

May 24, 2018

Subject Property:

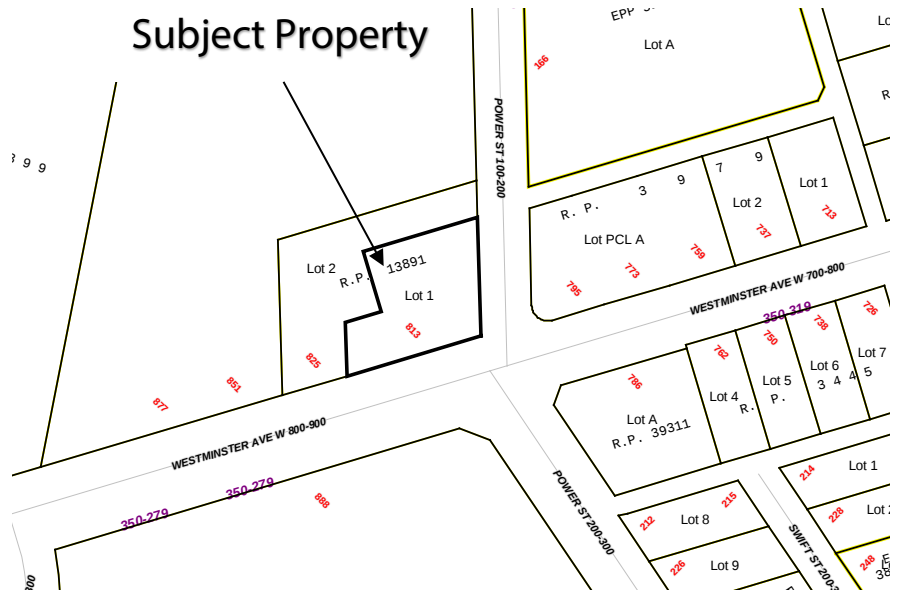
813 Westminster Ave W

Lot 1, District Lot 2, Group 7, Similkameen
Division Yale (Formerly Yale Lytton) District,
Plan 12891

Application:

Temporary Use Permit PL2018-8268

The applicants would like to operate a car
rental and lease agency business at 813
Westminster Ave W.



The current zone, C8 (Vehicle Service Station), does not permit this use, therefore the applicants are requesting that Council grant a temporary use permit (TUP) to permit the use “motor vehicle sales and rentals” for a one-year period.

Information:

The staff report to Council and Temporary Use Permit PL2018-8268 will be available for public inspection from **Friday, May 25, 2018 to Tuesday, June 5, 2018** 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 pm, Tuesday, June 5, 2018** 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 am, Tuesday, June 5, 2018** 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 June 5, 2018 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

Date: June 5, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 813 Westminster Avenue West

Subject: Temporary Use Permit PL 2018-8268

File No: PRJ2018-131

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2018-8268", a permit to allow the use 'motor vehicles sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 13891, located at 813 Westminster Avenue West, for a one-year period;

AND THAT prior to issuance of "Temporary Use Permit PL2018-8268," the driveway accesses are closed as shown on Attachment F.

AND THAT staff are directed to issue the permit.

Background

The subject property (Attachment A) is zoned C8 (Vehicle Service Station) and designated by the City's Official Community Plan (OCP) as TC (Tourist Commercial). The subject property is one of three lots that form part of the El Rancho Hotel Site. The proposed use will be situated on the 1200m² (13,000ft²) parcel in the SE corner of the site which comprises the east half of the existing commercial building. Photos of the site are included as Attachment D. Surrounding properties are primarily zoned Tourist Commercial and Public Assembly. The property is located at the corner of Westminster Avenue West and Power Street.

The site was originally developed as a restaurant in the 1950's with the Hotel constructed in the early 1960's. The site has seen several uses over the years, including a vehicle service station, auto repair shop, used auto sales, café, offices and several restaurants.

As this is an important site in the City for future development, whether residential or tourist commercial in nature, rezoning the property to allow for motor vehicle sales and rentals for an extending amount of time is not ideal. The property owners are continuing to show interest in developing the entire site into its maximum potential, but the City has not seen a formal proposal at this time.

Under the current C8 Zoning, the only permitted use is a vehicle service station which is defined as the routine washing, servicing or repair of vehicles. This does not include the proposed motor vehicle rental use.

Proposal

The applicants are requesting that Council grant a temporary use permit (TUP) to permit the use “motor vehicle sales and rentals” for a one-year period. No new construction is being proposed and the existing buildings are proposed to be used. The site plan (Attachment E) shows the area that will be included as part of the Temporary Use Permit.

Financial implication

N/A

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. As part of the review process, City Engineering staff have identified safety concerns with the existing SE corner entry ways to the development. Given the traffic increase that the proposed use will bring, staff are recommending that prior to issuance of the TUP, the driveway accesses are closed as shown on Attachment F of the Council report to improve intersection safety. Since the proposed use is temporary (1 year), a concrete post with a chain or large planters are an appropriate method to close these existing vehicle accesses. If changes to the existing building are proposed, a building permit and development permit may be required and servicing requirements met. If the request for the Temporary Use Permit is supported, BC Building Code and City bylaw provisions will apply.

Analysis

Support Temporary Use Permit

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. Part 7 Implementation 7.4 states that Temporary Use Permits may only be issued provided that the proposed use:

- is not noxious or undesirable;
- does not have a negative impact on adjacent lands;
- does not create a significant increase in demand for City services;
- complies with the DPA guidelines for the area;
- operates at hours that do not disturb the surrounding neighbourhood;
- will not permanently alter the site; and
- complies with council conditions and other provincial and federal enactments

Staff do not feel that the proposal is in conflict with any of the guidelines listed above. The proposed motor vehicle rental use is more desirable than the current empty building and lot. The property is a corner lot, with adequate separation from adjacent uses. The existing services will be utilized. The current hours of operation are from 8:00am to 5:00pm daily with no changes expected at the new location. The proposed use will not permanently alter the site in any way.

The City’s Official Community Plan envisions the El Rancho site to be developed as tourist accommodation, with high density residential in the back half. The proposed motor vehicle rental use is not in line with this vision. For this reason, a temporary use permit makes more sense than rezoning the property and a maximum timeframe of one year is considered appropriate. The proposed use is more desirable than an empty building and vacant lot.

For the reasons listed above it is recommended that Council support the issuance of a permit for a 1-year period. Staff will not support any additional timeframe beyond the one year that is being recommended so that the highest and best use for the land can be accommodated in an efficient manner.

Deny/Refer Temporary Use Permit

Council may feel that motor vehicle sales are not a desirable use for this lot, even on a temporary basis. If that is the case, Council should deny the application. Alternatively, Council may wish to support the use on a temporary basis, but would like to see additional landscaping and/or other considerations included in the approval.

Alternate recommendations

- 1.) THAT Council deny "Temporary Use Permit PL2018-8268".
- 2.) THAT Council approve "Temporary Use Permit PL2018-8268" with conditions that Council feels are applicable.

Attachments

Attachment A: Subject Property Location Map
Attachment B: Zoning Map
Attachment C: OCP Map
Attachment D: Photos of Subject Property
Attachment E: Site Plan
Attachment F: Driveway Access Closure Plan
Attachment G: Letter of Intent
Attachment H: Temporary Use Permit PL2018-8268

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	

Attachment A – Subject Property Location Map

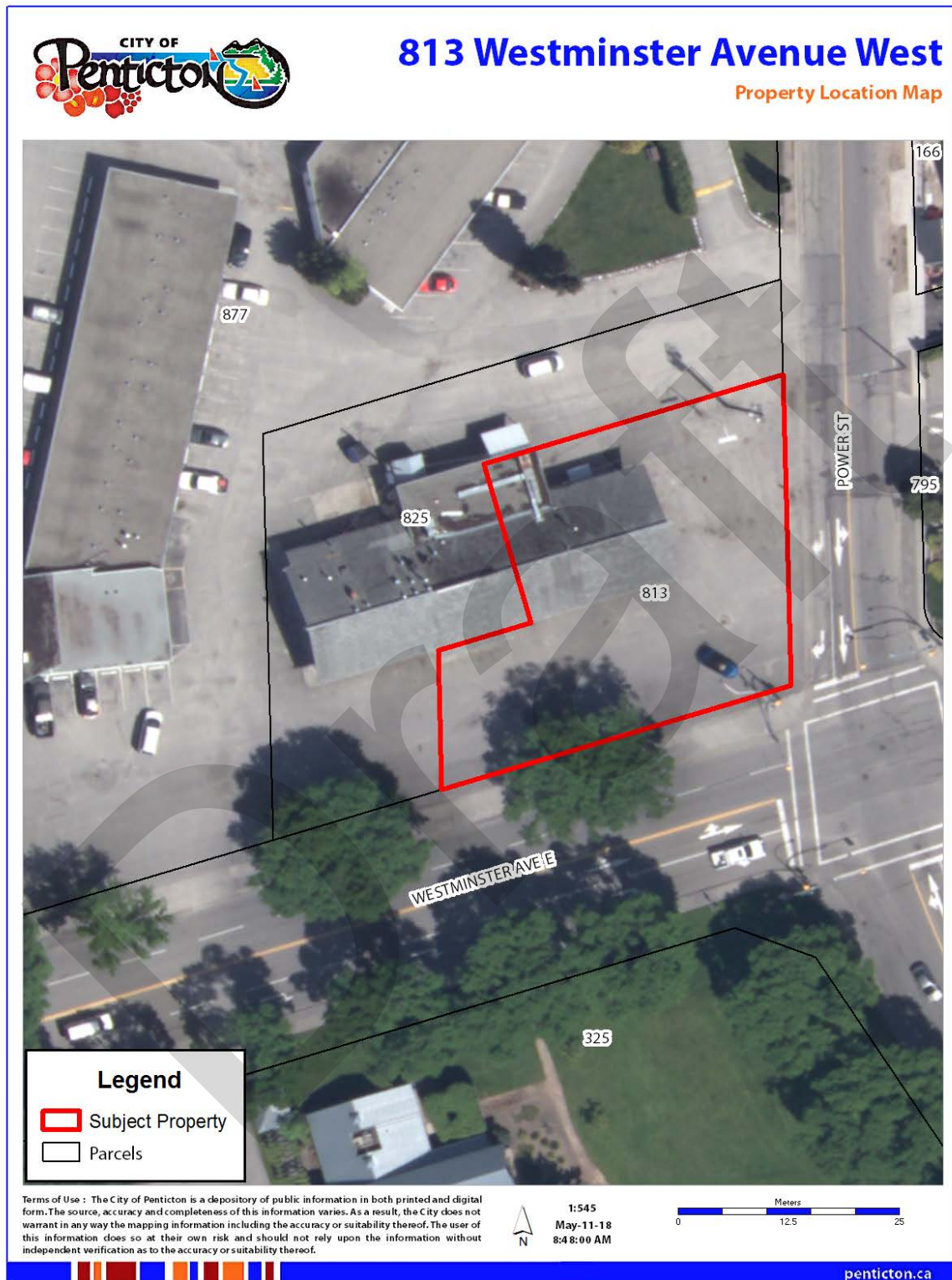


Figure 1: Subject Property Location Map

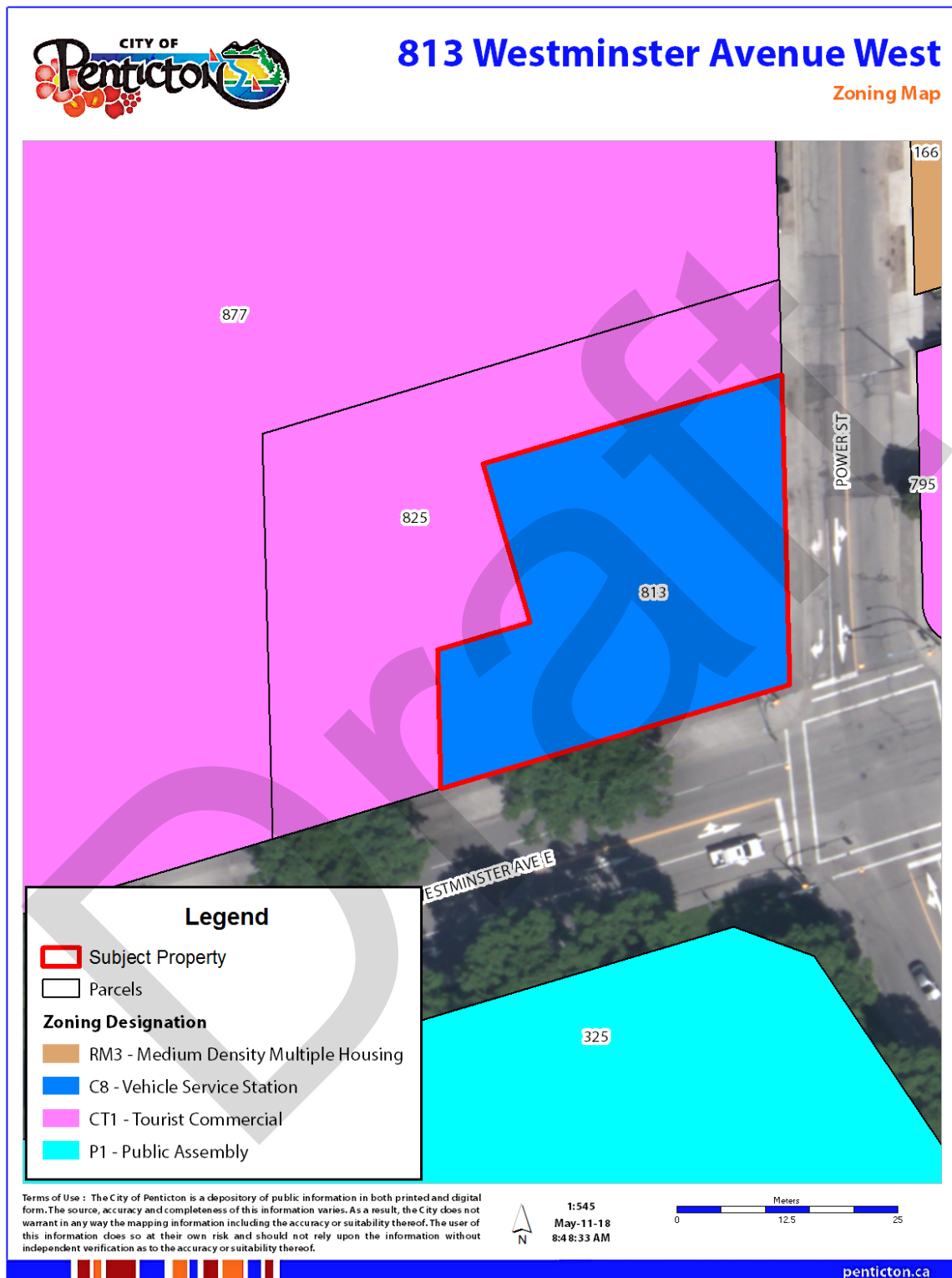


Figure 2: Zoning Map

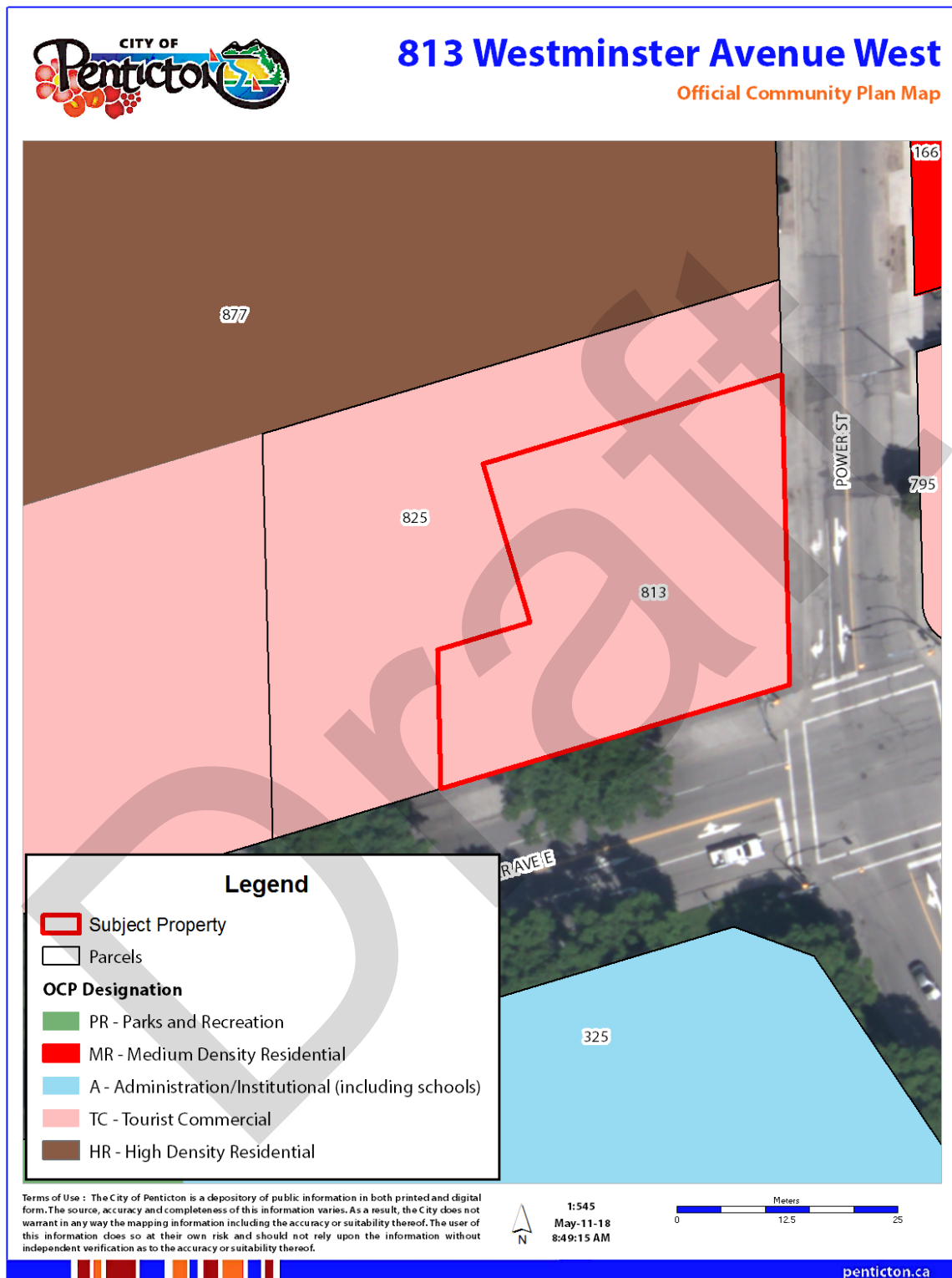


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Westminster Avenue West)



Figure 5: East View (from Power Street)



Figure 6: South West View



Figure 7: South View

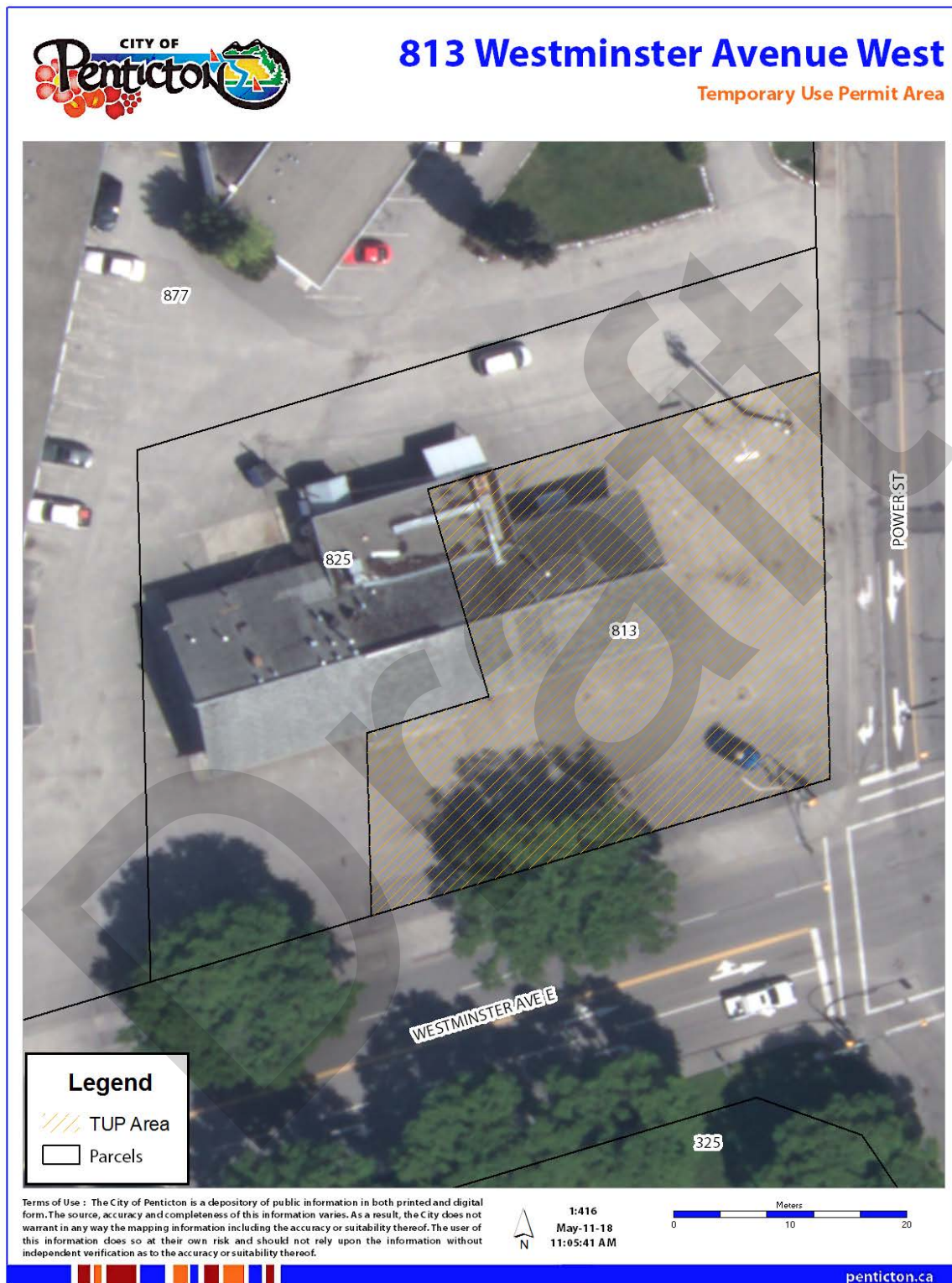


Figure 8: TUP Area



Figure 9: Driveway Access Closure Plan

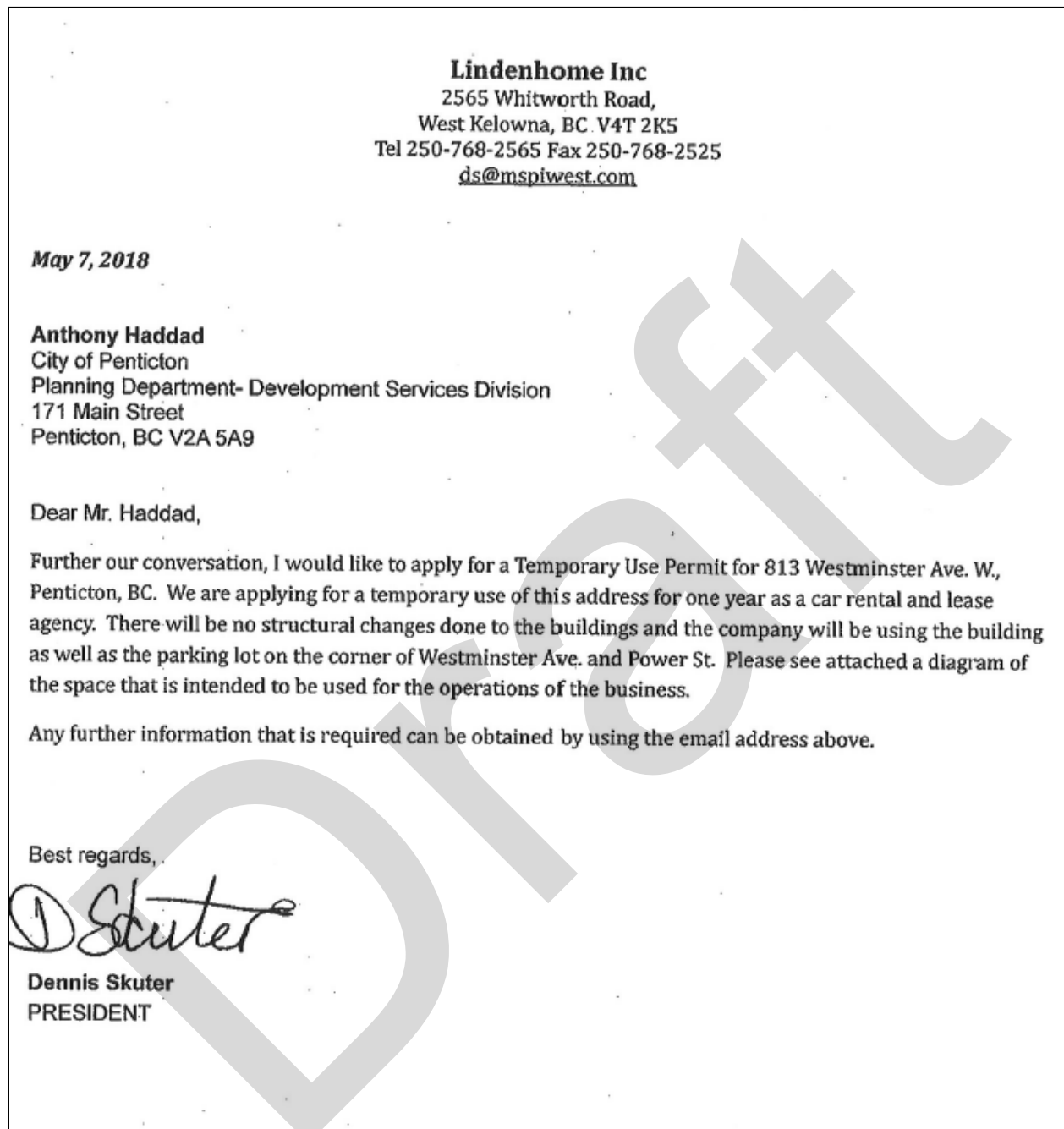


Figure 9: Letter of Intent



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Temporary Use Permit

Permit Number: TUP PL2018-8268

Name:

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 **June 5, 2021**.
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 5 day of June, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer