



# NOTICE OF PUBLIC HEARING

2006-JAN-05 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2006-JAN-05**, 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. 4000.383:**

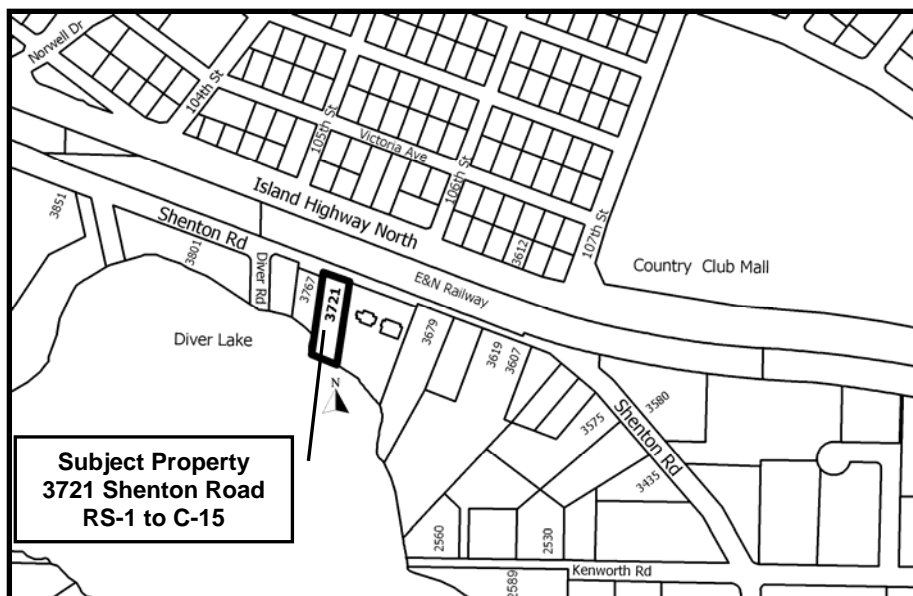
**Purpose:** To permit use of land for an office building.

**Location(s):** 3721 Shenton Road

**File No.:** RA155

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Suburban Office Zone (C-15) in order to permit development of a two storey office building.

The subject property is legally described as LOT C, SECTION 3, WELLINGTON DISTRICT, PLAN 16387, and is shown on Map 'A'.



**Map A**

*PLEASE NOTE full details are available in the City of Nanaimo "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383", copies of which are available at Development Services located at 238 Franklyn Street.*

The above bylaw, relevant staff report, and other background information may be inspected from 2005-DEC-23 to 2006-JAN-05, 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. 4000.383 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, 2006-JAN-05, 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](http://www.nanaimo.ca)**  
**238 Franklyn Street, Nanaimo, BC V9R 5J6**

CITY OF NANAIMO

BYLAW NO. 4000.383

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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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 2005 NO. 4000.383".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
  - (1) By rezoning lands shown on the attached Schedule 'A' and legally described as LOT C, SECTION 3, WELLINGTON DISTRICT, PLAN 16387 from Single Family Residential Zone (RS-1) to Suburban Office Zone (C-15).

PASSED FIRST AND SECOND READINGS 2005-DEC-19.

PUBLIC HEARING HELD \_\_\_\_\_.

PASSED THIRD READING \_\_\_\_\_.

APPROVED BY MINISTRY OF TRANSPORTATION \_\_\_\_\_.

ADOPTED \_\_\_\_\_.

File: RA000155

Address: 3721 Shenton Road

Applicant: Windley Contracting Ltd.

The map displays a residential neighborhood with the following features:

- Streets:** Island Highway North, E&N Railway, Shenton Rd, Diver Rd, 104th St, 105th St, 106th St, Wellesley Ave, and Victoria Ave.
- Water Body:** Diver Lake is located in the bottom left corner.
- Property Labels:**
  - RS1:** Located near the top left and center of the map.
  - P6:** Located near the center of the map, adjacent to Shenton Rd.
  - C4:** Located near the bottom left, adjacent to Diver Lake.
  - C15:** Located near the bottom center, adjacent to Diver Rd.
  - I2:** Located near the bottom right, adjacent to Diver Rd.
  - C5:** Located near the bottom right corner.
- Lot Numbers:** Various lot numbers are visible, including 4059, 4061, 3995, 3976, 3955, 3922, 3923, 3900, 3901, 3886, 3864, 3842, 3818, 3802, 3803, 2888, 3843, 3813, 2778, 3896, 3874, 3852, 3848, 3816, 3817, 2715, 2796, 2702, 2700, 05th St, 3761, 3737, 3725, 3701, 3789, 3700, 3690, 3612, 3626, 3627, 3653, 3619, 3607, 3600, 3560, 3540, 3530, 3550, 3500, 3400, 3300, 3200, 3100, 3000, 2900, 2800, 2700, 2600, 2500, 2400, 2300, 2200, 2100, 2000, 1900, 1800, 1700, 1600, 1500, 1400, 1300, 1200, 1100, 1000, 900, 800, 700, 600, 500, 400, 300, 200, 100, 0.

Civic: 3721 Shenton Road



**SUBJECT  
PROPERTY**

( ) RA000155 / 3721 Shenton Road

The City has received a rezoning application from Windley Contracting Limited, on behalf of Windley Holdings Limited, to rezone the subject property from Single Family Residential Zone (RS-1) to Suburban Office Zone (C-15) in order to construct an office building. The application has been reviewed by Staff and the Rezoning Advisory Committee (RAC) and is now ready for Council's consideration.

The subject property is presently vacant and is approximately 2,100 m<sup>2</sup> (22,606 ft<sup>2</sup>) in total area. The lot area exclusive of the aquatic leavestrip is approximately 1,116 m<sup>2</sup> (12,010 ft<sup>2</sup>). The site is bordered by Shenton Road and the E&N right-of-way to the north, Diver Lake to the south, a dental office to the west and a office complex to the east which was recently constructed by the applicant of the subject rezoning application.

The subject property is designated as "Neighbourhood", according to Schedule 'A' of the Official Community Plan (OCP). A City initiated OCP amendment to permit 'Offices' on this portion of Shenton Road was approved by Council at their meeting 2005-APR-04.

The applicant is proposing to rezone the property in order to construct an office building. The proposed building will be two storeys of approximately 393 m<sup>2</sup> (4,230 ft<sup>2</sup>). The applicants are considering this as a second phase of the recently constructed office complex to the east. The site and building design is similar in scale and character to the original project.

The C-15 zone requires a minimum lot area of 1,800 m<sup>2</sup> (19,375.67 ft<sup>2</sup>). The lot area of the subject property, exclusive of the aquatic leavestrip, is approximately 1,116 m<sup>2</sup> (12,010 ft<sup>2</sup>). Consequently, approval of the subject application will result in a property that is non-conforming as to lot area (difference of 684 m<sup>2</sup> (7365 ft<sup>2</sup>)). However, Staff are of the opinion that the applicant has submitted a plan which responds appropriately to the reduced lot size. Given the above, Staff recommend that a covenant be registered on title securing in general the proposed development.

The OCP identifies future pedestrian trail development on the subject property. The applicants are proposing as a community contribution, to construct a 3-metre gravel trail that connects with the previously secured trail dedication on the adjacent properties located at 3701/3711 and 3767 Shenton Road. The applicants are also proposing to provide landscaping in the adjacent riparian areas above and below the trail. Staff recommend that the trail dedication and landscaping be secured as a condition of rezoning.

The applicants are proposing to provide access to the subject property through the adjacent property at 3701/3711 Shenton Road, which is also presently owned by the applicant. In order to ensure that access / egress to the subject property remains free and uninterrupted, Staff recommend, as a condition of rezoning, that an access easement be registered on the land title of 3701/3711 Shenton Road.

The subject application was received by the Rezoning Advisory Committee (RAC) at its regular meeting held 2005-OCT-20. However, the Committee was unable to form a quorum, and as a result the Committee was not able to make a recommendation regarding the application.

Staff support this application and recommend that Council give First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383".

Recommendation: That Council support this application and:

1. Give First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383"; and
2. Direct Staff to secure the general design of the proposed development, trail dedication and construction, the native planting of the aquatic setback, road dedication, servicing right-of-way, sanitary sewer right-of-way, and access easement as conditions of rezoning.

# FOR CITY MANAGER'S REPORT

REPORT TO: E.C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT

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

RE: RA155 – 3721 SHENTON ROAD

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## RECOMMENDATIONS:

That Council support this application and:

1. Consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383"; and
2. Direct Staff to secure the general design of the proposed development, trail dedication and construction, the native planting of the aquatic setback, road dedication, servicing right-of-way, sanitary sewer right-of-way, and access easement as conditions of rezoning.

## BACKGROUND:

The City has received a rezoning application from Windley Contracting Limited, on behalf of Windley Holdings Limited, to rezone the subject property from Single Family Residential Zone (RS-1) to Suburban Office Zone (C-15) in order to construct an office building. The application has been reviewed by Staff and the Rezoning Advisory Committee (RAC) and is now ready for Council's consideration.

## DISCUSSION:

### ***Subject Property***

The subject property is presently vacant and is approximately 2,100 m<sup>2</sup> (22,606 ft<sup>2</sup>) in total area (Schedule 'A'). The lot area exclusive of the aquatic leavestrip is approximately 1,115 m<sup>2</sup> (12,010 ft<sup>2</sup>). The site is bordered by Shenton Road and the E&N right-of-way to the north, Diver Lake to the south, a dental office to the west and a office complex to the east which was recently constructed by the applicant of the subject rezoning application.

### ***Official Community Plan***

The subject property is designated as "Neighbourhood", according to Schedule 'A' of the Official Community Plan (OCP). A City initiated OCP amendment to permit 'Offices' on this portion of Shenton Road was approved by Council at their meeting 2005-APR-04.

The OCP identifies a future pedestrian trail development on the subject property. Trail dedication has been secured on 3601, 3701/3711 and 3767 Shenton Road through previous development applications. In order to meet the objectives of the OCP, Staff recommend, as a condition of rezoning, that a 3-metre (9.84 feet) trail dedication be secured on the subject property (Schedule 'B').

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

**Proposed Development**

The applicant is proposing to rezone the property in order to construct an office building (Schedule 'C'). The proposed building will be two storeys of approximately 393 m<sup>2</sup> (4,230 ft<sup>2</sup>). The applicants are considering this as a second phase of the recently constructed office complex to the east. The site and building design is similar in scale and character to the original project.

**Road Dedication**

To satisfy the requirements of the ultimate road design along Shenton Road, dedication of approximately .28 metres (.92 feet) is required along the frontage of the subject property. In addition, a 2.04 metre (6.69 feet) statutory right-of-way is required along the property frontage for the installation of street lighting and servicing conduits. Staff recommend that the road dedication and statutory right-of-way be secured as a condition of rezoning.

**Access Easement**

It is the applicants' intention to provide access to the subject property through the adjacent property at 3701/3711 Shenton Road, which is also presently owned by the applicant (Schedule 'D'). In order to ensure that access / egress to the subject property remains free and uninterrupted, Staff recommend, as a condition of rezoning, that an access easement be registered on the land title of 3701/3711 Shenton Road.

**Sanitary Right-of-Way**

In order to construct the proposed office building, relocation of the sanitary service line is required. As a result, a portion of the sewer line will be located within the aquatic setback. In response, the area below the sanitary right of way located outside of the aquatic setback will be included in the riparian replanting scheme.

As part of the original project (phase 1), a portion of the sanitary line was also relocated in the aquatic setback. In response, a similar replanting scheme was secured.

Given the existing site conditions, and the improvements to the adjacent riparian areas proposed above and also as part of the community contribution, Staff support the proposed relocation.

As a condition of rezoning, a statutory right-of-way is required to be secured to cover the area of the relocated sanitary sewer line.

**Lot Area**

The minimum lot area required in the Suburban Office Zone (C-15) is 1,800 m<sup>2</sup> (19,375.67 ft<sup>2</sup>), exclusive of an aquatic leavestrip. As noted above, the lot area of the subject property exclusive of the aquatic leavestrip is 1,116 m<sup>2</sup> (12,010 ft<sup>2</sup>).

As the subject property does not meet the minimum lot area requirements of the proposed C-15 Zone, approval of the subject application will result in a property that is non-conforming as to lot area. However, Staff are of the opinion that the applicant has submitted a plan which responds appropriately to the reduced lot size. In addition, the site will operate as part of the adjacent office complex and upon completion appear as part of the overall project.

Given the above, Staff recommend that a covenant be registered on title securing in general the proposed development.

**Community Contribution**

As outlined in Section 6.2 of the OCP, in exchange for value conferred on land through rezoning, the applicant should provide a community contribution. In response to this policy, the applicant is proposing to construct a 3-metre gravel trail on the right-of-way shown on Schedule 'B' and provide landscaping in the adjacent riparian area (approximately \$3,500).

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

**Rezoning Advisory Committee**

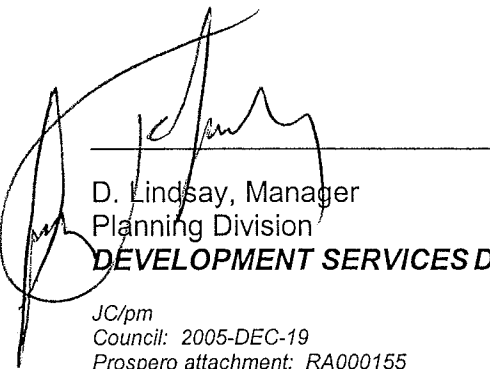
The subject application was received by the Rezoning Advisory Committee (RAC) at its regular meeting held 2005-OCT-20. However, the Committee was unable to form a quorum, and as a result the Committee was not able to make a recommendation regarding the application.

**RECOMMENDATIONS:**

That Council support this application and:

1. Consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.383"; and
2. Direct Staff to secure the general design of the proposed development, trail dedication and construction, the native planting of the aquatic setback, road dedication, servicing right-of-way, sanitary sewer right-of-way, and access easement as conditions of rezoning.

Respectfully submitted,



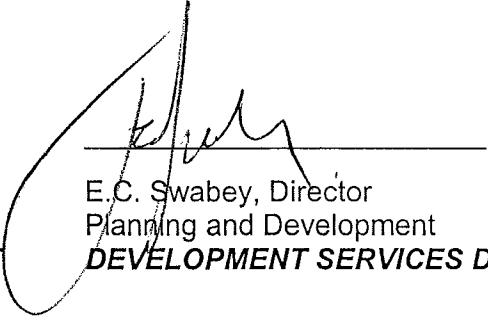
D. Lindsay, Manager  
Planning Division

**DEVELOPMENT SERVICES DEPARTMENT**

JC/pm

Council: 2005-DEC-19

Prospero attachment: RA000155



E.C. Swabey, Director  
Planning and Development

**DEVELOPMENT SERVICES DEPARTMENT**

*to be filed*

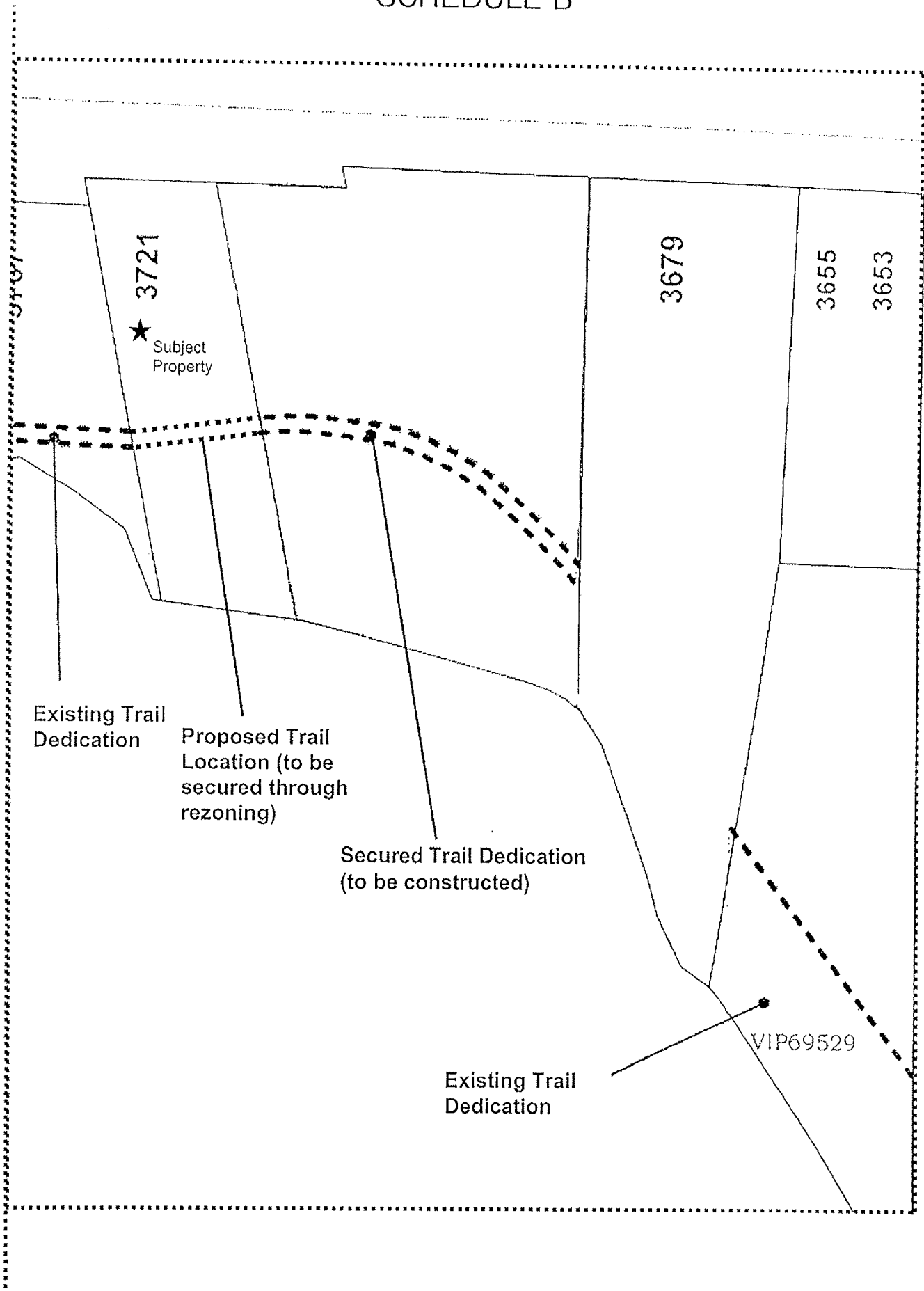
Civic: 3721 Shenton Road



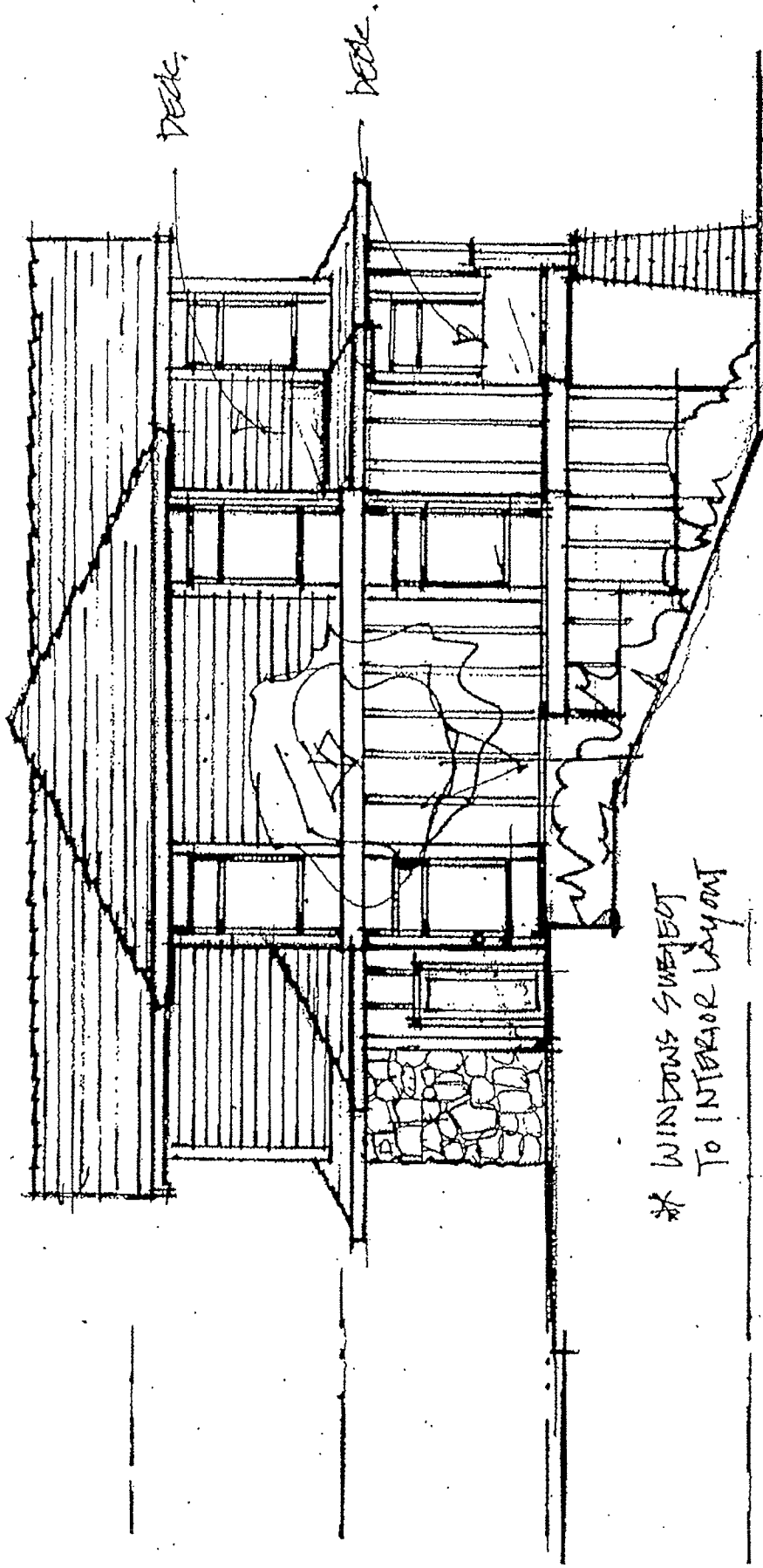
SUBJECT  
PROPERTY



# SCHEDULE B



SCHEDULE C



\* WINDOWS SUBJECT  
TO INTERIOR LAYOUT

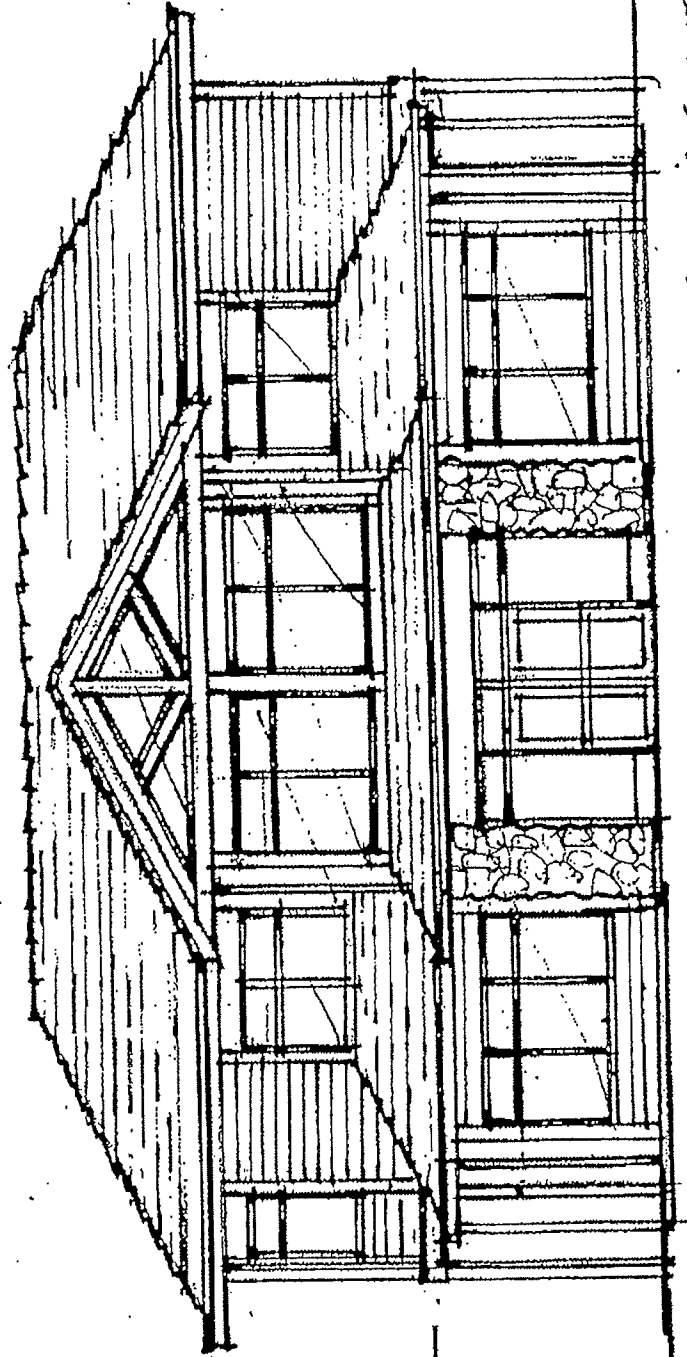
WEST ELEVATION (EAST ELEV. SIMILAR)

1/8" = 1'-0"

FEB '05

ARCHITECTS INC.

# SCHEDULE C



\* WINDOWS SUBJECT TO INTERIOR LAYOUT.

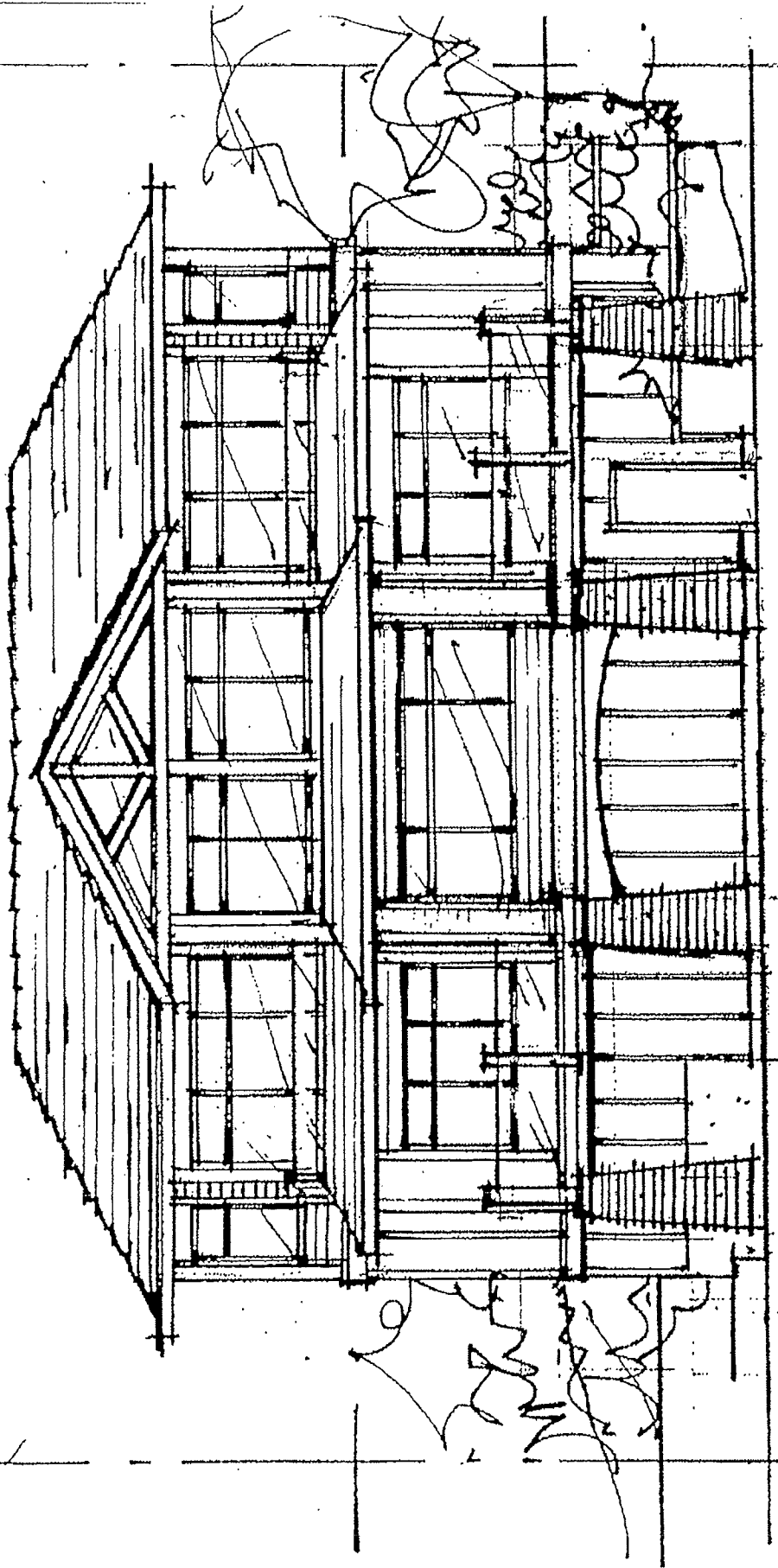
NORTH ELEVATION

1/8" = 1'-0"

FEB '05

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SCHEDULE C



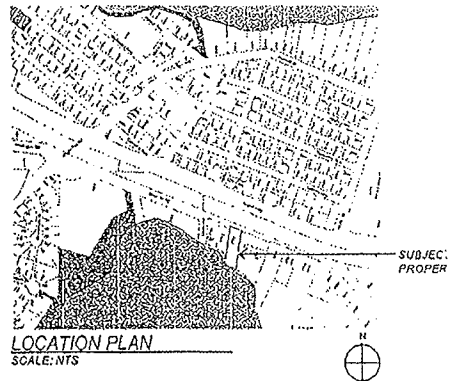
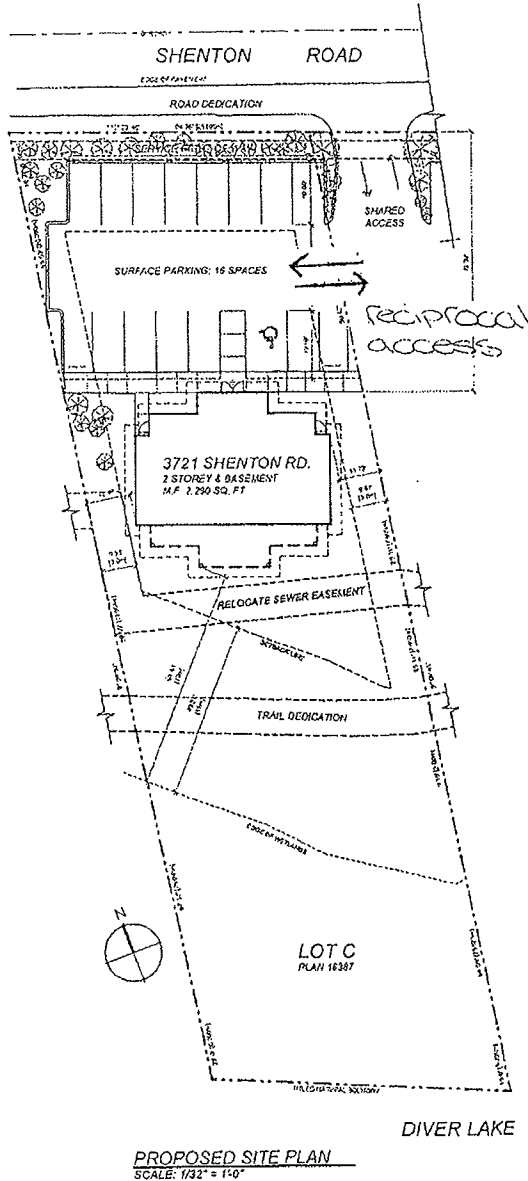
\* WINDOWS SUBJECT TO INTERIOR LAYOUT.

SOUTH ELEVATION 1/8" = 1'-0"

FEB '05

CUM FLEXUSSED LAND ARCHITECTS INC.

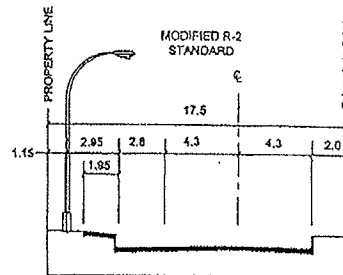
# SCHEDULE D



## DATA

Item	C15 (Suburban Office) Permitted/ Required	Proposed
lot area	min. 19,375 sf (1,800sm)	*12,010 sf
site coverage	40% max.	2,290/ 22,606 = 10.1%
total floor space	-	4,230 sf
setbacks	front: 24.8' (7.5m) side: 9.84' (3.0m) rear: 14.78' (4.5m) watercourse: 49.21' (15m)	72.39' 12.37'/ 11.79' n/a 61.44'
parking	4,230 sf gross x 0.9 = 3,807 sf net = 353.7 sm, 354 / 100 x 4.5 = 16 parking spaces	16 parking spaces

\* area based on overall property area (22,606 sf) lots required leave strip area (10,596 sf) equals 12,010 sf



## SHENTON ROAD OFFICE DEVELOPMENT

SEPTEMBER 2005

