

# STAFF REPORT TO COUNCIL

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**DATE:** June 5, 2024

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Official Community Plan Amendment Application No. CP100198 (Bylaw No. 9479, 2024) and Rezoning Amendment Application No. RZ100781 (Bylaw No. 9480, 2024)

**APPLICANT:** SPD Enterprises Ltd. for Yogendra Cheta  
**LOCATION:** 2679 Queensway

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9479  
Appendix "A" to Bylaw No. 9480

## RECOMMENDATION(S):

THAT Council:

1. DENIES FIRST AND SECOND READING to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024"; and
2. DENIES FIRST AND SECOND READING of "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9480, 2024".

## PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate a "Vehicle Sale, Minor" use at 2679 Queensway (subject property).

To facilitate the proposed "Vehicle Sale, Minor" use, the applicant has applied to amend Schedule B-6: Future Land Use of the OCP from Neighbourhood Corridor and Neighbourhood Residential to Service Commercial, as shown on Appendix "A" to Bylaw No. 9479; and rezone from RS2: Single Residential to C6: Highway Commercial, as shown on Appendix "A" to Bylaw No. 9480. Administration does not support the applicant's proposed OCP amendment and rezoning as the proposal does not meet the intent or policy direction of the OCP.

## Background

On March 27, 2023, Council granted First and Second Reading of Bylaw No. 9374 and Bylaw No. 9375, 2023. Per the City's Development Procedures Bylaw No. 9423, 2023, where Council has not adopted a bylaw within one year of the date of Council's consideration of the bylaw, the bylaw may lapse and will be of no force or effect. As one year has passed since Council granted First and Second Reading, Bylaw No. 9374 and Bylaw No. 9375,

2023 have lapsed, and therefore the applicant's proposal requires Council's consideration under a new bylaw number.

#### Site Characteristics

Location	2679 Queensway
Legal Description	Parcel B (Being a consolidation of lots 7 and 8, see CB976688), Block 20, District Lot 933, Cariboo District, Plan 727
Current Use	Non-conforming vehicle sale
Site Area	721.5 m <sup>2</sup>
Growth Management Class	Growth Priority and Infill
Servicing	City Services Available

#### Official Community Plan (see Appendix "A" to Bylaw No. 9479)

Future Land Use Designation	Neighbourhood Corridor and Neighbourhood Residential
Proposed Zoning	C6: Highway Commercial

#### Zoning (see Appendix "A" to Bylaw No. 9480)

Current Zoning	RS2: Single Residential
Proposed Zoning	C6: Highway Commercial

#### Surrounding Land Use Table

North	Vehicle Sale, Minor; Office; La Salle Avenue
South	Laneway; Residential; Village Avenue
East	Queensway; Office; Residential
West	Laneway; Residential; Jasper Street

#### Relevant Applications

**Rezoning Application No. RZ100257:** Following the identification of an unpermitted "Vehicle Sale, Minor" use occurring on the subject property in 2006 contrary to zoning, the property owner at that time applied for an OCP amendment and rezoning from RS2 to C6 to bring the subject property into compliance. On August 29, 2007, Council considered the proposed rezoning and concurred with Administrations recommendation to deny the application.

**Official Community Plan Amendment Application No. CP100198 and Rezoning Amendment Application No. RZ100781:** Council previously granted First and Second Reading of Bylaw No. 9374, 2023 and Bylaw No. 9375, 2023. Per the City's Development Procedures Bylaw No. 9423, 2023, the bylaw lapsed as more than one year passed since Council granted First and Second Reading on March 27, 2023. As such, this application must be reconsidered for First and Second Reading.

#### POLICY / REGULATORY ANALYSIS:

##### Intent of the Official Community Plan

As identified in Section 1.2 of the OCP (Intent, Application, and Interpretation): The *Local Government Act* explains that all bylaws enacted, or work undertaken by Council after the adoption of the OCP must be consistent. An OCP, however, is not intended to be a static document but should adapt to new trends within society and respond to changing circumstances. As such, following appropriate public consultation and careful consideration by Council, policies and land use designations in an OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*.

## Official Community Plan

### Future Land Use

The subject property is designated as Neighbourhood Corridor and Neighbourhood Residential in Schedule B-6: Future Land Use of the OCP. The Neighbourhood Corridor designation encourages medium to high-density multiple residential developments up to 135 units/ha, with a maximum height of four stories along collector arterial streets (OCP Policy 8.3.55). Development within Neighbourhood Corridors should respect the scale of existing neighbourhoods by providing effective buffering of residents from traffic noise, mitigating visual impacts to adjacent low-density uses through building and site design, and considering access and traffic impacts (OCP Policy 8.3.35 and 8.3.57). The Neighbourhood Residential designation encourages development that is consistent with the form and character of the neighbourhood (OCP Policy 8.3.58 and 8.3.62) and permits housing forms with a density of less than 22 units/ha (OCP Policy 8.3.59).

Commercial development within Neighbourhood Corridor areas is intended to draw residents from surrounding neighbourhoods, where retail, personal services, service-oriented office uses, and food and beverage establishments are located at intersections of collector and arterial streets (OCP Policy 8.3.53). To facilitate a "Vehicle Sale, Minor" use, the applicant has applied to amend Schedule B-6: Future Land Use of the OCP from Neighbourhood Corridor and Neighbourhood Residential to Service Commercial. The Service Commercial designation is intended for public-oriented commercial uses in highly accessible locations accessed primarily by vehicle. Acceptable uses within Service Commercial areas include tourist accommodation, retailers accessed primarily by vehicle such as lumber yards, service stations, smaller warehouse-style stores, and vehicle dealerships (OCP Policy 8.3.73).

The subject property is bound by Queensway (arterial road) to the east, a laneway and single-family dwellings to the west, and a Vehicle Sale, Minor and Office use to the north and a laneway and residential zoning to the south. The subject property is located on an active transit route, with access to three bus stops within 250 m which is most suitable for future medium and high-density residential developments (OCP Policy 8.7.23).

While commercial development currently exists along Queensway, OCP policy direction for future land uses encourage medium to high-density multiple residential uses along Queensway. The proposed Service Commercial designation permits commercial development inconsistent with the Neighbourhood Corridor and Neighbourhood Residential OCP policy outlined above. The continued use of lands along Queensway for vehicle-oriented uses impedes the transition of this area to medium or high-density residential and mixed-use commercial development that would maximize the use of existing infrastructure with proximity to transit, services, and amenities. As such, Administration does not support the proposed OCP amendments.

### Growth Management

The subject property is designated as Growth Priority and 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 Growth Priority designation are intended to prioritize infill development and encourage use of underutilized sites (OCP Policy 8.1.1). Redevelopment within established neighbourhoods maximizes the use of existing infrastructure and is preferred over the extension of services and roads into suburban and rural areas (OCP Objective 8.1.5).

Although the applicant's proposal for vehicle sale on the subject property will develop an underutilized site, the proposed commercial use is not consistent with the OCP Policy direction to prioritize residential infill. Administration does not support the proposed amendments to the OCP.

### **City of Prince George Housing Needs Report**

The [City's Housing Needs Report](#), updated December 2022, notes a need for a variety of housing types. Should this application be approved, the subject property will no longer permit residential development.

## Zoning Bylaw

The subject property is presently zoned RS2: Single Residential. The RS2 zone is intended to foster an urban lifestyle on properties larger than 500 m<sup>2</sup>. The zone also provides for complementary residential related uses that are compatible with the area's residential character.

The applicant is proposing to rezone the subject property from RS2 to C6: Highway Commercial. The C6 zone is intended to provide for uses appropriate for some highway locations, in areas defined by the OCP as suitable for Service Commercial uses. Typical uses within the C6 zone include vehicle sale, repair and wash, and a variety of other vehicle-oriented uses.

The proposed C6 zone will permit the conversion of the existing single detached home to an office that will support the proposed "Vehicle Sale, Minor" use. Should this application be approved, the subject property will diverge from OCP policy direction within Neighbourhood Corridors for medium to high-density multiple residential uses. The RS2 and C6 zoning regulations are compared below in Table 1.

**Table 1: Zoning Comparison of RS2 and C6**

Regulations	Current – RS2: Single Residential	Proposed – C6: Highway Commercial
Principal Uses	<ul style="list-style-type: none"> <li>• Community Care Facility, Minor</li> <li>• Housing, Single Detached</li> </ul>	<ul style="list-style-type: none"> <li>• Auction, Minor</li> <li>• Education, Commercial</li> <li>• Greenhouse &amp; Plant Nursery</li> <li>• Health Service, Minor</li> <li>• Office</li> <li>• Parking, Non-accessory</li> <li>• Recreation, Indoor</li> <li>• Restaurant</li> <li>• Retail, Adult-oriented</li> <li>• Retail, Convenience</li> <li>• Retail, Farmers Market</li> <li>• Retail, General</li> <li>• Service, Business Support</li> <li>• Service, Financial</li> <li>• Service, Household Repair</li> <li>• Service, Massage Therapy</li> <li>• Service, Personal</li> <li>• Service, Pet Grooming and Daycare</li> <li>• Service Station, Major &amp; Minor</li> <li>• Vehicle Repair, Minor</li> <li>• Vehicle Wash, Minor</li> <li>• Veterinary Service, Minor</li> </ul>
Max. Density	One principal dwelling and one secondary suite per lot	N/A
Max. Site Coverage	40%	50%
Max. Height	10.0 m	12.0 m
Min. Front Yard	4.5 m	0.0 m
Min. Side Yard	1.2 m	0.0 m, except it is 3.0 m for abutting an AR, RS, RT, RM or Z7 zone
Min. Rear Yard	6.0 m	0.0 m, except it is 3.0 m abutting an AR, RS, RT, RM or Z7 zone

As shown in Table 1 above, the proposed C6 zone will allow for a variety of commercial uses, including a number retail, service and vehicle-oriented uses. Should the site be redeveloped, the C6 zone also permits greater site coverage and building height than the current RS2 zone.

The subject property is surrounded by a mix of residential and commercial uses and bound by Queensway (arterial road) to the east, a laneway and single-family dwellings to the west, a Vehicle Sale, Minor and Office use to the north, and a laneway and residential zoning to the south. There are approximately 15 C6 zoned properties located along Queensway south of Hudson's Bay Wetlands some of which operate as vehicle sale and vehicle repair businesses. This concentration of C6 zoning is a remnant of former OCP land use designations that permitted vehicle-oriented commercial uses along Queensway. Vehicle sale uses are most appropriately located along highway corridors designated "Service Commercial." As previously mentioned, the continued use of lands along Queensway for vehicle-oriented uses impedes the transition of this area to medium or high-density residential and mixed-use commercial development.

In keeping with the rationale provided above, Administration does not support 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.

##### Servicing Brief

A Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia has been provided to the satisfaction of administration. The Servicing Brief addresses technical issues related to water supply, sanitary sewer collection, and storm drainage system designs.

##### Property Title

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. 9480 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

##### **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](#).

Administration is recommending that the Notice of Public Hearing and OCP consultation mail out area that is required as per the "City of Prince George Development Procedures Bylaw No. 9423, 2023" is increased from 30.0 m to 50.0 m. The increased notification area will ensure the immediately surrounding neighbourhood bordered by Jasper Street is given the opportunity to comment on the application.

## 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. 9479, 2024 and Bylaw No. 9480, 2024 be denied.

Should Council support this application, the sequence of adoption for the Official Community Plan is as follows:

### Sequence of Adoption for the Official Community Plan

Pursuant to the *Local Government Act*, City of Prince George Official Community Plan Bylaw No. 8383, 2011 was adopted by considering the Financial Plan, Solid Waste Management Plan and Strategic Framework. Therefore, any amending bylaws to the Official Community Plan must also consider these plans.

Section 477 of the *Local Government Act* identifies the adoption procedures for the development, repeal or amendment to the Official Community Plan bylaw. This sets in motion the following sequence which identifies the *Local Government Act* requirements and the City's own procedures:

1. After a bylaw has been given first reading the following must occur:
  - a. Consideration of the plan in conjunction with the current [Financial Plan](#);
  - b. Consideration of the plan in conjunction with the current [Regional District Solid Waste Management Plan](#);
  - c. Consideration of any other plan and policies that the local government considers relevant (i.e. [Strategic Framework for a Sustainable Prince George](#));
  - d. Referral to the Agricultural Land Commission if the Plan applies to Agricultural Land Reserve land (not applicable to these applications);
  - e. Second Reading;
  - f. Public notice of the Public Hearing; and
  - g. Public Hearing.
2. Third Reading of the bylaw
3. Final Reading and Adoption of the bylaw

The *Local Government Act* requires that each reading of the OCP bylaw must receive an affirmative vote of a majority of all Council members. The adoption procedures found in Section 477 of the *Local Government Act* are required, and should any changes occur to the bylaw, the sequence of steps would be repeated.

Should Council support this application, the following recommendations are provided:

THAT Council:

1. GIVES First Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024".
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024", in conjunction with the current Financial Plan and confirm there are no issues.

3. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024”, in conjunction with the current Regional District of Fraser Fort-George Solid Waste Management Plan and confirm there are no issues.
4. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024”.in conjunction with City of Prince George Strategic Framework for a Sustainable Prince George and confirm there are no issues.
5. GIVES Second Reading to “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024”.
6. EXPANDS, from 30.0 meters distance to 50.0 meters, as required in the “City of Prince George Development Procedures Bylaw No. 9423, 2024,” for the mailing of notice of the public hearing for the “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9479, 2024” and “City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9480, 2024”.
7. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
  - a. Request for written comment from properties identified within 50.0 m of the subject property.’
8. GIVES First and Second Reading to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9480, 2024”.
9. PERMITS the Public Hearing for proposed Bylaw No. 9479 and Bylaw No. 9480 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of security in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan;
  - b. Receipt of security in the amount of 120% of the cost of the paving works identified on the Paving and Parking Plan; and
  - c. Receipt of Traffic Summary.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Director of Planning and Development.

#### **DISCUSSION OF ITEMS FOR RESOLUTION OF SUPPORT:**

##### Landscape Plan and Securities

A Landscape Plan has been submitted to the satisfaction of Administration. As a Development Permit may not be triggered as part of the proposed development, a Landscape Plan and security in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan is required. A review of this plan and the security obtained will allow Planning and Development to ensure that the landscaping of the site is in compliance with the Zoning Bylaw.

##### Paving and Parking Plan and Securities

A Paving and Parking Plan has been submitted to the satisfaction of Administration. As a Development Permit may not be triggered as part of the proposed, a Paving and Parking Plan and security in the amount of 120% of the cost of the paving works identified on the Paving and Parking Plan is required. A review of this plan and the

security obtained will allow Planning and Development to ensure that the parking and paving of the site are in compliance with the Zoning Bylaw.

#### Traffic Summary

The subject property is currently accessed via Queensway. A Traffic Summary including a trip generation and distribution from the proposed development and recommendations for any impacts on current and future road configurations is required for Administrations consideration.

Should Council support this application, Administration recommends that the Public Hearing of Bylaw No. 9479 and 9480 be withheld until a Traffic Impact Analysis has been prepared and submitted to the satisfaction of Administration.

#### **SUMMARY AND CONCLUSION:**

The applicant is proposing to amend the OCP and rezone 2679 Queensway from Neighbourhood Corridor and Neighbourhood Residential to Service Commercial, as shown on Appendix "A" to Bylaw No. 9479; and rezone the from RS2: Single Residential to C6: Highway Commercial, as shown on Appendix "A" to Bylaw No. 9480. The purpose of this application is to facilitate a "Vehicle Sale, Minor" use. Administration does not support this application as the proposed use is inconsistent with OCP policy. Administration recommends that Council deny the application for the reasons outlined in this report.

#### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Imogene Broberg-Hull, Planner

#### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2024/06/24