

MINUTES OF THE PLANNING AND DEVELOPMENT STANDING COMMITTEE MEETING
HELD IN CONFERENCE ROOM 1, CITY HALL ANNEX,
ON THURSDAY, 2002-FEB-14, COMMENCING AT 4:05 P.M.

PRESENT: Councillor L. J. Sherry, Chair

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

Staff:	B. N. Mehaffey	J. T. Bowden
	S. J. Hvozdzanski	M. Goddard
	R. A. Lawrance	

1. ADOPTION OF MINUTES:

- (a) Minutes of the 2002-JAN-22 Meeting of the Planning and Development Standing Committee held in the Board Room, City Hall at 4:00 p.m.

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

- (b) Minutes of the 2002-JAN-31 Meeting of the Planning and Development Standing Committee held in Conference Room 1, City Hall Annex at 4:04 p.m.

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

2. REPORTS OF ADVISORY COMMITTEES:

- (a) Plan Nanaimo Advisory Committee - Official Community Plan Amendments Review Period 2001-NOV to 2002-MAY

The Plan Nanaimo Advisory Committee (PNAC) met on 2002-JAN-15, 2002-JAN-24 and 2002-JAN-29 to discuss the current round of Official Community Plan (OCP) amendments. PNAC's recommendations and rationale are summarized below:

A. External Applications:

238 Selby Street: Re-designate from "Old City Plan Sub Area 6" to "Old City Plan Sub Area 5" in order to increase the permitted Floor Space Ratio (density) to allow for a mixed use residential/commercial development. PNAC recommended that Council adopt this amendment.

1650 Island Highway North:

- (i) Re-designate from "Neighbourhood" to "Neighbourhood Village" in order to permit the development of a mixed-use project (residential & commercial). PNAC recommended that Council adopt this amendment.
- (ii) OCP Policy 4.6.2 (32) - this Policy reads: "Building and site design will orient buildings to front on Major Roads with parking areas to the rear. In the Woodgrove Regional Shopping Town Centre, buildings along major roads should create a street presence and front the street where possible with parking in the rear." PNAC recommended that Council amend OCP Policy 4.6.2 (32) by adding: "Consideration will be given to alternative designs on development sites which are not capable of meeting the siting/orientation criteria of this policy."

B. Corporate Amendments:

Heritage Building Conservation List: Amend the OCP by adding buildings to the Heritage Building Conservation List. PNAC recommended that Council adopt this amendment.

Schedule B: Amend Schedule B of the OCP by making mapping changes to better reflect the existing watercourses and wetlands. PNAC recommended that Council adopt this amendment.

Innovative Housing for Neighbourhood Guidelines: Amend Section 1.2.2.1 (3.1) of the OCP and the Innovative Housing for Neighbourhood Guidelines to permit quadruplexes on large mid-block lots. PNAC recommended that Council adopt this amendment.

C. Housekeeping:

Miner's Cottage: Amend Schedule A of the OCP by re-designating the Miner's Cottage (located at the corner of Jingle Pot Road and Third Street) from "Neighbourhood" to "Park". PNAC recommended that Council adopt this amendment.

Policy 1.1.2.2 (33): Amend Policy 1.1.2.2 (33) of the OCP "Redevelopment of the Harbour Park Mall should introduce a Mainstreet theme to the existing block, especially for pedestrians, connecting Commercial and Front Streets. New mall forms are discouraged onsite." By removing the reference to Commercial Street and inserting in its place Terminal Avenue (wrong street referenced in policy). PNAC recommended that Council adopt this amendment.

Road Classification Working Plan: Amend Schedule A of the OCP to reflect the following changes to the Road Classification Working Plan: Seventh Street (Bruce to Victoria) - from Major Collector to Minor Collector; Dickinson

Road (Dover to Highway) - from Minor Collector to Major Collector; and Jingle Pot Road and Second Street (Third to Pine) - from Major Collector to Minor Collector. PNAC recommended that Council adopt this amendment.

