



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

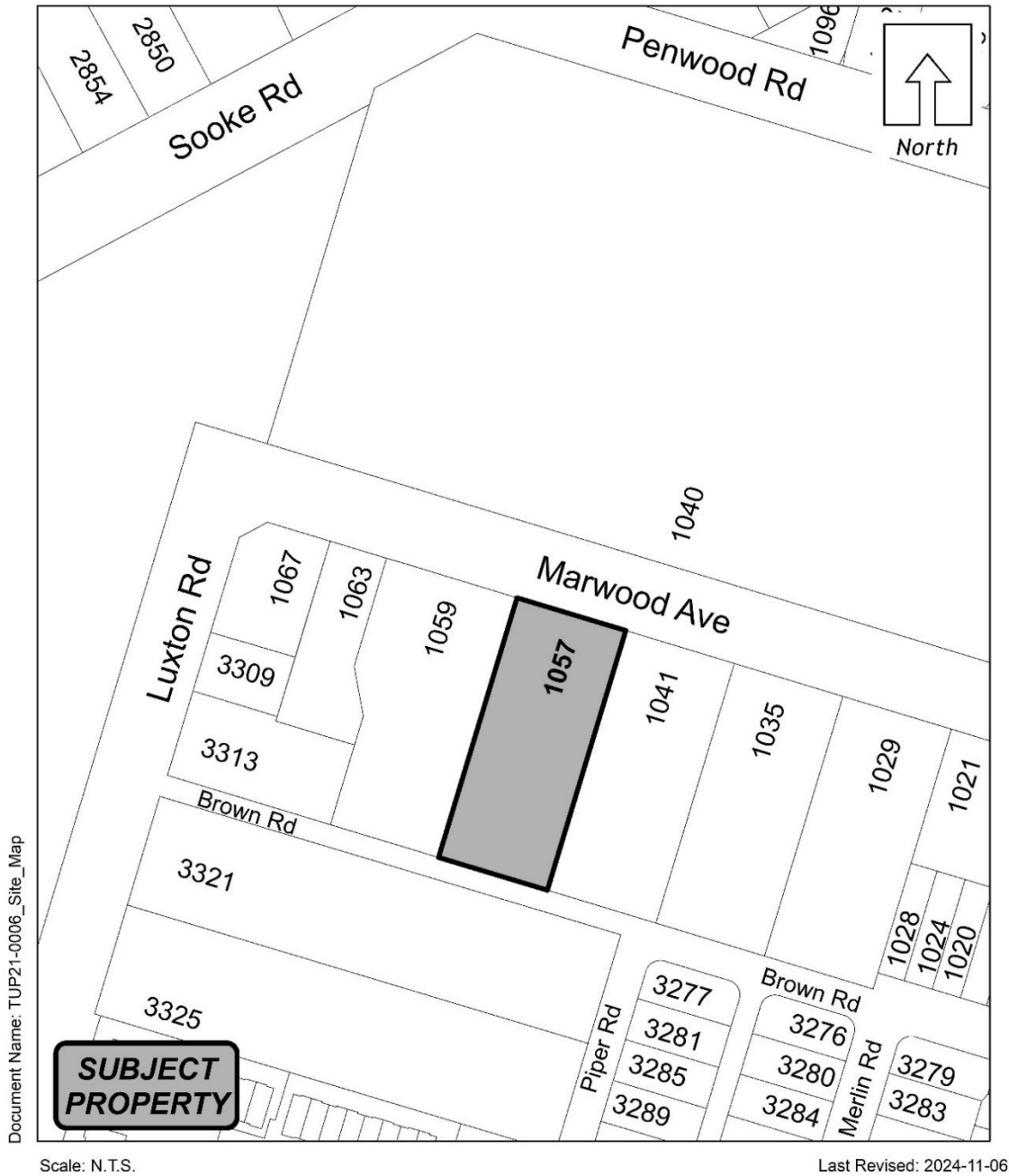
Concurrence: Darren Kiedyk, Chief Administrative Officer

Attachments:

Attachment 1: Original Staff Report for TUP21-0006

Appendix A -Site Map

TEMPORARY USE PERMIT
(TUP21-0006)
1057 Marwood Ave



Appendix B - Location Map

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

