

STAFF REPORT TO COUNCIL

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DATE: May 4, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Rezoning Application No. RZ100748 (Bylaw No. 9303)

APPLICANT: 1199562 BC Ltd. for Colin & Matthew Holdings Ltd., Inc. No. BC0780710

LOCATION: 7550 Hart Hwy

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9303

RECOMMENDATION(S):

THAT Council:

1. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9303, 2022".

PURPOSE:

The applicant has applied to rezone 7550 Hart Highway (subject property) the portion of the property zoned C4: Local Commercial to C4c: Local Commercial, as shown on Appendix "A" to Bylaw No. 9303. The addition of the "c" to the C4 zone will allow a "Retail, Cannabis" use on the subject property on a permanent basis. Currently, the applicant is operating Green Culture Cannabis on the subject property under a Temporary Use Permit No. TU000061.

Site Characteristics

Location	7550 Hart Highway
Legal Description	Lot A, District Lot 2433, Cariboo District, Plan 14477, Except Plan 29887
Current Use	Retail, Cannabis
Site Area	2536.09 m ² (0.63 acres)
Growth Management Class	Infill
Servicing	City Services

Zoning (see Appendix "A" to Bylaw No. 9303)

Current Zoning	C4: Local Commercial and C6I: Highway Commercial
Proposed Zoning	C4c: Local Commercial

Surrounding Land Use Table

North	Nordic Drive; Residential
South	Vacant land
East	Residential
West	Highway 97 N; Residential; Shas Ti Kelly Road Secondary School

Relevant Applications

Temporary Use Permit Application No. TU000061: At the July 27, 2020 Council Meeting, Council approved Temporary Use Permit No. TU000061 to permit a “Retail, Cannabis” use on the subject property for three (3) years, expiring on July 27, 2023.

Cannabis Licence Application No. CN000012: At the July 27, 2020 Council Meeting, Council forwarded a resolution to the Liquor and Cannabis Regulation Branch (LCRB) supporting a cannabis retail license on the subject property.

POLICY / REGULATORY ANALYSIS:

Liquor and Cannabis Regulation Branch (LCRB)

The LCRB is the provincial authority responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. The LCRB is regulated by the *Cannabis Control and Licensing Act* and *Cannabis Distribution Act*. All distribution licenses are approved and issued by the LCRB. As indicated above, the applicant has completed the LCRB’s required financial integrity check and security screening. As such, the City concurred with the proposed cannabis licence and forwarded a resolution to the LCRB on July 27, 2020.

City of Prince George Liquor and Cannabis License Policy

The City of Prince George Liquor and Cannabis Licensing Policy (LCLP) establishes guidelines for the operation of licensed liquor establishments and cannabis retail stores within the City. The LCLP provides guidelines on hours of operation, occupant load, and location. Staff have evaluated the criteria outlined in the LCLP and have considered their relevance to this application as noted below.

Official Community Plan

Future Land Use

The subject property is designated as Service Commercial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). This designation supports a wide range of commercial uses including retail uses.

Service Commercial areas support large format retailers that are primarily accessed by vehicle, including smaller warehouse style stores (Policy 8.3.73). Due to its location immediately adjacent to Highway 97 N, the subject property is vehicle orientated. While small scale retail uses are not the focus of this designation, the proposed “Retail, Cannabis” use is consistent with the existing retail and service uses occurring on the subject property.

Administration supports this application, as the proposed “Retail, Cannabis” use is consistent with the Service Commercial designation and OCP Policy.

Growth Management

The subject property is designated as Infill 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 (OCP Policy 8.1.1).

The proposed “Retail, Cannabis” use is utilizing an existing commercial retail space on the subject property. Therefore, administration supports this application, as it is consistent with the Future Land Use and Growth Management policy direction identified by the OCP.

Zoning Bylaw

The subject property is currently split zoned as C4: Local Commercial and C6I: Highway Commercial which is intended to provide for local and highway commercial uses and complementary to surrounding residential uses. The C6I zone specifically permits a “Retail, Liquor” use. The applicant has applied to rezone the C4 portion of the subject property to C4c: Local Commercial in order to permit a “Retail, Cannabis” use. The proposed C4c zone will remain separate for the pre-existing C6I portion of the subject property. Therefore the proposed “Retail, Cannabis” use will not be permitted within the existing “Retail, Liquor” store and vice versa.

Land use impacts associated with “Retail, Cannabis” include community impact, location of use, proximity and over proliferation, adjacent land uses, parking and traffic.

Location of Establishment

The subject property has multiple commercial service uses already occurring including liquor retail, restaurant, and personal services. The immediately adjacent properties consist of single detached housing (north and east), undeveloped highway commercial uses (south), and Highway 97 (west). The proposed “Retail Cannabis” use is consistent with the existing commercial uses occurring on the subject property and supported by LCLP policy.

Community Impacts

The subject property is surrounded by commercial, restaurant, liquor retail and residential uses. Due to the surrounding uses the proposed use is within the form and character of the area. Bylaw Services has not received any complaints regarding the operation of the “Retail, Cannabis” use at the subject property.

Proliferation of Uses

The City of Prince George LCLP recommends a minimum separation of 1.6 km between cannabis retail uses outside of the downtown. The proposed “Retail Cannabis” use is approximately 1.5 km from a “Retail Cannabis” use permitted at 6473 Hart Highway. While the minimum separation distance outlined in the LCLP has not been met, the subject property is separated by Austin Road and Highway 97. The proposed location is not anticipated to create an undesirable amount of “Retail Cannabis” uses in the area.

Parking and Traffic

Onsite parking is available to accommodate parking and traffic circulation for the existing commercial node. The site is accessed from both Nordic Drive and Hart Highway Frontage Road; as such, potential access and egress conflicts to the site are mitigated. The proposed “Retail, Cannabis” use is not expected to produce additional parking or traffic concerns as it is consistent with the existing commercial uses occurring on the subject property. Further to this, Bylaw Services has received no complaints regarding traffic or parking concerns from the operation of the “Retail, Cannabis” use operating under the current Temporary Use Permit.

Administration supports this application as the proposed cannabis license is consistent with LCLP direction.

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.

RCMP

The RCMP expressed no comments or concerns with respect to this application.

Title

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9303 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

Statutory Notification and Public Consultation

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 notice to adjacent property owners and tenants whose interests may be affected by these applications.

Members of the public may provide comment by written submission, telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws. Residents who wish to speak in person can do so during the Public Hearing in Council Chambers. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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 9303, 2022 be approved.

SUMMARY AND CONCLUSION:

The applicant is currently operating Green Culture Cannabis on the subject property under a Temporary Use Permit No. TU000061, expiring on July 27, 2023. As such, the applicant has applied to rezone the subject property in order to facilitate a "Retail, Cannabis" use on a permanent basis. Administration is supportive of this rezoning application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/05/30