



AGENDA
FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, September 19, 2019, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:
2. INTRODUCTION OF LATE ITEMS:
3. ADOPTION OF AGENDA:
4. CALL THE PUBLIC HEARING TO ORDER:
5. PUBLIC HEARING AGENDA

Lainya Rowett, Manager, Current Planning, to explain 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

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

Presentation:

1. Peter Waugh, Applicant.

Call for submissions from the Public.

b. Rezoning Application No. RA372 - 2379 Browns Lane

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

Presentation:

1. Jack Anderson, Agent for the Applicant.

Call for submissions from the Public.

c. Rezoning Application No. RA399 - 1534 Extension Road

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

Presentation:

1. Chris Cathers, Applicant.

Call for submissions from the Public.

d. OCP Amendment Application - OCP89 and Rezoning Application RA395 - 388 Machleary Street

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

Presentations:

1. Andre Molnar, Molnar Group, Owner.

2. Greg Persanyi, Molnar Group, Owner.

3. Barry Weih, WA Architects, Applicant and Architect.

Call for submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

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.

7. ADJOURNMENT OF THE PUBLIC HEARING

8. BYLAWS:

a. "Zoning Amendment Bylaw 2019 No. 4500.155"

That "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) pass third reading.

b. "Zoning Amendment Bylaw 2019 No. 4500.157"

That "Zoning Amendment Bylaw 2019 No. 4500.157" (To rezone 2379 Browns Lane from Single Dwelling Residential [R1] to Residential Corridor [COR1]) pass third reading.

c. "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) pass third reading.

- d. "Official Community Plan Amendment Bylaw 2019 No. 6500.040"

That "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) pass third reading.

- e. "Zoning Amendment Bylaw 2019 No. 4500.124"

That "Zoning Amendment Bylaw 2019 No. 4500.124" (To rezone 388 Machleary Street from Community service One [CS1] to Comprehensive Development Eleven [CD11]) pass third reading.

9. REPORTS:

- a. Bylaw Contravention Notice - Secondary Suite

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notices - Secondary Suites.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following property:

1. 1055 Old Victoria Road - illegal secondary suite

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 16 Fifth Street

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 16 Fifth Street.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 16 Fifth Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 16 Fifth Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 651 Brechin Road

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 651 Brechin Road.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 651 Brechin Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 651 Brechin Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2805/2817/2829 Glenayr Drive

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2805/2817/2829 Glenayr Drive.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 2805/2817/2829 Glenayr Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 2805/2817/2829 Glenayr Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 311 Woodhaven Drive

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 311 Woodhaven Drive.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 311 Woodhaven Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 311 Woodhaven Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 337 Ninth Street

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 337 Ninth Street.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 337 Ninth Street.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 337 Ninth Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

g. Unauthorized Structure - 3440 Shenton Road

To be introduced by Dave LaBerge, Manager, Community Safety.

Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized temporary fabric-covered structure.

It is requested that Council hear anyone wishing to speak with respect to Unauthorized Structure - 3440 Shenton Road.

Recommendation: That Council:

1. issue a Remedial Action Order at 3440 Shenton Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he 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 that the remedial action consist of removal of the temporary fabric-covered structure.

h. Unauthorized Structure - 479 Park Avenue

To be introduced by Dave LaBerge, Manager, Community Safety.

Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized structure.

It is requested that Council hear anyone wishing to speak with respect to Unauthorized Structure - 479 Park Avenue.

Recommendation: That Council:

1. issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he 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 that the remedial action consist of removal of the unauthorized lean-to structure.

i. Unauthorized Suite Removal - 515 Stewart Avenue

To be introduced by Dave LaBerge, Manager, Community Safety.

Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to unauthorized suites.

It is requested that Council hear anyone wishing to speak with respect to Unauthorized Suite Removal - 515 Stewart Avenue.

Recommendation: That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.

j. Property Maintenance - 188 Capt. Morgans Boulevard and 63 Pirates Lane

To be introduced by Dave LaBerge, Manager, Community Safety.

Purpose: The property owner is appealing the direction of the Manager of Bylaw Services to remove accumulated rubbish on or around lands or buildings owned by him at 188 Capt Morgans Boulevard and 63 Pirates Lane, pursuant to Section 8 of the "Property Maintenance and Standards Bylaw 2017 No. 7242".

It is requested that Council hear anyone wishing to speak with respect to Property Maintenance - 188 Capt. Morgans Boulevard and 63 Pirates Lane.

Recommendation: That Council, pursuant to "Property Maintenance and Standards Bylaw 2017 No. 7242", direct the owners of the properties as listed below to remove the materials noted within fourteen days or the work will be done by the City or its agents at the owners' cost:

1. 188 Capt Morgans Boulevard – Unlicensed and/or derelict vehicles, boats, building materials, and garbage.
2. 63 Pirates Lane – Fifth-wheel travel trailer, building materials, scrap steel, lumber, derelict boat on trailer, derelict hovercraft, dump truck, old trailer full of renovation debris, and garbage.

10. **ADJOURNMENT:**