

REPORT TO COUNCIL



Date: January 9, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)

Application: OCP11-0017 / TUP11-0002 **Owner:** TrILERMASTER Inc. No. A49036
Canalta Real Estate Services Ltd.
Inc. No. A57409

Address: 3865 -3867 Hwy 97 & 2170 **Applicant:** DE Pilling & Associates Ltd.
Rutland Road (Dawn Williams)

Subject: OCP Amendment to allow a Temporary Use Permit

Existing OCP Designation: Commercial

Existing Zone: C2- Local Commercial

1.0 Recommendation

THAT OCP Bylaw Text Amendment No. OCP11-0017 to amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 by revising the Temporary Use Permit Area table 4.3 in Chapter 4 - Temporary Use Permits and adding to the table the content of schedule "A" attached to the report of Land Use Management Department, dated January 9, 2012 be considered by Council;

AND THAT the OCP Amending Bylaw No. 10646 be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT upon adoption of OCP Amending Bylaw No. 10646, Council considers the following resolution:

THAT Council authorizes the issuance of Temporary Use Permit No. TUP11-0002 to temporarily allow the use of "automotive and minor recreation vehicle sales/rental" for Lot A, Section 35, Township 26, O.D.Y.D., Plan 6372, located on Rutland Road, Kelowna, BC and for Lot B, Section 35, Township 26, O.D.Y.D., Plan 6372, located on Hwy 97, Kelowna, BC as shown on Map 'A' attached to the report of the Land Use Management Department, dated January 9, 2012 subject to the following condition:

- a) That a hard, dust free surface be maintained for this site.

A handwritten signature in the bottom right corner of the page.

2.0 Purpose

The applicant is seeking a Temporary Use Permit to legalize an existing use of the subject property by allowing “automotive and minor recreation vehicle sales/rental”. An Official Community Plan amendment is required to add this Temporary Use Permit to the table 4.3 of Chapter 4 of the *Kelowna 2030 - Official Community Plan*.

3.0 Land Use Management

The subject properties are designated as Service Commercial in the OCP and are zoned C2- Neighbourhood Commercial. The purpose of this zone is to provide a range of services needed on a day to day basis by residents within their neighbourhoods. The RV dealership business located at the site does not conform to any of the C2 permitted uses.

The land owner is seeking a Temporary Use Permit (TUP) to allow the current business to remain licensed and operational. A TUP would legitimize the use on a temporary basis under its current zoning. The site abuts the intersection of Rutland Road and Highway 97 and is subject to future plans of the Ministry of Transportation & Infrastructure (MOT). At present, MOT has not finalized their intersection design which could have a substantial influence to the long-term site planning of the subject properties. The TUP allows the owner to explore other options until the intersection plans are formalized and the impact on the subject properties is known. Given that this business is well established, Staff support this temporary land use as a means to gain compliance of the business use.

A Temporary Use Permit enables a use for a three year timeframe, with the opportunity to request one further extension with Council approval. This would afford TrILERMASTER a maximum six-year timeline to seek approval for a zoning amendment to C10- Service Commercial for the site, or relocate to an appropriately zoned site prior to the expiry of the TUP.

4.0 Proposal

4.1 Background & Project Description

TrILERMASTER was originally located on the neighbouring property to the south which is zoned I2- General Industrial and allows the “automotive and minor recreation vehicle sales/rental” use outright. In 2009, the subject properties were purchased by the business owner and the RV dealership was relocated there without ensuring that the site had the appropriate zoning for the business type.

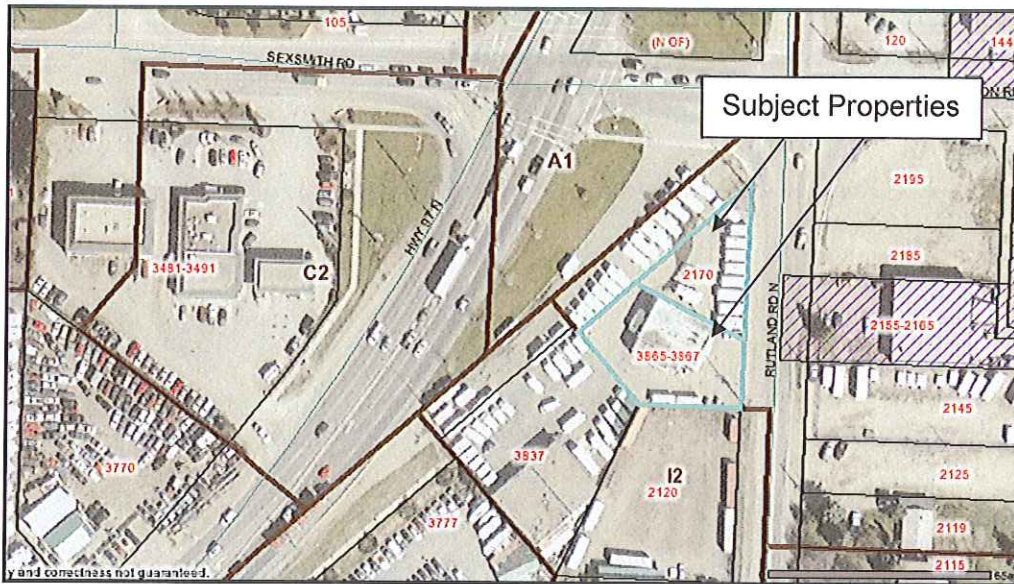
The business has maintained an active business license which makes reference to the new addresses, however continues to be issued with the neighbouring legal address. Given this situation, the owner was never alerted that the business was operating in contravention to the Zoning Bylaw until they were approached by the City to secure a “license of occupation” for the frontage land between the site and Highway 97.

In seeking a solution, Staff encouraged the business owner to rezone the site. However, given the uncertainty of the Ministry of Transportation & Infrastructure plans for an overpass at Reid’s Corner which would greatly impact this site, the owner has opted to apply for a Temporary Use Permit. No changes to the business are anticipated and there are no plans to upgrade the site or landscape as part of this application.

The Ministry of Transportation & Infrastructure has given their consent in granting a “license of occupation” for the frontage road that adjoins the north side of the site. The owner intends to pursue the “license of occupation” given Council’s favorable consideration of the temporary use.

4.2 Site Context

Subject Property Map: 3865-3867 Hwy 97 and 2170 Rutland Road



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1- Agriculture 1	Vegetated meridian
East	C2 - Neighbourhood Commercial with Land Use Contract	Industrial building with abutting vacant sites
South	I2 - General Industrial	Enterprise RV
West	C2 - Neighbourhood Commercial	Gas Station and Doughnut shop

5.0 Current Development Policies

5.1 Kelowna Official Community Plan 2030 (OCP)¹

The Official Community Plan designation for the subject property is Commercial.

In accordance with the *Local Government Act* (Sections 879 and 921), an Official Community Plan may designate areas where Council may consider allowing temporary 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 specific uses on the designated sites. Within these areas, Council may, by resolution, issue a Temporary 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.

¹ City of Kelowna Official Community Plan 2030, Chapter 4, page 4.9

6.0 Technical Comments

6.1 Development Engineering Branch

The property is affected by the Highway access management plan. Rutland Road will be closed at Old Vernon Road in the future with the construction of a cul-de-sac at the end of Rutland Road North.

This application does not trigger any offsite upgrades.

6.2 Bylaw Services

An active bylaw investigation is open on this site under SR 208673.

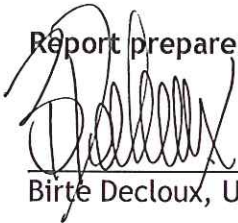
6.3 Real Estate and Building Services

RE&BS does not have any objection to the TUP application from TrILERmaster, and would support a License of Occupation on the adjacent roadway should TrILERmaster make this request.

7.0 Application Chronology

Date of Application Received: November 9, 2011

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

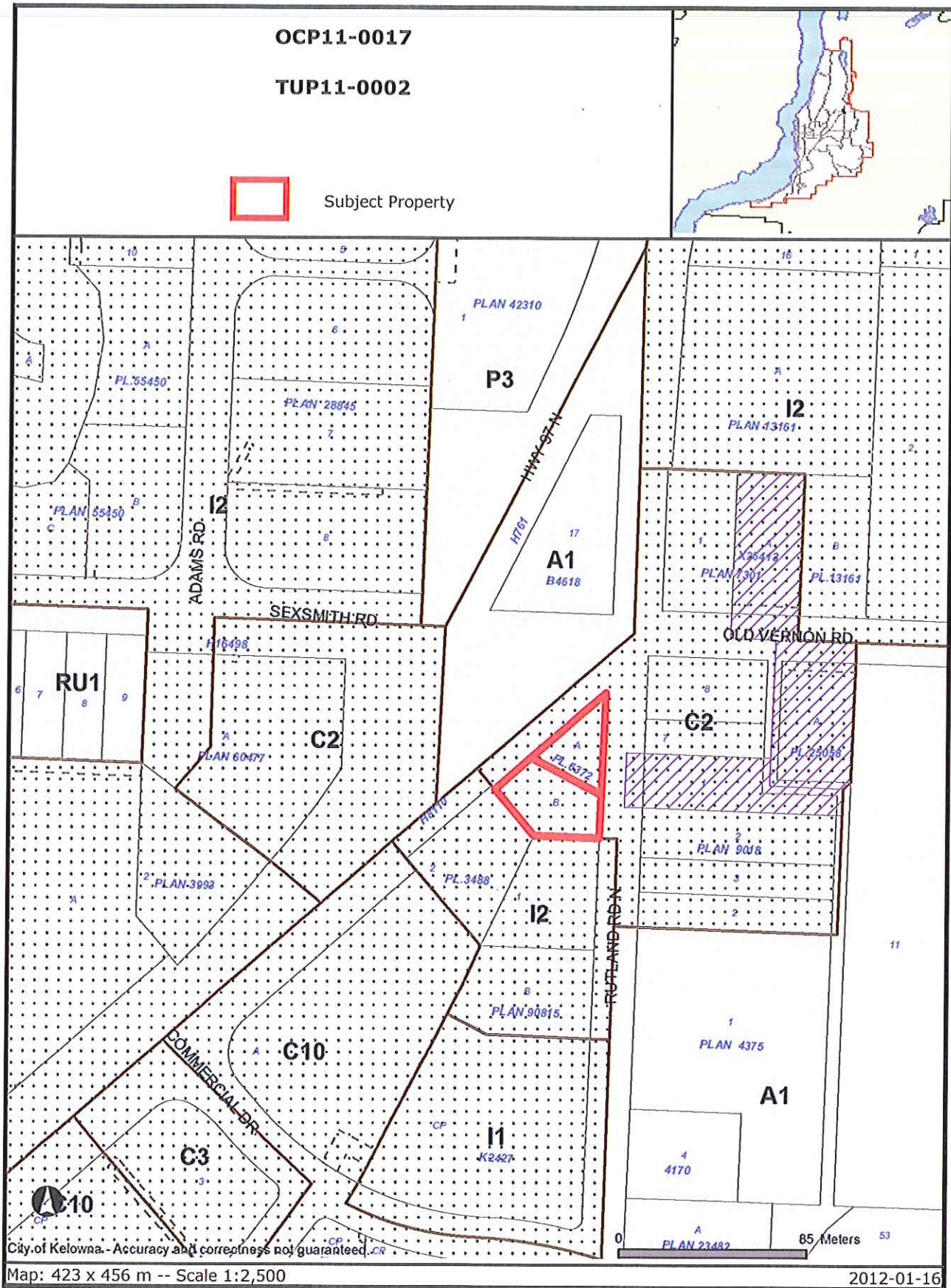
Context/Site Photos

Map "A"

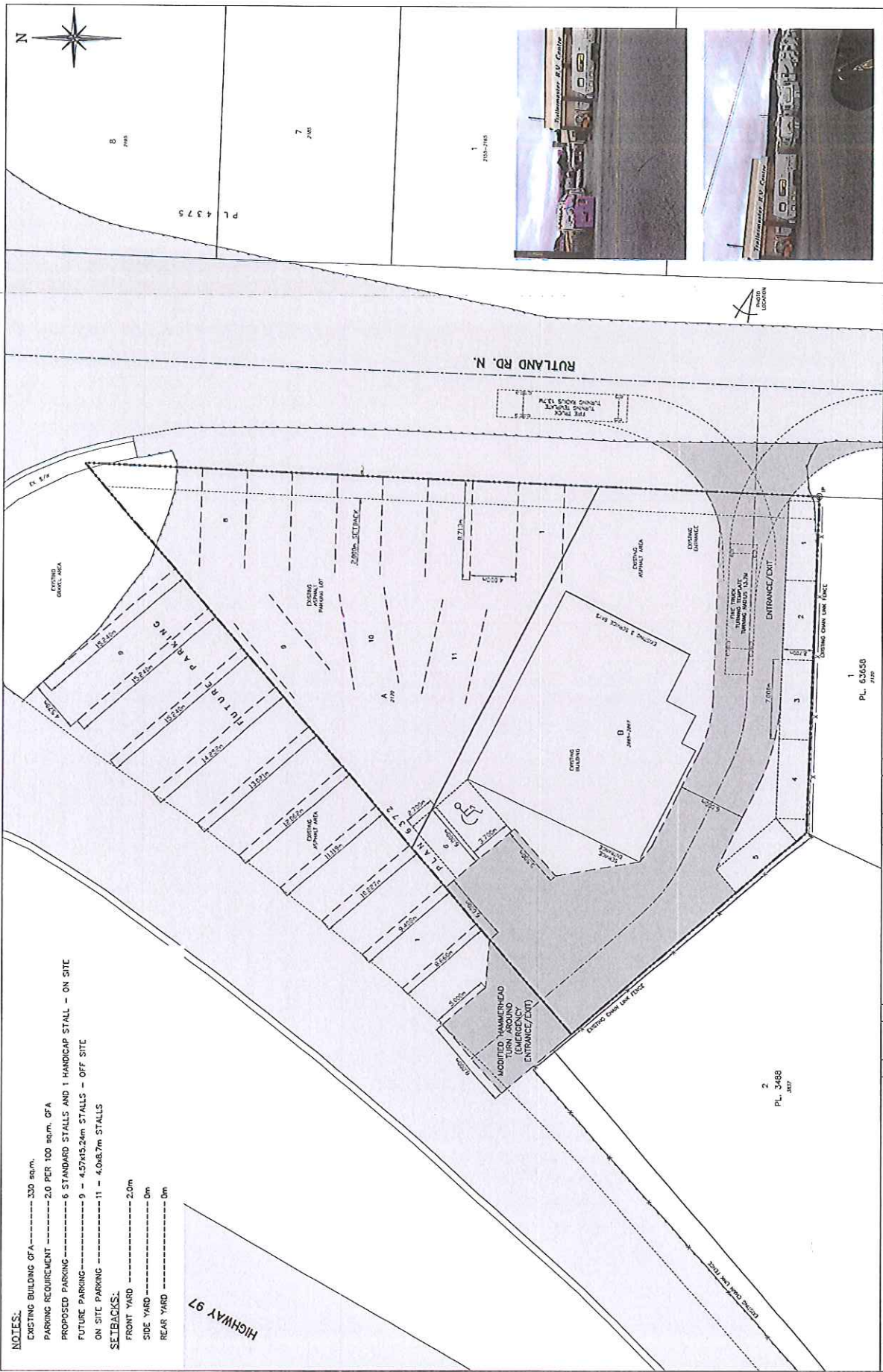
Schedule "A"

SCHEDULE "A"

TEMPORARY USE TYPE	EFFECTIVE DATES	DESIGNATED PERMIT AREA
Automotive and minor recreation vehicle sales/rental.	Three years from date of issuance =	Legal Address: Lot A, Section 35, Township 26, O.D.Y.D., Plan 6372, and Lot B, Section 35, Township 26, O.D.Y.D., Plan 6372 Street: 3865 - 3867 Hwy 97 2170 Rutland Road, Kelowna, BC



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.



NOTES:

- EXISTING BUILDING CFA ----- 330 sq.m.
- PARKING REQUIREMENT ----- 2.0 PER 100 sq.m. CFA
- PROPOSED PARKING ----- 6 STANDARD STALLS AND 1 HANDICAP STALL - ON SITE
- FUTURE PARKING ----- 9 - 4.57x15.24m STALLS - OFF SITE
- ON SITE PARKING ----- 11 - 4.0x6.7m STALLS

SETBACKS:

- FRONT YARD ----- 2.0m
- SIDE YARD ----- 0m
- REAR YARD ----- 0m

		DATE: 10/19/11 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1:150
REVISION No. DATE DY	GENERAL REVISIONS REVISION	DATE: 10/19/11 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: 1:150
THE CITY OF KELOWNA COMMUNITY DEVELOPMENT DEPARTMENT		DRAWN: [Name] APPROVED: [Name] DATE: OCT. 7, 2011	CITY FILE NO. 2209-22
TRAILERMASTER RV 3865 HWY. 97 N. PROPOSED PARKING PLAN		DRAWING NO. 2209-22	REV. NO. 1

N



105
I2

P3

HWY 97 N

(N OF)

120

144

SEXSMITH RD

OLD VERNON RD

Subject Properties Notes:

- The subject properties will be used for automotive and minor recreation vehicle sales/rental

A1

C2

C2

2170

3865-3867

2195

155-165

2185

2155-2165

2145

2125

2119

3837

RUTLAND RD N

2120

I2

C10

3777

2100

140

I1

MAP "A" Temporary Use Permit
Application #TUP11-0002

-  Subject Properties
-  Zoning
-  Legal Parcel
-  Temporary Use Permit

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 10 20 Meters

Rev. Jan. 10/12





Northeastern perspective of subject site taken from adjacent property to the south.



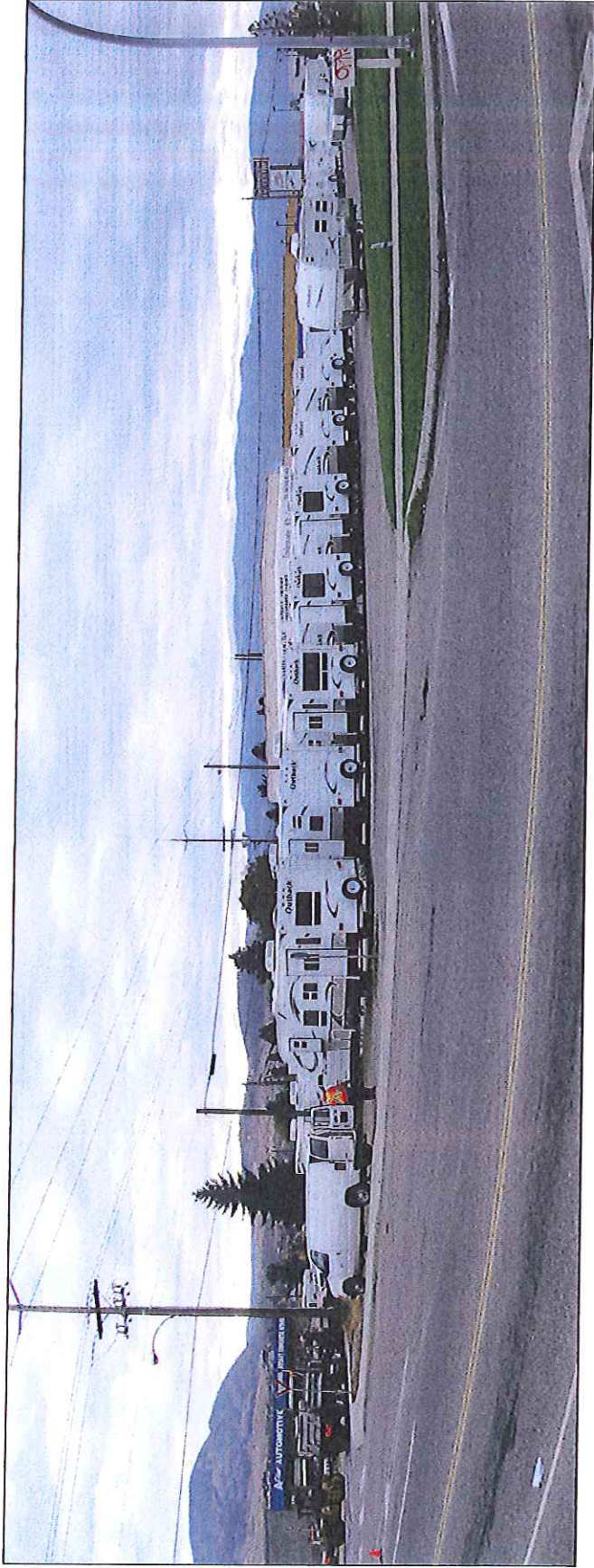
Northeast perspective of western and southern building elevations.



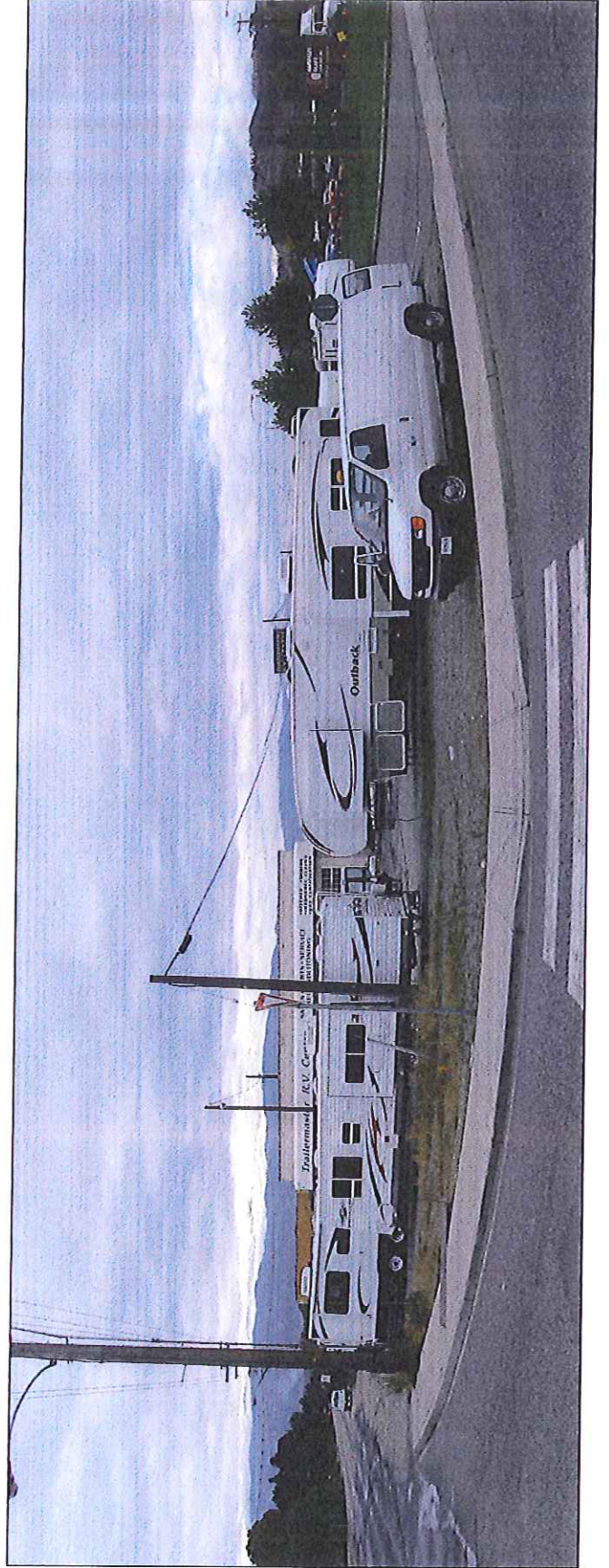
Western perspective of eastern building elevation.



Highway 97 N frontage road northeast perspective - subject at right.



Southern perspective taken along Sexsmith Road, near its intersection with Highway 97 N.



Southwestern perspective taken at intersection of Ruriland Road N and Old Vernon Road



Southwestern perspective along Highway 97 N - subject at left.



Northeastern perspective along Highway 97 N - subject at right.