

STAFF REPORT TO COUNCIL

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DATE: May 21, 2019

TO: **MAYOR AND COUNCIL**

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

SUBJECT: Temporary Use Permit Application No. TU000048

Applicant: Justin Mousseau and Ted Brown for Susan Kuharski
 Location: 484 Douglas Street

ATTACHMENT(S):

- Location and Existing Zoning Map
- Temporary Use Permit No. TU000048
- Letter of Intent from the Applicant
- Letters of Support
- Liquor and Cannabis Regulation Branch Approval

RECOMMENDATION(S):

THAT Council APPROVE Temporary Use Permit No. TU000048 for the property legally described as Parcel 1, District Lot 937, Cariboo District, Plan 31125.

PURPOSE:

The applicants have applied for a Temporary Use Permit to allow a Retail, Cannabis use on the subject property located at 484 Douglas Street. The applicants have successfully completed the financial integrity check and security screening for a cannabis retail store required by the Liquor and Cannabis Regulation Branch (LCRB).

The purpose of this report is to facilitate a Retail, Cannabis use on the subject property through a Temporary Use Permit.

Background

Site Characteristics

Location	484 Douglas Street
Current Use	Multiple Tenancy Building – Spice of Life (Restaurant), Claude’s Barber Shop, vacant (proposed retail, Cannabis location)
Legal Description	Parcel 1, District Lot 937, Cariboo District, Plan 31125
Previous Use	Mai Thai Restaurant
Site Area	2079 m ²
Zoning	C4: Local Commercial

Official Community Plan Bylaw No. 8383, 2011

Future Land Use	Neighbourhood Corridors; Neighbourhood Residential
Growth Management Class	Growth Priority; Infill

Surrounding Land Use

North	BX Cold Beer & Wine Store
South	5 th Avenue; Vacant
East	Service Station; BX Neighbourhood Pub
West	Douglas Street; Residential

Cannabis License Application No. CN000005

The applicant has applied to the City for a Cannabis Retail License following the successful financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis License Application No. CN000005 considers the proposed Retail, Cannabis use in accordance with City of Prince George Liquor and Cannabis License Policy, provides opportunity for public feedback, and requires a resolution from Council that will be forwarded to the LCRB.

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 C4: Local Commercial. The intent of the C4 zone is to provide for local commercial areas and complementary residential uses. The applicant has applied for a TUP to allow a Retail, Cannabis use on the subject property located at 484 Douglas Street.

The C4c: Local Commercial zone does allow Retail, Cannabis as a principal use, subject to a rezoning application. However, the applicant has applied for a TUP to allow Retail, Cannabis on the property for up to three (3) years in order to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis.

Official Community Plan

The subject property is designated as Neighbourhood Corridors and Neighbourhood Residential in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Corridors designation is intended to encourage retail, personal services, service oriented office uses (insurance, real estate, medical/dental, travel), and food & beverage establishments intended to draw residents from surrounding neighbourhoods. The Neighbourhood Residential designation encourages small scale residential development that is consistent in form and character to the existing neighbourhood. The proposed retail cannabis store is compatible with the OCP designations for the subject property.

Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a temporary use permit.

Temporary Nature of Use

The applicant would like to permanently establish a Retail, Cannabis use on the subject property. Administration has suggested the applicant apply for a TUP to allow the City, and external agencies, the opportunity to better understand the impacts a Retail, Cannabis use may have in this area of the community.

Compatibility of Adjacent Uses

The subject property is bound by Douglas Street, 5th Avenue, a lane, other commercial-orientated uses and a parking lot. The nearest institutional-related uses are located approximately 200 metres from the subject property (e.g. Moose Family Centre, and the Alano Society), and the nearest school (e.g. Central Fort George Traditional School) is approximately 422 metres.

The proposed location for the retail, cannabis store (Shire Green) is within a vacant tenancy that was formerly the Mai Thai Restaurant. The building is shared with Spice of Life (Restaurant) and Claude's Barber Shop.

Impact on Natural Environment

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

Intensity of Proposed Use

The C4 zone permits a number of retail uses as per Zoning Bylaw No. 7850, 2007. As identified above, Administration is supportive of this application to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis in this area of the community.

Inability to Conduct Proposed Use Elsewhere

Cannabis, Retail is permitted in the following zones, as per 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 Retail, Cannabis on the subject property following Administration's recommendation. Administration would like to gain a better understanding of the extent of impacts a cannabis retail use will have in certain areas of the community.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The RCMP has indicated support of a retail, cannabis use at this location.

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will provide a delivery of notice to adjacent property owners whose interests may be affected by this temporary use.

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. TU000048 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing Retail, Cannabis use for 3 years on the subject property located at 484 Douglas Street.

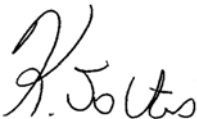
RESPECTFULLY SUBMITTED:



Ian Wells, General Manager of Planning and Development

PREPARED BY: Nicole Fraser, Planner

APPROVED:



Kathleen Soltis, City Manager
Meeting date: June 10, 2019