

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, June 13, 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

G. T. Phelps

J. M. Presley

Staff:

S. T. Gray, Administrator

J. Ward, Manager of Corporate Administration

K. Lagan, Director of Operational Services

D. Slobodan, Director of Regulatory and Property Services at 4:18 p.m.

R. Wiwchar, Director of Community Services

Ian Farquharson, Deputy City Engineer

G. Garbutt, Planner

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

1.00 MINUTES

.01

Moved by Presley and seconded by Harder that the minutes of the Regular Council meeting held May 16, 2005 and the Special Council meeting held May 25, 2005 be adopted.

Carried

3.00 DELEGATIONS

Comox Valley Land Trust

Shirley Ward introduced Jack Minard, Chairman of the Regional Conservation Strategy Steering Committee, and Linda Fyfe, Regional Conservation Strategy Project Coordinator. Mr. Minard reviewed the Regional Conservation Strategy for the Comox Valley being undertaken by the Comox Valley Land Trust. The purpose of the strategy is to contribute to the quality of life for all valley residents by conserving habitat, recreational natural areas, working farms and forests, and historic sites essential to environmental health, sustainable economic opportunities and civic pride.

4.00 COMMITTEE/STAFF REPORTS

.01

THEATRE
APPOINTMENT
2250-20

Moved by McRae and seconded by Ahmed that Richard Kerton be appointed to the Sid Williams Theatre Society Board of Directors for a one year period.

Carried

.02

FRISBEE GOLF
6140-002

Moved by Ahmed and seconded by Jangula that the concept of a Frisbee golf course at Puntledge Park be investigated after further discussion with the neighbourhood groups, individuals and community groups.

Carried

.03

COSMETIC USE OF
PESTICIDES
5280-05

Moved by Harder and seconded by Presley that the City of Courtenay request to participate in the Regional District of Comox-Strathcona Pesticide Awareness and Reduction Education Program.

Carried

.04

PROPOSED
DEVELOPMENT FEES
INCREASE
3030-00

Moved by Ahmed and seconded by Phelps that Council approve amendments to the Fees and Charges Bylaw for Development Fees as recommended in Appendix I attached to the report from the Director of Planning Services dated May 13, 2005.

Carried

.05

DVP NO. 0506
MIKE CODE
3090-20-0505

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 July 4, 2005; and

That subject to public input, Development Variance Permit No. 0506 be issued to Mike Code to provide relief from S.8.2.8 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to increase the permitted height of a dwelling from 1 storey to 2 storeys with a maximum total building height of 8.3m to allow for the construction of a duplex as shown on Schedule Nos. 1-2 for the property legally described as Lot A, District Lot 96, Comox District, Plan VIP58506 at 1440 15th Street..

Carried

.06

DVP NO. 0507
PODETZ
3090-20-0507

Moved by McRae and seconded by Phelps 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 July 4, 2005;

That subject to public input, Development Variance Permit No. 0507 be issued to Ed and Joy Podetz to provide relief from S.8.1.6 of the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required rear yard from 9m to 7.4m to allow a 3.6m x 4.2m sunroom as shown on Schedule Nos. 1-3 for the property legally described as Lot 5, DL 159, Comox District, Plan VIP 59686 at 2403 9th Street East.

Carried

Councillor Presley declared a potential conflict of interest regarding Development Variance Permit No. 0509 due to a client relationship and vacated Council Chambers at 4:26 p.m.

.07

DVP NO. 0509
CROSSMAN HOMES
3090-20-0509

Moved by Ahmed 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 July 4, 2005; and

That subject to public input, Development Variance Permit No. 0509 be issued to Crossman Homes Ltd. to provide relief from S. 8.1.24 of the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required total side yard from 4.5m to 4.37m as shown on Schedule Nos. 1 and 2 for property legally described as Lot B, District Lot 236, Comox District, Plan 77636 at 2961 Huckleberry Place.

Carried

Councillor Presley returned to Council Chambers and took his seat at 4:28 p.m.

.08

DVP NO. 0510
3739 INVESTMENTS
3090-20-0510

Moved by Ahmed and seconded by Presley 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 July 4, 2005; and

That subject to public input, Development Variance Permit No. 0510 be issued to 3739 Investments Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to

- decrease the minimum required Frontage from 9.146m to 0.0m for Strata Phases 1 and 2, and
- decrease the minimum required Front Yard Setback from 6.0m to 4.9m for Strata Phase 2

to allow for the Phased Strata Subdivision of a multi residential development as outlined on Schedule No. 1 for the property legally described as Lot A, Section 66, Plan VIP58397 and Lot 1, Section 66, Plan VIP58398 at 105 & 145 Mansfield Drive.

Carried

.09

DP NO. 0506
PAGE & HOWARD
SECURITIES
3060-20-0506

Moved by McRae and seconded by Presley that the application from Page & Howard Securities for Development Permit No. 0506 to allow for a 186m² addition and exterior renovation including landscape materials and installation valued at \$2,685.00 be approved for the commercial building on Lot 1, Section 69, Comox District, Plan 43043 at 362 10th Street as outlined in Schedule Nos. 1-3; 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

.10

SANDWICK/
HEADQUARTERS
ZONING BYLAW
3360-20

Moved by Ahmed and seconded by Jangula that Council approve the following amendments to the Sandwick/Headquarters Zoning Bylaw No. 2397, 2005;

1. Zoning of R-1A (1 hectare) for a 2.4 hectare parcel on Inglewood Drive
2. Zoning of RR-3 (2500 sq.m.) for Caledon Crescent and 2000 sq.m. on a small part of Caledon
3. Zoning of 4000 sq.m. for Headquarters Road on the school site
4. Zoning of R-1A (1 hectare) for Headquarters Road on the river side with future designation of this area for an average size of 1850 sq.m. with a minimum of 1250 sq.m. for areas not within the floodplain and subject to park/environmental dedication to the satisfaction of the City
5. Zoning to allow an average lot size of 1850 sq.m. with a minimum of 1250 sq.m. for the Dingwall/Muir Road area; and

That the Public Hearing be set for July 4, 2005 at 5:00 p.m. in the City Hall Council Chambers in relation to Bylaw No. 2397, 2005.

Carried

.11

MISSION RD LOCAL
AREA ROAD
NETWORK
6520-20

Moved by Ahmed and seconded by Presley that Council approve an amendment to the Road Network Plan for two lots on Mission road as outlined in Attachment A;

That Official Community Plan Amendment Bylaw No. 2419, 2005 proceed to 1st and 2nd reading; and

That the Public Hearing be set for July 4, 2005 at 5:00 p.m. in the City Hall Council Chambers in relation to Bylaw No. 2419, 2005.

Carried

.12 Moved by Harder and seconded by Phelps that the street name
CHANGE IN STREET Herbrides be changed to Hebrides.
NAME **Carried**
5450-01

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01 Moved by McRae and seconded by Presley that the Fire Report for
FIRE REPORT May 2005 be received for information.
650-20 **Carried**

.02 Moved by Jangula and seconded by Ahmed that the Heritage
HERITAGE MINUTES Advisory Commission minutes of May 25, 2005 be received for information.
Carried

.03 Moved by Presley and seconded by Harder that the CRA Advisory
CRA MINUTES Board meeting minutes of June 2, 2005 be received for information.
250-20 **Carried**

6.00 RESOLUTIONS

.01 Moved by McRae and seconded by Presley that the following
UBCM CONVENTION resolution be forwarded for consideration at the 2005 UBCM Annual
DAYS Convention:
390-20

WHEREAS the UBCM Annual Conference is traditionally held for 5 working days;

AND WHEREAS it may be difficult for local government elected officials to leave their place of employment or their business during the week for this length of time;

THEREFORE BE IT RESOLVED that the UBCM Annual Conventions be held over a weekend, similar to the Annual FCM Conventions; and

That this resolution be forwarded to all B.C. local governments with a letter from the Mayor requesting support.

Carried

.02 Moved by Ahmed and seconded by Presley that under the provisions
INCAMERA MTG of Section 90 (1) (e) of the Community Charter, notice is hereby given that a
Special In-Camera meeting closed to the public, will be held June 13, 2005
at the conclusion of the Regular Council Meeting.

Carried

7.00 UNFINISHED BUSINESS

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 0501.

Bob McQuillan, #602, 2727 1st Street expressed concerns regarding the issuance of Development Permit No. 0501. He requested that the homes to be built on the two lots adjacent to 2727 1st Street be restricted to one level, and that the building setbacks be 7.5 feet.

.01

DP NO. 0501
ARRIS CONST/
RP JOHNSON
CONSTRUCTION
3060-20-501

Moved by Presley and seconded by Ahmed that Development Permit No. 0501 be issued to Arris Construction Ltd./RP Johnson Construction Ltd. to allow the construction of 16 single residential dwellings within a Bareland Strata Subdivision on Lot 5, DL 155, Plan VIP75028 at 2787 1st Street, including landscape materials and installation valued at \$25,170.00 as outlined in Schedule Nos. 1-4 including the following variance to the City of Courtenay Zoning Bylaw No. 1427, 1986;

Section 8.3.29, Height of Buildings be relaxed to allow the number of dwelling units with a maximum height of 8m or 2 storeys be increased from 70% to 100%; 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 with Councillor Jangula opposed

RECESS

The meeting recessed at 4:59 p.m. to conduct the Public Hearing in relation to Bylaws 2418, 2413, and 2414.

The meeting reconvened at 6:47 p.m.

8.00 NOTICE OF MOTION

.01

STRATA PROPERTY
TAXES

Councillor Ahmed provided notice that he will be bringing forward a motion at the June 20, 2005 regular Council meeting to send a letter to the provincial government regarding recent changes to the British Columbia Assessment Act relating to resort properties.

9.00 NEW BUSINESS

.01
JULY 1ST ROAD
CLOSURE

A discussion was held regarding the potential closure of 5th street adjacent to Lewis Park for the July 1st celebration. Staff were directed to bring forward a report to Council to the June 20th meeting.

.02
SPECIAL OLYMPICS
FINANCIAL
CONTRIBUTION

Moved by Ahmed and seconded by Jangula that Council provide a \$500.00 contribution towards the 2005 Special Olympics Provincial Summer Games opening ceremonies being held in the Comox Valley.
Carried

10.00 BYLAWS

.01
BYLAW NO. 2419

Moved by Presley and seconded by McRae that “City of Courtenay Official Community Plan Amendment Bylaw No. 2419, 2005” pass first and second reading.
Carried

.02
BYLAW NO. 2420

Moved by McRae and seconded by Ahmed that “City of Courtenay Fees and Charges Amendment Bylaw No. 2420, 2005” pass first, second reading and third reading.
Carried with Councillor Jangula opposed

.03
BYLAW NO. 2397

Moved by Harder and seconded by Presley that second reading of City of Courtenay Zoning Amendment Bylaw No. 2397, 2005 be reconsidered.

Carried

Moved by Harder and seconded by Presley that City of Courtenay Zoning Amendment Bylaw No. 2397, 2005 be amended incorporating the following:

1. Zoning of R-1A (1 hectare) for a 2.4 hectare parcel on Inglewood Drive.
2. Zoning of RR-3 (2500 sq.m.) for Caledon Crescent and 2000 sq.m. on a small part of Caledon.
3. Zoning of 4000 sq.m. for Headquarters Road on the school side.
4. Zoning of R-1A (1 hectare) for Headquarters Road on the river side with future designation of this area for an average lot size of 1850 sq.m. with a minimum of 1250 sq.m. for areas not within the floodplain and subject to park/environmental dedication to the satisfaction of the City.
5. Zoning to allow an average lot size of 1850 sq.m. with a minimum of 1250 sq.m. for the Dingwall/Muir Road area.

Carried

Moved by Harder and seconded by Ahmed that City of Courtenay Zoning Amendment Bylaw No. 2397, 2005 pass second reading as amended.

Carried

.04
BYLAW NO. 2418

Moved by McRae and seconded by Harder that “City of Courtenay Zoning Amendment Bylaw No. 2418, 2005” pass third reading.

Carried

.05
BYLAW NO. 2418

Moved by McRae and seconded by Harder that “City of Courtenay Zoning Amendment Bylaw No. 2418, 2005” be finally passed and adopted.

Carried

.01

Moved by Presley and seconded by Ahmed that the meeting now adjourn at 7:11 p.m.

Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 20th day of June, 2005

Mayor