

NOTICE OF PUBLIC HEARING

2009-OCT-08 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2009-OCT-08**, commencing at **1900 hours (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 1993 NO. 4000."

1. BYLAW NO. 4000.463

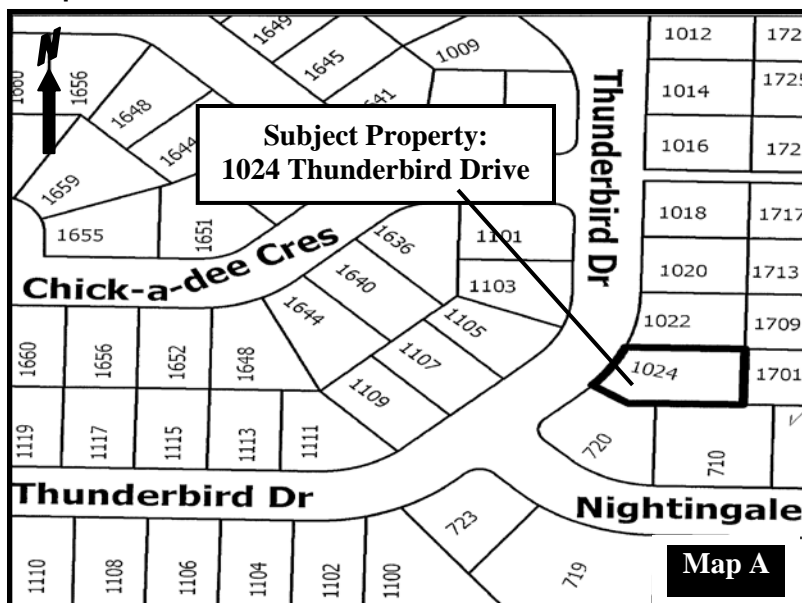
Purpose: To permit use of land for a duplex.

Location(s): 1024 Thunderbird Drive

File No.: RA224

This bylaw, if adopted, will rezone the subject property from the Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to construct a duplex.

The subject property is legally described as LOT 41, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN 14680 and is shown on Map 'A'.



2. BYLAW NO. 4000.462

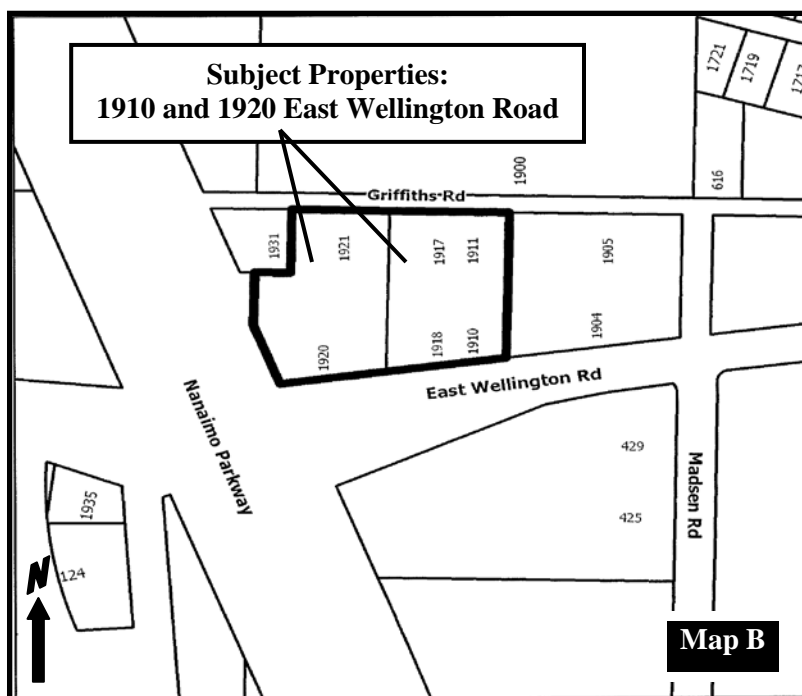
Purpose: To permit use of land for Boat and Marine Equipment Sales, Service and Rentals.

Location(s): 1910 and 1920 East Wellington Road

File No.: RA217

This bylaw, if adopted, will permit 'Boat and Marine Equipment Sales, Service and Rentals' as site specific use within the Light Industrial Zone (I-2) for property located at 1910 & 1920 East Wellington Road.

The subject property is legally described as LOT 2, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 11281, EXCEPT PARTS IN PLANS 15398, 18845, 22137 AND VIP58630 and is shown on Map 'B'.



