

REPORT TO COUNCIL



Date: August 9, 2016

RIM No. 0940-93

To: City Manager

From: Community Planning Department (JR)

Application: TUP16-0003

Owner: Tolko Industries Ltd

Address: 945 Guy Street

Applicant: Kerkhoff Construction (2016)
Ltd

Subject: Temporary Use Permit Application

Existing OCP Designation: IND - Industrial

Existing Zone: I4 - Central Industrial

1.0 Recommendation

THAT Council authorize the issuance of Temporary Use Permit. No. TUP16-0003 to allow for the existing building to be used as a marketing and sales centre for the proposed adjacent Grace Development (former Lucaya Development) under construction for Lot D, District Lot 139, ODYD, Plan KAP71362 located at 945 Guy Street, Kelowna, BC, for a one (1) year period commencing from the date of Council approval, subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";

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

2.0 Purpose

To temporarily allow the existing building to be used as a marketing and sales centre for the proposed Grace Development (former Lucaya Development) under construction.

3.0 Community Planning

Staff support the issuance of a Temporary Use Permit for the existing building on the subject property for a one (1) year period. The existing building was constructed and used for a similar purpose as part of the Waterscapes Development a number of years ago. The building currently sits vacant and the applicant is proposing to utilize it again temporarily as a marketing and sales center associated with the Grace Development, currently underway.

Under a temporary use permit, the applicant is allowed to request an extension from Council once the one-year period comes to an end. The extension is at the discretion of Council and can be granted up to a maximum of 3 years. Should the applicant request the extension, Staff would recommend that a demolition bond (of \$20,000) be secured as a condition to ensure that after the three-year period the building is removed. The building was constructed as a temporary sales/marketing centre and does not meet the BC Building Code for a permanent use.

4.0 Proposal

4.1 Background

The subject property is owned by Tolko Industries Ltd and is currently used for its sawmill operations. A small corner of the industrial property near the intersection of Manhattan Drive and Sunset Drive was previously used as a marketing/sales centre for the Waterscapes Development from 2007 to 2010. Since that time, the structure has been vacant although Tolko has continued to maintain the exterior and site landscaping. From 2012 to present, many potential applicants have inquired to the City regarding possible alternative uses (e.g. daycare, office, market, etc.) for the building but the high cost of upgrading the temporary structure to meet the BC Building Code for a permanent use has been a significant deterrent.

Kerkhoff Construction Ltd. engaged by the property owners of the Grace Development now leases the corner of the property from Tolko and is requesting a similar use as a marketing/sales centre to be supported on a short-term basis.

4.2 Project Description

The applicant is requesting to allow the existing building near the intersection of Manhattan Drive and Sunset Drive owned by Tolko Industries to be used as a marketing/sales centre for the proposed Grace Development (former Lucaya Development) currently under construction.

4.3 Site Context

The subject property is located near the corner of Sunset Drive and Manhattan Drive and is currently designated as IND - Industrial. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	Industrial - Sawmill
East	I4 - Central Industrial	Industrial - Warehouse
South	I1 - Business Industrial	Under construction
West	RU6 - Two Dwelling Housing / P3 - Parks and Open Space	Urban Residential and Park

Subject Property Map: 945 Guy Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4 - Future Land Use - Temporary Use Permits (TUP)

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.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comment

6.2 Fire Department

- Ensure that all of the existing exits remain and are clear.
- Fire extinguishers and emergency lights will have to have current service tags and contact Fire Prevention for placement and monthly testing requirements

7.0 Application Chronology

Date of Application Received: June 15, 2016
Date Public Consultation Completed: June 30, 2016

Report prepared by:

Jenna Ratzlaff, Summer Student

& Adam Cseke, Planner

Reviewed by
Approved for Inclusion: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A" - Site Plan
Context/Site Photos
DRAFT Temporary Use Permit No. TUP16-0003