



AGENDA
FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, September 23, 2021, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

4. PUBLIC HEARING REQUIREMENTS:

Lainya Rowett, Manager, Current Planning, to explain the requirements for conducting a Public Hearing.

5. CALL THE PUBLIC HEARING TO ORDER FOR OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION NO. OCP95 AND REZONING APPLICATION NO. RA457 - 3679 SHENTON ROAD, OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2021 NO. 6500.043 AND ZONING AMENDMENT BYLAW 4500.189

- a. OCP Amendment Application No. OCP95 and Rezoning Application No. RA457 - 3679 Shenton Road

4 - 32

To be introduced by Brian Zurek, Planner.

Call for submissions from the Applicant and the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for OCP Amendment Application No. OCP95 and Rezoning Application No. RA457 - 3679 Shenton 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 OCP95 and RA457 - 3679 SHENTON ROAD.

Bylaws:

That “Official Community Plan Amendment Bylaw 2021 No. 6500.043” (To re-designate 3679 Shenton Road on the Future Land Use Plan [Map 1] from Light Industrial to Corridor) pass third reading.

That “Zoning Amendment Bylaw 2021 No. 4500.189” (To rezone 3679 Shenton Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading.

6. CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA464 - 608 SANDY COURT - ZONING AMENDMENT BYLAW 4500.190

a. Rezoning Application No. RA464 - 608 Sandy Court

33 - 44

To be introduced by Lainya Rowett, Manager, Current Planning.

Call for submissions from the Applicant and the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Rezoning Application No. RA464 - 608 Sandy Court, no further submissions or comments from the public or interested persons can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR RA464 - 608 SANDY COURT.

Bylaw:

That “Zoning Amendment Bylaw 2021 No. 4500.190” (To rezone 608 Sandy Court from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5]) pass third reading.

7. CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA466 - 6643 AULDS ROAD, ZONING AMENDMENT BYLAW 4500.191

a. Rezoning Application No. RA466 - 6643 Aulds Road

45 - 55

To be introduced by Lainya Rowett, Manager, Current Planning.

Call for submissions from the Applicant and the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Rezoning Application No. RA466 - 6643 Aulds 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 RA466 - 6643 AULDS ROAD.

Bylaw:

That “Zoning Amendment Bylaw 2021 No. 4500.191” (To rezone 6643 Aulds Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass

third reading.

8. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 5309 Toms Turnabout 56 - 57

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5309 Toms Turnabout.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter for the property located at 5309 Toms Turnabout for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1820 Deerborne Place 58 - 59

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1820 Deerborne Place.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter for the property located at 1820 Deerborne Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2136 Brooklyn Place 60 - 61

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2136 Brooklyn Place.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter for the property located at 2136 Brooklyn Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

9. ADJOURNMENT:

DATE OF MEETING July 5, 2021

AUTHORED BY BRIAN ZUREK, PLANNER, COMMUNITY PLANNING

**SUBJECT OFFICIAL COMMUNITY PLAN AMENDMENT APPLICATION
NO. OCP00095 AND REZONING APPLICATION NO. RA000457 –
3679 SHENTON ROAD**

OVERVIEW

Purpose of Report

To present for Council's consideration, an Official Community Plan amendment application to amend the land use designation within the Official Community Plan from Light Industrial to Corridor; and to concurrently present for Council's consideration, a Zoning Bylaw amendment application to rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) to allow a proposed commercial (hotel) development.

Recommendation

That:

1. "Official Community Plan Amendment Bylaw 2021 No. 6500.043" (To re-designate 3679 Shenton Road on the Future Land Use Plan [Map 1] from Light Industrial to Corridor) pass first reading;
2. "Official Community Plan Amendment Bylaw 2021 No. 6500.043" pass second reading;
3. "Zoning Amendment Bylaw 2021 No. 4500.189" (To rezone 3679 Shenton Road from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass first reading;
4. "Zoning Amendment Bylaw 2021 No. 4500.189" pass second reading; and
5. Council direct Staff to secure a community amenity contribution, road dedication, public access for a future lakeside trail, water modelling and off-site water system upgrades, widened sanitary sewer right-of-way, and geotechnical covenant, prior to adoption of the bylaw should Council support the rezoning bylaw at third reading.

BACKGROUND

Bill McKay and Associates (Bill McKay) has submitted an Official Community Plan (OCP) amendment application (OCP95) and a "City of Nanaimo Zoning Bylaw 2011 No. 4500" (Zoning Bylaw) amendment application (RA457) on behalf of Western LL Holding Ltd. (the Owner) for a proposed commercial (hotel) development.

Subject Property and Site Context

<i>Location</i>	The subject property is located along Shenton Road with waterfront access to Diver Lake in the Wellington neighbourhood.
<i>Total Area</i>	4,972 m ²
<i>Existing OCP Designation</i>	Light Industrial

<i>Proposed OCP Designation</i>	Corridor
<i>Existing Zoning</i>	Single Dwelling Residential (R1)
<i>Proposed Zoning</i>	Residential Corridor (COR1)

A single residential dwelling formerly occupied the lakefront property with adjacent uses including office (to the west) and light industrial (to the east). The parcel is relatively long and narrow, and it slopes approximately seven metres from Shenton Road down to Diver Lake. The Zoning Bylaw requires a 15-metre development setback on the subject property from the high-water mark of Diver Lake. There is an active development permit for a mixed-use (commercial / residential) proposal west of the subject property at 3789 and 3801 Shenton Road.

DISCUSSION

Proposed Development

To authorize the owner's redevelopment concept for 3679 Shenton Road, the applicant proposes an OCP amendment to change the future land use on the subject property from Light Industrial to Corridor. Additionally, the applicant proposes a joint application to rezone 3679 Shenton Road from Single Dwelling Residential (R1) to Residential Corridor (COR1).

While the applicant proposes to develop a 72-room hotel on the subject property, the full range of uses permitted in the COR1 zone, including residential use, would be permitted. The proposed building would appear to have three storeys on Shenton Road and four storeys on Diver Lake, and is proposed to provide both surface and underbuilding vehicle parking. No development is proposed between the aquatic setback and Diver Lake.

The applicant has submitted a Letter of Rationale in support of the application (Attachment F) and identified how the subject property is best suited for the proposed commercial development adjacent to an environmentally-sensitive area, and how the development would reinforce a number of City policies and objectives, including initiatives to support tourism in Nanaimo.

Official Community Plan

The OCP designates the property as Light Industrial and notes the following:

[permitted] uses include, but are not limited to processing, manufacturing and assembly operations, storage, warehousing, distribution, equipment sales and repairs, printing and reproduction, construction, wholesale, transportation, communications related businesses, and auto parts retailers.

Although industrial uses occur on properties in the area east of the subject property, these developments have typically occurred on relatively level lots with large areas of impermeable surfaces for the storage of goods and the movement of vehicles and equipment. The lands west of the subject property, however, have evolved over time from industrial to commercial (Corridor) uses that offer a more suitable transition to surrounding residential neighbourhoods and environmentally-sensitive areas around Diver Lake.

The subject property itself is uniquely constrained, being a long and narrow lot with a moderately steep slope down to the lake, environmental setbacks, and required road dedication

and frontage improvements, which collectively reduce the functional envelope to support a light industrial development. Alternatively, the applicant proposes to re-designate the subject property from Light Industrial to Corridor to support a proposed hotel development.

The Corridor designation supports a mix of residential, commercial, professional, and service uses, with residential development at medium- to high-level densities. Additionally, Corridor-designated properties are characterized by:

- Public parks and open spaces in the form of urban plazas, community gardens, and landscaped boulevards;
- Redevelopment that improves the human scale of the area, increased landscaping and green space, and improving safety for non-motorized travelers;
- Use of design elements, including building siting, height and massing (stepping back upper floors) to address the interface between corridors and neighbourhoods; and
- Promotion of energy-efficient buildings.

Corridor-designated parcels west of the subject property support existing office uses, and a proposed mixed-use development.

Additionally, the project would meet the following objectives of the Corridor designation:

- Development in Corridors will be characterized by a mix of residential, commercial, professional, and service uses;
- Public parks and open spaces in the form of urban plazas, community gardens, and landscaped boulevards and open spaces are encouraged; and
- Ecological features, such as riparian areas, significant trees, and environmentally-sensitive lands are recognized as attributes.

Transportation Master Plan

The Nanaimo Transportation Master Plan introduced the concept of *mobility hubs* as compact, mixed-use urban nodes that would promote walking, cycling, and transit. The subject property is located within the 600m buffer of the Country Club mobility hub.

The proposed development would trigger road dedication and works and service improvements to Shenton Road, including the extension of sidewalk across the frontage of the property. Additionally, and as noted previously, the applicant has proposed to allow the City to construct a future trail across the property near Diver Lake. This will support the planned future construction of a public access route around Diver Lake, as the City continues to secure the rights to construct the trail on other properties surrounding the lake as opportunity arises.

Zoning

The Zoning Bylaw recognizes the historic use of the property supporting a single family home, and identifies the parcel as Single Dwelling Residential (R1). Similar to the existing land uses in the OCP, noted previously, the Zoning Bylaw identifies parcels east of the subject property as Industrial (I1, I2, and I3), and parcels west of the subject property as Corridor (COR1 and COR2). Three Corridor-zoned properties have redeveloped (office) along Shenton Road in the

last ten years, with two additional properties (3789 and 3801 Shenton Road) proposed for redevelopment (mixed-use) currently.

To permit the proposed hotel development, the applicant proposes the Residential Corridor (COR1) zone for the subject property. The COR1 zone permits a limited range of uses, including residential, community service, and commercial (e.g., multi-family residential, personal care facility, and seniors' congregate housing). This zoning would reinforce the policy objectives of the OCP Corridor designation. The applicant does not anticipate the need for bylaw variances for the proposed hotel.

A number of technical studies were submitted in support of the proposed amendment applications and demonstrated that the proposed use and density is supportable with rezoning. Staff have reviewed and accepted the recommendations contained in these studies which will be secured as conditions of approval.

Community Amenity Contribution

Section 7.3 of Nanaimo's OCP addresses development amenities triggered through the rezoning process. Based on past practice, the City would secure a Community Amenity Contribution (CAC) as a condition of rezoning with the following rates: \$34 per m² of commercial floor space and \$1,000 per unit of residential development to be used towards parks and trail improvements in the Diver Lake area. Based on the size of the proposed building, the owner would provide a CAC of approximately \$136,000 in value. The value of the CACs received will depend of the specific details of the final development of the property.

