

2007-MAY-14

STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: REPORT OF THE PUBLIC HEARING HELD
THURSDAY, 2007-MAY-03 FOR BYLAW NO. 4000.413

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2007-MAY-03.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2007-MAY-03, the subject of which was one item. Three members of the public were in attendance (applicant). Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.413:

RA188 – 4515 Uplands Drive.

This Bylaw, if adopted, will allow 'Restaurant' as a site-specific permitted use on land located at 4515 Uplands Drive. The applicant is proposing to develop a 30-seat coffee shop within a commercial building presently under construction. The subject property is legally described as LOT C, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP70426.

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

Two written submissions were recognized at the Public Hearing.

Respectfully submitted,


D. Lindsay
Manager, Planning Division
Development Services Department

Council: 2007-MAY-14

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A. Tucker
Director, Planning & Development
Development Services Department

**MINUTES OF THE PUBLIC HEARING HELD PURSUANT
TO THE LOCAL GOVERNMENT ACT IN THE BOARD CHAMBERS
OF THE REGIONAL DISTRICT OF NANAIMO, 6300 HAMMOND BAY ROAD,
NANAIMO, BC, ON THURSDAY, 2007-MAY-03, TO CONSIDER THE
AMENDMENTS TO THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT:

Councillor M.D. Brennan – Acting Mayor
Councillor W.L. Bestwick
Councillor J.D. Cameron
Councillor W.J. Holdom
Councillor L.D. McNabb
Councillor L.J. Sherry
Councillor W.M. Unger
Councillor C.S. Manhas

REGRETS:

Mayor G.R. Korpan

Staff

D. Lindsay, Manager, Planning Division, DSD
J. Carvalho, Planner, Planning Division, DSD
P. Masse, Planning Clerk, Planning Division, DSD

Public

There were 3 members of the public present (applicant).

CALL TO ORDER:

Councillor Brennan called the meeting to order at 7:00 p.m. Mr. Lindsay explained the required procedure in conducting a Public Hearing and the regulations contained within Section 892 of the Local Government Act. Mr. Lindsay read the item as it appeared on the Agenda, adding that this is the final opportunity to provide input to Council before consideration of Third Reading to Zoning Amendment Bylaw No. 4000.413 at Council's next regularly scheduled meeting of 2007-MAY-14.

1. BYLAW NO. 4000.413:

RA188 – 4515 Uplands Drive.

This Bylaw, if adopted, will allow 'Restaurant' as a site-specific permitted use on land located at 4515 Uplands Drive. The applicant is proposing to develop a 30-seat coffee shop within a commercial building presently under construction. The subject property is legally described as LOT C, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP70426.

Councillor Bestwick asked the applicant for clarification regarding the status and zoning of the properties adjacent to the subject property.

Mr. Dueck (applicant) noted that there is a vacant lot beside the subject property.

Mr. Lindsay added that there are three parcels that are serviced by a common driveway off of Songbird Place. These parcels were originally one property that was zoned C-15, which allows for office and personal service use.

Councillor Bestwick noted that it is conceivable then that the vacant space could eventually be a commercial lot.

Mr. Lindsay confirmed that the only option for the property would be uses that are permitted in the C-15 Zone.

Councillor Unger asked if the lot was currently under development.

Mr. Dueck confirmed that a building is currently under construction.

Councillor Unger asked what the hours of operation would be if the coffee shop were approved.

Mr. Henderson (applicant / potential operator) stated that the hours of operation for the coffee shop would be flexible, given the proximity to the adjacent apartment building, adding that proposed hours would be 7:00 a.m. to approximately 9:00 p.m.

Councillor Unger asked for further clarification that the coffee shop would not remain open until 2:00 a.m.

The applicant confirmed the coffee shop would not stay open to 2:00 a.m.

There were two written submissions received for this application and are attached as a part of "Schedule A – Submissions for Bylaw 4000.413".

MOVED by Councillor Sherry, SECONDED by Councillor McNabb, that the meeting be adjourned at 7:03 p.m.

CARRIED

Certified Correct:



D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

/pm

Council: 2007-MAY-14

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Schedule “A”

Submissions

For

Bylaw 4000.413

(RA188 – 4515 Uplands Drive)

Jason Carvalho

From: BLMILLER [blmiller7@shaw.ca]
Sent: Wednesday, May 02, 2007 8:09 AM
To: Public Hearing
Subject: PUBLIC HEARING MAY 3, 2007

City of Nanaimo
Development Services Department

Re: Public Hearing
May 3, 2007 7 PM
6300 Hammond Bay Rd.
Nanaimo, B.C.

ByLaw NO. 4000.413

PURPOSE: To Permit use of land for a Restaurant
LOCATION 4515 Uplands Drive
FILE NO RA188

As 2 Condo owners at 4971 Songbird Place, we wish to state that we are totally OPPOSED to the proposed
Zoning ByLaw 1993 NO. 4000

As our Condo Balconies face this building, we feel that any kind of Restaurant that could have late night hours of operation, along with the amount of vehicle traffic, would have a impact on the value of our Condo's. This could also have a impact on future sales of our units along with other units in our building facing this building.

Respectfully Yours

Bruce Miller
#310 - 4971 Songbird Place
Nanaimo, B.C.

Anne Jardine
#210 - 4971 Songbird Place
Nanaimo, B.C.

Please Confirm that this Letter will be presented at the Public Hearing May 3, 2007...
blmiller7@shaw.ca

5/3/2007

Jason Carvalho

From: webmaster@nanaimo.ca
Sent: Wednesday, April 25, 2007 7:32 AM
To: Public Hearing
Subject: Public Hearing Submission

A Online Public Hearing Submission has been made:

Name: Irene Jacobson
Address: #209 4971 Songbird Pl
Subject: 4515 Uplands Drive 4000.413:

Comments:

To Whom It May Concern:

I have many concerns as to the application of the said property for a permit to use the residence as a restaurant.

1. A thirty seat restaurant is requested, plus office spaces, can u tell me where all the cars will be parking? Will it be along Uplands Drive? Or will that traffic be directed along Songbird Drive? There is absolutely NO room for more congestion of traffic along that short corridor!! Right now, we are congested with more than enough traffic from our Condo Complex, and that of the Daycare Centre located in the church, and that of the Dentist, and Health Spa. The bottle neck entrance to Songbird drive is hazardize at the best of times. What is the city going to do about eliminating high volume of traffic, and the noise it will create. Are there plans to install a traffic light to protect the residents of this area?
2. Parking concerns. Right now residents have had to endure the sounds of building and the coming and going of major traffic right outside our windows due to the new construction. It has been highly annoying, as it starts from 6:30 am. I have noted that workers have now started to parallel park, within feet of our residence, cars facing into the windows of our bedrooms and living rooms!!! Will we be subjected to the noise of all the comings and goings of all those cars within feet of our residence??? Not to mention the noise of motors, and people talking. And what about the evenings, Will we then have car lights directly aimed into our windows??? What are the plans to buffer those concerns so that we, the residents will be safe-guarded from those annoyances?
3. Property Value Concerns!! The present situation is an absolute negative effect on OUR property values!!! What is the city going to do to protect our monetary investments!! No one is going to want to buy our homes with all the negative concerns that are being subjected to us.
3. Noise. What are the plans to buffer the noise from our residence? They have left no room to put plants to buffer the noise. And there is absolutely no room for a fence, and anyways that would put our residents into complete darkness!!!

I am absolutely annoyed at the fact that there was no address or concerns taken by the builder to that of the residents facing his complex. I ask that my concerns be read, and addressed at the Public Hearing on May 3-07.

I.R. Jacobson
phone-1-250-751-2259