

CITY OF LANGFORD
SPECIAL MEETING OF COUNCIL

Tuesday, November 1st, 2016 @ 4:00 p.m.

Council Chambers, 3rd Floor, 877 Goldstream Avenue

AGENDA

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“Langford Zoning Bylaw, Amendment No. 465, (1144-1198, 1216-1230 Goldstream Ave; 1136, 1142 Donna Ave; 1106, 1110 Sergio Pl; 2752 Leigh Rd; 2730, 2734, 2738 Trans Canada Hwy), 2016”.	
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**CITY OF LANGFORD
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Tuesday, November 1st, 2016 at 4:00 pm
Council Chambers, 3rd floor, 877 Goldstream Avenue**

NOTICE OF SPECIAL COUNCIL MEETING

In accordance with Section 126.1 of the Community Charter, notice is hereby given of a Special Council Meeting to be held at the City Hall, 3rd floor, 877 Goldstream Avenue on Tuesday, November 1st, 2016.

The matters to be dealt with is: Application to amend the amenity contribution provisions of the Mixed Use Employment 1 (MUE1) Zone.

Dated at Langford, BC this 31st day of October, 2016



Jim Bowden
Chief Administrative Officer



City of Langford

www.cityoflangford.ca

Staff Report to Council

Date: November 1, 2016

Department: Planning

Subject: Bylaw No. 1661; Application to Amend the Amenity Contribution Provisions of the Mixed Use Employment 1 (MUE1) Zone

District 1 Technology and Innovation and Holding Corp has applied on behalf of the City of Langford and 0934089 BC Ltd to amend the amenity provisions (Sec. 6.53.03 of Zoning Bylaw No. 300) of the Mixed Use Employment 1 (MUE1) zone. There are a number of properties that are within the MUE1 zone, some of which are owned by the City of Langford. The applicant is expected to purchase and consolidate all of the lands for a comprehensive style development.

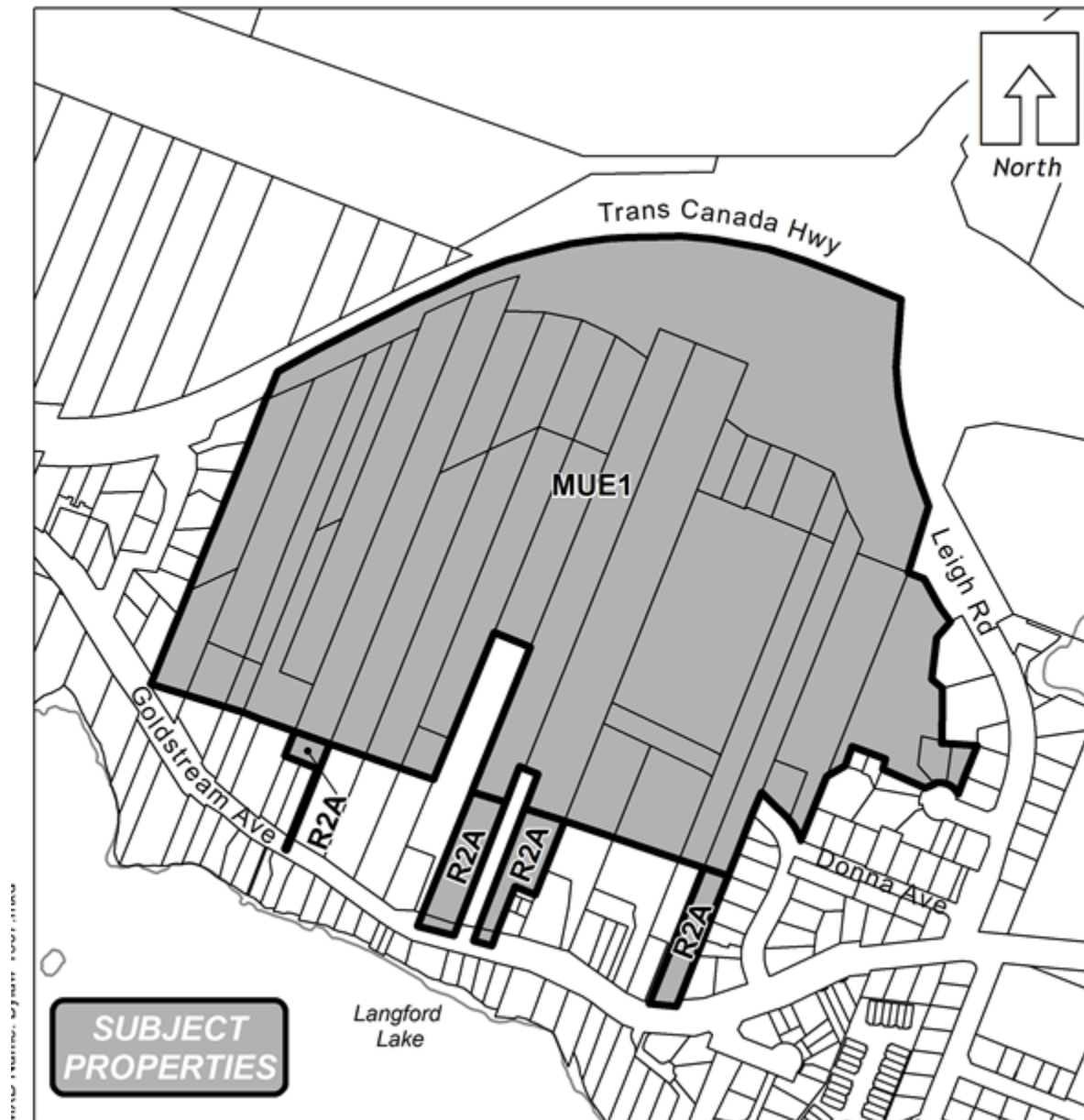
Background

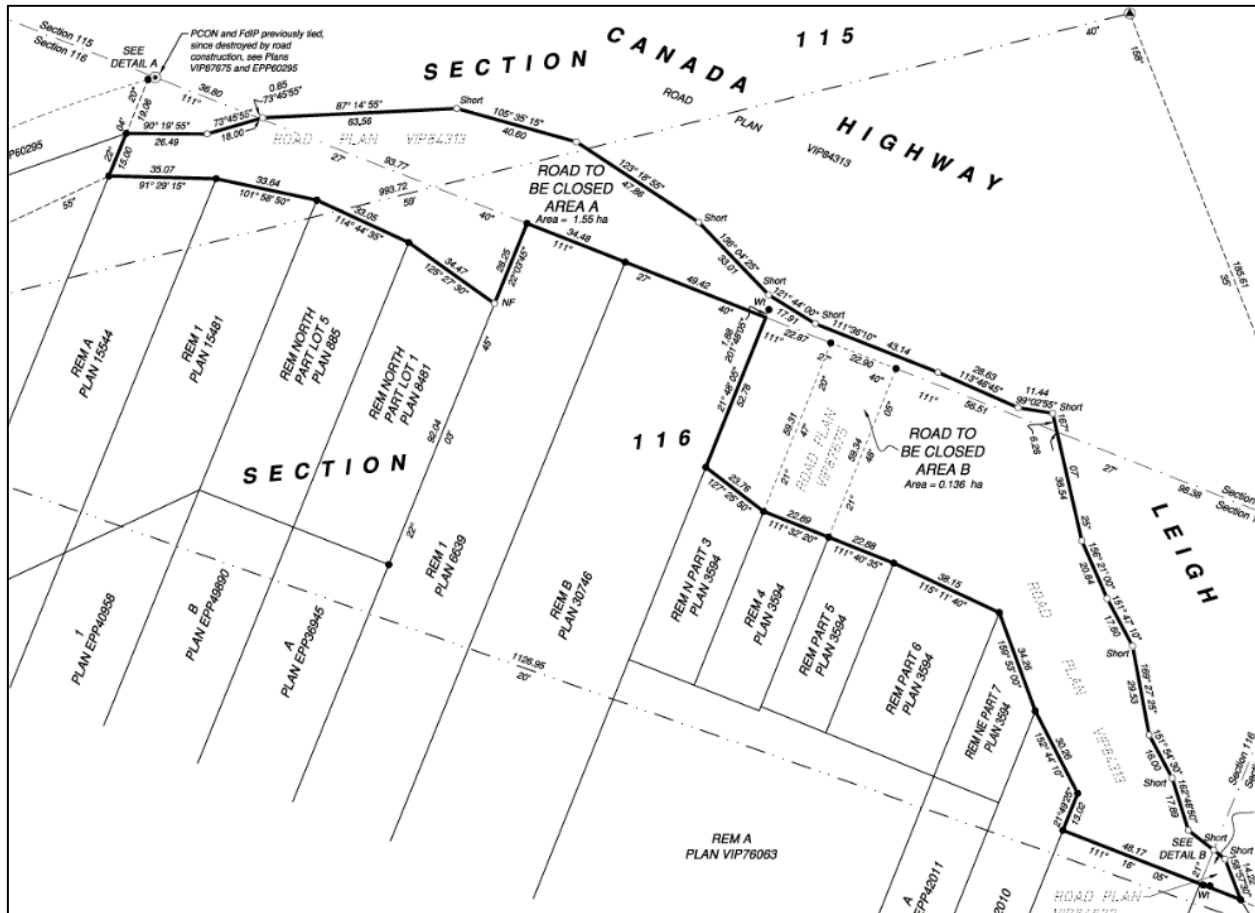
The City of Langford acquired some of the properties that are now within the Mixed Use Employment 1 (MUE1) Zone from the Province of BC when the Provincial Capital Commission was dissolved. Since that time, the City has had a purchase/sale agreement with 0934089 BC Ltd with respect to these lands.

