Staff Report for Decision

File Number: RA000455

DATE OF MEETING August 29, 2022

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT **REZONING APPLICATION NO. RA455 – 5378 RUTHERFORD ROAD**

OVERVIEW

Purpose of Report
To present Council with an application to rezone the subject property at 5378 Rutherford Road from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a multi-family residential development.

Recommendation
That:

1. "Zoning Amendment Bylaw 2022 No. 4500.203" (To rezone 5378 Rutherford Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass first reading;
2. "Zoning Amendment Bylaw 2022 No. 4500.203" pass second reading; and,
3. That Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2022 No. 4500.203" as outlined in the "Conditions of Rezoning" section of the staff report dated 2022-AUG-29 should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA455) for 5378 Rutherford Road was received from Kevin Saunders to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a proposed six-unit multi-family residential development.

Subject Property and Site Context

Location	The subject property is located on the east side of Rutherford Road, south of Vanderneuk Road, and directly opposite the intersection of Rutherford Road and Kenwill Drive.
Total Lot Area	1,978m^2
Current Zoning	Single Dwelling Residential (R1)
Proposed Zoning	Low Density Residential (R6)
City Plan – Future Land Use Designation	Neighbourhood
Neighbourhood Plan – Land Use Designation	n/a

The subject property is located in a residential neighbourhood with a 25-unit townhouse development located immediately south, with additional townhouses across Rutherford Road to

the west. Single family dwellings are located to the north and east (rear) of the site. The subject property is located approximately 60m from Linley Point Gyro Park, 350m from commercial services (bakery; restaurant; retail; health services), and approximately 560m from Randerson Ridge Elementary School.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) which allows the proposed ground-oriented (townhouse) residential use. The conceptual plan for the site includes a single residential dwelling and duplex fronting onto Rutherford Road, and three townhouse units within a single building at the rear, for a total of six residential units. The development concept anticipates a Floor Area Ratio (FAR) of 0.41, and the R6 zone allows a base FAR of 0.45. The applicant has demonstrated that the R6 zoning requirements can be met.

Policy Context

City Plan – Future Land Use

City Plan designates the subject property as 'Suburban Neighbourhood', which supports residential infill and a mix of housing types, including ground-oriented multiple family units up to three storeys in height. The proposed rezoning for a ground-oriented townhouse development meets the policy objectives of City Plan's Suburban Neighbourhood designation, and offers an infill development on an existing parcel close to local amenities.

City Plan – Mobility Network

The subject property is located outside of an urban centre as identified in Figure 36 of the City Plan where lower density development near local commercial services is supported. The subject property fronts onto Rutherford Road, which is designated "Urban Collector" within City Plan. Road dedication was previously acquired to achieve a 26m road dedication through subdivision in 2008. Works and services to update the road cross-section of Rutherford Road per the Manual of Engineering Standards and Specifications (MOESS) are anticipated through the future building permit stage.

Community Consultation

The subject property lies within the area of the Lost Lake Neighbourhood Association and was referred for their comment. Staff followed up, however, the Association did not provide a response.

The applicant hosted a Neighbourhood Information Meeting on 2022-MAR-05 at the Grand Hotel. Seven neighbours attended the meeting. Comments were generally supportive, and were related to the following:

1. *View Protection.* Concern regarding the impact of the proposed building heights on ocean views (to the northwest) was noted for R1 zoned neighbouring properties to the

east. The maximum permitted building height in the R6 zone is 7m or 9m depending on roof pitch; which is consistent with the permitted height for the existing Single Dwelling Residential (R1) zone, and the adjacent neighbours' property. The proposal complies with height and setbacks for the R6 zone.

2. *Tree Retention*. There are mature trees in the southeast portion of the subject property. The applicant will explore options for tree retention through the detailed design stage through a separate Development Permit.

