

# STAFF REPORT TO COUNCIL

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**DATE:** February 16, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Section 219 Covenant Application No. RC000019 (Bylaw No. 9228) and Rezoning Application No. RZ100711 (Bylaw No. 9229)

**APPLICANT:** L&M Engineering Ltd. for 1299141 B.C. Ltd. Inc. No. BC1299141

**LOCATION:** 3221/3191 Highway 16

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9228  
Appendix "A" to Bylaw No. 9229  
Supporting Document(s)

## RECOMMENDATION(S):

THAT Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Restrictive Covenant Bylaw No. 9228, 2021" to discharge the Section 219 restrictive covenant and modification registered as Land Title Office Document No. BB1020196 and CA2107776 respectively, from Parcel 1, District Lot 2003, Cariboo District, Plan BCP37635, Except Plan EPP60333, as shown on Appendix "A" to Bylaw No. 9228;
2. GIVES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9229, 2021";
3. PERMITS the Public Hearing for proposed Bylaw No. 9228, 2021 and 9229, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a Traffic Impact Analysis, and
  - b. Receipt of a Geotechnical Assessment;
4. PERMITS that consideration of Final Reading of proposed Bylaw No. 9228, 2021 and 9229, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a Servicing Brief, and
  - b. Registration of Section 219 Covenant that restricts building or disturbance of the AG: Greenbelt zone.

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

## PURPOSE:

The applicant would like to develop a power-sports dealership at 3221/3191 Highway 16 (subject property). To facilitate the proposed development, the applicant has applied to rezone the subject property from AG: Greenbelt and C5: Visitor Commercial to AG: Greenbelt and C6: Highway Commercial.

The subject property has a Section 219 Covenant (BB1020196 and CA2107776) registered on the legal title that restricts the number of rooms and height permitted for a hotel development, and restricts development from occurring within the AG: Greenbelt zone. As the applicant is not proposing to construct a hotel, the applicant has requested the covenant (BB1020196) and related modification (CA2107776) be discharged from the legal title. In order to provide continued protection for the AG: Greenbelt zone, the applicant has volunteered a new Section 219 Covenant that restricts building or disturbance in the area zoned AG: Greenbelt.

## Site Characteristics

Location	3221/3191 Highway 16
Legal Description	Parcel 1, District Lot 2003, Cariboo District, Plan BCP37635, Except Plan EPP60333
Current Use	Vacant
Site Area	4.4 ha
Future Land Use	Service Commercial (2.7 ha) Neighbourhood Residential (1.7 ha)
Growth Management Class	Infill
Servicing	Services Available

## Zoning (see Appendix “A” to Bylaw No. 9229)

Current Zoning	C5: Visitor Commercial (2.7 ha) AG: Greenbelt (1.7 ha)
Proposed Zoning	C6: Highway Commercial (2.7 ha) AG: Greenbelt (1.7 ha)

## Surrounding Land Use Table

North	Highway 16 Frontage Road, Highway 16 W, Vacant Land
South	Residential, Best Western Hotel
East	Marleau Road, Prince George SmartCentre
West	Highway 16 Frontage Road, Highway 16 W, Vacant Land

## Relevant Applications

**Official Community Plan Amendment Application No. CP100012 (Bylaw No. 7272) and Rezoning No. RZ100025 (Bylaw No. 7273):** In 2009, Council approved an Official Community Plan Amendment and Rezoning Application to facilitate C5: Visitor Commercial zoning for the development of a hotel and ancillary restaurant. Through the rezoning process, a Section 219 Covenant (BB1020196) was registered to the legal title of the subject property to restrict the number of hotel rooms and restaurant seats, as well as the maximum height of the development.

**Restrictive Covenant Application No. RC000007:** Administration considered an amendment to Section 219 Covenant (BB1020196) to further restrict the number of hotel rooms, increase the number of restaurant seats permitted, and increase the maximum height permitted. Approved amendments were registered to title as Restrictive Covenant Modification No. CA2107776.

## Property Title

**Restrictive Covenant No. BB1020196:** Registered to title on October 28, 2008, this covenant restricts the C5 zone to a Motel use with no more than 200 rooms for temporary sleeping accommodations, and accessory food services with no more than 100 seats. The covenant also restricts the building height to no more than 2.5 storeys. Restrictive Covenant No. BB1020196 is attached to this report as a supporting document.

**Restrictive Covenant Modification No. CA2107776:** Registered to title on July 20, 2011, the above noted Restrictive Covenant No. BB1020196 was modified to allow a Hotel/Motel use with no more than 145 rooms for temporary sleeping accommodations, and accessory food services with no more than 150 seats. The modification also altered the building height restriction from storeys to 15.5 m (max. 715.5 m MASL). Modification No. CA2107776 is attached to this report as a supporting document.

## **POLICY / REGULATORY ANALYSIS:**

### **Official Community Plan**

#### Future Land Use

The subject property is designated as Service Commercial and Neighbourhood Residential in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Service Commercial designation is primarily intended to facilitate commercial uses predominately accessed by motor vehicles. The Neighbourhood Residential designation is intended to facilitate predominately single family, low density residential development.

The applicant is proposing to develop a power-sports dealership entirely within the Service Commercial designation. The Service Commercial designation supports retail uses that are accessed primarily by vehicle such as vehicle dealerships (OCP Policy 8.3.73). Service Commercial uses are encouraged along highways and a number of sites along Highway 16 W have been identified for future Service Commercial uses (OCP Policy 8.3.74). The subject property is located adjacent to Highway 16 W, between a number of Service Commercial and Regional Commercial uses.

Administration supports this application, as the proposed power-sports dealership is consistent with the Service Commercial designation and OCP Policy.

#### Schedule B-3: Significant Slopes

The subject property has been identified within Schedule B-3: Significant Slopes. Significant slopes are slopes greater than 20% grade and may be subject to landslide, erosion and sedimentation hazards (Policy 6.4.54 and 6.4.57). Through previous land use applications a Geotechnical Report was prepared by GeoNorth Engineering Ltd., dated August 13, 2015. An updated Geotechnical Assessment has been required to confirm the previously submitted reporting is sufficient or to identify if additional reporting is required. The Geotechnical Assessment is required prior to Final Reading of the proposed bylaws.

In order to provide continued protection for the AG: Greenbelt zoned area, the applicant has volunteered to register a Section 219 covenant restricting building or disturbance of the AG zoned area.

Administration supports this application as proposed, with the protection of significant slopes by Section 219 Covenant.

#### Growth Management

The subject property is designated as *Infill* in Schedule B-4: Growth Management of the Official Community Plan. This designation is intended to infill and redevelop existing vacant and underutilized sites. The subject property is currently vacant and undeveloped. The proposed rezoning will encourage development of the vacant site while enhancing the surrounding area through appropriate building and site design.

Administration supports this application, as the proposed development is consistent with the OCP future land use and growth management policy direction.

#### Development Permit

Should this application be approved, the subject property will be identified within a Commercial Form and Character Development Permit Area. The Commercial Form and Character Development Permit Area is intended to foster improved building design, consider the human-scale for all users of a commercial site, and provide appropriate landscaping. Through the development permit process, Administration will evaluate the proposed development by its location; lot size; site access; volume of site usage; parking; landscaping and screening; development size, massing and quality of design (OCP Policy 8.3.7).

#### **Zoning Bylaw**

The subject property is split zoned as AG: Greenbelt (1.7 ha) and C5: Visitor Commercial (2.7 ha). The AG: Greenbelt zone is intended to preserve sensitive lands such as steep slopes in a natural state. The C5: Visitor Commercial zone is intended to serve visitors and travelers. The applicant has applied to rezone the C5: Visitor Commercial portion of the subject property from C5: Visitor Commercial to C6: Highway Commercial to facilitate development of a power-sports dealership. The AG: Greenbelt zoned portion of the subject property is not proposed for rezoning or future development and, again, will be further protected with a “no build” and “no disturb” Section 219 restrictive covenant.

The proposed development will utilize an underused site and provide a transition from Highway 16 W to the surrounding area. The proposed C6 zone is consistent with the adjacent regional shopping center and other service commercial uses. Should this application be approved, through the development permit process, the applicant will be required to develop the subject property with consideration for its highly visible location in proximity to Highway 16 W.

Administration supports this application, as it is consistent with surrounding land uses, the OCP's future land use and growth management policy, and the City's Zoning Bylaw regulations.

#### **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.

##### Geotechnical Overview

Portions of the subject property comprise of significant slopes as identified on Schedule B-3: Significant Slopes of OCP Bylaw No. 8383, 2011. Through previous land use applications a Geotechnical Report was prepared by GeoNorth Engineering Ltd., dated August 13, 2015. A Geotechnical Assessment prepared and sealed by a Geotechnical Engineer registered in the Province of British Columbia is required to substantiate the 2015 report. Due to the topography of the subject property the Geotechnical Assessment must address slope stability, soil permeability, and soil conditions respecting fill material.

Administration recommends that Public Hearing of Bylaw No's. 9228 and 9229 be withheld until a Geotechnical Assessment has been prepared and submitted to the satisfaction of Administration.

##### Traffic Impact Analysis

The proposed development will be accessed by the Highway 16 West Frontage Road. A Traffic Impact Analysis which includes a traffic count and recommendations for any impacts on current and future road configurations is required.

Administration recommends that Public Hearing for Bylaw No's. 9228 and 9229 be withheld until a Traffic Impact Analysis has been prepared and submitted to the satisfaction of Administration.

#### Servicing Brief

A Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required. The Servicing Brief will address technical issues related to water supply, sanitary sewer collection, and storm drainage system designs.

Administration recommends that Final Reading of Bylaw No's. 9228 and 9229 be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

#### Section 219 Covenant

In order to ensure continued protection for the AG: Greenbelt zoned portion of the subject property, the applicant has volunteered to restrict building or disturbance of this area with use of a Section 219 Restrictive Covenant.

Administration recommends that Final Reading of Bylaw No's. 9228 and 9229 be withheld until the Section 219 Covenant has been prepared and submitted to the satisfaction of Administration, and registered to the legal title of the subject parcel.

#### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9229 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

#### **Council Procedures and Statutory Notification**

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's. 9228 and 9229, 2021 be approved.

#### **SUMMARY AND CONCLUSION:**

The applicant has applied to rezone the subject property from AG: Greenbelt and C5: Visitor Commercial to AG: Greenbelt and C6: Highway Commercial. Administration recommends that Council approve the proposed rezoning for the reasons outlined in this report.

#### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Kali Holahan, Planner II

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/02/28