



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-519, Version: 1

REQUEST FOR DECISION

DATE: November 20, 2019

Report No. DEV-19-104

TO: Laurie Hurst, Chief Administrative Officer

FROM: Karen Hay, Planner and Bill Brown, Director of Development Services

SUBJECT:

Temporary Use Permit - 624 Admirals Road
PID: 006-463-312; Lot 154, Suburban Lot 43, Esquimalt District, Plan 2854

RECOMMENDATION:

That Council resolves that Temporary Use Permit No. TUP00008, authorizing the site to be temporarily used as a 'Construction Laydown Site' during the construction of the building at 622 Admirals Road be approved and staff be directed to issue the permit subject to the conditions contained within TUP00008, attached as Appendix A to Staff Report DEV-19-104, and register the notice on the title of the property located at 624 Admirals Road, [PID: 006-463-312; Lot 154, Esquimalt District Plan VIP2854 Suburban Lot 43]

RELEVANT POLICY:

Local Government Act
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No. 2050
Parking Bylaw, 1992, No. 2011
Development Application Procedures and Fees Bylaw, 2012, No. 2791
Advisory Planning Commission Bylaw, 2012, No. 2792

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendix A: Temporary Use Permit No. TUP00008
Appendix B: Subject Property Map, Air Photo, C-3 zone, Advertisement
Appendix C: Applicant's Letter and Drawings

Purpose of the Application

The purpose of this Temporary Use Permit (TUP) is to allow the site at 624 Admirals Road to be temporarily used as a 'construction laydown' site for two years, during the construction of the new

building, directly to the south, at 622 Admirals Road. The proposed site would be used for temporary power, dewatering equipment, to marshal concrete and supply trucks, the storage of steel and other construction materials, and for parking. The existing building would be used as the construction office. Refer to applicant's letter and illustration, attached as Appendix C.

The Esquimalt Zoning Bylaw permits Council to consider approving a commercial or industrial land use on a temporary basis for a period up to 2 years, with appropriate notification, as required by the Local Government Act. If necessary, the temporary land use may be permitted for a second term, however, only one renewal is permitted.

Context

Applicant: Glen Cameron and Jason Craik (Vista Independent Living LP.)

Owner: JRK Investment Management Inc., Inc. No. C0906022

Property Size: Metric: 763.22 m²

Existing Land Use: Vacant retail store building with parking lot

Surrounding Land Uses:

North: Multiple Family Residential (parking lot)

South: Construction Site

East: Multiple Family Residential

West: Multiple Family Residential

Existing Zoning: C-3 [Core Commercial]

Timeline

Application received: August 13, 2019

APC meeting: October 15, 2019

Presented to Council for consideration: November 25, 2019

Temporary Use Permit Conditions

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

- a) Construction Laydown Site means a site used by the 'Contractor' (Vista Independent Living) their contractor (Avenir Construction Group) and their sub-contractors for the following uses, for the duration of and specifically for the construction of the building at 622 Admirals Road (The Project):
- i. to marshal concrete and supply trucks;
 - ii. temporary power;
 - iii. dewatering equipment;
 - iv. the storage of steel and other construction materials;
 - v. parking of employee vehicles for the Contractor and their sub-contractors; and
 - vi. a site construction office.
- b) Permit shall be valid until _____, 2021 [2 years from the date of approval].
- c) Hours of operation shall be limited by the Esquimalt Maintenance of Property and Nuisance Bylaw Regulation Bylaw, 2014, No. 2826.
Notwithstanding Bylaw No. 2826, the site will only be used:

Saturdays: 9:00 am to 7:00 pm,
Sundays and Statutory Holidays: 9:00 am to 5:00 pm, and
Weekdays: 7:00 am to 7:00 pm.

- d) Fencing shall be in place at all times, and gates shall be locked after hours.
- e) Lighting shall be directed into the site and not spill over onto residential properties.
- f) There shall be no overnight camping on the site.
- g) There shall be no rock crushing or breaking of asphalt on the site.
- h) Dust shall be controlled at all times, and a dust control mesh [scrim] will be attached to the temporary [construction] fencing.
- i) No diesel, gasoline, propane, or natural gas powered generators shall be used on the site.
- j) The site must be kept free of rubbish and debris, and maintained in an acceptable manner.

Comments from the Advisory Planning Commission (APC)

This application was considered at the regular meeting of the APC held on October 15, 2019. Members had no concerns with the application and recommended that:

The application for a TUP authorizing the site at 624 Admirals Road be temporarily used as a 'Construction Laydown Site' during the construction of the building at 622 Admirals Road, be forwarded to Council with a recommendation to approve as the proposal is a reasonable use of the property for the duration of the construction project.

ISSUES:

1. Rationale for Selected Option

The APC is in support of the application. The site was being underutilized prior to the construction of the building next door, and the adjacent construction could be disruptive to a new business trying to start up at this location in the next year. The applicants have agreed to fence this location and maintain it in an acceptable manner.

2. Organizational Implications

The approval of the TUP has no known organizational implications.

3. Financial Implications

The approval of the TUP has no known financial implications.

4. Sustainability & Environmental Implications

The approval of 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 12, 2019 indicating that Council would be considering the requested Temporary Use Permit on November 25, 2019. A notice was also placed in the November 20, 2019 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.TUP00008, authorizing the site to be temporarily used as a 'Construction Laydown Site' during the construction of the building at 622 Admirals Road be approved and staff be directed to issue the permit subject to the conditions contained within TUP00008, attached as Appendix A to Staff Report DEV-19-104, and register the notice on the title of the property located at 624 Admirals Road, [PID: 006-463-312; Lot 154, Esquimalt District Plan VIP2854 Suburban Lot 43]
2. That Council resolves that Temporary Use Permit No. TUP00008 authorizing the site to be temporarily used as a 'Construction Laydown Site' during the construction of the building at 622 Admirals Road be approved and staff be directed to issue the permit subject to the conditions contained within TUP00008, attached as Appendix A to Staff Report DEV-19-104 as amended by Council and register the notice on the title of the property located at 624 Admirals Road, [PID: 006-463-312; Lot 154, Esquimalt District Plan VIP2854 Suburban Lot 43].
3. That Council resolves to deny Temporary Use Permit No. TUP00008.