

DATE OF MEETING | September 17, 2018 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | **DEVELOPMENT PERMIT APPLICATION NO. DP927**
– 5757 TURNER ROAD, 6010 AND 6020 LINLEY VALLEY DRIVE |

OVERVIEW

Purpose of Report

To present for Council's consideration, a development permit application to allow a reduction in the watercourse setback in order to permit future subdivision of the property. |

Recommendation

That Council issue Development Permit No. DP927 at 5757 Turner Road, 6010 and 6020 Linley Valley Drive with the following variance:

- reduce the watercourse setback measured from the top of bank of the creek from 15m to 7.5m from the centreline of the creek. |

BACKGROUND

A development permit application, DP927, was received from Williamson & Associates Professional Surveyors and MacDonald Gray Consultants on behalf of Insight Holdings Ltd. in order to reduce the watercourse setback from the top of bank of Molecey Creek in order to allow for subdivision, park dedication, and future development of the subject properties.

Subject Property

<i>Zoning</i>	PRC1 - Parks, Recreation and Culture One COR3 - Community Corridor R8 - Medium Density Residential R6 - Townhouse Residential
<i>Location</i>	The subject properties are included between Linley Valley Drive, Turner Road, and Nelson Road to the west of Randerson Ridge Elementary School.
<i>Total Area</i>	5757 Turner Road - 1.34ha 6020 Linley Valley Drive - 1.08ha 6010 Linley Valley Drive - 0.90ha Total Area - 3.32ha
<i>Official Community Plan</i>	Map 1 - Future Land Use Designation – Corridor/ Neighbourhood Map 2 - Development Permit Area No. 2 - Environmentally Sensitive Areas
<i>Relevant Design Guidelines</i>	General Development Permit Area Design Guidelines

The subject properties were previously included within a rezoning application (RA319) to support a mixed-use development that includes office, retail, and multiple-family residential uses. The rezoning amendment bylaw was adopted on 2015-AUG-17. Molecey Creek runs down the middle of the subject properties in a southeast to northwest direction. The portion of the property to the south of Molecey Creek is now zoned Community Corridor (COR3), while the area to north of the creek is zoned Medium Density Residential (R8) and Townhouse Residential (R6).

Through the rezoning process, the applicant proposed to construct a linear park and trail along Molecey Creek, which will separate the corridor commercial uses on Linley Valley Drive from the residential uses fronting Nelson Road (see Zoning Map in Attachment E). The proposed development plan provides a 7.5m setback on either side of Molecey Creek, plus a 5m trail right-of-way along the north side of Molecey Creek. The Molecey Creek corridor was rezoned as a nature park (PRC1) and will be dedicated to the City as parkland through future subdivision. The size of the park area was based on an anticipated variance to reduce the watercourse setback to 7.5m from the centerline of the creek.

DISCUSSION

Proposed Development

In order to complete the development plans as included within the previous rezoning application, the applicant is proposing to reduce the watercourse setback from 15m from the top of bank of Molecey Creek to 7.5m from the centreline of the creek.

Molecey Creek flows from the wetlands adjacent to Oliver Woods Park through the subject properties, after which it enters the City of Nanaimo storm drainage system at the intersection of Glacier Way and Strathcona Place, and is contained underground within the storm drainage system for approximately 2.4km before discharging into the ocean. Within the subject properties, the creek appears as an ephemeral (dry in the summer) man-made ditch. The applicants' Qualified Environmental Professional (QEP) notes the creek has relatively low aquatic value, does not provide or flow to fish habitat, and is therefore not subject to the provincial Riparian Area Regulations. Garbage and refuse were observed within the creek channel by Staff and the QEP during site visits.

To compensate for the 7.5m watercourse variance, the applicants are proposing to reconstruct the creek in order to provide higher quality aquatic habitat. Victoria Drakeford, Landscape Architect, has prepared a riparian vegetation plan to support the proposed creek reconstruction. The vegetation plan includes:

- the removal of invasive species and garbage within the 7.5m watercourse area;
- native plantings including cedar trees; and
- logs and other woody debris to create habitat and opportunities for informal trails and creek crossings.

Overall, the proposed landscape plan will improve habitat values within the watercourse setback area and meets the principal of "no net loss" of habitat area. The QEP supports the proposed vegetation restoration plan.

Proposed Variances

The required watercourse setback is 15m as measured from the top of bank of the watercourse. The proposed setback is 7.5m from the centreline of the creek. The proposed variance is to permit the subdivision and future development of the subject properties.

Staff support the proposed variance as it is consistent with a previously-approved rezoning application; it will not negatively impact fish habitat, and meets the principle of “no net loss” of habitat area. Staff accept the QEP assessment and support the proposed variance.

See Attachments for more information.

SUMMARY POINTS

- Development Permit No. DP927 proposes that the watercourse setback be reduced from 15m to 7.5m as measured from the centreline of the creek.
- The subject watercourse functions as a seasonal drainage channel and is not subject to provincial Riparian Area Regulations.
- The proposed variance will not negatively impact fish habitat, and will include vegetation restoration within the watercourse leave strip as a condition of approval.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Riparian Vegetation Plan
ATTACHMENT E: Zoning Map
ATTACHMENT F: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

PERMIT TERMS

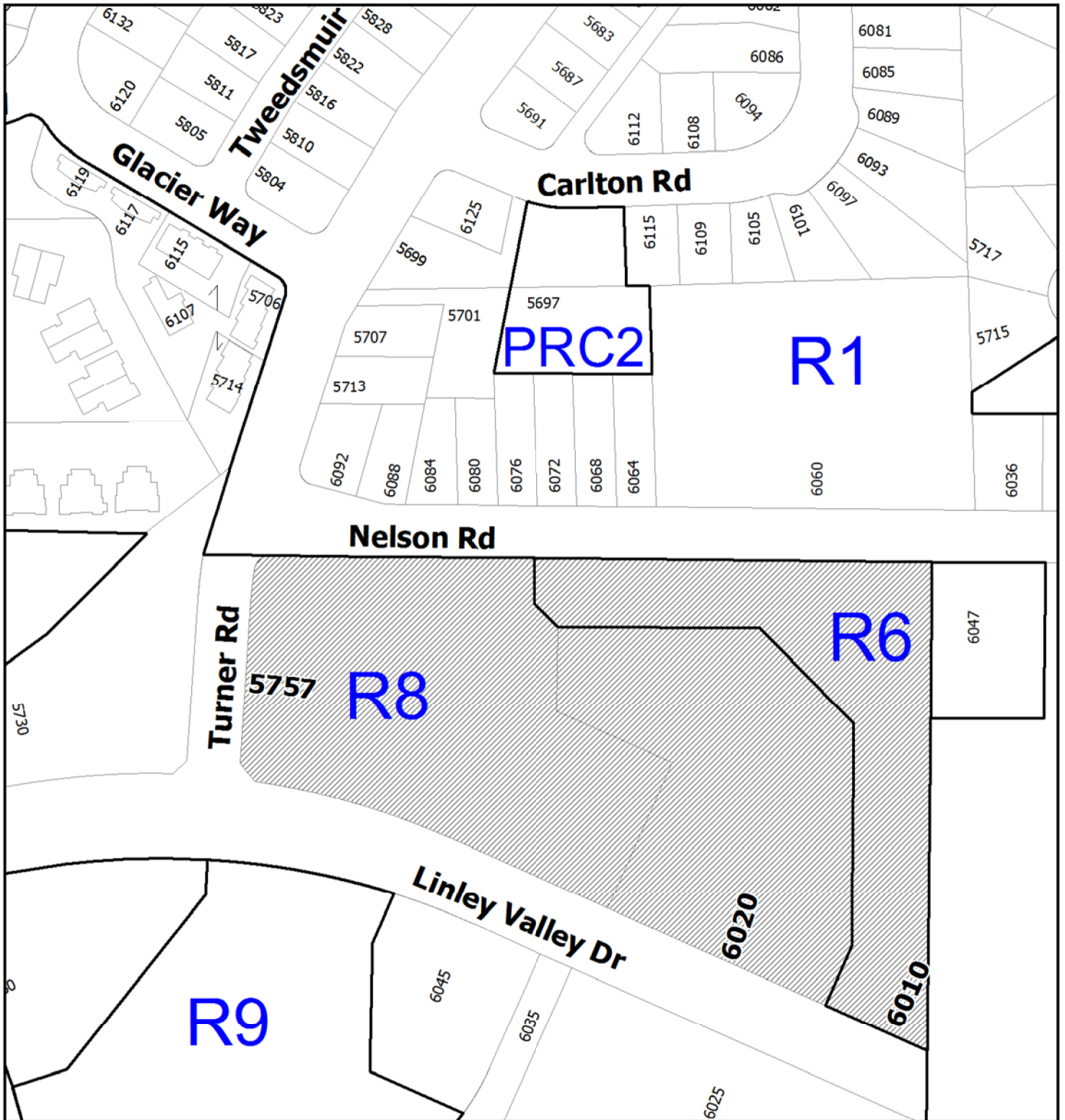
The City of Nanaimo "Zoning Bylaw 2011 NO. 4500" is varied as follows:

1. *Section 6.3.1.5. Location and Siting of Buildings and Structures to Watercourses* – to reduce the watercourse leave strip as measured from the top of bank from 15m to 7.5m as measured from the centreline of the creek, as shown on Attachment C.

CONDITIONS OF PERMIT

1. The subject property is developed in accordance with the Riparian Vegetation Plan dated 2018-MAY-01 prepared by Victoria Drakeford Landscape Architect, as shown on Attachment D.
2. A landscape bond is required for 100% of the Landscape Estimate and is to be provided prior to completion of subdivision, in accordance with the Riparian Vegetation Plan prepared by Victoria Drakeford Landscape Architect dated 2018-MAY-01, as shown on Attachment D.
3. A five-year maintenance period with two assessments per year is required. A certified letter of completion is required from the Landscape Architect at the end of the five-year maintenance period.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT PERMIT NO. DP000927

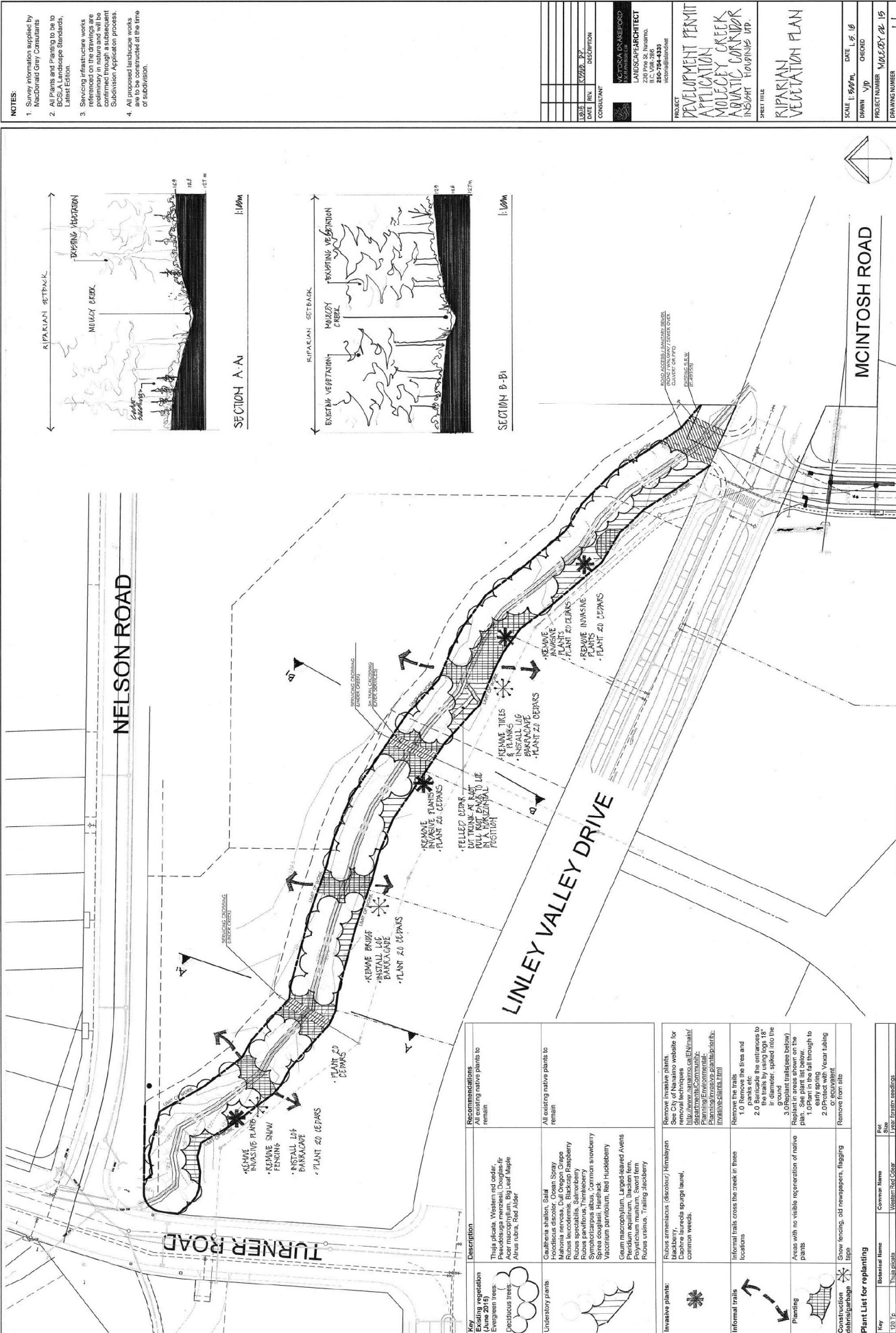
LOCATION PLAN

Civic: 5757 Turner Road and
6010 and 6020 Linley Valley Dr.
Lot 11, 12 and 13, District Lot 30,
Wellington District, Plan VIP65104

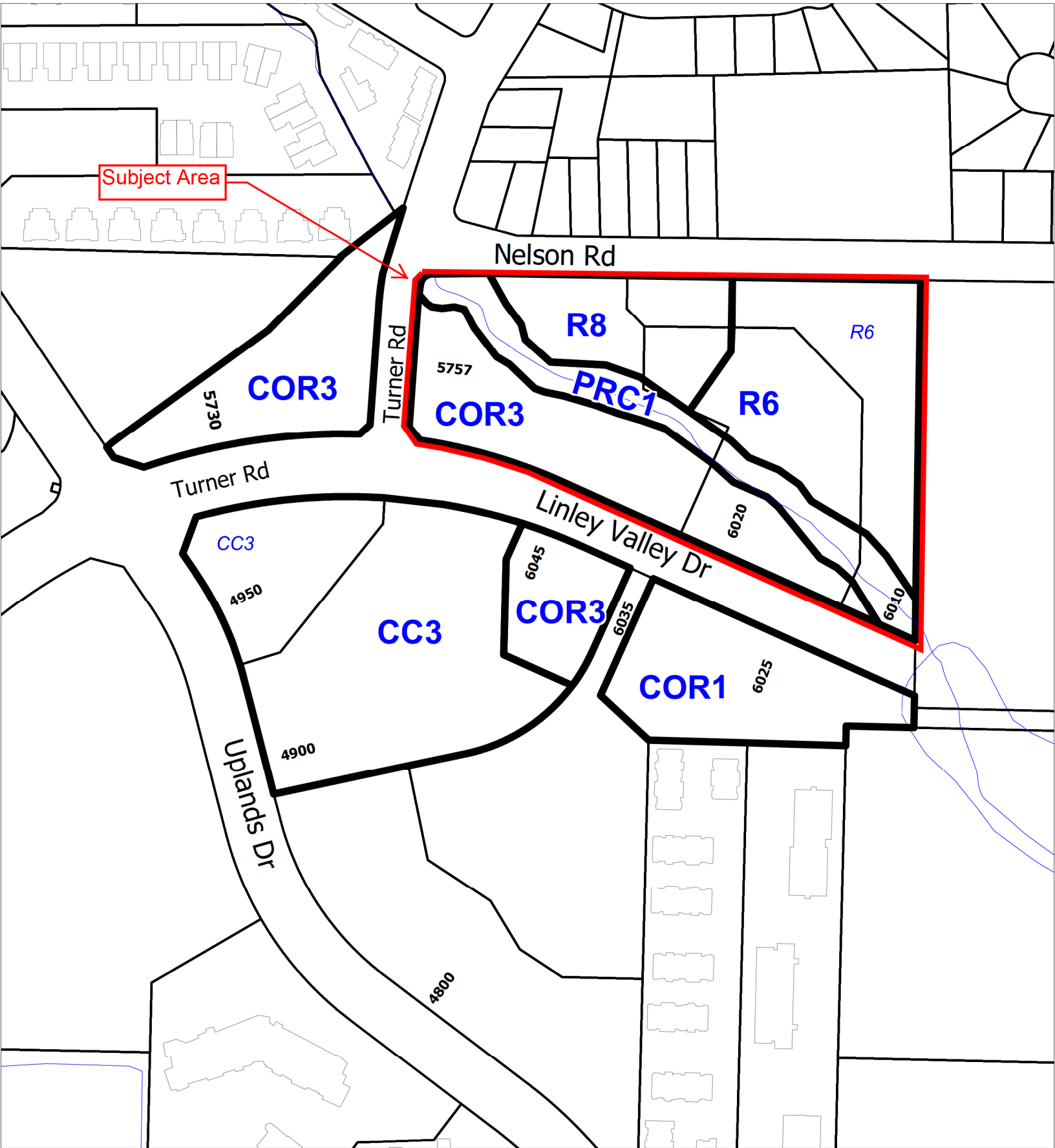
 **Subject
Properties**

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ATTACHMENT D



ATTACHMENT E
ZONING MAP



ATTACHMENT F
AERIAL PHOTO



DEVELOPMENT PERMIT NO. DP000927