

**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, 2006-MAY-04, TO CONSIDER
PROPOSED AMENDMENTS TO THE CITY OF NANAIMO
"ZONING BYLAW 1993 NO. 4000"**

PRESENT: Mayor G.R. Korpan
Councillor L.D. McNabb Councillor M.W. Unger
Councillor L.J. Sherry Councillor C.S. Manhas
Councillor M.D. Brennan Councillor W.L. Bestwick
Councillor W.J. Holdom Councillor J.D. Cameron

Staff

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

Public

There were approximately 16 members of the public present.

CALL TO ORDER:

Mayor Korpan 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 items as they appeared on the Agenda, adding that this is the last opportunity to provide input to Council before consideration of Third Reading to Bylaws No. 4000.390, 4000.391 and 4000.392 at Council's next regularly scheduled meeting of 2006-MAY-29.

1. BYLAW NO. 4000.390:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Town Centre Commercial Zone (C-23) in order to permit a mixed use commercial and multiple family residential development. The subject property is legally described as LOT A, SECTION 20, RANGE 4, CRANBERRY DISTRICT, AND SECTION 7, NANAIMO DISTRICT, PLAN 1955 EXCEPT PARTS IN PLANS 3212 RW AND 956 RW.

Ms. Sandra Whittaker, Brookdale Mobile Home Park

- Tenant and manager of Brookdale Mobile Home Park.
- Stated she has concerns regarding the project although is not opposed to the development.

- Stated there are existing concerns in the community regarding rental units, drugs and transient elements, and believes the residential units could attract more of the same.
- Asked for clarification on the proposed off-ramp from the Island Highway onto Twelfth Street; believes this is a positive thing but is unsure of the effect on Twelfth Street as it is a dead end, adding that there is one home there where children reside. Asked for clarification regarding sidewalks and widths to ensure safety.
- Noted that view lines on Quinn Lane are blocked due to landscaping (trees) which make it very dangerous to cross or navigate, that the Lawlor Road and Eleventh Street intersection is also an extreme traffic hazard and that Tenth Street needs to be signalized immediately.

Mayor Korpan stated that a pedestrian light at Tenth Street is in the budget for next year and encouraged her to contact Staff for clarification.

Mr. Lindsay added that the plan for Twelfth Street would include an exit from the Island Highway as a dedicated public road. Mr. Lindsay stated the road would be constructed as a condition of the building permit and that the road would be built to City standards including curb, gutter, sidewalk, pavement and street lighting.

Ms. Whittaker asked for clarification on how the new road would affect residents coming off of Quinn Lane.

Mr. Lindsay stated that issues such as access and visibility would be considered at the detailed design stage. Mr. Lindsay added that plans for Lawlor Road include extending the road through to Cranberry Avenue in order to provide an alternative access point for the Extension neighbourhood, stating that this would be a DCC project which is not in the current 5-year plan. Mr. Lindsay confirmed that Staff are aware of the pedestrian problem existing at Lawlor Road and Tenth Street, and a traffic study was conducted as part of this application, that indicated improvements need to be implemented. Mr. Lindsay noted that this project is also a DCC project that was originally scheduled for 2010 but added that Staff are looking at options for intersection improvements currently and pedestrian movements will be part of that discussion.

Ms. Whittaker restated her concerns regarding the inability to effectively see traffic coming off of Tenth Street by existing landscaping, adding that tree removal would be a substantial improvement.

Councillor Sherry asked Staff if the Twelfth Street upgrade would include sidewalks on both sides of the street.

Mr. Lindsay noted that the developer would be responsible for frontage works on their side of the road, adding that curb, gutter and sidewalk on the north side and the pavement beyond the centre line would need to be improved in order to facilitate a two-way traffic movement. These improvements would ultimately be accomplished with future development of the lands to the south or with future City capital works projects.

Councillor Sherry noted that any future development to the south of the property could affect the fish bearing stream which is located there. Agreed with the speaker regarding trees blocking the view of oncoming traffic.

Councillor Bestwick asked how many homes are in Brookdale Mobile Home Park and how many residents live there.

