

**A PUBLIC HEARING WILL BE HELD IN THE
MUNICIPAL COUNCIL CHAMBERS ON
MONDAY, AUGUST 24TH, 2009, AT 7:00 P.M.**

A G E N D A

1. City Planner's Report – 5101 McConnell Avenue:

OCP and Rezone Amendments for the Property Legally Described as The East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184 (5101 McConnell Avenue).

*D. Fisher,
Clerk*



CITY OF TERRACE

DEVELOPMENT SERVICES DEPARTMENT

PUBLIC HEARING REPORT

MEMO: Ron Poole, CAO for Mayor and Council

FROM: David Block, City Planner

DATE: August 24, 2009

SUBJ: **Rezone and OCP Amendments for the property legally described as The East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184 [5101 McConnell Avenue]**

RECOMMENDATION

It is recommended that the bylaw to amend the Official Community Plan Bylaw No. 1771-2002 by changing the Land Use designation from Urban Residential to Multi-Family (Townhouse) for the property legally described as the East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184 [5101 McConnell Avenue] be given third reading and adoption.

It is recommended that Bylaw Project No. ADP-02-0910, as given two readings on May 25, 2009, be amended by changing the proposed zoning designation of the subject property from Medium Density Multi-Family (R4) to Low Density Multi-Family (R3).

It is recommended that the bylaw to amend Zoning Bylaw No. 1431-1995 by changing the zoning designation from One Family Residential (R1) to Low Density Multi-Family Residential (R3) for the property legally described as the East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184 [5101 McConnell Avenue] be given third reading and adoption, as amended.

BACKGROUND:

On May 14, 2009 the City received a Rezone and OCP amendment application from Vance Hadley of E.T.V. Holdings Ltd., owner of the subject property located at 5101 McConnell Avenue. Mr. Hadley has requested an OCP amendment and rezone for this property to allow the development of 32 dwelling units in 16 duplex building in a multi-family residential community.

The R3 zoning will allow a townhouse form of development on the site with the final layout and placement of units to be determined at the time of subdivision approval. This development will remain relatively low in density and will not maximize the townhouse density permitted in the R3 Zone. As such, it is anticipated that this proposal will be compatible with the existing neighbourhood's character and built form while offering an alternative housing option in the community.

The proponent has applied for a Phased Strata Subdivision to develop the units in duplex buildings in a landscaped community with access via an internal private driveway. The property will also be designated as a development permit area in the OCP Bylaw amendment. Council will have opportunity to review the details of the project prior to construction of any of the residential dwelling units or utility servicing. The development permit process may address elements such as building siting and design, buffering of adjacent property, pedestrian access and vehicle traffic impact on the existing residential neighbourhood.

Council, during the Committee of the Whole Development Services Component of their May 25, 2009 meeting, reviewed the planning report and discussed the bylaw amendments. After deliberations the Committee recommended that the proposed OCP amendment and rezone proceed. The bylaw received 1st and 2nd readings at the May 25, 2009 Council Meeting.

Notices were published and sent to affected property owners prior to the holding of a Public Hearing concerning this matter on June 22, 2009. E.T.V. Holdings had circulated an information package showing a proposed layout and providing images of the typical dwelling units they intend to construct in this development. Several area residents attended the hearing and voiced concerns about the lack of clear information for this application and possible traffic impact on the existing street network. Council directed staff and the applicant to schedule a second public hearing and to contact a wider portion of the surrounding residential neighbourhood. Following the hearing the applicant requested an amendment to the rezone to R3 – Low Density Multi-Family Residential from R4 – Medium Density Multi-Family Residential. This change limits the proponent to Townhouse format only and eliminates the R4 zone provision for Apartment development.

Notices of the holding of a second public hearing concerning this OCP amendment and rezoning were prepared. The notice was mailed to all affected property owners, as well as 45 additional residential property owners on Cory Drive, Orr Place, McConnell Avenue, Joliffe Avenue and Hallock Avenue. The notice also appeared in the August 12, 2009 and August 19, 2009 issues of the Terrace Standard.

