

# AGENDA

AGENDA FOR THE SPECIAL MEETING OF  
THE COUNCIL OF THE CITY OF NANAIMO,  
TO BE HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2015-DEC-03 COMMENCING AT 7:00 P.M.

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CHAIR: MAYOR MCKAY

1. **CALL TO ORDER THE SPECIAL MEETING OF COUNCIL:**

2. **ADOPTION OF AGENDA:**

3. **CALL TO ORDER THE PUBLIC HEARING:**

4. **PUBLIC HEARING AGENDA:**

Mr. Bruce Anderson, Manager, Planning & Design Section to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*.

- a) Bylaw No. 4500.091 – RA000360 — 2578 Rosstown Road - to be introduced by Karin Kronstal, Planner, Planning & Design Section. Pg. 3-10

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a 5 lot subdivision.

- b) Bylaw No. 4500.088 – RA000357 – 2000 Island Highway North - to be introduced by Dave Stewart, Planner, Planning & Design Section. Pg. 11-36

This bylaw, if adopted, will rezone the subject property to permit a site specific liquor retail store within Comprehensive Development District Eight (CD8) Zone (the Brooks Landing shopping centre).

- c) Bylaw No. 4500.092 – General Amendments – to be introduced by Dave Stewart, Planner, Planning & Design Section. Pg. 37-59

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" in order to make 12 text and 12 mapping amendments to Zoning Bylaw 4500.

- d) Bylaw No. 4500.093 – to be introduced by Dave Stewart, Planner, Planning & Design Section. Pg. 60-64

This bylaw, if adopted, will amend the City of Nanaimo "ZONING BYLAW 2011 NO. 4500" by adding a definition of 'Wine Store'.

5. **ADJOURNMENT OF THE PUBLIC HEARING:**

6. **BYLAWS:**

That "ZONING AMENDMENT BYLAW 2015 NO. 4500.091" (RA360) - to amend "ZONING BYLAW 2011 NO. 4500," by rezoning the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a 5 lot subdivision. Pass Third Reading. *Pg. 9-10*

That "ZONING AMENDMENT BYLAW 2015 NO. 4500.088" (RA357) - to amend "ZONING BYLAW 2011 NO. 4500," by rezoning the subject property to permit a liquor retail store within the Comprehensive Development District Eight (CD8) Zone. Pass Third Reading. *Pg. 35-36*

That "ZONING AMENDMENT BYLAW 2015 NO. 4500.092" – to amend "ZONING BYLAW 2011 NO. 4500" for general text and mapping amendments. Pass Third Reading. *Pg. 44-59*

That "ZONING AMENDMENT BYLAW 2015 NO. 4500.093" to amend "ZONING BYLAW 2011 NO. 4500" by amending "Section 5 - Definitions" by adding a definition of 'Wine Store'. Pass Third Reading. *Pg. 64*

7. **PUBLIC MEETING**

8. **ADJOURNMENT OF THE SPECIAL COUNCIL MEETING:**

# NOTICE OF PUBLIC HEARING

December 3<sup>rd</sup> 2015 at 7:00 pm



There will be a Public Hearing on Thursday, **December 3<sup>rd</sup> 2015**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.091 at the Public Hearing.

## BYLAW NO. 4500.091

**Purpose:** To rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential - Small Lot (R2) in order to facilitate a small lot subdivision

**Location(s):** 2578 Rosstown Road, as shown on Map A

**File No.:** Rezoning Application - RA000360

This bylaw, if adopted, will rezone the subject property in order to permit a small lot subdivision with five parcels.

The subject property is legally described as LOT A, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 22743.



## WANT TO FIND OUT MORE INFORMATION?

**IN PERSON:** A copy of the above-noted bylaw and related documents may be inspected from November 24<sup>th</sup> 2015 to December 3<sup>rd</sup> 2015, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

**WEBSITE:** Access the rezoning application information on the City's webpage:

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**QR CODE:** Use this QR code on your mobile device to go directly to the online information.



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**City of Nanaimo**  
**Community Development Department**  
**Service and Resource Centre**  
**411 Dunsmuir Street**

**Phone: (250) 755-4429 Fax: (250) 755-4439**

[www.nanaimo.ca](http://www.nanaimo.ca)

## WANT TO MAKE A WRITTEN SUBMISSION?

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**MAIL:** City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6

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*This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Corporate Officer.*



# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-OCT-19

AUTHORED BY: K. KRONSTAL, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA360 – 2578 ROSSTOWN ROAD

### STAFF RECOMMENDATION:

That Council:

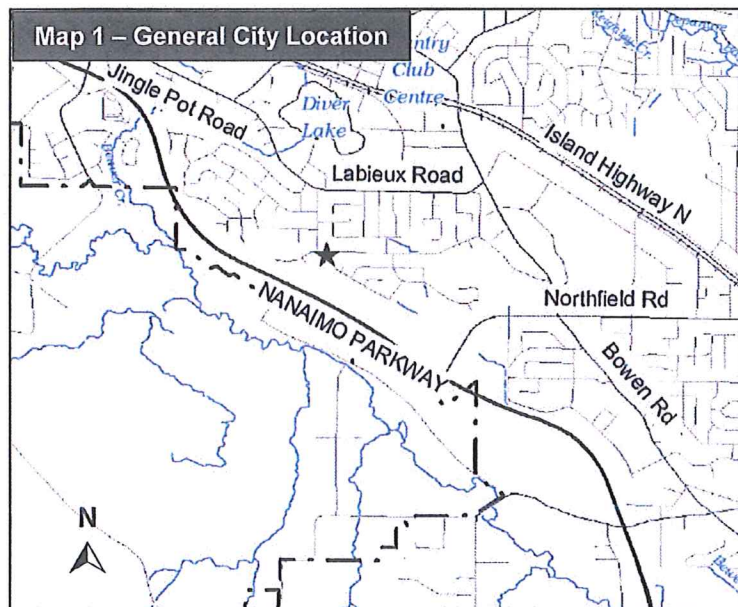
1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2015 NO. 4500.091"; and
2. direct Staff to secure fence height and community contribution prior to Adoption of the bylaw, should Council support the bylaw at Third Reading.

### PURPOSE:

The purpose of this report is to present a rezoning application for property located at 2578 Rosstown Road to rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential-Small Lot (R2) in order to facilitate a small lot subdivision.

### SUMMARY:

The City has received a rezoning application from Mr. Keith Brown on behalf of Gurdeep Singh Minhas, to rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential - Small Lot (R2) in order to facilitate a small lot subdivision.



### ***Subject Property***

Current Zones:	Single Dwelling Residential (R1)
OCP Designation:	Neighbourhood
Proposed Zone:	Single Dwelling Residential - Small Lot (R2)
Purpose:	To subdivide into five residential lots
Location:	2578 Rosstown Road
Lot Size / Total Area:	2,108 m <sup>2</sup> (0.52 acres)

☒ Council  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting

Meeting Date: 2015-OCT-19



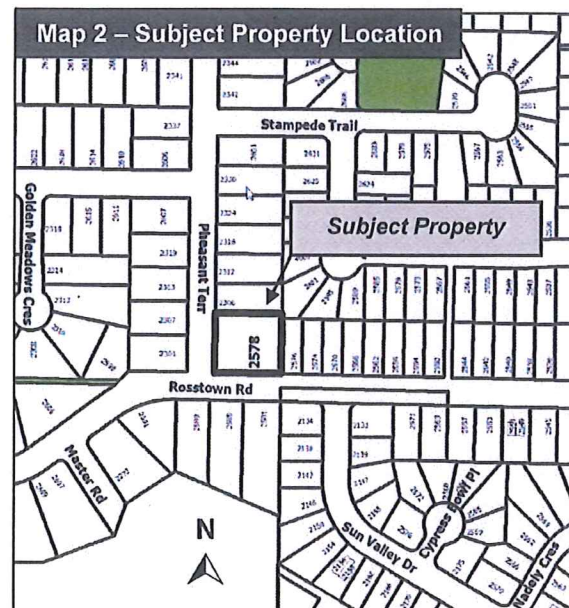
## **BACKGROUND:**

### ***Site and Surrounding Area***

The subject property is located at the northeast intersection of Rosstown Road and Pheasant Terrace. The total site is approximately 2,108 m<sup>2</sup> (0.52 acres) in area and is occupied by a single family dwelling. Rosstown Road and Pheasant Terrace are both classified as Neighbourhood Collectors. The neighbourhood primarily consists of single family lots, with the exception of several duplex lots on the south side of Rosstown Road.

### ***Official Community Plan***

The subject property is located within the Neighbourhood designation of the Official Community Plan (OCP). The Neighbourhood designation encourages a mix of housing types that will provide housing for individuals and families of all age ranges and income levels, and which respects the neighbourhood character. Residential densities of 10-50 units per hectare are supported in neighbourhoods. The proposed concept equates to a density of 24 units per hectare, which falls within the Neighbourhood density range. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.



### ***Residential Small Lot Policy***

Council adopted the Small Lot Policy on 2015-FEB-05, which now forms part of the Neighbourhood designation policies of the OCP. Section 17 of the policy states that small lot, single family housing lots will be encouraged within neighbourhoods where:

- an adjacent lane exists, or will be provided through site development, or the proposed small lot development is an infill development and all lots will be accessed from an existing city street;
- the site is within walking distance or accessible by transit to a local service centre or commercial services and neighbourhood amenities exist, such as a park, school, or cultural facility;



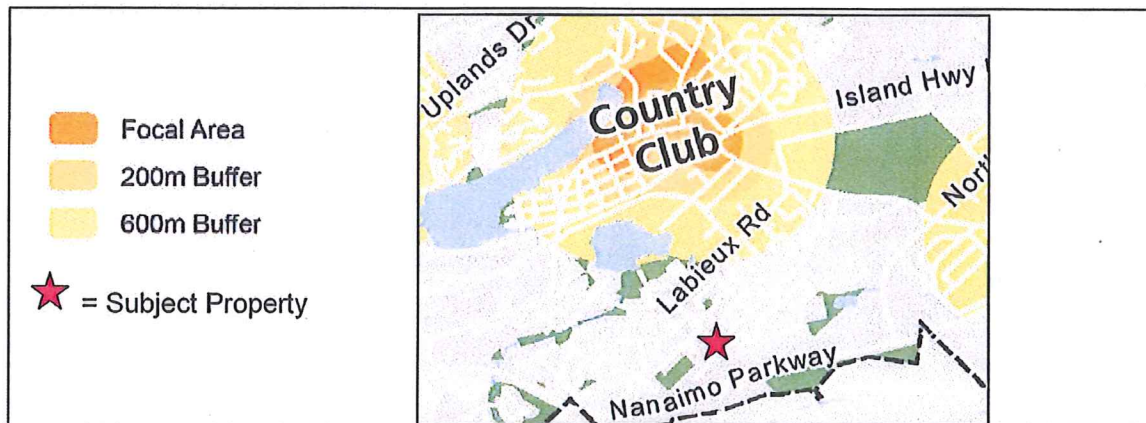
- o the proposed development contributes to a mix of housing types within the existing neighbourhood or within the proposed development, including a range of lot sizes; and
- o the proposed development encourages attractive, pedestrian-oriented housing.

Staff considers the proposed small lot subdivision consistent with the proposed policy.

### ***Nanaimo Transportation Master Plan Considerations***

The proposed development is located between the Nanaimo Parkway and Labieux Road. The closest Mobility Hub is the Country Club area but the site is not within the 600m buffer. There is a BC Transit bus stop located directly in front of the property on the Rosstown Road frontage. The property is located approximately 600m from Coal Tyee Elementary School.

### ***Map 4 – Country Club Mobility Hub***

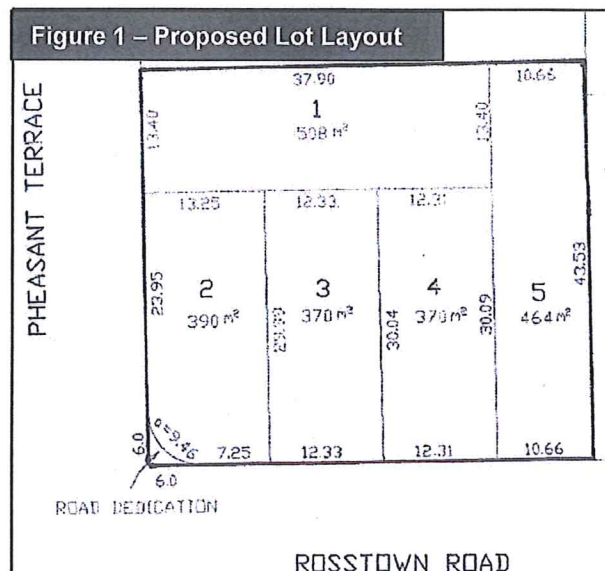


### ***Proposed Development***

The applicant proposes to rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential-Small Lot (R2) in order to facilitate a small lot subdivision.

Overall, the layout of the proposed subdivision results in four lots facing Rosstown Road and one lot fronting on Pheasant Terrace, for a total of five residential small lots. The lots range in area from 370m<sup>2</sup> to 508m<sup>2</sup>. All of the proposed lots meet the minimum lot frontage and depth requirements of the R2 zone. All lots meet the minimum size standard of 370m<sup>2</sup> required for an in-home secondary suite, but only Lot 2 qualifies for a detached secondary suite as it is a corner lot. The proposed layout is shown in Figure 1 – Proposed Lot Layout.

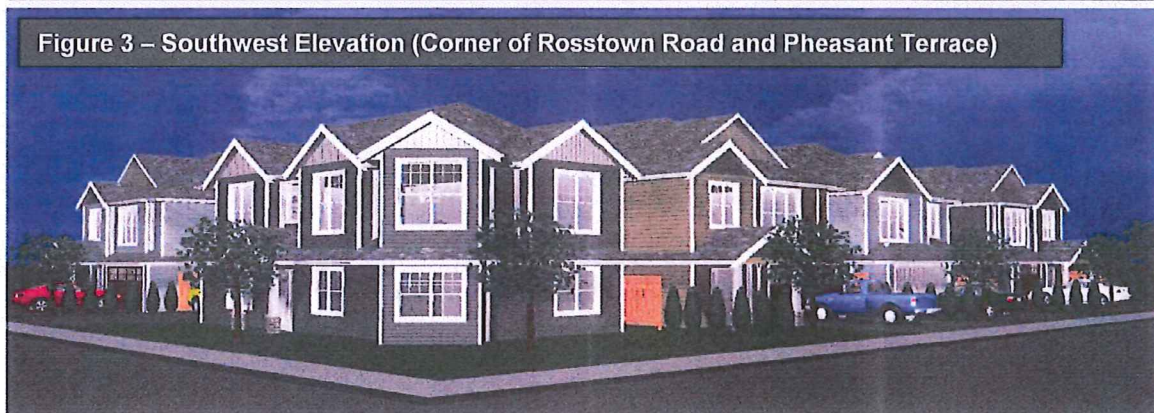
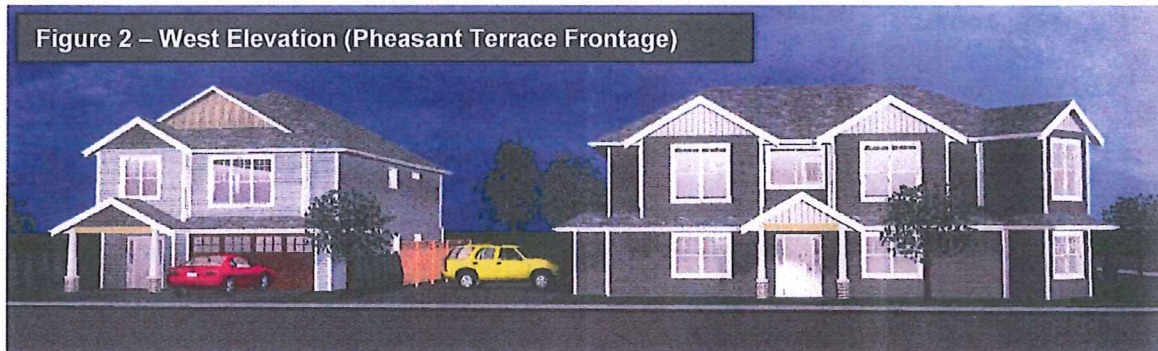
As the property is located over identified coal mine workings, the applicant submitted a geotechnical report to demonstrate the suitability of the site for further development. The study concluded that the land is considered safe for the intended use.





### **Vehicle Access and Parking**

The applicant has submitted concept renderings featuring individual driveways and front yard parking, as shown below in *Figure 2 – West Elevation (Pheasant Terrace Frontage)* and *Figure 3 – Southwest Elevation (Corner of Rosstown Road and Pheasant Terrace)*.



Given the current location of the bus stop, in front of the subject property on Rosstown Road, Staff advised the applicant that individual driveways for each property will not be possible. A curbside bus stop requires 25m of frontage, which will limit access to Lots 2 and 3 from Rosstown Road. However, access to these lots can be achieved through a 4m shared private driveway off Pheasant Terrace. Staff also recommends combined driveways for Lots 4 and 5, as creating a shared access point increases on-street parking and reduces the number of grade transitions within the sidewalk. The applicant may approach the Regional District of Nanaimo and request to have the bus stop moved to Pheasant Terrace, in which case Staff would recommend two shared driveways for Lots 2-3 and 4-5. All issues pertaining to access will be finalized at the point of subdivision.

### **Roadworks and Road Dedication**

Should the rezoning be approved, the applicant will be responsible for road improvements along both property frontages, including but not limited to curbs and sidewalks. Roadworks and a road dedication for a 6m rounding at the corner of the property will be secured during the subdivision process. Please note that this is based on a preliminary assessment of the roadworks associated with this development, and only through the Design Stage Acceptance (DSA) process can the final requirements be determined.

**Conditions of Rezoning**

Should Council support this application and pass Third Reading of Bylaw No.4500.091, Staff recommends the following items be secured prior to final adoption of the bylaw:

1. Fence Height

Under current zoning regulations, Lot 2 would be permitted a 1.8m fence in the side yard and 1.2m fence in the front yard. Staff recommends a maximum fence height of 1.2m along both road frontages of Lot 2 to meet a Crime Prevention Through Environmental Design guideline ("eyes on the street").

2. Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In response to Council's policy, the applicant is proposing a monetary community contribution of \$5,000 towards amenities in the area. Staff supports the community contribution proposal.

The required 5% parkland dedication will be provided as cash-in-lieu at the time of subdivision and is determined by the value of the land itself prior to subdivision.

**Staff Comment**

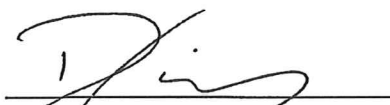
The intent of the Small Lot Policy, as adopted by Council on 2015-FEB-05, is to encourage the development of a mix of housing types in established neighbourhoods with good access to transit and amenities. This rezoning proposal represents an opportunity for infill development that aligns with the land use designation in the OCP, and will add new residential options to an established neighbourhood. Staff supports the proposed rezoning application and recommends Council approval.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

**CITY MANAGER COMMENT:**

I concur with the staff recommendation.



CITY OF NANAIMO

BYLAW NO. 4500.091

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2015 NO. 4500.091".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, SECTION 19, RANGE 5, MOUNTAIN DISTRICT, PLAN 22743 (2578 Rosstown Road) from Single Dwelling Residential (R1) to Single Dwelling Residential - Small Lot (R2) as shown on Schedule A.

PASSED FIRST READING 2015-OCT-19

PASSED SECOND READING 2015-OCT-19

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

COVENANT REGISTERED \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

File: RA000360  
Address: 2578 Rosstown Road

## Schedule A



REZONING APPLICATION NO. RA000360

## LOCATION PLAN

Civic: 2578 Rosstown Road



### Subject Property





# NOTICE OF PUBLIC HEARING

December 3<sup>rd</sup> 2015 at 7:00 pm

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## BYLAW NO. 4500.088

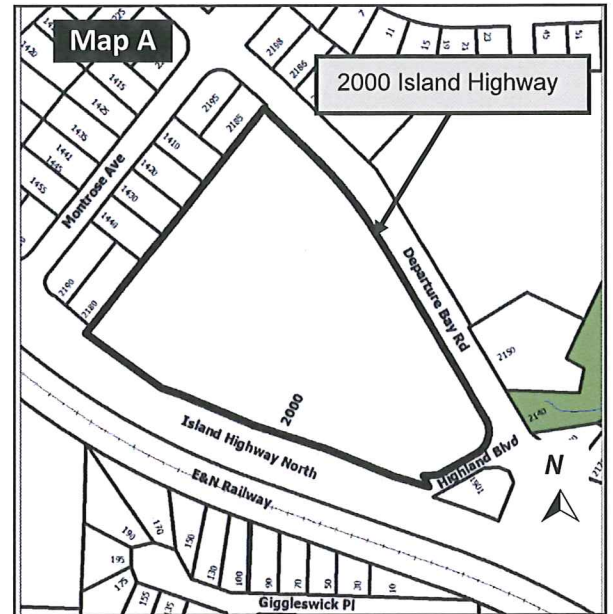
**Purpose:** To permit a liquor retail store within the Brooks Landing shopping centre to be relocated from 1 Terminal Avenue (Howard Johnson)

**Location(s):** 2000 Island Highway, shown on Map A

**File No.:** Rezoning Application - RA000357

This bylaw, if adopted, will rezone subject property in order to permit a liquor store within the Comprehensive Development District Eight Zone (CD8).

The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84049 and is shown on Map A.



## WANT TO FIND OUT MORE INFORMATION?

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# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000357 – UNIT 120 – 2000 ISLAND HIGHWAY NORTH

### STAFF RECOMMENDATION:

That Council deny the rezoning application.

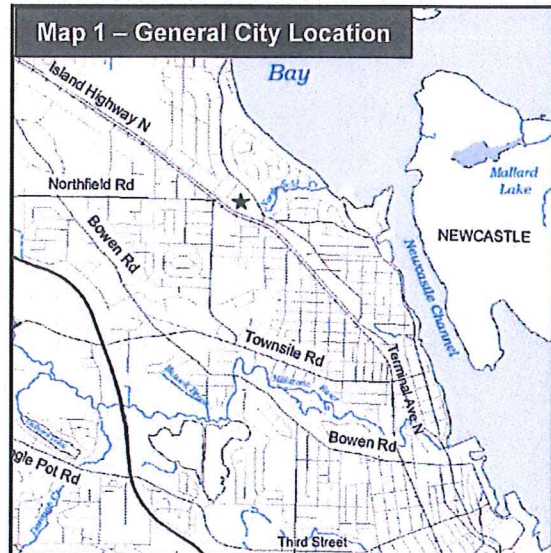
### PURPOSE:

The purpose of this report is to present a rezoning application for 2000 Island Highway North to rezone the subject property in order to permit a site specific liquor retail store (LRS).

### BACKGROUND:

The City has received a rezoning application from Rising Tide Consultants (Mr. Bert Hick) on behalf of Terracap Management Inc. (Jason McCauley) and the Howard Johnson Hotel (Dan Brady) to amend the Comprehensive Development District Zone Eight (CD8) to add 'Liquor Store' as a site specific use. The applicant is proposing to relocate the existing liquor store from 1 Terminal Avenue (Howard Johnson Hotel) to Unit 120, 2000 Island Highway North (the former West Marine store in Brooks Landing Shopping Centre).

### **Subject property**



Current Zone:	Comprehensive Development District Eight
OCP Designation:	City Commercial Centre
Proposed Zone:	Comprehensive Development District Eight with site specific liquor store
Location:	Brooks Landing Shopping Centre, between Departure Bay Road and the Island Highway North
Lot Size / Total Area:	41.556m <sup>2</sup> (10.3 acres)

☒ Council - Special  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2015-SEP-14



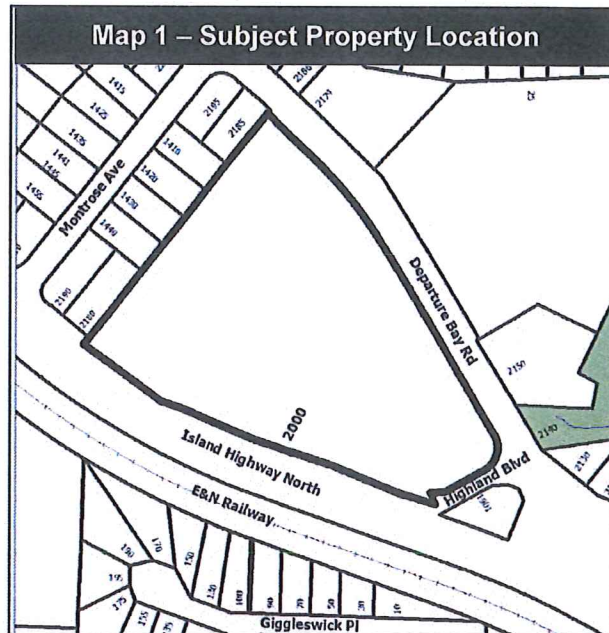
## DISCUSSION:

### ***Site and Surrounding Area***

The subject property is a commercial shopping centre that includes a number of existing commercial uses including a grocery store. The property can be accessed from Highland Boulevard, Island Highway North and Departure Bay Road.

The property is currently zoned CD8. The CD8 includes a comprehensive plan for a mixed use development that does not reflect the actual use of the land, as such, the property is considered legal non-conforming regarding land use. The plan divides the property into residential and commercial use portions. Unit 120, the proposed location, is included within the commercial portion of the lot.

The surrounding area primarily consists of single residential dwellings. Claire Elementary School, the Church of the Nazarene, Kidz Company Daycare and Beach Estates Park are all located on the opposite side of Departure Bay Road and the subject property. Woodlands Secondary School is located on the opposite side of the highway and is connected to the subject property through a pedestrian tunnel under the highway. École Ocean, a French language elementary school, is approximately 360m south-east of the subject property.



### ***Official Community Plan***

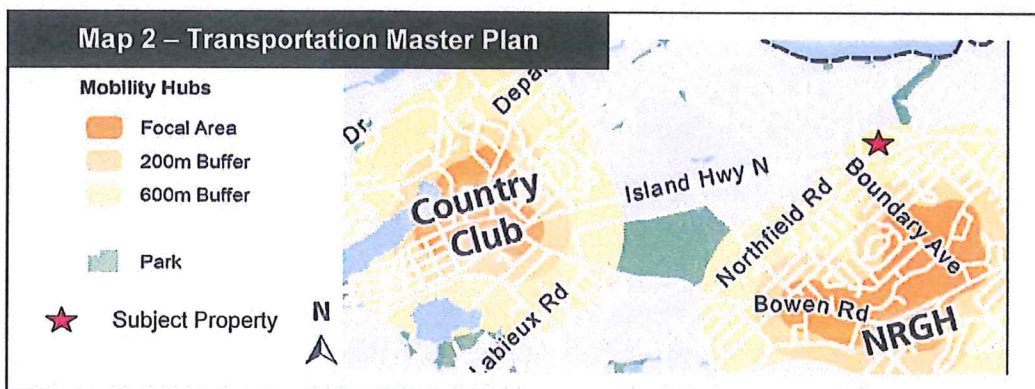
The subject property is located within the City Commercial Centre designation of the Official Community Plan (OCP). Uses within City Commercial Centres include city-wide shopping that meets the needs of a larger trade area. Local service, institutional (including schools) and higher density residential uses shall also be supported in the Commercial Centres designation.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

### ***Nanaimo Transportation Master Plan***

The subject property is located within the 600m buffer area of the Nanaimo Regional General Hospital (NRGH) mobility hub. The NRGH mobility hub is the primary centre for health services in the Nanaimo region and beyond and is one of the city's largest employers. The mobility hub is anchored by the hospital campus and surrounded by mixed density residential neighbourhoods and commercial development along the Bowen Road and Boundary Avenue corridors.





The subject property is relatively well served by transit with bus stops located on Departure Bay Road and Highland Boulevard. Both the No. 1 and the No.2 Bus stops directly in front on the subject property. The E&N pedestrian and bicycle trail is on the opposite side of the highway from the subject property and can be accessed from the tunnel under the highway.

### Proposed Development

The applicant is proposing to relocate the existing liquor store from the property located at 1 Terminal Avenue (Howard Johnson Hotel) to Unit 120 at 2000 Island Highway North (Brooks Landing Shopping Centre). The existing LRS is within a 204m<sup>2</sup> stand-alone building. The proposed LRS is to be located within the former West Marine store on the south-west side of the shopping centre. The proposed LRS will have a floor area of 697m<sup>2</sup> in area. The hours of the proposed store will be 9am to 11pm, seven days a week and remain unchanged from the operating hours at the existing location.

A copy of the applicant's letter of rationale is included as Attachment A.

### Licensed Retail Store Criteria

Following a decade-long provincial moratorium on the addition of new liquor stores, the province allowed new applications for a brief period of time between 2002-AUG-12 and 2002-NOV-29. Within that timeframe, 17 applications were made to the province for new liquor stores within Nanaimo. Of the 17 applications, six were for applications at locations with appropriate zoning to operate a liquor store (had zoning in place). The remaining 11 required rezoning.

Council, at its regular meeting on 2003-NOV-03, adopted rezoning criteria for LRS's and subsequently directed Staff to receive and process rezoning applications. The following chart summarizes the criteria as they are applied to this application.

CRITERIA	RESPONSE	APPLICATION MEETS CRITERIA
The LRS should be on or in close proximity to a major road.	The proposed liquor store will be located within a shopping centre with access from the Island Highway and Departure Bay Road. Both roads are considered major roads within the City of Nanaimo.	Yes
The LRS shall not be within 150m of a school.	The subject property is located between two schools, Woodlands Secondary opposite the Island Highway and Cilaire Elementary opposite Departure Bay Road. If measured from property line to property line, the subject	No



CRITERIA	RESPONSE	APPLICATION MEETS CRITERIA
	<p>property is 69m from Woodlands School and 26m from Cilaire Elementary.</p> <p>If measured from the door of the proposed LRS to the front door of the schools, the LRS is 159m from Cilaire Elementary and 370m from Woodlands Secondary. In the past, both methods of measurement have been used to evaluate LRS rezoning applications. Given the close proximity of the two schools, it is the opinion of Staff that the proposed location does not meet the intent of this criteria.</p> <p>École Ocean is also located approximately 300m from the subject property, as measured property line to property line, and 550m measured from door to door.</p>	
The LRS shall not be located adjacent to a nightclub.	There is currently no nightclub within the vicinity of the proposed LRS.	Yes
The size of the LRS shall be consistent with the nature of the immediate area, and the size of the existing retail stores.	The applicant is proposing to construct an approximately 697m <sup>2</sup> LRS within an existing shopping centre. The shopping centre includes two large anchor tenants, Staples and Save On Foods and the proposed retail unit location is consistent with the size of the other retail tenants within the centre.	Yes
The design of the LRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	<p>In accordance with Liquor Control and Licensing Branch (LCLB) policy, the architecture of the proposed LRS must be distinct from the surrounding retail units.</p> <p>The LRS will be located within an existing shopping centre and will not require any new construction.</p>	Yes
<p>Consideration shall be given to a requirement for on-site parking and loading for each LRS within the downtown core, and mandatory outside the downtown core.</p> <ul style="list-style-type: none"> <li>• 1 space / 20m<sup>2</sup> of Gross Floor Area must be provided.</li> </ul>	As the proposed LRS will be replacing an existing retail unit within the shopping centre, no additional parking will be required.	Yes
The applicant must outline his awareness of potential negative impacts and include proposed limits on the hours of operation, the product range, target markets, property maintenance and beautification programs.	The applicant's response is provided (Attachment A).	For Consideration

CRITERIA	RESPONSE	APPLICATION MEETS CRITERIA
Consideration of impact of LRS when within close proximity of libraries, public recreation centres, community centres, parks, places of worship and other family oriented facilities.	The subject property is immediately across the road from Beach Estates Park and the Church of the Nazarene. The Church property is also used by a daycare company.	For Consideration
The projected traffic volumes and on-street parking associated with the LRS should not negatively impact nearby residential and commercial areas.	The proposed LRS will front on the Island Highway and may be accessed from Departure Bay Road, Highland Boulevard or the Island Highway. Both Departure Bay Road and the Island Highway are considered major roads with an already higher than average expected traffic volume. Commercial uses are supported at this location within the OCP.	Yes
The support of local community, neighbourhood property owners and the local Neighbourhood Association for the proposed LRS is important to Council's decision.	The subject property is not located within any neighbourhood association but does border the Departure Bay, Brechin and Hospital Area Neighbourhood Association boundaries.  A referral has been sent to representatives from all three neighbourhood associations.	For Consideration
The application shall be reviewed by the Social Planning Advisory Committee (SPAC).	SPAC reviewed the application at its regular meeting of 2015-AUG-04 and recommend Council <b>not support</b> the application for a site specific rezoning at Unit 120-2000 Island Hwy North to add "Liquor Store" as a site specific use. The members noted concern regarding the proximity of Woodlands Secondary School to the proposed LRS location.	For Consideration  SPAC did not support the application.
The application shall be reviewed by the RCMP.	The RCMP reviewed the application and is not opposed to the proposed relocation of the LRS (Attachment B). The RCMP supports the closure of the downtown liquor store location and the relocation to an area with less of a transient population.	For Council Consideration
The application shall be reviewed by the Rezoning Advisory Committee (RAC). <i>RAC, a subcommittee of PNAC (Plan Nanaimo Advisory Committee) which has since been dissolved and replaced with the Planning and Transportation Advisory Committee (PTAC).</i>	The Planning and Transportation Advisory Committee (PTAC) reviewed the application at its regular meeting of 2015-AUG-18. PTAC voted to support the application and recommend the application proceed to public hearing. The committee made the following additional recommendations: <ol style="list-style-type: none"> <li>1. The City harmonize its measuring criteria with the province to measure distances from liquor stores from door to door; and</li> <li>2. Begin a review of the City's Liquor Control Strategy including the LRS rezoning criteria.</li> </ol> The first of these recommendations was in reference to	For Consideration  PTAC voted to support the application.



<b>CRITERIA</b>	<b>RESPONSE</b>	<b>APPLICATION MEETS CRITERIA</b>
	how the province measures the required 1km buffer between liquor stores. The Province measures this distance front door to front door. PTAC is recommending the same criteria be applied to how the City measures the 150m recommended distance between a liquor store and a school.	
A copy of the LCLB letter of approval for the proposed LRS.	This applicant has submitted a preliminary approval letter for "approval in principal" as provide by the LCLB (Attachment C).	Yes

### **Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant is proposing a \$10,000 community contribution to be applied to the beautification of the sidewalks, trailways and parks in the surrounding area. The proposed community contribution is consistent with the amount received for similar liquor store rezoning applications.

