placed in the OCP and Zoning Bylaw files to review when they are updated to bring more clarity to the language).

The joint use of retail outlets and Police Station with Jail Cells although creative is unusual. Staff has not investigated in detail a combined retail/police mixed use nor do we have the experience to advise from a planning perspective the suitability of combining a Police Station with retail outlets. Staff also have not confirmed or verified that the specifics of the proposed development (drawing) included with the rezoning application will comply with the site requirements. That is the owner's responsibility and Staff and Council will review the specific site requirements through the building permit process and the Development Permit Application. I have identified several considerations Council may wish to review in addition to any brought forward by Council or the Public through the Public Hearing process if Council proceeds.

Use

- is the proposed police station/jail cell use in the C.1 - Central Commercial Zone a desirable use of this area acknowledging the long vacant lot and considering future potential economic development of the community requiring commercial space,
- by adding police station/jail cell as a permitted use in the C.1 zone the commercial zone continues to expand the interpretation of institutional uses within the C.1 Central Commercial Zone,
- is the mix of police station/jail cell into the Central Commercial Zone consistent with the future vision and planning of Gold River,
- although emergency response calls may be limited will they create safety concerns (this proposal outlines shared parking lot with retail use),
- beyond police station is there concern with jail use in the Central Commercial Zone,
- although there may be limited commercial activity at this time the erosion of commercial space in the central commercial area could be an impact in the future.

Development Permit Area

The Central Commercial Area falls within a Development Permit Area (DPA). The intent of a DPA is to provide guidelines for development as specified by Council or Policy. The Village OCP guidelines for DPA 1 were structured "to provide for the form and character of commercial development". Council would need to consider how police uses (form and character for police station) fit within the character of commercial development.

Taxation

Although the Federal Government does not pay municipal taxes they do pay Federal Grants in Lieu of taxes at the same (or very similar) rate. As this is a private development to be leased by the RCMP we believe this property will be taxed within our municipal jurisdiction (similar to the Ambulance Station and the DFO building).

Access/Egress

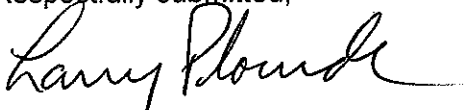
Traffic volumes are minimal in Gold River but emergency responses originating from the Central Commercial area could present conflicts. This could be especially so with the proposed joint retail use as seniors/children could be moving through the parking lot to vehicles. Vehicles actively parking or exiting parking spots or entering/exiting the property may also present conflict. In today's current economic state this may be of little concern but visioning 10-20 years out it may be viewed differently if the community economics improve and more commercial activity is occurring in the Central Commercial area.

Council Options

Council's options to this rezoning application include:

1. Determine police station/jail cell use in the C.1 Central Commercial Zone is not consistent with the vision of the community and deny the application before the public hearing process (refund 50% of fee).
2. Interpret the OCP wording as broad enough for police station/jail cell use to be permitted within the Central Commercial Zone and approve the requested text amendment under the Zoning Bylaw allowing a mix of police station/jail cell uses within the C.1 Central Commercial Zone.

Respectfully submitted,



Larry Plourde
Administrator

4.2 COMMERCIAL DEVELOPMENT

The central commercial area of Gold River provides the community 'meeting place' and reflects the economic health of the community. Gold River has a diversity of commercial uses accommodated primarily in two shopping centres. These centres provide the focus for commercial activity in Gold River. Together they form the Village's business core and provide significant employment opportunities for residents. The uses located here consist of retail, office, institutional and similar commercial uses. Although Council recognizes the limited market for higher order goods in the Village, it would encourage the location of retail outlets providing such a service to residents within the Central Commercial Area.

The Central Core must maintain and enhance its role as the 'place to be.' As tourism and visitor traffic become more important to Gold River it is important that the Central Core reflect this new reality. The streetscaping and beautification which has been carried out to date adds to the attractiveness and vitality of the Village and contributes to the Core's stability. This program must be continued with specific objectives identified and achieved. Easy pedestrian access, sufficient parking and a variety of commercial services add to the attractiveness of the Village's commercial core.

4.2.1 OBJECTIVES

- a) To provide an attractive, diverse and stable economic base for Gold River.
- b) To maintain the stability of the commercial area and to enhance its revitalized streetscape and character.
- c) To permit attractive, small-scale Highway Commercial development to occur in appropriate locations.
- d) To encourage the location of higher order commercial retail outlets in the Village.
- e) To develop standard directional and promotional signage for Gold River.
- f) To promote the development of the downtown beautification/streetscaping of the Commercial Centre including the establishment of form and character details.
- g) To encourage economic development that considers the historical context of Gold River.
- h) To encourage the development of a marine commercial sector located at the foreshore of Muchalat Inlet, that includes mixed commercial uses such as marinas, restaurants, hotels and service establishments.

4.2.2 POLICIES

4.2.2.1 GENERAL

- a) Commercial development in Gold River shall occur in Central Commercial Area, Service Commercial and Highway Commercial designations as shown on the OCP Map 1 -Land Use Designations and in accordance to the following policies.
- b) Council may, in a zoning by-law, create different commercial zones for different uses or combinations of uses.
- c) Emphasis should be placed on encouraging commercial activities which would serve the needs of both Gold River area residents and the visiting public.

4.2.2.2 CENTRAL COMMERCIAL DESIGNATION

- a) The area designated Central Commercial Area consists of the area bounded by Muchalat Drive on the east, Nimpkish Drive on the south, Trumpeter Drive on the west and the

southern boundary of the medium density residential development fronting on Muchalat Place on the north.

- b) In order to maintain the commercial integrity of the Core, focus on general commercial uses such as retail stores, local and service commercial uses, business, professional, medical and dental offices, personal service uses, institutional and public uses.
- c) Commercial uses shall be encouraged to locate on the street-level floor of the building in which they are situated with office; residential and other permitted uses encouraged to locate on upper floors.
- d) Residential uses shall be permitted on the upper floors of commercial uses in the Central Commercial Area.
- e) Where revitalization funding is available, the Village will attempt to obtain funds consistent with plan and budget availability. Council encourages the development of a Downtown Revitalization Plan through private sector initiative.
- f) Development in the Central Commercial Area shall have regard for the needs of pedestrians, vehicles, public safety, aesthetics and visual stimulation.
- g) Council may give consideration to establishing pedestrian routes between the Central Commercial Area, residential neighborhoods and other areas of Village.
- h) The Central Commercial Area is hereby designated as Development Permit Area I (DPA I) to provide for the form and character of commercial development.

4.2.2.4 SERVICE COMMERCIAL DESIGNATION

- a) Service commercial uses are intended to provide for a broad range of commercial uses which serve the requirements of a market broader than a merely local area.
- b) Uses in this designation may include local commercial uses, hotels motels and automobile service and repair, gasoline service stations and other commercial uses catering to the motoring public.
- c) Service Commercial areas are hereby designated as Development Permit Area I (DPA I) to provide for the form and character of commercial development.

4.2.2.5 RECREATION COMMERCIAL

- a) Recreational commercial uses include recreational uses not traditionally provided for through public facilities such as campgrounds, golf courses, and other similar large scale facilities.
- b) Recreational Commercial areas are hereby designated as Development Permit Area 1 (DPA 1) to provide for the form and character of commercial development.

5.3 PUBLIC USE AND INSTITUTIONAL SERVICES

Gold River's 9.5 ha of parks is well dispersed throughout the community. The range of tot lots, playing fields, trails and community parks results in a park area per thousand ratio of 4.4 hectares. This compares well with the accepted urban standard of 0.75 ha. The lands adjacent to the Gold and Heber Rivers are not included in this calculation but they add substantially to the Village's open space, public lands and quality of life. In addition, buffer strips exist between major roads and adjacent residential areas. The existing parks and open space in the Village serve the community well.

There are a few undeveloped parcels in the Village which are generally small in area and have the potential to serve a local park function. Traditionally parks in Gold River have been improved as required and it is likely this will continue in the future as resources allow.

There are four parks classifications in Gold River. *Community parks* are intended to serve the community on the whole and include the Community Centre, Nimpkish Park and Heber Field. *Neighborhood parks* include Berry Park and the Dogwood Drive tot lot, among others, while *local parks* include the small parks in the Village with limited play equipment; picnic areas, etc, which serve a minor recreational function in the Village but function as the local play area for children in abutting subdivisions. *Special parks* include facilities such as the Peppercorn Trail, the pathways and stairs within the Village limits which provide access to various areas of the community and the open space along the Gold and Heber Rivers throughout the Village.

Institutional and Public uses are dispersed throughout Gold River. Churches, schools, halls and clubs can have a significant impact on adjacent residential neighbourhoods. Traffic, noise, parking and similar elements can cause concern to area residents. The location of new facilities such as these should be assessed from a community impact perspective. A number of benefits occur to the community from institutional uses; these benefits should not be reduced by negative impacts resulting from poor location.

Gold River has benefited from its past industrial employment history and can boast significant public facilities and amenities for its size. It is important for the community to strive to maintain adequate levels of recreation/public services.

5.3.1 OBJECTIVES

- a) To have regard for and provide active and passive recreational opportunities for residents and visitors to Gold River.
- b) To provide an aesthetically pleasing and interesting environment for Village residents and visitors.
- c) To provide views of and preserve the surrounding natural environment for parks and recreational uses where appropriate.
- d) To provide programs and facilities appropriate with the fiscal realities of the community.
- e) To provide public access to the Gold and Heber Rivers and Muchalat Inlet within the Village's corporate boundaries.
- f) To maintain the positive influence institutional and public uses such as churches, schools, halls and similar uses have in Gold River.
- g) To ascertain the proper development of institutional and public uses in the Village, criteria shall be used to guide their location and development.

- h) The integration of the Village Parks and trails beyond the Village boundaries.

5.3.2 POLICIES

- a) Parks and open space development in Gold River will focus on serving residents at the Community, Neighborhood and Local levels and Special Area parks.
- b) Community parks and open space shall generally include facilities such as walkways, greenbelts, sports fields, community centres and commemorative parks. Neighborhood parks shall similarly include playgrounds, tennis courts, basketball courts, and Local parks shall include tot lots, trails and paths, and similar facilities. Special Area Parks include unique or ecologically sensitive features, community, historical or specialty areas and can include boat launches, cemeteries, walkways, and similar facilities.
- c) Parkland shall generally be acquired through land dedication, or cash-in-lieu of land payment, to be exercised at the municipality's discretion, at the subdivision approval stage based on the maximum 5% dedication provided for by the *Local Government Act*. The bonusing provisions of the Residential policies above can also be used to acquire additional parkland by Council. The Village also reserves the option to impose a development cost charge for parkland acquisition in-lieu of the 5% dedication.
- d) The Village supports the acquisition of a local park in the Scout Lake Road subdivision as part of any future subdivision.
- e) Village Council endeavors to preserve views of the Gold River Valley from the upland areas of Village, particularly from the Scout Lake Road Area.
- f) Council encourages the continued development of the Peppercorn Trail along the Gold and Heber Rivers as financial resources permit.
- g) The implementation of a Downtown Revitalization Plan shall be coordinated with the development of Village parks wherever possible.
- h) Where possible, the development of major facilities such as baseball or softball diamonds, soccer pitches and the like should be developed in conjunction with Vancouver Island West School District #84 (Gold River) at schools sites in Village.
- i) The Community Centre and Peppercorn Park shall be maintained as a community parks and facilities.
- j) Support for the creation of a Parks Master Plan to integrate park use and make parks accessible to all members of the community shall be encouraged.
- k) Council may give consideration to establishing bicycle routes between the Central Commercial Area, residential neighborhoods and other areas of Village.
- l) Council supports the provision of public access to Scout Lake and the lands surrounding the lake for recreational use by residents of Gold River. The areas surrounding Antler Lake and recreational areas south of the town site are recognized by Council to provide significant recreational opportunities for the residents of Gold River.
- m) The on-site location of Institutional and Public Uses shall generally be guided by the following criteria:
 - i) Where possible uses shall be located on the site in such a manner as to direct patron and vehicular access and egress away from abutting residential areas.

- ii) Required on-site parking shall be located away from adjacent residential areas.
- iii) Traffic from on-site parking, should be discouraged from accessing local streets.
- iv) Loading and delivery areas should be located away from adjacent residential areas.
- v) Exterior lighting on the site should be directed toward the use and away from adjacent residential areas.
- vi) Where possible Institutional and Public Uses shall be developed in keeping with the character of the area where they are located.



VILLAGE OF GOLD RIVER

DEVELOPMENT APPROVAL PROCEDURES BYLAW NO. 577/1998

SCHEDULE "C"

APPLICATION FOR AN OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT

I/We hereby apply for: (check where applicable)

[X] an amendment to the text of the Village of Gold River Official Community Plan Bylaw No. 636, 2003 and/or the change in the Land Use Designation;

[*] to the text of the Village of Gold River Zoning Bylaw No. 635, 2003 and/or rezoning of the property described as (legal description):

Parcel Identifier: 017-695-031
Legal Description:
LOT 2, DISTRICT LOT 637, NOOTKA DISTRICT, PLAN VIP53845

and located at 370 Muchalat Dr., Gold River, BC

from (current designation/zone) to (proposed designation/zone)

The required application fee of \$ 1000.00 and the completed Official Community Plan and Zoning Amendment Information form are attached. Yes No

(Applicant's Signature) Feb 1 / 2017 (Date)

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT

(Registered Owner's Signature) POA Feb 1 / 2017 (Date)

Where the applicant is NOT the REGISTERED OWNER, the application must be signed by the registered owner or his Solicitor.

