

STAFF REPORT TO COUNCIL

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DATE: April 12, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000082

APPLICANT: L&M Engineering Ltd. for Wesley and Audrey Walker
LOCATION: 490 Lyon Street

ATTACHMENT(S): Location and Existing Zoning Map
 Temporary Use Permit No. TU000082
 Exhibit "A" to TU000082

RECOMMENDATION(S):

That Council:

1. APPROVES Temporary Use Permit No. TU000082 for the properties legally described as Lots 23 and 24, Block 51, District Lot 937, Cariboo District, Plan 752; and
2. PERMITS that issuance of Temporary Use Permit No. TU000082 BE WITHHELD until the following requirement has been met to the satisfaction of Administration:
 - a. Access from 5th Avenue will be decommissioned, as shown on Exhibit "A" to TU000082.

PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a "Service, Personal" use at 490 Lyon Street (subject property). This application proposes to utilize the existing single detached house on the subject property to operate a commercial barber shop. This Temporary Use application will also allow the applicant to determine potential land use impacts prior to submitting a rezoning application.

Background

Site Characteristics

Location	490 Lyon Street
Legal Description	Lots 23 and 24, Block 51, District Lot 937, Cariboo District, Plan 752
Zoning	RS4: Urban Residential
Current Use	Residential
Site Area	557.4 m ² (0.14 acres)

Official Community Plan

Future Land Use	Neighbourhood Centre Corridor
Growth Management	Growth Priority

Surrounding Land Use Table

North	Residential
South	5 th Avenue; Commercial (Spruceland Mall)
East	Laneway; Religious Assembly (Guru Gobind Singh Temple)
West	Lyon Street; Residential

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 years and may only be renewed once for an additional three 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 RS4: Urban Residential. The RS4 zone is intended to accommodate single detached housing on lots with lane access and residential related uses that are compatible with the character of the area. The RS4 zone currently permits Home Business 1 and 2 regulations which may include a “Service, Personal” use. However, the Home Business regulations require that a Home Business is accessory to a principal dwelling, does not occupy more than 25% of the gross floor area of the principal dwelling, and is operated by at least 1 resident who resides at that dwelling for more than 240 days of a year.

As indicated previously, the applicant has applied for a TUP to allow a “Service, Personal” use on the subject property. This application will temporarily allow the existing dwelling to be used as barber shop that is not limited to the Home Business regulations noted above.

Administration supports this application as the proposed temporary use is consistent with the policy direction of the OCP, and existing land uses located south of the subject property.

Official Community Plan

The subject property is designated as Neighborhood Centre Corridor as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Centre Corridor designation is intended to encourage mixed-use developments, incorporating retail and service commercial at grade with residential above. Section 9.2 of the OCP outlines the following factors to consider for Temporary Use Permits:

Temporary Nature of Use

The applicant would like to establish a “Service, Personal” use for purposes of a barber shop on the subject property. The applicant has applied for a TUP to determine potential land use impacts prior to submitting a rezoning application.

Compatibility of Adjacent Uses

The subject property is currently developed as a single detached house located at the corner of Lyon Street (minor collector) and 5th Avenue (arterial). The subject property is surrounded by residential uses to the north and west, institutional use to the east (Guru Gobind Singh Temple), and commercial uses to the south (Spruceland Shopping Centre).

The surrounding residential properties allow for a Home Business 1 or 2 which may include a “Service, Personal” use, and the surrounding commercial properties allow for a variety of commercial uses. As such, a “Service, Personal” use is not anticipated to have negative impacts on the surrounding neighbourhood. Operating under a TUP will allow the applicant and administration to assess any unforeseen impacts that may result from a “Service, Personal” use occurring on the subject property.

Impact on Natural Environment

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

Intensity of Proposed Use

Although the current RS4 zone permits a “Service, Personal” use as a Home Business, Home Businesses are limited by gross floor area, number of employees, traffic, and hours of operation. The proposed “Service, Personal” is intended to operate a commercial barber shop. Operating under a TUP will allow the applicant and administration to assess any unforeseen impacts that may result from commercial use occurring on the subject property.

The subject property is located at the corner of Lyon Street (minor collector) and 5th Avenue (arterial), which has multiple accesses to the site (i.e. 5th Avenue, Lyon Street and the laneway). To reduce potential traffic access conflicts, the applicant will decommission the 5th Avenue access, as shown on Exhibit “A” to TU000082. The primary access to the subject property will be from Lyon Street and the laneway. To ensure the 5th Avenue access is decommissioned, Administration recommends that issuance of the TUP be withheld until the landscaped barriers are installed on the subject property, along the 5th Avenue frontage.

As the proposed “Service, Personal” use will utilize the existing single detached house and is adjacent to compatible residential and commercial uses, Administration is supportive of this TUP application.

Inability to Conduct Proposed Use Elsewhere

A “Service, Personal” use is permitted in most commercial zones by the City’s Zoning Bylaw. While commercial spaces are available elsewhere, the applicant is proposing to utilize the existing single detached house for the proposed “Service, Personal” use.

Administration supports this TUP to better understand the potential impacts of a “Service, Personal” use on the subject property and surrounding area before consideration of rezoning.

STRATEGIC PRIORITIES:

This application is consistent with Council’s strategic priority for economic growth and development by redeveloping an underutilized site.

OTHER CONSIDERATIONS:

Statutory Notification and Public Consultation

Members of the public wanting to provide comment on the application may submit written correspondence to Council. 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 public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

Referrals

This application was referred to internal City divisions and external agencies, relevant comments are summarized below.

Property Title

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

Transportation Services Division

The City's Transportation Services Division noted that 5th Avenue is designated as an arterial road, which is meant to move high volumes of traffic within the City. Accesses are not permitted on arterial roads where there is alternative access from a local road.

Administration recommends that issuance of Temporary Use Permit No. TU000082 be withheld until access from 5th Avenue is decommissioned, as shown on Exhibit "A" to TU000082.

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. TU000082 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing a "Service, Personal" use at 490 Lyon Street for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau, Planner I

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/05/08