Memo

Date:

June 27, 2011

To:

City Manager

From:

Land Use Management, Community Sustainability (PMc)

Application: TUP09-0003

Owner:

Agua Resort Ltd.

Kelowna

Address:

550 Truswell Road

Applicant:

Aqua Resort Ltd. (JoAnne Adamson)

Subject:

Temporary Use Permit Extension

Existing OCP Designation:

Mixed Use Tourism

Existing Zone:

C9 - Tourist Commercial

1.0 Recommendation

THAT Council authorize a three year extension to July 14, 2014, of the issued Temporary Use Permit No.TUP09-0003 to allow "on-site fuel dispensing" on Lot 17, DL 134, Plan 2714, Sec 1, Twp 25, ODYD; Plan 2714, Exc. Plan KAP66263, located on Truswell Road, Kelowna, B.C.

2.0 Purpose

To extend an issued Temporary Use Permit (TUP09-0003) to allow "on-site fuel dispensing" on the subject property for an additional three years to lapse on July 14, 2014.

3.0 Land Use Management

This property is the subject of Temporary Use Permit (TUP09-0003), which was issued on July 14, 2009, authorizing the use of on-site fuel dispensing in addition to the dry land marina operation. The extension of the Temporary Use Permit will allow fuel dispensing to be continued on the property for an additional three year period, as part of the dry land boat storage facility.

The Land Use Management Branch is not concerned with the extension of the Temporary Use Permit, as there has been no concerns noted in the two operational years of the on-site fuel dispensing facility.

As per the Local Government Act regulations, a Temporary Use Permit can only be extended once. Should the applicant wish to continue the fuel dispensing on this property after July 14, 2014, a new Temporary Use Permit application would be required.

4.0 Background/Proposal

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 are currently under application.

The original intent of the Temporary Use Permit was 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. 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.

The above ground storage tank must 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.

4.1 Site Context

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

5.0 **Application Chronology**

Date of original TUP Issued:

July 14, 2009

Date of Application Received:

April 20, 2011

Report prepared by:

Raul McVey, Urban Land Use Planner

Reviewed by:

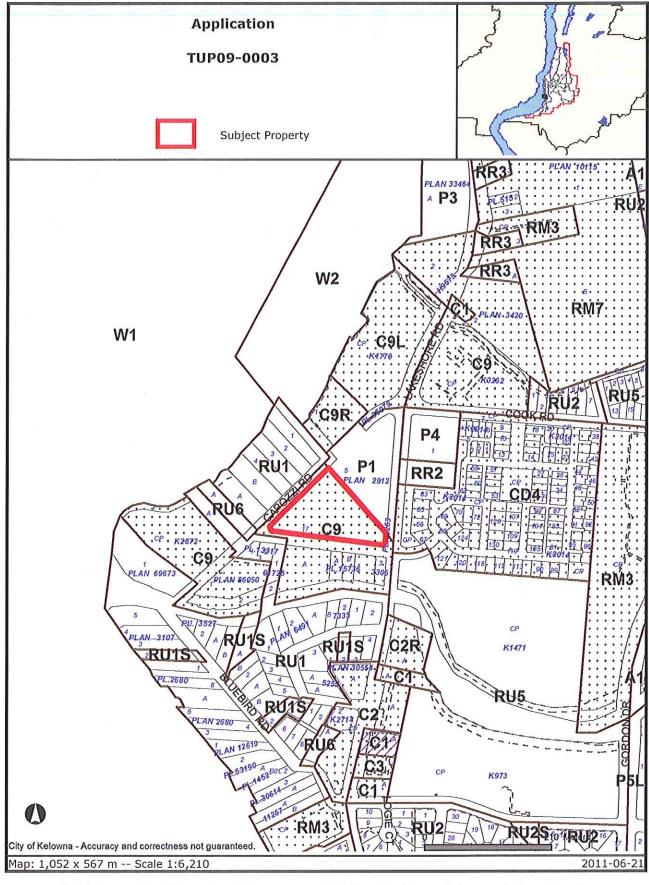
Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map Site Plan Context/Site Photos



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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- LOCATION OF FUEL DISPONSING



