

ADDENDUM
REGULAR COMMITTEE OF THE WHOLE MEETING
SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC
MONDAY, 2016-MAY-30, AT 4:30 P.M.

- | | | |
|-----|---|------------------------|
| 11. | OTHER BUSINESS: | PAGES |
| | <p>(a) Mayor McKay, as permitted under Section 131 of the <i>Community Charter</i>, requires that Council reconsider Council Resolution No. 19716 re: Development Permit No. DP989 – 3795 Glen Oaks Drive, as follows:</p> <p style="margin-left: 40px;">“19716 It was moved and seconded that Council deny Development Permit Application No. DP989 at 3795 Glen Oaks Drive and retain the approved permit DP546. The motion carried.
<u>Opposed:</u> <i>Councillors Brennan, Pratt and Yoachim</i>”</p> <p style="margin-left: 40px;">[Note: 2016-MAY-02 Staff Report attached for reference]</p> <p style="margin-left: 40px;">and, add delegation from Mr. Keith Brown, on behalf of the applicant.</p> | <p><i>Pg. 1-14</i></p> |
| 12. | DELEGATIONS (not related to a Report to Council): (10 MINUTES) | |
| | <p>(a) Insert as Item 12(a) delegation Mr. Terry Lee Wagar, regarding legal letters expressing concerns about commentary in Facebook group sites, and reorder remaining delegations accordingly.</p> | |

DATE OF MEETING May 2, 2016

AUTHORED BY BRIAN ZUREK, SUBDIVISION PLANNER, ENGINEERING & SUBDIVISION

SUBJECT DEVELOPMENT PERMIT NO. DP989 – 3795 GLEN OAKS DRIVE

OVERVIEW

Purpose of Report

To amend the site plan of an existing approved development permit (DP546) at 3795 Glen Oaks Drive.

Recommendation

That Council deny the development permit application DP989 at 3795 Glen Oaks Drive and retain the approved permit DP546.

BACKGROUND

The development permit application, DP989 (Attachment A), was received from Gurdeep Minhas on behalf of Satgur Development Inc.

Zoning	R10 – Steep Slope Residential
Location	The subject property is located on the north side of Glen Oaks Drive, 3 lots west of Oak Crest Place.
Total Lot Area	1,678.5m ²
Official Community Plan (OCP)	Map 1 – Future Land Use Plan - Neighbourhood – Map 3 – Development Permit Area No. 5 – Steep Slope Development
Relevant Design Guidelines	Steep Slope Development Permit Area Guidelines

Council issued Development Permit No. DP546 on 2008-JUN-09. The permit authorized the construction of a residential subdivision on a steeply sloping site. The first phase of the subdivision was completed in 2012. DP546 approved constructing Glen Oaks Drive to a modified standard road design. The modified standard was a necessary design requirement given the steeply sloping terrain across the property. The resulting road standard narrowed the road width by largely removing on-street vehicle parking. Instead, vehicle parking was accommodated in defined pocket parking areas (Attachment B). The result of the alternate design: an overall reduction of on-street parking by approximately 48%. The approved street design also included extensive areas of boulevard landscaping.

The City also required the original developer to establish the house and driveway locations for each parcel created through subdivision on the steeply sloping site. These design details were required to define and protect the reduced on-street parking and landscaped areas within the

Regular Committee of the Whole

2016-MAY-30

Regular Council Agenda

2016-MAY-02

city road dedication. Development Permit No. DP546 authorized one vehicle driveway to access 3795 Glen Oaks Drive (Attachment C).

DISCUSSION

Proposed Development

Existing Site Conditions

The applicant has constructed two single family dwellings at 3795 Glen Oaks Drive (Schedule A). In addition to the existing vehicle access, the applicant is requesting an additional driveway to provide access to the parcel.

Following receipt of the building permits for the above noted dwellings, the applicant applied to the City of Nanaimo to subdivide the subject property into two parcels, with one house on each proposed lot (SUB1138).

City Staff and Applicant Discussions

Prior to building permit application (May, 2015) and subdivision application (July, 2015), Staff informed the applicant that the City would not support an additional access to 3795 Glen Oaks Drive (Schedule B). Additionally, the building permits and subdivision preliminary layout acceptance (PLA) issued by Staff, stated that the subject property may be accessed by one driveway only, as per DP546 (Schedule C).

In Staff's opinion, the proposed driveway would detract from the original intent of the Glen Oaks Drive alternate design. The driveway would eliminate one on-street parking space, leaving 16 spaces in the vicinity of the of the subject property, a reduction of approximately 17 on-street parking stalls. Approximately 33 on-street parking stalls would be available along a typical residential street of a similar length. Additionally, the applicant's proposed subdivision may result in increased parking demand by creating two additional units (the combination one dwelling and one secondary suite on each proposed lot).

Additionally, the proposed driveway may impact vehicle safety due to the restricted sight-lines for drivers near the subject property along Glen Oaks Drive (Schedules D & E).

The applicant had opportunity, due to lot configuration and area, to organize the two dwellings to accommodate the single driveway without conflict. Although aware of the single access requirement, the applicant proceeded to construct two new dwellings such that Council's consideration of a development permit amendment is required.

The obstacles outlined by the applicant (Schedule F) result directly from the development plan executed by the applicant developed in full knowledge of the existing access limitations to 3765 Glen Oaks Drive.

The original subdivision developer was deliberate in designing both the lot layout and the road network to ensure that the entire development would function in the long-term without parking limitations. The original subdivision plan, established through DP546, was clear as to location of each driveway and house location.

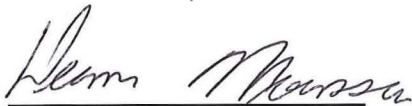
SUMMARY POINTS

- Council approved an existing development permit (DP546) to authorize the construction of a residential subdivision on a steeply sloping site.
- Staff does not support the proposed development permit DP989.
- The obstacles identified by the applicant could have been avoided or mitigated by an alternate site design.
- The applicant's proposal will reduce the available on street parking supply by 52% of a traditional subdivision—while increasing the potential demand (by creating two potential units).
- If the development permit amendment (DP989) is denied, DP546 will remain unchanged.
- If the development permit amendment (DP989) is approved, the DP546 layout plan (Schedule C) will be amended by this application (Attachment A).

ATTACHMENTS

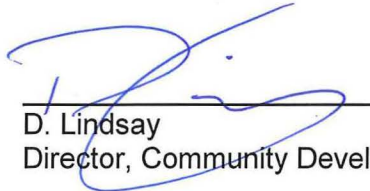
ATTACHMENT A: Development Permit DP000989
ATTACHMENT B: Aerial Photo – On-Street Parking
ATTACHMENT C: Aerial Photo – Subject Property

Submitted by:



D. Mousseau
Manager, Engineering & Subdivision

Concurrence by:



D. Lindsay
Director, Community Development

ATTACHMENT A



DEVELOPMENT PERMIT NO. DP000989
(Amendment to DP000546)

SATGUR DEVELOPMENT INC
Name of Owner(s) of Land (Permittee)

3795 GLEN OAKS DRIVE
Civic Address

1. This development permit is issued subject to compliance with all of the bylaws of the municipality applicable thereto, except as specifically varied or supplemented by this permit.
2. This development permit applies to and only to those lands within the municipality described below, and any and all building structures and other developments thereon:

Legal Description:

LOT 15, DISTRICT LOT 56, WELLINGTON DISTRICT, PLAN EPP20312
PID No. 028-883-071

3. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this permit and any plans and specifications hereto which shall form a part thereof.

Schedule A Location Plan
Schedule B Site Plan
Schedule C Approved Subject Property (DP000546)
Schedule D Approved Lot Layout with Contours
Schedule E Sightlines for Proposed Driveway
Schedule F Sightlines, Engineering Drawing

- a) If the applicant does not substantially commence the development permitted by this permit within two years of the date of this permit, the permit shall lapse.
- 4. This permit is not a building permit nor does it constitute approval of any signage. Separate applications must be made for a building permit and sign permit.

