



Staff Report

DEVELOPMENT SERVICES DEPARTMENT

To: **Council**

File: 3360-20 Francophone Playground 2020

From: Phil Armstrong, MDS/Planner

Date: 2021 01 26

Subject: Francophone Playground; OCP / Zoning Bylaw amendments

RECOMMENDATION

THAT per the Staff Report *Francophone Playground OCP / zoning bylaw amendments*, received January 26, 2021 from the Manager of Development Services, Council CONSIDER passing First Reading to *Town of Golden OCP Amendment Bylaw No. 1447, 2021 – Francophone Playground* and *Town of Golden Zoning Amendment Bylaw No. 1448, 2021 – Francophone Playground*, and proceed to public hearing.

CAO COMMENTS

I support the recommendation. While the highest and best use of this parcel over the long term may not be as a playground, an improvement in the meantime from an unkempt vacant lot to a maintained green space is a welcome change.

BACKGROUND

Darren Dusevic (the “applicant”) has made application to amend the OCP and Zoning Bylaw designations for the lands located at 804 11 Avenue South. Having been duly authorized by the current landowners to do so, the intent of the amendments will be to enable the applicant to purchase the land in order to lease said lands back to the Conseil Scolaire Francophone (CSF or Francophone School Board of BC). The CSF and the Parents Advisory Council would then be able to develop the subject property into a playfield and playground for the benefit of students attending L’école La Confluence Francophone School located at 820 11 Avenue South, down the block from the subject property.

DISCUSSION

Detailed below for Council’s consideration is further discussion on the existing site, proposed development, site analysis, and an overview of concerns related to the intended purpose of the rezoning.

Enclosed with this report are two bylaws:

1. Official Community Plan Amendment

The subject property is designated in the OCP as commercial and a re-designation to educational / cultural is proposed.

2. Zoning Amendment

The subject property is zoned C2 – mixed use commercial and a rezoning to I2 – community education and culture is proposed.

The enclosed bylaw also proposes to add the “Public Park” use to the I2 Zone. If passed, this will be applicable to all I2 zoned properties within the Town. This will provide clarity as it is customary to have park features associated with educational uses.

Site context:

The use of lands surrounding the subject property consists of the following:

- to the north is the Kicking Horse River, with the CP principal main line adjacent;
- to the west is Hindman/Bowers Funeral Service and parcels that are in its immediate vicinity are vacant with the exception of two legal non-conforming residential dwellings on the block; and
- to the east is a low density multi-family strata development;
- to the south are two legal non-confirming single detached dwellings as well as the Francophone School itself. The parcel upon which the school sits is zoned I2 – Community Education and Culture which is consistent with the proposed zoning amendment bylaw.



Analysis:

Location and current playground facilities

Although the school does have a play area and playground located on the current site, school administration have identified a need for additional play area for the students. Not only as the school’s enrolment grows over time, but more particularly, administration is finding the small size of the current play area only suitable only for a limited number and type of outdoor physical education and play activities. There is playground apparatus on site, but space is severely limited for team sport and open playing field based activities such as for example soccer.

The advent of the Covid 19 pandemic has exacerbated these space limitation concerns significantly with endeavours to social distance. While current thinking appears to be that the development and deployment of vaccines will eventually reduce the threat that the virus poses, there are still many unknowns in this regard and the current and future safety of the students is of paramount importance.

Therefore, for these stated reasons, school administration is seeking to utilize the lands to the north for an additional play area.

Proposed development

The proposed development is intended to be a fenced play area which encompasses the entirety of the subject property. The applicant has advised the property will be fenced and graded and further development will occur in consultation with school administration and PAC.

Pedestrian connectivity and remaining infrastructure commitments

Currently, there is no pedestrian connectivity from the school to the subject property. 11 Ave S is a classified as a collector road. In order to utilize the subject property for its intended purpose, students would need to safely transit between the two properties multiple times per day.

The applicant has been advised by staff that he may wish to strengthen the proposal prior to consideration of second reading by Council or public hearing and address this matter in detail and provide a commitment to construct a sidewalk along the east side of 11 Ave S from 9 St S to the subject property.

The applicant has acknowledged the safety benefits of a sidewalk and is looking into a solution further.

In addition, as per the contribution agreement for the building upgrades for the school dated April 12, 2019, there is remaining work that needs to be completed by the applicant on the curb letdowns on the corner(s) of 9th St s and 11 Ave S.

Future considerations

At present, the subject property is underutilized. The development of a play area would represent a use which benefits the students of L'école La Confluence as well as the community at large as a recreational space, like most school play areas it would be accessible to the public when not in use by the students. According to the applicant, the CSF has "a policy that the grounds and playgrounds are open to the public outside school hours."

However, given the location (walkable proximity to the commercial downtown and related services, scenic river and mountain views), size, and greenfield condition of the subject property, there is the potential for significant future development. Although it is not prudent to engage in overly specific speculation regarding future uses, the aforementioned factors suggest that mixed use commercial and residential development, strata or otherwise, could prove attractive to developers.

Approving this application will halt or postpone potential significant development on the subject property. This being said, the lands will remain privately held subject to any terms of the lease and be improved in a way that if and when further development should be contemplated it may be done so without major demolition costs and due regard for the existent circumstances of the day.

In closing, staff is supportive of the proposed OCP amendment and rezoning application based on the issues outlined above being addressed. Staff's hope is to perhaps return with more information on the sidewalk for the February 2, 2021 meeting and regardless schedule the public hearing for February 23, 2021.

IMPLICATIONS

Strategic

The intent of the current C2 Zone is for the development of higher density, mixed residential and commercial uses.

OCP excerpts relevant to I2 Zone

- *To provide comprehensive parks, recreation and culture services, which are supported by the entire community.*
- *To ensure parks and facilities are centres of activity and interest in the community.*
- *To encourage the continued high standard of current education facilities and services and provide adequate locations for new facilities in the community.*
- *To engage in joint facility planning initiatives with the School District to develop and use schools, community centres and parks on shared sites and as community facilities.*

And policies:

- *Parks, open space and facilities for recreation and culture shall be provided to serve all residents of the community.*
- *The Town shall endeavour to establish new neighbourhood and community parks on the basis of future development and increases in population.*

Financial

Application fees have been paid.

Administrative

Zoning bylaw refresh is part of the MDS work plan.

OPTIONS

1. Council considers passing first reading to the bylaws.
2. Council selects another course of action.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Phil Armstrong".

Phil Armstrong MCIP, RPP
Manager of Development Services / Planner

Enclosed

✓ Bylaws



BYLAW RATIONALE STATEMENT

Town of Golden OCP Amendment Bylaw No. 1447, 2021 – Francophone Playground

The purpose of this bylaw is to amend the OCP to change the designation of 804 11 Ave S to allow for a playfield and playground on the site.

MAYOR

CORPORATE OFFICER



Francophone Playground



Civic Address - 804 11th Ave S
Legal Address - LOT 4 SECTION 12
TOWNSHIP 27 RANGE 22 W5M
KOOTENAY DISTRICT PLAN NEP 22169
PID - 019-208-341

 Subject Property



SOURCE:
All data is the property of the Town of Golden.

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BYLAW RATIONALE STATEMENT

Town of Golden Zoning Amendment Bylaw No. 1448, 2021 – Francophone Playground

The purpose of this bylaw is to amend the Zoning Bylaw to allow for a playfield and playground on the site at 804 11 Ave S and to add the Public Park use to the I2 Zone.

TOWN OF GOLDEN
BYLAW NUMBER 1448, 2021
ZONING BYLAW AMENDMENT

A Bylaw to amend the “Town of Golden Zoning Bylaw No. 1294, 2008”

The Council of the Town of Golden, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited for all purposes as the “Town of Golden Zoning Amendment Bylaw No. 1448, 2021 – Francophone Playground”

2. TEXT AMENDMENT

2.1 That Schedule X; Community Education and Culture – I2 Section b) Permitted Uses be AMENDED to include Public Park.

3. MAP AMENDMENT

That Schedule A - Zoning Map of the *Town of Golden Zoning Bylaw No. 1294, 2011* be AMENDED by changing the designated zoning for the property described below and as shown on the attached map from C2 – Mixed Use Commercial to I2 – Community Education and Culture.

Legal Address: LOT 4 SECTION 12 TOWNSHIP 27 RANGE 22 W5M
KOOTENAY DISTRICT PLAN NEP22169

PID: 019-208-341

Civic Address: 804 11th Avenue South

4. SEVERABILITY

If any portion of this bylaw is found invalid by a court of competent jurisdiction, the invalid portion is severed without effect on the remaining portions of the bylaw.

READ A FIRST TIME THIS DAY OF , 2021.

READ A SECOND TIME THIS DAY OF , 2021.

PUBLIC HEARING ON THIS DAY OF , 2021.

READ A THIRD TIME THIS DAY OF , 2021.

ADOPTED THIS DAY OF , 2021.

MAYOR

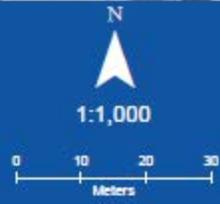
CORPORATE OFFICER

Francophone Playground



Civic Address - 804 11th Ave S
 Legal Address - LOT 4 SECTION 12
 TOWNSHIP 27 RANGE 22 W5M
 KOOTENAY DISTRICT PLAN NEP 22169
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