



NOTICE OF PUBLIC HEARING

2010-FEB-04 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2010-FEB-04**, commencing at **1900 hours (7:00 pm)** in the **Shaw Auditorium, Vancouver Island Conference Centre, 80 Commercial Street, Nanaimo, BC** to consider proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000."

1. BYLAW NO. 4000.466

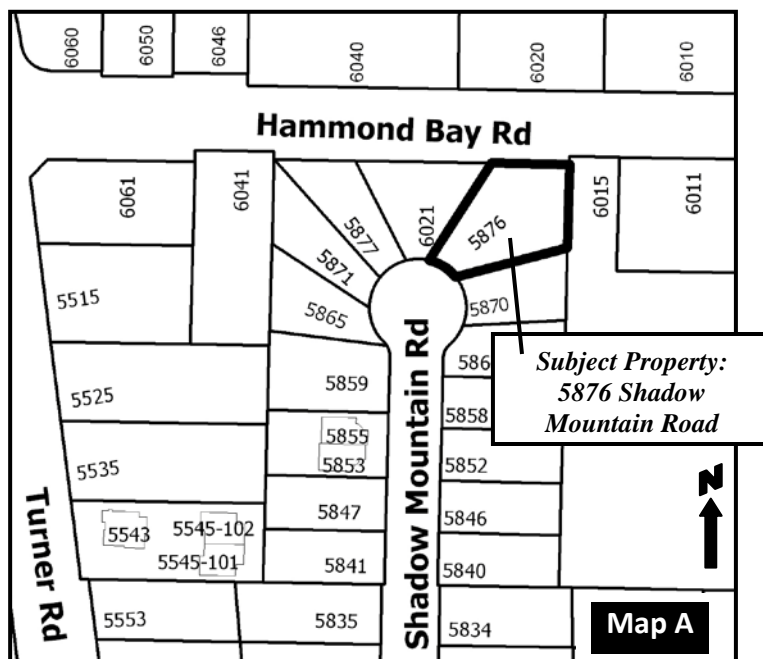
Purpose: To permit the use of land for a triplex.

Location(s): 5876 Shadow Mountain Road

File No.: RA228

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to facilitate the construction of a triplex.

The subject property is legally described as LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN VIP83287 and is shown on Map A.



2. BYLAW NO. 4000.472

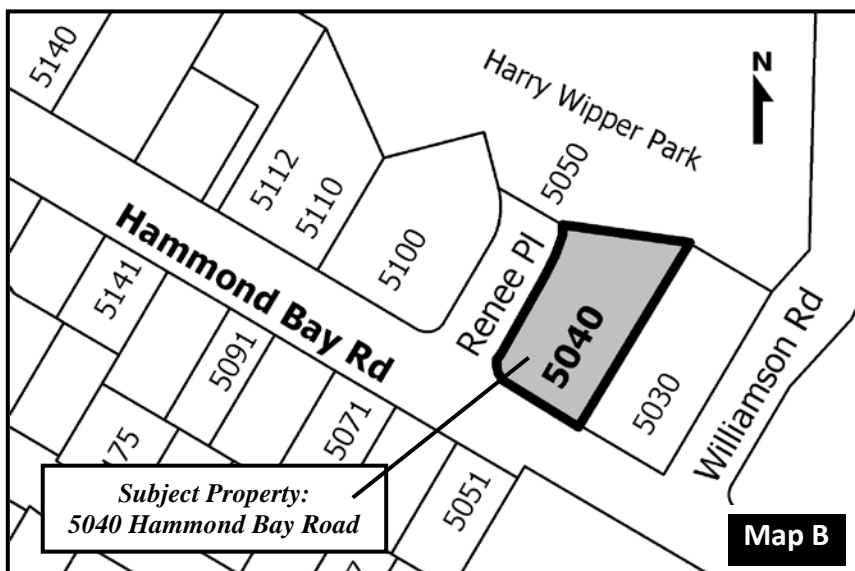
Purpose: To facilitate subdivision of the land by permitting the use of land for single family small lots and one duplex lot.

Location(s): 5040 Hammond Bay Road

File No.: RA234

This bylaw, if adopted, will rezone the land from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) in order to facilitate the subdivision of three single family lots and one duplex lot.

The subject property is legally described as LOT 10, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543 and is shown on Map B.



3. BYLAW NO. 4000.473

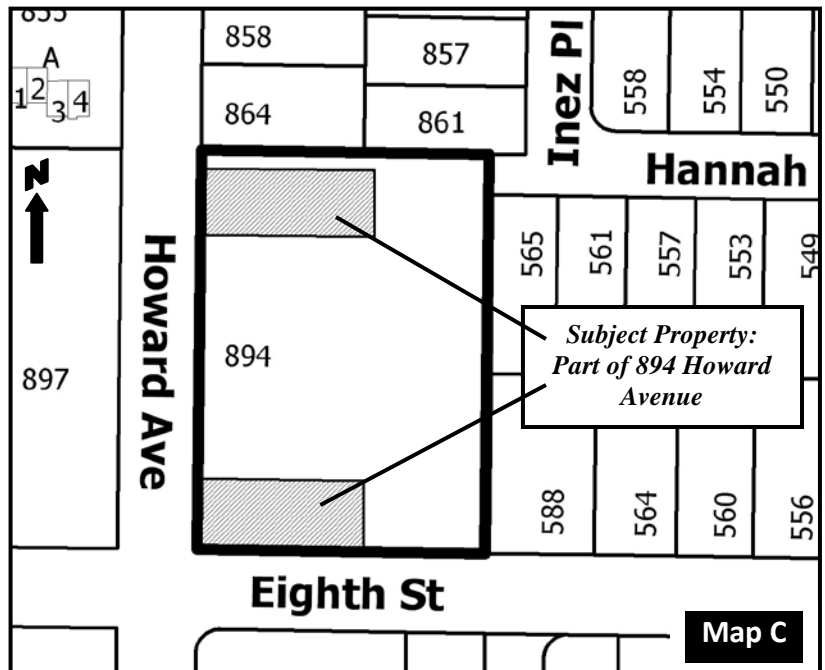
Purpose: To permit the use of the land for two duplex lots within an approved subdivision.

Location(s): Part of 894 Howard Avenue

File No.: RA229

This bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone - Large Lot (RS-2) to Residential Duplex Zone (RM-1) in order to facilitate the inclusion of two duplexes within an approved subdivision development.

The subject property is legally described as part of THAT PART OF SECTION 13, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, LYING TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 238 FEET FROM THE WESTERLY BOUNDARY OF SAID SECTION and is shown on Map C.



4. COVENANT AMENDMENT

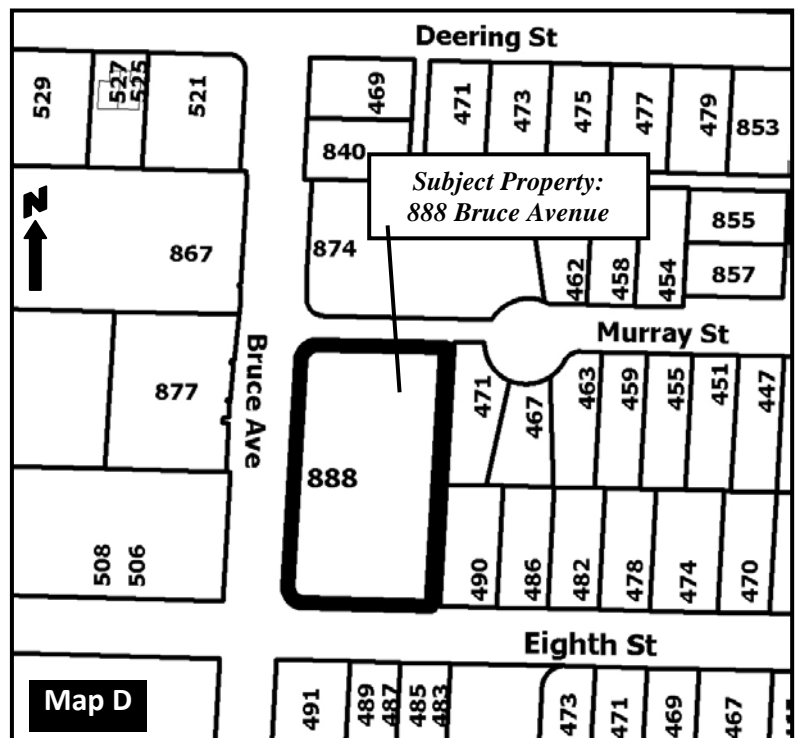
Purpose: To amend an existing covenant on the land.

Location(s): 888 Bruce Avenue

File No.: RA232

This application, if approved, will allow for an amendment to an existing covenant in relation to the community contribution previously secured through rezoning application RA94-34.

The subject property is legally described as LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP61934 and is shown on Map D.



PLEASE NOTE full details of the above-noted bylaws and applications are available at the City of Nanaimo Development Services Department, located at 238 Franklyn Street.

The above bylaws and applications, relevant staff reports, and other background information may be inspected from 2010-JAN-22 to 2010-FEB-04, between 8:00 am and 4:30 pm, Monday through Friday, excluding statutory holidays, in the offices of the Development Services Department, 238 Franklyn Street, Nanaimo, BC.

All persons who believe their interest in property is affected by the proposed bylaws and applications shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 4000.466, 4000.472, 4000.473 and covenant amendment application RA232 at the Public Hearing.

Please note the following:

Written submissions may be sent to the City of Nanaimo, Development Services Department, 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-FEB-04, 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 Development Services Department
Phone: (250) 755-4429 ♦ Fax: (250) 755-4439 ♦ Website www.nanaimo.ca
238 Franklyn Street, Nanaimo, BC V9R 5J6**

CITY OF NANAIMO

BYLAW NO. 4000.466

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 BYLAW AMENDMENT BYLAW 2009 NO. 4000.466".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT, PLAN VIP83287 from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) as shown on the attached Schedule "A".

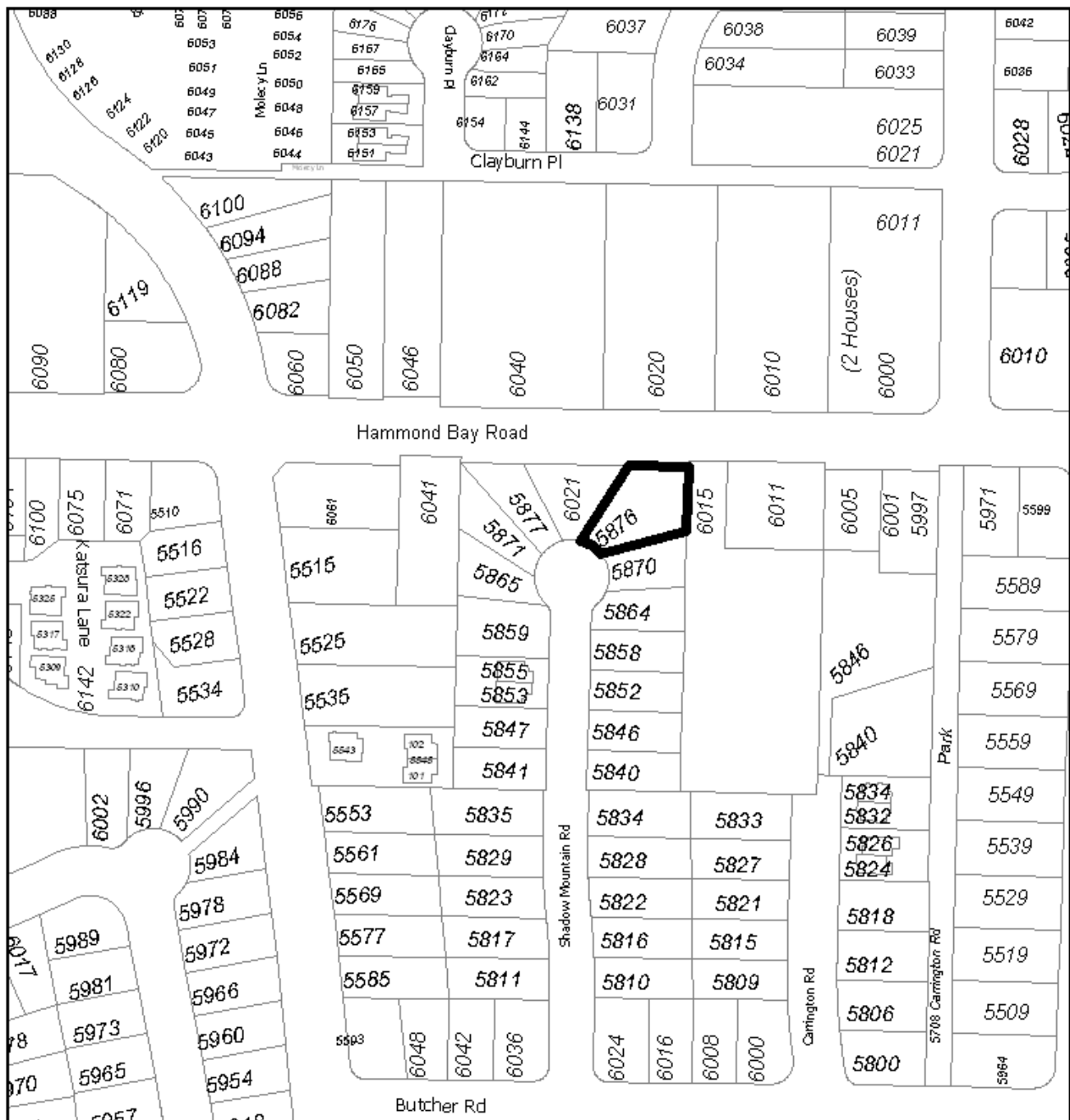
PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000228
Address: 5876 Shadow Mountain Road

SCHEDULE A



File: RA000228

LOCATION PLAN

Civic: 5876 Shadow Mountain Road

 **SUBJECT
PROPERTY**


NORTH

2010-JAN-05

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA228 – 5876 SHADOW MOUNTAIN ROAD

PLAN NANAIMO ADVISORY COMMITTEE (PNAC) RECOMMENDATION:

At its meeting of 2009-SEP-23, PNAC recommended that Council approve the application.

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.466"; which is presented under the Bylaws Section of the agenda; and
2. direct Staff to register a covenant to secure the proposed community contribution, design elements, and to restrict the use of the property to single family dwelling until such time as the property is substantially redeveloped in accordance with the development plan.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Jim Routledge to rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to facilitate the construction of a triplex. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property and Surrounding Area

The subject property is located at the end of Shadow Mountain Road (Schedule A), which is a cul-de-sac. The property also fronts on Hammond Bay Road, which is a major road. The property is bordered by a City park to the west and to the south and east by single family zoned lots. The total area of the site is approximately 1,039 square metres (11,184 square feet) and it is currently occupied by a single family dwelling.

Official Community Plan (OCP)

The Official Community Plan (OCP) contains the City's vision for the future. Sustainability is the guiding principle of the OCP, which is reflected in the social, environmental, economic goals, objectives, and policies within the plan. The land use designations identified in the OCP are intended to support the plan's goal to 'build a more sustainable community'. According to Map 1 of the OCP, the subject property is located within the Corridor designation.

The relevant Corridor (Section 2.2) policies of the OCP are as follows:

- Development in the Corridors will be characterized by a mix of residential, commercial, professional, and service uses, with residential developed at medium to high densities. Residential densities of 50 to 150 units per hectare in two to six storey building forms shall be supported for Corridors.
- The development of primary parking areas between the front face of the buildings and the Corridor is not permitted.
- Development in the Corridor designation will address the interface between Corridors and Neighbourhoods. Design elements of building siting, height and massing (including stepped back upper floors) will be used to ensure a transition from the Corridor to the adjacent Neighbourhood scale.

While the proposed development density of approximately 20 units per hectare is below the 'Corridor' target density range of 50 to 150 units per hectare, the proposed development integrates effectively with what is a substantially developed single family neighbourhood on Shadow Mountain Road.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1) to Residential Triplex and Quadruplex Zone (RM-2) in order to facilitate the construction of a triplex (Schedule B). The proposed development includes:

- 3 attached units, each with a single car garage;
- 8 parking spaces including the garages;
- a major road setback reduction from 7.5 metres (24.6 feet) to 5 metres (16.4 feet) in order to provide an improved street presence along Hammond Bay Road (the proposed variance will be formalized through development permit);
- each building is approximately 153 square metres (1,649 square feet) in area; and
- total gross floor area approximately 460 square metres (4,947 square feet).

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. In response to Council's policy, the applicant is offering to provide \$3,000 towards improvements to the adjacent park.

Staff supports this proposal and recommends that Council direct Staff to secure the community contribution.

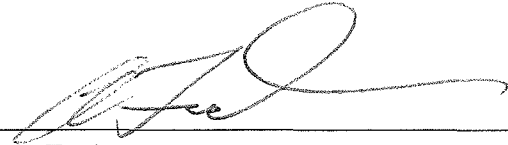
planNanaimo Advisory Committee (PNAC)

At its meeting of 2009-SEP-23, PNAC recommended that the application be approved by Council. In further discussion regarding the proposed development, PNAC suggested that additional parking should be provided and that the size of the units be reduced if possible. Since the PNAC meeting, the applicant has revised the site plan to include 3 additional parking spaces (8 total) and has reduced the size of each unit from 179 square metres (1,930 square feet) to 153 square metres (1,649 square feet) for a total reduction in gross floor area of 78 square metres (843 square feet).

Respectfully submitted,



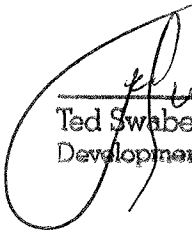
J. Holm
Manager, Planning Division
Development Services Department



A. Tucker
Director of Planning
Development Services Department

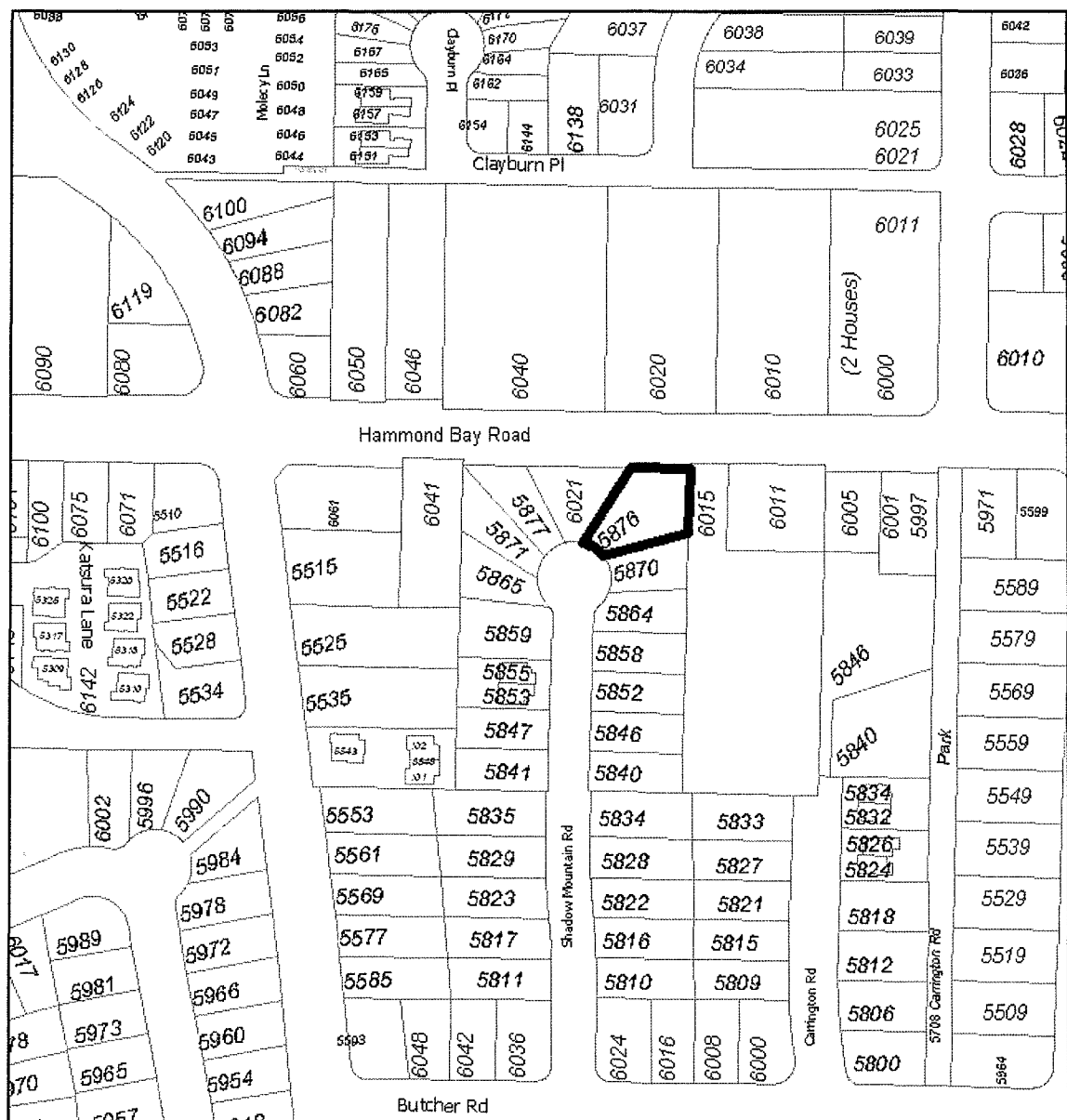
DS/hd

Council: 2010-JAN-11



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000228

LOCATION PLAN

Civic: 5876 Shadow Mountain Road



SCHEDULE B

HAMMOND BAY ROAD



PROJECT DATA:

LEGAL DESCRIPTION:
LOT 8, DISTRICT LOT 20, WELLINGTON DISTRICT,
PLAN VIP 83287

CIVIC ADDRESS:
5876 SHADOW MOUNTAIN ROAD

LOT AREA:
+/- 1040 SQ.M. / +/- 11190 SQ.FT.

LAND USE:
MULTI-FAMILY RESIDENTIAL (TRIPLEX)

EXISTING ZONING:
RS-1 - SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING:
RM-2 - RESIDENTIAL TRIPLEX AND
QUADRUPLEX ZONE

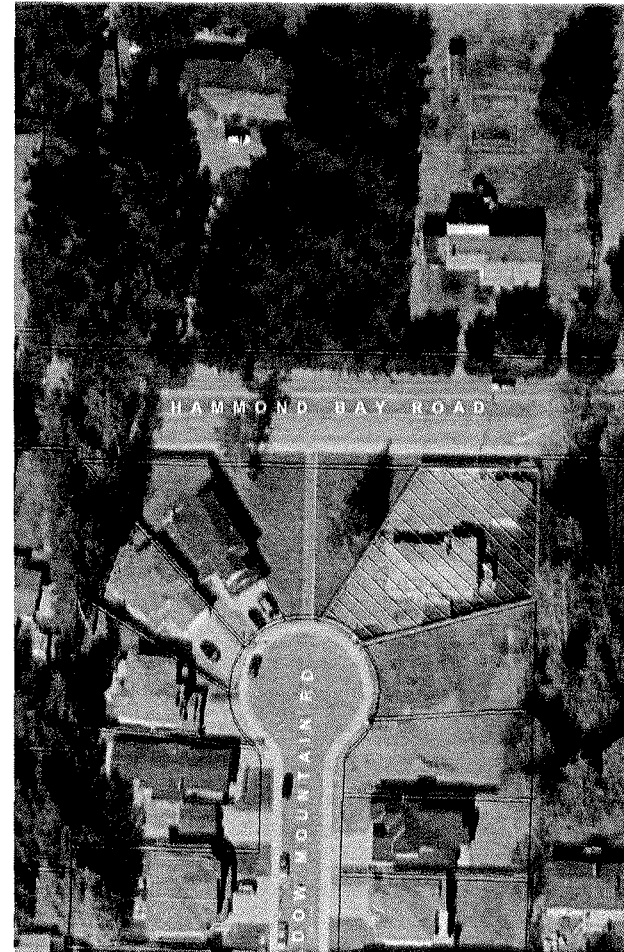
GROSS FLOOR AREA:
+/- 1649 SQ.FT. (INCLUDES GARAGE) x 3 = 4947 SQ.FT.

FLOOR AREA RATIO:
4947 SQ.FT. / 11190 SQ.FT. = .442

LOT COVERAGE:
2985 SQ.FT. / 11190 SQ.FT. = 26.7%

PARKING REQUIRED:
3 UNITS @ 1.66 EACH = 4

**PARKING PROVIDED:
8 SPACES**



neighborhood context
not to scale

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEYS, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

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4375 O'BRIAN ROAD LADYSMITH BC V9G 1G2
will metville phone/fax
designer 250.245.3894

REVISIONS:

issued for review	14.MAY.2009
revised	15.DEC.2009

PROJECT
Proposed Triplex on:
**5876 Shadow
Mountain Road**

Nanaimo, B.C.

JOB NUMBER:
d1120.02.09

SCALE:

as noted

DRAWN BY

S.S.

DRAWING TITLE:

site plan

PAGE:

PR1

CITY OF NANAIMO

BYLAW NO. 4000.472

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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 BYLAW AMENDMENT BYLAW 2009 NO. 4000.472".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 10, DISTRICT LOT 54, WELLINGTON DISTRICT, PLAN 17543 from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) as shown on the attached Schedule "A".