Policy 3.1.2 (4): Amend Policy 3.1.2 (4) of the OCP "Council will not consider amendments to the UCB for two years following the Plan's adoption. Council will only consider amendments to the UCB every three years thereafter" - By removing the sentence "Council will not consider amendments to the UCB for two years following the Plan's adoption." (The two-year time frame since the adoption of the plan has passed. This part of the Policy is no longer relevant). PNAC recommended that Council adopt this amendment.

"Local Government Act": Remove all references in the OCP to the "*Municipal Act*" (MA) and MA section references, and replace with "*Local Government Act*" (LGA) and revised LGA section references. PNAC recommended that Council adopt this amendment.

Policy 7.4.9 (2): Amend Policy 7.4.9 (2) of the OCP "The existing ambience of Lost Lake Road, McGuffie Road, Morningside Drive, Sundown Drive, Place Road, Lagoon Road, Polaris Drive, Linley Road, Stephenson Point Road and Nottingham Drive should be maintained. The upgrading of these streets beyond their existing condition will not be done without consulting local residents AND that future development accessing such streets would not be supported if it resulted in excessive vehicular traffic being added to the street" - By removing the reference to Lost Lake Road and inserting in its place Laguna Way. (Wrong street referenced). PNAC recommended that Council adopt this amendment.

Schedule A-7.3 of the OCP (Chase River Neighbourhood Plan): Amend Schedule A-7.3 of the OCP (Chase River Neighbourhood Plan) - By re-designating the property known as Lot 1, Section 2, Nanaimo District, Plan 17404 Except Plan VIP65334 (1350 Island Highway South) from "Other Parks and Open Space" to "Commercial". (To correct a mapping error made when the Chase River Plan was originally adopted). PNAC recommended that Council adopt this amendment.

Geotechnical Guidelines: Amend Policy 2.2.2 (5) "Geotechnical assessments should be prepared in accordance with the City's "Guidelines for Preparation of Geotechnical Reports" adopted under this Plan." By removing the phrase "adopted under this plan". The purpose of this amendment is to allow periodic updates to the Geotechnical Guidelines without having to amend the OCP each time. PNAC recommended that Council adopt this amendment.

Recommendation: That Council accept the Plan Nanaimo Advisory Committee's (PNAC) recommendations.

Moved by Councillor McNabb, seconded Councillor Sherry that the report be received and the recommendations be dealt with in conjunction with the City Manager's report. The motion carried.

3. CITY MANAGER'S REPORT:

DEVELOPMENT SERVICES:

COMMUNITY PLANNING:

(1) Downtown Concept Plan

This report is being forwarded to the Downtown Centre Standing Committee as a Downtown planning issue, and to the Planning and Development Standing Committee since the outcome will be a Downtown Plan which will come to the Standing Committee for consideration to adopt as part of the Official Community Plan.

In January 2001, stakeholders in the Downtown identified the need for a Downtown Plan as one of their highest priorities for Downtown revitalization. Given the urgency expressed to complete a Downtown Plan, it was decided to update the Downtown Concept Plan developed in 1993 by Ray Spaxman as a base on which to build a Downtown Plan.

A preliminary meeting of key stakeholders was held to examine the existing policies of the 1993 document. As part of that meeting, areas of the old Concept Plan which do not apply were removed and additions were made to reflect the revitalization work that had been underway for two years.

Following the review of the old document, a Downtown stakeholder workshop was held at the Coast Bastion Inn on 2001-Nov-21. As part of that workshop, support for the general concepts was verified, as well as some key issues that need to be dealt with during the Downtown Plan process.

On 2001-Dec-12, a public open house was held with special invitations going to the households in the Old City. The outcome of the open house also showed support for the Concept Plan with issues regarding high-rises recognized as a major concern for the Old City residents.

In January, Ray Spaxman was retained to take the concepts from the Concept Plan and develop a Downtown Plan Policy document which can be adopted as part of the Official Community Plan. That process is currently underway.

Recommendation: That Council accept the Concept Plan for Downtown Nanaimo as a reference document.

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

(2) Official Community Plan Amendments Review Period Nov. 2001 - May 2002

Councillor Sherry advised that Mr. Keith Brown was in attendance and wished to speak with regard to 1650 Island Highway North.

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

Mr. Brown stated that:

- the applicant, Mr. Al Pennington, was also in attendance and would speak briefly to the application.
- they have been working on the application for 1650 Island Highway North for over a year.
- they requested redesignation of the property from "Neighbourhood" to "Neighbourhood Commercial" to develop a Residential/Commercial Mixed Use Development on the site which is presently zoned as a service station site.
- as part of this process, they developed a site plan which generated other issues for Community Planning (OCP).
- development along Major Roads must comply with the Official Community Plan regarding siting buildings to the front of major roads, with parking areas to the rear.
- Terminal Avenue is designated a Major Road, so they re-evaluated their preliminary site plan.
- they believe that the OCP is flawed and requires an additional amendment to the text; it needs to be more flexible for redevelopment sites.
- the speed on this portion of the Island Highway (Terminal Avenue) is presently 60 kilometres and this dictates a right in/right out format for access which allows 53 percent of the parking underground and reduces the impact of building height.
- the shape of the property and the length of frontage allows separate access and egress points, each angled in the direction of the traffic flow, which is superior to a 90 degree T access.
- no curbside parking is permitted on the Island Highway.
- the site was artificially leveled to suit its previous use as a service station.
- removal or redistribution of fill materials will ultimately permit a more natural transition between properties, while providing ease of access to the lower parking level planned for the development.
- the siting of building and parking will not compromise, but will preserve, the mature stand of trees bordering the side and rear yards.
- the backdrop of trees acts as a buffer to neighbours and enhances the development.
- two buildings are proposed with relative small footprints, and Building A is placed toward the rear boundary to provide cover for the lower parking level and to buffer the residential component from highway noise and emissions.
- Building B is forced to the street to provide a degree of street presence, aligning with Brechin Views, but angling away from the street to provide a natural transition to Building A.

- walkways provide for pedestrian flow in front of the shops and offices and through the site with potential to connect to existing pathway systems and/or Chestnut Street.
- placing the proposed buildings at street edge would be out of character with the established commercial development along this stretch.
- they believe that with the established setbacks to one side and the openness of the railway and pathway corridor on the other, a main street concept is not an appropriate model for this site.
- they are not arguing the policy of the OCP, but the flexibility of the OCP; needed flexibility would ensure that well planned developments are not held back or stymied by inflexible and incomplete regulations.
- the proposed development is a good one.
- he introduced Mr. Pennington, who wished to speak also.

Mr. Pennington stated that:

- he had been driving past this property for a number of years.
- he had an overall vision for the property; he wanted something beautiful for the community, and asked himself what could go there.
- he decided that with the hospital only 2-1/2 minutes away this would be a good location for medical offices, including specialists.
- he has a Purchase Agreement for the property, subject to rezoning to build his proposal.
- the shape of the property severely limits the building envelope, which is hard to work with.
- there are slopes which have to be accommodated, and if the buildings were placed in front with parking behind, the parking would be a lot lower than the building because of the slope.
- the proposal is the only way to make this project work.

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

The Plan Nanaimo Advisory Committee (PNAC) met in January and February to review the two (2) external applications, three (3) corporate initiated amendments and eight (8) housekeeping amendments to the Official Community Plan (OCP). PNAC's recommendations on these applications are outlined in a separate report to the Planning and Development Standing Committee on tonight's agenda.

Staff concurs with all of PNAC's recommendations except one, the details of which are outlined below :

Application 02-02 (1650 Island Highway North):

The subject application is to re-designate the property from "Neighbourhood" to "Neighbourhood Village". The applicant's intent is to ultimately develop a mixed-use (retail, office and residential) project. There are two issues in regard to this property and its re-designation and ultimate development, namely land use and site design.

