

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-DEC-07

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

RE: REZONING APPLICATION NO. RA000346 – 3789 AND 3801 SHENTON ROAD

---

### STAFF RECOMMENDATION:

That Council:

1. receive the report pertaining to “ZONING AMENDMENT BYLAW 2015 NO. 4500.094”; and
2. direct Staff to secure a covenant for frontage works and services (including the park area), riparian restoration, and a blanket trail right of way prior to the adoption of the bylaw, should Council support the bylaw at Third Reading.

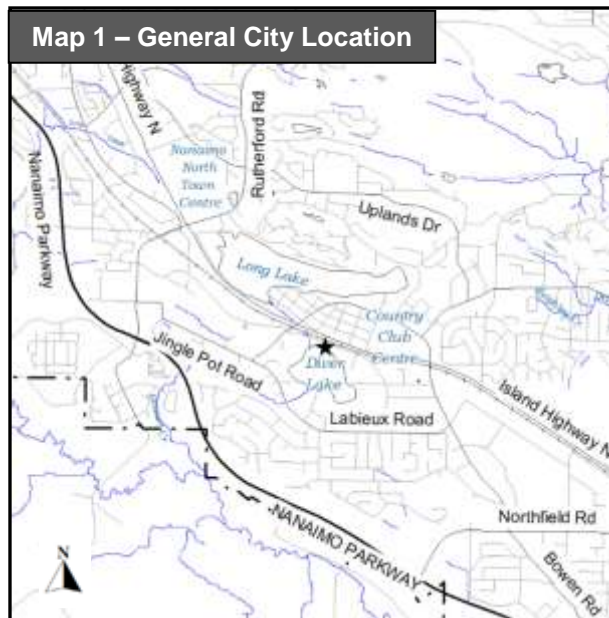
### PURPOSE:

The purpose of this report is to present a rezoning application for properties located at 3789 and 3801 Shenton Road to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development.

### BACKGROUND:

The City has received a rezoning application from Mr. Glenn Hill (de Hoog & Kierulf Architects) on behalf of Ms. Faith Lam (Goodview Holding Ltd.) to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development consisting of multiple family residential and commercial office space.

The development also involves a land exchange process to close a portion of Shenton Road and a section of Diver Road, and include some road dedication along the site frontages in exchange for park dedication. The land exchange received approval-in-principle from Council at their Regular meeting 2013-OCT-07. The rezoning and land exchange processes are happening concurrently, however the land exchange process is required to be completed prior to the completion of the rezoning. The land exchange bylaw is also included on this evening’s Council agenda for consideration.



Map 1 – General City Location

**Subject Property**

Current Zone:	Single Dwelling Residential (R1)
OCP Designation:	Corridor
Proposed Zone:	Mixed Use Corridor (COR2)
Purpose:	To permit a mixed use development
Location:	Shenton Road, north end of Diver Lake
Existing Lot Sizes	3801 Shenton Road - 5,252m <sup>2</sup> 3789 Shenton Road - 1,480m <sup>2</sup> Diver Road Right of Way - 1,420m <sup>2</sup>
Total Area:	<b>Total - 6,727m</b>
Proposed Lot Area	Development Site – 5,215m <sup>2</sup> City Park dedicated - 2,441m <sup>2</sup>

**DISCUSSION:**

**Site and Surrounding Area**

The subject properties are located on the north end of Diver Lake and accessed from Shenton Road which runs parallel to the Island Highway, E&N trail and railway tracks immediately to the north. The surrounding area contains a range of land uses including commercial and low density residential uses on the opposite (northern) side of the Island Highway. A number of existing office uses are located to the east of the subject area. The subject property is separated from the Steve Marshall Ford dealership to the west by a park and nature trail. Country Club Mall is opposite the Island Highway approximately 300m to the northeast.



The subject area includes two separate properties and an existing road right of way (Diver Road). Part of Shenton Road and Diver Road (1,420m<sup>2</sup>) right of way will be closed and consolidated with the development property as part of the proposed land exchange.

The larger of the two properties (3801 Shenton Road) is a long narrow property. The 5,252m<sup>2</sup> lot has a frontage of 143m<sup>2</sup> and a lot depth ranging from approximately 57m at the deepest point to 26m at the narrowest point.

The second property (3789 Shenton Road) is a 1,480m<sup>2</sup> lot separated from the other parcel by the Diver Road dedication to the west. The parcel includes an existing dwelling which will be removed prior to the development of the subject properties. Both properties directly abut Diver Lake to the south.

**Official Community Plan**

The subject property is located within the Corridor designation of the Official Community Plan (OCP). Development in Corridors is characterized by a mix of residential, commercial, professional, and service uses, with residential development at medium to high level densities. Within mixed use developments, ground floor uses will be retail, office, or community uses that invite public activity. Residential densities of 50-150 units per hectare, in two to six storey buildings are supported within the Corridor designation. The application includes a residential density of 28 units per hectare, plus 1,587m<sup>2</sup> of office space. Staff is of the opinion that the proposed development meets the intent of the OCP.

**Nanaimo Transportation Master Plan Considerations**

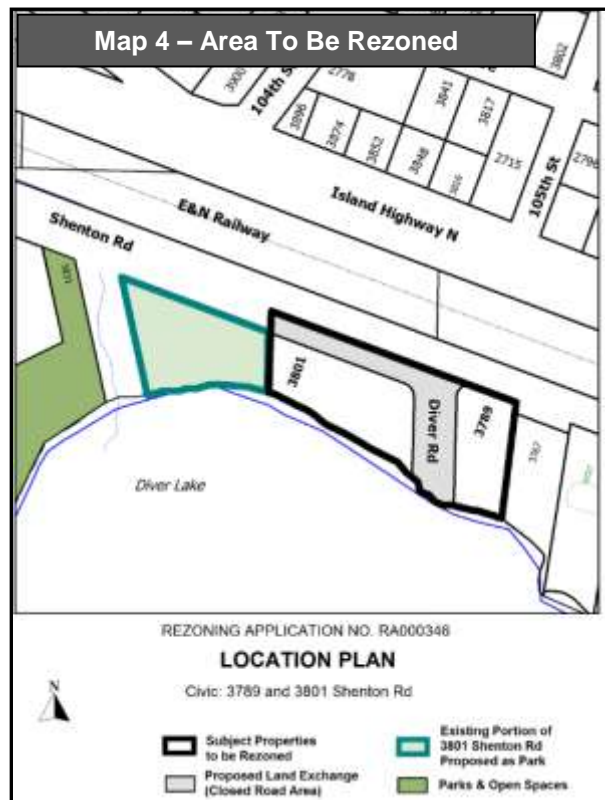
The subject property is located within the 600m buffer area of the Country Club Mobility Hub. Due to its central location within the city, and access to transit, residents near Country Club are more likely to drive less than in other parts of the city.



The E&N trail is located north of the subject area opposite Shenton Road and a nature trail which connects Shenton Road to Labieux Road, Ardoon Place is located immediately to the west of the subject area. A right of way to permit an extension to the existing nature trail is included within the proposed development application. The proposed trail addition will further extend the existing pedestrian trail network within the area.

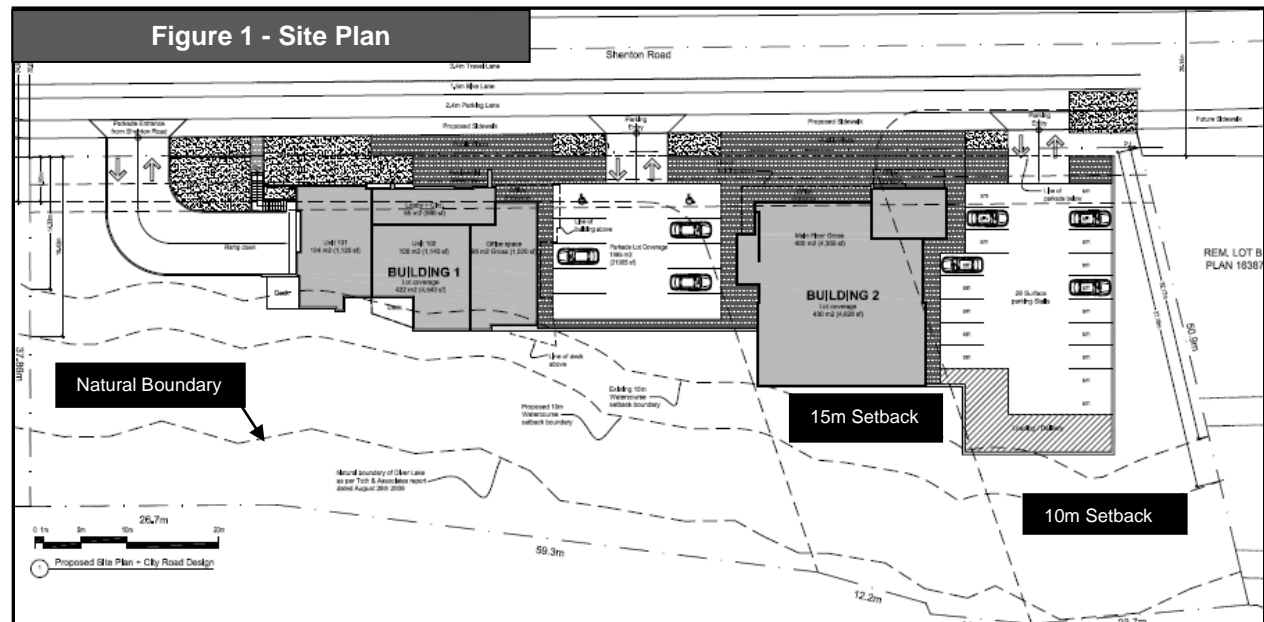
**Proposed Development**

The applicant proposes to rezone the subject area from Single Dwelling Residential (R1) to Mixed Use Corridor (COR2) in order to permit a mixed use development. The area to be rezoned includes a 2,746m<sup>2</sup> portion of 3801 Shenton Road, the road dedication area to be closed and all of 3789 Shenton Road. As part of the land exchange process the applicant has agreed to dedicate the remaining 2,441m<sup>2</sup> of 3801 Shenton Road as park area plus 65m<sup>2</sup> of aquatic area to be returned to the Crown. The area to be rezoned and developed, and the



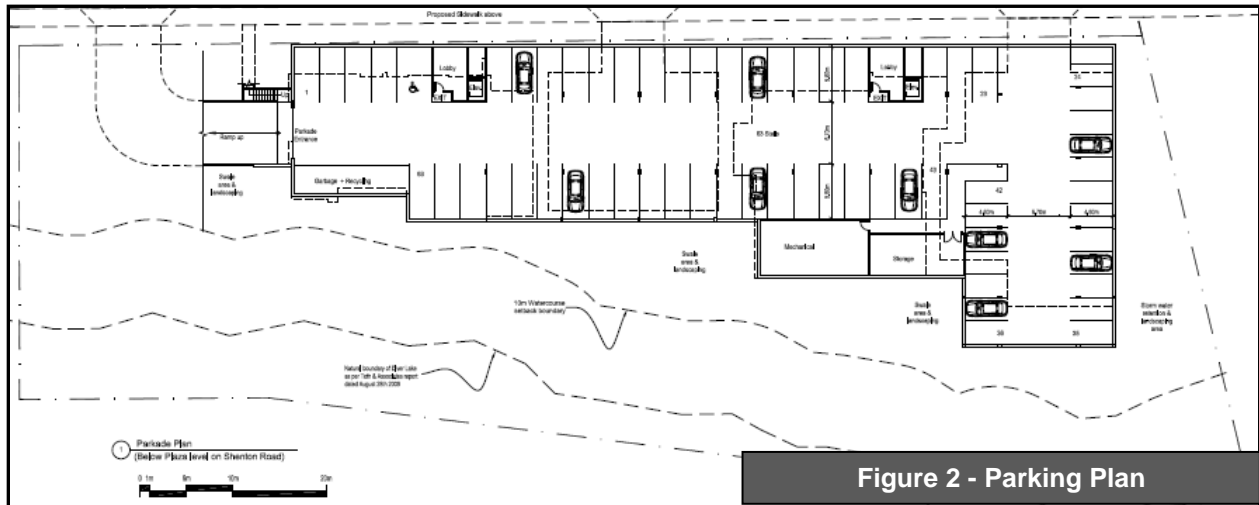
proposed park area are shown on ‘Map 4 - Area To Be Rezoned’.

The proposed development includes two separate buildings. Building 1 is proposed as a five storey building with 95m<sup>2</sup> of office space on the ground floor and 14 residential units above. Building 2 will be an office building with a total of 1,492m<sup>2</sup> of office space on four floors. The total floor area for both buildings is 3,380m<sup>2</sup>. A site plan showing the location of the buildings is included as ‘Figure 1 - Site Plan’.

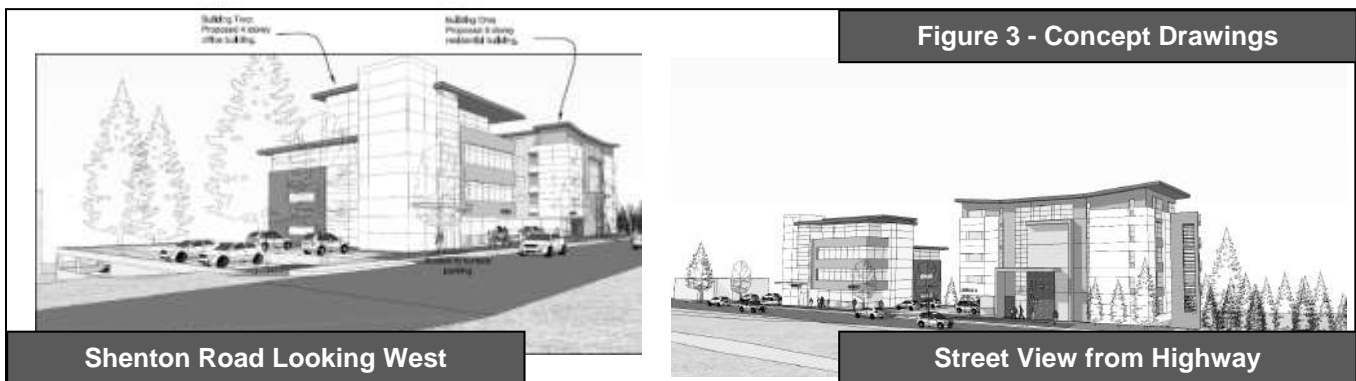


Given the entire rear portion of the development property abuts Diver Lake, a 15m aquatic setback from the wetland boundary is required. Due to the narrow depth of the lot and the City’s required road dedication, the aquatic setback compromises a substantial portion of the property, leaving a limited area for development. As such, the applicant will be requesting during the Development Permit stage that the setback be reduced to 10m in order to permit a small portion of the building extend into the aquatic area as shown on the Site Plan in Figure 1. A riparian restoration plan for invasive species removal and restoration works will be required through the Development Permit process, for both the development site and the dedicated park area. A blanket trail right of way will also be required in order to secure land area for a trail adjacent to the lake to be constructed in the future.

In order to meet the City’s off-street parking requirements, the proposed development will include 91 parking spaces. Of those 91 spaces, 63 (69%) will be located underground with the remaining 26 provided as surface parking. The applicant’s parking plan is shown as ‘Figure 2 - Parking Plan’.



The (COR2) zone has a maximum building height requirement of 14m, plus an additional 4m where at least 75% of the required parking is underground. The proposed building height for Building 1 is 18m, as the underground parking provided falls just short of the required 75%, a height variance will be required as part of the Development Permit application process to follow. Concept drawings of the proposed buildings are included as 'Figure 3 - Concept Drawings'.



**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. As the applicant is dedicating more land for park than the amount of land they are receiving through the land exchange process, park improvements and restoration will occur through the development process. The addition of park land is considered a community contribution. The applicant has also agreed to construct works and services in front of the park property. Based on the assessed value of the land, Staff is satisfied that the value of the additional park dedication and improvements is generally consistent with the typical contribution values as they relate to a development proposal of this scale.

Respectfully submitted,

---

B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:

---

D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT

---

T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*DS/sm  
Prospero File: RA000346  
Drafted: 2015-Nov-23*