

DATE OF MEETING | December 17, 2018 |

AUTHORED BY | KRIS SILLEM, PLANNER, SUBDIVISION SECTION |

**SUBJECT | REZONING APPLICATION NO. RA000404 – 5400 DEWAR ROAD
AND 5351 REDMOND ROAD |**

OVERVIEW

Purpose of Report

To present Council with an application to rezone the properties located at 5400 Dewar Road, 5351 Redmond Road, and portions of the Redmond Road right-of-way in order to realign the existing zoning boundaries to correspond with the boundaries of a proposed subdivision and park dedication.

Recommendation: That

1. "Zoning Amendment Bylaw 2018 No. 4500.130" (To rezone portions of the subject properties at 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way from:
 - Single Dwelling Residential [R1] to Steep Slope Residential [R10] and Parks, Recreation and Culture One [PRC-1]; and,
 - Steep Slope Residential [R10] to Parks, Recreation and Culture One [PRC-1]) pass first reading.
2. "Zoning Amendment Bylaw 2018 No. 4500.130" pass second reading.

BACKGROUND

A rezoning application, RA404, for 5400 Dewar Road, 5351 Redmond Road and the adjacent Redmond Road right-of-way was received from Williamson and Associates Professional Surveyors Ltd. (Mr. Brian Henning) on behalf of the property owners, Windley Developments Ltd., Howler Developments Ltd., and the City of Nanaimo (with respect to the Redmond Road right-of-way). The purpose of the rezoning application is to rezone the subject properties to align the existing zoning boundaries with the boundaries of a proposed subdivision and park dedication.

Attachment B illustrates the existing zoning and lot configuration, Attachment C illustrates the existing zoning and future lot configuration and Attachment D illustrates the proposed zoning and future lot configuration.

A Steep Slope Development Permit, DP1107, was approved on 2018-OCT-04 to allow for the transfer of three units of additional density to Lot 6 within a proposed subdivision (see Attachment E) in exchange for the dedication of parkland (within 5351 Redmond Road), which is in excess of the 5% statutory requirement.

A concurrent Subdivision application, SUB1278, has been submitted that proposes the subdivision of 5400 Dewar Road and 5351 Redmond Road into five R10 lots in addition to the

dedication of the statutorily required parkland and additional parkland as required by the approved development permit (see Attachment E) .

A Road Closure application, LD3323, proposes the closure of a portion approximately 2,262m² of the unconstructed Redmond Road right-of-way, which will be included within proposed Lot 1 of the subdivision (see Attachment F). The road closure application is consistent with both the approved development permit and the proposed subdivision.

Subject Property

<i>Location:</i>	The subject properties are located at the intersection of Dewar Road and the unconstructed Redmond Road right-of-way.
<i>Lot Sizes:</i>	5400 Dewar Road – 2,780m ² 5351 Redmond Road – 7,431m ² Unconstructed Redmond Road right-of-way – 2,693m ²
<i>Total Area:</i>	12,904m ²
<i>Current Zoning:</i>	Single Dwelling Residential – (R1) Steep Slope Residential (R10)
<i>Proposed Zoning:</i>	Single Dwelling Residential – Small Lot (R10) Parks Recreation and Culture One (PRC-1)

5400 Dewar Road is adjacent to the unconstructed Redmond Road right-of way and has an existing house that will be removed to accommodate the subdivision as proposed.

5351 Redmond Road is a vacant lot fronting Dewar Road and is bounded by 5400 Dewar Road to the west and the unconstructed Redmond Road right-of-way to the north. The subject properties are located on steeply sloping lots to the west of the Ocean View Terrace residential subdivision located in the Lost Lake area with Dewar Road to the south and Royal Seaview to the north. |

DISCUSSION

As illustrated in Attachment C, the proposed subdivision of 5400 Dewar and 5351 Redmond Road does not align with the existing zoning boundaries and will create split-zoned lots (Lots 1, 2 and 3). The northerly steeply sloping portion of the properties will be dedicated as parkland and the houses will be located fronting Dewar Road. The five proposed lots have been configured to support duplexes. Rezoning the properties from R1 to R10 will resolve the split zoning and allow development that is consistent with the approved steep slope development permit (DP1107) and the surrounding residential neighbourhood.

Staff Review

Official Community Plan

The Official Community Plan (OCP) designates the subject properties as Neighbourhood. The Neighbourhood land-use designation encourages a mix of low-density residential uses (10 to 50 units per hectare) in two- to four-storey building forms. The proposed rezoning is consistent with the policy objectives of the OCP.

Community Contribution

As outlined in Section 7.3 of the OCP, community contributions are provided in exchange for value conferred on land through rezoning. As this rezoning application is primarily a zoning boundary adjustment and is consistent with the previously-approved steep slope development permit, Staff recommend that no community contribution be secured through this rezoning.

