

THAT the Advisory Planning Commission NOT support Temporary Use Permit Application No. TUP09-0003, 550 Truswell Road, Lot 17, DL 134, Plan 2714, Sec 1, Twp 25, ODYD; to allow on-site fuel dispensing to boats in storage at the boat storage facility.

NOTE:

This application was originally presented to the APC on April 14, 2009 as a text amendment (TA09-0002) to the C9 – Tourist Commercial zone, and the following recommendation was passed:

THAT the Advisory Planning Commission NOT support Text Amendment Application No. TA09-0002, for 550 Truswell Rd; Lot 17, DL134, Plan 2714, Sec 1, Twp 25, ODYD; Except Plan KAP66236; by Aqua Resort Ltd (J. Adamson), to allow facilities for more than 100 boats to provide on-site fuel dispensing.

In response to the concerns of both the APC and Public in attendance, the applicant amended the application to the form of a Temporary Use Permit to allow the temporary dispensing of fuel on the property. Overall, the APC could not endorse the application given the proximity to an existing marina fuelling facility located at the Hotel pier.

4.0 BACKGROUND

The existing dry land boat storage facility located at 550 Truswell Road was developed on the subject property in 1999.

In 2008, the current owners purchased the subject property as part of the comprehensive “Aqua” resort apartment hotel development proposed for the subject property and the adjacent five lake front properties that is currently under application.

Owing to changes in the market place, as well as the timelines required for approval by senior levels of government for the proposed works along the foreshore, the applicant is looking at ways to improve the operation of the dry land boat storage facility for the near-term.

There had been application made for a text amendment to the definition of “Boat Storage” (TA09-0002) which proposed changes to the definition for “Boat Storage” in order to permit the dispensing of fuel to boats stored on the site for marinas that have more than 100 boats in storage. That application was presented to the Advisory Planning Commission at the meeting on April 14, 2009. The APC did not support that application. There were concerns raised by both the APC and public in attendance at the meeting regarding the potential impact of the text amendment adding the use of “on-site fuel dispensing” to the C9 – Tourist Commercial zone. Fundamentally, this would not only add the use to the subject property but also other potential boat storage facilities that could be developed within C9 – Tourist Commercial zoned lands.

5.0 THE PROPOSAL

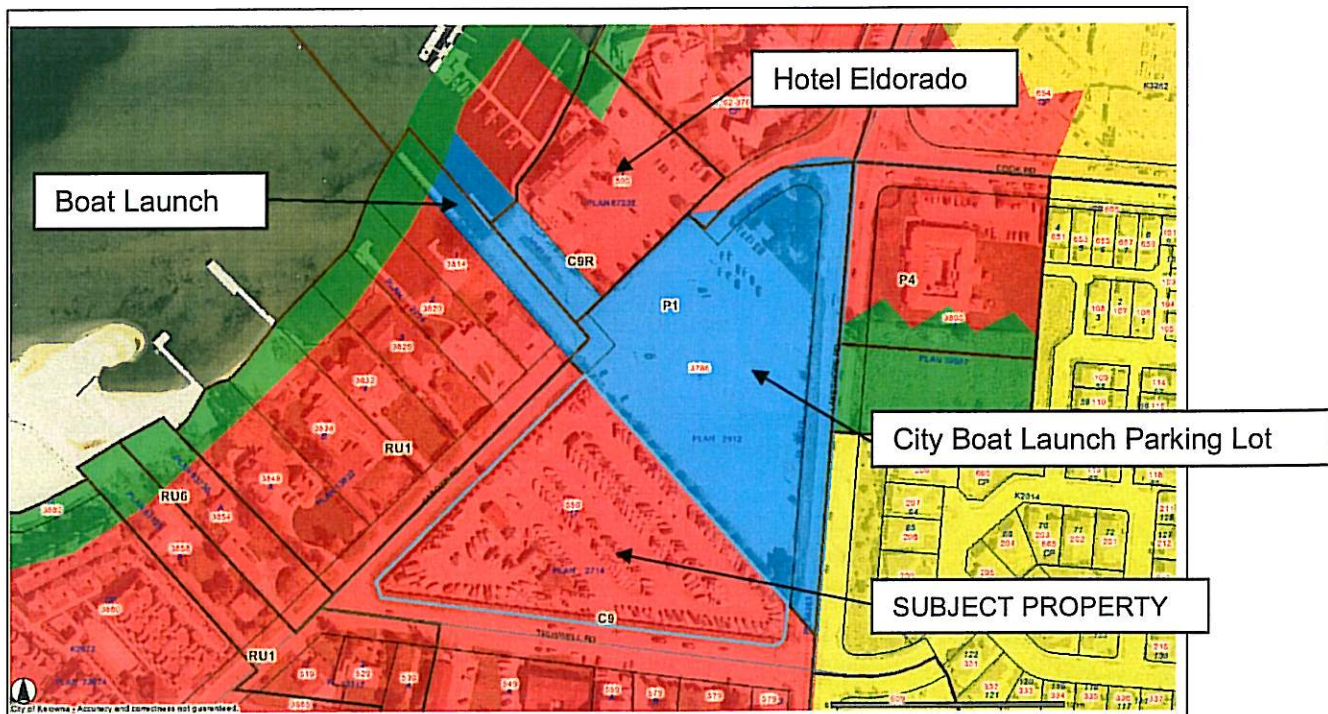
The applicant has amended the proposal to provide on-site fuel dispensing to boats in storage on the subject property to an application for a Temporary Use Permit. The intent of this application for a Temporary Use Permit is to allow the operator of the dry land boat storage facility located on the subject property the option of fuelling on-site boats and marine equipment, in addition to the storage and launching activities that are currently permitted.

