

2007-APR-16

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-APR-05 FOR
BYLAW'S NO. 4000.410, 4000.411 AND 4000.412

STAFF'S RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2007-APR-05.

EXECUTIVE SUMMARY:

A Public Hearing was held on 2007-APR-05, the subject of which was three items. Twelve members of the public were in attendance. Minutes of the Public Hearing are attached.

BACKGROUND:

1. BYLAW NO. 4000.410:

RA184 – parts of 1400 Jingle Pot Road and 75 Wakesiah Avenue.

This Bylaw, if adopted, will rezone parts of the subject properties from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6), in order to facilitate subdivision of 24 single family 'small lots'. If approved the proposed lots will range in area from 382 m² (4,112 ft²) to 529 m² (5,694 ft²). The subject properties are legally described as part of LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP79548, EXCEPT PART IN PLAN VIP79549 AND VIP82272 and part of LOT B, SECTION 1, NANAIMO DISTRICT AND PLAN VIP63268.

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

One verbal submission was recognized at the Public Hearing.

2. BYLAW NO. 4000.411:

RA185 – Part of 6031 Hammond Bay Road.

This Bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) in order to allow for the construction a duplex on a proposed new subdivided lot. The subject property is legally described as part of LOT 3, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN 18371.

This application appears before Council this evening for consideration of Third Reading. No verbal or written submissions were recognized at the Public Hearing.

3. BYLAW NO. 4000.412:

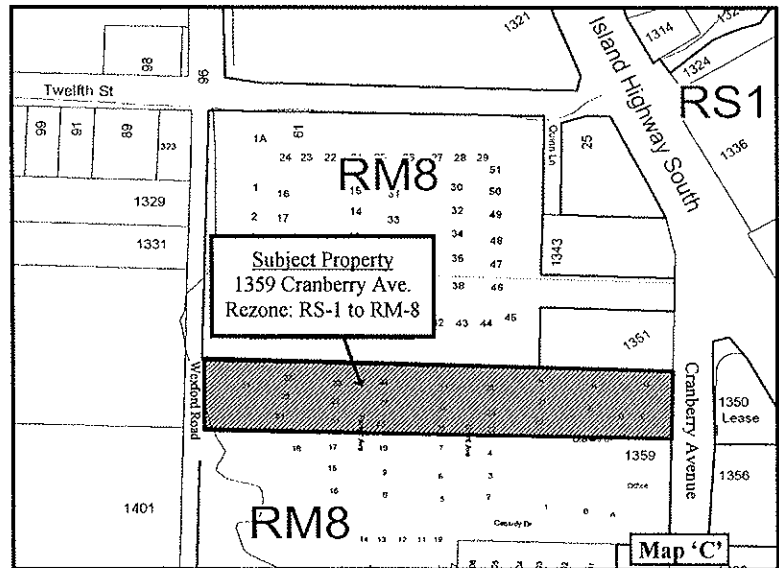
Council has recognized that periodic amendments to the zoning bylaw are needed to maintain the effectiveness and relativity of the zoning regulations. This Bylaw, if adopted, will:

- | | |
|--------------|---|
| Amendment 1 | Remove "Casino" as a permitted use within the Core Area Commercial Zone (C-11). |
| Amendment 2 | Remove Subsection 8.1.4.2 which references the minimum lot area for campsites as they are not a permitted use within the Rural Agricultural/Residential Zone (A-1). |
| Amendment 3 | Remove the definition of "Row Housing" from Part 4 Definitions as the housing form is permissible under the existing definition of 'Multiple Family Dwelling'. |
| Amendment 4 | Add the Woodgrove Pines Zone (CD-2) to Section 14.12 to specify a minimum landscape treatment level for yards within the zone. |
| Amendment 5 | Replace the term "Nanaimo Parkway" with "major roads" within Subsection 6.6.7.4 of the Single Family Residential Small Lot Zone (RS-6). |
| Amendment 6 | Amend Subsection 7.11.9.2 of the RM-11 zone to remove the term "not" from the phrase "off street parking for residential use will not be provided in accordance with the following". |
| Amendment 7 | Replace the term "on" with "abutting" in Subsection 14.12.1 to clarify that a landscape treatment level is required for side yards which abut a highway. |
| Amendment 8 | Remove the terms "atriums", "domes" and "observation towers" from Subsection 5.7.1.1 (Height Exemptions). |
| Amendment 9 | Add Subsections 7.10.6.4 and 7.11.6.4 in the RM-10 and RM-11 Zones in order to reference general provisions from Part 5 for the siting of buildings abutting watercourses and major roads. |
| Amendment 10 | Amend the definition of "Lot, Corner" in Section 4.1 to include the phrase "In this case a lane is not considered a highway". |
| Amendment 11 | Update the fine schedule (Appendix E) to reference the appropriate sections of the zoning bylaw and remove the reference to fascia signs as they are addressed through the sign bylaw. |
| Amendment 12 | Amend Subsections 11.2.2.3 and 11.4.2.4 to clarify the type of enclosure required for the storage of materials for a recycling depot. |
| Amendment 13 | Amend Subsection 5.13.5 to restrict the maximum number of vehicles which can be parked or stored on a duplex lot to 3 vehicles per dwelling unit. |
| Amendment 14 | Amend Subsection 5.4.1 to increase the maximum height of a hutch projection to 3.0 metres (9.84 feet). |
| Amendment 15 | Amend the definition of "Floor Area Gross" to add 'covered decks' in the calculation of gross floor area and to clarify that 'open decks' are excluded. |
| Amendment 16 | Add the following definition to Part 4 Definitions:

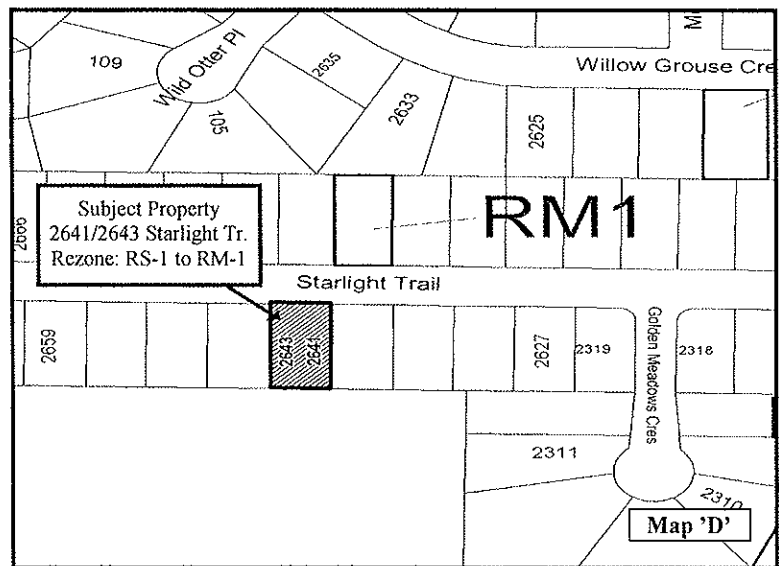
"COVERED DECK"- means a structure connected to the principal use which is elevated a minimum of 0.6 metres (1.97 feet) from ground level; is supported on structures or is cantilevered; and is covered by part of the roof system of the principal use (see "Open Deck"). |

This Bylaw, if adopted, will also rezone:

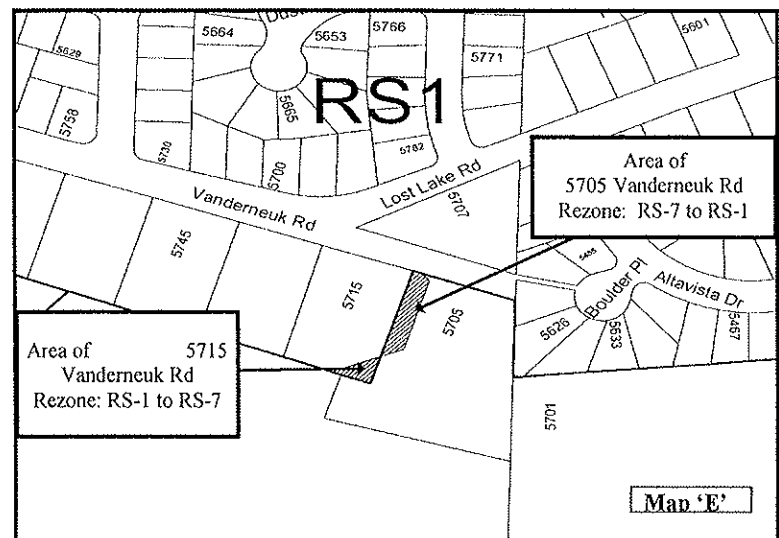
- i) lands legally described as THE SOUTH 141.43 FEET OF SECTION 24, RANGE 18, OF SECTION 20, RANGE 4, CRANBERRY DISTRICT, PLAN 1332 (1359 Cranberry Avenue) from Single Family Residential (RS-1) to Mobile Home Park Subdivision Zone (RM-8), shown on Map 'C'



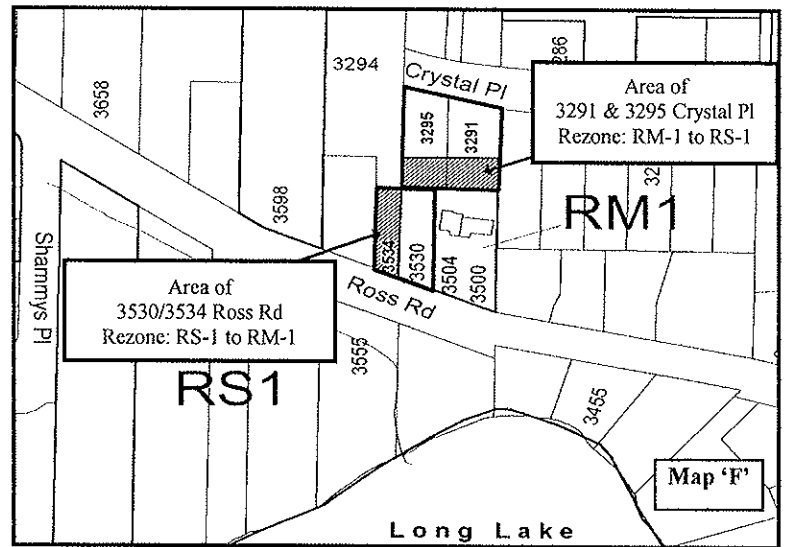
- ii) land legally described as LOT 23, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 25626 (2643/2641 Starlight Trail) from Single Family Residential (RS-1) to Residential Duplex Zone (RM-1), as shown on Map 'D'



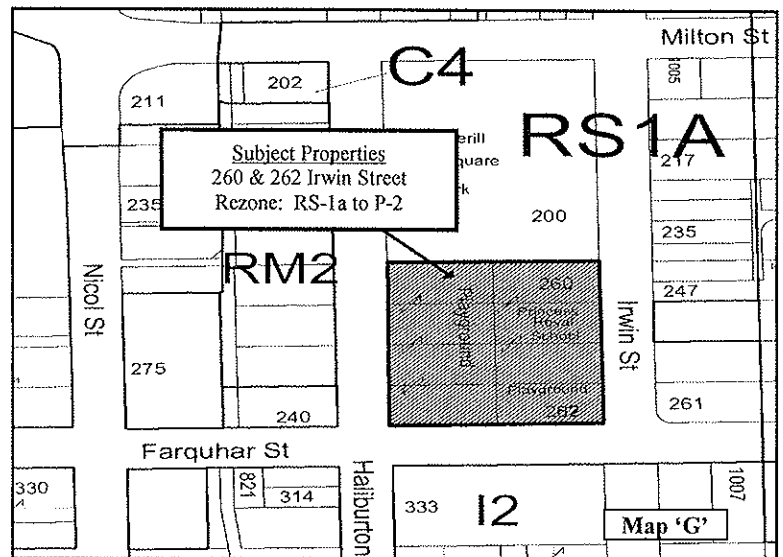
- iii) land legally described as part of LOT 2, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 39987 (5715 Vanderneuk Road) from Single Family Residential (RS-1) to Steep Slope Residential (RS-7) and by rezoning part of lands legally described as LOT D, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN 18479 (5705 Vanderneuk Road) from Steep Slope Residential (RS-7) to Single Family Residential (RS-1), as shown on Map 'E'



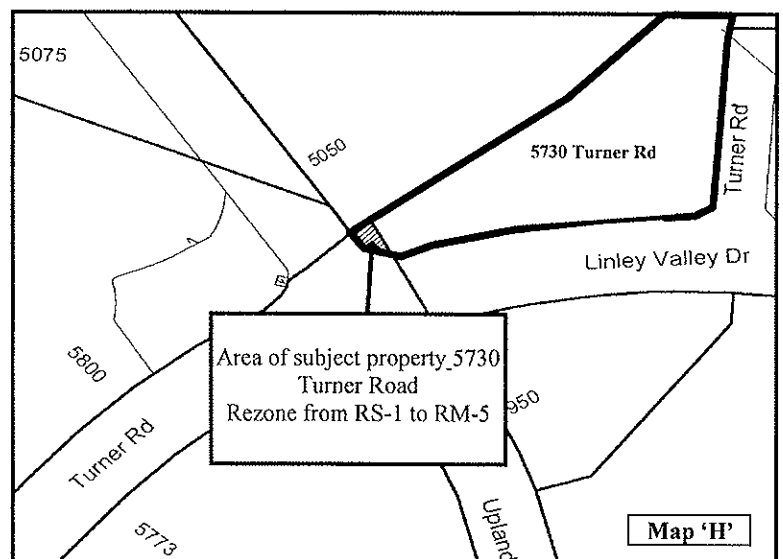
- iv) lands legally described as part of LOT D, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3534/3530 Ross Road) from Single Family Residential (RS-1) to Residential Duplex (RM-1) and lands legally described as part of LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3295 Crystal Place) and part of LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3291 Crystal Place) from Residential Duplex (RM-1) to Single Family Residential (RS-1), as shown on Map 'F'



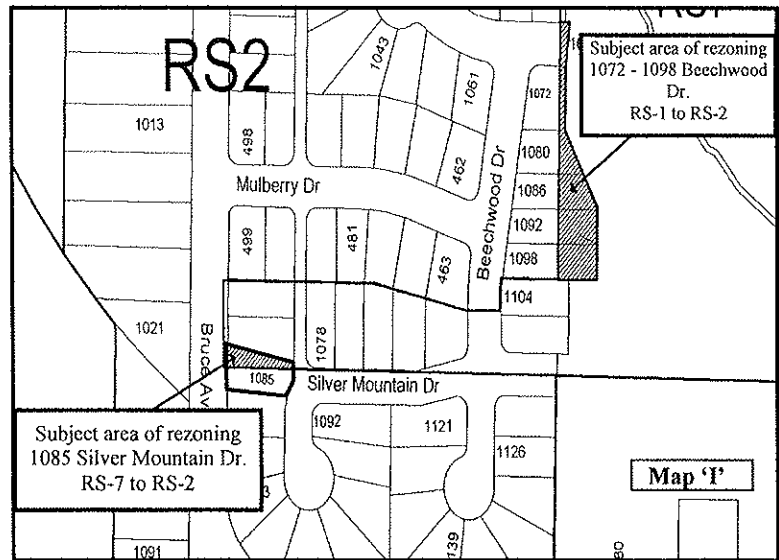
- v) lands legally described as LOTS 1-4 & 10-13, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 (260 and 262 Irwin Street) from Single Family Residential (RS-1a) to Public Institution (P-2), as shown on Map 'G'



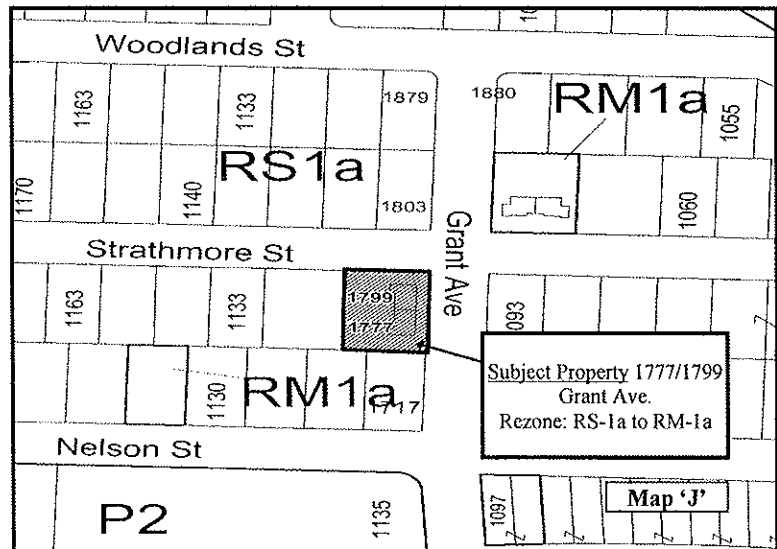
- vi) lands legally described as part of LOT 10, DISTRICT LOTS 20 & 30, WELLINGTON DISTRICT, PLAN VIP65104 (5730 Turner Road) from Single Family Residential (RS-1) to Medium Density Multiple Family (Suburban) Residential (RM-5), as shown on Map 'H'



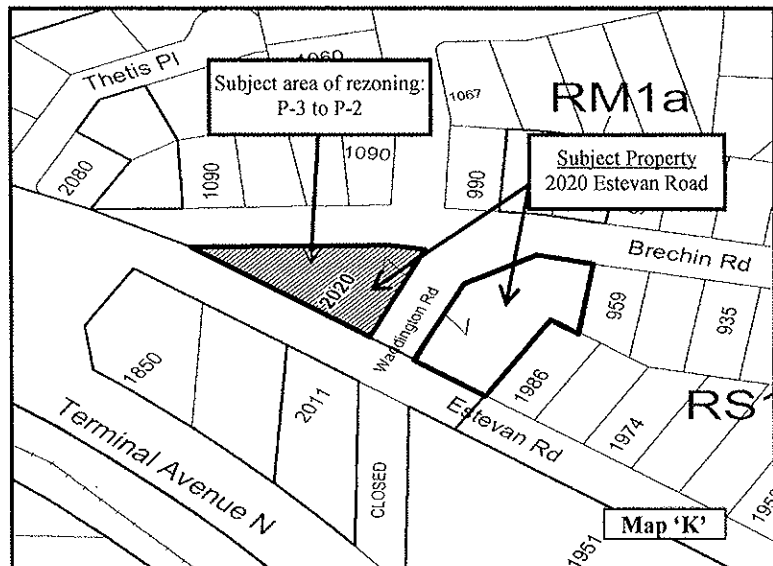
- vii) lands legally described as parts of LOTS 35-39, SECTION 1, NANAIMO DISTRICT, PLAN VIP58686 (1072-1098 Beechwood Dr.) from Single Family Residential (RS-1) to Single Family Residential (Large Lot) (RS-2), and land legally described as part of LOT 19, SECTION 1, NANAIMO DISTRICT, PLAN VIP82107 (1085 Silver Mountain Dr.) from Steep Slope Residential (RS-7) to Single Family Residential (Large Lot) (RS-2), as shown on Map 'I'



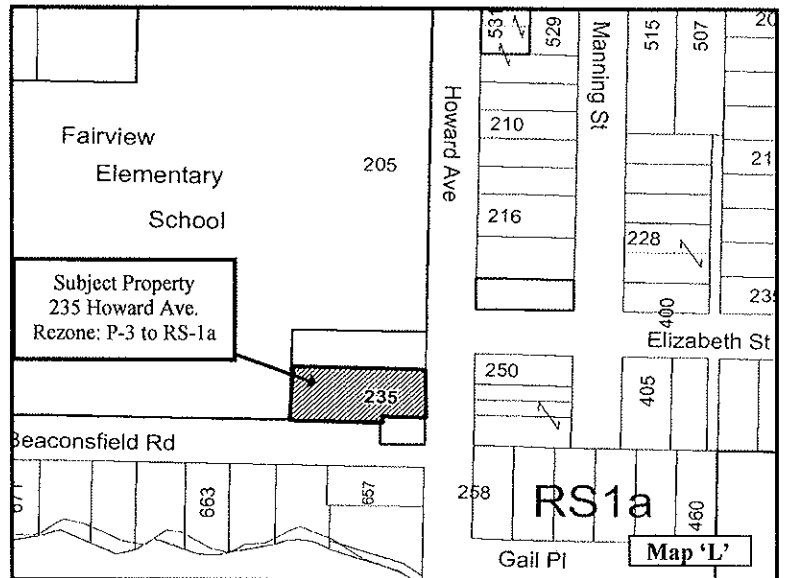
- viii) lands legally described as STRATA LOTS 1 and 2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN 1381 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (1777/1799 Grant Ave) from Single Family Residential (RS-1a) to Residential Duplex (RM-1a), as shown on Map 'J'



- iv) land legally described as part of LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63929 (2020 Estevan Road) from Government Industry Services (P-3) to Public Institution (P-2), as shown on Map 'K'



- x) land legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 19119 (235 Howard Avenue) from Government Industry Services (P-3) to Single Family Residential (RS-1a), as shown on Map 'L'



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

No verbal or written submissions were recognized at the Public Hearing.

Respectfully submitted,


 D. Lindsay
 Manager, Planning Division
Development Services Department

Council: 2007-MAR-12

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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-APR-05, TO CONSIDER THE
AMENDMENTS TO THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"**

PRESENT:

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

REGRETS:

Mayor G.R. Korpan
Councillor L.J. Sherry
Councillor J.D. Cameron

Staff

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

Public

There were 12 members of the public present.

CALL TO ORDER:

Councillor Holdom called the meeting to order at 7:03 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 items as they 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.'s 4000.410, 4000.411 and 4000.412 at Council's next regularly scheduled meeting of 2007-APR-30.

1. BYLAW NO. 4000.410:

RA184 – parts of 1400 Jingle Pot Road and 75 Wakesiah Avenue.

This Bylaw, if adopted, will rezone parts of the subject properties from Single Family Residential Zone (RS-1) to Single Family Residential Small Lot Zone (RS-6), in order to facilitate subdivision of 24 single family 'small lots'. If approved the proposed lots will range in area from 382 m² (4,112 ft²) to 529 m² (5,694 ft²). The subject properties are legally described as part of LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN VIP79548, EXCEPT PART IN PLAN VIP79549 AND VIP82272 and part of LOT B, SECTION 1, NANAIMO DISTRICT AND PLAN VIP63268.

Mr. Lindsay gave a brief overview of the proposal noting that there would be no net increase in density within the subdivision. Applicants have reconfigured the lots near Buttertubs Marsh to reduce impact on sensitive areas and as a result, the number of lots in that area has decreased. The applicants have applied for a rezoning to account for the reduction in lots.

Councillor Holdom asked for clarification on the size of the lots.

Mr. Doug Bromage, Insight Development Corporation – Applicant

- Noted that the size of the lots is approximately 40' x 100'.

Councillor Bestwick asked for clarification on the size of each dwelling unit.

- Mr. Bromage noted that the average size of the dwellings would be 2,000 ft² – 2,200 ft². Anticipated plans include a two-storey, three-bedroom home with a separate garage on these lots.

Councillor Holdom asked for clarification on laneway plans.

- Mr. Bromage stated that plans include an easement along the back of the lot which act as a laneway.

Councillor Bestwick asked if the garages would be detached.

- Mr. Bromage noted that on the small lots, the garages will be detached. Adding that the original 231-lot subdivision had 10-12 lots near the Buttertubs Marsh area, and may have impacted the marsh if developed upon. Four larger lots are now planned in the area and excavation only planned where the houses will be located.

Councillor Bestwick asked if plans included secondary suites into these homes.

- Mr. Bromage stated that he was unsure if secondary suites could be accommodated within the format proposed, but that over half of the homes in the existing subdivision have secondary suites and are very successful.

Mr. Don Baxter, 60 Wakesiah Avenue – Opposed

- Lives across the street from the subdivision.
- Is opposed to having such small lots across the road from him; he believes the subdivision would end up resembling Jingle Pot housing, which has houses too close together.

Councillor Unger asked Mr. Baxter if he realized the application is proposing the same number of lots to the subdivision; asking why the speaker would be opposed to something that calls for no change to the total number of lots.

- Mr. Baxter reiterated that he does not like the idea of looking at housing across the street from his home with such small lots and space between homes.

Councillor Brennan asked Mr. Baxter for clarification on why seeing smaller lots across from his home would be objectionable.

- Mr. Baxter does not believe that houses closely situated next to each other on small lots are attractive and he does not wish to look at it.

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

2. **BYLAW NO. 4000.411:**

RA185 – Part of 6031 Hammond Bay Road.

