

STAFF REPORT TO COUNCIL

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DATE: February 10, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, Acting Deputy City Manager

SUBJECT: Temporary Use Permit Application No. TU000066

Applicant: Canna Northwest Enterprises Inc. for Blanleil Cranbrook Holding Ltd. Inc. No. BC0826729
Location: 2591 Vance Road

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000066

RECOMMENDATION(S):

That Council APPROVES Temporary Use Permit No. TU000066 for the property legally described as Lot 1, District Lot 753, Cariboo District, Plan 10352.

PURPOSE:

The purpose of this report to facilitate the issuance of a Temporary Use Permit (TUP) to permit the “retail, cannabis” use within an existing commercial building located at 2591 Vance Road (subject property). The applicant would like to operate a non-medical cannabis retail store on the subject property, which is zoned C6: Highway Commercial. The C6 zone does not permitted the “retail, cannabis” use and so the applicant has requested a TUP to allow the use for a period of three (3) years prior to pursuing a rezoning application.

Background

Site Characteristics

Location	2591 Vance Road
Current Use	Commercial
Site Area	1979 m ²
Zoning	C6: Highway Commercial

Official Community Plan

Future Land Use	Service Commercial
Growth Management	Infill

Surrounding Land Use Table

North	Vance Road, Commercial (Restaurant)
South	Commercial (vacant)
East	Commercial (vacant), Highway 16
West	Hollandia Drive, Commercial (Recycling Centre, vehicle sales)

Concurrent Applications

Cannabis Licence Application No. CN000017: The applicant has submitted a Cannabis Licence Application for a non-medical cannabis retail store on the subject property. Temporary Use Permit Application No. TU000066 will be considered concurrently with Cannabis Licence Application No. CN000017.

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 C6: Highway Commercial. The intent of the C6 zone is provide for uses that are appropriate for some highway locations. The applicant has applied for a TUP to allow a “retail, cannabis” use on the subject property located at 2591 Vance Road.

The “retail, cannabis” use is permitted under the C6c: Highway 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* in 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 an existing retail use (Andre's Electronics). Additionally, the site is approximately 50 m from Highway 16, making it easily accessed by the travelling public. The area features a variety of established commercial uses, including retail, restaurants, and liquor and cannabis sales.

The closest residential use is located approximately 40 m from the subject property and an existing "retail, cannabis" use is located approximately 50 m to the North West. While an additional retail use is not anticipated to have negative impacts on the surrounding neighbourhood, the TUP will allow Administration to assess any unforeseen impacts related specifically to the "retail, cannabis" use prior to considering a rezoning application that would allow the use permanently on the subject property.

Impact on Natural Environment

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

Intensity of Proposed Use

The C6 zone permits a number of retail and services uses as per Zoning Bylaw 7850, 2007. The "retail, cannabis" use will have a comparable intensity to the other permitted retail uses in the C6 Zone. Administration is supportive of this application as the retail use is appropriate for this location.

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:

Council Procedures during COVID-19

Orders of the Provincial Health Officer and Ministerial Order No. 192, issued under the Emergency Program Act, related to local government meetings and bylaw processes, have imposed specific requirements on local governments related to council meetings and bylaw process. In accordance with these orders, City Council has discontinued 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 the Ministerial Orders related to local government meetings and bylaw processes apply.

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 application. Members of the public may provide representations to Council by written submission. 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.

Referrals

This application was referred to internal City divisions and external agencies. The RCMP raised concerns relating to traffic generation from the proposed use, and the proximity to an existing "cannabis, retail" use. The Temporary Use Permit will allow the use to occur on a temporary basis so this impacts can be assessed prior to a Rezoning Application that would permit the use to occur on a permanent basis.

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. TU000066 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing the "cannabis, retail" use at 2591 Vance Road for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development/
Acting Deputy City Manager

PREPARED BY: Tristin Deveau, Planner

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/03/08