

STAFF REPORT TO COUNCIL

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DATE: April 29, 2024

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000097

APPLICANT: Indian Corner Ltd. for Northstar Lyon Holdings Ltd. Inc. No. 0880652
LOCATION: 1798 Nicholson Street South

ATTACHMENT(S): Location and Existing Zoning Map
 Temporary Use Permit No. TU000097
 Letter of Intent
 Letters of Support and Associated Map

RECOMMENDATION(S):

That Council APPROVES Temporary Use Permit No. TU000097 for the property legally described as Lot 51, District Lot 936, Cariboo District, Plan 10868.

PURPOSE:

The applicant has applied for a 3-year Temporary Use Permit (TUP) to allow a “Retail, Convenience” use to occur at 1798 Nicholson Street S (subject property).

BACKGROUND:

Site Characteristics

Location	1798 Nicholson Street S.
Current Use	Vacant
Site Area	1814 m ² (0.44 ac)
Zoning	M1: Light Industrial

Official Community Plan

Future Land Use	Light Industrial
Growth Management	Infill

Surrounding Land Use Table

North	Recreation, Indoor (music and dance school)
South	18 th Avenue; Education, Higher (College of New Caledonia)
East	Consulting, Scientific and Technical; Lyon Street; Education, Higher (College of New Caledonia)
West	Nicholson Street S; Retail, General and Food Bank (Salvation Army)

STRATEGIC PRIORITIES:

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

POLICY / REGULATORY ANALYSIS:

A 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 3-years and may only be renewed once for an additional 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 currently zoned M1: Light Industrial. The intent of the M1 zone is to provide a mix of business and light industrial uses. Within the M1 zone, a diverse array of uses is permitted, ranging from industrial functions such as contracting and building supplies to commercial activities like the sale and servicing of commercial vehicles, as well as service-oriented enterprises such as breweries and restaurants. Retail sales of goods are generally allowable within the M1 zone as ancillary activities, occupying no more than 25% of the total floor space. The applicant has applied for a TUP to allow a "Retail, Convenience" principal use to facilitate the retail sale of groceries and ready-to-eat foods.

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 activities with minimal noise and air emissions, aligning with Provincial Offsetting Guidelines. While retail sale is generally only permitted when ancillary to a principal industrial use (OCP Policy 8.3.96), it should be noted that OCP policy also encourages flexibility in adapting to changing market demands and conditions regarding the designation of industrial lands (OCP Policy 8.3.89). Moreover, OCP Policy encourages retail and food and beverage establishments on arterial streets to serve immediate industrial areas (OCP Policy 8.3.97).

Temporary Nature of Use

The applicant would like to establish a "Retail, Convenience" use to operate a convenience store that offers specialty and Indian foods. The applicant has provided a letter of intent, which is attached to this report, and identifies their rationale for selecting the subject property located between 15th Avenue and the College of New Caledonia. A TUP was recommended by staff to gauge the potential impact of the proposed retail use within a light industrial area.

Compatibility of Adjacent Uses

The subject property is located on Nicholson Street S and surrounded by a mix of complementary commercial, industrial, and institutional uses. Despite the prevailing M1: Light Industrial zoning in this area, the subject property is flanked by a variety of business, commercial, and institutional uses. Three adjacent business owners and several members of the public have provided support for the proposed temporary use, two of which are tenants on the subject property.

The intent behind the proposed "Retail, Convenience" use, as outlined in the applicant's letter, is to enhance access to groceries in an underserved area of the city. Given the existing presence of restaurant and brewery establishments permitted on nearby M1 properties along Nicholson Street S, the proposed "Retail, convenience" use is anticipated to align well with the surrounding area.

Impact on Natural Environment

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

Intensity of Proposed Use

The proposed "Retail, convenience" use is intended to facilitate the retail sale of drinks, packaged and ready-to-eat foods. The proposed hours of operation are daily from 8:00 am to 11:00 pm. The proposed use requires two (2) parking spaces, which can be accommodated on the subject property, as required per Table 7.4: Parking Requirements of Zoning Bylaw No. 7850, 2007.

The proposed "Retail, convenience" use aligns appropriately with the activity level expected in the surrounding area, which is already characterized by a variety of transitional industrial activities catering to clients and customers throughout the day.

Inability to Conduct Proposed Use Elsewhere

As outlined in the applicant's rationale letter attached, the subject property was selected for its convenient location within walking distance to the College of New Caledonia. The applicant is proposing to utilize an existing building that will accommodate the storage and retail space required.

Administration supports this TUP to better understand the potential impacts of a "Retail, Convenience" 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

The property is owned by a private holdings company. The following is provided for Council's information:

Incorporation Number	Inc. No. 0880652
Name of Company	Northstar Lyon Holdings Ltd.
Director Information	Wong, Kam Mui Zhou, Shipei

A review of the legal title of the subject property indicates there are no encumbrances or restrictions that may 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. TU000097 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing "Retail, Convenience" use for 3-years on subject property located at 1798 Nicholson Street S.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Imogene Broberg-Hull, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/05/27