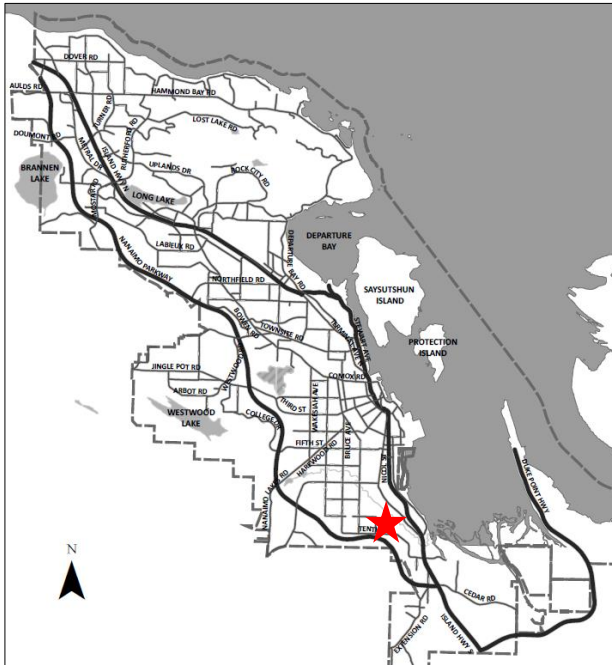


DATE OF MEETING | June 3, 2024 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | DEVELOPMENT PERMIT APPLICATION NO. DP1189 – 200 TENTH STREET



Proposal:

An industrial development with watercourse setback variance

Zoning:

I2 – Light Industrial

City Plan Land Use Designation:

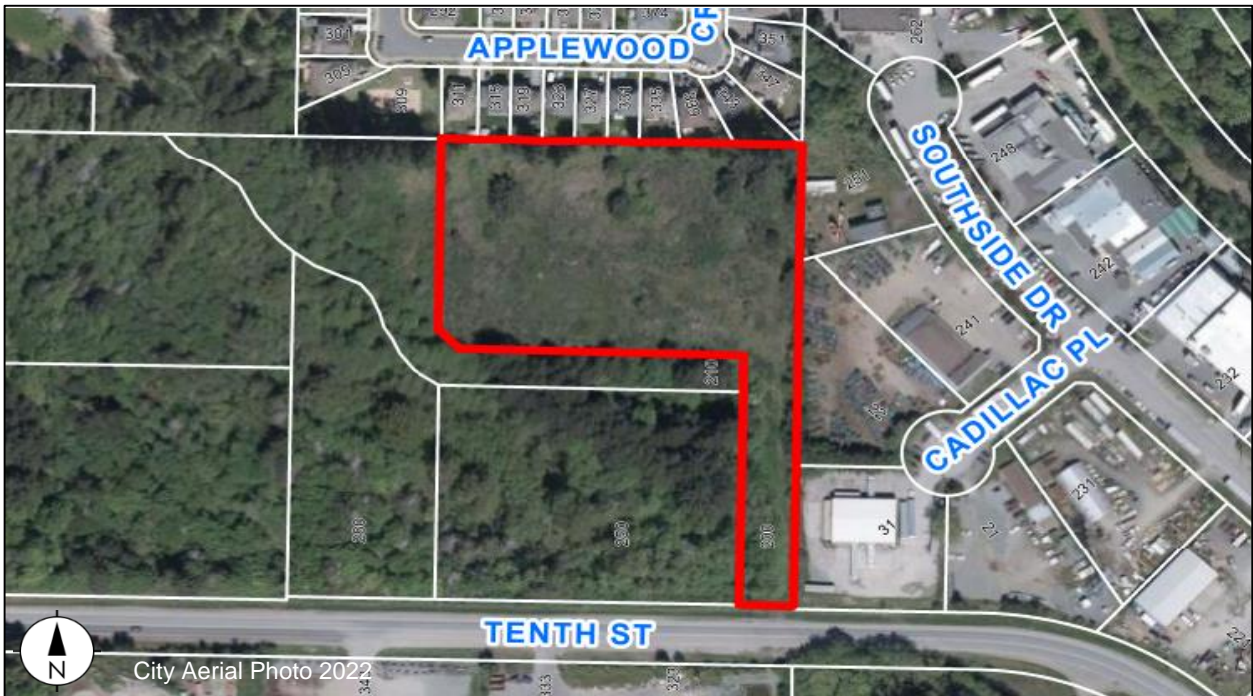
Suburban Neighbourhood

Development Permit Areas:

DPA1: Environmentally Sensitive Areas
DPA8: Form and Character

Lot Area:

1.53ha



OVERVIEW

Purpose of Report

To present for Council's consideration a development permit application for a proposed industrial building, storage yard, and caretaker's suite with a watercourse setback variance at 200 Tenth Street.

Recommendation

That Council issue Development Permit No. DP1189 for an industrial development at 200 Tenth Street with a variance as outlined in the "Proposed Variances" section of the Staff Report dated 2024-JUN-03.

BACKGROUND

A development permit application, DP1189, was received from Island West Coast Developments Ltd., on behalf of Iceberg Projects Nominee Inc., to permit an industrial development at 200 Tenth Street.

Subject Property and Site Context

The subject property is located in the Harewood neighbourhood and was created through subdivision in 2011 with a panhandle access to Tenth Street. The lot was previously cleared and is currently vacant. It slopes gradually to the southwest by approximately 6.0m in elevation. The surrounding neighbourhood consists of a variety of uses including established light industrial businesses to the south and east, a small lot single residential dwelling subdivision to the north, and Applegreen Park to the west.

The panhandle portion of the property abuts a City-owned parcel at 250 Tenth Street which contains a wetland reach of the north tributary of Wexford Creek. This watercourse crosses the southwest corner of the panhandle before passing through a culvert under Tenth Street. The panhandle is partially located within Development Permit Area DPA1: Environmentally Sensitive Areas, which extends 15m into the lot from the natural boundary of the wetland. Approximately 700m² of the subject property is located within DPA1. The panhandle is the only access to the property and an existing gravel driveway crosses the DPA within the watercourse setback.

DISCUSSION

Proposed Development

The applicant is proposing to construct an industrial building in addition to a storage yard and detached caretaker's suite. The industrial building will include a warehouse, equipment maintenance shop, fabrication shop, and office space with a gross floor area of 1,366m². An accessory dwelling unit is permitted in the I2 zone and the 57m² caretaker's suite is proposed in the northeast corner of the site, adjacent to the existing residential neighbourhood. The total proposed gross floor area for the site is 1,423m² and total proposed lot coverage is 9%. There is no maximum floor area in the I2 zone, and the maximum permitted lot coverage is 40%.

Site Design

The building is centrally sited on the lot to allow for vehicle circulation throughout the site and access to the equipment maintenance area of the building. The only access to the site will be via the existing panhandle connecting to Tenth Street. The 7.0m-wide drive aisle will narrow to the minimum required width of 6.0m where adjacent to the wetland. Parking is proposed along the east property line, and the refuse receptacle enclosure will be located in the northwest corner of the site with landscape screening. The caretaker's suite will be located in the northeast corner of the property to ensure clear sightlines across the site. A 3.0m-wide gravel public trail will be provided adjacent to the driveway, which will narrow to 1.5m closest to the wetland, to be protected by Statutory Right-of-Way as a condition of the development permit. The walkway will allow for a future public trail connection through Applegreen Park to the existing playground and residential neighbourhood on Applewood Crescent.

Building Design

The building design portrays its industrial use with simple form and utilitarian character. The proposed building height is 8.23m with a partial second storey, below the maximum permitted height of 12m. The building façade will consist of concrete tilt-up panels and accent colours. Exposed steel joists and canopies will provide weather protection and visual interest. A contemporary flat roof is proposed with a number of canopies giving the appearance of a tiered roofline.

The caretaker's suite is a mobile home with an approximate size of 4.3m by 13.0m. The unit is finished with fiber cement panels complementary to the industrial building with reveals, and will have a low-slope roof pitch. At the rear of the mobile home is an attached patio and landscaped yard area.

Landscape Design

A landscape buffer is proposed along all property lines, and includes a minimum 6.0m wide landscape buffer adjacent to Applegreen Park and a 5.0m buffer adjacent to the existing residential lots to the north. The property will be bordered by a 1.8m high chain link fence, which will be black-vinyl coated along the north property line, and a split rail fence will be located along the watercourse setback boundary. An onsite stormwater retention rock pit and swale is proposed. Native trees and shrubs are proposed within the wetland riparian area as a restoration and enhancement measure.

The proposed development substantially meets the intent of the General Development Permit Area Design Guidelines.

Design Advisory Panel

The Design Advisory Panel (DAP), at its meeting held on 2020-AUG-13, accepted DP1189 as presented and provided the following recommendations:

- Consider enhancing landscape screening for the north and west property lines; and,
- Consider continuing the riparian planting on both sides of the walkway and along the parking landscape bump out.

The applicant subsequently submitted revised plans in response to the DAP recommendations, including the following key design revisions:

- Adding additional trees and shrubs in the landscape buffer next to the residential area to the north; and,
- Extended the riparian restoration planting on both sides of the public pathway leading to Applegreen Park.

Development Permit Area DPA1: Environmentally Sensitive Areas

In order to provide access to the development, a driveway and walkway through the DPA1 portion of the panhandle are proposed. A previously-used gravel driveway exists through the panhandle; however, the proposed access will require the placement of fill with a retaining wall within the watercourse setback, triggering the DPA1 guidelines. While the application was originally submitted under the previous DPA guidelines (the application was received in 2020 and subsequently put on hold by the applicant), the applicant has since revised the environmental studies to address the current DPA1 guidelines as specified in City Plan and the “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”).

The following works are proposed within DPA1:

- a 6.0m-wide asphalt drive aisle required for vehicle access, sited as far from the wetland as possible;
- a 1.5m-wide gravel walkway for public access to Applegreen Park;
- a concrete block retaining wall up to 3.0m in height, where closest to the wetland; and,
- a fill slope to the north of the retaining wall.

At the closest point, the proposed works will be 5.0m from the natural boundary of the wetland. The total disturbed area within DPA1 is estimated to be 335m².

A Qualified Environmental Professional (QEP) retained by the applicant has prepared a Biophysical Assessment and a Executive Summary of the proposed improvement (Attachment F). The Biophysical Assessment notes that the Wexford Creek channel is poorly defined and that the watercourse acts as a wildlife corridor for many animals. The wetland reach of Wexford Creek is vegetated with second-growth trees including Red alder, Bigleaf maples, and willows. Invasive species are also present, including Himalayan blackberry and Scotch broom.

The QEP has demonstrated that the DPA1 guidelines can be met and concluded that no negative impacts to the wetland and riparian habitat are anticipated, provided that the mitigation measures and recommendations are followed. Development within DPA1 has been avoided where possible and is concentrated in a previously disturbed area. Where encroachment is required for site access, impact on the Environmentally Sensitive Area will be mitigated in accordance with the DPA1 guidelines.

The recommendations of the Biophysical Assessment and riparian restoration will be secured as a condition of this development permit. The riparian restoration will be completed per a Riparian Compensation Plan prepared by the QEP (Attachment H), which includes vegetation remediation and maintenance. The Riparian Compensation Plan addresses the DPA1 net gain principle by proposing 335m² of restoration on the west side of the public walkway and an additional 340m² of planting on the east side of the walkway (greater than twice the area of encroachment). Riparian restoration vegetation will be installed with a planting density in accordance with the

Riparian Compensation Plan and the City of Nanaimo Manual of Engineering Standards and Specifications, as required by the DPA1 guidelines.

The proposed development meets the DPA1 guidelines and achieves the net gain principle by demonstrating that the proposed restoration and enhancement measures will increase the quality and quantity of functional habitat over existing conditions. The QEP has highlighted how:

- i. the planned works will result in habitat creation, enhancement, and restoration;
- ii. the restoration will create a functional riparian habitat within 20 years; and
- iii. the restoration area meets the target metric to compensate for the encroachment.

In addition to Nanaimo's DPA requirements, the proposed access (driveway, walkway, and associated works) is also subject to the Provincial Riparian Areas Protection Regulation (RAPR) as this reach of Wexford Creek is tributary to a fish-bearing stream and the access crosses through the riparian area. The QEP has submitted a RAPR report to the Province and received approval for the access improvements as proposed.

Proposed Variances

Minimum Watercourse Setback

The Zoning Bylaw's minimum required watercourse setback is 15m as measured from the natural boundary of a waterbody or wetland. The proposed watercourse setback is 5m as recommended by the QEP, a requested variance of 10m. The setback variance has been requested to upgrade and formalize the existing access to the site that encroaches into the watercourse setback. No other point of access to the site is available, and the proposed variance will allow for functional site access and a secured public walkway to Applegreen Park. The impact within the watercourse setback will be minimized by reducing the widths of the drive aisle and public walkway to the minimum required widths (6.0m and 1.5m, respectively) and by addressing the DPA1 guidelines as outlined above.

Maximum Retaining Wall Height

The maximum permitted height of a fence or retaining wall in the front yard setback in the I2 zone is 2.4m. The applicant is proposing a concrete block retaining wall with a potential height up to 3.0m, a requested variance of 0.6m. A guardrail is proposed on top of the retaining wall and is exempt from the Zoning Bylaw height calculation. Given the fixed existing elevation of the roadway at Tenth Street and the inability to locate a fill slope in the wetland, a retaining wall is required to address the grade change between the site access and the wetland. The wall will face the wetland and will be located outside of the proposed setback line.

Staff support the proposed variances. |

SUMMARY POINTS

- Development Permit Application No. DP1189 is for a proposed industrial building, storage yard and caretaker's suite with a watercourse setback variance at 200 Tenth Street.
- The proposed development substantially meets the intent of the General Development Permit Area Design Guidelines.
- In order to provide access to the development, a driveway and walkway through the DPA1 portion of the panhandle are proposed.
- The proposed development meets the DPA1 guidelines and achieves the net gain principle by demonstrating that the proposed restoration and enhancement measures will increase the quality and quantity of functional habitat over existing conditions.
- Variances are requested to reduce the minimum required watercourse setback from 15m to 5m and to increase the maximum permitted retaining wall height within a front yard setback from 2.4m to 3.0m.
- Staff support the proposed variances. |

ATTACHMENTS

ATTACHMENT A:	Permit Terms and Conditions
ATTACHMENT B:	Subject Property Map
ATTACHMENT C:	Site and Lighting Plans
ATTACHMENT D:	Building Elevations and Details
ATTACHMENT E:	Landscape Plan and Details
ATTACHMENT F:	Retaining Wall Details
ATTACHMENT G:	Site Access Improvements Executive Summary
ATTACHMENT H:	Riparian Compensation Plan

Submitted by:

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Concurrence by:

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