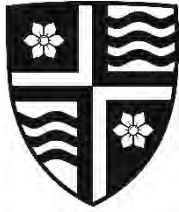


Township of  
Langley



Est. 1873

## REPORT TO MAYOR AND COUNCIL

**PRESENTED:** JULY 8, 2019 - REGULAR EVENING MEETING  
**FROM:** COMMUNITY DEVELOPMENT DIVISION  
**SUBJECT:** REZONING APPLICATION NO. 100580  
(URBANEX WALNUT GROVE DEVELOPMENT CORP. / 9497 – 201 STREET)

**REPORT:** 19-107  
**FILE:** 08-35-0181

### PROPOSAL:

Application to amend Comprehensive Development Zone CD-14 to accommodate group children's day care as a permitted use on a 6,320 m<sup>2</sup> (68,028 ft<sup>2</sup>) property located at 9497 - 201 Street.

### RECOMMENDATION SUMMARY:

**That** Council give first and second reading to Bylaw No. 5489 and authorize staff to schedule the required Public Hearing.

### RATIONALE:

The proposal is compatible with the provisions of the Northwest Langley Community Plan and meets a number of the Assembly Use Locational Guidelines.



REZONING APPLICATION NO. 100580  
(URBANEX WALNUT GROVE DEVELOPMENT CORP. / 9497 – 201 STREET)  
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**RECOMMENDATIONS:**

**That** Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (URBANEX) Bylaw 2019 No. 5489, amending Comprehensive Development Zone CD-14 to add group children's day care as a permitted use; and further

**That** Council authorize staff to schedule the required public hearing.

**EXECUTIVE SUMMARY:**

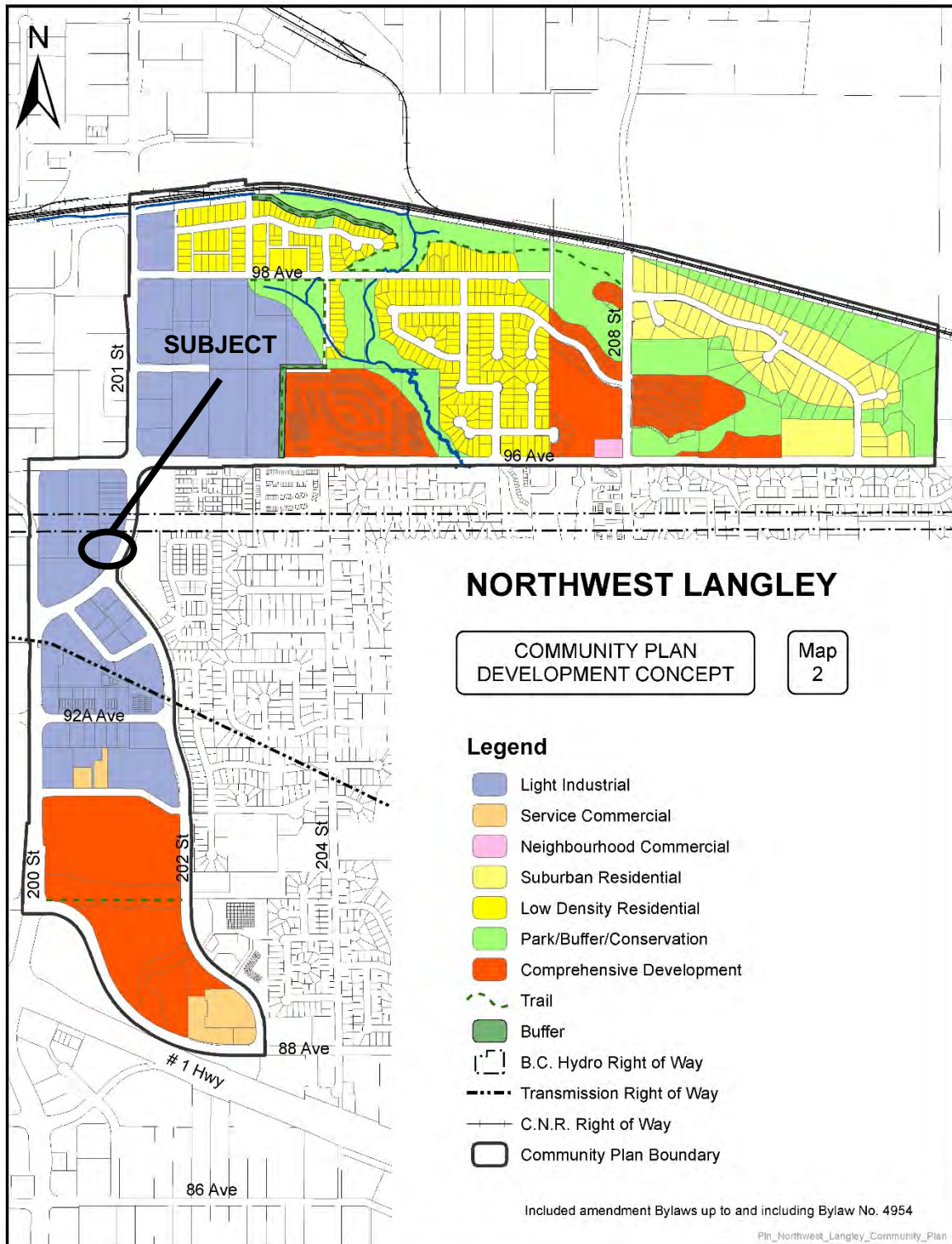
A Group Children's Day Care facility (operated by The Learning Circle North Langley and providing care for up to sixty-two (62) children) is proposing to relocate to the property located at 9497 - 201 Street. The proposed use is not accommodated in the site's Comprehensive Development CD-14 zoning. The property owners have applied to amend the text of the CD-14 Zone to add group children's day care to the list of permitted uses.

Day care facilities require approval from Fraser Health for a childcare licence under the Community Care and Assisted Living Act. The day care facility is proposing to locate into an existing commercial building on the property, which may require tenant improvements to satisfy the BC Building Code requirements for assembly occupancy.

Staff support the proposal as the site's Light Industrial designation in the Northwest Langley Community Plan does not preclude the location of a group children's day care Centre on the site, subject to rezoning and subsequent licencing pursuant to the Community Care and Assisted Living Act.

**PURPOSE:**

This report is to provide information and recommendations to Council concerning the proposed rezoning application.



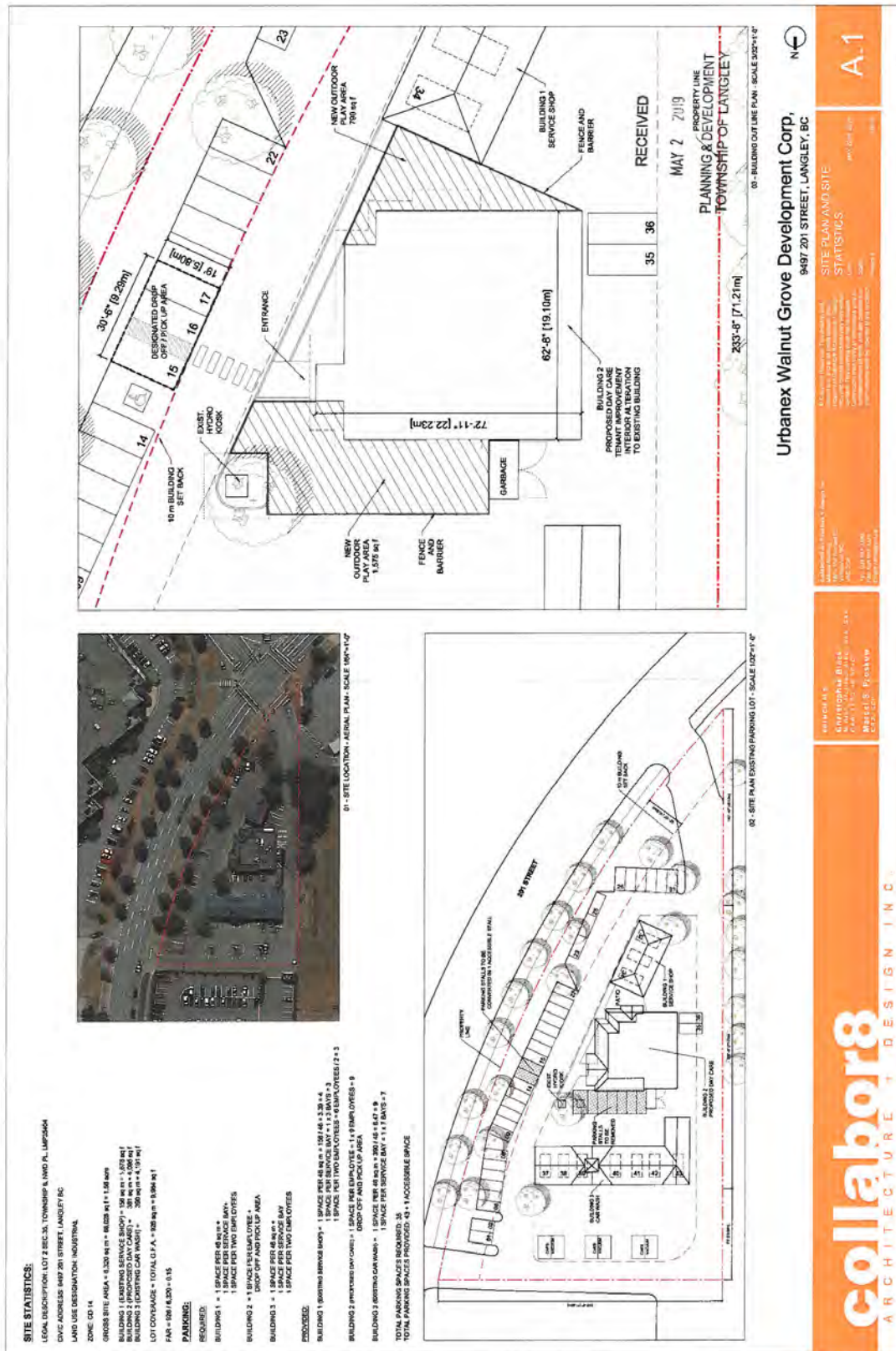
REZONING APPLICATION NO. 100580  
(URBANEX WALNUT GROVE DEVELOPMENT CORP. / 9497 – 201 STREET)  
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**ZONING BYLAW NO. 2500**



REZONING APPLICATION NO. 100580  
 (URBANEX WALNUT GROVE DEVELOPMENT CORP. / 9497 – 201 STREET)  
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SITE PLAN – SUBMITTED BY APPLICANT

**Reference:**

<b>Owners/Agents :</b>	URBANEX Walnut Grove Development Corp. 1-9497 – 201 Street Langley, BC V1M 4A5
<b>Legal Description:</b>	Lot 2 Section 35 Township 8 New Westminster District Plan LMP35404
<b>Location:</b>	9497 – 201 Street
<b>Area:</b>	6,320 m <sup>2</sup> (68,028 ft <sup>2</sup> )
<b>Existing Zoning:</b>	Comprehensive Development Zone CD-14
<b>Proposed Zoning:</b>	Amended Comprehensive Development Zone CD-14
<b>Northwest Langley Community Plan:</b>	Light Industrial

**BACKGROUND/HISTORY:**

The subject property is located on 201 Street amongst other commercial land uses in Northwest Langley. The subject site accommodates an oil change/carwash facility and a vacant commercial building that formerly accommodated a financial service use. The Learning Circle North Langley day care facility accommodating up to sixty-two (62) children is proposing to relocate to the subject property. Group children's day care use is not currently among the uses permitted in the site's Comprehensive Development CD-14 zoning. The subject rezoning application is necessary to accommodate the proposed use on site.

Should Council approve the rezoning application, the applicant may require tenant improvements on the existing building to accommodate the proposed assembly use. The applicant will be required to apply for a Township of Langley Business Licence and provide a copy of a group child care licence in accordance with the Community Care and Assisted Living Act issued by Fraser Health Authority.

**DISCUSSION/ANALYSIS:**

The subject property is zoned Comprehensive Development Zone CD-14, designated Light Industrial in the Northwest Langley Community Plan and is located adjacent to existing service commercial uses (Chevron, Great Canadian Oil Change, car wash and Technical Safety BC office). The existing zoning is a hybrid of service industrial and office park zones, and accommodates a variety of uses such as:

- 1) *all uses permitted in the Service Industrial Zone M-1A except the following M-1A uses which are prohibited:*
  - a) *vehicle towing uses and vehicle storage compounds (temporary and permanent);*
  - b) *public works yards, maintenance yards, and accessory open storage uses unless located in a fully screened rear yard on a lot greater than 6,000 m<sup>2</sup> in size;*
  - c) *transportation and trucking terminals and compounds including public transportation depots;*
  - d) *service stations and gas bars;*

- e) *vehicle body shops;*
- f) *vehicle servicing and vehicle repair shops unless located on a lot greater than 3,000 m<sup>2</sup> in size; and*
- g) *parking of commercial vehicles*
- 2) *business and professional offices and research and development laboratories*
- 3) *computer sales, service and repair stores (excluding home electronic retail stores)*
- 4) *medical clinics*
- 5) *custom brokers*
- 6) *funeral homes excluding crematoria and accessory crematoria*
- 7) *assembly uses excluding residential institutional uses*
- 8) *new automotive parts and accessory stores*
- 9) *servicing and repair of household appliances and goods*
- 10) *home improvement centres excluding outside building material storage yards*
- 11) *mail order, mailbox and business service uses*

The Township of Langley Zoning Bylaw defines a group children's day care centre as follows:

***GROUP CHILDREN'S DAY CARE"*** means a use providing for the care of children and licensed under the Community Care and Assisted Living Act as amended. Includes a nursery school, pre-school, and other like child minding facility for more than 8 children under the age of 12, including those of the operator.

Group children's day care centres with more than eight (8) children in care are currently permitted in a range of zones including some institutional, commercial, industrial and site specific comprehensive development. The Township of Langley Zoning Bylaw is exclusionary by nature, as group children's day care is a specifically permitted use in a number of other zones, it is therefore not currently permitted in the CD-14 Zone. The applicant is proposing to amend the text of the CD-14 Zone to include group children's day care in the list of permitted uses. Day care facilities are required to obtain a licence for the number and age of children in care from the Community Care Licencing Facilities Branch of the Fraser Health Authority.

#### **Adjacent Uses:**

- North:** A three (3) storey office building with ground oriented commercial retail units, zoned Comprehensive Development Zone CD-14 and designated Light Industrial in the Northwest Langley Community Plan;
- South:** 201 Street, beyond which are light industrial properties fronting 202 Street zoned Comprehensive Development Zone CD-14 and designated Light Industrial in the Northwest Langley Community Plan;
- East:** A three (3) storey office building, zoned Comprehensive Development Zone CD-14 and designated Light Industrial in the Northwest Langley Community Plan;
- West:** An industrial property zoned Service Industrial Zone M-1A accommodating the Chevron gas station; a 2 ha (4.9 ac) rural residential property zoned Rural Zone RU-1; all are designated Light Industrial in the Northwest Langley Community Plan.

The applicant has provided a letter of intent (Attachment A) requesting consideration of amending the text of the Comprehensive Development Zone CD-14 to enable the proposed day care facility to operate on the subject property (subject to licencing and building upgrades). The building will be required to meet BC Building and Fire Codes for an assembly occupancy use (i.e. washrooms and fire suppression etc.).

Traditionally, group children's day care centres have tended to locate on the edge of single family neighbourhoods, adjacent to school and church sites, as well as in purpose built buildings in commercial areas. These locations are generally well suited to address land use context, Building Code, zoning, parking and access considerations. The Northwest Langley Community Plan is silent on institutional uses, however, the Assembly Use Locational Guidelines provide considerations when siting institutional uses such as day care (as further described in this report below).

### **Assembly Use Locational Guidelines:**

An "Assembly Use Locational Guideline" has been developed by the Township in order to assist in determining the best location for an assembly type use (Attachment B). The proposal meets a number of the locational criteria for assembly uses, as follows:

1. *Not in the Agricultural Reserve;*  
The subject property is not located in the Agricultural Land Reserve.
2. *Not in a single family area, although may be located on the perimeter of one;*  
The subject property is located in an area that contains commercial and industrial uses.
3. *In an area where an adequate traffic circulation system exists;*  
The property is situated along an arterial roadway.
4. *On a collector or arterial street as opposed to a local residential street;*  
The property fronts 201 Street - an arterial roadway.
5. *In an area where full municipal services are provided, or such other level of service deemed acceptable to the Manager of Development Engineering;*  
Full municipal services exist to the subject site.
6. *Be provided with adequate off-street parking;*  
The proposed 44 parking stalls of off-street parking provided vs. 35 stalls required exceeds the Zoning Bylaw requirements.

### **Proposed Zoning Amendment:**

The subject site is currently zoned Comprehensive Development Zone CD-14. Bylaw 2019 No. 5489 proposes to add group children's day care to the list of permitted uses to accommodate the proposed day care. Staff note the CD-14 Zone applies to properties in Northwest Langley along portions 201 and 202 Streets (92A to 96 Avenues) and on 203 Street (north of 96 Avenue).

### **Access and Parking:**

The site is accessed via two driveways on 201 Street. The site accommodates three (3) buildings with service commercial uses and the parking calculation provided by the applicant has accounted for the overall site. The Zoning Bylaw requires group children's day care uses to provide one (1) parking space per employee plus a designated pick up and drop off area. The applicant indicates that up to nine (9) employees are anticipated to operate the facility. The site plan indicates a total of 44 parking spaces to be provided, exceeding the Zoning Bylaw requirements of 35 spaces.

### **Servicing:**

Full municipal services exist to the subject site.



REZONING APPLICATION NO. 100580  
(URBANEX WALNUT GROVE DEVELOPMENT CORP. / 9497 – 201 STREET)  
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**Landscaping:**

No modification to the existing landscaping is proposed in conjunction with this application.

**Tree Protection and Replacement:**

The applicant has indicated there are no significant trees on the subject property.

**POLICY CONSIDERATIONS:**

The proposed amendment to the Comprehensive Development Zone CD-14 is consistent with the provisions of the Northwest Langley Community Plan and compatible with the surrounding area. The proposal achieves a number of the Assembly Use Locational Guidelines by locating on a serviced site adjacent to an arterial roadway. Staff recommend that Council give first and second reading to Rezoning Bylaw No. 5489 and authorize staff to schedule the required public hearing.

Respectfully submitted,

Daniel Graham  
DEVELOPMENT PLANNER  
for  
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A      Applicant Rationale Letter

ATTACHMENT B      Township Assembly Use Locational Guidelines

**Urbanex Walnut Grove Development Corp.**

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May 24, 2019

Township of Langley,  
20338 – 65 Avenue  
Langley, BC  
V2Y 3J1

Attention: Mr. Robert Knall  
Manager, Development Planning

Dear Robert:

RE: 9497 201 Street  
Application for Zoning Bylaw Text Amendment (CD-14)

Further to our recent conversations with various representatives of the Township of Langley, please find the enclosed application for a Zoning Bylaw text amendment for the above property in order to accommodate a *Group Children's Day Care* use. While it was previously understood the use was permissible under the existing CD-14 zone as an *Assembly* use in keeping with similarly zoned properties in the Township, we now understand the enclosed application is required to enable the use in an existing building on the property. We firmly believe the use is appropriate for the property and can be safely developed as such. Furthermore, the use clearly serves a growing need in the immediate vicinity for nearby residents and businesses alike. We believe the application furthers the intent of the Northwest Langley and Walnut Grove Community Plans.

As it relates to site features, please let this confirm there are no significant trees on the property and therefore a tree survey and evaluation report has not been provided. The property is fully developed and connected to municipal services. Please refer to the site plan accompanying the application for an outline of areas designated for the use, along with the number of employees anticipated, parking spaces provided, etc.

A lease has been in place with the proposed user for several months and the building has been vacated to accommodate the required tenant improvements and subsequent occupancy. Accordingly, we would greatly appreciate the Township considering the application in as timely of a manner as possible. Should you require further information or wish to discuss anything pertaining to the application or the Township's review, please let us know. We look forward to working with the Township through the application process.

Yours truly,  
Urbanex Walnut Grove Development Corp.



Andrew Sinclair

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Township of  
Langley

Est. 1873

## LOCATIONAL GUIDELINES

# Assembly Use

An “Assembly use” may be considered on a site (subject to rezoning to P-I Civic Institutional Zone) where all of the following locational criteria have been satisfied;

- ☐ in a designated ‘urban’ area in the Official Community Plan;
- ☐ not in the Agricultural Land Reserve;
- ☐ in a Community Plan area (where one exists) deemed suitable for *ASSEMBLY USE*;
- ☐ not in a single family area, although may be located on the perimeter of one;
- ☐ in an area where an adequate traffic circulation system exists;
- ☐ on a collector or arterial street as opposed to a local residential street;
- ☐ in an area where full municipal services are provided, or such other level of service deemed acceptable to the Manager of Development Engineering;
- ☐ be provided with adequate off-street parking; and
- ☐ have sufficient water supply and pressure available to satisfy fire department requirements including the need for the building to be “sprinklered” to bylaw requirements.

### “ASSEMBLY USE”

means a use providing for the assembly of persons for religious, cultural, or educational purposes. Excludes boarding and residential uses with the exception of one dwelling unit.



20338 - 65 Avenue  
Langley, BC V2Y 3J1  
Phone: 604.533.6034  
Fax: 604.533.6110

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500**

**AMENDMENT (URBANEX) BYLAW 2019 NO. 5489**

**EXPLANATORY NOTE**

Bylaw 2019 No. 5489 amends the Comprehensive Development Zone CD-14 by adding group children's day care to the list of permitted uses to accommodate a proposed daycare facility at 9497 – 201 Street.

**THE CORPORATION OF THE TOWNSHIP OF LANGLEY**

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500  
AMENDMENT (URBANEX) BYLAW 2019 NO. 5489**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500

The Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Urbanex) Bylaw 2019 No. 5489”.
2. The “Township of Langley Zoning Bylaw 1987 No. 2500” as amended is further amended:

- (1) By amending “Section 914 – Comprehensive Development Zone CD-14” by adding as Section 914.1(12) after Section 914.1(11) the following:

*“group children’s day care”*

READ A FIRST TIME the	day of	, 2019.
READ A SECOND TIME the	day of	, 2019.
PUBLIC HEARING HELD the	day of	, 2019.
READ A THIRD TIME the	day of	, 2019.
ADOPTED the	day of	, 2019.

_____	Mayor	_____	Township Clerk
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