



Staff Report to Council

DATE: Tuesday, April 2, 2024

DEPARTMENT: Planning

APPLICATION NO.: TUP21-0003 (Renewal)

SUBJECT: Renewal of TUP21-0003 to allow for a variety of commercial and tourism-based uses to continue on leased land along Station Avenue.

PURPOSE:

In 2021, the City of Langford entered into an agreement with the Island Corridor Foundation to allow the City to occupy and utilize a portion of the rail corridor for an arts and culture hub. A Temporary Use Permit was issued to permit these uses on the land. The City has applied on behalf of the property owner, Island Corridor Foundation (ICF), to renew the temporary use permit TUP21-0003 to allow the use to continue at the subject property for an additional three years. The permit is due to expire on August 17th, 2024, three years from the date of issuance. The original staff report from 2021 is attached with additional background information.

BACKGROUND:

At their regular meeting held on Monday, August 16th, 2021, Council issued TUP21-0003 to allow for an array of commercial, tourism based, and recreational uses to facilitate the revitalization of this portion of the E&N rail corridor and creation of a cultural precinct known as The Langford Station Cultural District.

The following uses were permitted through the temporary use permit issued in 2021:

- Artist or craftsperson studio
- Cultural facility
- Licensed premise
- Office
- Parking facility
- Public Assembly and Entertainment uses
- Recreation facility, outdoor
- Restaurant
- Retail store
- Tourist information centre

- Transportation terminal

In addition to uses listed above, the following uses are permitted in all zones in accordance with Zoning Bylaw 300:

- Parks
- Accessory uses

COMMENTARY:

As noted above, the City of Langford has applied on behalf of ICF to maintain a number of recreational, commercial, cultural and tourism-based uses at The Langford Station Cultural District. All the required infrastructure upgrades, installation, construction, and beautification, have been completed, and the site has been in operation since May 2022.

Currently, the subject site hosts a number of vendors and artists, occupying 13 retrofitted shipping containers of various sizes, as well as a number of food truck vendors in the designated gravel parking space. The location provides an opportunity for local artists and small-scale retailers to demonstrate their craft as well as try out their business model before committing to a permanent brick and mortar location. The Langford Station is also home to a number of community activities and events throughout the year including Fridays at the Station featuring live music and a beer garden, artisan markets hosted by local vendors, Show and Shine car show in August, food truck festival in September, an array of winter festival activities in December, and more.

Figure 1: Subject site prior to the development of The Langford Station Cultural District (April 21, 2021)



Figure 2: Subject site after the development of The Langford Station Cultural District (April 28, 2023)



With the creation of The Langford Station, and a designated space for food truck vendors, the City has treated food trucks as a separate distinct use from that of a restaurant and have stopped categorizing food trucks under the restaurant definition in Zoning Bylaw No. 300. The original temporary use permit for The Langford Station includes “restaurant” as a permitted use. Council may wish to expand the list of permitted uses to specifically allow food trucks as a permitted use at the subject site. Expanding the list of the permitted uses to include food trucks will not introduce any new uses to the subject site, but rather provide further clarity and allow City Hall to regulate land use more effectively and ensure businesses operate in appropriate locations. To complete this, Council should also direct staff to bring forward a bylaw to amend Zoning Bylaw No. 300 by including “food truck” in the definitions found in Section 1.01 of Part 1 of the Bylaw.

Not all terms must be defined in the Zoning Bylaw to have effect. In this instance a clear definition could be helpful to create a distinction between “restaurant” and “food truck”.

The TUP21-0003 was issued with the condition that the requirement of a Form and Character Development Permit be waived provided that the site is developed in substantial accordance with the renderings provided. Council may wish to retain this condition as part of the renewal. Although the required infrastructure upgrades and site development and beautification has occurred, Council may wish to maintain this condition to allow City of Langford and its employees, contractors, and agents to carry out site modifications, if such are required.

This use has been operating at the location for nearly two years. Over this time, the City's Bylaw Enforcement Department has not received any complaints with regards to the operation, and staff are not aware of any instances of non-compliance with the conditions outlined in the TUP or Zoning Bylaw 300.

Transforming an underutilized area into a vibrant cultural precinct attracts visitors, tourists, and businesses. Increased foot traffic can lead to higher spending at local businesses, fostering commercial activity in the area. Additionally, as mentioned earlier in the report, The Langford Station provides a space for small businesses to test their business model before securing a permanent commercial location, thus stimulating local commerce and contributing to the vitality and sustainability of the local economy.

FINANCIAL IMPLICATIONS:

There is no cost to the City associated with the extension of the TUP as the operations will continue as they have been.

LEGAL IMPLICATIONS:

Pursuant to S. 497 of the Local Government Act, the City may issue a TUP for a period of up to three years. The Local Government Act also allows a temporary use permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond 6 years, they are required to make a new application to Council for a TUP or apply for rezoning of the subject site.

OPTIONS:

Option 1

THAT Council:

1. Direct staff to provide notice that Council will consider renewing Temporary Use Permit TUP21-0003 for a period of three years for the lands identified on the site map attached as Appendix A, to allow for the following uses:
 - a. Artist or craftsperson studio
 - b. Cultural facility
 - c. Licensed premises
 - d. Office
 - e. Parking facility
 - f. Public assembly and entertainment uses
 - g. Recreation facility, outdoor

- h. Restaurant
- i. Retail store
- j. Tourist information centre
- k. Transportation terminal
- l. Food trucks

Subject to the following conditions:

- i. Waive the requirement for a Form and Character Development Permit provided that site remains in substantial accordance with form and character previously approved by Council.

AND

- 2. Direct staff to prepare the amendment to Zoning Bylaw No. 300 to include a definition of “food truck”.

OR Option 2

THAT Council take no action with respect to renewing a Temporary Use Permit TUP21-0003 on the lands identified on a site map attached as Appendix A, until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____.

SUBMITTED BY: Anastasiya Mysak, Planner I

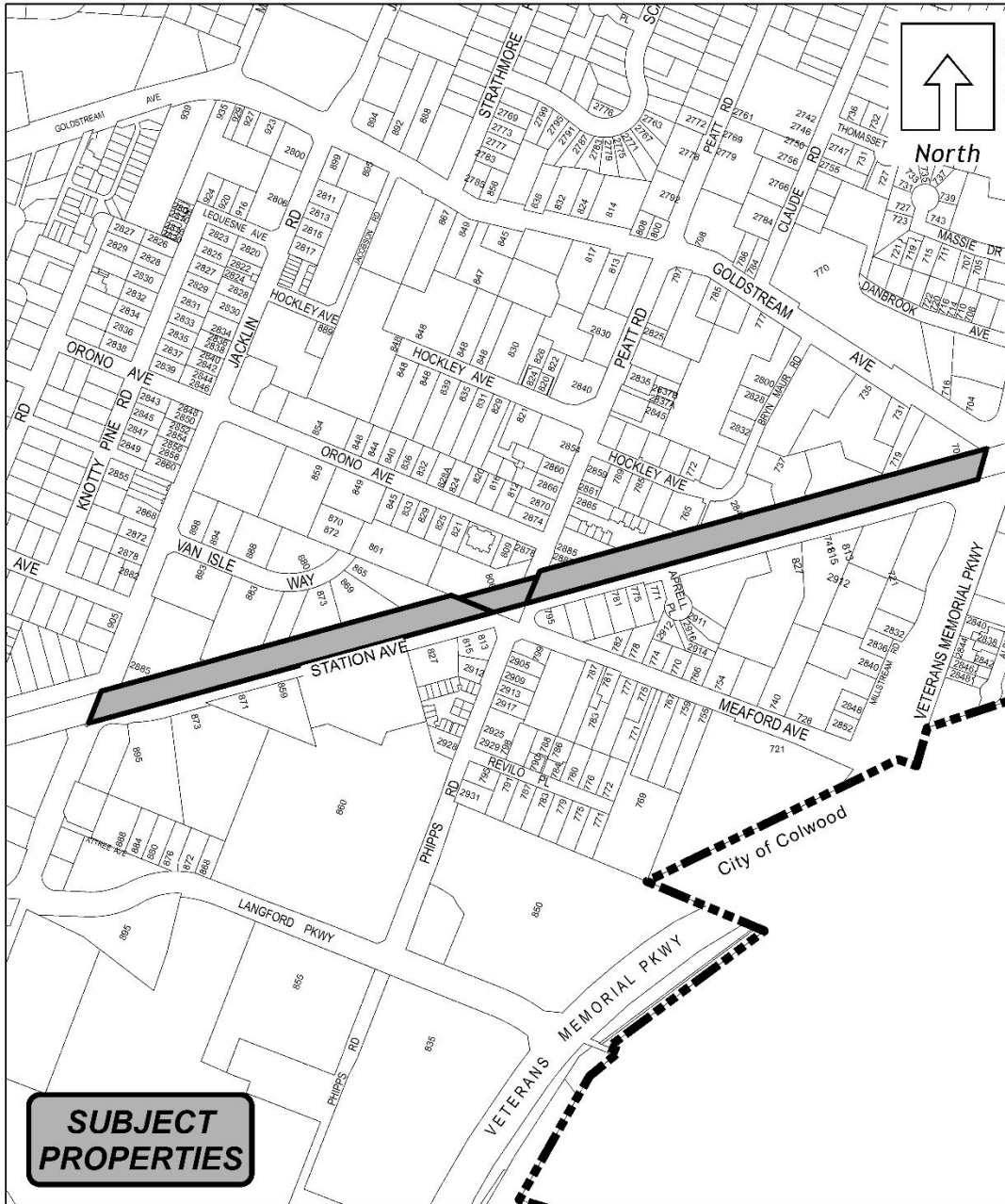
- Concurrence:** Leah Stohmann, MCIP, RPP, Director of Community Planning and Climate Change
- Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision
- Concurrence:** Donna Petrie, Senior Manager of Communications & Economic Development
- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Director of Legislative & Protective Services
- Concurrence:** Braden Hutchins, Deputy Chief Administrative Officer
- Concurrence:** Darren Kiedyk, Chief Administrative Officer

