

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-SEP-19, 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, General Manager, Development Services
J. Holm, Director, Development Approvals
L. Rowett, Manager, Current Planning
C. Horn, Planner
S. Gurrie, Director, Legislative Services
S. Snelgrove, Deputy Corporate Officer
K. Gerard, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(d) – OCP Amendment Application – OCP89 and Rezoning Application RA395 – 388 Machleary Street – Add the following Presentations:
1. Add - Colin Harper, Wensley Architecture, to Presentation 3. Barry Weih, WA Architects, Applicant and Architect.
 2. James Partlow, Landscape Architect
 3. Mona Dahir and Nadine King, Traffic Engineers, Watt Consulting
- (b) Remove - Agenda Item 9(a) – Bylaw Contravention Notice – Secondary Suite.
- (c) Remove - Agenda Item 9(b) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 16 Fifth Street.
- (d) Remove - Agenda Item 9(e) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 311 Woodhaven Drive.
- (e) Remove - Agenda Item 9(g) - Unauthorized Structure - 3440 Shenton Road.
- (f) Remove - Agenda Item 9(h) - Unauthorized Structure - 479 Park Avenue.

- (g) Agenda Item 9(j) – Property Maintenance – 188 Capt. Morgans Boulevard and 63 Pirates Lane – Add delegation from Dan Hibbert.

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 7:03 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) Rezoning Application No. RA431 – 50 Tenth Street – Bylaw No. 4500.155

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Pete Waugh, Applicant, spoke in favour and stated:
 - The location of the proposed retail cannabis store meets or exceeds buffering requirements
 - Complied with Provincial, Federal and municipal regulations throughout the application process and has support from the landlord and surrounding businesses
 - Security will be on site to ensure age requirements are met, no consumption on site and no loitering or harassment of customers
 - All products will be packaged off-site in child resistant packaging and odour abatement strategy is in place
 - Hours of operation will be 9:00 a.m. to 11 p.m., seven days a week
 - \$10,000 community contribution will go to Marie Davidson BMX Park

Mayor Krog called for submissions from the Public:

1. Darren Ramey, 6024 Butcher Road, (part owner Brookdale Mobile Home Park), spoke in opposition, and stated that he is speaking on behalf of the majority owner of the park who has concerns regarding drug use near the property and the safety and security of the mobile home park.

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

2. Cat Lowe, 1951 Richardson Road, spoke in opposition and stated her concerns regarding parking, impaired driving, safety and security of the two senior homes on Lawlor Road and stated that the community contribution should remain in the Chase River community.

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

3. Kelly Matthews, 1548 Extension Road, spoke in favour and stated that cannabis users should not be associated with hard drug users and the business will be a positive addition to this shopping centre and for people who use cannabis to treat chronic pain.

Two (2) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-SEP-19, and no written submissions were received at the Public Hearing with respect to Rezoning Application RA431 – 50 Tenth Street.

(b) Rezoning Application No. RA372 – 2379 Browns Lane - Bylaw No. 4500.157

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Jack Anderson, agent for the applicant spoke in favour and stated:
 - The development proposal includes 30 units to be marketed towards seniors, students and smaller families
 - Location is great for seniors, students and young families as it is close to schools, shopping centres, transit and major roadways
 - May have a parking variance to increase the number of small car spaces
 - Traffic Impact Assessment completed to confirm site access is supportable
 - Access to Brackenwood Place will be limited to emergency vehicles only and will have bollards

Mayor Krog called for submissions from the Public:

1. Drea Laj, 2346 Brackenwood Place, spoke in opposition on behalf of the 42 residents in the neighbourhood and stated they have concerns regarding a multi-unit residential development in this area, increase in traffic, loss of green space and potential impacts to the neighbour's driveway at 2356 Brackenwood Place.
2. Kirsten Wilson, 2356 Brackenwood Place, spoke in opposition and stated that the emergency vehicle access would be 10 feet from her front door if built and the proposed development isn't compatible with the single family dwellings in neighbourhood.

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

3. Drea Laj, 2346 Brackenwood Place, spoke in opposition and stated that this development is not family oriented and would change the form and character of the neighbourhood and is asking that Council reject this application and a more suitable, single family dwelling development be proposed.
4. Mike Brown, 670 Stirling Avenue, spoke in favour and stated that his family has lived in the area for over 50 years and he has spoken with other neighbours who are in favour of this development.

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

No one else in attendance wished to speak regarding Rezoning Application No. RA372 – 2379 Browns Lane.

Three (3) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-SEP-19, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA372 – 2379 Browns Lane.

(c) Rezoning Application No. RA399 – 1534 Extension Road – Bylaw No. 4500.134

Introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Chris Cathers, applicant, 2620 South Forks Road, spoke in favour and stated:
 - The property is located on a major corridor and borders the railway tracks
 - Development will include family oriented townhomes and no height variance will be required
 - The proposal will include rain water collection, native food bearing plants, community garden area, and play area for children
 - Location is close to shopping, bus routes and major roadways for easy access to other areas of Nanaimo
 - A community contribution of \$11,000 and will be provided and go towards the Housing Legacy Reserve fund and a community garden will be developed in the name of Louis and Sylvia Starks
 - Development will improve existing sidewalks and road and sight lines with road widening and upgrades

Mayor Krog called for submissions from the Public:

1. Kelly Matthews, 1548 Extension Road, spoke in opposition, and stated his concerns regarding traffic, the proposed density and driving conditions particularly in winter.

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

2. Randee Nelson, 1540 Extension Road, spoke in opposition and stated her concerns regarding the lack of transit service in the area, increase in traffic, pedestrian safety and privacy impacts on her property from the proposed driveway access.
3. Jeremy Lyttle, 1542 Extension Road, spoke in opposition and stated that he has concerns regarding the increase in traffic.
4. Emery Cathers, 2620 South Forks Road, spoke in favour and stated there is a need for this type of housing, site lines along the road will be improved with the widening of the road and felt this area is safe for children walking to and from school.
5. Bill Porter, 1882 Richardson Road, spoke in opposition and stated he has concerns regarding traffic and the increase in commercial traffic in the area.
6. Christine Plumpton, 92 Roberta Road West, spoke in opposition and stated her concerns regarding a multi-unit development, increased traffic and decrease of sight lines.
7. Bailey Hamilton, 1544 Extension Road, spoke in opposition and stated that this lot is not big enough for this type of development, concerns regarding the increase in traffic, pedestrian safety and widening of the road could decrease the size of driveways in this area.
8. Kelly Matthews, 1548 Extension Road, spoke in opposition and stated his concerns regarding traffic, pedestrian safety and impact on sight lines from the proposed development.
9. Jessica Morris, 111 Cowling Place, spoke in opposition and stated she is concerned about traffic especially in winter, pedestrian safety and the development not being consistent with the single family scheme of the neighbourhood.
10. Cat Lowe, 1951 Richardson Road, spoke in opposition and stated that the current infrastructure cannot meet the demands of all the new development in this area, no foreseeable road mitigation in the future to address the increase in traffic and stated that the development is too large for this area.
11. Cameron Sheve, 391 Chesterlea Avenue, spoke in favour and stated that this development will add much needed housing diversity to the area and townhouse type units should be accepted in all areas of the City.

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

No one else in attendance wished to speak to Rezoning Application RA399 – 1534 Extension Road.

Fourteen (14) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-SEP-19, and no written submissions were received at the Public Hearing with respect to Rezoning Application RA399 – 1534 Extension Road.

- (d) OCP Amendment Application – OCP89 and Rezoning Application RA395 – 388 Machleary Street – Bylaw No. 6500.040

To be introduced by Lainya Rowett, Manager, Current Planning.

Presentation:

1. Andre Molnar, Molnar Group, owner, spoke in favour and stated:
 - City of Nanaimo is in need of more rental housing which stabilizes the community and provides low rental housing for those in need
 - Original structure housed 214 apartments and this proposed development is less than what the property is zoned for
 - Molnar Group listened to concerned citizens and the surrounding neighbourhood associations and changed the design based on their concerns
 - Held engagement session with the neighbourhood and ensured they were up front and honest with the proposed development

2. Barry Weih, WA Architects, Architect and applicant, spoke in favour and stated:
 - Developers are confident they listened to concerns and input from the neighbourhood
 - The proposed development is 175 apartments in 3, 2 storey units and 3, 4 storey units with ample green space, public seating areas with ocean view, walking corridors, and 160 underground parking spots with an additional 15 outside of residences
 - Design maintains lower level building heights to ensure view is enjoyed by all residents and no height variance is needed
 - Development includes a fitness centre, extensive landscaping, outdoor rooftop deck and outdoor plaza
 - Design has made changes to ensure the perception of the building height is minimized and to reduce the perceived scale of the property

4. James Partlow, Landscape Architect, spoke in favour and stated:
 - Developer has reconfigured the street scape and added landscaping on all surrounding streets
 - Pedestrian walkways, enhanced view corridor and driveway entrances have all been improved after concerns were heard from the neighbourhood

- Existing trees will remain and those taken down will be replaced to ensure the environmental impact is minimized

5. Mona Dahir, Traffic Engineer, Watt Consulting, spoke in favour and stated:

- Traffic study was completed based on the Standard Procedure for Traffic Studies
- Data collected concluded that no improvements are required for any of the surrounding intersections
- No improvements are required for the pedestrian and/or cycling network although the developer has proposed improvements in the design
- Parking meets or exceeds the requirement for this development

The Special Council Meeting (Public Hearing) recessed at 8:58 p.m.

The Special Council Meeting (Public Hearing) reconvened at 9:07 p.m.

6. Greg Persanyi, Molnar Group, owner, spoke in favour and stated:

- Parking is all on site and developer is providing 30% more parking than what is required by zoning regulations
- Design is more inclusive for everyone, not just seniors
- Noted that at the community engagement session held two thirds of attendees were in agreement with the current design based on feedback forms

Mayor Krog called for submissions from the Public:

1. Ian Knipe, 25 Machleary Street, spoke in opposition and stated:

- Vice President of the Nanaimo Old City Association (NOCA) which includes an elected board of directors, participates in many local groups and has dedicated volunteers
- Spoke regarding community consultation with the Molnar Group, engagement sessions and feedback provided by NOCA to the developer regarding this development
- The scale of the development is too large for this area and urged Council to deny the application until a new design that better suits the area can be proposed
- The development will set a precedent for upcoming development and the density is being pushed beyond what is reasonable for this area
- Re-development of this area should be put on hold subject to more community engagement, a review of the OCP and in conjunction with the Neighbourhood Community Plan
- NOCA recommends that this application be denied until the existing OCP is reviewed, a larger scale community engagement process is completed and a plan is in place that better suits the area and the existing OCP

2. Kelsea Shadlock, 602 Kennedy Street, spoke in favour, and stated:

- The development has good urban design, underground parking and appreciates the different types of housing included in the proposed development
- In order to create more walkability and cycling routes density is needed
- Neighbourhood plan is from 1994

3. Heather Walker, 232 Machleary Street, spoke in opposition and stated:

- Density is needed and creates walkability and environmentally conscious communities but this development does not take into account available environmental design elements
- Not enough green space on the property and a portion of the property should be owned and a portion set aside for rental units

4. Danny Harguard, 311 Kennedy Street, spoke in opposition and stated:

- Development will increase traffic and is too large for this area
- This is a family neighbourhood with many small children in the area who use the park and sidewalks and he is concerned about pedestrian and child safety
- Parking will be an issue with residents, visitors of the new development and many people park in this area to walk downtown
- The neighbourhood was saddened that Malaspina Gardens closed as they spent time with the seniors who lived there

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

5. Janet Wright, 387 Machleary Street, spoke in opposition and stated:

- Concerned about applying corridor land use to an area that is designated residential
- Spoke regarding the land use designation types and what fits best with this development
- Suggested that residential or neighbourhood is suitable
- The purpose of the amendment is to allow this scale of development which is not consistent with this area
- Single family dwellings are encouraged in this area and the Old City Quarter is marketed for it's character and old city curb appeal

6. Eric Norman, 351 Machleary Street, spoke in opposition and stated:

- Concerns regarding traffic and sees the developers traffic report as flawed because they did a one day assessment over a 2 hour period
- The growth estimate for Nanaimo has increased greatly and this area is not fit to handle the increase in traffic

- Neighbours did their own traffic study recording the amount of traffic over 3 mornings, 2 evenings and one weekend and found that traffic during these times were greatly underestimated by the developers report
7. Mayta Ryn, 201 - 461 Machleary Street, spoke in opposition and stated:
- Densification supports and encourages a more sustainable lifestyle, walking and non motorized vehicle use and encourages different types of housing however; the scale of development is too large for this area
 - New development should meet the requirements of the community plan and the OCP without having to request rezoning
 - This application could set a precedent for “spot zoning” where zoning amendments are approved not based on the community plan or the OCP but on rezoning to maximize profit
 - Molnar Group made significant changes to the proposed development but not enough to make it fit with this areas community plan and the requests of the neighbourhood
 - This development should be put on hold until the current OCP is reviewed and new OCP is completed with community input and engagement sessions
 - Recommend that Council choose Option 3 in the Staff report and provide Staff with alternative direction
 - Extensive upgrades to infrastructure need to be completed before any new development is approved for this area
 - The developer and the community need a clearer vision of what kind of development would be best for this area
8. Elizabeth Lorenz, 351 Machleary Street, spoke in opposition and stated:
- The development is to large and high for this residential neighbourhood
 - Access to the public seating areas for the public or residents only
 - Affordability of rental units
 - This rezoning application could be precedent setting and this development would be better suited as a extended, independent and extended living facility as the senior housing vacancy average has decreased by 12% in 2017
9. Gerrard Finlay, 940 Franklyn Street, spoke in opposition and stated that he was concerned about the increase in traffic.
10. Angela Barnard, 352 Kennedy Street, spoke in opposition and stated that she would support the rezoning application subject to adoption of a number of agreed upon recommendations including but not limited to:
- 50% of the development being rental units and 50% owned
 - Clean BC commitment
 - Adoption of all of NOCA recommendations
 - Global urban development concept implemented in the design

- Development being signed off by School District 68, NOCA, Downtown Nanaimo Business Improvement Area (DNBIA) and others major stakeholders
- Involvement in the Transportation Master Plan
- Development needs to accurately represent the residents of Nanaimo especially the surrounding area

11. Eric McLean, 217 Kennedy Street, spoke in opposition and stated:

- Founder and President of the Old City Quarter Association and owner of business on Fitzwilliam Street
- Understands the need for increased density but this development is much larger than the recommended scale in the OCP

12. Jacquie Howardson, 377 Milton Street, spoke in opposition and stated:

- Current infrastructure cannot handle the increase in traffic
- This development is a substantial amendment to the OCP and should involve an OCP review and community engagement sessions

The Special Council Meeting (Public Hearing) recessed at 10:46 p.m.

The Special Council Meeting (Public Hearing) reconvened at 10:53 p.m.

13. Jim Richardson, 330 Machleary Street, spoke in opposition and stated:

- Lived in this area for 27 years and is not against the development but this proposal does not fit the community plan or character of the neighbourhood
- Recommends that the City and the developer not rush to develop this site and pointed out that the developer new the designation when he purchased the site
- Concerned about the increase in traffic and pedestrian safety especially during construction with large trucks and equipment in the area

Lainya Rowett, Manager, Current Planning, advised that forty three (43) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019 SEP 19.

It was moved and seconded that the Special Council Meeting (Public Hearing) proceed past 11:00 p.m. The motion was defeated.

Opposed: Mayor Krog, Councillors Armstrong, Bonner, Brown, Geselbracht, Maartman and Turley.

Sheila Gurrie, Director, Legislative Services and Corporate Officer, spoke and stated that the Special Council Meeting (Public Hearing) had closed for the following items and third reading may take place at the next scheduled Regular Council Meeting on 2019-OCT-07.

1. “Zoning Amendment Bylaw 2019 No. 4500.155”

“Zoning Amendment Bylaw 2019 No. 4500.155” (To rezone 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] zone).

2. “Zoning Amendment Bylaw 2019 No. 4500.157”

The Public Hearing portion for “Zoning Amendment Bylaw 2019 No. 4500.157” (To rezone 2379 Browns Lane from Single Dwelling Residential [R1] to Residential Corridor [COR1]).

3. “Zoning Amendment Bylaw 2019 No. 4500.134”

That “Zoning Amendment Bylaw 2019 No. 4500.134” (To rezone 1534 Extension Road from Single Dwelling Residential [R1] to Townhouse Residential [R6] with site-specific provisions to increase the maximum permitted floor area ratio).

Sheila Gurrie, Director, Legislative Services and Corporate Office, spoke and stated that the Special Council Meeting (Public Hearing) for the following items would continue on Wednesday, 2019-OCT-09, a 7:00 p.m., in the Shaw Auditorium, 80 Commercial Street.

4. “Official Community Plan Amendment Bylaw 2019 No. 6500.040”

"Official Community Plan Amendment Bylaw 2019 No. 6500.040" (To re-designate 388 Machleary Street on the Future Land Use Plan [Map 1] 'Neighbourhood' to 'Corridor', and to amend the text of Section 4.1.2 'Land Use Designations' of the Old City Neighbourhood Concept Plan) will be deferred to the next scheduled Special Council Meeting (Public Hearing) to be held on 2019-OCT-09.

5. “Zoning Amendment Bylaw 2019 No. 4500.124”

"Zoning Amendment Bylaw 2019 No. 4500.124" (To rezone 388 Machleary Street from Community service One [CS1] to Comprehensive Development Eleven [CD11]) will be deferred to the next scheduled Special Council Meeting (Public Hearing) to be held on 2019-OCT-09.

7. ADJOURNMENT:

It was moved and seconded at 11:06 p.m. that the meeting terminate. The motion carried unanimously.

C H A I R

CERTIFIED CORRECT:

CORPORATE OFFICER