

# STAFF REPORT TO COUNCIL

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**DATE:** February 12, 2024

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Deanna Wasnik, Director of Planning and Development

**SUBJECT:** Zoning Bylaw Amendment Application No. RZ100800 (Bylaw No. 9447, 2024)

**APPLICANT:** Heather and Ross Godwin

**LOCATION:** 4247 Estavilla Drive

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9447  
Notification Map and Letters of Support

## RECOMMENDATION(S):

That Council:

1. GIVES FIRST AND SECOND READING of "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9447, 2024"; and
2. PERMITS that consideration of Final Reading of proposed Bylaw No. 9447 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Registration of a Section 219 Covenant on legal title of Lot 1, District Lot 2433, Cariboo District, Plan 15353 that limits the maximum residential density to no more than four (4) dwellings."

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Director of Planning and Development.

## PURPOSE:

The applicant would like to expand an existing daycare (Baby Ducks Early Learning Centre) located at 4247 Estavilla Road (subject property). This applicant has applied to rezone the subject property from AR3: Rural Residential to RM1: Multiple Residential. This application will facilitate a "Community Care Facility, Major" use, which would allow the operator to accommodate thirteen (13) or more persons on the subject property.

## Site Characteristics

Location	4247 Estavilla Drive
Legal Description	Lot 1, District Lot 2433, Cariboo District, Plan 15353
Current Use	Residential
Site Area	0.48 ha (1.19 ac)
Growth Management Class	Infill
Servicing	City services available

Zoning (see Appendix “A” to Bylaw No. 9447)

Current Zoning	AR3m: Rural Residential
Proposed Zoning	RM1: Multiple Residential

Surrounding Land Use Table

North	Estavilla Drive, Residential
South	Residential
East	Residential
West	Residential

**STRATEGIC PRIORITIES:**

This application is consistent with Council’s Strategic Priority for “Economic Diversity and Growth” and the myPG goals for social development.

**POLICY / REGULATORY ANALYSIS:**

**Official Community Plan**

Future Land Use

The subject property is designated as “Neighbourhood Residential” in Schedule B-6: Future Land Use of the Official Community Plan No. 8383, 2011. This designation supports infill and redevelopment in existing neighbourhoods (OCP Policy 8.3.45) as well as incremental, small-scale redevelopment whose immediate impacts are relatively minor (OCP Policy 8.3.48). Community facilities are encouraged in Neighbourhood areas, so long as the facility is similar in size and scale to the neighbourhood form and character to maintain compatibility with the surrounding neighbourhood (OCP Policy 8.3.53).

The proposed “Community Care Facility, Major” use is considered small-scale redevelopment and an expansion of an already existing day care facility (i.e. “Community Care Facility, Minor”). As the proposal will be to increase the number of minors on-site within the existing dwelling, Administration does not expect that this will alter the form and character of the neighbourhood. Therefore, Administration is in support of this application as it is consistent with policy direction of the OCP.

**Zoning Bylaw**

The subject property is zoned as AR3m: Rural Residential. The intent of the AR3m zone is to foster a suburban lifestyle primarily on properties larger than 0.4 ha. The zone also provides for complimentary residential related uses that are compatible with the rural character of the area, such as the “Community Care Facility, Minor” use (i.e., up to twelve (12) persons under care). Areas designated AR3m also allow manufactured housing.

To accommodate a “Community Care Facility, Major” use (i.e., thirteen (13) or more persons under care), the applicant is proposing to rezone the subject property from AR3m to RM1: Multiple Residential. The intent of the RM1 zone is to provide for row housing and apartments with no more than six (6) units in a building, and a maximum density of thirty (30) dwellings per hectare. Due to the increased density available under RM1 zoning (i.e. twelve (12) units), the applicant has offered to register a Section 219 Restrictive Covenant to restrict the maximum residential density on the subject property to four (4) dwelling units.

The proposed RM1 zone permits a variety of multiple residential housing options as well as “Community Care Facility, Major”. The applicant intends to operate a full-day childcare facility for up to sixteen (16) minors. Administration has recommended this zone previously for other similar “Community Care, Major” uses.

The applicant is proposing to continue operating from Monday to Friday, 8:00 am to 4:30 pm, and increase the number of minors in care from twelve (12) to sixteen (16). The applicant proposes to use their existing driveway for parking, which meets the Zoning Bylaw requirements, and provide a drop-off and pick-up loop to minimize traffic queuing. Should Council support this application, this would facilitate the addition of four (4) minors to the daycare.

Administration supports this application as the proposal aligns with OCP Policy, meets the RM1 zoning regulations, and the parking requirements have been satisfactorily addressed by the applicant. Administration does not anticipate any negative effects as a result of an additional four (4) minors on the subject property.

#### **OTHER CONSIDERATIONS:**

##### **Land Use Impacts**

The applicant has received support for this application from four (4) of the eight (8) property owners residing within 30.0 m of the subject property. The applicant collected an additional ten (10) signatures for a total of fourteen (14) signatures in support of this application. Please find enclosed the petition letter from residents indicating support, and the notification map of residents that supported this application.

##### **Referrals**

This application was referred to internal City divisions and external agencies for comments. There are no outstanding comments or concerns with this application.

##### Property Title

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

##### Section 219 Covenant

To maintain the form and character of the neighborhood, the applicant has offered to register a Section 219 Covenant on title of the subject property prior to Final Reading of Bylaw No. 9447. This covenant would restrict residential density on the subject property to four (4) dwelling units, reflective of the comprehensive legislative framework passed by the Province for Small-Scale, Multi-Unit Housing.

Administration recommends that Final Reading of Bylaw No. 9447 be withheld until a Section 219 Covenant which restricts density to four (4) dwelling units is submitted to Administration's satisfaction and is registered on the title of the subject properties.

##### Ministry of Transportation and Infrastructure

As per Section 52 of The Transportation Act, Bylaw No. 9447 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

##### **Statutory Notification and Public Consultation**

In accordance with section 464(2) of the *Local Government Act*, a public hearing regarding this application will not be held as the proposed bylaw is consistent with the "City of Prince George Official Community Plan Bylaw No. 8383, 2011." As per the requirements set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 9423, 2023", in advance of First and Second Reading of the proposed bylaw, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests in property may be affected by this application.

Members of the public wanting to provide comment on the application may submit written correspondence to Council. As per the requirements set out in the Local Government Act and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

**ALTERNATIVES:**

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9447 be approved.

**SUMMARY AND CONCLUSION:**

The applicant is proposing to rezone the subject property from AR3m: Rural Residential to RM1: Multiple Residential to permit a “Community Care Facility, Major” use, as shown on Appendix “A” to Bylaw No. 9447. Administration recommends that Council support the application as the proposal is consistent with the policy direction provided in the OCP.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Imogene Broberg-Hull

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2024/03/11