### **Staff Comment**

Following the adoption of the Neilson-Welch Liquor Control Strategy Report (the City's Liquor Control Strategy) in 2002, Council appointed a Liquor Control Advisory Committee to establish an implementation plan for the recommendations contained within the report. The committee then created the LRS rezoning criteria to evaluate liquor store rezoning applications; the criteria was adopted by Council on 2003-NOV-03 and later amended on 2003-AUG-18. The criteria included a recommendation that an LRS not be within 150m of a school, but did not specify how this distance should be measured.

If measured from the property line of the subject property to the property line of the school, the proposed LRS location is within 150m of both Woodlands Secondary School and Cilaire Elementary School and does not meet the criteria; however, if measured from the front door of the liquor store to the front door of the school, the LRS is beyond 150m from both schools and, as such, would then meet the criteria.

While PTAC recommended that the LRS criteria be measured door to door in order to harmonize with the method the province uses to measure the distance between liquor stores; Staff believe there is a significant difference between the provincial 1km buffer between liquor stores and the City's 150m recommended distance between an LRS and a school. Through the licensing process the province is able to control exactly where a liquor store is located on a site. The City, on the other hand, can only permit or not permit the use on the property itself but cannot control the location of the use on the property. If the rezoning is approved, it will permit the liquor store to be located anywhere on the subject property. The site specific rezoning will tie the liquor store use to the subject property address but not a specific unit within the development.

The purpose of the 150m buffer was to separate a liquor store use from a school use. Given the subject property is directly across the street from an Elementary school on one side and a secondary school (connected via a pedestrian tunnel) on the other, it is Staff's position the proposed rezoning does not meet the intent of the rezoning criteria. Staff does not support the proposed rezoning application.

Respectfully submitted,

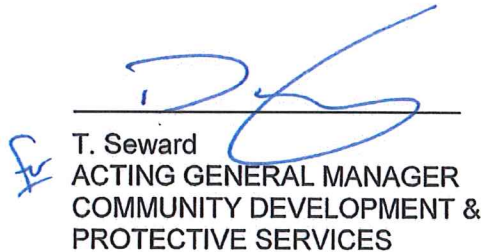


B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted 2015-SEP-01  
DS/hd*



# ATTACHMENT A

RA 357  
01 2115

**REZONING RATIONALE  
FOR APPLICATION FOR REZONING OF UNIT 120 ONLY  
AT UNIT 120 – 2000 ISLAND HIGHWAY NORTH, NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF THE LICENSEE RETAIL LIQUOR STORE  
FROM HOWARD JOHNSON – NANAIMO, 1 TERMINAL AVENUE NORTH, NANAIMO, B.C. V9R 5R4**

Brooks Landing Centre Inc. is seeking to rezone Unit 120 only at Brooks Landing Shopping Centre to enable the relocation of the private licensee retail liquor store from Howard Johnson- Nanaimo, 1 Terminal Avenue Nth, Nanaimo, B.C. V9S 5R4 to this site.

We believe this this liquor store will add to the economic development of this area as well as create employment opportunities for local people and also will be a convenience to the people in this area

## **BENEFITS TO THE LOCAL COMMUNITY**

This establishment will benefit the community in the following ways:

- Continue to offer employment opportunities for residents of Nanaimo;
- Provide a source of additional tax revenue for local, provincial and federal governments;
- The licensee will continue to participate in community affairs and local charities.
- This licensee retail liquor store will complement the other stores in this shopping development.
- Will offer the public a “one stop” shopping experience being part of a shopping centre with a liquor store and a grocery store (Save On Foods) in the development.

## **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

The creation of this liquor store in Brooks Landing Shopping Centre will offer the public one stop shopping. They can park their vehicle and shop at many stores in Brooks Landing including the liquor store.

The site is conveniently located on the highway used by tourists.

The applicant submits that the proposed liquor store will not impact negatively on any of the surrounding recreational facilities, parks and public venues. Indeed, it is an added amenity to this area of Nanaimo.

## **TRAFFIC IN THE VICINITY**

As mentioned above, the relocation of this liquor store will have the advantage of offering the public one stop shopping and will ease any traffic problems which a patron would incur having to move from shop to shop and then to a liquor store at another site to carry out their shopping. Brooks Landing Shopping Centre will offer a one-stop shopping experience for the public.

The proposed liquor store will not impact negatively on traffic. The primary purpose of this liquor store is to cater to residents of the area. There will be no negative impact on the traffic in the vicinity as this is within a shopping centre where ample parking is provided.

#### OTHER FACTORS

The applicant submits the following additional factors for consideration:

- This liquor store will not detract from the beauty of the surrounding area.
- This liquor store will not detract from the other stores in this shopping development.
- From experience, liquor stores tend not to create problems in the community.
- The applicant's focus is on offering the public the convenience of a private liquor store in a one-stop shopping environment.
- Consumers no longer want to drive to an isolated store. They like to park once and visit several stores in the one development.
- Brooks Landing Mall is the only mall in Nanaimo that doesn't have either a private liquor store or a Government liquor store.
- Malls are where people now shop.
- The existing site on Terminal Avenue is across the street from an elementary school and also a scout hall and there is a church on the current property. Whereas, the new site of the liquor store is in a shopping development with other commercial stores.

All of which is respectfully submitted this 30<sup>th</sup> day of June, 2015.



**COMMUNITY IMPACT STATEMENT**

**FOR: THE REZONING OF UNIT 120 – 2000 ISLAND HIGHWAY NORTH,  
NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF HOWARD JOHNSON – NANAIMO  
LICENSEE RETAIL LIQUOR STORE**

**APPLICANT: BROOKS LANDING CENTRE INC.**

---

**COMMUNITY IMPACT STATEMENT**

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**Submitted to:**

**City of Nanaimo  
411 Dunsmuir Street  
Nanaimo, B.C.  
V9R 0E4**

**Submitted by:**

**Rising Tide Consultants  
1620-1130 West Pender Street  
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928  
Fax: (604) 669-2920**

**RA 357  
OCT 2015**

## COMMUNITY IMPACT STATEMENT

FOR: THE REZONING OF UNIT 120 – 2000 ISLAND HIGHWAY NORTH,  
NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF HOWARD JOHNSON – NANAIMO  
LICENSEE RETAIL LIQUOR STORE

APPLICANT: BROOKS LANDING CENTRE INC.

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## COMMUNITY IMPACT STATEMENT

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The applicant is applying for the rezoning of Unit 120 – 2000 Island Highway North, Nanaimo, B.C. V9S 5W3 for the relocation of the Howard Johnson – Nanaimo Licensee Retail Liquor Store.

Under Licensee Retail Stores (LRS) Rezoning Criteria of the City of Nanaimo most specifically Section 3.1 we submit this Community Impact Statement of behalf of the applicant.

The applicant is addressing items pursuant to this Section 3.1 as follows:

### SPECIFIC EFFORTS TO PREVENT SALES TO INTOXICATED PERSONS AND MINORS

The licensee of the licensee retail liquor store license number 192238 is controlled by the Liquor Control & Licensing Branch with respect to the selling of liquor to minors. The Liquor Control & Licensing Branch currently has a minor's as agents program which is in force in British Columbia. All liquor store owners are aware of the harsh penalties that the service of liquor to minors attracts. The licensee will at all times adhere to the Liquor Control & Licensing Branch regulations. All staff working in the store will be trained to identify any possible under-age persons. The staff will ask all persons they think are under the age of 25 for two pieces of identification including photo identification as all staff and management will have completed the required Serving it Right Programs.

The staff will address anyone seen to be intoxicated who is attempting to purchase liquor. The staff will not sell liquor products to these individuals.



Staff will also have their own in house training program provided by the licensee.

#### LIMITS ON HOURS OF OPERATION

The Liquor Control & Licensing Branch controls the operation hours of private liquor stores in the Province of British Columbia. All private liquor stores have a maximum serving time of 9 am to 11 pm seven days a week. The licensee of this liquor license will never sell liquor to the public outside of these times.

#### PROPERTY MAINTENANCE AND BEAUTIFICATION PROGRAMS DESIGNED TO PREVENT UNSIGHTLINESS

The required maintenance and upkeep of the building, as determined by the landlord, will be reviewed constantly to maintain its visual appearance. Any graffiti that may occur will be dealt with expeditiously and removed from the said building at once.

#### PRODUCT RANGES TARGET AT NICHE MARKETS

This store is going to focus substantially on wine products given the residential community in the surrounding area and also will focus on craft beer as there is a rapidly growing interest in craft beer products.

#### TRAFFIC IN THE VICINITY

The establishment will not impact negatively on traffic. This shopping development offers ample parking for customers and patrons can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation. It is envisaged that traffic will not be an issue.

#### NOISE IN THE COMMUNITY

As the proposed liquor store is located in the Brooks Landing Shopping Centre and not in a stand-alone building it is not an establishment that will create any more noise in the community. This establishment will complement the other stores in the shopping centre and noise is not anticipated to be a problem. The licensee will at all times comply with the City of Nanaimo noise by-law.

The applicant will endeavor to the best of their ability to ensure that no adverse impact will occur to parks and social facilities in the surrounding area. Indeed, this private liquor store will have positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 29<sup>th</sup> day of June, 2015.

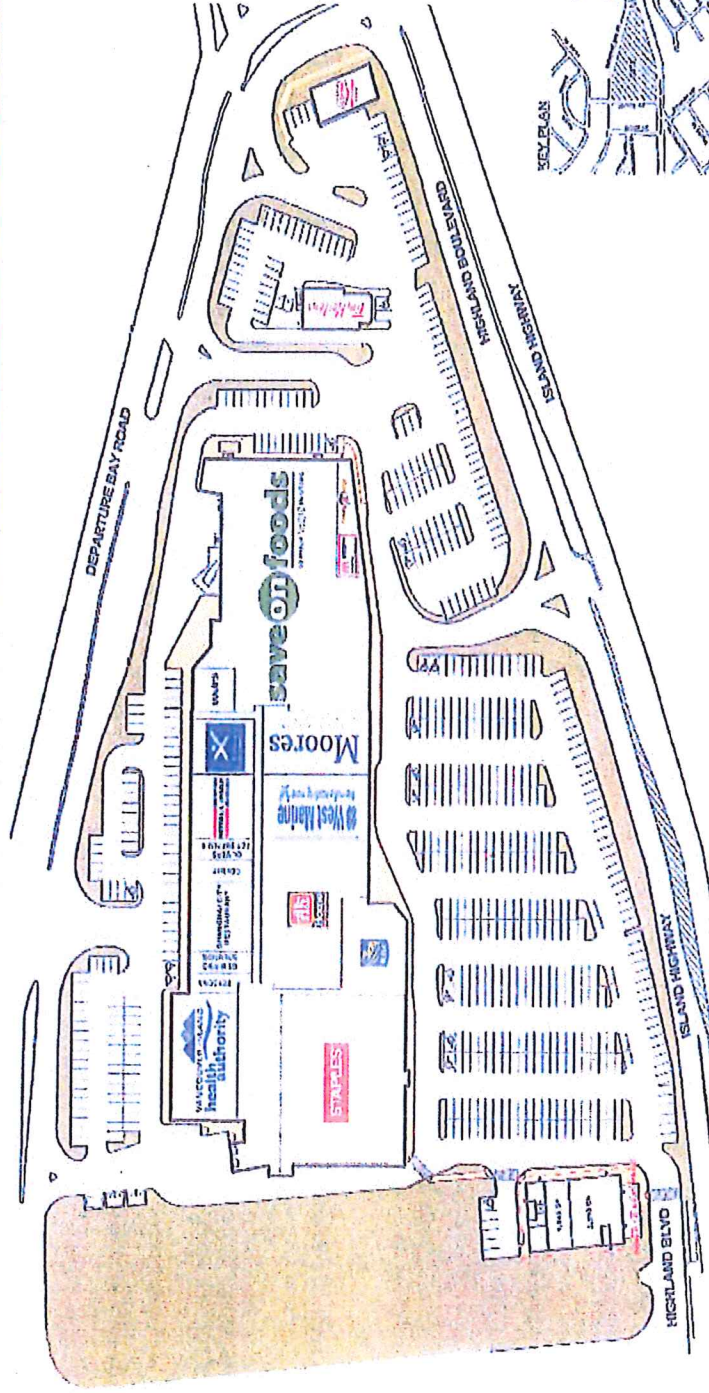
Rising Tide Consultants  
1620-1130 West Pender Street  
Vancouver BC V6E 4A4







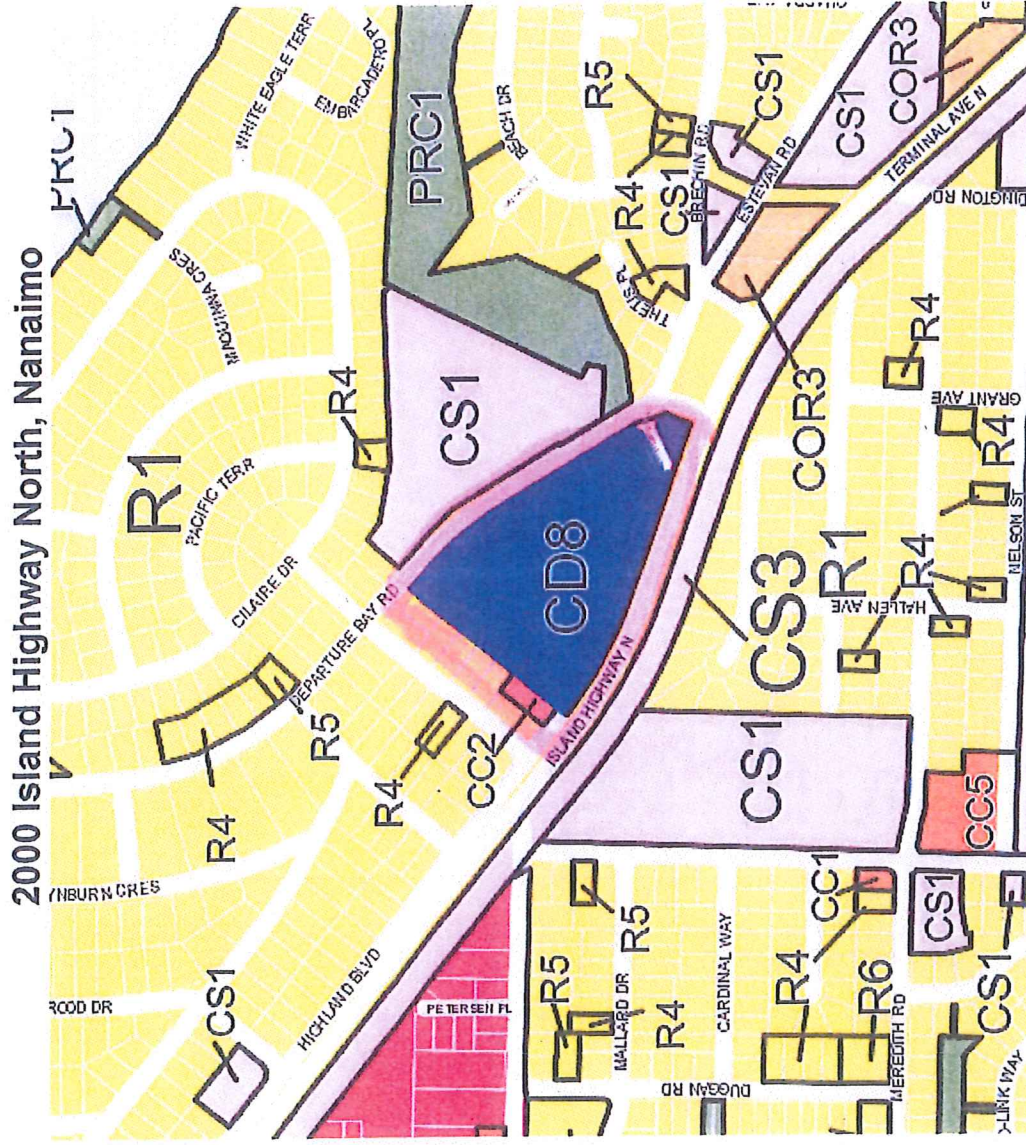
# BROOKS LANDING



# SITE PLAN

TERRACAP





# 2000 ISLAND HIGHWAY N - PROPERTY REPORT

[Home](#) > [Data](#) > [Property](#) > 2000 ISLAND HIGHWAY N

## GENERAL INFORMATION

Address:	2000 ISLAND HIGHWAY N, NANAIMO, BC
Folio:	16142.005
Plan:	VIP84049
Size:	10.279 ACRES
Legal Description:	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84049
Zone	CD8 COMPREHENSIVE EIGHT  Please select <b>ZONING</b> from the <b>THEMES</b> menu in NanaimoMap for more information.
Garbage Calendar <i>(click on route number to view calendar)</i>	
Garbage Cans Allowed	
Sewer Benefiting Area	YES
GIS Link	201630
Location	49.19178, -123.9683

## PARCEL GRAPHIC



[Open as KML \(Google Earth\)](#)  
[Open in Google Maps](#)  
[Open in Bing Maps](#)

## ASSESSMENT DATA ⓘ

## BUSINESS LICENCE DATA ⓘ

The following businesses are located at addresses on this assessment parcel.

