

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, February 21, 2005 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester, Mayor

**Councillors: N. A. Ahmed
J. L. Harder
L. V. Jangula
D. S. McRae
J. M. Presley**

Staff:

**S. T. Gray, Administrator
J. Ward, Manager of Corporate Administration
D. Slobodan, Director of Regulatory Services
K. Lagan, Director of Operational Services
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
G. Garbutt, Planner**

The meeting was called to order at 4:00 p.m.

1.00 MINUTES

.01 Moved by Presley and seconded by Harder that the minutes of the Regular Council meeting held February 14, 2005 be adopted.
Carried

3.00 DELEGATIONS

Youth in Philanthropy

Sharon Beristain, Adult Advisor and Director of the Comox Valley Community Foundation, introduced Youth in Philanthropy members Cassie Bosma and Clare Pederson. Cassie and Clare outlined the Youth in Philanthropy program, which is to promote youth leadership and community involvement among young people. They also reviewed the organization's mission statement, plans for the future, and requested any financial assistance that the City could provide.

Regional District of Comox Strathcona Budget Presentation

Jim Abram, Chair of the Regional District introduced Bob Long and Deborah Oakman, who made a presentation regarding the Regional District budget for 2005. The presentation included the proposed expenditures, revenues, and tax requisition for the City for 2005.

Tom Dishlevoy, Rezoning Application No. 0420

Tom Dishlevoy of Dishlevoy Hagarty Architects reviewed the application to rezone three properties on Cliffe Avenue at 31st Street from R-1 to R-4A. Mr. Dishlevoy outlined the proposed "Salishan Choice" residential development, which would include approximately 70 multi residential units.

Ian Whitehead, Rezoning Application No. 0503

Ian Whitehead representing 448639 B.C. Ltd. reviewed the request for Council to reconsider the defeated resolution regarding the rezoning application for property located adjacent to the Comox Valley Parkway. He outlined the concerns raised by the public regarding the initial application including parcel size, park dedication, noise abatement, and sediment control. Mr. Whitehead stated that his client has resolved all of the concerns in the new proposal. Tim O'Brien, Landscape Architect, reviewed the plans for the natural noise abatement buffer along the Comox Valley Parkway.

4.00 COMMITTEE/STAFF REPORTS

.01 Moved by Ahmed and seconded by Jangula that "Fetal Alcohol SPECTRUM DISORDER WARNING BYLAW 3900-01 proceed to final adoption.
Carried

Councillor Presley declared a potential conflict of interest regarding Development Permit No. 0430 due to a business relationship, and vacated Council Chambers at 5:02 p.m.

.02 Moved by McRae and seconded by Harder that the application from DP NO. 0430 423537 BC LTD 586046 BC LTD 3060-20-0430 allow the construction of a mini storage building with 2 residential units including landscape materials, irrigation and installation valued at \$5,042.00 for the property described as Lot 2, District Lot 127, Comox District, Plan 6232 at 907 McPhee Avenue as outlined in Schedule Nos. 1-3 be approved; and

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

Carried

Councillor Presley returned to Council Chambers and took his seat at 5:05 p.m.

.03

DP NO. 0431
NOORT DEV.
3090-20-0431

Moved by Harder and seconded by Presley that the application from Noort Developments on behalf of Ailsa Estates Ltd. and J. Fitterer Builders Ltd. for Development Permit No. 0431 to allow the construction of 31 single storey, seniors oriented patio homes on Lot B, District Lot 127, Comox District, Plan 25639 except part in Plan 26825, including landscape materials and installation valued at \$84,975.00 as outlined in Schedule Nos 1-4 be approved; 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

.04

DVP NO. 0502
PETERSEN
3090-20-0502

Moved by Presley 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 March 7, 2005; and

That subject to public input, Development Variance Permit No. 0502 be issued to Ryan and Aran Petersen to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required exterior side yard setback for an accessory building from 4.5m to 1.67m as shown on Schedule Nos. 1 and 2 for the property legally described as Lot 4, District Lot 104, Comox District, Plan 20977 at 1140-21st Street.

Carried

.05

REZONING APP #0420
DISHLEVOY (31ST ST.)
3360-20-0420

Moved by Ahmed and seconded by Presley that Council approve the application from Dishlevoy Hagarty Architects to amend the City of Courtenay Zoning Bylaw No. 1427 from Residential One Zone (R-1) to Residential Four A Zone (R-4A) for the properties legally described as part of Lots 8-10, Block 1, Section 67, Comox District, Plan 9900 to allow for the construction of a multi-residential building as outlined in Schedule Nos. 1-5;

That City of Courtenay Zoning Amendment Bylaw No. 2400, 2005 proceed to 1st and 2nd readings; and

That a Public Hearing be held on March 14, 2005 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw No. 2400.

Carried

Councillor Presley declared a potential conflict of interest regarding Rezoning Application No. 0503 due to a business relationship, and vacated Council Chambers at 5:09 p.m.

.06

REZONING APP #0503
448629 BC LTD
3360-20-0503

Moved by McRae and seconded by Harder that the 12 month time limit for reconsideration of a resolution that was defeated by Council on October 18, 2004 with respect to the rezoning application submitted by 448629 B.C. Ltd. for Rem Lot 1, DL 231, Plan 2152 be waived.

Carried with Councillor Jangula opposed

Moved by McRae and seconded by Harder that the applicant arrange for a Public Open House regarding the rezoning application from 448629 B.C. Ltd.; and

That a subsequent report be presented to Council regarding this issue.

Carried

Councillor Presley returned to Council Chambers and took his seat at 5:20 p.m.

.07

CYCLING
INFRASTRUCTURE
PROGRAM
1845-20

Moved by Harder and seconded by Presley that Council approve an application for funding assistance for a 50/50 cost sharing grant with the Ministry of Transportation under the Cycling Infrastructure Partnership Program for the following:

1. A bike lane of 1.8 km along Lerwick Road from Mission Road to the Island Highway at an estimated cost of \$349,587.00; and
2. A bike path of 0.175 km from 19th Street to 20th Street as part of the Riverway Walkway at an estimated cost of \$75,000.00.

Carried

.08

GARBAGE CONTRACT
1 MONTH EXTENSION
5360-01

Moved by McRae and seconded by Presley that the existing garbage contract with Salish Disposal Ltd. be extended by 1 month.

Carried

6.00 RESOLUTIONS OF COUNCIL

.01

INCAMERA MTG

Moved by Ahmed and seconded by Jangula that under the provisions of Section 90(c) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public will be held February 21, 2005 at the conclusion of the Regular Council Meeting.

Carried

7.00 UNFINISHED BUSINESS

Councillor Presley declared a potential conflict of interest regarding Development Variance Permit No. 0501 and Development Variance Permit No.0439 due to a business relationship, and vacated Council Chambers at 5:25 p.m.

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0501, and there were none.

.01

DVP NO. 0501
OUMET
3090-20-0501

Moved by Ahmed and seconded by Harder that Development Variance Permit No. 0501 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

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0439, and there were none.

.02

DVP NO. 0439
423537 BC LTD/
586046 BC LTD
3090-20-0439

Moved by McRae and seconded by Harder that Development Variance Permit No. 0439 be issued to 423537 B.C. Ltd/586046 B.C. Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required rear yard setback from 4.5m to 0.0m for a mini storage building with 2 residential units as outlined in Schedule Nos. 1-3, for the property described as Lot 2, District Lot 127, Comox District, Plan 6232 at 907 McPhee Avenue.

Carried

Councillor Presley returned to Council Chambers and took his seat at 5:27 p.m.

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0442, and there were none.

.03

DVP NO. 0442
NOORT DEV.
3090-20-0442

Moved by Harder and seconded by Presley that Development Variance Permit No. 0442 be issued to Noort Developments to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to allow:

Phased Strata Plan

- Reduced side yard setback from 6.0m to 3.5m for Block 9 of Strata Phase 1;
- Reduced side yard setback from 6.0m to 3.5m for Block 10 of Strata Phase 2;

Development Variances

- Reduced front yard setback from 4.5m to 3.9m for proposed Blocks 1, 7 and 8;
- Reduced side yard setback from 6.0m to 5.6m for proposed Blocks 1-3, 6 and 7;
- Reduced side yard setback from 6.0m to 3.4m for proposed Block 5;
- Reduced rear yard setback from 7.5m to 3.7m for proposed Block 3;
- Reduced rear yard setback from 7.5m to 2.1m for proposed Block 4; and
- Reduced rear yard setback from 7.5m to 3.4m for proposed Block 5

as outlined in Schedule Nos. 1-4 for the property legally described as Lot B, District Lot 127, Comox District, Plan 25639 except part in Plan 26825 at 1050 10th Street.

Carried

9.00 NEW BUSINESS

.01

YOUTH IN
PHILANTHROPY
1850-20

Moved by Ahmed and seconded by McRae that any surplus funds from the Youth Bursary Program each year be considered for a contribution to Youth in Philanthropy.

Carried

Moved by McRae and seconded by Harder that the City contribute \$1000.00 in 2005 to Youth in Philanthropy from the Youth Bursary Program surplus funds.

Carried

10.00 BYLAWS

.01 Moved by Harder and seconded by Presley that “City of Courtenay
BYLAW NO. 2400 Zoning Amendment Bylaw No. 2400, 2005” pass first and second reading.
Carried

.02 Moved by Harder and seconded by Presley that “Fetal Alcohol
BYLAW NO. 2386 Spectrum Disorders Warning Sign Bylaw No. 2386, 2004” be finally passed
and adopted.
Carried

11.00 COUNCIL MEMBER ROUNDTABLE

COUNCILLOR PRESLEY Councillor Presley encouraged Council and members of the public to visit
the Lantern Display at the C.R.I. Hall.

12.00 ADJOURNMENT

.01 Moved by Harder and seconded by McRae that the meeting now
adjourn at 5:38 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 7th day of March, 2005

Mayor