

City of Nanaimo

REPORT TO COUNCIL

DATE OF MEETING: 2015-JUL-20

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

RE: REZONING APPLICATION NO. RA000353 – 6003 NELSON ROAD

STAFF RECOMMENDATION:

That Council:

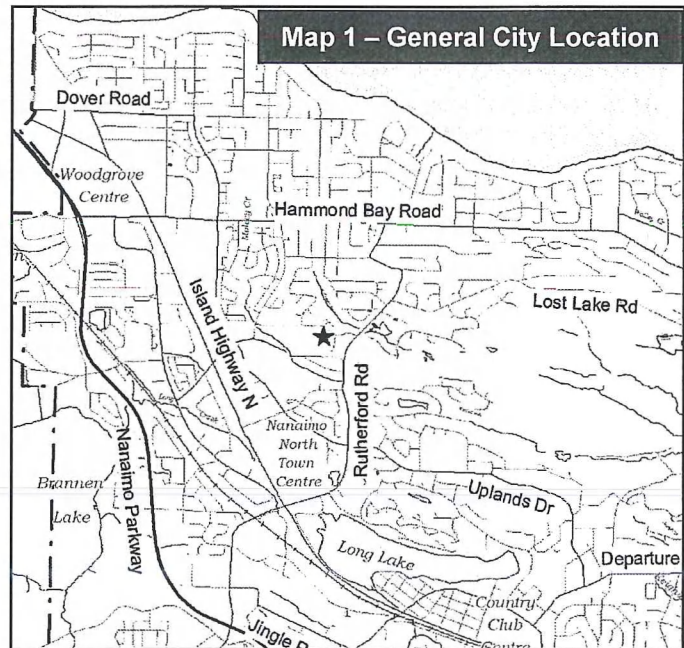
1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2015 NO. 4500.080”; and
2. direct Staff to remove the existing covenants from the proposed Single Dwelling Residential lot as a condition of subdivision.

PURPOSE:

The purpose of this report is to present a rezoning application to rezone a portion of the property located at 6003 Nelson Road from Medium Density Residential (R8) to Single Dwelling Residential (R1) in order to permit the subdivision of an existing home from the remainder of the property.

BACKGROUND:

The City has received a rezoning application from Mr. Chris Song (Song’s Construction Ltd.) on behalf of Kyuyoung and Yuenjoo Song, to rezone a portion of the subject property from Medium Density Residential (R8) to Single Dwelling Residential (R1) in order to subdivide an existing home from the remainder of the property.



Subject Property

Current Zone:	Medium Density Residential (R8)
OCP Designation:	Neighbourhood / Corridor
Proposed Zone:	Single Dwelling Residential (R1)
Purpose:	To permit the subdivision of an existing home from the remainder of the property.
Location:	Nelson Road, east of Randerson Ridge Elementary School and north of Oliver Woods Park.
Lot Size / Total Area:	Subject property- 14, 964m ² (3.7 acres) Area to be rezoned- 977m ² (0.24 acres)

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

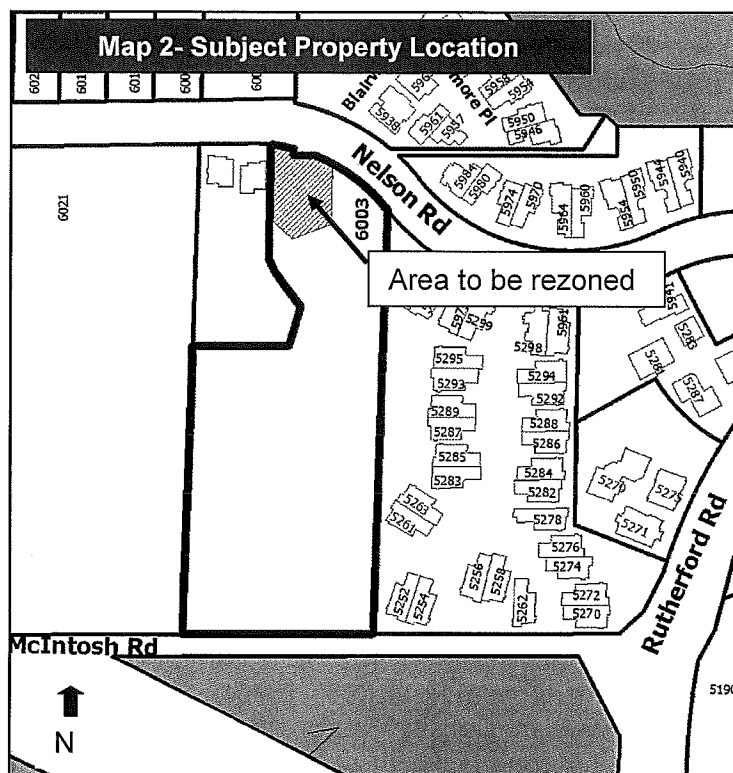
DISCUSSION:

Site and Surrounding Area

The subject property is a 14,964m² property on Nelson Road with an existing residential dwelling on the lot.

The property was originally part of a larger parcel that was rezoned in 1999 to permit a 74 unit townhouse development. A portion of the original lot has since been subdivided from the subject property and includes Phase 1 of the townhouse development to the west of the subject area. A significant watercourse is included on the subject property and is protected through a covenant which was registered on the lot as part of the earlier rezoning.

The area subject to rezoning is 977m² in area and includes the existing single residential dwelling which was constructed prior to the 1999 rezoning. The subject area is bordered by the watercourse covenant to the south and Nelson Road to the north.



Official Community Plan

The majority of the subject property, including the area subject to rezoning, is located within the Neighbourhood designation of the Official Community Plan (OCP). 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.

The rezoning of subject area to permit the single residential dwelling equates to a density of 11 units per hectare, which falls within the Neighbourhood density range, as noted above. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

A small portion within the southern portion of subject property is included within the Corridor designation of the OCP; however, this portion of the property is not subject to rezoning.

Nanaimo Transportation Master Plan Considerations

The subject property is located in the 600m buffer area from the North Nanaimo mobility hub. The proposed subdivision includes a walkway which will directly connect to the parkway trail. The nearest bus stop to the subject property is at the corner of Nelson Road and Rutherford Road, approximately 250m to the east.

Proposed Development

The applicant plans to construct a townhouse development as permitted through the earlier rezoning on the subject property. The proposed development will be constructed as a building strata in which the buildings are owned individually but the surrounding land is held in common. In order to include the existing single residential dwelling within the strata the existing dwelling needs to meet existing British Columbia Building Code requirements which would result in significant reconstruction of the dwelling.

Rather than include the existing dwelling within the strata, the applicant has chosen to subdivide that portion of the property that includes the dwelling from the remainder of the lot, as shown on “Figure 1 – Subdivision Plan”.

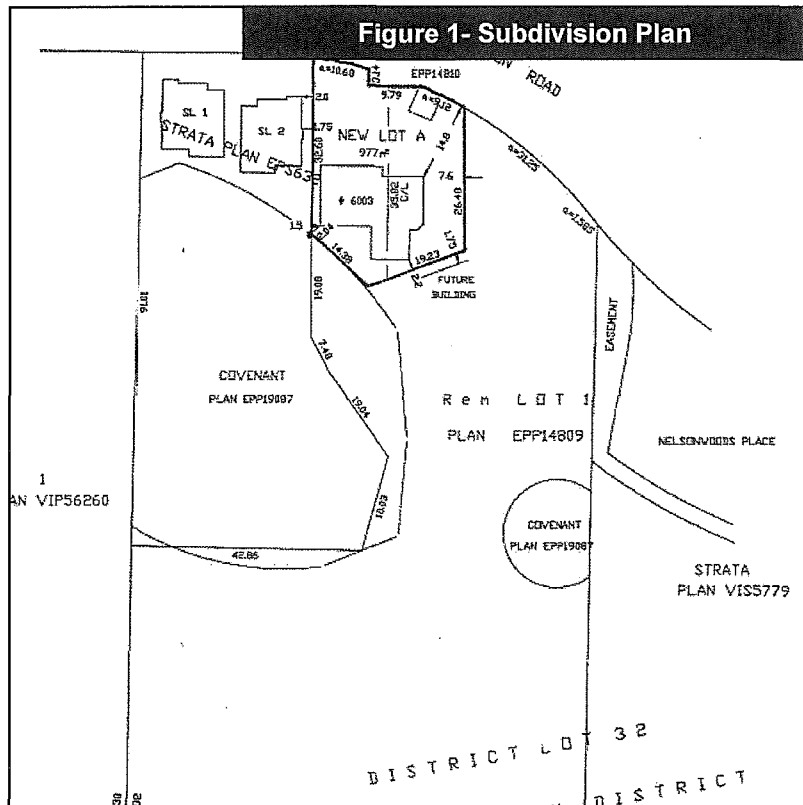
The existing Medium Density Residential (R8) zoning requires a minimum lot area of 1,800m². In order to permit the proposed 977m² lot, the applicant is requesting this portion of the property be rezoned to Single Dwelling Residential (R1). The proposed lot exceeds the 500m² minimum lot area requirement of the R1 zone.

While the dwelling will not be part of the proposed strata, the applicant plans to blend the house in with the surrounding strata units through painting and landscaping.

Through the 1999 rezoning, a number of covenants were registered on the subject property in order to address the following issues:

- No gates permitted to block vehicle or pedestrian entrance (CA2581397)
- Protection of wetland and a significant Arbutus tree on the lot (CA2581400)
- No build until required works and services are constructed (CA2581393)
- Limit density to no more than 74 units; lot coverage to no more than 25%; and require 33% of the required parking spaces to be underground (EW46055/EN16363).

The underground parking requirement was reduced from 57% to 33% through a previous rezoning application (RA98). The above covenants were developed to support a strata property development. The Arbutus tree protection and wetland covenant areas are not located within the area to be rezoned, although the wetland covenant area abuts the rear property line of the proposed single dwelling residential lot. A fence along the wetland boundary will be required through the subdivision of the lot. The covenants remain relevant for the majority of the lot but are not appropriate for the proposed single residential dwelling lot subject to the rezoning. Staff recommends the covenants be discharged through the subdivision process.

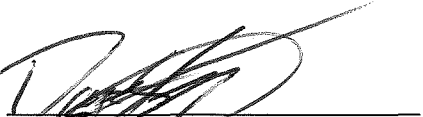


The applicants letter of rationale is included as 'Attachment A'

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. Given the proposed rezoning application does not permit any additional density on the property but rather reduces the allowable the density on the property, a community contribution was not requested or offered.

Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT



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

CITY MANAGER COMMENT:

I concur with the staff recommendation.

Drafted 2015-JUN-30
DS/hd

Rational letter for 6003 Nelson rd. Rezoning

Background information

The old house was planned to be part of the strata 5 years ago when the development permit was approved for 6003 Nelson road. At the time, the old house didn't require any major upgrades to be part of the strata. However, since the change of the building code and change of city members who supported the idea, now it cannot be part of the strata without major reconstruction of the structure. After careful review from various city members, it is now recommended that the best solution is to rezone the old house and take it out from the strata.

Reason for the rezoning

If the old house becomes part of the strata, it needs to be rebuilt to current building code according to strata conversion regulations. However, the old house is in great condition outside and inside. It would be a great waste of resources to tear down what is in good condition. The old house was built with quality materials and it is expected to last as much as any other new houses. By rezoning the old house, the future strata doesn't have to worry about possible conflict or any unwanted cost issues that might arise due to difference in the structure of the houses. Since the owner of the old house is also the developer and the owner of the strata, it is in his best interest to make the old house look cohesive with the surroundings.

How to make the old house blend in with surrounding strata

- Outside the old house will be painted to match the look of the strata.
- Landscape will be done to match the look of the strata.
- The pond setback area will be fenced off with the same fence with the strata to create seamless look around the pond and create privacy for the strata.
- All the required easement will be issued for the strata.

Sunghun Song (project manager)



2015/05/19th

Kyuyoung Song (owner/developer)



2015/05/19th

CITY OF NANAIMO

BYLAW NO. 4500.080

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. 4500.080".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

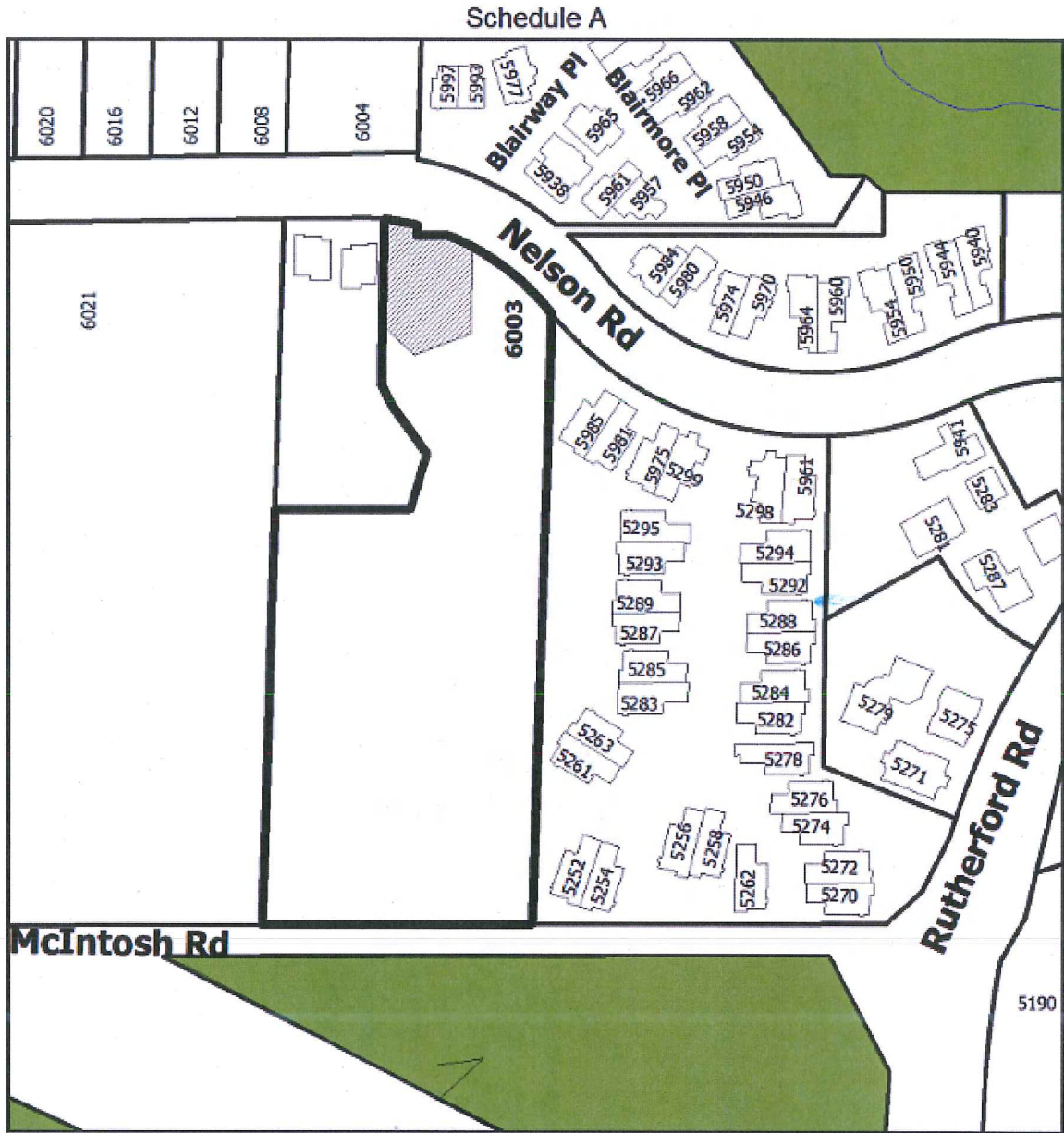
By rezoning a portion of the lands legally described as LOT 1, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN EPP14809 EXCEPT PART IN STRATA PLAN EPS632 (PHASE 1), (6003 Nelson Road) from Medium Density Residential (R8) to Single Dwelling Residential (R1), as shown on Schedule A.

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

MAYOR

CORPORATE OFFICER

File: RA000353
Address: 6003 Nelson Road






REZONING APPLICATION NO. RA000353

LOCATION PLAN

Civic: 6003 Nelson Road



-  Subject Property
-  Portion to be Rezoned
-  Parks & Open Spaces