SUMMARY POINTS

- The applicant proposes to rezone the subject properties to realign the existing R1 and R10 zoning boundaries to correspond with the approved Development Permit and the proposed subdivision boundaries.
- The proposed development is consistent with OCP policies and the proposed density is consistent with the approved Development Permit.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Existing Zoning and Lot Layout
ATTACHMENT C: Existing Zoning and Proposed Lot Layout
ATTACHMENT D: Proposed Zoning and Proposed Lot Layout
ATTACHMENT E: Proposed Plan of Subdivision
ATTACHMENT F: Proposed Road Closure
ATTACHMENT G: Letter of Rationale
ATTACHMENT H: Aerial Photo
"Zoning Amendment Bylaw 2018 No. 4500.130" |

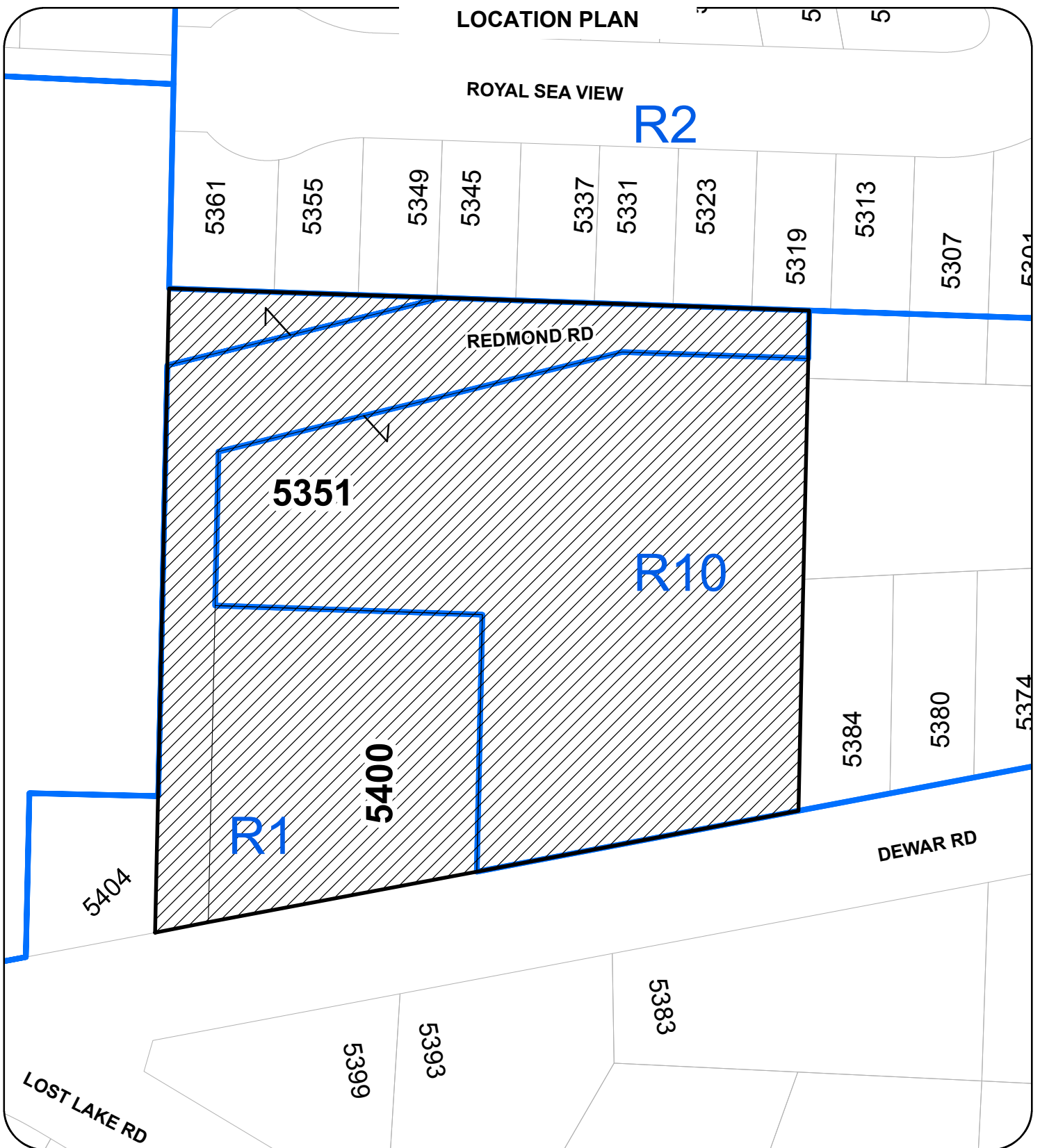
Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000404
LOCATION PLAN



Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT B
EXISTING ZONING AND LOT LAYOUT

ROYAL SEA VIEW



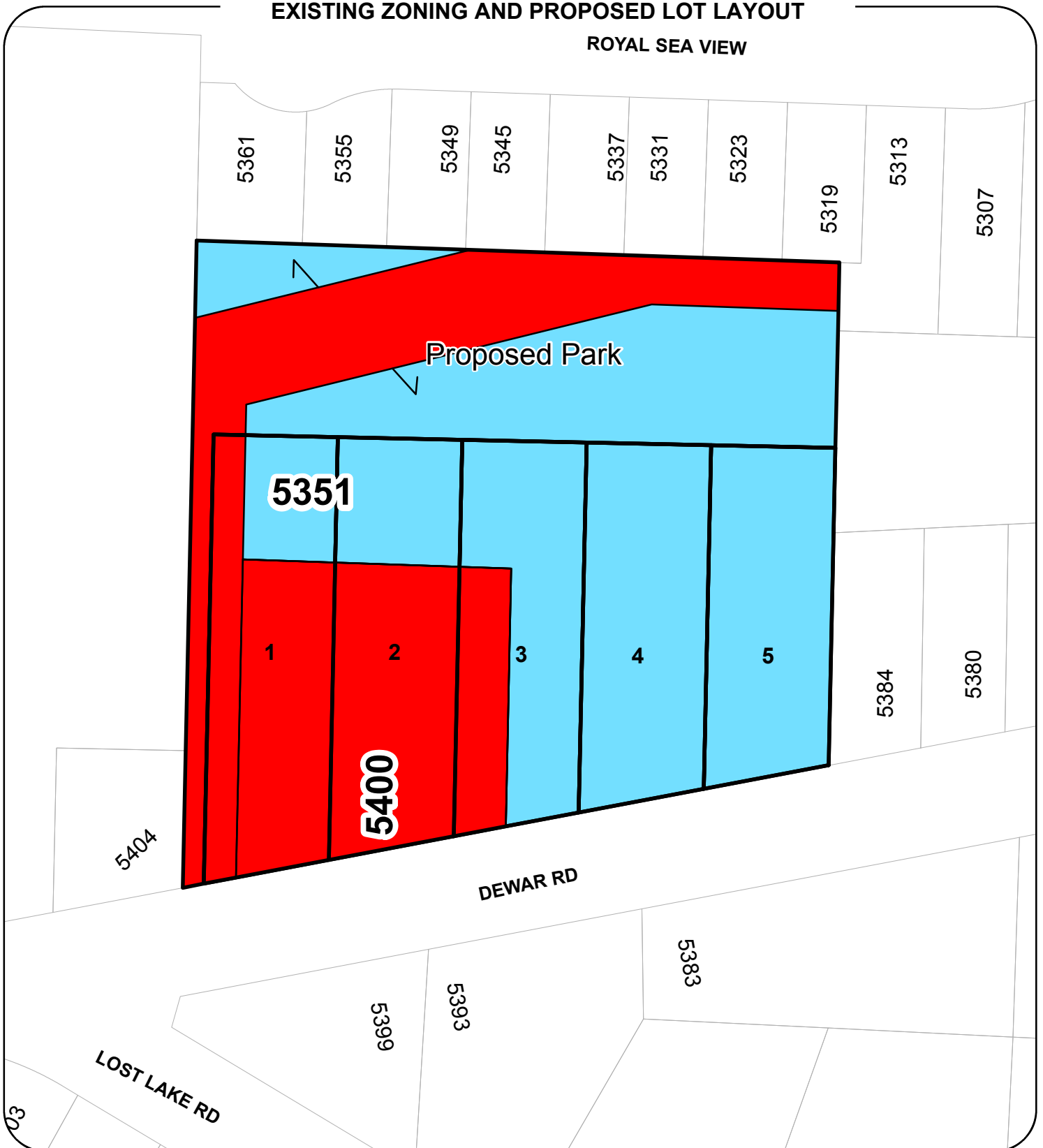
REZONING APPLICATION NO. RA000404
EXISTING ZONING AND EXISTING LOT LAYOUT

SUBJECT PROPERTIES

- EXISTING R1 Zone
- EXISTING R10 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT C
EXISTING ZONING AND PROPOSED LOT LAYOUT
ROYAL SEA VIEW



