

CITY OF NANAIMO

MINUTES OF THE MEETING OF THE REZONING ADVISORY COMMITTEE HELD ON THURSDAY, 2007-NOV-01, AT 4:45 P.M. IN THE BOARD ROOM, CITY HALL, 455 WALLACE STREET, NANAIMO, BC

PRESENT: Bill Forbes - Chair
Brian Anderson
Michael Schellinck
Ralph Meyerhoff

STAFF: Dale Lindsay, Manager, Planning Division, DSD
Dave Stewart, Planner, Planning Division, DSD
Sheila Smith, Planner, Planning Division, DSD

APPLICANTS: Maureen Pilcher, Maureen Pilcher & Associates Ltd.

1. CALL TO ORDER

The meeting was called to order at 4:45 p.m.

2. ADOPTION OF MINUTES:

MOVED by Mr. Forbes, SECONDED by Mr. Anderson, that the minutes of the 2007-APR-05, 2007-JUN-07 and 2007-OCT-04 Rezoning Advisory Committee meetings be adopted.

CARRIED

3. NEW AND PENDING APPLICATIONS

RA195: Maureen Pilcher and Associates has submitted an application to rezone the subject property at 5160 Hammond Bay Road from RS-1 (Single Family Residential Zone) to RM-3 (Low Density Multiple Family Residential (Townhouse) Zone) in order to accommodate four duplexes and three fourplexes.

Ms. Pilcher gave a presentation regarding the proposal, a copy of which is attached.

Mr. Meyerhoff noted his concern regarding traffic from Hammond Bay Road.

Ms. Pilcher stated that an access study was completed by Newcastle Engineering and that the preliminary site plan indicates that the proposed access would be off of Hammond Bay Road, adding that "this location provides the maximum available off-set from the intersection of Hammond Bay Road and Entwistle Drive".

MOVED by Mr. Anderson, SECONDED by Mr. Schellinck, that the application be approved as presented.

CARRIED

4. NEW BUSINESS:

3900-30-ZA1-78:

The City of Nanaimo is currently proposing a set of various minor text amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000". The intent of these amendments is to remove references to individual users from the bylaw, in order to ensure the Bylaw does not discriminate between users of the land and instead only regulates the use of the land.

Mr. Lindsay noted that the rationale behind these text amendments is to regulate Use versus User, adding that the timing is due to Parks Zoning going before Council at the same time as these amendments on 2007-NOV-19 and that the Zoning Bylaw can now be amended by both bylaws at the same time.

Mr. Stewart gave a brief overview of the text amendments, (presentation attached).

MOVED by Mr. Meyerhoff, SECONDED by Mr. Anderson, that the amendments be approved as presented.

CARRIED

5. ADJOURNMENT

MOVED by Mr. Anderson, SECONDED by Mr. Meyerhoff, that the meeting be adjourned at 5:12 p.m.

CARRIED

The meeting was adjourned at 5:12 p.m.

APPROVED:



Chair



Date

My name is Maureen Pilcher, and I am a Planning Consultant in the Central Vancouver Island area. I am representing Nored Developments Incorporated and I am speaking in support of the rezoning application to permit the development of a multi-family project consisting of four duplex units and three fourplex units at 5160 Hammond Bay Road.

This property is presently included in the Neighbourhood designation of the Official Community Plan, and is zoned Single Family Residential – RS-1. This application is to rezone the property to Low Density Multiple Family Residential (Townhouse) Zone – RM-3.

This rezoning involves the development of a two acre site, located close to the intersection of Hammond Bay Road and Entwistle Drive. The property abuts the Whalley Creek trail, Harry Wipper Park and Frank J. Ney Elementary School, making this a convenient and safe site for family housing. Hammond Bay road is a transit corridor, and this property is only a short bus ride away from the Woodgrove Commercial area.

Each duplex unit of 1,750 square feet will contain three bedrooms and each fourplex unit of 1250 square feet will contain two bedrooms and a den – good sizes for family living. These homes will appeal to young families wanting to locate close to the many amenities and the schools in the area. Each duplex unit will have it's own garage - and ample residential and visitor parking has been planned. We have also provided useable private space for each dwelling unit by locating a landscaped area at both the front and back of each home – basically each unit will have its own yard.

When redeveloping within an existing neighbourhood it is always important to maintain the “flavour” of the community by recognizing the site organization and building forms of the adjacent properties. Both the duplexes and the fourplexes will reflect the neighbourhood character - and the context of the more mature homes in the area - by incorporating porch and gable elements. Finishes will be durable in nature, including bold wood trims, laminated shingles, vinyl siding and wood columns with decorative rock accents. You will note that we have tried to maintain a less intrusive profile in the neighbourhood by locating the duplexes near the existing residences, and situating the fourplexes closer to the park boundary.

A single access to this multi-family development will service all of the dwelling units, providing privacy and yet meeting and exceeding all parking requirements. Thirty three parking spaces are required for this development, and additional parking is available in front of the duplex garages. Oil/water separators for storm drainage runoff will be installed to minimize the chances of adversely impacting the water quality in Whalley Creek.

The landscaping planned for this site has again taken into account that this is infill development, and we will be providing extensive privacy landscaping along the edges of the property, including the installation of a 6 foot privacy fence along the side and rear boundaries. We understand that people who have lived adjacent to this large lot will be concerned about a loss of privacy, so we have stepped up the required landscaping buffer areas by retaining existing treed areas, and by adding mature plantings and shrubbery as well as the fence.

Two important features of this development are the intended children's play area and the construction of an asphalt trail – which will connect to the existing Whalley Creek Trail and with a path leading to the school. This will provide safe and easy walking access for students and their parents. Whalley Creek Trail has become a very popular pedestrian corridor for this community and this trail connection will be well utilized by the residents of this proposed development. The planned children's play area will present a secure environment for the younger children living here and will provide a focus area for young families to enjoy.

We have been in contact with all of the surrounding property owners, including the Principal of Frank J. Ney Elementary School. Some neighbours indicated that they are pleased to see infill development in their community and they welcome lower density multiple family dwellings on the larger lots on Hammond Bay Road. We will be submitting a list of the neighbours contacted and completed feedback sheets to the Planning Department.

As per Section 6.2 of the City of Nanaimo Official Community Plan - the Community Contribution Policy - Nored Developments will be providing a donation of \$20,000.00 - \$10,000 towards the completion of the Whalley Creek Trail and \$10,000 to the City's Housing Legacy Fund.

This application meets the goals of the Official Community Plan Neighbourhood designation, which encourages communities to evolve and add to the diversity of housing choices. The proposal meets all the regulations of the RM-3 zone (no variances are required) and the project has been designed to compliment the existing neighbourhood character. This location, in close proximity to schools, parks and commercial areas, is ideal for a relatively small scale multiple family project. This development will provide varied living options for the community, and will offer economically attainable homes geared to young families who wish to live in north Nanaimo.

Use vs. User



Presentation for the Rezoning Advisory Committee

Background

- School District 61 vs. The District of Oak Bay
 - School District took Oak Bay to court over its definition of public school which they felt unfairly discriminated on the user rather than the use. The Court agreed with the School District.
- Section 904 of the Local Government Act entitles Municipalities to define **uses** within a zone but NOT the **users**.
- Current City Bylaw often refers to the operator (ie: public or gov't body). Proposed bylaw intends to correct this while having little impact on the bylaws intent.

Civic Use - General Institutional Use

- Allowed in any zone

CURRENT DEFINITION:

"CIVIC USE" - means the use of a building, structure, or lot for the following public functions which are **under the auspices of a public body**: elementary and secondary schools, fire stations, police stations, ambulance stations and all functions and uses **under the auspices of the City of Nanaimo, The Regional District of Nanaimo, or The Greater Nanaimo Water District**, with the exception of sanitary landfills, sewage treatment plants, and waste transfer stations.

PROPOSED DEFINITION

"GENERAL INSTITUTIONAL USE"- means the use of lands, buildings or structures for: police, ambulance and fire stations; courts of law; legislative chambers and offices, archives and meeting rooms ancillary thereto whether on the same property or not; utilities; *nature parks*, and *community parks*.

Utilities

- Unattended utility buildings and utility corridors allowed in all zones

CURRENT DEFINITION

"PUBLIC UTILITIES" - means utilities which are **operated by the City of Nanaimo or the Regional District of Nanaimo, the Greater Nanaimo Water District or are regulated under the Utilities Commission Act**. Such utilities include a system, works, plant, equipment or service, owned and operated by or for the City, or by a corporation under agreement with or **under a franchise from the City, or under a Federal or Provincial statute** which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City, including but not limited to:

- (1) **public** transportation by bus or trolley coach or other vehicles;
- (2) production, transmission, delivery or furnishing of water, gas, electricity or communication to the public at large;
- (3) collection and disposal of sewage, garbage, and other waste.

PROPOSED DEFINITION

"UTILITIES"- means the use of lands, buildings or structures for utilities which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City. Such services and facilities shall be limited to the production, transmission, delivery or furnishing of water, gas, electricity or communication to the public; collection and disposal of sewage, garbage, and other waste; local transportation by bus, trolley, or other vehicle which operate scheduled services for the public at large.

Academic School

- What the Oak Bay case was about
- Definition of private and public school to be replaced with academic school
- “SCHOOL- ACADEMIC”- Means an institution with no residential component or temporary accommodation, providing a curriculum, for academic instruction up to the completion of Grade 12, and which consists of a body of students, organized as a unit for educational purposes. Students attending the school shall have an opportunity to earn a diploma provided by the British Columbia Ministry of Education.

Other Definition Changes

The following definitions will be removed:

- Caretakers Dwelling Unit
- Park
- Private Restaurant
- Private Recreation Facility

The following definitions will be reworded:

- Nature Centre
- Nature Sanctuary
- Commercial School
- Private Hospital
- Micro-Brewery
- Highway

Section 5 Changes

Temporary Structures (5.6)

- Remove phrase private or public from subsection regarding the temporary storage of materials during construction of a utility
- Replace “public schools” with “academic schools” regarding the placement of temporary class room structures.

Rephrase fence exemptions to remove terms “public parks”, “public schools”, and public utilities”

Remove condition that a residential shelter must be operated by a non-profit society or is licensed or operated by Provincial or Federal Agency. Residential Shelters require a housing agreement so operator issues can better be addressed as part the agreement.

Rest of Bylaw

- Rephrase permitted uses through out the bylaw to remove phrases “public”, “private”, “Provincial”, “Federal”
- Replace (9.10.2.2): “Residential hotels may include a private restaurant or dining area for the use of patron’s resident therein” WITH
“Residential hotels may include a dining area or accessory restaurant provided the restaurant or dinning area is completely contained within the hotel and can only be accessed from within the residential hotel”