The notice to the paper indicated the place and time where the relevant bylaws and background documents could be viewed and included a time and location for this public hearing at which citizens are invited to make presentations to Council concerning the subject applications.

The notices to the affected property owners were sent with a cover letter (see attached) which included the above information as well as the minutes of the June 22nd Public Hearing and a copy of an information letter the applicant prepared. Mr. Vance Hadley, of E.T.V. Holdings Ltd., confirms that he presented this letter as an update on his proposed development to most of the area residents. Mr. Hadley went door-to-door and either spoke directly with residents or left the letter in their mailboxes if no one was present.

At the time of preparing this report Staff have not received any written submissions nor received any inquiries following the issuing of the notices for the second public hearing.

THE CITY OF TERRACE



PUBLIC WORKS \ DEVELOPMENT SERVICES
5003 GRAHAM AVENUE
TERRACE, B.C. V8G 1B3
PH. (250) 615-4000
FAX (250) 635-3467

August 7, 2009

Dear Homeowner/Tenant:

RE: Rezone and OCP Amendments for the property legally described as the East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184 [5101 McConnell Avenue]

On June 22, 2009 a Public Hearing was held at which time affected citizens were invited to make presentations to Council concerning the above mentioned applications. Following the hearing, it was recommended by Council that the concerns raised be referred to the Developer and City Administration and that a second Public Hearing be held regarding the application from E.T.V. Holdings for the proposed OCP and Rezone amendments. Council also directed staff to circulate this Public Notice to the wider neighbourhood as this proposal is deemed to affect the property owners beyond the required 50 metre distance for notification as stipulated in City policy.

After reviewing the concerns and discussing same with the developer it was determined the application for zoning would be amended from Medium Density Multi-Family (R4) to Low Density Multi-Family Residential (R3). The R3 Zone permits low density Multi-Family development in Townhouse format. This zoning better suits the applicants proposed development of 32 townhouse units in 16 duplex buildings and removes the potential to develop apartment units as allowed under the R4 Zone.

Enclosed are copies of the Public Notices concerning the 2nd Public Hearing with the proposed amendment for the OCP and Rezoning scheduled for August 24th at 7:00 p.m. Also included are the minutes of the June 22nd Public Hearing and a copy of a letter from the applicant is provided for your information.

E.T.V. Holdings has applied for strata subdivision to develop a 32 unit adult oriented development. A Development Permit Application will be required for this project. Council reviews and approves all Development Permits which may address issues of building form, layout, vehicle and pedestrian access and site grading and landscaping, among other criteria.

If you have any questions or concerns regarding these proposed bylaw amendments, please contact the undersigned at (250)615-4000.

Yours truly,

David Block, M.E. Desc, MCIP
City Planner

DB/tw
attachments

CITY OF TERRACE

NOTICE OF PUBLIC HEARING

OFFICIAL COMMUNITY PLAN AMENDMENT

TAKE NOTICE THAT application has been made to amend Schedule "B" (Land Use Plan) and Schedule "C" (Development Permit Areas) of the City of Terrace Official Community Plan Bylaw No. 1771-2002.

THE SUBJECT LAND:

The application affects the land, within the City of Terrace, shown hatched on the accompanying map and described as:

The East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184

THE INTENT:

1.0 To amend Schedule "B" (Land Use Plan) of the Official Community Plan by changing the designation of the land shown hatched on the accompanying map:

FROM: **Urban Residential**

TO: **Multi-Family (Townhouse)**

2.0 To amend Schedule "C" (Development Permit Areas) of the Official Community Plan by designating the land shown hatched on the accompanying map as Development Permit Area No. 8 – Multi-Family.