The installation of the above ground storage tank will have to adhere to all appropriate City of Kelowna regulations, *Best Management Practices outlined in the Provincial CCME – Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products*, as well as associated fire codes.

It is anticipated that the operation of the dry land boat storage facility will remain until such time as the “Aqua” development proposal attains required federal, provincial and municipal approvals pertaining to the ultimate development. A Temporary Use Permit is valid for a maximum two year period, with the possibility of one extension.

5.1 Site Context

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - P1 – Major Institutional – Boat Launch Parking lot
RU1 – Large Lot Residential – existing single unit residential uses
- East - P1 – Major Institutional – Boat Launch Parking lot / Lakeshore Rd.
CD4 – Comprehensive Small Lot Residential - existing SFD uses
- South - C9 – Tourist Commercial / Truswell Road – Existing Motel uses
- West - RU1 – Large Lot Residential – existing single unit residential uses /
Capozzi Road

5.2 **Current Development Policy**

5.2.1 **Kelowna Official Community Plan**

The subject property is designated as “Commercial” in the Official Community Plan. The OCP also notes in;
Section 9.1.26 **Commercial Tourist Attractions.** Consider Lake Okanagan to be Kelowna’s main tourist attraction and will therefore discourage commercial tourist attractions from locating in the shore zone area. Only those commercial attractions which are directly dependent on the lake, which are environmentally-friendly, and which add to the public enjoyment of the shore zone will be allowed along Lake Okanagan;
Section 9.1.27 **Tourist Commercial.** Consider commercial development for tourism related uses in the Capozzi / Truswell Road area as outlined in the South Pandosy / KLO Sector Plan;
Section 9.1.32 **Marina Facilities.** Allow private sector provision of another marina facility within the City, providing that this can be done in an environmentally sound manner and providing that upland transportation, parking and community impacts can be adequately addressed;

6.0 **Temporary Commercial 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. A temporary commercial permit may be issued for any area designated as commercial on OCP Map 19.1 Generalized Future Land Use.

7.0 **Technical Comments**

The application has been circulated to various technical agencies and City departments and the following comments have been received.

7.1 **Development Engineering Branch**

This application for a Text Amendment for this property does not compromise Works and Utilities servicing requirements.

7.2 Fire Department

We require for review, a scale site drawing showing the fire department access, boat storage area, buildings, fuel storage area, individual storage slips, etc. A detailed code analysis, equivalencies if any, with references to the BCFC, BCBC, NFPA 303 and any other pertinent resources giving the required widths, lengths, heights, distances etc.

A permit from the Kelowna Fire Department is required for the tank install as well a letter from an engineer stating the tank installation meets all necessary requirements.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The applicant has been approached by the operator of the dry land boat facility to add the proposed fuelling service to the list of services already available to the users of the dry land boat storage facility. This fuel service is intended only to accommodate the users of the dry land boat storage who store their boat at this facility, and not to visitor boat traffic.

This revised application is to reflect the limited time frame of the boat storage and on-site fuel dispensing, and more accurately acknowledges the temporary use until the full development potential of the property is realized.

The Land Use Management Department does not have concerns with the proposed addition of on-site fuel dispensing to the dry-land boat moorage facility as the applicant has committed to compliance with the appropriate City of Kelowna Petroleum Storage Tank Bylaw, the best management practice of the CCME – Environmental Code of Practice, as well as applicable fire codes. The applicant has worked cooperatively with the Fire Department to address operational and safety concerns for this interim use.



Danielle Noble
Urban Land Use Manager

Approved for inclusion



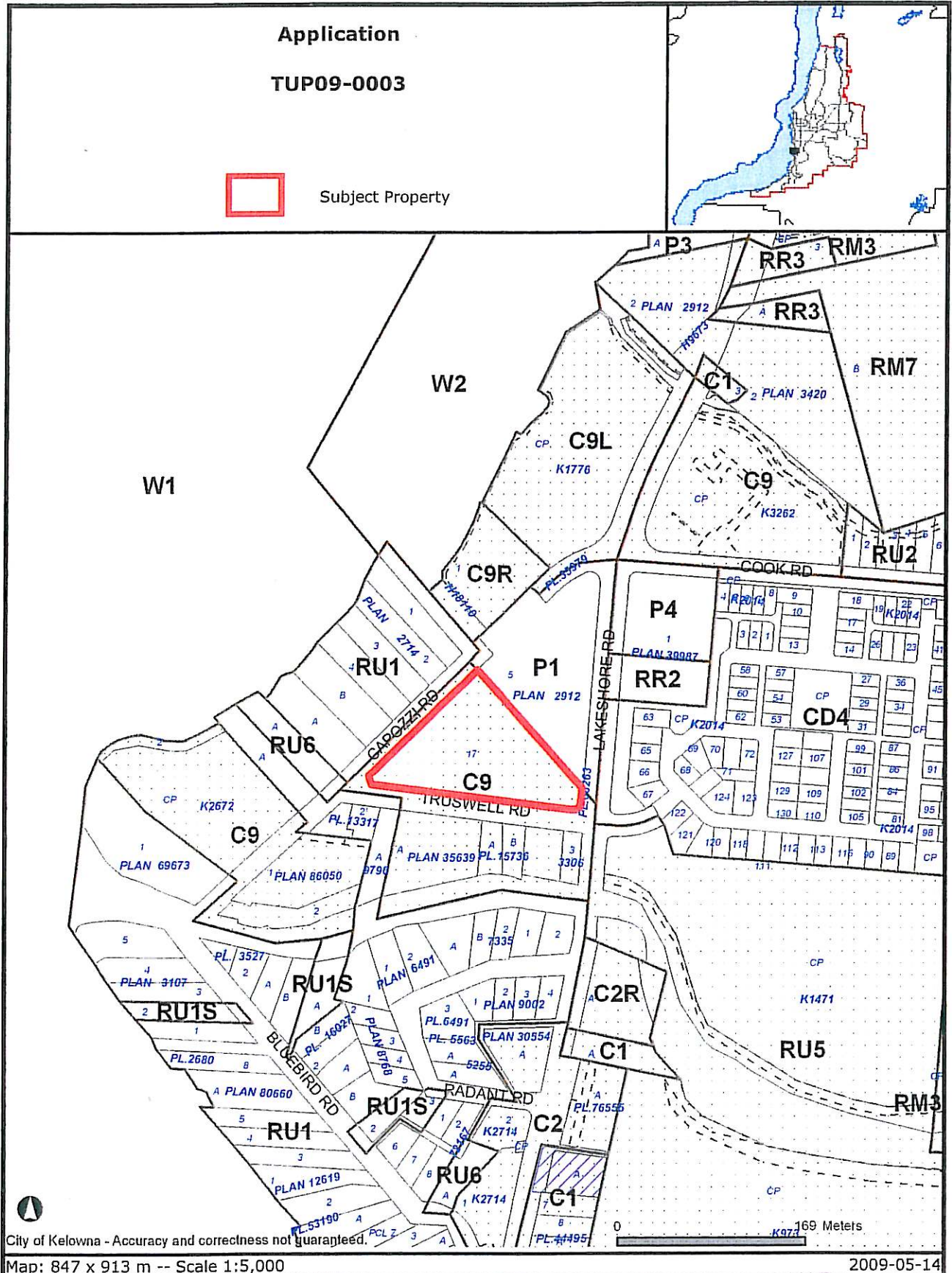
Shelley Gambacort
Director, Land Use Management

PMc/pmc

Attachments

- Location Map
- Site Plan
- Detail Drawings of Tank system
- Letter of Rationale (from applicant)



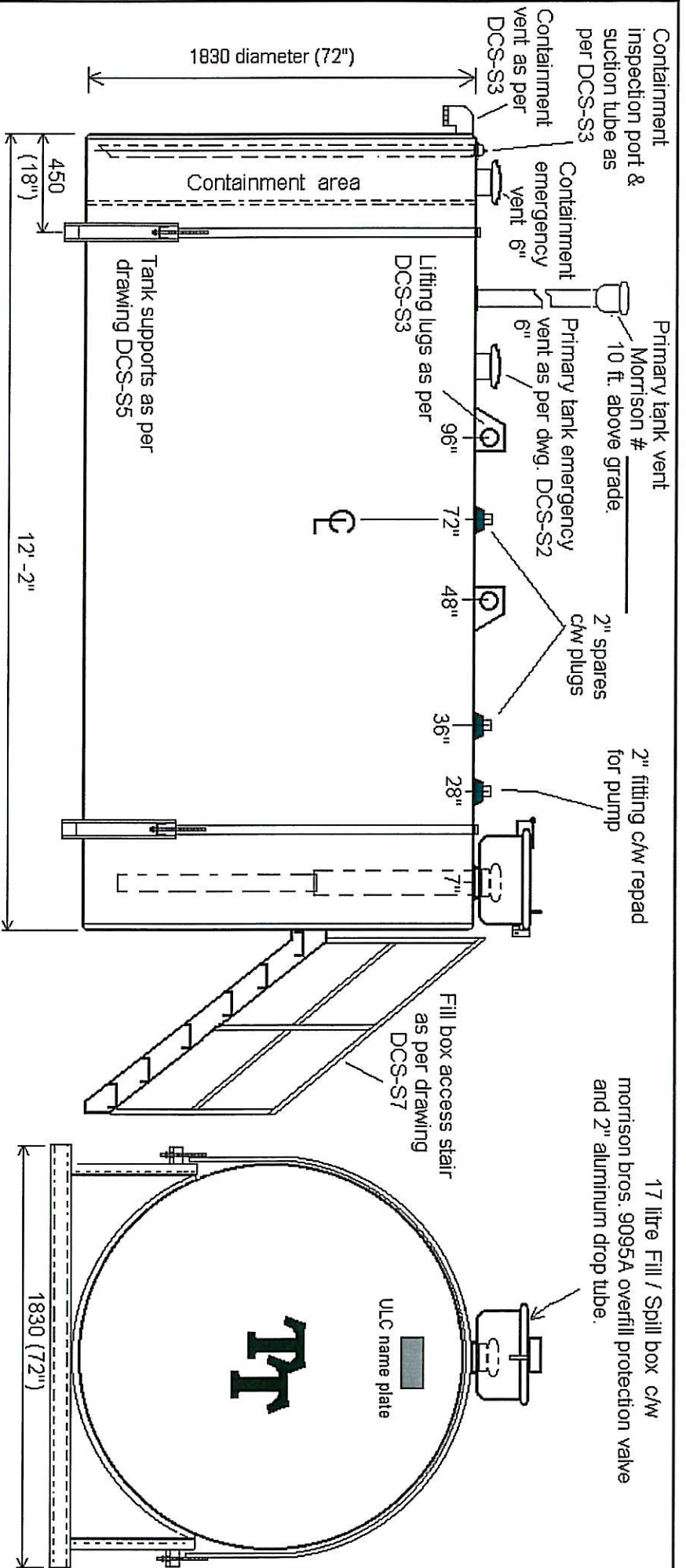


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



DO NOT LIFT OR TRANSPORT TANK CONTAINING FLammable LIQUID
KEEP SOURCE OF IGNITION INCLUDING ALL VEHICLES AT LEAST 2' AWAY FROM THE TANK, ITS ACCESSORIES AND ITS ENCLOSURE.
CHECK TANK FOR ACCUMULATION OF LIQUID 35 IN CONTAINER AND REMOVE AND RECORDED PARTICIPATION, IF APPLICABLE
CONSULT THE AUTHORITY HAVING JURISDICTION PRIOR TO INSTALLATION

GASOLINE



17 litre Fill / Spill box c/w morrison bros. 9095A overflow protection valve and 2" aluminum drop tube.

NOTES:

- Primary tank is constructed to ULC specification S601
- Containment capacity is 110% of the primary tank and constructed to ULC-S653

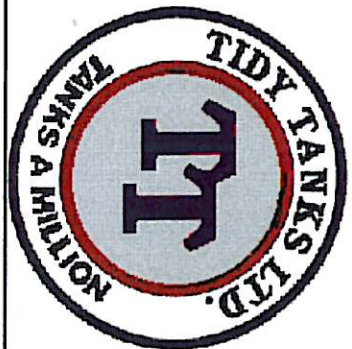
Job #
Ship

- Exterior coatings:**
- 1 - coat of primer
 - 1 - coat of enamel Color _____

REFERENCE DRAWINGS:

- DCS-S1 - Primary and secondary tank construction details.
- DCS-S2 - Emergency venting and standard venting details.
- DCS-S3 - Inspection port, containment suction, misc. details.
- DCS-S4 - Fill/spill containment construction details.
- DCS-S5 - Tank support details.
- DCS-S6 - Decals, labels and Installation Information.
- DCS-S7 - Fill box access stair details.

This drawing contains confidential information that may only be used or reproduced with the consent of Tidy Tanks Ltd. or its agents.

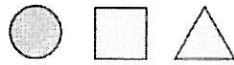


Langley, B.C.
Phone: (604) 534-8565 Fax: (604)534-5814

TITLE: 8620 Litre
contained tank

Revision	Description	Drawn by:	Date	Drawing No.	Rev.
1	Standard shop issue	MIR		DCS-9000	1

Weight empty = 4500 lbs



THE MISSION GROUP
dream design detail

May 8, 2009

Paul McVey
City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Dear Paul,

Re: Aqua Resort Ltd. – Temporary Use Permit

We would like to apply for a temporary use permit to be allowed to fuel our customers' boats and marine equipment on-site, as part of the dry boat storage service.

As of May 1st, we have taken over the operations of the Eldorado Yacht Harbour valet service. As with the Eldorado Yacht Harbor, the intent of the operations is short term until a higher and better use of the land can be achieved. We still maintain our vision and focus for Aqua, the resort development, and look forward to the day when the beautiful development and all of its public amenities are completed.

The Mission Group endeavors to look for ways to improve the services and function of any operation we are a part of. During the review of the boat yard operations, we identified the need to provide on-site fuel services for our customers. By providing our customers the optional service of having their boats pre-fueled, our clients can spend more time boating enjoying the lake.

We believe that an aboveground system would be the best as it is both temporary and environmental friendly.

The fully self-contained, dual wall fuel tank comes on its own independent skid plate. Once permitted, the tank would arrive on a flat deck truck, with all of the meters, hoses, switches already attached. This also holds true for when the tank is no longer required, it can be removed just as quickly.

The fueling system exceeds federal and provincial standards in environmental safety, including ULC (Underwriters' Laboratories of Canada) requirements, as well as all fire codes. The dual tank system provides 110% containment. If ever the primary tank of the storage system malfunctioned, the secondary tank would

ABBOTSFORD	KELOWNA
1 - 2650 Progressive Way	620 - 1632 Dickson Avenue
Abbotsford, BC V2T 6H9	Kelowna, BC V1Y 7T2
Phone: 604-504-5672 Fax: 604-504-3964	Phone: 250-448-8510 Fax: 250-762-4236

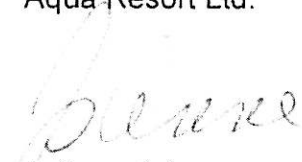
www.themissiongroup.ca

contain any leaks. An inspection port is built into the secondary tank so that any damage to the primary tank would be detected and would be repaired before the secondary tank would begin to fill. The outgoing ports for the tank are equipped with auto shut-off devices which will stop the outflow of fuel should a hose break or a nozzle malfunction and are also equipped with anti-siphon pumps which eliminate the chance of fuel be siphoned from the tank.

In conclusion, we believe that providing our clients with the option starting their boating adventure with a pre-fueled vessel is another way that we can provide exceptional customer service. As a result, we have gone thru great lengths to source a fueling system that is temporary, environmentally friendly and safe.

Thank you for considering our request for a temporary permit and we look forward to a successful approval.

Sincerely,
Aqua Resort Ltd.



JoAnne Adamson
Development Manager