

Date: July 11, 2024

To: **Mayor and Council**

Name and title: Deanna Wasnik, Director of Planning and Development

Subject: Zoning Bylaw Amendment Application No. RZ100820 (Bylaw No. 9488, 2024)

Applicant: Chernoff Thompson Architects North for Sinclair Group Forest Products Ltd., Inc. No. 1183841

Location: 3605 15th Avenue

Attachment(s): Location and Existing Zoning Map
Exhibit "A" to Bylaw No. 9488

Recommendation(s):

That Council GIVES FIRST THREE READINGS to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9488, 2024."

Purpose:

The applicant has applied for a site-specific text amendment to the M1: Light Industrial zone to allow a "Retail, Convenience" as a secondary use in an existing gas station at 3605 15th Avenue (subject property). This application will allow the retail sale of vapour products on the subject property only.

Background:

Site Characteristics

Location	3605 15 th Avenue
Legal Description	Lot A, District Lot 936, Cariboo District, Plan 16962
Current Use	Service Station (Husky Gas Station)
Site Area	0.19 ha (0.46 acres)
Zoning	M1: Light Industrial
Future Land Use	Light Industrial
Growth Management	Infill; Rural Resource

Zoning (see Exhibit "A" to Bylaw No. 9488)

Current Zoning	M1: Light Industrial
Proposed Zoning	M1: Light Industrial; with a site-specific text amendment to add "Retail, Convenience" as a secondary use

Surrounding Land Use Table

North	15 th Avenue; Residential
South	Alleyway; Industrial (Including Sinclair Group Forest Products Ltd)
East	Nicholson Street; Industrial (Canada Post building)
West	Industrial (Auto Magic)

Relevant Applications

Building Permit Application No. BPO40896: the applicant has applied for a building permit to comply with BC Fire separations for the proposed vapour product shop. Should RZ100820 be approved, BPO40896 will need to be issued before a vapour product shop may operate at the subject property.

Strategic Priorities:

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

Policy / Regulatory Analysis:

Official Community Plan

Future Land Use

The subject property is designated as Light Industrial as per 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 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 recreation, warehousing, scientific & technical consulting, storage and distribution, and similar uses.

OCP Policy 8.3.97 states that the City should generally limit retail uses to retail and food and beverage establishments serving the immediate industrial area and located on an arterial street and showrooms and sales areas in association with manufacturing, warehousing, and other permitted uses. The proposed "Retail, Convenience" use meets this policy as it will serve the immediate industrial area and is located on 15th Avenue, which is classified as an arterial street. Furthermore, the "Retail, Convenience" use is seen to be ancillary to the "Service Station, Minor" use existing on the property.

As this use is complimentary to the current Light Industrial designation, 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). This application will facilitate a "Retail, Convenience" use within the existing gas station on the subject property. This application will increase the concentration of uses within the Infill designation.

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 M1: Light Industrial. The M1 zone is intended to provide for a mix of business and light industrial uses. The subject property is currently developed as a service station. The proposed site-specific text amendment will allow a “Retail, Convenience” use within the M1 zone on the subject property only, as shown on Exhibit “A” to Bylaw No. 9488. This application is intended to allow for the retail sale of vapour products independent from the existing service station. While a “Retail, Convenience” use is not currently permitted by the M1 zone, the existing service station is permitted as “Service Station, Minor”. The “Service Station, Minor” use is defined by the Zoning Bylaw as “the retail sale of vehicle fuel, lubricant, and other fluids and may include accessory minor vehicle repair, and minor vehicle washing within a building containing not more than 2 service and washing bays combined, and the retail sale of sundry items and packaged food.”

As of September 29, 2023, the Ministry of Health issued a notice for vapour product retailers in British Columbia, prohibiting the sale of flavoured vapour products from stores where minors are permitted. The proposed “Retail, Convenience” use will allow for the separate retail sale of vapour products to occur as a standalone business which is still seen to be complimentary to the existing “Service Station, Minor” use. Further, parking and traffic may be accommodated on site. The subject property is located on 15th Avenue, which has the capacity for additional traffic exiting and entering the proposed vapour product shop.

As this proposal is consistent with the OCP and complements the M1 zone and existing service station, Administration supports this application.

Other Considerations:

Referrals

This application was referred to internal City divisions and external agencies with no outstanding concerns. 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 information:

Incorporation Number	BC1183841
Name of Company	Sinclair Group Forest Products Ltd.
Director Information (Last name, First name)	Andersen, Gordon Andersen, Ivan Hodgins, Wade Stewart, Gregory

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

Ministry of Health

The Province has been informed that some vapour product retailers have been operating a sales model colloquially referred to as the “store within a store” model that creates an age-restricted section in an otherwise all-ages store to sell flavoured vapour products. This sales model is not permitted as it contravenes the *E-Substances Regulation*. Only vapour products that taste or smell of tobacco may be sold at stores where minors are permitted. No other flavours are allowed.

To comply with the *E-Substances Regulation* a vapour store must have a separate business name, a separate address, dedicated entrance and exit that does not allow employees or customers to pass through an all-ages business, no products must be viewable from outside the 19+ store, a separate ‘notice of intent’ to sell vapour, dedicated staff working in the 19+ store, and a separate point of sale so the entire transaction occurs in the 19+ store.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9488, 2024 requires the Ministry of Transportation and Infrastructure’s approval prior to Final Reading and adoption.

Statutory Notification and Public Consultation

In accordance with section 464(2) of the *Local Government Act*, a public hearing regarding this application will not be held as the proposed bylaw is consistent with the “City of Prince George Official Community Plan Bylaw No. 8383, 2011.” As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, in advance of First Three Readings of the proposed bylaw, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests in property may be affected by this application.

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 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.

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. 9488, 2024 be approved.

Summary and conclusion:

The applicant has applied for a site-specific text amendment to the M1: Light Industrial zone to allow “Retail, Convenience” on the subject property located at 3605 15th 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: Keone Gourlay, Planner 1

Approved:

Walter Babicz, City Manager

Meeting Date: 2024/08/19