

- () Report of the Public Hearing Held Thursday, 2005-OCT-06 For Bylaws No. 4000.378, 4000.379, 4000.377 and 6000.069

A Public Hearing was held on 2005-OCT-06, the subject of which was four items. Approximately 12 members of the public were in attendance. Minutes of the Public Hearing are attached and information regarding procedures for Bylaws No. 4000.378, 4000.379, 4000.377 and 6000.069 is contained within the report.

BYLAW NO. 4000.378:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit expansion of the neighbouring tow truck dispatch and storage yard (Mid Island Towing). The applicant is also proposing to retain the existing single family dwelling as a caretaker's dwelling unit.

The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 18955, EXCEPT PART IN PLAN VIP56407.

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

No members of the public attended the Public Hearing to speak to this issue, and no written submissions were recognized at the public hearing.

BYLAW NO. 4000.379:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit an electrical contracting operation (Den Mar Electric) and storage use. The applicant is proposing to convert the existing single family dwelling to an office use, and utilize the rear yard for a future storage use.

The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN VIP70870.

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

No members of the public attended the Public Hearing to speak to this issue. One written submission was recognized at the public hearing, and is attached as "Schedule A – Submissions for Bylaw No. 4000.379" to the Public Hearing minutes.

BYLAW NO. 4000.377:

This bylaw, if adopted, will rezone property from Public Institution Zone (P-2) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple-family residential development. The applicant is proposing to construct 36 dwelling units, consisting of six two-storey quadruplex buildings and one two-storey 12-unit multiple-family dwelling.

The subject property is legally described as LOT A, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP53807.

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

Three members of the public attended the Public Hearing to speak to this issue, including two applicant representatives. One written submission was recognized at the

public hearing, and is attached as "Schedule B – Submissions for Bylaw No. 4000.377" to the Public Hearing minutes.

BYLAW NO. 6000.069:

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000":

a) Remove text from Section 1.8.2.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", that refers to the establishment of a new library facility. This is now redundant as the downtown library has since been constructed.

b) Remove the Van Houten Block at 16 Commercial Street from Heritage Conservation Area #1 from Section 8.3.1.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", as the building no longer exists.

c) Add a new policy to Section 4.5.2 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to indicate that trailway planning, design, construction and maintenance on "Environmentally Sensitive Lands" is subject to the "Trail Implementation Plan" and the "Guidelines for Municipal Works and Services within ESAs"; and amend Section 4.6.2.30 to reflect the adoption and continued implementation of the street landscaping program.

d) Remove text from Section 4.3.2.9 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", which currently refers to seeking approval for construction of a bike/pedestrian trailway on the E&N Railway corridor, to reflect that the trailway is now partially completed; and remove Section 7.4.2.3 that refers to the extension of a public pedestrian trail between McGuffie Road and Neck Point Park, as this trail has been completed.

e) Remove text from Section 1.3 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to update figures for the total amount of parkland within the City of Nanaimo; and remove text from Section 1.3.2.18 to indicate the acquisition of Provincial Crown Land between Jingle Pot Road and Third Street as parkland is now complete.

f) Amend Schedule A – Future Land Use and Mobility of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" by updating the mapping layer for "Future Park Sites" in order to reflect the Park Acquisition Priorities identified in the 2005 Parks, Recreation and Culture Master Plan. This includes:

1) Removing Joan Point and Linley Valley 'Future Park Sites', as these sites have been acquired as parkland;

2) Moving the location of the Walley Creek 'Future Park Site', to indicate that park areas further east along Walley Creek have not yet been acquired; and

3) Adding 'Future Park Sites' to District Lot 56, Northfield Marsh, and Harewood Plains, as these sites are considered Environmentally Sensitive Areas.

g) Amend Schedule B – Development Permit Areas and Sensitive Areas of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to include select properties within Development Permit Area 24 – Environmentally Sensitive Areas.

This Bylaw appears before Council this evening for consideration of Third Reading and Final Adoption.

No members of the public attended the Public Hearing to speak to this issue, and no written submissions were recognized at the public hearing.

Recommendation: That Council receive this report and the minutes of the Public Hearing held on Thursday, 2005-OCT-06.

DL/dj/

Council: 2005-OCT-17

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FOR CITY MANAGER'S REPORT

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

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

RE: REPORT OF THE PUBLIC HEARING HELD THURSDAY, 2005-OCT-06
FOR BYLAWS NO. 4000.378, 4000.379, 4000.377 AND 6000.069

RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2005-OCT-06.

BACKGROUND:

A Public Hearing was held on 2005-OCT-06, the subject of which was four items. Approximately 12 members of the public were in attendance. Minutes of the Public Hearing are attached and information regarding procedures for Bylaws No. 4000.378, 4000.379, 4000.377 and 6000.069 is contained within the report.

DISCUSSION:

1. BYLAW NO. 4000.378:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit expansion of the neighbouring tow truck dispatch and storage yard (Mid Island Towing). The applicant is also proposing to retain the existing single family dwelling as a caretaker's dwelling unit.

The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 18955, EXCEPT PART IN PLAN VIP56407.

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

No members of the public attended the Public Hearing to speak to this issue, and no written submissions were recognized at the public hearing.

2. BYLAW NO. 4000.379:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit an electrical contracting operation (Den Mar Electric) and storage use. The applicant is proposing to convert the existing single family dwelling to an office use, and utilize the rear yard for a future storage use.

The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN VIP70870.

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

No members of the public attended the Public Hearing to speak to this issue. One written submission was recognized at the public hearing, and is attached as "Schedule A – Submissions for Bylaw No. 4000.379" to the Public Hearing minutes.

3. BYLAW NO. 4000.377:

This bylaw, if adopted, will rezone property from Public Institution Zone (P-2) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple-family residential development. The applicant is proposing to construct 36 dwelling units, consisting of six two-storey quadruplex buildings and one two-storey 12-unit multiple-family dwelling.

The subject property is legally described as LOT A, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP53807.

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

Three members of the public attended the Public Hearing to speak to this issue, including two applicant representatives. One written submission was recognized at the public hearing, and is attached as "Schedule B – Submissions for Bylaw No. 4000.377" to the Public Hearing minutes.

4. BYLAW NO. 6000.069:

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000":

- a) Remove text from Section 1.8.2.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", that refers to the establishment of a new library facility. This is now redundant as the downtown library has since been constructed.
- b) Remove the Van Houten Block at 16 Commercial Street from Heritage Conservation Area #1 from Section 8.3.1.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", as the building no longer exists.
- c) Add a new policy to Section 4.5.2 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to indicate that trailway planning, design, construction and maintenance on "Environmentally Sensitive Lands" is subject to the "Trail Implementation Plan" and the "Guidelines for Municipal Works and Services within ESAs"; and amend Section 4.6.2.30 to reflect the adoption and continued implementation of the street landscaping program.
- d) Remove text from Section 4.3.2.9 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", which currently refers to seeking approval for construction of a bike/pedestrian trailway on the E&N Railway corridor, to reflect that the trailway is now partially completed; and remove Section 7.4.2.3 that refers to the extension of a public pedestrian trail between McGuffie Road and Neck Point Park, as this trail has been completed.
- e) Remove text from Section 1.3 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to update figures for the total amount of parkland within the City of Nanaimo; and remove text from Section 1.3.2.18 to indicate the acquisition of Provincial Crown Land between Jingle Pot Road and Third Street as parkland is now complete.

- f) Amend Schedule A – Future Land Use and Mobility of the “OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000” by updating the mapping layer for “Future Park Sites” in order to reflect the Park Acquisition Priorities identified in the 2005 Parks, Recreation and Culture Master Plan. This includes:
- 1) Removing Joan Point and Linley Valley ‘Future Park Sites’, as these sites have been acquired as parkland;
 - 2) Moving the location of the Walley Creek ‘Future Park Site’, to indicate that park areas further east along Walley Creek have not yet been acquired; and
 - 3) Adding ‘Future Park Sites’ to District Lot 56, Northfield Marsh, and Harewood Plains, as these sites are considered Environmentally Sensitive Areas.
- g) Amend Schedule B – Development Permit Areas and Sensitive Areas of the “OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000” to include select properties within Development Permit Area 24 – Environmentally Sensitive Areas.

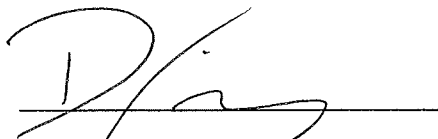
This Bylaw appears before Council this evening for consideration of Third Reading and Final Adoption.

No members of the public attended the Public Hearing to speak to this issue, and no written submissions were recognized at the public hearing.

RECOMMENDATION:

That Council receive this report and the minutes of the Public Hearing held on Thursday, 2005-OCT-06.

Respectfully submitted,



D. Lindsay, Manager, Planning Division
Planning Division

DEVELOPMENT SERVICES DEPARTMENT

/dj

Council: 2005-OCT-17

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**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, 2005-OCT-06, TO CONSIDER
PROPOSED AMENDMENTS TO THE CITY OF NANAIMO
“ZONING BYLAW 1993 NO. 4000” AND
“OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000”**

PRESENT: Councillor C.S. Manhas – Acting Mayor
Councillor M.D. Brennan
Councillor L.D. McNabb
Councillor L. Sherry
Councillor T.K. Krall
Councillor W.J. Holdom

Staff

D. Lindsay, Manager, Planning Division, DSD
A. Tucker, Manager, Community Planning, DSD
J. Carvalho, Planner, Planning Division, DSD
L. Bhopalsingh, Community Development Planner, DSD
P. Masse, Planning Clerk / Recording Secretary, DSD

Public

There were approximately 12 members of the public present.

CALL TO ORDER:

Councillor Manhas called the meeting to order at 7:01 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 of Bylaws No. 4000.378, 4000.379 and 4000.377, and Third Reading and Final Adoption of Bylaw No. 6000.069 at Council's next regularly scheduled meeting of 2005-OCT-17.

1. BYLAW NO. 4000.378:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit expansion of the neighbouring tow truck dispatch and storage yard (Mid Island Towing). The applicant is also proposing to retain the existing single family dwelling as a caretaker's dwelling unit. The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 18955, EXCEPT PART IN PLAN VIP56407.

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

2. BYLAW NO. 4000.379:

This bylaw, if adopted, will rezone property from Single Family Residential Zone (RS-1) to Light Industrial Zone (I-2) in order to permit an electrical contracting operation (Den Mar Electric) and storage use. The applicant is proposing to convert the existing single family dwelling to an office use, and utilize the rear yard for a future storage use. The subject property is legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN VIP70870.

One submission for this application was received and is attached as "Schedule 'A' – Submissions for Bylaw No. 4000.379."

3. BYLAW NO. 4000.377:

This bylaw, if adopted, will rezone property from Public Institution Zone (P-2) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple-family residential development. The applicant is proposing to construct 36 dwelling units, consisting of six two-storey quadruplex buildings and one two-storey 12-unit multiple-family dwelling. The subject property is legally described as LOT A, DISTRICT LOT 48, WELLINGTON DISTRICT, PLAN VIP53807.

Councillor McNabb removed himself from the Hearing due to a perceived conflict of interest.

Mr. Dave Hammond, 5043 Sunset Road – Applicant Representative

- The subject property is located at the northeast corner of Hammond Bay Road and Uplands Drive and is currently vacant. Ocean Walk Terrace, zoned RM-3, is located to the north of the subject property, and Dover Bay Secondary School, zoned P-2, is located to the east.
- The site, currently zoned P-2, is slightly less than two acres and affords ocean views to the north and east. The maximum height allowed is 12.0 m (39.4 ft), although the previously approved development for this site, while never built, had a proposed area of 100,000 ft² and consisted of four storeys.
- After discussions with City Staff, the applicant decided that RM-3 would be appropriate zoning for the site. Council has already approved an OCP amendment required prior to this rezoning application.
- Site characteristics formed the basis of the project plan, including the nearby busy intersection of Hammond Bay Road and Uplands Drive, the natural slope of the property, and second storey views of Georgia Straight and the north shore mountains.
- Diversity of housing needed in the area was also a major contributor to the plan. The original plan was presented at a Public Hearing on 2005-SEP-01, and at their meeting of 2005-SEP-12 Council referred the application to this evening's Public Hearing pending more communication with neighbours and revising the rezoning signage. In order to respond to some of the concerns of residents of Ocean Walk, several changes have been made to the original plan and all signage has been amended, as required.
- The current proposal calls for a total of 36 condominiums in seven buildings, consisting of six buildings with four suites and one building with 12 suites, for a total area of 37,800 ft², which is approximately 35% of the square footage of the previously approved site project.
- It is intended that these condominiums be strata-titled and sold. Some neighbours raised concerns that this would be a rental project, but this is not the applicant's intention.

- The project includes surface parking of 1.66 spaces per unit. The design, using two-storey buildings, allows for considerable open spaces on the site. Neighbours will therefore not be affected, as with the previous proposal, with a building four storeys high. The open space design will allow for some view corridors to remain from Hammond Bay Road.
- The plan has been adjusted to minimize the impact on Ocean Walk residents, including spacing between the buildings to minimize direct views into the two-storey units which are adjacent to the Ocean Walk residents.
- The side yard setback was increased from 10 feet to 30 feet. The suites are narrower on the Ocean Walk side than they are at the front of the project. The second storey balconies will be located on the side of the suites rather than directly facing Ocean Walk, and the corner unit has been rotated toward the Dover Bay Secondary School playing field to ensure it is not cornering on Ocean Walk, and is facing away from those residents.
- Has met with some of the residents of Ocean Walk, primarily those immediately adjacent to the project. There is general agreement that RM-3 is the appropriate zoning for the property; however, there are lingering concerns regarding the two-storey height of those units directly across from Ocean View. The applicant considered building single-storey units on this part of the project but the mix of designs and potential buyer types was not appropriate to the project. Some residents of Ocean Walk have responded with gratitude and support for the efforts that have been extended to ease concerns. Believe strongly in this project.

Ms. Victoria Drakeford – Applicant Representative / Landscape Architect

- Landscape design can address many of the nearby resident concerns, including privacy and light, through deciduous tree placement. In the summer, when the patios will be utilized, these 20 foot trees will provide screening and some privacy to the neighbours below while not impeding the view to the residents of the proposed project. In the winter months these trees will still allow light into the neighbourhood.
- With input from neighbours, additional plants will be added to the design to best address screening and privacy concerns.

Councillor Krall asked for confirmation on the square footage and sale price of the proposed units.

Mr. Hammond responded that the fourplex units will be approximately 1,250 ft², with two units on the lower level and two units on the upper level, and an approximate sale price range of high \$100,000's to low \$200,000's.

Councillor Krall asked for clarification about the height of the proposed units along Ocean Walk.

Mr. Hammond replied that the current zoning allows for a height of 39.4 feet; this project proposes two storeys with a pitched roof, with a total height of 27.0 feet.

Councillor Brennan asked for clarification on the applicant's desire for housing diversity in terms of design and affordability.

Mr. Hammond agreed that design diversity and a mix of incomes in the neighbourhood was a key part of the plan.

Councillor Holdom asked if the site was built to its maximum potential under the RM-3 zoning, or would more buildings be conceivable.

Mr. Hammond replied that the current design is set at the maximum allowable FAR.

Mr. Barry Hall, 116 Ocean Walk Drive – Opposed

- Mr. Hall's submission is attached as part of "Schedule 'B' – Submissions for Bylaw No. 4000.377".

Councillor Holdom asked Mr. Hall if his property is currently zoned RM-3.

Mr. Hall confirmed that his property is zoned RM-3 and added that the residents of Ocean Walk are in support of the proposed zoning. The residents of Ocean Walk are opposed to the design and height of the proposal.

