MINUTES

SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC ON THURSDAY, 2014-DEC-11 COMMENCING AT 7:00 P.M.

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

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

Regrets: Councillor W. L. Pratt

Staff: B. Anderson, Manager, Planning & Design Section, CD D. Stewart, Planner, Planning & Design Section, CD P. Masse, Planning Clerk, Planning & Design Section, CD

Public: There were 13 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

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

2. <u>ADOPTION OF AGENDA</u>:

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 Bylaws No. 4500.071 and 4500.072 at this evening's Special Council meeting.

(a) <u>Bylaw No. 4500.071 – RA000338 – 2992 104th Street</u>

This bylaw, if adopted, will 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 seven small residential lots.

Mr. Mike Plavetic, MJP Homes Ltd. – Applicant

 Mr. Plavetic's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4500.071".

Mr. Fred Taylor, 604 Emery Way – Opposed

Noted that subdivision of land requires the provision of 5% parkland or cash in lieu. This property in raw land is valued at over \$300,000.00; 5% of which should equal approximately \$15,000.00. Does not believe the community contribution of \$7,000.00 is sufficient for this proposal. This land has been tax exempt due to the church on the property; therefore, the full 5% of parkland value should be levied.

Mayor McKay asked Staff to confirm the 5% parkland dedication or cash in lieu.

Mr. Anderson confirmed that the 5% parkland dedication or cash in lieu is submitted at the subdivision stage of the process, not at the rezoning stage.

Mr. Taylor stated that it is his belief that if the community contribution is considered during this process that the 5% parkland dedication or cash in lieu should also be considered.

Councillor Brennan clarified that if the rezoning and subdivision processes are completed for this proposal that the City of Nanaimo would receive 5% parkland dedication or cash in lieu as well as \$1,000.00 per door for community contribution.

Mr. Anderson confirmed that Councillor Brennan's statement is correct.

Councillor Brennan asked Staff if the current owner of the subject property accrued any value from the tax exemption offered to the church.

Mr. Plavetic noted that he has not received any value due to the tax benefit offered to the church. He is the new owner of the subject property.

Councillor Brennan asked for confirmation that once Mr. Plavetic assumed ownership any tax exemptions were removed for the subject property.

Mr. Plavetic assumes that any tax exemptions have been removed for the subject property and that this will be confirmed on the next assessment notice. Tax exemptions need to be applied for annually with the City of Nanaimo.

Mayor McKay asked Staff to indicate to the Finance Section that this issue has been raised at Public Hearing.

Ms. Lana Fitzpatrick, 2988 105th Street - Opposed

 Ms. Fitzpatrick's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4500.071". Councillor Kipp thanked the speaker for her presentation. Asked the speaker if she would be in support of an R1, 5-lot subdivision.

Ms. Fitzpatrick confirmed she would be in support of an R1, 5-lot subdivision.

Councillor Kipp asked Staff to confirm what densities would be permitted under the R1 zone and the R2 zone.

Mr. Stewart confirmed that under the current R1 zoning, five lots would be permitted and all five homes would allow suites. Under the R2 zoning, seven lots would be permitted and none of those homes would allow suites.

Councillor Kipp noted to the speaker that under the current zoning five homes with two bedroom suites up to a size of 920ft² each would be permitted.

Ms. Fitzpatrick noted her concerns revolve around small lot size, not proposed densities.

Councillor Hong asked the speaker if she lived in the neighbourhood when the adjacent condominiums were constructed.

Ms. Fitzpatrick confirmed she lived in the neighbourhood when the adjacent condominiums were constructed.

Councillor Hong noted that the neighbourhood has already begun to change and increase density.

Ms. Fitzpatrick noted that the condominiums were constructed 15 to 20 years ago.

Councillor Hong asked the speaker which lots in the neighbourhood she believes would be rezoned to a small lot zone should this proposal be approved.

Ms. Fitzpatrick noted that she would be concerned that the two adjacent lots to the proposed development may attempt to rezone to an R2, small lot zone.

Councillor Hong asked Staff what costs would be incurred to rezone an R1 zoned lot to an R2 zoned lot, including the tear down of an existing home.

Mr. Stewart stated that a typical subdivision involves application fees of approximately \$2,000.00; a community contribution of \$1,000.00 per unit; works and services, including sidewalk, curb and gutter, continuation of a lane, which he does not have cost estimates for at this time; as well as Development Cost Charges of \$16,000.00 per lot.

Councillor Hong noted that rezoning an R1 lot to an R2 lot would cost \$33,000.00 in lot development prior to tearing down an existing home or constructing new homes.

Ms. Fitzpatrick believes small lot subdivisions are a good idea in principle; however, it has to fit in with the existing neighbourhood. She is concerned about renters coming into the area.

Councillor Hong asked the speaker if she would rather have ten rentals versus seven rentals.

Ms. Fitzpatrick noted she is only concerned about lot size and any precedents that may be set by small lot subdivisions.

Councillor Thorpe asked Staff for clarification on whether or not there would be sufficient land available on the subject property for a 5% park dedication of land if the rezoning were approved.

Mr. Stewart noted there would not be sufficient land on site for a 5% park dedication; the Parks and Recreation Department has noted that there is existing parkland in the immediate area so the desire would be to require cash in lieu of park dedication, which would be spent in the surrounding neighbourhood.

Councillor Fuller asked if the speaker contacted the Neighbourhood Association to discuss her concerns.

Ms. Fitzpatrick noted that she did not contact the Wellington Community Association as it is her belief that they may be defunct.

Councillor Fuller stated that many lots in the neighbourhood could rezone to a small lot zone in the future.

Ms. Fitzpatrick agrees that many lots in the neighbourhood could rezone to a small lot zone; however, a comprehensive neighbourhood plan should be created.

Councillor Kipp asked the speaker if she would be opposed to a mixed subdivision of R1 and R2 lots.

Ms. Fitzpatrick noted that the neighbourhood currently contains a diverse mix of housing types and styles. Not sure that the applicant could make enough money from a mix of R1 and R2 lots.

Councillor Bestwick asked Staff for clarification regarding the size and dimension of the units if the proposal were approved.

Mr. Stewart confirmed the maximum height in both the R1 and R2 zones is 9m; which would equate to a full two-storey home with a pitched roof or 7m with a flat roof. Lot coverage in the R2 zone is 35% and 40% in the R1 zone.

Councillor Bestwick asked for clarification regarding whether or not sidewalks would be installed on three sides if the proposal were approved.

Mr. Stewart confirmed that sidewalks would be installed on three sides if the rezoning were approved.

Councillor Bestwick asked for clarification regarding parking and access if the proposal were approved.

Mr. Stewart confirmed that access would be from the lane; as part of the rezoning process a covenant would require that front doors face onto Wellesley and Apsley Roads. Vehicle access would be from the lane, essentially hiding the parking and vehicles while creating a pedestrian-friendly entrance.

Councillor Bestwick asked for confirmation that the lane and sidewalks would not be required if the zoning remained R1.

Mr. Stewart confirmed that the lane would not be required if the zoning remained R1; however, the sidewalks would be required.

Councillor Bestwick asked for confirmation on the width of the lane.

Mr. Stewart confirmed the width of of the lane is 6.5m.

Councillor Bestwick asked for confirmation that there would be no front-of-house or lane parking.

Mr. Stewart confirmed that on-street parking would be included in the works and services for sidewalks; that is one of the advantages of the lane as there would now be room for on-street parking by not requiring driveways in front of the units.

Mr. Fred Taylor, 604 Emery Way – Redress

• Asked for clarification regarding the community contribution proposal and whether or not the new owner of the property has confirmed there are no longer any tax exemptions available. Believes the Tax Bylaw should be more closely looked at by Staff and Council.

Mr. Mike Plavetic, MJP Homes Ltd. – Redress

- Noted that the community contribution proposal was made at the direction of Staff and his proposal offered to contribute towards parks; however, he would like to see some crosswalks installed on Norwell Drive.
- Most of the existing neighbourhood lots are just over 600m²; the minimum lot size of R2 lots have to be 325m², therefore most lots would not be able to apply for the R2 zone.
- In his discussions with City Staff it was decided that curbs and sidewalks are required as a part of this proposal.

Councillor Kipp asked the applicant if he would be opposed to foregoing the installation of sidewalks by instead putting those funds towards nearby schools or recreation facilities.

Mr. Plavetic noted he would not be opposed to funding schools or recreation facilities in lieu of installing sidewalks.

Mayor McKay asked Staff for clarification on the 5% parkland dedication is determined by the value of the subdivided lots.

Mr. Stewart noted the 5% parkland dedication is determined by the value of the land itself prior to subdivision.

There were three verbal and two written submissions received with regard to Bylaw No. 4500.071.

(b) Bylaw No. 4500.072 – RA000339 – 1110, 1120 and 1140 Maughan Road

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject properties from Light Industrial (I2) to Industrial (I4) and permitting a site specific use of 'Medical Marihuana Growing and Production' in order to expand the existing facility located at 1100 Maughan Road.

Councillor Hong vacated the Shaw Auditorium at 8:01 pm due to a perceived conflict of interest.

Mr. Zach Hudson, Tilray and Privateer Holdings Inc. - Applicant

• Mr. Hudson's presentation is attached as "Attachment B – Submission for Bylaw No. 4500.072".

Councillor Kipp asked why the applicants chose Nanaimo.

Mr. Hudson noted that Nanaimo was chosen for a variety of reasons; there is a skilled work force in Nanaimo who is passionate and talented, the location of Nanaimo makes it logistically viable to easily ship to patients in every province daily, and due to the strong support received from City Staff, Council and the community.

Councillor Bestwick noted there are currently 100 employees; asked for a percentage of local employees versus people outside of Nanaimo.

Mr. Hudson confirmed that 95% of current employees are Nanaimo region residents.

Mr. Kyle Riley, Herold Engineering – Project Engineer / Primary Consultant

• The building design and layout meet all Zoning Bylaw and Parking Bylaw requirements.

Councillor Yoachim asked if the existing and proposed facilities are based on 'green' practices.

Mr. Riley confirmed that no pesticides or detrimental agents are used and that they are a green facility.

There was one verbal and one written submission received with regard to Bylaw No. 4500.072.

The Public Hearing was adjourned at 8:12 pm.

Councillor Hong returned to the Shaw Auditorium at 8:12 pm.

- 4. BYLAWS:
 - (a) <u>"ZONING AMENDMENT BYLAW 2014 NO. 4500.071"</u> (RA000338 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 seven small residential lots) pass third reading.

It was moved and seconded that "ZONING BYLAW 2014 NO. 4500.071" pass third reading. The motion failed. Opposed: Mavor McKay, Councillors Bestwick, Brennan, Fuller, Hong, Kipp and Thorpe

Councillor Hong vacated the Shaw Auditorium at 8:22 pm due to a perceived conflict of interest.

(b) <u>"ZONING AMENDMENT BYLAW 2014 NO. 4500.072"</u> (RA000339 – to amend "ZONING BYLAW 2011 NO. 4500" by rezoning the subject properties from Light Industrial (I2) to Industrial (I4) and permitting a site specific use of 'Medical Marihuana Growing and Production' in order to expand the existing facility located at 1100 Maughan Road) pass third reading.

It was moved and seconded that "ZONING BYLAW 2014 NO. 4500.072" pass Third Reading. The motion carried unanimously.

It was moved and seconded that "ZONING BYLAW 2014 NO. 4500.072" pass Final Reading. The motion carried unanimously.

5. <u>ADJOURNMENT:</u>

It was moved and seconded at 8:28 pm that the meeting terminate. The motion carried unanimously.