AUTHORIZING RESOLUTION PASSED BY COUNCIL
THE DAY OF , .

Corporate Officer

Date

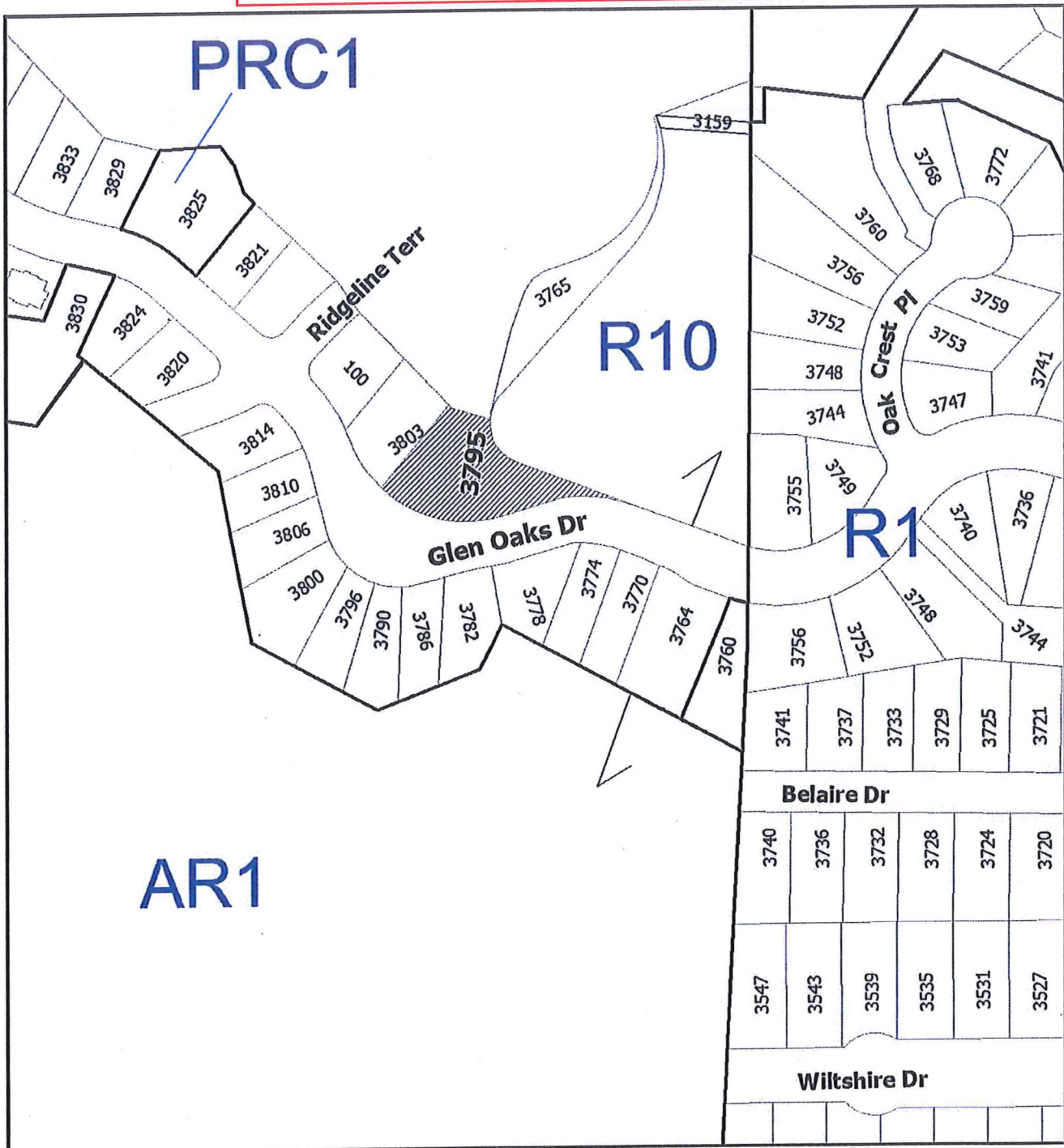
GN/in

Prospero attachment: DP000989

Development Permit DP000989
3795 Glen Oaks Drive

Schedule A

LOCATION PLAN



DEVELOPMENT PERMIT NO. DP000989

LOCATION PLAN

Civic: 3795 Glen Oaks Drive
Lot 15, District Lot 56, Wellington District,
Plan EPP20312

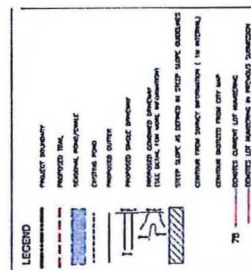


**Subject
Property**

Schedule B

SITE PLAN

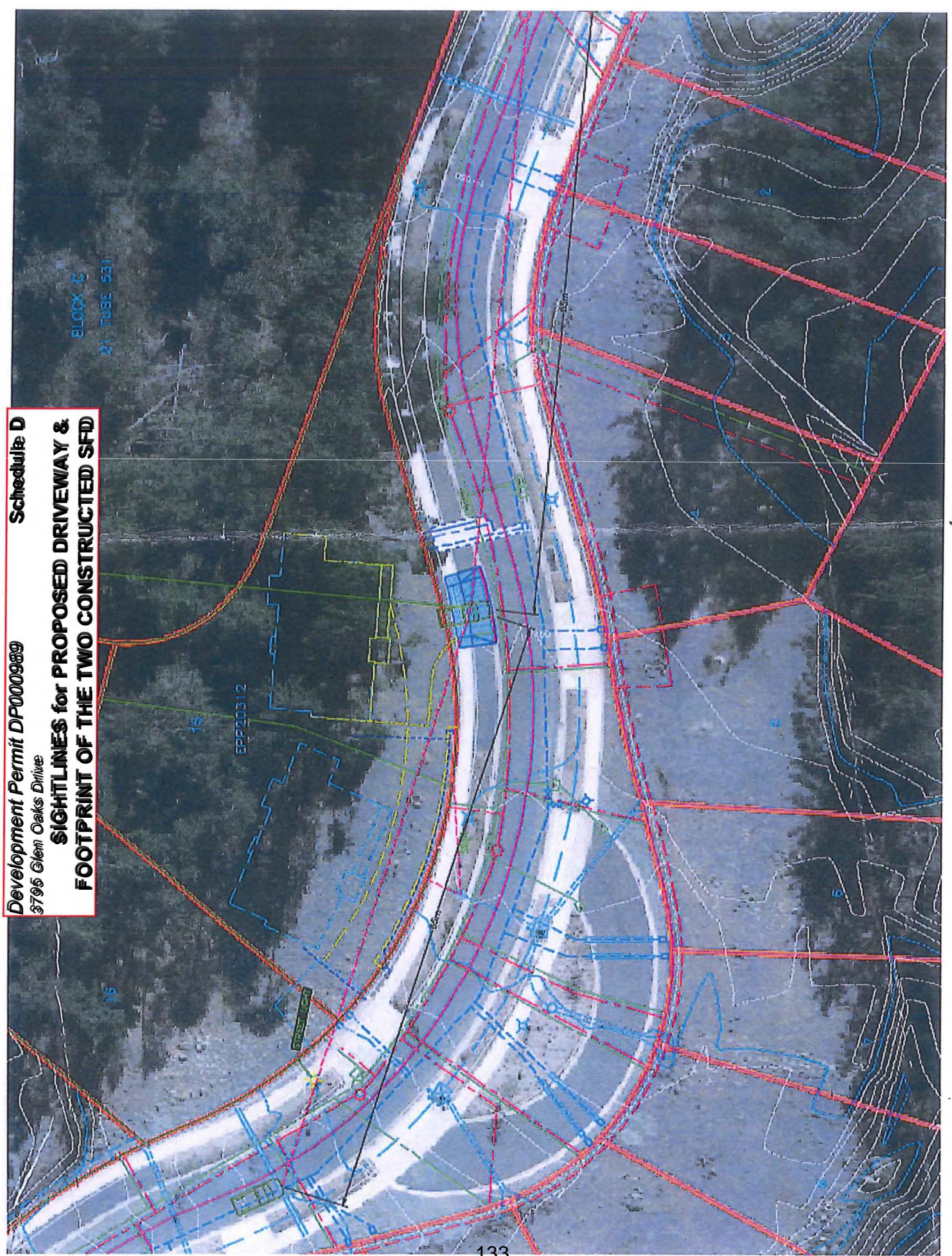


[illegible]

1. **CONFIDENTIAL INFORMATION PROVIDED BY CUSTOMER**
 CONFIDENTIAL FILES TRANSFERRED TO THE CUSTOMER BY THE CUSTOMER
 2. **CONFIDENTIAL INFORMATION PROVIDED BY THE CUSTOMER**
 CONFIDENTIAL FILES TRANSFERRED TO THE CUSTOMER BY THE CUSTOMER

[illegible]

Development Permit DP0009889
3795 Glen Oaks Drive
Schedule D
SIGHTLINES for PROPOSED DRIVEWAY &
FOOTPRINT OF THE TWO CONSTRUCTED SFD



Development Permit DP000989 Schedule E
3795 Glen Oaks Drive
SIGHTLINES (Engineering Drawing)

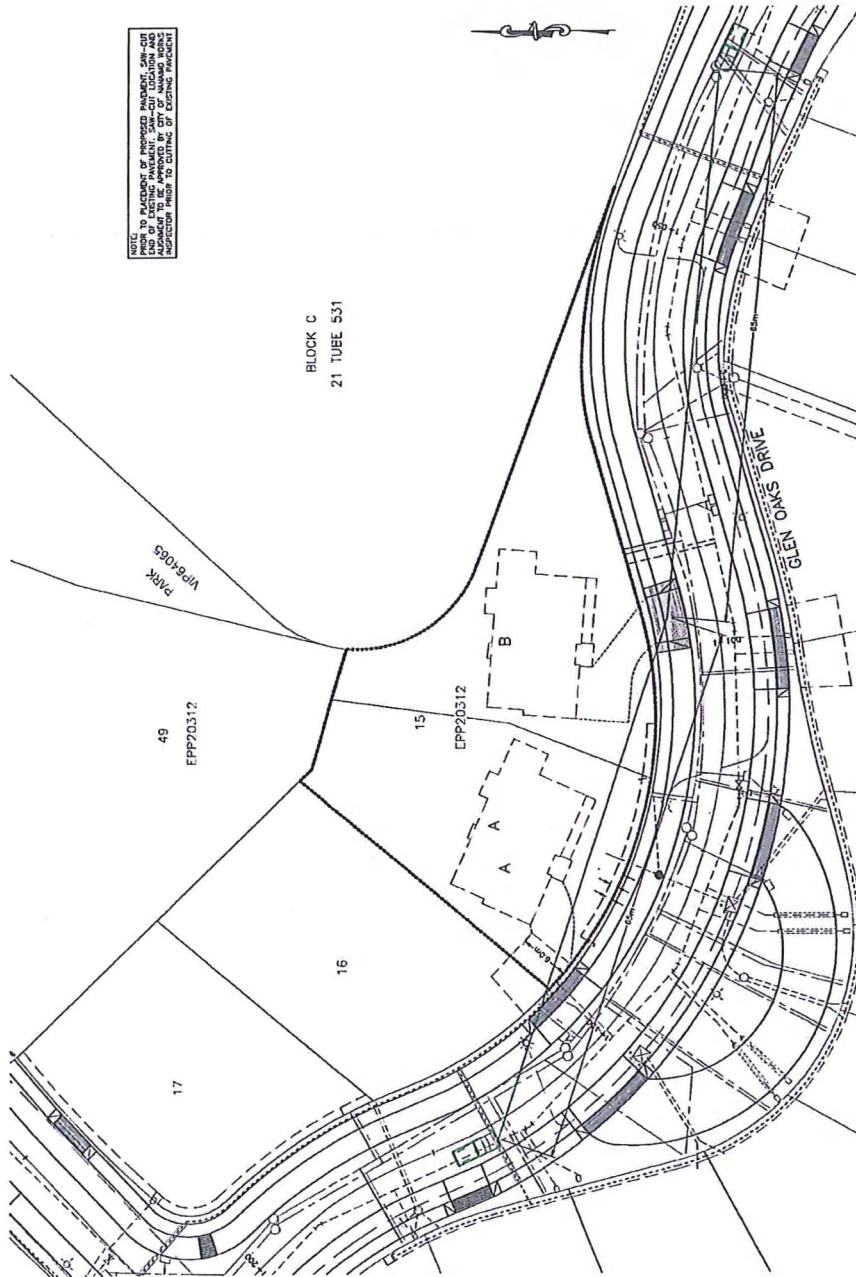


- NOTES:**
1. MATERIALS AND METHODS ARE TO BE AS RECOMMENDED IN THE LATEST EDITION OF THE CITY OF MANASSAS CONSTRUCTION STANDARDS AND SPECIFICATIONS OR AS OTHERWISE APPROVED BY THE CITY OF MANASSAS ENGINEERING DEPARTMENT.
 2. THE CITY OF MANASSAS CONSTRUCTION DIVISION SHALL BE NOTIFIED 48 HOURS PRIOR TO THE COMMENCEMENT OF WORK ON-SITE.
 3. A MAINTENANCE PERSONNEL SHALL BE ON-SITE AT ALL TIMES DURING CONSTRUCTION.
 4. A PERSON TO MAINTAIN WORKING WITHIN CITY STREETS, LANES, AND CITY PROPERTY AREAS WILL BE REQUIRED TO MAINTAIN THE SAME IN A MANNER CONSISTENT WITH THE CITY OF MANASSAS CONSTRUCTION STANDARDS AND SPECIFICATIONS.
 5. CONTRACTOR IS TO COMPLY WITH ALL APPLICABLE ORDINANCES AND REGULATIONS REGARDING CONSTRUCTION ACTIVITIES.
 6. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
 7. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
 8. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
 9. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
 10. ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

EROSION AND SEDIMENT CONTROL:

1. EROSION AND SEDIMENT CONTROL FOR THE PROJECT WILL BE AS REQUIRED IN THE EROSION AND SEDIMENT CONTROL MANUAL, 3RD EDITION, AUGUST 1992, AND THE CITY OF MANASSAS CONSTRUCTION STANDARDS AND SPECIFICATIONS, LATEST EDITION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ADJACENT PROPERTIES AND THE CITY OF MANASSAS CONSTRUCTION STANDARDS AND SPECIFICATIONS, LATEST EDITION.
3. ANY EROSION OR SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
11. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
12. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
13. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
14. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
15. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES DURING CONSTRUCTION.

NOTE TO PLACEMENT OF IMPROVED PAVEMENT: SEE OUT-OF-ROAD DRAWING FOR LOCATION AND END OF EXISTING PAVEMENT. SEE OUT-OF-ROAD DRAWING FOR LOCATION AND END OF EXISTING PAVEMENT. SEE OUT-OF-ROAD DRAWING FOR LOCATION AND END OF EXISTING PAVEMENT.



**PRELIMINARY
NOT FOR CONSTRUCTION**

CLIENT NAME SATOUR DEVELOPMENTS INC. PROJECT NAME 3795 GLEN OAKS DRIVE 2 LOT SUBDIVISION		ENGINEER'S SEAL [Seal Area]	
REGION VIRGINIA COUNTY FAIRFAX CITY/TOWN FALLS CHURCH PROJECT DATE 03/22/15 PRINT DATE 03/22/15	SCALE HORIZONTAL SCALE: 1"=50' VERTICAL SCALE: 1"=250'	LOT 15, DISTRICT LOT 56, WELLINGTON DISTRICT, PLAN EPP20312 EXEMPTION EXCEPTION ELEVATIONS ARE GEODETIC AND ARE REFERRED TO MONUMENT No. 7946282 LOCATED ON WILSHIRE DRIVE ELEVATION = 108.356	
LEGEND [Legend symbols and descriptions]		DATE 03/22/15 BY [Signature]	

ENGINEERING SEAL [Seal Area]	
PROJECT NO. 0616-15 DATE 03/22/15 BY [Signature]	RECEIVED [Stamp Area]

ENGINEERING SEAL [Seal Area]	
PROJECT NO. 0616-15 DATE 03/22/15 BY [Signature]	

ENGINEERING SEAL [Seal Area]	
PROJECT NO. 0616-15 DATE 03/22/15 BY [Signature]	



SATGUR
Licensed Builder

Development Permit DP000989
3795 Glen Oaks Drive

Schedule F

LETTER OF RATIONALE

April 13 2016

DP 989

City of Nanaimo

411 Dunsmuir St

Nanaimo, BC V9R 5J6

Attn: Gary Noble

Development Approval Planner

Dear, Sir

Subject: Development Permit No. 989; (DP) 3795 Glen Oaks Drive

LEGAL Description: LOT 15 Wellington Distract lot 56, Plan EPP 20312, PID 028 883 071.

This letter represents my request for an amendment to DP 989 as follows.

DP Variance Rationale

I am requesting an amendment to the existing DP to allow access for a newly created lot under subdivision review.

Background:

The relaxation of current city standards on road widths within the planned development has prompted the need for a variance for this lot and has created undue hardship. When the city staff supported the original land developer in granting their request for narrow road and parking nodes, future development was not considered. It is unlikely any other subdivision application will take place in this area. The subject lot is over 18,000 sq. ft. and contains all the attributes to allow a further subdivision for one lot. The subject is the only lot in the area capable of further subdivision and in compliance with the guidelines of the city of Nanaimo's bylaw regulations.

It is important to note that the Cities Engineering Design Standards state that " properties with greater than 25m of frontage are permitted a second access or driveway location". This lot contains 99.81m of road frontage. We propose the new access point to the property crosses the existing mountable curb which already exist along the frontage. Notwithstanding we engaged a Civil Engineer who completed a sight line visibility study which supports the proposed new driveway location.

3205 Ridgeview Place, Nanaimo BC V9R7C7 | p: 250.618.6814 | f: 250.754.6814 | www.SatGur.ca | e. gur@satgur.ca



SATGUR
Licensed Builder

Currently, the City is not prepared to authorize the second set of services nor is the Approving Officer prepared to approve the subdivision. This has created an urgency for securing a resolution on this matter. City staff have proposed a common access over the two lots in question which would gain access at the common let down which is also proposed to be shared with existing lot 16. This is a flawed plan and creates and is creating obstacles that do not lend themselves to a viable design These are:

1. The car headlights are shining down against upcoming vehicles.
2. The common let down if blocked by guests or other traffic / vehicles, then further compounding such issues.
3. Creates legal issues becoming problematic for the city and between neighbors.
4. Limits the resident(s) enjoyment of their front yard(s)
5. Limits the landscape opportunities much needed for both lots

If this application is denied it would be the only lot with this awkward shared access.

Given approval of the revised access to its new location, it will then continue to be in character with the intent of the initial plans of this development.

Thank you for your consideration of this application

Respectfully Submitted

Gur Minhas, MBA

ATTACHMENT B



ATTACHMENT C



DEVELOPMENT PERMIT NO. DP000989

