

STAFF REPORT TO COUNCIL

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DATE: June 7, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Section 219 Covenant Application No. RC000021 (Bylaw No. 9265)

APPLICANT: McWalter Consulting Limited on behalf of JST Ventures Ltd., Inc. No. 756941 and Margaret McWalter

LOCATION: 2988 Cessna Road

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9265
Section 219 Restrictive Covenant (Land Title Office Document No. CA3032636)

RECOMMENDATION(S):

That Council:

1. GIVES First and Second Reading to "City of Prince George Restrictive Covenant Bylaw No. 9265, 2021" to modify the Section 219 restrictive covenant registered as Land Title Office Document No. CA3032636 on Lot 1, District Lot 629, Cariboo District, Plan EPP23281, as shown on Appendix "A" to Bylaw No. 9265; and
2. PERMITS that consideration of Final Reading of proposed Bylaw No. 9265, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Registration of Section 219 Covenant modification of Land Title Office Document No. CA3032636 to prohibit a "wrecking yard" use as defined under City of Prince George Zoning Bylaw No. 7850, 2007.

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 contractor service, minor use at 2988 Cessna Road (subject property). The subject property has a Section 219 Covenant (CA3032636) registered on the legal title that restricts a wrecking yard, outdoor storage and major recycling center uses onsite. Since the proposed contractor service, minor use will require ancillary outdoor storage; the applicant is proposing to modify the existing Section 219 Covenant to remove outdoor storage and major recycling center uses. The covenant will continue to prohibit wrecking yard uses to reflect the Airport Light Industrial plan and other registered covenants in the area. This modification is shown on Appendix "A" to Bylaw No. 9265

Site Characteristics

Location	2988 Cessna Road
Legal Description	Lot 1, District Lot 629, Cariboo District, Plan EPP23281
Current Use	Undeveloped industrial land
Site Area	0.39 ha
Future Land Use	Business District, Light Industrial
Growth Management Class	Infill
Servicing	Services Available

Zoning

Current Zoning	M2: General Industrial
Proposed Zoning	N/A

Surrounding Land Use Table

North	Cessna Road and Residential
South	Wrecking Yard
East	Residential and Prince George Airport
West	Boundary Road; Rural and Industrial lands

Relevant Applications

Rezoning Application No. RZ100412 (Bylaw No. 8445): On May 6, 2013, Council approved a Rezoning Application to facilitate an industrial use on the subject property by rezoning from RS1m: Suburban Residential to M2: General Industrial. Through the rezoning process, a Section 219 Covenant (CA3032636) was registered to the legal title of the subject property to restrict a wrecking yard, outdoor storage and major recycling center uses from occurring onsite

Property Title

Restrictive Covenant No. CA3032636: Registered to title on March 14, 2013, this covenant restricts development of a wrecking yard, outdoor storage, and major recycling center. Restrictive Covenant No. CA3032636 is attached to this report.

Right of Way No. M131: Registered to title on October 8, 1943, this Statutory Right of Way (Land Title Office Document No. M131) was placed over a number of properties in the name of Her Majesty the Queen in Right of Canada. This right of way is intended for underground water infrastructure and servicing of these lots. The City is not named on the right of way.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Business District, Light Industrial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Light Industrial designation is intended to accommodate industrial uses which have low noise and air emissions based on Provincial Offsetting Guidelines. The Light Industrial designation encourages intensification of all light industrial lands with existing services, adequate access to public transportation, and local road networks to help facilitate the movement of people and goods (OCP Policy 8.3.92 and 8.3.93). Boundary Road is classified an arterial road which facilitates the movement of large volumes of people and goods between different areas of the City.

The proposed modification to permit outdoor storage and major recycling center uses is consistent with the Light Industrial designation. Therefore, administration is supportive of this application.

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 Section 219 Covenant modification 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 contractor service use with outdoor storage is consistent with the OCP future land use and growth management policy direction.

Development Permit

The subject property is identified within an Industrial Form and Character Development Permit Area. The Industrial Form and Character Development Permit Area is intended to foster improved building design, especially where such buildings occur in an urban environment in proximity to commercial and residential use or where such buildings are visible from major roads and highways; encourage sustainable design, green practices, air quality considerations; and provide appropriate landscaping with special attention to the streetscape and adjacent non-industrial 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).

Airport Light Industrial Neighbourhood Plan

The subject property is located within the Airport Light Industrial Plan Area. The Airport Light Industrial Plan was approved by Council in October 2008, after extensive consultation with internal City staff, potentially affected government agencies and the surrounding Pineview neighbourhood. The Airport Light Industrial Plan provides policy direction for future Light Industrial land uses and infrastructure planning for land bounded by the Prince George Airport to the east, Highway 16 to the North and Highway 97 to the south and west.

The Airport Light Industrial Plan policy recommends uses align with the principal use and development regulations of the M1: Light Industrial, M2: General Industrial, M3: Business Industrial, and C4: Local Commercial zones; however, salvage/wrecking yards are prohibited within 200 m of Boundary Road (Airport Light Industrial Plan Policy 3.4.5).

To ensure consistency with the Airport Light Industrial Plan and other industrial development along Boundary Road, Administration is supportive of the proposed modification to the Section 219 Covenant (CA3032636) to permit outdoor storage and major recycling center, and only prohibit “wrecking yards” use on the subject property. This covenant is also reflective of other restrictions on wrecking yards in the Airport Light Industrial area.

Zoning Bylaw

The subject property is zoned M2: General Industrial, which is intended to provide a mix of business and light industrial uses. Currently, the M2 zone permits outdoor storage and major recycling center, as principal uses of this zone. As indicated previously, the subject property has a Section 219 Covenant (CA3032636) registered on the legal title that restricts a wrecking yard, outdoor storage and major recycling center uses onsite. The applicant has applied to modify the existing Section 219 Covenant to remove outdoor storage and major recycling center, from the covenant, as shown on Appendix “A” to Bylaw No. 9265.

The subject property is adjacent to residential uses (north and east), wrecking yard and industrial uses (south and west). During a review of surrounding land uses, it was noted that a similar covenant restricts a “wrecking yard” use along Boundary Road within the Airport Light Industrial Plan Area. The proposed modification to the Section 219 Covenant, will remove outdoor storage and major recycling center, from the covenant.

As indicated previously, future development of the site will be required to apply for an Industrial Form and Character Development Permit. The Development Permit process allows Administration to 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 with consideration for adjacent uses. This will ensure that appropriate screening will continue for adjacent residential uses to Zoning Bylaw regulations.

The subject property is already zoned for a contractor minor uses and permits outdoor storage on other M2 zoned properties. This application will allow outdoor storage to be ancillary to the proposed contractor’s business (i.e. storage of equipment and supplies).

The proposed Section 219 Covenant modification is consistent with the OCP future land use and growth management policy direction, Airport Light Industrial Plan, and M2 zoning. As such, Administration is supportive of modifying the existing covenant.

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.

Section 219 Covenant

As noted above, the subject property has a Section 219 Covenant (CA3032636) registered on the legal title that restricts a wrecking yard, outdoor storage and major recycling center uses from occurring. The applicant has applied to modify the existing Section 219 Covenant to allow outdoor storage and major recycling center, and prohibit a “wrecking yard” use, as shown on Appendix “A” to Bylaw No. 9265.

Administration recommends that Final Reading of Bylaw No. 9265 be withheld until modification of Land Title Office Document No. CA3032636 to prohibit a “wrecking yard” use is registered to the legal title of the subject property, and has been submitted to Administration’s satisfaction.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9265 requires the Ministry of Transportation and Infrastructure’s approval 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. 9265 be approved to modify Section 219 Restrictive covenant registered as Land Title Office Document No. CA3032636 to only prohibit “wrecking yard” on the subject property.

SUMMARY AND CONCLUSION:

The applicant would like to modify the existing Section 219 Covenant to allow outdoor storage and major recycling center uses on the subject property. The covenant would still prohibit a “wrecking yard” use on the subject property. Administration recommends that Council approve the Section 219 Covenant modification 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: 2022/06/27