



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: February 25, 2025

From: Ron Bowles, Chief Administrative Officer

File No: TUP 24-03

Subject: **TUP 24-03; Temporary Use Permit; 102-1680 Ross Road**

Report Prepared by: Cam Graham, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Temporary Use Permit (TUP 24-03) to permit the outdoor storage use at 102-1680 Ross Road for a maximum of three years for the storage of tow trucks, trailers etc. in the fenced area subject to the conditions in the attached permit, including:

- The installation of a solid screen around the outdoor storage area (i.e. slats in the chain link fence), to the satisfaction of the Director of Community Development.
- The permit be authorized for a maximum 3 year term, and that the term match the existing lease agreement.
- The permit will limit the total number of vehicles (tow trucks, trailers, personal vehicles) on site at one time to ten.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property is a 1.5-acre (6074.34 m²) commercial property located within Boucherie Centre. It has frontage along Westgate Road and Ross Road and 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 which includes the office building that the company operates out of.

In April 2016, Council approved Temporary Use Permit (TUP) 16-01 for consignment sales and parking of vehicles on the subject property for a three-year period. The permit included several conditions: no encroachment of the fenced area or landscaping within the Hwy 97 right-of-way (ROW), all activities following the TUP's expiry cease, and the installation and maintenance of landscaping throughout the duration of the permit.

In May 2019, a previous tenant applied for a renewal of TUP 16-01 (TUP 16-01.01) for another three years. During the review and referral process, multiple issues were identified, including the failure to maintain required landscaping, unauthorized expansion of the use into the Hwy 97 ROW, and a change in use to include major vehicle repairs. As a result, a new TUP application, TUP 19-02, was submitted and approved with specific conditions. These conditions were not met by the ownership group on the property, and the permit was not issued.

A Business License was issued for Envirometal towing for office uses in the building on site. The tenant was later notified that the use did not meet the issued Business License (office) as they were storing business vehicles and trailers on-site. After the business owner was made aware, they applied for a Temporary Use Permit to come into compliance with the City.

PROPERTY DETAILS			
Address		102-1680 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	Outdoor Storage
Development Permit Areas Form and Character			

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



Legislative Requirements -Temporary Use Permit (TUP)

Council has the authority under s.493 of the *Local Government Act* to issue a TUP. The permit may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. Council also has the authority under s.497 of the *Local Government Act* to set the term of the permit, which can be up to three years after the issuance of the permit.

Proposal

Since the previous TUP application in 2019, a new tenant has applied for a TUP, to permit the use of outdoor storage on the property. The applicant, Environmetal Towing Ltd, is proposing to park their tow trucks inside the fenced area (maximum 10 vehicles). The use proposed does not include vehicle repair or other outdoor storage uses commonly seen in outdoor storage use operations (Figure 1). The applicant's rationale has been summarized by staff below:

- Temporary Use will align with the lease agreement for the property;



Figure 1: Location of Tow Truck Storage

- 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);
- The proposed location is centrally located for better service to the community; and
- Likely outgrow this space in the future.

Conditions have been included in the TUP to match the applicant's proposal including the limited outdoor storage use and lease timeline.

DISCUSSION

Official Community Plan No. 0300

Generally, the proposal is inconsistent with the future land use designation in the Official Community Plan No. 0300. The proposed use generally falls under a service commercial or business park use. Despite this, the temporary nature of the lease and the corresponding timeline associated with TUP limit the impact on any future redevelopment opportunities on the property.

The entire City of West Kelowna municipality is designated as an area where Temporary Use Permits may be considered based upon the following guidelines:

- a) The use must be clearly temporary or seasonal in nature;
- b) The use should not create an unacceptable level of negative impact on surrounding permanent uses;
- c) An applicant must submit an outline detailing when and how the use in that location will be ended, the buildings to be used, the area of use, the hours of use, appearance, landscaping and buffering, and site rehabilitation. The City may require security to ensure compliance;
- d) Temporary use permits for industrial uses will be discouraged for sites located within any of the Urban Centre, Neighbourhood Centre, Residential or Natural Areas and Public Parks Land Use Designations.
- e) Temporary use permit may not exceed three years and may only be renewed as per the *Local Government Act*.

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 'outdoor storage'. This is not a permitted use in a C1 zone; this is a common use for industrial or business park areas in West Kelowna and a secondary use in C4 zones.

Outdoor storage in Part 2 of Zoning Bylaw No. 0265 means the storage of vehicles, equipment, goods or materials in the open air. The applicant has limited the proposed use to what they require to run their business effectively, and it does not include the storage of crashed or damaged vehicles or other materials commonly found on industrial sites.

The Zoning Bylaw also has a requirement for solid screening around outdoor storage:

S.3.13 Solid Screens:

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

Staff have recommended that solid screening be included as a condition of the permit. If approved, Staff will work with the applicant to have the slats installed within 60 days; otherwise, enforcement will follow.



Figure 2: Site Photo from Highway 97

REFERRAL COMMENTS

Advisory Planning Commission (APC)

The APC considered the application on November 20th, 2024. The APC recommended support for file TUP 24-03.

PUBLIC NOTIFICATION

A notification sign has been posted on the subject property in accordance with Development Application Procedures Bylaw No. 0260. Additionally, per the Development Applications Procedures Bylaw No. 0260, notification was sent to all property owners and their tenants within 100 m of the subject property was sent to property owners within an advertisement in the local newspaper, and on the City's website as per the *Local Government Act*.

CONCLUSION

The applicant views the site as a temporary location that is centrally located to better service the community before finding a more suitable location in West Kelowna to operate their business long-term. The requirement of solid screening of the vehicles from the roadways will provide consistency between similar uses throughout West Kelowna and more closely match the requirements of the Zoning Bylaw. The temporary nature of this approval will not restrict the future development of the property as identified in the Official Community Plan No. 0300.

Alternate Recommendation to Consider and Resolve:

1. **THAT** Council postpone the issuance of Temporary Use Permit (TUP 24-03)

Should Council postpone consideration of the proposed amendment bylaw, further direction to staff on how to proceed is requested.

2. **THAT** Council deny the issuance of a Temporary Use Permit (TUP 24-03); and

THAT Council direct staff to close the file.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Community Development

Trevor Seibel, Deputy CAO/Deputy Corporate Officer

APPROVED FOR THE AGENDA BY

Ron Bowles, Chief Administrative Officer

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant Proposal
2. Draft Temporary Use Permit (TUP 24-03)