

City of Nanaimo  
REPORT TO COUNCIL

FILE COPY

DATE OF MEETING: 2012-JUN-11

AUTHORED BY: S. HERRERA, PLANNER, PLANNING AND DESIGN SECTION

RE: RA296 – PART OF 3500 ROCK CITY ROAD

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STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to "ZONING AMENDMENT BYLAW 2012 NO. 4500.024"; and
2. direct Staff to secure a covenant for the no vegetation disturbance area, prior to adoption of the bylaw, should Council support the bylaw at Third Reading.

PURPOSE:

The purpose of this report is to provide Council with background information regarding a new rezoning application for a portion of 3500 Rock City Road from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9) to allow a 15 unit single family dwelling subdivision. The bylaw associated with this rezoning application is being considered for First and Second Readings this evening.

BACKGROUND:

***Subject Property and Surrounding Area***

The overall area of the subject property is 13 hectares (33.5 acres), located off of Rock City Road (Attachment A). Ocean Pearl Terrace bisects the southern portion of the lot and intersects with Barrington Road on the east side of the property. The subject property is a steep sloped site. A portion of the lot is proposed to be rezoned, which has a total area of 0.7 ha (1.9 acres). The surrounding neighbourhood contains a mix of housing types and lot sizes.

***Previous Development Permit***

Previously, Development Permit No. DP731 was issued on 2011-AUG-22 for a multi-dwelling site, which was intended to be a strata development. A total of 16 detached residential units were approved for the site. The permit was issued in accordance with the Steep Slope Development Permit Area Guidelines; however, the applicant has not proceeded with constructing the multi-dwelling development. A copy of the development permit site plans are attached (Attachment B).

***Proposed Development***

The applicant proposes to rezone the subject property from Townhouse Residential (R6) to Comprehensive Development District Zone Nine (CD9) in order to facilitate a fee-simple residential subdivision. The proposed site plan generally reflects the plans previously approved through DP731. The proposed rezoning site plan is attached (Attachment C).

The applicant has proposed a CD zone due to several variances that would be required for some of the proposed lots under the R1 or R2 zones; such as lot depths, front yard setbacks, and rear yard setbacks. A CD zone allows for a site plan to be included as a schedule within the Zoning Bylaw where the zone schedule (site plan) forms the zone regulations.

The proposed CD9 zone can be summarized as follows:

<b>Total Number of Lots</b>	15
<b>Lot Size</b>	Range from 328 m <sup>2</sup> to 848m <sup>2</sup> .
<b>Lot Coverage</b>	Maximum 40% per lot.
<b>Front Yard Setback</b>	3m (all garage doors and carport entrances facing a public road must be setback at least 6m from the front lot line).
<b>Side Yard Setback</b>	1.5m or no vegetation disturbance line, whichever is more restrictive.
<b>Flanking Side Yard Setback</b>	3m
<b>Rear Yard Setback</b>	4.5m or no vegetation disturbance line, whichever is more restrictive.
<b>Maximum Building Height</b>	9m above natural grade measured from the mid-point of the buildable area for each lot (maximum ridge height measurements shown as geodetic heights).

A new public road, 10m in width, is proposed to connect from Ocean Pearl Terrace to Barrington Road. City Engineers are satisfied with the proposed road width and are in discussions with the applicant as to whether the road will be one-way or two-way. All engineering requirements will be determined through the detailed Design Stage Acceptance (DSA) review through the subdivision process.

#### ***No Disturbance Area***

Staff recommends, as a condition of rezoning, that a covenant be secured prior to final adoption of the bylaw in order to require the removal of invasive plant species and to restrict development within the areas identified as 'no vegetation disturbance'. The covenant will require fencing during the construction stage and a requirement for remediation prior to issuance of a building occupancy permit should the area be compromised during construction.

#### ***Landscaping***

As typically required, the previous development permit (DP731) contained extensive requirements for landscaping, which reflected the overall development concept to protect and enhance the natural features of the site. However, the City has limited controls over landscaping on fee simple residential lots. Therefore, Staff recommends, as a condition of rezoning, that 2 trees be planted per lot, for Lots 10 to 15, which are the most suitable planting locations. The tree species will be reviewed and approved by the City's Urban Forester prior to being planted and shall be located between the principal building and Ocean Pearl Terrace. A covenant will be required prior to final adoption of the bylaw to secure the tree planting.

**Official Community Plan (OCP)**

The property falls within the Neighbourhood designation, according to Map '1' of the Official Community Plan (OCP), and is located within Development Permit Area 5 - Steep Slope Development (DPA5). The proposed rezoning equates to a density of 21 units per hectare, which falls within the Neighbourhood density range of 10-50 units per hectare, as noted above. Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

**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. In response to Council's policy, the applicant is proposing that a community contribution not be required. The proposed rezoning is considered a 'down-zoning', and in this case, results in one less residential unit. Staff is supportive of not receiving a community contribution through the proposed rezoning as this is consistent with similar types of applications.

Respectfully submitted,

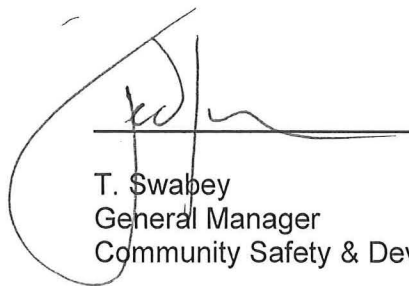


B. Anderson  
Manager, Planning and Design Section  
Community Safety & Development

Concurrence by:



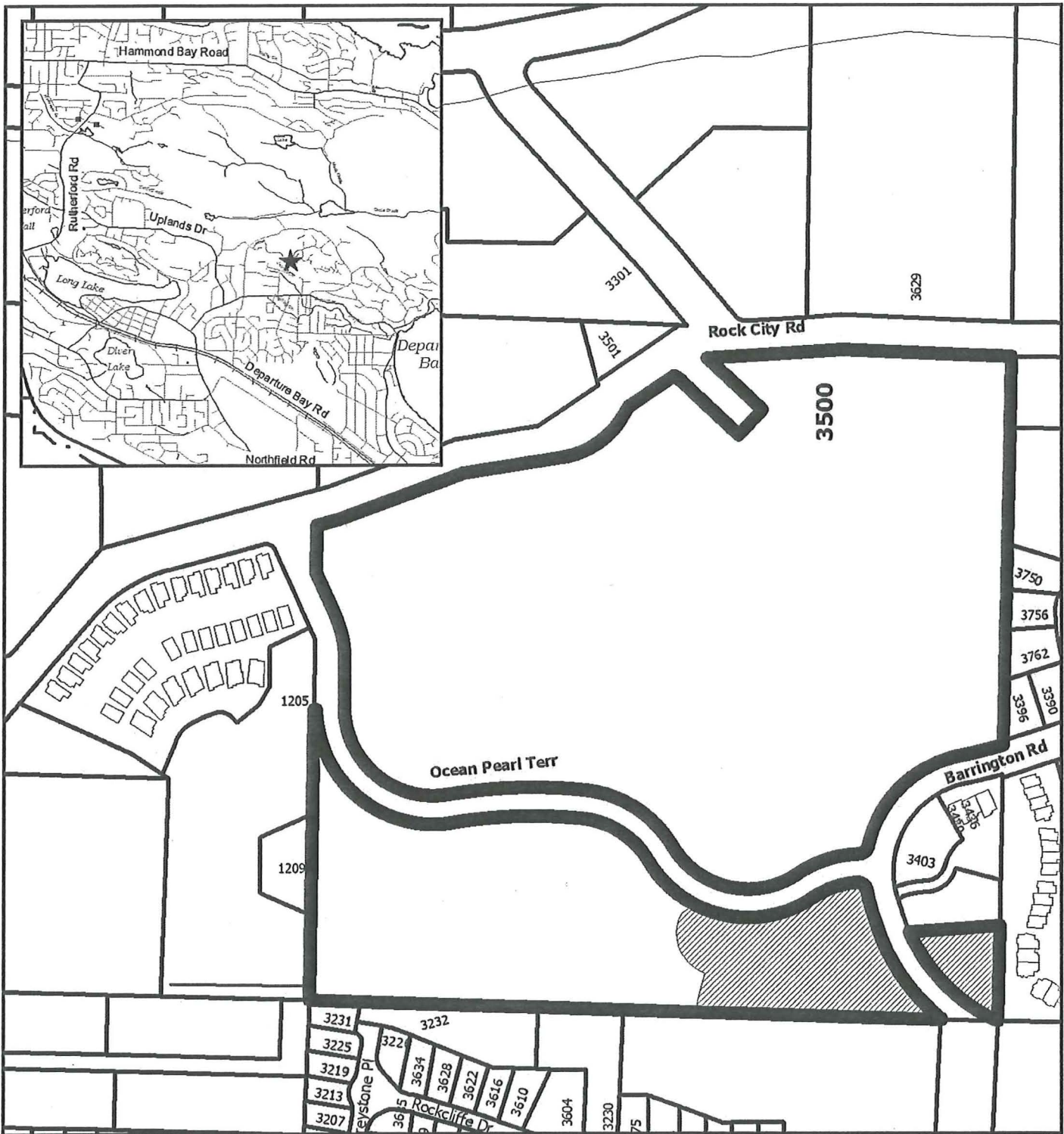
A. Tucker  
Director of Planning  
Community Safety & Development



T. Swabey  
General Manager  
Community Safety & Development

CITY MANAGER COMMENT:

I concur with the staff recommendation.


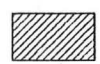


REZONING APPLICATION NO. RA296

### LOCATION PLAN

Civic: Part of 3500 Rock City Road



-  Subject Property
-  Portion to be Rezoned

**DATA**

Site Address: Barrington Road

Parcel: Lot 1

Zoning: RM - 3 Low Density Multiple Family Residential (Townhouse) Zone

Density: maximum allowed: 0.45  
proposed: 0.45

Lot Area: minimum area required: 19,375.67 sf (1800 sm)  
proposed: 19,375.67 sf (1800 sm)

Lot Coverage: maximum allowed: 40%  
proposed: 33%

Usable Open Space: minimum required: 5% of gross lot area  
proposed: 15% (3000/19375)

**Setbacks:**

Front: required: 19.69 ft. (6.0 m)  
proposed: 19.69 ft. (6.0 m)

Side: required: 9.84 ft. (3.0 m)  
proposed: 9.84 ft. (3.0 m)

Rear: required: 34.45 ft. (10.5 m)  
proposed: 34.45 ft. (10.5 m)

Building Height: maximum allowed: 22.0 ft. (6.71 m)  
proposed: House A: 28.44 ft. therefore 6.44 ft. (1.96 m) height relaxation required  
House B: 23.85 ft. therefore 1.85 ft. (0.56 m) height relaxation required  
House C: 24.77 ft. therefore 2.77 ft. (0.84 m) height relaxation required

Parking: minimum required: 2.0 spaces for each dwelling  
proposed: 2.0 spaces for each dwelling



**Site Plan**

scale: 1/16" = 1'-0"

This is Schedule B referred to in the Development Permit.

*J. E. Ham*  
Manager of Legislative Services

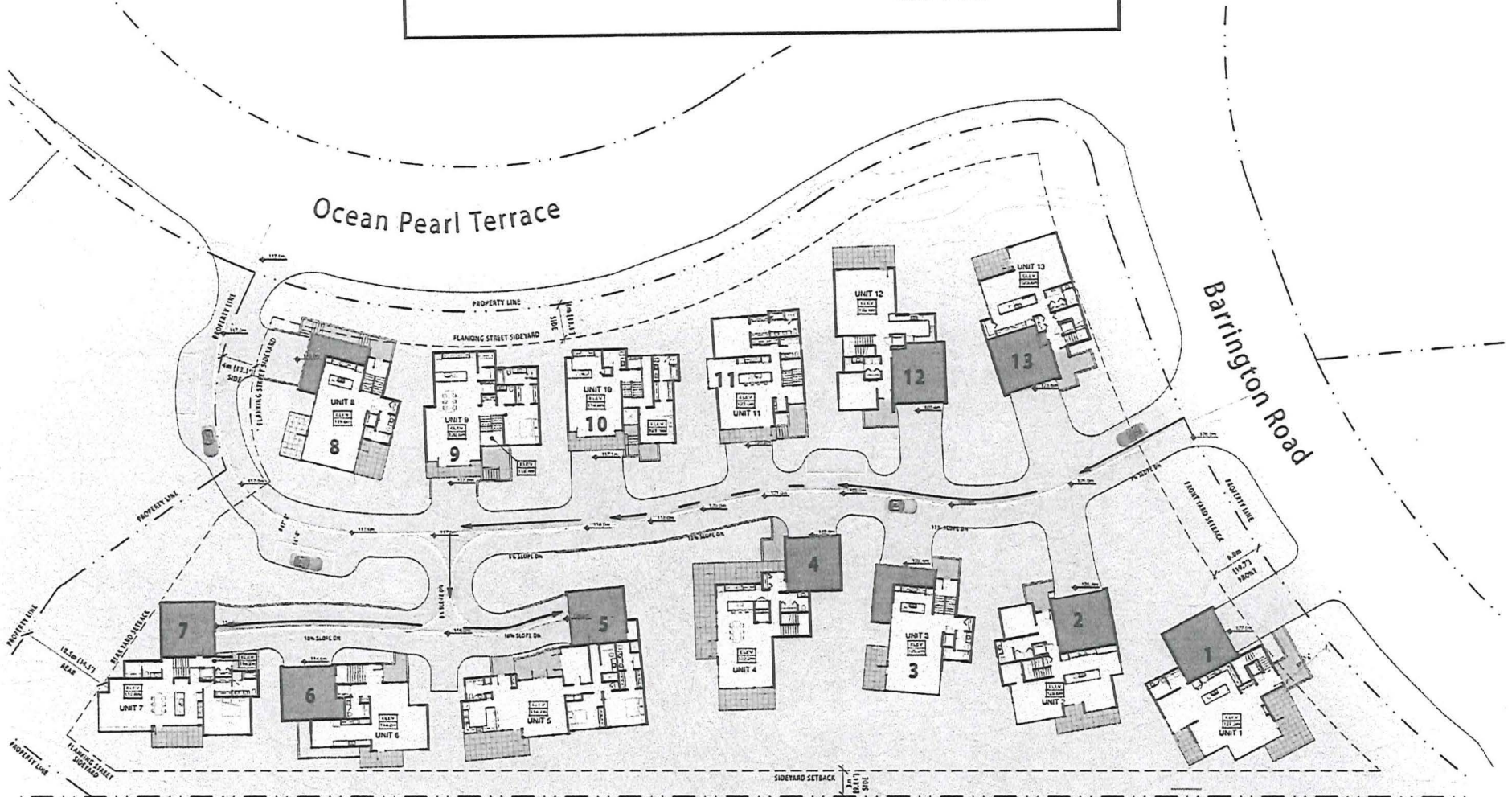
2011-AUG-22  
Date

**phase 2 data and site plan**



Rockwood Estates Barrington Road, Nanaimo, B.C.

CHOW LOW HAMMO  
ARCHITECTS



NOTE: REFER TO LANDSCAPE DRAWINGS FOR DETAILED PLANTING AND PAVING INFORMATION

# phase 3 site plan



This is Schedule F referred to in the Development Permit.

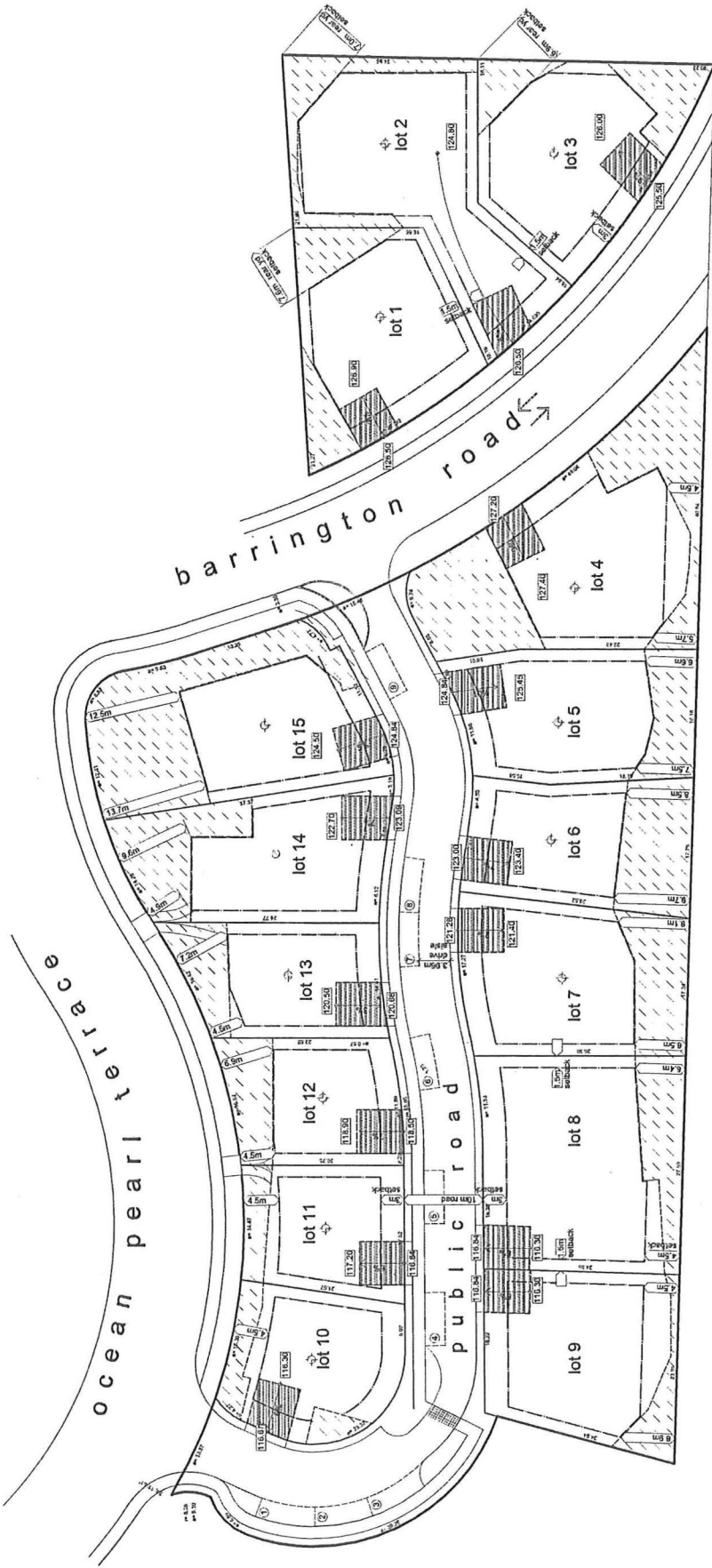
*[Signature]*  
Manager of Legislative Services

2011 - AUG - 02  
Date

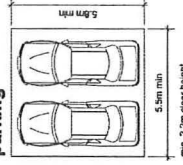


scale: 1/16" = 1'-0" April 2011





typical off street parking



LOTS	LOT AREA (sq m)	MAX LOT COVERAGE (%)	D.C.F.E. COVERAGE (%)	MAX RIDGE HEIGHT (m)	MAX RIDGE HEIGHT (ft)
1	1020.9	40%	102.09	13.57	44.5
2	1020.9	40%	102.09	13.57	44.5
3	597.9	40%	239.16	13.57	44.5
4	846.3	40%	338.52	13.57	44.5
5	597.9	40%	239.16	13.57	44.5
6	455.1	40%	182.04	13.57	44.5
7	545.1	40%	218.04	13.57	44.5
8	517.2	40%	206.88	13.57	44.5
9	388.8	40%	155.52	13.57	44.5
10	388.8	40%	155.52	13.57	44.5
11	344.7	40%	137.88	13.57	44.5
12	344.7	40%	137.88	13.57	44.5
13	344.7	40%	137.88	13.57	44.5
14	344.7	40%	137.88	13.57	44.5
15	455.1	40%	182.04	13.57	44.5

TO C.F.E. DESIGN CHANGE FOR CONVEYANCE

SETBACKS:  
 FRONT YARD: 11.7m  
 SIDE YARD: 4.5m  
 REAR YARD: 11.7m  
 PLANNING STREET: 11.7m  
 REAR YARD: 11.7m  
 (1) FOR THE PURPOSES OF SETBACKS FRONT YARD, LOTS 10 THROUGH 15 ARE CLEARED TO FRONT PUBLIC ROAD.

LEGEND  
 off street parking  
 floor area per lot  
 @ 4.5m (1) x 2.2m (1)  
 no vegetation disturbance areas  
 proposed setbacks  
 setback stations  
 approx. elev.  
 first point of the main set of setbacks

LEGAL DESCRIPTION  
 PARTS OF LOT 2, DISTRICT LOT 18, WELLINGTON DISTRICT PLAN (V19880), EXCEPT PART IN PLAN V19880S.

NOTES  
 1) MAX RIDGE HEIGHT FOR ALL LOTS EXCEPT LOTS 8 & 9 (SEE NOTE 2) ESTABLISHED @ 13.57M ABOVE EXISTING NATURAL GROUND MEASURED DEFINED BY D.C.F.E.  
 2) MAX RIDGE HEIGHT FOR LOTS 8 & 9 ESTABLISHED @ 13.57M ABOVE CURB HEIGHT MEASURED @ MIDPOINT OF FRONT LOT LINE

site plan  
 scale: 1:250