

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-MAY-02 COMMENCING AT 7:00 P.M.

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

Members: Councillor G. Anderson
Councillor M. D. Brennan
Councillor G. E. Greves
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Regrets: Councillor W. L. Bestwick
Councillor D. K. Johnstone

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

Public: There were 9 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*. He advised that this is the final opportunity to provide input to Council before consideration of Third Reading of Bylaws No. 4500.037 and 4500.038 at this evening's Special Council meeting.

(a) Bylaw No. 4500.037 – RA000309 – 1844 Meredith Road

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a three-lot subdivision.

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

- Mr. Brown's presentation is attached as a part of "Attachment A – Submissions for Bylaw No. 4500.037".

Mayor Ruttan asked if the speaker had received any negative feedback from neighbourhood residents further to the submission of opposition received from the owners of the adjacent property at 1847 Evergreen Way (attached as a part of "Attachment A – Submissions for Bylaw No. 4500.037").

Mr. Brown noted neighbourhood residents provided a general consensus of support. The owners of 1847 Evergreen Way had some concerns, which he thought had been addressed at their meeting.

Councillor Pattje asked if the subject property is part of an existing Neighbourhood Association.

Mr. Stewart noted the subject property may be part of the Hospital Area Neighbourhood Association (HANA), adding he would have to confirm.

Councillor Pattje asked for clarification on whether or not there is a requirement as to how many neighbourhood residents are informed of a proposal.

Mr. Stewart confirmed there is no requirement for an applicant to inform neighbourhood residents; however, applicants are always advised that it is in their best interest to contact all neighbouring residents prior to the Public Hearing. The City is required to notify all immediate property owners, as well as newspaper notification and signage erected on the subject property.

Councillor Pattje asked the speaker what steps would be taken if the subject property is associated with HANA.

Mr. Brown stated the application is a basic one and in his opinion is a local street matter only.

Councillor Pattje noted that the speaker has indicated that the proposal provides a positive example for neighbourhood redevelopment; however, the submission of opposition notes that the proposal would look out of place.

Mr. Brown stated that as the application is a minor proposal, the immediate property owners are the only people he sought opinion from.

Councillor McKay noted that the subject lot is 13,000ft² in which a single family dwelling is located. Asked if there are any other 13,000ft² lots with a single family home within the area.

Mr. Brown noted that there are many lots in the City that are prime for development which results in the desired infill required by Official Community Plan policies.

Councillor McKay noted that the subject property as it stands now is out of place for the neighbourhood as it is so large.

Mr. Stewart confirmed the subject property is included in HANA; they were contacted during the referral process for this application and no response was received.

Ms. Sonya Gibson, 2101 Manchester Lane – In Favour

- The subject property is very large for a single family dwelling; she would like to see more families move into the neighbourhood as she has a young daughter and there are not any children in the area. Believes this is due to the properties being older and noted that not many young families could afford such a large lot. If two smaller houses are constructed it may draw younger families into the neighbourhood. It is close to schools and the hospital.
- Believes the applicant was very supportive by listening to concerns regarding fencing.

Mayor Ruttan asked the speaker if the area experiences parking issues due to the hospital.

Ms. Gibson noted that there are no on-street parking issues in this neighbourhood.

There were two verbal and two written submissions received with regard to regard to Bylaw No. 4500.037.

(b) Bylaw No. 4500.038 – RA000313 – 1835 Bowen Road

This bylaw, if adopted, will rezone the subject property in order to permit a fast food restaurant as a site specific use within the Community Corridor (COR3) zone.

Mr. Brad Bailey, Collier's International, 105-335 Wesley Street – Applicant Representative

- Property was purchased under C13 zoning, which included the 'fast food' use. The owner did not receive any notification regarding the new Zoning Bylaw and was unaware the permitted use of 'fast food' was removed. Believes the 'fast food' use is the highest and best use for the subject property.

Mayor Ruttan asked the speaker if the applicant is prepared at this time to build a fast food restaurant on the site.

Mr. Bailey confirmed there has been interest in the concept but it is hard to further the discussions without the 'fast food' use being reinstated. Does not believe the Bowen Road corridor currently has a good representation of fast food restaurants.

Councillor Kipp asked if the proposal would be a green building.

Mr. Bailey noted that green amenities could be worked out once a firm offer has been received if the 'fast food' use is reinstated.

Councillor Pattje asked Staff for clarification on whether or not this proposal is a housekeeping amendment because it was missed when the new Zoning Bylaw was adopted.

Mr. Anderson noted the subject property was not 'missed', per se; however it can be characterized as housekeeping on a continuum versus a proposal for a use change. It was a permitted use in the previous Zoning Bylaw and the COR3 zone in the current Zoning Bylaw provides for the ability to grant a 'fast food' restaurant use as a site specific use.

There was one verbal and two written submissions received with regard to Bylaw No. 4500.038.

The Public Hearing was adjourned at 7:29 p.m.

4. BYLAWS:

- (a) "ZONING AMENDMENT BYLAW 2013 NO. 4500.037" (RA000309 – 1844 Meredith Road – from Single Dwelling Residential (R1) to Single Dwelling Residential – Small Lot (R2) in order to permit a three-lot subdivision).

It was moved and seconded that "ZONING AMENDMENT BYLAW 2013 NO. 4500.037" pass third reading. The motion carried unanimously.

- (b) "ZONING AMENDMENT BYLAW 2013 NO. 4500.038" (RA000313 – 1835 Bowen Road – to permit a fast food restaurant as a site specific use within the Community Corridor (COR3) zone).

It was moved and seconded that "ZONING AMENDMENT BYLAW 2013 NO. 4500.038" pass third reading. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 7:30 p.m. that the meeting terminate. The motion carried unanimously.

MAYOR

CERTIFIED CORRECT:

CORPORATE OFFICER

Attachment A

Submissions

For

Bylaw No. 4500.0037

(RA000309 – 1844 Meredith Road)

Penny Masse

From: Cees van Santen [thetulips@shaw.ca]
Sent: Thursday, May 02, 2013 5:45 AM
To: Public Hearing
Subject: RA000309 - 1844 Meredith Road

I will not be able to attend tonight's meeting, but would like to submit the following input:

Looking at the plan submitted, subdividing the lot into 1 normal size lot and 2 mini lots should not be allowed as there is nothing else like it in our neighborhood. It would look completely out of place.

Regards,

C. van Santen
1847 Evergreen Way
Nanaimo, BC

KEITH BROWN ASSOCIATES LTD.
5102 Somerset Drive Nanaimo, BC V9T 2K6
Tel. 250-758-6033 Cel. 250-741-4776
keithbrown@shaw.ca

May 2, 2013

File No. 912.12

City of Nanaimo
455 Wallace Street
Nanaimo, BC V9R 5J6

ATTENTION: Mayor Ruttan and City Councillors

**SUBJECT: LOT A, SECTION 17, RANGE 8, MOUNTAIN DISTRICT,
PLAN 12176; 1844 MEREDITH ROAD, NANAIMO, BC.**

For City Council's consideration the subject property represents the re-development of an existing lot within the residential neighbourhood and comprises rezoning into 3 lots (see enclosed Floor Plans and Building Perspectives). Proposed Lots 1 and 2 are sized to comply with the minimum lot area requirements of the R2 Zone (325 sq. m.). Proposed Lot 3 is the larger containing the house (1844 Meredith Road). This lot complies with the minimum lot area requirements of the R1 Zone (500 sq. m.). However, rezoning for proposed Lot 3 to the R2 Zone enables the rear yard setbacks to be in compliance for the existing house. This approach is supported by the Planning Staff.

The new homes proposed for Lots 1 and 2 represent two storey dwellings and are designed to be complimentary with the existing neighbourhood. The design for each of the dwellings include articulated roof lines and facades complimentary colours with hardiplank/vinyl siding. The existing dwelling on proposed Lot 3 will include some upgrades.

Meredith Road is classified as a "minor collector" road with a 2.5 m. road widening dedication is being dedicated as a condition of the subdivision approval process.

The subject site is located near many amenities and services including shopping, parks, transit, elementary and secondary schools, restaurants and offices etc. These services are all within reasonable walking distances of the site.

The owners commit to a community contribution of \$2,000. for the perceived increase in value through the uplift in the rezoning process. The owners request that the contribution be provided in support of the City's ongoing social programs.

Discussions were held with most of the immediate home owners. The residents, for the most part, were supportive of the infill subdivision. The points of discussion related to view corridor, location of windows, the height and type of fencing relating to the side/rear yards facing along the neighbouring yards, off-street parking and conformity of building design elevations (see Key Map denoting homes visited).

For reference, the plans/elevations reflect roof lines that articulate elements of the exiting neighbourhood homes. The upper floor plans show where the windows are located along the side yards respecting neighbourhood privacy.

It was agreed that the type and height of fencing to be constructed would be discussed with the abutting neighbours once the two homes were constructed. The good neighbour fencing would be approximately 3 ½ feet to 4 feet high and the type of materials will be discussed with the neighbours. We believe the view corridor from the kitchen window of the dwelling at 1847 Evergreen Way will not be compromised given the setbacks of the new home on proposed Lot 1.

The proposal being presented provides a positive example for neighbourhood re-development. We thank you for your consideration and seek the City's support for this rezoning application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R.K. Brown".

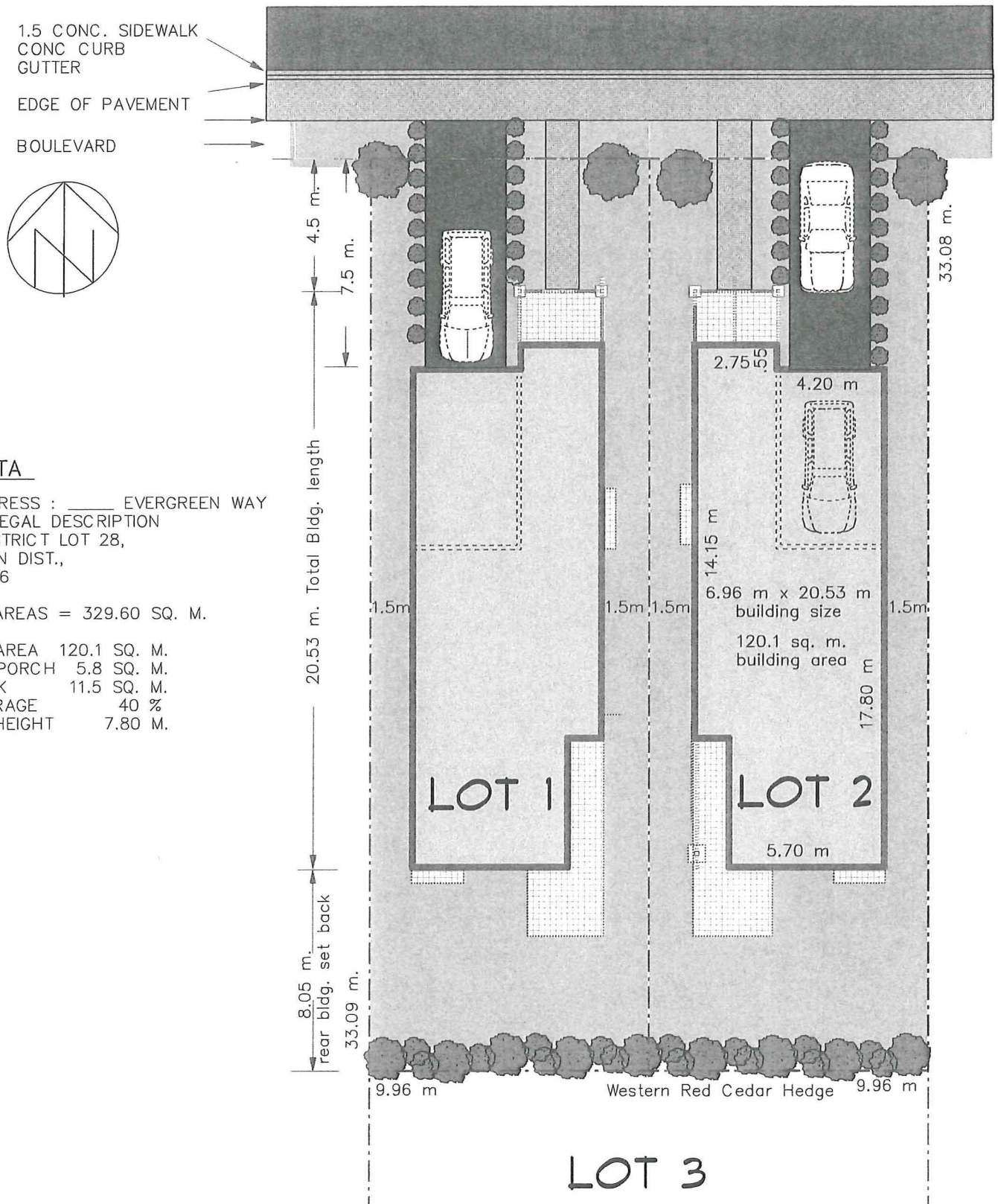
R.K. Brown,
Consultant Planner

Enc.

cc. B.K. Minhas, owner
Gur Minhas, contractor

SCALE: 1 = 200 metric

EVERGREEN WAY



SITE DATA

CIVIC ADDRESS : _____ EVERGREEN WAY
EXISTING LEGAL DESCRIPTION
LOT A, DISTRICT LOT 28,
WELLINGTON DIST.,
PLAN 12176

NEW LOT AREAS = 329.60 SQ. M.

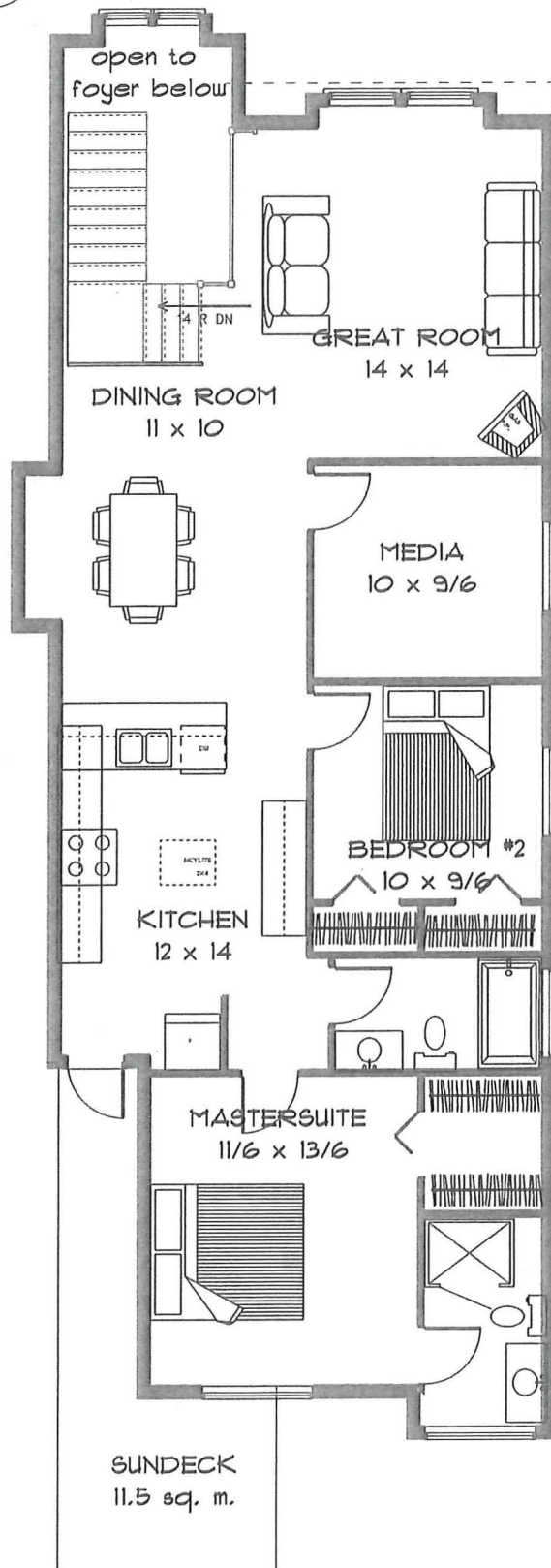
BUILDING AREA	120.1	SQ. M.
COVERED PORCH	5.8	SQ. M.
REAR DECK	11.5	SQ. M.
LOT COVERAGE	40	%
BUILDING HEIGHT	7.80	M.

PROPOSED SITE PLAN - 1



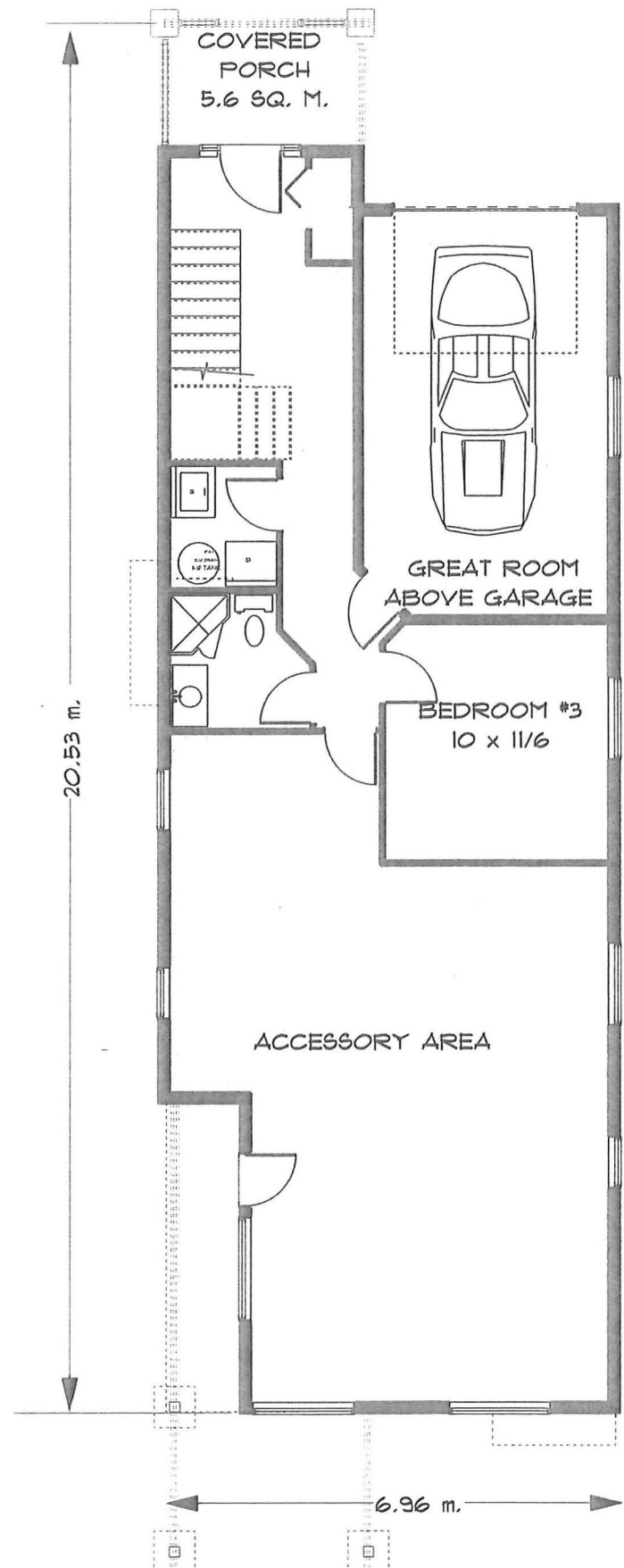
REVISED Jan 25 th 2013

SCALE: 1 = 100 Meters



MAIN FLOOR PLAN

121.50 SQ. M. Floor Area
11.50 SQ. M. Sundeck



LOWER FLOOR PLAN

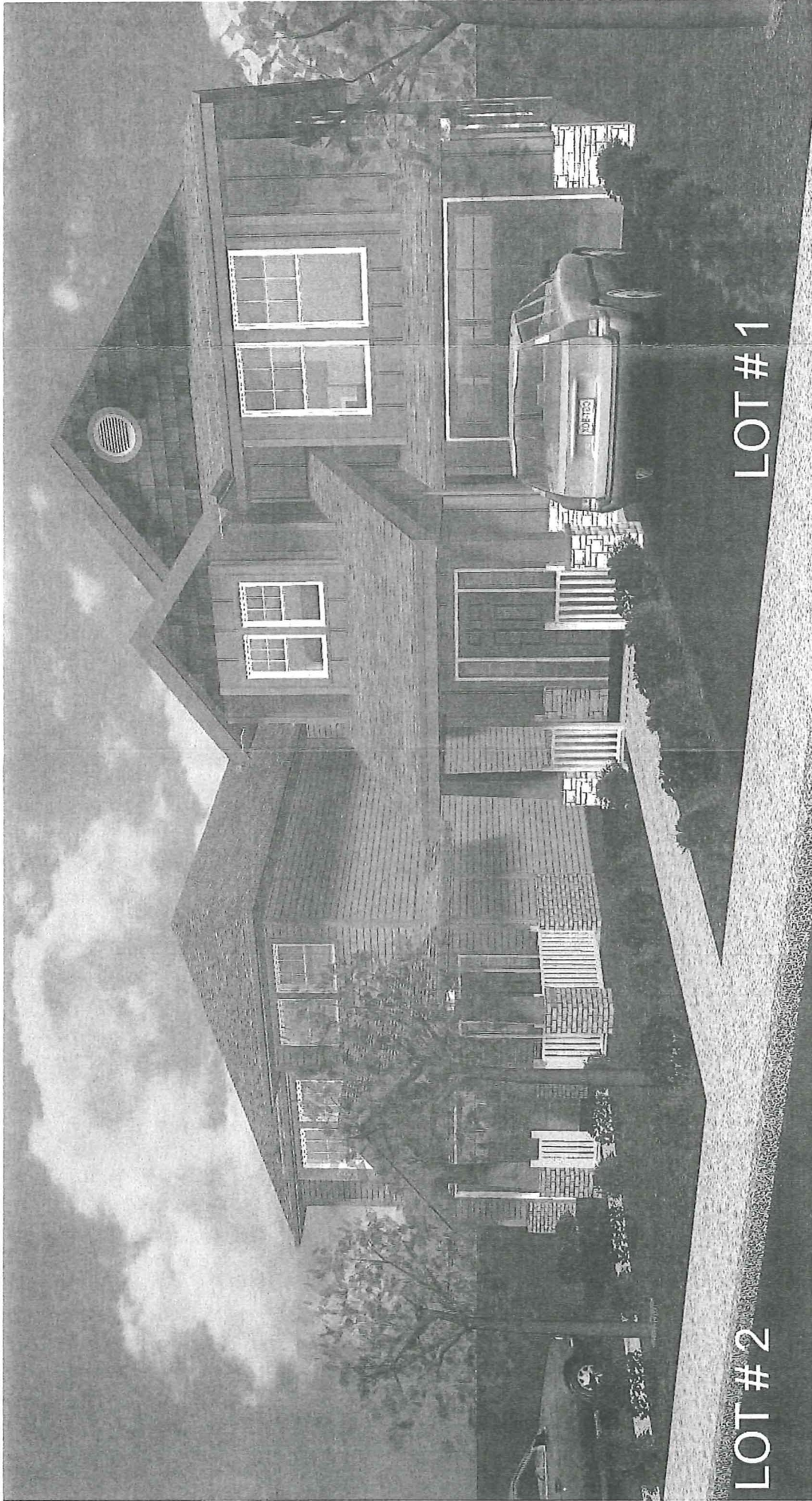
96.70 SQ. M. (excluding garage)
5.60 SQ. M. COVERED PORCH



Building Perspective - 1



Building Perspective - 2



LOT #1

LOT #2

Building Perspective - 1

Attachment B

Submissions

For

Bylaw No. 4500.038

(RA000313 – 1835 Bowen Road)

Penny Masse

From: Webmaster
Sent: Friday, April 19, 2013 12:25 PM
To: Public Hearing
Cc: webmaster@nanaimo.ca
Subject: Send a Submission Online

Scott Henderson has sent a Public Hearing Submission Online.

Address: 1861 Dufferin Cres

Bylaw Number or Subject Property Address to Which they Are Addressing Your Comments: 4500.038

Comments: I would like to be counted as one (opposed) to the rezoning application for fast food restaurant/drive through. I believe that by allowing another Drive through facility it goes against our provincial idle free bylaw as well as is counter to our lower the carbon footprint talk that is spoken so often in the public forum.

Thanks, Scott

Penny Masse

From: Alastair Hunter [ahunter@younglife.ca]
Sent: Tuesday, April 23, 2013 8:59 AM
To: Public Hearing
Subject: Bylaw no 4500.038

I am writing to object to the rezoning of the property on 1835 Bowen Road (Lot 1, section 15 range 8, mountain district plan VIP61856).

There are already fast food restaurants in the immediate vicinity of this lot. I object to having more of these, that encourage idling vehicles, and the constant mess that comes from fast food wrappers surrounding these restaurants.

I would prefer that this lot remains what it is so that we can have more retail space and not fast food there.



Alastair Hunter
ahunter@younglife.ca

