

**Date:** November 13, 2024

**To:** **Mayor and Council**

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

**Subject:** Section 219 Covenant Amendment Application No. RC000029 (Bylaw No. 9498)

**Applicant:** L&M Engineering Ltd. for Datoff Bros. Construction Ltd., Inc.  
No. BC0411936

**Location:** 2819 Redfield Place

**Attachments:** Location and Zoning Map  
Section 219 Restrictive Covenant (Land Title Office Document No. CA3840299)  
Trip Generation Letter

**Recommendations:**

That Council GIVES FIRST AND SECOND READING to “City of Prince George Restrictive Covenant Modification Bylaw No. 9498, 2024” to amend Section 219 Covenant registered as Land Title Office Document No. CA3840299 on Lot 6, District Lot 4377, Cariboo District, Plan EPP56990.

**Purpose:**

The applicant would like to construct a pre-engineered multi-tenant building at 2819 Redfield Place (subject property). To facilitate the proposed light industrial development, the applicant has applied to amend the Section 219 Covenant (Land Title Office Document No. CA3840299) registered to the legal title of the subject property to allow “Consulting, Scientific and Technical” as a permitted use.

**Background:**

**Site Characteristics**

Location	2819 Redfield Place
Legal Description	Lot 6, District Lot 4377, Cariboo District, Plan EPP56990
Current Use	Vacant Land
Site Area	1.2 ha (2.97 acres)
Current Zoning	M1: Light Industrial
Future Land Use	Light Industrial
Growth Management Class	Infill
Servicing	City services available

### Surrounding Land Use Table

North	Houghtaling Road; Residential; Bible Missionary Church
South	Light Industrial
East	Redfield Place; Light Industrial
West	Highway 97N

### Relevant Applications

**Official Community Plan Amendment Application No. CP100080, Bylaw No. 8483 and Rezoning Application No. RZ100423, Bylaw No. 8484:** On February 24, 2014, the subject property received an Official Community Plan (OCP) and Zoning Bylaw amendment to redesignate the property from residential and greenbelt to light industrial. As part of this application the property owner was required to register a Section 219 Covenant on title limiting the permitted uses on the subject property to address potential traffic concerns.

**Development Permit Application No. DP100873:** On August 12, 2024, an Industrial Form and Character Development Permit was issued to facilitate the construction of a 2,154.2 m<sup>2</sup> multi-tenant building.

**Building Permit Application No. BPO43133:** The owner has concurrently applied for a building permit application on the subject property to facilitate the proposed 2,154.2 m<sup>2</sup> multi-tenant building. The building permit application is currently under review.

### 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:

#### **Official Community Plan**

#### Future Land Use

The subject property is designated as Business District, Light Industrial in Schedule B-6: Future Land Use of the OCP. The Light Industrial designation is intended to accommodate 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 minor recreation, warehousing, scientific & technical consulting, storage and distribution, and similar uses.

#### Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. This designation is intended to promote infill and redevelopment of existing vacant and underutilized sites.

Administration supports this application, as the proposed "Consulting, Scientific and Technical" use is consistent with the OCP's Future Land Use and Growth Management policies for development.

## **Zoning Bylaw**

The subject property is zoned as M1: Light Industrial which has an intent to provide for a mix of business and light industrial uses.

The subject property is currently vacant and undeveloped, and the proposed Section 219 Covenant amendment will facilitate development by adding an additional permitted use.

The proposed “Consulting, Scientific and Technical” use is currently permitted within the M1 zone, but at the time of the registration of the existing Section 219 Covenant the use was limited to a specific area of the city as defined under a schedule to the Zoning Bylaw. The schedule that showed the area of the city that would allow for “Consulting, Scientific and Technical” has since been removed through a housekeeping amendment to the Zoning Bylaw as it is considered a use consistent with other light industrial properties through the city.

Administration supports this application, aligning the uses permitted on the subject property with other light industrial properties.

## **Section 219 Covenant**

Section 219 Covenant No. CA3840299 was registered to the legal title of the subject property on July 15, 2014. The covenant was registered to the legal title of the subject property as a condition of zoning bylaw amendment to address traffic concerns that may have been anticipated from the M1 zone. The covenant currently limits the permitted uses on the subject property to:

- a) contractor service, major;
- b) contractor service, minor;
- c) equipment, major;
- d) industrial, light;
- e) manufacturing, custom indoor;
- f) parking, non-accessory;
- g) service, household repair;
- h) service, industrial support;
- i) vehicle repair, major;
- j) vehicle repair, minor;
- k) veterinary service, major;
- l) veterinary service, minor;
- m) warehousing and storage; and
- n) wholesale.

The applicant would like to amend the Section 219 Covenant to include “Consulting, Scientific and Technical” as a permitted use on the subject property. The applicant has provided a Trip Generation Letter (September 4, 2024), which compares the previous trip generation to the existing trip generation of the Redfield Place industrial area. Considering the development trends in the area, the

Trip Generation Letter does not identify any significant traffic impacts from the inclusion of a “Consulting, Scientific and Technical” use on the subject property.

Administration supports the proposed amendment of Section 219 Covenant No. CA3840299 as it will facilitate future development, allow an additional use consistent with the M1 zone and other light industrial areas, and is not anticipated to have any significant traffic impacts.

#### 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	BC0411936
Name of Company	Datoff Bros. Construction Ltd.
Director Information	Datoff, Thomas William Datoff, James Hugh Hemmerich, Ryan

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. CA7070518:** Registered to title on September 17, 2018, this covenant restricts the development of a driveway or roadway providing access to Houghtaling Road from the subject property.

**Section 219 Covenant No. CA7070519:** Registered to title on September 17, 2018, this covenant restricts development for all buildings and structures from occurring within the area identified within 4.5 metres of Highway 97N (the western boundary) of the subject property.

**Section 219 Covenant No. CA7070520:** Registered to title on Sept 17, 2018, this covenant requires a certificate from a registered professional engineer prior to construction of any buildings or structures to confirm the load bearing capacity of the undisturbed soil, rock or compacted granular fill.

##### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9498 requires the Ministry of Transportation and Infrastructure’s approval prior to Final Reading and adoption. The Ministry of Transportation and Infrastructure is also a signatory of the covenant and has no concerns with the proposed amendment.

## 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](#).

### 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. 9498, 2024 be approved.

### Summary and Conclusion:

The applicant has applied to amend the Section 219 Covenant registered on the legal title of the subject property as Land Title Office Document No. CA3840299. Administration recommends that Council approve the amendment to include “Consulting, Scientific and Technical” as a permitted use on the subject property 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: 2024/12/02