PLEASE NOTE full details of the above-noted bylaws are available at the City of Nanaimo Development Services Department, located at 238 Franklyn Street.

The above bylaws, relevant staff reports, and other background information may be inspected from 2009-SEP-25 to 2009-OCT-08, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed bylaws shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 4000.462, and 4000.463 at the Public Hearing.

Please note the following:

Written submissions may be sent to the City of Nanaimo, Development Services Department, 455 Wallace Street, Nanaimo, BC V9R 5J6.

Electronic submissions (email) should be sent to **public.hearing@nanaimo.ca**, or submitted online at **www.nanaimo.ca**. These submissions must be received no later than 4:00 pm, 2009-OCT-08, to ensure their availability to Council at the Public Hearing.

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.

For more information, please contact the City of Nanaimo Development Services Department

Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website www.nanaimo.ca

238 Franklyn Street, Nanaimo, BC V9R 5J6

CITY OF NANAIMO

BYLAW NO. 4000.463

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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:

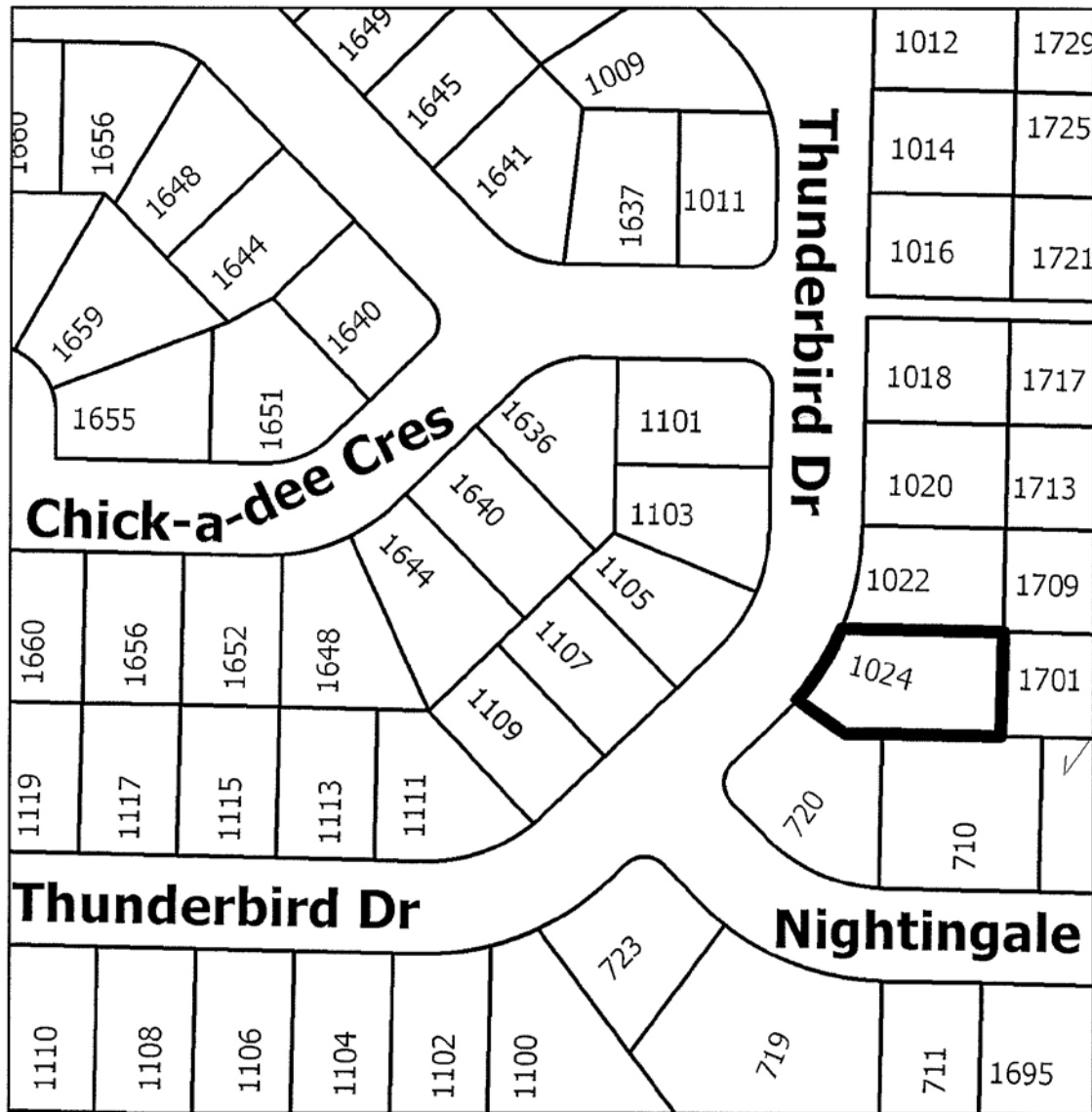
1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.463".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 41, SECTION 16, RANGE 8, MOUNTAIN DISTRICT, PLAN 14680 from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) as shown on the attached Schedule "A".

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
APPROVED BY THE MINISTRY OF TRANSPORTATION _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE A



File: RA000224
Civic: 1024 Thunderbird Drive

LOCATION PLAN

 **Subject
Property**

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: S.HERRERA, PLANNER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA224 – 1024 THUNDERBIRD DRIVE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.463", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure the community contribution and to register a covenant to secure the duplex design.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Peter Monga, on behalf of PJ & R Holdings Ltd., to rezone the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to facilitate the construction of a duplex. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is located on the east side of Thunderbird Drive and is approximately 883 m² (0.2 acres) in area (Schedule 'A'). A single family dwelling was located on the property but was destroyed in a house fire. A demolition permit was issued 2007-AUG-10, and the building has since been demolished. There are multi-family developments to the east and south of the subject property, and single family dwellings located to the north and across the street to the west. The Nanaimo General Regional Hospital is approximately 150 metres walking distance from the site.

Official Community Plan (OCP)

The Official Community Plan (OCP) contains the City's vision for the future. Sustainability is the guiding principle of the OCP, which is reflected in the social, environmental, and economic goals, objectives, and policies within the plan. The land use designations identified in the OCP are intended to support the plan's goal to 'build a more sustainable community'. According to Map '1' of the OCP, the subject property is located within a 'Neighbourhood' designation. The relevant 'Neighbourhood' (Section 2.3) policies of the OCP are as follows:

- Development in 'Neighbourhoods' will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four storey building forms, will be supported in neighbourhoods.

- The development or redevelopment of lands within existing 'Neighbourhood' designated areas shall consider the surrounding context, including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the liveability of the area.
- The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character including the ground oriented nature of existing housing.
- This plan supports the development of a mix of residential option for all demographic categories and levels of affordability across the city.

The proposed development equates to a density of 22 units per hectare, which falls within the 'Neighbourhood' density range, as noted above. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to facilitate the construction of a duplex. The proposed duplex is two storeys and each unit is approximately 166 m² (1789 ft²). On-site parking will be accommodated for each unit within a single car garage, and on the driveway parking apron. The proposed site plan and elevations are attached (Schedule 'B').

Duplex Design

In order to respect the existing neighbourhood character, the front door entrances for each unit need to be visible from the street and the garages need to be flush with the building face. As such, Staff recommends that a covenant be registered to secure the general design features of the proposed duplex building.

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 a \$1000 monetary contribution towards the City of Nanaimo's Affordable Housing Legacy Fund.

Staff support this proposal and recommend that Council direct Staff to secure the community contribution.


