

Date: November 5, 2024 **File No:** RMS/ 1340 Carmi Ave
To: Anthony Haddad, City Manager
From: Gabe Tamminga
Address: 1340 Carmi Avenue
Subject: Temporary Use Permit Renewal PL2024-9895

Staff Recommendation

THAT Council approve "Temporary Use Permit Renewal PL2024-9895", a permit to extend the Temporary Use Permit for three years until July 20, 2027 to allow the use of 'indoor amusement, entertainment, and recreation' for an indoor off-ice hockey training facility on Lot 1 District Lots 2710 and 3821S Similkameen Division Yale District Plan 197767, located at 1340 Carmi Avenue;

AND THAT Council direct staff to issue the permit for another three years.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

The applicant is requesting to have their Temporary Use Permit extended for an additional 3 years until July 20, 2027 to allow 'indoor amusement, entertainment and recreation', as defined by the Zoning Bylaw, be a permitted use on the subject property located at 1340 Carmi Avenue.

Background

The property is located on the south side of Carmi Avenue, west of Commercial Way (Figure 1). The subject property is currently zoned M1 – General Industrial and is designated as 'Industrial' by the Official Community Plan (OCP). The surrounding area is a mix of uses and includes both industrial and residential properties.

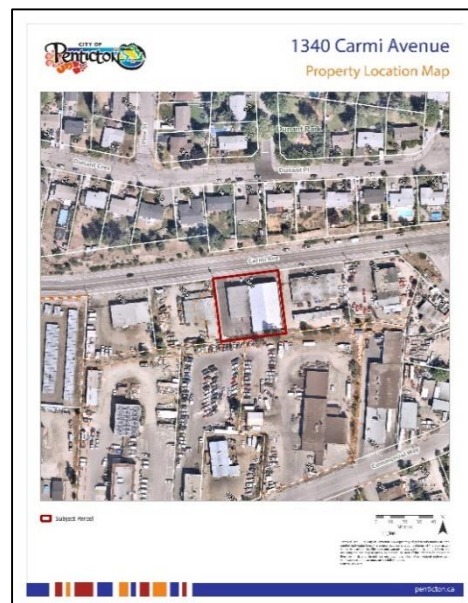


Figure 1 - Property Location Map

In 2021, the applicant applied for a Temporary Use Permit to allow the 'indoor amusement, entertainment and recreation' as a permitted use. This was to allow the applicant to operate an off-ice training facility for hockey players inside a portion of the existing building located on the subject property. Council approved this application in 2021 for three years and the permit was issued. Under Section 497 of the Local Government Act, the applicant can apply for an extension of the permit for another three years. However, the applicant may only extend their permit once.

The applicant has also submitted a Letter of Intent which outlines the business in more detail and has support from neighbouring businesses regarding this Temporary Use Permit extension (Attachment – E).

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 by the OCP as Industrial. Land in the Industrial designation is anticipated to be for a range of light and heavy industrial uses including uses characterized by goods production, manufacturing, distribution, and storage. The off-ice hockey training facility is suitable for this property due to the requirements for space of a business this size. Within the industrial area of Penticton, there are other fitness-related uses currently located in this area that followed similar zoning exercises or temporary use permits.

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 staff have reviewed if there have been any conflicts with the business operating at this location over the last few years. At this time, there have been no major concerns of conflict raised with staff for the business operating at this location. The applicant has also reached out to the neighbouring industrial businesses to support this application as demonstrated in the Letter of Intent (Attachment – E).

3. *Avoiding Impacts on Environmentally Sensitive Areas*

The off-ice hockey training facility is located within the existing building on the property. The subject property is not located within 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 Renewal. The business is located within an existing building with sufficient servicing for the proposed use to operate.

5. *Not Permanently Altering the Site Where it is Located*

The off-ice hockey training facility is located within the existing building on the property. There are some minor requirements for the facility to operate which does require a Building Permit, but nothing that would further prohibit or impede other uses on the site.

Based upon the reasons stated above with the OCP Policies for Temporary Use Permits, staff consider this application to be reasonable in nature. The applicant has been operating out of this property now for three years and wishes to continue to do so. There is also support from the nearby businesses that this use has not negatively impacted them. As such, staff are recommending that Council support the issuance of the Temporary Use Permit Renewal 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 Extension PL2024-9895."

Attachments

- Attachment A – Zoning Bylaw Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of the Property
- Attachment D – Plans
- Attachment E – Letter of Intent (applicant)
- Attachment F – Draft Temporary Use Permit PL2024-9895

Respectfully submitted,
Gabe Tamminga
Planner I

Director of Development Services BL	City Manager AH
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