

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. RZ100750 (Bylaw No. 9305)

APPLICANT: Cale Rusnell for 7 PEAKS Enterprises Ltd., Inc. No. BC1344220

LOCATION: 100 Tabor Blvd

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9305

RECOMMENDATION(S):

THAT Council GIVES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9305, 2022".

PURPOSE:

The applicant has applied to rezone 100 Tabor Blvd (subject property) from C4I: Local Commercial to C4Ic: Local Commercial, as shown on Appendix "A" to Bylaw No. 9305. The addition of the "c" to the C4I zone will allow a "Retail, Cannabis" use on the subject property on a permanent basis. Currently, the applicant is operating Prince George Cannabis on the subject property under a Temporary Use Permit No. TU000052.

Site Characteristics

Location	100 Tabor Blvd
Legal Description	Lot A, District Lot 1427, Cariboo District, Plan 20420
Current Use	Prince George Cannabis
Site Area	1.0 ha (2.5 acres)
Future Land Use Designation	Neighborhood Corridor & Neighborhood Residential
Growth Management Class	Growth Priority & Infill
Servicing	City Services

Zoning (see Appendix "A" to Bylaw No. 9305)

Current Zoning	C4I: Local Commercial
Proposed Zoning	C4Ic: Local Commercial

Surrounding Land Use Table

North	1 st Avenue; Multiple Residential
South	Zion Lutheran Church & Christian School
East	Gordon Bryant Park; Residential
West	Tabor Blvd; Multiple Residential

Relevant Applications

Temporary Use Permit Application No. TU000052: At the November 4, 2019 Council Meeting, Council approved Temporary Use Permit No. TU000052 to permit “Retail, Cannabis” use on the subject property for three (3) years, expiring on November 4, 2022.

Cannabis Licence Application No. CN000007: At the November 4, 2019 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 November 4, 2019.

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 Neighborhood Corridor and Neighborhood Residential in Schedule B-6: Future Land Use of the Official Community Plan (OCP). Since the majority of the subject property is in the Neighborhood Corridor designation, that policy is the most relevant to this application.

Neighborhood Corridor areas support retail, personal services, service oriented office uses (insurance, real estate, medical/dental, travel), and food & beverage establishments intended to draw residents from surrounding neighbourhoods (Policy 8.3.54).

The applicant would like to permanently establish a cannabis retail store on the subject property. The “Retail, Cannabis” use is consistent with the Neighborhood Corridor designation.

Administration supports this application, as it is consistent with Future Land Use policy of the OCP.

Growth Management

The subject property is designated as Infill & Growth Priority in Schedule B-4: Growth Management of the OCP. Growth Management policies prioritize infill and redevelopment within infill and growth priority areas (OCP Policy 8.1.1 and 8.1.2).

The proposed “Retail, Cannabis” use is utilizing 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 zoned as C4I: Local Commercial which is intended to provide for local commercial areas and complementary residential uses. The “I” permits a liquor establishment, minor use (pub) and retail liquor on the subject property. There is currently an existing Retail, Liquor use in operation on the subject property. The applicant has applied to rezone subject property from C4I to C4Ic: Local Commercial in order to permit a “Retail, Cannabis” use.

The land use impacts that are considered with a “Retail, Cannabis” application include community impact, location of use, proximity and over proliferation, adjacent land uses, parking and traffic.

Location of Establishment

The establishment is adjacent to multiple commercial services including liquor retail, restaurants, convenience retail and personal/dental services within the same property. The immediate adjacent properties include Zion Lutheran Church & Christian School as well as townhouses, duplexes and single detached houses. The location of the establishment has similar (i.e. retail) uses and policy to support “Retail Cannabis” use.

Community Impacts

The subject property is developed as local commercial strip mall. The proposed “Retail, Cannabis” is well suited to the surrounding commercial and retail uses. Bylaw Services has not received any complaints regarding the operation of the “Retail, Cannabis” use at the subject property.

Proliferation of Uses

As previously stated, the OCP identifies Neighbourhood Corridors to provide local commercial retail opportunities to draw residents from surrounding neighbourhoods. The LCLP recommends a minimum separation of 1.6 km between cannabis retail uses outside of the downtown. There is currently no “Retail, Cannabis” uses within 1.6 km of the subject property.

Parking and Traffic

Onsite parking is available to accommodate parking and traffic circulation for the existing local commercial Strip Mall. The site is accessed from both Tabor Blvd and 1st Avenue and, as such, potential access and egress conflicts to the site are mitigated. Additionally, the existing commercial retail tenancies operate individually, offering varying business hours, further mitigating potential parking and traffic conflicts.

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 titles of the subject properties indicated no encumbrances or restrictions that would affect this application.

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 9305, 2022 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to rezone the subject property in order to facilitate a “Retail, Cannabis” use. The intent of the proposed rezoning is to allow “Retail, Cannabis” as a primary use within the C4Ic zone. The proposed store is currently in operation under a Temporary Use Permit and if approved will be able to operate past the expiration of the Temporary Use Permit on November 4, 2022. Administration is supportive of the 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