

# STAFF REPORT TO COUNCIL

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**DATE:** March 24, 2020

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Temporary Use Permit Application No. TU000055  
Applicant: Gaylene Neary for The Well- A Gathering Place Fellowship  
Location: 4350 15<sup>th</sup> Avenue

**ATTACHMENT(S):** Location and Existing Zoning Map  
Temporary User Permit No. TU000055

**RECOMMENDATION(S):**

That Council APPROVES Temporary Use Permit No. TU000055 for the property legally described as Lot 1, District Lot 2507, Cariboo District, Plan EPP84493.

**PURPOSE:**

The applicant has applied for a Temporary Use Permit (TUP) to allow for 25.0 m<sup>2</sup> office (counselling services) within the King's In Bible Store and church at 4350 15<sup>th</sup> Avenue (subject property). The proposed 25.0 m<sup>2</sup> office would be located within the basement of the building. Currently, the subject property is zoned as P2: Minor Institutional, which does not permit office use. As per the Local Government Act, Temporary Use Permits can allow a use not permitted by a zoning bylaw.

**Background**

Site Characteristics

Location	4350 15 <sup>th</sup> Avenue
Current Use	The Well - A Gathering Place Fellowship and the King's In Bible Store
Site Area	0.3 ha (0.74 acres)
Zoning	P2: Minor Institutional

Official Community Plan

Future Land Use	Neighbourhood Centre, Corridor and Neighbourhood Centre, Residential
Growth Management	Growth Priority

Surrounding Land Use Table

North	Antler Park and Residential
South	15 <sup>th</sup> Avenue, Exhibition Park (Aquatic Centre and soccer fields) and Rotary Soccer Fields

East	Religious Assembly (Jehovah's Witnesses) and Multiple Residential Apartment
West	Religious Assembly (The 7 <sup>th</sup> Day Adventist Church) and Vacant Commercial Property

**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.

**Official Community Plan**

The subject property is designated as 'Neighbourhood Centre Corridor' and 'Neighbourhood Centre, Residential' as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The 'Neighbourhood Centre' designations (corridor and residential) are intended to provide local shops, services and similar amenities as well as encourage infill and redevelopment of existing vacant and underused sites (Policy 8.3.31).

The issuance of a temporary use permit 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. Administration has considered these conflicts in the Zoning Bylaw section below.

**Zoning Bylaw**

The subject property is currently zoned P2: Minor Institutional. The intent of the zone is to provide for educational and recreational uses, and religious assemblies (church). As stated previously, the zone does not permit office use, therefore the applicant applied for a temporary use permit to allow this use in the basement of the existing building.

Temporary Nature of Use

The applicant would like to relocate her home based business for Mirror Image Counselling to the subject property to allow for individual and group services for counselling, education and training. If approved, the TUP would allow the applicant to obtain a business license for up to three (3) years at this location.

Administration believes this proposal is supportable in principal as a temporary use on the subject property.

Compatibility of Adjacent Uses

OCP states that the City should allow and encourage office uses downtown, and restrict them outside the downtown (Policy 8.3.3). As indicated in this OCP Policy, the Zoning Bylaw does permit small retail/office tenancies that are restricted in gross leasable floor area. Specifically, commercial zones that are adjacent to residential uses (i.e. C4: Local Commercial and C7: Transitional Commercial) may have gross leasable floor area that range from 280 m<sup>2</sup> to 1400 m<sup>2</sup>. The applicant will have an office floor area of 25 m<sup>2</sup> within the existing building for The King's In Bible Store and church.

Administration is recommending approval of the proposed TUP as the office use will encompass only 25 m<sup>2</sup> of the existing building. The gross leasable floor area is well below the maximum area of retail/ office uses in commercial zones that are close to residential neighbourhoods.

Impact on Natural Environment

The proposed use will not negatively impact the natural environment.

### Intensity of Proposed Use

As indicated previously, the applicant would like to relocate their home based business to the subject property to allow for individual and group services for counselling, teaching and training services. The home based business regulations restrict the number of clients per day to one (1) client per hour and one (1) instruction class once a week for up to five (5) students. These restrictions do not exist should the business run from the proposed site.

The existing building is used for Religious Assembly (Church) and the King's In Bible Store (retail space). Access to the site is from 15<sup>th</sup> Avenue, which is an arterial collector. The arterial road system is intended for the movement of large volumes of people and goods between different areas of the City. The parking lot is adequate to accommodate retail, church and office uses onsite. Administration does not anticipate that the proposed office use will negatively impact the current uses on the property as there is sufficient parking to accommodate the additional office use.

The subject property is 0.3 ha (0.74 acres) and the existing building is orientated closer to 15<sup>th</sup> avenue, which provides an increased buffer of the existing building uses to the residential uses located to the north (40 m) of the subject property. Residential uses occurring to the north of the property line are further separated from the subject property from a City of Prince George park greenspace right of way (Antler Park).

Administration is recommending approval of this application as the road network, onsite parking and size of the parcel will limit any potential significant impacts on the adjacent properties.

### Inability to Conduct Proposed Use Elsewhere

The applicant is relocating the home based business to allow for increased individual and group counselling, education and training services on the subject property. The applicant provides services to The Well Fellowship, other religious assemblies in the area, individuals and groups that require counselling services.

The office use can be operated in other commercial zones (i.e. C1, C2, C3, C4 and C6), but the proposal is to allow for a transition from a home based business to a commercial office space.

### **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 temporary use permit. 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. TU000055 be approved.

**SUMMARY AND CONCLUSION:**

Administration recommends that Council approve the applicant's request for a TUP allowing a 25.0 m<sup>2</sup> office use on subject property for three (3) years for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner 1

**APPROVED:**

Kathleen Soltis, City Manager

Meeting Date: 2020/04/27