

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING  
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,  
ON TUESDAY, 2002-AUG-13, COMMENCING AT 4:00 P.M.

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PRESENT: Councillor L. J. Sherry, Chair

Members: Councillor W. J. Holdom  
Councillor L. D. McNabb

Staff:	B. N. Mehaffey	J. T. Bowden
	E. C. Swabey	L. Mitchell
	S. E. Fletcher	N. Richardson
	S. Hvozdzanski	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-JUN-20 Meeting of the Planning and Development Standing Committee held in Conference Room 1, City Hall Annex at 4:00 p.m.

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Sherry advised that Mr. Bob Moss, Mr. Dave Hammond and Mr. David Francis were in attendance and wished to address Council as a late delegation regarding a request to amend the Official Community Plan for 4777 and 4797 North Island Highway, Nanaimo.

Moved by Councillor McNabb, seconded by Councillor Holdom that Mr. Bob Moss be permitted to address Council as a late delegation with a five-minute time limitation. The motion carried.

Mr. Bob Moss stated that:

- their application relates to the triangular property across the Island Highway from Long Lake Inn, and immediately south of the Real Canadian Wholesale Club.
- they are seeking Council's support for a site specific text amendment to the OCP because they believe that the original eastern boundary for the Boban Service Industrial needs to be varied owing to the unique attributes of the subject property - their requested variance would permit a single additional use – that being fast food restaurant.
- the division between the Rutherford Town Centre use and the Boban Service Industrial use was set by Plan Nanaimo, the Island Highway was used as the division, partly because a specific landmark was needed to be the dividing point.
- when this was done, several sites on the West side of the highway were already zoned commercial.
- notwithstanding the OCP Service Industrial designation, these properties will likely never be downzoned to service industrial since they already reflect a higher use for

- the land, these properties surround the subject property and clearly indicate the highest and best use for the immediate area.
- this group of surrounding properties also indicates how difficult it is to establish a hard and fast boundary between industrial and commercial uses and why it is necessary to consider amendments to the plan following careful consideration of site-specific influences.
  - page three of the handout again illustrates the unique characteristics of this site a triangle of land separated from the surrounding commercial development by the E&N right of way and by the Island Highway.
  - with regard to the notion that approval of their application will open the door for a plethora of OCP amendment requests for fast food sites, they believe that the demand for these sites will be established by the market, there is a finite demand for fast food and only certain sites will meet the operators' requirements, although we believe that the subject site is suited for fast food, we have no tenant in mind and a prospective operator may feel differently.
  - whether their requested amendment is approved or not, this site will likely be developed for one of the lesser uses supported under the existing service industrial designation such as automotive sales or sales and service of recreation vehicles.
  - any of these other uses will require development of the site including a deceleration lane, removal of much of the vegetation, sensitive treatment of Morgan Brook and the addition of fill to the site, in our view, the addition of a fast food use will result in a development that is more visually appealing and equally, if not more environmentally friendly than the others.
  - with regard to the impact of the deceleration lane on traffic flow, page four of their handout shows a picture of the deceleration lane at the entrance to Country Club Mall, the lane proposed for this site would be the same size and would start beside the Real Canadian Wholesale Club, even with a fast food use, the traffic to the subject site will not approach the volumes entering Country Club.
  - in their opinion, the highest and best use for this location is some combination of gas station, convenience store and a fast food restaurant, we believe that a development such as this will benefit the community by providing a needed service for southbound commuters, new service sector jobs and substantial new tax revenue for the City.
  - to date, they have not received any concerns from the community or surrounding property owners concerning their application.
  - they trust the Committee will give consideration to the unique attributes of the subject site when viewed against the necessary straight line divisions created in the OCP and will support their request to add the fast food restaurants as a permitted use on the subject site.

Moved by Councillor McNabb, seconded by Councillor Holdom that the delegation be received. The motion carried.

3. REPORTS OF ADVISORY COMMITTEES:

- (a) Plan Nanaimo Advisory Committee (PNAC) - Official Community Plan (OCP)  
Amendment Review Period May 2002 –October 2002

The Plan Nanaimo Advisory Committee (PNAC) met to discuss the OCP amendments on the following dates:

- 2002-JUN-18: Reviewed proposed amendment applications to the OCP.
- 2002-JUN-20: Held public meeting to hear from citizens on the proposed amendments.
- 2002-JUN-25: Discussed applications and prepared recommendations for Council.

EXTERNAL APPLICATIONS:

- (1) 5425 Dunster Road:

The applicant wishes to develop a portion of the subject property for light industrial use with the remainder of the property being developed for residential uses. To facilitate the development plans, the applicant needs to make the following amendments to the Official Community Plan:

Amend Schedule A of the Official Community Plan by re-designating a portion of the subject property from "Neighbourhood" to "Service Industrial" and Amend Schedule B (Development Permit Areas & Sensitive Areas) of the Official Community Plan by removing the watercourse that is shown to run across the subject property but does not exist.

Recommendation: That Council direct Staff to prepare an amendment to the Official Community Plan to redesignate a portion of 5425 Dunster Road as Service Industrial and remove the watercourse shown on Schedule B.

- (2) 4797 and 4777 Island Highway:

The applicant wishes to expand the development options for the subject properties, by adding fast food restaurants as a permitted use for the subject properties. To facilitate their development plans, the applicant needs to make the following amendment to the Official Community Plan:

Amend Section 1.5.2.3 of the OCP ("Service Industrial") by adding a new policy 3 as outlined below, and renumbering accordingly:

1.5.2.3 (3) "Notwithstanding the above noted policy, fast food restaurant is a permitted use for the properties located at 4797 and 4777 Island Highway North."

Island Highway North, subject to the resolution of the "greenbelt" lease between the City and the Province registered in regard to these two properties.

Recommendation: That Council direct Staff to prepare an amendment to the Official Community Plan to permit "fastfood" as a use at 4797 & 4777 Island Highway North, subject to the resolution of the "greenbelt" lease between the City and the Province registered in regard to these two properties.

CORPORATE AMENDMENTS:

(3) Cluster/Green Space Development:

The purpose of this amendment is to support an alternative form of development on sites where significant open space and/or groupings of trees can be saved. While similar in intent, this policy is not related to the development on Steep Slope regulations being considered by Council. The subject policy would not apply to steep sloped lands. A rezoning would still need to be applied for by the owner in order to realize such a development.

Proposed Amendment: Amend Section 1.2.1 ("Neighbourhood" Designation) by adding a new policy 5.1 as outlined below and renumbering accordingly:

1.2.1 (5) "Notwithstanding the above-noted policy, cluster/green space development" is permitted in "Neighbourhood" designated areas based on the following conditions:

- where significant stands of trees and/or large blocks of open space are secured;
- where public access to these areas, where appropriate, is secured;
- the form of "Cluster/Green Space Development" is either small lot single family dwellings (RS-6) or townhouses.
- the height of dwellings does not exceed that of a standard single family dwelling;
- the density of the development does not exceed the density possible based on subdivision of the parcel under existing zoning, and taking into account other relevant City policies and standard development requirements (i.e. net density not gross.); and
- the "Cluster/Green Space Development" site is not so large as to negatively affect the character of the existing Neighbourhood.

Recommendation: That Council direct Staff to prepare an amendment to the Official Community Plan for cluster/green space developments in neighbourhoods.

(4) Residential Facilities in "Suburban" designated areas:

The purpose of this amendment is to support small-scale residential care facilities in "Suburban" designated areas. Currently, such facilities are only permitted in "Neighbourhood" designated areas.

Recommendation: That Council direct Staff to prepare an amendment to the Official Community Plan to include a policy to allow residential care facilities in Suburban Neighbourhood designated areas.

HOUSEKEEPING:

(5) Nanaimo Parkway Development Permit Area:

The purpose of this amendment is to eliminate the need for developers to apply for a Parkway Development Permit if: their property does not fall within the first two tree/character protection areas adjacent to the Parkway; or impact a view corridor as defined in the Development Permit area guidelines.

Recommendation: That Council direct Staff to prepare an amendment to the Official Community Plan to eliminate the need for developers to apply for a Parkway Development Permit if their property does not fall within the first two tree/character protection areas adjacent to the Parkway; or impact a view corridor as defined in the Development Permit Area Guidelines.

Councillor Sherry requested that the following report from Community Planning be dealt with at the same time as the Plan Nanaimo Advisory Committee report (which appears under Reports of Advisory Committees).

4. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

COMMUNITY PLANNING:

(1) Staff Recommendations Regarding Official Community Plan Amendment Review Period May 2002 – October 2002

The Plan Nanaimo Advisory Committee (PNAC) met in June to review two external applications, two corporate initiated amendments and one housekeeping amendment to the Official Community Plan. PNAC's recommendations on these applications are outlined in a separate report to the Committee.

Staff concur with all of PNAC's recommendations except two, the details of which are outlined below.

1. 4797 and 4777 Island Highway:

The subject properties are designated "Service Industrial". This designation allows for a range of uses, including additional uses (ex. gas stations, automobile sales etc) where properties abut a major roadway, as is the case with the subject properties.

The applicant wishes to expand the development options for the subject properties, by adding fast-food restaurants as a site-specific use.

Staff recommend that the Planning and Development Standing Committee not support the subject amendment to the OCP for the reasons outlined below:

(a) Supporting Growth Centres & the Cumulative Effect of Individual OCP Amendments:

Focusing commercial development into Growth Centres is one of the main principles of the OCP. If Growth Centres, and ultimately the OCP is to work, then Growth Centres cannot be weakened by increasing the range of commercial uses permitted outside of them.

This OCP amendment application by itself will have little impact on the success or failure of the Growth Centre concept. However, Staff regularly deal with similar requests and the argument that "*one use or business outside of a Growth Centre won't make a difference*". Staff's concern lies not with the individual amendment applications, but their cumulative effect. If Council says yes to the subject OCP amendment application, then to be consistent we will need to say yes to other similar application for commercial uses outside Growth Centres.

The subject properties are marginal in terms of development. Access to the property will be from the Island Highway and will necessitate the construction of significant deceleration and acceleration lanes. Given the current volume of traffic using the Island Highway, supporting a new access to service these two small properties is questionable. One advantage of the Growth Center concept rather than strip development, is that vehicle access to and from major roads such as the Island Highway are consolidated, so as to prevent numerous access points, which can be unsafe and exacerbate the smooth flow of traffic.

(b) Greenbelt Lease:

As part of the Staff review process, it was determined that the City lease the subject properties from the Province for use as a "greenbelt". The contract was signed in 1982 and runs for a 25-year period (expires 2007-MAR-31). The contract can be severed by the Province with ninety-(90) days written notice. To date, the Province has not contacted the City in regard to severing this contract.

The subject properties were originally purchased by the Province for one (1) dollar each in 1976. As noted above, the greenbelt lease was signed in 1982. The Province is now looking at selling these properties at market price for development purposes. It is Staff's position that the Province should honour the greenbelt lease on these marginal properties. Towards that end, Staff recommend that correspondence be sent to the Province requesting that they honour the lease.

2. Cluster/Green Space Development:

The purpose of this amendment is to support an alternative form of development on sites where significant open space and/or groupings of trees can be saved. While similar in intent, this policy is not related to the development on Steep Slope regulations being considered by Council. The subject policy would not apply to steep sloped lands. A rezoning would still need to be applied for by the owner in order to realize such a development.

PNAC recommended that Council table this OCP amendment until such time that a companion Cluster/Green Space Development zone could be prepared by Staff for Council's consideration. The proposed new zone would allow for either a standard single family subdivision or a cluster/green space development, assuming certain conditions were met.

While PNAC supports the proposed OCP amendment, the Committee recommends that the subject OCP amendment only be considered in conjunction with a new companion zone. PNAC would like to see the new zone applied citywide through a blanket rezoning process similar to what is being proposed for Steep Slopes.

Staff believe the subject OCP amendments should be adopted first, and should Council support the idea of a new zone, Staff would prepare one for its consideration at a later date.

Staff believe that a valuable learning opportunity exists in seeing if/how the development community and the public receive the proposed steep slope zone and regulations. If the blanket rezoning of lands is supported in regard to development on steep slopes, then Staff would recommend looking at a similar idea for non-steep sloped properties.

Recommendations: That the Planning and Development Standing Committee recommend that Council:

1. not support the proposed OCP amendment for 4777 and 4797 Island Highway North;
2. not Support PNAC's recommendation to table the proposed Cluster/Green Space Development OCP amendment;

3. support Plan Nanaimo Advisory Committee (PNAC) recommendations noted in the PNAC report as follows:
  - (a) include a policy to allow residential care facilities in Suburban Neighbourhood designated areas;
  - (b) eliminate the need for developers to apply for a Parkway Development Permit if: their property does not fall within the first two tree/character protection areas adjacent to the Parkway; or impact a view corridor as defined in the DP area guidelines; and,
  - (c) redesignate a portion of 5425 Dunster Road as Service Industrial and remove the watercourse shown on Schedule B.
4. consider giving first and second readings to "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2002 NO. 6000.039; and
5. consider giving first and second readings to "OFFICIAL COMMUNITY PLAN BYLAW AMENDMENT BYLAW 2002 NO. 6000.040".

Moved by Councillor McNabb, seconded by Councillor Holdom that Staff be directed to prepare an amendment to the Official Community Plan to redesignate a portion of 5425 Dunster Road as Service Industrial and remove the watercourse shown on Schedule B. The motion carried.

Moved by Councillor McNabb, seconded by Councillor Holdom that Staff be directed to prepare an amendment to the Official Community Plan to permit "fastfood" as a use at 4777 and 4797 Island Highway North, subject to the resolution of the "greenbelt" lease between the City and the Province registered in regard to these two properties. The motion carried.

Moved by Councillor McNabb, seconded by Councillor Holdom that Staff be directed to proceed with an amendment to the Official Community Plan for cluster/green space developments in neighborhoods. The motion carried.

Moved by Councillor Holdom, seconded by Councillor McNabb that Staff be directed to prepare an amendment to the Official Community Plan to include a policy to allow residential care facilities in Suburban Neighbourhood designated areas. The motion carried.

Moved by Councillor McNabb, seconded by Councillor Holdom that Staff be directed to prepare an amendment to the Official Community Plan to eliminate the need for developers to apply for a Parkway Development Permit if their property does not fall within the first two tree/character protection areas adjacent to the Parkway; or impact a view corridor as defined in the Development Permit Area Guidelines. The motion carried.



5. RECEIVING OF INFORMATION ONLY ITEMS:

- (a) Report from Councillor Beech, Chair, Advisory Committee on Environment,  
re: Co-Sponsorship of Vehicle Emissions Clinic.

Moved by Councillor McNabb, seconded by Councillor Holdom that the report be received for information. The motion carried.

6. ADJOURNMENT:

Moved by Councillor Holdom, seconded by Councillor McNabb at 4.45 p.m. that the meeting terminate. The motion carried.

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CHAIR

CERTIFIED CORRECT:

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CITY CLERK