



## Planning and Land Use Committee Report

For the Meeting of April 16, 2015

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**To:** Planning and Land Use Committee                      **Date:** April 2, 2015

**From:** Jim Handy, Senior Planner – Development Agreements

**Subject:** Development Permit Application No. 000417 for 89 Dallas Road

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

“That Council authorize the issuance of Development Permit Application No. 000417 for 89 Dallas Road, in accordance with:

1. Plans date stamped March 16, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. A Section 219 Agreement being registered on title requiring that the temporary building be removed from the property after a period of not more than five years to the satisfaction of the City Solicitor and the Assistant Director, Development Services.”

### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of commercial, industrial and multi-family residential development, a Development Permit may include requirements respecting the character of the development including landscaping, siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 89 Dallas Road. The Application proposes a temporary building for the sale of ice cream and coffee.

The following points were considered in assessing this Application:

- The proposal is consistent with the *Official Community Plan* and the *Advisory Design Guidelines for Buildings, Signs and Awnings*.
- The proposed building is not a permanent structure. The applicant is willing to register a covenant on the title to the property to ensure that the building is removed from the site within five years.

## BACKGROUND

### Description of Proposal

The proposal is for a temporary building for the sale of ice cream and coffee at 89 Dallas Road. The proposal is to use a converted steel storage container, with a height of 2.59m and a footprint of 14.9m<sup>2</sup>, finished with a painted cedar board and batten siding.

The building would be located in the northernmost part of Ogden Point, to the east of the existing Helijet Terminal and approximately 50m from Dallas Road.

### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

### Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this proposal.

### Existing Site Development and Development Potential

The subject site is currently in the M-2 Zone, Light Industrial District, which allows for a wide range of light industrial, commercial and retail uses including restaurants.

### Data Table

The following data table compares the proposal with the existing M-2 Zone, Light Industrial District.

Zoning Criteria	Proposal	Zone Standard
Total floor area (m <sup>2</sup> ) - maximum	14.9	n/a
Height (m) - maximum	2.59	15
Setbacks (m) - minimum from Dallas Road	50	3



Parking - minimum	Nil	n/a
Bicycle parking stalls (minimum)	Nil	n/a

### **Community Consultation**

The Application does not propose any variances and, therefore, in accordance with the *Community Association Land Use Committee (CALUC) Procedures*, the Application has not been referred to the James Bay Neighbourhood Association Land Use Committee.

### **ANALYSIS**

#### **Development Permit Area and Design Guidelines**

The *Official Community Plan (OCP)* identifies this property within Development Permit Area 11 (DPA 11): James Bay and Outer Harbour. The *Advisory Design Guidelines for Buildings, Signs and Awnings* provide design direction within DPA 11.

The Guidelines encourage development that is complementary to the surrounding development. The existing development at Ogden Point includes a diverse mix of both permanent and temporary buildings utilizing a range of building designs, finishing materials and colours. While the proposed building is relatively eclectic in appearance, it is considered to be generally consistent with the applicable Guidelines given the existing site context. Furthermore, the building would be temporary in nature and removed from site after a period of no more than five years.

#### **Ogden Point Master Plan**

The Greater Victoria Harbour Authority (GVHA) is in the process of developing a Master Plan for the Ogden Point site and it is anticipated that, following this Master Plan process and subject to receiving any necessary permits from the City, permanent facilities for a range of uses will eventually be made available on site and any temporary facilities will no longer be required.

Given the temporary nature of the proposal and the applicant's willingness to enter into a legal agreement to secure the removal of the building after a period of no more than five years, it is considered that the proposal would not have an impact on the process of developing a Master Plan for Ogden Point.

### **CONCLUSIONS**

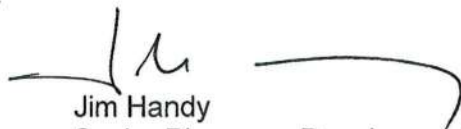
The Application proposes a temporary building for the sale of ice cream and coffee at Ogden Point. The building is relatively small in scale and is considered acceptable in terms of design.

Staff recommend that Council consider approving this Application.

## ALTERNATE MOTION

That Council decline Development Permit Application No. 000417 for the property located at 89 Dallas Road.

Respectfully submitted,



Jim Handy  
Senior Planner – Development Agreements  
Development Services Division



Alison Meyer, Assistant Director  
Development Services Division  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager: \_\_\_\_\_



Jason Johnson

Date: \_\_\_\_\_

April 7, 2015

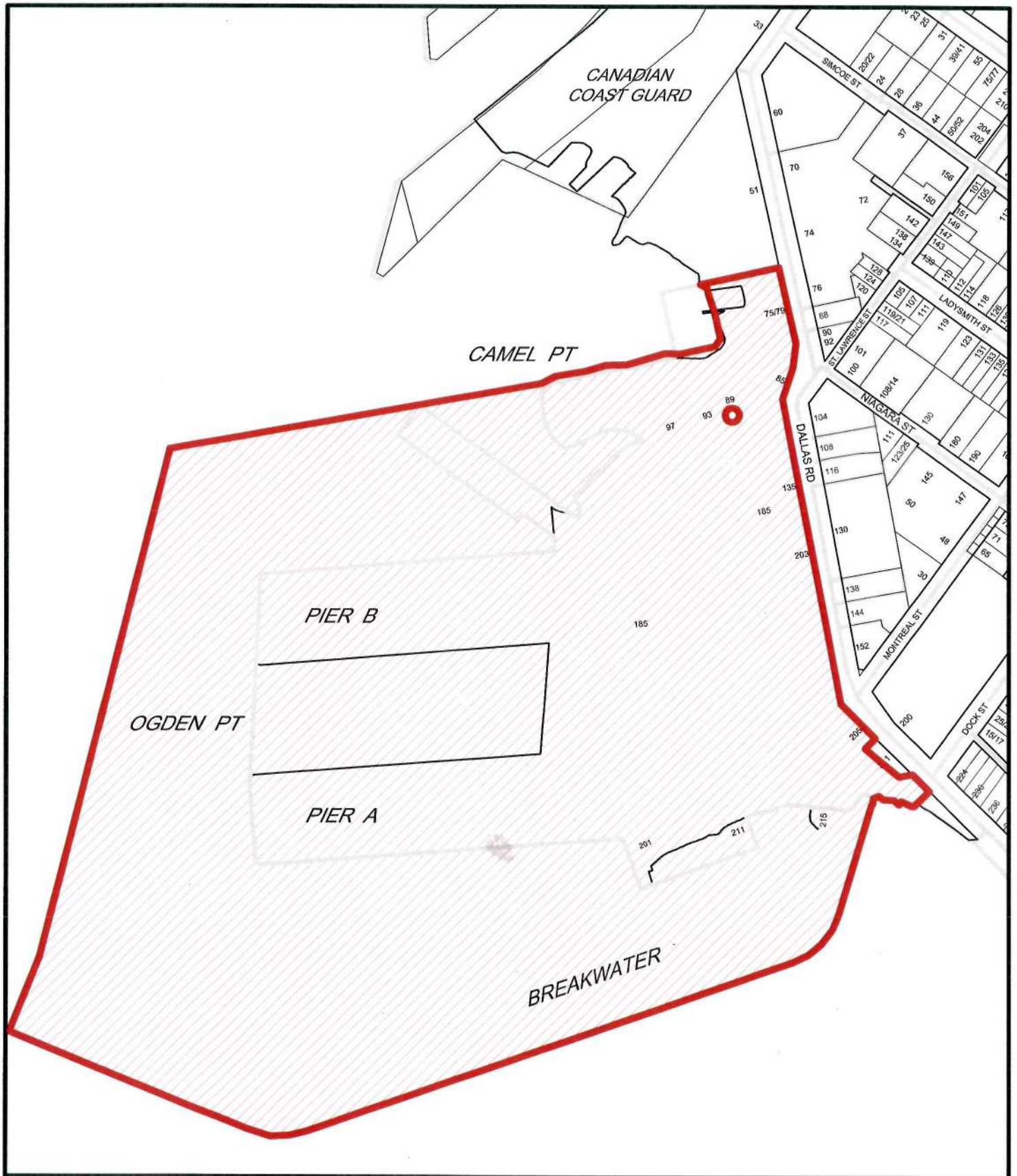
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### List of Attachments

- Zoning map
- Aerial map
- Letter from applicant dated March 16, 2015
- Plans dated March 16, 2015.





