

Report

Date

May 18, 2022

File: 3360-20 19.20

Subject

Zoning Amendment Bylaw No. 3867 for first and second readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022", which proposes to amend Zoning Bylaw No. 2950, 1997 to permit high-density residential and commercial uses. A staff presentation will be provided.

BACKGROUND

The subject properties, five parcels covering an area of 2.19 hectares (5.41 acres), are located at the north end of Paddle Road, which is located north of the Cowichan Commons Regional Shopping Centre, west of the Trans-Canada Highway. The subject properties are currently zoned for low and medium density residential use (i.e., R1 & CD10; Attachments 1, 2 & 3). The Bell McKinnon Local Area Plan (BMLAP) designates the subject properties for high-density residential and mixed commercial/residential use (RH & EL-M; Attachment 4). The subject properties are located within the 'Regional Shopping Centre' and 'Commercial' land use designations and within the Urban Containment Boundary, of the Official Community Plan (OCP Map 9, 12, 17, Bylaw No. 3450).

Land Use & Community Context

Rural residential properties surround the subject properties to the west, an apartment building to the south, and general and service commercial uses to the east. Active agricultural lands in the Agriculture Land Reserve (ALR) are located to the north. Parks, and community services, e.g., schools, and recreation facilities, are located generally to the south. This residential neighbourhood between Paddle Road and Ford Road is in transition to multi-family housing.

Zoning Amendment Proposal

Land Use & Density

The subject properties are currently zoned R1 and CD10 (Zoning Bylaw, No. 2950; Attachments 5 & 6). The current zoning permits a range of housing types from single and two-dwelling (R1) to apartment and multi-family residences, including townhouses (CD10). The maximum permitted residential density ranges from 12 units per hectare (R1; low density) to 1.5 FAR¹ (CD10; medium density).

Since the BMLAP provides land use policy guidance for future high-density residential and mixed commercial land use over the Plan area, which includes the subject properties, the applicant is applying to amend the Zoning Bylaw (No. 2950) to rezone the subject properties to reflect the land use potential of the BMLAP. As a zone is not currently available in the Zoning Bylaw (No. 2950) that is consistent with

¹ Floor area ratio (FAR) means the floor area of all buildings divided by the lot. For example, an FAR of 1.5 is a measure of the floor areas of a building or buildings, which, when added together, is one and a half times the area of the lot. FAR is a common density measure for buildings with multiple storeys.

the BMLAP land use designations for the subject properties, the applicant proposes a new “Paddle Road North Comprehensive Development Plan Zone (CD22)” to permit a wider range of uses, including commercial, and higher residential density.

This application proposes to change permitted land uses whereby approval of the application and the associated zoning amendment bylaw does not authorize specific development on the subject properties. As such, the eventual development proposal could change from what is currently envisioned. Should the application be successful, the applicant proposes to:

- Assemble and re-subdivide the five subject properties into two separate lots;
- Submit a development permit application for three 6-storey, one 4-storey apartment building, townhouses, and duplexes for an estimated 350 residential units;
- Supply primarily residential strata tenure housing, with the exception of a commitment to 10% rental housing, which would be secured in the new zone; and,
- Provide ground floor commercial use in two apartment buildings, for an approximate total of 446m² (4,800ft²) of commercial gross floor area.

A rendering of the anticipated development concept for the proposed land use and density sought in this rezoning application is provided in Figure 1. Estimated residential unit types, as envisioned, are provided in Figure 2.

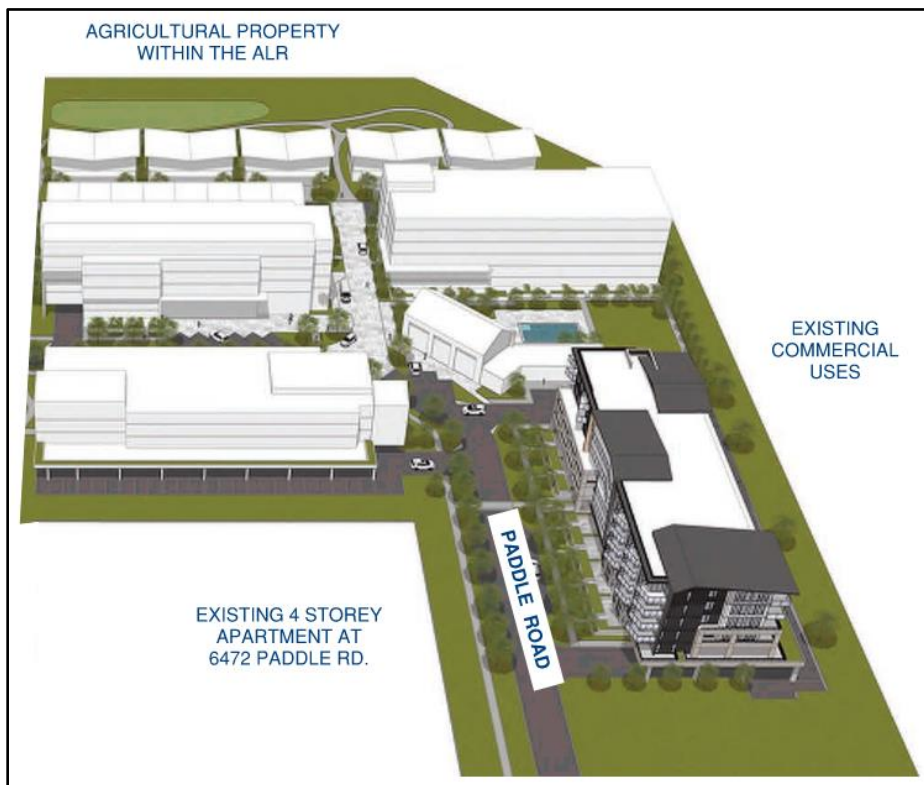


Figure 1. A rendering of the project provides an overview of 4 potential apartment buildings located at the north end of Paddle Road. The development could include a private amenity building. Only one apartment is shown as it could look like should this zoning amendment, and subsequent development permits, be approved.

APARTMENT MIX							
UNIT TYPE		A	B	C	D	TOTAL	%
1 BED <small>INCLUDES 1+den</small>		42	47	57	42	188	56%
2 BED		38	42	27	27	134	41%
3 BED		5	6			11	3%
TOTAL		85	95	84	69	333	

TOWNHOUSES/TWO FAMILY DWELLINGS					
BUILDING	STORY'S	UNIT TYPE	AREA	QUANTITY	TOTAL AREA
TFD A	2	3+ DEN	1,655 S.F.	10	16,550 S.F.
TH B	3	3 BED	1,236 S.F.	8	9,888 S.F.

Figure 2. This is the type of dwelling unit type breakdown that could be achieved on this site as presented by the applicant with this rezoning proposal.

The Paddle Road North Comprehensive Development Plan Zone (CD22) & Draft Zoning Amendment Bylaw No. 3867 is provided in Attachment 7. The Letter of Rationale from the applicant is provided in Attachment 8. The Site Plan is provided in Attachment 9. The Site Photos are shown in Attachment 10.

DISCUSSION

Official Community Plan 'Regional Shopping Centre' Land Use Designation & 'Housing' Objective

This zoning amendment application is inconsistent with Official Community Plan (OCP) land use policies in that they are identified for future commercial development (i.e., 'Regional Shopping Centre', 'Commercial'; Map 9, 12, 17).

Yet, a zoning amendment proposal for increased residential density and commercial uses on the subject properties, as identified in the BMLAP (i.e., designated residential high density – RH & employment lands – EL-M), will align with the OCP's (No. 3450) objective of 'Housing' toward the goal of 'Building Strong Communities', providing that the balance of 'Housing' policies are met.

Housing policies relevant to this proposal are:

1. *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres ... (sec. 2.5.2.1)*
2. *The Municipality will encourage development that makes North Cowichan a more walkable community (sec. 2.5.1.5 a))*

3. *The Municipality requires that 10% of units within major projects ... incorporate an affordable housing requirement (sec. 2.5.2.3 a))*
4. *The Municipality will assess the community impact of each application for a multi-unit housing project in terms of (sec. 2.5.2.5 b)):*
The project scale in relation to the character and privacy of existing developments nearby;
The potential for increased traffic and parking congestion;
The adequacy and capacity of existing services ... including open space, parks and recreation; and,
The extent to which the project would impose additional costs on the Municipality.
5. *The Municipality will encourage multi-family housing development in commercial areas as an approved mixed use (sec. 2.5.2.7)*

The rezoning proposal aligns with key policies of the OCP's objective of 'Housing' by providing:

- A diversity of housing types, e.g., apartment, townhouse, duplex from one to three-bedrooms, i.e., an estimated 350 residential units could be achieved on-site;
- Walkability to on-site ground floor commercial uses within two apartment buildings (in Area 3 & 5; Attachment 7) and to the commercial centre (Cowichan Commons) immediately to the south of the proposal, as well as to future park, i.e., a "Central Paddle Park" (see *BMLAP Policy & Community Amenity Contribution* sections);
- Residential housing, of which 10% is allocated for rental housing, is identified in the OCP as a type of affordable housing (sec. 2.5.2, p. 71) (see *Paddle Road North Comprehensive Development Zone CD22* section);
- To mitigate project scale, the maximum permitted storeys immediately adjacent to the existing 4-storey apartment at 6472 Paddle Road south of the subject properties would be limited to 4; and,
- A Comprehensive Development Zone (CD22) facilitating an approximate total area of 446 m² (4,800 ft²) dedicated to commercial uses identified in the zone, and high-density residential uses.

Off-street parking is addressed in the section on *Development Permits*. Traffic and servicing implications are addressed in the section on *BC Transit & Ministry of Transportation and Infrastructure* and *Servicing Infrastructure*.

An amendment to the OCP Maps 9, 12 and 17 is required to include the subject properties within the 'Growth Centre' land use designation for focused residential growth in order for the zoning amendment proposal to be consistent with OCP land use designations, currently identified as 'Regional Shopping Centre' and 'Commercial'. Yet, staff are satisfied that the zoning amendment proposal aligns with the balance of the OCP's policies for housing diversity, walkability, affordability, appropriate scale, and a mix of multi-family housing and commercial use areas (sec. 2.5).

Bell McKinnon Local Area Plan Policy

The Bell McKinnon Local Area Plan (BMLAP), which applies to the subject properties, provides policy guidance for land use and development. The BMLAP supplements the more general OCP (No. 3450) by providing more detailed policy guidance for the development of the subject properties related to preferred uses, densities, development design criteria, and future public park. This zoning amendment proposal aligns with these policies of the BMLAP.

Land use policies of the BMLAP's informing the zoning amendment proposal are:

1. *High-density Residential (RH), for a "mix of townhouses and multi-family buildings up to 5 storeys" (p. 31) with underground parking, and floor area ratios between 1.5 to 2.5 with 90% underground parking (sec. 4.3.5); and,*
2. *Employment Lands-Mixed (EL-M), for "employment lands [including live-work studios] ... including residential on the upper storeys" (p. 51), with buildings between 2 to 4 storeys, and floor area ratios ranging from 1.0 to 2.0 (sec. 4.3.10).*

Other development design and park policies of the BMLAP relevant to this proposal are:

3. *'Green urbanism' translating to, for example, energy efficient buildings (Step Code 3), a 30% minimum urban tree canopy cover, and greenspace coverage. Storm water infrastructure should include on-site rain gardens (sec. 4.5).*
4. *Street typology or, simply, 'streetscape' design standards for public roads, including street trees, traffic calming, and street parking (5.3.3, 5.3.4)*
5. *Park access within 5 minute walk (BMLAP, p. 27) whereby a 2 acre park is envisioned between Ford Road and Paddle Road (sec. 6.3.2 pg. 93, 95). See Figure 3 for the actual public park location proposed.*

Highlights of the BMLAP land use policies as they relate to the subject properties are shown in Figure 3.

Although the subject properties are located within two land use designations (i.e., RH & EL-M), the applicant proposes to *combine* the intent of these designations into *one* comprehensive development, rather than to seek a zoning amendment for two distinct development areas, each with different preferred land uses & densities.

The zoning amendment proposal aligns with the key BMLAP policies identified by providing:

- Comprehensive zoning to facilitate preferred land uses of apartments, some townhouses/duplexes located adjacent to the ALR farm lands to the north, mixed commercial uses, including live-work studio use; that
- Together with 90% underground parking, achieves an overall density (expressed as floor area ratio) of approximately 1.5, which is within the range of intent of both land use designations combined. (Note, excluding Area 4, on which the zone permits townhomes and duplexes, the estimated achievable floor area ratio, as presented, would bring the FAR to approximately 2.0);
- BC Energy Step Code 3 construction standard, access to EV charging, 30% urban tree canopy cover, and 280 m² of on-site rain gardens;

- Public roadway construction to a design standard that includes street trees, traffic-calming (e.g., bulb-outs), and street parking; and
- Financial contribution of \$3,500 toward parkland acquisition and improvements, significantly contributing toward achieving a public park between Ford Road and Paddle Road. The closest park is located 500 metres to the south, i.e., Averill Creek Park Natural Area.

Of note, this zoning amendment proposal is not implicated in the actual location of the proposed "Central Paddle Park." As a result of not having to dedicate land for park, the proponent is requested to contribute a proportional share of the financial burden, expressed per residential unit, for a future public park in this immediate neighbourhood.

Details related to the *CD22* and *Community Amenity Contributions* are discussed in subsequent sections.

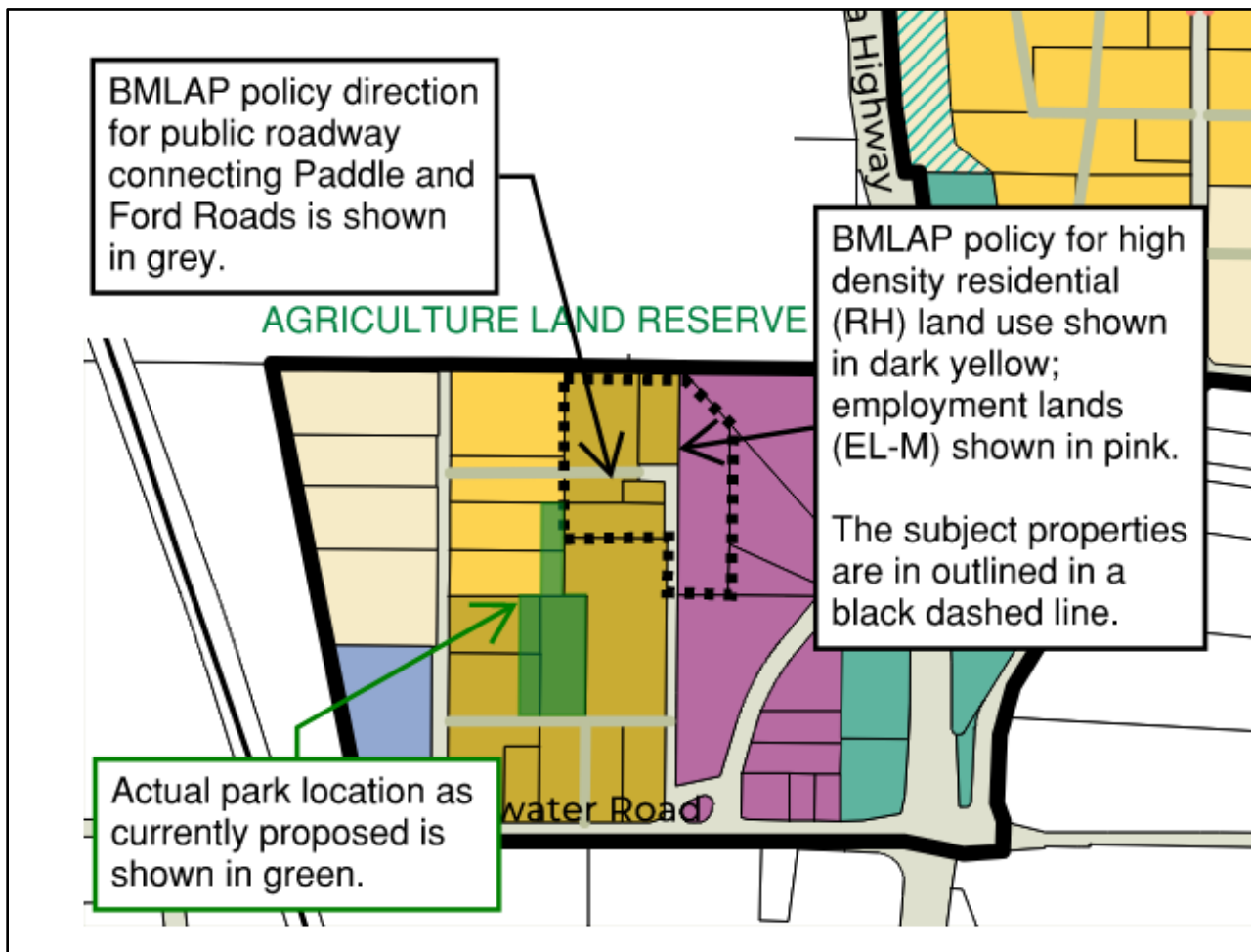


Figure 3. BMLAP policy for the preferred land use for high density residential is shown in dark yellow; employment lands, i.e., mixed commercial/residential is shown in pink. BMLAP policy for the location of a public roadway connecting Ford with Paddle Road is shown in grey. The actual park location as currently proposed is shown in green. The subject properties are shown in black (dashed).

Staff are satisfied that the zoning amendment proposal aligns with land use policies of the BMLAP for preferred uses and densities. Moreover, should the zoning amendment be successful, the proponent is willing to enter into a *Land Title Act* section 219 covenant agreement to secure development design criteria of the BMLAP, e.g., a minimum on-site 30% tree canopy cover, BC Energy Step Code 3 construction standard, streetscape design, and a financial contribution toward the cost of acquiring and constructing a future local area Park (BMLAP, sec. 4.3.5, 4.5, 5.3.4, 6.3.2, 6.5).

Proposed Paddle Road North Comprehensive Development Zone (CD22)

Consistent with BMLAP land use policy for residential use, density, and building storeys, the proposed new CD22 Zone would permit the zoning amendment proposal as presented, i.e., Figure 1 and 2.

The new CD22 Zone as proposed is broken into five areas, including provisions for uses, densities, and storeys & building heights in each area. Mixed commercial uses are located adjacent to public roadway. Recreation uses, permitted in Area 2, allow uses associated with a private amenity building.

While the 6-storey buildings of the proposed new CD22 Zone exceed BMLAP land use policy for a maximum number of storeys, which is limited to 5-storeys (sec. 4.3.5), 6-storey apartment buildings are proposed in several areas to better realize the residential density potential of the BMLAP (discussed in the *BMLAP* section). Given the diversity of residential building forms proposed for the site, from low density townhouses to high-density apartment buildings, and the urban-side buffering requirements from the Agriculture Land Reserve (discussed in the *Development Permits* section), the three 6-storey apartments improve the use of the site for the preferred residential density (i.e., combining RH and EL-M, between 1.0-2.5 FAR²). To mitigate the impact of their scale, i.e., the apartment use in Area 5, immediately adjacent to the 4-storey apartment at 6472 Paddle Road, is limited to 4-storeys.

The maximum permitted apartment building heights are intended to be able to accommodate (private) building amenity space, which may be located on the roof, and ground floor commercial uses, including live-work studios (an optional use) where applicable.

Recent changes to the *Local Government Act* now permit local governments to identify 'residential rental tenancy' within zones. This has been applied to the new proposed CD22 Zone. If adopted, the proposed CD22 Zone would limit a proportion of future residential development on the subject properties to 'residential rental tenure'. Specifically, the CD22 Zone would secure 10% of the total number of residential units, which is 35 units (based on 10% of a total of 351 residential units presented with this zoning amendment proposal) for rental housing in perpetuity within Area 1 and/or 5.

Staff are satisfied the Paddle Road North Comprehensive Development Zone (CD22) reasonably realizes the intent of the land use policy direction of the RH and EL-M designations (BMLAP), while respecting the character of the existing neighbourhood. The CD22 Zone meets the intent of the OCP for a minimum of 10% of the residential units to be provided for affordable housing (sec. 2.5.2, p. 71). Highlights of the CD22 Zone are provided in Figure 4.

² Excluding Area 4, on which the zone permits townhomes and duplexes, the estimated achievable floor area ratio is approximately 2.0, bringing the potential of the zone to within the density target of the BMLAP (RH & EL-M).

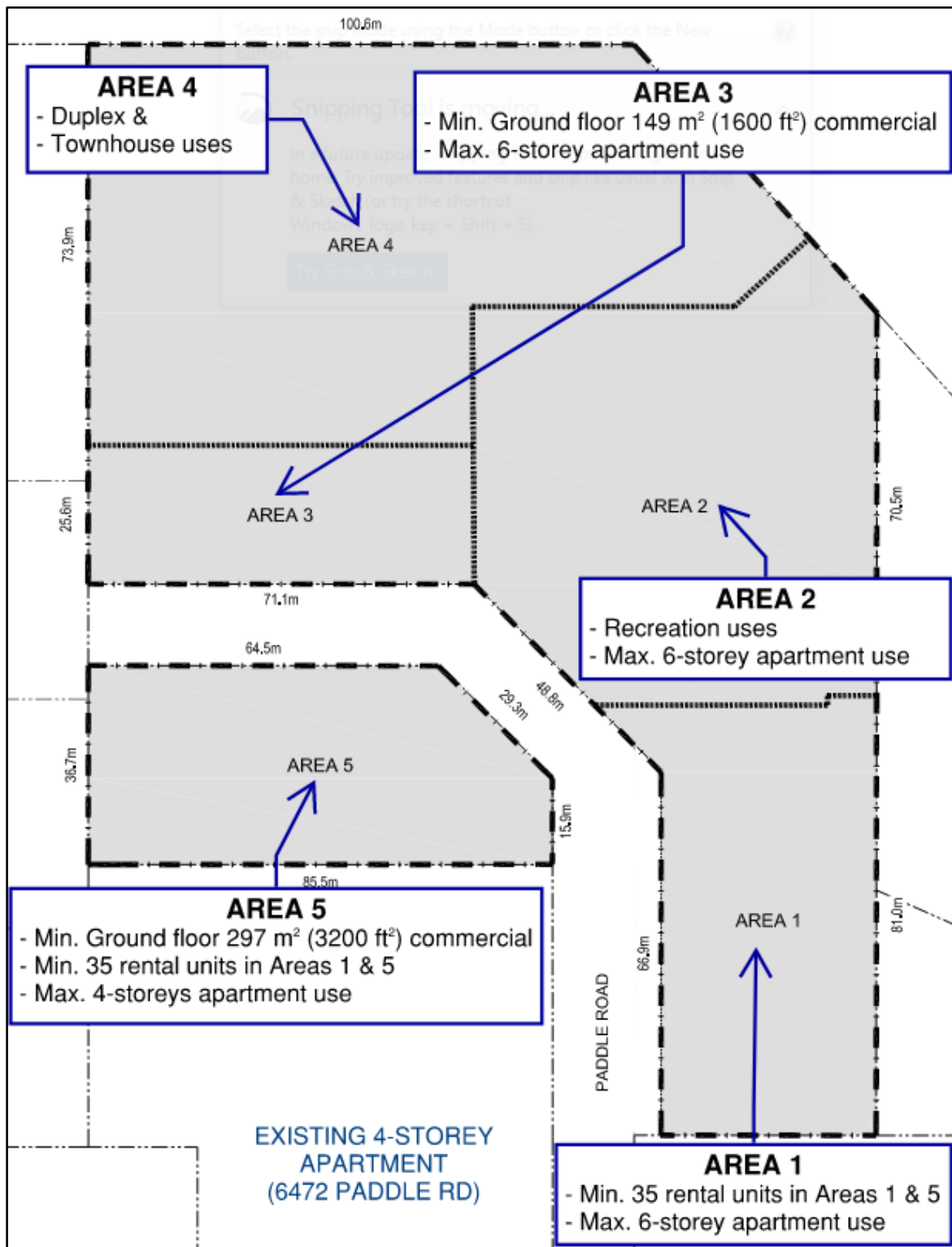


Figure 4. Mixed commercial units are located at grade adjacent to public roads. Townhouses and duplexes (i.e., low density housing) are located at the north boundary of the subject properties adjacent to the Agriculture Land Reserve. Six-storey buildings are located within several Areas of the Zone; however, a maximum 4-storey building may be located immediately adjacent and to the north of an existing 4-storey apartment building, i.e., at 6472 Paddle Road. A minimum of 35 rental units are required with residential apartment buildings within Areas 1 & 5. Some recreation uses are also permitted, which could facilitate a private amenity building.

The Paddle Road North Comprehensive Development Plan Zone (CD22) is provided in Attachment 7. The applicant's illustrative Site Plan is provided in Attachment 9.

Servicing & Infrastructure

To achieve access and site servicing, should this zoning amendment be successful, the proponent has agreed to dedicate 1,291 m² of lands for and the construction of a portion of a new public roadway that will eventually connect Paddle to Ford Road in the general location identified in the BMLAP (Figure 3). Additionally, roadway dedication (329 m²) and improvements are provided on Paddle Road.

With urban-side buffering requirements (i.e., 30 m building setback; DPA-5), discussed in the *Development Permit Approval* section, to optimize the use of the subject properties (Figure 3), the proponent has indicated they will request a road closure of the road-stub at the north end of Paddle Road to re-orient the location of the proposed east-west public roadway from its current location slightly to the south. A road closure is achieved by bylaw. The request would be made following Council's decision on this zoning amendment, should it be approved.

The actual proposed east-west public roadway location, which would eventually connect Paddle Road to Ford Road and the dedication to widen Paddle Road, is shown in Figure 5.

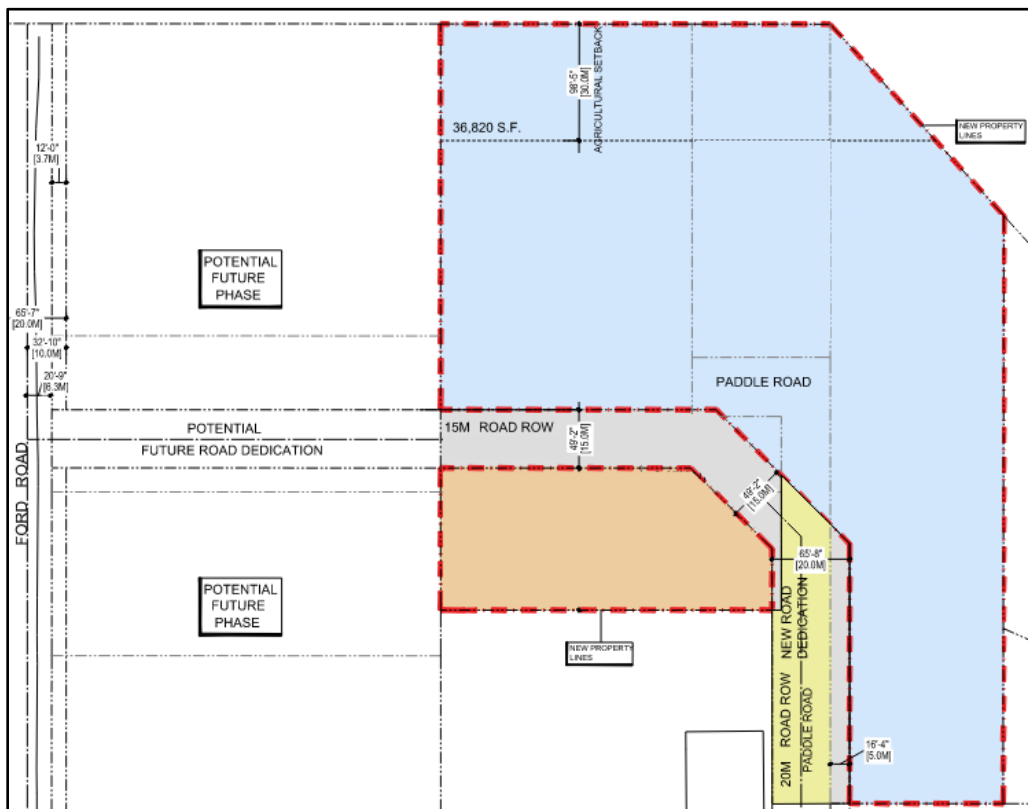


Figure 5. This illustrative schematic of the zoning amendment proposal, which could lead to a 5-lot consolidation into 2 lots (blue & orange), shows the road stub at the north end of Paddle Road. Should the rezoning be successful, a road closure request to Council would be made. Together with the land dedications (in grey), a public roadway connecting Paddle with Ford Road would be achieved, as well as a 20 metre road right of way for improvements to Paddle Road (yellow).

Major infrastructure works as required by the Municipality to service the subject properties for the land use requested include an upgrade to the water main on Paddle Road from Drinkwater Road, a public sanitary pump station, drainage and sewer main construction, and registration of statutory rights of way as appropriate, to Ford Road. Comprehensive storm water management planning is required for the site and would include a minimum total area of 280 m² of rain gardens/bioswales (BMLAP, sec. 6.5).

Should this zoning amendment proposal be successful, the applicant is willing to secure these infrastructure works with a *Land Title Act* section 219 covenant, which would require the works to be provided as required to service the site, when the subject properties are subdivided or developed.

Staff are satisfied that the proposed new east-west public roadway can be achieved as proposed, and, that access, water, sanitary, and storm water services can be provided on the subject properties for the land use requested.

Community Amenity Contributions

In addition to infrastructure, the applicant has committed to the following community amenities in accordance with OCP policy (sec. 2.5.1.5):

- Enhanced street design standard to include boulevard trees, bulb-outs, and on-street parking, exceeding the Municipality's basic road design standard (BMLAP sec. 5.3.4);
- Minimum BC Energy Step Code 3 construction standard;
- Two public charging stations, rough-in for electric vehicle charging for 20% of parking stalls located underground;
- Minimum overall 30% tree canopy cover to be achieved on the subject properties;
- Financial contribution of \$3,500 per residential unit put toward a future "Central Paddle Park"; and,
- Unique urban design features and/or public art to be proposed at Development Permit valued up to \$100,000.

These community amenity contributions are generally consistent with the OCP's policy direction to reduce carbon footprints in the development process (OCP sec. 2.3.1.4), and the BLAP's policy direction to improve the use of urban forest concepts, energy-efficient construction standards, streetscape design, and contributions toward establishing a local park (BMLAP sec. 4.4, 5.3, 6.3, 6.4).

Should Council give third reading to the amendment bylaw, a finalized *Land Title Act* section 219 covenant agreement would be registered on the title of the property prior to bylaw adoption to secure infrastructure and community amenity commitments.

Future Development Approvals

Variances

Should Council approve this application and the associated zoning amendment bylaw, the applicant intends to seek variances to the Municipality's current zoning bylaw (No. 2950) to:

- Reduce minimum required off-street parking stalls (sec. 21) from an estimated 615 to approximately 535 regular parking stalls, which is equivalent to an estimated 1.5 stalls per residential unit;
- Reduce minimum parking stall length from 5.8 metres to 5.5 metres (sec. 24); and,
- Reduce minimum drive aisle width from 7.6 metres to 6.7 metres (sec. 24).

These and any other variances the proponent may request in the future are not part of this zoning amendment application and would be addressed at a later date through a development variance or development permit application. As part of any such application, the proponent will be asked to provide an analysis of parking demand and effective transportation management strategies, prepared by a qualified professional, to justify requests to vary the Municipality's off-street parking requirements.

Should Council not approve any of the variances anticipated to be requested, the applicant would need to adjust their plans and/or residential density accordingly to meet the Municipality's bylaw standards.

Development & Building Permits

Development of the site for mixed commercial/apartment buildings and/or townhouses is subject to the Development Permit Area-1 (General) requirements and guidelines to meet objectives for the form and character of multi-family residential development (OCP, No. 3450, p. 137). Development permit approval must be achieved before building permits can be issued.

Additionally, the development of the subject properties that abut the Agricultural Land Reserve (ALR; Figure 3) is subject to Development Permit Area-5 (DPA-5; Farmland Protection) and guidelines to meet objectives for the protection of farming (*LGA s.488*; OCP, No. 3450, Appendix 3, p. 143; Map 2 &12). The Municipality's DPA-5 guidelines reference and implement Ministry of Agriculture guidelines for urban-side edge planning³, which intend to reduce land use conflicts between urban (e.g., residential, commercial) and agricultural land uses (Zoning Bylaw, DPA-5, sec. 5.3).

To provide certainty to the Municipality that development of the site would provide, with successful rezoning of the lands, an urban-side agricultural buffer and setbacks, i.e., 15 metres of vegetation, and 30 metre building setbacks in accordance with DPA-5, and further, that future owners of a 15 metre vegetated buffer area once constructed will maintain it in perpetuity, the proponent is willing to secure a vegetation planting, management and protection plan in a *Land Title Act* section 219 covenant agreement with successful rezoning. The vegetation management plan and landscaping works would not be required until development of the lands adjacent to the ALR is at the development permit stage.

³ DPA-5 guidelines are outlined in the Ministry of Agriculture's *Guide to Edge Planning: Promoting Compatibility Along Agricultural-Urban Edges*, as referred to in the Municipality's Development Permit-5 (Farmland Protection) guidelines for vegetative buffers (type, location, width), and building setbacks.

Development approvals must be achieved before building permits can be issued.

Infrastructure works and community amenities are provided at the building permit stage.

BC Transit & Ministry of Transportation and Infrastructure (MOTI)

BC Transit

BC Transit has recommended the Municipality provide a pair of transit stops on Drinkwater Road between Paddle and Ford Roads, i.e., one stop in each direction (east, west).

The transit stops are required to service the future development on the north side of Drinkwater Road, including what is proposed in this application. It is encouraging that the density of the Paddle Road development proposal warrants a new transit stop, as that will help to reduce private vehicle usage and contribute to the goals and objectives for focused growth and high density development expressed in the OCP and BMLAP.

Options for funding the transit stops include development cost charges (DCC), negotiated contributions through the rezoning process, or from the Municipality's capital works budget. As the location, cost and timing of the future transit stops are unknown at this time, the applicant has not been asked to provide financial contributions towards it. Following discussions with BC Transit and the Cowichan Valley Regional District, which are still preliminary, it is recommended that the project and infrastructure upgrades required to service existing and future development in the Paddle Road/Ford Road neighbourhood be considered for inclusion in the DCC Bylaw when it is next reviewed and updated.

Ministry of Transportation and Infrastructure (MOTI)

The subject properties are located within 800 metres of a Controlled Access Highway (Trans Canada Highway). Should Council give third reading to Zoning Amendment Bylaw No. 3867, Ministry of Transportation and Infrastructure (MOTI) approval will be required prior to adoption (sec. 52(3) *Transportation Act*).

The application was referred to MOTI, and it advised the Municipality two receiving lanes will be required by the Municipality on Drinkwater Road west of the intersection with the Trans-Canada Highway (TCH), in anticipation of intersection improvements to the TCH's northbound left turn lane. MOTI was unable to provide a timeline for when the TCH intersection improvements are expected. No further concerns were identified. These works should be included in future capital budgets and considered for inclusion in the DCC Bylaw.

Summary & Conclusion

The subject properties at the north end of Paddle Road, north of the Cowichan Commons Regional Shopping Centre, are located on lands designated within the OCP as 'Regional Shopping Centre' and 'Commercial' for future commercial development (Map 9, 12, 17), and for high density residential and commercial uses within the Bell McKinnon Local Area Plan (BMLAP, sec. 4.3.5, 4.3.10).

The properties are proposed to be assembled and re-subdivided into two lots to facilitate the eventual construction of four apartment buildings with some ground floor commercial uses, and townhomes and duplexes. This requires an amendment from the current Rural Residential (R1) Zone to a Comprehensive Development Zone that permits these uses and densities.

While the majority of the residential dwelling uses are intended for residential strata ownership, the proponent intends to operate a minimum of 10% of the site for residential rental tenancy. Should Council approve the new Paddle Road North Comprehensive Development (CD22) Zone, a minimum percentage of the apartment units, i.e., a minimum of 35 rental tenure housing units, would be secured in perpetuity on the subject properties, which is consistent with OCP policy for affordable housing (sec. 2.5.2).

OCP '*Housing*' policy is met with this zoning proposal, which, if successful and in conjunction with development permit applications for the concept proposal as presented, would contribute up to approximately 350 residential housing units provided largely within one 4-storey and three 6-storey apartment buildings, which include some ground floor area dedicated to commercial uses.

Consistent with BMLAP land use policy, the applicant has provided commitments for community amenities, and related works. Commitments include a minimum BC Energy Step Code 3 construction standard, two public electric vehicle charging stations, rough-in for electric vehicle charging for 20% of parking stalls located underground, a minimum 30% urban tree canopy cover, and an up to \$100,000 contribution to public art and/or design features. The agreement would include a financial contribution of \$3,500 per residential unit collected at time of Building Permit to be placed within the Park Reserve Fund, which would be put toward a future "Central Paddle Park".

Servicing (water, sanitary, storm) and access as proposed is considered adequate for the request to increase residential density with mixed commercial uses. The applicant is willing to secure dedications and construction for public roadway improvements on Paddle Road, and a new public roadway connecting Paddle Road with Ford Road. This could (and is anticipated to) involve a request initiated by the proponent and presented to Council by staff to close a small portion of Paddle Road at the north end of the road right of way. The applicant has also agreed to on-site rain gardens, and constructing public road frontages to an enhanced streetscapes consistent with BMLAP street typologies, including street trees, bulb-outs/traffic calming, and on-street parking (pending detailed design), exceeding the Municipality's basic road standard.

Based on the intended development concept, development permits required prior to building permit issuance are anticipated to include a request to vary minimum required off-street parking standards. Should Council deny any future request for variances to Municipal zoning bylaw standards, adjustments to the proposal as presented with this rezoning application would result. The intended development concept may also change for other reasons, provided it complies with applicable zoning and the section 219 covenant.

The Ministry of Transportation and Infrastructure has provided preliminary approval, but has advised the Municipality that two receiving lanes will be required on Drinkwater Road on the west side of the Trans Canada Highway (TCH) in anticipation of TCH intersection improvements with increased traffic demand in the future.

Should the OCP Amendment Bylaw No. 3869 to amend 'Regional Shopping Centre' and 'Commercial' designations on Maps 9, 12, and 17 be successful, such that the subject properties would be re-designated to the 'Growth Centre' designation for focussed residential development, staff are satisfied this proposal aligns with guiding land use policies of the OCP's '*Housing*' Objective, and, for the preferred uses, density, site design, and park lands, of the BMLAP. It is recommended that Zoning Amendment Bylaw 3867 receive first and second reading, and that a public hearing be scheduled.

The draft Zoning Amendment Bylaw No. 3867 is provided in Attachment 7.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Give first and second readings to "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022"; and
 - (2) Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022" and that notification be issued in accordance with the *Local Government Act*.
2. THAT Council deny application ZB000122 to amend Zoning Bylaw No. 2950, 1997 to permit high density residential housing and commercial use.

IMPLICATIONS

While this rezoning proposal for increased residential density for apartment, townhouse, and duplex housing with commercial uses is largely consistent with the BMLAP, the future development of the subject properties would incur costs to the Municipality for the maintenance (and eventual replacement) of new infrastructure, which would be constructed by the developer, including:

- Street trees on Municipal boulevard (as identified in the BMLAP);
- New public roadway; and,
- New public sanitary pump station.

A road closure request is anticipated to follow the zoning amendment application should it be successful. A small portion of the north end of Paddle Road (a 'road stub') is proposed to be closed in exchange for an equal amount of private lands to be dedicated to the Municipality toward the same purpose of public roadway but located slightly to the south of the current 'road-stub' location.

Additionally, the following infrastructure is anticipated in the future with increased transit and traffic demands in this area that will need to be funded by the Municipality with the potential to recover part of the cost through development cost charges:

- Twinning of the receiving lanes on Drinkwater Road; and,
- Pair of transit stops (one in each direction) between Ford and Paddle Road.

RECOMMENDATIONS

THAT Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022"; and
- (2) Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3867 (6478, 6494, 6493, 6489 Paddle Road from R1 & 6495 Paddle Road from CD10, to CD22), 2022" and that notification be issued in accordance with the *Local Government Act*.

Report prepared by:

Caroline von Schilling

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Development Planner

Report reviewed by:



Rob Conway
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Location
- (2) Orthophoto
- (3) Zoning
- (4) BMLAP Land Use Designation
- (5) R1 Zone
- (6) CD10 Zone
- (7) CD22 & Draft Bylaw No. 3867
- (8) Letter of Rationale
- (9) Site Plan
- (10) Site Photos