Attachment(s):

TUP21-0003 Original Report

Appendix A: Site Map

**TEMPORARY USE PERMIT
(TUP21-0003)
Island Corridor Foundation Lands**



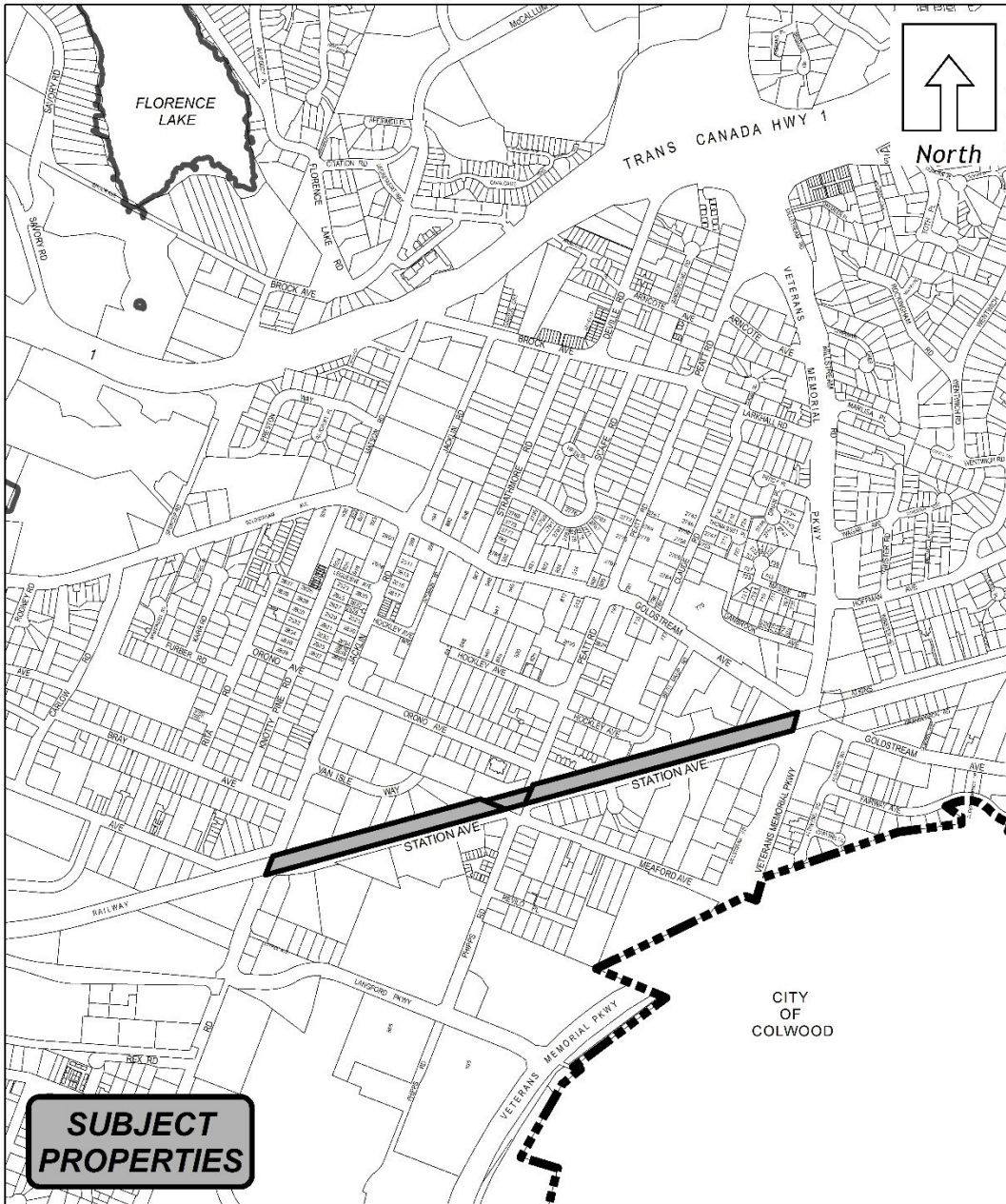
Document Name: TUP21-0003_Site_Map

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Last Revised: 7/6/2021

Appendix B: Location Map

**TEMPORARY USE PERMIT
(TUP21-0003)
Island Corridor Foundation Lands**



Document Name: TUP21-0003_Location_Map

Scale: N.T.S.

Last Revised: 7/6/2021