



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-2302/RZ000075

**From:** Director of Development Services

**Date:** July 26, 2023

**Subject:** Zoning Amendment Bylaw No. 3095 – 4655a Madrona Place

### PURPOSE:

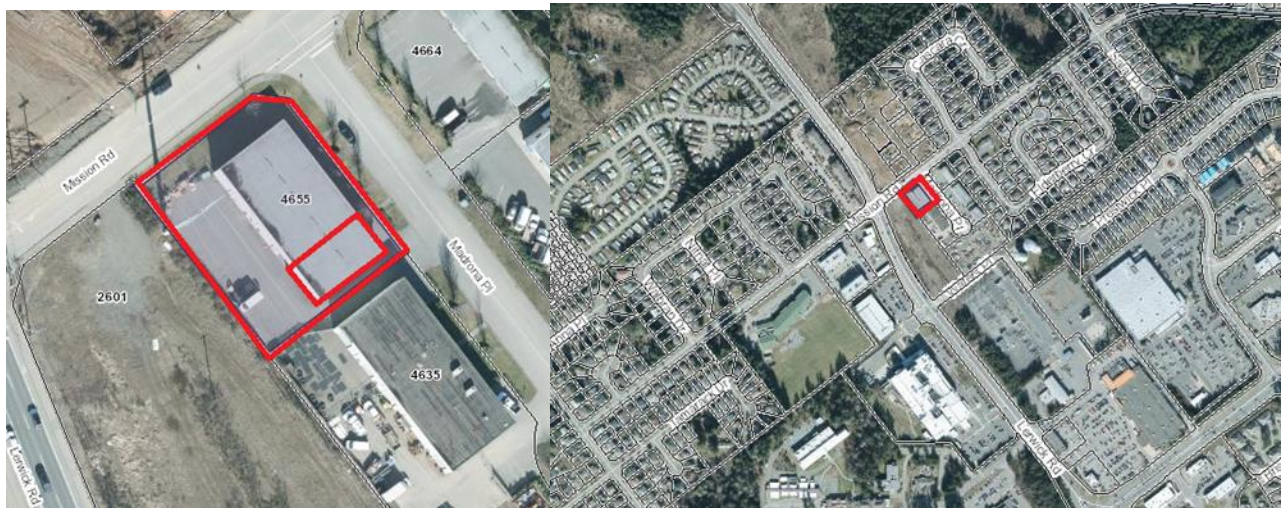
At the regular meeting of Council held on July 12, 2023, Council passed a resolution not to hold a public hearing as per Section 464(2)(b) and gave notice as per Section 467 of the *Local Government Act*. As per Bill 26, notice has been given prior to First reading of Zoning Amendment Bylaw No. 3063. The purpose of this report is for Council to consider an application to for a Zoning Bylaw text amendment to Part 24 – Industrial Two Zone (I-2), section 8.24.1 *Permitted Uses* to add day care use on a site-specific basis for the subject property located at 4655a Madrona Place. Staff are recommending First, Second, and Third readings of Zoning Amendment Bylaw No. 3095.

**Legal Description:** Strata Lot 5, District Lot 236, Comox District, Strata Plan VIS5235.

### BACKGROUND:

The subject property is one unit in a multi-unit light industrial building in the Upper Ryan Road neighbourhood (Figure 1).

**Figure 1 – Subject Property Location/Context**



The building is approximately 30 years old and the unit (Figure 2) purpose-built as a dance studio which generally operates after school and evenings. The facility is currently made up of three dance studios, an office, storage space, change rooms and three washrooms and operates from 4:30 to 9 pm. There are up to

150 dance registrants each season with a maximum of 35 dance students in the building (10 to 14 students per studio room) at any one given time and two dance instructors.

**Figure 2 – Subject Building Unit**



The subject property is located in the Industrial Two (I-2), Light Industrial zone and the 'Town Centre' land use designation in the OCP (Figure 3)

**Figure 3 – Zoning and OCP Land Use**

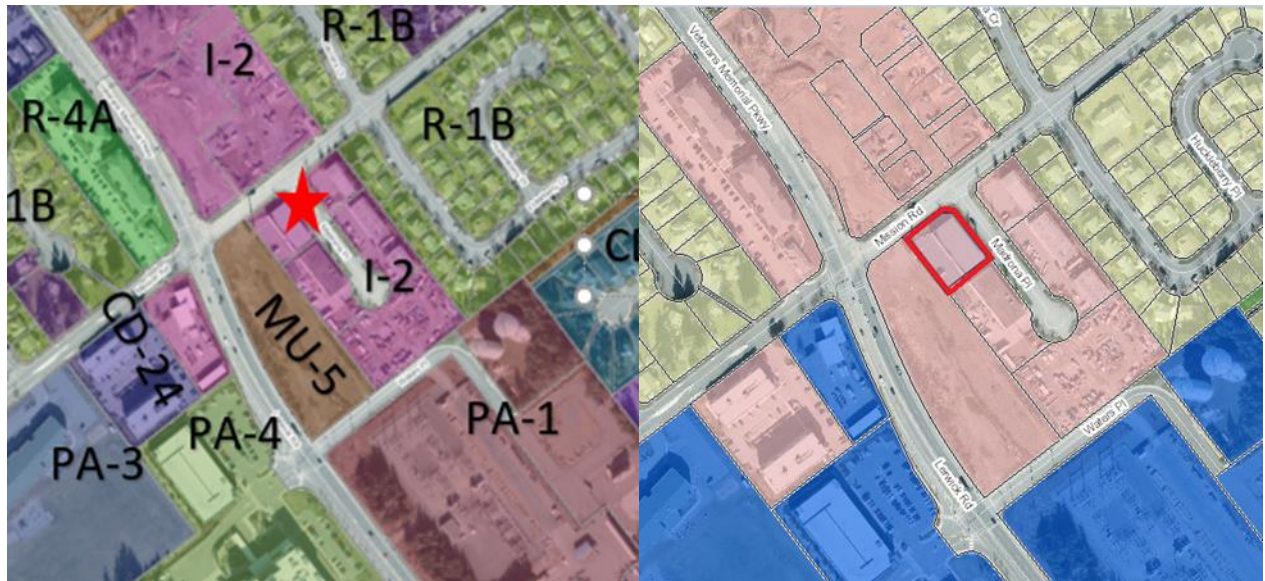


Table 1 below describes the surrounding zones, land designations, and actual uses surrounding the subject property.

**Table1 Surrounding Land Uses and Zoning**

Direction	OCP	Zone	Actual Use
North East	Town Centre and Urban Residential	I-2, R-1B, CD-1A	Light Industrial residential
North	Town Centre	R-4A	Townhouse (under construction)
East	Town Centre Institutional	1-2 PA-1	BC Hydro Facilities
Southwest	Town Centre Institutional	PA-3 PA-4 CD-24 MU-5 I-2	NI Hospital vacant land Fortis BC Facilities
West	Town Centre and Urban Residential	I-2 R-1B	Light Industrial buildings Multi-Dwelling Apartment

The applicant is proposing to provide child care operation to accommodate up to a maximum of 16 children ages 2.5 to 5 years which will operate Monday to Friday from 7:30 am to 3:30 pm. Attachment 1 contains the applicant's proposal.

Child care operations are licensed by Island Health pursuant to the *Community Care and Assisted Living Act* and *Child Care Licensing Regulations*, the applicant will be required to obtain this license prior to obtaining a business licence for the child care operations.

**DISCUSSION:**

Zoning and OCP Review

The subject property is zoned I-2 zone which permits a wide range of uses including facilities for adults with disabilities, fitness facility, and school but does not permit day care. Currently, Daycare is a permitted use in R-4, R-4A, and CD-10 zones. The current Zoning Bylaw has limited zones that permit day care which impacts supply of child care services.

Bylaw 2948 was an amendment to the I-2 zone for a site specific use for day care and family development uses for 1625 and 1679 McPhee Avenue. These properties are designated in the OCP as a neighbourhood centre which permits community services which includes child care (day care). Similar situation to the subject property.

Although OCP General Land Use policy 2 (p.57) states that "Community Services including childcare facilities are supported in all land use designations except Agricultural, Light Industrial, and Future Growth, the subject

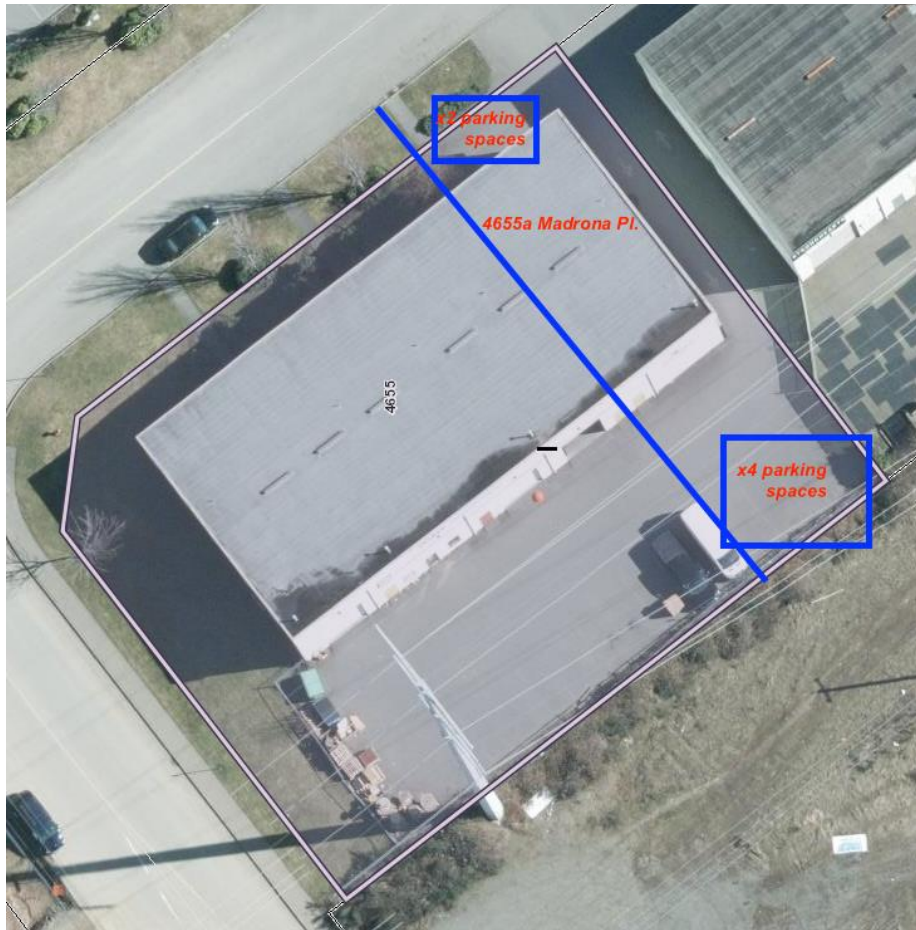
property is designated as a Town Centre and which does permit community services including child care (day care).

It is the zoning that designates the subject property as Light Industrial and the OCP land designation encourages community services for the subject property as it is within the Town Centre. Given that the I-2 zone has been amended once to permit site specific zoning for day care and that the OCP has designated this subject property as Town Centre which permits child care, staff are proposing a site specific amendment for the day care use at 4655a Madrona Place. Staff acknowledge that the zoning for this area will be considered in the zoning bylaw update to align with the OCP policies.

**Parking**

The subject property unit has six parking spaces: two in front, four in the rear of the building as shown in Figure. 4. The remainder of spaces are used by other building tenants.

Figure 4 – Location of Parking Spaces



Division 7 of the Zoning Bylaw regulates off-street parking and loading spaces.

*“7.1.2 (3) states where more than one use is located on a parcel or involves collective parking for more than one building or use, the **total number of spaces shall be the sum of the various classes of uses calculated separately**, and a space required for one use or a loading space shall not be included in calculations for any other use. However, parking and loading space requirements for churches/places of worship and associated assembly halls or classrooms shall be the greater of the requirements for the two uses calculated separately, provided the two are not used concurrently.”*

Schedule 7A of the Zoning Bylaw establishes the minimum number of off-street parking spaces based on the proposed use as one parking space per employee. “Dance studio” use isn’t a specifically identified use in the parking regulations. The closest use includes school and day care, both of which require 1 space per employee.

The child care program will have three staff and the dance studio has two staff, totalling five employees. The applicant owns and operates both businesses. As per Figure 4 there are six parking stalls and the Zoning Bylaw requires 5 parking spaces as such the parking requirements can be met.

#### Licensing for Day care

In consultation with the applicant, an Island Health licensing officer indicated that off-site locations of the outdoor play spaces are permissible subject to safety plan and approval. All aspects of the childcare centre will be reviewed by Island Health and must be approved prior to operation.

#### Need for Day care

The *Comox Valley Child Care Action Plan* prepared for the Comox Valley Regional District in partnership with the City of Courtenay and Town of Comox, December 2019 clearly identifies the need as follows:

- 81% of children in the Comox Valley do not have access to licensed child care
- 87% of children aged 0 – 3 do not have access to licensed child care
- 88% of children 6-12 do have access to licensed before and after school care

#### **OCP POLICIES**

This proposal meets the following objectives detailed in Official Community Plan Bylaw 3070, 2022.

#### Land Use:

- *General Land Use Policies*
  - 2. Community services facilities including childcare facilities are supported in all land use designations except Agricultural, Light Industrial, and Future Growth.
    - The subject property is zone I-2 but has a Town Center land use designation.
- *Objective 2:* The majority of community growth is strategically guided into growth centres to create more 10-minute neighbourhoods
  - Policy LU 6 Co-locate residential, commercial, institutional, and suitable employment-generating land uses in the Downtown, Town Centres & Urban Corridor, and Neighbourhood Centres.
    - The subject property is located in the Upper Ryan Road Town Center and close to numerous residential neighbourhoods and large employers.

Social Infrastructure:

- **Objective 2:** Coordinated, inclusionary, and systems-based responses are in place to address evolving complex social issues.
  - Policy SI 9 Work regionally to increase child care spaces as identified in the Comox Valley Child Care Action Plan (2019).
    - This childcare center will provide an additional 16 childcare spaces.

Local Economy:

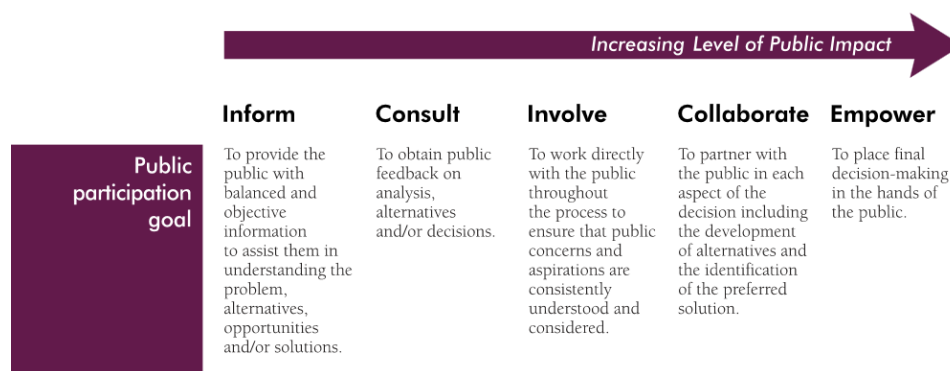
- **Objective 4:** People are at the heart of local economic development and are able to access adequate supports to participate in the economy.
  - LE 17 Ensure that social policies such as, but not limited to, *affordable housing* and child care are integrated with economic policies to support 'people-centred' forms of economic development.
    - The business owner is expanding her dance studio business to provide necessary childcare in a growing neighbourhood and will provide employment for two early childhood educators.

Community Amenity Contribution:

- Policy 6 identifies child care facilities as a desirable community amenity.
  - This childcare centre will provide an additional 16 childcare spaces in the region.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff will “Consult” the public based on the IAP2 Spectrum of Public Participation:



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As required by Development Applications Procedures Bylaw No. 2790, 2014 a sign was posted on the property and a notice of the application was mailed to 33 neighbours within a 100 m radius of the subject property on March 14. The notice is included as **Attachment 2**. As permitted in Development Applications Procedure Bylaw No. 2790, the Interim Director of Development Services determined no Public Information Meeting was necessary given the consistency with the OCP.

Two responses were received. One response supported the proposed child care. The second response asked how the additional vehicle traffic of the child care activity might and the new multi-family development in the area might impact them. Staff response is below:

*Due to the low volume of traffic (a maximum of 16 additional vehicles coming to the childcare centre to drop off/pick up children) and the location in a Town Center, a traffic impact study was not required. The proponent anticipates that some of the children will live in the surrounding neighbourhoods so walking is an option. The commenter lives across Mission Road. "Connecting Courtenay, the City's Transportation Master Plan", published in September 2019 identifies future improvements for roads, intersections, pedestrians and cycling. The intersection at Mission Road and Veteran's Memorial Parkway/Lerwick Road is not identified as being a high vehicle collision intersection or one with unreasonable levels of vehicular congestion.*

The application is consistent with the Official Community Plan. In accordance with Section 464(2) of the *Local Government Act* a public hearing is not required, and recommended not be held, as the proposed bylaw is consistent with the OCP.

In accordance with Section 467, public notice was provided that a public hearing would not be required, and opportunity for public comment was provided. Public notice was published in the Comox Valley Record on July 12th and July 19th. Information on the Zoning Amendment Bylaw No. 3095 and mailed to owners and/or occupants within a 100-metre radius.

At the time of the publishing of this report, no public comments had been received. Comments received after writing this report are presented to Council prior to First reading of the Bylaw.

As required by Section 52(3) of the **Transportation Act** where the subject property is located within 800 m of a controlled access highway, the Ministry of Transportation must grant its approval prior to Council's consideration of approval. The subject property is located within 800 m of Ryan Road, a designated highway.

#### **REGIONAL GROWTH STRATEGY REFERENCE:**

The Comox Valley Regional Growth Strategy (RGS) is a framework for future land use, and sets basic direction for planning, policies, and action for all member municipalities, including Courtenay. The RGS is guided by a number of growth management principles that are incorporated by this proposed application:

- 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.

#### **FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this Zoning Bylaw amendment application as the fees are designed to offset the administrative costs.

#### **ADMINISTRATIVE IMPLICATIONS:**

Processing this application is part of the core duties of the Department of Development Services. Should Council not move forward with the zoning bylaw amendment a rezoning application could not be considered for a year unless Council considers a request to reconsider with 2/3 vote in favour.

**ASSET MANAGEMENT IMPLICATIONS:**

There are no asset management implications related to this proposed new use.

**STRATEGIC PRIORITIES REFERENCE:**

This initiative addresses some of the goals that guide Council’s strategic priorities:

The proposal will provide much needed childcare services in the Region as over 80% of children in the Comox Valley do not have access to licensed childcare thereby adding to the City’s social infrastructure. The location in the Upper Ryan Town Center is close to surrounding residential neighbourhoods and large employers thereby making this a stronger neighbourhood.

**OPTIONS:**

1. (Recommended) THAT Council give First, Second and Third Reading to “ Zoning Amendment Bylaw No. 3095” to amend Zoning Bylaw No. 2500, 2007, Part 24 – Industrial Two Zone (I-2), section 8.24.1 *Permitted Uses* to add day care use in Unit A of Strata Lot 5, District Lot 236, Comox District, Strata Plan VIS5235 (4655a Madrona Place).
2. THAT Council provide alternative direction to staff. (Please see Administrative Implications).
3. THAT Council deny Zoning Amendment Bylaw No. 3095.

Prepared by: Nancy Gothard, RPP, MCIP Manager of Community and Sustainability Planning

Reviewed by: Marianne Wade, Director of Development Services, RPP, MCIP

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

Attachments to the staff report

Attachment 1 – Applicant Proposal

Attachment 2 – Public Information Mail Out Notice

Attachment 3 – Bylaw No. 3095, 2023

Attachment 4 – Newspaper Advertisement