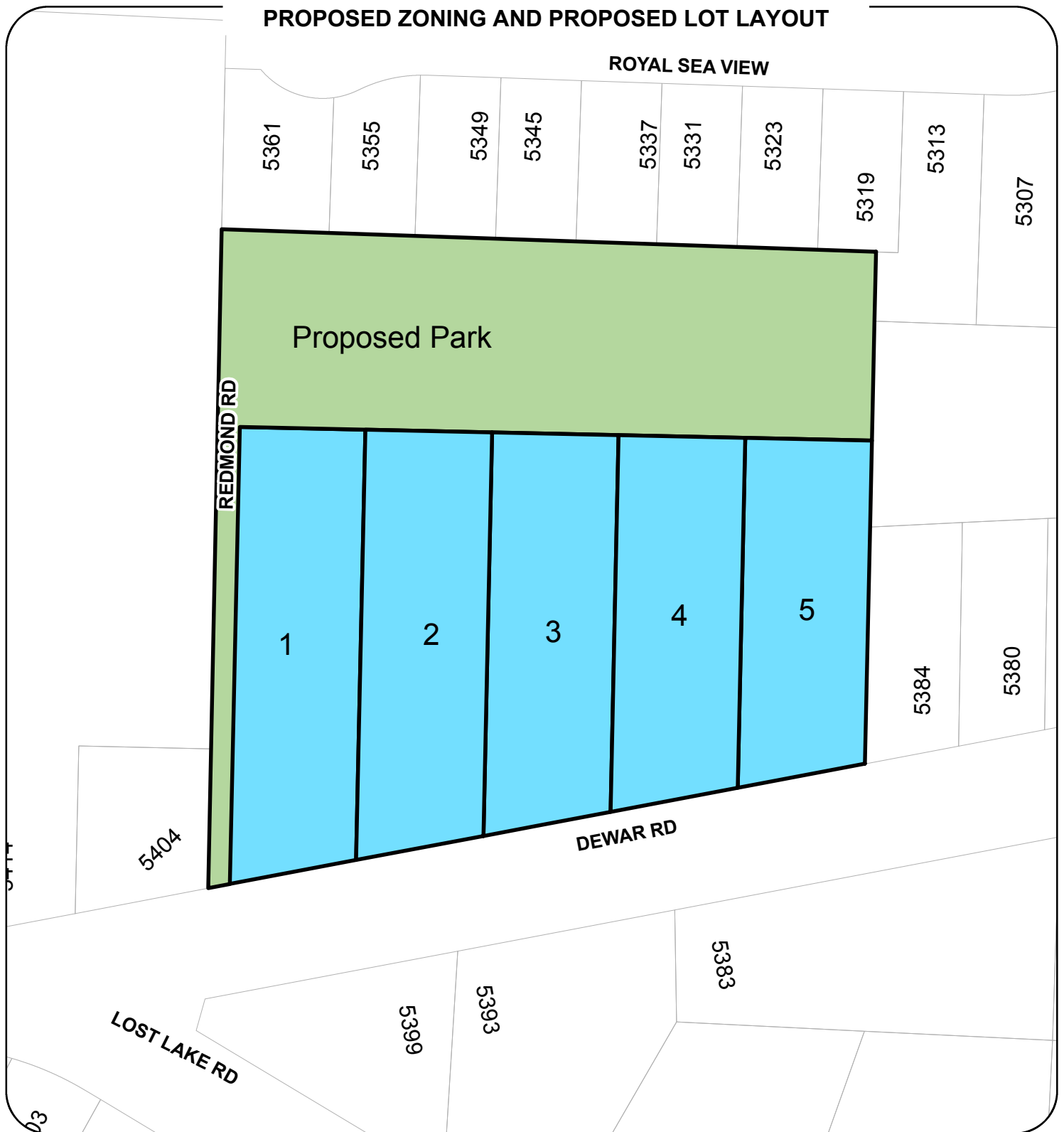
REZONING APPLICATION NO. RA000404
EXISTING ZONING AND PROPOSED LOT LAYOUT

SUBJECT PROPERTIES

- PROPOSED SUBDIVISION
- EXISTING R1 Zone
- EXISTING R10 Zone



Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

ATTACHMENT D
PROPOSED ZONING AND PROPOSED LOT LAYOUT



REZONING APPLICATION NO. RA000404
PROPOSED ZONING AND PROPOSED LOT LAYOUT

LEGEND


-  PROPOSED R10 Zone
-  PROPOSED PRC1 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD



AUG 13 2018
SUB01278
CITY OF NANAIMO
SUBDIVISION

TRANSFER AREA = 1875sqm - 3 UNITS

NO.	DATE	REVISION	PROJECT: 5351 REDMOND / 5400 DEWAR CLIENT: WINDLEY DEVELOPMENTS LTD. & HOWLER DEVELOPMENTS LTD. DRAWING: PRELIMINARY LAYOUT APPROVAL
01	FEBRUARY 22, 2016	FIRST ISSUE	
02	MAY 24, 2016	PAVING, CIRCULATION AND LAND TRANSFER	
03	AUG 15, 2016	REVISE LAYOUT FOR 5 LOTS	
			DATE: FEB 22/16 SCALE: 1/400 DRAWING: CH
			 WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS 3004 BATHURST ROAD NWLAND BC V9T 4B5 PHONE: (250) 756-7123 FACSIMILE: (250) 756-7724 EMAIL: W&AS@TELUS.NET
			FILE: 10555-PLA SHEET: 1 OF 1

SHEET: 1 OF 1

ATTACHMENT F PROPOSED ROAD CLOSURE

PLAN EPP88556

REFERENCE PLAN TO ACCOMPANY CITY OF NANAIMO HIGHWAY (DEDICATION REMOVAL BYLAW 2018 NO. 7275, OF PART OF ROAD DEDICATED BY PLANS 15613 AND 21211 BEING PART OF DISTRICT LOT 49, WELLINGTON DISTRICT.

PURSUANT to SECTION 120 of THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 92G.021

SCALE 1:500

0 10 20 30 50 metres

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500

LEGEND

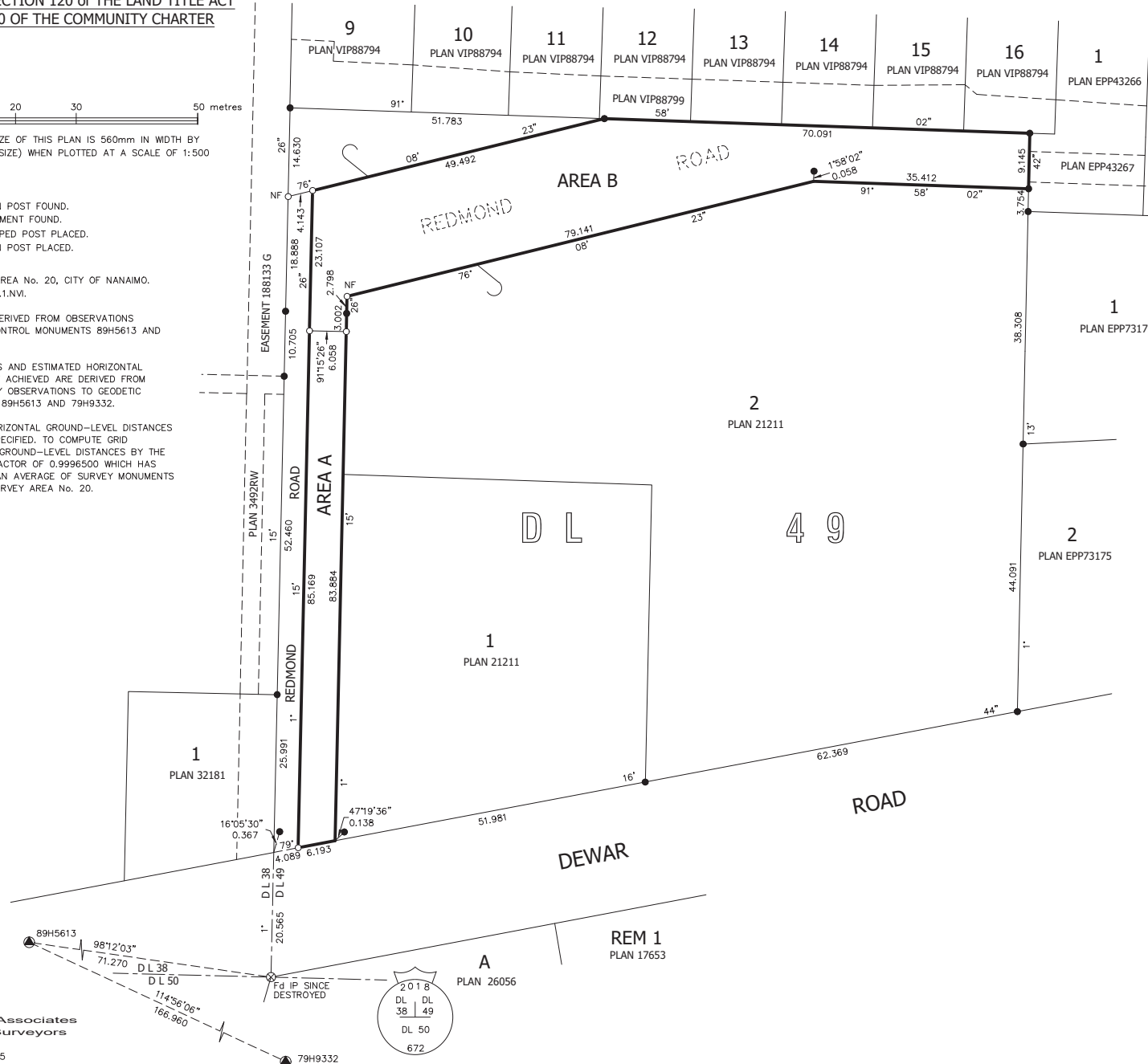
- STANDARD IRON POST FOUND.
- ⊙ CONTROL MONUMENT FOUND.
- ⊗ STANDARD CAPPED POST PLACED.
- STANDARD IRON POST PLACED.

INTEGRATED SURVEY AREA No. 20, CITY OF NANAIMO. NAD83(CSRS) 3.0.0.BC.1.NV.

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 89H5613 AND 79H9332.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM CONVENTIONAL SURVEY OBSERVATIONS TO GEODETIC CONTROL MONUMENTS 89H5613 AND 79H9332.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9996500 WHICH HAS BEEN DERIVED FROM AN AVERAGE OF SURVEY MONUMENTS WITHIN INTEGRATED SURVEY AREA No. 20.



BOOK OF REFERENCE	
PARCEL	AREA
CLOSED ROAD AREA "A"	512 m ²
CLOSED ROAD AREA "B"	0.175 ha
TOTAL AREA	0.226 ha

Williamson & Associates
Professional Surveyors
3088 Barone Road
Nanaimo B.C. V9T 4B5
FILE: 16095-5 ROAD CLOSURE BASEPLAN: 06130

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO.
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE ____th DAY OF _____, 2018.
BRIAN S. HENNING, B.C.L.S. 672.

**ATTACHMENT G
LETTER OF RATIONALE**



**WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS**

3088 BARONS ROAD, NANAIMO B.C. V9T 4B5

PHONE: (250) 756-7723 FACSIMILE (250) 756-7724

email: waps@telus.net

October 9, 2018

Our File No.: 16095

Your File No.: SUB01278

City of Nanaimo

455 Wallace Street

Nanaimo, B.C. V9R 5J6

BY HAND

ATTENTION: Kris Sillem, Deputy Approving Officer

Dear Mr. Sillem:

**Re: Ocean View Terrace Subdivision Phase 7; 5400 Dewar Road
Rezoning application Lot 1, District Lot 49, Wellington District, Plan 21211**

This application is to change the zone from R1 to R10 of Lot 1, Plan 21211 and an adjacent portion of Redmond Road which is to be closed and purchased. These areas form part of an overall development plan with properties to the east which are zoned R10. In conjunction with this application we have filed a development permit, subdivision and road closure applications.

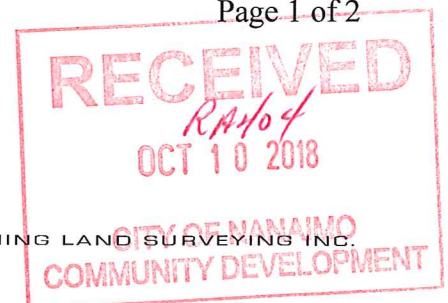
Rezoning Rationale: The development plan is to: dedicate the northerly steeper portion of the development area as Park; transfer density to the adjacent R10 site being future lot 6; provide a statutory right of way for pedestrian trail connection from Royal Pacific Way; and create 5 lots fronting Dewar Road having the ability to build two homes on each. The parent parcels have steep terrain but given the smaller area of Lot 1, Plan 21211 it is zoned R1, the others are R10. Proposed Lots 1, 2 and 3 would be split zoned if this rezoning application did not proceed. The rationale is to create a development with one residential zone to provide clarity and simplicity for determining setbacks and density location.

Community Contribution Proposal. This application is to provide one consistent R10 residential zone. The net density does not change going from R1 to R10. The benefits the development concept contributes are dedication of Park area to protect the treed steepest slope area and to provide a statutory right of way for a pedestrian trail connection through from Royal Pacific Way.

Page 1 of 2



A PARTNERSHIP OF WILLIAMSON LAND SURVEYING INC. AND HENNING LAND SURVEYING INC.



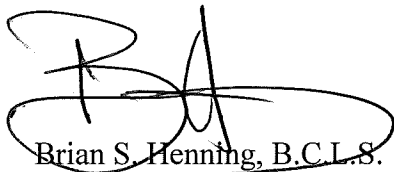
Please find enclosed:

- Rezoning application form and checklist;
- Appointment of agency form;
- Declaration regarding contaminated site exemption;
- Our cheque for fees of \$1,500.00;
- City map zoning and addressing plans;
- 2 prints of the overall development plan;
- 2 prints of the highlighted rezone area;
- Prints of legal plans 21211, 17797 and 15613, confirming the road dedication on Plan 15613

Should you require any further information please call.

Yours truly,

Williamson & Associates Professional Surveyors

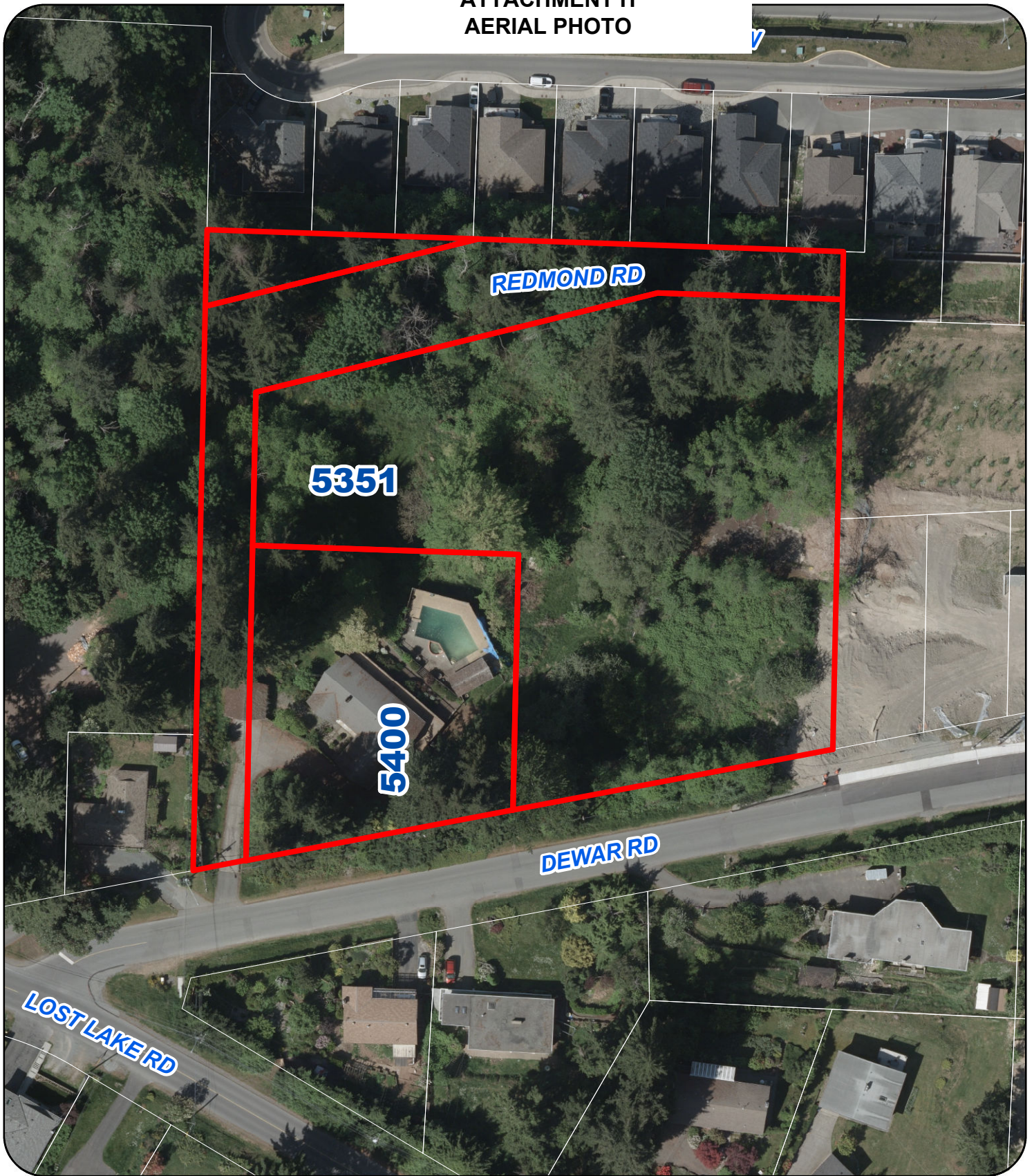


Brian S. Henning, B.C.L.S.

cc: Bob Ackerman
Rick Windley



ATTACHMENT H
AERIAL PHOTO



N



LEGEND



SUBJECT PROPERTIES

REZONING APPLICATION NO. RA000404
AERIAL PHOTO

CITY OF NANAIMO

BYLAW NO. 4500.130

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 2018 No. 4500.130".
2. The City of Nanaimo "Zoning Bylaw 2011 NO. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, DISTRICT LOT 49, PLAN 21211, WELLINGTON DISTRICT (5400 Dewar Road), from Single Dwelling Residential (R1) to Steep Slope Residential (R10) as shown on Schedule A.

By rezoning a portion of the lands legally described as LOT 2, DISTRICT LOT 49, PLAN 21211, WELLINGTON DISTRICT (5351 Redmond Road) from Steep Slope Residential (R10) to Parks Recreation And Culture One (PRC 1) as shown on Schedule A.

By rezoning the lands shown as that portion of Redmond Road from Single Dwelling Residential (R1) to Steep Slope Residential (R10) as shown on Schedule A.

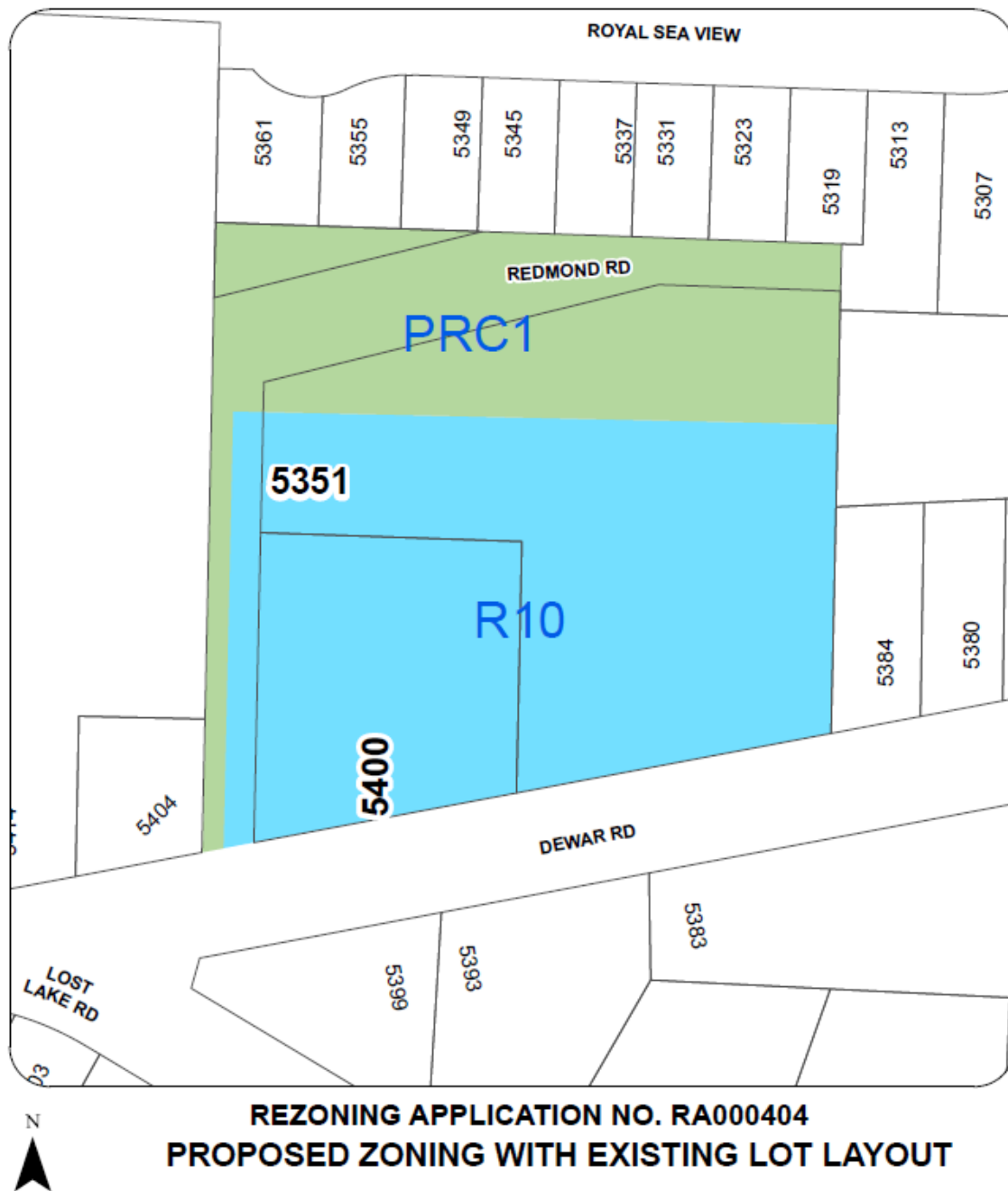
By rezoning the lands shown as that portion of Redmond Road from Single Dwelling Residential (R1) to Parks Recreation And Culture One (PRC 1) as shown on Schedule A.

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

MAYOR

CORPORATE OFFICER

SCHEDULE A



LEGEND

- PROPOSED R10 Zone
- PROPOSED PRC1 Zone

Civic: 5400 DEWAR ROAD & 5351 REDMOND ROAD
Legal: LOTS 1 & 2, DISTRICT LOT 49 PLAN 21211,
WELLINGTON DISTRICT, and REDMOND ROAD

File: RA000404
Address: 5400 Dewar Road, 5351 Redmond Road and portions of Redmond Road