

THE CORPORATION OF THE CITY OF COURTENAY

PUBLIC HEARING AGENDA

*We respectfully acknowledge that the land on which we gather is the
Unceded traditional territory of the K'ómoks First Nation*

DATE: Wednesday, December 08, 2021
PLACE: Virtual Meeting
TIME: 5:00 p.m.

AGENDA

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

PG #

1.00 PUBLIC HEARING NOTICE

The City of Courtenay Council hereby gives notice that it will hold a Public Hearing to receive representations in connection with proposed amendments to *Zoning Bylaw 2500, 2007*.

Notices of this Public Hearing have been duly advertised in accordance with the requirements of the *Local Government Act*.

The following Public Hearings will be conducted virtually and live-streamed on the City of Courtenay YouTube Channel. The public may participate in the meeting via Zoom Webinar and telephone, or submit written comments to Council. Those persons who believe their interest in property may be affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard:

1. Submit written comments to Council:

Email to planning@courtenay.ca

Mail to: City of Courtenay, Development Services, 830 Cliffe Avenue, Courtenay, BC,
V9N 2J7

**PLEASE NOTE ALL WRITTEN SUBMISSIONS MUST BE RECEIVED BY 2:00 P.M.,
WEDNESDAY, DECEMBER 8, 2021 AND CONTAIN WRITER'S NAME AND
ADDRESS, AND STATE WHETHER IN FAVOUR OR OPPOSED TO THE
PROPOSED BYLAW. THIS INFORMATION WILL BECOME A PART OF THE
PUBLIC RECORD.**

2. Participate LIVE through a Zoom Webinar

See details and instructions on the City's website www.courtenay.ca/publichearings

3. Participate LIVE through Zoom Phone Conferencing

Dial toll free 1-855-703-8985

Or dial alternate non toll free 1-778-907-2071

Passcode 854 8358 4758 # and follow participation instructions provided

4. Watch the Public Hearing LIVE

Via LIVE webcast City of Courtenay YouTube Channel:

[City of Courtenay's YouTube Channel](#)

Reports, bylaws, and related information respecting the zoning bylaw amendment are available on the City's website: www.courtenay.ca/devapptacker (search by file number) and <http://www.courtenay.ca/councilmeetings>.

NO PRESENTATIONS WILL BE RECEIVED BY COUNCIL AFTER THE CONCLUSION OF THE PUBLIC HEARING

2.0 CALL TO ORDER

3.0 ZONING BYLAW AMENDMENTS

3.1 BYLAW NO. 3030 – 3040 KILPATRICK AVENUE

In general terms, Bylaw No. 3030 proposes an amendment to *Zoning Bylaw No. 2005, 2007* by rezoning the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267, Except Air Space Plan EPP81977 (3040 Kilpatrick Avenue) from Comprehensive Development Twenty Six (CD-26) to a new site specific Comprehensive Development Twenty Six A Zone (CD-26A) to accommodate a 41 unit multi residential development.

This Public Hearing is being held pursuant to Section 464 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interest in property may be affected by “Zoning Amendment Bylaw No. 3030, 2021”. This bylaw has received first and second reading, but has not passed third reading nor been adopted by Council.

5

- **Staff Report: SR DDS 2021-11-01 Updated Proposal - Zoning Amendment Bylaw 3030 - 3040 Kilpatrick Ave**

19

- **Zoning Amendment Bylaw No. 3030, 2021**

3.2 BYLAW NO. 3040 - 1236 MALAHAT DRIVE

In general terms, Bylaw No. 3040 proposes a text amendment to *Zoning Bylaw No. 2005, 2007* by allowing “*carriage house*” as a permitted use on Lot 10, District Lot 159, Comox District, Plan 41314 (1236 Malahat Drive) to allow a carriage house in addition to the existing single family residence.

This Public Hearing is being held pursuant to Section 464 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interest in property may be affected by “Zoning Amendment Bylaw No. 3040, 2021”. This bylaw has received first and second reading, but has not passed third reading nor been adopted by Council.

27

- **Staff Report: SR DDS 2021-11-15 Zoning Amendment Bylaw No. 3040 - 1236 Malahat Drive**

39

- **Zoning Amendment Bylaw No. 3040, 2021**

It should be noted that after the December 8th, 2021 Public Hearing has been concluded, Council cannot hear from interested parties and/or receive any new information regarding these bylaws. Council will consider 3rd reading of Bylaw Nos. 3030 and 3040 at a future Council meeting.

4.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2102

From: Chief Administrative Officer

Date: November 1, 2021

Subject: Updated Proposal - Zoning Amendment Bylaw No. 3030 - 3040 Kilpatrick Avenue

PURPOSE:

The purpose of this report is to provide Council with an overview of an updated proposal for a Zoning Amendment to rezone the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977 (3040 Kilpatrick Avenue) from Comprehensive Development Twenty-Six (CD-26) to Comprehensive Development Twenty-Six A (CD-26A) to facilitate multi residential development.

CAO RECOMMENDATIONS:

That based on the November 1st, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 27th, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 7th, 2021 staff report "Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

Respectfully submitted,

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

BACKGROUND:

A detailed report of the subject proposal entitled Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue was submitted to Council for consideration at the September 7th, 2021 meeting. Council chose to defer consideration with a request for more information about proposed amenity contribution and bicycle parking. This information was considered at the September 27th, 2021 meeting before Council directed staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw. A Public Hearing was scheduled and advertised by City staff and then postponed after an error in the plans provided by the applicant was identified, along with the applicant



Figure 1: Subject Property and Context

making additional minor design changes to the building, which would require revisions to draft Zoning Amendment Bylaw No. 3030 be considered by Council before a Public Hearing.

DISCUSSION:

Fifth Floor

The fifth floor, as had been proposed, exceeded the front setback on the draft zoning amendment bylaw. An applicant submission used in developing the draft zone had shown incorrect fifth floor measurements due to a scaling error. The applicant has adjusted the proposal to pull the fifth floor built area back to comply with the 20.5 m setback as had been specified in the draft zone, except for a roof projection for weather protection. **Figure 2** below contrasts 5th floor plans. Top floor stepping at the rear is limited to corners, consistent with Buildings 1 and 2, the enclosed front hallway becomes an open covered area, and stair cases move back, most notably the south staircase. To allow for a substantial roof projection, the draft zone now specifies a 17.0 m front setback for that portion of a building with a height greater than 11.5 m.

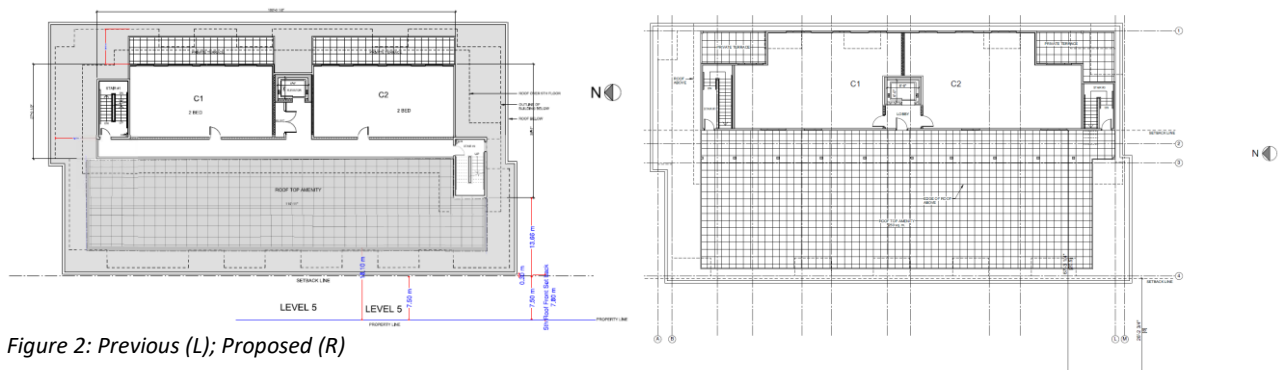


Figure 2: Previous (L); Proposed (R)

Underground Parking and North Side Setback

Slight modifications to underground parking increase space for refuse and utility rooms and comply with the Off-street Parking and Loading section requirements of the previous Bylaw No. 3030 draft. New drawings also clarify that the underground structure pierces the 9.5 m north side setback. Draft Zoning Amendment Bylaw No. 3030 now requires a north side setback of at least 9.5 m except for underground parking structure which shall be at least 6.5 m.

Front and South Side Setbacks

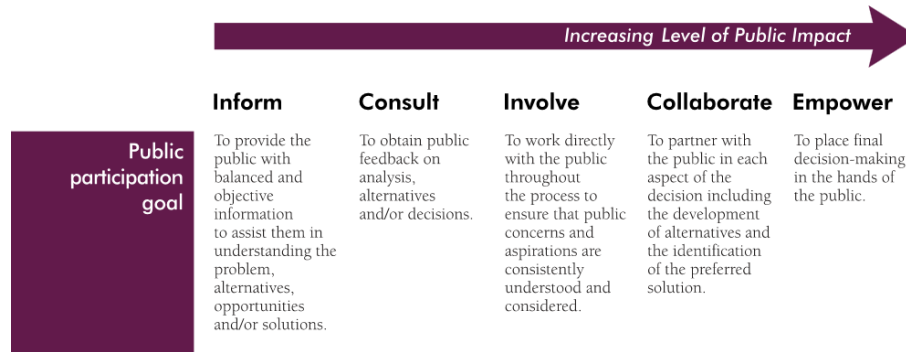
The applicant requested that the front yard setback for the bottom four floors be reduced from the previously proposed 8.0 m to 7.5 m to increase the margin for error. The intent remains to site the building as proposed, at 8.2 m from the front lot line. 7.5 m is consistent with the front yard setback for lower floors for the existing CD-26 zone. Similarly, to add room for error on the south side, a setback of 13.0 m is proposed, rather than 13.5 m. The south staircase reconfiguration brings a tight north/south building fit with setbacks as previously proposed; alternatively exceeding the 9.5 m north side setback would be more problematic for access and visibility, so adding some “wobble room” on the south side is a better option.

REFERENCES AND IMPLICATIONS:

Financial, administrative and asset management implications were presented in the September 7th report to Council, along with references to 2019-2022 strategic priorities, the Official Community Plan, and the Regional Growth Strategy. For reference, due to the changes requested and errors in the submitted elevations, the original public hearing must be rescheduled and the costs related to the required additional advertising are borne by the applicant in addition to the original fees for the application.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 3030, 2021 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*. Prior public engagement was presented in the September 7th and September 27th Council reports.

OPTIONS:

OPTION 1: (Recommended)

That based on the November 1st, 2021 staff report “Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue”, the September 27th, 2021 staff report “Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” and the September 7th, 2021 staff report “Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3030, 2021; and

That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

OPTION 2: Defer consideration of Bylaw No. 3030 with a request for more information.

OPTION 3: Defeat Bylaw No. 3030.

Prepared by:

Mike Grimsrud,
Planner II

Reviewed by:

Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by:

Geoff Garbutt, M.Pl., MCIP, RPP
Chief Administrative Officer

Attachments:

Schedule No. 1: Draft Zoning Amendment Bylaw No. 3030

Schedule No. 2: Plans and Project Information

Attachment A

Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

8.53.13 Intent

The CD-26A Zone is intended to accommodate a multi residential development on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

8.53.14 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*
- (2) *Home Occupation*

8.53.15 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 20% of the total area of the *lot*

8.53.16 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.82

8.53.17 Minimum Lot Size

A *lot* shall have an area of not less than 0.40 hectares

8.53.18 Minimum Lot Frontage

A lot shall have a *frontage* of not less than 60.0 m

8.53.19 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 7.5 m for that portion of a building with a height less than 11.5 m and for railings above and affixed to said portion
17.0 m for that portion of a building with a height greater than 11.5 m
Despite the required *front yard setbacks* above, architectural fence details may project into the front yard setback up to 1.5 m with a height up to 2.0 m
- (2) *Rear Yard*: 18.0 m except for underground parking structures which shall be at least 14.0 m

- (3) *Side Yard*: 9.5 m north side except for underground parking structure which shall be at least 6.5 m
13.0 m south side

8.53.20 Height of Buildings

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the lot frontage

8.53.21 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) 70 m² play area as shown in Schedule A
- (2) 250 m² rooftop amenity area
- (3) Patios or balconies for averaging 9 m² per unit, with a minimum size of 4.5 m²

8.53.22 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) 52 *parking spaces* shall be provided for 41 dwelling units on the property and corresponding visitor parking
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (4) Minimum aisle width in the underground parking structure can be reduced to 6.7 m in accordance with Schedule C
- (5) Minimum additional space for *parking spaces* and manoeuvring aisles where abutting a wall or building can be reduced in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit

8.53.23 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line except reduced widths shown in Schedule A
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

Schedule A

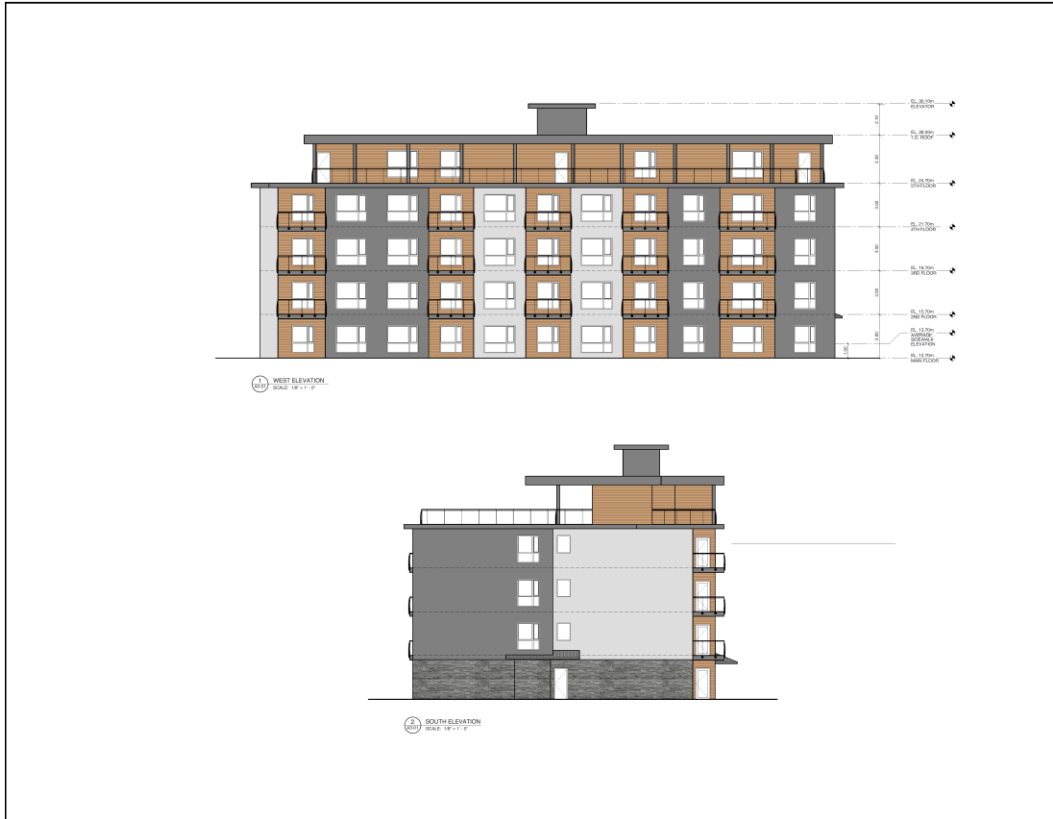
Note: Please refer to full size drawings in file 3360-20-2102



<p>Brad Humphrey Architect 1000 WESTERN AVENUE VANCOUVER, BC V6E 2E6 TEL: 604.681.9139</p>	
<p>CLIENT TITLE NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.</p>	
<p>PROJECT TITLE BUILDING 3 SITE PLAN</p>	
<p>DATE 21 OCT 2021</p>	<p>SCALE 1/8" = 1'-0"</p>
<p>PROJECT NUMBER A1-01</p>	

Schedule B

Note: Please refer to full size drawings in file 3360-20-2102



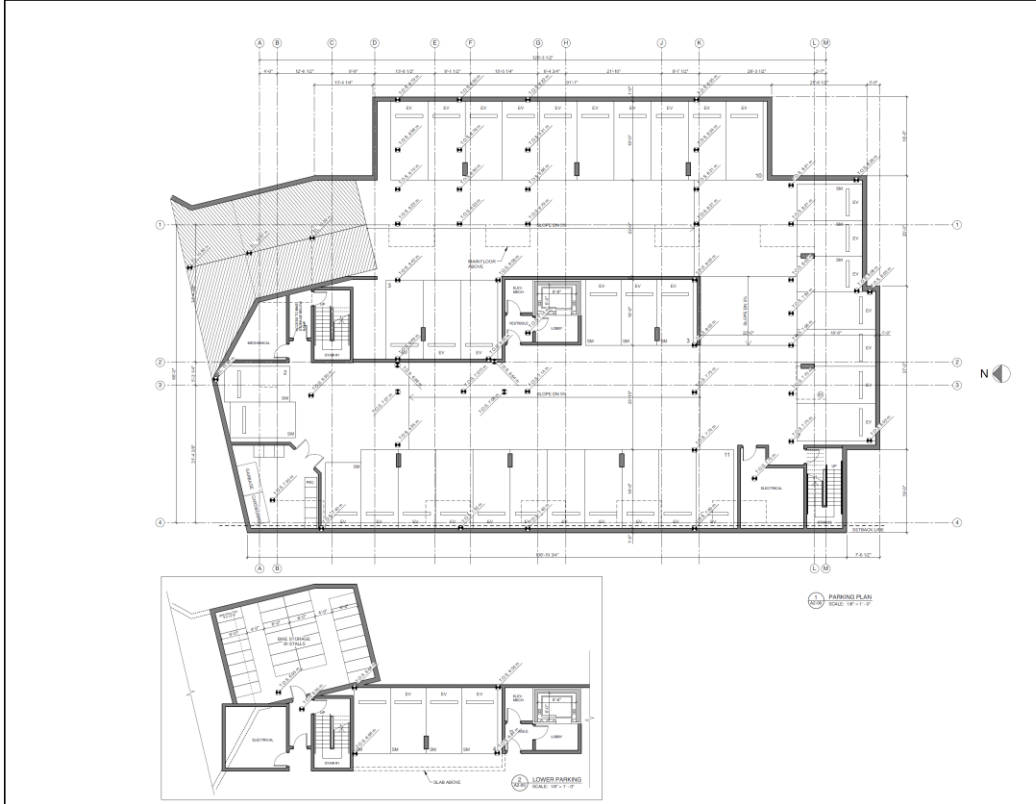
DATE & REVISION APPLICATION		21 OCT 2021
DATE		2021
PROJECT		
NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
PROJECT TYPE		
BUILDING 3 RESIDENTIAL		
DRAWING TITLE		
ELEVATIONS: WEST & SOUTH		
DATE	SCALE	DATE
2021	1/8\"/>	



DATE & REVISION APPLICATION		21 OCT 2021
DATE		2021
PROJECT		
NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
PROJECT TYPE		
BUILDING 3 RESIDENTIAL		
DRAWING TITLE		
ELEVATIONS: EAST & NORTH		
DATE	SCALE	DATE
2021	1/8\"/>	

Schedule C

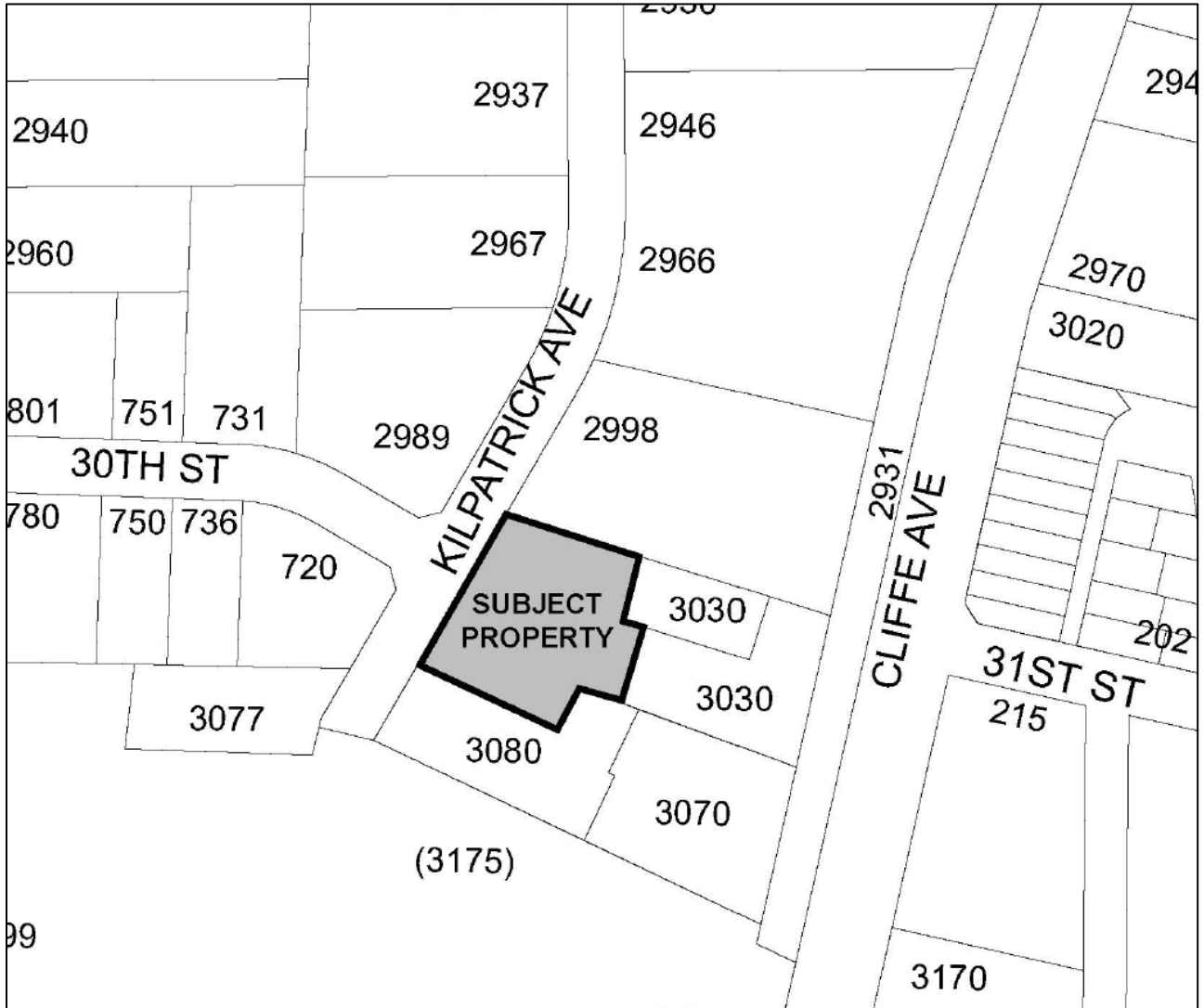
Note: Please refer to full size drawings in file 3360-20-2102



NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
Brad Humphrey Architect 1325 Thomas Avenue College Park, Atlanta GA 30089 Tel: 770.837.1578		
PROJECT TITLE BUILDING 3 RESIDENTIAL		
DRAWING TITLE PARKING PLAN		
DATE 08/11/2021	SCALE 1/8" = 1'-0"	REV. DATE 08/11/2021
SHEET NO. A2-00		

NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.		
Brad Humphrey Architect 1325 Thomas Avenue College Park, Atlanta GA 30089 Tel: 770.837.1578		
PROJECT TITLE BUILDING 3 RESIDENTIAL		
DRAWING TITLE MAIN FLOOR PLAN		
DATE 08/11/2021	SCALE 1/8" = 1'-0"	REV. DATE 08/11/2021
SHEET NO. A2-01		

Attachment B



Schedule No. 2: Plans and Project Information

SITE STATISTICS
 PROJECT GIVING ADDRESS: 3040 KILPATRICK AVE., COQUITAMA B.C.
 LEGAL DESCRIPTION: LOT 11 SECTION 8 COMOX DISTRICT PLAN B979971 EXCEPT AIR SPACE PLAN B911977

ZONING
 ZONING: A1-00
 SITE GROUND: 41.25%
 FLOOR: 41.25%
 F.A.R.: 41.25%

LOCATION PLAN

HEIGHT TABLE

HEIGHT	ALLOWED	PROPOSED	NOTES
14.50M	RESIDENTIAL	14.50M	RESIDENTIAL
15.00M	RESIDENTIAL	15.00M	RESIDENTIAL
15.50M	RESIDENTIAL	15.50M	RESIDENTIAL
16.00M	RESIDENTIAL	16.00M	RESIDENTIAL
16.50M	RESIDENTIAL	16.50M	RESIDENTIAL
17.00M	RESIDENTIAL	17.00M	RESIDENTIAL
17.50M	RESIDENTIAL	17.50M	RESIDENTIAL
18.00M	RESIDENTIAL	18.00M	RESIDENTIAL
18.50M	RESIDENTIAL	18.50M	RESIDENTIAL
19.00M	RESIDENTIAL	19.00M	RESIDENTIAL
19.50M	RESIDENTIAL	19.50M	RESIDENTIAL
20.00M	RESIDENTIAL	20.00M	RESIDENTIAL
20.50M	RESIDENTIAL	20.50M	RESIDENTIAL
21.00M	RESIDENTIAL	21.00M	RESIDENTIAL
21.50M	RESIDENTIAL	21.50M	RESIDENTIAL
22.00M	RESIDENTIAL	22.00M	RESIDENTIAL
22.50M	RESIDENTIAL	22.50M	RESIDENTIAL
23.00M	RESIDENTIAL	23.00M	RESIDENTIAL
23.50M	RESIDENTIAL	23.50M	RESIDENTIAL
24.00M	RESIDENTIAL	24.00M	RESIDENTIAL
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39.00M	RESIDENTIAL	39.00M	RESIDENTIAL
39.50M	RESIDENTIAL	39.50M	RESIDENTIAL
40.00M	RESIDENTIAL	40.00M	RESIDENTIAL
40.50M	RESIDENTIAL	40.50M	RESIDENTIAL
41.00M	RESIDENTIAL	41.00M	RESIDENTIAL
41.25M	RESIDENTIAL	41.25M	RESIDENTIAL

NEWPORT BUILDING 3 UNIT SUMMARY

UNIT TYPE	A	A1	A2	A3	C1	C2	B	B1	B2	B4	B5	Studio	TOTALS	SF/FLOOR
1ST	1	1	1	1			3	2	1	1	1		9	6,154.42
2ND	1	1	1				3	2	1	1	1		10	6,934.89
3RD	1	1	1				3	2	1	1	1		10	6,934.89
4TH	1	1	1				3	2	1	1	1		10	6,934.89
5TH	1	3	3	1	1	1	12	8	4	3	1	3	41	28,220.20
SF/UNIT	967.18	933.32	1,107.76	793.11	1,132.76	1,178.35	608.56	641.21	653.40	605.41	607.63	466.90	713.91	
TOTAL SF	967.18	2,799.96	3,323.28	793.11	1,132.76	1,178.35	7,542.72	5,129.68	2,613.60	1,816.23	607.63	1,400.70	29,220.20	
BED/UNIT	2	2	2	1	2	2	2	1	1	1	1	1	12	
TOTAL BEDS	2	6	6	1	2	2	12	8	4	3	1	3	50	
BATH/UNIT	2	2	2	1	2	2	2	1	1	1	1	1	12	
TOTAL BATH	2	6	6	1	2	2	12	8	4	3	1	3	50	

UNIT MIX SCHEDULE

UNIT	STUDIO	1 BED	2 BED	TOTAL
1ST	0	7	2	9
2ND	1	7	2	10
3RD	1	7	2	10
4TH	1	7	2	10
5TH	0	6	2	8
TOTAL	3	28	10	41

AREA CALCULATIONS

UNIT	UNITS	EXT	VERTICAL	EXT WALL	TOTAL	FAR
1ST	6,154.42	1,365.99	286.31	0.00	7,796.72	7,796.72
2ND	6,934.89	816.34	310.70	0.00	8,061.93	7,792.13
3RD	6,934.89	816.34	310.70	0.00	8,061.93	7,792.13
4TH	6,934.89	816.34	310.70	0.00	8,061.93	7,792.13
5TH	2,311.11	159.70	299.38	0.00	2,770.19	2,470.81
TOTAL	29,220.20	3,974.71	1,511.99	0.00	34,695.90	33,144.91

ROOF TOP EXTENSION AMINITY

AMINITY	2,691.00
TOTAL	2,691.00

PARKING BUILDING 3:

BUILDING	REQUIRED	PROVIDED	UNDERGROUND	OFF-STREET
BUILDING 3	52 STALLS	52 STALLS	40	12
TOTAL	52 STALLS	52 STALLS	40	12

PARKING SUMMARY

REGULAR	SMALL	H/C	DRIVE BLE	DRIVE BLE	NOTE
2,600 x 5.5m	2,500 x 4.8m	2.8m x 5.5m	6.7m	40	25% of total stalls
27	13	0	1	1	
TOTAL	40	12	52		

PROJECT INFO

PROJECT TITLE: BUILDING 3 RESIDENTIAL

PROJECT INFO:

CLIENT: NEWPORT VILLAGE COQUITAMA DEVELOPMENTS LTD.

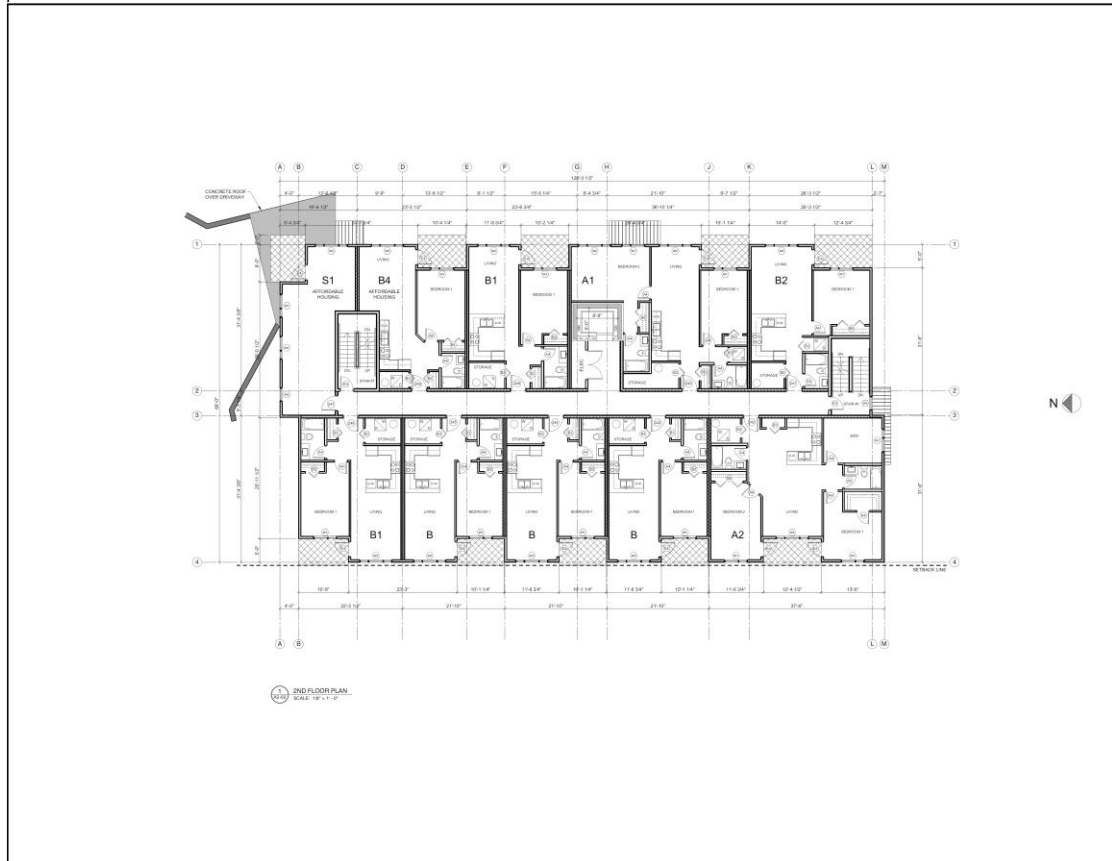
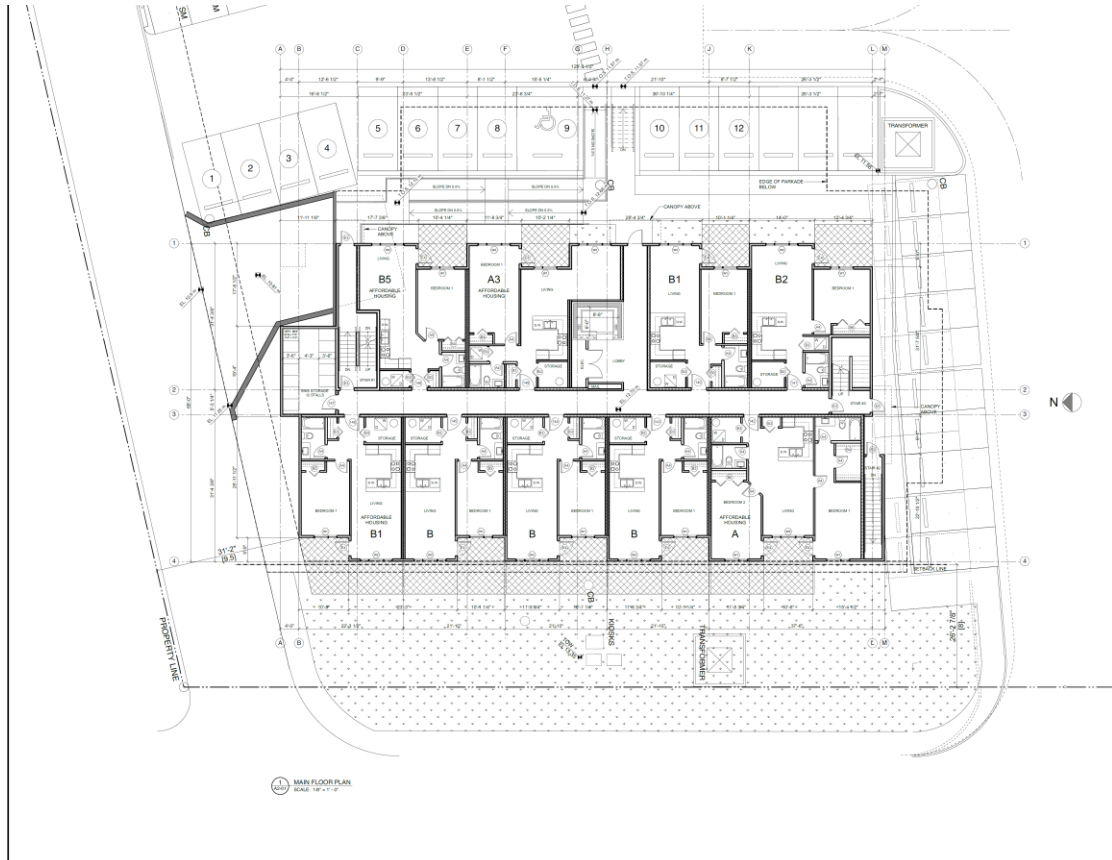
DATE: 27 OCT 2021

PROJECT INFO:

PROJECT NO.: A1-00

Brad Humphrey Architect

1530 THOMAS AVE
 COQUITAMA, B.C.
 TEL: 760.817.1578

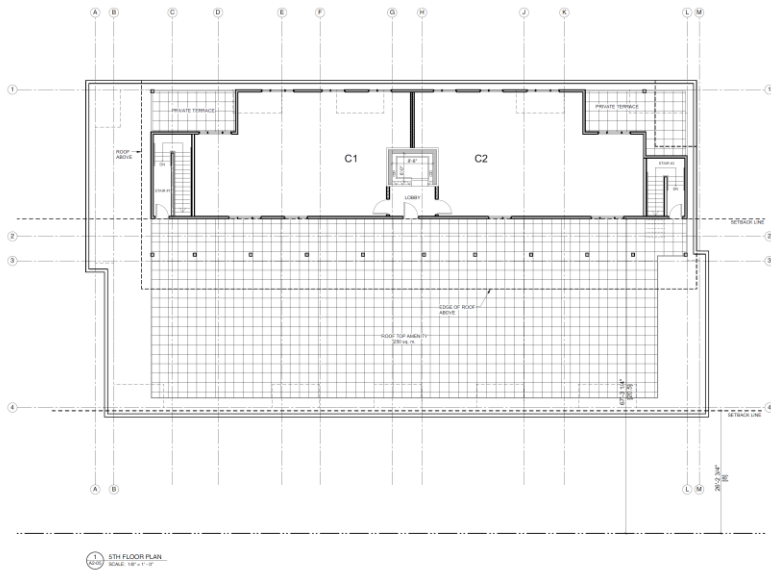


DCP # RESIDENC APPLICATION: 21 OCT 2021 DATE:	
SUBJ: NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.	
PROJECT: BUILDING 3 RESIDENTIAL	
DRAWING TITLE: MAIN FLOOR PLAN	
DRAWN: BLM	CHECK: JH
SCALE: 1/8" = 1'-0"	PLOT DATE: 2021 09 29 10:21 AM
ADDRESS: A2-01	
DCP # RESIDENC APPLICATION: 21 OCT 2021 DATE:	
SUBJ: NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.	
PROJECT: BUILDING 3 RESIDENTIAL	
DRAWING TITLE: 2ND FLOOR PLAN	
DRAWN: BLM	CHECK: JH
SCALE: 1/8" = 1'-0"	PLOT DATE: 2021 09 29 10:21 AM
ADDRESS: A2-02	



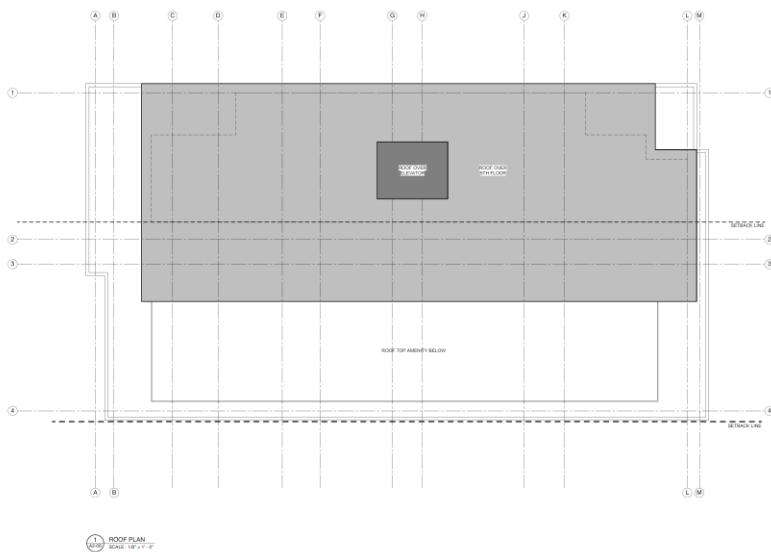
DCP # FEEDING APPLICATION: 21 OCT 2021		
DATE		
DRAWN BY		
NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.		
PROJECT TITLE		
BUILDING 3 RESIDENTIAL		
PROPOSED TITLE		
3RD FLOOR PLAN		
SCALE	DATE	PROJECT NO.
AS SHOWN	10/1/21	20013 or see floor 10-21
DRAWN BY		
BRAD HUMPHREY ARCHITECT		
PROJECT NO.		
A2-03		

DCP # FEEDING APPLICATION: 21 OCT 2021		
DATE		
DRAWN BY		
NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD.		
PROJECT TITLE		
BUILDING 3 RESIDENTIAL		
PROPOSED TITLE		
4TH FLOOR PLAN		
SCALE	DATE	PROJECT NO.
AS SHOWN	10/1/21	20013 or see floor 10-21
DRAWN BY		
BRAD HUMPHREY ARCHITECT		
PROJECT NO.		
A2-04		



5TH FLOOR PLAN
 SCALE 1/8" = 1'-0"

DCP & DESIGN APPLICATION: 21 OCT 2021 DATE: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____		
CLIENT: NEWPORT VILLAGE COHESION DEVELOPMENTS LTD.		
ARCHITECT: Brad Humphrey Architect 1325 Thomas Avenue, Coquitlam, Alberta V7K 2L4 Tel 780.817.1578		
PROJECT TITLE: BUILDING 3 RESIDENTIAL		
DRAWING TITLE: 5TH FLOOR PLAN		
SHEET NO: A2-05	SCALE: 1/8" = 1'-0"	FILE DATE: 2021 10 21 10:21



ROOF PLAN
 SCALE 1/8" = 1'-0"

DCP & DESIGN APPLICATION: 21 OCT 2021 DATE: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____		
CLIENT: NEWPORT VILLAGE COHESION DEVELOPMENTS LTD.		
ARCHITECT: Brad Humphrey Architect 1325 Thomas Avenue, Coquitlam, Alberta V7K 2L4 Tel 780.817.1578		
PROJECT TITLE: BUILDING 3 RESIDENTIAL		
DRAWING TITLE: ROOF PLAN		
SHEET NO: A2-06	SCALE: 1/8" = 1'-0"	FILE DATE: 2021 10 21 10:21

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3030

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

- 1. This bylaw may be cited for all purposes as “**Zoning Amendment Bylaw No. 3030, 2021**”.
- 2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:

(a) Amending Division 8 – Classification of Zones through the addition of:

Part 53 – Comprehensive Development Twenty-Six A Zone (CD-26A) 3040 Kilpatrick Avenue as attached in **Attachment A**.

(c) by rezoning Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977 (3040 Kilpatrick Ave.) as shown in bold outline on **Attachment B** which is attached hereto and forms part of this bylaw, from Comprehensive Development Zone Twenty-Six (CD-26) to Comprehensive Development Zone Twenty-Six A (CD-26A).

(d) That Schedule No. 8, Zoning Map be amended accordingly.

- 3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 1st day of November, 2021

Read a second time this 1st day of November, 2021

Considered at a Public Hearing this day of , 2021

Read a third time this day of , 2021

Finally passed and adopted this day of , 2021

Mayor

Corporate Officer

Approved under S.52(3)(a) of the Transportation Act

Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District

Attachment A

Part 53 - Comprehensive Development Twenty-Six A Zone (CD- 26A) (3040 Kilpatrick Ave.)

8.53.13 Intent

The CD-26A Zone is intended to accommodate a multi residential development on the property legally described as Lot 1, Section 67, Comox District, Plan EPP79267 Except Air Space Plan EPP81977. This property shall be developed substantially in accordance with Schedules A, B, and C, which form part of this zone

8.53.14 Permitted Uses

The following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Multi Residential*
- (2) *Home Occupation*

8.53.15 Lot Coverage

A *lot* shall not be covered by buildings to a greater extent than 20% of the total area of the *lot*

8.53.16 Floor Area Ratio

The maximum *floor area ratio* shall not exceed 0.82

8.53.17 Minimum Lot Size

A *lot* shall have an area of not less than 0.40 hectares

8.53.18 Minimum Lot Frontage

A lot shall have a *frontage* of not less than 60.0 m

8.53.19 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front Yard*: 7.5 m for that portion of a building with a height less than 11.5 m and for railings above and affixed to said portion
17.0 m for that portion of a building with a height greater than 11.5 m
Despite the required *front yard setbacks* above, architectural fence details may project into the front yard setback up to 1.5 m with a height up to 2.0 m
- (2) *Rear Yard*: 18.0 m except for underground parking structures which shall be at least 14.0 m

- (3) *Side Yard*: 9.5 m north side except for underground parking structure which shall be at least 6.5 m
13.0 m south side

8.53.20 Height of Buildings

Maximum *building height* shall be in accordance with Schedule B and includes the elevator and roof top mechanical systems. Maximum *building height* is 15.0 m to roof parapet and 17.0 m to top of elevator measured from curb height. For clarity, the curb height is determined as the average curb height along the lot frontage

8.53.21 Useable Open Space

Useable open space must be provided and include at minimum:

- (1) 70 m² play area as shown in Schedule A
- (2) 250 m² rooftop amenity area
- (3) Patios or balconies for averaging 9 m² per unit, with a minimum size of 4.5 m²

8.53.22 Off-Street Parking and Loading

Off-street parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw except:

- (1) 52 *parking spaces* shall be provided for 41 dwelling units on the property and corresponding visitor parking
- (2) 33 *parking spaces* shall be provided for 3080 Kilpatrick Avenue commercial and residential use
- (3) Minimum parking stall dimensions are 2.6 m in width and 5.5 m in length for standard stalls
- (4) Minimum aisle width in the underground parking structure can be reduced to 6.7 m in accordance with Schedule C
- (5) Minimum additional space for *parking spaces* and manoeuvring aisles where abutting a wall or building can be reduced in accordance with Schedule C
- (6) No more than 25% of *parking spaces* can be designated as small car *parking spaces*
- (7) Bicycle parking facilities must be provided at a rate of one secure stall per unit

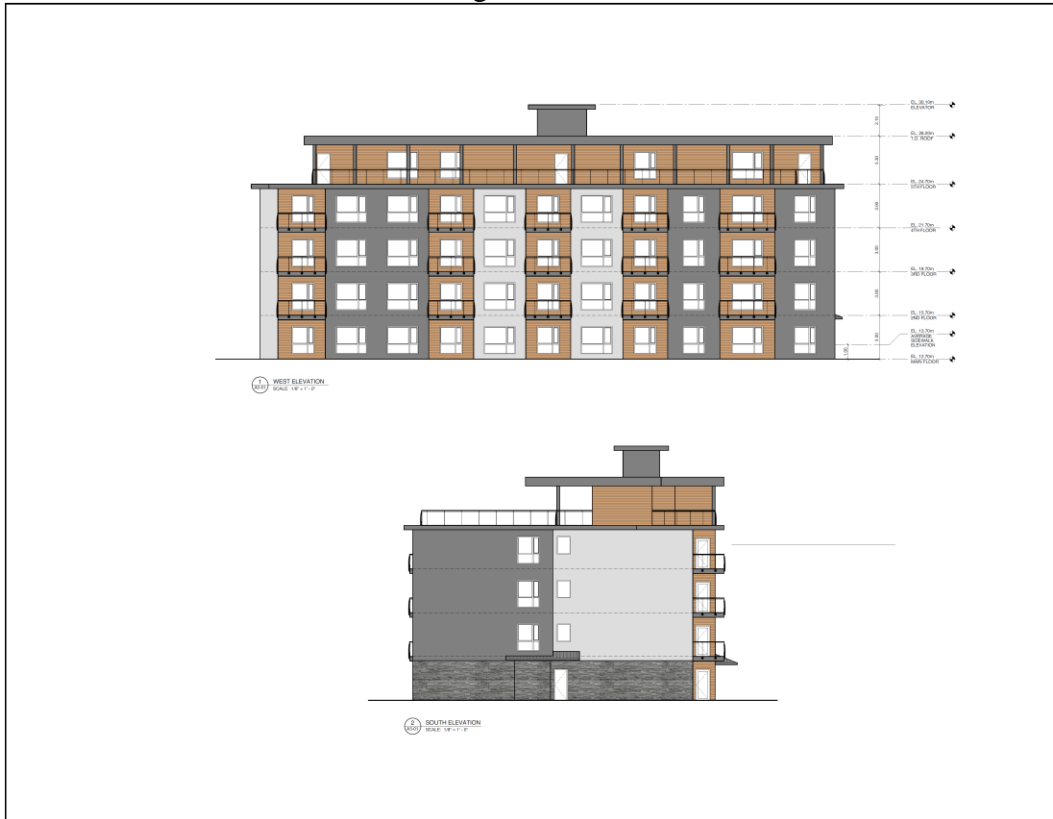
8.53.23 Landscaping and Screening

In addition to the Landscape Requirements identified in Part 14 of this bylaw, the following landscape requirements shall be met:

- (1) A landscaped area of not less than 4.0 m in width shall be provided inside all property lines adjoining residential use and public parkland except reduced widths shown in Schedule A
- (2) Where a *lot* in this zone adjoins a *street*, a landscaped area of at least 7.5 m in width extending along the entire frontage of the property shall be provided inside the property line except reduced widths shown in Schedule A
- (3) Storage areas, garbage and recycling containers shall be screened and gated to a minimum *height* of 2 m by a *landscaping* screen or solid decorative *fence* or a combination thereof.

Schedule B

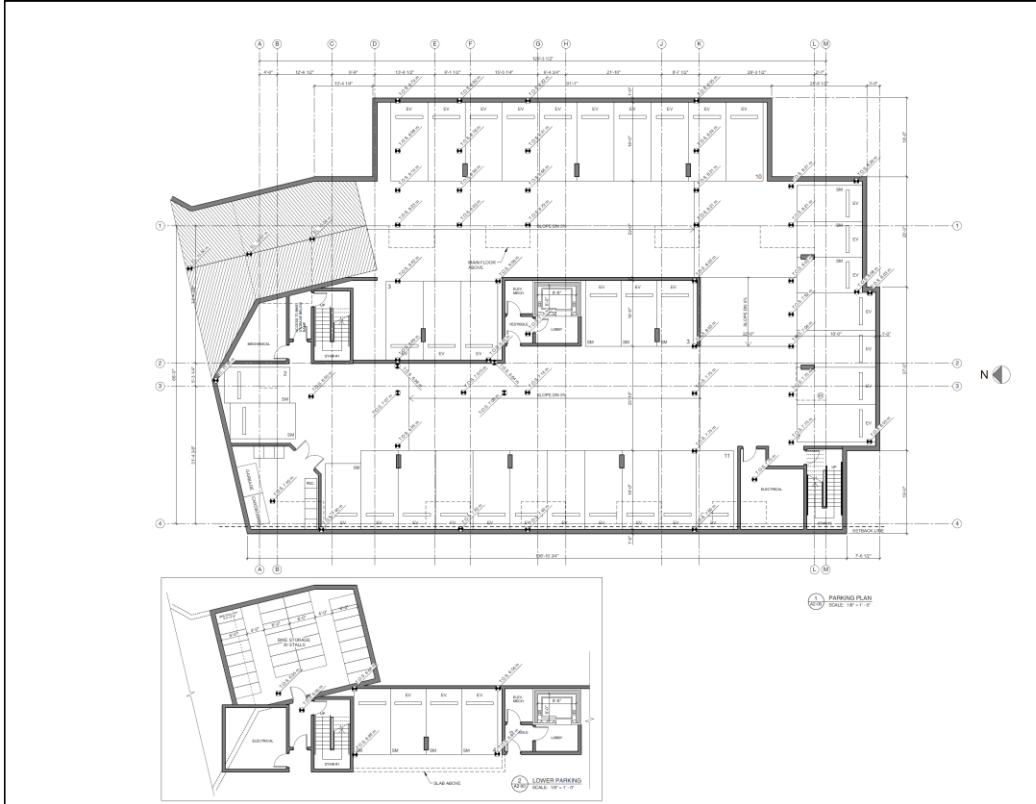
Note: Please refer to full size drawings in file 3360-20-2102



DATE: 2019-08-20		PROJECT NO: 2019-08-20	
DRAWN BY: [Name]		CHECKED BY: [Name]	
DATE: 2019-08-20		PROJECT NO: 2019-08-20	
DRAWN BY: [Name]		CHECKED BY: [Name]	
CIP & REZONING APPLICATION: 21 OCT 2021 DATE: 2021			
CLIENT: NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.			
PROJECT NAME: BUILDING 3 RESIDENTIAL			
DRAWING TITLE: ELEVATIONS: WEST & SOUTH			
SHEET NO: A3-01	SCALE: 1/8" = 1'-0"	DATE: 2019-08-20	PROJECT NO: 2019-08-20
DRAWN BY: [Name] CHECKED BY: [Name]			
DATE: 2019-08-20			
CIP & REZONING APPLICATION: 21 OCT 2021 DATE: 2021			
CLIENT: NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.			
PROJECT NAME: BUILDING 3 RESIDENTIAL			
DRAWING TITLE: ELEVATIONS: EAST & NORTH			
SHEET NO: A3-02	SCALE: 1/8" = 1'-0"	DATE: 2019-08-20	PROJECT NO: 2019-08-20
DRAWN BY: [Name] CHECKED BY: [Name]			
DATE: 2019-08-20			
CIP & REZONING APPLICATION: 21 OCT 2021 DATE: 2021			
CLIENT: NEWPORT VILLAGE COURTESY DEVELOPMENTS LTD.			
PROJECT NAME: BUILDING 3 RESIDENTIAL			
DRAWING TITLE: ELEVATIONS: EAST & NORTH			

Schedule C

Note: Please refer to full size drawings in file 3360-20-2102



SHEET NO. _____ DATE _____ PROJECT NO. _____ PROJECT NAME: NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD. ARCHITECT: Brad Humphrey Architect 1325 Thomas Avenue, Coquitlam, Alberta V3K 2L4 Tel: 780.817.1578	
PROJECT: BUILDING 3 RESIDENTIAL DRAWING: PARKING PLAN SCALE: AS SHOWN DATE: 2017 JANUARY 10 21 DRAWN BY: _____ CHECKED BY: _____ PROJECT MANAGER: _____ PROJECT NO.: A2-00	

SHEET NO. _____ DATE _____ PROJECT NO. _____ PROJECT NAME: NEWPORT VILLAGE COURTENAY DEVELOPMENTS LTD. ARCHITECT: Brad Humphrey Architect 1325 Thomas Avenue, Coquitlam, Alberta V3K 2L4 Tel: 780.817.1578	
PROJECT: BUILDING 3 RESIDENTIAL DRAWING: MAIN FLOOR PLAN SCALE: AS SHOWN DATE: 2017 JANUARY 10 21 DRAWN BY: _____ CHECKED BY: _____ PROJECT MANAGER: _____ PROJECT NO.: A2-01	



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2106

From: Chief Administrative Officer

Date: November 15, 2021

Subject: Updated Proposal – Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 - Malahat Drive

PURPOSE:

The purpose of this report is to provide Council with additional information regarding the height of an existing accessory building proposed to be converted to a carriage house.

CAO RECOMMENDATIONS:

THAT based on the November 15th, 2021 staff report “Updated Proposal – Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 Malahat Drive” and the September 27th, 2021 staff report “Zoning Amendment Bylaw No. 3040 to allow for a Carriage House at 1236 Malahat Drive” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3040, 2021; and,

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 3040.

Respectfully submitted,

Geoff Garbutt M.Pl., MCIP, RPP

Chief Administrative Officer

BACKGROUND:

A detailed report regarding the subject proposal entitled “Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 Malahat Drive” was submitted to Council for consideration at the September 27th, 2021 meeting. Council then directed staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw. A Public Hearing was scheduled and advertised by City staff and then postponed after an error in the plans provided was identified regarding the height of the existing building. Staff also identified that the proposed change in use from an accessory building to a carriage house will require an amendment to the height section (s. 8.1.7.) of the Residential One (R-1) zone, in addition to the site-specific text amendment to permit a carriage house at the subject property. This means revisions to the draft Zoning Amendment Bylaw No. 3040 are required before a Public Hearing.



Figure 1. Context map with the Subject Property outlined in yellow.

DISCUSSION:

The accessory building in the rear of the lot was originally built in 1991 and is proposed to be converted into a carriage house. The accessory building is currently used as a workspace and an extra room for family activities. Converting the building to a carriage house will require modifications to the interior of the building. No exterior changes are proposed, as the building was recently renovated in 2016/2017. The building elevations are shown in **Figure No. 2**.

The proposed rezoning will change the use of the building from an “accessory building” to “carriage house”. The R1 zone permits a maximum height of 4.5m for accessory buildings. In all other zones where carriage houses are permitted a maximum building height of 6.5m is stipulated. As a result, the proposed amendment will add the 6.5m carriage house building height to the R1 zone for consistency. Importantly, because this building is existing it will be considerably lower than the carriage house maximum with a height of 4.62m or 12cm higher than what is otherwise permitted for accessory buildings.



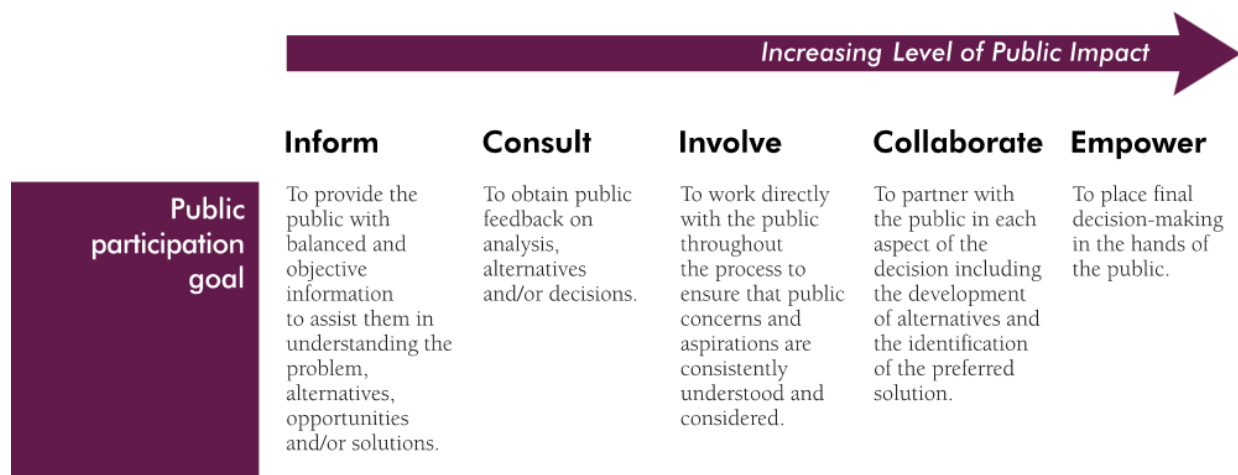
Figure 2. Building elevations. Note that building height for gable roofs is measured from the average distance between the ridge of the roof and eaves.

REFERENCES AND IMPLICATIONS:

Financial, administrative and asset management implications were presented in the September 27th report to Council, along with the references to 2019-2022 strategic priorities, the Official Community Plan, and the Regional Growth Strategy. For reference, due to the changes required, the original public hearing must be rescheduled.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 3040, 2021 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*. Prior public engagement was presented in the September 27th Council report.

OPTIONS:

OPTION 1: (Recommended)

THAT based on the November 15th, 2021 staff report “Updated Proposal – Zoning Amendment Bylaw No. 3040 to allow for a carriage house at 1236 Malahat Drive” and the September 27th, 2021 staff report “Zoning Amendment Bylaw No. 3040 to allow for a Carriage House at 1236 Malahat Drive” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3040, 2021; and,

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 3040.

OPTION 2: Defer consideration of Bylaw No. 3040 with a request for more information.

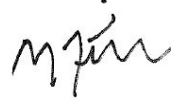
OPTION 3: Defeat Bylaw No. 3040.

Prepared by:



Cassandra Marsh
Planner I

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

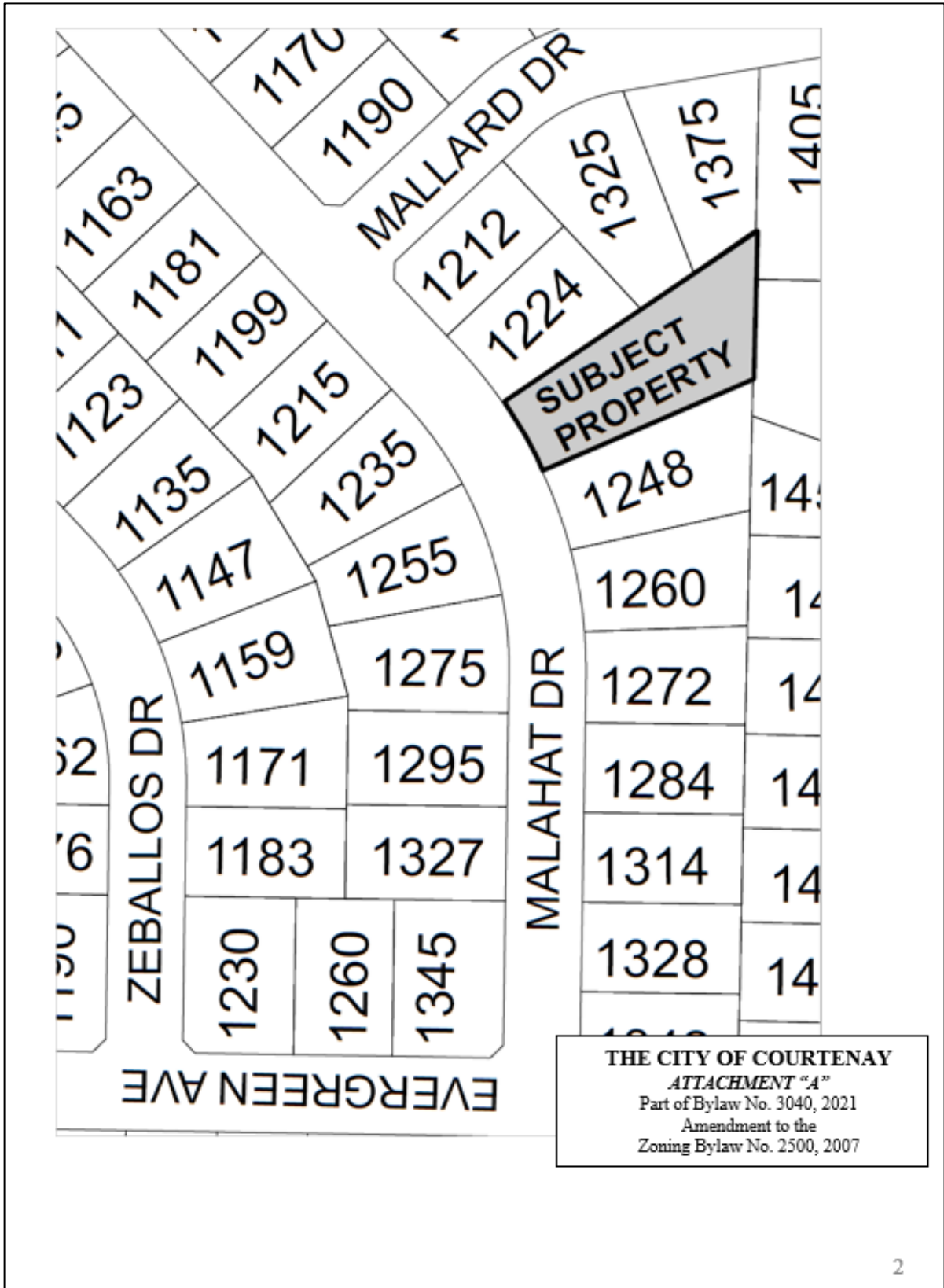
Concurrence by:



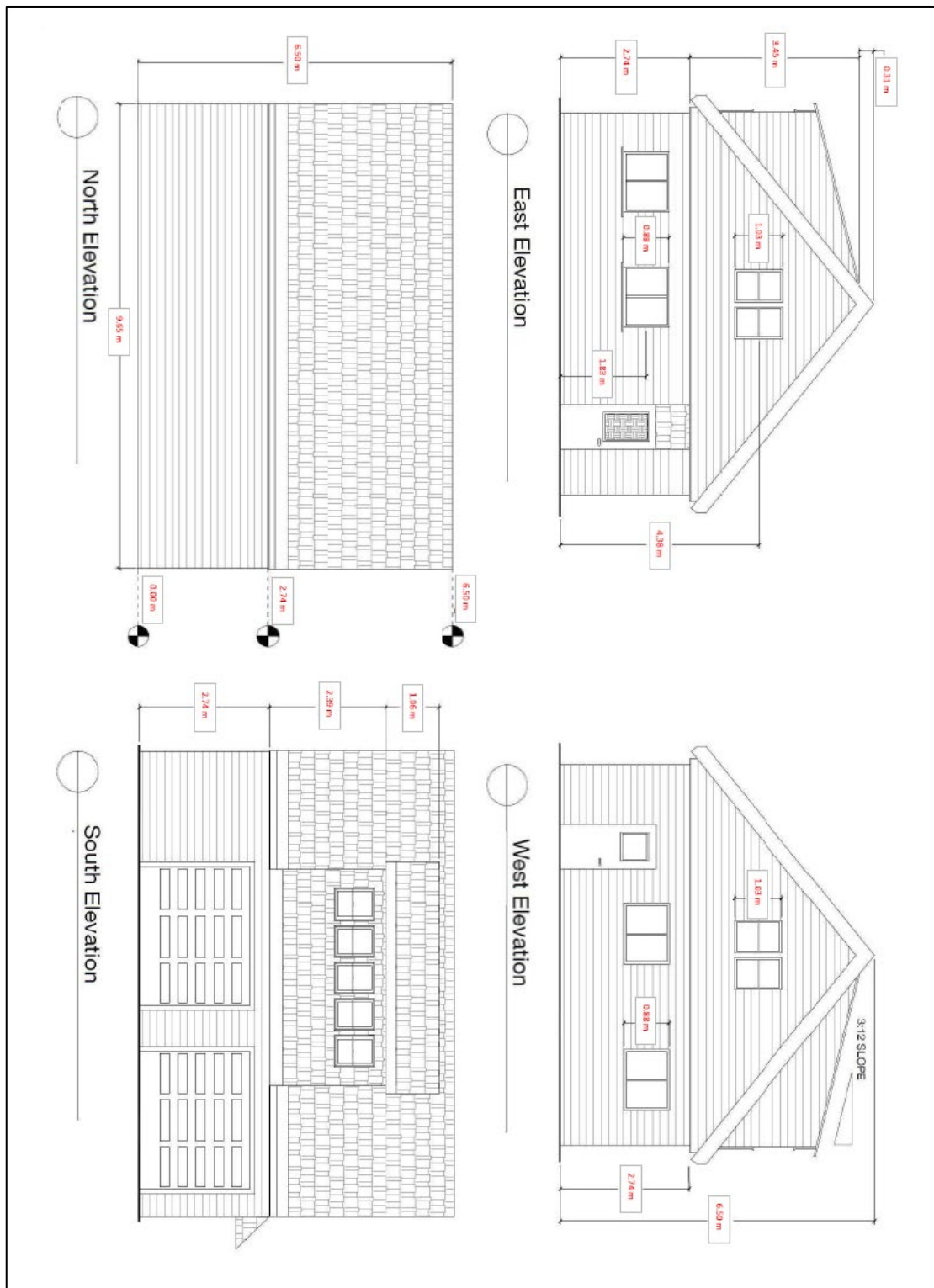
Geoff Garbutt M.Pl., MCIP, RPP
Chief Administrative Officer

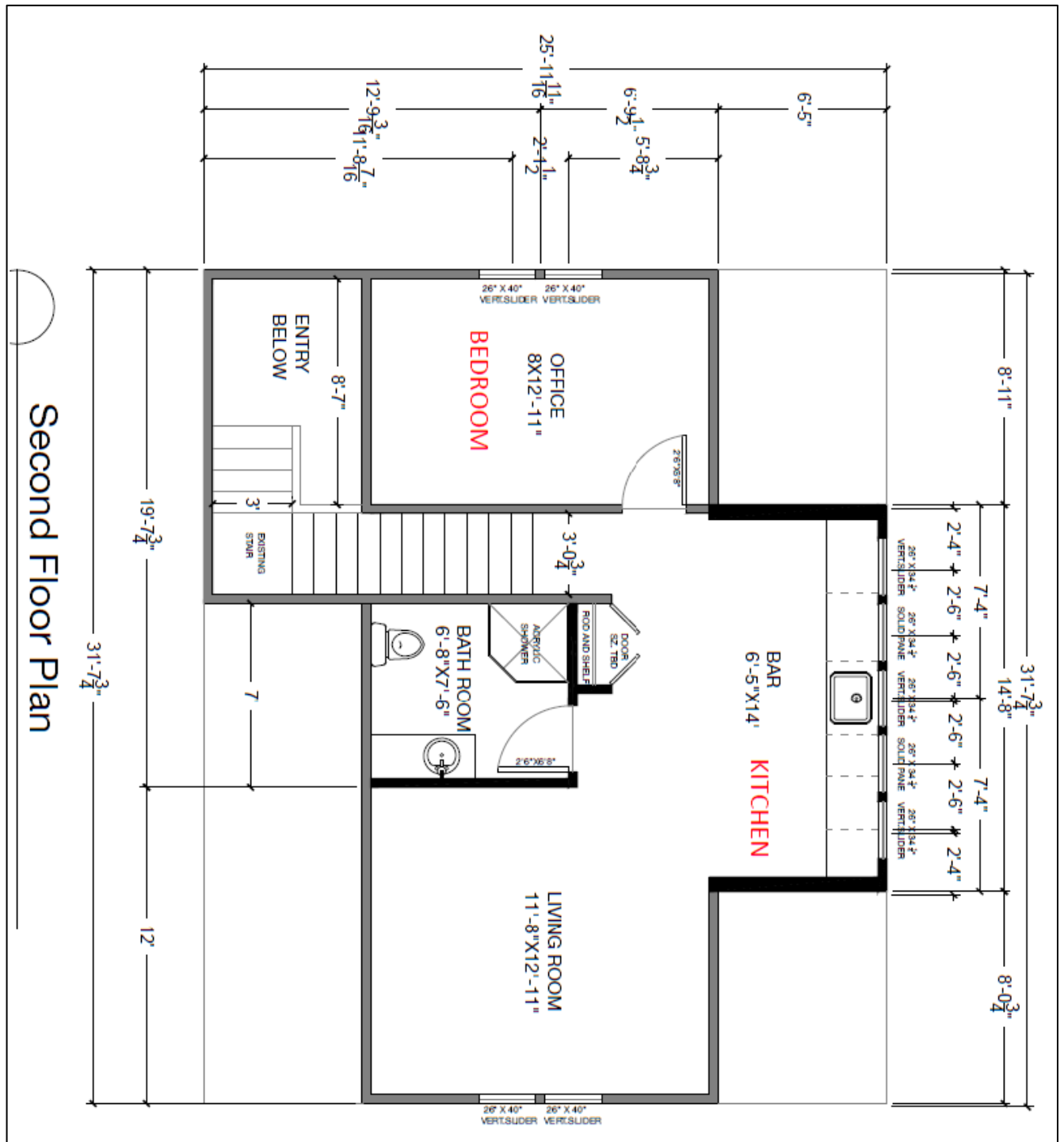
Attachments:

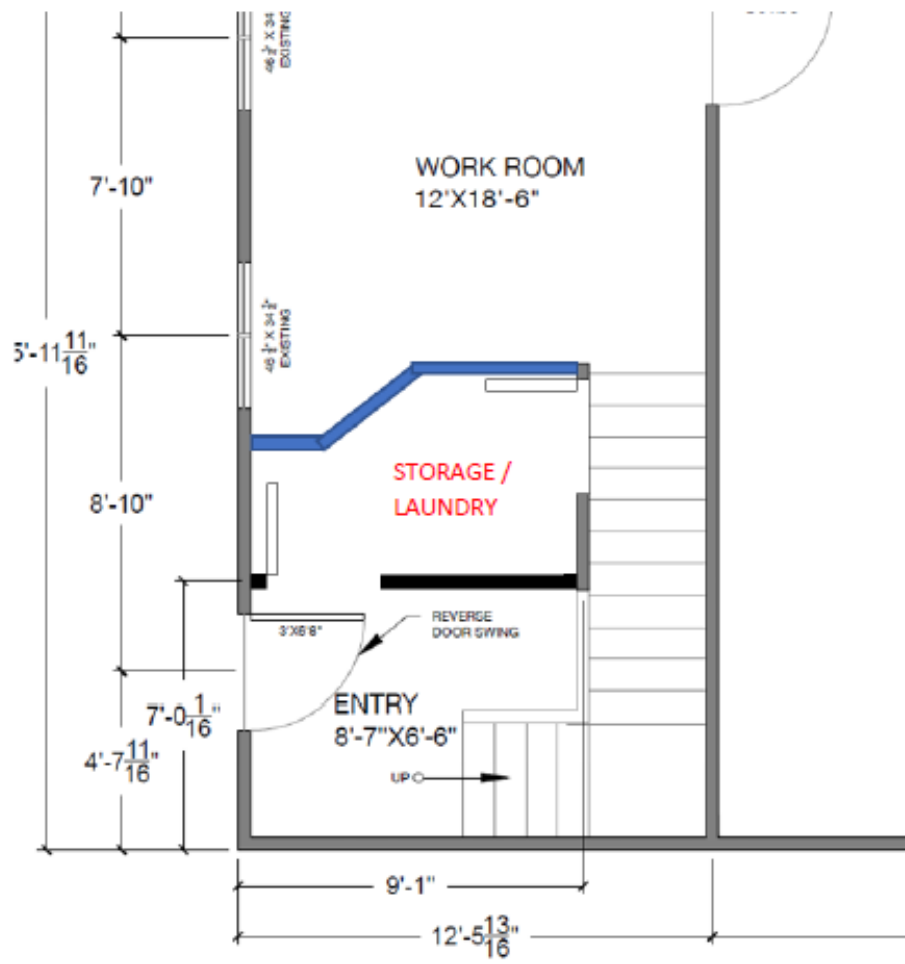
1. *Attachment No. 1: Draft Zoning Amendment Bylaw*
2. *Attachment No. 2: Plans and Elevations*
3. *Attachment No. 3: Residential One Zone*



Attachment No. 2: Plans and Elevations

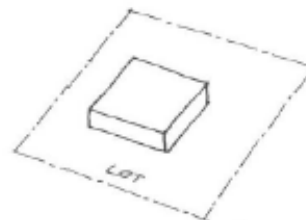






1236 Malahat Drive - Floor Area Ratio Calculation

	Area
Main House	2080 ft ²
Accessory Building	1301 ft ²
Total Building Floor Area	3381 ft²
Total Lot Area	16117 ft ²
FAR	0.210



FLOOR AREA RATIO (FAR)

$$FAR = \frac{\text{TOTAL BUILDING FLOOR AREA}}{\text{TOTAL LOT AREA}}$$

Attachment No. 3: Residential One Zone**Part 1 – Residential One Zone (R-1)****8.1.1 Permitted Uses**

In the R-1 Zone, the following uses are permitted and all other uses are prohibited except as otherwise noted in this bylaw:

- (1) *Single residential dwelling*
- (2) *Accessory buildings and structures*
- (3) *Home occupation*

8.1.2 Minimum Lot Size

A *lot* shall have an area of not less than 650 m² except where it is a *corner lot*, in which case, it shall have an area of not less than 725 m².

8.1.3 Minimum Lot Frontage

A *lot* shall have a frontage of not less than 18.0 m except for a *corner lot*, where the frontage shall be not less than 19.5 m. In the case of a lot fronting the bulb of a cul-de-sac, the frontage is measured at the front yard setback line.

8.1.4 Minimum Lot Depth

A *lot* shall have a depth of not less than 30.0 m.

8.1.5 Lot Coverage

A *lot* shall not be covered by buildings and *accessory buildings* to a greater extent than 40% of the total area of the *lot*.

8.1.6 Setbacks

Except where otherwise specified in this bylaw the following minimum *building setbacks* shall apply:

- (1) *Front yard:* 7.5 m
- (2) *Rear yard:* 9.0 m
- (3) *Side yard:* The *side yard setbacks* shall total 4.5 m with a minimum *side yard setback* on one side of 1.5 m except where a *side yard* flanks a *street*, in which case, the minimum distance shall be 4.5 m.

8.1.7 Height of Buildings

The *height* of a *principal building* shall not exceed 8.0 m.

8.1.8 Accessory Buildings and Accessory Structures

- (1) Shall not exceed 4.5 m in *height*
- (2) Shall have a total *building area* not exceeding 50 m² or 10% of the *rear yard* whichever is greater
- (3) Shall be permitted in the side and *rear yard* provided they shall conform to all relevant siting regulations of this bylaw
- (4) Shall be permitted at the front of a principal *residence* provided they shall conform to all relevant siting regulations of this bylaw
- (5) Shall not be located within 1.5 m from the side and rear *lot line* except where the side or *rear yard* flanks a *street*, excluding a lane, in which case the minimum *yard* distance shall be 4.5 m.

8.1.9 Off-Street Parking

Off-*street* parking shall be provided and maintained in accordance with the requirements of Division 7 of this bylaw.

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3040

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 3040, 2021”**.
2. That “Zoning Bylaw No. 2500, 2007” be hereby amended as follows:
 - (a) Amending Section 8.1.1 by adding “notwithstanding any provision of this bylaw, a carriage house is a permitted use on Lot 10, District Lot 159, Comox District Plan 41314 (1236 Malahat Drive)” and renumbering accordingly.
 - (b) Amending Section 8.1.7 by adding “The height of a carriage house shall not exceed 6.5m” and renumbering accordingly.
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 15th day of November, 2021

Read a second time this 15th day of November, 2021

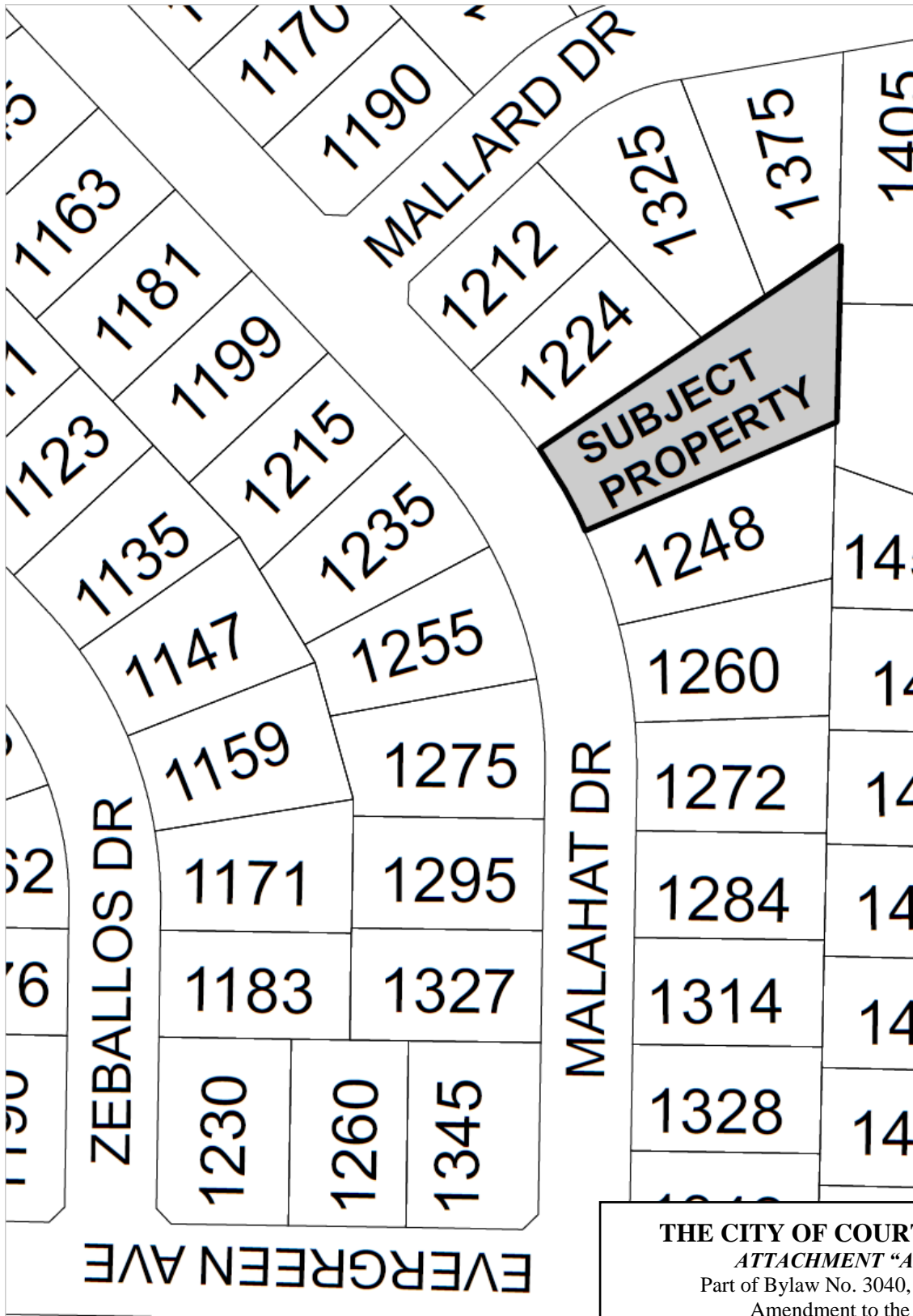
Considered at a Public Hearing this day of , 2021

Read a third time this day of , 2021

Finally passed and adopted this day of , 2021

Mayor

Corporate Officer



THE CITY OF COURTENAY
ATTACHMENT "A"
 Part of Bylaw No. 3040, 2021
 Amendment to the
 Zoning Bylaw No. 2500, 2007