



NOTICE OF PUBLIC HEARING

2007-MAY-03 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2007-MAY-03**, commencing at **1900 hours (7:00 pm)** in the **Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

1. **BYLAW NO. 4000.413:**

Purpose: To permit use of land for a Restaurant

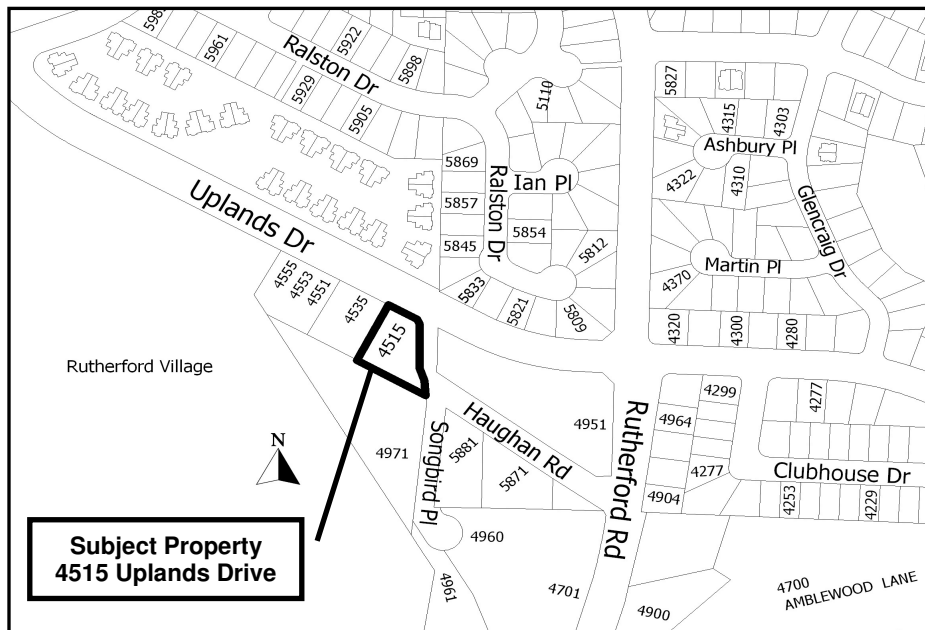
Location(s): 4515 Uplands Drive

File No.: RA188

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, and is shown on Map 'A'.

Map A



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

The above bylaw, relevant staff report, and other background information may be inspected from 2007-APR-20 to 2007-MAY-03, 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 bylaw shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaw No. 4000.413 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, 2007-MAY-03, 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

2007-APR-16

STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR, PLANNING & DEVELOPMENT, DSD

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

RE: RA188 – 4515 UPLANDS DRIVE

STAFF RECOMMENDATION:

That Council:

1. Consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2007 4000.413"; and
2. Direct Staff to secure the proposed community contribution as a condition of rezoning.

EXECUTIVE SUMMARY:

The City has received an application from Dueck General Contracting for a site-specific text amendment to the Suburban Office Zone (C-15) in order to permit 'Restaurant' on the subject property. At its meeting of 2007-MAR-15, the Rezoning Advisory Committee (RAC) recommended that this application be approved as presented. Staff concur with this recommendation and recommend that Council support the proposed rezoning.

BACKGROUND:

Subject Property

The subject property, which is presently under development, is approximately 0.22 hectares (0.54 acres) in area and is bounded by Uplands Drive and a multi-family development to the north, Songbird Place and a church to the east, a four-storey multi-family condominium to the south, and a vacant Suburban Office (C-15) zoned property to the west (Schedule 'A').

As Council may recall, a covenant amendment was recently approved (2006-SEP-11) for the subject property to increase the maximum allowable building height in order to facilitate the commercial building on the property.

Official Community Plan (OCP)

The subject property is designated 'Rutherford Town Centre' according to Schedule 'A' of the OCP. OCP Town Centre policies within this district support a variety of commercial services, including restaurants.

Staff is of the opinion that the application complies with the intent of the OCP.

C-15 Zone

Permitted uses in the C-15 zone, while limited number, allow for a broad and diverse range of uses, including offices, veterinarian clinics, financial institutions and personal service uses, which by definition, and allows for the ancillary sale of goods and wares (i.e. hair salon).

Proposed Development

The applicant is proposing to construct a coffee shop ('Restaurant') within a commercial building presently under development. The coffee shop is proposed to be accommodated on the main floor and will provide approximately 30 seats (Schedule 'B'). The total area of the coffee shop is approximately 186 m² (2,000 ft²). The zoning amendment as proposed will not permit a drive-through as part of the restaurant function. A drive-through restaurant is seen as having the potential of greater impact on adjacent residential uses.

It is Staff's belief that the proposed coffee shop (restaurant) is compatible with those uses currently permitted in the C-15 zone. Also, given the location of the property, scale of the development, and its proximity to the Nanaimo North Town Centre (formerly Rutherford Mall) and adjacent residential and commercial uses, Staff believe the proposed development will complement the neighbourhood.

Future Restaurant Use

If the application is approved, use of building may in the future be converted to allow for a larger restaurant. However, as Council is aware, the City's parking regulation bylaw requires that one (1) parking space be provided for each three (3) seats. Presently, the site provides 29 stalls. Accordingly, a restaurant of not more than 87 seats can be accommodated on-site provided there are no other additional uses operating within the building.

Neighbourhood Support

The applicants have met with all immediate neighbouring property owners to discuss their proposal. Letters confirming support for the development are attached as Schedule 'C'.

Community Contribution

As outlined in Section 6.2 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to this policy, the applicant is proposing additional on-site landscaping in the form of public art (water fountain) at the northeast corner of the site (\$5000). A concept plan of the public art is attached as Schedule 'D'.


It is Staff opinion that the proposed fountain will help program the exterior plaza and will assist in further encouraging pedestrian use of the area. In doing so, this will provide for a more interactive streetscape along Uplands Drive.

Staff support the community contribution proposal and recommend that this item be secured as a condition of rezoning.

Rezoning Advisory Committee (RAC)

The RAC, at its meeting of 2007-MAR-15, recommended that the application be approved as presented. Staff concur with this recommendation and recommend that Council support the proposed rezoning.

Respectfully submitted,



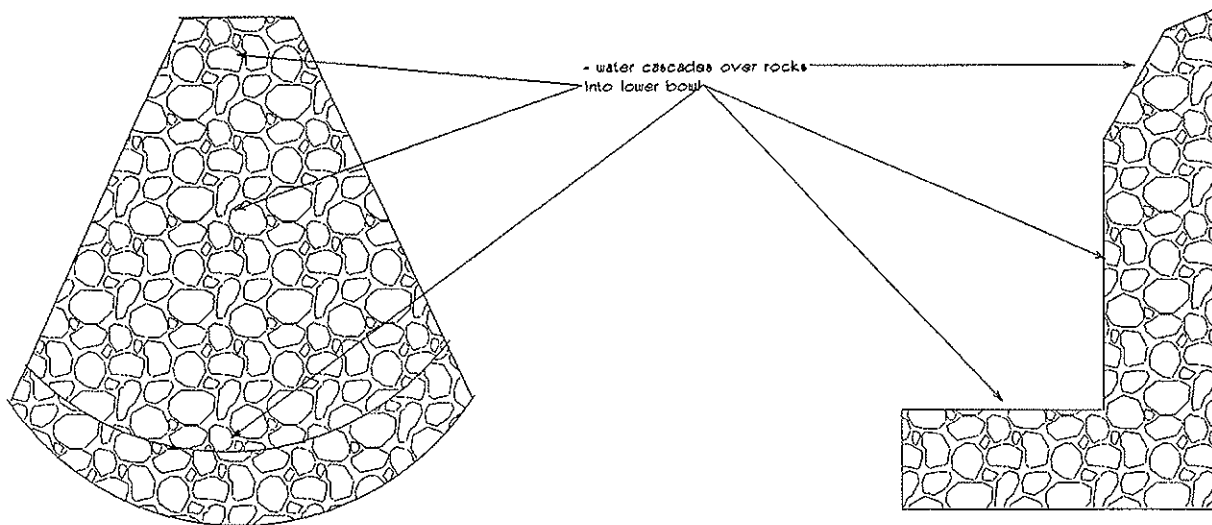
D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

A. Tucker
Acting Director, Planning & Development
DEVELOPMENT SERVICES DEPARTMENT

JC/pm
Council: 2007-APR-19
Prospero: RA188

SCHEDULE D

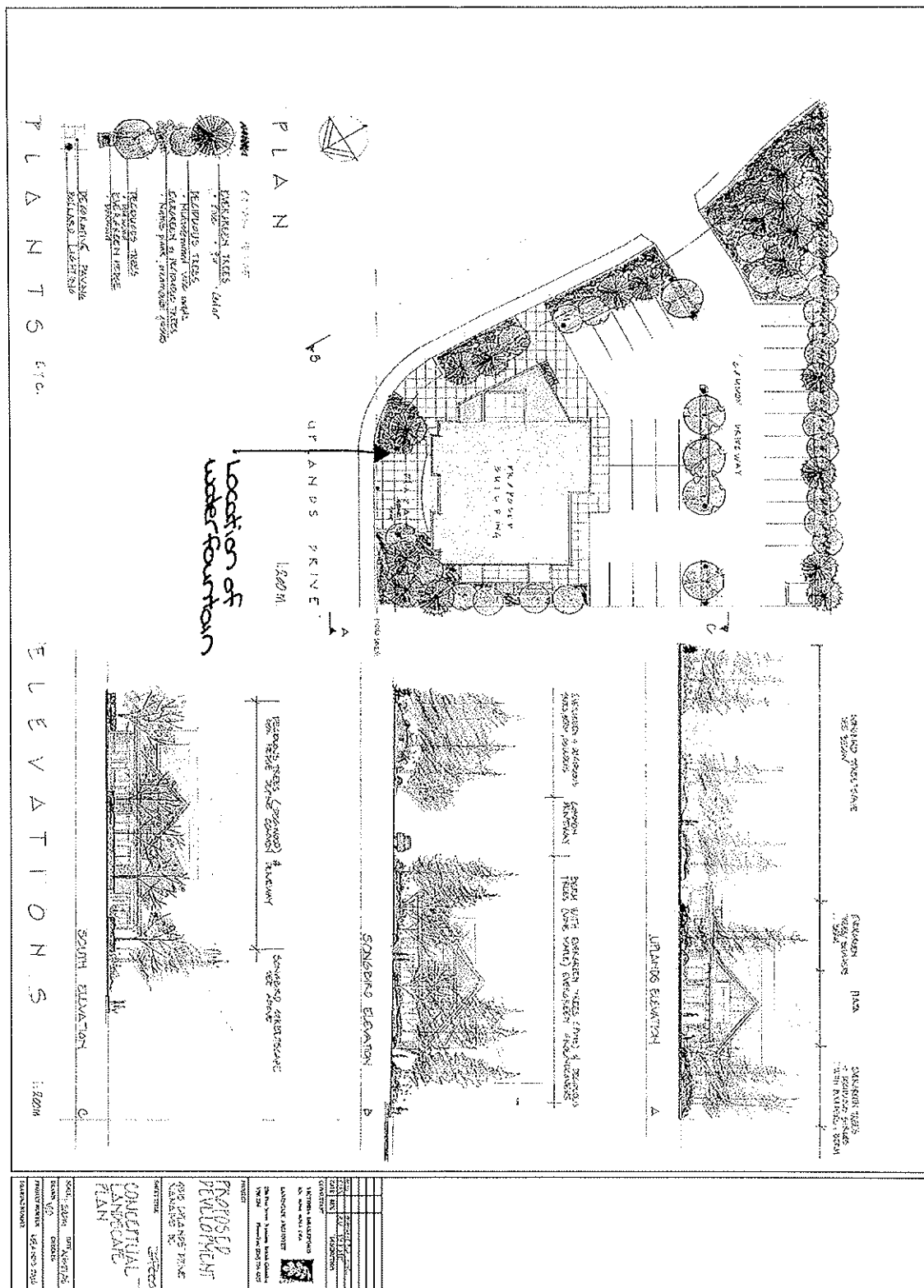
WATER FALL / FOUNTAIN 4515 UPLANDS DRIVE



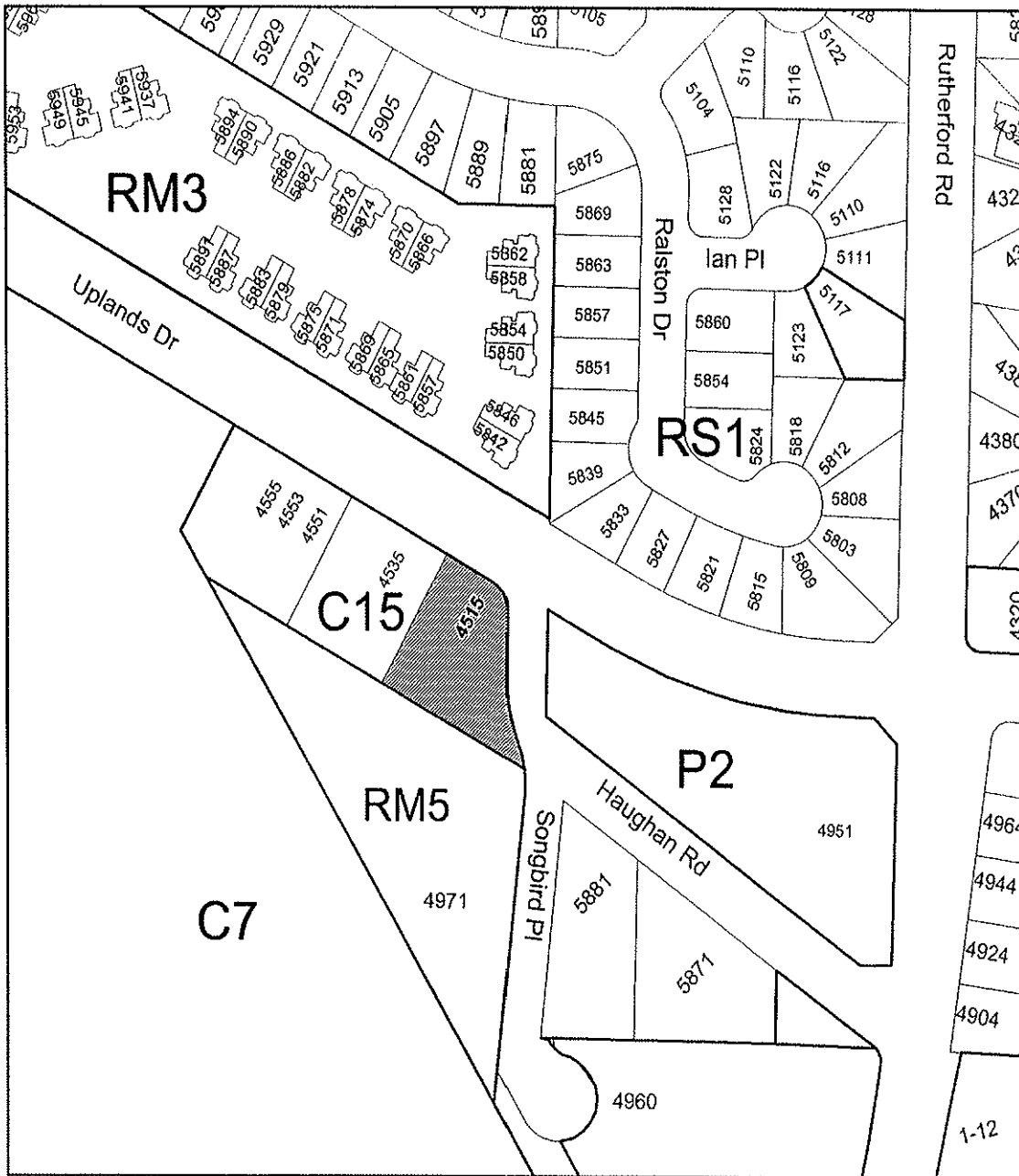
PROPOSED WATERFALL/FOUNTAIN STRUCTURE:

- water falls over river rock structure to a 'dog bowl' at the bottom for dogs.
- there will be fresh water provided through the building water, drainage and power for the pump and lighting.
- Cost is approximately \$5000.00 plus long-term maintenance and operational expenses incurred by the building owners.

SCHEDULE D



SCHEDULE A



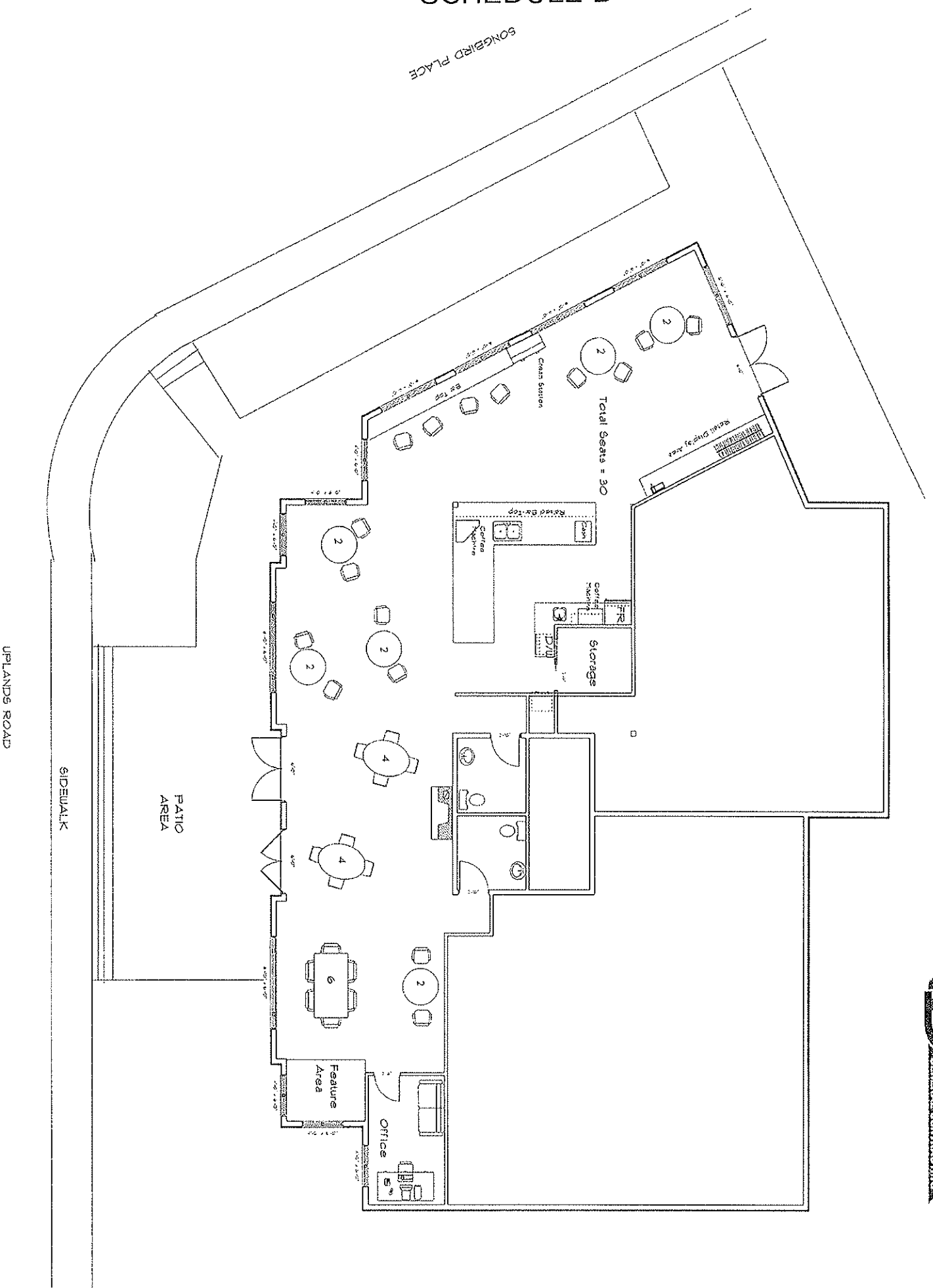
LOCATION PLAN



Civic: 4515 Uplands Drive
 Lot C, District Lot 14, Wellington District,
 Plan VIP70426

FILE: RA188

SCHEDULE B



Mar. 6 2007 4:

SCHEDULE C

Mar. 06 2007 05:54PM P1

Ms. 4212 P. 2

February 28, 2007

Dueck General Contracting
6861 Wayne Place
Lantzville B.C.
V0R 2H0



Attention: Blair Dueck

RE: Rezoning of 4515 Uplands Drive

Dear Mr. Dueck:

We (The Rutherford Dental Clinic) have no objection to the rezoning proposed for the above noted property to allow a coffee shop. We thank you for consulting with us and welcome you to the neighborhood.

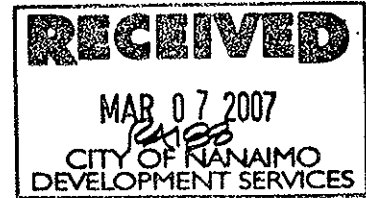
Yours Truly,

A handwritten signature in black ink, appearing to read "Marc D. Robichaud".

Dr. Marc D. Robichaud Inc.
* 4555 Uplands Drive
Nanaimo B.C.
751-3663

UPLANDS VILLAGE STRATA CORPORATION
Strata Plan VIS 2684

February 25, 2007



Dueck General Contracting
6861 Wayne Pl.,
Lantzville, B.C.
VOR 2HO

Attention: Blair Dueck

Dear Mr. Dueck:

Re: 4515 Uplands Drive

I have discussed with Uplands Village Strata Council, the matter of the coffee shop within the building at the above address.

The Strata Council have no objection to this coffee shop, and we thank you for consulting with us before proceeding.

We wish you the best of luck in this venture, and again thank you.

Yours truly,

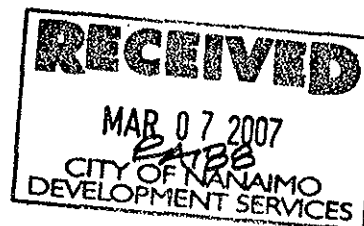
UPLANDS VILLAGE STRATA COUNCIL

A handwritten signature in dark ink, appearing to read "A. Nussbaumer".

A. Nussbaumer, Chairman.

SCHEDULE C

February 28, 2007



Dueck General Contracting
6861 Wayne Place
Lantzville B.C.
V0R 2H0

Attention: Blair Dueck

RE: Rezoning of 4515 Uplands Drive

Dear Mr. Dueck:

We (Neighborhood Church) support the rezoning proposed for the above noted property to allow a coffee shop. We thank you for consulting with us and welcome you to the neighborhood.

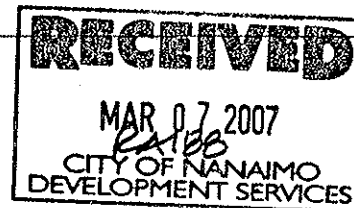
Yours Truly,

A handwritten signature in dark ink, appearing to read "James Toews". The signature is fluid and cursive, with a large loop at the end.

James Toews
Neighborhood Church
* 4951 Rutherford Road
V9T 5P1
Phone- 758-2242

Blair Dueck

From: James E. Chase [jamesechase@shaw.ca]
Sent: Monday, February 26, 2007 8:49 PM
To: Blair Dueck
Cc: Christianson, Almer; Gibson, Vicki; Nuttall, Patricia
Subject: Re: Coffee Shop



Blair: After you left our meeting tonight, our Council discussed further the proposal for the coffee shop in your new building, and they were generally supportive. Maybe a sign on Songbird at the entrance to your property directing coffee shop customers to your parking lot would help to avoid the potential parking problem on Songbird. As far as any other issues are concerned, we can deal with them between us in a friendly neighbourly manner, when and if they occur. Thanks for way you have been open to discuss your plans in advance with us with . See you Wednesday. Jim

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No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.446 / Virus Database: 268.18.4/703 - Release Date: 2/26/2007 2:56 PM

2/27/2007

CITY OF NANAIMO

BYLAW NO. 4000.413

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 2007 NO. 4000.413".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended by adding the following to Section 9.15.1 – Permitted Uses:

"Restaurant, on lands legally described as LOT C, DISTRICT LOT 14,
WELLINGTON DISTRICT, PLAN VIP70426"

PASSED FIRST READING 2007-APR-16.

PASSED SECOND READING 2007-APR-16.

PUBLIC HEARING HELD _____.

PASSED THIRD READING _____.

APPROVED BY MINISTRY OF TRANSPORTATION _____.

ADOPTED _____.

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA188
Address: 4515 Uplands Drive
Applicant: Dueck General Contracting