

R17/2005 – July 18, 2005

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, July 18, 2005 at 4:00 p.m.

Attending:

Mayor: S. L. Winchester, Mayor

Councillors: N. A. Ahmed

J. L. Harder

L. V. Jangula

G. T. Phelps

J. M. Presley

Staff: S. T. Gray, Administrator

S. Karvalics, Executive Assistant

K. Lagan, Director of Operational Services

D. Slobodan, Director of Regulatory Services

T. Manthey, Director of Financial Services

I. Farquharson, Deputy Municipal Engineer

R. Wiwchar, Director of Community Services

P. Crawford, Director of Planning Services

G. Garbutt, Planner

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

1.00 MINUTES

.01 Moved by Harder and seconded by Presley that the minutes of the Regular Council meeting held July 4, 2005 be adopted.
Carried

Mayor Winchester presented a cheque for \$1,000 to Cassie Bosma and Claire Peterson of Youth for Philanthropy.

3.00 DELEGATIONS

Councillor Presley declared a conflict of interest regarding the next delegation due to a professional relationship and vacated the Chambers at 4:04 p.m.

Danielle Lambert, Development Permit No. 0507

Danielle Lambert agent for the applicant briefly reviewed Development Permit Application No. 0507 to construct 17 unit bare land strata residential development at 20th Street and Cumberland Road.

Councillor Presley returned to the Chambers and took seat at 4:23 p.m.

Steve Lindsay, Development Permit No. 0505

Chad Mooney, Architect and Planner for the applicant reviewed Development Permit Application No. 0505 for the construction of 8 duplex style patio homes at 2351 Lerwick Road.

4.00 COMMITTEE/STAFF REPORTS

.01
SID THEATRE
BOOKING POLICY
7900-00

Moved by Ahmed and seconded by Phelps that Sid Williams Theatre Rental Policy No. 7900-00-01 be approved.
Carried

.02
KWAKIUTL BEAR
TOTEM POLE
6140-103-07

Moved by Harder and seconded by Phelps that the Kwakiutl Bear Totem Pole be relocated to the Comox Valley Airport; and
That the City retain ownership of the pole and that a loan agreement with the Comox Valley Airport Commission be established.
Carried

.03
2005 ANNUAL
MUNICIPAL REPORT
645-20

Mayor Winchester asked if the public had any comments regarding the Annual Report and there were none.

Moved by Presley and seconded by Ahmed that Council adopt the 2005 City of Courtenay Annual Report.
Carried

.04
DVP NO. 0506
TRUEPENNY HOLD/
NORCO HOLDINGS
3090-20-0506

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 August 8, 2005;

That subject to public input, Development Variance Permit No. 0506 be issued to Truepenny Holdings/Norco Holdings to provide relief from Section 8.11.6 of the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to reduce the required total side yard from 4.5m to 1.45m and 1.37m as shown on Schedule No. 1 for property legally described as Lot A, Section 61, Comox District, Plan 41414 at 610 Anderton Avenue.
Carried

.05

RECONSIDER DVP NO.
0505
MIKE CODE
3090-20-0505

At the meeting of July 4, 2005, the matter of issuing a Development Variance Permit No. 0505 was considered and subsequently defeated by council. At the end of the meeting Her Worship Mayor Winchester directed that the matter be brought back for reconsideration pursuant to S.39 of the Procedure Bylaw at the July 18, 2005 meeting for further consideration.

Therefore, the following motion was before Council for reconsideration:

Moved by Ahmed and seconded by Presley that Development Variance Permit No. 0505 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.

Moved by Ahmed and seconded by Presley that Development Variance Permit No. 0505 be amended by requiring the installation of landscape materials and bonding in the amount of \$2,000.00 to be held for a period of 3 years

The motion to amend was carried

The main motion was carried as amended

.06

DP NO. 0507
3L DEVELOPMENTS
INC
3060-20-0507

Councillor Presley declared a potential conflict of interest regarding the next item due to a client relationship and vacated the Chambers at 4:35 p.m.

Moved by Ahmed and seconded by Phelps that notice be given to the adjacent property owners of the proposed Development Permit with Variance outlined below and that the application be returned to Council at a meeting on August 8, 2005;

That subject to public input, Development Permit No. 0507 be issued to 3L Developments Inc. to allow the construction of a 17 unit bare land strata residential development on Lot B, District Lot 230, Comox District, Plan 25619 at 20th Street, including landscaping valued at \$68,321.00 as outlined in Schedule Nos. 1-4 including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986;

Bare Land Strata Plan

- Section 8.3.2 Minimum Bare Land Strata Lot Size be reduced from 1100m² to 325m²;
- Section 8.3.6 Strata Lot Front Yard be reduced from 7.5m to 4.5m, Strata Lot Rear Yard be reduced from 7.5m to 6m, Strata Lot Side Yard be reduced from 4.5m to 1.2m;

Development Variance

- Section 8.3.6 Front Yard be reduced from 7.5m to 4.5m for Strata Lots 1-9 (20th Street)

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

Councillor Presley returned to the Chambers and took his seat at 4:39 p.m.

.07

DP NO. 0505
BRENWIN
DEVELOPMENTS
3060-20-0505

Moved by Harder and seconded by Phelps that notice be given to the adjacent property owners of the proposed Development Permit with Variance outlined below and that the application be returned to Council at a meeting on August 8, 2005;

That subject to public input, Development Permit No. 0505 be issued to Brenwin Developments to allow the construction of 8 Duplex Style Patio Homes (16 units) on Lots A & B, District Lot 158, Comox District, Plan 39690 and Lot 15, District Lot 158, Comox District, Plan 1911 at 2351 Lerwick Road, including landscape materials and installation valued at \$37,326 as outlined in Schedule Nos. 1-4 including the following variances to the City of Courtenay Zoning Bylaw No. 1427, 1986:

- Section 8.3.3 Minimum Lot Frontage be relaxed to decrease the required Frontage from 30m to 25m for Strata Phase 1; and
- Section 8.3.6(2) Rear Yard Setbacks be relaxed to decrease the required rear yard setback from 7.5m to 2.2m for Duplex Unit 8; and;
- Section 7.1.6(8) Driveway Length be relaxed to decrease the required driveway length from 6m to 5.75m for Duplex Units 1 and 2; 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

.08

PHASED STRATA
678702 BC LTD
3300-20-199-31ST
STREET

Moved by Presley and seconded by Ahmed that Council approve the Covenant for the phased strata of Lot A, Section 67, Comox District, Plan VIP----;

That the required document be provided to the City prior to approval of the first phase of the strata;

That the developer's solicitor provide a letter of undertaking to register the easement document and covenant concurrently with the phased strata plan; and

That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.

Carried

.09

PHASED STRATA-
BROOKMERE
INVESTMENTS INC
3300-20-2300
MANSFIELD DR

Moved by Harder and seconded by Presley that Council approve the Covenant for the phased strata of Lot A, Section 66, Comox District, Plan VIP78122;

That the required document be provided to the City prior to approval of the first phase of the strata;

That the developer's solicitor provide a letter of undertaking to register the easement document and covenant concurrently with the phased strata plan; and

That the Mayor and Manager of Corporate Administration be authorized to sign all documentation relating to this development.

Carried

.10

DCC BYLAW UPDATE
3150-01

Moved by Presley and seconded by Ahmed that the revised Development Cost Charges for the purpose of drafting a new DCC Bylaw, from the Consulting Engineer be received and approved.

Carried with Councillor Jangula opposed

.11

2006/07 RCMP
POLICING CONTRACT
1660-20

Moved by Ahmed and seconded by Jangula that Council grant approval in principle to the 2006/07 Municipal Contract Policing Resource request in the amount of \$2,952,918 representing 90% of the contract cost for an established strength of 25.7 members.

Carried

5.00 REPORTS AND CORRESPONDENCE FOR INFORMATION

.01

FIRE REPORT
650-20

Moved by Phelps and seconded by Presley that the Fire Report for June 2005 be received for information.

Carried

.02

BUILDING PERMIT
ACTIVITY REPORT
650-20

Moved by Presley and seconded by Ahmed that the Building Permit Activity Report for April-June 2005 be received for information.

Carried

.03

SALE OF E&N TRAIN
STATION BUILDING
8550-02

Moved by Ahmed and seconded by Presley that the letter from Canadian Pacific Railway concerning the proposed sale of the Courtenay train station building be received for information.

Carried

.04

DISPLAYING THE
CANADIAN FLAG
NEIL GARVIE
300-01

Moved by Phelps and seconded by Presley that the email from Dr. Neil Garvie regarding the flying of the Canadian flag in front of businesses and institutions be received for information and be referred to the July 1st Committee, DCBIA and Chamber of Commerce;

And further that Dave Slobodan, Director of Regulatory and Property Services prepare a report to Council on the feasibility and cost of flying the Canadian flag on the various City buildings.

Carried

6.00 RESOLUTIONS OF COUNCIL

.01

INCAMERA MTG

Moved by Presley and seconded by Harder that under the provisions of Section 90(1) (e) & (a) of the Community Charter, notice is hereby given that a Special InCamera meeting closed to the public, will be held July 18, 2005 at the conclusion of the Regular Council Meeting.

Carried

7.00 UNFINISHED BUSINESS

.01

DVP NO. 0511
PUNTLIDGE HOMES
3090-20-0511

Moved by Ahmed and seconded by Presley that Development Variance Permit No. 0511 be issued to Puntledge Homes Ltd. to provide relief from the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to:

- decrease the minimum required Side Yard Setback from 4.5m to 1.5m for Strata Lot 6 and Rear Yard Setback from 7.5m to 4.1m for Strata Lot 7;
- decrease the minimum required Side Yard Setback from 4.5m to 1.5m for Strata Lot 12 and Rear Yard Setback from 7.5m to 6.0m for Strata Lots 12-21; and
- decrease the minimum required Rear Yard Setback from 7.5m to 5.4m for Strata Lot 22

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 6, District Lot 55, Comox District, Plan VIP63007 at 2728 First Street.

Carried with Councillor Jangula opposed

.02
DVP NO. 0508
LORIMER
3090-20-0508

Moved by Harder and seconded by Presley that Development Variance Permit No. 0508 be issued to Robert Hannaford and Bea Lorimer to provide relief from S.8.11(31) of the City of Courtenay Zoning Bylaw No. 1427, 1986 and amendments thereto, to allow for a commercial office and residential use on the same floor as shown on Schedule Nos. 1-2 for the property legally described as Lot A, Section 67, Comox District, Plan 21234 at 2745 Mansfield Drive.

Carried

9.00 NEW BUSINESS

.01
NATIVE BURIAL SITE

Councillor Ahmed requested staff to provide an update on the letters received from Hamatla Treaty Society and the Ministry of Tourism, Sports and the Arts regarding the native burial site uncovered along Mansfield Drive.

10.00 BYLAWS

.01
BYLAW NO. 2422

Moved by Harder and seconded by Phelps that “Tree Management and Protection Bylaw No. 2422, 2005” be finally passed and adopted.

Carried

11.00 COUNCIL MEMBER ROUNDTABLE

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

- Award presentations at the Fire Hall
- Change of Command ceremony
- C.V. Community Foundation BBQ
- Hurford Park/Nature Trust
- Funeral for Wally Silvestri

