

STAFF REPORT

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

FROM: J. HOLM, MANAGER, PLANNING SECTION,
COMMUNITY SAFETY & DEVELOPMENT

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2011-MAR-03
FOR BYLAWS NO. 4000.498, 4000.499, AND 4000.496

STAFF'S RECOMMENDATION:

That Council receives the report and the minutes of the Public Hearing held on Thursday, 2011-MAR-03.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2011-MAR-03, the subject of which was three items. Approximately 35 members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.498:

RA266 – Part of 1512 Frew Road & Part of 1072 Cedar Road

This bylaw, if adopted, will rezone part of the subject properties from Low Density Multiple Family Residential (Townhouse) Zone (RM-3) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate development of a single family subdivision. The subject properties are legally described as part of LOT 61, SECTION 2, NANAIMO DISTRICT, PLAN 1333, EXCEPT PART IN PLAN 23662 (part of 1512 Frew Road); and part of LOT 62, SECTION 2, NANAIMO DISTRICT, PLAN 1333, EXCEPT PART IN PLAN VIP74440 (part of 1072 Cedar Road).

There were no written or verbal submissions received for this application.

2. BYLAW NO. 4000.499:

RA262 – Part of 2469 Labieux Road and 2368 Barclay Road

This bylaw, if adopted, will rezone the subject properties from Single Family Residential Zone (RS-1) and Single Family Mobile Home Residential Zone (RS-3) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate construction of a multiple family residential development.

The subject properties are legally described as part of LOT A, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 21603 (part of 2469 Labieux Road); and LOT G, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 25481, MHR AD0034 (2368 Barclay Road).

There were two verbal and two written submissions received for this application.

3. BYLAW NO. 4000.496:

RA259 – Part of 6553 Portsmouth Road

This bylaw, if adopted, will rezone part of the subject property from Public Institution Zone (P-2) to Comprehensive Development District Zone 7 (CD-7) in order to facilitate construction of a mixed-use (commercial / residential) development. The subject property is legally described as part of LOT 1, DISTRICT LOT 28, WELLINGTON DISTRICT, PLAN VIP72820, EXCEPT PART IN PLAN VIP 73022 (Part of 6553 Portsmouth Road).

There were five verbal and two written submissions received for this application.

These applications appear before Council this evening for consideration of Third Reading.

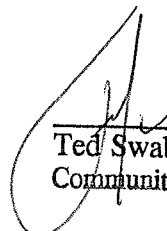
Respectfully submitted,



J. Holm
Manager, Planning Section
Community Safety & Development

A. Tucker
Director of Planning
Community Safety & Development

/pm
Council: 2011-MAR-14
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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, 2011-MAR-03, TO CONSIDER AMENDMENTS TO
AND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT: His Worship Mayor J.R. Ruttan, Chair
Councillor W.J. Holdom
Councillor D.K. Johnstone
Councillor J.A. Kipp
Councillor J.F. Pattje
Councillor L.J. Sherry

REGRETS: Councillor W.L. Bestwick
Councillor M.W. Unger

STAFF: J. Holm, Manager, Planning Section
S. Herrera, Planner, Planning Section
P. Masse, Planning Clerk, Planning Section

PUBLIC: There were approximately 35 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. Mr. Holm explained the required procedures in conducting a Public Hearing and the regulations contained within Section 892 of the *Local Government Act*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4000.498, 4000.499 and 4000.496 at the Council meeting of 2011-MAR-14.

1. BYLAW NO. 4000.498:

RA266 – Part of 1512 Frew Road & part of 1072 Cedar Road

This bylaw, if adopted, will rezone part of the subject properties from Low Density Multiple Family Residential (Townhouse) Zone (RM-3) to Single Family Residential Small Lot Zone (RS-6) in order to facilitate development of a single family subdivision. The subject properties are legally described as part of LOT 61, SECTION 2, NANAIMO DISTRICT, PLAN 1333, EXCEPT PART IN PLAN 23662 (part of 1512 Frew Road); and part of LOT 62, SECTION 2, NANAIMO DISTRICT, PLAN 1333, EXCEPT PART IN PLAN VIP74440 (part of 1072 Cedar Road).

There were no written or verbal submissions received for this application.

2. BYLAW NO. 4000.499:*RA262 – Part of 2469 Labieux Road and 2368 Barclay Road*

This bylaw, if adopted, will rezone the subject properties from Single Family Residential Zone (RS-1) and Single Family Mobile Home Residential Zone (RS-3) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate construction of a multiple family residential development. The subject properties are legally described as part of LOT A, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 21603 (part of 2469 Labieux Road); and LOT G, SECTION 19, RANGE 6, MOUNTAIN DISTRICT, PLAN 25481, MHR AD0034 (2368 Barclay Road).

