



**AGENDA**  
**FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, September 17, 2020, 7:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

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Pages

**1. CALL THE MEETING TO ORDER:**

**2. INTRODUCTION OF LATE ITEMS:**

**3. ADOPTION OF AGENDA:**

**4. PUBLIC HEARING PROCEDURES:**

Lainya Rowett, Manager, Current Planning, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

**5. CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA434 - 3500 ROCK CITY ROAD**

a. Rezoning Application No. RA434 - 3500 Rock City Road

4 - 21

To be introduced by Caleb Horn, Planner, Current Planning.

Call for submissions from the Applicant.

Call for submissions from the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Rezoning Application No. RA434 - 3500 Rock City Road, no further submissions or comments from the public or interested persons can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR RA434 - 3500 ROCK CITY ROAD

Bylaw:

That "Zoning Amendment Bylaw 2020 No. 4500.169" (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density

Residential [R8] with site-specific Floor Area Ratio) pass third reading.

**6. CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA454 - 5485 AND 5495 GODFREY ROAD**

- a. Rezoning Application No. RA454 - 5485 and 5495 Godfrey Road

22 - 35

To be introduced by Lisa Brinkman, Planner, Current Planning.

Call for submissions from the Applicant.

Call for submissions from the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Rezoning Application No. RA454 - 5485 and 5495 Godfrey Road, no further submissions or comments from the public or interested persons can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR RA454 - 5484 AND 5495 GODFREY ROAD

Bylaw:

That "Zoning Amendment Bylaw 2020 No. 4500.181" (To rezone 5485 and 5495 Godfrey Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass third reading.

**7. CALL THE PUBLIC HEARING TO ORDER FOR COVENANT AMENDMENT APPLICATION NO. CA12 - 497 MENZIES RIDGE DRIVE**

- a. Covenant Amendment Application No. CA12 - 497 Menzies Ridge Drive

36 - 43

To be introduced by Caleb Horn, Planner, Current Planning.

Call for submissions from the Applicant.

Call for submissions from the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Covenant Amendment Application No. CA12 - 497 Menzies Ridge Drive, no further submissions or comments from the public or interested persons can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR CA12 - 497 MENZIES RIDGE DRIVE.

Recommendation:

That Council direct Staff to amend the covenant on 497 Menzies Ridge Drive to increase the maximum permitted number of residential dwelling units from 10



units to 22 units.

8. **REPORTS:**

9. **ADJOURNMENT:**

DATE OF MEETING July 20, 2020

AUTHORED BY CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA434 – 3500 ROCK CITY ROAD

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone portions of the subject property at 3500 Rock City Road from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio to allow for a multi-family residential development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2020 No. 4500.169" (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific Floor Area Ratio) pass first reading;
2. "Zoning Amendment Bylaw 2020 No. 4500.169" pass second reading; and
3. Council direct Staff to secure the community amenity contribution, intersection improvements contribution, sanitary sewer covenant, wildfire assessment covenant, and subdivision of the subject property should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA434, was received from Seward Developments Inc., on behalf of Hazelwood Holdings Ltd. The applicant proposes to amend "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone portions of the subject property from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio (FAR) to allow for a multi-family residential development.

The subject property was created five years ago as a remainder from a larger subdivision that also created Ocean Pearl Terrace and an extension of Barrington Road. A steep slope development permit (DP000576) was completed in 2011 to facilitate subdivision of the lots. The overall plan for the site has not changed substantially from the concept plan approved in 2011, but a rezoning is required to allow the future phases of development as proposed.

There is a concurrent subdivision application (SUB01251) and road closure application (LD003641) for the subject property. The proposed subdivision will create seven lots, of which four are proposed for rezoning. The road closure bylaw, "Highway Closure and Dedication Removal Bylaw 2019 No. 7289", was adopted by Council on 2019-NOV-04, which closed a portion of unused road right-of-way that protruded into the subject property from Rock City Road. This area was consolidated with the subject property in early 2020.

## Subject Property and Site Context

<i>Location</i>	The subject property is a hooked parcel located on both sides of Rock City Road. The majority of the property lies on the south side of Rock City Road between Ocean Pearl Terrace and Barrington Road.
<i>Total Lot Area</i>	10.23ha
<i>Area of Portions to be Rezoned</i>	7.29ha
<i>Current Zoning</i>	R6 – Low Density Residential
<i>Proposed Zoning</i>	R8 – Medium Density Residential with site-specific FAR
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	n/a

The subject property is a large undeveloped parcel with significant natural features. A number of rocky knolls cover the site and the interior of the lot contains a wetland that is approximately 2.89ha in area. The wetland is protected by an existing covenant (FB281426) as well as regulations in the Zoning Bylaw stipulating no site disturbance can occur within 15m of the wetland. An unnamed tributary of Cottle Creek, identified by 'Schedule C' of the Zoning Bylaw, drains the wetland and flows east from the property. Elevations vary on the site from approximately 105m to 130m above sea level.

Surrounding land uses include large Agricultural Rural Residential-zoned properties to the north, Rock City Park and single residential dwellings to the east, and low-density multi-family residential properties to the south and west. A multi-family residential apartment building (DP001060) has previously been approved at 1205 Ocean Pearl Terrace, west of the subject property.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone portions of the subject property to R8 with site-specific density (FAR) in order to facilitate future phases of development on the site. Earlier phases of development under the parent parcel included the comprehensive development and rezoning at Amphion Terrace completed in 2012, and the townhouse complex at 3403 Barrington Road, completed in 2016. Further phases of low-density multi-family development have been approved at 1217 and 1228 Manzanita Place, and a development permit application is under review for 1221, 1222, and 1225 Manzanita Place.

For the remaining phases, the concept plan is to develop proposed Lots 1 to 3 under the existing Low Density Residential (R6) zoning and to rezone proposed Lots 4 to 7 to Medium Density Residential (R8) with site-specific FAR. Proposed Lots 4 to 7 contain significant natural features, including a large wetland and steep topography. The applicant is proposing to rezone these portions in order to cluster residential units in four-storey multi-family building forms instead of the more ground-oriented building forms permitted under R6.

The existing R6 zone allows for a maximum base FAR of 0.45 and a maximum building height of 9m. The R8 zone permits a base FAR of 1.25 and a building height of 14m. Since the maximum allowable FAR of 1.25 in the R8 zone is greater than what is contemplated for the site and would exceed what could be supported, the applicant has proposed a site-specific amendment to restrict the base density (FAR) to 0.45. Up to an additional 0.25 FAR can be awarded where parking is provided underground, which would allow a maximum FAR of 0.7. The base FAR of 0.45 is the same as permitted under the existing R6 zone, and the total possible FAR of 0.7 is the maximum available under the R6 zone (through the provision of additional amenities as outlined in Schedule D of the Zoning Bylaw). The practice of awarding additional density for underground parking is consistent with typical R8 zoning.

The proposed site-specific density will provide flexibility in the building massing and design. The rezoning will not increase the density on the subject property but will allow for more sensitive development with increased height and more compact building form, given the site's natural constraints

### *Conceptual Plans*

The conceptual site plan submitted with this rezoning application (Attachment B) includes a four-storey multi-family building on each of proposed Lots 4 to 7, all with underground parking. By clustering the allowable density into multi-family building forms, less site disturbance is anticipated. The maximum permitted lot coverage for building footprints in both the R6 and R8 zones is 40%, but the conceptual site plan shows an approximate lot coverage of 15% on proposed Lots 4 to 7.

Conceptual building sections have been provided (Attachment C) to demonstrate how building massing could occur under the proposed zoning. The conceptual building footprints have been sited to minimize impacts on the natural areas and to allow for feasible vehicle accesses to the underground parking areas. Proposed Lot 4 will be accessed from Barrington Road, proposed Lots 5 and 6 will be accessed from the south side of Rock City Road, and proposed Lot 7 will be accessed from the north side of Rock City Road.

In addition to the lots described above, a 0.68ha park will be dedicated as a requirement of the concurrent subdivision. This park will include one of the prominent rocky knolls on the south side of Rock City Road, to be kept in its natural state, and a public boardwalk trail through the wetland to connect Ocean Pearl Terrace with Rock City Road.

### *Traffic Impact Assessment*

A Traffic Impact Assessment (TIA) was submitted in support of the rezoning application. The TIA modelled how a development on the scale of the conceptual plans could impact the surrounding road network and intersections, including Rock City Road, Smugglers Hill Drive, Departure Bay Road, Uplands Drive, Norwell Drive, and the Island Highway. The TIA found an acceptable level of service for intersections in the short term, with the exception of the Uplands Drive and Departure Bay Road intersection at PM peak hours when there is already a deficient level of service. In the medium and long term, this intersection could reach an inadequate level of service, even outside of the PM peak hours, by 2023. The City will be carrying out upgrades to the Uplands Drive / Departure Bay intersection as part of a future Development Cost Charge (DCC) infrastructure project. Additionally, the intersection of Rock

City Road and Departure Bay Road was projected by the TIA to reach an inadequate level of service by 2033. Both intersections are identified in the Context Map (Attachment E).

As a condition of this rezoning application, a monetary contribution of \$27,125 towards the intersection of Rock City Road / Departure Bay Road will be secured for future intersection improvements. The value of the contribution is proportional to the anticipated percentage of trips generated through the intersection as a result of the conceptual development. This proposal takes into account the existing zoning of the subject property as well as the background traffic at the intersection.

#### *Sanitary Sewer Impact Analysis*

A Sanitary Sewer Capacity Impact Analysis (the “Sewer Analysis”) was submitted in support of the rezoning application. The Sewer Analysis identifies a number of downstream sewer deficiencies that are existing and have been previously recognized by the City. The deficiencies are found in the Rock City and Departure Bay sanitary sewer mains, both of which are currently identified for future DCC infrastructure projects. Additionally, the Sewer Analysis found a potential future downstream deficiency in the Rock City sewer main that proposed Lots 5 to 7 will contribute to.

To ensure no additional downstream deficiencies are triggered as a result of this rezoning, a covenant will be secured as a condition of rezoning to restrict the number of units on proposed Lots 5 to 7, the three lots serviced by the Rock City sewer main. As recommended by the Sewer Analysis, the combined maximum number of dwelling units on these lots will not exceed 157 residential units until the Rock City sewer main is upgraded, either by the City through the future DCC project, or by the property owner at their own expense. The covenant will secure the following maximum number of dwelling units on each lot until such time as the Rock City sewer main has been upgraded:

Proposed Lot	Number of Units
Lot 5	38
Lot 6	38
Lot 7	81

No covenant will be required on proposed Lot 4 as it will not be connected to the Rock City sewer main where the additional future deficiency was identified.

#### *Wildfire Hazard Assessment*

A Wildland Urban Interface Wildfire Hazard Assessment (the “Assessment”) was submitted in support of the rezoning application. The Assessment identifies the current wildfire threat rating for the subject property as moderate to high. Under the provincial rating system, a wildfire threat rating must be moderate or less to be considered acceptable. The Assessment contains a number of recommendations to ensure the wildfire threat is mitigated to maintain an acceptable level during future development on the site. The Assessment will be registered through a Section 219 covenant on the subject property title as a condition of this rezoning and will inform future site and building design at the Development Permit stage.

## Policy Context

### *Official Community Plan*

The OCP identifies the subject property as within the Neighbourhood future land use designation. Development in Neighbourhoods is characterized by a mix of low-density residential uses in various building forms. Residential densities from 10 to 50 units per hectare (uph) in two- to four-storey building forms are generally supported by the OCP. The applicant has demonstrated the potential to develop 298 units under the proposed zoning. This would equal approximately 41uph within the anticipated density range for Neighbourhoods.

The intent of the rezoning is to facilitate a more sensitive development approach that is supported by OCP Neighbourhood land use policies, including the minimizing of impacts on ecological features (OCP Policy 2.3 – 9) and a clustered housing design approach (OCP Policy 2.3 – 10).

The proposed rezoning meets the intent of the OCP future land use designation.

### *Transportation Master Plan*

The subject property is not within a Mobility Hub as identified by the Nanaimo Transportation Master Plan (NTMP) and there are no transit routes in the immediate area. The nearest bus stops are approximately 600m away on Uplands Drive. There is currently a single sidewalk that connects the subject property at Ocean Pearl Terrace to Departure Bay Road via Rock City Road. The NTMP identifies a future bicycle route through Linley Valley between Rock City Road and Burma Road as part of its medium-long-term bicycle network plan. Transportation in the area is largely auto-dependent and the applicant has demonstrated the provision of all required parking within the conceptual development plans.

## Community Consultation

The subject property is not within the area of any community association. The applicant hosted a Neighbourhood Information Meeting on 2019-JUL-16 at the Departure Bay Activity Centre. Comments received from neighbours at the meeting and through correspondence include concerns regarding increased traffic, increased density, and loss of wildlife habitat. The following has been provided by the applicant in support of the rezoning application:

1. A Traffic Impact Assessment to review traffic impacts in the neighbourhood, and a proposed contribution towards the Departure Bay Road and Rock City Road intersection;
2. Proposed site-specific R8 zoning to limit density to the maximum permitted Floor Area Ratio under the existing R6 zoning; and
3. A conceptual development plan to cluster buildings and reduce the amount of disruption to the natural habitat as could otherwise occur under the existing R6 zoning. A restrictive covenant protecting the wetland areas will be retained.

## Community Amenity Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, the applicant should provide a community contribution. Typically, the value of community contributions received for residential projects is at least \$1,000 per dwelling unit. In

this case, the applicant is not proposing to increase the density beyond what would be permitted in the R6 zone. Therefore, a community contribution equal to the proposed number of units is not expected. Instead, the applicant has proposed a community contribution consisting of the following items:

1. *Off-site works and services*

The applicant is proposing to carry out works along Rock City Road beyond what is required through frontage works and services. The off-site works will include a sidewalk connection between the subject property and the entrance of Linley Valley Park, approximately 100m east of the property (see Attachment E). The sidewalk connection will include a pedestrian crossing on Rock City Road, with the exact location to be determined through detailed design review at the development stage. Linley Valley Park is a significant destination in the neighbourhood, and a sidewalk with crosswalk connection will provide better pedestrian access to this amenity from the proposed development and for other residents in the neighbourhood.

2. *Parks improvements*

The applicant is proposing a monetary contribution of \$2,000 to be used towards the future park being dedicated as part of the concurrent subdivision. Staff in the Parks, Recreation, and Culture Division have reviewed this contribution and will accept it to be used towards seating or wayfinding.

Staff support the proposed community contributions.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2020 No. 4500.169”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Contribution* – The installation of a sidewalk and crosswalk connection to meet City of Nanaimo engineering standards between the subject property and Linley Valley Park, and a monetary contribution of \$2,000 towards improvements within the future park at 3500 Rock City Road.
2. *Intersection Improvements Contribution* – A monetary contribution of \$27,125 towards future traffic improvements at the intersection of Rock City Road and Departure Bay Road.
3. *Sanitary Sewer Covenant* – A Section 219 covenant to restrict the maximum number of dwelling units on proposed Lot 5 (maximum 38 dwelling units), Lot 6 (maximum 38 dwelling units), and Lot 7 (maximum 81 dwelling units), until the section of the potential future downstream deficiency on the Rock City Road sanitary sewer main is upgraded.



4. *Wildfire Hazard Assessment* – A Section 219 covenant to contain the Wildland Urban Interface Wildfire Hazard Assessment prepared by Strathcona Forestry Consulting, dated 2019-FEB-18, and its associated recommendations for future development.
5. *Subdivision* – The subdivision of the subject property, generally as shown in the proposed Subdivision Plan (Attachment D).

### **SUMMARY POINTS**

- The application is to rezone a portion of the subject property at 3500 Rock City Road from Low Density Residential (R6) to Medium Density Residential (R8) with site-specific Floor Area Ratio to allow for a multi-family residential development.
- The subject property contains significant natural features, including a large wetland and steep topography.
- The proposed rezoning will not increase the base density beyond what is currently permitted, but will provide more flexibility in building siting and allow for higher, more sensitive, and more compact building forms.
- Community contributions of a sidewalk connection with Linley Valley Park and parks improvements for a future park are proposed.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Sections  
ATTACHMENT D: Subdivision Plan  
ATTACHMENT E: Context Map  
ATTACHMENT F: Aerial Photo  
“Zoning Amendment Bylaw 2020 No. 4500.169” |

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

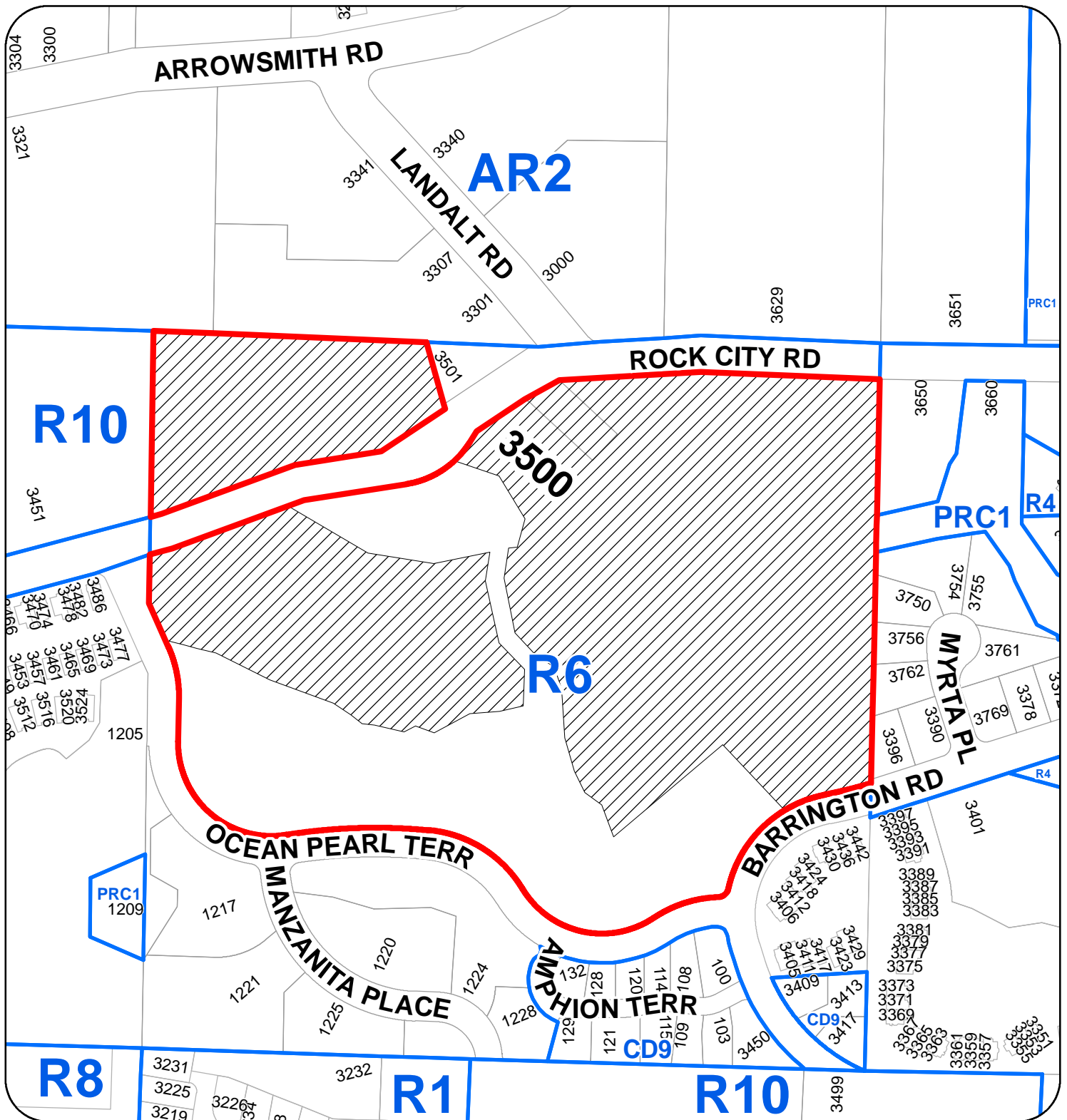
#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services



# ATTACHMENT A LOCATION PLAN



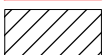
## REZONING APPLICATION NO. RA000434 LOCATION PLAN

CIVIC: 3500 ROCK CITY ROAD

LEGAL: LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT  
PLAN VIP86869 EXCEPT PART IN PLANS VIP86995, EPP33878  
EPP36299 AND EPP67988



SUBJECT PROPERTY



PORTION TO BE REZONED

# ATTACHMENT B CONCEPTUAL SITE PLAN



SITE DATA - PARENT PARCEL	
CIVIC:	3500 ROCK CITY ROAD
LEGAL:	REMAINDER LOT 2, PLAN VIP98869

R-8 ZONE (PROPOSED)					
LOT	ZONE	HOUSING TYPE	SITE AREA (GROSS)	F.A.R. (2) PROPOSED	LOT COV. MAX. 40%
4	R8	4 STOREY MULTI FAMILY UNITS UNDERGROUND PARKING + SURFACE NODE	1.49 HA.	0.45 (NET WETLAND)	+/- 15%
5	R8	4 STOREY MULTI FAMILY UNITS UNDERGROUND PARKING + SURFACE NODE	1.40 HA.	0.45	+/- 15%
6	R8	4 STOREY MULTI FAMILY UNITS UNDERGROUND PARKING + SURFACE NODE	1.55 HA. (1)	0.45	+/- 15%
7	R8	4 STOREY MULTI FAMILY UNITS UNDERGROUND PARKING + SURFACE NODE	2.84 HA.	0.45	+/- 15%

- (1) PORTION OF CLOSED ROAD INCLUDED IN SITE AREA / F.A.R. CALCULATIONS.  
 (2) WHERE PARKING IS PROVIDED BENEATH THE PRINCIPAL BUILDING, AN ADDITIONAL 0.25 F.A.R. MAY BE ADDED PROPORTIONATE TO NUMBER OF REQUIRED PARKING STALLS PROVIDED UNDERGROUND.



**PROPOSED REZONING**  
 Rock City Road & Barrington Road  
 (Rockwood Heights)  
 Nanaimo B.C.  
 client: Hazelwood Holdings Ltd.

DRAWING TITLE:  
 REZONING SITE PLAN

SCALE:  
 as noted

DRAWN BY:  
 B.B. / C.M.

NUMBER:  
 d1337.18.14

ISSUED:  
 FOR REVIEW: 09 AUG. 2018  
 FOR REVIEW: 28 AUG. 2018  
 MEETING: 31 AUG. 2018  
 MEETING (C.O.N.): 28 SEPT. 2018  
 FOR REVIEW: 03 OCT. 2018  
 FOR REZONING APP.: 23 OCT. 2018  
 REVISED: 17 JAN. 2019  
 NEIGHBOURHOOD INFORMATION MTG.: 10 JULY 2019  
 REVISED (LOT 4): 14 NOV. 2019  
 REVISED: 27 NOV. 2019  
 REVISED: 09 DEC. 2019  
 REVISED: 06 JAN. 2020

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEY 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 DELINIA DESIGN CONSULTANTS LIMITED. NO REUSE, REPRODUCTION OR USE IN ANY MANNER IS NOT PERMISSIBLE.

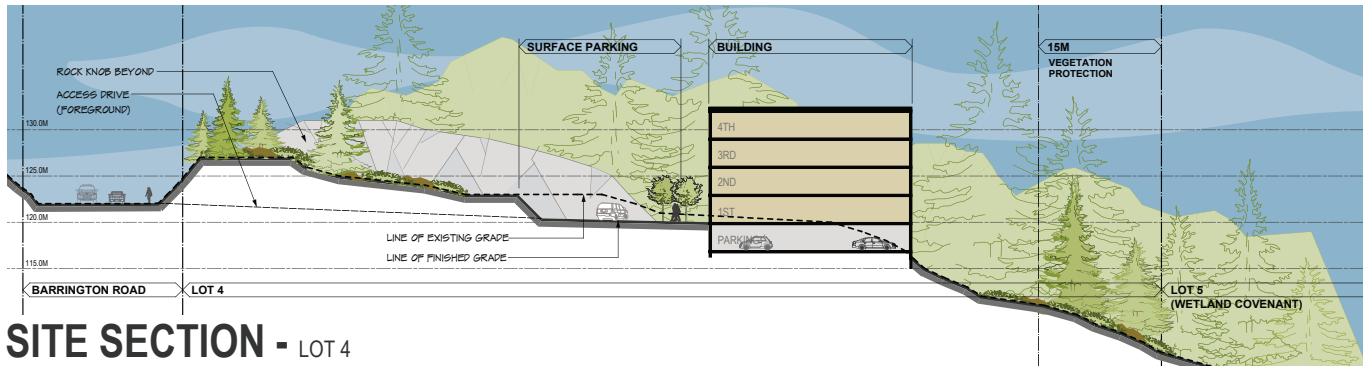
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**SITE PLAN**

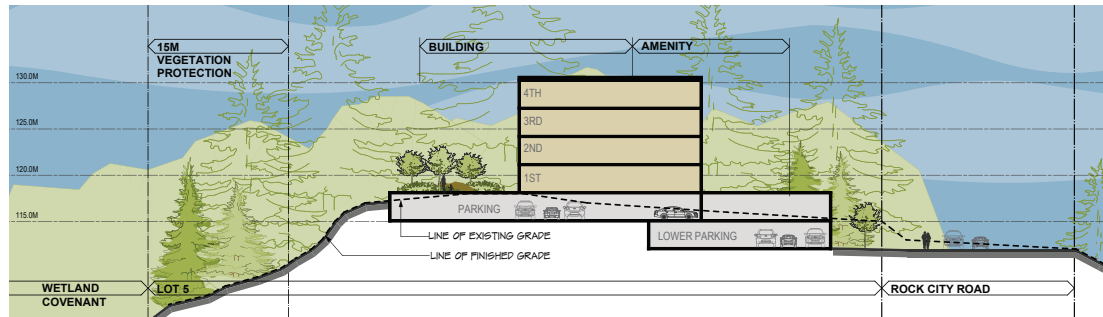
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**RA434**  
 2020-JAN-09  
 Current Planning

**PR1**

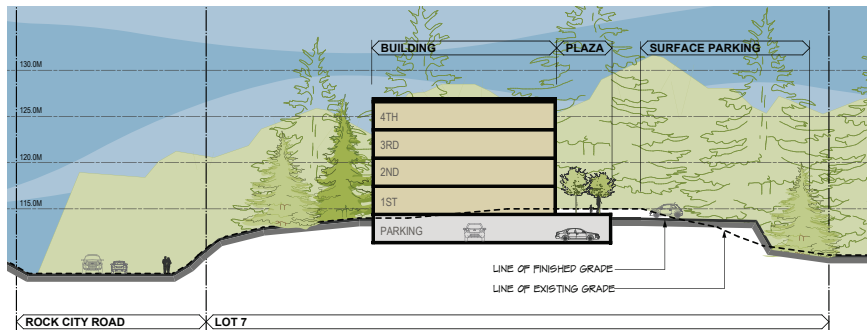
# ATTACHMENT C CONCEPTUAL BUILDING SECTIONS



**SITE SECTION - LOT 4**  
NOT TO SCALE



**SITE SECTION - LOT 5 SHOWN (LOT 6 SIMILAR)**  
NOT TO SCALE



**SITE SECTION - LOT 7**  
NOT TO SCALE

**DELINIA**  
DESIGN CONSULTANTS LTD.  
4378 ORRAN ROAD, LADYSMITH BC V9G 1G2  
phone: 250.245.3894  
email: delinea@delia.net

**PROPOSED REZONING**  
Rock City Road & Barrington Road  
(Rockwood Heights)  
Nanaimo B.C.  
client: Hazelwood Holdings Ltd.

DRAWING TITLE:  
SCHEMATIC SITE SECTIONS

SCALE:  
as noted

DRAWN BY:  
B.B. / C.M.

NUMBER:  
d1337.18.14

ISSUED:  
FOR PUBLIC PRESENTATION JULY 2019  
REZONING 06 JAN. 2020

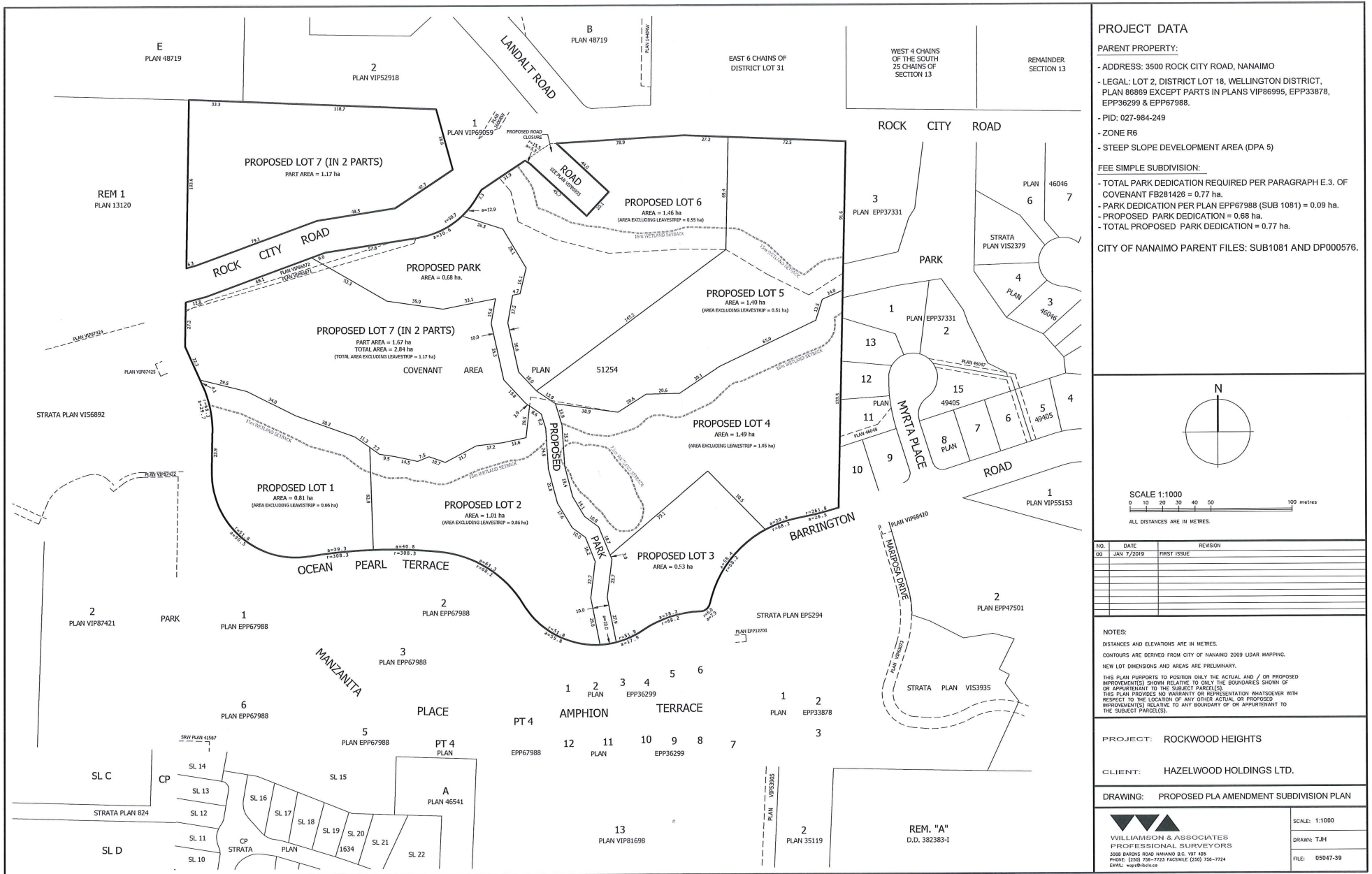
CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEYS  
DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION  
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2020-JAN-09  
Current Planning

PR2

# ATTACHMENT D SUBDIVISION PLAN





# ATTACHMENT E CONTEXT MAP

**3500 Rock City Road**

**Intersection of  
Departure Bay Road  
and Uplands Drive**

**Approximate location of  
proposed pedestrian  
connection to Linley  
Valley Park**

**Intersection of  
Departure Bay Road  
and Rock City Road**

## Legend

- + Railways Overview
- Parcel Hooks
- Mobile Homes
- Airspace Parcels
- Water Lease
- Strata Buildings
- Strata Lots
- Bare Land Strata
- Strata Parcels
- Land Parcels
- Roads
- Political Boundaries
- City
- Indian Reserve
- Rivers
- Streams
- Lakes
- Ponds
- Rivers
- Wetlands

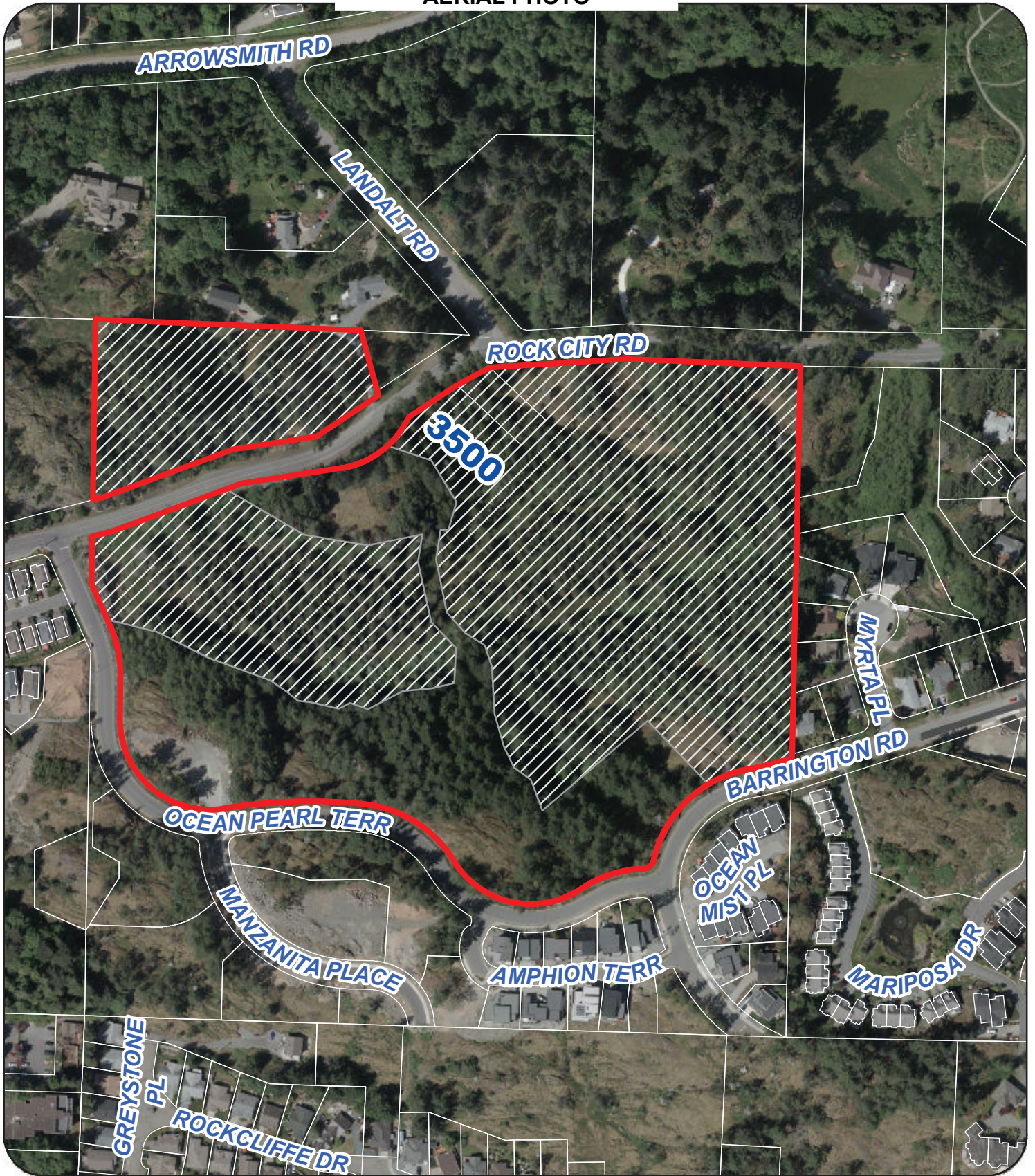
470.0 0 235.0 470.0 Meters

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ATTACHMENT F  
AERIAL PHOTO



REZONING APPLICATION NO. RA000434

LEGEND

-  SUBJECT PROPERTY
-  PORTION TO BE REZONED

N





CITY OF NANAIMO

BYLAW NO. 4500.169

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

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WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 Amendment Bylaw 2020 No. 4500.169".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (1) By rezoning a portion of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 (3500 Rock City Road) from Low Density Residential (R6) to Medium Density Residential (R8) as shown on Schedule A.
  - (2) By adding the following as subsection 7.3.7:

7.3.7 Notwithstanding Subsection 7.3.1, the maximum Floor Area Ratio for portions of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 shall not exceed 0.45. Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

PASSED FIRST READING: \_\_\_\_\_  
PASSED SECOND READING: \_\_\_\_\_  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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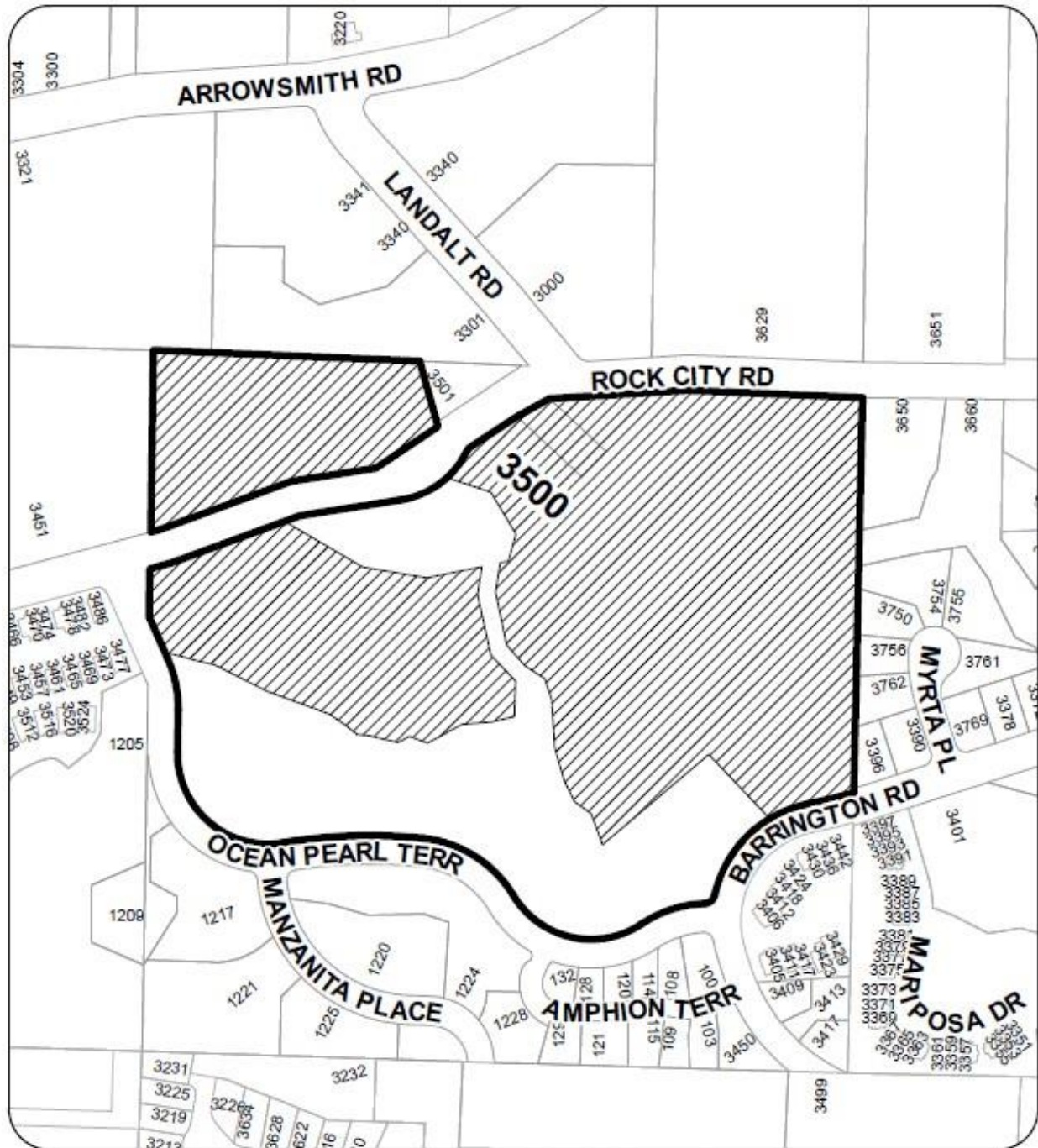
MA Y O R

---

CORPORATE  
OFFICER

File: RA000434  
Address: 3500 Rock City Road

'Schedule A'



**REZONING APPLICATION NO. RA000434**



SUBJECT PROPERTY

PORTION TO BE REZONED

CIVIC: 3500 ROCK CITY ROAD  
LEGAL: LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT  
PLAN VIP86869 EXCEPT PART IN PLANS VIP86995, EPP33878  
EPP36299 AND EPP67988



# **Current Bylaw**

CITY OF NANAIMO

BYLAW NO. 4500.169

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

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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 Amendment Bylaw 2020 No. 4500.169".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (1) By rezoning a portion of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 (3500 Rock City Road) from Low Density Residential (R6) to Medium Density Residential (R8) as shown on Schedule A.
  - (2) By adding the following as subsection 7.3.7:

7.3.7 Notwithstanding Subsection 7.3.1, the maximum Floor Area Ratio for portions of the lands legally described as PART A, DISTRICT LOT 18, WELLINGTON DISTRICT, PLAN EPP99617 shall not exceed 0.45. Where parking spaces are provided beneath a principal building (where the roof of the underground parking is not more 0.8m above the finished grade), an amount may be added to the Floor Area Ratio equal to 0.25 multiplied by the percentage of the total parking spaces provided underground.

PASSED FIRST READING: 2020-JUL-20  
PASSED SECOND READING: 2020-JUL-20  
PUBLIC HEARING HELD: \_\_\_\_\_  
PASSED THIRD READING: \_\_\_\_\_  
ADOPTED: \_\_\_\_\_

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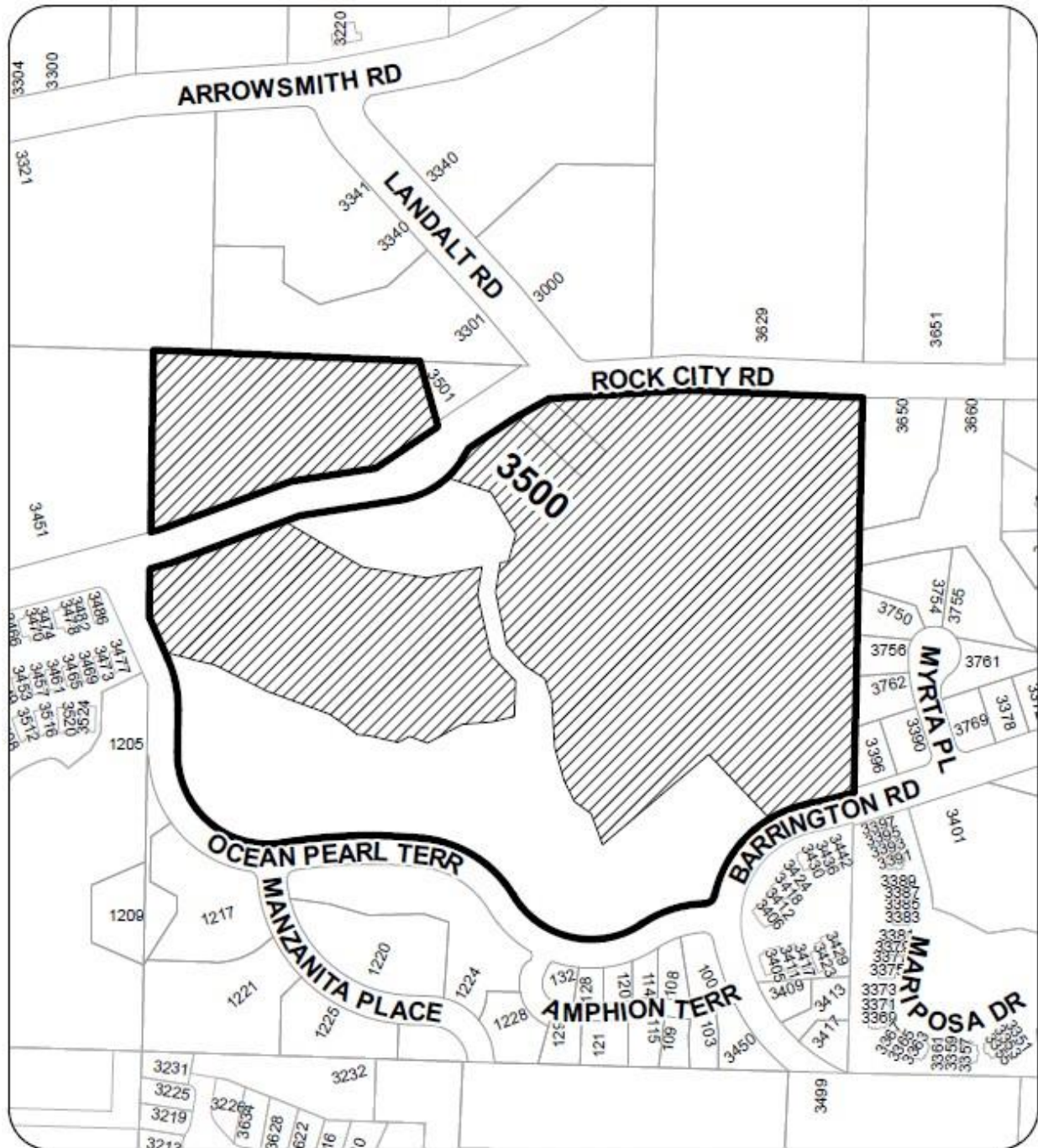
MA Y O R

---

CORPORATE  
OFFICER

File: RA000434  
Address: 3500 Rock City Road


'Schedule A'



**REZONING APPLICATION NO. RA000434**

CIVIC: 3500 ROCK CITY ROAD  
LEGAL: LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT  
PLAN VIP86869 EXCEPT PART IN PLANS VIP86995, EPP33878  
EPP36299 AND EPP67988

 N

 SUBJECT PROPERTY

 PORTION TO BE REZONED

DATE OF MEETING August 31, 2020

AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA454 – 5485 AND 5495 GODFREY ROAD**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone the property located at 5485 and 5495 Godfrey Road, from Single Dwelling Residential (R1) to Low Density Residential (R6), to allow a multiple-family development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2020 No. 4500.181" (To rezone 5485 and 5495 Godfrey Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass first reading;
2. "Zoning Amendment Bylaw 2020 No. 4500.181" pass second reading; and
3. Council direct Staff to secure the road dedication Section 219 covenant with condition of one driveway access and lot consolidation and a community contribution prior to the adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application (RA454) for 5485 and 5495 Godfrey Road was received from Townsite Planning Inc., on behalf of Harry and Tamara Law. The applicant proposes to rezone the subject properties from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a multiple family-development.

### **Subject Property and Site Context**

<i>Location</i>	The two subject properties are located southeast of the roundabout on Godfrey Road in the Pleasant Valley/Rutherford neighbourhood.
<i>Total Combined Area</i>	0.24ha
<i>Current Zone</i>	R1 – Single Dwelling Residential
<i>Proposed Zone</i>	R6 – Low Density Residential
<i>Official Community Plan Designation</i>	Neighbourhood

The subject properties are located in a residential neighbourhood with single family and duplex dwellings that is bounded by Metral Drive, Mostar Road, and the Nanaimo Parkway. A light industrial area is located approximately 1km to the east on Mostar Road, and the Nanaimo North Town Centre is located approximately 1km to the north. Noye Park is located approximately 250m from the subject properties.

The two existing single family dwellings and accessory buildings on the subject properties shall be removed for the proposed development.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone the subject properties from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow the development of approximately ten townhouse units. The development concept anticipates a Floor Area Ratio (FAR) of 0.45, which is the allowable base density in the R6 zone. The two parcels are required to be consolidated into one parcel for the townhouse development.

To allow for an upgrade to the existing Godfrey Road roundabout, in keeping with the City's Complete Streets standard, Staff are recommending that up to 2.5m of road dedication be required along the parcel frontage of 5495 Godfrey Road. Furthermore, Godfrey Road is classified as a collector road and access points are to be minimized on this route. Thus, Staff are recommending a Section 219 covenant be required with a condition to restrict access to a single driveway for any multiple-family development on the two parcels.

### *Official Community Plan*

The Official Community Plan (OCP) designates the two subject properties as 'Neighbourhood', which supports residential infill and a mix of housing types, including ground-oriented multiple-family units two to four storeys in height, with a maximum density of 10-50 dwelling units per hectare (uph). The development concept proposes a density of 42 uph in a ground-oriented housing form, envisioned to be two stories in height, which is consistent with the Neighbourhood designation policies. The development also increases housing choice in the area, consistent with the Neighbourhood designation policies. The proposed development meets the policy objectives of the OCP and offers an infill development in a neighbourhood near public transit, commercial services, and Noye Park.

### *Transportation Master Plan*

The subject properties are located in the 600m buffer area of the North Nanaimo mobility hub, with transit, sidewalks and bicycle routes nearby. Two bus stops are located near the corner of Metral Drive and Godfrey Road, 135m from the subject properties. These bus stops are connected to the VIU/Woodgrove bus loop and the NRGH bus loop. The proposed location for this development supports City policies to direct growth where there are existing services and employment nearby.

## Community Consultation

A rezoning sign was posted on the property in May 2020, and the applicant held a neighbourhood information meeting on 2020-JUN-25. In general, the comments received at the meeting were the neighbourhood had concerns regarding the proposed density and building design. The design of the development may be addressed at the development permit stage. The neighbourhood also expressed concerns regarding traffic through the roundabout, and that the approach to the roundabout may be improved with the recommended road dedication, limit to one driveway access, and parcel frontage improvements at the time of development.

## Community Contribution

As outlined in Section 7.3 of the OCP, applicants are encouraged to provide an amenity contribution as part of their rezoning proposal. The current practice is to secure the rate by covenant - \$1000 per residential unit – with payment at the building permit stage. The applicant is proposing an amenity contribution of \$10,000 towards park improvements in the Pleasant Valley/Rutherford Neighbourhood area.

## Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2020 No. 4500.181”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Road Dedication*  
Registration of a road dedication plan for a width of up to 2.5m from the frontage of the parcel at 5495 Godfrey Road.
2. *Section 219 Covenant*  
That a Section 219 covenant be registered on the title of the two parcels to restrict access to a single shared driveway for a multiple-family development, and to require lot consolidation of the two parcels prior to issuance of a development permit for a multiple-family development.
3. *Community Contribution*  
That a Section 219 covenant be registered on the title of the two parcels to secure a monetary contribution of \$1000 per residential unit to be directed towards park improvements in the Pleasant Valley/Rutherford Neighbourhood area.

### **SUMMARY POINTS**

- The application is to rezone the subject properties from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow for a multiple-family development.
- The proposed development meets the policy objectives of the OCP and offers an infill development in a neighbourhood near public transit, commercial services, and Noye Park.
- A \$10,000 community contribution is proposed to be directed towards park improvements in the Pleasant Valley/Rutherford Neighbourhood.

### **ATTACHMENTS**

ATTACHMENT A: Context Map  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Conceptual Site Plan  
ATTACHMENT D: Conceptual Rendering  
ATTACHMENT E: Aerial Photo  
“Zoning Amendment Bylaw 2020 No. 4500.181”

#### **Submitted by:**

Lainya Rowett |  
Manager, Current Planning

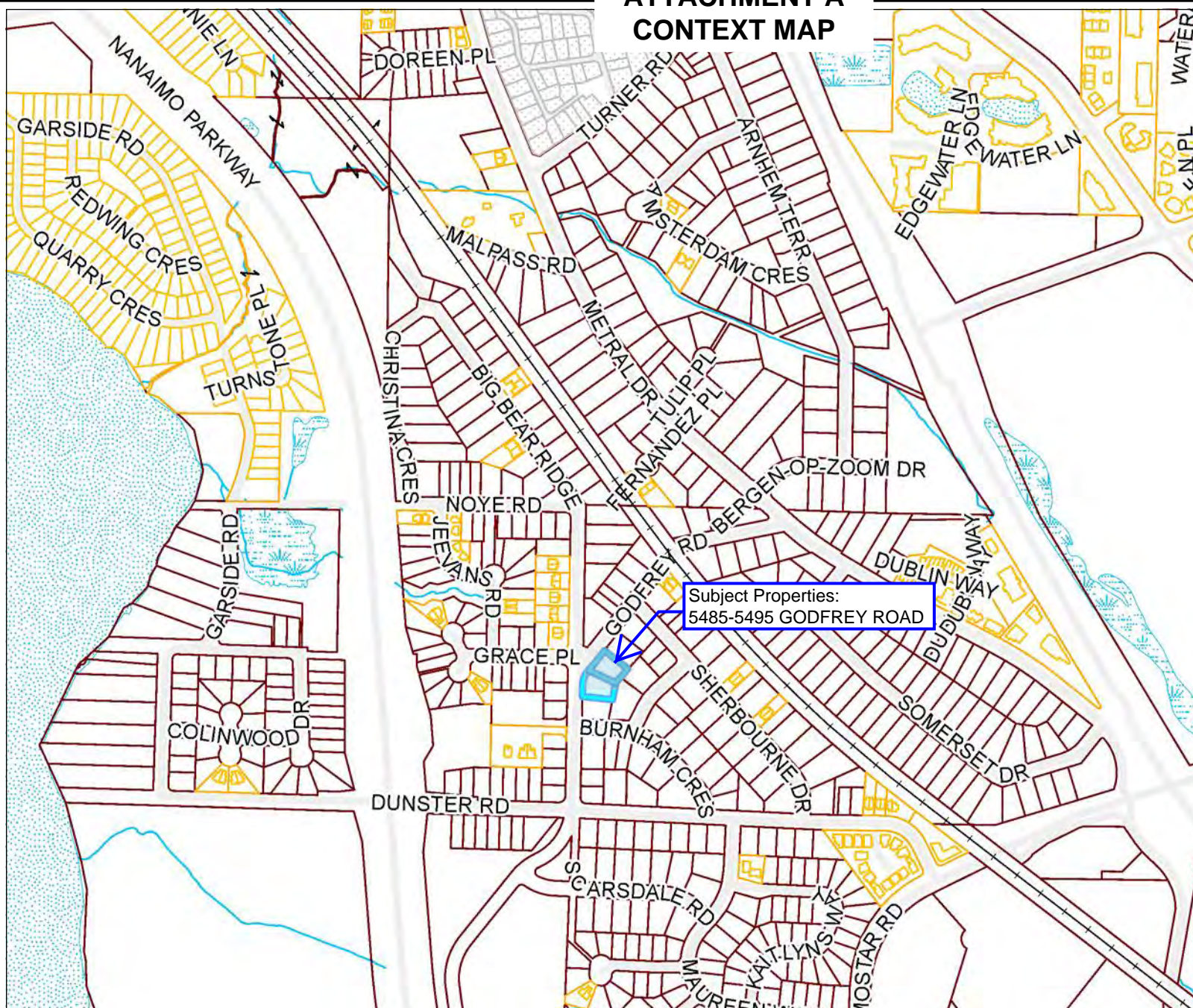
#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services |



# ATTACHMENT A CONTEXT MAP



## Legend

- + Railways Overview
- Parcel Hooks
- ▨ Mobile Homes
- ▨ Airspace Parcels
- ▨ Water Lease
- ▨ Strata Buildings
- ▨ Strata Lots
- ▨ Bare Land Strata
- ▨ Strata Parcels
- ▨ Land Parcels
- Roads
- Political Boundaries
  - ▨ City
  - ▨ Indian Reserve
- Rivers
- Streams
- ▨ Lakes
- ▨ Ponds
- ▨ Rivers
- ▨ Wetlands

381.0 0 190.5 381.0 Meters

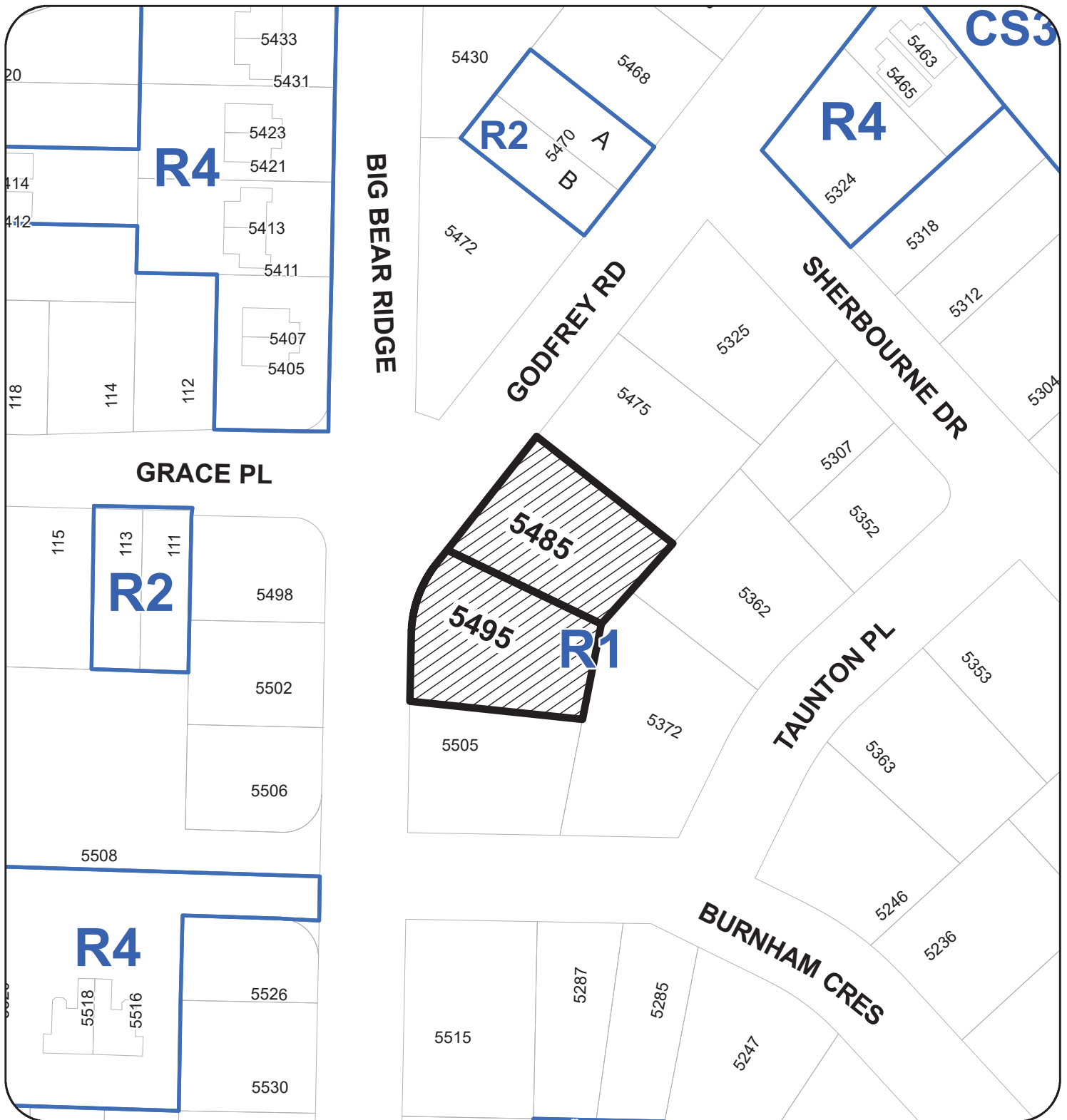
1: 7,500



The City of Nanaimo does not warrant or guarantee the accuracy or completeness of the information. You are encouraged to verify the accuracy of the information against copies of actual plans. If there is a conflict between this information and information contained in any other records of the City of Nanaimo or documents that may be prepared by or delivered to the City of Nanaimo, the City of Nanaimo reserves the right to rely in all cases upon the record which it considers to be the most accurate and complete.



# ATTACHMENT B LOCATION PLAN



## REZONING APPLICATION NO. RA000454 LOCATION PLAN

CIVIC: 5485 & 5495 GODFREY ROAD  
LEGAL: LOT 41 & 42, SECTION 4, RANGE 4  
WELLINGTON DISTRICT, PLAN 21691



# ATTACHMENT C CONCEPTUAL SITE PLAN



RECEIVED  
RA454  
2020-AUG-10



JOYCE AND TROOST ARCHITECTS INC.  
2519 GODFREY DRIVE, BC V9S 3P1  
250.714.5249 - info@joyceandtroost.com

PROJECT NAME:  
**GODFREY TOWNHOMES**

ADDRESS:  
5484/5485 GODFREY ROAD  
WELLINGTON DISTRICT  
CITY OF NANAIMO

CLIENT:  
LAW HOLDINGS LTD

THE DRAWINGS, DESIGN IDEAS AND  
REVISIONS OR CORRECTIONS REQUESTED  
HEREIN ARE THE SOLE PROPERTY OF  
JOYCE AND TROOST ARCHITECTS. ALL  
COMMERCIAL AND RESIDENTIAL RIGHTS  
ARE EXPRESSLY RESERVED. THEY ARE  
NOT TO BE REPRODUCED, COPIED,  
REPRODUCED, OR USED FOR ANY  
PURPOSES WITHOUT THE WRITTEN  
ASSIGNMENT TO A THIRD PARTY WITHOUT  
EXCEEDING THE ORIGINAL. IN THE  
EVENT OF ANY UNAUTHORIZED USE OF  
THESE PLANS BY A THIRD PARTY, THE  
THIRD PARTY SHALL NOT HOLD JOYCE  
AND TROOST ARCHITECTS RESPONSIBLE.

ISSUE DATE:  
NOV-19-12-02 REDLINE PACKAGE

DATE:  
DECEMBER 2, 2019

DRAWN BY:  
JOYCE TROOST

SCALE:  
1/4" = 1/2"

DRAWING TITLE:  
SITE PLAN

SHEET:

A2




# ATTACHMENT D CONCEPTUAL RENDERING

5484/5495 GODFREY ROAD, NANAIMO



<b>SITE &amp; PROJECT DATA</b>
CIVIC: 5484 GODFREY ROAD
LEGAL: LOT 41, SEC 4, R. 4, WELLINGTON DISTRICT, PLAN 21691
PID: 003-450-813
AREA: 0.12 HA (0.29 ACRES) / 1174 M <sup>2</sup>
CIVIC: 5495 GODFREY ROAD
LEGAL: LOT 42, SEC 4, R. 4, WELLINGTON DISTRICT, PLAN 21691
PID: 003-450-821
AREA: 0.12 HA (0.29 ACRES) / 1214 M <sup>2</sup>
JURISDICTION: CITY OF NANAIMO
EXISTING ZONING: R1 - SINGLE DWELLING RESIDENTIAL
PROPOSED ZONING: R6 - TOWNHOUSE RESIDENTIAL
MIN PARCEL SIZE: 1500 M <sup>2</sup> (PROVIDED: 2386 M <sup>2</sup> )
MIN. PARCEL FRONTAGE: 15.0 M (PROVIDED: 70.8 M)
FLOOR AREA RATIO: 0.45 (PROPOSED: 0.45)
TEN (10) 3-BDRM., EXCL. GARAGE AREA.
MAX. LOT COVERAGE: 40% (PROPOSED 29.75%)
MAX. PRINCIPAL BUILDING HEIGHT 7.0M/9.0M
PARKING REQUIREMENT:
REQUIRED: 21 STALLS
3 BEDRM. UNITS REQUIRE 2.0 STALLS PER UNIT, 1 VISITOR STALL
PROPOSED: 22 STALLS
(2 VISITOR, INCL. 1 ACCESSIBLE STALL)



 JOYCE TROOST ARCHITECT INC. 2213 GLENHUR DRIVE, BC V9Y 3H5 TEL: 250.754.1141 - info@jrtarchitect.com
ADDRESS: 5484/5495 GODFREY ROAD WELLINGTON DISTRICT CITY OF NANAIMO
CLIENT: LAW HOLDINGS LTD
<small>THE DRAWINGS, DESIGN IDEAS AND PLANNING OF THIS PROJECT ARE THE SOLE PROPERTY OF JOYCE TROOST ARCHITECT INC. ALL INFORMATION AND MATERIALS HEREIN ARE UNCLASSIFIED UNLESS THEY ARE OTHERWISE INDICATED. THEY ARE PROVIDED HEREIN AND THEY TO BE USED ONLY FOR THE PROJECT SPECIFICALLY IDENTIFIED. NO PART OF THIS DRAWING OR ANY INFORMATION HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF JOYCE TROOST ARCHITECT INC.</small>
ISSUE DATE: NOV-19-13-02 REDLINE PACKAGE
DATE: DECEMBER 2, 2019
DRAWN BY: JOYCE TROOST
SCALE: SEE DRAWING
DRAWING TITLE: GENERAL INFORMATION DATA
SHEET: <div style="float: right; font-size: 2em; font-weight: bold;">A1</div>

RECEIVED  
**RA454**  
2020-MAR-09  
CURRENT PLANNING



ATTACHMENT E  
AERIAL PHOTO



 SUBJECT PROPERTIES

REZONING APPLICATION NO. RA000454

CITY OF NANAIMO

ZONING AMENDMENT BYLAW 2020 NO. 4500.181

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 Amendment Bylaw 2020 No. 4500.181".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 41, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 (5485 Godfrey Road) and LOT 42, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 (5495 Godfrey Road) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.

PASSED FIRST READING: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER

File: RA000454  
Address: 5485 and 5495 Godfrey Road

'Schedule A'



**REZONING APPLICATION NO. RA000454**

CIVIC: 5485 & 5495 GODFREY ROAD  
LEGAL: LOT 41 & 42, SECTION 4, RANGE 4  
WELLINGTON DISTRICT, PLAN 21691



# **Current Bylaw**

CITY OF NANAIMO

ZONING AMENDMENT BYLAW 2020 NO. 4500.181

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

---

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 Amendment Bylaw 2020 No. 4500.181".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
  - (A) By rezoning the lands legally described as LOT 41, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 (5485 Godfrey Road) and LOT 42, SECTION 4, RANGE 4, WELLINGTON DISTRICT, PLAN 21691 (5495 Godfrey Road) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.

PASSED FIRST READING: 2020-AUG-31

PASSED SECOND READING: 2020-AUG-31

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

---

MAYOR

---

CORPORATE OFFICER

File: RA000454  
Address: 5485 and 5495 Godfrey Road



'Schedule A'



**REZONING APPLICATION NO. RA000454**

CIVIC: 5485 & 5495 GODFREY ROAD  
LEGAL: LOT 41 & 42, SECTION 4, RANGE 4  
WELLINGTON DISTRICT, PLAN 21691



DATE OF MEETING | August 31, 2020

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT | COVENANT AMENDMENT APPLICATION NO. CA12 –  
497 MENZIES RIDGE DRIVE**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend a Section 219 covenant registered on the property title of 497 Menzies Ridge Drive in order to allow a multi-family residential development.

### **Recommendation**

That Council direct Staff to proceed with a Public Hearing for covenant amendment application No. CA12 at 497 Menzies Ridge Drive, which proposes to increase the maximum permitted number of residential dwelling units from 10 units to 22 units.

## **BACKGROUND**

A covenant amendment application, CA12, was received from Menzies Ridge Estates Ltd. The applicant proposes to amend a Section 219 covenant registered on the property title of 497 Menzies Ridge Drive in order to allow a multi-family residential development.

The subject property was originally a component of a larger property that was previously addressed at 340 Poets Trail Drive and was rezoned (RA253) from the Single Family Residential zone to the Low Density Multiple Family Residential (Townhouse) zone in 2011. This rezoning took place under the previous Zoning Bylaw ("City of Nanaimo Zoning Bylaw 1993 No. 4000") and the zoning is now the Low Density Residential zone (R6) under the current "City of Nanaimo Zoning Bylaw 2011 No. 4500".

As a condition of RA253, a Section 219 covenant was registered on title (FB399487) at 340 Poets Trail Drive to limit the development to no more than 16 residential strata lots. At the time of rezoning, the conceptual plan was to develop the 16 strata lots as eight duplex buildings, but the covenant would provide flexibility in allowing the strata units to be developed in separate buildings or combined as part of townhouse blocks. The covenant was registered at the time of rezoning in part because of the perceived development demand.

The property at 340 Poets Trail Drive was subsequently subdivided in 2014 and 6 of the 16 permitted strata lots have been developed. The covenant allows for the remainder of 10 strata lots or dwelling units to be developed on the subject property.

## **Subject Property and Site Context**

<i>Location</i>	The subject property is located on the south side of Menzies Ridge Drive between Buttertubs Marsh Park and Sarum Rise Way.
<i>Total Lot Area</i>	5,470m <sup>2</sup>
<i>Current Zoning</i>	R6 – Low Density Residential
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Neighbourhood
<i>Neighbourhood Plan Land Use Designation</i>	n/a

The subject property is a vacant lot in the greater Hawthorne subdivision that is being developed between Buttertubs Marsh and Wakesiah Avenue. The property is a through lot and has a frontage on the corner of Bird Sanctuary Drive and Poets Trail Drive to the south, and Menzies Ridge Drive to the north. The lot is predominantly flat with a slight slope towards Buttertubs Marsh to the west. Buttertubs Marsh and its surrounding riparian area are protected by a covenant that was secured during the subdivision in 2014.

The surrounding neighbourhood consists primarily of low-density residential uses with single residential dwellings to the north, east and south, and duplex lots the southwest and northwest. Buttertubs Marsh Park is approximately 10m to the west of the subject property. A six-storey, 159-unit affordable seniors' residence under construction at 10 Buttertubs Way is approximately 120m to the northwest of the subject property.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to amend the covenant to increase the maximum permitted number of dwelling units from 10 units to 22 units. The existing Low Density Residential zone (R6) allows for ground-oriented multi-family residential development. The conceptual plan for the site is to develop 22 townhouse units in seven, two-storey buildings with a mix of 2, 3, and 4 units per townhouse block (see Attachment C). Under the existing R6 zoning, no variances are anticipated at the development permit stage. The applicant has proposed the amendment in order to develop a feasible project in the R6 zone and has acknowledged the changing market conditions since the time of rezoning as a factor.

A drive aisle and public sidewalk is proposed to connect Menzies Ridge Drive with Poets Trail Drive. Public access will be secured through a Statutory Right-of-Way across the site.

## **Policy Context**

### *Official Community Plan*

The Official Community Plan (OCP) identifies the subject property as within the Neighbourhood future land use designation. Development in Neighbourhoods is characterized by a mix of low-density residential uses. Residential densities from 10 to 50 units per hectare (uph) in two- to four-storey building forms are generally supported by the OCP. The proposed covenant amendment facilitates a development with a residential density of approximately 40uph on the subject property. The proposed covenant amendment meets the intent of the OCP future land use designation.

### *Transportation Master Plan*

The subject property is not within a mobility hub as identified by the Nanaimo Transportation Master Plan (NTMP). The nearest bus stops are on Bowen Road, approximately 500m to the north, and Wakesiah Avenue, approximately 500m to the east. There is currently no direct road connection to Wakesiah Avenue, as Stonewater Drive will not be completed until the final phase of the Hawthorne subdivision. A multi-use trail that forms part of the Trans-Canada Trail follows Poets Trail Drive to the west of the site and connects with Buttertubs Marsh Park. The Long-Term Bicycle Network Plan in the NTMP identifies a future Off-Bowen Bikeway to connect from Buttertubs Marsh Park to points further north. While alternative transportation options are available in the neighbourhood, the applicant has demonstrated the provision of all required parking within the conceptual development plans.

## **Community Consultation**

The subject property lies within the area of the Western Neighbourhood Association and was referred for their comment. No response has been received to date.

The applicant hosted an online Neighbourhood Information Meeting on 2020-MAY-27 via Zoom. Comments raised by neighbours through the online meeting and through correspondence with Staff include concerns surrounding increased density and traffic. Since the time of the online meeting, the applicant has reduced the scale of the proposed development from 26 dwelling units to 22 dwelling units, partly in response to concerns from neighbours.

## **Community Amenity Contribution**

In exchange for value conferred on the lands through an increase in permitted density, the applicant is encouraged to provide a Community Amenity Contribution (CAC) with a value equal to \$1,000 for each residential dwelling unit. A CAC towards trail development at Buttertubs Marsh Park was previously paid through RA253. The applicant is proposing an additional CAC with a value of \$12,000 as part of this covenant amendment application, to be used towards active transportation improvements in the area, including the Off-Bowen Bikeway. The value of the CAC was calculated based on the additional 12 units that would be gained through the covenant amendment.

### **SUMMARY POINTS**

- Covenant Amendment application No. CA000012 proposed to amend a Section 219 covenant registered on the property title of 497 Menzies Ridge Drive in order to allow a multi-family residential development.
- This amendment will facilitate the development of a 22-unit, two-storey townhouse project under the existing Low Density Residential zone (R6) on the subject property.
- A Community Amenity Contribution of \$12,000 towards active transportation improvements in the area will be secured as part of this application, in addition to a previous CAC paid through rezoning in 2010.
- The proposed covenant amendment is supported by policies in the OCP.

### **ATTACHMENTS**

ATTACHMENT A: Context Map  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Conceptual Site Plan  
ATTACHMENT D: Aerial Photo

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

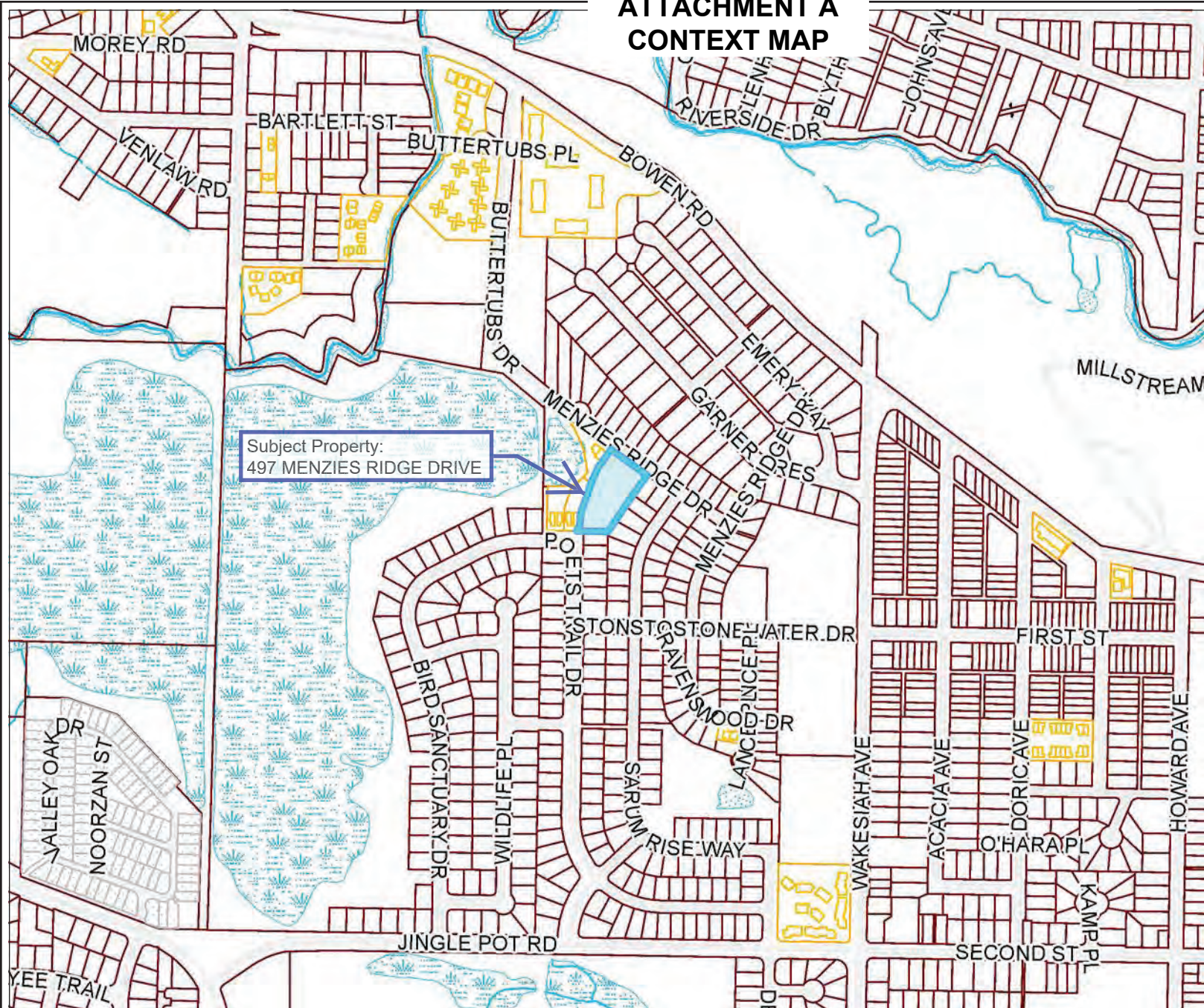
#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services



# ATTACHMENT A CONTEXT MAP



## Legend

- + Railways Overview
- Parcel Hooks
- ▨ Mobile Homes
- ▨ Airspace Parcels
- ▨ Water Lease
- ▨ Strata Buildings
- ▨ Strata Lots
- ▨ Bare Land Strata
- ▨ Strata Parcels
- ▨ Land Parcels
- Roads
- Political Boundaries
- City
- ▨ Indian Reserve
- Rivers
- Streams
- ▨ Lakes
- ▨ Ponds
- ▨ Rivers
- ▨ Wetlands

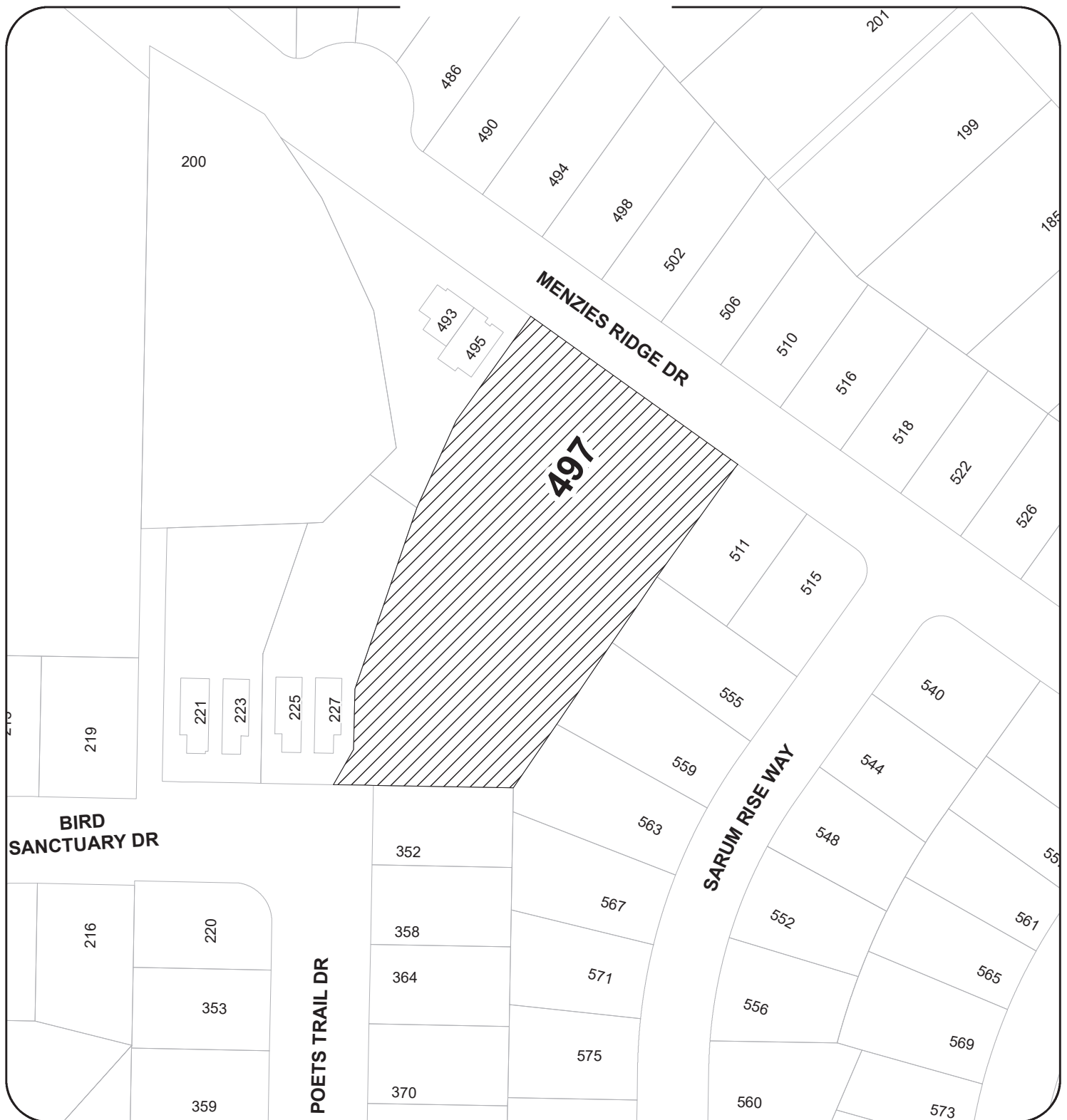
381.0 0 190.5 381.0 Meters

1: 7,500



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## ATTACHMENT B LOCATION PLAN



## COVENANT AMENDMENT NO. CA000012 LOCATION PLAN

Civic: 497 MENZIES RIDGE DRIVE  
Legal Description: LOT 3, SECTION 1  
NANAIMO DISTRICT, PLAN EPP36660



Subject Property



# ATTACHMENT C CONCEPTUAL SITE PLAN

## Material Legend

- Concrete Paving
- Decorative Concrete
- Landscape
- Bioswales
- Mountable Curb
- Non Mountable Curb
- S Small Parking Stall



1 Site Plan  
Scale: 3/32" = 1'-0"

**RdB** Raymond de Beeld  
ARCHITECT Inc.

**Menzies Townhouses**

497 Menzies Ridge Drive, Nanaimo

Site Plan

RECEIVED  
C.A. 12  
2020-JUN-04  
Curious Planning



June 05, 2020

**A1.0**



ATTACHMENT D  
AERIAL PHOTO



N



COVENANT ADMENDMENT NO. CA000012

LEGEND



SUBJECT PROPERTY