

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-MAR-14, AT 7:00 P.M.

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

Staff: D. Lindsay, Director of Community Planning (arrived 8:01 p.m.)
L. Rowett, Manager of Current Planning (vacated 8:26 p.m.)
D. Fox, Manager, Building Inspections (arrived 7:30 p.m.)
M. Koch, Planner (vacated 9:45 p.m.)
S. Snelgrove, Deputy Corporate Officer
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. INTRODUCTION OF LATE ITEMS:

(a) The following Agenda items will be introduced by Darcy Fox, Manager, Building Inspections, instead of Dale Lindsay, Director of Community Development:

- Agenda Item 9(a) - Bylaw Contravention Notice - Secondary Suite
- Agenda Item 9(b) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 479 Park Avenue;
- Agenda Item 9(c) - Bylaw Contravention Notice – Construction Started Without a Building Permit - 3650 Planta Road; and,
- Agenda Item 9(d) - Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit - 3162 Mexicana Road.

(b) Add - Agenda Item 9(e) – Covenant Amendment Application No. CA10 – 1371 Stewart Avenue Resolution.

3. ADOPTION OF AGENDA:

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 Meeting was called to order at 7:01 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.

5. 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) Covenant Amendment Application No. CA10 - 1371 Stewart Avenue

Introduced by Madeleine Koch, Planner.

Presentation:

1. Steve Johnston, Alair Homes, Applicant, spoke in favour of Covenant Amendment Application No. CA10 – 1371 Stewart Avenue and stated:
 - Representing Harbour City Entertainments Development Ltd.
 - Covenant has been on this property since 1987
 - Reason for the covenant was to provide parking for two restaurants previously across the street
 - As this is a provincial road the covenant is no longer allowed
 - The subject property is not being used for parking and is desirable for re-development

Mayor Krog called for submissions from the Public:

No one in attendance wished to speak regarding Covenant Amendment Application No. CA10 - 1371 Stewart Avenue.

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

No one in attendance wished to speak regarding Covenant Amendment Application No. CA10 - 1371 Stewart Avenue.

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

No one in attendance wished to speak regarding Covenant Amendment Application No. CA10 - 1371 Stewart Avenue.

No written submissions were received prior to or during the Public Hearing with respect to Covenant Amendment Application No. CA10 - 1371 Stewart Avenue.

(b) Rezoning Application No. RA397 - 4900 Island Highway N

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Mark Holland, Holland Planning Innovations Inc., Applicant, spoke in favour of Rezoning Application No. RA397 - 4900 Island Highway N and stated:
 - Consulting team was in attendance to answer any questions
 - Two new auto dealerships proposed: one will be Subaru and the other will be a luxury brand
 - A Porsche dealership agreement has not been finalized and it is not known what luxury brand that will be secured for this location
 - Will contain a pre-owned show room and structured parking
 - Investing \$100,000 in the surrounding area to update Wills Road with planned improvements to include: parallel parking, bike lanes, pedestrian improvements, landscaping and an updated transit stop
 - 3D model fits with the landscape and is a modest design with a wide greenspace surrounding the location
 - City needs a clear economic development and employment lands policy that anticipates how much land and how many jobs will be needed for the future
 - Official Community Plan (OCP) is from another timeframe
 - Nanaimo going forward needs an economic spine/backbone that supports the city-wide and meta-wide economy
 - Businesses that serve the meta region and the City itself are located along the Island Highway
 - This spine/backbone of the community is unsightly due to large paved areas but serves more than the local population as it draws customers from outlying areas
 - Regional economy versus neighbourhood economy
 - Everything outside of the spine area should be a neighbourhood scale economy with smaller boutiques, cafés, retail and grocery stores all accessible via alternate transportation methods
 - Regional economy is industry, auto dealerships, and malls
 - Transportation plan recognizes the meta regional role
 - 30 to 50 thousand people anticipated to move to Nanaimo within the next 20 – 25 years which will increase the demand for cars
 - OCP was created approximately 11 years ago to serve the demands of an economy 15 years ago during which time Nanaimo has changed dramatically
 - OCP land use expectations come from an era of recession when land values were lower and land was readily available
 - Currently there is a very limited amount of land available for businesses in Nanaimo

- COR3 zone is typically situated along side streets; however, there is COR3 zoning along the Island Highway in which existing auto dealerships were recognized, this is why the application is for a site specific use
- There are some people opposed to the auto dealership sector and would like to see it moved outside of the City which would require approximately 100 acres to accommodate
- Feels that Staff have wanted to see residential use on this site, independent of any other use, and have presented only condo examples
- Compared the auto dealership option with the hypothetical condo option and reviewed topics of:
 - Balancing land uses
 - Increasing active transportation
 - Environmental protection
 - Healthy community planning
 - Impacts on Wills Road businesses and residents
 - Protecting industrial lands
 - Jobs – 70 new jobs proposed
 - Securing employment lands
 - Moderating business taxes
 - Supporting housing affordability
 - Keeping growth compact and within the City
- Site sat on the market for two years before GAIN Group purchased and no condo marketer bought it
- Good for economic wealth of the City going forward
- Aims to keep auto economy clustered in one area of the City

D. Fox entered the Shaw Auditorium at 7:30 p.m.

Mayor Krog called for submissions from the Public:

1. Pat Portsmouth, 934 Highview Terrace, spoke in opposition and stated:

- COR3 means medium to high density mixed use which means there can be apartments, small businesses and other amenities
- Hearing a lot about jobs, but where will people live
- The rental stock in Nanaimo is old
- The company met with Staff who advised against the idea
- Families, seniors, the disabled, migrants, people with modest incomes, women with modest pensions and people who prefer renting over ownership want apartments
- More workers will be needed for seniors care and small businesses
- Some businesses are not able to find employees because there is no accommodation within the City
- Not everyone can afford a home or wants to own their home
- OCP has had a lot of time invested into it and should be followed
- Providing homes that people need and not having the car as the centre of our lives, people are more important

2. Sandra McNicol, 4949 Wills Road, spoke in favour and stated:
 - Building family-oriented apartments would not provide a safe space for children to play
 - Need jobs in Nanaimo before housing
 - Good jobs provide the income needed for condos
 - GAIN dealership would be a good fit for the area
 - Plan for neighbourhood improvements
 - Dealership would have a low impact on the neighbourhood compared with any other suggested use of the property
3. George Beadle, 4949 Wills Road, spoke in favour and stated:
 - Traffic in Nanaimo has increased significantly
 - People use Wills Road as a detour around the intersection at Mostar Road and the Island Highway
 - A residential complex would compound the traffic problem
 - People who are opposed should consider opinions of the residents directly affected
4. Margot Walker, 4949 Wills Road, spoke in favour and stated:
 - She is the secretary of Water Down Quay Strata Council
 - Developers have been proactive in communicating with the strata
 - Plan demonstrates desire to work with the neighbourhood and provide improvements to Wills Road
 - Improvements include sidewalks up to Rutherford Road
 - GAIN Group is proposing a seven meter green space between their properties which will reduce the commercial look of the property
 - Heights of buildings would be no more than 4m high
 - Development would provide jobs, road improvements, increased urban vegetation and trees helping to blend the business with the surrounding amenities
 - Working with transit to upgrade the bus stop
 - Viable and considerate plan to develop a vacant lot
5. Bernadette Insley, Unit 408 Wills Road, spoke in favour and stated:
 - Homeowner since 2007
 - The view from her unit 408 on Wills Road
 - Her strata shares a property line with 4900 Island Highway North
 - No opposition to the development on the site as proposed
 - Was previously the site of a nursery and landscape facility which was noisy, dusty and dirty
 - The development plans to provide a sidewalk along Wills Road which would benefit the strata, the guests from the Inn on Long Lake, and the complex care facility up the road
 - Hopes the development proceeds and the land stays actively used and promotes jobs in Nanaimo

6. Ian Gartshore, 353 Seventh Street, spoke in opposition and stated:

- Feels this decision is more about maintaining what the City has always done rather than looking ahead
- Looking towards a people focused place
- Need to make Nanaimo more liveable, green, affordable, multi-modal
- People in that area do deserve better sidewalks and transportation services, but any development would be required to make those improvements
- Need for more housing options and supply
- Increasing the number of people living in that corridor would make it more sustainable and likely increase other modes of transportation
- Issue of air pollution and reducing single car transportation in the future
- Consider the climate crisis

D. Lindsay entered the Shaw Auditorium at 8:01 p.m.

7. Larry Whaley, 5234 Sherbourne Drive, spoke in opposition and stated:

- Recent visitor commented “look at all those car lots” while driving through Nanaimo
- The City staff have proposed a different use for this land which will comply with the Official Community Plan
- Official Community Plan needs to be reviewed
- The proposal is not the best thing for the neighbourhood or the City as a whole
- We should welcome new business to Nanaimo, but our rules must be clear and enforced

8. David Murchie, 2700 102nd Street, spoke in opposition and stated:

- Car dealerships do not fit the requirements of COR3 stating it is for the day to day needs of the community
- City needs more residential and small business space
- Car dealerships create empty lots with small buildings on large properties and would under value and under utilize the site
- A sound business plan will not depend on this property for success
- COR3 zone provides a mix of small business and residential use
- OCP creating higher density
- Provided statistics regarding employment rates in Nanaimo from BC Stats
- There is demand is for small businesses facilities, but current development does not provide enough to keep up with the demand
- Many employees can't afford to live in Nanaimo
- Madill site was precedent setting for this type of application but is not comparable with this site
- This development would undermine the OCP and the Transportation Master Plan

9. Helena Hiltz, 6711 Dover Road, spoke in opposition and stated:
- Good project in mind but this is the wrong location for this business, should be in a light industrial area
 - Car business does not meet the need for affordable housing or fit with the character of this area
 - This area already provides the necessary services for pedestrian friendly housing for young people, families, seniors, and many who are living alone
 - Property abuts other residential complexes
 - Within walking distances of a beach for swimming
 - Need to consider future impacts
 - Suggest Council accept Staff's recommendation for the benefit of all of Nanaimo to put public interest ahead of private interest in Nanaimo
10. Randal Taylor, 3172 Farrar Road, spoke in favour and stated:
- Representative of Commercial real estate company NAI Commercial Central Vancouver Island
 - Previous Staff report suggested that the OCP considers this use to be more appropriately located within an industrial areas; however, this may impact on industrial lands
 - Availability of industrial lands are limited within Nanaimo
 - Community Plan suggests protection of light industrial lands from intrusion by retail, and other uses that can be accommodated in other areas
 - Listed the current light industrial properties available for purchase within Nanaimo
 - Affect of putting other uses onto industrial land: increases competition for land, increases cost of land, and forces companies to leave Nanaimo
 - Industrial companies are leaving the City because they need to expand and cannot find appropriate places
 - This year new high of \$1.1 million per acre for industrial land
 - City needs to protect the long-term use of industrial lands for industrial users
 - High visibility commercial businesses should be placed along high visibility corridors
11. James Young, 6404 Pachena Place, spoke in favour and stated:
- General Manager of the Inn on Long lake since 2010
 - GAIN Group seems to be responsible corporate citizens in the community
 - Improvement proposed by this development would bring benefit to the Inn's customers and staff
 - Seems an unlikely place to build housing

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

- Not against car lost of business in Nanaimo, but location is not suited for proposed use
- Wellington has a diversity of land use happening in a small area and is the geographic centre in Nanaimo making it a good area to densify
- Previously opposed to densification but learned that it is necessary for the City to grow
- Subject property was a commercial property but it is essentially in a residential area

L. Rowett vacated the Shaw Auditorium at 8:26 p.m.

- This application would go against the goals of the OCP
- Requested that Council follow Staff's recommendation and enforce the OCP

13. Dr. Robert Wolanski, 4800 Island Highway North, spoke in favour and stated:

- Has operated a dental practice adjacent to this property for 24 years
- Traffic concerns in this area
- He is the president of Water Down Quay Commercial strata section who unanimously support the GAIN Group's proposal
- Does not disagree with argument supporting high density residential housing but raised concerns regarding health issues for people living near highways

14. Lauren Semple, 831 Brechin Road, spoke in opposition and stated:

- October 2018 Canada Mortgage and Housing Corporation reported Nanaimo's vacancy rate at 2.4% and estimates it will decline in the next report
- Average home in Nanaimo is seven times the median income, and should be around three
- Home ownership is unattainable for many people and medium to high density rental options are needed to address the housing crisis
- This land is centrally located and ideal for residential use
- COR3 is already full of car dealerships on grandfathered land
- Need to start taking bold action to plan appropriately for the future
- Staff's recommendation supports the plans set forth by the City under the OCP such as the Sustainable Action Plan and the Affordable Housing Strategy

15. Chris Erb, 2690 Elk Street, spoke in favour and stated:

- President of Superb Construction, past president of Canadian Home Builders for British Columbia, past president of Vancouver Island Construction Association
- Works for GAIN Group all over Vancouver Island and employs many people

- In Nanaimo GAIN Group has 96 employees and on Vancouver Island they have 496 employees paying \$28 million in wages
- 23 dealerships currently in COR3
- The City has been a regional growth economy and relies on people coming to Nanaimo for their shopping
- Top 20 malls in Nanaimo paid \$19.6 million in property taxes last year and the 20 dealerships in the surrounding area paid \$1.4 million in property taxes
- Had been unsuccessful in his attempts to purchase 6 different parcels of land near Shenton Road prior to the purchase of this property
- Feels this is the best use of this property

16. Kat Mann, 471 Gail Place, spoke in favour and stated:

- Works for GAIN Group as a fixed operations manager
- 96 current employees within Nanaimo 26 of which have been promoted within their group, 21 of those 26 started in entry level positions
- Supports Vancouver Island University Apprenticeships with four employees currently pursuing their apprenticeships
- Employees are proud to represent the brands that the GAIN Group is associated with
- Allows young people to remain within the City and provides long term careers

17. Kelly Hiltz, 5660 Edgewater Lane, spoke in opposition and stated:

- United Nations stated the urgency for communities to manage their land and forests through mixing cities with forests
- Frequently rides her bicycle along roads and finds the pollution gives her headaches
- Spent 6 hours walking around Long Lake asking people for input and what they would like to see on this site, everyone wanted green residential
- Need a large green corridor of forest to promote health and environmental benefits
- Suggested using the site for residential purposes with small businesses underneath and a wildlife greenery around the perimeter

18. W. James Slater, 451 Blythe Avenue, spoke in opposition and asked Council to consider what would be the best use of this property near Long Lake, and what will bring the greatest benefit to Nanaimo residents as a whole.

19. Brian Anderson, 916 Spring Place, spoke in favour and stated:

- Corridor designation was designed to promote density and to maximize transportation
- Need to look at site specific situations and all factors related
- Nanaimo needs good paying jobs

- A few years ago Nanaimo had the lowest paying per capita income in the province
- Need jobs so that people can live, work and play here

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

No one in attendance wished to speak regarding Rezoning Application No. RA397 - 4900 Island Highway N.

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

20. Kelly Hiltz, 5660 Edgewater Lane, returned and spoke in opposition stating:

- United Nations said they are depending on communities to be environmental leaders by creating environmental sustainability

Two written submissions were received during the Public Hearing with respect to Rezoning Application No. RA397 - 4900 Island Highway N:

- David Murchie, opposed
- Helena Hiltz, opposed

6. 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.

7. ADJOURNMENT OF THE PUBLIC HEARING:

It was moved and seconded that the Public Hearing adjourn at 9:03 p.m. The motion carried unanimously.

8. BYLAWS:

(a) “Zoning Amendment Bylaw 2019 No. 4500.131”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.131” (To rezone 4900 Island Highway North in order to permit site-specific automobile sales, service, and rental use) pass third reading. The motion carried.

Opposed: *Councillors Brown, Geselbracht, Hemmens, Thorpe*

By unanimous consent Agenda Item 9(e) - Covenant Amendment Application No. CA10 – 1371 Stewart Avenue was reordered to be considered prior to Agenda Item 9 - Reports.

(b) Covenant Amendment Application No. CA10 – 1371 Stewart Avenue

It was moved and seconded that Covenant Amendment Application (CA0000010), to discharge the Section 219 covenant (S126899) registered on the title of 1371 Stewart Avenue, be approved. The motion carried unanimously.

The Special Council meeting recessed at 9:45 p.m.
The Special Council meeting reconvened at 9:57 p.m.

9. REPORTS:

(a) Bylaw Contravention Notice - Secondary Suite

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice – Secondary Suite 515 Stewart Avenue.

No one in attendance wished to speak with respect to 515 Stewart Avenue.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 515 Stewart Avenue – illegal secondary suite

The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit – 479 Park Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 479 Park Avenue.

1. Duart Rapton spoke regarding replacing windows on the building at 479 Park Avenue and correspondence from Staff.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 479 Park Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried.

Opposed: Councillor Geselbracht

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 3650 Planta Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 3650 Planta Road.

No one in attendance wished to speak with respect to 3650 Planta Road.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3650 Planta Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 3162 Mexicana Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 3162 Mexicana Road.

No one in attendance wished to speak with respect to 3162 Mexicana Road.

It was moved and seconded that Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3162 Mexicana Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

10. ADJOURNMENT:

It was moved and seconded at 10:07 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER