

( ) Report of the Public Hearing held 2006-JUL-06 for Bylaws No. 4000.393, 4000.394 and a Covenant Amendment

A Public Hearing was held on 2006-JUL-06, the subject of which was Bylaws No. 4000.393, 4000.394, and a covenant amendment. Approximately 40 members of the public were in attendance.

Bylaw No. 4000.393, if adopted, will rezone property from Mixed Use Commercial Zone (C-4) and Commercial Recreation Zone (C-8) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3), Single Family Residential Small Lot Zone (RS-6) and Mixed Use Commercial Zone (C-4).

This Bylaw appears before Council this evening for consideration of Third Reading.

Bylaw No. 4000.394, if adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By deleting the existing Part 5 General Regulations that permit heat pumps and air conditioners to project into side and rear yard setbacks.
2. By adding a new subsection to the Part 5 General Regulations that require heat pumps and central air conditioning units to be located to the rear of a principal building and not be closer than 4.5 metres (14.7 feet) from side lot lines or 3.0 metres (9.8 feet) from the rear property line.

This Bylaw appears before Council this evening for consideration of Third Reading.

The covenant amendment, if approved, will amend an existing covenant (EJ059424) registered on the title of 6202 Dunbar Road by: increasing the existing permitted number of townhouse dwelling units from 27 to 30; increasing lot coverage from 21% to 40% (permitted by Zoning Bylaw No. 4000); and removing requirements for constructing an on-site recreation building and instead providing a \$30,000 monetary contribution toward the Oliver Road Recreation Centre.

This application appears before Council this evening for consideration of approval of the covenant amendment.

Recommendation: That Council:

1. Receive this report and the minutes of the Public Hearing held on Thursday, 2006-JUL-06; and
2. Direct Staff to proceed with the proposed covenant amendment for 6202 Dunbar Road.

## FOR CITY MANAGER'S REPORT

REPORT TO: A. TUCKER, ACTING DIRECTOR, PLANNING AND DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2006-JUL-06  
FOR BYLAWS NO. 4000.393, 4000.394 AND A COVENANT AMENDMENT

### RECOMMENDATION:

That Council:

1. Receive this report and the minutes of the Public Hearing held on Thursday, 2006-JUL-06; and
2. Direct Staff to proceed with the proposed covenant amendment for 6202 Dunbar Road.

### BACKGROUND:

A Public Hearing was held on 2006-JUL-06, the subject of which was three items. Approximately 40 members of the public were in attendance. Minutes of the Public Hearing are attached and information regarding procedures for Bylaws No. 4000.393, 4000.394 and the covenant amendment is contained within the report.

☒ Council  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2006-JUL-10

### DISCUSSION:

#### **1. BYLAW NO. 4000.393:**

This bylaw, if adopted, will rezone property from Mixed Use Commercial Zone (C-4) and Commercial Recreation Zone (C-8) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3), Single Family Residential Small Lot Zone (RS-6) and Mixed Use Commercial Zone (C-4) in order to permit a small lot single family residential subdivision, with access provided solely from Uplands Drive, and a multiple family townhouse unit development, with access provided from Rutherford Road. Under the proposed zoning, uses may include single family dwellings, multiple family dwellings, and secondary suites. As part of this application, the applicant is also proposing to discharge the existing restrictive covenant (EJ135254) registered to the title of the property at 4700 Ambleswood Lane, which limits the use of the property to 'golf course'.

The subject property is legally described as part of LOT B, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4900 Rutherford Road), part of LOT C, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4700 Ambleswood Lane), and LOT D, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4085 Salal Drive).

This Bylaw appears before Council this evening for consideration of Third Reading.

Seven members of the public, including a representative of the applicant, attended the Public Hearing to speak to this issue. Three written submissions were recognized at the public hearing.

## **2. BYLAW NO. 4000.394:**

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By deleting the existing Part 5 General Regulations that permit heat pumps and air conditioners to project into side and rear yard setbacks.
2. By adding a new subsection to the Part 5 General Regulations that require heat pumps and central air conditioning units to be located to the rear of a principal building and not be closer than 4.5 metres (14.7 feet) from side lot lines or 3.0 metres (9.8 feet) from the rear property line.

This Bylaw appears before Council this evening for consideration of Third Reading.

Five members of the public attended the Public Hearing to speak to this issue. Three written submissions were recognized at the public hearing.

## **3. COVENANT AMENDMENT:**

This covenant amendment, if approved, will amend an existing covenant (EJ059424) registered on the title of the subject property located at 6202 Dunbar Road by: increasing the existing permitted number of townhouse dwelling units from 27 to 30; increasing lot coverage from 21% to 40% (permitted by Zoning Bylaw No. 4000); and removing requirements for constructing an on-site recreation building and instead providing a \$30,000 monetary contribution toward the Oliver Road Recreation Centre. The subject property is legally described as PARCEL B (DD 9906-N), SECTION 10, WELLINGTON DISTRICT, EXCEPT PARCEL NO. 1 (DD 42751-N) AND EXCEPT THOSE PARTS IN PLANS 6576, 12317, 22934, AND VIP62892.

This application appears before Council this evening for consideration of approval of the covenant amendment.

Eight members of the public, including a representative of the applicant, attended the Public Hearing to speak to this issue. Two written submissions were recognized at the public hearing.

## **RECOMMENDATION:**

That Council:

3. Receive this report and the minutes of the Public Hearing held on Thursday, 2006-JUL-06; and
4. Direct Staff to proceed with the proposed covenant amendment for 6202 Dunbar Road.

Respectfully submitted,



D. Lindsay, Manager  
Planning Division

**DEVELOPMENT SERVICES DEPARTMENT**

Council: 2006-JUL-10

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**MINUTES OF THE PUBLIC HEARING HELD PURSUANT  
TO THE LOCAL GOVERNMENT ACT IN THE BOARD CHAMBERS  
OF THE REGIONAL DISTRICT OF NANAIMO, 6300 HAMMOND BAY ROAD,  
NANAIMO, BC, ON THURSDAY, 2006-JUL-06, TO CONSIDER  
PROPOSED AMENDMENTS TO THE CITY OF NANAIMO  
"ZONING BYLAW 1993 NO. 4000" AND A COVENANT AMENDMENT**

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**PRESENT:** Councillor C.S. Manhas – Acting Mayor  
Councillor L.D. McNabb      Councillor M.W. Unger  
Councillor L.J. Sherry      Councillor W.J. Holdom  
Councillor M.D. Brennan      Councillor W.L. Bestwick

Staff

D. Lindsay, Manager, Planning Division, DSD  
J. Carvalho, Planner, Planning Division, DSD  
P. Masse, Planning Clerk, Planning Division, DSD

Public

There were approximately 40 members of the public present.

**CALL TO ORDER:**

Councillor Manhas called the meeting to order at 7:05 p.m. Mr. Lindsay explained the required procedure in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. Mr. Lindsay read the items as they appeared on the Agenda, adding that this is the last opportunity to provide input to Council before consideration of Third Reading to Bylaws No. 4000.393 and 4000.394, and consideration of the proposed covenant amendment at Council's next regularly scheduled meeting of 2006-JUL-10.

**1. BYLAW NO. 4000.393:**

This bylaw, if adopted, will rezone property from Mixed Use Commercial Zone (C-4) and Commercial Recreation Zone (C-8) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3), Single Family Residential Small Lot Zone (RS-6) and Mixed Use Commercial Zone (C-4) in order to permit a small lot single family residential subdivision, with access provided solely from Uplands Drive, and a multiple family townhouse unit development, with access provided from Rutherford Road and Salal Drive. Under the proposed zoning, uses may include single family dwellings, multiple family dwellings, and secondary suites. As part of this application, the applicant is also proposing to discharge the existing restrictive covenant (EJ135254) registered to the title of the property at 4700 Ambleswood Lane, which limits the use of the property to 'golf course'.

The subject property is legally described as part of LOT B, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4900 Rutherford Road), part of LOT C, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4700 Ambleswood Lane), and LOT D, DISTRICT LOT 17, WELLINGTON DISTRICT, PLAN VIP62511 (4085 Salal Drive).

Mr. Lindsay noted that a portion of the property is an existing RM-3 site that was previously zoned and approved for a 12-unit, multi-family development, and the balance of the property to the north (4700 Amblerwood Lane) is the site of the previous Rutherford Golf Course. The proposal is to rezone the land that was previously identified for the golf course for residential development (from C-8 to RM-3 and RM-6) and dedicate as park the majority of the site previously approved for development. A covenant exists on the golf course property that is required to be removed before the zoning can be amended.

**Mr. Keith Brown, Keith Brown Associates Ltd. – Applicant Representative**

Mr. Brown's submission is attached as part of "Schedule 'A' – Submissions for Bylaw No. 4000.393".

Councillor Holdom asked how the \$43,000 community contribution amount was determined, as the increase in value from the rezoning would seem to exceed the amount offered.

Mr. Brown stated that the amount of the community contribution initially offered with the original rezoning application was \$400 per home, adding that in today's market the average contributed is \$500 per home as a condition of rezoning.

Mr. Holdom asked for clarification on whether or not Staff recommended the \$500 amount to be contributed.

Mr. Brown noted that Council set this \$500 benchmark at the time that they started to seek amenities as a condition of rezoning, adding that this contribution is 25% higher than the initial proposal.

Councillor Brennan asked for an estimate on the cost of park development and how far the \$43,000 contribution would go towards building a park.

Mr. Lindsay estimated that between \$30,000 and \$50,000 would cover a modest amount of playground equipment.

Councillor Brennan suggested that the increase in value of these homes would amount to more than the contribution offered.

Mr. Lindsay stated that the contribution proposed is typical of what is commonly offered, adding that the trail improvement is an additional factor in the proposal.

Councillor Brennan asked for clarification on whether the full contribution proposed, consisted of the \$43,000 plus \$12,000 for trail improvements and the six-metre easement.

Mr. Lindsay responded that the easement was not given a monetary value as it was not considered to qualify as a community benefit.

Councillor McNabb added that for park development, when considered with the City's VIP program and the amount of donated works and time, that \$30,000 to \$35,000 is typical for basic park development and construction.

Councillor Holdom asked for clarification on the proposed easement, specifically if the maintenance would be the responsibility of the home owner or the developer.

Mr. Brown noted that the easement agreement would transfer the easement from the contractor to the home owner, with the ground cleared and left in an "appropriate state". The good neighbour fencing and easement would become a part of the owner's back yard. Landscaping and side yard fencing will be constructed by the developer to the satisfaction of the owner. This will be written into the registered agreements.

Councillor Bestwick asked for clarification on access and egress from the site.

Mr. Lindsay noted that a traffic study was completed which reviewed the proposed accesses. The single family lots will have direct access to Uplands Drive via a full movement intersection. Access to the townhome development is via an easement to Rutherford Road which will also allow full movements. Units located along Salal Drive will be accessed directly from Salal Drive.

Councillor Bestwick asked if an emergency access lane would be considered for the site between the single family and townhome lots.

Mr. Lindsay confirmed that there is a provision within the proposed plans for emergency traffic to access between the single family and townhome lots.

Councillor Sherry asked for clarification regarding the six-metre easement and whether or not ownership of the easement will belong to the current owners fronting Clubhouse Drive.

Mr. Brown confirmed that ownership of the easements will run with title of the land.

Councillor Sherry asked if that title would lie with the new development or the current owners.

Mr. Windley noted that the easement is in favour of the property owner and the City of Nanaimo and would run in perpetuity.

Councillor Sherry asked if the easement would be considered as a separate property entity and whether or not construction would be allowed on the easement or if it would be left as open space.

Mr. Windley noted that a transfer of property would not occur and that the easement would be utilized as a rear yard.

Councillor Manhas asked Staff to clarify the easement issue.

Mr. Lindsay noted the easement would be registered on the development property.

Councillor Sherry noted that in his opinion this easement proposal sets a precedent and that legal ramifications should be explored.

Councillor Manhas stated that there had been similar cases previously.

Mr. Lindsay stated that private easements are often used for common driveways.

Councillor Holdom noted that the easements are in favour of the existing property owners.

Mr. Lindsay confirmed that the easement would be registered on title and be in favour of the owners to the north.

**Ms. Kathy White, 4199 Clubhouse Drive – In Favour**

- Asked for clarification on whether or not a building scheme had been submitted for the proposal, adding that it was her impression that small rancher homes would be constructed that would be consistent with the neighbourhood form and character. Asked for clarification on height as well.

Mr. Lindsay noted Staff has not reviewed any detailed design plans for the single-family lots, and added that future owners could apply to the Board of Variance if they wanted to increase the height beyond that in the bylaw.

Ms. White added that she was grateful that the developer had been so open to the community during this process and that she applauds this corporate citizen of Nanaimo.

**– Opposed**

- Asked why the access to Uplands Drive was not made through Ross Road as he believes this would make much more sense, adding that the less amount of traffic from a subdivision the better.

Mr. Windley noted that in the planning stage of the proposal it was determined that access to Uplands Drive would be more beneficial than cutting through the residential area.

Councillor Manhas asked Staff to confirm whether or not there were plans in place to widen Uplands Drive.

Mr. Lindsay confirmed that Uplands Drive is considered a major road and although there are long-term plans to widen Uplands Drive it is not currently a part of the five-year Capital Plan.

**Ms. Maryanne Auger, 4205 Clubhouse Drive**

- Appreciates the amount of time the developer has spent within the community discussing the proposal with the neighbourhood. Been very accessible and available.
- Was opposed to the proposal 16 years ago and admits that the developer has appeased some of her concerns.
- Concerned that the easement buffer can be altered once the land is rezoned. Asked for confirmation on the City "policing" as to what is allowed to be constructed there.

Councillor Manhas noted that there would be a covenant registered on title stating the agreed upon state of the property by both property owners involved in each easement. Also added that Bylaw services ensures that properties are not unsightly.

Mr. Lindsay added that the covenant would be registered prior to final consideration and that there would be no development until the easement is registered.

Ms. Auger stated if the land would then be registered to the developer, including tax responsibility.

Ms. Auger added that there is not a lot of green space, which should be considered in the final plan.

Mr. Lindsay noted that Staff had contacted the Deputy Assessor, BC Assessment Authority who indicated that the easement will be a benefit to those property owners and, as a result, the assessed value of the land will likely be impacted but that they are unable to determine to what degree at this time.

**Mr. Ross Pitt, 4211 Clubhouse Drive – Opposed**

- Property is currently overgrown and neglected and is a fire hazard.
- Believes the “zoning should not be changed for the benefit of the current owner”.

Councillor Unger asked for clarification on who is the current property owner.

Mr. Pitt noted that, to his knowledge, purchase and subsequent ownership of the property is conditional upon approval of the rezoning application.

**Ms. Margaret Graham, 4149 Uplands Drive – In Favour**

- Applauds the developer for their efforts in involving the community in discussions.
- Believes the good neighbour fencing and easement is generous to the property owners.

**Mr. Dan Bateman, 4223 Clubhouse Drive**

- Agrees the developer should be applauded for their willingness to deal with the residents of the community.
- Although the Assessment Authority does not know the exact benefit of the easement to property owners, he believes that they need to take into account that the easement can be considered a detriment as the zoning would no longer include “Golf Course”.
- He is one of the longest-standing land owners in the community and he enjoyed the golf course in the past and still enjoys the privacy of the neighbourhood.
- Aware that the parcel would eventually be approved for rezoning and, although the neighbourhood was against the previous rezoning attempt, this developer has been great. Cannot say he is in favour of the project, but his wife is supporting the added rear yard.
- Landscaping is a challenge. Asked for clarification on what the term ‘appropriate state’ means in relation to what the state of the easement will be at end of development.

Councillor Manhas noted that the landscaping would be decided upon during the development permit stage, adding that the rezoning application cannot establish such things.

Mr. Windley added that the state of the easement would ensure it was ready for planting and the fence would be built, and that it would be up to the neighbours to agree on the landscaping or development of the easement. It should be looked at as an addition to the backyard and it is for the households use.

Councillor Holdom asked for clarification on where the building setback will begin.

Mr. Lindsay noted that the setback will be from the easement line and that it would be secured by covenant.



Three written submissions were received for this application and they are attached as part of "Schedule 'A' – Submissions for Bylaw No. 4000.393". There were no further written or verbal submissions received for this application.

**2. BYLAW NO. 4000.394:**

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 1993 NO. 4000":

1. By deleting the existing Part 5 General Regulations that permit heat pumps and air conditioners to project into side and rear yard setbacks.
2. By adding a new subsection to the Part 5 General Regulations that require heat pumps and central air conditioning units to be located to the rear of a principal building and not be closer than 4.5 metres (14.7 feet) from side lot lines or 3.0 metres (9.8 feet) from the rear property line.

**Ms. Bryony Dunsmore, 3446 Blackfoot Way – In Favour**

Ms. Dunsmore's submission is attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.394".

**– In Favour**

submission is attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.394".

- Resides in north Nanaimo, and his neighbour owns a heat pump which is placed eight feet from the side of his home. There should be more than a 30" minimum between the pump and the fence as he cannot use the bedrooms on that side of the house in the winter.
- Agrees with the bylaw amendment and believes it is a good start but has written some additional recommendations (attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.394").

Councillor Manhas asked for clarification on the 30" minimum between the heat pump and neighbouring property line or fence.

Mr. Lindsay clarified that the existing required side yard setback is 1.5 metres, and the bylaw allows for projections of half that distance which totals approximately 30 inches.

Councillor Unger congratulated the speaker for the common sense suggestions and recommendations that the speaker had submitted.

**Mr. Wayne Filiatrault, 651 Marsh Wren Place – Opposed**

- Pump not at fault for noise; it is the placement and installation that causes noise problems.

- Should be a restriction on decibel levels allowed in yards. Someone can purchase an out of date heat pump that allows levels of up to 84 decibels, and even if that pump was installed in the middle of the rear yard, the neighbours would still need to contend with noise problems.
- Bylaw should require that the pump is installed properly and that it cannot exceed a certain decibel level, adding that neighbours should be consulted and agree upon location.

Councillor Manhas asked for clarification on old versus new heat pumps.

Mr. Filiatrault stated that the older heat pumps are lacking in design and function and that the decibel rating is higher. He added that every three decibels that are decreased in a heat pump actually cuts the noise emitted in half. Therefore, if the pump is in the centre of the yard, is installed improperly, and is an older model, the problem to the neighbours would be worse. He added that the units should be mounted on rubber or styrofoam pads to aid in noise abatement.

**Ms. Norma LePage, 3836 King Arthur Drive – In Favour**

- Believes neighbours should be consulted on placement of heat pumps to minimize disturbance levels. Her neighbour's heat pump is located four feet from her patio and the noise is incessant, she cannot keep her doors open. Added that had her neighbours placed the pump differently she would not have to deal with the noise issues.

Councillor McNabb noted that this bylaw will be regulating future heat pump issues and that the current heat pumps are allowed to stay where they are.

**Mr. Fred Taylor, 204 Emery Way - Opposed**

- Believes heat pumps should be placed in the building envelope and not in the front, side or rear yards. Believes that they should never be allowed in side yards as it will always be too close to the neighbouring home.
- Believes that the decibel level should be required to be displayed on the heat pump unit.

Three written submissions were received for this application and they are attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.394". There were no further written or verbal submissions received for this application.

**3. COVENANT AMENDMENT:**

This covenant amendment, if approved, will amend an existing covenant (EJ059424) registered to the subject property located at 6202 Dunbar Road by: increasing the existing permitted number of townhouse dwelling units from 27 to 30; increasing lot coverage from 21% to 40% (permitted by Zoning Bylaw No. 4000); and removing requirements for constructing an on-site recreation building and instead providing a \$30,000 monetary contribution toward the Oliver Road Recreation Centre. The subject property is legally described as PARCEL B (DD 9906-N), SECTION 10, WELLINGTON DISTRICT, EXCEPT PARCEL NO. 1 (DD 42751-N) AND EXCEPT THOSE PARTS IN PLANS 6576, 12317, 22934, AND VIP62892.

**Mr. Keith Brown, Keith Brown Associates Ltd. – Applicant Representative**

Mr. Brown's submission is attached as part of "Schedule 'C' – Submissions for Covenant Amendment (6202 Dunbar Road)".

Councillor Brennan asked what the cost of building a recreation centre would be versus contributing to the Oliver Road Recreation Centre.

Mr. Brown noted that to build a recreation centre shell with only basic fixtures would cost approximately \$55,000, not including appliances for the kitchen area. He confirmed building a new recreation centre would cost significantly more than the value of the community contribution proposal.

**Mr. George Beadle, 6208 Rich Road - Opposed**

Mr. Beadle's submission is attached as part of "Schedule 'C' – Submissions for Covenant Amendment (6202 Dunbar Road)".

- Asked for clarification on the signage placed on site that noted the development was a multi-family zone. He is opposed to this, but is in favour of a proposal imposing strict requirements for seniors only.
- Concerned that Dunbar Road is too narrow, especially considering the traffic times when parents are dropping off or picking up their children from Pleasant Valley Elementary.
- Believes the traffic and parking issues are already dangerous and overwhelming, and do not need more traffic in the area.
- Not opposed to the additional lot coverage or units as long as it is zoned for seniors only.
- Is opposed overall if Dunbar Road is not widened; believes the developer should use the community contribution for this effort.

Councillor Manhas reminded that the proposal only calls for an additional three units.

Mr. Unger asked if Crest Estates I and II have age limits of 55+ for residents.

Mr. Brown confirmed that they are age restrictive.

Councillor Bestwick asked if visitor parking is available as a part of this development proposal.

Mr. Brown noted that the development proposal offers 30 garage parking spots and 30 fronting parking spots for a total of 60. Mr. Brown added that the high traffic times on Dunbar Road do occur when parents are picking up or dropping off children at Pleasant Valley Elementary but that neighbourhood residents do not typically use the road during these times and that the off-peak hours are generally low traffic times. He is addressing on-site parking and added that this development would not compound any traffic or parking issues on Dunbar Road.

Councillor Bestwick asked for clarification that the 60 parking spots offered in the development do not include visitor parking.

Mr. Brown noted that they could possibly create four to six visitor parking spots in the development.

Councillor Unger asked if there would be any age requirements for the development.

Mr. Brown confirmed that the development would be for adult retirement.

Councillor Bestwick asked if Crest Estates had 100% occupancy.

Mr. Lindsay noted that the vacancy rate for any mobile home park is very low, adding there are still some sites under development.

Mr. Brown noted that there are approximately 15 vacant mobile home lots.

**Mr. Glen Kellington, 6211 Farber Way**

- Asked for confirmation that the development would be senior housing only.

Mr. Brown confirmed that it is proposed as adult retirement only.

**Ms. Barb Irving, 6212 Farber Way - Opposed**

- Parking and traffic on Dunbar is "horrendous". Several residents on the property are still working, including herself, and the traffic is very difficult to deal with.
- Dangerous area for the school children as they "are always darting in and out of traffic". This would compound an already dangerous traffic situation.
- Feels the developer has not sufficiently polled the neighbourhood for response and input. Wants assurances on how far the development would be from her home, how high the development would be, if her privacy would be invaded from above, landscaping plans, setback increases, and whether landscaping plans would be on covenant.
- Developer has answered her phone calls but community meetings should have taken place.

Councillor Holdom asked if the speaker was aware that this property is already zoned for development and that this application deals only with the details of the existing covenant.

Ms. Irving stated she did understand that but that she is unsure what the details mean and what this means directly to her and her property.

Councillor Unger asked the applicant representative if the developer would be willing to hold a community meeting.

Mr. Brown confirmed that they are not "shying away" from holding a neighbourhood meeting and introduced the landscape designer that had been hired.

**Ms. Jessica Tamela, Landscape Planner / Designer**

- Understands the concerns the existing neighbourhood has for privacy, and the landscape concept drawing addresses those concerns and was, in fact, the main intent.
- Landscape buffer will create a forested buffer around and through property. West side of property includes a slope that will be edged with retaining walls and hedging for both properties.

Mr. Brown indicated that a development permit would not be initiated, until satisfactory consensus was reached from the residents in the mobile home park, adding he has no problem working toward design consent from the neighbours in the community.

**Mr. Tim Humphries, 6214 Farber Way - Opposed**

- Traffic congestion exists on Dunbar Road especially during times when children being dropped off and picked up from Pleasant Valley Elementary.
- Does not appreciate that no community meetings have taken place with the developer.
- Would like clarification on property elevations, does not believe a hedge will make a difference in terms of privacy and noise.
- Believes the covenant amendment is requesting too high a variance.

Mr. Brown noted that the existing grading will be taken down; they have been waiting for school-end and a grading plan. Assured the residents that they would see the development plan start to take shape soon.

**Mr. Art Fraboni, 6234 Farber Way**

- Does not understand why the community contribution is being suggested for the Oliver Road Recreation Centre when Pleasant Valley Community Centre is located close enough for the residents to walk to and easily enjoy the benefits of the contribution.

Councillor Bestwick asked for clarification on the lot coverage increase (20%) and why this only resulted in an additional three units.

Mr. Brown noted that the previous covenant, with a requirement that lot coverage remain at 21%, essentially "hand cuffed" the property. This requirement forces "upstairs / downstairs" design (i.e.: two storey) and minimal living areas, including inadequate storage and elimination of patio units, which retirees enjoy and desire to purchase. Mr. Brown added that the market has consistent lot coverage of 40%, this amendment brings this property into line with other lots.

Councillor Bestwick asked how many of the units proposed would be patio units.

Mr. Brown noted that three or four of the units would be basement units (two-storey) with the remainder being patio units, although there is no detailed design as of yet. However, he stated that the emphasis would be to create as many patio units as possible.

Councillor Brennan asked for clarification on the ownership of Pleasant Valley Community Centre as she is intrigued by the idea of transferring the community contribution to this site, as the earlier speaker suggested.

Councillor Bestwick asked Staff for clarification on reallocating the community contribution funds towards Pleasant Valley Community Centre.

Mr. Lindsay confirmed that Council could redirect the funds if the developer agreed.

Mr. Brown noted that the developer has no objection to reallocating the community contribution funds towards Pleasant Valley Community Centre.

**Ms. Marilyn Humphries, 6214 Farber Way - Opposed**

- Wanted clarification on "guarantees" that the covenant would not be amended prior to neighbourhood meetings, adding that she does not want any two-storey buildings in her backyard.

Mr. Brown noted that there will not be any two-storey buildings constructed, only a maximum of five basement unit homes, adding that he is willing to guarantee that the neighbourhood would be satisfied with the grade and landscaping of the project prior to development permit.

Councillor Brennan asked the applicant representative to confirm that, in essence, this covenant amendment assures the neighbourhood that there will be no future two-storey (or higher) development as the lot coverage increase insures that they will not need to go higher.

Mr. Brown confirmed that if the lot coverage does not increase then all could eventually be two-storey developments.

Two written submission were received for this application and they are attached as part of "Schedule 'C' – Submissions for Covenant Amendment (6202 Dunbar Road)". There were no further written or verbal submissions received for this application.

MOVED by Councillor Sherry, SECONDED by Councillor McNabb that the meeting be adjourned at 8:56 p.m.

**CARRIED**



D. Lindsay  
Manager, Planning Division  
**DEVELOPMENT SERVICES DEPARTMENT**

/pm  
Council: 2006-JUL-10  
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