Ms. Whittaker responded that there are currently 51 mobile homes in Brookdale and that 50% of those contain at least two persons per home, added there is one residential home in the park as well.

Ms. Elaina Daly, Brookdale Mobile Home Park

- Lives directly across the street from the loading bays of the proposed grocery store.
- Wrote to the company a year ago requesting the consideration of altering the plans and building the store on Eleventh Street, which already contains commercial businesses, would not impact Twelfth Street or the creek, and would not create the need to come further down Lawlor Road from Eleventh Street.
- Believes upgrading on Lawlor Road would displace some of the mobile homes in the park or remove frontage from homes on Lawlor Road.
- Believes neighbours in the area should be considered when a development is being proposed.

Councillor Cameron asked for clarification on the size of the residential units proposed and whether they will be strata titled.

Mr. Rick Jones, Urban Design Group Architects – Applicant

- Noted plans are for eight one-bedroom units on the second floor of one of the proposed commercial buildings and that each unit would be approximately 700-750 ft², adding that the units would most likely be rental units.
- Stated that the loading bays will have a concrete block screen wall in front of it with wood trellis and landscaping on the City Boulevard in such a way that it will create a buffer on the concrete wall. All trucks will be behind the concrete wall resulting in virtually no noise from the loading bay area into the neighbourhood.

Councillor Unger asked for clarification on the development itself.

Mr. Jones noted that the development includes two commercial buildings, one with eight one-bedroom residential units on the second floor, and one Food Country grocery store.

Councillor Holdom asked if the plans adhered to the OCP designation for the property.

Mr. Jones noted that there were some constraints with the Department of Fisheries regarding the creek, adding that they are not allowed to remove or destroy any ground cover or trees from that particular area. There is a stand of trees currently located on that side of the building and this created a need to orient everything in that direction. Has tried to create a pedestrian flow between the new and existing developments, including a pedestrian-dedicated cross walk which lines up with the existing building, and pedestrian walkways throughout the development and across the parking lot.

Mr. Jones noted that a pedestrian connection to the trailer park is being considered, with the only difficulty being Department of Fisheries concerns regarding moving or providing access in the creek area.

Councillor Holdom asked if one of the requirements of the OCP was to include residential units as a part of the project.

Mr. Jones agreed that this was correct.

Ms. Linda James, 1743 Wilkinson Road – In Favour

- Does not live in the community affected by this development although she works and shops in the area and her daughter attends school in the neighbourhood.
- Noted that many new families are moving into this community and this kind of growth the demand of shopping increases.
- Believes it is a great idea to expand Food Country as they are a major supporter to community schools, sports teams, Boys and Girls Club, etc.
- Noted that most of the community that she has talked to support the project, adding that she had brought several letters of support (attached as "Schedule 'A' – Submissions for Bylaw No. 4000.390").

Ms. Bev Decker, 1627 Naylor Crescent – In Favour

- Resident of the Chase River neighbourhood for 18 years.
- A current employee of Food Country, she believes something needs to be done in the area. Stated that Tim Horton's has created havoc in parking lot and that more space is needed.
- Believes that Lawlor Road and Tenth Street are very busy and dangerous.
- Believes the community on the whole is in support of the proposal and the neighbourhood needs more business services available to them.

Mr. Stewart Fee, 2103 Lakeside Drive – In Favour

- Lives in the Cinnabar Valley and does all of his shopping at Southgate.
- Signed all petitions in favour of the development and wanted to go on record as in support of the project.

Ms. Elaine Daly, Brookdale Mobile Home Park – Redress

- Not opposed to the project; was hoping for consideration from the developer to move the grocery store to the Island Highway side of the property.

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

2. BYLAW NO. 4000.391:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit the development of a light industrial complex. The subject property is legally described as LOT 3, SECTION 5, WELLINGTON DISTRICT, PLAN 18955, EXCEPT THAT PART IN PLAN VIP62808 and LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN VIP63925.

