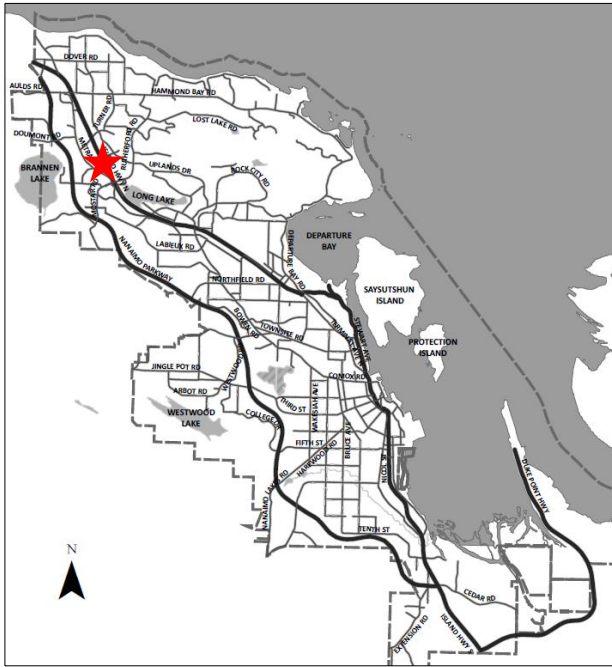


DATE OF MEETING | July 8, 2024 |

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING |

**SUBJECT** REZONING APPLICATION NO. RA498 - 5360 BERGEN-OP-ZOOM DRIVE



**Proposal:**

To allow a multi-family development

**Current Zoning:**

R1 – Single Dwelling Residential

**Proposed Zoning:**

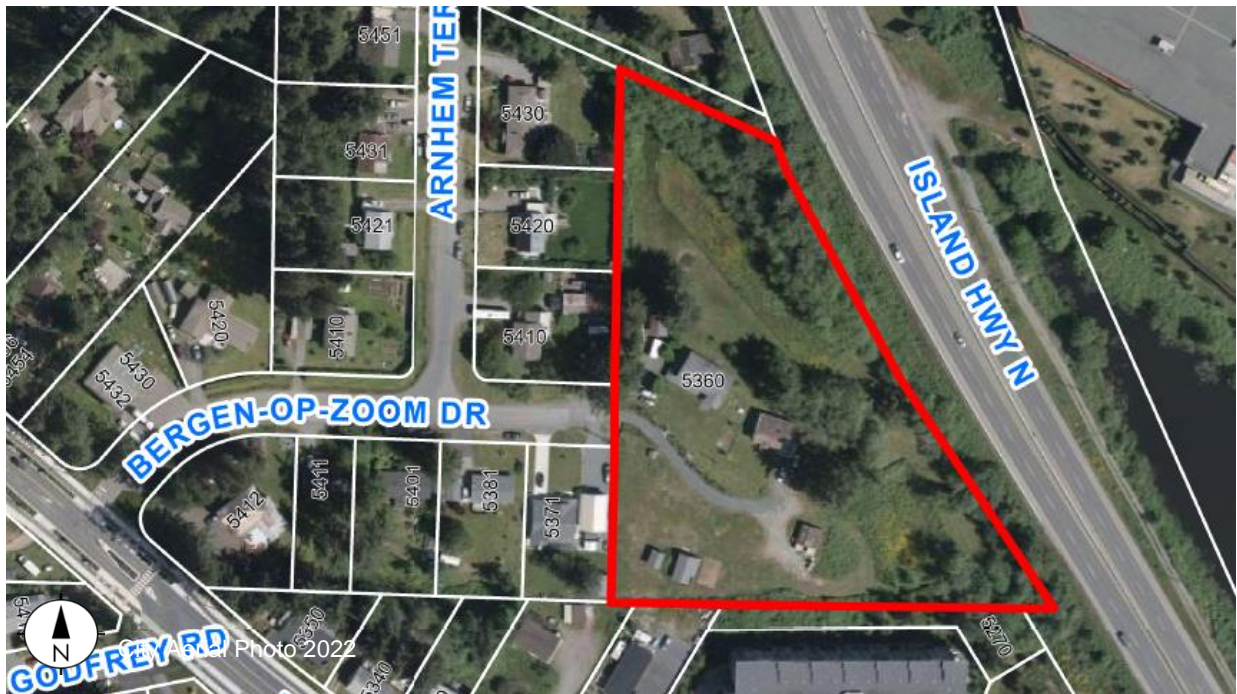
R8 – Medium Density Residential

**City Plan Land Use Designation:**

Residential Corridor

**Lot Area:**

1.46 ha



## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to rezone 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential (R1) to Medium Density Residential (R8) to allow a multi-family residential development.

### **Recommendation**

That

1. "Zoning Amendment Bylaw 2024 No. 4500.227" (to rezone 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential [R1] to Medium Density Residential [R8] pass first reading;
2. "Zoning Amendment Bylaw 2024 No. 4500.227" pass second reading;
3. "Zoning Amendment Bylaw 2024 No. 4500.227" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2024 No. 4500.227" as outlined in the "Conditions of Rezoning" section of the Staff Report dated 2024-JUL-08 prior to final adoption.

## **BACKGROUND**

A rezoning application, RA498, was received from Tony Harris Developments Inc., on behalf of Bozd (Land Development) Nominee Ltd., to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone the subject property at 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential (R1) to Medium Density Residential (R8) to facilitate a multi-family development.

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

The subject property is located in North Nanaimo between the terminus of Bergen-Op-Zoom Drive and Island Highway North. The property slopes approximately 6m downward to the northeast toward Island Highway North. Established single residential dwellings, multi-family developments, commercial developments, and parkland (Dublin Park to the south and Amsterdam Park to the north) predominantly characterize the surrounding area. The subject property currently contains a single residential dwelling and several accessory buildings.

Site characteristics of note include mature trees, a watercourse through the northeast portion of the site, and proximity to Metral Drive, a complete street and multi-modal transportation corridor with transit service, sidewalks, and dedicated bike lanes. The development is within walking distance to services and is well connected to the Nanaimo North Secondary Urban Centre.

### **Public Notification**

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed "Zoning Amendment Bylaw 2024 No. 4500.227" as the bylaw is consistent with the Official Community Plan (City Plan) and the purpose of the bylaw is to facilitate a residential development as outlined in this report.

Statutory notification of first reading occurred on 2024-JUN-27. |

## **DISCUSSION**

### **Proposed Zoning**

The applicant is proposing to rezone the subject properties from R1 to R8 to facilitate a multi-family residential development.

The conceptual plans submitted with the rezoning application illustrate how the site could be developed with two buildings in five-storey building forms consisting of a total 168 dwelling units. The proposed development complements the existing multi-family and commercial developments to the southeast. The development concept demonstrates that the R8 zoning requirements can be met, and the required parking can be provided onsite. Any additional variances, if proposed, would be confirmed through the design review at the Development Permit stage.

### **Policy Context**

#### *City Plan – Future Land Use*

City Plan identifies the subject property within the Residential Corridor land use designation, which supports medium density residential development along urban arterial and collector roads. The Residential Corridor designation supports a mix of building forms including low- to mid-rise residential apartments (three to six storeys). Rezoning to the R8 zone is supported by City Plan and meets the policy objectives of the Residential Corridor designation to allow residential densification close to the Metral Drive corridor near existing commercial services and employment centres, schools, and parks and open space.

The applicant submitted several technical studies in support of the proposed rezoning including geotechnical, environmental, civil, and tree management assessments. As part of the application review, a water model analysis was also completed to confirm available fire flows for the proposed development. Staff have reviewed and accepted the studies with the understanding that further review is required at the detailed design stage (Development Permit and Building Permit) to confirm the requirements for development.

#### *City Plan – Mobility Network*

The subject property is located along the Metral Drive corridor which connects to the Nanaimo North and Woodgrove Secondary Urban Centres as identified in Figure 36 of City Plan, with the Nanaimo North Secondary Urban Centre located directly across the Island Highway. Metral Drive is a frequent bus transit corridor and primary active mobility route. Supporting densification in this area would support City Plan objectives to create more housing diversity in an existing residential neighbourhood in close proximity to local services and mobility options.

Vehicle access to the site would continue from the existing access at the terminus of Bergen-Op-Zoom Drive which is designated as an Urban Local in Schedule 4 (“Road Network”).

As a condition of rezoning, the onsite roundabout will be designed and constructed with access secured by a statutory right-of-way (SRW) for use by the public and service vehicles as a turnaround. Additionally, the subject property fronts Island Highway along the northeast lot line and the Ministry of Transportation and Infrastructure (MoTI) have requested that the applicant

dedicate a 358.3m<sup>2</sup> triangular shaped portion of the lot to rectify a jog in the property line (Attachment C) and restrict access for the development to Bergen-Op-Zoom Drive.

### **Community Consultation**

The subject property is not within the area of an active neighbourhood association. The applicant hosted a Public Information Meeting on 2024-FEB-09 at the Pleasant Valley Social Centre, where approximately eight members of the public attended the meeting. A comment in support of the development was received and some attendees expressed concerns regarding parking, traffic, tree removal, building heights and drainage.

### **Community Amenity Contribution**

In exchange for the value conferred on the lands through rezoning, the application was reviewed in accordance with Council's *Community Amenity Contribution Policy*. Based on the 2023 rates at the time of application and the conceptual plans provided, an approximate monetary contribution of \$625,305 is anticipated in accordance with the multi-family CAC rate of \$41 per m<sup>2</sup> of multi-family gross floor area.

The following in-kind CACs are proposed as part of the rezoning:

1. A Publicly Accessible Pathway connecting Dublin Way to Bergen-Op-Zoom Drive – construction of a 3m wide publicly accessible pathway built to City Standard CS-21 (urban hard surface trail) with lighting.
2. A SRW for the publicly accessible pathway as well as a future connection from the pathway to Amsterdam Park (as shown on Attachment B) over the site be secured as a condition of rezoning.
3. Road Upgrades within Bergen-Op-Zoom Drive – construction of the south side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace, and both sides of Bergen-Op-Zoom Drive between Arnhem Terrace and Metral Drive to Urban Local design standard (UL-XS1).

The detailed cost estimate provided in support of the CAC proposal indicates that the in-kind CACs achieved through ultimate buildout is anticipated to exceed the monetary contribution that would otherwise be provided through rezoning. If applicable, any contribution to meet the ultimate value of the CAC would be based on the multi-family CAC rate of \$41 per m<sup>2</sup> of gross floor area and is to be directed towards local parks and trail improvements within the City of Nanaimo. Staff note CAC contributions may be reduced by 50% for market rental dwelling units when the rental tenure of the units is secured by a Section 219 covenant, or other legal means to the satisfaction of the City, to be confirmed at time of detailed design.

Staff support the proposed CACs.

### **Conditions of Rezoning**

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2024 No. 4500.227", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – an in-kind amenity contribution as follows:



- construction of a 3m wide publicly accessible pathway between Dublin Way and Bergen-Op-Zoom Drive with lighting built to City Standard CS-21 (with access secured by an SRW);
  - a blanket SRW to secure a future connection from the publicly accessible pathway to Amsterdam Park (to be reduced to a specific SRW once constructed);
  - construction of the south side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace, and both sides of Bergen-Op-Zoom Drive between Arnhem Terrace and Metral Drive to Urban Local design standard (UL-XS1); and,
  - If applicable, any monetary contribution to supplement the value of the proposed in-kind amenity based on a CAC rate of \$41 per m<sup>2</sup> of gross floor area is to be directed towards local parks and trail improvements within the City of Nanaimo.
2. *Road Dedication* – 358.3m<sup>2</sup> triangle shaped road dedication along the Island Highway prior to final adoption of the bylaw.
3. *On-site & Off-site Improvements* – registration of a Section 219 covenant to secure the following prior to building permit issuance:
- the design and construction of an onsite roundabout to be secured by a statutory right-of-way for use by the public and service vehicles as a turnaround;
  - construction of environmental protection fencing along the wetland setback; and,
  - vehicle access to the proposed development restricted to Bergen-Op-Zoom Drive.

### **SUMMARY POINTS**

- This application is to rezone the subject property from Single Dwelling Residential (R1) to Medium Density Residential (R8) to allow a multi-family residential development.
- The proposed development is consistent with City Plan policies for the Residential Corridor future land use designation.
- The conceptual plans illustrate two buildings consisting of 168 dwelling units.
- The applicant is proposing an in-kind Community Amenity Contribution including a publicly accessible pathway and offsite improvements.
- Staff support the proposed Zoning Bylaw amendment.

### **ATTACHMENTS**

ATTACHMENT A: Subject Property Map  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Landscape Plan  
ATTACHMENT D: Conceptual Building Perspectives  
“Zoning Amendment Bylaw 2024 No. 4500.227”

**Submitted by:**

Lainya Rowett  
Manager, Current Planning

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development