



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: TUP 20-01; Temporary Use Permit; 3595 Elliott Road
Legal: Lot 18 District Lot 486 ODYD Plan 27961
Owner: WIC Properties Inc., Inc.No. BC0773399
Applicant: Ironclad Developments Inc.

RECOMMENDED MOTION:

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 20-01) to permit outdoor storage and accessory parking at 3595 Elliott Road until December 31, 2020 subject to the conditions of the attached permit.

RATIONALE:

The recommended motion is based on the following:

- The applicant has proposed to screen the outdoor storage areas appropriately to act as an enclosure and visual barrier;
- The anticipated use timeline is short term, approximately 6 months, to accommodate the completion of the multi-family development at 3623 Elliott Road; and
- The proposal addresses issues and challenges with material storage and traffic on the road network adjacent to the construction site.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Section 493 (2) (b) of the *Local Government Act* to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for up to three years at the discretion of Council.

BACKGROUND:

The applicant, Ironclad Developments Inc. is currently engaged in the construction of a multi-family development at 3623 Elliott Road (the construction site), which is located approximately 50m from the subject property. This multi-family development consists of 193 units in four apartment buildings and was approved under DP 18-41 in May of 2019.

Location and Surrounding Uses

The Subject property, situated in Westbank Centre, is within the Neighbourhood Commercial Zone (C2) and has a future Land Use Designation (LUD) of Commercial. The subject property is currently vacant and has historically been used as a surface parking lot by the adjacent commercial building (both properties have the same owner).

The surrounding land uses are predominantly residential and commercial which include:

- North - C2 Neighbourhood Commercial zoned parcel
- East- RC1 Westbank Centre Compact Residential zoned parcels
- South – R5 Westbank Centre Multiple Residential
- West - R1L Large Parcel Single Detached Residential, R1 Single Detached Residential and A1 Agricultural zoned parcels

Proposal

Site constraints have led to challenges with the storage and delivery of construction materials on the construction site and sub-trade parking along road shoulders and within the road rights of way. In order to address these challenges and to maintain the anticipated construction schedule, the applicant has proposed to use the nearby, vacant, subject property for construction material laydown and storage as well as parking for staff and sub-trades.

The use of the subject property for outdoors storage and parking is anticipated to alleviate some of the parking issues the neighbourhood has experienced due to increased parking demand from construction workers and sub-trades along Elliott and Brown Road.



Figure 1 - Site Area Map

The property has been secured with a short term lease, however the properties zoning does not permit the proposed uses, requiring a Temporary Use Permit (TUP). The applicant expects to require the site for approximately 6 months, however has requested the TUP to extend until the end of this year to account for any unforeseen delays in the construction schedule.

Applicant Rationale

The applicant has provided a proposal summary (*Attachment 4*) which outlines the following rationale:

- Subject property is less than 50m from the construction site;
- Site will be fenced and movement of material will be between 8am and 8pm Monday to Saturday;
- All paving and landscaping will be returned to the current conditions should it suffer any damage; and
- The proposed use will alleviate traffic congestion along Elliott and Brown Roads near the construction site at 3623 Elliott Road.

Bylaw and Policy Review

Zoning Bylaw No. 0154

The subject property is within the Neighbourhood Commercial Zone (C2), which accommodates a limited range of convenience services. Section 3.2.1(k) of the Zoning Bylaw only permits the storage of construction materials on a parcel where the authorized construction is taking place. A Temporary Use Permit is required as the proposed construction material laydown and storage is proposed to take place on a different parcel than the construction and Outdoor Storage is not a permitted use in the C2 Zone.

Section 3.11.1(a).2 requires a screening in the form of a solid fence or wall to act as an enclosure and visual barrier around all outdoor storage areas in Commercial Zones. The screening shall be not less than 2.0m in height and shall comply with the material regulations within section 3.11.3(a) of the Zoning Bylaw.

APC CONSIDERATION

This application has not been considered by the Advisory Planning Commission (APC) as the APC meetings were temporarily postponed due to the ongoing provincial state of emergency and public health orders restricting public gatherings. Should Council wish the application to be forwarded to the APC, the next scheduled meeting will take place virtually on May 20, 2020.

PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0131. Additionally, a mail out was sent to all property owners (*Attachment 5*) and their tenants within 100 meters of the subject property (65 letters total) and an advertisement will be placed in the local newspaper on May 6, 2020.

At time of writing this report, correspondence was received from one nearby resident with questions in regards to items such as proposed lighting, hours of access, the height of the stored materials, and the Temporary Use Permit process. The applicant has provided confirmation that no lighting will be used to secure the storage and parking site and that a solid screen will be installed to provide a visual barrier from the construction materials, in addition to proposed hours of access.

ALTERNATE MOTIONS:

1. **THAT** Council postpone the issuance of a Temporary Use Permit (File TUP 20-01) to permit Outdoor Storage and Accessory Parking at 3595 Elliott Road and direct staff to schedule the application be forwarded to the Advisory Planning Commission for consideration.

Should Council direct staff to forward the application to the Advisory Planning Commission (APC), the application would be forwarded to the May 20, 2020 APC Meeting for consideration. This application would then be scheduled for a subsequent Council Meeting for reconsideration.

2. **THAT** Council deny the issuance of a Temporary Use Permit (File TUP 20-01) to permit Outdoor Storage and Accessory Parking at 3595 Elliott Road.

Should Council deny the proposal, the file will be closed. As per the City's Development Application Procedures Bylaw, the applicant could not re-apply for a similar proposal within 6 months after Council's 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 Temporary Use Permit 20-01
2. Context Map
3. Subject Property Map
4. Applicant's Rational Letter
5. TUP 20-01 Public Notification Map