Mr. Chris O'Brien, 5000 Sedona Way – Opposed

- Noted that traffic is substantial in the area and continues to worsen; an additional commercial development will only aggravate an already bad situation.
- Stated that the noise level from Slegg Lumber is substantial to him and other homes on Sedona Way; requested a sound barrier be built on his side of the street.
- Asking for protection from the noise, adding that an eight or twelve foot fence would help a great deal and be welcomed by those in the area to block traffic and noise.

Councillor Holdom asked for clarification regarding policy on interfacing two different zones in the same area.

Mr. Lindsay noted there are requirements in City bylaws regarding buffer and landscape requirements, adding that the intent is to mitigate visual impacts, etc. The Light Industrial Zone also has a requirement that all manufacturing occur within building.

Councillor Bestwick asked for clarification regarding permitted uses in the Light Industrial Zone.

Mr. Lindsay noted that the developer does not established tenants but that the Light Industrial Zone allows for a range of industrial uses including storage, assembly, processing, and accessory wholesale.

Mr. Gary Bray, 5006 Sedona Way – Opposed

- Noted his concern with traffic and noise in the neighbourhood, adding that certain businesses could move into the development which may make traffic and noise worse.

Mayor Korpan asked if a particular property was causing an inordinately high amount of noise in the area.

Mr. Brey replied that Slegg Lumber is the main reason for noise and traffic in the neighbourhood.

Ms. Jackie O'Brien, 5000 Sedona Way

- Very concerned with traffic and noise in the area.
- Noted that her property has restrictions regarding fence heights (up to five feet), although she is allowed to place trees up to 60 feet on property. A City-installed barrier on their side of the street would alleviate the noise problems for all five properties that reside on that side of the street.

Mr. Jeff Windley, Representing Land Owners

- In replying to Councillor Bestwick regarding possible tenants noted that it would likely include storage, adding there are no confirmed tenants yet although they will fall into the I-2 designation and will follow the guidelines therein.
- Confirmed that new business will not include an additional lumber yard.

Mayor Korpan asked for confirmation that all vehicle access to the site would be from Jordan Avenue and not from Mostar Road.

Mr. Windley confirmed that all access would be from Jordan Avenue as the grade difference from Mostar Road would be unfeasible.

Councillor Brennan asked if the community contribution of \$8,000 toward park improvements could be used for noise abatement solutions for the neighbours.

Mr. Lindsay noted that the property went through a previous rezoning application and at that time the applicant offered a monetary community contribution to the parkland. Mr. Lindsay noted that Council could direct Staff to discuss reallocating the funds.

Ms. Jackie O'Brien, 5000 Sedona Way – Redress

- Noted that the definitions for I-2 uses are very broad and general, asking if the applicant could guarantee that an additional lumber company would not be allowed on the site.

Mayor Korpan agreed that the definitions are broad for the I-2 Zone, adding that there are times when conditions are placed on the uses allowed, particularly when the applicant has a good idea what the uses would be. Asked Staff for clarification of conditions that may exist for the property over and above the stated I-2 permitted uses.

Mr. Lindsay confirmed that there is a covenant on the property restricting use of land to those uses supported by the OCP (i.e.: restaurants and banks are not permitted). This requires that the property be used for more traditional industrial uses, adding that a copy of the covenant can be provided to the speaker.

Ms. O'Brien restated that she is not opposed to development on the site as the area is already very industrial, she is only concerned about additional noise affecting the five homes on Sedona Way and the possibility of a City-built noise reduction wall in front of those homes.

Councillor Bestwick asked for clarification regarding the I-2 Zone and whether the property value may increase if it were rezoned from RS-1.

Mr. Lindsay noted that, from Staff's perspective, rezoning from RS-1 to I-2 would result in value being conferred onto the land through the rezoning.

Councillor Holdom noted that he had never experienced an application which did not have a clear idea of what they intended to do with the property once rezoned. Asked Staff if this was a common occurrence.

Mr. Lindsay noted that this case was somewhat unique in that there were some bylaw infractions occurring on the property and, as a result, the applicant was proceeding in order to legalize a storage use occurring on the lands. Mr. Lindsay added that as a condition of the use the eastern portion of the property will not be developed until such time as the lots are consolidated in order to ensure that multiple access points along Jordan Avenue were not created.

Mayor Korpan noted that this property is the last remnant of RS-1 in the entire block area.

Councillor Brennan asked if it was Staff's opinion that \$8,000 toward community improvements is commensurate with the increased value conferred on the land through the rezoning.

Mr. Lindsay stated that Staff recommended Council support the community contribution offered through the original application.

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

3. BYLAW NO. 4000.392:

This bylaw, if adopted, will rezone a portion of the subject property from Residential Duplex Zone (RM-1) to Single Family Residential Zone (RS-1) in order to facilitate subdivision of the subject property. The subject property is legally described as part of LOT 1, SECTION 10, RANGE 7, MOUNTAIN DISTRICT, PLAN 1985, EXCEPT PARTS IN PLANS 43501 AND VIP53226.

Mr. Lindsay noted that the property is currently split zoned; with the majority of the property zoned RS-1 (Single Family Residential) and the northern portion of the property (2275 Arbot Road) zoned RM-1 (Residential Duplex). When Council adopted the current Zoning Bylaw in 1993, the policy was to identify and appropriately zone all existing duplexes in the City; rather than zone the entire lot, only that portion of the site that housed the duplex was zoned RM-1. In this case, the applicant is requesting that part of the RM-1 zoned portion of the property be rezoned to RS-1 in order to facilitate a subdivision on the balance of the lands.

Councillor Unger asked for clarification on whether all adjoining lots along the property are residential.

Mr. Lindsay confirmed that the neighbouring lots were residential with the property to the west zoned for a Mobile Home Park and that the lots to the east contain single-family homes under construction.

Councillor Bestwick asked for clarification on how many potential lots would be contained on the property.

Mr. Lindsay noted that the application is proposing nine single-family lots.

4. OTHER BUSINESS:

Councillor Sherry asked if Staff were aware of any past reports that deal with the issue of sound abatements as it relates to rezoning applications.

Mr. Lindsay replied that acoustic assessments are done for subdivisions along the highway. The assessment often suggests sound abatement solutions which could include landscaping but more often deal with the siting of the building and construction techniques (i.e.: triple paned windows) in an effort to reduce sound decibels within the buildings themselves.

Councillor Sherry noted that it would be easier to find some noise abatement solutions during the development as opposed to waiting until the development is complete.

Mr. Lindsay stated that the applications he was making reference to were residential and the study focussed on reducing the impact to future tenants.

Councillor Sherry moved that Staff be requested to write a report that relates to sound abatement on adjacent properties due to a change in zoning.

Mayor Korpan noted that formal motions cannot be made at a public hearing, adding that he believes it is a reasonable question to Staff. Asked that Staff take a proactive role in addressing the concern through consultation with the citizens that raised the issue.

Councillor Sherry noted that prior to a change in legislation a motion could be made requesting a Staff report if it related to the subject at the Hearing. Councillor Sherry added that many other people in the community may be affected by noise in relation to rezoning and if Council is considering the opportunity of assisting residents in this regard then a Staff report should be requested and generated.

Mayor Korpan concurred that Council would like to know what the options are with regard to noise abatement for affected parties as a result of a rezoning or retrofitting.

MOVED by Councillor Sherry, SECONDED by Councillor McNabb that the meeting be adjourned at 7:54 p.m.

CARRIED



D. Lindsay
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

/pm

Council: 2006-MAY-29

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Schedule “A”

Submissions

For

Bylaw No. 4000.390

RECEIVED

MAY 22 2006

61 Twelfth St

New Britain, CT

Sirs

DEVELOPMENT SERVICES

NEW BRITAIN, CT

While some part I think it
would be quite costly for the City
and the Dept of Highway to make
an entrance from Island Highway
to twelfth street. Twelfth Street
would need a lot of upgrading.

I believe most people would
enter the new Food Country
store off Eleventhth and when they
leave they could go right to the Highway
or 10th St.

A light at Laurel & 10th St would
be much better instead of a roundabout
as it is 2 way traffic to the roundabout
and it would hold up traffic
if it had to go down to one lane.

I myself have to use an electric
4 wheel scooter to go anywhere and
a lot of the residents here walk
to 10th Laurel, its hard enough now
to cross and a light would be the ideal
thing at that corner.

Thank you for listening

Mr. J. E. Tatham

May,04 2006

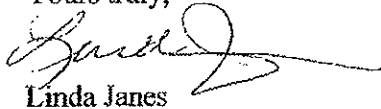
To whom it may concern:

I'm writing this letter in support of Food Country Moving to a new location. Food Country has been a very large part of the south end of Nanaimo. They have supported our local Schools, Ball teams, Girl Guides and many other not so local fundraisers.

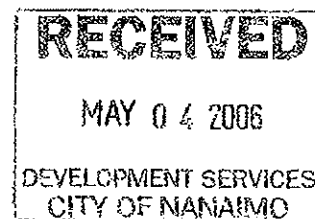
I as a shopper of Food Country feel I have a larger need for more variety. With the limited space at their present location Food Country is unable to provide those extra needs.

Also with a new location, the exciting location could be used for a future hard wear store which would be another great asset to the south end of Nanaimo. Please consider this as great opportunity for all local residents. Businesses and no profit groups and local schools

Yours truly,



Linda Janes

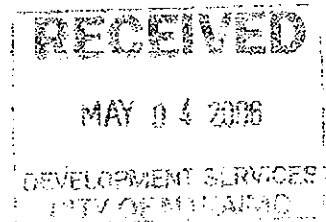


May 4/06

To whom it may concern,

I am writing this letter to show my support for Food Country Store. I hope you will allow the store to be built on the proposed new location. I think a larger store will help our community immensely. Food Country staff have been excellent neighbor's in our community and I hope they will continue to do so for many years to come.

B. Windover





Boys & Girls Clubs
of Central Vancouver Island

May 4, 2006

To whom it may concern:

The Boys & Girls Club of Central Vancouver Island would like to support Food Country with their move to a new location. Their support for other local businesses has been greatly appreciated over the years.

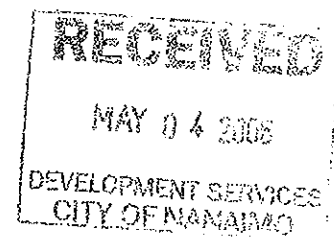
The Boys & Girls Club has benefited immensely with donations coming directly from Food Country. This includes donation from a program offered by Paul Newman's Own. They also help with providing healthy snacks daily.

Food Country has become a large part of the South End of Nanaimo. Keeping that in mind the growth in our community has out grown the size of the present location.

We wholeheartedly support this new addition to our community and look forward to a beautiful facility.

Yours truly,

Karie Nicholls
Community Director



Registered Charitable Organization No. BN10680 4016 RR 0001

A good place to be

20 Fifth St.
Nanaimo
British Columbia V9R 1M7
T 250 / 754-3215
F 250 / 754-4771
www.bgccvi.com



United Way
of Nanaimo & District



BRITISH
COLUMBIA

The BGCCL acknowledges funding
from the Province of British Columbia

May 2, 2006

Re: Food Country

To Whom It May Concern;

I am writing to share with you the importance of expanding the local Food Country Grocery Store. Our community is growing at a humungous speed. We enjoy shopping locally and support our local businesses. Unfortunately Food Country just is not large enough to carry all of our needs.

Food Country supports all community events and organizations. I wear several hats within the community. I have requested financial support on behalf of Girl Guides, Softball teams or the local elementary schools and the answer has always been an overwhelming, extremely generous YES. I have not had the same response from other grocery stores.

Food country has worked hard to grow and succeed within Chase River and I believe that a local grocery store deserves the opportunity to expand locally. I shop at Food Country with pride enjoying the warm smiles, the personal service and the professional atmosphere.

Thank you for considering the development and expansion of this community landmark. I am selfish and have my personal agenda for this development. I am hoping there will be rooms available for the community to use. Although I know of many organizations would also use a room; they are Softball Association, Boys Scouts, Exercise Companies, Preschools, Boys and Girls club etc.

I support the expansion and development of the Food country grocery store. I look forward to shopping there.

Sincerely,



Noreen Keen

Commissioner of Nanaimo River District

