

August 5, 2021

Subject Property:

599 Burns Street

Lot 13, Block 23, District Lot 202, Similkameen
Division Yale District, Plan 774

Application:

Development Variance Permit PL2021-9023

Subject Property



The applicant is proposing to convert an existing accessory building on the subject property into a carriage house. The Zoning Bylaw requires that a carriage house have an additional parking space provided on-site for use by the carriage house occupants. The proposed location of the additional parking space is not wide enough to meet the Zoning Bylaw parking space requirements, therefore the applicant has applied to reduce the required width of the additional parking space in order to proceed with the proposed carriage house conversion.

Vary Sections 6.1.5.2 and 6.1.5.3 of Zoning Bylaw 2021-01 to reduce the width of one required parking space from 3.5m to 2.99m.

Information:

You can find the staff report to Council and Development Variance Permit PL2021-9023 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 Development Variance Permit at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, August 17, 2021** at the Penticton Trade & Convention Centre, 273 Power Street, Penticton, B.C.

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 Development Variance Permit, may submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 17, 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 August 17, 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: August 17, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 813 Westminster Ave West

File No: RMS/813 Westminster Ave W

Subject: Temporary Use Permit PL2021-9056

Staff Recommendation

THAT Council deny "Temporary Use Permit PL2021-9056", a permit to allow the use 'motor vehicle sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 13891, located at 813 Westminster Ave West, for a two-year period.

Proposal

The applicant is requesting a two-year Temporary Use Permit, to allow for 'motor vehicle sales and rental' to continue operate on the subject property until 2023. This use has been permitted through previous Temporary Use Permit approvals since June 5, 2018.

Background

The subject property is zoned C8 (Vehicle Service Station) and is designated by the City's Official Community Plan as 'Tourist Commercial'. The subject property is one of three lots that form part of the El Rancho Hotel Site (Figure 1). The car rental business is situated on the 1,200m² parcel in the southeast corner of the site, which comprises the eastern half of the existing commercial building. Surrounding properties are a mix of residential, tourist commercial, commercial and public zones (Attachment 'A').

In June 2018, City Council approved Temporary Use Permit PL2018-8268 on the subject property to permit 'motor vehicle sales and rental' for a one-year period. This permit was set to expire on June 5, 2019. As a condition of this original permit, multiple driveway crossings were closed to enhance safety on the site.



Figure 1 - Property Location Map

In May 2019, a subsequent Temporary Use Permit PL2019-8515 was approved by City Council to continue to allow 'motor vehicle sales and rental' for another one-year period. The 2019 Temporary Use Permit was issued with an expiration date of June 5, 2020. Most recently, on July 7, 2020, Council issued a renewal of TUP PL2019-8515 for a one-year period, allowing the vehicle rental business to remain in operation until the expiry date of July 7, 2021.

Permit #	Issued by Council Date	Dates Permitted	Total Time
TUP PL2018-8268	June 5, 2018	June 5, 2018 – June 5, 2019	1 year (1 year was requested by applicant)
TUP PL2019-8515	May 21, 2019	June 5, 2019 – June 5, 2020	1 year (3 years was requested by applicant)
TUP PL2019-8515 (Renewal)	July 7, 2020	July 7, 2020 – July 7, 2021	1 year (3 years was requested by applicant)

At the time that the 2020 TUP Renewal application was made, staff noted a future development proposal was being considered by Council, for residential development on the subject property. Council eventually did not support this redevelopment proposal in (September) 2020.

The applicant is now requesting a new Temporary Use Permit, which would allow for the use of 'motor vehicle sales and rental' on the site for a two-year period, to allow the vehicle rental business to continue operation. Staff have also received a request to reconsider the OCP Amendment application from the applicant, which will also be presented to Council for consideration. The applicant is requesting the issuance of a two-year temporary use permit, to allow the business to continue to operate while they finalize development plans and proceed through the required OCP amendment applications.

Technical Review

All three temporary use permit applications were reviewed by the City's Technical Planning Committee. A requirement of the first temporary use permit was that two of the driveways to the property be closed to address safety concerns. Concrete curbs were installed to satisfy the requirement (Attachment 'C'), and would be required to remain as a condition of the current permit. No other technical items or further site works were identified. If further changes to the existing building are proposed, a building permit and development permit may be required, however no structural changes are proposed at this time.

Analysis

When considering an application for a temporary use permit, the Official Community Plan has established a set of guidelines for Council and staff to assess each request based on:

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 are not recommending support for the requested temporary use permit. There have previously been three, one-year temporary use permits issued for the business on the subject property. Temporary use permits are intended to be a tool available for local governments and property owners to temporarily allow a use to occur that is not otherwise permitted by the Zoning Bylaw. Temporary use permits are not intended to be a substitute for a rezoning application.

Staff consider that a sufficient number of temporary use permits have been issued in the past 3 years, each for a one-year duration. The overarching intent for each past approval was that this use should not be permitted over a long term period at this location.

The proposed use of 'motor vehicles sales and rental' is not permitted within the C8 – Vehicle Service Station zoning that exists on the property. 'Motor vehicle sales and rental' is a use that is only permitted within the C7 – 'Service Commercial' and the M1 – 'General Industrial' zones. These zones are oriented more towards auto-oriented commercial and industrial land uses.

The OCP land use designation for the subject property is 'Tourist Commercial', which is described as areas that serve both visitors and residents, providing accommodation, entertainment, and food and beverage, as well as resort residential uses. The 'motor vehicle sales and rental' is primarily an auto-oriented use that requires limited commercial and office space, and therefore staff consider this use is not well aligned with the future land use designation on the property as it currently operates.

Given the number of temporary use permits that have been previously issued, and the proposed use ultimately not being desired by the OCP future land use designation at this location, staff are recommending that Council deny the request for a two-year temporary use permit.

Alternate Recommendations

Council may consider the applicant's request for a two-year temporary use permit is reasonable and suitable for the time period requested, while future development plans are under review. If this is the case, Council may choose to approve the temporary use permit.

1. THAT Council approve "Temporary Use Permit PL2021-9056", a permit to allow the use 'motor vehicle sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 13891, located at 813 Westminster Ave West, for a two-year period.
AND THAT Council direct staff to issue "Temporary Use Permit PL2021-9056".

Council may consider the applicant's request for a two-year temporary use permit to be unreasonable, but that a different time limit for the temporary use permit could be acceptable. If this is the case, Council may choose to approve the temporary use permit, with a duration that they see appropriate.

2. THAT Council approve "Temporary Use Permit PL2021-9056", a permit to allow the use 'motor vehicle sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 13891, located at 813 Westminster Ave West, for a duration that Council feels appropriate.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Subject Property
Attachment D – Letter of Intent
Attachment E – Draft Temporary Use Permit PL2021-9056

Respectfully submitted,

Nicole Capewell
Planner II

Concurrence

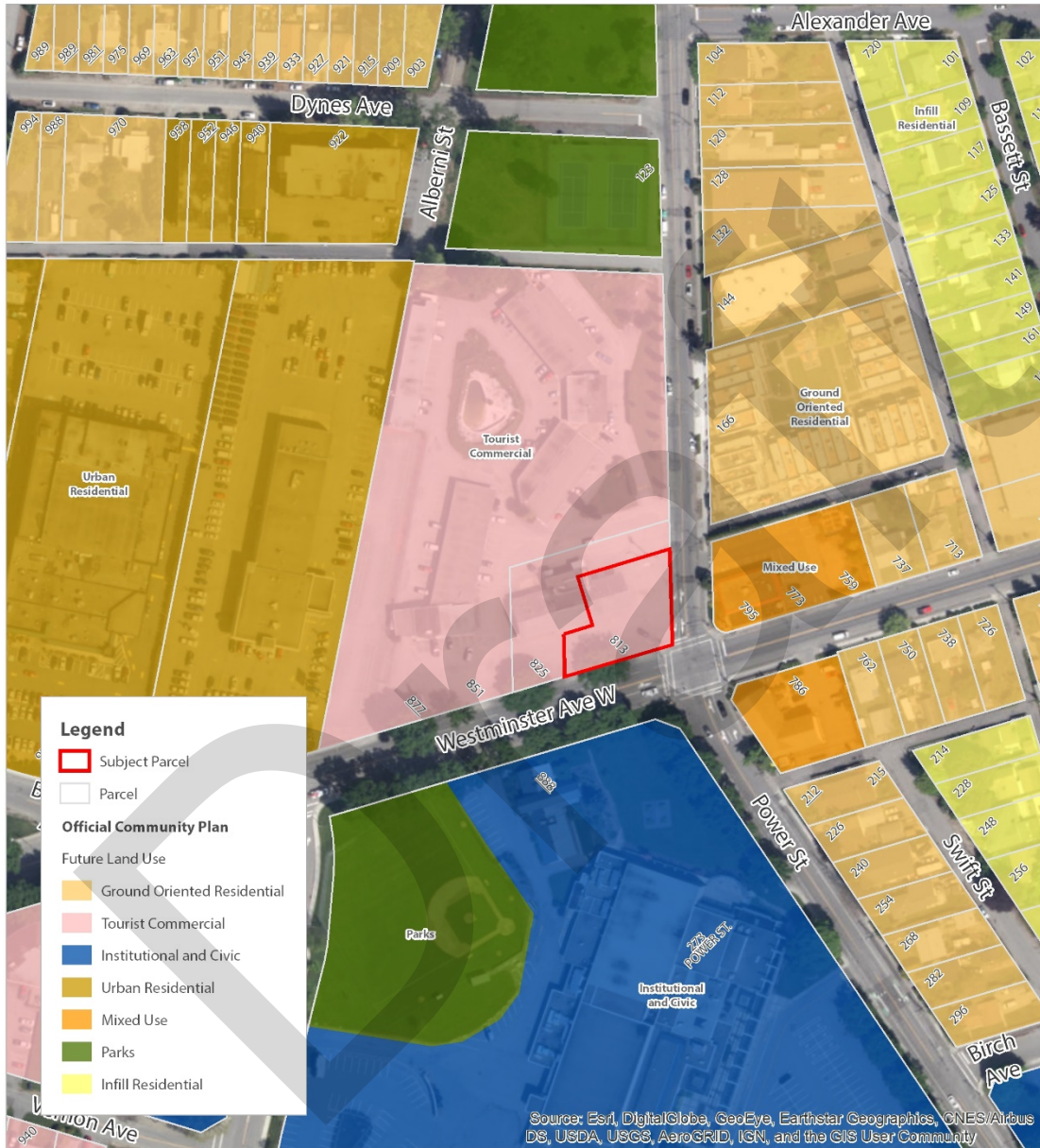
Director of Development Services <i>BL</i>	Chief Administrative Officer
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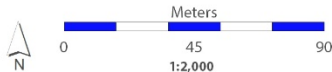


813 Westminster Ave West

Official Community Plan Future Land Use Map



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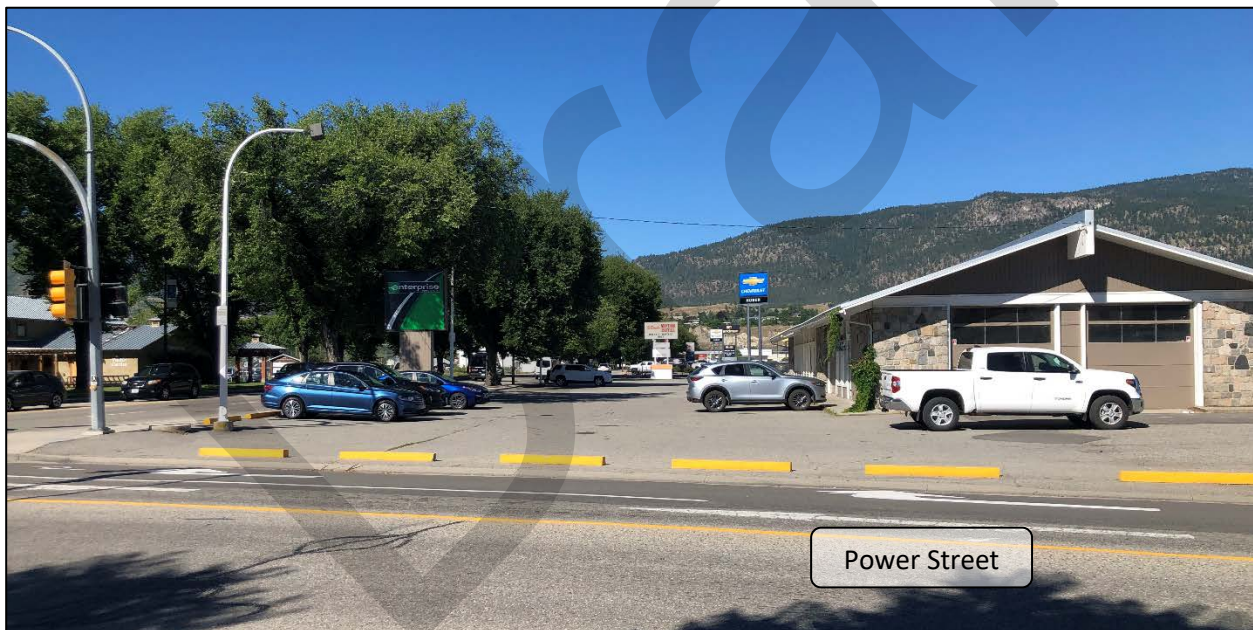
Monday, June 22, 2020
9:10:51 AM

penticton.ca

Attachment C – Photos of Subject Property



Looking at subject property from Westminster Ave W



Looking at subject property from Power Street

Lindenhome Inc
2565 Whitworth Road,
West Kelowna, BC V4T 2K5
Tel 250-768-2565 Fax 250-768-2525
ds@mspiwest.com

June 16, 2021

Nicole Capewell
City of Penticton
Planning Department
171 Main Street
Penticton, BC V2A 5A9

Dear Ms. Capewell,

I would like to apply for a Temporary Use Permit for 813 Westminster Ave. W., Penticton, BC. We are applying for a temporary use of this address for two (2) years as a car rental and lease agency. There will be no structural changes done to the buildings and the company will be using the building as well as the parking lot on the corner of Westminster Ave. and Power St.

A two (2) year extension is needed for this property based on the timeline needed to complete the OCP review and potential amendment, re-zoning application and development permitting that is needed before the redevelopment project can begin. This will also allow for stable use of the frontage property with a business that is inline with the needs of the adjacent Trade & Convention Center use until the redevelopment construction begins.

Any further information that is required can be obtained by using the email address above.

Best regards,



Dennis Skuter
PRESIDENT



Temporary Use Permit

Permit Number: TUP PL2021-9056

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 Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 13891
Civic: 813 Westminster Avenue West
PID: 009-140-263

3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for "motor vehicle sales and rental" as a temporary use, 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, 2023**.
6. 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.

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

Issued this ____ day of _____, 2021.

Angie Collison
Corporate Officer



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