For Office Use Only * \$500.00 to be refunded - OCP Amendment Not required.

Application fee of \$ 1000.00 received Receipt No. 14971
(Signature of Village Official) Feb. 1 / 17 (Date)

OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENTS INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

This form is to be completed in full and submitted with all requested information, Official Community Plan and Zoning Amendment Application, Application Fee and Certificate of Title or of Indefeasible Title for the subject property.

1. Applicant and Registered Owner

Applicant's Name: Kent O'Neill

Address: Box 280 Gold River, BC, V0P 1G0

Telephone: 250-283-2900 _____ (h) _____ (w) _____ (fax)

Registered Owner's Name: Gold River Buildings Inc.

Address: Box 280 Gold River, BC, V0P 1G0

Telephone: 250-283-2900 _____ (h) _____ (w) _____ (fax)

2. Application Fee

An Application Fee as set out in the Village of Gold River Fees and Charges Bylaw No. 576, 1998 shall be made payable to the Village of Gold River and shall accompany the application.

3. State of Title Certificate

A copy of a State of Title Certificate or a copy of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application must accompany the application as proof of ownership.

4. Text Amendment

Describe the proposed text amendment:

To permit Police Station & Jail Cells as a permitted use within the Central Commercial (C.1) Zone.

5. Property to be Redesignated and Rezoned

- a) Legal Description: LOT 2, DISTRICT LOT 637, NOOTKA DISTRICT, PLAN
VIP53845 Folio # _____
- b) Location: Civic Address 370 Muchalat Dr., Gold River, BC
- c) Size of Property: Area 0.286 ha # of lots 1
- d) Present Designation: Bare land
Present Zoning: Central Commercial (C.1)
- e) Proposed Designation: ~~Multi Use Policy/Commercial~~ Central Commercial
Proposed Zoning: with Police Station/Tail Gerls permitted.
- f) Description of Existing Use/Development: Bareland
- g) Land Use/Development in Surrounding Area: Commercial
- h) Description of Proposed Use/Development (use additional sheet if necessary): _____
Possible police station and commercial use
- i) If the property is to be subdivided indicate:
Number of proposed lots: _____
Size of proposed lots: _____
Proposed use of lots: _____
- j) Anticipated date proposed project will commence? 2017

6. Comments in Support of Application (use additional sheet if necessary)

We would like to commence improvements on the site and construct a commercial building as per the attached site plan. The long term plan is to complete improvements for a new RCMP detachment and to provide new commercial rental space

7. Attachments

At the time of providing the Application and Information Forms to the applicant, the Administrator shall indicate which of the following attachments are required or not required for this application. The Administrator may require additional information than what is indicated.

a) A dimensional sketch plan drawn to a scale of _____ to _____ showing the parcel(s) or part of the parcel(s) to be redesignated and the location of existing buildings, structures and uses.

REQUIRED Yes No

b) A dimensional site development plan drawn to a scale of _____ to _____ showing the proposed use, buildings, structures, highway access, landscaping, parking layout etc.

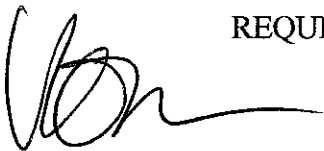
REQUIRED Yes No

c) A contour map drawn to a scale of _____ to _____ with a contour interval of _____, if warranted by topographic conditions of the site.

REQUIRED Yes No

d) A dimensional sketch plan to a scale of _____ to _____ of the proposed subdivision, where a subdivision is contemplated.

REQUIRED Yes No



(Applicant's Signature)

Feb 1 / 2017

(Date)

FOR OFFICE USE ONLY

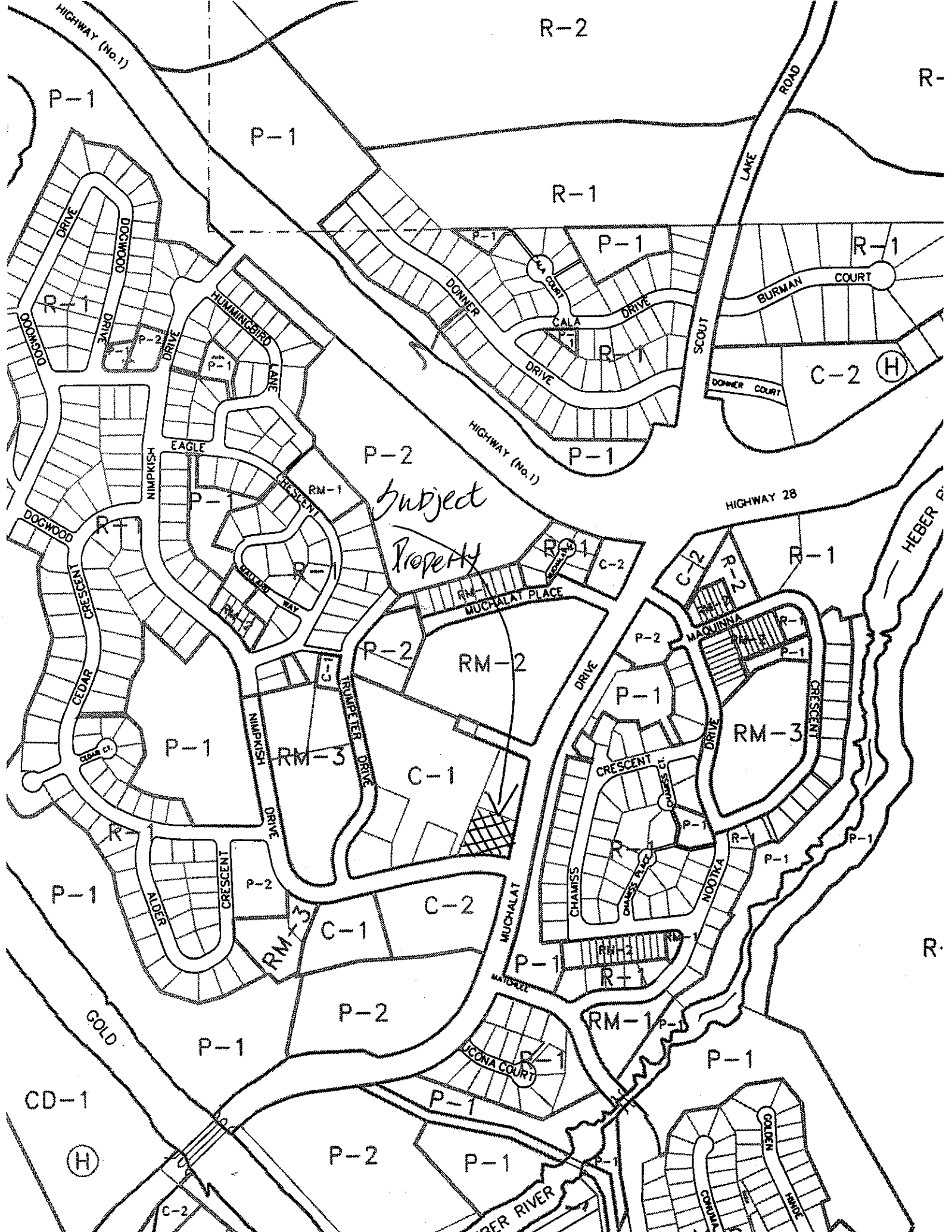
All required forms and information complete and received.



(Signature of Village Official)

Feb 1 / 17

(Date)



R-2

P-1

P-1

R-1

R-

P-2

*Subject
Property*

HIGHWAY 28

RM-2

C-1

RM-3

C-2

C-1

P-2

P-1

CD-1

P-2

(H)

C-2

HEBER RIVER

R.

HIGHWAY (No. 1)

LAKE ROAD

HIGHWAY (No. 1)

HEBER R.

DOGWOOD DRIVE

DOGWOOD DRIVE

HUMMINGBIRD LANE

HUMMINGBIRD LANE

EAGLE DRIVE

EAGLE DRIVE

NIMPKISH DRIVE

NIMPKISH DRIVE

DOWNER DRIVE

DOWNER DRIVE

DRIVE

DRIVE

BURMAN COURT

BURMAN COURT

DONNER COURT

C-2 (H)

DOGWOOD DRIVE

DOGWOOD DRIVE

DRIVE

DRIVE

CEDAR DRIVE

CEDAR DRIVE

DRIVE

DRIVE

MUCHALAT PLACE

MUCHALAT PLACE

P-2

DRIVE

P-1

P-2

DRIVE

R-1

MAQUINNA DRIVE

MAQUINNA DRIVE

P-1

P-1

CRESCENT DRIVE

CRESCENT DRIVE

P-1

P-1

P-2

RM-3

C-1

C-2

P-1

P-1

P-1

P-1

GOLD DRIVE

GOLD DRIVE

P-1

P-2

P-1

RM-1

P-1

CONA COURT

CONA COURT

P-1

P-1

GOLDEN DRIVE

GOLDEN DRIVE

DRIVE

DRIVE