

STAFF REPORT

REPORT TO: B. ANDERSON, ACTING DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: T. KNIGHT, MANAGER, CURRENT PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2012-MAR-01
FOR BYLAWS NO. 4500.008, 4500.013, AND 4500.012

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2012-MAR-01.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2012-MAR-01, the subject of which was three items. Twenty two members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4500.008:

RA282 – Part of 1350 Fielding Road

This bylaw, if adopted, will rezone part of the subject property from Rural Resource (AR1) to Single Dwelling Residential (R1) in order to allow for a single family subdivision on a portion of the lot. The subject property is legally described as part of LOT 53, SECTION 2, NANAIMO DISTRICT, PLAN 1386, EXCEPT PARCEL A (DD 360011) THEREOF AND EXCEPT PART IN PLAN 15831.

This application appears before Council this evening for consideration of Third Reading.

There was one written and seven verbal submissions received with regard to Zoning Bylaw No. 4500.008.

2. BYLAW NO. 4500.013:

RA286 – 2046 Boxwood Road

This bylaw, if adopted, will rezone the subject property from High Tech Industrial (I3) to Light Industrial (I2) in order to allow for a food and beverage processing facility (brewery). The subject property is legally described as LOT 6, SECTION 16, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP86523.

This application appears before Council this evening for consideration of Third Reading.

There were no written and one verbal submission received with regard to Zoning Bylaw No. 4500.013.

3. BYLAW NO. 4500.012:

ZA1-51 – Housekeeping Amendments to Zoning Bylaw 4500

This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO.4500” by:

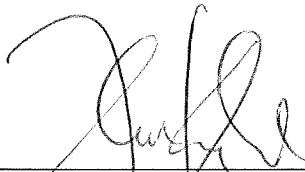
- 1) Amending the definition of Gross Floor Area to clarify how floor area is calculated for an accessory building.
- 2) Requiring a 20m setback for property lines abutting the Nanaimo Parkway.
- 3) Adding the word “not” after “does” to the following sentence “...the roadside stand is located on the property and does not impede sight lines from the driveway” to clarify that roadside stands within an urban food garden cannot restrict driveway sightlines.
- 4) Amending the heat pump setback, within Part 6.5 Projections, to clarify that the additional setback only applies to heat pumps on single dwelling residential lots.
- 5) Amending subsection 6.6.6.2 to reference subsection 6.6.6 rather than 6.6.5.
- 6) Amending section 6.15.3 to clarify that the restriction that limits the size of a suite within a home to 40% of the principal building size does not apply to secondary suites within an accessory building.
- 7) Removing subsection 6.22.7, which requires a 5ha parent parcel for all subdivisions, relating to Subsection 946 of the *Local Government Act* (subdivision to provide residence for a relative).
- 8) Amending subsection 7.3.1 (density) to clarify that the two units already permitted on a corner lot within the R1 zone can be detached but cannot contain a secondary suite.
- 9) Switching the R11 (RV park) and R12 (mobile home park) lot coverage requirements to correct an earlier typing mistake.
- 10) Amending section 7.6 to clarify that where a single residential dwelling exists within the Medium Density Residential (R8) zone, the maximum height of the home is limited to that within the Single Dwelling Residential (R1) zone.
- 11) Adding subscript below the size of buildings chart within the Residential zones to clarify that roof pitch is based on an area of 80% of all roof surfaces, as measured in plain view.
- 12) Adding a Condition of Use relating to the location parking spaces and access for properties within the Old City Residential (R12, R13, and R14) zones.
- 13) Adding conditions relating to the size of accessory buildings and decks that were previously contained within the RV-1 zone within the previous Zoning Bylaw to the R11 (Recreational Vehicle Park) zone.
- 14) Rezoning the properties located at 951, 945, 941 and 937 Haliburton Street from Single Dwelling Residential (R1) to Townhouse Residential (R6) in order to permit multiple family dwellings.
- 15) Rezoning the property located at 355 Nicol Street from Single Dwelling Residential (R1) to Community Service One (CS-1) in order to recognize an existing legal non-conforming women’s drop in shelter.
- 16) Rezoning the properties located at 4363, 4357, 4351 Gulfview Drive from a split of Duplex Residential (R4) and Single Dwelling Residential (R1) to Single Dwelling Residential (R1) and rezoning 4749 Hammond Bay Road and 4352 Gulfview Drive from split of Duplex Residential (R4) and Single Dwelling Residential (R1) to Duplex Residential (R4) in order to clarify zone boundaries.

- 17) Rezoning the property located at 3128 Barons Road from Residential Corridor (COR1) to Mixed Use Corridor (COR2) in order to recognize an existing legal non-conforming veterinary clinic.
- 18) Rezoning the properties from Steep Slope Residential (R10) to Single Dwelling Residential (R1).

This application appears before Council this evening for consideration of Third Reading.

There were no written and one verbal submission received with regard to Zoning Bylaw No. 4500.012.

Respectfully submitted,

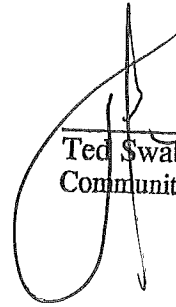


T. Knight, MCIP
Manager, Current Planning
Community Safety & Development



B. Anderson
Acting Director of Planning
Community Safety & Development

/pm
Council: 2012-MAR-12
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Ted Swabey, General Manager
Community Safety & Development

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT TO THE
LOCAL GOVERNMENT ACT, IN THE VANCOUVER ISLAND CONFERENCE CENTRE,
SHAW AUDITORIUM, 101 GORDON STREET, NANAIMO, BC,
ON THURSDAY, 2012-MAR-01, TO CONSIDER AMENDMENTS TO
THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor G. Anderson
Councillor W.L. Bestwick - 7:05pm arrival
Councillor M.D. Brennan
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor W.B. McKay
Councillor J.F. Pattje

REGRETS: Councillor G.E. Greves

STAFF: T. Knight, Manager, Current Planning, Community Safety & Development
S. Herrera, Planner, Current Planning, Community Safety & Development
D. Stewart, Planner, Current Planning, Community Safety & Development
P. Masse, Planning Clerk, Current Planning, Community Safety & Development

PUBLIC: There were 22 members of the public present.

CALL TO ORDER:

Mayor Ruttan called the meeting to order at 7:01pm and advised that members of City Council, as established by provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Ms. Herrera explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. She advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4500.008, 4500.012, and 4500.013 at the regularly scheduled Council meeting of 2012-MAR-12.

1. BYLAW NO. 4500.008:

RA282 – Part of 1350 Fielding Road

This bylaw, if adopted, will rezone part of the subject property from Rural Resource (AR1) to Single Dwelling Residential (R1) in order to allow for a single family subdivision on a portion of the lot. The subject property is legally described as part of LOT 53, SECTION 2, NANAIMO DISTRICT, PLAN 1386, EXCEPT PARCEL A (DD 36001I) THEREOF AND EXCEPT PART IN PLAN 15831.

Mr. Keith Brown, Keith Brown Associates Ltd. - Applicant Representative

- Mr. Brown's presentation is attached as "Attachment A – Submission for Bylaw No. 4500.008".
- Development Cost Charges for the proposal would total \$224,000.

Councillor Pattje asked for clarification regarding the number of units proposed under Zoning Bylaw 4000 versus Zoning Bylaw 4500.

Mr. Brown noted the original application under Zoning Bylaw 4000 proposed five lots and the current application under Zoning Bylaw 4500 proposes 16 lots.

Councillor Pattje asked for clarification regarding neighbourhood reaction to the proposal, asking for specific numbers on how many people are opposed and how many people are in favour.

Mr. Brown noted some neighbours are in favour and some are opposed.

Councillor Pattje asked Staff for clarification regarding the location of the proposed park.

Ms. Herrera noted the concept plan indicates the proposed parkland at the corner of Fielding Road and the proposed road.

Mayor Ruttan asked for a specific count of neighbours opposed to the proposal and those in favour of the proposal.

Mr. Jeff Tomlinson, J.E. Anderson & Associates Ltd. – Applicant Representative

- Conducted neighbourhood polling on behalf of the applicant. Did not specifically ask residents if they were in favour or opposed to the proposal; he listened and brought forward concerns to the applicant.

Mr. Donald LaPoint, 1400 Fielding Road – Opposed

- Lives beside the subject property, he bought his property in 1970.
- Does not believe the proposal could be built on the subject property due to the beaver dam and the land being “flooded out”.
- Does not believe the existing sewer system is sufficient to facilitate the additional proposed homes.
- Believes traffic and speeding issues are already dangerous in the area.

Mr. Darren Hebert, 1298 Fielding Road – Speaker Did not Indicate

- Asked for clarification on why the original application proposed five lots and the current application proposes 16 lots.

Ms. Herrera noted the application has requested smaller lots, which increased the density of the proposal.

- Asked Staff if the proposal would result in changes to the septic field.

Mr. Tomlinson noted that the Engineering Department has confirmed that the Fielding Road sewer system is capable of handling the additional density. Added that the previous Zoning Bylaw allowed for stratas on the 2.5-acre property; when the new Zoning Bylaw was adopted there was no allowance to strata title the lots, which made the prospect of selling all 10 homes very risky. That risk resulted in the new proposal.

- Asked what plans were in place for works and services in relation to the proposal.

Ms. Herrera noted that all works and services would be required to meet City standards and generally include gutter, curb, sidewalk and lighting. Works and services requirements are determined through the subdivision process.

Mr. Brown noted that water and sanitary are currently in place for the subject property. Curb, gutter and sidewalk will be determined at the subdivision stage.

- Asked if the City will maintain neighbourhood streets beyond the subject property.

Ms. Herrera noted that City Staff have requested that 10m of road dedication from the frontage of the subject property be provided. The applicant will be responsible for building their half of the road up to the centre line of the road.

- Asked if a cul-de-sac would be built in front of his property.

Ms. Herrera noted she is not aware of plans to build a cul-de-sac in front of the speaker's property.

- Asked what Riparian Area Regulations are in place for the subject property.

Ms. Herrera noted that the Public Hearing is to consider land use issues only and riparian regulations will be reviewed through the subdivision process, in addition, a survey will be required and will confirm the high-water mark.

Councillor Pattje asked Staff for clarification regarding flooding on the subject property as suggested by one of the speakers.

Ms. Herrera stated that flood construction levels for the subject property have been considered by Staff. Confirmed that building placement and flood construction levels will be determined through the subdivision and building stages of the process.

Councillor Kipp noted that the high-water mark would be determined by City and provincial mapping resulting in a 15m riparian zone above that high-water mark. The subdivision phase will include a biological report and the riparian zone would remain untouched.

Mr. Brown noted the paved section of the road fronting the subject property would be constructed to a two-lane width, which would be a benefit to property owners to the west for future subdivision. Added that a fencing system would be installed at the rear of the properties to prevent intrusion into the sensitive areas of the land.

Mr. Al Gauder, 1420 Fielding Road - Opposed

- Has lived on and farmed his property for 42 years.
- Believes Fielding Road needs to be "straightened out". Noted the creek is run off from the dump and is not fish bearing. Believes the road is not wide enough for the additional density and that the property is too flooded to build upon.

Mr. Brown stated that Fielding Road would be reconstructed and straightened into the right-of-way.

Mr. Roger Debucy, 1300 Fielding Road – In Favour

- Closest direct neighbour to the proposed subdivision; believes it would be positive for the community to have additional homes that are well-built. Would like to see a building scheme introduced to the area, which would benefit the neighbourhood.
- Has lived on his property for seven years and has seen the areas that are prone to flooding and has a good visual idea of where the high-water mark is located; does not believe it is an issue for the proposal.

Mr. Alfred Gauder, 1420 Fielding Road – Opposed

- Was not notified or made aware of the proposal until the day prior to the Public Hearing.
- Conducted an informal traffic survey over two days: 64 vehicles travelled Fielding Road between the hours of 7am and 9:30pm, 33 vehicles travelled Fielding Road during the hours of 9pm and 7am.
- Does not believe much of Fielding Road is wide enough for two vehicles and the extra traffic would be too much for the road.
- Spoke to 11 neighbours and all were opposed to the proposal. Would like a formal poll done on the street to know exactly how many are opposed and in favour of the proposal.

There was one written and seven verbal submissions received with regard to Zoning Bylaw No. 4500.008.

2. BYLAW NO. 4500.013:

RA286 – 2046 Boxwood Road

This bylaw, if adopted, will rezone the subject property from High Tech Industrial (I3) to Light Industrial (I2) in order to allow for a food and beverage processing facility (brewery). The subject property is legally described as LOT 6, SECTION 16, RANGE 7, MOUNTAIN DISTRICT, PLAN VIP86523.

Mr. Doug Bromage, Insight Developments – Applicant

- The owner of the property was applying for and receiving building permits and occupancy for the subject property while the Zoning Bylaw was being renewed. The building was built under the previous bylaw, which permitted the uses that were removed under the new Zoning Bylaw. This application is to restore the uses that were removed.

Councillor Johnstone asked if the building has been equipped for the use of a brewery or beverage processing facility.

Mr. Bromage noted that a brewery was one of the uses that was previously permitted under the old Zoning Bylaw, the building is flexible enough to adapt to that use if needed or wanted.

Councillor McKay asked Staff for clarification on what uses are permitted under the High Tech Industrial zone.

Mr. Stewart noted that the uses range from commercial school, custom workshop, day care, laboratory, light industry, manufacturing office, mini-storage, pet day care, printing and publishing, production bakery, production studio, railway and railway station yard, refund / recycling depot, repair shop, recreation facility, restaurant, service industry, sign shop, social service resource centre, tools and equipment repair, vet clinic and a warehouse.

Mayor Ruttan asked the applicant if any area residents voiced concern over the proposal.

Mr. Bromage stated that no area residents have expressed concern over the proposal.

There were no written and one verbal submission received with regard to Zoning Bylaw No. 4500.013.

3. BYLAW NO. 4500.012:

ZA1-51 – Housekeeping Amendments to Zoning Bylaw 4500

This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO.4500” by:

- 1) Amending the definition of Gross Floor Area to clarify how floor area is calculated for an accessory building.
- 2) Requiring a 20m setback for property lines abutting the Nanaimo Parkway.
- 3) Adding the word “not” after “does” to the following sentence “...the roadside stand is located on the property and does not impede sight lines from the driveway” to clarify that roadside stands within an urban food garden cannot restrict driveway sightlines.
- 4) Amending the heat pump setback, within Part 6.5 Projections, to clarify that the additional setback only applies to heat pumps on single dwelling residential lots.
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- 14) Rezoning the properties located at 951, 945, 941 and 937 Haliburton Street from Single Dwelling Residential (R1) to Townhouse Residential (R6), as shown on Map A, in order to permit multiple family dwellings.

- 15) Rezoning the property located at 355 Nicol Street from Single Dwelling Residential (R1) to Community Service One (CS-1), as shown on Map B, in order to recognize an existing legal non-conforming women's drop in shelter.
- 16) Rezoning the properties located at 4363, 4357, 4351 Gulfview Drive from a split of Duplex Residential (R4) and Single Dwelling Residential (R1) to Single Dwelling Residential (R1), as shown by the solid lines on Map C, and rezoning 4749 Hammond Bay Road and 4352 Gulfview Drive from split of Duplex Residential (R4) and Single Dwelling Residential (R1) to Duplex Residential (R4), as shown by the dashed lines on Map C, in order to clarify zone boundaries.
- 17) Rezoning the property located at 3128 Barons Road from Residential Corridor (COR1) to Mixed Use Corridor (COR2), as shown on Map D, in order to recognize an existing legal non-conforming veterinary clinic.
- 18) Rezoning the properties, as shown on Map E, from Steep Slope Residential (R10) to Single Dwelling Residential (R1).

Dr. Carole Ann Brown, 644 Lambert Avenue – In Favour

- Owner of the Departure Bay Veterinary Hospital.
- When searching where in the city to move and expand her practise to she was advised by City Staff where veterinary hospitals were permitted and she subsequently purchased the property as it was zoned appropriately at that time.
- Would like to convert the zoning back to what it was at the time of purchase.

There were no written and one verbal submission received with regard to Zoning Bylaw No. 4500.012.

It was MOVED and SECONDED that the meeting adjourn at 7:45 pm.

CARRIED

Certified Correct:



T. Knight, MCIP
Manager, Current Planning
Community Safety & Development

/pm

Council: 2012-MAR-12

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Attachment A

Submission

For

Bylaw No. 4500.008

(RA282 – Part of 1350 Fielding Road)

**KEITH BROWN ASSOCIATES LTD.
LAND PLANNING DEVELOPMENT CONSULTANTS
5102 SOMERSET DRIVE, NANAIMO, BC V9T 2K6**

March 1, 2012

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

ATTENTION: MAYOR AND CITY COUNCILORS

**SUBJECT: CITY COUNCIL PUBLIC HEARING – ZONING AMMENDMENT BYLAW
2012 No. 4500.008**

For Council's reference, the subject property is located on the peripheral of the City's Urban Containment Boundary in the southerly portion of the City. This peripheral development has required in-depth technical reviews, by Balanced Environmental Ltd., for a previous subdivision application (under the former Zoning Bylaw 1993 No. 4000) relating to provincial Riparian Area Regulations (RAR). A follow up mitigation plan was prepared and implemented within the Riparian Area.

Historically, the City's Official Community Plan (OCP) has identified the Urban Containment Boundary (UCB) as noted in the location indicated on J.E. Anderson and Associates' Sketch Plan of Proposed Subdivision. The City's OCP identifies the developable lands within the UCB as 'Neighbourhood Designation'. This designation supports a mix of low density residential uses (10-50 Units per Ha). Infilling of residential lots is encouraged to complement existing neighbourhood character.

It is very important to note that the original subdivision plan which had received Preliminary Layout Approval (PLA) issued on June 23, 2011 permitting 5 subdivision lots with each lot permitting 2 residential dwellings. This represented a total of 10 home sites as per the original subdivision plan pursuant to Zoning Bylaw 1993 No. 4000. The intent was development of the 5 lot subdivision and constructing 2 strata units on each of the lots. The current Zoning Bylaw 2012 No. 4500 received final bylaw adoption on August 9, 2011. Due to time constraints it was not possible to complete the subdivision plan followed by the build out on each lot.

The plan of subdivision being presented to date represents 16 single family dwellings of varying lot sizes which will accommodate a range of housing affordability. In addition the following improvements and amenities are being provided for the area:

- Fielding Road upgraded to City's Residential Engineering Standards for a distance 325m (1066ft) which includes paved roadway, curb and gutter, sidewalk and storm drains.
- Neighbourhood Park Dedication of 1832m²
- Community contribution in support of the value incurred through the rezoning process in the amount of \$14,000. Such contribution agreed to be directed to a neighbourhood park.

This past weekend a representative met with individual property owners adjacent to the proposed development. The new home owners in the area were generally supportive of the proposed plan for a new housing subdivision. Some concerns were expressed for property line tree protection and preservation of the existing rural make up of the area rather than for a subdivision. However, some recognized that the area is in transition, with new homes and renovations being constructed along various parts of Fielding Road.

We submit that this proposed subdivision development reflects the objectives of the City's OCP and supporting land use regulations. The improvements planned will be an enhancement for the area overall and reflect the City's efforts for infilling.

We thank you for your consideration and seek Council support for the rezoning application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R.K. Brown', with a stylized, cursive script.

R.K. Brown
Consultant Planner

Encl

Cc: Bill Beadle, Cedar Village Developments Ltd.
Jeff Tomlinson, J.E. Anderson and Associates

SKETCH PLAN OF PROPOSED SUBDIVISION OF LOT 53, SECTION 2,
NANAIMO DISTRICT, PLAN 1386 EXCEPT PARCEL A (DD 360011) THEREOF
AND EXCEPT PART IN PLAN 15831.

0 12.5 25 50 75 100 125
The intended plot size of this plan is 432mm in width by 550mm
in height, or else, when plotted at a scale of 1:1250.