Staff support the proposed CAC.

Conditions of Approval

The City would require the following to be secured prior to final adoption of the Zoning Bylaw amendment:

1. Registration of a Section 219 *Land Title Act* covenant to secure a community amenity contribution calculated at a rate of \$34 per square metre of commercial floor area and \$1,000 per unit of residential development for park and trail improvements in the Diver Lake area;
2. Dedication of approximately 3.31 metres of road along the property's Shenton Road frontage;
3. Registration of a statutory right-of-way on the title of the subject property to secure public access for a future lakeside trail across the parcel;
4. Registration of a Section 219 *Land Title Act* covenant to secure funding to update the City's water modelling to identify the water service supply limit, and to perform off-site water system upgrades should they be triggered by the redevelopment of the subject property;
5. Registration of a statutory right-of-way to widen the existing sanitary sewer right-of-way (charge number G23340), which crosses the subject property, from 3m to a minimum of 4m; and,
6. Registration of a Section 219 *Land Title Act* covenant to ensure the site is developed in accordance with the recommendations contained in the geotechnical study prepared by

Lewkowich Engineering Associates Ltd. dated 2020-FEB-13, which was submitted in support of the amendment application.

Community Consultation

The developer consulted with the local community as part of the OCP and Zoning Bylaw amendment process. The applicant held a video meeting for members of the Wellington Action Committee (WAC). The meeting was an opportunity for the applicant to discuss the proposed development with neighbourhood residents and to receive feedback from the community.

Additionally, the City received a written referral response to the development proposal on behalf of the WAC. In the response, local residents noted agreement in principle to the proposed hotel development, and strong support for greenspace improvements in the neighbourhood, such as a trail around the lake's north rim.

Application Referral

Under Part 14 of the *Local Government Act*, when considering an amendment to the OCP, local governments must provide one or more opportunities for consultation with organizations or authorities that it considers may be affected by the amendment. During the OCP review process, preliminary referrals were sent to external agencies for comment: Should Council support this application at first and second reading, unless directed otherwise, Staff would send a formal referral to the following prior to Public Hearing: Snuneymuxw First Nation, Regional District of Nanaimo, Ministry of Transportation and Infrastructure, Ministry of Environment, Vancouver Island Health Authority, Nanaimo Ladysmith Public Schools, and the Wellington Action Committee.

SUMMARY POINTS

- The applicant proposes to develop a 72-room hotel on the subject property in a building with three storeys on Shenton Road and four storeys on Diver Lake.
- To permit the proposed hotel development, the applicant proposes to re-designate the subject property from Light Industrial to Corridor, and to rezone the lot from Single Dwelling Residential (R1) to Residential Corridor (COR1).
- Additionally, the applicant proposes to provide an amenity contribution for parks and trail improvements in the Diver Lake area, and to grant the City a statutory right-of-way to facilitate the future development of a lakeside trail across the property.
- Staff support the proposed OCP and Zoning Bylaw amendments.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: OCP Land Use Plan
ATTACHMENT C: Location Plan
ATTACHMENT D: Conceptual Site Plan
ATTACHMENT E: Conceptual Renderings
ATTACHMENT F: Letter of Rationale
ATTACHMENT G: Aerial Photo
“Official Community Plan Amendment Bylaw 2021 No. 6500.043”
“Zoning Amendment Bylaw 2021 No. 4500.189”

Submitted by:

Lisa Bhopalsingh
Manager, Community Planning

Lainya Rowett
Manager, Current Planning

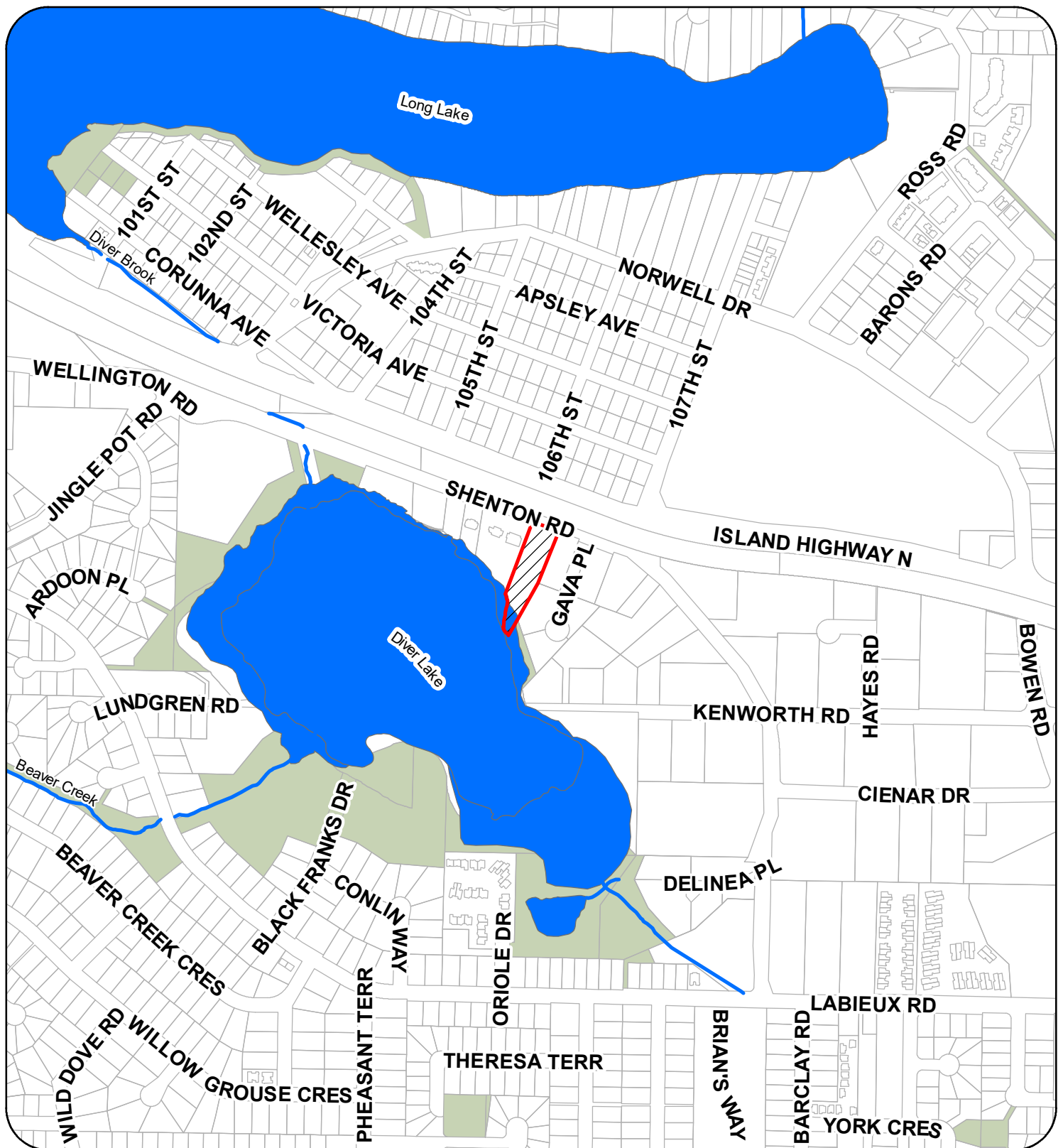
Concurrence by:

Bill Corsan
Director, Community Development

Jeremy Holm
Director, Development Approvals

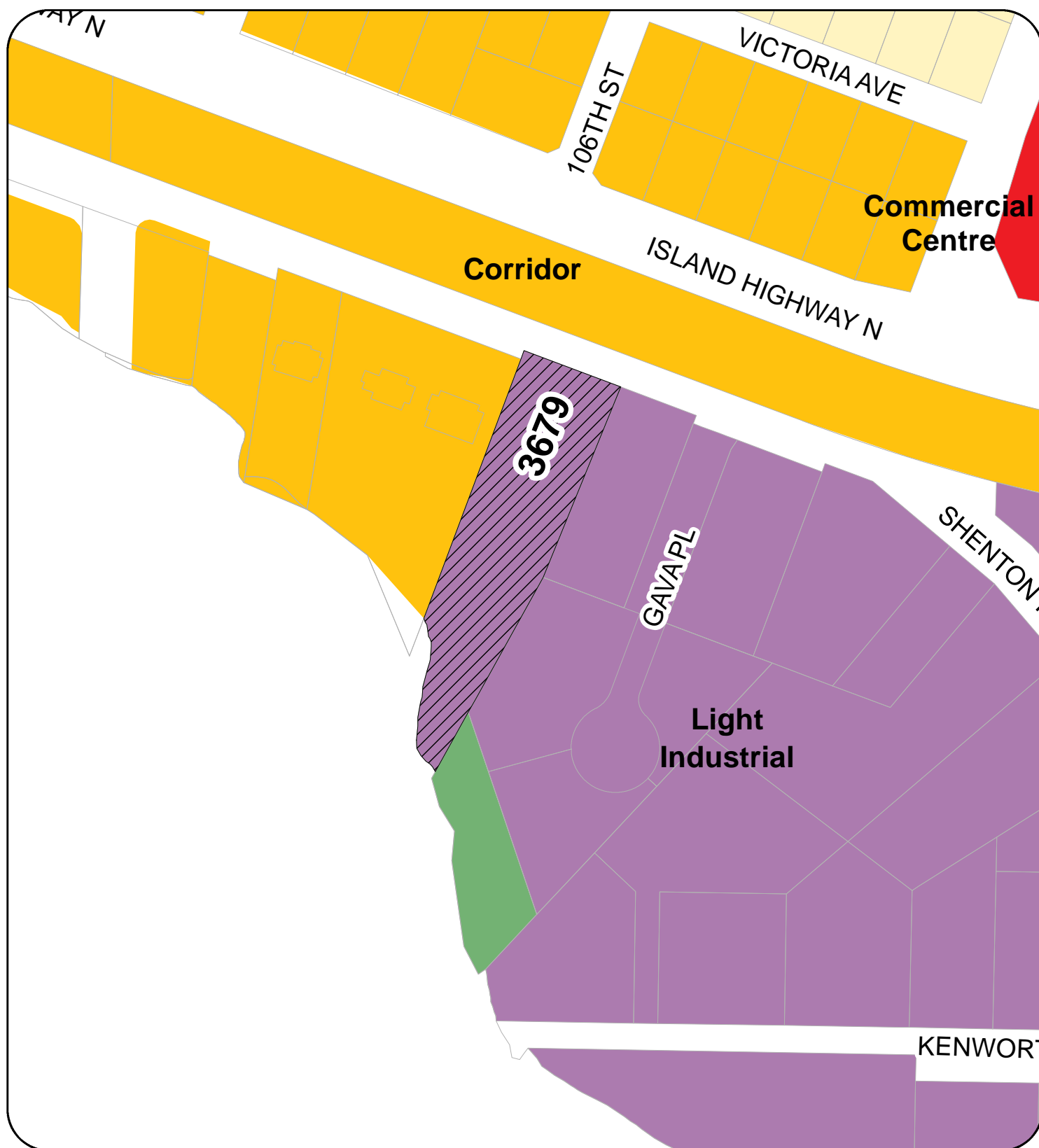
Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP



3679 SHENTON ROAD

**ATTACHMENT B
OCP LAND USE PLAN**

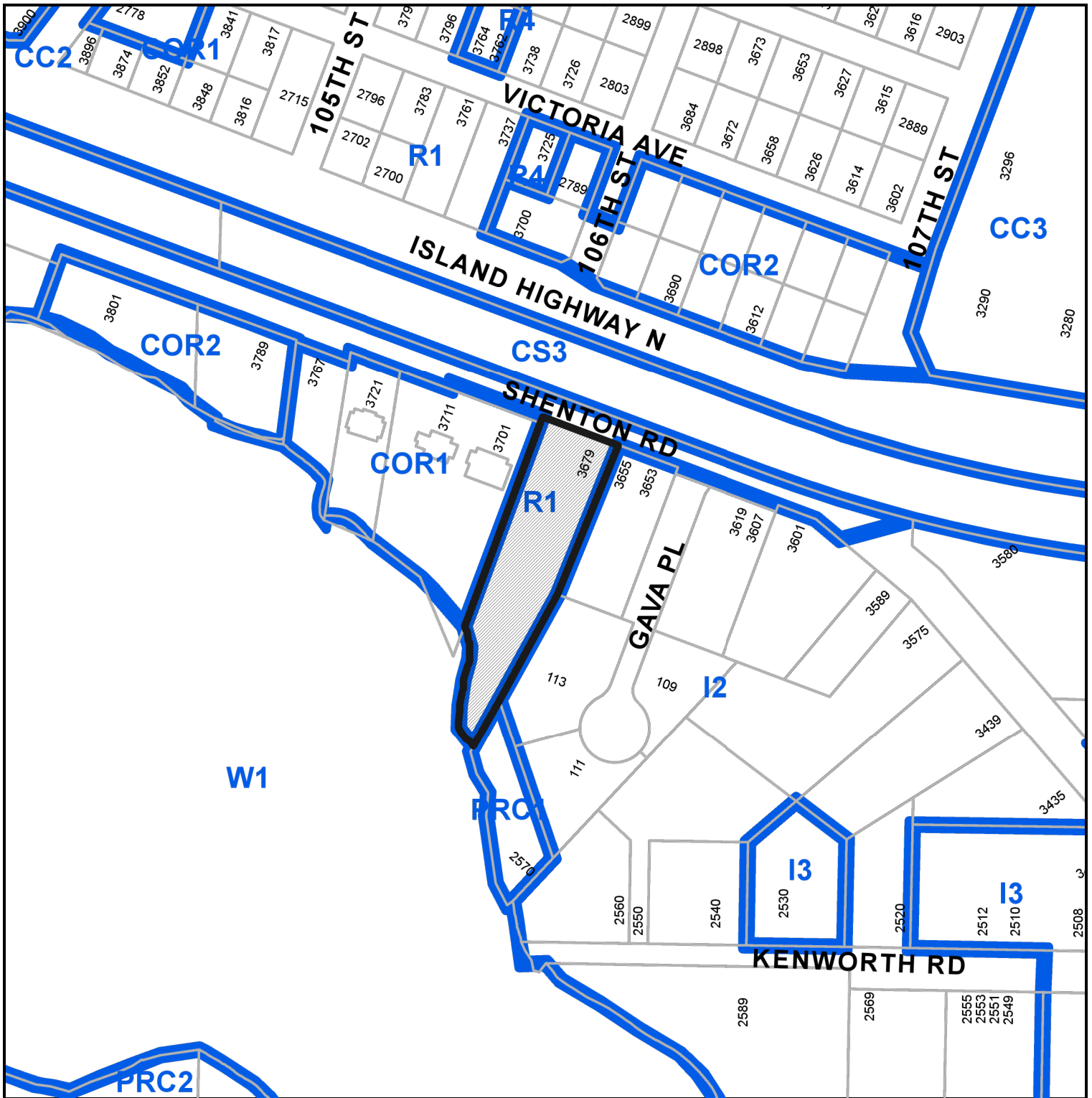


Civic: 3679 SHENTON ROAD
Legal: LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166



Subject Property

ATTACHMENT C LOCATION PLAN



REZONING APPLICATION NO. RA000457



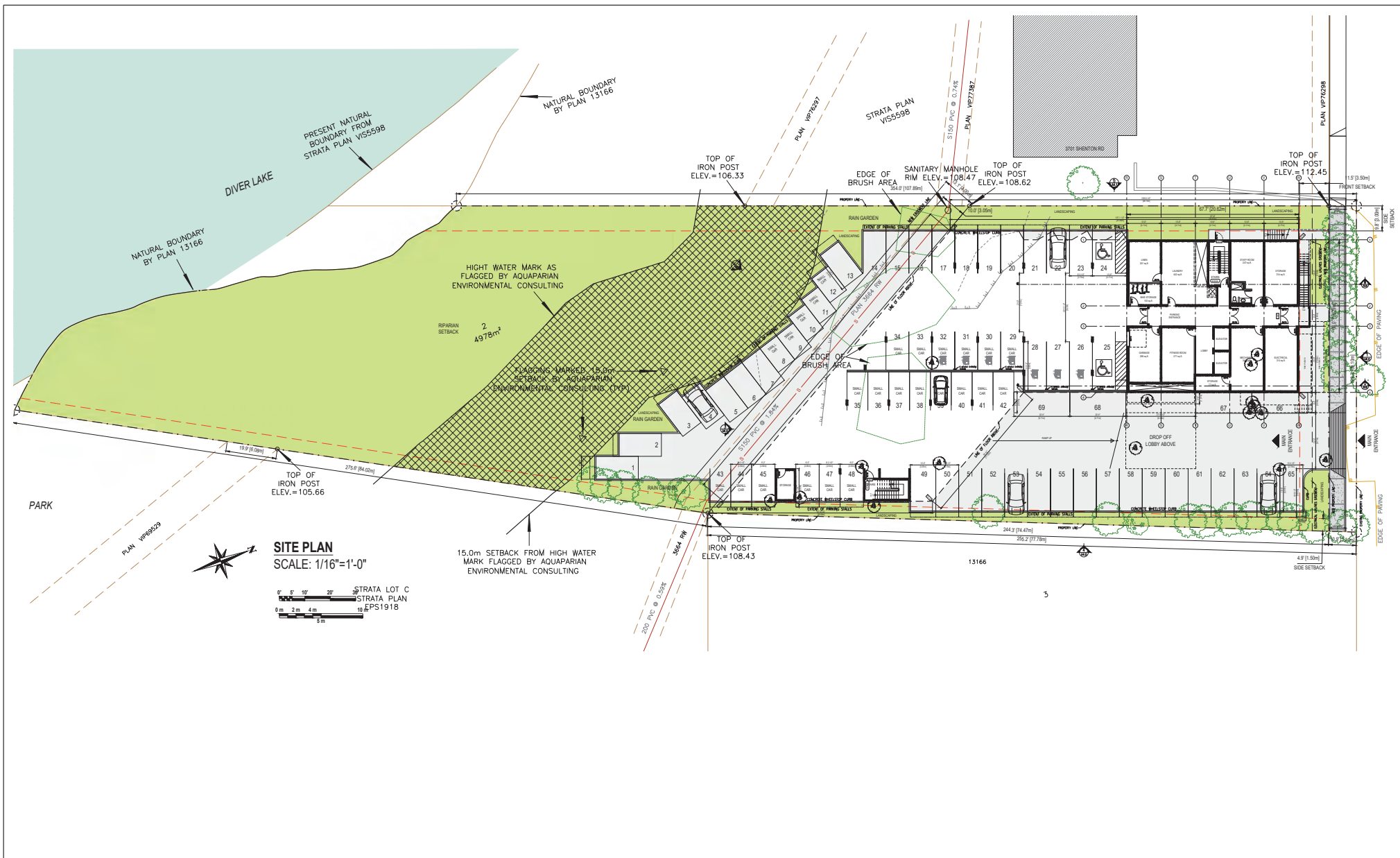
Subject Property

CIVIC: 3679 SHENTON ROAD

LEGAL: LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166

ATTACHMENT D

CONCEPTUAL SITE PLAN



ATTACHMENT E CONCEPTUAL RENDERINGS

1 of 3



ian a
niamath
architect

151 Skinner Street
Nanaimo, BC V9R 5E8
250.756.8786
ian@ianamath.com
www.ianamath.com

DIVER LAKE INN - CONCEPTUAL IMAGES
3679 Shenton Road, Nanaimo, BC

14
Issue for Rezoning Application

RECEIVED
OCP095
2020-MAY-01

APRIL 15th, 2020



ian a
niamath
architect

151 Skinner Street
Nanaimo, BC V9R 5E8
☎ 250 756 8786
✉ ian@niamath.ca
www.iananiamath.com

DIVER LAKE INN - CONCEPTUAL IMAGES

3679 Shenton Road, Nanaimo, BC

15
Issue for Rezoning Application

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OCP095
2020-MAY-01

APRIL 15th, 2020



DIVER LAKE INN - CONCEPTUAL IMAGES

3679 Shenton Road, Nanaimo, BC

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Issue for Rezoning Application

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OCP095
2020-MAY-01

APRIL 15th, 2020

ATTACHMENT F LETTER OF RATIONALE

BILL MCKAY & ASSOCIATES

DATE: 2020-APRIL 27, 2020

AUTHORED BY: BILL MCKAY, CONSULTANT

RE: CONCURRENT OCP AMENDMENT AND REZONING APPLICATION

3679 SHENTON ROAD, NANAIMO, BC

PURPOSE:

