

STAFF REPORT TO COUNCIL

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DATE: July 24, 2019

TO: **MAYOR AND COUNCIL**

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Official Community Plan Amendment Application No. CP100155 (Bylaw No. 9063, 2019) and Rezoning Amendment Application No. RZ100631 (Bylaw No. 9064, 2019)

Applicant: Dylan Gustafson for Gustafson's Automobile Co. Ltd.
Location: 1880 Bowser Avenue, 1912, 1924, 1936, 1942, 1948 Willow Street, and 1947 Vine Street

ATTACHMENT(S):

- Location and Existing Zoning Map
- Appendix "A" to Bylaw No. 9063
- Appendix "A" to Bylaw No. 9064
- Exhibit "A" to Application No. CP100155

RECOMMENDATION(S):

THAT Council:

1. GIVE First Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9063, 2019."
2. CONSIDER "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9063, 2019", in conjunction with the current Financial Plan and confirm there are no issues.
3. CONSIDER "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9063, 2019", in conjunction with the current Regional District of Fraser Fort-George Solid Waste Management Plan and confirm there are no issues.
4. CONSIDER "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9063, 2019", in conjunction with the City of Prince George Strategic Framework for a Sustainable Prince George and confirm there are no issues.
5. GIVE Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9063, 2019."
6. APPROVE the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
 - a. Two (2) Citywide Newspaper advertisements requesting written comment;
 - b. Request for written comment from properties identified on Exhibit "A" to CP100155; and
 - c. One (1) Public Meeting.
7. GIVE First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9064, 2019."

RECOMMENDATIONS CONTINUED:

8. PERMIT the Public Hearing for proposed Bylaw No. 9063 and Bylaw No. 9064 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Receipt of a Parking and Landscaping Plan.
9. PERMIT that consideration of Final Reading of proposed Bylaw No. 9063 and Bylaw No. 9064 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - b. Receipt of security in the amount of 120% of the cost of the landscaping and paving works identified on the Parking and Landscaping Plan.
 - c. Receipt of confirmation that the following lots have been consolidated:
 - Lot A (54552M), Block 329, District Lot 343, Cariboo District, Plan 1268;
 - Lots 3 and 4, Block 329, District Lot 343, Cariboo District, Plan 1268;
 - Lot 8, District Lot 343, Cariboo District, Plan 18815;
 - Lots 17, 18, 19 and 20, Block 329, District Lot 343, Cariboo District, Plan 1268; and
 - Parcel 1, District Lot 343, Cariboo District, Plan BCP24383.
 - d. Registration of a Section 219 Covenant on the legal titles that restricts the use of the subject area to “vehicle sale, minor” only.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the General Manager of Planning and Development.

PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate an expansion of the Gustafson's Kia site (e.g. customer parking, vehicle sales and a compound area for excess vehicle stock). In order to facilitate the proposed land use, the applicant has applied to amend the OCP from Neighbourhood Centre Corridor and Neighbourhood Centre Residential to Business District, Service Commercial; and rezone eight (8) properties (subject area) from RS4: Urban Residential to C6: Highway Commercial.

Site Characteristics

Location	1880 Bowser Avenue, 1912, 1924, 1936, 1942, 1948 Willow Street, and 1947 Vine Street
Legal Descriptions	Lot A (54552M), Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 3, Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 4, Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 8, District Lot 343, Cariboo District, Plan 18815 Lot 17, Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 18, Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 19, Block 329, District Lot 343, Cariboo District, Plan 1268 Lot 20, Block 329, District Lot 343, Cariboo District, Plan 1268
Site Area	2910 m ² (0.72 acres)
Future Land Use	Neighbourhood Centre Corridor and Neighbourhood Centre Residential
Growth Management Class	Growth Priority
Servicing	City services available

Official Community Plan (see Appendix “A” to Bylaw No. 9063)

Current Future Land Use	Neighbourhood Centre Corridor and Neighbourhood Centre Residential
Proposed Future Land Use	Business District, Service Commercial

Zoning Bylaw (see Appendix “A” to Bylaw No. 9064)

Current Use	Vacant Land
Current Zoning	RS4: Urban Residential
Proposed Zoning	C6: Highway Commercial

Surrounding Land Use Table

North	Bowser Avenue; Vacant Land
South	Gustafson’s Kia; 20th Avenue
East	Vine Street; Residential
West	Willow Street; Christian Reformed Church

Relevant Applications

Rezoning Application No. RZ100104: In 2006, City Council approved rezoning of Lots 5, 6, 15 and 16, Block 329, District Lot 343, Cariboo District, Plan 1268 from URS-3A: Urban Residential to C-5A: Highway Commercial. This rezoning facilitated an expansion of Gustafson’s Kia’s showroom and vehicle sales.

Temporary Use Permit No. TU000004: In 2007, City Council approved TU000004 for vehicle storage on Lot 8, District Lot 343, Cariboo District, Plan 18815, and Lot A and Lots 19-20, Block 329, District Lot 343, Cariboo District Plan 1268, for two (2) years. This Permit facilitated vehicle storage for Northland Dodge.

Temporary Use Permit No. TU000009: In 2008, City Council approved TU000009 for vehicle storage on Lots 3, 4, 17 and 18, Block 329, District Lot 343, Cariboo District, Plan 1268, for two (2) years. This Permit facilitated vehicle storage for Northland Dodge.

Temporary Use Permit No. TU000012: In 2009, City Council approved TU000012 for vehicle storage on Lot 8, District Lot 343, Cariboo District, Plan 18815, and Lot A and Lots 19-20, Block 329, District Lot 343, Cariboo District Plan 1268, for two (2) years. This Permit facilitated vehicle storage for Northland Dodge.

POLICY/REGULATORY ANALYSIS:

Intent of the Official Community Plan

As identified in Section 1.2: Intent, Application, and Interpretation of the OCP, the *Local Government Act* establishes that all bylaws enacted or works undertaken by Council after adoption of the OCP must be consistent. An OCP, however, is not intended to be a static document, but should adapt to new trends within society and respond to changing circumstances. As such, following appropriate public consultation and careful consideration by Council, policies and land use designations in an OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*.

Official Community Plan

Future Land Use

The subject area is designated as Neighbourhood Centre Corridor and Neighbourhood Centre Residential on *Schedule B-6: Future Land Use* of the OCP. The intent of the Neighbourhood Centres designation is to provide unique focal points throughout the City providing local shops, services and similar amenities. The Neighbourhood Centre Corridor designation also indicates that the City should focus commercial growth within the urban area, with an emphasis on Downtown; Neighbourhood Centres and Corridors are to match residential growth directions (Policy 8.3.4). In addition to this, the City should encourage redevelopment of existing vacant and underused sites (Policy 8.3.31).

The applicant has proposed to amend the OCP to Business District, Service Commercial on the subject area. The Business District, Service Commercial designation is intended for tourist accommodation and ancillary uses, and retailers that are accessed primarily by vehicle, such as service stations and vehicle dealerships (Policy 8.3.73). This designation will facilitate the expansion of the existing Gustafson’s Kia site into the subject area.

The applicant’s proposal is consistent with the Business District, Service Commercial designation as the proposed C6 zone permits a vehicle sale, minor use. Furthermore, the subject area is accessed primarily by vehicle, located adjacent to the Highway 16 and 20th Avenue interchange. The proposed vehicle sale, minor use is complementary to the existing Gustafson’s Kia vehicle sales. This proposal will provide redevelopment opportunities to the surrounding underused site area (Policy 8.3.31).

Administration is supportive of the proposed OCP amendment as per the rationale provided above.

Growth Management

The subject area is designated as Growth Priority in *Schedule B-4: Growth Management* of the OCP. The intent of this designation is to prioritize infill development and encourage utilization of vacant sites (Policy 8.1.1). The applicant intends to develop the subject area to include Gustafson's Kia vehicle sales, customer parking and a vehicle compound. This proposal will expand and revitalize the existing Gustafson's Kia site, and redevelop vacant and underused sites.

Administration supports this application as it is consistent with OCP growth management policy direction.

Zoning Bylaw

The subject area is zoned RS4: Urban Residential which is intended to accommodate single detached housing on lots with lane access and provide complementary residential related uses that are compatible with the area.

The applicant has applied to rezone the subject area from RS4: Urban Residential to C6: Highway Commercial, as shown on Appendix "A" to Bylaw No. 9064. The intent of the C6 zone is to provide for commercial uses appropriate for highway locations. The proposed rezoning will expand the existing C6 zone at Gustafson's Kia to include the subject area totaling 2910 m² (0.72 acres). The applicant has proposed to expand the existing Gustafson's Kia site over the subject area to include customer parking, vehicle sales and a vehicle compound for excess vehicle stock.

Portions of the subject area has already been used for this purpose under a Temporary Use Permit with no bylaw complaints for noise, traffic or parking. Throughout the City, vehicle sales are considered a Highway Commercial use. The Zoning Bylaw permits vehicle sales in the C6 zone and in C1: Downtown only along 1st Avenue (Highway 16 East). The subject area is adjacent to the Highway 16 and 20th Avenue interchange. The proposed vehicle sale, minor use is an extension of the existing Gustafson's Kia vehicle sales. The applicant has offered to consolidate the subject area with the existing Gustafson's Kia site and will register a Section 219 Covenant on title of the subject area to limit land use to "vehicle sales, minor." This will ensure that incompatible Highway Commercial uses may not be established on the subject area.

Administration supports this application as it is consistent with the policy direction provided in the OCP.

Land Use Impacts

The subject area is adjacent to the existing Gustafson's Kia site. The proposed rezoning will facilitate the expansion of the existing site to include customer parking and vehicle sales, as well as a compound area for excess vehicle stock. Currently, Gustafson's Kia is using vacant Lots 3 and 4 for as a compound area for storage, and customer parking is primarily provided on-street along Willow Street and Vine Street. Lots 3 and 4 are immediately adjacent to residential uses. The remainder of the subject area is also within close proximity to residential land uses, however there is a lane separating the subject area and residences. Potential aesthetic impacts will be lessened with the required landscaping and screening.

Typical land use impacts associated with vehicle sales, minor include site aesthetics and traffic impacts (i.e. access and egress). The subject area is currently vacant and underused. The proposed expansion of Gustafson's Kia customer parking, vehicle sales and vehicle compound, will require landscaping and screening to further improve the subject area.

As noted above, a Parking and Landscaping Plan will be reviewed by Administration prior to Public Hearing to ensure landscaping, screening, parking and paving provisions are provided on-site. As a Development Permit may not be triggered, Administration will be requiring a Parking and Landscaping Plan, and securities to facilitate this application.

STRATEGIC PRIORITIES:

The proposed rezoning is consistent with Council's strategic priority to enhance local conditions that support existing businesses and prioritize infill development.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Lot Consolidation

Currently, the subject area comprises eight (8) legal parcels. In order to accommodate the proposed expansion of the existing Gustafson's Kia site to include customer parking and vehicle sales, as well as a compound area for excess vehicle stock, the Department recommends that the lots be consolidated with the existing Gustafson's Kia site (Parcel 1, District Lot 343, Cariboo District, Plan BCP24383).

Administration recommends that Final Reading of Bylaw No. 9063 and Bylaw No. 9064 be withheld until confirmation of the lot consolidation is received to the satisfaction of Administration.

Parking and Landscaping Plan

As a Development Permit will not be triggered as part of the proposed rezoning, a Parking and Landscaping Plan and security in the amount of 120% of the cost of the landscaping, screening, parking and paving works identified on the Parking and Landscaping Plan is required. A review of this plan and the security obtained will allow Planning and Development to ensure that the parking and landscaping of the site is in compliance with the Zoning Bylaw.

Administration recommends that the Public Hearing of Bylaw No. 9063 and Bylaw No. 9064 be withheld until a Landscape Plan has been received. Furthermore, Administration recommends that Final Reading of Bylaw No. 9064 be withheld until security in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan has been submitted to the satisfaction of Administration.

Section 219 Covenant

In order to maintain a low level of traffic on the subject area and restrict further development, the applicant has indicated that they will register a Section 219 Covenant on title of the subject area prior to Final Reading of Bylaw No. 9064. This covenant would restrict the subject area to vehicle sale, minor for Gustafson's Kia and no buildings or structures may be erected on site.

Administration recommends that Final Reading of Bylaw No. 9063 and Bylaw No. 9064 be withheld until a Section 219 Covenant restricting land use has been submitted to Administration's satisfaction and is registered on the title of the subject area.

Sequence of Adoption for the Official Community Plan

Pursuant to the *Local Government Act*, City of Prince George OCP Bylaw No. 8383, 2011 was adopted by considering the Financial Plan, Solid Waste Management Plan and Strategic Framework. Therefore, any amending bylaws to the OCP must also consider these plans.

Section 477 of the *Local Government Act* identifies the adoption procedures for the development, repeal or amendment to the OCP bylaw. This sets in motion the following sequence which identifies the *Local Government Act* requirements and the City's own procedures:

1. After a bylaw has been given first reading the following must occur:
 - a) Consideration of the plan in conjunction with the current [Financial Plan](#);
 - b) Consideration of the plan in conjunction with the current [Regional District Solid Waste Management Plan](#);
 - c) Consideration of any other plan and policies that the local government considers relevant (i.e. [Strategic Framework for a Sustainable Prince George](#));
 - d) Referral to the Agricultural Land Commission if the Plan applies to Agricultural Land Reserve land (*not applicable to these applications*);
 - e) Second Reading;
 - f) Public notice of the Public Hearing; and
 - g) Public Hearing.
2. Third Reading of the bylaw
3. Final Reading and Adoption of the bylaw

The *Local Government Act* requires that each reading of the OCP bylaw must receive an affirmative vote of a majority of all Council members. The adoption procedures found in Section 477 of the *Local Government Act* are required, and should any changes occur to the bylaw, the sequence of steps would be repeated.

ALTERNATIVES:

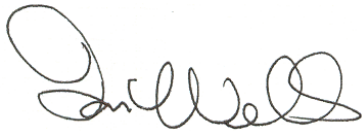
1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9063, 2019 and Bylaw No. 9064, 2019 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to amend the OCP and rezone the subject area to facilitate an expansion of vehicle sales, minor at Gustafson's Kia. Administration supports this application subject to the conditions outlined in this report.

RESPECTFULLY SUBMITTED:

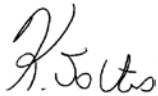


Ian Wells, General Manager of Planning and Development

PREPARED BY:

Kali Holahan, Planner

APPROVED:



Kathleen Soltis, City Manager
Meeting date: September 9, 2019