



Council Report

For the Meeting of April 4, 2024

To: Council **Date:** March 21, 2024

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Update on Rezoning Application No. 00762 and Development Permit with Variances Application No. 000590 for 1514 and 1520 Foul Bay Road**

RECOMMENDATION

That the following bylaw be adopted:

1. Zoning Regulation Bylaw, Amendment Bylaw (No. 1318) No. 23-084.

Development Permit with Variances Application

1. That subject to the adoption of the necessary Zoning Regulation Bylaw amendment, Council authorize the issuance of Development Permit No. 000590 for 1514 and 1520 Foul Bay Road, in accordance with plans submitted to the Planning department and date stamped by Planning on May 11, 2023, subject to:
 - a. Proposed development meeting all City zoning bylaw requirements, except for the following variances:
 - a. increase the maximum height from 10.50m to 11.50m
 - b. reduce the minimum front setback from 6.00m to 4.48m
 - c. reduce the minimum rear setback from 4.00m to 2.04m
 - d. reduce the minimum side (north) setback from 4.00m to 2.64m
 - e. reduce the minimum side (south) setback from 4.00m to 2.64m
 - f. reduce the minimum number of visitor vehicle parking spaces from 1 to 0
 - g. reduce the minimum short term bicycle parking spaces from 2 six-racks to 1 six-rack
 - b. The property being consolidated into one lot.
2. That the Development Permit with Variances, if issued, lapses two years from the date of this resolution.

BACKGROUND

At the October 12, 2023 Council Meeting, Council gave introductory readings to Bylaw No. 23-084. In accordance with the Council resolution of August 3, 2023 (Attachment A), the applicant has provided confirmation of the registration of the statutory right of way (SRW); therefore, it is recommended that Council consider the motion to adopt the amendment bylaw (Attachment B) and consider the approval of the concurrent development permit with variances application.

The purpose of this update report is to identify a minor correction to the August 3, 2023 Council resolution. The resolution indicated that the SRW would be maintained by the owner. In cases such as these, however, the City typically maintains the SRW. This allows the City to control the maintenance and treat the area as its intended use as a highway. The SRW has been prepared and executed consistent with this approach.

CONCLUSIONS

The recommendation provided for Council's consideration contains the appropriate language to adopt the amendment bylaw and approve the development permit with variances.

Respectfully submitted,

Rob Bateman
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Council Resolution of August 3, 2023
- Attachment B: Bylaw No. 23-084