

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, FEBRUARY 10, 2015

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 Tuesday, January 13, 2015.

BUSINESS ARISING FROM THE MINUTES

DEVELOPMENT PERMITS

8-15 Development Permit Application No. PL2015-005 – Tomm’s Food Marketing Group Ltd. – 6990 West Island Highway – Electoral Area ‘H’.

16-21 Development Permit Application No. PL2015-003 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-127 – Ballard – 745 Drew Road – Electoral Area ‘G’.

22-28 Development Permit Application No. PL2015-004 – Buckles – 1838 Fielding Road – Electoral Area ‘A’.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

29-36 Development Variance Permit Application No. PL2014-146 – Williams – 2457 Rowland Road – Electoral Area ‘E’.

37-45 Development Variance Permit Application No. PL2014-142 – Rinehart – 1667 Strougler Road – Electoral Area ‘E’.

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

46-58 Development Permit with Variance Application No. PL2015-009 — Parksville Redi-Mix Ltd. Inc. Co. BC 0620483 – 10 Nanaimo River Road—Electoral Area ‘A’.

OTHER

59-63 Liquor License Amendment Application No. PL2015-001 – Smoke ‘N Water Restaurant Inc. BC 0998469 – 1-1600 Strouger Road – Electoral Area ‘E’.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JANUARY 13, 2015 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director B. Veenhof	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director J. Stanhope	Electoral Area G

Also in Attendance:

P. Thorkelsson	Chief Administrative Officer
J. Harrison	Director of Corporate Services
R. Alexander	Gen. Mgr. Regional & Community Utilities
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
D. Pearce	A/Gen. Mgr. Transportation & Solid Waste
J. Holm	Mgr. Current Planning
J. Hill	Mgr. Administrative Services
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, October 14, 2014.

MOVED Director McPherson, SECONDED Director Stanhope, that the minutes of the regular Electoral Area Planning Committee meeting held October 14, 2014, be adopted.

CARRIED

Minutes of the Special Electoral Area Planning Committee meeting held Tuesday, October 14, 2014.

MOVED Director Young, SECONDED Director McPherson, that the minutes of the Special Electoral Area Planning Committee meeting held October 14, 2014, be adopted.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. PL2014-062 – Hezz Camp Co. Ltd – 924 Island Highway East, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit No. PL2014-062 to permit the expansion of a resort vehicle park through the addition of 67 camping spaces with accessory covered decks, a picnic shelter and new reception building on the subject property be approved subject to the conditions outlined in Attachments 2 to 10.

CARRIED

Development Permit Application No. PL2014-128 – Schultz / Bollinger – 971 Maple Lane Drive, Electoral Area ‘G’.

MOVED Director Stanhope, SECONDED Director Young, that Development Permit No. PL2014-128 to permit a subdivision and future residential construction on proposed Lots A and B in the Hazard Lands and Environmentally Sensitive Features (Aquifer Protection) Development Permit Areas be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. PL2014-132 – Lost Lake Properties Ltd. – Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Variance Permit No. PL2014-132 to reduce the minimum front lot line setback distance from 8.0 metres to 5.0 metres for proposed Lots A, G and H, and to increase the minimum interior side and rear lot line setback distance from 2.0 metres to 4.0 metres for the northern lot lines on proposed Lot H be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

Development Variance Permit Application No. PL2014-135 – Broughton – 2458 Pylades Drive, Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Fell, that staff be directed to complete the required notification.

CARRIED

MOVED Director McPherson, SECONDED Director Fell, that Development Variance Permit No. PL2014-135 to reduce the other lot line setback from 5.0 metres to 3.2 metres be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Variance Permit Application No. PL2014-122 – Vogel – 984 Ford Road, Electoral Area ‘F’.

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

CARRIED

MOVED Director Fell, SECONDED Director Young, that Development Variance Permit No. PL2014-122 to reduce the minimum setback requirement from the exterior lot line from 4.5 metres to 2.9 metres be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

Development Variance Permit Application No. PL2014-133 – 0928323 BC Ltd. & Pland Land Corp Inc. BC0928626 – Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Fell, that Development Variance Permit No. PL2014-133 to reduce the minimum front lot line setback distance from 8.0 metres to 6.0 metres for proposed Lots 17 – 30, 33, 34, and 36 be approved subject to the conditions outlined in Attachments 2 and 3.

CARRIED

DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS

Development Permit with Variances Application No. PL2014-130 – Lightfoot – 6203 Island Highway West, Electoral Area ‘H’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Young, that Development Permit with Variances No. PL2014-130 to permit the construction of a proposed dwelling within the Coastal Protection Development Permit Area, and variances to legalize an existing building be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit with Variance Application No. PL2014-131 – DHR Enterprises Ltd. – 3850 Island Highway West, Electoral Area ‘G’.

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

CARRIED

MOVED Director Stanhope, SECONDED Director Rogers, that Development Permit with Variance No. PL2014-131 to permit changes to commercial signage on the subject property be approved subject to the conditions outlined in Attachments 2 to 5.

CARRIED

OTHER

Official Community Plan Amendment Application No. PL2014-095 and Zoning Amendment Application No. PL2014-098 – Stauffer – 2930 Trans Canada Hwy., Electoral Area ‘A’.

MOVED Director McPherson, SECONDED Director Young, that the Board approve the Proposed Public Consultation Plan as outlined in Attachment 7.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be introduced and be given first reading.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that, having considered the impact on the current Financial Plan and Solid Waste Management Plan, "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be given second reading.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015" be introduced and read two times.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1620.03, 2015" be chaired by Director McPherson or his alternate.

CARRIED

MOVED Director McPherson, SECONDED Director Young, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.397, 2015" be chaired by Director McPherson or his alternate.

CARRIED

Zoning Amendment Application No. PL2012-012 – Trustees of the Little Mountain Congregation of Jehovah’s Witnesses, Parksville, BC – Bylaw 1285.23, 2015 – First and Second Reading.

MOVED Director Fell, SECONDED Director Stanhope, that "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015" be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the Public Hearing on "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015" be chaired by Director Fell or his alternate.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the conditions set out in Attachment 2 of the staff report, as amended, be completed prior to "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.23, 2015" being considered for adoption.

CARRIED

Zoning Amendment Application No. PL2014-092 – Allsbrook Estates Ltd. – Electoral Area 'F'.

MOVED Director Fell, SECONDED Director Stanhope, that "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015" be introduced and read two times.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the Public Hearing on "Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.24, 2015" be chaired by Director Fell or his alternate.

CARRIED

MOVED Director Fell, SECONDED Director Stanhope, that the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.24 being considered for adoption.

CARRIED

ADJOURNMENT

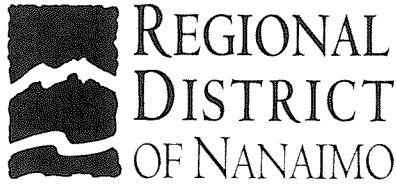
MOVED Director Stanhope, SECONDED Director Young, that this meeting be adjourned.

CARRIED

TIME: 6:49 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
JAN 30 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 30, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-005

SUBJECT: Development Permit Application No. PL2015-005 – Tomm’s Food Marketing Group Ltd. Lot A, District Lot 36, Newcastle District, Plan VIP 87535 – 6990 West Island Highway Electoral Area ‘H’

PURPOSE

Consider a Development Permit Application to permit the construction of an addition to a commercial building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Edith Quint and Angelika Quint in order to permit the construction of an addition to a commercial building. The subject property is approximately 3.4 ha in area and is split zoned Commercial 4 (CM4) and Residential 2 (RS2) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The proposed development is subject to the Bowser Village Centre Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”. The subject property is bound by residential parcels to the east, south and west, and commercially zoned property to the north and northwest (see Attachment 1 – Subject Property Map). The property currently contains Tomm’s Food Village, a local retail grocery store. The RDN Board previously issued Development Permit No. PL2012-122 which permitted the construction of the proposed addition. However, as the applicant did not commence substantial works within two years of the issuance date, the permit lapsed. The current Development Permit Application does not alter the previously approved proposed addition.

Proposed Development

Through previously issued Development Permit No. PL2012-122, the applicant submitted a site plan, building elevations and a storm water assessment report in support of the proposal to construct an addition of 70 m² in floor area to an existing commercial building in order to accommodate additional storage space (see Attachment 3 – Site Plan and Attachment 4 – Building Elevations). The proposed addition will be located on the south side of the property. As the addition is minor in nature, will be located at the rear of the existing building, and will not be visible from the Island Highway, the application is not required to address Form and Character components outlined within the Bowser Village Center Development Permit Area. However, the application is required to address the relevant Bowser Village Center Development Permit Area guidelines relevant to rainwater management and aquifer protection.

ALTERNATIVES

1. To approve Development Permit No. PL2015-005 subject to the conditions outlined in Attachment 2.
2. To deny Development Permit No. PL2015-005.

LAND USE IMPLICATIONS

Development Implications

The applicant, in support of the previous Development Permit Application, submitted a report, titled Review of Stormwater Issues (dated July 19, 2012), to satisfy the Bowser Village Centre Development Permit Area guidelines. The report concluded that the existing building's drainage system would be sufficient in handling the predicted increased rainwater (roof water) flow captured once the addition is constructed. In addition, the report included a recommendation to excavate and replace the oversized material in the existing swale/rockpit with new rocks as the existing material was installed many years ago. As significant time has passed since the original report, the applicant has submitted a letter from the author of the original report, dated January 12, 2015, confirming the conclusions of the original report. Therefore, Staff recommend that property be developed in accordance with the Review of Stormwater Issues report prepared by Dick F Stubbs Consulting, dated July 19, 2012 (see Attachment 2 – Terms and Conditions).

With respect to landscaping, the existing landscaping buffer abutting the Island Highway which contains shrubs, bushes and small trees, will be retained and maintained as an aesthetic feature for travelers and pedestrians as well as a visual buffer from the highway. Although this application will not be subject to the form and character development permit area guidelines it is important to mention that the addition is consistent with the existing building's form and character. With respect to parking, the existing number of parking stalls are adequate in relation to the existing floor area. As the addition is to accommodate storage only, and there will be no increase in the retail space for the public, there is no requirement to increase the number of parking stalls at this time.

Pedestrian connectivity between the neighbouring commercial property to the west and Tomm's Food Village was recently improved by the implementation of a foot trail. The foot trail was secured on the neighbouring property through Development Permit No. PL2013-127 which was required for the construction of an ambulance station. To ensure pedestrian connectivity and safety on the subject property, the applicant proposes to neither impede nor obstruct the connecting pedestrian path and to mark the parking lot pavement with permanent white paint with a design of a typical pedestrian pavement pathway to connect the entrance of Tomm's Food Village with the existing trail (see Attachment 2 – Terms and Conditions of Development Permit, Attachment 3 – Site Plan, and Attachment 5 – Pedestrian Connection).

Environmental Implications

The applicant has submitted a letter from Cooper Beauchesne and Associates Ltd., dated August 3, 2012, which states that the small drainage ditch on the property is not connected to a fish bearing stream and therefore is not subject to the provincial Riparian Areas Regulations.

Strategic Plan Implications


Staff have reviewed the proposed development and note that the proposal will contribute to the strategic priority of economic viability by building upon an existing local and independent business.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to permit the construction of an addition to a commercial building within the Bowser Village Centre Development Permit Area. The applicant has provided a site plan, building elevations and stormwater management review report in support of the application. In staff's assessment, this proposal is consistent with the Bowser Village Centre Development Permit Area.

RECOMMENDATION

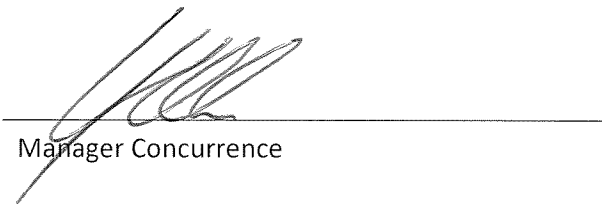
That Development Permit No. PL2015-005 to permit the construction of an addition to a commercial building on the subject property be approved subject to the conditions outlined in Attachment 2.



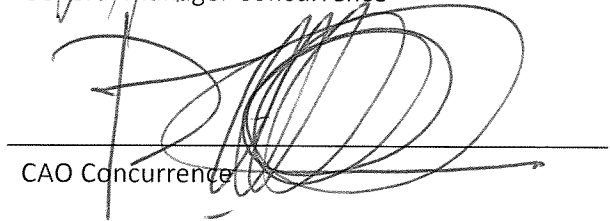
Report Writer



General Manager Concurrence

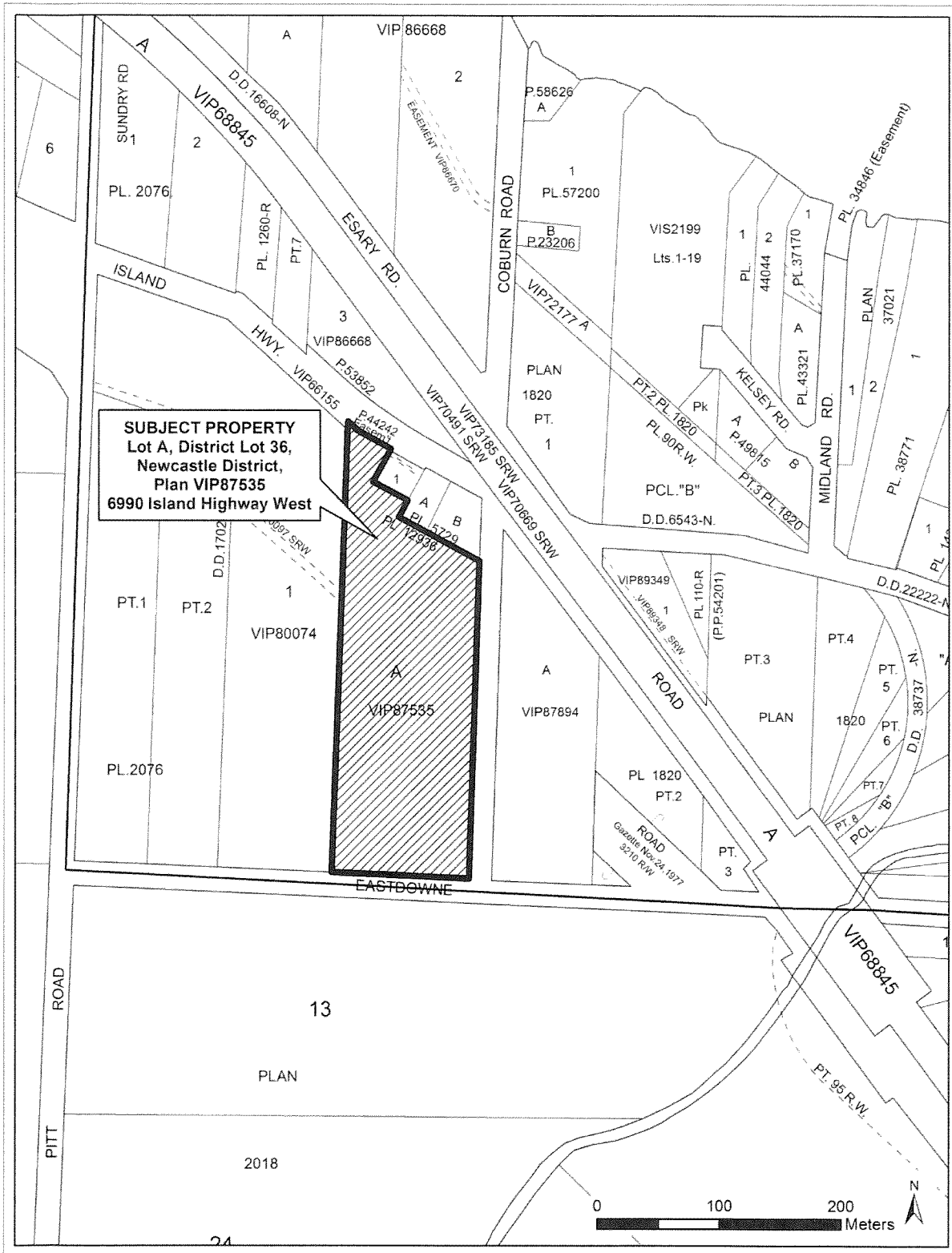


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



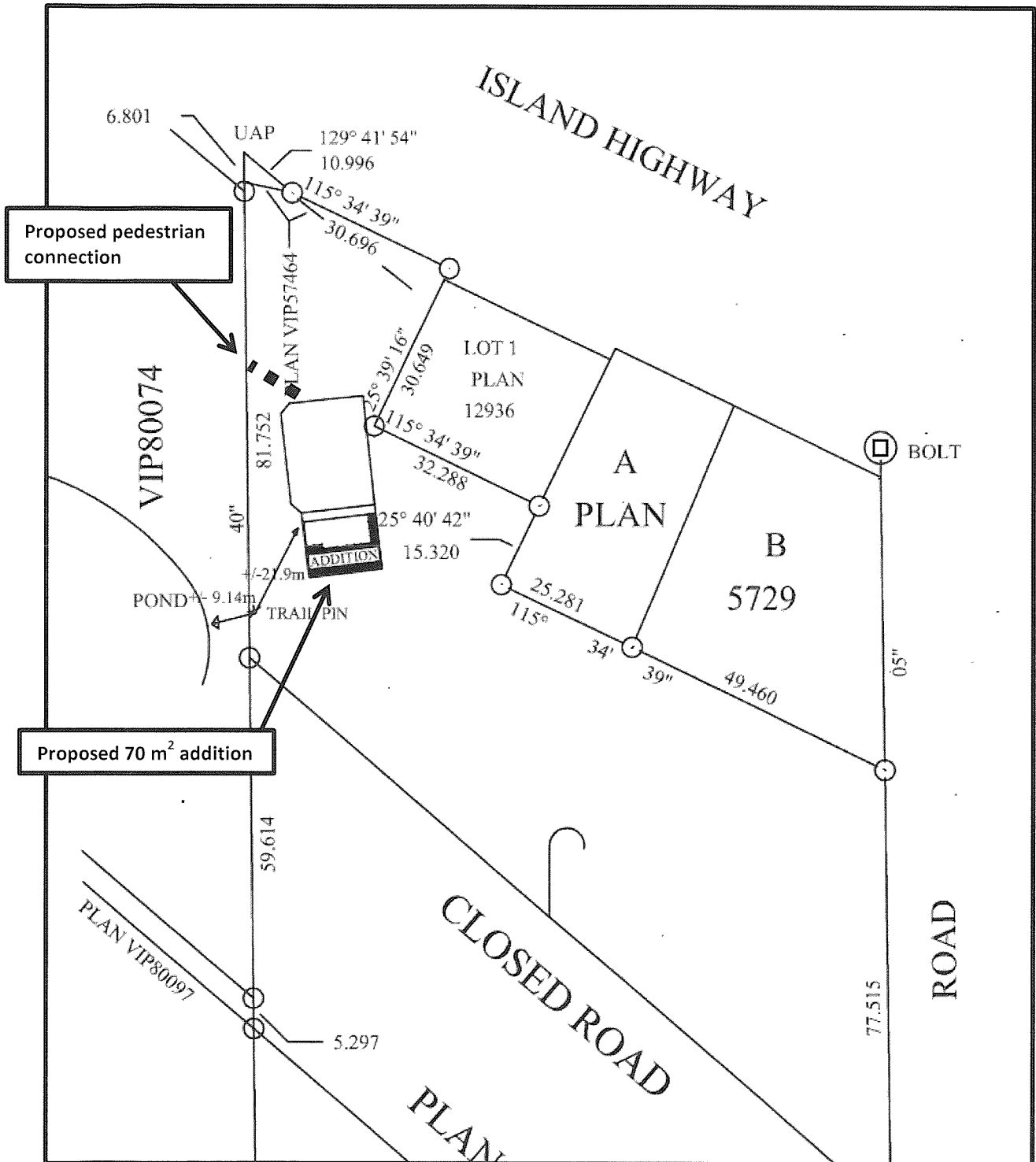
**Attachment 2
Terms and Conditions**

The following sets out the terms and conditions of Development Permit No. PL2015-005:

Conditions of Approval

1. The addition shall be sited in accordance with the site plan prepared by Rina Knoesen, dated September 2012 attached as Attachment 3.
2. The addition shall be constructed generally in accordance with the building elevation drawings attached as Attachment 4.
3. The Lands shall be developed in accordance with the Review of Stormwater Issues report prepared by Dick F Stubbs Consulting and dated July 19, 2012.
4. The applicant shall neither impede nor obstruct the gravel pedestrian pathway which connects the subject parcel with the neighbouring parcel to the west.
5. The applicant, prior to obtaining a building permit for the proposed building addition, shall mark the parking lot pavement with permanent white paint with a design typical of a pedestrian pavement pathway to connect the entrance of Tomm's Food Village with the existing gravel trail on the neighbouring property.

