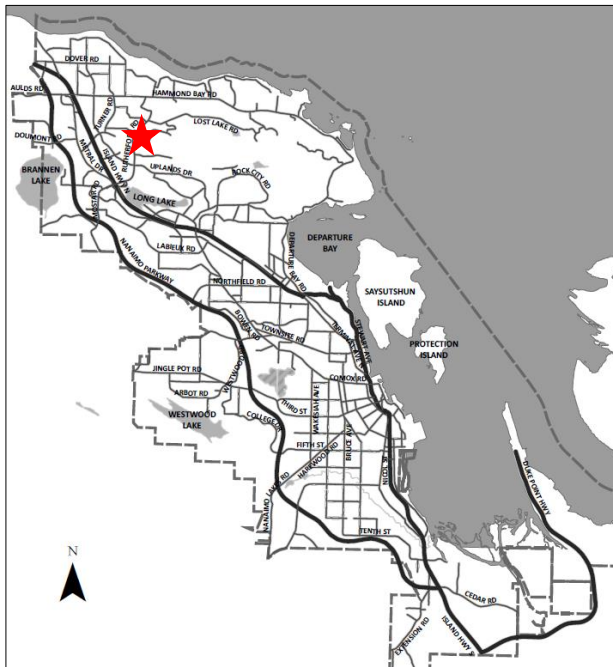


DATE OF MEETING June 16, 2025

AUTHORED BY KRISTINE MAYES, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA502 - 5190, 5196 & 5200
RUTHERFORD ROAD**



Proposal:

To allow a multi-family residential development

Current Zoning:

R10 – Steep Slope Residential

Proposed Zoning:

R7 – Row House Residential

City Plan Land Use Designation:

Suburban Neighbourhood

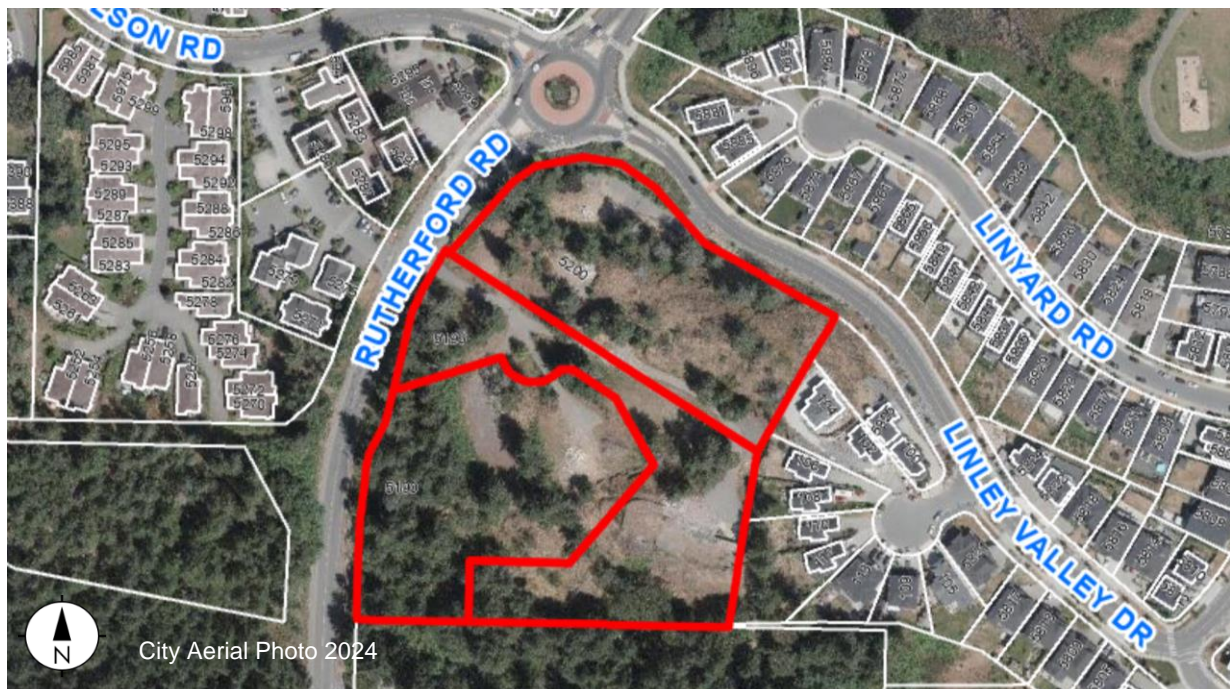
Proposed Lot Area:

2.00 ha – Proposed Lot 1
0.46 ha – Proposed Lot 2
0.19 ha – Proposed Park Dedication

2.65 ha (total lot area)

0.38 ha Proposed Lot 3 (remaining R10)

RA



City Aerial Photo 2024

OVERVIEW

Purpose of Report

To present Council with an application to rezone 5190 and 5196 Rutherford Road and a portion of 5200 Rutherford Road from Steep Slope Residential (R10) to Row House Residential (R7) to allow a multi-family residential development.

Recommendation

That:

1. "Zoning Amendment Bylaw 2025 No. 4500.238" (to rezone 5190 and 5196 Rutherford Road and a portion of 5200 Rutherford Road from Steep Slope Residential [R10] to Row House Residential [R7]) pass first reading;
2. "Zoning Amendment Bylaw 2025 No. 4500.238" pass second reading;
3. "Zoning Amendment Bylaw 2025 No. 4500.238" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2025 No. 4500.238" as outlined in the "Conditions of Rezoning" section of the Staff Report dated 2025-JUN-16 prior to final adoption.

BACKGROUND

A rezoning application, RA502, was received from Placemark Design Studio Inc., on behalf of Rutherford Crestview Developments Ltd., to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone the subject properties at 5190 and 5196 Rutherford Road and a portion of 5200 Rutherford Road from Steep Slope Residential (R10) to Row House Residential (R7) to facilitate a multi-family residential development.

Subject Properties and Site Context

The subject properties are located in the Long Lake Neighbourhood south of the Rutherford Road and Linley Valley Drive roundabout. The grade change of the properties is approximately 47m and slopes downward to the southwest (toward Rutherford Road) and north (toward the roundabout). The subject properties are currently vacant and treed, predominantly covered by rock outcrops. Established single residential dwellings, multi-family developments, small-scale commercial, and parkland predominantly characterize the surrounding area. The subject properties are within walking distance of the Oliver Woods Community Centre, Randerson Ridge Elementary School, and the Boardwalk on Rutherford neighbourhood shopping centre.

Public Notification

Pursuant to Sections 464(3) and 467 of the *Local Government Act*, a public hearing is prohibited for proposed "Zoning Amendment Bylaw 2025 4500.238" as the bylaw is consistent with the Official Community Plan (City Plan) and the purpose of the bylaw is to facilitate a residential development as outlined in this report.

Statutory notification of first reading occurred on 2025-JUN-05. |

DISCUSSION

The applicant is proposing to rezone 5190 and 5196 Rutherford Road and a portion of 5200 Rutherford Road from Steep Slope Residential (R10) to Row House Residential (R7) to facilitate a multi-family residential development. The permitted density of the R10 zone is 16 units per hectare (excluding watercourse leave strip area and statutory parkland dedication) with a base Floor Area Ratio (FAR) of 0.45 for multi-family developments. The R7 zone (Multiple Family Dwelling Lot) has a base FAR of 0.7 and supports the same clustered ground-oriented form as the R10 zone. The R7 zone will give more flexibility for building height and FAR to achieve a denser and more compact building form. The subject properties are within Development Permit Area 6 (Steep Slopes), and it is anticipated that the future Development Permit will address both the Steep Slope and Form and Character design guidelines.

The conceptual plans submitted with the rezoning application illustrate how the site could be developed as a ground-oriented townhouse development with 17 residential buildings which include 68 dwelling units. The steep slope site characteristics of the lots will constrain the proposed site design including the access locations and buildable envelopes; however, the applicant has submitted a development concept that demonstrates that the R7 zoning requirements can be met. While variances are not anticipated, this would be confirmed through the design review at the Development Permit stage.

An R10 remainder (Proposed Lot 3) is intended to be created through a boundary adjustment subdivision and developed as a single residential dwelling, accessed from Rutherford Road via a proposed access easement over Proposed Lot 1. Development on Proposed Lot 3 is challenged by the topography which limits the building envelope – as the buildable area is significantly constrained the applicant has chosen not to rezone this area to a higher density. Through the boundary adjustment subdivision, Staff anticipate the building envelope will be restricted as condition of approval.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject property within the Suburban Neighbourhood future land use designation, which supports ground-oriented development in residential areas that are further from services and transit hubs. The Suburban Neighbourhood designation supports a mix of ground-oriented building forms including townhouses up to three storeys. The proposed development is consistent with City Plan policies for the Suburban Neighbourhood future land use designation.

The applicant submitted a number of technical studies in support of the proposed rezoning including: an environmental assessment, wildfire hazard report, arborist report, and preliminary servicing reports. Staff have reviewed and accepted the studies provided, with the understanding that further review would occur at the detailed design stage (Development Permit and Building Permit).

City Plan – Mobility Network

The subject property is located outside of an urban centre as identified in Figure 36 of the City Plan, with the nearest centre being Nanaimo North Secondary Urban Centre (approximately 615m to the south).

Existing accesses will be maintained from Rutherford Road for Proposed Lot 1 and from Linley Valley Drive for Proposed Lot 2, with no interconnection of the internal driveways due to the grade difference between the proposed lots. Vehicle access will be restricted to right-in, right-out from Rutherford Road for Proposed Lot 1. Full movement from Linley Valley Drive for Proposed Lot 2 will be permitted with off-site improvements to manage speeds to ensure safe sightlines and stopping distances can be met. Rutherford Road and Linley Valley Drive are designated Urban Collector in Schedule 4 (“Road Network”) of City Plan which requires a 25m road dedication. The existing road dedication widths vary, as such, a total of 168m² of road dedication as shown on Attachment B will be secured as a condition of rezoning.

Community Consultation

The applicant hosted a Public Information Meeting (PIM) on 2024-DEC-11 at the Grand Hotel Nanaimo, where approximately 24 members of the public attended. Several comments were received in support of the building form and preservation of existing trees. Some attendees expressed concerns regarding traffic, pedestrian improvements to the roundabout, pedestrian connections to parkland, and the proposed trail connection to Colbourne Park from Lindquist Road. The City will be securing off-site improvements to manage speeds at the Linley Valley Road roundabout exit and has worked with the applicant to design the trail connection within the proposed park dedication connecting through Colbourne Park.

Community Amenity Contribution

In exchange for the value conferred to the lands through rezoning, the applicant was encouraged to provide a Community Amenity Contribution (CAC) in accordance with Council's *Community Amenity Contribution Policy*. The CAC proposal includes park dedication along the south property boundary (0.19 ha) and a monetary contribution of \$258,400 for park and trail improvements. The proposed CAC is based on the concept plan demonstrating 68 townhouse units at the 2023 rate of \$3,800 per units, in effect at the time the application was submitted. It is anticipated the funds will be used toward the construction of a public pedestrian trail within the proposed park dedication and Colbourne Park to the west, connecting Rutherford Road to Lindquist Road. A conceptual trail design has been reviewed and accepted by Parks, Recreation and Culture (PRC).

The park dedication and monetary contribution are recommended to be provided prior to final adoption of “Zoning Amendment Bylaw 2025 4500.238” as the construction of the proposed development is unknown at this time, and the trail is a PRC priority with an anticipated funding and construction timeline of 2027.

Staff support the proposed CAC.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2025 No. 4500.238”, Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Boundary Adjustment Subdivision* – completion of a Boundary Adjustment Subdivision, generally as shown on Attachment B.
2. *Community Amenity Contribution* – park dedication (approximately 0.19 ha) and a monetary contribution of \$258,400 to be directed towards park and trail improvements, to be provided prior to final adoption of “Zoning Amendment Bylaw 2025 4500.238”.
3. *Road Dedication* – approximately 168m² of road dedication (as measured 12.5m from the existing road centerline to the property) along Rutherford Road and Linley Valley Drive to allow for a future ‘Urban Collector’ cross section of 25m as shown on Attachment B.
4. *Access Restrictions & Off-Site Improvements* – restrict access to Proposed Lot 1 to right-in, right-out from Rutherford Road; and provision of off-site traffic calming improvements along Linley Valley Drive (to allow full vehicle movement to Proposed Lot 2) with details to be confirmed at Design Stage Acceptance, to be completed at the applicant’s expense.

SUMMARY POINTS

- This application is to rezone 5190 and 5196 Rutherford Road and a portion of 5200 Rutherford Road from Steep Slope Residential (R10) to Row House Residential (R7) to allow a multi-family residential development.
- The conceptual plans illustrate 17 ground-oriented townhouse buildings which include 68 dwelling units.
- The proposed development is consistent with City Plan policies for the Suburban Neighbourhood future land use designation.
- The applicant is proposing park dedication and a monetary Community Amenity Contribution toward the construction of a proposed trail connecting Rutherford Road to Lindquist Road.
- Staff support the proposed Zoning Bylaw amendment.

ATTACHMENTS

ATTACHMENT A: Subject Properties Map
ATTACHMENT B: Preliminary Plan of Subdivision
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Conceptual Building Perspectives
“Zoning Amendment Bylaw 2025 No. 4500.238”

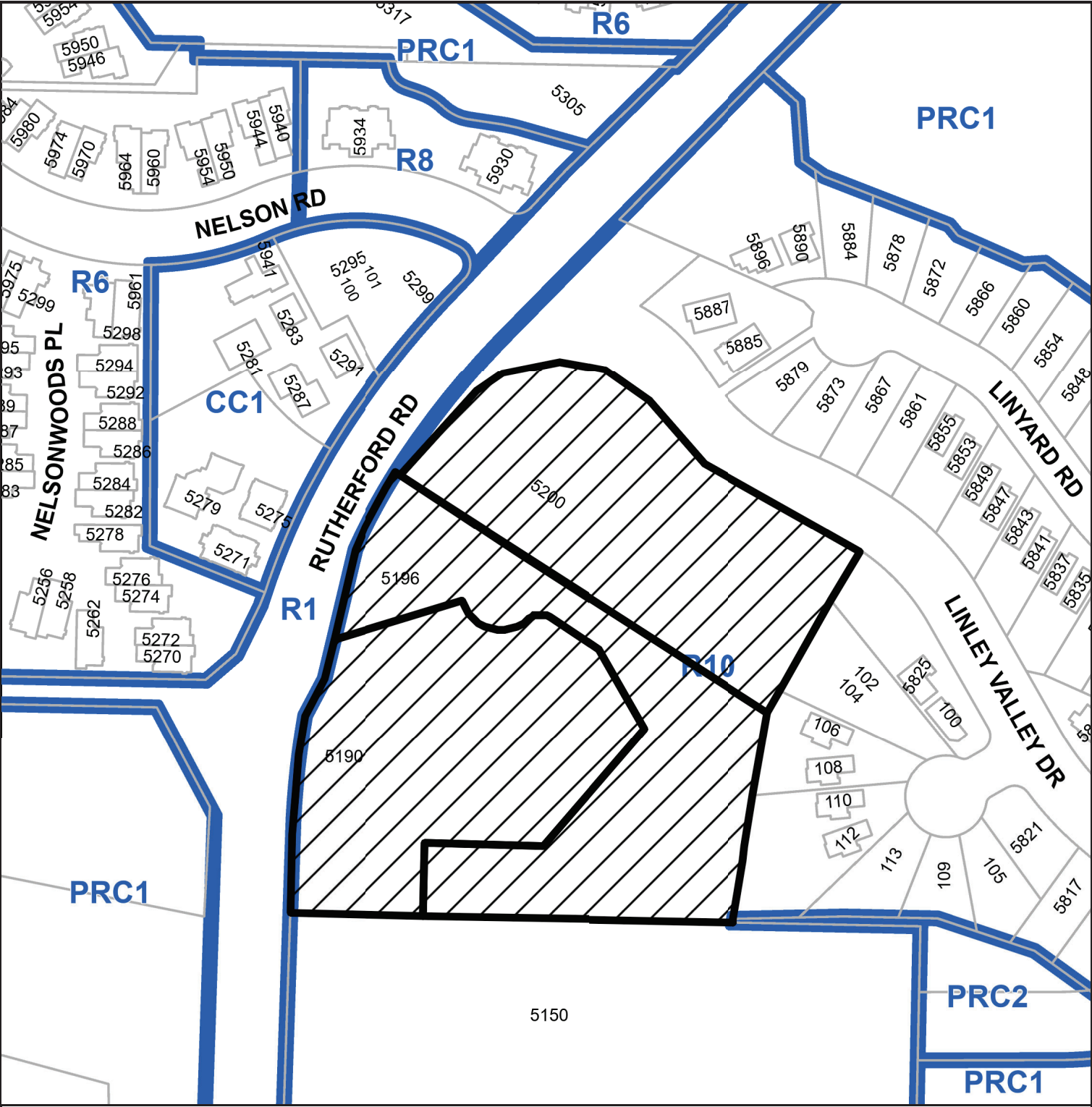
Submitted by:

