



NOTICE OF PUBLIC HEARING

2009-JUL-02 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2009-JUL-02**, 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. 4000.454

Purpose: To permit the use of land for a multiple family residential development.

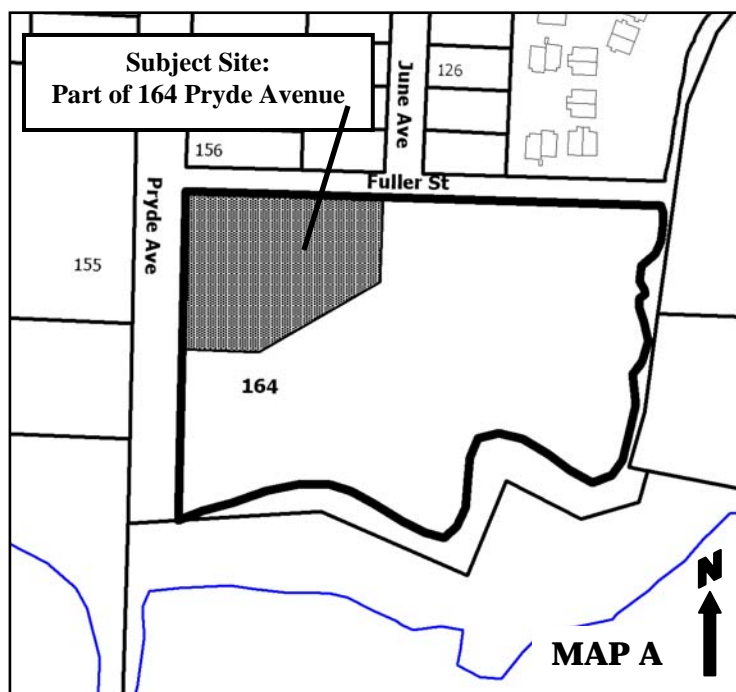
Location(s): Part of 164 Pryde Avenue

File No.: RA214

This bylaw, if adopted, will rezone part of the subject property from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to permit a multiple family residential development.

The subject site is legally described as part of SUBURBAN LOT 1, NEWCASTLE TOWNSITE, OF SECTION 1, NANAIMO DISTRICT and is shown on Map 'A'.

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



The above bylaw, relevant staff reports, and other background information may be inspected from 2009-JUN-19 to 2009-JUL-02, between 8:00am and 4:30pm, 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 bylaw shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaw No. 4000.454 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-JUL-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 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. 4000.454

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. 4000.454".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning the land legally described as part of SUBURBAN LOT 1, NEWCASTLE TOWNSITE, OF SECTION 1, NANAIMO DISTRICT from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential Zone (RM-3) as shown on the attached Schedule "A".

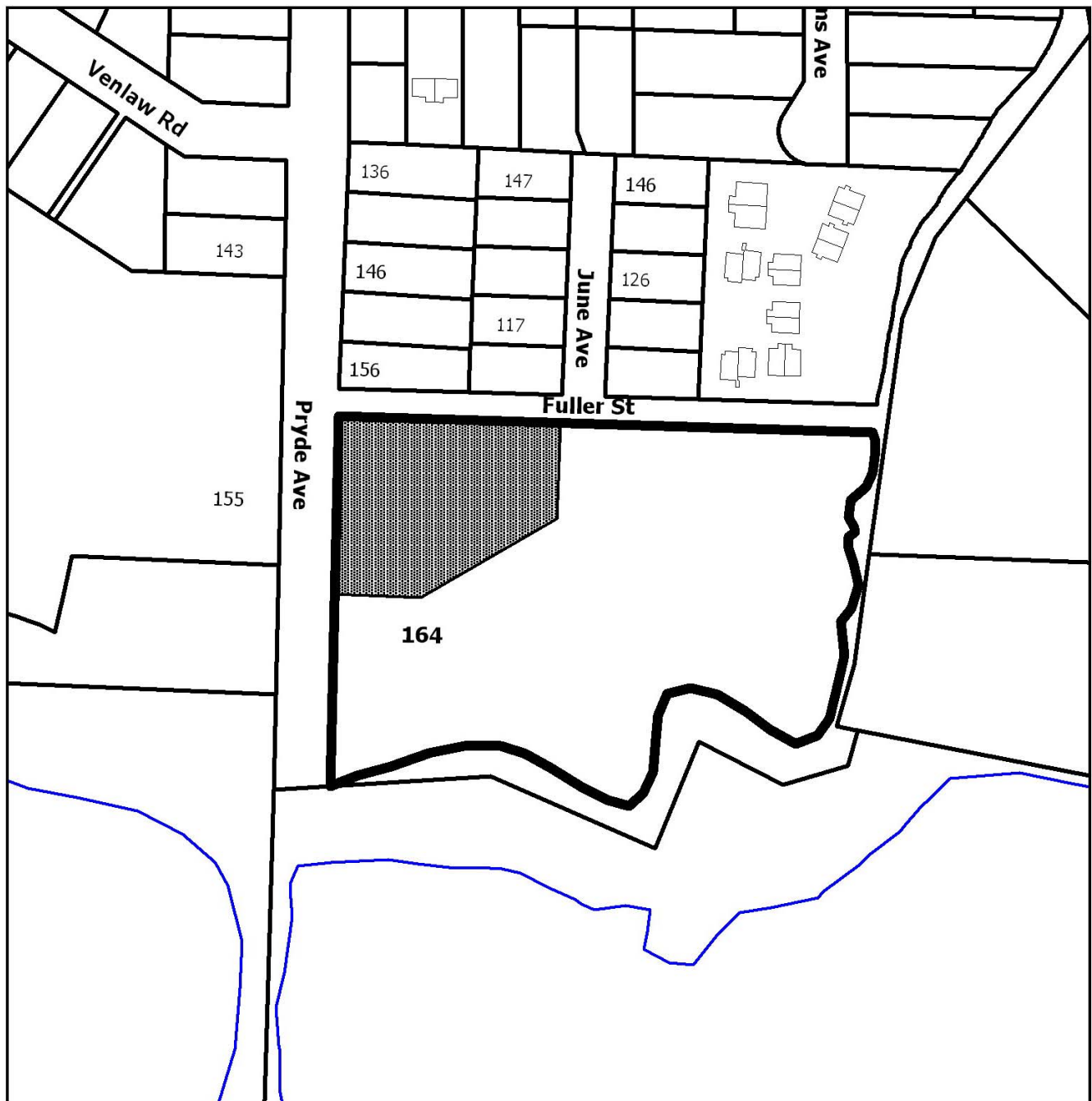
PASSED FIRST READING _____
PASSED SECOND READING _____
PUBLIC HEARING HELD _____
PASSED THIRD READING _____
ADOPTED _____

MAYOR

DIRECTOR,
LEGISLATIVE SERVICES


File: RA000214
Address: 164 Pryde Avenue

SCHEDULE A



File: RA000214
Civic: 164 Pryde Avenue

LOCATION PLAN

-  **Subject Property**
-  **Portion to be Rezoned**

2009-JUN-08

STAFF REPORT

TO: A. TUCKER, DIRECTOR, PLANNING AND DEVELOPMENT, DSD

FROM: D. LINDSAY, MANAGER, PLANNING DIVISION, DSD

RE: RA214 – 164 PRYDE AVENUE

STAFF'S RECOMMENDATION:

That Council:

1. consider First and Second Reading to "ZONING BYLAW AMENDMENT BYLAW 2009 NO. 4000.454"; and
2. direct Staff to secure park dedication and to register a covenant that prohibits development in the floodplain, requires a storm water management plan prior to development, and a riparian area restoration plan.

EXECUTIVE SUMMARY:

The City of Nanaimo has received an application from Mr. Keith Brown, on behalf of Ankido Holdings Ltd., to rezone part of the subject property from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate a two lot subdivision and subsequent construction of a multi-family development. Staff support the application and recommend that Council approve the proposed rezoning.

BACKGROUND:

Subject Property and Surrounding Area

The subject property is located on the southeast corner of the Pryde Avenue and Fuller Street intersection (Schedule 'A'). The site is bordered by Bewell Brook along the western property boundary, and by the Millstone River along the southern and eastern property boundaries. The total lot area approximates 21,748 m² (5.4 acres). The subject site is currently vacant and the majority of the site is located within the Millstone River floodplain. The surrounding area contains single family and multi-family sites to the north; seniors housing on the eastern side of the Millstone River; the Buttertubs Marsh to the south; and the Pryde Vista Golf Course to the west.

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 'Neighbourhood' designation.

The relevant 'Neighbourhood' (Section 2.3) 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 two to four 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.
- Parks and open space shall form an integral component of the land base in neighbourhoods.
- The infill of residential lots is encouraged and will be designed to complement existing neighbourhood character including the ground oriented nature of existing housing.
- Ecological features, such as steep slopes, watercourses, riparian areas, significant trees, and environmentally sensitive lands are recognized as attributes of the site, and development shall proceed only where the impacts on these features are minimized and can be mitigated.
- A clustered housing design approach to development is encouraged to protect environmentally sensitive features, steep slope and hazard lands, and provide for open spaces in neighbourhoods.
- This plan supports the development of a mix of residential options for all demographic categories and levels of affordability across the city.

Other relevant policies within the OCP include:

- Section 5.2 – The City will endeavour to protect and preserve ESAs using one or more of the following measures, depending on which measure(s) are appropriate to a given situation, such as dedication as a City park or trail.
- Section 5.2 – Watercourses and their leave strips are designated as Development Permit Areas for environmental protection under Development Permit Area 1 – Watercourses.
- Section 5.3 – The City discourages filling and development in floodplains, shown generally on map 3, due to the cumulative impact of these activities on the capacity to withstand flood events, and impact on the environment.
- Section 5.6 – The City will encourage native plant salvage / replanting prior to clearing and development, where feasible.
- Section 7.3 – In recognition of the need for new development to contribute to the amenities and services from which they also benefit development proposals that propose rezoning will generally be requested to include some public amenity proposals as part of the completed project.

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

Proposed Development

The applicant proposes to rezone a part of the subject property from Single Family Residential Zone (RS-1) to Low Density Multiple Family Residential (Townhouse) Zone (RM-3) in order to facilitate a two lot subdivision and subsequent construction of a multi-family development (Schedule 'B').

The proposed RM-3 lot (Lot A) is approximately 4,547.5 m² (1.1 acres) and is located in the northwest corner of the lot. The remnant lot (Lot B) will remain RS-1, and although the majority of the land is located within the floodplain, a small buildable area outside of the floodplain area would allow for one single family dwelling. Additionally, the applicant proposes to dedicate the 30m leave strip from the Millstone River as park.

The proposed multi-family development (proposed Lot A) can be summarized as follows:

- Nine multi-family units comprised of 2 duplexes and 5 detached dwellings (concept elevations are attached as Schedule 'C').
- The proposed lot extends into the floodplain; however, the proposed buildings are located outside of the floodplain area, which has been identified as the area south of the 58.3 floodplain elevation (established in the Millstone River Drainage Study).
- Several units will have direct vehicle access from the street, while others will be accessed from a private driveway.
- Each unit, with a single car garage and individual driveway apron, can accommodate parking for two vehicles; which exceeds the parking requirements.
- Buildings along the western boundary are setback 10m from Bewell Brook, in addition the leave strip will be restored with riparian plantings.
- The proposed residential density for the lot equates to 19 units per hectare, which is within the supportable range of densities in the 'Neighbourhood' designation.

Floodplain

In order to restrict development within the floodplain, Staff recommends the following restrictions to be secured via covenant:

- further subdivision of Lot B will not be permitted;
- no building will be permitted within the floodplain area as identified by the 58.3 metre contour line, for both Lots A & B;
- no filling will be permitted within the floodplain area as identified by the 58.3 metre contour line, for both Lots A & B;
- the City will be indemnified against any future flood damage, for both Lots A & B; and
- only one single family dwelling will be permitted on lot B.

Riparian Area

A riparian assessment completed in compliance with the provincial Riparian Area Regulations recommended reducing the Bewell Brook leave strip from 15m to 10m. This assessment has been accepted by the province. The applicants will be seeking Council authorization for this leavestrip reduction as part of the associated development permit. As the reduction has been authorized under the provincial RAR, Staff will be recommending that Council support the variance. Staff recommend that a Riparian Restoration Plan be secured via covenant for the 10m leave strip, to be completed prior to building occupancy.

Storm Water Management

As the Millstone River abuts the subject property, Staff recommends that a storm water management plan be required at the development permit stage in order restrict the post development flows to the pre-development 10 year peak flows.

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 to dedicate the riparian leave strip as park, an area of approximately 4,046.9m² (1 acre).

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

planNanaimo Advisory Committee (PNAC)

At its meeting of 2009-MAR-24, PNAC recommended that the application be approved as presented. Staff concur with this recommendation and recommend that Council support the proposed rezoning.

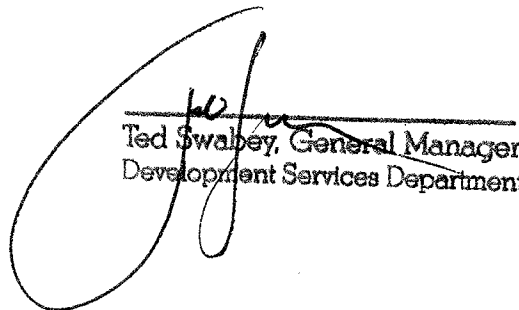
Respectfully submitted,



D. Lindsay
Manager, Planning Division
Development Services Department

A. Tucker
Director of Planning
Development Services Department

SH/pm
Council: 2009-JUN-15
Prospero: RA214





Ted Swabey, General Manager
Development Services Department

SCHEDULE A

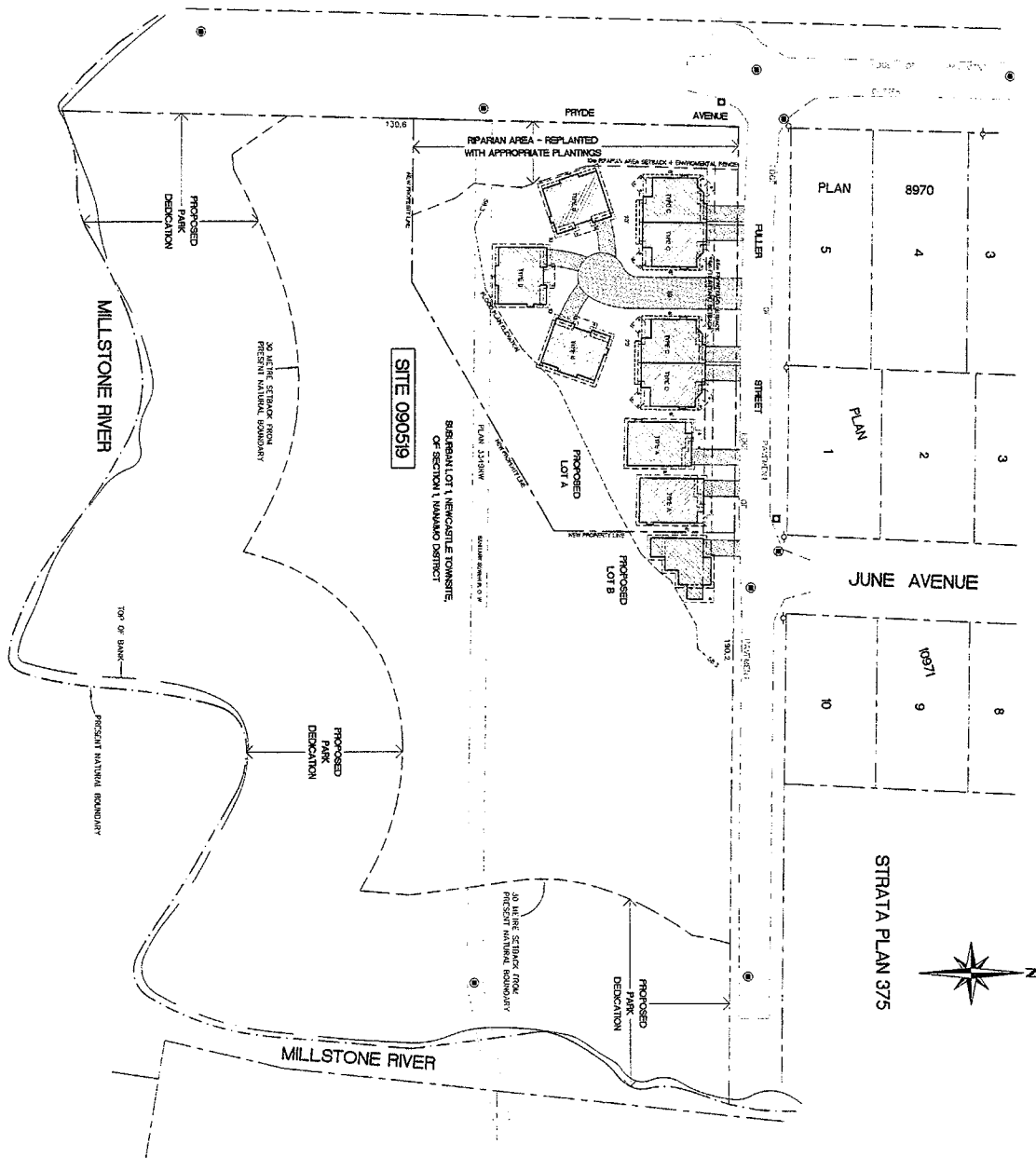
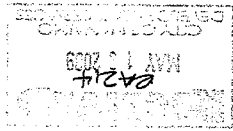


File: RA000214
Civic: 164 Pryde Avenue

LOCATION PLAN

-  **Subject Property**
-  **Portion to be Rezoned**

SCHEDULE B



SCHEDULE C

