



NOTICE OF PUBLIC HEARING

2005-NOV-03 at 7:00 pm

Notice is hereby given that a Public Hearing will be held on Thursday, **2005-NOV-03**, commencing at **1900 hours (7:00 pm)** in the **Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC** to consider a covenant amendment and proposed amendments to the City of Nanaimo "ZONING BYLAW 1993 NO. 4000".

1. **BYLAW NO. 4000.381:**

Purpose: To permit use of land for a 25-unit multiple family residential development.

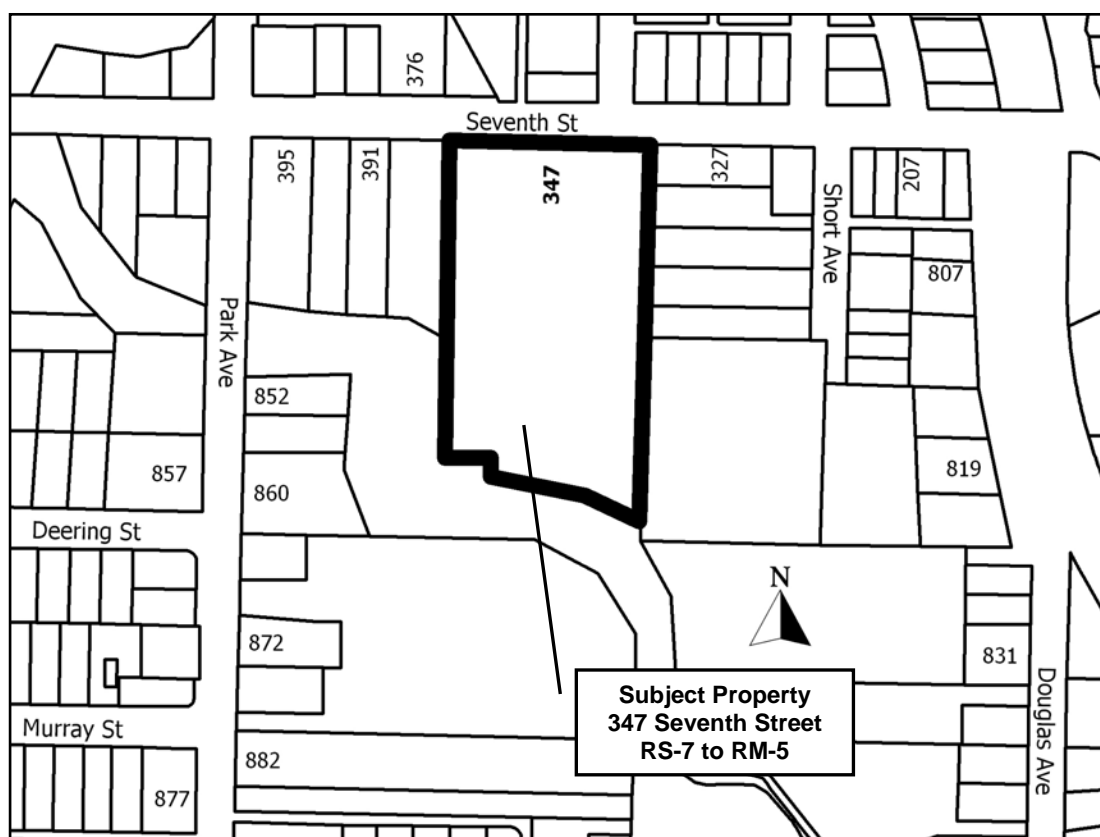
Location(s): 347 Seventh Street

File No.: RA138

This bylaw, if adopted, will rezone property from Steep Slope Residential Zone (RS-7) to Medium Density Multiple Family Residential (Suburban) Zone (RM-5) in order to permit development of a 25-unit multiple family residential development.

The subject property is legally described as PARCEL D (DD 14897N) OF SECTIONS 15 AND 16, RANGE 11, SECTION 1, NANAIMO DISTRICT, PLAN 630, and is shown on Map 'A'.

Map A



PLEASE NOTE full details are available in the City of Nanaimo "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.381", copies of which are available at Development Services located at 238 Franklyn Street.

2. COVENANT AMENDMENT:

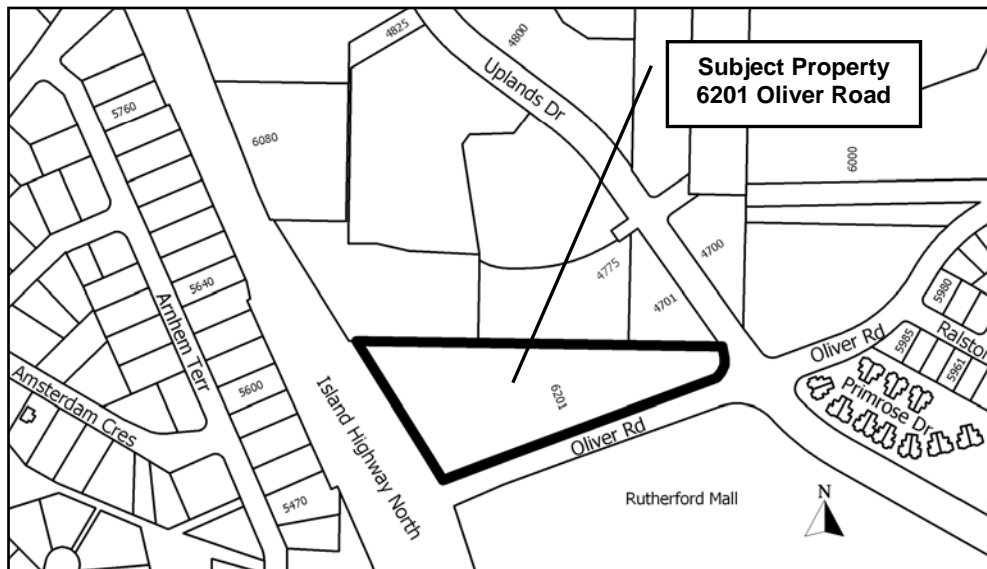
Purpose: To permit use of land for a seniors' congregate care housing facility.

Location(s): 6201 Oliver Road

File No.: RA154

An application has been received to amend an existing covenant (EX002364) registered on the title of the subject property located at 6201 Oliver Road. If approved, the covenant amendment would reduce the required amount of underground parking from 65% to 50%, and revise the existing site plan to allow for the development of a seniors' congregate housing facility.

The subject property is legally described as LOT B, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VIP56222, EXCEPT PLAN VIP71177, and is shown on Map 'B'.



Map B

PLEASE NOTE full details of the covenant amendment are available at Development Services located at 238 Franklyn Street.

The above bylaw, covenant amendment, relevant staff reports, and other background information may be inspected from 2005-OCT-21 to 2005-NOV-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 bylaw or covenant amendment shall be afforded the opportunity to be heard in person, by a representative or by written submission, on the matters contained within Bylaw No. 4000.381 and the covenant amendment 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, 2005-NOV-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. 4000.381

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 2005 NO. 4000.381".
2. The City of Nanaimo "ZONING BYLAW 1993 NO. 4000" is hereby amended as follows:
 - (1) By rezoning lands shown on the attached Schedule 'A' and legally described as PARCEL D (DD 14897N) OF SECTIONS 15 AND 16, RANGE 11, SECTION 1, NANAIMO DISTRICT, PLAN 630 from Steep Slope Residential Zone (RS-7) to Medium Density Multiple Family Residential (Suburban) Zone (RM-5).

