

# REPORT TO COUNCIL

## TEMPORARY USE PERMIT



**Date:** September 12, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 104 – 1111 Gordon Drive  
**File No.:** TUP23-0002  
**Zone:** I2 – General Industrial

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### 1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit Application No. TUP23-0002 to allow for a personal service establishment business to operate at Lot 1 Section 30 Township 26 ODYD Plan EPP44783, located at 104 – 1111 Gordon Drive, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) The dimensions and siting of building to operate in the existing building as per Schedule "A";

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

### 2.0 Purpose

To temporarily allow a personal service establishment business to operate on the subject property.

### 3.0 Development Planning

Staff support the proposed Temporary Use Permit to allow for a personal service establishment on the subject property. Official Community Plan (OCP) policies generally suggest limiting non-industrial uses encroaching into industrial lands to protect the industrial base. This is a unique circumstance because the proposed use will be located within an existing building and have a small footprint. With the *North End Neighbourhood Plan* currently under development, there may be a change with land use direction in the area. Pending the results of the *North End Neighbourhood Plan*, an extension of this TUP beyond its three-year term, may or may not be appropriate.

The proposed Temporary Use Permit would allow for a tattoo studio to operate on the subject property for a three-year period. The TUP Application was submitted after the applicant was denied a Business License since the use was not compatible with the underlying I2 zone. Substantial work had been completed in the unit without a Building Permit. A tattoo studio is considered a personal service establishment and is not permitted within industrial properties.

The subject property has an existing industrial building on-site which currently has several other businesses operating in it. The tattoo studio space is roughly 195 m<sup>2</sup> (640 ft<sup>2</sup>) in size. The business accepts clients by scheduled appointments only (one or two clients at a time), which results in limited required parking and less foot traffic in the area. If successful, the applicant is required to apply for a Business License and a retroactive Building Permit for the work that has already been completed within the unit. Once the three-year period has expired, an extension will be reviewed by Staff and brought back to Council should the applicant choose to apply.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located in the North End and is sited on Gordon Drive near the intersection with Laurel Avenue. The property is zoned I2 – General Industrial and has a Future Land Use Designation of Industrial. The surrounding area has a mix of uses including single-dwelling housing, multi-family and industrial.

5.0 Current Development Policies

Chapter 3 – Future Land Use	
Temporary Use Permits	<p>In accordance with the <i>Local Government Act</i> Section 492, 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 Zoning Bylaw.</p> <p>Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated as Urban Centre, Village Centre, Regional Commercial, Neighbourhood Commercial, Education / Institutional, Industrial, or Public Service / Utility. Temporary Use Permits outside the PGB may be considered on lands designated Rural – Agricultural and Resource, with a stated time period considerably less than the maximum three-year time limit. A Temporary Use Permit on lands in the Agricultural Land Reserve (ALR) will</p>

	<p>require the approval of the Agricultural Land Commission (ALC). 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.</p> <p><i>The subject property is in the Permanent Growth Boundary and has a Future Land Use of Industrial. The proposal aligns with the above requirements.</i></p>
<p><b>Objective 5.8. Encourage employment-intensive industrial uses in the Core Area</b></p>	
<p>Policy 5.8.1. Protection of Industrial Lands.</p>	<p>Discourage the re-designation of industrial lands and ensure their use for industrial purposes to protect employment, production, warehousing, logistics and repair functions in the City. This includes limiting residential and commercial uses within industrial areas that promote speculation and make development industrial uses challenging.</p> <p><i>The application proposes a Temporary Use Permit rather than a standard Rezoning Application. Staff have concerns with the re-designation of the industrial lands, however, the TUP Application allows an interim solution while the North End Neighbourhood Plan is in development.</i></p>
<p>Policy 5.8.3. North End Industrial Lands.</p>	<p>Support the growth of industrial development in Kelowna’s North End with additional opportunities for speciality retail where it is supportive of the production and manufacturing in the area. Develop more detailed policy guidance through the <i>North End Neighbourhood Plan</i>.</p> <p><i>The application does not support industrial development; however, it offers employment opportunities while the North End Neighbourhood Plan is in development.</i></p>

**6.o Application Chronology**

Application Accepted: July 11<sup>th</sup>, 2023  
 Neighbour Notification Received: July 31<sup>st</sup>, 2023

**Report prepared by:** Tyler Caswell, Planner II  
**Reviewed by:** Lydia Korolchuk, Planner Specialist  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

- Attachment A: Draft Temporary Use Permit TUP23-0002
  - Schedule A: Site Plan and Floor Plans
- Attachment B: Applicant’s Rationale

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).