To:CouncilFile No.: 3360-20-2102From:Chief Administrative OfficerDate: 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 1<sup>st</sup>, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 27<sup>th</sup>, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 7<sup>th</sup>, 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 7<sup>th</sup>, 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 27<sup>th</sup>, 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



Figure 1: Subject Property and Context

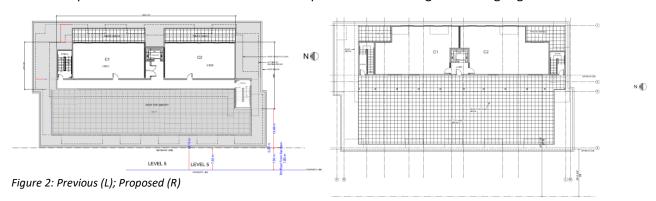
postponed after an error in the plans provided by the applicant was identified, along with the applicant

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 5<sup>th</sup> 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.



#### 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 "wiggle room" on the south side is a better option.

#### **REFERENCES AND IMPLICATIONS:**

Financial, administrative and asset management implications were presented in the September 7<sup>th</sup> 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:

#### Increasing Level of Public Impact

#### Public participation goal

# To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

Inform

## Consult To obtain public feedback on analysis, alternatives

and/or decisions

# To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Involve

### Collaborate Empower

To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. To place final decision-making in the hands of the public.

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 7<sup>th</sup> and September 27<sup>th</sup> Council reports.

#### **OPTIONS:**

#### **OPTION 1: (Recommended)**

That based on the November 1<sup>st</sup>, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue", the September 27<sup>th</sup>, 2021 staff report "Updated Proposal - Zoning Amendment Bylaw No. 3030 – 3040 Kilpatrick Avenue" and the September 7<sup>th</sup>, 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

#### Schedule No. 1: Draft Bylaw

#### 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.

Tallina McRae, Development Services Officer Ministry of Transportation and Infrastructure

Vancouver Island District

Read a first time this	day of	, 2021	
Read a second time this	day of	, 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	Co	orporate Officer	
Approved under S.52(3)(a) of the Transportation	n Act		
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#### 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 m<sup>2</sup> play area as shown is Schedule A
- (2) 250 m<sup>2</sup> rooftop amenity area
- (3) Patios or balconies for averaging 9 m<sup>2</sup> per unit, with a minimum size of 4.5 m<sup>2</sup>

#### 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.

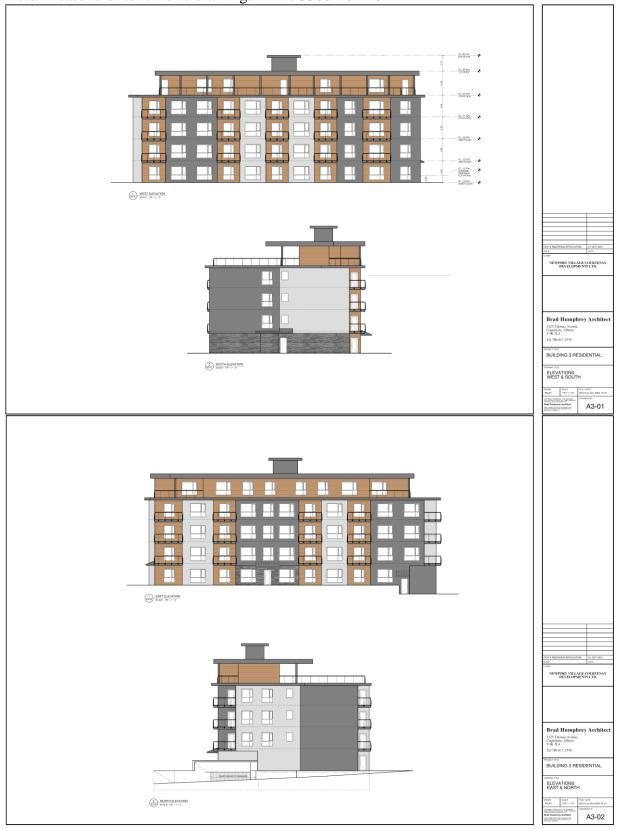
#### Schedule A

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



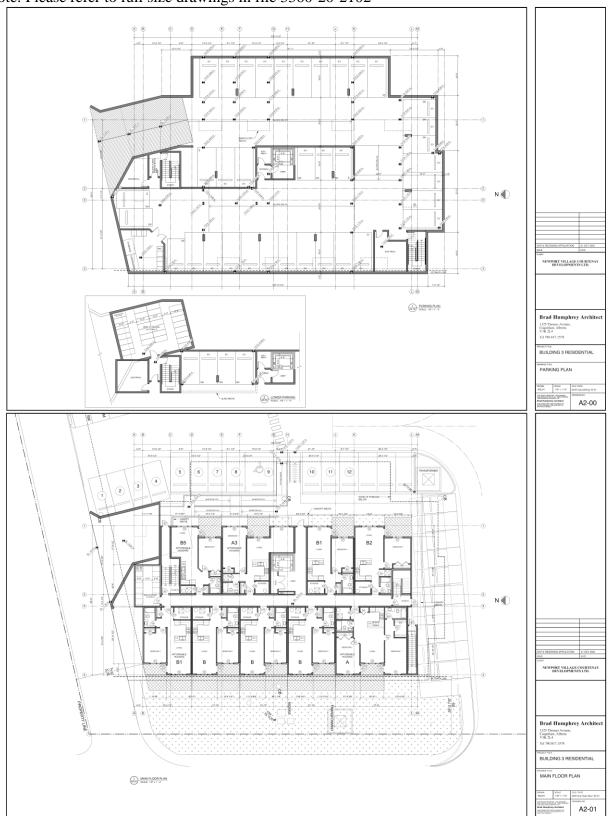
#### Schedule B

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

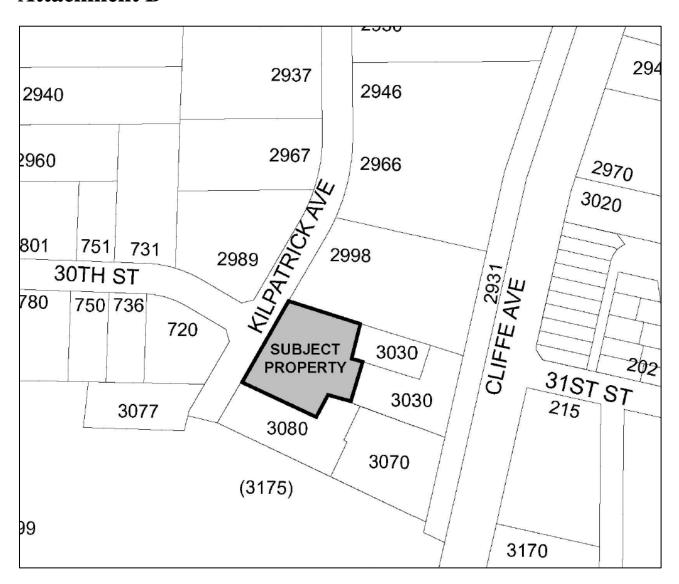


#### **Schedule C**

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



### **Attachment B**



#### Schedule No. 2: Plans and Project Information

Table   Tabl	OWITS   DOT   VERTICAL   EXT WALL   TOTAL	UNIT MIX SCHEDULE TOTAL    STUDIO   18ED   28ED   107AL     STUDIO   7   2   9     2NID   1   7   2   10     2NID   1   7   2   10     38ID   1   7   2   10     4H   1   7   2   10     5H   0   0   2   2   2     107AL   3   28   10   41	UNIT   TYPE   A   A1   A2   A3   C1   C2	LOCATION PLAN	COMMIC BUT I SELIMAN I COMMANDIAN ELANETY MILITARI ANAMALE MANTERIAN ETENTI  COMMIC MEL SITT MEL SITT SET SET SET SET SET SET SET SET SET S
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