

Report

Date June 7, 2023

File: ZB000184

Subject Zoning Amendment Bylaw No. 3910 for First and Second Readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 3910, which proposes to rezone 8025 Berridge Street (Crofton Childcare Centre) and the adjacent streets (Dyke Road and a portion of Berridge Street) from the Rural Residential zone (R1) to the Public Use (PU) zone.

BACKGROUND

The 2020 Cowichan Region Child Care Plan identified childcare needs throughout the Cowichan Valley. On May 19, 2021, Council confirmed their intention to develop a childcare centre in Crofton over two municipally owned lots at the corner of Berridge Street and Dyke Road (subject lands). In November 2021 Council directed staff to submit a grant application to the Ministry of Children and Family Development's Childcare BC New Spaces Fund for the proposed childcare centre. In May 2022, North Cowichan was awarded 2.6 million in funding for the project and began the zoning amendment application process.

On August 11, 2022, North Cowichan staff held an open house for the Berridge Street and Dyke Road neighbourhood. The purpose of the open house was to outline the proposed childcare centre and receive input from the neighbourhood. Out of the 12 residents present, 11 fully supported the proposed childcare centre.

DISCUSSION

The subject lands are 2,934 square metres in area, with residential properties located south and east of the property and Crofton Beach Park towards the north. The subject lands are 2,934 square metres in area, with residential properties located south and east of the property with Crofton Beach Park towards the north. The subject lands are undeveloped, with the majority of the lands previously cleared of trees. A forested ravine and watercourse cover the rear (eastern) portion of the property, and a drainage ditch runs along the northern property line along Dyke Road (Attachments 1, 2 & 3). The former Director of Parks and Recreation provided a letter of rationale with the application describing the proposed childcare centre (Attachment 4).

Zoning Bylaw No. 2950 allows "civic use" (including childcare facilities) in all zones. As such, the Zoning Bylaw allows the site to be used for a childcare centre, but any development must be compliant with the development regulations of the Residential Rural (R1) zone.

The site is currently zoned Residential Rural (R1). The R1 zone isn't conducive to the development of the proposed childcare centre since the building straddles the two lots and does not comply with setback requirements. In order for the project to proceed as proposed, consolidation of the two lots into a single parcel and an amendment to the zoning bylaw is required.

Rezoning the subject property to Public Use (PU) will provide clarity to the community on the type of uses to be expected on the subject lands.

Since the rear of the property contains a ravine and fish-bearing watercourse, a development permit satisfying hazard and environmental protection guidelines is required prior to building permit issuance. This process is already underway, with associated reports prepared to inform the development of the site. The reports prepared for the proposed childcare centre demonstrate compliance with provincial regulations and municipal bylaws.

Proposed Amendment:

The Public Use zone (Attachment 5) is commonly used for municipally-owned properties with facilities for providing public services. Zoning Bylaw 2950 defines "Public Use" as,

A building, facility, or open space under the direct control of the federal government, provincial government, a regional district, or a municipality and used as utility, household recycling drop-off depot, office, hospital, prison, university or college, or by a crown corporation, and may include an accessory helicopter landing pad.

Although a childcare centre is not explicitly identified in the definition of Public Use, as a facility under the direct control of a municipality, childcare can reasonably be considered Public Use. Other daycares within North Cowichan, such as Parkside Academy, are also zoned for Public Use.

The only development regulations with the Public Use zones are:

- (a) *Where the lot abuts residentially-zoned land, the yard, side, or the yard, rear, shall be 8.0 m. (26.25') in depth; and,*
- (b) *Where the lot abuts an arterial highway, the yard front shall be 8.0 m. (26.25').*

Since Berridge Street isn't an arterial highway, the only setback requirement (other than geotechnical and environmental protection requirements) is an 8m setback from the neighbouring southern parcel. Since Berridge Street isn't an arterial highway, the only setback requirement (other than geotechnical and environmental protection requirements) is an 8 metre setback from the neighbouring southern parcel. Preliminary drawings have been prepared for the application, with option one preliminary plan layout (Attachment 6) in compliance with the Public Use zoning provisions.

Compliance with Official Community Plan:

The lands proposed for rezoning in Bylaw No. 3910 (Attachment 7) are designated in the Official Community Plan (OCP) as "Civic." The proposed zoning amendment is consistent with the OCP's Civic land use designation.

OPTIONS

1. (Recommended Option) THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3910, 2023; and,

(2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3910, 2023 and notification in accordance with the *Local Government Act*.

2. THAT Council direct staff to include the zoning designation change for Lot 4 Berridge Street and Lot 1 Dyke Road from Residential Rural Zone (R1) to Public Use (PU) for consideration as part of the Zoning Bylaw update project.

IMPLICATIONS

The proposed zoning amendment, if approved, would allow for a municipal-owned childcare centre to proceed and ensure the site's zoning is aligned with OCP land use designation. The proposed childcare centre will cause a brief daily increase in street traffic and parking demand during morning and afternoon pick-up and drop-off times during the week and increased pedestrian use of the Crofton seawalk. The public hearing will inform the greater community and provide an opportunity for comments to be heard by Council before considering the third reading and adopting the zoning amendment bylaw.

If Council does not proceed with Zoning Amendment Bylaw No. 3910, an alternative parcel would be required to construct the proposed childcare centre, or the project would need to be redesigned to comply with the R1 zoning regulation. This delay may lead to the loss of the BC grant funding through the Childcare BC New Spaces Fund.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3910, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3910, 2023 and notification in accordance with the *Local Government Act*.

Report prepared by:



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Approved to be forwarded to Council:



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Attachments:

- (1) Location Map

- (2) Orthophoto Map
- (3) Zoning Map
- (4) Letter of Rationale 2022-04-27
- (5) R1 and PU Zones
- (6) Preliminary Plan Layout Option 1 2023-04-28
- (7) Draft Zoning Amendment Bylaw No. 3910