

STAFF REPORT TO COUNCIL

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DATE: February 21, 2024

TO: MAYOR AND COUNCIL

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

SUBJECT: Zoning Bylaw Amendment Application No. RZ100786 (Bylaw No. 9390)

APPLICANT: Sandra Przysieny (Tee Box Golf Simulators & Lounge Ltd.) on behalf of 1255239 B.C. Ltd., Inc. No. BC1255239

LOCATION: 401-403 3rd Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Exhibit "A" to RZ100786
Letter of Intent

RECOMMENDATION(S):

That Council GIVES FIRST AND SECOND READING of "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9390, 2023".

PURPOSE:

The applicant has applied for a site-specific text amendment to allow a liquor primary establishment as a secondary use at 401-403 3rd Avenue (subject property) in the M1: Light Industrial zone. This application would allow liquor services for the existing golf simulator business, Tee Box Golf Simulators & Lounge Ltd.

Site Characteristics

Location	401-403 3 rd Avenue
Legal Description	Lots 9 & 10, Block 141, District Lot 343, Cariboo District, Plan 1268
Current Use	Indoor Recreation (Golf Simulator)
Site Area	613 m ² (0.15 acres)
Growth Management Class	Infill
Servicing	City Services Connected

Zoning (see Appendix "A" to Bylaw No. 9390)

Current Zoning	M1: Light Industrial
Proposed Zoning	M1: Light Industrial, with a site-specific text amendment to add Liquor Primary Establishment, Minor as a secondary use.

Surrounding Land Use Table

North	3 rd Ave; Commercial/Industrial
South	Commercial/Industrial; 4 th Ave
East	London Street; City Lot
West	Commercial/Industrial

Relevant Applications

Liquor License Application No. LL100188: The applicant has concurrently applied to the Liquor and Cannabis Regulation Branch for a liquor primary license at the subject property. Should Council approve Rezoning Application No. RZ100786 for First and Second Reading, Liquor License Application No. LL100188 will proceed for a concurrent public hearing.

STRATEGIC PRIORITIES:

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

POLICY / REGULATORY ANALYSIS:

Liquor and Cannabis Regulation Branch

The Liquor and Cannabis Regulation Branch (LCRB) is the provincial authority for liquor licensing and is regulated by the *Liquor Control and Licensing Act* and the Liquor Control and Licensing Regulation. All liquor licenses are approved and issued by the LCRB. The applicant has concurrently applied to the LCRB to operate as a liquor primary establishment. Should this application be successful, the City's Liquor License Application process will be triggered for a resolution from City Council.

City of Prince George Liquor and Cannabis License Policy

The City of Prince George Liquor and Cannabis License Policy (LCLP) establishes guidelines for the operation of Liquor Primary Establishments within the City. As previously mentioned, the applicant has concurrently applied to the City for a Liquor License Application to facilitate a resolution from City Council. The Liquor License Application will be evaluated for hours of liquor service, occupant load, and location of Liquor Primary Establishments. Should Council approve Rezoning Application No. RZ100786 for First and Second Reading, a concurrent public hearing will be held for both the site-specific text amendment and Liquor License Application.

Official Community Plan

Future Land Use

The subject property is designated as Light Industrial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). This designation is intended to accommodate light industrial uses which have low noise and air emissions. The OCP indicates that the City should support intensification of existing light industrial lands and should permit retail sales, food, and beverage service when ancillary to the primary use where the service will support the immediate area (OCP Policy 8.3.92 and 8.3.97)

The applicant's proposal to add Liquor Primary Establishment, Minor as a secondary use specifically for the subject property is consistent with the Light Industrial designation as the proposed secondary use has low noise and air emissions and is ancillary to the existing golf simulator business operating from the site.

As this use is complimentary to the existing Recreation, Indoor use, Administration is supportive of this application.

Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. Areas within an Infill designation have been prioritized for development and utilization of vacant sites and redevelopment of existing serviced lands is encouraged (OCP Policy 8.1.11).

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

Zoning Bylaw

The subject property is currently zoned as M1: Light Industrial which is intended to provide a mix of business and light industrial uses. The applicant would like to offer liquor services, in the form of a lounge, within the existing golf simulator business, Tee Box Golf Simulators & Lounge Ltd. The M1 zone does not permit a liquor establishment as a permitted use.

In order to facilitate a lounge area for the existing business, the applicant has proposed a site-specific text amendment to the M1 zone. The applicant has provided a letter of intent, which is attached to this report, describing the proposed liquor services.

The applicant proposes to add Liquor Primary Establishment, Minor as a secondary use specific to the subject property. A Liquor Primary Establishment, Minor use is defined in the Zoning Bylaw as *“a place or premises, licensed under the Liquor Control and Licensing Act, where liquor is served for consumption on site, with a maximum indoor occupant load of 125 persons and may include accessory adult-oriented entertainment only in C1I, spectator entertainment, patron participation entertainment, minor arcade and liquor off-sales”*.

The land use impacts that are considered with a liquor primary establishment include community impact, location of use, proximity and over proliferation, adjacent land uses, parking, and traffic.

Location of Establishment

The provision of a lounge area would have similar land use considerations as a restaurant use, which is permitted in the M1: Light Industrial zone (i.e. parking, traffic, and noise). The subject property is located within the Queensway East area, which has on-street parking availability and is adjacent to industrial businesses that are not expected to be impacted by noise. Furthermore, the operation of the lounge is completely contained within the existing building, and as such, would alleviate potential noise impacts that may result from the patrons.

Community Impacts

As noted above, the subject property is located within the Queensway East area, which is comprised of well-established commercial/industrial uses including retail, service, indoor recreation and industrial uses. The proposed Liquor Primary Establishment, Minor use is well suited to the surrounding uses.

Proliferation of Uses

The nearest liquor primary establishment is approximately 100 m north (Trench Brewing) of the subject property. This application will allow an existing business the ability to have liquor service as a secondary use. As the Liquor Primary Establishment, Minor use is not the primary function of the business, it is not anticipated to create an increased amount of liquor primary uses in the area.

As this proposal is consistent with the OCP, complements the intent of the M1 zone to provide a transitional mix of uses, and assists with redevelopment of existing buildings within the Queensway East area, Administration supports this application.

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

As the owner of the subject property is a registered company, a BC Company Search has been conducted to provide the names of the company directors. The following is provided for Council's information:

Incorporation Number	1255239
Name of Company	1255239 B.C. Ltd.
Director Information	Przysieny, Derrick Postnikoff, Joseph

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

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9390 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

RCMP

The RCMP expressed no concerns with respect to this application.

LCRB

The LCRB expressed no concerns with respect to this application.

Statutory Notification and Public Consultation

As set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 9423, 2023", 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. 9390, 2023 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied for a site-specific text amendment to allow a liquor primary establishment, minor as a secondary use for the subject property located 401-403 3rd Avenue. Administration is supportive of this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/03/11