



COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 19, 2022

From: Christine De Silva, Development Technician

File No: TUP 19-01.01

Subject: **TUP 19-01.01, Temporary Use Permit Renewal, 3591 Elliott Road**

RECOMMENDATION

THAT Council approve the issuance of a Temporary Use Permit (File: TUP 19-01.01) to permit the continued use of a music school at 3591 Elliott Road (Lot 16, DL 486, ODYD, Plan 27961) for a period of three (3) years subject to the conditions of the attached permit (Attachment 1).

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Support initiatives that promote the community’s livability, local business growth, agriculture, wineries, natural beauty, amenities, rich culture, and other attributes that position West Kelowna as a place to live, invest, work and play.

BACKGROUND

In August 2019, Council approved TUP 19-01 for the period of three years to permit the use of a commercial school at 3591 Elliott Road to allow for a music school, subject to the condition that the maximum occupant load within the unit at any one time is 30 occupants.

Proposal

The applicant is requesting a renewal of TUP 19-01 to allow a Commercial School in the C2 Neighbourhood Commercial Zone for an additional three years.

PROPERTY DETAILS	
Address	3591 Elliott Road
PID	004-645-812
Folio	36412643.575
Lot Size	.468 acres (1893 m ²)
Owner	RVN Investments Corp.
Agent	West Kelowna Music School

Current Zoning	C2 (Neighborhood Commercial Zone)	Proposed Zoning	-
Current OCP	Commercial	Proposed OCP	-

ADJACENT ZONING & LAND USES

North	^	C2 Neighborhood Commercial zoned parcel
East	>	RC1 Westbank Centre Compact Residential zoned parcels
West	<	C2 Neighborhood Commercial zoned parcel
South	v	R1L Large Parcel Single Detached Residential and R1 Single Detached Residential zoned parcels

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Applicant Rationale

The applicant has provided a proposal summary describing their intentions respecting the TUP (Attachment 2) and includes the following:

- The music school has had a successful 3 years at the current location;
- The approval of this use will allow their music students to stay in West Kelowna rather than have them leave the community for other music schools;
- The property is the only suitable option in West Kelowna because of its affordability, location, parking and configuration;
- Hours of operation are Monday through Saturday between the 9:00 am and 9:00 pm, September to June with reduced summer hours; and
- The family oriented business has discouraged transient activity currently occurring due to the current low level of activity and animation of the site.

Policy and Bylaw Review

Zoning Bylaw No. 154

The subject property is within the Neighborhood Commercial Zone (C2) which accommodates a limited range of convenience services, typically required on a day to day basis by residents of local neighborhoods. Commercial School, which includes music schools, is not a permitted use in the C2 Zone and is only permitted in the Urban Centre Commercial Zone (C1) or Service Commercial Zone (C4). Commercial School is defined as:

“premises used for commercial training, instruction, or certification in a specific trade, skill or service. Typical uses include secretarial, business, hairdressing, information technology, beauty, culture, and music schools.”

Staff are proposing to include Commercial Schools as a permitted use in the upcoming City-led Zoning Bylaw Amendments.

Referral Comments

Staff have referred the application to Bylaw Enforcement, who have confirmed that there have been no complaints as part of the operation of the music school.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
August 13, 2019	THAT Council approve the issuance of a Temporary Use Permit (File: TUP 19-01) to permit a music school at 3591 Elliott Road for a period of three years subject to the conditions of the attached permit.	C295/19

CONCLUSION

It is recommended that Council approve the renewal of the Temporary Use Permit (TUP 19-01.01) to allow for the continued use of a music school at 3591 Elliott for another 3 years subject to the conditions of the attached permit (Attachment 1).

REVIEWED BY

Chris Oliver, Planning Supervisor

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

- 1) Temporary Use Permit TUP 19-01.01
- 2) Applicant proposal summary