

REGIONAL DISTRICT OF NANAIMO

SPECIAL BOARD MEETING

TUESDAY, JULY 11, 2006

7:00 PM

(RDN Board Chambers)

A G E N D A

This Meeting was Deferred to a Later Date

CALL TO ORDER

DEVELOPMENT SERVICES

PLANNING

2-9

Zoning Amendment Application No. ZA0510 – Cedar Estates – Robert Boyle Architecture Inc., on behalf of 700805 and Lot 6 Holdings – Cedar & Hemer Roads – Area A. (Electoral Area Directors except EA 'B' – One Vote)

ADDENDUM

NEW BUSINESS

ADJOURNMENT

IN CAMERA



R D N			
CAO		GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
JUL - 6 2006			
CHAIR		BOARD	

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: July 5, 2006

FROM: Jason Llewellyn
Manager, Community Planning

FILE: 3360 30 0510

SUBJECT: Zoning Amendment Application No. ZA0510 – Cedar Estates
Robert Boyle Architecture Inc. on behalf of 700805 BC Ltd. and Lot 6 Holdings
Electoral Area 'A' – Cedar and Hemer Roads

PURPOSE

To consider "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005," for adoption to rezone the subject property from Commercial 2 Subdivision District 'M' (CM2M) to Comprehensive Development Zone 29 (Cedar Estates) in order to facilitate the future subdivision and development of the site for residential use and a seniors care facility.

BACKGROUND

The application is for the vacant properties legally described as Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634, VIP67432 and VIP76260 and Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634, both of which are located adjacent to Cedar and Hemer Roads in Electoral Area 'A' (see Attachment No. 1 for location of subject properties). The portions of the properties under application, which total approximately 4.5 ha in size, are currently zoned Commercial 2 (CM2) and are within Subdivision District 'M' (minimum 2,000 m² parcel size with community services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Proposal

The applicants are requesting that Bylaw No. 500, 1987, be amended from Commercial 2, Subdivision District 'M' (CM2M) to Comprehensive Development 29 Zone (CD29) in order to allow for 55 residential lots and a seniors care facility. Staff created the CD29 zone to include specific land uses and to establish building envelopes, parcel coverage, and minimum parcel sizes to control future densities.

Process

A Public Information Meeting (PIM) regarding the proposal was held on July 13, 2005. A second Public Information Meeting was held on August 31, 2005. Two open houses were held on October 4, 2005, and November 10, 2005. Following the October open house, the applicants made notable amendments to their development proposal and presented the revised proposal at the November open house. Following the November open house, the applicants requested staff amend their application and proceed to the Board for consideration of an amended Bylaw No. 500.323. The Bylaw was amended at 2nd Reading on January 24, 2006, and the application proceeded to a formal Public Hearing on March 8, 2006. The report containing the summary of the minutes of the Public Hearing was received, and Bylaw No. 500.323 was given 3rd reading on March 28, 2006.

Requirements for Adoption

The Board directed that the following conditions be completed prior to their consideration of Amendment Bylaw No. 500.323, 2005, for adoption. The applicant has generally met the intent of the conditions to the satisfaction of staff. The applicant requests that the Board consider approval of the Bylaw based on the following:

Requirement No.1

Applicants, at their expense and to the satisfaction of the Regional District, to register a Section 219 covenant on the title of the subject properties that limits the use of the five accessory dwelling units on proposed lots 29-33 to relatives of the persons owning, and living in, the principle dwelling and restricts any building or construction on the lands until the following has occurred:

- *Applicants shall construct the sidewalks and street lighting system to the satisfaction of the Regional District of Nanaimo (RDN) or provide an agreement and letter of credit or cash in the amount of 125 percent of the cost to construct the works.*
- *Applicants shall construct the improvements to Cedar and Hemer Roads to the satisfaction of the RDN or provide an agreement and a letter of credit or cash in the amount of 125 percent of the cost to construct the works.*
- *Applicants shall construct the signage, landscaping, structures, trails, and other facilities within the Mordon Colliery Trail and other lands intended for public use to the satisfaction of the RDN or provide a letter of credit or cash in the amount of 125 percent of the cost to construct the works.*

The covenant requiring that the use of the five accessory dwelling units on proposed lots 29-33 be limited to relatives of the persons owning, and living in, the principle unit has been signed by the owner of Lot A and the Regional District of Nanaimo. However, the applicant is asking that registration of the covenant not occur prior to adoption of the Bylaw and be withheld until the time of subdivision so that it may be registered only on title of lots 29-33. If registered at this time, the covenant would unnecessarily end up on title of all of the proposed lots. The applicant's lawyer has undertaken to register the covenants at the time of subdivision. Staff finds this variance acceptable.

The covenant that restricts building on the proposed new lots until the works are provided or secured has been signed by the owner of Lot A and the Regional District of Nanaimo and has been sent to the Land Title Office for registration prior to adoption. Staff shall confirm for the Board that the registration of this covenant on Lot A has occurred prior to the Board meeting.

The applicants have indicated that they are not able to secure the registration of the covenants on title of Lot 6 and are asking the Board to adopt the Bylaw with the covenants registered on title of Lot A only. The majority of the proposed subdivision (all but approximately four of the single-family lots) are on Lot A land. Therefore, the off-site works are adequately secured by the registration of the covenant on Lot A. The on-site works associated with the proposed lots on Lot 6 can be secured at the subdivision stage. Staff find this variance acceptable.

Requirement No. 2

Applicants shall provide a right-of-way, to the satisfaction of the RDN, securing the use of lands intended for public use. Applicants may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board may downzone the lands should the covenant not be registered.

At the time of the writing of this report, the right-of-way document giving public access to lands intended for public use has been approved by the owner of Lot A and the Regional District of Nanaimo and is being registered at the Land Title Office. Staff shall confirm that this registration has occurred prior to the Board Meeting where the bylaw is to be considered for adoption. In staff's opinion, this condition has been met.

Requirement No. 3

Applicants to meet all of the requirements of the RDN regarding road upgrades, servicing of the property including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and connection to the North Cedar Improvement District community water system, including the provision of security in a form and amount acceptable to the RDN if required.

The owner of Lot A has entered into a servicing agreement with the Regional District of Nanaimo. This agreement secures the extent and nature of the road upgrades, the servicing of the property including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and the improvements to the Mordon Colliery Trail. This agreement is attached to, and is part of, the no-build covenant registered on title under requirement No. 1.

The agreement also puts in place maintenance, insurance, and other requirements related to the provision of the works. In staff's opinion, this condition has been adequately met.

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005."
2. To not adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005."

SUBDIVISION IMPLICATIONS

A subdivision application shall be made to the Ministry of Transportation. At the time of subdivision, the Regional District of Nanaimo (RDN) will be required to review the proposed subdivision to ensure the requirements of the CD29 zone are met and issue a Development Permit. The Approving Officer shall ensure that all RDN bylaw requirements and covenant requirements are met to the satisfaction of the RDN. The applicant has some flexibility to make minor amendments to the plan shown in Schedule 2; however, the general layout must be maintained. Park land requirements pursuant to section 941 of the *Local Government Act* have been met during previous subdivision applications.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

This is an application to amend the zoning for two parcels of land located within the Cedar Village Centre and Urban Containment Boundary from CM2M to Comprehensive Development Zone 29 in order to facilitate the development of 55 single-family lots and a 75 unit personal care facility for seniors. In

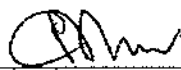
staff's opinion the applicants have adequately satisfied all of the requirements for adoption of the bylaw. Therefore, staff recommend that the Bylaw be adopted.

RECOMMENDATIONS

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005," to rezone the lands from Commercial 2 Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) to facilitate the development of residential housing and personal care use be adopted.


Report Writer

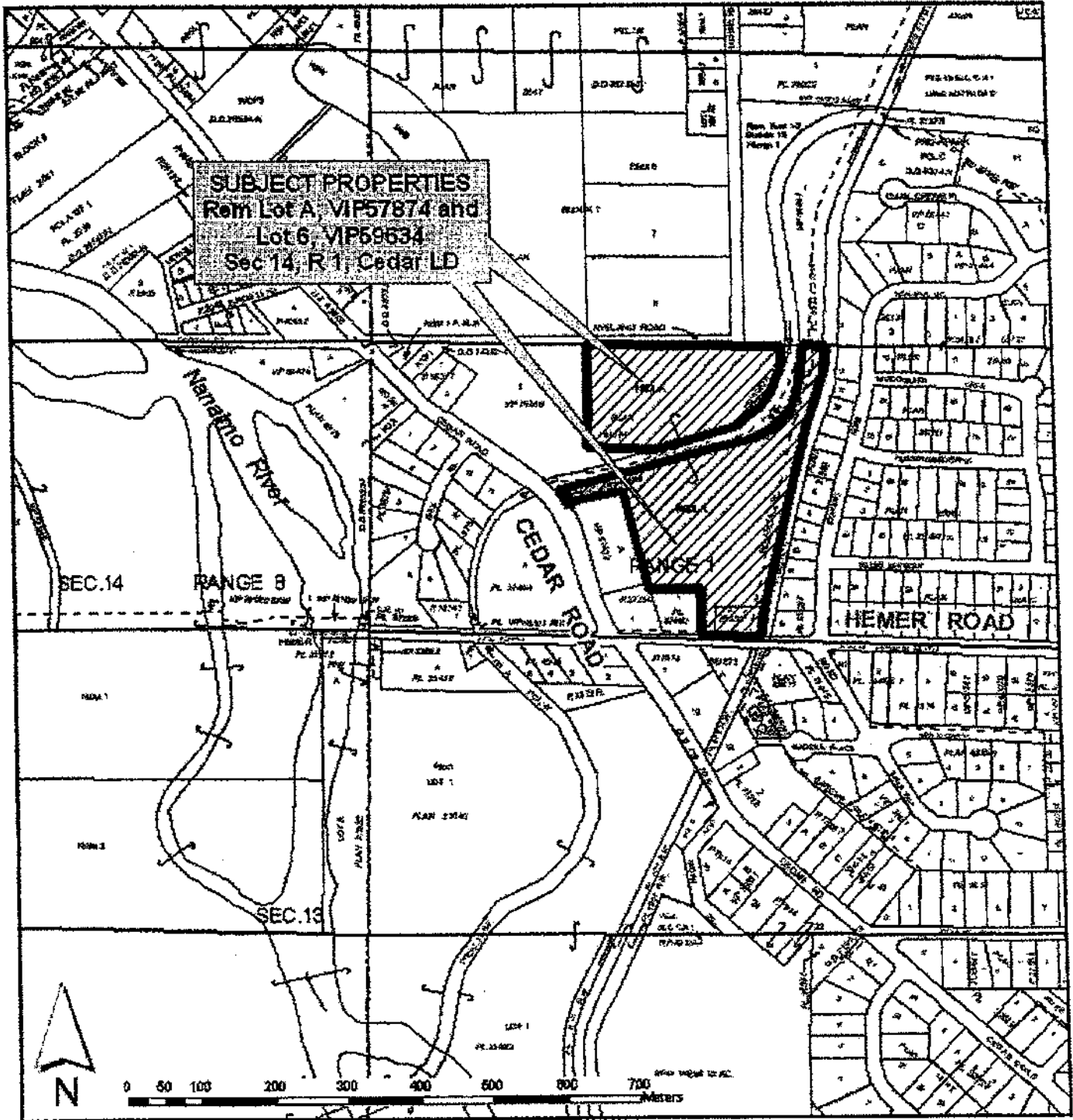
General Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/za 3360 30 0510 Cedar Estates Adoption Report

Attachment No. 1
of Subject Property for Zoning Amendment Application No. ZA0510
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634



BCGS Map Sheet No. 52G.001.A.3

Attachment No. 2
Zoning Amendment Application No. ZA0510
Conditions of Approval for Zoning Amendment Application No. ZA0510
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,
VIP67432, and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.323, 2005, for adoption:

1. Applicants, at their expense and to the satisfaction of the Regional District, to register a Section 219 covenant on the title of the subject properties that limits the use of the five accessory dwelling units on proposed lots 29-33 to relatives of the persons owning, and living in, the principle dwelling and restricts any building or construction on the lands until the following has occurred:
 - Applicants shall construct the sidewalks and street lighting system to the satisfaction of the Regional District of Nanaimo (RDN) or provide an agreement and letter of credit or cash in the amount of 125 percent of the cost to construct the works.
 - Applicants shall construct the improvements to Cedar and Hemer Roads to the satisfaction of the RDN or provide an agreement and a letter of credit or cash in the amount of 125 percent of the cost to construct the works.
 - Applicants shall construct the signage, landscaping, structures, trails, and other facilities within the Mordon Colliery Trail and other lands intended for public use to the satisfaction of the RDN or provide a letter of credit or cash in the amount of 125 percent of the cost to construct the works.
2. Applicants shall provide a right-of-way, to the satisfaction of the RDN, securing the use of lands intended for public use to the satisfaction of the RDN. Applicants may provide a letter of undertaking from their solicitor that the covenant document will be registered within 14 days of the Board adopting Bylaw No. 500.323, 2005, and acknowledging that the Board may downzone the lands should the covenant not be registered.
3. Applicants to meet all of the requirements of the RDN regarding road upgrades, servicing of the property, including the design and installation of the storm water drainage system, design and installation of the sanitary sewer system and connection to that system, design and installation of the sidewalks and streetlights, and connection to the North Cedar Improvement District community water system, including the provision of security in a form and amount acceptable to the RDN if required.

Attachment No. 3
Proposed Subdivision Plan for Zoning Amendment Application No. ZA0510
Lot A, Section 14, Range 7, Cedar District, Plan VIP57874, Except Part in Plan VIP59634,
VIP67432 and VIP76260 & Lot 6, Section 14, Range 1, Cedar District, Plan VIP59634

