

STAFF REPORT TO COUNCIL

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DATE: January 14, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, Acting Deputy City Manager

SUBJECT: Rezoning Amendment Application No. RZ100685 (Bylaw No. 9164)

Applicant: Joe Postnikoff for Volling Holdings Ltd., Inc. No. 122893
Location: 6499-6437 Hart Highway (Birchwood Mall)

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9164

RECOMMENDATIONS:

That Council GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9164 2020".

PURPOSE:

The applicant has applied to rezone 6499 – 6437 Hart Highway (subject property) from C2: Regional Commercial to C2c: Regional Commercial to facilitate the operation of a retail cannabis store, as shown on Appendix "A" to Bylaw No. 9164, 2020. The addition of the "c" to the C2 zoning designation allows "Retail, Cannabis" as a permitted use on the subject property. The applicant proposes to locate the retail cannabis store within a vacant tenancy (6473 Hart Highway) in a commercial complex (Birchwood Mall) on the subject property.

Site Characteristics

Location	6499-6437 Hart Highway
Legal Description	Lot 1, District Lot 4047, Cariboo District, Plan 15861
Current Use	Commercial Complex (Subway, Chieftain Auto Parts, Alpine Cold Beer and Liquor Store, Domino's Pizza, Shear Illusion Hair Salon, Mr. Sushi Restaurant, Salvation Army Hart Thrift Store)
Site Area	0.4 ha (4323 m ²)
Future Land Use	Business District, Regional Commercial
Growth Management Class	Growth Priority and Infill
Servicing	City Services Available

Zoning (see Appendix “A” to Bylaw No. 9164, 2020)

Current Zoning	C2: Regional Commercial
Proposed Zoning	C2c: Regional Commercial

Surrounding Land Use Table

North	Hart Highway Frontage Road; Hart Highway
South	Hazel Drive; Residential
East	Birchwood Drive; Vacant Commercial Parcel
West	Commercial (Hart Shopping Centre Mall)

Relevant Applications

Cannabis License Application No. CN000018: The applicant has applied for a Retail Cannabis License to operate within a vacant tenancy (6473 Hart Highway) at Birchwood mall, located on subject property. The applicant has successfully completed the LCRB's required financial integrity check and security screening for a non-medical cannabis retail store. The Staff Report to Council for CN000018 will be on the agenda at the same meeting that Council considers third reading of Bylaw No. 9164, 2020 in connection with Rezoning Application No. RZ100685.

POLICY / REGULATORY ANALYSIS:

Liquor and Cannabis Regulation Branch (LCRB)

The LCRB is the provincial authority responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. The LCRB is regulated by the *Cannabis Control and Licensing Act* and *Cannabis Distribution Act*. All distribution licenses are approved and issued by the LCRB. The applicant has completed the LCRB's required financial integrity check and security screening. As such, the applicant has submitted a Rezoning application and Retail, Cannabis License application to the City to facilitate the retail sale of cannabis on the subject property.

City of Prince George Liquor and Cannabis License Policy (LCLP)

The City of Prince George Liquor and Cannabis Licensing Policy (LCLP) establishes guidelines for the operation of licensed liquor establishments and cannabis retail stores within the City. The LCLP provides guidelines on hours of operation, occupant load, and location. Staff have evaluated the criteria outlined in the LCLP and have considered their relevance to this application as noted below.

Official Community Plan

Future Land Use

The subject property is designated as 'Business District, Regional Commercial' in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The 'Business District, Regional Commercial' designation is intended to promote regional retail activity with large scale retail and auto-oriented shops. OCP policy supports a full range of retail and service commercial uses and smaller scale retail uses (Policy 8.3.69), which aligns with the proposed retail cannabis store.

Administration supports this rezoning application as it is consistent with OCP policy direction.

Zoning Bylaw

The subject property is currently zoned C2: Regional Commercial. The purpose of this zone is to provide for major shopping centres and complementary residential uses. The applicant has applied to rezone the property from C2: Regional Commercial to C2c: Regional Commercial. The proposed C2c: Regional Commercial zone has the same zoning regulations as the C2 zone, with the addition of "Retail, Cannabis" as a permitted principal use.

The land use impacts that are considered with respect to a Cannabis Retail application include location of the establishment, community impacts, proximity and over proliferation of use, adjacent land uses, parking and traffic, and hours of service.

Location of Establishment

The subject property is located on the corner of Birchwood Drive and Hart Highway Frontage Road. The property is approximately 0.4 ha in size and is bound by Hart Highway Frontage Road, Birchwood Drive, Hart Shopping Centre, Hazel Drive and residential properties. The residential properties are directly adjacent to the subject property, however, the store fronts of the retail complex and surface parking are oriented towards Hart Highway Frontage Road. Therefore, pedestrian and vehicle traffic will be directed away from the residential area. The site is intended as a focus of regional retail activity and presently offers a wide range of retail and service commercial uses.

The applicant has proposed to locate the approximately 68 m² (733 sq. ft.) cannabis retail store within a portion of an existing commercial complex. The size of the establishment and retail use is consistent with the retail stores on the subject property and surrounding area. The retail cannabis store is not located within close proximity to schools, parks, public buildings, or other recreational facilities. Shas Ti Kelly Road Secondary School is located approximately 1.7 km and Hart Highlands Elementary School is 2.1 km from the subject property.

Community Impacts

The site has on-site parking to accommodate vehicles, and the store fronts of the retail complex and surface parking are oriented towards Hart Highway Frontage Road. The main access to the proposed cannabis retail will not be visible to the residential area.

Furthermore, there are required safety, social responsibility and security measures implemented for all retail cannabis stores, therefore, the retail cannabis store is not expected to have adverse impacts on the surrounding properties or neighbourhood.

Proliferation of Uses

The City of Prince George LCLP recommends a minimum separation of 1.6 km between cannabis retail uses. There is no "Retail, Cannabis" use on the subject property. MJB Cannabis is located 1.4 km away at 6055 Monterey Road. Green Culture Cannabis store is located 1.7 km away at 7550 Hart Highway. Although the subject property and MJB Cannabis are located within the 1.6 km of one another, Highway 97 (Hart Highway) physically separates both MJB Cannabis and Green Culture Cannabis, thereby mitigating conflicts or potential land use impacts.

Parking and Traffic

Onsite parking is available to accommodate parking and traffic circulation for the existing commercial businesses. The site is accessed from both Hart Highway Frontage Road and Birchwood Drive, and, as such, potential access and egress conflicts to the site are mitigated.

Hours of Service

The applicant has proposed to operate 7 days a week, Monday to Sunday, 9:00 am to 11:00 pm. The proposed hours align with the recommended hours of service specified by the Liquor Control and Cannabis Regulation Branch (LCRB) and the City of Prince George Liquor and Cannabis Licensing Policy (LCLP).

Administration supports this application as the proposed “Retail, Cannabis” is consistent with LCLP direction and OCP policy direction, and is not expected to significantly impact the surrounding uses.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. There are no outstanding comments or concerns with this application.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9164, 2020 requires Ministry of Transportation and Infrastructure’s approval prior to Final Reading.

ALTERNATIVES:

1. Approve the bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9164, 2020 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to rezone the subject property from C2: Regional Commercial to C2c: Regional Commercial to facilitate the operation of a retail cannabis store on the property located at 6499-6437 Hart Highway. Administration is in support of this application for the reasons outlined in this Report.

RESPECTFULLY SUBMITTED:

Ian Wells, Acting Deputy City Manager

PREPARED BY: Nicole Fraser, Planner

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/02/08