

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2023-SEP-14, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. Armstrong
Councillor H. Eastmure
Councillor B. Geselbracht
Councillor E. Hemmens
Councillor P. Manly
Councillor J. Perrino
Councillor I. Thorpe

Absent: Councillor T. Brown

Staff: J. Holm, Director, Development Approvals
D. LaBerge, Director, Bylaw Services
L. Rowett, Manager, Current Planning
B. Binnersley, Community Development Clerk
P. Carter, Planner
C. Horn, Planner
K. Mayes, Planner
S. Gurrie, Director, Legislative Services
A. Chanakos, 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. PUBLIC HEARING REQUIREMENTS:

Mayor Krog advised that Council was meeting on the traditional territory of the Snuneymuxw First Nation and outlined the purpose and protocols for the Public Hearing.

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

Mayor Krog explained the requirements for conducting a Public Hearing.

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA488 – 2453 LABIEUX ROAD

(a) Rezoning Application No. RA488 – 2453 Labieux Road

Mayor Krog called the Public Hearing to order at 7:03 p.m.

Caleb Horn, Planner, introduced the application and noted that two (2) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-SEP-14 with respect to Rezoning Application RA488 – 2453 Labieux Road.

Mayor Krog called for submissions from the Applicant:

1. Nav Bassi, Owner, outlined the application. Highlights included:
 - All units in the development will be family-friendly, three-bedroom units of approximately 1,200 – 1,500 sq ft, as well as an amenity area
 - Architectural design will blend and meet the natural characteristics of the existing neighbourhood
 - The proposed development would revitalize the neighbourhood and deter encampments on the vacant lot

Council discussion took place regarding if the units will be owned or rented, and the potential cost of ownership.

Mayor Krog called for submissions from the Public:

2. Matthew Cheng, Architect, spoke and further outlined the application. Highlights included:
 - A public information meeting was held on 2023-JUN-26 and no opposition was stated by neighbours; however, some concern was expressed about building height and pedestrian safety
 - Building height can be explored at the development permit stage, and 68 parking spaces will be provided for 30 units, plus eight visitor spaces
 - All street frontage will include standard city sidewalks, grass boulevards and street parking, as well as a potential crosswalk across Labieux Road
 - An arborist will be consulted to determine if any trees can be retained at the development permit stage

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

3. Jeff Miguez spoke in opposition, noting that a larger development in a mostly R1 zoned neighbourhood will add noise and traffic to the area. He noted the proposed development will not solve affordability issues and may drive out long term residents. He expressed concerns regarding infrastructure, utilities, and potential impacts to property taxes. A petition containing 57 signatures was submitted to Council as part of a written submission prior to the Public Hearing.

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

No one wished to speak regarding Rezoning Application No. RA488 – 2453 Labieux 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 RA488 – 2453 Labieux Road be closed at 7:15 p.m.

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.211" (To rezone 2453 Labieux Road from Single Dwelling Residential [R1] to Low Density Residential [R6] with site-specific height) pass third reading. The motion carried unanimously.

5. PUBLIC HEARING FOR REZONING APPLICATION NO. RA486 – 1044 & 1048 OLD VICTORIA ROAD

(a) Rezoning Application No. RA486 – 1044 & 1048 Old Victoria Road

Mayor Krog called the Public Hearing to order at 7:18 p.m.

Kristine Mayes, Planner, introduced the application and noted that ten (10) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-SEP-14 with respect to Rezoning Application RA486 – 1044 & 1048 Old Victoria Road.

Mayor Krog called for submissions from the Applicant:

1. Chris Lundy, Owner, spoke, and advised he wants to consolidate the two properties and rezone them to I3 in order to provide a mini storage facility.

Mayor Krog called for submissions from the Public:

2. Kathleen Currie spoke in opposition, and noted the proposal is presented as a concept and is concerned the I3 zoning, if granted, will lead to a different type of use than what is presented. She stated she would be in support of the proposal if the proposed use is guaranteed and cannot be changed after rezoning is granted.

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

No one wished to speak regarding Rezoning Application No. RA486 – 1044 & 1048 Old Victoria Road.

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

No one wished to speak regarding Rezoning Application No. RA486 – 1044 & 1048 Old Victoria 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 RA486 – 1044 & 1048 Old Victoria Road be closed at 7:26 p.m.

Councillor Thorpe asked Staff for clarification regarding site-specific zoning.

Kristine Mayes, Planner, noted that limitation of use for the property could be considered by Council during the development permit stage, to ensure the proposed use goes forward.

Councillor Manly asked Staff if there is a high demand for industrial zoned land in the City.

Kristine Mayes, Planner, advised that a number of properties in the area have submitted development permits for light industrial uses.

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.212" (To rezone 1044 and 1048 Old Victoria Road from Single Dwelling Residential [R1] to High Tech Industrial [I3]) pass third reading. The motion carried unanimously.

6. PUBLIC HEARING FOR REZONING APPLICATION NO. RA485 – 6124 METRAL DRIVE

(a) Rezoning Application No. RA485 – 6124 Metral Drive

Mayor Krog called the Public Hearing to order at 7:34 p.m.

Kristine Mayes, Planner, introduced the application and noted that five (5) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-SEP-14 with respect to Rezoning Application RA485 – 6124 Metral Drive.

Mayor Krog called for submissions from the Applicant:

1. Nicolas Denux, Applicant, spoke and noted the subject property is a good place to offer new homes due to its proximity to employment, services, shopping and transit.
2. Kevin Brooks, McElhanney Consulting, stated that the proposal aims to be consistent with City Plan goals, and mixed unit types, active transportation, and bike parking have all been included in the proposal. Permanent and temporary bike parking is included to encourage active transportation, and protection of tree roots during the construction phase is being looked into.

Council discussion took place regarding avoiding access to and from the property from Metral Drive, and the potential construction timeline.

Mayor Krog called for submissions from the Public:

1. Nicholas Bernard spoke in opposition. He expressed concerns regarding traffic, the proposed building height, and the negative effects of large buildings blocking the sun from the adjacent properties for six months of the year. He also noted he is not against development but suggested a different type of development be considered.
2. Susan Allan spoke in opposition, and stated her main concern is the added traffic a 90-unit development would bring to the area. She also expressed concern regarding the construction timeline, and suggested a playground be considered to avoid families crossing Metral Drive to access the school playground.

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

3. Ken Bennett spoke in opposition. He expressed concerns about the size of the building and the capacity of existing utilities to support the development. He also expressed concern regarding the added volume of traffic to an already busy area.

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

4. Karl Sturmanis spoke in opposition and shared his concerns about the loss of greenspace with the current proposal. He also noted he is not against development but is concerned about the traffic issues that will arise with such a large development.

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 RA485 – 6124 Metral Drive be closed at 8:01 p.m.

Councillor Hemmens asked Staff if the Community Amenity Contribution could be used to add a playground within the proposed development.

Kristine Mayes, Planner, advised that Community Amenity Contribution funds could be used for a playground if it was identified through capital planning as a need in the area.

Councillor Hemmens asked Staff if the City has a mechanism to require the developer to protect any trees on the property.

Kristine Mayes, Planner, advised that there is no requirement to retain any number of trees, as the proposal is not for a subdivision. It was also noted that if any landmark trees are identified in accordance with the tree management bylaw, they would be considered for protection on a case-by-case basis.

Councillor Armstrong asked Staff if School District 68 was consulted on the proposal, due to the number of potential new students and the school currently being over capacity.

Kristine Mayes, Planner, advised that School District 68 was not consulted as the development is not adjacent to the school property.

Councillor Armstrong asked Staff why a traffic assessment was not done for the proposal.

Kristine Mayes, Planner, advised that a traffic assessment was not required for the proposed number of units.

Councillor Eastmure asked Staff for clarification on the size of the development.

Kristine Mayes, Planner, advised that the proposed building is four storeys, but due to the grade of the property and underground parking, parts of the building will be five storeys in height.

Councillor Manly asked Staff how many units are required to be two or more bedrooms.

Kristine Mayes, Planner, advised that there are policy changes being considered, but at this time there is no policy in place to regulate unit composition.

Councillor Thorpe asked Staff if the project will come back to Council for discussion at the development permit stage if rezoning was approved.

Kristine Mayes, Planner, advised that proposed variances would determine if the project would come back to Council for discussion.

It was moved and seconded that "Zoning Amendment Bylaw 2023 No. 4500.214" (To rezone 6124 Metral Drive from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading. The motion carried.

Opposed: Councillors Armstrong, Eastmure and Thorpe

7. REPORTS:

(a) Remedial Action Order – 2120 Bowen Road

Introduced by Dave LaBerge, Director, Bylaw Services.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to 2120 Bowen Road.

It was moved and seconded that Council:

1. Issue a Remedial Action Order at 2120 Bowen Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. Direct Staff to advise the owner(s) that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. Direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. Direct the remedial action consisting removal or demolition of the fire-damaged structure.

The motion carried unanimously.

8. ADJOURNMENT:

It was moved and seconded at 8:31 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER