

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, October 4, 2004 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

Staff:

S. T. Gray, Administrator
J. Ward, City Clerk
T. Manthey, Director of Financial Services
K. Lagan, Director of Operational Services
D. Slobodan, Director of Development Services
R. Wiwchar, Director of Community 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 Ahmed that the minutes of the Special Council meeting held September 29, 2004 be adopted.
Carried

3.00 DELEGATIONS

John Higginbothan and Heather Crites – Disability in the Comox Valley

Heather Crites from CRA Special Needs Recreation reviewed the role of the Comox Valley Accessibility Committee, and outlined the 2001 Participation and Activity Limitations Survey conducted by Statistics Canada.

John Higginbothan reviewed the issue of access for scooters used by handicapped persons in various areas of the City, as well as preferred designs for washroom facilities. He also commended the City on the riverway walkway.

Chad Mooney - Rezoning Application No. 0416

Chad Mooney reviewed the rezoning application from 0692273 BC Ltd. to create a multi family residential development located between Whiskey Jack Way and Sheraton Road. He indicated that the developer is serious about retaining as many of the trees on the site as possible, and has retained an arbourist and landscape architects to deal with this issue. Mr. Mooney also reviewed the proposed Official Community Plan amendment regarding the road network plan for the area.

Jerry Ellins - Development Variance Permit Application No. 0434

Jerry Ellins reviewed the application from Wellington Developments Ltd. to reduce the required setbacks to accommodate a 24-unit multi-residential development at 129 Back Road. He reviewed that it will be necessary to remove one large Garry Oak tree from the property and that the wood from this tree will be used in the building.

4.00 COMMITTEE/STAFF REPORTS

.01

YOUTH BURSARY
5120-20

Moved by McRae and seconded by Jangula that Council proceed with the implementation of a City of Courtenay Youth Bursary initiative starting for the 2004-2005 school year;

That the terms and conditions of the bursary be accepted and that an allocation be established through the regular budget process; and

That Council have the option to utilize “unused funds” for youth-orientated projects as needed.

Carried

.02

MEX PUB LIQUOR
LICENCE
4320-20

Moved by Ahmed and seconded by Phelps that the following resolution be adopted by Council regarding the Mex Pub application for an extension of operating hours to remain open until 2:00 a.m. Monday through Saturday:

1. “Be it resolved that the Council of the City of Courtenay recommends the amendment of the Mex Pub Liquor Licence for the following reasons:

- (a) The amendment of hours of the Mex Pub would not have a negative impact on the community;
- (b) One submission was received from the public regarding the application.

2. Council’s comments on the prescribed considerations are as follows:

- (a) If the Mex Pub application were approved, it could result in a slight increase of noise in the area;
- (b) If the application were approved, it would not have a negative impact on the community; and
- (c) In order to gather the views of residents, the City of Courtenay published a notice in 2 consecutive issues of a local newspaper outlining the Mex Pub application and accepting written submissions concerning the application up to September 17, 2004. One submission was received.”

Defeated with Mayor Winchester, Councillor Jangula, and Councillor Phelps in favour

.03

DVP NO. 0435
CLAVEAU
3090-20-0435

Moved by Harder 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 October 18, 2004; and

That subject to public input, Development Variance Permit No. 0435 be issued to Nathalie Claveau 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 5.4m for the construction of a deck on a residential dwelling as shown on Schedule Nos. 1 & 2 for the property legally described as Lot 16, Block 2, Section 51, Comox District, Plan 472B at 544-3rd Street.

Carried

.04

DVP NO. 0434
WELLINGTON DEV.
3090-20-0434

Moved by Ahmed and seconded by Harder 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 October 18, 2004; and

That subject to public input, Development Variance Permit No. 0434 be issued to Wellington Developments Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986, and amendments thereto, to reduce the required yard setbacks as follows:

<u>Bylaw Standard</u>	<u>Requested Variance</u>
Front Yard Setback - 7.5 m	6.24 m (variance of 1.26 m)
Side Yard Setback - 3 rd Storey: 6 m	4.95 m (variance of 1.05 m)
Side Yard Setback - 3 rd Storey: 6 m	5.1 m (variance of 0.9 m)
Rear Yard Setback - 1 st Storey: 7.5 m	6 m (variance of 1.5 m)
2 nd Storey: 9 m	6 m (variance of 3 m)
3 rd Storey: 10 m	6 m (variance of 4 m)
Rear Yard Setback - 2 nd Storey: 9 m	8 m (variance of 1 m)
3 rd Storey: 10 m	8 m (variance of 2 m)

for the proposed 24 unit multi-residential building located on Lot 1, Section 16, Comox District, Plan 13813 at 129 Back Road as outlined in *Schedule Nos. 1-4* attached.

Carried

.05

DVP NO. 0327
678702 BC LTD
CRYSTAL SHORES
3090-20-0327(3)

Moved by McRae and seconded by Jangula that Council receive the staff report on the Third Party Environmental Review and Geotechnical Report for the subject property for information;

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 October 18, 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:

Phased Strata Plan

- 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 4.5m 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;

Proposed Development Footprint

- 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.

Carried

.06

STRATA CONVERSION
2215 URQUHART
3300-20

Moved by Harder and seconded by McRae that Council approve the application for the strata conversion of 2215 Urquhart Avenue and direct Mayor and Clerk to sign the Strata Plan mylars when provided.

Carried

.07

STRATA CONVERSION
275A & B NIM NIM
3300-20

Moved by Jangula and seconded by Ahmed that Council approve the application for the strata conversion of 275A & B Nim Nim Place and direct Mayor and Clerk to sign the Strata Plan mylars when provided.

Carried

.08
OCP & ZONING
AMENDMENT
0692273 BC LTD
LERWICK RD
3360-20-0416

Moved by Harder and seconded by Ahmed that Council consider the application to amend the City of Courtenay Official Community Plan Bylaw No. 1781, Road Network Plan to accommodate the proposed rezoning as outlined in Schedule No. 1;

That Council consider the application to amend the City of Courtenay Zoning Bylaw No. 1427 from Residential One A Zone (R-1A) to Residential Three Zone (R-3) for the properties legally described as part of Lots A and B, District Lot 158, Comox District, Plan 39690 and part of Lot 15, Plan 1911 as outlined in Schedule No. 2;

That City of Courtenay Official Community Plan Amendment Bylaw No. 2373, 2004 and City of Courtenay Zoning Amendment Bylaw No. 2374, 2004 proceed to 1st and 2nd readings; and

That a Public Hearing be held on October 18, 2004 at 5:00 p.m. in City Hall Council Chambers in relation to Bylaw Nos. 2373 and 2374.

Carried

.09
E & N RAILWAY
NORTH OF 5TH ST
8550-02

Moved by McRae and seconded by Jangula that the report from the Director of Operational Services is received and that the City write to Vancouver Island Transport 2000 BC to determine the timing of the conclusion of their negotiations with CPR.

Defeated Unanimously

.10
C.V. FUEL PRICES
1010-01

Moved by Jangula and seconded by Phelps that Council receive the report on fuel prices in the Comox Valley for information.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01
HERITAGE ADVISORY
MINUTES

Moved by Harder and seconded by McRae that the Heritage Advisory Commission meeting minutes of September 22, 2004 be received for information.

Carried

.02
COMMUNITY
SERVICES UPDATE
650-20

Moved by McRae and seconded by Harder that the Community Services Update Report be received for information.

Carried

.03
REG DIST MINUTES

Moved by Phelps and seconded by Harder that the Regional District of Comox-Strathcona Hospital and Board meeting minutes of September 27, 2004 be received for information.

Carried

6.00 RESOLUTIONS OF COUNCIL

.01 Moved by Ahmed and seconded by Phelps that under the provisions
IN CAMERA MEETING of Section 90(k) of the *Community Charter*, notice is hereby given that a
Special In- Camera meeting closed to the public will be held October 4,
2004 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 Variance Permit No. 0433. There were none.

.01 Moved by Ahmed and seconded by Jangula that Development
DVP 0432 Variance Permit No. 0432 be issued to William and Carol Fleenor to
FLEENOR provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986
3090-30-0432 and amendments thereto, to reduce the required side yard setback from 4.5
metres to 3.25 metres for the construction of an addition to a deck on a
residential dwelling as shown on Schedule Nos. 1 and 2 for the property
legally described as Lot 6, Section 12, Comox District, Plan VIP73809 at
1565 Hurford Avenue.
Carried

10.00 BYLAWS

.01 Moved by McRae and seconded by Ahmed that “City of Courtenay
BYLAW NO. 2373 Official Community Plan Amendment Bylaw No. 2373, 2004” pass first and
second reading.
Carried

.02 Moved by Harder and seconded by Phelps that “City of Courtenay
BYLAW NO. 2374 Zoning Amendment Bylaw No. 2374, 2004” pass first and second reading.
Carried

.03 Moved by McRae and seconded by Ahmed that “Churches 2005 Tax
BYLAW NO. 2367 Exemption Bylaw No. 2367, 2004” be finally passed and adopted.
Carried

.04 Moved by Jangula and seconded by Ahmed that “Tax Exemption
BYLAW NO. 2368 2005 Bylaw No. 2368, 2004” be finally passed and adopted.
Carried

.05 Moved by Ahmed and seconded by McRae that “Anderton Avenue
BYLAW NO. 2371 Road Closure Amendment Bylaw No. 2371, 2004” be finally passed and
adopted.
Carried

.06 Moved by Ahmed and seconded by McRae that “Road Closure and
BYLAW NO. 2372 Disposition Bylaw No. 2372, 2004” be finally passed and adopted.
Carried

11.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR MCRAE Councillor McRae outlined his attendance at the Emily Carr Exhibit at the
Courtenay and District Museum

COUNCILLOR AHMED Councillor Ahmed outlined his attendance at the Vancouver Island Regional
Library Board meeting

MAYOR WINCHESTER Mayor Winchester reviewed her attendance at the following events:
➤ Meeting with RCMP Staff Sergeant Tim Bain
➤ Meeting with Barry Bowen, the new Chair of the Glacier View
Lodge Board of Directors
➤ Emergency Operations Centre for the Valley wide emergency
exercise

12.00 ADJOURNMENT

.01 Moved by Harder and seconded by Phelps that the meeting now
adjourn at 5:30 p.m.
Carried

CERTIFIED CORRECT

Clerk

Adopted this 12th day of October, 2004

Mayor