



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 28, 2020

From: Jayden Riley, Planner II

File No: TUP 17-01.01

Subject: **TUP 17-01.01, Temporary Use Permit (Extension), 2565 Main Street**

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### RECOMMENDATION

**THAT** Council grant a three (3) year extension to Temporary Use Permit (TUP 17-01) to allow for an outdoor storage yard on the westernmost portion of 2565 Main Street (Lot 31, DL 486 ODYD Plan 761, Except Plan H18608, 38625, and H911) subject to the conditions outlined in the attached permit (*Attachment 1*).

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's 2020-2022 Strategic Priorities)

### BACKGROUND

This application seeks to extend an existing Temporary Use Permit to allow for the continued use of a 623 m<sup>2</sup> outdoor storage yard specific to the Buckerfields retail business. The outdoor storage area (*Attachment 2*) exceeds the permitted outdoor storage area permitted under the property's current zoning (C1).

PROPERTY DETAILS			
<b>Address</b>		2565 Main Street	
<b>PID</b>		008-346-071	
<b>Folio</b>		36412518.001	
<b>Lot Size</b>		14,524 m <sup>2</sup>	
<b>Owner</b>	1230911 BC LTD	<b>Agent</b>	Gary Johal
<b>Current Zoning</b>	Urban Centre Commercial (C1)	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	Commercial	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	Commercial	<b>Proposed Use</b>	Commercial /Storage
<b>Development Permit Areas</b>		Commercial	
<b>Hazards</b>		None	

Agricultural Land Reserve    N/A

#### ADJACENT ZONING & LAND USES

North	^	Hwy 97 / Country Residential (RU1)
East	>	Urban Centre Commercial (C1)
West	<	Hwy 97
South	v	Hwy 97 / Urban Centre Commercial (C1)

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP



## 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 (3) years and specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three years at the discretion of Council.

## **DISCUSSION**

### Proposal

This permit extension is associated with the operation of Buckerfields, an agricultural and pet supply store located in the Westbank Center. While this retail use is permitted in the Urban Center Commercial Zone (C1), the proposed outdoor storage area exceeds the maximum outdoor storage area of the current zone (C1), calculated at 10% of the floor area of the business.

The existing permit conditions include the following:

- a. The total area of the Outdoor Storage Yard shall not exceed 623 m<sup>2</sup> and shall be in accordance with the attached 'Site Plan' prepared by D.A. Goddard Land Surveying, dated December 23, 2010;
- b. The materials to be stored outdoors must be directly associated with the Buckerfields retail business;
- c. No hazardous materials shall be stored outdoors;
- d. Any materials stored outdoors and placed immediately in front of the berm shall not exceed the height of the existing berm. Any materials stored against the rear of the existing building shall not exceed a height of 2.4 metres (8 feet);
- e. That the landscape plantings be maintained in general accordance with the submitted Landscape Plan, prepared by outland Design Landscape Architecture, dated March 31, 2011;
- f. No parking stalls and/or internal site accesses shall be altered to ensure that there are no impacts to Highway 97 northbound and southbound; and
- g. Unless otherwise amended by this permit, all other City of West Kelowna Bylaws shall apply.

### History

In April 2011, Council authorized the issuance of a TUP to permit the outdoor storage of supplies ranging from farm gates, fence posts and corral panels to fertilizers, on a 623 m<sup>2</sup> area on the western portion of the subject property. Following the issuance of the TUP, a subsequent renewal was completed for another three (3) years. In 2017 the applicant was successful in re-applying for a Temporary Use Permit under the same conditions, with an expiration date of July 25, 2020.

Under the initial TUP (2011), in an effort to reduce the visual impact of the outdoor storage area, and in light of the visually prominent location of the property, the applicant installed both a black chain link fence at the top of the existing berm for security purposes and a



post and rail type fence to soften the visual impact of the proposed use. Fir trees were also planted amongst existing apricot and plum trees to provide additional screening (*Figure 1*).

The purpose of a TUP is to monitor the effects of the land use on both adjacent properties and the Westbank Centre, generally. It is evident that the landscaping and fencing installed nine (9) years ago functions to sufficiently screen the outdoor storage area. Staff have not received any negative feedback from the community and surrounding businesses associated with the use.

#### Policy and Bylaw Review

##### *Zoning Bylaw 0.154*

The Zoning Bylaw allows limited outdoor storage associated with general retail uses provided that the area is limited to 10% of the gross floor area of the business premises. As the approximate floor area of Buckerfields is 1,115 m<sup>2</sup> (12,000 ft<sup>2</sup>), the maximum allowable outdoor storage space is 115 m<sup>2</sup>. As 623 m<sup>2</sup> of outdoor storage space is used (56% of the floor area of the business) Council approval is required.



**Figure 1:** Screening of Storage Area

##### *Westbank Centre Plan*

Since the issuance of the original TUP (2011), the City has adopted the Westbank Centre Plan. In this Plan, the subject property has been identified as a “Gateway Site” which is a visual property that presents opportunities to establish a strong sense of arrival as people enter the Westbank Centre. Based on the proximity to Westbank’s agricultural lands, the plan envisions the subject property as a food and agricultural destination that could accommodate related food and beverage uses.

In addition, the Plan acknowledges there are a variety of existing uses operating on the subject property and generally supports the existing agricultural supply building as a year-round retail outlet. Better utilization of the subject property as gateways and activity nodes is however encouraged by allowing both existing and new uses through rezoning should re-development be proposed.

## CONCLUSION

It is recommended that Council approve the extension of the Temporary Use Permit (TUP 17-01) to allow for the outdoor storage yard, subject to the conditions of the attached permit (*Attachment 1*). The outdoor storage area is integral to the operation of Buckerfields and is a business that is directly supported by the City's Westbank Centre Plan. The existing landscaping has also remained in good condition and adequately screens the storage yard from passing motorists entering Westbank Centre. No negative feedback has been received during the nine (9) years the outdoor storage yard has been in operation.

## COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
2011-04-19	<b>THAT</b> Council approve the issuance of a Temporary Use Permit for a period of three (3) years to permit the use of an Outdoor Storage Yard on the westernmost portion of Lot 31, DL 486, ODYD, Plan 761 located at 2565 Main Street subject to the conditions specified in Schedule 'A' ( <i>Attachment 1</i> ), which is attached to and will form part of the Temporary Use Permit; and  <b>THAT</b> Council direct staff to close Zoning Amendment application Z10/13 until such time that the District has had an opportunity to monitor the impact of the proposed temporary use.	C167/11
2014-08-12	<b>THAT</b> Council give a three (3) year extension to Temporary Use Permit (TUP 11-01) to allow the continued use of a 623m <sup>2</sup> outdoor storage area on the westernmost portion of Lot 31, DL 486, ODYD, Plan 761 located at 2565 Main Street.	C313/14
2017-07-25	<b>THAT</b> Council authorize the issuance of a Temporary Use Permit for a period of three (3) years to permit the use of an outdoor storage yard on the westernmost portion of 2565 Main street (Lot 31, DL 486, ODYD, Plan 761, Except Plans H18608, 38625, and H911) subject to conditions outlined in the attached permit ( <i>Attachment 1</i> ).	C375/17

### Alternate Motion:

**THAT** Council deny the issuance of a Temporary Use Permit (File: TUP 17-01.01) to permit the use of an outdoor storage area subject to the conditions of *Attachment 1*.

Should Council deny the proposal, the file will be closed. As per the City's Development 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

Tracey Batten, Deputy CAO/Corporate Officer

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

**Attachments:**

1. Draft permit (TUP 17-01.01)
2. Site Plan – Proposed Temporary Use Area