REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE TUESDAY, JULY 12, 2011 6:30 PM

(RDN Board Chambers)

AGENDA

CALL	TO	ORDER

DELEGATIONS

MINUTES

3 - 5 Minutes of the regular Electoral Area Planning Committee meeting held June 14, 2011.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. PL2011-023 and Development Permit with Variance Application No. PL2011-24 – Fern Road Consulting ltd. – 883 & 899 Island Highway West – Area 'G'.

DEVELOPMENT PERMIT APPLICATIONS

- 37 43 Development Permit Application No. PL2011-101 Donaldson 901 Shorewood Drive Area 'G'.
- Development Permit Application No. PL2011-017 Fern Road Consulting Ltd. 6076 Island Highway West Area 'H'.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

50 - 56 Development Permit with Variance Application No. PL2011-084 – Keith Brown Associates Ltd. – 1922 and 1940 Schoolhouse Road – EA 'A'.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

57 - 63 Development Variance Permit Application No. PL2011-093 – Heringa and Ladouceur – 3142 and 3146 Meadow Drive – Area 'C'.

64 - 70 Development Variance Permit Application No. PL2011-107 – Sitler – 3095 Lear Raod – 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, JUNE 14, 2011 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:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
P. Thorkelsson	Gen. Mgr., Development Services
D. Lindsay	Manager of Current Planning

N. Hewitt Recording Secretary

MINUTES

MOVED Director Holme, SECONDED Director Burnett, that the minutes of the regular Electoral Area Planning Committee meeting held May 10, 2011 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Bylaw No. 500.373 to Support Zoning Amendment Application No. PL2011-057 – City of Nanaimo – South Forks Road – Area 'C'.

MOVED Director Young, SECONDED Director Burnett, that the Summary of the Public Information Meeting held on May 18, 2011, be received.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011", be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.373, 2011" be delegated to Director Young or another Area Director.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variance Application No. PL2011-052 - Mike Seargeant - 3441 Trans Canada Highway - Area 'A'.

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

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2011-052 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

Development Permit with Variance Application No. PL2011-058 – Quentin & Melissa Koop – 1401 Greig Road – Area 'G'.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variance Application No. PL2011-058 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. PL2011-085 – Regional & Community Utilities, Regional District of Nanaimo - 2471/2473 Nanoose Road - 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 Development Variance Permit Application No. PL2011-085 be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

OTHER

Bylaw No. 1432.02 - Proposed Amendments to Regional District of Nanaimo Development Approval Procedures and Notification Bylaw.

MOVED Director Holme, SECONDED Director Burnett, that "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011" be introduced and read three times.

CARRIED

MOVED Director Holme, SECONDED Director Burnett, that "Regional District of Nanaimo Development Approval Procedures and Notification Amendment Bylaw No. 1432.02, 2011" be adopted.

CARRIED

Request for Frontage Relaxation on Subdivision Application No. PL2010-197 – Fern Road Consulting Ltd. – 6120 Island Highway West – Area 'H'.

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement width requirement be approved.

CARRIED

Subdivision and Non-farm Use Within the ALR.

MOVED Director Burnett, SECONDED Director Young, that Policy B1.8, "Review of Provincial Agricultural Land Reserve Applications" be amended to:

- a) Authorize all subdivision and non-farm use applications to be forwarded to the Agricultural Land Commission, and
- b) To include a general policy statement, as amended, that will be forwarded to the ALC with each subdivision application.

CARRIED

ADJOURNMENT

TIME: 6:50 PM

CHAIRPERSON

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

CARRIED



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RHD		
BOARD		

MEMORANDUM

TO:

Dale Lindsay

Manager, Current Planning

DATE: June 30, 2011

FROM:

Kristy Marks

Planner

FILES:

PL2011-023 & PL2011-024

SUBJECT: Zoning Amendment Application No. PL2011-023 and Development Permit with

Variance Application No. PL2011-024 - Fern Road Consulting Ltd.

That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East of the Easterly Boundary of Plan 814 RW - 883 & 899 Island Highway West

Electoral Area 'G'

PURPOSE

To consider Zoning Amendment and Development Permit with Variance Applications in order to permit the redevelopment of a commercial property including the construction of three new commercial buildings and a fast food outlet with a drive-thru.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Kazan Investments Ltd., Michael J. Hill Ltd., and Douglas E. Hill Ltd. to rezone the subject property to permit the construction of a commercial development with a variety of commercial uses including a fast food outlet with a drive-thru (see Attachment 1 for location of subject property).

The subject property is approximately 0.7 ha in area and is zoned Commercial 2, Subdivision District 'O' (in Electoral Area 'G') (CM2Q), as per "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property currently contains three commercial buildings. Existing uses include a restaurant, bakery, video rental store, and a second-hand store. The property is bound by an undeveloped Public 1 zoned parcel to the north, the City of Parksville's municipal boundary, Aberdeen Drive, and developed residential parcels to the east, a developed commercial property, currently occupied by Shell Canada, to the south and the Island Highway West to the west.

The proposed development is subject to the following Development Permit Area (DPA) as per "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008":

Multi Residential, Intensive Residential, Industrial, and Commercial Form and Character

Proposed Development and Variance

The applicant proposes to re-zone the property from Commercial 2, Subdivision District 'O' (in Electoral Area 'G') to French Creek Landing Comprehensive Development Zone 48 (CD48). The development proposal includes the construction of three, single storey commercial buildings ranging in size from 250 m² to 400 m². The applicant is proposing a variety of commercial uses including a fast food outlet with a drive-thru.

The applicant has applied for a Development Permit with Variance, to regulate the form and character of the proposed commercial development. The applicant has submitted a proposed site plan, building elevations, landscape plan, site servicing report, design rationale, site profile form and certificate of compliance in support of the application.

The applicant is also requesting a variance to Section 5a) of "Regional District of Nanaimo Sign Bylaw No. 993, 1995" in order to increase the total number of permitted signs in order to allow one fascia sign per business, in addition to the one permitted freestanding sign.

ALTERNATIVES

- 1. To approve the proposed Zoning Amendment and Development Permit with Variance application to rezone the subject property from Commercial 2 (CM2) to French Creek Landing Comprehensive Development Zone 48 (CD48), for first and second reading.
- 2. To deny the Zoning Amendment and Development Permit with Variance application as submitted.

LAND USE IMPLICATIONS

Official Community Plan and Regional Growth Strategy Implications

The subject property is designated within the Commercial Land Use Designation as per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan No. 1540, 2008" (OCP). The relevant policies of the OCP support the proposal for a small-scale neighbourhood commercial development that does not take the form of highway strip commercial development. In addition, the OCP policies support the re-development of existing commercial sites. Given the design and scale of the proposed development, staff are of the opinion that the proposed development complies with the intent of the OCP.

The property is within the French Creek Urban Containment Boundary and is designated within the Urban Area pursuant to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309, 2002" (RGS). The proposed zoning amendment is also consistent with the RGS, which encourages economic development that can help make the economy more vibrant and sustainable.

Development Implications

The applicant is proposing to re-zone the property in order to permit a variety of commercial uses, including a fast food outlet with a drive-thru. The CM2 zone currently permits the following uses: funeral parlour, gas bar, nursery, office, personal service use, recreation facility, restaurant, and retail store. While a restaurant is currently permitted, re-zoning is required in order to permit a restaurant with a drive-thru or 'fast food outlet'. In addition to the proposed fast food outlet the applicant is requesting the following additional uses, some of which are currently permitted in the CM2 zone: convenience store, office, restaurant, personal service use, recreation facility, retail store, produce market, accessory residential use, and public assembly.

The applicant has submitted a detailed proposed site plan, building elevations, and landscape plan consistent with the Commercial Form and Character Development Permit Area guidelines in order to address requirements for general design, parking and loading, landscaping and screening, site illumination and signage and pedestrian and cyclist considerations.

With respect to the proposed site layout, the applicants are proposing three smaller single-storey buildings clustered on the site and designed to fit the scale and form of the adjacent residential neighbourhood. Access to the property will be via a single full movement access/egress point from the Island Highway West. The proposed access and associated road works are shown on *Schedule 2*.

The applicants have indicated that the buildings have been designed to emulate the traditional image of the "corner store" and the separation of buildings will facilitate circulation throughout the site. In addition, smaller groupings of parking and landscaped areas within the site will help to enhance character and reduce the scale of the parking lot. The applicant is proposing to provide a total of 80 parking spaces and two loading spaces. Proposed building materials include coloured metal roofs, Hardie Board siding, shingles, and trim and stone facing. Proposed building elevations are shown on *Schedule 3*.

The applicants have submitted a landscaping plan which includes primarily native drought tolerant and deer resistant plant species (attached as *Schedule 4*). This plan includes a 2 m wide landscape buffer along the north, east and south property boundary and a 5 m wide landscape buffer adjacent to the Island Highway 19A. Additional landscaping is proposed throughout the site to break up parking areas, provide shade and screen trash enclosures. In addition, the applicant is proposing to construct a 1.8 m high solid stained cedar fence along the north and east property boundaries as an additional buffer to the adjacent residential neighbourhood. The landscape plan proposes the landscape improvements to be along Aberdeen Drive between the road and the fence.

With respect to signage, the applicant is proposing to include one freestanding sign at the entrance to the property off the Island Highway 19A. This sign will meet the requirements of Bylaw No. 993 and is proposed to be back-lit and include a decorative metal roof and cedar posts and beams. The applicant is also requesting a variance to Bylaw No. 993 in order to permit one fascia sign per business. Each fascia sign is to meet the requirements of Bylaw No. 993 and be consistent with the Commercial Form and Character guidelines. The fascia signs will be located on a sign board above the retail units and below the roof (see Schedule 3). The general location of the proposed freestanding sign is shown on Schedule 4 and elevations for the freestanding sign are shown on Schedule 5. On-site lighting will consist of full-cut off/flat lens luminaries designed to reduce glare on adjacent properties.

The applicant proposes to provide bicycle racks, benches and trash receptacles for each building in addition to outdoor patio space for future tenants. On-site pedestrian access includes internal crosswalks and a pedestrian access at the rear of the property, adjacent to Aberdeen Drive, including a decorative arbour and pedestrian path.

Staff are of the opinion that the requirements of the Commercial Form and Character Development Permit Area have been met.

Public Information Meeting

Public Information Meetings (PIM) were held on April 14, 2011 and May 30, 2011, at the Parksville Community and Conference Centre. Notification of these meetings was delivered to all property owners within 200 m of the subject property and advertisements were placed in the Parkville/Qualicum newspaper and on the RDN website. Thirty-five people attended the PIM held on April 14, 2011 and approximately 55 people attended the PIM held on May 30, 2011. The proceedings of these meetings are summarized in Attachment 2 - Summary of the Public Information Meeting — April 14, 2011 and Attachment 3 Summary of the Public Information Meeting — May 30, 2011.

Key issues raised by the public included:

- concerns regarding the proposed fast food outlet and drive-thru included increased noise, traffic, loitering, garbage, vehicle emissions, reduced pedestrian safety, and potential hours of operation;
- concerns about previous soil contamination; and
- concerns that the proposed change to access will negatively impact the property to the south, currently occupied by Shell Canada.

Public Consultation Implications

If the proposed zoning amendment application receives first and second reading, the proposal will then proceed to Public Hearing. As part of the required public notification process, notice of the Public Hearing will be sent to all owners and tenants within 50 m of the subject property and to all owners within 500 m of the property. The Public Hearing will also be advertised in a local newspaper and on the RDN website.

With respect to the requested variance, as part of the required public notification process, pursuant to the *Local Government Act*, property owners and tenants located within a 50 m radius, will receive a direct notice of the proposal, and will have an opportunity to comment on the proposed variance. Notification of the proposed variance would take place following the adoption of the associated amendment bylaw.

