

STAFF REPORT TO COUNCIL

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DATE: July 7, 2021

TO: MAYOR AND COUNCIL

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

SUBJECT: Rezoning Amendment Application No. RZ100659 (Bylaw No. 9222)

APPLICANT: L&M Engineering Ltd. for T.R. Projects Ltd., Inc. No. BC0729296

LOCATION: 2599 North Nechako Road and 4439 Craig Drive

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9222
Supporting Documents

RECOMMENDATION(S):

THAT Council:

1. RESCINDS FIRST THREE READINGS of "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9123, 2020";
2. GIVES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9222, 2021";
3. WAIVES the requirements for a public hearing for proposed "Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9222, 2021", pursuant to Section 464(2) of the *Local Government Act*;
4. PERMITS that consideration of Final Reading of proposed Bylaw No. 9222, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Registration of a Section 219 Covenant that prohibits "housing, apartment" as a principal use, and restricts symmetrical facades for the "housing, two-unit" use on the following lands:
 - District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972; and,
 - Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731; and,
 - b. Registration of a Section 219 Covenant that prohibits development within the proposed AG: Greenbelt zoned area, as shown on Appendix "A" to Bylaw No. 9222 on the following lands:
 - District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972; and,
 - Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Director of Planning and Development.

PURPOSE:

The applicant is requesting to rezone 2599 North Nechako Road and 4439 Craig Drive (subject area), as shown on Appendix “A” to Bylaw No. 9222. This rezoning application will facilitate a future subdivision to create a residential neighbourhood with a mix of housing forms. This application also makes allowances for parkland dedication and a greenbelt area to protect the environmentally sensitive lands along the Nechako River.

Council previously considered this application on October 5, 2020, as Bylaw No. 9123, which included 5001 North Nechako Road in addition to the subject area. The property located at 5001 North Nechako Road has since been sold and is no longer proposed for rezoning at this time. As such, the first three readings of Bylaw No. 9123 are being rescinded. The applicant has provided a letter outlining the changes to the application that is attached to this report as a supporting document.

Site Characteristics

Location	2599 North Nechako Road	4439 Craig Drive
Legal Description	District Lot 4051, Cariboo District, Except: Firstly; Plan B3724, Secondly; Plan 22731, Thirdly; Plan BCP4770, Fourthly; Plan BCP4772, Fifthly; Plan BCP20972	Block A (Plan B3724), District Lot 4051, Cariboo District, Except Plan 22731
Current Use	Gravel Extraction, Vacant Land	Vacant Land
Site Area	52.4 ha	4.8 ha

Zoning (see Appendix “A” to Bylaw No. 9222)

Location	2599 North Nechako Road	4439 Craig Drive
Current Zoning	AF: Agriculture & Forestry (43.26 ha) AG: Greenbelt (6.43 ha) P1: Parks and Recreation (1.02 ha) U1: Minor Utility (1.74 ha)	AF: Agriculture & Forestry (1.53 ha) AG: Greenbelt (3.31 ha)
Proposed Zoning	AG: Greenbelt (5.48 ha) P1: Parks and Recreation (2.71 ha) RM1: Multiple Residential (2.12 ha) RS2: Single Residential (41.04 ha) RT1: Two-Unit Residential (1.1 ha)	AG: Greenbelt (1.45 ha) RM1: Multiple Residential (1.68 ha) RS2: Single Residential (1.71 ha)

Surrounding Land Use Table

North	North Nechako Road, Single Residential
South	Nechako River
East	North Nechako Road, Single Residential, Nechako Park
West	Foothills Boulevard, Gravel extraction, Nechako Riverside Park

Relevant Applications

Application No. RZ100659 (Bylaw No. 9123): The applicant (T.R. Projects Ltd., Inc. No. BC0729296 and Rock ‘N’ Roll Aggregates Ltd., Inc. No. 0406286) previously requested to rezone 5001 North Nechako Road, 2599 North Nechako Road, and 4439 Craig Drive to create a residential neighbourhood with a mix of housing forms and a neighbourhood commercial area. The property located at 5001 North Nechako Road has since been sold and is no longer proposed for rezoning. The applicant has requested to rescind Bylaw No. 9123.

Application No. CP100157 (Bylaw No. 9070): An amendment to the Official Community Plan (OCP) was adopted by Council at the October 23, 2019 Council Meeting. Bylaw 9070, 2019 facilitated the approval of the North Nechako Neighbourhood Plan, and the consequential amendments to the OCP.

Application No. SD100648: The applicant has applied to subdivide a portion of the subject area to create 49 single residential lots. The application is under review by Administration and is subject to the adoption of Bylaw No. 9222.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject area has a range of designations in Schedule B-6: Future Land Use of the OCP, which provides Administration and Council with policy direction when considering land use changes. For clarity, these designations are described below.

Neighbourhood Residential

Approximately 78% of the subject area is designated as *Neighbourhood Residential* in Schedule B-6: Future Land Use of the OCP. This designation is intended to provide for neighbourhoods that are primarily residential in nature, and dominated by single-family residences and similarly sized buildings. The applicant is proposing that these areas will provide a mix of single-detached housing, two-unit housing (i.e. duplex) and small scale multiple residential (i.e. four-plex, row housing).

OCP policy encourages ground oriented multiple residential forms, a wide range of housing forms having a density less than 22 units per hectare, and to support two-unit housing in a limited manner (Policy 8.3.58, 8.3.59 and 8.3.60). The proposed development is consistent with OCP policy.

Parks & Open Space

Portions of the subject area are designated as *Parks & Open Space* (19%) in Schedule B-6 of the OCP. This designation encompasses a broad range of areas that may include public land held for a special use, protected environmental areas and buffer strips (Policy 8.6.12). Proposed land uses within this designation include a Neighbourhood Park, rustic trail and greenbelt buffer along the Nechako River. These proposed uses are consistent with the *Parks & Open Space* designation.

Utility

Approximately 3% of subject area is designated as *Utility* within Schedule B-6 of the OCP to accommodate BC Hydro transmission lines. All works are protected by right of ways registered on the legal titles.

Due to the rationale outlined above, Administration recommends approval of Bylaw No. 9222, 2021. The application is consistent with the Future Land Use policy of the OCP.

Growth Management

The subject area is primarily designated as *Infill* in Schedule B-4: Growth Management of the OCP. The OCP directs growth and redevelopment within *Infill* areas and encourages mixed-use development along major roads (Policy 8.1.1 and 8.1.3).

A swath of the subject area bordering the Nechako River is designated as *Rural Resource* in Schedule B-4: Growth Management of the OCP. The *Rural Resource* designation encompasses environmentally sensitive areas and natural hazards where development is restricted or prohibited. This swath is proposed to be partly zoned AG: Greenbelt and the applicant has proposed to further protect this area by registering a Section 219 Restrictive Covenant. This area is also identified within a Riparian Protection Development Permit Area. A Riparian Protection Development Permit is required prior to development.

Administration recommends approval of Bylaw No. 9222, 2021, as it is consistent with the Growth Management policies of the OCP to develop infill areas, encourage mixed-use development, and encompass environmentally sensitive and hazardous areas.

North Nechako Neighbourhood Plan

The OCP states, “neighbourhood and area plans are recognized by the City to provide a more detailed level of objectives and policy direction for land use within those specified plans areas (Policy 10.1.1).

As mentioned previously, the subject area is identified within the North Nechako Neighbourhood Plan (NNNP). The land use policy direction within the NNNP must be used in conjunction with policy direction from the OCP to assess the proposed development. The proposed amendments to the Zoning Bylaw closely follows the land use direction found in Figure F5: Proposed Land Use Plan of the NNNP, attached to this report as a supporting document.

Administration recommends approval of Bylaw No. 9222, 2021 as it is consistent with the NNNP.

Zoning Bylaw

Current Zoning

The subject area is currently comprised of the following zones: AF: Agriculture & Forestry (44.8 ha), AG: Greenbelt (9.4 ha), P1: Parks and Recreation (1.0 ha), and U1: Minor Utility (1.7 ha).

The purpose of the AF: Agriculture and Forestry zone is to manage and conserve agricultural and forestry land on parcels of at least 15.0 ha. This zoning is a reflection of the historical use of this property for gravel extraction. In addition, portions of the subject area are zoned as AG: Greenbelt, which is intended to preserve environmentally sensitive lands, including areas with steep slopes and wildlife habitats. The P1: Parks and Recreation zone is intended to provide and protect open spaces for public use, while the U1: Minor Utility zone is intended to provide for utilities that may only have a minor impact on adjacent uses.

Proposed Zoning

The applicant has requested to amend the Zoning Bylaw to conform to policy direction provided by the OCP and NNNP. The subject area is proposed as a mix of AG: Greenbelt (7.0 ha), P1: Parks and Recreation (2.7 ha), RM1: Multiple Residential (3.8 ha), RS2: Single Residential (42.8 ha), and RT1: Two-Unit Residential (1.1 ha). Please see below for a detailed description of the proposed zoning.

AG: Greenbelt

As previously stated, the AG: Greenbelt zone is intended to preserve environmentally sensitive lands. Within the subject area, the AG zone has been proposed to encompass a 30 m leave strip area along the top of bank of the Nechako River in order to protect riparian habitat and slope stability. This is consistent with NNNP and OCP Policy (NNNP Policy 4.1.9 5 and OCP Policy 6.4.44 and 6.4.55). As noted above, the applicant has also volunteered to register a Section 219 Restrictive Covenant to ensure this area is not developed or disturbed.

P1: Parks and Recreation

The P1: Parks and Recreation zone is proposed to provide a new neighbourhood park adjacent to the existing Edgewood Elementary School. The proposed park will also provide access to the AG: Greenbelt along the Nechako River for surrounding residents. This is consistent with NNNP and OCP Policy to incorporate park uses into residential neighbourhoods (NNNP Policy 4.2.6 1. and OCP Policy 8.3.53).

RM1: Multiple Residential

The RM1: Multiple Residential zone is primarily for small scale multi-family housing forms to a maximum density of 30 units per hectare. The RM1 zone is proposed for areas north of the Nechako Ball Park and south of Edgewood Elementary School. Housing forms permitted in this zone include two-unit, four-plex and row housing. While apartment housing is permitted in the RM1 zone, the applicant is volunteering a Section 219 Covenant to exclude apartment housing as a principal use. The applicant based this decision on feedback gathered during consultation with the surrounding neighbourhood for the development of the NNNP. The RM1 zone is consistent with NNNP and OCP Policy direction that encourages ground oriented multi-family development to be incorporated into neighbourhoods (NNNP Policy 4.3.5 3. and 4.3.5 4; and OCP Policy 8.3.58).

RS2: Single Residential

The RS2: Single Residential zone is intended to foster an urban lifestyle on properties larger than 500 m². The zone primarily provides for single detached housing and compatible uses that maintain the residential character of the area. Majority of the subject area is proposed to be zoned RS2, which is consistent with both the *Neighbourhood Residential* future land use designation in the OCP and the Low Density Residential area within the NNNP. OCP Policy encourages a wide range of housing forms with a maximum density of less than 22 units per hectare (Policy 8.3.59).

RT1: Two-Unit Residential

The RT1: Two-Unit Residential zone is intended to provide for housing, primarily in buildings with two dwellings. This zone is proposed in two locations along what will become a collector road running through the neighbourhood, located roughly between the Nechako Ball Park and Edgewood Elementary School. OCP Policy 8.3.59 encourages a wide range of housing forms having a maximum density of 22 units per hectare, and Policy 8.3.60 supports two-unit housing to be dispersed within a neighbourhood when designed to be asymmetrical. NNNP Policy supports two-unit housing throughout the Low Density Residential area. To improve consistency with the OCP and NNNP, the applicant has volunteered to register a non-mirror image Section 219 Covenant as part of the rezoning process.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Environment

The Riparian Protection Development Permit Area extends beyond the proposed 30 m leave strip area. A Riparian Protection Development Permit will be required for any future land alternation, development, or subdivision within this area. Additional reporting may be required at the development permit stage.

Section 219 Restrictive Covenant (No-Build/No-Disturb)

In order to maintain the integrity of the significant slopes and riparian habitat along the bank of the Nechako River, the applicant has volunteered to register a Section 219 Restrictive Covenant on the land titles for the subject areas prior to Final Reading of Bylaw No. 9222, 2021. This covenant will restrict development and land alternation within a 30 m leave strip area, as identified in the NNNP.

Administration recommends that Final Reading of Bylaw No. 9222, 2021 be withheld until the Section 219 Restrictive Covenant is submitted to Administration's satisfaction and is registered on the land titles of the subject area.

Section 219 Restrictive Covenant (development restrictions)

In order to provide better consistency with the NNNP and OCP, the applicant has indicated that they will register a Section 219 Restrictive Covenant on the land titles of the subject area prior to Final Reading of Bylaw No. 9222, 2021. This covenant will restrict “housing, apartment” as a principal use.

Administration recommends that Final Reading of Bylaw No. 9222, 2021 be withheld until the Section 219 Restrictive Covenant is submitted to Administration’s satisfaction and is registered on the land titles of the subject area.

Section 219 Restrictive Covenant (asymmetrical)

The applicant has indicated that they will register a Section 219 Restrictive Covenant on the land titles of the subject area prior to Final Reading of 9222, 2021. This covenant will ensure the construction of any two-unit housing is asymmetrical (i.e. varying rooflines and using multiple materials on the exterior finish).

Administration recommends that Final Reading of Bylaw No. 9222, 2021 be withheld until the Section 219 Restrictive Covenant that restricts symmetrical facades for two-unit housing is submitted to Administration’s satisfaction and is registered on the land titles of the subject area.

Public Hearing

Pursuant to Section 464(2) of the *Local Government Act*, Staff recommends that Council waive the requirement for a public hearing in relation to Bylaw No. 9222, 2021, as the application is consistent with the City’s OCP, the proposed rezoning application is supported by Administration, and a public hearing on the application is not expected to generate significant public input.

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 Bylaw No. 9222, 2021 be approved.

SUMMARY AND CONCLUSION:

In order to facilitate the development of the North Nechako neighbourhood, the applicant has applied to rezone the subject area to allow for a mix of residential, park and greenbelt uses. Administration recommends Bylaw No. 9222, be approved for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Acting Director of Planning and Development Services

PREPARED BY: Kali Holahan, Planner

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2021/07/26