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. 4000.499".

Councillor Pattje asked for clarification regarding how many neighbourhood residents were notified of and attended the public open house held by the applicant.

Ms. Pilcher noted that seven neighbourhood residents attended the public open house, added that she notified the same neighbours as were notified by the City for the Public Hearing.

Councillor Pattje asked how the rear of homes on Barclay Road would be affected by the proposal.

Ms. Pilcher noted that most of the properties on Barclay Road have modular or mobile homes placed on them near to the fronts of the lots resulting in large back yards, which would back onto the proposal. Intention is to install privacy fencing along the entire rear edge of the properties on Barclay Road as well as increased planting.

Councillor Pattje asked for clarification on the height of the proposed privacy fencing.

Ms. Pilcher stated that normal fence height is 6ft; however, they would be permitted to go as high as 7.8ft, added that if that is what is required for the proposal they are prepared to do that.

Councillor Pattje asked what parking would be provided in the proposal.

Ms. Pilcher noted that each unit has its own garage and driveway apron, as well as visitor parking resulting in available parking exceeding what is required.

Councillor Sherry asked for clarification on the existing and requested zoning for the properties.

Mr. Holm noted that a portion of the property is zoned RS-1 (2469 Labieux Road) and a portion is zoned RS-3 (2368 Barclay Road), this proposal rezones both single family zones to RM-3, with the existing house to remain RS-1.

Mayor Ruttan asked for clarification regarding the traffic concerns brought up at the public open house.

Ms. Pilcher noted that three of the residents at 2458 Labieux Road, which is a multi family development, had concerns regarding traffic on Labieux due to another multi family development being constructed beside their property.

Although Labieux Road is designed to accommodate heavy traffic, this proposal is not accessed off Labieux Road; it will be accessed by York Crescent.

Ms. Judy Nelson, 2356 Barclay Road – Opposed

- Ms. Nelson's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4000.499".

There were two verbal and two written submissions received for this applications.

3. BYLAW NO. 4000.496:

RA259 – Part of 6553 Portsmouth Road

This bylaw, if adopted, will rezone part of the subject property from Public Institution Zone (P-2) to Comprehensive Development District Zone 7 (CD-7) in order to facilitate construction of a mixed-use (commercial / residential) development. The subject property is legally described as part of LOT 1, DISTRICT LOT 28, WELLINGTON DISTRICT, PLAN VIP72820, EXCEPT PART IN PLAN VIP 73022 (Part of 6553 Portsmouth Road).

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

- Ms. Pilcher's presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4000.496".

Councillor Johnstone asked what traffic calming measures would be put in place for the proposal.

Ms. Pilcher stated that the roadway, which would run through the site, would be curved to encourage slower speeds and would include raised crosswalks for pedestrian crossings. Access and egress would be from Portsmouth Road.

Councillor Pattje asked for further clarification regarding parking and whether or not it would be sufficient for proposed Building C and its potential employees and patrons.

Ms. Pilcher noted that the proposal is a phased strata and therefore all of the parking would be shared by all of the uses on the site and would total 110 parking spaces. Added that all buildings have a mix of office and residential uses, including four commercial units on the bottom floor with four residential units above.

Councillor Holdom asked if any development plans were in place for the other half of the subject property.

Ms. Pilcher noted that the developer is purchasing only part of the subject property from the church and have met with them a number of times. There is no intention from the church to alter the remaining property, and their church will remain as is.

Councillor Sherry asked for clarification regarding the rear parking behind Building C and how vehicles would access it.

Ms. Pilcher noted that the rear parkade is accessed via a drive-through passage in Building C.

Councillor Sherry asked if the rear parkade would be accessible to all vehicle sizes.

Mr. Will Melville, Delinea Design Consulting – Project Designer

- Noted that the height of the drive-through passage in Building C is designed at 12ft, added that fire access on the front side of the building does meet Fire Department criteria. 12ft drive-through access is much higher than most parking offered underground in the City, it offers significant width as well.

Councillor Kipp asked how a car fire in the rear of the building could be managed if fire access is only from the front of the building.

Mr. Melville noted that the criteria for fire fighting are based on distance from the face of the building and fire hydrants, this proposal has met those criterion. The width is wide enough to permit fire trucks, if the height of the drive-through were increased to 14ft at the final design stage then a fire truck could enter.

Councillor Kipp asked if neighbours had any concerns regarding the commercial component of the proposal.

Ms. Pilcher noted that the opposite side of the street is residential, neighbours noted they were pleased to have passive security to reduce crime in the area.

Mayor Ruttan asked for clarification on whether or not the Fire Department did approve the proposal.

Ms. Pilcher confirmed that the Fire Department gave approval to the proposal.

Mr. Peter Gallacher, 1814 Latimer Road – In Favour

- Has been a realtor in the city for several years, there has been a tremendous amount of interest and demand for commercial office space in the north end of Nanaimo. There is limited space available and what is available is usually leased space in a mall, which is not ideal. The demand is there and it is a nice looking proposal. The church has been involved in the design and they are happy with it and believe they will be good neighbours.

Councillor Pattje asked for clarification as to why the office building construction would be delayed.

Ms. Pilcher noted that if the market could bear it the office building component would be built immediately. This is a small, local developer and an additional financing partner is needed for a five-storey office building.

Mr. Darren Kiedyk, 6257 Caprice Place – In Favour

- Mr. Kiedyk's presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4000.496".

Mr. Barry Hansen, 2120 Brooklyn Place – In Favour

- Lead Pastor of Maranatha church who is selling the property to the developer. The church has been looking to do something with the subject property for some time, hopes were to not adversely affect the work of the church or the surrounding neighbourhood. The church and its membership are unanimously in support of the design and use.

There were five verbal and two written submissions received for this applications.

MOVED by Councillor Sherry, SECONDED by Councillor Holdom that the meeting adjourn at 7:55 pm.

CARRIED

Certified Correct:



Jeremy Holm
Manager, Planning Section
Community Safety & Development

Attachment A

Submissions

For

Bylaws No. 4000.499

*(RA262 – Part of 2469 Labieux Road and
2368 Barclay Road)*

Re: Rezoning Application for 2469 Labieux Road – RA262
Public Hearing Presentation
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. Thank you for giving me the opportunity to discuss this exciting new project with you, which is being developed by longtime Nanaimo residents and business people Al and Colleen Savage. Will Melville, our designer, is also here, and will discuss some of the design elements of this project with you.

These properties located close to, but not directly on Labieux Road - are designated "Neighbourhood" in planNanaimo. The OCP indicates support for increasing the residential densities and the mix of housing types in the Neighbourhood designation, and encourages a broad social mix and access to adequate housing at all income levels. It also promotes a clustered housing design approach to development.

This site is centrally located, close to many commercial services, transportation corridors, schools, parks and other amenities, and we recognized immediately that this location is ideal for a relatively small scale multiple family project that can provide varied living options for the community and offer economically attainable homes. Twelve relatively modest single family dwellings will provide three bedroom homes for around \$300,000.00. each. These homes will appeal to a broad range of purchasers – young families, downsizing seniors and young urban professionals who want to live in Central Nanaimo - will make these houses their homes.

We have considered the architecture, scale and density of the surrounding area, and feel that these 12 homes will complement the neighbourhood and provide a pleasing meandering streetscape within an established area. Each of the houses has a well-defined entrance area, private yard and decks and access to attractive amenity areas throughout the site. There will be quiet and convenient vehicle and pedestrian access to the development from York Crescent which will be built as part of the development.

Full transit services along Labieux Road, one short block away, will make transit a viable transportation option for those living here. Commercial services are also within walking distance and the close proximity of the recently renovated Beban Park will definitely meet the recreational needs of the residents.

We have completed a Tree Management Plan for the site, and will be submitting a detailed landscape plan through the Development Permit process. We intend on working closely with City Staff to ensure that the future landscaping includes mature plantings and shrubbery as well as drought tolerant plants. Privacy landscaping and fencing will ensure that the adjoining neighbours are not negatively affected.

We know that it is important to include the community and utilize their input to accurately reflect concerns for the neighbourhood. A public information meeting was held on December 9th and 7 interested neighbours attended. Feedback sheets were made available and 4 were submitted. Three expressed concern over increased traffic along Labieux Road, and the fourth did not like the access off York Crescent. As neighbourhoods evolve it is necessary to define major collector roads so that the majority of the community will utilize that corridor and funnel the traffic to the side roads. Labieux Road is dedicated as a major collector in the City of Nanaimo and has been designed to accommodate that community traffic. Ultimately Labieux Road will be a four lane road in most areas, and five lanes wide at intersections. We do not believe that the addition of twelve families to this neighbourhood will cause serious traffic concerns.

We have closely studied the objectives and policies of the Neighbourhood designation, and feel that this project will not only comply with the OCP, but will provide a housing form that meets the needs and demands of our growing city. This location, in close proximity to all services is ideal for a small scale project that will provide economically attainable housing in Central Nanaimo. We have received favourable staff support for this proposal and the Plan Nanaimo Advisory Committee has vetted the application and also recommends your approval.

Thank you for your attention. Will Melville will be pleased to discuss the important design elements utilized in the concept site plan and we will be pleased to answer any questions you may have.

Statement for Council

My name is Judy Nelson and I live at 2356 Barclay Rd. My address is on Barclay but my driveway comes off York Cres.

The proposed strata hopes to have 12 houses built on space originally designed for approx. 6 single family homes. On Barclay Rd. we all live in mobile homes on our own property. We have regular sized city lots. Since I moved onto the street in 1985 I haven't known of any new home added to the street. This means the homes are all at least 25 years old. People look after their homes and don't really expect to replace them. The new proposal is to build 3 houses on the property that had 1 trailer on it. Then another house, a small road and 1 more house. The narrow single road winds down the property line and 7 more houses are built on the rest of the property, that is designed for approx. 4 more single family homes. These houses are 3 bedroom 2 floor homes. I think you'd be hard pressed to swing a cat between these homes and very little room for a backyard BBQ.

What will be the dynamics of the families living there? Will there be small children? Where will they play? I don't see any fences between the houses and with the road right on their front door step, there is a real chance for someone to get hurt. What if the family consists of 2 teenagers. Mom & Dad have their cars and the kids need theirs; but there is only room to park 2 cars at each house. One in the garage and 1 in the driveway. There is approx. 2 spaces near the end for visitors cars unless there is a big truck, fire, oil, etc. that needs to turn around and then you have to move the cars. Don't have company over because there is no room to park. The road only seems wide enough for single lane traffic, no passing or parking. Now when you want to leave your home there is only one way out. York Cres. isn't going to be pushed through as the owners don't want their property developed. With the building of these houses, there will be logging trucks, dump trucks, cement trucks, gas & electric vehicles and other trade vehicles. York Cres. is a little piece of road that isn't paved. Behind my property Mr. & Mrs. Pearson have built a lovely home and have a home business of a hair salon. Cars are going in and out every day. They will have to contend with all the traffic during the building stage and I will be the lucky recipient of all the dust that is produced everytime a vehicle passes. Now 24 homes have access to Labieux from Barclay & York Cres. Then add 12 more homes to this mix and its a lot of traffic on 1 small road. Across from the Pearsons home land has been developed using just single family homes with

regular sized building lots and no strata. This seems to fit the area as was planned. On Labieux Rd. there are 3 strata type projects that are self contained and have access directly to a main road, eliminating some of the traffic jam, and not adding to the probable congestion.

At a home adjacent to this project, a sinkhole developed in the front yard. It took many truck loads of rocks, etc. to fill in and then cement over the front yard. Under this area are many mine tunnels, some not marked. There is a possibility of more sinkholes, thus more truck traffic to fill them. It was suggested that the adjoining property might mirror the proposed strata in the future.

I don't think there is a need for 3 bedroom strata homes in our area. If they were designed to be regular building lots and more parking on the street I would consider changing my position. When the developer was planning this proposal, was he truly thinking of the greater need for the community, or his greater greed. A 3 or 4 story condominium with proper parking, and a designed playground would make more sense for this property use; or 1 bedroom & den stratas for seniors.

For now, I urge Council to keep the Community Plan as it is designed and not have a 12 house strata allowed.

Attachment B

Submissions

For

Bylaw No. 4000.496

(RA259 – Part of 6553 Portsmouth Road)

Re: Rezoning Application for 6553 Portsmouth Road – RA 259
Public Hearing Presentation
Maureen Pilcher

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

Thank you – again - for giving me the opportunity to discuss another exciting new project with you, which is being developed by the Campbell Fairweather Psychology Group.

This property consists of the east half of the Maranatha Church property on Portsmouth Road and is contained in the Official Community Plan Urban Node designation for the Woodgrove area. The goals and objectives of the OCP call for development that will support the northern regional centre for commercial and personal service facilities and focus on urban growth to reflect a strong commercial centre. The OCP also states that new development should support a mix of land uses that are compatible with existing uses **(show OCP Map indicating urban node, corridor etc.)**

This project has been designed to consider the scale and density of the surrounding neighbourhood while meeting the requirements of the designation. We know that a development here must be sensitive to the redevelopment of adjacent properties, while ensuring that this area can ultimately meet the vision of Plan. We also know that this site must be developed in a manner that will enhance the semi-residential Portsmouth Road and still incorporate a “statement” building to anchor the project with the Island Highway to the south. **(show on site plan)**

This area has experienced rapid growth in the last twenty years and a number of commercial uses, industrial uses and housing types exist along Portsmouth Road. We felt it important to transition the intensity of the uses - and the buildings on the site - from the street edge back and then develop an internal corridor with character. The project includes two buildings with office space on the ground floor and residential units on the second floor. The third building has 4 floors of office space and a 5th floor with 4 residential units.

Future road networking plans for this area include a road – which will dissect this property and provide greater development potential for the properties on either side of the subject property, and potentially the entire block. City Staff determined that a road reserve area was required across this part of the property **(show parking area in middle)** which somewhat confined the parameters for development of this linear site. It is expected that the two smaller buildings will be constructed fairly soon – and the third building will be constructed as demand for more office space increases in the area.

We believe that this proposal will support the need for accessible office space in the north end of Nanaimo. Although there has been intensive commercial development in the past twenty years – there has been little supporting office space built. Higher density residential housing in the area has been encouraged and now those residents need their personal service providers in close proximity. The addition of quality multiple family dwelling units will add an important housing choice to the area and will result in a site that is well utilized. The location - close to many commercial areas, transportation corridors, schools, parks and other amenities - makes this a prime site for a mixed use development that will enhance this vibrant Nanaimo community.

The Parking Bylaw requires a significant number of parking spaces for office and multiple family residential uses – and these requirements have been carefully integrated into this layout. The required road reserve area will be utilized for parking until the properties on either side build out - and we have incorporated traffic reduction and calming measures that achieve a balance between vehicle, pedestrian and cycle traffic. This will ultimately be a mixed use development and therefore the parking demand will be staggered. There will be ample parking for the residential units after office hours and on the weekends.

Extensive natural landscaping will separate the parking areas and will provide shading and additional green space. Each multi family unit will have private deck space - and the office workers, and their customers, will appreciate the patio courtyards at the ground level.

The project was presented to the surrounding property owners at a Public Information Meeting held at the Maranatha Church on December 6th. We know that community input through neighbourhood inclusion is important as it usually solves issues with a mutually satisfactory outcome for both the residents and the developer. Fourteen interested neighbours discussed these plans with us and nine submitted feedback sheets – all were in favour of the proposed concept plan.

The policies and objectives for the Woodgrove Urban Node area support focused urban growth to sustain the function of the northern regional centre for commercial and personal service facilities. This development will utilize innovative design techniques and energy conscious construction methods with a high degree of design and function. It will build on the unique characteristics of the community, and will enhance the area with a mix of uses and densities to meet the requirements of a rapidly growing area.

We intend on producing a project that is not only an asset to the community, but will be viewed as an excellent example of an urban node development in the Woodgrove area.

Will Melville, the designer for this project, will be pleased to discuss the design elements of this proposal with you.

Thank you for your attention.

Mayor Ruttan, Council Members, and City Staff

My name is Darren Kiedyk I reside at 6257 Caprice Place in Nanaimo, BC.

I am here representing Campbell and Fairweather (both of whom are in the audience this evening), we have put forth the rezoning application for 6553 Portsmouth Road.

Campbell and Fairweather is a medium sized psychology firm employing approximately 15 people. The company is currently located in leased space in North Nanaimo. For the past two years we have been searching for suitable office space to purchase so that the firm can continue to offer excellent service to its growing number of clients. To date we have been unsuccessful. Although the firm's requirement for office space is not huge we have not been able to find anything that is suitable in size and location, let alone in a development that might be classified as a professional centre. As I am sure you can appreciate most people that need to see a psychologist are not comfortable going to an office that is highly visible. I am also aware of a number of other professionals that find themselves in a similar situation regarding office space to purchase in the north end of town. Therefore due to the current lack of space in North Nanaimo we have decided to pursue this rezoning.

In addition, from the prospective of a person who lives in the north end and who owns two small businesses in the same area I feel it is an area that is evolving and a neighbourhood that has a great need for more professional service providers such as doctors, lawyers, accountants, dentists, engineers and psychologists. As you are all aware a community is made up of much more than just retail businesses.

Thank you very much for giving this opportunity to speak and for your consideration this evening.