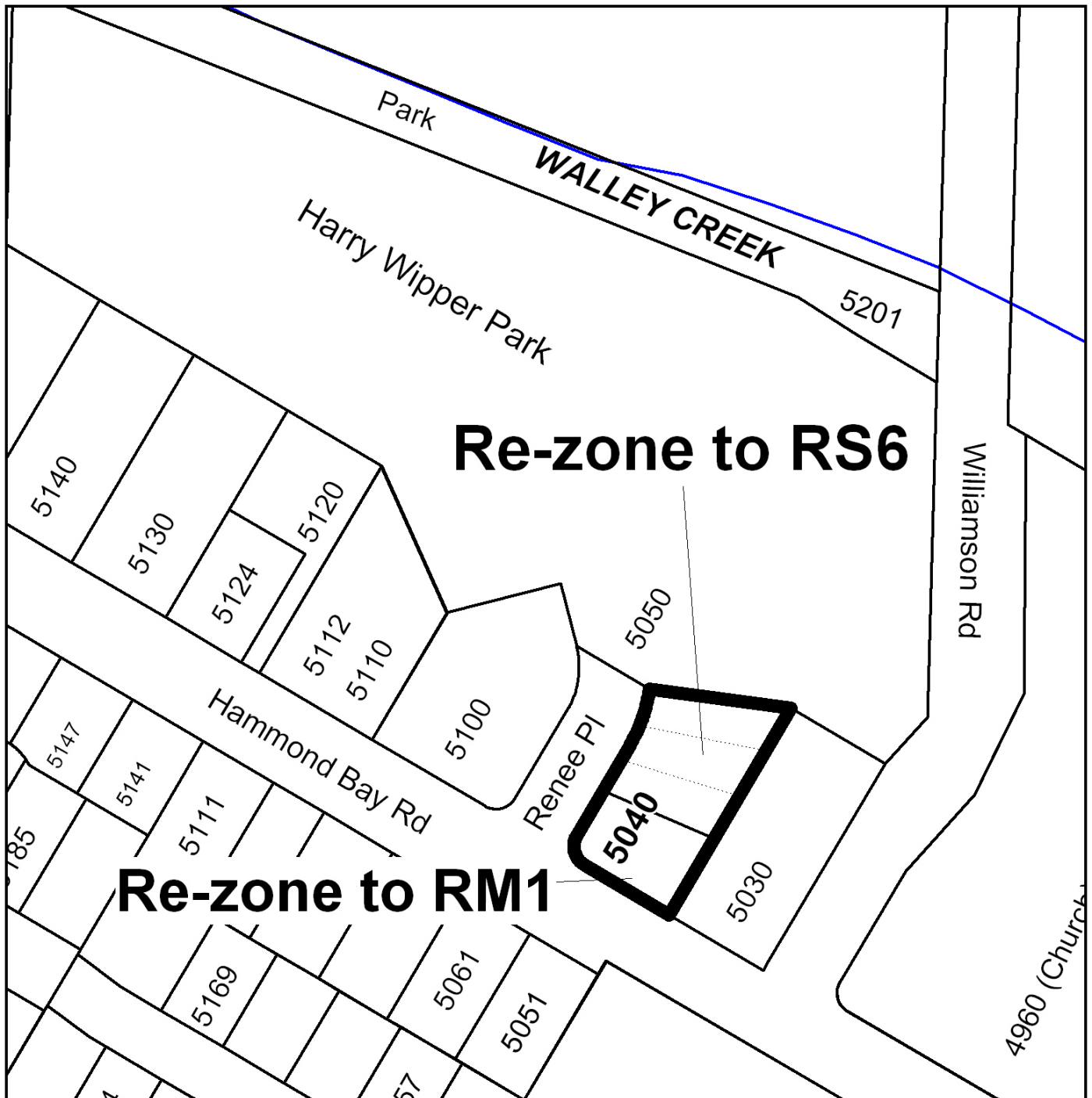
PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000234
Address: 5040 Hammond Bay Road

SCHEDULE A



File: RA000234
Civic: 5040 Hammond Bay Road

 **Subject
Property**

LOCATION PLAN

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA234 – 5040 HAMMOND BAY ROAD

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.472", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure the community contribution and to register a covenant to secure shared vehicle access, general building design and Development Cost Charges (DCC's).

EXECUTIVE SUMMARY:

The City has received a rezoning application from Mr. and Mrs. Gurcharan Singh Sandhu to rezone the subject property from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) in order to facilitate subdivision of the lot, including one duplex lot. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is approximately 2,021m² (0.5 acres) in area and is located on the corner of Hammond Bay Road and Renee Place (Schedule 'A'). Harry Wipper Park abuts the subject property to the north. Across the street to the west and south, as well as abutting the site to the east, are single family zoned lots. Renee Place is a 'no thru' road that terminates at Harry Wipper Park. Currently, the subject property is undeveloped and remains treed.

Official Community Plan (OCP)

The subject property is designated as 'Neighbourhood' according to Map 1 of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development in 'Neighbourhoods' will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in 2 to 4 storey building forms, will be supported in 'Neighbourhoods'.
- The development or redevelopment of lands within existing 'Neighbourhood' designated areas shall consider the surrounding context, including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the liveability of the area. The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character, including the ground oriented nature of existing housing.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The applicant is proposing to rezone from Single Family Residential Zone (RS-1) to Residential Duplex Zone (RM-1) and Single Family Residential Small Lot Zone (RS-6) in order to create one duplex lot and three small single family lots (Schedule 'B'). The development would result in the creation of four lots and a total of five dwelling units. All the proposed lots have vehicle access from Renee Place.

Vehicle Access Lots 1 & 2

To facilitate safe vehicle movement, proposed Lots 1 and 2 have a shared vehicle access which increases the separation of the driveway from the Hammond Bay Road intersection. An access easement would be required at the subdivision stage, as such Staff recommends that the shared access be secured by covenant as a condition of rezoning.

General Building Design

Staff recommends that a covenant to secure general building design be required as a condition of rezoning. The building to be constructed on the proposed duplex lot (Lot 1), located on the corner of Hammond Bay Road and Renee Place, will need at least one dwelling unit to exhibit street presence fronting Hammond Bay Road. This will include a front door facing Hammond Bay Road and direct pedestrian access and/or gated pedestrian entrances from Hammond Bay Road. Should a single family dwelling be built on Lot 1, it will also require the same general building design.

In addition, where multiple RS-6 lots are proposed there is a concern with building design, specifically with how the buildings present to the public street. Given the narrow lot frontages, there is the potential that the face of the buildings will be dominated by garage doors. Therefore, in order to address this concern with proposed Lots 2, 3, and 4, the covenant will permit single wide garages only to a maximum of 50% of the front building façade, and require that garages be setback from the front face of the building, or detached in the rear of the lot serviced by shared or common driveways.

Development Cost Charges (DCC's)

Staff recommends that a covenant be secured as a condition of rezoning in relation to the duplex lot. Should a single family dwelling be built on the duplex lot a payment in lieu of DCC's, equivalent to a single family lot, would be required prior to issuance of a building permit.

Community Contribution

Pursuant to Section 7.3 of the Official Community Plan (OCP), in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant proposes a monetary contribution of \$5,000 towards the City of Nanaimo's Affordable Housing Legacy Fund.

Staff supports the community contribution proposal and recommends that this item be secured as a condition of rezoning.

