

Memo

DATE: March 11th, 2010
TO: City Manager
FROM: Community Sustainability Division



APPLICATION NO. OCP10-0002 / TUP10-0001 **OWNER:** City of Kelowna

AT: 3326 Lakeshore Road **APPLICANT:** City of Kelowna (Terry Barton)

PURPOSE: To temporarily amend the Official Community Plan's Future Land Use Designation from Major Park / Open Space to Commercial;

To consider a Temporary Use Permit to allow a temporary parking lot to be located on the subject property.

EXISTING ZONE: C1 - Local Commercial

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT OCP Bylaw Text Amendment No. OCP10-0002 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 March 11th, 2010, 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 March 11th, 2010;

AND THAT the OCP Bylaw Amendment No. OCP10-0002 be forwarded to a Public Hearing for further consideration;

AND THAT Council authorize Temporary Use Permit No. TUP10-0001 to allow "Non-Accessory Parking" on Lot 27, District Lot 14, ODYD, Plan 2708, located at 3326 Lakeshore Road, Kelowna, B.C, as shown on Map "A" attached to the report of the Land Use Management Department, dated March 11th, 2010, subject to the following conditions:

- a) That the area required for the parking lot be landscaped and fenced in accordance with Schedule 'A';
- b) That a hard, dust free surface be provided for this parking area.

2.0 SUMMARY

To temporarily amend the Official Community Plan to permit a commercial use on the subject property which is designated Major Park / Open Space. To consider a Temporary Use Permit to allow a temporary parking lot to be located on the subject property.

3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission at the meeting of March 2nd, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP10-0002, for 3326 Lakeshore Road; to temporarily amend the OCP to permit a commercial use on the subject property which is designated Major Park/Open Space.

THAT the Advisory Planning Commission support Temporary Use Permit Application No. TUP10-0001, for 3326 Lakeshore Road; to consider a Temporary Use Permit to allow a temporary parking lot to be located on the subject property.

Comment

There is a need for parking in the area and the APC is supportive of the proposal.

4.0 THE PROPOSAL

The main parking lot for Boyce-Gyro Park was located across Lakeshore Road at the corner of Richter Street. There is a need to replace the parking lot in an alternative location. The City purchased the Tidy Towns Trailer Park to the north of Boyce-Gyro Park in 2005 as part of a future park expansion. All of the remaining trailers will be moved out this winter. The goal is to have the public parking lot available this summer and the proposed temporary parking lot will include:

- 45 stalls with 6 long trailer parking stalls;
- 3 hour parking limit to prevent all day parking by non-park users;
- Split rail perimeter fence;
- Temporary landscaped bed at the coner of Watt and Lakeshores Roads;
- Security gate at the entrance;
- Main entrance off Watt Road;
- Asphalt sidewalk along Lakeshore Road;
- Pedestrian crosswalks to the park.

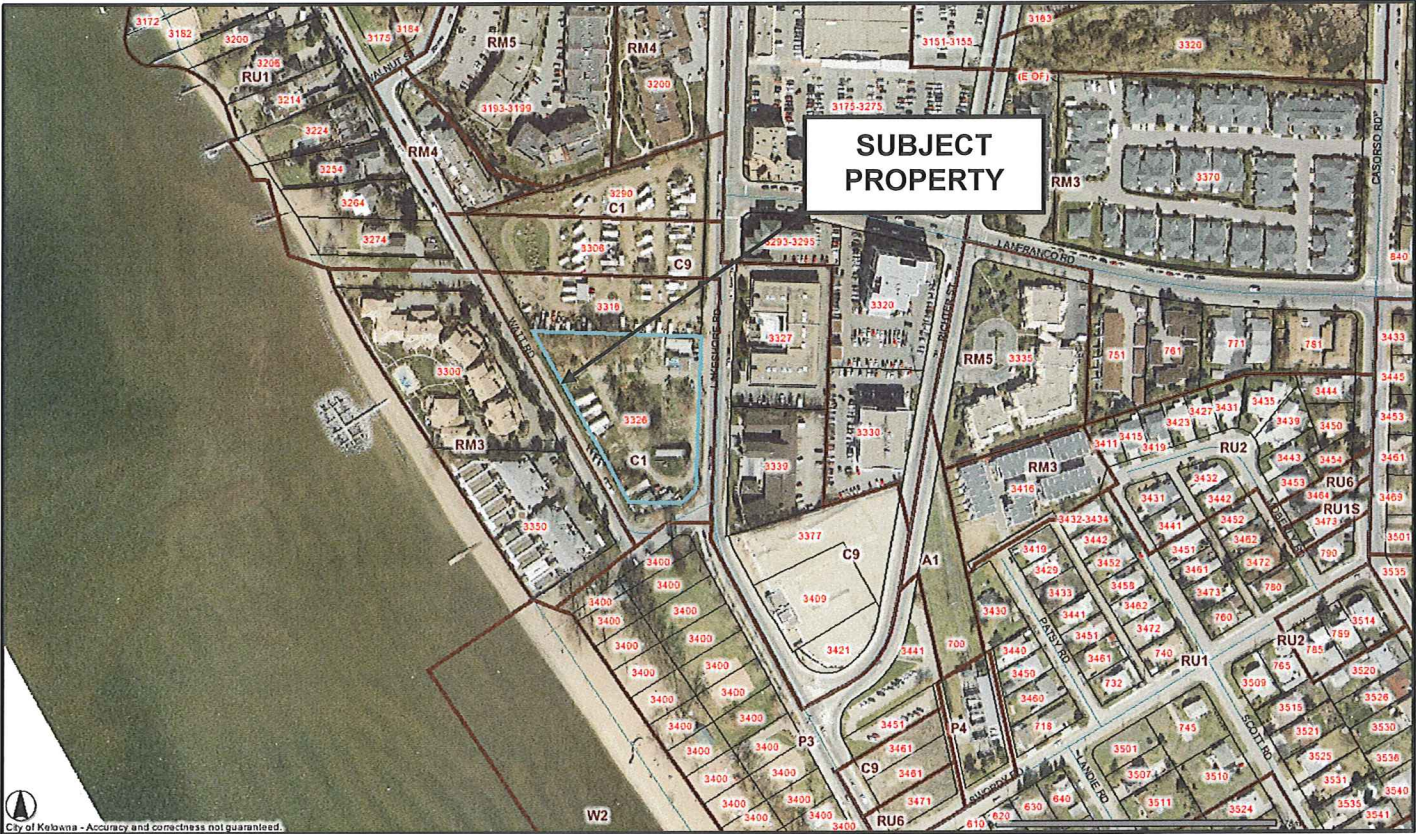
4.1 Site Context

The surrounding area has been developed with a variety of uses, with commercial hotel uses to the north and east. The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C1 - Local Commercial	Mobile Homes
West	RM3 - Low Density Multiple Housing	Residential
South	P3 - Parks & Open Space	Gyro Park
East	C9 - Tourist Commercial	Hotel / Motel

4.2 SUBJECT PROPERTY MAP:

3326 Lakeshore Road



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

No Concerns

6.3 Development Engineering Branch

The TUP application does not compromise our servicing requirements.

Site Related Issues

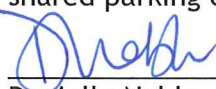
(a) It is recommended that a well graded, hard dust free surface be provided for this temporary parking lot.

(b) The site drawing indicates the use of vehicle gates. In dealing with gates, it is recommended that a turn-around be provided in front of the gates so as to deter reverse motion by vehicles during the time of closure. This objective is of high value due to the tourist usage of this area.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property is designated as Major Park/Open Space in the OCP and is located within the South Pandosy Urban Centre. The application is for a Temporary Use Permit (TUP) to construct non-accessory parking for Boyce-Gyro Beach Park. The *Local Government Act* allows local government to designate areas for temporary commercial and industrial use permits and the OCP includes a Temporary Use Permit Areas table to indicate the designated sites.

Currently the site is vacant and was formerly the site of Tidy Town Trailer Park. Since the land was bought by the City in 2005 for future park expansion, and is also within an urban centre, this use complies with policy 6.1.3 of the OCP which states that parks and other infrastructure are considered civic improvements. Therefore, it is recommended that this application be supported to create a temporary non-accessory parking lot to serve Boyce-Gyro Beach Park subject to an OCP amendment to include this site as a designated temporary commercial use permit area. A TUP enables a use for a two year timeframe, with the opportunity for one further two-year extension. This would afford the Parks Department a maximum four-year timeline to comprehensively plan the Gyro park expansion and pursue shared parking opportunities for this area.



Danielle Noble
Urban Land Use Manager

Approved for Inclusion



 Shelley Gambacort
Director of Land Use Management

Attachments:

Subject Property Map

Site Plan

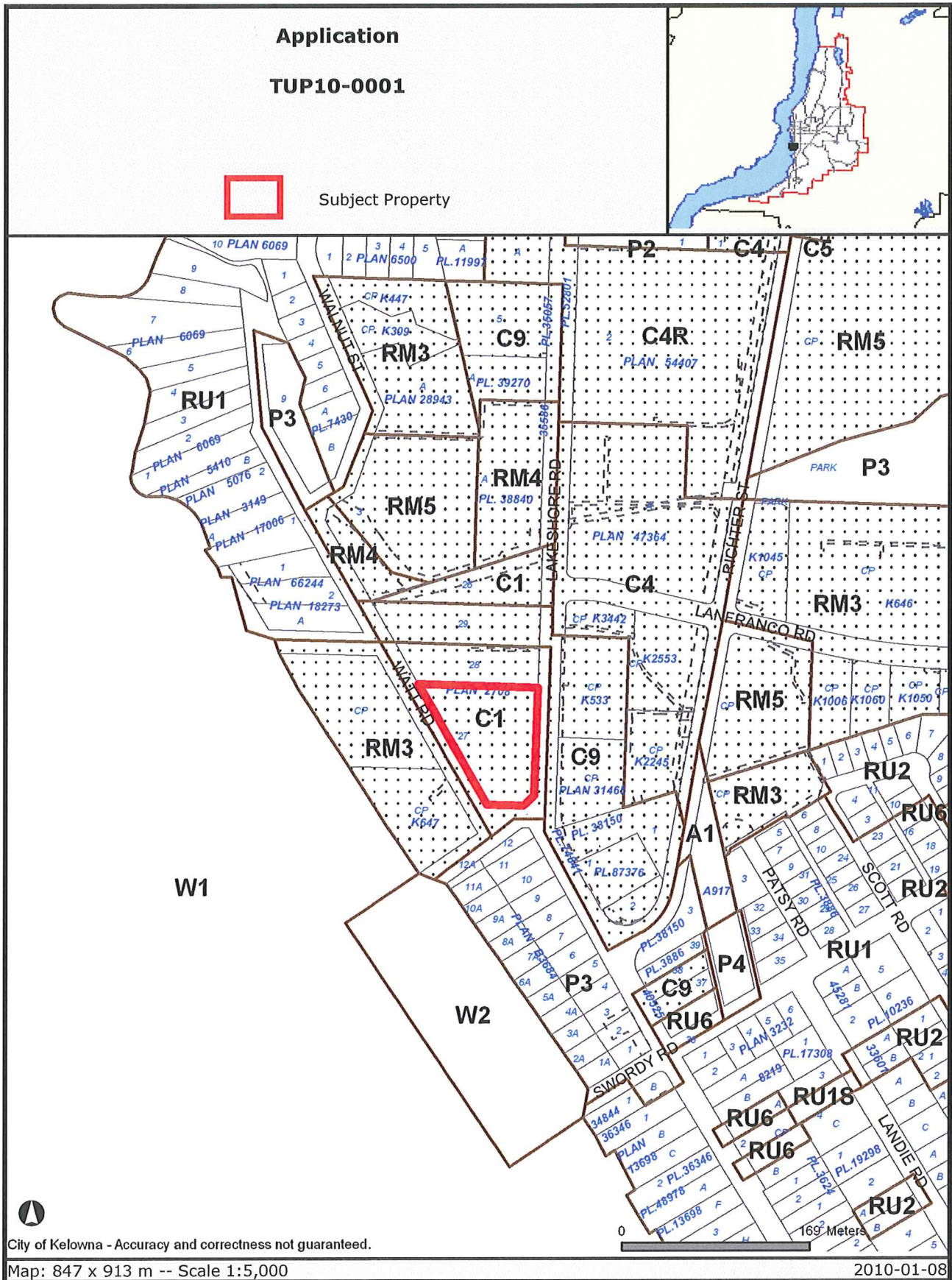
Applicants Letter of Intent

SCHEDULE "A"

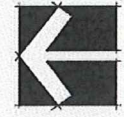
Chapter 19 – Future Land Use

Temporary Commercial and Industrial Use Permits

TEMPORARY USE TYPE	EFFECTIVE DATES	DESIGNATED PERMIT AREA
Industrial use for construction staging and preparation	From final date of adoption until February 1 st , 2011	<u>Legal Address:</u> Lot B, District Lot 139, ODYD, Plan 33086 Except Plan KAP83092 <u>Street:</u> 311 Harvey Avenue
Non-Accessory Parking use for Temporary Gyro Beach parking area	From final date of adoption until April 6, 2012	<u>Legal Address:</u> Lot 27, District Lot 14, ODYD, Plan 2708 <u>Street:</u> 3326 Lakeshore Road



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.



BOYCE-GYRO BEACH PARK
NORTH PARKING LOT DEVELOPMENT
 January 29, 2010

Boyce-Gyro Beach Park – Parking Lot

January 6, 2010

The main parking lot for Boyce-Gyro Park was located across Lakeshore Rd at the corner of Richter St. The City of Kelowna has disposed of this land to the adjacent developer. There is an urgent need to replace the parking lot in an alternative location before the summer. The City purchased the Tidy Towns Trailer Park to the north of Boyce-Gyro Park in 2005 as part of a future park expansion. As all the trailers will be removed in this winter, this location provides the best opportunity for construction of a replacement parking lot.

There is potential for a future partnership with the developer to the north of the Tidy Towns Trailer Park to build a public parkade for park users as part of a land exchange. While the details of this partnership have not been determined, the intent is to construct a temporary gravel parking lot that allows maximum flexibility to the site for the partnership to develop over the next couple of years. If the public parkade is successful, the temporary parking lot would be removed and converted into park space.

Objective: To construct a temporary gravel parking lot in the Spring of 2010 and have the parking lot open to the public for the summer. Features of the parking lot include:

- 45 parking stalls with 6 long trailer parking stalls
- 3 hour parking limit to prevent all day parking by non-park users
- Split Rail Perimeter Fence
- A temporary landscaped bed at the corner of Watt Rd and Lakeshore Rd
- A security gate at the entrance
- Main entrance to the parking lot off Watt Rd
- Asphalt sidewalk along Lakeshore Rd
- Pedestrian crosswalks to the park.