Community Amenity Contribution

As this application was received prior to Council's *Community Amenity Contribution Policy* coming into effect on 2022-JAN-01, the applicant is providing a Community Amenity Contribution (CAC) under the previous practice of providing CAC's at a rate of $1,000 per unit. As outlined in Section 7.3 of the 2008 OCP, in exchange for value conferred on the lands through a rezoning, the applicant is encouraged to provide a CAC with a value equal to $1,000 for each residential unit. The applicant is proposing a CAC in the amount of $1,000 per unit towards the City of Nanaimo's Housing Legacy Reserve Fund. Staff support the proposed CAC.

Conditions of Rezoning

Should Council support the application and pass third reading of "Zoning Amendment Bylaw 2022 No. 4500.203", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – A Section 219 covenant is to be registered on the property title to secure a monetary contribution of $1,000 per dwelling, and that 100% of the funds be directed to the City's Housing Legacy Reserve Fund.

2. *Access Restriction & Street Lighting Improvements* – A Section 219 covenant is to be registered on the title of the land to ensure the driveway access to the property will align with the Kenwill Drive intersection and that street lighting be brought up to current standards.

SUMMARY POINTS

- The application is to rezone the subject property from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow a multiple-family residential development.
- The proposed rezoning application meets the policy objectives of the City Plan and offers an infill development in in a neighbourhood near schools, parks, and commercial services.
- A community amenity contribution of $1,000 per unit is proposed to be directed towards the City's Housing Legacy Reserve Fund.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Conceptual Building Elevations
ATTACHMENT E: Aerial Photo
"Zoning Amendment Bylaw 2022 No. 4500.203"

Submitted by:

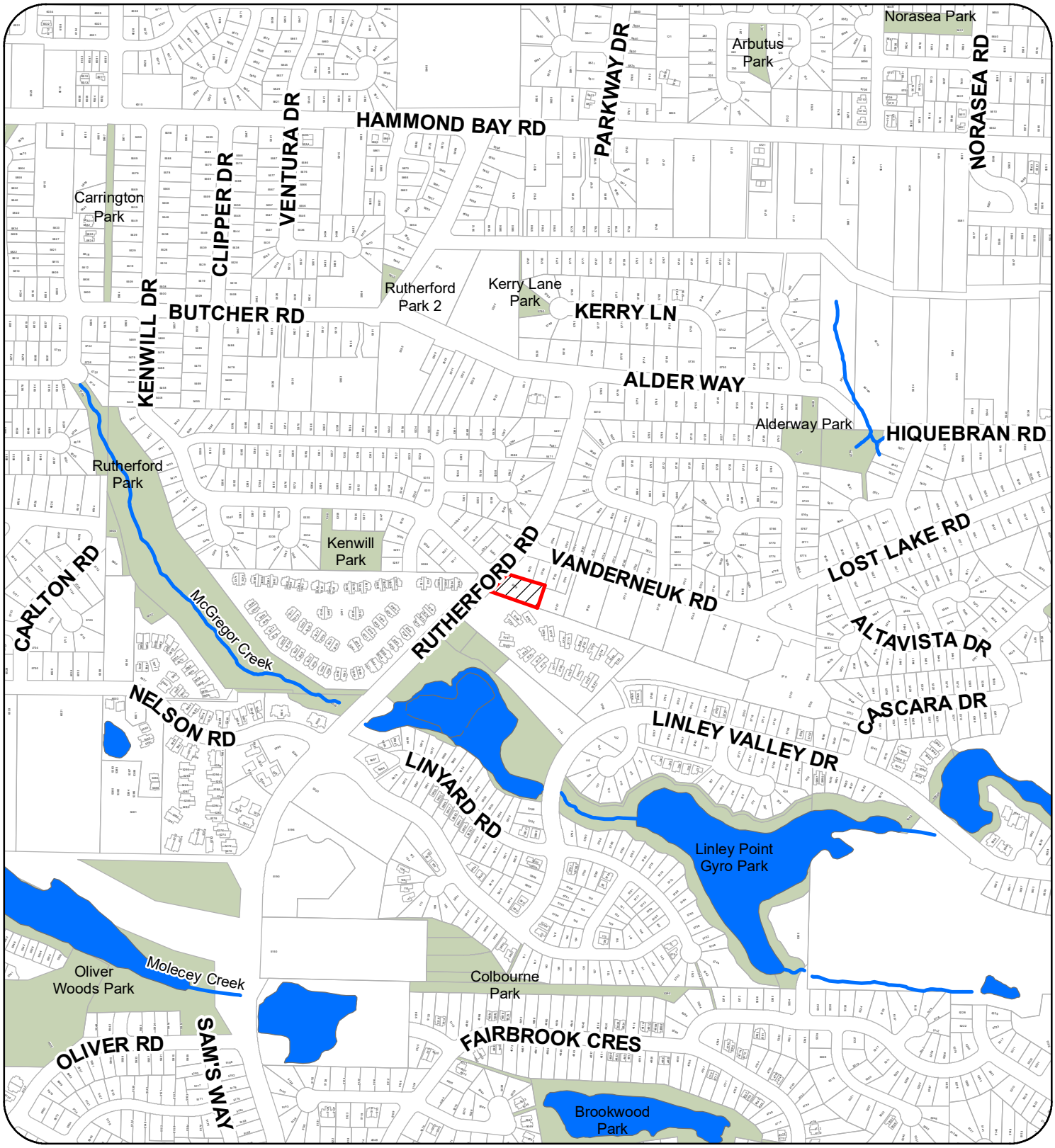
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/Deputy CAO

ATTACHMENT A
CONTEXT MAP



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5378 RUTHERFORD ROAD

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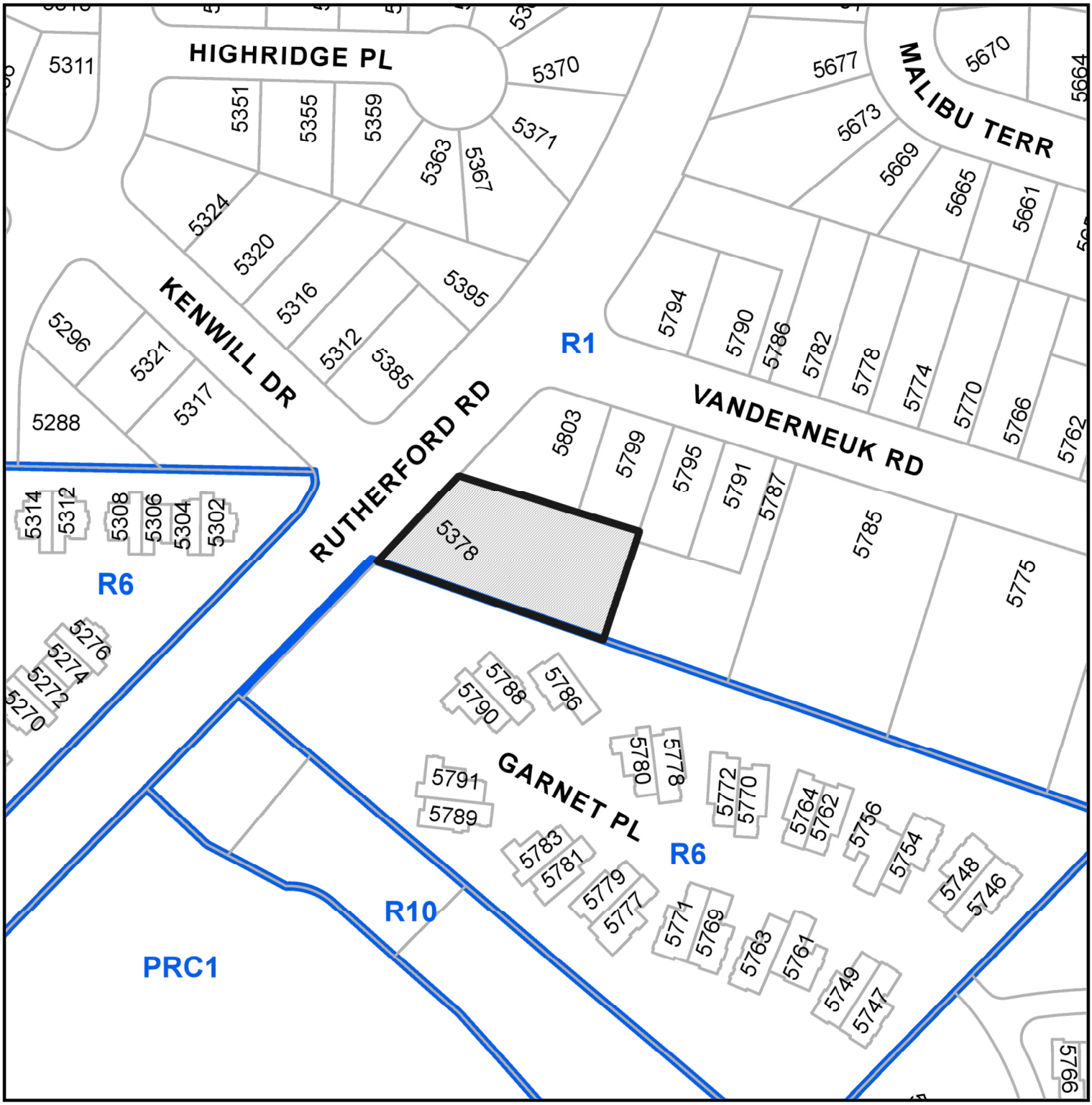
ATTACHMENT B
LOCATION PLAN



