

**MINUTES**  
SPECIAL COUNCIL MEETING (PUBLIC HEARING)  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2020-SEP-17, AT 7:00 P.M.

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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: J. Holm, Director, Development Approvals  
L. Rowett, Manager, Current Planning  
J. Rose, Manager, Transportation  
L. Brinkman, Planner  
C. Horn, Planner  
L. Nowak, Planner  
S. Robinson, Planning Assistant  
D. Blackwood, Client Support Specialist  
K. Robertson, Deputy City Clerk  
S. Snelgrove, Deputy Corporate Officer  
J. Vanderhoef, 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.

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.

Mayor Krog outlined the process to accommodate members of the public who were attending in person and for those who wanted to call in to participate by phone.

3. PUBLIC HEARING PROCEDURES:

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*.

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA434 - 3500 ROCK CITY ROAD

(a) Rezoning Application No. RA434 - 3500 Rock City Road

Mayor Krog called the Public Hearing to order at 7:05 p.m.

Councillor Armstrong vacated the Shaw Auditorium at 7:05 p.m. stating a conflict of interest due to a family friendship.

Caleb Horn, Planner, Current Planning, introduced Rezoning Application No. RA434 – 3500 Rock City Road and noted that thirty-five (35) written submissions had been received prior to the start of the Special Council Meeting (Public Hearing), 2020-SEP-17.

Mayor Krog called for submissions from the Applicant:

1. Toby Seward, Seward Developments Inc., Nanaimo, spoke in favour of Rezoning Application No. RA434 – 3500 Rock City Road, on behalf of Hazelwood Holdings Ltd., applicant, and stated:

- Rockwood Heights subdivision development began 20 years ago
- Request is consistent with development permit issued in 2011 with slightly higher density
- Two of ten phases have been completed
- Application is to rezone lots four - seven from Low Density Residential (R6) to Medium Density Residential (R8) to allow up to four story buildings
- Increased building height would allow for smaller building footprints
- Plan to match the R6 floor area ratio (FAR) in the R8 zone with a provision for underground parking
- Discussions with Staff surrounded traffic, sanitary/sewer and the community amenity contribution
- Traffic studies were conducted to examine potential improvements to the neighbourhood
- Proposed community contribution towards Departure Bay Road and Rock City Road intersection
- Building heights along lot four have been lowered to remain the same height as neighbouring houses to address privacy concerns
- Density to be kept the same as R6 zoning
- Requested R8 zoning would provide more opportunity to protect wetlands and trees by building up rather than out and reducing the building footprints
- Anticipate building over the next seven years

Council asked for clarification on the following:

- Differences between R6 and R8 zoning regulations
- Purpose of requesting addition floor area ratio
- Clarification on wetland and set back areas being included in total site area

Mayor Krog called for submissions from the Public:

1. June Ross, Nanaimo, spoke in opposition and stated inconsistent figures presented regarding the number of apartments proposed, lack of capacity in local schools, safety concerns related to increased traffic and harm to wildlife. She noted the proximity to Cottle Creek and Linley Valley Park as well as the tranquility of the neighbourhood being disrupted by blasting.
2. Helena Arnold, Nanaimo, spoke in opposition, via telephone, and stated concerns regarding information not shown on the “What’s building in my Neighbourhood?” website. She stated that the number of parking spaces seems too low and the closest bus stop is located on Uplands Drive with no sidewalks along the route. She also noted her strata did not receive information about this public hearing and asked if the units will be for purchase or rental purposes.
3. Gord Buzzard, Nanaimo, spoke in opposition and stated concerns regarding the traffic report for Ocean Pearl Terrace, the width of the winding road and accidents due to increased traffic. The condition and stability of Smugglers Hill Drive as a primary access street and the unlikely expansion of transit onto this street.
4. Eric McNeely, Nanaimo, spoke in opposition, via telephone, and stated concerns regarding overloaded schools, a lack of sidewalks and inadequate services in the neighbourhood.
5. Colin Quince, Nanaimo, spoke in opposition and stated concerns regarding the timeframe for completing construction, ongoing construction noise/blasting and the inadequate traffic planning for the area.
6. Sean Graham, Nanaimo, spoke in opposition and stated safety concerns regarding children walking to school with no sidewalks, speeding vehicles and increased traffic. He stated concerns regarding the impact of construction noise on the neighbourhood, capacity of schools and the protection of the natural beauty in the area.
7. Katherine Pierce, Nanaimo, spoke in opposition and noted concerns regarding safety, limited sidewalks and a lack of transit services. She stated this development was in conflict with the Official Community Plan (OCP) and Transportation Master Plan, which require developments like this be located along urban corridors and encourages safe transportation. She stated concerns about the development being in conflict with the character of the neighbourhood and environmental impacts.
8. Allister Robertson, Nanaimo, spoke in opposition and stated concerns regarding increased density, environmental impacts, maintaining the objectives outlined in the OCP and the size of the wetland area being larger than stated on the maps presented.

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

No one wished to speak regarding Rezoning Application No. RA434 - 3500 Rock City Road.

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

9. Colin Quince, Nanaimo, spoke for a second time in opposition and requested that Council consider the impact of the development on the surrounding residents.
10. Toby Seward, Seward Developments Inc., spoke on behalf of Hazelwood Holdings Ltd., applicant, for a second time in favour and stated that the OCP supports the density of units per hectare and that the developer plans to build sidewalks up to the community trailhead. He noted that Rock City Road was built in the 1990s and was designed to retain a rock bluff, hence the narrow road width. He clarified that the construction would not be ongoing for seven years.
11. Sean Graham, Nanaimo, spoke for a second time in opposition and stated that sidewalks were needed throughout the neighbourhood as the impacts of the development will affect the neighbourhood as a whole.

Sky Snelgrove, Deputy Corporate Officer, stated that no written submissions were received at the Public Hearing with respect to Rezoning Application RA434 – 3500 Rock City Road.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA434 – 3500 Rock City Road be closed at 7:51 p.m.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Council discussion took place regarding the following:

- Number of units permitted under R6 and the number of units proposed under R8 zoning
- Respecting the sensitivity of the wetland area and potential impacts construction might have on the ecosystem
- Possibility of maintaining the R6 zoning with a height variance
- Differences between R6 and R8 zoning requirements with relation to FAR and underground parking
- Clarification that the applicant is permitted to build on this property and the level of disruption to the wetlands and landscape potentially being mitigated by permitting the R8 zoning and reducing the building footprint
- Wetland area and set backs are protected by the City's "Zoning Bylaw No. 4500"
- Site constraints and challenges of developing the property
- Timeframe for replacement of City services/infrastructure in this area
- FAR including covenant areas

- Lack of transit and challenges of small area roads
- Transit services responding to density and demand
- Concerns regarding speed in these areas

It was moved and seconded that "Zoning Amendment Bylaw 2020 No. 4500.169" (To rezone portions of 3500 Rock City Road from Low Density Residential [R6] to Medium Density Residential [R8] with site-specific Floor Area Ratio) pass third reading. The motion carried.

Opposed: Councillors Brown, Geselbracht, and Hemmens

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA454 - 5485 AND 5495 GODFREY ROAD

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(a) Rezoning Application No. RA454 - 5485 and 5495 Godfrey Road

Mayor Krog called the Public Hearing to order at 8:17 p.m.

Councillor Armstrong returned to the Shaw Auditorium at 8:18 p.m.

Lisa Brinkman, Planner, Current Planning, introduced Rezoning Application No. RA454 – 5485 and 5495 Godfrey Road and noted that eighteen (18) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2020-SEP-17.

Mayor Krog called for submissions from the Applicant:

1. Scott Mack, Townsite Planning Inc., Lantzville, spoke in favour of Rezoning Application No. RA454 – 5485 and 5495 Godfrey Road, on behalf of the applicant, and stated:
  - Application is to rezone from Single Dwelling Residential (R1) to Low Density Residential (R6) to allow for development of 10 townhouses on the site
  - Units would be a mix of two - three bedroom units
  - Parking and refuse would be located on the side and rear of the site
  - Pedestrian access along frontage with sidewalks being added
  - Development is intended to fit with neighbouring properties and would not require any zoning variances for height, set backs or parking
  - Surrounding buildings are mainly single family dwellings, duplexes and mobile homes
  - Another R6 zoned site is located approximately two blocks away
  - Development complies with OCP in terms of density for neighbourhood residential development
  - Would increase housing diversity stock and provide affordable options
  - Within walking distance to key amenities
  - Ties in with the Metral Drive Complete Street project located two blocks away

- Heard concerns from neighbours regarding: the addition of townhomes to their neighbourhood, density increasing, disruptions due to construction, and traffic. He noted the following in response to those concerns:
  - Area includes mobile homes, duplexes and single family homes
  - Current R1 zoning would allow for four houses with potential suites in each resulting in only two less units total than what is proposed
  - Property is currently zoned for development so construction is permitted
  - 10 townhouses could reduce traffic/parking in comparison to four houses plus potential suites as the townhouses would require parking spaces and would not accommodate parking items like RV's and boats
- Development concept presented during the neighbourhood information meeting was somewhat modern and did not fit with the character of the neighbourhood so will be reviewed to ensure a better fit with the surrounding community
- The property owner is supportive of the community amenity contribution of \$10,000 being allocated to neighbourhood park improvements or toward a new transit structure on Metral Drive.

Council enquired about the entrance to the facility and proximity to traffic circle as well as the lack of any existing sidewalks.

Mayor Krog called for submissions from the Public:

1. Tony Ryan, Nanaimo, spoke in opposition and stated concerns regarding the proposed entrance, children's safety, increased traffic, parking issues in the neighbourhood and access for emergency vehicles. She noted that during the community information meeting residents supported a second proposal presented for four houses instead of the 10 townhomes.
2. Emma Maccorquodale, Nanaimo, spoke in opposition and stated concerns regarding the development not fitting with the community, a lack of space for gardening, or for pets and children to play, increased traffic and frequent turn over of potential tenants.
3. Jennifer McEachen, Nanaimo, spoke in opposition and stated concerns regarding increased traffic, a second R6 zoned property near by and the development not fitting with the family centred community. She noted that the community had supported the four houses previously proposed during the information session and noted the suites in these houses could provide families with additional income.
4. John Day, Nanaimo, spoke in opposition, via telephone, and stated concerns regarding developers changing the appearance of the neighbourhood for profit, taxpayers having a say in how the City looks, a lack of neighbourhood consultation, smart meter radiation, the need for a traffic study and potential harm/destruction of the environment.

5. Regan Snaith, Nanaimo, spoke in opposition and stated that he supported the development of four houses on the site but not townhouses. He noted concerns about the entrance to the development being located on a roundabout, traffic and density already increasing due to another R6 zoning near by and a lack of parking in the area.
6. Kathleen Evans, Nanaimo, spoke in opposition, via telephone, and stated that she purchased her home understanding that duplexes were possible on this site but nothing larger. She noted concerns related to increased traffic on the street when there are many children in the area.
7. Emma Maccorquodale, Nanaimo, spoke for a second time in opposition and stated that there had not been sufficient communication done with the neighbourhood and that many people would not voice their concerns due to the current COVID-19 pandemic.

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

8. Scott Mack, Townsite Planning Inc., Lantzville, spoke for a second time in favour, regarding parking requirements for R6 zoning.

Council asked for clarification about the number of bedrooms proposed for this development.

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

9. Tony Ryan, Nanaimo, spoke for a second time in opposition and stated that two different plans had been presented to the community during the community information session and the community preferred the option of four houses on the site.
10. John Day, Nanaimo, spoke for a second time in opposition, via telephone, and stated that he provided Staff with a large document regarding the potential dangers of electromagnetic field exposure. He spoke regarding representation through taxation, building a neighbourhood plan and the need to revitalize the downtown area.

Sky Snelgrove, Deputy Corporate Officer, stated that no written submissions were received at the Public Hearing with respect to Rezoning Application RA454 – 5485 and 5495 Godfrey Road.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Hearing no further comments from the public the Mayor declared the Public Hearing for RA454 – 5485 and 5495 Godfrey Road be closed at 9:03 p.m.

Council discussion took place regarding the following:

- Daily traffic capacity for a single lane roundabout
- Process for suggesting a change to the community amenity contribution
- Overcrowding on the site
- Concerns regarding parking issues and road safety in the area
- Potential example of infill which is supported by Council's policies and encourages more families to live in the neighbourhood
- Parking issues and access for four houses versus a townhouse complex
- Townhouses providing more opportunities for people to purchase a home
- Housing is desperately needed in the community and comes from either government subsidies or private development
- Provides many families with proximity to amenities

It was moved and seconded that "Zoning Amendment Bylaw 2020 No. 4500.181" (To rezone 5485 and 5495 Godfrey Road from Single Dwelling Residential [R1] to Low Density Residential [R6]) pass third reading. The motion carried.

Opposed: *Councillors Geselbracht and Thorpe*

Council discussion took place regarding the following:

- Typical methods for handling community amenity contributions
- Council setting a precedence by providing input on how to address the community amenity contribution
- Potential community discussions held regarding community amenity contribution and the preferences of the neighbourhood potentially being overlooked
- Need for protection of green/public spaces since townhomes lack yards

It was moved and seconded that Council request that the applicant direct the community contribution towards transit improvements on Metral Drive.

The motion was defeated.

Opposed: *Mayor Krog and Councillors Armstrong, Bonner, Maartman, Thorpe and Turley*

The Special Council Meeting recessed at 9:27 p.m.

The Special Council Meeting reconvened at 9:40 p.m.

6. PUBLIC HEARING FOR COVENANT AMENDMENT APPLICATION NO. CA12 - 497 MENZIES RIDGE DRIVE

(a) Covenant Amendment Application No. CA12 – 497 Menzies Ridge Drive

Mayor Krog called the Public Hearing to order at 9:40 p.m.

Caleb Horn, Planner, Current Planning, introduced Covenant Amendment Application No. CA12 – 497 Menzies Ridge Drive and noted that forty-three (43) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2020-SEP-17.



Mayor Krog called for submissions from the Applicant:

1. Steve Johnston, Nanaimo, Menzies Ridge Estates Ltd., spoke in favour of Covenant Amendment Application No. CA12 – 497 Menzies Ridge Drive and stated:
  - Application is to increase the number of permitted homes from 10 to 22 homes
  - Current zoning is R6
  - Heard concerns from neighbours regarding side and rear yard setbacks, height, density and lot coverage
    - Adjusted the side yard set back from 3m to 10m
    - Adjusted the rear yard set back from 7.5m to 12.57m
  - Proposing a unique higher end development that complements the neighbourhood and aims to maintain resale values in the surrounding area
  - Original proposal included 26 units, but after consultation with the community the number of units was reduced to 22 resulting in more green space
  - Worked with Planners and Public Works Staff to address neighbourhood traffic concerns and proposed traffic calming but was told this was not a requirement due to low traffic in the area
  - Changes to traffic flow and access point on Bird Sanctuary Drive and Poets Trail Drive
  - Access point at Bird Sanctuary Drive and Poets Trail Drive to be developed regardless of the number of units on the site
  - Access for emergency services was reviewed
  - Community concern regarding parking; however, no parking variances requested and anticipate a higher demand for biking in that area so will be promoting more parking stalls for bikes
  - Intention to be respectful of neighbours and complement the area
  - Want to attract more people to the gateway to Vancouver Island University (VIU) and the downtown area

Council enquired about the proposed access point at the intersection of Bird Sanctuary Drive and Poets Trail Drive accommodating two-lane traffic.

Mayor Krog called for submissions from the Public:

1. Jerry Hong, Nanaimo, spoke in opposition and stated that he represented the Western Neighbourhood Association and that a petition with 187 signatures had been submitted to Council with 92% of respondents opposed. He stated concerns regarding road width, density, parking and increased traffic and the development not meeting the Transportation Master Plan.
2. Tiffany Vincent, Nanaimo, and neighbour Annette Cochino, Nanaimo, spoke in opposition, via telephone, and stated that they purchased their residences with the understanding that 10 homes would be built on the site next door and they are overwhelmed by the thought of this increasing to twenty-two. They stated concerns regarding the safety of children riding their bikes/ playing on the street, increased traffic, a lack of parking, and increased density. They

also noted a recent increase in density due to the construction of low-income seniors housing near by and the impact the construction has had on parking in the area.

3. Laura Shanner, Nanaimo, spoke in opposition and stated concerns regarding street access and the safety of cyclists and pedestrians. She spoke regarding the importance of taking promises seriously and the moral implications of breaking a covenant.
4. Cherilyn Rowe, Nanaimo, spoke in opposition, via telephone, and stated concerns regarding the removal of the covenant, increased density, access for emergency vehicles, safety concerns and lack of parking spaces on the street.
5. Al Brunelle, Nanaimo, spoke in opposition and stated that he lives next to the proposed access point on Poets Trail Drive. He stated concerns regarding breaking the covenant, which is already the second rezoning of this property, and parking issues. He stated that he would not have purchased his property if he knew a road would be built in his front yard.
6. Karly McLean, Nanaimo, spoke in opposition, via telephone, and stated concerns regarding density and a low-income senior development being built behind her home, which has demonstrated the impact more vehicles would have on street parking. She noted that Nanaimo is not a bike City at this point, or in the foreseeable near future. She stated concerns for children's safety on the street as it becomes single lane traffic due to cars parking along the street.
7. Elizabeth Gillis, Nanaimo, spoke in opposition and stated concerns regarding access to the site, increasing traffic, and a lack of sidewalks on Bird Sanctuary Drive forcing people to walk in the street due to congestion and parking.
8. Clive Jones, Nanaimo, spoke in opposition and stated Stonegate Road is unlikely to be opened until the next two phases of construction are completed. He stated concerns regarding density increases and noted current increases in parked cars resulting from Air B&B rentals and other entrepreneurs.
9. Megan Bailey, Nanaimo, spoke in opposition and stated concerns regarding breaking the covenant, safety concerns for children riding their bikes and a lack of sidewalks. She stated that townhouses and apartments are better situated along the outskirts of neighbourhoods, and that residents purchased their homes with the understanding, and acceptance, that 10 homes would be built on the site.
10. Emily Work, Nanaimo, spoke in opposition and stated concerns regarding the breaking of the covenant and current congestion of vehicles, garbage bins and parked cars along these streets.
11. Janice Brunelle, Nanaimo, spoke in opposition and stated concerns regarding the proposed access route at the intersection of Bird Sanctuary Drive and Poets Trail Drive drastically reducing the size of her front yard and the expectations people place on the promise implied by a covenant.

12. Jerry Hong, Nanaimo, spoke for a second time in opposition and stated concerns regarding the number of homes and suites currently in the subdivision and ongoing development in the surrounding area.
13. Elizabeth Gillis, Nanaimo, spoke for a second time in opposition and stated concerns regarding the promises implied in the previous rezoning application and how these were intended to protect the neighbourhood. She stated that breaking a covenant should only be considered under extenuating and exceptional circumstances.

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

14. Al Brunelle, Nanaimo, spoke for a second time in opposition and stated concerns regarding the proximity of the proposed access route to his property.

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

15. Ron Neal, Victoria, partner of applicant, spoke in favour and stated that the property had been purchased after consultation with Planning Staff and noted that the access road would be developed regardless of whether 10 homes or twenty-two homes were built on the site. He stated that the design is to build smaller units than permitted and provide 40 additional parking spots. He noted that the Planning and Engineering Staff have not indicated any concerns regarding traffic and that homes are needed in the community.
16. Janice Brunelle, Nanaimo, spoke for a second time in opposition and stated concerns regarding the previous zoning being changed from Single Family Residential (R1) to R6 to allow 10 units.
17. Megan Bailey, Nanaimo, spoke for a second time in opposition and stated concerns regarding some of the statements being made and noted the neighbourhood was not opposed to the development of 10 homes.
18. Laura Shanner, Nanaimo, spoke for a second time in opposition and stated concerns regarding developers/investors frequently requesting reconsiderations.

Sky Snelgrove, Deputy Corporate Officer, stated that one (1) written submission was received at the Public Hearing with respect to Covenant Amendment Application CA12 – 497 Menzies Ridge Drive from Jerry Hong, Nanaimo, opposed.

Hearing no further comments from the public the Mayor declared the Public Hearing for CA12 – 497 Menzies Ridge Drive be closed at 10:55 p.m.

Mayor Krog announced that following the close of a Public Hearing, no further submissions or comments from the public or interested persons could be accepted by members of City Council.

Council discussion took place regarding the following:

- Many factors to consider such as children's safety
- Confirmation that the two lane access road on Poets Trail Drive will be constructed whether the site remains R6 or changes to R8 zoning
- A covenant is an agreement between the City of Nanaimo and the owner of the land
- Current housing crisis has caused significant changes in the community
- Issues with cars and how they impact safety concerns
- Road widths on Bird Sanctuary Drive and Menzies Ridge Drive
- Need for increased housing stock and density
- Moral implications of amending a covenant and the need for extenuating circumstances to warrant a change
- Promises implied to neighbours who purchased homes surrounding this development
- Original neighbourhood planning was not for this type of development
- Example of infill that is needed in the community
- Housing and affordability crises dramatically changing the needs of the community as a whole
- Not building developments and parking to suit big trucks
- Best practices and applicants applying for the appropriate zoning at the start of development process
- Application aligning with the Affordable Housing Strategy
- Engagement with neighbourhood during the previous rezoning application and promise implied to residents
- Affordability and the proposed development not being accessible to low income people
- Covenants being subject to change by agreement of the parties

It was moved and seconded that Council direct Staff to amend the covenant on 497 Menzies Ridge Drive to increase the maximum permitted number of residential dwelling units from 10 units to 22 units. The motion carried.

Opposed: *Councillors Geselbracht, Maartman and Thorpe*

7. ADJOURNMENT:

It was moved and seconded at 11:35 p.m. that the Special Council meeting adjourn. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER