

**Date:** January 8, 2025

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

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

**Subject:** Temporary Use Permit Application No. TU000098

**Applicant:** Jewel Mary Hendricks

**Location:** 7714 Hart Highway

**Attachment(s):** Location and Existing Zoning Map  
Temporary Use Permit No. TU000098  
Supporting Documents

- Rationale Letter
- Letters of Support from Surrounding Residents and Associated Map
- Petition Letters

**Recommendation(s):**

That Council DENIES Temporary Use Permit No. TU000098 for the property legally described as Lot 9, District Lot 2433, Cariboo District, Plan 9394, Except Plan 15765.

**Purpose:**

The applicant has applied for a 3-year Temporary Use Permit to bring an existing “Vehicle Rental, Major” use into compliance at 7714 Hart Highway (subject property). The subject property is currently being used to store U-Haul trucks and trailers for rent. The applicant has provided a supplemental letter explaining the activities occurring and the rationale for locating the use on the subject property.

**Background:**

Site Characteristics

Location	7714 Hart Highway
Legal Description	Lot 9, District Lot 2433, Cariboo District, Plan 9394, Except Plan 15765
Current Use	Vacant
Site Area	0.6 ha (1.6 acres)
Zoning	RS1m: Suburban Residential

Surrounding Land Use Table

North	Residential; Birchview Residences Senior Care
South	Residential
East	Residential; Opal Drive
West	Hart Highway Frontage Road; Highway 97 N

## Policy / Regulatory Analysis:

A Temporary Use Permit (TUP) is a tool to allow a short-term use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of 3-years and may only be renewed once for an additional 3-years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed use.

### **Zoning Bylaw**

The subject property is currently zoned RS1m: Suburban Residential. The intent of the RS1 zone is to foster a suburban lifestyle on properties larger than 845 m<sup>2</sup>. The district also allows for complementary residential related uses that are compatible with the residential character of the area.

The applicant is currently storing and renting out U-Haul trucks and trailers on the subject property. This exceeds the storage and Home Business Licence regulations of the Zoning Bylaw. The current “Vehicle Rental, Major” use is not permitted within the RS1m zone. As such, the applicant has applied for a 3-year TUP to bring the existing “Vehicle Rental, Major” use into compliance at the subject property.

The subject property is a vacant lot located on the Hart Highway. There is no principal use or dwelling established on the subject property. Although the subject property is fronting Highway 97 N with access from the frontage road, the subject property is located midblock surrounded by single-detached housing. “Vehicle Rental, Major” uses are permitted in commercial and industrial zones only and are not seen to be compatible with residential zones. Administration is not in support of a “Vehicle Rental, Major” use in the RS1m zone on the subject property.

### **Official Community Plan Bylaw No. 8383, 2011**

The subject property is designated Neighbourhood Residential in Schedule B-6: Future Land Use of the Official Community Plan (OCP). This designation encourages infill and redevelopment while maintaining a similar scale of housing typical to the existing neighbourhood (OCP Policy 8.3.45). Neighbourhood designations do not support commercial uses and are intended to be residential in nature with associated schools and parks.

Section 9.2 of the OCP outlines the following factors to consider for TUPs:

#### Temporary Nature of Use

The applicant has applied for a 3-year term TUP to bring an existing “Vehicle Rental, Major” use into compliance with the Zoning Bylaw. The applicant has provided a rationale letter further detailing the use, which is attached as a supporting document to this report. Should Council approve this TUP for the proposed term, prior to expiration, the applicant will be required to apply for a TUP renewal or a zoning bylaw amendment at a future date should they wish to continue the use on the subject property.

#### Compatibility of Adjacent Uses

The subject property is located within a predominately RS1m zoned single-detached neighborhood. A “Vehicle Rental, Major” use is considered to be a high intensity use typically found in industrial areas. There have been no “Vehicle Rental, Major” uses permitted in other predominantly residential areas within the City.

The proposed “Vehicle Rental, Major” use is not considered to be compatible within the residential area due to the potential impacts on noise and traffic, and the visual impact of a fleet storage lot for U-Haul trucks and trailers between residential properties.

#### Impact on Natural Environment

The proposed use is not anticipated to negatively impact the natural environment.

### Intensity of Proposed Use

There is no principal use or dwelling established on the subject property and as such home business regulations are not applicable. The proposed “Vehicle Rental, Major” use is of a higher intensity than what may be permitted as a home business throughout the surrounding neighbourhood and does not preserve the residential character of the subject property and surrounding area.

As further detailed in the rationale letter provided by the applicant and attached as a supporting document, the business operates 08:00-17:00, seven days a week. The hours and expected frequency of trips associated with a vehicle rental business is not seen to be conducive to a residential neighbourhood.

The subject property is identified within the Home Business Overlay as shown in Schedule “B” of the Zoning Bylaw. The Home Business Overlay permits Home Business 3 operations should there be a principal dwelling on the subject property, which is the highest intensity home business type that may be permitted in a residential area. “Vehicle Rental, Major” uses are of a higher intensity than other uses that may be permitted as a Home Business 3. A “Vehicle Rental, Major” use is not permitted as a Home Business 3 for the following reasons:

- A home business may only be permitted as a secondary use to a dwelling.
- On lots 2.0 ha or smaller, a Home Business 3 shall not occupy more than 25% of the gross floor area of the principal dwelling plus the area of accessory structures, but in no case shall the total area of the home business exceed the gross floor area of the principal dwelling.
- Any storage of materials or goods related to the home business must be located within the principal dwelling and/or accessory structures.
- There shall be no outdoor display or sale of goods on the site except those produced or processed on the same site.
- No more than three home business vehicles may be parked and maintained on sites which are 1.0 ha or less. One of these three home business vehicles may be a heavy vehicle (any vehicle or trailer that exceeds either a length of 7.5 m or a maximum gross vehicle weight of 5,500 kg).
- Nuisance detectable beyond the property boundary shall not be produced by the home business. At all times, the privacy and enjoyment of adjacent residences shall be preserved and the amenities of the neighbourhood maintained.

### Inability to Conduct Proposed Use Elsewhere

“Vehicle Rental, Major” uses are permitted on any property zoned M1: Light Industrial, M2: General Industrial, M3: Business Industrial, Z8: Regional Shopping, or Z10: Inland Plaza as a principal use, as well as in the Z1: Airport as a secondary use to the airport.

While properties that allow a “Vehicle Rental, Major” are available elsewhere, the applicant is proposing to utilize the subject property as outlined in the rationale letter attached to this report.

Administration is struggling to support this application as the proposed temporary use is not consistent with the policy direction of the OCP or surrounding land uses and is of higher intensity than would be permitted in a residential area.

### Other Considerations:

#### **Referrals**

This application was referred to internal City divisions and external agencies for comments. There are no outstanding comments or concerns about this application.

### Property Title

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

### Bylaw Services

The City became aware of that a “Vehicle Rental, Major” use occurring on the subject property in November 2023. The City’s Development Services Division contacted the property owner to educate them on the non-compliant land use and provided options to bring the subject property into compliance. As such, the applicant submitted a complete Temporary Use Permit Application for consideration in May 2024.

Bylaw Services has received one (1) complaint regarding the operation of a U-Haul dealer and vehicle storage at the subject property. Representatives of Bylaw Services attended the subject property on January 2, 2024, and confirmed the presence of U-Haul vehicles and advertising at the subject property.

### **Letters of Support**

The applicant has provided five (5) letters of support from residents surrounding the subject property (attached). Please note that two (2) of the five (5) letters received are signed by the applicant who owns 7686 and 7752 Hart Highway.

### **Petition Letters of Support**

The applicant also provided an additional 282 signatures via a form letter and petition (attached).

### **Statutory Notification and Public Consultation**

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 and granting of the permit 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 permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Temporary Use Permit No. TU000098 be denied. Should Council support this application, Temporary Use Permit No. TU000098 has been attached to this report.

### Summary and conclusion:

Due to the rationale identified in this report, Administration recommends that Council deny the applicant’s request for a TUP to allow a “Vehicle Rental, Major” use for a 3-year term at 7714 Hart Highway.

Respectfully Submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by: Keone Gourlay, Planner 1

Approved:

Walter Babicz, City Manager

Meeting Date: 2025/02/03