

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, JULY 14 2015

6:30 PM

(RDN Board Chambers)

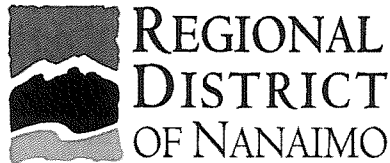
A D D E N D U M

PAGES

DEVELOPMENT PERMIT WITH VARIANCE

2-10

Development Permit with Variance Application No. PL2015-090 – 2930 Trans
Canada Highway, Electoral Area 'A'.



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
JUL 07 2015	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: July 9, 2015

FROM: Tyler Brown
Planner

MEETING: EAPC – July 14, 2015

FILE: PL2015-090

SUBJECT: Development Permit with Variance Application No. PL2015-090
Lot A, Section 3, Range 8, Cranberry District, Plan VIP54591
2930 Trans Canada Highway – Electoral Area 'A'

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-090 to permit the phased development of the subject property be approved subject to the conditions outlined in Attachments 2 to 5.

PURPOSE

To consider an application for a Development Permit with Variances to allow the phased development of a restaurant on the subject property with a variance for the proposed building.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Jack Anderson on behalf of Judith Stauffer to permit the reconstruction of the Cassidy Country Kitchen restaurant, which was destroyed due to fire in May 2014. The subject property is approximately 0.37 ha in area and is located north of the Cassidy Pub and adjacent to a public rest area (Cassidy Bridge rest stop) along the Trans Canada Highway (see Attachment 1 – Subject Property Map). On May 26, 2015, the Board adopted Official Community Plan (OCP) and Zoning Amendment Bylaws 1620.03 and 500.397 (Applications PL2014-095 and PL2014-098) to rezone and re-designate the subject property to allow a site-specific commercial zoning.

Proposed development on the site is subject to the South Wellington Industrial-Commercial Development Permit Area as per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011". Development Permit with Variance No. PL2015-058 was approved by the RDN Board on June 23, 2015 to permit the comprehensive redevelopment of the site. The applicant is now proposing to phase the development of the site so construction may commence on the proposed restaurant while the applicant registers a lot consolidation plan to include the adjacent portions of Beck Road and Trans Canada Highway. Lot consolidation with adjacent road is required for the full development of the site and to satisfy the conditions of the previous development approval. This

application is to only address and permit the construction of the restaurant on a portion of the subject property (see Attachment 3 – Subject Area of Development Permit with Variance No. PL2015-090).

Proposed Development and Variance

The applicant proposes to construct a new restaurant building, approximately 480 m² in floor area including 240 m² for the restaurant and 240 m² below for seasonal storage. As the applicant is in the process of registering a lot consolidation plan to include the adjacent portions of Beck Road and Trans Canada Highway as part of the subject property, required for the full development of the site, a portion of the proposed restaurant is currently within the required 5.0 metre lot line setback for all buildings and structures (see Attachment 4 – Site Plan and Variance). Therefore, the applicant proposes to vary the following regulation from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” to proceed with the construction of the restaurant:

Section 3.4.150 – Minimum Setback Requirements – Other Lot Lines to reduce the minimum setback requirement from 5.0 metres to 1.93 metres for the construction of a restaurant.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-090 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2015-090.

LAND USE IMPLICATIONS

Development Implications

In accordance with the South Wellington Industrial-Commercial Development Permit guidelines and as approved under Development Permit with Variance No. PL2015-058, the proposed restaurant will incorporate non-combustible materials and will meet or exceed BC Building Code standards with energy efficient and water conserving features. The design will also incorporate natural building materials and reflect the rural character of the area by maintaining the historic scale and ‘country’ details of the former restaurant (see Attachment 5 – Building Elevations).

If approved, Development Permit with Variance No. PL2015-090 will permit the construction of the restaurant as previously approved prior to the full development of the site. As discussed, The applicant is proposing to phase development in order to begin construction of the restaurant while the applicant registers a lot consolidation plan required for the full development of the site (see Attachment 4 – Site Plan and Variance). With consideration given to the applicant’s phased development proposal, staff recommend, that as conditions of permit approval, that the portion of the development addressed in this application be developed in accordance with previous approvals and that all the conditions of Development Permit with Variance No. PL2015-058 are satisfied prior to an occupancy permit being issued for the restaurant building (see Attachment 2 – Terms and Conditions of Permit).

Environmental Implications

The Environmental Implications associated with the construction of the restaurant are addressed in the staff report of previously approved Development Permit with Variance No. PL2015-058.

FINANCIAL IMPLICATIONS

The Financial Implications associated with the construction of the restaurant are addressed in the staff report of previously approved Development Permit with Variance No. PL2015-058.

STRATEGIC PLAN IMPLICATIONS

The Strategic Plan Implications associated with the construction of the restaurant are addressed in the staff report of previously approved Development Permit with Variance No. PL2015-058.

INTER-GOVERNMENTAL IMPLICATIONS

As outlined in the Development Permit with Variance No. PL2015-058 staff report, the Ministry of Transportation has approved the proposed closure of portions of Beck Road and the Trans Canada Highway (total 650 m² in area) to be consolidated with the subject property in order to permit full development of the site (see Attachment 4 – Site Plan and Variance) . As the applicant proposes to begin construction of the restaurant prior to the finalization of the proposed consolidation, the proposed structure will be sited within the required 4.5 metre setback distance, as required by the Ministry, from a highway. As such, the applicant may be required to obtain a setback permit from the Ministry (see Attachment 2 – Terms and Conditions of Permit).

PUBLIC CONSULTATION IMPLICATIONS

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 allow the reconstruction of a restaurant on the subject property. The applicant proposes to phase the development of the site, in accordance with previous development approvals, to begin construction of the restaurant while the applicant registers a lot consolidation plan required for the full development of the site. Given that no negative impacts are anticipated as a result of the proposed phased development and the variance required for construction of the restaurant building, staff recommend that the Board approve the development permit with variance pending the outcome of the public notification and subject to the Terms and Conditions outlined in Attachment 2.



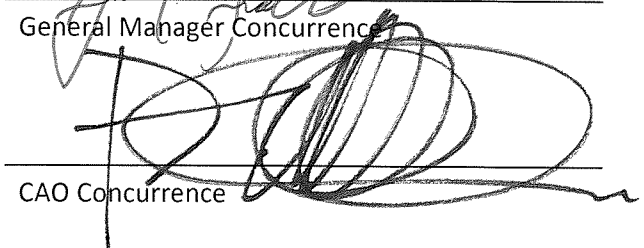
Report Writer



General Manager Concurrence

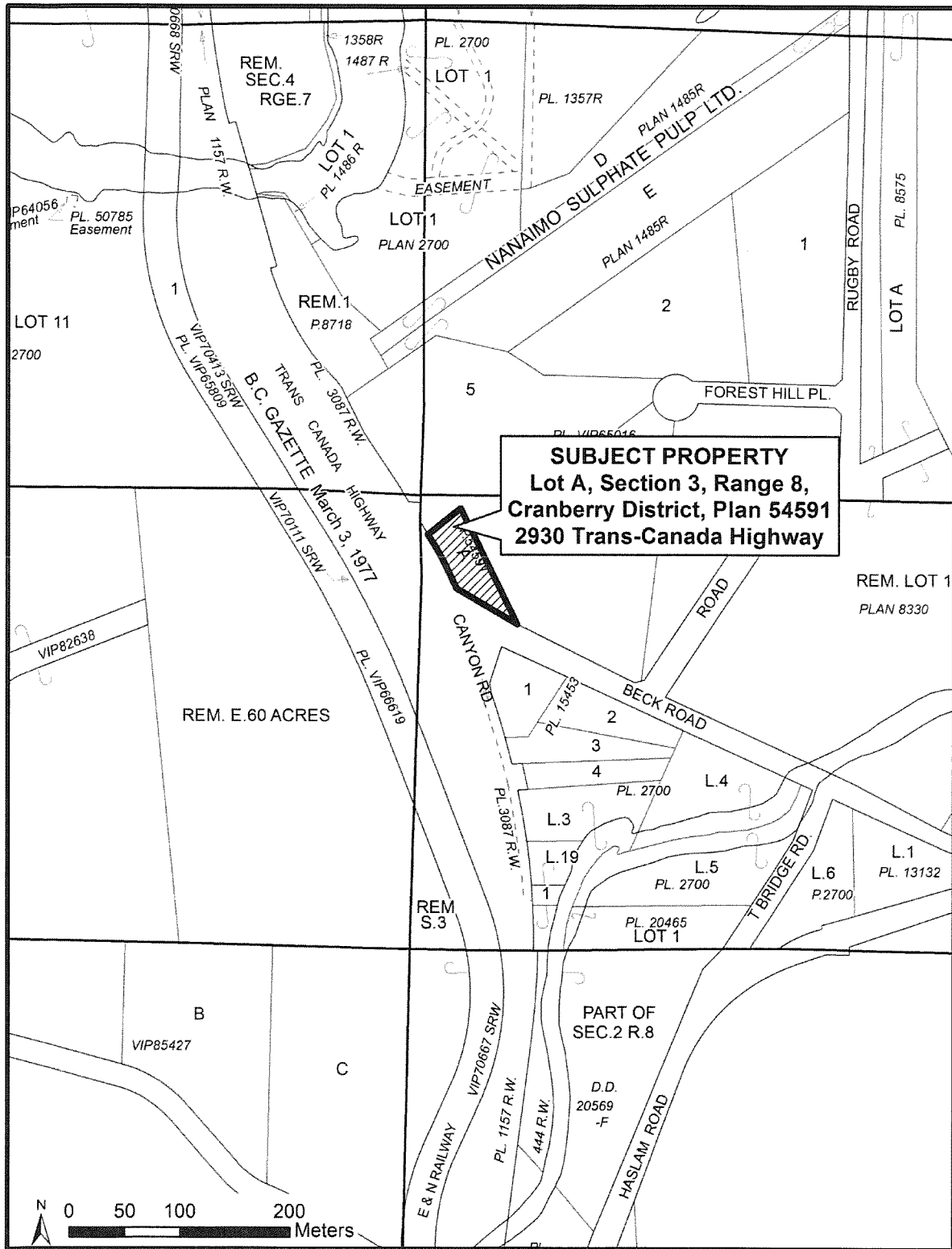


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-090:

Bylaw No. 500, 1987 Variances:

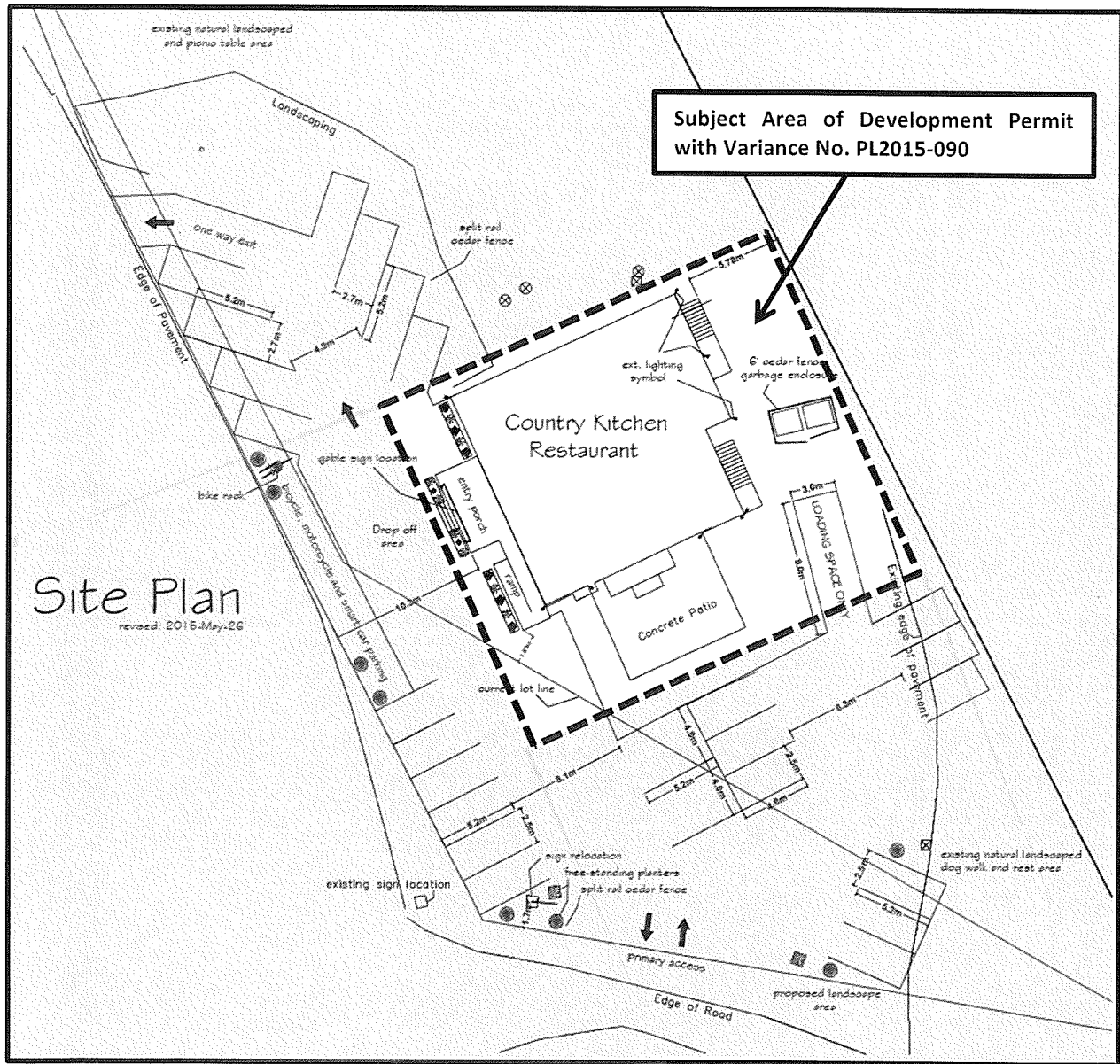
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

Section 3.4.150 – Minimum Setback Requirements – Other Lot Lines to reduce the minimum setback requirement from 5.0 metres to 1.93 metres for the construction of a restaurant

Conditions of Approval:

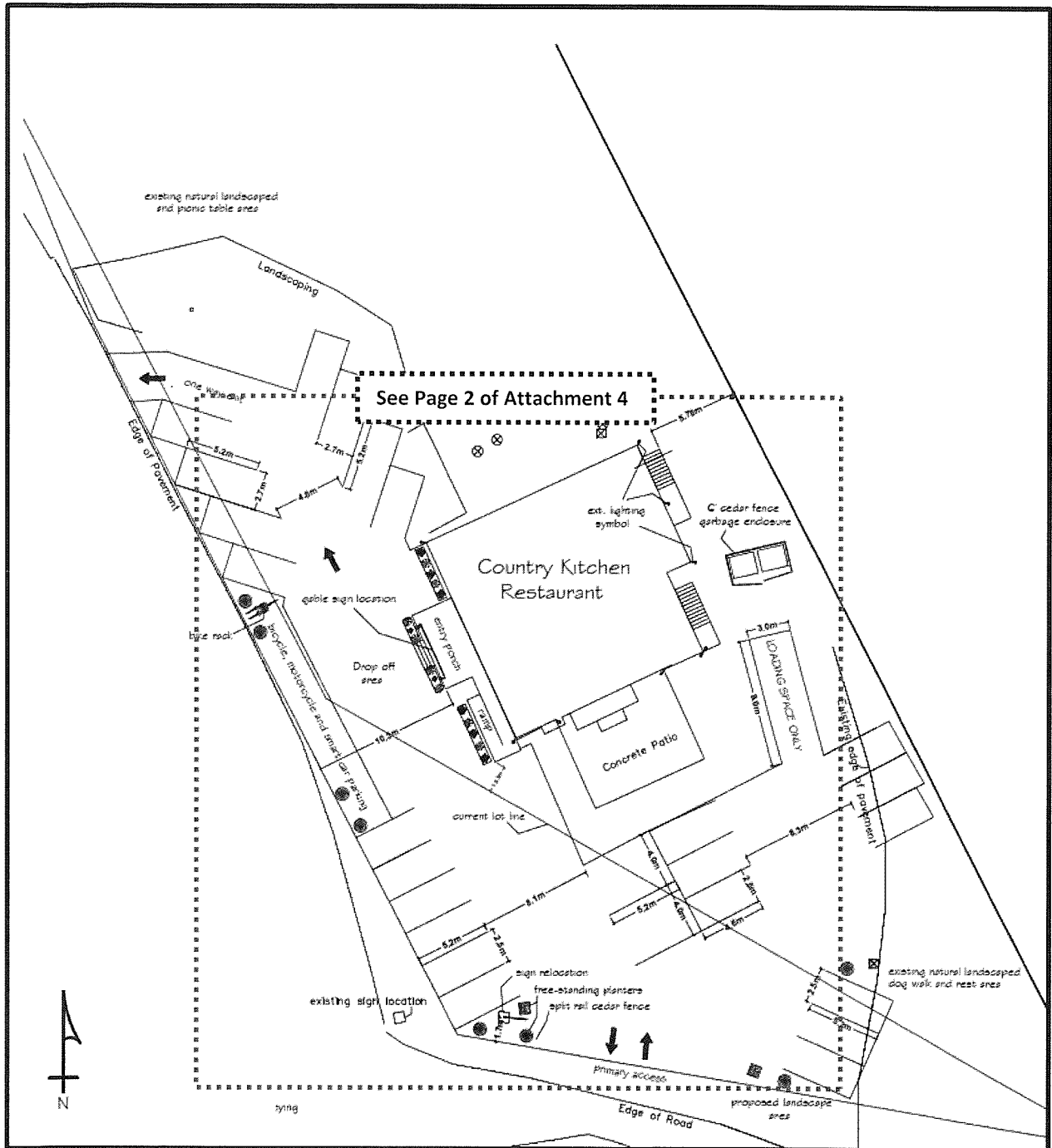
1. Development Permit with Variance No. PL2015-090 applies to the area of the subject property as shown in Attachment 3.
2. The restaurant and any required associated works shall be developed in accordance with the Terms and Conditions of Development Permit with Variance No. PL2015-058 as approved by the Board of the Regional District of Nanaimo on June 23, 2015.
3. An Occupancy Permit in accordance with the "Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010" shall not be issued until the Terms and Conditions of Development Permit with Variance No. PL2015-058 as approved by the Board of the Regional District of Nanaimo on June 23, 2015, are satisfied.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
5. If required, the applicant shall obtain a setback permit from the Ministry of Transportation and Infrastructure.

Attachment 3
Subject Area of Development Permit with Variance No. PL2015-090

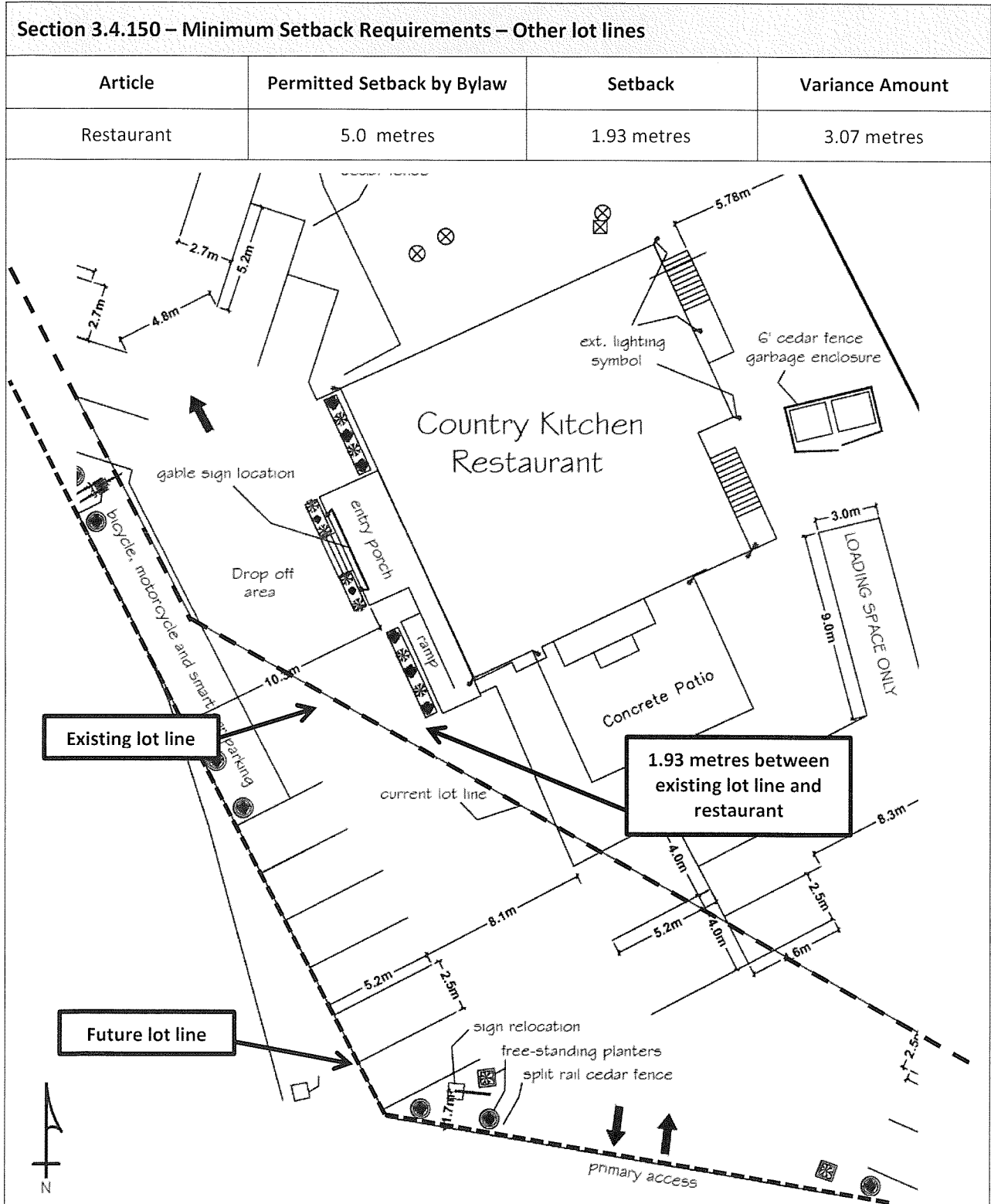


Site Plan
revised: 2016-May-26

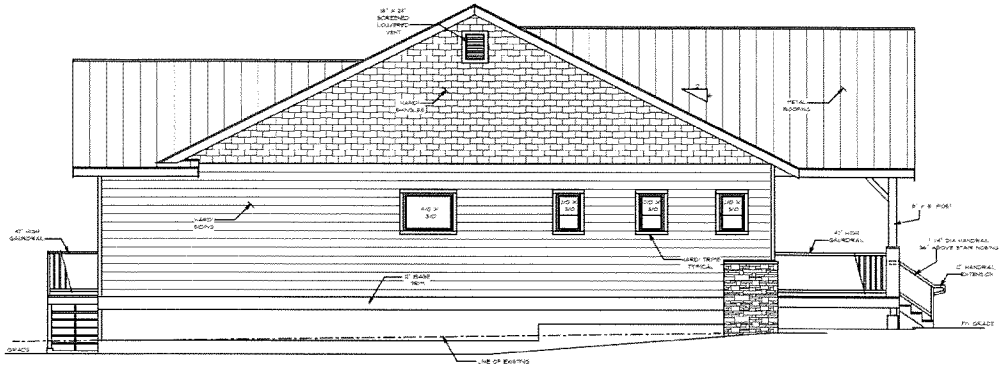
Attachment 4
Site Plan and Variance (Page 1 of 2)



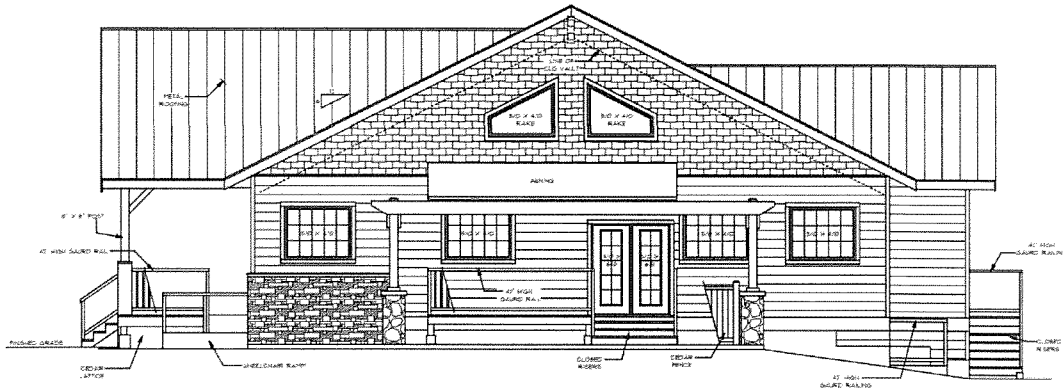
Attachment 4
Site Plan and Variance (Page 2 of 2)



Attachment 5 Building Elevations



North Elevation



South Elevation



West Elevation