

NOTICE OF PUBLIC HEARING

2009-DEC-03 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2009-DEC-03**, 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. 4000.467

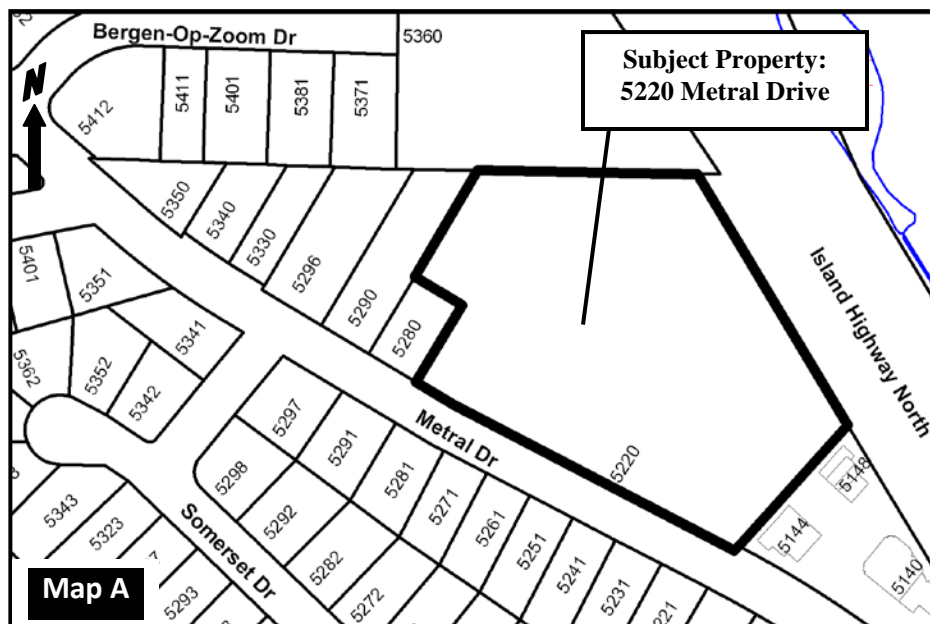
Purpose: To permit use of land for a residential / commercial / office development.

Location(s): 5220 Metral Drive

File No.: RA218

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Comprehensive Development District Zone 6 (CD-6) in order to permit a residential / commercial / office development.

The subject property is legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570 EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823 AND 24971 and is shown on Map 'A'.



2. BYLAW NO. 4000.468

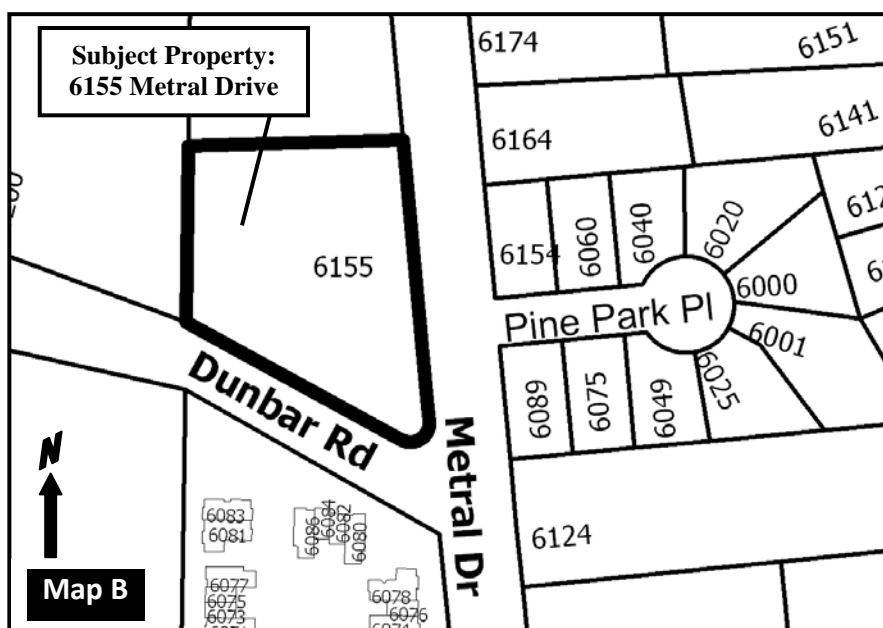
Purpose: To permit use of land for a mixed use development.

Location(s): 6155 Metral Drive

File No.: RA230

This bylaw, if adopted, will rezone the subject property from Single Family Residential Zone (RS-1) to Mixed Use Commercial Zone (C-4) in order to permit a mixed use development.

The subject property is legally described as LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN 43497 and is shown on Map 'B'.



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

The above bylaws, relevant staff reports, and other background information may be inspected from 2009-NOV-20 to 2009-DEC-03, 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 shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaws No. 4000.467 and 4000.468 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, 2009-DEC-03, 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. 4000.467

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. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:

- (1) By adding the following to the Table of Contents after "7.17. Comprehensive Development District Zone 5 - (CD-5)":

7.18. Comprehensive Development District Zone 6 – (CD-6)

- (2) By adding the following to the Table of Contents after "15.10. Schedule F-4 – Comprehensive Development District No.5" and renumbering subsequent sections accordingly:

15.11. Schedule F-5 - Comprehensive Development District No. 6

- (3) By adding the following to Subsection 3.1. after "Part 7 – Multiple Family Residential Zones, Comprehensive Development District Zone 5 - (CD-5)":

Comprehensive Development District Zone 6 - (CD-6)

- (4) By adding the following after Section 7.17. Comprehensive Development District Zone 5 (CD-5):

7.18. COMPREHENSIVE DEVELOPMENT DISTRICT ZONE 6 (CD-6)

The intent of this zone is to provide for mixed use commercial and multi-family development within the Corridor designation.

Emphasis is placed on creating an environment conducive to housing that complements the existing neighbourhood through comprehensive site planning.

7.18.1. Permitted Uses

Permitted uses shall be as set out in Schedule “F-5” to this Bylaw.

7.18.2. Conditions of Use

No parking spaces shall be permitted between the front face of a *building* and a *highway*. For the purposes of this subsection, a highway does not include a lane.

7.18.3. Density

Density shall be as set out in Schedule “F-5” to this Bylaw.

7.18.4. Yard Requirements

Yard Requirements shall be as set out in Schedule “F-5” to this Bylaw.

7.18.5. Height of Buildings

The height of a building shall be as set out in Schedule “F-5” to this Bylaw.

7.18.6. Screening and Landscaping

7.18.6.1. Where the CD-6 Zone abuts a highway or a Residential Zone screening and landscaping shall be provided in accordance with Part 14 of this Bylaw.

7.18.6.2. All mechanical, electrical or other service equipment located outside or on the roof of a *building* shall be screened from adjacent properties and *streets* by ornamental *structures*, *landscaping*, or other means.

7.18.7. Parking

Parking shall be provided as per Schedule “F-5” of this Bylaw.

