

# STAFF REPORT TO COUNCIL

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**DATE:** September 20, 2023

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Temporary Use Permit Application No. TU000083

**APPLICANT:** Kal Panaich for 1069961 B.C. Ltd., Inc. No. BC1069961

**LOCATION:** 457-473 3<sup>rd</sup> Avenue

**ATTACHMENT(S):** Location and Existing Zoning Map  
Temporary User Permit No. TU000083  
Exhibit "A" to TU000083  
Supporting Document

## RECOMMENDATION(S):

That Council:

1. APPROVES Temporary Use Permit No. TU000083 for the property legally described as Parcel A (Plan 30868), Block 141, District Lot 343, Cariboo District, Plan 1268.

## PURPOSE:

The applicant has applied for a Temporary Use Permit to utilize an existing vacant space for a "Recreation, Indoor" use at 457-473 3<sup>rd</sup> Avenue (subject property).

## BACKGROUND:

### Site Characteristics

Location	457-473 3 <sup>rd</sup> Avenue
Legal Description	Parcel A (Plan 30868), Block 141, District Lot 343, Cariboo District, Plan 1268
Current Use	Office & Vacant Space
Site Area	1,216 m <sup>2</sup> (0.3 acres)
Zoning	M4: Transitional Industrial

### Official Community Plan

Future Land Use	Business District, Light Industrial
Growth Management	Infill

### Surrounding Land Use Table

North	3 <sup>rd</sup> Avenue
South	Laneway; Warehouse; 4 <sup>th</sup> Avenue
East	Vacant building; London Street
West	Onyx Stones & Custom Cabinets Ltd.; Kingston Street

### Relevant Applications

**Zoning Bylaw Amendment Application No. RZ100672 (Bylaw No. 9145):** On November 9, 2020, Council adopted Bylaw No. 9145, rezoning the subject property from M1: Light Industrial to M4: Transitional Industrial to facilitate a mix of light industrial and office on the subject property.

### **STRATEGIC PRIORITIES:**

This application is consistent with Council's strategic priority for economic diversity and growth priorities.

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

A Temporary Use Permit (TUP) is a tool to allow a use short-term 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 No. 7850, 2007**

As previously mentioned, the subject property was rezoned in 2020 from M1: Light Industrial to M4: Transition Industrial to facilitate a mix of light industrial and office uses on the subject property. The intent of the M4 zone is to provide for a mix of business, office, and light industrial uses in Queensway East transition area adjacent to downtown.

The subject property is located within the Queensway East light industrial area and surrounded by light industrial properties zoned M1: Light Industrial. The surrounding M1 zoning permits "Recreation, Indoor" as a principal use. The light industrial uses permitted by the subject properties M4 zone are less intense than the uses permitted within the surrounding M1 lighter industrial area. To utilize an existing vacant building on the subject property, the applicant has applied for a TUP to allow "Recreation, Indoor" use. The proposed "Recreation, Indoor" use is intended to facilitate small group fitness classes. The applicant has provided a rationale letter further detailing the proposed use which is attached to this report as a supporting document.

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

The subject property is designated as Light Industrial as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Light Industrial designation is intended to accommodate light industrial uses having low noise and air emissions based on Provincial Offsetting Guidelines. 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 "Recreation, Indoor" use in order to facilitate a recreational facility on the subject property. The applicant has provided a rationale letter, which is attached to this report as a supporting document, noting that this use at this location is intended to be temporary.

#### Compatibility of Adjacent Uses

The subject property is currently developed as a vehicle repair shop and office space. The subject property is surrounded by M1: Light Industrial lands and businesses including Fraser Plumbing and Heating, TQ Insulators, Hearth & Hinterland Roasters, Onyx Stones & Custom Cabinets and more.

The subject property is located within the Queensway East light industrial area which is predominately zoned M1: Light Industrial allowing slightly more intense uses than the current M4 zone. The M1 zone also permits "Recreation, Indoor" as a principal use. As such, the proposed TUP 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 "Recreation, Indoor" 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

The proposed “Recreation, Indoor” use is intended to operate an exercise facility. Operating under a TUP will allow the applicant and Administration to assess any unforeseen impacts that may result from the proposed use occurring on the subject property.

The subject property is located along 3rd Avenue between Kingston Street and London Street (local roads). This area permits on-street angled parking. As recreational uses commonly occur outside of regular daytime business hours, the proposed use is not anticipated to create undue traffic or interfere with on-street parking. OCP Policy encourages intensification of all light industrial lands with existing services (Policy 8.3.92). This application will facilitate a mix of light business uses that have low noise and air emissions (i.e., Indoor Recreation and Office).

The proposed “Recreation, Indoor” use will utilize the existing vacant building and is adjacent to compatible industrial and commercial uses.

### Inability to Conduct Proposed Use Elsewhere

The “Recreation, Indoor” use is permitted in most commercial zones as well as multiple industrial and institutional zones per the City’s Zoning Bylaw. While commercial spaces are available elsewhere, the applicant is proposing to utilize an existing vacant building and encourage intensification of existing light industrial lands.

Administration supports this TUP to better understand the potential impacts of a “Recreation, Indoor” use on the subject property and surrounding area prior to consideration of a zoning bylaw amendment.

### **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. 9423, 2023”, 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 with no outstanding concerns.

### Property Title

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

### **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. TU000083 be approved.

**SUMMARY AND CONCLUSION:**

Administration recommends that Council approve the applicant's request for a TUP allowing "Recreation, Indoor" use for three (3) years on subject property located at 457-473 3<sup>rd</sup> Avenue.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Bryce Deveau, Planner 1

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2023/10/16