PASSED FIRST AND SECOND READINGS 2005-OCT-17.

PUBLIC HEARING HELD _____.

PASSED THIRD READING _____.

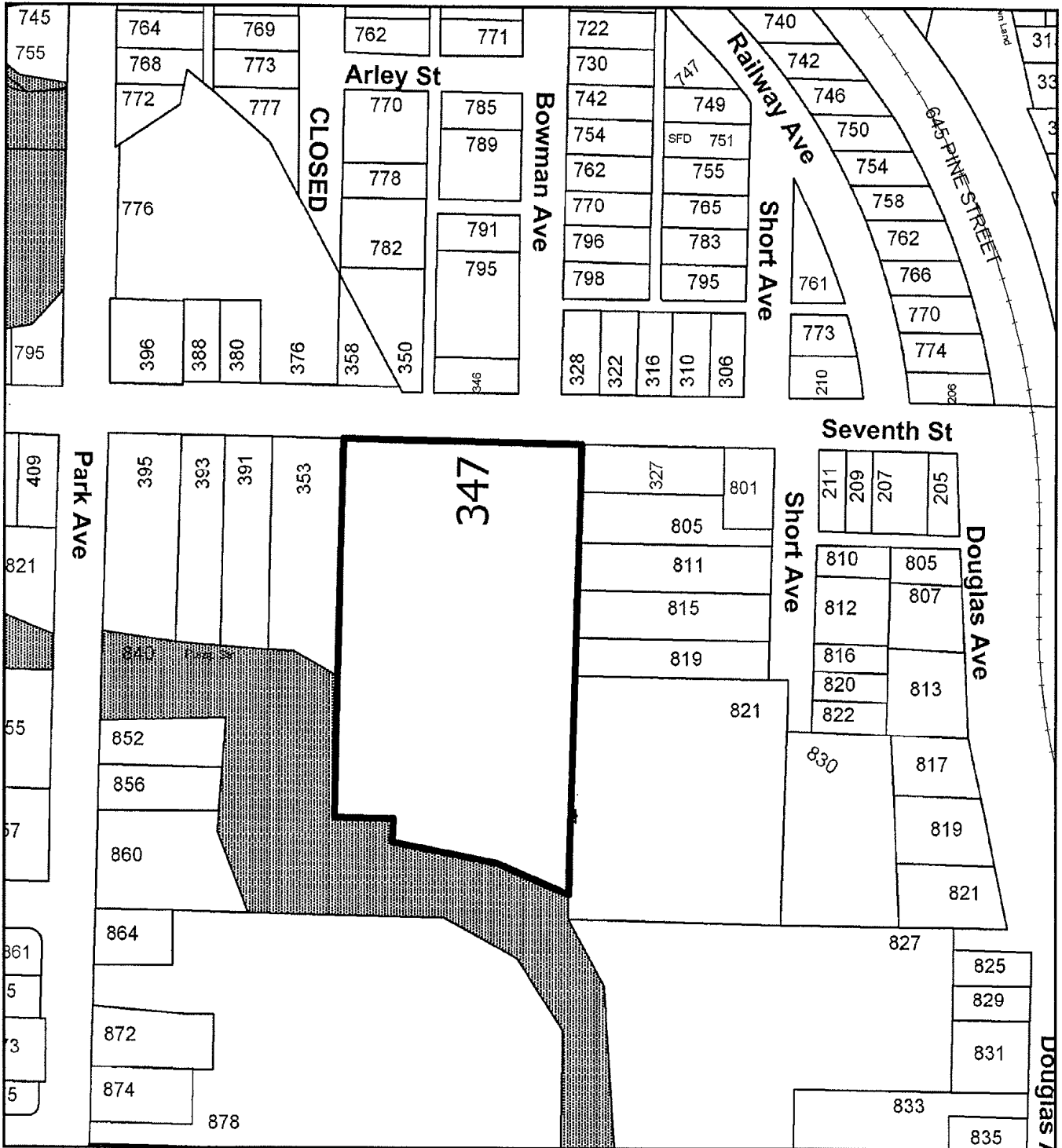
APPROVED BY MINISTRY OF TRANSPORTATION _____.

COVENANT REGISTERED _____.

ADOPTED _____.

File: RA000138
Address: 347 Seventh Street
Applicant: 553080 BC Ltd.

SCHEDULE A



File No.: RA000138
Civic: 347 Seventh Street

☐ Subject Property

() RA138 – 347 Seventh Street

The City has received an application from 553080 B.C. Ltd. (Pacific Gardens Cohousing Community), to rezone the subject property from RS-7 to RM-5 in order to permit the development of twenty-five multiple family dwelling units.

A previous rezoning application (RA34) for the same development proposal was received and evaluated by Staff in 1999. The previous application was withdrawn by the applicant prior to proceeding to Council due to unresolved issues (primarily road works, trail dedication and community contribution). These issues have since been resolved. The application has been reviewed by Staff and the Rezoning Advisory Committee and is now ready for Council's consideration.

The subject property is approximately 1.75 hectares (4.3 acres) in area, is zoned RS-7 (Steep Slope Residential Zone) and is currently vacant. Approximately seventeen units of single or multiple family housing form could be developed on the site under existing zoning.

The subject property, which is located mid-block between Park Avenue and Short Avenue, is bordered by Seventh Street to the north and the Chase River to the south. Access to the site will be from Seventh Street.

The subject property is designated "Neighbourhood", according to 'Schedule A' of the Official Community Plan. Staff are of the opinion that the proposed rezoning complies with the intent of the Official Community Plan.

The applicant is proposing to construct a twenty-five unit multi-family development comprised of one building, which steps from two to three storeys as it follows the site grade. The applicant has indicated the intention to operate the site as a co-housing facility. The facility, as proposed, will operate essentially as a strata development with a large proportion of common areas for communal activities.

While the density of the proposed development could be accommodated within the RM-3 (Low Density Townhouse) zone, the steep pitch proposed for the roof would result in the requirement of a significant height variance of up to 3.6 metres (11.8 feet). Staff are of the opinion that the increased height allows for the building to better meet design guidelines and to better work with the site terrain. The proposed building height is 12.6 metres (41.3 feet), while the proposed RM-5 zoning would permit a building height of up to 14 metres (45.9 feet). Lot coverage for the proposed development is approximately 18%. This limited lot coverage allows retention of a significant amount of open space.

In consideration of Official Community Plan policy related to form, character and density, Staff recommend that site coverage, building height and maximum density of 25 units be secured as a condition of rezoning.

The ultimate design of Seventh Street includes a four-lane cross-section, with curb, gutter and side walk on both sides of the street. Seventh Street along the subject site currently consists of two lanes with narrow shoulders, which does not provide for safe pedestrian movement. Seventh Street also shows signs of settling and cracking in areas along the frontage of the subject property.

Works and services at building permit stage would optimally include construction of roads fronting the property to the ultimate standard to the centreline of the road. Given that dedication does not exist at this time to construct adjacent sections of Seventh Street to the ultimate four-lane standard, Staff are supportive of an interim standard for the section of Seventh Street fronting the subject property. The proposed interim standard consists of two lanes and walking shoulders.

The applicant's Engineer has proposed a slight northward re-alignment of Seventh Street along the frontage of the subject property to allow construction of the interim road works within the existing road right-of-way. The re-alignment would allow construction of the interim works without the requirement for substantial road retention works necessary to address the significant grade change from Seventh Street down into the subject property.

As the proposed interim road standard would require works beyond the property frontage and beyond the centreline of the road, Staff recommend that the interim works be secured as a condition of rezoning. Staff also recommend road dedication of 2.5 metres (8.2 feet) and a supporting slope right-of-way necessary to allow for the future construction of Seventh Street to the ultimate four-lane standard be secured as a condition of rezoning.

Staff recommend that a three-metre trail right-of-way linking Seventh Street to the river front park be secured as a condition of rezoning. The proposed trail meets City Parks objectives of securing mid-block connections to the existing park along Chase River. To address the applicant's concerns of a dead-end trail through the site, Staff intend that the construction of the portion of the trail on the subject property occur concurrently with the extension of the trail through the existing riverfront park to form a trail loop connecting Seventh Street to Park Avenue. Construction of the portion of the trail on the subject property within the proposed trail right-of-way has been offered as part of the applicant's community contribution.

A storm sewer from Short Avenue currently discharges onto the subject property into an open drainage course and ultimately into the Chase River. Staff recommend that a right-of-way to protect the drainage course be secured as a condition of rezoning.

The site contains a number of significant trees and several large clusters of trees which add significantly to the character of the site. The building location as proposed was selected in part to protect existing stands of significant trees. As a condition of rezoning, Staff recommend that tree removal be restricted until after the issuance of a development permit.

As outlined in Section 6.2 of the Official Community Plan, the applicant should consider a community contribution in response to the value conferred on land through rezoning. In response to this policy the applicant is proposing construction of the proposed trail through the property to the riverfront park.

The value of the trail construction is estimated at \$6,754.17. The applicant also proposes to dedicate approximately 2,000 square metres (0.5 acres) of park along the southern edge of the property. This park dedication will be contiguous with and complement the existing river front park.

Staff support the community contribution proposal and recommend that trail construction and park dedication be secured as a condition of rezoning.

The Rezoning Advisory Committee reviewed this application at its meeting held 2005-Oct-06 and recommended that the application be approved as presented. Staff concur with RAC's recommendation and recommend that Council support this application and approve the associated zoning amendment bylaw.

Recommendation: That Council support this application and:

1. Give First and Second Reading to the associated "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.381"; and
2. Direct Staff to secure the community contribution, off-site road improvements, road dedication, park dedication, supporting slope right-of-way, trail right-of-way, storm water right-of-way, lot coverage, unit density cap, building height and no tree removal until after the issuance of a development permit.

FOR CITY MANAGER'S REPORT

REPORT TO: E.C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT

FROM: D. LINDSAY, MANAGER OF PLANNING

RE: RA138 – 347 SEVENTH STREET

RECOMMENDATION:

That Council support this application and:

1. Give First and Second Reading to the associated "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.381"; and
2. Direct Staff to secure the community contribution, road improvements, road dedication, park dedication, supporting slope right-of-way, trail right-of-way, storm water right-of-way, lot coverage, unit density cap, building height and tree retention until after the issuance of a development permit.

BACKGROUND:

The City has received an application from 553080 B.C. Ltd. (Pacific Gardens Cohousing Community), to rezone the subject property from RS-7 to RM-5 in order to permit the development of twenty-five multiple family dwelling units.

A previous rezoning application (RA34) for the same development proposal was received and evaluated by Staff in 1999. The previous application was withdrawn by the applicant prior to proceeding to Council due to unresolved issues (primarily road works, trail dedication and community contribution). These issues have since been resolved.

The application has been reviewed by Staff and the Rezoning Advisory Committee and is now ready for Council's consideration.

DISCUSSION

Subject Property

The subject property is approximately 1.75 hectares (4.3 acres) in area, is zoned RS-7 (Steep Slope Residential Zone) and is currently vacant. Approximately seventeen units of single or multiple family housing form could be developed on the site under existing zoning.

The subject property, which is located mid-block between Park Avenue and Short Avenue, is bordered by Seventh Street to the north and the Chase River to the south (Schedule 'A'). Access to the site will be from Seventh Street.

Official Community Plan

The subject property is designated “Neighbourhood”, according to ‘Schedule A’ of the Official Community Plan. As such, the following relevant policies apply:

- The predominate use in Neighbourhoods will be low density, residential land uses.
- The target unit density for Neighbourhoods is 15 units / hectare (6 units / acre).
- The target mix of 60% single family and 40% multi family should be used as a guide for achieving neighbourhood densities of 15 units / hectare. Redevelopment in existing Neighbourhood designated areas should consider the surrounding architecture, scale, densities, lot and land configuration when creating innovative designs which fit a variety of housing forms together and enhance the liveability of the area.
- Residential uses of Neighbourhood designated lands will include detached and semi-detached dwelling units, secondary suites, mobile homes, duplexes, triplexes, quadraplexes and ground orientated townhouses.
- Rezoning for townhouse residential forms to a maximum density of 25 units / hectare will be considered in neighbourhood areas if:
 - The site-generated traffic will not impact unduly on neighbourhood streets.
 - The site or combined sites affected are less than one hectare in total area.
 - The site is well separated from other sites and would not result in a concentration of development higher than the target densities.

Staff are of the opinion that the proposed rezoning complies with the intent of the Official Community Plan.

Proposed Development

The applicant is proposing to construct a twenty-five unit multi-family development comprised of one building (Schedule ‘B’). The proposed building steps from two to three storeys as it follows the site grade (Schedule ‘C’). The applicant has indicated the intention to operate the site as a co-housing facility. The facility, as proposed, will operate essentially as a strata development with a large proportion of common areas for communal activities.

While the density of the proposed development could be accommodated within the RM-3 (Low Density Townhouse) zone, the steep pitch proposed for the roof would result in the requirement of a significant height variance of up to 3.6 metres (11.8 feet). Staff are of the opinion that the increased height allows for the building to better meet design guidelines and to better work with the site terrain. The proposed building height is 12.6 metres (41.3 feet), while the proposed RM-5 zoning would permit a building height of up to 14 metres (45.9 feet).

Lot coverage for the proposed development is approximately 18%. This limited lot coverage allows retention of a significant amount of open space.

In consideration of Official Community Plan policy related to form, character and density, Staff recommend that site coverage, building height and maximum density of 25 units be secured as a condition of rezoning.

Seventh Street Road Works

The ultimate design of Seventh Street includes a four-lane cross-section, with curb, gutter and side walk on both sides of the street.

Seventh Street along the subject site currently consists of two lanes with narrow shoulders, which does not provide for safe pedestrian movement. Seventh Street also shows signs of settling and cracking in areas along the frontage of the subject property.

Works and services at building permit stage would optimally include construction of roads fronting the property to the ultimate standard to the centreline of the road. Given that dedication does not exist at this time to construct adjacent sections of Seventh Street to the ultimate four-lane standard, Staff are supportive of an interim standard for the section of Seventh Street fronting the subject property. The proposed interim standard consists of two lanes and walking shoulders.

The applicant's Engineer has proposed a slight northward re-alignment of Seventh Street along the frontage of the subject property to allow construction of the interim road works within the existing road right-of-way. The re-alignment would allow construction of the interim works without the requirement for substantial road retention works necessary to address the significant grade change from Seventh Street down into the subject property.

As the proposed interim road standard would require works beyond the property frontage and beyond the centreline of the road, Staff recommend that the interim works be secured as a condition of rezoning. Staff also recommend road dedication of 2.5 metres (8.2 feet) and a supporting slope right-of-way necessary to allow for the future construction of Seventh Street to the ultimate four-lane standard be secured as a condition of rezoning.

Trail Right-of-Way

Staff recommend that a three-metre trail right-of-way linking Seventh Street to the river front park be secured as a condition of rezoning (Schedule 'D'). The proposed trail meets City Parks objectives of securing mid-block connections to the existing park along Chase River.

To address the applicant's concerns of a dead-end trail through the site, Staff intend that the construction of the portion of the trail on the subject property occur concurrently with the extension of the trail through the existing riverfront park to form a trail loop connecting Seventh Street to Park Avenue. Construction of the portion of the trail on the subject property within the proposed trail right-of-way has been offered as part of the applicant's community contribution.

Storm Water Right-of-Way

A storm sewer from Short Avenue currently discharges onto the subject property into an open drainage course and ultimately into the Chase River. Staff recommend that a right-of-way to protect the drainage course be secured as a condition of rezoning.

Tree Retention

The site contains a number of significant trees and several large clusters of trees which add significantly to the character of the site. The building location as proposed was selected in part to protect existing stands of significant trees. As a condition of rezoning, Staff recommend that tree removal be restricted until after the issuance of a development permit.

Community Contribution

As outlined in Section 6.2 of the Official Community Plan, the applicant should consider a community contribution in response to the value conferred on land through rezoning. In response to this policy the applicant is proposing construction of the proposed trail through the property to the riverfront park.

The value of the trail construction is estimated at \$6,754.17. The applicant also proposes to dedicate approximately 2,000 square metres (0.5 acres) of park along the southern edge of the property. This park dedication will be contiguous with and complement the existing river front park (Schedules 'A' & 'D').

Staff support the community contribution proposal and recommend that trail construction and park dedication be secured as a condition of rezoning.

Rezoning Advisory Committee

The Rezoning Advisory Committee reviewed this application at its meeting held 2005-Oct-06 and recommended that the application be approved as presented. Staff concur with RAC's recommendation and recommend that Council support this application and approve the associated zoning amendment bylaw.

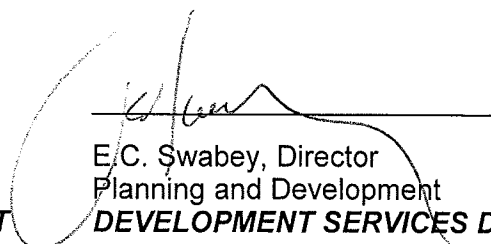
RECOMMENDATION:

That Council support this application and:

1. Give First and Second Reading to the associated "ZONING BYLAW AMENDMENT BYLAW 2005 NO. 4000.381"; and
2. Direct Staff to secure the community contribution, off-site road improvements, road dedication, park dedication, supporting slope right-of-way, trail right-of-way, storm water right-of-way, lot coverage, unit density cap, building height and no tree removal until after the issuance of a development permit.

Respectfully submitted,

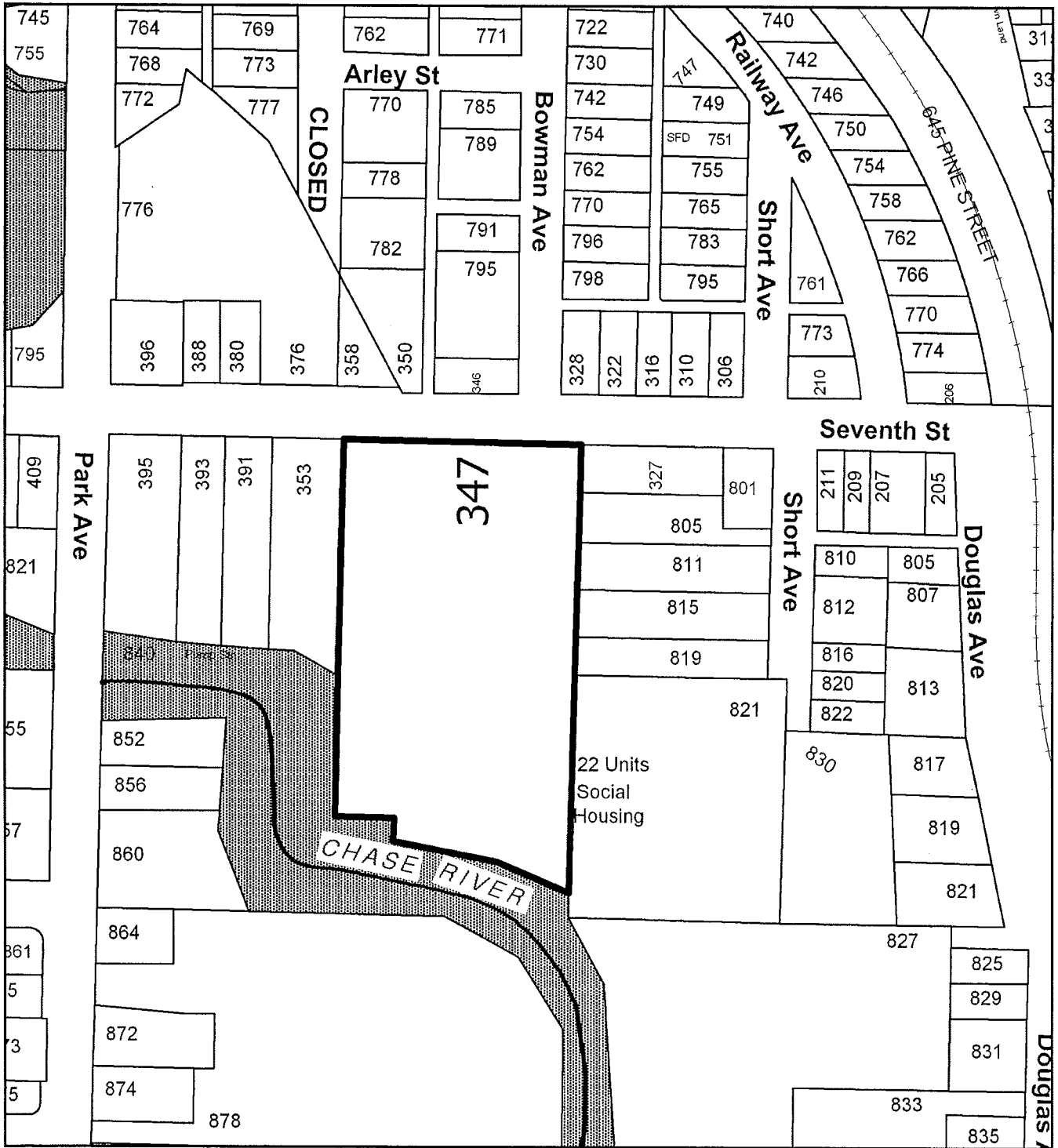


D. Lindsay, Manager
Planning Division
DEVELOPMENT SERVICES DEPARTMENT


E.C. Swabey, Director
Planning and Development
DEVELOPMENT SERVICES DEPARTMENT


JH/jh/pm
Council: 2005-OCT-17
Prospero Attachment: RA138

SCHEDULE A

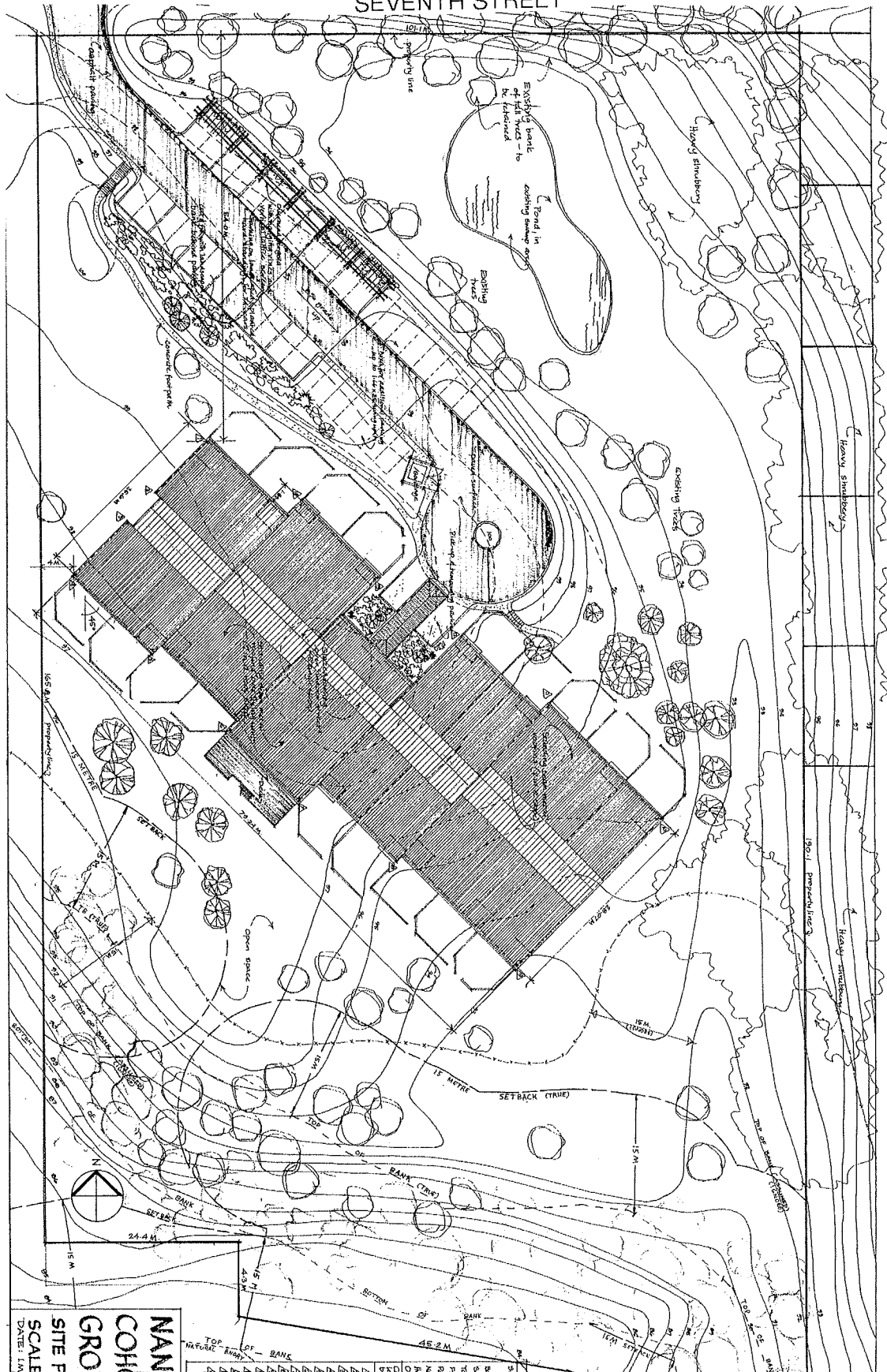


File No.: RA000138
Civic: 347 Seventh Street

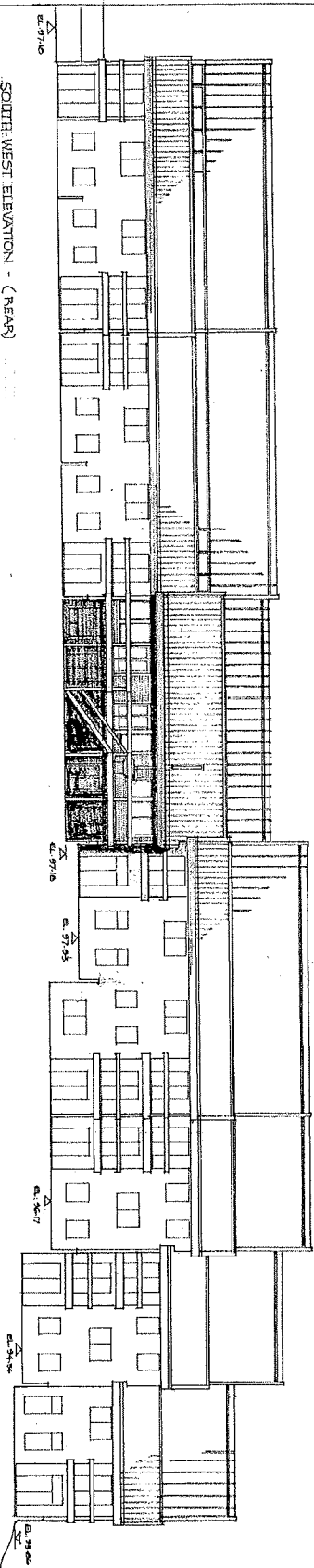
 Subject Property

 Parks

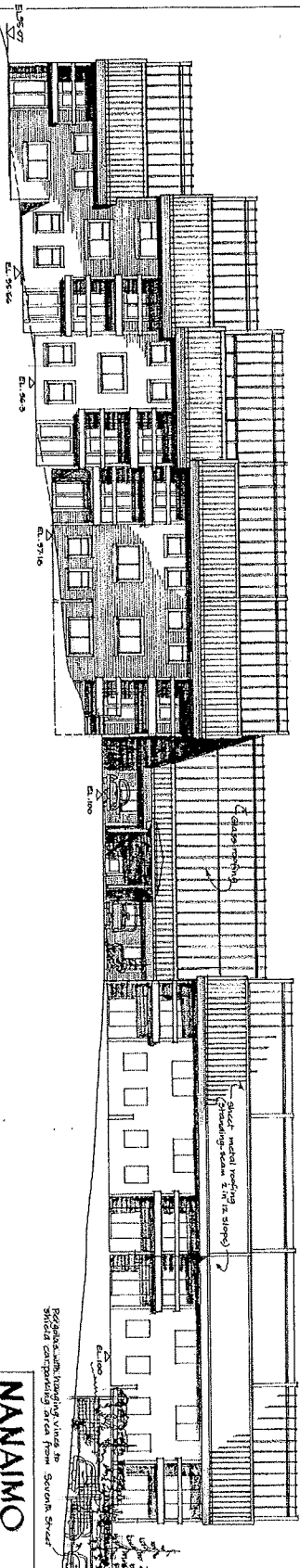
SEVENTH STREET



SCHEDULE C



SOUTH-WEST ELEVATION - (REAR)



NORTH-EAST ELEVATION - (FRONT)

NANAIMO
COHOUSING
GROUP
ELEVATIONS
SCALE: 1/8" = 1'-0"
DATE: 1 MAR '99

SCHEDULE D



LANDSCAPE ARCHITECTURE
COMMUNITY PLANNING
ENVIRONMENTAL DESIGN
INFORMATION ARCHITECTURE

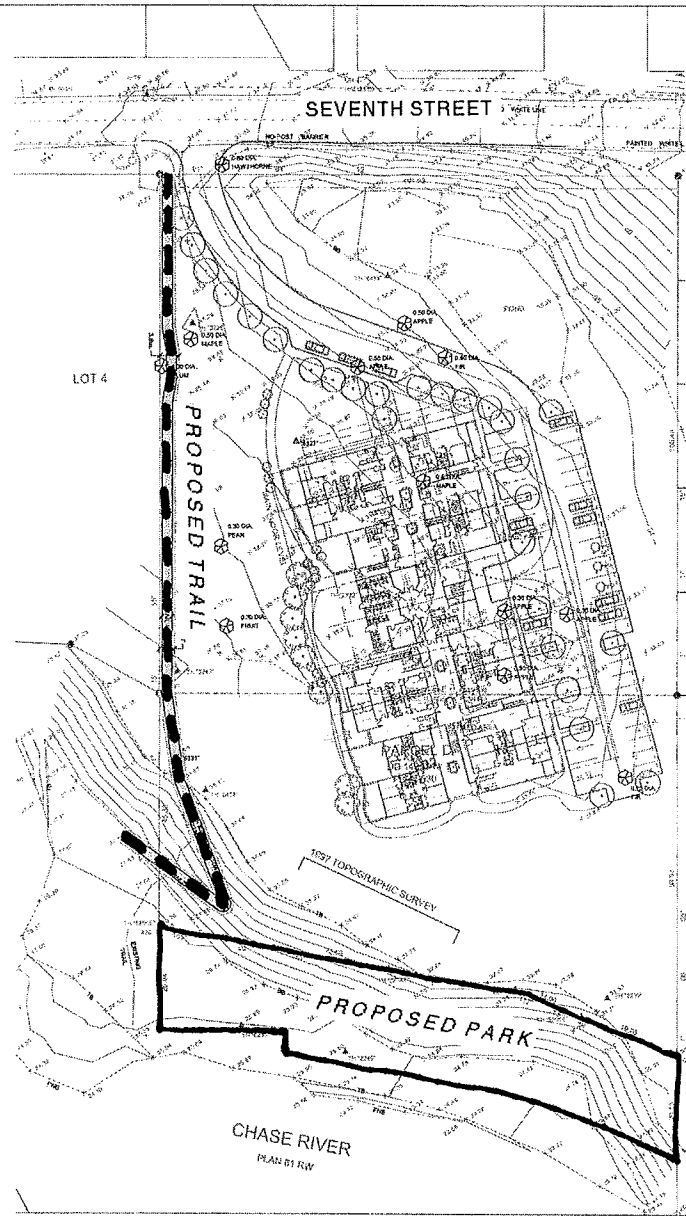
2511 Pacific Street, Nanaimo, BC V9X 2B9
Tel: (250) 754-1234
Fax: (250) 754-1235
www.lanarc.ca
info@lanarc.ca

Pacific Gardens Cohousing Community
553080 BC Ltd.
Nanaimo, BC

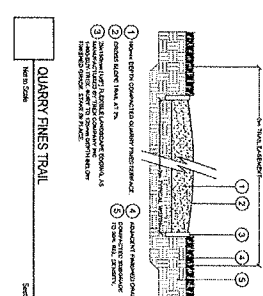
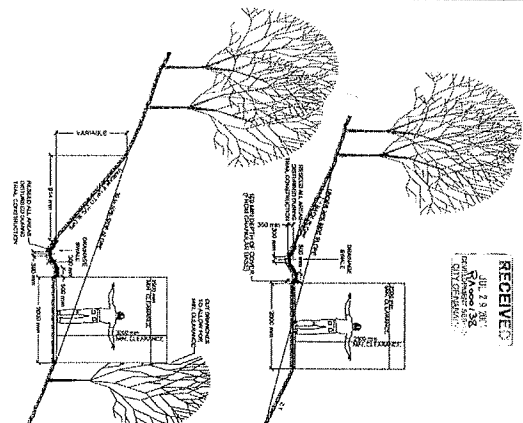
Revisions	
No.	Description
1	3rd DATE
2	Revised per comments from client
3	Revised per comments from client
4	Revised per comments from client
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100	Revised per comments from client

Trail Easement

PRELIMINARY SKETCH CONCEPT
- NOT FOR CONSTRUCTION



TRAIL SECTION DETAIL



RECEIVED
JUL 2 2005
NANAIMO
CITY ENGINEER

() RA154 – 6201 Oliver Road – Covenant Amendment

The City has received an application from Insight Group Development, on behalf of Insight Holdings Ltd., to amend an existing covenant which is currently registered on the subject property.

The existing covenant was registered as part of a previous rezoning application (RA113), which was approved by Council at its regular meeting of 2005-JAN-24. The application has been reviewed by Staff and the Rezoning Advisory Committee and is now ready for Council's consideration.

The subject property was recently rezoned from RS-1 (Residential Single Family) to RM-5 (Residential Multi-Family) and C-15 (Suburban Office) on 2005-JAN-24 in order to permit the development of multi-family dwellings and a small office complex. The property, which is 2.2 hectares (5.4 acres), is bound by the Island Highway to the west, Oliver Road to the south, Uplands Drive to the east and the Longwood multi-family development to the north (Schedule A').

The property, which is designated Town Centre according to Schedule 'A' of the Official Community Plan (OCP), is currently vacant.

As a condition of the recent rezoning, Council directed that a covenant be registered on title securing the following:

1. Commercial development limited to one building no greater than 550 m² gross floor area, with a maximum of two storeys and no less than 57% of required parking underground.
2. Off-site road improvements, including the re-grading and construction of all Oliver Road.
3. Tree retention along the Island Highway and portions of the northern property boundary.
4. Development of land in general compliance with plan proposed at time of rezoning.
5. Underground parking: Residential development is limited to 2 buildings with a minimum of 65% required parking underground.
6. Community contribution of \$250 per unit.

The applicant has recently purchased the subject property and is applying to amend the existing covenant in order to permit the development of a seniors' congregate housing facility.

No changes are proposed to the existing covenant for the commercial development, off-site improvements or tree retention. However, amendments are required in order to permit the seniors' facility to proceed as generally proposed. The required amendments are as follows:

1. Compliance with proposed plan: the covenant requires that the site be developed in general compliance with the original plan. Given the change from a multi-family development with two buildings to a seniors' congregate care facility in one structure, the schedule must be replaced with a revised Concept Site Plan.
2. Underground parking: the covenant requires that 65% of required parking be under the two proposed buildings. The revised plan has approximately 50% of required parking underground. However, due to the significant parking

requirement reduction from multi-family to seniors' congregate housing, the overall amount of required parking on-site drops significantly (from approximately 166 stalls under the previous plan to approximately 53 under the existing plan). The amount of surface stalls are reduced from approximately 52 in the original plan to 31 stalls in the revised plan.

3. Community contribution: The covenant secured a monetary contribution to the community of \$250 per unit. As the original plan was for approximately 100 units, the overall contribution would have been approximately \$25,000. This was in addition to significant improvements of off-site works that were secured, including the grading of Oliver Road and improvements to the left turn lane from the Island Highway to Oliver Road. Given the changes to the housing format from multi-family to seniors' congregate housing the applicants are proposing that the monetary contribution be amended from a per unit basis to a fixed rate of \$25,000.

The application was reviewed by the Rezoning Advisory Committee (RAC) at its regular meeting of 2005-OCT-06. At the meeting, the Committee was unable to agree upon a recommendation however, they did indicate general support for the covenant amendments. A member of the Committee did raise concerns over the access and questioned the potential of a secondary emergency access through the neighbouring property to the north.

The applicant indicated that the property to the north was now under the management of a strata corporation and approval would be required from them for any access. When reviewed by Staff, the access from Oliver Road was found to be suitable for the proposed development.

Staff recommend that Council support the proposed covenant amendment and direct Staff to forward this item to the next regularly schedule Public Hearing in order to receive input with respect to amendments.

Recommendation: Staff recommend that Council support this application and direct Staff to forward this item to the next regularly scheduled Public Hearing.

FOR CITY MANAGER'S REPORT

REPORT TO: E.C. SWABEY, DIRECTOR, PLANNING AND DEVELOPMENT

FROM: D. LINDSAY, MANAGER OF PLANNING

RE: RA154 – 6201 OLIVER ROAD – COVENANT AMENDMENT

RECOMMENDATION:

Staff recommend that Council support this application and direct Staff to forward this item to the next regularly scheduled Public Hearing.

BACKGROUND:

The City has received an application from Insight Group Development, on behalf of Insight Holdings Ltd., to amend an existing covenant which is currently registered on the subject property.

The existing covenant was registered as part of a previous rezoning application (RA113), which was approved by Council at its regular meeting of 2005-JAN-24. The application has been reviewed by Staff and the Rezoning Advisory Committee and is now ready for Council's consideration.

DISCUSSION

Subject Property

The subject property was recently rezoned from RS-1 (Residential Single Family) to RM-5 (Residential Multi-Family) and C-15 (Suburban Office) on 2005-JAN-24 in order to permit the development of multi-family dwellings and a small office complex. The property, which is 2.2 hectares (5.4 acres), is bound by the Island Highway to the west, Oliver Road to the south, Uplands Drive to the east and the Longwood multi-family development to the north (Schedule A').

The property, which is designated Town Centre according to Schedule 'A' of the Official Community Plan (OCP), is currently vacant.

Existing Covenant

As a condition of the recent rezoning, Council directed that a covenant be registered on title securing the following:

1. Commercial development limited to one building no greater than 550 m² gross floor area, with a maximum of two storeys and no less than 57% of required parking underground.
2. Off-site road improvements, including the re-grading and construction of all Oliver Road.

3. Tree retention along the Island Highway and portions of the northern property boundary.
4. Development of land in general compliance with Schedule 'B' (plan proposed at time of rezoning).
5. Underground parking: Residential development is limited to 2 buildings with a minimum of 65% required parking underground.
6. Community contribution of \$250 per unit.

Proposed Development / Covenant Amendment

The applicant has recently purchased the subject property and is applying to amend the existing covenant in order to permit the development of a seniors' congregate housing facility. The applicant's have submitted a Concept Site Plan (Schedule 'C') which indicates the potential siting of a seniors' facility with approximately 177 congregate care units in one building with a gross floor area of approximately 16,925 m² and an FAR of 0.84 (the maximum FAR in the RM-5 zone is 1.25). The plan utilizes the same joint access proposed in the original plan and maintains the tree buffers that were previously identified.

No changes are proposed to the existing covenant for the commercial development, off-site improvements or tree retention. However, amendments are required in order to permit the seniors' facility to proceed as generally proposed. The required amendments are as follows:

1. Compliance with proposed plan: the covenant requires that the site be developed in general compliance with the original plan. Given the change from a multi-family development with two buildings to a seniors' congregate care facility in one structure, the schedule must be replaced with a revised Concept Site Plan.
2. Underground parking: the covenant requires that 65% of required parking be under the two proposed buildings. The revised plan has approximately 50% of required parking underground. However, due to the significant parking requirement reduction from multi-family to seniors' congregate housing, the overall amount of required parking on-site drops significantly (from approximately 166 stalls under the previous plan to approximately 53 under the existing plan). The amount of surface stalls are reduced from approximately 52 in the original plan to 31 stalls in the revised plan.
3. Community contribution: The covenant secured a monetary contribution to the community of \$250 per unit. As the original plan was for approximately 100 units, the overall contribution would have been approximately \$25,000. This was in addition to significant improvements of off-site works that were secured, including the grading of Oliver Road and improvements to the left turn lane from the Island Highway to Oliver Road. Given the changes to the housing format from multi-family to seniors' congregate housing the applicants are proposing that the monetary contribution be amended from a per unit basis to a fixed rate of \$25,000.

REZONING ADVISORY COMMITTEE

The application was reviewed by the Rezoning Advisory Committee (RAC) at its regular meeting of 2005-OCT-06. At the meeting, the Committee was unable to agree upon a recommendation however, they did indicate general support for the covenant amendments. A member of the Committee did raise concerns over the access and questioned the potential of a secondary emergency access through the neighbouring property to the north.

The applicant indicated that the property to the north was now under the management of a strata corporation and approval would be required from them for any access. When reviewed by Staff, the access from Oliver Road was found to be suitable for the proposed development.

SUMMARY

The applicants are proposing to amend a restrictive covenant in order to permit the construction of an approximately 177-bed seniors' congregate care facility. While the revised plan maintains access, off-site improvements and tree buffers, specific amendments are required with respect to the site plan, underground parking and the formula for calculating community contributions.

If this application is approved, a development permit will be required in order to further evaluate the project details including siting, scale, landscaping and building materials.

Staff recommend that Council support the proposed covenant amendment and direct Staff to forward this item to the next regularly scheduled Public Hearing in order to receive input with respect to amendments.

RECOMMENDATION:

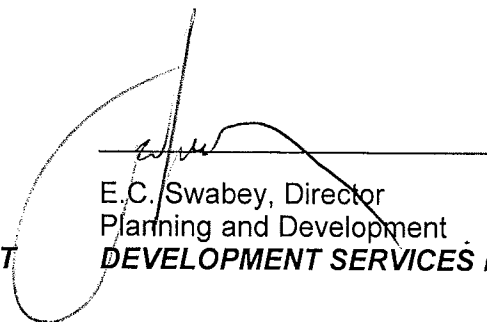
Staff recommend that Council support this application and direct Staff to forward this item to the next regularly scheduled Public Hearing.

