

# STAFF REPORT TO COUNCIL

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**DATE:** January 27, 2021

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Ian Wells, Acting Deputy City Manager

**SUBJECT:** Rezoning Amendment Application No. RZ100686 (Bylaw No. 9167)

Applicant: Finger Prints Learning Centre Ltd. for Kathed Holdings Ltd., Inc.  
No. BC0552130  
Location: 7092 Domano Boulevard

**ATTACHMENT(S):** Location and Existing Zoning Map  
Letter of Intent from Applicant  
Letter of Support

## RECOMMENDATION(S):

That Council:

1. GIVES FIRST AND SECOND READINGS to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9167, 2020”; and
2. WAIVES the requirements for a public hearing for proposed “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9167, 2020”, pursuant to Section 464(2) of the *Local Government Act*

## PURPOSE:

The applicant would like to expand their existing childcare program (Finger Prints Learning Centre Ltd.) to a new location at 7092 Domano Boulevard (subject property). Currently, the property is zoned C6: Highway Commercial, which does not permit the ‘Community Care Facility’ use (i.e. daycare or afterschool care). The applicant has applied for a site specific text amendment to add a ‘Community Care Facility, Major’ use, which allows for a daycare for 13 or more persons on the subject property.

## Site Characteristics

Location	7092 Domano Boulevard
Legal Description	Lot 3, District Lot 754, Cariboo District, Plan 23130
Current Use	Highway Commercial Uses (The Movement Group Fitness Centre, Hair Force, Gingerbread Toys, College Heights 2 for 1 Pizza and College Heights Optometry)
Site Area	5884.4 m <sup>2</sup>
Current Zoning	C6: Highway Commercial
Future Land Use	Neighbourhood Residential

Growth Management Class	Infill
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#### Surrounding Land Use Table

North	College Heights Secondary School (P2: Minor Institutional)
South	Gladstone Drive and Two-unit Residential Development (RT1: Two-Unit Residential)
East	Park, Residential Development (RT1: Two-Unit Residential and RS2: Single Residential) and Gladstone Place
West	Domano Boulevard, Residential Development (RS2: Single Residential), Multiple Residential (RM3: Multiple Residential) and Bernard Road

#### **POLICY / REGULATORY ANALYSIS:**

##### **Official Community Plan (OCP)**

##### 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 (Policy 8.3.45), and encourage incremental, small-scale development 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 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' use is considered small scale redevelopment of an existing commercial development that is incremental with minor impacts to the area. The proposed community care facility use is adjacent to a residential neighbourhood (east and south of the proposed development) and College Heights Secondary School (north of the proposed development). Therefore, the proposed community care facility use is consistent with the policy direction of the OCP for community care facilities in existing neighbourhoods.

##### **Zoning Bylaw No. 7850, 2007**

The subject property is zoned as C6: Highway Commercial. The intent is to provide for uses appropriate for some highway locations. As indicated previously the C6: Highway Commercial zone does not permit 'Community Care Facility, Major' use. In order to facilitate the proposed use, the applicant has applied for a site specific text amendment to add the 'Community Care Facility, Major' use on the subject property.

The 'Community Care Facility, Major' use permits a day care licensed under the *Community Care and Assisted Living Act*, for 13 or more persons such as a nursery school, out of school care, and group daycare. The applicant is proposing an infant toddler daycare program within a unit of the existing building on the subject property.

In addition, 'Community Care Facility, Major' use is permitted within certain commercial zones (i.e. C2: Regional Commercial, C3: Neighbourhood Commercial, C4: Local Commercial, C7: Transitional Commercial and C8: Commercial Conversion). Administration does not anticipate negative impacts from the proposed 'Community Care Facility, Major' use on the subject property as the use is permitted within other commercial zones.

The proposed 'Community Care Facility, Major' use is utilizing an existing commercial building on the subject property. This site has an existing surface parking lot with access and egress from Domano Boulevard (arterial road) and Gladstone Drive (minor collector) that would accommodate the additional traffic to and from the site for pick-up and drop-off at the daycare. In addition, the proposed daycare use requires 1 parking space per 2 employees plus 1 per 10 patrons, with a minimum of 4 parking spaces. The proposal will be utilizing an existing parking lot on the subject property that would be able to accommodate the proposed daycare use as well as the existing commercial uses on site.

The proposed infant toddler daycare program has hours of operation from 7:45 am to 4:45 pm Monday to Friday, the applicant has indicated that drop off and pick up would be staggered between 7:45 am – 8:15 am and 4:00 pm – 4:45 pm. The hours of operation are not expected to negatively impact the surrounding residential area as the daycare will not be in operation on weekends or outside of regular daytime working hours.

As indicated previously, the Zoning Bylaw requires a minimum of four (4) on-site parking spaces for community care facilities; the applicant has demonstrated that there is adequate on-site parking to accommodate the proposed use as well as pick-up and drop-off during operation hours as per the letter of intent.

Administration supports this application as the proposal aligns with OCP Policy and the parking requirements have been satisfactorily addressed in the letter of intent submitted by the applicant.

#### **OTHER CONSIDERATIONS:**

##### **Referrals**

This application was referred to internal City divisions and external agencies for comments. There are 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 that is currently in place under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for rezoning applications as described below. This decision is effective for the period that the Ministerial Order applies.

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 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 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. 9167, 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. 9167, 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. 9167, 2020 be approved.

**SUMMARY AND CONCLUSION:**

The applicant has applied for a site specific text amendment to add 'Community Care Facility, Major' use in the C6: Highway Commercial zone to permit an infant toddler program on the subject property. Administration recommends that Council support this as the proposal is consistent with the policy direction provided in the OCP.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development/  
Acting Deputy City Manager

**PREPARED BY:** Melissa Nitz, Planner

**APPROVED:**

Walter Babicz, Acting City Manager

Meeting Date: 2021/02/22