

**MINUTES**  
SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO  
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2015-SEP-03 COMMENCING AT 7:00 P.M.

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PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. W. Fuller  
Councillor J. A. Kipp  
Councillor I. W. Thorpe  
Councillor J. Hong  
Councillor W. L. Pratt

Absent: Councillor W.M. Yoachim

Staff: B. Anderson, Manager, Planning & Design Section, CD  
D. Stewart, Planner  
K. Kronstal, Planner  
S. Matthewman, Steno Planning

Public: There were 22 members in attendance

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Special Meeting was called to order at 7:00 p.m.

2. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda be adopted. The motion carried unanimously.

3. CALL THE PUBLIC HEARING TO ORDER:

Mayor McKay called the Public Hearing to order at 7:00 pm and advised that members of City Council, as established by Provincial case law, cannot accept any further submissions or comments from the public following the close of a Public Hearing. Mr. Anderson explained the required procedures in conducting a Public Hearing and the regulations contained within Part 26 of the *Local Government Act*. Mr. Anderson advised this is the final opportunity to provide input to Council prior to consideration of further Readings of Bylaw Nos. 6500.030, 4500.084, 4500.086 and 4500.087 at this evening's Special Council meeting.

- a) Bylaw No. 6500.030 – OCP00080 – 305 Milton Street  
This bylaw, if adopted, will Amend Schedule A-7.1 the land use designations within the Old City Neighbourhood Concept Plan from Sub Area 3 (Multi-Family Low Density) to Sub Area 4 (Multi-Family Medium Density Residential) with a site specific amendment to permit a 5 storey building height and an FAR of 1.9 in order to recognize an existing 60 unit multiple family dwelling.
- b) Bylaw No. 4500.084 – RA000351 – 305 Milton Street  
This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO. 4500” by adding Subsection 7.3.7 in order to permit a Floor Area Ratio of 1.9 site specific to the subject property; and rezone the subject properties for Old City Low Density (Fourplex) Residential (R14) to Old City Medium Density Residential (R15) to recognize an existing 60 unit multiple family dwelling.

**Mr. Tim Wait – Applicant Representative**

- Registered owner asking to reinstate the zoning and redesignate the OCP to the way it was for the existing building.
- Received letter from Mr. Knight, on behalf of Nanaimo Old City Association that said this application was discussed at their June 15<sup>th</sup> meeting and they have no objection to this application.
- Notices were sent out to neighbors and put up in the building.
- Open house for neighbourhood, was very well received.

Councillor Hong asked if this could be stratified and sold off as condo units?.

Mr. Stewart said it could be stratified under existing bylaw as a legal non conforming use; provided it meets council policy for stratification if vacancy rate is above 3%. There would be building code requirements. Potentially zoning will not change status.  
Motion received.

We have received no written or verbal submissions received with regard to Bylaw No. 6500.030 and Bylaw No. 4500.084.

- c) Bylaw No. 4500.086 – RA000354 – 2992 104<sup>th</sup> Street  
This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) and Community Service One (CS1) to Single Dwelling Residential - Small Lot (R2) in order to facilitate a subdivision of the land into 7 small residential lots.

**Mr. Mike Plavetic, MJP Homes Ltd. – Applicant Representative**

Mr. Plavetic provided a PowerPoint presentation regarding the proposed development of a 7 lot subdivision on the subject property.

- The subject property is located within the Long Lake/Wellington community between Norwell Drive and the Island Highway. The property lies in a transitional location within the neighbourhood.
- Meets goals and objectives for Neighbourhood designation, which falls under as outlined in the Official Community Plan (OCP).
- Maintain character and liveability of existing neighbourhoods.

- Detached garage access from rear lane, lane is 6 meters servicing rear yards.
- A laneway is proposed from 104<sup>th</sup> Street to serve all the proposed lots.
- The lots range in area from 325m<sup>2</sup> to 347m<sup>2</sup>.
- Additional street parking on corner.
- No secondary suites.
- Fitting into neighbourhood with sidewalks and treed boulevard.
- 150 meters of storm sewer required.
- Currently no sidewalks or curbs.
- Close to services, within walking distance to local service centre.
- Impact to neighbourhood, traffic along 104<sup>th</sup> away from existing homes approaching lanes, local traffic from neighbourhood right now.
- Construction period estimated 1 year.
- Provide affordable housing (new homes) to start at \$325,000 with landscaping and appliances included. Small lots save \$30,000 per unit.

Councillor Thorpe said he visited the site and talked with the neighbours as he was concerned with the density. Under the current zoning there could be 5 lots with secondary suites; but under this current small lot proposal there could be 7 units with no secondary suites, is that correct?

Mr. Plavetic replied that they would not be able to develop 5 lots without rezoning. The corner property with the church would have to be rezoned from Community Service One (CS1) to (R1).

Councillor Bestwick said the laneway is 18ft wide, is that where the garbage will be picked up? Could it not be narrower to allow for lots to be larger?

Mr. Plavetic replied that the City policy is for garbage to be picked up on City streets only, not on lanes.

Ms. Kronstal replied that the laneway is relatively lower than 7 meters but because of the size of the property and working with the site constraints engineering has accepted 6.4 meters for the primary access route to have sufficient space for navigation.

Councillor Bestwick asked how wide are the sidewalks that are being proposed? Does it make sense to have the sidewalks on the corners, then curb and potentially narrow the sidewalks?

Ms. Kronstal said the engineering standard is 1.5 meters (4 feet) for wheelchair accessibility.

Motion received. All in favour.

**Ms. Lana Fitzpatrick – 2988 105<sup>th</sup> Street – Opposed**

- Proposed lots are small, no other lanes in neighborhood or on Norwell Drive, this is a new feature in our neighbourhood.
- In favour of 5 lot subdivision – complies with OCP, a form of densification, too dense for 7 lots.

- Wellington already a very diverse part of Nanaimo in a very limited space, encroachments from other industries and land use, across the street from pub & liquor store, adjacent to a possible tear down property behind the Church.
- Manage urban growth, would help with densification, people in Nanaimo do not want this in their neighbourhoods, good idea in principal, house prices devalue.
- Build more sustainable community-neighbourhood objectives to maintain the character, and 7 houses does not maintain this. Yes, for infrastructure upgrades to maintain the viability of existing older neighbourhoods.
- Impact on greenspace, there has been no talk of protecting the environment, green space & walkability are important.
- Rezoning application could set precedent for more densification between Long Lake and Island Highway.
- Amenity packages has sidewalks to nowhere, curbs will narrow the streets and create problems for drivers. There has been no discussion in regard to parkland or recreational space. Cash in lieu was discussed, where will it go?
- What are plans for our neighbourhood for the next 10 to 20 years? We need a long term plan so that Wellington remains liveable and parks & waterways are protected.
- In summary; do not rezone the property to R2, allow for 5 lots (531m<sup>2</sup> average) that are more in line with the surrounding properties but still dense.

Councillor Brennan said when you were here last December, you hadn't connected with the other neighbourhood association to discuss if they were reviewing this application, have you done that yet?

Ms. Fitzpatrick said that neighborhood association is now defunct.

Councillor Pratt asked Staff what would happen to a 5 lot subdivision under present zoning, is there potential for suites?

Ms. Kronstal replied if (CS1) parcel was rezoned to (R1) and the property was subdivided into 5 lots then there would be sufficient space for all 5 homes to have suites.

Councillor Pratt stated there could potentially be 10 families in that space.

Councillor Fuller said looking at the zoning bylaw, permitted use for (R1) includes duplex; can there be 5 duplexes on those lots?

Mr. Stewart answered (R1) zoning can allow duplex on corner lot that cannot otherwise be subdivided. It would have to be at least 700m<sup>2</sup>.

Councillor Brennan asked what is the cash in lieu, will this go into general revenue?

Ms. Kronstal said the requirement is for 5% parkland dedication or given as cash in lieu, at time of the subdivision stage the value is determined.

Mr. Anderson confirmed that the cash in lieu goes to Parks and Recreation for the purchase of parkland.

Ms. Kronstal clarified that the \$7,000 community contribution can be used for parks, maintenance, stairs, or trailways in that area.

**Mr. Ivan Plavetic – 130 canterbury – In Favour**

- Applicant is son.
- Currently lives in a neighbourhood with curb only, progression sidewalks not provided.
- Developed Turner Road subdivision sidewalks 5ft wide.
- Sidewalk area will allow greenspace, for legacy of greenspace urge you to do the curb. Will look bigger. R2 zoning plenty of homes developed. 2 storey homes built on 275 sq meter lots. These proposed lots are 325 sq meters minimum.
- Character of neighbourhood will be enhanced by this development with rear lane garages and front porches.
- Can improve especially upon green space in area.

There were no written and 3 verbal submissions received with regard to Bylaw No. 4500.086.

- d) **Bylaw No. 4500.087 – RA000343 – 6524 Portsmouth Road**  
This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to construct a 8-unit multi-family development.

**Mr. Keith Brown, Keith Brown & Associates Ltd – Applicant Representative**

- Mr. Brown's presentation entitled "Rezoning Application 6524 Portsmouth Road, Nanaimo BC (Attachment A)

Councillor Bestwick asked if there was any other location in Nanaimo that has gone from (RS1) to (COR1) for an 8 unit multi-family development?

Mr. Brown said he was not aware of any.

Councillor Bestwick asked if the properties on either side were the same size.

Mr. Brown confirmed they are the same size. They could potentially go into higher uses for the buildings that require upgrading. If this goes through, could set precedence and opportunity business wise to move forward and rebuild on an equivalent basis.

Councillor Bestwick mentioned from previous delegation about curbing and sidewalks, is this sidewalked? Do other properties have sidewalks?

Councillor Kipp said there were sidewalks, nothing on the industrial side.

**Ms. Mira Pejovic - 6522 Portsmouth Road – Opposed**

- 8 times the density.
- Road down the middle only 3.5 meters is a concern, crowded and not accessible.
- Parking 12 spots for 8 units is not enough.
- Portsmouth is a busy street already.
- There is no room for a garbage truck to enter and remove refuse, composting and recycling.

**Ms. Joan Gibson – 6518 Portsmouth Road - Opposed**

- No sidewalks in front of house, sidewalks are on other side of the street.
- Busy road already with buses and cheese factory.
- Parking an issue: church with functions, apartment building, Chrysler dealership parks delivery trucks on road.
- Agree property needs to be developed, 8 units too many.

**Ms. Mary St Denis – 6610 Southampton Road - Opposed**

- Residential Corridor (COR1) zone provides for residential, street-oriented, medium density and office development along or near major roads which includes a large list of Uses. Concerned why we jump from residential to this designation?. If we allow this will it allow more properties to do this?
- Can't it be subdivided into 2 properties.
- Changing our neighbourhood.

Councillor Bestwick stated that if this rezoning changes, it will set a precedent and other streets in the area can be impacted potentially by that zoning.

Mr. Anderson clarified that the Official Community Plan designation is Corridor on those lands so the policy it's provides for this rezoning. Zoning would come into play on those lands when a property owner or applicant apply to rezone. Not all lands that are designated corridor are zoned COR1, COR2 or COR3; they are subject to property owners or applicants coming forward with an application. The Corridor designation allows for that zoning to be placed on any lands that are so designated.

**Dwayne Oslet for Alida Hansen - 6573 Southampton Road – Opposed**

- Decrease in property value.
- Went door to door, neighbours upset with development proposal.
- 6583 moved out fear of what will go through.
- We will be on display.
- Density is too large in size from (R1).
- Take away green space.
- Always room for development but this one is too large in size for our quiet neighbourhood.
- 8 units with 3 bedrooms each could affect parking with a possibility of 24 vehicles.
- Garbage truck noise.
- Traffic.

**Ms. Kelly Cox - 6440 Southampton Road - Opposed**

- Zoning change to spill over to other streets.
- Quiet neighbourhood, would like it to stay the same.

**Gur Minhas – 6416 Portsmouth – In Favour**

- Good location for diversity.
- Single access to redirect traffic.
- Sidewalk & curb to enhance property.
- Support application as is.

**Ms. Alida Hansen – 6573 Southampton Road -Opposed**

- Parking issues with only 12 spaces.
- Lane – will be long time before access
- Noise issues.
- Garbage truck noise, garbage issue with vermin.
- Not opposed to 2 duplexes.

There were 2 written and 8 verbal submissions received with regard to Bylaw No. 4500.087.

4. **ADJOURNMENT OF THE PUBLIC HEARING**

It was moved and seconded at 8:05 p.m. that the Public Hearing terminate. The motion carried unanimously.

5. **BYLAWS:**

- (a) That “OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2015 NO. 6500.30” (OCP00080) - to amend Schedule A-7.1 the land use designations within the Old City Neighbourhood Concept Plan from Sub Area 3 (Multi-Family Low Density) to Sub Area 4 (Multi-Family Medium Density Residential) with a site specific amendment to permit a 5 storey building height and an FAR of 1.9 in order to recognize an existing 60 unit multiple family dwelling. Third Reading.

It was moved and seconded that “OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW 2015 No. 6500.30” pass Third Reading. The motion was carried unanimously.

- (b) That “ZONING AMENDMENT BYLAW 2015 NO. 4500.084” (RA351) - to amend “ZONING BYLAW 2011 NO. 4500,” by adding Subsection 7.3.7 in order to permit a Floor Area Ratio of 1.9 site specific to the subject property; and rezone the subject properties for Old City Low Density (Fourplex) Residential (R14) to Old City Medium Density Residential (R15) to recognize an existing 60 unit multiple family dwelling, be given Third Reading.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2015 No. 4500.084” pass Third Reading. The motion was carried unanimously.

- (c) That “ZONING AMENDMENT BYLAW 2015 NO. 4500.086 (RA354) - to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from Single Dwelling Residential (R1) and Community Service One (CS1) to Single Dwelling Residential - Small Lot (R2) in order to facilitate a subdivision of the land into 7 small residential lots, be given Third Reading.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2015 No. 4500.086” pass Third Reading. The motion was carried unanimously.

Councillor Bestwick said he wanted to add an amendment for this to be curbed only. After visiting the site, neighbourhood and the area; the benefits and advantages are curbing over sidewalks and more yard space as it will be decades before sidewalks are completed. Would like to see this changed from sidewalks to curbs only.

Mr. Anderson said this is something that would occur at the subdivision stage as an exemption to the Works and Services Bylaw brought forward to Council for consideration. It is not part of the rezoning process. An applicant needs to make a request and then staff prepare report and bring to Council. Items before Council in this portion of the agenda are associated with bylaw amendments, comments can be recorded for subdivision related issues. The proponents are interested in not providing sidewalks, they would portray that to the subdivision approving officer. When the matter is brought forward to Council for consideration as part of works and services bylaw, applicant for subdivision would ask to not provide that requirement. Council would see this as a request to exempt this property from that bylaw. Council also approves the standards that we have in a separate process that our engineering staff brings forward annually. There are opportunities when bylaws come before Council to look at those standards. Works and services are in our Subdivision Bylaw.

Councillor Kipp commented that the sidewalk issue is a policy issue, sidewalks to be charged to developer to be placed somewhere else in the community by a school, the joining of sidewalks for 25 years still has not connected. Policy issue for Council to look at to benefit high traffic areas.

Thorpe said he is in support of rezoning as this property is in need of redevelopment, feels this is a better option that is being presented than others that could be presented.

- (d) That “ZONING AMENDMENT BYLAW 2015 NO. 4500.087” (RA343) - to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from Single Dwelling Residential (R1) to Residential Corridor (COR1) in order to construct a multi-family development be given Third Reading.

Councillor Bestwick said he will require more time on this particular item before moving forward.

Councillor Hong emphasized that he just got the report from the applicant and has not looked at the proposed site so would like more time to review.

Mayor McKay and Councillor Brennan would like this application to be at next Special Open Council meeting for Third Reading.



Mr. Anderson said agenda schedule is complete, Legislative Services has council agenda packages so will have to check with them first.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2015 NO. 4500.087” for consideration of Third Reading be deferred until Sep 14<sup>th</sup> Special Open Council meeting.  
Motion was carried unanimously.

Councillor Kipp asked the Mayor to please explain the process to the people in attendance.

Mayor McKay explained that three years ago council made an amendment to the procedure bylaw process that would allow council to adjourn the Public Hearing meeting and go directly into Special Meeting of Council for Third reading if any member requires further information concerning an application. This item will not be dealt with tonight for third reading and could come back Sep 14<sup>th</sup> for reconsideration once two councillors have had an opportunity to review information that they were provided with tonight.

6. ADJOURNMENT:

It was moved and seconded at 8:41 p.m. that the meeting terminate. The motion carried unanimously.

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M A Y O R

CERTIFIED CORRECT:

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CORPORATE OFFICER