

R15/2011 – May 16, 2011

Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, May 16, 2011 at 4:00 p.m.

Attending:

Mayor: G. T. Phelps
Councillors: J. K. Ambler
D. A. Hillian
L. V. Jangula
R.R. Leonard
J. M. Presley
M. Theos

Staff:

S. T. Gray, Administrator
J. Ward, Manager of Corporate Administration
K. Lagan, Director of Operational Services
P. Crawford, Director of Planning Services
R. Wiwchar, Director of Community Services
G. MacKay, Senior Planner
D. Mirabelli, Chief Building Inspector (until 4:24 p.m.)

MINUTES

Moved by Presley and seconded by Hillian that the minutes of the Regular Council meeting held May 9, 2011 be adopted.

Carried

Mayor Phelps reviewed that the Native Sons Hall renovation has been recognized with a Facility Excellence at the British Columbia Recreation and Parks (BCRPA) 2011 Provincial Awards ceremony.

3.00 DELEGATIONS

Karl & Karen Langenmaier re: 290 Nim Nim Place Remedial Action

Karen Langenmaier reviewed the request for an extension of time to complete the remedial action requirement for the property located at 290 Nim Nim Place. She indicated that construction methods have changed since the project was initially started and more research was required. Mrs. Langenmaier did not request a specific amount of additional time, and stated that this would be Council's decision.

Devin Moldenhauer, General Manager, Avalanche Bar and Grill

Devin Moldenhauer reviewed the application from Avalanche Bar and Grill for a permanent change to its liquor licence to operate from 9:00 a.m. to 2:00 a.m. each day.

4.00 COMMITTEE/STAFF REPORTS

.01
290 NIM NIM
REMEDIAL ACTION
RECONSIDERATION
4020-20

Moved by Presley and seconded by Hillian that Council reconsider the Remedial Action Requirement for 290 Nim Nim Place specifically to consider a request by the owners for an extension of time to complete the Remedial Action Requirement.

Carried

Moved by Presley and seconded by Hillian that Council resolution R11/2011 Remedial Action 290 Nim Nim Place section 2(b) be amended to read:

b) Complete the construction of the Addition to the stage required to receive an occupancy permit from the City of Courtenay (the “City”) no later than July 18th, 2011.

Subsidiary Motion

Moved by Hillian and seconded by Theos that the preceding resolution be postponed to the regular Council meeting to be held June 13th, 2011.

Carried

.02
BYLAW NO. 2655
MCDONALD ROAD

Moved by Presley and seconded by Theos that “McDonald Road Parkland Exchange Bylaw No. 2655, 2011” proceed to final adoption.

Carried

.03
LIQUOR LICENCE
CHANGE APPLEBEE’S
4320-20

Moved by Ambler and seconded by Theos that

1. “Be it resolved that the Council of the City of Courtenay recommends the amendment of Applebee’s Neighbourhood Grill & Bar Food Primary Liquor Licence to allow for patron participation for the following reason:

(a) The amendment to allow patron participation would not have a negative impact on the community based on the lack of submissions received from the public regarding the application.”

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

(a) If Applebee’s Neighbourhood Grill & Bar application were approved, it would not result in an increase in noise in the area;

(b) If the application were approved, it would not have a negative impact on the community based on the lack of submissions received from the public;

(c) The amendment would not result in the establishment being operated in a manner that is contrary to its primary purpose; and

- (d) In order to gather the views of residents, the City of Courtenay posted a notice in two consecutive issues of a newspaper and on the City's website outlining the Applebee's Neighbourhood Grill & Bar application and accepting written submissions concerning the application. No submissions were received.

Carried

.04
LIQUOR LICENCE
CHANGE
AVALANCHE BAR &
GRILL
4320-20

Moved by Theos and seconded by Leonard that Council receive the application from Avalanche Bar and Grill for a permanent change to its liquor licence; and

That notices be sent to property owners and businesses within a 100 metre radius of the subject property requesting input on the proposed licence change for Council consideration at the June 13, 2011 Council meeting.

Carried with Councillor Jangula opposed

.05
DP NO. 1105 AMEND
1620 PIERCY AVE
3060-20-1105

Moved by Hillian and seconded by Leonard that the following condition be added to Development Permit with Variances No. 1105:

- a) Submission of an arborist report prior to clearing or grading of the subject property that addresses the impact of the proposed development on the health of the trees located on the adjacent property (1590 Piercy Avenue) including recommendations for protecting these trees during development of the subject property.

Carried

.06
DP NO. 1113
2110 & 2290
CUMBERLAND RD
3060-20-1113

Moved by Hillian and seconded by Theos that notice be given to the adjacent property owners of proposed Development Permit with Variances No. 1113 as outlined below, and that the application be returned to Council on June 13, 2011:

That subject to public input, Development Permit with Variances No. 1113, which will vary Section 8.3.5 (rear yard setbacks) and Section 7.1.6 (setback from an internal roadway) of the City of Courtenay Zoning Bylaw No. 2500, 2007 be issued to properties located at 2110 and 2290 Cumberland Road (legally described as Lot A, District Lots 96 and 230, Comox District, Plan 42156, and part of Lot 9, District Lot 230, Comox District, Plan 1406);

That Development Permit with Variances No. 1113, which will allow construction of 45 multi-residential units being 'Strata Development A' (see Figure A) of an 85 unit multi-residential project at 2110 and 2290 Cumberland Road (Lot A, District Lots 96 and 230, Comox District, Plan 42156, and part of Lot 9, District Lot 230, Comox District, Plan 1406) as shown on the map contained in Attachment No. 1, be issued, and further;

That the conditions of issuance of Development Permit No. 1113 be as follows:

- a. Development must be in conformance with the plans and elevations contained in Attachment No. 2 and further, that all building materials and colours be as specified in Attachment No. 2 and as follows:
 - Roof – Asphalt Shingles
 - Siding – Concord Vinyl-beige/natural colour with belly bands
 - Doors – Metal-contrast colour to siding
 - Wood Trim – doors & windows-painted as per colour schemes in Attachment No. 2
 - Gables – Cedar shake with wood trim as per Attachment No. 2
 - Accents-cultured stone & wood posts on front door pillars
- b. Installation of landscaping as shown on the plans in Attachment No. 3 and submission of landscape security in the amount of (125% x \$111,068.00) \$138,835.00;
- c. Minimum depth of topsoil or amended organic soil on all landscaped areas as follows: shrubs – 450mm; groundcover and grass – 300mm; trees – 300mm around and below the root ball;
- d. Development of fencing in conformance with the plans in Attachment No. 3 and submission of security for fencing in the amount of (125% x \$75,826.80) \$94,783.50;
- e. Purchase and installation of playground equipment in conformance with the landscape plans as contained in Attachment No. 3 and submission of security for playground equipment in the amount of (125% x \$33,750.00) \$42,187.50;
- f. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- g. Services must be located outside of landscape beds;
- h. All on site directional signage must be in conformance with the Sign Bylaw and Development Permit Guidelines applicable at the time of this application;
- i. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. Lighting levels must not exceed the levels recommended by the Illuminating Engineering Society of North America. All proposed lighting must be approved by the City prior to installation;
- j. Visitor parking must be clearly identified and these areas must be maintained for visitor parking.

Carried

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.07
SUB SERVICING
AGREE INCA
VENTURES
3320-20-09588

Moved by Ambler and seconded by Theos that Council approve the Subdivision Servicing Agreement for the subdivision of Lot A, Plan VIP83637, Except Parts in Plans EPP9889, and of Lot C, Plan 23207, Except Part in Plan VIP86261, All of District Lot 158, Comox District;

That the required security be provided to the City prior to subdivision approval; and

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

Carried

.08
DCBIA FIN STNMNTS
1971-20

Moved by Presley and seconded by Jangula that Council receive the DCBIA Audited Financial Statements for the year ended December 31, 2010.

Carried

6.00 REPORTS FROM COUNCIL REPRESENTATIVES

COUNCILLOR
AMBLER

Councillor Ambler reported on a meeting with Ministry of Transportation and Infrastructure staff regarding Highway 19 Comox Valley signage.

COUNCILLOR
JANGULA

Councillor Jangula reported on the following meetings:

- Regional Hospital Board
- Regional Solid Waste Committee

COUNCILLOR
PRESLEY

Councillor Presley reported on the Regional Solid Waste Committee meeting.

MAYOR PHELPS

Mayor Phelps reported on the Regional Solid Waste Committee meeting.

7.00 RESOLUTIONS OF COUNCIL

.01
IN CAMERA
MEETING

Moved by Presley and seconded by Hillian that under the provisions of Section 90(1)(c)(i)(g) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held May 16, 2011 at the conclusion of the Regular Council meeting.

Carried

8.00 UNFINISHED BUSINESS

.01
DP NO. 1105
1620 PIERCY AVE
3060-20-1105

Mayor Phelps inquired whether there were any members of the public wishing to make a submission regarding Development Permit No. 1105.

Jeanette Sumner, 1650 Piercy Avenue stated that her only concern was the height of the fence along the property line, and requested that it be the maximum allowable height of 2 metres.

She also indicated that drainage needs to be addressed on the property, and that she appreciated the care and concern shown by the developers for the adjacent property owners.

Joan Wood, Unit F 1670 Piercy Avenue, expressed concerns regarding the removal of trees and also drainage. She requested the maximum allowable height of fence as well.

Moved by Presley and seconded by Hillian that Development Permit with Variances No. 1105 to allow construction of a ten unit multi-residential project, and to reduce the minimum setback provisions of the Residential Three Zone (R-3) of the City of Courtenay Zoning Bylaw No. 2500, 2007 from 7.5 metres to 6.0 metres for the rear yard, from 6.0 metres to 4.0 metres for the side yard, and to reduce the amount of useable open space required for the property legally described as Lot 4, Section 41, Comox District, Plan 4764 (1620 Piercy Avenue) be issued subject to the following conditions:

- a) Submission of an arborist report prior to clearing or grading of the subject property that addresses the impact of the proposed development on the health of the trees located on the adjacent property (1590 Piercy Avenue) including recommendations for protecting these trees during development of the subject property;
- b) Development in conformance with the plans and elevations contained in Attachment Nos. 2-5;
- c) Submission of landscape security in the amount of (125% x \$74,739.00) \$93,423.75;
- d) Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- e) Contribution of \$5000.00 or equivalent towards the “Parks, Recreation, Cultural and Seniors Facilities Amenity Reserve Fund”;
- f) All building, site and sign lighting must be full cut off, flat lens in accordance with the City’s Dark Skies Policy. All proposed lighting must be approved by the City prior to installation;
- g) Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces. Visitor parking spaces must be clearly marked;
- h) Parking must occur in designated parking spaces only. Signage must be installed adjacent to the mailbox indicating that no parking is permitted along the internal roadway in order to maintain fire access;

- i) 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

9.00 NOTICE OF MOTION

.01 Councillor Hillian gave a verbal notice of motion for the June 13, 2011
ELECTION SIGNS Council meeting agenda to request a staff report regarding election signs on public property.

10.00 NEW BUSINESS

.01 Peter Crawford reviewed the Public Information Meeting to be held on
PUBLIC May 25th, 2011 at 6:30 p.m. in the conference hall of the Florence Filberg
INFORMATION Centre regarding the Development Permit Application by Thrifty Foods
MEETING THRIFTY for property located at the corner of Lerwick Road and Ryan Road.
FOODS

11.00 BYLAWS

.01 Moved by Presley and seconded by Leonard that “McDonald
BYLAW NO. 2655 Road Parkland Exchange Bylaw No. 2655, 2011” be finally passed and
MCDONALD RD adopted.
EXCHANGE **Carried**

12.00 COUNCIL MEMBER ROUND TABLE

COUNCILLOR Councillor Leonard reviewed her attendance at the following events:
LEONARD

- Vancouver Island Regional Library Board and Executive meetings
- Regional District Housing and Homelessness Committee meeting
- CV Cycling Task Force meeting

COUNCILLOR Councillor Ambler congratulated Councillor Leonard on her recent
AMBLER federal election campaign.

MAYOR PHELPS Mayor Phelps reviewed the upcoming cycling education event on May
21st, and his attendance at the Heritage Committee dedication ceremony
for the creamery whistle located at the Courtenay library.

13.00 ADJOURNMENT

.01 Moved by Ambler and seconded by Jangula that the meeting now adjourn at 5:03 p.m.
Carried

CERTIFIED CORRECT

Manager of Corporate Administration

Adopted this 13th day of June, 2011

Mayor