

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING  
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,  
ON THURSDAY, 2002-APR-11, COMMENCING AT 4:00 P.M.

---

PRESENT: Councillor L. D. McNabb, Acting Chair

Members: Councillor W. J. Holdom

Absent: Councillor L. J. Sherry

Staff:	B. N. Mehaffey	R. Lawrence
	E. C. Swabey	A. Millward
	D. Lindsay	J. T. Bowden
	S. E. Fletcher	M. Goddard

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-MAR-14 Meeting of the Planning and Development Standing Committee held in the Board Room, City Hall 4:04 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) The Acting Chair advised that Mr. Mike Seargeant was in attendance and wished to address Council as a late delegation regarding the proposed bakery in the old Co-op building at 877 Bruce Avenue.

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

3. RECEIVING OF SUPPLEMENTAL DELEGATIONS:

- (a) Mr. Mike Seargeant regarding the proposed bakery in the old Co-op building at 877 Bruce Avenue
- 

Mr. Seargeant was previously authorized to address the Committee.

Mr. Seargeant stated that:

- he has provided the Committee with information and support material from the City of Nanaimo and other municipalities showing that bakeries are handled differently.
- in Vancouver's C7 and C8 zones, bakeries and manufacturing are permitted as long as they are wholly contained within a building.

- his proposal would be wholly contained in the building.
- Kelowna accepts bakeries under retail store and service commercial, as something which contains processing or manufacturing.
- Victoria allows a 7000 sq. ft. bakery in a Central Area Commercial Office District (downtown) where only 10 percent is required to be retail, with 90 percent wholesale.
- he has received a lot of help and direction from these communities.
- he believes that the scope and size of his proposal seems to be the problem.
- he understands members of the Committee toured Big Island Foods to see their operation in production.
- their proposed use would include a 2400 sq. ft. Scotch Bakery retail use, supported by a warehousing production and office area.
- the production area is designed to be the same size as its current location, 2500 sq. ft. with warehousing and freezer area designed to be 6960 sq. ft.
- Big Island Foods is the wholesale division of Scotch Bakery and they will utilize the balance of the space outlined for wholesale to others.
- the prior use of the building included a bakery, and retail/bakery is a permitted use in C7.
- the neighbourhood would prefer the building to be used and maintained rather than left empty.

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

#### 4. REPORTS OF ADVISORY COMMITTEES:

##### (a) Advisory Committee on the Environment - Annual Workplan

The Advisory Committee on the Environment (ACE) has been created as an advisory committee to Council to examine the impacts of existing policies and practices regarding land use and development on our natural environment, and to make recommendations to Council on how the City can improve its stewardship of the environment for the future.

The purpose of this report is to highlight the activities of the Advisory Committee on the Environment in 2001 and outline the Committee's priorities for 2002.

Activities of the Advisory Committee on the Environment in 2001:

- Initiated and oversaw the creation of the City's Environmental Achievement Awards.
- Initiated and produced a report on Pesticides and Herbicides to provide background on how other municipalities are dealing with public concerns regarding their use.
- Provided input and advice on the Wexford Creek Integrated Stormwater Management Plan.
- Provided input and advice on the Third Street/Jinglepot Property Plan.

- Provided input and advice on the Plan Nanaimo Advisory Committee (PNAC) Official Community Plan (OCP) review.
- Reviewed and discussed the role of ACE and how it could function more effectively with Council. This led to the partnership with the Social Planning Advisory Committee (SPAC) and the Nanaimo Community Heritage Commission (NCHC) to jointly accept a communication protocol with Council.
- Organized and hosted an environmental "Soiree" with local environmental groups to encourage communication and education between groups and with ACE on current and future activities of the environmental community.

Advisory Committee on the Environment Workplan for 2002:

- Pesticide Education/Awareness Program
- Environmental Achievement Awards
- Environmentally Sensitive Areas
- Public Education
- Auto Emissions
- Large Appliance Recycling
- Impact of Changes in Provincial Government
- Alternative Transportation
- Other Issues (as requested by Council)

Recommendation: That Council endorse the Work Program for the Advisory Committee on the Environment (ACE) as outlined in the report.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee recommend that Council endorse the Work Program for the Advisory Committee on the Environment (ACE) as outlined in the report. The motion carried.

(b) Plan Nanaimo Advisory Committee - Downtown Plan Official Community Plan Amendment

---

The Plan Nanaimo Advisory Committee (PNAC) met to review and discuss the Downtown Plan in January and March 2002.

PNAC's mandate is to consider the cumulative impacts of proposed amendments to the Official Community Plan (OCP). Throughout this process, the Committee endeavors to assess whether proposed amendments advance the OCP and whether they are consistent with the OCP goals and objectives.

Minutes from PNAC's deliberations were attached to the report, and PNAC's recommendation in regard to the proposed Downtown Plan is noted below:

"MOVED by G. Willmon, SECONDED by N. McNiven that the Plan Nanaimo Advisory Committee (PNAC) endorse the Downtown Plan."

Recommendation: That Council endorse the Plan Nanaimo Advisory Committee's recommendation to adopt the Downtown Plan.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee recommend that Council endorse the Plan Nanaimo Advisory Committee's recommendation to adopt the Downtown Plan. The motion carried.

(c) Social Planning Advisory Committee - Annual Report for 2001 and Priorities for 2002

---

Mr. Ralph Meyerhoff, Social Planning Advisory Committee (SPAC), apprised that he wished to advise the Planning and Development Standing of the following three points:

1. SPAC are asking Council that any social issues before Council be referred to SPAC;
2. one member of SPAC attends each Council meeting to report back to SPAC; and
3. SPAC are concerned for the Downtown, and believe that social issues are not being addressed by the Downtown Nanaimo Partnership (DNP) at this time. SPAC will monitor and send their findings to Council.

As directed by Council's newly adopted Committee Communication Protocol, the report summarized the activities of the Social Planning Advisory Committee (SPAC) in 2001 and outlined its priorities for 2002.

Priorities for 2002:

- Respond in a timely fashion to issues referred by Council.
- Continue to facilitate development of a Social Development Strategy for Nanaimo.
- Monitor and give input to the Downtown Nanaimo Partnership.
- 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.
- Monitor affordable housing and homelessness issues in Nanaimo.
- Educate the public on emerging social issues through newspaper articles and other methods.

Established by Council in January 1991, the Social Planning Advisory Committee is entering its second decade in service to the community and Council. While the Committee is proud of its accomplishments over these years, members feel that in this last year of their term they would like to be even more effective in their service to Council.

The year ahead will be a challenging one for BC communities as the impact of recent changes to our social safety net becomes a reality. In light of these changes, more will be asked of local governments. The Committee urges Council to take advantage of the expertise and commitment of its experienced members and has confidence that members will offer balanced comment on these, and other issues referred to them, that thoughtfully take into account the health of the community and the role of local government.

Recommendations: That Council:

1. endorse the Social Planning Advisory Committee's Work Plan priorities as outlined in the report; and
2. refer issues that come before Council for input on their impact on the community, when appropriate, to the Social Planning Advisory Committee.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee recommend that Council:

1. endorse the Social Planning Advisory Committee's Work Plan priorities as outlined in the report; and
2. refer issues that come before Council for input on their impact on the community, when appropriate, to the Social Planning Advisory Committee.

The motion carried.

(d) Advisory Committee on the Environment - Nanaimo Estuary Log Storage Lease Agreement

Mr. Jack Little, Advisory Committee on the Environment (ACE), was in attendance and provided the Committee with an overview of ACE's concerns, and responded to questions.

The Advisory Committee on the Environment (ACE) has had representation on the Nanaimo Community Estuary Support Coalition since December 2000. The Support Coalition includes the following groups: the South End Community Association, Chase River Community Association, Nanaimo Fish and Game Protective Association, Mid-Island Stewardship Trust, Georgia Strait Alliance, and the Nanaimo Field Naturalists.

The ACE representative on the Nanaimo Community Estuary Support Coalition noted that the Log Storage Agreement had been made outside the context of an Estuary Management Plan. Because of a number of environmental concerns tied to the methods of log handling, concern has been raised about whether the current process is adequate in itself. In order to deal with these concerns, a comprehensive management plan needs to be in place prior to the Log Leasing Agreement coming into effect.

Recommendation: That Council send correspondence to the Nanaimo Estuary Management Plan Steering Committee, stressing that a comprehensive management plan, that addresses the concerns and legislative responsibilities of the Federal and Provincial Ministries involved, be in place prior to the renewed log boom lease coming into effect in October 2002.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee forward the recommendation to Council, with no recommendation. The motion carried.

