

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: B. CORSAN, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD
THURSDAY, 2011-OCT-06 FOR BYLAW NO. 4500.005

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2011-OCT-06.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2011-OCT-06, the subject of which was one item. 12 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4500.005:

RA280 – 5220 Metral Drive

This bylaw, if adopted, will amend the Comprehensive Development District Zone Five (CD5) of "ZONING BYLAW 2011 NO. 4500" in order to make changes to the existing Comprehensive Development Plan. The subject property is legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570 EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823, AND 24971.

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

There was one written and eight verbal submissions received for Zoning Bylaw No. 4500.005.

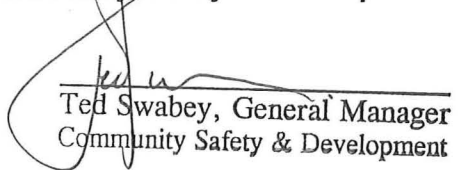
Respectfully submitted,



D. Stewart
Acting Manager, Planning Section
Community Safety & Development



A. Tucker
Director of Planning
Community Safety & Development



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, 2011-OCT-06, TO CONSIDER AN AMENDMENT TO
THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.L. Bestwick
Councillor G.E. Greves
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor J.F. Pattje
Councillor M.W. Unger

REGRETS: Councillor L.J. Sherry

STAFF: S. Herrera, Planner, Planning Section, Community Safety & Development
D. Stewart, Planner, Planning Section, Community Safety & Development
P. Masse, Planning Clerk, Planning Section, Community Safety & Development

PUBLIC: There were 12 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 Section 890 of the *Local Government Act*. She advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaw No. 4500.005 at the regularly scheduled Council meeting of 2011-OCT-17.

1. BYLAW NO. 4500.005:

RA280 – 5220 Metral Drive

This bylaw, if adopted, will amend the Comprehensive Development District Zone Five (CD5) of "ZONING BYLAW 2011 NO. 4500" in order to make changes to the existing Comprehensive Development Plan. The subject property is legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570 EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823, AND 24971.

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

- Ms. Pilcher's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4500.005".

Councillor Kipp asked the speaker if the live / work studio concept would work for the proposal.

Ms. Pilcher noted there was much excitement about the live / work studio concept in many proposals within the city; however, it has not been as successful as originally hoped. The buildings in phase one of this proposal will include a kitchen and full bathroom on the upper floor which could equate to a form of a live / work studio in the future if the market changes.

Councillor Pattje asked the speaker for clarification regarding the proposed phases.

Ms. Pilcher stated Lot 4 will be phase one and will include units for office or commercial use, phase two will be Lot 3 and will include commercial office space with underground parking, phase three would include the residential portion on Lot 1 (16 townhouse units) and Lot 2 (32 condominium units in a three-storey building with underground parking). Lot 5 would be small commercial building. Phasing will be market-driven.

Councillor Pattje noted that the amendment to the CD5 zone would increase the commercial space by 1,557m², asked if that puts any extra pressure on the single access and egress.

Ms. Pilcher noted that there is only one access and egress; however, a good road network plan is in place as well as an excessive amount of parking on the site. Does not believe the impact of the increase in commercial will negatively impact traffic in the area. The traffic impact study was completed for the original rezoning and it did not indicate any significant increases.

Mayor Ruttan asked if any negative feedback had been received from surrounding neighbours regarding the proposal.

Ms. Pilcher noted that a neighbour had contacted her who lives across from the proposal; she had purchased the property last year after the subject property had already been rezoned. No one advised her of the impending development. She left for vacation and returned to many trees having been removed. All requirements of the Tree Management Plan were met through the previous rezoning.

Councillor Holdom asked for clarification regarding the shift from residential to commercial.

Ms. Pilcher noted that the original plan included more residential as that is what the market indicated at that time, since that time the market has changed and the request for commercial and office units has increased substantially. The locale is good for either option as it is close to the north end and still centrally located on a bus route with straight frontage and visibility along a major corridor.

Councillor Johnstone asked what the landscape treatment along the highway would entail.

Ms. Pilcher noted that fencing would be installed; however, visibility will be maintained. Intensive landscaping will be included but trees will not be as tall. Buffer landscaping will be determined through the development permit process.

Mr. Fred Brooks, 4845 Laguna Way - Opposed

- Employed as a landscape architect in Nanaimo for 15 years and has completed many projects for Insight Developments.
- Believes balance should be implemented when creating development in the city by retaining the environment or augmented it with landscape design concepts, which would enhance the project and the product.
- Does not believe creative landscaping was used for this proposal due to the number of trees that were removed.

Councillor Holdom noted that the speaker's comments are in relation to the Tree Management Bylaw; this evening's Public Hearing is in relation to the land use of the proposal. Asked Staff for clarification regarding the Tree Management Plan for the subject property.

Ms. Herrera noted the Tree Management Plan was reviewed during the previous rezoning; the City Arborist did review and approve that plan.

Councillor Holdom asked if the City has any jurisdiction over the removed trees, which buffered the highway right-of-way.

Ms. Herrera stated the city only has jurisdiction over the subject property and not provincial highway buffers.

Ms. Pilcher noted that there were a small number of trees along the Ministry of Transportation highway corridor; the permit was applied for and granted by the province. The City Arborist also reviewed and approved the plans and all trees that could be saved were saved. The landscape plan will be determined at the development permit stage and will meet and exceed regulations.

Councillor Pattje asked the speaker if his main concern were the trees that were removed along the provincial right-of-way.

