

## City of Nanaimo REPORT TO COUNCIL

DATE OF MEETING: 2013-AUG-12

AUTHORED BY: GARY NOBLE, DEVELOPMENT APPROVAL PLANNER  
PLANNING & DESIGN SECTION

RE: DEVELOPMENT VARIANCE PERMIT NO. DVP212 – 4900 WELLINGTON ROAD

---

### STAFF'S RECOMMENDATION:

That Council issue Development Variance Permit No. DVP212 – 4900 WELLINGTON ROAD

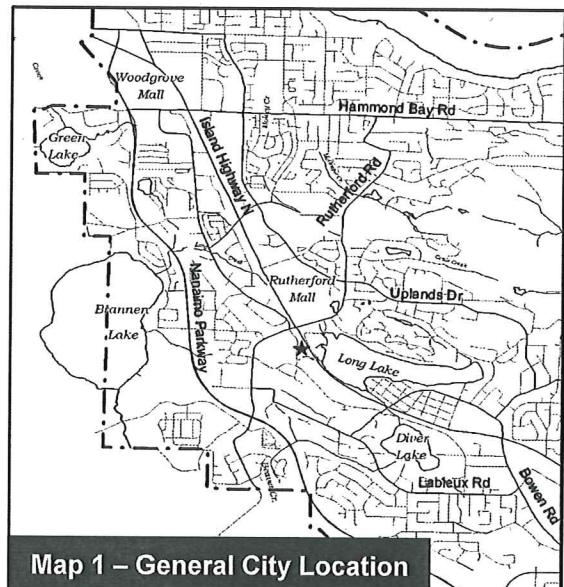
### PURPOSE

The purpose of this report is to seek Council authorization to vary the provisions of "ZONING BYLAW 2011 NO. 4500" - Community Corridor (COR3)-Condition of Use; to recognize two existing retail use buildings, which each have a gross floor area greater than 500 m<sup>2</sup>.

### BACKGROUND

A development variance permit application was received from Maureen Pilcher & Associates Inc, on behalf of Wellington Court Holdings Corp. , to vary the provisions of the City of Nanaimo "ZONING BYLAW 2011 NO. 4500", to recognize two existing retail buildings greater than 500 m<sup>2</sup>, within the Community Corridor (COR3) zone.

At the Council Meeting held 2013-JUL-22, Council approved Statutory Notification for Development Variance Permit DVP00212. The DVP application includes the entire pad building (Building B), thereby maximizing future retail leasing opportunities within the two buildings.



Map 1 – General City Location

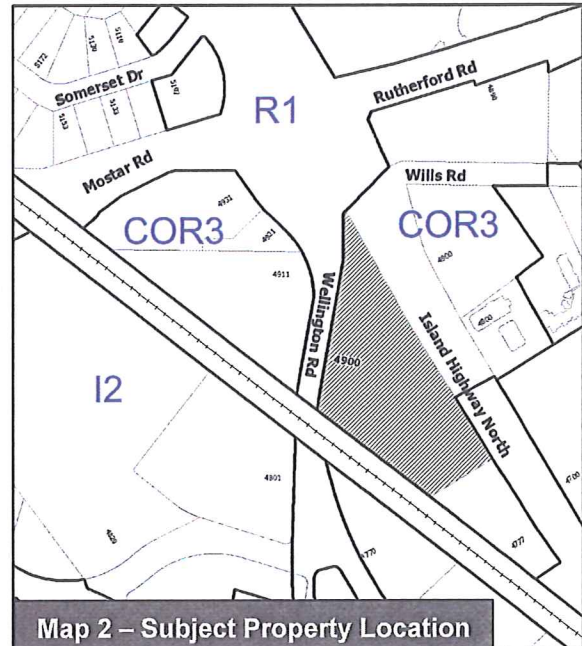
One of the retail uses is located within a large format building (currently occupied by Wholesale Sports Outdoor Outfitters) and the other retail uses are located in the pad building, which can be divided into several CRU's, or used by a single retail tenant.

The subject property, located at 4900 Wellington Road is approximately 1.7 ha (4.2 acres) and contains a commercial centre

### DISCUSSION:

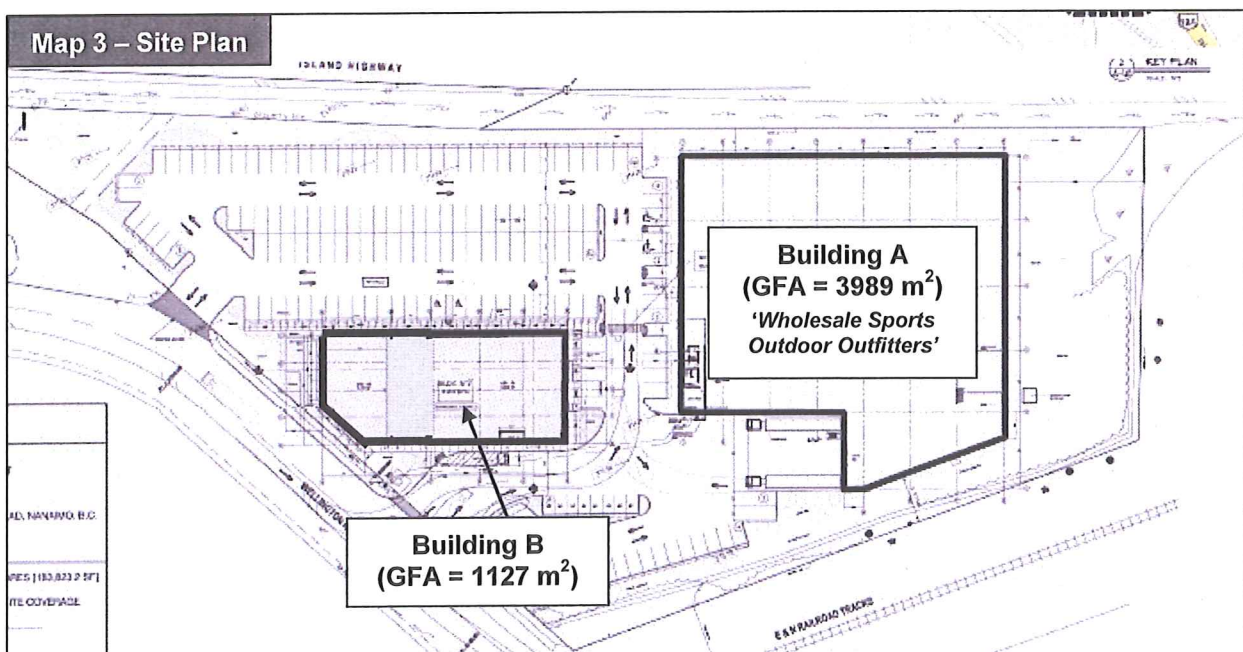
The subject property is currently zoned Community Corridor 3 (COR3). Retail uses are permitted within the COR3 zone; however a 'Condition of Use' requires that each individual retail use shall not exceed 500 m<sup>2</sup>. The applicant has applied to vary the condition of use for two existing retail buildings on the subject property.

The subject property contains two principal buildings: a large format, single-use building (GFA=3989 m<sup>2</sup>); and a smaller pad building (GFA=1127 m<sup>2</sup>) which is divided into commercial rental units (CRU).



Both of the existing buildings were issued Development Permits under the C-13 zone of Zoning Bylaw No.4000, which did not contain a restriction on the size of the retail unit. Therefore, the site was within a different zone with different regulations at the time the Development Permits were issued.

Section 9.2.1 (COR3 Zone) – Retail 'Conditions of Use' – an individual retail use cannot exceed a gross floor area (GFA) of 500 m<sup>2</sup>. The proposed variances are to recognize two retail units that exceed the GFA limitation. The combined GFA of Building A (3989 m<sup>2</sup>) and Building B (1127 m<sup>2</sup>) is 5116 m<sup>2</sup>, a variance of 4616 m<sup>2</sup>.



Staff supports the requested variance and recommends that Council approve this application.

Respectfully submitted,

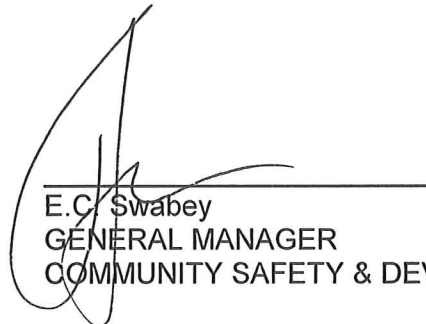
A handwritten signature in dark ink, appearing to be 'B. Anderson', written over a horizontal line.

B. Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:

A handwritten signature in purple ink, appearing to be 'A. Tucker', written over a horizontal line.

A. Tucker, MCIP  
DIRECTOR  
PLANNING

A handwritten signature in black ink, appearing to be 'E.C. Swabey', written over a horizontal line.

E.C. Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

CITY MANAGER COMMENT:

I concur with the staff recommendation.