

DATE OF MEETING December 6, 2021

AUTHORED BY BRIAN ZUREK, PLANNER

**SUBJECT OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION  
NO. OCP00098 – 30 MAKI ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration an amendment to the "Official Community Plan Bylaw 2008 No. 6500" that would amend the OCP land use designation from Neighbourhood to Light Industrial; and amend the Chase River Neighbourhood Plan land use designation from Low-Medium Density Residential to Service Industrial Enterprise Area, to be consistent with the existing industrial use, and to allow flexibility for future development at 30 Maki Road.

### **Recommendation**

That:

1. "Official Community Plan Amendment Bylaw 2021 No. 6500.047" (to re-designate 30 Maki Road on the Official Community Plan Schedule A - Future Land Use Plan [Map 1] from 'Neighbourhood' to 'Light Industrial,' and to re-designate 30 Maki Road on the Chase River Neighbourhood Plan Schedule A – Future Land Use and Mobility from 'Low-Medium Density Residential' to 'Service Industrial Enterprise Area') pass first reading; and
2. "Official Community Plan Amendment Bylaw 2021 No. 6500.047" pass second reading.

## **BACKGROUND**

Suncor Energy Products Partnerships (the "Owner") submitted an Official Community Plan (OCP) amendment application (OCP98) for the property at 30 Maki Road. The Owner proposes to amend the OCP by changing the land use designation from Neighbourhood to Light Industrial, and amend the Chase River Neighbourhood Plan by changing the land use designation from Low-Medium Density Residential to Service Industrial Enterprise Area, to be consistent with an existing industrial use and to support future plans to modernize the business operation at 30 Maki Road.

<b>Subject Property and Site Context</b>	
<i>Location</i>	The subject property is east of the intersection of the Island Highway South and Tenth Street (Southgate) on the north side of Maki Road
<i>Current OCP Designation</i>	Neighbourhood
<i>Proposed OCP Designation</i>	Light Industrial
<i>Current Chase River Neighbourhood Plan Designation</i>	Low-Medium Density Residential

<i>Proposed Chase River Neighbourhood Plan Designation</i>	Service Industrial Enterprise Area
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The subject property is located within a small precinct of existing commercial and industrial uses, bound by the Island Highway South (west), the E&N railway (north), and a wetland and low-density residential uses (east) along Maki Road. Several vacant or undeveloped properties are also located on Maki Road. The subject property is also located near the Nanaimo River Estuary.

Maki Road terminates approximately 450 metres east of the subject property. The OCP (Map 2: Mobility), and the Transportation Master Plan propose to extend Maki Road east to Fielding Road.

The owner currently operates a bulk fuel wholesale business on the subject property, similar to other existing and historic bulk fuel sales operations on adjacent sites at 33 and 39 Maki Road. City records show that fuel sales have occurred on the subject property since 1996.

In 1999, Council adopted the Chase River Neighbourhood Plan that designated the area near the intersection of the Island Highway South and Tenth Street generally as a Main Street (commercial/residential), with Medium-High Density Residential uses to the west and Commercial and Low-Medium Residential uses to the east (Attachment F). The Neighbourhood Plan designated the property Low-Medium Density Residential, and designated industrial areas generally as Service Industrial Enterprise Area.

In 2008, the City updated the OCP and identified the subject property as Neighbourhood (Attachment B). The “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) subsequently rezoned the property in 2011 from Light Industrial (I-2) to Single Dwelling Residential (R1) to align with the OCP. As a result, the existing industrial use of the subject property became non-conforming.

The property owner intends to continue operating the current business on the subject property for the foreseeable future, which would require improvements to the site for the benefit of employees and customers. The applicant proposes to re-designate the subject property from Neighbourhood to Light Industrial to be consistent with the existing use of the site. Should Council support the OCP amendment, the applicant would submit a rezoning application to secure light industrial zoning to allow flexibility for future industrial development plans on the site. |

## **DISCUSSION**

### **Policy Context**

#### *Official Community Plan*

The subject property is strategically located to support light industrial use, with nearby access to major roads (Island Highway South, Trans Canada Highway and Nanaimo Parkway), as well as the Duke Point ferry terminal and Nanaimo Airport.

Council recently approved (2019-JAN-21) an OCP amendment application (OCP87) to recognize another existing non-conforming light industrial use (mini-storage) within the adjacent property to the west (40 Maki Road).

While there are some limited provisions in the *Local Government Act* to allow non-conforming uses to continue, these regulations would not allow further alteration or expansion of the non-conforming use beyond what existed at the time of the Zoning Bylaw change. As a result, the owner would not be permitted to expand or further develop the existing business, and any redevelopment proposal would need to comply with the current Neighbourhood (residential) designation.

Re-designating the property to Light Industrial would be consistent with the continuation of the existing industrial use at 30 Maki Road and sustain the land for employment and business use. This approach aligns with the recommendations contained in the Land Inventory and Capacity Analysis (2020) prepared by Colliers International, which identifies a need for additional lands to support industrial and light industrial businesses in the city.

It is noted that the REIMAGINE Nanaimo OCP review process continues as Council considers the proposed amendment application. Should Council support the proposed amendment, the proposed industrial land use would be incorporated into the REIMAGINE Nanaimo process; however, should Council not support the application, the subject property would be considered in the context of the Chase River area as part of REIMAGINE Nanaimo.

Staff support the proposed amendment given the compatibility with adjacent industrial uses, the opportunity to sustain employment lands, suitability of the site location to support light industrial use, and the alignment with recommendations from the Land Inventory and Capacity Analysis.

#### *Transportation Master Plan*

The Nanaimo Transportation Master Plan (NTMP) includes strategic policy to focus more people, jobs, and services in Mobility Hubs. The NTMP does not identify the Southgate Centre area of Chase River, including the subject property, as part of a Mobility Hub; however, the NTMP designates Maki Road as a major road, and includes policy to support extending Maki Road east to connect with Fielding Road, providing improved networking to south Nanaimo.

Future development of the site could contribute to road dedication to support the future expansion of Maki Road.

Transportation enhancements along Maki Road would reinforce other strategic NTMP policies, supporting the development of the city as a commercial gateway to the region and beyond.

#### **Community Consultation and External Agencies**

Staff referred the proposed amendment application to external public agencies, including the Ministry of Transportation and Infrastructure, who had no concerns. The application was also referred to the Chase River Community Association and Snuneymuxw First Nation for comment; however, as of the date of writing this report, no comments were received.

The owner also informed the Chase River Community Association, local businesses and occupants, and the Snuneymuxw First Nation of the proposed amendment application.

Should Council pass first and second reading of the “Official Community Plan Amendment Bylaw No. 6500.047,” the City will send a formal referral to the following stakeholders and external agencies prior to the bylaw proceeding to Public Hearing:

- Chase River Community Association;
- Island Health;
- Ministry of Transportation and Infrastructure;
- Nanaimo Ladysmith Public Schools;
- Regional District of Nanaimo; and
- Snuneymuxw First Nation.

## **OPTIONS**

1. That:

1. “Official Community Plan Amendment Bylaw 2021 No. 6500.047” (to re-designate 30 Maki Road on the Official Community Plan Schedule A - Future Land Use Plan [Map 1] from ‘Neighbourhood’ to ‘Light Industrial,’ and to re-designate 30 Maki Road on the Chase River Neighbourhood Plan Schedule A – Future Land Use and Mobility from ‘Low-Medium Density Residential’ to ‘Service Industrial Enterprise Area’) pass first reading; and
2. “Official Community Plan Amendment Bylaw 2021 No. 6500.047” pass second reading.

- Advantages:

- The proposed amendment would align OCP policy with the existing industrial use at 30 Maki Road, and support a future rezoning application to give flexibility for future industrial development plans at this location.
- Re-designating light industrial use on the subject property is consistent with Council’s previous decision regarding the OCP and Zoning Bylaw amendment application at 40 Maki Road.
- Permitting the light industrial use on 30 Maki Road would support increasing land for industrial use to meet the current and future demand forecast in the report prepared by Colliers International for the City of Nanaimo.
- Reflects the reality that the site, and surrounding industrial uses, may deter future residential development.

- Disadvantages

- The proposed amendment would reinforce continuation of the existing industrial use at 30 Maki Road for the foreseeable future and would preclude the opportunity to explore residential development as currently envisioned in the OCP and Chase River Neighbourhood Plan.

2. That Council deny the Staff recommendation to pass the first two reading as “Official Community Plan Amendment Bylaw 2021 No. 6500.047”.

- Advantages:

- Would restrict the Owner’s opportunity to expand the existing business and may encourage residential uses consistent with the existing OCP and the Chase River Neighbourhood Plan.

- Disadvantages:
  - If the existing light industrial use on the subject property were to cease, the property may require environmental remediation prior to a developer establishing a new development on 30 Maki Road.
  - The owner would have limited opportunity to maintain and further develop the existing light industrial business on the subject property.

### **SUMMARY POINTS**

- There is an existing bulk fuel wholesale sales business operating at 30 Maki Road that was made non-conforming through changes to the Chase River Neighbourhood Plan, existing OCP, and 2011 Zoning Bylaw updates.
- The owner proposes to amend the OCP and Chase River Neighbourhood Plan to be consistent with the existing industrial use.
- Council authorized a similar OCP and Chase River Neighbourhood Plan amendment application in 2019 for the adjacent property at 40 Maki Road.
- Staff support the proposed OCP amendment.

### **ATTACHMENTS:**

ATTACHMENT A: Context Map  
ATTACHMENT B: Existing OCP Land Use Designations  
ATTACHMENT C: Location Plan  
ATTACHMENT D: Existing Site Plan  
ATTACHMENT E: Aerial Photo  
ATTACHMENT F: Chase River Land Use Designations  
"Official Community Plan Amendment Bylaw 2021 No. 6500.047" |

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