

REPORT TO COUNCIL



Date: November 7, 2017

RIM No. 0940-93

To: City Manager

From: Community Planning Department (AC)

Application: TUP17-0004 **Owner:** 1056175 BC Ltd. Inc. No. BC1056175

Address: 3128 Appaloosa Rd **Applicant:** Darcy Holloway

Subject: Temporary Use Permit Application

Existing OCP Designation: IND-L – Industrial - Limited

Existing Zone: A1 – Agricultural 1

1.0 Recommendation

THAT Council NOT authorize the issuance of Temporary Use Permit No. TUP17-0004 to allow outdoor storage (RV's & boat storage) for Lot 11, Section 3, Township 23, ODYD, Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Temporary Use Permit to allow for outdoor storage on the subject property.

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 applicant indicated that his ultimate goal is to build a series of commercial / industrial units on the subject property. A rezoning application to the I6 – Low Impact Transitional Industrial zone would be necessary to allow that land use. The applicant understands the property owners in Arab/Appaloosa area intend to pursue a neighbourhood-led land use and servicing plan which would eventually open up the possibility of I6 rezoning applications. However, in the meantime the applicant would like to use the property for RV, trailer, and boat storage.

Staff are recommending that Council not support Temporary Use Permits that would allow for new commercial or industrial uses. TUPs were recommended to property owners in the area that have had long standing non-conforming businesses in order to provide a transitional time period to eventually conform to the existing agricultural zone. Staff do not want TUPs used as a mechanism to circumvent the Zoning Bylaw that will result in the expansion of commercial or industrial land uses and lead to further bylaw enforcement

issues upon expiry of the TUPs. To date staff have had very little communication with the residents about a Terms of Reference for neighbourhood-led planning and engineering work and to date are not aware of consultants being engaged. A coordinated and approved servicing plan from the Arab/Appaloosa residents would be necessary for Staff to support any expansion of TUPs to non-established businesses in the area.

Should Council choose to support the proposal, an Alternate Recommendation has been included in Section 8.o. Approval of a Temporary Use Permit may be subject to certain conditions such as a letter of credit to restore the land pending the expiry of the permit. Staff has recommended this approach as it would provide the City additional assurances that the temporary uses would be removed and that the property would continue to conform to the Zoning Bylaw.

4.0 Proposal

4.1 Background

Due to the high cost of infrastructure and the results of the Public Interest Survey, the Sexsmith/Appaloosa area residents voted in January 2017 not to support a servicing plan for the entire area. Council supported a neighborhood led planning and engineering process on April 25th 2017 to determine if other more efficient planning/servicing options exist.

Staff will support Temporary Use Permits for established non-conforming industrial businesses for two years up to April 25th 2019. By April 25th 2019, it is expected that the property owners conform to the existing zone or the property owners have an approved and funded servicing plan as well as a rezoning application submitted.

4.2 Project Description

The applicant is requesting the land use of ‘outdoor storage’ on the subject property to facilitate the storage of RV’s, trailers, and boats. The applicant would like this land use to bring in some income while the neighbourhood led planning and engineering process is explored.

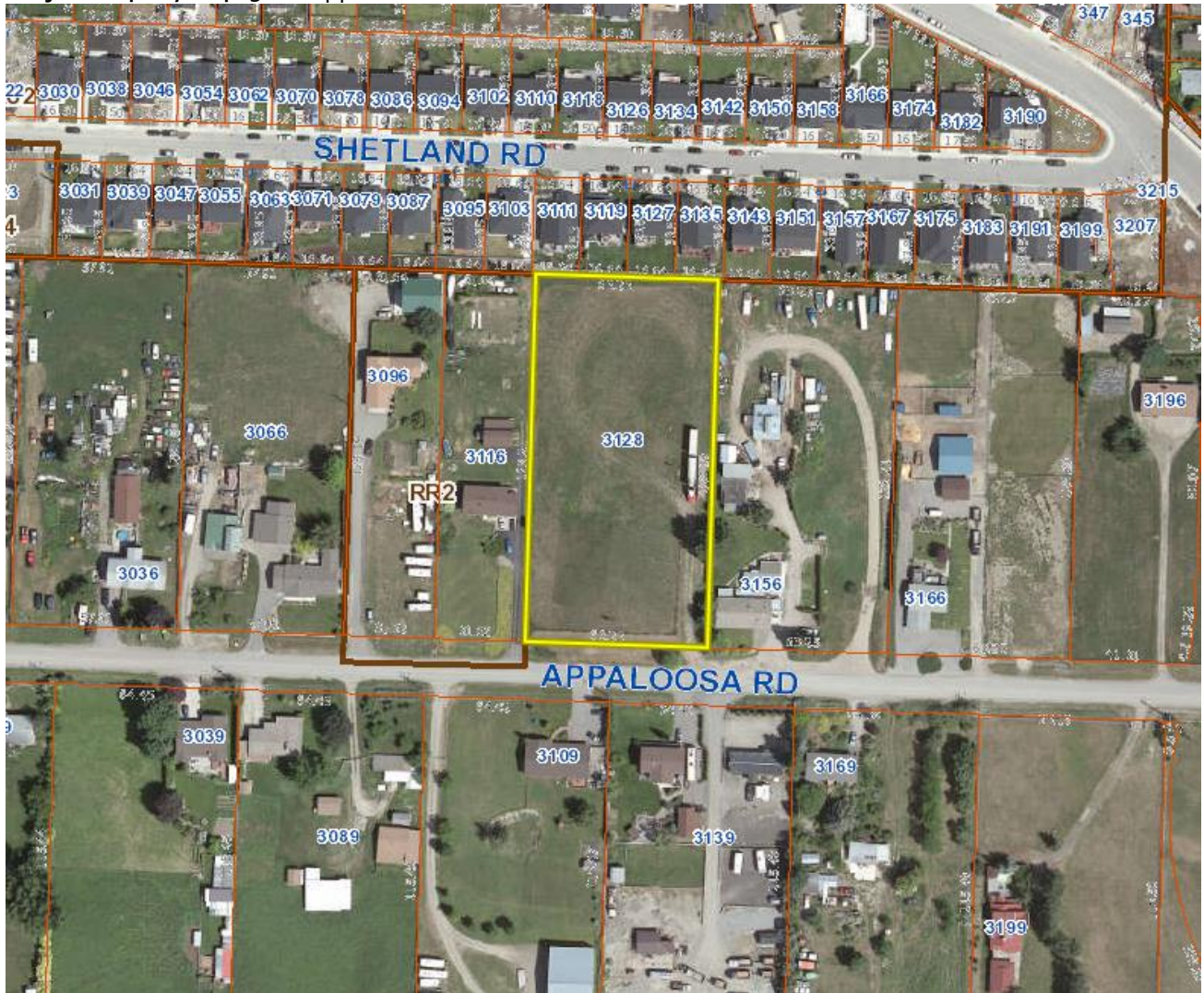
4.3 Site Context

The subject property is located within the Highway 97 City Sector, east of Arab Rd and on the north side of Appaloosa Rd. The lot area is 8134m² and is typical of other surrounding properties. The property is within the Permanent Growth Boundary. The property is zoned A1 – Agriculture 1 and has a future land use designation of IND – L Industrial – Limited.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Residential
East	A1 – Agriculture 1	Rural Residential
South	A1 – Agriculture 1	Rural Residential/ Outdoor Storage
West	A1C – Agriculture 1 with Carriage House	Rural Residential

Subject Property Map: 3128 Appaloosa Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Future Land Use

Temporary Use Permits (TUP).¹

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

¹ City of Kelowna Official Community Plan (Future Land Use Chapter 4).

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 Development Engineering Department

- See Schedule "A", attached memorandum dated October 10, 2017.

6.2 Fire Department

- The Fire Department has no objections to the TUP request. The access shall be maintained on the property to all storage areas. The problem with these storage arrangements in the past has been the monitoring of the storage containers so that dangerous activities and manufacturing does not take place in them, that no flammable or combustible liquids are being stored - dangerous goods. Also, no units shall be used for dwelling - storage only.

7.0 Application Chronology

Date of Application Received: August 3rd, 2017
Date Public Consultation Completed: October 5th, 2017

8.o Alternate Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP17-0004 to allow outdoor storage for Lot 11, Section 3, Township 23, ODYD, Plan 18861, located at 3128 Appaloosa Rd, Kelowna, BC up to April 25th 2019 subject to the following conditions:

- a) The dimensions and siting of the temporary use on the land be in general accordance with Schedule "A";
- b) The applicant posts a \$20,000 security deposit, in the form of a Letter of Credit, to ensure the outdoor storage use is removed and the previous land use restored.

AND THAT Council's consideration of this Temporary Use Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Community Planning Department dated November 7, 2017;

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

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

Attachments:

Draft TUP17-0004
Schedule "A" – TUP Drawings
Schedule "B" – Development Engineering memorandum dated October 10, 2017