

# Report

Date

March 6, 2024

File: 3360-20 20.02

Subject

**Zoning Amendment Bylaw No. 3934 for first, second, and third reading**

## PURPOSE

To introduce Zoning Amendment Bylaw No. 3934, 2024, which proposes to amend Zoning Bylaw No. 2950, 1997 to permit a six storey multi-family residential building with approximately 52 units and a public park at 2999 Drinkwater Road. A staff presentation will be provided.

## BACKGROUND

The 0.79 ha subject property is between Paddle and Ford Roads, north of the Cowichan Commons Regional Shopping Centre and west of the Trans-Canada Highway (Attachments 1 and 2). The subject property is currently zoned for low-density residential use (i.e., Residential Rural - R1) (Attachment 3). The Bell McKinnon Local Area Plan (BMLAP) designates the subject property for high-density residential use (Residential High – RH) (Attachment 4). The subject property is located within the 'Village Residential' land use designation and within the Urban Containment Boundary of the Official Community Plan (OCP Map 2, Bylaw 3900).

## Land Use Context

The subject property is surrounded by rural residential uses to the north, multi-family housing to the east (except for the neighbouring property to the southeast, which is rural residential), and regional shopping centre uses to the south. The Ford Road South Comprehensive Development Zone (CD23) abuts the subject property to the west. The CD23 zone adopted by Council on March 15, 2023, includes three apartment buildings with a total of 262 apartment units. This rural residential neighbourhood between Paddle Road and Ford Road is transitioning to multi-family housing.

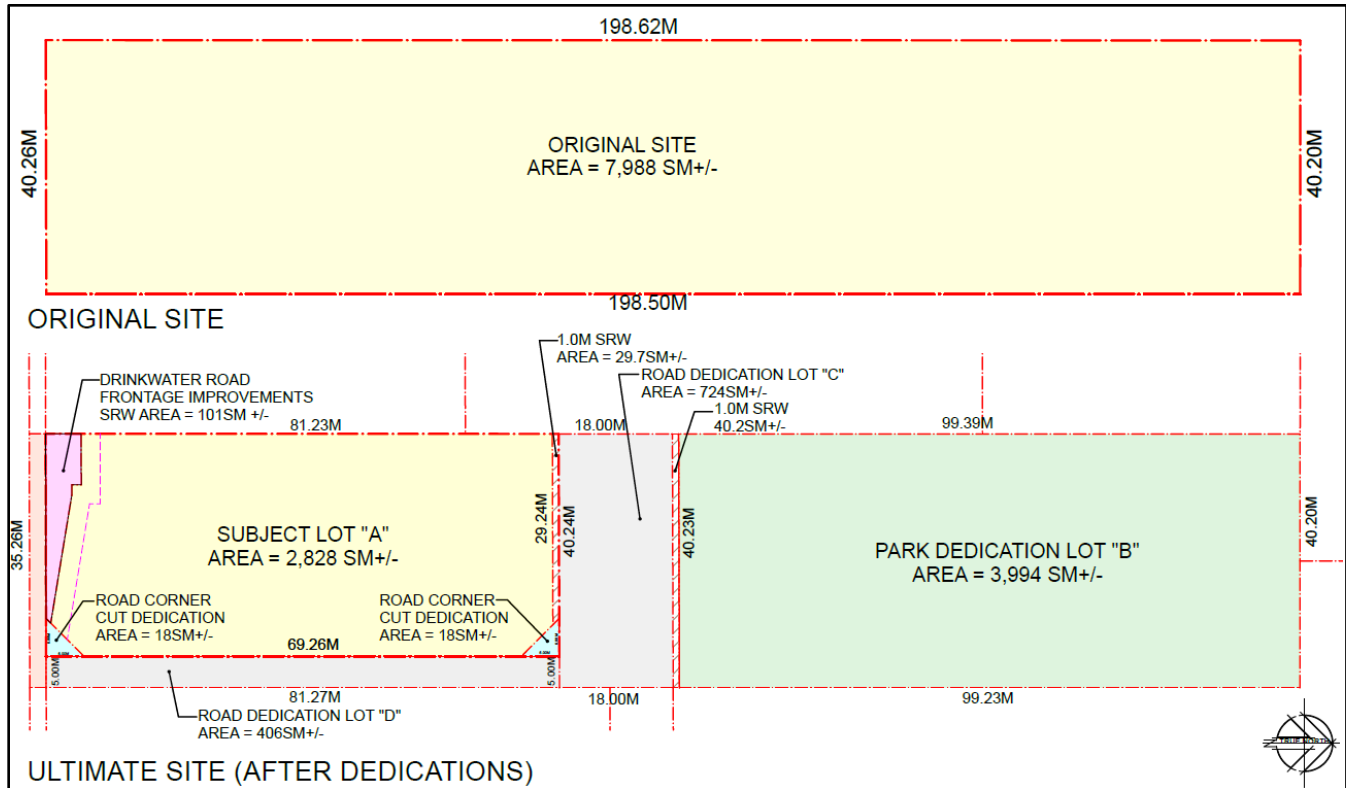
## Proposal

The subject property is located within the Rural Residential R1 Zone, which permits low-density residential uses, such as single and two-family dwellings. The R1 Zone is provided in Attachment 5.

The subject property is approximately 8,000 m<sup>2</sup> in area. As discussed later in this report, North Cowichan is interested in developing a public park in the residential area north of Drinkwater Road and has worked with the applicant to consider selling half the property (the northern portion) for public parkland. The applicant has offered to sell the land to North Cowichan at the fair market value of \$1,415,000. As a result, the northern portion (approximately 4,000 m<sup>2</sup>) is under consideration to be rezoned as Public Use (PU Zone). The park area is intended to be acquired by North Cowichan.

The remaining southern portion (approximately 4,000 m<sup>2</sup>) is under consideration for rezoning for multi-family use. A 5-metre road dedication on the east parcel line is proposed, and a 20-metre road dedication to the north side of the proposed multi-family dwelling is proposed per the BMLAP. A transit

stop has been requested to be located south of the property on Drinkwater Road. The proposal is illustrated below in Figure 1. The remaining parcel of developable land labelled "Subject Lot A," is 2,828 m<sup>2</sup>. The applicant proposes constructing a 6-storey multi-family residential building on this parcel, comprising approximately 52 apartment units.



**Figure 1.** The original site and the proposed parcel layout indicate the parking area, road dedications, Drinkwater Road Frontage improvements and the remaining subject, Lot A.

A change to the current zoning is required for the use and density to be permitted as proposed. Therefore, the applicant is applying to amend the Zoning Bylaw to change the zone from R1 to a zone that permits high-density residential use. A land use change from R1 to park zone (Public Use – PU Zone) is also requested.

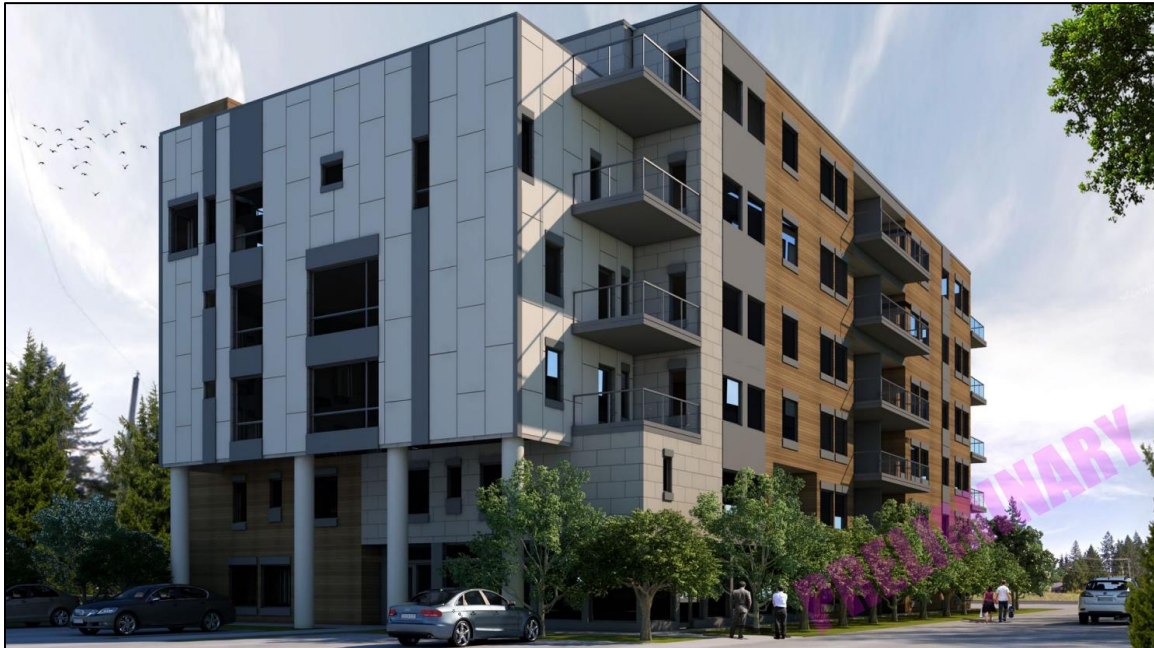
As the property is subject to the land use policies of the BMLAP, and there is no other zone currently available in the zoning bylaw that is consistent with the BMLAP land use designation for the subject property, the applicant proposes a new "Drinkwater Road Multi-Family Comprehensive Development Zone (CD25)", which would permit the proposal, as well as meet the intent of the BMLAP.

The draft Zoning Amendment Bylaw No. 3934 with the Drinkwater Road Multi-Family Comprehensive Development Zone (CD25) is provided in Attachment 6. The PU Zone, which already exists within the Zoning Bylaw, is provided in Attachment 7.

This application proposes to change permitted land uses. Approval of the land use application does not authorize specific development on the subject properties. For example, development proposal details could change from the concept plan that is currently envisioned (shown below in Figure 2). Should the

application be successful, the applicant would provide portions of the subject property as parkland and road dedication to North Cowichan as a condition of the rezoning.

A rendering of the anticipated development concept for the land use and density sought in this rezoning application is provided in Figure 2. Estimated units per bedroom type for the apartments as envisioned are provided in Figure 3.



**Figure 2.** A rendering provides a concept of the proposed apartment building, as shown from the northwest.

TOTAL NUMBER OF 3 BEDROOM UNITS = 22 TOTAL NUMBER OF 2 BEDROOM UNITS = 16 TOTAL NUMBER OF 1 BEDROOM UNITS = 14 TOTAL NUMBER OF UNITS = 52
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**Figure 3.** Units per bedroom type as proposed.

The Letter of Rationale from the applicant is provided in Attachment 8. The Site Plan is provided in Attachment 9.

## DISCUSSION

### Official Community Plan (OCP)

The zoning amendment proposal for increased residential density and public parkland at 2999 Drinkwater Road is consistent with the Official Community Plan (OCP, Bylaw 3900) land use policies. The Bell McKinnon area is one of North Cowichan's five growth centres and is expected to experience significant new residential development for the time span up to 2051 (p. 10).

The OCP notes that where appropriate, North Cowichan will ask developers and landowners to *"contribute to improve quality of life in North Cowichan as part of rezoning approval for commercial or higher density residential use (e.g., community amenity contributions as may be beneficial and appropriate). (Section 3.1.5c, p. 42).*

The OCP designates the area subject to this rezoning as Village Residential (Section 3.2, p. 44). *"This designation is where the bulk of North Cowichan's new multifamily housing will be located. Apartments or condos coexist with townhouses and commercial uses are dotted throughout, making the areas livable and walkable. A high standard of architectural and street design creates a pleasant and welcoming environment, with social gathering in small parks and plazas."* (Section 3.2.3, p. 44)

Key "Village Residential" policies relevant to this proposal are:

*Section 3.24 The Municipality will strive to:*

- a. Allow building heights typically between 3-5 stories, although there may be support for development variance applications to allow additional stories in some locations where larger buildings already exist and 6 or more floors would not appear incongruous.*
- b. Allow ground floor residential units in this designation.*
- c. Not allow low density subdivision and low density forms of housing.*
- f. Orient street and site design to pedestrian-use, cycling and low-speed vehicle travel (p. 44).*

The proposal aligns with the selection of key policies of the OCP objective of "Village Residential" by providing:

- Higher density housing (i.e., an estimated 52 apartment units with 1 to 3 bedrooms) could be achieved with a 6-storey building;
- Ground floor apartment units with both interior and exterior access; and,
- Walkability to both a commercial centre immediately to the south of the proposal and to a future park to the north (i.e., a "Central Paddle Park") with pedestrian and cycling infrastructure.

The OCP also notes the importance of parks and trails within North Cowichan and states that a challenge is to *"protect and enhance parks and open space in growth centres as development occurs. Park and trail development can often be accomplished through land development initiatives, partnerships and amenity contributions"* (Section 4.4, p. 80). The dedication/acquisition of the northern half of the subject property as public parkland meets the intent of the OCP's initiatives to provide a healthy community and environment through parks and trail provision.

### **Bell McKinnon Local Area Plan (BMLAP)**

The BMLAP, adopted in 2018, applies to the subject property and provides further land use and development policy guidance. The OCP recognizes Local Area Plans, referring to them as "a finer-grained level of policy direction," and the BMLAP supplements OCP.

Key policies of the BMLAP relevant to the proposed park area are:

- *New parks and green spaces will be created so all residents are within a 5-minute walk of a park, plaza, or playground (BMLAP, p. 27).*
- *Provision of a larger (0.8 ha) park between Ford Road and Paddle Road (Section. 6.3.2 pg. 93, 95).*
- *To facilitate street and park acquisition... the Municipality shall consider increasing the permitted density and other incentives based on gross lot area (Section 4.2.3, p. 35).*

Rezoning the northern portion of the subject property as proposed will provide the keystone land area required to provide the desired “Central Paddle Park” in keeping with the BMLAP (pages 93, 95). The proposed dedication/acquisition of parkland meets a key objective of increasing leisure opportunities and can encourage walkable communities.

The subject property is designated “Residential-High (RH)” in the BMLAP, a designation that provides “higher density residential areas with a mix of townhomes and multifamily residential with high quality public open space” (Section 4.3.5, p. 43).

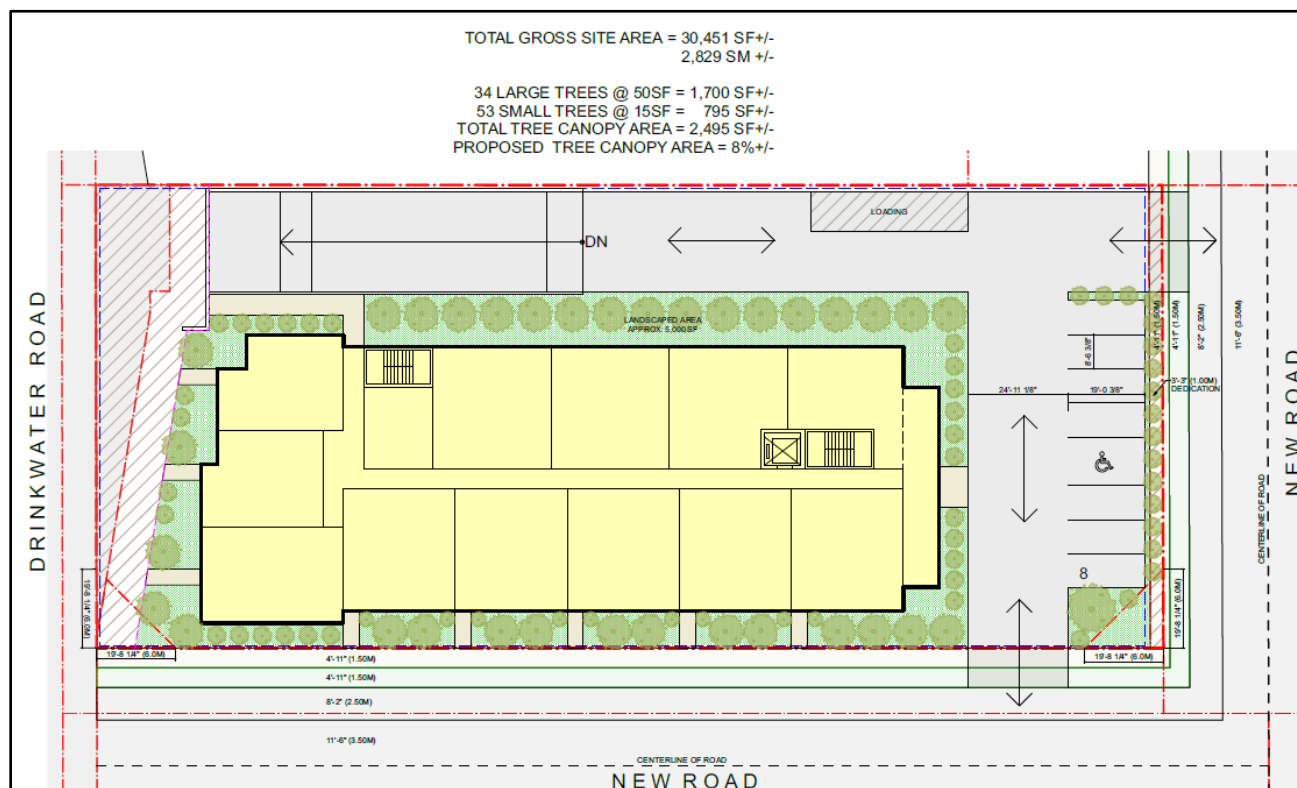
Key development-related policies of the BMLAP relevant to the rezoning proposal are:

