



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 14, 2020

From: Hailey Rilkoff, Planner II

File No: TUP 20-02

Subject: **TUP 20-02, Temporary Use Permit, 1698 Ross Road**

RECOMMENDATION

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 20-02) to permit a contractor services use at 1698 Ross Road (Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081) for a period of up to three years, subject to the conditions in the attached permit, including:

- The contractor services use is limited to the sale, repair and installation of garage doors and limited to the identified temporary use permit area on Schedule A; and
- A solid screen shall be installed to act as a visual barrier around the garbage and recycling bins; and
- A landscape plan shall be submitted to the satisfaction of the Director of Development Services and approved landscaping shall be installed on site and maintained for the duration of the temporary use permit.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Quality, innovative urban development (Council's 2020-2022 Strategic Priorities)

BACKGROUND

This application proposes a Temporary Use Permit (TUP 20-02) to permit a contractor services use on the subject property (1698 Ross Road) for a period of up to three years. The subject property's current zoning (C1) does not permit the use contractor services.

PROPERTY DETAILS	
Address	1698 Ross Road
Legal Description	Lot 1 District Lot 507 ODYD Plan 15908 Except Plan H17081
Folio	36413490.578
Lot Size	0.16 acres (643 m ²)

Owner	Interlakes R/V Adventures Inc., Inc.No. BC0655088	Agent	Valley Garage Doors
Current Zoning	Urban Centre Commercial (C1)	Proposed Zoning	-
Current OCP	Commercial (C)	Proposed OCP	-
Current Use	Equipment Sales and Rentals (Temporary) Pioneer Meats (Butcher)	Proposed Use	Contractor Services (Temporary)
Development Permit Areas	Form & Character		
Hazards	n/a		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	RU1 – Country Residential (Bylands Nurseries)
East	>	C1 – Urban Centre Commercial (Mixed Use)
South	v	C5 – Campground, Cabin and Motel Commercial RMP – Manufactured Home Park (Trailpark Mobile Villas)
West	<	C3 – Gasoline Service Station Commercial (Petro-Canada) C4 – Service Commercial (Sunrise Trailer Sales)

NEIGHBOURHOOD MAP



PROPERTY MAP



Subject Property:

The subject property is a 0.89 acre (3,601 m²) commercial property, located within Boucherie Centre. The property has frontage along three sides with access off of Ross Road and fronting the Bartley Road and Highway 97 intersection. There are two commercial buildings located on the subject property, and this application is specific to the commercial building at the north-east corner of the site.

History:

A Temporary Use Permit (TUP 16-03) was issued in August of 2016 for the sale and rental of compact construction machinery for Finning International out of the larger commercial building on the west side of the site. The Temporary Use Permit was renewed (TUP 16-03.01) in October of 2019 to continue this use, and to specifically permit the sale, rental and repair of construction machines and equipment, including excavators and wheel loaders. TUP 16-03.01 expires in August of 2022. A License of Occupation with the City was required to be maintained for use of lands within the Bartley Road right-of-way.

The smaller commercial building in the north-east corner of the site has two units. One is occupied by Pioneer Meats, the second is currently vacant but was previously occupied by a pawn shop/U-Haul rental business. Pioneer meats is (and the pawn shop was) a non-conforming use in the C1 - Urban Centre Commercial Zone. Non-conforming uses are able to continue so long as the non-conformity is not increased. Once a non-conforming use ceases for a period greater than six months, that use is no longer “grandfathered” to continue on a property.

Proposal:

The current proposal is for a Temporary Use Permit, for a period of three years, to permit a Contractor Service use on the property. The applicant, Valley Garage Doors, is proposing to lease the vacant commercial unit to operate their garage door company. Valley Garage Doors provides sales, installation and repair of garage doors. The site would be used as an office, garage door showroom and storage of garage doors and parts.



Figure 1 – Showroom Display Example



Figure 1 – Showroom Display Example

Deliveries of garage doors would occur weekly to deliver custom orders. Customers may pick up their own orders at the rear of the building or Valley Garage Doors will provide delivery and on-site installation. The applicant has proposed planters along the front façade of the building facing Highway 97 and will be installing signage to face Highway 97 as well.

The applicant has provided examples of what the showroom displays for the garage door products they sell might look like inside the space (*Figures 1 and 2*).

Applicant Rationale:

Valley Garage Doors has provided a Rationale Letter (*Attachment 2*) which outlines their intended use of the site and overview of their business. The applicant feels that their business will bring more traffic to the current commercial property in a positive way. The applicant has indicated that their business is growing, and as their industry continues to boom they anticipate outgrowing the current space and requiring a larger building in the future.

Bylaw & Policy Review:

Official Community Plan Bylaw No. 0100

The subject property has a future land use designation of Commercial, intended to promote a variety of built form reflecting diversity of retail, office, and personal services uses, with opportunities for increased density and height for above street residential.

The property is also located within the identified Boucherie Centre. Boucherie Centre is intended to create a “bookend” urban centre of higher density, pedestrian oriented mixed

use development. The subject property is prominently located along the Bartley Road/Hwy 97 intersection, at the heart of Boucherie Centre. Westbank Centre is the second “bookend” and each urban centre is intended to be a walkable node of employment and community amenities. The City’s Boucherie Centre objectives include increasing the mix and intensity of land uses, promoting economic development, and fostering a positive community image¹.

The City’s OCP provides the guidelines to be considered for Temporary Use Permits². These include that the use must be clearly temporary or seasonal in nature; the use should not create an unacceptable level of negative impact on surrounding permanent uses; and an applicant must submit an outline detailing when and how the use in that location will be ended.

Commercial Development Permit Area (DPA1)

The subject property is within the City’s Commercial DPA1 which ensures that the building and site design of commercial development is attractive. Other than the proposed landscaping improvements and signage, no further external alterations are proposed for the building, therefore this proposal would be exempt from a Commercial Development Permit.

Zoning Bylaw No. 0154

In reviewing the proposed use of the property, the applicant’s business best fits within the use of Contractor Services which is defined in the Zoning Bylaw as:

premises used for the provision of contractor services which typically includes: road construction, landscaping, concrete, electrical, heating and cooling, plumbing or similar services of a construction nature which require on-site storage of equipment and vehicles, warehouse space and accessory sales and office space.

This definition allows for sales and office space, warehouse space, and on-site storage of equipment or vehicles. Contractor Services is not a permitted use in the C1 - Urban Centre Commercial Zone. The C1 zone accommodates a mix of uses with active commercial frontages. Contractor Services is only permitted within the C4 - Service Commercial Zone or the Industrial Zones (I1, I2, I3, I4 & I5).

Contractor Services require 2.0 parking spaces per 100 m² Gross Floor Area (GFA). The applicant has indicated that four parking spaces are proposed in the front of the building, which meets the Zoning Bylaw requirement as the commercial unit is approximately 200 m².

Technical Review:

Planning

The proposed use is not anticipated to create any significant negative impacts on the surrounding permanent uses. The applicant intends to create a showroom for the garage

¹ OCP Section 3.2.2 Boucherie and Westbank Centre Objectives

² OCP Section 4 – Development Implementation Policy 13.

door products they sell, which is similar to the retail uses which are permitted in the C1 Zone. The applicant's rationale letter has indicated that they anticipate outgrowing this commercial unit as their business is growing.

Landscaping improvements are proposed at the front of the commercial unit facing Highway 97. The applicant has proposed planters at the front of the building around the parking area. It has been recommended that the applicant screen the proposed location of the garbage and recycling bins, which is included as a condition in the attached draft permit (*Attachment 1*) in accordance with the City's development guidelines³.

The subject property already has a business operating under a temporary use permit (Finning International, TUP 16-03.01) which has a large outdoor storage component. Valley Garage Doors is not proposing any outdoor storage.

Advisory Planning Commission (APC) Consideration:

The City's APC considered the application at their June 17th, 2020 meeting held via Zoom video conferencing. Discussion points included:

- Question regarding potential for manufacturing use, it was noted the business only sells, installs and repairs and does not manufacture garage doors;
- See this as a positive for the community;
- Pleased to see planters and a good use of the property.

The APC passed the following resolution:

THAT the APC recommend support for file TUP 20-02, Temporary Use Permit Application, 1698 Ross Road as presented.

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.

Public Notification:

A Notice of Application sign has been posted on site. Additionally, a notice was sent to all property owners (*Attachment 3*) and their tenants within 100 m of the subject property (91 notices mailed, 16 hand delivered) and an advertisement will be placed in the local newspaper. At time of writing this report, no correspondence has been received by the public in regards to the proposal.

³ OCP Section 4.3.1 General Guidelines That Apply to All Development Permit Areas – 32. Screen Garbage and Recycling Containers.

CONCLUSION

It is recommended that Council approve a Temporary Use Permit (TUP 20-02) to allow for the use of Contractor Services, subject to the conditions of the attached permit (TUP 17-02). The proposed business intends to create a showroom to support their sales, repairs and installation of garage doors. The proposed use is not anticipated to have any significant negative impacts on surrounding permanent uses, and the applicant has indicated they see their business outgrowing this location in the future as their business grows.

Alternate Motion:

THAT Council deny the issuance of a Temporary Use Permit (File TUP 20-02) to permit a Contractor Services use at 1698 Ross 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 BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

Attachment 1 – Draft Permit (TUP 20-02)

Attachment 2 – Applicant's Rational Letter

Attachment 3 – Notification Map