

July 8, 2021

Subject Property:

1340 Carmi Avenue

Lot 1, District Lots 2710 and 3821S,
Similkameen Division Yale District, Plan
19767

Application:

Temporary Use Permit PL2021-9061



The temporary use permit will permit the use 'indoor amusement, entertainment and recreation' to allow the operation of an indoor off-ice hockey training facility at 1340 Carmi Avenue, for a three-year period;

Information:

You can find the staff report to Council and Temporary Use Permit PL2021-9061 on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Temporary Use Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, July 20, 2021** at Penticton City Hall, 171 Main St.

In response to COVID-19, Regular Council meetings will remain closed to the public. All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed Temporary Use Permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, July 20, 2021** to:

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

No letter, report or representation from the public will be received by Council after the conclusion of the July 20, 2021 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.

Audrey Tanguay
Planning Manager

Date: July 20, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1340 Carmi Avenue

File No: RMS/1340 Carmi Ave

Subject: Temporary Use Permit PL2021-9061

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2021-9061", a permit to allow the use 'indoor amusement, entertainment and recreation' to allow the operation of an indoor off-ice hockey training facility on Lot 1 District Lots 2710 and 3821S Similkameen Division Yale District Plan 19767, located at 1340 Carmi Avenue, for a three-year period;

AND THAT staff be directed to issue the permit.

Proposal

The applicant is proposing to operate an off-ice training facility for hockey players inside a portion of the existing building on the subject property. The applicant is requesting that the use 'indoor, amusement, entertainment and recreation', as defined in the Zoning Bylaw, be permitted on the property on a temporary basis to support the proposed business. The request is for a three-year temporary use permit.

Background

The subject property is located on the south side of Carmi Avenue near Commercial Way (Figure 1). The subject property is zoned M1 (General Industrial) and is designated Industrial by the City's Official Community Plan (OCP). The property contains an industrial storage building, which was added onto in 2019. Surrounding land uses are industrial in nature, with residential uses to the north across Carmi Avenue.

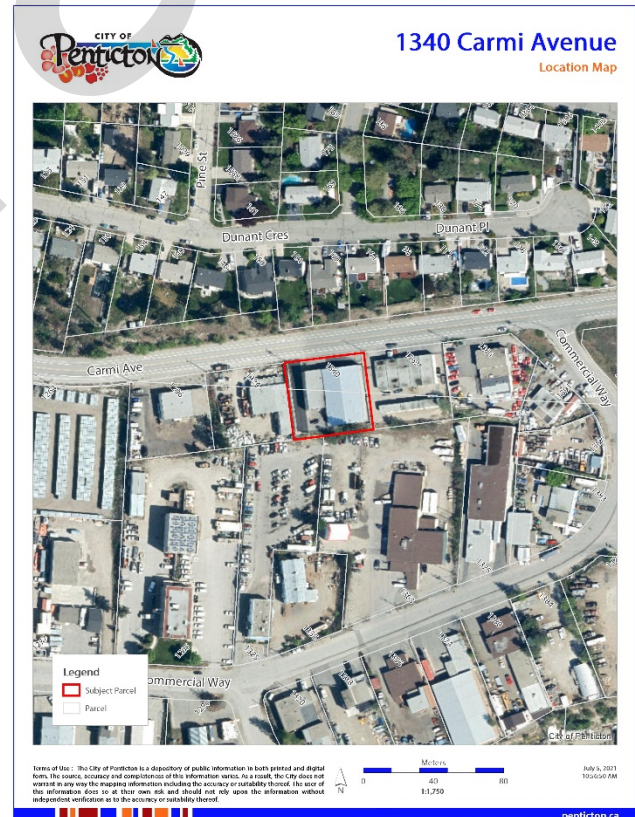


Figure 1 - Property location map

The applicant has submitted a Letter of Intent which outlines the applicant's business in more detail (Attachment 'B'). The applicant has provided a letter of support for this temporary use permit application from the Penticton Industrial Development Association (PIDA) (Attachment 'C').

Technical Review

This application was not referred to the City's Technical Planning Committee. The applicant is responsible for obtaining any necessary building permits to accommodate the proposed use within the building.

Analysis

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. Temporary uses can be permitted for a maximum of three years, with the possibility of one renewal of up to three additional years. The OCP contains the criteria to be considered when reviewing an application for a temporary use permit:

1. Compatibility with its Land Use Designation
2. Minimizing conflict with adjacent land uses
3. Avoiding impacts on environmentally-sensitive areas
4. Not creating a significant increase in the level of demand for services
5. Not permanently altering the site where it is located

Staff have reviewed the subject application with these criteria in mind. Each criterion has been addressed in detail below.

1. Compatibility with its Land Use Designation

The property is designated Industrial by the OCP. Land in the Industrial designation is anticipated to be used for a range of light and heavy industrial uses including goods production, manufacturing, distribution, and storage. The hockey training facility is well suited within a building in the industrial area because of the interior space requirements for such a facility, as described in the applicant's Letter of Intent (Attachment 'B'). Other fitness related uses currently occur elsewhere in the industrial area and have been permitted through similar zoning amendments or temporary use permits.

There are some potential conflicts between the hockey training operation and general industrial uses in the area, such as additional vehicles attending the facility mixing with heavy trucks in the industrial area. Given these considerations, staff and PIDA are supporting a Temporary Use Permit only at this time in order to allow the use and assess the compatibility of the use, while maintaining the ability to not further extend the Temporary Use Permit if it is determined to have introduced conflicts in the area.

It is staff's opinion that the proposed temporary use is compatible with the Industrial Land Use Designation and the policies of the OCP.

2. Minimizing conflict with adjacent land uses

Adjacent land uses are industrial in nature, and potential conflict with neighbours was considered when reviewing this application. The applicant has been in discussion with the PIDA with regard to this

proposed training facility and PIDA has submitted a letter of support for the temporary use permit (Attachment 'C'). The applicant has demonstrated a willingness to be a good neighbour to the existing industrial and employment uses in this area by reaching out to PIDA for discussions on the proposal at this early stage.

3. Avoiding impacts on environmentally-sensitive areas

The proposed off-ice hockey training facility will be located within an existing building. The subject property is not located in an environmentally-sensitive area.

4. Not creating a significant increase in the level of demand for services

Municipal services such as roads, water, and sanitary are not anticipated to see an increase in demand from the approval of the proposed Temporary Use Permit. The proposed use will be located within an existing building with sufficient servicing for the proposed use. The applicant states that up to six people will be using the training facility at any give time, and the site can accommodate vehicle parking for the proposed use (Attachment 'B').

5. Not permanently altering the site where it is located

The proposed off-ice hockey training facility use will be located within an existing building. No site alteration or structural renovations are proposed to accommodate this temporary use. The applicant states that the remainder of the building not used for the training facility will continue to be used for storage (Attachment 'B').

Upon review of the OCP policies for Temporary Use Permits, as well as industrial and employment lands, staff are of the opinion that this application meets the intent of the applicable policies and that allowing the proposed temporary use is appropriate in this instance. Staff recommend that Council support the issuance of the Temporary Use Permit for a three-year period.

Alternate Recommendations

Council may feel that a hockey training facility is not a desirable use for this lot, even on a temporary basis. If that is the case, Council should deny the application.

1. THAT Council deny "Temporary Use Permit PL2021-9061."

Alternatively, Council may consider that a shorter approval period is preferred, rather than three years. If this is the case, Council should support a 1-year temporary use permit.

2. THAT Council approve "Temporary Use Permit PL2021-9061" for a one-year period.

Attachments

Attachment A - Photos of Subject Property
Attachment B - Letter of Intent

Respectfully submitted,

Steven Collyer, MCIP, RPP
Planner II

Approvals

Director Development Services <i>BL</i>	CAO
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Attachment A - Photos of Subject Property



Attachment B - Letter of Intent



Skate With Power
Mark MacMillan
Penticton, BC
www.skatewithpower.com

Dear Penticton City Council,

Re: Letter of Intent for Skate With Power

This letter is to show the intents of our company, Skate With Power, in setting up a temporary use permit at 1340 Carmi Ave. We are a hockey development company that has worked with players of all levels including some of the best players in the NHL. We are a licensed business in the province of BC and in the past have focused mainly on developing players with on-ice sessions, but know there is a huge need in a hockey community like Penticton to provide elite level off-ice training for these players as well.

Our company is owned and operated by two local Penticton raised entrepreneurs that played minor hockey in Penticton in our teenage years. Both of us have continued to grow our careers in the hockey field and we want to be able to provide the same opportunity for other Penticton athletes to chase their dreams.

Our original founder, Lars Hepso, is currently the skating coach for the Arizona Coyotes in the NHL. After playing minor hockey in Penticton, he went on to play junior hockey in the BCHL. Lars has always been an incredibly talented skater, and after his junior career decided that instead of continuing to pursue a career in playing he wanted to help other players reach their ultimate potential. He started Skate With Power while in university earning a bachelor's in business and travelled all over BC doing on-ice power skating and skill development sessions with elite players in the province. He has had the opportunity to work with countless NHL players including Matt Barzal, Danton Heinen, Shea Theodore, Cam Barker and every player that has been apart of the Arizona Coyotes for the past 3 years including Taylor Hall, Phil Kessel, Clayton Keller, and Oliver Ekman-Larsson.

I joined Lars as a part of the company 2 years ago when we felt there was a big opportunity to grow the company and provide more than just on-ice development for players looking to improve their game. I have played professional hockey for 6 years and know just how crucial having a proper summer training program is to an athlete's development. I played minor hockey in Penticton then went on to play in the BCHL for the Alberni Bulldogs, and then one season for our local Penticton Vees. I was fortunate enough to be selected in the 4th round of the 2010 NHL draft by the Montreal Canadiens, and before signing an NHL contract and starting my pro career played 4 years at the University of North Dakota earning a degree in Entrepreneurship. After playing 6 years in different leagues all over the world including the AHL, ECHL, Sweden and Denmark I am coming to the end of my career and want to use my knowledge and experiences to help other players become the best player they can be.



Skate With Power
Mark MacMillan
Penticton, BC
www.skatewithpower.com

My dad, Doug MacMillan, owns the building at 1340 Carmi Ave. He is the owner and operator of Canadian Tire in Penticton and purchased the building needing some extra storage. He was using about half of the building for storage purposes, and the rest of the building was vacant and not really being used for anything. As I mentioned earlier, being a professional athlete, I learned just how important it is to have a proper training program, and every summer I returned to Canada from playing pro I had to move away from Penticton pursuing the best of the best in the hockey development world. For summers I had to live in the Vancouver area, as there was no training available for me in Penticton. Being a Penticton resident and having to spend my summers away from the best place to be in Canada (especially in the summer) was unfortunate, but necessary to continue my career. With the vacant area in the building my dad gave me permission to put some training equipment so I would be able to spend my off-season in Penticton and have a proper training facility with a program designed specifically for hockey. Now that my playing career is coming to a close, we are hoping to turn the facility into a year round private training facility for elite athletes in Penticton. We would be able to attract the highest-level athletes, particularly NHL and other pro hockey players that want to live in the South Okanagan but do not currently have a place to train.

Our training sessions are all semi-private and are limited to a maximum of six athletes per group, so foot traffic in the area would be limited. There would be no retail aspect in the facility, and would strictly be used for training athletes. There is a lobby area that is just a welcome area and has two offices that are used for administrative purposes. We have filled the walls with jerseys and other hockey memorabilia that make the space a special place and somewhere that pros and younger athletes alike will want to train at. We are hopeful that with your approval for a temporary use permit we are able to provide the opportunity for players to develop here in Penticton. Being the hockey community we are, with the greatest weather and summer activities available in all of Canada we feel this is a need in Penticton. Being able to provide this opportunity to athletes and free them from having to move away or live in different areas to further their career is something we are incredibly excited about.

The building will also still be used for storage in the area we do not use for the training sessions. The storage area is just used by my dad, and is not rented to any other tenants, so again there will be no foot traffic other than the small amount of athletes participating in the session. The impact on neighbouring properties will be minimal, as with the small amount of foot traffic, and more than enough parking area for our small groups the area traffic won't be affected much. I have talked to multiple members from the Penticton Industrial Development Association and received their support to operate our business in the industrial area. I have attached a letter from PIDA president, Frank Conci, showing their support.

We also wouldn't be making any modifications to the building itself, as we already have what we need in the building. There is no structural change to the building at all.

The business would be a great positive contribution to the community of Penticton. With the connections Lars and I have built over the course of our careers we are confident we will be able to attract the best athletes in the world, specifically in the hockey world. Our goal is to



Skate With Power
Mark MacMillan
Penticton, BC
www.skatewithpower.com

provide a place these players feel like is a second home, and somewhere they would like to move to and spend more than just their off-seasons here. Having these players in our hockey community will only strengthen the history of a great hockey town. It will also help with the economic climate, as many of these elite players make very good money. Our hope is for them to call Penticton home by providing them a place to not only continue, but build their careers. Along with the support letter from the PIDA, I have attached a drawing of our intended use for the facility.

If you have any questions for me about the space and how we intend to use it please feel free to contact me anytime by email at mmacmillan@skatewithpower.com.

I look forward to hearing back from you and I am excited for the opportunity to bring this need to the Penticton community.

Kind Regards,

Mark MacMillan



June 1, 2021

Mark MacMillan, Vice President,

Skate With Power

Dear Mark:

Thank you for your recent letter highlighting your company's purpose and proposed plans to set up a business on Carmi Avenue in the Penticton Industrial area.

The Penticton and Industrial Development Association (PIDA) board has reviewed your request to obtain licensing with the City through the use of a Temporary Use Permit. The Board sees no objection to this and supports your endeavour.

The main purpose of the building is not changing and we see very little impact on traffic in and around the area.

Should you require anything else please feel free to call.

All the best and good luck with obtaining licensing.

Frank

Frank J Conci
President 250-486-5302





Temporary Use Permit

Permit Number: TUP PL2021-9061

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 1 District Lots 2710 and 3821S Similkameen Division Yale District Plan 19767
 - Civic: 1340 Carmi Avenue
 - PID: 007-971-451
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 an indoor amusement, entertainment and recreation facility as shown in the plans attached in Schedule 'A'.

General Conditions

4. 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 and the plans attached as Schedule 'A'.
5. In accordance with Section 497 of the *Local Government Act*, this permit shall expire on **August 17, 2024**.
6. **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.**
7. 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.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), 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) 490-2535.

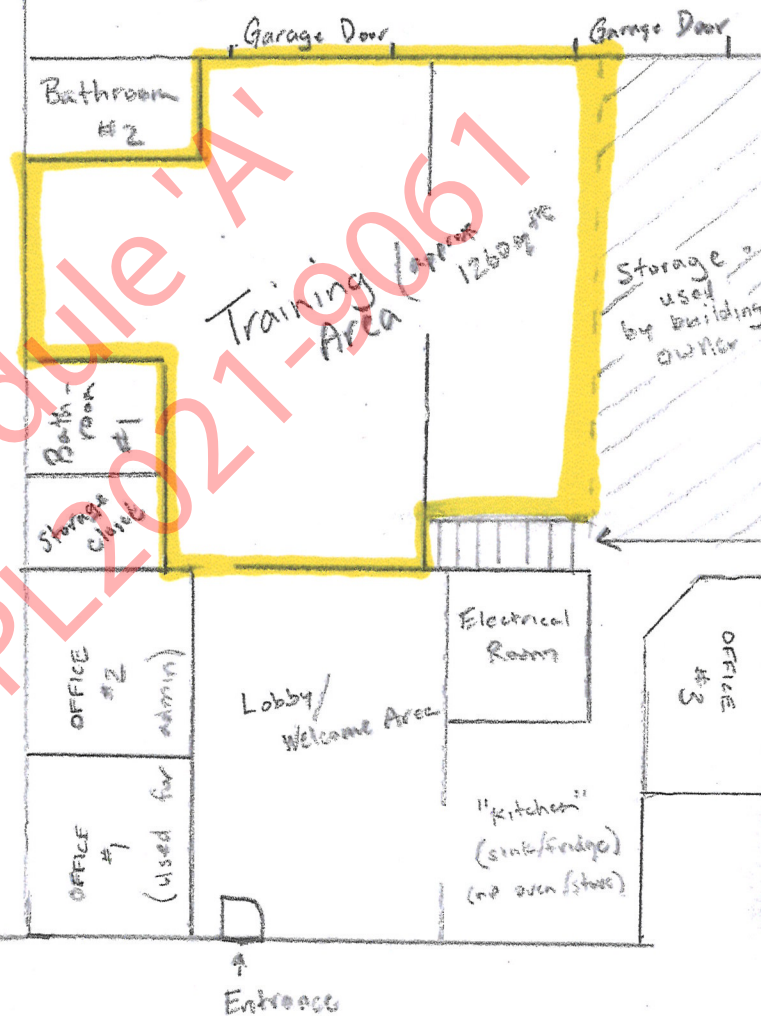
Authorized by City Council, the ____ day of _____, 2021.

Issued this ____ day of _____, 2021.

Angela Collison
Corporate Officer

DRAFT

Separate Building
(self-storage - not used
by skate with Power)



Paved Area

Driveway / Parking