Land Use:

Staff supports the re-designation of the property to "Neighbourhood Village". Staff believes that the proposed use will be a more effective transition to the Residential Neighbourhood to the east. Currently, based on existing zoning, the site could be developed for a fast food restaurant and other highway type uses. Staff does not believe that such uses would be compatible with the adjacent single-family homes.

Site Design:

Normally site design issues are not dealt with as part of an OCP amendment application. However, the applicant wishes to site one of their two buildings to the back of the lot, with parking out front (see site plan - attachment 1). Given that Policy 4.6.2 (32) of the OCP:

"Land Use Along Major Roads"

"Building and site design will orient buildings to front on Major Roads with parking areas to the rear...."

requires parking to be located behind buildings along major roads, the applicant is requesting that this Policy be amended so that they can proceed with their development as proposed.

Staff's recommendation is that the proposed amendment to this OCP Policy not be supported. The reasons for Staff's position are outlined in this report.

What is the purpose of this Policy?

The goal of improving the appearance of development along roadways is a fundamental principle of the OCP. During the development of the OCP significant numbers of people voiced their concerns regarding the appearance of developments where buildings were set back from the street with parking out front. Developments with parking out front were not seen to be pedestrian friendly, in that pedestrian access to the development was through a vehicle-dominated parking lot. In addition, developments with parking out front were considered to have a "strip mall" appearance, regardless of the design quality of the buildings, landscaping etc. (i.e. nice looking buildings and landscaping don't change the "strip mall" appearance).

It is important to note that the subject OCP Policy does not require buildings to be constructed to the street edge. In the case of the Island Highway, the Ministry of Transportation generally requires the building to be setback a minimum of 4.5 metres (14.76 foot). When one adds in the setback from the paved roadway to the property line, the building is actually closer to 10.5 metres (34.4 feet) back from the road.

As a comparison, *Insight Developments* has built both "high-end" residential and commercial close to both Uplands Road and the Island Highway. Insight built their development in compliance with the subject Policy of the OCP, as have other developers along both the Island Highway and other major roads (example the "Whispers" building on Terminal Avenue and the Nanaimo Bakery on Bowen Road).

Staff does not believe that varying this Policy for the subject applicant is fair to those developers who have complied with the Policy. Nor does Staff believe that varying the Policy is appropriate if we want to achieve a basic objective of the OCP, namely an improved appearance of major road corridors.

Overall, Staff believes that the proposed development is too dense and the resulting need for parking is driving poor site design from the point of the impact on the Neighbourhood to the east and the poor street presence from the road.

Given the change in grade of the lot, the applicant is choosing to site the buildings to the back of the lot to allow for underbuilding parking. By using the grade change, the developer gains additional parking at a reduced cost compared to underground parking. By gaining additional parking, the developer can add more floor space to the development. While Staff acknowledge the owner's desire to maximize development on the site, Staff does not support doing so at the expense of the Policy requiring buildings to be constructed closer to the street.

As previously stated, other developers have complied with this OCP Policy. While Staff supports the proposed change in land use designation, Staff does not support amending the subject OCP Policy to allow the buildings to be sited to the back of the lot on the subject property.

Recommendation: That Council:

1. Support Staff's recommendation to not amend OCP Policy 4.6.2 (32);
2. Support all other Plan Nanaimo Advisory Committee (PNAC) recommendations outlined in the PNAC report; and
3. Give First and Second Reading to the associated OCP Amendment Bylaws.

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

1. support all of the Plan Nanaimo Advisory Committees recommendations; and
2. give First and Second Readings to the associated Official Community Plan Amendment Bylaws.

The motion carried.

4. RECEIVING OF INFORMATION ONLY ITEMS:

- (a) Report from Nanaimo Community Heritage Commission regarding Annual Workplan.
- (b) Minutes of the Plan Nanaimo Advisory Committee Meeting held 2002-FEB-12 (to be distributed at the meeting)

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

5. ADJOURNMENT:

Moved by Councillor McNabb, seconded by Councillor Holdom at 5:00 p.m. that the meeting terminate. The motion carried.

CHAIR

CERTIFIED CORRECT:

CITY CLERK