

# STAFF REPORT TO COUNCIL

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**DATE:** April 8, 2020

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Temporary Use Permit Application No. TU000059

Applicant: Antonio Rebelo  
Location: 1973 Ogilvie Street

**ATTACHMENT(S):** Location and Existing Zoning Map  
Temporary Use Permit No. TU000059  
Letter of Intent from the Applicant

## RECOMMENDATION(S):

That Council **APPROVES** Temporary Use Permit No. TU000059 for the property legally described as Lot 23, District Lot 936, Cariboo District, Plan 15083.

## PURPOSE:

The applicant is requesting an extension of a Temporary Use Permit to continue to allow a nail, lash, and waxing salon (i.e. a “service, personal” use) in a light industrial building located at 1973 Ogilvie Street. The subject property is zoned M1: Light Industrial, which does not include “service, personal” as a permitted use.

The use was previously permitted under Temporary Use Permit No. TU000031 for a period of two (2) years to allow the business to operate while a new location was constructed. TU000031 expired on November 7, 2019, however the new location has not yet been constructed. Therefore, to facilitate the continued operation of the business, the applicant is requesting a Temporary Use Permit to allow the “service, personal” use at this location for an additional two years.

## Background

### Site Characteristics

Location	1973 Ogilvie Street
Current Use	Service, Personal (nail and lash salon)
Site Area	1974 m <sup>2</sup>
Zoning	M1: Light Industrial

### Official Community Plan

Future Land Use	Business District – Light Industrial
Growth Management	Infill

### Surrounding Land Use Table

North	Light Industrial
South	Light Industrial
East	Ogilvie Street, Light Industrial
West	Laneway, Light Industrial

### Related Applications

Temporary Use Permit No. TU000031 – On November 6, 2017 Council approved Temporary Use Permit No. TU000031 to permit the “service, personal” use on the subject property. The permit authorized the use for a period of two (2) years from the date of issuance. The permit expired on November 7, 2019.

### **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 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 currently zoned M1: Light Industrial. The intent of the M1: Light Industrial zone is to provide for a mix of business and industrial uses. The M1; Light Industrial zone does not permit the “service, personal” use. The applicant has applied for a TUP to allow the “service, personal” use on the subject property located at 1973 Ogilvie Street.

### **Official Community Plan**

Section 9.2 of City of Prince George Official Community Plan Bylaw No. 8383, 2011 (OCP) provides criteria to consider against TUP applications. Below is an analysis of this application against criteria in the OCP:

- The use must be clearly temporary or seasonal in nature;
- Compatibility of the proposal with adjacent uses;
- Impact on the natural environment;
- The intensity of the proposed use; and,
- Inability to conduct proposed use on land elsewhere in the community.

### Temporary Nature of Use

The applicant has stated that the proposed use is temporarily operating on the subject property while awaiting the construction of a new location on a property where the zoning will permit the use to occur permanently. There is a building permit application in progress (Building Permit No. BP040640) for the new location (3450 15<sup>th</sup> Avenue). This Temporary Use Permit application is intended to allow the use to continue to operate until construction is complete, at which time the business will move into the new location.

### Compatibility of Adjacent Uses

A “service, personal” use is not generally considered consistent with the uses associated with light industrial areas. This area is intended for production, distribution and repair uses that may have negative impacts on surrounding properties (e.g. noise, lights, smells etc.). The OCP supports service uses that are ancillary in nature to light industrial uses. A salon is not ancillary to the light industrial uses in the area. However, the use has been operating at this location for two (2) years, during which time no complaints have been made to the City.

### Impact on Natural Environment

It is not believed that the proposed use will have a negative impact on the natural environment.

### Intensity of Proposed Use

The use will have similar hours of operation to the surrounding uses, and will attract a maximum of two clients per hour. This is unlikely to generate a noticeable increase to traffic in the area. The use has been operating for two years under the previous Temporary Use Permit (TU000031) with no complaints received by the City.

### Inability to Conduct Proposed Use Elsewhere

The Zoning Bylaw permits the “service, personal” use in the C1: Downtown, C2: Regional Commercial, C3: Neighbourhood Commercial, C4: Local Commercial, C5: Visitor Commercial, C6: Highway Commercial, C7: Transitional Commercial, C8: Commercial Conversion, P4: Higher Education, Z6: Casino & Accommodation, Z8: Regional Shopping, Z9: Hill Avenue, Z10: Inland Plaza, and Z11: Fraser River Bench Lands zones. There is opportunity to accommodate the proposed use elsewhere in the City of Prince George.

As previously stated, the applicant has selected a new location, which meets the zoning requirements, but the building has yet to be constructed. A building permit (BP040640) has been submitted for the new building, which will accommodate the salon in the future.

### **OTHER CONSIDERATIONS:**

#### **Referrals**

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

#### **Notification to Adjacent Property Owners**

As a result of the COVID-19 pandemic and Ministerial Order No. M083 issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to discontinue informal hearings for Development Variance Permit applications, Temporary Use Permit applications and other applications where such hearings are not legally required to be held. This decision is effective for the period that Ministerial Order No. M083 applies.

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this variance. 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 Permit No. TU000059 be approved.

**SUMMARY AND CONCLUSION:**

Administration recommends that Council approve the applicant's request for a TUP allowing the "service, personal" use on subject property for an additional two (2) years to allow the continued operation of the business until the new location has completed construction.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Tristin Deveau, Planner

**APPROVED:**

Kathleen Soltis, City Manager

Meeting Date: 2020/04/08