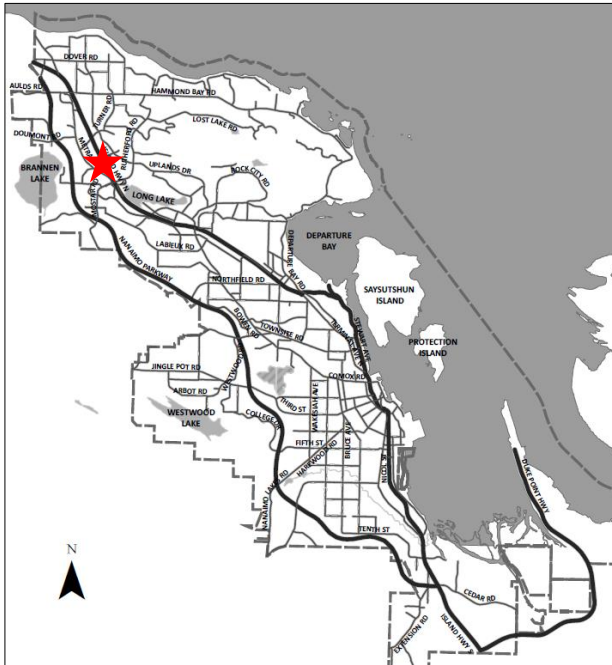


DATE OF MEETING | July 8, 2024 |

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING |

SUBJECT REZONING APPLICATION NO. RA498 - 5360 BERGEN-OP-ZOOM DRIVE



Proposal:

To allow a multi-family development

Current Zoning:

R1 – Single Dwelling Residential

Proposed Zoning:

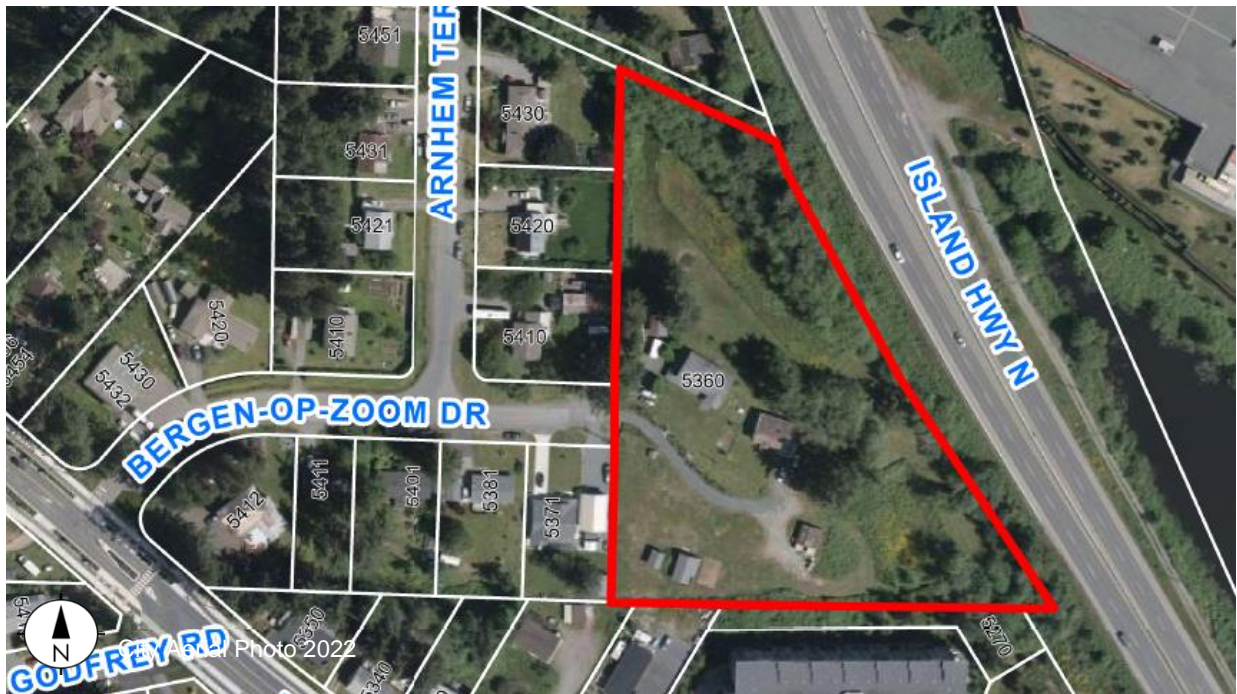
R8 – Medium Density Residential

City Plan Land Use Designation:

Residential Corridor

Lot Area:

1.46 ha



OVERVIEW

Purpose of Report

To present Council with an application to rezone 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential (R1) to Medium Density Residential (R8) to allow a multi-family residential development.

Recommendation

That

1. "Zoning Amendment Bylaw 2024 No. 4500.227" (to rezone 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential [R1] to Medium Density Residential [R8] pass first reading;
2. "Zoning Amendment Bylaw 2024 No. 4500.227" pass second reading;
3. "Zoning Amendment Bylaw 2024 No. 4500.227" pass third reading; and,
4. Council direct Staff to secure the conditions related to "Zoning Amendment Bylaw 2024 No. 4500.227" as outlined in the "Conditions of Rezoning" section of the Staff Report dated 2024-JUL-08 prior to final adoption.

BACKGROUND

A rezoning application, RA498, was received from Tony Harris Developments Inc., on behalf of Bozd (Land Development) Nominee Ltd., to amend the "City of Nanaimo Zoning Bylaw 2011 No. 4500" (the "Zoning Bylaw") to rezone the subject property at 5360 Bergen-Op-Zoom Drive from Single Dwelling Residential (R1) to Medium Density Residential (R8) to facilitate a multi-family development.

Subject Property and Site Context

The subject property is located in North Nanaimo between the terminus of Bergen-Op-Zoom Drive and Island Highway North. The property slopes approximately 6m downward to the northeast toward Island Highway North. Established single residential dwellings, multi-family developments, commercial developments, and parkland (Dublin Park to the south and Amsterdam Park to the north) predominantly characterize the surrounding area. The subject property currently contains a single residential dwelling and several accessory buildings.

Site characteristics of note include mature trees, a watercourse through the northeast portion of the site, and proximity to Metral Drive, a complete street and multi-modal transportation corridor with transit service, sidewalks, and dedicated bike lanes. The development is within walking distance to services and is well connected to the Nanaimo North Secondary Urban 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 2024 No. 4500.227" 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 2024-JUN-27. |

DISCUSSION

Proposed Zoning

The applicant is proposing to rezone the subject properties from R1 to R8 to facilitate a multi-family residential development.

The conceptual plans submitted with the rezoning application illustrate how the site could be developed with two buildings in five-storey building forms consisting of a total 168 dwelling units. The proposed development complements the existing multi-family and commercial developments to the southeast. The development concept demonstrates that the R8 zoning requirements can be met, and the required parking can be provided onsite. Any additional variances, if proposed, would be confirmed through the design review at the Development Permit stage.

Policy Context

City Plan – Future Land Use

City Plan identifies the subject property within the Residential Corridor land use designation, which supports medium density residential development along urban arterial and collector roads. The Residential Corridor designation supports a mix of building forms including low- to mid-rise residential apartments (three to six storeys). Rezoning to the R8 zone is supported by City Plan and meets the policy objectives of the Residential Corridor designation to allow residential densification close to the Metral Drive corridor near existing commercial services and employment centres, schools, and parks and open space.

The applicant submitted several technical studies in support of the proposed rezoning including geotechnical, environmental, civil, and tree management assessments. As part of the application review, a water model analysis was also completed to confirm available fire flows for the proposed development. Staff have reviewed and accepted the studies with the understanding that further review is required at the detailed design stage (Development Permit and Building Permit) to confirm the requirements for development.

City Plan – Mobility Network

The subject property is located along the Metral Drive corridor which connects to the Nanaimo North and Woodgrove Secondary Urban Centres as identified in Figure 36 of City Plan, with the Nanaimo North Secondary Urban Centre located directly across the Island Highway. Metral Drive is a frequent bus transit corridor and primary active mobility route. Supporting densification in this area would support City Plan objectives to create more housing diversity in an existing residential neighbourhood in close proximity to local services and mobility options.

Vehicle access to the site would continue from the existing access at the terminus of Bergen-Op-Zoom Drive which is designated as an Urban Local in Schedule 4 (“Road Network”).

As a condition of rezoning, the onsite roundabout will be designed and constructed with access secured by a statutory right-of-way (SRW) for use by the public and service vehicles as a turnaround. Additionally, the subject property fronts Island Highway along the northeast lot line and the Ministry of Transportation and Infrastructure (MoTI) have requested that the applicant

dedicate a 358.3m² triangular shaped portion of the lot to rectify a jog in the property line (Attachment C) and restrict access for the development to Bergen-Op-Zoom Drive.

Community Consultation

The subject property is not within the area of an active neighbourhood association. The applicant hosted a Public Information Meeting on 2024-FEB-09 at the Pleasant Valley Social Centre, where approximately eight members of the public attended the meeting. A comment in support of the development was received and some attendees expressed concerns regarding parking, traffic, tree removal, building heights and drainage.

Community Amenity Contribution

In exchange for the value conferred on the lands through rezoning, the application was reviewed in accordance with Council's *Community Amenity Contribution Policy*. Based on the 2023 rates at the time of application and the conceptual plans provided, an approximate monetary contribution of \$625,305 is anticipated in accordance with the multi-family CAC rate of \$41 per m² of multi-family gross floor area.

The following in-kind CACs are proposed as part of the rezoning:

1. A Publicly Accessible Pathway connecting Dublin Way to Bergen-Op-Zoom Drive – construction of a 3m wide publicly accessible pathway built to City Standard CS-21 (urban hard surface trail) with lighting.
2. A SRW for the publicly accessible pathway as well as a future connection from the pathway to Amsterdam Park (as shown on Attachment B) over the site be secured as a condition of rezoning.
3. Road Upgrades within Bergen-Op-Zoom Drive – construction of the south side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace, and both sides of Bergen-Op-Zoom Drive between Arnhem Terrace and Metral Drive to Urban Local design standard (UL-XS1).

The detailed cost estimate provided in support of the CAC proposal indicates that the in-kind CACs achieved through ultimate buildout is anticipated to exceed the monetary contribution that would otherwise be provided through rezoning. If applicable, any contribution to meet the ultimate value of the CAC would be based on the multi-family CAC rate of \$41 per m² of gross floor area and is to be directed towards local parks and trail improvements within the City of Nanaimo. Staff note CAC contributions may be reduced by 50% for market rental dwelling units when the rental tenure of the units is secured by a Section 219 covenant, or other legal means to the satisfaction of the City, to be confirmed at time of detailed design.

Staff support the proposed CACs.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2024 No. 4500.227", Staff recommend the following items be secured prior to final adoption of the bylaw:

1. *Community Amenity Contribution* – an in-kind amenity contribution as follows:

- construction of a 3m wide publicly accessible pathway between Dublin Way and Bergen-Op-Zoom Drive with lighting built to City Standard CS-21 (with access secured by an SRW);
 - a blanket SRW to secure a future connection from the publicly accessible pathway to Amsterdam Park (to be reduced to a specific SRW once constructed);
 - construction of the south side of Bergen-Op-Zoom Drive between the subject property and Arnhem Terrace, and both sides of Bergen-Op-Zoom Drive between Arnhem Terrace and Metral Drive to Urban Local design standard (UL-XS1); and,
 - If applicable, any monetary contribution to supplement the value of the proposed in-kind amenity based on a CAC rate of \$41 per m² of gross floor area is to be directed towards local parks and trail improvements within the City of Nanaimo.
2. *Road Dedication* – 358.3m² triangle shaped road dedication along the Island Highway prior to final adoption of the bylaw.
3. *On-site & Off-site Improvements* – registration of a Section 219 covenant to secure the following prior to building permit issuance:
- the design and construction of an onsite roundabout to be secured by a statutory right-of-way for use by the public and service vehicles as a turnaround;
 - construction of environmental protection fencing along the wetland setback; and,
 - vehicle access to the proposed development restricted to Bergen-Op-Zoom Drive.

SUMMARY POINTS

- This application is to rezone the subject property from Single Dwelling Residential (R1) to Medium Density Residential (R8) to allow a multi-family residential development.
- The proposed development is consistent with City Plan policies for the Residential Corridor future land use designation.
- The conceptual plans illustrate two buildings consisting of 168 dwelling units.
- The applicant is proposing an in-kind Community Amenity Contribution including a publicly accessible pathway and offsite improvements.
- Staff support the proposed Zoning Bylaw amendment.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Conceptual Site Plan
ATTACHMENT C: Conceptual Landscape Plan
ATTACHMENT D: Conceptual Building Perspectives
“Zoning Amendment Bylaw 2024 No. 4500.227”