[BELTONE HEARING CARE CENTRE](#)



**BUSINESS LICENCE DATA**

[BOOSTER JUICE](#)

[BROOKS LANDING CENTRE INC](#)

[BROOKS LANDING DENTAL CLINIC](#)

[GT HIRING SOLUTIONS \(2005\) INC](#)

[LULU CHINESE HEALTH CENTRE](#)

[MOORES THE SUIT PEOPLE](#)

[NANAIMO HOME HARDWARE](#)

[NANAIMO REALTY CO LTD](#)

[OLIVERS PET SUPPLIES](#)

[PERSONA HAIR GROUP](#)

[ROYAL BANK OF CANADA](#)

[SAVE ON FOODS](#)

[SHANGHAI CITY RESTAURANT](#)

[STAPLES THE OFFICE SUPERSTORE](#)

[WEST MARINE](#)

For more information, please use the City's [Business Licence Search](#)

View other properties on [ISLAND HIGHWAY N](#), or [search for other Nanaimo properties](#).

# ATTACHMENT B



Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification  
/Designation  
Classification/désignation

RCMP Nanaimo  
303 Prideaux Street  
Nanaimo, BC V9R 2N3

Your File - Votre référence

Our File - Notre référence

City of Nanaimo  
Community Safety and Development Division  
Attention: Dave Stewart

Date

September 1, 2015

Dear Sir,

**Rezoning Application No RA357 – 120-2000 Island Highway, Nanaimo**

It is our understanding that the Howard Johnson Hotel has applied for a rezoning application to relocate the existing liquor store from 1 Terminal Avenue to the former West Marine store in Brooks Landing Shopping Centre. The proposed LRS will have a 697 square metre floor space and operate 9 am to 11 pm seven days a week.

We support the application to moving the liquor retail store from the Howard Johnson Hotel site on Terminal Avenue to the Brooks Landing shopping centre.

The recently published BC Liquor Policy Review Final Report by the provincial Liquor Control and Licensing Branch cites sweeping changes to liquor distribution practices in British Columbia. Convenience is a key decision point for consumers, with a general acceptance for broader distribution at regular retail outlets including grocery stores and markets. The Liquor Branch acknowledges that British Columbia has not kept pace with consumer expectations and has been more restrictive than other jurisdictions. The branch also believes that broader distribution does not necessarily correlate with increased irresponsible behaviour.

Liquor Retail Stores are broadly distributed in neighbourhoods throughout Nanaimo, and it is our experience that mall-based retail stores have not been a factor in increased crime, disorder, disturbances or police calls for service.

The existing liquor retail store at the Howard Johnson Hotel is situated in a socially fragile location in the city in proximity to the downtown core, numerous contiguous parks (Maffeo Sutton, Queen Elizabeth Promenade, Comox, Barsby, Caldedonia and Bowen Parks), the Island Corridor Railway, and Ecole Pauline Haarer. These areas are susceptible to itinerant homeless individuals and street-entrenched groups. The frequency of public intoxication, consumption of liquor, disturbances and homeless encampments are correlated to the proximity of this retail liquor store. It should be noted that Dan Brady, General Manager of the Howard Johnson Hotel works cooperatively with police to mitigate these issues whenever possible. However, alcohol-related disturbances continuously have a deleterious impact on venues hosted in Maffeo Sutton Park.

Canada 

We respectfully acknowledge that the proposed Brooks Landing location is situated in proximity to Cilaire School, Woodland School, the Island Corridor railway, an Island Health Mental Health Office, and Beach Estates Park. The potential does exist for alcohol-related incidents to arise from the existence of a liquor retail store, but the street-context is much different than the area around the current retail store site.

Thank you for the opportunity to comment on this rezoning application. Please refer any enquiries to Corporal David LaBerge of the Nanaimo Detachment Bike Patrol Unit.

Yours truly,

Mark Fisher, Superintendent  
Officer in Charge, Nanaimo Detachment



# ATTACHMENT C



July 26, 2015

Job # 2298794-34

490892 BC Ltd.  
Via email: [danbrady@shaw.ca](mailto:danbrady@shaw.ca)

Attention: Brian Martin

**Re: Application for Transfer of Location – Approval In Principle**  
**Licensee Retail Store # 192238**  
**Establishment Name: Brooks Landing Liquor Store**  
**Current location: 1 Terminal Ave N Hwy, Nanaimo**  
**Proposed location: 120 – 2000 Island Hwy, Nanaimo**  
**Approval in Principle Expiry: July 26, 2016**

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Your application to relocate the above-noted Licensee Retail Store (LRS) has been granted Approval in Principle (AIP).

This AIP allows you to proceed with construction and/or renovations of the proposed establishment. However, you are reminded that our review of the floor plans is specific to liquor licensing requirements and does not replace any requirement to obtain approvals from other agencies. You are responsible for complying with relevant local government's bylaws and appropriate fire and health regulations.

Your AIP floor plans are enclosed and the area proposed for licensing is outlined in yellow. If there are any changes to the information shown on the floor plan, you must submit revised floor plans for review prior to the final inspection.

Your proposed establishment name and signage are approved.

**Final Inspection:** a final inspection will be required before your application can be approved. You should contact **Holly Belanger, Liquor Inspector at 250-952-5744 or via email to [Holly.Belanger@gov.bc.ca](mailto:Holly.Belanger@gov.bc.ca)** approximately two weeks prior to completion of construction to arrange the inspection.

- o At the final inspection you must have your AIP floor plans available for the inspector, and at least one shareholder of the licensee and/or an approved resident manager must be present.
- o Please contact me as soon as you have confirmed the date for the inspection so that we can discuss your plans for opening the LRS. This will help to avoid delays in the final stages of your application.

---

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8  
Telephone: 250 952-5787  
Facsimile: 250 952-7066

Location:  
4<sup>th</sup> Floor, 3350 Douglas Street  
Victoria BC  
[http:// www.pssg.gov.bc.ca/clb](http://www.pssg.gov.bc.ca/clb)

- o Prior to the final inspection you should contact your local government liquor store to confirm that you will be able to purchase liquor for your LRS at that location. If you expect sales in excess of thirty cases per week you may wish to take advantage of the Liquor Distribution Branch's direct delivery process. More information is available by contacting Store 100/Vancouver Wholesale Customer Centre at 604-775-0681.

The final application requirements must be completed before the expiry of this AIP. If you require additional time you must request an extension at least 30 days prior to the expiry of AIP or your application may be terminated with no further notice.

Extension requests must include an explanation for the delay, and estimated timeline for completion, and should be accompanied by evidence demonstrating that the delay is beyond the control of the applicant. Where a third party is responsible for the delay, a letter from the third party outlining the current status should accompany the request for extension. The Branch must be satisfied that the need for an extension is reasonable and that the delay is not directly attributable to the applicant.

After the final inspection is complete and all outstanding application information has been provided your application will proceed to final review, after which you will be notified of the outcome of your application. If approved, a new licence and validated floor plans for the new location will be issued.

As a reminder, your licence will expire on February 26, 2016. To avoid unnecessary delays in processing your application, additional fees, and operational interruptions please make sure the licence is renewed before it expires.

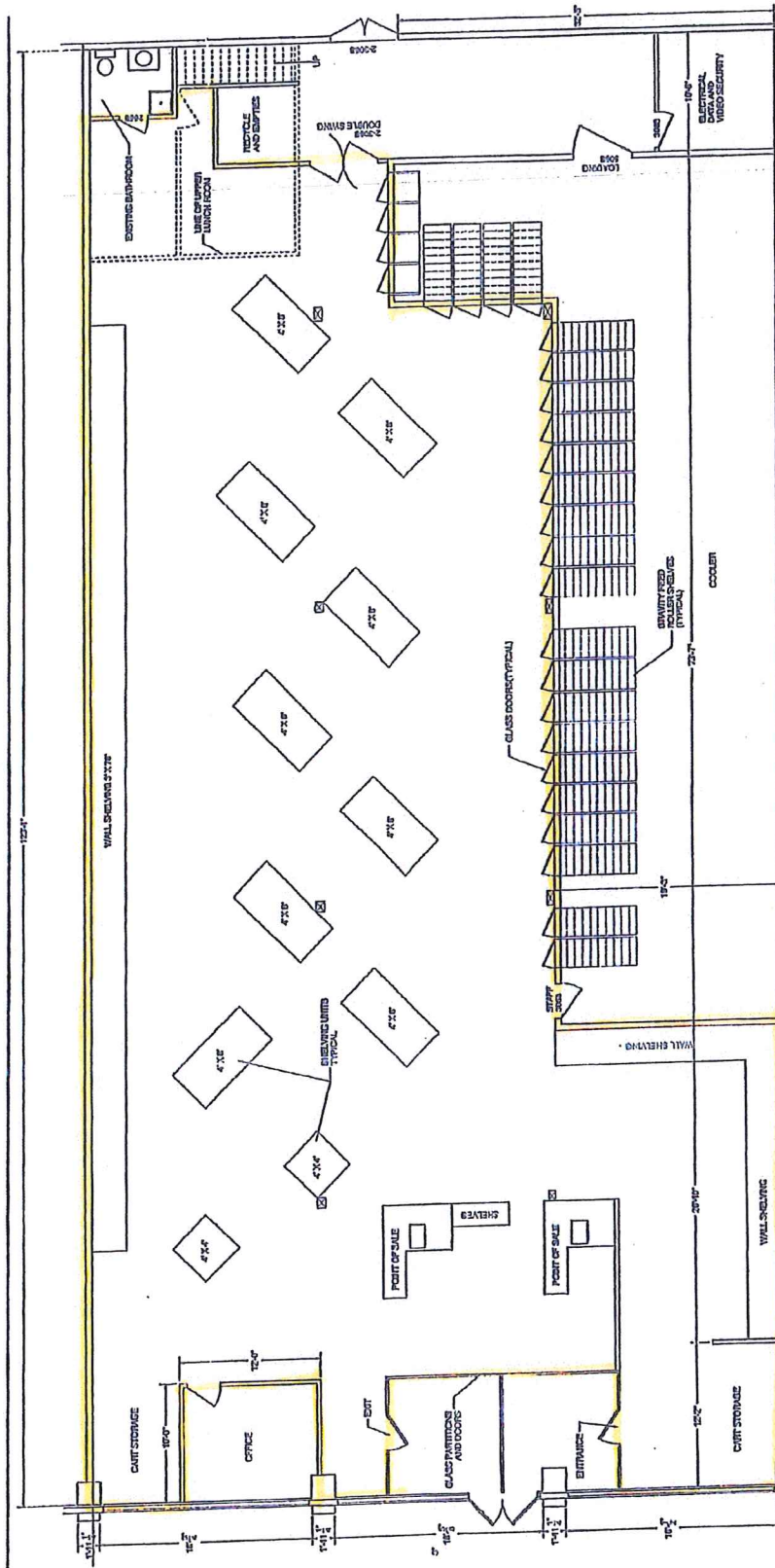
If you have any questions, please contact me at [Katie.RayWilks@gov.bc.ca](mailto:Katie.RayWilks@gov.bc.ca) or 250-952-7057

Sincerely,



Katie Ray-Wilks  
Case Manager

cc: Rising Tide, Agent/Consultant  
Holly Belanger, Liquor Inspector



Licensed Retail Store # 192238  
 Brooks Landing Liquor Store  
 120 - 2000 Island Highway, Nanaimo  
 499992 B.C. Ltd dba Howard Johnson Harbourside Hotel

SCALE 1/8"=1' ON 11 X 17

LIQUOR CONTROL & LICENSING BRANCH  
 FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE: July 26/2015  
 Unless otherwise approved by the General Manager,  
 Liquor Control & Licensing, approval is subject to the  
 terms and conditions specified in the Approval in  
 Principle (AIP) Letter. ~ 4615 sqft

LIQUOR CONTROL & LICENSING  
 RECEIVED  
 JUL 10 2015  
 VICTORIA, BC



CITY OF NANAIMO

BYLAW NO. 4500.088

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "ZONING AMENDMENT BYLAW 2015 NO. 4500.088".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By amending Section 16.8.6 by adding 'Liquor Store' as a permitted use within the CD8 zone.

PASSED FIRST READING 2015-OCT-05

PASSED SECOND READING 2015-OCT-05

RESCINDED SECOND READING 2015-NOV-23

PASSED SECOND READING AS AMENDED 2015-NOV-23

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_

ADOPTED \_\_\_\_\_

---

MAYOR

---

CORPORATE OFFICER

File: RA000357  
Address: 2000 Island Highway

# NOTICE OF PUBLIC HEARING

December 3rd 2015 at 7:00 pm



There will be a Public Hearing on Thursday, **December 3<sup>rd</sup> 2015**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.092 at the Public Hearing.

## 3. BYLAW NO. 4500.092

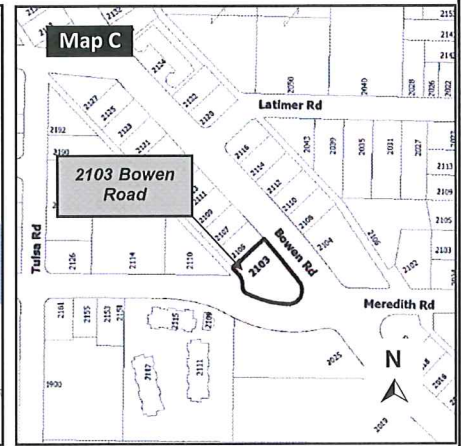
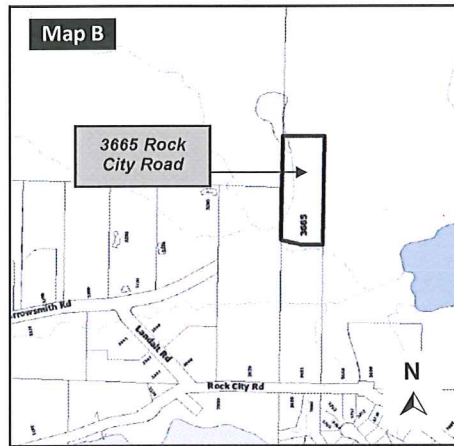
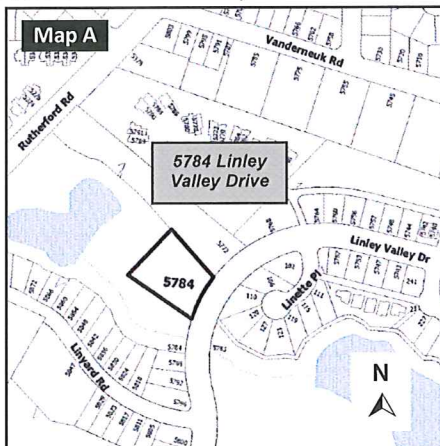
**Purpose: To make 12 text and 12 mapping amendments to Zoning Bylaw 4500.**

Location(s): Various

File No.: ZA1-51

This bylaw, if adopted, will amend "ZONING BYLAW 2011 No. 4500" in order to:

1. Amend definition of Gross Floor Area to exclude exterior wall assemblies (excluding cladding) thicker than 165cm and up to 9.29m<sup>2</sup> for space exclusively dedicated for green building systems.
2. Add a definition of 'Brew Pub' and amend definition of 'Neighbourhood Pub' to include a Brew Pub.
3. Amend Subsection 6.5. to add front and side yard setback projections for cantilevered solar shading devices, photovoltaic panels, and green walls.
4. Move wording regarding the number of commercial vehicles permitted on a residential lot from home based business regulations to the vehicle restrictions section; and, restrict commercial vehicles related to the property residents' employment.
5. Amend Subsection 6.22.5. concerning property boundary adjustments to clarify that a boundary adjustment of 10% of parcel size is permitted.
6. Amend Subsection 7.2.2. to revise condition of use requiring the front door to be on a different street and to specify one front door must be on the flanking side and the other facing the street.
7. Amend Subsection 7.3.1. to allow two detached units in the (R13) zone.
8. Amend perimeter wall height requirements to include the outside face of a shed roof within the calculation.
9. Add a liquor store as a site specific use for the property located at 4750 Rutherford Road (North Nanaimo Town Centre).
10. Increase the maximum allowable floor area ratio (base density) within the Woodgrove Urban Centre Zone (CC4) from 0.45 to 1.25.
11. Amend Subsection 16.5.2. to amend the density section of the Comprehensive District Zone Five (CD5) to clarify that permitted density is the same as that within the Mixed-Use Corridor Zone (COR2).
12. Amend Subsection 16.9.9. Comprehensive District Zone Nine (CD9) to remove the phrase from "within the yard setbacks" from lot coverage.
13. Rezone a portion of 5784 Linley Valley Drive from PRC1 to PRC2, as shown on Map A.
14. Rezone 3665 Rock City Road from AR2 to PRC1, as shown on Map B.
15. Rezone 2103 Bowen Road from R7 to COR1, as shown on Map C.
16. Rezone 3840 Stronach Drive from R10 to PRC1, as shown on Map D.
17. Rezone 5600 Vanderneuk Road from R10 to PRC1, as shown on Map E.
18. Rezone 3842 Stronach Drive from R10 to PRC1, as shown on Map F.
19. Rezone 310 Arbot Road from R10 to PRC2, as shown on Map G.
20. Rezone 5020 Laguna Way from R10 to PRC1, as shown on Map H.
21. Rezone 2570 Kenworth Road from I2 to PRC1 as shown on Map I.
22. Rezone 5649 and 5650 Linley Valley Drive from R10 to PRC1, as shown on Map J.
23. Rezone 5781 Linley Valley Drive from R10 to PRC1, as shown on Map K.
24. Rezone 5338 Smokey Crescent from R10 to PRC1, as shown Map L.

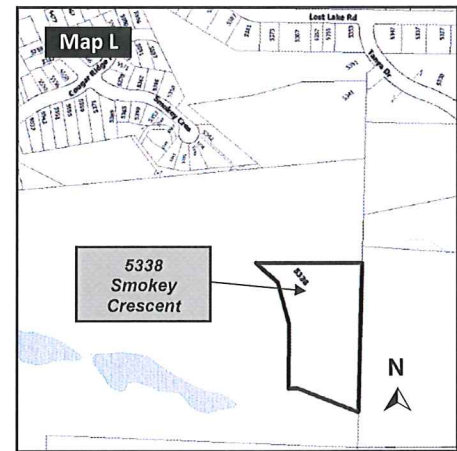
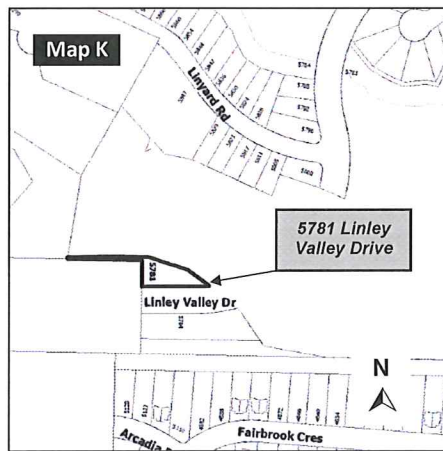
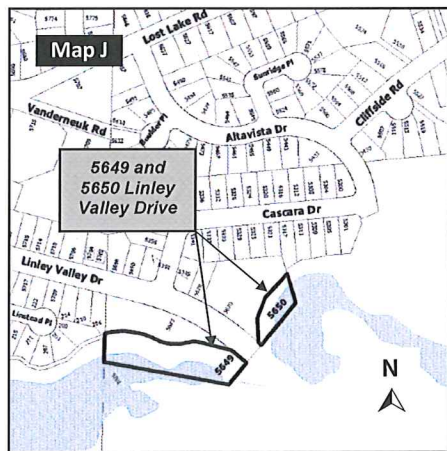
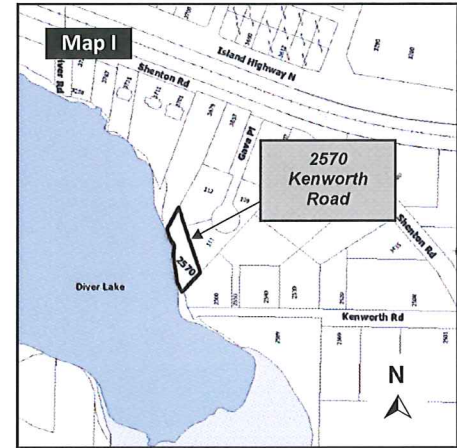
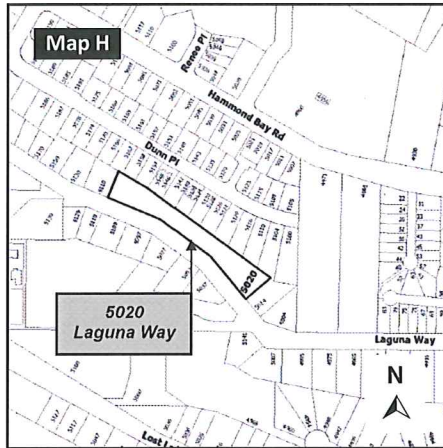
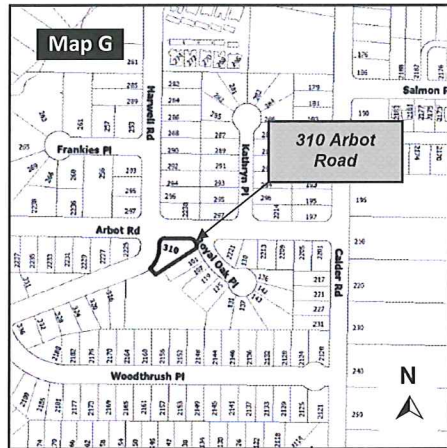
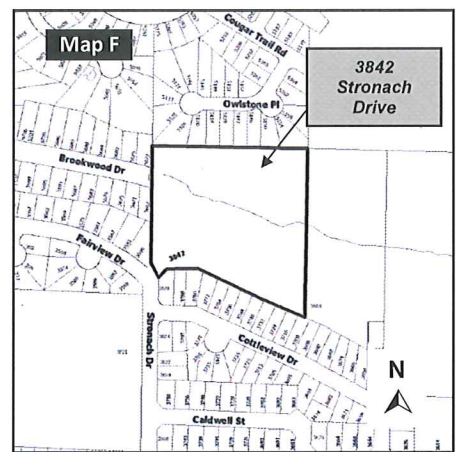
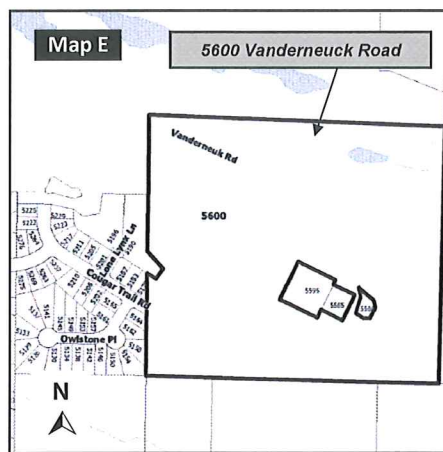
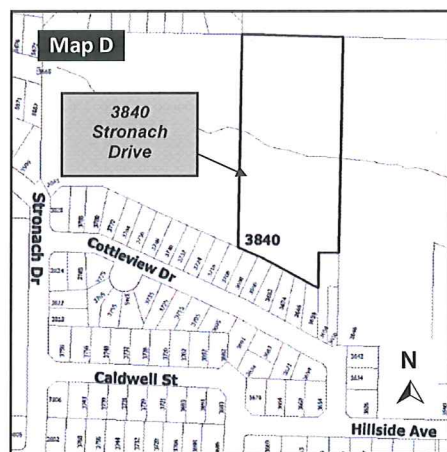


City of Nanaimo - Community Development Department  
Service and Resource Centre - 411 Dunsmuir Street  
Phone: (250) 755-4429 Fax: (250) 755-4439  
[www.nanaimo.ca](http://www.nanaimo.ca)

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**PUBLIC HEARING NOTICE CONTINUED ON NEXT PAGE**





### WANT TO MAKE A WRITTEN SUBMISSION?

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00 pm, December 3<sup>rd</sup> 2015, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

**IN PERSON:** Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street

**EMAIL:** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

**WEBSITE:** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing)

**MAIL:** City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

### WANT TO FIND OUT MORE INFORMATION?

**IN PERSON:** A copy of the above-noted bylaws and related documents may be inspected from November 24<sup>th</sup> 2015 to December 3<sup>rd</sup> 2015, from 8:00am to 4:30pm, Monday through Friday (excluding statutory holidays), at the City of Nanaimo, Community Development Department, Service and Resource Centre, located at 411 Dunsmuir Street.

If you would like more information about Public Hearings please go to the City website at [www.nanaimo.ca](http://www.nanaimo.ca) and use the search function to find the 'Public Hearing Information Sheet', which contains many frequently asked questions.

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2015-NOV-16

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: GENERAL AMENDMENTS TO ZONING BYLAW NO. 4500

---

STAFF'S RECOMMENDATION:

That Council receive the report pertaining to "ZONING AMENDMENT BYLAW 2015 NO. 4500.092".

PURPOSE:

The purpose of this report is to present a set of proposed general text and mapping amendments to Zoning Bylaw 4500 (Attachment A).

BACKGROUND:

City of Nanaimo "ZONING BYLAW 2011 NO. 4500" was adopted by Council at its regular meeting on 2011-AUG-08. The last round of general amendments was adopted by Council on 2015-MAR-16. In the past, Council has recognized that the Zoning Bylaw is subject to revisions brought about by changing circumstances and the need for improved clarity. Periodic amendments are often the only way to maintain the effectiveness and relevancy of zoning regulations. As the relatively new bylaw is applied in practice, Staff is able to evaluate the effectiveness and clarity of existing regulations and identify areas for improvement. Mapping changes are also periodically required to recognize recently acquired park properties and the appropriate use of land.

This is the seventh set of general amendments proposed for Zoning Bylaw No. 4500. Previous general amendments to the Zoning Bylaw were adopted at Council meetings held 2011-OCT-03, 2012-APR-16, 2012-DEC-03, 2013-APR-22, 2013-DEC-16 and 2015-MAR-16.

DISCUSSION:

The proposed bylaw, if adopted, will result in 12 text and 11 mapping amendments to the Zoning Bylaw. The majority of the proposed text amendments are intended to provide further clarity and allow for a more user-friendly and consistent bylaw. A number of mapping changes are also recommended in order to rezone recently acquired parkland and recognize existing land uses. A summary of the proposed amendments is attached (Attachment A).

An additional amendment concerning the sale of wine is also on Councils agenda but is included within a separate report and bylaw.

☒ Council  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2015-NOV-16



ADVISORY PLANNING COMMITTEE RECOMMENDATION:

At its meeting of 2015-OCT-20 the Planning and Transportation Advisory Committee (PTAC) endorsed all proposed zoning amendments.

Respectfully submitted,



---

B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT

  
*for* T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

## Attachment A

### Proposed General Amendments to Zoning Bylaw 4500

#	Section of Bylaw	Proposed Amendment	Rationale
1	Definitions	Amend definition of Gross Floor Area to exclude exterior wall assemblies (excluding cladding) thicker than 165cm and up to 9.29m <sup>2</sup> for space exclusively dedicated for green building systems.	Suggested by BC Hydro in support of energy efficiency. Green building system to include an airtight mechanical room, rainwater collection systems, sustainable building technologies.
2	Definitions	Add definition of 'Brewpub' and amend definition of 'Neighbourhood Pub' to include a Brew Pub. Limit scale to no more than 6000 hectolitres of beer per year, unless a Micro Brewery is permitted.	Current definition of Neighbourhood Pub does not allow for a Brewpub. If someone wants to do a Brewpub in Nanaimo they require zoning that allows for both a Microbrewery and Neighbourhood Pub. Amendment will allow a limited scale Brewpub anywhere a Neighbourhood Pub is permitted.
3	6.5	Add front and side yard setback projections for cantilevered solar shading devices, photovoltaic panels, and green walls in order to allow such features to project up to 0.6m into the side and front yard.	Green feature projections suggested by BC Hydro and adopted by the City of Vancouver in order to encourage such green energy features.
4	6.12/ 6.20.6	Move wording regarding the number of commercial vehicles permitted on a residential lot from home based business regulations to vehicle restrictions section and restrict commercial vehicles related to the property residences employment.	Existing restriction is tied to home based businesses only and doesn't apply to commercial vehicle for other business parked within a residential area. Amendment required in order to prevent business operators from parking multiple commercial vehicles within a single residential zone.
5	6.22.5	Amend the subsection to clarify that a boundary adjustment of 10% is permitted.	Current wording permits a boundary adjustment where the change does not result in the reduction of either parcel by 10% or more of its original parcel size. Wording technically does not permit a boundary adjustment of exactly 10% although this is not the intent.
6	7.2.2	Revise condition of use requiring front door to be on a different street to specify one front door must be on the flanking and other one on the front street.	Current wording technically allows doors to not be facing a street. Term "same street" is also confusing in cases where the same street name is given to the front and the flanking yards. Intent is to have



			door on front and flanking sides.
7	7.3.1	Amend R13 density to allow two detached units.	Two detached units are permitted in all other zones (R1, R4) that allow duplexes. Amendment required for clarity and consistency.
8	7.6.6	Amend perimeter wall height requirements to include the outside face of a shed roof within the calculation.	Based on a 2008 amendment we currently measure to wall plate, as such shed roofs are able to add what appears as blank wall face, but is actually an attic truss above the wall plate.
9	10.2.5	Add a liquor store as a site specific use for the property located at 4750 Rutherford Road (North Nanaimo Town Centre)	A liquor store was previously permitted as a site specific use within the C-7 zone within Bylaw 4000, but was not carried over to Bylaw 4500. Amendment to recognize existing liquor store.
10	10.3	Increase the maximum allowable floor area ratio (base density) within the Woodgrove Urban Centre (CC4) from 0.45 to 1.25.	The 0.45 floor area ratio limits residential use buildings to a lower density patio home form and does not support higher density building forms supported within the OCP. The OCP supports residential densities of medium density 10-50 units per hectare, and >150 units per hectare in high rise building forms, in this zone. The 1.25 FAR supports a four storey apartment/condo building.
11	16.5.2	Amend the density section of Comprehensive District Zone Five (CD5) to clarify density is the same as that within the Mixed Use Corridor Zone (COR2).	Current CD5 zone states "Density shall be set out in the regulations of Part 9-Corridor" but does not specify which zone. The COR2 zone best fits the existing uses and density within the existing CD5 development (Metral Station).
12	16.9.9	Amendment CD9 zone to remove the phrase from "within the yard setbacks" from lot coverage.	Existing wording is confusing and makes it sound like the setback areas are not included towards lot coverage. Intent is simply to allow lot coverage of 40% maximum.
<b>Map Amendments</b>			
1	Map	Rezone a portion of 5784 Linley Valley Drive from PRC1 to PRC2, as shown on Map A.	Local residents have requested a neighbourhood playground; amendment required to permit a playground within the existing park.
2	Map	Rezone 3665 Rock City Road from AR2 to PRC1, as shown on Map B.	Rezoning required in order to recognize recently acquired parkland.
3	Map	Rezone 3840 Stronach Drive from R10 to PRC1, as shown on	Rezoning required in order to recognize recently acquired parkland.



		Map C	
4	Map	Rezone 5600 Vanderneuck Road from R10 to PRC1, as shown on Map D.	Rezoning required in order to recognize recently acquired parkland.
	Map	Rezone 3842 Stronach Drive from R10 to PRC1, as shown on Map E	Rezoning required in order to recognize recently acquired parkland.
5	Map	Rezone 310 Arbot Road from R10 to PRC2, as shown on Map F.	Rezoning required in order to recognize recently acquired parkland.
6	Map	Rezone 5020 Laguna Way from R10 to PRC1, as shown on Map G.	Rezoning required in order to recognize recently acquired parkland.
7	Map	Rezone 2570 Kenworth Road from I2 to PRC1 as shown on Map H.	Rezoning required in order to recognize recently acquired parkland.
8	Map	Rezone 5649 and 5650 Linley Valley Drive from R10 to PRC1, as shown on Map I.	Rezoning required in order to recognize recently acquired parkland.
9	Map	Rezone 5781 Linley Valley Drive from R10 to PRC1, as shown on Map J.	Rezoning required in order to recognize recently acquired parkland.
10	Map	Rezone 5338 Smokey Crescent from R10 to PRC1, as shown Map K.	Rezoning required in order to recognize recently acquired parkland.
11	Map	Rezone 2103 Bowen Road from R7 to COR1, as shown on Map L.	Property rezoned to R7 in 2011 in order to create the R7 zone and apply it to a property. We now have other properties that have been successfully rezoned R7 so the R7 zone is no longer needed on this lot.

CITY OF NANAIMO

BYLAW NO. 4500.092

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2015 NO. 4500.092".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By deleting the definition of "Gross Floor Area, Single Residential Dwelling or Duplex" and "Gross Floor Area, All Other Uses" and replacing with the following:

**GROSS FLOOR AREA, SINGLE RESIDENTIAL DWELLING OR DUPLEX:** means the total of all floors, measured to the exterior face of the exterior walls of the building, except where the exterior wall assemblies (excluding cladding) are thicker than 165cm in which floor area is measured from the interior wall face. The definition includes covered decks, but excludes the following:

- 1) Accessory buildings;
- 2) Attached garages or carports, to a maximum of 42m<sup>2</sup>;
- 3) All floor space having a maximum ceiling height less than or equal to 1.5m;
- 4) Covered porches to a maximum of 11m<sup>2</sup>;
- 5) A front porch;
- 6) Basements which have a ceiling height of 0.6m or less above the adjacent finished grade, excluding localised depressions, on all elevations;
- 7) Open decks; and
- 8) Dedicated space for green building systems, to a maximum of 9.29m<sup>2</sup>.

**GROSS FLOOR AREA, ALL OTHER USES:** means the total of all floors, measured to the exterior face of the exterior walls of the building except where the exterior wall assemblies (excluding cladding) are thicker than 165cm in which floor area is measured from the interior wall face. The definition includes accessory buildings and covered decks, but excludes the following:

- 1) Any portion of a building or structure used for parking purposes or for a swimming pool, unless such parking or swimming pool is the principal use.
- 2) Open deck or patio areas, which at least in part, through the absence of full walls or windows, open to the outside.
- 3) One entrance lobby used as the main entrance to a building or structure.
- 4) All floor space having a maximum ceiling height less than or equal to 1.5m.
- 5) Dedicated bicycle and recreational equipment storage areas.
- 6) Dedicated space for green building systems, to a maximum of 9.29m<sup>2</sup>.

- (2) By adding the following definition of 'Brew Pub' after 'Boarding and Lodging':

**BREW PUB** - means a Neighbourhood Pub that manufactures up to 6,000 hectolitres of beer per year for on-site consumption and for sale on-site or to an off-site licensed establishment and/or liquor store within the local distribution area.

- (3) By deleting the definition of 'Neighbourhood Pub' and replacing it with the following:

**NEIGHBOURHOOD PUB** - means an establishment licensed to serve liquor in conjunction with live entertainment and/or dancing as a Liquor-Primary establishment under the Liquor Control and Licensing Act and amendments thereto, and shall offer full lunch and dinner menus complete with hot and cold meals and may include a Brew Pub (See Part 6 NEIGHBOURHOOD PUB AND LOUNGE OCCUPANCY).

- (4) By deleting the definition of 'Perimeter Wall Height' and replacing it with the following:

**PERIMETER WALL HEIGHT** - means the vertical distance measured at the outermost building face, excluding open decks, from the finished grade to the top of the wall or top of a shed roof not including gable ends, dormers to a maximum of 25% of the wall length and localized depressions.

- (5) By amending Subsection 6.5.1 by adding the following after 'Front Porch':

Feature	Permitted Projections into Required Yard Setback				Conditions of Use
	Front	Side	Flanking Side	Rear	
Cantilevered solar shading device, photovoltaic panel, and green walls	0.6m	0.6m	0.6m	---	

- (6) By deleting Subsection 6.20.6 in its entirety and renumbering accordingly.

- (7) By adding the following as Subsection 6.12.5. and 6.12.6:

6.12.5. Where the property is zoned for a single dwelling residential use only and an identifiable commercial vehicle is parked on the property, the vehicle must be for use of the property resident and that resident must be an employee or owner of the company the vehicle is identified with.

6.12.6. No lot zoned residential shall be used for the storage or repair of commercial vehicles having a gross vehicle weight greater than 8,600kg.

- (8) By deleting Subsection 6.22.5 and replacing with the following:

Notwithstanding the lot area requirements of this Bylaw, where the requirements are met under each zone with respect to the provision of water service and sewage disposal, minimum parcel size requirements shall not apply to a subdivision where:



- a) two or more parcels are being consolidated into a single parcel; or
- b) the effect of the subdivision would not increase the number of parcels but would adjust the boundary between existing parcels, provided that the boundary change did not result in the reduction of either parcel by more than 10% of its original parcel size; or
- c) an accretion is added to the parcel.

(9) By deleting Subsection 7.2.2. and replacing with the following:

7.2.2. Notwithstanding Subsection 7.2.1, within the R1 / R1a zones duplexes shall only be permitted where the lot is a corner lot with a lot area greater than 700m<sup>2</sup> in lot area but does not meet the lot area, lot depth or lot frontage requirements for subdivision provided one front door faces the front yard street and the other front door faces the flanking side yard.

(10) By amending Subsection 7.3.1 by deleting the maximum allowable base density within the R13 zone and replacing with the following: "Two dwelling units".

(11) By amending Subsection 10.2.5 by adding a liquor store as a site specific use as follows:

Use	Permitted Location Address	Legal Description of Permitted Location
Liquor Store	4750 Rutherford Road	LOT A OF SECTION 14 AND DISTRICT LOTS 14 AND 17 AND SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN VIP66202

(12) Amend Subsection 10.3.1 to replace allowable Floor Area Ratio within the CC4 zone with 1.25.

(13) Amend Subsection 16.5.2 by adding "(Mixed Use Corridor Zone (COR2)" after "Part 9 – Corridor".

(14) By amending Subsection 16.9.9 by removing the phrase "within the yard setbacks" after Lot Coverage.

(15) By rezoning a portion of those lands as shown on Schedule A from Parks, Recreation and Culture One (PRC1) to Parks, Recreation and Culture Two (PRC2).

(16) By rezoning the lands shown on Schedule B from Urban Reserve (AR2) to Parks, Recreation and Culture One (PRC1).

(17) By rezoning the lands shown on Schedule C from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).

(18) By rezoning the lands shown on Schedule D from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).

(19) By rezoning the lands shown on Schedule E from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).

- (20) By rezoning the lands shown on Schedule F from Steep Slope Residential (R10) to Parks, Recreation and Culture Two (PRC2).
- (21) By rezoning the lands shown on Schedule G from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).
- (22) By rezoning the lands shown on Schedule H from Light Industrial (I2) to Parks, Recreation and Culture One (PRC1).
- (23) By rezoning the lands shown on Schedule I from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).
- (24) By rezoning the lands shown on Schedule J from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).
- (25) By rezoning the lands shown on Schedule K from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).
- (26) By rezoning the lands shown on Schedule L from Row House Residential (R7) to Parks, Residential Corridor (COR1).

PASSED FIRST READING 2015-NOV-16

PASSED SECOND READING 2015-NOV-16

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_

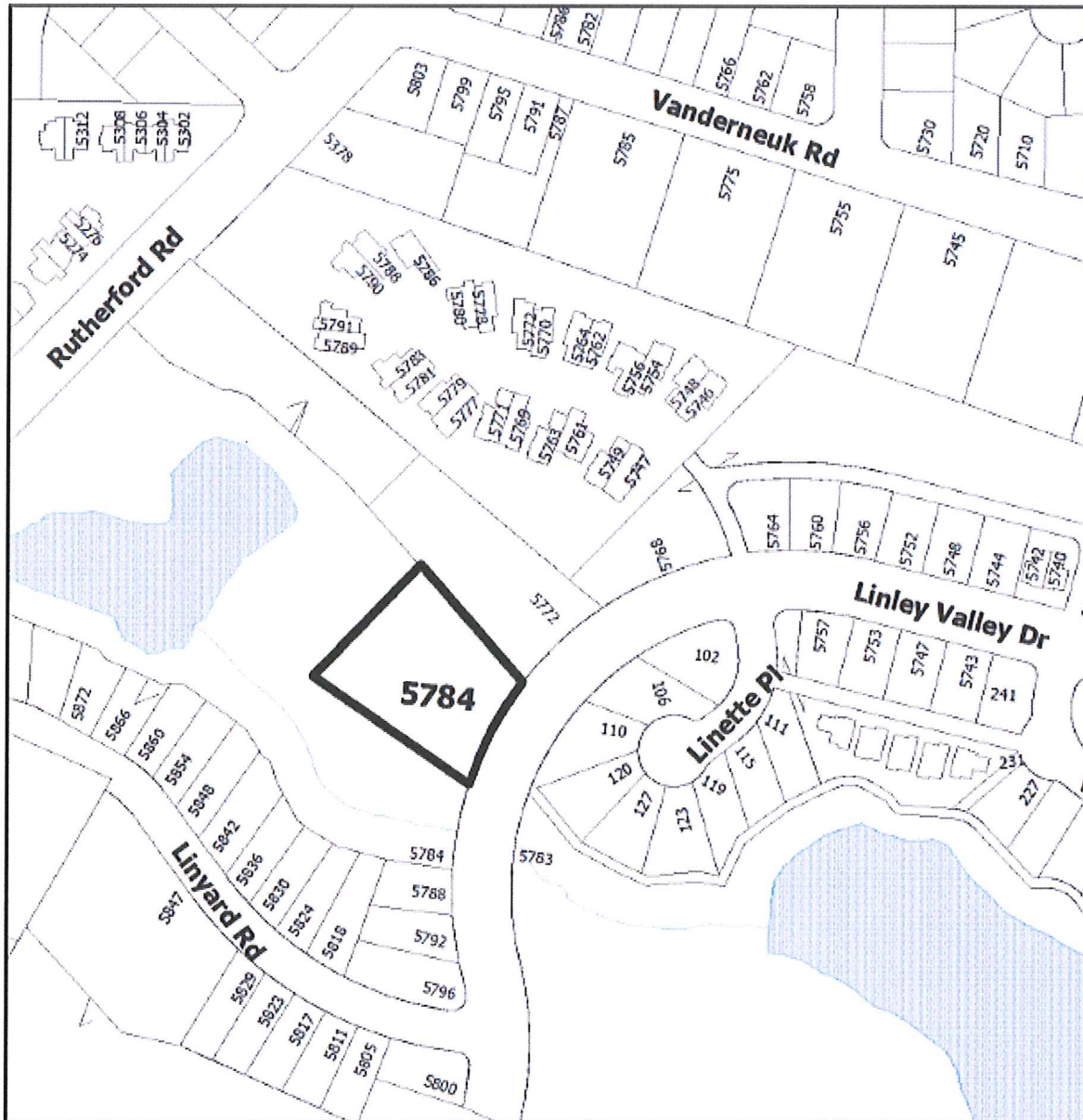
ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: N/A  
Address: N/A

