



REQUEST FOR DECISION

MEETING DATE:

August 21, 2023

TITLE:

Development Permit Application PLDPNR202300489 - Child Care Facility - 420 King Street - Public Hearing and Decision

DIVISION:

Planning & Infrastructure

SUMMARY:

A development permit application to establish a Child Care Facility in a vacant space within the existing building at 420 King Street with an associated outdoor play area, located in a DC-Direct Control District, is being brought forward for a decision by Council. Council is the Development Authority to exercise control over the use and development of land or buildings in this DC District.

PROPOSED MOTION:

THAT Development Permit Application PLDPNR202300489 to locate a Child Care Facility within a vacant space in the existing building, King Street Mall located at 420 King Street, with an associated outdoor play area be approved subject to the conditions outlined in the attached proposed Development Permit Decision.

THAT authority be delegated to the Development Officers of the City of Spruce Grove to administer the Land Use Bylaw with respect to enforcement of the proposed development located at 420 King Street and subsequent development permit applications for signage.

BACKGROUND / ANALYSIS:

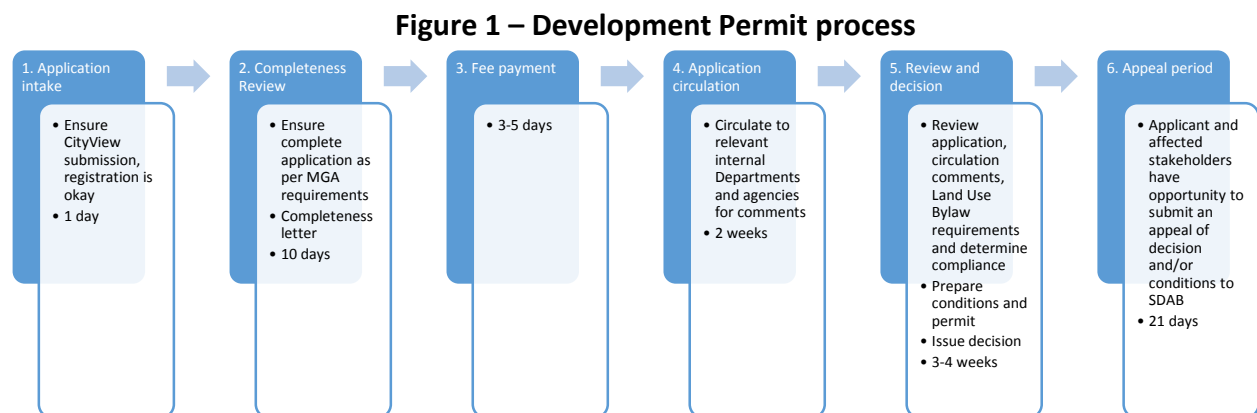
A development permit application was submitted to the Planning and Development Department with authorization from the property owner of 420 King Street, Triumph King Street Acquisition Group Ltd., to locate a Child Care Facility within a vacant space of the existing

building including an associated outdoor play area. The vacant space is the former Spruce Grove Examiner location.

This application is for a site that is districted Direct Control. In accordance with the *Municipal Government Act*, Council acts as the Development Authority for development permits in these districts if the authority has not been delegated to Administration.

Council is the development authority for a Direct Control District and makes the final decision on development permit applications. Council's decision on a development permit application in a Direct Control District is final and cannot be appealed.

A Development Authority follows the required steps as outlined in Figure 1 when processing development permit applications. Administration has completed Steps 1 through 5 and is making a recommendation to Council for the final decision. With this particular application, Step 6 is not required. A summary of the considerations for Step 5 is provided to inform Council's final decision.



Step 1-3: Completed and fees paid by applicant

Step 4: Application circulated to Fire Services

Step 5: Review and Decision

Application summary:

- The application is to locate a Child Care Facility within a vacant space in the existing building at 420 King Street with an associated outdoor play area.
- The subject site is located on the east side of King Street, south of Agrena Road and the west side of existing residential condominium units.

- The proposed Child Care Facility is adjacent to high density residential to the east and public service institutional uses, Agrena, Central Park, Yellowhead Regional Library, to the north and west.

Land Use Bylaw (LUB) requirements:

Land Use District	<p>Administration reviewed the Land Use district of the subject site under the City's Land Use Bylaw and determined it was zoned Direct Control.</p> <p>Under a Direct Control District where decision making authority has not been delegated to Administration, Council reviews the details of the proposed development to ensure the development meets the expectation of what should be allowed on the site.</p> <p>To consider the details of a Direct Control District, a similar existing district is used as the basis for review. Research was conducted by Administration to determine what the site was zoned prior to Direct Control and the reasoning for the change in zoning to Direct Control.</p> <p>In June 2002, the existing mall site at 420 King Street was rezoned to DC-1 - Direct Control - Comprehensive District from C-5 - Commercial-Shopping Centre District. The purpose of this redistricting was to allow for redevelopment of King Street Mall as a commercial and residential facility.</p>
Use	<p>On January 10, 2005, Council approved as the Development Authority, a development permit for the redevelopment of the King Street Mall property. Council approval included the construction of a nine-storey residential building and to renovate the existing commercial mall. As part of the development permit approval for the existing King Street Mall commercial building, Council approved Permitted Uses, such as Retail Establishment, Medical Clinics, Personal Services Establishment, and Eating and Drinking Establishment that were outlined in the C-5 commercial district at the time. Child Care Facilities were not a Permitted Use, therefore, was not an approved use at that time.</p> <p>As the existing building is of a commercial nature, Administration reviewed the existing commercial districts under the current Land Use Bylaw and determined that Child Care Facilities are a discretionary use under all these districts. A discretionary use is a use of land or building described in the district regulations of the bylaw for which a development permit may be issued with or without conditions and which conforms to the Bylaw.</p>

<p>Child Care Facility Definition</p>	<p>A Child Care Facility is defined under the Land Use Bylaw as a development used to provide care and supervision, but not overnight accommodation, to seven or more children under the age of thirteen. Typical Child Care Facilities, including associated On Site play areas, shall be located a minimum of 25.0m from the closest point of a Cannabis Sales Use.</p> <p><i>The proposed Child Care facility meets the definition of a Child Care Facility as outlined in the Land Use Bylaw. There is no Cannabis Sales Use located within 25.0 m of the proposed facility.</i></p>
<p>Special Regulations for Child Care Facility</p>	<p>Child Care Facilities under the City's Land Use Bylaw requires the proposed facility be located in a separate facility within the Principal Building on the site with a separate access to ground level.</p> <p>The facility is proposed to be located in a vacant bay within the existing commercial building with separate ground level access.</p> <p>When deciding whether to approve or refuse a Child Care Facility in a commercial district, a Development Officer shall consider, among other matters, traffic, noise, and proximity to hazardous uses to ensure the proposed Child Care Facility is in an appropriate location.</p> <p>Additional regulations indicate that no portion of a Child Care Facility Use, including the Building or bay of the Building and, where provided, On Site outdoor play space, shall be located within 50.0 m of a Service Station or a Gas Bar. There are no Gas Bars or Service Stations with the proximity noted in the regulations.</p> <p>This facility is proposed to be located in the space that the Spruce Grove Examiner newspaper previously occupied, on the northeast side of the building. It has a residential condominium complex, King Street On The Park, located on the east side and Perks, being an Eating and Drinking Establishment, within the same building, on the west side.</p> <p><i>Administration feels that the proposed Facility is in an appropriate location.</i></p> <p>There is an onsite outdoor play space proposed to be located immediately in the front of the proposed facility. The regulations states that:</p> <p><i>Where On Site outdoor play space is provided, pursuant to the Provincial Child Care Licensing Regulation, it shall comply certain regulations.</i></p> <p>The regulations that relate to this proposed outdoor play area are as follows:</p> <p>(a) The Outdoor play space shall be located at ground level.</p>

	<p><i>The play space is proposed to be located outside of the internal space used for the Child Care Facility.</i></p> <p>(b) The Outdoor play space shall be securely enclosed on all sides.</p> <p><i>The play space is proposed to have a six-foot chain-link fence surrounding it.</i></p> <p>(c) In any non-residential District, the outdoor play space shall not be located in any Yard that Abuts a Street unless the design, size, and other characteristics of the proposed play space mitigate the potential impact from the Street traffic upon children using the play space, and</p> <p>(d) That the outdoor play area should be avoided, or their effects mitigated through landscaping, buffering, fencing, or other means if located adjacent to noisy, noxious, or hazardous adjacent uses such as, but not limited to, loading spaces, garbage bins, large parking lots, arterial roads, passenger drop-off areas, rail lines, or stormwater lakes.</p> <p><i>The play space does not abut a street but does abut a portion of the parking facility for the entire site, in particular, a no parking area. To mitigate any concerns, fencing will be erected around the play area. Administration would recommend that concrete barriers be installed along the north and northwest corner of the outdoor play area to provide additional security.</i></p> <p>(e) In a residential district, outdoor play space may be allowed in any yard, providing it is designed to limit any interference with other uses or the peaceful enjoyment of the properties of nearby residents through fencing, landscaping, buffering, and the placement of fixed play equipment.</p> <p><i>The play space will have a six-foot chain-link fence surrounding it with green space and trees separating the play area and the residential condominium units.</i></p> <p><i>Administration feels that the proposed child care facility meets the Land Use Bylaw regulations for Child Care Facilities and aligns with compatible district regulations.</i></p>
Additional Findings	<p>There is a FDC (Fire Department Connection) on the outside of the building where the Child Care Facility would be located.</p>

	<p>Concerns have been addressed by the City's Fire Services Department regarding access to the FDC.</p> <p><i>Administration has recommended as a condition of development permit approval that the fencing around the outdoor play area be constructed with removable panels and gates to the satisfaction to the Fire Department.</i></p>
Parking	<p>The proposed use will require 13 onsite parking stalls as per the City's Land Use Bylaw. The existing parking facility has enough parking stalls to accommodate the requirements for the proposed Child Care Facility.</p>
Draft conditions	<p>In accordance with the <i>Municipal Government Act</i> and the Land Use Bylaw, conditions may be applied to the development permit.</p> <p><i>Proposed conditions are included on the attached draft permit.</i></p>

Review and Recommended Decision

Administration has reviewed the development permit application and recommends Council approve the permit, as in the opinion of Administration, this proposed Child Care Facility meets the requirements and regulations of the City's Land Use Bylaw C-824-12.

Administration recommends the approval of Development Permit Application PLDPNR202300489 to locate a Child Care Facility with an associated outdoor play area on the site of 420 King Street. Administration also recommends that Council delegate authority to the Development Officers to administer the Land Use Bylaw with respect to enforcement of this proposed development and subsequent development permit applications for exterior signage.

OPTIONS / ALTERNATIVES:

As the development approving authority for a Direct Control District, Council has the options to vary or add conditions of approval or to deny the proposed application. Council may also request changes to the plans and require the applicant to return to a subsequent meeting or request additional information to inform their decision. Dependent on the nature of these requests and whether Council wants additional input from the public or stakeholders, Council may also direct that a second public hearing be held.

CONSULTATION / ENGAGEMENT:

A public hearing notice was posted on the City website on August 8, 2023 and was published in the Spruce Grove Examiner on August 11, 2023. Notifications were also mailed to adjacent property owners.

IMPLEMENTATION / COMMUNICATION:

Implementation of Council's decision will be managed by the City's Development Officers as delegated by Council.

IMPACTS:

Approval of the development permit would allow for a Child Care facility with an associated onsite play area to be located at 420 King Street.

FINANCIAL IMPLICATIONS:

n/a