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OTTER POINT ADVISORY PLANNING COMMISSION

Notice of Meeting on Monday, **January 7, 2013 at 7 p.m.**

Otter Point Fire Hall, 3727 Otter Point Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Correspondence received to be dealt with under the following agenda item:
 - a) Agenda Item 6 a) Z-05-12 - Strata Lots 1, 2 and 3, Section 16, Otter District, Plan VIS7096 (CRD – 7450 Butler Road/Sooke Business Park)
 - Heather Phillips, Otter Point
 - Arnie Campbell, Otter Point & Shirley Residents & Ratepayers Association (received at meeting)

Wendy Miller

From: June Klassen
Sent: Monday, January 07, 2013 8:43 AM
To: Wendy Miller
Subject: FW: Rezoning for JDF CRD administrative building

FYI

From: Bob & Heather Phillips
Sent: Sunday, January 06, 2013 5:02 PM
To: directorjdf; June Klassen
Cc: 'Dianne & Arnie Campbell'; Phillips, Bob and Heather
Subject: Rezoning for JDF CRD administrative building

7 January 2013

Hi, June, Mike and Arnie.

Heather Phillips here. As you know from the November JDF LUC meeting, I am not comfortable with the commercial and restaurant uses proposed in the new zone for the JDF CRD admin building.

(A) Before I write about that, I would like you to look at the following definition. It needs to be amended to "Juan de Fuca Electoral Area". We could include "neighbouring municipalities" if we want to keep "Sooke" in our Country Markets.

"COUNTRY MARKET means a local-based market with producers and vendors from within the **Electoral Area of Sooke [my bolding]**, that operates between the hours 8:00 a.m. and 4:00 p.m., Saturdays, each week from May through October, and offers goods for sale that are sold by the vendors that may include fruits, vegetables, herbs, flowers; baked products; home prepared and original crafts. Excludes: dairy products, meat, fish, poultry or poultry products, live animals; used or second hand material, including antiques; commercial products for resale; on site preparation of foods or the operation of a food stand;"

Note that another possible problem is that the P-1, Public Recreation Zone [parks have this zone] as it is today, allows "dormitories as part of an institutional camp", whereas P-2, which encompasses Camp Bernard, does not allow "dormitories as part of an institutional camp". I understand from the OPSRRA newsletter for January 2013 that the zoning for Camp Bernard will soon be revised so I think this will be addressed if it is a problem.

(B) Now to discuss the proposed Public Institutional zone, P-4.

I see that P-2 does include "Country Market as accessory to permitted civic uses." I suggest adding "Country Market as accessory to permitted civic uses" to the proposed Public Institutional zone, P-4

I understand the desire to permit food service from the site. However, "restaurant" conjures up a quite specific commercial arrangement. The definitions in the Langford, Victoria and Highlands zoning bylaws provide a much clearer description of what a woman on the street would probably consider to be a "restaurant".

When I came off the street and sat down to read the definition of "restaurant" in CRD Bylaw 2040, I understood better why "restaurant" is a proposed use but I still don't agree. Now I want the definition of "restaurant" revised and perhaps a definition of "food service" added.

The problem with "restaurant" is that it is very, very broad. A church bake sale or the vending machines in a fire hall or school might be captured by this definition. A bed and breakfast host might be running a restaurant and so might a person offering room and board. The definition include a building or building space and a use:

“RESTAURANT means a commercial use, whether permanent or temporary, fixed or movable, in which prepared food is served to the public, or any place to which the public have access for the purpose of purchasing prepared food for human consumption on the premises or elsewhere;”

In my opinion, “restaurant” should describe a commercial building where food service is the primary use or an accessory use in a commercial or industrial building. It should exclude bed and breakfast and boarding house uses where food is provided.

Food Service could be described as a use either permanent or temporary, fixed or movable, in which prepared food is served or sold to the public.

Food Service could be described as either “commercial” or as “accessory” to a civic use. There would have to be restrictions to the types of food offered in an accessory use and a requirement that a commercial food service be licensed. If the definition of Country Market were slightly modified to include food service by licensed vendors or as accessory to civic uses there would be no need to permit a restaurant use in the new zone.

For two other reasons, I do not agree with including “restaurant” as a permitted use. There is one restaurant—in the “woman on the street” understanding of the word, not in the “vending machine at the fire hall” or “breakfast served at a B & B sense”—already in Otter Point.

I do not see the value of the CRD creating a zone for itself where a commercial restaurant could be established in completion to existing commercial restaurants. Zoning is supposed to promote an appropriate use of the land. Given that there is a water shortage in the area, I don’t see commercial food service as an appropriate use except as an occasional temporary use such as is excluded from the definition of Country Market.

I think creating definitions for commercial food service (to be licensed) and accessory food service (to be limited) and permitting food service uses would allow the level of food service that might be desired from time to time at the site of the proposed public administration building. For example, Staff could have vending machines in their lunch room if wanted, Stick in the Mud could be contracted to serve coffee at CRD sponsored meetings and the OPSRRA membership could provide coffee for its functions.

C) On to Commercial Use in general. The definition is:

“COMMERCIAL USE means an activity carried out for financial gain;”

I think this is in conflict with the concept of public or civic use. I don’t want the CRD to set a precedent of “speculative” zoning, just in case it might be convenient for the CRD in the future. For whatever reason, the current zone on the properties and for the whole of the Sooke Business Park only allows retail sale of building supplies, vehicles, bulk fuel, and sale of items by auction. The proposed re-zoning of CRD owned parcels to allow unrestricted commercial and retail uses seems unprincipled and unnecessary.

If Otter Point residents find that unrestricted commercial and retail uses are appropriate, the use should be added to the list of permitted uses in the General Industrial Zone, M-2. If it is not an appropriate use of land in the area, having the land owned by the CRD will not make it an appropriate use.

That’s it for now, People. HP

PRESENTATION TO THE OTTER POINT APC RE THE PROPOSED JDF SERVICES BUILDING REZONING

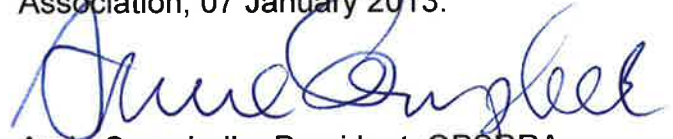
OPSRRA supports the proposal to build a JDF Services Building at the Business Park in Otter Point. Our association therefore supports the proposed rezoning.

However, this support comes with some questions.

Questions:

1. Our understanding is that the purpose of the proposed rezoning is to ensure that parts of the proposed building and the adjacent parking lot can be used for "extracurricular" activities that may be beyond the limited use of the premise's as an office location for Juan de Fuca Electoral Area services such as planning, building inspection, parks and recreation and a meeting place for various committees and commissions. Is this understanding correct?
2. Will the intended permitted uses for the meeting room and outside area be similar to that of other community venues such as the Shirley Hall, Otter Point Fire Hall and the East Sooke Fire Hall?
3. If so, will the proposed zoning support those uses?
4. If not, which ones would not be supported by the proposed zoning? For example would a fitness class be a supported use?
5. Who will determine whether a request to use either the indoor or outdoor space is consistent with the zoning?

Submitted on behalf of the Otter Point &
Shirley Residents & Ratepayers
Association, 07 January 2013.



Arnie Campbell – President, OPSRRA