Schedule A



REZONING APPLICATION

**LOCATION PLAN**

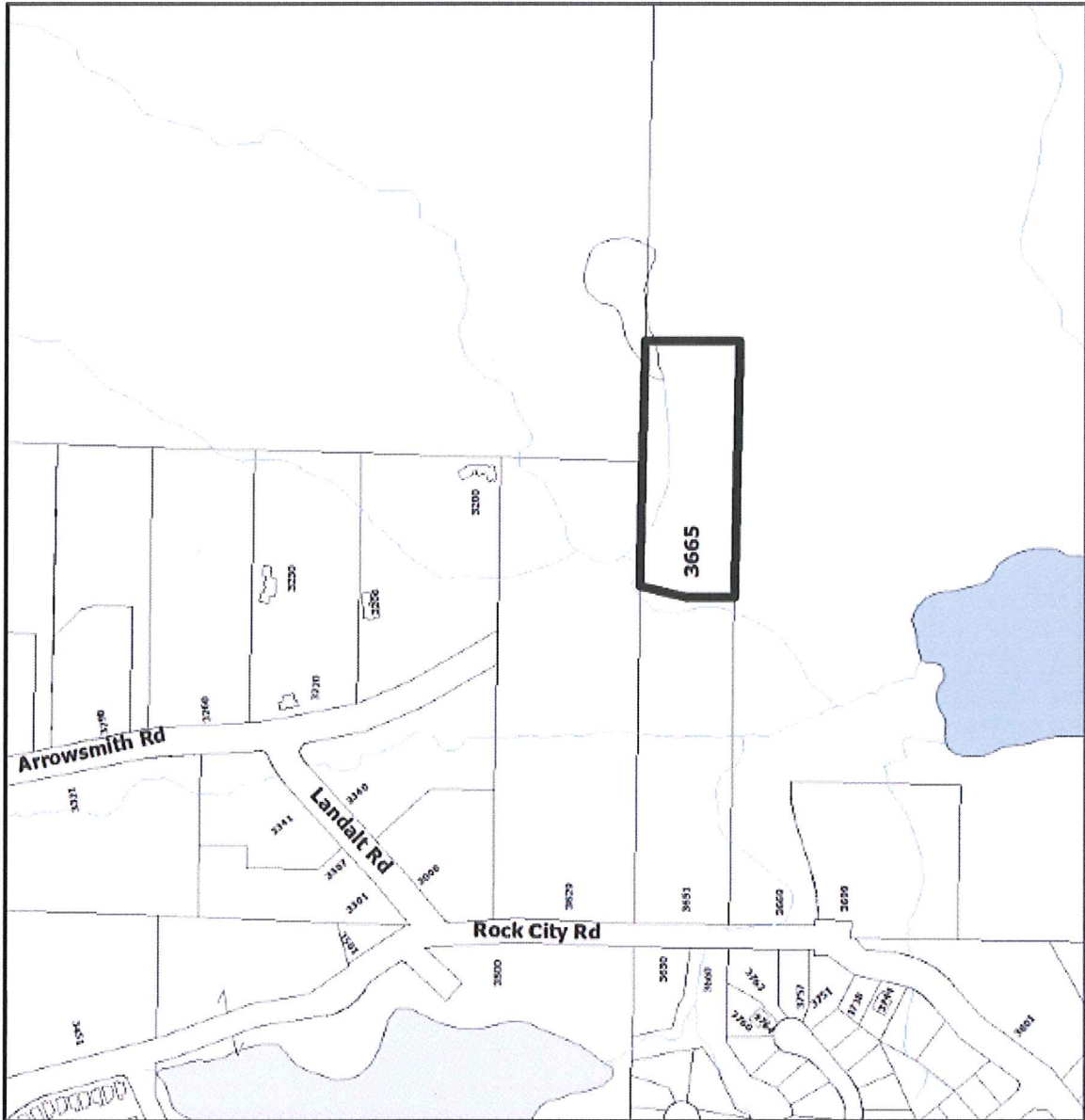
Civic: 5784 Linley Valley Drive



 Subject Property



Schedule B




REZONING APPLICATION

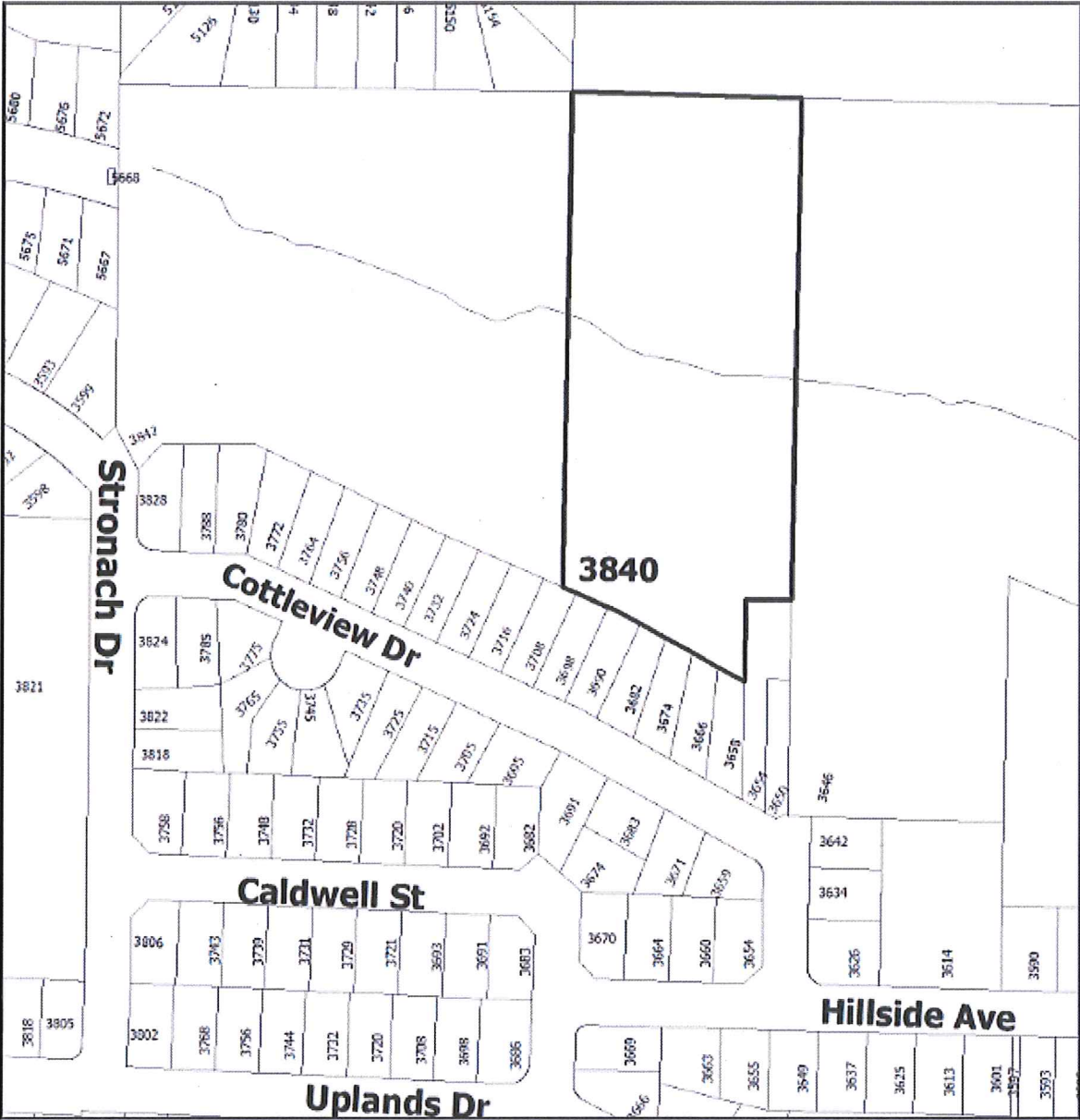
**LOCATION PLAN**

Civic: 3665 Rock City Road



 Subject Property

Schedule C




REZONING APPLICATION

**LOCATION PLAN**

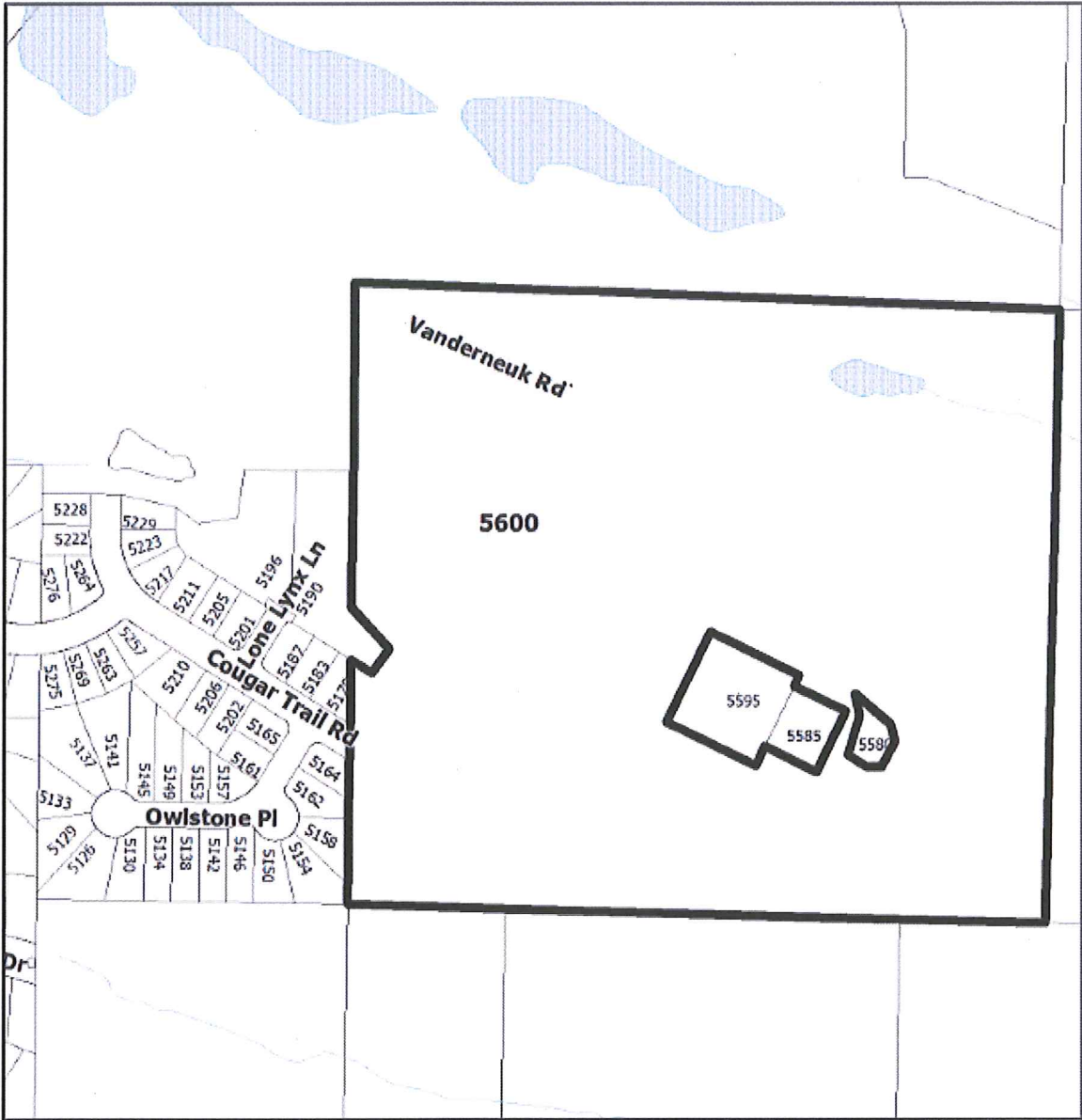
Civic: 3840 Stronach



 Subject Property



Schedule D




REZONING APPLICATION

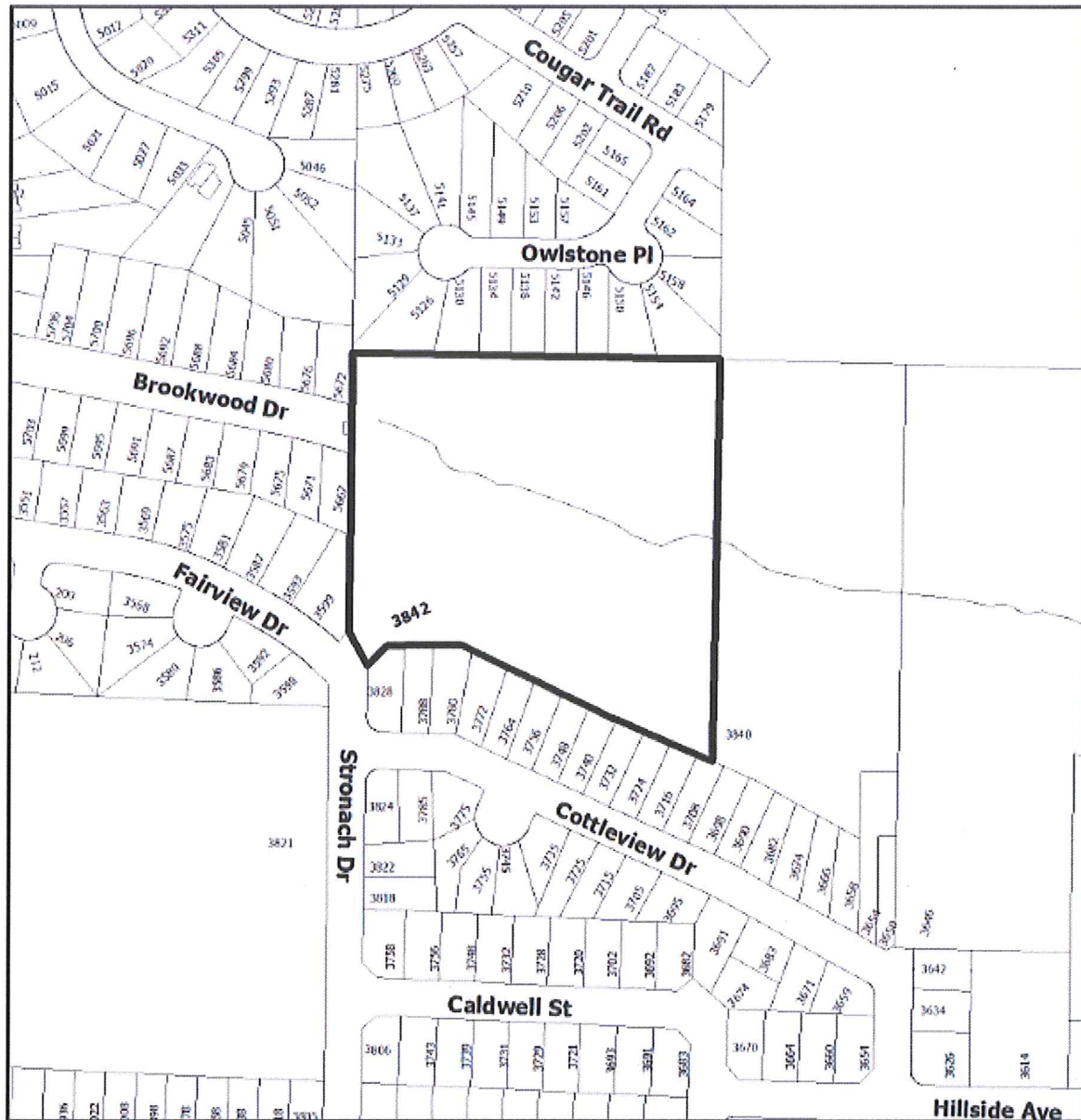
**LOCATION PLAN**

Civic: 5600 Vanderneuk Rd



 Subject Property

Schedule E



REZONING APPLICATION

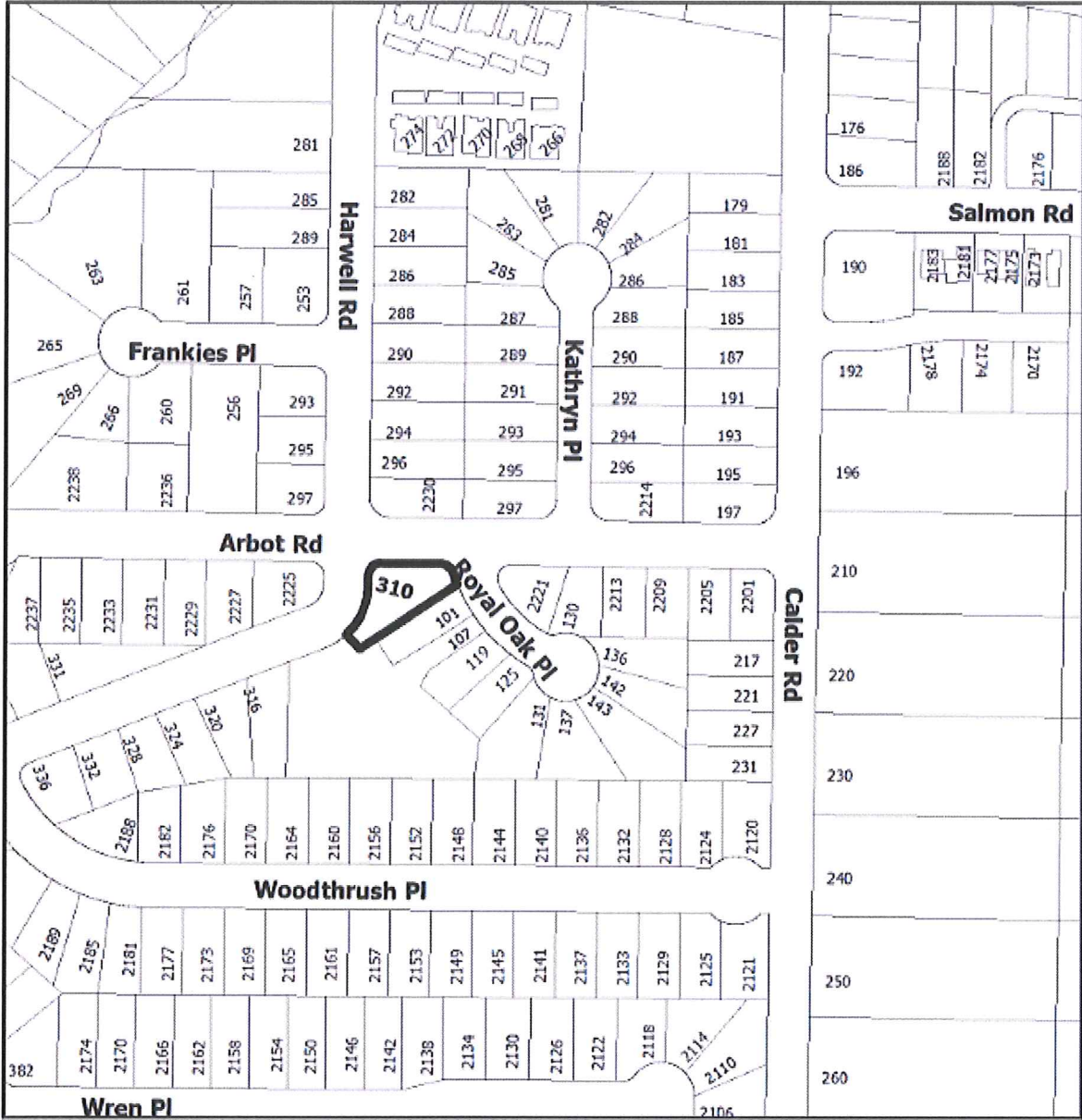
**LOCATION PLAN**

Civic: 3842 Stronach Drive




Subject Property

Schedule F



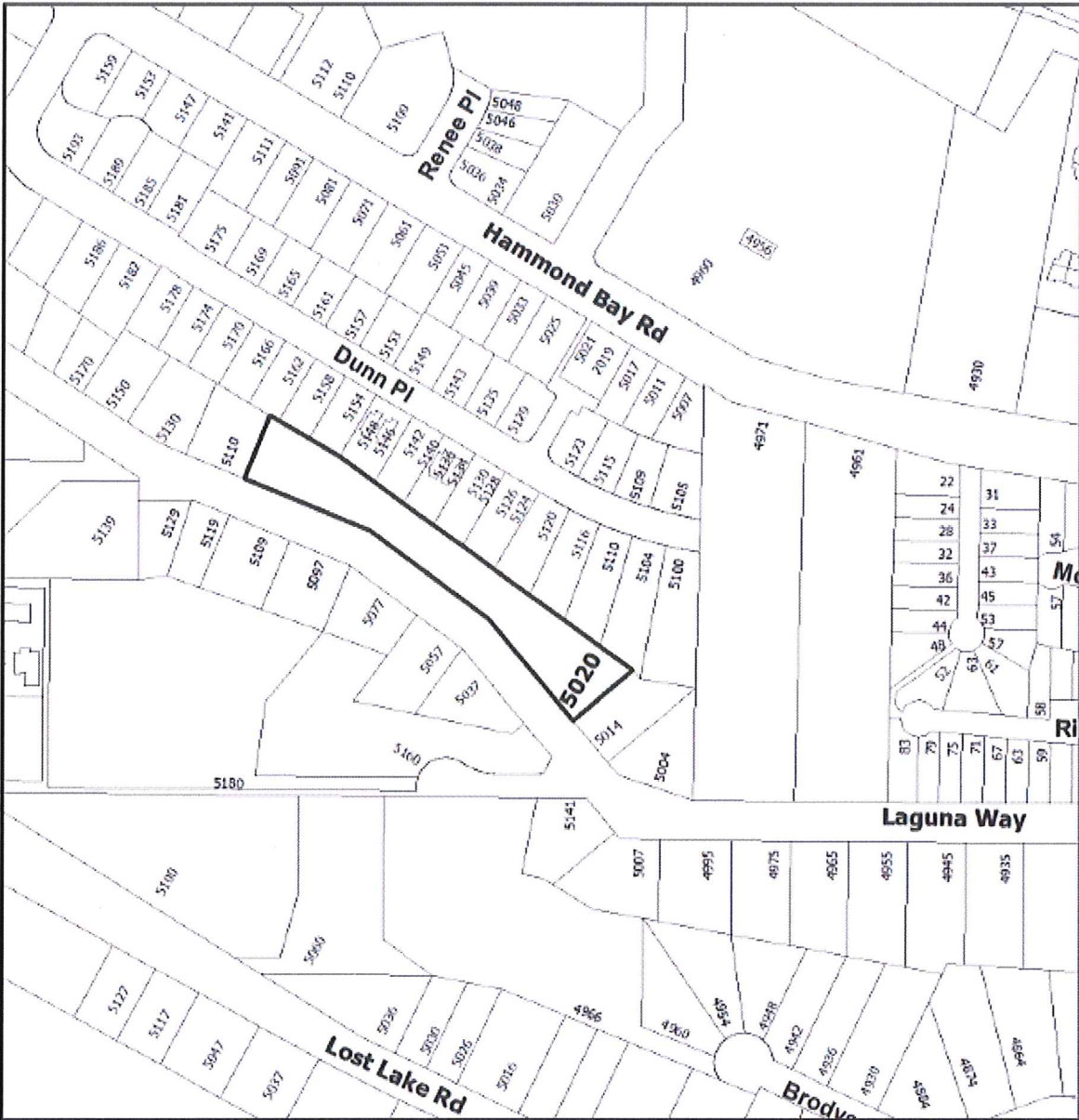
REZONING APPLICATION  
**LOCATION PLAN**  
Civic: 310 Arbot Road