89 Dallas Road  
Development Permit #000417







89 Dallas Road  
Development Permit #000417





March 11, 2105

**Re: Ogden Point Ice Cream - 89 Dallas Rd**

Dear Madam Mayor and Counsel,

After many years of operating a marine business at Ogden Point and ongoing requests from tourists and locals alike we are proposing to open Ogden Point Ice Cream and Coffee. With over 200 cruise ships and nearly half a million passengers dropped at our front door every summer we are excited to add this much needed service to our location. Our proposal includes converting a 20 foot shipping container on our lease property into an Ice Cream and Coffee Service facility with a "California Surf Theme" (please see artist rendering attached). In keeping with the Ogden Point usage plan, we have the full support of the Greater Victoria Harbor Authority and hope that we will have your support as well.

We ask that you would consider this proposal in a timely manner as we would like to be open for the May, 2015 cruise ship season.

Thank you for your time regarding this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "Jerry Williams". The signature is stylized with a large, sweeping "J" and "W".

Jerry Williams  
Ogden Point Adventures  
Mercury Service Centre  
89 Dallas Road, Victoria, BC  
Ph 778-677-7037

### Shipping Container Information

Length	Width	Height	Volume
20 ft (6.1 m)	8 ft (2.44 m)	8 ft 6 in (2.59 m)	1,360 cu ft (38.5 m <sup>3</sup> )



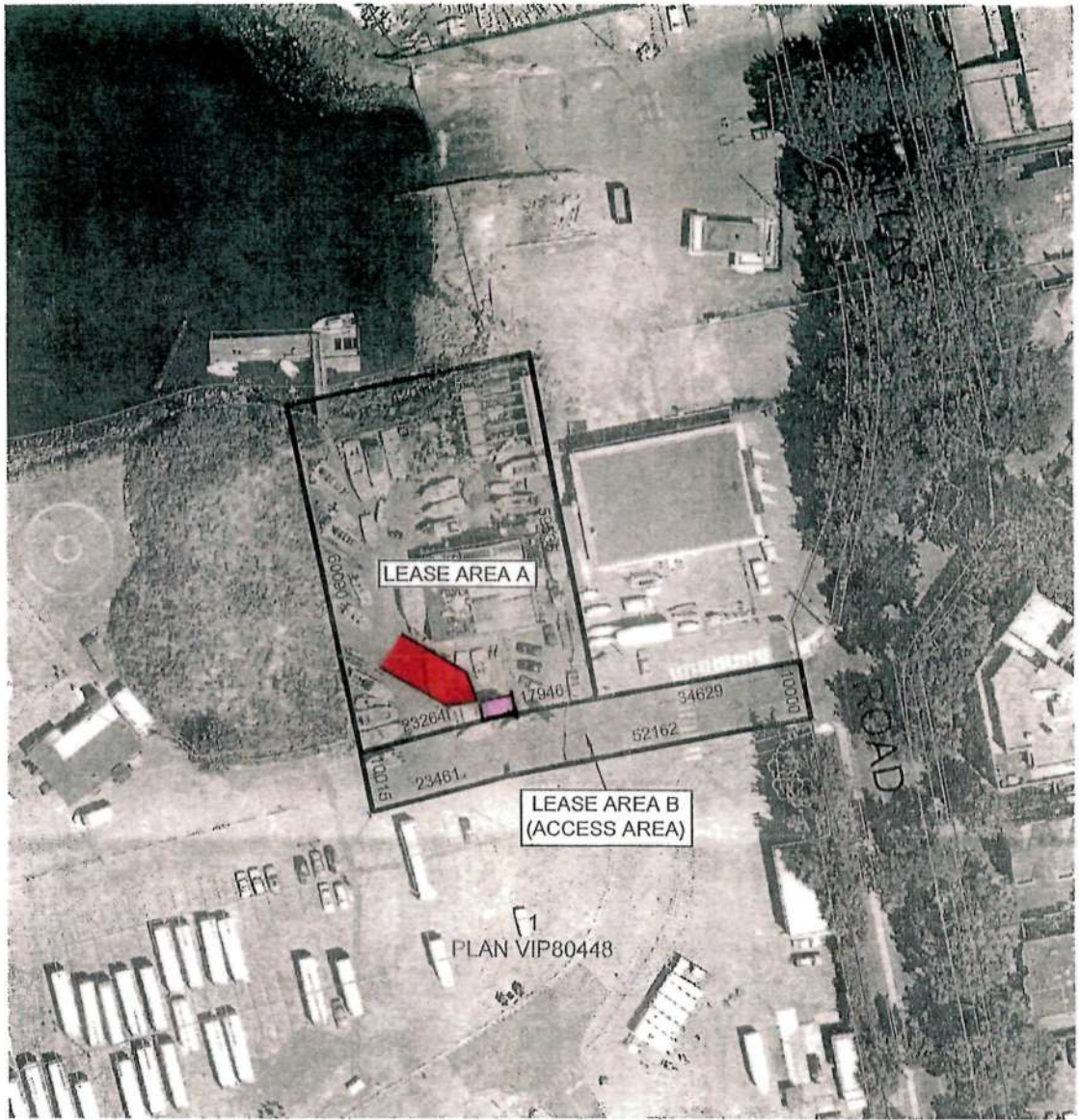
Shipping containers are made of steel and are very strong. A twenty foot container can carry maximum of 53,000 lbs and the roof can sustain a load of more than 320,000lbs.