Respectfully submitted,



S. Herrera
Planner, Planning Division
Development Services Department

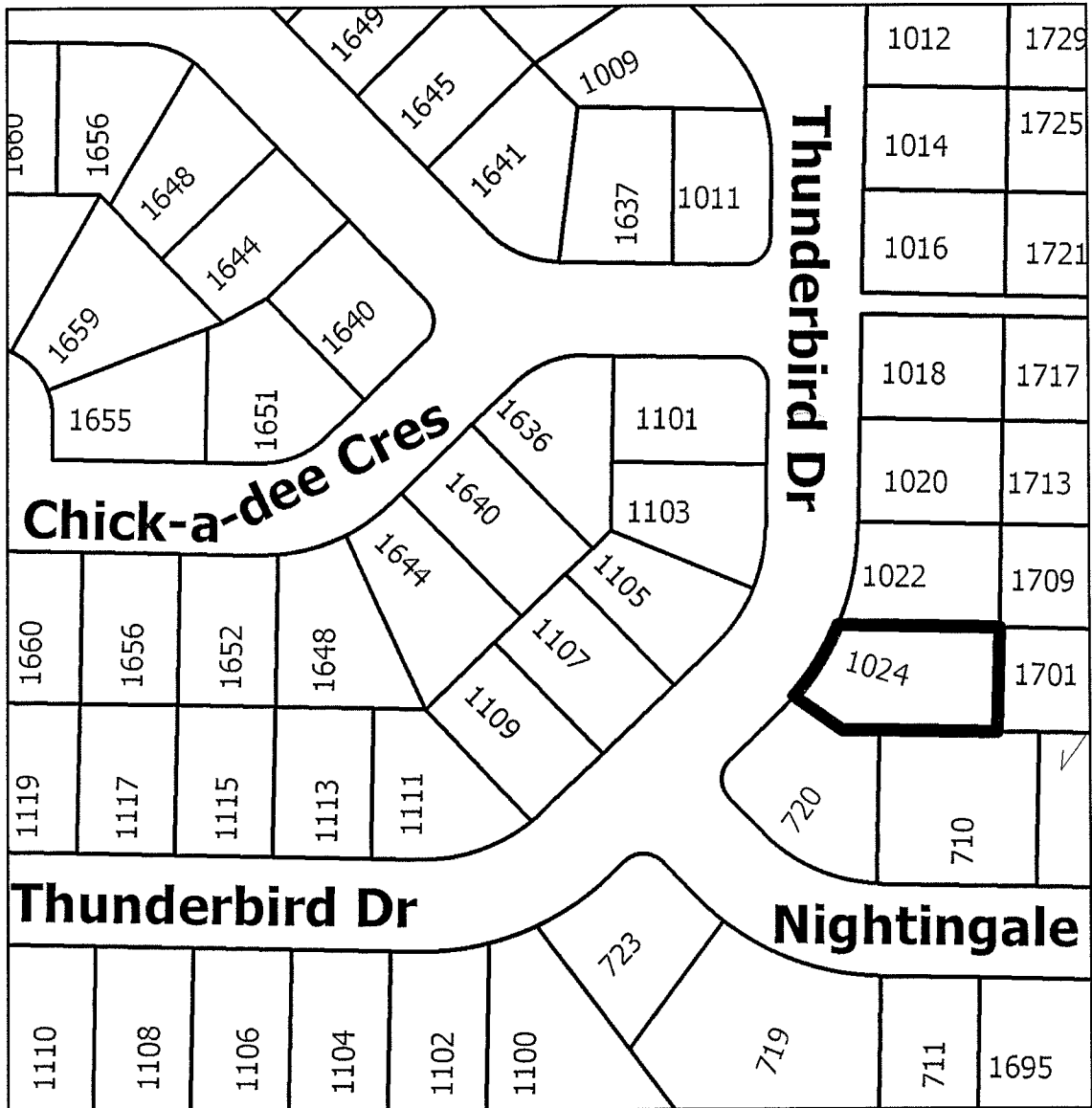
A. Tucker
Director of Planning
Development Services Department

SH/pm/hp
Council: 2009-SEP-14
Prospero: RA224



Ted Swadlow, General Manager
Development Services Department

SCHEDULE A



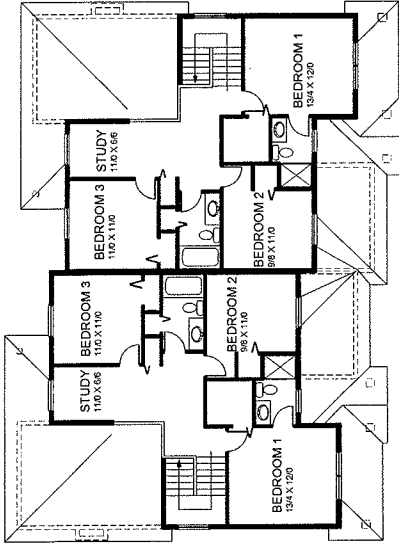
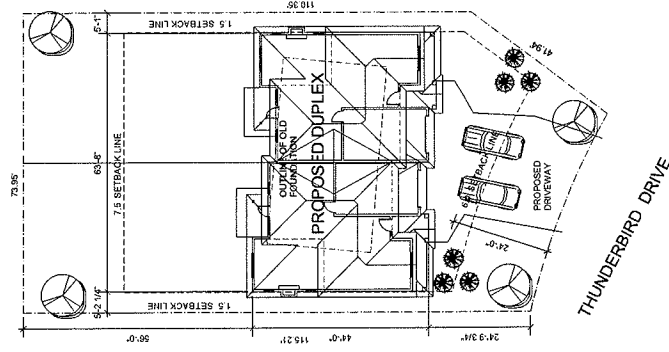
File: RA000224
Civic: 1024 Thunderbird Drive

 **Subject Property**

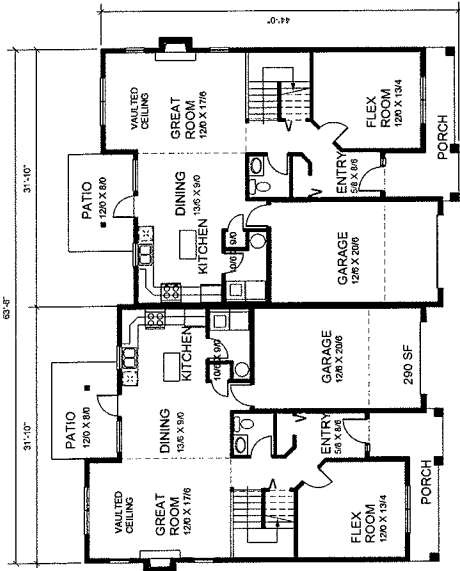
LOCATION PLAN

Copyright reserved. These plans and designs are all at times in the property of the designer to be used for the address shown. Written consent is required from the designer before any reproduction. Contractor to verify all line, levels, surveys, dimensions, specifications, location of building on site, and location of all services prior to construction. All work to be done in accordance with the B.C. Building Code. Current edition, and all local building by-laws. All work to be done in a prudent manner and to the approval of warranty provider, designer is not responsible for any field review or compliance to codes and/or local building practices. Designer recommends that owner / builder retain independent inspectors to ensure proper design and construction of building envelope.

SITEPLAN
SCALE 1/16" = 1'-0"



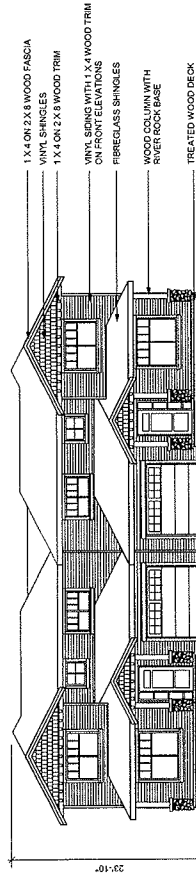
UPPER FLOOR PLAN 875
SF UNIT



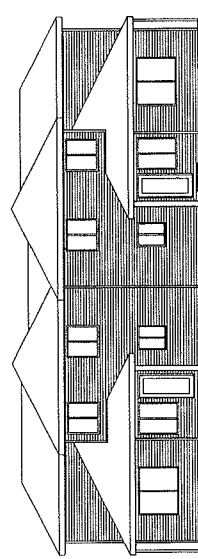
MAIN FLOOR PLAN 914 SF / UNIT

DUPLEX PLAN

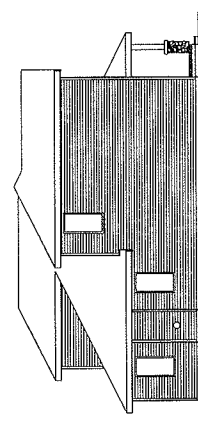
SCALE 1/8" = 1'-0"



FRONT ELEVATION



REAR ELEVATION



TYPICAL SIDE ELEVATION

**PROPOSED REZONING
1024 THUNDERBIRD
DRIVE
NANAIMO, B.C.**

**KEN GREWAL,
(250) 753 6711**

SCALE: NOTED

DATE: MAY. 2009

DRAWN BY: KEN

REVISION: AUG. 2009

CITY OF NANAIMO

BYLAW NO. 4000.462

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 BYLAW AMENDMENT BYLAW 2009 NO. 4000.462".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended by adding the following to Subsection 11.2.1. – Permitted Uses:

"Boat and Marine Equipment Sales, Service, and Rentals, on lands legally described as LOT 2, SECTION 14, RANGE 8, MOUNTAIN DISTRICT, PLAN 11281, EXCEPT PARTS IN PLANS 15398, 18845, 22137, AND VIP58630 (1910 & 1920 East Wellington Road).

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
APPROVED BY THE MINISTRY OF TRANSPORTATION _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000217
Address: 1910 & 1920 East Wellington Road

2009-SEP-08

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: S.HERRERA, PLANNER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA217 – 1910 & 1920 EAST WELLINGTON ROAD

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.462", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure the community contribution.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Robert Parker for a site specific text amendment to the Light Industrial Zone (I-2) in order to legalize the existing use of 'Boat and Marine Equipment Sales, Service and Rentals'. Staff support the application and recommend that Council approve the proposed rezoning.

BACKGROUND:

Subject Property and Surrounding Area

The subject property is located on the north side of East Wellington Road and is adjacent to the Nanaimo Parkway (Schedule 'A'). The property also has frontage on Griffiths Road to the north. The total area of the site is approximately 11,548m² (2.9 acres), and is currently occupied by 'Parker Marine', a 'Boat and Marine Equipment Sales, Service and Rentals' business. The lands abutting the subject property are also zoned I-2, and the lands on the west side of the Nanaimo Parkway are zoned both I-2 and RS-1 (Single Family Residential Zone).

Official Community Plan (OCP)

The Official Community Plan (OCP) contains the City's vision for the future. According to Map '1' of the OCP, the subject property is located within the 'Light Industrial' designation. The relevant Light Industrial (Section 2.5) policies of the OCP are as follows:

- 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.

- Such uses include, but are not limited to, processing, manufacturing and assembly operations, storage, warehousing, distribution, equipment sales and repairs, printing and reproduction, construction, wholesale, transportation, communications related businesses, and auto parts retailers.
- Rezoning for vehicle sales, repair and rental uses may be supported on properties designated 'Light Industrial' and located within the Shenton and Boban Road industrial areas.
- Land uses in the 'Light Industrial' designation must not:
 - create noise or emissions;
 - operate at hours incompatible with residential uses;
 - require outdoor storage space or be unsightly; or
 - use, generate or store hazardous materials.

Other relevant policies within the OCP include:

- Section 7.3 – In recognition of the need for new development to contribute to the amenities and services from which they also benefit development proposals that propose rezoning will generally be requested to include some public amenity proposals as part of the completed project.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant is proposing a site-specific text amendment to the Light Industrial Zone (I-2) in order to legalize an existing use ('Boat and Marine Equipment Sales, Service and Rentals') on the subject property (Schedule 'B'). A Temporary Use Permit (TUP) was issued previously which permitted the 'Boat and Marine Equipment Sales, Service and Rentals' use; however, it has since expired and the applicant now seeks to re-instate the use permanently through the rezoning application.

Landscape Plan

As the subject property abuts the Nanaimo Parkway the applicant is required to provide an appropriate level of screening in order to satisfy the Nanaimo Parkway Design Guidelines (Schedule 'C'). The applicant proposes to plant within the Ministry of Transportation and Infrastructure road allowance, which the Ministry has approved-in-principle. Therefore, Staff recommends that as a condition of rezoning the applicant acquires the Ministry's formal approval and completes the plantings prior to final adoption of the bylaw.

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 has indicated that the required landscaping along the Nanaimo Parkway should be considered a community contribution as this will further the goals of the Nanaimo Parking Design Guidelines and improve the aesthetic along the parkway. The proposed landscaping is estimated at \$29,260.

Staff support this proposal and recommend that Council direct Staff to secure the community contribution.

planNanaimo Advisory Committee (PNAC)

At its meeting of 2009-JUN-16, PNAC recommended that the application be approved as presented. Staff concurs with this finding and recommends that Council support the proposed rezoning.

Respectfully submitted,

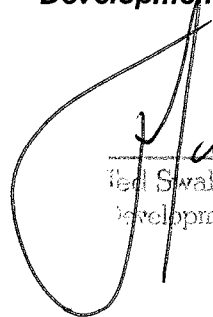


S. Herrera
Planner, Planning Division
Development Services Department

SH/pm
Council: 2009-SEP-14
Prospero: RA217

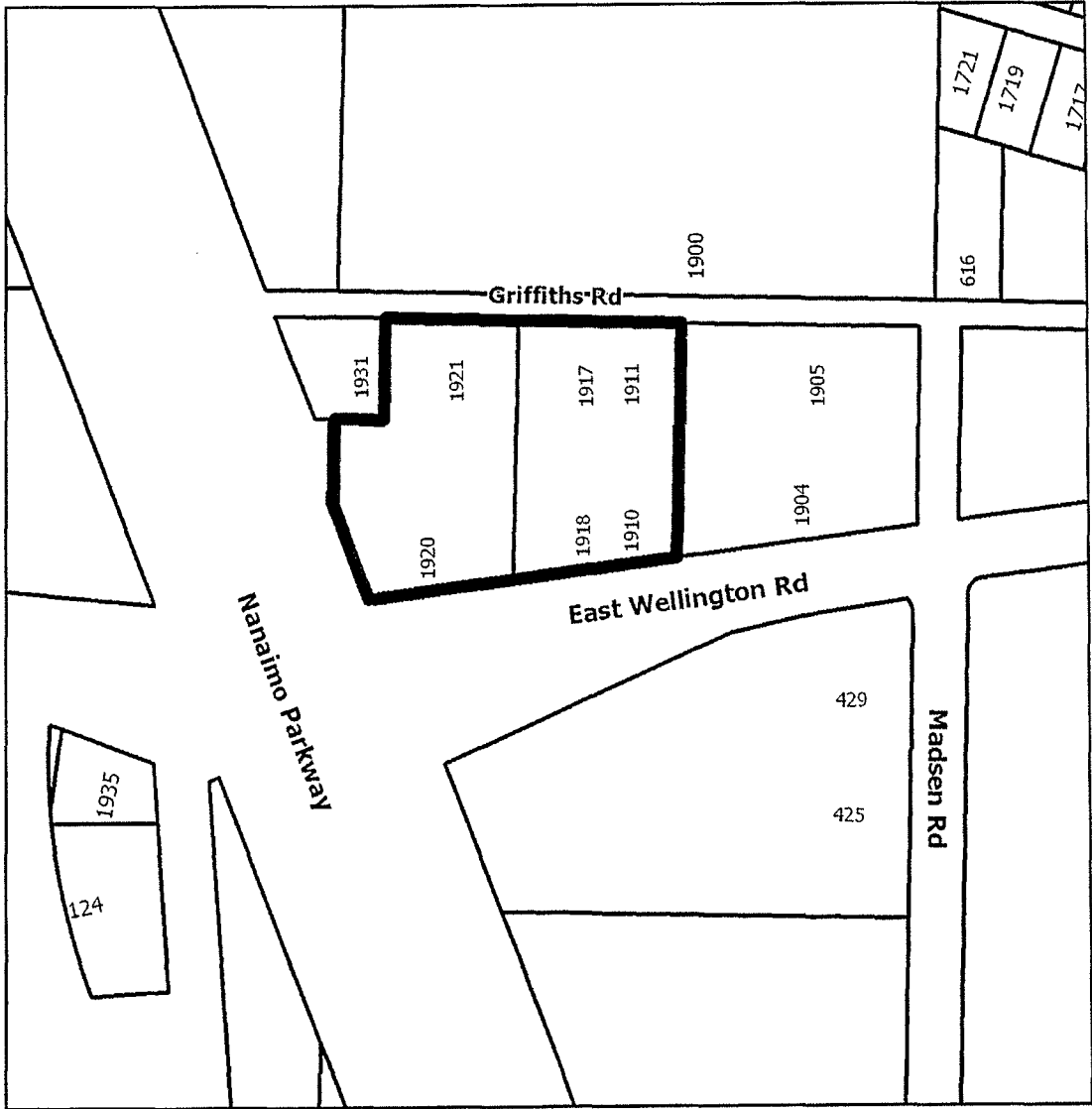


A. Tucker
Director of Planning
Development Services Department



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000217
Civic: 1910 and 1920 East Wellington Road

LOCATION PLAN

 Subject Property

100-443886-1000



SCHEDULE C

GENERAL NOTES


Unless otherwise specified, all work to be in accordance with the BCSLA/BCNTA Landscape Standard, 6th edition.

