

CITY OF LANGFORD
MINUTES OF THE REGULAR MEETING OF COUNCIL
Monday, May 17th , 2010 @ 7:00 p.m.
Council Chambers, 3rd Floor, 877 Goldstream Avenue

PRESENT

Mayor S. Young, Councillors: D. Blackwell, M. Sahlstrom, L. Seaton, W. Sifert, L. Szpak and R. Wade.

ATTENDING

Administrator, Jim Bowden, Deputy Clerk, L. Kaercher, City Engineer, John Manson and City Planner, Matthew Baldwin and Treasurer, Audrey Kryklywyj.

1. CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR SEATON
SECONDED: COUNCILLOR SAHLSTROM

That Council approve the Agenda as amended: Delete Agenda item 6(c)(1).

CARRIED.

3. PUBLIC HEARING

a) BYLAW NO. 1231 (File No. 3900-1231)

"Langford Zoning Bylaw, Amendment No. 265, (Text Amendment to the Comprehensive Development 8 - Valley View [CD8] Zone), 2009".

The Mayor opened the Public Hearing for Bylaw No. 1231 at 7:00 p.m.

Mayor Young advised members of the audience that any person present who believes that his or her interest is affected by the proposed bylaws shall be given an opportunity to be heard on the matters contained in the proposed bylaw. Those who wish to speak concerning this proposed bylaw should give their name, address and views concerning the proposed bylaw. Mayor Young advised that after everyone has expressed their views, he shall state three times "Is there anyone else who wishes to be heard", and if no further views are forthcoming, the Public Hearing shall be declared closed.

The City Planner advised that Cliff Curtis has applied on behalf of TJBS Properties to amend the CD8 – Valley View zone and the purpose of the Public Hearing was to hear from the public regarding Bylaw No. 1231 which, if adopted, would permit a mixed use building at 996 Wild Ridge Way and to permit the last 27 single family dwelling lots to be zoned for higher density residential development.

As part of this rezoning application, a public hearing is required in accordance with the regulations of the Local Government Act

In support of the rezoning, the applicant has agreed to:

- Provide the following amenity contributions as a bonus for increased density:

For the Proposed Mixed-Use Building:

- \$4,800 per unit toward the General Amenity Reserve Fund;
- \$2,500 per unit toward the City Park Reserve Fund;
- \$1,500 per unit toward the ALR Acquisition Fund;
- \$500 per unit toward the Affordable Housing Reserve Fund;

For the Duplex Proposal

- The applicant has already constructed and donated 3 affordable homes to the City's Affordable Housing Program ahead of schedule, and by previous Council Resolution, deemed adequate in lieu of the current amenity policy requirements.

As required by Council's resolution, the applicant has provided the following items prior to this Public Hearing:

- The applicant has held a neighbourhood meeting to discuss the mixed-use project proposal.
- Signed a Development Servicing Agreement.
- Constructed a fire access road to the City's satisfaction; and
- Provided confirmation of the Stormwater Management Plan

This proposal is consistent with the Official Community Plan. Notifications and advertisements have been placed as required by Council policy.

The Mayor called a first time for presentations.

Mr. Jeff Hadley of 3698 Wild Berry addressed Council with respect to concerns of technicalities in the bylaw.

Mr. Cliff Curtis, the proponent stated he is prepared to consider any changes that Council may suggest.

Ms. Semira Brown of 3746 Ridge Pond addressed Council and stated her concerns with respect to traffic.

Ms. Elisabeth Mortlock of 995 Wild Ridge addressed Council and stated she is opposed to Bylaw No. 1231.

Mr. Jeff Senex of 997 Wild Ridge addressed Council and stated he is opposed to Bylaw No. 1231.

Ms. Kim Morris of 976 Wild Ridge addressed Council and stated she is opposed to Bylaw No. 1231.

Councillor Wade commended the developer for the development of the park and ball diamond.

Mayor Young confirmed the developer has agreed to provide more parking.

Mr. Brian Willing of 974 Wild Ridge addressed Council and stated he is opposed to Bylaw No. 1231.

Mr. Glen Willing of 974 Willing Drive addressed Council and stated he is opposed to Bylaw No. 1231.

Ms. Deanne Burkmar of 992 Wild Ridge addressed Council and stated she supports Bylaw No. 1231.

Ms. Sherry Richards of 977 Wild Ridge addressed Council with respect to parking.

Ms. James Gardiner of 999 Wild Ridge addressed Council with respect to parking.

Ms. Michelle Dietrich of 978 Wild Ridge addressed Council with respect to petitioning Council about land uses.

Ms. Corrine Derkson of 972 Wild Blossom addressed Council and stated she is opposed to Bylaw No. 1231.

Mr. Brian Michachuk of 977 Wild Blossom addressed Council and stated he is opposed to Bylaw No. 1231.

Ms. Melanie Willing of 974 Wild Ridge addressed Council and stated she is opposed to the proposed 3 storey building.

Ms. Willing of 3649 Happy Valley addressed Council and stated she is opposed to Bylaw No. 1231.

Mayor Young called a second time for presentations.

The Mayor suggested that solutions were not going to be found in this Public Hearing and that this public hearing should probably be closed, and Council not give this application for rezoning further consideration until the applicant had either satisfied neighbourhood concerns, or brought forward a proposal that met with the neighbourhood's approval, and that if a new proposal came forward that there would be another public hearing.

The Mayor called a third and final time for presentation, there being none, the Mayor officially declared the Public Hearing for Bylaw No. 1231 closed at 7:50 p.m.

b) BYLAW NO. 1278 (File No. 3900-1278)

"Langford Zoning Bylaw, Amendment No. 281, (2741, 2749, 2751, 2753, 2757 and 2761 Spencer Road and 996 Preston Way), 2010".

The Mayor opened the Public Hearing for Bylaw No. 1278 at 7:55 p.m.

Mayor Young advised members of the audience that any person present who believes that his or her interest is affected by the proposed bylaws shall be given an opportunity to be heard on the matters contained in the proposed bylaw. Those who wish to speak concerning this proposed bylaw should give their name, address and views concerning the proposed bylaw. Mayor Young advised that after everyone has expressed their views, he shall state three times "Is there anyone else who wishes to be heard", and if no further views are forthcoming, the Public Hearing shall be declared closed.

The City Planner advised that the M'akola Housing Society has applied to rezone and purpose of the Public Hearing was to hear from the public regarding Bylaw No. 1278 which, if adopted, would rezone the properties at 2741, 2749, 2751, 2753, 2757 and 2761 Spencer Road from R2 (One- and Two- Family Residential) to MU1A (Mixed Use Residential Commercial A) and 996 Preston Way from CT1 (Tourist Commercial 1) to MU1A (Mixed Use Residential Commercial A)

to allow for the construction of a two 5-storey mixed use buildings consisting of approximately 63 affordable housing units and 1,060 m² (11,410 ft²) of ground floor commercial space.

As part of this rezoning application, a public hearing is required in accordance with the regulations of the Local Government Act;

In support of the rezoning, the applicant has agreed to:

1. Provide \$750.00 per dwelling unit towards the General Amenity Reserve Fund as a bonus for increased density;
2. Provide a plan that shows a 12 metre turning radius at the corner of Spencer Road and Preston Road to the satisfaction of the City Engineer;
3. Provide a tree retention plan to the satisfaction of the Parks Manager;
4. Provide a road dedication plan to the satisfaction of the City Engineer;
5. Register a nuisance easement on title to allow legal noise nuisance generated from traffic on the Trans-Canada Highway;
6. Register a S.219 Covenant that agrees to the following:
 - a. Provide bicycle racks on site for employees and residents to the satisfaction of the City Planner;
 - b. Provide unobstructed pedestrian pathways to the front entrance of each building to the satisfaction of the Fire Chief;
 - c. Install two fire hydrants and directory signage to the satisfaction of the Fire Chief;
 - d. Construct a fire truck platform on Spencer Road in front of Building two to the satisfaction of the Fire Chief and the City Engineer;
 - e. Provide a traffic and public safety plan, and a construction parking plan, prior to any onsite works and/or clearing, to the satisfaction of the City Engineer;
 - f. Provide 54 shared parking stalls onsite of which 3 parking stalls are assigned to the seniors rental units;
 - g. Construct public parking stalls along the south side of Preston Way prior to occupancy permit and to the satisfaction of the City Engineer;
 - h. Install parking signage onsite that only allows commercial users to occupy the onsite parking stalls between 8am and 5pm to ensure that the onsite parking stalls would be available for the residents in the evenings;
 - i. Install a temporary centre median on Spencer Road to prevent left in, left out to the satisfaction of the City Engineer, and provide cash in lieu or bonding for its removal;
 - j. Plant hedging along the frontage facing the Trans-Canada Highway to the satisfaction of the Ministry of Transportation; and
 - k. Execute a Development Servicing Agreement prior to building permit to the satisfaction of the City Engineer in order to secure off-site improvements.

This proposal is consistent with the Official Community Plan. Notifications and advertisements have been placed as required by Council policy.

The Mayor called a first time for presentations.

Mr. Phil Lee of 994 Preston Way addressed Council and stated he is opposed to Bylaw No. 1278.

Ms. Irene Gretz of 982 Preston Way addressed Council and stated she is opposed to Bylaw No. 1278.

Ms. Mary Skrypnick of 986 Preston Way addressed Council and stated she is opposed to Bylaw No. 1278.

Mr. Grant Stevans of 2771 Spencer Road addressed Council and stated he is opposed to Bylaw No. 1278.

Mr. Dave Wheeler of 966 Preston Way addressed Council and stated he is opposed to Bylaw No. 1278.

Mr. Mark Forrest of 976 Preston Way addressed Council and stated his is opposed to Bylaw No. 1278.

A member of the public asked who was Jack Tree Construction.

Mr. Kevin Elbers of Makola addressed Council and members of the public with the following:

- Jack Tree Construction is owned 50/50 by Leier Construction and Makola, and ownership will revert to Makola;
- The building has to be 4 to 5 stories in order to be feasible to build;
- The development is not subsidized except for the seniors portion;
- The development is proposed for 63 units and two commercial units;
- The development is for primary use – not assisted living; and
- There is no play ground.

Mayor Young called a second time for presentations.

The Mayor called a third and final time for presentation, there being none, the Mayor officially declared the Public Hearing for Bylaw No. 1278 closed at 8:28 p.m.

4. ADOPTION OF MINUTES

a) Minutes of the Regular Meeting of Council – May 3rd, 2010

MOVE BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council approve the Minutes of the Regular Meeting of Council on May 3rd, 2010.

CARRIED.

5. PUBLIC PARTICIPATION

There was no public participation.

6. COMMITTEE RESOLUTIONS

a) Planning, Zoning & Affordable Housing Committee – May 10th, 2010

- 1. Application for a Development Permit to construct a detached duplex at 1064 Jenkins and to vary Section 6.1.1 of the Subdivision, Development and Servicing Bylaw (No. 1000) to allow development without a connection to a municipal sanitary sewer system and section 6.21.06(4) of the Zoning Bylaw (No. 300) to reduce the minimum setback from an interior lot line for a two-family dwelling from the required 3 m (9.8 ft) to 1.5 m (4.9 ft) (File No. DP-10-17)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council proceed with Development Permit Application DP-10-17 for the construction of detached duplex units on the property located at 1064 Jenkins, as described in the

drawings and colour and material schedule attached as Appendices "C" through "D" with the following variances:

- a) That Section 6.1.1 of the Subdivision, Development and Servicing Bylaw (No. 1000) is varied to allow development without a connection to a municipal sanitary sewer system under the following condition:
 - i. That a statutory covenant be registered on the title of the subject property to the satisfaction of the City Engineer, which would require the connection of the proposed detached duplex units to the municipal sanitary sewer system and the decommissioning of the on-site sewer disposal systems when sewer service is extended along Jenkins Avenue.
- b) That Section 6.21.06(4) of the Zoning Bylaw (No. 300) to reduce the minimum setback from an interior lot line for a two-family (duplex) dwelling from the required 3 m (9.8 ft) to 1.5 m (4.9 ft).

CARRIED.

2. Application to vary the parking requirement for the Westshore Town Center to allow for a 2415m² (26,000 ft²) multi screen cinema building. (File No. DVP-10-07)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council:

1. Proceed with consideration of Development Variance Permit No. DVP-10-07 for the property at 2945 Jacklin Road, with the following variance:
 - i) That Section 4.01.01 of Zoning Bylaw No. 300 be varied by reducing the number of required parking spaces to 2,006 for the entire site;
Subject to the following terms and conditions:
 - a) That the northbound approach to the side street accesses be signed with "Do Not Block Intersection" signs and paint markings applied to define the area that is to remain clear;
 - b) That additional way-finding signs be strategically placed on site to encourage the balanced use of site egress points to further alleviate queuing observed at the Phipps Road / Langford Parkway intersection;
 - c) That raised curb barriers be constructed to formalize areas where access in the vicinity of the proposed cinema is deemed unstructured;
 - d) That the existing internal southbound stop sign along Phipps Road be removed in favour of improved access control;
 - e) That pedestrian crossing signs be added to the major crosswalk location on Phipps Road, north of CRU W, currently occupied by Royal Bank;
 - f) That a new pedestrian pathway (2.5m width) be constructed on the north side of the Jacklin Road driveway access in order to connect Jacklin Road to the proposed cinema;
 - g) That a raised crosswalk be constructed, with associated signage on the Jacklin Road driveway access immediately west of the proposed relocated access aisle; and
 - h) That the existing pedestrian pathway linking Jacklin Road to the Cinema site is upgraded, including installation of appropriate lighting along the path; and
2. Direct the City Planner to, if necessary, make a further variance to Section 4.01.01 of Zoning Bylaw No. 300 to reduce the amount of required on-site parking to accommodate adequate access to the proposed cinema for firefighting apparatus via the terms of a development permit.

CARRIED.

b) Administration & Finance Committee – May 11th, 2010

1. Monthly Approval of Accounts Payable – February, March & April 2010 (File No. 1880-20/AP)

MOVED BY: COUNCILLOR SAHLSTROM
SECONDED: COUNCILLOR SIFERT

That Council receive the Monthly Approval of Accounts Payable for February, March and April 2010 as outlined in the staff report dated May 11th, 2010.

CARRIED.

2. 2010 First Quarter Financial Review (File No. 1880-20/QFR)

MOVED BY: COUNCILLOR SAHLSTROM
SECONDED: COUNCILLOR SIFERT

That Council receive the 2010 First Quarter Financial Review of May 11th, 2010 for information.

CARRIED.

c) Transportation & Public Works Committee – May 11th, 2010

1. 960 Firehall Creek Road – Access and Easement (File No. 3220-20-Firehall Creek Road – 960)

MOVED BY: COUNCILLOR SIFERT
SECONDED: COUNCILLOR SZPAK

That Council direct staff to request the owners of 2673 Sooke Road install a fence, at their cost, across the south portion of the access, thereby eliminating pedestrian linkage to Sooke Road from Firehall Creek Road at this time, while maintaining the existing business access and use, and when future connectivity is deemed available, the pedestrian link be re-opened and the fence removed.

CARRIED.

2. West Nile Virus Surveillance and Funding (File No. 5280-35)

MOVED BY: COUNCILLOR SIFERT
SECONDED: COUNCILLOR SZPAK

That Council take no action at this time with respect to West Nile virus surveillance and funding.

CARRIED.

3. Langvista Drive Line Markings (File No. 5400-20)

MOVED BY: COUNCILLOR SIFERT
SECONDED: COUNCILLOR SZPAK

That Council take no action at this time with respect to Langvista Drive line markings.

CARRIED.

7. REPORT

**a) West Shore Environmental Services – Rate Review for 2010
- Staff Report (File No. 2240-20 Corix)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

- a) That Council authorize the following rate increases pursuant to the Sewer Utility Agreement among City of Langford, West Shore Environmental Services Inc., and Terasen Utility Services Inc. effective 3 May 2010:

Item	Approved Fee/Rate for 2010
Sanitary Capital Cost Recovery Fee (SCRF)	\$4048.00
Physical Connection Fee	\$990/pipe inch dia
User Fee	\$0.257/cu.m.
Minimum Annual fee	\$58.20

AND;

- b) That Council authorize the Mayor to sign the attached Memorandum of Agreement that provides for a review of the Agreement with West Shore Environmental Services Ltd. as described in this report.

CARRIED.

**b) Planning Department Monthly Report – April 2010
- Staff Report (File No. 0640-30)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council receive the Planning Department Monthly Report for April 2010.

CARRIED.

**c) Building Inspection Department Monthly Report – April 2010
- Staff Report (File No. 0640-30 B)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SEATON

That Council receive the Building Inspection Department Monthly Report for April 2010.

CARRIED.

**d) 11th Annual Western Regional Harley Owners Group (HOG) Rally Parade
- Staff Report (File No. 8100-01)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SIFERT

That Council approve the Harley Owners Group (HOG) to stage a rally parade on July 10th, 2010 starting at 9:00 a.m. from the parking lot of Steve Drane Harley Davidson at 2940 Ed Nixon Terrace, travel onto Westshore Parkway, Trans Canada Highway, Goldstream Avenue, Veterans Memorial Parkway, Sooke Road, Jacklin Road, Langford Parkway, ending at 10:00am at the Eagle Ridge Community Center and to follow all Bylaw No. 33 permit requirements.

CARRIED.

**e) Langford Day Parade
- Staff Report (File No. 8100-01L)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR SIFERT

That Council:

1. Give permission to Westhills to stage a parade on July 17th 2010 along the proposed route following all Bylaw 33 permit requirements; and
2. That the fee, insurance, and damage deposit requirements be waived for the Parade, as this is being considered a City event.

CARRIED.

8. CORRESPONDENCE

**a) Clarks Taekwondo
Re: Program Donation (File No. 6200-01)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council refer the email dated May 4th, 2010 from Tyron Clark of Clarks Taekwondo with respect to his donation of 12 six month programs for training to the parks staff.

CARRIED.

9. BYLAWS

**a) BYLAW NO. 1188 (File No. 3900-1188)
"Langford Zoning Bylaw, Amendment No. 242, (685 Fairway Avenue), 2008".
(FIRST READING)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council give Bylaw No. 1188 First Reading.

CARRIED.

- b) BYLAW NO. 1268 (File No. 3900-1268)**
“Langford Zoning Bylaw, Amendment No. 278, (935 Walfred Road), 2010”.
(ADOPTION)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council adopt Bylaw No. 1268.

CARRIED.

- c) BYLAW NO. 1278 (File No. 3900-1278)**
“Langford Zoning Bylaw, Amendment No. 281, (2741, 2749, 2751, 2753, 2757 and
2761 Spencer Road and 996 Preston Way), 2010”.
(SECOND AND THIRD READING)

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council give Bylaw No. 1278 Second and Third Reading.

CARRIED.

- d) BYLAW NO. 1280 (File No. 3900-1280)**
“Langford Official Community Plan Bylaw; Amendment No. 3 (Community
Energy and Emissions Reduction Strategy), 2010”.
(ADOPTION)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SIFERT

That Council adopt Bylaw No. 1280.

CARRIED.

- e) BYLAW NO. 1285 (File No. 3900-1285)**
“City of Langford Housing Agreement (951 Walfred Road) Bylaw No. 1285,
2010”.
(ADOPTION)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SIFERT

That Council adopt Bylaw No. 1285.

CARRIED.

10. 'IN CAMERA' RESOLUTION

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR SIFERT

- a) That it is the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential information regarding Personnel under section 90 (1) (a) of the Community Charter.
- b) That Council continues the meeting in closed session.

CARRIED.

11. **ADJOURNMENT**

The Mayor adjourned the meeting at 8:45 p.m.

MAYOR

CERTIFIED CORRECT
Clerk-Administrator