 Subject Property



Schedule G




REZONING APPLICATION

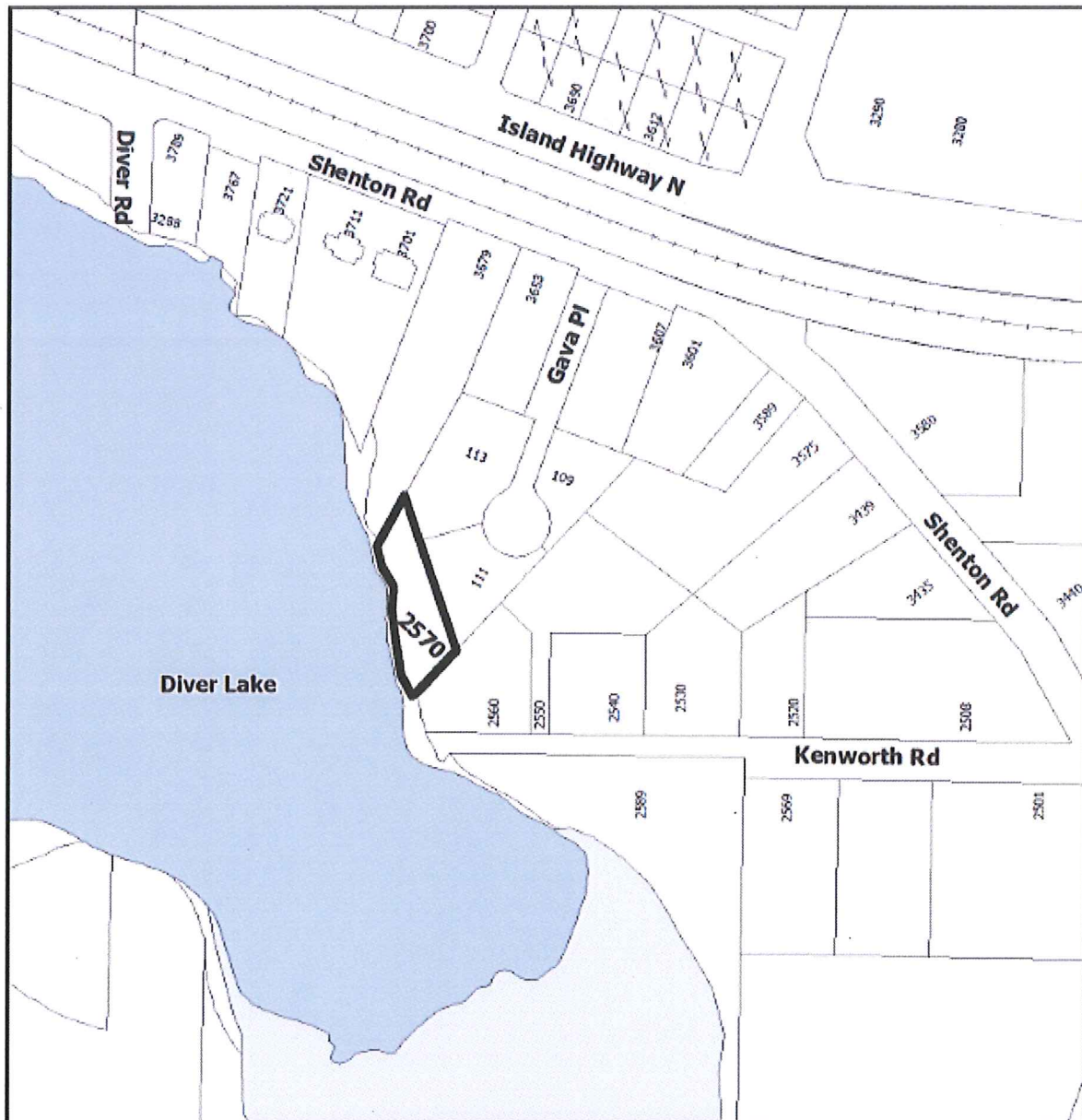
**LOCATION PLAN**

Civic: 5020 Laguna Way



 Subject Property

Schedule H



REZONING APPLICATION

**LOCATION PLAN**

Civic: 2570 Kenworth Road



 Subject Property

Schedule I




REZONING APPLICATION

**LOCATION PLAN**

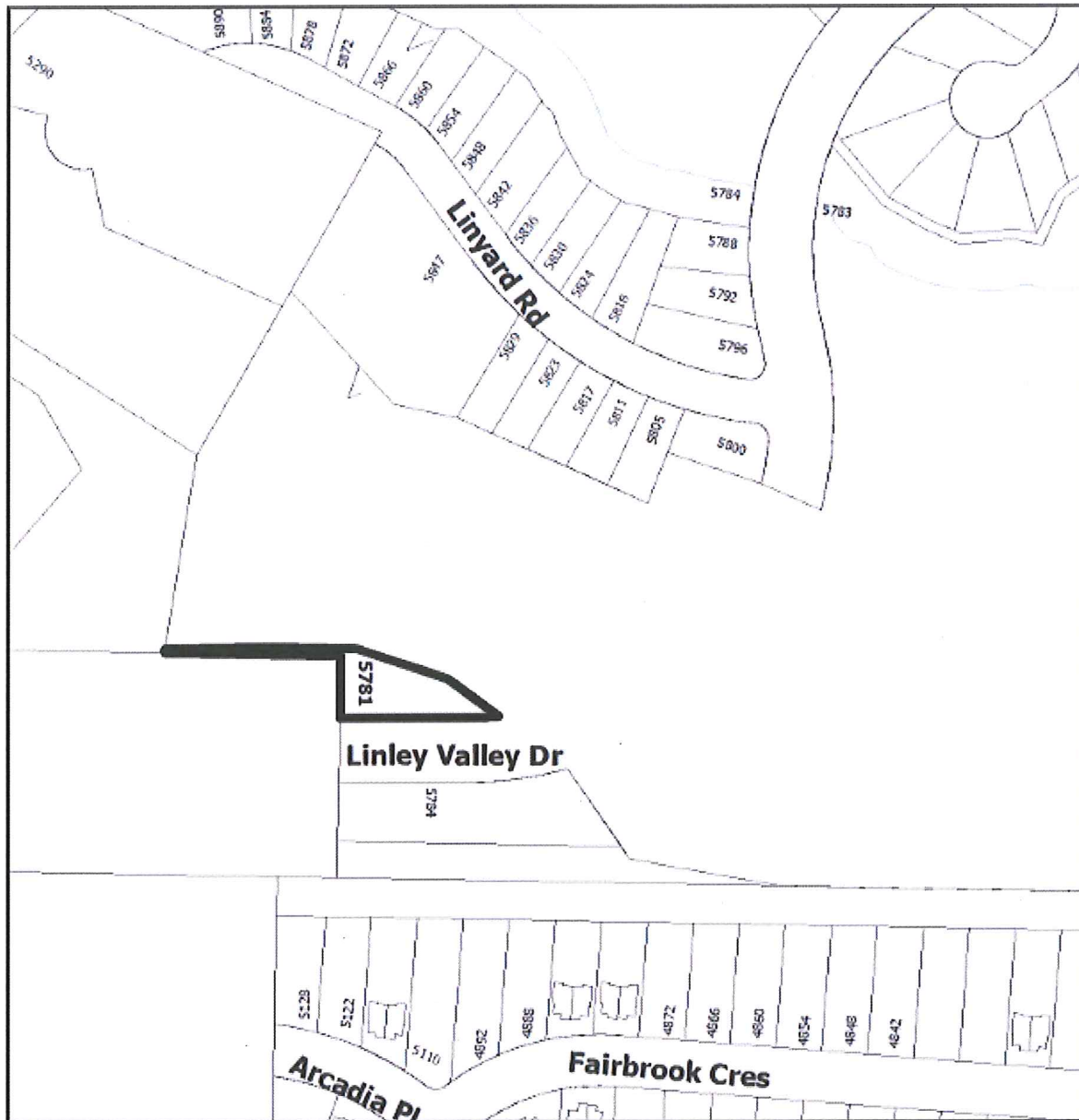
Civic: 5649 and 5650 Linley Valley Dr



 Subject Property



## Schedule J



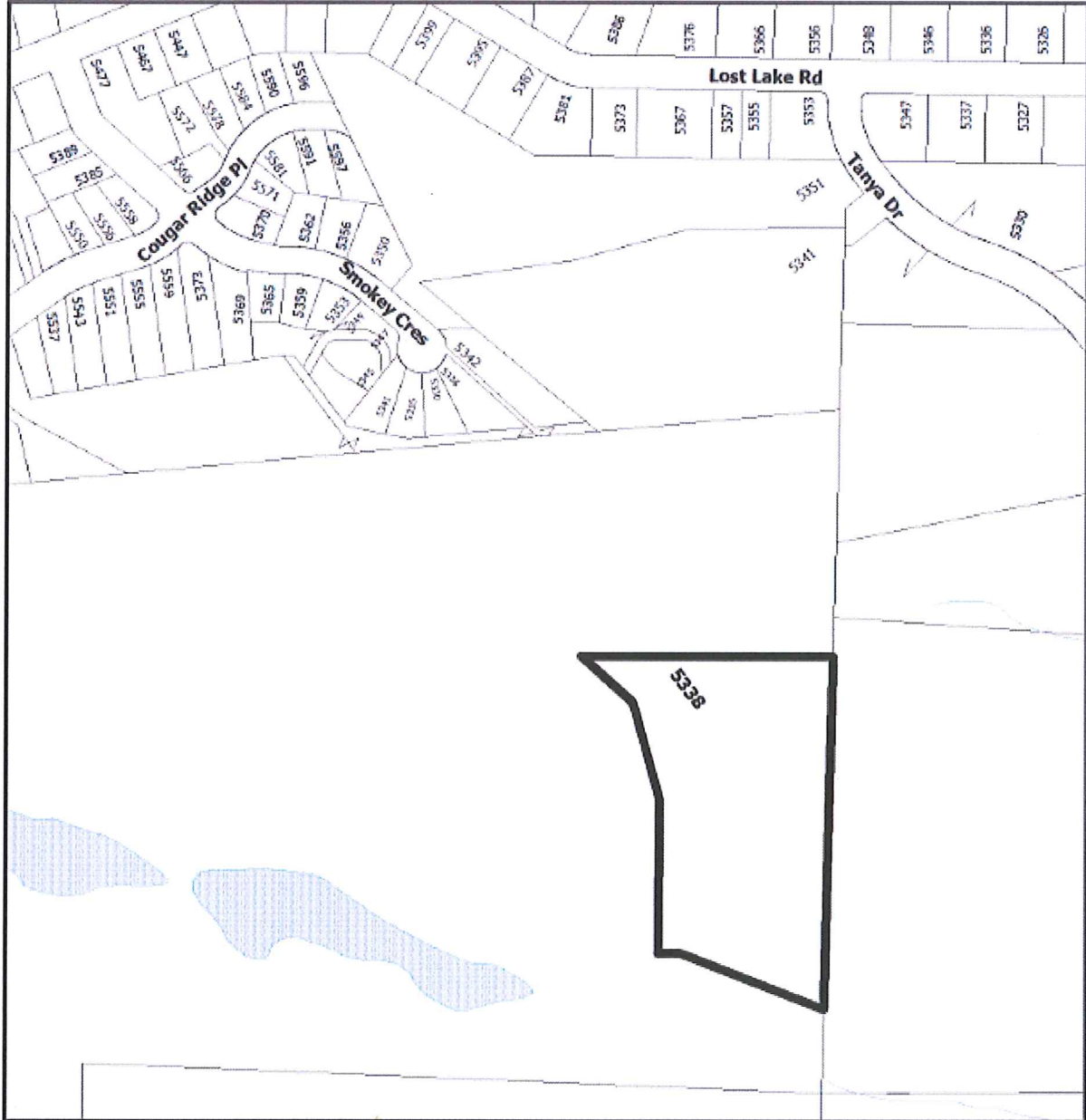
REZONING APPLICATION

## LOCATION PLAN

Civic: 5781 Linley Valley Dr



Schedule K




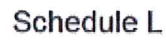
REZONING APPLICATION

**LOCATION PLAN**

Civic: 5338 Smokey Crescent



 Subject Property





# NOTICE OF PUBLIC HEARING

December 3<sup>rd</sup> 2015 at 7:00 pm



There will be a Public Hearing on Thursday, **December 3<sup>rd</sup> 2015**, starting at **7:00 pm** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC**, to consider a proposed amendment to the City of Nanaimo "ZONING BYLAW 2011 NO. 4500."

All persons who believe their interest in property is affected by the proposed bylaw will be given the opportunity to be heard in person, by a representative, or by written submission, on the matters contained within Bylaw No. 4500.093 at the Public Hearing.

## 1. BYLAW NO. 4500.093

**Purpose: To add a definition of 'wine store' within Zoning Bylaw 4500.**

Location(s): N/A

File No.: N/A

This bylaw if adopted will add a definition of 'wine store' within City of Nanaimo "Zoning Bylaw 2011 No. 4500" and require rezoning for the sale of wine.

### ***WANT TO MAKE A WRITTEN SUBMISSION?***

If you are unable to attend the Public Hearing, written submissions must be received no later than 4:00pm, December 3<sup>rd</sup> 2015, to ensure their availability to Council at the Public Hearing. Written submissions can be provided by any of the following methods:

***IN PERSON:*** Drop off at the Service and Resource Centre, located at 411 Dunsmuir Street

***EMAIL:*** Email should be sent to [public.hearing@nanaimo.ca](mailto:public.hearing@nanaimo.ca)

***WEBSITE:*** Submit comments directly through the City's website at [www.nanaimo.ca/publichearing](http://www.nanaimo.ca/publichearing)

***MAIL:*** City of Nanaimo, Community Development Department, 455 Wallace Street, Nanaimo, BC, V9R 5J6

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

**City of Nanaimo  
Community Development Department  
Service and Resource Centre  
411 Dunsmuir Street  
Phone: (250) 755-4429 Fax: (250) 755-4439  
[www.nanaimo.ca](http://www.nanaimo.ca)**

If you would like more information about Public Hearings please go to the City website at [www.nanaimo.ca](http://www.nanaimo.ca) and use the search function to find the '***Public Hearing Information Sheet***', which contains many frequently asked questions.

*This Notice is published in accordance with Section 892 of the Local Government Act. Notice given by the Corporate Officer.*

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2015-NOV-16

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: WINE STORE ZONING

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STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2015 NO. 4500.093".
2. endorse the wine store rezoning criteria included within this report as Attachment A.
3. direct Staff to review the wine store rezoning criteria through the upcoming Liquor Control Strategy review process.

PURPOSE:

The purpose of this report is to present a zoning bylaw amendment that will create a new definition of wine store, and require that wine stores only be permitted through site specific rezoning. The report also includes a set of criteria to be used to evaluate future wine store rezoning applications.

BACKGROUND:

On 2015-SEP-14 and 2015-OCT-19, Council received Staff reports regarding the sale of British Columbia wine, cider and sake within grocery stores. The 2015-OCT-19 Council report provided the following three options:

- permit wine sales in all grocery stores as an ancillary use;
- permit wine sales only where a liquor store is a permitted use on the subject property;
- permit wine stores as site specific use only.

Council opted for the third option, and through Resolution #47215 directed Staff *to bring forward an amendment to "Zoning Amendment Bylaw 2011 No. 4500" that includes a definition of a wine store, a definition of wine in grocery stores, and to prepare evaluation criteria for future wine store rezoning applications.*

During the same Council meeting, Council also directed Staff to proceed with a review of the City's Liquor Control Strategy. More information regarding the Liquor Control Strategy review will be provided within a future report.

DISCUSSION:

In response to Council's direction, Staff has prepared a Zoning Amendment Bylaw for Council's consideration. The amendment bylaw includes the following definition of a 'wine store':

☒ Council  
☐ Committee.....  
☒ Open Meeting  
☐ In-Camera Meeting  
Meeting Date: 2015-NOV-16



**Wine Store** – means any kind of retail wine store licensed under the Liquor Control and Licensing Act for the sale of wine, sake, cider, wine coolers and mead. A wine store can include an independent retail store, or the sale of wine, cider, mead and sake within a grocery store where approved by the Liquor Control and Licensing Branch.

The above definition will be included within the Definitions section of Zoning Bylaw 4500, but will not yet be listed as a permitted use within any zone. If an applicant wishes to sell wine within an independent wine store or grocery store, a rezoning application will be required. The rezoning application will be reviewed based on a set of evaluation criteria endorsed by Council.

As a wine store licence is more restricted in terms of the items it can sell than a liquor store, the existing liquor store rezoning criteria is not appropriate. Staff has prepared an interim set of criteria for Council consideration. While it is recommended that the criteria be developed and reviewed further as part of the City's Liquor Control Strategy review, given the review may be a lengthy process requiring consultation among a number of local stakeholders, an interim set of criteria is required.

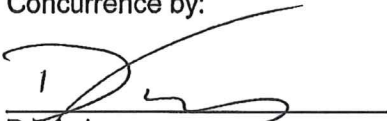
The proposed rezoning criteria are similar to that used for liquor stores, but does not include a buffer from schools, or the same level of consideration to traffic and building design as the liquor store criteria requires. For applications to permit the sale of wine within grocery stores, the criteria will require written assurances from the Liquor Control and Licensing Branch (LCLB) that the grocery store meets the provincial criteria to sell wine on grocery store shelves. A floor plan of the grocery store, showing the dimensions of the proposed wine sales floor area; will also be required where wine is to be sold within a grocery store.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT

  
fr

T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.





## **WINE STORE REZONING CRITERIA**

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### **BACKGROUND**

On 2015-OCT-19, Nanaimo City Council directed Staff to bring forward an amendment to "Zoning Amendment Bylaw 2011 No. 4500" that includes a definition of a wine store and prepare evaluation criteria for future wine store rezoning applications. This document presents a set of criteria to be used to assist Council in evaluating rezoning applications to permit a stand-alone wine store or the sale of wine within grocery stores. The criteria included below are subject to change following a review of the City's Liquor Control Strategy.

### **PROPOSED CRITERIA**

#### **1. Location**

- 1.1. The proposed wine store should be located within a zone that permits retail sales.
- 1.2. The proposed wine store should be located on, or in close proximity to, a provincial highway, urban arterial or urban major collector road, as defined in the City's *Functional Road Classification Working Plan*, or in an Urban Node, Corridor or Commercial Centre designation in the City's Official Community Plan.
- 1.3. The proposed wine store shall not be located adjacent, or in close proximity, to a nightclub.

#### **2. Building & Site**

- 2.1. The proposed wine sales should be consistent with the immediate area and the size of existing retail stores within the area.
- 2.2. Where wine is sold within a grocery store, the sale of wine must be ancillary to sale of other grocery items.

### **3. Community Impact**

- 3.1. The applicant must outline his or her awareness of potential negative impacts of the proposed wine store on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.
  - 3.1.1. Possible measures could include efforts to prevent service to minors and intoxicated persons, limits on hours of operation, product ranges targeted at niche markets, property maintenance and beautification programs designed to prevent unsightliness, etc.
  - 3.1.2. Consideration must be given to the impact that the wine store will have when located in close proximity to libraries, public recreation centres, schools, other liquor retail stores, public community centres, parks, places of worship and other family-oriented facilities.
- 3.2. The support of the surrounding community, neighbouring property owners, and the local neighbourhood association for the proposed wine store is important to Council's decision.
- 3.3. All rezoning applications for wine stores must be reviewed by the City's Social Planning Advisory Committee and the RCMP, in addition to being reviewed by the Planning and Transportation Advisory Committee.

### **APPLICATION REQUIREMENTS**

In order to be considered, each rezoning application for a wine store must be accompanied by a number of specific items, in addition to the standard items which must accompany all rezoning applications. In all, each rezoning application for a wine store must include:

- A description of the proposed wine store outlining:
  - the proposed size of the facility
  - the facility's proposed operating hours
  - the specific market segment being targeted
- A community impact statement that outlines the proposed wine store's potential:
  - positive impacts on the community
  - negative impacts on the community
  - measures to be taken to prevent and/or address the negative impacts
- Where the wine is to be sold within a grocery store the following additional items are required:
  - written assurances from the Liquor Control and Licensing Branch (LCLB) that the grocery store meets the Provincial criteria to sell wine on grocery store shelves
  - a floor plan of the grocery store, showing the dimensions of the proposed wine sales area

CITY OF NANAIMO

BYLAW NO. 4500.093

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2015 NO. 4500.093".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By amending "Section 5 - Definitions" by adding the following definition of 'Wine Store' after 'Wholesale':

**Wine Store** – means any kind of retail wine store licensed under the Liquor Control and Licensing Act for the sale of wine, sake, cider, wine coolers and mead. A wine store can include an independent retail store, or the sale of wine, cider, mead and sake within a grocery store where approved by the Liquor Control and Licensing Branch.

PASSED FIRST READING 2015-NOV-16

PASSED SECOND READING 2015-NOV-16

PUBLIC HEARING HELD \_\_\_\_\_

PASSED THIRD READING \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_

ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

File: N/A  
Address: N/A