

STAFF REPORT TO COUNCIL

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DATE: November 20, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000088

APPLICANT: Kimberly Parkinson on behalf of 0827660 B.C. Ltd.
LOCATION: 1755 Ogilvie Street

ATTACHMENT(S): Location and Existing Zoning Map
 Temporary Use Permit No. TU000088
 Supporting Document

RECOMMENDATION(S):

That Council DENIES Temporary Use Permit No. TU000088 for the property legally described as Lot 13, District Lot 936, Cariboo District, Plan 10868.

PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a “Service, Massage Therapy” use at 1755 Ogilvie Street (subject property). The applicant has provided a supplemental letter identifying the nature of the business and rationale for the proposed location.

BACKGROUND:

Site Characteristics

Location	1755 Ogilvie Street
Current Use	Industrial
Site Area	0.22 ha (0.54 acres)
Zoning	M1: Light Industrial

Official Community Plan

Future Land Use	Light Industrial
Growth Management	Infill

Surrounding Land Use Table

North	Light Industrial; 15 th Avenue
South	Light Industrial; 18 th Avenue
East	Ogilvie Street; Light Industrial
West	Light Industrial; Quinn Street

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 No. 7850, 2007

The subject property is zoned M1: Light Industrial. The M1 is intended to provide a mix of business and light industrial uses. The subject property is located within the Carter Light industrial area and surrounded by light industrial properties zoned M1.

The proposed “Service, Massage Therapy” use is not permitted by the M1 zone. As such, the applicant has applied for a TUP to allow the “Service, Massage Therapy” use on the subject property. 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 within Schedule B-6: Future Land Use of the Official Community Plan (OCP). Areas designated Light Industrial are intended to accommodate light 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. The Light Industrial designation supports industrial uses, and limits office and retail uses to those that are ancillary to industrial uses. 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, Massage Therapy” use on the subject property. The applicant has applied for a TUP for a three-year term to better understand the feasibility of a “Service, Massage Therapy” use within the Carter Light industrial area. The applicant has provided a rationale letter, which has been attached to this report as a supporting document, outlining why the subject property has been selected.

Compatibility of Adjacent Uses

The subject property is located within the Carter Light industrial area which is zoned M1 allowing more intense uses than the proposed “Service, Massage Therapy”. As previously noted, the M1 zone is intended to provide a mix of business and light industrial uses while limiting office and retail uses to those that are ancillary to industrial uses. The proposed “Service, Massage Therapy” use is not considered ancillary to an industrial use and is therefore not compatible with this area.

The subject property currently has “Industry, Light” uses occurring on-site. The proposed “Service, Massage Therapy” will be in addition to the existing consulting and manufacturing uses on the subject property. These uses may conflict with one another, as they have different regulations and requirements for parking and client turnover.

Although the proposed “Service, Massage Therapy” use is considered less intense than the surrounding light industrial uses, the proposed temporary use is not consistent with OCP policy direction which encourages industrial uses such as processing, manufacturing, and fabricating within the Light Industrial designation (OCP

Policy 8.3.95). This also aligns with Administration's stance on non-industrial uses proposed within the Carter Light industrial area previously:

- Temporary Use Permit Application No. TU000031: Administration recommended denial of a TUP to allow a "Service, Personal" use at 1975-1967 Ogilvie Street within the Carter Light industrial area, as it was seen to be inconsistent with the Light Industrial Future Land Use designation, the use was not seen as temporary, and there were opportunities to conduct the use elsewhere. TU000031 was approved by Council, despite Administration's recommendation.

Impact on Natural Environment

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

Intensity of Proposed Use

The proposed use will have similar hours of operation to the surrounding uses. The subject property offers off-street parking for approximately 6 vehicles, accessed from Ogilvie Street which is classified as a local road.

As per Table 7.1 Parking Classifications of Zoning Bylaw No. 7850, 2007, service uses are designated as Parking Class B, with a medium turnover rate, while industrial uses are designated as Parking Class C, with a low turnover rate. The increase in turnover between the "Service, Massage Therapy" use and surrounding uses may add to traffic in the area.

Inability to Conduct Proposed Use Elsewhere

A "Service, Massage Therapy" use is permitted in most multiple residential and commercial zones, and in several site-specific zones, as per Zoning Bylaw No. 7850, 2007. While commercial spaces are available elsewhere, the applicant is proposing to utilize the subject property for the proposed "Service, Massage Therapy" use.

Administration is struggling to support this application as the proposed temporary use is not consistent with the policy direction of the OCP and existing land uses located adjacent to the subject property.

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. TU000088 be denied. Should Council support this application, Temporary Permit No. TU000088 has been attached to this report.

SUMMARY AND CONCLUSION:

Due to the rationale identified in this report, Administration recommends that Council deny the applicant's request for a TUP to allow a "Service, Massage Therapy" use to operate for up to three years at 1755 Ogilvie Street.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Keone Gourlay, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/12/18