

STAFF REPORT TO COUNCIL

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DATE: June 24, 2020

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000061

Applicant: 1199562 BC Ltd. for Colin & Matthew Holdings Ltd., Inc. No. BC0780710
Location: 7550 Hart Highway

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000061
Liquor and Cannabis Regulation Branch Approval
Supporting Documents

RECOMMENDATION(S):

That Council:

APPROVES Temporary Use Permit No. TU000061 for the property legally described as Lot A, District Lot 2433, Cariboo District, Plan 14477, Except Plan 29887.

PURPOSE:

The applicant has applied for a Temporary Use Permit (TUP) to allow a “retail, cannabis” use on the subject property located at 7550 Hart Highway. The proposed retail sale of cannabis will be located in an existing tenant space on an established commercial site. Other uses on the site include liquor retail and a restaurant. Please see the attached supporting documents for more details.

The applicant has successfully completed the financial integrity check and security screening for a non-medical cannabis retail store required by the Liquor and Cannabis Regulation Branch (LCRB). The purpose of this report is to facilitate a “retail, cannabis” use on the subject property through a Temporary Use Permit.

Background

Site Characteristics

Location	7550 Hart Highway
Current Use	Commercial
Site Area	2536 m ²
Zoning	C4: Local Commercial (2398 m ²) C6I: Local Commercial (138 m ²)

Official Community Plan

Future Land Use	Service Commercial
Growth Management	Infill

Surrounding Land Use Table

North	Nordic Drive, Single Residential
South	Vacant
East	Single Residential
West	Hart Highway Frontage Road, Highway 97

Concurrent Applications

Cannabis License Application No. CN000012: The applicant has applied for a Retail Cannabis License following the financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis License Application No. CN000012 considers the proposed “retail, cannabis” use in accordance with the City of Prince George Liquor and Cannabis License Policy, and provides an opportunity for public feedback on the application. The application will require a resolution from Council that is to be forwarded to the LCRB.

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 a mix of C4: Local Commercial and C6I: Highway Commercial. The intent of the C4 zone is to provide areas for local commercial and complementary residential uses. The C6I zone is intended to provide for uses appropriate for highway locations, including the retail sale of liquor. The applicant has applied for a TUP to allow the “retail, cannabis” use within the C4 zoned portion of the subject property located at 7550 Hart Highway.

The “retail, cannabis” use is permitted under the C4c: Local Commercial Zone. Rather than rezone the subject property to allow for a “retail, cannabis” use, a TUP is being proposed to allow the use to occur on the subject property for a period of three (3) years. This will afford the applicant time to consider the permanency of the use at this location.

Official Community Plan

The subject property is designated as Business District: Service Commercial as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Service Commercial designation is intended primarily for travelling public-oriented commercial uses in highly accessible locations, and includes retailers that are primarily accessed by vehicle. The OCP does not differentiate between “retail, cannabis” and other forms of retail.

Section 9.2 of the OCP outlines a number of considerations for Staff and Council to use when assessing an application for a TUP.

Temporary Nature of Use

While the applicant would like to permanently establish a “retail, cannabis” use on the subject property, a TUP is being used as a mechanism to test the use on the site prior to permanently allowing it to continue. Should the applicant want to continue this use permanently on the subject property, a rezoning application will be required.

Compatibility of Adjacent Uses

The subject property is located in an established commercial site, which includes existing liquor retail and restaurant uses. Additionally, it is located adjacent to Highway 97, making it easily accessed by the travelling public. Residential uses are located in close proximity to the subject property. Additionally, the subject property is approximately 150 m from Kelly Road Secondary School and 610 m from Heather Park Elementary School. Both schools are separated from the subject property by Highway 97.

As previously mentioned, the subject property is an established commercial node that has existed within the community for a number of years, and includes liquor sales. While an additional retail use is not anticipated to have negative impacts on the surrounding neighbourhood, the TUP will allow the applicant to assess any unforeseen impacts related specifically to the “retail, cannabis” use.

Impact on Natural Environment

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

Intensity of Proposed Use

The C4 and C6I zones permit a number of retail and services uses as per Zoning Bylaw 7850, 2007. As mentioned above, Administration is supportive of this application to allow the City and external agencies the opportunity to better understand any additional impacts that may result from the “retail, cannabis” use.

Inability to Conduct Proposed Use Elsewhere

“Retail, cannabis” is permitted in the following zones, as per City of Prince George Zoning Bylaw No. 7850, 2007: C1c: Downtown; C2c: Regional Commercial; C4c: Local Commercial; and C6c: Highway Commercial. The applicant has applied for a TUP to allow the “retail, cannabis” use on the subject property for a temporary duration prior to pursuing a rezoning application that would allow the use permanently.

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 mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this temporary use.

Council Procedures during COVID-19

As a result of the COVID-19 pandemic and the Ministerial Order issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for permit applications and certain bylaws where such hearings are not required.

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 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 Permit No. TU000061 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing a "retail, cannabis" use on subject property located at 7550 Hart Highway.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Tristin Deveau. Planner

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/07/27