### Building Materials and additional information:


- container will be painted in keeping with a California surf theme.
- surf board menu's will be added
- interior and exterior lighting will be added to create an upscale look
- lower and upper trim of exterior will have cedar board and batten siding.
- dimensions of service window will be 6ft x 4 ft (1.83m x 1.22m)
- interior will be completed with wood frame and drywall - fully insulated
- container will have an awning over the service window made of sunbrella fabric with stainless steel supports
- interior of container has wood floors that will be painted
- interior will have laminate countertops with cupboards below for storage

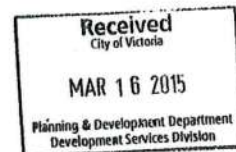


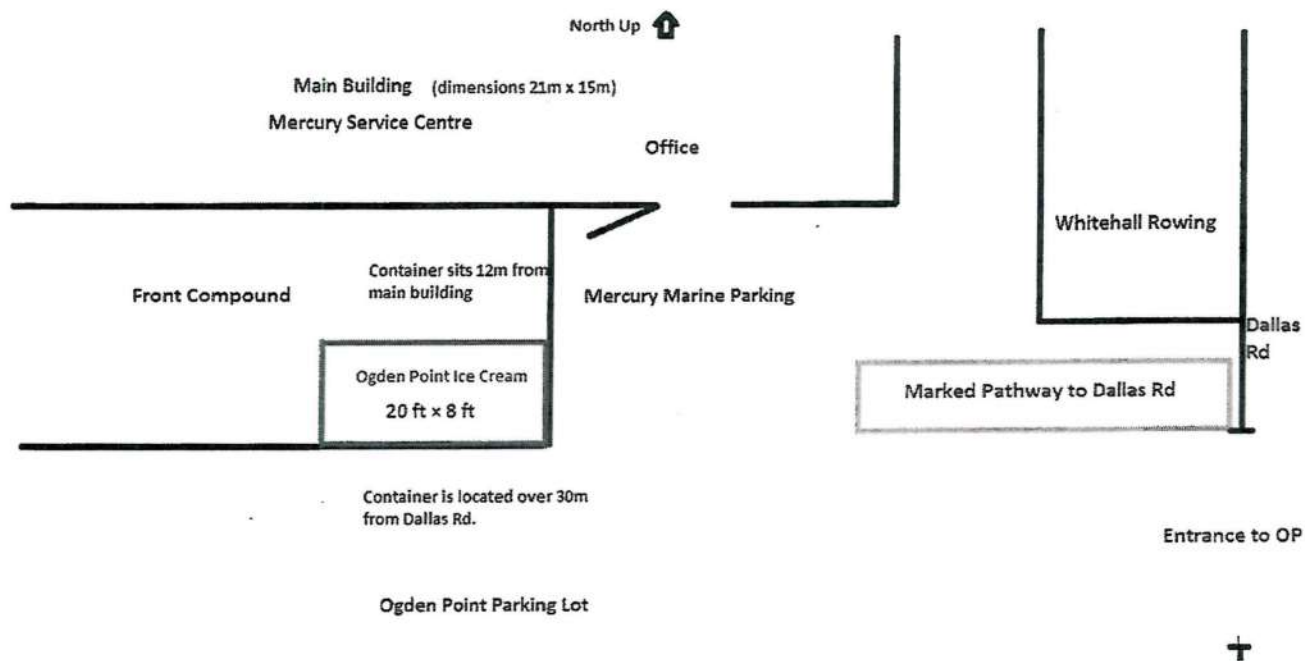
## SCHEDULE 'A'



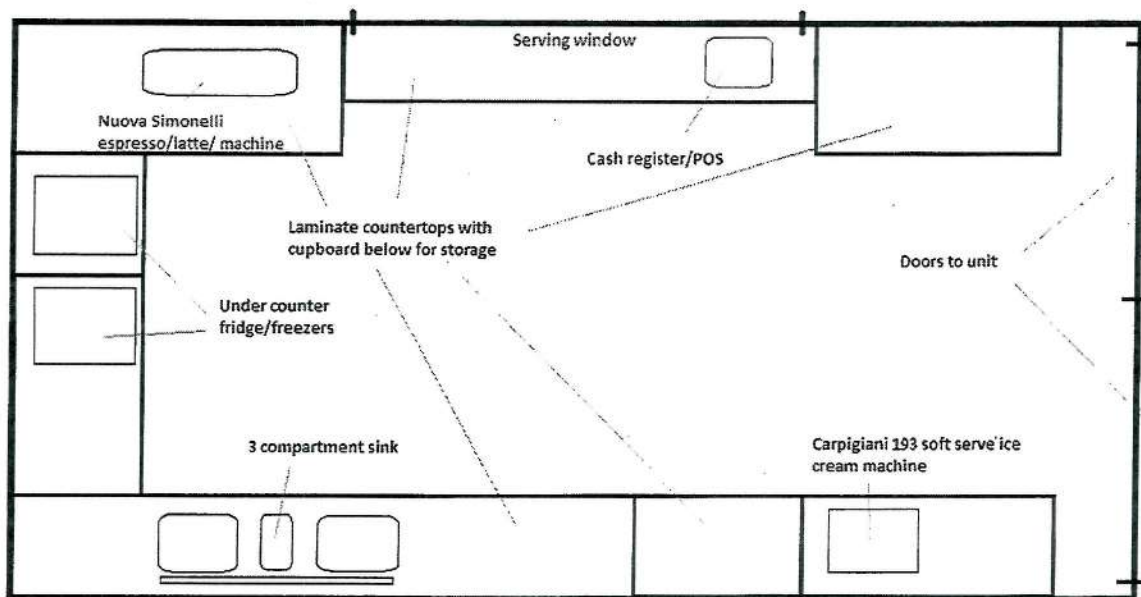
Lease No.:		<div style="text-align: center;"> <b>NORTH</b>   </div>	Lease Area	Area (m <sup>2</sup> )	Area (ft <sup>2</sup> )
Commencement Date:	June 1, 2013		AREA A	2470	26,587
Expiry Date:	May 31, 2015		AREA B (ACCESS)	757	8149
Options:	1x2, 1x1.5				

 <p><b>GREATER VICTORIA HARBOUR AUTHORITY</b></p>	Company Address:	Project:	Drawn:	Checked:	Date:	Scale:	Paper Size
	189 Dallas Road, Victoria British Columbia V8V1A1  Tel: 250-383-8300	MARINE MASTERS HOLDINGS LTD.	Simon	Simon	2014.04.01	1:1000	ANSI A
		Drawing Title:	Job no.	Dwg. no.	Revision:	<input checked="" type="radio"/> Preliminary <input type="radio"/> Design <input type="radio"/> Bid <input type="radio"/> Contract <input type="radio"/> Working	
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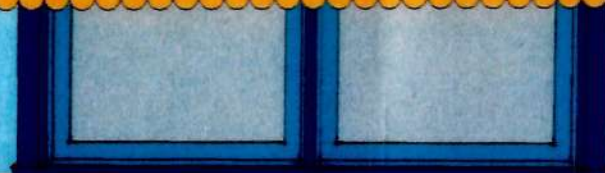
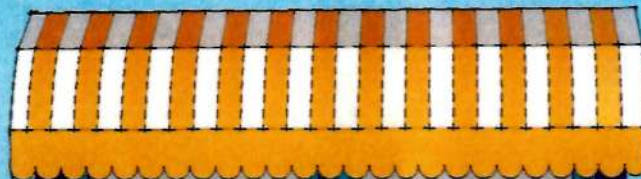




# OGDEN POINT

*ice cream*

& COFFEE

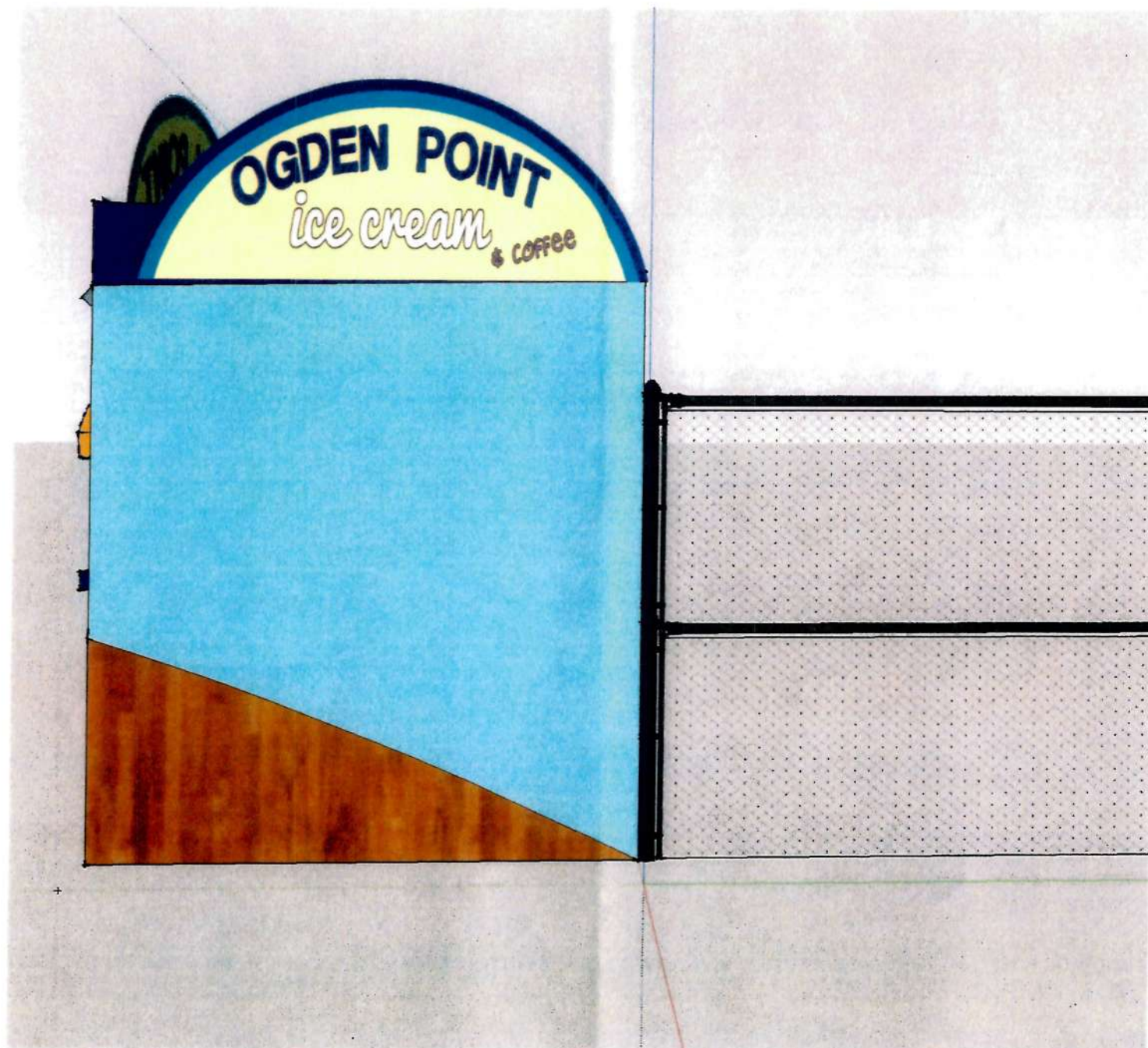


Received  
City of Ogden

MAR 16 2015

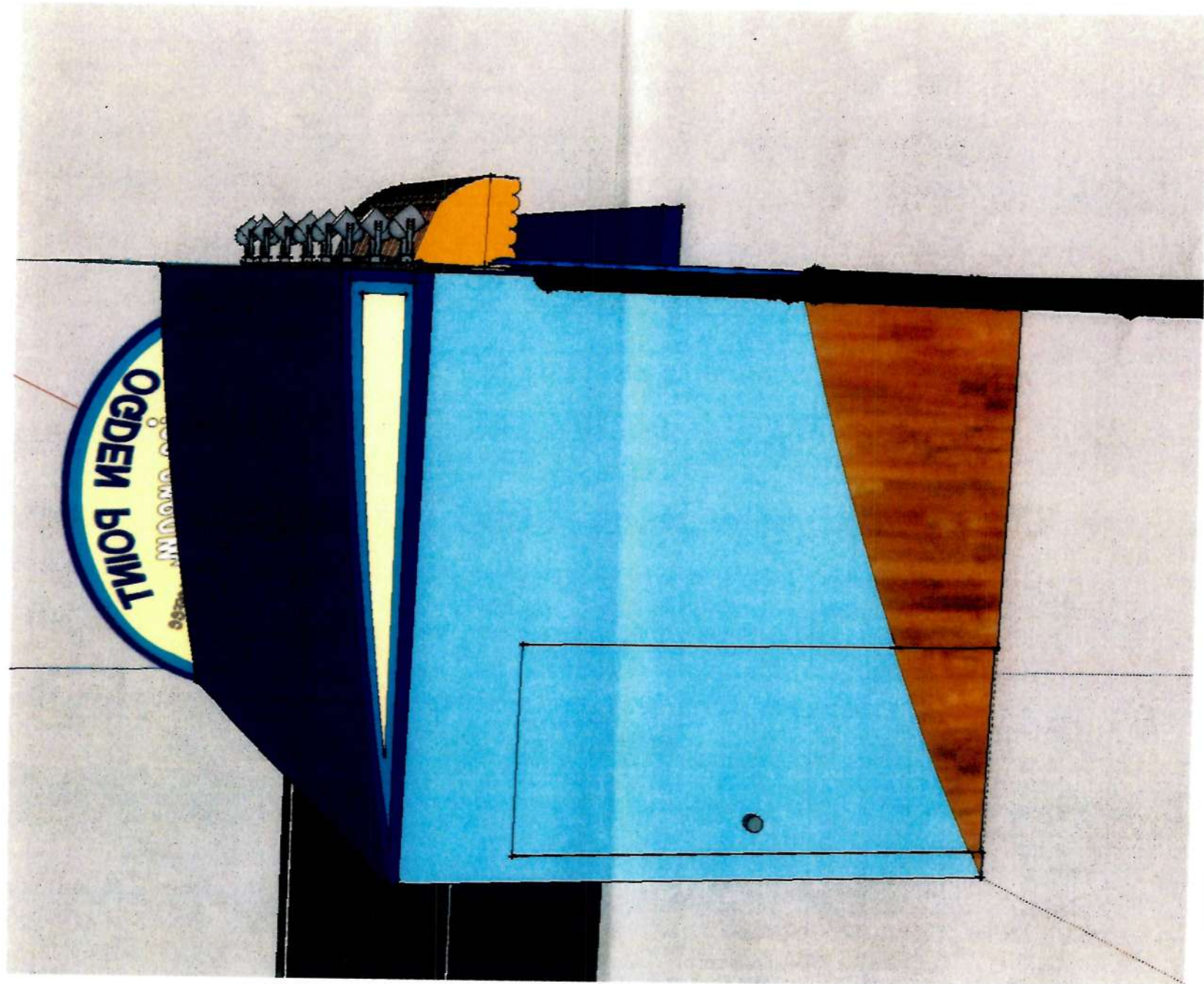
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