



MINUTES

SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, April 18, 2024, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members:

- Mayor L. Krog, Chair
- Councillor S. Armstrong*
- Councillor T. Brown (vacated 7:14 p.m.)
- Councillor H. Eastmure
- Councillor B. Geselbracht
- Councillor E. Hemmens
- Councillor P. Manly
- Councillor J. Perrino
- Councillor I. Thorpe

Staff:

- J. Holm, Director, Planning & Development
- L. Rowett, Manager, Current Planning
- C. Horn, Planner
- K. Robertson, Deputy Corporate Officer
- A. Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

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

2. INTRODUCTION OF LATE ITEMS:

- (a) Agenda Item 5(a) Rezoning Application No. RA475 – 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue – Replace report titled “Rezoning Application No. RA475 – 444, 450, 500 Comox Road, 55 Mill Street, and 1 Terminal Avenue”, Attachment A – Subject Property Map, and Attachment B – Background Staff Reports

* Denotes electronic meeting participation as authorized by “Council Procedure Bylaw 2018 No. 7272”

- (b) Agenda Item 6(d) Bylaw Contravention Notice – Construction Started Without a Building Permit – 6 – 61 Twelfth Street – Add delegation from Daryl Baratta.

3. ADOPTION OF AGENDA:

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

4. 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 of 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.

Councillor Eastmure vacated the Shaw Auditorium at 7:04 p.m. declaring a conflict of interest as she lives near 1 Terminal Avenue.

5. CALL THE PUBLIC HEARING TO ORDER FOR REZONING APPLICATION NO. RA475 - 444, 450, 500 COMOX ROAD, 55 MILL STREET, AND 1 TERMINAL AVENUE, ZONING AMENDMENT BYLAW 4500.204

- 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 six (6) written submissions were received prior to the start of the Special Council Meeting (Public Hearing), 2024-APR-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:

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:

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:

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 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 7:08 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.

Opposed: Councillor Manly

Councillor Eastmure returned to the Shaw Auditorium at 7:08 p.m.

6. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1724 Meredith Road

Introduced by Jeremy Holm, Director, Planning and Development.

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

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 1724 Meredith 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 1724 Meredith Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

Councillor Brown vacated the Shaw Auditorium at 7:14 p.m.

b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2745 Fandell Street

Introduced by Jeremy Holm, Director, Planning and Development.

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

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 2745 Fandell 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 2745 Fandell Street 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 - 2276 & 2278 Rosstown Road

Introduced by Jeremy Holm, Director, Planning and Development.

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

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 2276 & 2278 Rosstown 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 2276 & 2278 Rosstown Road 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 - 6-61 Twelfth Street

Introduced by Jeremy Holm, Director, Planning and Development.

Delegation:

1. Daryl Baratta, mobile home park manager, noted the construction started without a building permit due to a misunderstanding, and that the owner of the mobile home lives out of town and was unaware of the situation. He advised that the permit applications have since been submitted.

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 61 Twelfth Street for construction started without a building permit on Unit 6 in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3533 & 3535 Bonnie Drive

Introduced by Jeremy Holm, Director, Planning and Development.

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

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit – 2276 & 2278 Rosstown 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 3533 and 3535 Bonnie Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

7. 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