Councillor Krall asked Mr. Hall for clarification on the height and selling price of Ocean Walk homes.

Mr. Hall responded there are 10 units that face this proposed project, including two of approximately 1250 ft², four at 1850 ft² (with an upper unit) and four of approximately 1550 ft². The four units with the upper floor are two stories in height. Mr. Hall added that the selling price of the units in Ocean Walk ranges from \$240,000 to \$292,000.

Councillor Holdom asked how many residents live in Ocean Walk and whether the five signatures on Mr. Hall's presentation are a part of the Strata Council.

Mr. Hall confirmed that the signatures on his presentation are not a part of the Strata Council and instead are residents within Ocean Walk, adding that there are currently 52 residents within Ocean Walk.

Councillor Manhas asked for clarification on what the residents of Ocean Walk are most opposed to in this development.

Mr. Hall responded that height is the major concern for the Ocean Walk residents, adding that as the proposal would be built on a natural slope, the real height is more like three storeys. Other concerns include loss of privacy, the possibility of renters in the project, and a loss of property value for current owners in Ocean Walk.

Councillor Manhas noted that the RM-3 zoning allows for a height of four storeys compared to the proposed two storey building, and asked if Mr. Hall would also be frustrated if the developer decided to build to the full extent of 72 units as opposed to the low-density, two storey building proposed.

Mr. Hall responded that in his estimation the developer could design the project with a lower height and still maintain density, or close to it, adding that he believes the concerns of the residents of Ocean Walk are not being considered.

Councillor Sherry asked Mr. Hall if his concern with the proposal would be remedied if the three units that face directly towards Ocean Walk were reduced to one storey.

Mr. Hall agreed that he would be satisfied if the height of the development facing Ocean Walk could be reduced to one storey.

Councillor Holdom asked Staff to confirm if the developer could be prevented from altering the design if the rezoning is approved.

Mr. Lindsay responded that Council gave Staff direction at First and Second Readings to place a covenant on the property which would secure, in principle, the design that has been presented. If the bylaw was adopted and Staff had no further direction from Council, the developer would then have the ability to build to the maximum height allowed under RM-3 zoning.

Mr. Dave Hammond, 5043 Sunset Road – Applicant Representative - Redress

- Stated that Mr. Hall intimated in his presentation that the developers had engaged in a premature marketing program. Mr. Hammond wanted to assure Council that there has been no marketing conducted on this project at all.

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

4. BYLAW NO. 6000.069:

This bylaw, if adopted, will include text amendments and update mapping layers in order to increase the effectiveness of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000":

- a) Remove text from Section 1.8.2.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", that refers to the establishment of a new library facility. This is now redundant as the downtown library has since been constructed.
- b) Remove the Van Houten Block at 16 Commercial Street from Heritage Conservation Area #1 from Section 8.3.1.5 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", as the building no longer exists.
- c) Add a new policy to Section 4.5.2 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to indicate that trailway planning, design, construction and maintenance on "Environmentally Sensitive Lands" is subject to the "Trail Implementation Plan" and the "Guidelines for Municipal Works and Services within ESAs"; and amend Section 4.6.2.30 to reflect the adoption and continued implementation of the street landscaping program.
- d) Remove text from Section 4.3.2.9 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000", which currently refers to seeking approval for construction of a bike/pedestrian trailway on the E&N Railway corridor, to reflect that the trailway is now partially completed; and remove Section 7.4.2.3 that refers to the extension of a public pedestrian trail between McGuffie Road and Neck Point Park, as this trail has been completed.
- e) Remove text from Section 1.3 of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to update figures for the total amount of parkland within the City of Nanaimo; and remove text from Section 1.3.2.18 to indicate the acquisition of Provincial Crown Land between Jingle Pot Road and Third Street as parkland is now complete.
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Mr. Lindsay responded that Council gave Staff direction at First and Second Readings to place a covenant on the property which would secure, in principle, the design that has been presented. If the bylaw was adopted and Staff had no further direction from Council, the developer would then have the ability to build to the maximum height allowed under RM-3 zoning.

Mr. Dave Hammond, 5043 Sunset Road – Applicant Representative - Redress

- Stated that Mr. Hall intimated in his presentation that the developers had engaged in a premature marketing program. Mr. Hammond wanted to assure Council that there has been no marketing conducted on this project at all.

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

4. BYLAW NO. 6000.069:

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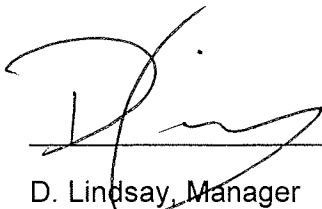
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order to reflect the Park Acquisition Priorities identified in the 2005 Parks, Recreation and Culture Master Plan. This includes:

- (1) removing Joan Point and Linley Valley 'Future Park Sites' as these sites have been acquired as parkland;
 - (2) moving the location of the Walley Creek Park 'Future Park Site' to indicate that park areas further east along Walley Creek have not yet been acquired; and
 - (3) adding 'Future Park Sites' to District Lot 56, Northfield Marsh, and Harewood Plains as these sites are considered Environmentally Sensitive Areas.
- g) Amend Schedule B – Development Permit Areas and Sensitive Areas of the "OFFICIAL COMMUNITY PLAN BYLAW 1996 NO. 6000" to include the select properties within Development Permit Area 24 – Environmentally Sensitive Areas.

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

MOVED by Councillor Holdom, SECONDED by Councillor Sherry that the meeting be adjourned at 7:43 p.m.



D. Lindsay, Manager
Planning Division

DEVELOPMENT SERVICES DEPARTMENT

/pm

Council: 2005-OCT-17

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Schedule “A”

Submissions

For

Bylaw No. 4000.379

Deborah Jensen

From: webmaster@nanaimo.ca
Sent: Tuesday, October 04, 2005 11:05 AM
To: Public Hearing
Subject: SUSPECT:: Public Hearing Submission

A Online Public Hearing Submission has been made:

Name: Chandra Bueckert
Address: 2429 Conlin Way
Subject: Bylaw #4000.379/4161 Jinglepot Rd RS-1 to L-2

Comments:

I would like to voice my concerns regarding application for rezoning on the above mentioned property. I have been a resident of Nanaimo, in particular, the Diver lake area for over 11 yrs, and have noticed in that time that the outlining industrial areas are slowly encroaching into this beautiful area, and if we allow this to continue, the beautiful diver lake area is going to become part of this invasion of the industrial area. Although the current owner of the property @4161 Jinglepot Rd has not caused an immediate concern, I am concerned that in future if the owner does sell the property, that the zoning change will allow new owners to make changes which I do not welcome, such as a restaurant, or even worse, a helicopter landing pad. These are only 2 examples of what are outlined in the light industrial zoning. Opening such businesses such as a commercial school or restaurant, for example, will definitely increase traffic that is already a growing concern on Labieux Rd. With the zoning change, I have concerns that Labieux Rd will become busier and busier with traffic. There are already problems with increased traffic and speeding cars on Labieux Rd. The empty lot across the street from this address is also zoned as multi-family(?) and also the lot beside the mid-island co-op property at the other end of Labieux Rd is also multi-family zoning. These 2 property zonings, along with a light industrial zoning on the same street, will greatly change the dynamics of the Diver lake area. I fear that increased traffic on Labieux Rd due to future changes within the above mentioned property will lead to Labieux Rd becoming 4 lanes, which rumor has it are in the plans already (whether this is true or not I am unsure).

With the current industrial area around Diver Lake, we already encounter noise from machinery going all night long from one of local businesses near the Shenton Rod area. We also encounter a glare from all the lighting from all the car dealerships at night. Changing the zoning for the property at 4161 Jinglepot would allow the possibility of future businesses (if the current owner ever sold) to negatively impact our neighborhood.

We have wonderful Diver Lake park with trails and wildlife. When I first moved to Diver lake 11 years ago, I enjoyed seeing rabbits, bluejays, turtles and even the odd deer right outside my window. Over the years this has declined, and I feel it's because of the continuing decline in their habitat around them and the developing of the surrounding areas.

I also have concerns with this zoning change, which would also allow for the storage of flammable & combustible materials. There are many residents near this property, including a farming area with cows, chickens, etc. The impact of an environmental leak or possible explosion could be devastating to both residents and wildlife.

I hope you will reconsider this change in zoning from RS-1 to L-2 and help keep Diver Lake the beautiful area that the taxpayers of the Diver Lake area want to preserve. As more rezoning possibilities appear in the future in the Diver Lake area, I promise I will do everything I can to preserve our beautiful area.

Thank you for your consideration.

Sincerely,
Chandra Bueckert

Schedule “B”

Submissions

For

Bylaw No. 4000.377

116 Ocean Walk Drive
Nanaimo, BC. V9V 1N2

October 4, 2005

City of Nanaimo
Development Services Department
455 Wallace Street
V9R 5J6

Re: file RA000144

Dear Sir/Madame

With respect to the rezoning of 6010 Uplands Drive from P2 to RM3, the following members of Strata 2534 continue to support the need to rezone. This is our second presentation concerning this project.

Review of the last month:

We have been respectful, patient and consistent with our concerns and opposition to the proposal presented through the city council to the strata owners of Ocean Walk in that the barrack block style complex proposed does not compliment the adjacent area. It is now increasingly evident that the developer has little or no regard for our adjoining community of low profile homes, with their stated decision to proceed with their original submission (with minor cosmetic adjustments). It is clear to all of us that there has been no serious attempt on their part to work out a compromise with our legitimate objectives.

To restate our concerns

1. There would be an immediate loss of privacy. Their quadraplex units would have windows facing directly into our bedrooms, living rooms & patios.
2. There would be an immediate reduction in our property values. They have estimated the selling price to be in the range of \$165,000 to \$205,000.
3. There would be an immediate reduction in light.
4. There is an unwillingness to interface along our shared property line, with a building design that recognizes the character of our established community.
5. The number of units clearly appears to be the driving factor, putting their density about 40% greater than Ocean Walk.
6. We feel that these 4 buildings in question lack good community planning to recognize a reasonable and sensitive blend with the adjoining patio homes of Ocean Walk.
7. We believe it is untruthful for the developer to suggest that their proposed units would appeal to seniors. Seniors would not normally invest in a walk-up apartment.
8. We live in the area; not the developers.

We met with the developer at the Ocean Walk Clubhouse on September 27/05. When asked, the developer admitted that they did not have a copy of our letter of concerns to the city, nor had they made any attempt to obtain one. Basically they came to present their first proposal with minor cosmetic changes. We tried to present our concerns again specifically to consider an interface area consisting of a low level single roof design that::

1. Would appeal to seniors.
2. Would encourage “live in owners”, and potentially reduce a variety of troublesome crime and vandalism issues that frequently plague large scale rental properties.
3. Could realize a higher unit selling price.
4. Would command a higher tax base for the city.
5. Would be substantially more appealing visually and architecturally
6. Would satisfy our primary concerns

In Summary

It has, in recent hours, come to our attention that the developer is already actively engaged in the sale of these units on the basis of his initial architectural plans. This latest information was not extended to us by the developer, but came to us through a third party. This evidence explains, quite clearly, why the developer has so quickly and easily rejected with such arrogant disregard, the sincere concerns of an established community of seniors. They had, much earlier, determined what they had planned to present for approval to city council, with no consideration for the residents in the patio homes of Ocean Walk. We are disturbed to contemplate that the developer might believe that their submission would be automatically rubber stamped..

We recommend that this project be postponed for another month so that a workable process can be established so that the Ocean Walk Strata Owners can have a meaningful dialogue with the developer to satisfy our concerns.

Respectfully submitted,

Barry Hall

Glen Russell

Lance Butler

Gord McGuire

Abe Thiessen