

# STAFF REPORT TO COUNCIL

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**DATE:** October 9, 2019

**TO:** **MAYOR AND COUNCIL**

**NAME AND TITLE:** Ian Wells, General Manager of Planning & Development

**SUBJECT:** Temporary Use Permit Application No. TU000052

Applicant: Cariboo Cannabis for 0829328 BC Ltd., Inc. No. BC0829328  
Location: 100 Tabor Blvd.

**ATTACHMENT(S):**

- Location and Existing Zoning Map
- Temporary Use Permit No. TU000052
- Liquor and Cannabis Regulation Branch Approval
- Supporting Document(s)

## RECOMMENDATION(S):

1. THAT Council APPROVE Temporary Use Permit No. TU000052 for the property legally described as Lot A, District Lot 1427, Cariboo District, Plan 20420.

## PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a Retail, Cannabis use on the subject property located at 100 Tabor Blvd. The proposed retail sale of cannabis will be in a tenant space (units 202 and 204) approximately 193 m<sup>2</sup>. Please see the attached supporting documents for more detailed information.

The applicant has successfully completed the financial integrity check and security screening for a non-medical cannabis retail store required by the Liquor and Cannabis Regulation Branch (LCRB). The purpose of this report is to facilitate a Retail, Cannabis use on the subject property through a Temporary Use Permit.

## Background

### Site Characteristics

Location	100 Tabor Blvd.
Current Use	Local Commercial Strip Mall
Site Area	1.0 ha (2.5 acres)
Zoning	C4I: Local Commercial

### Official Community Plan Bylaw No. 8383, 2011

Future Land Use	Neighbourhood Corridor and Neighbourhood Residential
Growth Management Class	Infill and Growth Priority

### Surrounding Land Use

North	1 <sup>st</sup> Avenue; Multiple Residential
South	Zion Lutheran Church
East	Park; Two-Unit Residential
West	Tabor Blvd; Multiple Residential

### Cannabis License Application No. CN000007

The applicant has applied to the City for a Cannabis Retail License following the successful financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis License Application No. CN000007 considers the proposed Retail, Cannabis use in accordance with City of Prince George Liquor and Cannabis License Policy, provides opportunity for public feedback, and requires a resolution from Council that will be forwarded to the LCRB.

### **POLICY/REGULATORY ANALYSIS:**

A Temporary Use Permit (TUP) is a tool to allow a short-term use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of three (3) years, and may only be renewed once for an additional three (3) years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed uses.

#### **Zoning Bylaw**

The subject property is currently zoned C4I: Local Commercial. The intent of the C4I zone is to provide local commercial, liquor, and complementary residential uses. The applicant has applied for a TUP to allow Retail, Cannabis within units 202 and 204 of the commercial complex located at 100 Tabor Blvd.

The C4c: Local Commercial zone does allow Retail, Cannabis as a principal use, subject to a rezoning application. However, Administration is not certain of the impacts a Retail, Cannabis use will have and has recommended the applicant seek a TUP to allow Retail, Cannabis on the property for up to three (3) years. A TUP will allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis throughout the City.

#### **Official Community Plan**

The subject property is designated as Neighbourhood Residential and Neighbourhood Corridor as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Residential designation is intended to provide primarily residential uses, and associated schools and parks. The Neighbourhood Corridor designation is intended to provide local commercial nodes to draw local residents from surrounding neighbourhoods (Policy 8.3.54). The OCP does not differentiate Retail, Cannabis from other forms of retail uses, and as such this use is supportable on this site.

Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a temporary use permit.

#### Temporary Nature of Use

The applicant would like to permanently establish a Retail, Cannabis use on the subject property. Administration has suggested the applicant apply for a TUP to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis use may have in this area of the community.

#### Compatibility of Adjacent Uses

The subject property is located in a commercial node bound by Tabor Blvd and 1<sup>st</sup> Avenue, which includes multiple commercial retail tenancies such as retail, general; health services; restaurant; and office uses. The subject property is adjacent to an established religious assembly (Zion Lutheran Church) to the south, park to the east, and residential uses to the north, east and west. The proposed Retail, Cannabis use will expand on the existing commercial node providing goods and services to local residents from surrounding.

The subject property is approximately 500 m from Heritage Elementary School and DP Todd Secondary School; and within one (1) kilometre of the Rocky Mountain Rangers (formerly Meadow Elementary School), Quinson Elementary School, École Lac Des Bois, and approximately a dozen parks and open spaces.

The impacts of the proposed Retail, Cannabis use on the surrounding properties is unknown. As such, Administration is supportive of this use operating under a Temporary Use Permit (Application No. TU000052) to allow Administration an opportunity to learn and evaluate the extent of any impacts that may occur as a result of a Retail, Cannabis use.

#### Impact on Natural Environment

The proposed use is not anticipated to negatively impact the natural environment.

#### Intensity of Proposed Use

The C4I zone permits a number of retail and service uses as per Zoning Bylaw No. 7850, 2007. As identified above, Administration is supportive of this application to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis.

#### Inability to Conduct Proposed Use Elsewhere

Cannabis, Retail is permitted in the following zones, as per Zoning Bylaw No. 7850, 2007: C1c: Downtown; C2c: Regional Commercial; C4c: Local Commercial; and C6c: Highway Commercial. The applicant has applied for a TUP to allow Retail, Cannabis on the subject property following Administration's recommendation to do so. Administration would like to gain a better understanding of the extent of impacts a cannabis use may have.

#### **OTHER CONSIDERATIONS:**

##### **Referrals**

This application was referred to internal City divisions and external agencies for comments. The RCMP did not provide comment to this specific application. However, through previous land use applications for cannabis retail use the RCMP has expressed concern with respect to this type of use, and the concentration of the use in any one area of the city.

##### **Notification to Adjacent Property Owners**

As per the requirements set out in the *Local Government Act*, the City of Prince George will provide a delivery of notice to adjacent property owners whose interests may be affected by this temporary use.

#### **ALTERNATIVES:**

1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Temporary Permit No. TU000052 be approved.

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

Administration recommends that Council approve the applicant's request for a TUP allowing Retail, Cannabis use on subject property located at 100 Tabor Blvd.

#### **RESPECTFULLY SUBMITTED:**

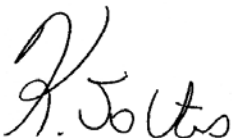


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Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Kali Holahan, Planner

#### **APPROVED:**



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Kathleen Soltis, City Manager

Meeting date: November 4, 2019