

MINUTES OF THE PLANNING, ENVIRONMENT AND DEVELOPMENT
STANDING COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX, ON
THURSDAY, 2003-FEB-13, COMMENCING AT 3:05 P.M.

PRESENT: Councillor L. J. Sherry, Chair

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

Staff:	B. N. Mehaffey	R. Lawrence
	E. C. Swabey	K. Brydges
	S. E. Fletcher	A. Millward
	D. Lindsay	K. L. Burley
	S. Hvozanski	C. Hambley

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2003-JAN-30 Meeting of the Planning, Environment and Development Standing Committee held in Conference Room 1, City Hall Annex at 4:05 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. R. K. Brown, Keith Brown Associates Ltd., 4 – 3179 Barons Road, Nanaimo, BC, regarding Rezoning Application No. 000-02, 2080 and 2160 East Wellington Road and 2011 Bowen Road.

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

Mr. Brown stated that:

- the rezoning application was filed in June, 2001.
- the Official Community Plan (OCP) designates the lands on the south side of the Parkway through to East Wellington Road as Heavy Industrial.
- the lands subject to rezoning are presently zoned I-2 and RS1 and are proposed for I-4 Heavy Industrial.
- planning for this development has reached an impasse due to policies which lack pragmatism.
- the primary problem is the City's insistence that the unconstructed portion of Boxwood Road be constructed as a condition of the current rezoning process.
- a Preliminary Layout Approval (PLA) has carried forward from the previous owner which, if exercised, would see Boxwood Road completed.

- this PLA is not an incumbent part of the title to the purchase of the lands nor does the PLA reflect the current expanded scope of the proposed project.
- there are two covenants registered on title to parcel 2011 Bowen Road which represents a "no build" covenant to protect the future right-of-way for the Boxwood Road alignment and a five acre parkland dedication south of the Parkway to be selected prior to rezoning.
- to date, the five acre site has been approved by Parks and Recreation.
- in terms of Boxwood Road, design and construction cost estimates have been compared with market sales evaluations and these indicate that any recovery through lot sales may not account for construction costs.
- he requested the Committee's consideration of the following:
 - proposed offsite trunk watermain and proposed offsite extension of Northfield Road be designated a DCC project and the construction schedule be advanced to coincide with servicing of the industrial subdivision.
 - proposed construction of Boxwood Road be waived as a precondition for development of the industrial park on the south side of the Parkway.
 - alternatively, the City receives title to the remaining Industrial 2 zoned lands on the north side of the Parkway (at no cost to the City) and the City waive the requirement for parkland dedication within the lands on the south side of the Parkway or Boxwood Road be designated a DCC project and construction schedule be advanced to coincide with servicing of the industrial subdivision.
 - eliminate the requirement for the Tree Protection Zone on the south side of the Parkway.
 - requirement for community contribution be waived by the City.
- he asked for a reduction in the requirements for zoning/subdivision of the lands to the south of the Parkway.
- he requested that a Committee member be appointed as a resource person to work with the developer and represent the interests of Council.

Moved by Councillor Cantelon, seconded by Councillor Holdom that the presentation be received. The motion carried.

3. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Official Community Plan Amendments Review Period November 2002 – May 2003

The following Official Community Plan (OCP) amendment applications are being forwarded to Planning, Environment and Development Standing Committee for its review and consideration as part of the current OCP amendment round: one external application; three corporate initiated amendments; and two housekeeping amendments.

EXTERNAL APPLICATIONS:

(a) 120 Needham Street:

The applicants wish to develop a gas station and cold beer and wine store at the corner of Needham and Nicol Streets, in conjunction with the Jolly Miner Pub. The existing cold beer and wine store associated with the Jolly Miner Pub would be closed, assuming the new development was successfully constructed.

As part of preparing the land for development, the applicants need to consolidate three lots. One of the three lots (120 Needham Street) is designated in the Official Community Plan as "Neighbourhood" which does not permit such commercial uses.

The subject property is surrounded by "Highway Commercial" and "Mainstreet" designated properties. Re-designating the subject lot to "Highway Commercial" would bring the property into conformance with the adjacent land uses, and allow for the construction of a gas station and a cold beer and wine store.

To facilitate their development plans, the applicants need to make the following amendment to the Official Community Plan.

Amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by re-designating 120 Needham Street from "Neighbourhood" to "Highway Commercial".

It is important to note that a narrow strip of City-owned property lies between the three lots the applicants wish to consolidate and develop. In order for the gas station and cold beer and wine store development to proceed, the applicants will need to purchase the City-owned property as part of their future rezoning application. If the Planning, Environment and Development Standing Committee and Council support this OCP amendment application, they will be tacitly agreeing to the sale of this City-owned land to the applicant, assuming a fair price can be agreed to. Staff does not see an alternative use for this City-owned land and, as such, supports its sale.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Schedule A (Future Land Use Mobility) of the Official Community Plan by redesignating 120 Needham Street from "Neighbourhood" to "Highway Commercial".

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

CORPORATE AMENDMENTS:

(a) Beck Creek - Expansion of Leavestrip:

The purpose of this amendment is to further support the important Coho run and fish habitat of this watercourse. The current setback along Beck Creek is 15 meters from the top of the bank. Staff are proposing that the setback be increased to 30 meters along upper reaches of the creek where development has yet to occur.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Schedule B (Development Permits Areas and Sensitive Areas) of the Official Community Plan by increasing the required leavestrip setback along the noted portion of Beck Creek from 15 metres from top of bank, to 30 metres from top of bank.

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

(b) Rooming Houses:

The purpose of this amendment is to acknowledge rooming houses as an affordable housing option in the City. Currently the OCP is silent in regard to this type of housing. In acknowledging this housing form in the OCP, further work could take place on regulating their location and standard of maintenance. Numerous rooming houses exist in the City and are well-run. Unfortunately, some rooming houses are the subject of complaints from area residents. Acknowledging this housing form in the OCP could be the first step in developing a strategy to prevent, or deal more effectively with any complaints the City may receive in regard to such housing.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Section 1.6 (Affordable Housing) of the Official Community Plan by adding the following new policy – Policy 1.6.2 (3) – *“Rooming houses in existing single family dwellings and/or purpose-built facilities are encouraged throughout the city. The homes or purpose built facilities must be in keeping with the character of the area, comply with Building Code regulations, and should be equitable distributed throughout a neighbourhood.”*

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

(c) Highway Commercial Designation

The purpose of this amendment is to add residential as a permitted use in the “Highway Commercial” designation. The type of residential being suggested for inclusion is three stories of residential above commercial, or a four-storey stand-alone residential building. Currently the designation allows

for travel oriented commercial such as gas stations, convenience stores, motels and hotels.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Policy 1.1.2.6. of the Official Community Plan by adding three stories of residential above commercial, and four-storey stand-alone residential buildings as a permitted use in the "Highway Commercial" designation.

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

HOUSEKEEPING:

(a) Garden Street Wetland:

The purpose of this amendment is to acknowledge the Development Permit previously granted permitting the owner of the property to fill in a portion of this wetland to support the development of eight residential lots. The subject amendment would simply bring Schedule B into conformance by redrawing the wetland to reflect its new boundaries.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Schedule B (Development Permit Areas and Sensitive Areas) of the Official Community Plan by removing the subject wetland.

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

(b) 660, 662 and 690 Albert Street:

The purpose of this amendment is to rectify a mapping error. Staff noticed that the OCP designation of the subject properties are different when one looks at Schedule A of the OCP and the land use schedule attached to the Old City Neighbourhood Plan, which forms part of the OCP. Background research has clarified that the subject properties should be shown on all maps as Old City Neighbourhood, Sub Area 6 - Mixed Multiple Family/Commercial.

Staff and PNAC Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council amend Schedule A (Future Land Use and Mobility) of the Official Community Plan by redesignating the subject properties from "Sub Area 3 – Multiple Family Low Density" to "Sub Area 6 – Mixed Multiple Family/Commercial".

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

COMMUNITY PLANNING:

(2) Steep Slope Bylaws

On 2002-OCT-07 Council directed Staff to prepare bylaws for attaching the Steep Slope Guidelines to the Official Community Plan (OCP) and to develop a Steep Slope Zone. Council has heard numerous comments, suggestions and concerns over the course of steep slope policy. The content of the new policies reflect the implementation direction provided by Council and addresses the comments Council heard from the neighbourhood and development communities. Those bylaws are now drafted.

The new Steep Slopes Zone includes a density cap of 12 units per hectare, clustered housing forms that can be either strata or fee simple developments, a revised method for calculating building height and two minimum lot sizes (600 m² and 1200 m²) that address concerns about large lots with little or no area with slopes less than 30 percent. The two Steep Slope Open Space Zone options include:

1. Detached single family dwellings with a minimum lot size of 600 m² or 700 m². Land with a slope equal to or greater than a 30 percent slope will not be included in the lot size calculation. If 600 m² area is not available, a minimum 1200 m² lot size may be applied to areas with slopes greater than or equal to 30 percent as long as there is a buildable site.
2. Open space development option allows units to be concentrated or clustered on flatter portions of the site. Clustering enables the current density to be achieved, which would not be possible given the topography. In exchange for being able to achieve preferred densities, 20 percent open space is left in its natural, undisturbed state.

As well as adopting a new Steep Slope Zone and applying it to all single-family zoned properties in the Steep Slope Development Permit Area, the following Official Community Plan amendments are important to steep slope policy implementation:

- insert a new Development Permit Area in section 8.2 of the OCP – DPA 24 Steep Slopes;
- include DPA 4 on Schedule B showing all properties 0.5 hectare or greater with a 10 percent or greater portion of the property having sloped land 20 percent or greater;
- include the following exemptions under section 1.2.2.1 of the OCP (Neighbourhood designation) for properties identified as having steep slopes:
 - "open space multi-family development can occupy more than a one hectare area of the property;
 - open space multi-family development can be adjacent to other multi-family developments when the Steep Slope Guidelines are applied; and,
 - access to the multi-family development can be through single-family neighbourhoods provided safety issues have been addressed."

- include the following to update section 2.3 of the OCP (Steep Slope Development): "Development on steep slopes is regulated by DPA 24 and the Steep Slope Development Permit Area Guidelines."

In order to properly implement steep slope policies, the proposed Steep Slope Open Space Zone must be applied to all properties that are currently zoned RS-1 and RS-2 (Single Family Residential) within the Steep Slope Development Permit Area. Also, the Steep Slope Guidelines need to apply to all steep slope areas identified by Development Permit Area 24 – Steep Slopes. There are approximately 500 properties within the Steep Slope Development Permit Area. These properties are all half a hectare or greater with a 10 percent or greater portion of the property having sloped land 20 percent or greater. Of the 500 Development Permit Area properties, approximately 275 properties are currently zoned either RS-1 or RS-2 (Single Family Residential).

Also, the proposed changes to the Delegation Bylaw will enable Staff to remove any duplication of information and reduce the cost and time required to obtain Development Permits.

Council would need to direct Staff to consider variances to the City Engineering Standards, Subdivision Control Bylaw and other affected bylaws, to support the implementation of the new zone and Development Permit Area Guidelines, on a priority basis for site specific applications. Following a one-year trial, Council may want to consider amending the Engineering Standards to include a standard for steep slope development.

Under the *Local Government Act*, Council is obliged to notify property owners of policy changes if there are ten properties or less affected. While clearly more properties will be affected by steep slope policy, Council may want to consider notifying property owners, specifically, regarding this proposed policy change since the policy change will result in a rezoning from single-family residential to a Steep Slope Open Space Zone. While this zone may have only minimal affect on density, the proposed Steep Slope Zone does provide property owners with an option to change from a single-family housing form to a clustered housing form which could include small lot development, zero lot line development or a townhouse form.

Should Council decide to notify affected property owners, an open house prior to the public hearing would provide those property owners with an informal opportunity to ask questions and receive clarification on the new proposed bylaw. The letter could simulate questions that are difficult to address in a public hearing format.

Recommendation: That the Planning, Environment and Development Standing Committee recommend that Council:

1. give the Steep Slope Open Space Zone Bylaw First and Second readings;
2. give the OCP Amendment Bylaw First and Second readings;
3. give the Delegation Bylaw First, Second and Third readings to give the General Manager of Development Services the authority to vary the Development Permit information requirements on a site-by-site basis;

4. direct Staff to consider variances to the City Engineering Standards, Subdivision Standards, Subdivision Control Bylaw and other affected Bylaws, to support the implementation of the new Steep Slope Zone and Steep Slope Guidelines; and,
5. direct Staff to notify property owners.

Moved by Councillor Holdom, seconded by Councillor Cantelon that recommendations be adopted. The motion carried.

4. CORRESPONDENCE:

- (a) Letter dated 2003-FEB-06 from Mr. Cyril Bubalo, Lifestyle Health and Fitness Centre, 3255 Stephenson Point Road, Nanaimo, BC regarding proposed new signage for Lifestyle Health and Fitness Centre on the corner of Hammond Bay Road and Stephenson Point Road.

Moved by Councillor Cantelon, seconded by Councillor Holdom that Council approve Mr. Bubalo's sign request for "Lifestyle Health and Fitness Centre" on the corner of Hammond Bay and Stephenson Point Road that displays the logo and a directional arrow, provided that the sign is no larger than the sign previously erected on Hammond Bay Road. The motion carried.

5. ADJOURNMENT:

Moved by Councillor Cantelon, seconded by Councillor Holdom at 4:17 p.m. that the meeting terminate. The motion carried.

C H A I R

CERTIFIED CORRECT:

CITY CLERK