



**TOWN OF LADYSMITH  
MINUTES OF A MEETING OF COUNCIL  
MONDAY, JUNE 10, 2013  
COUNCIL CHAMBERS, CITY HALL**

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**COUNCIL MEMBERS PRESENT:**

Mayor Rob Hutchins	Councillor Steve Arnett	Councillor Jillian Dashwood
Councillor Bill Drysdale	Councillor Gord Horth	Councillor Duck Paterson
Councillor Glenda Patterson		

**STAFF PRESENT:**

Ruth Malli	Felicity Adams	Erin Anderson
Joanna Winter		

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**CALL TO ORDER**

Mayor Hutchins called this Special Meeting of Council to order at 4:33 p.m. in order to retire immediately into Executive (Closed) Session.

**EXECUTIVE SESSION**

**CS 2013-216**

It was moved, seconded and carried that Council retire into Executive (Closed) Session in order to consider the following items:

- information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*
- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality

**RISE AND REPORT**

Council arose from Executive (Closed) Session at 6:46 p.m. without report.

The Special Meeting of Council resumed at 7:00 p.m.

**AGENDA APPROVAL**

**CS 2013-217**

It was moved, seconded and carried that the agenda for the Special Council Meeting of June 10, 2013 be approved as amended with the following deletions:

- 3.1 Public Hearing – Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 41) 2013, No. 1818 and Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 92) 2013, No. 1819 – 1201 and 1251 Christie Road (Town of Ladysmith)
  - 4.1 Official Community Plan Amendment and Rezoning Application – 1201 and 1251 Christie Road (Town of Ladysmith)
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## PUBLIC HEARING

- 5.1 Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 41) 2013, No. 1818
- 5.2 Town of Ladysmith Official Community Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 91) 2013, No. 1817

**Official Community Plan Amendment and Zoning Bylaw Application  
340 Second Avenue (Lot B, Oyster District, Plan VIP65504)  
Town of Ladysmith Bylaws 1816 and 1817**

**Public Attendance: 22**

**Applicant: Dawnlee Holdings**

Mayor Hutchins introduced the Public Hearing for Official Community Plan and Zoning Bylaw Amendment - Application 3360-12-01. Felicity Adams, Director of Development Services, provided information about the application. The Bylaws related to the application are Town of Ladysmith Official Community Plan Bylaw 2003, No. 1488, Amendment Bylaw (No. 40) 2013, No. 1816, and Town of Ladysmith Zoning Bylaw 1995, No. 1160, Amendment Bylaw (No. 91) 2013, No. 1817.

Michael Kerr, Square One Design, and Luke Kolk provided comments about the design and features of the proposed development.

Mayor Hutchins called for questions of clarification from the public.

*Kurt Yardley, 207 Roberts Street*, enquired where the proponents measured elevations from, as his calculations were different.

*Gun Yardley, 207 Roberts Street*, enquired about the purpose of the pitched roof and it was advised that it to create a front elevation with curb appeal in keeping with the aesthetic values of the neighbourhood.

*Gail Ralphs, 207B Roberts Street*, asked why the roof of the proposed building is not flat, similar to the roof of the community Services Centre on Second Avenue, and was advised that a flat roof does not fit the character of the proposed development.

*Lorraine Dean, 416 Second Avenue*, asked whether the applicant had reviewed the information from the public meeting, and was told that the information had been reviewed. Ms. Dean also enquired how the proposed building preserves the character of the neighbourhood, and was advised that according to the Advisory Planning Commission and Advisory Design Panel, the proposed building does fit within the Official Community Plan and helps to rejuvenate the downtown area.

*Rob Johnson, 246 Bayview Avenue*, enquired whether there is a different height restriction for flat roofs in areas zoned R3, and was advised by staff that there is one height restriction for all roof types in R3 zoning – 10.4 metres. He also asked enquired whether a flat roof would fit within the 10.4 metre height restriction for the planned building, and was advised by the applicant that such a roof is not part of the design.

*Lorraine Dean, 416 Second Avenue*, asked the applicant if he was sure people wanted this type of development in the area and was advised that the current zoning (P1) would permit a building with a higher roof.

*Gun Yardley, 207 A Roberts Street*, enquired how many letters had been received for and against the application and staff provided a list of correspondents.

*Shirlee Hargrave, 133 Gatacre Street*, enquired about gardens and green spaces in the proposed development, and was advised that the plan calls for a 25 foot swathe of green space, and that property owners will be encourage to landscape the boulevard.

*Rob Johnson, 246 Bayview Avenue*, asked whether the proposed gardens will be on Town property and was advised by the Mayor that many residents in the Town grow plants, flowers, fruits and vegetables on the Town's boulevards.

*Kurt Yardley, 207 A Roberts Street*, asked whether a property would lose value when its view is obstructed.

*Lorraine Dean, 416 Second Avenue*, asked whether view has a bearing on property values, and was advised to contact BC Assessment for information about property value determination.

*Yvonne Hebert, 320 Second Avenue*, enquired whether a traffic survey had been conducted on Second Avenue, and was advised that staff have investigated and do not believe this size of property will cause traffic issues.

*Gail Ralphs, 207B Second Avenue*, asked how any asbestos contamination left from the previous building will be dealt with, and was advised that it will be done in accordance with the law.

*Gun Yardley, 207A Second Avenue*, asked about the purpose of the peaked roof and was told that is contributes to the aesthetics of the building, in addition to providing a vaulted ceiling on the second floor.

*Lorraine Dean, 416 Second Avenue*, asked whether the Town is aware of parking problems in the vicinity of the proposed development, and was advised that no complaints have been directed to the Town.

Mayor Hutchins invited questions of clarification a second and third time. Hearing none, Mayor Hutchins invited comments from the audience on the application.

*Lorraine Dean, 416 Second Avenue*, commented that the proposed development does not fit with the neighbourhood and will create parking issues.

*Kathryn Turner, 133 Baden Powell Street*, commented on behalf of the neighbours that a five-plex does not fit in the neighbourhood and expressed concern about potential property purchasers, and the process.

*Noel McKenna, 125 Methuen Street*, stated that five units is too many for the neighbourhood, and that the roof line could be lowered or the units be built further down the lot so as to mitigate view obstruction.

*Shirlee Hargrave, 133 Gatacre*, commented that the proposed development is not appropriate for the neighbourhood.

*Aaron Stone, 12581 Lipton Road*, stated that as a citizen and business owner in Ladysmith, he supports increased density in the vicinity of the downtown area.

Rob Johnson stated that he is concerned about high traffic volume at the vicinity of Second Avenue and Roberts Street, and that change is not necessarily bad.

*Luke Kolk, applicant*, stated that enforcement of the speed limit in the vicinity could help to address traffic concerns.

*Lorraine Dean, 416 Second Avenue*, commented that the proposed development does not fit in a neighbourhood of single family homes, and that she has complained to the Town about traffic in the area.

*Kurt Yardley, 207A Roberts Street*, commented that some of the concerns about the proposed development could be addressed if the starting elevation point were lowered.

*Kurt Yardley, 207A Roberts Street*, commented that five units is too

many, and stated that view obstruction could be resolved by dropping the front elevation.

Mayor Hutchins called for comments a second and third time. Mayor Hutchins called three times for written submissions. Hearing no further comments, and receiving no written submissions, Mayor Hutchins declared the Public Hearing for Bylaws 1816 and 1817 closed.

Mayor Hutchins stated that with the Public Hearing now closed, Council may not receive further submissions on the bylaw, and that Council may, without further notice or hearing,

- (a) adopt or defeat the bylaw, or
- (b) alter and then adopt the bylaw, provided that the alteration does not
  - (i) alter the use,
  - (ii) increase the density, or
  - (iii) without the owner's consent, decrease the density of any area from that originally specified in the bylaw.

**DEVELOPMENT  
APPLICATIONS**

**CS 2013-218**

**Official Community Plan (OCP) Amendment and Rezoning Application (Dawnlee Holdings) 340 Second Avenue (Lot B, District Lot 56, Oyster District, Plan VIP65504)**

It was moved, seconded and carried that, subject to any additional matters raised at the public hearing, the application by Dawnlee Holdings Ltd. to amend the Official Community Plan and Zoning Bylaw to permit a 5 unit townhouse development, be approved in principle, subject to the following condition:

- That prior to the enactment of the amending bylaws Bylaw No. 1816 and Bylaw No. 1817 the following shall be completed to the satisfaction of the Director of Development Services:
  - a) Registration of a section 219 covenant on the title of the land to secure the following:
    - i. A contribution of \$5000 to be paid to the Town's Community Amenity Fund at the time of building permit application;
    - ii. A commitment to the Michael Kerr building concept plan dated October 2012;
    - iii. A commitment to constructing the road frontage and boulevard improvements (at the time of development) to meet the Town of Ladysmith Engineering Standards;
    - iv. A commitment to revisit the front (east) elevation in order to explore lowering the starting elevation.

And that the Mayor and Corporate Officer be authorized to execute the section 219 covenant.

OPPOSED:  
Councillor G. Patterson

**ADJOURNMENT**

**CS 2013-219**

It was moved, seconded and carried that this Special Meeting of Council be adjourned at 8:29 p.m.

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Mayor (R. Hutchins)

CERTIFIED CORRECT

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Corporate Officer (S. Bowden)