The purpose of this report is to provide the applicants rationale for requesting both an OCP Amendment and Rezoning of property located at 3679 Shenton Road, Nanaimo, BC. The property legal address is: LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166

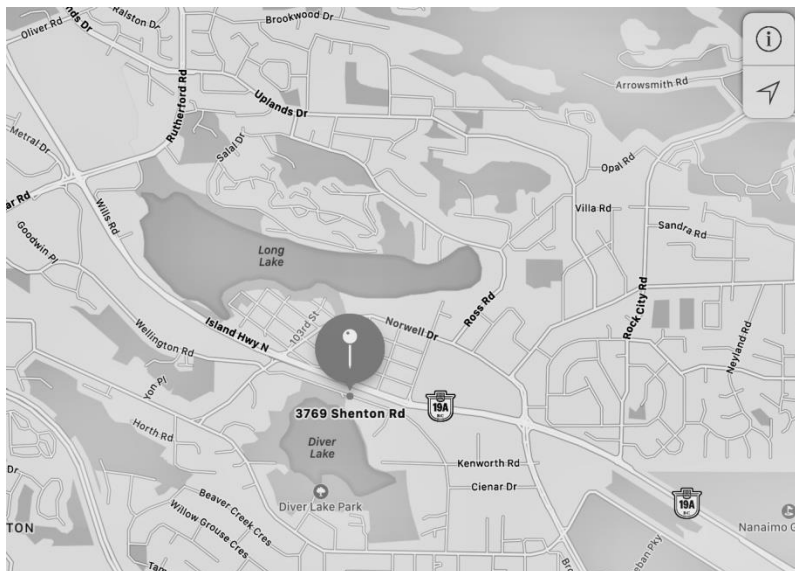
PROPOSAL:

The owners of the property, Western LL Holding Ltd. of Nanaimo, propose to redevelop the property by building a 72-room boutique hotel to replace the existing unoccupied home. In order to build a hotel the property requires both an OCP Amendment to change the current designation from **Light Industrial** to **Corridor** and a rezoning of the property from **Residential (R1)** to **Residential Corridor (COR1)** to permit the intended use.

BACKGROUND:

The owners, Western LL Holding Ltd. purchased the property in 2019 with the intent of building a hotel of undetermined size, but economically viable and sustainable.

Fig. 1 – General City Location



SUBJECT PROPERTY:

Current Zone	Single Dwelling Residential (R1)
Proposed Zone	Residential Corridor (COR1)
OCP Designation	Light Industrial
Proposed OCP Designation	Corridor
Existing Lot Size	4978 sq.mtrs.
Net Building Site Size	1821 sq.mtrs. (estimated)

DISCUSSION:***Site and Surrounding Area***

The subject property is located on the north side of Diver Lake and accessed from Shenton Road which runs parallel to the E&N Railway tracks to the north and Highway 19A (Island Highway) north of that. The surrounding area has a varied number of uses including light industrial to the east and housing across the Island Highway. The Country Club Mall is also located to the northeast of the property with a number of commercial properties to the west. Shenton Road, according to the Transportation Master Plan, is considered to be a “Minor Collector Road” which connects to “Major Collector Roads”.

The parcel contains a single family dwelling which will be removed and a significant marsh lakefront which will remain in much of its current state, save and except a potential trailway within the riparian setback, as envisioned by Parks and Recreation City of Nanaimo.

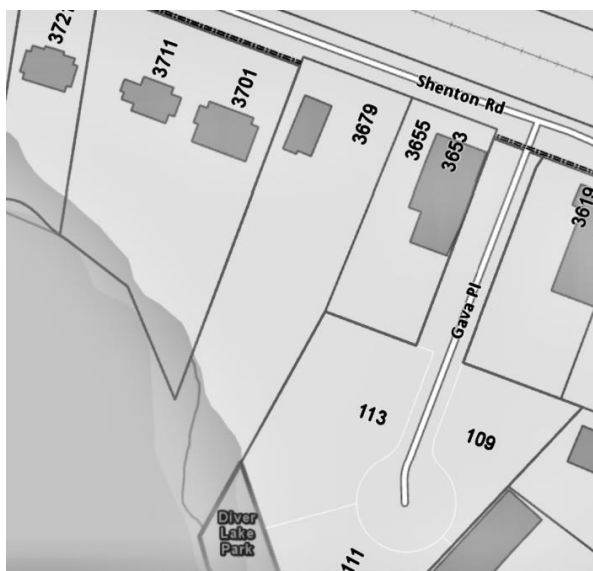


Fig 2. Location 3679 Shenton Road

Official Community Plan and Zoning History

The subject property is located adjacent to Corridor designation within the Official Community Plan and is included within the Light Industrial properties heading southeast along Shenton Road. The properties to the west, from 3701 to 3801, include zoning designations of **Residential Corridor (COR1)** and **Mixed Use Corridor (COR2)**.

There is much history with respect to the cluster of properties from 3679 to 3801 both in their zoning, but also OCP Designations. An organic re-organization has taken place very successfully to what is present today. Highlights include:

planNanaimo 1996

Properties from 3679 to 3801 were all classified as **“Neighbourhood”**.

- 1) **2003** – 3701 and 3711 – Designation change from **“Neighbourhood”** to **“Neighbourhood with office use”**
- 2) **2005** – 3721 – Application made to change designation from **“Neighbourhood”** to **“Neighbourhood with office use”**
- 3) **2005** – **3679**, 3721, 3767, and 3789 – Under a staff initiated amendment, all were changed from **“Neighbourhood”** to **“Neighbourhood with office use”**

As OCP Designations were being altered, individual properties were also undergoing re-zoning, predominantly to C15, as we understand, to allow for their **“office use”**.

Plan Nanaimo 2008

As a result of the introduction of planNanaimo 2008, the properties from 3679 to 3801 were re-designated from **“Neighbourhood”** to **“Light Industrial”**. The property at 3851 (Steve Marshall Ford) remained as **“Neighbourhood”**.

Based on what had become a very successful, organically created, professional office cluster, staff initiated a re-designation of properties along Shenton Road. The purpose was to **“more clearly define the actual use of properties in the 3,000 block Shenton to reflect current uses.”**

2012 Official Community Plan Amendments

- 1) 3851 – Changed from **“Neighbourhood”** to **“Corridor”** (Steve Marshall Ford)
- 2) 3701 – 3801 – Changed from **“Light Industrial”** to **“Corridor”**
- 3) **3679** – **Remained as “Light Industrial”**

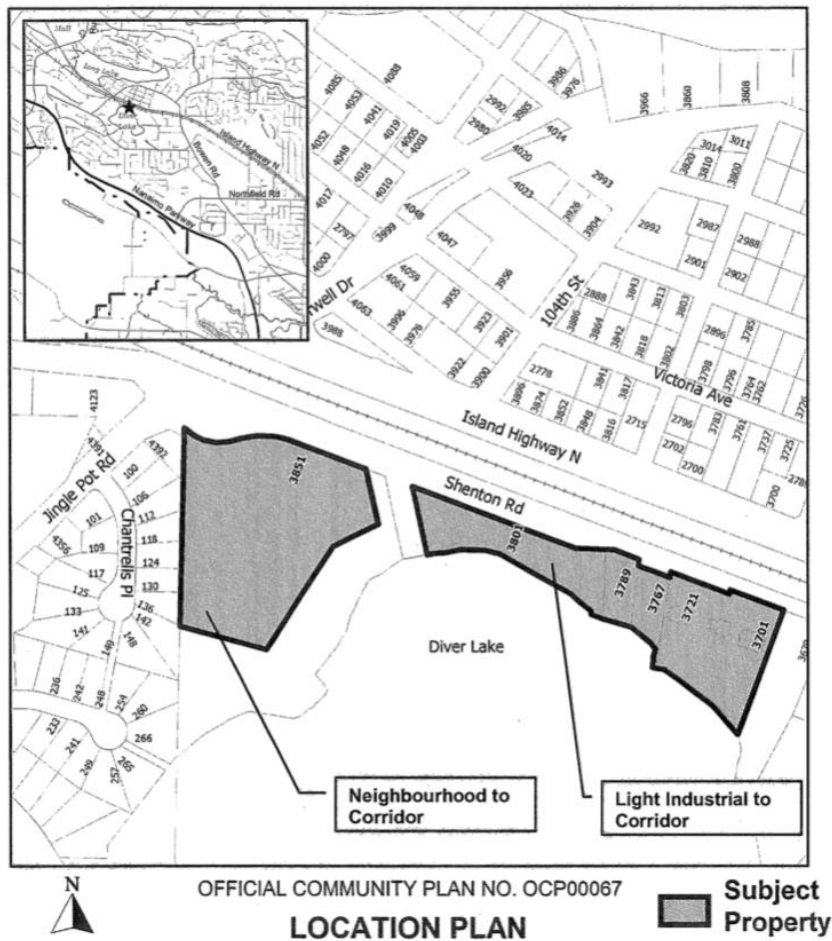


Fig. 3 - Future Land Use Plan – 2012 – Light Industrial to Corridor

2015 Rezoning 3789 and 3801 Shenton Road

Continuing with the evolution of the nature of development in the 3000 block Shenton Road, Council approved the rezoning of 3789 and 3801 Shenton Road in 2016, from **Single Dwelling Residential (R1)** to **Mixed Use Corridor (COR2)** in order to permit a mixed use development consisting of multiple-family residential and commercial office space.

The project approved includes two separate buildings, the first being a mixed use office building with 95m/sq office space and 14 residential units above for a total of five floors. The second building approved is four floors of commercial office space.

Rationale for Current OCP Amendment and Rezoning Application

Corridors are described in the OCP as “urban arterials and major collector roads that bisect Nanaimo, and are the linear focal areas for higher levels of residential densities, services and amenities. While these corridors were originally intended to expedite vehicle travel through the

city, *planNanaimo supports a broader approach where the corridors evolve with new multiple uses.*

"It is intended that each Corridor will build on the unique characteristics of the surrounding Urban Nodes and Neighbourhoods, and will contain an individual mix of uses and services."

3679 Shenton Road

The site is just over 1.1 acre (4978 sq.meters) in size with fronting onto Shenton Road and backing onto Diver Lake. The properties from 3679 to 3851 have always been considered to be environmentally sensitive with, in some instances, considerable important natural brush and vegetation. While others had considered the site particularly for office use in the past, the proposals did not proceed any further due to both the 15 metre setback consideration, coupled with a provision to provide realignment of the sidewalk and roadway and the number of significant trees currently on the property. In discussion with previous proponents who have considered this site for development, another major concern was with respect to parking. The site not did provide enough area to assemble the required amount of spaces needed for an office or medical office configuration. Those development options were dropped.

The current applicant looked at a number of properties within Nanaimo to build a small to medium sized hotel, but was unable to find suitable properties in a desirable tourist setting and reasonably priced parking capabilities. We have seen in Nanaimo the difficulty with a number of hotels not being able to accommodate parking on their properties either due to size limitations or geotechnical issues. (eg. 100 Gordon Street and 15 Front Street). This property did not appear to be so restricted; however, considerable innovation would be required to stay within the net 'buildable' area of the property. Other considerations for determining effective building size included:

- 1) land dedication on the Shenton Road face for sidewalks and street widening.
- 2) 15 metre riparian setback from the lake's edge.
- 3) City's desire to build a trailway along the north side of Diver Lake.
- 4) current sanitary sewer right of way which dissects the property at about halfway from the natural boundary to the west and the setback from Shenton Road.
- 5) Minimal significant tree removal.

With all impediments considered, the buildable area of the parent lot, without taking into consideration the requirement of tree retention, is approximately 0.45 acres or approximately 1821.0 sq/meters, which represents 41% of the total parent parcel area.

Nanaimo Transportation Master Plan Consideration

The subject property is located within the 600m buffer area of the Country Club Mobility Hub. The property is centrally located and with access to transit, however, most residents within the Country Club neighbourhoods are most likely to use automobiles for conducting their business and leisure travel.

The E & N Trail is located north of the property as is the E & N Railway and the Island Highway (Hwy 19A). In addition, a railway connects Shenton Road, Labieux Road, and Ardoon Place is located to the west of the property and adjacent properties.

The City has secured right of ways for a continuation of the nature trail along the north side of the lake from the above noted nature trail, to the east, almost concluding at Kenworth Road. The applicant is aware of the City's desire to extend this trail and is willing to work with both Parks and Recreation and City Planning department to ensure proper connectivity across 3679 to accommodate the nature trail right of way.



Fig. 5 - Transportation Master Plan

Proposed Development

As stated, the applicant proposes to seek a change in the OCP from **“Light Industrial”** to **“Corridor”** and rezone the property from **“Residential (R1)”** to **“Residential Corridor (COR1)”** in order to permit the construction of a 72-unit hotel. The hotel will be built on both foundation and columns and will be three stories.

The applicant has worked very hard to ensure no development variance permits will be required. All 72 parking spaces will be provided in either surface or under building configuration. The building height has been restricted to the allowable for the proposed zone. Tree removal is being kept to a minimum. The applicant has been advised that both existing water and sewer are capable of handling the development (See Civil Report Herold Engineering). Surface runoff will be treated and dealt with by both ground absorption and slow release into the local environment (through a rainwater garden system).

Hotel Motel Revitalization Tax Exemption Program (HMRTE)

The City introduced Bylaw 7143 in 2011 to “*encourage the development and redevelopment of hotels to improve the inventory of quality rooms available.*”

At the meeting of January 23, 2012, Council was asked to consider and approved unanimously, third reading of the Revitalization Tax Exemption Bylaw. The Bylaw was then adopted on February 27, 2012. The body of the recommendations to Council for their consideration is extremely important to note.

The original bylaw was given first, second and third reading on October 31, 2011.

The bylaw as originally proposed reads as follows:

“WHEREAS Council may, by bylaw, establish a revitalization tax exemption program;

*AND WHEREAS Council wishes to establish a revitalization tax exemption program in the City of Nanaimo in order **to encourage the development and redevelopment of hotels and motels to improve upon the inventory of quality rooms available to the travelling public;***

AND WHEREAS Council has the following objectives for the program established by this bylaw:

- **To encourage new hotel and motel investment in the City of Nanaimo;**
- **To promote a higher standard of overnight accommodations and enrich the visitor’s Experience while staying in the City of Nanaimo; and**
- **To generally reinforce the City’s commitment to the long term development of the tourism Industry in Nanaimo”**

City Rationale to develop Bylaw 7143

When the City first proposed the Vancouver Island Conference Centre (VICC) it had done so with the notion that Marriott Hotels would build a hotel at 100 Gordon Street immediately behind the Conference Centre. The Hotel proposed would be in the magnitude of 240 rooms and presumably, the Conference Centre would always receive preference for hotel rooms to accommodate attendees. The hotel was intended to directly connect to the Conference Centre via an overhead walkway.

The VICC has a capacity for up to 1,300 delegates depending on floor space provided, however, at normal occupancy levels within Nanaimo, the number of rooms actually available is determined by ‘residual rooms’. If a conference was being held with 1,000 out of town guests

the City would require, based on an existing occupancy of 66%, 3,000 total available rooms. The residual rooms (1,000) could accommodate guests within a 15 minute drive from the Conference Centre. Contained in the CBRE study of 2016, the report listed 9 hotels within a 15 minute drive that they considered to be primary competitive hotels to a proposed hotel at 100 Gordon Street. They included:

Coast Bastion Inn	179 Rooms
Howard Johnson Harbourside	100 Rooms
Travelodge Nanaimo	76 Rooms
Days Inn Harbourview	79 Rooms
Inn on Long Lake	62 Rooms
Best Western Dorchester	70 Rooms
Ramada	65 Rooms
The Grand Hotel	72 Rooms
Best Western Northgate	<u>72 Rooms</u>
Total	<u>775 Rooms</u>

Assuming an occupancy rate of 66% in the 9 listed properties, this would provide 258 rooms available to the Conference Centre for convention attendees.

In 2018, the Howard Johnson Hotel closed, leaving the updated number of rooms at 675. Using the 66% occupancy calculation, this would equate to 225 available rooms within the 8 hotels available to convention delegates.

Proposed Hotels in Nanaimo – 2008 to present

There were a number of new hotel projects proposed and considered in Nanaimo between 2008 and the present day. They include:

Marriott Hotel – 100 Gordon Street	240 Rooms	STATUS: Did not proceed
SSS Manhao Hotel – 100 Gordon Street	240 Rooms	STATUS: Did not proceed
Hilton Hotel – 10 Front Street	303 Rooms	STATUS: Did not proceed
Boutique Hotel – 15 Front Street	92 Rooms	STATUS: On Hold
Howard Johnson – 1 Terminal Avenue	160 Rooms	STATUS: Did not proceed

Quality Inn – 440 Selby Street 345 Rooms STATUS: Due to open May, 2020

Marriott Courtyard* – 100 Gordon Street 172 Rooms STATUS: Under construction

*The original proposal by PEG Developments for the purchase of 100 Gordon Street from the City of Nanaimo was 118 rooms. After conducting their due diligence, PEG increased the number of rooms to 155 and subsequently to 172. They state their research had indicated a much higher market demand than originally contemplated, therefore the hotel room numbers increased by 46% to accommodate the greater demand.

The total capacity of the projects proposed in Nanaimo from 2008 to present was 838 rooms. The actual number of hotel rooms proceeding to date is 217 or 25.89% of proposed rooms. Of the 217 rooms, taking into account the closure of the Howard Johnson Hotel in 2018, **the net total of new rooms is 117.**

Current projects that appear to be proceeding:

- | | |
|----------------------|-----------|
| 1) 100 Gordon Street | 172 Rooms |
| 2) 440 Selby Street | 45 Rooms |

Less:

- | | |
|-------------------------|------------------|
| 1) Howard Johnson Hotel | <u>100 Rooms</u> |
|-------------------------|------------------|

Net under construction	117 Rooms
------------------------	-----------

Plus:

- | | |
|----------------------------|-----------------|
| 1) Proposed Diver Lake Inn | <u>72 Rooms</u> |
|----------------------------|-----------------|

Total	<u>189 Rooms +62%</u>
--------------	------------------------------

Conclusion

The applicants believe the addition of a 72 room hotel at 3679 Shenton Road will meet the following City of Nanaimo objectives:

- 1) Supply new hotel investment in the City of Nanaimo
- 2) Provide a higher standard of overnight accommodation of overnight accommodations and enrich the visitor's experience while staying in the City of Nanaimo; and
- 3) Reinforce the City's commitment to the long term development of the tourism industry in Nanaimo
- 4) Located within eight minutes of both the Downtown core and shopping and restaurants to the north
- 5) Adjacent to beautiful Diver Lake, a much desired amenity for both tourists and business travel

- 6) Access to close by commercial centre
- 7) A four minute drive to the Inland Island Highway
- 8) Add 72 new rooms to further achieve the objectives of the Hotel Revitalization Bylaw

The applicant respectfully requests the City of Nanaimo's consideration of these OCP Amendment and Rezoning Applications. We believe the OCP Amendment and Re-zoning follows the intent of the OCP and Bylaw 4500.

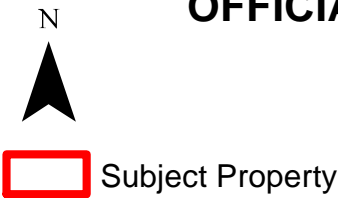
Attachments:

- 1) Site Plan
- 2) Parking Plan
- 3) Shenton Road Looking West
- 4) View from Highway
- 5) Shenton Road Looking East

ATTACHMENT G
AERIAL PHOTO



OFFICIAL COMMUNITY PLAN AMENDMENT NO. OCP00095
REZONING APPLICATION NO RA.000457



Current Bylaw

CITY OF NANAIMO

BYLAW NO. 6500.043

A BYLAW TO AMEND THE CITY OF NANAIMO
"OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500"

WHEREAS the Council of the City of Nanaimo wishes to amend the City of Nanaimo "Official Community Plan Bylaw 2008 No. 6500";

THEREFORE, BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Official Community Plan Amendment Bylaw No. 2021 No. 6500.043".

2. Amendments

"Official Community Plan Bylaw 2008 No. 6500" is hereby amended as follows:

- (1) MAP 1 (Future Land use Plan) of the "Official Community Plan Bylaw 2008 No. 6500" is amended as follows:
 - a. By re-designating the lands legally described as LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166 (3679 Shenton Road) from 'Light Industrial' to 'Corridor' as shown on Schedule 'A'.

PASSED FIRST READING: 2021-JUL-05

PASSED SECOND READING: 2021-JUL-05

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2021-JUL-27

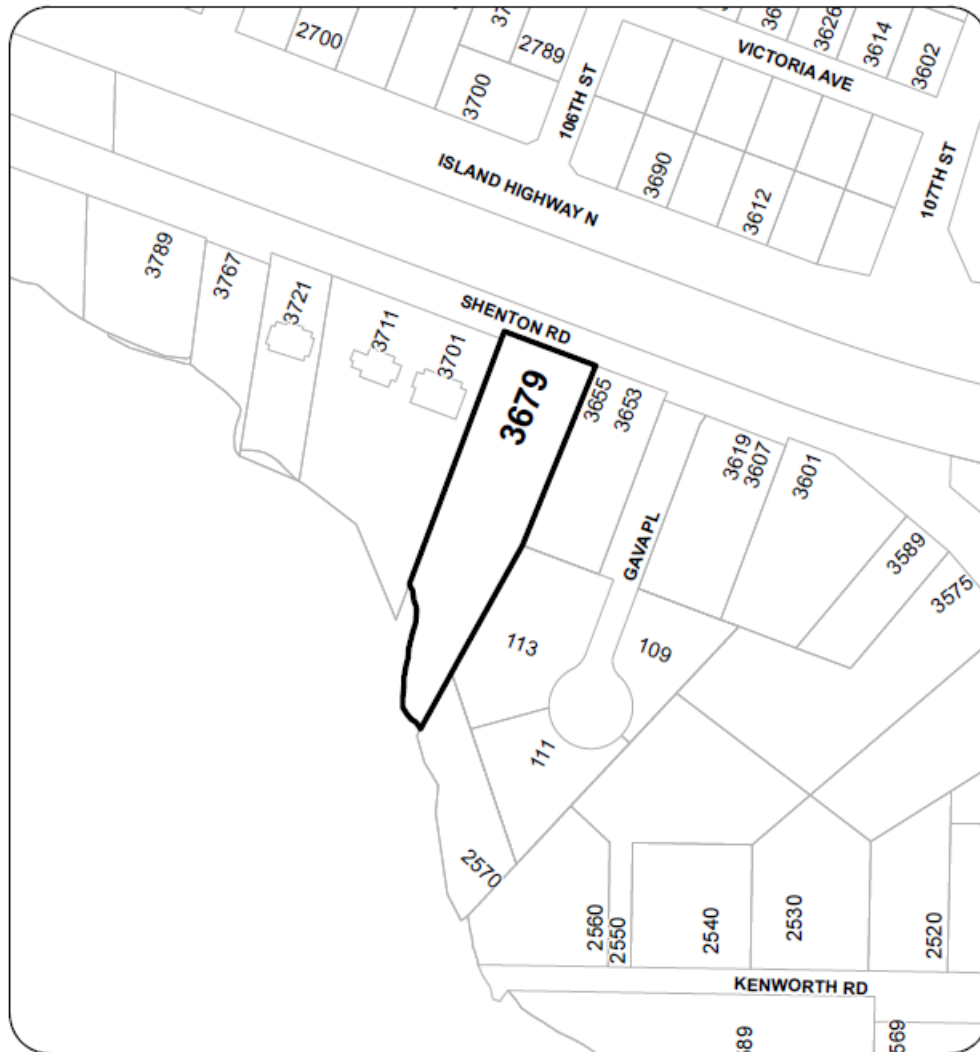
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: OCP00095
3679 Shenton Road

SCHEDULE A



**OFFICIAL COMMUNITY PLAN AMENDMENT NUMBER OCP00095
REZONING APPLICATION NO. RA.000457**



CITY OF NANAIMO

BYLAW NO. 4500.189

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, 477, 480, 548, 469, 479, 481 and 482 of the *Local Government Act*,

THEREFORE BE IT RESOLVED that the Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as " Zoning Amendment Bylaw 2021 No. 4500.189".

2. Amendments

"Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166 (3679 Shenton Road) from Single Dwelling Residential (R1) to Residential Corridor (COR1) as shown on Schedule 'A'.

PASSED FIRST READING: 2021-JUL-05

PASSED SECOND READING: 2021-JUL-05

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2021-JUL-27

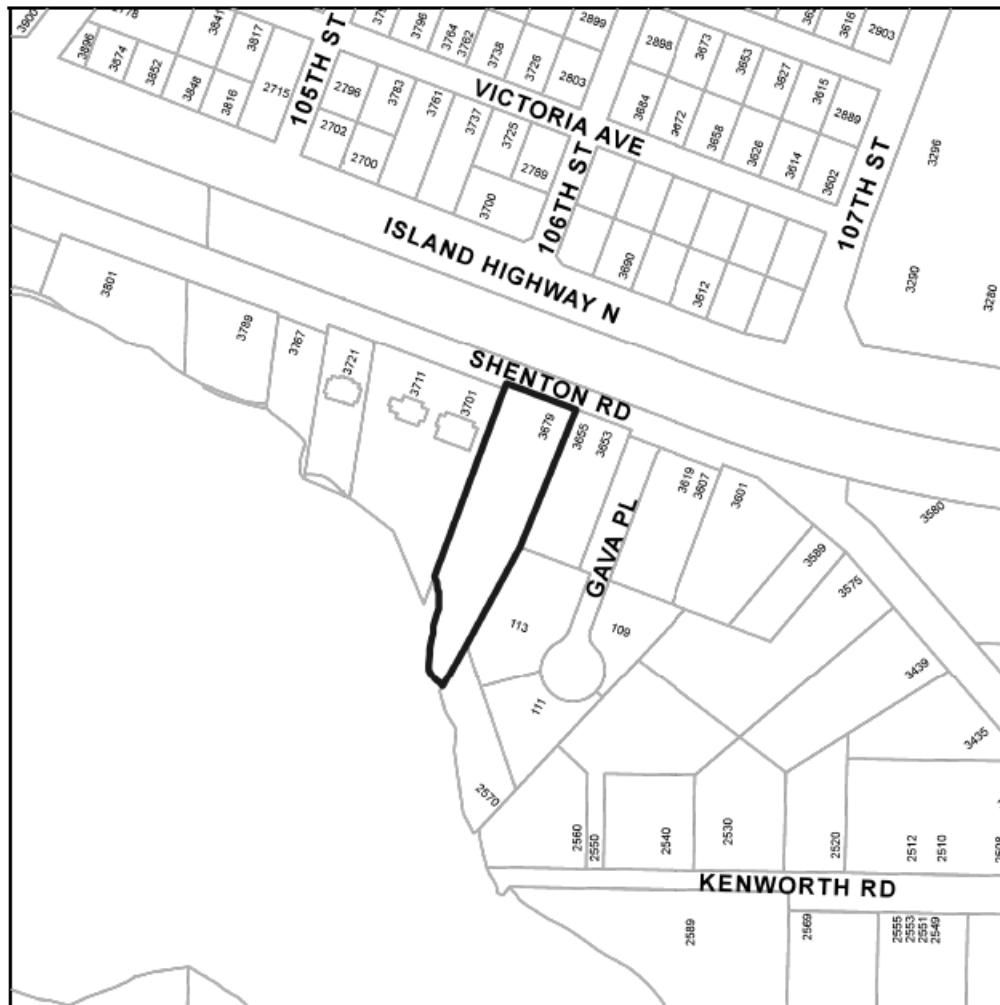
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA457
Address: 3679 Shenton Road

SCHEDULE A



Subject Property

REZONING APPLICATION NO. RA000457

CIVIC: 3679 SHENTON ROAD

LEGAL: LOT 2, SECTION 3, WELLINGTON DISTRICT, PLAN 13166

DATE OF MEETING | August 30, 2021 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | REZONING APPLICATION NO. RA464 – 608 SANDY COURT |

OVERVIEW

Purpose of Report

To present Council with an application to rezone the subject property at 608 Sandy Court from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) to allow for a multi-family residential development. |

Recommendation

That:

1. "Zoning Amendment Bylaw 2021 No. 4500.190" (To rezone 608 Sandy Court from Single Dwelling Residential [R1] to Three and Four Unit Residential [R5] pass first reading;
2. "Zoning Amendment Bylaw 2021 No. 4500.190" pass second reading; and
3. Council direct Staff to secure street trees, stormwater management upgrades, a community amenity contribution, and road dedication, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA464) was received from Noor Construction Inc., to rezone the property at 608 Sandy Court from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) to allow for a multi-family residential development.

Subject Property and Site Context

<i>Location</i>	The subject property is located on the north side of Sandy Court, a cul-de-sac in between Vancouver Island University and University Village Mall.
<i>Total Lot Area</i>	753m ²
<i>Current Zoning</i>	R1 - Single Dwelling Residential
<i>Proposed Zoning</i>	R5 - Three and Four Unit Residential
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Corridor

The subject property currently contains a single family dwelling that would be removed. The property is primarily surrounded by single residential dwellings and duplexes in a low-density residential neighbourhood. Nearby properties include the Old Harewood School Sports Field, Georgia Avenue Elementary School, Vancouver Island University (VIU), and University Village Mall. |

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to Three and Four Unit Residential (R5) to allow a ground-oriented multi-family townhouse development. The conceptual plan for the site is to remove the existing single family dwelling and build three townhouse units. The R5 zone permits a maximum of three dwelling units on the subject property, with a total Floor Area Ratio (FAR) of no greater than 0.55.

Policy Context

Official Community Plan

The subject property is located within the Corridor future land use designation (Section 2.2) of the Official Community Plan (OCP). The Corridor designation encourages higher-intensity land uses, such as medium- to high-density residential, and mixed-use developments in a two- to six-storey building form. The conceptual development plan proposes a two-storey multi-family residential building, with a density of approximately 40 units per hectare (uph). The Corridor designation policies support a density range of 50 to 150 uph, and the proposed building form is supported by the OCP. Although the proposed development is not within the target uph, it provides a sensitive infill development in an established neighbourhood near a major transportation route, schools, commercial services, and parks.

Harewood Neighbourhood Plan

The Harewood Neighbourhood (HNP) identifies the subject property as Mixed Use Corridor in its land use designation. Stand-alone multi-family residential developments are supported within the Mixed Use Corridor at residential densities of 50 to 150 uph in a two- to six-storey building form. The HNP generally supports infill projects such as the proposed development, and the proposed rezoning meets the intent of the HNP land use designation.

Transportation Master Plan

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating urban nodes and mobility hubs. The NTMP states that mobility hubs will be the focus of increased walking, cycling, and public transit opportunities. The subject property is inside the focal area of the VIU Mobility Node, which supports higher density residential housing that meets a mix of demographic needs and income levels. 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 July 2021, and the applicant consulted the neighbours within 10m of the property line by delivering flyers to inform them of the proposed development. No comments were received from the neighbours, and a response from the Harewood Neighbourhood Association voiced general support of the application.

Community Amenity Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, applicants are encouraged to provide a Community Amenity Contribution (CAC) as part of their proposal. General practice for residential development is to secure a CAC with a minimum value of \$1,000 per dwelling unit. As the intent of the rezoning application is to develop three units, the applicant has proposed a CAC of \$3,000 towards local park improvements. Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No.4500.190”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Street Trees* - Registration of a Section 219 Covenant that requires the planting of street trees in accordance with the Harewood Neighbourhood Plan at the time of development of the site.
2. *Stormwater Management* - Update to charge 230496G to ensure the stormwater management requirements of the City MoESS Section 7 for retention and detention are met at time of development.
3. *Community Amenity Contribution* - A monetary contribution of \$3,000 (\$1,000 per unit) towards local park improvements.
4. *Road Dedication* - Road dedication of approximately 1.7m from the front property line on Sandy Court to provide for a future 20m-wide Urban Local street cross-section.

SUMMARY POINTS

- The application is to rezone the subject property at 608 Sandy Court from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) to allow for a multi-family residential development.
- The proposed rezoning will facilitate a three-unit infill development on the site.
- The proposed rezoning meets the intent of the land use designations of the Official Community Plan and the Harewood Neighbourhood Plan.
- A Community Amenity Contribution of \$3,000 is proposed to be directed towards local park improvements.

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 2021 No. 4500.190” |

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP



REZONING APPLICATION NO. RA000464



608 SANDY COURT

The map displays a residential neighborhood with the following streets and lot numbers:

- Lambert Ave:** 480, 490, 600, 500, 404, 409, 600, 602, 604, 606, 608, 610, 614, 655, 659.
- Harewood Rd:** 310, 320, 330, 340.
- Fifth St:** 505, 502.
- Howard Ave:** 599, 595, 593, 591, 585, 614, 618, 620, 624, 628, 632, 636, 640, 646, 654.
- Sandy Court:** 603, 607, 611, 615, 617, 619, 610, 612, 614, 616, 618, 606, 605.
- Alyssa Pl:** 609, 611, 627, 631, 635, 639, 641, 643, 645, 647, 648, 617, 646, 640, 636, 632, 629, 624, 628, 633, 637, 641, 645, 649.
- Abby Ln:** 614.
- Regal St:** 654.

Zoning designations include R4, CS1, and PRC3. Lot 608 is highlighted with a thick black border. A blue outline highlights a larger area on the left side of the map, and another blue outline highlights a specific block on the right side of the map.



38

18 500



SCALE: 1 : 200 METRIC

ATTACHMENT D
CONCEPTUAL RENDERING



RECEIVED
RA464
2021-MAY-27
Current Planning

ATTACHMENT E
AERIAL PHOTO



REZONING APPLICATION NO. RA000464

 608 SANDY COURT

Current Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.190

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 2021 No. 4500.190".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 16, SECTION 1, NANAIMO DISTRICT, PLAN 12950 (608 Sandy Court) from Single Dwelling Residential (R1) to Three and Four Unit Residential (R5) as shown on Schedule A.

PASSED FIRST READING: 2021-AUG-30
PASSED SECOND READING: 2021-AUG-30
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000464
Address: 608 Sandy Court

SCHEDULE A



REZONING APPLICATION NO. RA000464



Subject Property

CIVIC: 608 SANDY COURT

LEGAL: LOT 16, SECTION 1, NANAIMO DISTRICT, PLAN 12950

DATE OF MEETING | August 30, 2021 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | REZONING APPLICATION NO. RA466 – 6643 AULDS ROAD |

OVERVIEW

Purpose of Report

To present Council with an application to rezone the subject property at 6643 Aulds Road from Single Dwelling Residential (R1) to Duplex Residential (R4) to allow for a multi-family residential development.

Recommendation

That:

1. “Zoning Amendment Bylaw 2021 No. 4500.191” (To rezone 6643 Aulds Road from Single Dwelling Residential [R1] to Duplex Residential [R4]) pass first reading;
2. “Zoning Amendment Bylaw 2021 No. 4500.191” pass second reading; and
3. Council direct Staff to secure the road dedication, road reserve covenant, community amenity contribution, and building orientation and driveway access covenant, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA466) was received from Corcon Industries Ltd., to rezone the property at 6643 Aulds Road from Single Dwelling Residential (R1) to Duplex Residential (R4) to allow a multi-family residential development.

Subject Property and Site Context

<i>Location</i>	The subject property is located on the south side of Aulds Road, between Valley View Drive and Rhodo Way.
<i>Total Lot Area</i>	2,398m ²
<i>Current Zoning</i>	R1 – Single Dwelling Residential
<i>Proposed Zoning</i>	R4 – Duplex Residential
<i>Official Community Plan (OCP)</i> <i>Future Land Use Designation</i>	Neighbourhood

The subject property currently contains a manufactured home and detached accessory buildings. The property is surrounded by single family and duplex dwellings in a residential neighbourhood. The City boundary is on the opposite side of Aulds Road, which is shared with the District of Lantzville. Woodgrove Centre is located northeast of the site across the Nanaimo Parkway, and Green Lake is located southwest of the subject property.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Duplex Residential (R4) with the intent of subdividing the property into two lots and developing each one with a detached duplex. There is a concurrent subdivision application (SUB01364) that will be modified to facilitate the proposed duplexes, provided that this rezoning application is approved.

This proposed rezoning was referred to the Ministry of Transportation and Infrastructure due to the proximity of the development to the Nanaimo Parkway. As the surrounding area develops, it is anticipated the intersection at Aulds Road and the Nanaimo Parkway will need to expand. At the time of expansion, access for the properties on Aulds Road between Valley View Drive and Rhodo Way will need to be closed and accommodated from an alternative point of access. As lots on this block develop, the City is working to secure a future lane at the rear of the properties. Staff recommend that a building orientation and driveway access covenant be secured as a condition of this rezoning to ensure that buildings will face Aulds Road and that access can be accommodated from the future lane at the rear.

Policy Context

Official Community Plan

The subject property is located within the Neighbourhood future land use designation (Section 2.3) of the Official Community Plan (OCP). The Neighbourhood designation supports residential infill and a mix of housing types, including ground-oriented multiple-family units that are two to four storeys in height, with a density range of 10-50 units per hectare (uph). The development concept proposes a density of 16 uph, which falls within the target range. The development also increases the housing choice in the area, and is consistent with the Neighbourhood designation policies. The proposed development meets the objectives of the OCP and offers an infill development in a neighbourhood near a major transportation route, commercial services, and parks.

Transportation Master Plan

The Nanaimo Transportation Master Plan (NTMP) reinforces the land use and transportation policies in the OCP by designating urban nodes and mobility hubs. The NTMP states that mobility hubs will be the focus of increased walking, cycling, and public transit opportunities. The subject property is inside the 200m buffer of the Woodgrove Mobility Node, which supports medium- to high-density development forms within mobility hubs. 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 July 2021, and the applicant consulted the immediate neighbours by going door-to-door to inform them of the proposed development. The subject property is not located within the boundaries of a neighbourhood association. Neighbours expressed general support for the application with a request that a fence be

installed along the full property line. Neighbours also commented they would prefer the development take the form of detached duplexes. The applicant has expressed an intent to build a fence along the perimeter of the property and in developing two detached duplexes to address these concerns.

Community Amenity Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on the lands through a rezoning, applicants are encouraged to provide a Community Amenity Contribution (CAC) as part of their proposal. General practice for residential development is to secure a CAC with a minimum value of \$1,000 per dwelling unit. As the intent of the rezoning and subdivision application is to develop two duplexes (four units total), the applicant has proposed a CAC of \$4,000 towards improvements for local parks and trails. Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No.4500.191”, Staff recommend the following items be secured in a Section 219 covenant to be registered on the property title prior to final adoption of the bylaw:

1. *Road Dedication* – Road dedication of approximately 2.44m from the front property line on Aulds Road.
2. *Road Reserve Covenant* – A no-build and road reserve covenant for future road dedication of a 7m-wide lane at the rear of the property.
3. *Community Amenity Contribution* - A monetary contribution of \$4,000 towards improvements for local parks and trails.
4. *Building Orientation and Driveway Access Covenant* – The requirement for future buildings to face Aulds Road, and at the time of the interchange redevelopment, driveway access to the property be relocated to the lane.

SUMMARY POINTS

- A rezoning application has been received to rezone the property 6643 Aulds Road from Single Dwelling Residential (R1) to Duplex Residential (R4) to allow for a multi-family residential development.
- The proposed rezoning will facilitate a subdivision infill development on the site with two duplexes.
- The subject property is designated as Neighbourhood in the OCP. The proposed development complies with the policy objectives of the Neighbourhood designation.
- A Community Amenity Contribution of \$4,000 is proposed to be directed to improvements within local parks and trails.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Aerial Photo
“Zoning Amendment Bylaw 2021 No 4500.191” |

Submitted by:

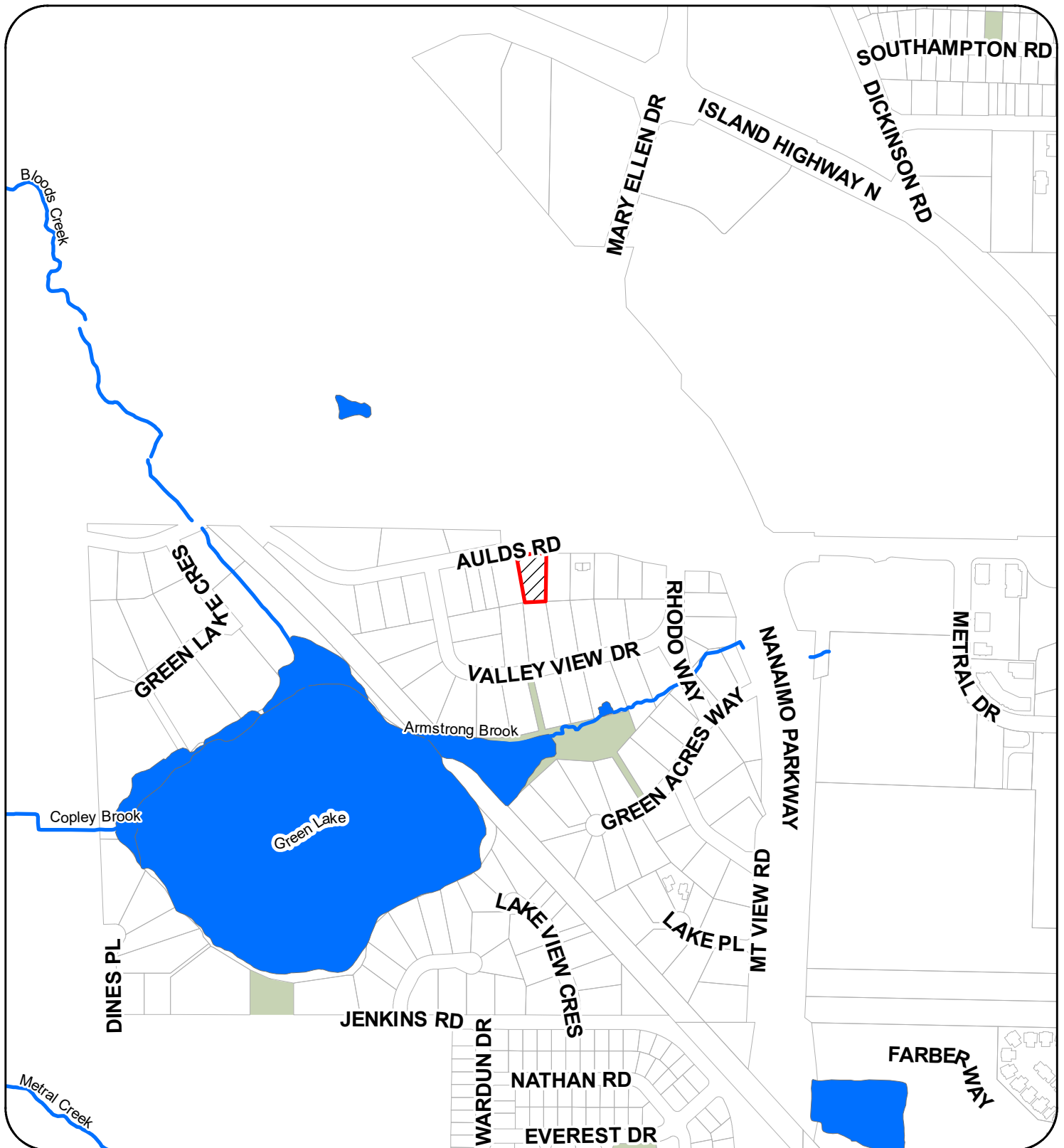
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP



REZONING APPLICATION NO. RA000466

N



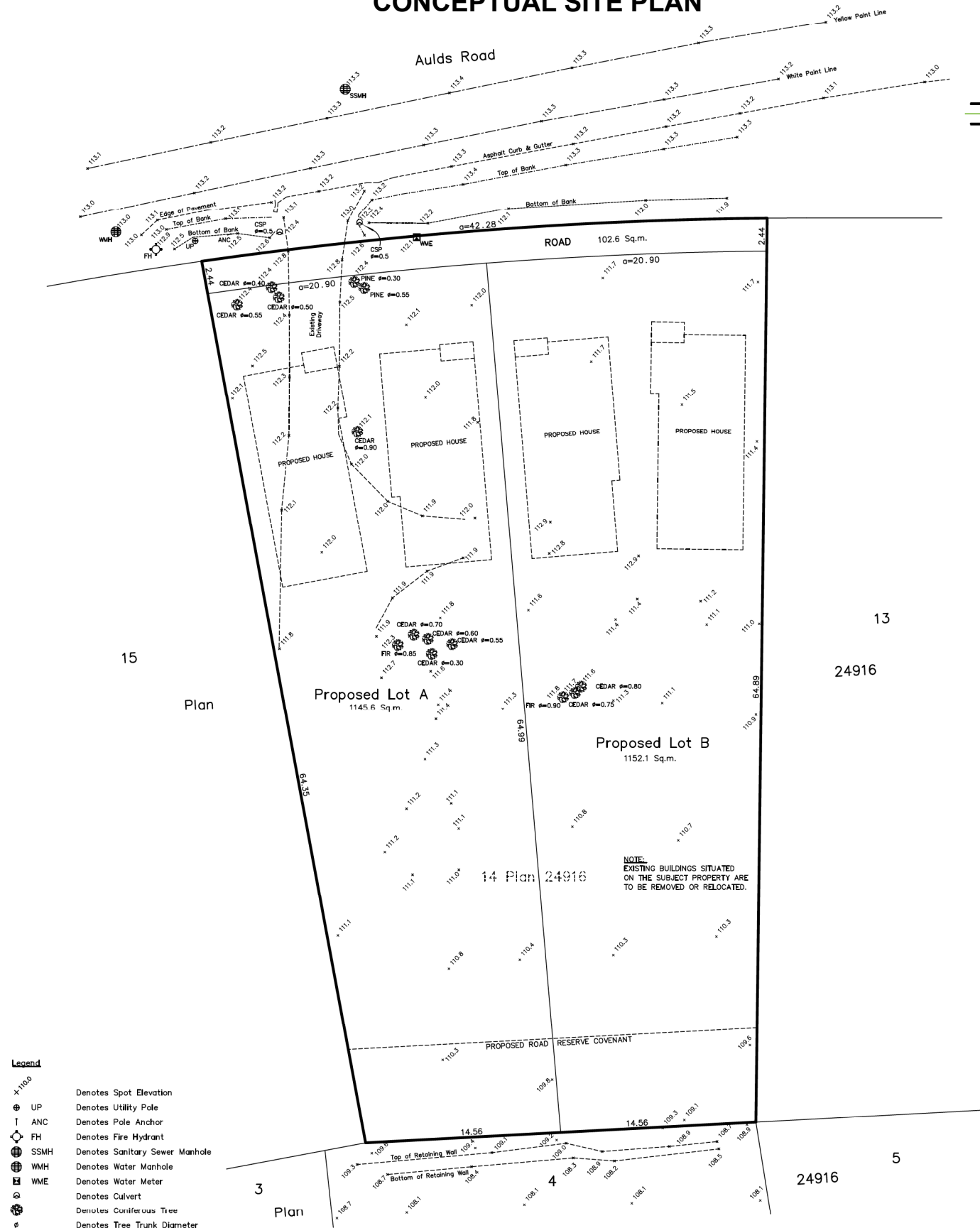
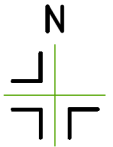
6643 AULDS ROAD

The map displays a residential area in Nanaimo with several streets and land use zones. The highlighted parcel is located at the intersection of Aulds Rd and Valley View Dr, with a blue outline and the label 'R4'. Other zones shown include CC4, R1, AR1, CS3, W1, PRC2, and R12. The map also shows a network of streets including Nanaimo Parkway, Rhodo Way, Green Acres Way, and Valley View Dr. Various lot numbers are visible throughout the area.



50

ATTACHMENT C CONCEPTUAL SITE PLAN



SITE PLAN SHOWING PROPOSED SUBDIVISION OF:
LOT 14, SECTION 8,
WELLINGTON DISTRICT, PLAN 24916.

Client: CORCON INDUSTRIES LTD. Civic Address: 6643 AULDS ROAD, NANAIMO

File: 18-213 REV1 Scale: 1:200 Drawn by: DRW Date: December 21, 2020



SCALE 1:200
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
CONTROL MONUMENT 03SG086 (CVD28BC DATUM).

SITE SUMMARY
CURRENT ZONING R1
PROPOSED ZONING R4
TOTAL SITE AREA 0.240 ha

Turner & Associates
land surveying™
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

This is an aerial photograph of a residential neighborhood with white property lines overlaid. A specific property is highlighted with a red border. The map includes street names 'AULDS RD' and 'VALLEY VIEW DR' in blue text. Various house numbers are visible, including 6640, 6640A, 6650, 6651, 6653, 6654, 6655, 6647, 6643, 6639, 6637, 6635, 6631, 6629, 6630, 6626, 6622, 6618, 6617, 6621, 6619, 6623, 6625, 6629, 6634, 6639, 6643, 6647, 6651, 6653, 6654, 6655.



Current Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.191

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 2021 No. 4500.191".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 14, SECTION 8, WELLINGTON DISTRICT, PLAN 24916 (6643 Aulds Road) from Single Dwelling Residential (R1) to Duplex Residential (R4) as shown on Schedule A.

PASSED FIRST READING: 2021-AUG-30

PASSED SECOND READING: 2021-AUG-30

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000466
Address: 6643 Aulds Road

SCHEDULE A



REZONING APPLICATION NO. RA000466



Subject Property

CIVIC: 6643 AULDS ROAD

LEGAL: LOT 14, SECTION 8, WELLINGTON DISTRICT, PLAN 24916

DATE OF MEETING | September 23, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5309 TOMS TURNABOUT |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5309 Toms Turnabout. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5309 Toms Turnabout for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2021-MAY-10 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to affect structural repairs to the rear left side of the dwelling, including the installation of a temporary post to support the deck above, as well as temporary supports installed at the rear right of the house as the result of a sinking foundation. This work was started without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2021-JUN-14. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners, and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | September 23, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1820 DEERBORNE PLACE** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1820 Deerborne Place. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 1820 Deerborne Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2021-APR-30 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct an accessory building in the rear of the property without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2021-JUN-14. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | September 23, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2136 BROOKLYN PLACE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2136 Brooklyn Place. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2136 Brooklyn Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

As the result of a site inspection on 2021-APR-12 in relation to a permit application to replace an existing deck, the inspector observed a carport had been constructed without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2021-JUN-14. To date, a building permit application has not been received, nor has the City been advised of the removal of the structure. A monitoring inspection 2021-SEP-13 confirmed the structure remains. The inspector also observed the Stop Work Order had been removed, in contravention of “Building Bylaw 2016 No 7224” (the “Building Bylaw”). Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of the Building Bylaw.

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services