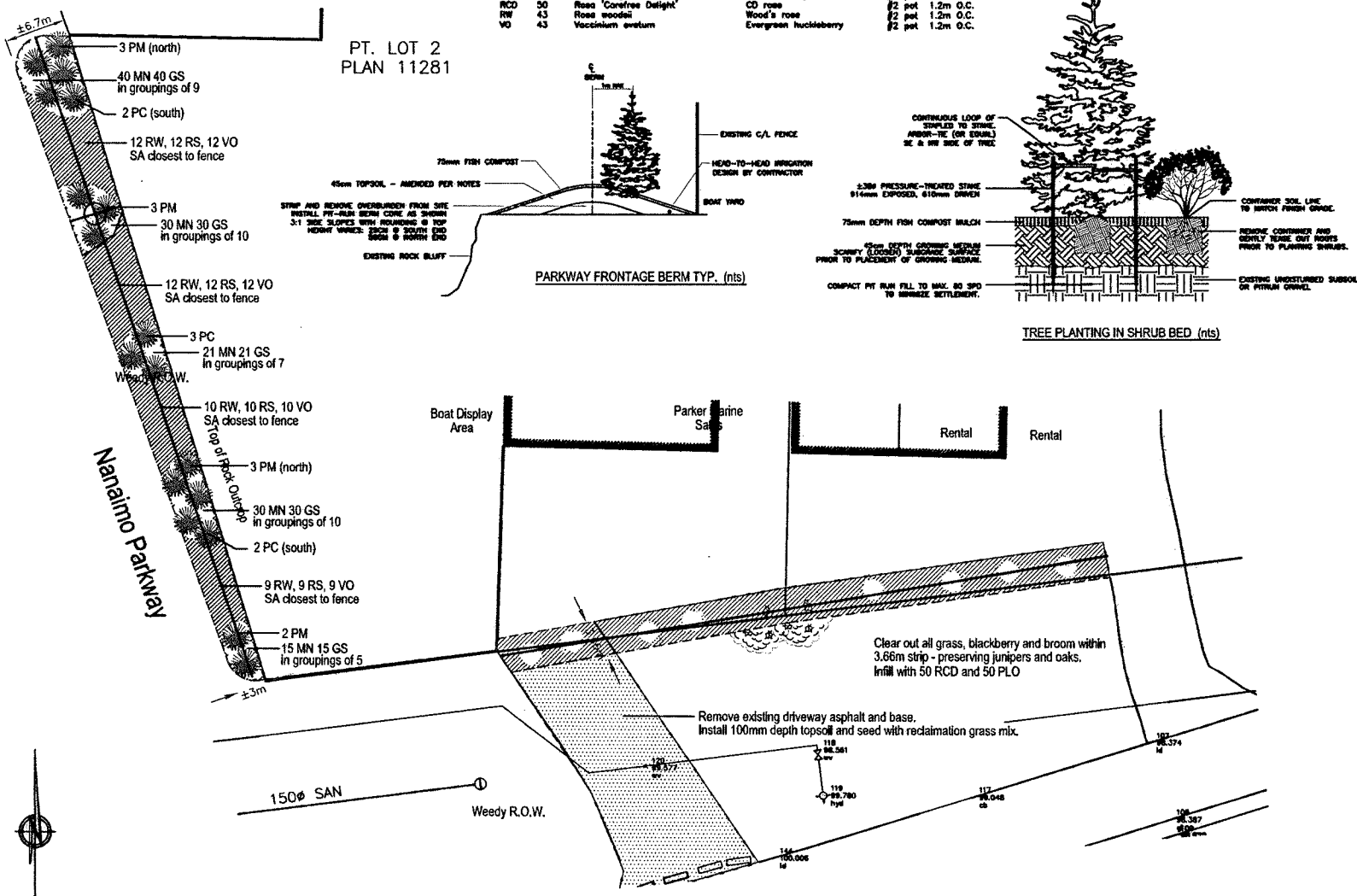
Clear and grub landscape areas under supervision of consultant to eradicate invasives (blackberry and broom).

Landscape areas to receive min 45cm topsoil over approved sub-grade 75mm fish compost tilled in, followed by 75mm fish compost as mulch.

Landscape areas to be irrigated with head-to-head coverage for 2 growing seasons.

Landscape to be maintained by Contractor in weed-free, healthy state for 1 year.

Symbol	Quantity	Botanical Name	Common Name	Size	Spacing	Notes
TREES						
PC	7	<i>Pinus contorta contorta</i>	Shore pine	1.75m	3m O.C.	containerised, Streamside
Pm	11	<i>Pinus pseudotsugae menziesii</i>	Douglas fir	1.75m	3m O.C.	
SHRUBS						
GS	136	<i>Gaultheria shallon</i>	Salal	#1 pot	75cm O.C.	
IN	136	<i>Mahonia nervosa</i>	Duff Oregon grape	#1 pot	75cm O.C.	
SO	50	<i>Prunus laurocerasus 'Otto Luyken'</i>	Otto L. Laurel	#1 pot	1.2m O.C.	
RS	43	<i>Ribes sanguineum</i> King Edward VII	Red-flowering currant	#2 pot	1.2m O.C.	
RCD	50	<i>Rosa 'Confessio Delight'</i>	CD rose	#2 pot	1.2m O.C.	
RO	43	<i>Rosa rugosa</i>	Wood's rose	#2 pot	1.2m O.C.	
VO	43	<i>Vaccinium oxycodon</i>	European huckleberry	#2 pot	1.2m O.C.	



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Revisions

Date	Details	Initials
07/21/08	Revised to comments - SH	JPH

07/21/09	Revised to comments - SH	JPH
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**Parker Marine Ltd
Rezoning Landscape Concept
1920 East Wellington Road, Nanaimo BC**



JPH Consultants Inc
434 Millen Street Nanaimo BC V9R 2L1
Phone/Fax: 250-754-5857 Cell: 250-714-5356

Project: 08-Parker Marine
Date: 01/04/09
Drawn: JPH Checked: _____
Scale: 1:200

Sheet: **R-L1** of 1