M A Y O R CERTIFIED CORRECT:

CORPORATE OFFICER

G:Devplan/Files/Admin/0575/20/Special Council Meetings/2013/Minutes/2014Dec11 Special Cncl Mtg Minutes.docx

Attachment A

Submissions

For

Bylaw No. 4500.071

(RA000338 – 2992 104th Street)

Good Evening Your Worship and Councillors,

My name is Mike Plavetic. I live at 4525 Wellington Road in Nanaimo. I'm the applicant for the rezoning application at 2992 104th Street.

The application is to rezone the property to R2 for a small lot subdivision. The proposed subdivision would be 7 lots. In terms of density this equates to 27 units per hectare. The Official Community Plan supports up to 50 units per hectare for areas designated as Neighbourhood. I felt a higher zoning than R2 wasn't as fitting with the existing neighbourhood and would create a lot of opposition.

Since making the rezoning application in July I have had a neighbourhood meeting at the church. The purpose of the meeting was to inform the neighbourhood of the proposed development and to get there feedback.

I informed the neighbours of the meeting by leaving a notice at there homes. I also sent an invitation to the president of the Wellington Community Association via email. He didn't respond or come to the meeting.

Approximately 20 neighbours came to the meeting on the evening of September 24. Sheila Herrera, from planning, also attended to answer questions. There were informational posters up about the proposal. The meeting was basically a question and answer format.

Most of the feedback from the neighbours was positive. Many were familiar with the homes I built in a 5 lot small lot subdivision at the corner of Turner Road and Arnhem Terrace. They seemed to think that it was nice development. Some of the neighbours expressed opposition to the rezoning. The biggest concerns I heard were regarding the proposed density and tree removal.

Since that meeting the city has asked me to amend the subdivision plan to include a lane at the rear of the proposed lots. Although this doesn't change the density of the development it does improve the appearance of it from the street by removing garages and cars from the front yards.

As far as the trees are concerned I'd like to see as many of them saved as possible. The most prominent trees on the property are a large clump of oaks on the corner of 104th and Wellesley. They would stay according to the information I have received. Additional trees would be planted with the landscaping.

Thank you for considering my application.





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We are not in favour of this bylaw that would allow for the subdivision into **seven (7) small residential lots**.

We are in favour of a smaller development

- A 5-lot subdivision would not require rezoning
- A 5-lot subdivision complies more closely with the Official Community Plan (OCP)
- The lots in a 5-lot subdivision would more closely match the size of properties in our neighbourhood & maintain quality of life





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16/01/2015





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- Maintain Urban Containment Boundary yes, through densification
- **Urban services provided** yes, but, will all road, water, sewer & storm drains be upgraded?
- **Protect the environment** not really when there will be little or no green space left
- **Reduce consumption** yes, more efficient use of finite resources
- **Recognize needs of Nanaimo's citizens** not really; home owners have not been consulted about this level of densification in the neighbourhood

Goal 2: Build a sustainable community

2.1 Urban Nodes

2.2 Corridors and Commercial Centres

2.3 Neighbourhood

2.4 Industrial

2.5 Light Industrial

2.6 Urban Reserve

2.7 Resource Protection

2.8 Parks and Open Space

2.9 Waterfront

2.3 Neighbourhood: Objectives

 To maintain the character & livability of existing neighbourhoods – not really maintaining or enhancing existing character (too dense)

• To maintain the viability of existing older neighbourhoods –*yes, for infrastructure upgrades, but what about expansion of*

community services & open space?

• To increase housing choice – yes, but how does it complement existing neighbourhood character?

2.3 Neighbourhood: Objects (cont'd)

- To provide access to basic community & neighbourhood level services - yes, location is excellent
- To protect the environment what is the impact of removing the green space (including mature trees) on the land and water systems?
- To build community spirit and cohesion hmmm, so how does this development do that? (issue of owner occupied vs. rental)

Sustainable Neighbourhoods Objective

Maintain the character & livability of our neighbourhood & protect the environment

- relaxed feel to our back and side yards
- flat lots and southern exposure favorable for growing food & future solar heating possibilities (sustainability)
- green space and walkability important
- protect the waterways
- other land use (commercial, industrial) squeezing in on all sides so a plan for the future is needed





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Goal 7: Work towards a sustainable Nanaimo

- 7.1 Neighbourhood & Area Planning
- 7.2 Amending the Plan

7.3 Development Amenity Packages

7.4 Development Permit Areas

7.5 Heritage Conservation Areas

7.6 Development Approval Information Areas

7.7 Temporary Use Permits

7.8 Implementing the Plan

7.1 Neighbourhood & Area Planning

- Our neighbourhood needs a development plan for the future (10 years or more)
- *Residents should be consulted about issues such as the Country Club mobility hub & its effect on us*
- How will "Future Small Lot Policy" affect us?
- Clusters of homes are currently separated by commercial, industrial & corridor zoning
- We need a long-term plan so that Wellington remains liveable and parks & waterways are protected
- This rezoning could set precedent for more densification between Long Lake & Diver Lake

7.3 Development Amenity Packages

Include some public amenity proposals as part of the completed project, such as:

- road construction; sidewalks
- affordable housing units
- parkland (in the case of subdivision, in excess of 5% required under *Local Government Act*); other greenbelt or open spaces; protect environmentally sensitive areas
- recreational space
- community activity centre or other facilities (e.g., daycare, arts, culture, library facilities);
- cash-in-lieu of any of the above \$1,000 per lot

7.3 Development Amenity Packages (cont'd)

Site-specific conditions will suggest what amenities are indicated for consideration in a project

 site characteristics: natural features that are environmentally, historically or archaeologically sensitive & need protection; viewscapes; outdoor recreational opportunities









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Summary



- Do not rezone the property to R2
- Allow for 5 lots (531m² average) that are more in line with the surrounding properties but dense
- This option more closely complies with the OCP
- If small lot development is the only way, then do it in blocks rather than piecemeal so there is some sense to it all & have more public input

Attachment B

Submission

For

Bylaw No. 4500.072

(RA000339 – 1110, 1120 & 1140 Maughan Road)



CITY OF NANAIMO PUBLIC HEARING DECEMBER 2014

ABOUT TILRAY



Tilray is a Health Canada licensed producer of medical cannabis

In April 2014, we began operating a state-of-the-art, \$25 million, 60,000 square foot research and production facility employing more than 100 people from the greater Nanaimo area.

As a leading medical cannabis company, our team of experts is committed to advancing the science, safety and efficacy of medical cannabis for physicians and patients.





TILRAY MANAGEMENT

NAME	CAREER	EDUCATION
BRENDAN KENNEDY PRESIDENT	: COO, SVB ANALYTICS (SILICON VALLEY BANK) PRESIDENT AND CEO, MINDABILITY, INC. FOUNDER, TORSIONSOFT, INC.	UNIVERSITY OF CALIFORNIA, BERKELEY: BA UNIVERSITY OF WASHINGTON: MS ENGINEERING YALE SCHOOL OF MANAGEMENT: MBA
PATRICK MOEN MANAGING DIRECTOR - COMPLIANCE SENIOR COUNSEL	SUPERVISORY SPECIAL AGENT, US DRUG ENFORCEMENT ADMINISTRATION POLICE OFFICER, NEW YORK STATE	UNIVERSITY OF CONNECTICUT SCHOOL OF LAW: JD CARNISIUS COLLEGE: BA
JEFF GUILLOT MANAGING DIRECTOR	CEO, HALGOPOWER, INC. VP INTERNET PRODUCTS, DUN & BRADSTREET VP PRODUCT DEV NETSOLVE/CISCO IT DIRECTOR, DELL.COM HOME & SMALL BUSINESS DIVISION	UNIVERSITY OFTEXAS – AUSTIN: BS MECHANICAL ENGINEERING
JOSHUA EADES CHIEF SCIENCE OFFICER	SENIORTECHNOLOGY OFFICER, THE UNIVERSITY OF BRITISH COLUMBIA RESEARCH SCIENTIST, CANADIAN FORESTRY SERVICE RESEARCH SCIENTIST, MYCOLOGIC INC.	THE UNIVERSITY OF VICTORIA: PHD BIOLOGY/ BIOCHEMISTRY THE UNIVERSITY OF BRITISH COLUMBIA: BSC BIOLOGY/GENETICS
PHILIPPE LUCAS VICE-PRESIDENT, PATIENT RESEARCH & SERVICES	VICTORIA CITY COUNCILLOR/CRD DIRECTOR RESEARCH AFFILIATE, CENTER FOR ADDICTIONS RESEARCH OF BC CO-FOUNDER, COMPASSIONATE ANALYTICS FOUNDER, VANCOUVER ISLAND COMPASSION SOCIETY	CARLETON UNIVERSITY: BA UNIVERSITY OF VICTORIA: MA UNIVERSITY OF VICTORIA: PHD CANDIDATE
JAKE RYAN DIRECTOR OF SECURITY SERVICES, CANADA	RCMP NON-COMMISSIONED OFFICER IN CHARGE OF NANAIMO OPERATIONS RCMP NON-COMMISSIONED OFFICER IN CHARGE OF NANAIMO FIRST NATIONS UNIT RCMP INVESTIGATOR/SUPERVISOR FEDERAL CRIMINAL INTELLIGENCE	SOUTHERN ALBERTA INSTITUTE OFTECHNOLOGY SPECIALIZED RCMPTRAINING, SPECIALIZED MUNICIPAL TRAINING (CALGARY POLICE SERVICE)

CONSTRUCTION PARTNERS



GENERAL CONTRACTOR HEATHERBRAE BUILDERS LOCATION: NANAIMO, BC



ARCHITECT COASTAL ARCHITECTS LOCATION: NANAIMO, BC

KPL James architecture ARCHITECT KPL JAMES ARCHITECTURE LOCATION: VICTORIA, BC



ELECTRICAL ENGINEER RB ENGINEERING LTD. LOCATION: NANAIMO, BC



ELECTRICAL CONTRACTOR CANEM SYSTEMS LOCATION: NANAIMO, BC





MECHANICAL ENGINEER ROCKY POINT ENGINEERING LTD. LOCATION: NANAIMO, BC

MECHANICAL CONTRACTOR ARCHIE JOHNSTONE PLUMBING & HEATING LOCATION: NANAIMO, BC



STRUCTURAL ENGINEER HEROLD ENGINEERING LIMITED LOCATION: NANAIMO, BC



SYSTEM CONTROL ESC AUTOMATION LOCATION: NANAIMO, BC

SECURCO

SECURITY CONTROL SECURCO LOCATION: NANAIMO, BC

COMMUNITY OPPORTUNITY & BENEFITS

Jobs	Creation of 275+ new Tilray jobs, plus hundreds of indirect local jobs related to construction, logistics, third-party services and distribution	
Construction	\$75+ million direct investment in facility construction	
Taxes	increased contribution to local tax base	

CONTACT US

Philippe Lucas

Vice President of Patient Research & Services

Tilray 1100 Maughan Road Nanaimo, BC V9X 1J2 **philippe@tilray.ca**

Zack Hutson

Director of Public Relations

Privateer Holdings 1920 Eastlake Avenue Seattle, WA 98102 zack.hutson@privateerholdings.com



LOCATION PLAN



REZONING APPLICATION NO. RA000339

LOCATION PLAN

Civic: 1110, 1120 and 1140 Maughan Road

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Subject Property

Parks & Open Spaces













KPL James architecture
Image: Construction of the constructi

RENDERING - WEST ELEVATION

D 3



KPL James architecture
Image: State of the state o

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