

REPORT TO COUNCIL



Date: April 4, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (TB)

Application: TUP16-0004 **Owner:** 0814932 BC Ltd. Inc. No. BC0814932

Address: 140-146 Gray Road **Applicant:** GT Air Mechanical Services

Subject: Temporary Use Permit

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP16-0004 to allow outdoor storage for Lot 2, Section 23, Township 26, ODYD, Plan 18642, located at 140 Gray Road, Kelowna, BC for a three (3) year period commencing from Council approval subject to the following conditions:

- a) That the outdoor storage is limited to two temporary sea-cans;
- b) That the area where the sea-cans are stored shall remain in the rear of the property and not visible from the front street;
- c) That the area on the rear of the property shall remain fenced;

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 outdoor storage on the subject property.

3.0 Community Planning

Community Planning staff are in support of the application to allow temporary outdoor storage in the form of two sea-cans on the property. The outdoor storage is not visible from the public street, is located on the rear of the subject property, and will be removed after 3 years. The Temporary Use Permit offers a short term solution to continue operating while the applicant seeks out a long term solution for off-site storage.

4.0 Proposal

4.1 Background

Outdoor storage in the form of two sea-cans were placed on the property without permits in approximately 2005. An initial bylaw investigation took place in 2006 however the containers were not removed and a satisfactory resolution was not achieved. The applicant leased the property in 2014 without knowledge that the containers were not compliant with the City's Zoning Bylaw and has now come forward to comply through a Temporary Use Permit.

4.2 Project Description

The two sea-cans are located on the rear of the property in a fenced area off of a lane and are not visible from the public street. The containers do not take up any required parking as the parking requirements are met on the front of the subject property. The impact on the neighbours or public appears to be minimal. The applicant uses the containers to store materials related to their mechanical services business such as sheet metal, furnaces, and plumbing materials. The applicant has proposed three options to consider long term after the temporary use permit expires including; finding a new location for the business that has storage space, selling the business, or requesting the Landlord to provide a suitable alternative for storage.

The Temporary Use Permit will give the applicant the necessary time and flexibility to continue to operate his business while seeking a long term permanent solution. In exchange, the applicant will be required to ensure that the containers remain on the rear of the property, not visible from the public street, and that the area remain fenced. In addition, the City has the authority to enforce the removal of the containers at the end of the three-year period through bylaw enforcement and potential fines.

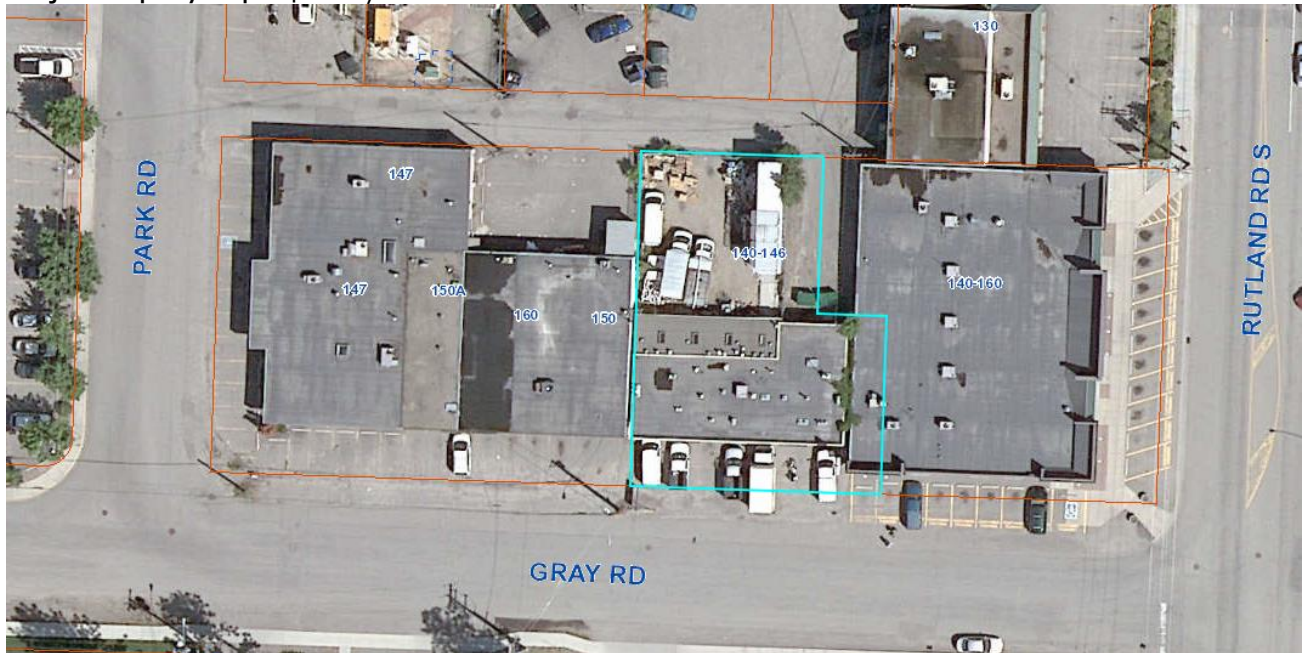
4.3 Site Context

The subject property is located in the Rutland Urban Centre, one block south of Highway 33.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial	Commercial
East	C4 – Urban Centre Commercial	Commercial
South	C4 – Urban Centre Commercial	Commercial
West	C4 – Urban Centre Commercial	Commercial

Subject Property Map: 140 Gray Road



5.0 Technical Comments

5.1 Fire Department

The storage containers shall not contain any flammable liquids. The owners should adhere to the BC Work Safe regulations for sea can storage.

6.0 Application Chronology

Date of Application Received: October 27, 2016
Date Public Consultation Completed: December 6, 2016

Report Prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Applicant's Letter of Rationale
Attachment "B": Site Plan