Respectfully submitted,

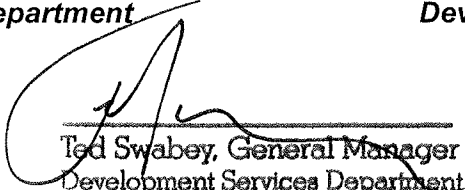


J. Holm
Manager, Planning Division
Development Services Department



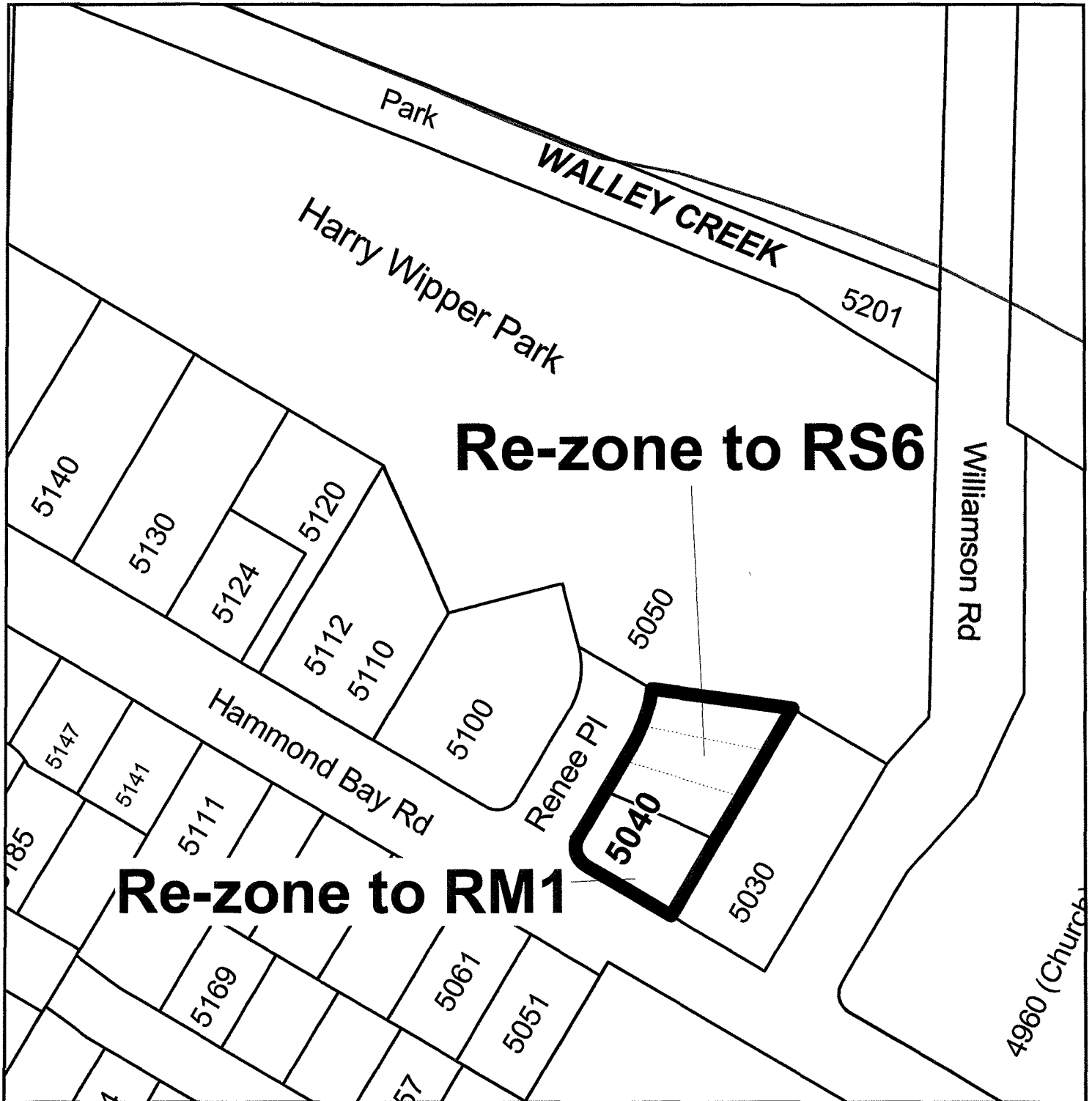
A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-DEC-14
Prospero: RA234



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



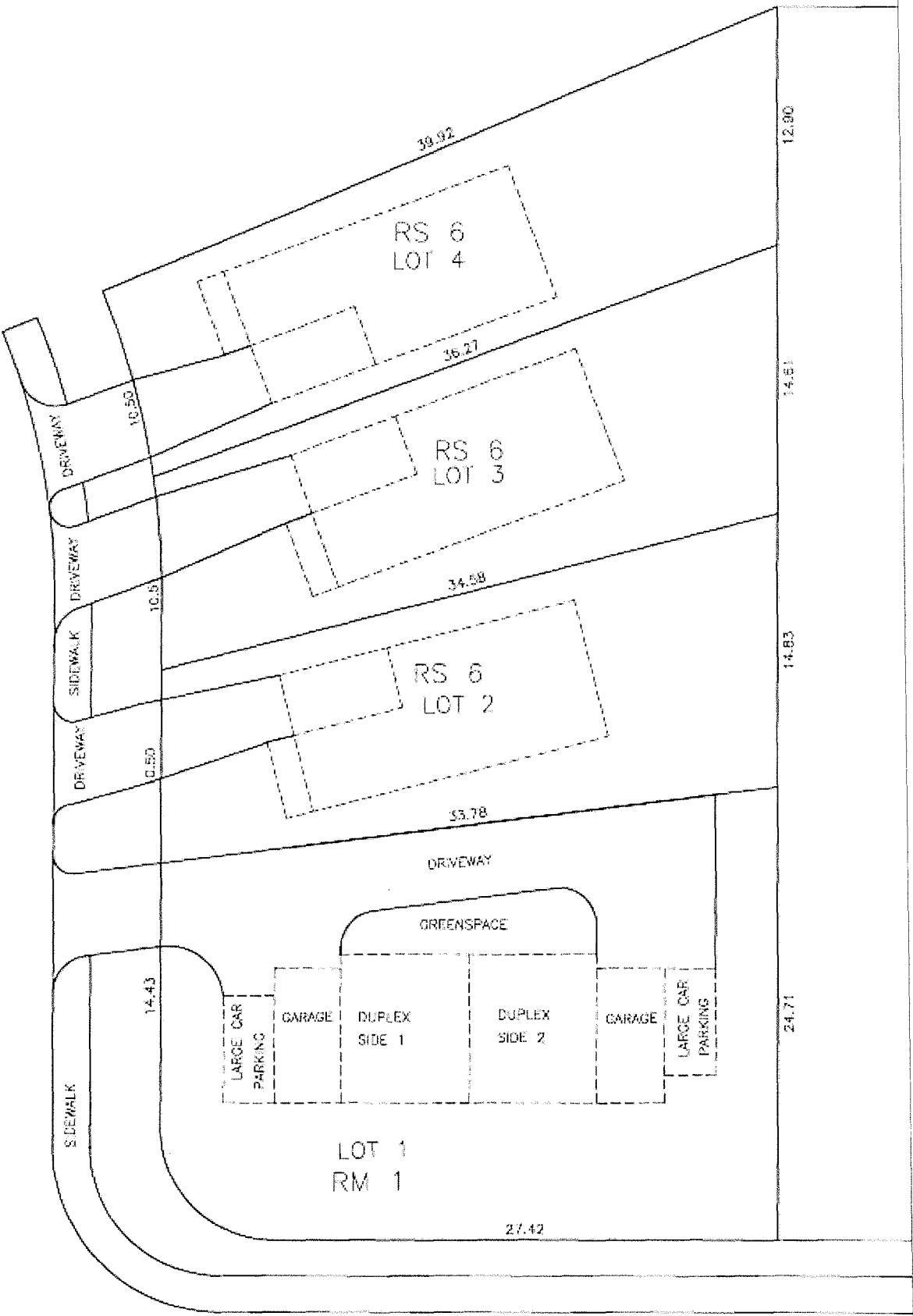
File: RA000234
Civic: 5040 Hammond Bay Road

 **Subject
Property**

LOCATION PLAN

SCHEDULE B

RENEE PLACE



HAMMOND BAY ROAD

CITY OF NANAIMO

BYLAW NO. 4000.473

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 1993 NO. 4000"

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

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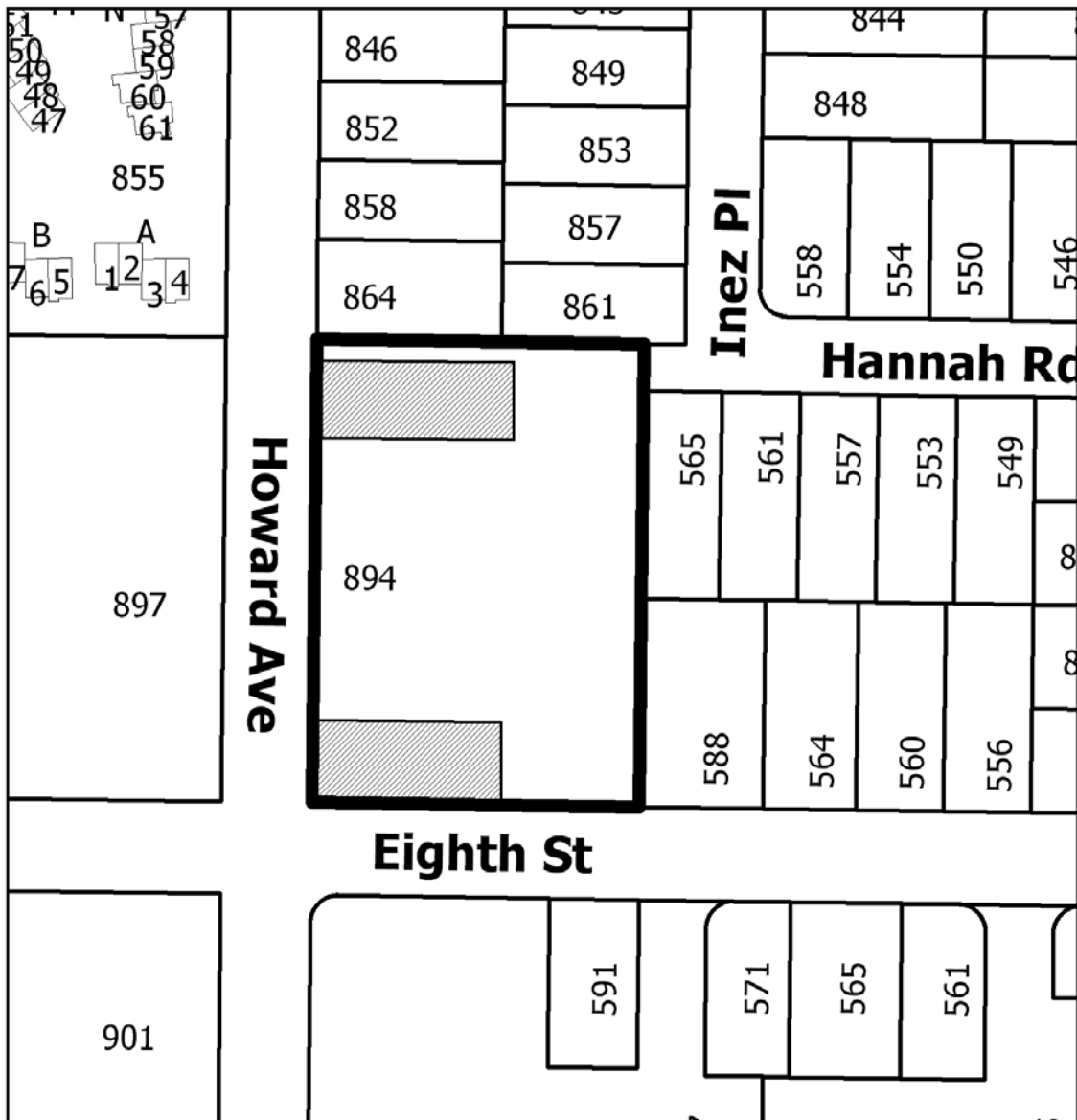
1. This Bylaw may be cited as the "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.473".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning a portion of the land legally described as THAT PART OF SECTION 13, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630, LYING TO THE WEST OF A BOUNDARY PARALLEL TO AND PERPENDICULARY DISTANT 238 FEET FROM THE WESTERLY BOUNDARY OF SAID SECTION from Single Family Residential Zone (Large Lot) (RS-2) to Residential Duplex Zone (RM-1) as shown on the attached Schedule "A".

PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
APPROVED BY THE MINISTRY OF TRANSPORTATION _____
COVENANT REGISTERED _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES


SCHEDULE A



File: RA000229
Civic: 894 Howard Avenue

LOCATION PLAN

 **Subject Property**

 **Portion to be Rezoned**

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA229 - 894 HOWARD AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2010 NO. 4000.473", which is presented under the Bylaw section of the agenda; and
2. direct Staff to secure the community contribution and register a covenant to secure general building design, fence height restriction and Development Cost Charges.

EXECUTIVE SUMMARY:

The City has received a rezoning application from Don Saywell, on behalf of 699694 BC Ltd., to rezone a portion of the subject property from Single Family Residential Zone - Large Lot (RS-2) to Residential Duplex Zone (RM-1) in order to facilitate the inclusion of two duplexes within an approved subdivision development. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is approximately 7,290 square metres (1.8 acres) in area and is located on the north-east corner of the Howard Avenue and Eighth Street intersection (Schedule A). The subject property is in close proximity to a number of large underdeveloped parcels on both Howard Avenue and Eighth Street and is bordered to the north and east by single family lots. A 60 plus unit multi-family development exists north and west of the subject property on Howard Avenue. The subject property is currently occupied by a single family dwelling.

Official Community Plan

The subject property is designated as "Neighbourhood" according to Map 1 of the Official Community Plan (OCP). The relevant policies of the OCP are as follows:

- Development in 'Neighbourhoods' will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in 2 to 4 storey building forms, will be supported in 'Neighbourhoods'.

- The development or redevelopment of lands within existing 'Neighbourhood' designated areas shall consider the surrounding context including architecture, scale, densities, and lot and lane configuration, when creating innovative designs which fit a variety of housing forms and enhance the liveability of the area. The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character, including the ground oriented nature of existing housing.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Proposed Development

The subject property is under approved Preliminary Layout Acceptance (PLA) for an eight lot single family subdivision (Schedule B), which is proposed to develop in two phases. The applicant has received Design Stage Acceptance Engineering approval for the first phase subdivision works. This rezoning application proposes to rezone Lots 1 and 6 for duplex use (Schedule B).

General Building Design

Staff recommends that a covenant to secure general building designs be required as a condition of rezoning. The covenant should secure the following:

- the building to be constructed on proposed Lot 6, located on the corner of Howard Avenue and Eighth Street, must be designed such that the building is accessed from both Howard Avenue and Eighth Street
- Any garage door on Lot 6 facing Eighth Street must be set back a minimum distance of 6 metres (19.69 feet) where a driveway apron is provided to ensure that vehicles do not overhang on the sidewalk.
- Each unit on Lot 1 will have no more than one single car garage facing Howard Avenue.

Fence Height

Staff recommends that a covenant be registered on title to proposed Lots 1 and 4 limiting the height of any fence constructed on those lots along the trail connecting Hannah Road to Howard Avenue to 1.5 metres (5 feet) in order to ensure that trail users are visible.

Development Cost Charges

Development Cost Charges (DCCs) are not payable on duplex lots at the time of subdivision. DCCs are payable through building permit application for duplexes. DCCs are not payable at building permit stage for a single family dwelling, which is a permitted use in the RM-1 Zone. As such, Staff recommends that a covenant be secured on title to require payment of a single family rate DCC equivalent for duplex lots at the time of subdivision approval.

Community Contribution

Pursuant to Section 7.3 of the OCP, in exchange for value conferred on land through rezoning, the applicant should provide a community contribution. The applicant has proposed a monetary contribution of \$4,000 towards the City of Nanaimo's Affordable Housing Legacy Fund.

Staff supports the community contribution proposal and recommends that this item be secured as a condition of rezoning.

Respectfully Submitted,



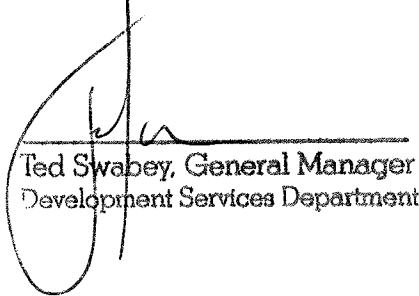
J. Holm
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

JH/hd

COUNCIL: 2010-JAN-1/
Prospero: RA000229

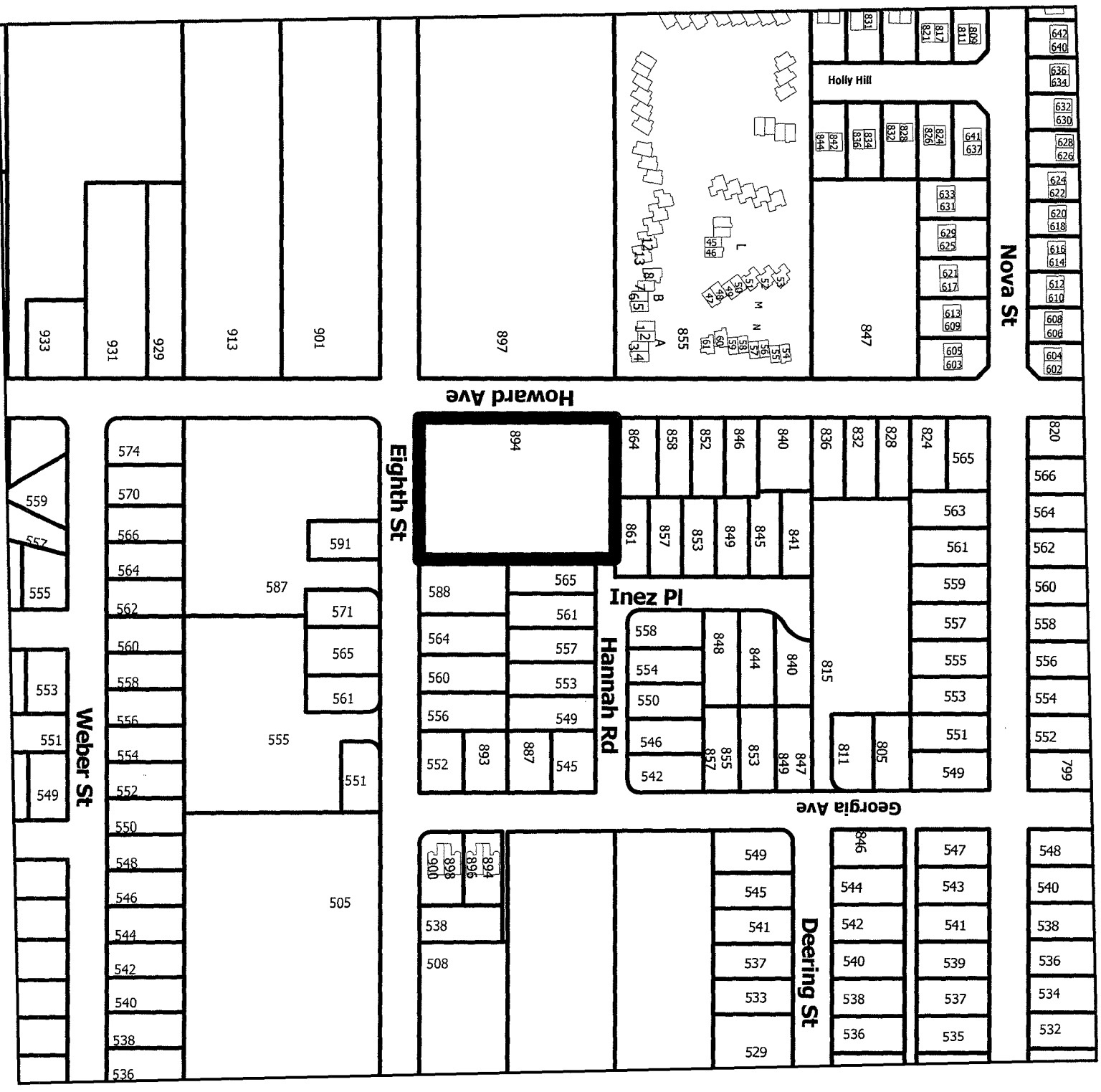


A. Tucker
Director of Planning
DEVELOPMENT SERVICES DEPARTMENT



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000229

Civic: 894 Howard Avenue

**Subject
Property**

LOCATION PLAN

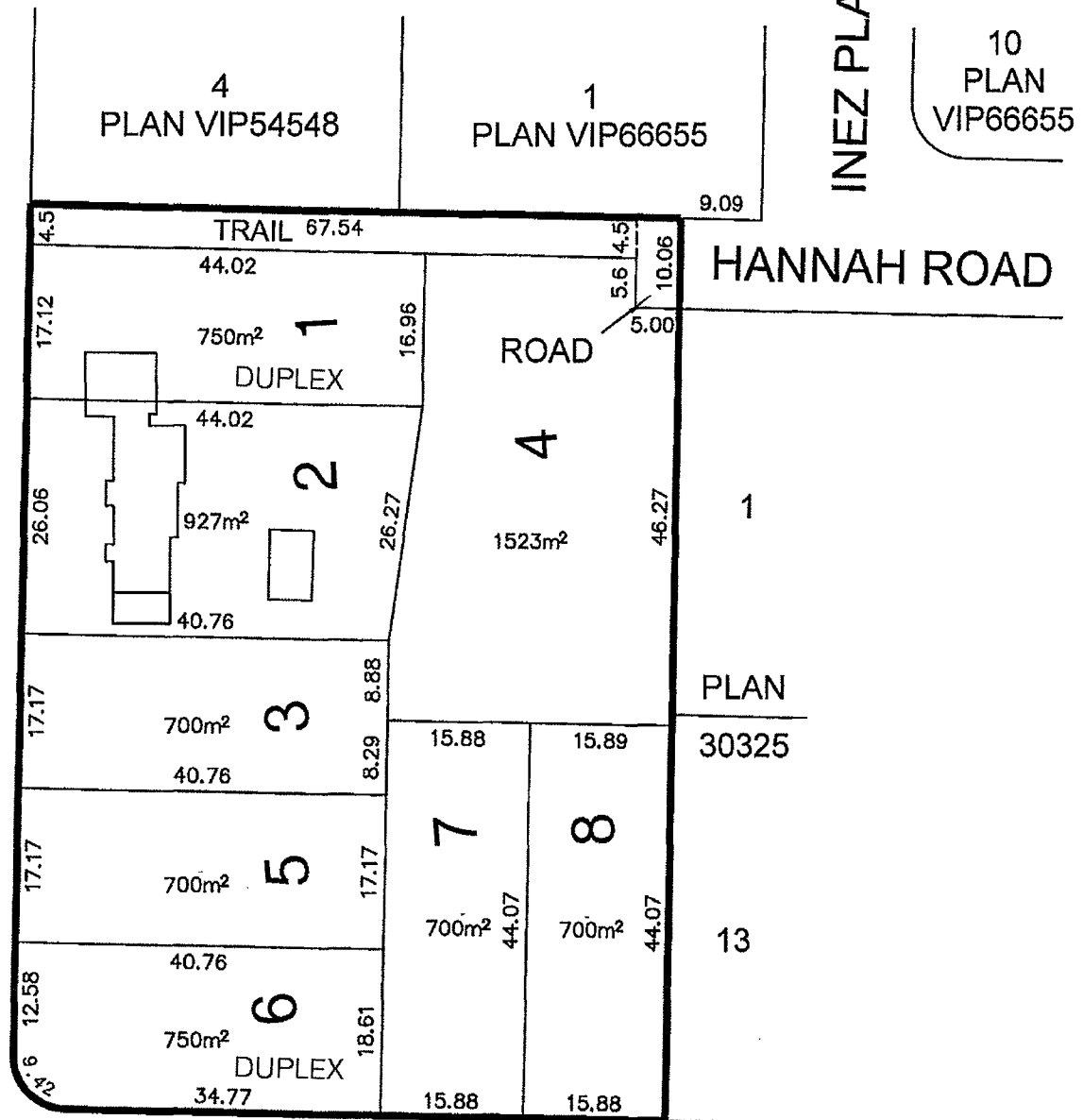
SCHEDULE B

TENTATIVE PLAN OF SUBDIVISION OF THE REMAINDER OF SECTION 13, RANGE 7, OF SECTION 1, NANAIMO DISTRICT, PLAN 630.

Scale 1:750



HOWARD AVENUE



EIGHTH STREET

J.E. ANDERSON & ASSOCIATES
B.C. Land Surveyors - Consulting Engineers
Victoria-Nanaimo-Parksville, B.C.
File : 86546
SUB 00714
Date : July 11, 2008

2010-JAN-04

STAFF REPORT

TO: A. TUCKER, DIRECTOR OF PLANNING, DEVELOPMENT SERVICES

FROM: J. HOLM, MANAGER, PLANNING DIVISION, DEVELOPMENT SERVICES

RE: RA232 – 888 BRUCE AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. receive this report pertaining to a proposed amendment to an existing restrictive use covenant to replace the requirement that a community building be provided on the subject property for the Harewood Community Project Society, with a requirement for a community contribution of \$60,000 to be used for a priority project in the Harewood area; 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 Maureen Pilcher and Associates Inc., on behalf of Bruce Avenue Land Management Ltd., to amend an existing covenant secured through rezoning application RA94-34. The applicant proposes to replace the existing requirement to construct a 73.4 square metre (790 square foot) community building on the property at the time of building permit application with a requirement to provide a community contribution of \$60,000 towards a community priority project at the time of building permit application.

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

BACKGROUND:

Subject Property

The subject property, which is located on the corner of Bruce Avenue and Eighth Street, is approximately 4,600 square metres (1.1 acres) in area and zoned Mixed-Use Commercial Zone (C-4). The subject property is bordered on the east by an existing trail dedication and an adjacent single family subdivision off Murray Street and Eighth Street. The subject property is bordered on the north by an existing railway connecting Murray Street to Bruce Avenue, on the west across Bruce Avenue by the Mid-Island Co-op Gas Bar and the Harewood Arms Pub, and on the south across Eighth Street by existing single family and duplex lots (Schedule A). The subject property is also kitty-corner to the Salvation Army Ministry property, which is located on the south-west corner of Bruce Avenue and Eighth Street.

Official Community Plan (OCP)

The subject property is designated as "Corridor" according to Map 1 of the Official Community Plan (OCP). The subject was rezoned from Single Family Residential (large lot) Zone (RS-2) to Mixed-Use Commercial Zone (C-4) with the adoption of Zoning Amendment Bylaw 4000.088 1996-AUG-19. The applicant intends to develop the property under the existing zoning. The existing C-4 zoning is consistent with OCP 'Corridor' policy.

Plan Nanaimo Advisory Committee (PNAC)

As the application is for a covenant amendment related to a community contribution and not a rezoning for a change in land use, the application was not presented to the Plan Nanaimo Advisory Committee for its consideration.

Proposed Covenant Amendment

Covenant EK076794 was registered on title to the subject property on 1996-JUL-12 as a condition of Rezoning Application RA94-34. The property, which has remained undeveloped to date, is presently owned by Bruce Avenue Land Management Ltd. The current owner is planning to commence development of the property within the first half of 2010.

The covenant requires that a community building, of not less than 73.4 square metres (790 square feet) be provided on site and leased to the Harewood Community Project Society for \$1 for a 99-year term or, in the case that the property is subdivided, the title to the community building is to be transferred to the Harewood Community Project Society.


During the owner's recent preparation for development of the property, it was identified that the Harewood Community Project Society has dissolved. While the Harewood Community Project Society no longer exists as a registered non-profit society, a number of the former members of that society are actively involved in the more recently formed Harewood Neighbourhood Association (HNA), which is also a registered non-profit society. The developer and Staff met with the HNA 2009-DEC-09 to discuss the covenanted community building. The HNA identified that they did not desire to take on ownership and maintenance responsibility for a building of the scale proposed in the location proposed. The HNA has provided a letter of support for the proposed covenant amendment (Schedule B).

The covenant amendment proposed provides an opportunity for the community contribution secured through Rezoning Application RA94-34 to be updated to reflect current community priorities. Staff intends to work with the HNA in the early part of 2010 in order to identify community priority projects to which the community contribution may be allocated.

The developer has offered to provide \$60,000 towards a community priority project in lieu of the covenanted community building. Staff has confirmed proposed value through third party estimate and is of the opinion that \$60,000 is an appropriate value. The community contribution will be secured at the time of building permit application.

Staff supports the proposed covenant amendment.

Respectfully Submitted,

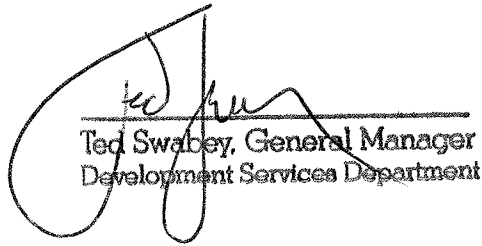


J. Holm
Manager, Planning Division
DEVELOPMENT SERVICES DEPARTMENT

JH/hd
COUNCIL: 2010-JAN-11
Prospero: RA000232

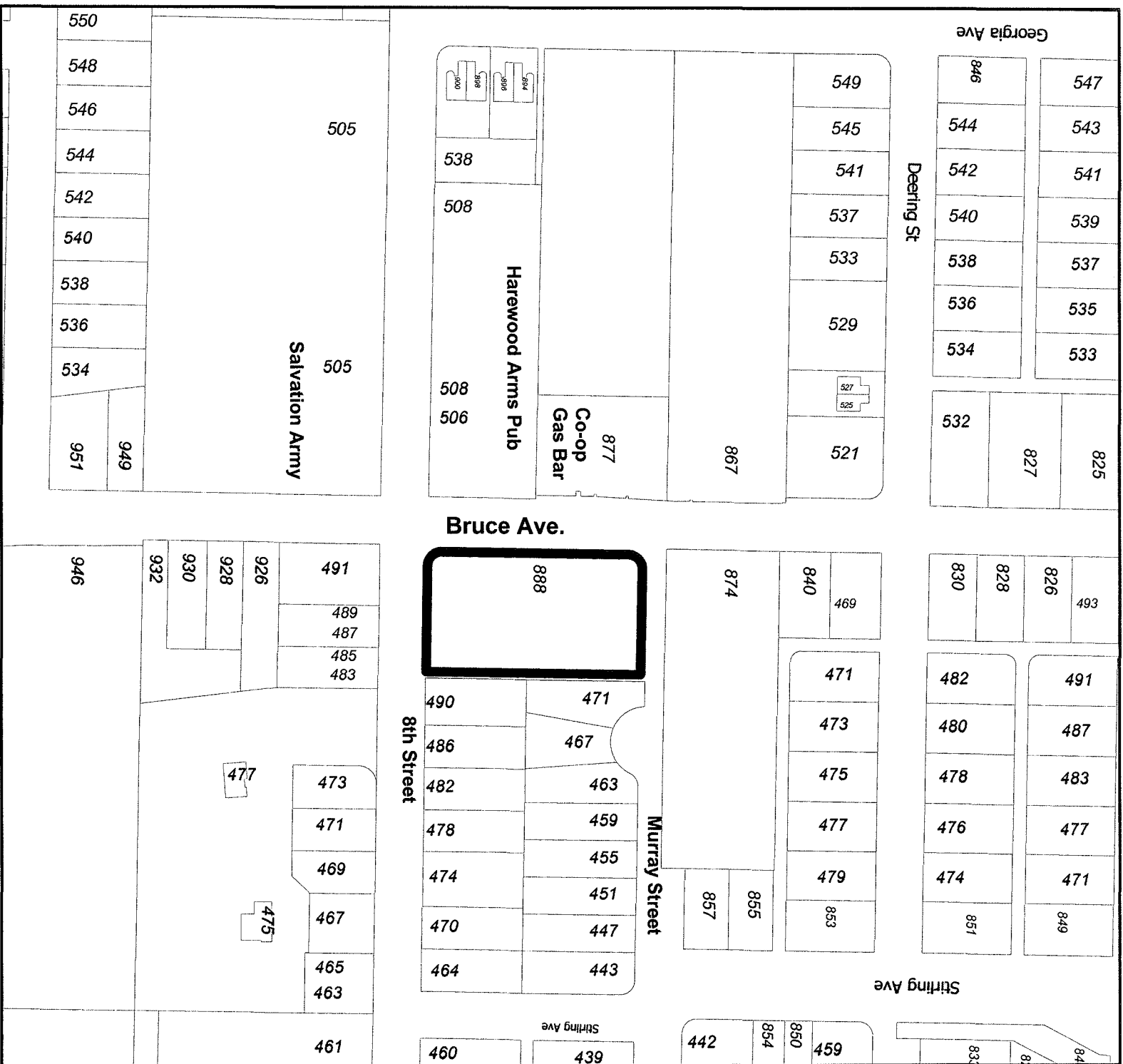


A. Tucker
Director of Planning
DEVELOPMENT SERVICES DEPARTMENT



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000232

LOCATION PLAN

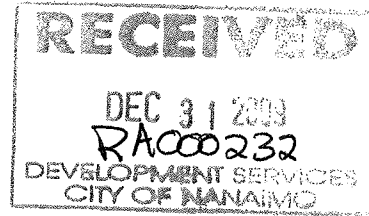
Civic: 888 Bruce Avenue

SUBJECT
PROPERTY



SCHEDULE B

Harewood Neighbourhood Association
Formerly known as Harewood Project Society
C/O 550 - 7th Street
Nanaimo, BC V9R 3Z2



December 29, 2009

To Whom It May Concern:

The Harewood Neighbourhood Association, formerly known as the Harewood Project Society, recently met with city personnel and the developers of 888 Bruce Ave. We agree with the developers proposed change in the land use covenant currently in place on the property at 888 Bruce which requires the construction of a 770 square foot building for use as a community centre.

We are willing to accept a financial contribution of fair market value rather than undertaking the ongoing responsibility of a small building.

We understand the City of Nanaimo would hold these funds in trust for the use of the Harewood Neighbourhood Association for future projects, which would benefit the people who live in Harewood.

We wish to thank the developers and city personnel who attended the HNA meeting of December 9th, 2009, and appreciate their desire to fulfill the intent of the land use covenant placed upon the land by the previous owner.

Working together we can all accomplish more than we can alone. Our focus is as always on the development of Harewood for the people of Harewood, and we are always interested in working with individuals and groups who are willing to work with us towards this goal.

Yours truly,

Heather Campbell - President

Sandy Coones - Treasurer