

**Minutes of a Regular Council Meeting held in the City Hall Council Chambers, Courtenay B.C., on Monday, June 20, 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  
T. Manthey, Director of Financial Services  
Alan Hampshire, Deputy Municipal Engineer  
G. MacKay, Senior Planner  
E. Ferguson, Planning Technician

MINUTES Moved by Presley and seconded by Hillian that the minutes of the Regular Council meeting held June 13, 2011 be adopted.  
Carried

**3.00 DELEGATIONS**

**John Keay, Keay & Associate Architecture Ltd & Eirah Unger re: Development Permit No. 1013**

Eirah Unger and John Keay reviewed the application for Development Permit with Variances No. 1013 to allow the construction of a mixed commercial and residential use building located at 574 Cumberland Road.

**Barry Weih, Wensley Architecture & Darren Olma of Sobey's re: Development Permit No. 1110**

Darren Olma and Barry Weih reviewed the application for Development Permit No. 1110 to allow the construction of the Thrifty Foods shopping centre located at 444 Lerwick Road.

**4.00 COMMITTEE/STAFF REPORTS**

**.01** Moved by Jangula and seconded by Theos that "Cemetery  
CEMETERY BYLAW Management Amendment Bylaw No. 2679, 2011" proceed to first,  
AMENDMENTS second and third reading.  
4100-01 Carried

**.02**

DP NO. 0918  
2140 LAKE TRAIL  
ROAD  
3060-20-0918

Moved by Presley and seconded by Hillian

1. That Development Permit No. 0918 to allow construction of an 42 unit multi residential development on the property located at 2140 Lake Trail Road (Lot 3, District Lot 96, Comox District, Plan 2153, Except Parcel A (DD52974N) and Except Part in Plan VIP75376, as shown on the map contained in Attachment No. 1 be issued; subject to the Outstanding Condition listed in Item #2 of this resolution;
2. That the conditions of Development Permit No. 0918 be as follows:
  - a. Prior to issuance of a building permit, the submission of an irrigation plan satisfactory to City staff, demonstrating that the proposed works and landscaping will not conflict with construction of on-site water and sewer servicing.
  - b. Development must be in conformance with the plans and elevations contained in Attachment Nos. 2-5;
  - c. Submission of landscape securities, at building permit stage, for each of the two phases in the following amounts:
    - i) Phase one: (125% x \$43,720.00) \$54,650.00;
    - ii) Phase two: (125% x \$55,789.00) \$69,736.25;
  - d. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
  - e. 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;
  - f. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces;
  - g. Application for construction of the amenity building shall be included within Phase 2 of the development or earlier.

**Carried**

**.03**

DVP NO. 1007  
780 NIKOLAISEN  
3090-20-1007

Moved by Hillian and seconded by Theos that notice be given to the adjacent property owners of proposed Development Variance Permit No. 1007 as outlined below, and that the application be returned to Council on July 18, 2011;

That subject to public input, Development Variance Permit No. 1007, to vary the required road frontage as outlined in Section 8.2.3 of the City of Courtenay Zoning Bylaw No. 2500, 2007, from 20 metres to 13.25 metres, for property legally described as Lot A, Section 15, Comox District, Plan VIP53700, be issued to Brad and Margo Hornstein, and

That development must be in conformance with the plan contained in Attachment No. 2.

**Carried**

**.04**

DP NO. 1110  
444 LERWICK RD  
THRIFTY'S  
3060-20-1110

Moved by Jangula and seconded by Presley that Development Permit No. 1110, to allow construction of an approximately 8,921 m<sup>2</sup> commercial shopping centre on the property for the property legally described as Lot 1, Block 72, Comox District, Plan VIP81206 (444 Lerwick Road) be issued subject to the following conditions;

- a. Development in conformance with the plans and elevations contained in *Attachment Nos. 2-4*;
- b. Construction of noise attenuation fencing as indicated in *Attachment No. 5*;
- c. Submission of landscape security in the amount of (125% x \$426,469.70) \$533,087.13;
- d. Submission of an irrigation plan prior to issuance of building permit;
- e. Prior to installation of landscaping, City staff must be notified and meet with the landscape contractor onsite to ensure adequate soil depths;
- f. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- g. Issuance of a sign permit in compliance with the *City of Courtenay Sign Bylaw No. 2042, 1998* and the Shopping Centre Development Permit Guidelines is required for all signage. Signage must not be internally illuminated;
- h. Any new freestanding sign must be in general conformance with the preliminary freestanding sign concept contained in *Attachment No. 3*, and the sign location shown on the site plan contained in *Attachment No. 2*.
- i. All building, site and sign lighting must be full cut off, flat lens in accordance with the City's Dark Skies Policy. Submission of a lighting plan and specifications is required prior to issuance of a building permit and all lighting must be approved by the City prior to installation;
- j. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces.
- k. 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**

.05

DP NO. 1013  
TESSITURA FLATS  
3060-20-1013

Moved by Presley and seconded by Leonard that

That notice be given to the adjacent property owners of proposed Development Permit with Variances No. 1013 as outlined below, and that the application be returned to Council on July 18, 2011;

That subject to public input, Development Permit with Variances No. 1013, to allow construction of a mixed commercial and residential use building located at 574 Cumberland Road and 908 Grieve Avenue (**Lots 8 & 9, both of Block B, Section 61, Comox District, Plan 3939**) and to vary the following sections of *Zoning Bylaw No. 2500, 2007*:

*Section 6.7.1-* sight triangle requirements for a corner lot

*Section 7.1.5* – the minimum vertical clearance to a parking area from 2.25 metres to 2.13 metres;

*Section 8.18.6(1)* – the minimum front yard setback from 2.0 metres to 0.0 metres;

*Section 8.18.7* – the maximum height from 13.5 metres to 17.5 metres;

*Section 8.18.9*– the off-street parking requirements for the performance studio from 43 stalls to 0 stalls;

*Section 8.18.10(1)* – the landscaping requirement adjacent to a residential use from 3.0 m to 0.0 m;

*Section 8.18.10(2)* – vary the width of landscaping along Cumberland Road from 4.5 m to 0.0 m;

*Section 8.18.10(3)* – the screening requirements for loading areas from 2.0 m to 0.0 m;

be issued subject to resolution of the following **Outstanding Condition** in advance of issuance of Development Permit with Variances No. 1013:

- a. Submission of a stormwater management plan to the City's satisfaction;

That conditions of Development Permit with Variances No. 1013 be as follows:

- a. Development in conformance with the plans and elevations contained in **Attachment Nos. 2-5**;
- b. Consolidation of Lots 8 & 9, both of Block B, Section 61, Comox District, Plan 3939 in advance of building permit issuance;
- c. Submission of security for the installation of a solar hot water system prior to issuance of building permit;
- d. Submission of landscape security in the amount of (125% x \$97,700) \$122,125;
- e. Submission of an irrigation plan in advance of issuance of a building permit;
- f. All landscaping in the City boulevards, including the rain gardens shown on **Attachment No. 4**, must be maintained by the applicant or future property owner(s);

- g. Landscaping must be completed within six months of the date of issuance of the occupancy permit by the City;
- h. Issuance of a sign permit in compliance with the *City of Courtenay Sign Bylaw No. 2042, 1998* and the Downtown Development Permit Guidelines is required for all signage;
- i. 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;
- j. Submission of \$26,000.00 in lieu of providing four onsite parking stalls;
- k. Parking areas must be developed in accordance with Zoning Bylaw No. 2500, 2007, Division 7, Off-Street Parking and Loading Spaces. Small car parking spaces must be clearly marked;
- l. 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**

**.06**  
LEGION ROAD  
CLOSURE  
5460-08

Moved by Jangula and seconded by Presley that Cliffe Avenue between 3<sup>rd</sup> and 5<sup>th</sup> Street; also 4<sup>th</sup> Street at Cliffe Avenue, be temporarily closed to traffic, on July 16, 2011 from 9:00 a.m. to 12:00 noon for the unveiling of the Wall of Recognition of all Conflicts & Peacekeeping Operations; and

That the emergency services be advised of the temporary closure, at least five working days before the event.

**Carried**

## **6.00 REPORTS FROM COUNCIL REPRESENTATIVES**

COUNCILLOR  
PRESLEY

Councillor Presley reviewed that the Comox Valley Economic Development Society AGM will be held on June 21, 2011 at the Shelter Point Distillery.

COUNCILLOR  
AMBLER

Councillor Ambler reported on the FCM conference in Halifax.

COUNCILLOR  
JANGULA

Councillor Jangula reported on the following meetings:

- Regional District Board
- Regional District Water and Sewer Committee
- Regional District Committee of the Whole
- Regional Hospital Board
- Regional Solid Waste
- North Island 911 Board

**7.00 RESOLUTIONS OF COUNCIL**

**.01** Moved by Presley and seconded by Hillian that under the provisions of Section 90(1)(g) of the *Community Charter*, notice is hereby given that a Special In-Camera meeting closed to the public, will be held June 20, 2011 at the conclusion of the Regular Council meeting.  
IN CAMERA MEETING  
**Carried**

**9.00 NOTICE OF MOTION**

COUNCILLOR HILLIAN Councillor Hillian gave notice that he will be requesting an update regarding bus shelters at the next Council meeting.  
BUS SHELTERS

COUNCILLOR PRESLEY Councillor Presley provided a notice of motion for the next regular Council meeting regarding the homeless shelter site at 865 Cliffe Avenue.

**10.00 NEW BUSINESS**

**.01** Moved by Hillian and seconded by Leonard that whereas the City continues to receive numerous complaints regarding overnight noise from Costco;  
COUNCILLOR HILLIAN  
NOISE FROM COSTCO  
4020-20  
That a staff report be prepared regarding representation made to Costco to solve the noise problems, in particular from the HVAC system and forklift operation, and enforcement of the relevant bylaws. This report to include the potential effectiveness of a berm and sound levels captured on a 24 hour basis.  
**Carried**

**11.00 BYLAWS**

**.01** Moved by Jangula and seconded by Theos that “Cemetery Management Amendment Bylaw No. 2679, 2010” pass first, second and third reading.  
BYLAW NO. 2679  
CEMETERY AMEND  
**Carried**

**12.00 COUNCIL MEMBER ROUND TABLE**

COUNCILLOR HILLIAN Councillor Hillian reviewed his attendance at the following events:

- Nides bursary presentation
- Sea Cadets annual review
- Support Our Seniors event
- Wearable Art Show
- CV Drug Strategy Committee meeting

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- Gil Peñalosa event
- Celebrity soccer tournament

COUNCILLOR THEOS      Councillor Theos reviewed his attendance at the following events:

- Costco grand opening
- Air Cadets annual review
- Juvenile Diabetes Walk
- Response to the Westworld article
- Gil Peñalosa event
- Comox Recreation Centre grand opening

COUNCILLOR JANGULA      Councillor Jangula reviewed the preparations underway for the Canada Day celebration.

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

- Regional District meetings
- Vancouver Island Regional Library Board meeting
- Sea Cadets annual review
- Housing and Homelessness Committee meetings
- Mark R. Isfeld bursary presentation
- Motorcycle Ride for Dad
- Juvenile Diabetes Walk

COUNCILLOR PRESLEY      Councillor Presley reviewed his attendance at the FCM conference in Halifax.

COUNCILLOR AMBLER      Councillor Ambler reviewed his attendance at the following events:

- FCM conference in Halifax
- Lake Trail community centre event
- Meeting of the gateway highway sign committee

MAYOR PHELPS      Mayor Phelps reviewed his attendance at the following events:

- Taped session with Street Smart Kids
- Opening of new dialysis centre in Cumberland with Health Minister Dejong
- Regional District meetings
- Mayor's open door session
- CSRD Solid Waste Committee and Regional Hospital Board
- Boomer's Ride – over \$40,000 was raised to date

**13.00 ADJOURNMENT**

**.01** Moved by Jangula and seconded by Presley that the meeting now adjourn at 5:52 p.m.  
**Carried**

**CERTIFIED CORRECT**

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**Manager of Corporate Administration**

**Adopted this 4<sup>th</sup> day of July, 2011**

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**Mayor**