

May 9, 2019

Subject Property:

813 Westminster Ave W

Lot 1, District Lot 2, Group 7, Similkameen Division
Yale (Formerly Yale-Lytton) District, Plan 13891

Application:

Temporary Use Permit PL2019-8515

On June 5, 2018, City Council approved a temporary use permit on the subject property to permit "motor vehicle sales and rental" for a one-year period. This permit expires on June 5th, 2019. The applicant is requesting to extend the motor vehicle sales and rental use and City Staff are recommending an extension for one year.

Subject Property



Information:

The staff report to Council and Temporary Use Permit PL2019-8515 will be available for public inspection from **Friday, May 10, 2019 to Tuesday, May 21, 2019** 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, May 21, 2019** 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, May 21, 2019** 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 May 21, 2019 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



Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 813 Westminster Avenue West

File No: 2019 PRJ-069

Subject: Temporary Use Permit PL 2019-8515

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2019-8515", 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 staff are directed to issue the permit.

Background and Proposal

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.

On June 5, 2018, City Council approved a temporary use permit on the subject property to permit "motor vehicle sales and rental" for a one-year period. This permit expires on June 5th, 2019. As a condition of the permit, multiple driveway crossings were closed to enhance safety on the site. National Car Rental has been operating on the site for the past year.

The applicant is requesting to extend the motor vehicle sales and rental use for three years, but City Staff are recommending extension for only one year. Since this is an important site in the City for future mixed use higher density development, allowing for motor vehicle sales and rentals for more than a year is not aligned with this vision. The site is in the northern gateway area of the City, which is a high-amenity area, close to beaches, parks, downtown, civic services and various amenities. This area has seen significant investment by the City, through the development of the SOEC campus. 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. 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

The 2018 application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. As part of process, it was identified that two of the driveways be closed to address safety concerns. Concrete curbs were installed to satisfy the requirement. No other technical items were identified. If changes to the existing building are proposed, a building permit and development permit may be required and servicing requirements met.

New OCP 2019

While the current OCP identifies this area as TC (Tourist Commercial), the draft OCP that is currently under development and anticipated to be adopted this year, identifies this area for 'Mixed Use.' This designation allows for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or offices uses above. Since the proposed motor vehicle rental use is not aligned with either the current or future OCP designation, a temporary use permit is being recommended rather than a zoning amendment.

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. No bylaw complaints have been received regarding the operation of the car rental business in the past year. The car 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 continued temporary use will not permanently alter the site in any way.

For the reasons listed above it is recommended that Council support the issuance of a permit for a one-year period. Staff are hesitant to support the requested three-year temporary use permit by the applicant 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 consider that a three-year permit is acceptable and thus provide support to option 2 of the alternate recommendations.

Alternate recommendations

- 1.) THAT Council deny "Temporary Use Permit PL2019-8515".
- 2.) THAT Council approve "Temporary Use Permit PL2019-8515" for a three-year period.

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: Letter of Intent
Attachment G: Temporary Use Permit PL2019-8515

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	

Attachment A – Subject Property Location Map

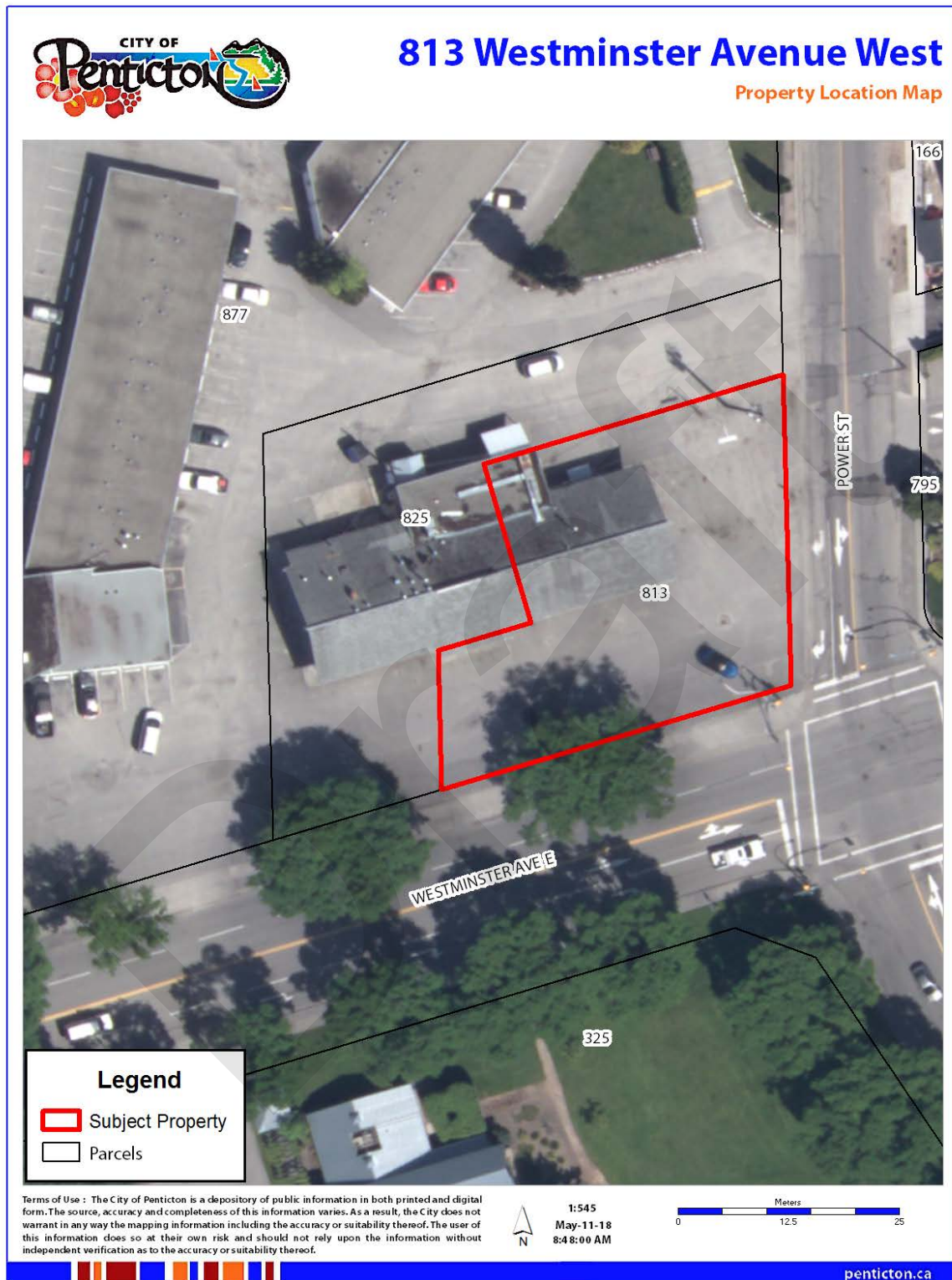


Figure 1: Subject Property Location Map

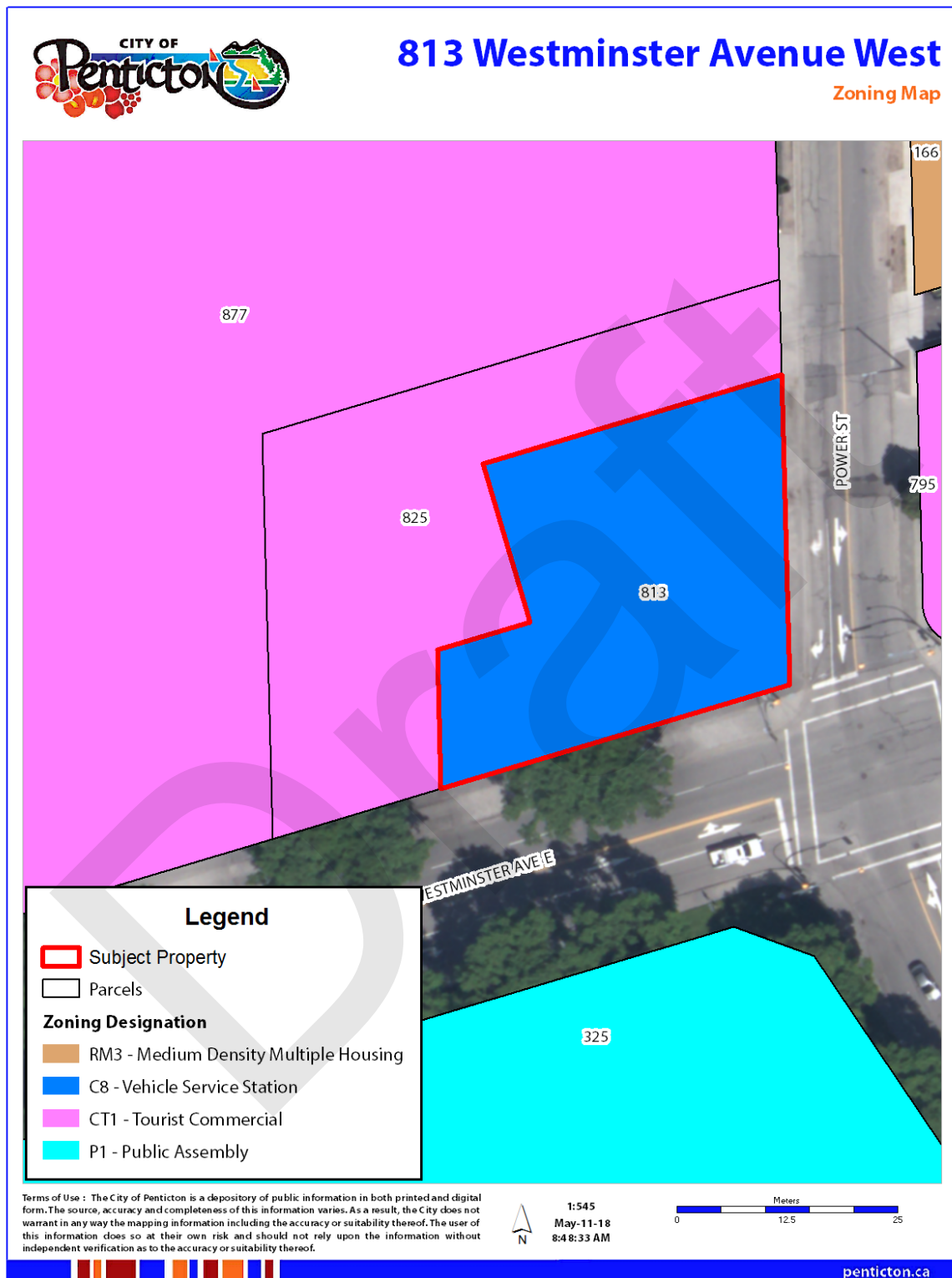


Figure 2: Zoning Map

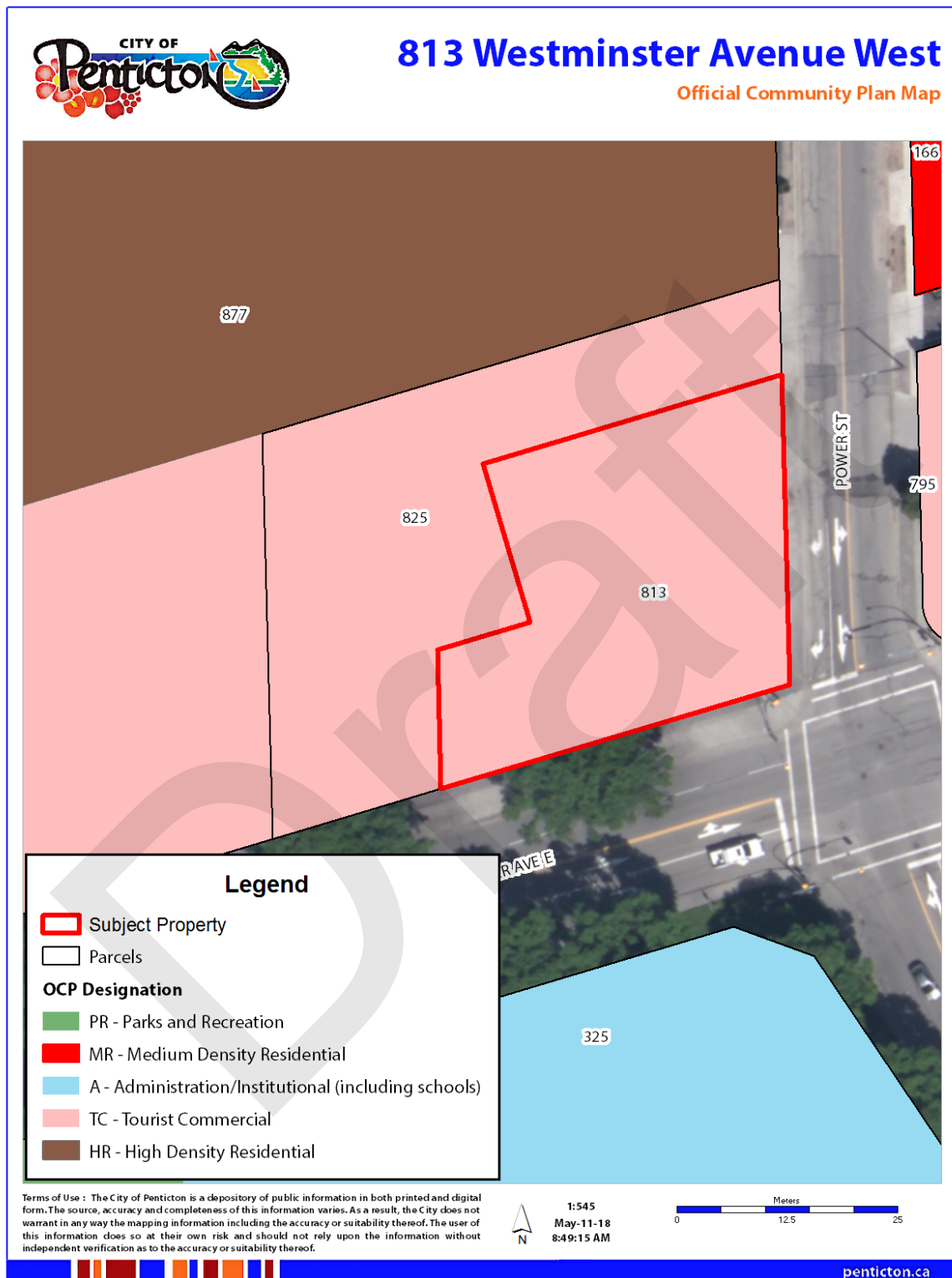


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Westminster Avenue West)



Figure 5: North East View (from Power Street)



Figure 6: South West View (from Westminster Avenue West)



Figure 7: South View (looking along Power Street)



Figure 8: TUP Area

Attachment F – Letter of Intent

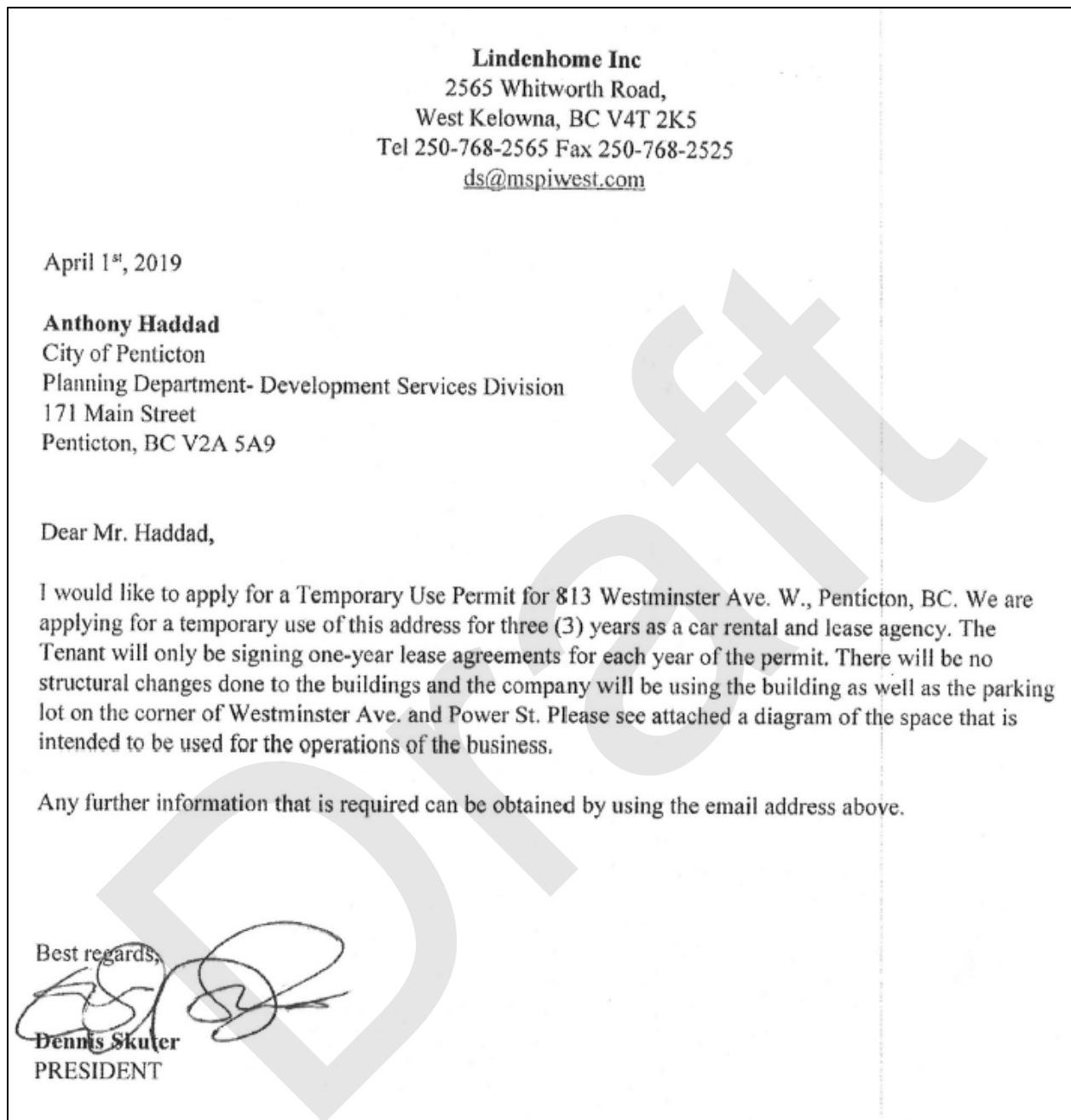


Figure 9: Letter of Intent



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

Temporary Use Permit

Permit Number: TUP PL2019-8515

Lindenhome Inc., Inc. No. BC1070340
2565 Whitworth Road
Kelowna BC, V4T 2K5

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, 2020**.
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 21 day of May, 2019

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer