

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-JUN-13, AT 7:00 P.M.

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

Absent: Mayor L. Krog
Councillor J. Turley

Staff: L. Rowett, Manager, Current Planning (vacated 7:58 p.m.)
D. Stewart, Planner
S. Gurrie, City Clerk
S. Snelgrove, 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 7:01 p.m. Acting Mayor Hemmens 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. RA400 – 1300 Junction Avenue

Introduced by David Stewart, Planner.

Presentation:

1. Frank Limshue, West Urban Developments, applicant, spoke in favour and advised:
 - Company is based on Vancouver Island
 - Specialize in purpose-built rental buildings and complex development sites
 - Existing zoning is RS1-Single Family Residential and proposed zoning is COR2-Corridor Zone 2
 - Proposed zoning reflects the Official Community Plan (OCP) and area plan
 - Proposing purpose-built multi-family apartments with 3 buildings on site and approximately 213 market rental units
 - Units will be 1, 2 and 3 bedrooms
 - Underground parking under each building and surface parking is provided
 - The development of the site will provide an opportunity for future restoration of Wexford Creek
 - Site servicing is complex as the site has four road frontages which will all be upgraded
 - Layout of the site provides provisions and options for consideration of the Cranberry Connector road
 - Development diversifies residential housing inventory in the neighbourhood
 - Redevelops underutilized land to higher density
 - Improves existing infrastructure, services, roads, sidewalks and streetlights
 - New public sidewalk and pedestrian connections to be implemented
 - Community amenity contribution is proposed
 - Proposed development is consistent with OCP, brings vision in neighbourhood plan to fruition, creates a more livable community

Acting Mayor Hemmens called for submissions from the Public:

1. Gordon Freeman, 125 Roberta Road West, spoke in opposition and stated:
 - Concerned with size of project and traffic flows generated in area
 - When project pitched to Chase River Community Association the biggest concern was traffic
 - Understood traffic study had been done, but not included in paperwork or posted to website
 - Designated truck route, volume of traffic increasing
 - Two stories taller than anywhere else in neighbourhood
 - Seems to be overbuilt for area

Acting Mayor Hemmens called for submissions from the public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA400 – 1300 Junction Avenue.

Acting Mayor Hemmens called for submissions from the public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA400 – 1300 Junction Avenue.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA400 – 1300 Junction Avenue.

(b) Rezoning Application No. RA409 – 751 Haliburton Street

Introduced by David Stewart, Planner.

Presentation:

1. Doug Pauzé, Coastland Wood Industries, applicant, spoke in favour and stated:
 - Company is growing and needs office space
 - Nanaimo is the company's hub
 - Building previously used as warehouse
 - Proposing to refurbish exterior structure
 - Downstairs will be leased by Snuneymuxw First Nation's Petroglyph Development Corporation and will include meeting space for the South End Community Association free of charge
 - Coastland's operation is currently lacking client meeting/display area
 - Employee parking area is going to be improved and contain visitor parking
 - Exterior of existing building and site landscaping will be will be improved

Acting Mayor Hemmens called for submissions from the public:

No one in attendance wished to speak regarding Rezoning Application No. RA409 – 751 Haliburton Street.

Acting Mayor Hemmens called for submissions from the public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA409 – 751 Haliburton Street.

Acting Mayor Hemmens called for submissions from the public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA409 – 751 Haliburton Street.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA409 – 751 Haliburton Street.

(c) Rezoning Application No. RA407 – 6683 Mary Ellen Drive

Introduced by David Stewart, Planner.

Presentation:

1. Kevin Satterfield, BC Liquor Distribution Branch, applicant, spoke in favour and advised:
 - BC Liquor Distribution Branch is the public retailer of non-medical cannabis
 - Focused on responsibility to communities, meeting municipal requirements with transparency, being safe and secure and professional with a proven track record
 - Purpose to make high quality cannabis products and education available to all customers
 - Provincial core values guide their decision making
 - Social responsibility is a core value and messages are displayed throughout entire store
 - Information and education within store provides customers opportunity to learn about plant anatomy, plant types, chemical compounds and terpenes
 - Work with municipal bodies to go through business licensing approvals
 - Storefronts are clean, bright, welcoming and professional
 - Two ID check policy and two door system to enter store
 - Enforced ID checks for anyone who looks under the age of 30
 - Unionized environment with living wages
 - Work with union to make sure needs of staff are met and employ 14-17 employees per location
 - Only deal with licenced cannabis producers
 - Open floor plan with display pods for viewing products
 - Accessories are locked up and can only be accessed with key
 - Security includes smash resistant windows
 - Have tablets for customers to get more information about products in store or online
 - Have bud-sniff pods which are secured and contain a magnifying glass to see the bud

Acting Mayor Hemmens called for submissions from the public.

No one in attendance wished to speak regarding Rezoning Application No. RA407 – 6683 Mary Ellen Drive.

Acting Mayor Hemmens called for submissions from the Public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA407 – 6683 Mary Ellen Drive.

Acting Mayor Hemmens called for submissions from the public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA407 – 6683 Mary Ellen Drive.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA407 – 6683 Mary Ellen Drive.

(d) Rezoning Application No. RA408 – 3200 Island Highway North

Introduced by David Stewart, Planner.

Acting Mayor Hemmens called for submissions from the Public:

1. Amanda Orum, 98 Fifth Street, advised:
 - Concerned with prices of products being sold
 - Not in favour due to cost of pre-rolled joints

Acting Mayor Hemmens called for submissions from the public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA408 – 3200 Island Highway North.

Acting Mayor Hemmens called for submissions from the public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA408 – 3200 Island Highway North.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA408 – 3200 Island Highway North.

(e) Rezoning Application No. RA418 – 52 Victoria Crescent

Introduced by David Stewart, Planner.

Presentation:

1. James Maxwell, Salvation Botanicals, applicant, spoke in favour and advised:
 - Co-owner of cannabis store at 52 Victoria Crescent
 - Commended Council for all hard work being done to get ready for legal cannabis
 - Proud to be locally owned and operated
 - Employs 10-15 staff
 - Founded in August 2018 and had no sales to date, committed to going through process for rezoning with City and Province
 - Victoria Crescent ideally suited
 - Safe secure site will help with revitalization in area
 - Committed to being good neighbours
 - Store hours will be 10:30 a.m. - 7:30 p.m.
 - Store is laid out to have secure welcome area to screen individuals prior to entry into main area where customers will produce ID to prove they are legal age to buy cannabis

- Installed state of the art security system to protect staff, neighbours and customers
- Store will contain two private consultation rooms where clients can ask questions from staff
- Dedicated to promoting education and safe consumption

Acting Mayor Hemmens called for submissions from the public.

No one in attendance wished to speak regarding Rezoning Application No. RA418–52 Victoria Crescent.

Acting Mayor Hemmens called for submissions from the public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA418–52 Victoria Crescent.

Acting Mayor Hemmens called for submissions from the Public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA418–52 Victoria Crescent.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA418 – 52 Victoria Crescent.

(f) Rezoning Application No. RA420 – 140 Terminal Avenue

Introduced by David Stewart, Planner.

Presentation:

1. Jeff Horricks, Eden, applicant, spoke in favour and advised:
 - Proposal meets Nanaimo cannabis rezoning criteria
 - More than 200m away from licenced day care/school
 - Hours will be Monday to Saturday 10 a.m. to 10 p.m., Sunday 11 a.m. to 8 p.m.
 - Prior to legalization, Eden operated 4 cannabis stores with business licenses across the province
 - Closed all shops prior to 2018-OCT-17
 - Maintains clean, secure and discreet storefront
 - Windows covered to prevent product from being seen from outside
 - Strict no smoking rule in and around establishment
 - No minors permitted on site
 - ID checked at door for people who look under 30 years old
 - Confirmed with Sprott Shaw College that they do not have childcare centre onsite
 - Security is a fundamental role in day to day operations
 - Will have private security team that addresses incidents if they occur onsite and prevent minors from entering location
 - Offsite public parking in area, unlikely to be parking shortages
 - Contributing \$10,000 toward the City's habitat restoration initiative in

- Chase River
- Create opportunities for employment and increase business in the area
- Goal is to create a protected, positive and comfortable environment for customers and surrounding neighbourhood

Acting Mayor Hemmens called for submissions from the Public.

1. Liam Worthington, 3705 Apsley Avenue, spoke in favour and advised:
 - Long time Nanaimo resident
 - When lived in Coquitlam would specifically go to Eden's Vancouver store
 - Enjoys ambiance of store
 - Happy to hear they are coming to Nanaimo

Acting Mayor Hemmens called for submissions from the public for a second time.

No one in attendance wished to speak regarding Rezoning Application No. RA420 – 140 Terminal Avenue.

Acting Mayor Hemmens called for submissions from the public for a third time.

No one in attendance wished to speak regarding Rezoning Application No. RA420 – 140 Terminal Avenue.

No written submissions were received during the Public Hearing with respect to Rezoning Application No. RA420 – 140 Terminal Avenue.

5. FINAL CALL FOR SUBMISSIONS:

Acting Mayor Hemmens 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 7:50 p.m. The motion carried unanimously.

7. BYLAWS:

- (a) "Zoning Amendment Bylaw 2019 No. 4500.147"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.147" (RA400 - To rezone 1300 Junction Avenue from Single Dwelling Residential [R1] to Mixed Use Corridor [COR 2]) pass third reading. The motion carried unanimously.

(b) “Zoning Amendment Bylaw 2019 No. 4500.148”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.148” (RA409 – To rezone 751 Haliburton Street to allow “office” as a site-specific use in the Local Service Centre [CC1] zone) pass third reading. The motion carried unanimously.

(c) “Zoning Amendment Bylaw 2019 No. 4500.142”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.142”. (RA407 - To rezone 6683 Mary Ellen Drive to allow "Cannabis Retail Store" as a site-specific use in the Woodgrove Urban Centre [CC4] Zone) pass third reading. The motion carried unanimously.

(d) “Zoning Amendment Bylaw 2019 No. 4500.143”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.143” (RA408 - To rezone 3200 Island Highway North to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] Zone) pass third reading. The motion carried unanimously.

(e) “Zoning Amendment Bylaw 2019 No. 4500.144”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.144” (RA418 - To rezone 52 Victoria Crescent to allow “Cannabis Retail Store” as a site-specific use in the Terminal Avenue [DT4] zone) pass third reading. The motion carried unanimously.

(f) “Zoning Amendment Bylaw 2019 No. 4500.145”

It was moved and seconded that “Zoning Amendment Bylaw 2019 No. 4500.145” (RA420 - To rezone 140 Terminal Avenue to allow “Cannabis Retail Store” as a site-specific use in the Terminal Avenue [DT4] zone) pass third reading. The motion carried unanimously.

L. Rowett vacated the Shaw Auditorium at 7:58 p.m.

8. REPORTS:

(a) Unauthorized Suites

Introduced by Sheila Gurrie, City Clerk.

Acting Mayor Hemmens requested that Council hear anyone wishing to speak with respect to the unauthorized suites at 5829 Tweedsmuir Crescent; 806 Glengarry Crescent; 2850 Cosgrove Crescent; and 405 Nicol Street.

1. Susan Flaten, 5829 Tweedsmuir Crescent, asked if it was possible to keep the kitchen area and did not realize they were not allowed to rent the space.

2. William Curry, 405 Nicol Street, requested three months in order to complete the building plans and have them approved prior to anything being removed from the house.

It was moved and seconded that Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owners of 5829 Tweedsmuir Crescent; 806 Glengarry Crescent; 2850 Cosgrove Crescent; and 405 Nicol Street to remove the unauthorized suites and illegal construction to bring the properties into compliance within 30 days. The motion carried unanimously.

9. ADJOURNMENT:

It was moved and seconded at 8:05 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER