

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-NOV-24

AUTHORED BY: S. HERRERA, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA339 – 1110, 1120 AND 1140 MAUGHAN ROAD

**STAFF RECOMMENDATION:**

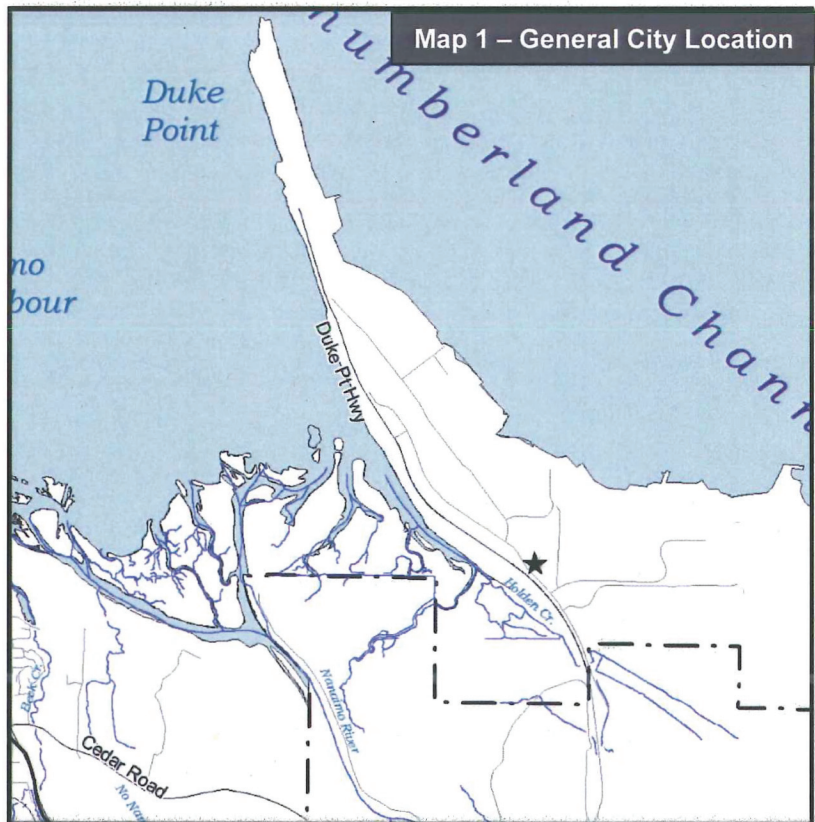
That Council receive the report pertaining to “ZONING AMENDMENT BYLAW 2014 NO. 4500.072.”

**PURPOSE:**

The purpose of this report is to present a rezoning application for property located at 1110, 1120 and 1140 Maughan Road to rezone the subject properties from Light Industrial (I2) to Industrial (I4) in order to facilitate expansion of a medical marihuana facility.

**BACKGROUND:**

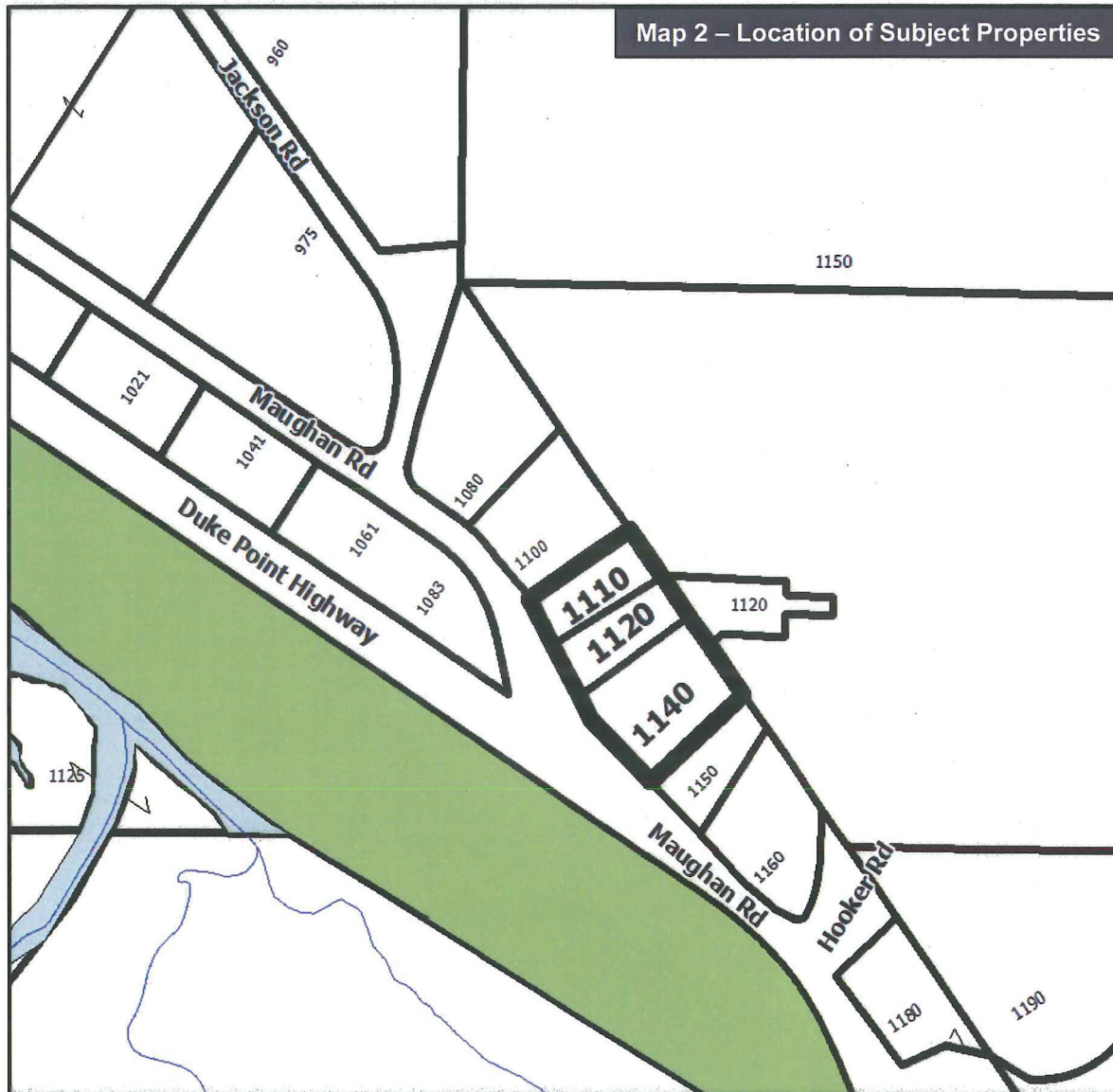
The City has received a rezoning application from Mr. Nickolas Curton, on behalf of Dorada Ventures Ltd. (Tilray), to rezone the subject properties from Light Industrial (I2) to Industrial (I4) and to permit a site specific use of ‘Medical Marihuana Growing and Production’, in order to expand the existing facility located at 1100 Maughan Road.



**Subject Property**

Current Zone:	Light Industrial (I2)
OCP Designation:	Industrial
Proposed Zone:	Industrial (I4)
Purpose:	To allow for the expansion of an existing medical marihuana facility at 1100 Maughan Road by consolidating with the subject properties, 1110, 1120 and 1140 Maughan Road, and constructing a second building on the site.
Location:	Located on the east side of Maughan Road, 130 metres south of the Jackson Road intersection (see Map 1 and Map 2)
Lot Size / Total Area:	14,843 m <sup>2</sup> (3.7 acres)

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2014-NOV-24



**DISCUSSION:**

***Site and Surrounding Area***

The subject properties are located on the east side of Maughan Road, 130 metres south of the Jackson Road intersection, and have a total area of 1.48 hectares (3.7 acres). An industrial building is currently located on the 1120 Maughan Road property, which will be removed prior to redevelopment. With the exception of this small strip of Light Industrial (I2) properties, the entire Duke Point area is zoned Industrial (I4), which allows for heavy industrial uses.

***Official Community Plan (OCP)***

The subject property is located within the Industrial designation of the Official Community Plan (OCP). The objectives of the Industrial designation include supporting a diversified economy, encouraging a broad range of uses, protecting industrial lands from conflicting urban land uses, providing adequate serviced industrial land supply, and protecting the environment. Uses in the Industrial designation include processing, manufacturing and assembly operations, storage, warehousing and distribution. Staff is of the opinion that the proposed use meets the intent of the OCP.

### **Nanaimo Transportation Master Plan Considerations**

The Nanaimo Transportation Master Plan (NTMP) policy supports Nanaimo's role as a commercial gateway for Vancouver Island. The subject property is located in the Duke Point industrial area and the NTMP proposes to add Maughan Road as a designated truck route.

### **Proposed Development**

An existing medical marihuana facility, operated by Tilray, is located at 1100 Maughan Road. Tilray proposes to expand their facility onto the adjacent sites, and is therefore proposing to rezone the subject properties from Light Industrial (I2) to Industrial (I4) and to permit a site specific use of 'Medical Marihuana Growing and Production' on the lots. The existing property and the subject properties would be consolidated into one lot. The existing Tilray building would remain in operation and a second building is proposed to be constructed. The proposed new building can be summarized as follows:

#### **Proposed Building**

- Footprint – 7,916 m<sup>2</sup> (85,207 ft<sup>2</sup>);
- Gross Floor Area - 26,467 m<sup>2</sup> (284,888 ft<sup>2</sup>);
- Height – equivalent to a 5 storey building;
- Surface and underground parking for entire site totaling 244 spaces.

The applicant proposes to construct the building to a height of 18 metres, the maximum height permitted in the zone, which is equivalent to a 5 storey building. However, the interior floors will be arranged to include 2-3 floors in different sections of the building. The applicant is also planning to incorporate a greenhouse on the roof of the building, which would require a height variance at the Development Permit stage. The greenhouse is proposed to be setback from all sides of the building.

The proposed Site Plan, Conceptual Elevations and 3D Rendering are illustrated below in Figures 1, 2, and 3, respectively.

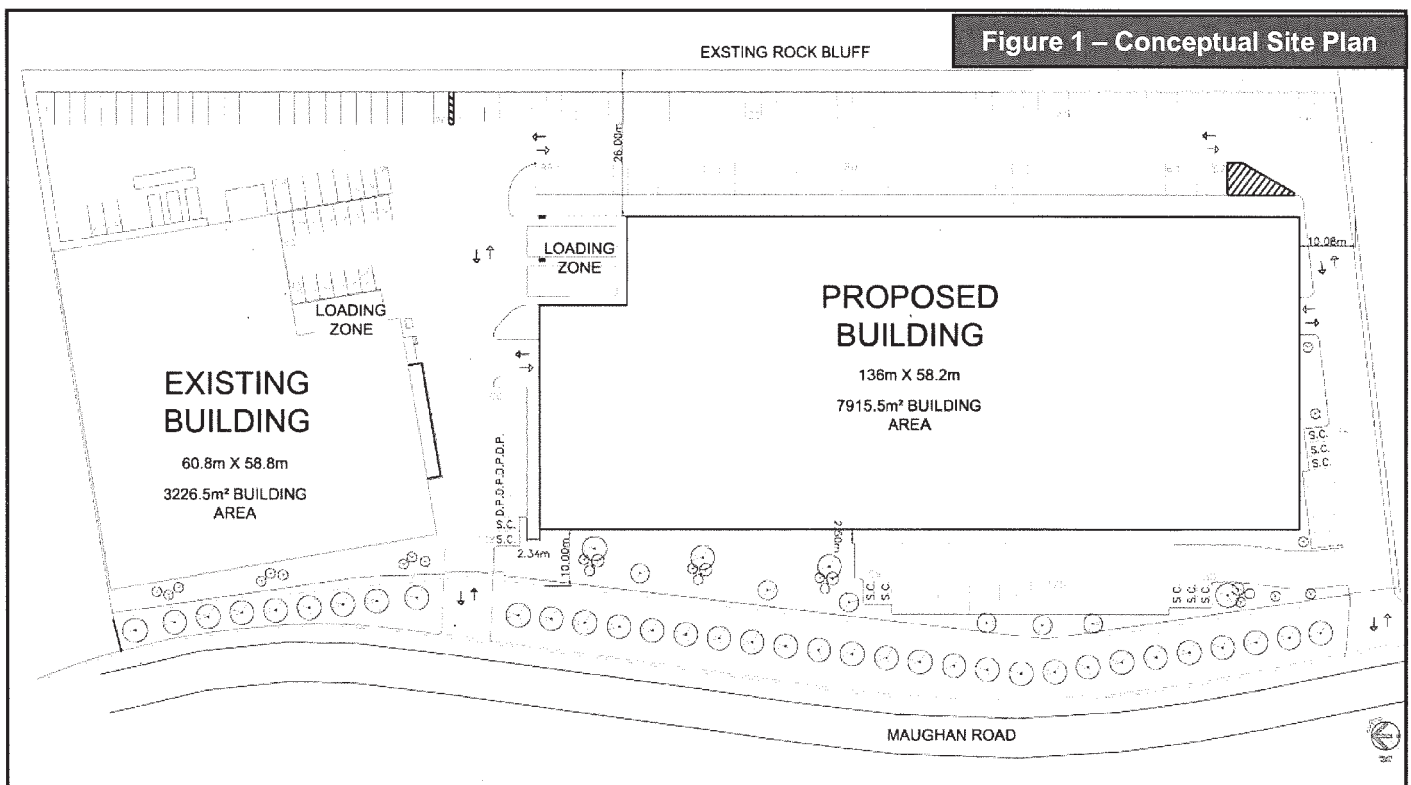


Figure 2 – Conceptual Elevations



Figure 3 – Conceptual 3D Rendering



**Taxation and Farm Status**

The previous rezoning application at 1100 Maughan Road (RA000325) required a covenant to ensure that the owner did not apply for farm status, which was registered on title on 2013-DEC-11, prior to the adoption of the rezoning. Since then, in June 2014, the Government of British Columbia amended the *Classification of Land as a Farm Regulation* (B.C. Reg. 411/95), as per the *Assessment Act*, to exclude the production of any federally regulated narcotic (including medical marihuana). Therefore, medical marihuana production does not qualify for farm status and Staff is not recommending a covenant for this rezoning.

**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. However, as the subject properties currently contain industrial zoning and are proposed as another industrial zone, Staff suggests that no community contribution be required.

NANAIMO ADVISORY PLANNING COMMITTEE (APC)

At its meeting of 2014-OCT-21, the APC recommended that Council approve the application.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

CITY OF NANAIMO

BYLAW NO. 4500.072

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 the "ZONING AMENDMENT BYLAW 2014 NO. 4500.072".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By rezoning the lands legally described as LOT 7, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1110 Maughan Road); LOT 6, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1120 Maughan Road); and LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77420 (1140 Maughan Road) from Light Industrial (I2) to Industrial (I4) as shown on Schedule A.
  - (2) By amending the table in Section 13.2.3 by adding '1110, 1120, and 1140 Maughan Road' as permitted locations for the site specific use of 'Medical Marihuana Growing and Production' as follows:

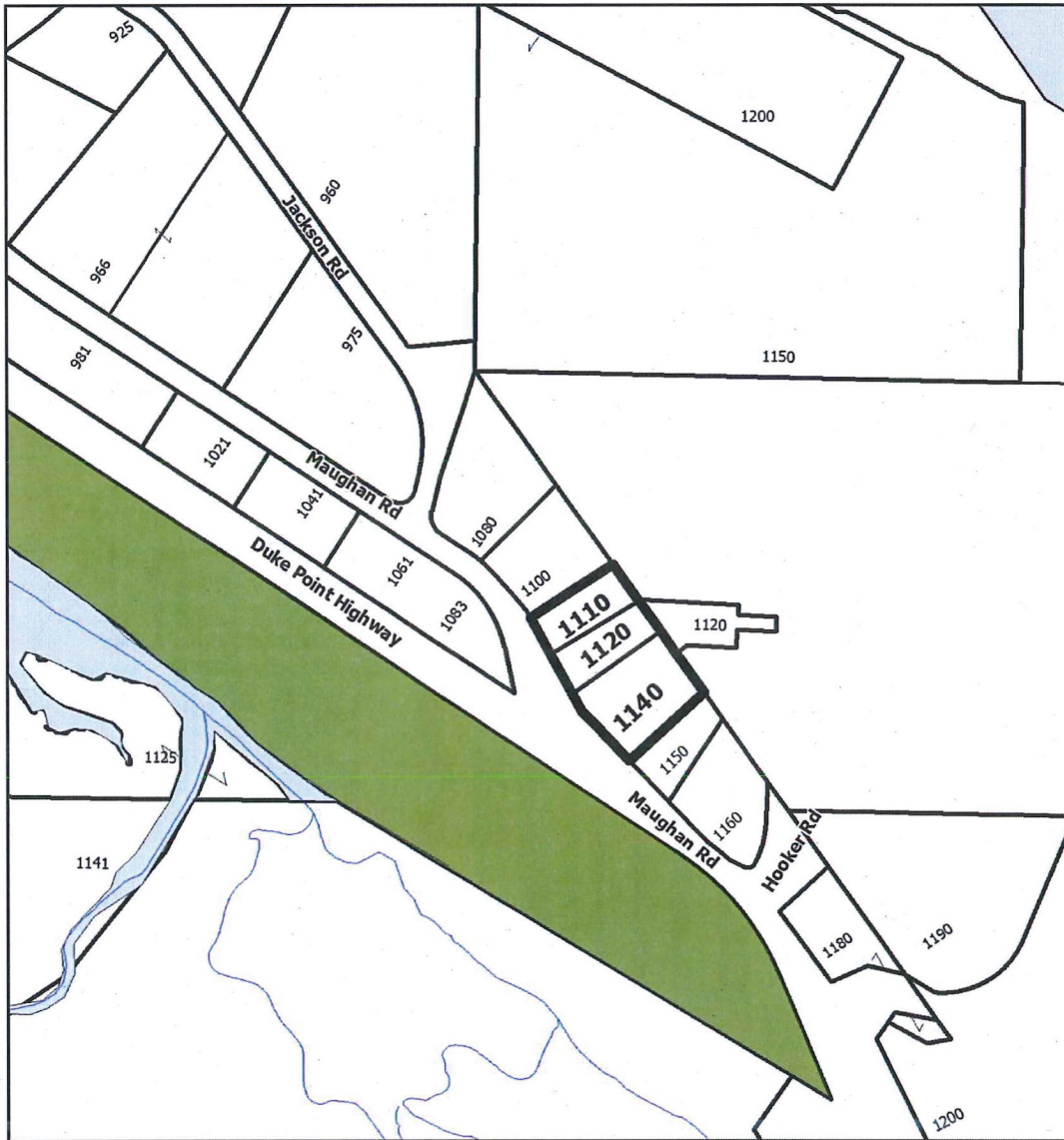
Use	Permitted Location Address	Legal Description of Permitted Location
Medical Marihuana Growing and Production	1110, 1120 and 1140 Maughan Road	LOT 7, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1110 Maughan Road); LOT 6, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP63717 (1120 Maughan Road); and LOT A, SECTION 2, RANGE 8, NANAIMO DISTRICT, PLAN VIP77420 (1140 Maughan Road)

PASSED FIRST READING \_\_\_\_\_  
 PASSED SECOND READING \_\_\_\_\_  
 PUBLIC HEARING HELD \_\_\_\_\_  
 PASSED THIRD READING \_\_\_\_\_  
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_  
 COVENANT REGISTERED \_\_\_\_\_  
 ADOPTED \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

Schedule A



REZONING APPLICATION NO. RA000339

**LOCATION PLAN**

Civic: 1110, 1120 and 1140 Maughan Road



-  Subject Property
-  Parks & Open Spaces