

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUL-20

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000350 – 1099 BRUCE AVENUE

STAFF RECOMMENDATION:

That Council:

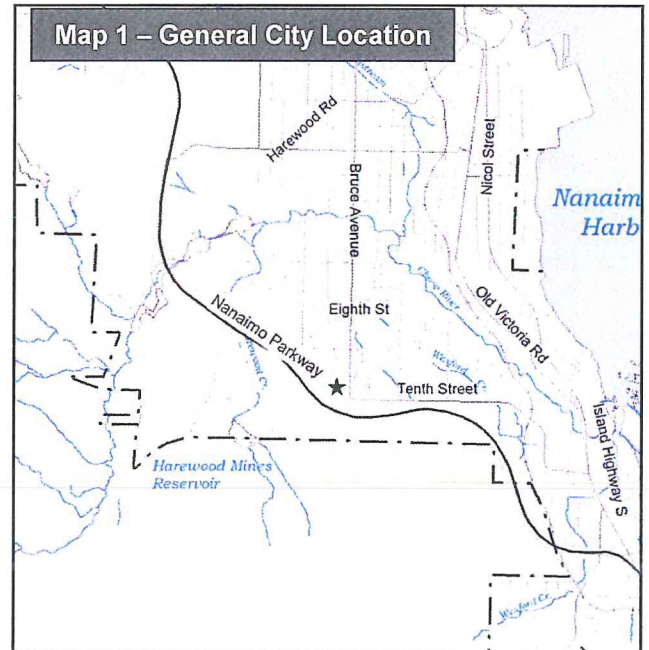
1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2015 NO. 4500.079”; and
2. provide direction to Staff regarding the proposed community contribution and direct Staff to secure the contribution prior to the adoption of the bylaw, should Council support the bylaw at Third Reading.

PURPOSE:

The purpose of this report is to present a rezoning application to rezone a portion of the property located at 1099 Bruce Avenue from Steep Slope Residential (R10) to Duplex Residential (R4) in order to permit 11 duplex lots.

BACKGROUND:

The City has received a rezoning application from Keith Brown & Associates Ltd., on behalf of Mr. Alan Steeves, to rezone 11 proposed lots on a portion of the subject property from Steep Slope Residential (R10) to Duplex Residential (R4) to permit an additional unit on each of the 11 lots.



Subject Property

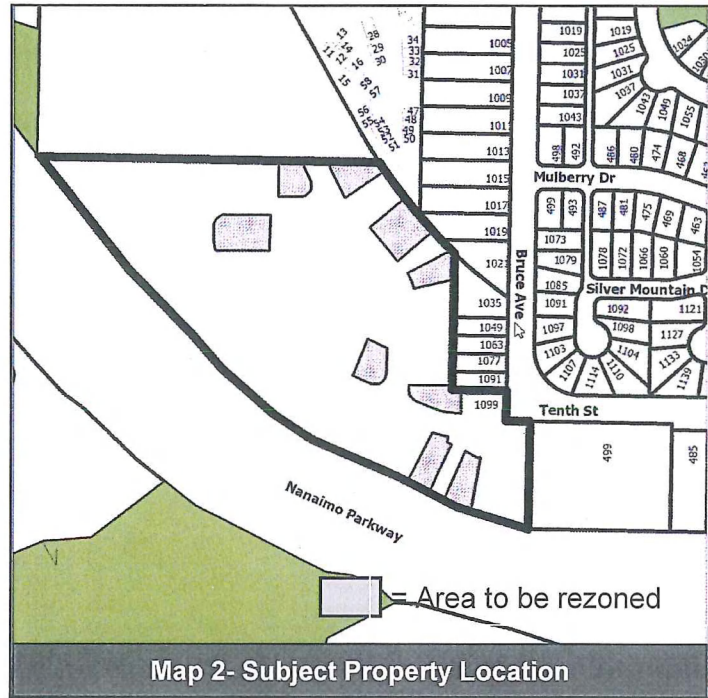
Current Zone	Steep Slope Residential (R10)
OCP Designation	Neighbourhood
Neighbourhood Plan (Harewood)	Neighbourhood
Proposed Zone	Duplex Residential (R4)
Purpose	To permit 11 duplex lots
Location	Corner of Tenth St. and Bruce Ave., north of the Nanaimo Parkway
Lot Size / Total Area	Subject property- 64,643m ² (16.0 acres) Area to be rezoned- 8,570m ² (2.1 acres)

Council
 Committee.....
 Open Meeting
 In-Camera Meeting
 Meeting Date: 2015-JUL-20

DISCUSSION:

Site and Surrounding Area

The subject property was formally part of a larger 57.62ha property, commonly referred to as Harewood Plains. In 2012, the Harewood Plains property was subdivided in order to create four parcels and separate the developable portion of the property from ecologically significant areas that required protection. The subdivision included the subject property and 13.13ha of area dedicated as park. The park area includes a significant environmentally sensitive area containing rare 'lotus pinnatus' plants (the City's floral emblem). Eighty percent of lotus pinnatus plants found in Canada can be found in the Harewood Plains. There is no environmentally sensitive habitat included within the property, subject to this application.



The subject property is located west of the intersection of Bruce Avenue and Tenth Street and bordered by the Nanaimo Parkway to the south. The property is included within the Nanaimo Parkway Design Development Permit Area No. 4 (DPA4). Surrounding land uses are primarily single residential lots.

Official Community Plan

The subject property is located within the Neighbourhood designation in both the Official Community Plan (OCP) and the Harewood Neighbourhood Plan. The Neighbourhood designation provides for lower density residential areas. Development in neighbourhoods will be characterized by a mix of low density residential uses and may include detached and semi-detached dwelling units, secondary suites, special needs housing, mobile homes, duplexes, triplexes, quadruplexes and townhouses. Residential densities from 10 to 50 units per hectare, in two to four-storey building forms, will be supported in neighbourhoods.

When calculated, based on individual lot sizes ranging from 700m² to 1,043m², the proposed rezoning equates to a density of 28 to 14 units per hectare respectively. The overall density of the subject property including the proposed subdivision and 11 duplex lots is 86 units, which equals 13 units per hectare. The density calculation does not include the multiple family lot, as the number of units on this lot are unknown at this time. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

Nanaimo Transportation Master Plan Considerations

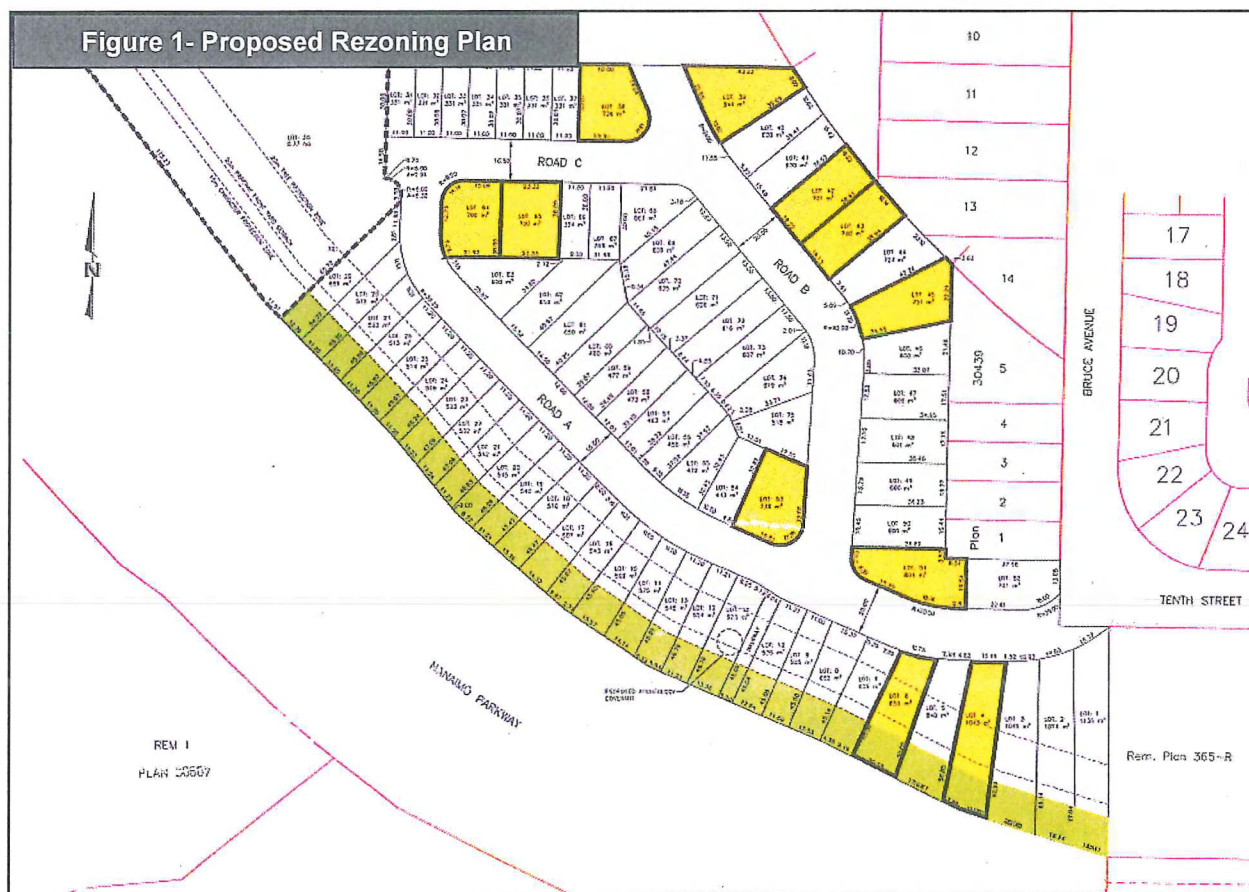
The subject property is located in a neighbourhood area, outside of a mobility hub. The proposed subdivision includes a walkway which will directly connect to the parkway trail. A bicycle lane along Bruce Avenue and Tenth Street, in front of the subject property, is included as a short term goal within the Cycling Network Plan.

The No. 6 Bus (Harewood) stops approximately 400m north of the subject property. The bus route generally runs hourly and connects Harewood with Vancouver Island University and the downtown.

The subject property is approximately 800m south of the existing Neighbourhood Commercial Centre, which includes the Co-op Gas station, located at Eight Street and Bruce Avenue.

Proposed Development

The applicant has submitted a subdivision application for a 75-lot subdivision of the subject property; in accordance with the Steep Slope Residential (R10) zone. The majority of lots will be developed as single residential lots, a number of these are small lots (less than 500m²). The applicant is applying to rezone a portion of the property to permit duplex lots. The area to be rezoned includes 11 separate proposed lots ranging in lot area from 700m² to 1,043m², as shown in Figure 1- Proposed Rezoning Plan.



Five of the 11 duplex lots are corner lots and all lots meet or exceed the minimum lot size requirement (700m²) for the R4 zone.

Lot 30, a 7,700m² lot, is planned for a multiple family residential development. The applicant has elected to address the proposed multi-family development through a future rezoning application.

The R10 zone typically allows the developer to transfer density from additional park dedication to developable areas of the lot; however, as the park area has been dedicated within a site which has already been subdivided from the subject property, the applicant is not able to transfer density to the subject property.

The applicant's letter of rationale is included as 'Attachment A'

Community Contribution

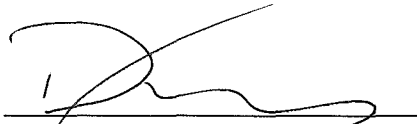
As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant is proposing a monetary contribution of \$11,000 towards local park improvements.

The \$11,000 contribution proposed is based on the number of additional units that will be permitted if the rezoning is adopted and not the total number of units to be constructed. Since 2009, the community contribution amount for duplex rezoning has been based on the total amount of units permitted (2 units * \$1000= \$2000) within the subject area and not just the additional units permitted through the rezoning. As such, the expected community contribution for the proposed rezoning is \$22,000 to account for the 22 units permitted on the 11 duplex lots. If Council chooses to accept the proposed \$11,000 community contribution, it will not only provide a significant reduction compared with similar applications but also represent a precedent setting shift in policy regarding the community contribution values received. While Staff understand the applicants rationale the proposed change will set a new precedent for community contributions and as such Staff are seeking Councils direction.

Respectfully submitted,


B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:


D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT

for 
T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.
Drafted 2015-JUL-07
DS/hd

ATTACHMENT A

KEITH BROWN ASSOCIATES LTD.
5102 Somerset Drive Nanaimo, BC V9T 2K6
Tel. (250)758-6033 Cel. (250)741-4776

April 27, 2015

File No. 949.15

City of Nanaimo
411 Dunsmuir Street
Nanaimo, BC V9R 0E4

Attention: Dave Stewart, Planner
Planning and Design Section
Community Safety and Development

RECEIVED

APR 29 2015

RA350
CITY OF NANAIMO
PLANNING & DESIGN

Dear Sir:

**SUBJECT: PROPOSED RESIDENTIAL LOT REZONING AMENDMENT APPLICATION
WITHIN SUBDIVISION OF LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN
VIP50607, EXCEPT PART IN PLAN VIP61106 & VIP64965.**

This application represents the proposal for rezoning eleven subdivision lots from R10 to R4 Zone. These lots are currently under construction (City File SUB00997).

Lot 30 (0.77 ha.) is planned for a multiple family development and will be advanced as a separate rezoning application.

The City's Official Community Plan encourages a range of housing options. The subject lands (6.46 ha.) provides the opportunity for the planning of mixed uses within the development. While the increases in density is minimal the inclusion of the proposed duplexes will provide for diversity of housing.

The following documentation is submitted in support of the Rezoning Application:

1. Completed Rezoning Application.
2. Rezoning Application Check List.
3. Copy of owner's letter acknowledging Agent for rezoning.
4. Cheque payable to City (\$1,500.) representing Rezoning Application fee.
5. Copy of current Title search.
6. 3 coloured 8 ½ "x 11" and 3 coloured 11" x 17" copies of J.E. Anderson's Rezoning Plan denoting subject lots for rezoning.

We are not providing a Schedule 1 Site Profile and other site servicing data as they were included with the Subdivision Application/Approvals process.

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For your consideration, the owner commits to the provision of a Community Contribution of \$1,000. for each additional unit given the perceived increase in value through the rezoning process. The value represents \$11,000. for the eleven lots being zoned to R4. The owner requests the Community Contribution be directed towards local area park improvements. Payment of the \$11,000. will be provided to the City prior to final adoption of the zoning amendment bylaw.

We thank you for your consideration to the foregoing and would be pleased to respond to questions raised.

Yours truly,



R.K. Brown,
Consultant Planner

Enc.

cc. Alan Steeves
6203 Parktree Court
Surrey, BC V3X 1Z7
e-mail: alansteeves@gmail.com

Jeff Tomlinson, Manager of Engineering
J.E. Anderson & Associates
e-mail: jtdiavik@gmail.com

CITY OF NANAIMO

BYLAW NO. 4500.079

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 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 2015 NO. 4500.079".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning a portion of the lands legally described as LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN 50607 EXCEPT PARTS IN PLANS VIP61106, VIP65965 AND EPP22207 (1099 Bruce Avenue) from Steep Slope Residential (R10) to Duplex Residential (R4), as shown on Schedule A.

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

MAYOR

CORPORATE OFFICER

File: RA000350
Address: 1099 Bruce Avenue

