

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT
STANDING COMMITTEE MEETING HELD IN THE BOARD ROOM, CITY HALL,
ON THURSDAY, 2003-MAY-15, COMMENCING AT 2:40 P.M.

PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor R. A. Cantelon
Councillor W. J. Holdom

Staff:	B. N. Mehaffey	R. Lawrance
	E. C. Swabey	J. T. Bowden
	T. P. Seward	K. L. Burley
	S. E. Fletcher	C. Hambley

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2003-APR-17 Meeting of the Planning, Environment and Development Standing Committee held in the Board Room, City Hall at 3:05 p.m.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the Minutes be adopted as circulated. The motion carried.

2. RECEIVING OF DELEGATIONS:

- (a) Mr. Greg Hoover, Construction Manager, Aires Construction Ltd., on behalf of A. J. Forsyth (Division of Russell Metals), 830 Carlisle Road, New Westminster, B. C., requesting that the building at 1950 East Wellington Road be exempt from installing a ceiling mounted fire protection sprinkler system.

Moved by Councillor Cantelon, seconded by Councillor Holdom that Mr. Hoover be permitted to address the Committee. The motion carried.

Mr. Hoover stated that:

- he is the Construction Manager for A. J. Forsyth and is overseeing the construction of their new warehouse and office located at 1950 East Wellington Road.
- A. J. Forsyth has been a wholesaler of industrial steel in British Columbia since 1908 and operates in 10 other British Columbia municipalities.
- the City of Nanaimo has a bylaw requirement that all commercial and industrial buildings be fitted with ceiling mounted fire protection sprinkler systems, regardless of the Building Code requirements of British Columbia.
- they are respectfully requesting Council's consideration to delete that requirement for the warehouse area of the building under construction at 1950 East Wellington Road.
- the type of building and product operations carried out inside the building do not require fire sprinklers under the British Columbia Building Code.
- the building and product is entirely non-combustible.
- the structure qualifies as F3 non-combustible construction under the Building Code.

- at the other 10 municipalities in BC where A. J. Forsyth operates, there are no sprinklers in the warehouses, or in the offices.
- in the Corporation of Delta, where A. J. Forsyth has its largest operations, they have made a Freedom of Information request for any records of fire related problems or directives on file.
- the release of documents supports the position that there have been no fires in the structure which has existed since 1972.
- the intent of this presentation is not to appeal based on the Building Code, nor is it to contest Nanaimo's Bylaw, but to impress on the City that the risk of fire to the warehouse and product is almost non-existent.
- the introduction of a sprinkler system presents a much greater potential for economic loss and human injury than a fire would.
- the video will demonstrate the day to day operations of A. J. Forsyth and the complete lack of materials that could be extinguished by water from a ceiling mounted sprinkler system.
- in the video, you will notice that maintaining the steel in a dry condition is of the utmost importance to the workability and saleability of the steel.
- even the rail car deliveries come covered to the plant and are unloaded inside the warehouse.
- the video will show gases used for burning operations and delivery trucks that operate inside the plant; both could not be extinguished by a ceiling mounted sprinkler system.
- there are electrically controlled cutters, overhead cranes, power saws and magnetic lifting devices.
- water introduced from a sprinkler system could do hundreds of thousands of dollars in damage, if the heads of the sprinklers went off accidentally.
- water introduced on to the stacked product could also damage non-combustible storage products.
- above and beyond all of these points, they emphasize the potential for injury and/or death to employees working in the building if they were suddenly exposed to water while working with or around electricity.
- the warehouse will have no heating or insulation.
- the sole purpose for its construction is to protect staff, equipment and product from water in the atmosphere and introducing a sprinkler system is counteractive to that protection.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the presentation be received and that Staff prepare a report for Council outlining the options available regarding sprinkler systems in warehouse structures that are non-combustible; and further, that Staff investigate how other municipalities deal with this issue. The motion carried.

3. REPORTS OF ADVISORY BODIES:

Social Planning Advisory Committee:

(a) Annual Report for 2002 and Priorities for 2003

As directed by Council's Committee Communication Protocol, this report summarizes the activities of the Social Planning Advisory Committee (SPAC) in 2002 and outlines its priorities for 2003.

Committee members are concerned that there is a split between Nanaimo's economic development efforts and social planning efforts. Both community sectors are well meaning, hard working and will improve the quality of life for Nanaimo residents, thereby improving Nanaimo's image. The Committee is concerned that they are on parallel paths that cross only at times of disagreement, as was the case when Council considered the rezoning applications from the 7 to 10 Club Society and Salvation Army. The Social Planning Advisory Committee has identified as their highest priority for 2003 to work to foster a healthy connection through community education between these key community sectors. A second goal is to work with City Staff to encourage the consideration of social issues in larger planning initiatives.

The Committee will continue to:

- facilitate development of a Social Development Strategy for Nanaimo.
- support SPAC sub-committee, Community Alliance for Social Action (CASA) and their safety audit project titled "SAFER Downtown Project".
- support the "Food Link Nanaimo" project working to organize and build capacity in Nanaimo's emergency food services sector.
- monitor and report to Council the impacts of provincial government cutbacks and their effect on municipalities.
- direct Council on the appropriate responses to provincial government downloading of services to the City.
- raise awareness of social issues, with a particular focus on the needs of youth, and social planning in the community.
- respond in a timely fashion to issues referred by Council.

On behalf of the members of the Committee, I would like to thank Council for their continued support over this past year. The Committee is looking forward to the year ahead and the service it can provide to the community and Council.

Recommendation: That Council endorse the Social Planning Advisory Committee's work plan priorities as outlined in the report.

Moved by Councillor Holdom, seconded by Councillor Cantelon that the report be received and the recommendation be adopted. The motion carried.

4. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) 2080, 2160 East Wellington Road and 2011 Bowen Road (2041 Boxwood Road)

The Committee will recall, at its meeting held 2003-FEB-13, it received a delegation from Keith Brown Associates Ltd. on behalf of Mr. Remple, who is proposing to rezone and subdivide the above-noted properties to accommodate a heavy industrial development. Both the rezoning and subdivision applications have identified a number of significant servicing requirements that are quite costly and in the opinion of the applicant, make their projects financially unviable at this time. The applicant approached the Committee in an effort to have several of the subdivision and rezoning conditions imposed by Staff arbitrated. The Committee received a report from the applicant and requested a further report from Staff to clarify the City's position on each of the issues identified as problematic.

The subject lands consist of three properties, as identified in the chart below and on the schedules attached to the report.

The other two properties, subject to this application, are located on the west side of the Parkway and are currently zoned Single Family Residential.

Civic Address	Current Zoning	Proposed Zoning	Parcel Size
2011 Bowen Road (2041 Boxwood Road)	I-2 Light Industrial	I-4 Heavy Industrial	8.56 ha.
2080 East Wellington Road	RS Single Family	I-4 Heavy Industrial	5.89 ha.
2160 East Wellington Road	RS-1 Single Family Residential	I-4 Heavy Industrial	10.19 ha.
			Total: 24.64 ha.

Major Issues Applicant is Appealing

The applicant is requesting that Council adjudicate the following issues that are being required by Staff through its review of the subdivision and rezoning applications.

1. Water Main Extension

As part of the servicing of the lands on the west side of the Parkway, Staff has identified a need to extend the off-site trunk water main. The applicant has requested that this extension be included as a project in the City's Development Cost Charge Bylaw.

Staff Position: Staff does not believe that this is an appropriate course of action given that the water main extension only services the subject lands and given the fact that the improvements are relatively small in cost (i.e. approximately \$60,000.00) in comparison to the overall buildout. Staff believes this project should be the developer's responsibility.

2. Extension of Northfield Rd Through the Subject Property to Wellington Rd

The review of the rezoning and subdivision of the lands on the west side of the Parkway has identified the need for a new road connection through to the Parkway. Staff does not believe the heavy industrial development of these lands could only be accessed off of East Wellington Road. Staff anticipates that without a new direct connection to the Parkway, development of these lands would result in truck traffic wanting to access the Parkway via Westwood and Jingle Pot Roads (neither of which is an appropriate truck route). Staff further believes directing heavy industrial traffic along East Wellington Road onto Bowen Road and ultimately north to Northfield Road to access the Parkway is too circuitous a route for this type of traffic and may raise issues of intersection capacities along the entire way. The applicant believes this road is in excess of \$1 Million to construct and has requested that it be identified as a project within the City's Road Development Cost Charge Bylaw.

Staff Position: Staff believes that this is a political decision in terms of amending the City's development cost charges to accommodate a road of this nature. Staff, however, would point out that development cost charges would increase significantly across the city to accommodate the construction of this road. Staff further note that this road is only provided to service the proposed industrial park, unlike other major roads included as development cost charge projects which are seen to benefit the entire community in terms of transportation.

3. Waive Parkland Requirement and City Ownership of Remaining Lands on East Side of the Parkway

This is an alternative suggested if item two is not pursued. The applicant is suggesting that the identified park dedication on the west side of the Parkway be waived and be used for heavy industrial development and that the City take title to the remaining vacant light industrial lands on the east side of the Parkway. This would mean that the City would be responsible for the costs to extend Boxwood Road. It is estimated that the extension of Boxwood Road is approximately \$1 Million.

Staff Position: The park dedication on the west side of the Parkway was strategic in terms of future playfield development. The Parks Department has identified this location as a potential for all-weather surface park development. The extension of Boxwood Road and development of park on the east side of the Parkway would be difficult, given the lot configuration and grading necessary to accommodate a road and playfield. It would also require the taxpayers to entirely fund the Boxwood extension. Staff does not support this alternative.

4. Eliminate the Tree Protection Zone/West Side of Parkway

The development of lands adjacent to the Nanaimo Parkway is subject to the Nanaimo Parkway Environmental Development Permit Guidelines. These Guidelines provide for a 20-metre Character Protection Zone and a 30-metre Tree Protection Zone. The Character Protection Zone is a "no encroachment area" adjacent to the Parkway and is also protected by a 20-metre setback in the City's Zoning Bylaw. The Tree Protection Zone is meant to protect trees of significant size as identified in the bylaw. Buildings can encroach into this area as long as they do not remove significant trees. To date, the applicant has not provided a review of the trees on site, including which trees would be protected by the bylaw. It is difficult for Staff to evaluate the applicant's request in absence of this information, however clearly the intent of the City's bylaw is to protect significant trees within this area. The lands west east of the Parkway were clear cut prior to the adoption of these bylaws and have resulted in a compromised landscape area adjacent to the Parkway.

Staff Position: Staff believes greenfield development as proposed on the west side of the Parkway provides an opportunity to achieve the goals of the Parkway Development Permit Guidelines. Staff would not support encroachment into any part of the Character Protection Area and would look to infill areas of the Character Protection Zone that have been cleared of vegetation previously, as part of any new development applications. Staff would recommend that Council not support encroaching within the Tree Protection Zone until such time as a more detailed tree evaluation has been provided.

5. Waive Community Contribution

The City's Official Community Plan (OCP) requires community contributions to be provided for any increase in inferred value of the subject properties through rezoning applications. The change in zoning on the west side of the Parkway from Residential to Heavy Industrial provides this opportunity as the value of the land will increase from residential value to industrial.

Staff Position: Staff would recommend that any community contributions outside of servicing requirements be waived if Council supports the Staff position with respect to the road construction/servicing requirements of this project (items 1, 2 and 3). The significant road costs identified on either side of the Parkway are significant community contributions. If Council does provide direction to include either of these in the Development Cost Charge Bylaw, Staff would recommend that a community contribution in another form be pursued.

6. Appointment of City Councillor to this Project

The applicant has requested that a City Councillor (i.e. Committee Member be appointed as a resource person representing the interests of Council.) The applicant believes this appointment would show a commitment to a development of this size and the importance of enhancing our Industrial base.

Staff Position: Staff believe this is entirely a political decision and should be based on whether the Committee and Council believe there is a benefit in having Council directly tied to the detailed review of development applications more than through the existing Committee and Sub-committee structure.

Summary

The applicant believes that the extensive pre-conditions for rezoning and identified by Staff put the project in jeopardy of proceeding. The projected off-site servicing requirements and loss of developable lands due to the buffering greenbelts, greatly exceeds the financial benefits of the project in the applicant's opinion.

It may be that the value of lots does not make the development of the property equitable at this time. Staff further acknowledge that previous decisions to delay servicing costs to future phases may, in hindsight, not have been a wise decision. However, to allow further development without the road construction and off-site servicing costs will only exacerbate the problem for future development. The economics of developing these industrial lots may not be feasible at this time; however, as supply of industrial land decreases and prices rise, the feasibility of developing the land may be justified in the future. Staff has offered to accept reduced road standards as a way of reducing road costs; however, we do not believe paying for the entire cost to construct these roads is an equitable approach to development. Staff does believe the construction of these roads is a valid

community contribution as part of the rezoning application. It may be that industrial development at this time is premature on these lands.

Moved by Councillor Holdom, seconded by Councillor Sherry that the report be received and that Council:

1. not amend the City's Development Cost Charge Bylaw to include the Westwood Road watermain extension;
2. not amend the City's Development Cost Charge Bylaw to include the new Northfield extension through to Wellington Road;
3. not waive the park requirements previously negotiated on the west side of the Parkway in lieu of taking ownership of the remaining vacant land on the east side of the Parkway;
4. not waive the tree protection zone of the Parkway Development Permit Area as it relates to the west side of the Parkway, until a more detailed tree inventory is provided by the applicant;
5. consider the off-site road works and servicing extensions as the community contribution for this rezoning, pursuant to the City's Official Community Plan; and,
6. indicate whether or not it wishes to appoint a City Council representative to the review of the rezoning and subdivision of the subject property.

The motion carried.

5. ADJOURNMENT:

Moved by Councillor Holdom, seconded by Councillor Cantelon at 3:21 p.m. that the meeting terminate. The motion carried.

C H A I R

CERTIFIED CORRECT:

SENIOR MANAGER,
CORPORATE ADMINISTRATION