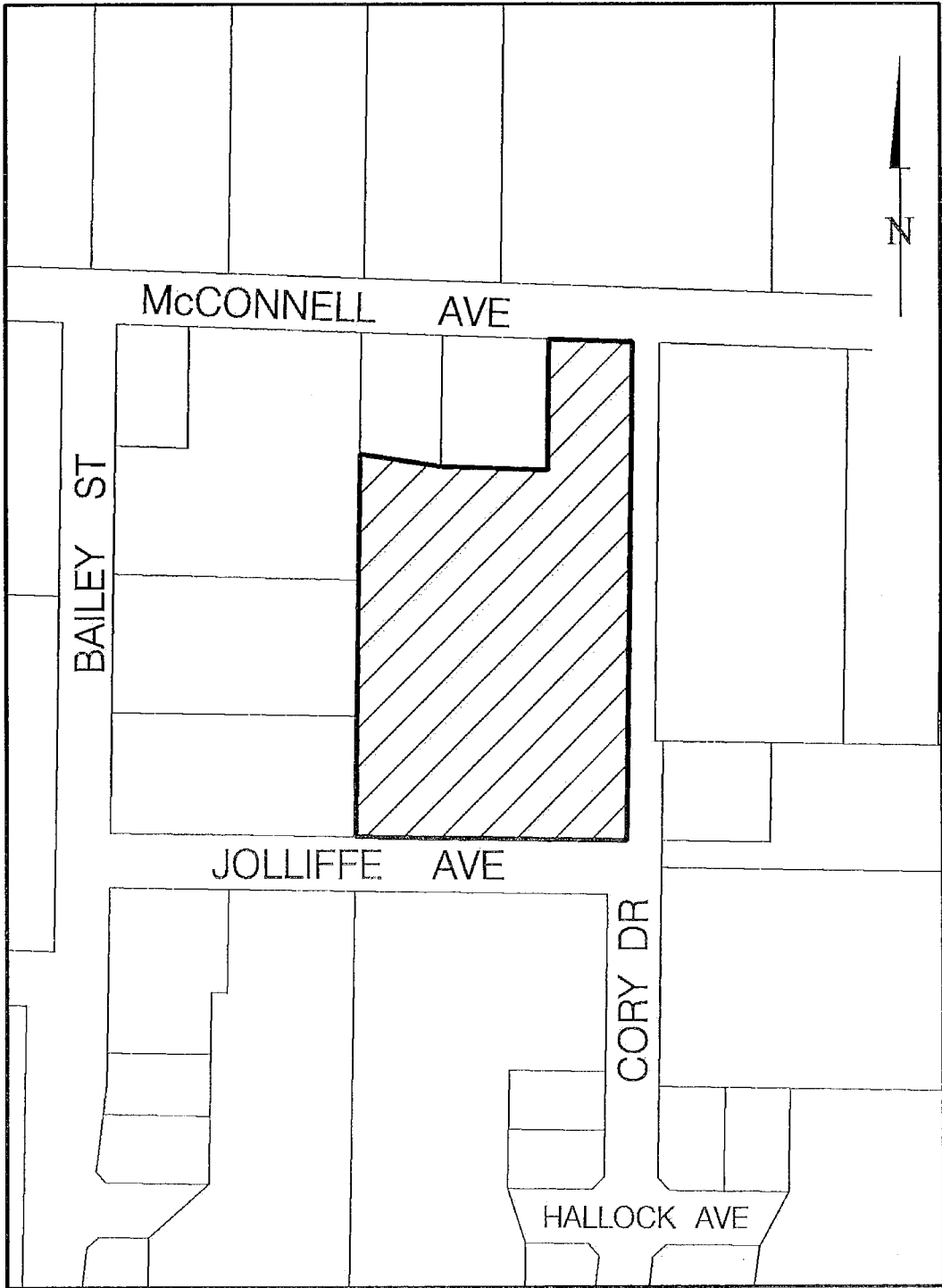
BYLAW INSPECTION:

THE PROPOSED AMENDMENT BYLAW AND RELEVANT BACKGROUND DOCUMENTS MAY BE INSPECTED in the reception area at the City of Terrace Public Works Building at 5003 Graham Avenue, Terrace, B.C., between the hours of 8:30 a.m. to 4:30 p.m. each day from **Wednesday, August 12th, 2009 to Monday, August 24th, 2009** excluding Saturdays and Sundays. For enquiries concerning this application contact David Block, City Planner at 250-615-4000.

PUBLIC HEARING DETAILS:

Any persons wishing to voice their opinions regarding this application may do so in writing, and/or in person, **AT THE PUBLIC HEARING TO BE HELD IN THE MUNICIPAL COUNCIL CHAMBERS, AT 7:00 P.M. ON MONDAY, AUGUST 24th, 2009.**

THIS NOTICE IS GIVEN IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT, R.S.B.C., 1996, AND AMENDMENTS THERETO.



CITY OF TERRACE

NOTICE OF PUBLIC HEARING

ZONING BYLAW AMENDMENT

TAKE NOTICE THAT application has been made to amend Schedule "A" (Zoning Map) of Zoning Bylaw No. 1431-1995.

THE SUBJECT LAND:

The application affects the land, within the City of Terrace, shown hatched on the accompanying map and described as:

The East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184

THE INTENT:

To amend Schedule "A" (Zoning Map) of Zoning Bylaw 1431-1995 by changing the zoning classification of the property shown hatched on the accompanying map:

FROM: **R1 (One Family Residential)**

TO: **R3 (Low Density Multi-Family Residential)**

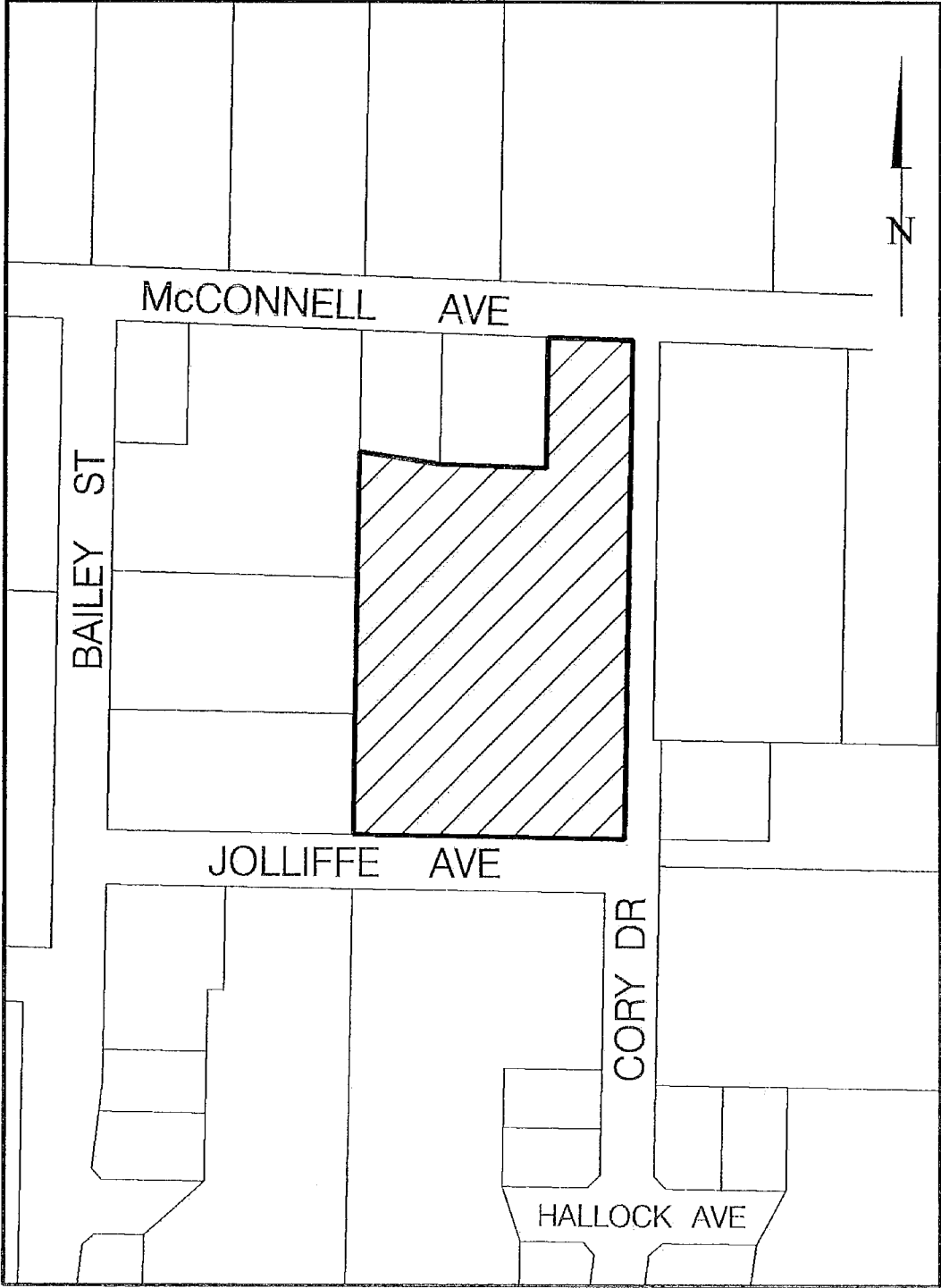
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THIS NOTICE IS GIVEN IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT, R.S.B.C., 1996, AND AMENDMENTS THERETO.



