

DATE OF MEETING | October 19, 2020 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | COVENANT AMENDMENT APPLICATION NO. CA13 – 1060, 1070, 1074, & 1098 DOUGLAS AVENUE, AND 280 TENTH STREET |

OVERVIEW

Purpose of Report

To seek direction from Council regarding Covenant Amendment application No. CA13. |

Recommendation

That Council direct Staff to proceed with public notification prior to Council's consideration of Covenant Amendment Application No. CA13 at an upcoming Council meeting. |

BACKGROUND

A covenant amendment application, CA13, was received from Williamson & Associates Professional Surveyors, on behalf of 533 Alpine Investments Ltd., to discharge and replace an existing Section 219 covenant on the property titles of 1060, 1070, 1074, 1098 Douglas Avenue and 280 Tenth Street in order to facilitate a proposed subdivision. The existing covenant (CA2476751) was registered on the properties in 2012 and dictates an 11-lot subdivision plan for site. The applicant is proposing to discharge and replace the covenant with a new covenant, including revised terms and a new 4-lot subdivision plan.

The subject properties were rezoned in 1997 and a covenant (EL072149) was registered on the properties as a condition of rezoning. Through a previous subdivision application (SUB921), covenant EL072149 was replaced in 2012 by covenant CA247751, which included the covenanted conditions of the 1997 rezoning. A new subdivision application (SUB1343) was received in 2019 that requires a covenant amendment in order to proceed, as the conditions secured through the 1997 rezoning are proposed to be modified.

The City of Nanaimo's Covenant Amendment Process Policy (No. 8-3360-02) recommends that where a covenant amendment pertains to land use, density, or community contributions, Council may choose to direct the application to a Public Hearing. Covenant amendment application No. CA13 does not pertain to land use, density, or community contributions; therefore, Council consideration of approval may occur at an upcoming regular Council meeting. Prior to Council's consideration for approval, Staff require direction to proceed with public notification.

Subject Property and Site Context

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| <i>Location</i> | The subject properties are located to the northeast of the intersection of Douglas Avenue and Tenth Street. |
| <i>Total Lot Area</i> | 4.65ha |
| <i>Current Zoning</i> | R6 – Low Density Residential; R8 – Medium Density Residential; and CC3 – City Centre Commercial |
| <i>Official Community Plan (OCP) Future Land Use Designation</i> | Neighbourhood |
| <i>Neighbourhood Plan Land Use Designation</i> | Harewood Neighbourhood Plan: Neighbourhood |

The subject properties are large wooded lots in the south end of the Harewood Neighbourhood. The site abuts Douglas Avenue to the west, large residential lots to the north, Wexford Creek to the northeast, a City-owned property at 250 Tenth Street to the east, and Tenth Street to the south. Surrounding land uses include residential lots to the west and north, Applegreen Park across Wexford Creek to the northeast, and industrial uses to the east and south. The subject properties were rezoned from single dwelling residential in 1997 and park dedication occurred in 2011, expanding Applegreen Park.

DISCUSSION

Proposed Development

The applicant anticipates the new lots created through subdivision application SUB1343 will develop under their existing multi-family and commercial zoning. No conceptual development plans are required as part of this covenant amendment application given that no changes to land use or density are proposed.

Proposed Amendments

The proposed covenant amendment will replace an existing subdivision plan with a new subdivision plan that is more reflective of current market conditions. The previous plan included nine smaller multi-family lots facing a public roadway, and the new plan is for four larger multi-family lots without a new roadway. The proposed changes will provide more flexibility in siting for the future multi-family development parcels. Through the discharge and replacement of Covenant CA247675, the applicant is proposing changes as noted on the table following:

| <i>Proposed Change</i> | <i>Rationale</i> |
|---|--|
| <p>Replace the existing subdivision plan (Attachment C) with a new subdivision plan (Attachment D).</p> <p>The new covenant will require development of the site to be generally in accordance with the proposed subdivision plan. This is intended to provide flexibility for further future subdivision</p> <p>The new subdivision plan will create fewer new lots and the plan will no longer include a public road through the site. Instead, the proposed lots will be accessed via private drive aisles from Douglas Avenue and Tenth Street.</p> | <p>The deletion of the proposed public road through the site has been reviewed and accepted by City Staff from a transportation network perspective. To ensure connectivity through the site, the covenant will instead secure two public multi-use trails within 6m-wide statutory rights-of-way as described:</p> <ol style="list-style-type: none"> 1. From Douglas Avenue in the northwest corner of the site to the City-owned property at 250 Tenth Street in the east. This trail will run parallel to Wexford Creek and will be entirely outside of the 15m riparian setback. 2. From Douglas Avenue in the southwest portion of the site to Applegreen Park in the northeast. This trail will include a bridge crossing of Wexford Creek and will connect to a future trail in Applegreen Park. <p>The two trails will meet the intent of the Harewood Neighbourhood Plan by completing the public pedestrian network in this area and improve connectivity to multi-use mobility trails including the Parkway Trail.</p> |
| <p>Include a requirement to complete construction of the multi-use trail to the urban hard surface walkway standard across 250 Tenth Street, and include a requirement to complete construction of a pedestrian crossing on Tenth Street at the intersection of Douglas Avenue</p> | <p>This will ensure a trail connection from the subject properties to Tenth Street through the City-owned property and to the existing Parkway Trail, approximately 40m south of Tenth Street. There is an existing pedestrian crosswalk across Douglas Avenue at this intersection</p> |
| <p>Remove the requirement for a common building for residents on proposed Lot 2.</p> | <p>The provision of a private common building with amenities for residents is no longer a preferred development option. Instead, common areas are anticipated on the larger lots in individual multi-family buildings.</p> |
| <p>Include a no-build condition on proposed Lot 4 until either:</p> <ol style="list-style-type: none"> a) further subdivision occurs coincidentally to the zone boundary, or b) the proposed lot is rezoned to a single zone. | <p>This is to ensure that Lot 4 will not develop under split-zoning, as this will need to be addressed in the future when development plans have been prepared.</p> |

Staff support the proposed changes and the proposed Covenant Amendment.

SUMMARY POINTS

- Covenant Amendment Application No. CA13 proposes to discharge and replace an existing Section 219 Covenant on the property titles of 1060, 1070, 1074, 1098 Douglas Avenue and 280 Tenth Street, in order to facilitate a proposed subdivision.
- The application will replace an existing subdivision plan with a new subdivision plan that is more reflective of current market conditions and will allow more flexibility in siting for the future multi-family development parcels.
- Staff support the proposed changes and the proposed covenant amendment.

ATTACHMENTS

ATTACHMENT A: Context Map

ATTACHMENT B: Location Plan

ATTACHMENT C: Covenant CA2476751 “Schedule A” (Existing Subdivision Plan)

ATTACHMENT D: Proposed Subdivision Plan

ATTACHMENT E: Aerial Photo

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