

# STAFF REPORT TO COUNCIL

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**DATE:** June 30, 2020

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Ian Wells, General Manager of Planning and Development

**SUBJECT:** Rezoning Amendment Application No. RZ100661 (Bylaw No. 9127)

Applicant: Lorinda Lunn  
Location: 280 Bellos Street

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9127

## RECOMMENDATION(S):

### THAT Council:

1. **GIVES** First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9127, 2020"; and
2. **WAIVES** the requirements for a public hearing for proposed "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9127, 2020", pursuant to Section 464 (2) of the *Local Government Act*.

## PURPOSE:

The applicant would like to expand an existing daycare and afterschool care program (Demaira's Daycare) at 280 Bellos Street (subject property). Currently, the property is zoned RS2: Single Residential, which allows a daycare or afterschool care for up to 12 persons under the 'Community Care Facility, Minor' use. In order to accommodate more than 13 persons on the subject property, the applicant would like to rezone the subject property to RM1: Multiple Residential to facilitate a full-day daycare, and infant toddler care program with more than 13 persons under the 'Community Care Facility, Major' use.

## Site Characteristics

Location	280 Bellos Street
Legal Description	Lot 82, District Lot 2608, Cariboo District, Plan 19520
Current Use	Residential
Site Area	593.7 m <sup>2</sup> (0.14 acres)
Future Land Use	Neighbourhood Residential
Growth Management Class	Infill

Zoning (see Appendix “A” to Bylaw No. 9127)

Current Zoning	RS2: Single Residential
Proposed Zoning	RM1: Multiple Residential

Surrounding Land Use Table

North	Residential
South	Residential
East	Residential and Boyd Street
West	Bellos Street and Residential

**POLICY / REGULATORY ANALYSIS:**

**Official Community Plan (OCP)**

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 (Policy 8.3.45) and the City should encourage incremental, small-scale redevelopment whose immediate impacts are relatively minor (Policy 8.3.48). The City should permit community facility uses in neighbourhoods. The size of the community facility should be similar in size and scale to the neighbourhood form and character to ensure compatibility with the surrounding neighbourhood and minimum off-site impacts (Policy 8.3.53).

The proposed ‘Community Care Facility, Major’ is utilizing an existing single detached house, that would ensure a similar scale and size of building to the surrounding neighbourhood. The proposed rezoning is consistent with policy direction of the OCP.

**Zoning Bylaw No. 7850, 2007**

The subject property is zoned RS2: Single Residential. The intent of this zone is to foster an urban lifestyle on properties larger than 500 m<sup>2</sup>. The zone also provides for complementary residential related uses that are compatible with the residential character of the area. In order to accommodate a ‘Community Care Facility, Major’ use, the applicant is proposing to rezone the subject property to RM1: Multiple Residential. The intent of the RM1: Multiple Residential zone is to provide for row housing and apartment housing with not more than six (6) units in a building, a maximum residential density of 30 dwellings per hectare.

The current RS2: Single Residential zone permits single detached housing and Community Care Facility, Minor (i.e. a daycare for up to 12 persons) as permitted uses. The proposed RM1: Multiple Residential zone permits a variety of multiple residential housing options as well as a Community Care Facility, Major (i.e. daycare for 13 or more persons). The applicant intends to operate a full-day childcare and infant toddler care for up to 24 persons on the subject property. The existing house on the subject property would accommodate the proposed Community Care Facility, Major use. Furthermore the subject property meets the RM1 requirements for minimum lot width (15.0 m) and minimum lot area (500 m<sup>2</sup>).

The proposed Community Care Facility requires 1 parking space per 2 employees, plus 1 per 10 patrons, with a minimum of 4 parking spaces. The applicant will be utilizing their existing driveway, which can accommodate and meet the Zoning Bylaw requirements. The proposed parking spaces will also accommodate employee parking, and drop-off and pick-up for parents.

Administration supports this application as the proposal aligns with OCP Policy, meets the RM1 zoning regulations (lot size, lot width, density and use), and the parking requirements have been satisfactorily addressed by the applicant. Administration does not anticipate any negative effects as a result of this application.

## **OTHER CONSIDERATIONS:**

### **Land Use Impacts**

As indicated previously, the applicant currently operates a daycare (Community Care Facility, Minor) on the subject property. There was one recorded bylaw complaint in 2010 in regards to noise from the daycare, which was rectified by the applicant. To date there have been no additional complaints received for parking associated with the existing daycare operation.

The proposed daycare hours of operation from Monday to Friday will be from 7:30 am to 6:00 pm, the hours of drop-off and pick-up will occur between 7:30 am to 9:00 am and 4:00 pm to 5:30 pm. The hours of operation are not expected to negatively impact the surrounding residential area as the daycare will not operate on weekends or outside of regular daytime working hours.

### **Referrals**

The application was referred to internal departments and external agencies for comment. There were no outstanding comments or concerns with this application.

### **Council Procedures during COVID-19**

As a result of the COVID-19 pandemic and the Ministerial Order issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for permit applications and certain bylaws where such hearings are not required.

Legislation specifies that a local government may waive the holding of a public hearing on a proposed zoning bylaw if an OCP is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the OCP. Further, Council resolved that in addition to the legislative requirements above, in order for Administration to recommend that Council waive a public hearing, the following criteria must also be met:

- a. Approval of the rezoning application is supported by Staff; and
- b. A determination that the public hearing on the application is not expected to generate significant public input.

Notice of City Council's decision to waive the public hearing and the opportunity to provide written comments, will be published in accordance with legislative requirements. Written submissions received in response to the public notice for this application will be provided to Council for consideration at the time third reading of the bylaw is proposed to be considered. Submissions received after the Council meeting agenda has been published will be provided as a handout on the day of the Council meeting for Council's consideration during deliberations on the application.

Subject to Council's approval of first and second reading of Bylaw No. 9127, 2020, third reading of the proposed bylaw may be considered at the next regularly scheduled Council meeting

### **Public Hearings**

Pursuant to Section 464(2) of the *Local Government Act*, Administration recommends that Council waive the requirement for a public hearing in relation to proposed Bylaw No. 9127, 2020, as the application is consistent with the City's OCP, approval of the rezoning application is supported by Staff, and a public hearing on the application is not expected to generate significant public input.

**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. 9127, 2020 be approved.

**SUMMARY AND CONCLUSION:**

The applicant would like to rezone the subject property from RS2: Single Residential to RM1: Multiple Residential to permit a 'Community Care, Major' use. Administration recommends that Council support this application as the proposal is consistent with the policy direction provided in the OCP.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner 1

**APPROVED:**

Kathleen Soltis, City Manager

Meeting Date: 2020/07/27