(e) Planning and Development Advisory Committee – Verbal Report on Restructuring

Mr. E. C. Swabey, Senior Manager, Planning and Development, Development Services Department, provided a verbal report regarding the proposed Development Services Department committee structure. Terms of Reference for the two new smaller committees have been drafted; Plan Nanaimo Advisory Committee (PNAC) have endorsed theirs, and they will be presented to Council once finalized.

Moved by Councillor Holdom, seconded by Councillor McNabb that the verbal report regarding restructuring of the Development Services Department committees be received. The motion carried.

5. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

PLANNING:

(1) Proposed Bakery in Old Co-Op Building at 877 Bruce Avenue

At the Regular Meeting of Council held 2002-MAR-25, Council received a presentation from Mr. Mike Seargeant, of Sackett Financial Ltd., requesting Council to amend the existing Zoning Bylaw in order to add 'Bakery' as a permitted use in the C-4, C-7 and C-11 Zones.

It was Mr. Seargeant's opinion that by defining 'Bakery' and identifying zones in which it is permitted, Staff would be able to approve a proposed bakery for 877 Bruce Avenue (the former Co-op Building).

Staff were approached regarding the relocation of Big Island Foods, 2258 Dorman Road, to the former Co-op site at 877 Bruce Avenue. Upon review of the proposed operation, it was Staff's opinion that, given the scale of the production component, the use was primarily processing with accessory retail and, as such, considered "food and beverage processing". Staff's position was confirmed with a Legal Opinion from the City's Solicitor. As the proposed site is zoned C-7 (Commercial), Staff advised the applicant that the proposed bakery was not a permitted use on this site, and that an industrially zoned parcel would be required.

Subsequent to the applicant's presentation to Council on 2002-MAR-25, more specific information regarding the proposed use was provided to Staff. Staff reviewed the submitted information and continue to consider the use as primarily processing/production and, as such, not a permitted use in the existing zone. The submitted plan identifies 2,400 square feet for retail and approximately 15,000 square feet for uses related to production and processing.

At present, bakeries are not defined within the Zoning Bylaw. When secondary to a retail use, a restaurant, or ancillary to a grocery store, bakeries have been approved as retail. When the use is primarily production/processing, they are considered "food and beverage processing" which is a permitted use in the I-2, I-3 and I-4 (Industrial) Zones.

The following is a sample of bakeries within Nanaimo, the breakdown of the internal floor space, and the type of zone in which they are located:

<b>Bakery</b>	<b>Production Area</b>	<b>Restaurant / Retail Area</b>	<b>Zoning</b>
Nanaimo Bakery 2025 Bowen Road	4,400 ft <sup>2</sup>	2,800 ft <sup>2</sup>	Commercial
Columbia Bakery 2151 Bowen Road	3,880 ft <sup>2</sup>	1,440 ft <sup>2</sup>	Commercial
Adria Bakery Harbour Park Mall	850 ft <sup>2</sup>	100 ft <sup>2</sup>	Commercial
Buns Master 1708 Bowen Road	3,660 ft <sup>2</sup>	800 ft <sup>2</sup>	Commercial
Former Scotch Bakery 2030 Boxwood Road	6,523 ft <sup>2</sup>	375 ft <sup>2</sup>	Industrial
Big Island Foods 2258 Dorman Road	10,000 ft <sup>2</sup>	0	Industrial
<b>Proposed Bakery @ Bruce Avenue Co-op</b>	<b>15,800 ft<sup>2</sup></b>	<b>2,400 ft<sup>2</sup></b>	<b>Commercial</b>

Based on a review of other similar sized municipalities, it was found that the majority of Zoning Bylaws took a similar approach to the retail versus industrial issue of bakeries. Discussions with their Staff pointed towards a similar philosophy when evaluating proposals.

Victoria is one municipality that does identify bakeries as an outright permitted use in its Central Area Commercial Zone. While it does identify bakeries as a permitted use in a Commercial Zone, it also places the following restrictions on them:

1. bakery products are at all times during normal business hours offered for sale by retail on the same premises;
2. not less than 10 percent of such bakery products are, in the ordinary course of business, sold by retail on the premises; and

3. the building or buildings used for such purposes do not occupy more than 650 m<sup>2</sup> (6989 ft<sup>2</sup>).

These conditions of use ensure a retail component and that the bakery does not become industrial in scale.

