

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-JUN-06 COMMENCING AT 7:00 P.M.

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

Members: Councillor G. Anderson
Councillor G. E. Greves
Councillor J. A. Kipp
Councillor D. K. Johnstone
Councillor W. B. McKay

Regrets: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor J. F. K. Pattje

Staff: B. Anderson, Manager, Planning & Design Section, CSD
S. Herrera, Planner, Planning & Design Section, CSD
D. Jensen, Community Development Planner, Community Planning
Section, CSD
P. Masse, Planning Clerk, Planning & Design Section, CSD

Public: There were approximately 40 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Special Meeting was called to order at 7:01 pm.

2. ADOPTION OF AMENDED AGENDA:

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

3. CALL THE PUBLIC HEARING TO ORDER:

Mayor Ruttan called the Public Hearing to order at 7:01 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*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 6500.019, 4500.041, 6500.020, 4500.040 and 4500.039 at this evening's Special Council meeting.

(a) Bylaw No. 6500.019 – OCP00059 and OCP00060 – Various Properties

This bylaw, if adopted, will amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating 'Sub-Area 2a Residential Infill', to allow for multiple family residential development.

Bylaw No. 4500.041 – RA000306 and RA000307 – Various Properties

This bylaw, if adopted, will amend "ZONING BYLAW 2011 NO. 4500" by adding multiple family dwelling to the permitted uses section of the existing Old City Infill Service Commercial (DT11) zone. Several other additional uses are proposed for the zone, which include live/work, artist studio, day care, and personal service use. The density and size of buildings sections of the DT11 zone are also proposed to be amended to support medium density multi-family development.

Mr. Ian Niamath, Ian Niamath Architecture – Applicant Representative

- Mr. Niamath's presentation is attached as a part of "Attachment A – Submissions for Bylaws No. 6500.019 and 4500.041".

Mayor Ruttan asked for clarification regarding how many units in total are being proposed.

Mr. Niamath confirmed that a total of 38 units are being proposed.

Mayor Ruttan asked what the materials of the exterior of the proposed building would consist of.

Mr. Niamath noted that exterior materials have not yet been decided upon; the renderings are not indicative of the final product in terms of design, but the exterior may consist of lightly colored, heavily articulated panels and gridlines with crisp, clean lines.

Mayor Ruttan asked if the buildings would experience significant vibrations from train activity.

Mr. Niamath confirmed that vibration and noise from trains would be considered in the design of the buildings through proper abatement measures.

Councillor Kipp asked for clarification on the proposed parking and whether or not a parking variance for a reduction would be applied for at a later date.

Mr. Niamath confirmed that a parking variance for the live/work units would likely be required; however, the parking provided generally exceeds parking requirements.

Councillor Kipp asked if street parking would be available.

Mr. Niamath confirmed street parking would likely occur.

Councillor Johnstone noted that the close proximity to the train tracks could cause safety issues. Asked if any safety precautions would be included in the proposal.

Mr. Niamath noted that a full landscape plan would be prepared at a later date; however, safety precaution measures could include steel, decorative fencing at the rear of the proposal, pathways into each of the common areas from the street and signage. Design guidelines will be closely followed at the design stage.

Councillor Johnstone asked for clarification on the residential units being strata or rental.

Mr. Niamath noted that 555 Milton Street would likely contain rental units and 575 Milton Street (live/work studios) are as of yet undecided as to strata versus rentals. Added that in the current market rental may be likely; however, the proposal is perfect for a wide mix of people living in the area as the residential units vary in size from bachelor units to two bedroom units. They worked hard to get the right mix of residential units while fulfilling the requirements of the Official Community Plan (OCP) and the Zoning Bylaw.

Mr. Paul Liddy, 615 Kennedy Street – Opposed

- It was his understanding that the proposal included 555 and 575 Milton Street only; neighbours did not know that so many other properties are implicated. Noted that the on-site signage indicated an incorrect date for the Public Hearing.
- Spent many years dealing with land use policies; does not believe the developers are “good neighbours”. The existing building was torn down, a big hole was created and all the concrete from the demolition was buried and covered up.
- Does not believe the neighbours are being advised of what is actually going to happen for this proposal.

Mr. Robert Elder, 560 Milton Street – Neither in Favour nor Opposed

- Questioned whether or not this proposal would result in a rise or drop in his property value. Noted that if the property value were to go up it would result in additional taxes to the City.

Mayor Ruttan noted the exact impact of the development on property values is not known at this time and suggested the speaker contact BC Assessment.

There were two verbal and three written submissions received with regard to Bylaws No. 6500.019 and 4500.041.

(b) Bylaw No. 6500.020 – OCP00070 – Part of 3500 Hillside Avenue

This bylaw, if adopted, will amend Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” by redesignating part of the subject property from ‘Urban Reserve’ to ‘Neighbourhood’ and ‘Parks and Open Space’ in order to facilitate a residential development and preservation of park land.

Bylaw No. 4500.040 – RA000310 – 3500 Hillside Avenue and 3520, 3516, 3510, 3502, 3488, 3480 and 3476 Pacific Edge Way

This bylaw, if adopted, will amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject properties from Urban Reserve (AR2) and Steep Slope Residential (R10) to Single Dwelling Residential (R1) and Parks, Recreation and Culture One (PRC-1) in order to facilitate a residential subdivision and creation of park land.

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

- Ms. Pilcher’s presentation is attached as a part of “Attachment B – Submissions for Bylaws No. 6500.020 and 4500.040”.

Councillor Anderson asked for clarification regarding the specific size of the development in relation to the entire site.

Ms. Pilcher noted that the entire site encompasses 19 acres; the development proposal, including the existing subdivision, is 2.3 acres with the remainder of the site proposed as parkland.

Councillor Anderson asked how many neighbours had been informed of the proposal.

Ms. Pilcher noted that two open houses were conducted for the proposal. A number of people who attended these open houses were in favour of the proposal; however concerns from neighbouring residents included traffic increases, whether or not the park dedication would actually occur, the land being rezoned to parkland concurrently with this application, and pedestrian access to the marsh as there is currently no access to the marsh.

Councillor Anderson asked if speeding concerns were only to be addressed through speed humps.

Ms. Pilcher stated that the City tends to address any speeding issues via speed humps. Added that Hillside Avenue would likely not act as a shortcut as it is more of a through road.

Councillor Anderson noted that there are multiple methods of traffic calming alternatives to speed humps.

Ms. Pilcher noted that speed humps were the only input from the City to date with regard to possible speeding issues; however, she is more than happy to discuss alternate traffic calming measures if needed.

Mayor Ruttan asked for confirmation that the proposal includes a 19-acre piece of property with 2.3 acres being developed and the rest of the property being deeded to the City as parkland.

Ms. Pilcher confirmed the Mayor is correct; there is currently no constructed access to the proposed parkland. This access could be provided and would offer safe access to the marsh for pedestrians. The only alternative to gaining access to the northern portion of the proposed parkland would be to create access through private properties on Arrowsmith Road, which is not viable or economically feasible. This proposal could offer a viable option for access to the proposed parkland.

Councillor Johnstone asked if secondary suites would be considered for the fifteen single family dwellings.

Ms. Pilcher noted the R1 zone allows for a secondary suite, adding that some may decide to include a suite as the design would allow for it. Most building permits for single family dwellings now include a secondary suite in the plans as they are such a help with mortgage payments.

Councillor Johnstone asked if secondary suite possibilities were discussed at the open houses.

Ms. Pilcher confirmed she made it clear in the open houses that secondary suites could be an option.

Mr. Dean Monterey, 3645 Dix Road – Opposed

- Representing his mother as well at this Hearing, her address is 3644 Dix Road.
- His property was purchased in 1951 and has been lived on for 62 years.
- Noted that the current subdivision was completed without any notice to any neighbouring properties. Questioned why the zoning was changed without public input or notice. Left messages for who he thought was developing the property without any response. Could not find any information regarding the subdivision on the City website. Believes the subdivision was approved prior to any application.
- Believes there are serious environmental concerns; the wetlands are valuable and rare and include six migrating species. It is well documented that there is increased sediment due to development activity, believes silts will eventually “fill in” the wetland. Oil sheens from runoffs will harm the environment, believes far more extensive environmental studies should be conducted prior to any further development.
- Believes there will be significant damage to his heritage cherry trees due to increased drainage onto his property.
- Stated two homes would have matched the current style of the neighbourhood and would have been more appropriate; does not believe the density is appropriate for the area.
- Has grave concerns regarding increased traffic; speed humps will impede emergency vehicles. Adding “thirty” families to the area and slowing down fire trucks is dangerous.
- Asked what the back-up plan is if the sewer lines flow into his property.
- Believes the “gift” of parkland from the developer is to avoid paying taxes.
- Believes the taxpayers will take on the liability of any future problems that could be created by the proposal (i.e. possible fires and emergency vehicle access).
- Questioned why Council did not ask the applicant representative how many residents in the neighbourhood are in favour or opposed to the proposal and not just how many neighbours attended the open houses.

Mayor Ruttan noted it is more of a question of whether or not the applicant informed the neighbouring properties.

Councillor Anderson stated the purpose of a Public Hearing is to hear the thoughts and concerns of members of the public regarding a proposed development; it is therefore prudent for him to ask the applicant representative who attended any information sessions or open houses.

- Mr. Monterey asked why a Ministry report on the proposal had not been made public.

Ms. Jensen noted the communication being referenced is a referral response that was generated through the OCP application process. Ms. Jensen provided a copy of the referral response to the speaker.

- Mr. Monterey stated he believes no public consultation was conducted for the existing development and that the process was “rail-roaded”.

