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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** May 8, 2009

**TO:** City Manager

**FROM:** Community Sustainability Division

**APPLICATION:** TUP09-0001 / OCP09-0007      **APPLICANT:** City of Kelowna  
**AT:** 311 Harvey Avenue                      **OWNER:** City of Kelowna

**PURPOSE:** TO TEMPORARILY AMEND THE OFFICIAL COMMUNITY PLAN FROM COMMERCIAL TO INDUSTRIAL.

TO OBTAIN A TEMPORARY USE PERMIT TO ALLOW "CONTRACTOR SERVICES, GENERAL" ON THE SUBJECT PROPERTY.

**EXISTING OCP DESIGNATION:** Commercial  
**PROPOSED TEMPORARY OCP DESIGNATION:** Industrial

**EXISTING ZONE:** C4 – Urban Centre Commercial

**REPORT PREPARED BY:** Alec Warrender

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1.0 RECOMMENDATION

THAT OCP Bylaw Text Amendment No. OCP09-0007 to amend *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by deleting the Temporary Use Permit Area table in Chapter 19 - Temporary Commercial and Industrial Use Permits and replacing it with a new table as per Schedule "A" attached to the report of Land Use Management Department, dated May 8, 2009, be considered by Council.

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated May 8, 2009;

AND THAT the OCP Bylaw Amendment No. OCP09-0007 be forwarded to a Public Hearing for further consideration;

AND THAT Council authorize Temporary Use Permit No. TUP09-0001 to allow "Contractor Services, General" on Lot B, District Lot 139, ODYD, Plan 33086 Except Plan KAP83092, located at 311 Harvey Avenue, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated May 8, 2009, subject to the following conditions:

- a) Water Street at Highway 97 (Harvey Ave) remains physically closed.
- b) No direct access from the subject property to Highway 97.
- c) The staging area is fenced and dust control onsite is implemented during heavy machinery activity or as required.
- d) The site be maintained and cleaned on a regular basis.

## 2.0 SUMMARY

This application seeks approval to allow the subject property to be used temporarily as a construction preparation site during the construction of the adjacent multi-family housing project. It is anticipated that the site will be required for the proposed purposes until February 1<sup>st</sup>, 2011.

## 3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of April 14, 2009 and the following recommendation was passed:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP09-0007, for 311 Harvey Ave, Lot B, DL 139, Plan 33086, ODYD; Except Plan KAP83092 by City of Kelowna (C. McKenzie), to temporarily amend the Official Community Plan to permit an industrial use on the subject property which is designated commercial.

THAT the Advisory Planning Commission support Temporary Use Permit Application No. TUP09-0001, for 311 Harvey Ave, Lot B, DL 139, Plan 33086, ODYD; Except Plan KAP83092 by City of Kelowna (C. McKenzie), to obtain a temporary use permit to allow the subject property to be used as a construction preparation site.

## 4.0 THE PROPOSAL

The subject property has been vacant since the Pandosy Street realignment. The properties to the south are currently under application for the development of a multi-family supportive housing project. This application seeks approval to allow the subject property to be used temporarily as a construction preparation site in order to accommodate this multi-family project. Sawchuk Developments will oversee both the construction of the adjacent multi-family project and the subject staging area.

Sawchuk Developments will secure the subject property with temporary "Modu-Loc" fencing and it is anticipated that there will be a full-time static guard service once the wood framing portion of the project begins (mid-summer 2009 – September 2010). The property would be used for the storage of construction related materials and equipment being used exclusively on this site and on a day to day basis. The First Aid facilities and construction trailer will also be located within this staging area. The contractor is aware that this is a highly visible area and that it must be maintained and cleaned on a regular basis. Access will be secured via Water Street.

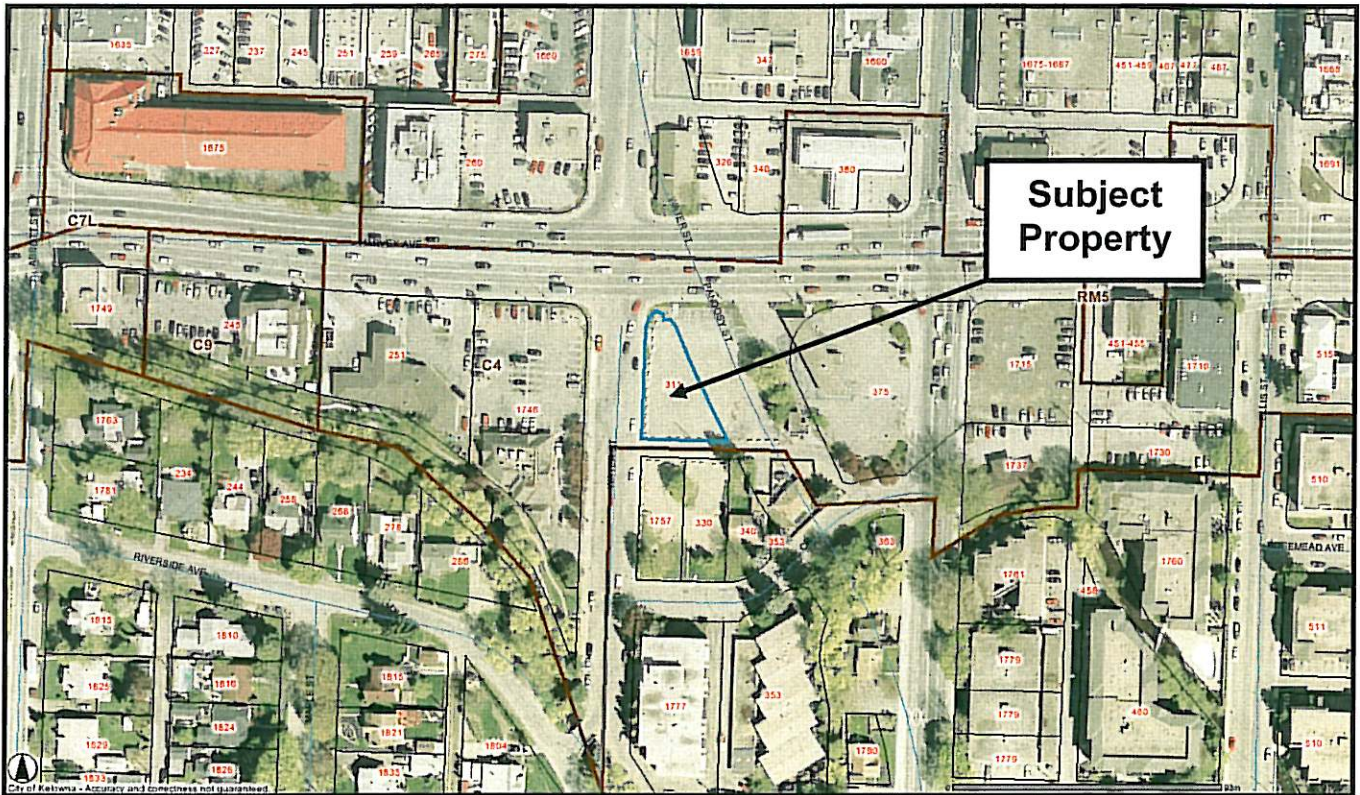
### 4.1 Site Context

The adjacent zones are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C7 – Central Business Commercial	Commercial
East	C4 – Urban Centre Commercial	Commercial
South	RM5 – Medium Density Multiple Housing	Residential
West	C4 – Urban Centre Commercial	Commercial

4.2 Site Location

311 Harvey Avenue



5.0 CURRENT DEVELOPMENT POLICY

Staff recommends that the APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case.

Staff have reviewed this application, in regards to the City's financial plan and waste management plan and the project may proceed.

5.1 Temporary Commercial and Industrial Use Permits

In accordance with the *Local Government Act* (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary commercial and industrial uses, and may specify general conditions regarding the issuance of temporary use permits in those areas.

