

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, 2013-DEC-05 COMMENCING AT 7:00 P.M.

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

COPY

Members: Councillor G. Anderson
Councillor W. L. Bestwick – Arrived at 7:17 pm
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Regrets: Councillor M. D. Brennan

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

Public: There were 32 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. 4500.047, 4500.051, 4500.054 and 4500.053 at this evening's Special Council meeting.

(a) Bylaw No. 4500.047 – RA000321 – 5709 Oceanview Terrace and part of 5620 Hammond Bay Road

This bylaw, if adopted, will rezone the subject areas from Single Dwelling Residential (R1) to Row House Residential (R7) in order to permit two row houses at 5709 Oceanview Terrace and two row houses on part of 5620 Hammond Bay Road.

Mr. Ivan Plavetic, 130 Canterbury Crescent, Vision Homes Ltd. – Applicant

- This application was heard at a previous Public Hearing (2013-SEP-05), at that Hearing Council heard from neighbourhood residents who had concerns regarding density and access concerns. Through consultation and recommendation with City Engineers, he has worked to address the access issues by proposing to remove part of the existing median and install a U-turn capability. He will pay for all costs associated with the median and access works.
- Held an open house for neighbouring residents on 2013-DEC-01; 25 notices of the open house were delivered and 7 residents attended. He listened to concerns and informed residents of the plans for the median, as well as provided a rendering of the proposed row houses.
- There is no opportunity for secondary suites with row housing.
- A submission of opposition from 5709 Oceanview Terrace notes that they bought their lot in the neighbourhood under the belief it would only contain single family dwellings; however, four duplexes were already built in the neighbourhood at the time they bought their lot.
- A submission of opposition from 5710 Oceanview Terrace notes that the developer built the lane prior to approval from the City. This is not true; a PLA had been obtained which allowed for the lane to be installed.
- He will be providing a community contribution of \$4,000 if the proposal is approved. This contribution would go towards Norasea Park.

Mayor Ruttan asked Staff if any concerns regarding the proposal had not yet been addressed by the developer.

Mr. Stewart confirmed that concerns related to access will be addressed through the U-turn route that would be added as a condition of rezoning.

Mayor Ruttan asked the applicant if he is satisfied with Staff's assistance in these matters.

Mr. Plavetic confirmed he is satisfied with the assistance he has received from City Staff.

Councillor Kipp asked the applicant what steps he had taken to address concerns from the neighbourhood residents regarding the safety of children on the street as well as on-street parking concerns.

Mr. Plavetic stated that curb and sidewalk has been installed on the opposite side of the street through the subdivision process, which did not exist prior to the subdivision; he believes the safety concerns have been addressed. There may be on-street parking that occurs; a large majority of homes in the area do contain suites.

Councillor Kipp asked if there are any Staff concerns regarding the median and existing tree.

Mr. Stewart noted the tree will be retained; the reason the median is there was to retain the significant tree. Staff would not support this U-turn route if the tree were to be compromised.

Mayor Ruttan asked for clarification regarding how many residents were invited to the open house.

Mr. Plavetic confirmed that 25 area homes received an invitation to the open house and 7 residents attended. Added that the existing four duplexes he constructed in the neighbourhood have 2 people living in each unit. The density proposed is the same as single family dwellings with secondary suites.

Councillor Anderson asked Staff for clarification regarding parking requirements for row houses versus single family dwellings.

Mr. Stewart confirmed that row houses require four parking spaces per lot; two per unit are required and have been proposed by the applicant.

Councillor Anderson asked how many parking spaces would be required if two single family dwellings with secondary suites were constructed.

Mr. Stewart noted that two single family dwellings with secondary suites would require 3 parking spaces for each home; the proposed two row houses would provide one additional parking space per lot versus the requirement for a single family dwelling with a secondary suite.

Councillor Anderson asked the applicant how many of the residents attending the open house were in favour and / or opposed to the proposal.

Mr. Plavetic noted that in his approximation three attendees were opposed and four were in favour. The access and density concerns have been addressed; he is unsure what else he could do to appease those who are opposed to the proposal. Units would be sold as strata units and would be owner occupied. Past experience informs him that each unit would likely be occupied by 2 people only.

Councillor Anderson asked if the row houses could contain secondary suites.

Mr. Stewart confirmed that row houses are not permitted a secondary suite.

Councillor Johnstone asked if the City Urban Forester had limbed the existing tree to ensure that sight lines for the U-turn installation are not obstructed.

Mr. Mousseau noted the tree was limbed through the original subdivision process; therefore, the limbs are above any required sight lines. The U-turn movement through the median is placed as far away from the tree as possible to provide maximum separation and the cut through will not be within the drip line of the tree. The City Urban Forester has reviewed the plans and has no concerns.

Councillor Pattje asked if there is any evidence that indicates a decrease in property values when row housing is constructed in a single family neighbourhood.

Mr. Stewart noted that row housing is a relatively new product in the City of Nanaimo; however, the applicant plans to stratify the units, so it would be very similar to a duplex being constructed in a single family neighbourhood, which does not decrease the value of existing single family dwellings.

Councillor Pattje asked if the proposed access plan is workable.

Mr. Mousseau confirmed the access plan and U-turn are workable. The speeds on that street will be low as vehicles are restricted to right-in, right-out off of Hammond Bay Road. This street is a local street with narrow and vertical elements, all of which have traffic calming effects.

Councillor Pattje asked what remedial plans would be if the access proposal does not work.

Mr. Mousseau confirmed that Staff does not anticipate that the access proposal will not work; however, in the event that it does not work, there is the option to remove the tree and the median.

Ms. Joanne Wright, 5706 Oceanview Terrace – Opposed

- Believes she was given misleading information from the applicant regarding the placement of the U-turn in the median.
- Believes the only reason this application is returning to Public Hearing is because the applicant has agreed to amend the median at his own cost. Spoke to Ms. Susan Clift (Director, Engineering & Public Works) in regard to the median and the lack of its maintenance; Ms. Clift told her residents could adopt the median. Neighbours agreed on adopting the median and maintaining it as green space.
- Believes the added traffic will result in dangerous safety concerns for the children in the neighbourhood who play on the street.

Ms. Herkamal Brar, 5702 Oceanview Terrace - Opposed

- Spoke at the previous Hearing regarding her family's concerns regarding traffic and parking, she does not believe these issues have been addressed.
- Does not believe vehicles travel at a slow speed in the area as cited by City Staff, instead she believes the average speed is 60 km/hr.
- Existing turns are currently being misused in the area, believes adding a U-turn will only make the problem worse and would be dangerous for the area.
- Her family was aware of duplexes in the area when they purchased their lot; however, the existing duplexes are not typical and provide ample parking. Believes this proposal will result in too many vehicles parking on the street.

Councillor Anderson asked Staff how many parking spaces would be included for the proposal.

Mr. Stewart confirmed a total of eight parking spaces are proposed for the two, 2-unit row houses.

Councillor Kipp asked what calming measures could be utilized to ensure vehicles do not speed around the corner from Hammond Bay Road. Noted that many homes have secondary suites and additional cars are inevitable.

Ms. Brar noted she is unsure what could be done to decrease speeding vehicles in the area; however, she is more concerned with the installation of a U-turn.

Councillor Kipp noted that the density increase along and off of Hammond Bay Road has been substantial, which in turn increases the amount of vehicular traffic. He is more concerned with any potential safety issues.

Mr. Ram Shienh, 5607 Westdale Road – Opposed

- Spent a lot of money on his lot and the building of his home. Believed the area was single family dwellings only. Wants a quiet and peaceful neighbourhood, believes there is too much traffic in the area. He may have to sell his home.

Mr. Nick Sadhra, 5705 Oceanview Terrace - Opposed

- Believes property values decrease when multi family dwellings are constructed in a single family neighbourhood. Has concerns about traffic and parking safety.

Ms. Dawn Plavetic-Burrows, 5624 Westdale Road – In Favour

- Has lived in a half-duplex in the area since 2010, and owns an additional half-duplex in the neighbourhood. During the original development of the neighbourhood, the developer donated the existing neighbourhood park. Many kids play in the park, as well as in the cul-de-sac in front of her house. Traffic and parking issues do exist in the neighbourhood as approximately 75% of the homes contain secondary suites.
- Cutting back the median will be a benefit to both sides of the street. Believes duplexes would result in fewer cars in the neighbourhood versus single family dwellings with secondary suites. Loves her neighbourhood.

Mr. Howard Jackson, 5710 Oceanview Terrace – Opposed

- On-street parking already exists on the roadway and he is experiencing head lights shining into his home. Has a 7-year son who does not always look before he goes onto the roadway, he has already almost been hit by a car.

Mr. Ram Shienh, 5607 Westdale Road – Redress

- A Building Scheme exists for the neighbourhood. Questioned why the developer did not have to follow the Building Scheme.

Councillor Kipp asked for confirmation that a Building Scheme has no municipal authority.

Mr. Stewart confirmed that a Building Scheme is not enforced by the City of Nanaimo.

There were seven verbal and three written submissions received with regard to Bylaw No. 4500.047.

(b) **Bylaw No. 4500.051 – RA000322 – 2155, 2157 and 2161 Boxwood Road**

This bylaw, if adopted, will rezone the subject properties from Single Dwelling Residential (R1) to Highway Industrial (I1) and add fuelling installation as a permitted use within the I1 zone.

Ms. Maureen Pilcher, Maureen Pilcher & Associates Ltd. – Applicant Representative

- Ms. Pilcher's presentation is attached as "Attachment C – Submissions for Bylaw No. 4500.051".

Councillor McKay noted the current access for semi-trailers travelling north on Bowen Road and turning left on Labieux Road would mean the truck would have to travel all the way around the property to access it.

Ms. Pilcher confirmed that trucks currently travel off the Parkway, up Northfield Road, turn left on Bowen Road, turn left on Labieux Road, and go around the entire property to access it.

Mayor Ruttan asked for clarification regarding what products would be sold at the Co-op.

Ms. Pilcher noted the proposal is a cardlock diesel fuelling station for commercial vehicles only.

Councillor Johnstone asked if the amenity areas would include washrooms or a picnic area.

Ms. Pilcher stated they are hoping to create a respite area with the proposal, which may include washrooms, shower and picnic tables.

Councillor Pattje asked for confirmation on the number of vehicles identified in the traffic study that wished to make a left turn at the Bowen and Labieux Road intersection.

Ms. Pilcher confirmed the number of vehicles wishing to make a left onto Boxwood Road at peak traffic times is 35 vehicles.

Councillor Pattje asked Staff how many vehicles would take a left turn off of Northfield Road onto Boxwood Road if and when Boxwood Road is extended to Bowen Road. This would reduce the pressure existing at Northfield and Bowen Roads.

Mr. Mousseau noted that is a question for the Public Works Section.

Councillor Pattje noted that he believes there are some problems with the proposal; however, he would be happy if there were no more semi-trailer truck issues at Labieux and Bowen Roads. Asked if any roadworks are required to provide access to vehicles that want to make a right turn into the subject property.

Ms. Pilcher noted all roadworks would be determined at the Development Permit stage. All guidelines and requirements of the Engineering Standards and Specifications will be met for this proposal. The Co-op is prepared to meet all requirements if road widening is required for a dedicated right turn lane. The Co-op is committed to providing safe access and egress for this site.

Councillor Bestwick asked what impacts to nearby residences the proposal could have.

Ms. Pilcher noted she had been in contact with nearby residences; she did not hear back from two neighbours and could not reach another. They are currently adjacent to the BC Hydro substation and not directly across the road from the subject property.

Councillor Bestwick noted some homes may be affected by semi-trailer headlights.

Ms. Pilcher confirmed that she and the Co-op would be happy to speak to any neighbours who may be negatively affected by headlights; screening of their properties could be investigated. They do not wish to negatively impact their neighbours.

Councillor Bestwick asked if the existing cardlock fuelling station at Labieux and Bowen Roads will be discontinued.

Ms. Pilcher confirmed the existing cardlock fuelling station will be taken out of service.

Councillor Kipp asked if the on-site lighting will be low-level.

Ms. Pilcher confirmed a black, low-level light standard would be installed for the proposal.

Councillor Kipp asked if there will be noise buffering installed for the proposal.

Ms. Pilcher noted they are not expecting a defined increase in noise for the area. Most trucks turn their trucks off when refuelling. Refrigerated trucks will not be parking overnight.

Mr. Brian Nevay, 2132 Boxwood Road – Opposed

- Asked if any studies had been conducted regarding any potential spills into the protected wetland area located behind the subject property.

Mr. Stewart noted the wetland is approximately 35m from the subject property; a 15m buffer area is currently required for wetlands. Any gas or fuel station is required to have on-site storm water retention, as well as oil and water separators.

- Believes all access and egress to this site should be off of Northfield Road and should not be permitted onto Boxwood Road. It is already very busy and residential homes are located on the road.

Mayor Ruttan noted the vast majority of traffic would be coming off of Northfield Road.

Councillor Kipp noted the easiest exit and turn-around for semi-trailers would be Boxwood Road.

Mayor Ruttan noted that having two entrances and exits is an important safety feature.

- Noted that maintenance on Boxwood is non-existent and that sidewalks need to be installed.

Councillor Kipp noted that Boxwood Road is taking on a large increase in traffic due to growth of the industrial area. Asked Staff if there is any Development Cost Charge (DCC) funding that could be allocated to Boxwood Road due to the traffic increases.

- A Traffic count was completed a few years ago; he believes the number of vehicles on Boxwood Road per day is approximately 2,025.

Mr. Mousseau noted that the Boxwood Road and Bowen Road connector is a DCC project, which would include the intersection of Boxwood Road and Northfield Road and a portion southbound on Boxwood Road from Northfield Road. Boxwood Road is a major road and it is intended to be extended to East Wellington Road in the future.

Mr. Patrick Douglas, 2150 Boxwood Road – Opposed

- Mr. Douglas' presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4500.051".
- Many area residents and recovery patients walk the neighbourhood daily. Believes this proposal will result in the same problems that occur in the existing cardlock facility. It is an industrial area; however residential uses are extensive and nearby. Truck drivers leave very early, believes the proposal will be a nuisance and hindrance to neighbouring residences.

- Mr. Douglas submitted a petition of opposition with eight signatures; it is attached as a part of “Attachment B – Submissions for Bylaw No. 4500.051”.

Councillor Bestwick asked the speaker if he takes any comfort from the applicant’s commitment to screening and buffering to reduce any lighting or noise concerns.

Mr. Douglas does not believe the applicant presentation was realistic; dirty trucks will be coming in and out of the subject property. Believes it will be loud, dangerous and will ruin the neighbourhood. Believes property values will decrease if the proposal is approved. The wetland behind the subject property could be destroyed if there is a heavy snow that melts into it.

Councillor Bestwick noted that pedestrian and vehicular traffic increases on Boxwood Road is extensive and obvious. Asked Staff if there is any provision of sidewalks for Boxwood Road in the immediate future.

Mr. Stewart stated that sidewalks are not required as the proposal is an industrial property.

Councillor Bestwick noted he is inquiring about a sidewalk for Boxwood Road in continuity from Northfield Road, at least on one side of the road.

Mr. Mousseau stated the long-term cross-section for that corridor will include sidewalks and bike facilities; however, it is not currently in the City’s five-year Capital Works Plan. It would have to be something that is considered as a revision to the five-year Capital Works Plan.

Councillor Johnstone asked for confirmation regarding how many trucks are expected per hour at the card lock facility.

Ms. Pilcher confirmed approximately four to five trucks per hour would access the proposed cardlock facility.

Councillor Johnstone asked for the hours of operation for the proposed cardlock facility.

Ms. Pilcher noted the proposed cardlock facility would be open 24 hours a day.

Councillor Kipp noted that the City can set travel routes for semi-trailers, which they can only vary from if they are making a delivery in that area. Asked Staff if Council has the ability to direct which way a semi-trailer could enter or exit the site.

Mr. Stewart noted that through the development permit process, on-site signage will be required that will encourage trucks travelling eastbound to use the access on Northfield Road, not Boxwood Road, until the intersection improvements are in place for the intersection.

Councillor Anderson noted that the Transportation Master Plan will include a new truck route; this egress issue could be considered as a part of the Master Plan process.

Mr. Brian Nevay, 2132 Boxwood Road – Redress

- Asked if any traffic calming measures could be installed on Boxwood Road.

Mayor Ruttan stated it is something that could be looked at in the future, as there is an extensive amount of pedestrian traffic in the area.

Ms. Pilcher noted the designation of the subject property is Industrial, as per the Official Community Plan. Reiterated that they will ensure this does not negatively impact nearby residents.

There were three verbal and four written submissions received with regard to Bylaw No. 4500.051.

(c) Bylaw No. 4500.054 – RA000325 – 1100 Maughan Road

This bylaw, if adopted, will rezone the subject property from Light Industrial (I2) to Industrial (I4) in order to allow for a medical marihuana growing and production facility.

Mr. Brendan Kennedy, President of Lafitte Holdings – Applicant

- Mr. Kennedy's presentation is attached as "Attachment C – Submissions for Bylaw No. 4500.054".

Mayor Ruttan noted his appreciation regarding the taxation status for the proposal.

Councillor Pattje asked when the restrictive covenant regarding farm status will be completed and if further communication with BC Assessment has occurred.

Mr. Anderson noted that further communication with BC Assessment has not yet occurred. The covenant would be registered between Third Reading and Final Adoption of the bylaw.

Councillor Pattje asked the speaker if building permits would be applied for by 2013-APR-01.

Mr. Kennedy confirmed the objective is to obtain building permits for 2013-APR-01.

Mr. Brian Rodonets, Bi-Coastal Architecture – Applicant Certified Professional

- This project is regulated by Health Canada and the BC Building Code. The perimeter of the property will be secured by seven layers of security, including motion detectors, heat detectors and video surveillance. The building will achieve a Security 9 level of security, which by Health Canada standards is one of the highest ratings that can be achieved.

Mayor Ruttan noted one of his concerns regarding the proposal is that Nanaimo's protective services would be responsible if any alarms or alerts were to be activated, which is the reason he wanted Lafitte Holdings to pay industrial taxes; there will be a cost for protective services.

Councillor Kipp noted that safety concerns for protective services responders will be much lower as they will know what to expect with this facility. Currently, the Fire Department has no idea if they are responding to a call at a grow-op.

Mr. Rodonets noted the building will be fully sprinklered with a humidity control of approximately 80%; therefore, the danger of ignition is very low.

Councillor Johnstone asked if any fumes or odor would emit from the subject building.

Mr. Rodonets stated that every gram of the product will be controlled and monitored; waste would be very well controlled and there will no unscrubbed emissions from the subject building.

There were two verbal and three written submissions received with regard to Bylaw No. 4500.054.

(d) Bylaw No. 4500.053 – ZA1-55 – General Amendments

This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO. 4500” by making 11 text and 10 separate mapping amendments.

Councillor Bestwick asked why it is proposed to add a Park Model Trailer as a permitted use within the Mobile Home Park Residential zone.

Mr. Stewart noted a Park Model Trailer is more of a mobile unit versus a mobile home as it is on a trailer not a foundation. A Park Model is a cross between a RV and a mobile home. This amendment is to allow the permitted use back into the Mobile Home Park Residential zone as it was inadvertently removed during the Zoning Bylaw rewrite.

Councillor Pattje asked for clarification regarding proposed Map F and whether or not any dedicated roads exist in the area proposed for park.

Mr. Stewart noted he is not aware of any road dedication within the proposed park area. The subject property was acquired through a land exchange and it would be an extension of the existing Woodstream Park.

There were no verbal or written submissions received with regard to Bylaw No. 4500.053.

The Public Hearing was adjourned at 8:49 pm.

4. BYLAWS:

- (a) “ZONING AMENDMENT BYLAW 2013 NO. 4500.047” (RA000321 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject areas from Single Dwelling Residential (R1) to Row House Residential (R7) in order to permit two row houses at 5709 Oceanview Terrace and two row houses on part of 5620 Hammond Bay Road).

It was moved and seconded that “ZONING BYLAW 2013 NO. 4500.047” pass third reading. The motion carried unanimously.

- (b) “ZONING AMENDMENT BYLAW 2013 NO. 4500.051” (RA000322 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject properties from Single Dwelling Residential (R1) to Highway Industrial (I1) and add fuelling installation as a permitted use within the I1 zone).

It was moved and seconded that “ZONING BYLAW 2013 NO. 4500.051” pass third reading with the provision that on-site, direction signage is installed regarding truck exits. The motion carried unanimously.

- (c) “ZONING AMENDMENT BYLAW 2013 NO. 4500.054” (RA000325 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject property from Light Industrial (I2) to Highway Industrial (I4) in order to allow for a medical marihuana growing and production facility).

It was moved and seconded that “ZONING BYLAW 2013 NO. 4500.054” pass third reading. The motion carried unanimously.

- (d) “ZONING AMENDMENT BYLAW 2013 NO. 4500.053” (ZA1-51 – to amend “ZONING BYLAW 2011 NO. 4500” by making 11 text and 10 separate mapping amendments).

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 8:55 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER

Attachment A

Submissions

For

Bylaw No. 4500.047

*(RA000321 – 5709 Oceanview Terrace
and part of 5620 Hammond Bay Road)*

Penny Masse

From: Paul Wright [REDACTED]
Sent: Tuesday, November 26, 2013 4:08 PM
To: Public Hearing
Cc: David Stewart; Bruce Anderson
Subject: Rezoning RA000321 bylaw 4500

Good day, City of Nanaimo,

Let me start off by saying that I, again, totally disagree with this rezoning application. It appears that the city of Nanaimo is only considering it again due to the fact that this developer is willing to foot the bill for introducing some concrete in the middle of the tree median to allow vehicles to carry out legal u turns to gain access into this laneway.

Let me also thank David Stewart for the "heads up" email to my wife earlier this week.

I fail to see how this traffic flow has any bearing on why this rezoning application was turned down at the last reading. I understand it was turned down because the current home owners all bought their lots on the understanding that 5709 Oceanview would be sold as a single family lot & that the developer had failed to communicate his intentions with the neighbourhood & then not disclosed that fact at the last hearing. Those 2 facts have not changed & we are all still not happy that the city is considering this application again based on the fact that he wants to slightly alter the traffic flow. Again we have had no communication with any developers directly. If allowed it will increase the traffic flow on Oceanview Terrace which will be more dangerous for the existing children. At least the way it is at the moment, the traffic can only access in one direction & leave in one direction. We all feel it should stay as it is, which then leaves the question, why are you even considering this application again?

Following the refusal of this application we were assured by David Stewart & Bruce Anderson that once refused, the applications are considered a "dead duck" so we have been in communications with Susan Clift regarding the maintenance of the tree median. As a result of these emails between her & my wife, we have arranged with the local residents to adopt the median & grow plants on it as suggested by Susan Clift, so she was obviously under the impression that the original rezoning was a dead duck also, or she wouldn't have made these recommendations. We, as a neighbourhood, would like to keep the whole of the median a green space & not have traffic driving over it.

Having looked at the intended building plans again, they are exactly the same as before so I can see no reason for allowing this application.

Having had a report from the Nanaimo RCMP, there could be illegal manoeuvres carried out to access the laneway as it is, but surely that is up to the RCMP to police it & the city to make adjustments to the median based on the opinion of the RCMP. Allowing a developer to do this just reeks of "you scratch my back & I'll scratch yours".

We accept that the laneway has to be used for dwellings on Hammond Bay Rd but our contention is that the lot at 5709 Oceanview should remain as a single family dwelling lot thus reducing traffic use of the laneway because this single dwelling would use its own driveway.

To sum up, how is this application any different to the last one other than there will be a piece of concrete across the median. It will not have a positive outcome on the existing residents.

I hope my objections are noted as part of the application. My wife will be attending the hearing.

Could you please acknowledge receipt of this email.

Mr P Wright [REDACTED]

Penny Masse

From: The Jackson's [REDACTED]
Sent: Tuesday, December 03, 2013 7:11 PM
To: Public Hearing
Subject: Rezoning RA000321 bylaw 4500 appeal

> Good afternoon

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> My husband and I are really upset that there is another public hearing about this rezoning and we do absolutely not agree with this rezoning application.

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> We have 2 boys (7 years and 10months) and love this street because it is quiet - not too busy with traffic as you can enter and exit only one way - with tons of kids in and out of each others houses riding their bikes and skateboards ages 2-13 especially with the lovely park just 200m down the street. Having more traffic go in and out of our street and building this row houses right across from our house with more cars and people coming and going...well it is not going to be the quiet neighbourhood and street we chose to buy a house in just over a year ago anymore.

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> Just because the developer jumped the gun and decided to build that little street before the application got approved is now the result of all this hearings? Of course this dont mean anything to him that we are all against it. I do not know of anyone who is happy with this, except maybe his daughter Dawn who is the realtor and live right off the street on Westdale.

The new argument they told us is: if this dont get approved there will most likely be houses with suites built that will have the same amount of traffic going in and out. Not all people want renters, not all suites are always rented out, not all renters have cars especially with the busstop 20m away, owners have at least control over renters, provide them with parking etc. So it doesnt mean there will be just the same amount of traffic than with the row houses. Row houses will bring all of our property value down as well. Having 4 different families (average family of 4 people in one house) its 16 people vs having 8 people. Then there is plans for another single family home behind the old house too with another 4 people in it. So in the end its about 20ppl vs 12 new to the neighbourhood.

>

> Where is this cars going to park? No one parks in their garage anymore, especially if its a single garage. They are probably going to be parking right in front of our house. Everybody knows how annoying is that! How are the traffic going to be when cars are parked on either side of the road and you enter from Hammond bay with another car wanting to exit? There is only space for one car at a time.

> We were told that we can adopt the median and we are pretty excited to get our green fingers on and make that something special especially for the kids to help take care of it and be proud of.

We want to keep it a quiet and safe neighbourhood for our kids and hope that this rezoning application - for the 2nd time - will not be approved for the row houses and keep it single family homes.

Regards

Howard and Danielle Jackson
[REDACTED]

>

> Sent from my iPhone

Penny Masse

From: Public Hearing
Subject: FW: Public Hearing December 5th--RA000321

Hello Council and City of Nanaimo,

I am emailing today in regards to the public hearing scheduled for Thursday December 5th. I am **strongly opposed** to rezoning application—RA000321 (5709 Oceanview Terrace and part of 5620 Hammond Bay Road).

It is alarming that almost two months after the first public hearing the only solution the city could come up with is cutting through a barrier containing a beautiful tree on it. This barrier should remain a green space, not have a large portion cut out just to add more concrete. I believe that this clearly demonstrates that the property in question is not suitable for high density development; that end of the street is just too busy. This proposed U-turn is going to make my street unsafe and create more traffic issues.

Frequently cars turn off of Hammond Bay Road onto Oceanview Terrace; when a car is making a U-turn at the same time that someone is coming onto Oceanview terrace a collision **will** occur. What will happen to traffic when a driver is waiting to use the U-turn while a car is coming onto Oceanview Terrace? Will the traffic going up Oceanview Terrace have to wait until they can proceed to Hammond Bay Road? Yet again this will cause more traffic issues on my street. There are also many children who walk to school every single day from this neighbourhood and this proposed U-turn will be very dangerous for pedestrian traffic. **Nothing** has changed since the last public hearing and our concerns have not been addressed. Creating a U-turn completely ignores the concerns that residents had before, and nothing about this application is different so I am wondering why it is being looked at again.

I very much so believe that this property should remain zoned for a single family dwelling. The row houses will bring increased traffic to our neighbourhood and this will cause problems. Single family dwellings have large garages and driveways which means there is more designated space for parking. If each row house has about three cars, that could potentially add an extra 12 vehicles to our neighbourhood (the plans for these row houses will not accommodate these many vehicles). I can guarantee that some of these vehicles will be parking on Oceanview Terrace in front of the row houses. This creates another problem since vehicle traffic will be turning onto Oceanview Terrace from Hammond Bay and it is quite narrow there. Vehicles already park in front of that entrance onto Oceanview Terrace and on many occasions I have seen a collision almost happen.

When my wife and I decided to purchase this lot it was because the properties surrounding our lot were zoned for single family dwellings. We moved from a neighbourhood that had many duplexes built in it after we had already moved there and we could no longer handle the tremendous amount of vehicle traffic going past our house. Please understand that this neighbourhood is our sanctuary and we have worked very hard to build our dream home in this beautiful area. The developer involved in this rezoning application will not be living on these properties and therefore he does not have to deal with the aftermath - for him this is a business opportunity, a chance to maximize his profits from two parcels of land but for us this is our home, our life.

I sincerely ask you to take this into consideration. Our neighbourhood means so much to us and we don't want to see it change for the worst.

An acknowledgement that this email has been received would be appreciated.

Mr. Charanjit Brar & Mrs. Satnam Brar

Attachment B

Submissions

For

Bylaw No. 4500.051

(RA000322 – 2155, 2157 and 2161 Boxwood Road)

Maureen Pilcher & Associates

Land Use Consultants

Public Hearing Presentation – 2013-December-05

Re: RA00322 – 2155 etc. Boxwood

Maureen Pilcher

Good Evening Mayor Ruttan, Members of Council, Members of Staff, Ladies and Gentlemen:

My name is Maureen Pilcher and I am a Land Use Consultant in the Central Vancouver Island area. I am pleased this evening to be representing the Mid-Island Co-op with their request to rezone this property from a residential zone to a light industrial zone in order to develop a card lock facility. The intended use meets the goals and objectives of the Official Community Plan designation and the requested Highway Industrial Zone.

Mid Island Co-op has been in business since 1959 and was created by local citizens as an alternative way to provide themselves with goods and services. They currently have more than 49,000 members throughout the Central Vancouver Island area and pride themselves by operating in a socially responsible, environmentally friendly and ethical manner. 100% of profits are returned to the community through reinvestment, equity allocations and through contributions to community organizations and local youth.

Supporting community isn't a marketing tool at the Co-op: it is one of the seven International Principles upon which co-operatives are built. At the Co-op, social responsibility is as important as providing services for their members.

Mid Island Co-op supports a broad range of organizations, with priority given to those projects or associations that build long-term capacity in this community. Last year alone nearly a million dollars was generously donated through the Co-Op and this list indicates just a few of the community events and organizations supported by the Co-op.

The site we are discussing this evening at the intersection of Northfield and Boxwood Road will provide the conveniently located large lot required for a Co-op card lock facility. The cardlock use will generate little traffic and does not require a large customer parking lot, however it does require an area large enough to accommodate the fueling of commercial vehicles. The present site of the small cardlock at Bowen/Labieux has limited space and is difficult to access and egress for the large trucks that use the facility.

A cardlock at the Northfield Road property will allow the trucks easy on/off access to the Parkway without negatively affecting inner city roads. The newly built, primary access will be a right in/right out access from Northfield Road and will provide quick entry to the site. The recently improved and expanded Northfield/Boxwood signalization will ensure safe egress back to the Parkway.

Maureen Pilcher & Associates

Land Use Consultants

This location will definitely reduce the number of trucks having to manipulate their way through the busy Northfield/Bowen Road intersection – an intersection with one of the highest accident rates in the City. A comprehensive and intensive traffic study has been submitted to the City of Nanaimo, and has been vetted by the City Engineers – they have indicated that the proposed site accesses are properly located and meet the suggested minimum clearances from intersections and driveways. It has been determined that this site will function as envisioned and will not negatively affect traffic movement in the area.

As you are no doubt aware the Co-op prides themselves on developing beautifully landscaped sites – and this new site will be no exception. We have worked with a well-known Nanaimo landscape architect – Victoria Drakeford – who has designed a plan that builds on the natural attributes of the property to ensure that this important site becomes part of the Northfield gateway to the City. The regional identity has been emphasized by working on a scale that relates to the existing surrounding vegetation and the predominant views of Mount Benson. To achieve this goal Victoria has advised that we retain natural vegetation wherever possible, remove all invasive species and add more native plants. We will maintain the existing stand of mature Douglas Fir trees, including two significant trees, which already create a strong corner feature for the site. Deciduous flowering trees in a more manicured landscape along Boxwood Road will provide a transition to the residential area that exists across the road. A lovely green amenity space has been created in the south-west corner of the site – taking advantage of the small Garry Oak meadow - a quiet oasis in a busy industrial area.

The Mid-Island Co-op is a growing and important community member that models sustainable, vibrant and socially responsible business practices in the Central Vancouver Island area. This new project will provide a much needed safe and efficient card lock in a beautifully landscaped and convenient industrially designated location.

I will be pleased to answer any questions you may have.

Re: Bylaw no. 4500.051

Attention Mayor and council. I am Russell Brown resident owner of 2128 Boxwood Rd. Before stating my objections to this development I ask that prior to any further discussion of this bylaw consideration be given to a potential conflict of interest. I would ask that any member holding current shares in or receiving remuneration in any form from the applying company absent themselves from this meeting.

-----My objections to the proposal are as follows-----

-----1. Impact on the neighbourhood.-----

-----2. Traffic issues will be created on Northfield and Boxwood by trucks turning right off the site-----

-----3. The incursion of light from the site. Trucks turning right onto Boxwood at night will immediately shine directly onto the fronts of 2150, 2132, and 2128 Boxwood . There will also be site lighting which will impact us as well. Photos taken from between driveways at 2125 and 2157 illustrate homes affected by headlights.-----

-----4. Noise . Trucks idling while on site, gearing up and down and gates opening and closing are all going to impact us!-----

-----5. Smell. As the prevailing wind in this area comes from two directions, the west and the south east, we will smell fumes from exhaust, the fueling process and tank vents. Spillage in varying amounts will evaporate and drift into residential properties. Thought should be given to the wetlands below this property as the back third (approximation) is exposed rock. Any spill on the site has the potential to enter this area. Will the developer commit to trucking contaminated snow away or will it be piled up on undeveloped land adjacent to melt and pollute the marsh and the creek that drains it. A creek that was recently relocated because it was fish bearing.-----

-----6. Property Values. Residents on this road have had reductions in assessed value beyond the city average. This, I believe to be a result of the intrusion of industrial traffic and lower sale values as a major property owner disposed of 2155 and 2157 which were surplus to its needs.-----

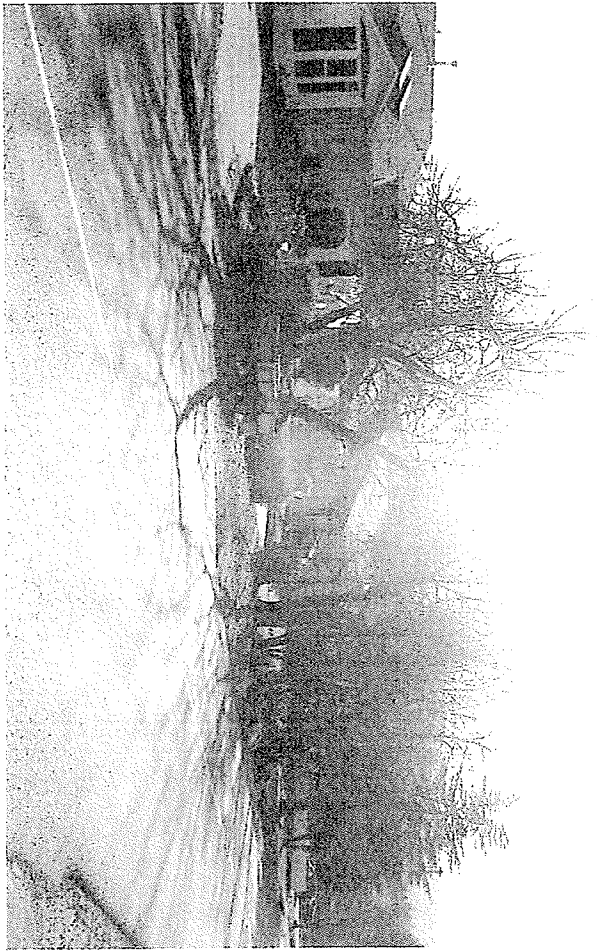
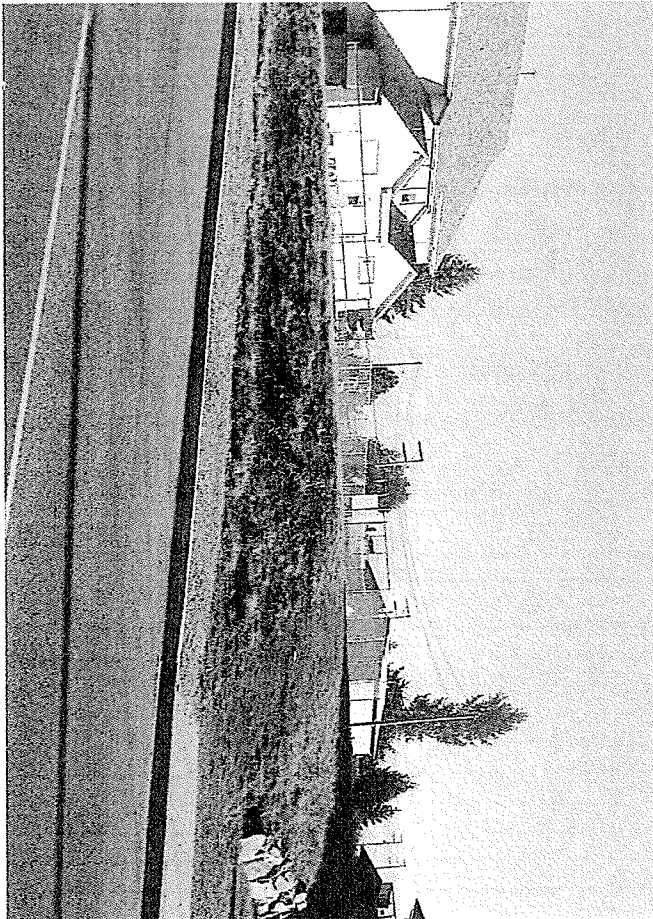
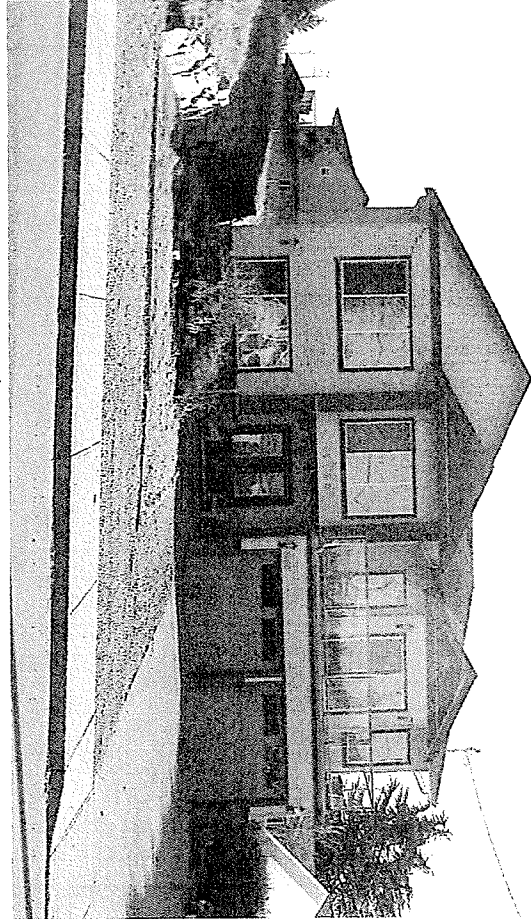
-----7. The property at 2161 is, I agree, a difficult one to deal with. A problem created by the City and Province, when Northfield Rd. was extended and one that should not be rectified by devaluing our homes. I would sympathize whomever owned that property at the time, but not an entity who purchased this land hoping to convince you to change the zoning.-----

-----8. Is our stock of residential zoned property large enough to allow a sizeable chunk to be rezoned to industrial usage?-----

----- In closing, I ask that you protect our neighbourhood from this development. I have tried to figure out ways to make this application, acceptable, but the problems I see are too varied and complex. If the only solution to the access problem is the demolition of existing homes, it should only be allowed to provide access to residential land. -----

-----Thank you---Russell Brown

①

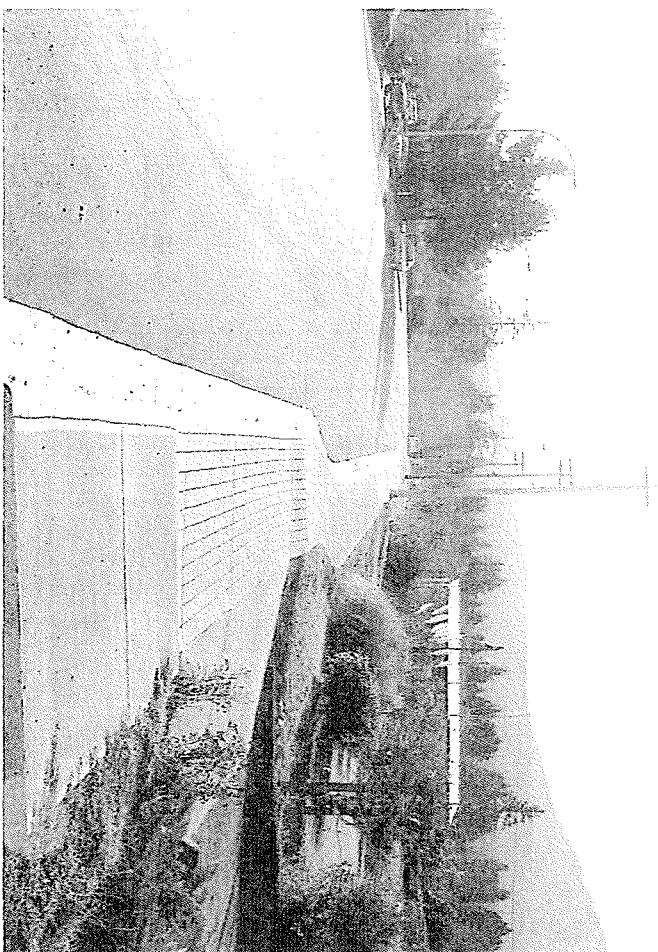
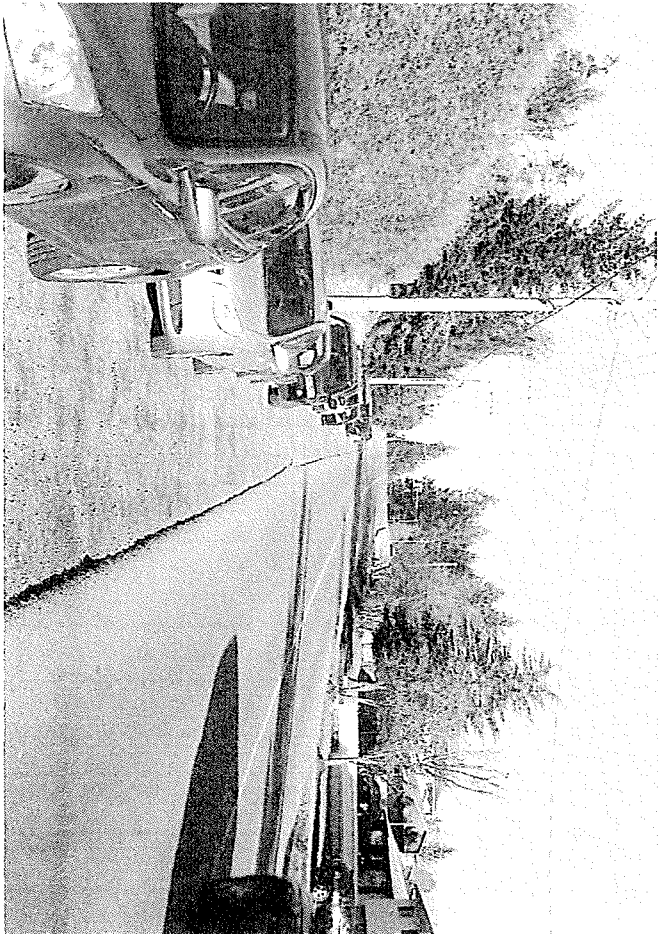


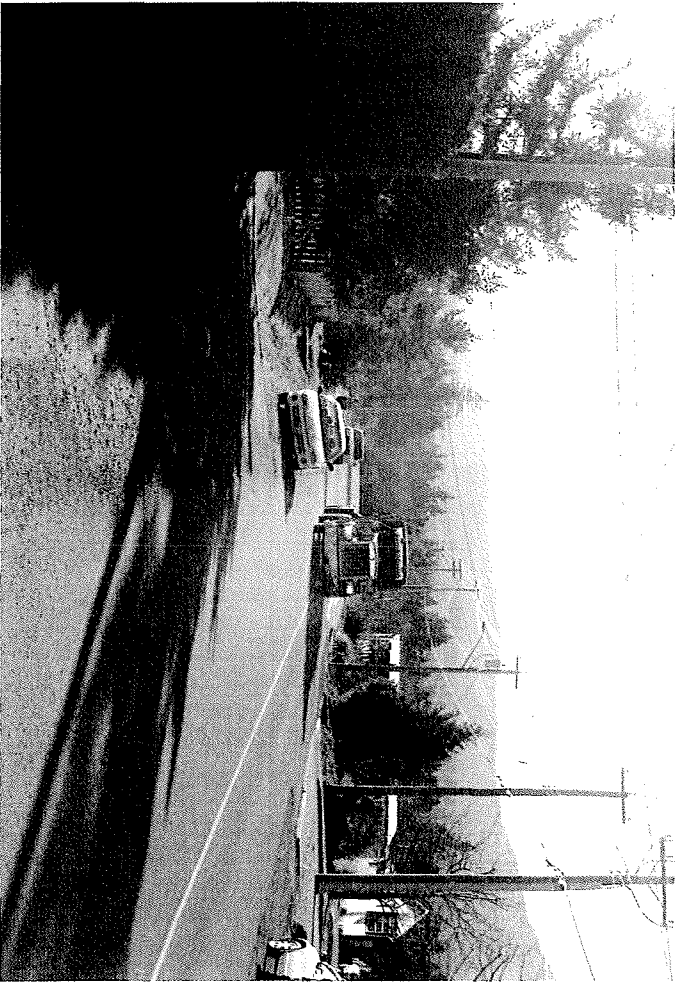
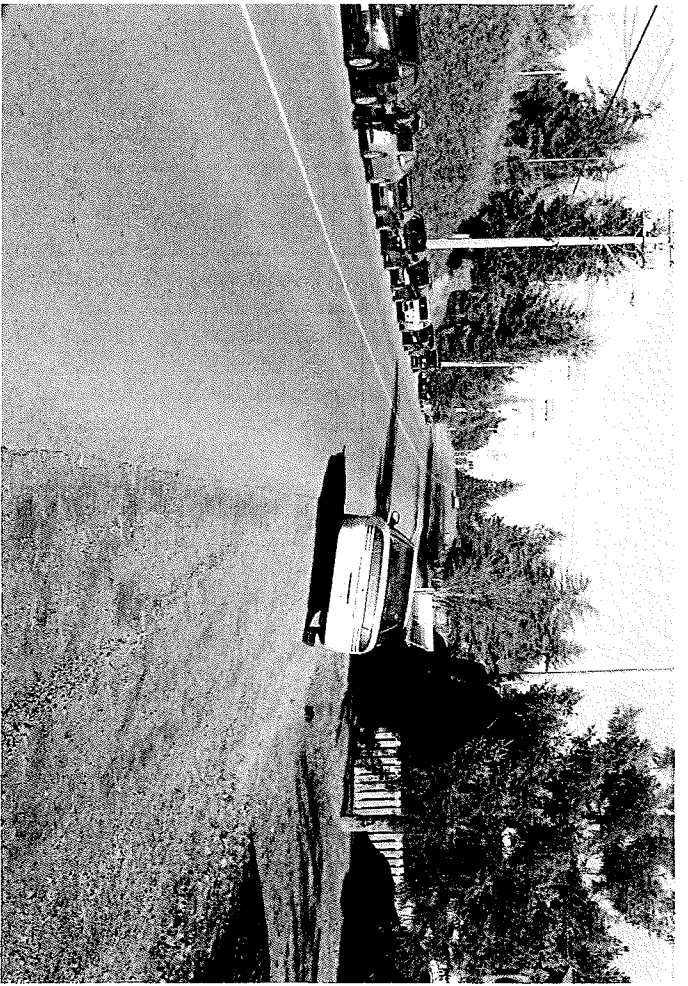
Properties impacted by lighting issue
with trucks turning right onto Boxwood Rd.

(23)

Pages 2 & 3 indicate issues with
Pedestrian Travel. No more trucks
than we get now until these
are resolved!

Bottom of the hill where
no one parks for some
reason.





2



Victory Lodge (West)
2150 Boxwood Road
Nanaimo, British Columbia
V9S 5J1

Victory Lodge (East)
2172 Lark Crescent
Nanaimo, British Columbia
V9S 5J8

Dr. Paul A. Douglas
20671 - 9th Avenue SW
Edmonton, AB T6M 2N9

November 23, 2013

City of Nanaimo
Community Safety & Development
455 Wallace Street
Nanaimo, BC V9R 5J6

Re: **Bylaw No. 4500.051 Proposed Zoning Change**

Dear Sir or Madam:

I am writing to oppose the re-zoning of the property directly across from my property at 2150 Boxwood Road.

I purchased this property in a residential area to serve the people of Nanaimo by providing a drug and alcohol recovery home for men, and in the last number of years we have helped many people transition back into the community and sober living.

With Edgewood Treatment Centre a little further down the block, and a child care facility next door, Boxwood is a very special street, where individuals in treatment and recovery can stroll together or just sit and have a quiet talk on the stoop.

I have heard many people say that the reason they love Nanaimo is that, unlike many cities, Nanaimo is a place where people come first.

I feel that the approval of this commercial project will dramatically change the character of this special street and I would ask respectfully that you not approve the request to re-zone.

Thank you for your consideration.

Yours truly,

Paul A. Douglas

PAD:sf

PETITION

We, the citizens of the City of Nanaimo who live on Boxwood Street, petition the city to reject re-zoning application RA000322. We feel strongly that this commercial project will negatively affect our residential neighbourhood and create a significant danger for our children.

[illegible]

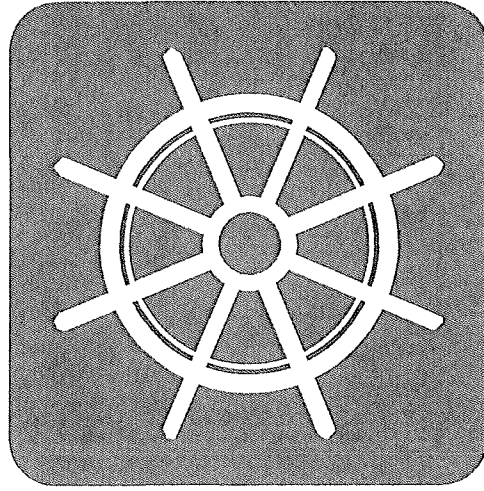
Attachment C

Submissions

For

Bylaw No. 4500.054

(RA000325 – 1100 Maughan Road)



LAFITTE

VENTURES

A CANADIAN COMPANY

DECEMBER 5, 2013

CITY OF NANAIMO PUBLIC HEARING

OBJECTIVE ENSURE HEALTH CANADA SUCCEEDS AND INITIAL DEMAND IS MET WITH SUFFICIENT SUPPLY.

RESEARCH FULLY UNDERSTAND THE NATURE OF THE MMPR AND THE GOALS OF HEALTH CANADA.

STRATEGY MEET WITH KEY PLAYERS WITHIN THE INDUSTRY AND DETERMINE THE BEST COURSE OF ACTION TO SUPPORT THE SUCCESS OF THE MMPR.

TEAM ASSEMBLED A TEAM OF PROFESSIONALS.

TARGETS IDENTIFIED INITIAL TARGET INVESTMENTS AND OPPORTUNITY TO BECOMING A LICENSED PRODUCER.

STANDARDS CREATE A STANDARD OF CARE & EXCELLENCE THAT IS ABSENT THROUGHOUT THE INDUSTRY.

CAPITAL RAISED \$7M TO INVEST IN CANNABIS WORLDWIDE WITH ACCESS TO ADDITIONAL CAPITAL WHEN NEEDED.

CULTURE MONITOR & PARTICIPATE IN POLITICAL DISCOURSE.

CORE VALUES



SHINE A LIGHT ON A STILL SHADOWY INDUSTRY

BRING A PROFESSIONAL PERSPECTIVE TO THE INDUSTRY

BECOME A TRUSTED ADVISOR

DEVELOP A STANDARD OF CARE AND EXCELLENCE

CREATE A RELIABLE, TRUSTED PRODUCT THAT IS CLEAN,
TESTED, PROFESSIONALLY PACKAGED, AND BRANDED

ENABLE LEGITIMATE PATIENTS TO BENEFIT
FROM MEDICAL CANNABIS

CREATE JOBS TO POSITIVELY AFFECT THE COMMUNITY

NAME

CAREER

EDUCATION

BRENDAN KENNEDY
FOUNDER, CEO

: 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

MICHAEL BLUE
FOUNDER, CFO

: PRINCIPAL, HERRINGTON, INC.
: COO, RIDGE CAPITAL PARTNERS
: COO, GAILLARDIA DEVELOPMENT COMPANY
: VICE PRESIDENT, DE VISSCHER & CO

HARDING UNIVERSITY BBA
YALE SCHOOL OF MANAGEMENT MBA

CHRISTIAN GROH
FOUNDER, COO

: COO, GENERAL CANNABIS, INC
: DIRECTOR OF SALES, SVB ANALYTICS

CALIFORNIA MARITIME ACADEMY BS
SAN FRANCISCO STATE UNIVERSITY MBA

JEFF GUILLOT
MANAGING DIRECTOR

DIRECTOR IT, DELL.COM
HOME & SMALL BUSINESS DIVISION
VP PRODUCT DEVELOPMENT, CISCO/NETSOLVE
VP INTERNET PRODUCTS, DUN & BRADSTREET
CEO, HALGOPOWER, INC.

UNIVERSITY OF TEXAS - AUSTIN
BS MECHANICAL ENGINEERING

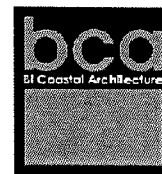
TONIA WINCHESTER
DIRECTOR

: OUTREACH DIRECTOR, WASHINGTON STATE 1-502
MARIJUANA LEGALIZATION CAMPAIGN
CITY PROSECUTOR, WENATCHEE, WA
: CITY PROSECUTOR, SEATTLE, WA

UNIVERSITY OF WASHINGTON, SEATTLE BA
SEATTLE UNIVERSITY SCHOOL OF LAW JD

ARCHITECT

BRIAN M. RODONETS, MAIBC, NCARB, AIA
COASTAL ARCHITECTS - BICOASTAL ARCHITECTURE
LOCATION: NANAIMO, BC



STRUCTURAL ENGINEER

HEROLD ENGINEERING LIMITED
LOCATION: NANAIMO, BC



ELECTRICAL ENGINEER

RB ENGINEERING LTD.
LOCATION: NANAIMO, BC



MECHANICAL ENGINEER

ROCKY POINT ENGINEERING LTD.
LOCATION: NANAIMO, BC



LEGAL FIRM

MCCARTHY TETRAULT
CANADA'S LEADING BUSINESS LAW AND
LITIGATION FIRM SINCE 1855.



CORPORATE STRUCTURE



PRIVATEER HOLDINGS, INC.
A DE Corporation
Registered in WA
Registered in CA

LEAFY HOLDINGS, INC.
WA Corporation
Registered in CA

LAFITTE VENTURES, LTD.
Incorporated in
B.C. Canada

LEAFY HOLDINGS, LTD.
Incorporated in
B.C. Canada

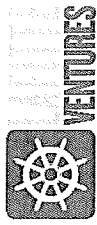
LEGEND

USACOMPANIES

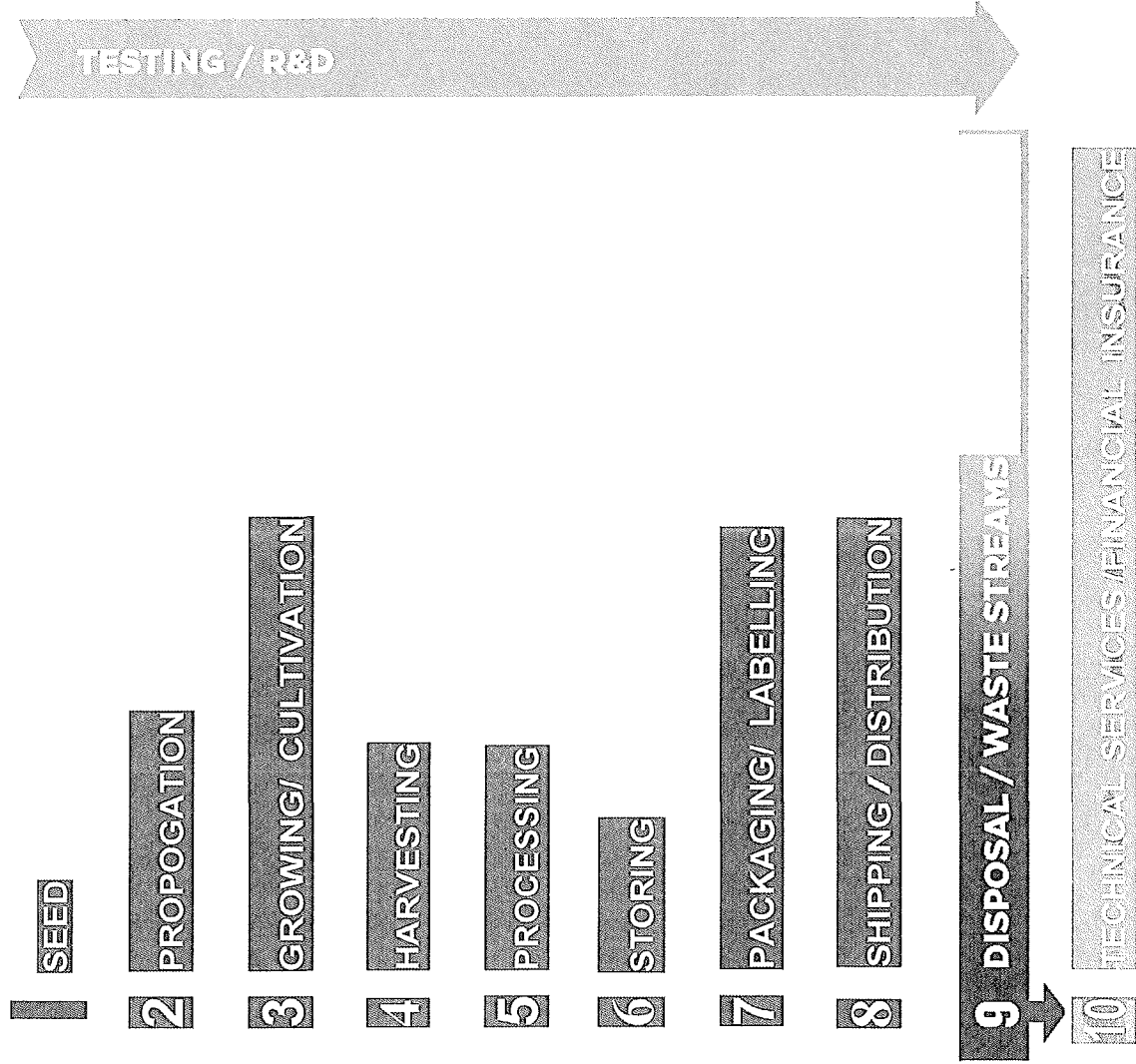
INCORPORATED IN B.C. CANADA

	OLD MMAR	NEW MMPR
1. RESIDENTIAL CULTIVATION	YES	NO
2. GOVERNMENT SUPPLY	YES	NO
3. GOVERNMENT CONTROLLED PRICES	YES	NO
4. DESIGNATED-PERSON PRODUCTION	YES	NO
5. DOCTOR AUTHORIZATION	YES	YES
6. LICENSED COMMERCIAL PRODUCER	1	25+
7. CLARITY FOR RCMP, LOCAL POLICE, FIRE & MUNICIPALITIES	NO	YES
8. TIGHT REGULATIONS FOR TESTING, TRACEABILITY, AUDITING, INSPECTIONS	NO	YES
9. FOCUSED PUBLIC SAFETY PURPOSE	NO	YES
10. DESIGNED TO PREVENT DIVERSION	NO	YES

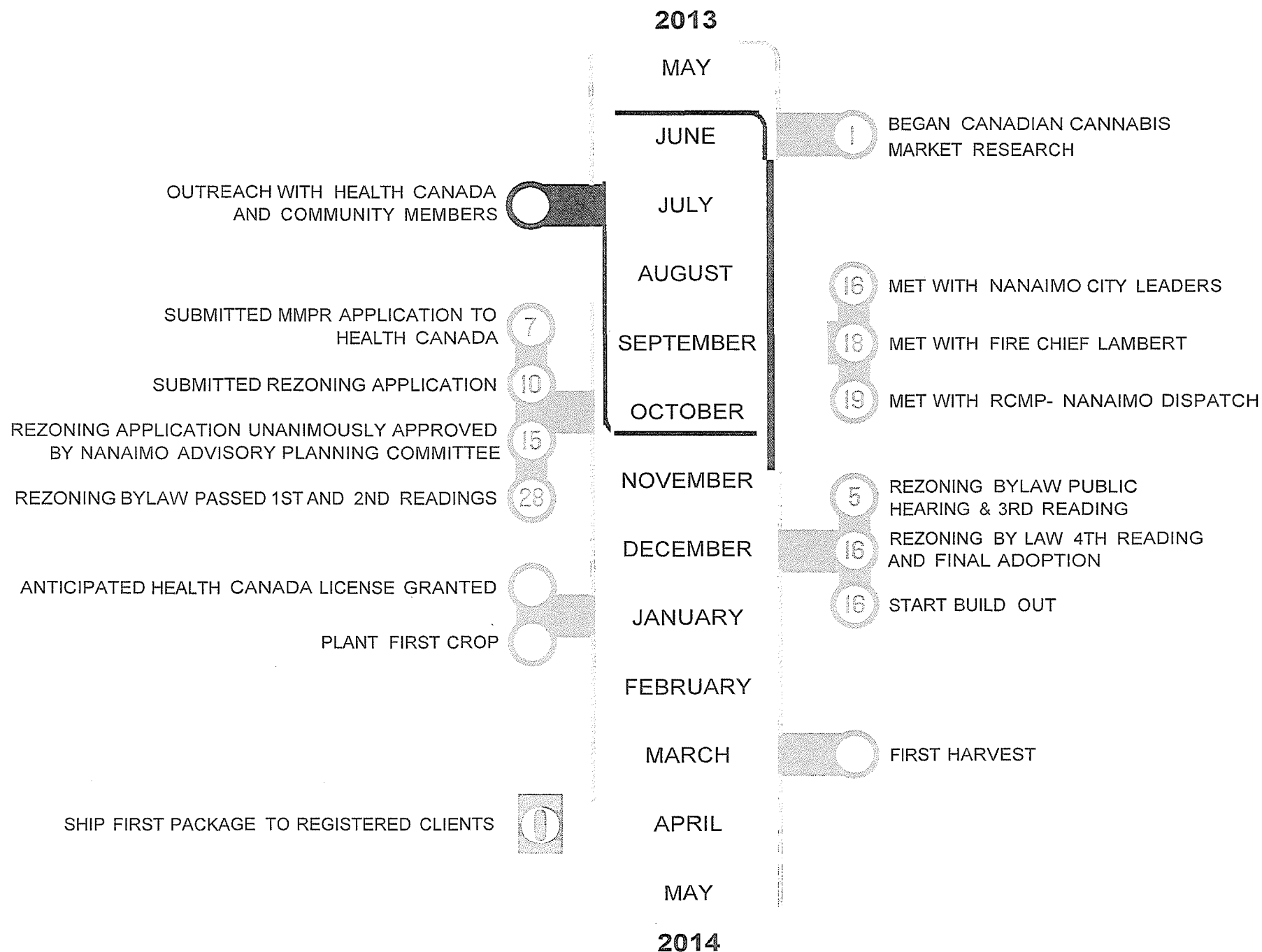
MMPR AUTHORIZED ACTIVITIES



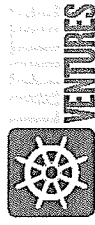
AUTHORIZED ACTIVITIES PERFORMED BY LAFITTE VENTURES



TIMELINE



CANADIAN MARIHUANA SYSTEM



MMAR

**ENDS
MARCH 31, 2014**

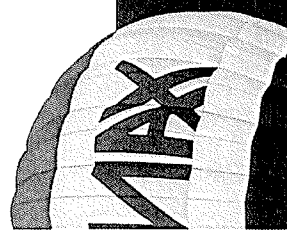
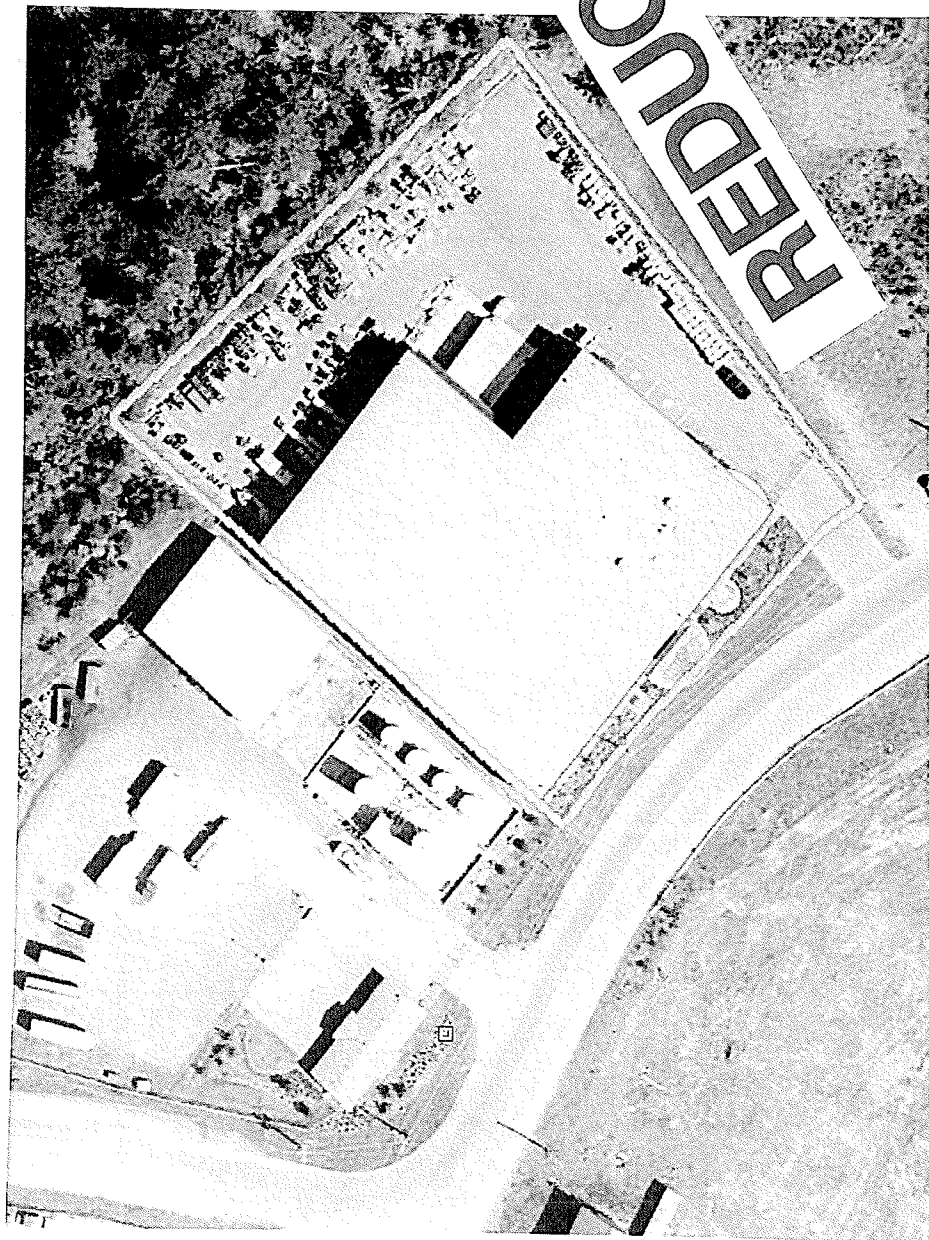
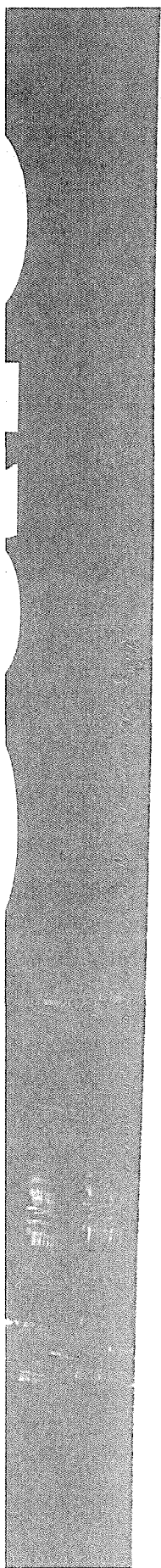
MMPR

**STARTS
APRIL 1, 2014**

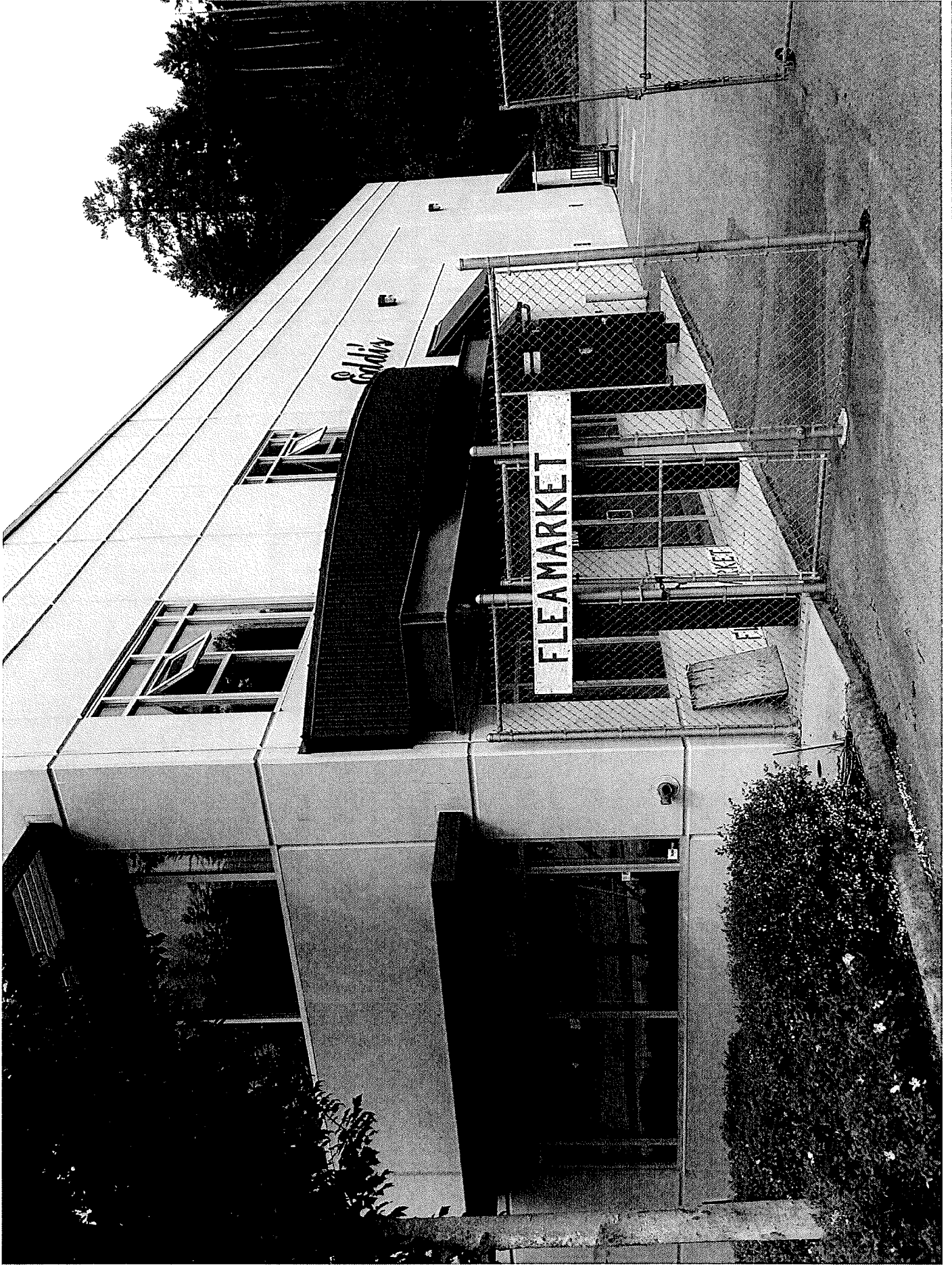
- SUBSTANTIAL COMMUNITY BENEFITS
 - JOBS: CREATION OF 40+ LOCAL JOBS
 - CONSTRUCT: MILLIONS OF DOLLARS IN ENGINEERING & CONSTRUCTION COSTS
 - TAXES: CONTRIBUTE TO THE LOCAL TAX BASE
 - PROPERTY TAX: GUARANTEED OF INDUSTRIAL PROPERTY TAX RATE

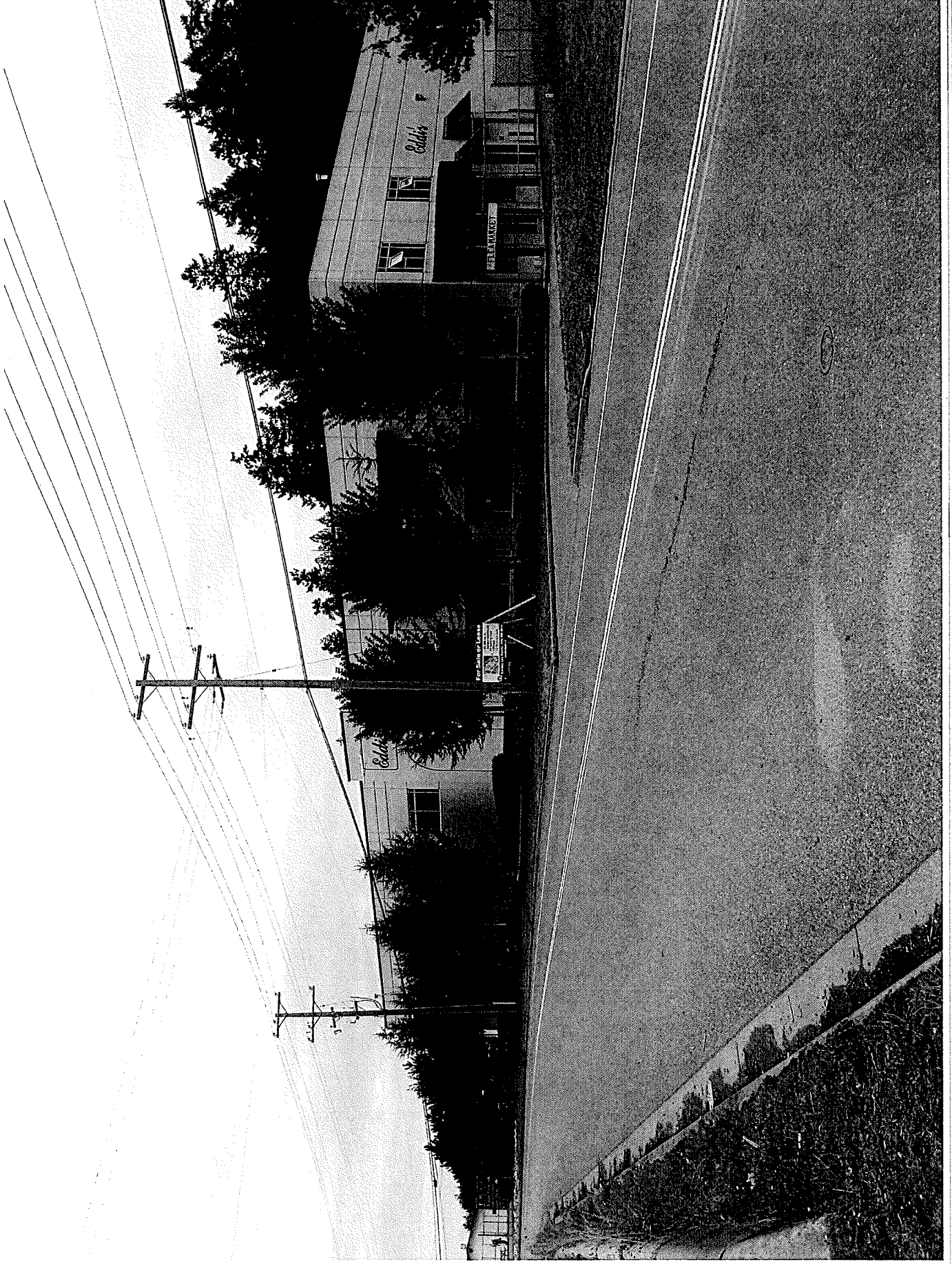


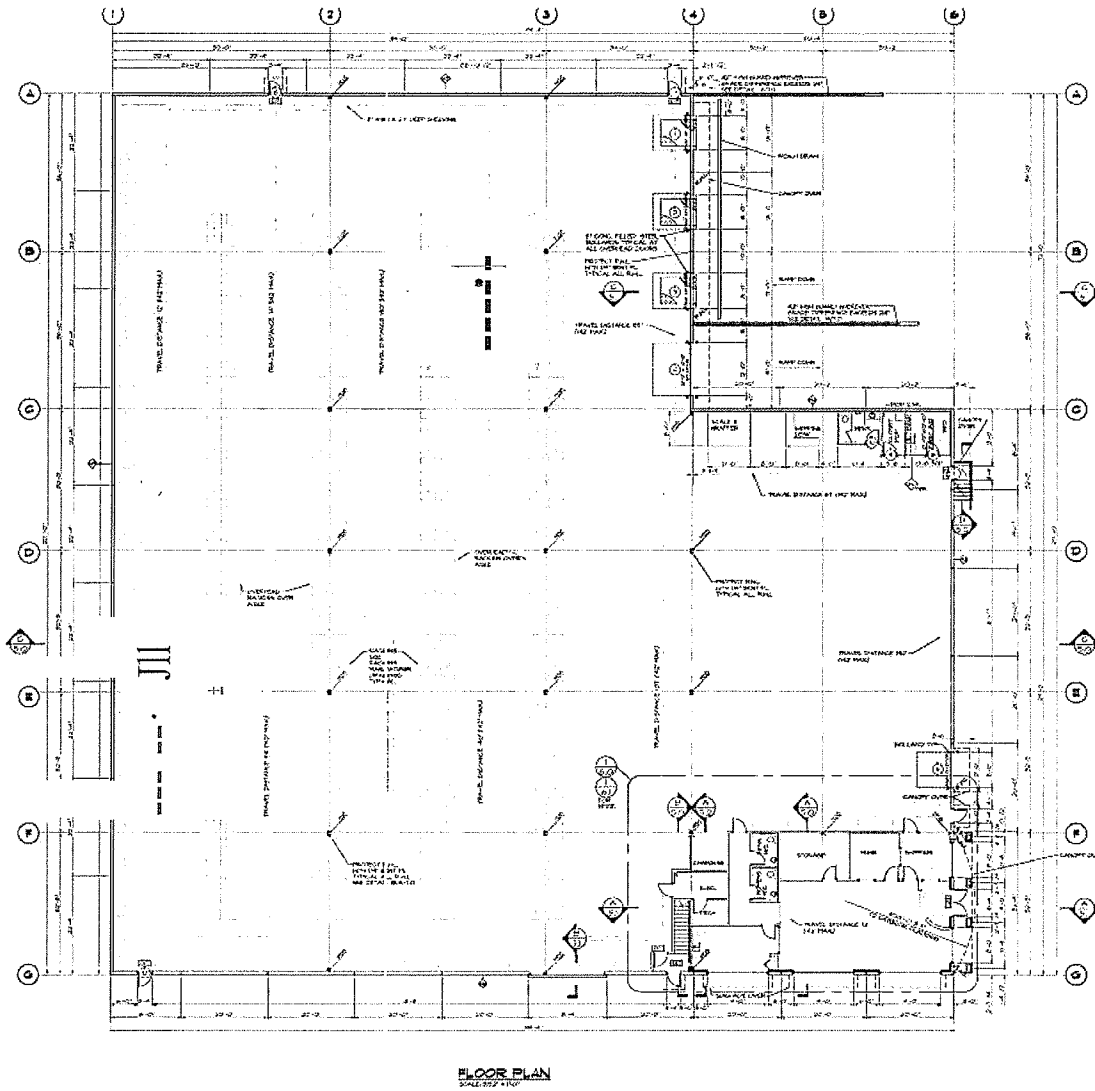
VENTURES



Common Law Bo

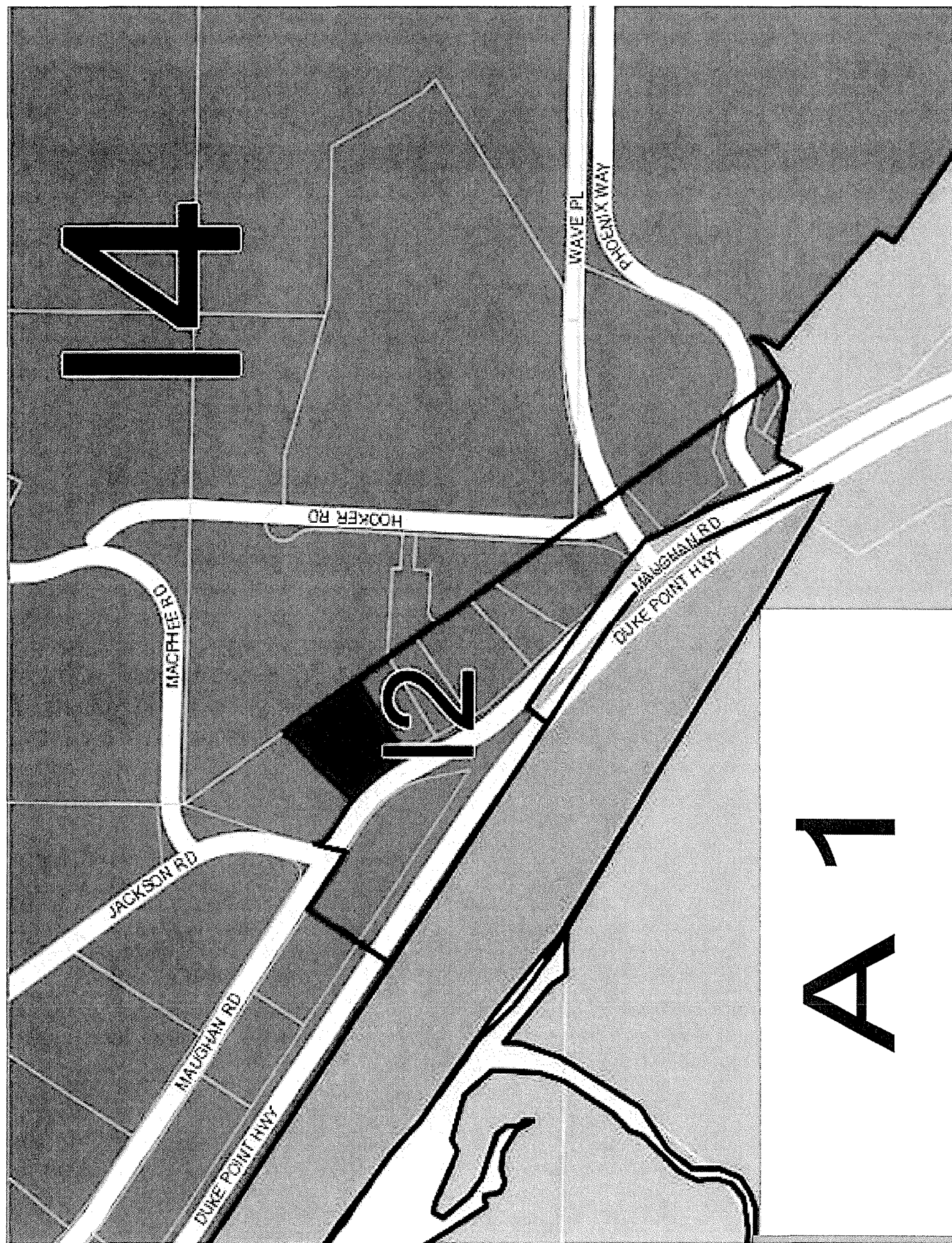






FLOOR PLAN
SCALE 1/8" = 1'-0"

DOUBIE V CONSTRUCTION LTD.
466-13303-180 AVENUE, SUITE 100, RICHMOND, BC V6X 3S9
Tel: (604) 271-1111 Fax: (604) 271-1112
info@doubieconstruction.com



CONTACT US



TONIA S. WINCHESTER
DIRECTOR

Lafitte Ventures, Ltd.
1100 Maughan Road
Nanaimo, BC V9X 1J2
tonia@privateerholdings.com
(206) 818-7825 (Cell)

Penny Masse

From: Barry Hanslit [REDACTED]
Sent: Thursday, December 05, 2013 11:11 AM
To: Public Hearing
Subject: Rezoning Application RA000324 Bylaw No. 4500.054

My name is Barry Hanslit I own the property beside 1100 Maughan Road which is applying to be rezoned to allow the commercial production of marihuana. I want to be on record as fully supporting this rezoning in order to allow another business to come to Nanaimo. Nanaimo needs every business it can and there are absolutely no downsides to the rezoning only upsides both in terms of both jobs and tax revenue. The building is currently sitting vacant as it has for many years now with no signs of any other business willing to pay Nanaimo's high taxes. Nanaimo loses many businesses and a lot of tax revenue such as Finning, Brandt dozens of others by them going just outside city limits to set up shop in order to avoid taxes. Please allow the rezoning and permit another business to come to Nanaimo.

Best Regards
Barry Hanslit

Penny Masse

From: Janet Miller [mailto:janetmiller@nanaimo.ca]
Sent: Thursday, December 05, 2013 12:27 PM
To: Public Hearing
Subject: In support of Bylaw 4500.054

I am writing in support of the proposed rezoning of 1100 Maughan Road as a long term resident of Nanaimo. I feel this business would really positively impact this area, particularly in regards to the local security, not to mention the benefit to the city of the tax revenue.

Thank you,
Janet Miller