

MINUTES
SPECIAL COUNCIL MEETING (PUBLIC HEARING)
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC
THURSDAY, 2023-MAY-18, AT 7:00 P.M.

Present: Mayor L. Krog, Chair
Councillor S. Armstrong (joined electronically)
Councillor T. Brown
Councillor H. Eastmure (joined electronically)
Councillor B. Geselbracht (joined electronically)
Councillor E. Hemmens
Councillor P. Manly (joined electronically 7:02 p.m.)
Councillor J. Perrino
Councillor I. Thorpe

Staff: D. Lindsay, General Manager, Development Services/Deputy Chief
Administrative Officer
J. Holm, Director, Development Approvals
D. Fox, Manager, Building Inspections
L. Rowett, Manager, Current Planning
T. Webb, Manager, Communications
P. Carter, Planner
C. Horn, Planner
S. Gurrie, Director, Legislative Services
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.

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.

Councillor Manly joined the meeting electronically at 7:02 p.m.

Mayor Krog explained the requirements for conducting a Public Hearing.

Councillor Eastmure disconnected from the meeting at 7:04 p.m. declaring a conflict of interest as she lives near 1 Terminal Avenue.

4. PUBLIC HEARING FOR REZONING APPLICATION NO. RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE

(a) Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue

Mayor Krog called the Public Hearing to order at 7:04 p.m.

Caleb Horn, Planner, introduced the application and noted that eight (8) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2023-MAY-18 with respect to Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

Mayor Krog called for submissions from the Applicant:

1. Deane Strongitharm, Strongitharm Consulting Ltd., Project Planner for the application, spoke regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue. Highlights included:
 - Noted that an administrative change was made to the bylaw 2023-MAY-01;
 - Located on a strategic gateway property in downtown Nanaimo and will positively contribute to the downtown;
 - Will encourage investment in the downtown;
 - There are no changes to the master plan, density, heights, or community amenity contributions following the administrative change to the bylaw 2023-MAY-01; and,
 - The project is consistent with the vision for downtown.

Mayor Krog called for submissions from the Public:

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

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

1. Caelen Middleton, spoke via telephone, in support, stating that the project would benefit the downtown area and Nanaimo as a whole.

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

No one wished to speak regarding Rezoning Application No. RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue.

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 RA475 - 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue be closed at 7:15 p.m.

Council recessed the meeting at 7:16 p.m.
Council reconvened the meeting at 7:18 p.m.

It was moved and seconded that “Zoning Amendment Bylaw 2022 No. 4500.204” (to rezone 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue from Medium Density Residential [R8] and Gateway [DT12] to Comprehensive Development District Zone Seven [CD7] and to amend the CD7 zone with new zoning regulations, to facilitate a mixed-use development and subdivision) pass third reading. The motion carried.

Opposed: *Councillor Manly*

It was moved and seconded that “Land Use Contract Discharge Bylaw 2022 No. 7355” (to discharge an existing Land Use Contract from the property title of 500 Comox Road) pass third reading. The motion carried unanimously.

Councillor Eastmure rejoined the meeting electronically at 7:20 p.m.

5. REPORTS:

(a) Bylaw Contravention Notice - Construction Started without a Building Permit - 2920 Newton Street

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 2920 Newton 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 2920 Newton Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started without a Building Permit - 3712 Sundown Drive

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 3712 Sundown Drive.

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 3712 Sundown Drive for

construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started without a Building Permit - 141 Craig Street

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 141 Craig 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 141 Craig Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started without a Building Permit - 802 Victoria Road

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 802 Victoria 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 802 Victoria Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(e) Bylaw Contravention Notice - Construction Started without a Building Permit - 1506 Wilson Road

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 1506 Wilson 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 1506 Wilson Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(f) Bylaw Contravention Notice - Construction Started without a Building Permit - 622 Quilchena Crescent

Introduced by Darcy Fox, Manager, Building Inspections.

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

No one in attendance wished to speak with respect to 622 Quilchena Crescent.

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 622 Quilchena Crescent for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 7:28 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER