

STAFF REPORT TO COUNCIL

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DATE: June 24, 2021

TO: MAYOR AND COUNCIL

NAME AND TITLE: Deanna Wasnik, Acting Director of Planning and Development Services

SUBJECT: Section 219 Covenant Application No. RC000018 (Bylaw No. 9216)

APPLICANT: Bruce Wayne Lambright for A. Bortolon Trucking Ltd., Inc. No. 187256

LOCATION: 2707 Queensway

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9216
Restrictive Covenant (Land Title Office Document No. PG28330)

RECOMMENDATION(S):

1. That Council GIVES FIRST TWO READINGS to "City of Prince George Restrictive Covenant Discharge Bylaw No. 9216, 2021" to discharge the Section 219 restrictive covenant registered as Land Title Office Document No. PG28330 from Lots 4 – 7, Block 35, District Lot 933, Cariboo District, Plan 727, Except Plan 28793; and Lot 8, Block 35, District Lot 933, Cariboo District, Plan 727, as shown on Appendix "A" to Bylaw No. 9216.
2. That Council PERMITS that consideration of Final Reading of proposed Bylaw No. 9216, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Registration of a Section 219 Restrictive Covenant that limits the use of the subject properties to "Retail, General" and "Residential Security/Operator Unit" as defined under City of Prince George Zoning Bylaw No. 7850, 2007.

PURPOSE:

The applicant would like to move their existing business (automotive electronics retail, sales, service and installation) to 2707 Queensway (Subject Area). Currently, there is a Section 219 restrictive covenant registered on the subject area that only permits the following uses: restaurant, gift shop (ancillary use to restaurant), and a single-family dwelling (care taker's residence). The applicant would like to discharge the existing Section 219 restrictive covenant on-title (Land Title Document No. PG28330) to facilitate the proposed business relocation.

Site Characteristics

Location	2707 Queensway
Legal Description	<ul style="list-style-type: none">• Lots 4 – 7, Block 35, District Lot 933, Cariboo District, Plan 727, Except Plan 28793; and• Lot 8, Block 35, District Lot 933, Cariboo District, Plan 727.
Current Use	Vacant
Site Area	0.2 ha
Zoning	C6: Highway Commercial
Future Land Use	Neighbourhood Corridor
Development Permit Area	Riparian Protection Development Permit Area
Growth Management Class	Growth Priority and Infill
Servicing	Servicing Available

Surrounding Land Use Table

North	Queensway and Vehicle Sales
South	Fraser River
East	Office Building
West	Residential and Houston Lane

Relevant Applications

Official Community Plan Amendment Bylaw No. 5868, 1992 and Zoning Bylaw Amendment Bylaw No. 5869, 1992:

On August 30, 1993, Council adopted Bylaw No. 5868 and Bylaw No. 5869. The OCP and Zoning Bylaw were amended to facilitate a restaurant, gift shop and care taker's residence. A condition of Final Reading of Bylaw No. 5868 and Bylaw No. 5869 was the registration of a Restrictive 219 Covenant on the Subject Area to limit the uses to only a restaurant, gift shop, and single family dwelling as the residence for a caretaker of the restaurant use on the lands.

Riparian Protection Development Permit No. DP100764:

The applicant has applied for a Riparian Protection Development Permit to facilitate a future building on the Subject Area. At this time, Administration is still working with the applicant on this application.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The Subject Area is designated Neighbourhood Corridor in the City of Prince George Official Community Plan (OCP). This designation accommodates buildings to be of a size and scale that are compatible with nearby buildings, not fragment neighbourhoods or increase traffic along local neighborhood streets (Policy 8.3.55).

The proposed automotive electronics business (General, Retail use) is consistent with other commercial uses occurring along Queensway, and will have direct access from Queensway (arterial road standard). Arterial roads have the capacity for higher traffic volumes. The Subject Area is adjacent to residential use (west) which is accessed from Houston Lane. As residential access is from Houston Lane, the future development of the Subject Area will not contribute to an increase in traffic in this residential area.

Administration supports the removal of the restrictive covenant (Land Title Office Document No. PG28330) from title, as it will not facilitate uses that are contrary to the Neighbourhood Corridor designation.

Zoning Bylaw

The Subject Area is zoned C6: Highway Commercial, which is intended to provide for uses appropriate for some highway locations. Currently, the restrictive covenant registered on the titles of the Subject Area limits permitted uses of the lands to restaurant, gift shop (ancillary to restaurant), and a single-family residence (care taker's residence).

The removal of the existing Section 219 Covenant would allow all the C6: Highway Commercial zoning regulations to prevail. As there are a number of uses permitted under the C6 zone that may have varying degrees of land use impacts, Administration would like to limit the uses permitted on the Subject Area to the uses intended.

The applicant has agreed to register a new Section 219 Covenant on the titles of the Subject Area that limits the use of the property to Retail, General and Residential Security/Operator Unit as defined under Zoning Bylaw No. 7850, 2007:

Retail, General: the retail sale of goods, wares, merchandise, substances, articles or things. Typical uses include grocery, hardware, appliance, electronics, furniture, antiques, second/hand, consigned, and pawned items, catalogue sales, health and personal care, clothing and accessories, hobby, book, music, video or game (including rental), flower, office supply, stationary, gift, pet supply (may include accessory pet grooming & day care), art and sporting goods stores. This use may include accessory storage and servicing of the retail goods. **Retail, Liquor:** the retail sale of packaged liquor for consumption off/site.

Residential Security/Operator Unit: a secondary dwelling within a building or portion of a building used to provide on/site accommodation by the employer for persons employed on the property, a residence for the site caretaker, operator of a commercial establishment, manufactured home park or on/duty security personnel at a storage facility. No more than one residential security/operator unit is permitted on a site.

The Subject Area is adjacent to commercial uses to the north (C6: Highway Commercial) and east (C7: Transitional Commercial). Further to this, there are other commercially zoned properties along Queensway (C4: Local Commercial, C6: Highway Commercial and C7: Transitional Commercial).

As the subject properties are located on an arterial road, with other similar uses in close proximity, Administration is supportive of the proposed removal of the restrictive covenant.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions with no outstanding comments.

Section 219 Restrictive Covenant (new)

As noted above, the applicant has agreed to register a new Section 219 Covenant on the titles of the Subject Area that limits the use of the properties to Retail, General and Residential Security/Operator Unit as defined under Zoning Bylaw No. 7850, 2007.

Administration recommends that Final Ready of Bylaw No. 9216 be withheld until the new Section 219 Restrictive Covenant has been registered on the titles of the Subject Area.

Council Procedures during COVID-19 Pandemic

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 these applications. Members of the public may provide comment by written submission, telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws. Residents who wish to speak in person can do so during the Public Hearing in Council Chambers. The City of Prince George follows the guidelines of the Provincial Health Officer as measures have been put in place to ensure the safety of members of the public attending the Public Hearing to provide comments. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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 Council approve Bylaw No. 9216, 2021 to discharge of the Section 219 Restrictive Covenant registered as Land Title Office Document No. PG28330.

SUMMARY AND CONCLUSION:

The applicant would like to discharge the Section 219 Covenant registered on legal title of the Subject Area. The current restrictive covenant limits the use of the property to a restaurant, gift shop (ancillary to restaurant) and a single-family dwelling (care taker's residence).

Administration recommends that Council approve the discharge of the Section 219 Restrictive Covenant registered as Land Title Office Document No. PG28330 for the reasons provided in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Acting Director of Planning and Development Services

PREPARED BY: Mandy Stanker, Supervisor of Land Use Planning

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/07/12