

STAFF REPORT TO COUNCIL

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DATE: August 25, 2020

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000063
Applicant: Andrea Petersen for Spruceland Tire Supply Ltd., Inc. No. 92253
Location: 2274 Queensway

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000063
Letter of Intent from the Applicant

RECOMMENDATION(S):

That Council APPROVES Temporary Use Permit No. TU000063 for the property legally described as Lot 1 and Lot 2, Block 26, District Lot 417, Cariboo District, Plan 1409.

PURPOSE:

The applicant has applied for a Temporary Use Permit (TUP) to allow for a 15.0 m² chiropractor clinic within a unit of the existing building at 2274 Queensway (subject property). The proposed use of a chiropractor clinic would be defined as “health service, minor” under the Zoning Bylaw No. 7850, 2007. Currently, the subject property is zoned as M3: Business Industrial, which does not permit a ‘health service, minor’ as a principal use. As per the *Local Government Act*, Temporary Use Permits can allow a use not permitted by a Zoning Bylaw.

Background

Site Characteristics

Location	2274 Queensway
Current Use	Industrial Tenants (Fort George Vulcanizing Ltd. and Spruceland Tire Supply Ltd) and two (2) vacant tenancies
Site Area	1,130.0 m ²
Zoning	M3: Business Industrial

Official Community Plan

Future Land Use	Neighbourhood Corridor
Growth Management	Growth Priority

Surrounding Land Use Table

North	Royal Crescent and M3: Business Industrial zoned property
South	Vacant commercial properties (C4: Local Commercial and C6: Highway Commercial) and Quadrant Crescent
East	Laneway and Residential properties (RT1: Two-Unit Residential and RS4: Urban Residential)
West	Queensway, M3: Business Industrial zoned property and Hudson's Bay Wetland Nature Park

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 land use.

Official Community Plan

Future Land Use

The subject property is designated as 'Neighbourhood Corridor' as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Corridor designation allows for infill and redevelopment in existing neighbourhoods (Policy 8.3.45) and encourage incremental, small-scale redevelopment whose immediate impacts are relatively minor (Policy 8.3.48). The City should permit local commercial nodes at intersections of collector and arterial streets. At these nodes, the City should support retail, personal services and service-orientated office uses (i.e. insurance, real estate and medical and dental clinics) that are intended to draw residents from surrounding neighbourhoods (Policy 8.3.54).

The OCP states that the City should allow and encourage office uses downtown, and restrict them outside the downtown. Office uses outside the downtown should be limited to those professional services that are regularly used by individuals, for whom nearby access is important, such as insurance, banks, and medical and dental offices (Policy 8.3.3).

The applicant's proposal is consistent with the Neighbourhood Corridor Designation to permit a medical clinic on an intersection of an arterial road (Queensway) and residential uses. Administration is supportive of this application based on the OCP policy.

Temporary Use Permits

The issuance of Temporary Use Permits can be considered in all Official Community Plan designations within City limits. Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering the Temporary Use Permit. Administration has considered these conflicts in the Zoning Bylaw section below.

Zoning Bylaw

The subject property is currently zoned M3: Business Industrial. The intent of the M3 zone is to provide for a mix of business and light industrial uses, generally without outdoor storage. As stated previously, the M3 zone does not permit health service, and as such, the applicant applied for a temporary use permit to allow this use on the subject property.

Temporary Nature of Use

The applicant would like to establish a chiropractic clinic on the subject property as the size of the unit suits her business model of being the only practitioner operating at the clinic. In addition, the space meets the accessibility

needs for clients with entry-level access from the parking lot to the treatment area as indicated in the letter of intent from the applicant attached to this report.

If approved, the TUP would allow the applicant to obtain a business license for up to three (3) years at this location. The applicant has indicated that if the location is successful, she would like to rezone the property to permanently allow the health service, minor use for a chiropractic clinic on the subject property.

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

Compatibility of Adjacent Uses

The subject property is located in an area of mixed commercial and industrial zoned properties, with the closest commercial zones (i.e. C4: Local Commercial and C6: Highway Commercial) directly south of the subject property. These existing zones permit health service, minor as a principal use. The commercially zoned properties adjacent to the subject property are either not developed or meet the tenancy size and accessibility requirements for the proposed chiropractic clinic.

Furthermore, the proposed health service use is a lower intensity use when compared to the permitted uses of M3 zone such as service station, vehicle sale/repair, building and garden supply, and transportation depots. These uses are often associated with increased traffic generation, increased noise and outdoor storage, which may negatively impact the adjacent residential properties.

Administration is recommending approval of the TUP as the health service, minor will encompass only 15.0 m² of the existing building and is of lower intensity use when compared to the M3 permitted uses. In addition, the proposed use is in close proximity to properties that currently permit the proposed use in a mixed commercial and industrial area. Administration does not anticipate that the proposed use will negatively impact the surrounding properties.

Impact on Natural Environment

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

Intensity of Proposed Use

The existing building is divided into three (3) tenancies, having access and parking along the Queensway (arterial) street frontage. The Queensway road system has capacity for the movement of large volumes of people and goods for the proposed use. The proposed land use of a medical office is supported along an arterial road as per policy of the OCP. The proposed health service, minor use would require four (4) stalls per practitioner. The parking on the subject property can accommodate the four (4) parking stalls required for the proposed use. In addition, Administration has not received complaints in regards to the parking on the subject property for the existing uses on the property.

Further to this, the existing building is orientated facing Queensway, which provides an increased buffer for the existing building uses to the residential uses located to the east of the subject property. There is a further separation of the uses by a laneway that separates the subject property and the residential uses.

Administration does not anticipate that the proposed use will negatively impact the current uses on the subject property and adjacent properties as there is sufficient parking to accommodate the use and the size and orientation of the building will limit potential impacts on the adjacent properties.

Inability to Conduct Proposed Use Elsewhere

As indicated previously, the applicant would like to establish a chiropractic clinic at this location. The existing tenancy size (15.0 m²) is preferable to the applicant as the sole practitioner operating as well as ease of access

for her patients (i.e. ground level entry). A number of zones including, C1: Downtown, C2: Regional Commercial, C3: Neighbourhood Commercial, C4: Local Commercial C6: Highway Commercial, C7: Transitional Commercial and C8: Commercial Conversion allow for health service, minor use.

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 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. TU000063 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant’s request for a TUP allowing “health service, minor” use on subject property located at 2274 Queensway Street.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Melissa Nitz, Planner 1

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/09/14