- *Preferred land use of high-density multi-family housing... up to 2.5:1 FAR and/or 4-storeys (or greater) with 90% underground parking (i.e., “Residential-High (RH)”;* Section 4.3.5).
- *‘Green urbanism’ translating to, for example, energy efficient buildings (Step Code 3), a 30% minimum urban tree canopy cover, and greenspace coverage. (Section 4.5).*
- *Street typology design standards for public roads, including street trees, traffic calming, and street parking (Section 5.3.3 & 5.3.4).*

The density resulting from the proposed land use change aligns with BMLAP’s Residential-High land use policy. The rezoning proposal commits to green infrastructure on-site at the time of development, a commitment to urban tree canopy cover (see Figure 4), an enhanced street typology on the new public roadways, and improvements to the Drinkwater Road frontage.

Not all land use policy directions of the BMLAP were met with this rezoning proposal; however, given that over 60% of the site is proposed to be used for public park and roadway, and as the developer is willing to secure these commitments in a section 219 *Land Title Act* covenant agreement or other as may be warranted, staff are satisfied that, overall, the proposal aligns with the BMLAP land use policies for density, parkland and development criteria.





**Figure 4.** The proposed site plan includes surface parking, access to underground parking, and proposed tree canopy coverage for 2999 Drinkwater Road.

### Proposed Drinkwater Road Multi-Family Comprehensive Development Zone (CD25)

Consistent with BMLAP land use policy for residential use and density, the CD25 Zone would permit an increase in residential density from approximately 12 units per hectare (i.e., maximum permitted in the R1 Zone) to up to 2.5-floor area ratio<sup>1</sup> (given the proponent's underground parking commitment). The rezoning proposal indicates the site could achieve approximately 52 units in a 6-storey apartment building, equivalent to approximately a 2.48 floor area ratio or 184 units per hectare.

### Servicing & Infrastructure

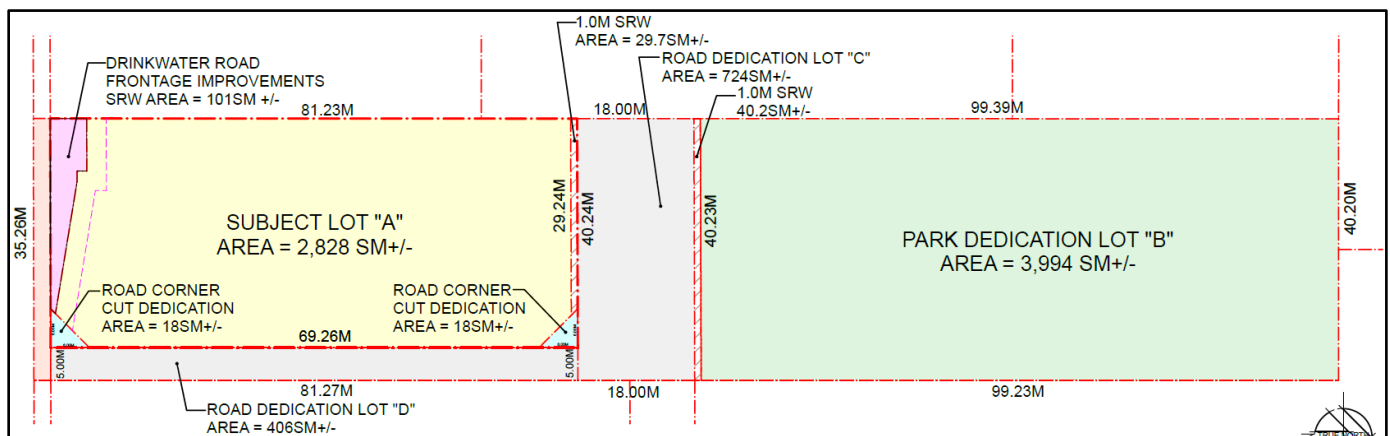
Engineering staff have provided the developer with roadway and servicing infrastructure advice that would need to be achieved by the proponent at the time of development. Engineering staff have flagged no other concerns, such that water, sanitary, and storm water services are anticipated to be achieved for the subject properties for the land use requested.

The following summarizes the key infrastructure works the proponent is willing to secure for North Cowichan with a *Land Title Act* section 219 covenant or as may otherwise be appropriate to achieve access to the subject property and beyond. The following summarizes the allocation of the subject property:

<sup>1</sup> Floor area ratio (FAR) means the floor area of all buildings divided by the lot. For example, an FAR of 2.0 is a measure of the floor areas of a building or buildings, which, when added together, is twice the area of the lot. FAR is a common density measure for buildings with multiple storeys.

- Provision of lands for the creation of “Central Paddle Park” (3,994 m<sup>2</sup>);
- Dedication of lands for a new east-west public road to connect Ford and Paddle Road (724 m<sup>2</sup>);
- Dedication of lands for a new north-south public road to connect Drinkwater Road with the new east-west road (406 m<sup>2</sup>);
- Dedication of lands for 6m x 6m corner truncations at intersections (36 m<sup>2</sup>); and,
- Grant of Statutory Right of Way for Drinkwater Road frontage improvements, including for a transit stop on Drinkwater Road (101 m<sup>2</sup>).

Lands to be dedicated to North Cowichan for proposed roadway and Drinkwater Road Frontage Improvements (including transit stop) are shown on Figure 5.



**Figure 5.** A schematic of the applicant's summary site plan highlighting the locations of lands to be dedicated should Council approve the zoning amendment.

### Community Amenity Contributions

In addition to infrastructure, the applicant is prepared to secure, in a *Land Title Act* section 219 covenant agreement, the following community amenities in accordance with OCP policy:

- A \$3,000 financial contribution per residential unit for parkland acquisition and improvement;
- Enhanced street typology standards exceeding the Municipality's basic road design standard;
- Electrical charging stations and/or electrical rough-in will be provided in designated parking and bike areas;
- Minimum BC Energy Step Code 3 construction standard; and,
- Minimum 8% on-site tree canopy cover on the developable site.

Should Council give third reading to the amendment bylaw, a finalized *Land Title Act* section 219 covenant agreement would be registered on the title of the property before bylaw adoption to secure these commitments.

## Future Development Approvals

### *Variances*

Any variance the proponent may request in the future is not part of this zoning amendment application and would be addressed later through development variance or development permit application.

### *Development & Building Permits*

Development of the site for an apartment building is subject to the Development Permit Area 1 – Multi-Unit and Intensive Residential Development requirements and guidelines to meet objectives for the form, character, and performance of multi-family residential development (OCP, p. 169). Development permit approval must be achieved before building permits can be issued.

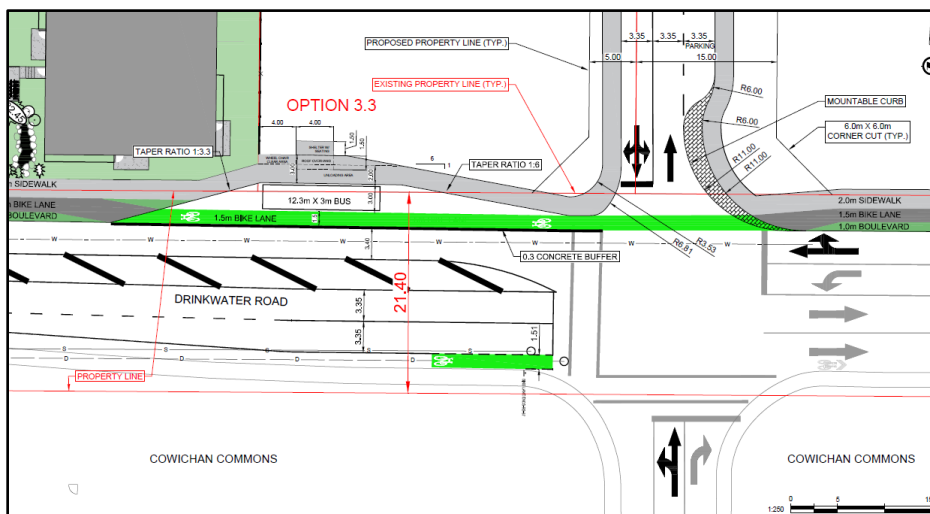
Infrastructure works and community amenities will be required at the building permit stage.

## BC Transit & Ministry of Transportation and Infrastructure

### *BC Transit*

BC Transit has recommended that North Cowichan provide a pair of transit stops on Drinkwater Road between Paddle and Ford Roads, i.e., one stop in each direction (east and west). Due to the limited potential to provide a transit stop along the north side of Drinkwater Road, the southwest property line at 2999 Drinkwater Road was indicated as the desired location for a future transit stop. The applicant was requested to dedicate land for a transit stop as per the specifications of the municipality's engineering standards and BC Transit.

An approximately 101 m<sup>2</sup> area is proposed to be granted as a Statutory Right of Way (SRW) for the future development of a transit stop and bus shelter (Figure 6). The remaining portion of the area for the transit stop was secured in 2021 as part of the neighbouring parcel rezoning.



**Figure 6** –Proposed Drinkwater Road and intersection corridor improvements and transit stop at the subject property.



The transit stops are required to service the future development on the north side of Drinkwater Road, including what is proposed in this application. It is encouraging that the density of the Paddle/Ford Road area developments warrants a new transit stop, as that will help to reduce private vehicle usage and contribute to the goals and objectives for focused growth and high-density development expressed in the OCP and BMLAP.

Options for funding the transit stops include development cost charges (DCC), negotiated contributions through the rezoning process, or from North Cowichan's capital works budget. As the cost and timing of the future transit stops are at this time unknown, the applicant will provide an SRW for the transit stop land but has not been asked to provide financial contributions towards it.

#### *Ministry of Transportation and Infrastructure (MOTI)*

The subject properties are located within 800 metres of a Controlled Access Highway (Trans-Canada Highway). The application was referred to MOTI, and there were no objections to the proposed rezoning. Should Council give third reading to Zoning Amendment Bylaw No. 3934, MOTI approval will be required before adoption (Section 52(3) *Transportation Act*).

### **Summary & Conclusion**

The subject property at 2999 Drinkwater Road is proposed to be used as public parkland and to construct an apartment building with approximately 52 units. This requires an amendment from the current Residential Rural (R1) Zone to a PU Zone and a Comprehensive Development Zone that aligns with municipal land use policies.

The zoning amendment proposal is generally consistent with the OCP policy for growth centres and the land use designation of 'Village Residential,' with high-density housing, walkability, and quality street and site design. The proposal is also consistent with the intention to protect and provide parks and open spaces while developing growth centres.

The proposal aligns with the BMLAP land use policies for density, parkland, and development criteria. The proponent is committed to providing BC Energy Step Code 3 construction standards, EV charging station capability, enhanced street typology construction, and 8% urban tree canopy cover. Further commitments include financial contributions toward parkland acquisition and improvement and the designation of the keystone land required for the future park as per the BMLAP.

Engineering staff have advised the proponent regarding roadway and servicing infrastructure that must be achieved during development. No other concerns have been flagged regarding the achievement of servicing (water, sanitary, storm water services) for the subject property for the land use requested. The applicant is willing to provide dedication and construction of public roadway improvements on the new North/South and East/West connector roads and to provide an SRW and construction of the Drinkwater Road frontage improvement. The applicant is committing to construct public roadway frontages to enhanced street design standards as per BMLAP street typologies.

Should Council approve Zoning Amendment No. 3934, a Development Permit for DPA-1 Multi-Unit and Intensive Residential Development will be required before building permit issuance. At this time, no

requests for variances are anticipated. However, changes may be made to the proposed concept, provided it complies with the applicable zoning and the Section 219 *Land Title Act* covenant. Any variance the proponent may request in the future is not part of this zoning amendment application and would be addressed later through development variance or development permit application.

The MOTI has raised no objections to the proposed rezoning, and approval will be required before adoption.

Staff are satisfied this proposal aligns with the guiding land use policies of the OCP and the BMLAP. Zoning Amendment No. 3934 is recommended to receive first, second, and third reading. Under Bill 44, the recommended option for Council excludes a public hearing option. Notices were mailed in accordance with legislation. A section 219 *Land Title Act* covenant would be required to be registered before final approval of the Zoning Bylaw amendment by Council.

## OPTIONS

1. **(Recommended Option)** THAT Council:
  - (1) Give first, second, and third reading to Zoning Amendment No. 3934, 2024; and,
  - (2) Direct staff to secure a satisfactory Purchase and Sale Agreement for \$1,415,000 for 3,994 m<sup>2</sup> of land for the future Central Paddle Park prior to Council's consideration of Bylaw No. 3934.
2. THAT Council deny application ZB000129 to amend Zoning Bylaw No. 2950, 1997, to permit high-density housing, public parkland, and dedications for public roadways at 2999 Drinkwater Road.

## IMPLICATIONS

While this rezoning application is largely consistent with both the BMLAP and OCP and will see the provision of land for the future "Central Paddle Park", the establishment of two connector roads and the provision of space for a transit stop, the future development of the subject property will incur costs to North Cowichan for the maintenance (and eventual replacement) of new infrastructure, which would be constructed by the developer, including:

- Street trees on the municipal boulevard (as identified in the BMLAP).
- New public roadways and frontage improvements.

Additionally, the following infrastructure is anticipated in the future with increased transit and traffic demands in this area that will need to be funded by North Cowichan with the potential to recover part of the cost through development cost charges:

- The twinning of the westbound receiving lanes on Drinkwater Road.
- Construction of two transit stops, i.e., one in each direction, between Ford and Paddle Road.

## RECOMMENDATION

THAT Council:

- (1) Give first, second, and third reading to Zoning Amendment No. 3934, 2024; and,
- (2) Direct staff to secure a satisfactory Purchase and Sale Agreement for \$1,415,000 for 3,994 m<sup>2</sup> of land for the future Central Paddle Park prior to Council's consideration of adoption of Bylaw No. 3934.

Report prepared by:

*Angela Davies*

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Angela Davies  
Contract Planner

Report reviewed by:



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Amanda J. Young, MCIP, RPP  
Director, Planning and Building

## Approved to be forwarded to Council:



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Ted Swabey  
Chief Administrative Officer

## Attachments:

- (1) Location
- (2) Orthophoto
- (3) Zoning
- (4) BMLAP Designation
- (5) R1 Zone
- (6) Draft CD25 Zone and Amendment Bylaw No. 3934
- (7) PU Zone
- (8) Rationale
- (9) Site Plan