

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA PLANNING COMMITTEE
TUESDAY, MAY 11, 2010
6:30 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

- 3 - 7 Minutes of the regular Electoral Area Planning Committee meeting held April 13, 2010.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

- 8 - 20 Bylaw No. 500.355 Zoning Amendment Application No. PL2009-211 - Keith Brown & Associates - Fielding Road - Area 'A'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

- 21 - 28 Development Variance Permit Application No. PL2010-063 - JE Anderson & Associates - Lee Road East - Area 'G'.
- 29 - 36 Development Variance Permit Application No. PL2010-067 - Martin - 3581 Juriet Road - Area 'A'.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

IN CAMERA

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, APRIL 13, 2010, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	General Manager, Development Services
D. Lindsay	Manager, Current Planning
N. Hewitt	Recording Secretary

DELEGATIONS

Robert Lyon, re Development Variance Permit Application No. PL2010-043 – Lyon – 3391 Blueback Drive – Area ‘E’.

Mr. Lyon withdrew his request to speak.

MINUTES

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held March 9, 2010 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2009-080 - Fern Road Consulting Ltd. - 5229 Island Highway West – Area ‘H’.

MOVED Director Holme, SECONDED Director Burnett, that Schedule No. 1 be amended to include the following as item 5:

"Prior to development of the site the applicants must obtain the required archaeological approvals or permits from the Archaeology Branch of the Ministry of Tourism, Culture and the Arts".

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. PL2009-080, to construct a dwelling unit, be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

Development Permit Application No. PL2009-825 & Request for Frontage Relaxation - Elbe - 6208 Island Highway West – Area 'H'.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. PL2009-825, in conjunction with a two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that the request to relax the minimum 10% perimeter frontage requirement for proposed remainder of Lot A be approved.

CARRIED

Development Permit Application No. PL2010-018 - Mason - Charlton Drive -Area 'H'.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. PL2010-018, to permit the construction of a dwelling unit be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

Development Permit Application No. PL2010-041 - Oceanside Design – 44 Bowser Road - Area'H'.

MOVED Director Holme, SECONDED Director Burnett, that Development Permit Application No. PL2010-041, to permit the construction of an accessory building and additions to an existing dwelling unit be approved, subject to the conditions outlined in Schedule No. 1.

CARRIED

Development Permit Application No. PL2010-053 - Fern Road Consulting Ltd. - McFeely Drive - Area 'G'.

MOVED Director Stanhope, SECONDED Director Burnett, that Schedule No. 1 be amended to remove item 4 and replace it with the following:

"Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Assessment prepared by Simpson Geotechnical Ltd. dated February 26, 2010 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or flooding".

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Permit Application No. PL2010-053, to permit the construction of a dwelling unit, be approved subject to the conditions outlined in Schedules No. 1-3.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2009-071 – Delinea Design Consultants Ltd. - 1866 Cedar Road - Area 'A'.

MOVED Director Burnett, SECONDED Director Holme, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Holme, that the Development Permit with Variances Application No. PL2009-071 to permit the construction of a beer and wine store be approved subject to the conditions outlined in Schedules No. 1-4.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2010-043 - Lyon – 3391 Blueback Drive - Area'E'.

MOVED Director Stanhope, SECONDED Director Burnett, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that Development Variance Permit Application No. PL2010-043 to vary the setback to the sea and the setback to the front lot line be approved subject to the conditions outlined in Schedules No. 1- 4.

CARRIED

Development Variance Permit Application No. PL2010-044 - Craggs – 1359 Lundine Lane – Area 'G'.

MOVED Director Stanhope, SECONDED Director Burnett, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Burnett, that the Development Variance Permit Application No. PL2010-044 be approved subject to the conditions outlined in Schedules No. 1 – 3.

CARRIED

Development Variance Permit Application No. PL2010-055 - Vectis Ventures - 1917 Bonito Crescent - Area'E'.

MOVED Director Holme, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that the Development Variance Permit Application No. PL2010-055, be approved subject to the conditions outlined in Schedules No. 1 – 3.

CARRIED

Director Young joined the meeting.

Development Variance Permit Application No. PL2010-057 - JE Anderson & Associates - 230 & 238 Kenmuir Road - Area'H'.

MOVED Director Burnett, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2010-057 to vary the parcel averaging provisions in conjunction with a phased four lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

OTHER

Bylaws No. 1055.04, 1148.06, 1400.02, 1152.04, 1540.01 & 1335.04 - Amends Official Community Plans for East Wellington - Pleasant Valley, Arrowsmith Benson – Cranberry Bright, Nanoose Bay & Areas 'F', 'G' & 'H' to include Greenhouse Gas Emission Targets.

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo East Wellington-Pleasant Valley Official Community Plan Amendment Bylaw No. 1055.04, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.06, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1400.02, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.04, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Amendment Bylaw No. 1540.01. 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.04, 2010" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Bylaws No. 1055.04, 1148.06, 1400.02, 1152.04, 1540.01 and 1335.04 have been considered in conjunction with the Regional District of Nanaimo's Financial Plan and Waste Management Plans and Regional Growth Strategy to ensure consistency between them.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Bylaws No. 1055.04, 1148.06, 1400.02, 1152.04, 1540.01 and 1335.04, 2010 proceed to Public Hearing.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Burnett, that this meeting terminate.

CARRIED

TIME: 6:47 PM

CHAIRPERSON



CAO APPROVAL	CLM
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BOARD	

MEMORANDUM

TO: Dale Lindsay
Manager, Current Planning

DATE: April 29, 2010

FROM: Susan Cormie
Senior Planner

FILE: PL2009-211

SUBJECT: Zoning Amendment Application No. PL2009-211
Keith Brown & Associates
Lot 2, Section 14, Range 6, Cranberry District, Plan 7832 - Fielding Road
Electoral Area 'A'

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Residential 2 (RS2) to Industrial 1 (IN1) in order to permit a light industrial development.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Zoning Amendment Application from Keith Brown & Associates, on behalf of 0826886 BC Ltd. to rezone the subject property in order to permit a light industrial development.

The subject property (*see Attachment No. 1*) is 1.4 ha in size and is zoned Residential 2 Subdivision District 'F' (RS2F) (*1.0 ha minimum parcel size with or without community services*) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property, which is vacant and has been cleared, slopes to the northeast away from Fielding Road. Surrounding land uses include residential zoned properties to the north and east, light industrial zoned property to the south, and Fielding Road and residential and industrial zoned parcels to the west.

The parent parcel is within a Regional District of Nanaimo Building Services area.

Proposed Development:

The applicant is requesting an Industrial 1 (IN1) zone for the purposes of supporting light industrial building strata units proposed to be serviced by on-site well water, septic disposal, and storm water management systems to be owned and operated by the future building strata (*see Attachment No. 2 for Proposed Development Site Plan*). The proposed development, if approved, will result in approximately 3360 m² of building floor area in four buildings. Access/egress to and from the subject property will be via Fielding Road. It is noted that the subdivision district does not require a change as the subject property does not have any subdivision potential.

ALTERNATIVES

1. To approve the amendment application to rezone the subject property from Residential 2 (RS2) to Industrial 1 (IN1) for 1st and 2nd reading and proceed to Public Hearing subject to the conditions outlined in Schedule No. 1.
2. To not approve the Zoning Amendment Application as submitted.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

Schedule '1' of the Electoral Area 'A' Official Community Plan No. 1240, 2001 (OCP) designates the subject property as "South Wellington Industrial-Commercial Area". The relevant policies of the OCP support the proposal for a light industrial use in this location. As part of the review process for the Electoral Area 'A' OCP, which is currently underway, the Regional Board adopted a resolution that only Zoning Amendment Applications that were consistent with the policies of the current land use designation would be considered. Staff are of the opinion that the proposed development complies with the intent of the OCP.

DEVELOPMENT IMPLICATIONS

Servicing

With respect to potable water, the submitted Engineer's Report concludes that the recently drilled well on the subject property will be capable of supplying the proposed industrial uses. This development requires source approval from the Vancouver Island Health Authority (VIHA). If the zoning amendment proceeds, staff recommends that the applicant be required to submit proof of source approval prior to consideration of adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

With respect to on-site sewage disposal, the submitted septic disposal report concludes that the parcel is capable of supporting a low pressure septic disposal system. The applicant's agent has also indicated that the proposed septic system would be an engineered system, which is the method of disposal recommended in the submitted aquifer report. Staff recommends that the requirement for an engineered system be secured by covenant prior to adoption of the Amendment Bylaw (*see Schedule No. 1 – Conditions of Approval*).

With respect to storm water management of the site, the submitted Engineer's Preliminary Report concludes that the proposed storm water retention system will be sufficiently large to ensure that the peak flows from the property after development will be no larger than the pre-development flows. It is noted that the proposed system indicates the outlet pipe is located at the rear of the subject property and that overflow drainage will be directed on to the adjacent parcels. The preliminary report recommends that a detailed storm water management plan be completed at the time of the development of the site. The applicants do not presently have the required easement to permit drainage onto the neighbouring site. As such, staff recommends that as a condition of final approval, the requirement to complete a detailed storm water management plan which includes 100% on-site detention of storm water or retention to pre-development levels in conjunction with the applicant obtaining necessary easement secured by a covenant. The covenant will require that the detailed storm water management plan be completed prior to the use or development of the subject property (*see Schedule No. 1 – Conditions of Approval*).

Geotechnical

With respect to coal mining related activities, the applicant has provided a report, prepared by a Professional Geotechnical Engineer, which concludes that the site would be considered safe from a geotechnical perspective provided buildings are constructed as outlined in the report. As the subject property is located within a RDN Building Services area, future building plans, including any geotechnical considerations, will be addressed through that process. As per Board policy, staff also recommends that the applicant be required to register the Mine Assessment on title of the subject property as a section 219 covenant and include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of any potential hazard (*see Schedule No. 1 – Conditions of Approval*). It is noted that an additional geotechnical report may be required through the building permit process.

Development Permit Implications

With respect to the Development Permit Guidelines, the subject property is designated within the South Wellington Development Permit Area No. 1 for form and character and the protection of the natural environment. As such, any development of the site will require the issuance of a development permit prior to commencing construction. While this development permit area includes guidelines such as the provision of groundwater protection, the location of off-street parking, and outdoor storage areas, which can be secured through the development permit process, the guidelines do not include landscaping provisions for Fielding Road. As a result, landscaping cannot be required as part of the development permit process. In order to ensure that the area adjacent to Fielding Road will be landscaped as shown on the submitted site plan, staff recommends that landscaping be secured by a covenant (*see Schedule No. 1 – Conditions of Approval*).

PUBLIC CONSULTATION

Public Information Meeting

In keeping with the Board's public consultation framework, a Public Information Meeting was held on April 21, 2010 at the Cranberry Community Hall. Notification of the meeting was advertised in the Nanaimo News Bulletin and on the RDN website along with a direct mail out to all property owners within 200 metres of the subject property. Thirteen people attended the information meeting and provided comments with respect to the proposal (*see Attachment No. 3 - 'Proceedings of the Public Information Meeting'*).

Issues raised by the public included:

Concern that the application should not be considered until the adoption of the new OCP;
Concern that there is a sufficient supply of industrial zoned lands currently located in the area; and,
Concern that the development will increase traffic in the surrounding area and a traffic study should be undertaken.

In response to the concerns raised, staff's comments are as follows:

With respect to comments received to not consider the application until the adoption of the new OCP, staff notes that the Regional Board is on record that it will consider amendment applications that are consistent with the current Official Community Plan. As this application is considered to be consistent with the current OCP, it may be considered for rezoning prior to adoption of the new OCP. It is also noted that, at this time, the subject property is proposed to be within a Light Industrial Land Use designation under the draft Official Community Plan.

With respect to the issues of traffic, the Ministry of Transportation and Infrastructure indicated that they had no concerns with respect to the proposed rezoning and that a traffic study would not be required as part of this application process.

SUSTAINABILITY IMPLICATIONS

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified through the review of this application.

SUMMARY


The applicant is proposing to amend Bylaw No. 500, 1987 in order to permit light industrial building strata units to be serviced by strata owned and operated on-site potable water, septic disposal, and storm water management systems. A Public Information Meeting was held on April 21, 2010 and the Summary of the Meeting is attached (*see Attachment No. 3*).

Given that the proposed zoning amendment is in concurrence with the current OCP, staff supports the amendment application, subject to the conditions set out in Schedule No. 1 and recommends that the associated Zoning Bylaw Amendment Bylaw receive 1st and 2nd reading and proceed to Public Hearing.

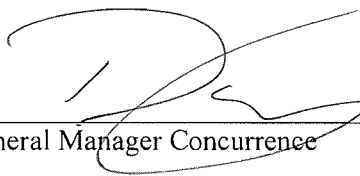
A copy of the proposed Amendment Bylaw is attached to this report (*see Attachment No. 4*).

RECOMMENDATIONS

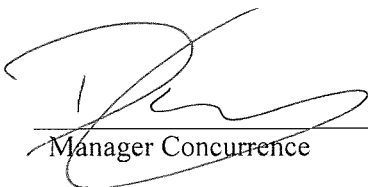
1. That the Summary of the Public Information Meeting held on April 21, 2010 be received.
2. That Application No. PL2009-211 to rezone the subject property from Residential 2 (RS2) to Industrial 1(IN1) be approved subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" be given 1st and 2nd reading.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.355, 2010" be delegated to Director Burnett or his alternate.



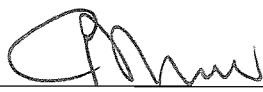
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. PL2009-211

The applicant is to provide the following documentation prior to the Amendment Application being considered for 4th reading:

1. Development Covenant:

Applicant to prepare a section 219 covenant to secure the following conditions. This covenant is to be prepared and registered to the satisfaction of the Regional District of Nanaimo (RDN), prior to consideration of 4th reading.

a. Storm Water Management System:

- i) No use shall be placed nor any development of the land shall occur prior to the acceptance of a detailed storm water management system by the RDN which has been prepared and designed a Professional Engineer with current standing in BC and expertise in storm water management, at the owner's expense. This detailed storm water management system shall be designed to reflect the maximum allowable development of the site and to ensure that no drainage or storm water run off will impact the neighbouring parcels or the adjacent wetland. This storm water management system is subject to the review and satisfaction of the Regional District of Nanaimo. If the detailed storm water management system is designed with runoff to the adjacent parcels, the applicant must secure by way of an easement or right-of-way, registered at Land Title Office, Victoria, BC and prior to any use of the land and/or occupancy of any future buildings, the right to utilize adjacent parcels for drainage purposes. The owner's Professional Engineer must submit sealed and stamped as-constructed drawings for all drainage works certifying completion of all works to the Regional District prior to any use and/or occupancy of the land or future buildings.

b. Landscaping:

- i) The owner will provide a minimum 5.0 metre wide landscape buffer adjacent to Fielding Road constructed to the Landscape Standards as per Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. Detailed landscape plans must be submitted as part of a development permit application for any development proposed to be constructed on the land or where a development permit is not required, prior to any use being placed on the land. The landscape plans are subject to the review and satisfaction of the Regional District of Nanaimo.

c. On Site Septic Disposal:

- i) The applicant will install an engineered (minimum Type 2 Standard) septic disposal system prior to the use of the subject property.

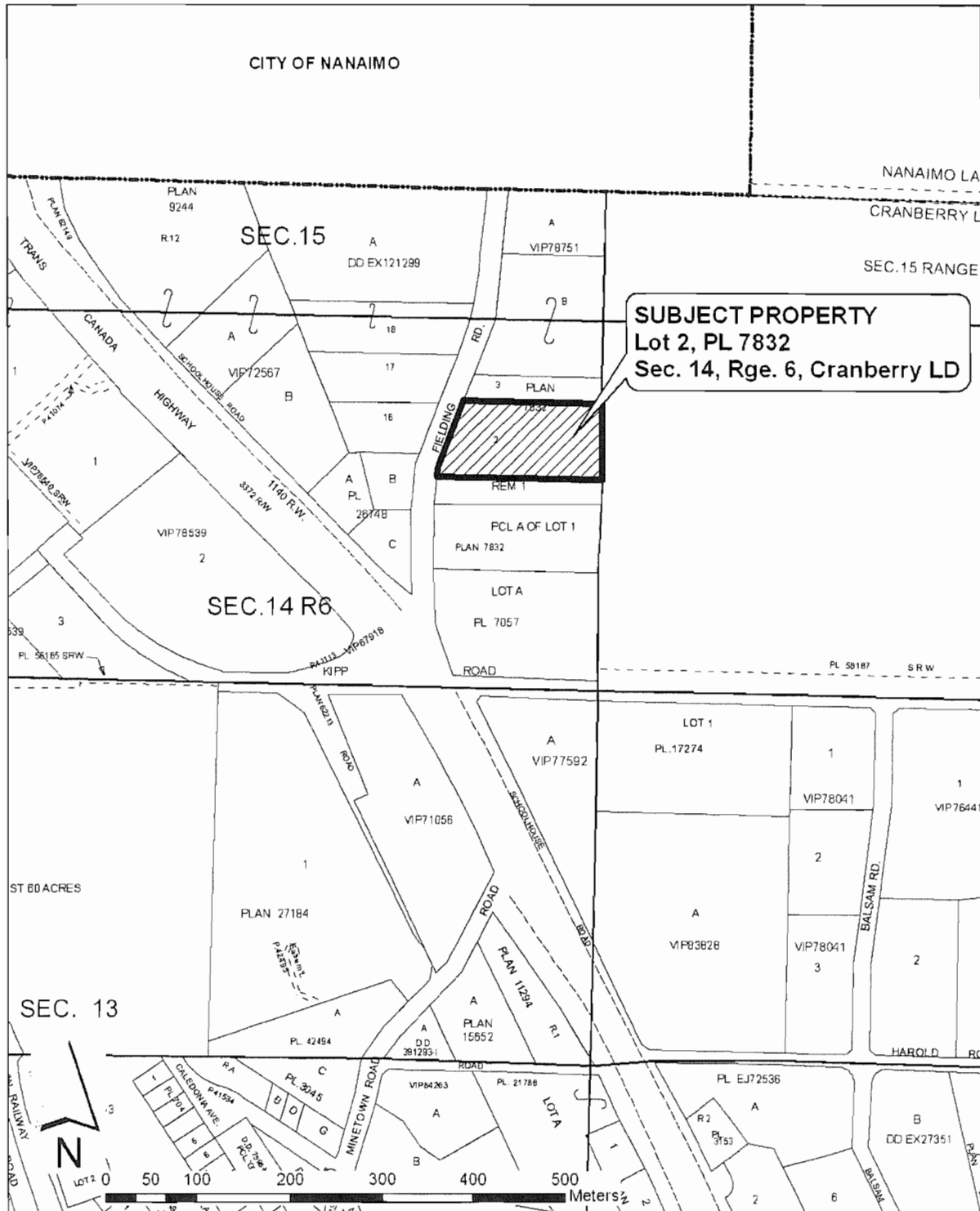
2. Section 219 Covenant for Mine Assessment

The applicant, at the applicant's expense, is to prepare and register a section 219 covenant that registers the Geotechnical Report entitled Proposed Light Industrial Building Lot 2 Fielding Road, Cedar BC Mine Assessment dated April 21, 2008 prepared by Lewkowich Geotechnical Engineering Ltd. and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of any potential hazard.

3. On-Site Potable Water Supply:

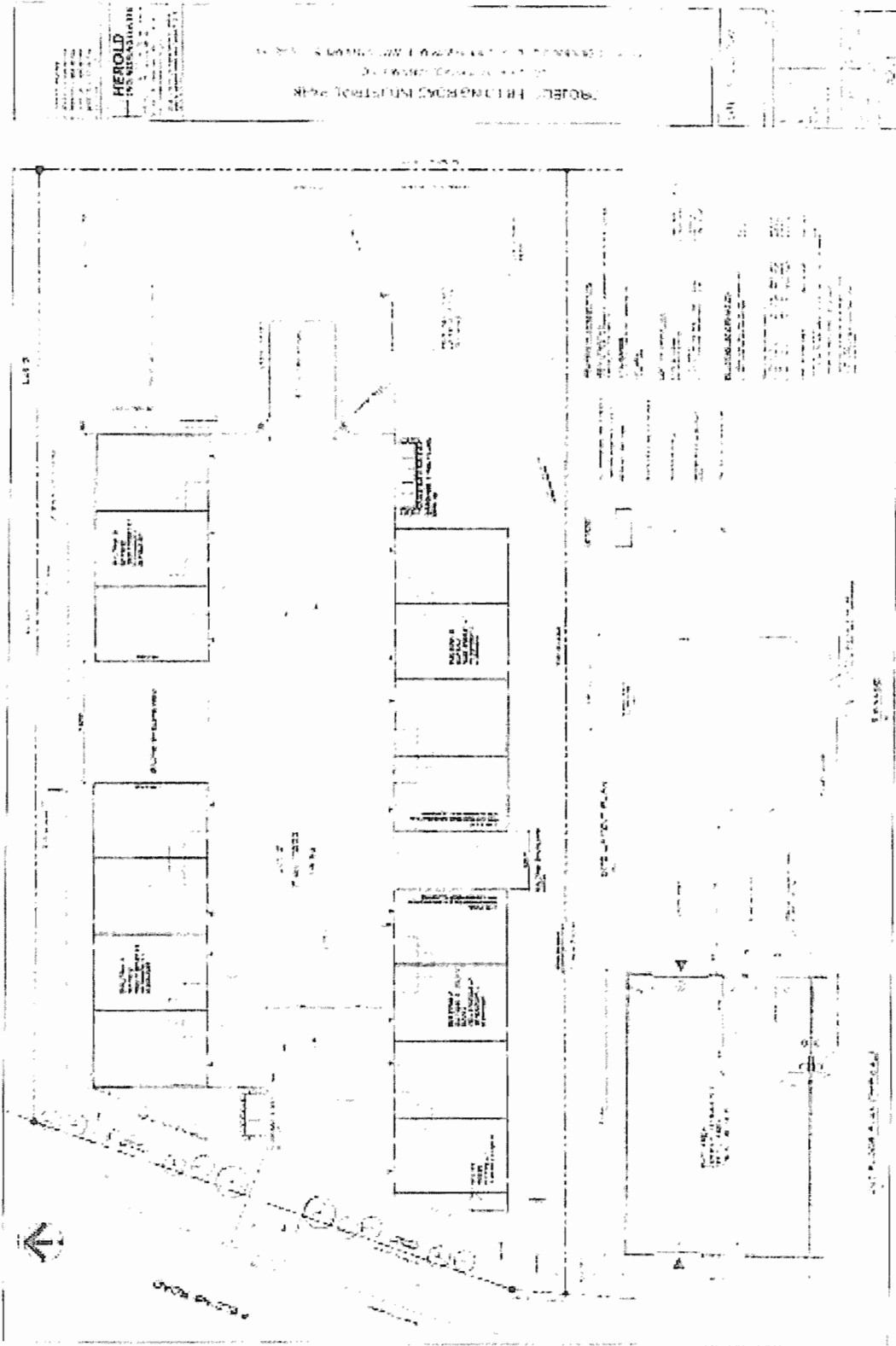
Applicant to submit written confirmation that potable water source approval from the Vancouver Island Health Authority (VIHA) has been granted for the development.

Attachment No. 1
Location of Subject Property
Zoning Amendment Application No. PL2009-211



BOGS MAPSHEET 92G01121

Attachment No. 2
Zoning Amendment Application No. PL2009-211
Proposed Development Site Plan



Attachment No. 3
Summary of the Public Information Meeting
Held at Cranberry Community Hall, 1555 Morden Road, South Wellington
April 21, 2010 at 7:00 pm

Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.

There were thirteen persons in attendance.

Present for the Regional District:

Joe Burnett, Chairperson

Susan Cormie, Senior Planner

Present for the Applicant:

Keith Brown, Agent

Wayne Green, Owner

The Chairperson opened the meeting at 7:00 pm and outlined the agenda for the evening's meeting. The Chairperson then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the Official Community Plan (OCP) and zoning amendment process.

The Senior Planner gave a brief outline of the application process.

The Chairperson then invited Keith Brown, the applicant's agent to give a presentation of the proposed zoning amendment. Mr. Brown presented the proposed amendment application outlining that the proposal is for twelve building strata units with each unit being provided with storage to the rear, adjacent parking, and a small washroom. Mr. Brown also indicated that there will be an oil separator for storm water runoff and signage will include 1 free standing sign with fascia signs for each future owner.

Following the Mr. Brown's presentation, the Chairperson invited questions and comments from the attendees.

Gary Hein, 1975 Plecas Road, asked what kind of clients is the development targeting.

The applicant's agent explained that the owner is looking for small scaled light industrial businesses such as welders and electricians.

The owner explained that they are targeting the trades industry for small businesses with three to four employees.

Jim Baillie, 1741 Eglington Avenue, why the owner cannot locate in the already zoned industrial lands.

Mr. Brown explained that the owner wants to build on his property and the community plan supports light industrial uses.

The Senior Planner explained that the zoning is residential and the community plan designates the parcel as commercial industrial; despite this the Regional Board is under no obligation to rezone the parcel to an industrial zone.

Doug Catley, 2165 Nictash Place commented that additional lands for the light industry are not needed and that the current draft OCP shows no industrial for this parcel. Mr. Catley also commented that the Board would not consider an Amendment Applications while the OCP is under reviewed.

The Chairperson explained that the existing OCP recognizes the parcel as a future industrial use and that the Regional Board passed a resolution that where a proposal is consistent with the current OCP, such an application could proceed.

Marjorie Stupich, 1287 Scotchtown Road, commented that the draft OCP is projecting into the future.

The Chairperson explained that in the current OCP an industrial use is supported for this property.

Brian Collen, 1819 Morden Road, asked if the property is designated as industrial under the current OCP.

The Chairperson explained that it is designated within the South Wellington Commercial – Industrial land use designation.

Marjorie Stupich, 1287 Scotchtown Road, asked if the owner conducted a survey to determine the need for the proposed use.

The applicant's agent explained that the owner felt there is a need for industrial land for small businesses.

The owner further explained that there is nowhere for a small business to rent or own an industrial building and he felt this proposal will fill a niche.

Doug Catley, 2165 Nictash Place, commented that with respect to the process it is his feeling that through the OCP process there is a feeling in the community to protect the rural areas and stop encroachment into these areas. Mr. Catley asked what the process is if people do not want additionally zoned industrial lands.

The Chairperson explained the zoning amendment process with this meeting being the first step. The Chairperson further explained if the application is given 1st and 2nd reading, a public hearing would be held.

The applicant's agent commented that he felt this parcel is an infill parcel and not an encroachment into the rural or residential areas.

Doug Catley, 2165 Nictash Place, commented that you could say that about every property.

The applicant's agent commented that this proposal is not going out into a new area as there is industrial next door and across the street.

Susan Toth, 1975 Pleacas Road, asked if the property needs to be rezoned to allow small businesses to operate.

The Senior Planner explained that yes, the property which has residential zoning, needs to be rezoned to allow the proposed industrial uses.

Doug Catley, 2165 Nictash Place, commented that he feels there should be no further rezoning to industrial uses until the new OCP is in place and that way the community has spoken.

Marjorie Stupich, 1287 Scotchtown Road, stated that she concurs with this approach.

Brian Collen, 1819 Morden Road, asked about the septic system.

The owner explained that the septic system will be located to the rear of the property.

The applicant's agent further explained that the system will be a engineered packaged septic system with all approvals.

Brian Collen, 1819 Morden Road, asked about the potable water system.

The applicant's agent explained the location of the well and the standard used for industrial uses. The applicant's agent also stated that the proposed number of units was reduced to meet the site considerations.

Brian Collen, 1819 Morden Road, asked about the storm water catchment system for water used for washing equipment or tools.

The owner explained that washing parts requires a hazardous container and proper disposal of the waste water, so a future owner would have to arrange for this equipment.

Dave McNaught, 1922 Schoolhouse Road, asked about the parking areas and if an oil-water separator would be installed with a servicing agreement for the strata.

The applicant's agent indicated that there would be an oil-water separator installed as part of the development of the site.

Doug Catley, 2165 Nictash Place, questioned the need for additional industrial land noting that through the OCP process it has been indicated that there is plenty of available vacant land and so why rezone if there is land available. Mr. Catley asked what is the vacancy rate for industrial land in this area.

The Chairperson commented that he recalls that it is not that high and the current land based is committed.

The applicant's agent commented that his client has the right to make an application to rezone property.

Doug Catley, 2165 Nictash Place, questioned why buy land knowing it does not have the zoning and then try to up-zone it.

The applicant's agent explained about supply and demand in the City of Nanaimo.

Doug Catley, 2165 Nictash Place, commented about the Sandstone development with its industrial zoning and asked how much more industrial land be coming on stream.

The applicant's agent commented that it will be five years before any of the Sandstone industrial land will come on-stream.

Marjorie Stupich, 1287 Scotchtown Road, commented that she is concerned with traffic and asked how much traffic will be generated from this site noting that a driver cannot get on Fielding Road without going down to Morden Road and turning around at the traffic light.

Dave McNaught, 1922 Schoolhouse Road, commented that this is a good comment about the traffic, but it is an issue for the Ministry of Transportation and Infrastructure to organize a traffic study. Mr. McNaught further commented that they have tried to get a traffic light at Kipp and Minetown Roads intersection with no success.

The applicant's agent commented that the Ministry has not issue with the application.

Doug Catley, 2165 Nictash Place, commented that it is reasonable for the Ministry to ask for a traffic study, but this needs to be resolved by the Ministry.

Dave McNaught, 1922 Schoolhouse Road, commented that he likes traffic in the area due to the amount of theft that has occurred on his site.

Susan Toth, 1975 Plecas Road, commented that the area is already busy with traffic and additional development could double up on the traffic. Ms. Toth further commented that we need proper sidewalks as lots of trucks are already on the roads in areas that children are walking. this area.

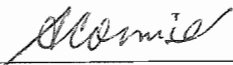
The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

The Chairperson asked a final time if there were any other questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 7:45 pm.



Susan Cormie
Recording Secretary

**Attachment No. 4
Proposed Amendment Bylaw No. 500.355, 2010**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.355**

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
LAND USE AND SUBDIVISION BYLAW NO. 500, 1987**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.355, 2010".
2. The "Regional District of Nanaimo LAND USE AND SUBDIVISION BYLAW NO. 500, 1987" Schedule 'A' is hereby amended as follows:

- (1) **PART 3 LAND USE REGULATIONS, Schedule '3A', ZONING MAPS** is hereby amended by rezoning from Residential 2 (RS2) to Industrial 1 (IN1) the land legally described as:

Lot 2, Section 14, Range 6, Cranberry District, Plan 7832

as shown in heavy outline on Schedule No. '1' which is attached to and forms part of this Bylaw.

Passed First Reading: _____
Passed Second Reading: _____
Public Hearing Held: _____
Passed Third Reading: _____
Adopted: _____

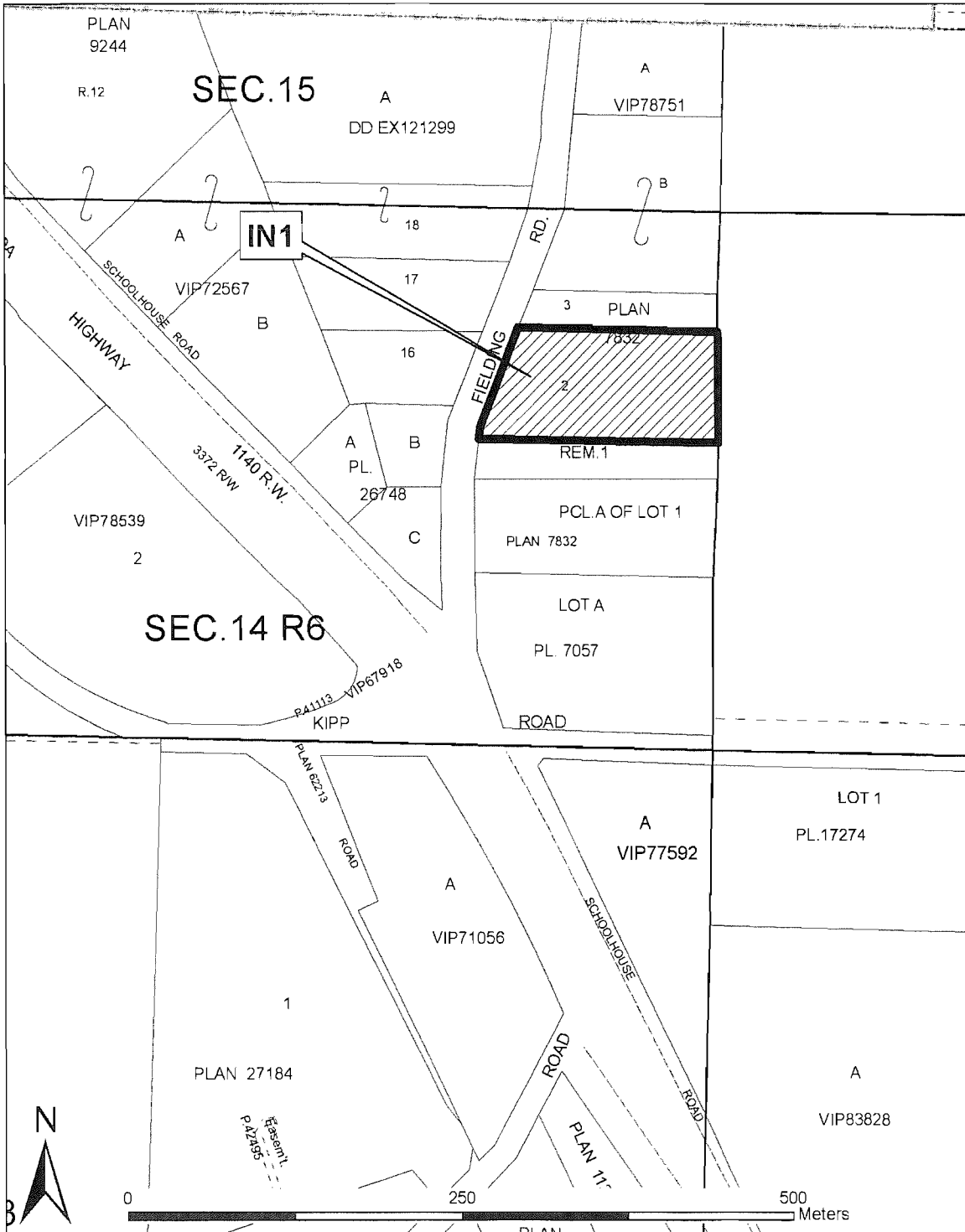
Chairperson

Sr. Mgr., Corporate Administration

Schedule No. '1' to accompany "Regional District
of Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500.355, 2010"

Chairperson

Sr. Mgr., Corporate Administration



EAP	✓	May 11 2010
GOVT		
F-20		
SCA		

TO: Dale Lindsay
Manager of Current Planning

DATE: April 19, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-063

SUBJECT: **Development Variance Permit Application No. PL2010-063**
J.E Anderson & Associates
Strata Lot B, District Lot 29, Nanoose District and Part of the Bed of the Strait of Georgia, Strata Plan VIS5828 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V
Lee Road East
Electoral Area 'G'

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum dwelling unit height in order to permit the construction of a dwelling unit.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from J.E Anderson & Associates on behalf of Alfonso and Francesca Buono. The property is approximately 0.25 hectares in size (*see Attachment No. 1 for location of the subject property*). The applicant wishes to vary the maximum dwelling unit height in order to construct a dwelling unit.

The subject property is zoned Residential 1 (RS1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The subject property is bordered by residential properties to the north and south, with the Strait of Georgia to the east of the property.

Proposed Variance

The applicants are requesting to vary the maximum dwelling unit height pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" from 8.0 metres to 8.65 metres (see Schedule No. 3 and No. 4 for proposed Building Elevations). The applicants have requested a height variance in order to maintain sufficient grade for sanitary sewer connection.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-063 subject to the conditions outlined on Schedules No. 1 – 4.
2. To deny Development Variance Permit No. PL2010-063 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting a variance in order to allow the construction of a dwelling unit, as outlined on *Schedule No. 2*. Building Elevations are shown on *Schedule No. 4*.

The applicants have indicated that in order to maintain sufficient grade to connect to sanitary sewer, the proposed dwelling unit is being built to existing grade. However, as there is a slight change in elevation, the proposed dwelling will be 0.65 metres above the permitted dwelling unit height. Staff note that the proposed height variance is to accommodate a portion of the rear of the dwelling unit, and would not be visible from the road.

Given that the variance requested appears reasonable, and is not expected to negatively impact adjacent property owners, Staff recommends approval.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". No sustainability implications were identified as a result of the proposed development.

Public Consultation Process

As part of the required public notification process, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board's consideration of the application.

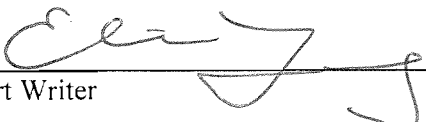
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to permit the construction of a dwelling unit, by varying the maximum dwelling unit height from 8.0 metres to 8.65 metres. Staff recommends approval of the Development Variance Permit.

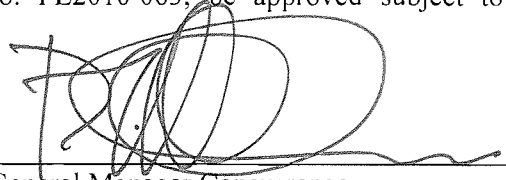
RECOMMENDATION

That

1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-063, be approved subject to the conditions outlines in Schedules No. 1 - 4.

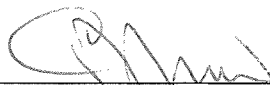


Report Writer



General Manager Concurrence

Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. PL2010-063

The following sets out the terms and conditions of Development Variance Permit No. PL2010-063.

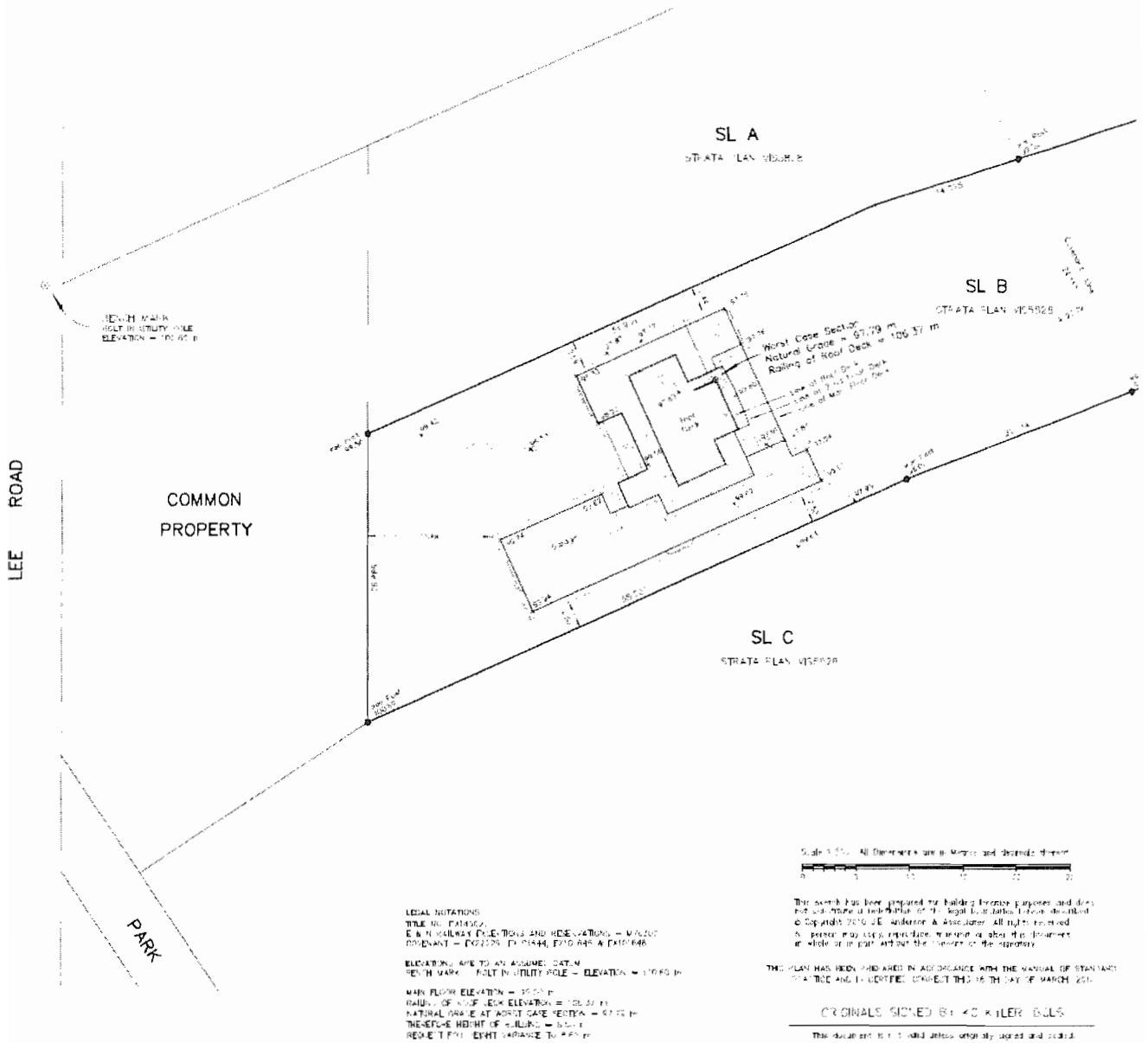
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is requested to be varied as follows:

1. **Section 3.4.61 Maximum number and Size of Buildings and Structures** is hereby varied by varying the maximum dwelling unit height from 8.0 metres to 8.65 metres as shown on *Schedule No. 3*.

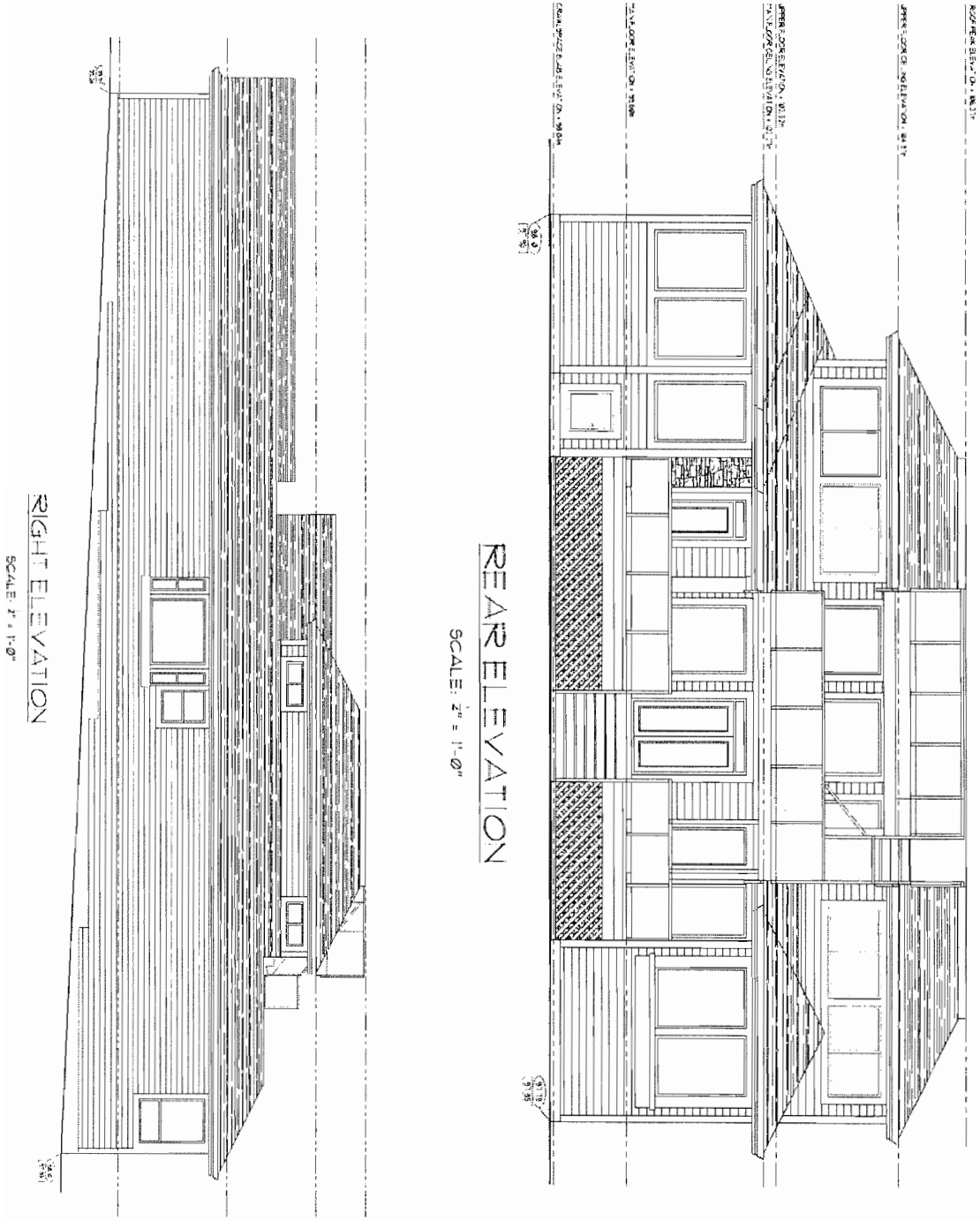
Conditions of Permit

1. The dwelling unit shall be sited in accordance with site survey prepared J.E Anderson and Associates, dated March 18, 2010, attached as *Schedule No. 3*.
2. The dwelling unit shall be constructed in accordance with the building elevations prepared by 4th Dimensions Design & Drafting Services Dated February 26, 2010, submitted by the applicant attached as *Schedule No. 3*.

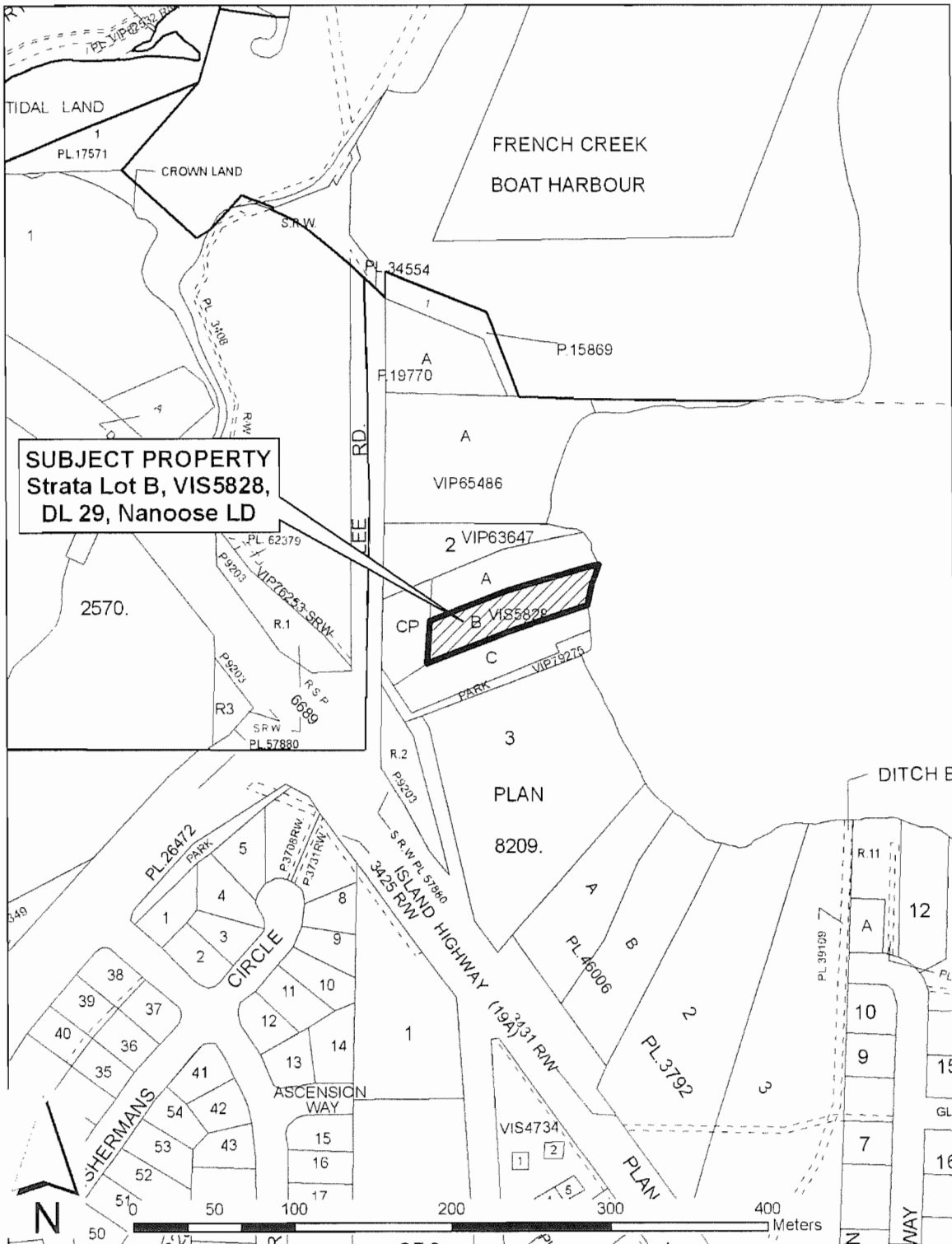
Schedule No. 2 Surveyed Site Plan



Schedule No. 4
Elevation Drawings Continued



Attachment No. 1
Location of Subject Property



BCGS Map Sheet 92F 039.13

EXP	✓ May 11 2010
COMM	
RHS	
SO/AC	

TO: Dale Lindsay
Manager of Current Planning

DATE: April 26, 2010

FROM: Elaine Leung
Planner

FILE: PL2010-067

SUBJECT: Development Variance Permit Application No. PL2010-067 – Greg Martin Parcel A, DD15001N of Fractional Section 3, Range 7, Cedar District, Except Part in Plan 22613 – 3581 Juriet Road Electoral Area 'A'

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum dwelling unit height in order to permit the construction of a dwelling unit.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Greg Martin on behalf of Daniel and Bridget Kershaw. The property is approximately 3.2 hectares in size (*see Attachment No. 1 for location of the subject property*). The applicant wishes to vary relax the maximum dwelling unit height in order to construct a dwelling unit.

The subject property is zoned Rural 4 (RU4), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and currently contains one existing dwelling unit. The RU4 zone permits two dwelling units provided the property is greater than 2.0 hectares. The subject property is bordered by residential properties to the north and south, with the Strait of Georgia to the east of the property.

Proposed Variances

The applicants are proposing to vary the maximum dwelling unit pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” from 9.0 metres to 9.7 metres (*see Schedule No. 3. and 4 for proposed Building Elevations*). The applicants have requested a height variance to minimize blasting of the existing rock ridge.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2010-067 subject to the conditions outlined on Schedules No. 1 – 3.
2. To deny Development Variance Permit No. PL2010-067 as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

As outlined above, the applicants are requesting a variance in order to allow the construction of a dwelling unit, as outlined on Schedule No. 2. Building Elevations are shown on Schedule No. 3.

The applicants applied for, and were issued a building permit for the dwelling unit in December 2009. As the subject property contains a slight knoll towards the waterfront, the elevations on the drawings indicated that blasting of this rock ridge would be done, in order for the dwelling unit to meet the maximum dwelling unit height. However, as the applicants have now begun site preparation, they have indicated that reducing the existing grade to the level indicated in their original plans will be difficult to accomplish. The depth, in which they have been able to achieve thus far, will result in the dwelling unit being over height. Therefore, the applicants are requesting a variance of 0.7 metres in order to continue with construction, and permit the dwelling unit.

The location of the proposed dwelling unit is consistent with the other dwelling units existing along the waterfront. The variance is not expected to negatively impact adjacent property owners. Staff considers the variance requested to be reasonable and recommend approval.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the “Sustainable Community Builder Checklist”. No sustainability implications were identified as a result of the proposed development.

Public Consultation Process

As part of the required public notification process, property owners and tenants located within a 50.0 metre radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance, prior to the Board’s consideration of the application.

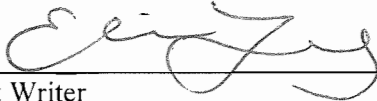
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to permit the construction of a dwelling unit, by varying the maximum dwelling unit height from 9.0 metres to 9.7 metres. Staff recommends approval of the Development Variance Permit.

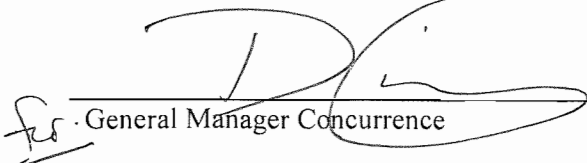
RECOMMENDATION

That

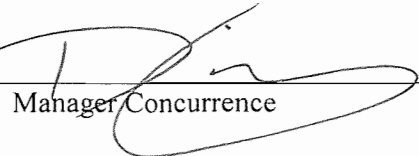
1. Staff be directed to complete the required notification, and
2. The Development Variance Permit Application No. PL2010-067, be approved subject to the conditions outlines in Schedules No. 1 - 3.



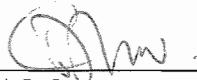
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Schedule No. 1
Terms of Development Variance Permit No. PL2010-067

The following sets out the terms and conditions of Development Variance Permit No. PL2010-067.

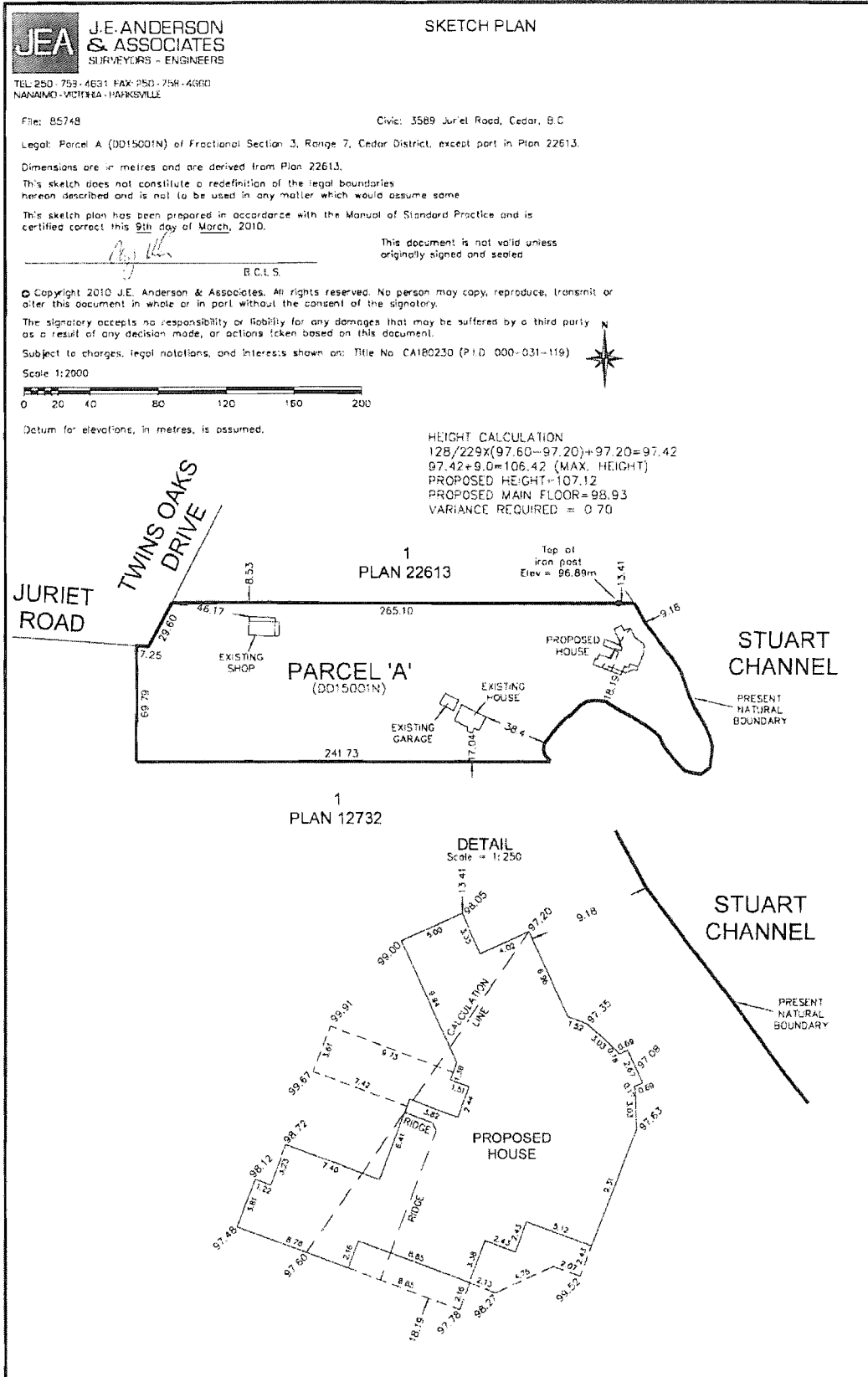
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is requested to be varied as follows:

1. **Section 3.4.84 Maximum number and Size of Buildings and Structures** is hereby varied by varying the maximum dwelling unit height from 9.0 metres to 9.7 metres as shown on *Schedule No. 3*.

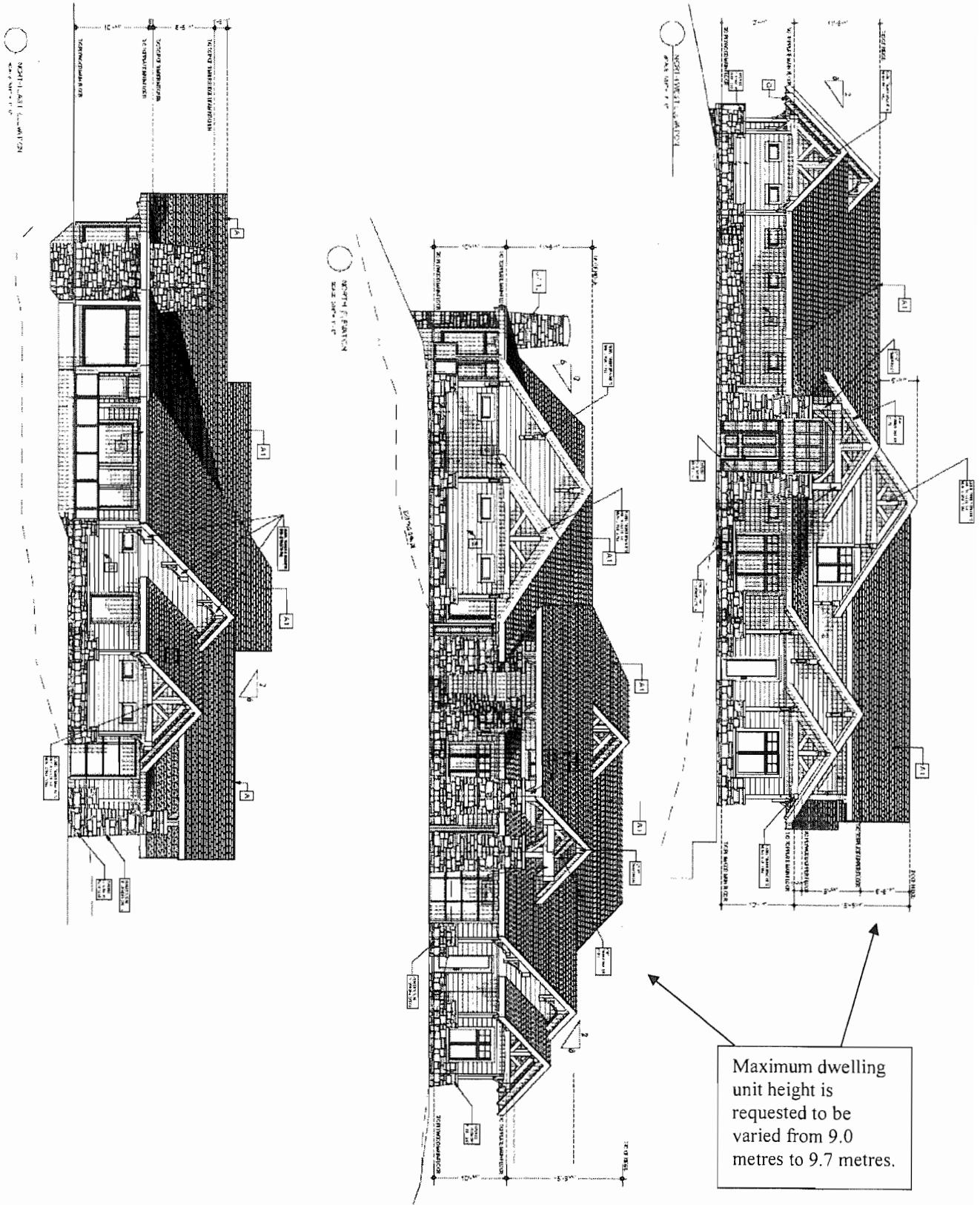
Conditions of Permit

1. The dwelling unit shall be sited in accordance with site survey prepared J.E Anderson and Associates, dated March 9, 2010, attached as *Schedule No. 2*.
2. The dwelling unit shall be constructed in accordance with the building elevations prepared by Felix Westerkamp Custom Home Design, dated September 3, 2009, submitted by the applicant attached as *Schedule No. 3*.

**Schedule No. 2
 Site Plan**

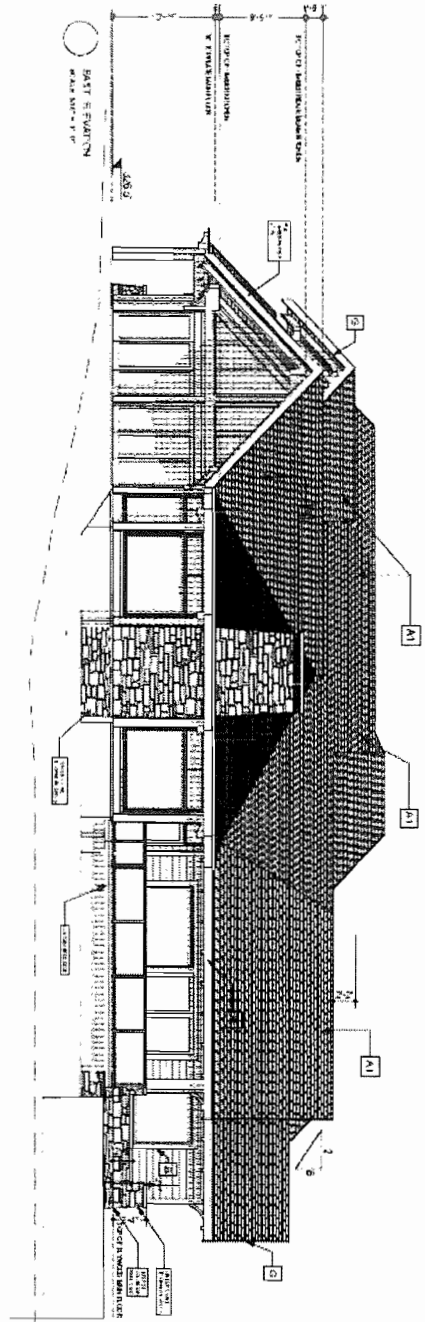
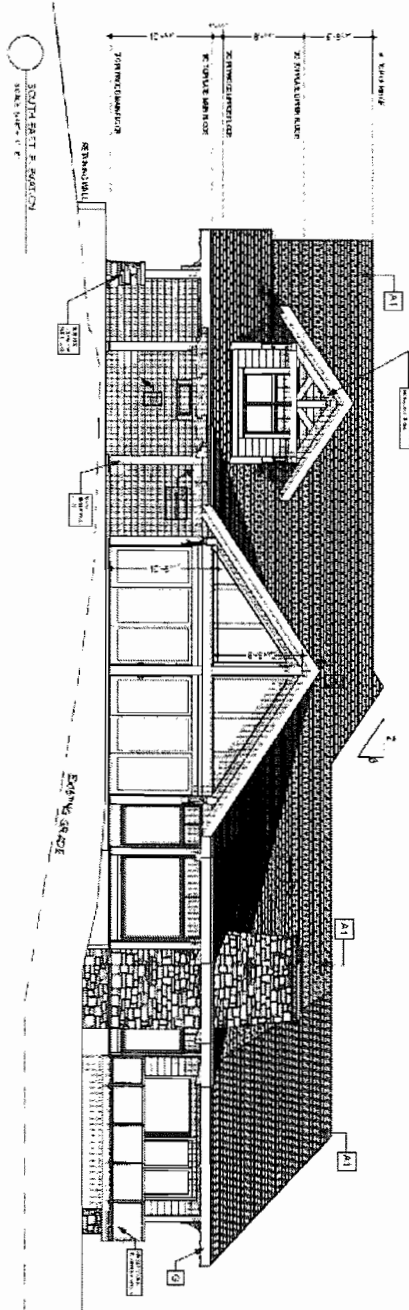
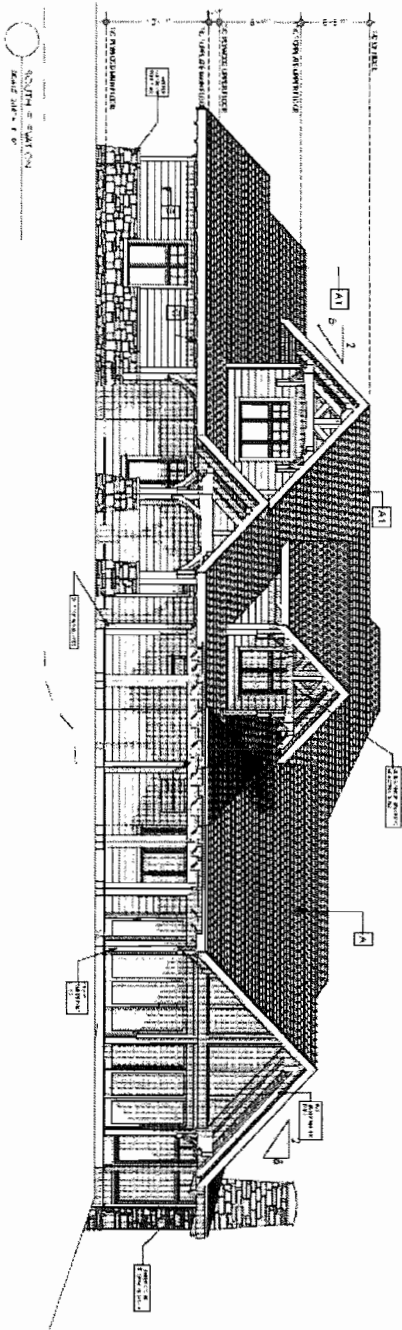


Schedule No. 3 Elevation Drawings (Page 1 of 3)

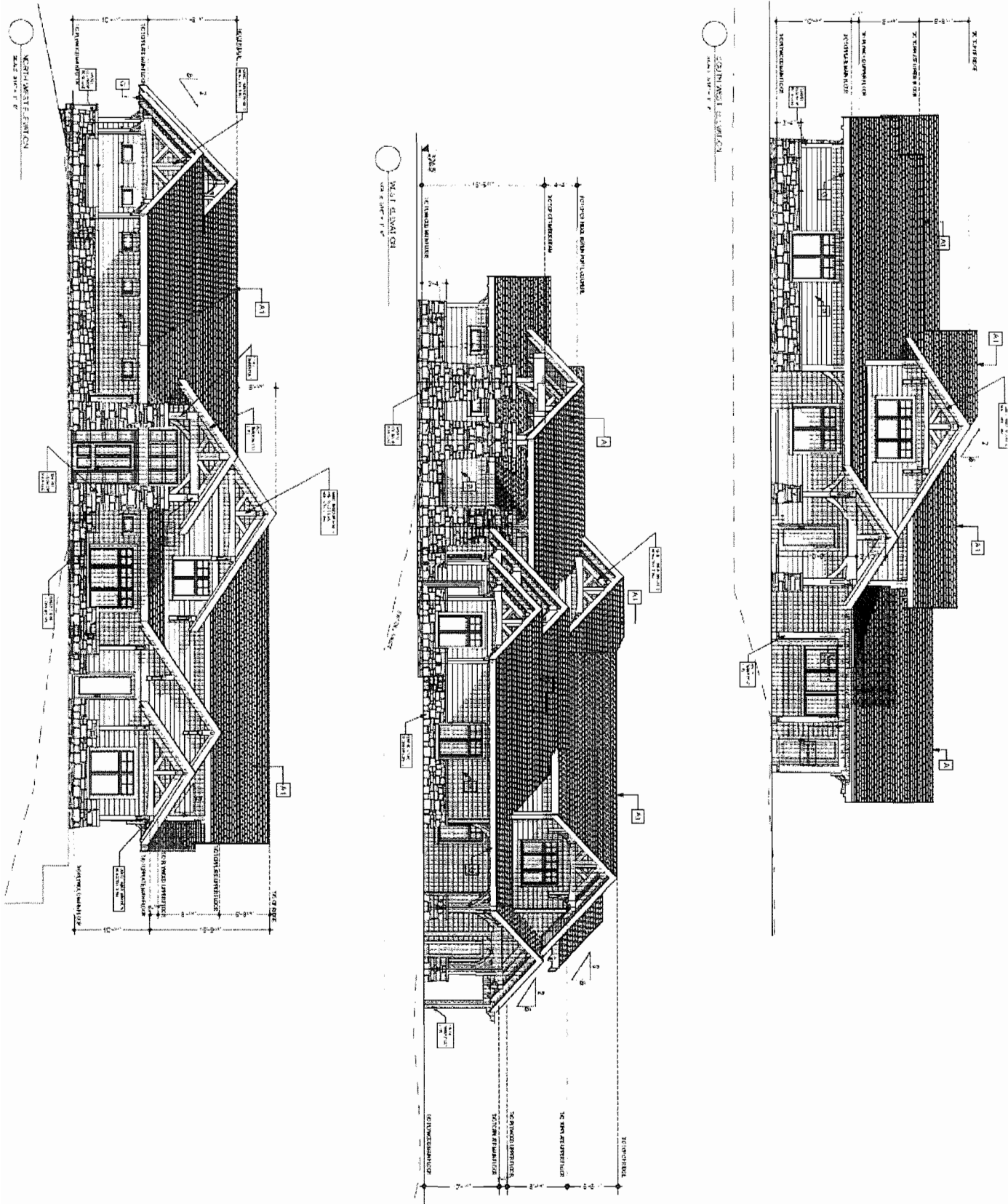


Maximum dwelling unit height is requested to be varied from 9.0 metres to 9.7 metres.

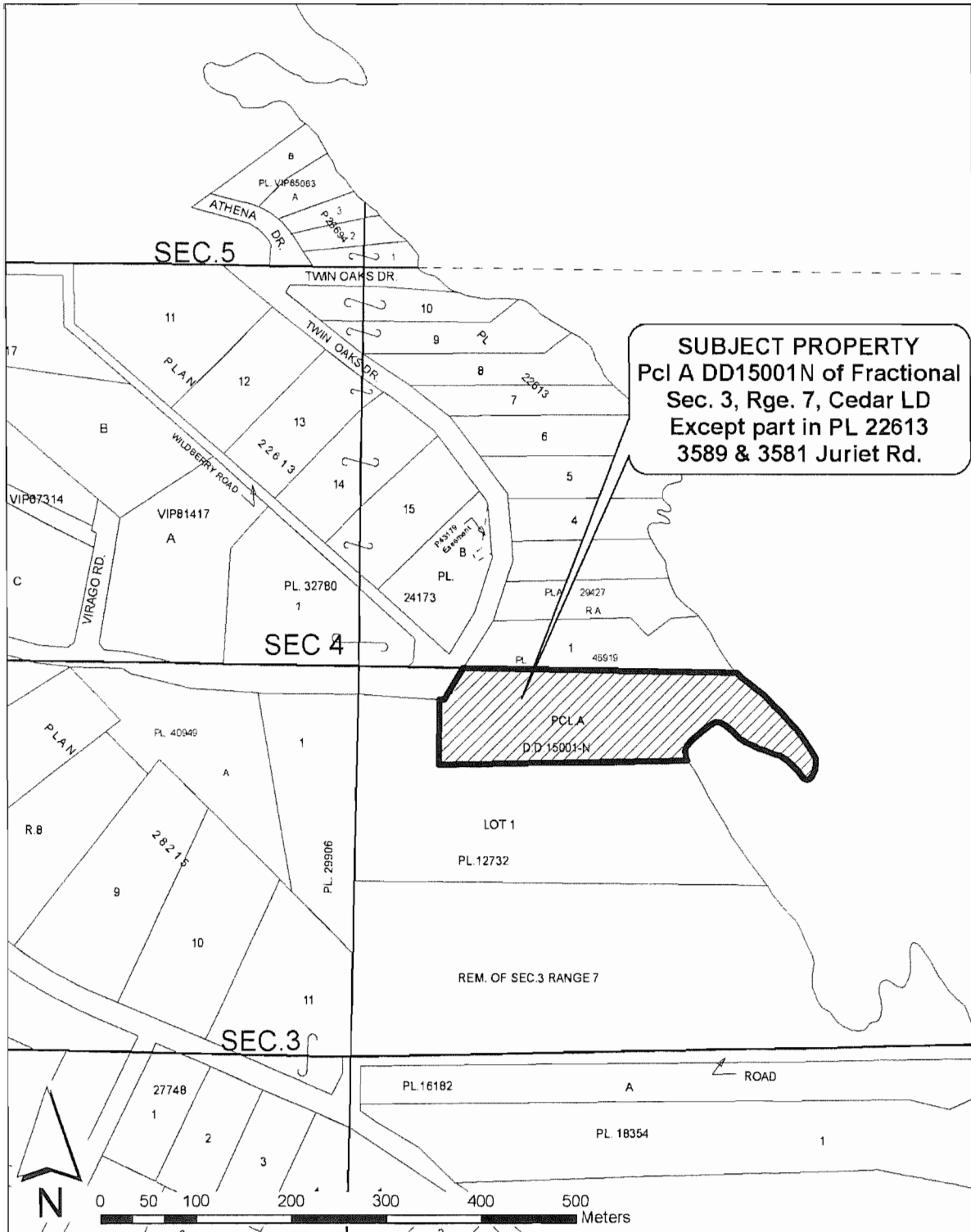
Schedule No. 3
Elevation Drawings (Page 2 of 3)



Schedule No. 3 Building Elevations (Page 3 of 3)



**Attachment No. 1
Location of Subject
Property**



BCGS MAPSHEET: 92G.002.3.1