



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Details (With Text)

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Title: Temporary Use Permit - 1237 and 1243 Esquimalt Road, Staff Report DEV-18-078
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Attachments: 1. Appendix A - TUP00007, 2. Appendix B - Air Photo, Subject Property Map, Legal Survey, C-3 Zone, Mail Notice, 3. Appendix C - Quote for Planters

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------|----------|--------|
| 11/19/2018 | 1 | Special Meeting of Council | approved | Pass |

REQUEST FOR DECISION

DATE: November 14, 2018 Report No. DEV-18-078

TO: Laurie Hurst, Chief Administrative Officer

FROM: Janany Nagulan, Planner and Bill Brown, Director of Development Services

SUBJECT:
Temporary Use Permit - 1237 and 1243 Esquimalt Road

RECOMMENDATION:
That Council resolves that Temporary Use Permit No.TUP00007, authorizing the site to be temporarily used as a Parking Lot while the Township takes steps to decide the future of the site, **be approved** and staff be directed to issue the permit subject to conditions contained within TUP00007 attached as Appendix A to Staff Report DEV-18-078 and register the notice on the title on the property located at PID: 006-386-407, Lot 273 Esquimalt District Plan VIP2854 Subsidy Lot 40 and PID: 006-386-423, Lot 274, Plan VIP2854 Subsidy Lot 40, Esquimalt Land District [1237 and 1243 Esquimalt Road].

RELEVANT POLICY:
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No 2050
Development Application Procedures and Fees Bylaw, 2012, No. 2791
Local Government Act

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendices:

Appendix A: Temporary Use Permit No. TUP00007

Appendix B: Air Photo, Subject Property Map, Legal Survey, C-3 Zone, Mail Notice

Appendix C: Quote for Planters

Purpose of the Application:

The purpose of this Temporary Use Permit [TUP00007] is to allow the current vacant site at 1237 and 1243 Esquimalt Road to be temporarily used as a parking lot, while the Township takes steps to decide the future of the site. The proposed parking lot will have approximately 26 parking stalls and will include one parking stall for persons with disabilities which will be paved for easy access and maneuvering. There will also be a parking area suitable for a food truck no larger than 18 feet long (5.5 metres), to be located at the south east corner of the site. In addition, two planters will be added along the northern lot line of the property and two at each end of the middle lane of parking stalls for a total of six planters on the property.

The Official Community Plan and the Zoning Bylaw allows Council to consider approving a general parking use on a temporary basis for a period up to 3 years, with appropriate notification (as required by the *Local Government Act*). Therefore if approved the Permit shall be valid until November 18, 2021 [3 years from the date of approval]. If necessary, the temporary land use may be permitted for a second term; however, only one renewal is permitted.

The *Local Government Act* allows the local government to 'specify conditions under which the temporary use may be carried on'. Staff is recommending the following conditions would form part of the Temporary Use Permit:

- a. 'Parking Lot' means the use of parking for public use is allowed on the subject property;
- b. That no more than 26 parking stalls shall be located on the site including one parking stall for persons with disabilities;
- c. There will be no more than one designated food truck parking area to be permitted for a food truck no longer than 18 feet long (5.5 metres);
- d. That no trucks with a Gross Vehicle Weight over 1500 kg, no semi-trailers or tandem axle trucks, shall be parked on the site except for one food truck which will be permitted in the designated food truck parking area;
- e. No washing or maintenance of vehicles is allowed on the site;
- f. No fuel storage, or storage of waste fluids for vehicles is allowed on the site;
- g. No parking or storage of vehicles containing 'dangerous goods', as defined by the *Transport of Dangerous Goods Act*, is allowed on the site; and
- h. The 'Parking Lot' use shall be removed from the site within forty-eight [48] hours of the expiry of the Temporary Use Permit.

Context:

Owner/Applicant: Township of Esquimalt
Property Size: Metric: 927.7 m², Imperial: 9985.68 ft²
Existing Land Use: Vacant
Surrounding Land Uses:
North: Commercial
South: Institutional
East: Vacant
West: Commercial
Existing Zoning: C-3 [Core Commercial]

Comments from Advisory Planning Commission [APC]:

The application was considered at the regular meeting of the APC held on October 16, 2018. The APC recommended to Council the application for a Temporary Use Permit at 1237 and 1243 Esquimalt Road **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve** with the following conditions:
1. Esquimalt look into beautifying the building façade to the west of the parking lot; and
2. Consider additional beautification along Esquimalt Road which would be repurposed elsewhere after the temporary use permit expires.

ISSUES:

1. Rationale for Selected Option:
The site is currently vacant and the proposed parking lot is temporary in nature. This option provides needed parking in the area while the Township takes steps to decide the future of the site.
2. Organizational Implications
Staff time will be required to monitor the conditions of TUP00007 and the enforcement of the parking lot.
3. Financial Implications
The approval of the TUP has no financial implications.
4. Sustainability & Environmental Implications
This TUP has no known sustainability and environmental implications.
5. Communication & Engagement
As this application includes a Temporary Use Permit, notices were mailed to owners and occupiers of parcels within 100 metres [328 feet] of the subject property. Notices were mailed on November 2, 2018 indicating that Council would be considering the requested Temporary Use Permit on November 19, 2018. A notice was also placed in the November 7, 2018 issue of the Victoria News. To date, the Development Services Department has received no written responses from the public as a result of these notifications.

ALTERNATIVES:

1. That Council resolves that Temporary Use Permit No. TUP00007 authorizing the site to be temporarily used as a Parking Lot **be approved** and staff be directed to issue the Permit subject to

conditions contained within TUP00007 attached as Appendix A to Staff Report DEV-18-078 and register the notice on the title on the property located at PID: 006-386-407, Lot 273 Esquimalt District Plan VIP2854 Subsidy Lot 40 and PID: 006-386-423, Lot 274, Plan VIP2854 Subsidy Lot 40, Esquimalt Land District [1237 and 1243 Esquimalt Road].

2. That Council resolves that Temporary Use Permit No. TUP00007 authorizing the site to be temporarily used as a Parking Lot **be amended by Council and approved as amended** and staff be directed to issue the Permit subject to conditions contained within TUP00007 attached as Appendix A to Staff Report DEV-18-078, as amended, and register the notice on the title on the property located at PID: 006-386-407, Lot 273 Esquimalt District Plan VIP2854 Subsidy Lot 40 and PID: 006-386-423, Lot 274, Plan VIP2854 Subsidy Lot 40, Esquimalt Land District [1237 and 1243 Esquimalt Road].

3. That Council resolves to **deny** Temporary Use Permit No. TUP00007.