



NOTICE OF PUBLIC HEARING

2007-MAR-01 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2007-MAR-01**, 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 the discharge of a Land Use Contract and a proposed amendment to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

1. BYLAWS NO. 7042 & 4000.409:

Purpose: To facilitate expansion of the neighbouring lumber and building supply yard.

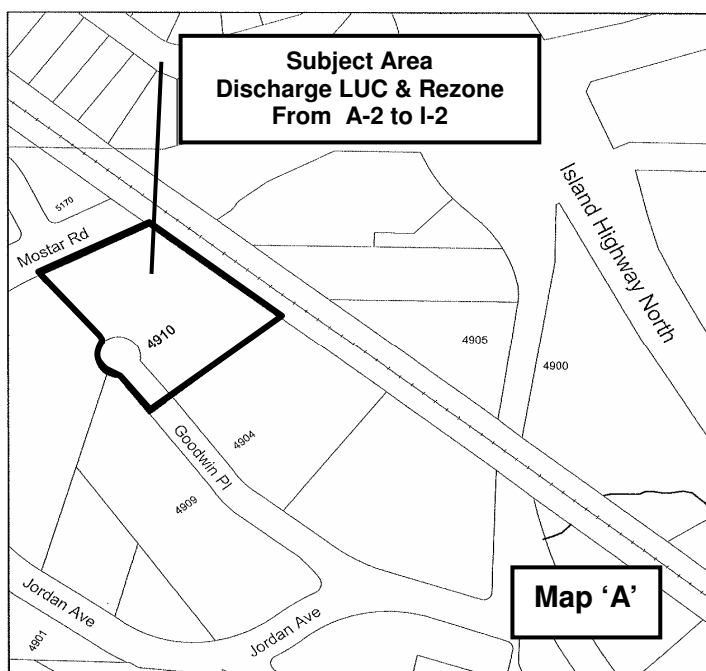
Location(s): 4910 Goodwin Place

File No.: RA177

These bylaws, if adopted, will discharge Land Use Contract No. 1845 and rezone the subject area from Rural Agricultural/Residential Zone (A-2) to Light Industrial Zone (I-2) in order to facilitate the future expansion of the neighbouring building and lumber supply yard (Slegg Lumber).

The subject area is generally known as 4910 Goodwin Place and is shown on Map 'A'.

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 report, and other background information may be inspected from 2007-FEB-16 to 2007-MAR-01, 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. 7042 and 4000.409 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-MAR-01, 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. 7042

A BYLAW TO AUTHORIZE THE DISCHARGE OF A LAND USE CONTRACT

WHEREAS the City of Nanaimo entered into a Land Use Contract with GREAT NATIONAL LAND AND INVESTMENT CORPORATION LTD., for the purpose of determining the terms and conditions under which P.I.D. 000-289-604, LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 40693, EXCEPT PART IN PLAN VIP63696 (the "Lands") should be developed;

AND WHEREAS the said Land Use Contract was registered in the Victoria Land Title Office under G37751 on April 28th, 1978;

AND WHEREAS the City of Nanaimo has agreed to release and discharge said Land Use Contract from title to the Lands.

NOW THEREFORE the Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited for all purposes as the City of Nanaimo "LAND USE CONTRACT DISCHARGE BYLAW 2007 NO. 7042".

Discharge

2. The City of Nanaimo does hereby discharge the Land Use Contract registered against the Lands in the Victoria Land Title Office on April 28th, 1978 under number G37751.

Execution of Documents

3. The Mayor and Director of Legislative Services are hereby authorized to execute all documents necessary for the discharge of the Land Use Contract from title to the Lands.

PASSED FIRST READING 2007-FEB-12.

PASSED SECOND READING 2007-FEB-12.

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

APPROVED BY MINISTRY OF TRANSPORTATION _____

ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA177
Address: 4910 Goodwin Place
Applicant: Malaview Development Ltd.

CITY OF NANAIMO

BYLAW NO. 4000.409

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. 4000.409".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended by rezoning all lands within those areas outlined on the attached Schedule 'A' from Rural Agricultural/Residential Zone (A-2) to Light Industrial Zone (I-2).

PASSED FIRST READING 2007-FEB-12.

PASSED SECOND READING 2007-FEB-12.

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

APPROVED BY MINISTRY OF TRANSPORTATION _____

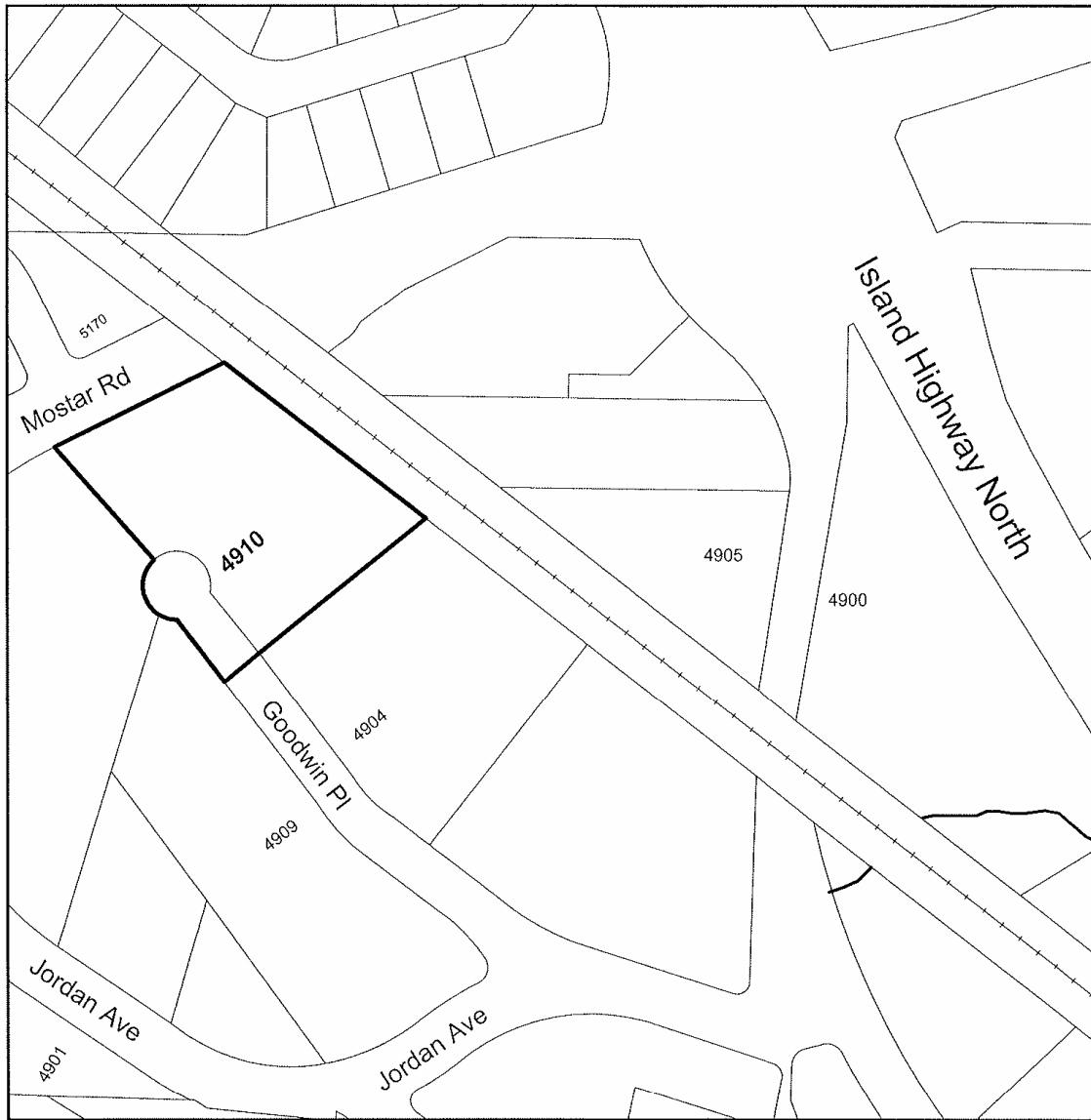
ADOPTED _____

MAYOR


DIRECTOR,
LEGISLATIVE SERVICES

File: RA000177
Address: 4910 Goodwin Place
Applicant: Malaview Development Ltd.

SCHEDULE A



File : RA000177
Civic: 4910 Goodwin Place

 Subject
Property

STAFF REPORT

TO: E.C. SWABEY, GENERAL MANAGER, DSD

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

RE: RA177 – 4910 GOODWIN PLACE

STAFF'S RECOMMENDATION:

That Council:

1. Consider First and Second Reading to "LAND USE CONTRACT DISCHARGE BYLAW NO.7042";
2. Consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2007 NO. 4000.409"; and
3. Direct Staff to secure the proposed community contribution as a condition of rezoning.

EXECUTIVE SUMMARY:

The City has received a rezoning application from Malaview Developments Limited to discharge a Land Use Contract (LUC) currently registered on title (LUC1845), and to rezone the subject property from Rural Agricultural/Residential Zone (A-2) to Light Industrial Zone (I-2) in order to facilitate the expansion of the neighbouring building and lumber supply yard (Slegg Lumber). Staff support the application and recommend that Council discharge the LUC and approve the proposed rezoning

BACKGROUND:

Subject Property

The subject property is approximately 0.96 hectares (2.36 acres) in area and is currently operating as a storage yard for neighbouring sites. The subject property is bound by the E&N trail way and an established single family neighbourhood to the north, commercial and industrial zoned property to the east, industrial zoned property to the south and a recently constructed 15 unit multi-family development to the west (Schedule 'A').

Official Community Plan (OCP)

The subject property is designated as Service Industrial Enterprise Area according to Schedule 'A' of the Official Community Plan (OCP). As such, the following relevant policies apply:

- Permitted uses in the Service Industrial Enterprise Area 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 which are compatible and are permitted in Growth Centres;
 - do not require large customer parking lots and areas; and,
 - do not include use of hazardous materials or hazardous waste generation or storage.
- Ancillary retail sales which require large display areas for storage may also be considered for goods manufactured or assembled on site.
- Office uses will be allowed as accessory to a permitted use.

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

Proposed Development

The applicant is proposing to discharge the existing LUC registered on title and to rezone the property in order to expand the allowable uses on the land and to facilitate a future subdivision consolidation with 4904 and 4909 Goodwin Place (Schedule 'B'). The applicant has also submitted a road closure application to close Goodwin Place and to consolidate it with the adjacent parcels. It is the applicant's intention to utilize these lands to support future expansion of the neighbouring building and lumber supply yard (Slegg Lumber).

Road Closure

While closure of Goodwin Place is considered a component of the overall development, the proposed closure of Goodwin Place is not included as part of this application, and has been identified for Council's information. A separate application for road closure will be brought forward to Council for consideration at a future date.

LUC Discharge

An agreement to enter into LUC1845 was approved by Council 1977-NOV-07. As Council is aware, LUC's were a form of contract zoning entered into by an owner and local government for a short period of time between 1972 and 1977. The contracts established terms and conditions over how properties are to be developed and used, and take precedent over any Municipal zoning or OCP policies which may exist over the property.

As LUC1845 does not permit a number of those uses which are identified in the City's Light Industrial Zone (I-2), including the proposed use of 'Lumber and Building Supply Yard', and in order to ensure that future lot consolidation will not result in the creation of a split-zoned property, the applicant has applied to discharge the existing LUC and to rezone the property.

Community Contribution

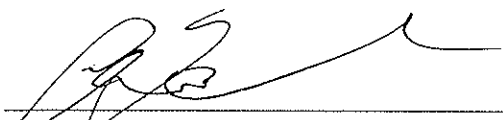
As outlined in Section 6.2 of the OCP, in response to value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicants have developed a comprehensive landscape plan (Schedule 'C'), which assists in screening of the site from the adjacent roadway, E&N trail way, and residential neighbourhoods to the north and west.

Staff support this community contribution proposal (cost estimate: \$48,371.25) and recommend that this item be secured as a condition of rezoning.

Rezoning Advisory Committee (RAC)

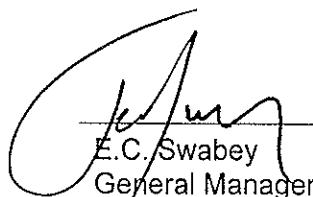
The subject application was received by RAC, at its meeting held 2006-OCT-05; however, the Committee was unable to form a quorum and as a result, the Committee was not able to make a recommendation regarding this application.

Respectfully submitted,



A. Tucker

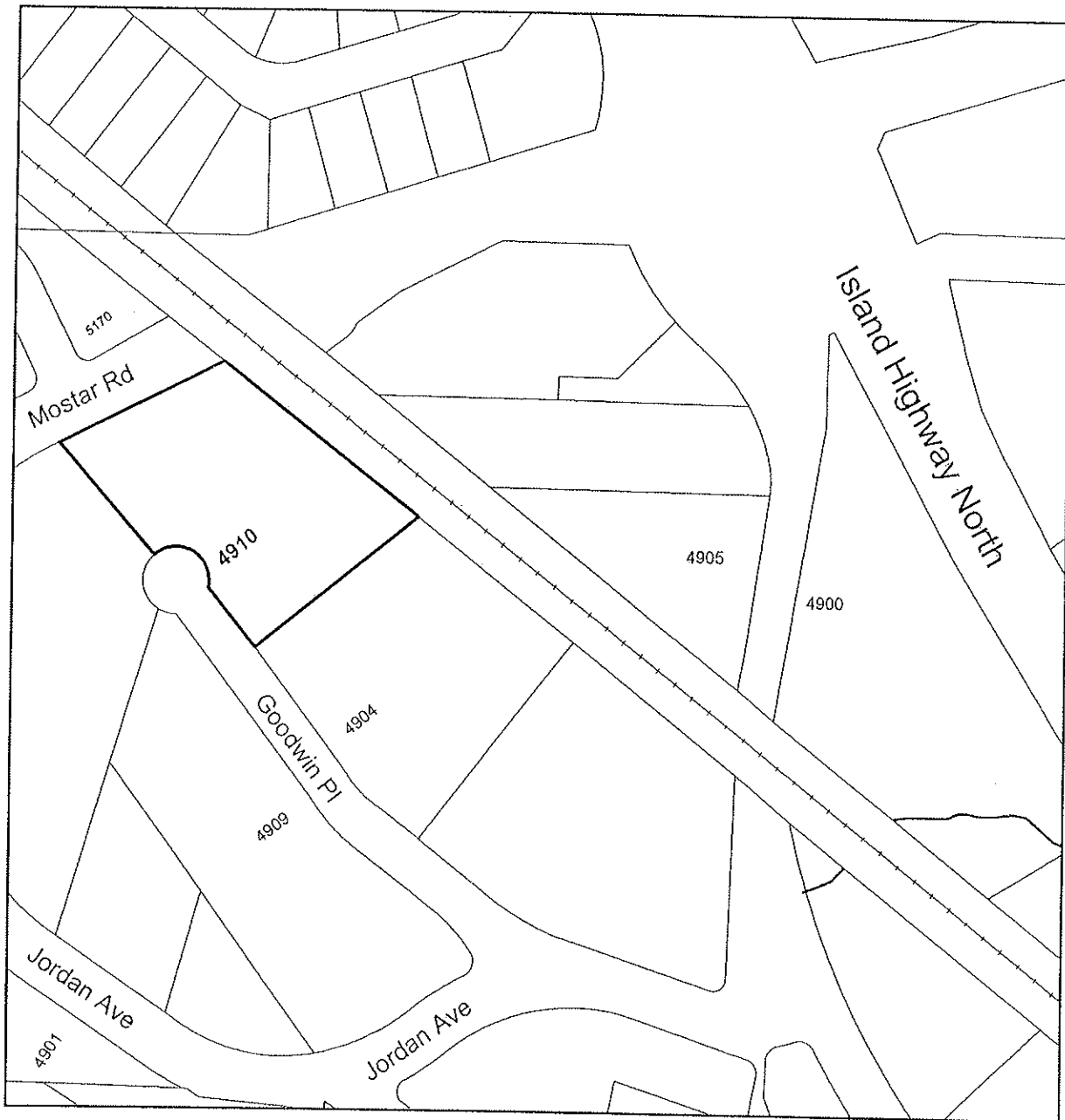
Director, Planning & Development
Development Services Department
Council: 2007-FEB-12 Prospero: RA177




E.C. Swabey
General Manager

Development Services Department

SCHEDULE A

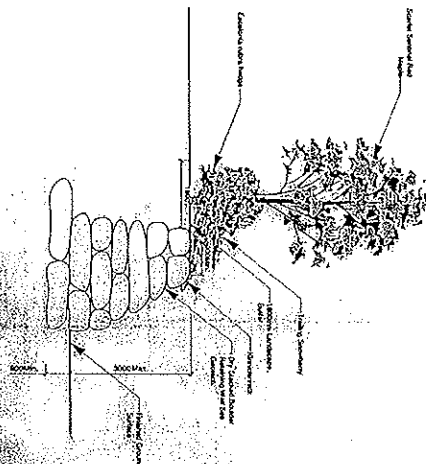


File : RA000177
Civic: 4910 Goodwin Place
Lot A, Section 5, Wellington District,
Plan 40693 Except Part in Plan VIP63696

 Subject
Property

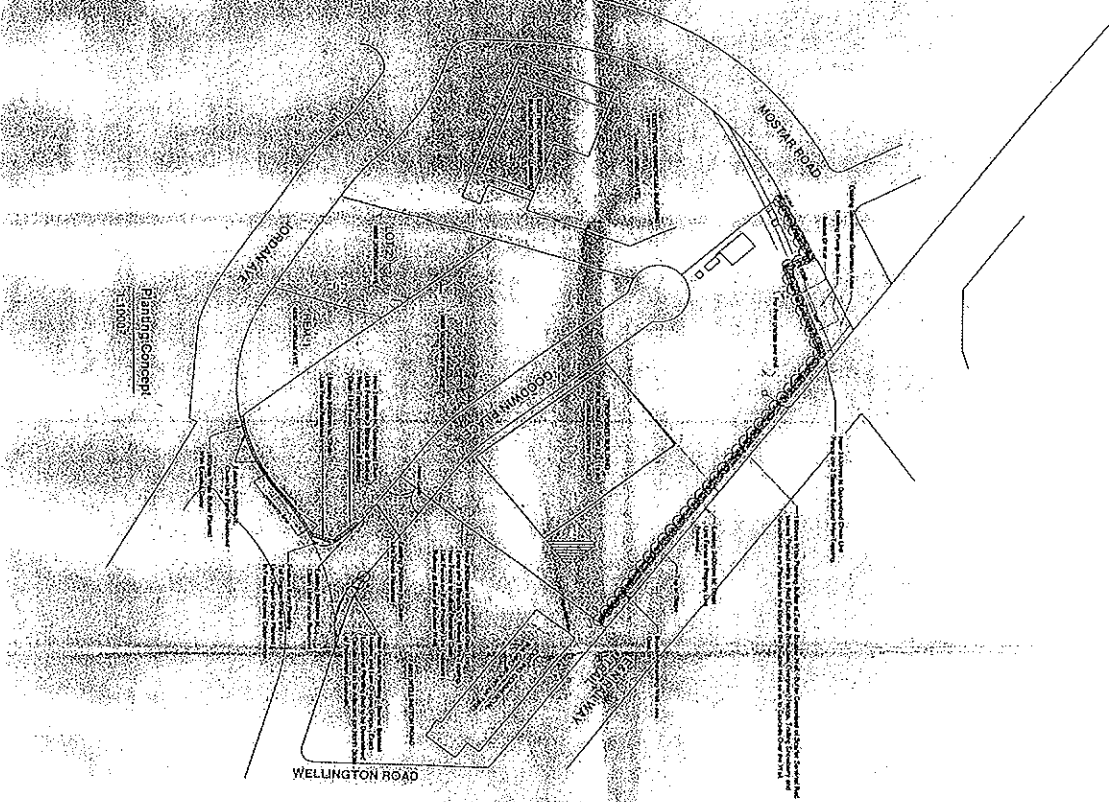
[illegible]

SCHEDULE C



Typical: Section Through Planting Buffer and Boulder Wall

Preoperative Exam List		Postoperative Exam List	
1. Head	2. Neck	3. Chest	4. Abdomen
5. Extremities	6. Genitalia	7. Rectum	8. Perineum
9. Spine	10. Neurological	11. Cardiovascular	12. Respiratory
13. Endocrine	14. Immunological	15. Psychological	16. Social History
17. Family History	18. Personal History	19. Current Medications	20. Allergies
21. Review of Systems	22. Physical Examination	23. Diagnostic Tests	24. Imaging Studies
25. Pathology	26. Microbiology	27. Immunology	28. Genetics
29. Pharmacology	30. Therapeutics	31. Prognosis	32. Disposition
33. Follow-up	34. Referral	35. Consultation	36. Second Opinion
37. Preoperative Clearance	38. Postoperative Care	39. Discharge Planning	40. Home Care
41. Wound Care	42. Pain Management	43. Medication Management	44. Activity Restrictions
45. Dietary Restrictions	46. Hydration	47. Temperature Monitoring	48. Vital Signs
49. Respiratory Status	50. Cardiovascular Status	51. Neurological Status	52. Genital Status
53. Rectal Status	54. Perineal Status	55. Chest Status	56. Abdominal Status
57. Extremity Status	58. Spinal Status	59. Endocrine Status	60. Immunological Status
61. Psychological Status	62. Social History	63. Family History	64. Personal History
65. Current Medications	66. Allergies	67. Review of Systems	68. Physical Examination
69. Diagnostic Tests	70. Imaging Studies	71. Pathology	72. Microbiology
73. Immunology	74. Genetics	75. Pharmacology	76. Therapeutics
77. Prognosis	78. Disposition	79. Follow-up	80. Referral
81. Consultation	82. Second Opinion	83. Preoperative Clearance	84. Postoperative Care
85. Discharge Planning	86. Home Care	87. Wound Care	88. Pain Management
89. Medication Management	90. Activity Restrictions	91. Dietary Restrictions	92. Hydration
93. Respiratory Status	94. Cardiovascular Status	95. Neurological Status	96. Genital Status
97. Rectal Status	98. Perineal Status	99. Chest Status	100. Abdominal Status
101. Extremity Status	102. Spinal Status	103. Endocrine Status	104. Immunological Status
105. Psychological Status	106. Social History	107. Family History	108. Personal History
109. Current Medications	110. Allergies	111. Review of Systems	112. Physical Examination
113. Diagnostic Tests	114. Imaging Studies	115. Pathology	116. Microbiology
117. Immunology	118. Genetics	119. Pharmacology	120. Therapeutics
121. Prognosis	122. Disposition	123. Follow-up	124. Referral
125. Consultation	126. Second Opinion	127. Preoperative Clearance	128. Postoperative Care
129. Discharge Planning	130. Home Care	131. Wound Care	132. Pain Management
133. Medication Management	134. Activity Restrictions	135. Dietary Restrictions	136. Hydration
137. Respiratory Status	138. Cardiovascular Status	139. Neurological Status	140. Genital Status
141. Rectal Status	142. Perineal Status	143. Chest Status	144. Abdominal Status
145. Extremity Status	146. Spinal Status	147. Endocrine Status	148. Immunological Status
149. Psychological Status	150. Social History	151. Family History	152. Personal History
153. Current Medications	154. Allergies	155. Review of Systems	156. Physical Examination
157. Diagnostic Tests	158. Imaging Studies	159. Pathology	160. Microbiology
161. Immunology	162. Genetics	163. Pharmacology	164. Therapeutics
165. Prognosis	166. Disposition	167. Follow-up	168. Referral
169. Consultation	170. Second Opinion	171. Preoperative Clearance	172. Postoperative Care
173. Discharge Planning	174. Home Care	175. Wound Care	176. Pain Management
177. Medication Management	178. Activity Restrictions	179. Dietary Restrictions	180. Hydration
181. Respiratory Status	182. Cardiovascular Status	183. Neurological Status	184. Genital Status
185. Rectal Status	186. Perineal Status	187. Chest Status	188. Abdominal Status
189. Extremity Status	190. Spinal Status	191. Endocrine Status	192. Immunological Status
193. Psychological Status	194. Social History	195. Family History	196. Personal History
197. Current Medications	198. Allergies	199. Review of Systems	200. Physical Examination

[illegible]

Planning Concepts
TE10003

[illegible]

L A D R
LANDSCAPE ARCHITECT
833 Madison Street, Walnut, IL, USA 60181
Phone: (708) 394-0703 Fax: (708) 390-9111

Siegg Lumber
4904 Goodwin P
Nanaimo, B.C.

Planting: Concept

NOTE	DOWN	GR
AS NOTED	occurs	BW

Nov-17-2006

Copyright reserved. These drawings and findings are not to be used in breach the property of LAMSA Laboratories and/or used to be used in product claims and may not be reproduced without written permission.

