

City of Nanaimo
REPORT TO COUNCIL

DATE OF MEETING: 2014-APR-14

AUTHORED BY: D. JENSEN, COMMUNITY DEVELOPMENT PLANNER,
PLANNING & DESIGN SECTION
S. HERRERA, PLANNER, PLANNING & DESIGN SECTION

RE: OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION OCP00077
REZONING APPLICATION RA000331
1044 AND 1048 OLD VICTORIA ROAD

STAFF RECOMMENDATION

That Council:

1. receive the report pertaining to "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.025";
2. receive the report pertaining to "ZONING AMENDMENT BYLAW 2014 NO. 4500.063"; and
3. direct staff to secure lot consolidation, road dedication, sidewalks, and the community contribution prior to adoption of "ZONING AMENDMENT BYLAW 2014 NO. 4500.063" should Council support the bylaw at Third Reading.

NANAIMO ADVISORY PLANNING COMMITTEE RECOMMENDATION

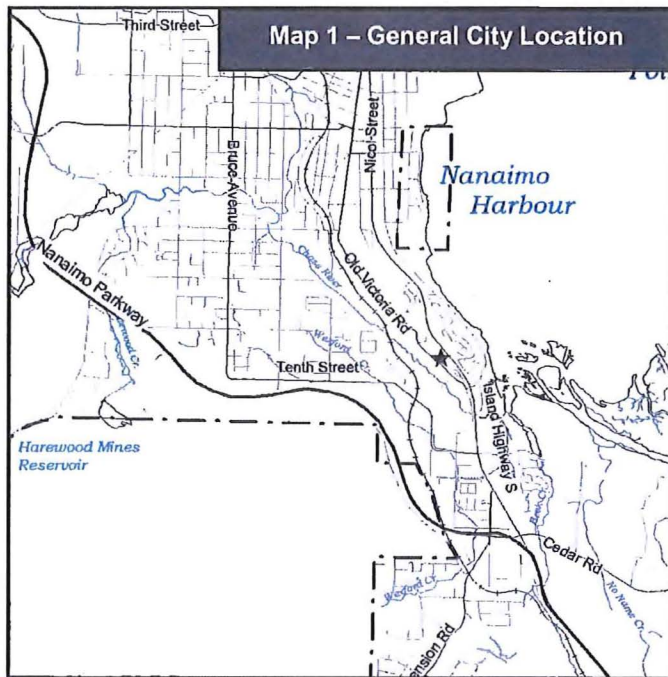
That Council consider approving Official Community Plan (OCP) Amendment Application OCP00077 and Rezoning Application RA000331, for a recycling drop off centre at 1044 and 1048 Old Victoria Road.

PURPOSE

The purpose of this report is to present an OCP amendment application and a rezoning application for properties located at 1044 and 1048 Old Victoria Road to permit a recycling drop off centre.

BACKGROUND

The City has received an OCP amendment application and rezoning application from Mr. Paul Shorting, Regional Recycling, on behalf of 628169 BC Ltd, to amend the Official Community Plan and rezone properties to facilitate construction of a recycling drop off



- Council
- Committee.....
- Open Meeting
- In-Camera Meeting

Meeting Date: 2014-APR-14

centre. The OCP amendment application would redesignate the property at 1044 Old Victoria Road from Industrial to Light Industrial, and the property at 1048 Old Victoria Road from Neighbourhood to Light Industrial. The proposed development would also require an amendment to the Neighbourhoods designation of Schedule C - Chase River Neighbourhood Plan of the Official Community Plan. The rezoning application would rezone the properties from Single Dwelling Residential (R1) to High Tech Industrial (I3).

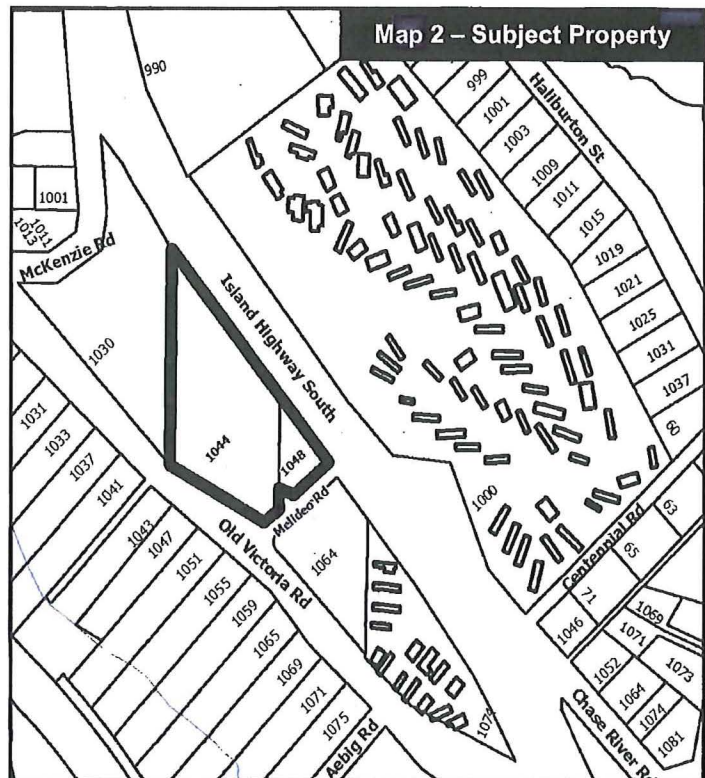
Subject Property

Proposed OCP Designation:	Light Industrial
Proposed Neighbourhood Plan Designation:	Service Industrial Enterprise Area
Proposed Zone:	High Tech Industrial (I3)
Current OCP Designation	1044 Old Victoria Road Industrial 1048 Old Victoria Road Neighbourhood
Current Neighbourhood Plan Designation:	Neighbourhoods
Current Zone:	Single Dwelling Residential (R1)
Purpose:	To Facilitate a Recycling Drop Off Centre
Location:	150 m northwest from the intersection of Old Victoria Road with Island Highway South. See Maps 1 and 2.
Lot Size / Total Area:	1.02 ha (2.5 acres)

DISCUSSION

The subject properties are bordered between Old Victoria Road and Island Highway South and located in a mixed use area. Lands to the north contain industrial activities; lands to the west include a single family residential subdivision, with industrial uses further west at Southside Drive; and, lands to the south and east are home to a church, mobile home park, and multiple family residential development. The site itself is currently vacant, with the exception of an uninhabitable older single family home and shed.

The OCP application to redesignate the 1.02ha (2.5 acre) subject property from Industrial and Neighbourhood to Light Industrial, and received as part of the 2013-NOV-01 round of OCP amendment applications, is to allow for a recycling drop off centre. This OCP application, running concurrently with a rezoning



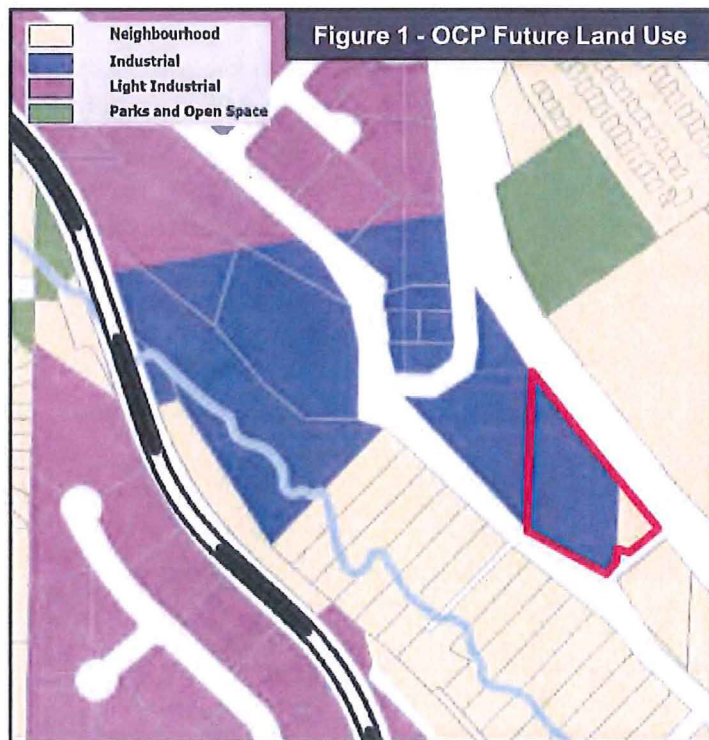
application to rezone the lands from Single Dwelling Residential (R1) to High Tech Industrial (I3), would allow the applicant to consolidate the two properties and construct a recycling drop off centre with access via Melideo Road. The proposed development also requires an amendment to the Neighbourhoods designation in the Chase River Neighbourhood Plan.

The applicant has indicated that the proposed development meets OCP policies that support efficiencies in energy, resource use and waste management; as well as providing a recycling facility to support the City's south end residents.

Official Community Plan

The subject property is designated Industrial and Neighbourhood under the OCP, as shown on *Figure 1*. The Industrial designation applies to 1044 Old Victoria Road (0.89 ha) and contains objectives to encourage a broad range of uses in Industrial areas, to provide an adequate serviced industrial land supply, and to protect the environment. Policies in support of those objectives include allowing uses such as processing, manufacturing and assembly operations, storage, warehousing and distribution; and encouraging the reduction/elimination of noise, odours and other emissions.

The Neighbourhood designation applies to 1048 Old Victoria Road (0.13 ha), and includes objectives to maintain and enhance the character of existing neighbourhoods, to increase housing choice, and to protect the environment. Policies support residential densities in the range of 10 to 50 units per hectare (uph), encourage a clustered housing design to protect environmentally sensitive features, and support the addition of parks and open space as an integral component of the City's neighbourhoods.

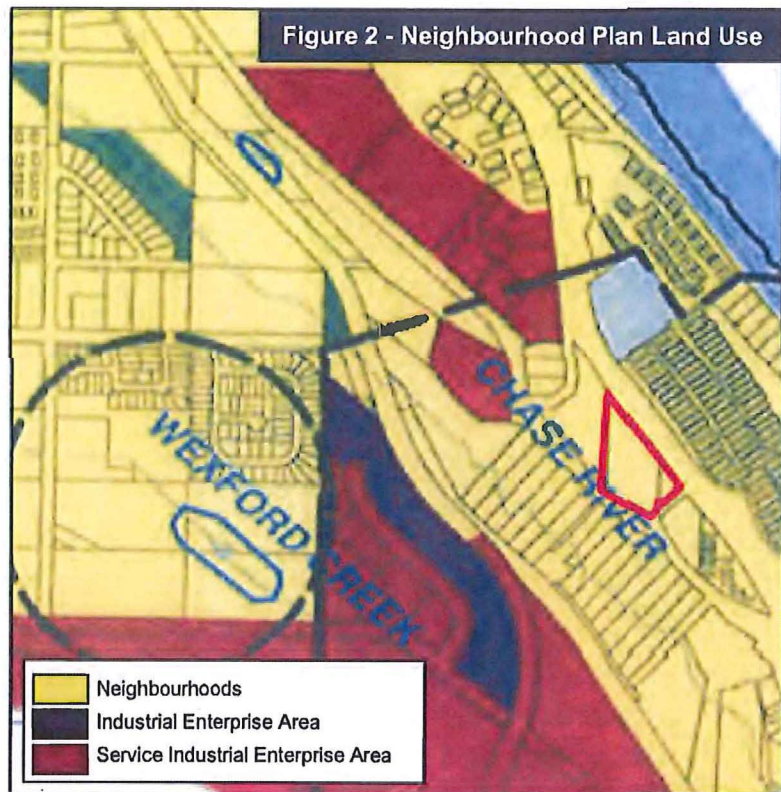


Chase River Neighbourhood Plan

The subject lands are designated Neighbourhoods under the Chase River Neighbourhood Plan, which is Schedule C of the OCP (*see Figure 2 - Neighbourhood Land Use*). Section C of the Neighbourhood Plan provides policy for the Neighbourhoods designation, promoting cluster housing, special needs housing, and landscaping along city streets. Section K of the Neighbourhood Plan also provides a list of desired amenities to be pursued as part of a development application, including but not limited to nature parks, street trees, and public art.

The OCP Industrial designation was applied to the Old Victoria Road area with adoption of the OCP in 2008. The designation was intended to reflect existing uses and best use of lands along specific lands bordering the Island Highway. This designation of lands did result in a discrepancy between the OCP and the Neighbourhood Plan, with the intent being to revisit this Neighbourhood Plan as part of a future review.

Discrepancies between the OCP and neighbourhood plans may occur from time to time. As schedules of the OCP, neighbourhood plans do need to be consistent with the OCP, which is the parent policy document.

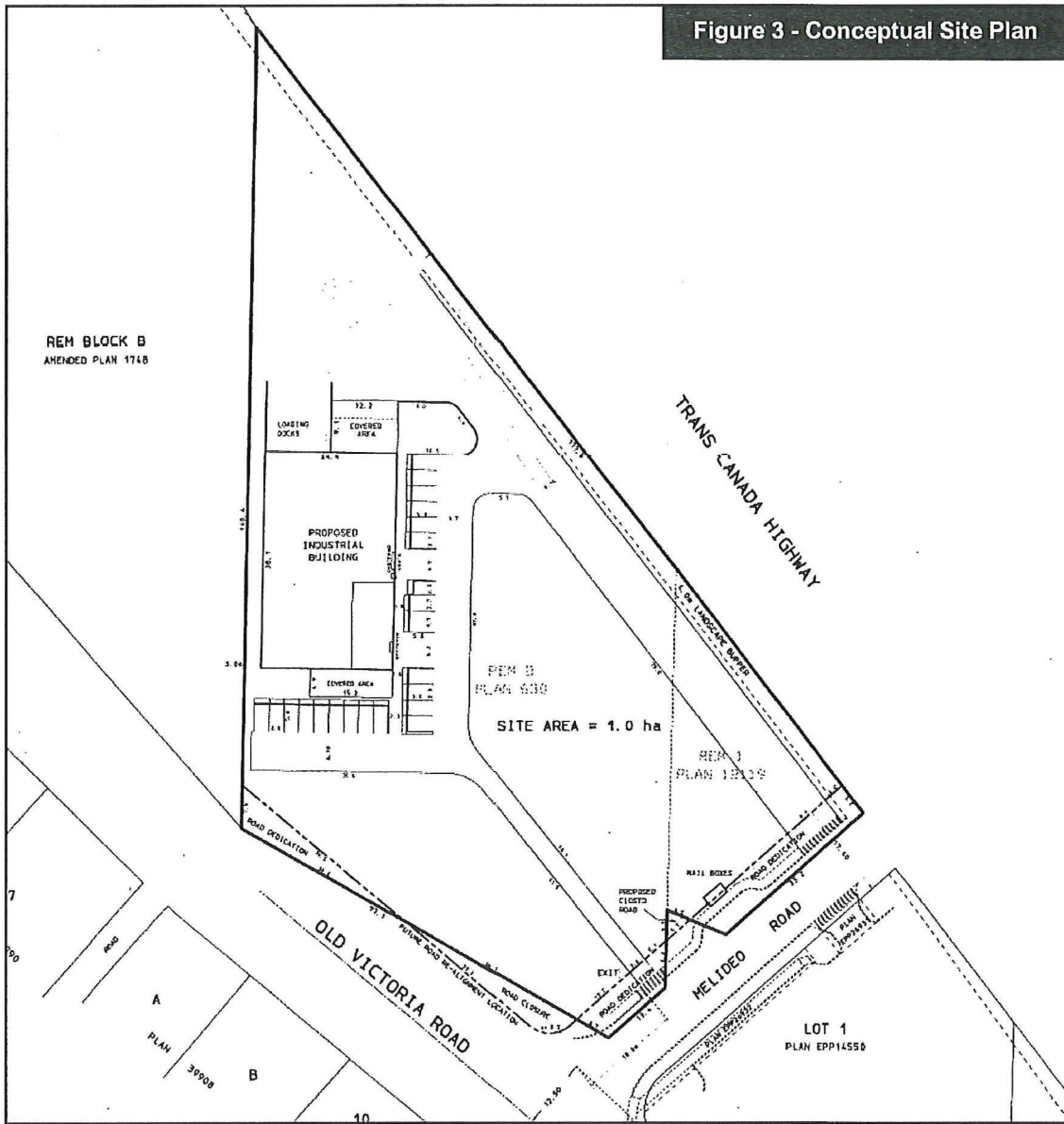


Proposed Development and Rezoning

The applicant proposes to rezone the subject properties in order to permit a recycling drop off centre, operated by Regional Recycling. The proposed building is approximately 929 m² (10,007 ft²) and is shown on *Figure 3 - Conceptual Site Plan*. The back of the building is sited 3 metres from the abutting I3 zoned property, with the main entrance facing east towards the Island Highway. All materials will be collected and stored inside the building. Vehicle access to the site is from Melideo Road. The loading area for trucks is located along the north side of the building, nearer to the Highway. Parking for vehicles arriving to the site is located directly in front and along the side of the building. The remaining area on the site will be landscaped, including an edible orchard.

High Tech Industrial Zone (I3)

Through the application review process, Staff suggested to the applicant that the site should be rezoned to High Tech Industrial (I3), rather than the Light Industrial (I2) zone, as the intent of the I3 zone is to allow for clean industrial uses, which can act as a buffer between other industrial and residential areas. This is particularly important as uses within the zone can change over time, and the high tech uses of the I3 zone would be more compatible with surrounding residential uses. A cleaner aesthetic, from the Island Highway and neighbouring properties, would be possible with the I3 zone uses.



Types of Recycling Uses

Staff have reviewed the different types of recycling activities contained in the Zoning Bylaw. There is a hierarchy of recycling uses, from less intensive to more intensive, which are currently defined as:

1. **Refund Container Recycling Depot** – means a collection facility and distribution point for bottles, cans, and other refundable containers to be reused or recycled within a building, but does not include processing except packaging for shipping, and does not include outside storage.

2. **Recycling Depot** – means a collection facility and distribution point for materials to be recycled and stored within a building, but does not include processing except assembling or packaging for shipping. A recycling depot shall not be construed to include an automobile wrecking yard, a display yard, or a junk yard.
3. **Recycling Plant** – means the use of land, building, or structures for the purposes of processing recyclable materials.

Recycling drop off facilities are typically expanding beyond accepting only refundable containers, in order to collect other materials that fall under the Provincial *Environmental Management Act* Product Stewardship approach. Therefore, it is not anticipated that future recycling companies will be interested solely in refundable container recycling. As such, Staff recommends creating a new definition for a 'Recycling Drop Off Centre' to be permitted in I1 and I3 zones. The new use is defined as:

Recycling Drop Off Centre – means a collection facility and distribution point for materials regulated under the *Environmental Management Act* Product Stewardship program, but specifically excludes tires and used oil and antifreeze. All materials must be collected and stored within a building. A Recycling Drop Off Centre does not include processing except packaging for shipping, does not include outside storage, and does not require a Waste Stream Management License from the Regional District of Nanaimo.

The intent is for a Recycling Drop Off Centre to be less intense than a Recycling Depot and therefore more compatible with surrounding neighbourhood and commercial uses, by limiting the types of items that can be dropped off and by prohibiting collection and storage of material outside of a building. Items are limited to those that fall under Provincial Product Stewardship programs and therefore do not require a Waste Stream Management Licence from the RDN (although tires, used oil and antifreeze fall under the Product Stewardship programs, they have been specifically excluded from the new definition of a recycling drop off centre).

Conditions of Rezoning

Lot Consolidation

Should the OCP amendment and rezoning applications be approved, Staff recommends as a condition of rezoning that the two subject properties be consolidated prior to the adoption of the rezoning bylaw.

Works and Services

Development of the subject properties under existing zoning would require works and services, including sidewalks. However, under the proposed industrial zone, sidewalks would not be required to be installed. Should Council support the rezoning bylaw at Third Reading, Staff recommends as a condition of rezoning that the installation of sidewalks be secured through a Covenant prior to final adoption of the bylaw.

Road Dedication

Should Council support the rezoning bylaw at Third Reading, Staff recommends as a condition of rezoning that road dedication be secured prior to adoption of the bylaw. Approximately 6.5 metres is required from the Melideo Road frontage. Alignment along the Old Victoria Road frontage will also be addressed, which may include a land swap for a portion of the area.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. Council’s direction for community contributions relating to commercial and industrial rezonings is \$34 per square metre of building floor area. Based on the proposed building floor area of the recycling facility, the contribution should amount to a minimum of \$31,586. In response to the OCP policy, the applicant is proposing to plant an orchard at the site and has indicated that the Nanaimo Foodshare and Loaves & Fishes will be utilizing the orchard. The cost estimate for trees, irrigation and soil is approximately \$31,400, which has been provided by a landscape architect (see Figure 4 - Conceptual Landscape Plan). The applicant has also proposed to provide public art pieces for the community, with a minimum value of \$8000. The approximate total of the community contribution being offered is \$39,400. Staff is supportive of the proposed community contribution and recommends that a covenant be registered prior to final adoption of the bylaw in order to secure the orchard and public art offerings.

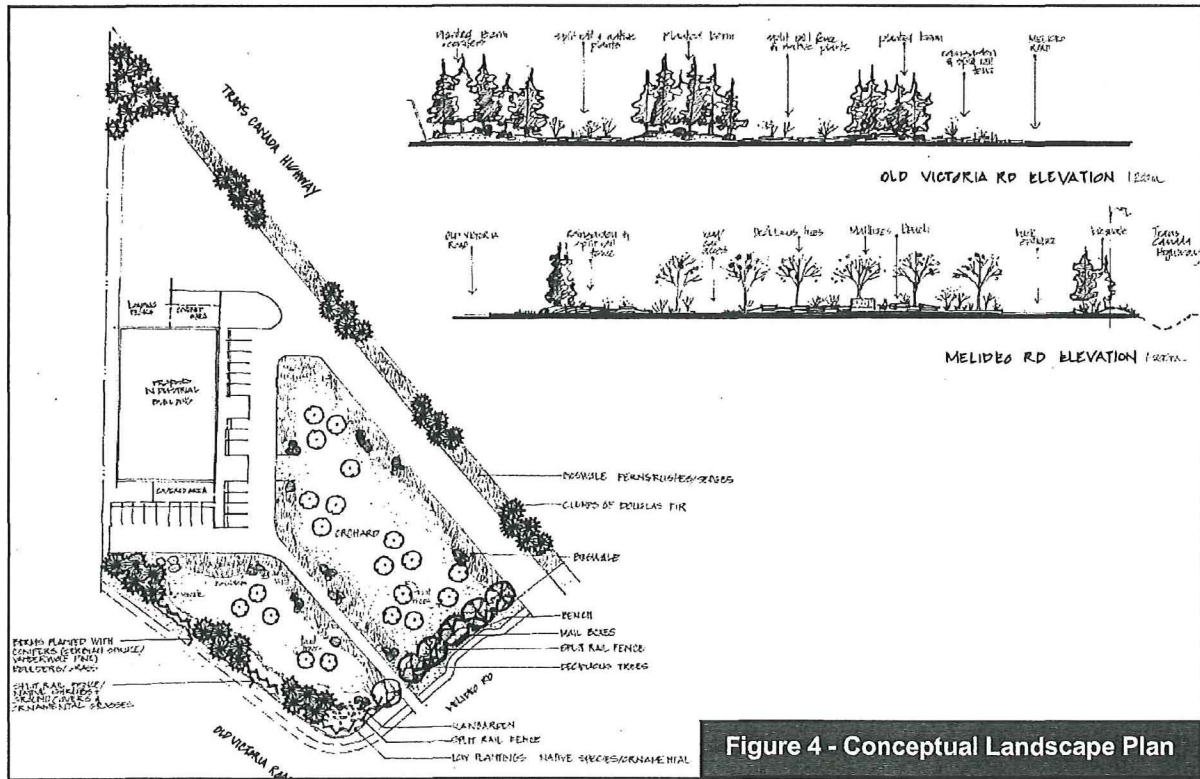


Figure 4 - Conceptual Landscape Plan

Staff Comment

Official Community Plan / Neighbourhood Plan

As previously noted, a portion of southern Old Victoria Road was designated Industrial in the OCP to reflect both existing uses and best use of lands. A land use designation takes into account issues such as existing and future transition of uses, minimizing conflict with other land uses, access and proximity to major collector roads, and overall availability of industrial lands.

The OCP Industrial designation was applied to the Old Victoria Road area with adoption of the OCP in 2008. The designation reflects existing uses along Old Victoria Road and the Island Highway, and provides direction for future development. 1044 Old Victoria Road was included within the Industrial designation given its location adjacent to other industrial lands, its location along two collector roads; and, proximity to major transportation hubs (ie. Duke Point). Additionally, the designation provided an opportunity to address the City's limited supply of industrial land base through designating the existing industrial uses as well as adjacent properties.

1044 Old Victoria Road is one of 64 lots (380 hectares) within the City currently designated Industrial. Of those lots, approximately 80% of the land base is currently occupied for industrial or other land uses, while 20% of the lands are currently vacant or underutilized for industrial purposes. The subject property represents approximately 0.2% of available Industrial land. The proposal does not result in a loss of industrial land, but a redesignation from the OCP's Industrial to Light Industrial more closely reflects other nearby light industrial activities as well as recent amendments to other industrial lands in the same area; and, further minimizes potential conflicts with existing residential uses.

The Section 2.4 objectives of the OCP states that industrial lands are to be protected from conflicting urban land uses. Subsequent policies also specify that industrial businesses are encouraged to use available technology to reduce / eliminate noise, odours, and other emissions. With the applicant proposing to redesignate to a Light Industrial designation, this policy to ensure industrial does not conflict with other land uses, is further supported. Section 2.5.2 Light Industrial specifically states that land uses in the Light Industrial designation must not: create noise or emissions; operate at hours incompatible with residential uses; require outdoor storage space or be an unsightly; use, generate or store hazardous materials. In addition, a substantial buffer of either natural or man-made features, or uses which provide adequate transition to residential uses will be provided between industrial and residential uses.

Through discussions with Staff, the applicant has proposed to site buildings along the northwest edge of the subject area, adjacent to the existing outdoor storage yard. Extensive landscaping will be provided, including an urban orchard, that will provide additional buffering between the recycling drop off centre and residences across the road. The Zoning Bylaw requires all materials to be contained within the building which helps ensure the site will be free from unsightly outside storage. This will also help to mitigate noise, odour and other emissions.

Section 6.11 Solid Waste Services of the OCP is also very clear in pursuing opportunities to reduce solid waste; and encourage residents to 'reduce, reuse and recycle' through education and improving access to recycling opportunities. This is also reflected in the Light Industrial designation policies, where eco-industrial businesses that address energy, resource and waste management efficiencies are supported. The proposed recycling facility works in conjunction with operations already underway through both the City of Nanaimo and the Regional District of Nanaimo to reduce solid waste.

Site Development

Old Victoria Road is designated as a Major Collector Road, and traffic generated as a result of the proposed development is expected to be well within the capacity of the existing road. The Ministry of Transportation and Infrastructure indicated no concerns with the proposed development; coincidentally, they are currently undertaking preliminary design work for a future signal at the Old Victoria Road, Haliburton Street, and Island Highway intersection. Access to the proposed recycling facility would be from Melideo Road.

The proposed development would also be subject to works and services. Through the building permit process and design stage acceptance, a long term maintenance covenant will need to be registered on the subject property to meet the storm quality discharge requirements. The subject area is not located within the Watercourses Development Permit Area (DPA1), and is well beyond the setbacks associated with the Chase River.

Public Input

This OCP amendment application is posted on the City website. To date, a number of inquiries have been made regarding the details of the project, and submissions have been received expressing concern for the proposed development at this location. The zoning amendment application has also been posted online on *What's Building In My Neighbourhood?*

Three members of the Chase River Community Association were invited to sit on the Nanaimo Advisory Planning Committee (NAPC) while the applications were being considered; three representatives attended the 2014-MAR-18 NAPC meeting.

The applicant also met with both the Chase River Community Association and the South End Community Association. Information was distributed to adjacent residences; 175 notices were mailed to the surrounding area; and, a subsequent open house was held on the subject property.

Consultation Under Sections 879 and 881 of the Local Government Act

When amending an Official Community Plan, Council must undertake consultation in accordance with Sections 879 and 881 of the *Local Government Act*.

To date, City staff have undertaken the following steps in relation to the consultation requirements of Sections 879 and 881 of the *Act*:

2014-JAN-03 Initial Referral to the Ministry of Forests, Lands and Natural Resource Operations
2014-JAN-03 Initial Referral to the Ministry of Transportation and Infrastructure
2014-JAN-03 Initial Referral to Snuneymuxw First Nation
2014-JAN-03 Initial Referral to School District 68

In addition to these consultative steps, Staff recommends that the following actions be taken in relation to the consultation requirements of Sections 879 and 881 of the *Local Government Act*:

Formal Referral to: Ministry of Forests, Lands and Natural Resource Operations
Ministry of Transportation and Infrastructure
Snuneymuxw First Nation
School District 68

All formal referrals will include a copy of the relevant staff report and proposed bylaw amendment.

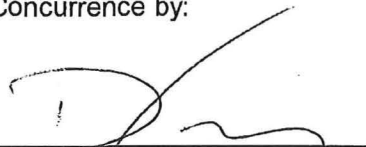
The results of this additional consultation will be provided to Council as part of the package provided to Council in advance of the public hearing.

Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2014-MAR-19
Prospero: OCP00077 / RA000331*

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CITY OF NANAIMO

BYLAW NO. 6500.025

A BYLAW TO AMEND THE CITY OF NANAIMO
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

WHEREAS the Council of the City of Nanaimo wishes to amend City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500";

THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2014 NO. 6500.025".
2. The City of Nanaimo "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is hereby amended as set out in Schedules A and B to this Bylaw.

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

CORPORATE OFFICER

File: OCP00077
Address: 1044 and 1048 Old Victoria Road

SCHEDULE A

1. Map 1 (Future Land Use Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

a) Redesignate the subject property known as

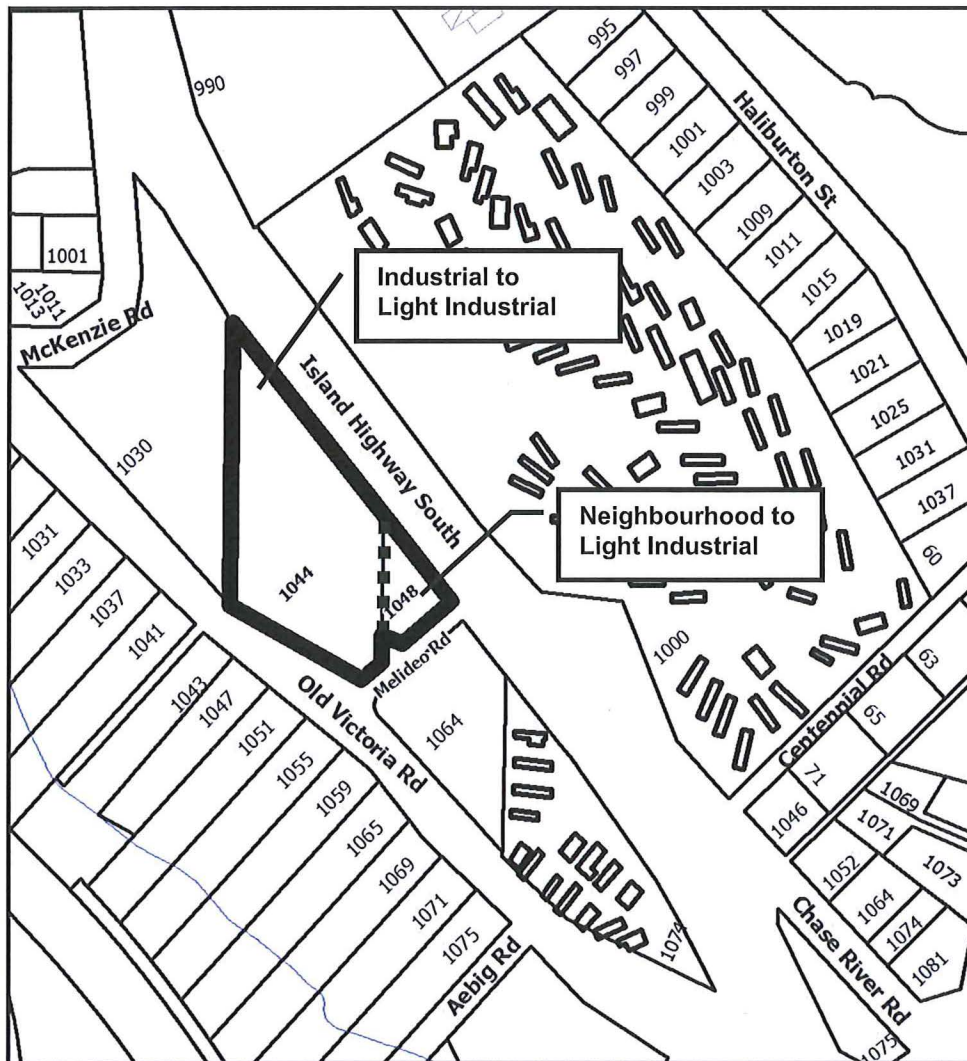
1044 Old Victoria Road (Lot D, Section 1, Nanaimo District, Plan 630, Except Parts in Plans 3212 RW and 956 RW; PID 008 742 979)

from Industrial to Light Industrial.

b) Redesignate the subject property known as

1048 Old Victoria Road (Lot 1, Section 1, Nanaimo District, Plan 12119, Except Part in Plan 3212 RW; PID 004 963 067)

from Neighbourhood to Light Industrial.



SCHEDULE B

2. Schedule C (The Chase River Neighbourhood Plan) of the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500" is amended as follows:

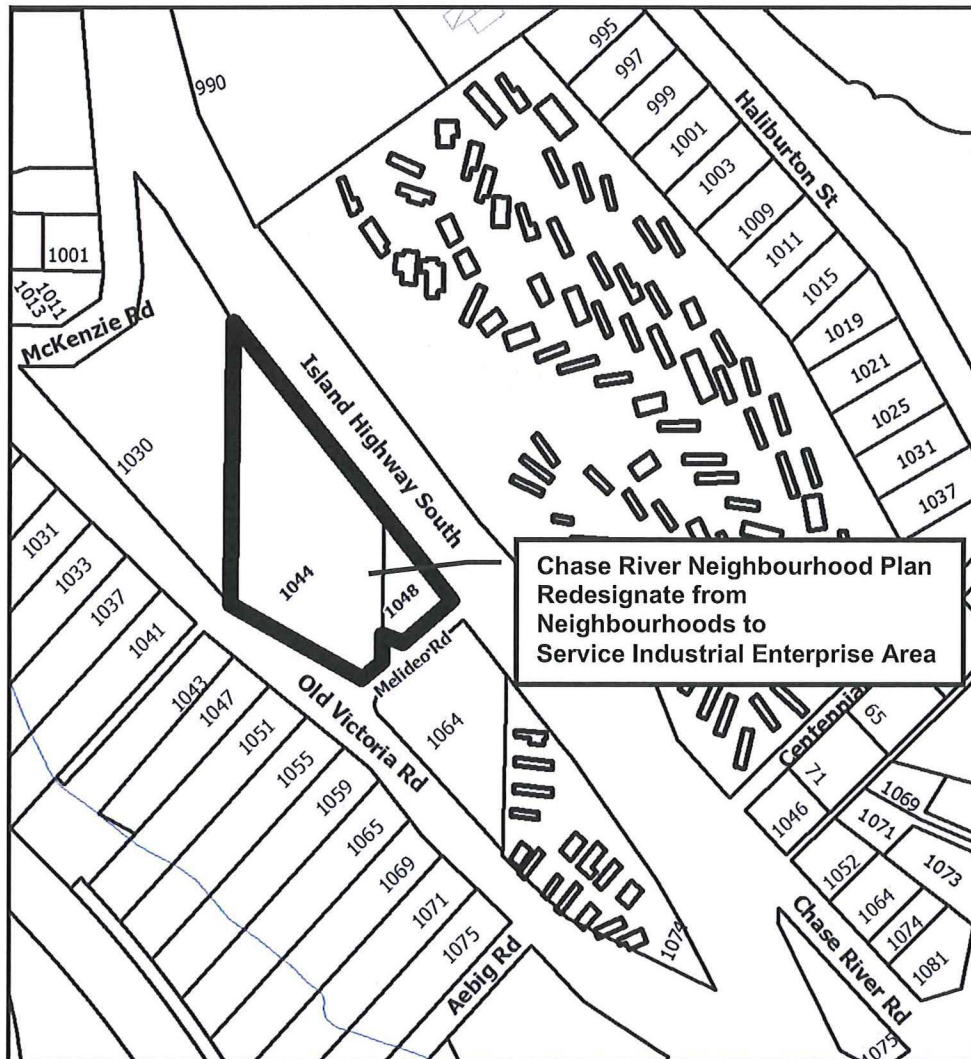
a) Amending Schedule A-7.3 Chase River Neighbourhood by redesignating the subject properties known as:

1044 Old Victoria Road (Lot D, Section 1, Nanaimo District, Plan 630, Except Parts in Plans 3212 RW and 956 RW; PID 008 742 979)

and

1048 Old Victoria Road (Lot 1, Section 1, Nanaimo District, Plan 12119, Except Part in Plan 3212 RW; PID 004 963 067)

from Neighbourhoods to Service Industrial Enterprise Area.



CITY OF NANAIMO

BYLAW NO. 4500.063

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited as "ZONING AMENDMENT BYLAW 2014 NO. 4500.063".
- 2. City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

(1) By adding the definition of 'Recycling Drop Off Centre' as follows:

"RECYCLING DROP OFF CENTRE – means a collection facility and distribution point for materials regulated under the *Environmental Management Act* Product Stewardship program, but specifically excludes tires and used oil and antifreeze. All materials must be collected and stored within a building. A Recycling Drop Off Centre does not include processing except packaging for shipping, does not include outside storage, and does not require a Waste Stream Management License from the Regional District of Nanaimo."

(2) By amending Subsection 13.2.1 by adding 'Recycling Drop Off Centre' in the list of permitted uses for the I1 and I3 zones.

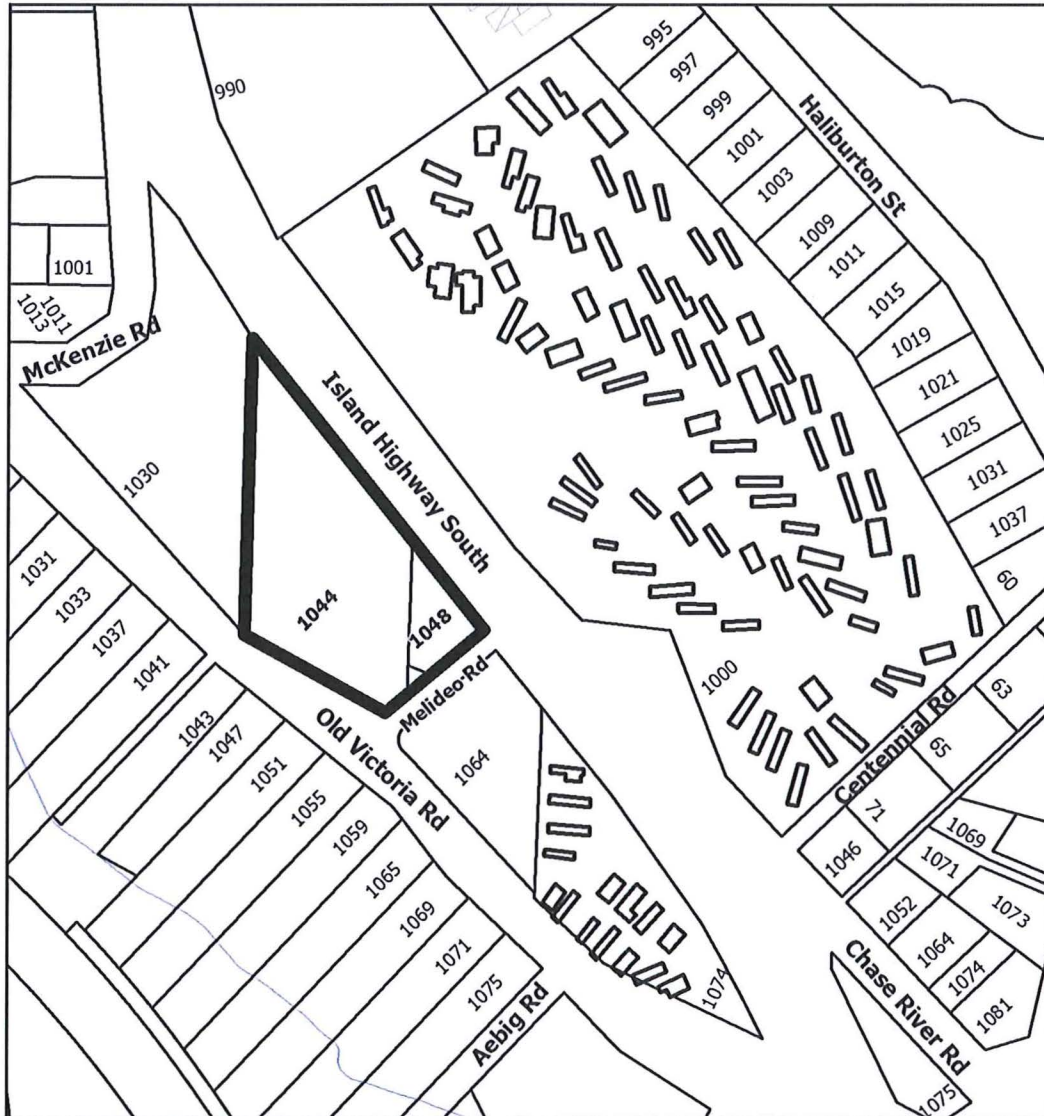
(3) By rezoning the lands legally described as LOT D, SECTION 1, NANAIMO DISTRICT, PLAN 630, EXCEPT PART IN PLAN 3212 RW AND 956 RW and LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 12119 EXCEPT PART IN PLAN 3212 RW (1044 and 1048 Old Victoria Road) from Single Dwelling Residential (R1) to High Tech Industrial (I3) as shown on Schedule A.

PASSED FIRST READING _____
 PASSED SECOND READING _____
 PUBLIC HEARING HELD _____
 PASSED THIRD READING _____
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____
 ADOPTED _____

MAYOR

CORPORATE OFFICER

Schedule A



REZONING APPLICATION NO. RA000331

LOCATION PLAN

Civic: 1044 and 1048 Old Victoria Road



 Subject Property