



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3360-20-2209/RZ000073

From: Director of Development Services

Date: February 14, 2024

Subject: Zoning Amendment Bylaw No. 3120 – 2923 Lupton Road

PURPOSE:

For Council to consider first, second and third reading of *Zoning Amendment Bylaw No. 3120* to rezone the property at 2923 Lupton Road (LOT 2, SECTION 17, COMOX DISTRICT, PLAN 9064, EXCEPT PART IN PLAN 17059) from Rural Residential One (RR-1) and Rural Residential Two (RR-2,) to Residential Two Zone (R-2) to facilitate a three-lot subdivision of the subject property.

BACKGROUND:

On December 6, 2023, Council adopted *Development Procedures Bylaw No. 3106*. *Bylaw No. 3106* which delegates to the Director of Development Services the authority to provide notice under section 467 of the *Local Government Act* when a rezoning amendment is consistent with the Official Community Plan as per section 464 (2) of the *Local Government Act*.

Zoning Amendment Bylaw No. 3120 is consistent with the OCP and notice has been given as per section 467 of the *Local Government Act*.

The property's land use designation falls under Urban Residential and is located within a suburban residential neighbourhood bounded by Dingwall Road to the southeast, Lupton Road to the northwest and single family residences along both its west and east property lines. The property has a gentle slope from north to south with a high point along its property line at Lupton Road, and its lowest elevation along Dingwall Road.

The property's existing residence is sited on the northern third of the parcel with vehicle access via Lupton Road (See **Figure 1**). The property was previously cleared of most vegetation and now primarily consists of lawn and other manicured landscaping, however mature trees exist primarily along the site's property lines.



Figure 1: Subject Property Location and Context

DISCUSSION:

The intent of this rezoning application is to create two new 900m² residential lots, each with driveway access off Dingwall Road (See **Figure 2**). The remainder lot will be 1981 in size. If subdivision is approved, the applicant will provide approximately 218m² of roadway dedication along Lupton Road.

The proposed new 900m² lots adhere to minimum sizing regulations for newly subdivided lots within the proposed R-2 Zone and would allow for either single residential dwellings (with suite) or duplexes as permitted uses. The 900m² lots would not allow for a detached carriage or secondary residence to be built under the current zoning without a text amendment.

Should the zoning bylaw amendment receive favourable consideration by Council, a Subdivision Application will be processed separately.

It should be noted that with the passing of Bill 44, this new provincial regulation mandates the allowance of greater density than is currently permitted by the R-2 zone. This means potentially up to four dwelling units will be allowed on each of the three lots when Zoning Bylaw No. 2500 is amended to align with Bill 44.

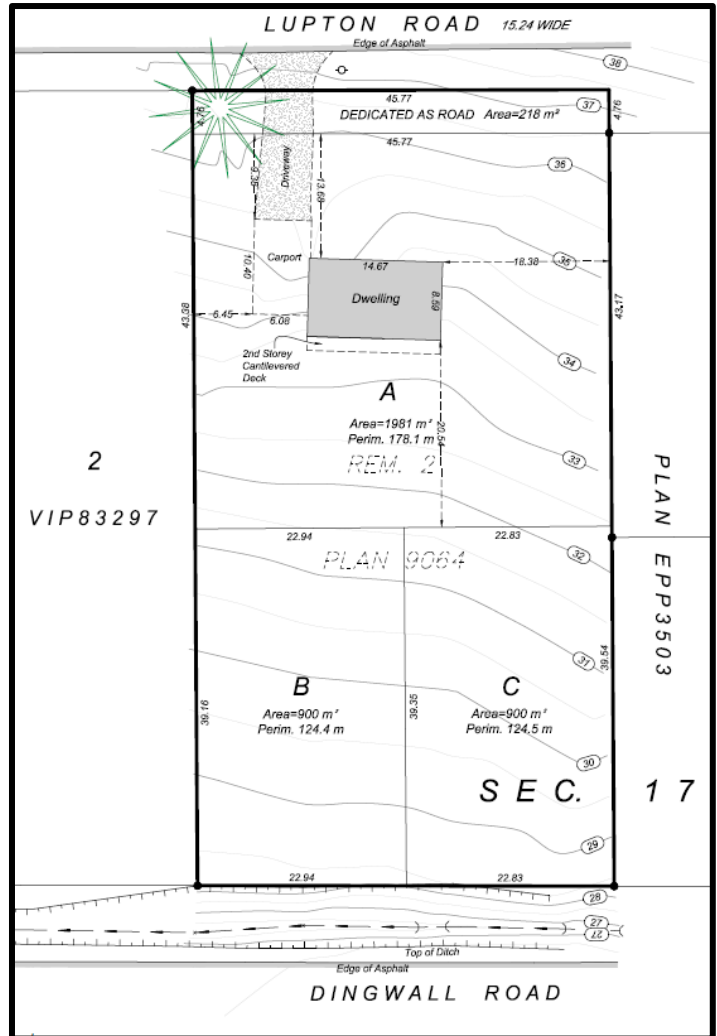


Figure 2: Proposed Subdivision Layout

As this rezoning application was received prior to the assent of Bill 44, under Bill 44 regulations it is considered an instream application.

Infrastructure

Prior to subdivision approval, security for the off-site works will be required for the frontage improvements along Dingwall Road. A condition of final subdivision approval, will be the dedication of approximately 218m² of roadway to the City along Lupton Road.

Landscaping

A Tree Cutting Permit may be required if tree cutting occurs on-site to facilitate the proposed subdivision and construction thereafter.

Conditions of Rezoning

Before being sent to Council for Consideration of adoption, the following conditions must be met:

- A Preliminary Layout Review (PLR) be issued by the Approving Officer prior to adoption of the proposed Zoning Amendment Bylaw No. 3120.
- A Section 219 covenant registered on title prohibiting construction until a works and services agreement has been executed and registered on title.

POLICY ANALYSIS:

Regional Growth Strategy (RGS)

This development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

- Promote the efficient use of land, provide greater transportation choices, reduce public servicing costs, and achieve environmental benefits through compact growth.
- Promote intensification, compact growth and supportive public transit services throughout designated Municipal Areas as the primary means of accommodating population and employment growth.

Official Community Plan Review

Located in northeast Courtenay, the subject property is designated Urban Residential within the Official Community Plan (OCP).

The proposed rezoning is consistent with the Urban Residential designation which supports the development of largely residential neighbourhoods comprised mainly of ground-oriented single-detached residential buildings. Additionally, the OCP supports the establishment of gentle infill that may take the form of secondary suites, duplexes or carriage and secondary residences.

The proposed rezoning and subsequent subdivision is supportive of land use objectives within the OCP including focusing community growth within the existing city boundary, away from hazardous, agricultural and environmentally sensitive lands and allowing moderate infill outside of growth centres across the city. The housing form allowed by this proposed rezoning (single family and duplex) is consistent with the land use pattern envisioned in this neighborhood and is similar to the land use pattern established in adjacent and surrounding neighbourhoods.

The site is within short driving and/or cycling distance to local amenities including the Lewis Recreation Centre, Comox Valley Sports Centre, North Island College, the Comox Valley Hospital, local restaurants, financial institutions and local shopping areas including Downtown Courtenay and the Washington Park Centre (Superstore).

Zoning Bylaw

This application is for a zoning bylaw amendment to change the zoning classification of the subject property from Rural Residential One (RR-1) and Rural Residential Two (RR-2) to Residential Two Zone (R-2).

The R-2 zone is also a residential zone, however it allows for smaller lots with a minimum lot size of 750m² creating the potential of three single family residential lots on the subject property. From a planning perspective, the proposed subdivision plan meets the requirements of the R-2 zone for minimum lot size, lot depth and lot frontage.

Future building envelopes can be easily envisioned to meet building setbacks and lot coverage requirements and off-street parking is available on each lot through driveways proposed on the proposed subdivision plan. While the rezoning and subdivision will result in a modest increase in residential density, the proposal fits within the broader neighbourhood context.

FINANCIAL IMPLICATIONS:

If rezoning and subdivision advance as proposed by the applicant and detailed in this report, the subdivision will trigger Development Cost Charges to be paid by the applicant prior to subdivision approval. The Development Cost Charges will total \$14,842.14 for the two new lots (\$7,421.07 x 2), as defined in *Development Cost Charges Amendment Bylaw No. 3116, 2023*.

ADMINISTRATIVE IMPLICATIONS:

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan and a core duty of the Development Services Department. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Good Governance - Review and streamline development process and set targets for application processing times
 - Through adoption of *Development Procedures Bylaw No. 3106*, the Delegate was able to waive the Public Hearing for a rezoning that conforms to Courtenay's OCP. This reduced the number of times this rezoning has to be considered by Council and allowed for a shorter timeframe for being considered for adoption.
- Buildings and Landscape - Update Development Cost Charges (DCC) Bylaw
 - This project will be subject to the new Development Cost Charges as recently set through *Development Cost Charges Amendment Bylaw No. 3116, 2023*.

PUBLIC ENGAGEMENT:

The Community Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, as per Section 7.2 of *Development Procedures Bylaw No. 3106, 2023*. A Notice of Rezoning Amendment Application sign was installed and staff did receive two comments: one comment was regarding the condition of sign and the second was opposed to the rezoning to permit three lots but supported two lots.

An advertisement will be placed in the newspaper on January 31, 2024 and February 7, 2024 and posted on the City's website and social media channels. A notice was mailed out to 171 residents within 100 metres informing them that a rezoning amendment will be considered by Council on February 14, 2024 and that a public hearing will not be held. All mediums provide an opportunity for the public to comment. Any comments received by noon on January 24, 2024, will be provided to Council by staff.

OPTIONS:

1. THAT Council give First, Second and Third Readings to "Zoning Amendment Bylaw No. 3120" (2923 Lupton Road) subject to the following conditions prior to adoption:
 - a. A Section 219 no build covenant be placed on title requiring a works and services agreement be executed prior to construction; and
 - b. A Preliminary Layout Review (PLR) be issued.
2. THAT Council defer and request additional information from staff for "Zoning Amendment Bylaw No. 3120" (2923 Lupton Road) through a resolution.
3. THAT Council not proceed with the application for "Zoning Amendment Bylaw No. 3120" (2923 Lupton Road).

ATTACHMENTS:

Attachment No. 1 – Draft Zoning Bylaw Amendment No. 3120
Attachment No. 2 – Conceptual Subdivision Plan
Attachment No. 3 – Notice of Waiver of Public Hearing Mailout

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