

# STAFF REPORT TO COUNCIL

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**DATE:** May 3, 2023

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Section 219 Covenant Application No. RC000024 (Bylaw No. 9406 and 9407)

**APPLICANT:** L&M Engineering Ltd., for Prince George Global Logistics Park Inc., Inc.  
No. 0743999

**LOCATION:** 2990 Gunn Road

**ATTACHMENT(S):** Location and Existing Zoning Map  
Section 219 Restrictive Covenant (Land Title Office Document No. BB989921)  
Section 219 Restrictive Covenant (Land Title Office Document No. BB989922)

## RECOMMENDATION(S):

That Council:

1. GIVES First and Second Reading to “City of Prince George Restrictive Covenant Bylaw No. 9406, 2023” to discharge the Section 219 Covenant registered as Land Title Office Document No. BB989921 on Parcel A, District Lot 629, Cariboo District, Plan 902, Except Plans 34343, EPP4087 and EPP6480.
2. GIVES First and Second Reading to “City of Prince George Restrictive Covenant Bylaw No. 9407, 2023” to modify the Section 219 Covenant registered as Land Title Office Document No. BB989922 on Parcel A, District Lot 629, Cariboo District, Plan 902, Except Plans 34343, EPP4087 and EPP6480.

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 has applied to discharge the Section 219 Covenant (Land Title Office Document No. BB989921) to facilitate a 4-lot subdivision at 2990 Gunn Road (subject property). The Section 219 Covenant (BB989921) restricts any subdivision or development, including the construction of buildings, outdoor storage, and non-accessory parking uses from occurring on the subject property. Discharge of Section 219 Covenant (BB989921) will allow for the proposed subdivision and future industrial development. This application also proposes to modify Section 219 Covenant (Land Title Office Document No. BB989922) to prohibit wrecking yard uses within 200 m of Boundary Road to reflect the Airport Light Industrial plan and other registered covenants in the area.

### Site Characteristics

Location	2990 Gunn Road
Legal Description	Parcel A, District Lot 629, Cariboo District, Plan 902, Except Plans 34343, EPP4087 and EPP6480
Current Use	Undeveloped industrial land
Site Area	53.3 ha
Future Land Use	Business District, Light Industrial
Growth Management Class	Infill
Servicing	Services Available (water, storm, sanitary)

### Zoning

Current Zoning	M2: General Industrial
Proposed Zoning	N/A

### Surrounding Land Use Table

North	Gunn Road; Rural Residential; Industrial
South	Prince George Airport Lands
East	Prince George Airport Lands
West	Vacant Land

### Relevant Applications

**Rezoning Application No. RZ100304 (Bylaw No. 8110):** On September 8, 2008, Council rezoned 2990 Gunn Road from AF: Agriculture & Forestry to M2: General Industrial to facilitate industrial development. Through the rezoning process, Section 219 Covenant (BB989921) was registered to the legal title of the subject property to guarantee the extension of the Boundary Road and Section 219 Covenant (BB989922) to restrict wrecking yard uses from occurring within 100 m of Boundary Road.

**Subdivision Application No. SD100750:** In May 2022, the applicant applied for a 4-lot subdivision of 2990 Gunn Road. This application is on hold pending the discharge of the Section 219 Covenant (BB989921). Should discharge of the Section 219 Covenant be approved, the subdivision application will commence.

### **STRATEGIC PRIORITIES:**

This application is consistent with Council's strategic priority for economic diversity and growth priorities, promoting the utilization of existing infrastructure to enable diversification of the economy.

### **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. This may include but is not limited to manufacturing, processing, household repair, research, broadcasting studio, building & garden supply, minor truck or rail terminal, distribution, indoor minor recreation, warehousing, scientific & technical consulting, storage and distribution, and similar uses. OCP Policy encourages infill and the development of existing serviced industrial lands, including underutilized industrial land before considering expansion into designated areas with available un-serviced land (OCP Policy 8.3.82). Areas designated as Light Industrial are to be developed with full City water and sanitary sewer service (OCP Policy 8.3.94).

The subject property is located within Boundary Industrial Park, also known as Prince George Global Logistics Park, and bisected by Boundary Road (arterial) and Gunn Road (minor collector). The subject property is predominantly bound by Gunn Road (minor collector) to the north, vacant land to the west, and the Prince George Airport to the east and south.

The proposed Section 219 Covenant (BB989921) discharge and Covenant (BB989922) modification will encourage growth and intensification in an area where City services are available and being adjacent to Boundary Road will facilitate the movement of people and goods (OCP Policy 8.3.92 and 8.3.93). Administration is supportive of this application as it is consistent with the Future Land Use policy direction identified by the OCP.

#### Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. Growth Management designations allow the City to make decisions about how the community should grow based on existing infrastructure. Areas within the Infill designation are intended to prioritize infill development and encourage utilization of underutilized sites (OCP Policy 8.1.1). The use of existing infrastructure is preferred over the extension of services and roads into suburban and rural areas (OCP Objective 8.1.5). This application and subsequent 4-lot subdivision will maximize the use of existing infrastructure and is consistent with the intended use of the surrounding area.

Administration supports this application, as it is consistent with the Future Land Use and Growth Management policy direction identified by the OCP.

#### 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. The subject property is identified within an Industrial Form and Character Development Permit Area. An Industrial Form and Character Development Permit will be required prior to the development of the subject property. Through the Development Permit process, the City will review that the proposed development is designed to reflect local identity, align with design guidelines, and enhance the built environment (OCP Policy 8.2.10).

#### **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).

Registered on the legal title of the subject property, Section 219 Covenant (BB989922) restricts a wrecking yard use from occurring within 100 m of Boundary Road. The applicant has requested to modify the Covenant (BB989922) to prohibit wrecking yard uses from occurring within 200 m of Boundary Road to reflect the Airport Light Industrial plan and other registered covenants in the area.

## Zoning Bylaw

The subject property is zoned for M2: General Industrial. The M2 zone is intended to provide a mix of business and light industrial uses. The subdivision regulations of the M2 zone allow for the creation of additional lots where the minimum lot width is 18.0 m and the minimum lot area is 1,000 m<sup>2</sup>.

The surrounding area is a mix of M1: Light Industrial, M2: General Industrial, C6/C6I: Highway Commercial, Z1: Airport, and AF: Agriculture and Forestry. As previously mentioned, the subject property is bound by Gunn Road (minor collector) to the north, vacant land to the west, and the Prince George Airport to the east and south. North of Gunn Road is zoned M1, M2, and AF (undeveloped) and includes some residential development.

Administration is supportive of this application, as it is consistent with the policy direction provided in the OCP and Airport Light Industrial Plan for the intensification of light industrial lands.

### 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

**Section 219 Covenant No. BB989921:** Registered to title on August 1, 2008, this Section 219 Covenant restricts any subdivision or development, including the construction of buildings, outdoor storage, and non-accessory parking uses. The applicant has proposed to discharge the Section 219 Covenant to facilitate a 4-lot subdivision for future industrial development. This Covenant is attached to this report.

**Section 219 Covenant No. BB989922:** Registered to title on August 1, 2008, this Section 219 Covenant limits the location of wrecking yard uses from occurring within 100 m of the Boundary Road. This applicant has offered to modify the Covenant to prohibit wrecking yard uses from occurring within 200 m of Boundary Road to reflect the Airport Light Industrial plan and other registered covenants in the area. This Covenant is attached to this report.

**Right of Way No. BB742347 & BB742348:** Registered to title on December 18, 2008, these rights of ways are intended for underground infrastructure for BC Hydro and TELUS Communications. These rights of ways are not affected by this application.

#### Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure agrees with discharge the Section 219 Covenant (BB989921), as the required intersection improvements of Highway 16 E and Boundary Road have been completed. The Ministry of Transportation and Infrastructure will be required to sign the discharge documents prior to Final Reading.

As per Section 52 of the *Transportation Act*, Bylaw No. 9406 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading.

#### Statutory Notification and Public Consultation

As set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 7635, 2005", in advance of Council's consideration of third reading of the proposed bylaws, a public hearing will be held regarding the applications and the City of Prince George will mail or otherwise deliver a notice to

adjacent property owners and tenants whose interest in property may be affected by these applications. In addition, notice will be published on the City's website and Facebook page in accordance with the "City of Prince George Public Notice Bylaw No. 9329, 2022."

Members of the public wanting to comment on the applications may submit written correspondence or speak to Council during the public hearing either via telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their information and consideration during deliberations on the applications. 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. 9406 and 9407 be approved.

**SUMMARY AND CONCLUSION:**

The applicant has applied to discharge Section 219 Covenant (BB989921) to facilitate a 4-lot subdivision for future industrial development from 2990 Gunn Road and to modify Section 219 Covenant (BB989922) to prohibit wrecking yard uses from occurring within 200 m of Boundary Road. Administration supports this application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Eliakim Longaquit, Planner I

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2023/05/31