

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:**

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#### **Concurrence by:**

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