Mr. Brooks agreed his main concern is in regard to the trees that were approved to be removed by the Ministry of Transportation. Believes the Ministry of Transportation has authority but do not have interest or concern about tree retention.

Councillor Kipp suggested the speaker address his concerns to the Advisory Committee on Environment and Sustainability.

Mr. Neil Donaldson, 5451 Arnhem Terrace – Opposed

- Concerned traffic will increase on Metral Drive due to the proposal having only one access and egress. Noted that street parking is already an issue in the area and this proposal may increase those problems. Sidewalks should be built onto Metral Drive. Asked for clarification regarding the height of the proposed buildings.

Mayor Ruttan agreed traffic will increase, but it will not be excessive. A timetable is in place for development of all roads within Nanaimo. The provision of sidewalks is expensive and it is being completed as finances allow.

Ms. Pilcher noted the proposal is within a corridor designation, Staff and the OCP support a higher density and a higher intensity of uses. The maximum allowable height in the Corridor 2 zone is 18m; the highest building in the proposal is 15m.

Ms. Jessica Powsty, 5461 Arnhem Terrace – Opposed

- Concerned about traffic increases and safety issues along Metral Drive. Noted that existing commercial buildings are currently vacant within the city. Concerned about privacy issues due to the tree removal that has already occurred.

Councillor Johnstone asked Staff if the proposal would include the requirement to build sidewalks along Metral Drive.

Ms. Herrera noted that road dedication issues are considered with every rezoning application; sidewalks are included in that analysis and are dealt with at the subdivision stage.

Mr. Jim Routledge, 5858 Shadow Mountain Road – In Favour

- Familiar with the developer; they are efficient and responsible. Believes the proposal is compatible with the existing neighbourhood.

Mr. Michael Naprawa, 5716 Heather Place – In Favour

- In favour subject to the alteration of Mostar Road to permit vehicles exiting Metral Drive to take a proper left hand turn to re-enter the Island Highway.

Mr. Stewart noted the province owns that property; any alteration would entail consultation with the Ministry of Transportation. Following the Public Hearing the bylaw will be forwarded to the Ministry of Transportation for their approval. Mostar Road is a City road; it can be considered.

Councillor Kipp noted that the separation distance from the highway to the exit on Metral Drive might not meet the standards required for a left hand turn lane.

Mr. Wes Jamieson, 5461 Arnhem Terrace – Opposed

- In favour of development as long as it is done well. Does not feel the area needs increased commercial space. Believes the traffic assessments need to be more comprehensive. Metral Drive is a safety hazard due to the traffic and because it is a school zone. Concerned that Arnhem Drive will be used as a shortcut through the neighbourhood. Believes commercial development will draw more traffic to the area as it would be through-traffic.

Ms. Allison Johnston, 5281 Metral Drive – Opposed

- Bought her house last year without researching future development. Concerned about infringement on her privacy due to the height of the residential units in the proposal. Traffic concerns already exist in the area, believes this will only increase those concerns.

Ms. Pilcher stated the proposal is not requesting additional density and the property has already been rezoned. The traffic study and Tree Management Plan were approved by the City.

There was one written and eight verbal submissions received for Zoning Bylaw No. 4500.005.

MOVED by Councillor Unger, SECONDED by Councillor Greves that the meeting adjourn at 7:38 pm.

CARRIED

Certified Correct:



D. Stewart
Acting Manager, Planning Section
Community Safety & Development

Attachment A

Submission

For

Bylaw No. 4500.005

(RA280 – 5220 Metral Drive)

Maureen Pilcher & Associates

Land Use Consultants

Re: Rezoning Application for 5220 Metral Drive – RA280
Public Hearing Presentation – 2011-October-06
Maureen Pilcher

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

My name is Maureen Pilcher and I am a Land Use Consultant in the Central Vancouver Island area. I am here this evening on behalf of Chris Lundy of Westmark Construction – a long time Nanaimo business owner.

As you are aware – this property is included in the “Corridor” designation of the Official Community Plan – and was rezoned to Comprehensive Development Zone 5 in May of 2010. At the time of rezoning we had yet to marry the Official Community Plan with the zoning bylaw – and an appropriate zone for this mixed use proposal did not exist– so the comprehensive zone – CD5 – was developed.

Now that we have a new Zoning Bylaw we have the opportunity to connect the CD Zone to specific “corridor” regulations within Bylaw 4500 and create a zone that is site specific and comprehensive, but is still flexible - and adjustable to ever changing market conditions. The amendments requested will assist in making this development adaptable to real estate market fluctuations and will give greater scope to the development plan as we move forward with the phases of construction.

I have personally been working on this project since 2006 – and have seen the plans for this property evolve and advance as we moved through the redesignation and rezoning process. This 5 acre parcel is an important piece of property with frontage on both Highway 19A and Metral Drive, and we knew from the beginning that the site must be developed in a manner that would enhance not only the commercial corridor of the highway, but also be sensitive to the residential, and commercial uses along Metral Drive. We looked closely at the objectives and policies of the Corridor designation, and designed this project to consider the architecture, scale and density of the surrounding area as we want the development to contribute positively to the liveability of the neighbourhood.

The plans that we submitted in support of the rezoning of this property reflected the OCP's corridor designation - but did not provide for the flexibility we require as we get close to applying for the development permit for the 1st phase of this exciting project. The amendment before you this evening is a “fine tuning” of the CD zone in order to better meet the goals and objectives of our new zoning bylaw and will allow us to ‘shift’ the uses around on the site in order to create a better end product at this important location.

Thank you for your attention this evening. I will be pleased to answer any questions you may have or provide clarification if needed.