

# STAFF REPORT TO COUNCIL

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**DATE:** October 26, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Official Community Plan Amendment Application No. CP100192 (Bylaw No. 9341) and Rezoning Amendment Application No. RZ100746 (Bylaw No. 9342)

**APPLICANT:** 446065 B.C. Ltd., Inc. No. 446065

**LOCATION:** 145 Brunswick Street

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9341  
Appendix "A" to Bylaw No. 9342  
Exhibit "A" to Application No. CP100192  
Supporting Documents

## RECOMMENDATION(S):

That Council:

1. DENIES First and Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022"; and
2. DENIES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9342, 2022".

## PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate a warehousing facility within the existing building located at 145 Brunswick Street (subject property).

To facilitate the proposed warehousing facility, the applicant has applied to amend the OCP Future Land Use designation from Downtown to Light Industrial, as shown on Appendix "A" to Bylaw No. 9341. This application also proposes to rezone the subject property from C1: Downtown to M1: Light Industrial to facilitate the proposed warehouse, as shown on Appendix "A" to Bylaw No. 9342. Administration does not support the applicant's proposed OCP amendment and rezoning as the proposal does not meet the intent or policy direction of the OCP to revitalize downtown for the creation of a central business district.

## Site Characteristics

Location	145 Brunswick Street
Legal Description	Lots 5-9, Block 19, District Lot 343, Cariboo District, Plan 1268
Current Use	Vacant Building
Site Area	1,875 m <sup>2</sup> (0.46 acres)
Growth Management	Growth Priority
Servicing	Services Available

Official Community Plan – Future Land Use (see Appendix “A” to Bylaw No. 9341)

Current Designation	Downtown
Proposed Designation	Light Industrial

Zoning (see Appendix “A” to Bylaw No. 9342)

Current Zoning	C1: Downtown
Proposed Zoning	M1: Light Industrial

Surrounding Land Use Table

North	Vehicle Sales; 1 <sup>st</sup> Avenue
South	Parkade; 2 <sup>nd</sup> Avenue
East	Brunswick Street
West	Office; Victoria Street

Property Title

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

**POLICY / REGULATORY ANALYSIS:**

**Intent of the Official Community Plan**

As identified in Section 1.2 of the OCP (Intent, Application, and Interpretation), the *Local Government Act* explains that all bylaws enacted or works undertaken by Council after adoption of the OCP must be consistent. An OCP, however, is not intended to be a static document, but should adapt to new trends within society and respond to changing circumstances. As such, following appropriate public consultation and careful consideration by Council, policies and land use designations in an OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*.

**Official Community Plan**

Future Land Use

The subject property is designated as Downtown in Schedule B-6: Future Land Use of the OCP. This designation is intended to revitalize the commercial, cultural, and civic heart of the community (OCP Objective 8.3.5). OCP Policy encourages a mix of land uses, including housing and a wide range of commercial uses from conventional office and retail to public and private services (OCP Policy 8.3.18). Downtown is promoted as the central business district and primary location for offices (OCP Objective 8.3.8).

In order to facilitate the proposed warehousing use, the applicant has applied to amend the Future Land Use designation from Downtown to Light Industrial. The Light Industrial designation is intended to accommodate light industrial uses which have low noise and air emissions based on Provincial Offsetting Guidelines. The City currently offers several Light Industrial areas: Airport Light Industrial Area, BCR Industrial Area, Carter Light Industrial Area, CNR Industrial Area, Hartway Light Industrial Area, Northwood Industrial Area, Boundary Industrial Park (aka Global Logistics Park), Nechako Light Industrial Area, and Queensway Light Industrial Area. The OCP encourages intensification of light industrial lands within the urban area, complementary to the existing urban fabric and surrounding area (OCP Policy 8.3.92 and 8.3.98). OCP Policy further encourages development of existing light industrial lands prior to expanding into non-designated areas (OCP Policy 8.3.82). The Queensway Light Industrial Area has specifically been identified for transitional industrial uses with proximity to the downtown (OCP Policy 8.3.85).

OCP Policy promotes downtown as the primary entertainment and cultural centre of the City offering a mix of land uses (OCP Policy 8.3.18 and Policy 8.3.19). The surrounding area is predominantly commercial retail and office. The proposed warehousing facility is not consistent with the intent of the Downtown designation as per

OCP policy outlined above. Administration does not support the proposed amendment to the OCP to allow a light industrial designation within the downtown.

#### Growth Management

The subject property is designated as Growth Priority in Schedule B-4: Growth Management of the OCP. Areas within this designation are intended to prioritize infill development and encourage utilization of underutilized sites (OCP Policy 8.1.1). Growth Management designations allow the City to make decisions about how the community should grow based on existing infrastructure.

Although OCP Policy encourages infill, intensification of existing light industrial lands is encouraged prior to expanding into non-designated areas (OCP Policy 8.3.92). The proposed warehousing use is not conducive to creating a central business district in the downtown. Furthermore, the location of the proposed development is not consistent with the policy direction of the OCP. Administration does not support the proposed OCP amendment.

#### Development Permit

Section 488 of the *Local Government Act* gives municipalities the authority to designate development permit areas for specific purposes including the establishment of objectives for the form and character of industrial developments. Once a development permit area has been designated, a development permit must be obtained prior to development.

The subject property is identified within the Downtown Revitalization Development Permit Area. The Downtown Revitalization Development Permit area is intended to encourage the revitalization of downtown by emphasizing building and open space design that enhances pedestrian activity, connectivity, amenities, comfort, and safety, incorporates climate sensitive design, and contributes to the downtown's unique identity and sense of place. Through the Development Permit process, the City reviews the proposed development design to ensure that it reflects local identity, aligns with design guidelines, and enhances the built environment (OCP Policy 8.2.10). The Downtown Revitalization Development Permit guidelines require a greater consideration for street definition to create visual interest at a human scale. Should the subject property be redesignated, future development or façade improvements will not be held to the same standard of design elements provided under the Downtown Revitalization Development Permit Guidelines.

Administration does not support this application as the proposed development is not consistent with policy direction of the OCP.

#### **Zoning Bylaw**

The subject property is currently zoned C1: Downtown. The C1 zone is intended to provide for a mix of land uses as the central business district of the city. The current C1 zone would allow for uses ranging from housing to commercial service, retail, and office. The C1 zone aligns with the Downtown Business Improvement Area which covers approximately 53.0 ha (131.0 acres).

The applicant is proposing to rezone the subject property from C1 to M1: Light Industrial. The M1 zone is intended to provide for a mix of business and light industrial uses (*i.e.*, auction, major; equipment, major; service station, major; vehicle repair, major). This application is intended to facilitate a warehousing use on the subject property.

The Zoning Bylaw currently permits warehousing as a principal use within the following industrial zones: M1: Light Industrial, M2: General Industrial, M3: Business Industrial, M4: Transition Industrial, M5: Heavy Industrial, P3: Major Institutional, Z16: Blackburn Commercial, and Z17: Monterey Road Commercial zones. The proposed M1 zone will create a standalone industrial property within downtown and the Downtown Business Improvement Association boundary.

The proposed M1 zone permits types of uses that are not consistent or complimentary to the surrounding land uses. Potential industrial use of the site may lead to land use impacts that negatively affect the surrounding area (i.e. noise or traffic). Furthermore, should this application be supported it would set precedent for similar proposals in the future that would facilitate light industrial uses in the downtown area.

Administration does not support this application, as it is not consistent with the policy direction of the OCP, or with the existing, and intended, uses for the central business district.

### **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. 9341, 2022 and Bylaw No. 9342, 2022 be denied.

Should Council support this application, the sequence of adoption for the Official Community Plan is as follows:

### **Sequence of Adoption for the Official Community Plan**

Pursuant to the *Local Government Act*, City of Prince George Official Community Plan Bylaw No. 8383, 2011 was adopted by considering the Financial Plan, Solid Waste Management Plan and Strategic Framework. Therefore, any amending bylaws to the Official Community Plan must also consider these plans.

Section 477 of the *Local Government Act* identifies the adoption procedures for the development, repeal or amendment to the Official Community Plan bylaw. This sets in motion the following sequence which identifies the *Local Government Act* requirements and the City's own procedures:

1. After a bylaw has been given first reading the following must occur:
  - a. Consideration of the plan in conjunction with the current [Financial Plan](#);
  - b. Consideration of the plan in conjunction with the current [Regional District Solid Waste Management Plan](#);
  - c. Consideration of any other plan and policies that the local government considers relevant (i.e. [Strategic Framework for a Sustainable Prince George](#));
  - d. Referral to the Agricultural Land Commission if the Plan applies to Agricultural Land Reserve land (not applicable to these applications);
  - e. Second Reading;
  - f. Public notice of the Public Hearing; and
  - g. Public Hearing.

2. Third Reading of the bylaw
3. Final Reading and Adoption of the bylaw

The *Local Government Act* requires that each reading of the OCP bylaw must receive an affirmative vote of a majority of all Council members. The adoption procedures found in Section 477 of the *Local Government Act* are required, and should any changes occur to the bylaw, the sequence of steps would be repeated.

Should Council support this application, the following recommendations are provided:

THAT Council:

1. GIVES First Reading to “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022”.
2. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022”, in conjunction with the current Financial Plan and confirm there are no issues.
3. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022”, in conjunction with the current Regional District of Fraser Fort-George Solid Waste Management Plan and confirm there are no issues.
4. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022”, in conjunction with City of Prince George Strategic Framework for a Sustainable Prince George and confirm there are no issues.
5. GIVES Second Reading to “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9341, 2022”.
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
  - a. Request for written comment from properties identified on Exhibit “A” to CP100192.
7. GIVES First and Second Reading to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9342, 2022”.
8. PERMITS the Public Hearing for proposed Bylaw No. 9341 and Bylaw No. 9342 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a Landscaping Plan and security in the amount of 120% of the cost of the landscaping works identified on the Landscaping Plan;
  - b. Receipt of a Paving and Parking Plan, and security in the amount of 120% of the cost of the paving works identified on the Paving and Parking Plan; and
  - c. Receipt of a Traffic Impact Analysis.
9. PERMITS that consideration of Final Reading for proposed Bylaw No. 9341 and Bylaw No. 9342 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of confirmation that Lots 5-9, Block 19, District Lot 343, Cariboo District, Plan 1268 have been consolidated; and
  - b. Receipt of a Section 219 Restrictive Covenant that restricts land use on the subject property to “warehousing” only.

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

## **DISCUSSION OF ITEMS FOR RESOLUTION OF SUPPORT:**

### Landscape Plan

As the subject property has not been identified within an Industrial Form and Character Development Permit Area, a Landscape Plan and security in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan is required. Review of the Landscaping Plan and the security obtained will provide Administration the ability to ensure that the subject property is in compliance with the Zoning Bylaw.

Should Council support this application, Administration recommends that Public Hearing of Bylaw No. 9341 and Bylaw No. 9342, be withheld until a Landscape Plan has been submitted to the satisfaction of Administration and security received in the amount of 120% of the cost of the landscaping works.

### Paving and Parking Plan

As the subject property has not been identified within an Industrial Form and Character Development Permit Area, a Paving and Parking Plan and security in the amount of 120% of the cost of the paving works identified on the Paving and Parking Plan is required. A review of this Plan and the security obtained will provide Administration the ability to ensure that the subject property is in compliance with the Zoning Bylaw.

Should Council support this application, Administration recommends that Public Hearing of Bylaw No. 9341 and Bylaw No. 9342, be withheld until a Parking and Paving Plan has been submitted to the satisfaction of Administration and security received in the amount of 120% of the cost of the works.

### Traffic Impact Analysis

A Traffic Impact Analysis prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required to address technical issues related to traffic for the proposed development (e.g., access to and from the subject property and adjacent intersections, trip generation information, and recommendations to reduce the impacts associated with traffic).

Should Council support this application, Administration recommends that Public Hearing of Bylaw No. 9341 and Bylaw No. 9342, be withheld until a Traffic Impact Analysis has been prepared and submitted to the satisfaction of Administration.

### Lot Consolidation

Currently, the subject property consists of five legal parcels. To accommodate the proposed warehousing use, Administration recommends that the five parcels are consolidated.

Administration recommends that Final Reading of Bylaw No. 9341 and Bylaw No. 9342 be withheld until confirmation of the lot consolidation is received to the satisfaction of Administration.

### Section 219 Covenant

To reduce potential land use conflicts, the applicant will register a Section 219 Restrictive Covenant on title of the subject property. This covenant would restrict land use on the subject property to “warehousing” only.

Should Council support this application, Administration recommends that Final Reading of Bylaw No. 9341 and Bylaw No. 9342, be withheld until a Section 219 Restrictive Covenant that restricts development is provided to Administration’s satisfaction and is registered on the title of the subject property.

### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9342, 2022 requires the Ministry of Transportation and Infrastructure’s approval prior to Final Reading and adoption.

**SUMMARY AND CONCLUSION:**

The applicant has proposed to amend the OCP and Zoning Bylaw to facilitate a warehousing facility within the existing building located at 145 Brunswick Street. Administration does not support the proposed amendments as the proposal does not meet the intent or policy direction of the OCP for the revitalization of downtown to create a central business district. Administration recommends that Council deny the application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development Services

**PREPARED BY:** Kali Holahan, Planner II

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/12/05