December 8, 2016

Subject Property:
1875 Chatham Street
Lot 4, District Lot 115, SDYD, Plan KAP74502

Application:
Temporary Use Permit PL2016-7741

The applicant has applied for a Temporary Use Permit to allow the industrial use “sign manufacturing” at 1873 Chatham Street (R2 Zone) for a one year period.

The Temporary Use Permit will be subject to the following conditions:

- The sign business to be conducted within the single detached dwelling and the west 10m of the property, and
- A maximum of two deliveries per week.

Information:
The staff report to Council and Temporary Use Permit PL2016-7741 will be available for public inspection from Friday, December 9, 2016 to Tuesday, December 20, 2016 at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City’s website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:
Council will consider this application at its Regular Council Meeting scheduled for 6:00 p.m., Tuesday, December 20, 2016, in Council Chambers at Penticton City Hall, 171 Main Street.
Public Comments:
You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than 9:30 a.m., Tuesday, December 20, 2016 to:

Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the December 20, 2016 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author’s name and address relevant to Council’s consideration of this matter and will disclose this personal information. The author’s phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP
Manager of Planning
Staff Recommendation

THAT Council, after hearing from affected neighbours, approve “Temporary Use Permit PL2016-7741”, a permit to allow the industrial use: ‘sign manufacturing’ at Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502, located at 1875 Chatham Street, for a one year period starting on January 1, 2017, subject to the sign business being conducted within the single detached dwelling and the west 10m of the property and with a maximum of two deliveries per week;

AND THAT staff are directed to issue Temporary Use Permit PL2016-7741.

Strategic priority objective

N/A

Background

1875 Chatham Street is located in a low density single family neighbourhood that backs onto a service commercial/industrial area (Industrial Place). The property is designated by the City’s Official Community Plan (OCP) as LR (Low Density Residential). The lot features a one storey single detached dwelling with an attached garage.

Bylaw Services received a complaint about the use of the property for commercial/industrial activities, which are not permitted by the zoning bylaw. The complaints related the following issues: large vehicles using residential streets to deliver to and pick up from the property; storage of industrial materials, including large signs, industrial vehicles on the property and the general appearance of the property as a works yard.

Through an investigation the following facts were determined:

- MacVicar Signs has been operating on the property since 2013.
• MacVicar Signs advertises itself as a business that maintains and installs electrical signs.
• The business has been operating under a ‘no location’ business licence.
• A no location business licence is intended for businesses that are located outside of the community.
• Large vehicles were indeed coming and going from the property.
• Storage of large electrical signs, under various stages of repair were seen.
• It was determined that MacVicar Signs was operating beyond what the zoning on the property permitted.

The above information was communicated to the owners of the business and property, who were notified that they were in violation of the zoning bylaw and would either have to cease operation or face penalties including fines.

Rather than cease operations, the owners made an application to the Planning Department to rezone a portion of the property to allow for the industrial use. The rationale for this was the western 10m or so of the property could be fenced off and was already adjacent to an industrial area. The Planning Department reviewed the file but advised the applicants that the application would not be supported by the Planning Department, as the traffic through the residential area was concerning and the use was not appropriate for a property with a ‘low density OCP designation.

The Planning Department did say they would support a Temporary Use Permit, which, if supported by Council, would allow for the business to operate for a year, which would give the owners that amount of time to transition to a properly zoned location.

The applicants have agreed to this arrangement and amended their application as such.

Financial implication

N/A

Analysis

Temporary use permits allow for uses that are not permitted in a zone, to occur for a specified period of time. The City’s Official Community Plan speaks to how staff and Council should evaluate whether issuance of a TUP is in the public interest. The OCP gives the following guidelines:

• The use is not noxious or undesirable;
• The use does not have a negative impact on adjacent lands;
• The use does not create a significant increase in demand for City services;
• Any development complies with the Development Permit Area guidelines for the area;
• The use operates at hours that do not disturb the surrounding neighbourhood;
• Development in support of the non-conforming use will not permanently alter the site; and
• The use otherwise complies with council conditions and other provincial and federal enactments.
In this case, the use is currently causing a nuisance to the neighbourhood with the unsightliness of the property and the amount of truck deliveries coming and going. Staff consider though that through some small interventions (screening and restrictions in the amount of deliveries) that this nuisance can be mitigated in the short amount of time the business will be operating at the location.

The business owner has, since Bylaw services been involved, constructed a fence around the compound area where the sign business is operating. The owner has also committed to having no more than two deliveries a week.

While this still represents more commercial activity than the neighbouring residential neighbourhood should expect, the purpose of this permit is to limit this activity to allow for the business to transition to a permanent location in an area that allows for the sign business to operate.

Given the above staff consider that the intent of the OCP guidelines are being met. As such staff are recommending that Council support the permit with the conditions that the businesses only be conducted within the single detached dwelling and within the fenced compound on the property, which is the roughly 10 westerly meters of the property and that the business be limited to a maximum of two deliveries per week.

**Alternate recommendations**

THAT Council deny the application for TUP2016-7741.

THAT Council approve the TUP 2016-7741 with additional conditions that Council feels are appropriate.

THAT Council approve the TUP2016-7741 with a time limit of less than a year.

**Attachments**

Attachment A – Subject Property Location Map
Attachment B – OCP and Zoning Maps of Subject Property
Attachment C – Images of Subject Property
Attachment D – Letter from Applicant
Attachment E – Draft Permit

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager
Attachment B
OCP Future Land Use and Zoning Maps for 1875 Chatham Street

Figure 1: OCP Future Land Use Map for 1875 Chatham Street – LR (Low Density Residential)

Figure 2: Zoning Map for 1875 Chatham Street - R2 (Small Lot Residential)
Attachment C

Images of Subject Property

Figure 3: Image of large truck bed parked in front of subject property with a lift truck also visible

Figure 4: Image of subject property with a large electric sign being stored on a truck trailer
Figure 5: Image of storage area showing work materials, with barbed wire fencing (not permitted in residential zone)

Figure 6: Image of commercial work vehicle parking in front of subject property
Sept 8/2016

Re: 1875 Chatham St Penticton

Intent of use for proposed rezoning of sectioned off property

Dear Sirs

The nature of the business is providing maintenance and installation of electrical signs. I would be parking service vehicles in a gated and cross fenced area. 2 deliveries a week to yard. 80% of the mobile installations are out of the Penticton area.

Regards, Scott Macvicar
Temporary Use Permit

Permit Number: TUP PL2010-774

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.

2. This permit applies to:

   Legal:  Lot 4, District Lot 115, Similkameen Division Yale District, Plan KAP74502
   Civic:  1875 Chatham Street
   PID:    025-813-277

3. This permit has been issued in accordance with Section 493 of the Local Government Act to allow for the temporary use of the above noted lands for the industrial use: sign manufacturing.

4. The use of the property for a sign manufacturing business shall only take place within the single detached dwelling or within a fenced compound on the approximately 10 westerly meters of the property.

5. Deliveries for the sign business are only permitted at a maximum frequency of twice per week.

General Conditions

6. In accordance with Section 501 of the Local Government Act the lands subject to this permit shall be developed in general accordance with this permit.

7. In accordance with Section 497 of the Local Government Act, this permit shall expire on December 31, 2017.

8. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.

9. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

10. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCCs), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2533.
Authorized by City Council, the 20th day of December, 2016

Issued this ______ day of _____________, 2016

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Dana Schmidt
Corporate Officer