Lainya Rowett
Manager, Current Planning

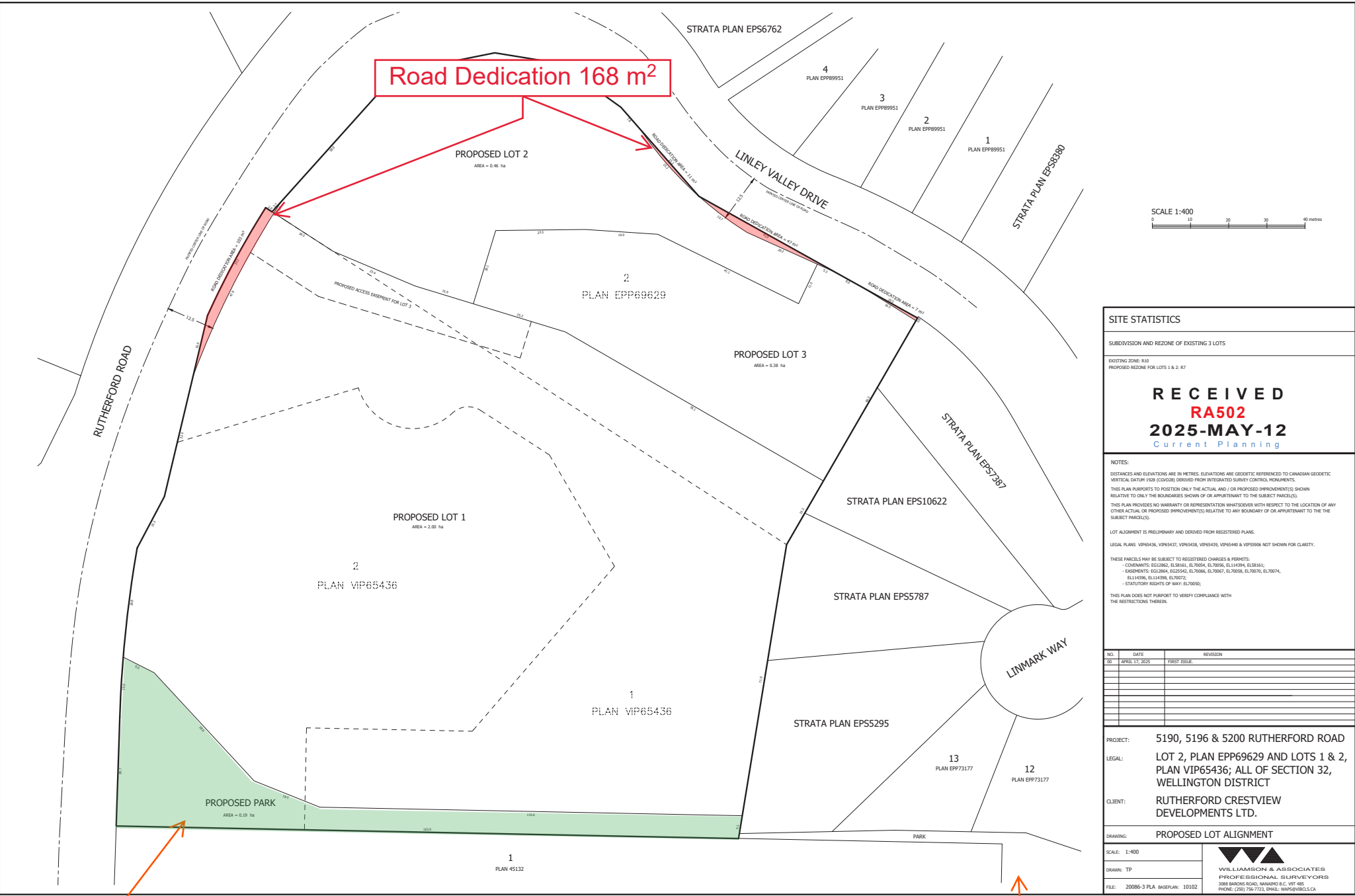
Concurrence by:

Jeremy Holm
Director, Planning & Development

ATTACHMENT A
SUBJECT PROPERTIES MAP



ATTACHMENT B
PRELIMINARY PLAN OF SUBDIVISION



SITE STATISTICS

SUBDIVISION AND REZONE OF EXISTING 3 LOTS

EXISTING ZONE: R10
PROPOSED REZONE FOR LOTS 1 & 2: R7

RECEIVED
RA502
2025-MAY-12
Current Planning

NOTES:

DISTANCES AND ELEVATIONS ARE IN METRES. ELEVATIONS ARE GEODETIC REFERENCED TO CANADIAN GEODETIC VERTICAL DATUM 1983 (CGVD83) DERIVED FROM INTEGRATED SURVEY CONTROL MONUMENTS.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND / OR PROPOSED IMPROVEMENTS SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE SUBJECT PARCELS(S).

THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENTS RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCELS(S).

LOT ALIGNMENT IS PRELIMINARY AND DERIVED FROM REGISTERED PLANS.

LEGAL PLANS: VIP65436, VIP65437, VIP65438, VIP65439, VIP65440 & VIP65596 NOT SHOWN FOR CLARITY.

THESE PARCELS MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

COVENANTS: E012862, E038165, E070504, E070506, E0114394, E0158161
EASEMENTS: E012864, E025542, E070666, E070667, E070668, E070670, E070674, E0114396, E0114398, E070072
STATUTORY RIGHTS OF WAY: E070592

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

NO.	DATE	REVISION
01	APRIL 17, 2025	FIRST ISSUE

PROJECT: 5190, 5196 & 5200 RUTHERFORD ROAD
LEGAL: LOT 2, PLAN EPP69629 AND LOTS 1 & 2, PLAN VIP65436; ALL OF SECTION 32, WELLINGTON DISTRICT
CLIENT: RUTHERFORD CRESTVIEW DEVELOPMENTS LTD.
DRAWING: PROPOSED LOT ALIGNMENT

SCALE: 1:400	 WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS 2080 BAYVIEW ROAD, NANTAKO B.C., V0T 4B5 PHONE: (250) 758-7722, EMAIL: INFO@WPAWS.COM
DRAWN: TP	
FILE: 20086-3 PLA BASEPLAN: 10102	

Park Dedication

Colbourne Park

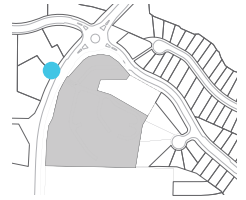
ATTACHMENT C CONCEPTUAL SITE PLAN

DEVELOPMENT YIELD



3 South Parcel Main Entrance - Rutherford Rd

From the intersection on the other side of Rutherford Rd, looking towards the Main Entrance to the project's South Parcel.



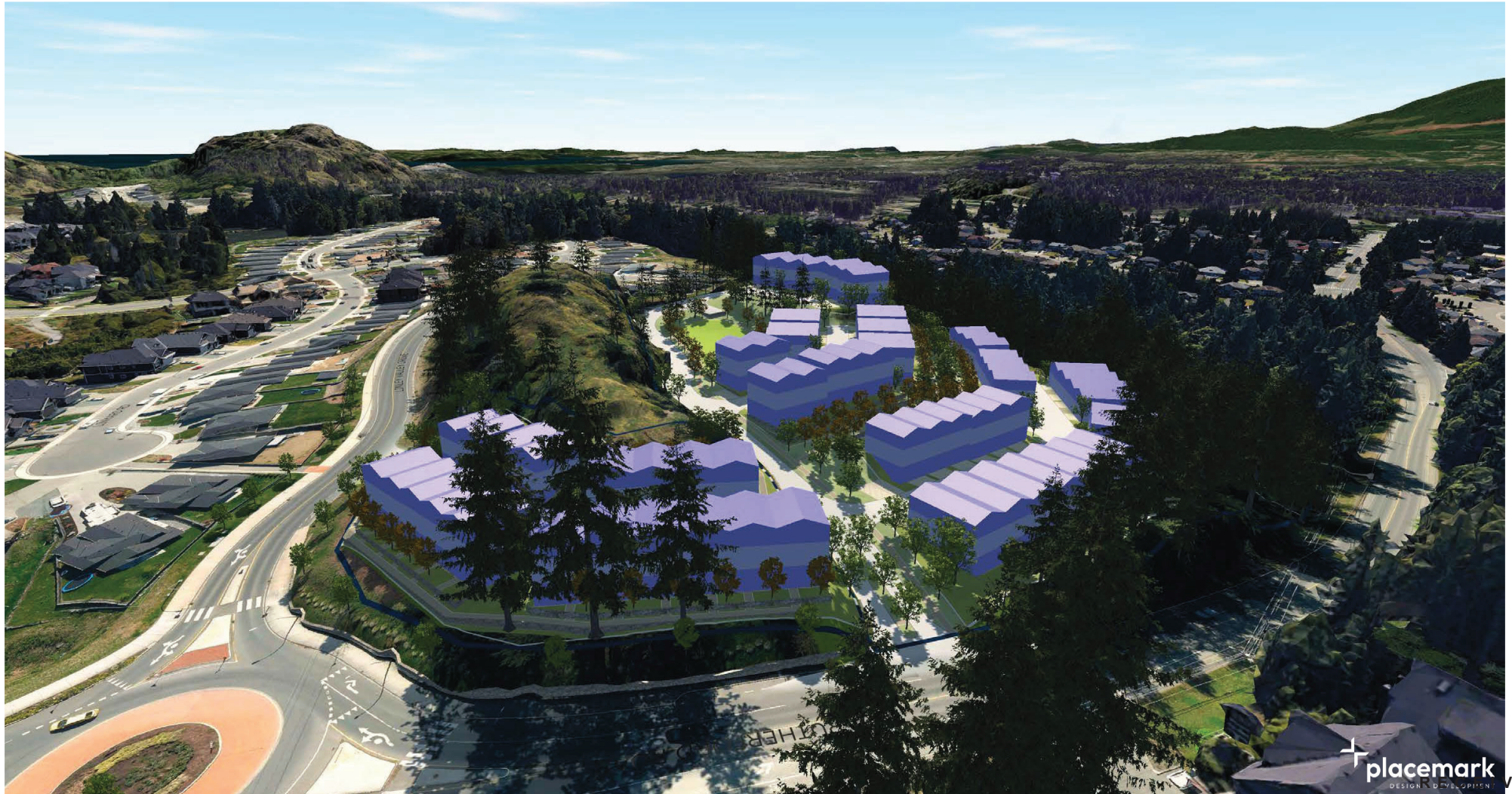
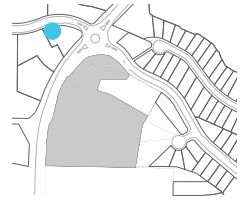
placemark
DESIGN + DEVELOPMENT

E D

RA502
2024-JAN-15
Current Planning

10 Bird's-eye View - Northwest corner

Looking towards the southeast.



CITY OF NANAIMO

BYLAW NO. 4500.238

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, 467, 479, 480, and 481 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 "ZONING AMENDMENT BYLAW 2025 NO. 4500.238".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (a) By rezoning the lands legally described as Lots 1 & 2, District Lot 32, Wellington District, Plan VIP65436 (5190 & 5196 Rutherford Road) from Steep Slope Residential (R10) to Row House Residential (R7) as shown on Schedule A.
 - (b) By rezoning a portion of the lands legally described as Lot 2, District Lot 32, Wellington District, Plan EPP69629 (5200 Rutherford Road) from Steep Slope Residential (R10) to Row House Residential (R7) as shown on Schedule A.

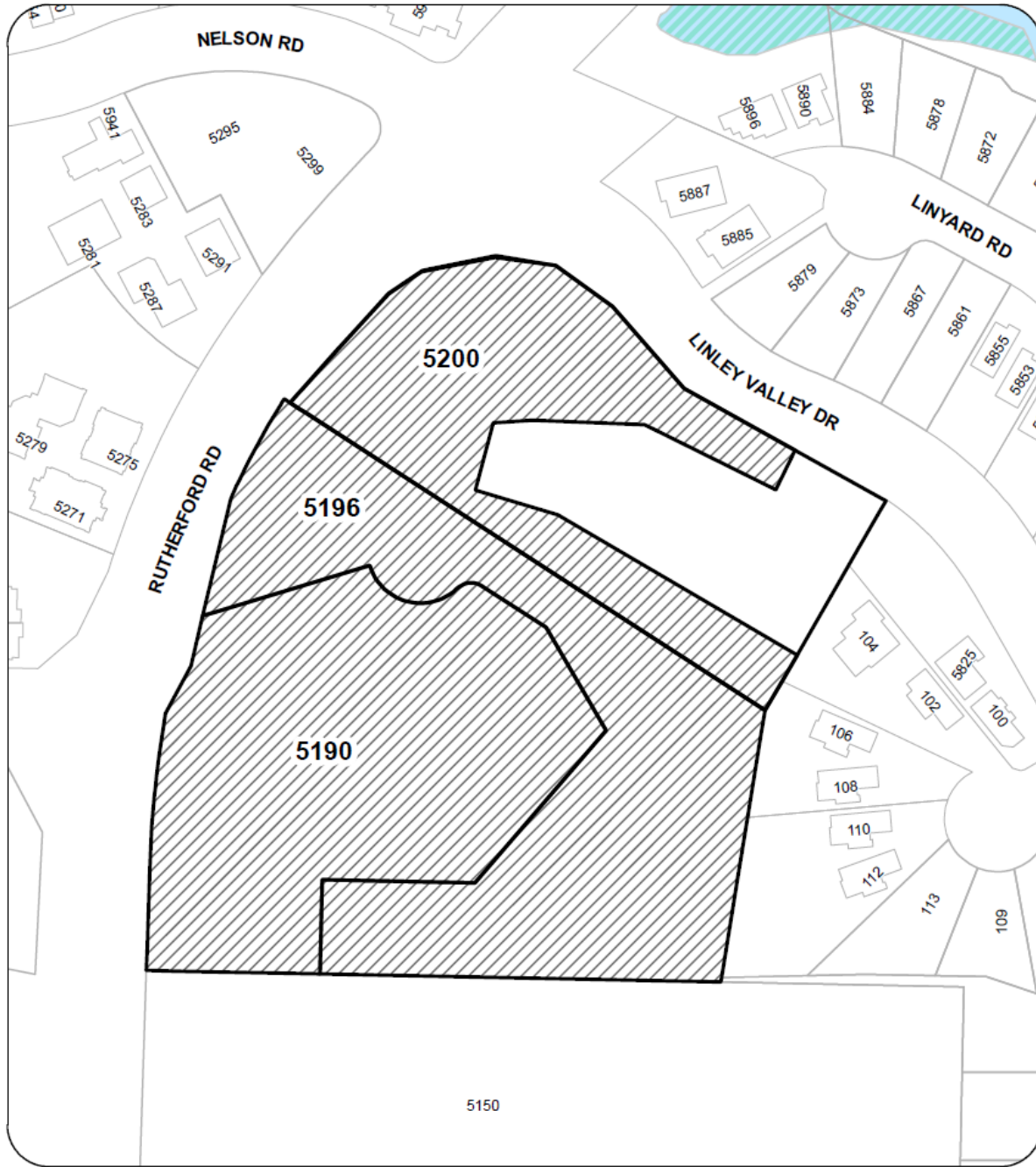
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____



MAYOR

CORPORATE OFFICER

File: RA000502
Address: 5190, 5196 & 5200 Rutherford Road

SCHEDULE A



 SUBJECT PROPERTIES
 TO BE REZONED

REZONING APPLICATION NO. RA502

CIVIC: 5190, 5196, 5200 RUTHERFORD ROAD
LEGAL: LOTS 1 & 2, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN VIP65436;
AND PORTION OF LOT 2, DISTRICT LOT 32, WELLINGTON DISTRICT, PLAN EPP69269