

STAFF REPORT TO COUNCIL

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DATE: March 16, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Temporary Use Permit Application No. TU000056

Applicant: Doug Timleck
Location: 5532 Cook Crescent

ATTACHMENT(S): Location and Existing Zoning Map Temporary Use Permit No. TU000056

RECOMMENDATION(S):

That Council DENIES Temporary Use Permit No. TU000056 for the property legally described as Lot 2, District Lot 4046, Cariboo District, Plan 11884.

PURPOSE:

As per the *Local Government Act*, a Temporary Use Permit (TUP) may be issued for a maximum of three (3) years, and may only be renewed once for an additional three (3) years. The applicant has been operating under Temporary Use Permit Application No. TU000043 to allow Vehicle Repair, Minor on the subject property located at 5532 Cook Crescent. Temporary Use Permit Application No. TU000043 expires on March 25, 2020. As such, the applicant has applied to renew the TUP to allow continued operation of a vehicle repair business (Done Right Auto) from a detached garage on the subject property for an additional three (3) years.

Background

Site Characteristics

| | |
|--------------|---------------------------------------|
| Location | 5532 Cook Crescent |
| Current Use | Residential |
| Proposed Use | Residential and Vehicle Repair, Minor |
| Site Area | 0.25 ha |
| Zoning | RS1m: Suburban Residential |

Official Community Plan

| | |
|-------------------|---------------------------|
| Future Land Use | Neighbourhood Residential |
| Growth Management | Infill |

Surrounding Land Use Table

| | |
|-------|--|
| North | Residential |
| South | Residential |
| East | Residential |
| West | Cook Crescent; Croft Road; Residential |

Relevant Applications

TU000043: Temporary Use Permit Application No. TU000043 was considered by Council on March 11, 2019. The applicant requested that Council approve Temporary Use Permit Application No. TU000043 to allow Vehicle Repair, Minor for three (3) years on the subject property located at 5532 Cook Crescent. Council approved the permit as amended to allow Vehicle, Repair Minor as a permitted use on the subject property for one (1) year in order to determine potential land use conflicts. Temporary Use Permit No. TU000043 expires on March 25, 2020.

POLICY / REGULATORY ANALYSIS:

A 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 three (3) years, and may only be renewed once for an additional three (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 uses.

Zoning Bylaw

The subject property is zoned RS1m: Suburban Residential, which is intended to foster a suburban lifestyle and provide for complementary residential related uses that are compatible with the residential character of the area. Vehicle Repair, Minor is not a permitted use in the RS1m: Suburban Residential zone or as a home based business.

On March 11, 2019 Council approved Temporary Use Permit Application No. TU000043, which allowed Vehicle Repair, Minor as a permitted use on the subject property for one (1) year. The applicant is applying to extend the Vehicle Repair, Minor use for an additional (3) three years.

Official Community Plan

The subject property is designated as Neighbourhood Residential as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The issuance of TUPs can be considered in all OCP designations. Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a temporary use permit.

Temporary Nature of Use

The applicant has applied for a TUP to allow Vehicle Repair, Minor on the subject property for three (3) years. As per the *Local Government Act*, TUPs may only be issued for a maximum of three (3) years, and may be renewed once for an additional three (3) years. Following the expiration of the proposed TUP, the applicant must apply for an OCP and Zoning Bylaw amendment; cease the use; or relocate to a property that supports Vehicle Repair, Minor.

Compatibility of Adjacent Uses

The subject property is designated Neighbourhood Residential as per the OCP. OCP policy states that the City should maintain character typical of existing neighbourhoods (Policy 8.3.62). The subject property is surrounded by residential uses to the north, south, east and west. A Vehicle Repair, Minor use is only permitted in commercial or industrial zones. On-site vehicle repair is not permitted as a home business use as per Zoning Bylaw No. 7850, 2007, due to the impacts this type of land use has on residential areas (i.e., noise). Development Services is aware of concerns raised regarding noise and land use conflicts as a result of this business operation on the subject property.

Administration is recommending denial of the proposed TUP as Vehicle Repair, Minor is not compatible with the surrounding residential uses.

Impact on Natural Environment

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

Intensity of Proposed Use

The RS1m zone permits Home Business 2 uses as per Zoning Bylaw No. 7850, 2007. Home Business 2 does not include uses such as vehicle repair. As identified above, this use is only permitted in commercial or industrial zones. This is due to potential land use conflicts regarding noise, traffic, parking and access.

Inability to Conduct Proposed Use Elsewhere

The applicant has been operating as a mobile business since 2000, and also utilizes the existing detached garage for vehicle repairs. The applicant has applied for a TUP to allow Vehicle Repair, Minor to facilitate use of the detached garage for vehicle repair on the subject property. Vehicle Repair, Minor is permitted in the following zones, as per Zoning Bylaw No. 7850, 2007: C6: Highway Commercial; M1: Light Industrial; M2: General Industrial; M3: Business Industrial; M4: Transition Industrial; M5: Heavy Industrial; Z3: Retail & Warehouse Sales; Z5: Auto-Oriented Retail; Z8: Regional Shopping; Z10: Inland Plaza; and Z16: Blackburn Commercial.

Administration believes that the proposed Vehicle Repair, Minor use can be established in another location, in an appropriate zone, compatible with surrounding land uses.

OTHER CONSIDERATIONS

Referrals

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

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will provide notice to adjacent property owners whose interests may be affected by this temporary use.

Business License Account No. 611363

The applicant currently has an active business license to allow Vehicle Repair, Minor on the subject property. Should Council agree with Administration's recommendation to deny Temporary Permit No. TU000056, the applicants Business License (Account No. 611363) will be cancelled.

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 Permit No. TU000056 be denied.

SUMMARY AND CONCLUSION:

Administration recommends that Council deny the applicant's request for a TUP allowing a Vehicle Repair, Minor on the subject property for the reasons outlined in this report. Should the application be denied, the applicant must apply for an OCP and Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed use.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Nicole Fraser, Planner

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/04/06