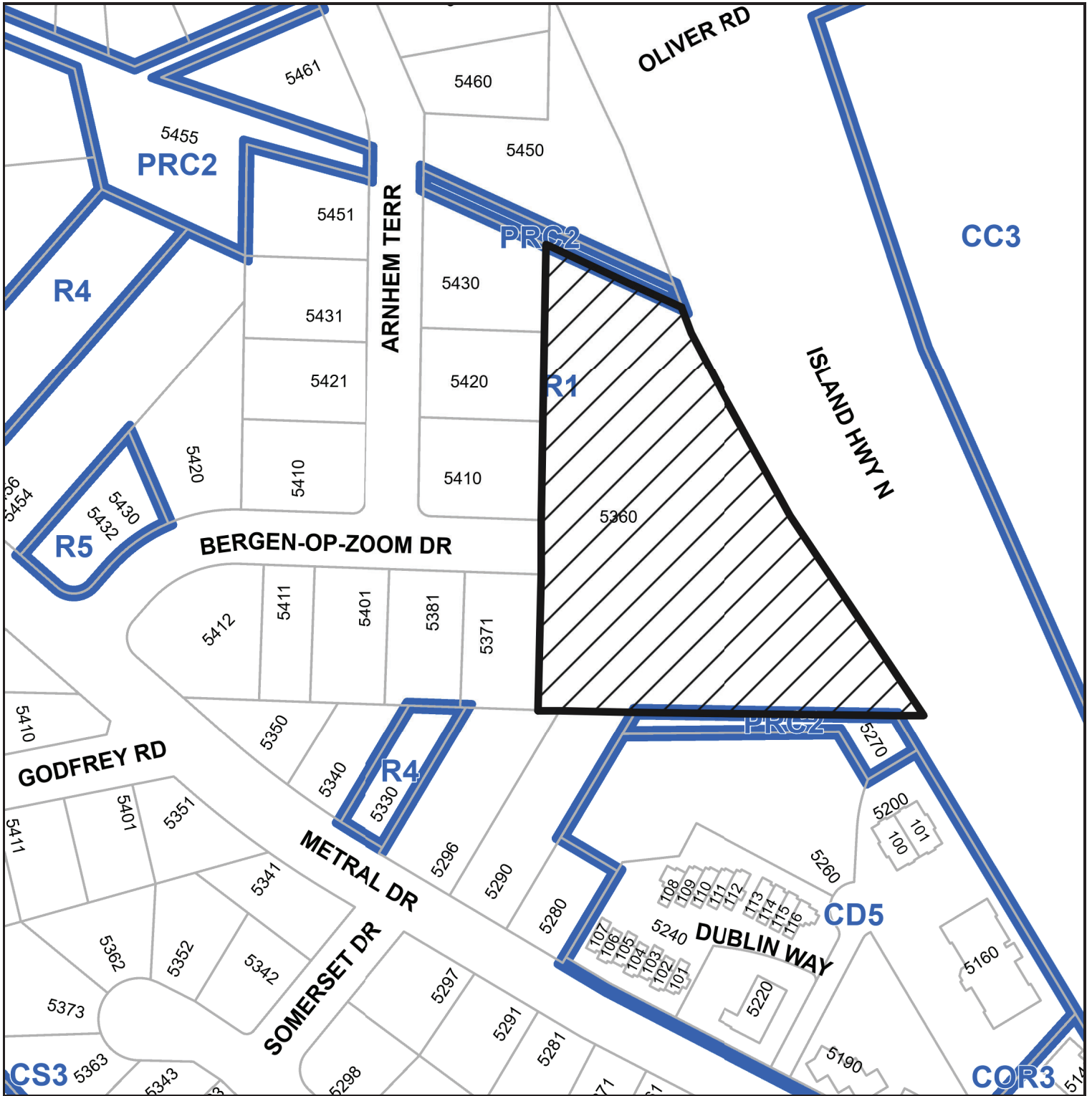
Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development

**ATTACHMENT A
SUBJECT PROPERTY MAP**



 5360 Bergen-Op-Zoom Drive

ATTACHMENT B CONCEPTUAL SITE PLAN



Proposed 3m Wide Public Path & Statutory Right-of-Way

Proposed 3m Wide Public Path Connection to Dublin Way

Blanket Statutory Right-of-Way (Future Trail Connection)

ISLAND HIGHWAY
SEE HIGHWAY PLANS 332605 AND 13667 ABD 33807

WATERCOURSE & LEANSTRIP AREA WITHIN LOTT = 0.47%

SITE PLAN

PARK
PLAN EPP17170

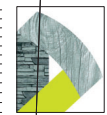
RECEIVED
RA 498
2024-MAY-31
CITY OF NANAIMO

SHEET TITLE
SITE PLAN
PRELIMINARY

SHEET NO.
A1.1
REVISION

NOTES
1. This drawing is an attachment of a permit application and is not to be used for any other purpose without the written consent of the City of Nanaimo.
2. The City of Nanaimo is not responsible for the accuracy of the information provided in this drawing.
3. The City of Nanaimo is not responsible for the accuracy of the information provided in this drawing.
4. The City of Nanaimo is not responsible for the accuracy of the information provided in this drawing.
5. The City of Nanaimo is not responsible for the accuracy of the information provided in this drawing.

21 PLAN 15154	22 PLAN 15154	23 PLAN 15154	24 PLAN 15154
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D-ARCHITECTURE
6377 GEARUS DRIVE, NANAIMO, BC V9V 1N4
T: 250-933-1991, E: P@D@I@SHAW.CA
DARYLOUSE PRODUCTIONS ARCHITECTURE INC.

ARCHITECT SEAL

CONSULTANT LOGO

CONSULTANT SEAL
BOZD
OP-ZOOM
DRIVE

SCALE
3/32" = 1'-0"
DATE
24 MAY 31

PROJECT
5368 BERGEN OP-ZOOM DR.
NANAIMO, BC

CLIENT
TONY HARRIS
PROJECT NO.
2285

ATTACHMENT C CONCEPTUAL LANDSCAPE PLAN

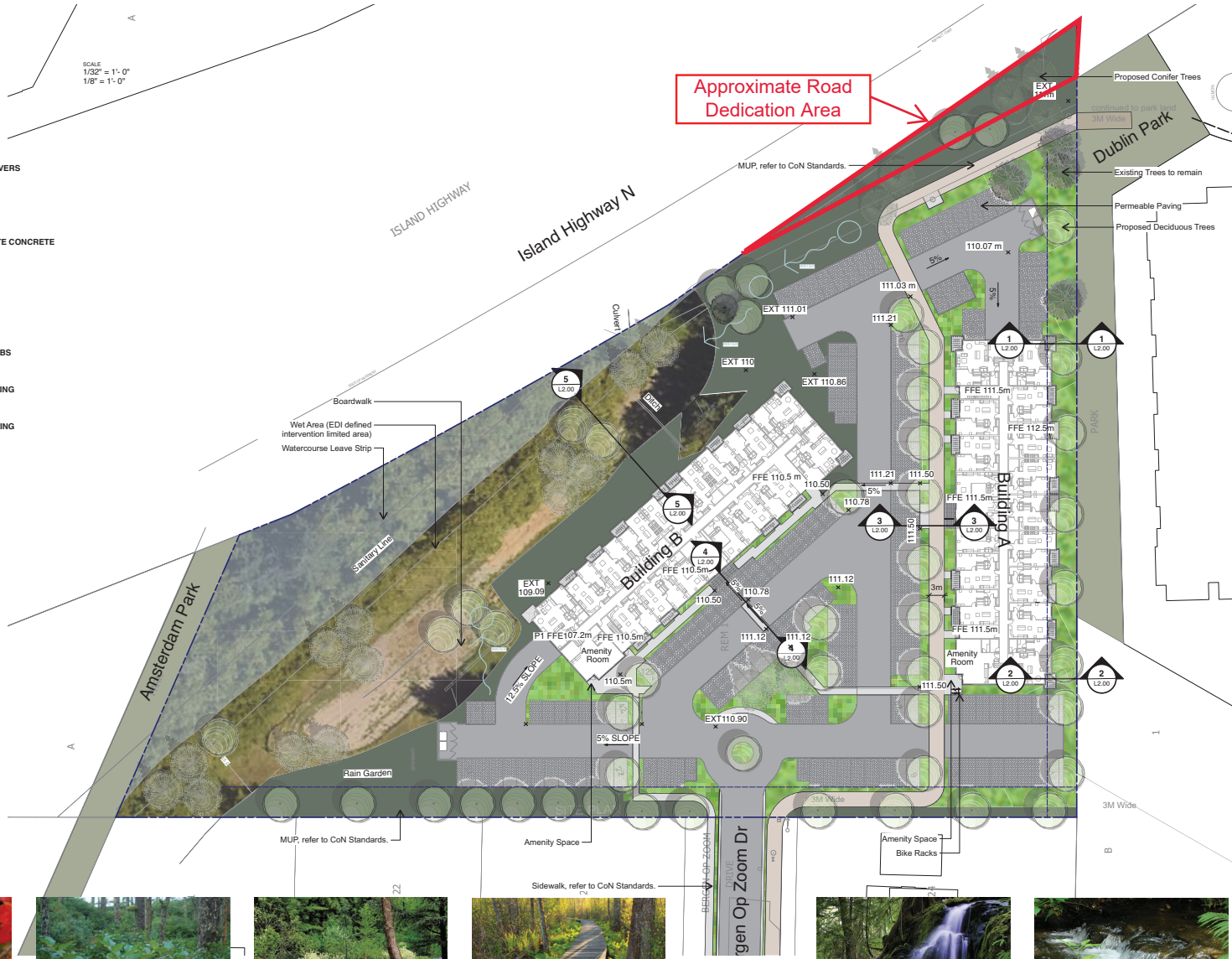
DRAWING LIST

SHEET DRAWING TITLE
L1.00 Landscape Plan
L2.00 Landscape Sections

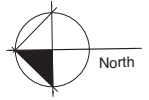
SCALE
1/32" = 1'-0"
1/8" = 1'-0"

MATERIALS LEGEND

	PERMEABLE UNIT PAVERS PARKING
	ASPHALT PARKING AREA
	EXPOSED AGGREGATE CONCRETE SIDEWALK / MUP
	CIP CONCRETE WALKWAY
	SPECIAL PAVING LOBBY ENTRANCE
	HYDRAPRESSED SLABS PATIO
	ORNAMENTAL PLANTING NATIVE OR ADAPTIVE
	NATURALIZED PLANTING



Approximate Road Dedication Area



1 2024-05-31 Issued for Rezoning
 no. | date | item | by
 Revisions:
 Stamp:

dk
 DURANTE KREUK LTD. LANDSCAPE ARCHITECTS
 102 - 1837 West 5th Avenue Vancouver B.C. V6J 1N5
 P 604.684.4611 | F 604.684.0577 | www.dk.bc.ca
 Client:

Project:
BOZD
 5638 Bergen Op-zoom Dr.
 Nanaimo, BC

Drawn by: YZ
 Checked by: DC
 Date: May 31 2024
 Scale: 1/32" = 1'-0"
 Drawing Title:

Landscape Plan

Project No.:
 23059
 Sheet No.:

L1.00



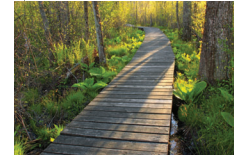
NATIVE PLANTINGS



RAIN GARDEN



BOARDWALK



STREAM



RECEIVED
 RA498
 2024-MAY-31
 Concept Planning

ATTACHMENT D CONCEPTUAL BUILDING PERSPECTIVES



View from Bergen Op-Zoom Drive

RECEIVED
RA498
2023-SEP-13

<p>NOTES</p> <p>This drawing is an instrument of service to the project. It shall be used only for the project and shall not be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in this drawing or any other drawings or specifications prepared by others. The architect shall not be responsible for any construction methods or materials not specified in this drawing or any other drawings or specifications. The architect shall not be responsible for any construction methods or materials not specified in this drawing or any other drawings or specifications.</p>	



D-ARCHITECTURE
6377 ICARUS DRIVE, NANAIMO, BC V9V 1N4
T: 250-933-1991, E: PRODU@DASHAW.CA
DARYLGOUGH FREDALL ARCHITECTURE INC.

ARCHITECT SEAL

CONSULTANT LOGO

CONSULTANT SEAL

SCALE
1/8"=1'-0"
DRAWN
CHECKED
DATE
2 AUG 23

PROJECT
BOZD
5368 BERGEN OP-ZOOM DR.
NANAIMO, BC

CLIENT
TONY HARRIS
PROJECT NO.
2285

SHEET TITLE
RENDERING
PRELIMINARY
BUILDING A & B

SHEET NO.
A4.2
REVISION

CITY OF NANAIMO

BYLAW NO. 4500.227

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, 481, and 482 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 2024 NO. 4500.227".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT 1, SECTION 14, WELLINGTON DISTRICT, PLAN 13667 EXCEPT THOSE PARTS IN PLANS 32255 AND 33807 (5360 Bergen-Op-Zoom Drive) from Single Dwelling Residential (R1) to Medium Density Residential (R8) as shown on Schedule A.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

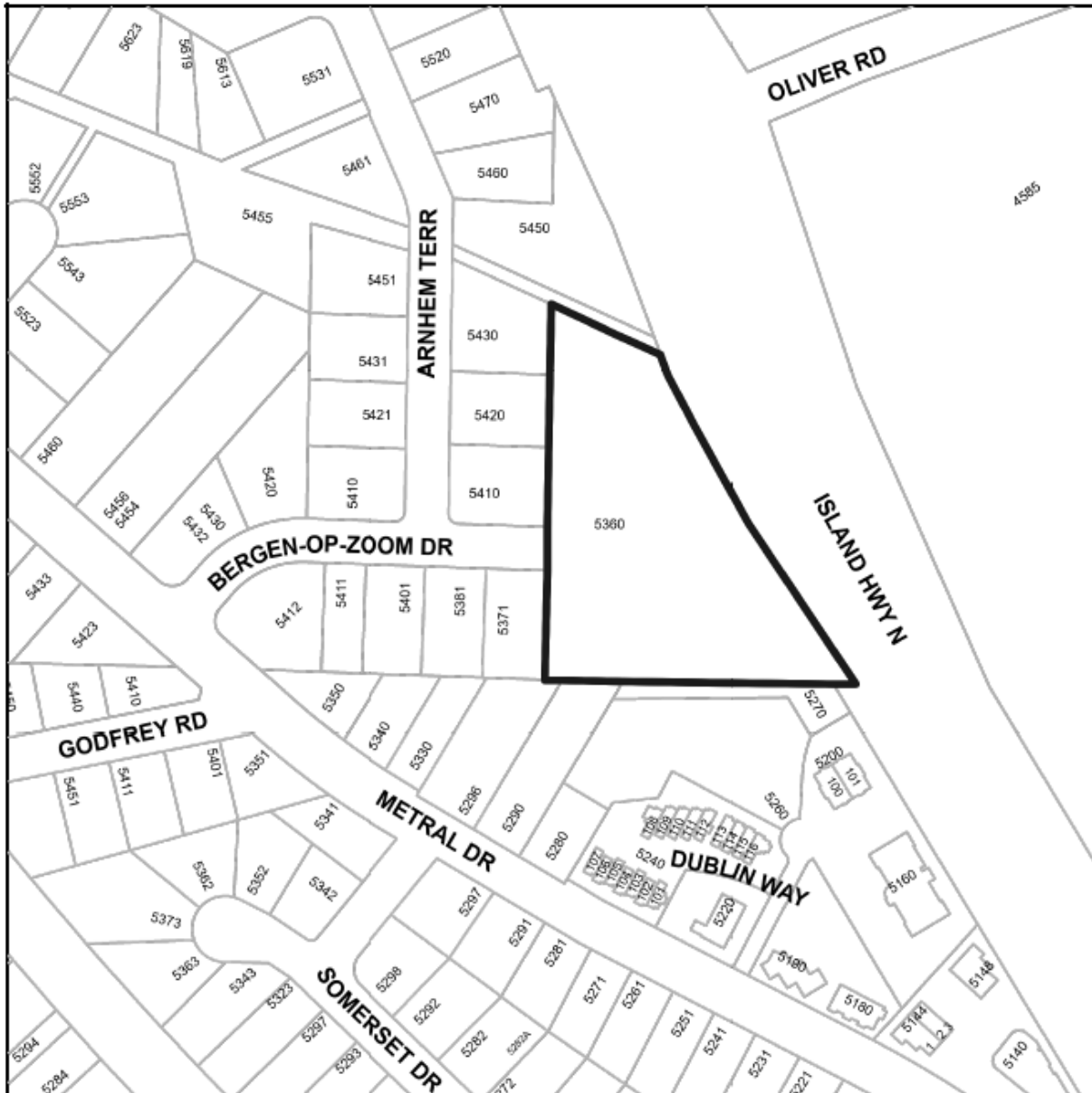
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000498
Address: Medium Density Residential

SCHEDULE A



Subject Property

Rezoning Application No. RA000498

CIVIC: 5360 Bergen-Op-Zoom Drive

LEGAL: LOT 1, SECTION 14, WELLINGTON DISTRICT, PLAN 13667 EXCEPT
THOSE PARTS IN PLANS 32255 AND 33807