



REPORT

To: Chair and Directors

Report Number: DS-BRD-307

From: Kathy Suggitt, RPP, MCIP, General Manager of Development Services

Date: May 4, 2023

Subject: Zoning Amendment Bylaw No. 2522, 2023, PRRD File No. 23-005 ZN

RECOMMENDATION: [Corporate Unweighted – excluding Pouce Coupe]

That the Regional Board give Zoning Amendment Bylaw No. 2522, 2023 to add “Daycare” to the list of permitted principle uses in the General Commercial (C-2) Zone, first and second readings; and further

That a public hearing be held pursuant to Section 464 of the *Local Government Act*, delegated to the Director of Electoral Area C, and that public notification be authorized pursuant to Section 466 of the *Local Government Act*.

BACKGROUND/RATIONALE:

Proposal

To amend the PRRD Zoning Bylaw 1343, 2001 to include “Daycare”, as a permitted use within the General Commercial (C-2) zone.

File Details

Owner: Northern Legendary Construction Ltd.

Agent: Raz Petrick

Area: Electoral Area C

Location: Charlie Lake

Legal: Parcel B (P26810) of the South West 1/4 of Section 17 Township 84 Range 19 West of the 6th Meridian Peace River District Except: Plan BCP38331

PID: 014-783-738

Civic Address: 1-13091 Nielson Ave, 2-13091 Nielson Ave, 3-13091 Nielson Ave, 4-13091 Nielson Ave, and 5-13091 Nielson Ave.

Lot Size: 0.42 ha (1.04 ac)

Rationale

Staff supports the addition of “Daycare” to the permitted uses within the C-2 Zone both for this site and generally, as described below, as it fits within the intent of the zone for small-scale and retail businesses that supply neighbourhood level services to the rural areas.

Background

The applicant applied to include Gym, Coffee Shop, Dentist, Physiotherapist, Doctor, and Daycare in the permitted principle uses in the C-2 Zone on the subject property. The PRRD Zoning Bylaw 1343, 2001 C-2 Zone currently permits “Gallery, or studio related to art, music, recording, dance, fitness or recreation”, “Restaurant”, “Personal Service Establishment” etc. Personal Service Establishment includes Medical Practice so a dentist, doctor or physiotherapist would all be permitted already.

A “Gym” is permitted under the use “studio related to fitness or recreation” and therefore is already permitted and does not need to be included in the amendment.

A “Coffee Shop” is permitted under the use “Restaurant” and therefore does not need to be included in the amendment.

Therefore only “Daycare” is proposed to be added to the list of permitted uses in the C-2 Zone.

Context

The applicant’s property is located along the Alaska Highway in Charlie Lake and is accessed via Nielson Ave. The building is comprised of 5 retail spaces including the Charlie Lake post office location. PRRD staff agree with the applicant that the Daycare use aligns with the intent of the property and further, with the intent of the General Commercial (C-2) Zone throughout the PRRD Zoning Bylaw 1343, 2001 area. As such staff are recommending adding “Daycare” to the list of permitted uses in the C-2 Zone, not just as a site-specific amendment.

Comments & Observations

Applicant

We propose that the zoning uses be amended so that there are more opportunities for the community to grow by having the zoning uses expanded for more long-term businesses in the community. The centralized location of this mixed use commercial space, can provide more opportunities for the Charlie Lake community. The long term view of the commercial development is to have it be a gathering place for the residents of Charlie Lake, a place where they can pick up their mail, grab a coffee or use one of the other businesses in the complex and continue to their destination.

Official Community Plan (OCP)

Pursuant to North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the land use designations that support the C-2 Zone are Settlement Centre (SC) and General Commercial (GC).

Land within the SC designation should be used for Community Residential (CR), General Commercial (GC), Civic, Assembly, and Institutional (CIVIC), Parks, Open Space, and Natural Environment (OS). Lands designated as Settlement Centre are intended to recognize and promote the growth of an established community centre to provide local residents with a range of services such as schools, community gathering areas, recreation, residential, and commercial uses.

Land within the General Commercial (GC) designation should be used for, commercial uses that cater to local area residents’ goods and services needs small-scale and retail businesses that supply neighbourhood level services in the rural areas.

Therefore, staff are recommending that “Daycare” be added as a permitted use within the C-2 Zone as it aligns with the land use and intent of both the GC and the SC designations.

Land Use Zoning

Currently “Daycare” is not a permitted use in the C-2 zone. Daycare is defined as “means a licensed establishment where care is provided to children, including opportunities for their social, emotional, physical and intellectual growth, pursuant to the *Community Care Facility Act*”. Other uses in the C-2 zone include Personal Services Establishment, Restaurant, Retail Sales, etc. Personal Service Establishment includes Beauty Shop, Medical Practice etc. Therefore the proposed use of Daycare is complimentary and compatible with the other permitted uses in this zone.

Within the C-2 Zone, Cannabis Retail Stores are a permitted use; however, in accordance with Section 27 of the Bylaw, a cannabis retail store may not be located on properties within 200 metres of a parcel containing a school or daycare. As such adding a daycare to a C-2 zoned property could preclude any future consideration of a cannabis retail store on the same parcel. However, the Regional District would have no mechanism to preclude a daycare from considering going into a development on a C-2 property if a cannabis retail store was already there, or any legal means to require the retail store to vacate.

Site Specific Comments Received from Municipalities & Provincial Agencies**PRRD Bylaw Enforcement**

The PRRD does not have an active bylaw enforcement file on this property.

PRRD Building Inspection

The services of an architect will be required for the change of use on the building.

Charlie Lake Fire Department

Charlie Lake Fire Department requests the applicant to make contact with the fire department to arrange a site visit so that they can create a Fire Pre-Plan for this location. Fire Pre-Plan will be for fire department use only.

All other interests are unaffected at this time.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to give Zoning Amendment Bylaw No. 2522, 2023 to add "Daycare" to the list of permitted uses in the General Commercial (C-2) Zone, first and second readings.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Draft Zoning Bylaw No. 2522, 2023
2. Maps, PRRD File No. 23-005 ZN
3. Application, PRRD File No. 23-005 ZN