**REPORT OF THE PUBLIC HEARING HELD IN THE
MUNICIPAL COUNCIL CHAMBERS ON JUNE 22, 2009
AT 7:10 P.M.**

Chair D. Pernarowski presided. Members present were B. Bidgood, L. Christiansen, B. Downie, C. Leclerc, B. Martindale and B. Pollard. Also in attendance were R. Pcole, Chief Administrative Officer, D. Block, City Planner and A. Thompson, Executive Assistant.

Chair Pernarowski explained the procedure regarding Public Hearings. He further explained that the purpose of the Public Hearing was to hear comments with regards to:

The proposed Official Community Plan and Zoning amendments of the property located at 5101 McConnell Avenue (the East ½ of Assigned Lot 2, District Lot 983, Range 5, Coast District, Plan 1127 being all that part lying to the East of a straight line bisecting the North and South boundaries Except Plans PRP44181 and PRP44184) as follows:

- to change the Land Use designation from Urban Residential to Multi-Family (Townhouse) and;
- to change the Zoning designation from One-Family Residential (R1) to Medium Density Multi-Family Residential (R4).

1. PUBLIC HEARING - OCP AND REZONE AMENDMENTS FOR THE PROPERTY LEGALLY DESCRIBED AS THE EAST ½ OF ASSIGNED LOT 2, DISTRICT LOT 983, RANGE 5, COAST DISTRICT, PLAN 1127 BEING ALL THAT PART LYING TO THE EAST OF A STRAIGHT LINE BISECTING THE NORTH AND SOUTH BOUNDARIES EXCEPT PLANS PRP44181 AND PRP44184 (5101 MCCONNELL AVENUE)

Chair Pernarowski introduced the City Planner, D. Block, who reviewed his June 22, 2009 report to Council, a copy of which is attached hereto and forms part of this report.

The applicant and owner of the subject property, Vance Hadley of E.T.V. Holdings Ltd., has applied for OCP and Zoning amendments for the property. Mr. Hadley submitted the application in order to develop

26 to 28 dwelling units in a multi-family residential strata subdivision. The dwelling units will consist of attractive duplex construction with common landscaped yard areas. The proposed development will not maximize density and would be compatible with the current housing in the neighbourhood. Most of the units will be on an internal private road although some will have driveway access onto Jolliffe Avenue. Council will have the opportunity to review the proposed development at the Development Permit application stage. The Medium Density Multi-Family (R4) zoning will allow a townhouse form of development on the site with the final layout and number of units to be determined at the time of the subdivision approval. The proponent has also submitted a concurrent application for a Phased Strata Subdivision of the subject parcel consisting of 5 phases with a total of 26 dwelling units in Two-Family (duplex) built form.