On May 24th, 2014, Council adopted Bylaw No. 1507 which created the Mixed Use Employment 1 (MUE1) Zone and rezoned various properties (see Map 1, below) south west of the Leigh Road Interchange to this new zone.

Since adoption of this bylaw, Council closed an unused portion of the Trans-Canada Highway Right-of-way (see Map 2, below) that was approximately 2564 m² (27,000 ft²) in area and sold this to the applicant for \$440,800 plus additional land dedication for the Leigh Road off-ramp.

Map 1 – Current MUE 1 zone



Map 2 - Road Closure and Disposition Area**Commentary****ZONING AMENDMENT**

The applicant has proposed that the MUE1 zone be amended so that:

- The zone is divided into: commercial and mixed use (commercial and residential)/residential areas;
- In consideration for preserving areas for exclusively commercial uses, that the requirement to construct a certain amount of commercial floorspace before constructing residential floorspace be eliminated;
- That the requirement for land dedication be modified so that the owner may provide up to 15% of the land, or \$1,000,000 as a contribution towards the City's General Amenity Reserve Fund, or a non-cash amenity worth at least \$1,000,000 or some combination of these three elements;

Under the present zoning, both commercial and residential land uses are permitted throughout the zone. Residential density is limited in Sec. 6.53.03 so that the development of residential density is matched by a corresponding development of commercial density. The zone was designed in this way so that the mixed (commercial and residential) nature of the zone is not lost to just commercial or residential uses only and ensuring a vibrant commercial core within the zone.

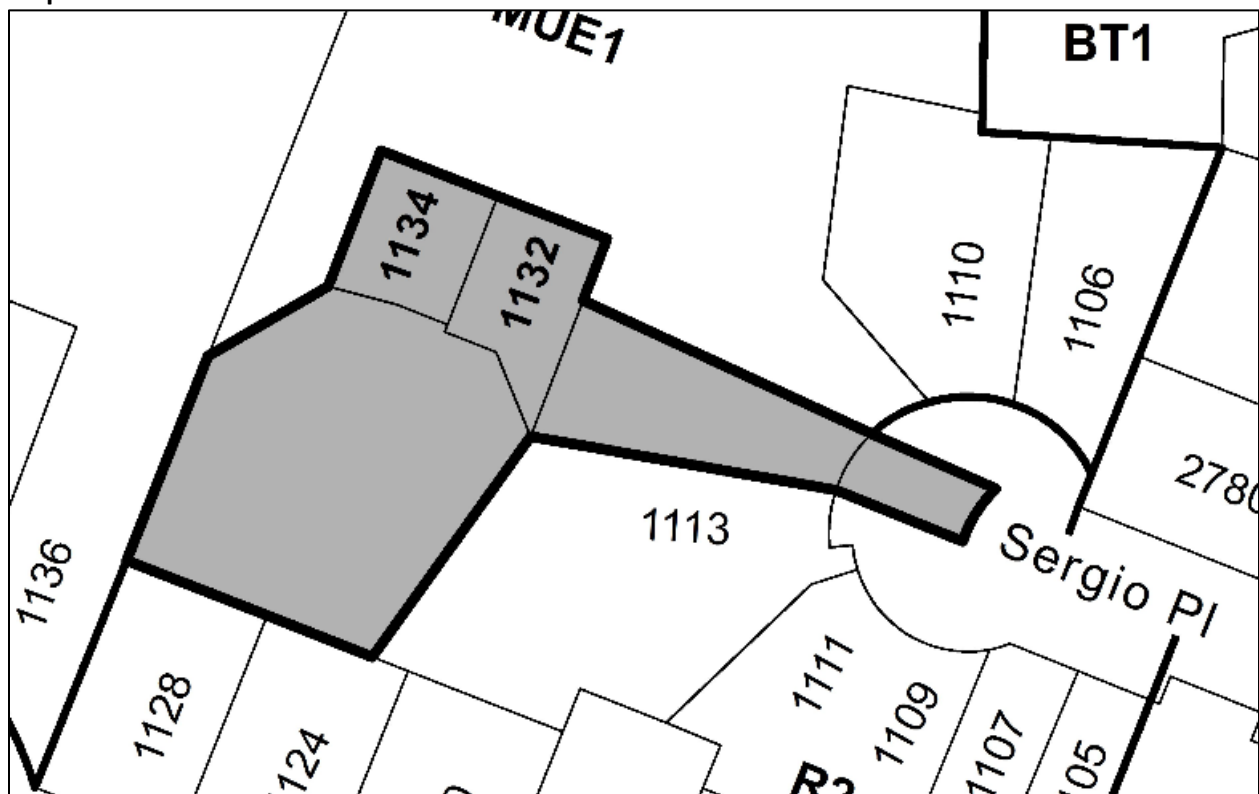
The applicant would like to develop the residential potential of the property sooner and independently of the commercial development, without sacrificing the commercial potential within the zone. The applicant has proposed that a map be inserted into the Zoning Bylaw which identifies a significant “commercial only” area for the MUE1 zone (Area “A”). The remainder of the zone (Area “B”) would allow for either: residential-only, mixed commercial/residential or commercial only uses. The draft bylaw presented with this report separates uses in this manner. This should ensure that a significant amount of commercial development occurs within the MUE1 zone.

The only amenity contribution currently in the MUE1 zone is that the applicant provide “an agreement with the City, to the satisfaction of Council, to transfer a minimum of 15% of the lands located within the Mixed-Use Employment 1 (MUE1) Zone to the City of Langford, or to provide an alternate amenity.” The applicant would like to modify this requirement so that the possible “alternate amenity” has more definition. The draft bylaw that is presented with this report includes the applicant’s proposal to expand the amenity contribution so that it includes any combination of: up to 15% of the land; \$1,000,000 in cash; or a non –cash amenity having a value of \$1,000,000. Again, the draft zoning amendment encompasses this.

1132 AND 1134 DONNA AVENUE

The applicant has requested that the property at 1132 and 1134 Donna Avenue (a two-unit bare land strata which includes common property) be added to the MUE1 zone, and in particular to the proposed Area B (Mixed Residential and Commercial Use area) of the MUE1 Zone. These properties are show shaded on Map 3, below. Bylaw No. 1661, as drafted, includes the rezoning of these two properties.

Map 3 1132 and 1134 Donna Avenue



TRAFFIC IMPACT AND ROAD IMPROVEMENTS

The current MUE1 zone limits density to a minimum until such time as a Traffic Impact study is provided to the satisfaction of the Director of Engineering, and an agreement is reached with the land owner with respect to additional off-site road improvements that may be necessary to support additional density on the lands.

The applicant has provided a preliminary traffic impact study which suggests that 1,000,000 ft² of residential floorspace and 1,000,000 ft² of commercial floorspace could be developed within the MUE1 zone without need of off-site road improvements, other than frontage works.

