

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, October 18, 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
J. M. Presley (at 4:05 p.m.)

Staff:

S. T. Gray, Administrator
J. Ward, City Clerk
K. Lagan, Director of Operational Services
T. Manthey, Director of Financial Services
D. Slobodan, Director of Development Services
R. Wiwchar, Director of Community Services (at 4:30 p.m.)
P. Crawford, Senior Planner
G. Garbutt, Planner
J. Nelson, Accounting Supervisor

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

1.00 MINUTES

.01 Moved by McRae and seconded by Harder that the minutes of the Regular Council meeting held October 12, 2004 be adopted.
Carried

3.00 DELEGATIONS

Ann Waring re: City Hall Renovations

Ann Waring expressed concerns regarding the City Hall renovation, as well as displeasure regarding the general direction of the governance of the City.

Richard Porter, Millard/Piercy Watershed Stewards re: DVP 0327

Richard Porter of the Millard/Piercy Watershed Stewards expressed his opposition to the issuance of Development Variance Permit No. 0327. Included in the concerns were habitat degradation, construction outside of the zoning requirements, and the proposed high water boundary. Mr. Porter urged Council to re-establish the high water boundary, and expressed concerns regarding rising sea levels due to global warming. He also outlined his strong objection to the proposed location of the riverway walkway in front of the proposed development.

Richard Jasper re: DP0324 and DVP 0327(3)

Richard Jasper reviewed the application for Development Variance Permit No, 0327 and Development Permit No. 0324. In response to concerns expressed by citizens in the area he advised that the number of parking spaces will be 104, and the bylaw requirement is 77. He also stated that the overall size of the property is approximately 5 acres, the size outside the actual development area is 2 acres, the building footprint is 24.5% of the development area, the roads and driveways account for 19.1%, and that 56.3% of the site remains open area or landscaped area. Mr. Jasper reviewed the reason for the height variance was to meet the 200-year floodplain requirement, and that all the buildings have to be raised 4-5 feet above the existing grade. He outlined that the sensitive habitat areas on the property will be protected by a restrictive covenant, and reviewed the setbacks required by the Department of Fisheries and Oceans. Mr. Jasper also commented on the independent 3rd party environmental review, which supported the findings of the Phoenix Environmental Study.

4.00 COMMITTEE/STAFF REPORTS

.01 Moved by Phelps and seconded by Presley that the Fire Report for
FIRE REPORT September 2004 be received for information.
650-20 **Carried**

.02 Moved by McRae and seconded by Presley that notice be given to
DVP 0430 the adjacent property owners of the requested development variance and that
SILVERADO LAND the application be returned to Council at the regular meeting on November
CORP 1, 2004; and

3090-20-0430
3320-20-04413
That subject to public input, 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.

Carried

.03 Moved by Ahmed and seconded by Jangula that Mayor Winchester
REMEMBRANCE DAY represent the City at the Remembrance Day breakfast and parade on
PARADE November 11, 2004 at 9:00 a.m. in the Legion Upper Hall;
5460-08

That Council approve the temporary closure, to vehicular traffic, on 3rd Street from Duncan Ave. to Cliffe Ave. and Cliffe Ave between 3rd Street and 5th Street from 10:15 a.m. to 12:30 p.m. on November 11, 2004; and

That the Royal Canadian Legion notify the RCMP, Fire and Ambulance Services to advise of the temporary road closures, and provide the necessary insurance to the City at least five working days prior to the road closures.

Carried

.04
MOONLIGHT MAGIC
5460-08

Moved by Presley and seconded by Ahmed that temporary road closures of Fifth Street from Cliffe Ave. to Fitzgerald Ave. be approved on Friday, November 19, 2004 from 5:00 p.m. to 9:00 p.m. for Moonlight Magic and from Cliffe Ave. to McPhee Ave. on Saturday, November 27, from 7:30 a.m. to noon for the Comox Valley Santa Claus Parade;

That the Mayor or Council delegate participate in the Santa Claus Parade and also assist in lighting Fifth Street and the Fifth St. Christmas tree at 6:30 p.m. on Friday, November 19th at Moonlight Magic; and

That the DCBIA notify the emergency services at least five working days before each event and the necessary insurance is also in place.

Carried

.05
SUB SERV AGREE
SHARON BROWN
3320-20-02344

Moved by McRae and seconded by Phelps that Council approve the Subdivision Servicing Agreement for the subdivision of Lot L, Section 47, Comox District, Plan 21319;

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

.06
SLOT MACHINE
REVENUE
RESOLUTION

Moved by Ahmed and seconded by Presley that the slot machine revenue resolution submitted by Councillor Ahmed be considered after the report regarding the rezoning and slot machines at the Playtime Community Gaming facility.

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. 0435, and there were none.

.01
DVP NO. 0435
CLAVEAU
3090-20-0435

Moved by Ahmed and seconded by Harder that 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

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0434.

Wayne Coutts, 810 Back Road and owner of 910 Braidwood Road, expressed his opposition to the issuance of Development Variance Permit No. 0434. His concerns included the height of the building, devaluation, loss of privacy, loss of sightline, pollution, and the security of his property.

.02

DVP NO. 0434
WELLINGTON DEV
3090-20-0434

Moved by Presley and seconded by Ahmed that 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:

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

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 with Councillor Jangula opposed

.03

DP NO. 0426
WELLINGTON DEV
3060-20-0426

Moved by McRae and seconded by Ahmed that the application from Wellington Developments Ltd for Development Permit No. 0426 to allow the construction of a 24 unit multi-residential building located on Lot 1, Section 16, Comox District, Plan 13814 at 129 Back Road including landscape material and installation valued at \$17,248 be approved as outlined in Schedule Nos. 1-4 attached; 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

Mayor Winchester inquired whether there were any members of the public wishing to make a submission regarding Development Variance Permit No. 0327, and there were none.

.04

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

Moved by Ahmed and seconded by Presley that 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 4.5 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;

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

.05

REZONING
PLAYTIME BINGO
(SLOT MACHINES)
3360-20-0411

Moved by Presley and seconded by Ahmed that pursuant to the Gaming Control Act, Council approve the installation of a maximum of 100 slot machines within the proposed Playtime Community Family facility to be located at Hunt Place;

That “City of Courtenay Zoning Amendment Bylaw No. 2378, 2004” proceed to 3rd reading and final adoption; and

That “City of Courtenay Official Community Plan Amendment Bylaw No. 2379, 2004” proceed to 3rd reading and final adoption.

Carried with Councillors Harder, Jangula, and Presley opposed

.06

RECESS

Moved by McRae and seconded by Ahmed that the meeting now recess at 5:07 p.m. to conduct the Public Hearing in relation to Bylaws 2373 and 2374.

Carried

The meeting reconvened at 6:20 p.m.

8.00 BYLAWS

.01

BYLAW NO. 2373

Moved by Ahmed and seconded by McRae that “City of Courtenay Official Community Plan Amendment Bylaw No. 2373, 2004” pass third reading.

Carried

.02

Moved by Ahmed and seconded by Presley that “City of Courtenay Official Community Plan Amendment Bylaw No. 2373, 2004” be finally passed and adopted.

Carried

.03

BYLAW NO. 2374

Moved by McRae and seconded by Phelps that “City of Courtenay Zoning Amendment Bylaw No. 2374, 2004” pass third reading.

Carried

.04

Moved by McRae and seconded by Ahmed that “City of Courtenay Zoning Amendment bylaw No. 2374, 2004” be finally passed and adopted.

Carried

Councillor Presley declared a potential conflict of interest regarding Bylaws 2369 and 2370 due to his interest in a company involved in the subject development, and vacated Council Chambers at 6:25 p.m.

.05

BYLAW NO. 2369

Moved by Harder and seconded by McRae that “City of Courtenay Official Community Plan Amendment Bylaw No. 2369, 2004” pass third reading.

Defeated with Councillors McRae and Phelps in favour

.06

BYLAW NO. 2370

Moved by Harder and seconded by McRae that “City of Courtenay Zoning Amendment Bylaw No. 2370, 2004” pass third reading.

Defeated unanimously

Councillor Presley returned to Chambers and took his seat at 6:34 p.m.

.07

BYLAW NO. 2378

Moved by McRae and seconded by Ahmed that “City of Courtenay Zoning Amendment Bylaw No. 2378, 2004” pass third reading.

Carried with Councillors Harder, Jangula and Presley opposed

.08

Moved by McRae and seconded by Ahmed that “City of Courtenay Zoning Amendment Bylaw No. 2378, 2004” be finally passed and adopted.

Carried with Councillors Jangula and Presley opposed

.09 Moved by Harder and seconded by Presley that “City of Courtenay
BYLAW NO. 2379 Official Community Plan Amendment Bylaw No. 2379, 2004” pass third
reading.
Carried

.10 Moved by Harder and seconded by Presley that “City of Courtenay
Official Community Plan Amendment Bylaw No. 2379, 2004” be finally
passed and adopted.
Carried

10.00 RESOLUTIONS OF COUNCIL

.01 Moved by McRae and seconded by Jangula that the slot machine
SLOT MACHINE revenue resolution submitted by Councillor Ahmed be postponed pending
REVENUE further investigation and a staff report to Council.
RESOLUTION
Carried

11.00 NEW BUSINESS

.01 Moved by Harder and seconded by McRae that letter from the
UNITED United Steelworkers of America be received for information.
STEELWORKERS OF
AMERICA-LTR OF
SUPPORT
400-02
Carried

.02

COUNCIL OF TOURISM
ASSOC OF BC
LTR OF SUPPORT
400-02

Moved by Harder and seconded by Ahmed that

Whereas British Columbia's tourism industry employs over 10,000 people in communities like Courtenay;

And Whereas tourism is an important source of economic diversification especially in small and medium-sized businesses at the local level;

And Whereas tourism generates \$1 billion in revenues to support various levels of government to support programs such as health care and education;

And Whereas tourism marketing and promotion are critical to realizing the industry's growth opportunities and potential;

And Whereas at the recent UBCM Convention, the Premier of BC announced a doubling of Tourism BC's marketing budget from \$25 million to \$50 million, and \$25 million to local governments through the UBCM;

Therefore Be it Resolved That the Council of the City of Courtenay expresses its support for the recent tourism initiatives of the Premier of British Columbia and acknowledges the important role this will play in our region and our community.

Carried

.03

DP NO. 0324
678702 BC LTD
3060-20-0324

Moved by Ahmed and seconded by Presley that the application from 678702 BC Ltd. for Development Permit No. 0324 to allow the construction of a 51 unit multi-residential development on Lot 2, Section 67, Plan 31530 at 199-31st Street, including landscape materials and installation valued at \$149,980.00 be approved as outlined in Schedule Nos. 1-5; 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

11.00 COUNCIL MEMBER ROUND TABLE

COUNCILLORS
HARDER AND
JANGULA

Councillors Harder and Jangula speaking on behalf of all Council members outlined their disappointment with the first delegation to Council. They reviewed that the comments made were very unfair and did not represent the excellent family values and commitment to the community shown by Mayor Winchester. Councillor Jangula also reminded the public that the decisions for the City are made by Council as a whole, and not by the Mayor alone.

12.00 ADJOURNMENT

.01

Moved by Jangula and seconded by Phelps that the meeting now adjourn at 6:50 p.m.

Carried

CERTIFIED CORRECT

Clerk

Adopted this 1st day of November, 2004

Mayor