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3. **BYLAW NO. 4000.412:**

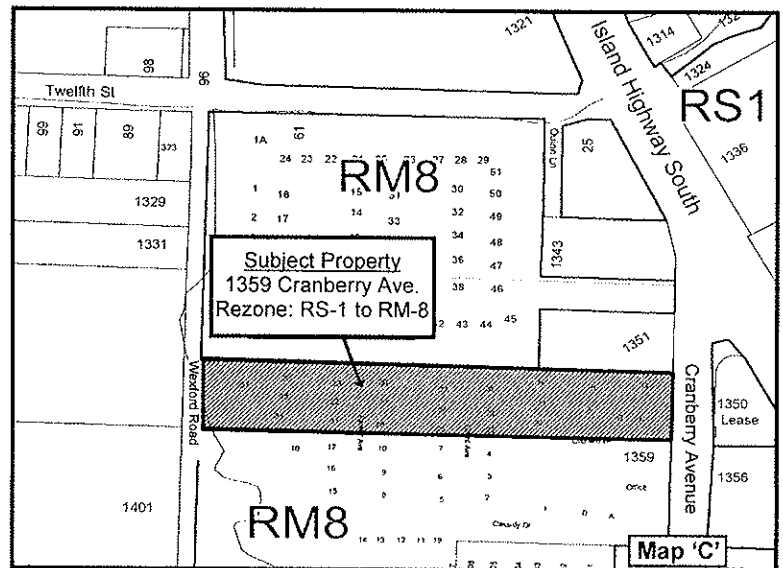
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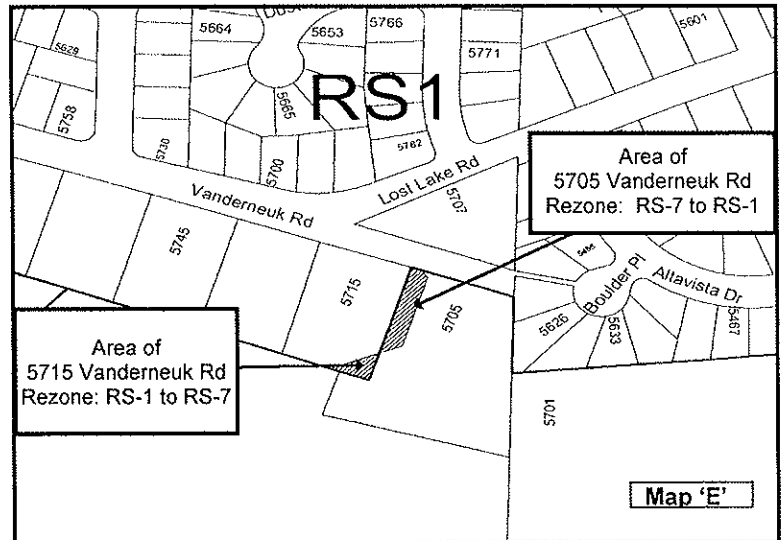
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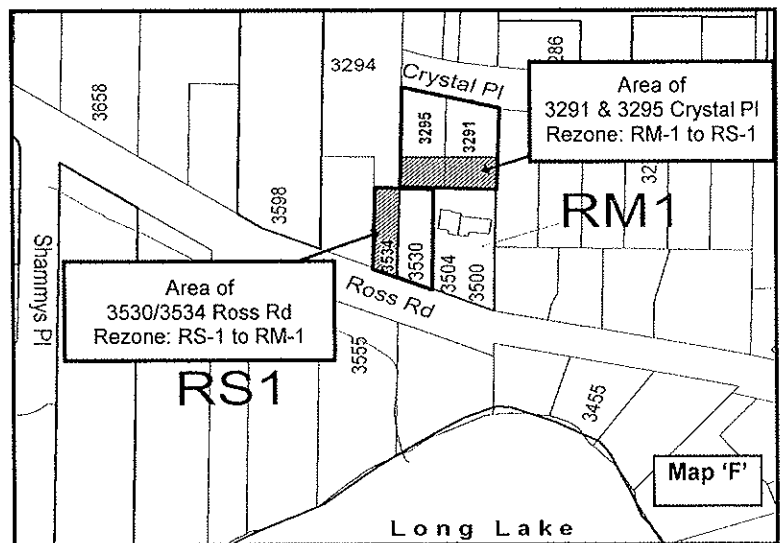
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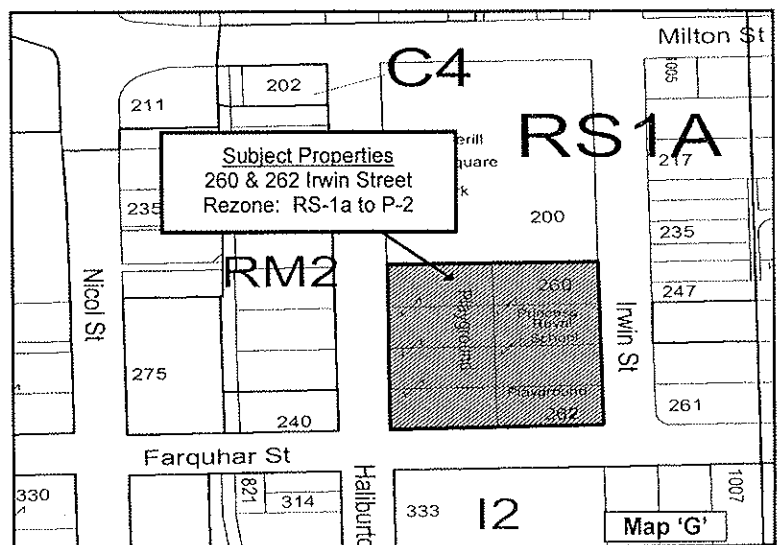
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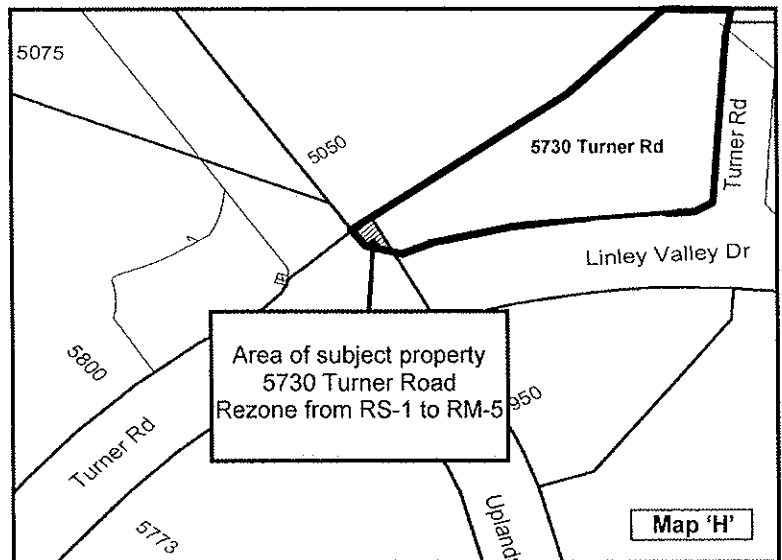
- iv) lands legally described as part of LOT D, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3534/3530 Ross Road) from Single Family Residential (RS-1) to Residential Duplex (RM-1) and lands legally described as part of LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3295 Crystal Place) and part of LOT B, SECTION 5, WELLINGTON DISTRICT, PLAN VIP75293 (3291 Crystal Place) from Residential Duplex (RM-1) to Single Family Residential (RS-1), as shown on Map 'F'



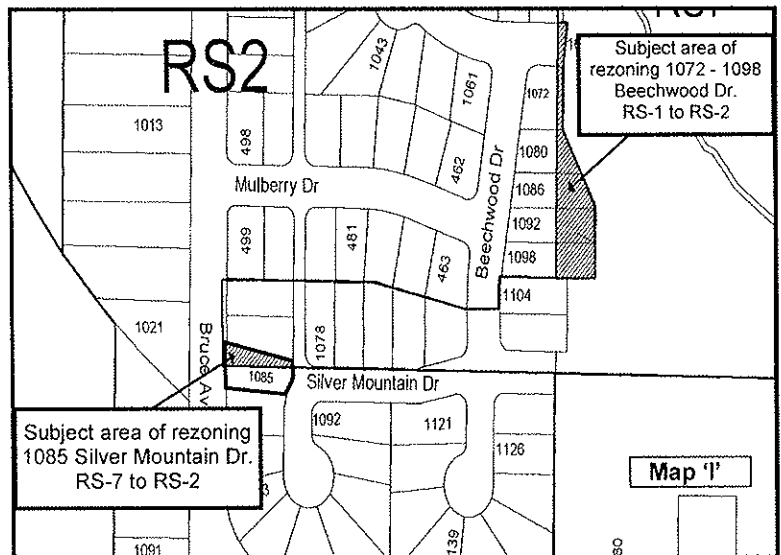
- v) lands legally described as LOTS 1-4 & 10-13, BLOCK 6, SECTION 1, NANAIMO DISTRICT, PLAN 584 (260 and 262 Irwin Street) from Single Family Residential (RS-1a) to Public Institution (P-2), as shown on Map 'G'



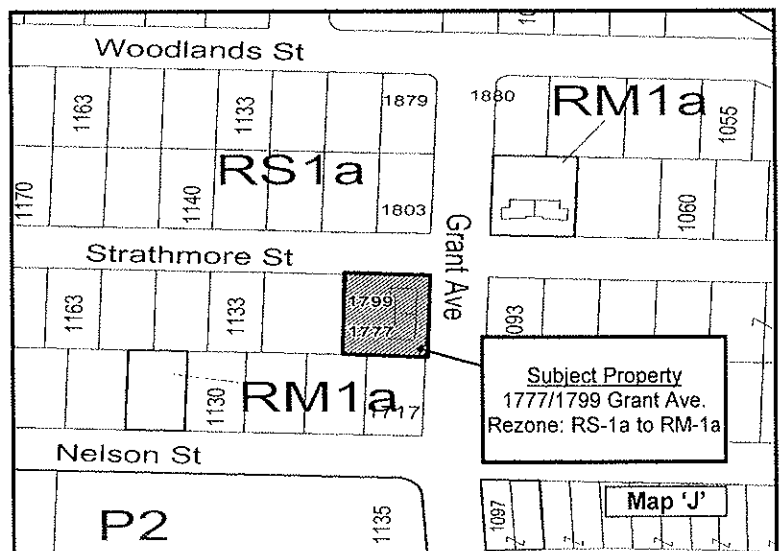
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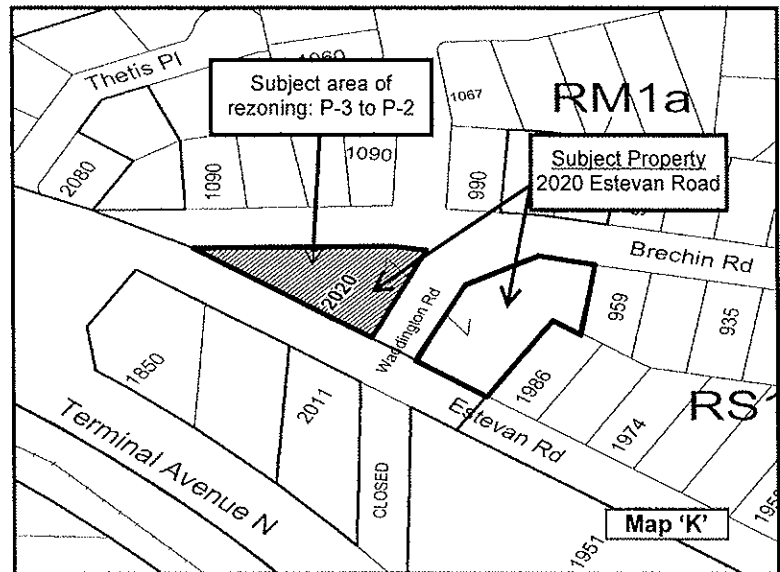
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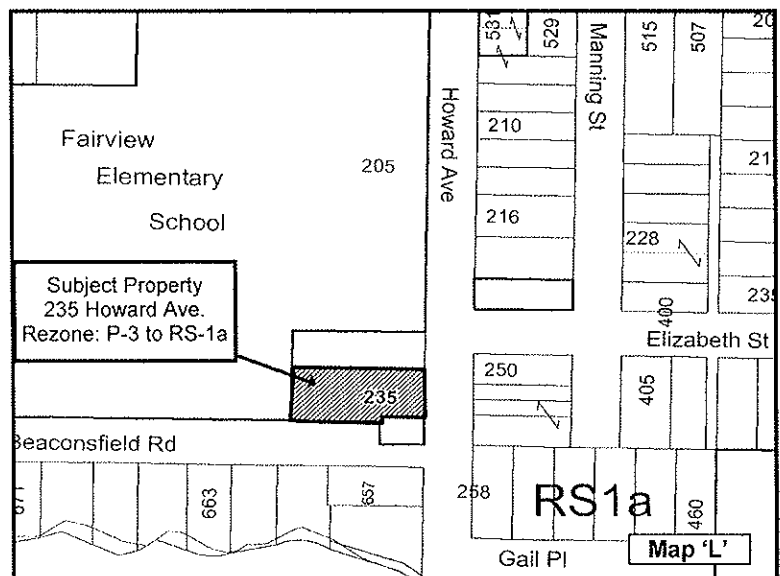
- viii) lands legally described as STRATA LOTS 1 and 2, SECTION 1, NANAIMO DISTRICT, STRATA PLAN 1381 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1 (1777/1799 Grant Ave) from Single Family Residential (RS-1a) to Residential Duplex (RM-1a), as shown on Map 'J'



- iv) land legally described as part of LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP63929 (2020 Estevan Road) from Government Industry Services (P-3) to Public Institution (P-2), as shown on Map 'K'



- x) land legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN 19119 (235 Howard Avenue) from Government Industry Services (P-3) to Single Family Residential (RS-1a), as shown on Map 'L'



Mr. Lindsay noted that these amendments are a composite of the City's yearly housekeeping amendments both to the text and mapping areas of the Zoning Bylaw; adding there are 16 text amendments and 10 map amendments and are primarily corrective in nature.

Councillor Unger asked for clarification on the text amendment that proposes removing "Casino" as a permitted use within the Core Area Commercial Zone (C-11).

Mr. Lindsay stated that the C-11 Zone regulated the downtown area until 2003 when the C-11 Zone was replaced with six new downtown zones in the core area. The C-11 Zone however remains as a designation on properties outside the core. In keeping with Council's initiatives to recognize the Harbour Park area as the principle location for casinos, Staff feel it is appropriate to remove "Casino" as a permitted use in the C-11 Zone. This amendment is to clarify that 'Casino' is not a permitted use in the C-11 zone, which is now outside of the downtown bowl.

Mr. Lindsay noted that one written submission was received in response to this application and is attached as "Schedule 'A' – Submissions for Bylaw No. 4000.412".

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

MOVED by Councillor Manhas, SECONDED by Councillor Brennan that the meeting be adjourned at 7:18 p.m.

CARRIED

Certified Correct:



D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

/pm

Council: 2007-APR-30

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Schedule “A”

Submission

For

Bylaw 4000.412

(Zoning Bylaw Housekeeping Amendments)

Jason Carvalho

From: darlene d'lerma [dardais@telus.net]
Sent: Monday, April 02, 2007 7:08 AM
To: Public Hearing
Subject: rezone vote no

In regards to lot 23 section 19 range 5 mountain district plan 25626 (2643/2641 starlight trail i am a home owner two doors down from this property and i do not agree that this property or any other on this street should be rezoned to residential duplex its bad enough that every thing is being sold to people who just want to rent out their homes and our street is starting to look horrible we already have enough illegal rental homes on this street , i vote no

Darlene and Robert D 'lerma

4/3/2007