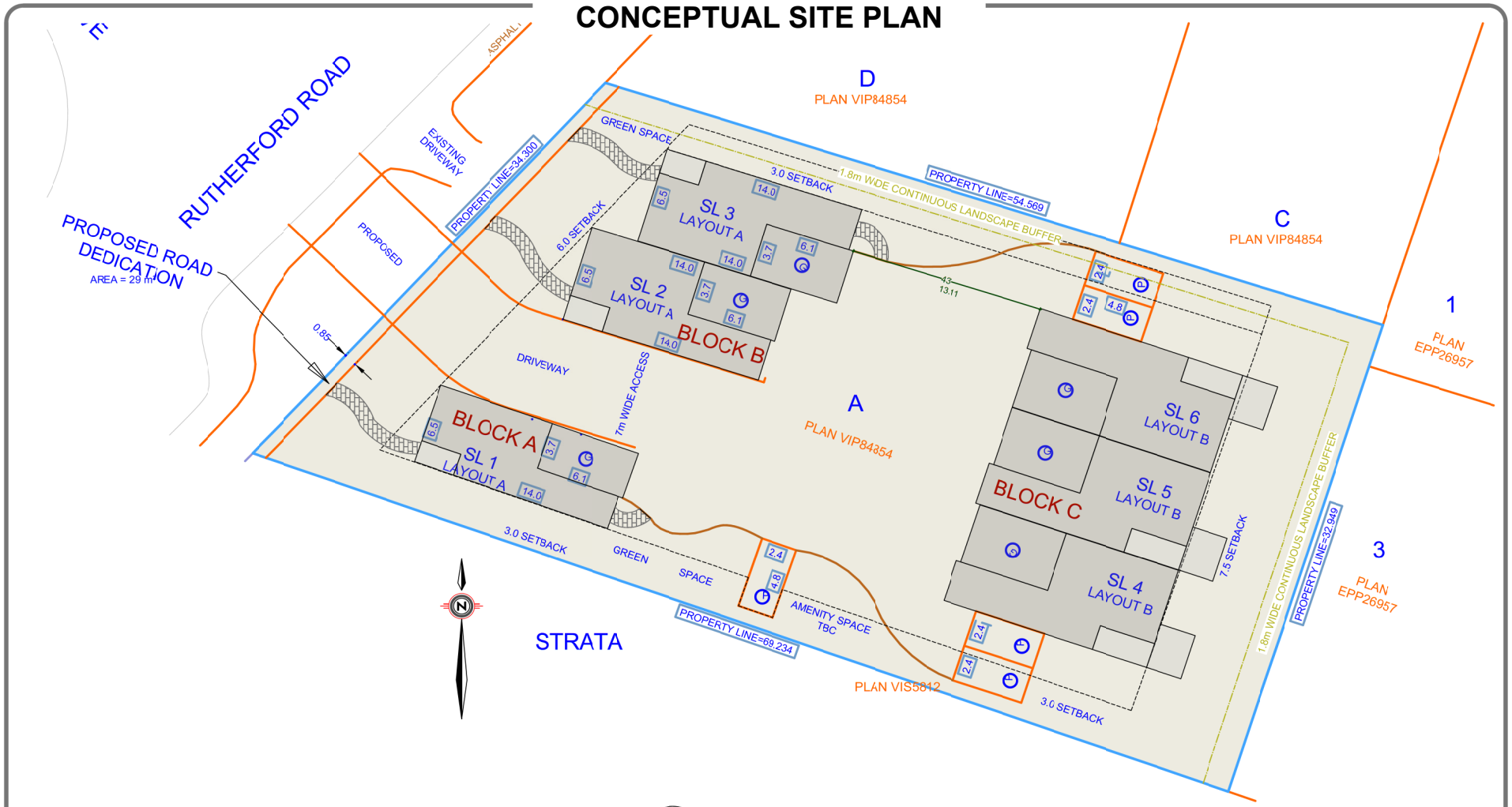
REZONING APPLICATION NO. RA000455

Subject Property

CIVIC: 5378 RUTHERFORD ROAD

LEGAL: LOT A, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP84854

ATTACHMENT C
CONCEPTUAL SITE PLAN



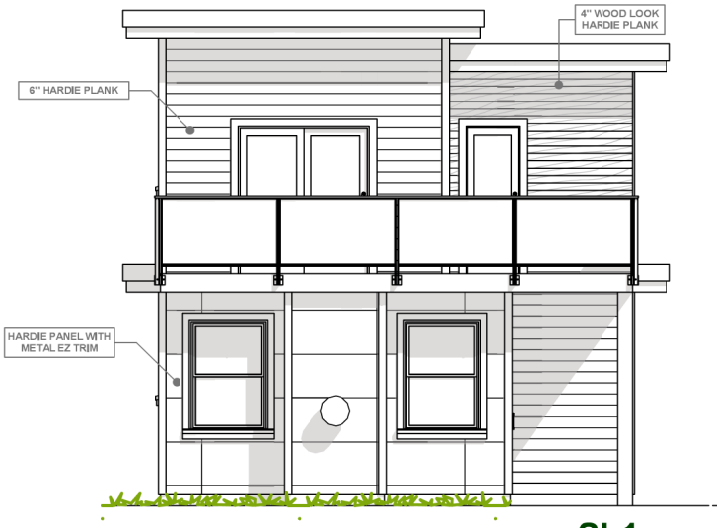
SITE PLAN
1 : 400 SCALE

RECEIVED
RA455
2022-AUG-03
Current Planning

JAVA DESIGNS
WHERE LINES ON PAPER BECOME WALLS ON SITE
PH 250.590.2468 FX 250.590.4577 www.javadesigns.ca

5378 RUTHERFORD RD. - AUG 03 2022

ATTACHMENT D
CONCEPTUAL BUIDING ELEVATIONS



A FRONT ELEVATION SL1
SCALE: 1/4" = 1' - 0"

