

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-JUN-07 COMMENCING AT 7:00 P.M.

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

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

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

Public: There were approximately 45 members of the public in attendance.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

The Regular Meeting was called to order at 7:02 p.m.

2. LATE ITEMS:

- (a) Delete Agenda item 5 (e) – Bylaw 6500.017 – OCP67.
- (b) Delete Agenda item 6 (e) "OFFICIAL COMMUNITY PLAN NO. 6500.017.

Mr. Anderson noted that the entire OCP amendment bylaw was pulled from tonight's agenda to allow the owner (School District #68) to address the matter of the free Crown Grant on the Dickinson Road property. It will be dealt with as a separate item in a future Council report once those issues are resolved by the property owner.

3. ADOPTION OF AGENDA:

36212 It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing was called to order. Mayor Ruttan called the meeting to order at 7:05 p.m. 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 4500.018, 4500.019, 4500.021, and 4500.022 at this evening's Council meeting.

(a) Bylaw 4500.018 – ZA1-31 – Island Corridor Foundation

This bylaw, if adopted, will amend the Community Service Three [CS3] zone to allow properties which are zoned for car dealerships directly abutting the railway corridor to display vehicles within the Island Corridor Foundation (ICF) lands (former E & N). The proposed bylaw affects the lands within the City of Nanaimo only.

Councillor Greves vacated the Shaw Auditorium at 7:10 p.m. due to a perceived conflict of interest as he is on the ICF Board representing the Regional District of Nanaimo.

**Ms. Corola Bloedorn, 941 Easter Road, Victoria – Opposed**

- Representing the owners of 2474 Kenworth Road (Three Point Motors).
- Concerned that the future potential public transportation uses of the railway corridor lands could be hampered by allowing vehicles to be displayed on those lands.
- Believes properties that wish to display vehicles on the railway corridor should be only permitted to do so on the land directly adjacent to that property. Currently, the proposed zoning change would result in the land in the railway corridor being exempt from development permit requirements as there is no building being modified or constructed and therefore, does not adhere to the same environmental standards including provision of storm water management, oil interceptors and site access.

Councillor Pattje asked the speaker if Three Point Motors land abuts the railway corridor.

Ms. Bloedorn noted the Three Point Motors land does abut the railway corridor. Added that an adjacent dealership that currently displays vehicles in the ICF now also displays vehicles in front of the Three Point Motor property.

Councillor Pattje asked Staff how the City collects taxes on ICF properties.

Mr. Anderson noted that he does not believe the City collects taxes on ICF lands. Deferred to others in attendance on behalf of the ICF that may have more specific knowledge on that issue.

Councillor Pattje asked if the ICF lands would be required to adhere to City advertising bylaws.

Mr. Anderson stated that ICF lands fronting a permitted use of car dealership would display vehicles on those lands; any other associated advertising would occur in the dealership lands.

Councillor Bestwick noted that no taxes are collected on the ICF lands. Asked if Three Point Motors would display vehicles on the ICF lands if the bylaw were adopted.

Ms. Bloedorn noted that it is not the current plan of Three Point Motors to display vehicles on the ICF lands fronting their dealership; it is not an option as it is currently leased to the adjacent dealership.

Councillor Bestwick asked if the lease agreements to display vehicles on ICF lands can be negotiated to be renewed and amended.

Mr. Bloedorn noted that the original wording of the zoning amendment made reference to vehicles being displayed on frontage directly adjacent to that particular dealership.

Mayor Ruttan asked Staff for clarification on whether or not the intent was for the city to enter into an agreement with the ICF and they would deal with any commercial property owners along the corridor.

Mr. Anderson confirmed that the intent is for ICF to regulate and administer any license agreements with commercial property owners along the corridor.

Councillor Johnstone asked for clarification on whether or not the original wording of the bylaw indicated that vehicles can be displayed on the frontages of each dealership only and if so, why it was removed from the bylaw.

Mr. Anderson stated the wording change relates to ICF being in control of the lands; the City is dealing with the zoning land use permission only.

Councillor McKay asked if the ICF would permit a lease to a dealership for lands not adjacent to their property.

Mr. Anderson noted the intent is to allow for the display of vehicles in front of automobile dealerships; who displays vehicles is subject to the ICF and their license arrangements with those property owners. Vehicles on an adjacent dealership could be displayed on the fronting corridor portion next to their lands.

Councillor McKay asked the speaker if that is the objection she is speaking to this evening.

Ms. Bloedorn agreed that it is part of her objection; however, her main concern is in regard to the use of the land.

Councillor McKay asked if there is a requirement that ICF lease parking stalls across the road from the ICF lands.

Mr. Anderson noted he is not directly familiar with that requirement; however, the speaker for the ICF may be able to provide more information on that issue.

Councillor Brennan asked if the City could exercise some control over the ICF and their license agreements and could those restrictions be put in place through a bylaw.

Mr. Anderson noted that a zoning bylaw could not exercise control of the ICF and their license agreements.

Councillor Brennan asked if control could be exercised through any other authority of Council.

Mr. Anderson stated Council could not regulate control over ICF license agreements with car dealerships unless a series of agreements be entered into with the ICF, specifically on that protocol. The Zoning Bylaw regulates land use.

Councillor Brennan asked if car dealerships are permitted to display vehicles anywhere along the railway corridor.

Mr. Anderson confirmed that the adjacent lands would need to be zoned to permit the use of automobile dealership.

Councillor Brennan asked for clarification on how many car dealerships could be permitted on the railway corridor within the City limits.

Mr. Anderson noted that under the current zoning there are 10 zones that permit automobile dealerships, including five in the downtown area.

**Mr. Graham Bruce, Island Corridor Foundation Representative**

- The intent is to regularize encroachments along the corridor for car dealerships that would only include the frontage of that property.
- The agreements are not leases, they are licenses of occupation which give the ICF the authority to regulate or amend the licenses as required. Storm water issues are also dealt with in the licenses of occupation. All municipal bodies that are a part of the ICF give permissive property tax exemptions; 10 of the 14 municipalities allow for a 10-year exemption. A commercial use such as car dealership could generate taxes to the City.

Mayor Ruttan asked if ICF will regulate the licenses of occupation with the car dealerships along the railway corridor and whether or not it will produce revenue for the ICF.

Mr. Bruce confirmed that a revenue stream will go to the ICF and the City. This only applies to car dealerships on lands currently abutting the railway corridor.

Councillor Kipp asked what signage is permitted for car dealerships.

Mr. Bruce noted permanent signage would not be placed on the railway corridor, as directed by the *Railway Act*.

Councillor Bestwick asked if a land use agreement is in place for each license to ensure all environmental standards are met.

Mr. Bruce noted that environmental standards are ensured as the license contains regulatory requirements.

Councillor Bestwick asked if the approval of this bylaw would result in any future impediment of corridor opportunities.

Mr. Bruce stated the primary objective of the ICF is the operation of rail and the building of trails. All licenses have that objective as an override in the agreement.

Councillor Johnstone asked for clarification on what the required setback for car dealerships would be.

Mr. Bruce noted that setbacks are established through the railway operator and the *Railway Act*.

Councillor Johnstone asked who regulates the safety of the setbacks.

Mr. Bruce noted the railway operator ensures the safety of all setbacks; the *Railway Act* is very detailed in respect to safety regulations.

**Mr. Tony Harris, 38 Front Street – In Favour**

- His family has been displaying vehicles on the ICF lands for 30 years without complaint. Three Point Motors is the first complaint. Negotiations have failed to date.
- Believes the bylaw is appropriate and that the ICF should regulate and control who leases the lands along the corridor.

**Mr. Fred Taylor, 204 Emery Way – In Favour**

- Bylaw wording includes the stipulation that the property has to be abutting a parcel zoned for a car dealership; therefore, the City could have control by denying a rezoning application that is not appropriate.

**Mr. Gord Fuller, 604 Nicole Street – Neither Opposed nor In Favour**

- Asked if the cars would remain on the property as legal non-conforming or would they need to be moved if the bylaw is adopted.

Ms. Herrera noted that the use would be legal as a car dealership is a permitted use on both lots in question.

Councillor Bestwick asked Staff for clarification regarding the vehicles that encroach onto the property line would be permitted to remain.

Ms. Herrera confirmed the vehicles can remain as they are, adding it would be at the discretion of the ICF how they regulate those licenses. The Zoning Bylaw cannot control whether or not vehicles are displayed directly to that specific dealership.

Mr. Bruce noted that the intent is that the dealership abutting the land to the corridor be permitted to display vehicles on that land. The corridor is linear which causes some anomalies. Abutting is meant to be in front of that land only. It is difficult to manage through zoning; however, the ICF is clear on how to manage it.

Councillor Brennan asked if the ICF would enter into an agreement with the City which would set out policies and regulations.

Mr. Bruce confirmed ICF would be willing to enter into an agreement with the City.

Councillor Brennan asked Staff for assurance that an agreement with ICF is within Council authority.

Mr. Anderson confirmed that Council has the authority to enter into an agreement with ICF; however, reminded that the City is also part of the ICF.

Councillor Pattje asked if signage bylaws would be enforced on the ICF lands.

Mr. Bruce noted that the corridor is 168 miles long; the ICF relies upon the municipalities to enforce bylaws that apply to the ICF lands.

There were two written (attached as a part of "Attachment A – Submissions for Bylaw No. 4500.018") and five verbal submissions received with regard to Zoning Bylaw 4500.018.

Councillor Greves returned to the Shaw Auditorium at 7:47 p.m.

(b) Bylaw 4500.019 – RA281 – 6975 Island Highway North

This bylaw, if adopted, will rezone the subject property from Rural 1 [RU1] to Woodgrove Urban Centre [CC4] in order to facilitate construction of commercial buildings.

Councillor Greves vacated the Shaw Auditorium at 7:50 p.m. due to a perceived conflict of interest as he is a friend of one of the applicants.

**Mr. Dave Hammond, 3712 Glen Oaks Drive – Owner Representative**

- This application is similar to the previous application; the Staff report is thorough and recommends the rezoning.

Mayor Ruttan noted there were issues with access and egress in the previous application, asked if the issues had been resolved.

Councillor Pattje asked the speaker how the access and egress issues had been resolved.

Mr. Hammond referred to the Staff report, noting that two options were presented within the report. They have been working with the owners of the adjacent commercial property (Woodgrove Crossing), which changed hands recently. There was an agreement in place with the previous owners for access and it has been revisited with the new owners. An agreement-in-principle has been achieved to proceed on the option that includes a stop light at Mary Ellen Drive at the entrance to Woodgrove Crossing. There is also a right-in / right-out access south on the Old Island Highway on that side of the property. Access and egress through the Woodgrove Crossing property on the east and west ends to achieve traffic circulation through the two sides.

Councillor Pattje noted that previous discussions included the possibility of a roundabout versus a stop light.

Mr. Hammond noted that, through discussions with Staff, the decision was made that the stop light is the preferred option.

Councillor McKay noted that a small piece of property would remain zoned R1 if this application is approved; asked why this piece of property is not being rezoned concurrently with this application.

Ms. Herrera noted that the property referred to by Councillor McKay is outside Nanaimo City limits and is therefore outside of our jurisdiction.

Mr. Anderson added that it is not Staff protocol to speak to property owners who are next to lands being rezoned to inquire if they wish to rezone.

Councillor Greves returned to the Shaw Auditorium at 8:01 p.m.

There was no written and one verbal submission received with regard to Zoning Bylaw No. 4500.019.

(c) Bylaw 4500.021 – RA289 – 994 Park Avenue

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2] in order to facilitate a small lot subdivision of the property.

**Mr. Curtis Noble, Chatwin Engineering – Applicant Engineer**

- Mr. Curtis' presentation is attached as a part of "Attachment B – Submissions for Bylaw No. 4500.021".

**Mr. Holden Southward, 848 Inez Place – Opposed**

- Believes food security is imperative when considering rezoning properties of this size within the City as potential agricultural land should be considered for future food gardens and food production.

Mayor Ruttan noted that organizations like the Young Professionals of Nanaimo have developed raw land for use as community gardens.

Councillor Bestwick agreed that food security issues are imperative; however, this Public Hearing is in relation to land use.

Councillor Johnstone noted that the top two lots in the northeast corner of the subject property have been designated as parkland; there may be an opportunity to create an urban garden out of those lots in the future.

**Mr. Brian Conway, 395 Ninth Street – Opposed**

- Owns 2.5 acres across from the subject property. The Official Community Plan dictates that while infill of residential lots is encouraged it must be designed to complement existing neighbourhood character. Does not believe this proposal will fit into the neighbourhood.

Councillor Anderson asked for clarification regarding the proposed road widening and improvements to Ninth Street.

Mr. Noble noted that as part of the previous application Staff indicated Ninth Street would need to be upgraded to R6 designation, which is a neighbourhood collector. This consists of two lanes and a parking lane; it would be wide enough to accommodate a moving vehicle, a vehicle parked on the road as well as concrete curb and sidewalk. The intersection of proposed Road B and Ninth Street would have chokers installed; the sidewalk would flare out and project further into the driving lane, which gives the visual appearance that the road is narrowing. This is a proven method that slows down vehicular traffic and provides more safety for pedestrians.

Councillor Anderson asked for confirmation that two additional roads will be added to Ninth Street.

Mr. Noble noted that the developer is responsible for upgrading that portion of the road which is along their property; therefore, they will be widening from centre line and providing the ultimate road cross-section to the subject property. The onus would be on the City or a future developer to upgrade on the opposite side of the centre line.

Councillor Anderson asked for confirmation that there will be enough room on the road for the proposed and future improvements.

Mr. Noble confirmed that the proposed road works comply with the current City of Nanaimo R6 Standard.

**Mr. Dave Chair, Project Engineer**

- Clarified that a retaining wall is being built on Ninth Street to facilitate the sidewalk to be constructed, that is how they achieved the width they needed.

There were three written (attached as a part of "Attachment B – Submissions for Bylaw No. 4500.021") and four verbal submissions received with regard to Zoning Bylaw No. 4500.021.

(d) **Bylaw 4500.022 – RA290 – 191 King Road**

This bylaw, if adopted, will rezone the subject property from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2] and Duplex Residential [R4] in order to facilitate a subdivision of the property.

**Mr. Brian Senini, 3056 Waterstone Way - Applicant**

- Current zoning of Single Family (R1) has a minimum parcel size of 500m<sup>2</sup>, the subject property is 2,725m<sup>2</sup>; therefore it is currently capable of being subdivided four lots and a duplex lot or 5 lots.



- Proposal is to subdivide the subject property into six small lot parcels and a duplex lot. Net increase over the current subdivision potential is two small lots. Believes proposal represents a more viable form of housing for the neighbourhood and is consistent with much of the recent development on Salmon Road.
- 30 invitations (attached as a part of "Attachment B – Submissions for Bylaw No. 4500.022") to an on-site meeting were distributed in the neighbourhood. Two neighbours attended the meeting; one of whom had a concern regarding on-street parking on Salmon Road. Mr. Senini informed the neighbour that significant improvements to the road works and services, including a widening of the pavement to accommodate parking on the side of the street adjacent to the subject property. The other attendee neighbouring couple expressed support for the proposal.
- The property is located within an existing residential neighbourhood with several new single family and duplex dwellings that have been constructed over the past few years.
- This proposal is directly adjacent to existing infrastructure including roads, water, sewer and storm and road frontages on Salmon and King Roads would be improved. Many amenities are within walking distance.

Councillor McKay noted that the property at 2171 Salmon Road and two lots to the west are zoned duplex. Asked if the proposal would be of similar size and nature to what exists to the west of the subject property.

Mr. Senini confirmed that the proposal would be of similar size and nature to what exists to the west of the subject property.

Councillor Bestwick asked for clarification regarding the space indicated on the map between lots 6 and 7.

Mr. Senini noted the space indicated is a part of lot 7, which is 701m<sup>2</sup>, which is proposed for a duplex.

Councillor Pattje asked for clarification on what the reduction in lot depth would be on lots 4, 5 and 6.

Mr. Senini stated that lot depths have been reduced to an average of 28, as opposed to 30.

**Mr. Bob Boudot, 199 King Road – Opposed**

- Believes there is too much housing being developed in the neighbourhood and this proposal will only add to very dangerous driving conditions in the area. Snow and ice only exacerbate the dangers. A congestion of vehicles is created during snowstorms as vehicles cannot make it up the hill. Submitted a letter on behalf of his neighbour Mr. Andre McGuffie (attached as a part of "Attachment C – Submissions for Bylaw No. 4500.022").
- Canvassed 8 neighbours on King Road and most residents he spoke with are opposed to the proposal.

**Ms. Laura Kristiansen, 198 King Road – Opposed**

- Salmon and King Roads are extremely hazardous in the summer and are treacherous in the winter.
- Traffic is already congested in the area. Additional 8 residences will result in a high danger risk. Street parking is currently a problem. Does not believe widening the road will help.

**Mr. Hamid Rashid, 191 King Road – In Favour**

- Attended the community meeting and has lived in the neighbourhood for a year. Has not experienced any dangerous traffic issues, a yield sign may be beneficial at the bottom of the hill which could help with speeding. Uses the road constantly and has never had an issue with too much on-street parking.
- Each proposed home will include a driveway which would help with any perceived parking problems.
- Has not experienced a congestion of vehicles at the bottom of the hill during winter. He was not canvassed by any neighbours regarding his opinion of the proposal. Believes the proposal will be an improvement to the neighbourhood, the existing house is old and not visually appealing.

**Mr. Gabriel Neaga, 195 King Road – Opposed**

- Concerned about crowding in too many houses in the neighbourhood.

**Mr. Gary Sanghera, 2171 and 2173 Salmon Road – In Favour**

- Has previously developed homes in the neighbourhood, the neighbours were happy with those developments and he does not see a problem with the proposal fitting into the area.
- Young families need viable, affordable housing.

**Mr. Bob Boudot, 199 King Road – Redress**

- Stated that a previous speaker who indicated he has lived in the neighbourhood for a year has not lived there for a full year and has not experienced bad winters in the area.

There were five written and six verbal submissions received with regard to Zoning Bylaw No. 4500.022.

5. **CONSIDERATION OF BYLAWS:**

36312 It was moved and seconded that Council defer consideration of "ZONING AMENDMENT BYLAW 2012 NO. 4500.018" to the next Regular Council Meeting. The motion carried.

Opposed: Mayor Ruttan, Councillors Bestwick and McKay

36412 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.019" pass third reading. The motion carried unanimously.

36512 It was moved and seconded that Council defer consideration of "ZONING AMENDMENT BYLAW 2012 NO. 4500.021" to the next Regular Council Meeting. The motion carried.

Opposed: Councillor McKay

36612 It was moved and seconded that "ZONING AMENDMENT BYLAW 2012 NO. 4500.022" pass third reading. The motion carried unanimously.

6. ADJOURNMENT:

36812 It was moved and seconded at 8:55 p.m. that the meeting terminate. The motion carried unanimously.



MAYOR

CERTIFIED CORRECT:



MANAGER,  
LEGISLATIVE SERVICES