The temporary use designation is intended to apply to operations that are temporary in nature and the designation does not in itself permit commercial or industrial uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary Commercial or Industrial Use Permit and specify the conditions under which the temporary use be carried on. Upon the expiration of a Temporary Use Permit, the permitted uses revert to those outlined in the City of Kelowna Zoning Bylaw 8000.

6.0 TECHNICAL COMMENTS

6.1 Building & Permitting  
No Comment

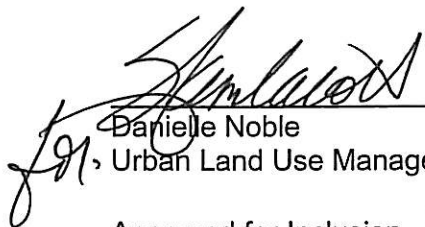
6.2 Fire Department  
Part 3 of the BCFC 2006 to be followed if applicable, contact the Fire Prevention Branch before storage is started.

6.3 Development Engineering Branch  
See Attached

6.4 Ministry of Transportation  
The Ministry has no objections to the temporary use for the storage and staging of on-site construction activities provided the following:  
1) Water Street @ Highway 97 (Harvey Ave) remains physically closed.  
2) No direct access from the subject property to Highway 97.  
3) The staging area is fenced and dust control onsite is implemented during heavy machinery activity or as required.

7.0 LAND USE MANAGEMENT DEPARTMENT

The subject property is well located to serve the staging and construction needs of the multi-family housing project located to the south of the subject property, on the corner of Water Street, Pandosy Street and Boyce Crescent. The irregular lot configuration of this multi-family development combined with limited on-site staging space does not allow for this project to accommodate these needs onsite. As the subject property does not abut any existing residences it is not anticipated that the proposed use will have a significant impact. However, as the sight is in a highly visible location it is important that it be cleaned and maintained on a regular basis. The site is presently vacant and would otherwise be unused during the proposed timeframe.

  
Danielle Noble  
Urban Land Use Manager

Approved for Inclusion 

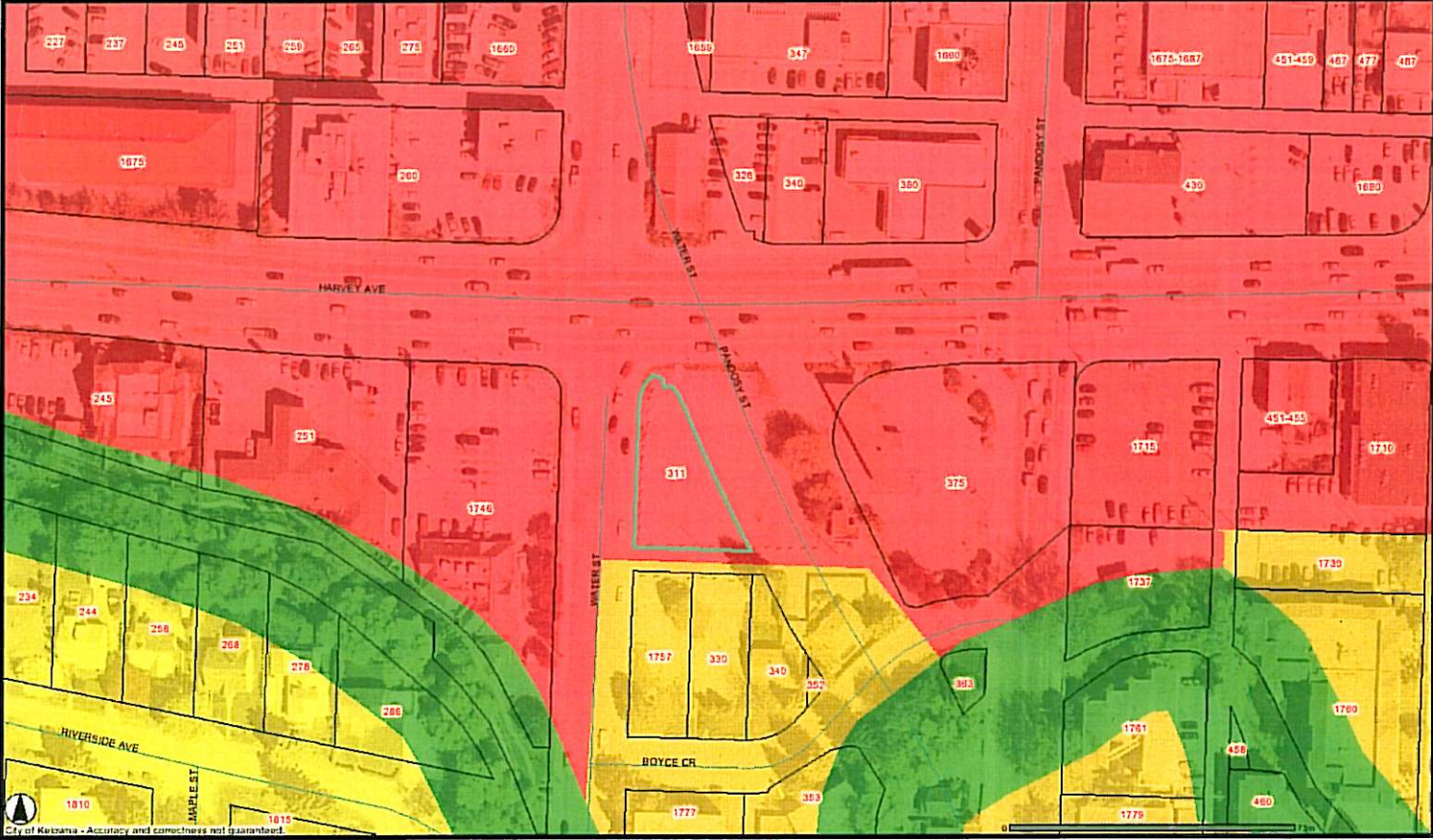
Shelley Gambacort  
Director of Land Use Management

SG/DN/aw

Attachments

- Location Map

# MAP "A"



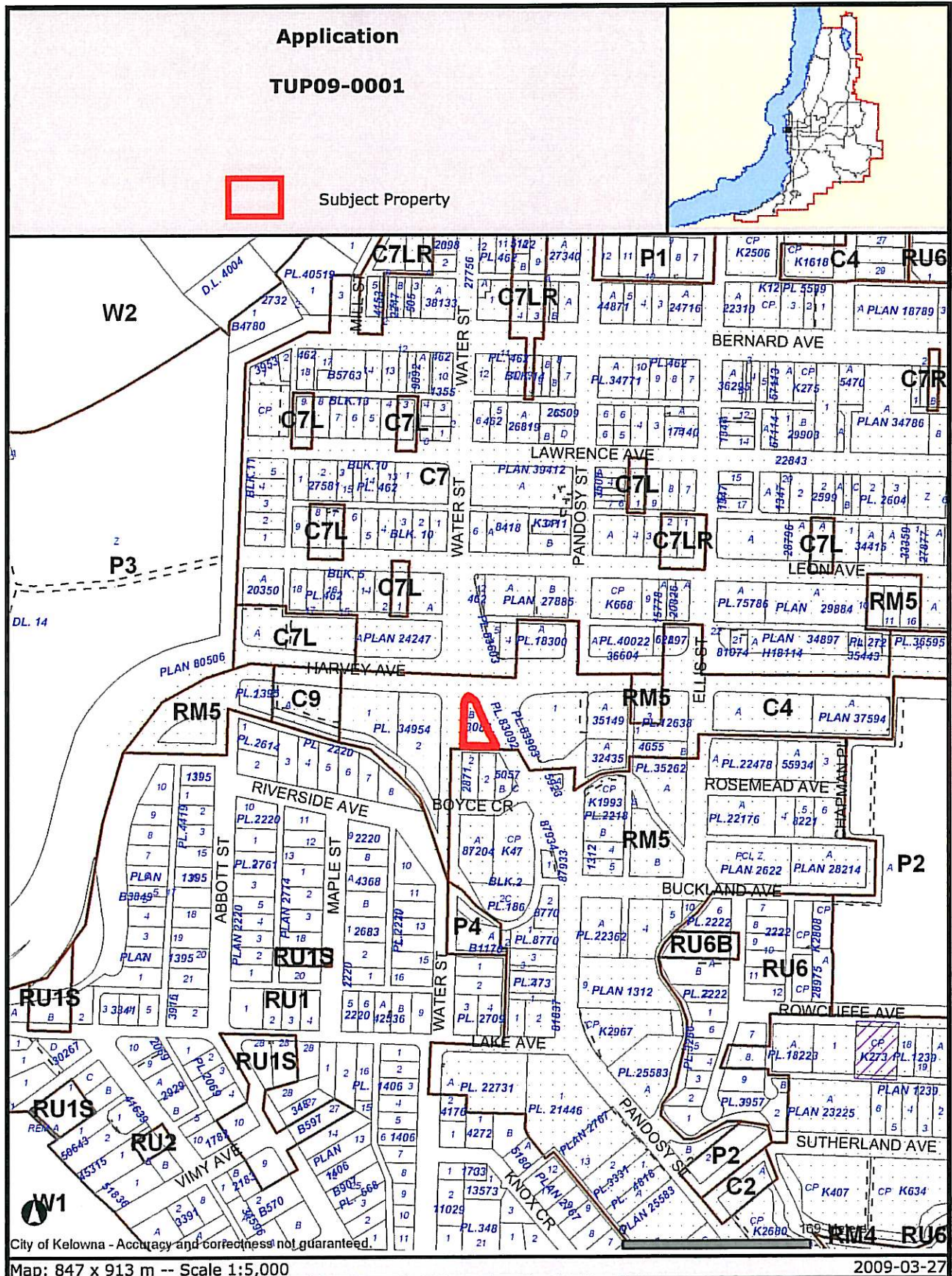
**Subject Property to have Future Land Use designation temporarily changed from "COMMERCIAL" to "INDUSTRIAL"**

**SCHEDULE "A"**

**Chapter 19 – Future Land Use**

**Temporary Commercial and Industrial Use Permits**

<b>TEMPORARY USE TYPE</b>	<b>EFFECTIVE DATES</b>	<b>DESIGNATED PERMIT AREA</b>
Commercial use for a private school.	From the date of adoption until June 30, 2008.	<u>Legal Address:</u> Lot C, Section 2, Twp. 23, ODYD, Plan KAP80969  <u>Street:</u> 2455 Acland Road
Industrial use for the storage and distribution of the carts required for the City's automated garbage collection program	From the date of adoption until May 31, 2009	<u>Legal Address:</u> Lot A, District Lots 14 and 139, ODYD, Plan KAP52333 Except Plan KAP81471  <u>Street:</u> 575-599 Harvey Avenue
Industrial use for construction staging and preparation	From final date of adoption until February 1 <sup>st</sup> , 2011	<u>Legal Address:</u> Lot B, District Lot 139, ODYD, Plan 33086 Except Plan KAP83092  <u>Street:</u> 311 Harvey Avenue



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2009-03-27

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 9, 2009  
**File No.:** TUP09-0001

**To:** Planning & Development Services Department (AW)

**From:** Development Engineering Manager (SM)

**Subject:** 311 Harvey Avenue                      Water St                      Lot B Plan KAP83092

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Development Engineering Services comments and requirements pertaining to this application are as follows:


The Temporary Use Permit application, to use the property for construction material storage as well as a prep site, does not compromise our servicing requirements.

1.     Water and Sanitary Sewer

- (a)     Identify and protect the existing sanitary inspection chamber and water service shut-off valve.

2.     Site Related Issues

- (a)     Site access will be restricted to Water Street.
- (b)     It is recommended that a well graded, hard dust free surface be provided for this construction staging and storage area.



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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf