

# REPORT TO COUNCIL



**Date:** September 25<sup>th</sup>, 2018

**RIM No.** 0940-93

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** TUP18-0004

**Owner:** Severino Andolfatto

**Address:** 3249 Appaloosa Rd

**Applicant:** Neville J. McDougall

**Subject:** Temporary Use Permit Application

Existing OCP Designation: IND – Industrial

Existing Zone: A1 - Agriculture

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## 1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP18-0004 to permit the temporary outdoor storage of Recreational Vehicles for Lot 49, Section 2, Township 23, ODYD, Plan 18861, located at 3249 Appaloosa Rd, Kelowna, BC for three years.

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

## 2.0 Purpose

To consider a Staff recommendation to issue a Temporary Use Permit to allow for the temporary storage of Recreational Vehicles.

## 3.0 Community Planning

The intent in issuing Temporary Use Permits (TUPs) as outlined in the *Local Government Act* is to allow temporary uses where they might otherwise be prevented under the current Zoning Bylaw and are required to be removed following the expiration of the permit. The owner has been storing recreational vehicles on the subject property starting sometime between 2009 and 2012. In order to legalize that land use, a rezoning application to an industrial zone would be necessary. However, a rezoning would trigger the Hollywood road extension as well as other expensive engineering upgrades. Eventually, Hollywood Road is planned to be built though this property and the owner would like temporary permission to store RVs until the Hollywood Road situation can be worked out.

### 3.1 Background

This Temporary Use Permit application is a result of bylaw enforcement action. The first notice was issued in December 2017. At that time there was 25 RV's, trailers, and boats being stored on the subject property. The

owner paid the fine and worked with bylaw enforcement to reduce the non-conforming uses and bring the property back into compliance. At this time, 7 RV's remain on the property and the property owner would like more time continue the storage use through a Temporary Use Permit.

### 3.2 Site Context

The subject property is located within the Highway 97 City Sector, north of Sexsmith Rd and on the west side of Pinto Rd. The lot area is 7,446 m<sup>2</sup>. The property is within the Permanent Growth Boundary and has a future land use designation of IND – Industrial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU5 – Bareland Strata Housing RR2 – Rural Residential 2 A1 - Agriculture	Residential
East	I2 – General Industrial A1 - Agriculture	Industrial
South	I2 – General Industrial A1 - Agriculture	Industrial
West	A1 – Agriculture I6 – Low-Impact Transitional Industrial	Residential & Storage

**Subject Property Map:** 3249 Appaloosa Rd



#### **4.0 Current Development Policies**

##### **4.1 Kelowna Official Community Plan (OCP)**

#### **Future Land Use**

##### **Temporary Use Permits (TUP).<sup>1</sup>**

In accordance with the Local Government Act (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary uses, and may specify general conditions regarding the issuance of temporary use permits in those areas.

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in OCP2030 Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility.

All Temporary Use Permits must conform to other policy direction in this OCP, including fit within the character of the neighbourhood and surrounding uses. Appropriate landscaping, screening and buffering will be included as conditions of the permit to protect adjacent land uses.

#### **5.0 Technical Comments**

None

#### **6.0 Application Chronology**

Date of Application Received: July 24<sup>th</sup>, 2018  
Date Public Consultation Completed: August 16<sup>th</sup>, 2018

**Report prepared by:** Adam Cseke, Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Draft TUP18-0004

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<sup>1</sup> City of Kelowna Official Community Plan (Future Land Use Chapter 4).