



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3360-20-2306/RZ000079

From: Director of Development Services

Date: December 11, 2024

Subject: 11th Street Zoning Amendment Bylaw No. 3059 Adoption - Part 68 - Comprehensive Development Forty One (CD-41) (120 11th Street)

PURPOSE: For Council to consider adoption of *Zoning Amendment Bylaw No. 3059 (11th Street)* – Part 68 - Comprehensive Development Forty One (CD-41) (120 11th Street) to rezone four properties from Commercial Two (C-2), Multiple Use Two (MU-2) and no assigned zone, to Comprehensive Development Forty-One Zone (CD-41) to facilitate a four-lot consolidation of the subject properties for the purpose of building a 5-storey multi-family rental apartment building. The four properties are 125 11th Street, an unaddressed City owned parcel, 120 11th Street, and 1128 Beckensell Avenue, and are legally described as:

1. [LOT A, SECTION 69, COMOX DISTRICT, PLAN 32204]
2. [THAT PART OF LOT 10, SECTION 69, COMOX DISTRICT, PLAN 3030, TAKEN FOR ROAD PURPOSES AND CONTAINING 0.27 OF AN ACRE MORE OR LESS, SHOWN IN RED ON PLAN 284BL]
3. [LOT 1, SECTION 69, COMOX DISTRICT, PLAN 6674]
4. [LOT 2, SECTION 69, COMOX DISTRICT, PLAN 6674]

BACKGROUND:

Council gave Third Reading to Zoning Amendment Bylaw No. 3059 (120 11th Street) on August 28, 2024 and passed the following resolutions:

THAT Council receive for information the prohibition on holding a public hearing and the public notice given of such a prohibited public hearing; and

THAT Council give first, second and third readings of Zoning Amendment Bylaw No. 3059 (11th Street) to rezone the properties legally described as (1) LOT A, SECTION 69, COMOX DISTRICT, PLAN 32204; (2) THAT PART OF LOT 10, SECTION 69, COMOX DISTRICT, PLAN 3030, TAKEN FOR ROAD PURPOSES AND CONTAINING 0.27 OF AN ACRE MORE OR LESS, SHOWN IN RED ON PLAN 284BL (“Unaddressed Municipal Property”); (3) LOT 1, SECTION 69, COMOX DISTRICT, PLAN 6674; and (4) LOT 2, SECTION 69, COMOX DISTRICT, PLAN 6674; and

THAT Council direct Staff to provide notice of disposition of the Unaddressed Municipal Property in accordance with the requirements in Section 286 of the Local Government Act and Sections 26 and 94 of the Community Charter; and

THAT Council direct the Director of Development Services to enter into a Purchase and Sale Agreement for the lands described as Unaddressed Municipal Property, for the fair market value of \$360,000.00; and

THAT Section 219 Covenants for the car share program, landscaping retention and maintenance on City lands, transportation contributions towards intersection improvements and protection of a 15

metre environmentally sensitive area from the Courtenay River be prepared and executed by the applicant prior to adoption; and

THAT the Housing Agreement be executed by the applicant prior to adoption.

DISCUSSION:

The conditions from Council's resolution at the regular meeting held on August 28, 2024 have been met and Council can now consider adoption of the Zoning Amendment Bylaw No. 3059 (120 11th Street). The legal documents have been executed and will be registered by legal counsel after adoption of the bylaw.

In regards to the Section 219 Landscape Covenant, Staff are recommending that Council consider waiving the license fee for the encroachment agreement in exchange for the costs that will be bore by the land owner for inspecting, maintaining, and repairing the encroachments on the City lands. This would be an operational cost saving to the City for no longer having to maintain these landscaping features (hedges and feature wall). There is a one time application fee of \$1,500 plus an estimated \$1,545 per year fee for the approximately 419 ft² of city owned land.

FINANCIAL IMPLICATIONS:

Proceeding with the approval of this zoning amendment application has no financial implications to the City's Financial Plan 2024 – 2029.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning amendment applications 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.

OPTIONS:

1. THAT Council adopt *Zoning Amendment Bylaw No. 3059 (11th Street) – Part 68 - Comprehensive Development Forty One (CD-41) (120 11th Street)*:
THAT Council exempt the fee for an encroachment agreement (419 ft²) in exchange for the costs accepted by the land owner for the inspecting, maintaining, and repairing the encroachments on the City lands as established in the Section 219 Covenant (Landscaping).
2. THAT Council provide alternative direction to staff through resolution.
3. That Council not proceed.

ATTACHMENTS:

1. August 28, 2024 Staff Report at Third Reading
2. Zoning Amendment Bylaw No. 3059 Adoption – Part 68 - Comprehensive Development Forty One (CD- 41) (120 11th Street)

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Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)