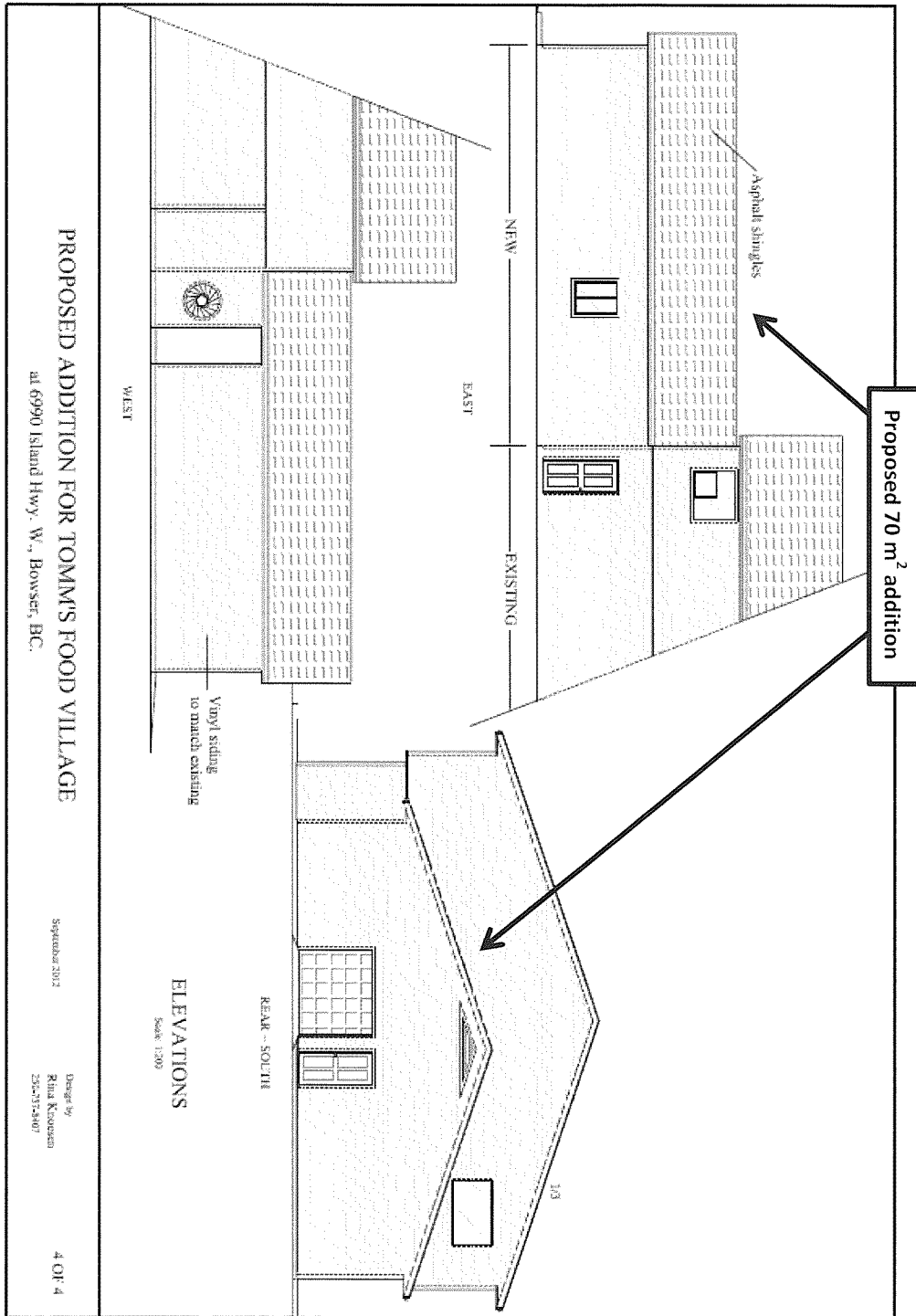
Attachment 3
Site Plan



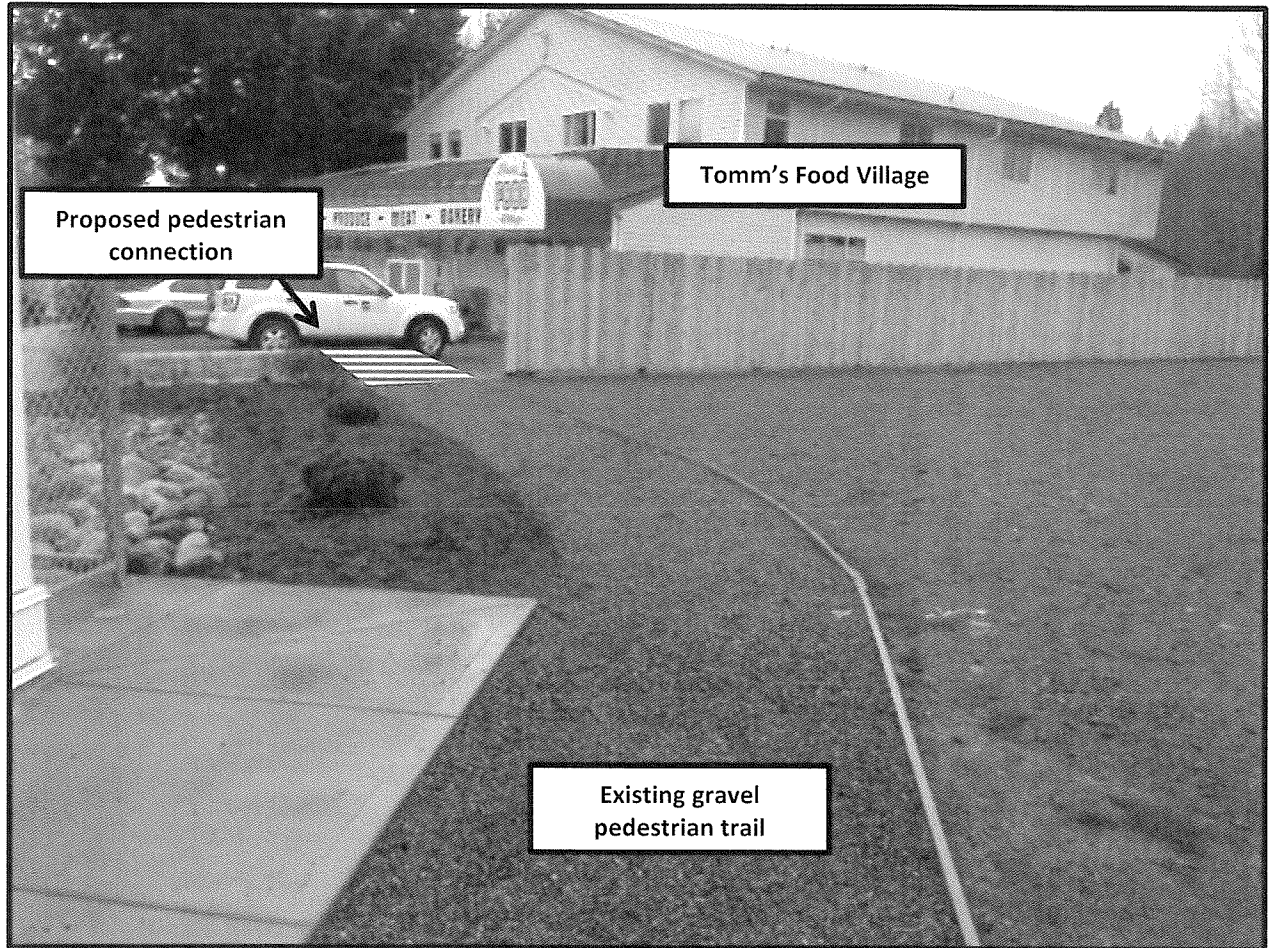
Proposed pedestrian connection

Proposed 70 m² addition

Attachment 4 Building Elevations



**Attachment 5
Pedestrian Connection**





RDN REPORT		###
CAO APPROVAL		
EAP	✓	
COW		
JAN 30 2015		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 23, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-003
PL2014-127

SUBJECT: Development Permit Application No. PL2015-003 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement Subdivision Application No. PL2014-127 – Ballard
Lot 1, District Lot 49, Nanoose District, Plan 30397 – 745 Drew Road
Electoral Area ‘G’

PURPOSE

Consider an application for a Development Permit and a request to relax the minimum 10% perimeter frontage requirement to permit the subdivision of the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of owner Don Ballard in order to permit a two-lot subdivision of 745 Drew Road. The subject property is approximately 0.17 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”.

A single family dwelling unit, a carport, shed, wood shed and above ground pool has previously been constructed on the subject property. With the exception of the dwelling unit, all of the mentioned structures are to be demolished prior to final subdivision approval. The parcel is triangular in shape, surrounded by RS1 zoned parcels, and accessed from Drew Road which runs the length of the north western lot line (see Attachment 1 – Subject Property Map).

The proposed development is subject to the Environmentally Sensitive Features – Aquifer Protection Development Permit Area as per “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008.”

Proposed Development

The applicant is proposing a two-lot subdivision of the subject parcel (see Attachment 3 – Proposed Plan of Subdivision). The proposed plan of subdivision would create an 820 m² parcel and an 863 m² parcel. The northern parcel would retain the existing dwelling unit while the southern parcel would be bare land. Both parcels would be serviced by RDN community sewer and EPCOR water.

Minimum 10% Perimeter Frontage Requirement

Proposed Lot B (863 m²) does not meet the minimum 10% parcel frontage requirement for subdivision. The frontage for the proposed remainder is as follows:

<i>Proposed Lot Perimeter</i>	<i>Required Frontage (10%)</i>	<i>Proposed Frontage</i>	<i>Approximate % of Perimeter</i>
143.0 m	14.3 m	11.0 m	7.7%

As the proposed parcel does not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*, approval of the Regional District Board of Directors is required.

ALTERNATIVES

1. To approve the Development Permit No. PL2015-003 subject to the conditions outlined in Attachment 2.
2. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed new Lot B as shown in Attachment 3.
3. To deny Development Permit No. PL2015-003
4. To deny the request for relaxation of the minimum 10% frontage requirement.

LAND USE IMPLICATIONS

Development Implications

With regards to the relaxation for proposed Lot B, adequate road frontage (11.0 m) is provided to accommodate a driveway and no negative development implications are anticipated. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses of the RS1 zone.

The applicant submitted a Preliminary Hydrogeological Assessment prepared by Lewkowich Engineering Associates Ltd. and dated December 27, 2014, to satisfy the Environmentally Sensitive Features — Aquifer Protection Development Permit Area guidelines.

The report concludes that the site is considered suitable for the proposed residential use, and includes a recommendation with respect to ensuring that the aquifer is protected. Specifically, the engineer suggests an infiltration system for rainwater collected from roof and perimeter drain systems, with an overflow to storm sewers if available, to recharge the surficial aquifer and maintenance of the existing groundwater conditions. Staff recommend that the applicant be required to register a Section 219 covenant that registers the Preliminary Hydrogeological Assessment on the property title. Moreover, the covenant shall include a clause requiring any new dwelling unit on the newly created lot to implement an engineer-designed infiltration system for rainwater collected from roof and perimeter drain systems.

Strategic Plan Implications

Staff has reviewed the proposed development and note that the proposed subdivision will increase density within an existing community water and sewer service area.

Inter-governmental Implications


The Ministry of Transportation and Infrastructure staff have indicated that they have no concerns with the proposed frontage relaxation, and the subdivision proposal will be subject to a Preliminary Layout Approval by the Ministry.

SUMMARY/CONCLUSIONS

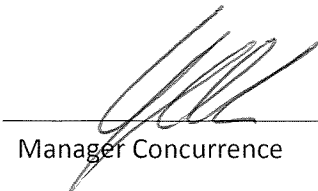
The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B within a proposed subdivision of the subject property. All proposed parcels will meet the minimal parcel size requirements and provide adequate site area to support the permitted residential land uses. Despite the reduced frontage, no negative land use implications are anticipated. Ministry of Transportation and Infrastructure have indicated that they have no objection to the request for a frontage relaxation. The applicant submitted a Preliminary Hydrogeological Assessment prepared by Lewkowich Engineering Associates Ltd. which determined the subject property is suitable for the proposed subdivision and development. In staff's assessment, the applicant's proposal is consistent with the guidelines of the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" Environmentally Sensitive Features—Aquifer Protection Development Permit Guidelines.

RECOMMENDATIONS


1. That Development Permit No. PL2015-003 to permit a two-lot subdivision be approved subject to the conditions outlined in Attachment 2.
2. That the request to relax the minimum 10% perimeter frontage requirement for proposed Lot B, as shown on Attachment 3, be approved.



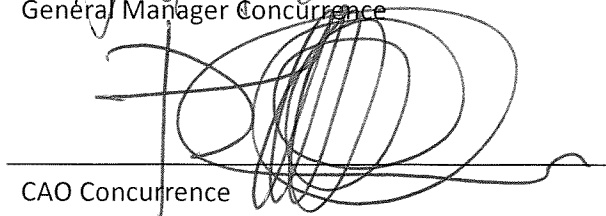
Report Writer



Manager Concurrence

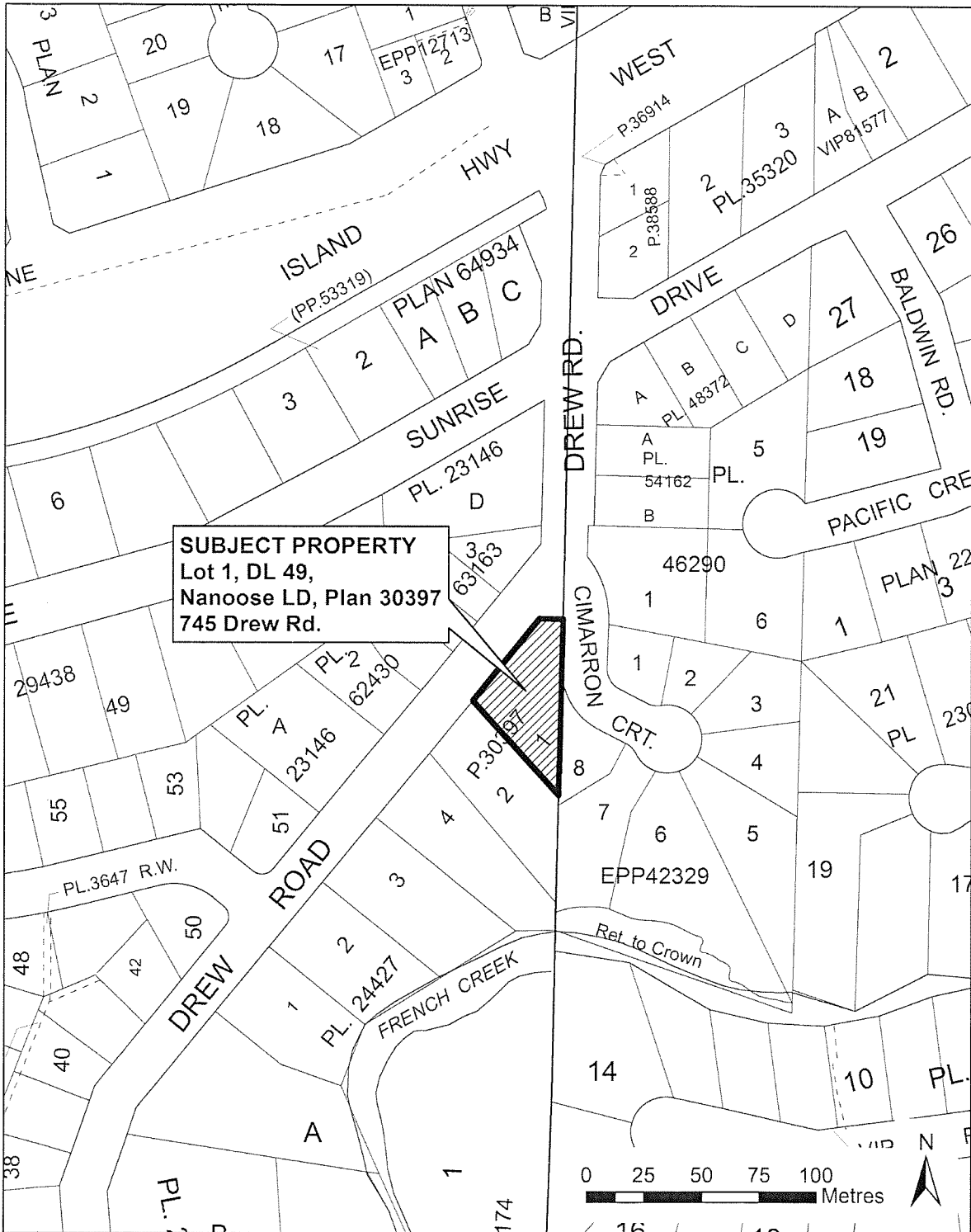


General Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



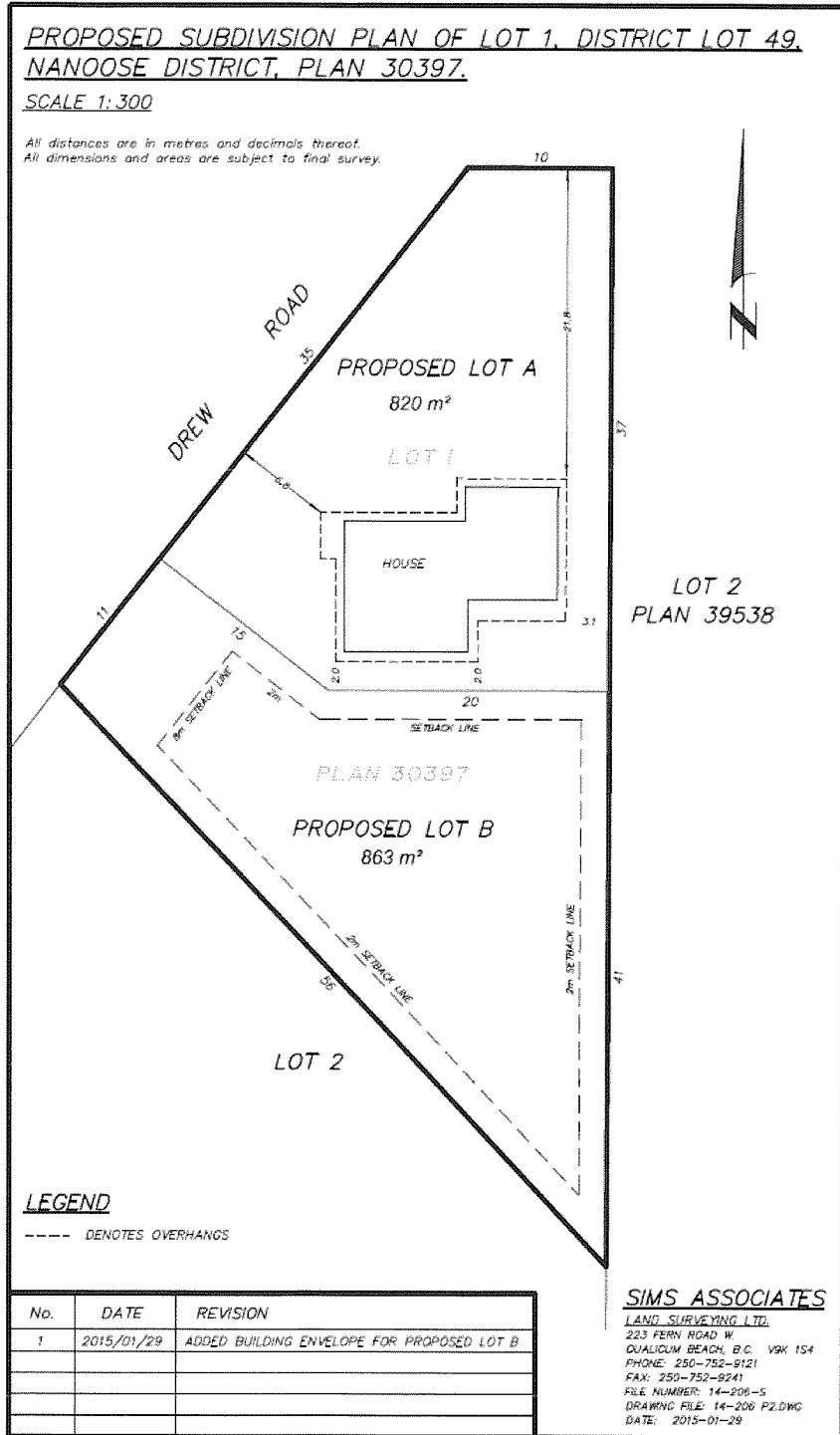
Attachment 2
Terms and Conditions

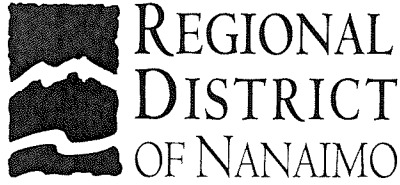
The following sets out the terms and conditions of Development Permit No. PL2015-003:

Conditions of Approval

1. The site shall be developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd. and attached as Attachment 3.
2. The applicant shall register a Section 219 covenant registering the Preliminary Hydrogeological Assessment prepared by Lewkowich Engineering Associates Ltd. and dated December 27, 2014 on the property title which is to include a clause requiring any new dwelling unit on the newly created lot to implement an engineer-designed infiltration system for rainwater collected from roof and perimeter drain systems.

Attachment 3
Proposed Plan of Subdivision





RDN REPORT		
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
FEB 03 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: February 3, 2015

FROM: Angela Buick
Planner

FILE: PL2015-004

SUBJECT: Development Permit Application No. PL2015-004 – Buckles
Lot 2, Section 14, Range 6, Cranberry District, Plan 7832 - 1838 Fielding Road
Electoral Area 'A'

PURPOSE

To consider a Development Permit application to amend previously issued Development Permit with Variance No. PL2013-066 for a light industrial development on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Rick Buckles of R.E.B Development Services in order to amend previously issued Development Permit with Variance No. PL2013-066, that was required to address the South Wellington Industrial - Commercial Development Permit Area (DPA) as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011".

The subject property is approximately 1.4 ha in area and is zoned Industrial 1 within Subdivision District 'F' (IN1F) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The property, which is currently vacant, is bound by Fielding Road to the west, residential acreages to the north and east, and industrial designated lots to the south.

Summary of Development Approved Under Permit No. PL2013-066

Development Permit with Variance No. PL2013-066 included approval for the construction of a new industrial building with accessory sales, display, storage and office spaces. The building includes three drive through bays, two exterior wash bays, one drive through lube bay, one service bay, one fabrication shop area, one dwelling unit within the industrial building, accessory sales display, sales offices, and storage area. The development will be serviced by one existing well, rainwater catchment for use in the wash bays and an on-site septic system.

Summary of Proposed Amendments to Permit No. PL2013-066

Through Development Permit application PL2015-004 the applicant proposes the following amendments to previously approved Development Permit with Variance No. PL2013-066 (see Attachments 3 and 4):

- Enclosure of the northern portion of the building originally intending for drive through lube bay with a roof and open walls;
- Extension to the second storey deck and storage area for a water tank below the deck;
- An addition to the front of the building intended to house the geothermal system and pump;
- A new well for non-potable water supply to the geothermal system;
- Alteration of the parking plan from 18 spaces to 21 spaces in order to satisfy the Parking bylaw regulations as there was an increase of the building floor area from 1252 m² to 1439 m².
- The landscaping plan has been altered by indicating a slightly different location for a portion of the fence and entry signage in order to preserve native vegetation;
- An updated stormwater management plan was submitted in order to address the addition of a new, non-potable well necessary to supply water to the geothermal system which will be replacing an oil fired boiler that was originally proposed.

ALTERNATIVES

1. To approve Development Permit Application No. PL2015-004 subject to the terms and conditions outlined in Attachment 2.
2. To deny the Development Permit Application No. PL2015-004.

LAND USE IMPLICATIONS

Development Implications

The applicant is proposing minor amendments to an industrial development that is nearing completion of construction. Previously issued Development Permit PL2013-066 included a height variance for the industrial building from 8.0 metres to 9.0 metres; the amendments in this application will not trigger any additional variances beyond what was previously approved. In support of this application the applicant has submitted revised building and elevation plans, an updated site plan that includes the fencing alteration, the sign adjustments and the revised parking plan, and the stormwater management plan. The revised information is consistent with the relevant development permit area guidelines.

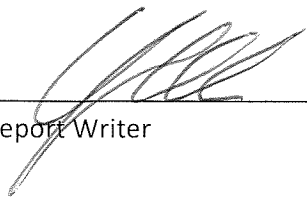
SUMMARY/CONCLUSIONS

This is an application for a Development Permit to amend previously issued Development Permit with Variance No. PL2013-066. The applicant is proposing to amend Permit No. PL2013-066, by enclosing a drive through lube bay, adding a small addition to the front of the building to enclose the geothermal pumps, a revised parking plan in order to reflect the additional floor area of the drive through lube bay and the geothermal pump enclosure, increasing the size of a second storey deck and below deck storage area, changing the heating system from an oil fired boiler to a geothermal system which requires an


additional well for non-potable use, alterations to the stormwater management plan, and minor adjustments to the landscaping plan by moving the location of the fence and signs. This proposal does not require additional variances and is consistent with the development permit area guidelines. Therefore, staff recommend approval of the development permit.

RECOMMENDATION

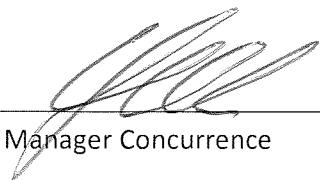
That Development Permit No. PL2015-004 to amend previously issued Development Permit with Variance No. PL2013-066, be approved subject to the conditions outlined in Attachments 2 to 4.

for


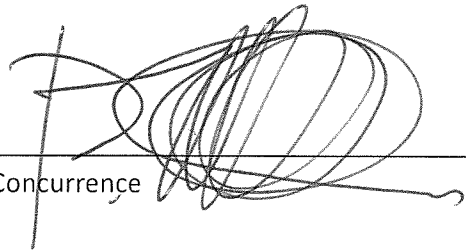
Report Writer



General Manager Concurrence

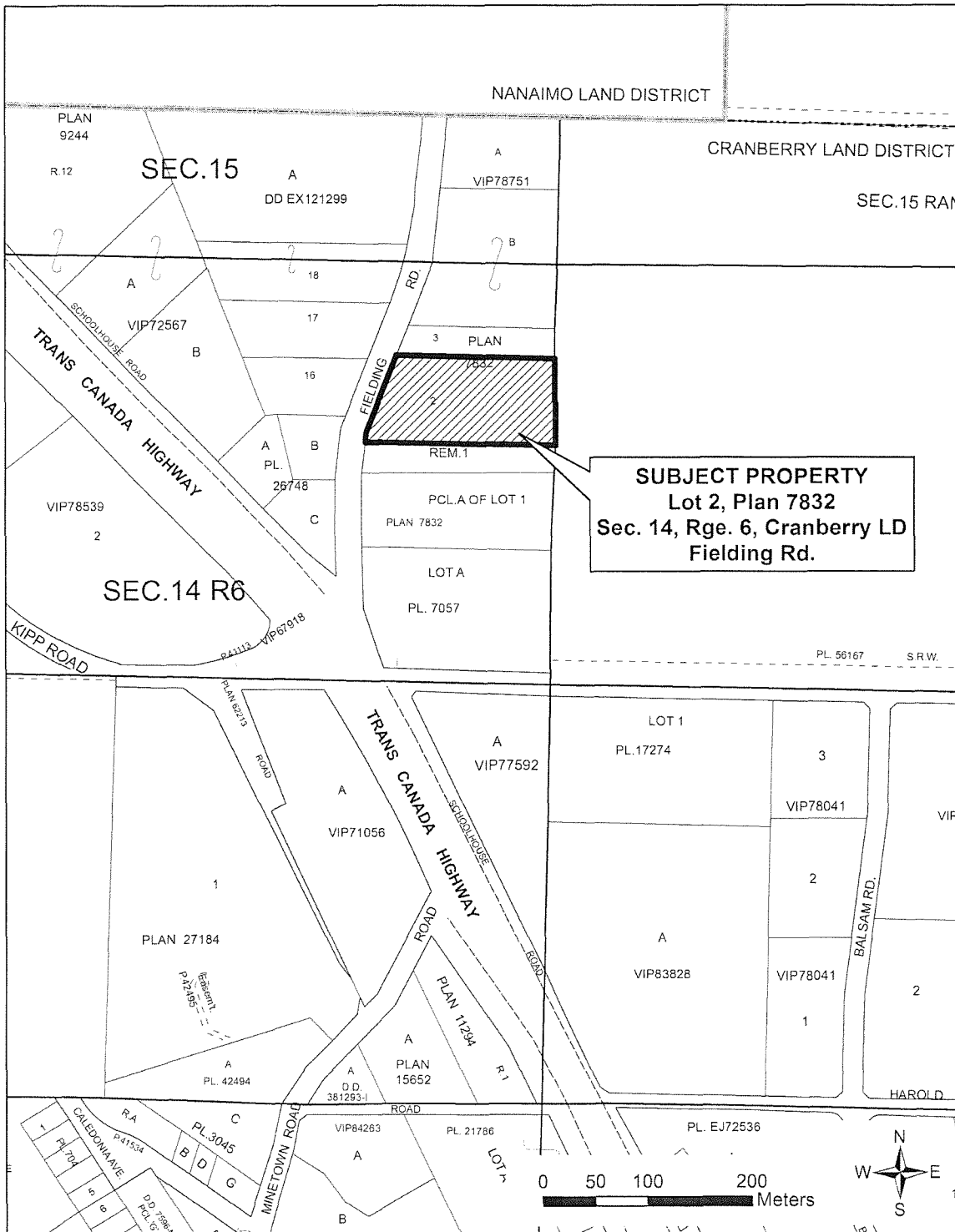


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



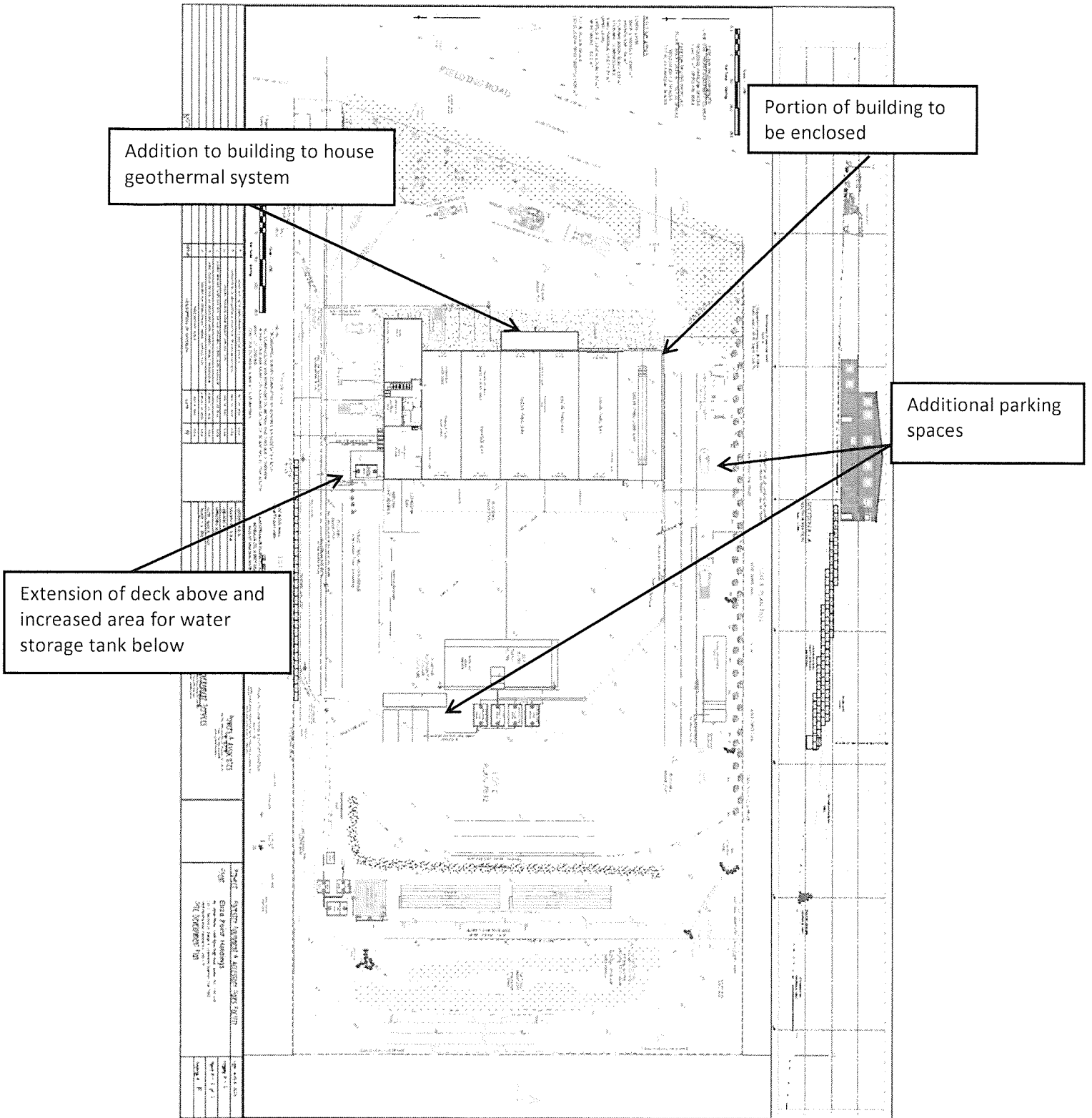
Attachment 2
Terms and Conditions

The following sets out the terms and conditions of Development Permit No. PL2015-004 and is in addition to, and supersedes in the event of conflict, the Conditions of Approval of Development Permit with Variance No. PL2013-066:

Conditions of Approval:

1. The subject property shall be developed generally in accordance with the Site, Landscaping and Parking Plan prepared by R.E.B Development Services dated October 26, 2014, attached as Attachment 3.
2. The applicant shall provide a minimum of twenty (21) off-street parking spaces, including one loading space, developed in accordance with the requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Schedule '3B' Off-Street Parking & Loading Spaces and as illustrated on the Site Plan prepared by R.E.B Development Services dated October 26, 2014, attached as Attachment 3.
3. The proposed buildings shall be constructed generally in accordance with the elevation drawings prepared by R.E.B. Development Services, dated November 16, 2014, attached as Attachment 4.
4. The subject property shall be developed in accordance with the Stormwater Management Report prepared by R.E.B Development Services, dated November 24, 2014.

