

# NOTICE OF SPECIAL PUBLIC HEARING

June 28<sup>th</sup> 2012 at 7:00 pm



There will be a Special Public Hearing on Thursday, **June 28<sup>th</sup> 2012**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 6500.017 at the Special Public Hearing.

## BYLAW NO. 6500.017

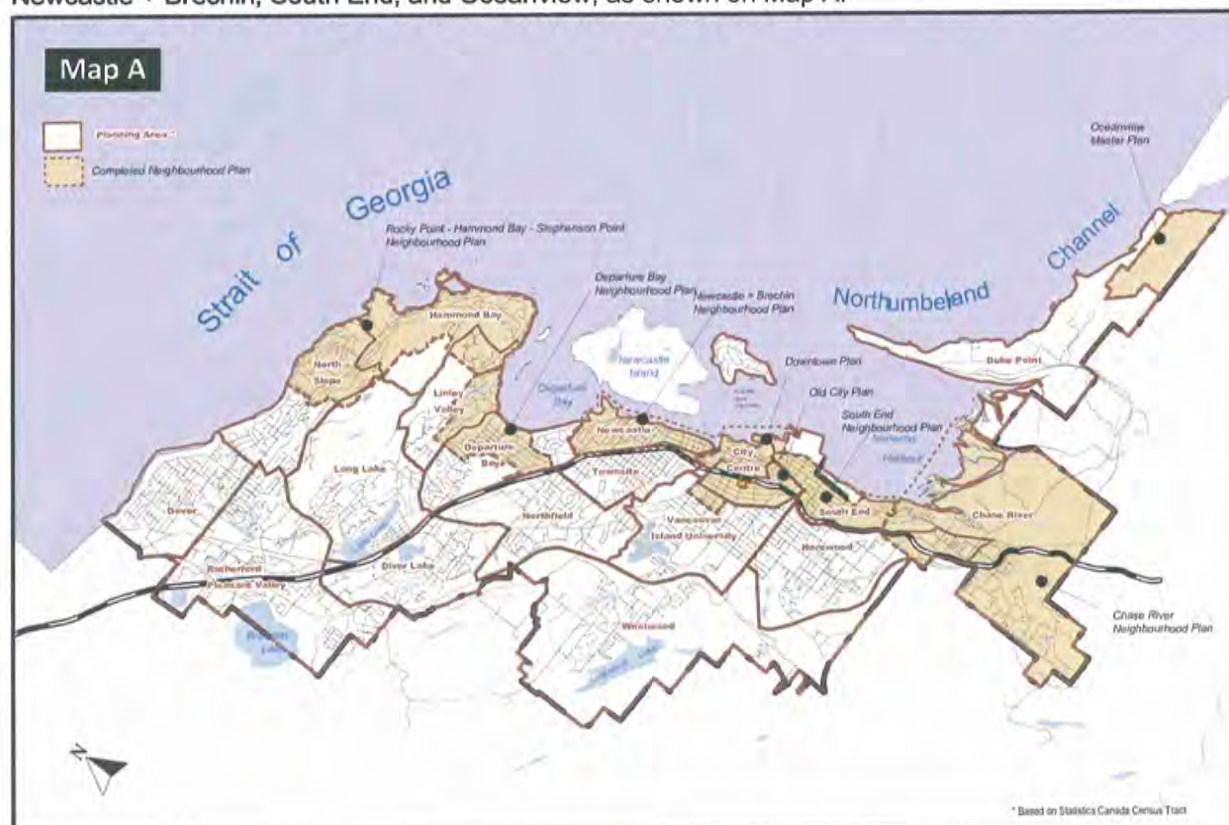
**Purpose:** To update Official Community Plan (OCP) text and mapping layers.

**Location(s):** All Properties Within the City of Nanaimo

**File No.:** OCP00067

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":

- a) Add completion dates for the following items within Section 7.8, Table 6 (Implementation Strategy) as they have now been completed:
- |  |      |  |
|--|------|--|
| Newcastle + Brechin Neighbourhood Plan | 2011 | (Stewart Avenue Corridor plan (including Brechin Hill))      |
| South End Neighbourhood Plan           | 2010 |  |
| Zoning Bylaw Review and Update         | 2011 | (Conduct Zoning Bylaw Review – Corridors and General Update) |
| Nanaimo Heritage Action Plan Review    | 2012 |  |
| Urban Forest Plan                      | 2010 |  |
- b) Amend Section 7.8, Table 6 (Implementation Strategy) to add the Harewood area, for the development of a Neighbourhood Plan for that area, and which includes the Third Street Corridor.
- c) Amend Subsection 7.5 (Heritage Conservation Areas) by adding the Heritage Gateway Design Guidelines, 1988 as a reference for Heritage Alteration Permits.
- d) Amend Subsection 7.7 (Temporary Use Permits) to reflect changes to provincial legislation. Temporary use permits may now be issued for a three year term, with the possibility of an additional three year renewal.
- e) Amend Figure 3 (Planning Areas and Neighbourhood / Area Plans) by including the completed neighbourhood plans for Newcastle + Brechin, South End, and Oceanview, as shown on Map A.





f) Amend Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" to reflect changes to the land use designations. This includes:

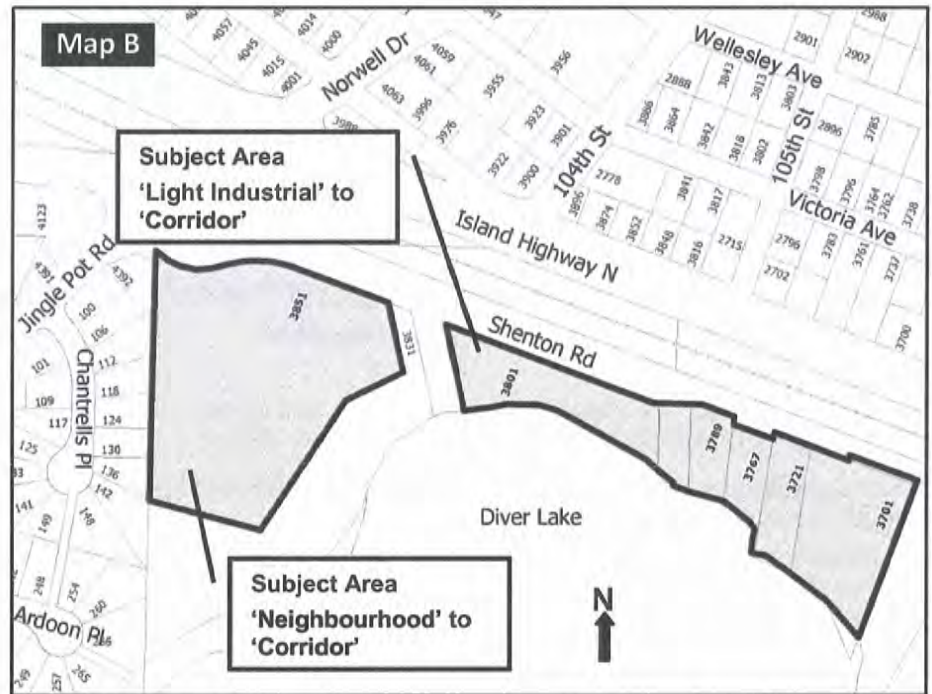
(1) Redesignating properties from 'Light Industrial' to 'Corridor' to better reflect the existing land uses. The subject properties are known as:

3701 Shenton Road  
3721 Shenton Road  
3767 Shenton Road  
3789 Shenton Road  
3801 Shenton Road

and are shown on Map B.

(2) Redesignating property from 'Neighbourhood' to 'Corridor' to better reflect the existing land uses. The subject property is known as:

3851 Shenton Road  
and is shown on Map B.



g) Amend Map 2 (Mobility) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" in order to correct mapping errors and update road classifications. This includes:

(1) Designating a portion of Extension Road as a Major Collector Road, as shown on Map C.

(2) Redesignating a portion of Park Avenue from Minor Collector Road – Future to Minor Collector Road, as shown on Map D.





- (3) Designating a portion of Fielding Road as a Minor Collector Road, as shown on Map E.



- (4) Designating a portion of Jingle Pot Road as a Major Collector Road, as shown on Map F.



- (5) Designating a portion of Lawlor Road as a Minor Collector Road, as shown on Map G.



- (6) Designating a portion of Wexford Road as a Minor Collector Road, and a portion of Wexford Road as a Minor Collector Road – Future, as shown on Map H.



Please be advised that additional agenda items are scheduled for the Public Hearing.  
The complete list of public hearing items is available on the City's website and published in local newspapers.



## **WANT TO FIND OUT MORE INFORMATION?**

**IN PERSON:** A copy of the above-noted bylaw and related documents may be inspected from June 15<sup>th</sup> 2012 to June 28<sup>th</sup> 2012, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Safety & Development Division (City Hall Annex Building), located at 238 Franklyn Street.

**WEBSITE:** Information associated with this bylaw can be found in the May 14<sup>th</sup> 2012 and June 11<sup>th</sup> Council Agenda. From the City's home page ([www.nanaimo.ca](http://www.nanaimo.ca)) use the link titled 'Council Agenda/Minutes/Video'.

## **WANT TO MAKE A WRITTEN SUBMISSION?**

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00 pm, June 28<sup>th</sup> 2012, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

**IN PERSON:** Drop off at the reception desk in the City Hall Annex Building, located at 238 Franklyn Street.

**WEBSITE:** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing)

**POSTAL MAIL:** Mail to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

**EMAIL:** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

**City of Nanaimo**  
**Community Safety & Development Division**  
**Location: City Hall Annex Building**  
**Phone: (250) 755-4429 Fax: (250) 755-4439**  
**[www.nanaimo.ca](http://www.nanaimo.ca)**

CITY OF NANAIMO

BYLAW NO. 6500.017

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in  
open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW  
2012 NO. 6500.017".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby  
amended as set out in Schedules A to E to this Bylaw.

PASSED FIRST READING 2012-MAY-14  
PASSED SECOND READING 2012-MAY-14  
PASSED SECOND READING AS AMENDED 2012-JUN-11  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: OCP00067  
General Amendments  
Applicant: City of Nanaimo

## SCHEDULE A

1. Figure 3 (Planning Areas and Neighbourhood / Area Plans) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is removed and replaced with the following Figure 3 (Planning Areas and Neighbourhood / Area Plans):



### Figure 3 Planning Areas and Neighbourhood / Area Plans

SCHEDULE B

1. Section 7.8, Table 6 (Implementation Strategy) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended by:

a) Deleting the Implementation Action

Develop Corridor plans:

- |  |             |
|--|-------------|
| - Stewart Avenue Corridor (including Brechin Hill) | Short-Term  |
| - Third Street Corridor                            | Medium Term |
| - Bowen Corridor                                   | Long Term   |
| - Northfield Corridor                              | Long Term   |

and replacing it with

Develop Corridor plans

- |  |             |
|--|-------------|
| - Stewart Avenue Corridor (including Brechin Hill) | Short Term  |
| - Third Street Corridor (including Harewood)       | Medium Term |
| - Bowen Corridor                                   | Long Term   |
| - Northfield Corridor                              | Long Term   |

b) Deleting the Implementation Action

Develop Neighbourhood and Area plans

- |                 |               |
|-----------------|---------------|
| - South End     | Short Term    |
| - Jingle Pot    | Medium Term   |
| - Linley Valley | Medium - Long |

and replacing it with

Develop Neighbourhood and Area plans

- |                 |               |
|-----------------|---------------|
| - South End     | Short Term    |
| - Harewood      | Medium Term   |
| - Jingle Pot    | Medium Term   |
| - Linley Valley | Medium - Long |

c) Adding '2011' as a completion date for the Implementation Action

Develop Corridor plans - Stewart Avenue Corridor (including Brechin Hill)

d) Adding '2010' as a completion date for the Implementation Action

Develop Neighbourhood and Area plans - South End

e) Adding '2011' as a completion date for the Implementation Action

Conduct Zoning Bylaw Review

- Corridors
- General update

f) Adding '2012' as a completion date for the Implementation Action

Review the Nanaimo Heritage Action Plan

g) Adding '2010' as a completion date for the Implementation Action

Develop an urban forest plan

## SCHEDULE C

1. Subsection 7.5 (Heritage Conservation Areas) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended by deleting

### Guidelines

Heritage alteration permits issued in HCA1 will follow *Nanaimo Heritage Building Design Guidelines*, 1984. Development Permits issued in this area for buildings not listed in the City's HCA1 designation, will follow *City of Nanaimo Downtown Urban Design Plan and Guidelines*, 2008, and which form a part of the Plan.

and replacing it with

### Guidelines

Heritage alteration permits issued in HCA1 will follow the *Nanaimo Heritage Building Design Guidelines*, 1984 and the *Heritage Gateway Design Guidelines*, 1988. Development Permits issued in this area for buildings not listed in the City's HCA1 designation, will follow *City of Nanaimo Downtown Urban Design Plan and Guidelines*, 2008, and which form a part of the Plan.

2. Subsection 7.7 (Temporary Use Permits) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is deleted in its entirety, and replaced with

The *Local Government Act* (section 921) allows municipalities to approve Temporary Use Permits (TUP). These permits are issued for a three year term, with the possibility of an additional three year renewal. The issuance of a TUP is intended to provide a short term opportunity for uses that either relocate or cease to exist within a maximum six year period.

1. Temporary Permits may be allowed on all lands designated Industrial, Light Industrial, Commercial, or Urban Node following Council's consideration and the public review process established in the *Local Government Act*.



SCHEDULE D

1. Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

a) Redesignate the subject properties known as

3701 Shenton Road (Strata Lot 1, Section 3, Wellington District, Strata Plan VIS5598, Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; PID 026 018 497)

3721 Shenton Road (Strata Lots 1 and 2, Section 3, Wellington District, Strata Plan EPS599 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V; PIDs 028 740 335, 028 740 343)

3767 Shenton Road (Lot B, Section 3, Wellington District, Plan 16387 Except That Part in Plan VIP64719; PID 003 063 925)

3789 Shenton Road (Lot A, Section 3, Wellington District, Plan 16387; PID 004 105 834)

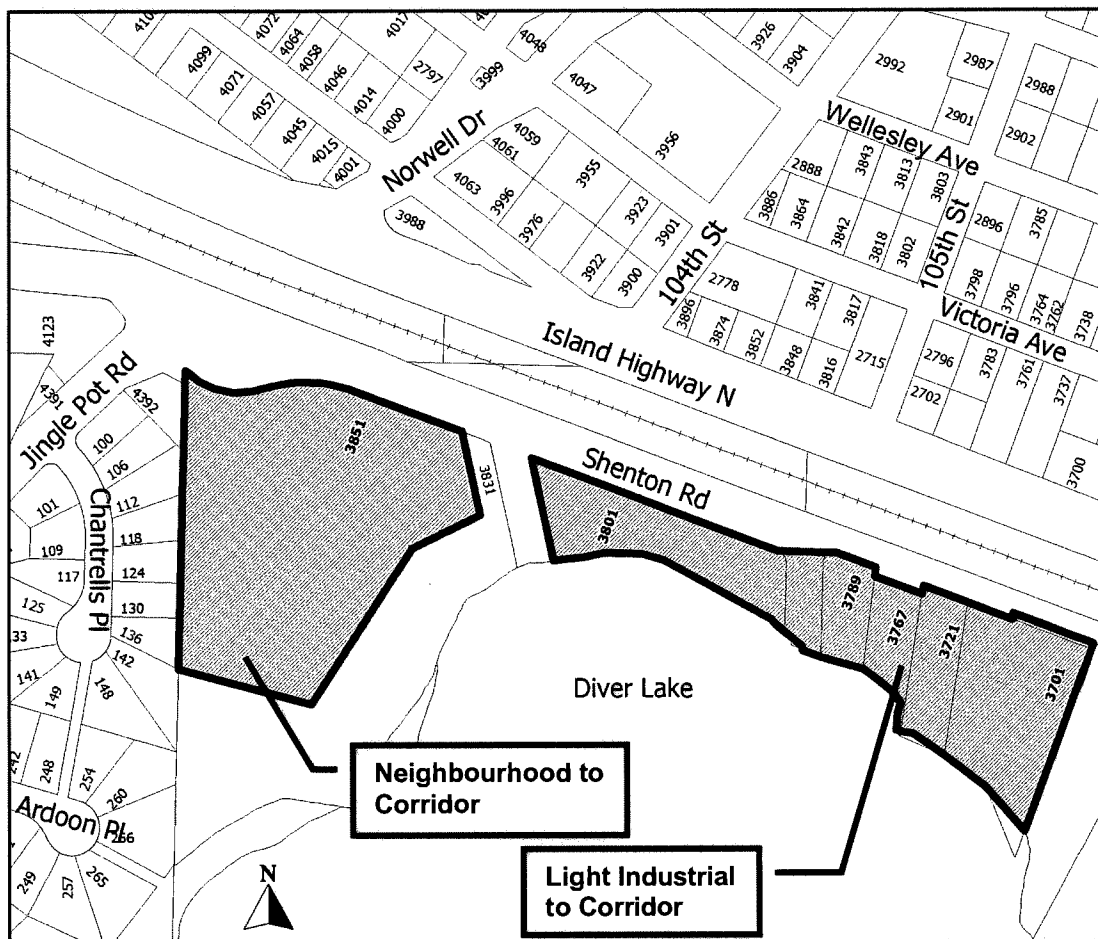
3801 Shenton Road (Lot A, Section 4, Wellington District, Plan 43809; PID 004 309 499)

from 'Light Industrial' to 'Corridor'.

b) Redesignate the subject property known as

3851 Shenton Road (Lot A, Section 4, Wellington District, Plan VIP52426; PID 017 375 665)

from 'Neighbourhood' to 'Corridor'.



SCHEDULE E

1. Map 2 (Mobility) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

- a) Designate a portion of Extension Road as Major Collector Road.



- b) Redesignate a portion of Park Avenue from Minor Collector Road – Future to Minor Collector Road.

