



# NOTICE OF PUBLIC HEARING

2010-DEC-02 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2010-DEC-02**, commencing at **1900 hours (7:00 pm)** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider a proposed covenant amendment application.

## 1. COVENANT AMENDMENT

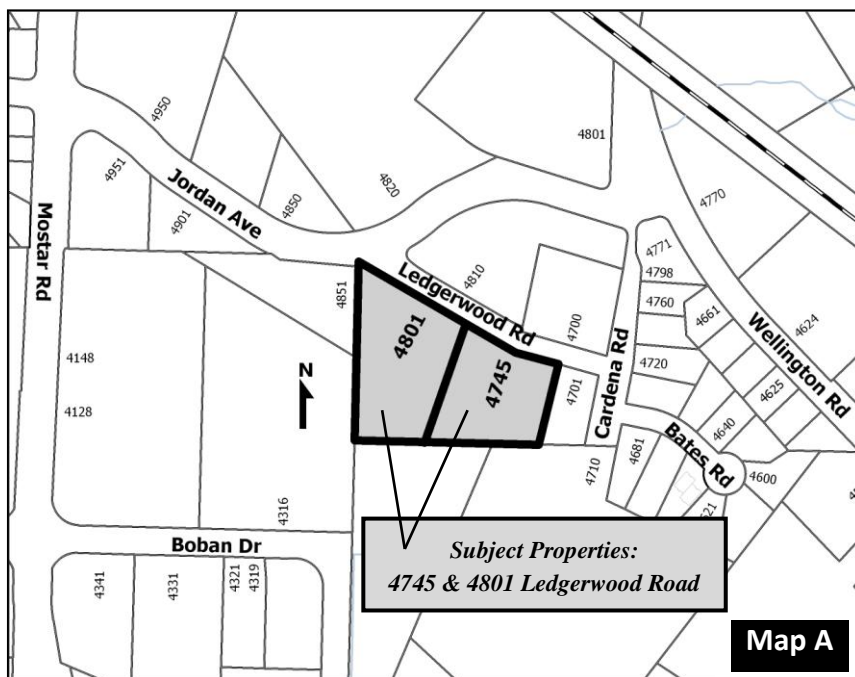
**Purpose:** To amend an existing covenant on the land.

**Location(s):** 4745 & 4801  
Ledgerwood Road

**File No.:** RA265

This application, if approved, will allow for an amendment to an existing covenant in relation to lot coverage, subdivision, and unit size, which were secured through a previous rezoning application (RA95-15).

The subject properties are legally described as LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 11947, EXCEPT PART IN PLANS 16209 AND 25713 (4745 Ledgerwood Road) and LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 16209 (4801 Ledgerwood Road) and are shown on Map A.



*PLEASE NOTE full details of the above-noted application are available at the City of Nanaimo, Community Safety and Development Division, located at 238 Franklyn Street.*

The above application, relevant staff reports, and other background information may be inspected from 2010-NOV-19 to 2010-DEC-02, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Community Safety and Development Division, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed covenant amendment shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within covenant amendment application RA265 at the Public Hearing.

### ***Please note the following:***

Written submissions may be sent to the City of Nanaimo, Community Safety & Development Division, 455 Wallace Street, Nanaimo, BC V9R 5J6.

Electronic submissions (email) should be sent to **public.hearing@nanaimo.ca**, or submitted online at **www.nanaimo.ca**. These submissions must be received no later than 4:00 pm, 2010-DEC-02, to ensure their availability to Council at the Public Hearing.

Following the close of a public hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is necessary to ensure a fair public hearing process and provide a reasonable opportunity for people to respond.

**For more information, please contact the City of Nanaimo, Community Safety and Development Division**  
**Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website: [www.nanaimo.ca](http://www.nanaimo.ca)**  
**238 Franklyn Street, Nanaimo, BC**

COPY

2010-NOV-04

## STAFF REPORT

REPORT TO: A. TUCKER, DIRECTOR OF PLANNING,  
COMMUNITY SAFETY & DEVELOPMENT

FROM: J. HOLM, MANAGER, CURRENT PLANNING,  
COMMUNITY SAFETY & DEVELOPMENT

RE: RA265 – COVENANT AMENDMENT – 4745 & 4801 LEDGERWOOD ROAD

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### STAFF'S RECOMMENDATION:

That Council:

1. receive this report pertaining to a covenant amendment application to an existing restrictive use covenant which proposes the following:
  - a. remove the requirement for a boundary adjustment subdivision prior to development of the lands;
  - b. remove the maximum lot coverage restriction of 26% for Lot A and 28% for Lot B;
  - c. reduce the percentage of three bedroom and larger units required on the land from 10% to 5%; and
2. direct Staff to forward the item to the next scheduled Public Hearing, as per Council's policy.

### EXECUTIVE SUMMARY:

The City has received an application from Mr. Sandy Bartlett, on behalf of 620182 BC Ltd., to amend an existing restrictive use covenant secured through rezoning application RA95-15. The applicant proposes to remove the existing requirement for maximum lot coverage of 26% for Lot A and maximum lot coverage of 28% for Lot B. The applicant also proposes to remove the requirement for boundary adjustment subdivision of the lands and to reduce the minimum percentage of three bedroom and larger units on the land from 10% to 5%.

Staff supports the application and recommends that Council approve the proposed covenant amendment.

### BACKGROUND:

The subject property, which consists of two parcels addressed at 4801 & 4745 Ledgerwood Road, is approximately 1.28 ha (3.2 acres) in area and is located just off Jordan Avenue. The property, which is designated Light Industrial in the Official Community Plan (OCP) and lies within the Steep Slope Development Permit Area (DPA-5) was rezoned from Single Family Residential Zone (RS-1) and Light Industrial Zone (I-2) to Medium Density Multiple Family (Suburban) Zone (RM-5) through rezoning application RA95-15.

### ***Existing Covenant Restrictions***

Through rezoning application RA95-15 restrictive covenants were placed on title to the subject properties. The rezoning applicant at the time proposed three apartment buildings consisting of 120 residential dwelling units. Based on the development proposal under consideration at that time the covenants secured the following development restrictions relevant to the proposed amendments:

- the property be subdivided as proposed lots A and B (Attachment B);
- lot coverage not exceed 26% on Lot A;
- lot coverage not exceed 28% on Lot B; and
- at least 10% of the dwelling units on the land must have at least three bedrooms each.

### ***Proposed Development***

The City has received a development permit application (DP676) for the subject property from Mr. Ian Niamath Architecture. The development permit applicant proposes to construct 114 units within three buildings on the subject properties. The current development proposal contemplates consolidation of the two existing lots rather than a boundary adjustment subdivision, as previously proposed. In keeping with the intent of the Steep Slope Development Permit Area Guidelines, the applicant proposes to step the buildings down the slope, which runs north-south on the subject properties with Ledgerwood Road being the high point (Attachment C). In order to permit the proposed development the applicant is requesting amendments to the restrictive covenants.

### ***Proposed Covenant Amendments***

The applicant proposes amendments to the boundary adjustment subdivision requirement, maximum permitted lot coverage restrictions, and the requirement for a minimum 10%, three bedroom units.

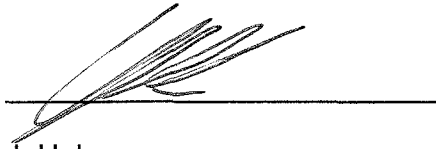
The property is presently in Steep Slope Development Area (DPA-5). This development permit area, which guides development on sensitive steep slopes, was not in place at the time of rezoning application RA95-15. The boundary adjustment subdivision requirement and lot coverage restrictions applied through the restrictive covenant were an attempt to minimize the impact of the rezoning development proposal on the steep slope. The current RM-5 zoning permits up to 40% lot coverage. With the Steep Slope Development Permit Guidelines in place, development on steep slopes is addressed in a much more comprehensive manner than was available at the time of the rezoning application.

Staff is of the opinion that the proposed development is compliant with the intent of the Steep Slope Development Permit Guidelines and supports the removal of the current boundary adjustment subdivision requirement and restriction on lot coverage.

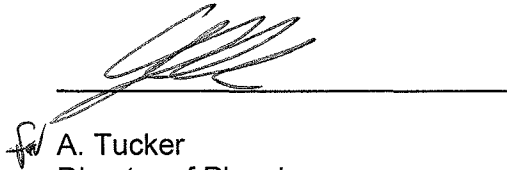
The applicant has identified that the current market conditions are not favorable to three bedroom and larger units and requests that the percentage of three bedroom and larger units required be reduced from 10% to 5% of the overall development. Rezoning application RA95-15 secured 10% of the units as three bedroom units in an attempt to address the City's Housing Policy for a variety of housing choices within the community and within developments by type, tenure and cost.

Given that market conditions and demographics have changed substantially in the 15 years since the consideration of the rezoning application, Staff is of the opinion that the current proposed development provides a range of housing type within the surrounding area. The shift to smaller units also reduces the entry price point. The tenure of the proposed development is strata titled.

Respectfully Submitted,

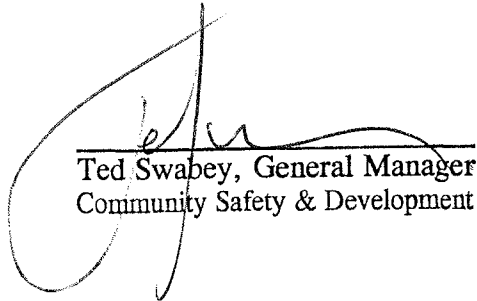


J. Holm  
Manager, Current Planning  
**Community Safety & Development**



A. Tucker  
Director of Planning  
**Community Safety & Development**

JHpm  
Council: 2010-NOV-08  
Prospero: RA265



Ted Swabey, General Manager  
Community Safety & Development

This map displays a residential neighborhood with the following streets and parcel details:

- Streets:**
  - Jordan Ave
  - Mostar Rd
  - Boban Dr
  - Old Slope Pl
  - Jingle Pot Rd
  - Ledgerwood Rd
  - Cardena Rd
  - Bales Rd
  - Wellington Rd
- Highlighted Parcel:** 4801 (located at the intersection of Jordan Ave and Ledgerwood Rd).
- Other Notable Parcels:**
  - 4151, 4131 (along Mostar Rd)
  - 4148, 4128 (large parcel west of Jordan Ave)
  - 4316, 4314, 4331, 4321, 4319, 4311 (along Boban Dr)
  - 4301, 4073 (south of Boban Dr)
  - 4801, 4745, 4701, 4700 (along Ledgerwood Rd)
  - 4771, 4798, 4760, 4740, 4720, 4681, 4646, 4680, 4640, 4621 (along Cardena Rd)
  - 4681, 4661, 4641, 4621 (along Bales Rd)
  - 4801 (large parcel north of Jordan Ave)

## LOCATION PLAN



TENTATIVE PLAN OF SUBDIVISION OF LOT A,  
PLAN 16209, AND THE REMAINDER OF LOT 1,  
PLAN 11947, ALL OF SECTION 5, WELLINGTON DISTRICT

Scale 1:1000

0 10 20 40 60 80 100

JORDAN

PARK

16

PLAN 38953

AVENUE

B  
0.82 ha.

A  
0.47 ha.

REM. 1

PLAN 16209

PLAN 11947

PLAN 25713

PLAN 2823

PLAN 6569

LEGEND

ALL MEASUREMENTS ARE IN METRES  
DIMENSIONS SUBJECT TO  
VERIFICATION BY LEGAL SURVEY

J.E. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria and Nanaimo, B.C.  
File: 82761-9

TENTATIVE PLAN OF SUBDIVISION OF LOT A,  
PLAN 16209, AND THE REMAINDER OF LOT 1,  
PLAN 11947, ALL OF SECTION 5, WELLINGTON DISTRICT

Score: 11000



0 20 40 60 80 100

JORDAN

PARK

16

PLAN 38953

PLAN 16209

PLAN 2823

AVENUE

8  
0.82 in.

△

A  
0.47 ha.

REM. 1

PLAN 11947

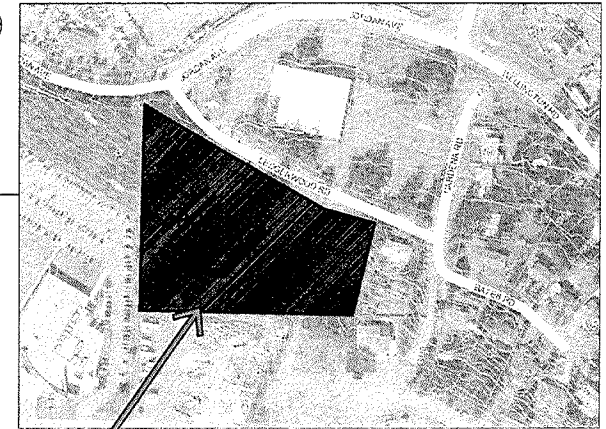
PLAN 25713

LEGEND

ALL MEASUREMENTS ARE IN METRES  
DIMENSIONS SUBJECT TO  
VERIFICATION BY LEGAL SURVEY

J.E. ANDERSON & ASSOCIATES  
B.C. Land Surveyors - Consulting Engineers  
Victoria and Nanaimo, B.C.  
File : 82761-9

project data, site plan



SITE

CIVIC ADDRESS:  
4801 LEDGERWOOD ROAD, NANAIMO, BC

LEGAL ADDRESS:  
LOT A, SECTION 5, WELLINGTON DISTRICT, PLAN 16209  
FOLIO: 07360.300  
PID: 004-028-261

**ZONING: RM-5 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (SUBURBAN)**

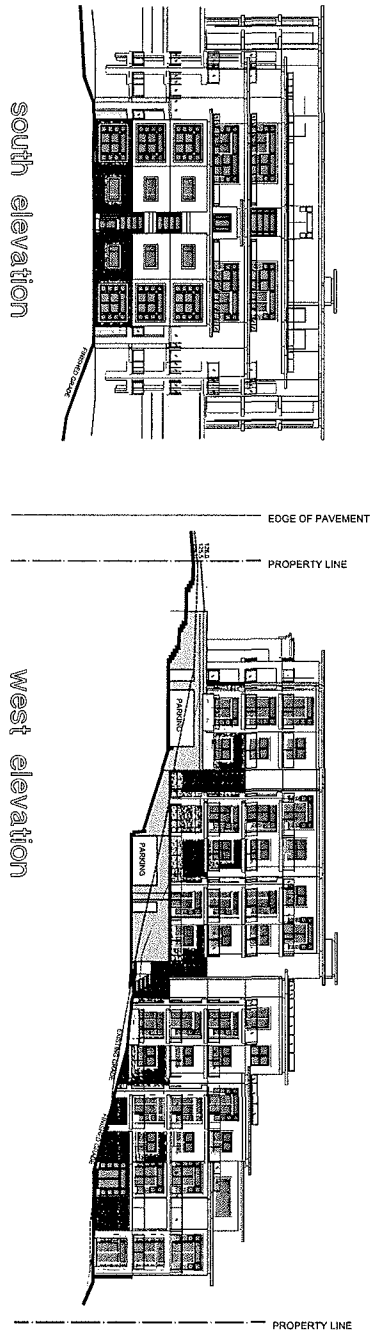
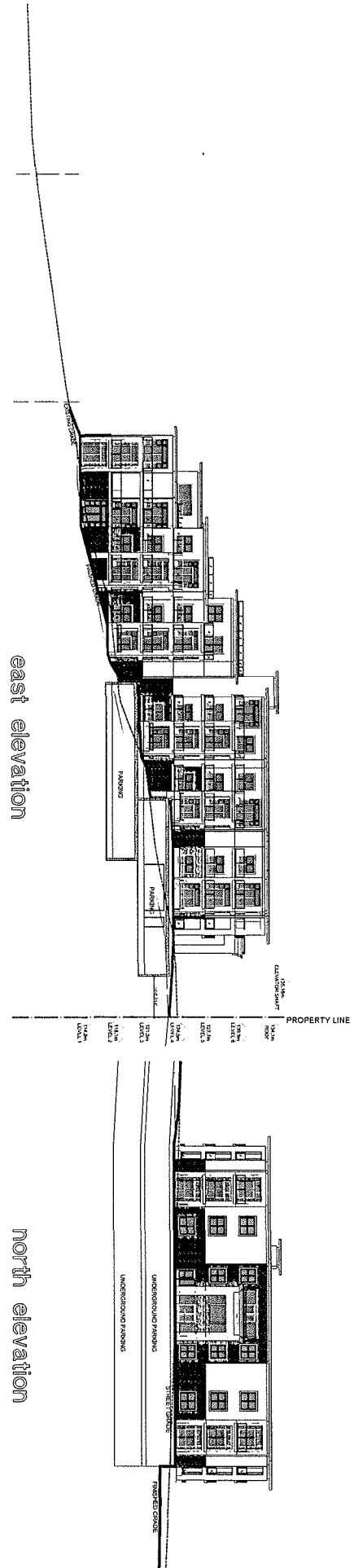
CIVIC ADDRESS  
4745 LEDGERWOOD ROAD, NANAIMO, BC

LEGAL ADDRESS:  
LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN 11947  
FOLIO: 07360.000  
PID: 004-926-641

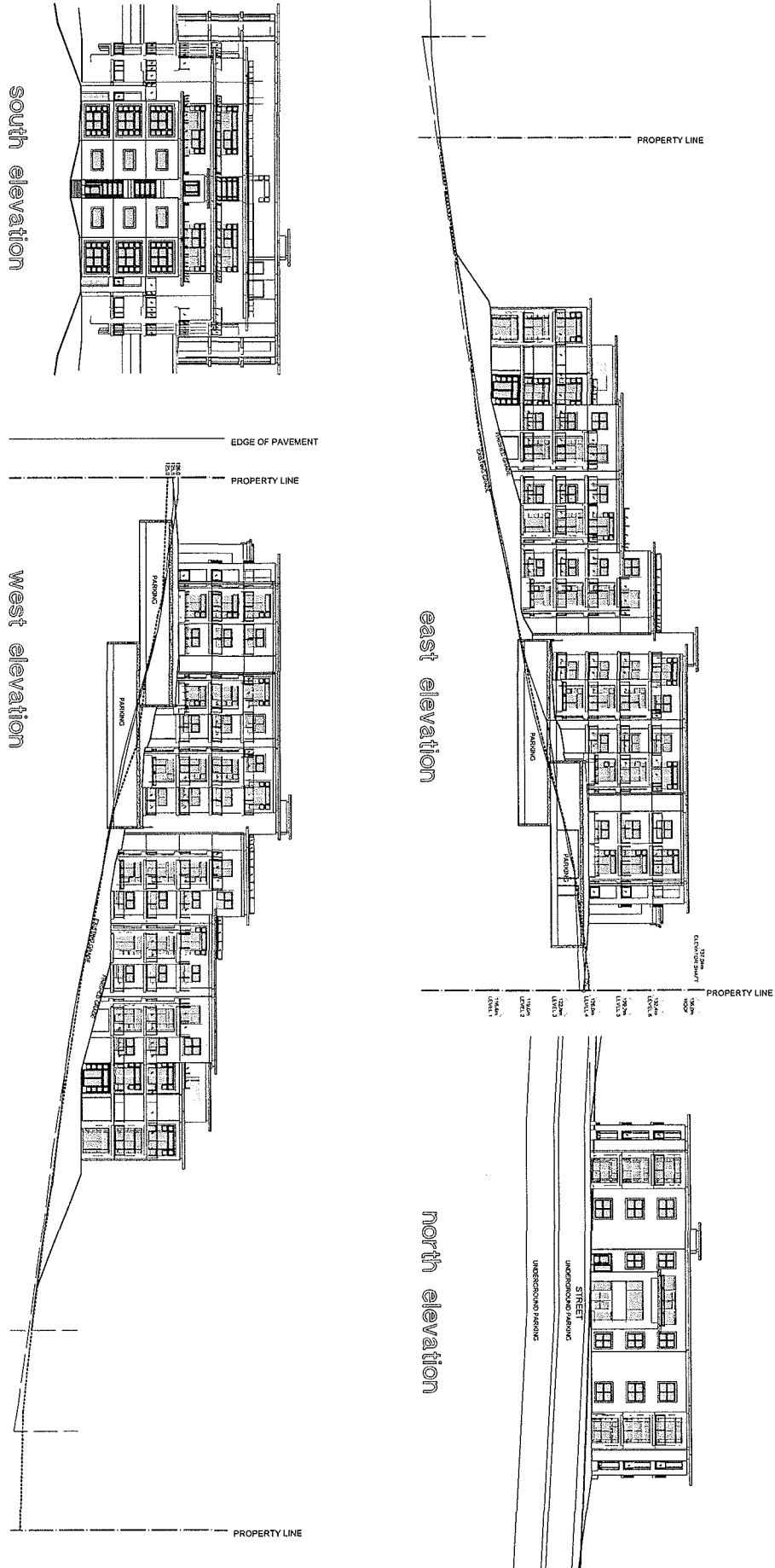
ZONING: RM-5 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL (SUBURBAN)

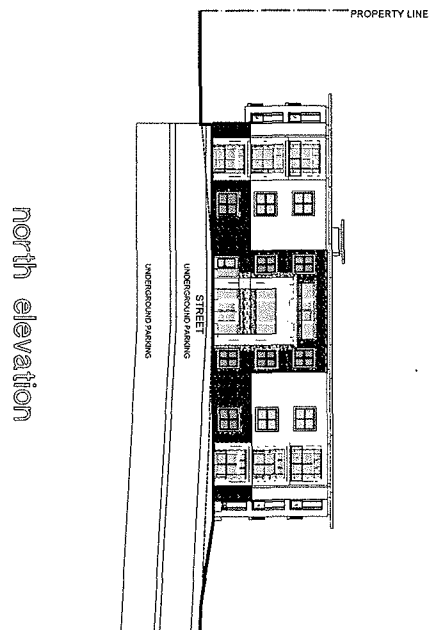
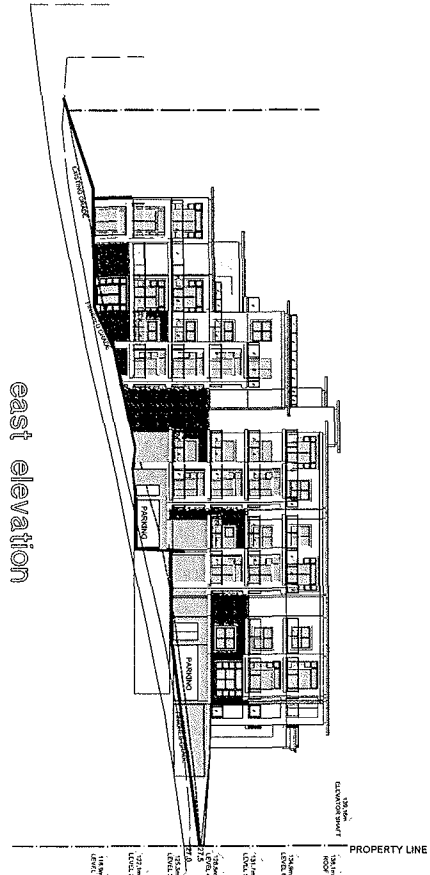
project data

LEVEL 1	5811 SQ.FT.	474.8m2	n/a units
LEVEL 2	21,023 SQ.FT.	1953.1m2	18 units
LEVEL 3	26,463 SQ.FT.	2458.5m2	24 units
LEVEL 4	33,141 SQ.FT.	3078.5m2	30 units
LEVEL 5	26,613 SQ.FT.	2472.4m2	24 units
LEVEL 6	21,627 SQ.FT.	2009.2m2	18 units
TOTAL			114 units
TOTAL FLOOR AREA	134,678 SQ.FT.	12,512m2	FAR 1.025
SITE AREA			
	138,048 SQ.FT.	12,825m2	
BUILDING COVERAGE			
	46,712 SQ.FT.	4339.7m2	33%
INSIDE AMENITY AREA			
	1,000 SQ.FT.	94.65m2	
INSIDE AMENITY AREA			
	N/A SQ.FT. X 2 = N/A	N/Am2	
SETBACKS:			
FRONT YARD SETBACK	14.76 FT.	6m	
SIDE YARD SETBACK	9.84 FT.	3m	
SIDE YARD SETBACK	9.84 FT.	3m	
BACK YARD SETBACK	42.49 FT.	7.5m	
BUILDING HEIGHT: N/A FT. N/Am			
PARKING:			
87 REGULAR PARKING SPACES			
42 SMALL CAR PARKING SPACES			
16 HANDICAP PARKING SPACE			
TOTAL	145 PARKING SPACES		
PARKING AND STORAGE AREA: 55,053.7 SQ.FT. 5111.66m2			



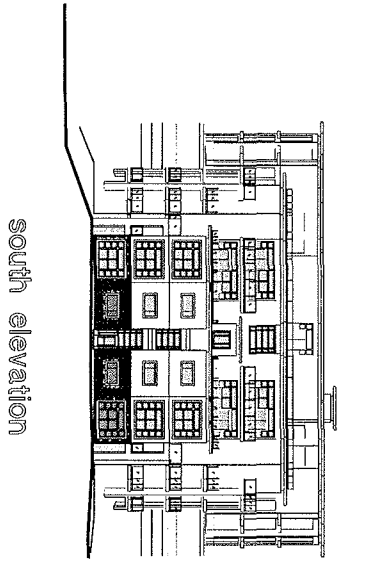




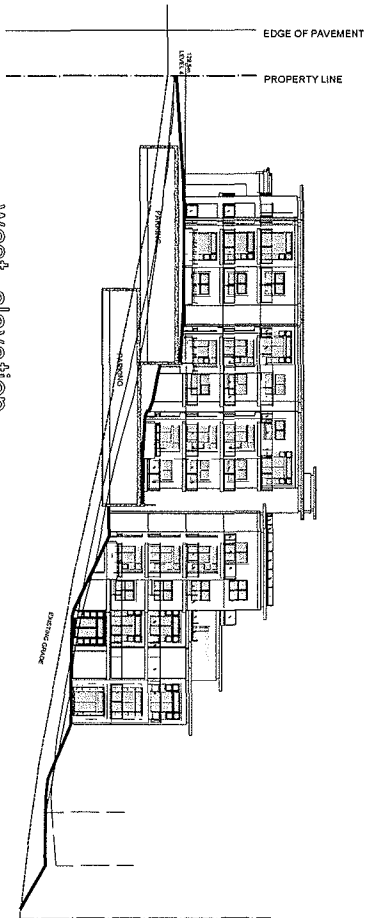


east elevation

north elevation



South elevation



west elevation

ian a. niamath architect

# Ledgerwood

block 3 elevations

July 2, 2010  
Scale: 1/16" = 1'

A11