

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2019-NOV-07, AT 7:00 P.M.

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

Absent: Councillor B. Geselbracht

Staff: J. Holm, Director, Development Approvals
L. Rowett, Manager, Current Planning
C. Horn, Planner
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 7:00 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. 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. RA402 - 4961 Songbird Place - Bylaw 4500.156

Introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the applicant.

1. Gunter Yost, 3189 Warbrick Place spoke in favour and stated:
 - He is the Manager of Development for this application and is representing the owners of the property
 - Application meets all Official Community Plan (OCP) and zoning requirements and density is less than allowable amount
 - 76 unit condominiums with no parking variance will be needed as all parking is onsite either underground or outside of residential units
 - Four comprehensive traffic studies, surveying requirements and geotechnical reports were completed including a study of the wetlands area near the development
 - Community contribution will include widening of the road near the intersection of Songbird Place and Uplands Drive to ease traffic congestion and provide better sight lines
 - He stated he has a list of supporters for this development
 - Public information session was held at the Grand Hotel and plan was well received by people who attended although concerns were raised regarding sight lines and parking which the developer has addressed in their community contribution
 - Development will enhance the street scape

Mayor Krog called for submissions from the Public.

1. Ron Walker, 4971 Songbird Place, spoke in opposition, and stated he has concerns regarding an increase in traffic and parking on Songbird Place, sight lines, proposed second traffic lane would impede traffic when busses stop to pick up or drop off passengers and construction traffic.

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

2. Andrea Berkey, 4971 Songbird Place, spoke in opposition and stated that she purchased her condominium twelve years ago because of the great view, nature, low traffic area and location. She stated concerns regarding increased traffic, parking congestion and noise, decreased land value and negative affects on the natural habitat surrounding the area.

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

No one in attendance wished to speak regarding Rezoning Application No. RA402 - 4961 Songbird Place.

Eleven written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-NOV-07, and one written submission was received at the Public Hearing with respect to Rezoning Application RA402 - 4961 Songbird Place from Ron Walker, opposed.

(b) Rezoning Application No. RA419 - 155 Fry Street and 150 Esplanade –
Bylaw 4500.159

Introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the applicant.

No applicant was in attendance to speak regarding Rezoning Application No. RA419 - 155 Fry Street and 150 Esplanade.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Rezoning Application No. RA419 - 155 Fry Street and 150 Esplanade.

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

No one in attendance wished to speak regarding Rezoning Application No. RA419 - 155 Fry Street and 150 Esplanade.

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

1. Barbara Densmore, 152 Irwin Street spoke in favour, and stated there was discussion on social media regarding the tree in the middle of the property which has been identified as a heritage tree. Patrick McIntosh, Urban Forestry Coordinator, City of Nanaimo, replied to the concerned citizens stating that the tree will be protected and remain on the property. Ms. Densmore stated that she is impressed that the developer will ensure the tree remains intact and healthy.

No written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-NOV-07, and no written submissions were received at the Public Hearing with respect to Rezoning Application No. RA419 - 155 Fry Street and 150 Esplanade.

(c) Rezoning Application No. RA436 - 120 Commercial Street - Bylaw 4500.161

Introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the applicant.

1. Andrew Gordon, applicant, spoke in favour and stated:
 - He is the Senior Vice President of Kiaro, the applicant
 - Kiaro is a local BC company and believes in partnering with the community, creating supportive workplace environments and ensuring local employment
 - Kiaro was recently recognized as a finalist in the Top Cannabis Retail Store for Canada
 - The company commits to meeting or exceeding all federal, provincial and municipal regulations for cannabis retail

- Adhere to the strictest standards set by the *Cannabis Act* and Cannabis Control and Licensing Regulations

Mayor Krog called for submissions from the Public.

1. Ryan Stolz, 120 Prince John Way, spoke in favour and stated that he has known the applicant for four years and can confirm the applicants' commitment to community collaboration, local employment, quality of product and ensuring the support of local growers and agro cannabis.
2. Jean King, 328 Carnoustie Place, spoke in opposition and stated she owns a building in the downtown area.

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

No one in attendance wished to speak regarding Rezoning Application No. RA436 - 120 Commercial Street - Bylaw 4500.161.

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

No one in attendance wished to speak regarding Rezoning Application No. RA436 - 120 Commercial Street - Bylaw 4500.161.

Four written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-NOV-07, and 1 written submission was received at the Public Hearing with respect to Rezoning Application RA436 - 120 Commercial Street from Andrew Gordon, in favour.

(d) Rezoning Application No. RA437 - 115 Chapel Street - Bylaw 4500.160

To be introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the applicant:

1. Leon Drzewiecki, 400 Summitt Drive, spoke on behalf of Sheina Criss, owner/applicant, in favour, and stated the owner will ensure that all federal, provincial and municipal requirements are met, staff will be highly trained to ensure safety and regulations are followed with a focus on public safety. Consumers will be encouraged to leave the premises after purchasing to ensure no loitering or use in or around the property and lighting and signage will follow provincial guidelines.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding Rezoning Application No. RA437 - 115 Chapel Street.

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

No one in attendance wished to speak regarding Rezoning Application No. RA437 - 115 Chapel Street.

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

No one in attendance wished to speak regarding Rezoning Application No. RA437 - 115 Chapel Street.

Six written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-NOV-07, and no written submissions were received at the Public Hearing with respect to Rezoning Application RA437 - 115 Chapel Street.

(e) General Amendments to Zoning Bylaw No. 4500

Introduced by Caleb Horn, Planner.

Mayor Krog called for submissions from the Public.

No one in attendance wished to speak regarding General Amendments to Zoning Bylaw No. 4500.

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

No one in attendance wished to speak regarding General Amendments to Zoning Bylaw No. 4500.

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

No one in attendance wished to speak regarding General Amendments to Zoning Bylaw No. 4500.

Two written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2019-NOV-07, and no written submissions were received at the Public Hearing with respect to General Amendments to Zoning Bylaw No. 4500.

5. FINAL CALL FOR SUBMISSIONS:

Mayor Krog announced that following the close of a Public Hearing, no further submissions 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 7:38 p.m. The motion carried unanimously.

7. BYLAWS:

(a) "Zoning Amendment Bylaw 2019 No. 4500.156"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.156" (To rezone 4961 Songbird Place from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading. The motion carried.

Opposed: Councillor Armstrong

(b) "Zoning Amendment Bylaw 2019 No. 4500.159"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.159" (To rezone 150 Esplanade and 155 Fry Street from Community Corridor [COR3] to Mixed Use Corridor [COR2]) pass third reading. The motion carried unanimously.

(c) "Zoning Amendment Bylaw 2019 No. 4500.161"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.161" (To rezone 120 Commercial Street to allow Cannabis Retail Store as a site-specific use in the Core [DT1] zone) pass third reading. The motion carried.

Opposed: Councillor Hemmens

(d) "Zoning Amendment Bylaw 2019 No. 4500.160"

It was moved and seconded that "Zoning Amendment Bylaw 2019 No. 4500.160" (To rezone 115 Chapel Street to allow Cannabis Retail Store as a site-specific use the Core [DT1] zone) pass third reading. The motion carried.

Opposed: Councillor Hemmens

(e) "Zoning Bylaw Amendment Bylaw 2019 No. 4500.158"

It was moved and seconded that "Zoning Bylaw Amendment Bylaw 2019 No. 4500.158" (To make general text and mapping amendments to City of Nanaimo Zoning Bylaw 2011 No. 4500) pass third reading. The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 7:49 p.m. that the meeting terminate. The motion carried unanimously.

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER