

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-MAY-02, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor D. Bonner
Councillor T. Brown
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor Z. Maartman
Councillor I. W. Thorpe
Councillor J. Turley

Absent: Councillor S. D. Armstrong

Staff: L. Rowett, Manager of Current Planning
D. Stewart, Planner
S. Gurrie, City Clerk
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

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:

The Public Hearing Meeting was called to order at 7:00 p.m. Mayor Krog spoke regarding the purpose of a Public Hearing, advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and advised of the standard protocols for a Public Hearing.

4. PUBLIC HEARING AGENDA:

Lainya Rowett, Manager, Current Planning, explained the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

(a) Rezoning Application No. RA403 - 2397 Barclay Road and Rezoning Application No. RA414 - 2387 Barclay Road

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Wes Klippert, Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA403 – 2397 Barclay Road and Rezoning Application No. RA414 – 2387 Barclay Road:

- Plan to turn the two lots into four lots with a house and suite on each lot for a total of eight units
- Increase the number of bedrooms from 4 to 24 units per hectare
- New homes to be designed with quality building materials to improve sound dampening and provide more energy efficiency (net zero)
- Heat pumps will be installed for heating and cooling
- Gas will be installed for cooking and water heating, but wiring will be in place for when the transition occurs to carbon free building
- Each of the four houses will cost less in utilities to heat for a year than one of the existing modular homes currently costs for one month during the winter
- Believes this proposal will benefit Nanaimo and the environment
- Received four letters of support from residents on Barclay Road

Mayor Krog called for submissions from the Public regarding Rezoning Application No. RA403 - 2397 Barclay Road:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA403 - 2397 Barclay Road.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA403 - 2397 Barclay Road.

Mayor Krog called for submissions from the Public Rezoning Application No. RA414 - 2387 Barclay Road:

1. Bill Manners, 118 - 6597 Applecross Road, spoke in opposition, and stated the following:

- The existing lots with mobile homes on them are some of the more affordable properties in the City for new home buyers
- Mobile homes were placed on these lots in the mid 1970's to early 1980's as a means of affordable housing when the market was increasing
- Rezoning these lots to change from 4 bedrooms to 24 is too much density for this area
- Neighbours would be in favour of this proposal because it will increase their property values but this will contribute to the unaffordability of housing
- Requested that Council not vote in favour of this rezoning application

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA414 - 2387 Barclay Road.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA414 - 2387 Barclay Road.

No written submissions were received during the Pubic Hearing with respect to Rezoning Application Rezoning Application No. RA414 - 2387 Barclay Road.

(b) Rezoning Application No. RA411 - 25 Front Street

To be introduced by David Stewart, Planner.

Presentation:

1. Richard Scott, 2742 Benson View Road, Owner, spoke in favour and stated the following regarding Rezoning Application No. RA411 – 25 Front Street:

- This site meets the required distances from schools, daycare centres and other cannabis retail stores
- Pauline Haarer Elementary School is the closest school to this location and is approximately 300m from the subject property
- The closest playground is at the north end of the Swyalana Lagoon, Maffeo Sutton Park, and is approximately 250m from the subject property
- There is convenient access to public transportation

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA411 - 25 Front Street.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA411 - 25 Front Street.

(c) Rezoning Application No. RA413 - 3923 Victoria Avenue

To be introduced by David Stewart, Planner.

Presentation:

1. Cory Waldron, 7898 Lantzville Road, Mood Cannabis Co., Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA413 – 3923 Victoria Avenue:

- Since starting this application process everything has been done in compliance with all three levels of government and they plan to continue doing so in the future
- Two cannabis retail store rezoning applications submitted to the City currently
- This store meets the intent of the rezoning criteria

Mayor Krog called for submissions from the Public:

1. Lana Fitzpatrick, 2988 105th Street, spoke in opposition, and stated:

- Diverse area and busy traffic wise
- Subject property is across the street from Wellington Beer and Wine Store and overlooks the Wellington Community Hall
- Referred to Official Community Plan (OCP) goals as a guide in decision making and focused on goal two, “to build a more sustainable community”
- The proposed business needs a regional focus and this is a community centre
- Exiting onto Island Highway from this neighbourhood can be difficult
- Requirement of 200m between cannabis stores does not provide much restriction
- There is another application at Country Club Mall that would be a more suitable location for the proposed use
- Negative impact on community should be mitigated and currently the applicant has followed all of the rules
- Concerned that people who come to the store may smoke outside the store

- Loudon Park is close by with families walking past this site to get to the beach
- Previous illegal store in this area had documented negative impact
- Concerned about potential signage on the backside of the building facing Wellington Hall
- Increase in traffic and parking issues
- Suggested hours of operations for the store match the Wellington Liquor Store
- Concern over exposure of cannabis to minors
- Does not feel this application is in line with the OCP

Mayor Krog called for submissions from the Public for a second time:

1. Cory Waldron, 7898 Lantzville Road, Mood Cannabis Co., Applicant, spoke in favour and stated the following:
 - Met with David Murchie, head of the Wellington Community District Association, and addressed concerns of the community association
 - Heard the concerns related to a previous illegal store in this area
 - Consumption is not permitted outside the store
 - Hours of operation match the Wellington Pub and liquor store across the street and fits within the regulated parameters
 - The Wellington Pub, Tattoo shop and Golden Inn Restaurant are in support of this application
 - Noted the number of cannabis stores allowed in Nanaimo is dependent on Council and noted the complications of submitting a legal cannabis store application

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA413 - 3923 Victoria Avenue.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA413 - 3923 Victoria Avenue.

(d) Rezoning Application No. RA416 - 1483 Bowen Road, Unit A

To be introduced by David Stewart, Planner.

Presentation:

1. Alex Robb, 1180 Fort Street, Victoria, Trees Cannabis, Applicant, spoke in favour and stated the following regarding Rezoning Application No. RA416 – 1483 Bowen Road:

- Trees Island Grown operates out of Victoria, BC, and currently runs five cannabis storefronts in Victoria, two in Nanaimo (which are up for Public Hearing tonight), and last year they took over operations of a dispensary in the downtown eastside in Vancouver which is a licenced store that received a development permit from the City of Vancouver
- Employs over 180 workers and serves approximately 50,000 members
- On a busy day a Trees store will see around 300 - 400 customers
- The first and second cannabis store to receive rezoning in Victoria
- Currently in the financial integrity stage of provincial licence application and anticipate next month to be undergoing personal interviews
- Cannabis legalization is the largest public policy shift in recent years
- It is a difficult and involved process to gain provincial approval
- This location has been a safe and affordable source of cannabis product since it opened in 2014 as Vancouver Island Health Advocacy Centre (a compassion club)
- Previous owner was an activist and brought on business partners to keep the store operating
- Trees is now an amalgamation of three compassion clubs with two in Victoria and this location at Bowen Road
- Matter of significance that all products sold in these stores are grown, processed and packaged within the local area to facilitate small growers trying to get into the legal system
- The subject property is just outside of buffer zone for elementary schools and daycares, but just within the buffer for Bowen Park
- Daycare that operates in Bowen Park is more than one kilometer away
- Heard of a possible application for a daycare at neighbouring Nanaimo Athletic Club and have communicated with the owners who raised no concerns
- The site follows all City and Provincial security regulations
- Believes the store has improved security in the area since opening
- Substantial parking on the site 16 shared parking spots available
- Support of charities and social services in Nanaimo specifically those working on issues of food security, housing and homelessness, and harm reduction
- Making a \$10,000 community contribution to support a recently established food forest in Beaufort Park
- Subsidy program to support people who do not have adequate means to get the products that they need

Mayor Krog called for submissions from the Public:

1. Dave Seymour, 1481 Bowen Road, spoke in opposition and stated:

- Cannabis dispensaries are a positive addition to the community
- Opposed to the rezoning in this location due to parking concerns
- Three businesses in this location sharing parking lot with this store expected to have 300 - 400 people in a day resulting in 30 - 40 in an hour, resulting in cars parking illegally to visit this store
- Located within 200m of a playground
- Change to bylaw has allowed for businesses to share parking spaces, otherwise this would not meet the requirement for parking
- Safety concern on frontage road due to illegal parking
- Has asked the City to post signs to manage parking

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA416 - 1483 Bowen Road, Unit A.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA416 - 1483 Bowen Road, Unit A.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA416 - 1483 Bowen Road.

(e) Rezoning Application No. RA417 - 510 Fifth Street, Unit 105

To be introduced by David Stewart, Planner.

Presentation:

1. Alex Robb, 1180 Fort Street, Victoria, Trees Cannabis, Applicant, spoke in favour stating the following regarding Rezoning Application No. RA417 – 510 Fifth Street:

- This property has been operating as a cannabis store since July 2015
- Shoppers Drug Mart intended to operate a Shoppers Drug Mart Cannabis store but when Federal and Provincial regulations came into affect they were not ready as a business to move forward, so they contacted Trees
- This location complies with the rezoning criteria for cannabis retail stores and is not within 200m of any daycare, school or park
- It is located within a shopping mall
- The mall also provides a liquor store and services the university area
- Storefront meets all requirements for security and cannabis handling
- Parking available on street and within the mall parking lot
- Windows made opaque with images of a forest
- This store will donate a portion of profits to nearby charities

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

Mayor Krog called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

Mayor Krog called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

No written submissions were received during the Public Hearing with respect to Rezoning Application Rezoning Application No. RA417 - 510 Fifth Street, Unit 105.

5. FINAL CALL FOR SUBMISSIONS:

Mayor Krog announced that following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

6. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 8:03 p.m. The motion carried unanimously.

7. BYLAWS:

(a) “Zoning Amendment Bylaw 2019 No. 4500.136”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.136” (RA403 - To rezone 2397 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2]) pass third reading. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2019 No. 4500.137”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.137” (RA414 - To rezone 2387 Barclay Road from Single Dwelling Residential [R1] to Single Dwelling Residential – Small Lot [R2]) pass third reading. The motion carried unanimously.

(c) “Zoning Amendment Bylaw 2019 No. 4500.141”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.141” (RA411 - To rezone 25 Front Street to allow “Cannabis Retail Store” as a site-specific use in the Chapel Front [DT5] Zone) pass third reading. The motion carried.

Opposed: Councillor Thorpe

(d) “Zoning Amendment Bylaw 2019 No. 4500.138”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.138” (RA413 - To rezone 3923 Victoria Avenue to allow “Cannabis Retail Store” as a site-specific use in the Neighbourhood Centre [CC2] Zone) pass third reading. The motion carried.

Opposed: Mayor Krog and Councillor Turley

(e) “Zoning Amendment Bylaw 2019 No. 4500.139”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.139” (RA416 - To rezone 1483 Bowen Road to allow “Cannabis Retail Store” as a site-specific use in the Community Corridor [COR3] Zone) pass third reading. The motion carried.

Opposed: Mayor Krog and Councillors Thorpe, Turley

(f) “Zoning Amendment Bylaw 2019 No. 4500.140”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.140” (RA417 - To rezone 510 Fifth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] Zone) pass third reading. The motion carried.

Opposed: Councillor Thorpe

8. REPORTS:

(a) Liquor Licence Application No. LA135 - 11 Cliff Street, Units N and O

Introduced by Dave Stewart, Planner.

Presentation:

1. John Eubank, 5891 Redwing Crescent, spoke regarding Liquor Licence Application No. LA135 – 11 Cliff Street, Units N and O:

- Hub City Ales, trade name Cliff Side Brewing Company, is a family business brewery
- Requesting occupancy capacity of 48 people
- Not proposing to become a nightclub, want to brew beer and serve and sell beer onsite including an outdoor patio

- Some concern heard from community about potential noise from the outdoor patio
- No live entertainment proposed for the outdoor patio
- Will operate the same hours as neighbour White Sails brewery only difference between the two locations being the outdoor patio
- Handcrafted unique brewing system makes about 2,000 litres per month based on market demands
- Welcomed people to visit the building and ask about the business
- Surrounding businesses are supportive
- Issues resolved with onsite parking by leasing the stalls in front of the building
- Operating hours are from 3:00 p.m. – 11:00 p.m. and other businesses within the compound closes at 4:00 p.m.
- The compound will be locked at 11:00 p.m.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Liquor Licence Application No. 135 - 11 Cliff Street, Units N and O.

No one in attendance wished to speak regarding Liquor Licence Application No. 135 - 11 Cliff Street, Units N and O.

9. ADJOURNMENT:

It was moved and seconded at 8:16 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER