

Report

Date February 19, 2025

File: SPP00082

Subject Zoning Bylaw Module 2: Legacy Zonings – Bare Point Road Parcel

PURPOSE

To seek Council direction on the zoning approach to the parcel at Bare Point Road subject to “legacy zoning” considerations.

BACKGROUND

On January 7, 2025, the Committee of the Whole considered a list of “legacy zoned” sites that were identified as candidates for a zoning change to align with the Official Community Plan (OCP) and provided direction to proceed with preparing a zoning amendment bylaw for specific sites on that list. The parcel at Bare Point Road (PID 010-798-587) is vacant and currently zoned *Industrial Light Zone (I1)*. However, lying within a residential neighbourhood (separated only by the laneway-like Halhed Road from adjoining houses), it is in significant conflict with the OCP’s “neighbourhood” land use designation. It carries potential for uses incompatible with the nearby residential streets. The recommendation was to change the zoning to *Urban Residential Rural Zone R1-U*.

The parcel at Bare Point Road is subject to an active development permit application (DP000376) for commercial laundry. Aware of the zoning/OCP mismatch, the site developer provided a letter in anticipation of this site potentially being included within the schedule of proposed zoning changes, which was presented in the staff report and attached again here. Council removed the site from the list and requested it be brought back with options to amend the zoning in a way that preserves the intended commercial laundry use.

DISCUSSION

Orthophoto and street views to show the site’s context are provided in Attachment 1 and demonstrate an open and relatively intimate relationship with the rear yards of residential lots on the east side of Chemainus Road. Currently permitted uses at the site include ones with the potential to cause significant harm to the residential area, such as:

- Truck, trailer and heavy equipment sales, rentals & services
- Recycling depot
- Machine shop
- Industrial use
- Resource use

The proposed commercial laundry is less impactful than those listed above, but the possibility of noise, odours, disturbance, and heavy vehicle traffic associated with this use cannot be discounted. The exact nature of a commercial laundry operation’s impacts will also depend on the scale of operations. The development permit application seeks approval for a design that has consciously sought to minimize the potential impacts on adjoining residential properties. However, those efforts are themselves

indicative of there being an impact. Nevertheless, the fact remains that the OCP land use designation does not envision a light industrial use of this nature, and given the location and context, there does exist non-negligible potential for impact to the residential neighbourhood (although significant harm is also far from inevitable). The recommended option, on balance and noting the owner's objection to it, remains as per the January 7 report, namely to rezone to R1-U.

Given the development application in progress, a zoning change to R1-U would effectively prevent the commercial laundry project from moving ahead and open the parcel up to residential development instead. However, it is also true that any residential development on that parcel would itself share an interface across Bare Point Road to the industrially designated (and zoned) parcels to the east. The site has the potential to act as a buffer between the residential and industrial areas, and a low-impact neighbourhood commercial use would be a practical alternative to residential development while remaining consistent with the residential neighbourhood designation (see OCP policy 3.2.7(i)).

Despite its name, the commercial laundry would fall within the zoning bylaw's definition of "industrial use" (rather than "commercial use"):

"industrial use" means a use providing for processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing, wrecking, or salvaging goods or materials, and selling heavy industrial equipment and retail sales incidental to the principal use, but excludes sawmills, pulp mills, planing mills, commercial composting, and septicage facilities;

This definition provides for a broad range of uses with a commensurately broad range of potential impacts. Retaining this general use at the site would, in staff's view, still present a future risk of uses harmful to the adjacent residential lots. If Council is willing to accept the commercial laundry use in this location, staff recommend defining this as a use and specifying it at this site while otherwise adjusting the zoning to remove other industrial uses.

In the event that Council wishes to retain other non-residential uses at the site, staff suggest the *Cheminus Commercial Zone* (C9) as an alternative to residential zoning. The C9 zone provides for a variety of lower-impact commercial uses typically found in small downtown-like environments in closer proximity to residential uses. While best suited to the "Commercial" land use designation, the C9 zone does not necessarily conflict with the "Neighbourhood" land use designation and exists in immediate proximity to residential lots elsewhere in Cheminus. However, the C9 zone alone would not accommodate the light industrial commercial laundry use, which would still have to be added as a site-specific exception to this zone at this site. This is represented in Option 2 below.

A more austere version of Option 2 would be to rezone to R1-U while specifying a sole exception for a commercial laundry. The downside of this option is the near-complete lack of future flexibility while not necessarily providing an equivalent degree of benefit to the adjoining neighbourhood. Namely, if the laundry use were to cease, the building would sit vacant unless and until a zoning amendment application for an alternative use (other than demolition and residential redevelopment) was approved. This is represented in Option 3 below.

OPTIONS

- (1) **(Recommended Option)** THAT Council directs that the parcel at Bare Point Road PID: 010-798-587 is included within the "legacy zoned" sites zoning amendment bylaw with a proposed change from I1 to R1-U.
 - This would prevent the commercial laundry proposal from moving ahead.
- (2) THAT Council directs that the parcel at Bare Point Road PID: 010-798-587 is included within the "legacy zoned" sites zoning amendment bylaw with a proposed change from I1 to C9, with the addition of "commercial laundry" as a permitted use.
 - This option would facilitate the proposed commercial laundry and a range of other commercial uses generally consistent with urban residential areas.
 - Should commercial laundry use cease in the future, other potential uses for the building would exist without any zoning change.
 - An associated definition for "commercial laundry" will also need to be added to the zoning bylaw.
- (3) THAT Council directs that the parcel at Bare Point Road PID: 010-798-587 is included within the "legacy zoned" sites zoning amendment bylaw with a proposed change from I1 to R1-U, with the addition of "commercial laundry" as a permitted use and associated definition.
 - This option would facilitate the proposed commercial laundry but prevent any other non-residential use.
 - Should commercial laundry use cease in the future, a rezoning application will be required for any different use of the building.
 - An associated definition for "commercial laundry" will also need to be added to the zoning bylaw.
- (4) THAT Council directs that the parcel at Bare Point Road PID: 010-798-587 is excluded from the "legacy zoned" sites zoning amendment bylaw.
 - This option would retain the full range of I1 uses at this site indefinitely.

IMPLICATIONS

Should Council choose options 1, 2 or 3 above, the site would be included within the "legacy zones" zoning amendment bylaw scheduled to come before Council for initial readings at the March 5 meeting. The choice between options 1-3 would determine the nature of the zoning adjustment to be made. Option 4 would retain the existing I1 zoning, and no further action on this site's zoning would take place unless Council was to direct otherwise at a future time.

RECOMMENDATION

THAT Council directs that the parcel at Bare Point Road PID: 010-798-587 is included within the "legacy zoned" sites zoning amendment bylaw with a proposed change from I1 to R1-U.

Report prepared by:



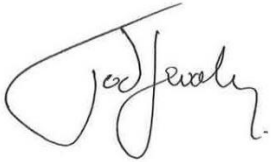
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Attachments:

- (1) Site location
- (2) Letter from AlSCO Uniforms re Parcel at Bare Point Road dated October 16, 2024
- (3) Letter on behalf of AlSCO Uniforms re DP00376 dated July 8, 2024