Mr. Mark McGonigle, 3482 Arrowsmith Road – Opposed

- Has lived on his property for six years, people often trespass his property to access the marsh regardless of ‘private property’ signs he has posted.
- Asked for clarification regarding comments made by the applicant regarding expropriating his land in order to access alternate roadways.
- Believes the park is already protected and does not need this proposal to ensure its protection. Believes the proposed parkland is “useless” as the City already has parkland. Any accesses would be a financial burden to taxpayers.
- Stated he was not notified of the first open house. Attended the second open house. Asked for further confirmation that his property would not be expropriated or “taken” from him.

Councillor Anderson asked the speaker why he believes the City could expropriate his land.

- Mr. McGonigle noted the applicant suggested that access would only be attained by going through private property on Arrowsmith Road, which is where his home is located.

Ms. Pilcher stated that the comment the speaker is referring to was in regard to access to the parkland, specifically that it could occur if it was extended through property on Arrowsmith Road, and which she further stated is not a viable option.

Councillor Kipp noted there is a very specific process that needs to be undertaken in order for a municipality to expropriate land, adding he has no knowledge of expropriation plans for the speaker’s land whatsoever.

Mr. Ben Mazzei, 5349 Royal Sea View – In Favour

- Happy with the proposal as 17 acres of parkland is a great gift to the City.

Ms. Elaine Colford, 3646 Cottlevue Drive – Opposed

- Has owned 16 acres of land, which has bordered the new parkland, for 26 years.
- Noted that only a few people attended the open house, where she did not receive the answers she was looking for. Asked for clarification on where public access to the parkland would be and if fencing and trails would be installed, as many people currently trespass her property.
- Questioned where parking would be located for people accessing the parkland.
- Noted the area is fire-prone and asked for clarification regarding emergency vehicles and how they would gain access to a fire if more people are using the parkland. Questioned what uses would be permitted if the green space was to be rezoned, as proposed. Noted she does not wish to see dogs in the parkland.

Councillor Johnstone noted that no agenda items regarding the proposed parkland have been brought forward to the Parks and Recreation Commission, added that the park will likely remain as a wilderness area as there are no current accesses.

Mr. Anderson confirmed that any parkland received by the City would need to enter the park planning process; access may be created for the park in the future but it would need to include public notification and input. There are certain environmental features of the land that the City would like to see maintained. The proposed rezoning for the parkland would include uses associated with natural open spaces only.

Mayor Ruttan asked for confirmation that at this time there is no intent to provide access to the park.

Mr. Anderson confirmed that the land is natural open space only at this time.

Councillor Kipp asked for clarification regarding water and sewer connections to the subject properties.

Mr. Anderson confirmed that water and sewer are provided to the land via pump station.

Mr. Dan Grondin, 5330 Smokey Crescent – In Favour

- Noted there are many areas of green space in the City with no access; protected wilderness is just as valuable as accessible parkland. The proposal is only adding another six units while gaining 17 acres of green space, believes this is a good benefit for the City.

Mr. Addison Rowen, Nanoose – In Favour

- Believes preserving green space in the City is a positive thing and does not understand why others would oppose preserving green space.

Mr. Gary Colford, 3646 Cottleview Drive – Opposed

- Does not believe the existing green space could ever be developed as it is too wet and always will be. If the green space is rezoned to parkland the number of people who want to access it will increase, therefore the number of people trespassing on his property will increase. Noted that he was not notified of the subdivision that is currently built on the subject properties.

Mayor Ruttan noted that two open houses were conducted for the proposed addition to the existing subdivision.

- Mr. Colford stated that the first open house was conducted after they had already built out the current subdivision.

Councillor McKay asked Staff for confirmation that proper notification had occurred.

Mr. Anderson noted that notification procedures were properly conducted for the proposal on this evening's agenda.

Ms. Donna Stewart, 3481 Hillside Avenue - Opposed

- Her home was not included in the invitations for the first open house. Once the applicant realized many neighbours were not on the invite list, a second open house was held.
- The first nine homes were constructed with no notification; believes 15 houses is too much density for Hillside Avenue.

Mr. Stu Holpell, Alair Homes, 1930 Island Diesel Way – Alair Homes Owner

- Noted there are currently nine lots built out on the property. The subject property would currently allow for two lots with septic fields. Septic fields are problematic, so it was decided to apply to connect to City services. As part of the discussion, it was proposed the applicant would donate 17 acres of green space in order to achieve additional density. These additional units would then connect to City services.
- They are trying to protect the wetlands with this proposal. He added the homes that are already built were permitted to be built without public notification and this proposal is to add three units, not six, as some have stated. They are attempting to build this subdivision as neatly and responsibly as possible.

Mr. Michael Wood, 5774 Vanderneuk Road – In Favour

- Noted his support of the proposal.

Mr. Matt Conley, 2324 Leighton Road – In Favour

- Excited about the gifted parkland regardless of whether it is accessible or not, green space is valuable space.

Mr. Sharon Leslie, 61 Centennial Road – In Favour

- As long as traffic calming issues are addressed she is in favour of the proposal as it is only an additional three homes being added to the current subdivision.

Speaker Name and Address Unknown – Opposed

- Noted her opposition to the proposal.

Mr. Greg Turdell, 6618 Green Acres Way – In Favour

- Believes this is a great opportunity for the City as green space is always desirable.

Mr. Midgley, 3516 Hillside Avenue – Opposed

- Does not believe the developers and applicant have been up front about the proposal.

Ms. Maureen Pilcher, Maureen Pilcher & Associates – Redress

- Invites for the first open house were sent to 29 area residents; however, only three people attended, she assumed those invited were not interested. The application then came before the Advisory Planning Committee where a neighbourhood resident attended noting that she had no idea about the proposal.
- A second open house was scheduled to invite area residents to better understand the proposal. There have been two signs on the property that clearly state contact information and all attendees to the open houses were told to feel free to contact her for additional information; she did not receive one call in three months.
- Public access to the proposed parkland will be decided upon through the Parks and Recreation Department once determining if the parkland will be active or passive. The land is currently green space only.
- When her clients discovered the subject property may need to be on well water they commissioned a Riparian Area Regulations report and submitted it to the Ministry of Environment. The property is environmentally sensitive and well water would be dangerous (possible arsenic in water) and very costly to each home (\$15K - \$20K) for water treatment filters. That is why the decision to connect to City services and the offer of green space occurred.
- The existing nine lot strata was subdivided under existing zoning, therefore the proposal was permitted without notification.
- The current proposal is essentially a down zoning request from the R10 zone to the R1 zone.
- This proposal has met all Engineering Department requests and environmental concerns.
- She realizes it is difficult when a new construction is introduced into a rural area; however, these properties are within the City of Nanaimo on roadways which are meant to be utilized.

Councillor McKay noted that several speakers stated their concerns regarding trespassing on their property to access the park. Asked if a park access would be installed.

Ms. Pilcher stated that constructed park access would be decided upon by the Parks and Recreation Department. Currently there is no pedestrian access to the proposed parkland.

There were sixteen verbal and three written submissions received with regard to Bylaws No. 6500.020 and 4500.040.

(c) **Bylaw No. 4500.039 – ZA1-54 – Various Properties**

This bylaw, if adopted, will add the definition of "Medical Marihuana Growing and Production" to the definitions section of the Zoning Bylaw; amend the agriculture definition to clarify that medical marihuana is included within the definition of 'Agriculture'; and permit the use of Medical Marihuana Growing and Production within the Industrial (I4) zone.

There were no verbal or written submissions received with regard to Bylaw No. 4500.039.

The Public Hearing was adjourned at 8:34 p.m.

4. BYLAWS:

- (a) “OFFICIAL COMMUNITY PLAN BYLAW 2013 NO. 6500.019” (OCP00059 and OCP00060 –to amend a portion of the Sub-Area 2 designation of the Nanaimo Old City Neighbourhood Concept Plan, by creating “Sub-Area 2a Residential Infill” to allow for multiple family residential development).

And

“ZONING AMENDMENT BYLAW 2013 NO. 4500.041” (RA000306 and RA000307 – to amend “ZONING BYLAW 2011 NO. 4500” by adding multiple family dwelling to the permitted uses section of the existing Old City Infill Service Commercial (DT11) zone. Several other additional uses are proposed for the zone, which include live/work, artist studio, day care, and personal service use. The density and size of building sections of the DT11 zone are also proposed to be amended to support medium density multi-family development).

It was moved and seconded that “OFFICIAL COMMUNITY PLAN BYLAW 2013 NO. 6500.019” and “ZONING BYLAW 2013 NO. 4500.041” pass third reading. The motion carried unanimously.

- (b) “OFFICIAL COMMUNITY PLAN BYLAW 2013 NO. 6500.020” (OCP000070 – to amend Map 1 (Future Land Use Plan) of the “OFFICIAL COMMUNITY PLAN BYLAW 2008 NO. 6500” by redesignating part of the subject property from ‘Urban Reserve’ to ‘Neighbourhood’ and ‘Parks and Open Space’ in order to facilitate a residential development and preservation of park land).

And

“ZONING AMENDMENT BYLAW 2013 NO. 4500.040” (RA000310 – to amend “ZONING BYLAW 2011 NO. 4500” by rezoning the subject properties from Urban Reserve (AR2) zone and Steep Slope Residential (R10) zone to Single Dwelling Residential (R1) zone and Parks, Recreation and Culture One (PRC-1) zone in order to facilitate a residential subdivision and creation of park land).

It was moved and seconded that “OFFICIAL COMMUNITY PLAN BYLAW 2013 NO. 6500.020” and “ZONING BYLAW 2013 NO. 4500.040” pass third reading. The motion carried unanimously.

- (c) “ZONING AMENDMENT BYLAW 2013 NO. 4500.039” (ZA1-54 – to add the definition of ‘Medical Marihuana Growing and Production’ to the definitions section of the Zoning Bylaw; amend the agriculture definition to clarify that medical marihuana is included within the definition of ‘Agriculture; and permit the use of Medical Marihuana Growing and Production within the Industrial (I4) zone”.

It was moved and seconded that “ZONING AMENDMENT BYLAW 2013 NO. 4500.039” pass third reading. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 8:38 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER

Attachment A

Submissions

For

Bylaws No. 6500.019 and 4500.041

*(OCP59, OCP60, RA306 & RA307 –
Various Properties – Milton Street
Proposal)*

Submissions - OCP59, OCP60
RA306, RA307

Penny Masse

From: Webmaster
Sent: Monday, June 03, 2013 2:12 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Ramona Roden has sent a Public Hearing Submission Online.

Address: 621 Milton Street, Nanaimo, BC V9R2L4 Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: BYLAW NO. 6500.19 and BYLAW NO. 4500.041

Comments: It is delightful that plans to improve the vacant lots are in the works. Details for the intended multi family housing are at best minimal. As a local resident I am concerned with adequate parking be included with plans for building and guarantee that local residents will be protected with some signage in the 600 block area of Milton Street that allows for resident parking only in the evening or early morning hours. Otherwise, alley parking will be the only other available parking and lets be honest who wants to be working nights and then entering and leaving a car in an alley in any city centre. On parade days and/or other festival days parking for residents in the 600 block of Milton is greatly depleted and there are no other options. .



RECEIVED

MAY 29 2013

Com. Ping.

May 21, 2013

Your File: OCP00059 & OCP00060
Our File: 58000-32/CM18
CLIFF-ERS:

Deborah Jensen
Community Development Planner
City of Nanaimo
455 Wallace Street
Nanaimo BC V9R 5J6

Dear Deborah Jensen:

Re: Interagency Referrals

The interagency referral noted in your attached cover letter has been received by this office for review and comment. For most site specific referrals, the joint Ministry of Forests, Lands and Natural Resource Operations and the Ministry of Environment's document *Develop With Care 2012: Environmental Guidelines for Urban and Rural Development in British Columbia* is expected to address development related questions. Please go to <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2012/> to use this document.

Develop With Care 2012 reflects the ministry's typical recommendations regarding various aspects of land development and land use designation and has undergone extensive revision since the original document was first published in 2006. We have included additional information on climate change and other emerging topics, which are of relevance to urban and rural land development. Although *Develop With Care* includes regulatory information, much of this document represents our recommendations on ways to achieve 'cleaner, greener' developments. The document also covers a wide range of topics such as rainwater management, air quality guidelines, sea level rise, avoiding wildlife conflicts, terms of reference for site bio-inventories, considering environmentally valuable resources during development layout.

Although the Ecosystem Section, Resource Stewardship in Nanaimo will not be commenting on environmental sensitivities that may be affected by this proposal, we will retain a copy of your referral for future monitoring purposes.

.../2

Deborah Jensen
City of Nanaimo

- 2 -

May 21, 2013

We would be happy to provide your agency with comments on strategic level planning processes such as community plans, bylaws, major zoning amendments and major developments, because of the significant role that these higher level plans have on species occurrence and ecological function over time.

Yours truly,



Margaret Henigman, MA, CCEP
Ecosystem Biologist
Resource Stewardship
West Coast Region

Enclosure

Penny Masse

From: Deborah Jensen
Sent: Thursday, June 06, 2013 11:49 AM
To: Penny Masse
Subject: FW: Letter from D. Jensen and Council Report re OCP59/OCP60/RA306/RA307 attached

Deborah Jensen, MCIP, RPP
Community Development Planner
Community Safety and Development Division
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479
(_)
(=:':-)
(")_(")

From: O'Brien, Debbie TRAN:EX [<mailto:Debbie.O'Brien@gov.bc.ca>]
Sent: Thursday, May 16, 2013 2:50 PM
To: Deborah Jensen; Sheila Herrera
Cc: Edgar, David D TRAN:EX
Subject: RE: Letter from D. Jensen and Council Report re OCP59/OCP60/RA306/RA307 attached

Hi, Deborah:

Thank you for the OCP amendment referral regarding the Milton Station project. Please be advised that the Ministry of Transportation & Infrastructure has no objections to this proposal as previously indicated to your office by letter dated January 15, 2013 under our file number 2013-00197.

If you have any questions, please do not hesitate to contact me at (250) 751-3268.

Regards,
Debbie O'Brien
Senior District Development Technician
Vancouver Island District
Ministry of Transportation & Infrastructure

From: Edgar, David D TRAN:EX
Sent: Wednesday, May 15, 2013 4:54 PM
To: O'Brien, Debbie TRAN:EX
Subject: FW: Letter from D. Jensen and Council Report re OCP59/OCP60/RA306/RA307 attached

Deb

Can one of your staff respond to this? I have no objections to these developments.

Thanks

Dave

Dave Edgar

Transportation Planning Engineer
Ministry of Transportation and Infrastructure
3rd Floor - 2100 Labieux Road
Nanaimo, B.C. V9T 6E9

☎: (250) 751-3276

Fax (250) 751-3288

✉: David.Edgar@gov.bc.ca

COURAGE TEAMWORK PASSION SERVICE CURIOSITY ACCOUNTABILITY.....ALWAYS WITH INTEGRITY.

From: Cindy Hall [<mailto:Cindy.Hall@nanaimo.ca>]

Sent: Tuesday, May 14, 2013 2:02 PM

To: Edgar, David D TRAN:EX

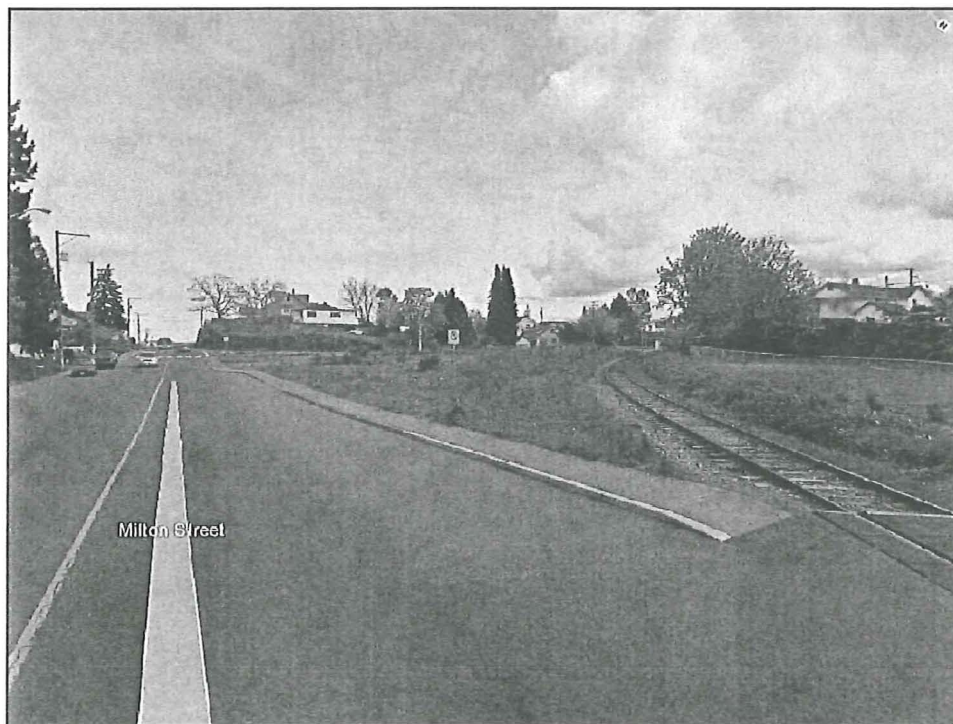
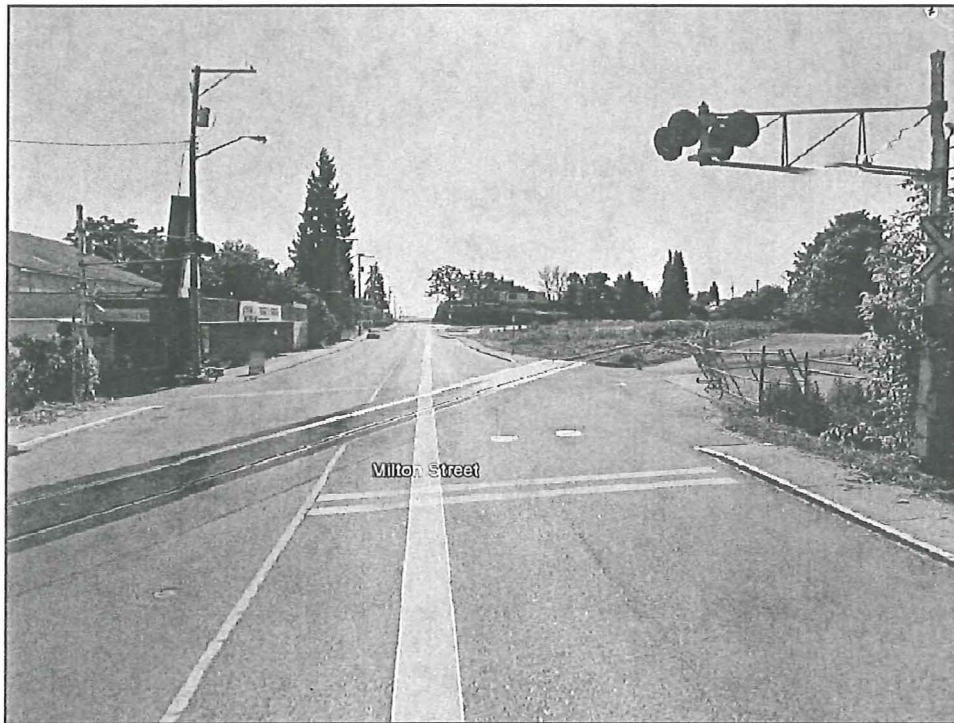
Cc: Sheila Herrera

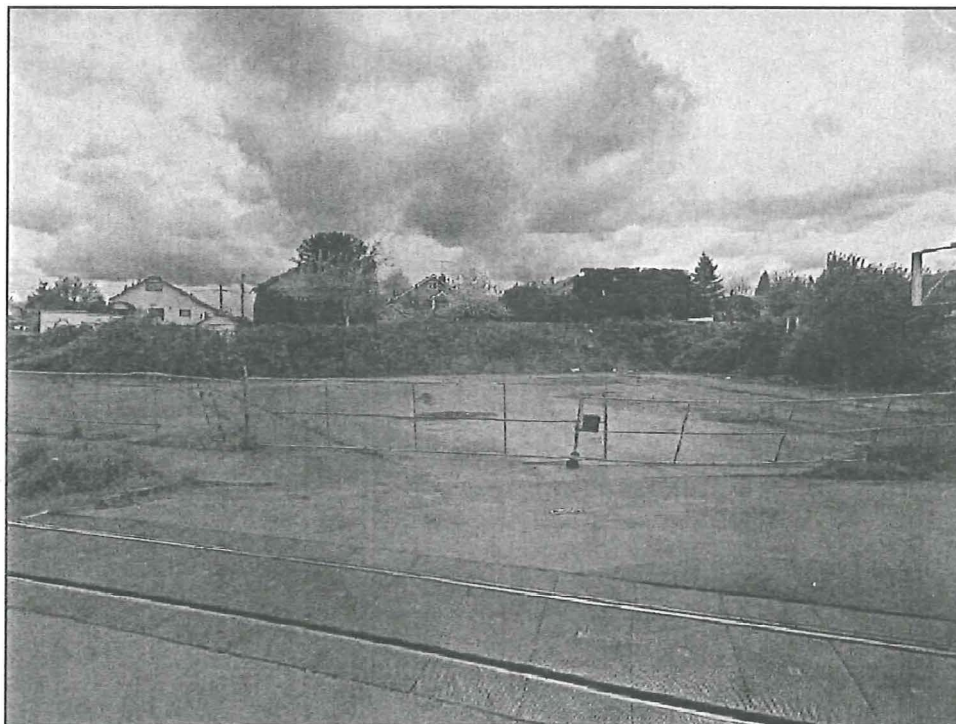
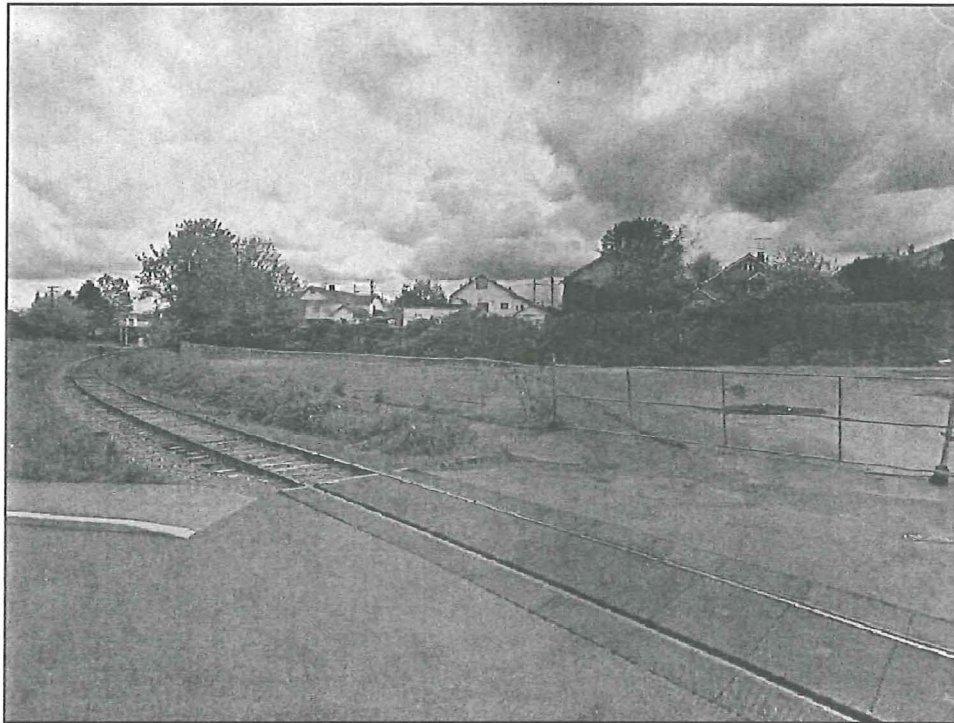
Subject: Letter from D. Jensen and Council Report re OCP59/OCP60/RA306/RA307 attached

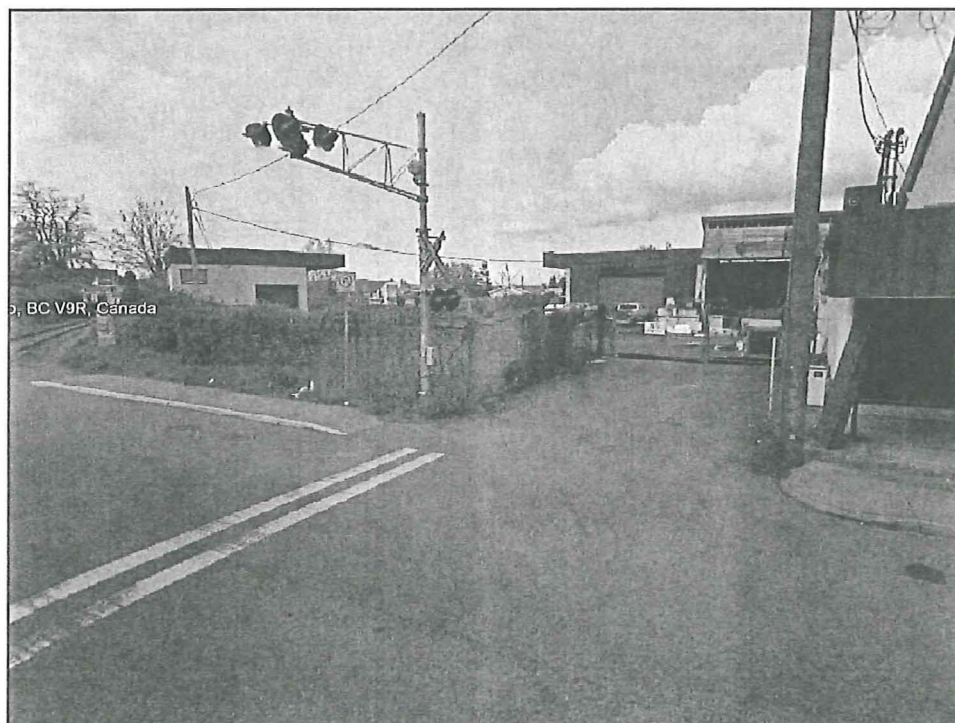
MILTON STATION

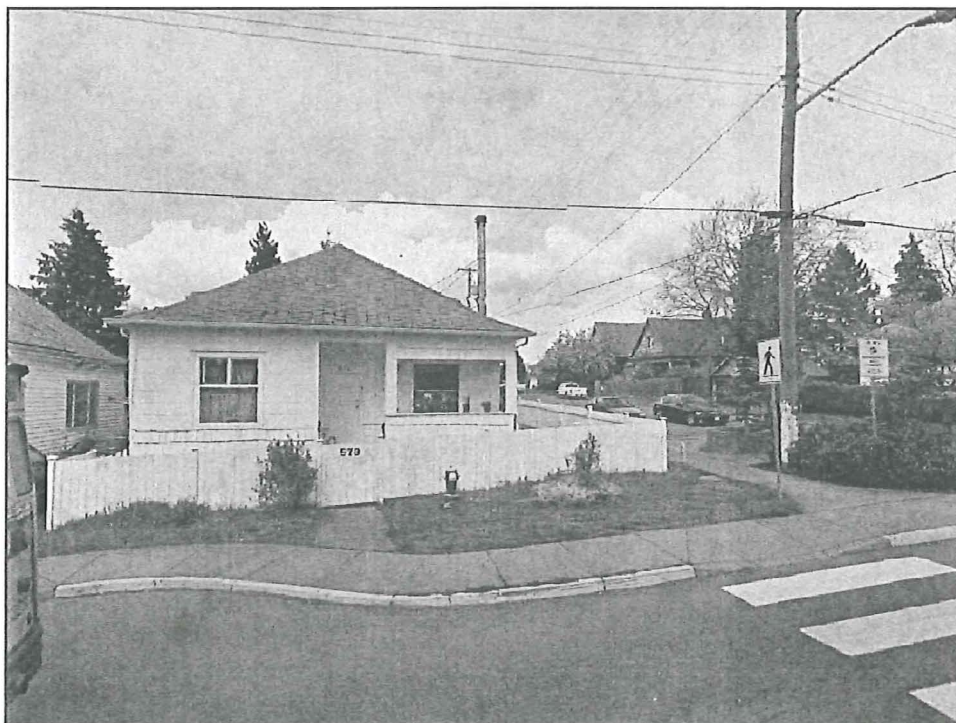
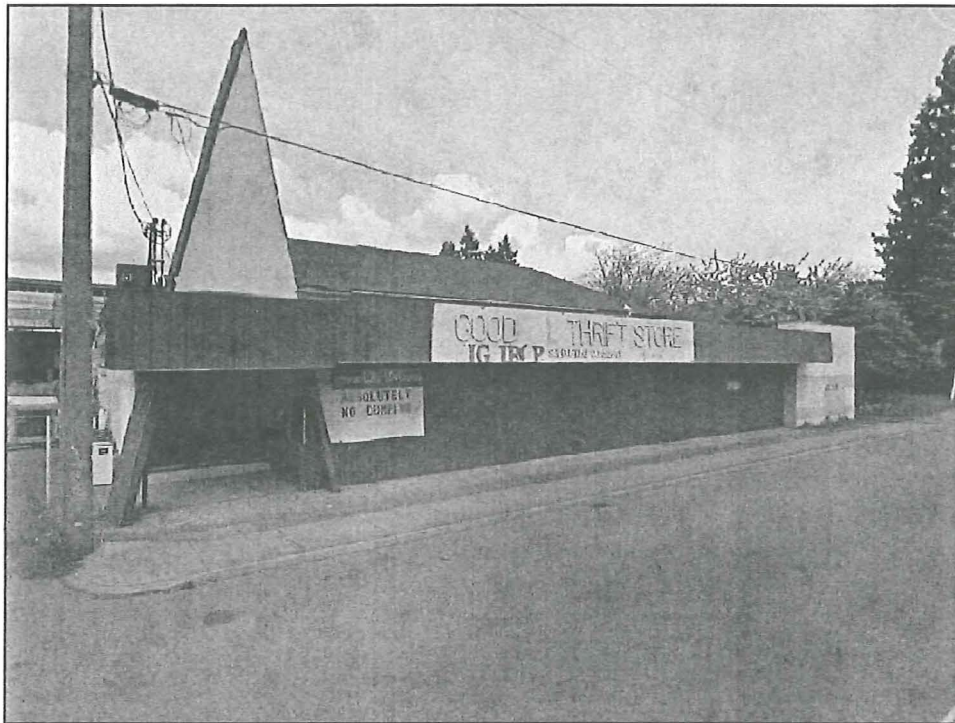
IAN NIAMATH ARCHITECT

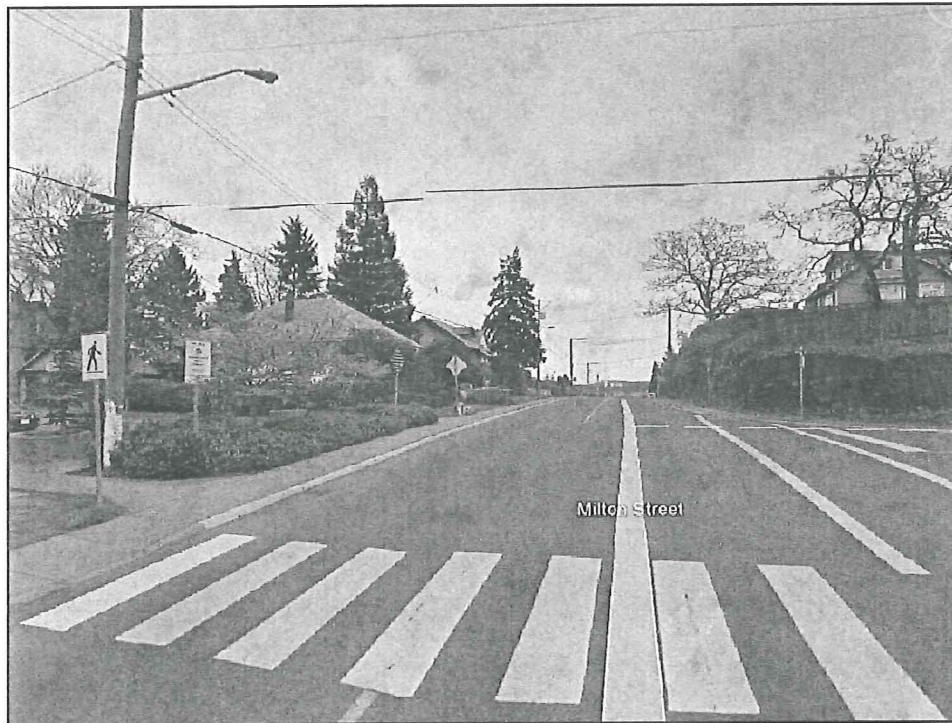




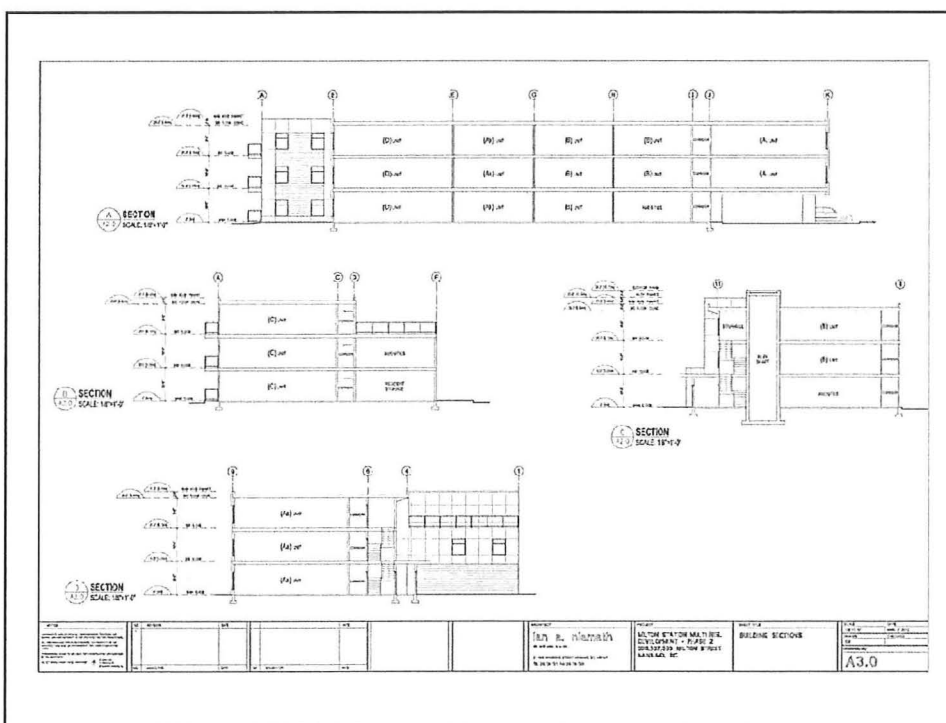
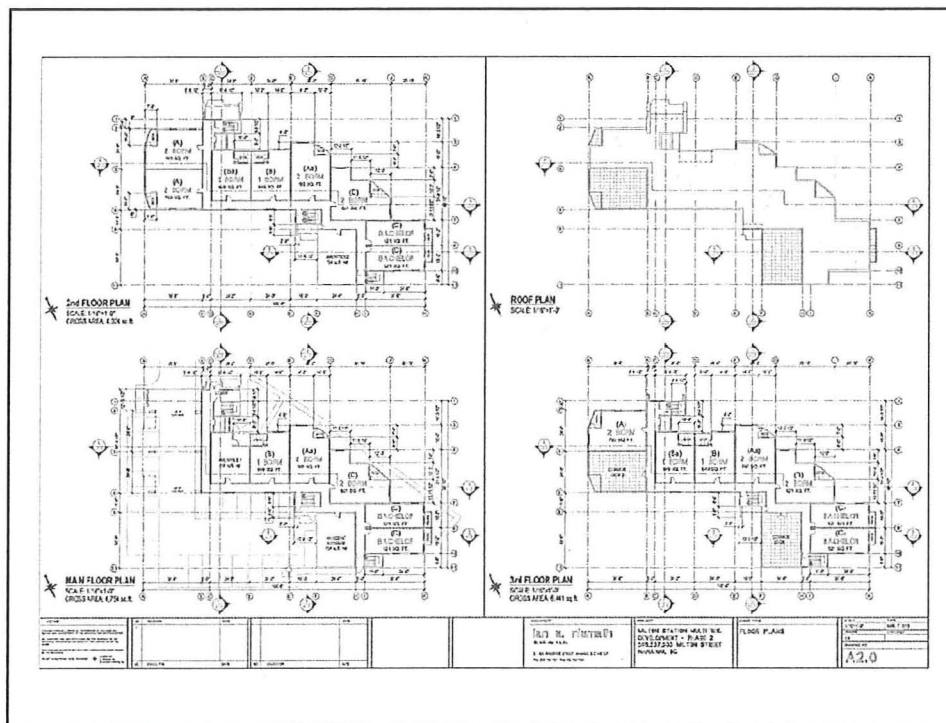






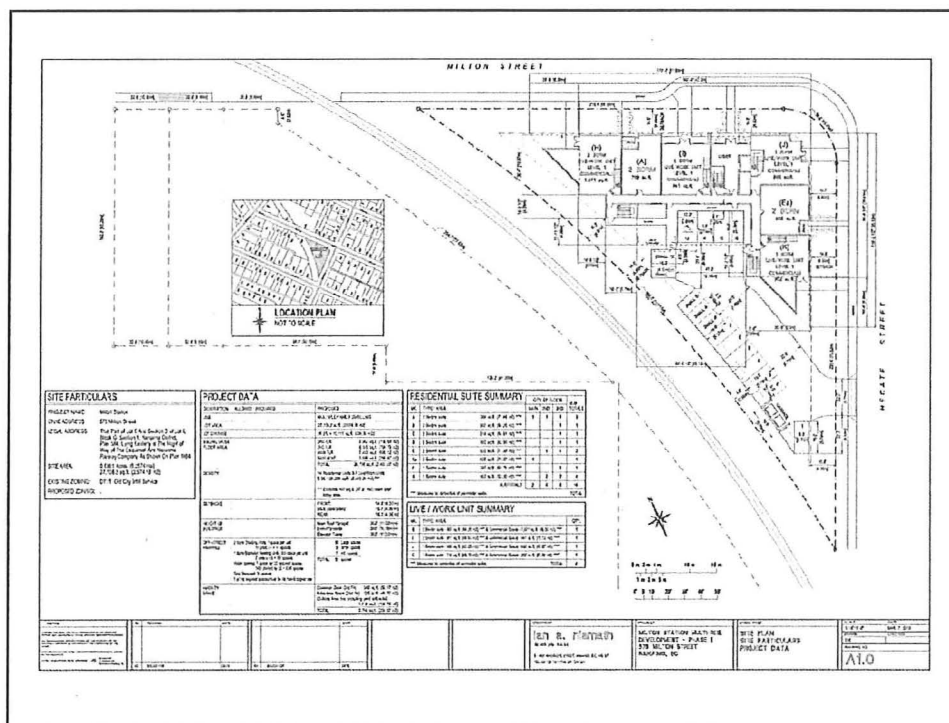


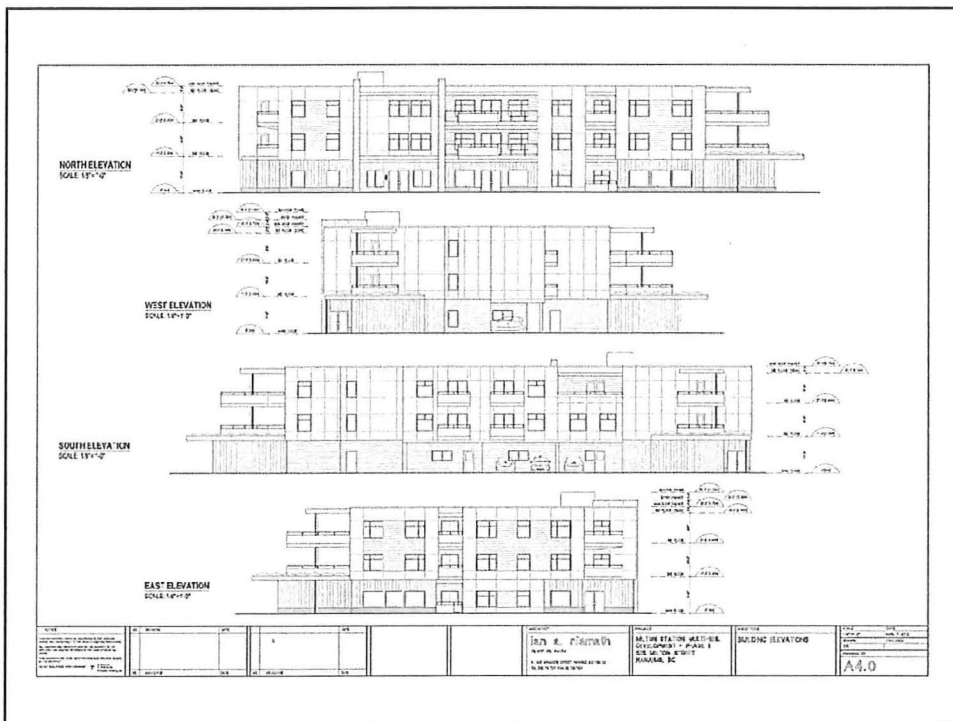
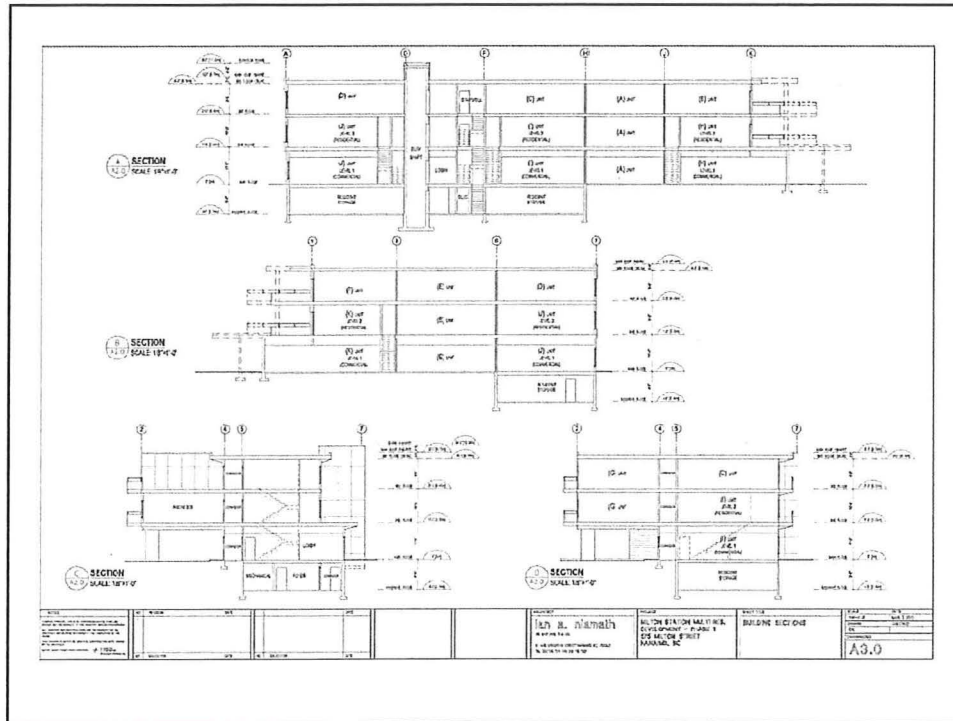






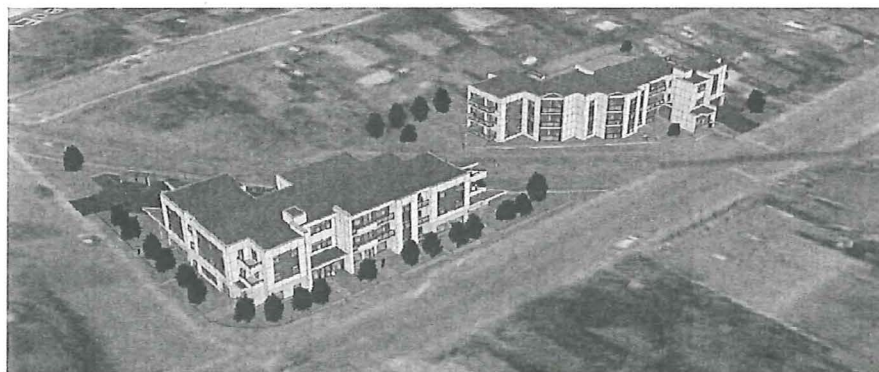
9







575 MILTON STREET



575

MILTON STATION

555

Attachment B

Submissions

For

Bylaws No. 6500.020 and 4500.040

*(OCP70 & RA310 – 3500 Hillside
Avenue)*

Penny Masse

From: Gary and Laura [chantrelltait@shaw.ca]
Sent: Monday, June 03, 2013 7:01 PM
To: Public Hearing
Cc: Mayor John Ruttan
Subject: Bylaw No. 6500.020

Dear Mayor,

On Thursday, June 6th, you will have an opportunity to vote on whether to amend the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO 6500" and the City of Nanaimo "ZONING BYLAW 2011 NO 4500".

My property, 3480 Arrowsmith Road is beside this property, and I would like you to be aware of a couple of points of interest that the City of Nanaimo Planning Department might neglect to address.

The proposal to designate 17 acres as park land makes no sense. It is inaccessible as it is surrounded by private property. It is also predominantly wetland and steep mountainside. I believe the developer is unable to use this in any shape or form, and this will be a tax write off. Please ask yourself how many other developers in Nanaimo are donating 17 acres in the heart of the city?

Secondly, this property, like mine is in the Urban Reserve. The city's planning department has repeatedly told us that this are of the city is to frozen with regards to any form of development for at least 10 years –or until the city formulates an official plan. The city has also noted that if we, as a neighbourhood were to cover the cost of the assessment/planning for the official plan, they would look at lifting the freeze. At a recent open house hosted by the developer of this property there was no mention of having an assessment done to meet the city's stated requirement.

If the council votes to approve this rezoning from Urban Reserve (AR2) to Single Dwelling Residential (R1) without an official assessment from the developer, this would appear to open the door for myself and my neighbours to rezone to R1 as well.

I trust you will vote honourably, and I hope you have all of the salient facts affecting this decision before you.

Sincerely,

Gary Chantrell

Penny Masse

From: Andrew Tucker
Sent: Tuesday, June 04, 2013 1:48 PM
To: Penny Masse
Subject: FW: OCP Bylaw 6500.020 and Zoning Bylaw 4500.040

Please place in the Public Hearing binder for Thursday's PH. Thanks

From: Jim Kipp
Sent: Tuesday, June 04, 2013 1:40 PM
To: Ted Greves
Cc: Andrew Tucker; Diane Brennan; Mayor&Council; SENIOR LEADERSHIP TEAM; Bruce Anderson; Chris Jackson; Dean Mousseau
Subject: Re: OCP Bylaw 6500.020 and Zoning Bylaw 4500.040

Ted. Et al

this change brings about for the neighbours a change from a west marsh back yard to small residential subdivision, then compared to the previous plan, there is another bump into the marsh were you have small lot residential subdivision. granted the 17 acres is great to have manageable control and unmanscaped. again it is the right to apply, the need to communicate and know that we are in with those with unfortunate stereotypic ideas (sic. S. Harper)...

Sent remote iPad

On 2013-06-04, at 12:15, "Ted Greves" <Ted.Greves@nanaimo.ca> wrote:

Hi Diane,

Unfortunately Mr. Chantrell has an stereotypical idea of what parkland should look like. This area would be similar to West Buttertubs Marsh which we just purchased. The owner of the Marsh also received a tax incentive. I'm not sure if this developer will though.

As you know there are various types of parks with the 17 acres probably being left in its natural state. The Advisory Planning Committee thought the amendment to the zoning was well worth receiving the 17 acres of parkland. Some delegations were concerned about the added traffic to the narrow street with the four more residential units.

Ted G.

On 2013-06-04, at 11:10 AM, "Andrew Tucker" <Andrew.Tucker@nanaimo.ca> wrote:

Councillor Brennan,

I have attached a copy of the Council report on this matter for your reference. Mr. Chantrell is correct that the applicant is proposing to donate 17 acres of land to the City for park purposes. As he says, the land is "predominantly wetland and steep mountainside." It is that area that is to be dedicated as parkland in accordance with the policies of the OCP.

Please note page 4 of the staff report which reports on open houses hosted by the applicant. Two of the concerns raised by the public at those open houses (which were attended by staff) were "protecting the wetland" and "ensuring park dedication would take place." The proposed park dedication includes the complete 30 m SPEA (streamside protection and enhancement area) and the steep slopes on the northern portion of the site. This is shown on the site plans (Attachments C & D to the report).

While the OCP contains policies about the need for an overall plan for the Urban Reserve area, those policies are in relation to higher density residential development. The OCP contains a policy that speaks to "An Area Plan for lands within the Urban Reserve designation will be prepared to provide a comprehensive plan for land uses..environmental protection (including wetlands and steep slopes), servicing, integrated stormwater management, transportation, and timing of development." The proposal will result in a modest increase in residential development. The current zoning on the Urban Reserve designated/AR1 zoned portion of the site would allow for 2 residential units on that portion of the site. The proposal is for a total of 6 units, an increase of 4 units. However, the overall rezoning is to R1, which is a downzone from the R10 zoned/Neighbourhood designated or southern portion of the site. It is staff's opinion that this proposal addresses all the elements for an Area Plan called for in the OCP policies for Urban Reserves, recognizing that this proposal applies to one parcel only.

I trust this information is of use to you. If you have any further questions please don't hesitate to contact me.

Andrew Tucker MCIP
Director of Planning
City of Nanaimo

Diane Brennan wrote:

Andrew do you have some information about this?

Sent from my iPad

Begin forwarded message:

From: Gary and Laura <chantrelltait@shaw.ca>
Date: 3 June, 2013 7:03:53 PM PDT
To: Diane Brennan <Diane.Brennan@nanaimo.ca>
Subject: Bylaw No4500.040

Dear Ms. Brennan,

On Thursday, June 6th, you will have an opportunity to vote on whether to amend the "OFFICIAL COMMUNITY PLAN BYLAW 2008 NO 6500" and the City of Nanaimo "ZONING BYLAW 2011 NO 4500".

My property, 3480 Arrowsmith Road is beside this property, and I would like you to be aware of a couple of points of interest that the City of Nanaimo Planning Department might neglect to address.

The proposal to designate 17 acres as park land makes no sense. It is inaccessible as it is surrounded by private property. It is also predominantly wetland and steep mountainside. I believe the developer is unable to use this in any shape or form, and this will be a tax write off. Please ask yourself how many other developers in Nanaimo are donating 17 acres in the heart of the city?

Secondly, this property, like mine is in the Urban Reserve. The city's planning department has repeatedly told us that this area of the city is frozen with regards to any form of development for at least 10 years –or until the city formulates an official

plan. The city has also noted that if we, as a neighbourhood were to cover the cost of the assessment/planning for the official plan, they would look at lifting the freeze. At a recent open house hosted by the developer of this property there was no mention of having an assessment done to meet the city's stated requirement.

If the council votes to approve this rezoning from Urban Reserve (AR2) to Single Dwelling Residential (R1) without an official assessment from the developer, this would appear to open the door for myself and my neighbours to rezone to R1 as well.

I trust you will vote honourably, and I hope you have all of the salient facts affecting this decision before you.

Sincerely,

Gary Chantrell

<RA310 OCP70.pdf - Adobe Acrobat Pro.pdf>

Penny Masse

From: Deborah Jensen
Sent: Thursday, June 06, 2013 12:08 PM
To: Penny Masse
Subject: FW: OCP Amendment Application Hillside Ave

Deborah Jensen, MCIP, RPP
Community Development Planner
Community Safety and Development Division
City of Nanaimo
238 Franklyn Street, Nanaimo, BC
Phone (250) 755-4473 Fax (250) 755-4479
(_/)
(= ' '=)
(^)_(^)

From: Henigman, Margaret FLNR:EX [<mailto:Margaret.Henigman@gov.bc.ca>]
Sent: Friday, May 17, 2013 11:34 AM
To: Deborah Jensen
Subject: OCP Amendment Application Hillside Ave

Hi Deborah: Thanks for the referral on the Hillside Ave. OCP Amendment and Rezone. Although we're not really supposed to be doing site specific referrals I took a quick look at this and was pleased to see such a large area being set aside as Park. I have no problem with the Rezone to accommodate the park dedication. Will there be a Park planning process associated with this and/or what plans does the City have for this lot?

Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Forests, Lands and Natural Resource Operations
West Coast Region
250-751-3214
margaret.henigman@gov.bc.ca
Fax: 250-751-3208



Re: OCP Amendment and Rezoning Application for 3500 Hillside Avenue – RA310/OCP070
Public Hearing Presentation – 2013-June-06
Maureen Pilcher & Associates Inc.

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. Thank you for giving me the opportunity to discuss this exciting project with you, which is being developed by Blair McDaniel and Bruce Munro of Pacific Edge Properties.

The property at 3500 Hillside Avenue is the subject of two bylaws this evening – one to redesignate the property in the Official Community Plan and one to rezone the property to allow for a small-scale single-family residential development.

At present this property, which is 19 acres in size, is included in the Urban Reserve designation of the OCP – which identifies unserviced areas within the city for future urban development. The site is currently vacant, is bisected by a wetland, and slopes quite steeply up Cottle Hill. Although the site has limited access, steep topography, and a large environmentally sensitive area – there is a 2.3 acre portion of the property close to Hillside Avenue – at the end of the new Pacific Edge Way, which would allow for limited residential development. The lot adjacent to the subject property has a recently approved 9 lot bare land strata project which is currently nearing completion – if this OCP amendment, and the subsequent rezoning, is approved – the 2.3 acre portion will be combined with this new development in order to create a comprehensive small strata project of 15 single family dwellings.

This site is also located within an area the OCP identifies as desirable for the acquisition of future parkland. The OCP contains policies that encourage the acquisition of parkland where the dedication can protect environmentally sensitive areas, yet still provide publicly accessible open space. The northern portion of this site contains a significant wetland, as well as steep topography up Cottle Hill – it would be extremely difficult to develop this area for housing – but it would be a wonderful legacy of open space for the residents – and future generations - of Nanaimo. Pacific Edge Properties wishes to deed 17 acres of this land to the City for park – which equates to 89% of the total site area - certainly a significant gift to this community and to the City of Nanaimo as a whole.

Now the argument may be made that this gift is predominantly marsh land and steep mountainside, however – as we well know in Nanaimo – conserved marshes are very special sanctuaries for both wildlife and humanity. Not to

mention the much loved and much hiked Mount Benson – which, last time I looked, was even steeper than Cottle Hill. At the present time – this marsh has no public access – I was unable to get pictures of the marsh without going on private property. This was the peek a boo view at the end of Dix Road. Both the OCP and the Parks Master Plan promote conservation of environmentally rich areas for public use – both now and in the future. This proposal meets those objectives by significantly increasing the City of Nanaimo park inventory while ensuring that the marsh is conserved and maintained.

The new strata project has been designed to consider the scale and density of the surrounding area while meeting the OCP's goals of increasing density in existing residential neighbourhoods. Incorporating this 2.3 acre piece into the new strata is a natural progression - the marsh provides a physical dividing line - and will result in a more comprehensive residential development of 15 homes. The clustered housing design protects the natural character of the steep hillside and will save and preserve the integrity of the adjacent wetland. As part of this development Hillside Road has been widened and curb, gutter and sidewalk has been installed along the frontage of the development – as well as enhanced landscaping and tree planting.

We know that it is important to include the community and utilize their input to accurately reflect concerns for their neighbourhood. In April we held two public information meetings at the Oliver Woods Community Centre - with approximately 25 people attending. We discussed the protection of the important wetland and utilized the opportunity to clarify elements of the park dedication. There were some concerns voiced regarding increased traffic in the neighbourhood – however traffic speeds along Hillside Avenue were identified as the greatest concern to the residents. After those meetings we initiated discussion with Gordon Foy – the City's traffic and transportation engineer - regarding the applicability of traffic calming in this area. Mr. Foy has indicated that the City would elicit support from the impacted residents through a survey. After looking at the results of the survey - if the City does agree to developer initiated and installed traffic calming – it would likely include a series of speed humps.

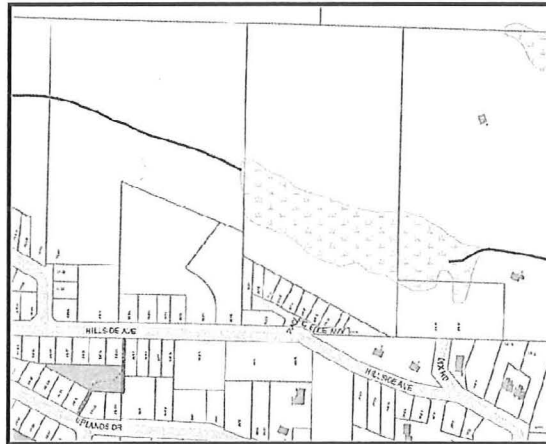
The bylaws before you this evening meet the goals and objectives of the Official Community Plan – this proposal adds density and greater housing choices in an existing neighbourhood – and creatively deals with a difficult site. It also protects an important ecological area as well as limiting development on the steep slope. This proposal will provide 17 acres of park to add to Nanaimo's impressive parkland inventory. It is not often that a park or open space this size is incorporated into an established neighbourhood – the community will enjoy the use of this land for generations to come.

These applications have been supported by City Staff and the Advisory Planning Committee. We have discussed the implications with the neighbourhood – and

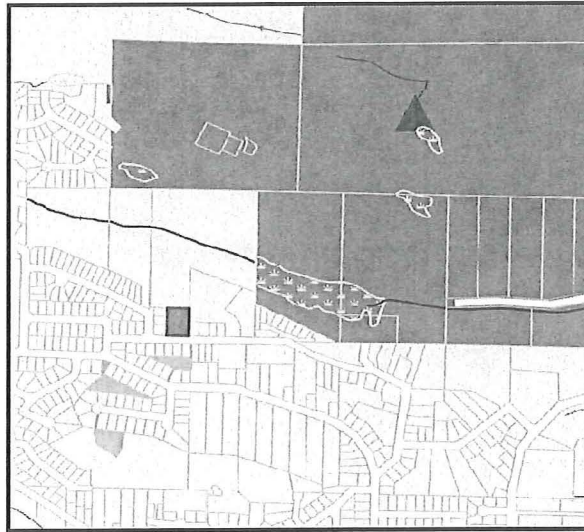
have proposed traffic calming measures to limit vehicle speeds in the area. We have incorporated road widening, sidewalks and enhanced landscaping to ensure that this initiative adds to the livability of the neighbourhood – as well as ensuring that there is pedestrian access to the public land. We believe that this project – and more importantly the preservation of 17 acres of parkland and an environmentally sensitive area – will result in an excellent example of win/win for the City, the developer, and most importantly – the citizens of Nanaimo.

Thank you for your attention. I will be pleased to answer any questions you may have.

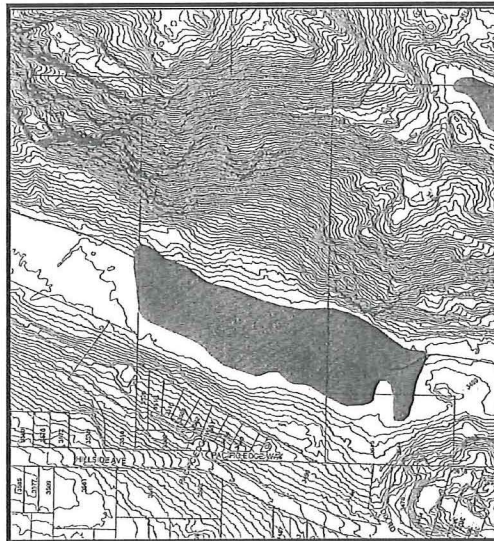
Official Community Plan Amendment and Rezoning Application 3500 Hillside Avenue







OCP Map showing Urban Reserve Boundary and
Future Park Acquisition in this neighbourhood



Topographic Map
showing one meter contours



Cottle Hill – marsh is at the bottom of the slope



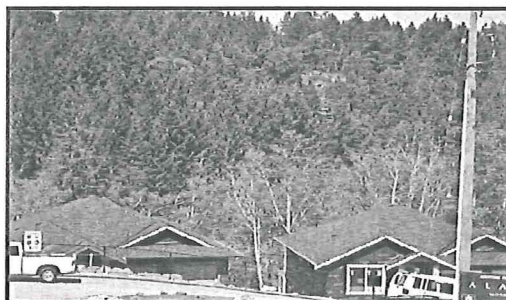
Taken from the end of Dix Road – marsh located between the private driveway and the trees.



Taken from the opposite side of Hillside Avenue – looking at the entrance to the new strata development - Cottle Hill in the background.



Taken from the new sidewalk on Hillside Avenue – looking down on the strata development - marsh in the background.

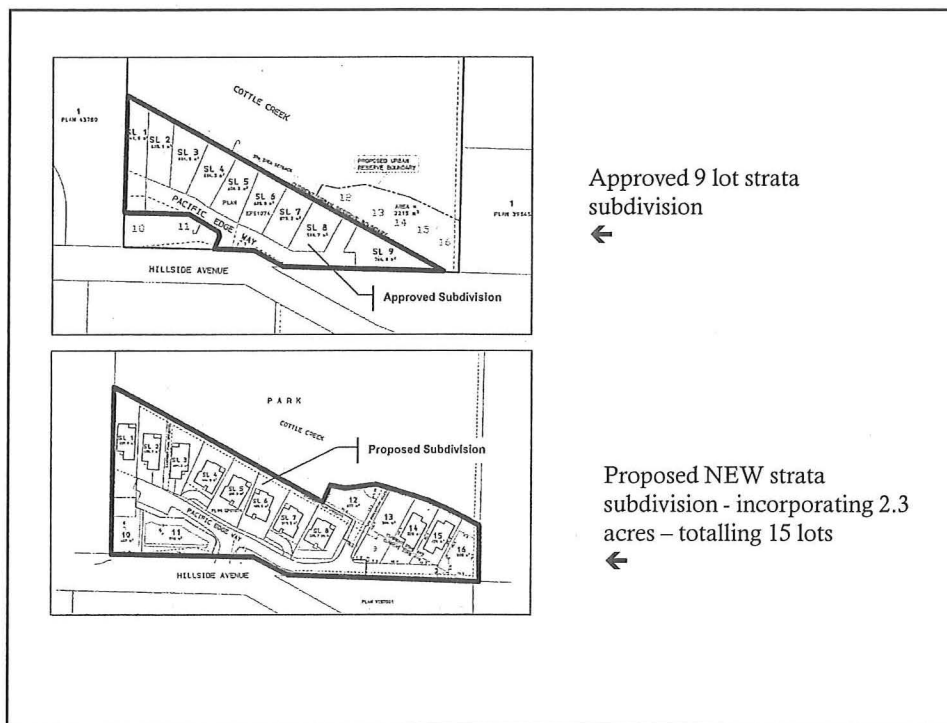


Looking west along Hillside Avenue – new strata development on the right



Looking down from Hillside Avenue to new home in strata development

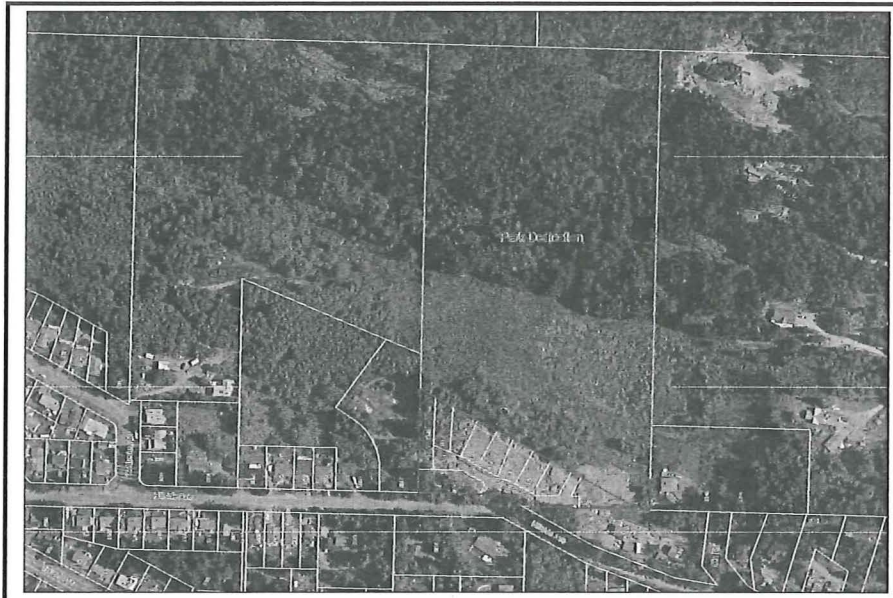




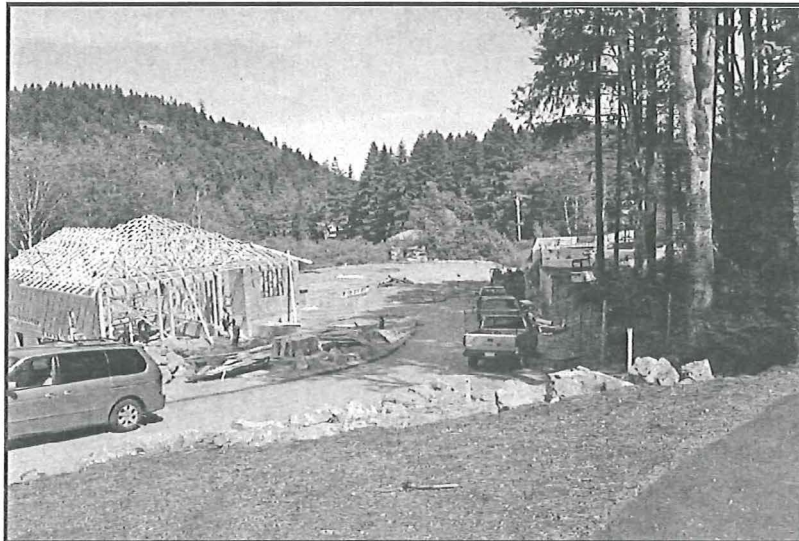
Looking east along Hillside Avenue – strata development on the left.
Note sidewalk, curb, gutter, road widening – developer installed.

Looking east along Hillside Avenue – curb, gutter,





Example of traffic calming in
adjacent neighbourhood



Looking towards area proposed for redesignation and rezoning
– strata access in the foreground.

3500 Hillside Avenue, Nanaimo

- ◆ Redesignation and rezoning supported by City of Nanaimo Policies, Staff and the Advisory Planning Committee.
- ◆ Project adds more housing choices in an established neighbourhood as well as sidewalk, road widening, and on street parking.
- ◆ Protects a steep slope and an environmentally sensitive area and increases the City of Nanaimo park and open space inventory by 17 acres.
- ◆ There is a “natural divide” here – residential development on one side – the marsh and the park land on the other. This small 2.3 acre parcel will positively affect residential development in this neighbourhood – and will provide pedestrian access to the marsh.