

MINUTES OF THE SPECIAL MEETING
OF THE COUNCIL OF THE CITY OF NANAIMO
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
ON THURSDAY, 2012-JUN-28 COMMENCING AT 7:00 P.M.

PRESENT: His Worship Mayor J. R. Ruttan, Chair

Members: Councillor G. Anderson
Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Staff: B. Anderson, Manager, Planning & Design Section, CSD
J. Harrison, Manager, Legislative Services
D. Stewart, Planner, Planning & Design Section, CSD
S. Herrera, Planner, Planning & Design Section, CSD
D. Jensen, Community Development Planner, Community Planning
Section, CSD
P. Masse, Planning Clerk, Planning & Design Section, CSD
R. Tubbs, Steno, Community Planning Section, CSD

Public: There were 35 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Regular Meeting was called to order at 7:02 pm.

2. ADOPTION OF AGENDA:

36212 It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

4. CALL THE PUBLIC HEARING TO ORDER:

Mayor Ruttan called the Public Hearing to order at 7:02 pm. and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading and Final Adoption of Bylaw No. 6500.017, and Third Reading of Bylaws No. 6500.018, 4500.023, 4500.024, and 4500.020 at this evening's Special Council meeting.

(a) Bylaw No. 6500.017 – OCP67 – All Properties Within the City of Nanaimo

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500".

Mr. Alastair Hunter, 148 Chantrells Place – Neither in Favour nor Opposed

- Lives behind Steve Marshall Ford, questioned whether or not Steve Marshall Ford has the correct zoning in place for their operation.

Ms. Jensen noted that Steve Marshall Ford currently has 'Corridor' zoning in place; this bylaw amends the Official Community Plan (OCP) land use designation to reflect that zoning.

Councillor Pattje asked for clarification on how the borders for the Oceanview Master Plan were achieved.

Mr. Anderson stated the Oceanview Master Plan was subject to an OCP amendment several years ago at which time the 'Resort Centre' designation was placed on the lands in the subject area. The Master Plan follows those boundaries set by the OCP amendment for 'Resort Centre' and has been approved by Council.

Councillor Pattje asked if neighbourhood plans, once adopted, would be subject to those boundaries.

Mr. Anderson noted the distinction between a neighbourhood plan and a master plan is that a master plan is typically a single owner property and would be initiated by that owner, whereas a neighbourhood plan involves multiple properties; the boundaries of a neighbourhood plan are established as a part of the neighbourhood plan process.

There were three written and one verbal submission received with regard to Bylaw No. 6500.017. Ms. Jensen noted that the content of the three written submissions received with respect to Bylaw No. 6500.017 do not however relate to the items contained within Bylaw No. 6500.017. The submissions are attached as a part of "Attachment A – Submissions for Bylaw No. 6500.017".

(b) Bylaw No. 6500.018 – OCP65 – 1850 and 1860 Dufferin Crescent

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN 2008 NO. 6500" by redesignating the subject property from 'Light Industrial' to 'Corridor' in order to facilitate a mixed use development.

(c) Bylaw 4500.023 – RA291 – 1850 and 1860 Dufferin Crescent

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the property located at 1850 and 1860 Dufferin Crescent from High Tech Industrial (I3) to Community Corridor (COR3), and add a site specific liquor store use in order to facilitate a mixed use development including a liquor store and community meeting room.

Mr. Jack Anderson, 1653 Cedar Road – Applicant

- Mr. J. Anderson's presentation is attached as a part of "Attachment B – Submissions for Bylaws No. 6500.018 and 4500.023".

Mayor Ruttan asked if the proposal meets or exceeds any of the LEED industry standards.

Mr. J. Anderson noted the level of LEED standards that could be met cannot be determined until the zoning is in place for the proposal; however, he is very confident that the project will be highly recognized in the rating systems.

Councillor Johnstone asked for clarification regarding whether or not the meeting room will be accessible for people with mobility issues.

Mr. J. Anderson confirmed that the facility is designed, including washrooms, to be fully accessible for handicapped individuals.

Councillor Pattje asked for clarification on whether or not the geothermal heating component of the proposal will be constructed.

Mr. J. Anderson stated the geothermal heating is likely a definite; however, there are two options to choose from, a horizontal slinky loop as a geoexchange under the elevated parking lot, or drilling into the bedrock and installing a vertical system. It is not known at this point which option will be more economically feasible for the owner, but a geoexchange system will be installed.

Councillor Pattje asked if the parking lot of Country Grocer will be level with the parking lot of the proposed facility.

Mr. J. Anderson confirmed the parking lot of the Country Grocer and the parking lot and entrance to the liquor store are at the same grade as the liquor store is on the upper floor of the proposed facility.

There was one written and one verbal submission received with regard to Bylaws No. 6500.018 and 4500.023. The written submission is attached as "Attachment B – Submission Received for Bylaws No. 6500.018 and 4500.023.

(d) Bylaw No. 4500.024 – RA296 – Part of 3500 Rock City Road

This bylaw, if adopted, will rezone the subject property from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9) in order to facilitate a single family dwelling residential subdivision.

Mr. Chris Nudd, 1812 Meghan Place – Applicant Representative

- The proposal does not differ much from the development permit currently in place; the purpose is to change the ownership structure on the property to meet current market conditions. The OCP designation has been adhered to and the design was created with the unique topography in mind.

Ms. Calla Lee-Maher, 371 Woodhaven Drive – Opposed

- Owns property adjacent to the subject property (3245 Granite Park Road).
- Asked for clarification regarding the rear yard setback on the subject property currently, and what it would be if the proposal be approved.

Mr. Nudd noted that the rear yard setback that currently exists on the subject property is 3m and the proposed setback would be 4.5 m or a no vegetation removal area, whichever is more restrictive, as the setback varies along the property line.

- Noted that a covenant was registered to the subject property July, 2009 that indicates a road access is to be installed from the west side of the subject property to her property. The covenant specifies that no development can take place on the subject property until road and services have been constructed and approved by the City, subject to the owner and the City entering into another written agreement that will ensure construction of the road and the services in a timely manner or as determined by the City and the owner acting responsibly. Questioned if the City has entered into an agreement, as specified in the covenant, with the developer to postpone the construction of road and services between her property and Ocean Pearl Terrace.

Ms. Herrera noted that the covenant on the subject property would be amended further along in the development process. The covenant is a blanket covenant as the exact location of the road has not yet been determined. There is a general area for the road that has been contemplated and it is not part of the subject area. The covenant remains intact and allows for the road to be provided in the future.

- Ms. Lee-Maher noted that the covenant does not specify which part of the parcel is affected by the covenant and does not believe any development can occur without the installation of the road.

Ms. Herrera noted the speaker is correct and the covenant would need to be amended at the subdivision stage.

Mr. Nudd stated that the subdivision discussions with Staff will be centered on the construction of the road and when it should occur.

Councillor Kipp clarified to the speaker that her covenant is in place and still has power; this proposal is to rezone the land only. If the rezoning is approved then roads and engineering designs will be planned, which is when the covenant would be applicable.

Mr. Nudd confirmed that the developer will do what is needed to adhere to all covenants connected to the subject property.

There was one written and one verbal submission received for Bylaw No. 4500.024. The written submission is attached as "Attachment C – Submission for Bylaw No. 4500.024".

(e) Bylaw No. 4500.020 – RA292 – 2375 Hayes Road

This bylaw, if adopted, will rezone the subject property from Highway Industrial (I1) to Light Industrial (I2) in order to allow the operation of a recycling depot.

Ms. Maureen Pilcher, Maureen Pilcher & Associates Ltd. – Applicant Representative

- Ms. Pilcher's presentation is attached as a part of "Attachment D – Submissions for Bylaw No. 4500.020".

Mr. Charles Thirkill, 611 Shaughnessy Place - Opposed

- Volunteer spokesperson for the Nanaimo Recycling Exchange (NRE).
- Nanaimo has one of the best reputations in the province in terms of recycling materials that were previously destined for a landfill; this reputation is due to NRE and not to Regional Recycling (RR), which is across the road from the NRE.
- NRE has operated for 32 years and they built the business from the ground up. NRE is supported by, and supportive of, the local community in many ways and they educate the community on the value of recycling and environmental stewardship.
- NRE is an inherited and messy business that is non-profit; only a few of the items they collect make a profit. Believes RR will be taking items in only for profit.
- NRE is a great employer for the City and employs people who may have a difficult time getting employment elsewhere. The staff are professional, courteous and helpful.
- Believes City staff are not being fair; an existing business has been denied the right to build new, however RR has obtained an illegal sign through a loophole.

Mayor Ruttan asked the speaker to only speak to the issue of the rezoning application as Council cannot make decisions based on competition. Council cannot make decisions regarding who should be in business and who should not. Noted that the signage for RR was grandfathered in because it pre-existed the current Sign Bylaw; it complied with the bylaws of the time. Council made a fair and equitable decision regarding the sign.

- Does not believe the rezoning application is in the public interest, believes recycling facilities distributed across the city.

Ms. Anne Judson, 3050 Maple View Drive – In Favour

- Does not look at the proposal from a competition point of view; her perspective as a consumer is this proposal is convenient for the new location of the recycling depot. She can now combine two trips into one trip to take care of all her recycling needs. The new location is cleaner, more efficiently laid out and there is ample parking.

Ms. Jackie Tudor-Jones, Cascades Recovery Incorporated – In Favour

- Cascades has a recycling processing facility on Duke Point, and currently accept cardboard recycling from RR. The facility is clean, efficient, well-run and organized. Believes RR can work together in a joint partnership with the NRE as opposed to against it.

Councillor Brennan asked if RR intends to take in recyclables that are easy to profit from while leaving the NRE to deal with the less profitable recyclables.

- Ms. Tooter-Jones noted she cannot speak to what the RR will and will not accept; however, the rebate rates on cardboard are not hugely profitable. Recycling industry commodity values are deteriorating. It is a business that offers convenience to its customers. NRE should not be permitted to take any materials from commercial facilities.

Ms. Barb Parker, 2747 Munroe Road – In Favour

- User of the bottle depot; electronics were collected at the old site; they are simply moving their business.

Mr. Barry Morton, 2034 Woobank Road – In Favour

- The new RR location is superior to the previous location, it is easy to get to and convenient. Recycling has to be convenient or people will not do it.

Mr. Darren Spyksma, 1983 Coal Tyee Trail – In Favour

- The convenience of the new location is great and convenience is key to recycling. He will use both facilities.

Mr. Fred Taylor, 204 Emery Way - Opposed

- Mr. Taylor's presentation is attached as a part of "Attachment D – Submissions for Bylaw No. 4500.020".

Mr. Gord Fuller, 604 Nicol Street – Opposed

- The NRE is a non-profit business which requires subsidies from the City. Concerned that RR will only take profitable recyclable items, causing the NRE to eventually close. Questioned what will happen to the materials that RR is not willing to take that NRE does take. Believes those items would end up in the land fill.

There were two written and nine verbal submissions received for Bylaw No. 4500.020. The written submissions are attached as a part of "Attachment D – Submissions for Bylaw No. 4500.020".

The Public Hearing was adjourned at 8:31 p.m.

Councillor Bestwick vacated the Shaw Auditorium at 8:32 p.m.

5. **CONSIDERATION OF BYLAWS:**

36312 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 6500.017 pass third reading. The motion carried unanimously.

36412 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 6500.017 be adopted. The motion carried unanimously.

36512 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 6500.018 pass third reading. The motion carried unanimously.

36612 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.023 pass third reading. The motion carried unanimously.

36712 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.024 pass third reading. The motion carried unanimously.

36812 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.020 pass third reading. The motion carried unanimously.

6. ADJOURNMENT:

36912 It was moved and seconded at 8:52 pm. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

MANAGER,
LEGISLATIVE SERVICES

Attachment A

Submissions

For

Bylaw No. 6500.017

*(OCP67 - All Properties Within the City
of Nanaimo)*

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Thursday, June 28, 2012 10:51 AM
To: 'Angeline Krueger'
Cc: Penny Masse; Gary Noble
Subject: RE: Special Public Hearing - June 28, 2012

Hello Angeline

Thank you for your public hearing submission, to provide comments respecting Bylaw No. 6500.017.

Based upon the content of your submission, however, I would like to note that Bylaw No. 6500.017 does not include any content relating to DP632. Rather, it includes a series of general amendments to the Official Community Plan, one of which is to include the adoption date for the Newcastle + Brechin Neighbourhood Plan within the OCP (the Neighbourhood Plan was adopted in 2011).

If you would like additional information specific to DP632 (approved by Council in September 2011), please contact Gary Noble at (250) 755-4429.

If you have any further questions, please let me know.

Deborah

Deborah Jensen, MCIP, RPP
Community Development Planner
Community Safety and Development Division
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479
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From: Angeline Krueger [<mailto:garnet2004@shaw.ca>]
Sent: Tuesday, June 26, 2012 10:20 PM
To: Public Hearing
Subject: Special Public Hearing - June 28, 2012

Re: Bylaw No. 6500.017 -
(a) Newcastle + Brechin Neighbourhood Plan - Stewart Avenue Corridor
DP632 - Nos. 360, 370 and 390 Stewart Ave.

I strongly object to the variance granted to the above properties - specifically to height and location of the proposed building.

Angeline Krueger
Apt. 402, 355 Stewart Ave.
Nanaimo, B.C.
V9S 4C5

Penny Masse

From: Deborah Jensen on behalf of Public Hearing
Sent: Thursday, June 28, 2012 10:52 AM
To: 'Dorothy Meagan'
Cc: Penny Masse; Gary Noble
Subject: RE: Special Public Hearing - June 28, 2012

Hello Dorothy and Tony.

Thank you for your public hearing submission, to provide comments respecting Bylaw No. 6500.017.

Based upon the content of your submission, however, I would like to note that Bylaw No. 6500.017 does not include any content relating to DP632. Rather, it includes a series of general amendments to the Official Community Plan, one of which is to include the adoption date for the Newcastle + Brechin Neighbourhood Plan within the OCP (the Neighbourhood Plan was adopted in 2011).

If you would like additional information specific to DP632 (approved by Council in September 2011), please contact Gary Noble at (250) 755-4429.

If you have any further questions, please let me know.

Deborah

Deborah Jensen, MCIP, RPP
Community Development Planner
Community Safety and Development Division
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479
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From: Dorothy Meagan [<mailto:dmeagan@shaw.ca>]
Sent: Sunday, June 24, 2012 12:32 PM
To: Public Hearing
Subject: Special Public Hearing - June 28, 2012

Re: Bylaw No. 6500.017 -
(a) Newcastle + Brechin Neighbourhood Plan - Stewart Avenue Corridor
DP632 - Nos. 360, 370 and 390 Stewart Ave.

We strongly object to the variance granted to the above properties - specifically to height and location of the proposed building.

**Dorothy and Tony Meagan
Apt. 103, 355 Stewart Ave.
Nanaimo, B.C.
V9S 4C5**

Attn: Deborah Jensen Page 1 of 3
Regarding : Public Hearing
Bylaw No. 6500.017

I, Neil Saunders, 211 View St.,
Nanaimo V9R 4N5, Concur with
the staff recommendation, with
the following exceptions.

#1: Stop using concrete pavers
as sidewalks, plaza areas,
crosswalks, etc.

The new crosswalks at Albert,
Wallace and Victoria Cres. that
have stamped concrete are so
much cost-wise better and look
very clean + stable.

One only has to look at the
moss growing in the cracks
in front of V.I.C.C.

Concrete can be color and/or
stamped in a variety of ways.

Page 2 of 3

Re: Bylaw No. G500-017 and the
South End Neighbourhood Plan
(Draft June 17, 2010)

#2: Please see page 44 of Draft.
Like the picture of the Cul de Sac
at Finlayson Street; and others;
Old Victoria Rd. at Needham
up to View St and Bayview
School has a blueprint for the
same. All this work was done
at the time of Nicol Street
being widened. About twenty
years later, still not done.

#3: In the Draft please see page 79.
Bayview School Area, related
guidelines #1 and #3 could be
implemented immediately.

#4: see page 89 in Draft.
amend Section 5.3 (12) and
Section 5.3 (13) to "Immediate"
in the Timing column.

Neil Saunders 250 753 1836 Page 3 of 3

Re: Bylaw No. 6500-017

#5: See page 100 in Draft.

Non-mountable concrete curbs are not feasible due to the parking situation on View St.

#6: please see map on page 98 Guide.

Blanket re-zone all properties according to the legend.

I believe this would encourage development at a faster pace. It could eliminate red-tape like individual re-zoning applications etc. that can/may discourage entrepreneurs.

#7: Thank city staff for their excellent communication over the last 22 years. Every time I call any city dept. I'm very happy with the level of communication and always in the end feel fully informed.

Attachment B

Submission

For

Bylaws No. 6500.018 and 4500.023

*(OCP65 and RA291 –
1850 and 1860 Dufferin Crescent)*

Windward Liquor Store Relocation

**City of Nanaimo – Public Hearing
Presentation**
June 28, 2012



Jack Anderson - Greenplan

Windward LRS

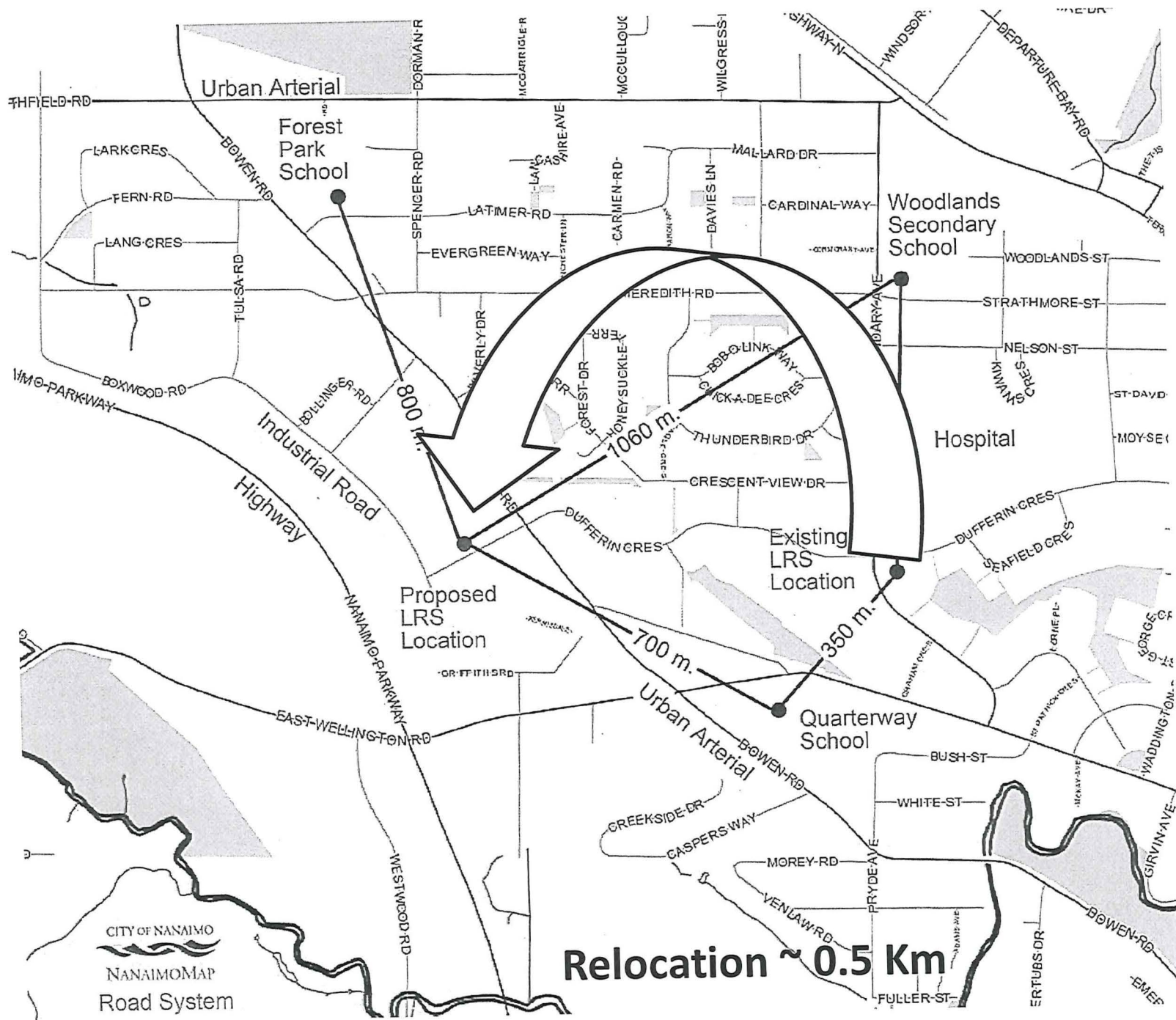
History

- Family owned Windward Pub (1983) in Beaufort Center obtained licence for LRS
- One of first “Beer and Wine” LRS licences in the City - 1990
- Municipal regulations liberalized LRS licensing, (incl. location & size limits) ~ 2006
- Owner Dean Gaudry seeks new location:
 1. To be able to stay competitive
 2. To get closer to urban arterial routes
 3. To promote sustainability & green building practices

Windward LRS

Challenge of LRS relocation

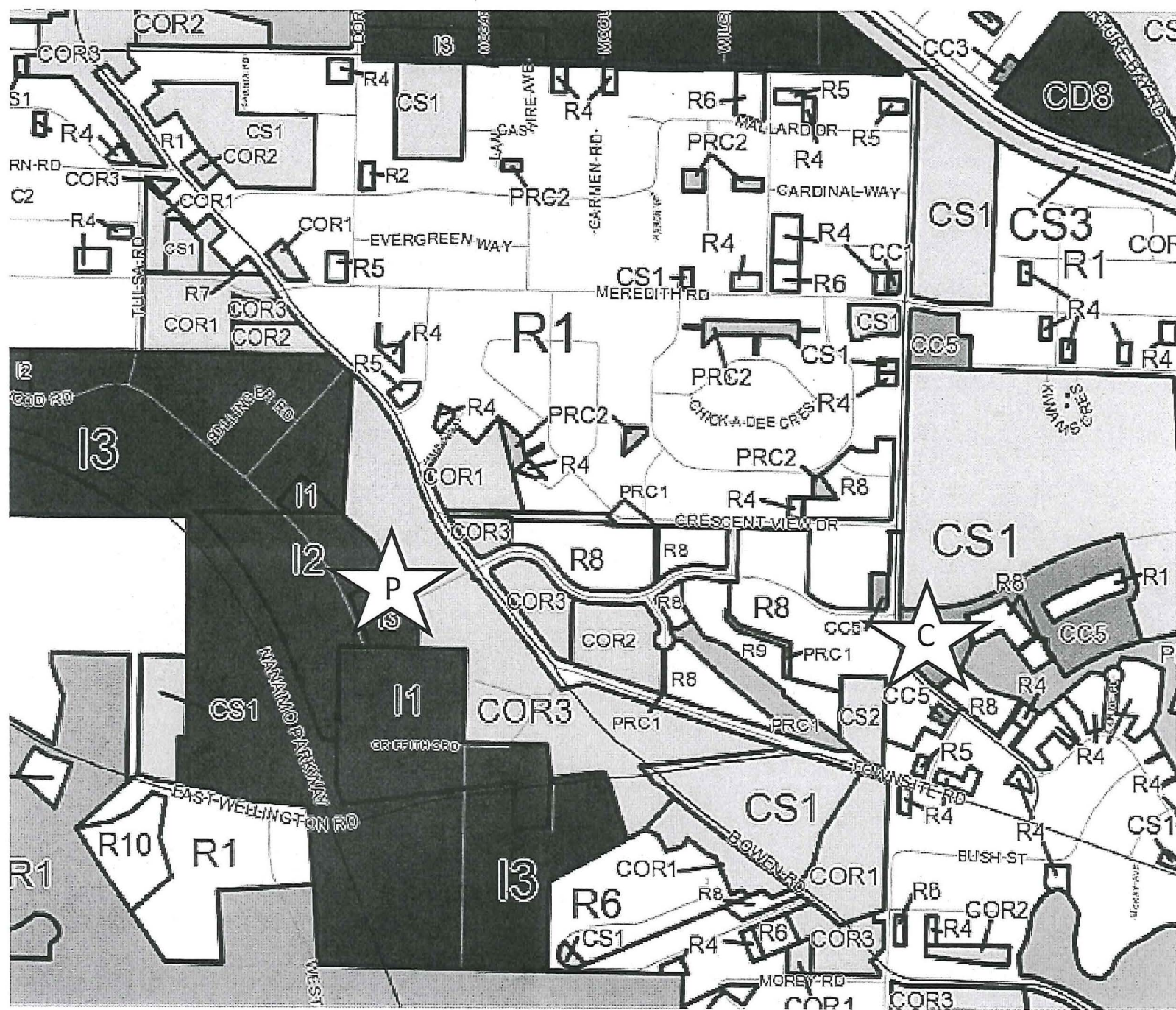
- **Must comply with regulations of the Liquor Control Licensing Branch**
 - Limits max distance it can relocate
 - Limits min distance to other LRS facilities
- **Must comply with City of Nanaimo Zoning & LRS Rezoning Criteria**
 - Must be near Highway, Urban Arterial or Urban Major Collector Road
 - Limits proximity to schools, nightclubs and public places
 - Must provide substantial off street parking spaces

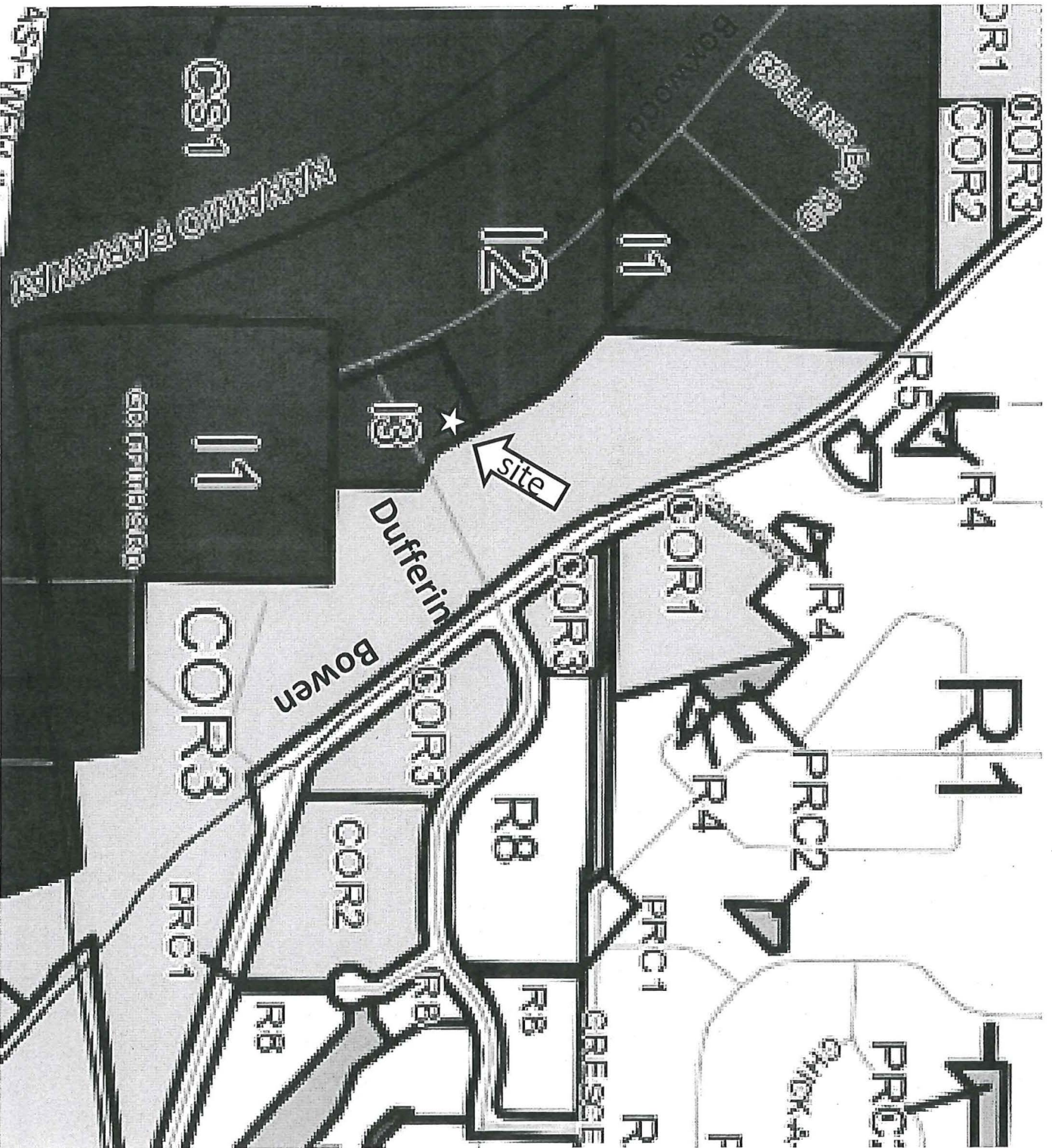


Windward LRS

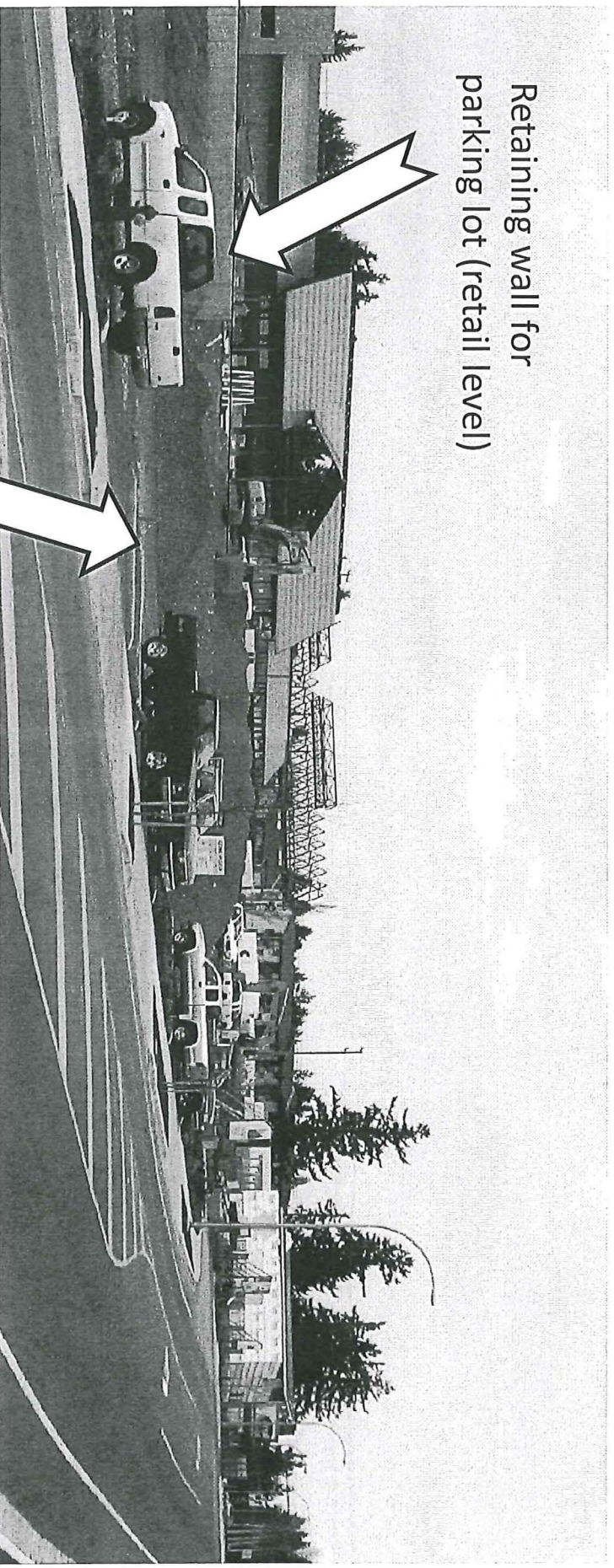
Challenge of LRS relocation

- **Must comply with regulations of the Liquor Control Licensing Branch**
 - Limits max distance it can relocate ✓ - about 0.5km
 - Limits min distance to other LRS facilities ✓ - > than 1km
- **Must comply with City of Nanaimo Zoning & LRS Rezoning Criteria**
 - Must be near Highway, Urban Arterial or Urban Major Collector Road ✓ - Bowen
 - Limits proximity to schools, nightclubs and public places ✓ - > distance
 - Must include area for substantial off street parking spaces ✓ - CG parking lot





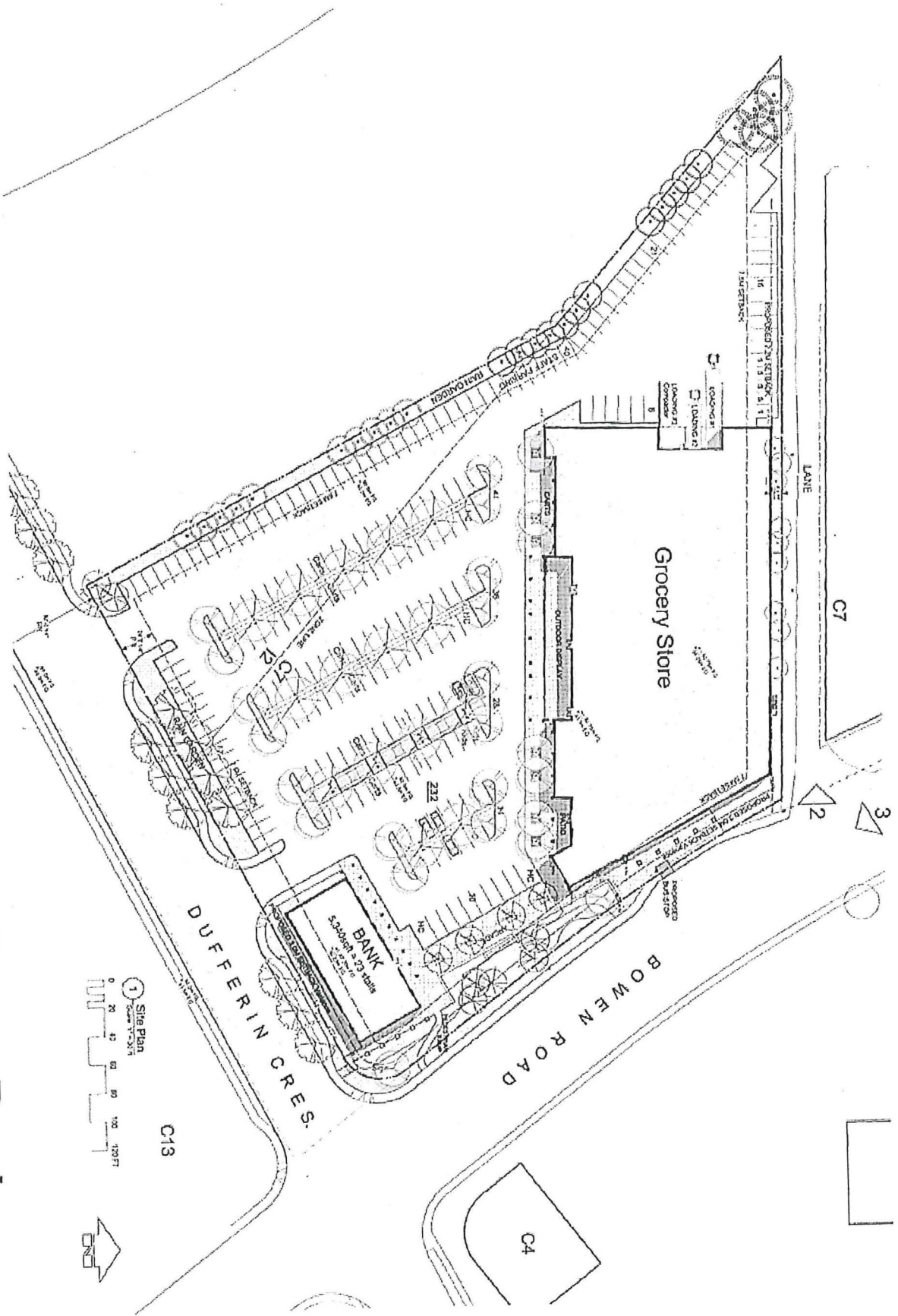
Retaining wall for
parking lot (retail level)



Delivery level off
Dufferin Cres.



Raymond de Beeld Architect Inc.
617A Western Street, Burnaby, B.C. JN 3S0 7L4, 2108

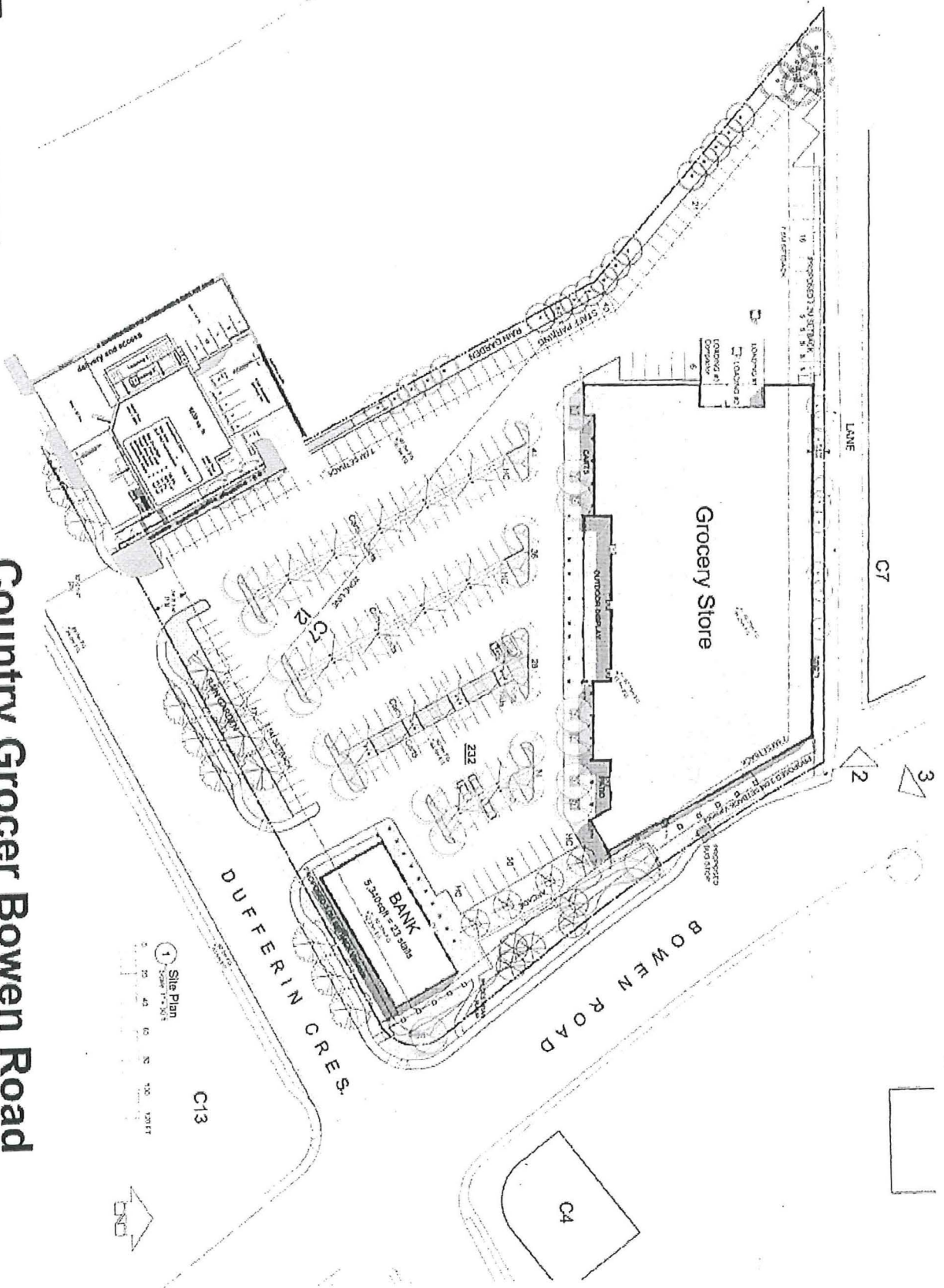


Country Grocer Bowen Road

1665 Bowen Road, Burnaby B.C. - Lot A, Section 15, Folio 766, Mountain District, Plan 43-030 except plan VIP 55378 & VIP 57761



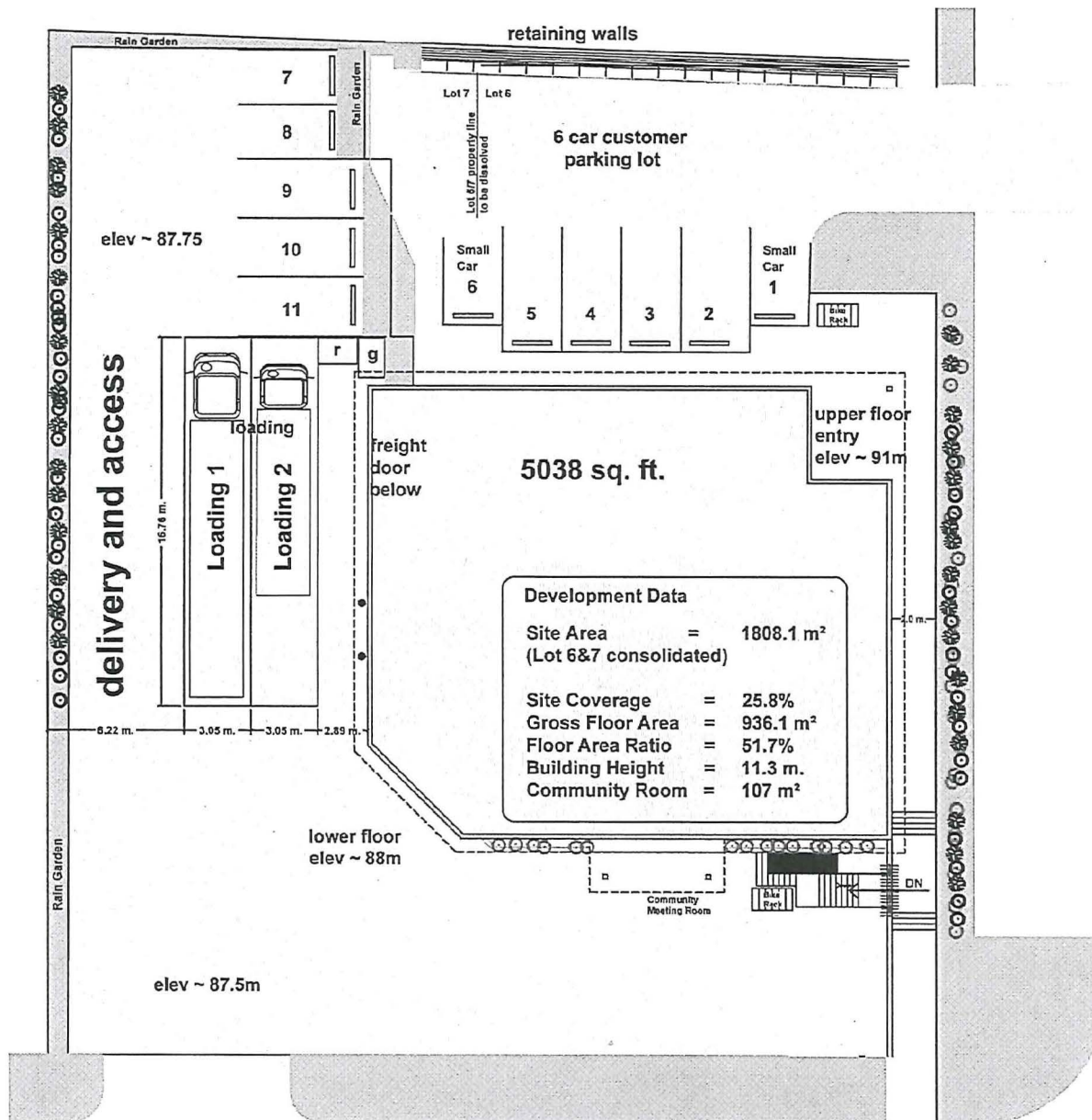
Raymond de Beeld Architect Inc.
6710 Stouffville Street, Markham, B.C. P3 2S0 7S4 2103

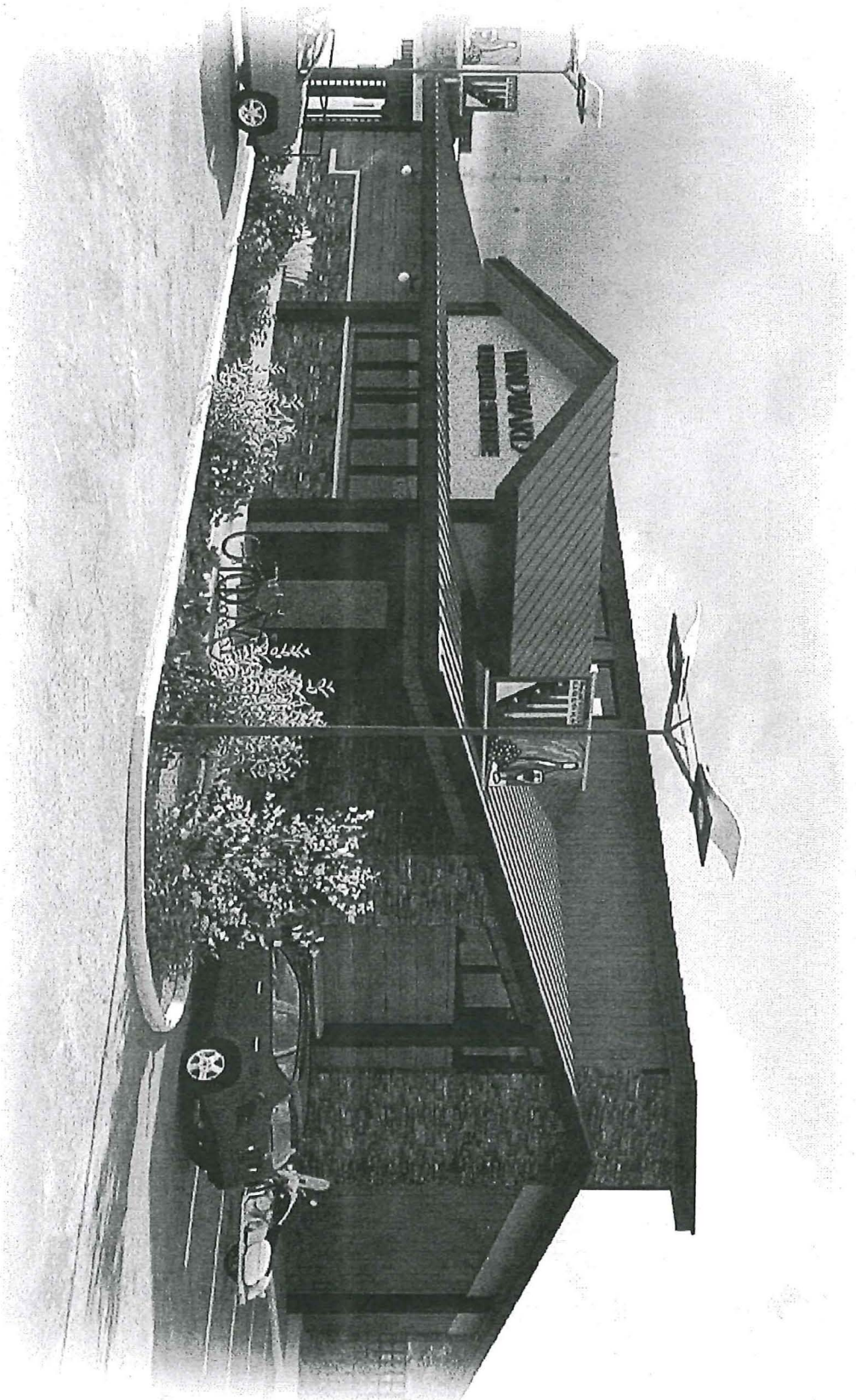


Country Grocer Bowen Road
1855 Bowen Road, Markham B.C. - Unit A, Section 15, Range 748, Mountain District, Plan 43433 except plan VIP 56370 & VIP 57761

Windward Liquor Store Relocation

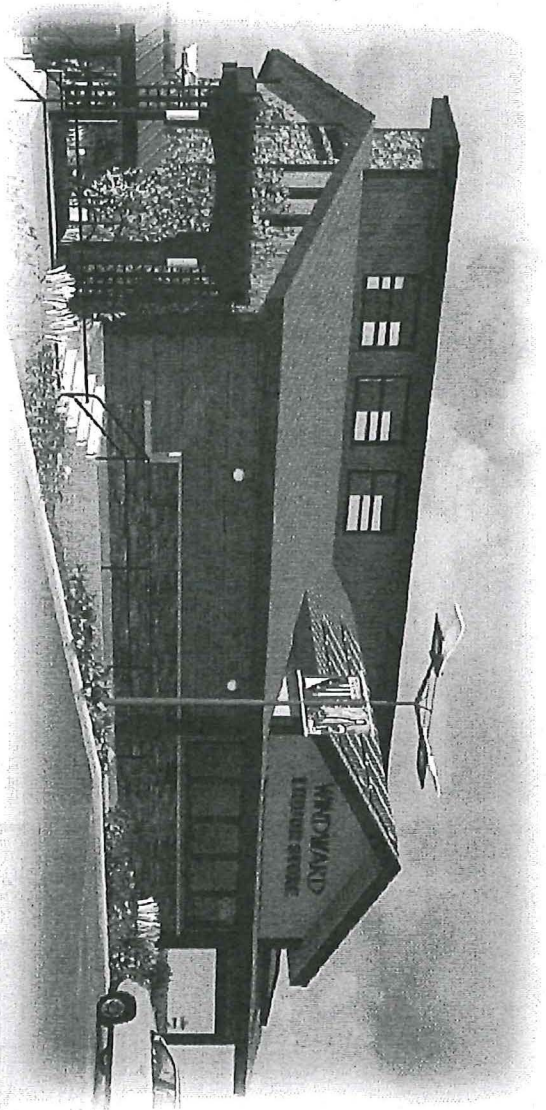
Site Plan





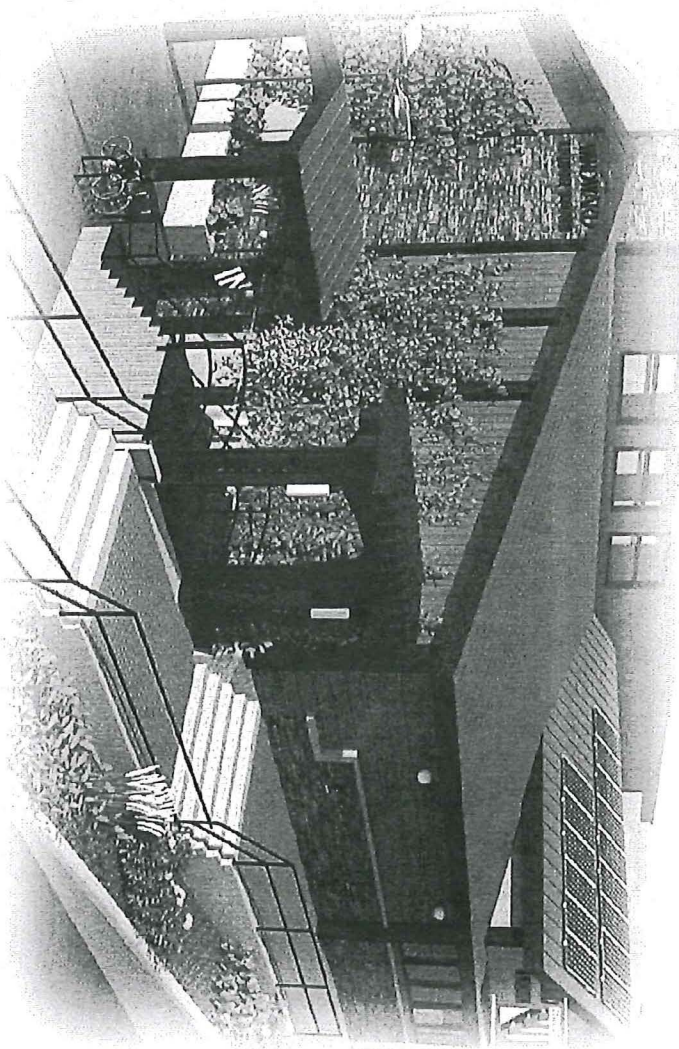
Windward Liquor Store entry

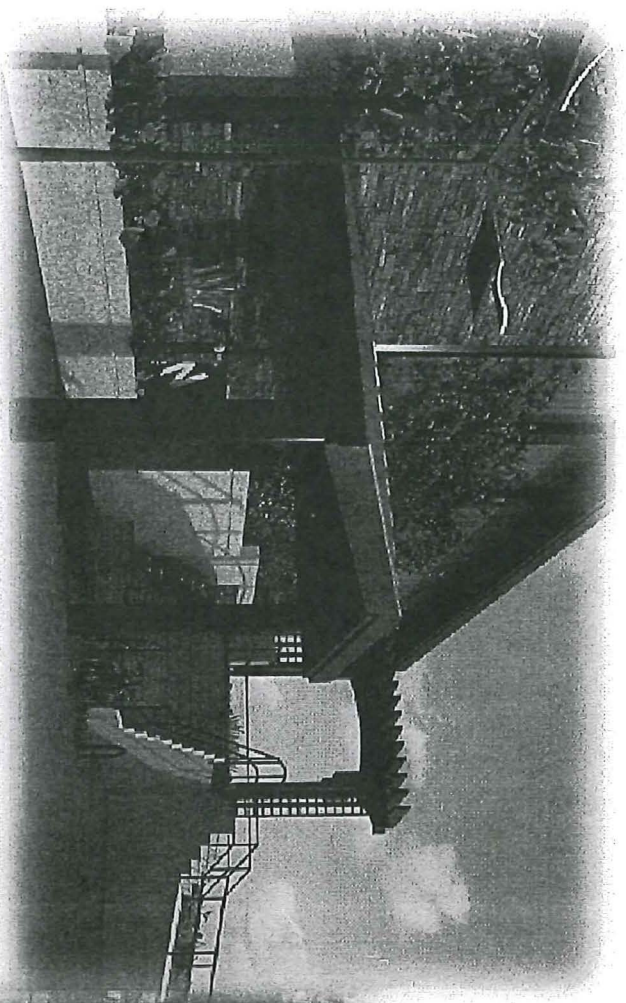
NE corner — upper floor



Community Room staircase

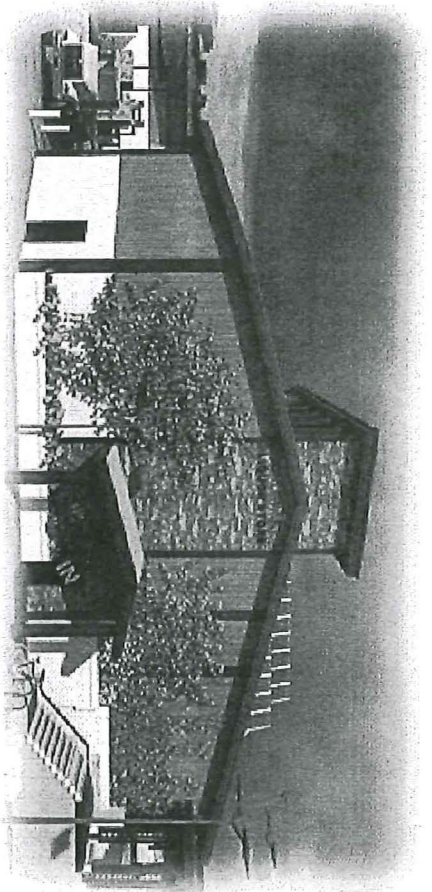
SE corner – upper to lower floor





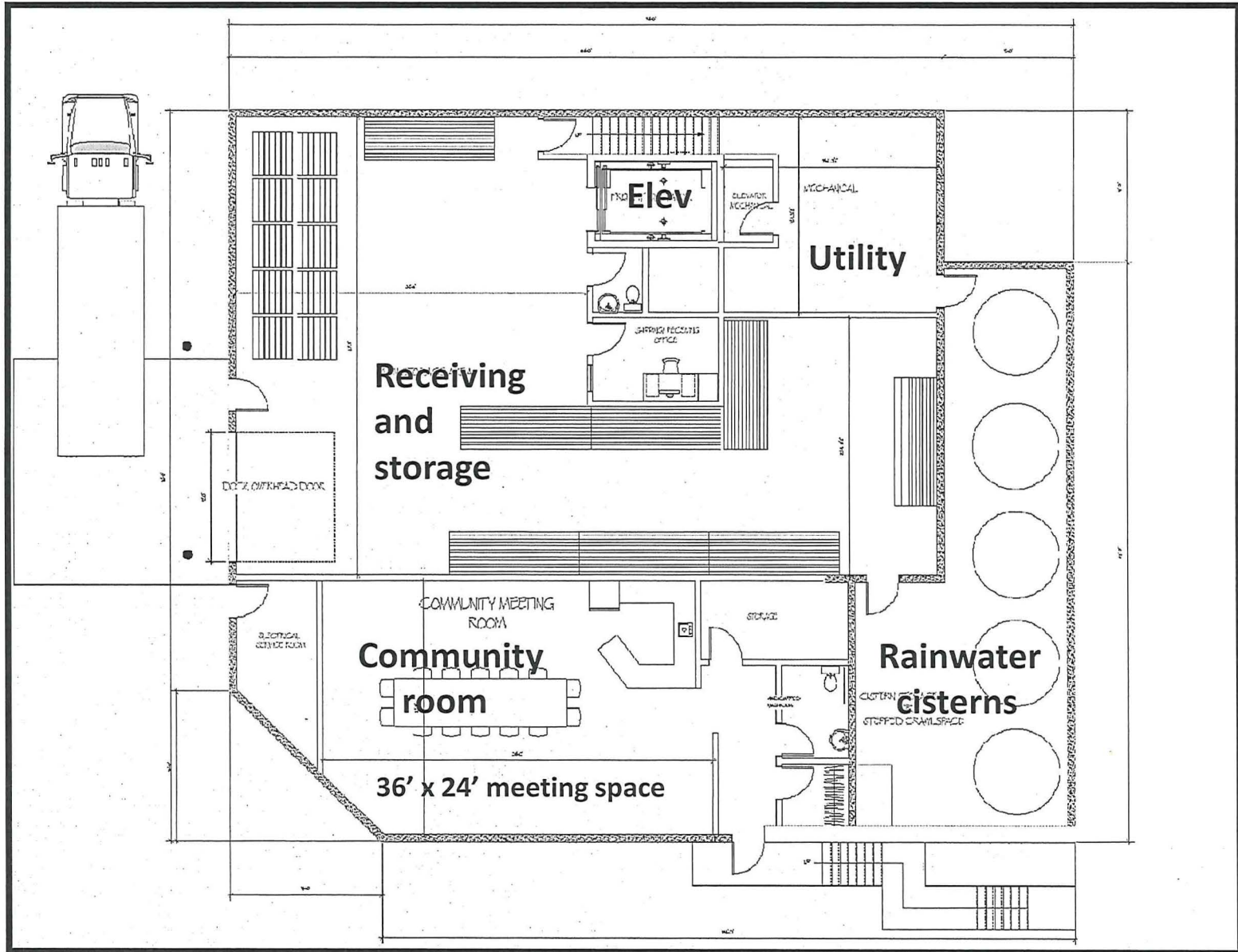
Community Meeting Room

South side – lower floor



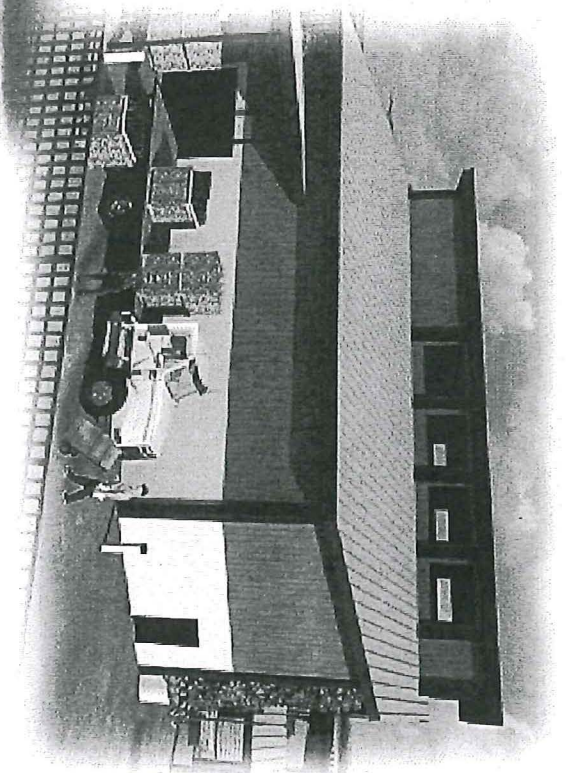
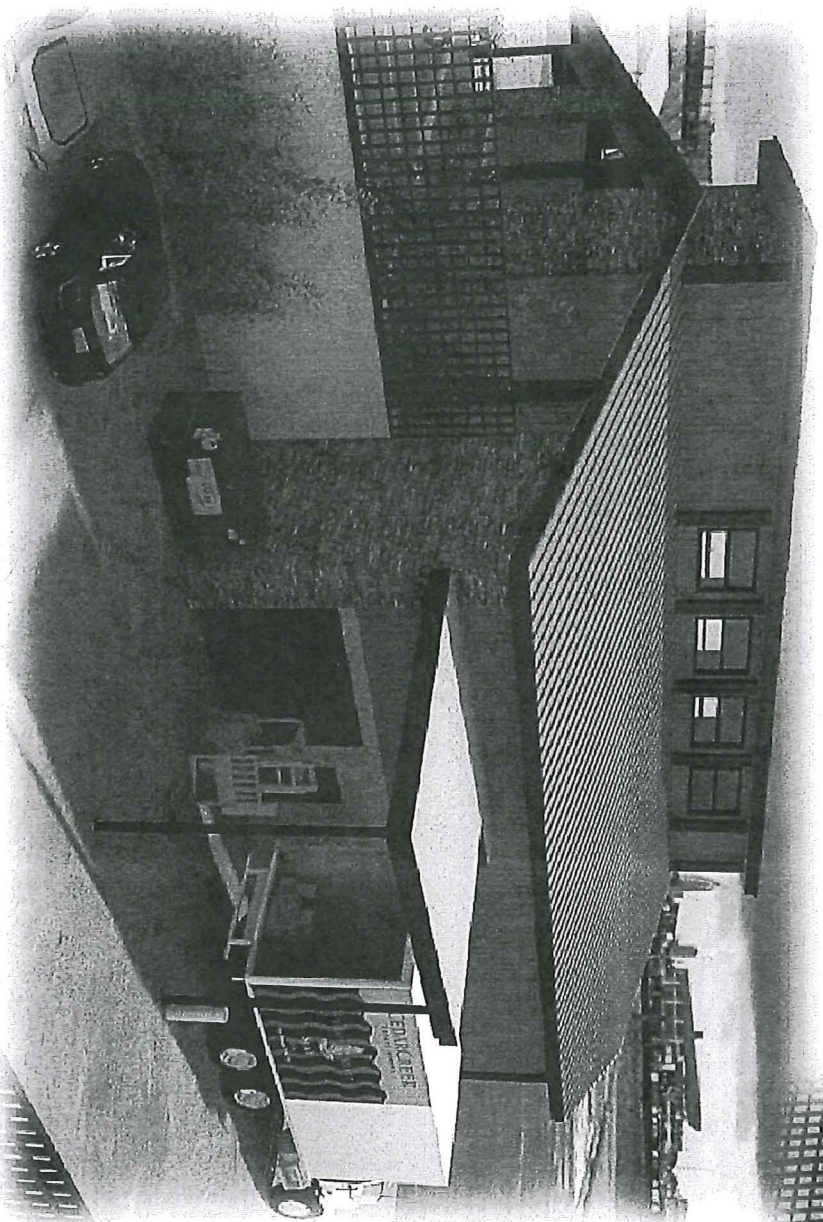
The floor plan for the second floor of the Community Center includes the following labeled areas and features:

- Receiving and storage:** A large area on the left side of the floor plan.
- Community room:** Located in the center, featuring a **36' x 24' meeting space** with a long table and chairs.
- Utility:** Located on the right side, containing a **Mechanical** room and **Rainwater cisterns**.
- Garage Records Office:** A small office area adjacent to the receiving and storage space.
- Elev:** An elevator located near the center of the floor plan.
- DOCK OVERHEAD DOOR:** Located on the left exterior wall, with a truck shown parked outside.
- MECHANICAL:** A room within the utility area.
- Rainwater cisterns:** Four large circular tanks located along the right exterior wall.
- CLUTTERED STORAGE:** A storage area near the rainwater cisterns.
- STAFFED CRAFTSPACE:** A small area near the cluttered storage.



Windward LRS receiving

West side / NW corner – lower floor



LRS Green Building Systems

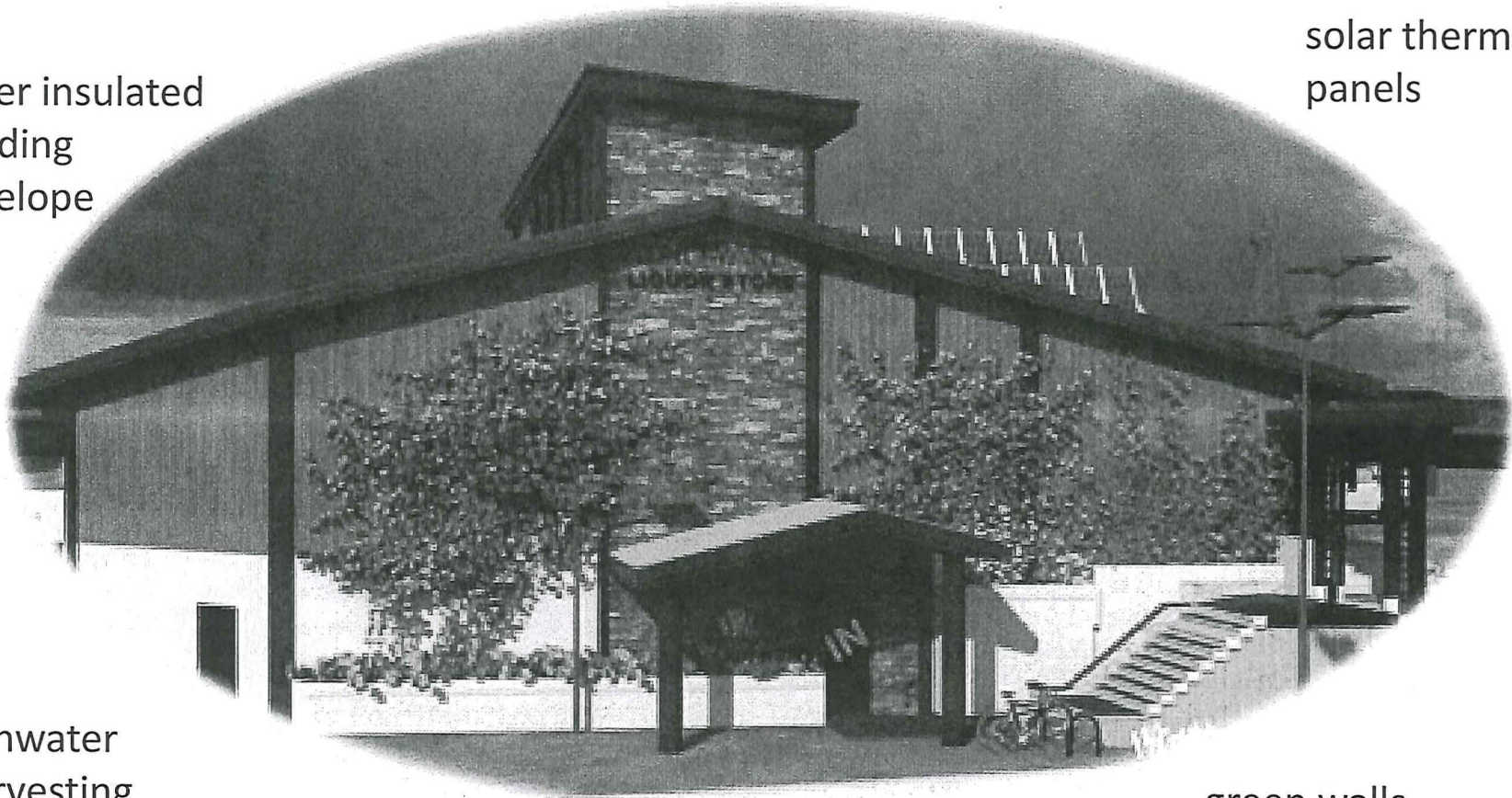
natural lighting

natural ventilation

solar electric
PV panels

solar thermal
panels

super insulated
building
envelope



rainwater
harvesting

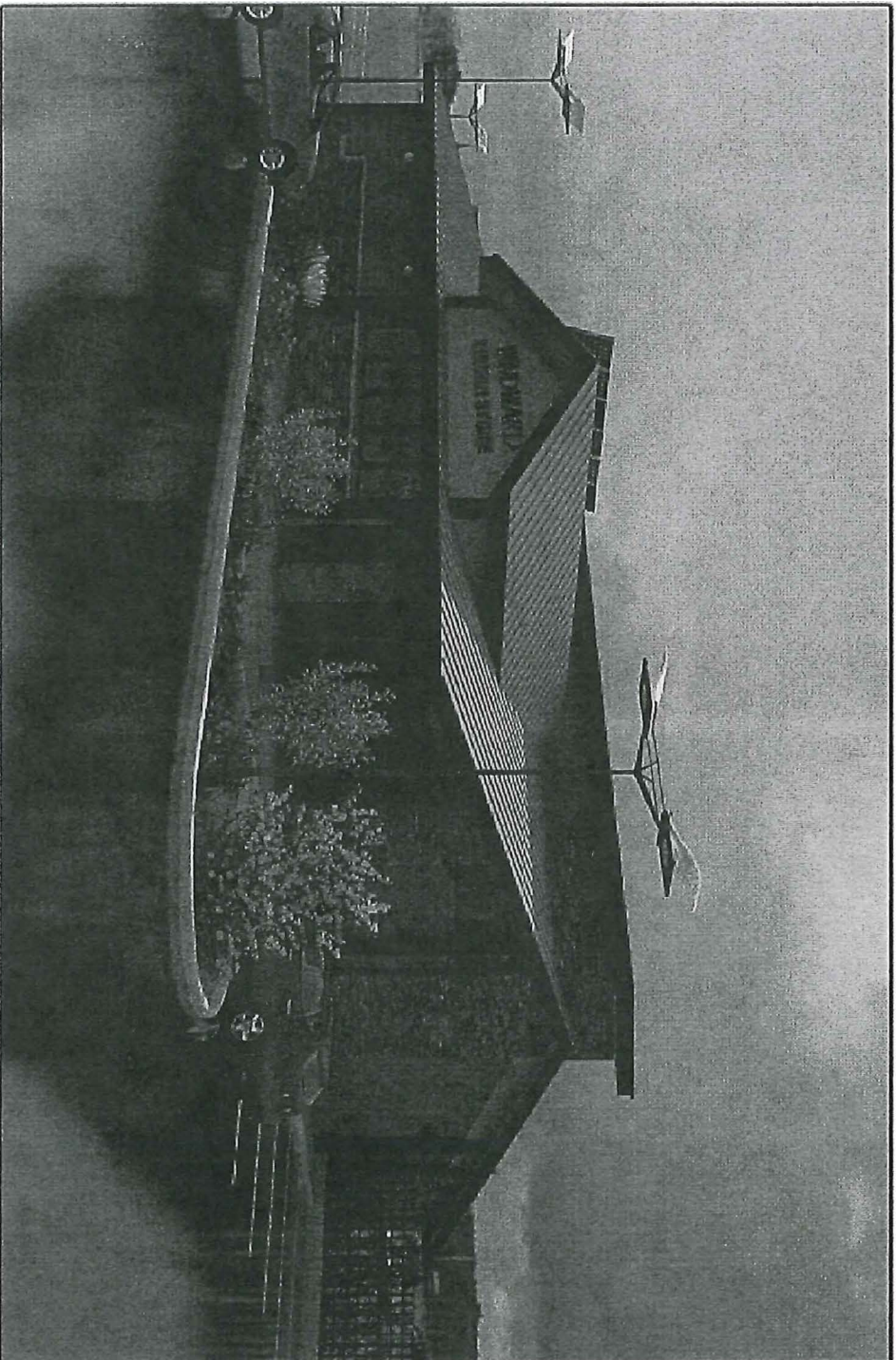
geothermal based
heating and cooling

bio-swales &
rain garden

green walls
hops and grapes?

Reasons to support the Windward LRS relocation

1. Easier access to LRS from highway & urban arterial routes
2. Greater distance from schools (Woodlands and Quarterway)
3. Reduces commercial delivery vehicle traffic in residential / hospital district
4. Majority of deliveries expected via industrial road (Boxwood Rd)
5. Ample shared parking with Country Grocer and TD Bank
6. Easily accessed by pedestrian sidewalks, bike trails and public transit
7. Creation of a centrally located community meeting room
8. Encouraging growth of local family business (& added employment)
9. Promoting community examples of green building design & practices
10. Recognizing that an LRS may be an ideal facility in the transition between Corridor and Ind. zoning due to its necessary dual characteristics of industrial delivery and retail consumer activity



Thank you

**Dean Gaudry &
Jack Anderson**

Attachment C

Submission

For

Bylaw No. 4500.024

(RA296 – Part of 3500 Rock City Road)

Penny Masse

From: Webmaster
Sent: Monday, June 18, 2012 9:54 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Roxanne Beckett has sent a Public Hearing Submission Online.

Address: 3377 Mariposa Drive

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: Bylaw No. 4500.024

Comments: Subject Property: Part of 3500 Rock City Rd.

I agree to the use of the land for a residential subdivision, rather than Townhouse residential. I think this would be of great benefit, as I am a property owner at Barrington Heights. We have enough townhouses in the area.

Attachment D

Submissions

For

Bylaw No. 4500.020

(RA292 – 2375 Hayes Road)

**Presentation at Public Hearing
Maureen Pilcher and Associates Inc.**

2012-June-28

2375 Hayes Drive, Nanaimo

Good Evening Your Worship Mayor Ruttan, Members of Council, Members of Staff, Ladies and Gentlemen:

I am a Land Use Consultant in the Central Vancouver Island Area and my name is Maureen Pilcher. I am here this evening representing Mr. Paul Shorting of Regional Recycling – which was formerly the Nanaimo Bottle Depot. We have submitted a rezoning application to rezone the property at 2375 Hayes Road from Highway Industrial to Light Industrial in order to create a fully contained recycling depot in this industrial area.

This property is currently designated Industrial in the Official Community Plan and meets the defined objectives and policies of the plan – specifically Policy #7 which states – *In industrial areas, support businesses in developing an eco-industrial network to build efficiencies in energy, resource use, and waste management.* The property also meets Section 6.11 of the OCP – Solid Waste Services which aims to *increase public awareness and participation in reduction, reuse and recycling by continuing to improve access to recycling and re-use opportunities.*

The Highway Industrial zone currently permits a Refund Container Recycling Depot – which means a collection facility and distribution point for refundable containers.

The Light Industrial zone – permits a Recycling Depot – which expands the first definition to include “material” to be recycled - unfortunately there is no definition in the zoning bylaw for “material” but City staff have indicated that this basically means all other recyclable items – which includes electronics and appliances. The zone specifically states that a recycling depot must be contained within a completely enclosed building.

Regional Recycling has been one of BC’s leading recycling companies since 1992 – starting in Richmond and expanding through the lower mainland. The primary focus of this company is as a service provider for the public. Their participation in BC regulated Stewardship Programs includes a Beverage

Container Stewardship Program on behalf of Brewers Distributors and Encorp Pacific Inc. as well as numerous community and regional initiatives to reduce waste. A recycling depot under the Encorp umbrella is constantly assessed to ensure that they are in the right location, have the right layout and equipment, and are promoting themselves in the local market.

Regional Recycling operates a total of 7 recycling depots – 5 in the lower mainland and two in Nanaimo – with expansion plans for another depot in the south end of the City. This company has a strong commitment to invest in world class recycling facilities operating at the highest standards. Their branding plan – all locations have the same strong colours, signage, uniforms etc. – and their dedication to clean, efficient beverage container returns - ensures client loyalty. People will return their recyclables here because it makes a mundane chore somewhat easier to complete.

The company also has a strong commitment to investing in their communities – not only supporting an impressive number of charities, but also sponsoring four local community sporting organizations. Mr. Shorting, personally, is a director of the Dragon Boat Festival Society, coaches little league baseball and minor hockey and supports numerous groups and charities with both donations and physical assistance. He lives what he works by promoting the 3 r's (reduce, re-use and recycle) whenever possible.

For the last five years, Mr. Shorting has been operating the Nanaimo Bottle Depot on Mostar Road – and although this was an acceptable location – the vehicle access was not optimum and the constant bottle-necks and parking issues indicated that it was time for a change of location.

The property on Hayes Road is easily accessed, has great visibility, and provides plenty of parking. The building itself is more than 10,000 square feet in size and is perfectly suited to this use. Good signage and an organized site and building make this building consumer friendly – it's easy and safe to efficiently return your recyclables here for a refund.

As stated before - the regulations of the Industrial 2 zone state *that a recycling depot shall be contained within a completely enclosed building*. We all know that it is difficult for any recycling depot to operate this way – just by it's very nature - recycling can be a very “dirty” business, however I think you will agree that the business model of Regional Recycling meets the requirements of the zone – everything is contained within this building.

All the returnables are packaged and are shipped out every two days. The electronics and small appliances - about 10-15 skids per week - will also be bundled and recycled responsibly. Small scale metal recycling – non ferrous aluminum and copper will also be handled – but this will not be a full service metal refunding depot. This building will serve as a platform to promote a working model of community re-use and recycling practices.

The access and egress to and from the site is easy and uncomplicated and there is plenty of parking, including an undercover space for bottle drive sorting. The site is efficient, has great visibility and access and the use works well in this location - which is surrounded by other industrially zoned properties.

The Light Industrial zone is intended for uses which are industrial in nature but do not result in excessive noise, waste or noxious fumes. The properties should remain clean and well maintained. We believe that this property - with the recent re-invention and expensive renovation of the existing building into a recycling depot we can all be proud of - not only meets the intent of the zone but exceeds it. The use of this property as a recycling depot will not negatively affect the uses on any of the neighbouring properties – indeed it may be advantageous to have it here. This central location will help Nanaimo to meet it's recycling goals – which are impressive.

Recently Terry Lake, BC's Minister of Environment recognized Nanaimo's residents for their remarkable progress in reducing household waste. In a recent letter to you Your Worship and Councillors - the Minister said: *"I am impressed that 70 percent of what was once considered garbage by Nanaimo residents is now recycled into new materials or composted. You are setting a standard to which I hope other British Columbians will aspire."* As you know - residents' support for the Zero Waste Program has also earned our region a Sustainable Community Award from the Federation of Canadian Municipalities.

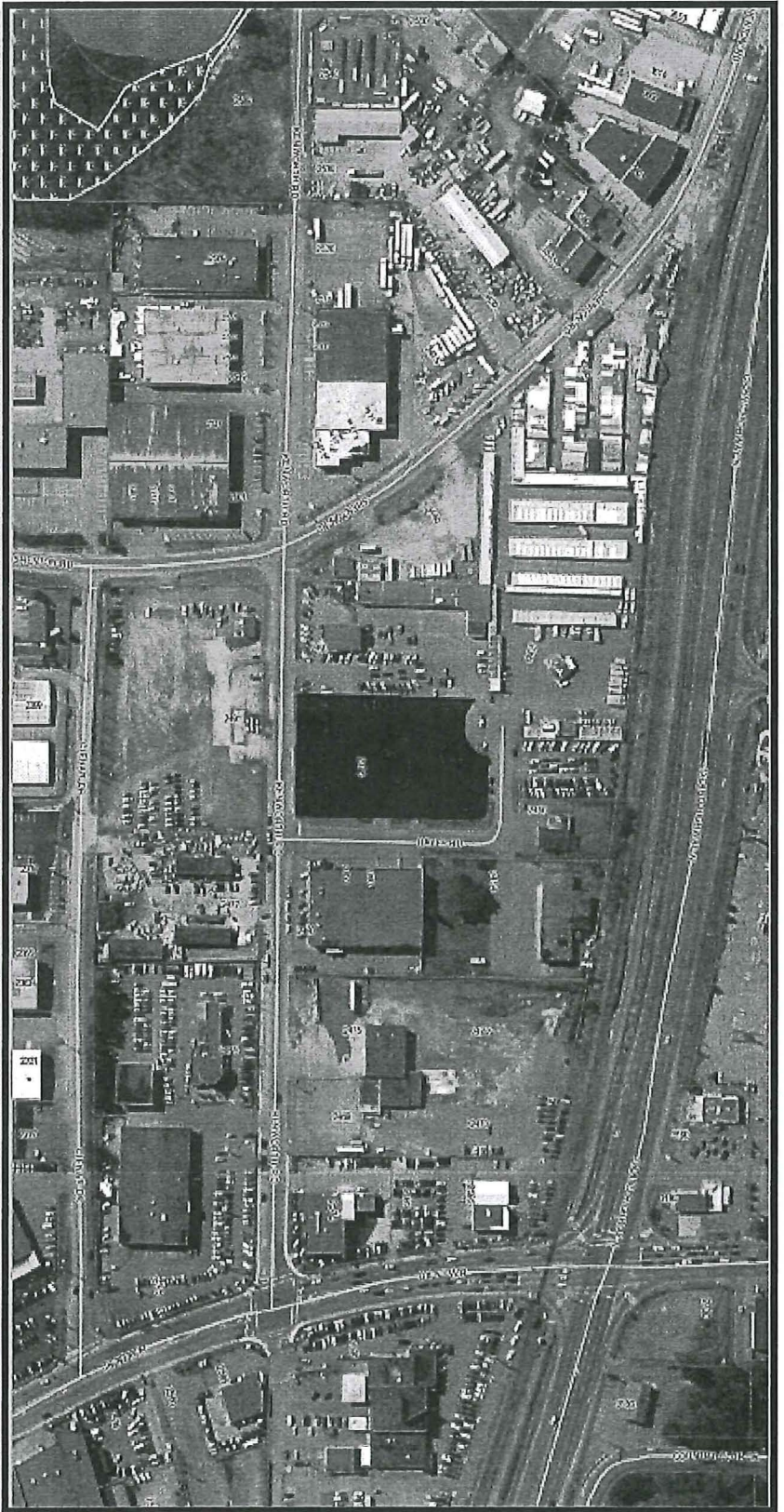
I strongly believe we are heading in the right direction by following the goals and objectives of the Official Community Plan when it comes to management of our garbage and recyclables – all of which will help us in our ambition to become environmentally sustainable. Recycling has become a regular way of life for most Nanaimo citizens – but it still has to be an easy, efficient and clean process – if it isn't – the recyclables will be tossed in here (hold up bag) and will end up in the land fill!!! I know our future generations will thank us for our recycling stewardship - the addition of this recycling depot in Nanaimo is a win/win for everyone.

I thank you for your time and attention – and would be pleased to answer any questions you may have.

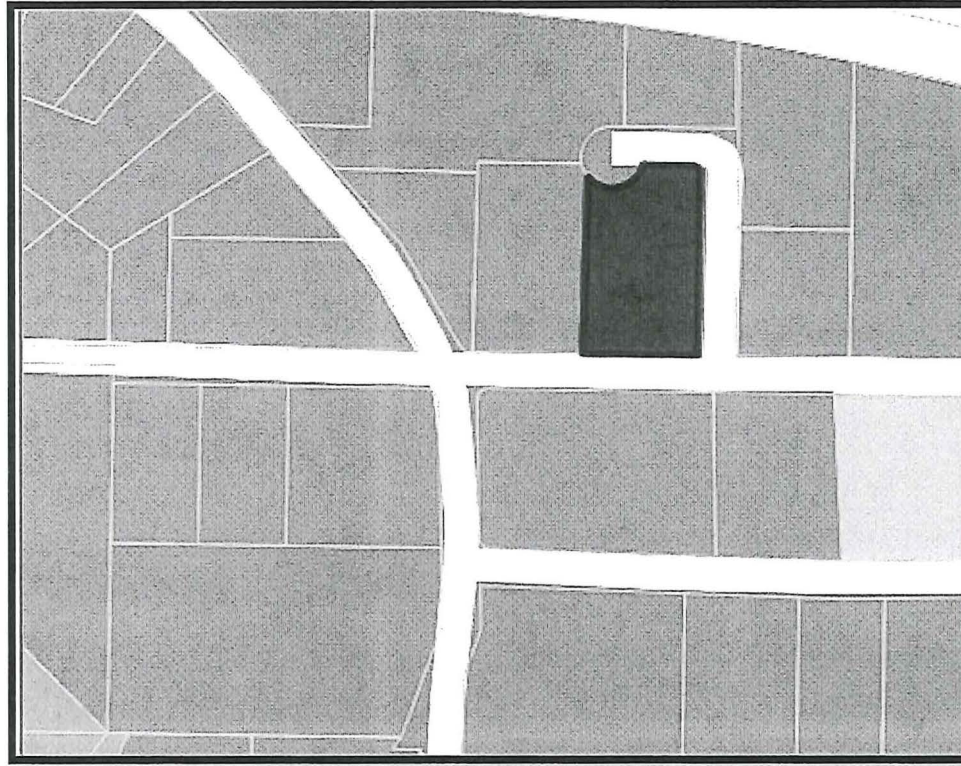
There is presently a legal, but non-conforming, roof-top sign on the building at this location. The sign was installed many many years ago, prior to the existing Sign Bylaw, and does therefore have legal status. Mr. Shorting purchased this building knowing that the sign enjoyed this status and recently had the facia of the sign revamped. City Staff would prefer that the roof top sign be removed from the building – and since the last Council meeting it has been determined that the sign can remain for a period of five years and then must be removed. Mr. Shorting has agreed to a covenant - which decrees that the sign must be removed by January 1, 2018.

**Rezoning Application
to rezone 2375 Hayes Road
from
Highway Industrial (I1)
to
Light Industrial (I2)**





Aerial view of property and surrounding neighbourhood.

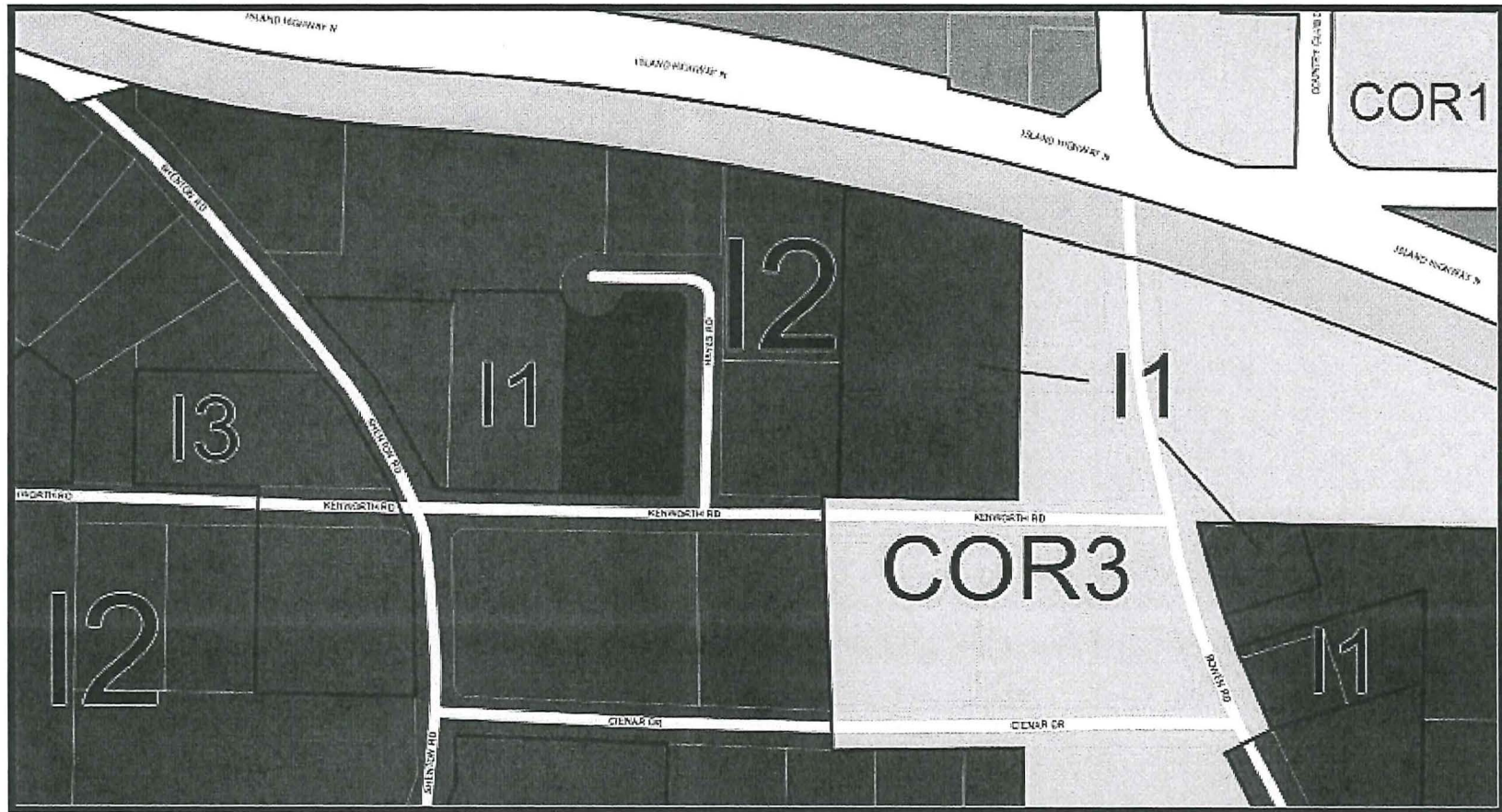


OCP LAND USE DESIGNATION – INDUSTRIAL

OCP POLICY 2.5.6 – *“In Industrial areas, support businesses in developing an eco-industrial network to build efficiencies in energy, resource use, and waste management.”*

OCP POLICY 6.11.2 – *“The City aims to increase public awareness and participation in reduction, reuse and recycling by continuing to ...*

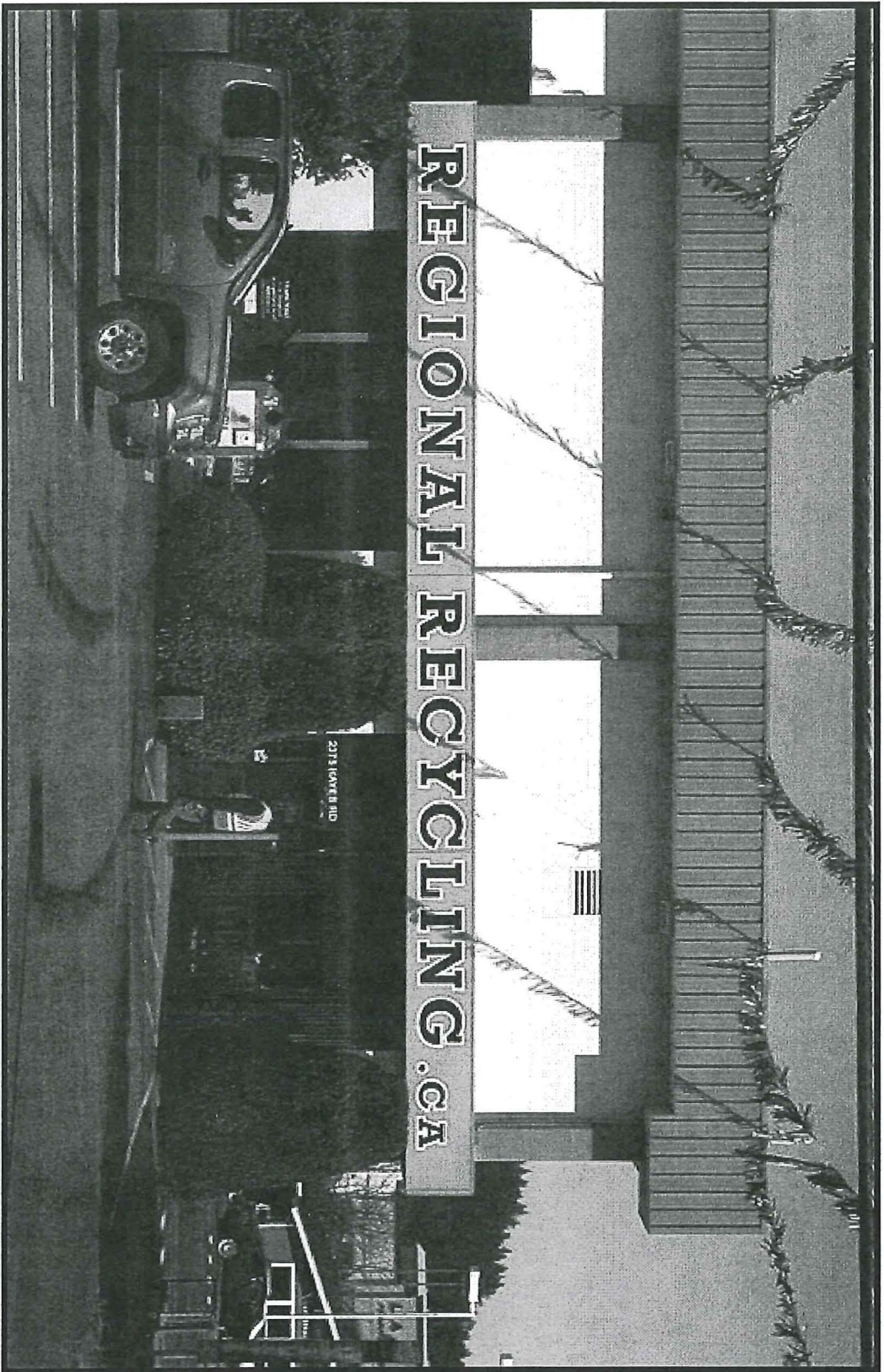
- *Improve access to recycling and re-use opportunities and*
- *Support public education on the benefits of the three R's”*

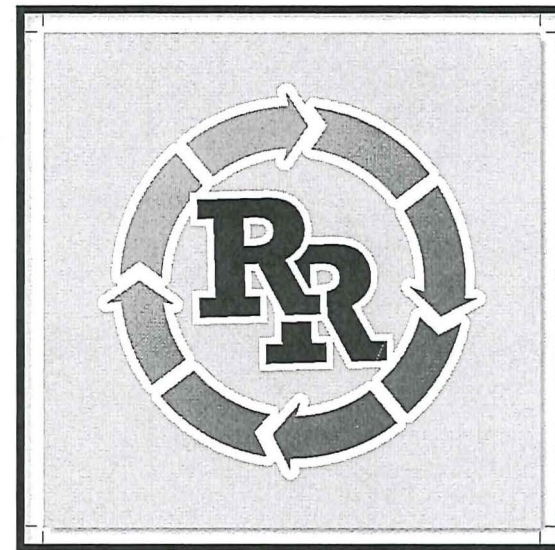


**Property currently zoned Highway Industrial
– and surrounded by Light Industrial on three sides**

- ◆ **Refund Container Recycling Depot** – means a collection facility and distribution point for **bottles, cans, and other refundable containers** to be reused or recycled within a building, but does not include processing except packaging for shipping and does not include outside storage.
- ◆ **Recycling Depot** – means a collection facility and distribution point for **material** to be recycled and stored within a building, but does not include processing except assembling or packaging for shipping. A recycling depot shall not be construed to include an automobile wrecking yard, a display yard, or a junk yard.

Definitions from City of Nanaimo Zoning Bylaw No. 4500 – Adopted 2011-August-08

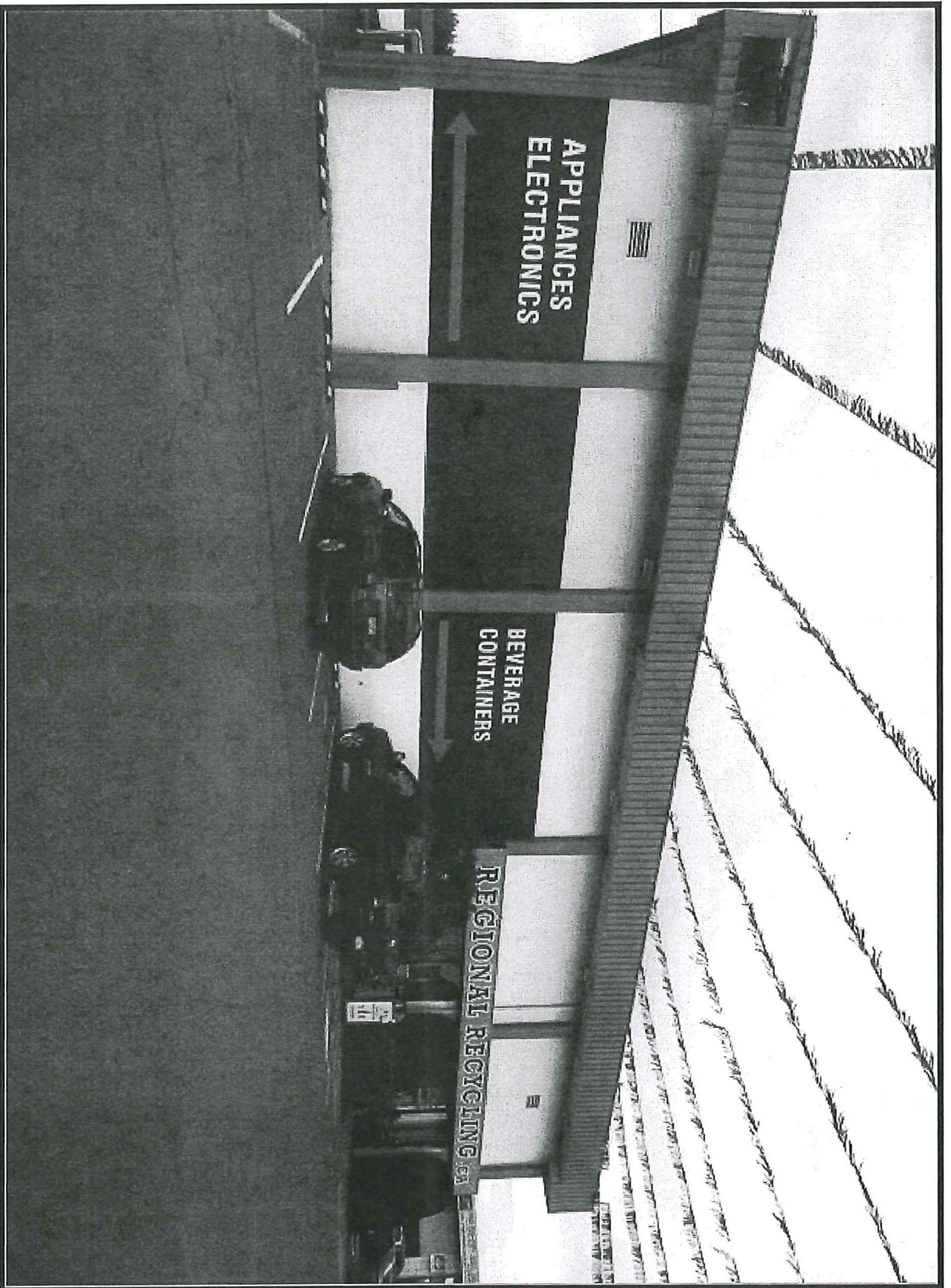




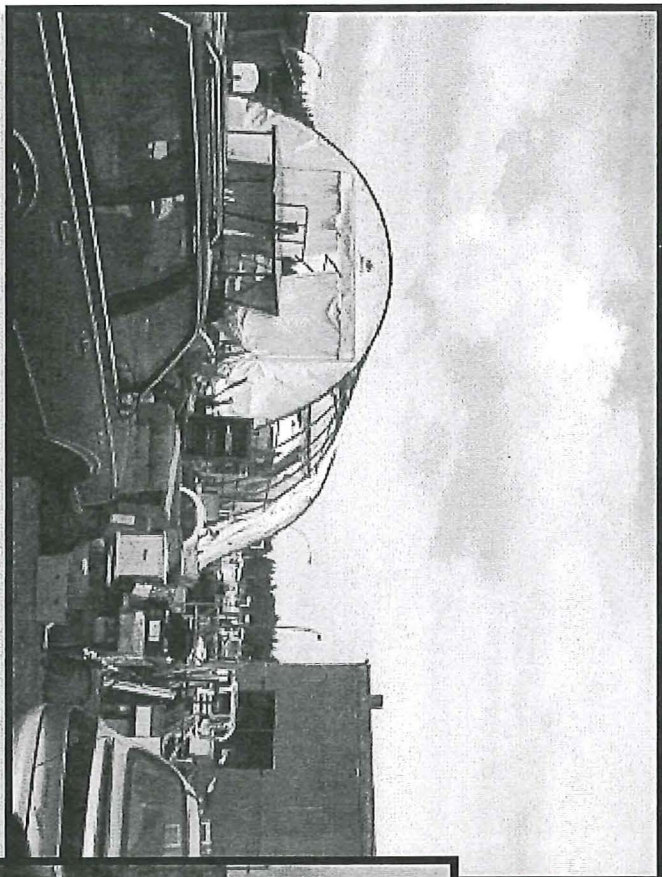
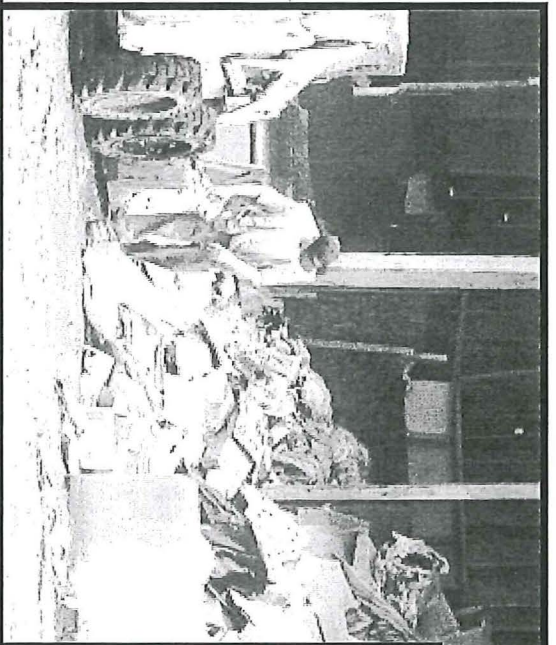
January 2012

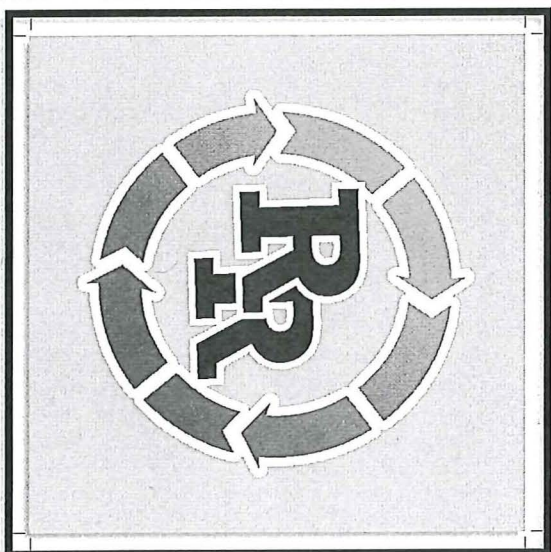
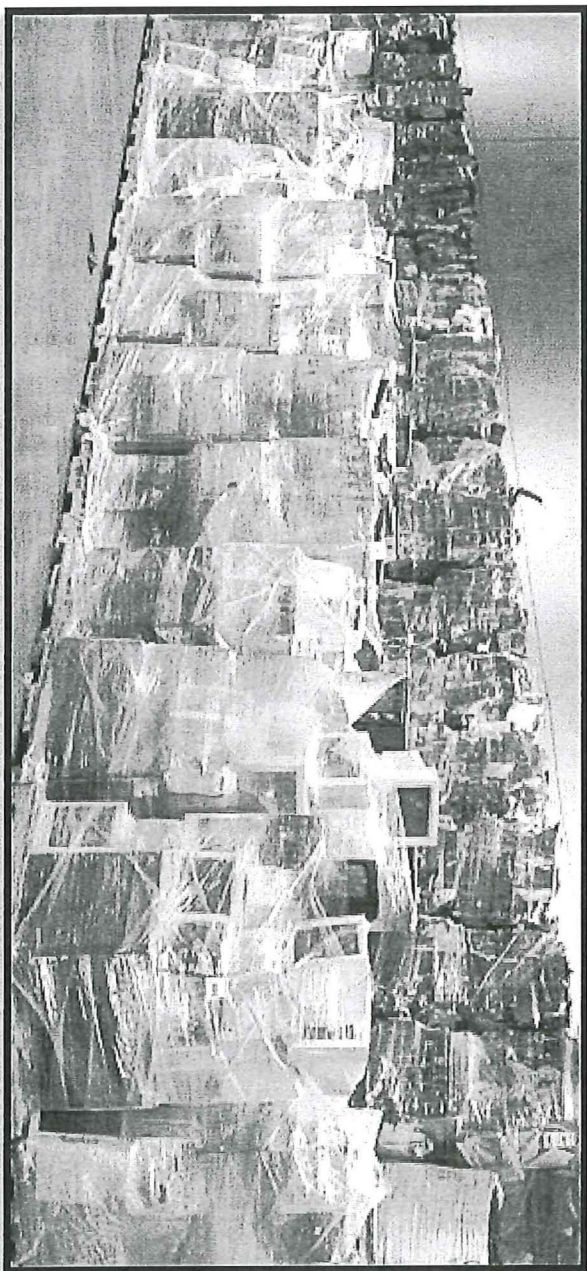
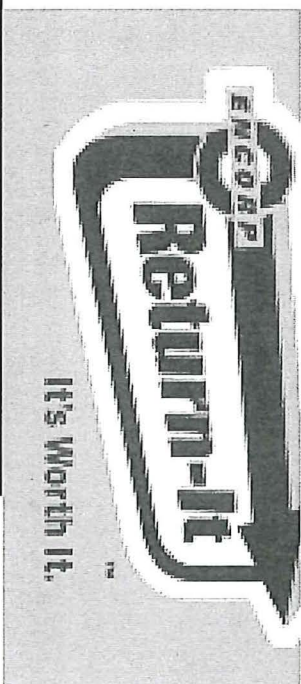
Jan	Habitat for Humanity	July	Boys & Girls
Feb	BC Heart & Stroke	August	Salvation Army (Hamperville)
March	Dragonboat Festival	Sept	Boy Scouts – Girl Guides
April	Nanaimo Hospice	Oct	Cancer Awareness
May	Spca	Nov	Nanaimo Loaves & Fishes (Hamperville)
June	Nanaimo Lunch Munch Program	Dec	Nanaimo Special Olympics

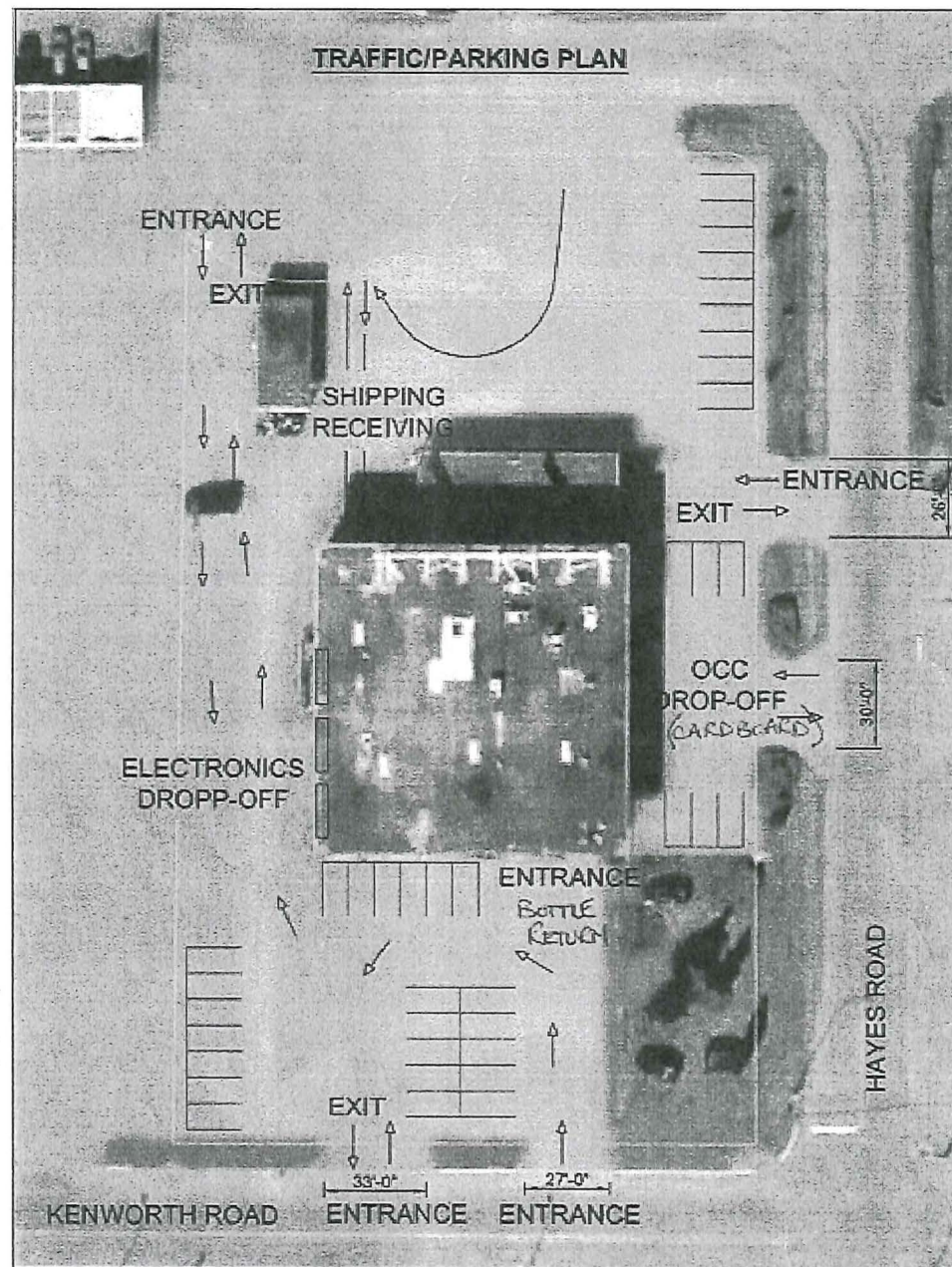
Regional Recycling doubles the donations to each non profit group for each month this program operates. We also sponsor four local community sporting organizations, Nanaimo Minor Hockey, Nanaimo Minor Baseball, Nanaimo Breakers Softball and Nanaimo Youth Soccer.

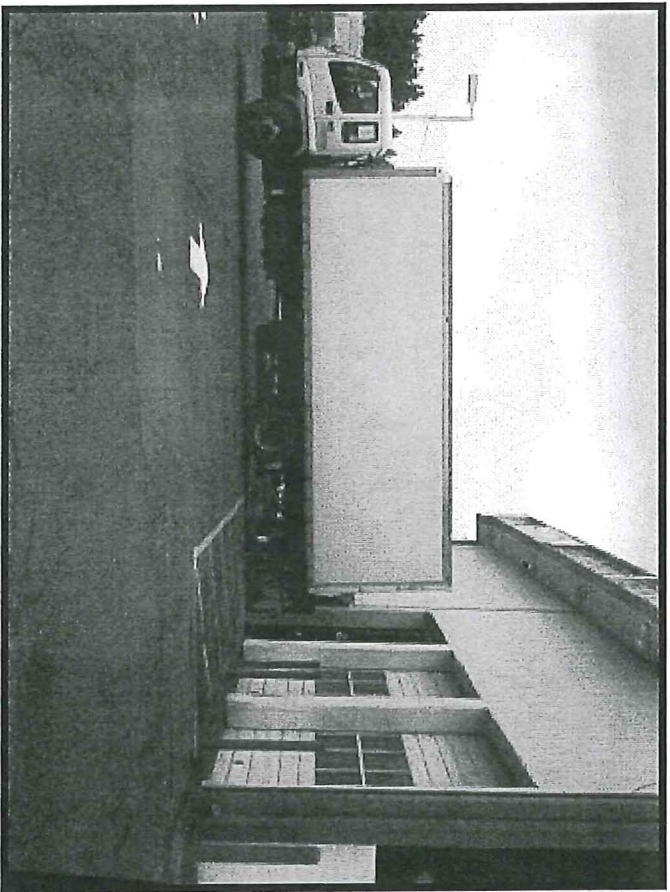
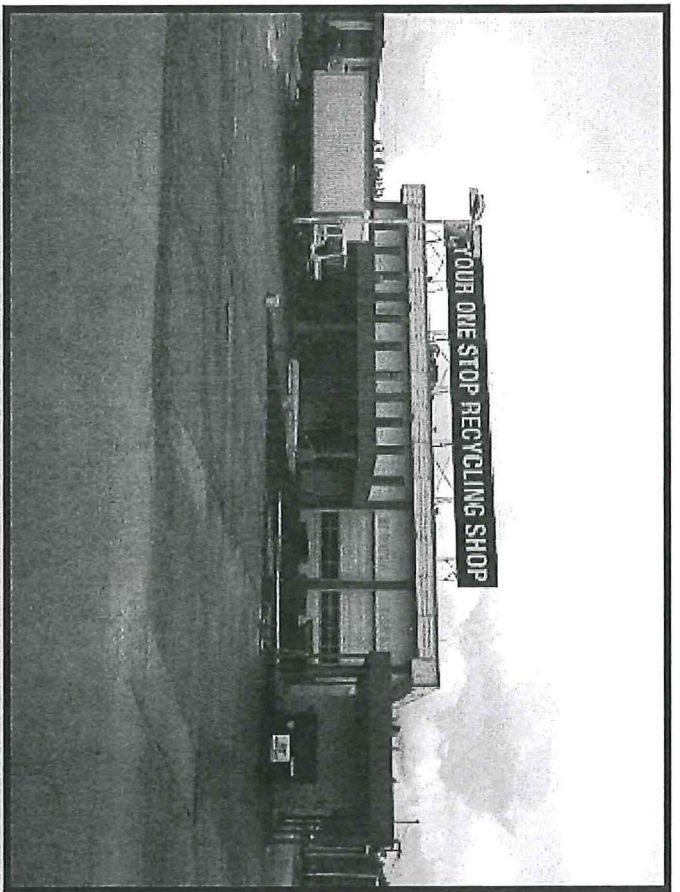


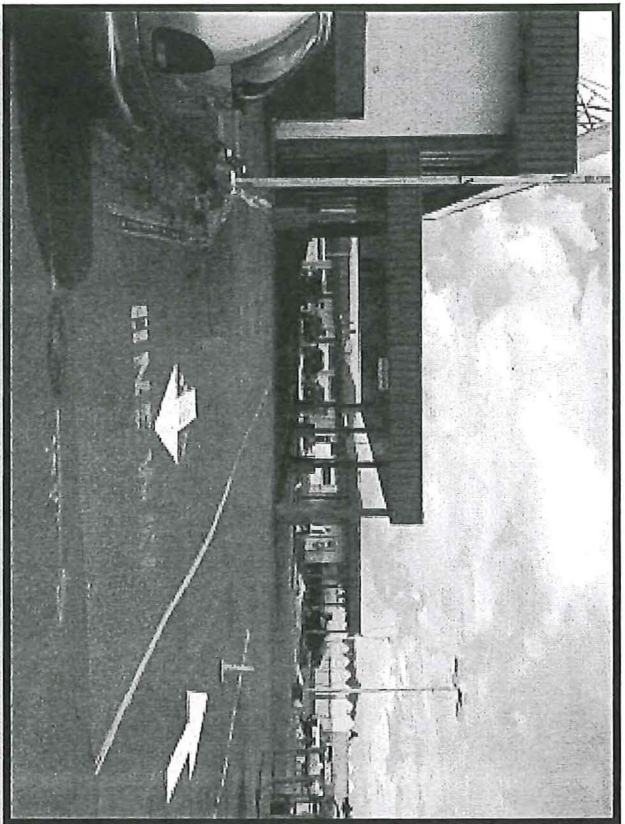
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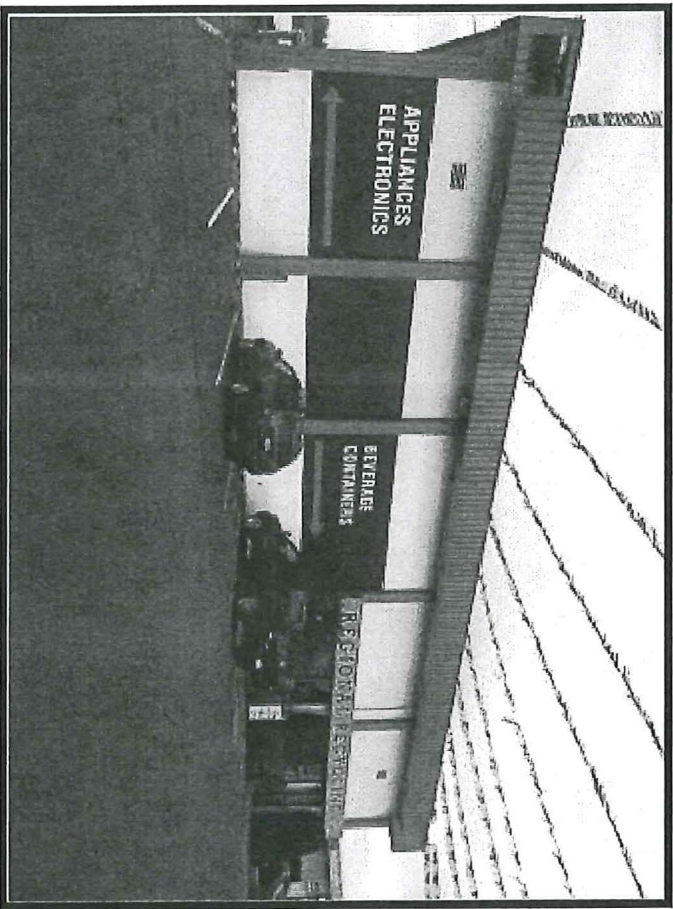
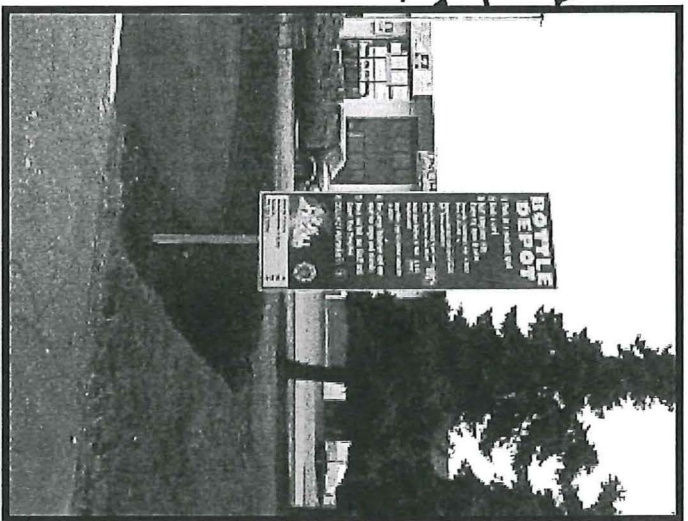






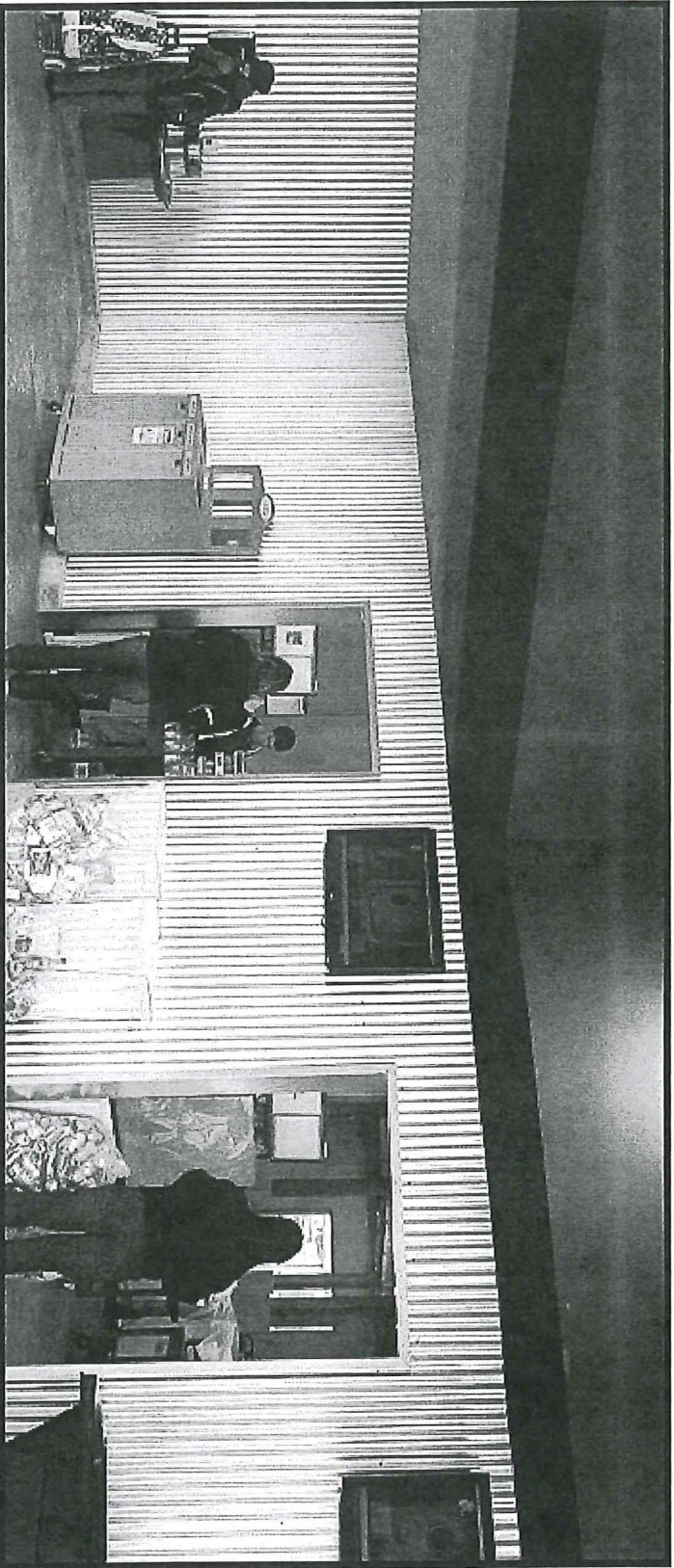
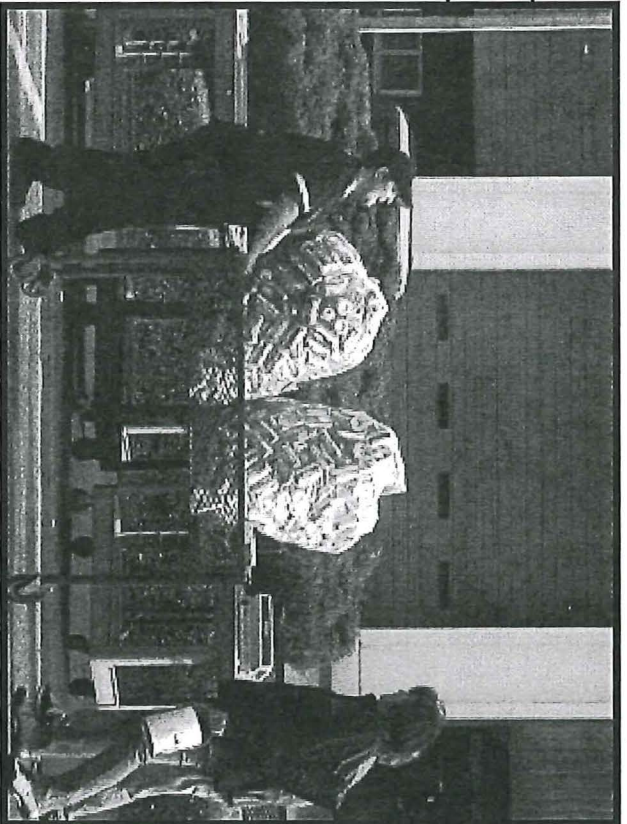


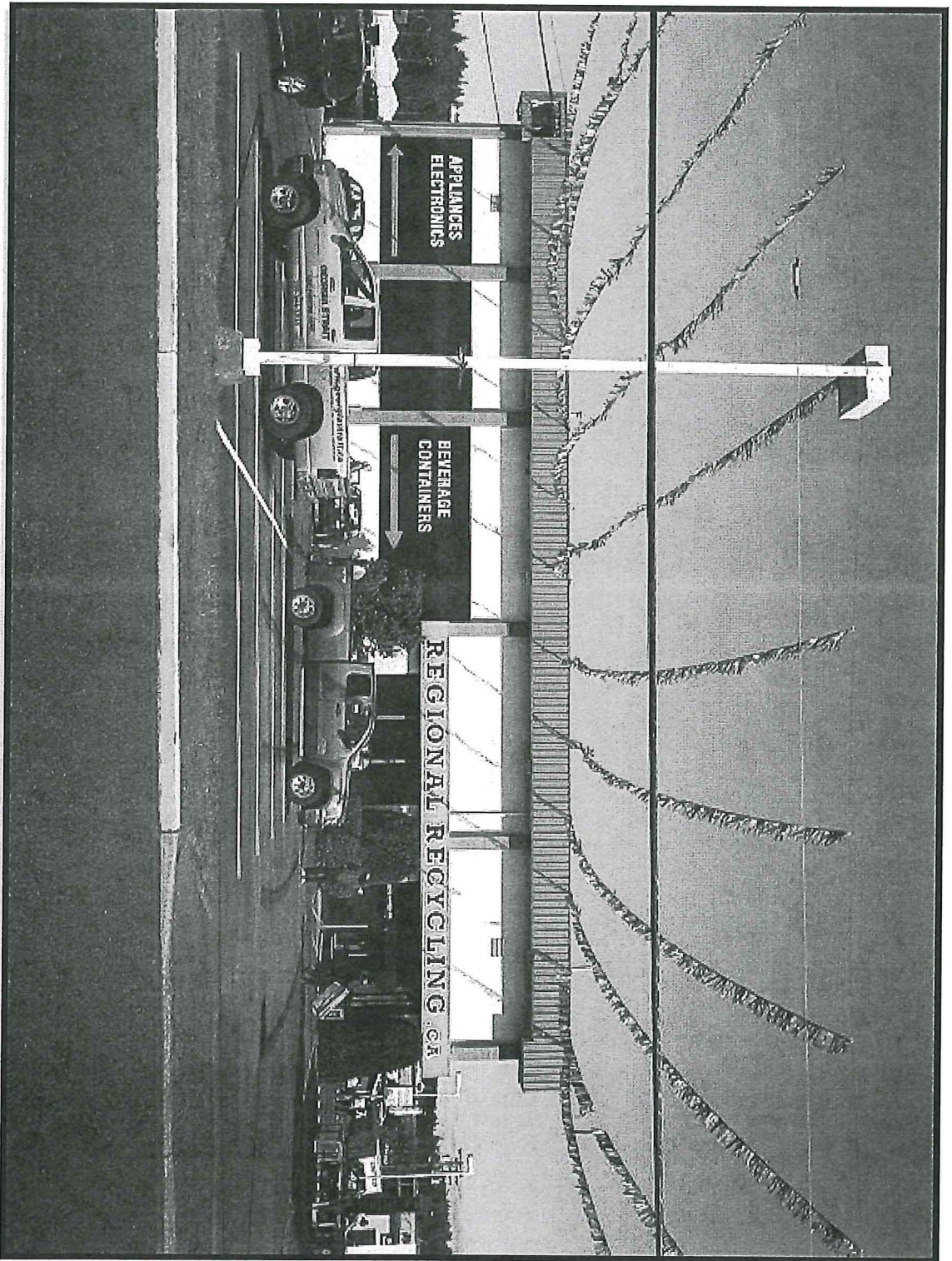
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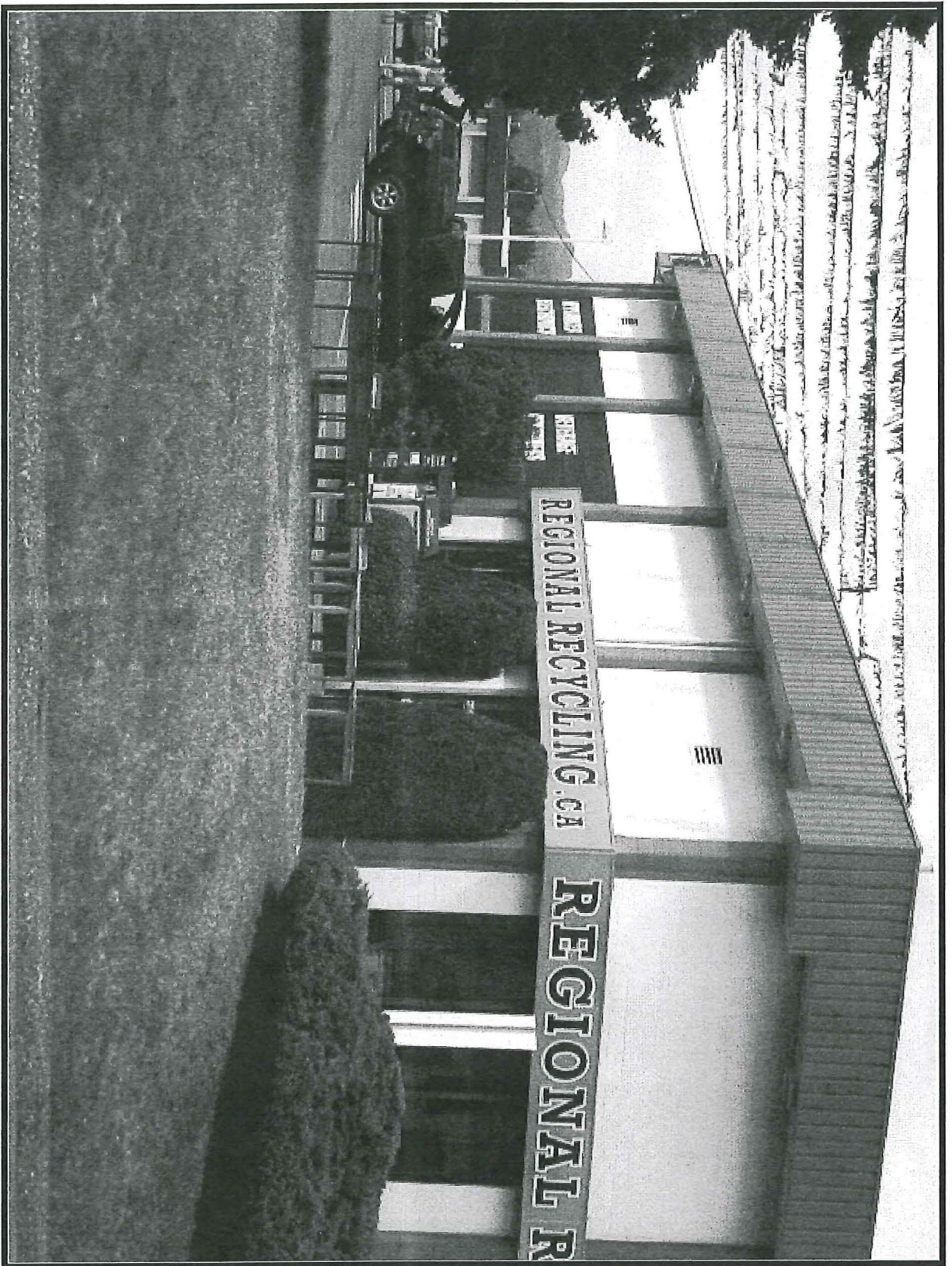




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2375 Hayes Road, Nanaimo

- ◆ **The location is well suited to the use and is centrally located. Access to the site is efficient with lots of parking.**
- ◆ **All product will be stored within the large revamped building creating a clean, well managed, environmentally sound recycling depot.**
- ◆ **This request is to rezone a property within an existing industrial area to allow a higher level of use. The use meets and exceeds the goals and objectives of the OCP and the Zoning Bylaw.**

Fred H.J. Taylor
204 Emery Way
Nanaimo, B.C.
Canada V9R 5Z8
Tel 250-754-6917
Fax 250-753-8124
fhjtaylor@telus.net

June 25, 2012

City of Nanaimo
455 Wallace Street
Nanaimo, B.C.

Mayor Ruttan & Council Members:

I speak against Bylaw 4500.20, a bylaw to rezone Lot 2, Section 5, Wellington District Plan 29434, civic address of 2375 Hayes Road.

I believe the appropriate action of the City in regards to a legal non-conforming roof top sign is to require removal, not a 5 year covenant to allow continuation of the non-conforming roof top sign.

I understand the Local Government Act Section 911 applies

(1) If, at the time a Bylaw under this division is adopted,

a) land, or a building or other structure, is lawfully used, and

b) the use does not conform to the bylaw

the use may be continued as a non-conforming, use is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the bylaw.

My opinion, the use being the sign on the structure.

Business licence usually is the evidence, the former use terminated October 2010, today's new licence is dated March 28, 2012; sixteen (16) months later.

If, Council were to ignore the rules in favour of a roof top sign existence and use, then one may also be providing assistance to a new business.

Community Charter Section 25 (1) may apply.

"Unless expressly authorized under this of another Act, a council must not provide a grant, benefit, advantage or other form of assistance to a business".

I believe Council is fully aware competition to the proposed new business is within very close distance; therefore, in my opinion to allow a roof top sign advantage is to provide an unfair benefit.

Yours truly,

A handwritten signature in black ink, appearing to read "F Taylor". The signature is written in a cursive, flowing style.

Fred Taylor