



COUNCIL REPORT
Development Services
For the May 12, 2020 Council Meeting

DATE: April 30, 2020

TO: Paul Gipps, CAO

FROM: Hailey Rilkoff, Planner II

RE: DVP 20-04; Development Variance Permit; 2659 Auburn Road
Legal: Lot 2 District Lot 2601 ODYD Plan KAP54083 Except Plan KAP69132
Address: 2659 Auburn Road
Owner: Far Forty Holdings Ltd., Inc. No. 273208
Applicant: Burnco Rock Products

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-04) for Lot 2 District Lot 2601 ODYD Plan KAP54083 Except Plan KAP69132 (2659 Auburn Road) in general accordance with the attached permit to vary Zoning Bylaw No. 0154:

- S 3.7.2 (a) to permit a metal shipping container to be used for office and operations in addition to storage purposes;
- S 3.7.2 (b) to permit a metal shipping container to be stacked on top of two other metal shipping containers; and
- S 3.7.2 (f) to permit 4 metal shipping containers on the site.

RATIONALE:

The recommended motion is based on the following:

- The proposed variances are expected to have limited negative community impact due to the site's location in an industrial business park.
- Professional engineers and electricians have been engaged to ensure the metal shipping containers are designed appropriately for the proposed uses.
- The context of an industrial business park, with multiple operators on one parcel, warrant individual site considerations, as opposed to the entire property.
- A Building Permit has been applied for to address the technical requirements in order to properly install the shipping containers for occupancy uses.

LEGISLATIVE REQUIREMENTS:

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

Subject Property

The site, (2659 Auburn Road) is located within an industrial business park within the subject property (2575 Auburn Road). A variety of industrial developments on the site has taken place over the years. Burnco Rock Products, has been operating a ready mix concrete production plant on the site for many years.

While the subject property is a single parcel with a single owner and is not stratified, the industrial business park operates closer to an industrial strata with multiple industrial tenants, multiple addresses and multiple buildings.

On December 27, 2019, there was an electrical fire in Burnco's main office. The office building and the shed, which housed most of the operational equipment, were damaged beyond repair.



Figure 1 - Subject Property (Burnco site in Purple)

Location and Surrounding Uses

The subject property is located in the West Kelowna Business Park and is split zoned with different areas zoned I1 - Light Industrial Zone, I2 - Heavy Industrial Zone, and I4 - Gravel Extraction Zone.

The subject property is adjacent to Constable Neil Bruce Middle School and the surrounding land uses are as follows:

Direction	Zone	Land Use
North	RMP – Manufactured Home Park	Mobile Home Park
East	I1 – Light Industrial	Various Industrial Uses
South	P2 – Institutional and Assembly	Middle School
West	RU4 – Rural Residential Large Parcel R3 – Low Density Multiple Residential	Single Detached Residential

Proposal

The applicant proposes to replace the buildings destroyed in the fire with four metal shipping containers. The applicant feels that this is a functional and cost effective option to rebuild their operation after the fire. Each shipping container is proposed to be used to house a different business/equipment component as shown in *Figure 4*:

1. Storage & Mechanical Equipment (Storage Room and Electrical Motor Control Centre)
2. Mechanical Equipment (Steam Generator and Water Tank)
3. Office (Batch Office)
4. Storage (Admixture Storage)



Figure 4 – Shipping containers installed on site



Figure 3 - Site Photo (from internal road)

Three of the containers have been placed at grade, with one (batch office) stacked on top of two others. All of the containers will be required to meet requirements from the Building Department to address the technical challenges in modifying metal shipping containers to meet the BC Building Code.

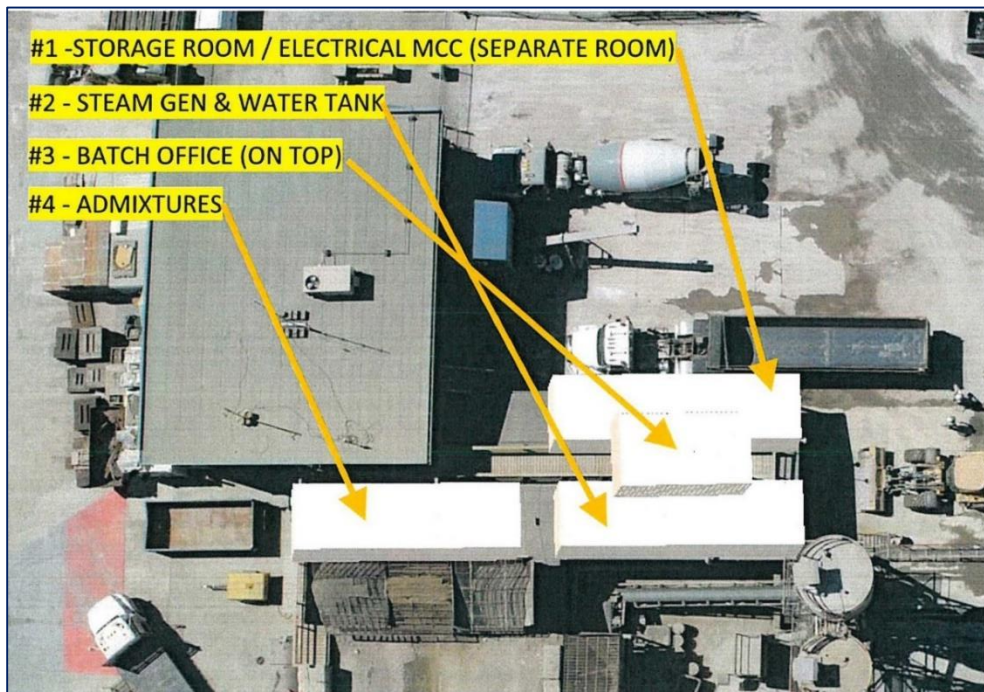


Figure 2 - Proposed Uses

Applicant's Rationale

The applicant has provided a proposal letter (*Attachment 4*) which outlines their rationale for the requested variances. The applicant has indicated that the metal shipping containers are a functional and cost effective replacement to building destroyed in the fire last winter. The applicants have advised that as they only leased the building that was destroyed in the fire, the proposed shipping containers provide flexibility to move, maintain or shift their operations in the future as they will not be utilizing on structures owned by the property owner.

BYLAW AND POLICY REVIEW:

Zoning Bylaw No. 0154

The City's Zoning Bylaw regulates the use of metal shipping containers. The proposal requires variances to three regulations in order to stack the containers, have more than two containers on one property and to use the containers for a purpose other than storage.

S. 3.7.2 (a) A metal shipping container shall only be used for storage purposes.

The applicants propose to utilize the shipping containers for various operational and office uses in addition to storage on the site. A Building Permit has been applied for in order to ensure each metal shipping container is installed and serviced appropriately to accommodate these expanded uses. Professional engineers and electricians have been involved in the design of the modifications and installation of the metal shipping containers to ensure they can be used safely by the occupants.

S. 3.7.2 (b) A metal shipping container shall not be stacked, accessible to the general public or rented or leased as part of a commercial storage facility.

One of the metal shipping containers is intended to be stacked on top of two others to be used as the batch office for the industrial business. The Building Permit will ensure the stacked metal shipping container is installed safely and with appropriate access/egress for the occupancy use proposed.

S. 3.7.2 (f) The maximum number of metal shipping containers on any parcel is 2.

This regulation applies to all industrial, commercial, agricultural and parks & institutional properties in the City. The context of the site within an industrial business park, in a predominantly industrial area of the City warrants unique consideration. The subject property has a number of industrial uses/businesses, many of which utilize metal shipping containers within their sites.

PUBLIC NOTIFICATION:

In accordance with the *Local Government Act*, 299 notification letters were sent (255 mailed, 44 hand delivered) to all property owners and their tenants within 100 metres of the subject property (*Attachment 5*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

ALTERNATE MOTIONS:

Alternate Motion 1: Postpone

THAT Council postpone consideration of a Development Variance Permit (DVP 20-04) for Lot 2 District Lot 2601 ODYD Plan KAP54083 Except Plan KAP69132 (2659 Auburn Road).

Should Council postpone consideration of the requested variance, further Council direction to staff is required.

Alternate Motion 2: Deny

THAT Council deny the issuance of a Development Variance Permit (DVP 20-04) for Lot 2 District Lot 2601 ODYD Plan KAP54083 Except Plan KAP69132 (2659 Auburn Road).

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Mark Koch, Director of Development Services
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 20-04
2. Context Map
3. Subject Property Map
4. Proposal Letter
5. Site Photos
6. Public Notification Map