



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: November 20, 2024

From: Cam Graham, Planner II

File No: TUP 24-03

Subject: **TUP 24-03, 102-1680 Ross Road**

BACKGROUND

The subject property is a 1.5 acre (6074.34 m²) commercial property, located within Boucherie Centre. The property has frontage along Westgate Road and Ross Road. It is adjacent to Highway 97 to the North. Three buildings are located on the subject property, and this application is specific to the outdoor storage section at the site's northeast corner.

PROPERTY DETAILS			
Address	1680 Ross Road		
PID	008-743-380		
Folio	36412764.000		
Lot Size	6,074 m ²		
Owner	DDD Cable Friends Inc.	Agent	Jessica Fagan
Current Zoning	C1 – Urban Centre Commercial Zone	Proposed Zoning	C1 – Urban Centre Commercial Zone
Current OCP	Boucherie Urban Centre	Proposed OCP	Boucherie Urban Centre
Current Use	Outdoor Storage	Proposed Use	
Development Permit Areas	Form and Character		
Hazards	N/A		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	RU1 – Country Residential Zone
East	>	C1 – Urban Centre Commercial Zone
West	<	C1 – Urban Centre Commercial Zone
South	v	RMP – Manufactured Home Park Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Proposal

The current proposal is for a Temporary Use Permit, (max three years) to permit a Contractor Services use on the property. The applicant, EnviroMetal Towing Ltd, is proposing to park their tow trucks inside the fenced area outlined below (Figure 1).



Figure 1: Proposed Contractor Service Area (redlined)

Applicant Rationale

Summarized by staff below:

- Temporary Use to line up with signed lease agreement for the property.
- Likely outgrow this space in the future.
- Use will just be used as a resting space for staff and their trucks (no damaged vehicles or traditional Industrial storage to be on-site).
- Proposed location centrally located for better service to the community.

Previous Development/Permits

In April 2016, Council approved TUP 16-01 for the consignment sales and parking of vehicles on the subject property for a period of three (3) years with the following conditions:

- Fenced area and landscaping are not permitted to encroach within the Hwy 97 ROW;
- Activities associated with TUP 16-01 cease following expiry of the TUP; and
- Installation and maintenance of landscaping for the entire three (3) year period.

In May 2019, the applicant applied for a TUP renewal (TUP 16-01.01) for another period of three years. During the review and referral period, a number of issues were identified which included:

- Required landscaping was not maintained;

- Use was not contained to the fenced area of the subject property and has encroached into the Hwy 97 ROW;
- There has been a change of use which now includes major vehicle repairs.

A new TUP was applied for TUP 19-02 and was approved with the following conditions:

THAT issuance of the Temporary Use Permit (TUP 19-02) be subject to the following conditions:

- a. The issuance of a Building Permit to address requirements to convert the building from an office occupancy to a vehicle repair occupancy;
- b. The submission of an Operation Plan with measures to prevent any potential spills or contamination from the activity to the satisfaction of the Director of Development Services;
- c. The installation of a solid screen (i.e. slats in the chain link fence), landscaping and irrigation to the satisfaction of the Director of Development Services;
- d. The submission of a landscape security in the amount of \$1,413.23 prior to the issuance of this permit.

The applicant is the leased company on the site and may or may not have known the permit history of the site and are coming in to enter compliance with the City.

Official Community Plan No.0300

At a high level, the proposal is inconsistent with the Official Community Plan No.0300. The proposed use generally falls under an Industrial or Business Park Designation.

<ul style="list-style-type: none"> • Boucherie Urban Centre 	<ul style="list-style-type: none"> • To promote a second urban centre that focuses on a mix of residential, commercial/retail, and office uses, while providing generous open space and public amenities. 	<ul style="list-style-type: none"> • Mixed-use buildings • Commercial, including office and retail • Multi-unit housing • Townhouses • Institutional, and ancillary housing initiatives • Live-work units 	<ul style="list-style-type: none"> • Mid-rise to high-rise • Up to 12 storeys
<ul style="list-style-type: none"> • Industrial 	<ul style="list-style-type: none"> • To maintain and reinforce industrial lands to allow for a variety of primary industrial uses including aerospace, aggregate processing, agricultural supply, distribution, general and/or heavy industry, manufacturing, research and technology, warehousing/storage, and directly related services in low-rise buildings. May include some secondary uses such as offices and show rooms where directly related to a primary use. 	<ul style="list-style-type: none"> • Industrial (focus on primary use) • Ancillary commercial/office/retail, where directly related to or to support the primary Industrial use • Ancillary caretaker units 	<ul style="list-style-type: none"> • Low-rise • Up to 3 storeys with greater floor to ceiling heights for industrial use

Figure 2: Land Use Designations

Zoning Bylaw No.0265

The property is zoned C1 – Urban Centre Commercial Zone which accommodates several mixed uses with active commercial frontages. The applicant is requesting to perform the use of ‘Contractor Services’ this is not a permitted use in a C1 zone, this is a common use for Industrial areas in West Kelowna.

3.13 Solid Screens:

- 3.13 (a) ii. Around all outdoor storage areas in commercial, industrial and parks and institutional zones;

Temporary Use Permits

Local Government Act

Division 8 - 493(2) A temporary Use Permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
- (b) specify conditions under which the temporary use may be carried on;
- (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Conditions that could be attached to the issuance of this permit could include the following:

- Temporary Use Permit for a 3-year term (matches current lease) not to be renewed without review.
- The installation of a solid screen (i.e. slats in the chain link fence), landscaping and irrigation to the satisfaction of the Director of Development Approvals.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- Council may impose conditions on the temporary use, subject to TUP issuance.
- The proposal generally meets Zoning Bylaw No.0265 requirements other than 3.13 (a) ii. Solid screens.
- The applicant wants to work with the City to bring the site into compliance.

Specific comments would be appreciated should the APC have any concerns with the proposed Temporary Use Permit, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Cam Graham, Planner II

Powerpoint: Yes No

Attachments:

1. Site Plan
2. Applicant's Rationale