

City Staff Report

Original signed by: City Manager Johnson

Report Date: April 11, 2018

Meeting Date: May 1, 2018

Application No.: DVP2018-56 & DVP2018-57

To: City Manager

From: Director of Development Services

Subject: Development Variance Permits for varying the paving requirement for Westroad Resource Consultants (2344 Larch Ave) and Dragon Lake Veterinary Hospital (2372 Larch Ave)

Purpose

To review the proposed request to vary the paving requirement in front of two existing buildings on Larch Ave - Westroad Resource Consultants at 2344 Larch Ave and Dragon Lake Veterinary Hospital at 2372 Larch Ave.

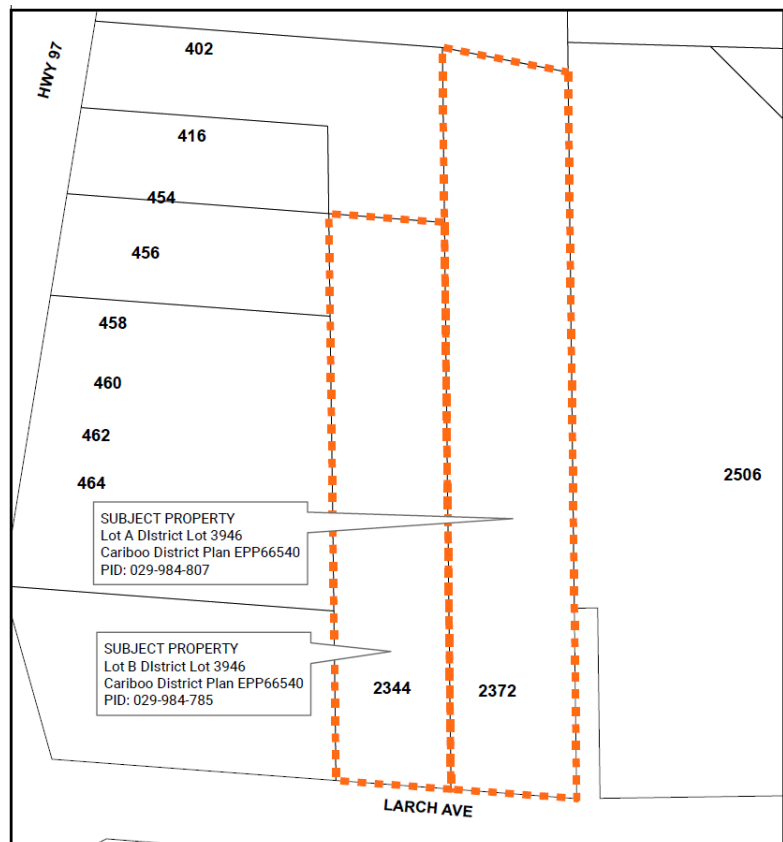
Summary

- Both subject properties are in the South Quesnel Highway and Water Corridor Development Permit area and are adjacent to one another.
- Both properties had their Development Permits approved in 2016 which included an approval to vary the paving requirement for the sides and rear of the buildings.
- Both properties are now requesting variances to exempt the paving requirement from their front building walls to their property line abutting Larch Ave and their applications are being considered concurrently.
- Both applicants are proposing fencing/screening alternatives should the variance requests be granted.

Recommendation

THAT Council denies the requested variance to *not* pave in front of the 2344 Larch Avenue Westroad Resource Consultants Building (DVP2018-56); and

AND THAT Council denies the requested variance to *not* pave in front of the 2372 Larch Avenue Dragon Lake Vet Hospital (DVP2018-57).





AND THAT Council requests the owners place an agreement on title of the properties for the maintenance of the drainage infrastructure.

Statutory Requirements

Local Government Act - Section 498 and 499 (Development Variance Permits)

Council Policy

Zoning Bylaw – Section 5.7.4 (b) – Requirement to pave off-street parking

Official Community Plan

- Natural Environment - Policy 11.3.20
- South Quesnel Development Permit Area – Policy 21.9.4.5

Development Application Procedures Bylaw

Quesnel Airshed Management Plan (2004 – 2014)

Strategic Objective

N/A

Financial Implications

N/A

Background

Previous Development Permit Approvals

- On February 23rd, 2016 Council approved the Development Permit (DP) to construct the Dragon Lake Veterinary Hospital. The approval at this time also included Council approval to waive the requirement to pave at the sides and rear of the building, while retaining paving in the front of the building facing Larch Ave (except for a small area around the willow trees).
- On July 26th, 2016 Council approved the DP to construct the Westroad Resource Consultants Forestry Office. This DP approval also included Council approval to waive the paving requirement for the sides and rear of the building.
- The variances in 2016 did not waive the requirement to pave in front of both buildings and there was an expectation by the City that both proponents would pave and landscape within the 2 year time frame permitted to complete DP conditions.

Requested Paving Extension

- On February 7th, 2017, the owner of the Dragon Lake Vet Hospital requested an extension on the paving requirement for 2372 Larch Ave. The requested extension was until the fall of 2019 (versus the required completion date of Feb. 23rd, 2018).
- The reasons for proposed extension were as follows:
 - Financial constraints – Cash flow issue for business start up. Unexpected building costs came up which used up funds that were originally set aside for paving;
 - Concern of paving before the ground settles that could result in heaving and damage; and
 - The adjacent building (Westroad) also needs paving and there is an opportunity to pave at the same time to help save costs and ensure the ground is settled for both properties.
- On October 4th, 2017, Staff provided correspondence to the owner approving the extension for paving works in front of the vet hospital to **July 26th, 2018** at the latest in order to facilitate concurrent paving with Westroad Resource Consultants for efficiency.
- Staff felt that a proposed extension to the fall of 2019 delayed this requirement too long and that the new deadline of late July, 2018 was a good compromise as it enabled both property owners to



pave at the same time, in the summer, when the ground is settled. Staff also provided an extension to July 26th, 2018 for the vet hospital to complete landscaping works.

- Staff received no formal correspondence from Westroad to extend their paving deadline.
- As such, until these variance applications were received, Staff had the understanding that both properties would be fully landscaped and have paving in front of their buildings by July 26th, 2018.

Site Characteristics

Location	2344 Larch Ave & 2372 Larch Ave
Site Area	10,800 m ² (approx. 1.08 ha) - combined
Current Use	2344 Larch Ave – forestry consulting office and screened vehicle/equipment compound. 2372 Larch Ave – veterinary hospital
Zoning	C-4 (Highway Commercial)
Official Community Plan Land Use Designation	HSC (Highway and Service Commercial)
Development Permit Area	South Quesnel Highway and Water Corridor
Servicing	Serviced with City water and CRD sewer

Surrounding Land Uses

North	Motherlode carwash
East	Rural single family residences
South	Canadian Tire and Larch Mobile Home Park
West	Various highway commercial uses (such as Ashley Furniture and KFC)

Proponents' Rationale for Proposed Paving Variance

- Below is a summary of reasons for the requested paving variance (see attached applicant rationale letters):

Dragon Lake Vet Hospital Reasons	Shared Reasons	Westroad Reasons
<ul style="list-style-type: none"> • Paving makes it more difficult to maintain ice-free surface in winter. • Paving does not provide any traction for animals in summer. • Difficult for business with limited cash flow (unforeseen costs from building and legal fees). • Paving would increase property assessment and thus, property taxes. • Paving may kill 3 large willows on site during paving process. • Property is in between asphalt of nearby commercial area of 	<ul style="list-style-type: none"> • Existing gravel area has worked well since opening (no dust issues and/or complaints). • Paving will create drainage issue (i.e. water pooling near building entrances) as buildings are at a lower grade than the driveways. • Paving is expensive (and impacted by 2017 wildfire season). 	<ul style="list-style-type: none"> • Majority of traffic is from employees which park at the building rear. Only people that park at front are Canada Post and couriers. Client visits are almost nil. • Paving will not solve dust issue (even though, so far, they believe there is no issue). • Feel that not paving will emulate a more rural/ "outdoorsy" character that aligns with their business philosophy of being an environmentally friendly forestry service provider (set itself apart from "concrete jungle" of adjacent commercial properties).



Canadian Tire and residential area (provides transition by not paving).		
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Paving Requirement Clarification

- In Dr. Langan's rationale letter, it states: "competing businesses in the area are not required to pave giving them an unfair competitive advantage over the new business trying to succeed..." Staff wish to clarify this statement as it implies unfairness on the City's part. The following factors explain differences among businesses with respect to paving:
 - A business may have existed before the adoption of the existing Zoning Bylaw and requirements for paving could have been different at that time.
 - Paving may have been formally waived through the proper permit process.
 - Paving is required for new developments, but paving can deteriorate over time. The City has little enforcement capability with respect to maintaining paving for existing businesses. However, the City could enforce the need to mitigate dust issues via the Nuisance Bylaw.
- Regardless, the current policy is that if a new building in a Development Permit area (i.e. South Quesnel Highway) is proposed – the owner would need to apply for a permit and pave, or otherwise obtain a variance.

Proposed Paving Alternatives/Remedies

- The proposal involves the alternative option of fencing along the front of the properties (see attached site plans and photos) if waiving the requirement to pave is granted. However, it should be clear that if the variance is not approved, both property owners have communicated to Staff that they would *not* fence. **It is one option or the other.**
- The fencing proposal has not been finalized, but an appealing option proposed by Westroad is panel fencing with lattice work.
- Locking entrance ways are proposed to help in crime prevention (theft has occurred on the vet hospital site) and to separate commercial uses from nearby residential areas.
- As well, Westroad noted that the existing landscaping plan can be changed to focus landscaping around the gated entrance to the property to create an inviting entryway.
- Further, both applicants propose to maintain the parking area with clean $\frac{3}{4}$ " road crush.

Zoning Bylaw Requirements:

- Section 5.7.4 (b) of the Zoning Bylaw requires "every off-street parking area [to] be surfaced with a permanent surface of asphalt, concrete or similar pavement so as to provide a surface that is durable and maintained for the purposes intended and so that all water is contained on-site or directed to an approved drainage system".

Official Community Plan (OCP) Policies:

- Natural Environment Policy 11.3.20 states that Council should work to improve air quality by considering recommendations within the Airshed Management Plan when making land use planning decisions.
- The Airshed Management Plan recognizes both paved and unpaved road dust as two of several sources of air pollutants and refer to the mitigation of dust as an important factor relating to air quality.



- A key recommendation is that the City should consider requiring effective, consistent dust control of all traffic areas permitted for **new** industrial and **commercial** developments **through the use of dust suppressants and/or hard-surfacing**.
- Staff recognizes that while dust suppressants can be effective at dust abatement, enforcement can be challenging. On the other hand, hard surfacing kept in good condition greatly reduces dust and thus, time and resources required to enforce dust nuisances.
- While the existing uses on these sites have relatively low traffic in the front parking area (especially Westroad), Council must thoughtfully consider future uses that could replace the existing businesses such as restaurant or retail which are generally higher traffic uses.
- Finally, a policy of the South Quesnel Highway Commercial Development Permit area is that vehicle entrances and exits should be well defined with **curb and gutter**, landscaping, and signage.

Advantages and Disadvantages of Paving in General

- Below, Staff outline the advantages and disadvantages of paving in general in light of city policies, best practices, and the subject properties' character and surroundings.

Paving Advantages	Paving Disadvantages
<ul style="list-style-type: none">• Meets City policy to ensure vehicle entrances and exits are well defined with curb and gutter to meet a standard for commercial development that is encouraged in the OCP.• Meets Airshed Management Plan's recommendation for controlling dust by requiring hard surfacing for commercial developments (enforcing businesses to use dust suppressants to address a nuisance can be challenging and administratively taxing).• Ensures that if businesses change to higher traffic uses (such as restaurant or retail), that hard surfacing already exists.• Ensures parking spaces can be more clearly demarcated on-site.• Fencing alternative (in lieu of paving) would screen two new attractive developments in the South Quesnel commercial area that ought to be showcased (although this does not negate owners from fencing in the future).• Gravel requires regular maintenance (i.e. filling in sunken areas; applying dust suppressants).	<ul style="list-style-type: none">• Paving (non-permeable surface) does not allow for replenishment of ground water as quickly as gravel.• Other measures would need to be explored to address the drainage issues due to slope gradient (i.e. additional storm drain).• It could be considered more aesthetic to keep the whole site gravel as opposed to mostly gravel intercepted with a smaller section of paving in the front.• Fencing alternative (in lieu of paving) will increase business owners' feeling of safety/security and may increase safety.• Paving requires regular maintenance (i.e. repairing cracks; clearing sand, dried mud, etc. to prevent dust issues).

- Regardless of their differences, standard maintenance is still required for both to ensure good traction, manage dust, and ensure an acceptable aesthetic is maintained for the given surface.
- Staff feel that the policy in the Official Community Plan is very strong with respect to requiring paving for form and character/aesthetic reasons. Further, paving provides a greater assurance that dust is less of an issue in the longer term, especially when property ownership changes to a higher use. As such, Staff recommends denying the requested variances.

Access and Site Circulation



- In the original DP report for the vet hospital, it was noted that two driveways into a narrow lot of 30 metres wide is generally not supported. However, at that time, Public Works made an exception for the ingress and egress locations for horse trailers that will use a one way traffic system through the lot.
- After the DP was approved, the access changed so as to keep the traffic flow to one side of the building and have the loop at the back of the building for turning instead.
- Staff is satisfied with this change due to Public Works' initial comments.
- However, the access change did result in some other notable changes to parking and landscaping.
- There are no access changes proposed for Westroad.

Parking

- As part of the driveway access change for the vet hospital, the parking stalls had to be re-oriented (see attached site plans).
- As the required parking is still provided with this change, Staff has no concerns with the re-configuration.
- There are no parking changes proposed for Westroad.
- To reiterate, parking spaces can be more clearly delineated with paving. Gravel surface lots could use concrete blocks (curb stops), but these will show general stall locations only.

Landscaping and Screening

- For the vet clinic property, the applicant has proposed some noteworthy landscaping changes than originally approved. The original proposal involved the planting of some shrubs, but the proposal now is to place turf instead (see attached site plans).
- The access changes to one driveway impact the original plantings proposed; however, Staff recommended plantings in an alternative location (such as in front of the proposed fence).
- The applicant stated that if a fence is installed, she is not sure plantings are needed, but will see how the space is. There is also an option of putting hardy shrubs on the front and east side of the entrance. No details have been provided on this. The owner has stated a desire to make the entrance as welcoming as possible and strive to improve the landscaping as time and money allows.
- For the Westroad property, the applicant has confirmed that the amount and type of landscaping will remain the same as originally proposed, but that the location may change to be clustered near the access/entrance.
- Staff still has bonds for the remaining landscaping works on each property.

Drainage

When the lot was subdivided drainage infrastructure (a rock pit, drainage tile and overflow piping) was added to the lot to properly drain both lots. This infrastructure is primarily located on the property of 2372 Larch and there is no agreement between the property owners on its maintenance and upkeep. It is recommended the property owners establish a formal agreement and place on the titles of the properties.

In addition the property owner had concerns regarding some flooding that occurred on Larch Avenue this spring. After speaking with Director of Public Works and Infrastructure Chris Coben it is understood that the flooding that occurred was due to an inadequate culvert lid that was not designed to take the volume of water it was receiving. This is being corrected and public works staff have no concerns for the future.

Notices



Notice was distributed as according to the Development Application Procedures Bylaw Section 3.5 (Notice of Development Variance Permit) and 3.6 (Development Notice Sign). As of the report date, there have been no submissions regarding this development proposal.

Referrals

Public Works and Engineering: No response as of report date.	Fire Department: No response as of report date.
Ministry of Transportation and Infrastructure: No objection in principle to the proposed Development Variance Permit.	Shaw Cable: No response as of report date.
Telus: No issues.	BCHydro: BC Hydro has no objections to the purposed non paving and building new fence and gate. However, BC Hydro holds a right of way registered against title to the Property with PID: 029-984-807 and 029-984-785 and the proponents should be guided by the terms of such right of way agreement.
FortisBC: No objections or concerns.	Ministry of Environment: No comments.
Baker Creek Enhancement Society: No response received to date.	CRD (Red Bluff Sewer): Interests unaffected.

Attachments

Fact Sheet

Site Plans (Previous and Revised Proposal)

Dragon Lake Vet Rationale Letter

Westroad Rationale Letter

Photos

Options

1. Approve as recommended.
2. Approve the variance as requested with the requirement to fence the front of the property.
3. Provide an alternate direction to staff.