Notice of the Public Hearing concerning the OCP and Zoning amendments was sent to all affected property owners and appeared in the June 10, 2009 and June 17, 2009 issues of the Terrace Standard. At the time of writing the City Planner's report there had been one letter from Doug and Marilyn Fell (5113 McConnell Avenue) regarding the OCP and Zoning amendments. The Fells indicated they were not opposing the development but expressed concern regarding the timing of the construction of Cory Drive through to McConnell Avenue. A letter from Jim McDonald and Brenda Guernsey (5107 McConnell Avenue) arrived on June 22nd, 2009 and a copy of their letter was distributed at the Public Hearing. Dr. McDonald and Ms. Guernsey have concerns regarding the change of density in the neighbourhood, particularly the potential increase in traffic and noise. They also expressed the need for adequate landscape buffering should this proposal proceed to construction.

The City Planner estimated that 3 or 4 verbal inquiries regarding the proposal have been received by the City in addition to the written submissions.

The Chair asked if anyone wished to address the Public Hearing.

Ms. Debra Jephson of 5034 Hallock Drive asked about the number of units proposed, and for clarification if the proposed units would be duplexes or triplexes. Mr. Hadley explained the intention was to develop duplexes but due to the irregular shape of part of the property they may consider a triplex unit. Ms. Jephson told the Public Hearing she contacted four neighbours who were against the proposed development and she feels there is a need for more discussion of the proposal. The City Planner explained that the R4 zoning allows different forms of development and this proposed townhouse development would be constructed in phases. Ms. Jephson asked about changing the Official Community Plan and the process was explained by the City Planner. Mr. Block clarified that the proposed development is a change from the current type of housing in this area but that it offers people at a different stage of life an opportunity to live in the same neighbourhood. Ms. Jephson asked if the City would go door-to-door to ask the people in the neighbourhood their opinion about the proposed development. She would like to have this Public Hearing postponed to allow neighbours more time to study the plan.

Mr. Mike McIntyre of 3343 Cory Drive expressed concern that the proposed development could change once it has been approved, particularly from duplex units to triplexes and from adults-only to allow families to live there. He feels property values in the neighbourhood might go down if this development is allowed. Mr. McIntyre asked for clarification of the terms Adult Park vs. 55+ and other terms. Mr. Hadley explained that each strata owner gets a vote and the community of strata owners decide who may purchase the strata units. Mr. McIntyre compared this to another housing project and wondered if they would sell or if the price would drop and asked if there were any other areas of the City zoned for medium density that could be developed instead of this area? Mr. Block explained the City examines the

impacts of proposals as they are submitted and this project would provide diversity of housing types in the neighbourhood. Mr. Block confirmed there are opportunities for this, and other forms of residential development, in many areas of the City. Mr. McIntyre asked for clarification about R4 zoning and the maximum density permitted in this zone. 68 units would be the maximum number of townhomes on the entire property but this proposal would not maximize density.

The Developer, Mr. Hadley, commented that he has received many requests for this type of housing and has had approximately 40 people request information packages for the proposed strata development. Approximately half of those who picked up the applications currently reside on the Bench.

Ms. Melinda Bahr of 5032 Hallock Avenue expressed her concern that the development could change the caliber of the neighbourhood. The City Planner explained the application is based on the layout and number of residential units as described and a change would require the Developer to apply for an amendment to the Development Permit to alter the form of the development at a later date.

Marylin Fell of 5113 McConnell Avenue expressed frustration that she has not received a copy of the development plans. She has concerns about traffic on Cory Drive and feels the current residents on Bailey Drive will be negatively impacted by the proposed development. Ms. Fell would like to have a more definitive plan for the area and requested Third Reading be postponed until more people can attend and let their feelings on the proposed development be known. She believes the current plans are too vague. Ms. Fell is also concerned that Cory Drive will not be completed and the implications that will have on traffic patterns in the neighbourhood. She would like to see Cory Drive developed earlier in the development process. The Planner clarified that the extension of Cory Drive to McConnell Avenue will be a condition of subdivision approval.