Staff have identified three primary options for Council's consideration:

1. Confirm that a bakery of this scale is considered "food processing" and should be sited on industrially zoned land;
2. Make a determination that the proposed use, in Council's opinion, shall be considered a wholesale/retail use; or
3. Direct Staff to proceed with the necessary Zoning Bylaw amendments to clarify the maximum scale of bakeries within Commercial Zones.

Staff are of the opinion that the proposed use is "food processing" and best accommodated in an Industrial Zone. As such, Staff recommend that Council reconfirm Staff's position on this matter (option1).

Should Council select option 2, this direction would open commercially zoned land to manufacturing, production, or processing uses under the guise of retail/wholesale. Under this interpretation, a traditional industrial use that did any amount of retail/wholesale could be sited in a Commercial Zone.

Bylaw amendments as outlined in option 3 would provide clear direction on the acceptable scale of a bakery on commercially zoned land. However, if the amendments followed the Victoria model and limited bakeries in Commercial Zones to 650 m<sup>2</sup> (6989 ft<sup>2</sup>) the proposed bakery would still be out of scale for the Commercial Zone. It is Staff's opinion that bylaw amendments to permit bakeries regardless of scale would not be in keeping with the Official Community Plan (OCP), which designates the subject property as within a Neighbourhood Village and on a Commercial Mainstreet, and would be the potential source of conflict with neighbouring commercial and residential uses.

Recommendation: That Council consider one of the following options:

1. Confirm that a bakery of this scale is considered "food processing" and should be sited on industrially zoned land; or
2. Make a determination that the proposed use shall be considered a wholesale/retail use; or
3. Direct Staff to proceed with the necessary Zoning Bylaw amendments to clarify the maximum scale of bakeries within Commercial Zones.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee recommend that Council confirm that the specific



project under consideration is a permitted use in the C-7 Zone; and instruct Staff to expedite a Zoning Bylaw amendment to clarify this issue. The motion carried.

COMMUNITY PLANNING:

(2) Downtown Plan Official Community Plan Amendment

The need for a Downtown Plan was identified early in the revitalization efforts as a key component and essential for creating a stable policy environment for private investment in the Downtown.

The draft Plan has been reviewed by the Housing, Design and Development Sub-Committee of the Downtown Nanaimo Partnership, a Staff Review Team, numerous Downtown organizations and associations, Committees of Council, Downtown business and property owners and Downtown and Old City residents. A draft of the Plan has been available on the Web for several weeks. Downtown property owners have also received two direct mail-outs outlining the process for adopting the Plan and summarizing the content of the Plan. Few comments regarding the objectives and policies (the Official Community Plan [OCP] policy component) have been received. Some concerns have been raised about the location and height of high-rise buildings in the Quennell Square area (Selby, Franklyn, Wallace and Albert). One request for a boundary change has been made to include the Wellington/Selby block in the Wallace Street Character Area. Comments have been considered and addressed where possible.

The Plan Nanaimo Advisory Committee (PNAC) met in March to review the Downtown Plan. PNAC's recommendation on the Downtown Plan was outlined in a separate report to Council at this meeting.

The next step in the review of the Downtown Plan would be for Staff to prepare the associated OCP Amendment Bylaw (draft Downtown Plan attached to the report). If Council directs Staff to prepare the associated Bylaw, it would be brought to Council for consideration of First and Second Reading on Monday, 2002-MAY-06. A Special Public Hearing would be scheduled for early May and Third and Final Reading would be considered in late May 2002.

Recommendations: That Council:

1. adopt the stand-alone Downtown Plan as a reference document for creating work plans to implement Downtown policies; and
2. direct Staff to prepare a bylaw for the next Council meeting with a recommendation to give the Downtown Plan Bylaw First and Second Readings.

Moved by Councillor Holdom, seconded by Councillor McNabb that the Planning and Development Standing Committee recommend that Council:

1. adopt the stand-alone Downtown Plan as a reference document for creating work plans to implement Downtown policies; and
2. direct Staff to prepare a bylaw for the next Council meeting with a recommendation to give the Downtown Plan Bylaw First and Second Readings.

The motion carried.

6. ADJOURNMENT:

Moved by Councillor Holdom, seconded by Councillor McNabb at 5:27 p.m. that the meeting terminate. The motion carried.

\_\_\_\_\_  
CHAIR

CERTIFIED CORRECT:

\_\_\_\_\_  
CITY CLERK