

# **TOWN OF SMITHERS**

Minutes of the Committee of the Whole Meeting of Council held in Council Chambers, 1027 Aldous Street, Smithers, B.C., on Tuesday, March 16, 2010, at 6:00 p.m.

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**Council Present:**

Cress Farrow, Mayor  
Norm Adomeit, Councillor  
Mark Bandstra, Councillor  
Lorne Benson, Councillor  
Charlie Northrup, Councillor  
Frank Wray, Councillor.

**Council Excused:**

Jo Ann Groves, Councillor.

**Advisory Planning Commission:**

Anne Griffith  
Bob Mitchell.

**Invited Guests:**

Ken Kwan, Twin Valley Inn.

**Media Present:** None.

**Staff Present:**

Deborah Sargent, Chief Administrative Officer  
Mark Allen, Director of Development Services  
Alison Walker, Planner  
Penny Goodacre, Recording Secretary.

**Staff Excused:**

Susan Bassett, Director of Corporate Services  
Leslie Ford, Director of Finance  
Andrew Hillaby, Director of Recreation, Parks and Culture  
Keith Stecko, Fire Chief  
Patricia Berg, Airport Manager  
Wilf Taekema, Director of Works and Operations.

1. **CALL TO ORDER**

Mayor Farrow called the meeting to order (6:04 p.m.).

2. **CORRESPONDENCE/REPORTS**

Adomeit/

THAT the following correspondence be received:

2-1 Report DEV 10-011 dated January 19, 2010, from A. Walker, Planner, regarding OCP and Zoning Amendments for properties located at 3940, 3960, 3980, and 3992 Fourth Avenue (3360-01).

2-2 Section 5.4 of the Town of Smithers Zoning Bylaw regarding C-3 Service Commercial Zone.

**CARRIED UNANIMOUSLY.**

2-1 **Properties Located at 3940, 3960, 3980, and 3992 Fourth Avenue:**

Discussion occurred on the possible redesignation from Mixed Residential/Community Use to Downtown Commercial and rezoning from R-2 Low Density Residential/P-2 Public Use zone to C-1A Downtown Commercial for properties located at 3940, 3960, 3980 and 3992 Fourth Avenue.

A historical review of the two applications that were submitted requesting to have portions of the Fourth Avenue block redesignated and rezoned are as follows:  
1) on January 22<sup>nd</sup>, 2008 Town Council denied an application to redesignate from Mixed Residential to Highway/Tourist Commercial and to rezone from Low Density

Residential (R-2) to Tourist Commercial (C-4) the property located at 3960 Fourth Avenue for the purpose of providing parking for the new Liquor Retail Store addition on the Twin Valley Inn, and 2) on November 24<sup>th</sup>, 2009 Town Council denied an application to redesignate from Mixed Residential to Downtown Commercial and to rezone from Low Density Residential (R-2) to Downtown Commercial (C-1A) the properties located at 3980 and 3960 Fourth Avenue to permit commercial uses. Council then gave notice to reconsider this decision at the December 8<sup>th</sup>, 2009, Regular Meeting.

The current uses in this block are a mix of public (Sea Cadets), residential (one single family home), vacant land, and commercial (Bulkley Valley Printers, Tales to Ales U-Brew, The Bargain Shop). Surrounding land uses are highway commercial (Twin Valley Inn, OK Tire) and residential (single family dwellings).

In the draft Official Community Plan the new designation includes the Tales to Ales U-Brew in the Downtown Commercial Designation. Council asked Staff to review the designation on the Official Community Plan Map to ensure this extension is updated.

Staff concerns regarding the possible downtown commercial land use change for 3940, 3960, 3980, and 3992 Fourth Avenue include: 1) if the properties were to be developed into a parking lot (a permitted use in the C-1A and C-1B zones), there are concerns regarding police patrolling, line of sight, and congregation areas as a result of the nightclub located in the Twin Valley Inn, 2) increased traffic within the residential neighbourhood, and 3) maintaining the concentration of downtown commercial activities in the downtown core within the blocks between King and Queen Street.

It is possible that a restrictive covenant, authorized under Section 219(2)(c) of the *Land Title Act*, could be a condition, which would ensure the properties would not be developed as a parking lot or other uses deemed inappropriate in the future.

Council raised the following concerns regarding the possible downtown commercial land use change for 3940, 3960, 3980, and 3992 Fourth Avenue including: 1) a parking lot on commercial land adjacent to the Commercial Highway corridor would be a waste of a corner lot, 2) residential properties along Fourth Avenue may be adversely affected, ie. the potential for vandalism and increased risk for vehicle and pedestrian traffic if there is a parking lot with access to Fourth Avenue, 3) zoning needs to be compatible between both the residents and the business development along Fourth Avenue now and in the future, 4) having a berm or fence to block access to Fourth Avenue from the parking lot raises the issue of entrapment and should be discussed in greater detail with the RCMP, 5) what is the best use of the land and how can the process be fair and consistent, and 6) there are regulations in a zone and when the zone is changed, the entire area is affected.

Council discussed the following possible solutions to the concerns raised above: 1) consider a parking variance for the applicant's buildings and businesses, 2) install a walk thru gate in the fence to alleviate the entrapment issue, 3) request the Applicant work with Staff to develop a plan for review by the Advisory Planning Commission and Council, 4) consider relocating the Sea Cadets building, purchasing the land and rezoning, and then Columbia Street could be used as the egress from the parking lot rather than Fourth Avenue, and 5) install more street lighting for safety in the proposed parking lot and lane, compatible for the residential neighbourhood.

Northrup/

THAT Council send a letter to Mr. Kwan advising that: 1) Council appreciates his attendance at tonight's meeting, 2) Council is willing to look at a possible parking variance for the Twin Valley property, 3) he consult with Staff to develop a plan that the Advisory Planning Commission and Council can consider, and 4) he submit a specific application for the properties located at ~~3940~~, 3960, 3980, and ~~3992~~ Fourth Avenue before Council will consider rezoning the area.

**CARRIED UNANIMOUSLY.**

2-2 C-3 Service Commercial Zone:

Council discussed the C-3 Service Commercial zone and its uses. D. Sargent reminded Council that they requested this meeting to discuss, at greater length, the current C-3 zoning after the Jade City rezoning application was withdrawn.

There was also discussion regarding the M-1 zone. D. Sargent advised that at the Council meeting held on February 9, 2010, Council made a motion for Staff to prepare a bylaw amendment that would permit the retail sales of goods manufactured onsite and/or associated with the principal use. The M-1 zone currently allows for both manufacturing and limited retail space under the same roof. On March 11, 2010, the Advisory Planning Commission approved Council's recommendation and a new bylaw will be coming to Council for consideration.

At the end of the discussion, Council agreed to leave the C-3 zone as is and if any applications are submitted, they will review it at that time.

3. **OTHER BUSINESS/NEW BUSINESS**

3-1. Council Absences:

Councillor Benson advised that he would not be able to attend any Council meetings between March 23 to 25, 2010, as he will be out of town.

Councillor Bandstra advised that he would not be able to attend any Council meetings between March 27 to 29, 2010, as he will be out of town.

3-2. Protocol Agreement:

D. Sargent advised that the Office of the Wet'suwet'en would like to include in the Protocol Agreement the wording of the "Wet'suwet'en Inuk Nu'et'den" under "Guiding Principles: The Town of Smithers as a municipal government under the Local Government Act and Community Charter and the Office of the organization governed by the Hereditary Chiefs in accordance with INUK NU'AT'EN residing throughout the traditional territories." and as a result, there will be no signing ceremony on March 23, 2010.

4. **ADJOURNMENT**

Bandstra/  
THAT the meeting be adjourned (8:07 p.m.).

**CARRIED UNANIMOUSLY.**

Certified Correct:

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Cress Farrow  
Mayor

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Deborah Sargent  
Corporate Administrator/CAO

SB/jm/plg

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**Certified a True and Correct Copy** of the Minutes of the Committee of the Whole meeting held on Tuesday, March 16, 2010, at 6:00 p.m. in Council Chambers at 1027 Aldous Street, Smithers, B.C.

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Deborah Sargent  
Corporate Administrator/CAO