A LEFT ELEVATION SL1
SCALE: 1/4" = 1' - 0"

A REAR ELEVATION SL1
SCALE: 1/4" = 1' - 0"

NO WINDOWS THIS SIDE (1m setback)

A RIGHT ELEVATION SL1
SCALE: 1/4" = 1' - 0"

LAYOUT A
5378 RUTHERFORD RD. - AUG 03 2022

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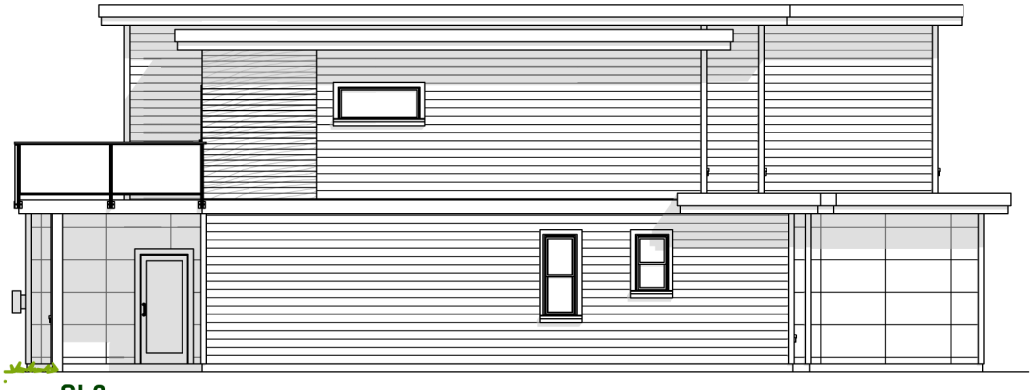
B FRONT ELEVATION
SCALE: 1/4" = 1' - 0"

B LEFT ELEVATION
SCALE: 1/4" = 1' - 0"

B REAR ELEVATION
SCALE: 1/4" = 1' - 0"



B RIGHT ELEVATION
SCALE: 1/4" = 1' - 0"

LAYOUT A

5378 RUTHERFORD RD. - AUG 03 2022

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JAVA DESIGNS
WHERE LINES ON PAPER BECOME WALLS ON SITE
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C FRONT ELEVATION
SCALE: 1/4" = 1' - 0"

C REAR ELEVATION
SCALE: 1/4" = 1' - 0"

LAYOUT B

5378 RUTHERFORD RD. - AUG 03 2022

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Current Planning

JAVA DESIGNS
WHERE LINES ON PAPER BECOME WALLS ON SITE
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SL6

C LEFT ELEVATION
SCALE: 1/4" = 1' - 0"

C RIGHT ELEVATION
SCALE: 1/4" = 1' - 0"