The Developer will have to construct this road at a later phase of the strata subdivision which will be determined by staff in their review of the application.

The City Planner explained the different zoning designations to those at the Public Hearing. Two-Family Residential Zoning (R2) would allow duplexes but not a phased strata development as proposed by Mr. Hadley. Either of the R3 - Low Density Multi-Family or the R4 - Medium Density Multi-Family Residential Zones are appropriate for the proposed strata subdivision. The strata would be developed in 5 phases and each phase would require approval through a subdivision application. Those with concerns that the appearance of the units will change dramatically from what the Developer is proposing received assurance from the Developer that it will not change substantially.

Chase Thomson of 4635 Loen Avenue asked if there was a feasibility study to determine if there is a demand for this type of housing. Mr. Hadley indicated that he has had numerous people ask him for this sort of development and feels there is a great demand for this sort of strata development.

Ken Newman of 3514 Cory Drive asked if there could be changes made to the proposed development after it was approved, specifically changing the project from Adult-Only to allowing families to live there or if a rental unit could be permitted. The City Planner explained the application is for the entire development, and then the Developer would apply phase by phase and the City approves each phase in turn. The Developer would have to apply for an amendment to the Development Permit to significantly alter the form in a later phase. The City reviews and approves the form of dwelling unit but has no input or regulation as to who the purchasers might be.

There was a discussion about the development of Cory Drive and if it could be developed sooner, but Mr. Hadley explained it would not be developed earlier in the project as the

other owner on the east side would not be participating and Mr. Hadley would have to bear the entire cost of the road development. Traffic patterns and snow removal in the winter were concerns of some residents.

Doug Fell of 5113 McConnell Avenue told the Public Hearing he is not opposed to the development of duplexes in the neighbourhood but rather if the units built are a departure from those approved or if the Developer applies to make a change to future phases of the development.

There were no recommendations made at this time.

The June 22, 2009 Public Hearing was adjourned at 8:10 p.m.

CERTIFIED CORRECT

Chair

Clerk

West Ridge Estates Adult Park

Location: Corner of Cory Drive and Jolliffe Ave. Terrace, B.C.

To the neighbours of West Ridge Estates:

In July the City of Terrace held a public meeting to discuss and pass a request to rezone a parcel of land on the corner of Jolliffe Av. and Cory Dr. It became apparent that some of the neighbours were not sure what was planned or what was actually going to occur if this land was rezoned. The local residents required more information and clarity. The City originally planned to rezone it to R4, which allowed apartments. This is not my intention.

A few of the concerns that came up in the council meeting are:

1.) What if the developer were to build triplex's, eight plex's, low rentals etc.

The city has amended the re-zoning request from R4 to R3. The appropriate permits and plans for duplexes have already been submitted. There will be 16 duplex's equalling 32 units, completed over 6 phases. Each unit will be between 1200 and 1300 square feet. These homes will be owner occupied and for adults only. They will be quality homes that blend into the neighbourhood very well. The new owners will form a committee and establish their own strata rules once they have taken ownership, as required by law.

2.) Higher densities and increased traffic:

If this area were to continue developing with residential lots for family homes, as its presently zoned, it could easily increase the population by more than 100 residents (28 families).

By going ahead with the Adult Park of 32 units, which will be occupied by one or two people, the density would be reduced.

The new Park will actually decrease traffic compared to it's present zoning.

3.) Property Value:

The Adult park will be an asset to the community and it will allow the neighbourhood to be more diversified. It will enable families, parents and grandparents to live in the same neighbourhood. In fact, the 2 dozen inquiries we have had to date are all from family members in the Terrace area, and more specifically from the bench and do not want to leave the neighbourhood.

Another City Council meeting will be held on August 24th to further clarify this project.

If you have any other concerns or you are interested and feel there is a need for this type of residence please come to voice your opinion.

We need to encourage our retirees with options and reasons for staying here in Terrace.

Sincerely,
Vance Hadley