
TO: Electoral Area Services Committee **DATE:** April 9, 2019

FROM: Greg Keller
Senior Planner **FILE:** PL2018-130

SUBJECT: Request for Relaxation of Perimeter Frontage Requirement and Acceptance of Cash-in-lieu of Parkland Dedication in relation to Subdivision Application No. PL2018-130
Tralee Road and Chatsworth Road – Electoral Area F
Lot 1, District Lots 9 and 10, Cameron District, Plan 2729 and Lot 6, District Lots 9 and 10, Cameron District, Plan 2020, Except Part in Plan VIP634488

RECOMMENDATIONS

1. That the Board approve the request to relax the minimum frontage requirements for proposed Lots 3, 4, and 5 in relation to Subdivision Application No. PL2018-130.
2. That the Board accept five percent (5%) cash-in-lieu of parkland dedication in conjunction with Subdivision Application No. PL2018-130.

SUMMARY/CONCLUSIONS

The applicant proposes an eight-lot subdivision on lands located south of Tralee Road in Electoral Area F. The applicant has requested a relaxation of the minimum frontage requirements for proposed Lots 3, 4, and 5. All proposed parcels will exceed the minimum parcel size requirements and provide adequate site area for the permitted uses. Ministry of Transportation & Infrastructure (MOTI) staff have not expressed any concerns with the requested frontage relaxation. The recommendation is for the requested frontage relaxation to be approved.

Parkland dedication or cash-in-lieu is required in relation to the proposed subdivision to satisfy the statutory requirements of Section 510 of the *Local Government Act*. Given the site conditions, limited opportunities for connectivity to nearby parks and trails, and close proximity to Malcom Community Park, the provision of cash-in-lieu is recommended.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Timberlake-Jones Engineering on behalf of 609188 BC Ltd. for an eight-lot subdivision. The subject property is approximately 8.76 hectares in area and is zoned Mixed Use Chatsworth Road 1 (MU-1), pursuant to "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw 1285, 2002". The property is a reclaimed gravel pit primarily devoid of native vegetation and is

proposed to be serviced by individual on-site wells and sewage disposal systems (see Attachment 1 – Subject Property Map).

Parkland dedication or cash-in-lieu is required, pursuant to Section 510 of the *Local Government Act*. In accordance with the policies contained in Section 6 of the Electoral Area F Official Community Plan Bylaw No. 1152, 1999, the RDN shall determine if the developer is to provide park in a location acceptable to the local government, cash-in-lieu representing five percent value of the parent parcel, or a combination of land and cash-in-lieu. In this case, the applicant proposes to provide cash-in-lieu of parkland dedication.

Proposed Development

The applicant proposes to subdivide the parent parcel into eight fee simple lots (see Attachment 2 - Proposed Plan of Subdivision). All parcels exceed the minimum parcel size (1.0 ha) and will be serviced with individual private water wells and sewage disposal systems.

Minimum Perimeter Frontage Requirement

In accordance with Section 512 of *The Local Government Act*, the minimum frontage must be 10% of the perimeter of the parcel or the minimum frontage that is specified by the bylaw, whichever is greater. The MU-1 zone requires a minimum lot frontage of 50 metres. Proposed Lots 3, 4, and 5 do not meet the minimum perimeter frontage requirements. The applicant has requested approval of the RDN Board to reduce the frontage requirements as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage (m)</i>	<i>Proposed Frontage (m)</i>	<i>% of Perimeter</i>
3	50.0	26.86	5.7
4	50.0	46.78	10.2
5	50.0	50.00	9.0

The requested frontage relaxations for proposed Lots 3, 4, and 5 are a result of access being proposed off of a cul-de-sac. Adequate road frontage is provided to support access and no negative development implications are anticipated as a result of the requested frontage relaxation. The lot configuration as proposed will meet minimum parcel size requirements and provide adequate site area to support the permitted uses of the MU-1 zone.

It should be noted that the MU-1 zone permits a range of heavy industrial uses including Concrete and Asphalt Batch Plant, Marshalling Yard, Primary Mineral Processing, and Wood Processing. In addition, a dwelling unit is also a permitted principal use.

Park and Open Space Advisory Committee Implications

The Electoral Area F Parks and Open Space Advisory Committee (POSAC) visited the property on January 9, 2019. During the site visit, the committee discussed dedication of parkland, but suggested that due to site conditions, minimal opportunities for connections to nearby parks and trails, and close proximity to Malcom Community Park, that a park in this location would not be desirable.

In addition, the POSAC considered the proposal at its March 6, 2019 meeting and is recommending that the Board accept cash-in-lieu of parkland dedication.

Five percent parkland dedication on the total area of the land amounts to 4,380 m², which would be large enough to provide a small useable park space. However, in consideration of the site conditions, the uses permitted in the MU-1 zone, lack of native vegetation, and previous use as a gravel pit, cash-in-lieu of parkland is recommended.

Intergovernmental Implications

MOTI is reviewing the subdivision application, but has not issued a Preliminary Layout Approval (PLA) for the proposed subdivision. MOTI staff have not expressed any concerns with respect to the proposed frontage relaxation.

ALTERNATIVES

1. To approve the request for relaxation of the minimum perimeter frontage requirements and the request to pay cash-in-lieu of parkland dedication in conjunction with Subdivision Application PL2018-130.
2. To deny the request for relaxation of the minimum perimeter frontage requirements for to pay cash-in-lieu of parkland dedication and provide further direction.

FINANCIAL IMPLICATIONS

The subject properties have a combined assessed value of \$724,000.00 according to the 2019 assessment roll. The valuation of the property for 5% cash-in-lieu of parkland charges would be based on a certified appraisal of the land at the time of Preliminary Layout Approval (PLA). As per the requirements of the *Local Government Act*, if cash-in-lieu of parkland is accepted it may only be used for parkland acquisition within Electoral Area F. If cash-in-lieu of parkland were to be required, it is anticipated that the appraised market value would result in approximately a \$36,200.00 contribution (based on a full 5%) to the Electoral Area 'F' Community Parks Fund.

STRATEGIC PLAN IMPLICATIONS

The proposed cash-in-lieu of parkland dedication in relation to the 2016-2020 Board Strategic Plan and the proposal is in compliance with the Strategic Priority for Focus on Service and Organization Excellence by directing sources of funding to priority recreational amenities.



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March 19, 2019

Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Subject Property Map
2. Proposed Plan of Subdivision

Attachment 1

Subject Property Map