Environmental Implications

The applicant has submitted a Site Profile Form and Certificate of Compliance, issued by the Ministry of Environment on April 28, 2011, confirming that the site has been remediated to meet the Contaminated Sites Regulation standards for commercial land.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist". The following sustainability implications were identified through the review of this application:

- the proposed development will provide a neighbourhood commercial centre and reduce the need for car travel by local area residents;
- installation of a rainwater groundwater recharge system to maximize groundwater recharge;
- an extensive landscape buffer primarily consisting of native and drought tolerant plants is proposed along all property lines and throughout the site;
- invasive species will be removed;
- redevelopment of the site will improve the character and visual appeal of the site and will help to prevent crime due to improved site management;
- the proposed washroom facilities will be handicap accessible and equipped with low flow toilets;
- the existing businesses will benefit from improved commercial space; and
- local workforce will be employed to develop the site.

Intergovernmental Implications

This application was referred to the Ministry of Transportation and Infrastructure (MOTI) for their comments. MOTI has accepted the plans as proposed, including the addition of a right turn deceleration lane and a left turn lane to access the site. In addition MOTI requires the applicant to provide a dedication plan for a 3 m wide road widening at the front of the property adjacent to the Island Highway West and apply for a highway access permit. The applicant's plans have been updated to include this additional 3 m road dedication.

The application was also referred to the City of Parksville for their comments and they have responded indicating they have no concerns with the pedestrian walkway adjacent to Aberdeen Drive. City staff have also commented that they do not support the provision of service connections i.e., storm drainage disposal to the swale adjacent to Aberdeen Drive. The applicant's engineer has indicated that stormwater can be dealt with on-site.

Site Servicing and Access Implications

With respect to potable water, the applicant has submitted confirmation from the community water provider, EPCOR confirming that the property is within their service area and that adequate water for domestic and fire protection purposes is available based on the demand information provided by the developer's engineer. The property is within the RDN French Creek Sanitary Sewer Service Area and is currently connected to sanitary sewer. The applicant's engineer has indicated that demand on the sanitary sewer is not anticipated increase substantially with the redevelopment of the property.

The Parksville Fire Department has responded stating that the proposed access, site layout, and fire flows appear acceptable. They have also noted that the nearest fire hydrant is at the end of the Riley Road right-of-way across the Island Highway West and have requested that the developer consider bringing a fire hydrant across the highway to the front of the site. The applicant's engineer has indicated that this request can be accommodated and staff recommend that the developer be required to install the fire hydrant prior to development of the site.

With respect to access, the Ministry of Transportation and Infrastructure (MOTI) is requiring the addition of a left turn lane and a right turn deceleration lane with a single access from the Island Highway West to the subject property. Shell Canada, currently located on the property to the south, has historically utilized the existing access on the subject property, in addition to their existing access to the south. This access arrangement has not been secured by way of an easement but has allowed Shell fuel delivery trucks a right in/right out option to the Island Highway West. Given the proposed changes to access and site design this option will no longer exist. Shell Canada and the Shell operators have has expressed concern that the loss of this access will negatively impact the business. MOTI staff have indicated that they have no concerns with fuel trucks utilizing the road right-of-way to the south in order to turn around or back-up and Shell Canada is currently working with MOTI to determine an appropriate solution.

SUMMARY/CONCLUSIONS

The applicant is proposing to amend Bylaw No. 500, 1987, in conjunction with a development permit, in order to rezone the subject property to permit a commercial development including three new commercial buildings and a drive-thru for a fast food outlet. Public Information Meetings were held on April 14, 2011 and May 30, 2011, and the summary of the meetings is attached (see *Attachment 2 and 3*).

Given that the proposed Zoning Amendment and Development Permit with Variance applications comply with the current OCP, staff support these applications, subject to the conditions set out in *Schedule No. 1*, and recommend that the associated zoning amendment bylaw receive first and second reading and proceed to public hearing. The proposed Development Permit with Variance will be brought back to the RDN Board of Directors following the consideration of final adoption of the associated amendment bylaw.

A copy of the proposed Amendment Bylaw is attached to this report as Attachment 4.

RECOMMENDATIONS

- 1. That the Summary of the Public Information Meeting held on April 14, 2011, be received.
- 2. That the Summary of the Public Information Meeting held on May 30, 2011, be received.
- 3. That Zoning Amendment Application No. PL2011-023 to rezone the subject property from Commercial 2 (CM2) to French Creek Landing Comprehensive Development Zone (CD48) be approved.
- 4. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2011", be introduced and read two times.
- 5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2011", be chaired by Director Stanhope or another Area Director.
- 6. That Development Permit with Variance Application No. PL2011-024 in conjunction with the proposed rezoning for the subject property be approved subject to the conditions included in *Schedule 1*.
- 7. That Staff be directed to complete the required notification.

Report Writer

General Manager Concurrence

CAO Concurrence

Schedule No. 1 Conditions of Approval Development Permit with Variance Application No. PL2011-024

Proposed Variance

Bylaw No. 993, 1995

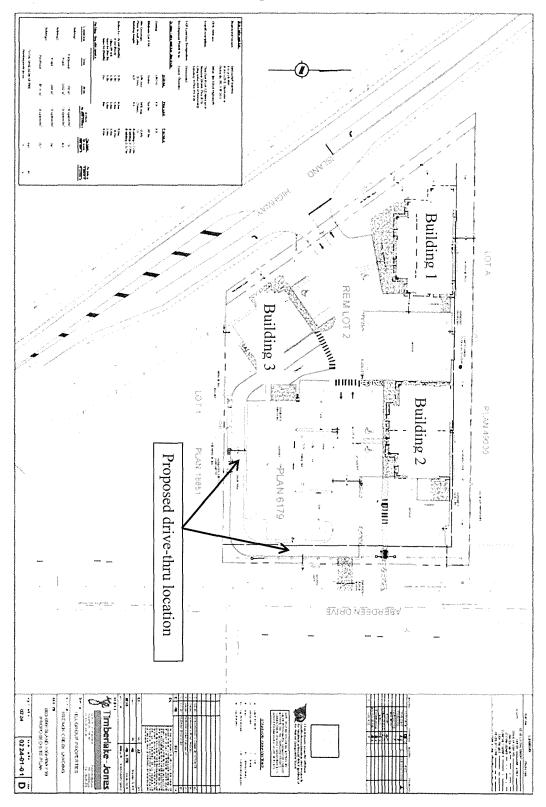
With respect to the lands, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" (Bylaw No. 993, 1995) is varied as follows:

1. The requirements of Section 5a) is varied in order to increase the number of permitted signs from two signs per parcel to permit one freestanding on the subject property and one fascia per business.

Conditions of Approval:

- 1. The subject property shall be developed in general accordance with the proposed Site Plan prepared by proposed by Timberlake–Jones Engineering Ltd. and dated January 20, 2011 and last revised June 23, 2011, attached as *Schedule 2*.
- 2. The buildings shall be constructed in general accordance with the building elevations prepared by **dys**architecture and dated January 21, 2011, attached as *Schedule 3*.
- 3. The proposed development shall be landscaped in accordance with the landscaping plan prepared by MacDonald Gray, dated June 23, 2011, attached as *Schedule 4*.
 - Staff shall withhold the issuance of this permit until the applicant submits a landscaping security deposit in the amount of \$97,032.50, in accordance with the Landscaping Cost Estimate prepared by MacDonald Gray, dated June 23, 2011.
- 4. The freestanding sign shall be constructed and sited in general accordance with the plans prepared by MacDonald Gray as shown on *Schedule 4 and 5*. Fascia signage shall be sited in general accordance with *Schedule 3* and shall be constructed in accordance with the requirements of Bylaw No. 993, 1995, except as varied by this permit, and the applicable Development Permit guidelines.
- 5. The applicant shall provide a minimum of 80 off-street parking spaces developed in accordance with the requirements of Bylaw No. 500, 1987 Schedule '3B' Off-Street Parking & Loading Spaces.
- 6. The applicant is to obtain a valid Controlled Highways Access Permit from the Ministry of Transportations and Infrastructure.
- 7. The applicant is to construct/install a fire hydrant at the front of the property at the time of construction.

Schedule 2 Proposed Site Plan (Page 1 of 2)



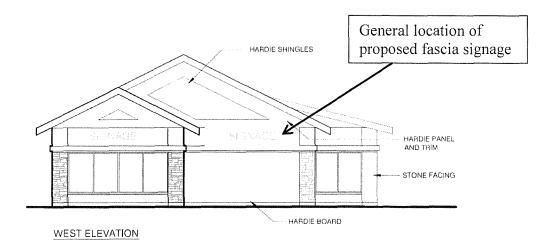
Proposed Site Plan – Detail (Page 2 of 2) Building RES FOIN 7 A 4830 <u>(</u> DIAN 0170 Proposed drive-thru location YBEKDEEN DEINE

Schedule 2

Schedule 3 Proposed Building Elevations – Building 1 (Page 1 of 3)

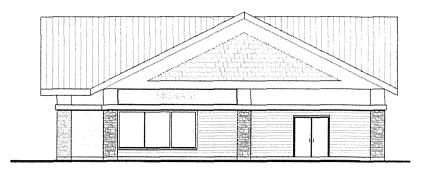


EAST ELEVATION

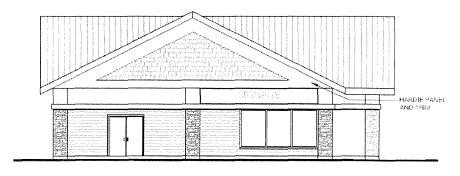




Schedule 3 Proposed Building Elevations – Building 2 (Page 2 of 3)



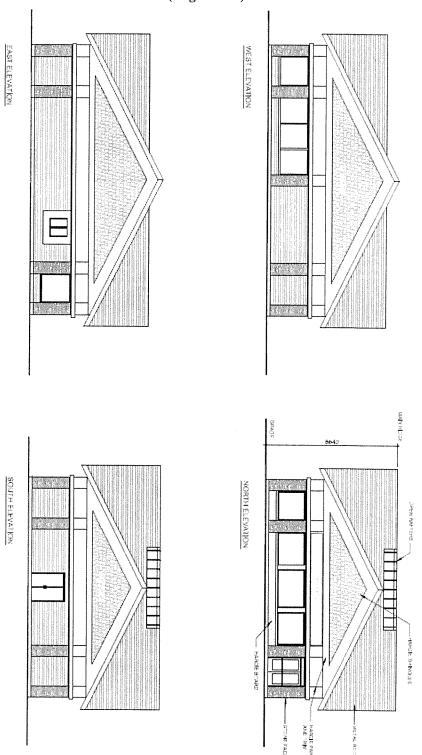
EAST ELEVATION



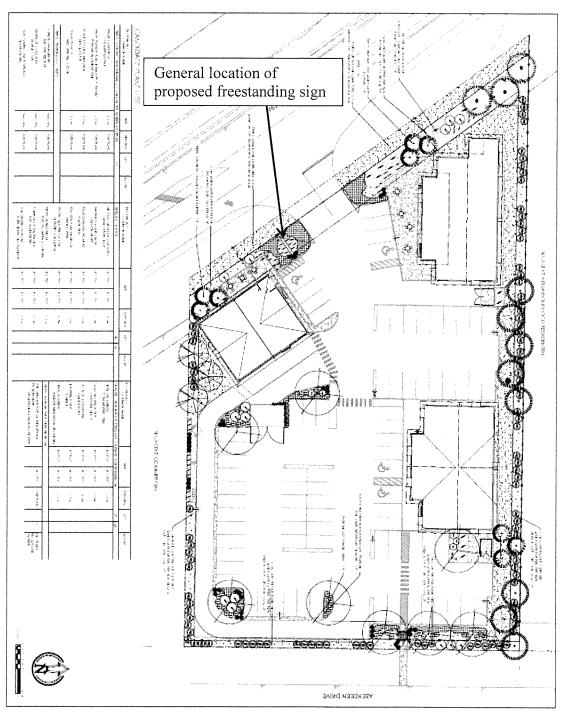
WEST ELEVATION



Schedule 3
Proposed Building Elevations – Building 3
(Page 3 of 3)



Schedule 4 Proposed Landscaping Plan



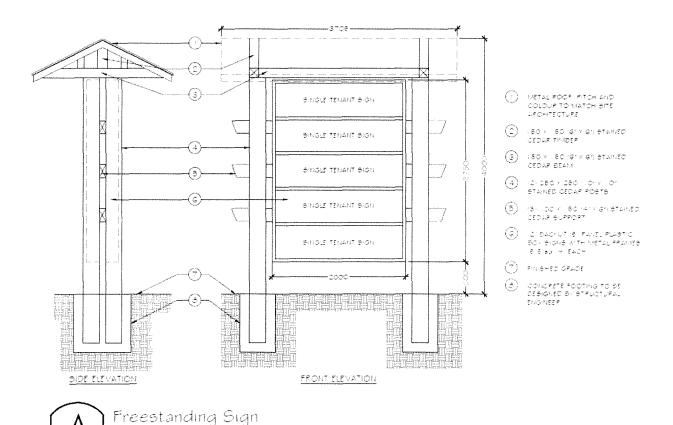


French Creek Landing Hill Group Properties Regional District of Nanaimo, BC



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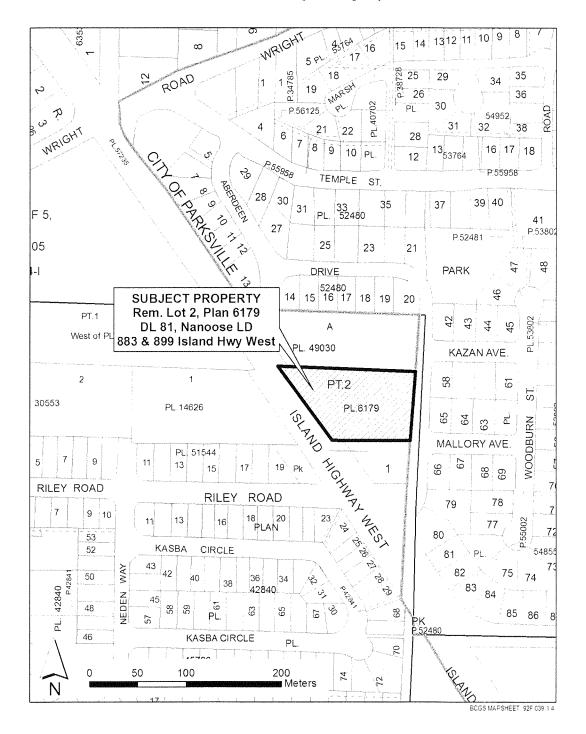
Schedule 5 Proposed Freestanding Sign



Elevation

19

Attachment 1 Location of Subject Property



Attachment 2 Summary of the Public Information Meeting Held at Parksville Community and Conference Centre, 132 E. Jensen Avenue, Parksville in Conjunction with Zoning Amendment Application No. PL2011-023 on April 14, 2011 Commencing at 6:30 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 35 persons in attendance.

Present for the Regional District:

Joe Stanhope, Chairperson Dale Lindsay, Manager of Current Planning Kristy Marks, Planner

Present for the Applicant:

Helen Sims, Agent Rob Hill, Property Owner Michael Hill, **dys**architecture Cara MacDonald, MacDonald Gray Michelle Jones, Timberlake Jones Engineering

The Chairperson opened the meeting at 6:30 pm, outlined the agenda for the evening's meeting, and made introductions. The Chairperson then stated the purpose of the Public Information Meeting and requested the Planner to provide background information concerning the zoning amendment application process.

Ms. Marks gave a brief outline of the application process concerning the amendment application to rezone the property located at 883 & 899 Island Highway West to permit the re-development including the construction of three commercial buildings for commercial use.

The Chairperson then invited the Ms. Sims to give a presentation of the proposed zoning amendment application.

Mr. Sims gave a presentation outlining the proposed development and invited Michael Hill and Cara MacDonald to provide more detail with respect to site design, proposed landscaping and other site improvements.

Helmut Bose, 916 Island Highway West, stated that he lives across the street from the proposed development and asked how development of the site will affect access to his property.

Michelle Jones explained that there would be a single access with a left and right turn in and out of the site

Bryan Dwyer, 882 Aberdeen Drive, asked what types of businesses are proposed.

Rob Hill explained that the current tenants have expressed an interest in remaining on the site and that they are currently negotiating with a national brand but nothing has been confirmed.

Bryan Dwyer then asked about what would happen to the forested area to the north of the property. Helen Sims explained that the forested area is a separate parcel so it would not be affected as part of this application.

John Toews, 828 Mallory Avenue, as asked whether adequate parking would be provided on-site. He expressed concern that people park along Aberdeen Drive and walk to the site.

Michelle Jones stated that there would be no vehicle access to the site from Aberdeen Drive and that the emergency vehicle access would be gated at the rear.

Rob Hill confirmed that approximately 80 parking spaces are proposed.

Rae Davies, 827 Mallory, asked if the buffer adjacent to Aberdeen would include fencing and if this would be sound proof.

Cara MacDonald noted that the plan includes vegetation only and that no fencing is currently proposed.

Richard Coll, 819 Mallory, asked about how access to the Shell site to the south of this property would work and whether access to the gas station is being accounted for. He also noted that the parking should be closer to the highway with buildings sited to the rear and asked about expected traffic volumes. He commented that maybe there should be a light to allow for safer access. Mr. Coll further noted that he is opposed to an increase in traffic next to a residential neighbourhood and that access to other businesses should be considered.

Rob Hill explained that there is currently no easement agreement in place that would allow access to one property over another.

Mr. Coll asked what the expected number of cars per day.

Rob Hill stated that he is not sure of the total volume of traffic that is expected.

Pamela Caldwell, 895 Temple Street, expressed concern about increased noise of vehicles at night and the limited buffer of vegetation provided as well as lack of sound proofing. She asked what kind of franchise business is proposed.

Rob Hill explained that the current tenants include a restaurant, bakery, video store and second-hand store. He explained that the existing commercial floor area is approximately 999 m² and the proposed buildings would be approximately 1045 m² so there is not much additional commercial floor area proposed.

Lynn Graham, 863 Temple Street, asked what the maximum permitted height would be in the new zone and what the height of the existing buildings is. She also asked about the siting of the proposed buildings.

Helen Sims explained that the maximum height would be approximately 8 m, the same as in the current zone and that the building would be one storey and may be lower in height than the existing buildings.

Michael Hill explained that three buildings are proposed and explained their siting on the property in relation to property lines and parking areas. He further explained that the proposed siting of the buildings is in accordance with RDN requirements.

Pat Toews, 828 Mallory, commented that if the location of the proposed fast-food outlet was moved from the southwest corner to the northwest corner there would be less impact on the adjacent residential neighbourhood.

Bruce Feddema commented that he is operates the Shell gas station on the property to the south and that he is concerned about access for his fuel trucks. He expressed concerned that he will be out of business if access is not available. He also asked when the proposal was sent to Shell.

Rob Hill, explained that he spoke with Bruce Feddema in April of 2010 about the development of the property. Mr. Hill agreed that the current access situation is poor and that he wanted to work together to potentially work out a joint access. Mr. Hill further noted that because Shell is the owner of the property he contacted them in May 2010 and after being directed to several different people and sending information to the Shell office in Bellingham, he never heard back from them regarding the access or proposed development of the site.

Mark Marzinsky, 889 Island Highway West, commented that he currently leases space on the property and asked Mr. Hill if the lease rates would be increasing.

Mr. Hill confirmed that lease rates would be approximately \$12-\$14 per square foot which is very competitive in the existing market.

Bill Fraser, 908 Breakwater Road, noted that he is concerned with change in the access to the Shell as well as the potential for there to be an additional access to the highway in the future i.e. if the property to the north is developed. He commented that this property is close to a school and that there would be an increased safety hazard with the increase in traffic.

Mike Jessen, French Creek Residents Association asked if the proposed access had been granted permission from the Ministry of Transportation and Infrastructure (MOTI). He noted that the home building centre to the south has been unable to obtain a similar access to the one proposed on the subject property.

Michelle Jones confirmed that plan has been reviewed by MOTI and they recommended a left-turn lane and had no concerns with the left-turn out of the site. She further noted that the difference with the home builders site to the south is that they have a separate access from the site while this proposal includes one access/egress point.

Mike Jessen noted that the second access from the Central Builders site is through a residential neighbourhood and that this access should be constructed to meet good engineering standards.

Bob Parent, 899 Island Highway West, stated that he the owner of the restaurant currently operating on the site and that he has concerns with the proposed re-development and asked how many units there would be per building.

Rob Hill replied that it will depend on demand for square footage and that the project is a phased development that will be built to suit internally.

Marlene Feddima, French Creek Shell, commented that she did not receive a notice of the meeting and stated that the proposal is not neighbourly and that it will have a negative impact on their business.

Helen Sims stated that there has never been an easement agreement registered on title allowing the Shell to access across the subject property.

Rob Hill noted that he tried to contact Shell about the access and had no response from them.

Sheila Hay, 686 Woodburn Street, stated that she is opposed to the proposed fast food outlet due to the increase in noise and traffic and that it is too close to the residential neighbourhood.

The Chair stated that her comments have been noted.

Cherise Webb, noted that she also leases space for the existing restaurant on the property and asked whether there will be any changes to the water or sewer. Ms. Webb stated that water pressure on-site is currently low and asked whether the water would run slower with the re-development of property.

Michelle Jones, replied that the site is connected to EPCOR water and to sewer at the rear of the property and EPCOR has confirmed they can provide adequate water to meet the expected demand. Ms. Jones also noted that the lines would be upgraded so they would likely function better.

Bernie Pearce, 793 Temple Street, asked what the proposed uses are and why they need to re-zone the property.

Dale Lindsay outlined the uses that are currently permitted in the Commercial 2 zone and explained that the primary reason the applicants have applied to re-zone is to allow for a fast food outlet.

Carol Helin, 692 Woodburn Street, expressed concern with the additional early morning noise that will result if a drive-thru is permitted and stated that she does not want additional noise in the neighbourhood.

Jim Davies, 827 Mallory Avenue, stated that the proposed 2 m buffer at the rear of the property is not enough.

Cara MacDonald responded stating that there is potential to revise the plan to include more of a buffer.

Vince Hall 899 Island Highway West, commented that he thinks the proposal to include left and right turn lanes is positive.

Cynthia Sage, 949 Riley Road, asked if the current businesses will be able to operate during construction.

Rob Hill replied that he is hoping to phase the development in order to retain the existing tenants.

Richard Coll, 819 Mallory Avenue, commented that he is in support of other types of business or restaurants but not a 24 hour Tim Horton's as it would result in too much traffic next to a residential neighbourhood. He also expressed concern with the proposed access at the back of the property. Mr. Coll asked about the RDN's initiatives to support recycling and questioned how permitting a drive-thru and increased traffic is consistent with the RDN's green policies.

A member of the audience asked about the soil contamination on the site and whether the site is still contaminated.

Rob Hill confirmed that the site has been remediated and the soil was removed to a disposal site in Cumberland. He noted that they are currently waiting to receive a Certificate of Compliance from the Ministry of Environment.

The audience member asked what the site was contaminated with.

PL2011-023 & PL2011-024 June 30, 2011 Page 20

Rob Hill commented that the contamination was from an old gas storage tank from the 1970's and that he wasn't sure why the tank was there.

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

The Chairperson asked a third time if there were any other questions or comments. Being none, the Chairperson thanked those in attendance and announced that the PIM was closed.

The meeting concluded at 7:30 pm.

Kristy Marks
Recording Secretary

Attachment 3 Summary of the Public Information Meeting Held at Parksville Community and Conference Centre, 132 E. Jensen Avenue, Parksville in Conjunction with Zoning Amendment Application No. PL2011-023 on May 30, 2011 Commencing at 6:30 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 approximately 55 persons in attendance.

Present for the Regional District: Joe Stanhope, Chairperson Dale Lindsay, Manager of Current Planning Kristy Marks, Planner

Present for the Applicant:
Guy Fletcher, agent
Rob Hill, property owner
Cara MacDonald, MacDonald Gray
Michelle Jones, Timberlake Jones Engineering
Joel Mercer, Tim Hortons representative

The Chairperson opened the meeting at 6:30 pm, outlined the agenda for the evening's meeting, and made introductions. The Chairperson then stated the purpose of the Public Information Meeting and requested the Planner to provide background information concerning the zoning amendment application process.

Ms. Marks gave a brief outline of the application process concerning the amendment application to rezone the property located at 883 & 899 Island Highway West to permit the re-development including the construction of three commercial buildings for commercial use.

The Chairperson then invited the Mr. Fletcher to give a presentation of the proposed zoning amendment application.

Mr. Flether then introduced those representing the applicant and provided a brief outline of recent amendments to the original plan.

Cara MacDonald provided an outline of the proposed changes to the original landscape plan.

Michelle Jones commented on proposed amendments to vehicle access based on comments received from MOTI and the emergency adjacent to Aberdeen.

Claire Shuman, 855 Aberdeen Drive, asked what the proposed hours of the Tim Hortons would be.

Rob Hill responded that the typical hours for a Tim Hortons would be 24 hrs/day for both the drive-thru and restaurant.

Pat Toews, 828 Mallory Place, asked what the proposed shrub height would be.

Cara MacDonald commented that the height of the shrubs when full grown would be approximately 2 m but also noted that the shrubs would be less than this height when planted.

Karyn Doerksen, 839 Aberdeen Drive, asked if the fence would be a noise barrier and whether noise would be heard at the back of the lot.

Cara MacDonald noted that the proposed fence would be a solid timber frame fence.

Ray Davies, 827 Mallory Place, asked about the details of the fence and what depth the fence would be.

Cara MacDonald replied that the fence would be a sturdy, solid fence likely with 2 x 6 posts but the depth would be that of a typical fence.

Ray Davies commented that most people in the neighbourhood would like to see a concrete fence. He also asked if the Tim Hortons would have to be open 24 hrs./day, 7 days a week or if this is negotiable. He also asked why the drive-thru had to be placed so close to the rear property line and noted that he has concerns with increased pollution from idling vehicles.

Joel Mercer replied the Tim Hortons does not have to be open 24 hours a day 7 days a week. He also commented that a certain vehicle stacking length is required for the drive-thru and that they have conducted emissions studies that indicate that there are less emissions produced at those Tim Hortons with a drive-thru than those without a drive-thru.

Michelle Jones noted that the lane length for the drive-thru typically needs to be a certain length in order to prevent vehicle congestion in the parking lot so that is why the drive-thru lane has been sited in the proposed location.

Shadow Foster, 691 Woodburn Street, asked why there is a need to have two Tim Hortons so close together.

Joel Mercer noted that it is based on market demand.

Mr. Foster commented that he moved to the community to get away from higher density.

John Allen, 674 Woodburn Street, stated that if no development happened in the area than half the audience member would live in the community since most of them have moved to the community from out of province. He also commented on truck access to the Shell site and asked why access to the Shell site has to be cut-off.

Rob Hill explained that the RDN has specific requirements for the location of parking and noted that with the re-development of the site these regulations apply. He commented on the Area 'G' OCP policies and noted that the OCP policies were approved and reviewed by the Area 'G' residents. He further noted that he had spoken with Bruce, the Shell operator over a year ago regarding the access and Shell had been unresponsive with respect to the access. Mr. Hill indicated that during his discussions with MOTI they indicated there was ample room for Shell to access the site through their own existing access.

John Allen asked why there needs to be an emergency vehicle access at the rear of the property and if the ditch would have to be culverted to provide this access.

Michelle Jones replied that two accesses were proposed in order to provide better access to the site for fire trucks as fire departments often prefer two separate access points. Ms. Jones also noted that the gate for the emergency vehicle access would be locked and gated and the only access would be for emergency vehicles.

John Allen asked whether a sound barrier would be cost prohibitive and stated that a concrete fence should be provided.

Michelle Jones noted that a concrete fence may not be effective at creating a sound barrier and this type of fencing is typically only used along high-speed highways.

Brian Glennie, 855 Aberdeen Drive, expressed concern that the site had been contaminated.

Rob Hill explained that the site had previously been contaminated by an old underground fuel storage tank and that the contaminated soil has been removed from the property. He noted confirmed that EBA Engineering has completed testing of the soil and the Ministry of Environment has issued a Certificate of Compliance and confirmed that the site is safety. He further noted that if there was no application to redevelop the site this contaminated soil would not be required to be remediated.

Richard Coll, 819 Mallory Avenue, Asked if either Cara MacDonald or Michelle Jones had any involvement in the contaminated sites.

Michelle Jones and Cara MacDonald responded that they were not involved in the contaminated site at all.

Richard Coll asked if Rob was aware of the contamination on-site since he purchased the property.

Rob Hill stated that he was aware of the contamination of the site.

Richard Coll commented that the reports do not include any testing of soils for contamination off the property and asked if the Shell site could be the source of contamination and stated that it should be determined whether the Shell has contributed to the contamination.

Karyn Doerksen, 839 Aberdeen Drive, asked where the order box for the proposed drive-thru would be located and who the owner of the property to the north is.

Joel Mercer noted that the order box is typically at car No. 5 of the drive-thru line-up.

Michelle Jones replied that she wasn't sure who the owner of the property to the north is.

Bob Parent, 879 Island Highway West, asked about access to the site and if there would be a right and left turn option and whether there would be access for delivery trucks.

Michelle Jones confirmed that there would be both right and left turn options and that there would be adequate access for delivery and garbage trucks.

Brian Glennie asked if the Tim Hortons has to be open 24 hours a day 7 days a week and is it an option to have it close at an earlier time. He also asked why the property needs to be rezoned and what the permitted uses are.

Michelle Jones said there is a possibility it could have restricted hours.

Kristy Marks provided an outline of the current and proposed permitted uses and explanation of why the site needs to be rezoned in order to permit the drive-thru.

PL2011-023 & PL2011-024 June 30, 2011 Page 24

Michael Jessen noted that the RDN should consider permitting parking in the front and the buildings at the rear in order to provide a buffer to the adjacent residential properties and asked why the property couldn't be developed as a strip-mall.

Michelle Jones replied that this type of development would require an amendment to the OCP in order to provide parking at the front of the property.

Mr. Jessen noted that it would be good design practice to provide screening at the rear of the property.

Claire Shuman asked if a pub is proposed.

Rob Hill noted that he has no plans for a pub at this time.

Marlene Feddema, Shell operator, commented that both MOTI and Michelle Jones have noted that there is adequate room for the Shell to access their site but shes isn't sure how this would work.

Rob Hill replied that MOTI has reviewed access for and that the Shell could use the MOTI road right-of-way to turn fuel delivery trucks around.

Shadow Foster, 691 Woodburn Street, asked if the property is re-zoned could any business go in without further community input.

Dale Lindsay commented that if the use is permitted then there would not be any requirement for further public consultation unless a variance was requested.

Speaker, 888 Temple Street, expressed concern that the Tim Horton's would be open 24 hours a day and that teenagers would gather behind the site creating noise and disturbances.

John Allingham had questions about the number of cars could be expected per hour, and how much traffic the development would create.

Joel Mercer replied that the maximum number of cars that could be expected between 8 pm and 6 am would be 90.

Bakery Operator noted security and noise concerns on the site currently, as he has to call the police to the site monthly. He feels that the proposal will provide greater security for the site.

John Hay, 686 Woodburn Street, asked if the site would be lit up all night?

David Simpson, architect responded that there would be no up-light, all lighting would be kept on the ground and there should be no lighting impact off-site.

Richard Coll had concerns about impact on off-site traffic and pedestrian safety as there are no sidewalks. Mr. Coll noted that he has a petition including 40 signatures from residents who are opposed to the development. Also wondered why info was not available in the RDN office.

Dale Lindsay explained that this is a Public Information Meeting (PIM) not a Public Hearing and that the PIM is often scheduled before all of the information on an application is available.

Gail Murray, Casba Circle, asked if the water is provided by EPCOR.

PL2011-023 & PL2011-024 June 30, 2011 Page 25

Michelle Jones confirmed that the water is provided by EPCOR and there will be no additional requirements for community water as the proposed uses and size of buildings is similar to what is currently on the property.

Ms. Murray asked about the restaurant that is currently on the property and the current water usage.

Michelle Jones confirmed that the site is approved for a certain number of cubic metres per day and they will not exceed this amount given the proposed uses.

Michael Jessen, 1266 Jukes Place, asked Ms. Jones about access discussions with MOTI and designs for adjacent properties to the north and south.

Ms. Jones noted that the proposed access has been discussed with MOTI staff and they have reviewed the layout of the north and south lanes.

Richard Coll asked how long Guy Fletcher has been working on the application.

Mr. Fletcher confirmed that Fern Road Consulting Ltd. has been working on this application since last year.

Pat Toews commented that she lives behind this property and that the proposed drive-thru won't bother her.

Leslie asked which of the current businesses plan to stay on the property. She expressed concern that the new buildings will become vacant store front like the Beach Club in Parksville.

Rob Hill explained that he is hoping to create a viable commercial centre and that currently all of the existing tenants would like to remain in this location. He noted that the existing buildings are not structurally sound to be remodeled and he knows what business can afford to lease retail space for so he is hoping the current tenants will stay.

Marlene Feddema commented that they didn't understand that proposed access and how the Shell site would be impacted.

Michelle Jones explained the access briefly and offered to speak with the Shell operators after the meeting.

Ray Davies, 827 Mallory Avenue, asked about the proposed access from Aberdeen Drive.

Michelle Jones explained that the access from Aberdeen Dr. would be for emergency vehicles only and that it would be gated.

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

The Chairperson asked a third time if there were any other questions or comments. Being none, the Chairperson thanked those in attendance and announced that the PIM was closed.

The meeting concluded at 7:30 pm.

Kristy Marks Recording Secretary DATE:

MAY 30, 2011

FROM:

FRENCH CREEK SHELL

879 ISLAND HIGHWAY WEST

PARKSVILLE, BC

TO:

RDN, ATTN: KRISTY MARKS

RE

REZONING AT 883 & 899 ISLAND HWY WEST

If the Hill Group's proposal is approved as it is presented, the French Creek Shell will be rendered inoperable. We will be left with a gas station that will be unable to get fuel deliveries. A transportation specialist with the fuel delivery company indicated that backing up a fuel truck is not an option. It is just too dangerous.

Even if the fuel was delivered by the pail full, having the north entry/exit cut off from the Shell would adversely affect the flow of traffic. Any large vehicles coming to the site for fuel such as a large RV or a boat and truck would be unable to exit the site as the Hill Group proposes construction right on the property line of the two parcels. Even regular vehicle traffic would create a gridlock at the pumps.

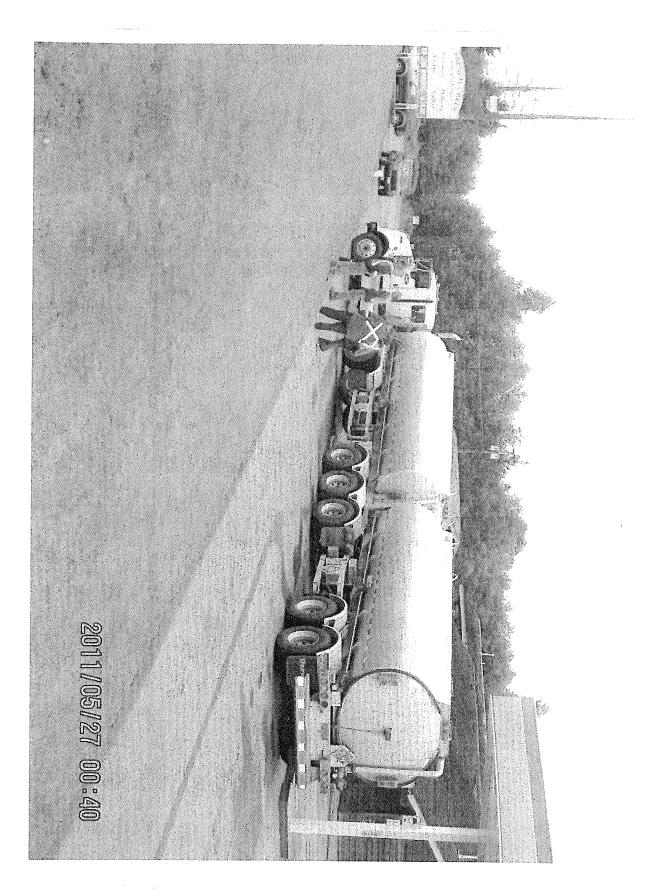
Shell is in the process of obtaining a north exit and until such time as the access problem is resolved we oppose this proposal for rezoning.

SINCERELY,

BRUCE & MARLENE FEDDEMA

FRENCH CREEK SHELL





Attachment No. 4 Proposed Amendment Bylaw No. 500.372, 2011

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.372

A Bylaw to Amend Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2011".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
 - 1. Under PART 3 LAND USE REGULATIONS, Section 3.1 Zones by adding the following zoning classification and corresponding short title:

French Creek Landing Comprehensive Development Zone (CD48)

- 2. By adding Section 3.4.148 (CD48) as shown on Schedule '1' which is attached to and forms part of this Bylaw.
- 3. By rezoning the lands shown on the attached Schedule '2' and legally described as That Part of Lot 2, District Lot 81, Nanoose District, Plan 6179 Lying to the East of the Easterly Boundary of Plan 814 RW

from Commercial 2 (CM2) Zone to Comprehensive Development 48 (CD48) Zone.

Introduced and read two times this day of 2011.
Public Hearing held this day of 2011.
Read a third time this day of 2011.
Approved by the Minister of Transportation and Infrastructure pursuant to the <i>Transportation Act</i> thi day of 201
Adopted this day of 201
Chairperson Sr. Mgr., Corporate Administration

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Chairpers	on				
Sr. Mgr.,	Corporate Adi	ministratio	n		

Section 3.4.148

FRENCH CREEK LANDING COMPREHENSIVE DEVELOPMENT ZONE (48)

CD48

3.4.148.1 Permitted Uses

- a) Convenience Store
- b) Fast Food Outlet
- c) Office
- d) Personal Service Use
- e) Produce Market

- f) Public Assembly Use
- g) Recreation Facility
- h) Restaurant
- i) Retail Store
- j) Accessory Residential Use

3.4.148.2 Maximum Number and Size of Buildings and Structures

Dwelling units/parcel

1

Height

9.5 m

Parcel coverage

50%

3.4.148.3 Minimum Setback Requirements

For all buildings and structures unless otherwise set out in subsection 3.4.148.3:

All Lot Lines

5.0 m

Except that:

- a) No setback shall be required from the Other Lot Line adjacent to the road right-of-way to the east of the property for one arbour over a pedestrian access.
- b) A minimum setback of 0.5 m from the Front Lot Line (south property line abutting the Island Highway 19A) for one single storey commercial building.
- c) A minimum setback of 1.0 m from the Other Lot Line adjacent to the Island Highway West shall be required for one freestanding sign constructed in accordance with Bylaw No. 993 and any amendments thereto.
- d) Where the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero.
- e) Where any part of a parcel is adjacent to or contains a watercourse then the regulations of Section 3.3.8 shall apply.

3.4.148.5 Minimum Parcel Size

0.5 hectare with or without community water and community sewer.

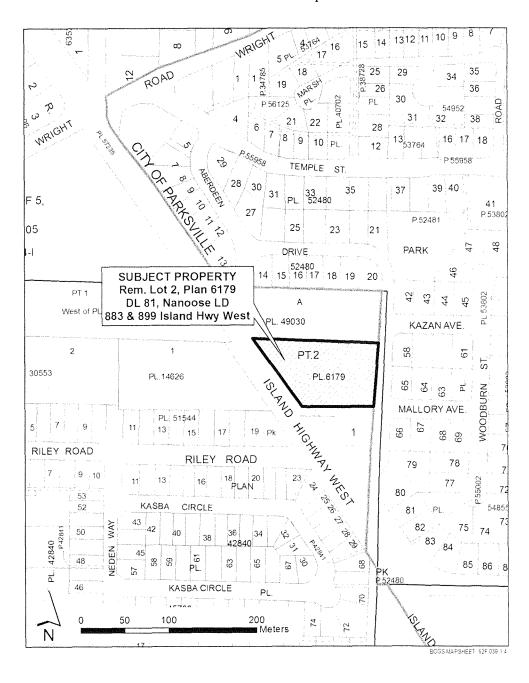
3.4.148.5 Parking Requirements

For the purposes of this zone, notwithstanding Schedule '3B', Off Street Parking and Loading Spaces, a minimum of 80 off street parking spaces shall be provided.

Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.372, 2011."

Chairperson	
Sr. Mgr., Corporate Administration	

Schedule '2' Map





		REPORT PPROVAL (W
EAP	/	July 12/11
cow		
4	JUL	-4:2011

TO:

Dale Lindsay

Manager of Current Planning

June 28, 2011

manager of Carrent Flamming

FROM:

Elaine Leung

Planner

FILE:

DATE:

PL2011-101

SUBJECT:

Development Permit Application No. PL2011-101 - Donaldson

Lot 3, District Lot 181, Nanoose District, Plan 10285 - 901 Shorewood Drive

Electoral Area 'G'

PURPOSE

To consider an application for a Development Permit to allow for the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Ian and Darlene Donaldson in order to permit the construction of a dwelling unit. The subject property is approximately 1,256 m² (0.31 ha) in area and 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 east, south and west, and by the Strait of Georgia to the north (see Attachment No. 1).

The proposed development is subject to the following development permit areas as per "Regional District of Nanaimo Area 'G' Official Community Plan Bylaw No. 1540, 2008:"

Hazard Lands

Proposed Development

The applicants are proposing to remove an existing cabin, which is constructed within the 15.0 metre setback from the sea, and replace it with a new dwelling unit constructed outside of the required 15.0 metre setback.

ALTERNATIVES

- 1. To approve the Development Permit No. PL2011-101 subject to the conditions outlined in Schedules 1 to 3.
- 2. To deny the Development Permit No. PL2011-101.

LAND USE IMPLICATIONS

Development Implications

The applicants propose to construct a dwelling unit as outlined on *Schedule No. 2. Building Elevations* for the proposed dwelling unit are shown on *Schedule No. 3.*

The applicants have submitted a Geotechnical Report prepared by Lewkowich Engineering Associates Ltd., dated June 27, 2011, confirming the site is safe and suitable for the intended residential use. The report and the recommendations are to be secured as a condition of the Development Permit.

SUMMARY/CONCLUSION

This is an application for a Development Permit to permit the construction of a dwelling unit within the Hazard Lands Development Permit Area. In staff's assessment, this proposal is consistent with the Development Permit Area, and staff recommends approval.

RECOMMENDATION

That, Development Permit Application No. PL2011-101 to permit the construction of a dwelling unit be approved subject to the conditions outlined in *Schedules 1 to 3*.

Report Writer

General Manager Concurrence

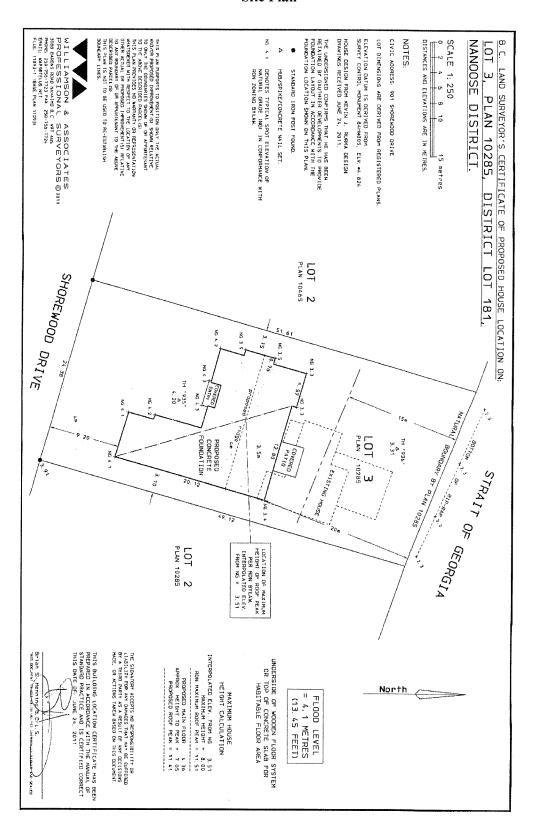
CAO Concurrence

Schedule No. 1 Terms of Development Permit with Variance No. PL2011-101

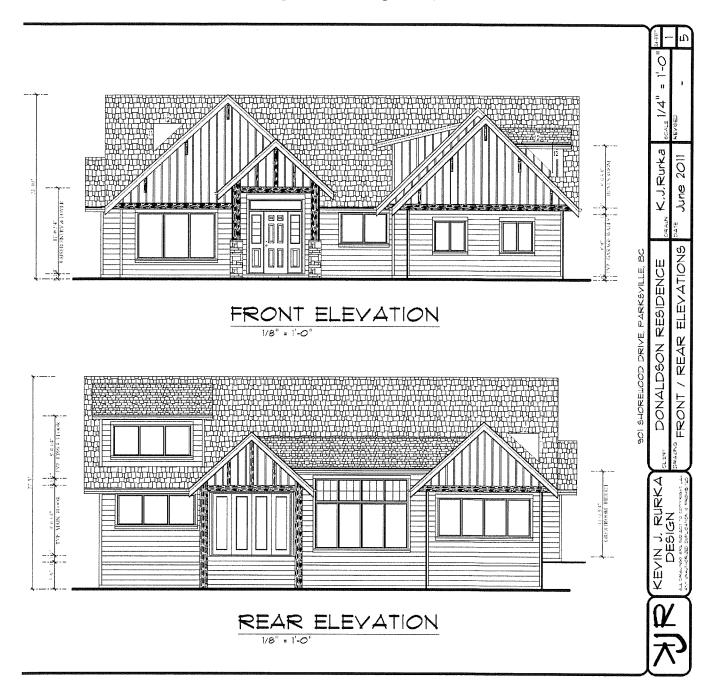
Conditions of Approval:

- 1. The proposed dwelling unit shall be sited in accordance with the site plan prepared by Williamson & Associates Professional Surveyors dated June 24, 2011, attached as *Schedule No. 2*.
- 2. The dwelling unit shall be constructed in accordance with the elevation drawings prepared by Kevin J. Rurka Design dated June, 2011, attached as *Schedule No. 3*.
- 3. The proposed dwelling unit shall be constructed in accordance with the Geotechnical Site Report prepared by Lewkowich Engineering Associates Ltd. dated June 27, 2011.

Schedule No. 2 Site Plan



Schedule No. 3 Building Elevations (Page 1 of 2)

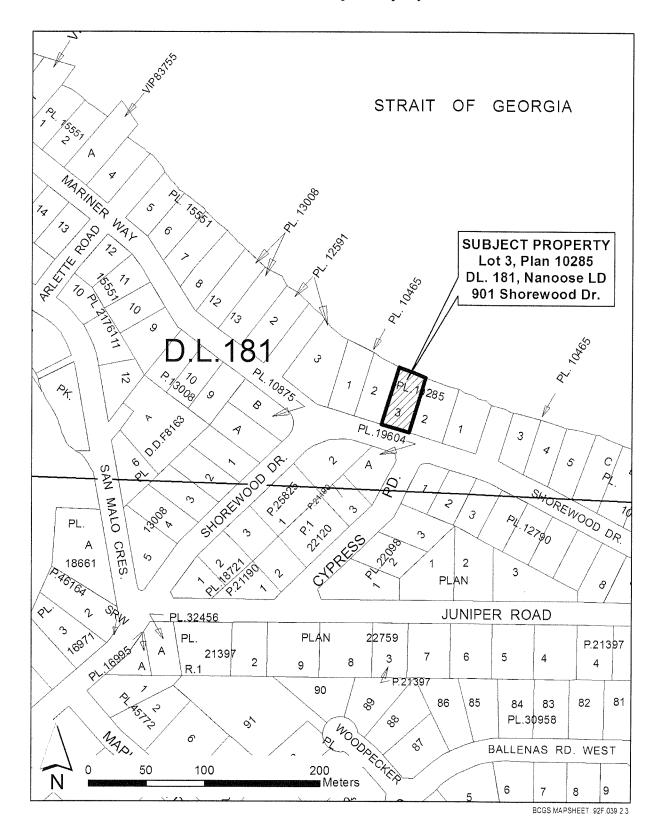


Schedule No. 3
Building Elevations continued (Page 2 of 2)





Attachment No. 1 Location of Subject Property





RDN REPORT \				
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RHD				
SOARD				

TO:

Dale Lindsay

DATE:

June 28, 2011

Manager of Current Planning

FROM:

Kristy Marks

FILE:

PL2011-017

Planner

SUBJECT:

Development Permit Application No. PL2011-017 - Fern Road Consulting Ltd.

Lot 1, District Lot 20, Newcastle District, Plan VIP86514

6076 Island Highway West

Electoral Area 'H'

PURPOSE

To consider an application for a Development Permit in conjunction with a two lot bare land strata subdivision proposal.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a Development Permit application in conjunction with a two lot subdivision proposal from Fern Road Consulting Ltd. on behalf of John & Hollis Fowler (see Attachment 1 for location of subject property). The subject property, which has a total area of 0.501 ha in size and is zoned Commercial 5 (CM5) Subdivision District 'M' (2000 m² minimum parcel size with community water or community water and sewer or 1.0 ha minimum parcel size without community services) as per the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property currently contains a dwelling unit, garage, carport, and two sheds and is traversed by an unnamed watercourse at the front of the parcel on proposed Strata Lot A. The property is bound by the Island Highway 19A to the north, a split-zoned commercial/rural parcel to the east, a commercial zoned parcel to the south and Lions Way to the west.

The proposed subdivision is subject to the following development permit areas as per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003":

- Environmentally Sensitive Features for watercourse and aquifer protection;
- Fish Habitat Protection; and
- Natural Hazards.

Proposed Development

The applicant is proposing to create two bare land strata parcels with community water service connections from Qualicum Bay–Horne Lake Waterworks District and a common septic field. Strata Lot A is proposed to be 2679 m² in size, Strata Lot B is proposed to be 1630 m² in size and the common septic field is 700 m² (see Schedule 2 for proposed subdivision layout).

ALTERNATIVES

- 1. To approve the Development Permit Application No. PL2011-017 subject to the conditions outlined in *Schedules 1 2*.
- 2. To deny the Development Permit Application No. PL2011-017.

LAND USE IMPLICATIONS

Development Implications

Proposed Strata Lot B currently contains a garage and shed. Given that the existing buildings may be occupied by one of the principal commercial uses permitted in the CM5 zone, the garage and shed are not required to be removed prior to subdivision of the lands.

The applicant has provided written confirmation from the Qualicum Bay-Horne Lake Waterworks District that they have no issues with the proposed subdivision. With respect to septic disposal, the applicant is proposing a shared septic field on common property. Strata Lot A would have access to this septic field via an easement over Strata Lot B along the eastern property boundary.

Environmental and Hazards Lands Implications

With respect to the Development Permit Guidelines for the protection of the aquifer, the applicant has submitted a Hydrogeological Impact Review prepared by Waterline Resources Inc. and dated March 16, 2011. This report has been provided as an update to a report prepared by EBA Engineering Consultants Ltd. in 2007 as part of a previous subdivision and development permit. The report concludes that the proposed subdivision will represent a low risk of potential environmental impairment to the underlying groundwater aquifer or nearby groundwater receptors. The report includes a recommendation that if the property is developed for commercial use other means of contaminants such as an oil-water separator should be considered and that underground storage tanks for heating oil should not be permitted. Development of the property in accordance with the recommendations contained in this report is included in the Conditions of Approval set out in *Schedule 1*.

In accordance with the Hazards Lands DPA guidelines the applicant has submitted a Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated March 18, 2011. The report concludes that the only potential hazard is the small drainage ditch/unnamed watercourse at the front of the property. While the report states that the site is considered safe and suitable for the use intended it includes a number of recommendations with respect to ensuring safe building sites. Staff recommends that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazards Assessment prepared by Ground Control 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 potential hazards.

With respect to the protection of the unnamed watercourse and associated riparian area, the applicant has submitted a Riparian Areas Assessment prepared by Toth and Associates in 2007 as part of a previous subdivision. This report established a Streamside Protection and Enhancement Area (SPEA) of 5.0 metres for the unnamed watercourse. The report concludes that no measures are required to be taken to protect the SPEA as no physical alteration is proposed at this time. Any future development including development or land alteration required as part of the subdivision will require submission of an additional report.

Ministry of Transportation and Infrastructure Implications

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the proposed subdivision and has issued a Preliminary Layout Approval (PLA).

SUMMARY/CONCLUSION

This is an application for a Development Permit in conjunction with a two lot bare land strata subdivision proposal.

The applicant has submitted a proposed plan of subdivision, Hydrogeological Impact Review, Geotechnical Hazards Assessment, and Riparian Areas Assessment in support of the application. In staff's assessment, this proposal is consistent with the applicable DPA guidelines outlined in "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

RECOMMENDATION

That Development Permit No. PL2011-017 in conjunction with a two lot bare land strata subdivision be approved subject to the conditions outlined in *Schedules 1-2*.

Report Writer

General Manager Concurrence

Manager Concurrence

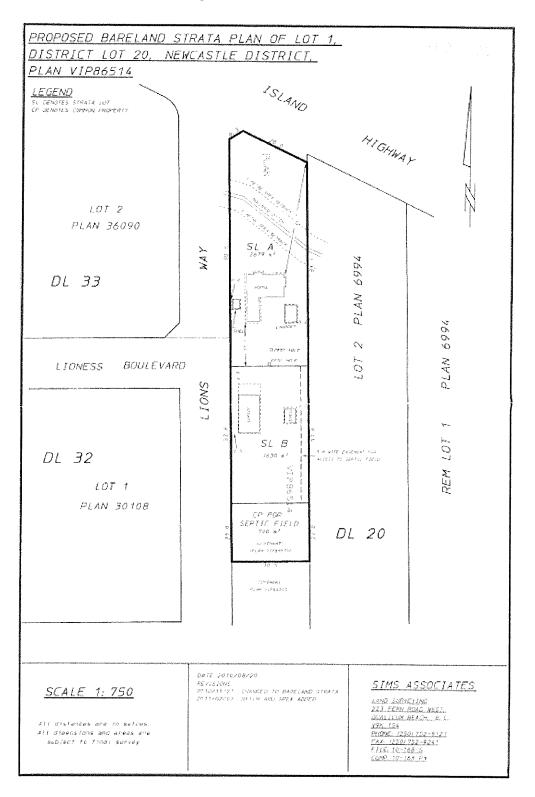
CAO Concurrence

Schedule 1 Conditions of Development Permit Application No. PL2011-017

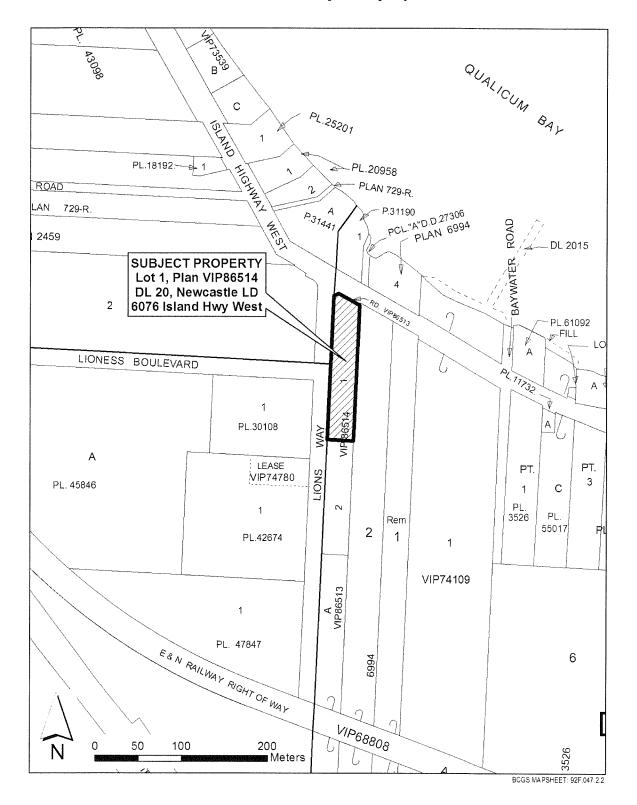
Conditions of Approval:

- 1. The subdivision of the lands shall be in substantial compliance with the proposed plan of subdivision, *Schedule 2*.
- 2. The lands shall be developed in accordance with the Hydrogeological Impact Review prepared by Waterline Resources Inc. and dated March 16, 2011.
- 3. The lands shall be developed in accordance with the Geotechnical Hazards Assessment prepared by Geotechnical Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated March 18, 2011.
- 4. 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 Hazards Assessment prepared by Ground Control Geotechnical Engineering Ltd. dated August 16, 2010, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.

Schedule 2 Proposed Plan of Subdivision



Attachment 1 Location of Subject Property





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TO:

Dale Lindsay

Manager of Current Planning

FROM:

Kristy Marks

Planner

FILE:

PL2011-084

DATE: June 29, 2011

SUBJECT: Development Permit with Variance Application No. PL2011-084

Keith Brown Associates Ltd.

Lot A, Sections 13, Range 6, Cranberry District, Plan VIP77592

1922 and 1940 Schoolhouse Road

Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit with Variance to allow a fascia sign on a new industrial building and to vary the paving requirements for the proposed parking area on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Keith Brown Associates Ltd. on behalf of 0703262 B.C. Ltd., in order to permit an additional fascia sign and to vary the parking requirements. The subject property is approximately 1.8 ha in area and is zoned Schoolhouse Road Light Industrial Comprehensive Development Zone 18 (CD18) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The property currently contains one industrial building, occupied by Finning (Canada) located on the northern portion of the parcel. The property is bound by dedicated road and industrial parcels to the north, residential and undeveloped light industrial zoned parcels to the east and Schoolhouse Road and the Trans-Canada Highway to the south and west (see Attachment 1 for location of the subject property). Existing signage on the property includes one free standing sign and one fascia sign for the existing industrial building.

The proposed development is subject to the following development permit area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001":

South Wellington Development Permit Area

Proposed Development and Variances

The Board will recall that Development Permit No. PL2011-047 was issued on April 26, 2011 to allow the construction of a metal fabricated industrial building with an approximate floor area of 680 m² on the southern portion of the property. This permit did not include any provisions for additional on-site signage and required the parking areas be constructed on a hard durable surface that does not produce dust.

The applicant is requesting a variance to Section 5a of "Regional District of Nanaimo Sign Bylaw No. 993, 1995" in order to increase the number of permitted signs from two to three to allow a fascia sign on the new industrial building.

In addition, the applicant is requesting a variance to Schedule '3B' Off-Street Parking and Loading Spaces, Section1.3 Surface in order to allow the parking area to be surfaced with compacted gravel rather than asphalt.

ALTERNATIVES

- 1. To approve the Development Permit with Variance Application No. PL2011-084 subject to the conditions outlined in Schedule 1-3.
- 2. To deny the Development Permit with Variance Application No. PL2011-084.

LAND USE IMPLICATIONS

Development Implications

The proposed building and site improvements are consistent with the requirements of the South Wellington Development Permit Area (DPA) objectives, to ensure compatible form and character of new development within the existing community. The proposed siting of the new industrial building and associated site improvements were approved by Development Permit No. PL2011-047. Landscaping improvements have been secured through the issuance of Development Permit No. 60440 in September 2004.

With respect to signage, the subject property currently contains one free-standing sign and one fascia for a separate building, currently occupied by Finning (Canada), located to the north on the same property. In order to allow for a fascia sign on the proposed new building the applicants are requesting a variance to Bylaw No. 993 to increase the number of permitted signs from two to three. The fascia sign is proposed to be back-lit and have a maximum surface area of 11 m² in accordance with Bylaw No. 993. The general location of the proposed fascia sign is shown on *Schedule 2* and *Schedule 3*.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, 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.

Environmental Implications

With respect to the applicant's proposal to vary Schedule 3B Off-Street Parking and Loading Spaces, 1.3 Surface in order to permit a compacted gravel surface parking area with a total of 14 parking spaces including one handicapped parking space, the applicant has submitted a Storm Drainage Assessment prepared by John H. Morley, P. Eng. Hydraulic Consultant. This report concludes that if the recommendations of the report are followed "surfacing of the parking area with gravel will likely give a lower risk of aquifer contamination than if an asphalt or concrete pavement were installed". The report contains several maintenance measures that can be taken to reduce the potential for pollution. Development of the property in accordance with this report and the recommended maintenance measures is included in the Conditions of Approval set out in *Schedule 1*.

SUMMARY/CONCLUSION

This is an application for a Development Permit with Variance to allow a fascia sign on a new industrial building and to vary the paving requirements for the proposed parking area on the subject property. The applicant has submitted a site plan and Storm Drainage report in support of the application. In staff's

assessment, this proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1540, 2008" South Wellington Development Permit Area.

RECOMMENDATIONS

That:

- 1. Staff be directed to complete the required notification, and
- 2. Development Permit with Variance Application No. PL2011-084 to permit a fascia sign on a new industrial building and a compacted gravel parking area be approved subject to the conditions outlined in Schedule 1 3.

Report Writer

General Manager Concurrence

CAO Concurrence

CAO Concurrence

Schedule 1 Conditions of Approval Development Permit with Variance Application No. PL2011-084

The following conditions are to be completed as part of Development Permit with Variance No. PL2011-084:

Conditions of Approval:

Development of the Site:

1. The subject property shall be developed in accordance with the recommendations and maintenance measures of the Storm Drainage report prepared by John H. Morley, P.Eng Hydraulic Consultant dated June 6, 2011.

Proposed Variances

Bylaw No. 500, 1987

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

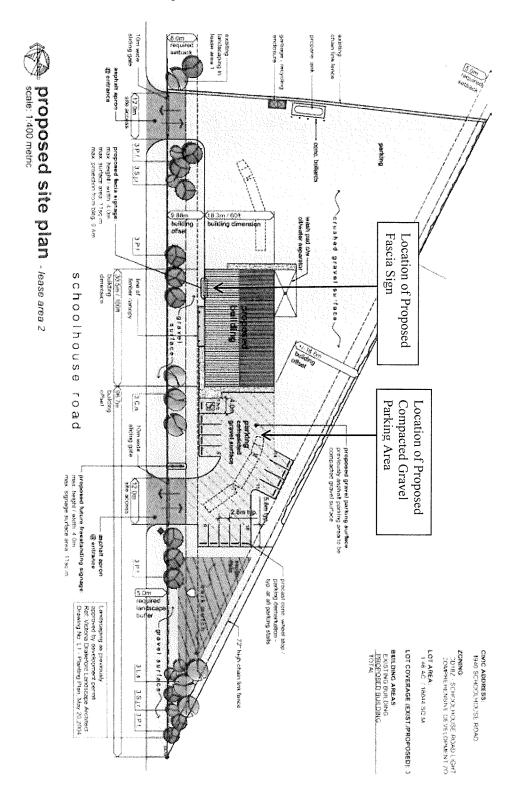
1. The requirements of Schedule '3B' Off-Street Parking and Loading Spaces, Section 1.3 Surface is varied in order to permit a compacted gravel surface parking area with a total of 14 parking spaces including one handicapped parking space in the location shown on *Schedule 2*.

Bylaw No. 993, 1995

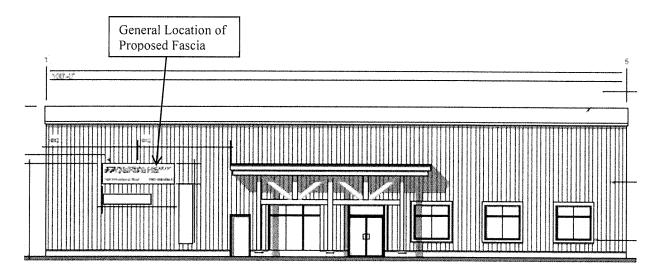
With respect to the lands, "Regional District of Nanaimo Sign Bylaw No. 993, 1995" is varied as follows:

2. The requirements of Section 5a is varied in order to increase the number of permitted signs from two to three to allow a fascia sign on the new industrial building.

Schedule 2 Proposed Site Plan and Variances



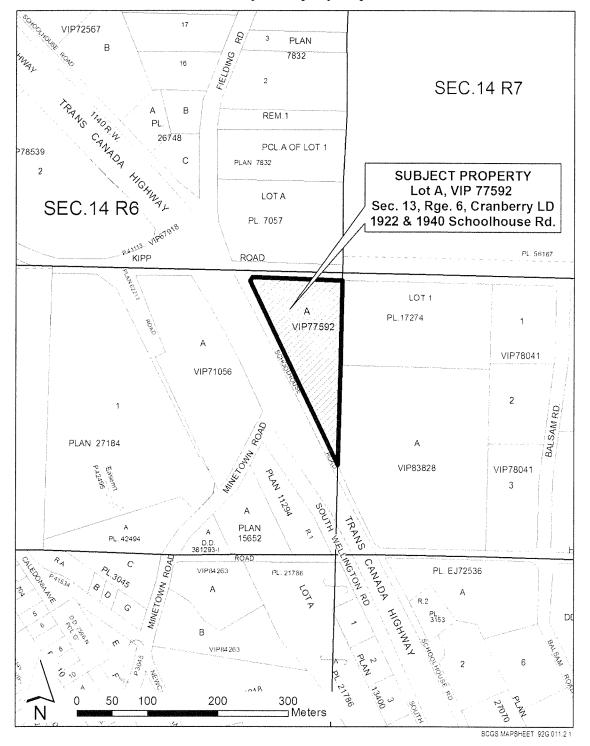
Schedule 3 General Location of Proposed Fascia Sign



west elevation (facing Schoolhouse Road)

scale: 1/8" = 1'-0"

Attachment 1 Subject Property Map





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TO:

Dale Lindsay

DATE:

June 17, 2011

Manager of Current Planning

FROM:

SUBJECT:

Elaine Leung

FILE:

PL2011-093

Planner

Development Variance Permit Application No. PL2011-093

Heringa and Ladouceur

Lot 14, Sections 14 and 15, Ranges 2 and 3, Mountain District, Plan VIP80081

3142 and 3146 Meadow Drive, East Wellington

Electoral Area 'C'

PURPOSE

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

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Troy Heringa and Michelle Ladouceur. The applicants are proposing to construct two dwelling units on the subject property and are requesting a variance for House #2 (see Schedule 2), to vary the maximum permitted height. The subject property is approximately 2.2 ha and is zoned Rural 1 (RU1), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of the subject property).

The subject property is surrounded by rural properties. Several of the neighbouring properties also contain two dwelling units.

Proposed Variance

The applicants propose to vary the following from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

• Section 3.4.81 – Maximum Number and Size of Buildings and Structures is requested to be varied by increasing the maximum dwelling unit height from 9.0 metres to 13.5 metres.

ALTERNATIVES

- 1. To approve the Development Variance Permit No. PL2011-093 as requested subject to the conditions outlined in *Schedules No. 1-3*.
- 2. To deny the Development Variance Permit No. PL2011-093.

DEVELOPMENT IMPLICATIONS

The Rural 1 (RU1) zone permits two dwelling units provided the property is greater than 2.0 ha. The applicants are proposing to construct two dwelling units as outlined on *Schedule No. 2*. The requested variance is related to the proposed House #2.

Due to a slope, the presence of rock outcrop features and the location of an existing septic field, the applicants propose to construct the dwelling unit in the chosen location. Due to the steep topography the rear of the proposed dwelling unit will exceed the maximum permitted height. As a result, in order to minimize the amount of rock extraction, the applicants are requesting a variance to increase the maximum dwelling unit height from 9.0 metres to 13.5 metres. Staff note that the proposed variance applies only to a small portion of the overall roof ridge, which is 2.28 metres higher than the next highest ridge. The proposed building elevations of the dwelling unit are outlined on *Schedule No. 3*.

The nearest dwellings are located adjacent to the east of the subject property, and are over 75 metres away. Staff note that from the front, the proposed dwelling unit will appear as a one-storey dwelling unit and a two storey elevation from the rear. The proposed dwelling is in keeping with the houses in this neighbourhood.

Sustainability Implications

In keeping with Regional District of Nanaimo Board policy, the applicant has completed the "Sustainable Community Builder Checklist." In staff's opinion there are no sustainability implications resulting from this proposal.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, 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/CONCLUSION

This in an application for a Development Variance Permit to permit the construction of a dwelling unit, by increasing the maximum dwelling unit height from 9.0 metres to 13.5 metres. As the proposed variance is for a portion of the roof structure, and as the variance will not result in a three-storey home nor in staff's opinion negatively impact the view or privacy of neighbourhood homes or result in a home which is out of character with surrounding homes, staff recommend the requested variance be approved.

RECOMMENDATIONS

- 1. That staff be directed to complete the required notification.
- 2. That Development Variance Permit Application No. PL2011-093, be approved subject to the conditions outlined in Schedules No. 1-3.

Report Writer

Manager Coneurrence

General Manager Concurrence

CAO Concurrence

Schedule No. 1 Terms of Development Permit No. PL2011-093

The following sets out the terms and conditions of Development Variance Permit No. PL2011-093:

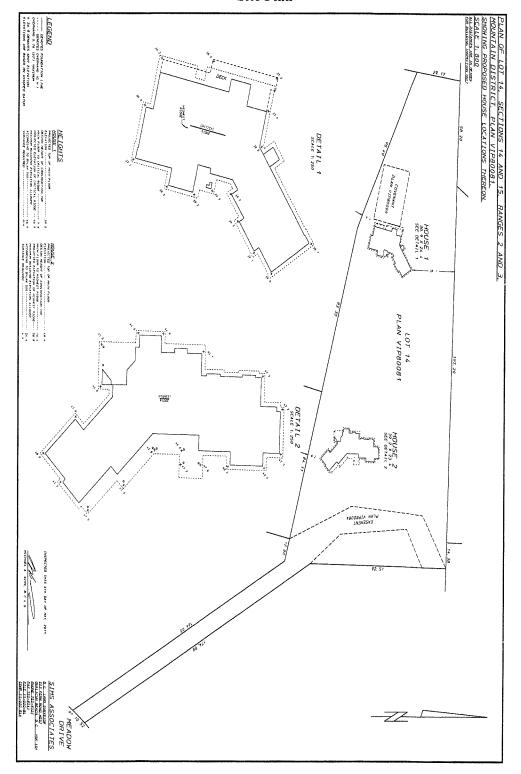
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is requested to be varied as follows:

1. Section 3.4.81 – Maximum Number and Size of Buildings and Structures is requested to be varied by increasing the maximum dwelling unit height from 9.0 metres to 13.5 metres, as shown on Schedule No. 2.

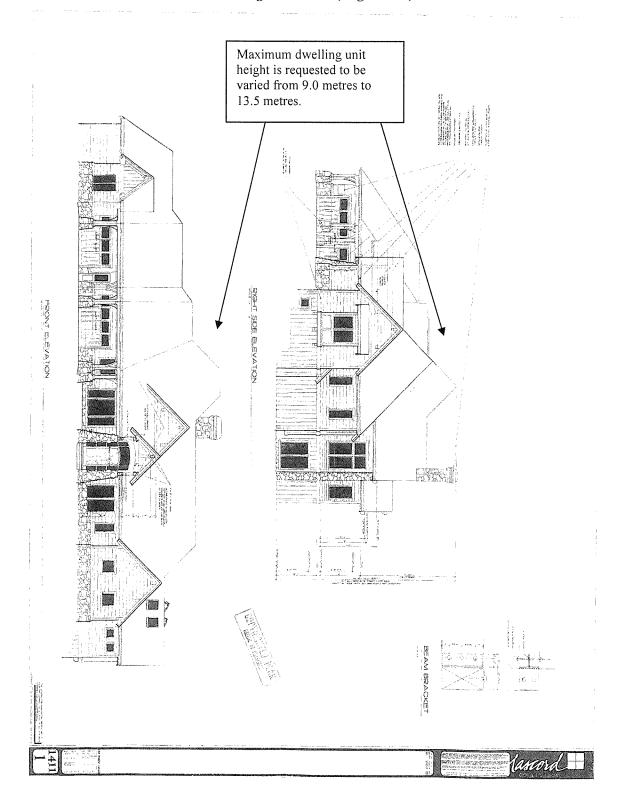
Conditions of Approval:

- 1. The dwelling unit shall be sited in accordance with the site plan prepared by Sims Associates Land Surveying dated September 16, 2010, attached as *Schedule No. 2*.
- 2. The dwelling unit shall be constructed in accordance with the building elevation drawings prepared by Mascord Design Associated Inc. dated March 31, 2010, attached as *Schedule No. 3*.

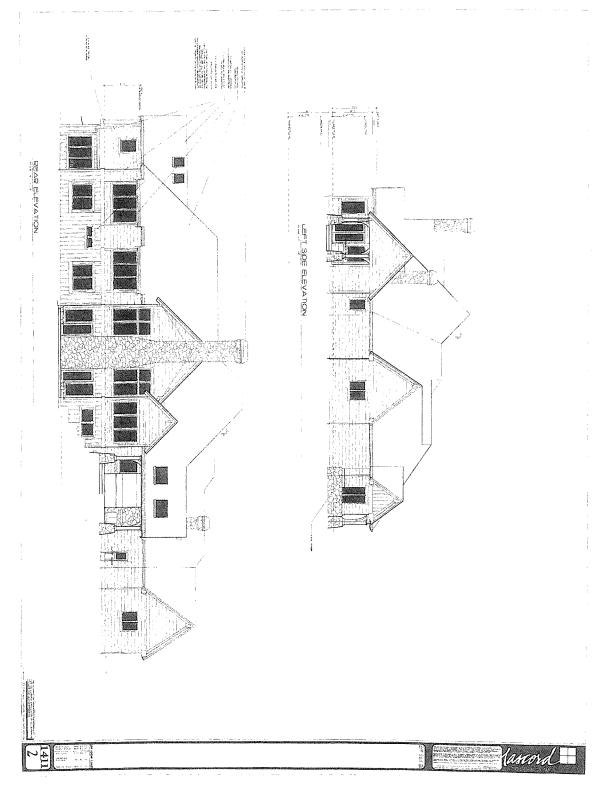
Schedule No. 2 Site Plan



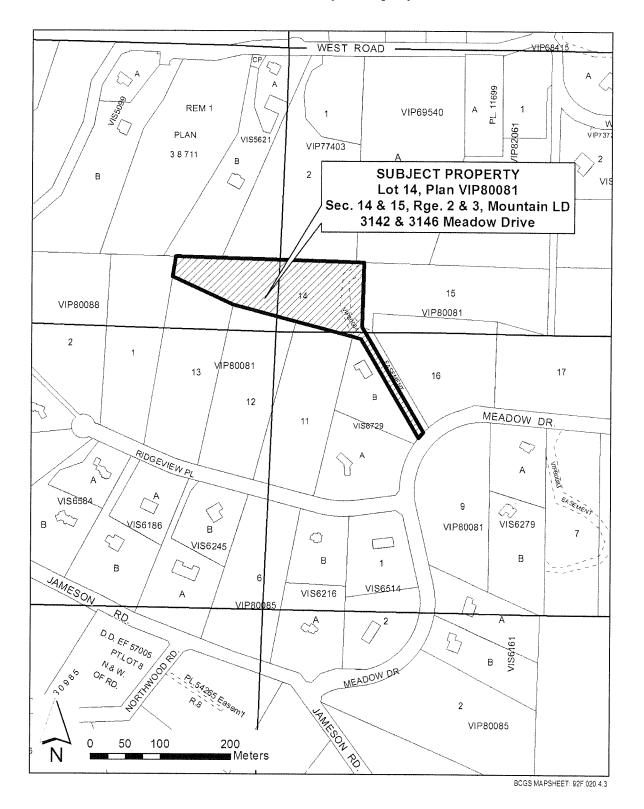
Schedule No. 3 Building Elevations (Page 1 of 2)



Schedule No. 3 Building Elevations (Page 2 of 2)



Attachment No. 1 Location of Subject Property





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TO:

Dale Lindsay

DATE:

July 4, 2011

Manager of Current Planning

FROM:

Elaine Leung

Planner

FILE:

PL2011-107

Development Variance Permit Application No. PL2011-107 – Sitler

Lot 1, Section 8, Range 5, Cedar District, Plan VIP87695 – 3095 Lear Road

Electoral Area 'A'

PURPOSE

SUBJECT:

To consider an application for a Development Variance Permit to vary the maximum permitted height in order to legalize a dwelling unit which is under construction.

BACKGROUND

The Regional District of Nanaimo has received a Development Variance Permit application from Robbie and Bretta Sitler to vary the maximum dwelling unit height in order to legalize a dwelling unit which is currently under construction. The subject property is 2.0 ha in area and is zoned Rural 4 (RU4), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment No. 1 for location of the subject property).

The subject property is located at the end of Lear Road, and is surrounded by rural zoned properties.

The applicants were issued a building permit in March 2011, for a single dwelling unit and commenced with construction of the building. During a routine inspection, the Building Services Department determined the dwelling unit was in excess of the maximum height requirement and work was suspended pending the consideration of a variance. As a result, the applicants have now applied for a Development Variance Permit to relax the maximum height requirement from 9.0 metres to 9.2 metres.

Proposed Variance

The applicants propose to vary the following from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

Section 3.4.84 – Maximum Number and Size of Buildings and Structures is requested to be varied by increasing the maximum dwelling unit height from 9.0 metres to 9.2 metres

ALTERNATIVES

- 1. To approve the Development Variance Permit, as requested, subject to the conditions outlined in *Schedules No. 1-3*.
- 2. To deny the Development Variance Permit as requested.

LAND USE IMPLICATIONS

Development Implications

The topography of the building site includes a downward slope to the west. The building permit as issued authorized the construction of a two-storey home over a crawl space. However the building as constructed on the existing slope has resulted in a partially exposed basement (see Schedule 3). This change from crawl space to exposed basement has resulted in a building which is slightly over height.

The subject property is in a rural area, with no dwellings in the immediate vicinity. Staff note the nearest dwelling unit is located to the west of the subject property, and is located over 100 metres away. As a result there is not expected to be a negative impact to surrounding properties.

Public Consultation Process

As part of the required public notification process, pursuant to the *Local Government Act*, 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/CONCLUSION

This in an application for a Development Variance Permit in order to legalize an existing dwelling unit under construction. Work was suspended pending the consideration of a variance to increase the maximum height from 9.0 metres to 9.2 metres. As the variance will not negatively impact the view or privacy of neighbourhood homes nor result in a home which out of character with surrounding homes staff recommends approval of the Development Variance Permit.

RECOMMENDATIONS

- 1. That staff be directed to complete the required notification.
- 2. That Development Variance Permit Application No. PL2011-107, be approved subject to the conditions outlined in Schedules No. 1 3.

Report Writer

Manager Concurrence

General Manager Concurrence

CAO Concurrence

Schedule No. 1 Terms of Development Permit No. PL2011-107

The following sets out the terms and conditions of Development Variance Permit No. PL2011-107:

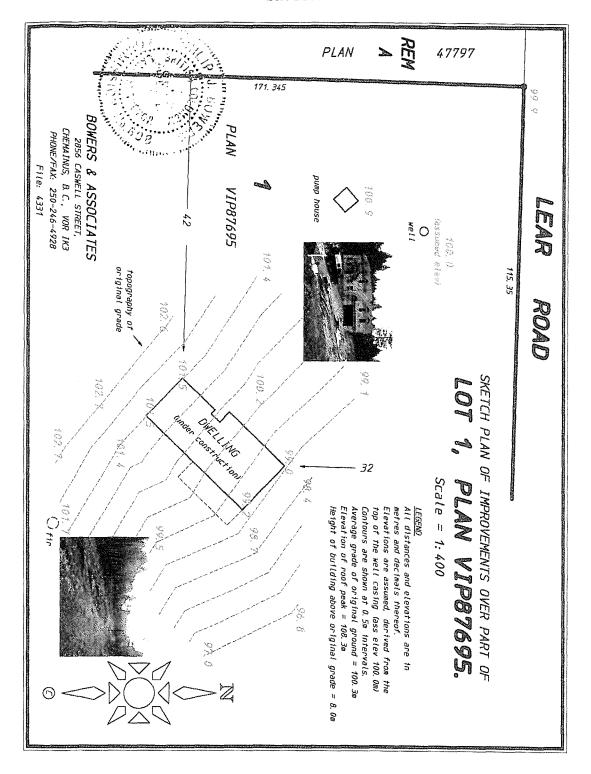
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is requested to be varied as follows:

1. Section 3.4.84 – Maximum Number and Size of Buildings and Structures is requested to be varied by increasing the maximum dwelling unit height from 9.0 metres to 9.2 metres, as shown on Schedule No. 2 and 3.

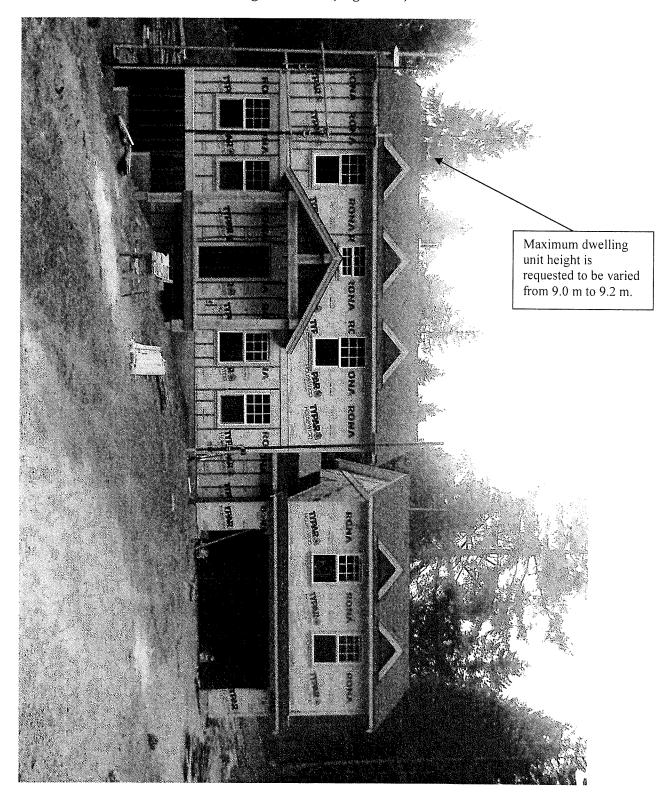
Conditions of Approval:

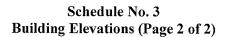
1. The dwelling unit shall be sited in accordance with the site plan prepared by Bowers & Associates, attached as *Schedule No. 2*.

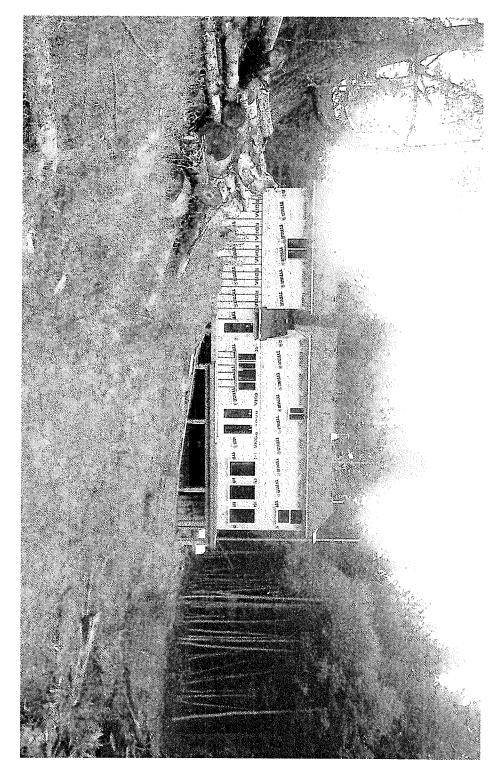
Schedule No. 2 Site Plan



Schedule No. 3 Building Elevations (Page 1 of 2)







Attachment No. 1 Location of Subject Property

