

STAFF REPORT TO COUNCIL

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DATE: December 18, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Zoning Bylaw Amendment Application No. RZ100809 (Bylaw No. 9440)

APPLICANT: Justin Mousseau for 0833689 B.C. Ltd., Inc. No. BC0833689
LOCATION: 484 Douglas Street

ATTACHMENT(S): Location and Zoning Map
 Appendix "A" to Bylaw No. 9440
 Supporting Documents

- Letter of Intent
- Letters of Support and Associated Map

RECOMMENDATION(S):

That Council GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9440, 2023".

PURPOSE:

The applicant has applied to rezone the subject property located at 484 Douglas Street from C4: Local Commercial to C4c: Local Commercial, as shown on Appendix "A" to Bylaw No. 9440. The addition of the "c" to the C4 zone will allow a "Retail, Cannabis" use on the subject property on a permanent basis.

BACKGROUND:

Site Characteristics

Location	484 Douglas Street
Legal Description	Parcel 1, District Lot 937, Cariboo District, Plan 31125
Current Use	Commercial Strip Mall
Site Area	0.2 ha (0.5 acres)
Future Land Use	Neighbourhood Corridor
Growth Management Class	Growth Priority
Servicing	City Services Available

Zoning (see Appendix "A" to Bylaw No. 9440)

Current Zoning	C4: Local Commercial
Proposed Zoning	C4c: Local Commercial

Surrounding Land Use Table

North	Commercial (liquor store)
South	5 th Avenue; Commercial (Vacant Land; Car Dealership)
East	Gas Station; Carney Street
West	Douglas Street; Apartment Housing

Relevant Applications

Temporary Use Permit Application No. TU000048: On June 12, 2019 Council approved Temporary Use Permit No. TU000048 to permit a “Retail, Cannabis” use on the subject property for three years.

Cannabis License Application No. CN000005: On June 12, 2019, Council agreed to forward a resolution to the Liquor and Cannabis Regulation Branch (LCRB) supporting a cannabis retail license on the subject property. The LCRB issued a cannabis retail license to Canna Northwest Enterprises Inc. on September 12, 2019, facilitating the operation of Shire Green Cannabis.

STRATEGIC PRIORITIES:

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

POLICY / REGULATORY ANALYSIS:

Liquor and Cannabis Regulation Branch

The LCRB is the provincial authority responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. The LCRB is regulated by the *Cannabis Control and Licensing Act* and *Cannabis Distribution Act*. All distribution licenses are approved and issued by the LCRB. As indicated above, Council supported the proposed “Retail, Cannabis” use for the subject property and a resolution was forwarded to the LCRB who issued a cannabis retail license for the current operation of Shire Green Cannabis at the subject property.

City of Prince George Liquor and Cannabis License Policy

The City of Prince George Liquor and Cannabis Licensing Policy (LCLP) establishes guidelines for the operation of licensed liquor establishments and cannabis retail stores within the City. The LCLP provides guidelines on hours of operation, occupant load, and location. Staff have evaluated the criteria outlined in the LCLP and have considered their relevance to this rezoning application as noted below.

Official Community Plan

Future Land Use

The subject property is designated as Neighbourhood Corridor in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Corridor designation promotes retail, personal services, service-oriented office uses, and food & beverage establishments intended to draw residents from surrounding neighbourhoods at intersections of collector and arterial streets.

Growth Management

The subject property is designated as Growth Priority in Schedule B-4: Growth Management of the OCP. Growth Management policies prioritize infill and redevelopment within infill and growth priority areas (OCP Policy 8.1.1 and 8.1.2). This application will facilitate a permanent use of the subject property for a “Retail, Cannabis” use, utilizing existing commercial retail space.

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 zoned C4: Local Commercial. The C4 zone is intended to provide for local commercial areas and complementary residential uses. The applicant has applied to rezone the subject property from C4: Local Commercial to C4c: Local Commercial to facilitate a “Retail, Cannabis” use, as shown on Appendix “A” to Bylaw No. 9440. The addition of the “c” to the C4 zone allows a “Retail, Cannabis” use on the subject property.

Land use impacts that are considered with a “Retail, Cannabis” application include location of use, community impacts, proliferation of uses, parking and traffic.

Location of Establishment

The subject property is located at the corner of 5th Avenue and Douglas Street within an established local commercial site, including a gas station, restaurant(s) and retail (north, south and east). Residential uses are located immediately west of the subject property across Douglas Street.

The existing “Retail Cannabis” use is complementary to the established commercial uses adjacent to the subject property (north, south and east). Any residential uses (west) are separated by the existing “Retail, Cannabis” use by Douglas Street. Therefore, Administration does not foresee any negative impacts relating to the location of the proposed cannabis retail store.

Community Impacts

The subject property is a well-established local commercial site that has existed within the community for several years. The proposed “Retail, Cannabis” use is complementary to the surrounding commercial and retail uses. In addition to this, the applicant has a safety and security plan for the operation of the business. (Please find enclosed.) The existing hours of operation (9:00 am to 11:00 pm) are consistent with the Liquor and Cannabis Licensing Policy (“LCLP”). As such, Bylaw Services has not received any complaints regarding the operation of the “Retail, Cannabis” use on the subject property under Shire Green’s temporary use permit.

Proliferation of Use

The subject property is approximately 800 m west of an existing cannabis retail use located at 737 Central Street (BC Cannabis Store) and approximately 1.3 km east of an existing cannabis retail use located at 1533 3rd Avenue (Earth to Sky Cannabis). These stores are separated physically from the subject property by provincial highways and arterial roads. Due to the separation distance of these retail uses, Administration does not anticipate any negative impacts from the continuation of this use on the subject property.

Parking and Traffic

Onsite parking is available to accommodate parking and traffic circulation on-site. The subject property is accessed from both Douglas Street and 5th Avenue thereby mitigating potential access and egress conflicts. As the “Retail, Cannabis” use has been on the subject property since 2019, rezoning to allow the use is not expected to produce additional parking or traffic concerns.

Administration supports this application as the proposed rezoning is consistent with the Future Land Use and Growth Management policy direction identified by the OCP, and LCLP direction for business hours.

OTHER CONSIDERATIONS:

Referrals

This rezoning application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Property Title

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

RCMP

The RCMP expressed no concerns with respect to this application.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9440 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", a public hearing will be held regarding this rezoning application 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 this application. 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 application 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 application. 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. 9440, 2023 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to rezone 484 Douglas from C4: Local Commercial to C4c: Local Commercial to facilitate the continuation of Shire Green, a "Retail, Cannabis" use on a permanent basis. An existing "Retail, Cannabis" use was previously permitted under Temporary Use Permit No. TU000048. Administration supports this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Keone Gourlay, Planner I

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/01/08