

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay BC, on Monday, August 9, 2004 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester

Councillors: N. A. Ahmed

J. L. Harder

L. V. Jangula

D. S. McRae

G. T. Phelps

J. M. Presley

Staff:

T. Manthey, Acting Administrator

J. Ward, City Clerk

K. Lagan Director of Development Services

P. Crawford, Senior Planner

G. Garbutt, Planner

The meeting was called to order at 4:03 p.m.

1.00 MINUTES

.01 Moved by Harder and seconded by McRae that the minutes of the Regular Council meeting held July 19, 2004 be adopted.
Carried

3.00 DELEGATIONS

Cathy Wood re: Mex Pub Liquor Licence

Cathy Wood reviewed the Mex Pub application for a permanent change to their liquor licence in order to remain open until 2:00 a.m. She stated that the Mex Pub would like to be on a level playing field with other establishments.

Rick Jackson, Silverado Land Corporation re: DVP #0430

Rick Jackson, the applicant, reviewed the request for Development Variance Permit No. 0430 to allow construction of Royal Boulevard as a dead-end roadway not having a direct sightline.

Brian Hemingway re: DVP #0430

Brian Hemingway expressed his opposition to Development Variance Permit No. 0430. He stated that there will be traffic problems if the variance were approved, and he reviewed various plans from Crown Isle regarding the proposed “Somerset Lane” development showing single family lots, and recently showing multi-family. Mr. Hemingway also reviewed the number of vehicles parked at the bottom of Monarch Drive and provided photos. He stated that there could possibly be legal action taken against Crown Isle for misrepresentation regarding the “Somerset Lane” development. Mr. Hemingway invited all members of Council to come to Crown Isle to view the situation.

Paul Chisholm re: DVP #0430

Paul Chisholm expressed his opposition to Development Variance Permit No. 0430. He outlined that many homeowners in the Monarch Drive area are not happy with the proposed “Somerset Lane” development. Mr. Chisholm stated that his biggest concern was the potential loss of property valuation, that he is not opposed to development, and that he likes the building standards Crown Isle has set. He also expressed concerns regarding the separation distance between the proposed development and his property if Royal Boulevard were not extended.

Richard Jasper and Ken Lambertsen re: DVP#0327

Richard Jasper, the applicant, reviewed the application for Development Variance Permit No. 0327 for the project located at 199 31st Street. He described the efforts being undertaken to protect the environmentally sensitive areas, and reviewed that covenants will be registered for these areas. Mr. Jasper stated that the project would be built in four phases, with the condominium building being the fourth phase. He also reviewed the proposed building design as well as construction features and materials.

Ken Lambertsen of Phoenix Environmental Services reviewed that an environmental impact assessment was performed on the property. He described the process undertaken to delineate the higher high water mark for the purposes of determining setbacks for the project as required by DFO.

Mayor Winchester left Council Chambers at 4:38 p.m. and Councillor Ahmed took the Chair. Mayor Winchester returned to Chambers and took the Chair at 4:40 p.m.

Richard Porter re: DVP#00327

Richard Porter of the Millard/Piercy Watershed Stewards expressed his opposition to Development Variance Permit No. 0327. He stated that the natural boundary of the property was established in 1978 and is no longer correct since the outlet of Millard Creek has migrated 20 metres; therefore the site plan is misleading. Mr. Porter stated that the high water mark is well within the property boundaries used to establish setbacks, that the variances requested do not leave sufficient room for a walkway, and that the 30 metre no development setback along Millard Creek is undergoing rapid erosion and will quickly disappear. He also stated that approval from Fisheries has not been finalized, and suggested that an expert in shoreline processes be engaged to review the project.

Brian Kliman re: DP#0418

Brian Kliman reviewed the application for Development Permit No. 0418 from Colonial Cabinets & Plastic Laminate for a new building at 2989 Kilpatrick Avenue.

4.00 COMMITTEE/STAFF REPORTS

.01
MEX PUB CHANGE
TO LIQUOR LICENCE
4320-20

Moved by Presley and seconded by Phelps that Council request the Mex Pub to post a public notice at their place of business outlining their application for a permanent change to their liquor licence;

That the City publish a notice in 2 consecutive issues of a local newspaper outlining the Mex Pub application for a permanent change to their liquor licence;

That written submissions concerning the application be received by Council up to 30 days after the last publication of notice;

That any submissions from the public within the specified time frame be presented to Council prior to commenting on the application;

That the cost of the newspaper notices be recovered from the applicant; and

That staff provide a report to Council regarding other liquor establishments in the City that are open until 2:00 a.m.

Carried with Councillors Ahmed, Harder and Jangula opposed

.02
CITY WEBSITE
CONTACTS
1430-20

Councillor Ahmed requested that staff investigate providing more contact information for Council and Department Heads on the City's website.

.03
DVP NO. 0327
678702 BC LTD
3090-20-0327

Moved by Presley and seconded by McRae that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on September 7, 2004; and

That subject to public input, Development Variance Permit No. 0327 be issued to 678702 BC Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow:

- Reduced frontage from 30 m to 0.0 m for Remainder Lot 2, Section 67, Comox District, Plan 31530 to accommodate phased strata subdivision;
- Reduced rear yard setback from 7.5 m to 2.2 m for Strata Phase 1;
- Reduced front yard setback from 7.5 m to 2.2 m, reduced side yard setback from 4.5 m to 1.3 m and rear yard setback from 7.5 m to 2.1 m for Strata Phase 2;
- Reduced side yard setback from 4.5 m to 2.1 m for Strata Phase 3;
- Reduced front yard setback from 7.5 m to 3.0 m, and rear yard setback from 7.5 m to 4.4 m for Strata Phase 4;
- Reduced side yard setback to zone boundary from 4.5 m to 2.13 m

- for Proposed Units 20 to 21;
- Reduced side yard setback to zone boundary from 4.5 m to 2.89 m for Proposed Units 22 to 24;
- Reduced side yard setback to zone boundary from 4.5 m to 1.39 m for Proposed Units 25 to 26; and
- Increased maximum permitted height from 9.14 m to 12.5 m for Proposed Units 28 to 51;

as outlined in *Schedule Nos. 1-5* attached for property legally described as Lot 2, Section 67, Comox District, Plan 31530 at 199 31st Street subject to the owner entering into a conservation covenant pursuant to Section 219 of the Land Titles Act to protect environmentally sensitive areas within the Residential 3 zoned portion of the subject property and the dedication of lands zoned PA-2 to the City as parkland at time of subdivision.

Subsidiary Motion

Moved by Harder and seconded by Presley that Development Variance Permit No. 0327 be deferred pending a staff report regarding the feasibility of obtaining a third party independent environmental assessment of the proposed development.

Carried

Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship and vacated Council Chambers at 5:15 p.m.

.04

DVP NO. 0417
WHISTLE STOP
3090-20-0417

Moved by Jangula and seconded by Ahmed that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on September 7, 2004.

That subject to public input, Development Variance Permit No. 0417 be issued to Whistle Stop Holdings Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required side yard setback from 4.5m to 0.33m for an addition to a commercial building as shown on Schedule Nos. 1-3 for the property legally described as Lot B, Section 66, Comox District, Plan 28292 at 2355 Mansfield Avenue.

Carried

Councillor Presley returned to Council Chambers and took his seat at 5:16 p.m.

.05

DVP NO. 0431
TRUMPETER
HOLDINGS
3090-20-0431

Moved by McRae and seconded by Jangula that notice be given to the adjacent property owners of the proposed development variance outlined below and that the application be returned to Council at a meeting on September 7, 2004; and

That subject to public input, Development Variance Permit No. 0431 be issued to Trumpeter Holdings Ltd. to provide relief from the City of Courtenay Sign Bylaw No. 2042, 1998, to allow a freestanding sign with an increase in sign area from 4 sq.m. to 7.7 sq.m. and sign height from 3.5m to 6.45m as outlined on Schedule No. 1 attached for property legally described as Lot A (DD EW78086), Section 20, Comox District, Plan 7161 at 4901 and 4907 North Island Highway.

Carried

.06

DP NO. 0418
COLONIAL CABINETS
3060-20-0418

Moved by Presley and seconded by Phelps that the application from Colonial Cabinets & Plastic Laminates (1980) Ltd for Development Permit No. 0418 to allow the construction of a 1,605m² commercial building at 2989 Kilpatrick Avenue including landscape materials, irrigation and installation valued at \$41,312.00 be approved as outlined in Schedule Nos. 1-4; and

That if the permit holder has not substantially commenced any construction to which the permit was issued within twelve (12) months after the date it was issued, the permit lapses.

Carried

.07

ZONING AMEND
SANDWICK/
HEADQUARTERS
6520-20

Moved by Harder and seconded by Jangula that Council approve amendments to the City of Courtenay Zoning Bylaw No. 1427, 1986 to create five new Rural Residential (RR-1 to 5) zones for existing residential properties and to zone Commercial and Institutional properties within the Sandwich/Headquarters area pursuant to the policies and designations with the Sandwich/Headquarters Local Area Plan;

That an open house be held in September to provide Council with public input; and

That City of Courtenay Zoning Amendment Bylaw No. 2366, 2004 proceed to 1st and 2nd reading.

Carried

.08

WEST COURTENAY
BOUNDARY
EXTENSIONS
3720-01

Moved by McRae and seconded by Jangula that Council support the requests for boundary extensions for D.L. 95 on Lake Trail Road, a portion of D.L. 231 on the north side of the Comox Valley Parkway and at Powerhouse Road near 1st Street and that the applications be advertised according to the requirements of the *Local Government Act*.

Carried

.09
SUB SERVICING
AGREE-MISSION RD
DEV
3320-20-01331
PHASE 5

Moved by Ahmed and seconded by McRae that Council approve the Subdivision Servicing Agreement for the subdivision of Part of Lot I, Plan 43411, Except Part in Plan VIP76872, and Part of Lot J, Except Part in Plans VIP75076 and VIP76872, All of District Lot 236, Comox District;

That the required security be provided to the City prior to subdivision approval; and

That the Mayor and Clerk be authorized to sign all documentation relating to this development.

Carried

.10
20TH ST E. OF MARINA
ACCESS
950-20-20TH ST

Moved by McRae and seconded by Harder that Council receive for information that the Director of Operational Services will be prohibiting public vehicular traffic access under Division III, Section 11(a) of the Traffic Regulation Bylaw 1926, 2996 and amendments thereto, for that part of 20th Street east of the intersection of the marina access road.

Carried

.11
SANDWICK
WATERWORKS
HUBAND/
MEADOWBROOK
3720-20

Moved by Ahmed and seconded by Presley that Council advise the Sandwick Waterworks District that they will continue to meet with them to discuss the Waterworks District subject; and

That until the Minister of Community, Aboriginal and Women's Services provides direction on the possible annexation of Huband/Meadowbrook area and how they will financially deal with a new waterworks system, the agreement between the City and Sandwick Waterworks District cannot be completed.

Carried

.12
HOBSON/HAWK/
WHISKEY JACK WAY
ROAD NETWORK
5400-13

Moved by Harder and seconded by Phelps that Council establish a traffic advisory group within the Hobson/Avenue/Hawk Drive/Whiskey Jack Way neighbourhood to work towards a traffic solution;

That a traffic study be undertaken once school is in session to determine traffic volume, patterns and recommended solutions, including a review of the public input already received; and

That subsequent to the traffic study, staff present recommendations to Council on traffic calming solutions along Hobson Avenue, Hawk Drive and Whiskey Jack Way.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

R15/2004 – August 9, 2004

.01

OPER SERVICES
REPORT
650-20

Moved by McRae and seconded by Ahmed that the Operational Services Month End Reports for May and June 2004 be received for information.

Carried

.02

PLANNING DIV
REPORT
650-20

Moved by Harder and seconded by Presley that the Planning Division Activity Report for July 2004 be received for information.

Carried

7.00 UNFINISHED BUSINESS

.01
DVP NO. 0426
LARSON
3090-20-0426

Mayor Winchester asked whether there were any members of the audience wishing to make a submission regarding the following development variance permits.

Ronna-Rae Leonard, 4660 Clough Road expressed her opposition to Development Variance Permit No. 0426. She stated that Western Road should be included in the Sandwich Local Area Plan. Ms. Leonard expressed concerns regarding density and stated that the rural area is being threatened by the zoning on this property.

Moved by Harder and seconded by Presley that Development Variance Permit No. 0426 be issued to Kathleen and Lyle Larson to provide relief from the City of Courtenay Subdivision Control Bylaw No. 1401, 1986 and amendments thereto, to allow construction of Western Road to a rural road standard and to allow Western Road as a dead-end roadway that is longer than 152.4 metres in length as outlined in Schedule No. 1, for Remainder of Lot 7, Section 17, Comox District, Plan 2033.

Carried

.02
DVP NO. 0427
JERICHO PROP.
3090-20-0427

Moved by Harder and seconded by McRae that Development Variance Permit No. 0427 be issued to Jericho Properties Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to allow for zero property frontage for a phased strata development as outlined in Schedule Nos. 1 and 2 for the property legally described as Lot A, Section 41, Comox District, Plan VIP68800.

Carried

.03
DVP NO. 0429
OUIMET
3090-20-0429

Moved by McRae and seconded by Ahmed that Development Variance Permit No. 0429 be issued to Chris and Nancy Ouimet to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required rear yard setback from 9m to 6.1m for the construction of a deck on a residential dwelling as shown on Schedule Nos. 1 and 2 for the property legally described as Lot 2, Section 46, Comox District, Plan VIP59389 at 1081 Thorpe Avenue.

Carried

.04
DVP NO. 0430
SILVERADO LAND
CORP
3090-20-0430
3320-20-04413

Barry Good, 741 Monarch Drive, expressed his opposition to Development Variance Permit No. 0430. He stated that although the proposed “Somerset Lane” development conforms to the Official Community Plan, there are problems with the development. Mr. Good stated that he purchased his property with the understanding that single family home would be built. He stated that the multi-family development would adversely affect his property value; along with many other residents on Monarch Drive.

Moved by Harder and seconded by Presley that Development Variance Permit No. 0430 be issued to Silverado Land Corp., to provide relief from the City of Courtenay Subdivision Control Bylaw No. 1401, 1986 and amendments thereto, to allow construction of Royal Boulevard as a dead-end roadway not having a direct sightline, for Lots 1 & 2, Block 72, Comox District, Plan VIP-----, as outlined in Schedule No. 1.

Subsidiary Motion

Moved by Ahmed and seconded by Presley that consideration of Development Variance Permit No. 0430 be deferred pending consultation with Crown Isle, the developer of Somerset Lane, and Crown Isle residents and property owners.

Carried

10.00 BYLAWS

.01
BYLAW NO. 2366

Moved by McRae and seconded by Harder that “City of Courtenay Zoning Amendment Bylaw No. 2366, 2004” pass first and second reading.

Carried

.02
BYLAW NO. 2365

Moved by Ahmed and seconded by Phelps that “Copperfield/Arden and Braidwood/Dingwall Sanitary Sewer Service Area Parcel Tax Bylaw No. 2365, 2004” pass first, second and third reading.

Carried

Councillor Phelps inquired whether there was any information regarding a cat problem in the downtown area.

Councillor Phelps reviewed that Sandra Williams has retired from Y.A.N.A., and is in poor health. He inquired if there was a way for the City to acknowledge her efforts.

11.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR MCRAE Councillor McRae reviewed his attendance in the dunk tank at the Y.A.N.A. fundraiser.

COUNCILLOR PRESLEY Councillor Presley reviewed his attendance at the Hawk Drive/Whiskey Jack Way traffic open house.

R15/2004 – August 9, 2004

COUNCILLOR Councillor Jangula reviewed his attendance at the Hawk Drive/Whiskey
JANGULA Jack Way traffic public open house.

MAYOR WINCHESTER Mayor Winchester reviewed her attendance at the following events:

- Visit by Honourable John Les, Minister of Small Business and Economic Development
- Change of Command at CFB Comox, Colonel Jon Ambler, 19 Wing Comox Commander, and Lieutenant-Colonel Paul Ormsby, 407 Squadron Commander
- Truck Loggers Association meeting with Councillor Presley
- Visitors Day at the Comox Valley Chamber of Commerce
- Start up for Habitat for Humanity housing project on Willemar Avenue

12.00 ADJOURNMENT

.01 Moved by Ahmed and seconded by Harder that the meeting now
adjourn at 6:20 p.m.
Carried

CERTIFIED CORRECT

Clerk

Adopted this 16th day of August, 2004

Mayor