Attachment 3
Revised Site, Landscaping and Parking Plan



Attachment 4
Revised Building and Elevation Plans

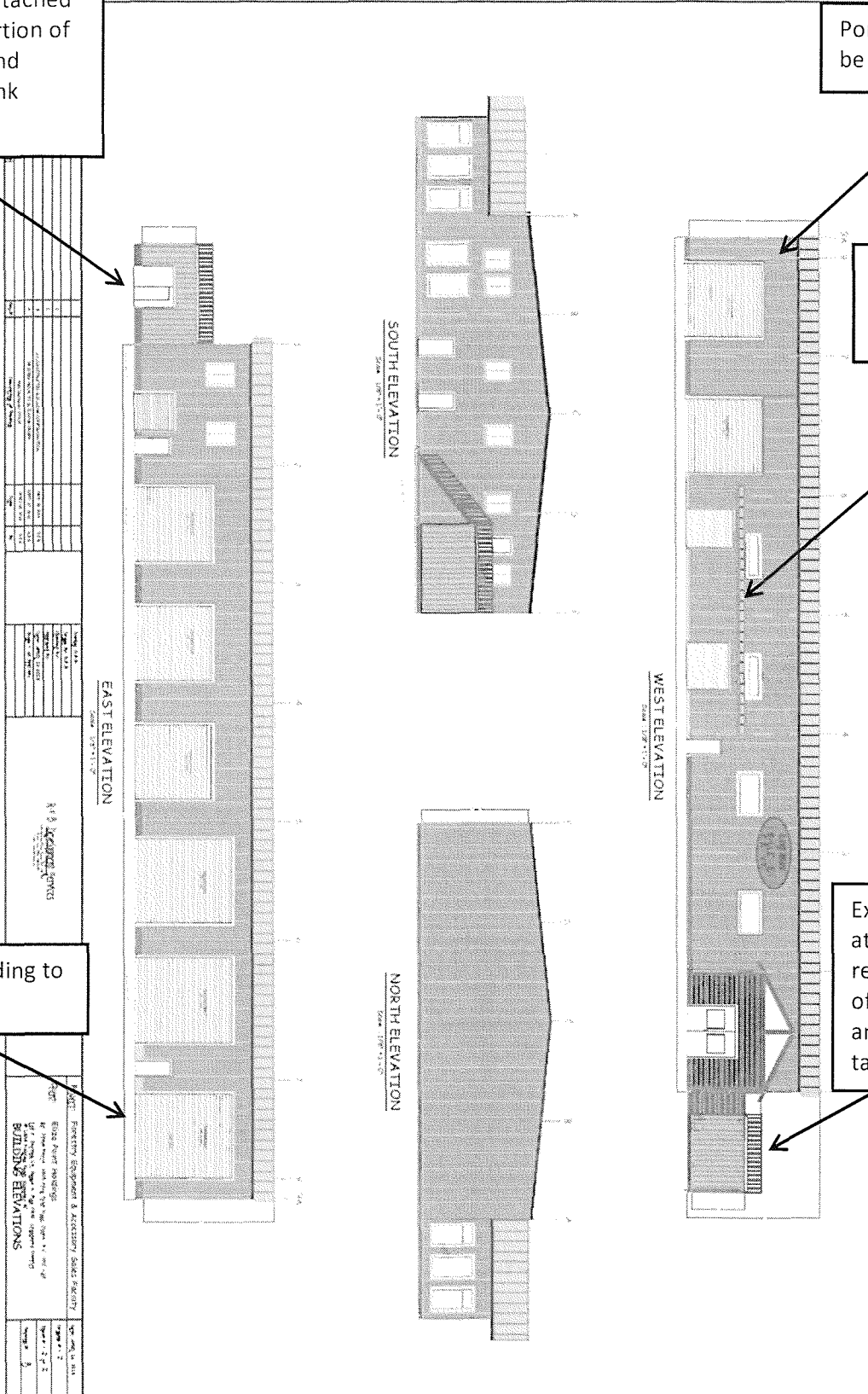
Extended deck attached to residential portion of building above and water storage tank below

Portion of building to be enclosed

Addition to building to house geothermal system

Portion of building to be enclosed

Extended deck attached to residential portion of building above and water storage tank below





RDN REPORT		[Signature]
CAO APPROVAL		
EAP	<input checked="" type="checkbox"/>	
GOW	<input type="checkbox"/>	
FEB 02 2015		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 27, 2015

FROM: Robert Stover
Planning Technician

FILE: PL2014-146

SUBJECT: Development Variance Permit Application No. PL2014-146 – Williams
Lot 1, District Lot 67, Nanoose District, Plan 25742 – 2457 Rowland Road
Electoral Area 'E'

PURPOSE

To consider an application for a Development Variance Permit to increase the maximum permitted accessory building floor area and reduce the minimum required setback to the interior side lot line to facilitate the reconstruction of two accessory buildings on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Taran and Kyle Williams to increase the maximum permitted accessory building floor area and reduce the minimum required setback to the interior side lot line to facilitate the reconstruction of two accessory buildings on the subject property. The subject property is approximately 0.47 ha in area and is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachment 1 for location of subject property).

The subject property is currently occupied by a dwelling unit and two accessory buildings currently under construction. A Public 1 (PU1) zoned parcel abuts the subject property along the northern and westerly property lines; Rowland Road lies to the east, and Blokker Road to the south. The applicant has indicated that the accessory buildings under application have resided on the property for more than 40 years, and require reconstruction as a result of extensive mold and rot damage to the structures.

Proposed Development and Variance

The applicant has applied for variances to Section 3.4.61 Maximum Number and Size of Buildings and Structures to increase the maximum permitted floor area for accessory buildings from 250 m² to 334 m², and Minimum Setback Requirements to reduce the minimum required setback from the interior side lot line from 2.0 metres to 1.74 metres for a portion of an accessory building as shown on Attachment 3. The RS1 zone permits a combined accessory building floor area of 100 m² or 8% of the area of the parcel, whichever is greater, to a maximum of 250 m². The applicant is proposing to vary the maximum permitted accessory floor area to 334 m², thereby exceeding the permitted 250m² but not exceeding 8% of the area of the parcel.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-146 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2014-146.

LAND USE IMPLICATIONS

Development Implications

The works to rebuild the accessory buildings on their existing foundations were undertaken without a building permit. The accessory buildings have been reconstructed to the extent that the framing and roof structures are complete. A stop work order was issued for the works, and the requirement for variances to floor area and setbacks were identified through the course of review of the building permit submissions. The survey plan provided by the applicant identified that the building envelope of the accessory structures exceeds the maximum permitted floor area in the RS1 zone, and that one of the accessory buildings encroaches into the required 2.0 m setback along the western property boundary as shown on Attachment 3. Staff have confirmed that the siting and proposed construction of the buildings satisfies the limiting distance for fire separation from the adjacent property. These fire separation requirements will be further reviewed through the evaluation of the building permit application for the structures. The accessory buildings are proposed to be used for tool and vehicle storage.

Staff have reviewed the application and have not identified any environmental or land use implications that would arise from approval of Development Variance Permit No. PL2014-146.

Strategic Plan Implications

Staff have reviewed the application and note that the proposal has no implications related to the Board's 2013-2015 Strategic Plan.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property 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.

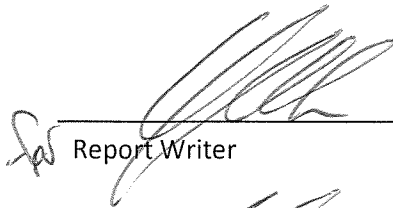
SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to increase the maximum permitted accessory building floor area and reduce the minimum required setback from the interior side lot line to facilitate the reconstruction of two accessory buildings on their existing foundations on the subject property. The accessory buildings were partially reconstructed without building permit approvals; subsequent review of survey information provided for the building permit application identified the need to vary setback and floor area requirements of the RS1 zone to allow completion of these buildings. The applicant has indicated that the buildings have resided on the property for more than 40 years, and require reconstruction due to extensive mold and rot damage. The buildings are proposed to be used for tool and vehicle storage.

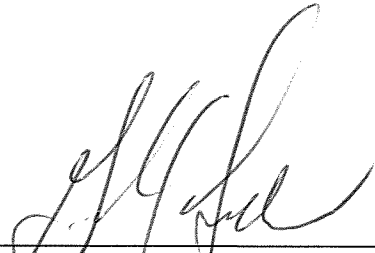
Given the accessory buildings have no anticipated environmental or land use implications, staff recommend the Board approve the requested variances pending public notification and subject to the terms and conditions outlined in Attachment 2.

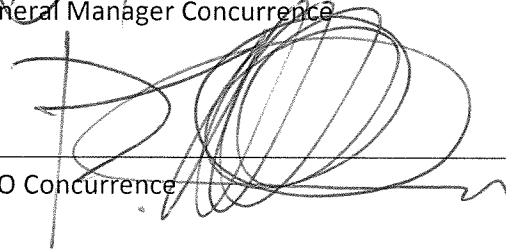
RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-146 to increase the maximum permitted accessory building floor area and reduce the minimum required setback to the interior side lot line to facilitate the reconstruction of two accessory buildings on the subject property be approved subject to the conditions outlined in Attachments 2 to 4.

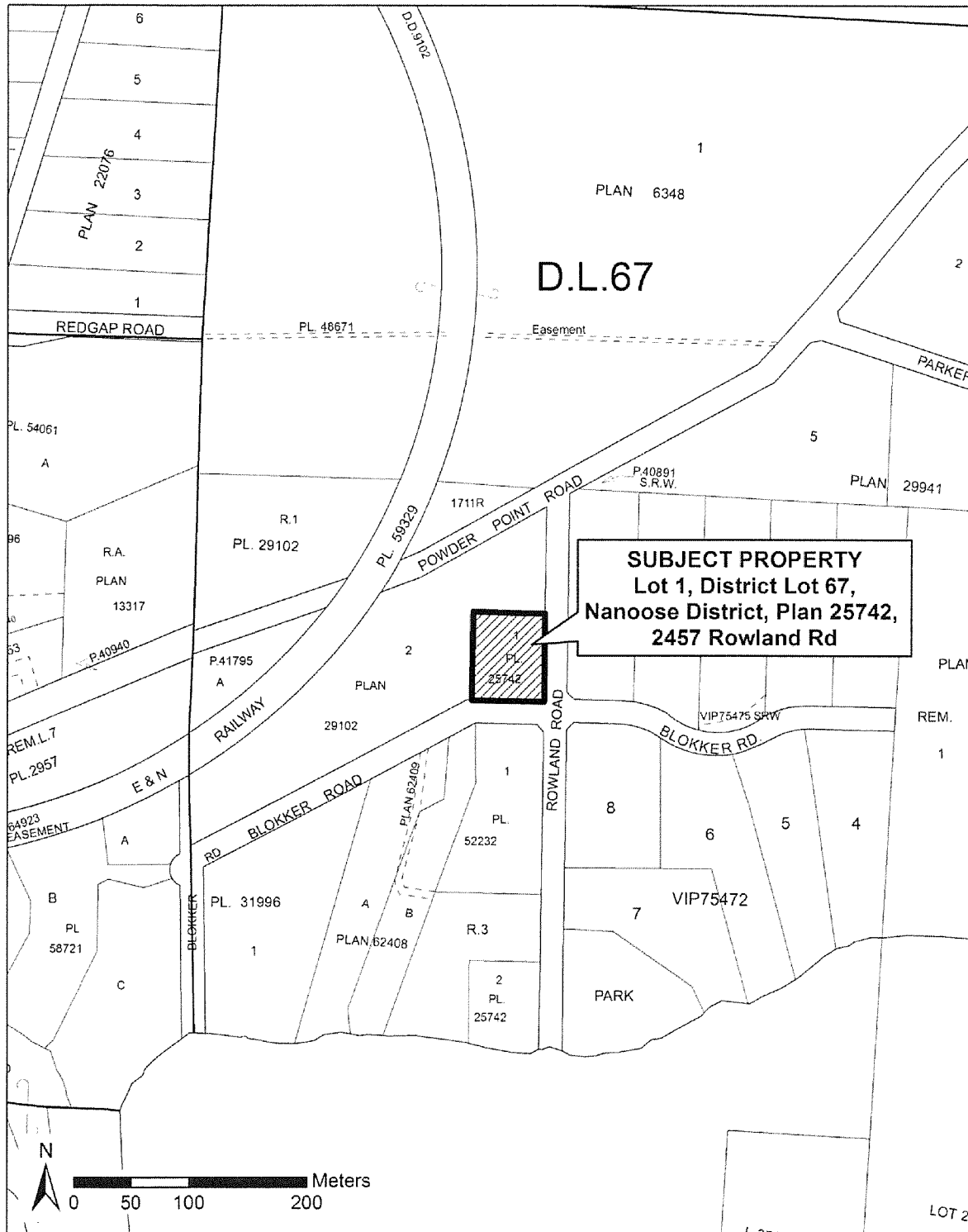

Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-146:

Bylaw No. 500, 1987 Variances:

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

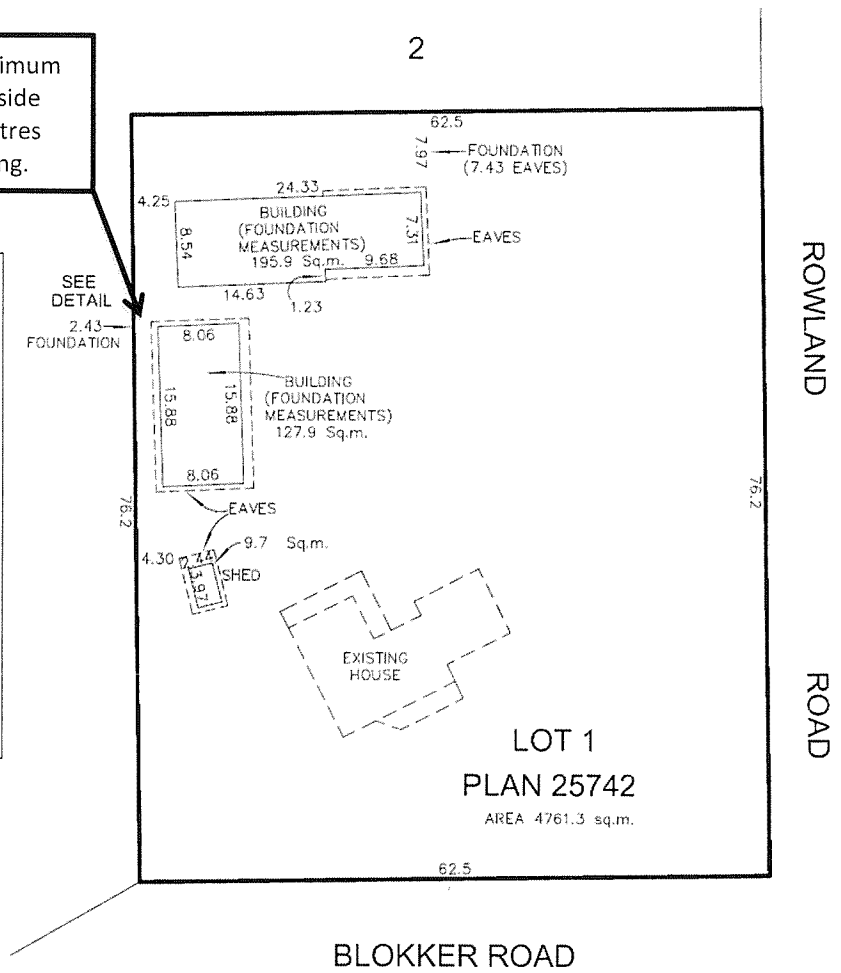
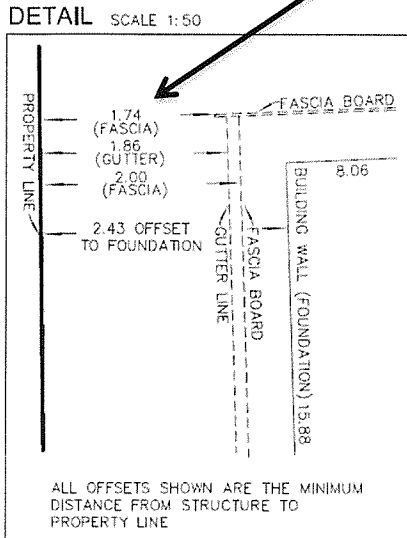
1. Section 3.4.61 Maximum Number and Size of Buildings is varied by increasing the maximum permitted accessory building floor area from 250 m² to 334 m² to facilitate the reconstruction of two accessory buildings on the subject property.
2. Section 3.4.61 Minimum Setback Requirements is varied by reducing the minimum required setback from the interior side lot line from 2.0 metres to 1.74 metres for a portion of one accessory building along the western property boundary.

Conditions of Approval:

1. The property shall be developed in accordance with the survey plan prepared by JE Anderson and Associates and dated January 6, 2015 as shown on Attachment 3.
2. The accessory buildings shall be developed in general accordance with the building elevations as shown on Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

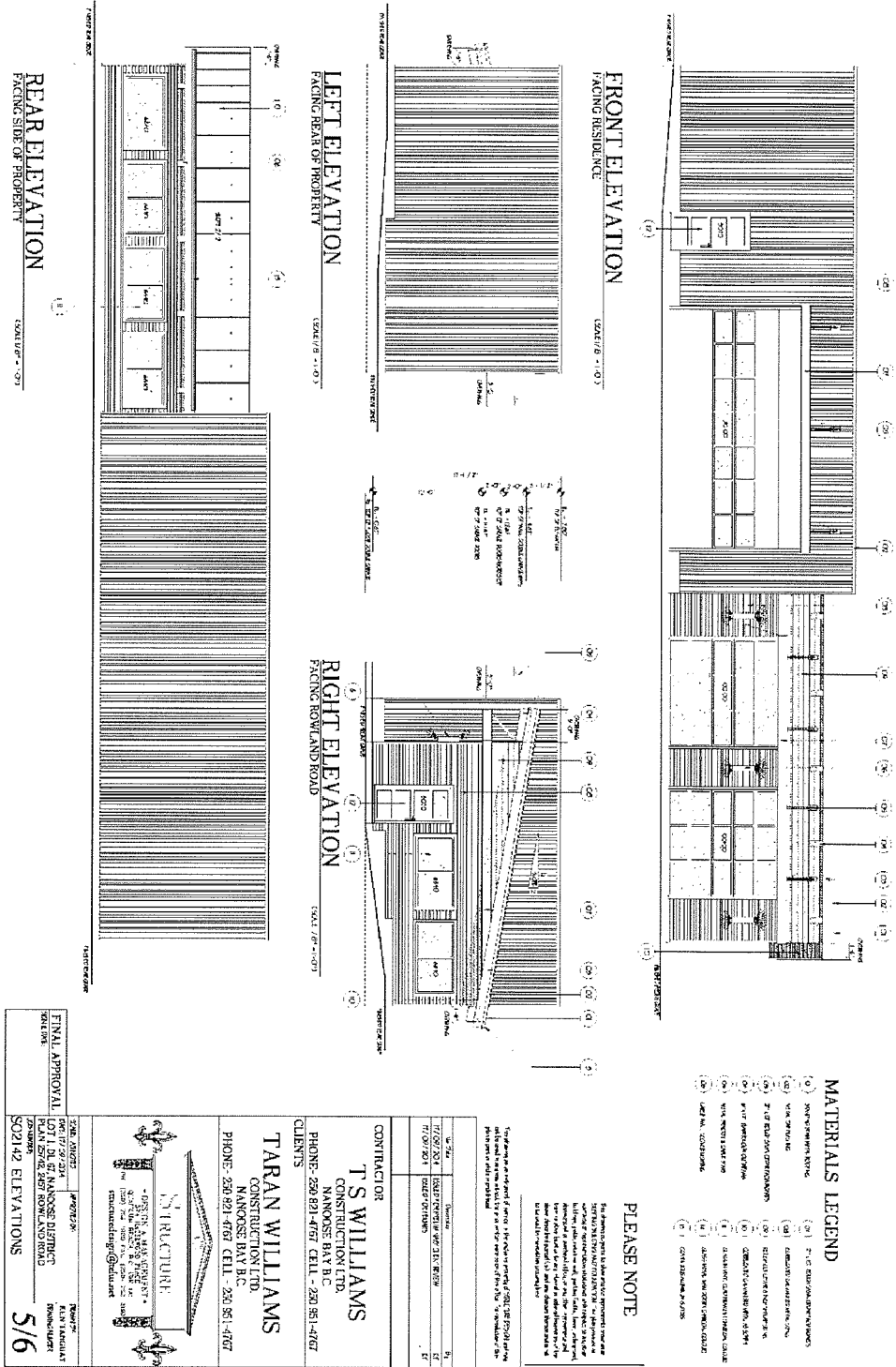
Attachment 3 Proposed Site Plan and Variances

Proposed variance to relax the minimum required setback from the interior side lot line from 2.0 metres to 1.74 metres for a portion of an accessory building.



AREA OF LOT 4761.3 Sq.m.
AREA OF ACCESSORY BUILDINGS
 $195.9 + 127.9 + 9.7 = 333.5$ Sq.m.
PARCEL COVERAGE 7%

Attachment 4
Proposed Accessory Buildings (page 2 of 2)





RDN REPORT		[Signature]
CAC APPROVAL		
EAP	<input checked="" type="checkbox"/>	
COW		
FEB 02 2015		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 27, 2015

FROM: Stephen Boogaards
Planner

FILE: PL2014-142

SUBJECT: Development Variance Permit Application No. PL2014-142 – Rinehart Amended Parcel A (DD14783N) of District Lot 68, Nanoose District – 1667 Stroulger Road Electoral Area ‘E’

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum accessory building floor area and setback requirements to allow for the construction of a proposed garage and recognize an existing detached secondary suite.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Norman and Valerie Rinehart to vary the maximum accessory building floor area and setback requirements to allow for the construction of a proposed garage and recognize an existing detached secondary suite. The subject property is approximately 1.7 ha in area and is zoned Residential 1 (RS1) pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (see Attachment 1 - Subject Property Map).

The subject property currently contains a single family dwelling, cabin, garage and two sheds (see Attachment 3 – Site Plan). The applicants would like to construct an additional 223 m² accessory building for personal hobby space. Under the RS1 zone, the applicant is only permitted 250 m² of accessory floor space on the parcel. The existing cabin and accessory buildings have a combined floor area of 245 m².

The applicants would also like to recognize the existing non-conforming two bedroom cabin on the property as a detached secondary suite. The cabin is estimated by the owners to have been built in the 1940s or 1950s. The floor area of the cabin is currently 119 m² and is proposed to be decreased to 107 m², which exceeds the 90 m² of floor area permitted for an accessory building containing a secondary suite in the zoning bylaw. The cabin is also currently located 0.4 m from the interior side yard setback whereas zoning requirements specify a 2.0 m setback.

The property is adjacent to residentially zoned land to the east, Stroulger Road to the south, Pacific Shores strata to the west and Birch Road to the north.

Proposed Development and Variance

The applicant proposes to increase the maximum floor area for accessory buildings and recognize an existing secondary suite within an accessory building by varying the following sections in “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.16 e) iii) General Regulations – Secondary Suites**, to increase the maximum floor area of an accessory building containing a secondary suite from 90 m² to 107 m².
- **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the combined floor area of accessory buildings from 250 m² to 480 m².
- **Section 2.4.61 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback for the cabin from 2.0 m to 1.4 m for the face of the building, and to 1.1 m for the roof overhang.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2014-142 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2014-142.

LAND USE IMPLICATIONS

Development Implications

The applicant proposes to construct a 223 m² personal hobby garage on the subject property. The RS1 zone limits the amount of accessory floor area to 8% of the lot, up to a maximum of 250 m². With existing accessory buildings on the property, and after the reduction in the size of the accessory building containing the suite, the applicant would require a total of 456 m² of accessory floor space to also accommodate the proposed new building. The applicant is requesting 480 m² in accessory building floor area to allow for some flexibility in the floor area on the final construction of the hobby garage.

The applicant has provided justification that the requested 480 m² of total accessory building floor area would be 3% of the lot area, which is well below the 8% accessory building floor area density provision in the zone. Based on 8% of the property size, the maximum floor area for accessory buildings would be 1,384 m². Further, the floor area is distributed between the five accessory buildings identified on the site plan, with a scale that ranges from 11 m² to 223 m². Since the requested variance is well below the accessory building density for the property size and the largest individual accessory building is less than the 250 m² limit for accessory building floor area, the scale of the proposed accessory buildings would be consistent with the character of a residential neighbourhood and have no anticipated implications for adjacent properties.

One of the existing accessory buildings on the property is a two bedroom cabin that the applicant suggests was constructed in the 1940s or 1950s. The applicants would like to recognize the cabin as a detached secondary suite. A detached secondary suite is currently a permitted use allowed by the zoning; however, the building containing the suite is within the side yard setback and exceeds the maximum permitted floor area requirements for accessory buildings containing a secondary suite.

The zoning requires a 2.0 m setback while the cabin is currently located 0.4 m from the property line. The applicant proposed to remove the part of the cabin (that appears to be an historic addition) in order to meet the spatial separation requirements of the BC Building Code. The proposed alteration will situate the face of the building 1.4 m from the property line and the overhang 1.1 m from the property line, at the closest point. A modification of the original building to fully meet the 2.0 m zoning setback would be difficult, as the building would need to be lifted, floor joists modified and a new foundation poured. The applicant would also need to modify the roof trusses and move the heating system. Since the proposed alteration to the cabin will comply with the requirements of the BC Building Code for spatial separation and improve the existing non-conforming siting, staff recommends the proposed setback variance be supported.

The applicant also requests to vary the secondary suite regulations for the maximum floor area of an accessory building containing a secondary suite, which is limited to 40% of the habitable floor space of the principal dwelling unit or 90 m², whichever is less. The size of the cabin currently is 118.9 m²; however, the floor area will be reduced to 107 m² as part of the building modification to meet the side yard setback. The modified floor area represents 34% of the principal dwelling floor area. The setback variance and the variance to the secondary suite floor area would recognize the non-conforming building and the use.

As a condition of the variance permit, the applicant will also recognize the suite through a building permit. The suite will be recognized under Board Policy B1.22 - Secondary Suites, where a building inspector will review a suite existing prior to the RDN secondary suites regulations (May 27th, 2014) through a visual inspection to identify improvements necessary to address safety items pertaining to fire detection (smoke alarms), fire spread (drywall), and exits (a safe way out). A Notice under Section 57 of the Community Charter will also be registered on the title as a means of disclosure to future land owners that there may be aspects of construction that do not comply with the BC Building Code.

Strategic Plan Implications

Consistent with 2013-2105 Board Strategic Plan's direction for safe affordable housing, the proposal would bring the existing detached secondary suite into compliance with zoning regulations and basic life-safety building provisions, while increasing the amount of potential market rental housing.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property 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.

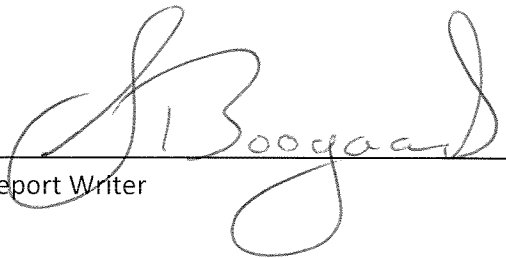
SUMMARY/CONCLUSIONS

The applicant requests to vary the accessory building floor area requirements of the RS1 zone from 250 m² to 480 m². The subject property currently has 245 m² of accessory building space, and the applicant proposes to construct a garage with 223 m². The requested variance is consistent with the accessory building density provisions in the RS1 zone that ensures that the scale of development conforms to the character appropriate for a residential neighbourhood.

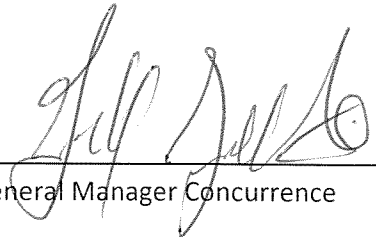
The applicant also requests to vary the floor area requirements for a secondary suite within an accessory building and setbacks to the side yard property line, to recognize an existing cabin on the property as a detached secondary suite. The applicant will modify the building to comply with spatial separation requirements from the adjacent property, which reduces the floor area and the side yard setback variance required. The proposed variance will legalize the siting and use of a non-conforming building and basic life-safety provisions of the BC Building Code will be met for the suite.

RECOMMENDATIONS

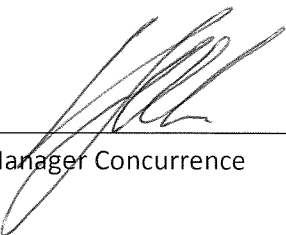
1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2014-142 to increase the maximum floor area for accessory buildings, the maximum floor area for an accessory building containing a suite and the side yard setback for an accessory building containing a suite be approved subject to the conditions outlined in Attachments 2 to 4.



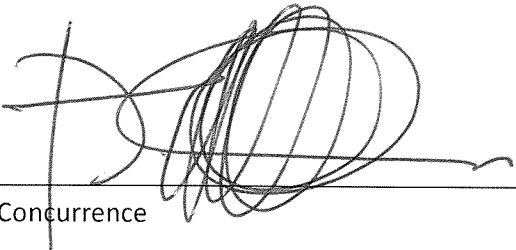
Report Writer



General Manager Concurrence

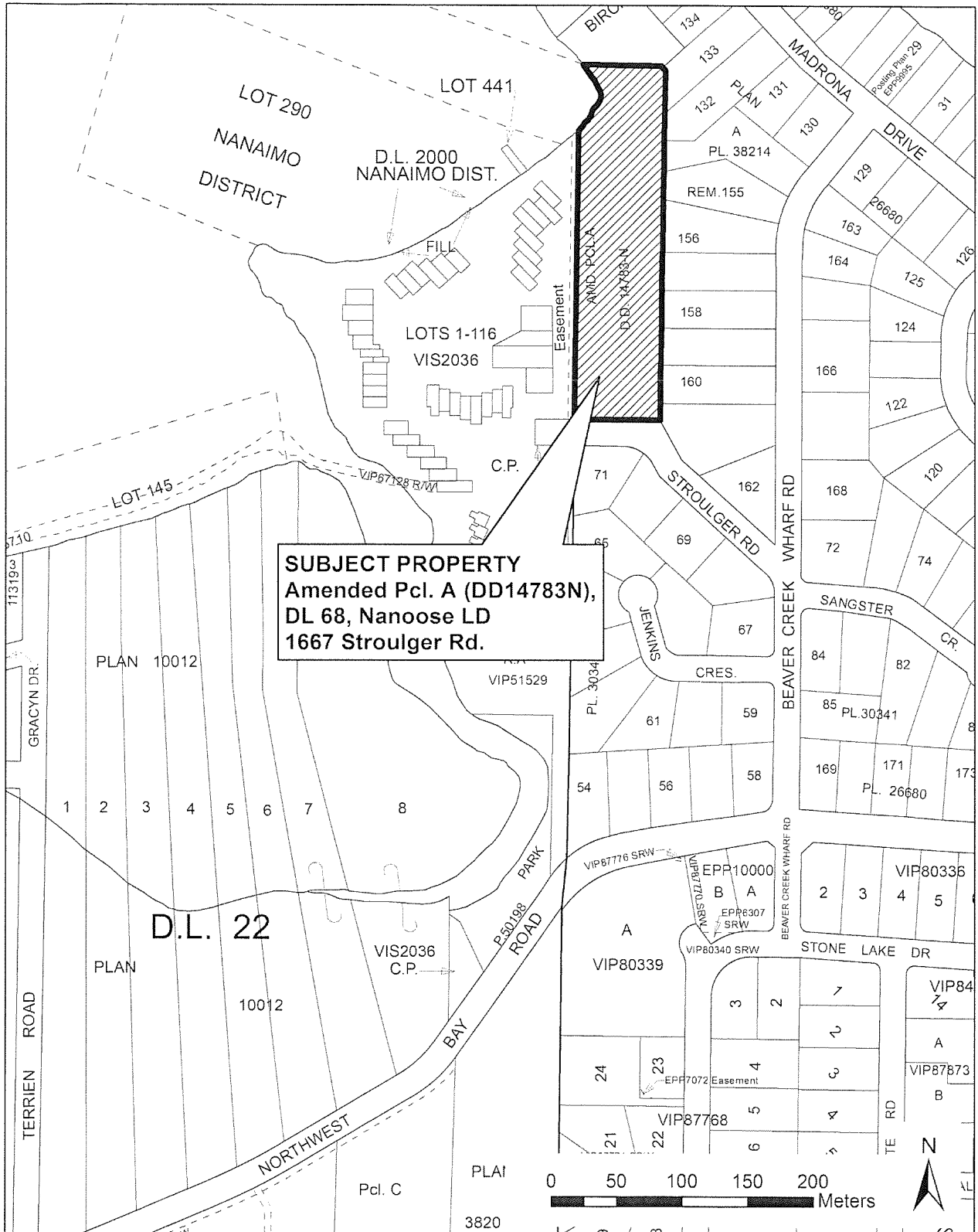


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2014-142:

Bylaw No. 500, 1987 Variances:

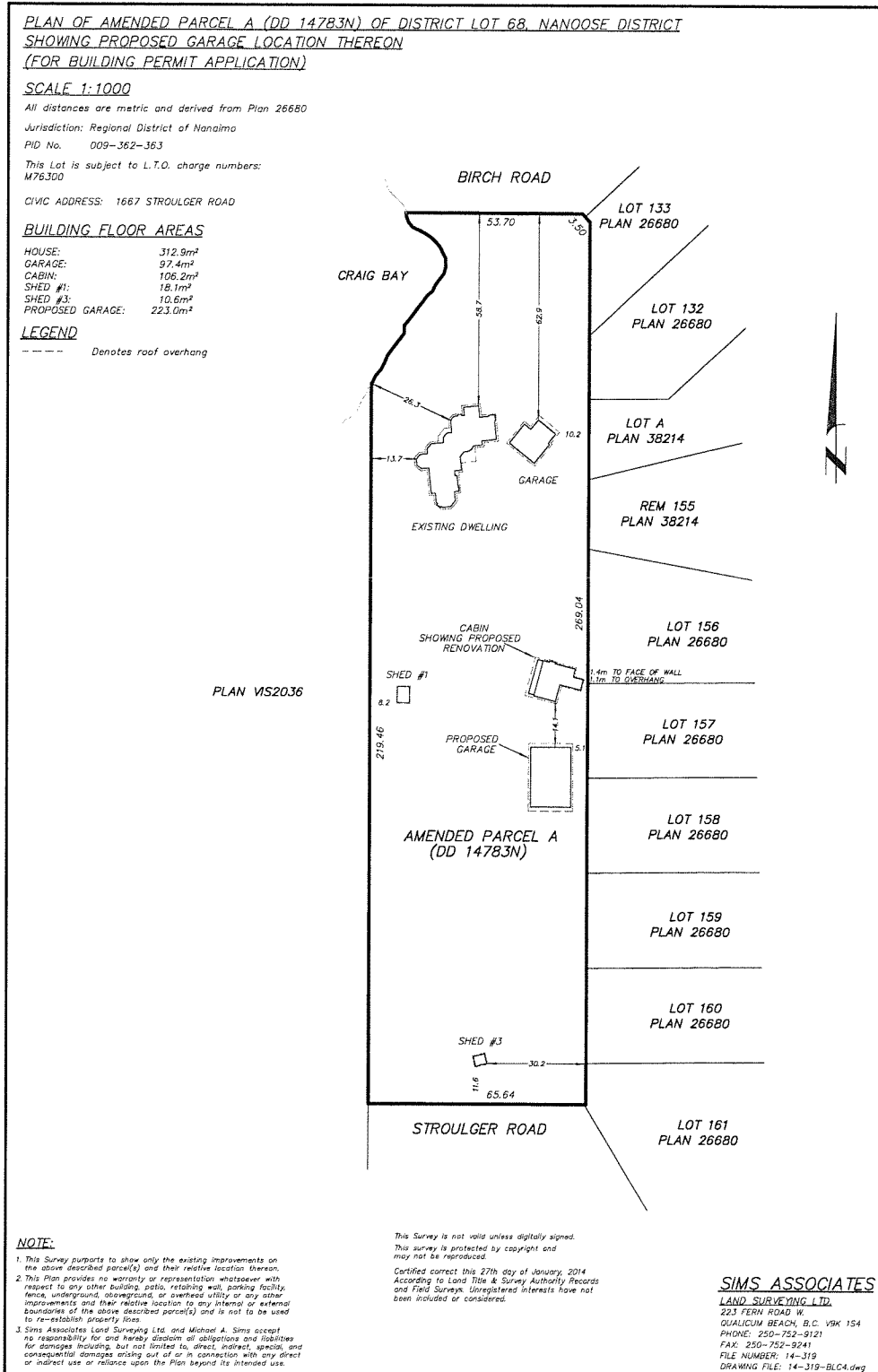
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.3.16 e) iii) General Regulations – Secondary Suites**, to increase the maximum floor area of an accessory building containing a secondary suite from 90 m² to 107 m².
2. **Section 3.4.61 – Maximum Number and Size of Buildings and Structures** to increase the combined floor area of accessory buildings from 250 m² to 480 m².
4. **Section 2.4.61 – Minimum Setback Requirements** to reduce the minimum interior side lot line setback for the cabin from 2.0 m to 1.4 m for the face of the building, and to 1.1 m for the roof overhang.

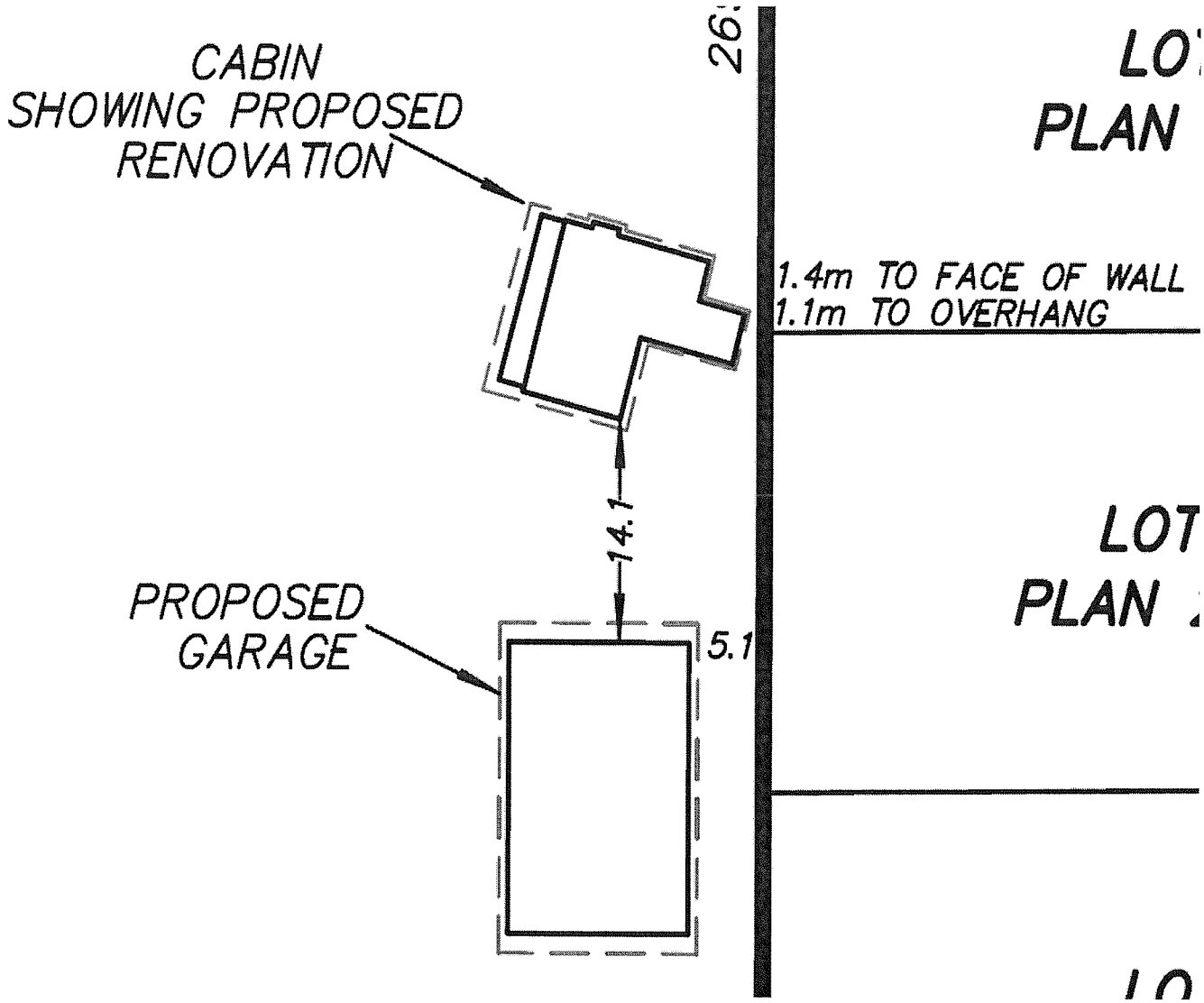
Conditions of Approval:

1. The proposed garage is sited in accordance with the survey plan prepared by Sims Associates Land Surveying Ltd and dated January 27, 2015 as shown on Attachment 3.
2. The property owner shall modify the accessory building containing the secondary suite to be setback 1.4 m from the face of the building and 1.1 m from the overhang to the side yard property line, in compliance with the survey plan prepared by Sims Associates Land Surveying Ltd and dated January 27, 2015 as shown on Attachment 3.
3. The property owner shall obtain a permit to recognize the secondary suite according to the Regional District of Nanaimo Board Policy – Secondary Suites (B1.22).
4. The property owner shall obtain other necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

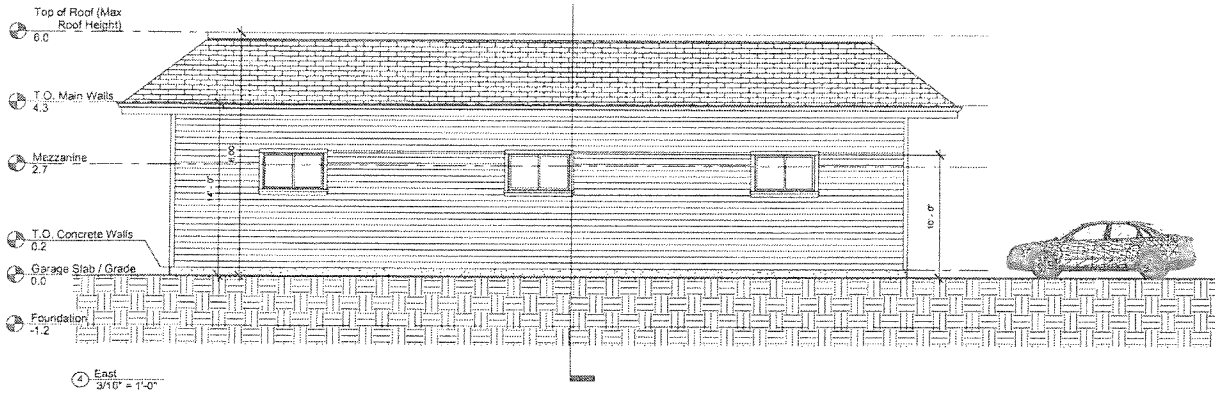
**Attachment 3
Proposed Site Plan and Variances
(Page 1 of 2)**



Attachment 3
Proposed Site Plan and Variances
(Page 2 of 2)



Attachment 4 Proposed Garage Building Elevations





RDN REPORT		PL
CAO APPROVAL		PL
EAP	✓	
COW		
FEB 02 2015		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 30, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-009

SUBJECT: Development Permit with Variance Application No. PL2015-009
Parksville Redi-Mix Ltd. Inc. Co. BC 0620483
Parcel A (DD G95323) of Lot 3, Section 6, Range 7, Cranberry District, Plan 10423
10 Nanaimo River Road
Electoral Area 'A'

PURPOSE

Consider an application for a Development Permit with Variance to allow for the construction of a concrete batch plant on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Herold Engineering Ltd. on behalf of Parksville Redi-Mix Ltd. in order to permit the construction of a concrete batch plant on the subject property. The subject property is approximately 2.01 ha in area and is zoned Industrial 2 (IN2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

The subject property sits atop an elevated rock plateau approximately 7.0 metres higher than South Wellington Road and currently contains a Telus Communications tower on the north east portion of the lot and a metal industrial building in the centre of the lot (approved under Development Permit No. 60523 in 2005). The subject property is irregularly shaped and is bordered by a resource management zoned property to the west and south. The E&N Rail Corridor which parallels South Wellington Road borders the property to the east and access to the parcel is from Nanaimo River Road (see Attachment 1 – Subject Property Map).

The proposed development is subject to the South Wellington Industrial-Commercial development permit area as per "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". The purpose of the South Wellington Industrial-Commercial development permit area is for the protection of the natural environment, the establishment of objectives to promote water and energy conservation, and to guide the form and character of commercial or industrial development. At the Regular Board meeting held on October 28, 2014, the Board approved Development Permit with Variance No. PL2014-032. Notwithstanding Board approval, the permit was not issued as the applicant revised the site plan to better address the conditions and constraints of the site. The revised site plan also proposes the construction of a new single storey storage and office building rather than the

placement of a mobile site office as was proposed previously. As such, the applicant has submitted a revised application for the Board's consideration.

Previously proposed development for the property, as approved through Development Permit with Variance No. PL2014-032, included the placement of an ATCO trailer of approximately 40 m² in area near the entrance of the lot to serve as a site office, a two-storey batch office in the north west portion of the parcel of approximately 55 m² in area to monitor and control the batch mixing process, a one storey storage building in the north west portion of the lot of approximately 91 m² in size, an aggregate hopper and conveyor belt, and a reclaimer pad used for water recovery when unloading cement trucks. In addition, the previous proposal varied the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Section 3.4.32 – Minimum Setback Requirements to relax the minimum setback requirement from 10.0 metres to 5.0 metres to accommodate four lock-block tent structures used for aggregate storage and Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos (see Attachment 2 – Previously Approved Site Plan and Variances).

Proposed Development and Variances

Proposed development for the property includes the construction of a single storey office and storage building (see Attachment 6 – Building Elevations) in the centre of the lot, three lock-block tent structures used for aggregate storage on the western portion of the parcel, an aggregate hopper and conveyor belt, and a reclaimer pad used for water recovery when unloading cement trucks. As with the previous proposal, the applicant is requesting a variance to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos (see Attachment 3 – Terms and Conditions of Permit and see Attachment 4 – Proposed Site Plan and Variances). However, in contrast to the previous proposal, the applicant is proposing the concrete mixing silos in the centre of the parcel rather than on the western edge and no longer requires a variance to lot line setbacks to accommodate the lock-block tent structures.

Where possible, existing tree clusters will be maintained to help shield the proposed industrial activity from the nearby road networks. To assist with shielding, the applicant is proposing to plant cedar trees as hedging along a portion of the eastern lot line. Cedar trees were selected to provide year round buffering between the proposed industrial activity and possible view lines from the surrounding road networks (see Attachment 5 – Site Section).

In accordance with the requirement of Bylaw No. 500, the applicant is proposing 12 parking stalls adjacent to the proposed office which will be constructed from engineered gravel. Moreover, per the engineer's comments of September 25, 2014, the parking stalls will be designed to limit dust production and potential drainage from the parking stalls will be incorporated into the overall site drainage plan.

ALTERNATIVES

1. Approve Development Permit with Variance No. PL2015-009 subject to the conditions outlined in Attachments 3 to 6.
2. Deny Development Permit with Variance No. PL2015-009.

LAND USE IMPLICATIONS

Development Implications

The applicant has submitted an Aquifer Assessment, prepared by Levelton Consultants Ltd. and dated July 22, 2014, to satisfy the development permit guidelines pertaining to groundwater protection. The report concludes that the development of the site with the proposed concrete batch plant is unlikely to stress the aquifer. In addition, the report makes several recommendations for developing the site; one of which includes a long-term pumping test at a rate of 0.36 L/s. With regard to the recommendation for a long-term pumping test, the applicant has submitted a Long Term Pumping Test Assessment, prepared by Levelton Consultants Ltd. and dated September 12, 2014, which concludes that the underlying aquifer can sustainably support the intended use for the site and will have no discernible adverse impacts on groundwater levels. Staff recommend that the applicant be required to register a Section 219 covenant that registers both the Aquifer Assessment and Long Term Pumping Test Assessment reports on the property title with a clause requiring the site to be developed in accordance with the recommendations of both reports (see Attachment 3 – Terms and Conditions of Permit).

The applicant has also submitted a Civil Engineering Conceptual Design Report, prepared by Herold Engineering Ltd. and dated September 22, 2014, to address the development permit guidelines pertaining to rainwater management. The report states calculations for pre-development surface water flow on the site and approximates the post development flow. A stormwater collection system, consisting of catch basins, oversized storm sewers and an oil water separator will be utilized to reduce post development flows to pre-development levels and limit potential contaminants from entering the environment. Moreover, the engineer recommends grading the site to direct water runoff away from the buildings to an overland drainage system to ensure no flooding occurs at the buildings or surrounding areas. Additional recommendations include that throughout construction, berms and/or silt fencing are to be installed on the downhill areas below construction works in order to contain runoff and eliminate silt from exiting the site.

Staff recommend that the applicant be required to register a Section 219 covenant that registers the conceptual design report for surface water on the property title with a clause that all development is to be done in general accordance with the recommendations of the report. In addition, per the development permit guidelines, staff recommend that the applicant be required to register a Section 219 covenant on the property title with a commitment to a maintenance schedule, prepared by a Qualified Engineer, for the proposed oil water separator.

The proposed silos are proposed to be sited on the parcel where the view implications from adjacent roadways can be minimized (see Attachment 5 – Site Section). The proposed industrial use, a concrete batch plant, is permitted by the zoning. However, the 8.0 metre height restriction of the zone is not suitable for the operational requirement of concrete mixing silos. Therefore, the applicant is requesting a variance to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate the two proposed concrete mixing silos. To help shield and buffer the proposed industrial development from any site lines associated with the nearby road networks, the applicant is proposing a hedge of cedar trees (see Attachment 5 – Site Section). Cedar trees will be used to provide a significant buffer all year while requiring minimal maintenance (see Attachment 4 – Proposed Site Plan and Variances). The proposed landscaping will be secured through a landscaping security deposit (see Attachment 3 – Terms and Conditions of Permit).

Strategic Plan Implications

Staff have reviewed the proposed development and note that the proposal is in line with the strategic priority of self-sufficiency as the proposal will generate economic opportunities within the region.

Inter-governmental Implications

The application was referred to both the local fire department and the Ministry of Transportation and Infrastructure (MOTI). The local fire department indicated that they received the referral and do not have any concerns with the proposal. MOTI has no concerns with the proposed industrial use and has extensively reviewed the site to ensure access to the site is safe. A traffic safety Engineer reviewed the site and confirmed that access is sufficient for the posted speed limit and that site distances greatly exceeded MOTI's requirements. A valid access permit from MOTI will be required. MOTI has advised that the access permit will require the installation of truck turning/warning signs above and below the exits and improvements to the gravel surface where the access driveway joins Nanaimo River Road.

Public Consultation Process

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property 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 to consider a Development Permit with Variance to permit the construction of a concrete batch plant on the subject property. The applicant has provided a comprehensive Site Plan, a Civil Engineering Conceptual Design Report, an Aquifer Assessment report and Long Term Pumping Test Assessment Report in support of the application. The reports outline protective measures to ensure any potential contaminants from the industrial activity will not be harmful to the natural environment. The recommendations of all the reports are proposed to be secured through restrictive covenants as conditions of approval (see Attachment 3 – Terms and Conditions of Permit).

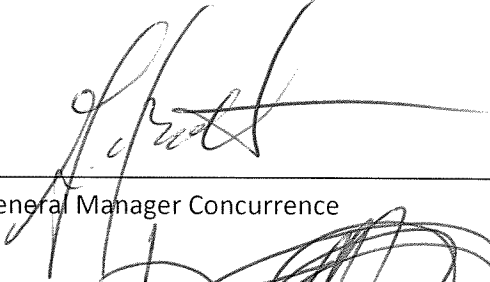
The applicant has applied to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos (see Attachment 3 – Terms and Conditions of Permit and see Attachment 4 – Proposed Site Plan and Variances). The applicant proposes to buffer the industrial development by augmenting natural vegetation. Cedar trees are proposed to provide year round buffering between the proposed industrial activity and possible view lines from the surrounding road networks (see Attachment 5 – Site Section). MOTI has confirmed safe access to the site and the proposal is consistent with the Development Permit guidelines. Staff recommend approval pending the outcome of consultation/statutory notification.

RECOMMENDATIONS

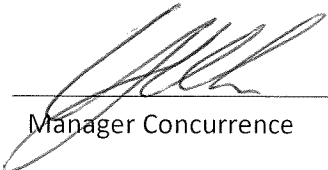
1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-009 to permit the construction of a concrete batch plant be approved subject to the conditions outlined in Attachments 3 to 6.



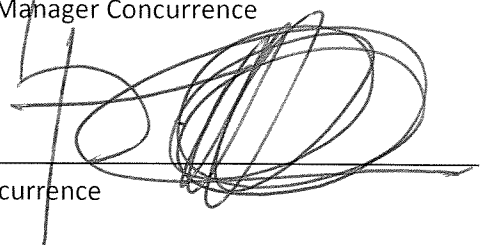
Report Writer



General Manager Concurrence

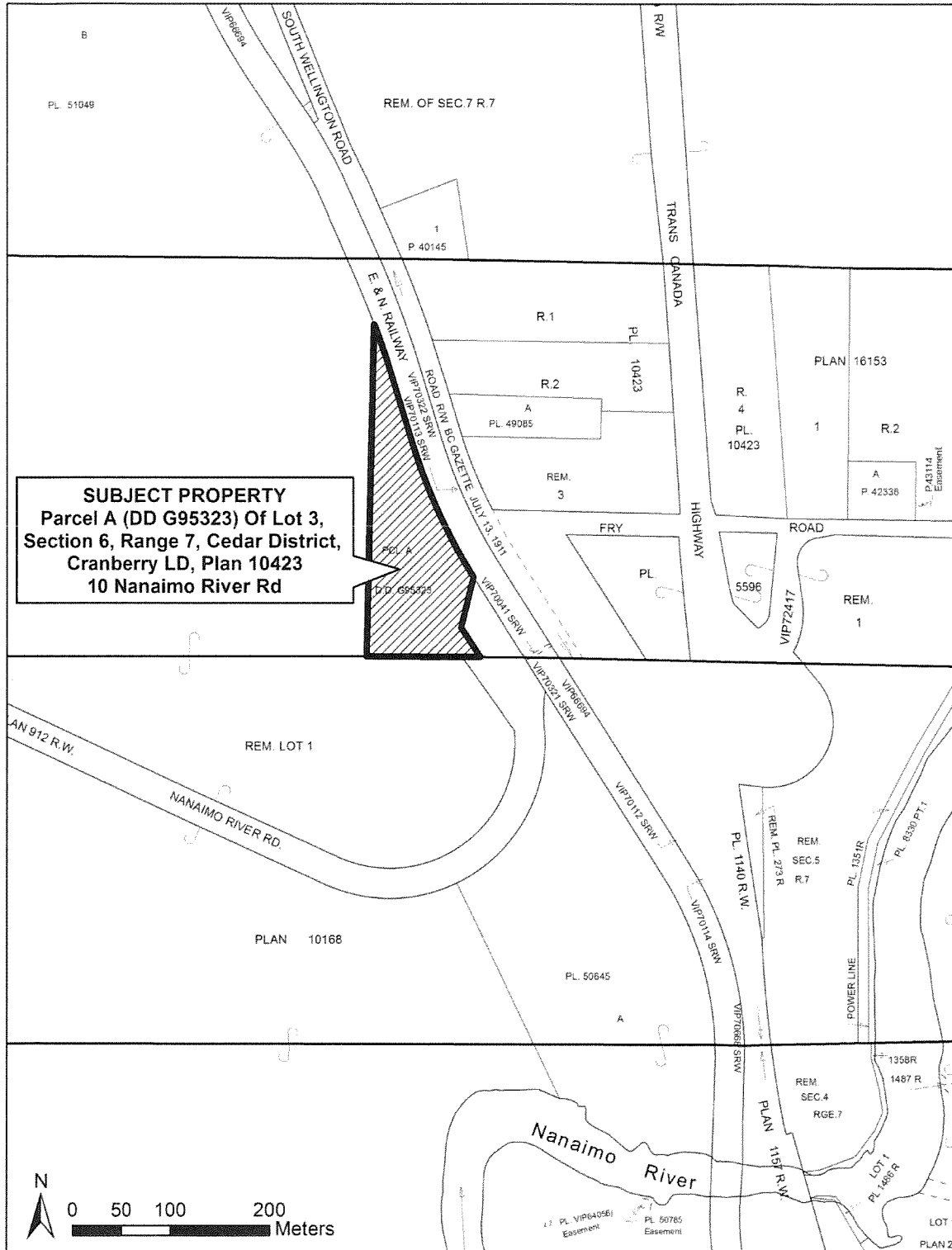


Manager Concurrence

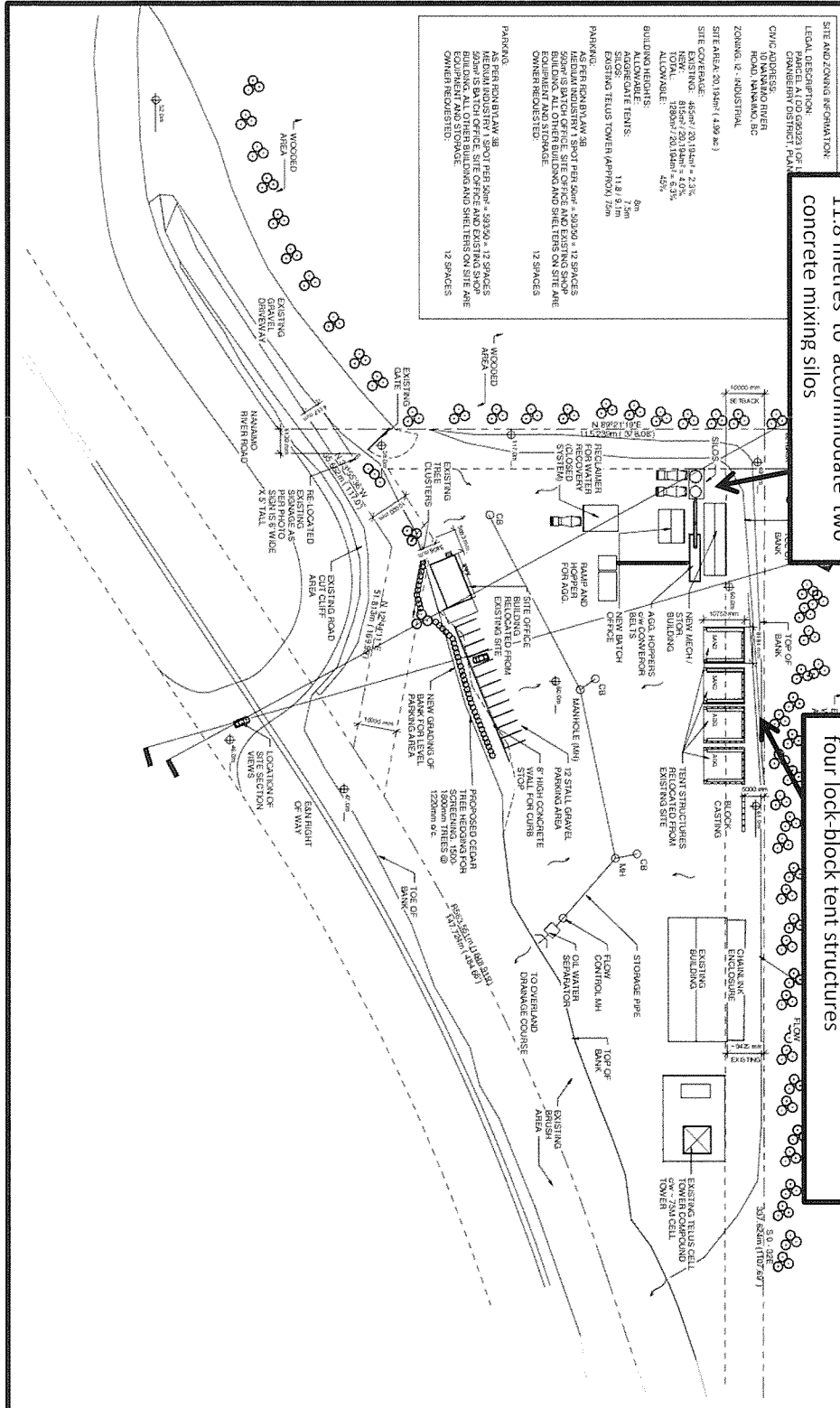


CAO Concurrence

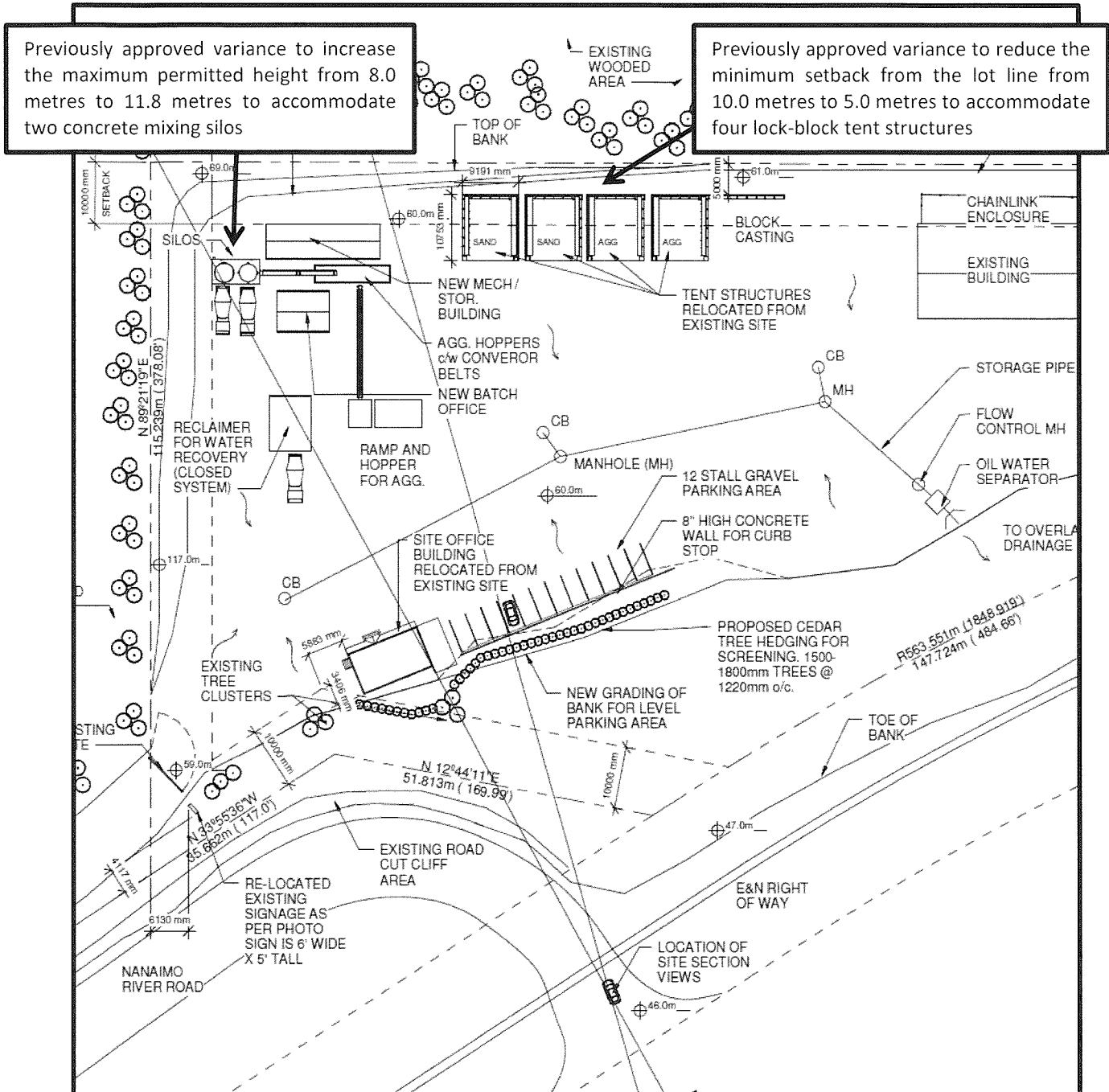
**Attachment 1
Subject Property Map**



Attachment 2
Previously Approved Site Plan and Variances (Page 1 of 2)



Attachment 2
Previously Approved Site Plan and Variances (Page 2 of 2)



Attachment 3 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-009:

Bylaw No. 500, 1987:

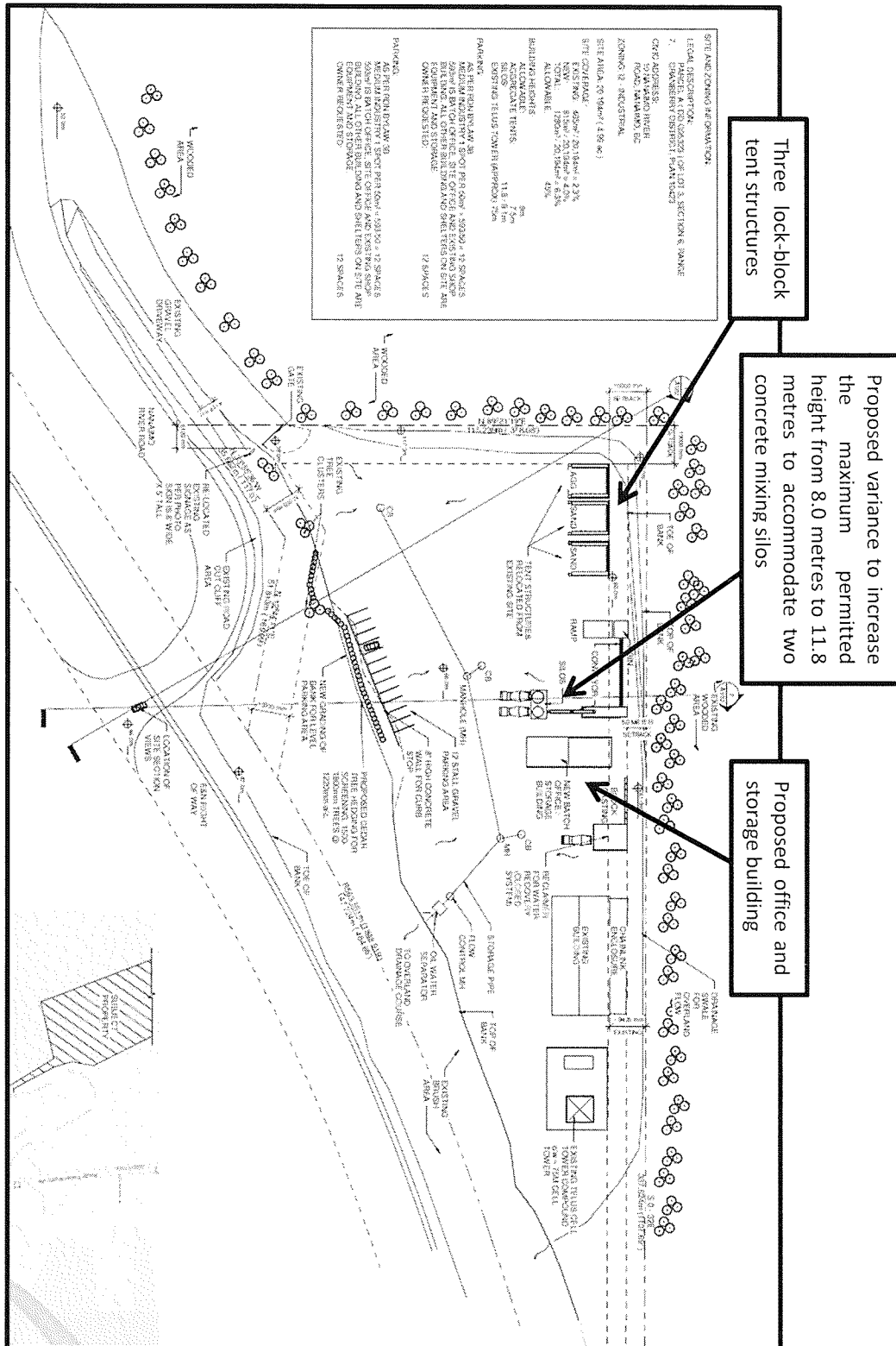
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.32 – Maximum Number and Size of Buildings and Structures to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos.

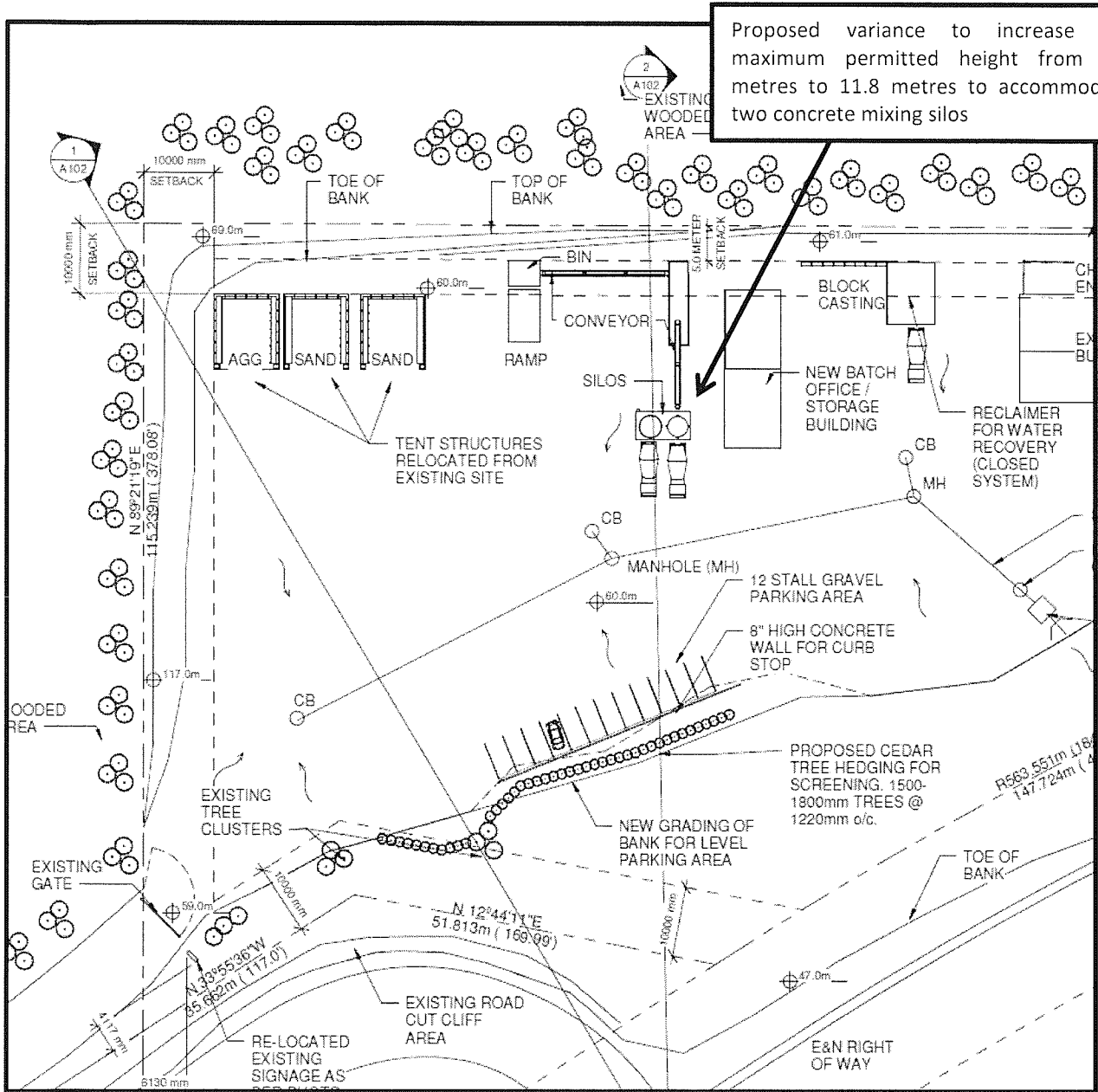
Conditions of Approval:

1. The proposed development is sited in accordance with the Site Plan prepared by Herold Engineering Ltd., attached as Attachment 4.
2. The proposed Storage and Office Building is to be in general accordance with the plans and elevations prepared by Herold Engineering Ltd., attached as Attachments 4 to 6.
3. The applicant shall register a Section 219 covenant registering the Aquifer Assessment, prepared by Levelton Consultants Ltd. and dated July 22, 2014, and the Long Term Pumping Test Assessment, prepared by Levelton Consultants Ltd. and dated September 12, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the recommendations of both reports.
4. The applicant shall register a Section 219 covenant registering the Civil Engineering Conceptual Design Report, prepared by Herold Engineering Ltd. and dated September 22, 2014, on the property title which includes a clause requiring the site to be developed in accordance with the recommendations of the report.
5. The applicant shall register a Section 219 covenant on the property title with a commitment to a maintenance schedule, prepared by a Qualified Engineer, for the proposed oil water separator.
6. The proposed landscaping shall be provided and maintained in accordance with the landscaping proposal submitted by Herold Engineering Ltd., dated August 26, 2014, and shown on the Site Plan prepared by Herold Engineering Ltd., dated September 4, 2014, attached as Attachment 4.
7. The applicant shall provide a landscaping security in the amount of \$2,300.00.
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
9. The applicant is to obtain a valid access permit from the Ministry of Transportation and Infrastructure

Attachment 4
Proposed Site Plan and Variances (Page 1 of 2)

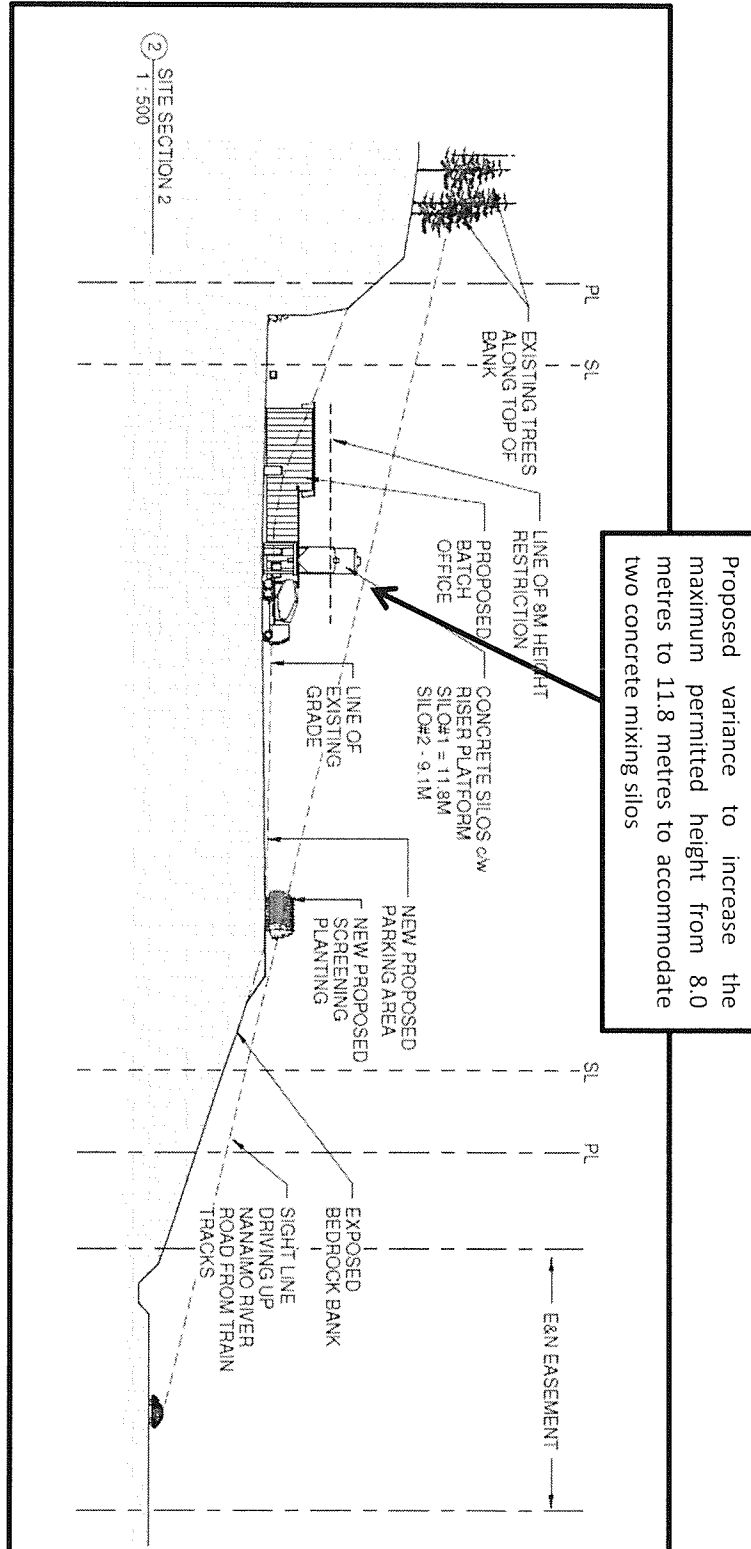


Attachment 4
Proposed Site Plan and Variances (Page 2 of 2)

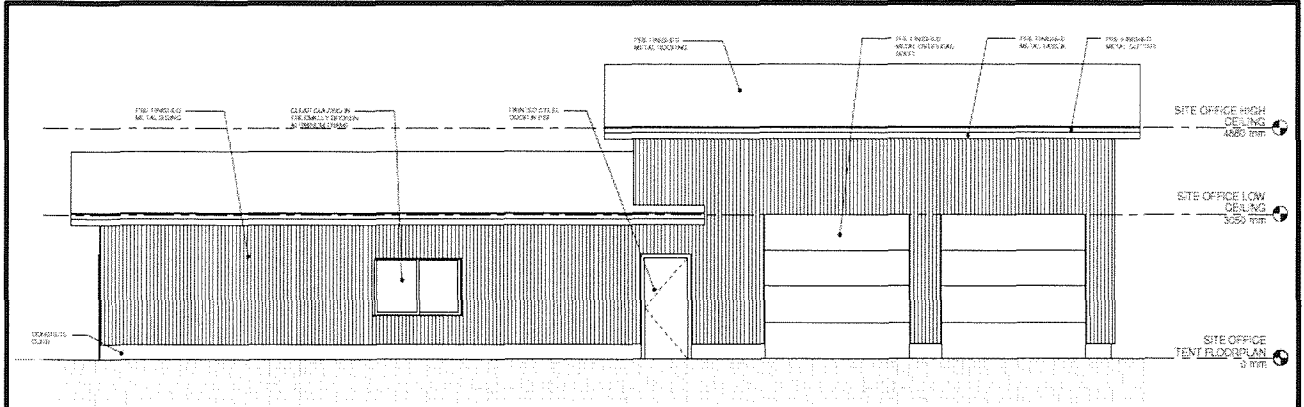


Proposed variance to increase the maximum permitted height from 8.0 metres to 11.8 metres to accommodate two concrete mixing silos

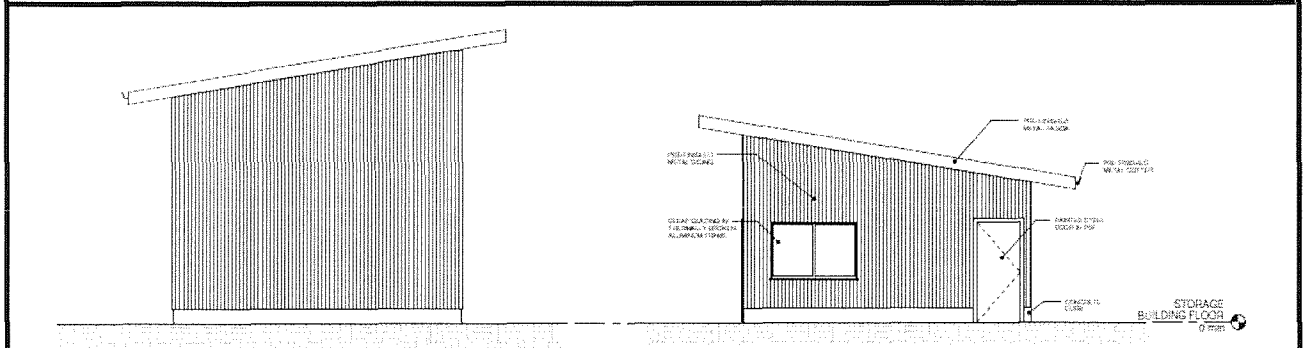
Attachment 5
Site Section



Attachment 6
Building Elevations

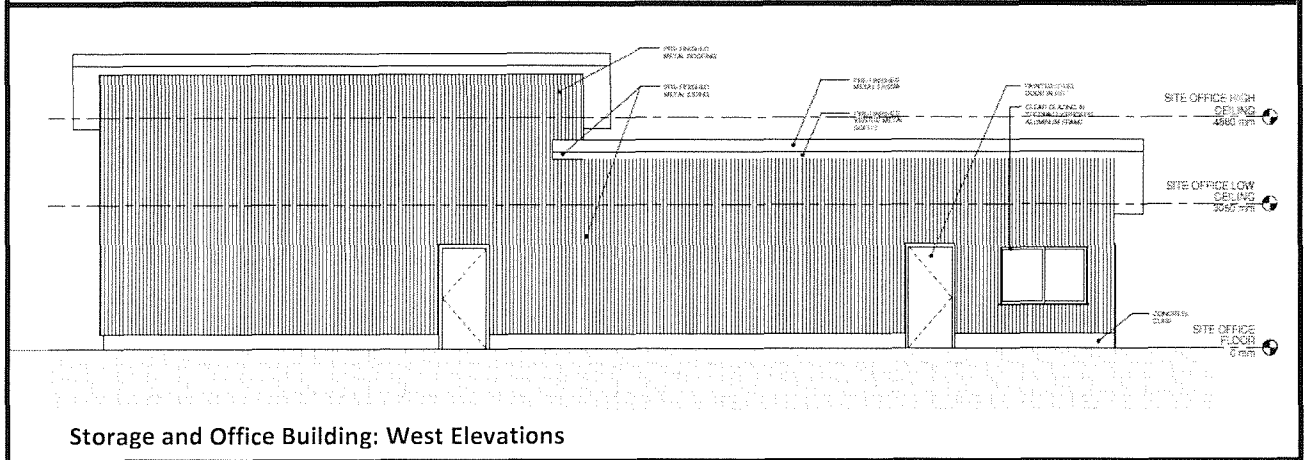


Storage and Office Building: East Elevations



Storage and Office Building: North Elevations

Storage and Office Building: South Elevations



Storage and Office Building: West Elevations



RDN REPORT		[Handwritten initials]
CAO APPROVAL		
EAP	✓	
COW		
FEB 02 2015		
RHD		
BOARD		

MEMORANDUM

TO: Jeremy Holm
Manager, Current Planning

DATE: January 26, 2015

FROM: Tyler Brown
Planner

FILE: PL2015-001

SUBJECT: Liquor Licence Amendment Application No. PL2015-001
Smoke 'N Water Restaurant Inc. BC 0998469
Strata Lot 81, District Lot 22, Nanoose District and District Lot 2000, Nanaimo District,
Strata Plan VIS2036
1 - 1600 Stroulger Road
Electoral Area 'E'

PURPOSE

Consider a request to amend the Liquor Licence for the Smoke 'N Water Restaurant.

BACKGROUND

David Jones, on behalf of Smoke 'N Water Restaurant Inc. has applied to the Provincial Liquor Control and Licensing Branch (LCLB) for a permanent amendment to the Smoke 'N Water Restaurant liquor licence in order to permit patron participation entertainment (food-primary entertainment endorsement). The LCLB requires the Regional District of Nanaimo (RDN) to provide a Board resolution commenting on the permanent liquor licence amendment prior to the LCLB's approval.

The applicant has requested an amendment to the current food-primary licence for the Smoke 'N Water Restaurant located within the main Pacific Shores Resort and Spa building (see Attachment 1 – Subject Property Map). The subject property is zoned Commercial 5 (CM-5) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The subject property is bordered by the Strait of Georgia to the north and west, park land to the south, and Residential 1 zoned parcels to the east. Access to the parcel is from Stroulger Road. The hours of operation for the restaurant are 11:30 am to 2:30 pm and 4:30 pm to 9:00 pm Wednesday through Saturday and 9:00 am to 9:00 pm on Sunday. The restaurant is not open on Monday and Tuesday. The applicant is not requesting a change to the hours of liquor sales.

The Regional District of Nanaimo's Liquor Licence Applications Policy B1.6 states that the Board may consider a minor amendment application to an existing liquor licence, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with the applicable RDN bylaws and policies. All other requirements of the Liquor Licence Applications Policy must be met, including the requirements for newspaper advertising.

ALTERNATIVES

1. To approve the attached resolution in support of the application.
2. To provide a resolution that does not support the application.
3. To not provide any resolution and have the Liquor Control and Licensing Branch undertake their own public input process and consider the application without Board input.

LICENCE REQUIREMENTS IMPLICATIONS

Prior to LCLB consideration, pursuant to the *Liquor Control and Licensing Act*, the applicant is required to obtain a resolution from the local government providing input on the proposed liquor licence amendment. The LCLB requires that the Board consider a number of issues including the potential for noise, the impact on the community, and the views of surrounding property owners, as detailed in the Development Implications section of this report.

The Board resolution is required to take the form of the resolution included as Attachment 2. Staff have prepared the content of the resolution for the Board's consideration. This resolution may be amended, as deemed necessary by the Board.

DEVELOPMENT IMPLICATIONS

The requested change to food-primary entertainment endorsement reflects the desire to adequately serve the needs of the community and to be economically competitive with similar establishments. The applicants expressed a desire to provide entertainment for patrons that compliments restaurant use. Moreover, the applicant has indicated that restaurant entertainment would also benefit special and private events held in the restaurant.

The potential for noise to impact the surrounding community is minimal given that there is no change proposed to the hours of permitted liquor sales. The impact on the community, if the application is approved, is considered to be minimal as the use of the property has been in place for many years and Pacific Shores Resort and Spa already accommodates special events, such as weddings. The applicant's proposal has been referred to both the RDN Building and Bylaw Services and the local RCMP detachment and neither provided comment expressing issues or concerns.

PUBLIC CONSULTATION IMPLICATIONS


As part of the required public notification process, pursuant to the Regional District of Nanaimo's Liquor Licence Applications Policy B1.6, the Regional District shall post a notice on the subject parcel advertising that the property is subject to a liquor license amendment application as well as place an advertisement in the local newspaper. A notice was posted on the property prior to February 10, 2015, and a notice will be published in the February 17 and 19, 2015 editions of the Parksville Qualicum Beach News. In addition, property owners and tenants located within a 200 metre radius, will receive a direct notice of the liquor licence amendment, and will have an opportunity to comment on the proposed amendment, prior to the Board's consideration of the application.

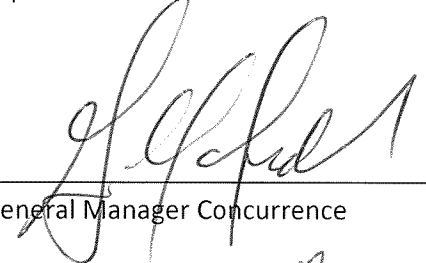
SUMMARY/CONCLUSION

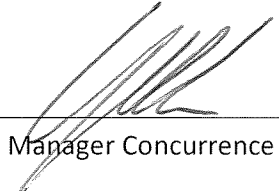
An application has been received from David Jones, on behalf of Smoke 'N Water Restaurant Inc. requesting the Board's support for an amendment to the liquor licence which would permanently amend the Smoke 'N Water Restaurant's current food-primary licence to permit entertainment. The requested change to food-primary entertainment endorsement reflects the applicant's desire to adequately serve the needs of the community and to be economically competitive with similar establishments by permitting entertainment options which complement the restaurant. This amendment request requires a resolution from the Board before it can be processed by the Liquor Control and Licensing Branch. Given the minimal impact of the proposed change to the Liquor Licence, and no expansion to the hours of permitted liquor sales, staff recommend Alternative No. 1, that the Board support the application pending the outcome of the public consultation.

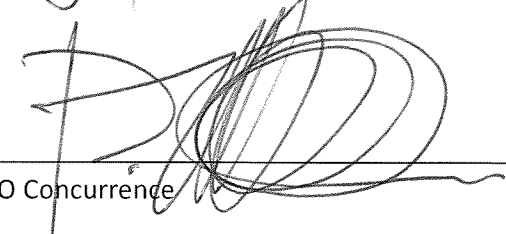
RECOMMENDATIONS

1. That the Board consider any written submissions or comments from the public.
2. That the Board adopt the resolution attached to this report as Attachment 2.

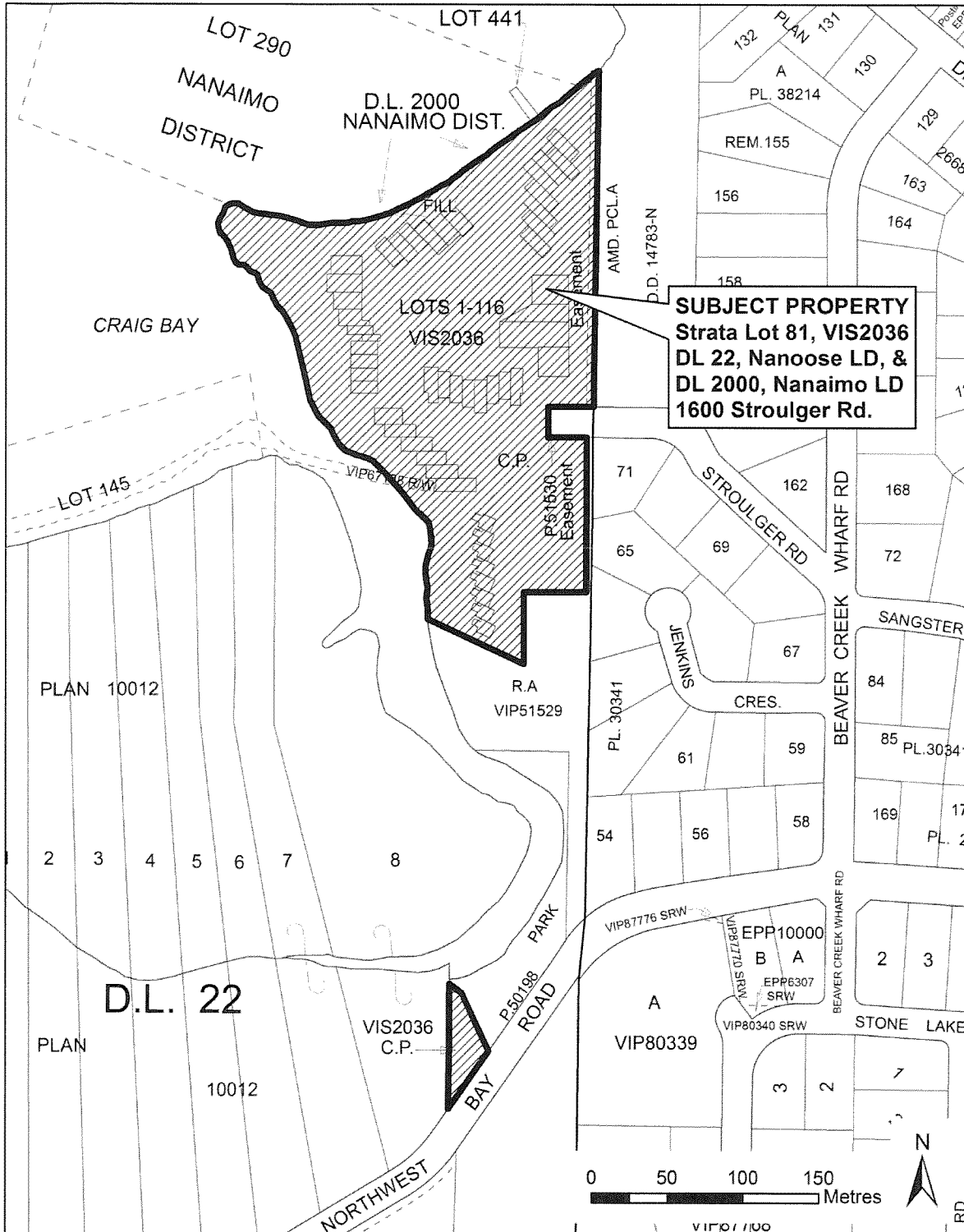

Report Writer


General Manager Concurrence


Manager Concurrence


CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2
Resolution for Smoke 'N Water Liquor Licence Amendment
Liquor Licence Amendment No. PL2015-001

Be it resolved that:

1. The Board of the Regional District of Nanaimo recommends the amendment of the liquor licence to food-primary entertainment endorsement.
2. The Board's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved is minimal as the potential for noise to impact the surrounding community associated with the change to food-primary entertainment endorsement is minimal given that there is no change to the hours of permitted liquor sales, the property has been in place for many years, and special and private events already take place on the subject property.
 - (b) The impact on the community if the application is approved is considered to be minimal as there is no change to the hours of permitted liquor sales, the property has been in place for many years, and special and private events already take place on the subject property
 - (c) The views of the residents were solicited and no notable objections to the application were received. A notice of the Board's intent to receive public input and consider a resolution regarding a proposed amendment to the existing liquor licence was delivered to owners and tenants in occupation of land within a distance of 200 metres from the property. The Regional District of Nanaimo also provided a similar notice in the local newspaper. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution attached as *Schedule No.1*, the Board asked for comments from the gallery on this application. A notice was also posted on the property advertising that the property is the subject of a development application and directing inquiries to the Strategic and Community Development Department.