

# STAFF REPORT TO COUNCIL

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**DATE:** June 22, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Section 219 Covenant Application No. RC000022 (Bylaw No. 9304)

**APPLICANT:** Amerco Real Estate Company on behalf of 0960895 B.C. Ltd., Inc. No. BC0960895

**LOCATION:** 7087 Bear Road

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9304  
Section 219 Restrictive Covenant (Land Title Office Document No. BB513578)

## RECOMMENDATION(S):

That Council:

1. GIVES First and Second Reading to "City of Prince George Restrictive Covenant Discharge Bylaw No. 9304, 2022" to discharge the Section 219 restrictive covenant registered as Land Title Office Document No. BB513578 on Lot 1, District Lot 1599, Cariboo District, Plan 17097, as shown on Appendix "A" to Bylaw No. 9304.

## PURPOSE:

In order to facilitate future development of the subject property, the applicant has applied to discharge the Section 219 Covenant registered on the legal title of 7087 Bear Road (subject property), as shown on Appendix "A" to Bylaw No. 9304. The Section 219 Covenant (BB513578) restricts subdivision and development, until a Traffic Impact Study and any required intersection improvements have been completed to the satisfaction of the City, and the Ministry of Transportation and Infrastructure.

In 2017, the Ministry of Transportation and Infrastructure upgraded the intersection for Highway 16 W and Kimball Road to a fully signalized intersection. As such, the items related to traffic and highway/frontage road improvements outlined in the Section 219 Covenant have been addressed, therefore, the Section 219 Covenant can be discharged from the subject property.

## Site Characteristics

Location	7087 Bear Road
Legal Description	Lot 1, District Lot 1599, Cariboo District, Plan 17097
Current Use	Vacant land
Site Area	2.1 ha (5.29 acres)
Future Land Use	Business District, Service Commercial
Growth Management Class	Infill
Servicing	City Services Available

### Zoning

Current Zoning	C6: Highway Commercial
Proposed Zoning	N/A

### Surrounding Land Use Table

North	Highway 16 W; Blue Spruce Campground and Art Knapps
South	Greenbelt
East	Bear Road; Bon Voyage Plaza and Residential
West	Highway 16 W; Blue Spruce Campground

## **POLICY / REGULATORY ANALYSIS:**

### **Official Community Plan**

#### Future Land Use

The subject property is designated as Business District, Service Commercial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Service Commercial designation is intended to offer commercial uses in highly accessible locations, including tourist-oriented uses and retailers that are accessed primarily by vehicle. The OCP encourages Service Commercial developments to consider serviced land and amenities such as transit access and road networks for future development (OCP Objective 8.3.22). The Service Commercial designation encourages commercial uses that are accessed primarily by vehicle such as service stations, smaller warehouse-style stores and dealerships (OCP Policy 8.3.73). OCP Policy identifies several locations suitable for Service Commercial uses including along Highway 16 W near the intersection of Bear Road (Policy 8.3.74).

#### Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. This designation is intended to infill and redevelop existing vacant and underutilized sites. The subject property is currently vacant and undeveloped. The proposed Section 219 Covenant discharge will encourage development of the vacant site while enhancing the surrounding area through appropriate building and site design.

Administration supports this application, as it is consistent with the OCP's Future Land Use and Growth Management policies for development.

#### Development Permit

The subject property is identified within a Commercial Form and Character Development Permit Area. The Commercial Form and Character Development Permit area is intended to foster improved design of commercial buildings given the high visibility of these areas and their exposure to major traffic routes; provide an opportunity for human-scale considerations for all users of a commercial site; and provide an appropriate degree of landscaping of commercial sites with special attention to the human-scale, streetscape, and adjacent non-commercial uses. Prior to development of the subject property, Administration will evaluate the proposal 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 zoned C6: Highway Commercial, which is intended to provide for uses appropriate for some highway locations. As indicated previously, the subject property has a Section 219 Covenant (BB513578) registered on the legal title that restricts subdivision and development including any buildings or structures until a Traffic Impact Study and any required highway/frontage road improvements identified in that study have been completed. As the required intersection improvements have been completed by the Ministry of Transportation and Infrastructure through signalization of Highway 16 and Kimball Road, the Section 219 Covenant is no longer

required by the Ministry and the City. The applicant is proposing to discharge the covenant from the subject property, as shown on Appendix “A” to Bylaw No. 9304.

Administration supports the applicant’s proposal to discharge the Section 219 Covenant to allow for the permitted land uses of the C6 zone to prevail.

#### **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.

##### Property Title

Administration reviewed the title and noted that there were no additional charges or covenants on title that would impact the development on the subject property.

##### Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure agrees with discharge the Section 219 Covenant (BB513578), as the required intersection improvements of Highway 16 W and Kimball Road have been completed. The Ministry of Transportation and Infrastructure will be required to sign the discharge documents prior to Final Reading.

##### **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. 9304 be approved to discharge the Section 219 Covenant registered on the title of the subject property as Land Title Office Document No. BB513578.

**SUMMARY AND CONCLUSION:**

The applicant would like to discharge the Section 219 Covenant that is registered on the subject property to facilitate the future development of the site. The technical works required within the Section 219 Covenant have been completed, therefore the Section 219 Covenant can be discharged. Administration recommends that Council approve the discharge of the Section 219 Covenant registered as Land Title Office Document No. BB513578 from the title of the subject property for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/07/11