

STAFF REPORT TO COUNCIL

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DATE: August 18, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Acting Director of Planning and Development Services

SUBJECT: Temporary Use Permit Application No. TU000069

Applicant: A&P Thun Holdings Ltd., Inc. No. #223995 and Suki Holdings Ltd., Inc. No. #196129
Location: 1724 Strathcona Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000069
Letter of Intent from the Applicant
Liquor and Cannabis Regulation Branch Approval
Letter of Support

RECOMMENDATION(S):

That Council APPROVES Temporary Use Permit No. TU000069 for the property legally described as Lot A, District Lot 777, Cariboo District, Plan 22542 and Lot 12, Block H, District Lot 777, Cariboo District, Plan 5566.

PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a Retail, Cannabis use on the subject property located at 1724 Strathcona Avenue. The proposed retail sale of cannabis will be located in an existing tenant space on an established commercial site. Other uses on the site include liquor retail and retail, general (grocery).

The applicant has successfully completed the financial integrity check and security screening for a non-medical cannabis retail store required by the Liquor and Cannabis Regulation Branch (LCRB). The purpose of this report is to facilitate a Retail, Cannabis use on the subject property through a Temporary Use Permit.

Background

Site Characteristics

| | |
|-------------|--|
| Location | 1724 Strathcona Ave |
| Current Use | Local Commercial Strip Mall (First Litre Sports Pub) |
| Site Area | 2,405 m ² (0.59 acres) |
| Zoning | C4 & C4I: Local Commercial |

Official Community Plan

| | |
|-------------------|----------------------------------|
| Future Land Use | Neighbourhood Centre Residential |
| Growth Management | Growth Priority |

Surrounding Land Use Table

| | |
|-------|---|
| North | Residential |
| South | Strathcona Avenue; Child Development Centre |
| East | Tamarack Street; Residential |
| West | Upland Street; Residential |

Concurrent Applications

Cannabis Licence Application No. CN000019: The applicant has applied to the City for a Retail, Cannabis Licence following the successful financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis Licence Application No. CN000019 considers the proposed Retail, Cannabis use in accordance with City of Prince George Liquor and Cannabis Licence Policy, provides opportunity for public feedback, and requires a resolution from Council that will be forwarded to the LCRB.

POLICY / REGULATORY ANALYSIS:

A Temporary Use Permit (TUP) is a tool to allow a short-term use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of three years, and may only be renewed once for an additional three years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed uses.

Zoning Bylaw

The subject property is currently split zoned C4 & C4I: Local Commercial. The intent of the C4 zone is to provide local commercial areas and complementary residential uses. The C4I zone has the same intent and includes the retail sale of liquor. The applicant has applied for a TUP to allow the Retail, Cannabis use within the C4I zoned portion of the subject property located at 1724 Strathcona Ave.

The Retail, Cannabis use is permitted under the C4c: Local Commercial zone. Rather than rezone the subject property to allow for a Retail, Cannabis use, a TUP is being proposed to allow the use to occur on the subject property for a period of three years. This will afford the applicant time to assess potential impacts and consider the permanency of Retail, Cannabis at this location.

Official Community Plan

The subject property is designated as Neighbourhood Centre Residential as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). Neighbourhood Centres are intended to provide local shops, services and similar amenities with housing in a mixed-use context. OCP policy encourages infill and redevelopment of existing vacant and underused sites, with an emphasis on enhancing the pedestrian experience (Policy 8.3.31). Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a temporary use permit.

Temporary Nature of Use

The applicant would like to permanently establish a Retail, Cannabis use on the subject property. The applicant has applied for a TUP to better understand the impacts of Retail, Cannabis prior to applying to rezone.

Compatibility of Adjacent Uses

The subject property is located in an established local commercial site, which includes existing liquor retail and retail, general (grocery). Residential uses are located in close proximity to the subject property. Across Strathcona Avenue, approximately 20 m from the subject property, is the Child Development Centre. The Executive Director

of the Child Development Centre has provided a letter of support for the proposed Retail, Cannabis store, see the letter of support attached. The nearest school, Nusdeh Yoh Elementary, is approximately 250 m from the subject property and there are approximately six parks and open spaces within 500 m.

As previously mentioned, the subject property is an established local commercial site that has existed within the community for a number of years, and includes liquor retail. While an additional retail use is not anticipated to have negative impacts on the surrounding neighbourhood, the TUP will allow the applicant to assess any unforeseen impacts related specifically to the Retail, Cannabis use.

Impact on Natural Environment

The proposed use is not anticipated to negatively impact the natural environment.

Intensity of Proposed Use

The subject property is approximately 800 m south of an existing Retail, Cannabis use (Zagas Hemp Shop located at 1543 Victoria Street) and approximately 1 km north of a BC Cannabis Store (Pine Centre Mall). The Liquor and Cannabis Licencing Policy recommends a minimum separation of 1.6 km between cannabis retail uses. Although the subject property and existing Retail, Cannabis locations are within 1.6 km of one another, Highway 16 East physically separates these uses thereby mitigating conflicts or potential land use impacts.

The C4 and C4I zone permits a number of retail uses including Retail, Liquor, as per Zoning Bylaw No. 7850, 2007. As identified above, Administration is supportive of this application to allow the applicant, the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis on the subject property.

Inability to Conduct Proposed Use Elsewhere

Retail, Cannabis is permitted in C1c: Downtown; C2c: Regional Commercial; C4c: Local Commercial; and C6c: Highway Commercial, as per Zoning Bylaw No. 7850, 2007. The applicant has applied for a TUP to better understand the impacts of Retail, Cannabis prior to applying to rezone to C4c. Administration is supportive of this TUP application to better understand the impacts of Retail, Cannabis on the subject property.

OTHER CONSIDERATIONS:

Council Procedures during COVID-19

Orders of the Provincial Health Officer and Ministerial Order No. 192, issued under the Emergency Program Act, related to local government meetings and bylaw processes, have imposed specific requirements on local governments related to council meetings and bylaw process. In accordance with these orders, City Council has discontinued informal hearings for Development Variance Permit applications, Temporary Use Permit applications and other applications where such hearings are not legally required to be held. This decision is effective for the period that the Ministerial Orders related to local government meetings and bylaw processes apply.

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

Referrals

This application was referred to internal City divisions and external agencies. The RCMP did not raise any concerns with the proposed Retail, Cannabis use as there are no similar business in the immediate area. The Temporary Use Permit will allow the use to occur on a temporary basis and impacts can be assessed prior to the applicant applying to rezone on a permanent basis.

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this temporary use.

ALTERNATIVES:

1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Temporary Permit No. TU000069 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing a Retail, Cannabis use on the subject property.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Acting Director of Planning and Development Services

PREPARED BY: Kali Holahan, Planner

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2021/09/20