

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, 2012-NOV-01 COMMENCING AT 7:00 P.M.

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

Members: Councillor G. Anderson
Councillor W. L. Bestwick
Councillor M. D. Brennan (Arrival at 7:08 pm)
Councillor G. E. Greves
Councillor D. K. Johnstone
Councillor J. A. Kipp
Councillor W. B. McKay
Councillor J. F. K. Pattje

Staff: A. Tucker, Director of Planning
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 12 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Special Meeting was called to order at 7:02 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 7:02 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. 4500.030, 4500.31 and 4500.033 at this evening's Special Council meeting.

(a) Bylaw No. 4500.030 – RA302 – Part of 2609 Rosstown Road

This bylaw, if adopted, will rezone part of the subject property from Duplex Residential (R4) to Single Dwelling Residential (R1) in order to facilitate a three-lot residential subdivision.

Mr. Gordon Loewen, 2621 Rosstown Road – Neither Opposed nor in Favour

- Asked if the proposed single family dwellings would contain secondary suites and if there would be appropriate parking provided.

Mr. Stewart stated that the lots are large enough to permit secondary suites within the single family dwellings. If the applicant plans to include secondary suites in the single family dwellings he would be required to provide three off-street parking spaces per dwelling.

Mr. Blair Dueck, 4515 Uplands Drive - Applicant

- Detailed plans for the homes have not yet been established; however, he suspects secondary suites may be included and there should be enough space for off-street parking achieved through the design of the homes. Secondary suites are a big selling feature considering the current cost of homes.

Councillor McKay asked Staff for confirmation that the size of the three proposed homes are permitted within the Zoning Bylaw.

Mr. Stewart confirmed the proposed home sizes are permitted within the Zoning Bylaw.

There was one written and two verbal submissions received with regard to Bylaw No. 4500.030. The submission is attached as “Attachment A – Submission for Bylaw No. 4500.030”.

(b) **Bylaw No. 4500.031 – ZA1-51 – Housekeeping Amendments**

This bylaw, if adopted, will make text and mapping amendments to “ZONING BYLAW 2011 NO. 4500” in order to correct minor discrepancies within the Zoning Bylaw.

Councillor Pattje noted the amendment regarding 2191 East Wellington Road had received a submission of objection that appears to be not relevant to the amendment. Asked Staff to reiterate the purpose of the amendment.

Mr. Stewart noted that two submissions were received with regard to 2191 East Wellington Road; both submissions cited concerns that a golf course could be constructed on the property if the amendment is approved. The amendment is proposing zoning for a nature park, which does not permit a golf course use. The current zoning does permit a golf course; if the proposed amendment is approved a golf course would not be permitted. Noted that the property is a newly acquired property that is available for park use.

Mr. Fred Taylor, 204 Emery Way – Opposed

- Speaking to amendment #5, which proposes to add a maximum height of 3m for fences and retaining walls not located in setbacks. Stated someone may have a pool on their property and they would need to erect something of height to maintain privacy. Does not believe height within an owners' property should be restricted in case they need to provide for privacy.

- Speaking to amendment #28, which proposes to rezone 2180 Highland Boulevard. Believes the road addition should go through the rezoning process and a Public Hearing.

Mr. Stewart stated that amendment #5 is proposing to increase fence height to 3m for a fence located within the building envelope; the previous Zoning Bylaw permitted a fence height of 3m where located within the setbacks. This was mistakenly removed from the new Zoning Bylaw. Staff's interpretation is that without the amendment the fence height is limited to the 4' or 8' height within the setbacks throughout the property. Staff is proposing to increase that height to 10' within the setbacks. Amendment #28 is in regard to 2180 Highland Boulevard; the intent of the bylaw is to consolidate the zoning on the property to a single zone.

Mr. Tucker added the proposed amendment is to ensure the zoning of the closed portion of the roadway is consistent with the zoning of the adjacent property.

Mayor Ruttan asked for clarification on whether or not the subject property is City-owned.

Mr. Tucker stated the proposed subject property was closed via a Road Closure Bylaw and was sold to the adjoining property owner; the City's practice when closing roads is to create consistent zoning with the adjoining property.

Mr Terry Knight, 2412 Glenayr Drive – Neither Opposed nor in Favour

- Asked for clarification on where he can locate a hard copy of the CD-8 zone.

Mr. Stewart noted the Zoning Bylaw indicates that the development plan is available at City Hall. This zone is in regard to the old Northbrook Town Centre CD Zone, which dates to the previous Zoning Bylaw. It is essentially a shopping centre use with some residential uses permitted. A copy of the zone can be provided to the speaker.

Mr. Knight asked if a copy of the zone could be posted on the City's website.

Mr. Stewart stated he would look into posting the CD-8 zone onto the City's website.

Mr. Knight asked if Highland Boulevard would now be closed.

Mayor Ruttan confirmed that Highland Boulevard would not be closed.

Mr. Fred Taylor, 204 Emery Way – Redress

- Concurred that he could not find any information on the CD-8 zone within the Zoning Bylaw.

Mr. Tucker noted that in the Zoning Bylaw the CD-8 zone makes reference to a separate document, which was the original Brooks Landing Zone. The document is not attached to the Zoning Bylaw; a person would need to obtain the separate document.

Councillor Pattje asked for clarification on Comprehensive Development zones and if they refer to a particular document and how the different zones differentiate from each other.

Mr. Tucker stated that each CD zone is in relation to that individual property; it is essentially contract zoning that is particular to a parcel.

Councillor Pattje asked if it was difficult to insert a CD zone within the Zoning Bylaw.

Mr. Tucker noted the new Zoning Bylaw attempted to rid the City of CD zones; however, the City continues to receive applications for these site-specific zones for a particular property.

There were three written and two verbal submissions received with regard to Bylaw No. 4500.031. The submissions are attached as “Attachment B – Submissions for Bylaw No. 4500.031”.

(c) Bylaw No. 4500.033 – ZA1-51 – Housekeeping Amendments (Chamber of Commerce)

This bylaw, if adopted, will make text and mapping amendments to “ZONING BYLAW 2011 NO. 4500” arising from the Greater Nanaimo Chamber of Commerce sponsored review of the Zoning Bylaw.

Councillor McKay asked for clarification regarding amendment #1 and whether or not existing contractor offices that are considered to be legal, non-conforming under the current Zoning Bylaw would be permitted if the bylaw is approved.

Mr. Tucker noted that the uses would continue as legal, non-conforming; however, not knowing the specifics of the offices being referenced, they may now be made legal by the proposed bylaw, if adopted. The definition would be changed by adding “contractors” into the title of the definition; however, the rest of the definition remains the same. Previously, there was a restriction on the area of an office to 20% of the floor area of a given building. A maximum of 929m² is being proposed in the bylaw. If the offices being referred to are less than 929m² in size, this amendment, if adopted, would then make the uses legal.

Councillor McKay asked for clarification regarding amendment #17 in regard to 1680 Northfield Road, which is proposing rezoning from I1 to CC2.

Mr. Tucker stated that the proposed amendment is in regard to a site specific rezoning approved by Council in 1996. When the mapping was conducted for the Northfield Industrial area, this site was overlooked. The property owner came forward stating he had gone through the rezoning process in 1996, and he requested the previous zoning be restored to the closest current zone.

Councillor McKay noted that the subject property is as close as you can get to Corridor zoning with mixed use, residential and commercial uses permitted.

Councillor Kipp asked for clarification regarding amendment #3, specifically, allowing truck, trailer and heavy equipment sales in the Corridor zone. Concerned about heavy equipments sales in Corridor zones. Amendment #12 adds truck, trailer and heavy equipment sales with the Light Industrial zone. Asked if other motor home recreational vehicle sales would be permitted in the Light Industrial zone.

Mr. Tucker noted that amendment #3 is the wording that existed in the previous Zoning Bylaw and allowed a broad range of vehicle sales under ‘automobile sales’; this amendment restores the wording which had been removed in the current Zoning Bylaw.

Mr. Tucker stated that amendment #12 proposes that a formerly permitted use in the I2 zone be reinstated. It affects businesses such as the Inland Kenworth dealership.

Councillor Pattje asked if there were any lands remaining within the city which remain solely I3.

Mr. Tucker noted the the I3 zone was created with a limited range of uses; the effect of the proposed amendments is to allow those uses in other zones as well. The I3 zone was largely unchanged; however, the I3 uses are now available within the I1 and I2 zones. The range of locations at which a business could locate would be broader if the proposed amendments are approved.

Councillor Pattje asked if there is any value to retain the I3 zone within the Zoning Bylaw.

Mr. Tucker noted that removing the I3 zone from the Zoning Bylaw was not the nature of the discussions with the Chamber of Commerce; it was about moving some of the I3 uses into other zones; however they did not come forward with a recommendation to remove the I3 zone.

There was one written and no verbal submissions received with regard to Bylaw No. 4500.033. The submission is attached as "Attachment C – Submissions for Bylaw No. 4500.033".

The Public Hearing was adjourned at 7:34 p.m.

4. BYLAWS:

- (a) "ZONING AMENDMENT BYLAW 2012 NO. 4500.030" (RA230 – Part of 2609 Rosstown Road – to rezone part of the subject property from Duplex Residential (R4) to Single Dwelling Residential (R1) in order to facilitate a three-lot residential subdivision).

It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.030" pass third reading. The motion carried unanimously.

- (b) "ZONING AMENDMENT BYLAW 2012 NO. 4500.031" (ZA1-51 – Housekeeping Amendments – to will make text and mapping amendments to "ZONING BYLAW 2011 NO. 4500" in order to correct minor discrepancies within the Zoning Bylaw).

It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.031" pass third reading. The motion carried unanimously.

- (c) "ZONING AMENDMENT BYLAW 2012 NO. 4500.033" (ZA1-51 – Housekeeping Amendments (Chamber of Commerce) – to make text and mapping amendments to "ZONING BYLAW 2011 NO. 4500" arising from the Greater Nanaimo Chamber of Commerce sponsored review of the Zoning Bylaw).

It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.033" pass third reading. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 7:35 p.m. that the meeting terminate. The motion carried unanimously.

M A Y O R

CERTIFIED CORRECT:

CORPORATE OFFICER