SL4

RECEIVED
RA455
2022-AUG-03
Current Planning

LAYOUT B
5378 RUTHERFORD RD. - AUG 03 2022

JAVA DESIGNS
WHERE LINES ON PAPER BECOME WALLS ON SITE
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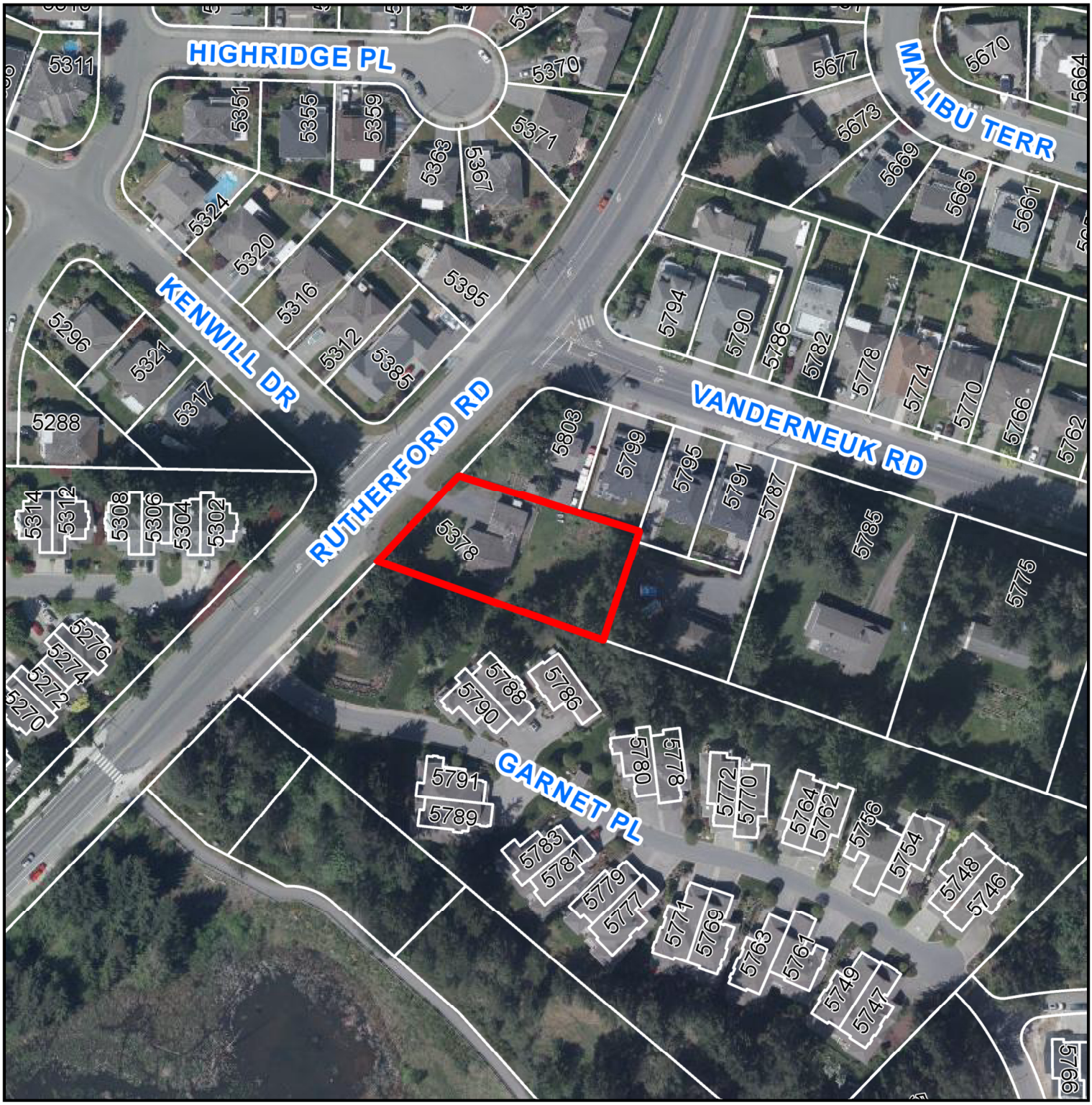
ATTACHMENT E
AERIAL PHOTO



REZONING APPLICATION NO. RA000455

5378 RUTHERFORD ROAD

CITY OF NANAIMO

BYLAW NO. 4500.203

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

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 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 2022 NO. 4500.203”.

2. The “City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP84854 (5378 Rutherford Road) from Single Dwelling Residential (R1) to Low Density Residential (R6) as shown on Schedule A.

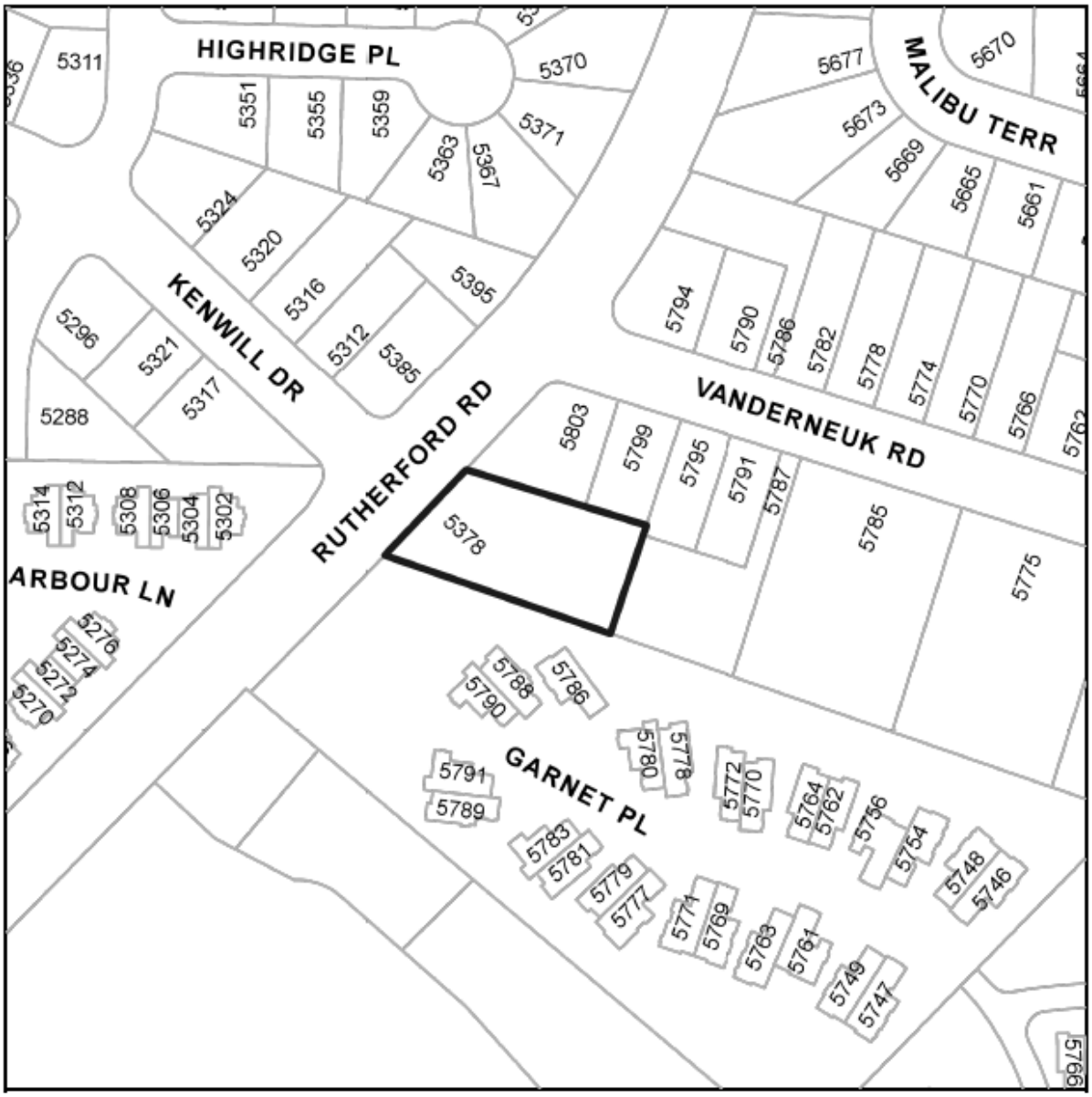
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

_____
M A Y O R

_____
CORPORATE OFFICER

File: RA000455
Address: 5378 Rutherford Road

SCHEDULE A



REZONING APPLICATION NO. RA000455

CIVIC: 5378 RUTHERFORD ROAD

LEGAL: LOT A, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP84854

Subject Property