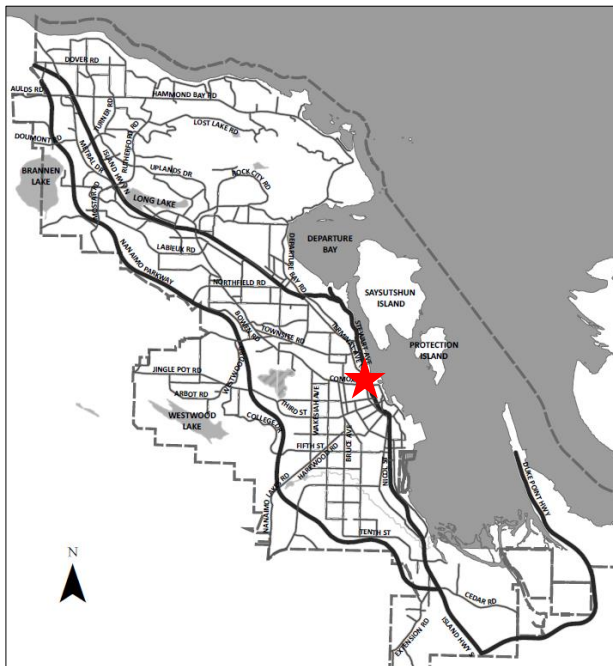


DATE OF MEETING | May 1, 2023

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

SUBJECT | **REZONING APPLICATION NO. RA475 – 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE**



Current Zoning:

CD7 – Comprehensive Development District Zone Seven;
R8 – Medium Density Residential; and
DT12 - Gateway



Proposed Zoning:

CD7 – Comprehensive Development District Zone Seven

City Plan Land Use Designation:

Primary Urban Centre (Downtown)

Lot Area:

563m² – 444 Comox Road
611m² – 450 Comox Road
1,223m² – 500 Comox Road
1,046m² – 55 Mill Street
2.59ha – 1 Terminal Avenue



OVERVIEW

Purpose of Report

To seek Council direction regarding Rezoning Application No. RA475 (for 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue) in order to correct an administrative error in the Zoning Amendment Bylaw.

Recommendation

That Council:

1. rescind Second Reading of “Zoning Amendment Bylaw 2022 No. 4500.204” (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision); and,
2. pass Second Reading of “Zoning Amendment Bylaw 2022 No. 4500.204” as amended.

BACKGROUND

A rezoning application, RA475, was received from Strongitharm Consulting Ltd. on behalf of 490892 BC Ltd. (444, 450, 500 Comox Road and 1 Terminal Avenue) and Brad Martin and Ralston Alexander (55 Mill Street) to rezone the subject properties and amend the City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) to revise Comprehensive Development District Zone Seven (CD7). The proposed rezoning will facilitate a mixed-use residential, commercial, and hotel development and subdivision.

On 2022-AUG-29, Council passed First and Second Readings of the associated Land Use Contract Discharge and Zoning Amendment Bylaws. A Public Hearing was held on 2022-SEP-29 and Third Reading of the bylaws was passed on 2022-OCT-24. Third Reading was subsequently rescinded on 2023-FEB-27 in order for Council to consider additional information regarding City Plan compliance.

During this time, the applicant identified an administrative error in the calculation of density and site coverage included in their original application which subsequently informed the proposed Zoning Amendment Bylaw. In order to correct this error, and ensure the bylaw allowances will permit the development as proposed, the applicant is requesting revisions to “Zoning Amendment Bylaw 2022 No. 4500.204” which will require rescinding Second Reading of the bylaw and passing Second Reading, as amended.

DISCUSSION

While developing more detailed design plans for the subject site, the applicant has identified technical errors in the proposed base density and lot coverage that did not account for road and park dedication. In order to reconcile the bylaw with the anticipated build-out as envisioned in the conceptual plans, the applicant is proposing that “Zoning Amendment Bylaw 2022 No. 4500.204” be amended as summarized in the following table:

Sub-Zone	Density – Floor Area Ratio (FAR)		Lot Coverage	
	Original Bylaw	Proposed Bylaw	Original Bylaw	Proposed Bylaw
1	1.50	1.75	40%	40%
2	3.20	4.05	40%	40%
3	1.50	2.50	40%	40%
4	4.05	5.40	52%	60%
5	0.45	0.70	40%	40%
6	1.50	2.20	40%	60%

Copies of the original and proposed bylaws are attached to this report. The proposed base density and lot coverage in the revised bylaw will correct an administrative error that assigned density to proposed sub-zones based on gross lot area rather than net lot area. The correction will allow for development with residential and commercial uses as contemplated in the original report to Council (2022-AUG-29). All other elements of the proposed bylaw have not changed, including the density bonus provisions, sub-zone areas, permitted uses, and building heights. Given that the ultimate build-out has not increased from the original rezoning proposal, no revisions to the technical studies have been required. Staff are of the opinion that the proposed rezoning and associated land use bylaws are consistent with City Plan policies.

To revise the Zoning Amendment Bylaw, Second Reading of the bylaw will need to be rescinded and then passed as amended. Following this, the application will be scheduled for an upcoming Public Hearing after which Council may consider the bylaw for Third Reading.

SUMMARY POINTS

- The application is to rezone 444, 450, 450 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential (R8) and Gateway (DT12) to Comprehensive Development District Zone Seven (CD7) and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision.
- In order to correct an administrative error and ensure the Bylaw allowances will permit the development as proposed, the applicant is requesting revisions to “Zoning Amendment Bylaw 2022 No. 4500.204.”
- Staff are of the opinion that the proposed rezoning and associated land use bylaws are consistent with City Plan policies.

ATTACHMENTS

- ATTACHMENT A: Subject Property Map
 ATTACHMENT B: Background Staff Reports
 ATTACHMENT C: “Zoning Amendment Bylaw 2022 No. 4500.204”
 ATTACHMENT D: “Zoning Amendment Bylaw 2022 No. 4500.204” (as amended)

Submitted by:

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Concurrence by:

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/ Deputy CAO