

Date: August 12, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000026 (Bylaw No. 9477)

Applicant: Stantec Consulting Ltd. on behalf of 1451187 B.C. Ltd

Location: 3737 Highway 16 East

Attachments: Location and Zoning Map
Exhibit "A" to RC000026
Exhibit "B" to RC000026
Section 219 Restrictive Covenant (PT019913)

Recommendations:

That Council:

1. GIVES FIRST AND SECOND READING to "City of Prince George Restrictive Covenant Discharge Bylaw No. 9477, 2024" to discharge Section 219 Covenant registered as Land Title Office Document No. PT019913 on Lot A, District Lot 632, Cariboo District, Plan PGP48073.
2. EXPANDS, from 30.0 metres to the area shown on Exhibit "B" to RC000026 as required in the "City of Prince George Development Procedures Bylaw No. 9423, 2023", for the mailing of notice of the public hearing for "Section 219 Covenant Application No. RC000026 Bylaw No. 9477, 2024".

Purpose:

The applicant would like to develop a 7-lot light industrial subdivision at 3737 Highway 16 East (subject property). To facilitate the proposed light industrial subdivision, the applicant has applied to discharge Section 219 Covenant (Land Title Office Document No. PT019913) affecting the southern 6.0 ha portion (subject area) of the subject property, as shown on Exhibit "A" to RC000026.

Site Characteristics

Location	3737 Highway 16 East
Legal Description	Lot A, District Lot 632, Cariboo District, Plan PGP48073
Current Use	Vacant Land
Site Area	14.8 ha (36.5 acres)
Subject Area	South 6.0 ha portion
Current Zoning	C5: Visitor Commercial (8.8 ha) M1: Light Industrial (6.0 ha)
Future Land Use	Service Commercial (8.8 ha) Light Industrial (6.0 ha)
Growth Management Class	Infill
Servicing	City services available

Surrounding Land Use Table

North	AF: Agriculture & Forestry; Utility Corridor; Fraser River
South	M1: Light Industrial (Storage Yard); Hwy 16; Old Cariboo Hwy
East	Hwy 16; M1: Light Industrial (Storage Yard)
West	C9: Outdoor Recreation (Prince George Auto Racing Association)

Relevant Applications

Official Community Plan (OCP) Amendment Application No. OCP 99/6 & Zoning Bylaw Amendment Application No. 99/27: On July 31, 2000, City Council approved an Official Community Plan and Zoning Bylaw amendment to facilitate an industrial auctioneer, recreational vehicle dealership and a recreational vehicle park. As part of this application, a Restrictive Covenant No. PT019913 was placed on the legal title of the subject property limiting the permitted industrial uses on the southern 6.0 ha portion of the subject property.

Zoning Bylaw Amendment Application No. RZ100819 (Bylaw No. 9476, 2024): The applicant has concurrently applied to rezone the northern 8.8 ha portion of the subject property from C5: Visitor Commercial to M1: Light Industrial to develop a 7-lot light industrial subdivision. The concurrent rezoning does not overlap with the southern 6.0 ha portion of the subject property that the Section 219 Covenant (PT019913) applies to.

Subdivision Application No. SD100810: The applicant has concurrently applied for a subdivision application on the subject property to facilitate a 7-lot subdivision as shown on the attached preliminary site plan.

Strategic Priorities:

This proposal is consistent with Council's Strategic Priority for Economic Diversity and Growth by providing additional opportunities for industrial development at an underutilized site.

Policy / Regulatory Analysis:

Section 219 Covenant

Section 219 Covenant No. PT019913 was registered to the legal title of the subject property on June 3, 2002. This covenant limits the permitted uses on the southern 6.0 ha portion (subject area) of the subject property to:

- a) Recreational Vehicle Sales or Service, Car Sales or Service and Car Storage;
- b) the storage of recreational vehicles, including without limitation the storage of motorhomes; and
- c) the retail sale and servicing of small engine goods.

The subject property is located at the intersection of Highway 16 East and Old Cariboo Highway and is within close proximity to the Prince George Global Logistics Park industrial lands along Boundary Road, designated dangerous goods route, and the Prince George Airport. Section 219 Covenant No. PT019913 limits uses of the that land that are particular to vehicle sales operations. The applicant would like to discharge this covenant to allow the uses of the M1: Light Industrial zone to prevail.

Administration supports the discharges of Section 219 Covenant No. PT019913 as it will facilitate future development of the site with a variety of light industrial uses.

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	BC1451187
Name of Company	1451187 B.C. Ltd.
Director Information	Dakus, Grant Dakus, Mark Sindia, Daniel

A review of the legal title of the subject property indicated the following encumbrances or restrictions that may affect this application.

Section 219 Covenant No. PT019910: Registered to title on June 3rd, 2002, this covenant restricts subdivision and building permit issuance until final completion of the offsite works as identified on

associated Variance Permit VP100005. Through the concurrent subdivision application this covenant will be reviewed in detail.

Section 219 Covenant No. PT019911: Registered to title on June 3rd, 2002, this covenant restricts development within a no build area identified as a 16.0 m wide strip along the Northern Boundary of the parcel as identified on Reference Plan PGP48074. Should this application be approved, an Industrial Form and Character Development Permit will be required which will ensure the no build area is maintained.

Section 219 Covenant No. PT019913: Registered to title on June 3rd, 2002, this covenant limits the permitted uses on the southern 6.0 ha portion of the subject property to: (a) Recreational Vehicle Sales or Service, Car Sales or Service and Car Storage; (b) the storage of recreational vehicles, including without limitation the storage of motorhomes; and (c) the retail sale and servicing of small engine goods. Should the covenant discharge proposed under Bylaw No. 9477, 2024 be approved, this covenant will be removed from the legal title of the subject property.

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 mail out area that is required by the “City of Prince George Development Procedures Bylaw No. 9423, 2023” be increased from 30 meters to the area shown on Exhibit “B” to RC000026. These parcels, while outside of the standard 30 meters, may have interest in the subject property.

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. 9477, 2024 be approved.

Summary and Conclusion:

The applicant has applied to discharge Section 219 Covenant registered on the legal title of the subject property as Land Title Office Document No. PT019913. Administration recommends that Council approve the discharge of the Section 219 Covenant for the reasons provided 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: 2024/09/09