7.18.8. Plans

Within the CD-6 *zone*, the lands shall be developed in general accordance with the plans as shown on Schedule “F-5”.

- (5) By adding the following to Subsection 14.12 Minimum Landscape Treatment Levels after CD-5:

Subject Property Zoned	Front Yard	Side Yard	Rear Yard	Storage/Landfill /Refuse Receptacles
CD-6	1	1	1	2

- (6) By adding those plans shown on the attached Appendix 'A' as Schedule F-5 "Comprehensive Development District No. 6".
- (7) By rezoning land legally described as LOT 1, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 17570 EXCEPT THOSE PARTS IN PLANS 18750, 20202, 22823 AND 24971, as shown on the attached Appendix 'B' from Single Family Residential Zone (RS-1) to Comprehensive Development District Zone 6 (CD-6), and amending the ZONING BYLAW 1993 NO. 4000 Schedule 'A' Zoning to include the CD-6 Zone.

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

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000218
Address: 5220 Metral Drive

STAFF REPORT

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

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

RE: RA218 – 5220 METRAL DRIVE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.467", which is presented under the Bylaws section of the agenda; and
2. direct Staff to secure general building design, storm water pre-development flows, erosion and sediment control plan; tree protection plan; and community contribution.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Maureen Pilcher and Associates, on behalf of KEM Enterprises Inc., to rezone the subject property from Single Family Residential Zone (RS-1) to Comprehensive Development District Zone 6 (CD-6) in order to permit a residential / commercial / office development. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is located on the east side of Metral Drive and backs onto the Island Highway, across from Nanaimo North Town Centre (previously Rutherford Mall) (Schedule 'A'). The site is approximately 18,920 m² (4.7 acres) in area, and is completely forested. Metral Drive is classified as a 'major collector'. The west side of Metral Drive across from the subject property contains large single family lots. Abutting the property to the north and northwest are single family lots; with the most northern lot being a 3.4 acre site containing a single family dwelling, which also abuts the Island Highway. To the south of the subject property is a commercial development containing 3 two-storey buildings.

Official Community Plan

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, and 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 a 'Corridor' designation.

The Corridor designation supports mixed land uses. Development within Corridors will be characterized by residential development at medium to high level densities; as well as mixed-use developments, where ground floor uses are retail, office, or community uses that invite public activity, and upper floor uses contain residential and/or professional uses.

Additionally, development in Corridors 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. Primary parking areas between the front face of the buildings and the street in Corridors is not permitted. In addition, ecological features, such as steep slopes, watercourses, riparian areas, significant trees, and environmentally sensitive lands are recognized as attributes and development shall proceed only where the impacts on these features are minimized and can be mitigated.

Staff Comments

While providing a mix of uses and housing forms, the proposed development respects the existing scale of development within the surrounding area. The location of the residential and commercial uses at the subject property take into consideration the location of existing residential and commercial uses surrounding the site. The proposed townhouses along Metral Drive reflect the residential edge on the west side of Metral as well as providing a transition to the single family lots to the north of the site, while the proposed commercial uses and live/work studios are abutting the existing commercial uses at 5140 Metral Drive south of the subject site. The proposed apartment building is sited internally with the Island Highway to the east of the building; as noted above, the property north of the proposed apartment building is a large 3.6 acre lot (containing a single family dwelling) that will likely develop-out in the future. It is Staff's opinion that the proposed development meets the intent of the Corridor designation in the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1) to Comprehensive Development District Zone 6 (CD-6) in order to permit a mixed-use development. The development consists of mixed-use buildings, live/work studios, an office/commercial building, townhouses, and an apartment/condo building. It is the intention of the applicant to subdivide the site into four lots. A summary of each future lot is provided in the table below.

Lot 1	Lot 2	Lot 3	Lot 4
Residential	Residential	Mixed-Use	Mixed-Use & Live/Work Studios
Townhouses	Apartment / Condo	2 Buildings	2 Buildings
Lot Area: 6230m ²	Lot Area: 4680m ²	Lot Area: 5370m ²	Lot Area: 2640m ²
2 storey 16 units	4 storey 32 units	<p>Bldg #1: Mixed Use</p> <ul style="list-style-type: none"> • 2 storey • 1st Floor – commercial / retail • 2nd Floor – residential (4 units) • 400 m² commercial • 400 m² residential • Total gross floor area approximately 800 m² (8611 ft²) <p>Bldg #2: Commercial / Office</p> <ul style="list-style-type: none"> • 2 storey • Both floors commercial / office • Each floor 800 m² • Total gross floor area approximately 1600 m² (17,222 ft²) 	<ul style="list-style-type: none"> • Each building is 2 storeys in height • One building will be mixed-use with ground floor commercial uses (300m²) and second floor residential (5 units) • The other building will contain 5 live/work studios • Total of 300m² commercial on the lot • Total of 5 residential units • Total of 5 live/work units • Total gross floor area approximately 1750 m² (18,837 ft²)

Lot 1	Lot 2	Lot 3	Lot 4
Parking Required: 26 Provided: 27 <i>*Detached & attached garages and driveway</i>	Parking Required: 53 Provided: 53 <i>*Under-building & surface</i>	Parking Required: 87 Provided: 89 <i>*Underground & surface</i>	Parking Required: 35 Provided: 35 <i>*Surface</i>
Overall Development: <ul style="list-style-type: none"> • 57 Residential Units • 5 Live/Work Studios • Gross Commercial Floor Area 2300 m² (24,757 ft²) • 201 Required Parking Spaces • 204 Parking Spaces Provided 			

The proposed site plan (Schedule 'B'), development data (Schedule 'C') and conceptual elevations (Schedule 'D') are attached. As the proposed development is a Comprehensive Development District Zone, the site plan and development data will be included in "ZONING BYLAW 1993 NO. 4000" as a schedule.

General Building Design

As the proposed townhouses front along Metral Drive, Staff recommends that each unit fronting Metral Drive be required to provide pedestrian entrances, from the street to the building in order to create a street presence. Staff recommends that the pedestrian entrances be covenanted as a condition of rezoning.

Storm Water

There are no storm drain pipe systems currently servicing the property and Staff recommends that a covenant be required as a condition of rezoning to restrict post-development flows from the site to pre-development 10-year peak levels and patterns using alternative rain water management practices. An infiltration assessment confirms that alternative rain water management practices can be utilized appropriately on-site.

Erosion and Sediment Control

Staff recommends, as a condition of rezoning, that a covenant be registered to secure an erosion and sediment control plan. Prior to the removal of any vegetation or construction of works, an erosion and sediment control plan will need to be reviewed and issued Design Stage Acceptance (DSA).

No Gating

Staff recommends as a condition of rezoning that a covenant be registered to prohibit the installation of vehicular gates on private roadways.

Tree Protection

In accordance with the Tree Protection Bylaw, a minimum of 20% of the trees on the property are to be protected. The tree protection areas are shown specifically on Schedule 'E', and Staff recommends that this plan be covenanted as a condition of rezoning. In addition, there are five significant trees that were assessed with respect to their health, hazard, risk and potential to survive, and it was determined that the trees should not be retained.

The applicant has offered \$600 per tree, for a total of \$3000, to go towards replacement plantings, as determined through the Urban Forest Strategy in order to off-set the removal of these trees. Staff recommends that the monies be secured as a condition of rezoning via covenant. The covenant would require the monies to be paid prior to issuance of a tree removal permit.

Private Road Cross Section

Site access is proposed as a private road including sidewalks and boulevard. The proposed cross section is attached as Schedule 'F'. Staff recommends that a covenant be registered in order to secure the proposed private road cross section. An access easement will be required prior to final approval of future subdivision.

Trail Right-of-Way

As a condition of rezoning, Staff recommends that a 3-metre trail right-of-way be secured via covenant. The trail is shown on the site plan and connects from Metral Drive to the northern lot boundary.

Road Dedication

Metral Drive is classified as a 'major collector'. Approximately 2.5 metres of dedication is required from the Metral Drive frontage of the subject property. As a condition of rezoning, Staff recommends that road dedication be secured via covenant, prior to consideration of final adoption of the bylaw.

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 proposing a \$150,400 monetary contribution, which is consistent with community contributions offered through comparable previous residential and commercial rezonings. The applicant proposes that the monies be put towards the second artificial turf at Merle Logan Sports Field. However, as the contribution is to be secured via covenant, should the contribution be received after the completion of the field and the monies no longer be required for the turf field, then the contribution would go into a general parks improvement fund.

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

planNanaimo Advisory Committee (PNAC)

At its meeting of 2009-JUN-16, PNAC recommended that the application be approved as presented. Staff concur with this finding and recommend that Council support the proposed rezoning.

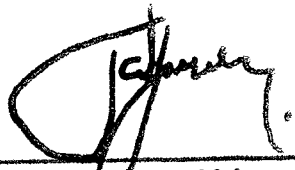
Respectfully submitted,



J. Holm
Manager, Planning Division
Development Services Department

A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-NOV-09
Prospero: RA218



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000218
Civic: 5220 Metral Drive

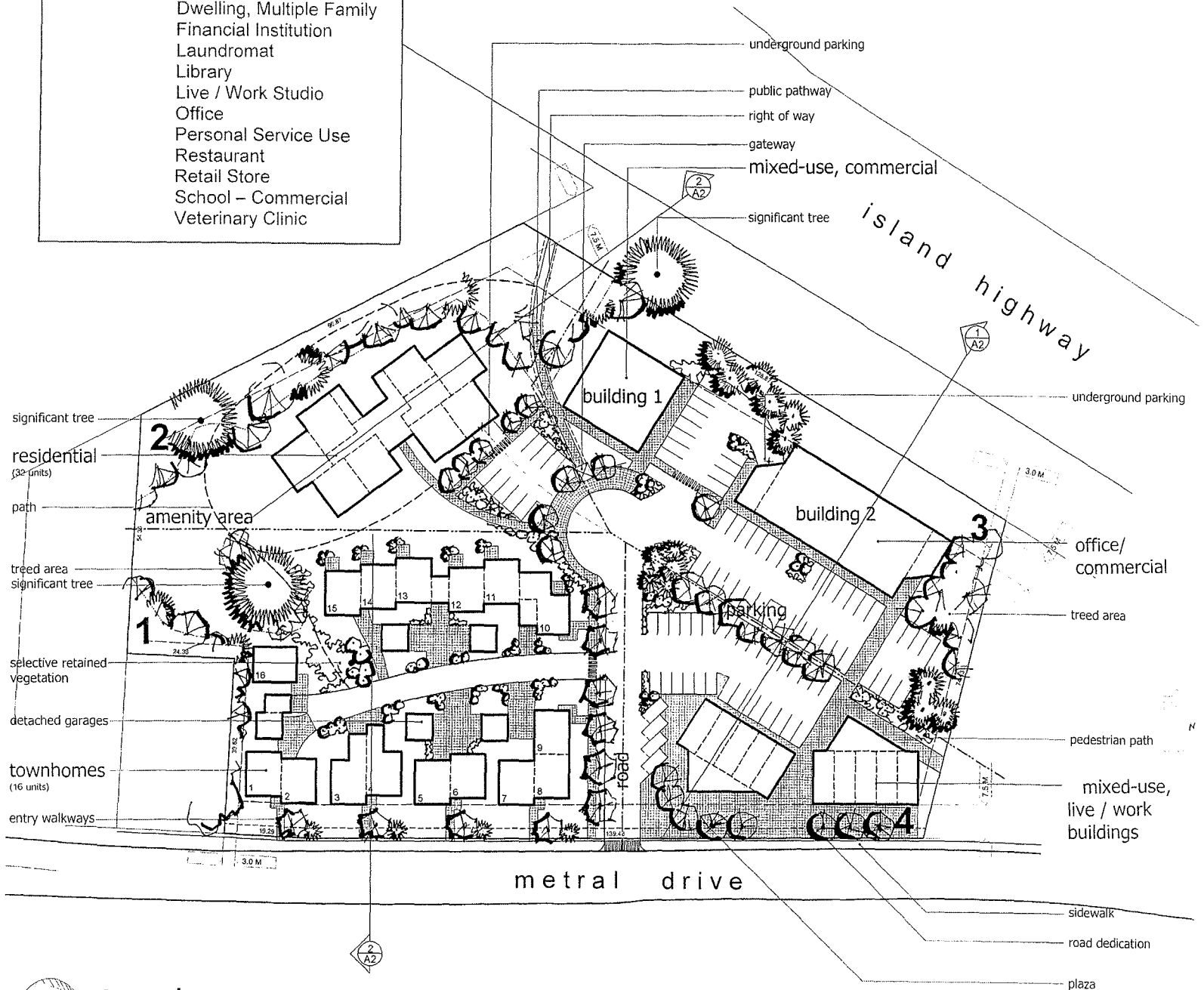


LOCATION PLAN

SCHEDULE B – SITE PLAN

Permitted Uses:

- Lots 1 & 2 – Dwelling, Multiple Family
 Lots 3 & 4 – Artist Studio
 Day Care Facility
 Deli/Specialty Food Store
 Dry Cleaners
 Dwelling, Multiple Family
 Financial Institution
 Laundromat
 Library
 Live / Work Studio
 Office
 Personal Service Use
 Restaurant
 Retail Store
 School – Commercial
 Veterinary Clinic



site plan

scale: 1: 500 metric

NOTE:
 Landscape shown is conceptual only. The landscape plan will build upon natural features of the site and replace habitat using native place species consistent with an urban forest.
 Landscape design development will advance at the development permit stage.

NOTE:
 Detail of sidewalk and boulevard strip along Metral Drive to be determined at subdivision or D.P. stage.

SCHEDULE ' C '

PROJECT DATA

LOT 1

SITE AREA:	+/- 6230 m ²
LAND USE:	2 storey townhouses w/ attached or detached garages
DENSITY:	16 units (25 units per ha)
GFA:	2960 m ² (garages included)
LOT COVERAGE:	27%
BUILDING HEIGHT:	9 m
PARKING REQUIRED:	16 units @ 1.66 = 26
PARKING PROVIDED:	27

LOT 2

SITE AREA:	+/- 4680 m ²
LAND USE:	4 storey multi-family residential w/ covered parking
DENSITY:	32 units (68 units per ha)
GFA:	4200 m ² (excluding covered parking)
FAR:	0.90
LOT COVERAGE:	23%
BUILDING HEIGHT:	16 m
PARKING REQUIRED:	32 units @ 1.66 = 53
PARKING PROVIDED:	53

LOT 3

SITE AREA:	+/- 5370 m ²
LAND USE:	
<i>Building 1:</i>	2 storey mixed use commercial 4 residential units
<i>Building 2:</i>	2 storey commercial w/ underground parking
BUILDING AREAS:	
<i>Building 1:</i>	main floor retail 400 m ² second floor residential 400 m ² total 800 m ²
<i>Building 2:</i>	main floor office 800 m ² second floor office 800 m ² total 1600 m ²
GFA:	2400 m ²
LOT COVERAGE:	23%
BUILDING HEIGHT:	14 m
PARKING REQUIRED:	400 m ² retail @ 1 / 20 m ² gfa 20 1000 m ² office @ 1 / 22 m ² net 40 600 m ² office @ 1 / 25 m ² net 21 4 residential units @ 1.66 6 total 87
PARKING PROVIDED:	89

LOT 4

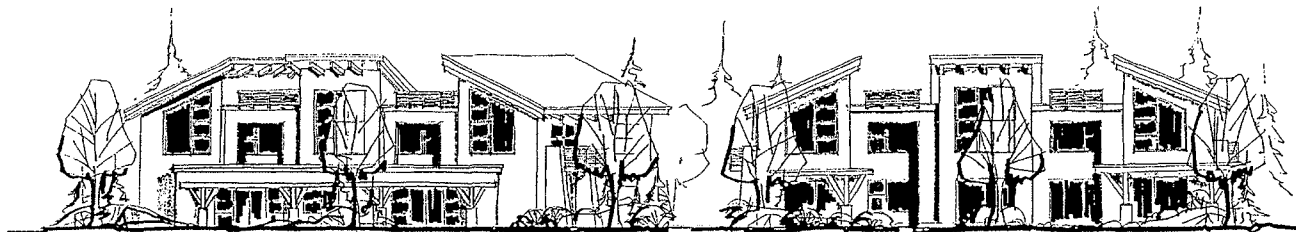
SITE AREA:	+/- 2640 m ²
LAND USE:	2 buildings (1 mixed use & 1 live/work studios)
BUILDING AREAS:	
<i>Building 1</i>	main floor commercial 300 m ² second floor residential 575 m ² total 875 m ²
<i>Building 2</i>	5 live/work studios 875 m ²
GFA:	875 m ² x 2 buildings: 1750 m ²
LOT COVERAGE:	29%
BUILDING HEIGHT:	12 m
PARKING REQUIRED:	300 m ² retail @ 1 / 20 m ² 15 5 residential units @ 1.66 8 5 live/work studios @ 2.5 12 total 35
PARKING PROVIDED:	35

SCHEDULE D

(1 OF 3)

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.

COPYRIGHT RESERVED. THESE PLANS ARE THE PROPERTY OF DELINEA DESIGN CONSULTANTS LTD. TO BE USED SOLELY FOR THE PROJECT SHOWN. UNAUTHORIZED REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.



streetscape – metral drive east

delinea
design consultants ltd.

4378 OBERLIN ROAD, LADYSMITH, B.C. V6G 1G2
will melville phone/fax
designer 250.245.3894

REVISIONS:
issued for rezoning application 14.APR.08



m e t r a l d r i v e

streetscape – metral drive

APR 14 2008

PROJECT:
Proposed Development
5220 Metral Drive
Metral B.C.
JOB NUMBER:
d1034-31.07
SCALE:
as noted
DRAWN BY:
C.M.
DRAWING TITLE:
streetscape - metral drive east
PAGE

PR2

SCHEDULE D

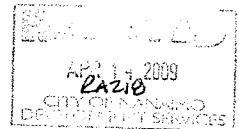
(2 OF 3)

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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streetscape – metral drive west



4376 OBERIAN ROAD, LADYSMITH, BC V8G 1G2
will melville phone: 250.245.3884
designer 250.245.3884

REVISIONS:
issued for 14.APR.08
rezoning application

APR 14 2009

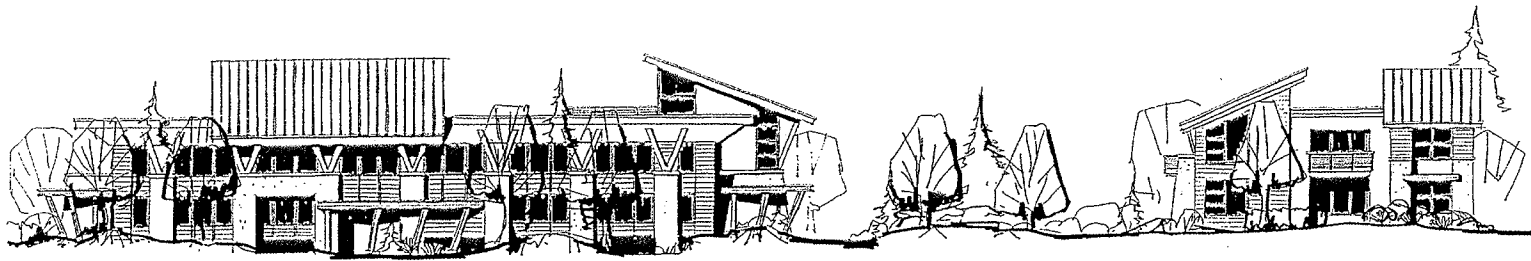
PROJECT
**Proposed
Development**
5220 Metral Drive
Nanaimo B.C.
JOB NUMBER:
d1034.31.07
SCALE:
as noted
DRAWN BY:
C.M.
DRAWING TITLE:
streetscape -
metral drive west
PAGE:

PR3

SCHEDULE D

(3 OF 3)

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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streetscape — island highway

APR 14 2009
RAZIO
CITY OF NANAIMO
DEVELOPMENT SERVICES



4375 OSBORN ROAD, LADYSMITH, BC V9G 3G7
will molville phone/fax
designer 250.246.3694

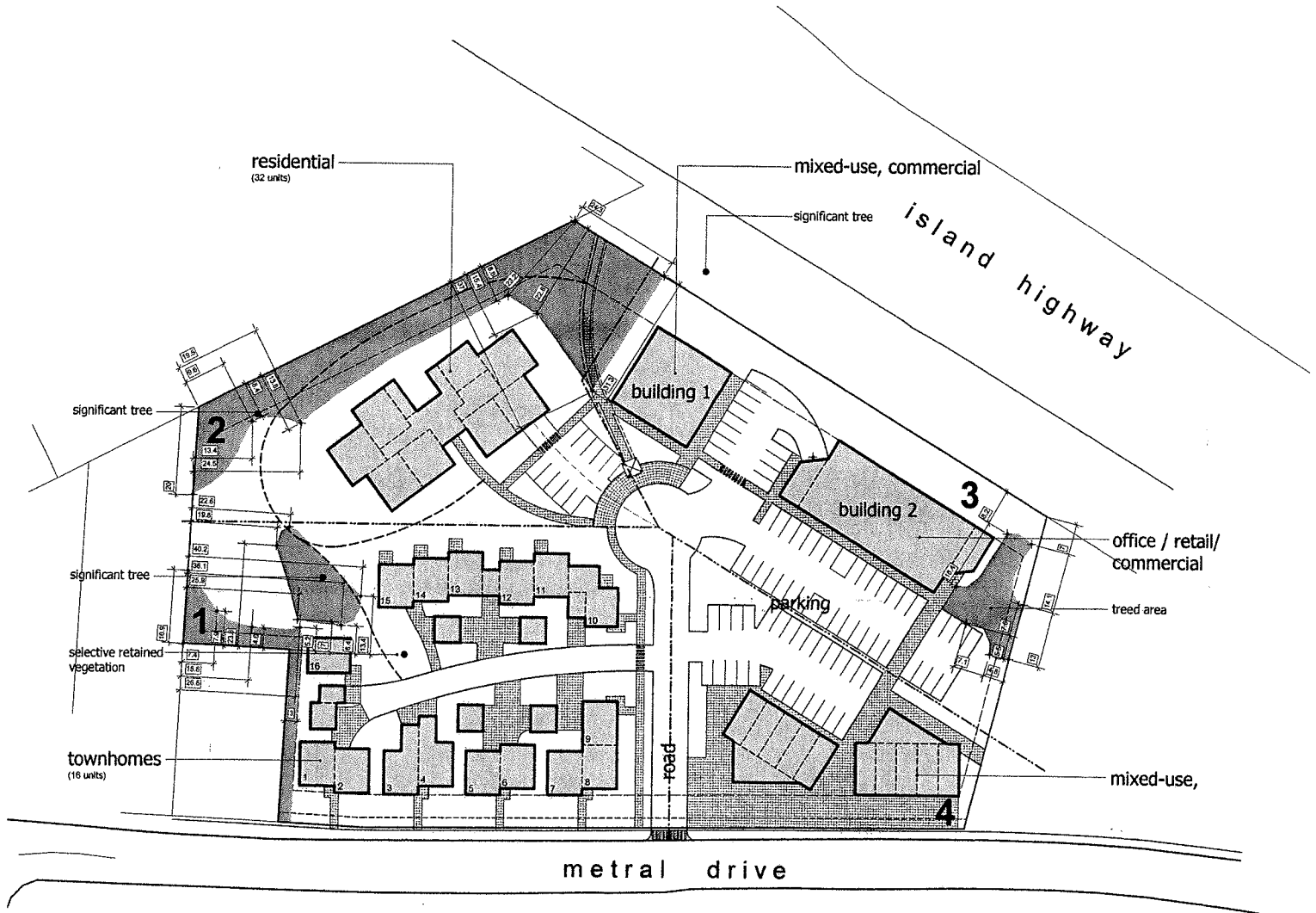
REVISIONS:
issued for 14.APR.09
rezoning application

APR 14 2009

PROJECT:
Proposed Development
5228 Midval Drive
Nanaimo B.C.
JOB NUMBER:
d1034.31.07
SCALE:
as noted
DRAWN BY:
C.M.
DRAWING TITLE:
streetscape -
island highway
PAGE

PR4

SCHEDULE E – TREE PROTECTION AREA



tree protection area

scale: 1: 500 metric

Tree management details:

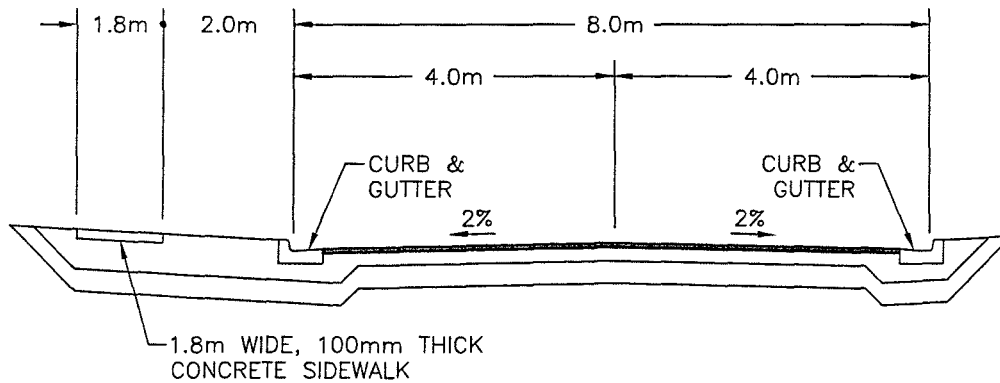
Lot area:	20328 sq.m.
Road Dedication:	397 sq.m.
Net Lot area:	19931 sq.m.
Treed area:	11880 sq.m.
20% treed area:	2376 sq.m.
20% retention area:	2384 sq.m.



denotes tree retention areas

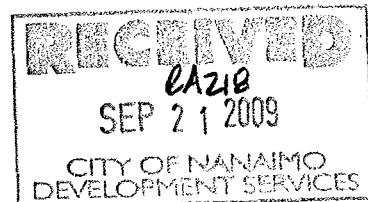
NOTE: tree retention and lot areas as derived by Williamson & Associates BCLS.

SCHEDULE F



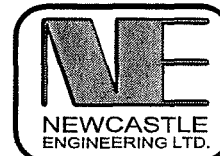
NOTES:

1. PAVED SURFACE - 50mm ASPHALT (COMPACTED THICKNESS)
2. BASE - 100mm CRUSHED GRAVEL (20mm MINUS)
3. SUB-BASE - 250mm PIT RUN GRAVEL (75mm MINUS)
4. NON-MOUNTABLE MONOLITHIC CONCRETE CURB AND GUTTER AS PER CITY OF NANAIMO STANDARD DRAWING No. CS-1
5. 1.8m WIDE, 100mm THICK CONCRETE SIDEWALK AS PER CITY OF NANAIMO STANDARD DRAWING No. CS-6. (THICKNESS INCREASED TO 150mm AT DRIVEWAY CROSSINGS.)
6. PROPOSED UTILITIES LOCATIONS BENEATH ACCESS ROADWAY TO BE DETERMINED DURING DETAILED ON-SITE CIVIL DESIGN
7. REFER TO PLANS PREPARED BY THE LANDSCAPE ARCHITECT FOR DETAILS OF ON-SITE BOULEVARD AND SITE LANDSCAPING.



DRAWING TITLE

5220 METRAL DRIVE
PROPOSED ACCESS ROAD
TYPICAL CROSS SECTION



Scale	N.T.S.
Drawn	DH
Date:	09-18-09
Dwg. No.	CS-01

CITY OF NANAIMO

BYLAW NO. 4000.468

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. 4000.468".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN 43497 from Single Family Residential Zone (RS-1) to Mixed Use Commercial Zone (C-4) 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 _____

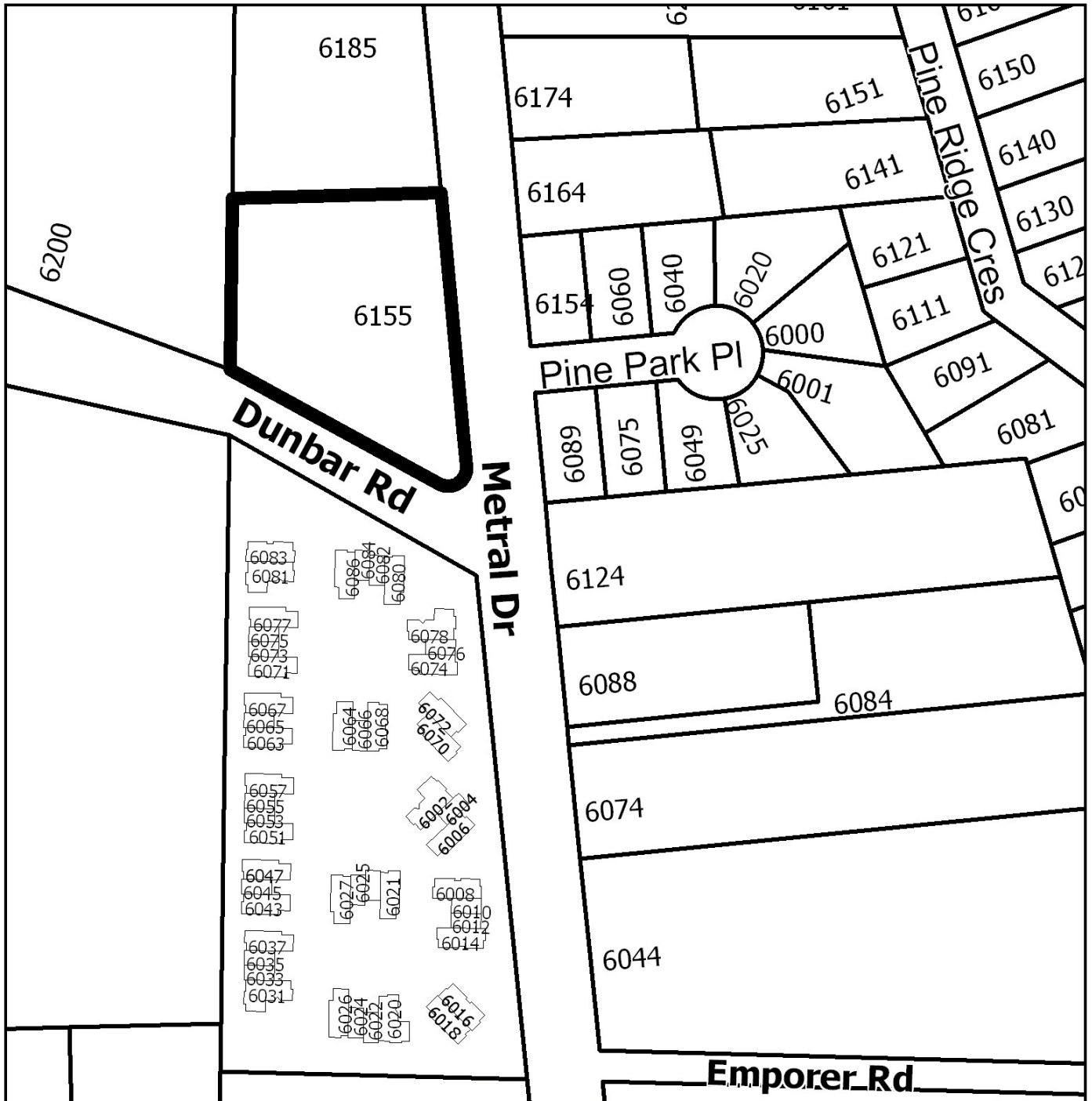
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES

File: RA000230
Address: 6155 Metral Drive

SCHEDULE A



File: RA000230
Civic: 6155 Metral Drive

LOCATION PLAN

 **Subject
Property**

2009-NOV-05

STAFF REPORT

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

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

RE: RA230 – 6155 METRAL DRIVE

STAFF'S RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.468", which is presented under the Bylaws section of the agenda; and
2. direct Staff to register a covenant to secure storm water pre-development flows, erosion and sediment control plan, restricting parking between the building and street, use restrictions for the existing house, pedestrian right-of-way, common access easement, pedestrian plaza right-of-way and the community contribution.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Ms. Donna Hais of R.W. (Bob) Wall Ltd., on behalf of 0851421 BC Ltd., to rezone the subject property from Single Family Residential Zone (RS-1) to Mixed Use Commercial Zone (C-4) in order to permit a mixed-use development. Staff supports the application and recommends that Council approve the proposed rezoning.

BACKGROUND:

Subject Property

The subject property is located on the northwest corner of the Metral Drive and Dunbar Road intersection (Schedule 'A'). The site is approximately 5,569 m² (1.4 acres) in area, and is occupied by a single family dwelling. Metral Drive is classified as a 'major collector' within the city; a variety of land uses and zoning surround the subject property.

Abutting the site to the north is a large 1.5 acre lot, zoned RS-1, and which contains a single family dwelling. Abutting the site to the west is a 3.8 acre parcel zoned A-2 and designated Agricultural Land Reserve. Across Metral Drive, east of the subject property, is a short cul-de-sac (Pine Park Place) which contains ten single family lots. South of the subject property, across Dunbar Road, is a multi-family development zoned RM-3, which contains approximately 45 units.

Other uses in the surrounding area include the Pleasant Valley Elementary School located on Dunbar Road, and Crest Mobile Home Park and Pleasant Ridge which are located at the end of the Dunbar Road cul-de-sac. In addition, the subject property is approximately 250 metres south of a big box retailer (Real Canadian Superstore).

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, and 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 a 'Corridor' designation.

The 'Corridor' designation supports development characterized by a mix of residential, commercial, professional, and service uses, with residential development at medium to high level densities. In mixed-use developments, ground floor uses will be retail, office, or community uses that invite public activity. Residential and/or professional uses will be encouraged in upper storeys. Development in 'Corridors' 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. Primary parking areas between the front face of the buildings and the street in 'Corridors' is not permitted. In addition, ecological features, such as steep slopes, watercourses, riparian areas, significant trees, and environmentally sensitive lands are recognized as attributes and development shall proceed only where the impacts on these features are minimized and can be mitigated.

The proposed development supports the objectives of the 'Corridor' designation by increasing the mix and intensity of land uses at a scale that is sensitive to the surrounding area. In addition, the proposed townhouse building provides a transition to the 'Neighbourhood' area. The proposed corner plaza design feature will also provide public space, which is recognized as an objective within 'Corridors'. It is Staff's opinion that the proposed development meets the intent of the OCP.

Proposed Development

The applicant proposes to rezone the subject property from Single Family Residential Zone (RS-1) to Mixed Use Commercial Zone (C-4) in order to permit a mixed-use development. The proposed development consists of subdividing the subject property into two lots: a corner lot; and a lot containing the existing house.

Proposed Corner Lot

The proposed corner lot will contain a 3-storey mixed-use building fronting Metral Drive and a separate residential building fronting Dunbar Road. The proposed mixed use building, with an approximate Gross Floor Area of 1,300 m² (14,000 ft²), will contain offices on the lower and ground floors and 4 residential units on the top floor. The two buildings will be phased and the residential building, which would be constructed in the second phase, is likely to consist of approximately four townhouses, each with individual garages off of Dunbar Road.

Proposed Lot with Existing House

It is intended that demolition of the existing house and redevelopment of the proposed lot will occur independently of the proposed corner lot. However, an access easement is required as the existing vehicle access to the house off of Metral Drive will be required to be closed as a condition of subdivision. Staff recommends the access easement be secured by way of covenant as a condition of rezoning. In addition, Staff recommends that the existing house be restricted via covenant to residential and office uses, excluding medical and dental offices. This will allow limited use of the existing house until such time as the property develops.

Vehicle Access and Onsite Parking

Vehicle movement flows through the site with vehicle accesses proposed off of both road frontages. The buildings are sited close to the Metral Drive and Dunbar Road frontages, with parking located to the rear of the buildings, with the exception of several parking spaces located at the side of proposed Building “B”. The parking requirement for the corner lot is shown in the table below:

<i>Mixed Use Building</i>		<i>Residential Building</i>	
Office:	25	Four Townhouses @	
Commercial:	18	1.66 x 4 units	6
Residential:	6		
Total Required	49	Total Required	6
Total Provided	57	Total Provided	8

The use of the proposed lot with the existing house will be restricted; therefore, further parking is not required through rezoning. However, parking requirements for any future development on the site of the existing house will be further considered at the time of development permit.

The proposed site plan is attached as Schedule ‘B’. Conceptual elevations and floor plans for Building “A” are attached as Schedules ‘C’ and ‘D’, respectively.

Parking Covenant

Staff recommends, as a condition of rezoning, that a covenant be registered to reflect the ‘Corridor’ policy to prohibit parking between the front face of the building and Metral Drive. The residential building fronting Dunbar Road will have driveways which provide parking, accessing directly onto Dunbar Road.

Storm Water

Staff recommends that a covenant be required as a condition of rezoning to restrict post-development flows from the site to pre-development 10-year peak levels and patterns using alternative rain water management practices. The applicant would be required to provide a storm water management plan, with other supporting documents, at the development permit stage.

Erosion and Sediment Control

Staff recommends, as a condition of rezoning, that a covenant be registered to secure an erosion and sediment control plan. Prior to the removal of any vegetation or construction of works, an erosion and sediment control plan will need to be reviewed and issued Design Stage Acceptance (DSA).

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 proposing an extraordinary design feature which would provide public space at the corner of Metral Drive and Dunbar Road. Corners are an ideal location for public space, and providing public space is an objective of the ‘Corridor’ designation. The applicant is proposing a design that includes rock walls, stairs, pavers, benches, trees and other landscaping which step down the grade of the site to create a park-like atmosphere. In order to ensure public access to this amenity, Staff recommend that a pedestrian right-of-way be secured over the plaza area as a condition of rezoning. A conceptual corner plaza plan is attached as Schedule ‘E’.

The estimate for the additional landscaping works above the normal landscaping costs, for example the rock walls, stairs, and pavers, is approximately \$57,000. The applicant is also proposing an additional \$10,000 towards the City of Nanaimo's Affordable Housing Legacy Fund. The proposed community contribution value of \$67,000 is consistent with other residential and commercial rezonings.

Staff support this proposal and recommend 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 as presented. Staff concur with this finding and recommend that Council support the proposed rezoning.

Respectfully submitted,

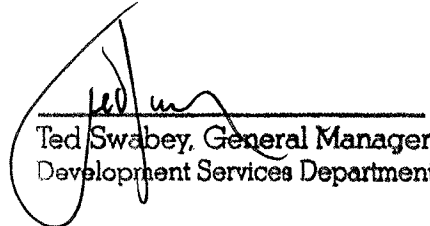


J. Holm
Manager, Planning Division
Development Services Department



A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-NOV-09
Prospero: RA230



Ted Swabey, General Manager
Development Services Department

SCHEDULE A



File: RA000230
Civic: 6155 Metral Drive

 **Subject
Property**

LOCATION PLAN

SITE DATA:

Project: 6155 METRAL DRIVE
 Location: Metral Drive, Metral, B.C.
 Date: 1988-11-15
 Scale: 1" = 100' (1:1250)
 Projected: 1988-11-15
 Drawn: 1988-11-15
 Checked: 1988-11-15
 Approved: 1988-11-15

LEGEND:

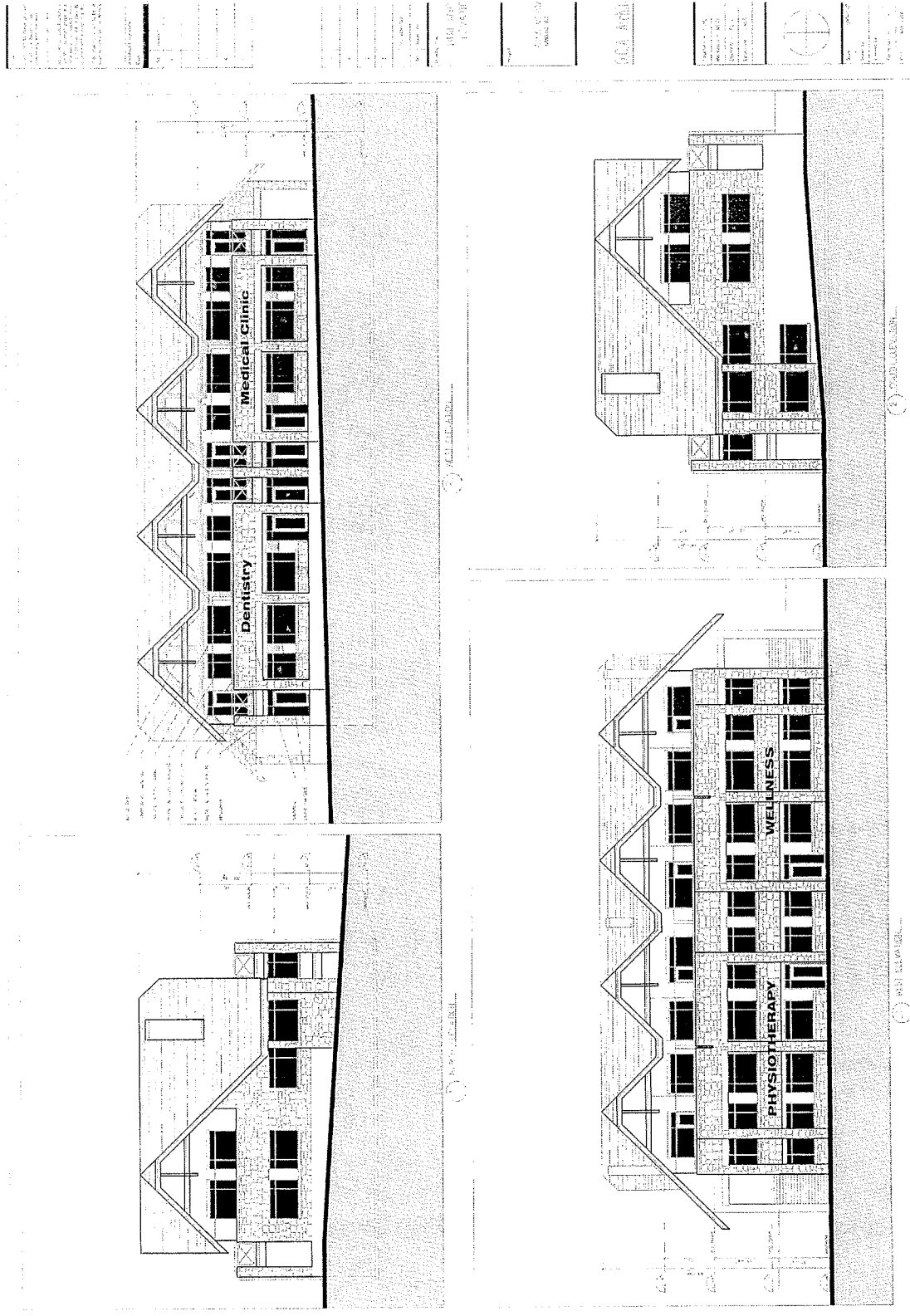
- 1. BUILDING
- 2. PARKING
- 3. DRIVEWAY
- 4. LANDSCAPING
- 5. FENCE
- 6. SIGN
- 7. LIGHT
- 8. UTILITY
- 9. ELEVATION
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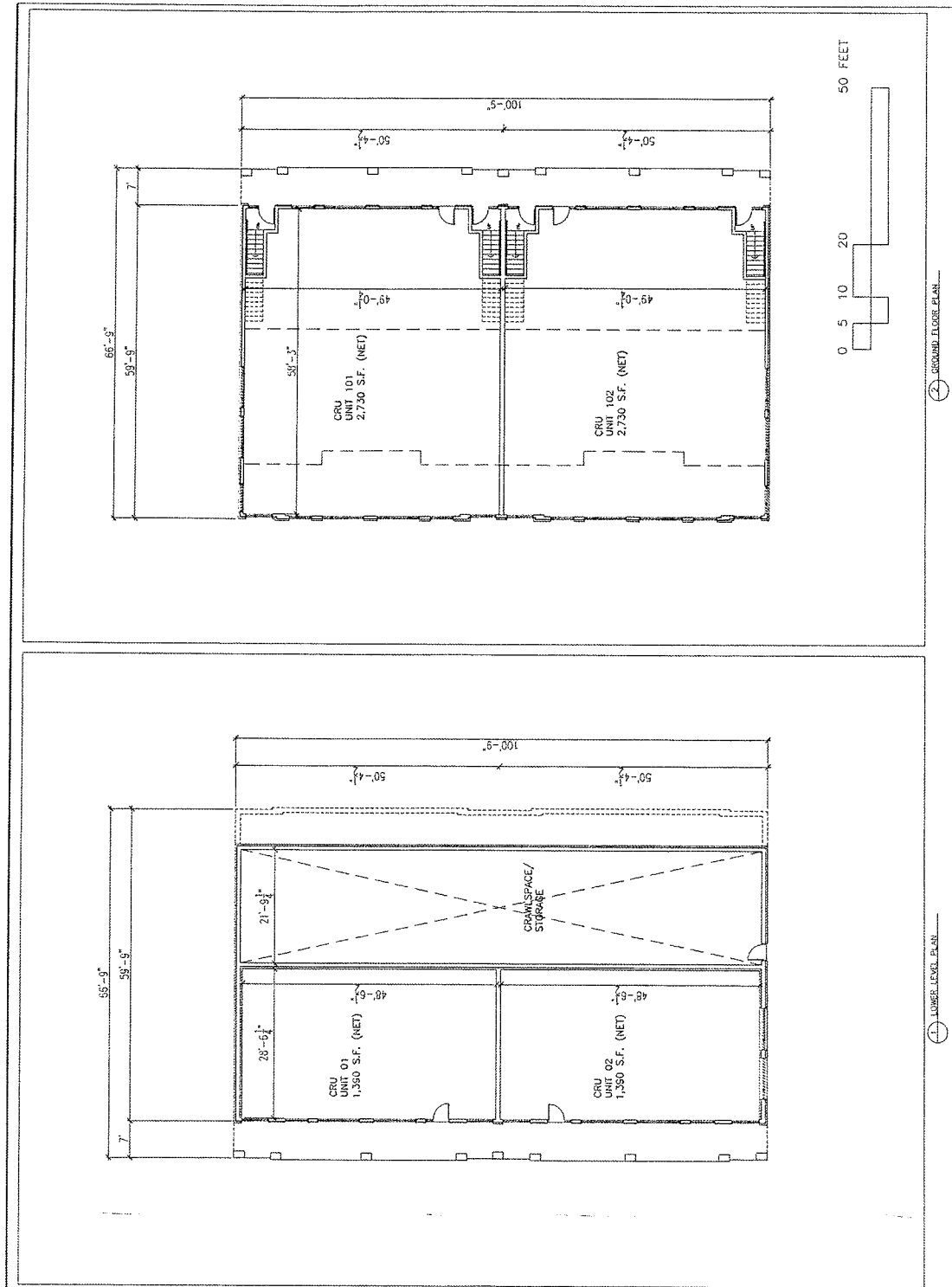
TITLE BLOCK:

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SCHEDULE C

CONCEPTUAL ELEVATIONS – BLDG A



[illegible]

[illegible]

SCHEDULE E

PLANTING: Coniferous & Deciduous Trees, Shrubs

CONCEPTUAL LANDSCAPE PLAN

PATIOS/SEATING AREAS:
Ornamental pavers, benches

ROCK WALLS

DUNBAR ROAD

310

+ 377

BUILDING A

375

+ 392

380

385

METRAL DRIVE

Scale:
1/6" = 1'-0"
Nov 3, 06

SOUTH-EAST GARDEN/PLAZA
6155 METRAL DRIVE · NANAIMO

CONCEPTUAL
SKETCH