Respectfully submitted,



D. Lindsay, Manager
Planning Division

DEVELOPMENT SERVICES DEPARTMENT



E.C. Swabey, Director
Planning and Development

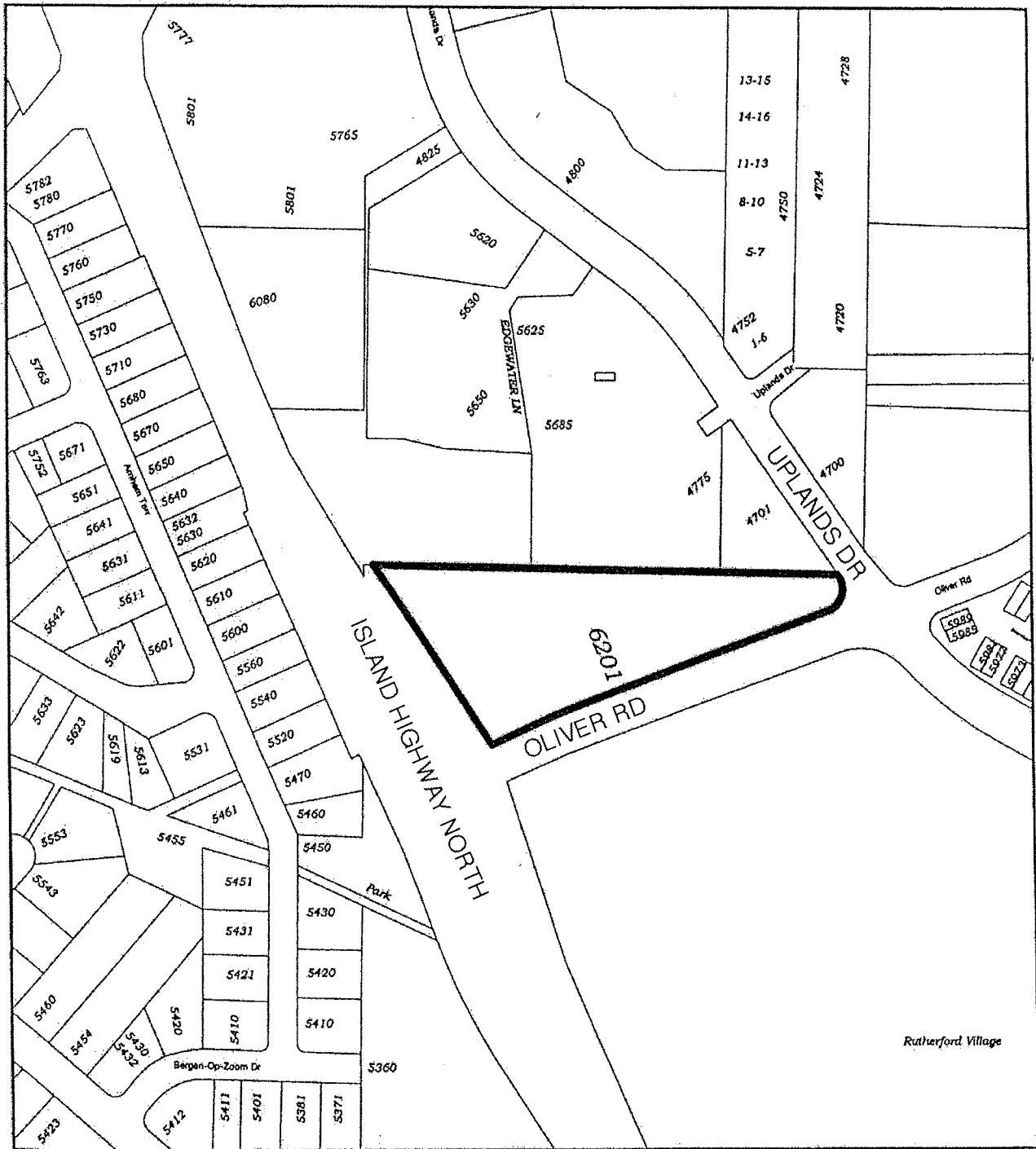
DEVELOPMENT SERVICES DEPARTMENT

JH/jh/pm
Council: 2005-OCT-17
Prospero Attachment: RA154

To: CITY MANAGER
FORWARDED FOR CITY MANAGER'S
REPORT TO COUNCIL

GENERAL MANAGER OF DEVELOPMENT SERVICES

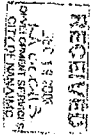
SCHEDULE A



CIVIC: 6201 OLIVER ROAD
 FILE NO.: RA000154

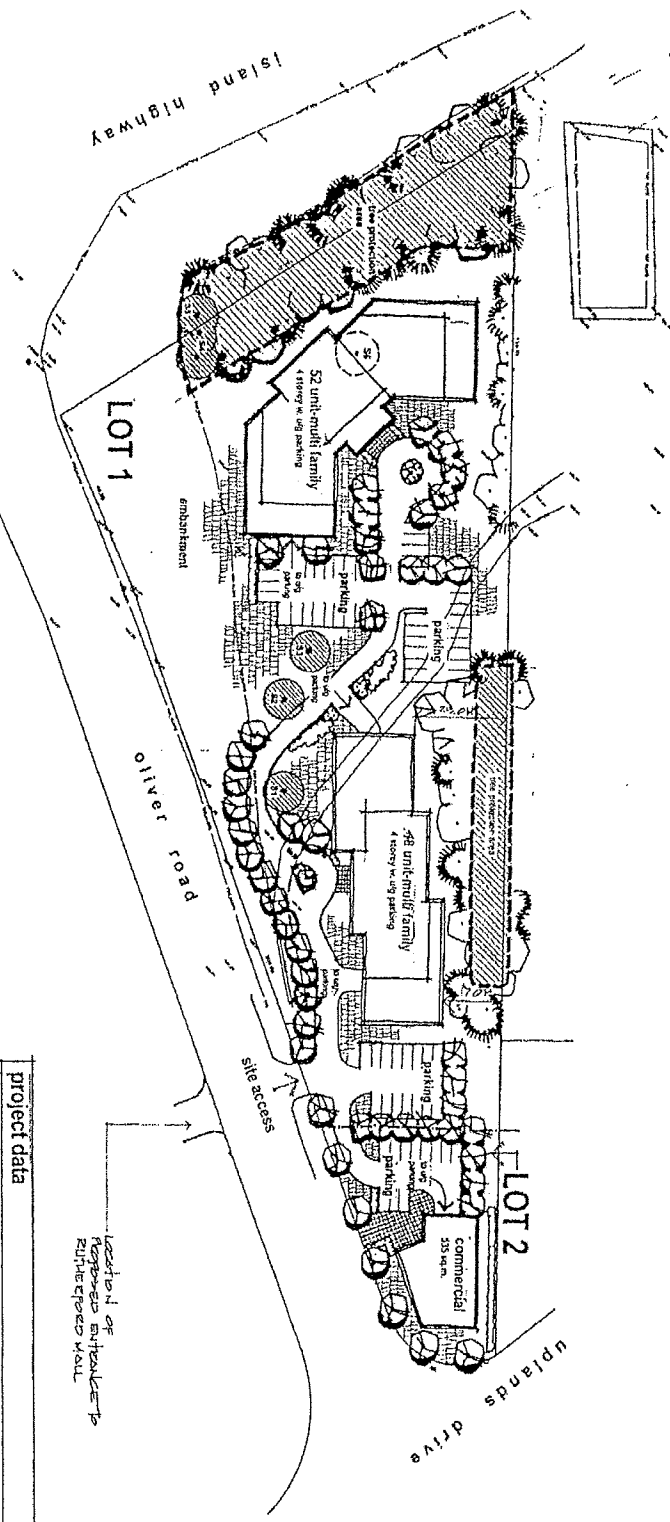
 Subject Properties

SCHEDULE B



MIXED USE DEVELOPMENT
6201 OLIVER ROAD, NANAIMO B.C.

conceptual site plan
DATE ISSUED FOR REZONING APPLICATION - DECEMBER 11, 2003



project data

LEGAL DESCRIPTION (CURRENT)	
LOT 1, DISTRICT LOT 14, WELLINGTON DISTRICT, PLAN VAP-222, EXCEPT PLAN WPT 7117	
LOT 1	LOT 2
LOT AREA: (PROPOSED)	LOT AREA: (PROPOSED)
2.004 ha	0.215 ha
LAND USE:	LAND USE:
MULTI-FAMILY HOUSING	MEDICAL / DENTAL / PROFESSIONAL OFFICES
NB. OF UNITS:	GROSS FLOOR AREA
130	532 sq m
GROSS FLOOR AREA	LOT COVERAGE
11,923 sq m	24.2%
FLOOR AREA RATIO:	PARKING:
0.57	USG
LOT COVERAGE:	SURFACE
16.7%	10.1%
PARKING:	PROVIDED
USG	8 (USG/m, NET)
1.4	19
1.7	11
1.05	30
RATIO	79
1.66 / UNIT	

