

MINUTES OF THE SPECIAL MEETING  
OF THE COUNCIL OF THE CITY OF NANAIMO  
HELD IN THE SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC  
ON THURSDAY, 2014-FEB-06 COMMENCING AT 7:00 P.M.

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PRESENT: His Worship Mayor J. R. Ruttan, Chair

Members: Councillor W. L. Bestwick  
Councillor M. D. Brennan  
Councillor G. E. Greves  
Councillor D. K. Johnstone  
Councillor J. A. Kipp  
Councillor J. F. K. Pattje

Regrets: Councillor G. Anderson  
Councillor W. B. McKay

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

Public: There were 14 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. 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 Ruttan 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 before consideration of Third Reading of Bylaws No. 4500.055, 4500.056, 4500.057 and 4500.059 at this evening's Special Council meeting.

(a) Bylaw No. 4500.055 – RA000324 – 4015 and part of 4001 Corunna Avenue

This bylaw, if adopted, will rezone the subject areas from Single Dwelling Residential (R1) and Neighbourhood Centre (CC2) to Residential Corridor (COR1) in order to construct an office building.

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

- Mr. Brown's presentation is attached as "Attachment A – Submissions for Bylaw No. 4500.055".

Mayor Ruttan noted the site plan indicates a portion of the subject properties has yet to be acquired.

Mr. Brown confirmed the noted piece of property has been acquired.

Mayor Ruttan asked for details regarding neighbourhood notification.

Mr. Brown confirmed he polled two neighbours; both were generally in favour of the proposal.

Councillor Pattje asked for clarification regarding the preliminary Riparian Area Regulations (RAR) and the proposed approval process.

Ms. Herrera noted the applicant has submitted a preliminary RAR report; however, it has not yet been submitted to the Ministry of the Environment (MoE). The proposed plan is based on a report authored by a Qualified Environment Professional (QEP) that does support a variance. The RAR report would be submitted to the MoE at the development permit stage.

Councillor Pattje asked if this was normal procedure.

Ms. Herrera stated that the RAR report being submitted to the MoE at the development permit stage is standard procedure.

Councillor Pattje asked for clarification regarding the applicant acknowledging the community contribution policy versus agreeing to it.

Mr. Brown stated the community contribution policy is acknowledged; however, the amount has not yet been ascertained, as it will be based on actual building plans.

Councillor Kipp noted the pedestrian traffic issues existing on the lane, asked what improvements and speed abatement measures will be undertaken and whether or not sidewalks will be installed.

Mr. Brown noted that a sidewalk requirement for Corunna Avenue has been waived by the City as they do not foresee continuity.

Councillor Kipp asked what future improvements are planned for Norwell Drive.

Mr. Anderson noted the improvements associated with Norwell Drive and the future intersection renovation would include a sidewalk and measures that would address any mobility issues.

Councillor Kipp asked for clarification that future road improvements to Norwell Drive would be a Development Cost Charge (DCC) project.

Mr. Anderson confirmed the future road improvements to Norwell Drive would be a DCC project.

Councillor Kipp asked if the form and character of the plan would be changing.

Mr. Brown confirmed the form and character of the plan would not be changed, just the shape may be changed to better fit the subject property.

Councillor Johnstone noted the Wellington Community Association had concerns that 103<sup>rd</sup> Street may be closed, which would cause more traffic issues in the area.

Mr. Brown stated he does not see any notable traffic problems on Corunna Avenue other than egress to Norwell Drive.

Councillor Johnstone asked Staff if there is a possibility that pedestrian traffic could be impacted negatively if 103<sup>rd</sup> Street is closed off.

Mr. Anderson noted the pedestrian functions would be improved with the changes to Norwell Drive. Safe pedestrian movement is always considered by the traffic engineers.

There was one verbal and four written submissions received with regard to Bylaw No. 4500.055.

(b) Bylaw No. 4500.056 – RA000326 – 5363, 5397 and 5401 Jacobs Lane

This bylaw, if adopted, will rezone the subject properties from Single Dwelling Residential (R1) to Duplex Residential (R4) in order to permit a duplex on each subject property.

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

- Mr. Brown's presentation is attached as "Attachment B – Submissions for Bylaw No. 4500.056".

Mayor Ruttan noted Jacobs Lane is not conducive to traffic volumes or parking issues. Asked for confirmation that 'No Parking' is marked on the lane.

Mr. Anderson noted the City commences enforcement on a complaint basis; however, it is his belief that a 'No Parking' sign is installed on the lane.

Councillor Pattje asked Staff to clarify the parking requirements for the R1 zone, for a duplex, and for a duplex with a secondary suite, which may be permitted in the future.

Ms. Herrera noted the current parking requirement for an R1 lot is two parking spaces, if that home had a secondary suite then one additional parking space would be required. A duplex requires four parking spaces, two per dwelling unit. If a secondary suite were permitted in a duplex, which it currently is not, a total of six parking spaces would be required; however, the rezoning process would need to be undertaken to apply for a secondary suite in a duplex.

Councillor Pattje asked Mr. Anderson if the subject properties would be capable of providing six parking spaces per duplex if secondary suites were to be permitted in duplexes in the future.

Mr. Anderson noted that due to existing access and parking issues on Jacobs Lane, six parking spaces per duplex would not be supported by Staff.

Mayor Ruttan asked if the applicant had expressed any interest in future secondary suites for the duplexes. Noted the duplexes are relatively small, the ability to install a secondary suite may not

be realistic.

Mr. Brown confirmed there is no intention for secondary suites in the proposed duplexes. Parking is an issue for the lane; due to neighbour concerns, the applicant proposes a plan which creates adequate parking on site with a third parking space provided.

Councillor Johnstone noted that all submissions express the same concern, which she believes has been addressed with the added parking space. Asked if the concerns that the extra space would make the frontages look like a parking lot are valid. Noted the plans show some nice greenery in the frontages, asked if the final plans would continue to pay attention to that detail.

Mr. Brown noted the added parking space has encouraged a very articulated landscape plan.

Councillor Kipp asked for clarification regarding required Floor Area Ratio (FAR) and whether or not there is a difference for a R1 lot versus a R4 lot.

Ms. Herrera noted the FAR in the Duplex zone is 0.55. The R1 zone does not have a FAR; instead it is determined through setbacks, lot coverage and height.

Councillor Kipp asked if the proposed design would be single storey homes with full hip roofs.

Mr. Brown noted the plans put forward are the plans that will be built, they will include upper floor main living with two or three bedrooms on the lower floor.

Councillor Kipp noted there would be no way to install a secondary suite into the design.

Councillor Bestwick asked Staff what constitutes a lane versus a street or avenue and whether or not lanes not get servicing consideration from City crews.

Mr. Anderson stated the difference between a lane and a local road is in the right-of-way; a lane is 7m and a local road is 16.5m. Typically, a wider pavement laning occurs for a roadway versus a lane. Services are not provided within the 7m lane right-of-way which needs to be on the opposite side of a property. There is an impact on whether or not all services and utilities can be achieved in a lane setting versus a road setting.

Councillor Bestwick noted that lanes have been created in subdivisions to achieve higher densities yet, the residents do not receive the same services from City crews. It seems to him the lane should get the same treatment as local roads as the City installed the lanes via planning initiatives. Asked for clarification on the proposed yards.

Mr. Brown noted that the proposed duplex lots would not be suitable for young children due to the steeply sloping rear yards. Side yards are minimal with 3m separations. These duplexes are more suited to young adults or seniors.

Councillor Pattje noted a submission of opposition suggests that they were misled regarding future development, noting a plan that shows what future development would entail. Asked for clarification regarding the referenced plan.

Mr. Anderson stated it may have been assumed that the plan being referenced were single family dwelling lots, unsure what plans they would have seen. It may have been based on zoning.

**Mr. Don Frood, #104 - 5418 Jacobs Lane – Opposed**

- Lives across from the proposed development. Has already submitted a letter of opposition, speaking on behalf of an absent neighbour who is opposed to the proposal due to concerns that renters will move into the units.

Councillor Pattje asked the speaker why it is his belief that rental units would have a negative impact on the neighbourhood.

Mr. Frood believes six small rental units would not fit the form and character of the existing neighbourhood.

Councillor Pattje asked the speaker why rental units are perceived to be a negative impact on the neighbourhood.

Mr. Frood noted he was a property manager in his past career and some rental units can have a negative impact on its neighbours. Does not believe it is fair to the residents who bought in the area who were not expecting small duplexes to be built in the area.

Councillor Pattje noted his serious objection to assumptions that somehow renters do not fit in with people who own their property.

Councillor Bestwick asked for clarification on whether or not a strata exists for the neighbourhood.

Ms. Herrera noted the subject properties are fee simple lots and are not associated with a strata.

**Ms. Shirley Birch, 5413 Jacobs Lane – Opposed**

- Lives next door to the proposed duplexes.
- Bought in the area due to the single family dwelling and townhome zoning which was included in the Subdivision plan at that time. Feels the proposed plan is out of sync with the overall neighbourhood plan. Concerned about the size of the units as they will likely be rented out. Believes this will negatively affect her property values as transitory neighbours have no vested interest in the properties or the neighbourhood, which could be reflected in the overall upkeep of the duplexes. Believes the proposal is inappropriate to the subject neighbourhood.

**Mr. Robert Rud, #102 - 5410 Jacobs Lane – Opposed**

- Asked if there would be a legal impediment to the owner installing secondary suites into the duplexes after they are constructed.

Councillor Pattje confirmed that secondary suites are currently not permitted in duplexes, although the concept has been discussed.

Mayor Ruttan noted the subject units are very small and would not be conducive to secondary suites.

Mr. Rud asked if the submitted plans are set in stone or can the owner come back with different

plans once approved.

Ms. Herrera noted the application is to consider a rezoning of the subject properties only. The final plans will be submitted with the Building Permit (BP) application; they are not secured through the rezoning process.

Mr. Rud asked if a different size and shape of townhouse could then be submitted at BP state.

Mr. Anderson noted the restrictions that govern what can be placed on the subject properties are reflected in the proposed plans seen this evening.

Mr. Rud asked if there is a legal requirement that a duplex have a maximum height of 5.5m above the curb.

Ms. Herrera noted the height restriction in the R4 zone is measured from taking an average of the corners of the building.

Mr. Rud noted that he does not believe a 'No Parking' sign is displayed on Jacobs Lane.

Mr. Rud stated there used to be a 6m easement on the subject property. Since then a large home has been built on the lot; however, that easement would have prevented any homes being built on at least two or three of the lots had the easement stayed in place. Believes the City gave the owner the right to cross City land in order to gain development access to the properties.

Councillor Kipp confirmed the submitted plans meet the current height restrictions for the R1 zone (5.5m above the curb to the peak of the roof). The design of these duplexes does not permit the space required to install secondary suites.

Councillor Brennan asked Staff if a covenant could be requested to secure the design and height of the proposal.

Ms. Herrera confirmed a covenant could be registered for the proposal in regard to general design parameters.

Councillor Brennan asked if it was possible to secure the submitted plans via a covenant.

Ms. Herrera confirmed it is possible to secure a covenant for height restrictions.

Mr. Brown noted 50% of all single family dwelling BP's are being submitted with secondary suite plans, it has become a development reality; however, no secondary suites are included in this proposal and size restrictions would not permit them. Noted that the developer has no problem adhering to the height restriction for the R1 zone (5.5m measured from the curb to peak elevation).

**Ms. Melissa Reves, #102 - 5426 Jacobs Lane – Opposed**

- Asked why the proposed plans indicate a third parking space if no secondary suites are planned for the proposal.

Ms. Herrera stated she believes the third parking space was included in the revised plans due to neighbourhood concerns around parking and not being able to park in the lane.

There were five verbal and seven written submissions received with regard to Bylaw No. 4500.056.

(c) Bylaw No. 4500.057 – RA000278 – 4125 Jingle Pot Road

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Light Industrial (I2) in order to construct a light industrial development.

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

- Mr. Brown's presentation is attached as "Attachment C – Submissions for Bylaw No. 4500.057".

**Mr. Norm Jones, 4145 Jingle Pot Road – Opposed**

- When 4101 Jingle Pot Road was rezoned, the City wanted the roadway to reach his property line; however, only a covenant regarding a shared driveway was registered. Concerned about future roadworks to Jingle Pot Road and how it will affect his property.

Councillor Kipp asked if the future roadway the speaker is referring to would dissect the MacKay property and enter into Mr. Jones' property.

Mr. Jones stated the roadway was intended to straighten the corner of Jingle Pot Road and Boban Drive. Concerned that the roadway will go all the way through his property if he develops, as it was decided that future roadworks could be undertaken with future development needs.

Councillor Kipp asked Staff for clarification on whether or not the Road Network Plan includes the extension of Boban Drive and Jingle Pot Road.

Mr. Anderson noted the road network plan surrounding the subject properties is not directly related to the purpose of this evening's Public Hearing; however, the Official Community Plan's Mobility Map does not indicate a major road connection of Boban Drive to Jingle Pot Road. There could be a local road connection but that information is not at hand.

Ms. Herrera noted the Engineering Section did recommend that road dedication be secured from the frontage of Jingle Pot Road and that the access being proposed would allow a shared access with 4145 Jingle Pot Road in the future. This would require the owner of the subject property grant a shared access in the future and any redevelopment at 4145 Jingle Pot Road would require a shared access.

Mr. Jones asked why they would require a shared driveway.

Ms. Herrera noted the purpose of a shared driveway is to limit the number of accesses onto major roads.

**Mr. Dean Jones, 4710 Cardena Road – In Favour**

- Good fit to the neighbourhood, all access and roadway concerns have been addressed by the applicant representative. Infill and density objectives have been very successful for the area.

There were three verbal and one written submission received with regard to Bylaw No. 4500.057.

(d) Bylaw No. 4500.059 – ZA1-54 – Medical Marihuana

This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO.4500” by amending subsection 13.2.1 to delete Medical Marihuana Growing and Production as a permitted use within the Industrial (I4) zone and permit Medical Marihuana Growing and Production as a site specific permitted use at 1100 Maughan Road.

There were no verbal or written submissions received with regard to Bylaw No. 4500.059.

The Public Hearing was adjourned at 8:30 pm.

4. BYLAWS:

- (a) “ZONING AMENDMENT BYLAW 2014 NO. 4500.055” (RA000324 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject properties from Single Dwelling Residential (R1) and Neighbourhood Centre (CC2) to Residential Corridor (COR1) in order to construct an office building).

It was moved and seconded that “ZONING BYLAW 2014 NO. 4500.055” pass third reading. The motion carried unanimously.

- (b) “ZONING AMENDMENT BYLAW 2013 NO. 4500.056” (RA000326 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject properties from Single Dwelling Residential (R1) to Duplex Residential (R4) in order to permit a duplex on each subject property).

It was moved and seconded that “ZONING BYLAW 2013 NO. 4500.056” pass third reading with the provision that a covenant be registered as a condition of rezoning which restricts the height to 5.5m measured from the curb. The motion carried.

*(Opposed: Councillor Pattje)*

- (c) “ZONING AMENDMENT BYLAW 2014 NO. 4500.057” (RA000278 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from Single Dwelling Residential (R1) to Light Industrial (I2) in order to construct a light industrial development).

It was moved and seconded that “ZONING BYLAW 2014 NO. 4500.057” pass third reading. The motion carried unanimously.

- (d) “ZONING AMENDMENT BYLAW 2014 NO. 4500.059” (ZA1-54 – to amend “ZONING BYLAW 2011 NO. 4500” by amending subsection 13.2.1 to delete Medical Marihuana Growing and Production as a permitted use within the Industrial

(I4) zone and permit Medical Marihuana Growing and Production as a site specific permitted use at 1100 Maughan Road).

It was moved and seconded that “ZONING BYLAW 2013 NO. 4500.053” pass third reading. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 8:51 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