



Staff Report to Special Sustainable Development Advisory Committee

DATE: Monday, February 24, 2025

DEPARTMENT: Planning

APPLICATION NO.: TUP21-0006 (Renewal)

SUBJECT: Application to renew a Temporary Use Permit TUP21-0006 to allow for a light industrial use in a Heavy Industrial (M3) zone at 1057 Marwood Avenue for additional three years.

EXECUTIVE SUMMARY:

Jordan Owens of RedBlue Heating and Refrigeration has applied on behalf of O & M Enterprises Inc. to renew Temporary Use Permit (TUP) TUP21-0006. The renewal would allow the light industrial business of fabrication, installation, and servicing of HVAC/R systems on the subject property to continue for an additional three years.

BACKGROUND:

At their Regular meeting held on April 4, 2022, Council issued TUP21-0006 to permit the light industrial business on the subject property. The permit is set to expire on April 5th, 2025, marking three years since its issuance. A staff report from the original consideration is attached as Attachment 1, providing additional background information.

Table 1: Site Data for the Subject Property

<i>Applicant</i>	Jordan Owen
<i>Owner</i>	O And M Enterprises Inc
<i>Civic Address</i>	1057 Marwood Avenue
<i>Legal Description</i>	Lot 3, Block 3, Sections 86 and 87, Metchosin District, Plan 1718, PID 005-208-131
<i>Size of Property</i>	2,218 m ²
<i>DP Areas</i>	Industrial
<i>Zoning Designation</i>	Heavy Industrial (M3)
<i>OCP Designation</i>	Neighbourhood

Figure 1: Aerial View Image of Subject Property



COMMENTARY:

The proposed use aligns with the *light industrial use* definition in Zoning Bylaw No. 300. However, this use is not permitted in the M3 (Heavy Industrial) zone, which applies to the subject property. As a result, a Temporary Use Permit renewal or rezoning is required to continue the operation.

The TUP21-0006 was issued with the following terms and conditions:

- i. That the temporary use permit be issued for a period of three years from the time of issuance;
- ii. That the vehicles and materials that do not pertain to the business operation are removed from the property, prior to issuance of a business licence;
- iii. That the unenclosed storage use is completely screened to a height of at least 2.5 m (8.2 ft) by building or a solid decorative fence located within a landscape and screening area not less than 1.5 (4.9 ft) in width or both;
- iv. That all fire and life safety equipment is up to date to the satisfaction of the Fire Chief prior to issuance of a business licence;
- v. That business operations at the site be restricted to the hours of 7 a.m. to 7 p.m.;
- vi. That site lighting will be shielded to ensure that light does not shine directly onto or spill onto the neighboring properties;
- vii. That the applicant apply to rezone the subject property within the term of the TUP.

Since the issuance of TUP21-0006, the applicant has obtained a perpetual Business Licence for the operation as well as a Sign Development Permit for the installation of a façade sign. The applicant has indicated that the business operations remain unchanged since the original permit was granted.

Additionally, the applicant has applied for rezoning during the original TUP term, as required by Council at the time of issuance. The rezoning application is currently in its initial stages.

As the conditions of the original permit required to be completed prior to issuance of a Business Licence have been satisfied, it is not necessary to carry them over to the renewal. However, Council may wish to retain those conditions that are designed to ensure that industrial business integrates more seamlessly with the surrounding residential properties and minimizes disruptions to their character and environment.

At the end of 2024, a bylaw infraction file was opened for the subject site associated with unpermitted placement of metal shipping containers on the property. The owner rectified the infraction within the timeframe provided by the City. Staff are not aware of any current areas of non-compliance with the conditions of the issued permit or City bylaws.

FINANCIAL IMPLICATIONS:

There are no known financial implications for the proposed TUP renewal.

LEGAL IMPLICATIONS:

Pursuant to section 497 of the *Local Government Act*, the City may issue a Temporary Use Permit (TUP) for a period of up to three years. The Local Government Act also allows a TUP 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 rezone the property.

OPTIONS:

Option 1

THAT Council renew TUP21-0006 to allow for light industrial business of HVAC/R fabrication, installation, and service at 1057 Marwood Avenue for a period of three years, subject to the following terms and conditions:

- i. That the temporary use permit renewal be issued for a period of three years from time of issuance;
- ii. That the unenclosed storage use is completely screened to a height of at least 2.5 m (8.2 ft) by building or a solid decorative fence located within a landscape and screening area not less than 1.5 (4.9 ft) in width or both;

- iii. That business operations at the site be restricted to the hours of 7 a.m. to 7 p.m.; AND
- iv. That site lighting will be shielded to ensure that light does not shine directly onto or spill onto the neighboring properties.

OR Option 2

THAT Council take no action with respect to renewing TUP21-0006 at 1057 Marwood Avenue 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: Matthew Baldwin, RPP, MCIP, Director of Development Services

Concurrence: Melisa Miles, Manager of Legislative Services

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change

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

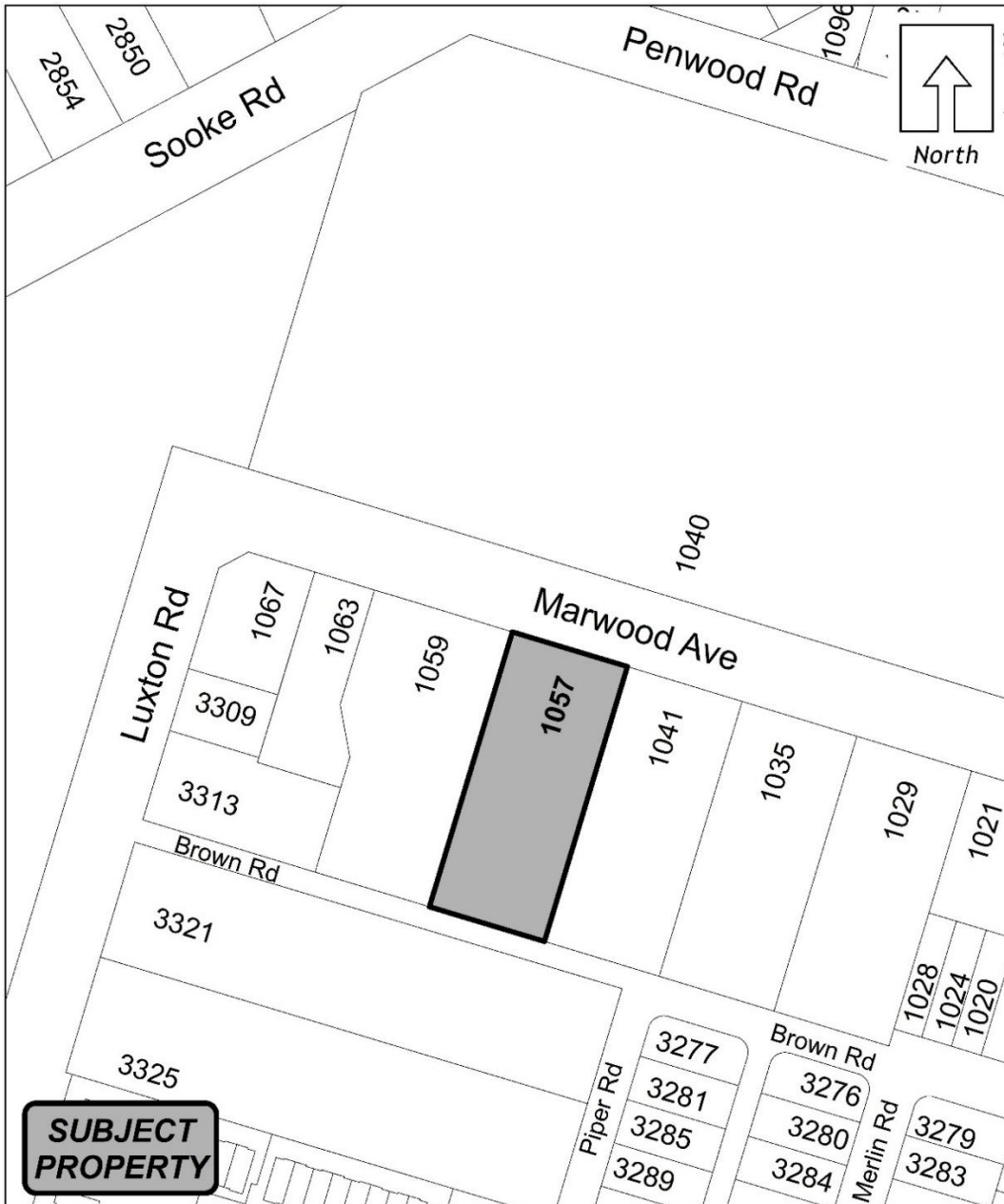
Concurrence: Darren Kiedyk, Chief Administrative Officer

Attachments:

Attachment 1: Original Staff Report for TUP21-0006

Appendix A -Site Map

TEMPORARY USE PERMIT
(TUP21-0006)
1057 Marwood Ave



Document Name: TUP21-0006_Site_Map

Scale: N.T.S.

Last Revised: 2024-11-06



Staff Report to the Planning, Zoning and Affordable Housing Committee

DATE: Monday, March 14, 2022

DEPARTMENT: Planning

APPLICATION NO.: TUP21-0006

SUBJECT: Application for a temporary use permit at 1057 Marwood Avenue to allow for a light industrial use in a Heavy Industrial (M3) zone.

PURPOSE:

Jordan Owen of RedBlue Heating and Refrigeration has applied to temporarily permit the light industrial business of fabrication, installation, and service of HVAC/R systems on the subject property.

BACKGROUND:

In 2007, the subject property was a part of a rezoning application, along with the other 12 properties, to be rezoned to Business Park 2. The application was later withdrawn.

Table 1: Surrounding Land Uses

<i>Applicant</i>	Jordan Owen
<i>Owner</i>	O And M Enterprises Inc.
<i>Civic Address</i>	1057 Marwood Avenue
<i>Legal Description</i>	Lot 3, Block 3, Sections 86 and 87, Metchosin District, Plan 1718, PID 005-208-131
<i>Size of Property</i>	2,218 m ²
<i>DP Areas</i>	Industrial
<i>Zoning Designation</i>	Heavy Industrial (M3)
<i>OCP Designation</i>	Neighbourhood

SITE AND SURROUNDING AREA

The subject property contains a principal building with a floor area of approximately 550m² and a large amount of unenclosed storage to the back, mostly in the form of cars. Although it is assumed that the

area will be cleared of any items and materials that do not pertain to the business with the change of tenancy, Council may wish to make it a condition of the temporary use permit. The site is located south of Sooke Road and is accessible from both Marwood Avenue and Brown Road.

The property at 1057 Marwood Avenue is flat in nature, with no vegetation aside from a single tree situated on the rear property line in the eastern corner of the lot. Throughout the residentially zoned neighboring properties, there are few large trees and bushes, and a larger pocket of mature vegetation north of the subject property.

Current M3 zoning allows for a variety of uses such as asphalt plant, gravel processing, commercial composting, sawmill, and other heavy and high impact industrial operations; however the Zone does not allow for the proposed use, so the applicant must either obtain a temporary use permit or rezoning approval in order to proceed with the business.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	R2, P4	Residential, Luxton Fair Ground
<i>East</i>	RR2	Rural Residential
<i>South</i>	RR2	Rural Residential
<i>West</i>	RR2	Rural Residential

OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designates the subject property as ‘Neighborhood’, which is defined by the following text:

- Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites;
- This area allows for residential and mixed use commercial intensification of streets that connect centres and/or are serviced by transit;
- Schools, community facilities and other institutional uses are permitted throughout the area;
- Retail serving local residents is encouraged along transportation corridors;
- Home-based businesses, live-work housing is encouraged;
- Parks, open spaces and recreational facilities are integrated throughout the area;
- This area allows for *Neighborhood Centres* to emerge in the form of medium density mixed-use nodes at key intersections;
- Transit stops are located where appropriate.

The applicant has indicated that they plan to pursue this use on a permanent basis. As the proposed use does not meet the objectives of the current OCP designation, any subsequent rezoning applications will have to be accompanied by an amendment to the Official Community Plan to Business or Light Industrial Centre designation. It is noteworthy to mention that the immediately adjacent properties are also within the Neighbourhood designation; however properties west of Luxton Road fall under Business or Light Industrial Centre designation.

Figure 3: Surrounding OCP Designations



DEVELOPMENT PERMIT AREAS

The subject properties are not located within any environmental or hazardous development permit areas. However, a form and character Development Permit would be required prior to issuance of a Building Permit if the applicant chooses to make changes to the exterior of the existing building. Additionally, a Building Permit will be required for any interior tenant improvements. At this time, the proposed light industrial business does not plan to carry out any alterations to the exterior of the existing building at 1057 Marwood Avenue, other than new signage which will be addressed through a future Sign Permit.

DEVELOPMENT PROPOSAL

As noted, the applicant wishes to run an HVAC/R fabrication, installation, and service business from the subject property. The proposed use will be located in a long-standing building, and a Building Permit for tenant improvements will be required prior to any internal renovations. The intent of the business is to fully occupy the building, with the front of the building used as office space and heat pump equipment storage, and the back of the building to be used as a sheet metal shop. All the business activities on site are to be carried out in the enclosed building. As a result, it is not expected that geotechnical evaluation, environmental analysis, stormwater management plan, groundwater management plan or soil removal plan will be required. The applicant will however be required to obtain a Business License and a Sign Permit for any signage the company wishes to install.

Council may wish to note that the subject property, while industrially zoned, abuts residentially zoned parcels. Council may wish to place a condition of the temporary use permit that restricts business operation to hours that align with regular business hours, from 7 a.m. to 7 p.m. Council may also wish to ask for the site lighting plan, as a condition of the temporary use permit, however if work is being conducted during normal business hours, it may be sufficient to simply require that any site lighting is shielded so that it is fully downcast and does not shine onto or spill onto neighboring properties.

As per Part 4 of the Zoning Bylaw 300, the proposed light industrial use requires double the amount of dedicated parking spaces as heavy industrial uses:

- Light and general industrial uses - 1 per 45m² (484.4 ft²) GFA.
- Heavy industrial uses – 1 per 90m² (968.8 ft²) GFA.

Council may wish to note that the applicant has provided a parking plan to demonstrate that the site can support the required parking for the proposed use.

LEGAL IMPLICATIONS:

Pursuant to Sec. 497 of the Local Government Act, the City may issue a Temporary Use Permit (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 period, they are required to make a new application to Council for a TUP or apply for rezoning.

Council has no specific policies with respect to temporary use permits. Applications for Temporary Commercial Use Permits are considered on their individual merit. However, Council does regulate Temporary Use Permits through Part 3 of Zoning Bylaw No. 300. Sections 3.27.03 and 3.27.04 of the Zoning Bylaw 300 give Council the right to require that the form and character of the building meets guidelines for commercial properties and allow Council to ask for specific information or reports. Currently, there are no plans to alter the exterior of the property, aside from installing a new signage, which will require a Sign Permit.

OPTIONS:

Option 1

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Proceed with the consideration of the temporary use permit for light industrial business of HVAC/R fabrication, installation, and service at 1057 Marwood Avenue, subject to the following terms and conditions:
 - i. That the temporary use permit be issued for a period of three years from time of issuance;
 - ii. That the vehicles and materials that do not pertain to the business operation are removed from the property, prior to issuance of a business license;
 - iii. That the unenclosed storage use is completely screened to a height of at least 2.5m (8.2ft) by building or a solid decorative fence located within a landscape and screening area not less than 1.5m (4.9ft) in width or both;
 - iv. That all fire and life safety equipment servicing is up to date to the satisfaction of the Fire Chief prior to issuance of a business license;
 - v. That business operations at the site be restricted to the hours of 7 a.m. to 7 p.m.;
 - vi. That site lightning will be shielded to ensure that light does not shine directly onto or spill onto the neighboring properties.
 - vii. That the applicant apply to rezone the subject property within the term of the TUP;

OR Option 2

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Reject this application for a temporary use permit.

SUBMITTED BY: Anastasiya Mysak, Planning and Land Development Technician

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Donna Petrie, Manager of Business Development and Events

Concurrence: Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

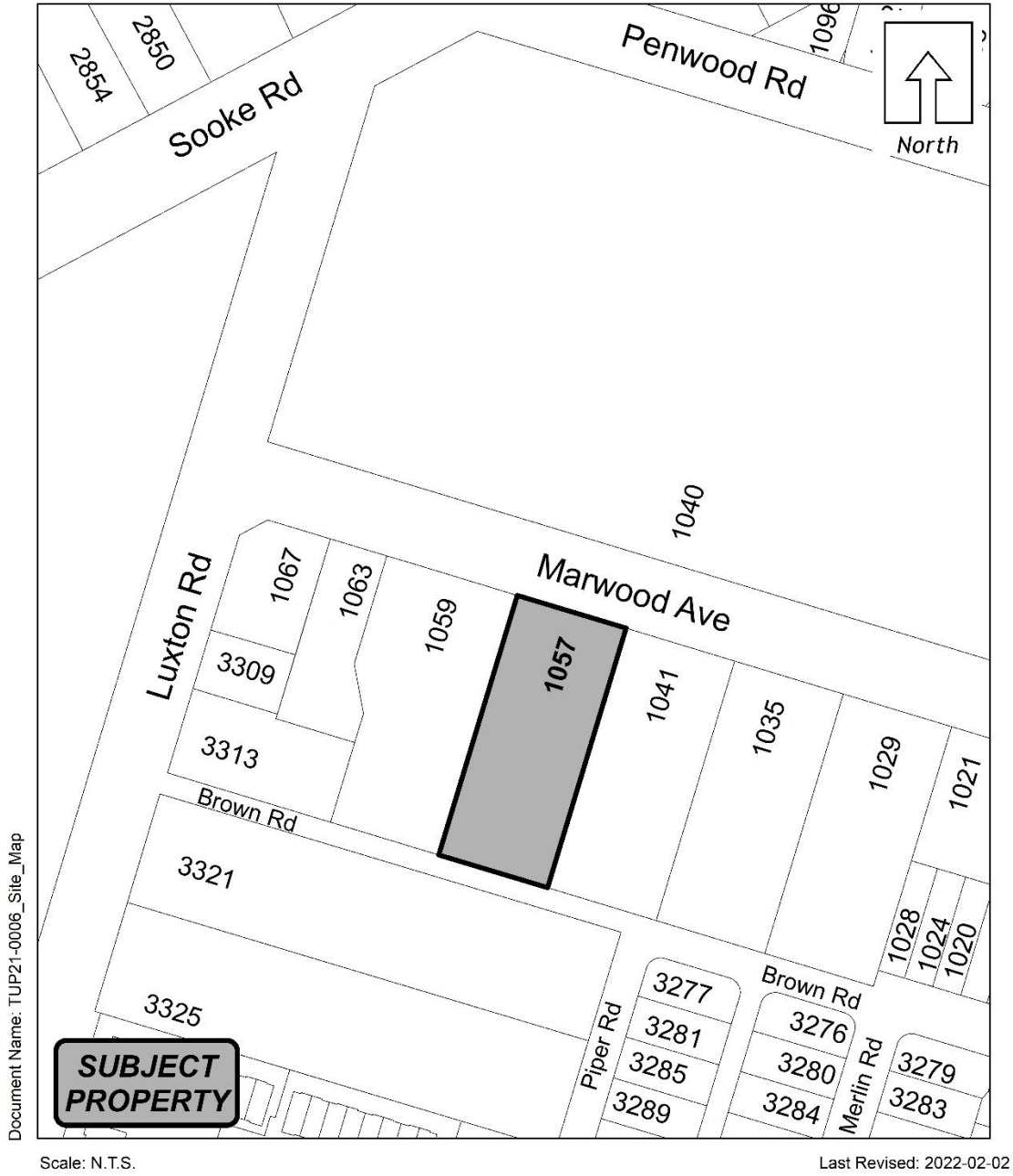
Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Acting Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

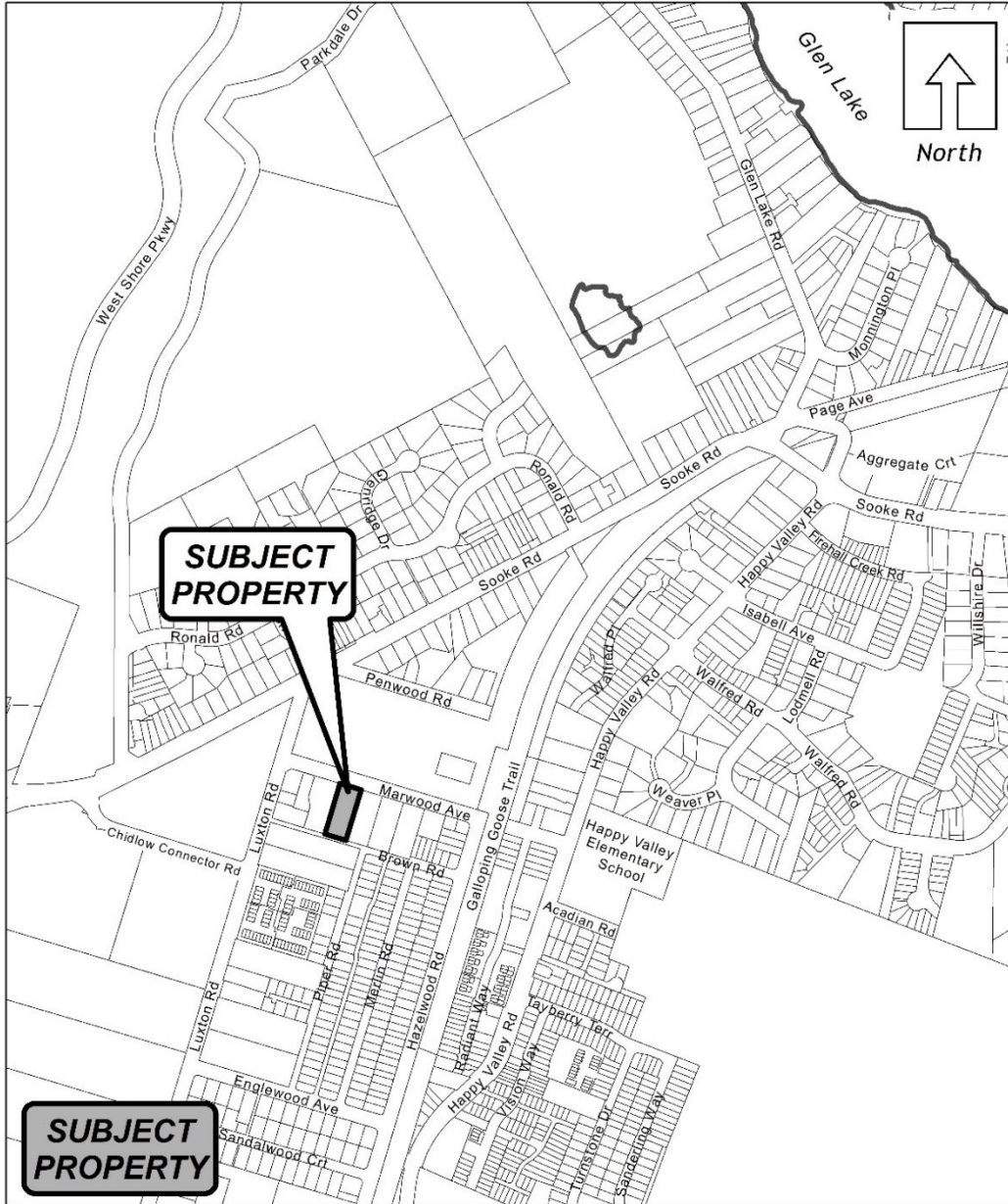
SUBJECT PROPERTY MAP

TEMPORARY USE PERMIT
(TUP21-0006)
1057 Marwood Ave



LOCATION MAP

**TEMPORARY USE PERMIT
(TUP21-0006)
1057 Marwood Ave**



Document Name: TUP21-0006_Location_Map

Scale: N.T.S.

Last Revised: 2022-02-02