

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2018-MAR-01, AT 7:00 P.M.

Present: Acting Mayor W. M. Yoachim
Councillor S. D. Armstrong
Councillor W. L. Bestwick
Councillor M. D. Brennan (arrived 7:02 p.m.)
Councillor J. Hong
Councillor J. A. Kipp

Absent: Mayor W. B. McKay, Chair
Councillor G. W. Fuller
Councillor I. W. Thorpe

Staff: D. Lindsay, Director of Community Development
L. Rowett, Manager of Current Planning and Subdivision (vacated 7:12 p.m.)
T. Rogers, Planner (vacated 7:12 p.m.)
S. Snelgrove, Deputy Corporate Officer
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 9(m) – Nuisance Property Report - #204 – 311 Mt. Benson Street.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

Councillor Brennan entered the Shaw Auditorium at 7:02 p.m.

4. CALL THE PUBLIC HEARING TO ORDER:

The Public Hearing Meeting was called to order at 7:00 p.m. Acting Mayor Yoachim 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 and Subdivision, 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. RA378 - 2560 Bowen Road - Bylaw 4500.117

Bylaw 4500.117 - RA378 - 2560 Bowen Road was introduced by Tamera Rogers, Planner.

Presentation:

1. Patrick Brandreth, Island West Coast Development Ltd., applicant, spoke in favour of Rezoning Application No. RA378 – 2560 Bowen Road and stated:
 - this application was previously a rezoning application approved in November 2017;
 - requesting to further the rezoning application to add a site specific use for automobile sales service and rentals to Lot 4 of the proposed development;
 - feel it is the best use for this particular lot with close proximity to Bowen road and other automotive dealerships;
 - Lots 2 and 3 have been spoken for by automotive dealerships;
 - the rest of the proposed development will remain the same with Lot 7 being used as office space, Lot 6 some mixed use and Lot 5 a seniors care facility;
 - as part of the rezoning application for Lot 4 the applicant has provided a letter from a traffic consultant supporting the use of automotive sales and rental on that lot.

Acting Mayor Yoachim called for submissions from the Public:

1. Rod Maley, 2586 Bowen Road, spoke in opposition, and expressed concerns about the road widths and traffic volume in the immediate area.

Acting Mayor Yoachim called for submissions from the Public for a second time:

No one in attendance wished to speak regarding Rezoning Application No. RA378 - 2560 Bowen Road - Bylaw 4500.117.

Acting Mayor Yoachim called for submissions from the Public for a third time:

No one in attendance wished to speak regarding Rezoning Application No. RA378 - 2560 Bowen Road - Bylaw 4500.117.

One written submissions was received with respect to Rezoning Application No. RA378 - 2560 Bowen Road - Bylaw 4500.117, from Candace Mook-Sang, [REDACTED], stating traffic concerns.

6. FINAL CALL FOR SUBMISSIONS:

Acting Mayor Yoachim announced that following the close of a Public Hearing, no further submission 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:

It was moved and seconded that the Public Hearing adjourn at 7:11 p.m. The motion carried unanimously.

L. Rowett and T. Rogers vacated the Shaw Auditorium at 7:12 p.m.

8. BYLAWS:

(a) "Zoning Amendment Bylaw 2018 No. 4500.117"

It was moved and seconded that "Zoning Amendment Bylaw 2018 No. 4500.117" (RA378 – To rezone a portion of 2560 Bowen Road to allow a site-specific use permitting automobile sales, service and rental in the Community Corridor Zone [COR3]) pass third reading. The motion carried unanimously.

9. REPORTS:

(a) Reconsideration of Remedial Action Order - 1853 Bartlett Street

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Remedial Action Order - 1853 Bartlett Street.

1. Gurgit Gill spoke requesting a time extension of 6 months to allow carpenters to repair the roof structure.

It was moved and seconded that if a building permit is not received within 30 days Council directs Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06. The motion was defeated.

Opposed: *Acting Mayor Yoachim, Councillors Armstrong and Bestwick*

It was moved and seconded that Council direct Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06. The motion carried.

Opposed: *Councillor Brennan*

The meeting recessed at 7:40 p.m.

The meeting reconvened at 7:41 p.m.

(b) Bylaw Contravention Notices - Secondary Suites - 913 Howard

Avenue Introduced by Dale Lindsay, Director of Community

Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Secondary Suite - 913 Howard Avenue.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Secondary Suite - 913 Howard Avenue.

It was moved and seconded 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. 913 Howard Avenue - illegal secondary suite.

The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 981 Howard Avenue

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 981 Howard Avenue.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 981 Howard Avenue.

It was moved and seconded 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 981 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1451 Bowen Road

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1451 Bowen Road.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1451 Bowen Road.

It was moved and seconded 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 1451 Bowen Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- (e) Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 6470 Ptarmigan Way

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 6470 Ptarmigan Way.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 6470 Ptarmigan Way.

It was moved and seconded 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 6470 Ptarmigan Way for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- (f) Bylaw Contravention Notice - Construction Started Without a Building Permit - 6470 Ptarmigan Way

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 6470 Ptarmigan Way.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 6470 Ptarmigan Way.

Councillor Brennan vacated the Shaw Auditorium at 7:48 p.m.

It was moved and seconded 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 6470 Ptarmigan Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- (g) Bylaw Contravention Notice - Construction Started Without a Building Permit - 1716 Kidson Road
-

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 1716 Kidson Road.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 1716 Kidson Road.

It was moved and seconded 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 1716 Kidson Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- (h) Bylaw Contravention Notice - Construction Started Without a Building Permit - 29 Commercial Street
-

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 29 Commercial Street.

Councillor Brennan returned to the Shaw Auditorium at 7:52 p.m.

1. Rick Hyne spoke regarding the business licence process and building permits completed at this location not conforming to the City's records from 1998.

It was moved and seconded that if a building permit is not applied for within 60 days Council directs 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 29 Commercial Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- (i) Bylaw Contravention Notice - Construction Started Without a Building Permit - 3047 Little John Way
-

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 3047 Little John Way.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 3047 Little John Way.

It was moved and seconded 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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- U) Bylaw Contravention Notice - Construction Started Without a Building Permit - 366 Selby Street

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 366 Selby Street.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 366 Selby Street.

It was moved and seconded 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 366 Selby Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- (k) Bylaw Contravention Notice - Construction Started Without a Building Permit - 420 Drake Street

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 420 Drake Street.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 420 Drake Street.

It was moved and seconded 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 420 Drake Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- (l) Bylaw Contravention Notice - Construction Started Without a Building Permit - 88 Princess Street

Introduced by Dale Lindsay, Director of Community Development.

Acting Mayor Yoachim requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 88 Princess Street.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 88 Princess Street.

It was moved and seconded 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 88 Princess Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

10. ADJOURNMENT:

It was moved and seconded at 8:14 p.m. that the meeting terminate. The motion carried unanimously.


CHAIR

CERTIFIED CORRECT:


CORPORATE OFFICER