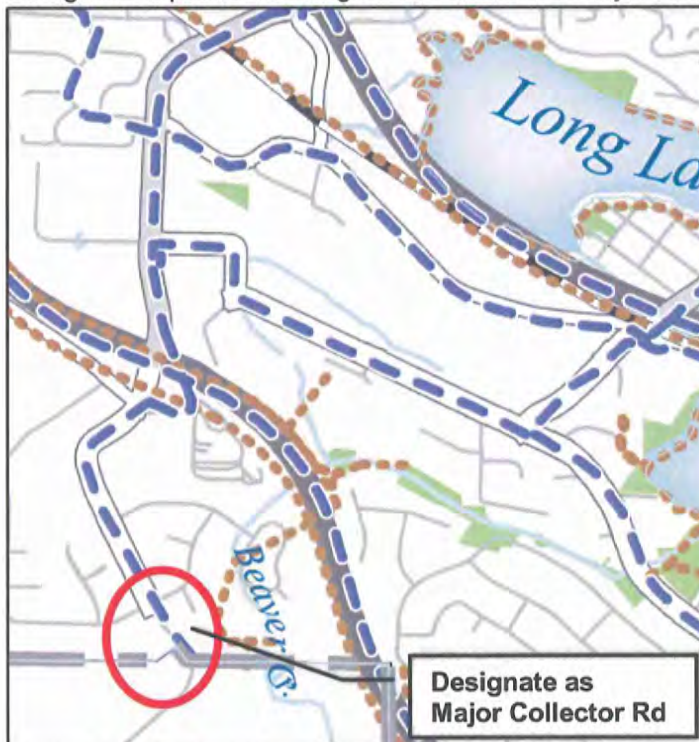




- c) Designate a portion of Fielding Road as a Minor Collector Road.



- d) Designate a portion of Jingle Pot Road as a Major Collector Road.



- e) Designate a portion of Lawlor Road as a Minor Collector Road.



- f) Designate a portion of Wexford Road as a Minor Collector Road, and a portion of Wexford Road as a Minor Collector Road – Future.





**City of Nanaimo**  
**REPORT TO COUNCIL**

**FILE COPY**

DATE OF MEETING: 2012-JUN-11

AUTHORED BY: D. JENSEN, COMMUNITY DEVELOPMENT PLANNER,  
COMMUNITY PLANNING

RE: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION OCP67  
GENERAL AMENDMENTS

---

**STAFF RECOMMENDATION:**

That Council receive the report and consider giving Second Reading, as amended, to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2012 NO. 6500.017", to remove Schedule D, Item 1 (c), which pertains to the designation of land located at 6780 Dickinson Road.

**PURPOSE:**

The purpose of this report is to describe proposed changes to Bylaw No. 6500.017, which was given first and second readings by Council at its meeting of 2012-MAY-14. Schedule D, Item 1 (c) of the Bylaw, an amendment to redesignate lands at 6780 Dickinson Road from 'Parks and Open Space' to 'Neighbourhood' in the Official Community Plan is removed to provide an opportunity for further clarification of this item. This report is to bring forward the remaining items contained within Bylaw No. 6500.017 for consideration of amended second reading. The Dickinson Road proposed amendment will be brought forward for Council's consideration at a later date.

**BACKGROUND:**

At its meeting of 2012-MAY-14, Council received a report regarding proposed general amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500". At that time, Council gave first and second readings to Bylaw No. 6500.017 and the amendment bylaw was scheduled to be considered at the 2012-JUN-07 Public Hearing.

Staff have since determined that one particular item contained in the amendment bylaw requires further clarification from the property owner (School District 68), and Bylaw No. 6500.017 was removed from the 2012-JUN-07 Public Hearing agenda. The item in question pertains to property at 6780 Dickinson Road, where the proposed amendment would correct an OCP mapping error and redesignate the property from 'Parks and Open Space' to 'Neighbourhood' to better reflect the existing zoning. Staff have removed this item from Bylaw No. 6500.017 and will bring a report specific to this item forward to Council at a later date.

With the Dickinson Road property removed from Bylaw No. 6500.017, staff request that Council consider giving amended Second Reading to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2012 NO. 6500.017".

Respectfully submitted,

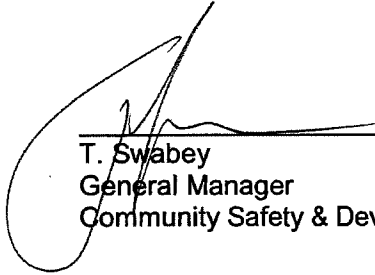


B. Anderson  
Manager, Planning & Design  
Community Safety & Development

Concurrence by:



A. Tucker  
Director of Planning  
Community Safety & Development



T. Swabey  
General Manager  
Community Safety & Development

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted: 2012-JUN-08

\\tempestdocs\tempestdocs\prospero\planning\ocp\ocp00067\council report revised 2nd reading.doc  
dj/ch



**City of Nanaimo**  
**REPORT TO COUNCIL**

**FILE COPY**

DATE OF MEETING: 2012-MAY-14

AUTHORED BY: B. ANDERSON, MANAGER OF COMMUNITY PLANNING

RE: OFFICIAL COMMUNITY PLAN GENERAL AMENDMENTS

---

**STAFF RECOMMENDATION:**

That Council receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2012 NO. 6500.017," which is presented under the Bylaws section of the agenda.

**PNAC'S RECOMMENDATION:**

That Council consider approving the proposed general amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

**PURPOSE:**

The purpose of this report is to present a series of general amendments to update the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500."

**BACKGROUND:**

The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" was adopted by Council in September 2008. Historically, Council has recognized that the Official Community Plan (OCP) bylaw is subject to revisions brought about by changing circumstances and public needs. Periodic general amendments are therefore required to maintain the effectiveness and accuracy of the OCP.

Proposed changes addressed in this report include both text and map amendments. Staff recommends that the proposed changes be supported.

## DISCUSSION:

At its meeting of 2012-APR-17, PNAC considered the proposed amendments, and recommended that the amendments be approved.

### **Text Amendments**

#### **Amendment No. 1**

**Proposal:** Update Figure 3 – Planning Areas.

**Rationale:** The 'Planning Areas' map provides information showing the location of completed neighbourhood plans; this amendment will update Figure 3 – Planning Areas and Neighbourhood / Area Plans to reflect completed neighbourhood / area plans. These amendments, as shown on *Attachment A*, include:

Add the Oceanview Golf Resort & Spa Master Plan;  
Add the Newcastle + Brechin Neighbourhood Plan; and  
Add the South End Neighbourhood Plan

#### **Amendment No. 2**

**Proposal:** Update the Implementation Strategy to reflect completion of select Action items.

**Rationale:** Section 7.8 of the OCP identifies a range of measures to be implemented within a specified time period. A number of Action items have been completed and the Implementation Strategy would show completion dates as:

Stewart Avenue Corridor (including Brechin Hill)	Completed 2011
South End Neighbourhood Plan	Completed 2010
Conduct Zoning Bylaw Review	
- Corridors	Completed 2011
- General update	Completed 2011
Develop an urban forest plan	Completed 2010
Review the Nanaimo Heritage Action Plan	Completed 2012

#### **Amendment No. 3**

**Proposal:** Update Implementation Strategy to identify the development of a Harewood Neighbourhood Plan.

**Rationale:** Section 7.8 of the OCP identifies specific neighbourhood and corridor plans to be completed within a specified time period. Council has approved a Terms of Reference for completion of the Harewood Neighbourhood Plan, which includes the Third Street Corridor. While the Third Street Corridor is identified in the Implementation Strategy, the Harewood area is not; this amendment will identify the Harewood Neighbourhood Plan being considered as part of the larger plan area:

Develop Corridor plans:  
- Third Street Corridor (including Harewood)  
Develop Neighbourhood and Area plans  
- Harewood

**Amendment No. 4**

**Proposal:** Add the *Heritage Gateway Design Guidelines* to the list of guidelines to be followed within Heritage Conservation Area One – Downtown / Fitzwilliam Street Corridor (HCA1).

**Rationale:** The addition of these guidelines will assist in highlighting specific areas of concern when reviewing and processing heritage alteration permits. The addition of the *Heritage Gateway Design Guidelines*, 1988, will support the already referenced *Nanaimo Heritage Building Design Guidelines*, 1984, and enhance the heritage characteristics found within HCA1.

**Amendment No. 5**

**Proposal:** Amend policy for Temporary Use Permits to reflect changes to provincial legislation.

**Rationale:** Section 7.7 Temporary Use Permits of the OCP provides policy regarding where temporary uses may be allowed (ie. on lands that are designated Industrial, Light Industrial, Commercial or Urban Node). The *Local Government Act* has been updated to no longer specify the type of land use subject to a Temporary Use Permit, and to extend the time period for which these Permits are valid. Section 7.7 will be amended to reflect these changes:

- Temporary Use Permits may be allowed on all lands.
- Temporary Use Permits are issued for a three year term, with the possibility of an additional three year renewal.

**Map Amendments**

**Amendment No. 6**

**Proposal:** Redesignate a series of properties within the City of Nanaimo to reflect existing land use within the community.

**Rationale:** This amendment is intended to reflect the existing and/or anticipated land uses within the Shenton Road area by providing for a continuous Corridor of office and future mixed use developments along Diver Lake. The properties affected by this proposed amendment, as shown on *Attachment B*, include:

3701 Shenton Road	3721 Shenton Road
3767 Shenton Road	3789 Shenton Road
3801 Shenton Road	3851 Shenton Road

**Amendment No. 7**

**Proposal:** Redesignate property within the City of Nanaimo to reflect adjacent land uses and existing zoning.

**Rationale:** This amendment is intended to reflect the existing zoning and anticipated land uses within an area that is predominantly single family and multiple family residential. The property affected by this proposed amendment, as shown on *Attachment C*, includes:

6780 Dickinson Road



Amendment No. 8

Proposal: Amend Map 2: Mobility to update road classifications for select areas.

Rationale: This amendment is intended to update Map 2: Mobility by correcting a series of inconsistencies identified through a review of the City's engineering road classifications, as shown on *Attachment D*. These include amendments to:

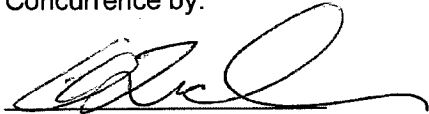
Extension Road ( <i>Figure 1</i> )	Park Avenue ( <i>Figure 2</i> )
Fielding Road ( <i>Figure 3</i> )	Jingle Pot Road ( <i>Figure 4</i> )
Lawlor Road ( <i>Figure 5</i> )	Wexford Road ( <i>Figure 6</i> )

Respectfully submitted,

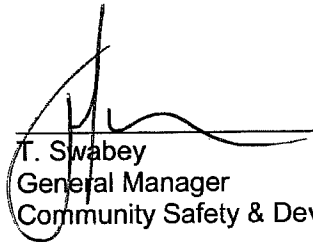


B. Anderson  
Manager of Community Planning  
Community Safety & Development

Concurrence by:



A. Tucker  
Director of Planning  
Community Safety & Development



T. Swabey  
General Manager  
Community Safety & Development

CITY MANAGER COMMENT:

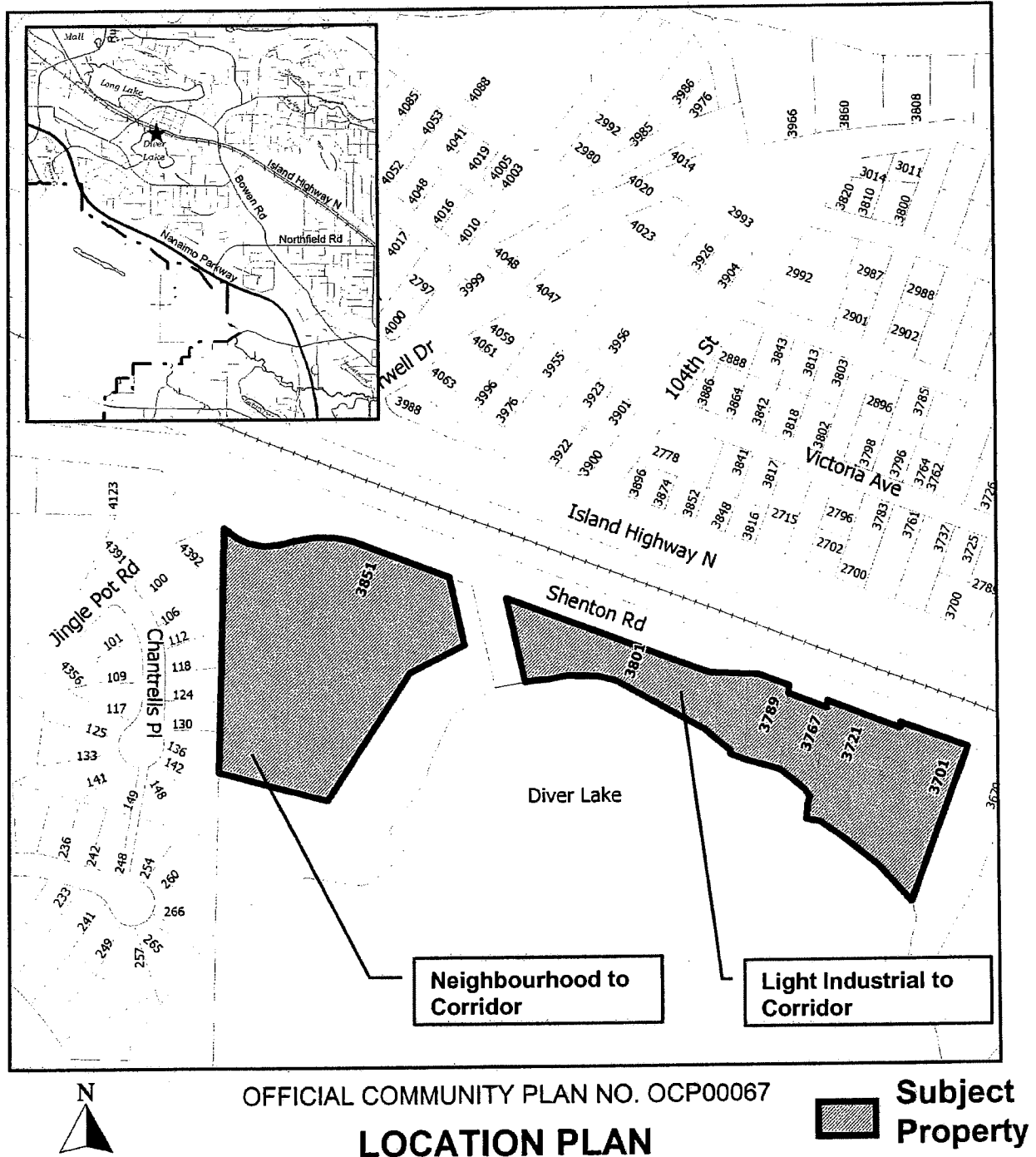
I concur with the staff recommendation.

Drafted: 2012-MAY-02

g:\commplan\administration\council reports\2012\2012 05 14 ocp67 general amendments.doc  
dj/ch

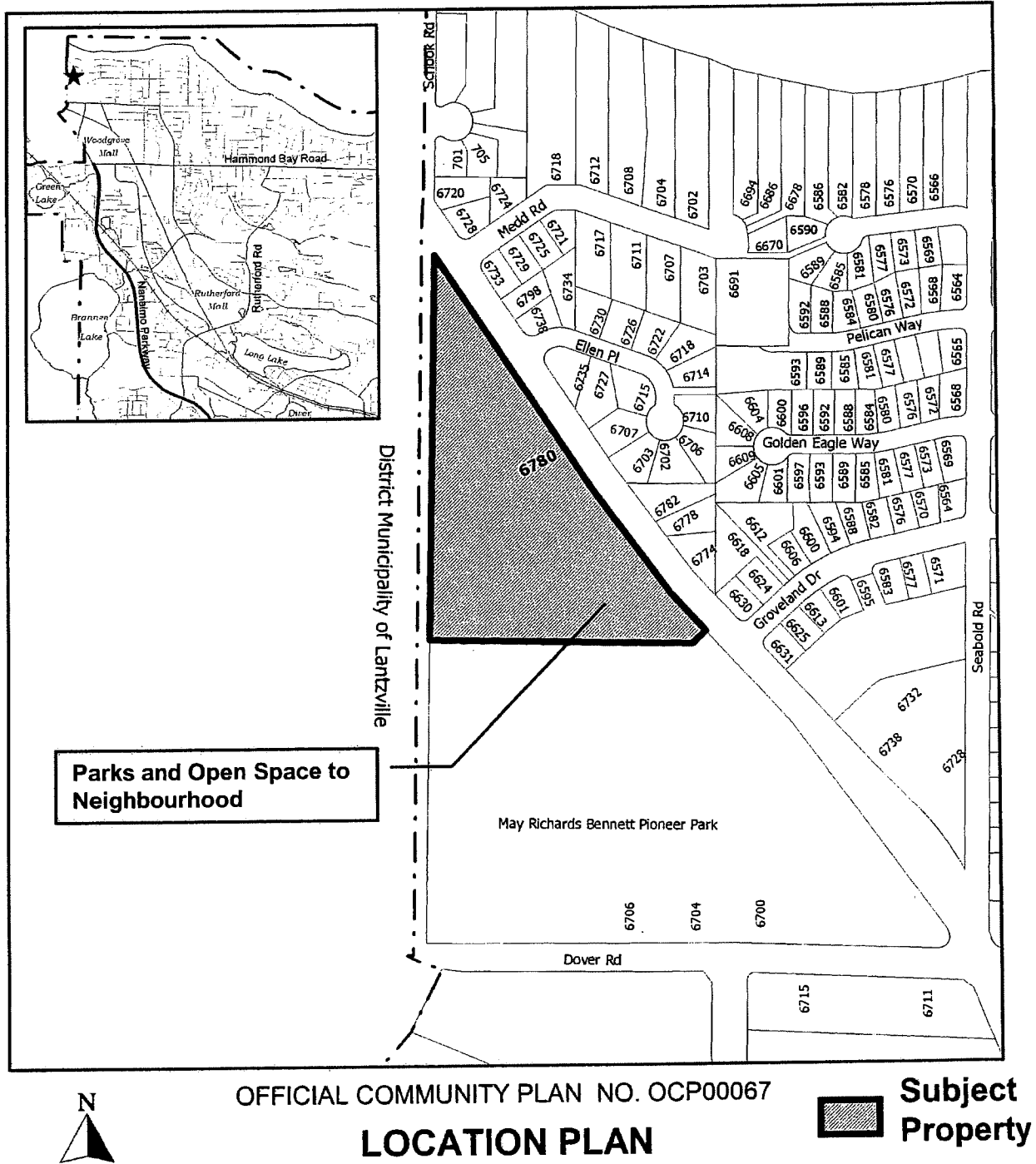
### Figure 3 Planning Areas and Neighbourhood / Area Plans

**Attachment B**  
**Map 1: Future Land Use Plan**  
**Subject Properties – Shenton Road**

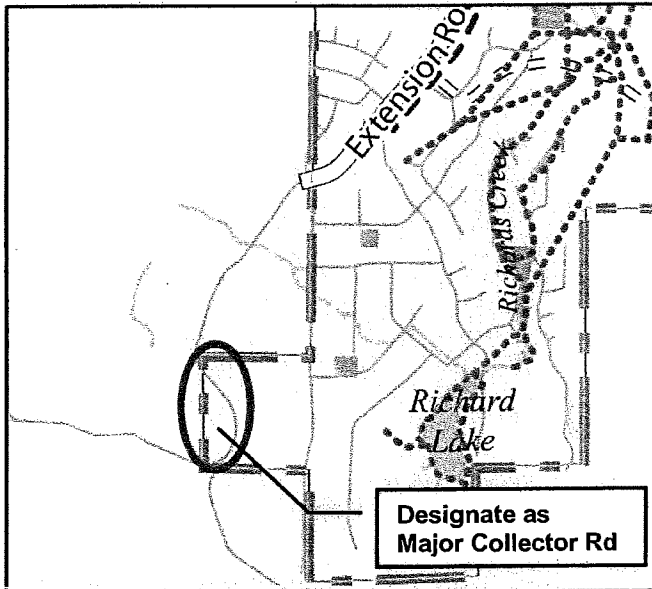




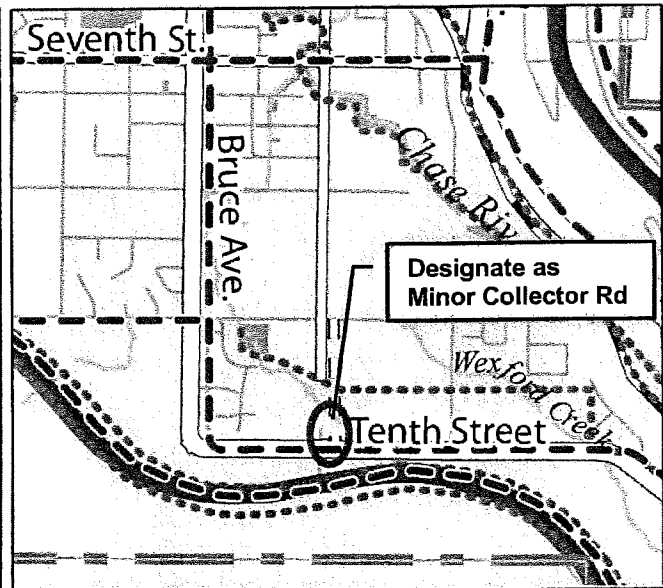
**Attachment C**  
**Map 1: Future Land Use Plan**  
**Subject Property – Dickinson Road**



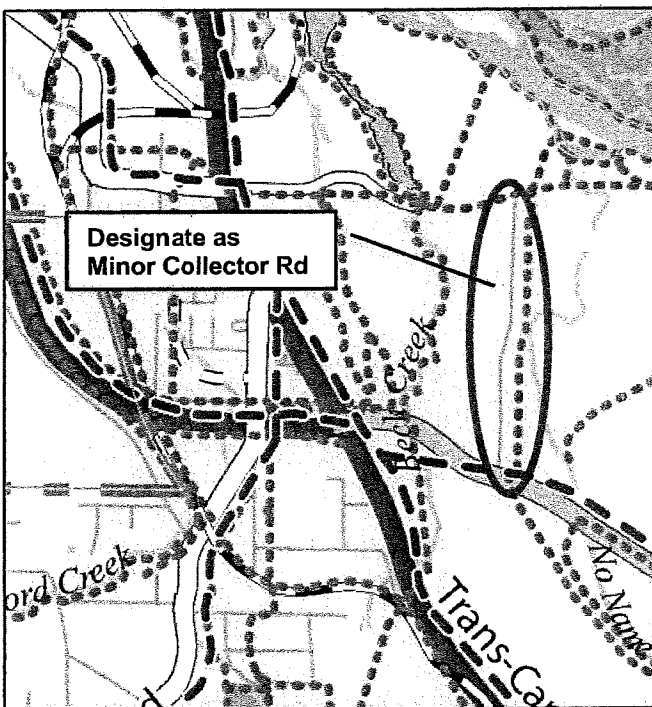
**Attachment D**  
**Map 2: Mobility**  
(Page 1 of 2)



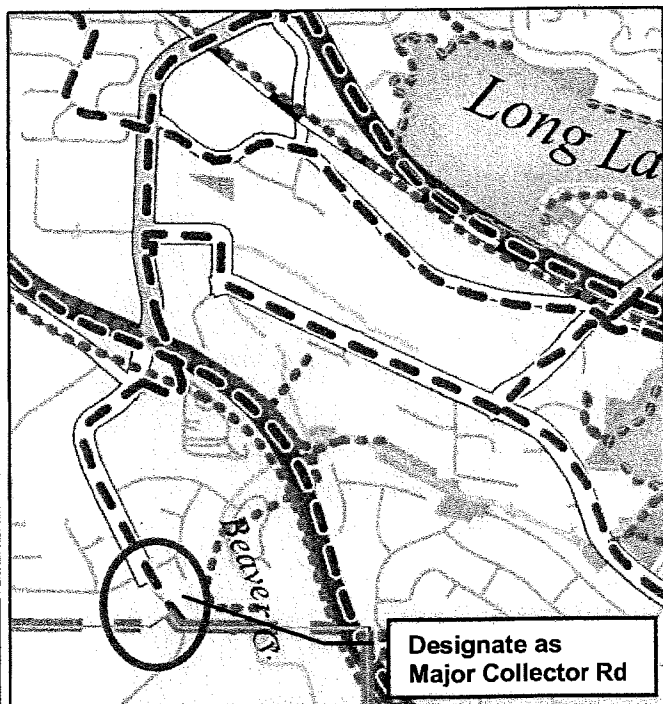
**Figure 1: Extension Road**  
Designate as Major Collector Road.



**Figure 2: Park Avenue**  
Designate as Minor Collector Road for a portion of Park Avenue that has been constructed.

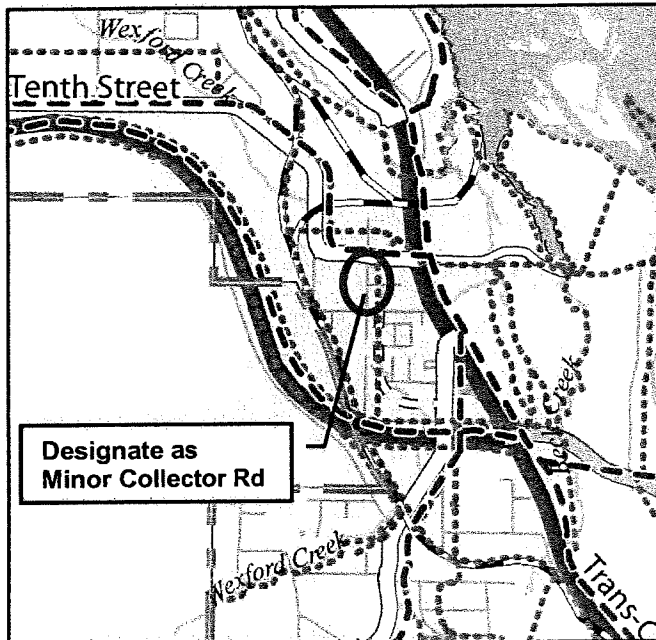


**Figure 3: Fielding Road**  
Designate as Minor Collector Road for future use as a north-south connector route.

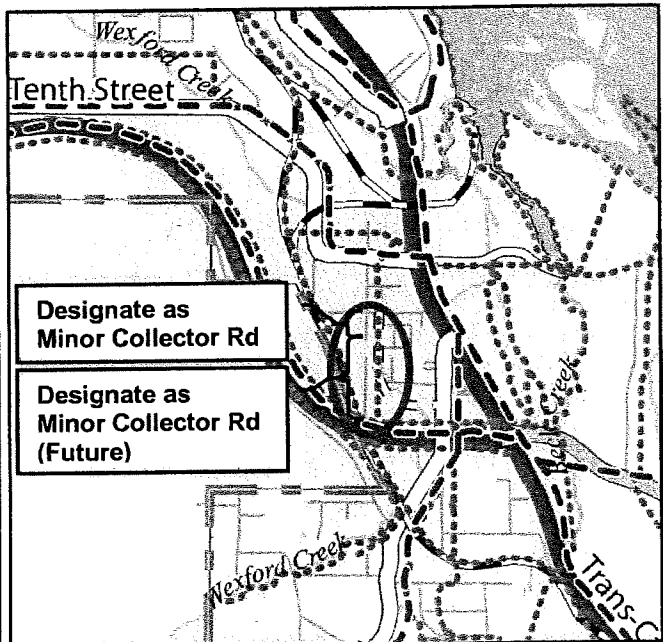


**Figure 4: Jingle Pot Road**  
Designate as Major Collector Road for a portion of Jingle Pot Road not identified on Map 2.

**Attachment D**  
**Map 2: Mobility**  
**(Page 2 of 2)**



**Figure 5: Lawlor Road**  
Designate as Minor Collector Road for future use as a north-south connector route.



**Figure 6: Wexford Road**  
Designate as Minor Collector Road and Minor Collector Road – Future, for future use as a north-south connector route.



# NOTICE OF SPECIAL PUBLIC HEARING

June 28<sup>th</sup> 2012 at 7:00 pm



There will be a Special Public Hearing on Thursday, **June 28<sup>th</sup> 2012**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" and the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaws will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaws No. 6500.018 and 4500.023 at the Special Public Hearing.

## BYLAW NO. 6500.018

**Purpose:** To permit the use of land for a mixed use development.

**Location(s):** 1850 and 1860 Dufferin Crescent

**File No.:** OCP00065

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

The subject properties are legally described as Lots 6 and 7, Section 15, Range 8, Mountain District, Plan EPP15172 and are shown on Map A.

## BYLAW NO. 4500.023

**Purpose:** To permit the use of land for a mixed use development.

**Location(s):** 1850 and 1860 Dufferin Crescent

**File No.:** RA291

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.

The subject properties are legally described as Lots 6 and 7, Section 15, Range 8, Mountain District, Plan EPP15172 and are shown on Map A.





## **WANT TO FIND OUT MORE INFORMATION?**

**IN PERSON:** A copy of the above-noted bylaws and related documents may be inspected from June 15<sup>th</sup> 2012 to June 28<sup>th</sup> 2012, from 8:00 am to 4:30 pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Safety & Development Division (City Hall Annex Building), located at 238 Franklyn Street.

**WEBSITE:** Information associated with these bylaws can be found in the June 11<sup>th</sup> 2012 Council Agenda. From the City's home page ([www.nanaimo.ca](http://www.nanaimo.ca)) use the link titled 'Council Agenda/Minutes/Video'.

Application information associated with Bylaw No. 4500.023, including a copy of the bylaw, can also be accessed on the City's webpage: *What's Building In My Neighbourhood?*  
[www.nanaimo.ca/whatsbuilding](http://www.nanaimo.ca/whatsbuilding)

**QR CODE:** Use this QR code on your mobile device to go directly to the online information for Bylaw No. 4500.023.



## **WANT TO MAKE A WRITTEN SUBMISSION?**

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00 pm, June 28<sup>th</sup> 2012, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

**IN PERSON:** Drop off at the reception desk in the City Hall Annex Building, located at 238 Franklyn Street.

**WEBSITE:** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing).

**POSTAL MAIL:** Mail to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

**EMAIL:** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca).

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

**City of Nanaimo**  
**Community Safety & Development Division**  
**Location: City Hall Annex Building**  
**Phone: (250) 755-4429 Fax: (250) 755-4439**  
**[www.nanaimo.ca](http://www.nanaimo.ca)**

CITY OF NANAIMO

BYLAW NO. 6500.018

A BYLAW TO AMEND THE CITY OF NANAIMO  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

---

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo  
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in  
open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW  
2012 NO. 6500.018".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby  
amended as set out in Schedule A to this Bylaw.

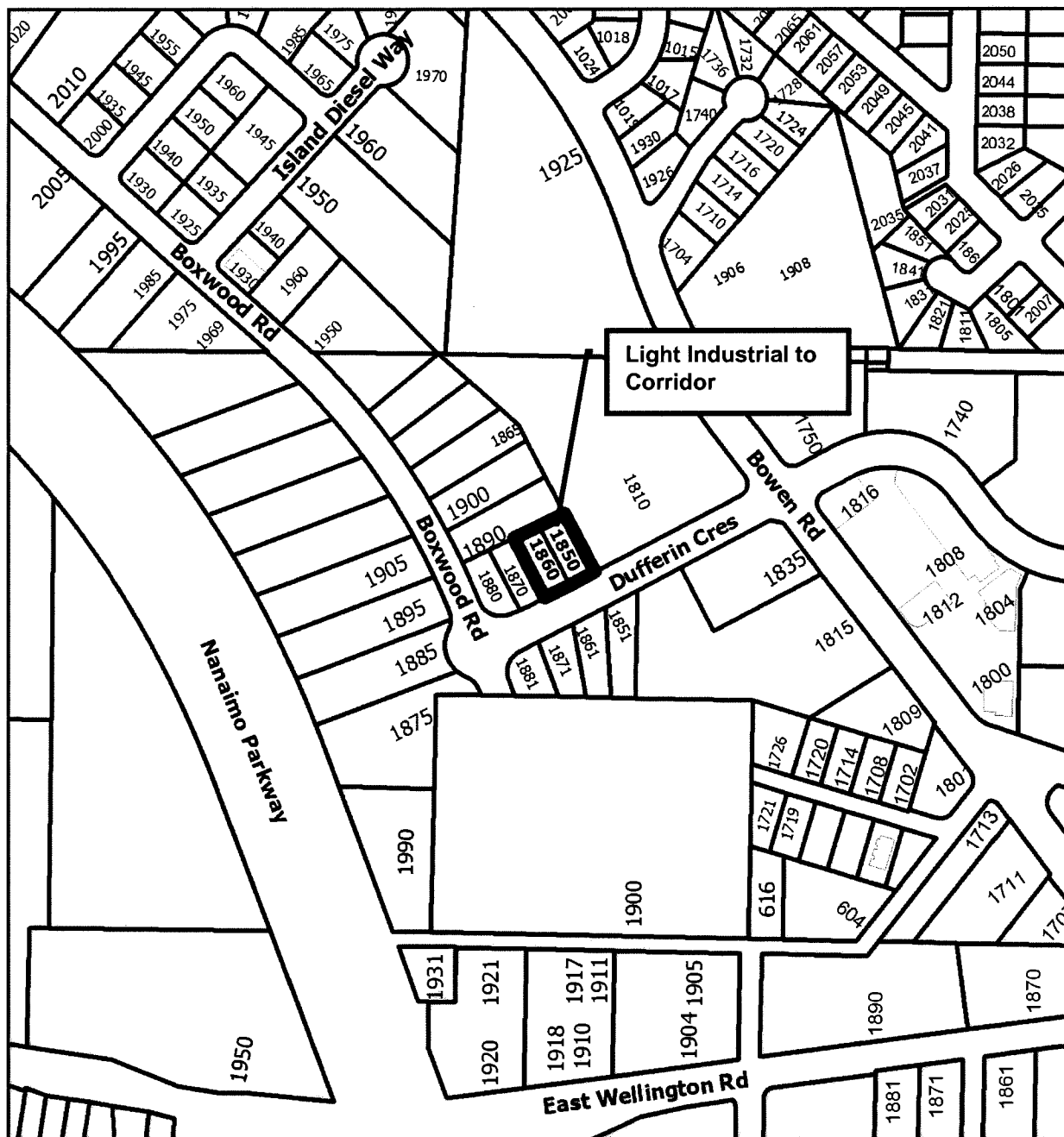
PASSED FIRST READING 2012-JUN-11  
PASSED SECOND READING 2012-JUN-11  
PUBLIC HEARING HELD \_\_\_\_\_  
PASSED THIRD READING \_\_\_\_\_  
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: OCP00065  
Address: 1850 and 1860 Dufferin Crescent  
Applicant: Anderson Greenplan Ltd.





CITY OF NANAIMO

BYLAW NO. 4500.023

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2012 NO. 4500.023".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By rezoning the lands legally described as LOTS 6 & 7, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP15172 from High Tech Industrial (I3) to Community Corridor (COR3), as shown on Schedule A.
  - (2) By amending Subsection 9.2.3 by adding the following 'liquor store' as a site specific use after gasoline station

Use	Permitted Location Address	Legal Description of Permitted Location
Liquor Store	1850 and 1860 Dufferin Crescent	LOTS 6 & 7, SECTION 15, RANGE 8, MOUNTAIN DISTRICT, PLAN EPP15172

PASSED FIRST READING 2012-JUN-11

PASSED SECOND READING 2012-JUN-11

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL \_\_\_\_\_

COVENANT REGISTERED \_\_\_\_\_

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

Schedule A



REZONING APPLICATION NO. RA000291

**LOCATION PLAN**

Civic: 1850 and 1860 Dufferin Crescent



**Subject  
Property**



City of Nanaimo  
REPORT TO COUNCIL

**FILE COPY**

DATE OF MEETING: 2012-JUN-11

AUTHORED BY: D. JENSEN, COMMUNITY DEVELOPMENT PLANNER,  
COMMUNITY PLANNING  
D. STEWART, PLANNER, PLANNING & DESIGN

RE: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION OCP65  
REZONING APPLICATION RA291  
1850 AND 1860 DUFFERIN CRESCENT

---

STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2012 NO. 6500.018";
2. receive the report pertaining to "ZONING AMENDMENT BYLAW 2012 NO. 4500.023"; and
3. direct staff to secure the following, prior to adoption of Bylaw No. 4500.023, should Council support the bylaw at Third Reading:
  - a) Parking and Access Agreement with the owners of the property at 1800 Dufferin Crescent; and
  - b) community contribution.

APC'S RECOMMENDATION:

That Council consider approving Official Community Plan (OCP) Amendment Application OCP65 and Rezoning Application RA291 for a mixed use development at 1850 and 1860 Dufferin Crescent.

PURPOSE:

The purpose of this report is to describe an OCP amendment application to redesignate lands from Light Industrial to Corridor; and a rezoning application that would rezone lands from High Tech Industrial (I3) to Community Corridor (COR3), in order to allow a mixed use development including a liquor store and community meeting room.

SUMMARY:

The City of Nanaimo has received applications from Anderson Greenplan Ltd to amend the Official Community Plan and rezone the subject properties to allow for construction of a mixed use development, including a liquor store and community meeting room. The rezoning application also includes site specific text amendments to allow for the liquor store. The subject property is located on Dufferin Crescent, west of Bowen Road. The proposed use is supported under the Official Community Plan's Corridor designation.

**BACKGROUND:**

The subject property, 1850 and 1860 Dufferin Crescent, is located near the intersection of Dufferin Crescent and Bowen Road in the newly created Green Rock Industrial Business Park. Located along the Bowen Road corridor, the approximately 1807 m<sup>2</sup> subject property (Attachment A) is in an area of newly developed industrial and commercial lands. The site, which is currently vacant, is located adjacent to the Country Grocer and TD Canada Trust bank that are currently under construction.

The applicant, Anderson Greenplan Ltd, has submitted an OCP amendment application to redesignate lands from Light Industrial to Corridor; and a zoning amendment application to rezone from High Tech Industrial (I3) to Community Corridor (COR3) to allow for a mixed use development including a liquor store and community meeting room.

The OCP application to redesignate the subject property from Light Industrial to Corridor, and received as part of the 2011-NOV-01 round of OCP amendment applications, is to allow for a mixed use development that will include a liquor store and community meeting space. This is a relocation of the Windward Wine and Beer Store from Beaufort Centre (adjacent to the hospital) to the Bowen Road area. The OCP application is running concurrently with a rezoning application to rezone the subject lands from High Tech Industrial (I3) to Community Corridor (COR3). In support of the application, the applicant has stated that the overall proposal is for a "green" liquor store that promotes economic development, reduces vehicle trips through combined trips with the adjacent grocery store, banking facilities, etc., and operates through green technologies (stormwater management and geothermal / solar energy technologies). The mixed use development also provides for approximately 107 m<sup>2</sup> of community meeting space.

**DISCUSSION:*****Official Community Plan***

The subject property is designated Light Industrial under the OCP. Objectives of this designation include supporting a diversified economy, encouraging a broad range of uses, protecting industrial lands from conflicting adjacent urban land uses, providing an adequate serviced industrial land supply, and protecting the environment. Policies also encourage a mix of uses where they do not create noise or emissions, operate at hours incompatible with residential uses, require outdoor storage space, or utilize hazardous materials. Office use is permitted where it is ancillary to the light industrial primary uses; residential use is not supported.

The Corridor designation proposed for the subject property encourages a higher intensity of land use and provides for mixed commercial and residential, with residential use in a medium to high density range. The proposed development for the subject property includes commercial space and community meeting space.

***Proposed Development and Zoning – RA291***

The subject property is currently zoned High Tech Industrial (I3). This zone allows for a variety of uses such as commercial schools, custom workshops, laboratories, light industry, mini storage, production bakeries, repair shops, restaurants, sign shops and veterinary clinics. The minimum lot area in the I3 zone is 900 m<sup>2</sup>, with a maximum height of 14.0 m.

As the existing zoning does not provide for the uses proposed for the site, the applicant proposes to rezone the subject property from High Tech Industrial (I3) to Community Corridor (COR3) in order

As the existing zoning does not provide for the uses proposed for the site, the applicant proposes to rezone the subject property from High Tech Industrial (I3) to Community Corridor (COR3) in order to allow for the construction of a mixed use two-storey building containing the relocated Windward liquor store and community meeting space area. The applicant is proposing to transfer the existing licensee retail store (LRS) from 1588 Boundary Crescent (The Windward Wine and Beer Store) to the proposed site at 1850 and 1860 Dufferin Crescent.

The amendment would also require site specific zoning for a liquor store. The total Gross Floor Area is approximately 936 m<sup>2</sup>, resulting in an overall Floor Area Ratio (FAR) of 0.52. Approximately 30 parking spaces are required to address the parking requirements for the retail, storage and community meeting space. The proposed Site Plan (Attachment B), and the conceptual elevations (Attachment C) are attached to this report.

Should the OCP amendment and rezoning applications be approved, the applicant would still be required to proceed with a development permit application in order to construct the proposed development.

#### ***Licensee Retail Store Criteria***

Following a decade long provincial moratorium on the addition of new liquor stores, the Province allowed new applications for a brief period of time between 2002-AUG-12 and 2002-NOV-29. Within that timeframe, 17 applications were made to the Province for new liquor stores within Nanaimo. Of the 17 applications, six had zoning in place. The remaining 11 required rezoning.

Council, at its regular meeting of 2003-AUG-18, adopted rezoning criteria for Licensee Retail Stores (LRS's) and subsequently directed Staff to receive and process rezoning applications related to Licensee Retail Stores. The following chart summarizes the LRS criteria as they are applied to this application.

<b>CRITERIA</b>	<b>RESPONSE</b>	<b>MEETS CRITERIA</b>
The LRS should be on or in close proximity to a major road.	The proposed liquor store will be located on Dufferin Crescent, a Minor Collector Road, and will be approximately 125 m from Bowen Road, an Urban Arterial Road.	Yes
The LRS shall not be within 150 m of a school.	The nearest school to the proposed site is Quarterway Elementary School, which is located 690 m from the site, and is beyond the 150 m criteria.	Yes
The LRS shall not be located adjacent to a nightclub.	There is currently no nightclub within the vicinity of the proposed LRS.	Yes
The size of the LRS shall be consistent with the nature of the immediate area, and the size of the existing retail stores.	The applicant is proposing to construct an approximately 829 m <sup>2</sup> LRS, of which 468 m <sup>2</sup> will be used for retail space. The proposed building will also include a 107 m <sup>2</sup> community meeting room.  The proposed LRS will be located adjacent to a 4402 m <sup>2</sup> Country Grocer and a 488 m <sup>2</sup> TD Canada Trust site, both of which are currently under construction at 1800 Dufferin Crescent.	Yes

CRITERIA	RESPONSE	MEETS CRITERIA
<p>The design of the LRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p>	<p>In accordance with Liquor Control and Licensing Branch (LCLB) policy, the architecture of the proposed LRS (see conceptual drawings in Attachment C) is distinct from the surrounding retail units; it is staff's opinion that the building is aesthetically appealing and suitable for the area.</p> <p>In keeping with the City's OCP and zoning policies for development in Corridors, the proposed building will be two storeys. Due to the site's sloping conditions, access to the second storey will be at grade from the Country Grocer parking lot. The community meeting room and storage will be located on the lower level, and also accessed at grade. All delivery vehicles will access from the lower level on site. It is staff's opinion that the separation of uses between floors and grades will act as a buffer between the commercial uses to the east of the subject property and the industrial uses to the west.</p>	Yes
<p>Consideration shall be given to a requirement for on-site parking and loading for each LRS within the downtown core, and mandatory outside the downtown core.</p> <ul style="list-style-type: none"> <li>• 1 space / 20 m<sup>2</sup> of Gross Floor Area must be provided.</li> </ul>	<p>The City's "DEVELOPMENT PARKING REGULATIONS BYLAW 2005 NO. 7013" requires 23 parking spaces for the retail portion of the liquor store, an additional space for storage, and eight spaces for the community meeting room. The total required parking for the proposed development is 32 spaces.</p> <p>11 parking spaces will be provided on site. The applicant and the owners of the adjacent Country Grocer site (1800 Dufferin Crescent) have agreed to enter into a parking agreement to allow 21 excess parking spaces on the Country Grocer site to be used for customer parking for the liquor store and community meeting room. These parking spaces were constructed in addition to the minimum required parking for the shopping centre development at 1800 Dufferin Crescent. Staff recommends the shared parking agreement be completed with the City as a condition of rezoning.</p> <p>The applicant has retained Newcastle Engineering to review the proposed loading bay. The applicant's engineer has met with the City's traffic engineer, and all parties agree the proposed loading bay is safe and will not negatively impact surrounding traffic patterns.</p>	Yes
<p>The applicant must outline his awareness of potential negative impacts and include proposed limits on the hours of operation, the product range, target markets, property maintenance, and beautification programs.</p>	<p>The applicant's response is provided (Attachment D).</p>	For Council Consideration
<p>Consideration of impact of LRS, when within close proximity of libraries, public recreation centres, community centres, parks, places of worship, and other family oriented facilities.</p>	<p>The proposed LRS will include a 107 m<sup>2</sup> community meeting room on the ground floor. Staff believes this additional community meeting space is a benefit to the community and the presence of the LRS will not have a negative effect on the use of this space.</p> <p>No existing community spaces or public facilities are within 200 m of the site.</p>	For Council Consideration



<b>CRITERIA</b>	<b>RESPONSE</b>	<b>MEETS CRITERIA</b>
The projected traffic volumes and on-street parking associated with the LRS should not negatively impact nearby residential and commercial areas.	The proposed LRS is to be located adjacent to the Country Grocer commercial centre to the east, and industrial park to the west. No residential uses exist within the immediate vicinity of the subject property.	Yes
The support of local community, neighbourhood property owners, and the local neighbourhood association for the proposed LRS is important to Council's decision.	This OCP amendment application and rezoning application are posted on the City website. To date, no submissions have been received as a result of this application.  The applicant hosted an Open House on 2012-APR-12 at the Beban Park Social Centre. The Open House was advertised in the 2012-APR-10 edition of the Nanaimo Daily News and representatives from the Hospital Area Neighbourhood Association and Western Neighbourhood Association were invited to attend. Approximately 10 residents attended the Open House, and the majority of those were generally supportive of the proposed OCP amendment and rezoning.	For Council Consideration
The application shall be reviewed by the Social Planning Advisory Committee (SPAC).	SPAC reviewed the application at its regular meeting of 2012-APR-03 and recommended that the application be approved as presented.	Yes
The application shall be reviewed by the RCMP.	The RCMP reviewed the application and is not opposed to the proposed relocation of the LRS (Attachment E).	For Council Consideration
The application shall be reviewed by the Rezoning Advisory Committee (RAC). <i>RAC, a subcommittee of PNAC (planNanaimo Advisory Committee) has since been dissolved back into PNAC (now APC).</i>	The Nanaimo Advisory Planning Committee (previously known as the planNanaimo Advisory Committee) reviewed the application at its regular meeting of 2012-APR-17, and recommended the application be approved as presented.	Yes
A copy of the LCLB letter of approval for the proposed LRS.	The LCLB has issued a pre-clearance approval for the Windward Liquor Store relocation application.	Yes

In addition to the above LRS criteria, the Provincial Liquor Distribution Branch requires a 1 km buffer distance between liquor stores. The subject property is 1.07 km from the Landlubber liquor store and 1.13 km from the Quarterway Liquor Store, and therefore meets the buffer criteria.

### **Parking Agreement and Vehicle Access**

The proposed development will require a total of 32 parking spaces; 11 parking spaces will be provided on site, and a variance of 21 spaces will be required. As a condition of rezoning, the applicants have agreed to enter into a use agreement with the owners of the adjacent Country Grocer retail site (1800 Dufferin Crescent) for use of the required 21 parking spaces on the Country Grocer site. These parking spaces are not required by the Country Grocer site to meet their minimum parking requirements.

Six of the proposed on site parking spaces will be accessed through the Country Grocer parking lot; as such, a shared access agreement will be required. The applicant has been in contact with the owners of Country Grocer, and both parties have agreed to enter into a shared access and parking agreement, with the City being named a party to the agreement.

### ***Community Contribution***

As outlined in Section 7.3 of the Official Community Plan (OCP), in exchange for value conferred on land through a rezoning, the application should provide a community contribution. The applicant proposes the provision of a community meeting space as their community contribution. The applicant has agreed to enter into a use agreement with the City regarding the community meeting room. The use agreement will state that the room will be available to community groups from Mondays to Thursdays (except statutory holidays) between the hours of 10:30 am and 8:30 pm, at no charge, for a period of five years from the date of opening. After the five year period expires, the room must continue to remain open to the public, but the building owner may charge a user fee. The applicant has agreed in writing (Attachment F) to enter into such an agreement with the City.

### ***Planning Review***

The subject area comprises two lots (Lots 6 and 7) as a result of the recently developed Green Rock Industrial Business Park. The creation of this industrial park has resulted in an increase of 5.6 ha in the amount of land available for industrial use. The 1807 m<sup>2</sup> subject property represents two of the 362 legal lots (273.2 ha) within the city currently designated Light Industrial. Of those lots, approximately 64% (175.1 ha) of the land base is currently occupied for industrial or other land uses, while 36% (98.1 ha) of the lands is currently vacant or underutilized. Removal of the subject property from the Light Industrial designation would represent a 0.02% decrease in available industrial land.

The subject area represents two lots within the Light Industrial designation that border the existing Corridor designation along Bowen Road. With the existing Light Industrial designation, the subject property is limited to the uses that can be accommodated. However, given its location to the adjacent Corridor area, the proximity of other adjacent commercial and residential uses, public amenities, and its siting on a major transportation corridor with public transit available, the subject property may be an appropriate candidate for inclusion in the Corridor designation.

The mix of uses proposed for the subject property (commercial liquor store and community meeting space) helps to provide a transition from the light industrial uses to the adjacent development found within the Corridor designation. A change in grade between the proposed development and other nearby commercial development also characterizes a separation between the commercial and industrial uses within the adjacent industrial development area.

The proposed development does represent a mix of uses supported within the Corridor designation. The mix of retail (liquor store) and office (community meeting space) use is not the full mix of uses contemplated in the Corridor designated area. However, given the location at the entrance to the industrial park, a residential and commercial mix of uses may not be the best suited for this site. Providing for residential uses on the proposed Corridor site would create an isolated pocket of residential activity where no other residential occurs within the surrounding area. Provincial policy would also restrict the number of acceptable uses that could occur within the same building as the proposed liquor store.

No servicing analysis was provided as part of the application, but water, storm and sewer services are available for the proposed development.

### ***Public Input***

This OCP amendment application and rezoning application are posted on the City website. To date, no submissions have been received as a result of this application. Three members of the Western Neighbourhood Association were invited to sit on the APC (previously PNAC) while the application was being considered; one representative attended. Correspondence received from the Association to date indicates no issues identified for the proposal. The applicant hosted an Open House on 2012-APR-12, of which approximately 10 people attended. No major concerns were identified.

### ***APC Recommendation***

The APC, at their regular meeting of 2012-APR-17, recommended that Council approve Official Community Plan amendment application OCP65 and rezoning application RA291. The Committee also requested comments be forwarded to Council ensuring that adequate parking be provided for the proposed development. Staff has addressed the parking requirements in a previous section of this report.

### ***Staff Recommendation***

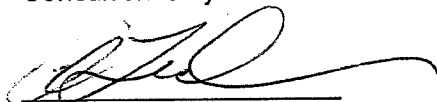
Based upon a review of the application, as provided in the Planning Comments section above, staff are in a position to recommend support of the proposed development submitted as OCP amendment application OCP65 and rezoning application RA291.

Respectfully submitted,

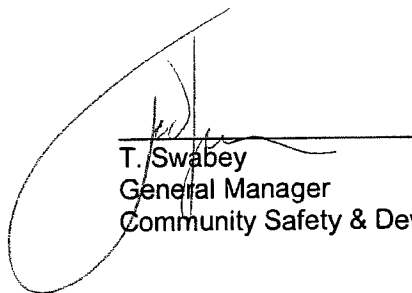


B. Anderson  
Manager, Planning & Design  
Community Safety & Development

Concurrence by:



A. Tucker  
Director of Planning  
Community Safety & Development



T. Swabey  
General Manager  
Community Safety & Development

### **CITY MANAGER COMMENT:**

I concur with the staff recommendation.

Drafted: 2012-MAY-30

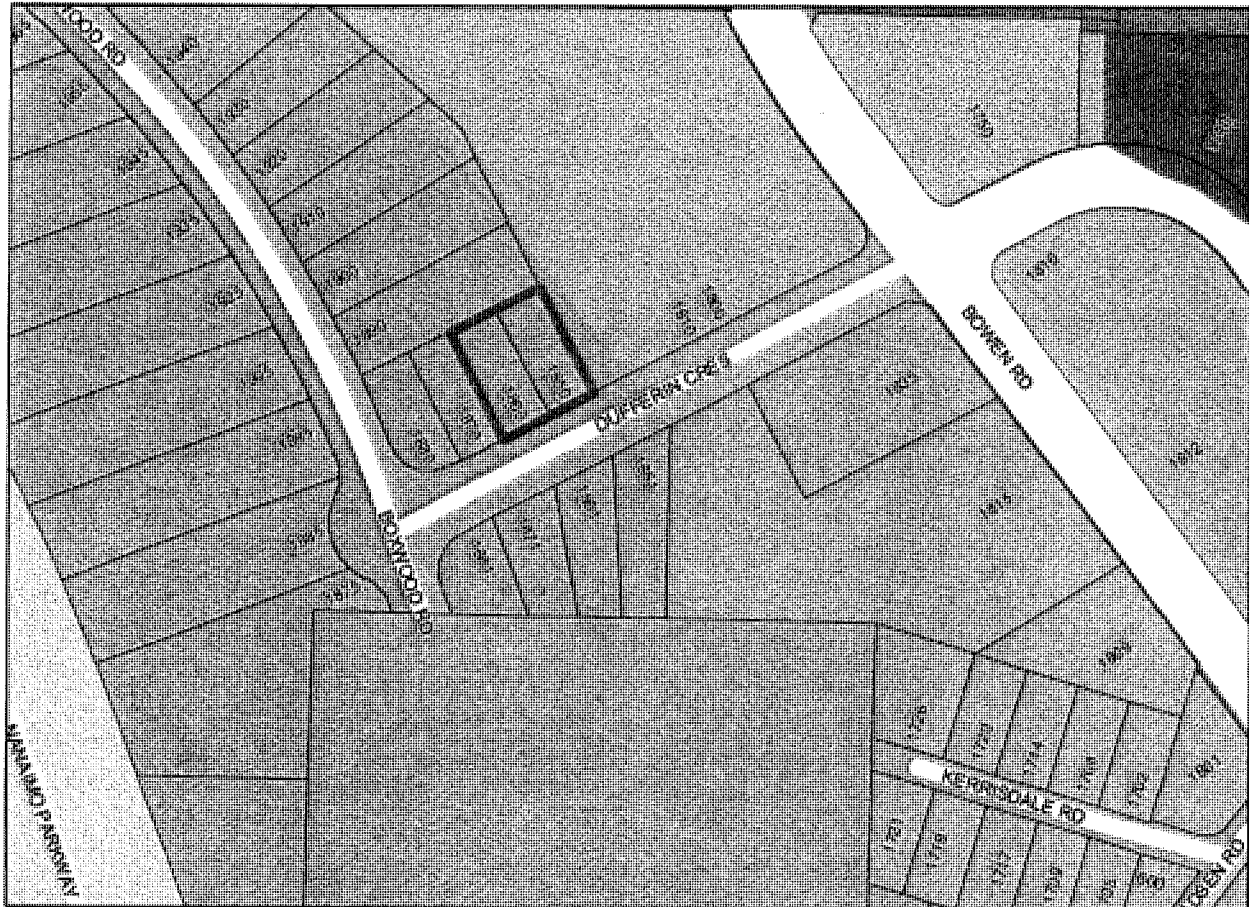
\\tempestdocs\tempestdocs\prospero\planning\ocp\ocp00065\council report.doc  
dj/ds/pm/ch

**Attachment A  
Subject Property Map  
(Page 1 of 2)**





**Attachment A**  
**Subject Property Map**  
**(Page 2 of 2)**



# Attachment B Conceptual Site Plan

## Windward Liquor Store Relocation

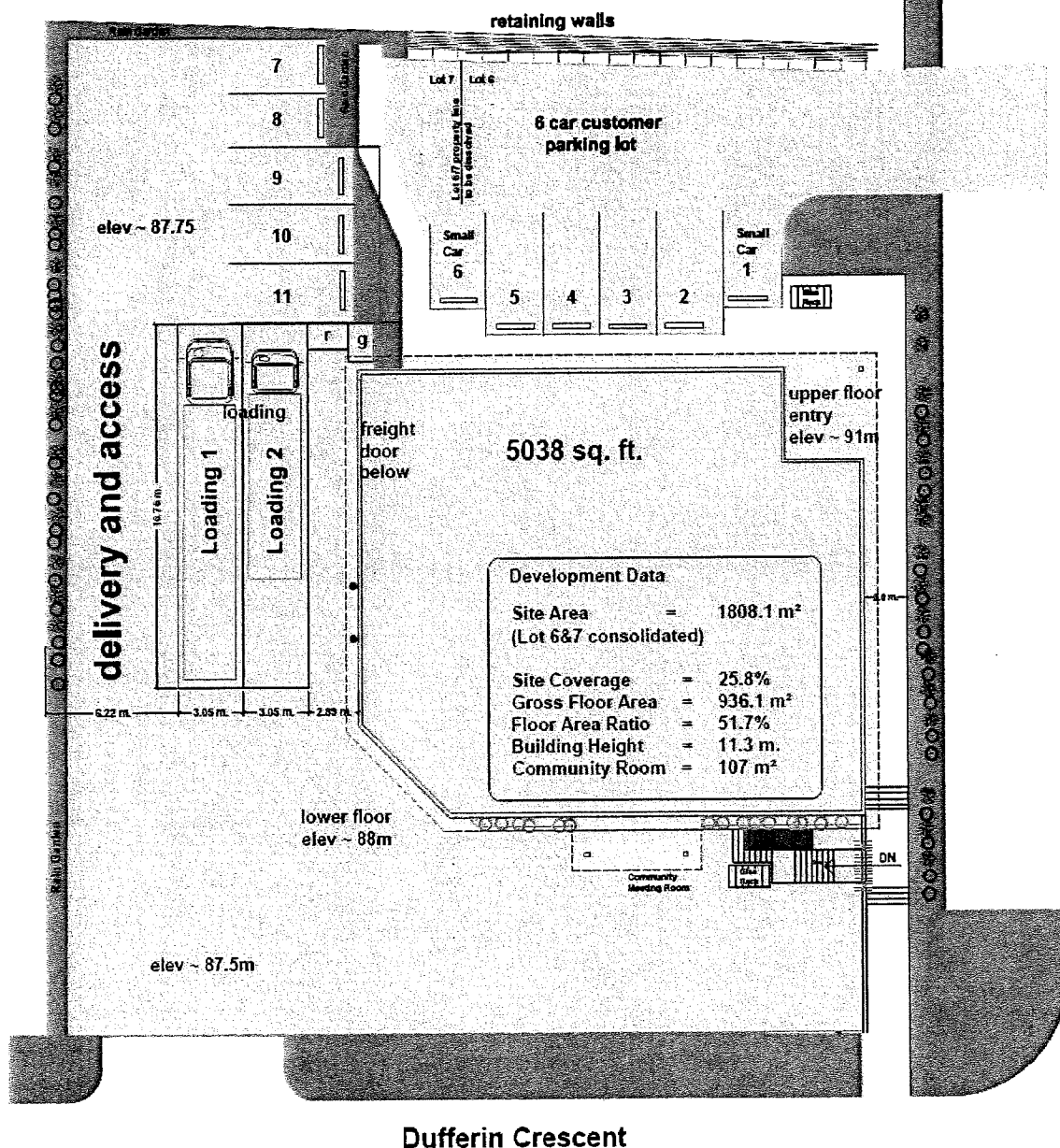
### Anderson Greenplan

1655 Cedar Road  
Nanaimo, BC, V9X 1L4  
(250) 722-3456  
info@greenplan.ca

Sheet Title  
Liquor Store Site Plan

Scale  
N.T.S.

Date  
May 27 2012



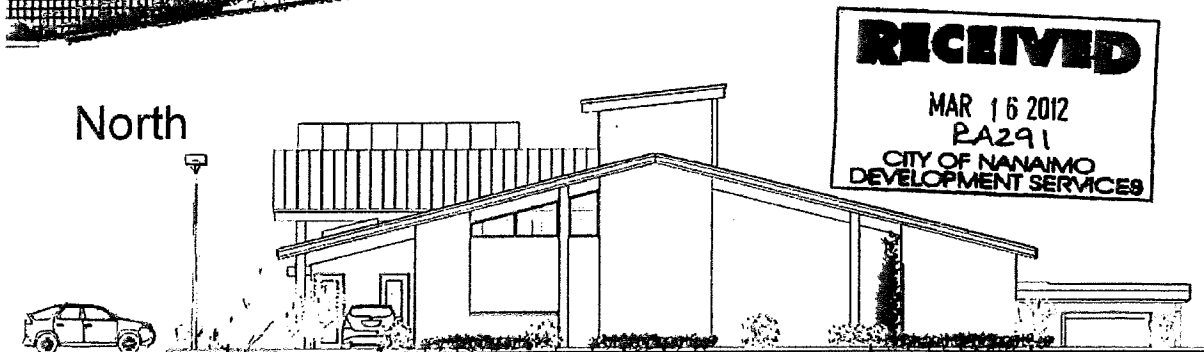
Attachment C  
Elevations

Elevations

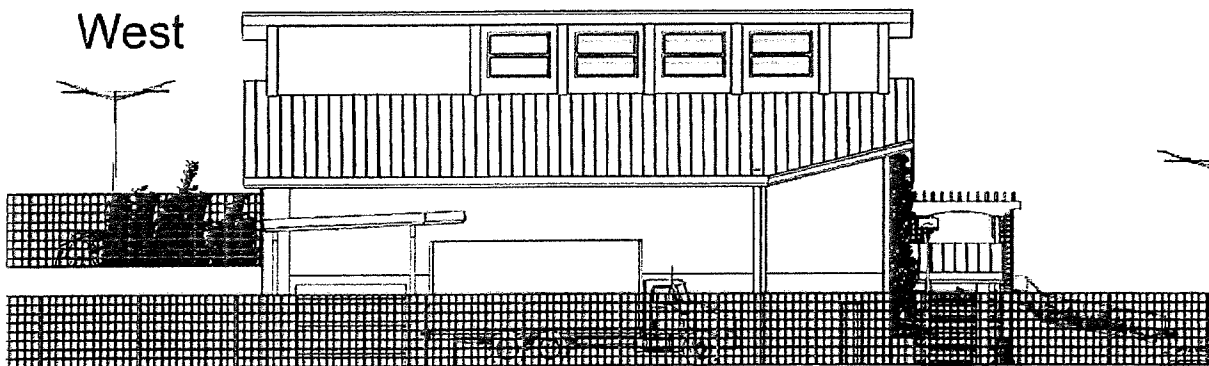
East



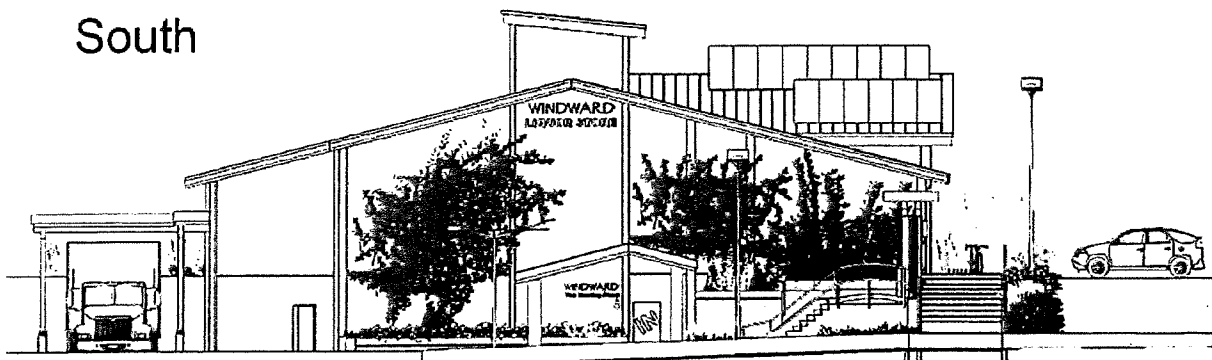
North



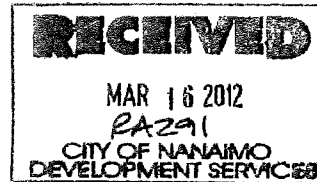
West



South



**Attachment D  
Rezoning Rationale  
(Page 1 of 2)**



Mar 12, 2012

**Rezoning Rationale**

**Re: Lots 6&7, Plan EPP15172, Section 15, Range 8, Mountain District  
Dufferin Crescent (west of Bowen)**

The objectives of this application will require that the two subject properties, Lots 6 and 7 or the Green Rock Subdivision will need to be consolidated into a single lot. The resulting property will be located so as immediately:

- To the east - directly adjacent the large Country Grocer parking lot - zoned COR3
- To the south – Dufferin Crescent linking Bowen Road (urban arterial road) to Boxwood (industrial road)
- To the west – Lot 8, Green Rock Industrial Park (900m2 lot) – zoned I2
- To the north – Lot 10, Green Rock Industrial Park (21,000m2 lot) – zoned I2

To look beyond the immediate neighbouring lots, the surrounding area is impacted by the Nanaimo Parkway to the west, providing a defined western boundary with the nearest Parkway access about 1.5km at Northfield Road. Between the Parkway and the subject property(s) is Boxwood Road which provides a frontage access to light industrial zoned properties extending north to Northfield Road and thereby servicing as a key industrial access route to reduce truck traffic on Bowen Road. Bowen Road itself has historically been a north/south urban arterial route for the traveling public and with major road lane upgrades is being designed to provide corridor access to a multiple of mixed uses for the community. The intersection of Bowen and Dufferin specifically will offer such community needs and services as a grocery store, drug stores, a bank, professional offices and secondary retail. These facilities are anticipated to be predominately patronized by the north/south commuting public and the higher density residential community east of Bowen Road.

The subject property(s) is accessed from the new portion of Dufferin Crescent (west of Bowen) which extends to a round-about intersection at Boxwood Road. Between the subject property and Bowen Road two additional accesses north from Dufferin Crescent provide egress to the parking lot for Country Grocer and TD Bank customers. The subject property(s) are thus located between retail commercial activities (COR3) to the east and future light industrial (I2) operations to the west and thus serves as a transitional property between commercial and industrial zoning designations. Unique to the circumstances of this site is the knowledge that the level of the parking lot east of the subject property(s) will be at about 2.5 to 3m above the grade level of the subject property. This provides the ideal situation for the relocation of the Windward Beer and Wine facilities to this property such that the delivery of liquor for the facilities will arrive at ground level off Dufferin Crescent while the upper floor of the building housing the retail distribution of liquor can be orientated eastward towards the parking lot that serves the bank and grocery store customers. The liquor store in this location would serve to provide a 3<sup>rd</sup> building anchor to frame the large commercial parking accessed off Dufferin Crescent.

Liquor Stores are permitted on a Site Specific Corridor 3 designated property and in order to facilitate the relocation of the current Windward Beer and Wine Store at Beaufort Center to this location, a zoning amendment from Industrial 2 to Corridor 3 must be approved and is thus the purpose of this application.



**Attachment D**  
**Rezoning Rationale**  
**(Page 2 of 2)**

We have reviewed this amendment request in light of the insights found in *planNanaimo*, the City's Official Community Plan. There appear to be a number of common goals between the community's vision as expressed in the OCP and Dean Gaudry's vision for this facility. Dean seeks to set new standards for green building design, specifically targeting to be recognized as the greenest liquor store in the province. The planned 2 story building will feature geothermal systems, solar systems, rainwater harvesting, natural lighting and ventilation and green-wall technologies. All of these technologies target energy and water conservation and the reduction of greenhouse gases which underlie the Guiding Principle of the OCP, Sustainability.

Dean's vision to promote sustainability would appear consistent with OCP Goals #2 and #7 while OCP Goal #6 - Improve Mobility and Servicing Efficiency - is addressed with the relocating of the Liquor Store from the hospital area to this arterial corridor site, removing heavy delivery truck traffic from a more residential area making the collector roads safer for the pedestrians, cyclists and motorists in the community. The proposed site offers the opportunity for a significantly larger facility and more full and part-time employees thereby serving the economic objectives of OCP Goal #4. Construction of the facility will provide building trade employment for about 8 months. There does not appear to be any component of this initiative that is contrary to any of the OCP Goals.

Review of Section 2.2 on Corridors and Commercial Centres and Section 2.5 on Light Industrial use provides more specific objectives on which to evaluate this rezoning request. Review of the Light Industrial objectives notes concerns that the adjacent land uses are considered compatible and not conflicting with Light Industrial land uses. This reflects an importance on those properties perceived to be transitions between commercial and light industrial land use. This application assists this cause by orientating the upper floor of the liquor store towards the commercial parking area of corridor zoning while the lower floor area is orientated to Dufferin Crescent providing access for large delivery trucks to overhead doors and loading bays common in many light industrial operations. The perspective from the adjacent lot 8 will be the feel of a light industrial neighbour on the consolidated lots 6 and 7. The retention of the strong light industrial building look, south and west may suggest that a liquor store is an ideal operation for a transitional property bridging between commercial and light industrial activities particularly given the additional benefit of easy access of large delivery vehicles from Boxwood Road. The planned liquor store appears to have minimal negative implications for the objectives of the Light Industrial zone and has several supportive elements in meeting the objectives of the Corridor designation. This proposed relocation of the Windward Liquor Store will provide much better transit, cycling and motorist access to purchasing liquor and when planned with grocery pickup needs, this operation reduces overall vehicle traffic within the community serving the sustainability initiative of reducing greenhouse gases. The nature of the planned building design speaks favourably to the additional sustainability objectives of reducing consumption of energy and water and protection of the environment by setting new precedents for green building construction and utilizing rain water harvesting and storm water management practices.

In summary, the proposed site rezoned to COR3 will potentially provide a key 3<sup>rd</sup> anchor tenant to the 232 vehicle commercial parking lot as well as an ideal transitional facility orientated eastward as a Commercial building on the upper floor while providing an industrial flavour on the south and west sides consistent with the grades and activities of adjacent light industrial operations. It should also be noted that the relocation of the Windward Liquor Store away from its current location in the Hospital District may be seen from traffic and social planning perspectives as a positive value to the community in its own right.

**Attachment E  
RCMP Response**

**From:** WALLY TAYLOR  
**To:** David Stewart  
**Subject:** Re: Rezoning application No RA291 Dufferin Crescent  
**Date:** Tuesday, May 15, 2012 5:52:51 PM

---

Rezoning Application in regards to the transfer of The Windward Liquor Store.

The new Green Rock Industrial area would function well as a location for the transfer of this Liquor outlet. It is complimentary retail to the other new stores going into this location, that being a large grocery store and a bank. It is also in close proximity to mixed retail on the other side of Bowen Rd including two drug stores. There are no schools, daycares, parks, or youth gathering facilities in the immediate vicinity. This new location moves this Licensee Retail Store further away from parks and trails (Beaufort linear Park), which is a positive.

The old location was also in close proximity to proposed supportive housing, which is not the ideal situation. The move further away from this future development is a positive. This can also be said for the Hospital and Psychiatric Service it provides. They were able to co-exist for many years without issue, however removing the temptation of alcohol sales may benefit this vulnerable sector of our society.

The proposed plans call for a community room element to be included in the construction, These types of facilities are always in need, and it is unknown if any limitations can be placed on their usage as it may not be appropriate for minors and youth to be using this community room and having to deal with the clever marketing of alcohol companies. From a police point of view, and again unsure if 'Corridor' zoning allows, a residential suite or caretakers suite would be far more useful. Industrial areas can often be hot zones of property crime and other criminal activity, however when a residential element is added crime drops as there is now an element of surveillance within that area.

The new Liquor store location will be one block off of the main traffic artery of Bowen Road, as well it will be partially blocked from view by the other new construction taking place. Until there are other tenants in Green Rock the natural surveillance of the store will be weak. One block in the other direction is Highway 19, at the present time fencing in minimal and smash and grab type offences, or thefts using this as an escape route might be an issue. The proposed hours of operation will mean it stays open later than other businesses in the area.

As stated earlier there are no youth oriented facilities in the area, however The Edgewood Treatment Center and several of their dry houses are located within a short walk from the new proposed location.

The RCMP are not opposed to this Licensee Transfer application or the amendment to the Official Community Plan, overall it is a better location for this business. If the business owner wishes we would be able to discuss further Crime Prevention techniques that could be employed prior to or during construction and would be mutually beneficial

Hope this is of assistance and not too late,

Wally Taylor, Cst  
Nanaimo Bike Unit

Walter Taylor,  
Bike Patrol Unit  
Nanaimo RCMP

**Attachment F  
Community Room Agreement**



May 31, 2012

Planning Department  
City of Nanaimo

**RE: Community Room Agreement for Relocation of Windward Liquor Store**

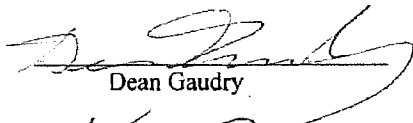
The following information is provided as a basis of the agreement by which Dean Gaudry, (the principle owner of the Windward Liquor Store) is prepared to enter into with the greater community with respect to use of the planned Community Room on the lower floor of the proposed facility at 1850 Dufferin Crescent.

Dean is prepared to allow the use of the Community Room to be used by community groups for meetings under the following conditions:

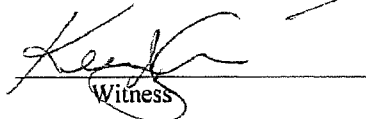
1. No charge for the use of facilities by any community group for 5 years from the date of opening.
2. Room is available to community groups on Mondays to Thursdays (except statutory holidays) between the hours of 10:00am to 9:00pm.
3. The meeting room must be booked in advance by the community group through a central booking registry organized by the owner of the facilities. The purpose and the expected duration of the meeting must be confirmed at the time of the booking with an understanding that special permission must be given for any use of the space that will exceed 3 hours.
4. Community groups will be asked to tidy up after their meeting however full and regular cleaning of the community room will be the responsibility of the owner.
5. To maintain the mixed use of the property, the community room will continue to be made available to community groups in perpetuity however the owner reserves the right to request fees from community groups to cover the up-keep and maintenance of the community room on expiry of the 5 year agreement.

This document has been prepared by Jack Anderson of Anderson Greenplan Ltd who is acting as the official agent for the zoning amendment application.

The signature below of the owner, Dean Gaudry, indicates the support for the above noted clauses as written and the intention of the owner to have the above noted clauses officially registered by legal agreement prior to the finalization of the requested zoning amendment.

  
Dean Gaudry

June 1 12  
Date

  
Witness

June 1 2012  
Date





# NOTICE OF SPECIAL PUBLIC HEARING

June 28<sup>th</sup> 2012 at 7:00 pm



There will be a Public Hearing on Thursday, June 28<sup>th</sup> 2012, starting at 7:00 pm in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.024 at the Special Public Hearing.

## BYLAW NO. 4500.024

**Purpose:** To permit the use of land for a residential subdivision.

**Location:** Part of 3500 Rock City Road, shown on Map A.

**File No.:** Rezoning Application – RA000296

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 dwelling residential subdivision.

The subject property is legally described as part of LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN VIP86869, EXCEPT PART IN PLAN VIP86995, and is shown on Map A.

## WANT TO FIND OUT MORE INFORMATION?

**IN PERSON:** A copy of the above-noted bylaw and related documents may be inspected from June 15<sup>th</sup> 2012 to June 28<sup>th</sup> 2012, from 8:00am to 4:30pm, Monday through Friday, at the City of Nanaimo, Community Safety & Development Division (City Hall Annex Building), located at 238 Franklyn Street.

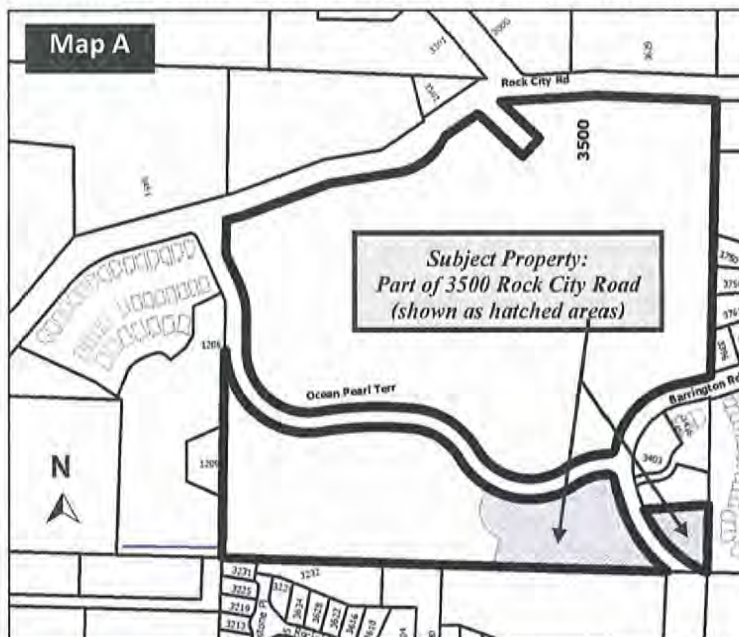
**ONLINE:** Application information associated with this bylaw, including a copy of the bylaw, can be accessed on the city's webpage: *What's Building In My Neighbourhood?* [www.nanaimo.ca/whatsbuilding](http://www.nanaimo.ca/whatsbuilding)

**QR CODE:** Use this QR code on your mobile device to go directly to the online information.



Please be advised that additional bylaws are scheduled for the Public Hearing. The complete list of public hearing items is available on the City's website and published in local newspapers.

This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Manager of Legislative Services.



## WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 28<sup>th</sup> 2012, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

**IN PERSON:** Drop off at the reception desk in the City Hall Annex Building, located at 238 Franklyn Street.

**POSTAL MAIL:** Mail to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

**EMAIL:** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

**WEBSITE:** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing)

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

City of Nanaimo [www.nanaimo.ca](http://www.nanaimo.ca)  
Community Safety & Development Division  
Location: City Hall Annex Building  
Phone: (250) 755-4429 Fax: (250) 755-4439



**City of Nanaimo**  
**REPORT TO COUNCIL**

**FILE COPY**

DATE OF MEETING: 2012-JUN-11

AUTHORED BY: S. HERRERA, PLANNER, PLANNING AND DESIGN SECTION

RE: RA296 – PART OF 3500 ROCK CITY ROAD

---

**STAFF RECOMMENDATION:**

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2012 NO. 4500.024"; and
2. direct Staff to secure a covenant for the no vegetation disturbance area, prior to adoption of the bylaw, should Council support the bylaw at Third Reading.

**PURPOSE:**

The purpose of this report is to provide Council with background information regarding a new rezoning application for a portion of 3500 Rock City Road from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9) to allow a 15 unit single family dwelling subdivision. The bylaw associated with this rezoning application is being considered for First and Second Readings this evening.

**BACKGROUND:**

***Subject Property and Surrounding Area***

The overall area of the subject property is 13 hectares (33.5 acres), located off of Rock City Road (Attachment A). Ocean Pearl Terrace bisects the southern portion of the lot and intersects with Barrington Road on the east side of the property. The subject property is a steep sloped site. A portion of the lot is proposed to be rezoned, which has a total area of 0.7 ha (1.9 acres). The surrounding neighbourhood contains a mix of housing types and lot sizes.

***Previous Development Permit***

Previously, Development Permit No. DP731 was issued on 2011-AUG-22 for a multi-dwelling site, which was intended to be a strata development. A total of 16 detached residential units were approved for the site. The permit was issued in accordance with the Steep Slope Development Permit Area Guidelines; however, the applicant has not proceeded with constructing the multi-dwelling development. A copy of the development permit site plans are attached (Attachment B).

***Proposed Development***

The applicant proposes to rezone the subject property from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9) in order to facilitate a fee-simple residential subdivision. The proposed site plan generally reflects the plans previously approved through DP731. The proposed rezoning site plan is attached (Attachment C).

The applicant has proposed a CD zone due to several variances that would be required for some of the proposed lots under the R1 or R2 zones; such as lot depths, front yard setbacks, and rear yard setbacks. A CD zone allows for a site plan to be included as a schedule within the Zoning Bylaw where the zone schedule (site plan) forms the zone regulations.

The proposed CD9 zone can be summarized as follows:

<b>Total Number of Lots</b>	15
<b>Lot Size</b>	Range from 328 m <sup>2</sup> to 848m <sup>2</sup> .
<b>Lot Coverage</b>	Maximum 40% per lot.
<b>Front Yard Setback</b>	3m (all garage doors and carport entrances facing a public road must be setback at least 6m from the front lot line).
<b>Side Yard Setback</b>	1.5m or no vegetation disturbance line, whichever is more restrictive.
<b>Flanking Side Yard Setback</b>	3m
<b>Rear Yard Setback</b>	4.5m or no vegetation disturbance line, whichever is more restrictive.
<b>Maximum Building Height</b>	9m above natural grade measured from the mid-point of the buildable area for each lot (maximum ridge height measurements shown as geodetic heights).

A new public road, 10m in width, is proposed to connect from Ocean Pearl Terrace to Barrington Road. City Engineers are satisfied with the proposed road width and are in discussions with the applicant as to whether the road will be one-way or two-way. All engineering requirements will be determined through the detailed Design Stage Acceptance (DSA) review through the subdivision process.

#### ***No Disturbance Area***

Staff recommends, as a condition of rezoning, that a covenant be secured prior to final adoption of the bylaw in order to require the removal of invasive plant species and to restrict development within the areas identified as 'no vegetation disturbance'. The covenant will require fencing during the construction stage and a requirement for remediation prior to issuance of a building occupancy permit should the area be compromised during construction.

#### ***Landscaping***

As typically required, the previous development permit (DP731) contained extensive requirements for landscaping, which reflected the overall development concept to protect and enhance the natural features of the site. However, the City has limited controls over landscaping on fee simple residential lots. Therefore, Staff recommends, as a condition of rezoning, that 2 trees be planted per lot, for Lots 10 to 15, which are the most suitable planting locations. The tree species will be reviewed and approved by the City's Urban Forester prior to being planted and shall be located between the principal building and Ocean Pearl Terrace. A covenant will be required prior to final adoption of the bylaw to secure the tree planting.

**Official Community Plan (OCP)**

The property falls within the Neighbourhood designation, according to Map '1' of the Official Community Plan (OCP), and is located within Development Permit Area 5 - Steep Slope Development (DPA5). The proposed rezoning equates to a density of 21 units per hectare, which falls within the Neighbourhood density range of 10-50 units per hectare, as noted above. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

**Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing that a community contribution not be required. The proposed rezoning is considered a 'down-zoning', and in this case, results in one less residential unit. Staff is supportive of not receiving a community contribution through the proposed rezoning as this is consistent with similar types of applications.

Respectfully submitted,

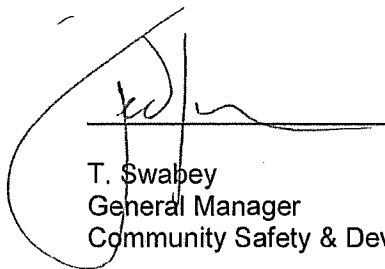


B. Anderson  
Manager, Planning and Design Section  
Community Safety & Development

Concurrence by:



A. Tucker  
Director of Planning  
Community Safety & Development

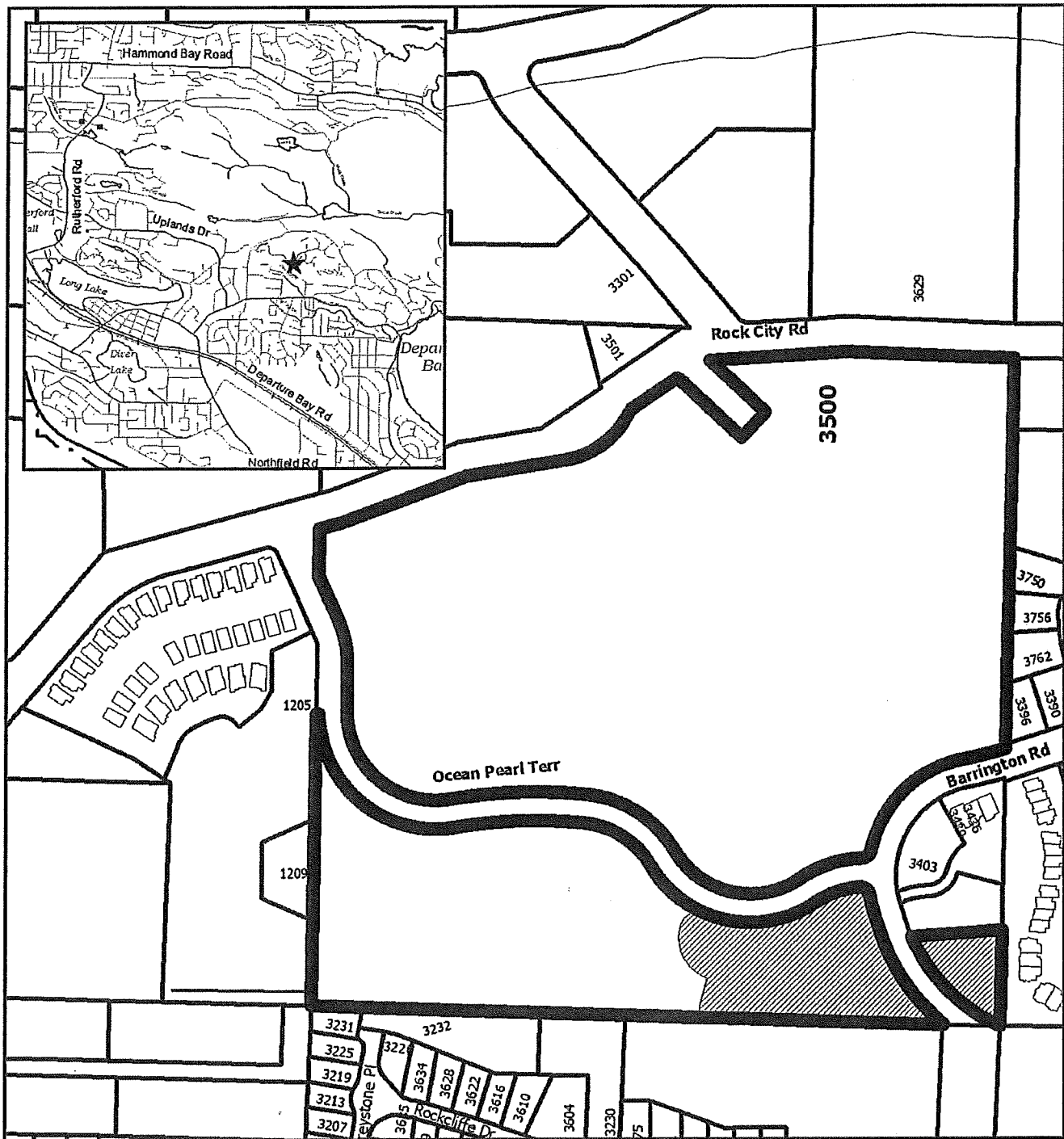


T. Swabey  
General Manager  
Community Safety & Development

**CITY MANAGER COMMENT:**

I concur with the staff recommendation.






REZONING APPLICATION NO. RA296

## LOCATION PLAN

Civic: Part of 3500 Rock City Road



 Subject Property

 Portion to be Rezoned

Development Permit No. DP000731  
3500 Rock City Road

Schedule B  
Site Plan/Data - Phase 2

DATA

Site Address: Barrington Road

Parcel: Lot 1

Zoning: RM - 3 Low Density Multiple Family Residential (Townhouse) Zone

Density: maximum allowed: 0.45  
proposed: 0.45

Lot Area: minimum area required: 19,375.67 sf (1800 sm)  
proposed: 19,375.67 sf (1800 sm)

Lot Coverage: maximum allowed: 40%  
proposed: 33%

Usable Open Space: minimum required: 5% of gross lot area  
proposed: 15% (3000/19375)

Setbacks:

Front: required: 19.69 ft. (6.0 m)  
proposed: 19.69 ft. (6.0 m)

Side: required: 9.84 ft. (3.0 m)  
proposed: 9.84 ft. (3.0 m)

Rear: required: 34.45 ft. (10.5 m)  
proposed: 34.45 ft. (10.5 m)

Building Height: maximum allowed: 22.0 ft. (6.71 m)  
proposed: House A: 28.44 ft. therefore 6.44 ft. (1.96 m) height relaxation required  
House B: 23.85 ft. therefore 1.85 ft. (0.56 m) height relaxation required  
House C: 24.77 ft. therefore 2.77 ft. (0.84 m) height relaxation required

Parking: minimum required: 2.0 spaces for each dwelling  
proposed: 2.0 spaces for each dwelling

NOTE: REFER TO LANDSCAPE DRAWINGS  
FOR DETAILED PLANTING AND  
PAVING INFORMATION



Site Plan  
scale: 1/16" = 1'-0"

This is Schedule B referred to in the  
Development Permit.

*[Signature]*  
Manager of Legislative Services

2011-AUG-22  
Date

phase 2 data and site plan

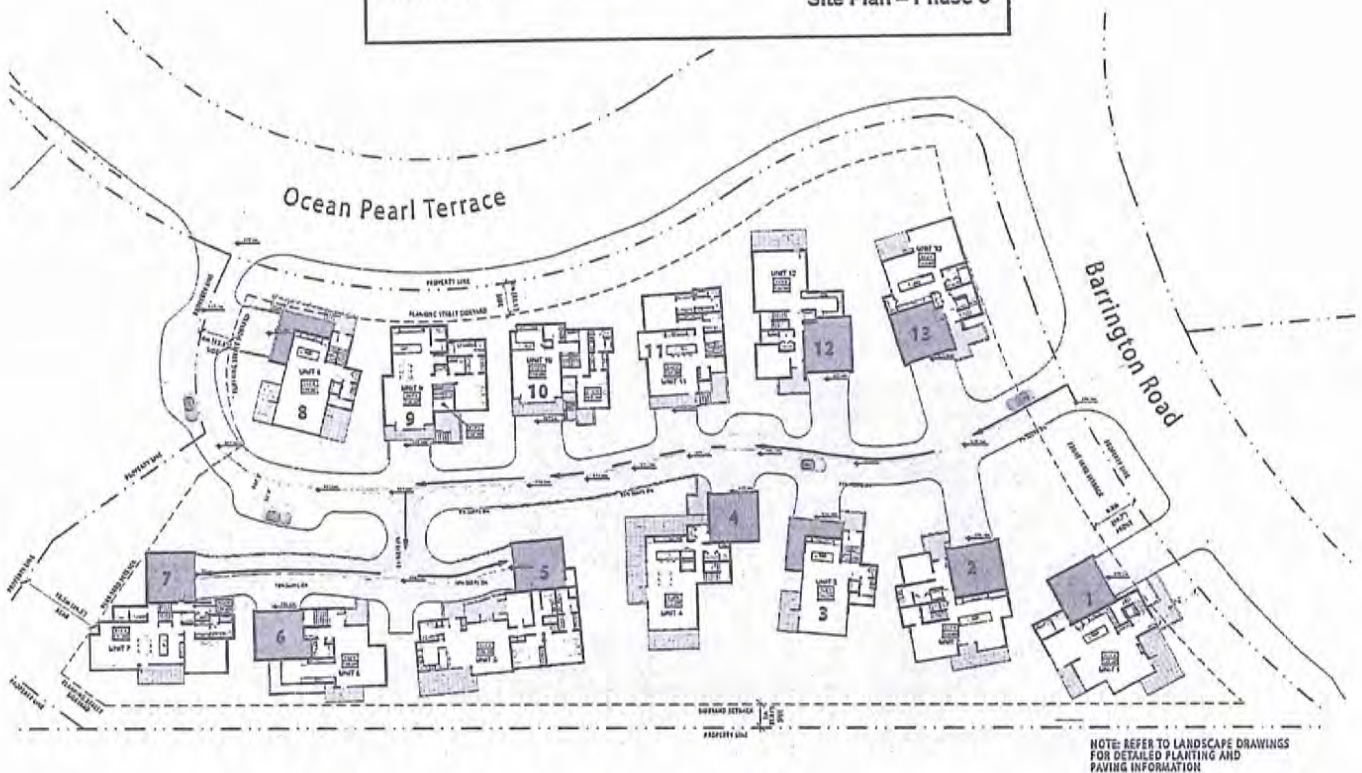


Rockwood Estates Barrington Road, Nanaimo, B.C.

CHOW LOW HAMMOI  
ARCHITECT

Development Permit No. DP000731  
3500 Rock City Road

Schedule F  
Site Plan - Phase 3



NOTE: REFER TO LANDSCAPE DRAWINGS  
FOR DETAILED PLANTING AND  
PAVING INFORMATION

phase 3 site plan  
**CLH**

This is Schedule F referred to in the  
Development Permit.

*[Signature]*  
Manager of Legislative Services

2011-Aug-22  
Date

scale: 1/16" = 1'-0" April 2011

**CHOW LOW HAMMOND**  
ARCHITECTS INC.





CITY OF NANAIMO

BYLAW NO. 4500.024

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2012 NO. 4500.024".
2. The City of Nanaimo 'ZONING BYLAW 2011 NO.4500' is hereby amended by adding Section 16.9 as follows:

16.9 COMPREHENSIVE DEVELOPMENT DISTRICT ZONE NINE (CD9)  
The intent of this zone is to provide for a residential subdivision.

16.9.1 PERMITTED USES

Principal Uses	Conditions of Use
Single Residential Dwelling	

Accessory Uses	Conditions of Use
Bed and Breakfast	Subject to Part 6. Must be located within a Single Residential Dwelling.
Boarding and Lodging	Shall not exceed two sleeping units and shall not accommodate more than two persons. Must be included within a Single Residential Dwelling.
Daycare	Subject to Part 6.
Home Based Business	Subject to Part 6.
Secondary Suite	Subject to Part 6. Must be accessory to a Single Residential Dwelling.

16.9.2 DENSITY  
One Single Residential Dwelling per lot.

16.9.3 LOT AREA  
Lot area shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.4 LOT DIMENSIONS  
Lot dimensions shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

16.9.5 YARD SETBACKS  
Yard setbacks shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

**16.9.6 LOT COVERAGE**

Lot coverage shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

**16.9.7 BUILDING HEIGHT**

Building Height shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

**16.9.8 GARAGE FLOOR ELEVATION**

Garage floor elevation shall be as set out in the plans included within Subsection 16.9.9 of this Bylaw.

**16.9.9 PLANS**

Within the CD9 Zone lot area, lot dimensions, yard setbacks, lot coverage, building height, and garages floor elevations shall be developed in general accordance with the following plan:

**DEVELOPMENT DATA**

**Lot Area:**

The following table shows the lot areas for Lots 1–15 on the plan.

<b>Lot #</b>	<b>Maximum Lot Area (+/- 10%)</b>
Lot 1	530.9 m <sup>2</sup>
Lot 2	702.8 m <sup>2</sup>
Lot 3	567.9 m <sup>2</sup>
Lot 4	848.3 m <sup>2</sup>
Lot 5	493.1 m <sup>2</sup>
Lot 6	450.1 m <sup>2</sup>
Lot 7	548.1 m <sup>2</sup>
Lot 8	696.6 m <sup>2</sup>
Lot 9	517.7 m <sup>2</sup>
Lot 10	388.8 m <sup>2</sup>
Lot 11	328.4 m <sup>2</sup>
Lot 12	348.7 m <sup>2</sup>
Lot 13	364.9 m <sup>2</sup>
Lot 14	526.6 m <sup>2</sup>
Lot 15	681.2 m <sup>2</sup>

**Yard Setbacks:**

The following yard setbacks apply to all lots.

Front:	3.0 metres
Side:	1.5 metres or no vegetation disturbance covenant line, whichever is more restrictive – refer to plan.
Flanking Side:	3.0 metres
Rear:	4.5 metres or no vegetation disturbance covenant line, whichever is more restrictive – refer to plan.

**Lot Coverage:**

Within the yard setbacks, the maximum lot coverage is restricted to 40%.

**Building Height:**

The following table shows maximum building heights for Lots 1-15. All elevations are referenced in geodetic data.

<b>Lot #</b>	<b>Maximum Ridge Height</b>
Lot 1	135.7 m
Lot 2	134.6 m
Lot 3	134.7 m
Lot 4	135.0 m
Lot 5	134.5 m
Lot 6	133.1 m
Lot 7	132.3 m
Lot 8	122.0 m
Lot 9	120.6 m
Lot 10	126.6 m
Lot 11	126.3 m
Lot 12	126.9 m
Lot 13	127.8 m
Lot 14	130.4 m
Lot 15	132.6 m

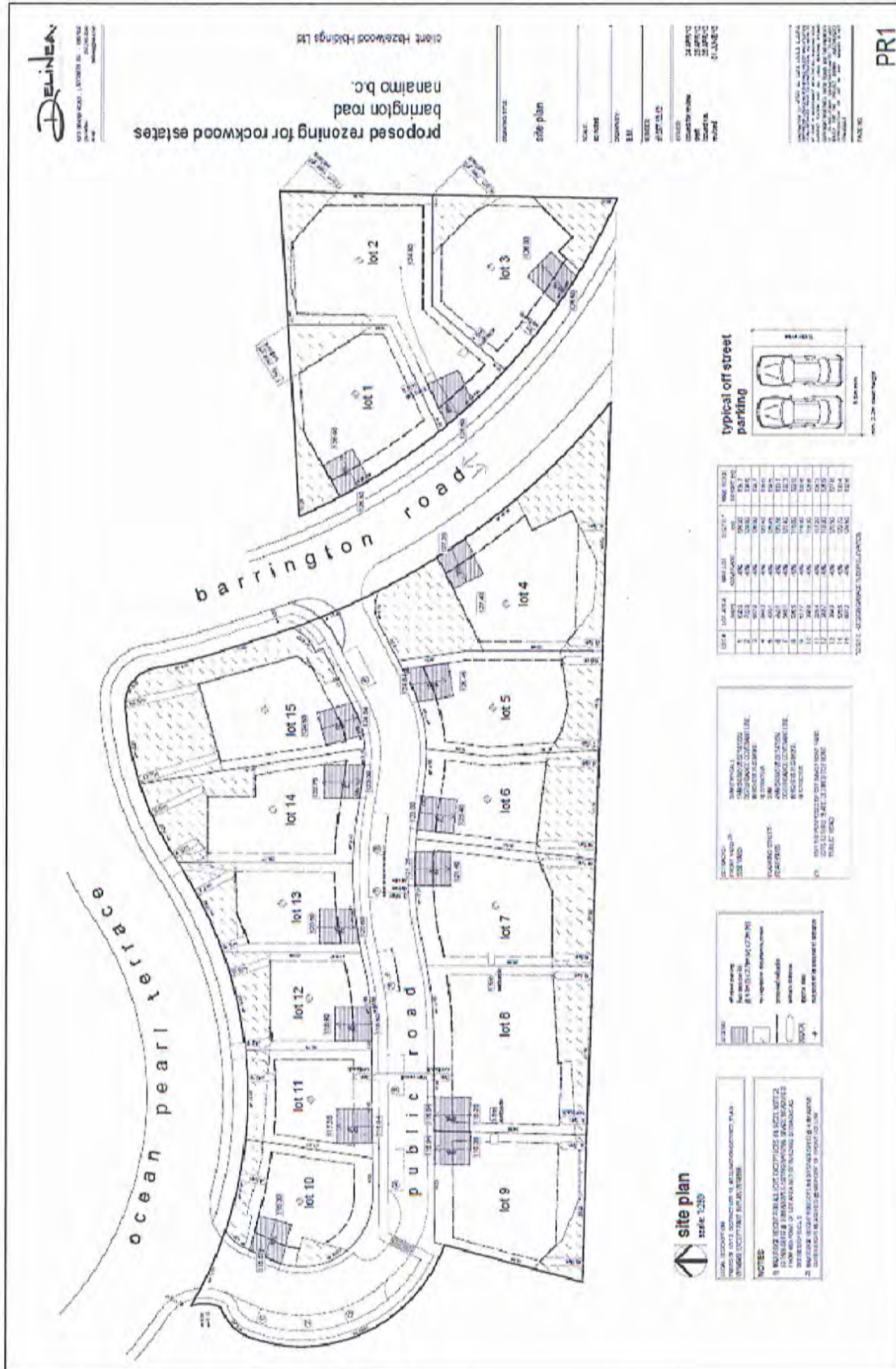
**Notes:**

1. Maximum ridge height for all lots (except Lots 8 & 9 – see No.2 below) established at 9.0 metres above existing natural grade measured from mid-point within the buildable area (mid-points shown on the plan).
2. Maximum ridge height for lots 8 & 9 established at 4.0 metres above curb height measured from midpoint of front lot line.

**Garage Floor Elevation:**

The following table shows garage floor elevations for Lots 1-15. All elevations are referenced in geodetic data.

<b>Lot #</b>	<b>Garage Floor Elevation</b>
Lot 1	126.90 m
Lot 2	124.80 m
Lot 3	126.00 m
Lot 4	127.40 m
Lot 5	125.45 m
Lot 6	123.76 m
Lot 7	121.40 m
Lot 8	116.00 m
Lot 9	116.00 m
Lot 10	116.30 m
Lot 11	117.20 m
Lot 12	118.90 m
Lot 13	120.50 m
Lot 14	122.70 m
Lot 15	124.50 m



Schedule A





REZONING APPLICATION NO. RA296

LOCATION PLAN

Civic: Part of 3500 Rock City Road



-  Subject Property
-  Portion to be Rezoned



3. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the land legally described as part of LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN VIP86869, EXCEPT PART IN PLAN VIP86995, from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9), as shown on Schedule A.

PASSED FIRST READING 2012-JUN-11

PASSED SECOND READING 2012-JUN-11

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

COVENANT REGISTERED \_\_\_\_\_

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: RA000296

Address: Part of 3500 Rock City Road

# NOTICE OF SPECIAL PUBLIC HEARING

June 28<sup>th</sup> 2012 at 7:00 pm



There will be a Public Hearing on Thursday, **June 28<sup>th</sup> 2012**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.020 at the Special Public Hearing.

## BYLAW NO. 4500.020

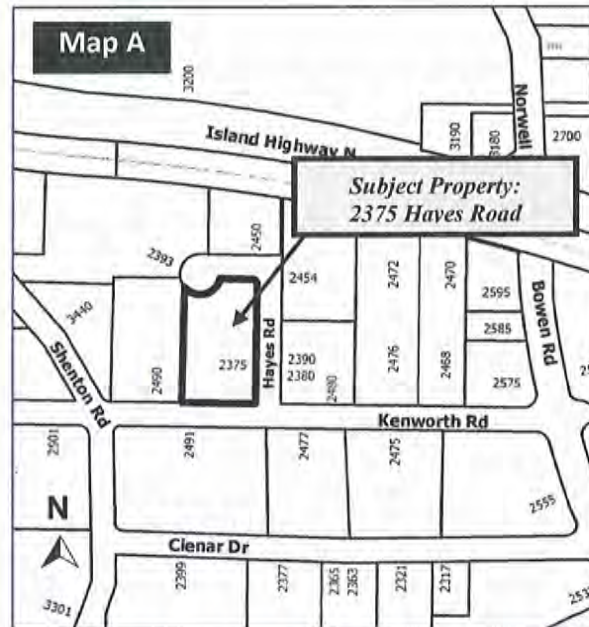
**Purpose:** To permit the use of land for a recycling depot

**Location:** 2375 Hayes Road, as shown on Map A.

**File No.:** Rezoning Application – RA000292

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.

The subject property is legally described as part of LOT 2, SECTION 5, WELLINGTON DISTRICT, PLAN 29434 EXCEPT THAT PART IN PLAN 47789, and is shown on Map A.



## WANT TO FIND OUT MORE INFORMATION?

**IN PERSON:** A copy of the above-noted bylaw and related documents may be inspected from June 15<sup>th</sup> 2012 to June 28<sup>th</sup> 2012, from 8:00am to 4:30pm, Monday through Friday, at the City of Nanaimo, Community Safety & Development Division (City Hall Annex Building), located at 238 Franklyn Street.

**ONLINE:** Application information associated with this bylaw, including a copy of the bylaw, can be accessed on the city's webpage:

*What's Building In My Neighbourhood?*  
[www.nanaimo.ca/whatsbuilding](http://www.nanaimo.ca/whatsbuilding)

**QR CODE:** Use this QR code on your mobile device to go directly to the online information.



*Please be advised that additional bylaws are scheduled for the Public Hearing. The complete list of public hearing items is available on the City's website and published in local newspapers.*

## WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, June 28<sup>th</sup> 2012, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

**IN PERSON:** Drop off at the reception desk in the City Hall Annex Building, located at 238 Franklyn Street.

**POSTAL MAIL:** Mail to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC, V9R 5J6.

**EMAIL:** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

**WEBSITE:** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing)

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

City of Nanaimo [www.nanaimo.ca](http://www.nanaimo.ca)  
Community Safety & Development Division  
Location: City Hall Annex Building  
Phone: (250) 755-4429 Fax: (250) 755-4439

*This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Manager of Legislative Services.*



**City of Nanaimo**

**REPORT TO COUNCIL**

DATE OF MEETING: 2012-MAY-28

AUTHORED BY: D. STEWART, PLANNER, CURRENT PLANNING

RE: REZONING APPLICATION NO. RA292 – 2375 HAYES ROAD

---

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2012 NO. 4500.020"; and
2. direct the applicant to enter into a covenant with the City of Nanaimo requiring that the existing legal, non-conforming rooftop sign be removed prior to 2018-JAN-01.

planNANAIMO ADVISORY COMMITTEE (PNAC) RECOMMENDATION:

At its meeting of 2012-APR-17, PNAC recommended that Council approve the application.

PURPOSE:

The purpose of this report is to describe a rezoning application to rezone 2375 Hayes Road from Highway Industrial (I1) to Light Industrial (I2) to allow the operation of a recycling depot.

BACKGROUND:

The City of Nanaimo has received an application from Maureen Pilcher and Associates Inc., on behalf of 0930602 BC Ltd. (Mr. Paul Shorting), to rezone the subject property from Highway Industrial (I1) to Light Industrial (I2) to permit a recycling depot.

***Subject Property and Surrounding Area***

The subject property is located within the existing industrial park between Divers Lake to the west and Bowen Road to the east. The subject property is approximately 5,903m<sup>2</sup> (1.5 acres) in area and was formally an automobile dealership and body shop for Wheaton Pontiac Buick. The property fronts Kenworth Road to the south and abuts Hayes Road to the east and north. Hayes Road can provide heavy truck access to the site without having an effect on traffic flow or safety.

An existing recycling depot, Nanaimo Recycling Exchange (NRE), is located immediately south of the subject property on the opposite side of Kenworth Road. To the north of the subject property, across the Island Highway, is Country Club Shopping Centre. Numerous car dealerships, mini-storage and a veterinary clinic are in the immediate vicinity of the subject property.

### **Official Community Plan**

The property falls within the 'Light Industrial' designation on Map '1' of the Official Community Plan (OCP). The 'Light Industrial' designation encourages a mix of technology, research and development, and warehousing and distribution uses. Permitted in the 'Light Industrial' designation are uses which:

- generate limited shopping and retail traffic;
- require large enclosed display and storage areas;
- have a public retail sales area for products manufactured or assembled on site;
- require access to major roads for supply and distribution;
- are not a shopping destination or a primary retail use;
- are not compatible with residential uses;
- do not require large customer parking lots and areas; and
- do not include use of hazardous materials or hazardous waste generation or storage.

Staff is of the opinion that while the proposed recycling depot will generate higher traffic volumes than found in typical industrial uses, it is consistent with the direction provided for uses within the 'Light Industrial' designation of the OCP.

### **Proposed Development**

The applicant proposes to rezone the subject property from Highway Industrial (I1) to Light Industrial (I2) in order to permit a recycling depot use. The applicant plans to convert the existing building to a recycling depot for the collection of bottles, cans, household appliances, electronics and scrap metal; all materials will be stored within the building.

The current zoning of the property allows for a refund container recycling depot but the applicant wishes to rezone in order to operate as a recycling depot, which allows for the storage of a wider variety of recycled products on site, including scrap metal. A refund container recycling depot is defined within Zoning Bylaw No. 4500 as the following:

**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. (Emphasis added.)

A recycling depot is defined as:

**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. (Emphasis added.)

While a refund container recycling depot is limited in its collection to bottles, cans and other refundable containers, by rezoning to a recycling depot the applicants business can then take a wider variety of material to be recycled. The proposed site plan is attached (Attachment 'B').

### **Future Works and Services**

Generally, for rezoning of industrial lands in urban areas the installation of a sidewalk is sought as part of the frontage works and services triggered by the Building Bylaw. As the proposed business intends to use the existing building, no sidewalk construction will be required at this time.

**Rooftop Signage**

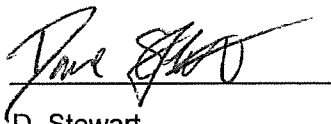
The City's current "SIGN BYLAW 1987 NO. 2850" does not permit rooftop signs. The existing rooftop sign (Attachment 'C') does not comply with current City of Nanaimo sign bylaw standards and is considered a legal non-conforming sign (i.e.: the sign was built prior to the enactment of the bylaw prohibiting rooftop signs). Typically, through a rezoning application, the City of Nanaimo seeks to bring existing legal, non-conforming structures and signs into compliance with current bylaws wherever possible. In order to eventually bring the existing signage on the property into compliance, Staff recommends that the City enter into a covenant with the applicant in order to allow the rooftop sign for a maximum of five years.

The applicant feels the sign is important to the success of the business and Staff support allowing the sign for a five-year period. By requiring the sign to be removed after five years as a condition of rezoning, the City can ensure the sign is maintained in good repair and is eventually brought into compliance with City bylaws.

**Community Contribution**

Given that the application does not include any new building construction and the limited nature of the proposed change from a refund container recycling depot to a recycling depot, no community contribution has been requested.

Respectfully submitted,

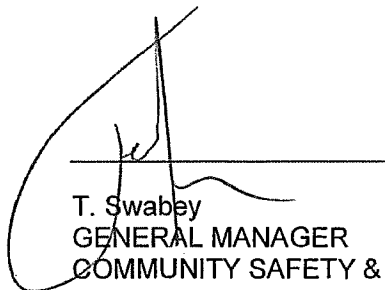


D. Stewart  
PLANNER  
CURRENT PLANNING

Concurrence by:



A. Tucker  
DIRECTOR  
PLANNING



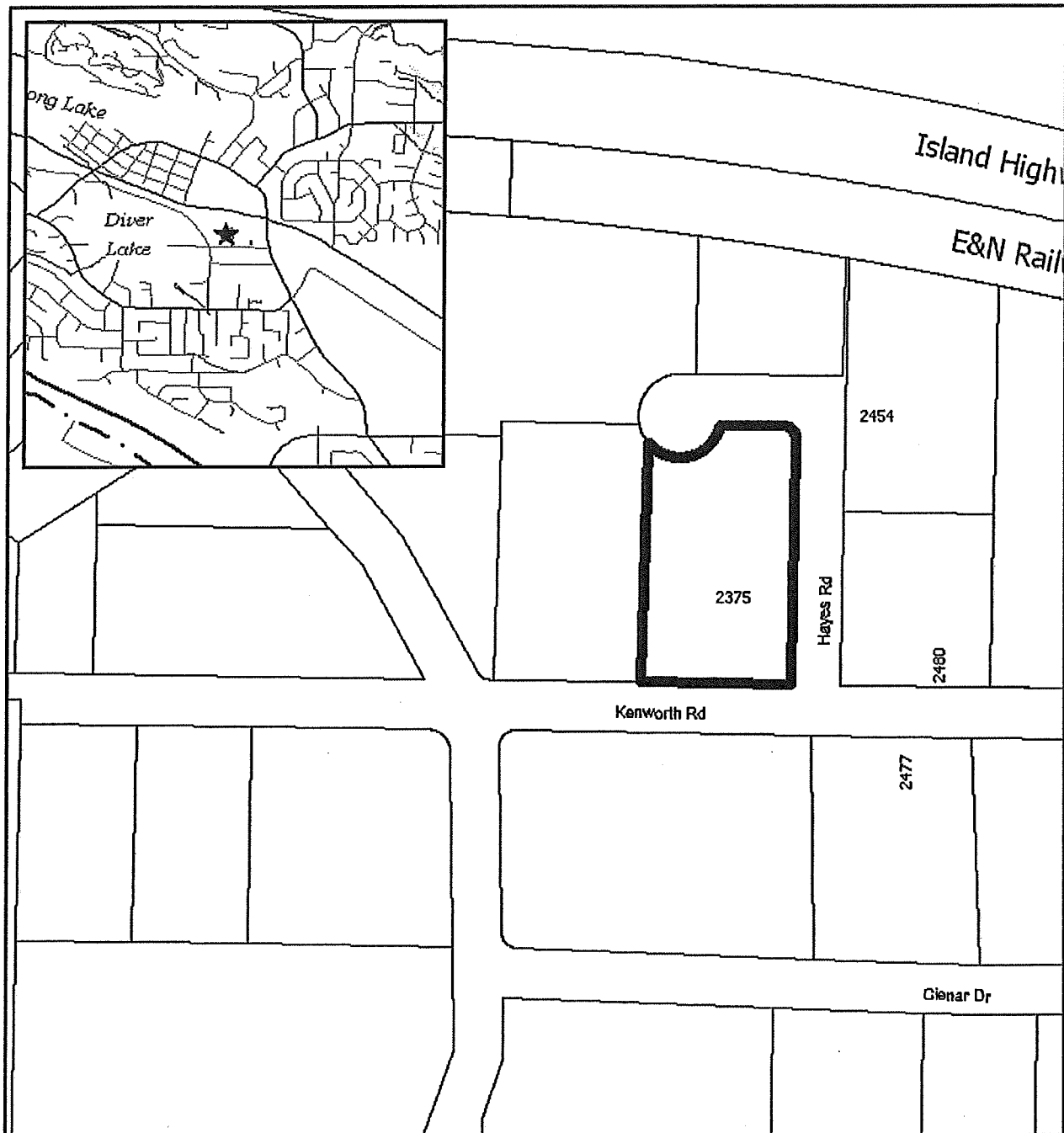
T. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

**CITY MANAGER COMMENT:**

I concur with the staff recommendation.



ATTACHMENT A



REZONING APPLICATION NO. RA000292

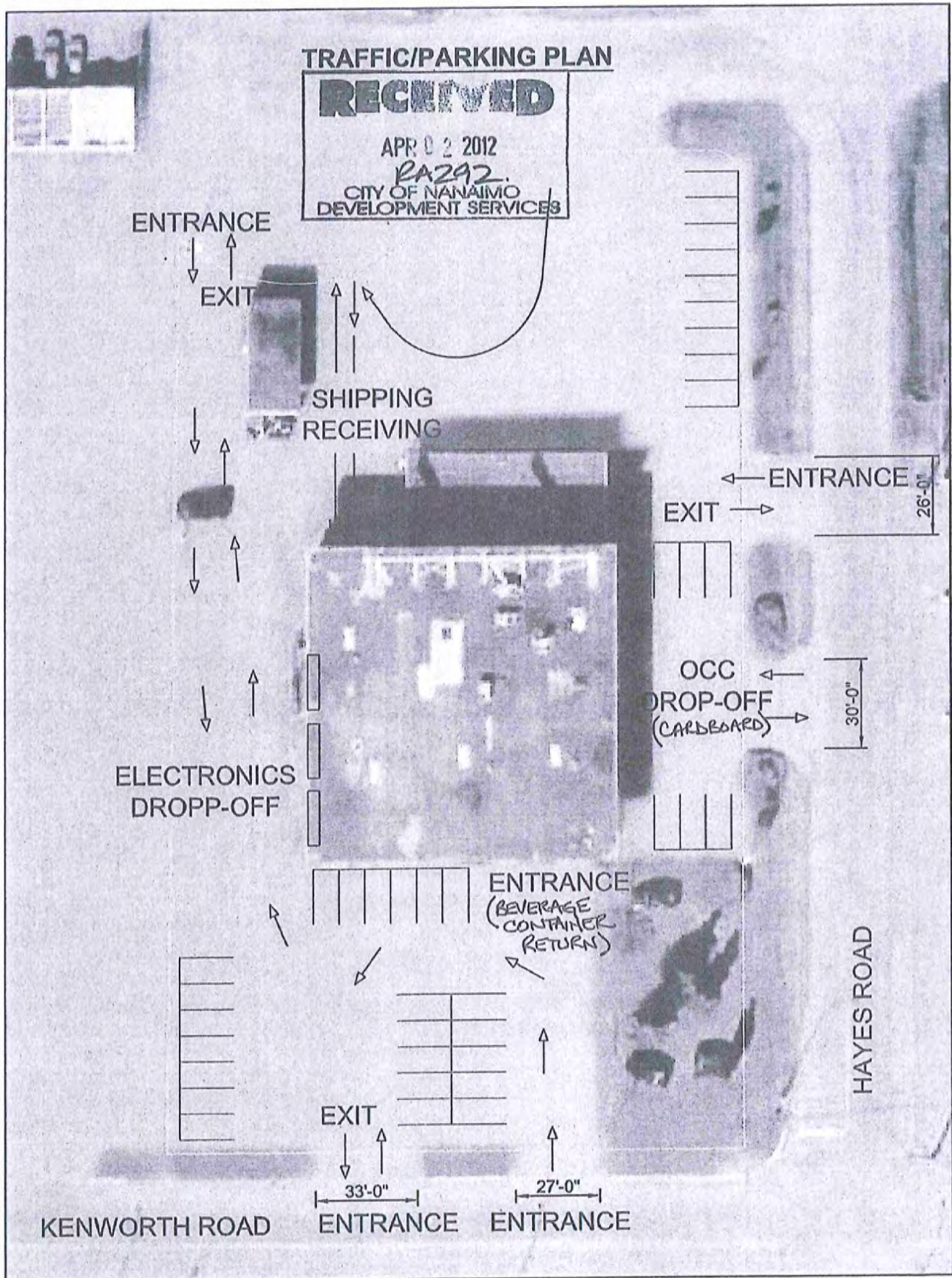
**LOCATION PLAN**

Civic: 2375 Hayes Road



 **Subject Property**

ATTACHMENT B









TRAFFIC/PARKING PLAN

**RECEIVED**

APR 02 2012

RA292

CITY OF NANAIMO  
DEVELOPMENT SERVICES

ENTRANCE

EXIT

SHIPPING  
RECEIVING

ENTRANCE

EXIT

26'-0"

OCC

DROP-OFF  
(CARDBOARD)

30'-0"

ELECTRONICS  
DROPP-OFF

ENTRANCE  
(BEVERAGE  
CONTAINER  
RETURN)

HAYES ROAD

EXIT

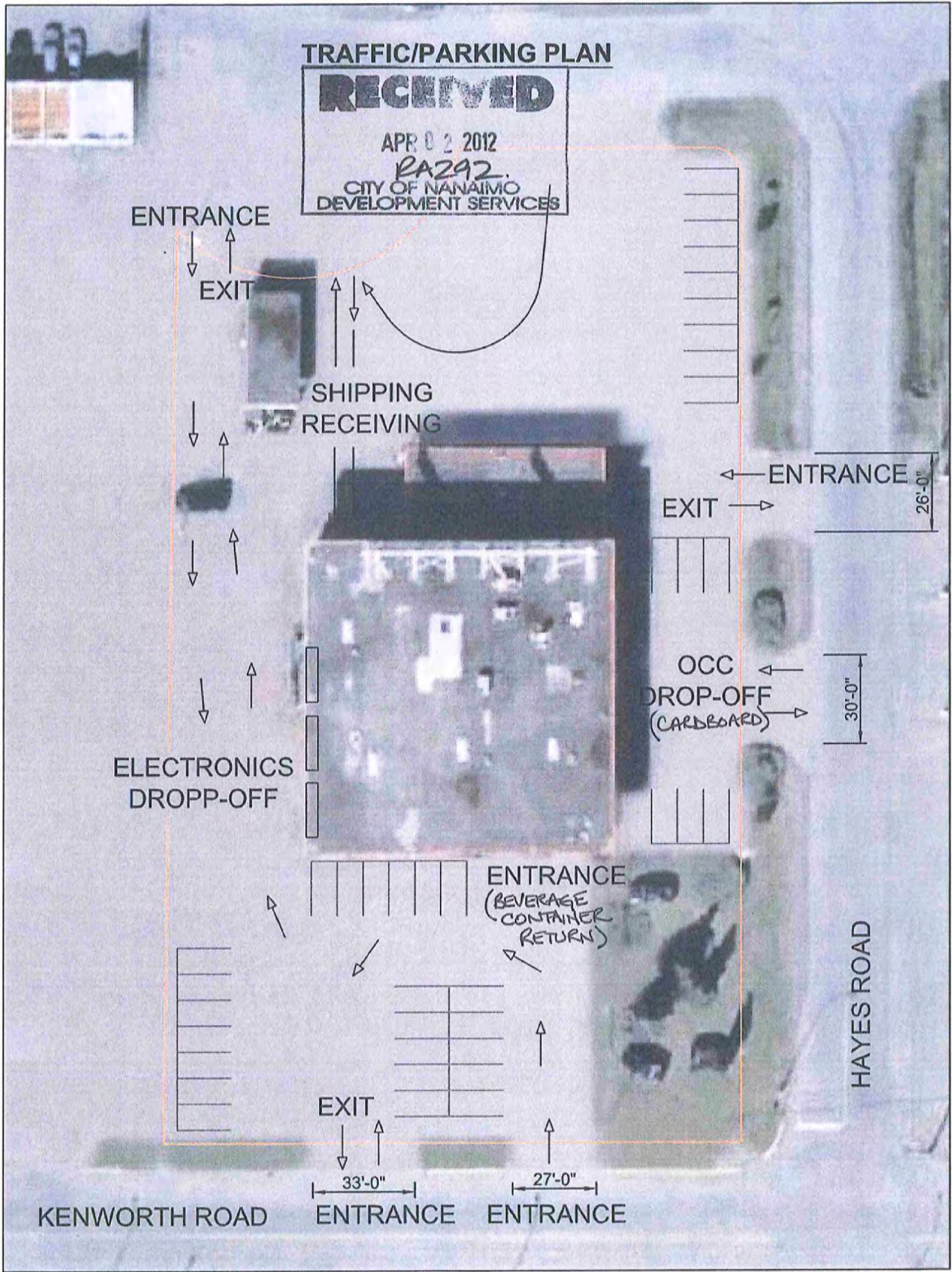
33'-0"

27'-0"

KENWORTH ROAD

ENTRANCE

ENTRANCE





CITY OF NANAIMO

BYLAW NO. 4500.020

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2012 NO. 4500.020".

2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the land legally described as LOT 2, SECTION 5, WELLINGTON DISTRICT, PLAN 29434 from Highway Industrial (I1) to Light Industrial (I2), as shown on Schedule A.

PASSED FIRST READING 2012-MAY-28

PASSED SECOND READING 2012-MAY-28

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL \_\_\_\_\_

COVENANT REGISTERED \_\_\_\_\_

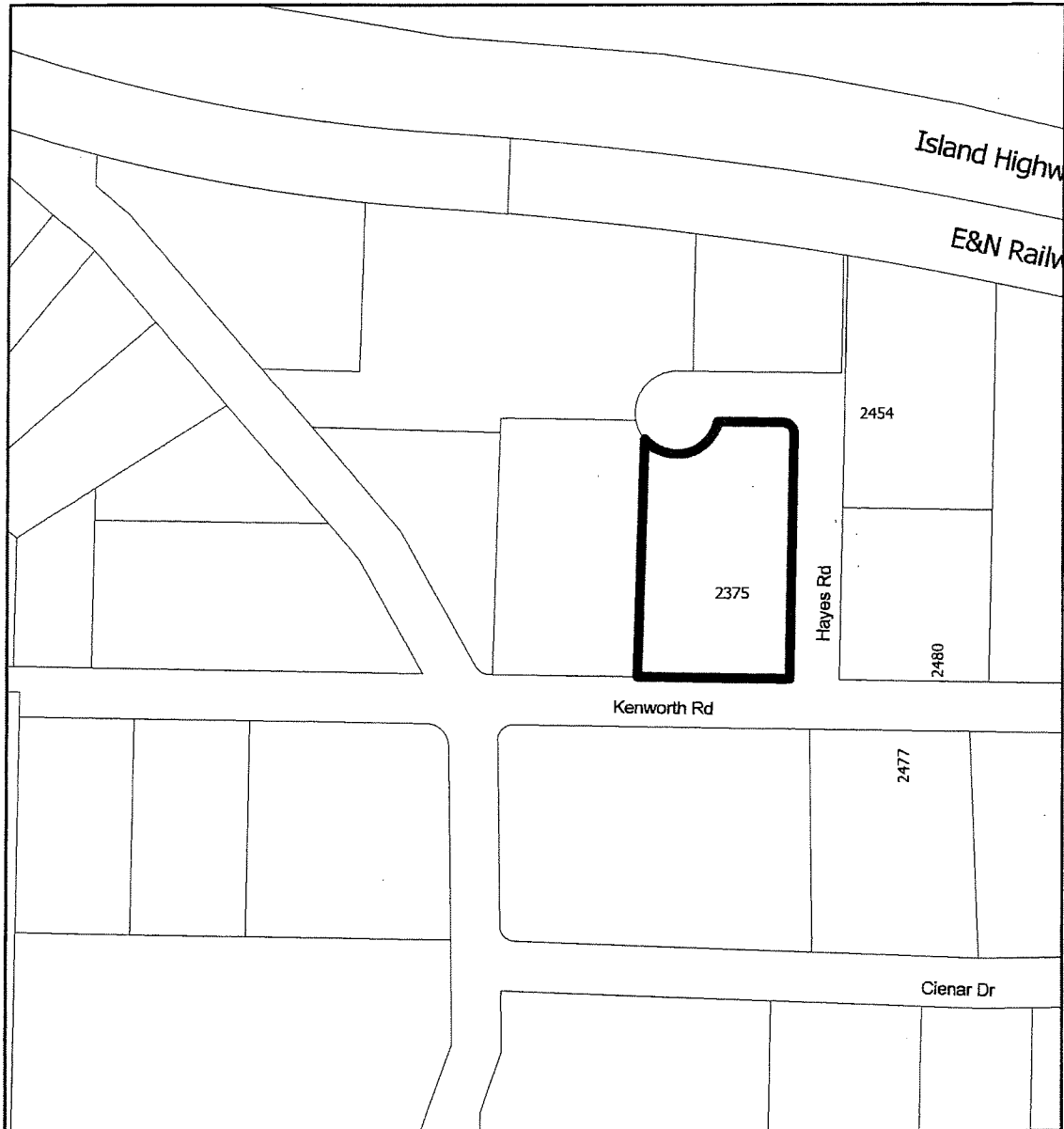
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: RA000292  
Address: 2375 Hayes Road

Schedule A



REZONING APPLICATION NO. RA000292

**LOCATION PLAN**

Civic: 2375 Hayes Road



 **Subject  
Property**