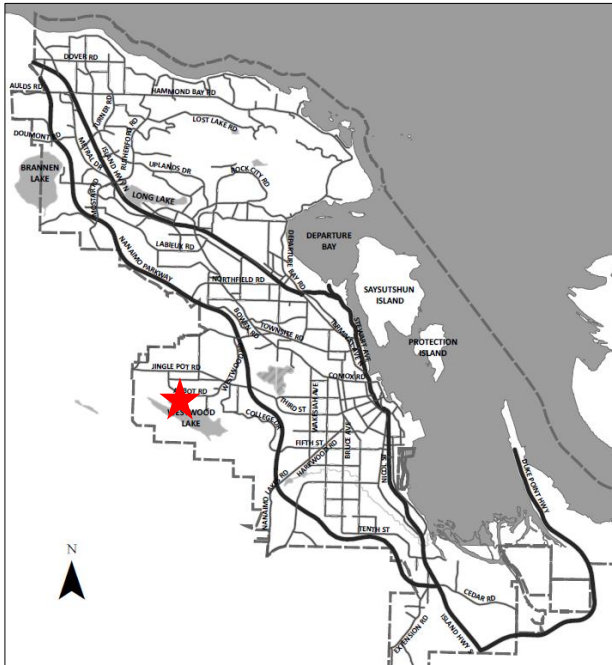


DATE OF MEETING | October 20, 2025 |

AUTHORED BY | KRISTINE MAYES, PLANNER, COMMUNITY PLANNING |

SUBJECT REZONING APPLICATION NO. RA512 – 2367 ARBOT ROAD



**Proposal:**

To allow a multi-family residential development.

**Current Zoning:**

CC6 – Commercial Recreation Centre

**Proposed Zoning:**

R6 – Low Density Residential with site-specific building height and lot coverage

**City Plan Land Use Designation:**

Suburban Neighbourhood

**Lot Area:**

1.15 ha



## **OVERVIEW**

### **Purpose of Report**

To present for Council's consideration an application to rezone 2367 Arbot Road from Commercial Recreation Centre (CC6) to Low Density Residential (R6) with a site-specific height and lot coverage in order to facilitate a multi-family development.

### **Recommendation**

That:

1. "Zoning Amendment Bylaw 2025 No. 4500.246" (to rezone 2367 Arbot Road from Commercial Recreation Centre [CC6] to Low Density Residential [R6] with a site-specific height and lot coverage) pass first reading;
2. "Zoning Amendment Bylaw 2025 No. 4500.246" pass second reading;
3. "Zoning Amendment Bylaw 2025 No. 4500.246" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2025 No. 4500.246" as outlined in the "Conditions of Rezoning" section of the Staff Report dated 2025-OCT-20 prior to final adoption.

## **BACKGROUND**

A rezoning application, RA512, was received from Grayland Consulting Ltd., on behalf of Overhead Management Ltd., to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone the subject property at 2367 Arbot Road from Commercial Recreation Centre (CC6) to Low Density Residential (R6) with site-specific building height and lot coverage to facilitate a multi-family development.

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

The subject property is located in the Westwood neighbourhood on the south side of Arbot Road, west of the Mill Road intersection. The site has a grade change of approximately eight metres, sloping downward to the south towards Westwood Lake. Notable site characteristics include mature trees in the southern portion of the lot. The surrounding area is predominantly characterized by established single-family dwellings, a retreat centre, recreational vehicle and mobile home parks, and Westwood Lake Park.

The subject property contains an existing recreational facility (tennis club) that was originally developed under Land Use Contract (LUC) LUC78 and LUC1638. LUCs were site-specific agreements established in the 1970s between the local governments and property owners to permit developments that did not conform to existing zoning bylaws in effect at that time. In accordance with 2014 amendments to the *Local Government Act*, all LUCs were terminated on 2024-JUN-30. As the subject property is zoned CC6, the recreational facility use is permitted under existing Zoning Bylaw No. 4500. Should the proposed rezoning be approved, the recreational facility and its accessory uses will become non-conforming, however it is the applicant's intent for the property to be redeveloped for multi-family use. In accordance with Section 528 of the *Local Government Act*, the non-conforming uses may continue to operate, subject to the limitations outlined in the legislation until such a time that the property redevelops.

## Public Notification

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed “Zoning Amendment Bylaw 2025 No. 4500.246” 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 2025-OCT-09. |

## DISCUSSION

### Proposed Zoning

The applicant is proposing to rezone 2367 Arbot Road from Commercial Recreation Centre (CC6) to Low Density Residential (R6) with site-specific principal building height (maximum 9m for flat roofs and 10.5m for sloped roofs) and a site-specific lot coverage of 30%.

A comparison between the existing CC6 zone and the proposed site-specific R6 zone is shown in the table below:

	Existing CC6 Zone	Proposed (Site-Specific) R6 Zone
<b>Permitted Principal Uses</b>	Artist Studio Assembly Hall Bingo Hall Club or Lodge Commercial School Cultural Facility Daycare Electric Vehicle Charging Station Golf Course Museum Recreational Facility University, College, Technical School	Duplex Multiple Family Dwelling Rooming House Single Residential Dwelling
<b>Permitted Accessory Uses</b>	<i>Accessory Dwelling Unit</i> <i>Arcade, Lounge</i> <i>Short-Term Rental</i> <i>Restaurant</i> <i>Retail Pro Shop</i>	<i>Boarding &amp; Lodging</i> <i>Daycare</i> <i>Home Based Business</i> <i>Secondary Suite</i> <i>Short-Term Rental</i>
<b>Density</b>	No more than one accessory dwelling unit. Non-residential uses are limited in Gross Floor Area by setbacks, lot coverage and height.	0.45 FAR Schedule D Tier 1: +0.1 / Tier 2: +0.15
<b>Setbacks</b>	Front Yard: 7.5m Side Yard: 3m Rear Yard: 7.5m Watercourse: 15m	Front Yard: 3m Side Yard: 3m Rear Yard: 7.5m Watercourse: 15m
<b>Lot Coverage</b>	50%	30%
<b>Principal Building Height</b>	14m	9m (flat roof, < 4:12 pitch) 10.5m (sloped roof, ≥ 4:12 pitch)

The conceptual plans submitted with the rezoning application illustrate a potential redevelopment of the site with 10 three-storey townhouse buildings, comprising approximately 30 dwelling units.

The R6 zone, site-specific building height and reduced lot coverage are intended to support a lower intensity residential development that aligns with the City Plan future land use designation than the range of commercial uses currently permitted under the existing CC6 zone. The applicant initially proposed a concept based on the Row House Residential (R7) zone but subsequently revised their proposal to a site-specific R6 that incorporates setbacks and density that better align with the surrounding semi-rural neighbourhood character and demonstrates a clustered development outside the environmentally sensitive area (ESA).

The development concept demonstrates that the R6 zoning requirements, including site-specific provisions for building height and lot coverage, can be met, and that the required parking can be provided onsite. Any variances, if proposed, would be identified and addressed through the design review process at the Development Permit stage.

## **Policy Context**

The proposed rezoning is consistent with City Plan, including the specific policy areas highlighted below.

### *City Plan – Future Land Use*

City Plan identifies the subject property within the Suburban Neighbourhood future land use designation, which supports ground-oriented development in residential areas that are farther from services and transit hubs. The Suburban Neighbourhood designation supports a mix of building forms including townhouses up to three storeys. The proposed rezoning to allow townhouses up to three storeys is consistent with City Plan policies for the Suburban Neighbourhood future land use designation and would facilitate a multi-family development in an existing neighbourhood.

The applicant submitted a number of technical studies in support of the proposed rezoning including, a riparian restoration plan; woodpecker cavity nest report; and, preliminary servicing reports which demonstrates a viable proof of concept. Staff have reviewed and accepted the studies provided, with the understanding that further analysis would occur at the detailed design stage (Development Permit and Building Permit).

### *City Plan – Parkland and Park Amenity Management & Urban Tree Canopy, Natural Areas, and Greenways*

The subject property is adjacent to Westwood Lake Park, with the Westwood Lake Park Trail running along its southern boundary. City Plan identifies waterfront areas as priority locations for additional park acquisition and opportunities to secure public access. To support community objectives for this area, several measures are recommended to be secured as conditions of rezoning:

- Park dedication and restoration of the Westwood Lake leave strip (Area 1);
- Provision of a 3m wide statutory right-of-way (SRW) with construction and maintenance of a public pathway connecting Arbot Road to the Westwood Lake Park Trail through future development with a maximum 1.2m high fence; and
- Additional restoration and tree protection within a portion of the property adjacent to the leave strip (Area 2) to preserve mature trees for additional visual and noise buffering between the proposed development and the lake.

### *City Plan – Mobility Network*

The subject property is located outside of an urban centre as identified in Figure 36 of the City Plan, with the nearest centre being the University Secondary Urban Centre (approximately 2.7km to the east). Vehicle access to the site would continue from Arbot Road which is designated an Urban Local in Schedule 4 (“Road Network”) of City Plan. The subject property is within 70m of a transit route, 180m from a bus stop along Arbot/Mill Road and is adjacent to the Westwood Lake trail. The proposed park dedication, restoration and public pathway connection between Arbot Road and Westwood Lake will enhance the existing active transportation network in this neighbourhood.

### **Community Consultation**

The applicant hosted a Public Information Meeting (PIM) on 2024-NOV-06 at the Nanaimo Christian School, where approximately 70 members of the public attended the meeting. Attendees expressed concerns regarding densification, proposed townhouse building form, off-street parking and traffic in the neighbourhood, future road network, impact on the park, stormwater runoff, and the impact on the neighbouring retreat centre. Following the PIM, the applicant:

- Changed the proposal from a R7 zone to a site-specific R6 zone with lower density and lot coverage, and greater yard setbacks.
- It was clarified with the applicant that a road reserve area was not required, and the proposed multi-family development will be accessed by a private roadway.
- Revised plans to show securing park dedication of the Westwood Lake leave strip, a public pathway from Arbot Road to the Westwood Lake trail, and additional areas onsite to be restored and protected. These commitments will be secured as condition of rezoning approval.

Staff note stormwater retention and detention is required to be provided per City requirements to maintain runoff at pre-development levels.

### **Community Amenity Contribution**

In exchange for the value conferred to the lands through rezoning, the applicant is encouraged to provide a Community Amenity Contribution (CAC) in accordance with Council’s *Community Amenity Contribution Policy*. Using the rate at the time of receiving the application (2024), the CAC would be calculated at \$5,600 per townhouse unit. Based on the conceptual plans, a monetary contribution of approximately \$168,000 is anticipated. The applicant is proposing a monetary contribution with 40% to be directed toward the City’s Housing Legacy Reserve Fund and the remaining 60% to be directed toward parks and trail improvements initiatives within the City. The CAC contribution rate will be secured as a condition of rezoning to be paid prior to Building Permit issuance. Staff support the proposed CAC.

The CAC is in addition to the park dedication, restoration, and public pathway improvements which will provide community benefit and amenities in the Westwood Lake Park area.

### **Conditions of Rezoning**

Should Council support the application and pass third reading of “Zoning Amendment Bylaw 2025 No. 4500.246”, Staff recommend that the following items be secured prior to final adoption of the bylaw:

1. *Park Dedication & Restoration* – park dedication and restoration (generally in accordance with the standards within the Manual of Engineering Standards and Specifications of the Westwood Lake leave strip) generally as shown on Attachment B as Area 1 (to be surveyed) prior to final adoption of “Zoning Amendment Bylaw 2025 No. 4500.246”.
2. *Community Amenity Contribution* – registration of a Section 219 covenant to secure a monetary contribution equal to \$5,600 per townhouse unit in accordance with Council’s Community Amenity Contribution Policy, with 40% to be directed towards the City’s Housing Legacy Reserve Fund and 60% to be directed towards parks and trail improvements within the City of Nanaimo, to be paid prior to building permit issuance.
3. *Restoration & Protection Fencing* – registration of a Section 219 covenant to secure the following, generally as shown on Attachment B, prior to building occupancy:
  - Restoration of Area 2 generally in accordance with the standards within the Manual of Engineering Standards and Specifications.
  - No build and no disturbance in Area 2 (following restoration).
  - Construction of restoration protection fencing along the northern edge of Area 2.
  - Construction of environmental protection fencing along the northern edge of Area 1 (leave strip of Westwood Lake).
4. *Public Pathway & Fencing* – registration of a Section 219 covenant to secure the following:
  - Design, construction, and maintenance of a public pathway within a 3m wide statutory right-of-way (SRW) built to City Standard CS-21 (or a standard acceptable to the City) connecting Arbot Road to Westwood Lake, prior to building occupancy generally as shown on Attachment B.
  - A maximum fence height of 1.2m along the edge of the public pathway. |

#### **SUMMARY POINTS**

- |This applicant is proposing to rezone 2367 Arbot Road from Commercial Recreation Centre (CC6) to Low Density Residential (R6) with site-specific building height and lot coverage in order to facilitate a multi-family development.
- The conceptual plans illustrate 10 townhouse buildings with approximately 30 dwelling units.
- A monetary Community Amenity Contribution is proposed to be directed to the City’s Housing Legacy Reserve Fund and parks and trail improvements. Park dedication of the Westwood Lake leave strip, onsite restoration, and provision of a public pathway within a 3m SRW have also been secured as conditions of the rezoning.
- The proposed zoning meets the intent of City Plan policies for the Suburban Neighbourhood future land use designation and would redevelop a recreational property to a multi-family development in an existing neighbourhood while enhancing existing environmentally sensitive and recreational areas adjacent to Westwood Lake.
- Staff support the proposed Zoning Bylaw amendment. |

**ATTACHMENTS**

ATTACHMENT A: Subject Property Map  
ATTACHMENT B: Conceptual Site Plan  
ATTACHMENT C: Conceptual Building Perspectives  
“Zoning Amendment Bylaw 2025 No. 4500.246”

**Submitted by:**

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