LOT CONSOLIDATION

At the present time, development of the lands within the MUE1 zone is restricted to lots that have existing road access. Although there are several lots within the MUE1 zone, only a few have road access. Notwithstanding and in addition to this existing limitation of the zone, Council could make lot consolidation within the zone a requirement as a bonus for increased density (the bonus to the community being that the lands will develop comprehensively from one lot at the start, rather than from several smaller lots). Bylaw No. 1661 has been drafted in such a way that lot consolidation to the satisfaction of the Approving Officer and the Director of Planning must precede development.

TAX HOLIDAY

Separate and apart from the zoning, the applicant has enquired about whether Council would consider granting a 10-year tax exemption for the development of Office and Technology uses. Council may, by bylaw, designate the MUE1 zone as a Revitalization Area, and provide tax exemptions for developments containing floorspace for commercial and technology uses, pursuant to Sec. 226 of the *Community Charter*. All of this must be accomplished by bylaws that are separate and apart from the zoning bylaw that is the subject of this report, but Council may wish to give staff direction to begin the process of creating the revitalization area for commercial and technology uses through the establishment of a Revitalization Program Bylaw.

Council may adopt a Revitalization Program Bylaw following public notification and consideration of the bylaw in conjunction with the objectives and policies of the City's 5-year financial plan. After that, Council may enter into agreements with property owners, which would provide the actual tax exemption. Council could set, as a policy, a minimum floorspace for commercial office or technology uses which would be considered consequential and therefore deserving of exemption. Other than that, the actual tax exemption is applied at the time when the building for which the exemption is to be provided is constructed and occupied, and Council in the past has limited the exemption to the improvement on the land only, and not the taxation of the land.

Financial Implications

The applicant's justification for this proposed amendment to the MUE1 zone is that they have found a developer to purchase and develop the subject property, and that development will proceed sooner with the proposed amendments. Completing the purchase of the lands that the City purchased from the Province would also benefit the City by returning those funds back to the Capital Fund.

As for the long term financial benefits of this development, the commercial and multi-family residential development will result in increased tax revenues to the City. Granting the 10 year tax holiday, while negating the direct tax benefit for a 10 year period could ensure that commercial office and technology

space gets built, which may encourage further residential or commercial development. Regardless, the City would benefit from tax revenues after the 10 year period expires.

Legal Implications

None.

Options

That Council:

1. Give Bylaw No. 1661 first reading, as presented and waive the requirement for a Public Hearing with respect to Bylaw No. 1661;

OR

2. Amend Bylaw No. 1661, as presented, and give Bylaw No. 1661 first reading and waive the requirement for a Public Hearing on Bylaw No. 1661;

AND EITHER

3. Direct staff to prepare a revitalization program bylaw so that Office and Technology floorspace within the Mixed Used Employment 1 (MUE1) Zone may be provided a tax exemption;
4. Direct staff to prepare a revitalization program bylaw so that all Office and Technology floorspace within the City may be provided a tax exemption;

OR

5. Take no action at this time with respect to Bylaw No. 1661;

Respectfully Submitted,

Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Mike Leskiw, Parks and Recreation Manager
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Brent Molnar, Manager of Land Development
Concurrence:	Steve Ternent, Director of Finance
Concurrence:	Jim Bowden, Chief Administrative Officer

:mgsb

CITY OF LANGFORD BYLAW NO. 1661

A BYLAW TO AMEND BYLAW NO. 300, "LANGFORD ZONING BYLAW, 1999"

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. By deleting from the **R2 (One- and Two-Family Residential)** Zone and adding to the **MUE1 (Mixed Use Employment 1) zone** the property legally described as Lot A and Lot B, Section 99, Esquimalt District, Strata Plan VIS2426 together with the common property for this strata plan as shown shaded on Plan No. 1 attached to and forming part of this Bylaw.
2. By replacing the preamble in Section 6.53.01(1) with: "The following uses are permitted in Areas A and Area B of the Mixed Use Employment 1 (MUE1) Zone as shown shaded on the MUE1 Zone map attached as Schedule "AJ"";
3. By adding the following to subsection 6.53.01(1): "

Restaurant, Retail and Other Service Commercial Uses

- (a) All of the uses permitted in the CS1 (Service Commercial 1) zone;
 - (b) financial institutions, including drive-thru;
 - (c) hotels;
 - (d) parking facilities, specifically excluding vehicle storage;
 - (e) premises licensed pursuant to the *Liquor Control and Licensing Act*;
 - (f) restaurants, excluding drive-in and drive-thru, limited to 1,858 m² of gross floor area;
 - (g) retail stores, limited to 1,858 m² of gross floor area;
4. By deleting Section 6.53.01(2);
 5. By renumbering Section 6.53.01(3) and Section 6.53.01(2) and by replacing the preamble to that section with "In addition to the uses permitted in accordance with Subsection 6.53.01(1), the following uses are permitted in Area B of the Mixed Use Employment 1 (MUE1) Zone, as shown shaded on the MUE1 Zone Map attached as Schedule "AJ"";
 6. By deleting Sec. 6.53.03 and replacing it with the following: "

Density of Development

- (1) There may not be any development on any parcel of land that does not have access to a highway, and where a parcel of land has access to a highway there may not be more than

- three residential dwelling units or more than 150 m² of non-residential gross floor area in the Mixed-Use Employment 1 (MUE1) Zone;
- (2) Notwithstanding subsection 6.53.03(1), there may be more than three residential dwelling units but not more than 92,900 m² (1,000,000 ft²) of residential gross floor area and more than 150 m² but not more than 92,900 m² (1,000,000 ft²) non-residential gross floor area of gross floor area in the Mixed-Use Employment 1 (MUE1) Zone, if the owner of the land proposed to be built upon has:
- (a) Consolidated the lands that are within the Mixed Use Employment 1 (MUE1) Zone to the satisfaction of the Approving Officer and the Director of Planning;
 - (b) entered into an agreement with the City of Langford, to the satisfaction of Council, to provide to the City:
 - i. \$1,000,000 towards the City's General Amenity reserve fund; OR
 - ii. An alternate amenity with a demonstrable value equivalent to \$1,000,000; OR
 - iii. A transfer of 15% of the lands located within Mixed-Use Employment 1 (MUE1) Zone to the City of Langford; OR
 - iv. Some equivalent combination of a(i) and/or a(ii) and/or a(iii);
- AND
- (c) Provided a traffic impact study that analyzes the impact of the proposed development on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements recommended by the traffic impact study, as well as full frontage improvements to Subdivision and Development Servicing Bylaw No. 1000 standards, all to the satisfaction of the Director of Engineering;
- (3) Notwithstanding subsections 6.53.03(1) and (2) there may be more than 92,900 m² (1,000,000 ft²) of residential gross floor area or more than 92,900 m² (1,000,000 ft²) non-residential gross floor area of gross floor area in the Mixed-Use Employment 1 (MUE1) Zone, if the owner of the land proposed to be built upon provides to the City a traffic impact study that analyzes the impact of development beyond 92,900 m² (1,000,000 ft²) of residential and 92,900 m² (1,000,000 ft²) of non-residential floorspace on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements recommended by the traffic impact study, as well as full frontage improvements to Subdivision and Development Servicing Bylaw No. 1000 standards, all to the satisfaction of the Director of Engineering;
- (4) Under no circumstances may the density of development within the MUE1 zone exceed a floor area ratio of 2.5:1;"
- (5) By adding the map attached to and forming Appendix "1" of this bylaw as Schedule "AJ";

(d) This Bylaw may be cited for all purposes as “Langford Zoning Bylaw, Amendment No. 465, (1144-1198, 1216-1230 Goldstream Ave; 1136, 1142 Donna Ave; 1106, 1110 Sergio Pl; 2752 Leigh Rd; 2730, 2734, 2738 Trans Canada Hwy), 2016”.

READ A FIRST TIME this day of , 2016.

READ A SECOND TIME this day of , 2016.

READ A THIRD TIME this day of , 2016.

APPROVED BY THE MINISTRY OF TRANSPORTATION this day of , 2016.

ADOPTED this day of , 2016.

MAYOR

(Certified Correct)
CORPORATE OFFICER

Appendix "1" to Bylaw 1661
Schedule "AJ" to Bylaw No.300

