

Memo



Date: February 4, 2011

To: City Manager

From: Land Use Management Department

Application: OCP11-0001/TUP10-0003

Owner: P 218 Enterprises Ltd.

Address: 459 Groves Avenue, &
437 & 442 Newsom Avenue

Applicant: P 218 Enterprises Ltd. &
Wayne Holdings Ltd.

Subject: Temporary Use Permit

Existing OCP Designation: Multiple Unit Residential - Medium Density

Proposed OCP Designation: Temporary Industrial

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT OCP Bylaw Text Amendment No. OCP11-0001 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 February 4, 2011, 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 February 4, 2011;

AND FURTHER THAT the OCP Bylaw Amendment No. OCP11-0001 be forwarded to a Public Hearing for further consideration;

A handwritten signature in blue ink, appearing to be a stylized 'N' or similar character.

2.0 Purpose

The applicant is seeking a Temporary Use Permit in order to utilize the three subject properties as a construction staging and storage location for the nearby mixed-use Sopa Square project located at 2988-3030 Pandosy St. Accordingly, an Official Community Plan amendment is required to temporarily acknowledge the industrial construction uses.

3.0 Land Use Management

The subject properties are well located to serve the staging and construction needs of the commenced mixed-use commercial project (Sopa Square) located to the east of the subject properties. Critically, there is no opportunity to accommodate these needs on the construction site. The applicant is proposing to fence the entire site (including portions of the temporarily closed lanes and the subject properties) with construction fencing. Additionally, a mesh fabric sheeting to the inside of the construction barrier is proposed to form a visual barrier to minimize impacts upon the adjacent residential uses. The Kelowna Noise and Disturbance Control Bylaw #6647 is in effect and prohibits any construction activity before 7:00 AM or after 10:00PM.

To date, there has been one letter of complaint from a neighbouring property owner expressing concerns for parking problems which have occurred and damage that has occurred to their fence (a copy of the letter is attached as a schedule).

4.0 Proposal

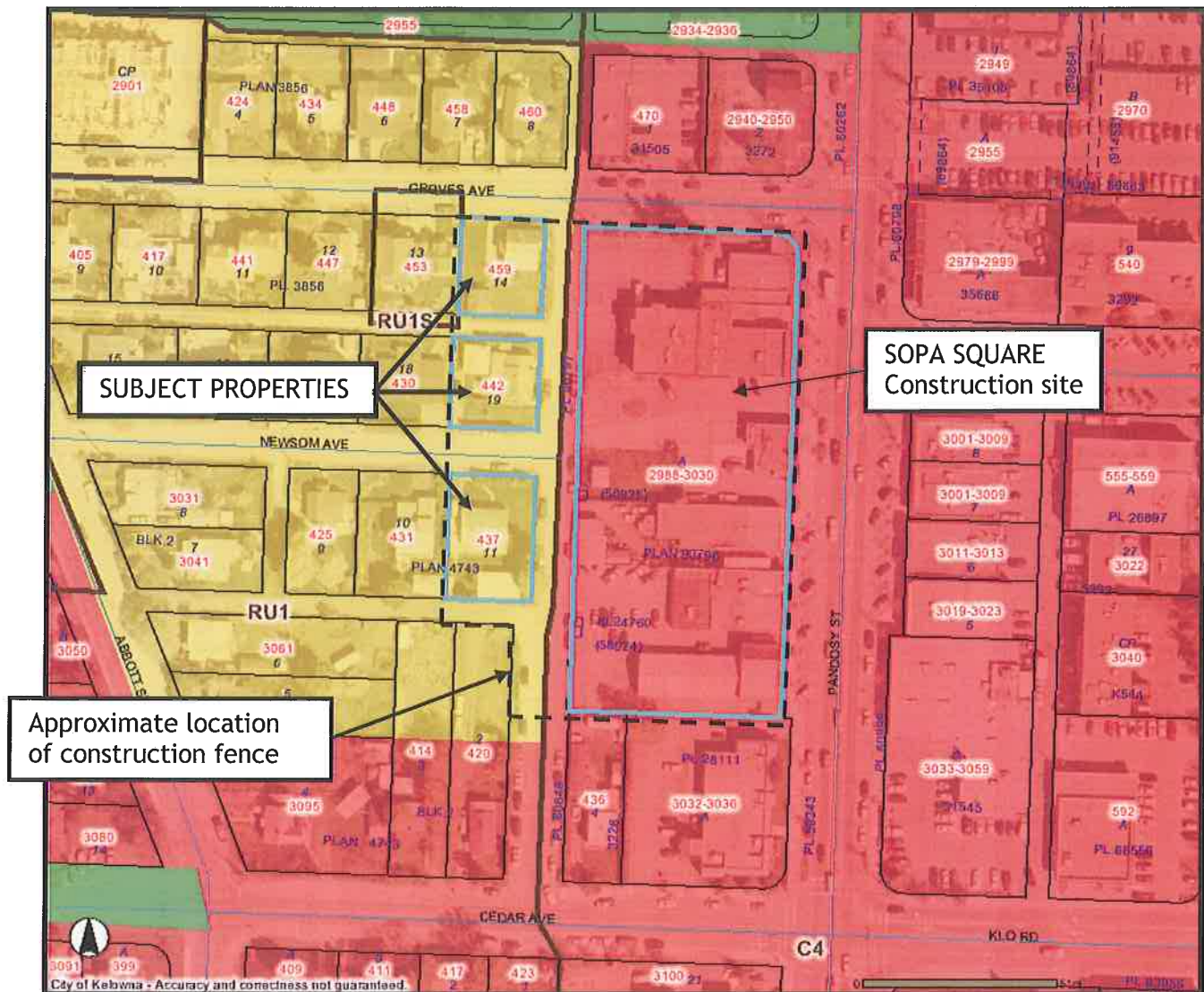
4.1 Background & Project Description

The Sopa Square project is designed as a 11 storey, mixed-use development to be constructed over an underground parking structure. Site preparation for the pending construction project has commenced. However, as the proposed foundation and parking structure occupies the entire parcel, and it is not possible for any construction staging to occur on the site.

The applicant is proposing to use the three subject properties as a temporary construction staging and storage area for the adjacent Sopa Square project. The three subject properties and the Sopa Square construction site are to be surrounded with a 1.8m (6 ft) high construction fence to secure the construction site and control access. The construction fencing will also have a mesh fabric attached to the inside of the fence to provide a visual barrier to screen the construction activity from adjacent properties in order to minimize the impact of the temporary construction staging and storage yard on the neighbourhood. It is anticipated that the staging area will be required for at least three years.

The applicant has owned the three residential subject properties since 2008. The properties were acquired to deal with potential road issues associated with the lane to the west of the Sopa Square development site. Previously, single unit dwellings were located on each of the subject properties. Currently, the dwelling at 442 Newsom Avenue has been demolished and the property has been surfaced with gravel. The dwelling located at 437 Newsom Avenue is proposed to be used as a construction office while the dwelling at 459 Groves Avenue is being used for storage.

4.2 Site Context



The adjacent zones are as follows:

Direction	Zoning Designation	Land Use
North	RU1 - Large Lot Housing	Residential
East	C4 - Urban Centre Commercial	Commercial
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

The applicant has received permission from the City to temporarily close a portion of the existing lane to the east of the subject properties for construction purposes. The applicant has also received permission to temporarily close the end of Newsom Avenue, as well as a portion of the lanes located north and south of Newsom Avenue that run parallel to Newsom Avenue.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP) 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 Department

1. Individual demolition permits are required for the removal of any building or structures prior to any work taking place.
2. Consideration should be taken regarding the placement of sea containers, equipment, and wood piles to ensure that the adjacent properties are kept safe during the construction process.

6.2 Development Engineering Department

The Temporary Use Permit application, to use these properties for construction material storage as well as a construction staging area, does not compromise our servicing requirements.

1. Water and Sanitary Sewer

- (a) Identify and protect all existing sanitary inspection chambers and water service shut-off valves.

2. Site Related Issues

- (a) It is recommended that a well graded, hard dust free surface be provided for this construction staging and storage area.

6.3 Fire Department

The tower crane owner and operators require an agreement with the Fire Department for High Angle rescue. No concerns with the temporary use permit.

¹ City of Kelowna Official Community Plan, Chapter 19, Page 11

7.0 Application Chronology

Date of Application Received: November 19, 2010

Advisory Planning Commission January 18, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on January 18, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Temporary Use Permit Application No. TUP10-0003 for 459 Groves Avenue, 437 and 442 Newsom Avenue to allow the use of the subject properties for construction staging for project at 2988-3030 Pandosy (Sopa Square).

Anecdotal Comment:

The Advisory Planning Commission supports the Temporary Use Permit and believe that it is a reasonable temporary use and purpose of the land however suggest that the Applicant take measures to avoid conflict with adjacent neighbours, including appropriate screening.

Report prepared by:


Paul McVey, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Location Map

Site Plan

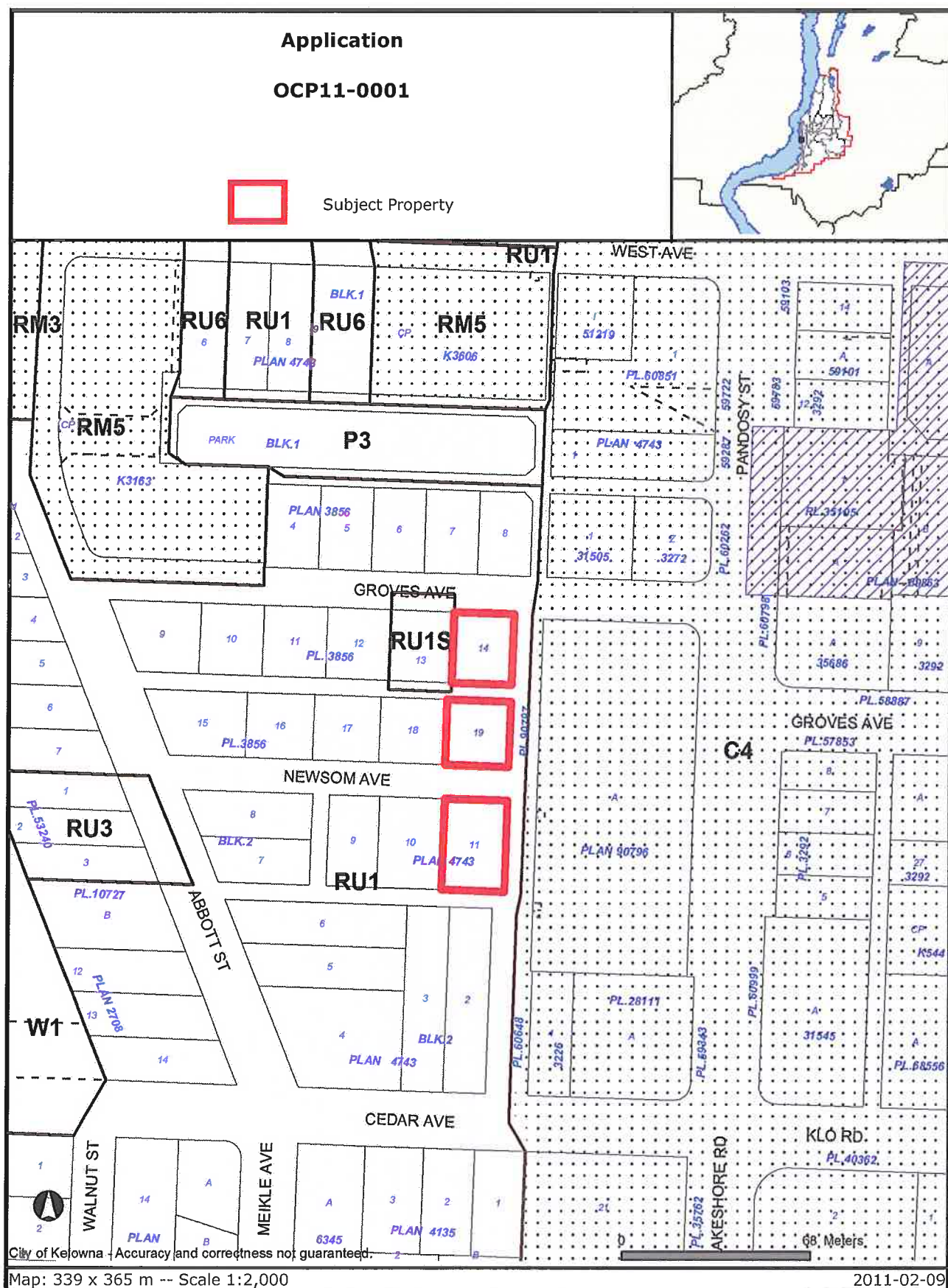
Owner rationale letter

Photo of fence and fabric

Copy of letter of concern

Map "A"

Schedule "A"



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.

SCHEDULE "A"

Chapter 19 - Future Land Use

Delete the existing table of temporary use permits and replace it with the following table;

Temporary Use Permits

TEMPORARY USE TYPE	EFFECTIVE DATES	DESIGNATED PERMIT AREA
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
Industrial use for construction staging and preparation	From final date of adoption until February 1, 2014	<u>Legal Address:</u> Lot 14, DL 14, O.D.Y.D., Plan 3856, Exc. Plan KAP90797 Lot 11, BLK 2, DL 14, O.D.Y.D., Plan 4743, Exc. Plan KAP90797 Lot 19, DL 14, O.D.Y.D., Plan 3856, Exc. Plan KAP90797 <u>Street:</u> 459 Groves Avenue 437 & 442 Newsom Avenue