

ADVISORY LAND USE COMMISSION

Agenda for the Advisory Design Review Commission Meeting of the Village of Pemberton to be held Thursday May 30, 2019 at 6:00 pm at 7400 Prospect Street.

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| 2. CALL TO ORDER | |
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| 4. APPROVAL OF MINUTES | |
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| 5. TEMPORARY USE PERMIT – TUP009 1394 Portage Road | 8 – 15 |
| • Mobile Coffee Truck | |
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| 7. ADJOURNMENT | |

ADVISORY LAND USE COMMITTEE MINUTES

Minutes for the Advisory Land Use Commission of the Village of Pemberton held Thursday, May 3, 2018 at 5:305 pm at 7400 Prospect Street.

IN ATTENDANCE:

Amica Antonelli - Chair
Bob Adams
Kirsten McLeod
Richard Nott
Heather Rogers

REGRETS:

Sarah Allan

STAFF IN ATTENDANCE:

Lisa Pedrini, Senior Planner (minutes)
Sheena Fraser, Manager of Corporate & Legislative Services
Cameron Chalmers, Cameron Chalmers Consulting

PUBLIC IN ATTENDANCE:

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1) CALL TO ORDER

At 5:37 pm the meeting was called to order.

3) APPROVAL OF THE AGENDA

Moved/Seconded
THAT the agenda be approved as presented.
CARRIED

2) MINUTES

Moved/Seconded
THAT the minutes of the Advisory Land Use Commission meeting, held April 25, 2018, be amended as follows:

- Minimum Parcel/Lot Size Resolution – amend to reflect one member opposed.
- Drive-In Restaurants – the resolution be separated and reflect that all members were in favour of the first two clauses with one member opposed to the third clause

3) **DRAFT ZONING BYLAW REVIEW**

The Commission continued its review of the Draft Zoning Bylaw beginning with the proposed new C-6 Neighbourhood Commercial Zone.

Discussion took place respecting the following:

- size of retail allowed
- concern that the commercial spaces will grow such as has happened at Rainbow in Whistler
- locations for C-6 zone
- consideration of development plans for the Mount Currie area
- Is there a need to establish this zone now?
- Appropriateness of small commercial zones in residential neighbourhood areas

Moved/Seconded

THAT the Advisory Land Use Commission (ALUC) recommends to Council that the C-6 Zone be removed from the proposed Zoning Bylaw.

CARRIED

C-2/C-4 Split Zone as shown on Zoning Map:

Discussion took place about the reason for the lands to hold split zoning and if it would be appropriate to amend the zoning to be all C-2. Staff advised that the property owner has plans to rezone and is considering options that would better suit this area. The Commission members indicated that they would like to see something positive happen on the lands especially as it is next to a park.

Moved/Seconded

THAT the ALUC recommend to Council that the split zoning on the Lil'wat lands be removed so that the parcel be zoned C-2 entirely to remove the split zoning and prohibit the development of the back half of the property for service commercial.

CARRIED

M-1 Industrial Park

Cannabis, Medical Production Facility – definition:

Discussion took place respecting the proposed changes to legislation and whether or not it would be appropriate to consider broadening the definition so that it was not specific to medical production.

Moved/Seconded

THAT the ALUC recommend to Council that the definition Cannabis, Medical Production Facility be amended to remove the reference to Medical in order to broaden the use and amend the definition of to state that it can be a facility consistent with Federal legislation.

CARRIED

Beer and Wine Store/Neighbourhood Pub

The Commission considered the addition of these uses to the M-1 Zone and raised concern about the FAR, size of building and the idea of having a pub in an Industrial Park.

Moved/Seconded

THAT neighbourhood pub and accessory beer and wine store use be removed from the M-1 zone.

CARRIED

One Member Opposed

M-2 – Resource Industrial Zone

The Commission reviewed the allowed uses and raised concern about allowing bulk storage especially a card lock facility. Discussion took place about the need to establish effective buffering along this area to protect the visuals given it is part of the entrance to the community and the minimum lot size raising concern about the potential for subdivision.

Moved/Seconded

THAT the ALUC recommend to Council that screening and landscaping requirements in the M-2 Zone be reviewed and adequate requirements be added to the M-2 zone to ensure that the entrance to town is protected.

CARRIED

A-1 – Agricultural Zone

The ALUC reviewed the A-1 Zone uses and was pleased with what is written in the proposed bylaw. There were no concerns raised.

P-1 – Civic, Institutional and Recreational Zone

The ALUC had no comment respecting this zone.

E-1 – Education Zone

The ALUC had questions respecting Campground Use and that it does not meet the intent of an Education Zone given the other allowable uses which are connected with learning/teaching and education.

Moved/Seconded

THAT the ALUC recommend that campground use in the E-1 zone be removed.

CARRIED

Further discussion ensued regarding the number of different permitted uses within this zone including a Fitness Centre given that a school would house a gymnasium.

Moved/Seconded

THAT the ALUC recommend that fitness centre be removed from the E-1 zone.
CARRIED

Definitions:

A review of the definitions raised comment respecting the definition of Campground and whether or not long term rental would be permitted. Staff advised that the definition is in keeping with industry standard language.

Measurements & Calculations:

Staff reviewed the new layout and updates to this section noting that work has been done to provide clarity to the language so it is easy to understand and interpret. The ALUC had not comments.

Part 7 – Additional Zoning Regulations for Certain Uses

The ALUC reviewed Part 7 and provided comment and feedback on the following:

Backyard Hen Keeping – clarity respecting zone in which Hen Keeping is allowed and whether the lot size established will be sufficient.

ACTION: Staff to clarify the minimum lot size allowed for Hen Keeping.

Compost Bins – concern was raised regarding the smell being a bear attractant and the ALUC indicated interest is seeing some language related to control of smell. Staff noted that this would be better addressed through an Unsightly Premises bylaw

ACTION: Staff to investigate guidelines and regulations related to composting

Home Occupation – Staff noted that the proposed bylaw increases the Floor Area Ratio for home occupation in the A-1 Zone from 50m² to 100m² to align with the SLRD Area C Zoning regulations.

ACTION: Staff to amend proposed bylaw

Temporary Buildings or Structure during construction – it was noted that the language between section A and section B was confusing.

ACTION: Staff to review regulations with an aim to better clarify the length of time temporary buildings may be used for living purposes.

ACTION: Staff to revisit and consider lowering the minimum lot size and look at incorporating this matter into the Building Bylaw.

Parking and Loading Requirements:

Disability parking requirements – there was some confusion about the table and how it would be interpreted.

ACTION: Staff to review section 8.1 (k) in relation to the Table and cross reference with section 8.9 to provide clarity

Residential Parking:

Moved/Seconded

THAT the ALUC advise Council that it is supportive the proposed residential parking requirements.

CARRIED

Restaurant Parking:

Staff advised that the Restaurant Parking is currently set at 1 stall per 3 spaces and that the Village is reviewing a Variance to this requirement. Through this process Staff determined it would be appropriate to adjust the parking requirements for restaurant use.

Moved/Seconded

THAT the ALUC advise Council that it is supportive of the proposed change from 1 space for 3 seats to 1 space for 4 seats for restaurant use.

CARRIED

Cash in Lieu of Parking:

Discussion took place respecting how cash in lieu was applied and consideration of establishing different rates depending on where the cash in lieu is being considered with an aim to encourage developers to consider this option.

Moved/Seconded

THAT the ALUC recommend to Council that the fee structure for cash in lieu in parking be reviewed with an aim to optimize parking opportunities within the village;

AND THAT consideration be given to developing a zone approach to cash in lieu contributions.

CARRIED

Tandem Parking:

Clarification was sought regarding the allowance of tandem parking in the R-1 Zone. Staff noted that this was an error that it would only be allowed in the R-2 Zone.

ACTION: Staff to adjust in the draft bylaw.

Carriage House Regulation:

The ALUC requested clarification as to why this type of use was only applied to The Ridge and Sunstone and raised concerns about the loss of privacy with a suite being permitted in the upper floor of the home.

ACTION: Staff to review the definition and clarify wording.

The ALUC thanked staff for the opportunity to review the draft bylaw in such depth. Staff thanked the Commission members for their review and assistance in providing feedback and input on the draft bylaw.

4) NEW BUSINESS

There was no new business for consideration.

5) NEXT MEETING

The next meeting will be called as needed.

6) ADJOURNMENT

At 8:44 p.m. the meeting was adjourned.

Amica Antonelli
Chair

Date: May 30, 2019

From: Lisa Pedrini, Manager of Development Services

Subject: Temporary Use Permit (TUP) No. 009
Mobile Coffee Business

Location: Pemberton Portage Road, Pemberton, BC
Lot B, DL 203, LLD, EPP46258

**Property
Owner:** Pemberton Portage Ltd. (Michael Delesalle, Mark Schroeder)

Agent: Andrew Terrett, ATA Architectural Design Ltd.

PURPOSE

The report presents a request by the owners to consider a Temporary Use Permit (TUP) to permit a mobile coffee business at 1394 Prospect, the vacant lot adjacent to the Pony parking lot.

BACKGROUND

On July 24, 2018 Council adopted Zoning Bylaw No. 832, 2018 allowing for the introduction of temporary uses pursuant to s. 493 of the *Local Government Act* within all commercial and industrial zones to accommodate temporary commercial and industrial uses.

As per the Village Zoning Bylaw, Section 7.26, when considering the issue of a temporary use permit, the Council or its delegate shall consider the following:

- Whether the proposed use is consistent with the Official Community Plan designation for the land;
- Whether the proposed use is consistent with any other relevant Village of Pemberton policies;
- In the case of any proposed use that is not consistent with any such plan or Council policy, the nature and extent of any community benefit from the use;
- Whether the proposed use is of a temporary nature or whether it would be more appropriate for the Village to consider permitting the use by rezoning;
- The suitability and compatibility of the proposed use with the surrounding area, including its operation, function, appearance and intensity of use; and
- The impact of the proposed use on the operation of adjacent uses, including future land uses permitted by the Zoning Bylaw and designated by the Official Community Plan.

DEVELOPMENT PROPOSAL

The applicants submitted an application for a Temporary Use Permit to the Village office on April 29th, 2019. The proposal is to develop the lot located at 1394 Portage Road (Lot B, DL 203, LLD, Plan EPP42658) at the entrance to Tiyata, to permit a mobile coffee/food truck serving beverages and packaged food, removable seating area and 20 space parking area on a temporary basis. The subject property is designated “Downtown” in the Village OCP yet zoned CD-5 (Tiyata Comprehensive Development Zone) in the Zoning Bylaw. Because the use is not permitted in the CD-5 zoning for this property, the Village can consider permitting the use on a temporary basis through the issuance of a temporary use permit (TUP). Temporary use permits are subject to Section 493 of the *Local Government Act* and Section 8.7 of Zoning Bylaw No. 832, 2018. Temporary Use Permits may be issued for a maximum three (3) year term, with the potential of one renewal of up to three (3) additional terms.

The proposal falls within the DP Area for Form and Character of Downtown Revitalization. However, given the modest nature of the development, only a minor DP is deemed required. As a means of efficiency, any applicable minor DP requirements can be addressed through the Temporary Use Permit conditions, on the basis that the application does not require anything to be built that will require a Building Permit.

Primary access to the property will be via the existing access to the Pony/Bike Co. property (1392 Portage Road/Lot 4 DL 203, LLD, Plan EPP1760) off Portage Road located across from the entrance to the Medical Centre. The proposed route is through Lot 4 to Lot B as shown (red dashed line) on the attached Site Plan. There is a second ingress/egress to the Pony parking lot that is a right-in/ right-out only that customers will also be able to use if coming from the north/leaving to the south. Lot 4 and Lot B are currently owned by the same landowner, but the Village should require an easement to be registered in case the lots are sold in future.

The applicants see this temporary use as a means of generating income from the property while (re)development plans for both lots are explored.

The following provides other key highlights:

- a) Location:** 1394 Portage Road, as illustrated in the attached Location Map (**Appendix A**).
- b) Ownership:** Pemberton Portage Ltd. (Andrew Terrett, Agent)
- c) Development:** The project is intended to permit a mobile coffee truck, parking and an outdoor seating area to facilitate the sales of hot and cold beverages and packaged food. The applicant's will be required to obtain a mobile business licence from the Village of Pemberton and provide any required Vancouver Coastal Health permits. The Village permits up to a maximum of five (5) mobile business licences on an annual basis.
- d) Term:** The applicants have requested the maximum term, which is three years, with the option to request a one-time renewal for another maximum three year term.
- e) Site Plan:** A site plan is attached as **Appendix B** and indicates the general location of the mobile coffee vendor trailer, outdoor seating and parking for approximately 20 cars.

- f) **Built Character:** A conceptual design of the mobile coffee vendor trailer is attached as **Appendix C**. Signage for the Coffee Truck will need to adhere to the Village's Sign Bylaw.
- g) **Landscaping:** The applicant has not proposed any screening/landscaping to buffer the use from the adjacent residential use on Lot 1 Tiyata Boulevard, but this is a condition that can be imposed by the Village of Pemberton through the issuance of the Temporary Use Permit.
- h) **Parking/Transportation:** The site plan can accommodate 12 parked vehicles and will be accessed off Portage Road through the adjacent Lot 4. Ministry of Transportation and Infrastructure has been sent a referral and Staff may incorporate any requirements from the Ministry as conditions in the permit.
- i) **Operations:** The owners will own and manage the operation of the mobile coffee truck. Their hours of operation have not yet been indicated.
- j) **Water Servicing**
- Potable Water* - The lot is vacant and not yet serviced by potable water. Water will be delivered to the site and stored in a tank in the mobile coffee vendor trailer.
- Fire Protection* – The nearest fire hydrant is located on Portage Road.
- k) **Sanitary Sewer Servicing:** The lot is currently vacant and not yet serviced by Village sanitary. The applicants' have proposed to place a minimum of one portable toilet on the property away from the street which will be serviced regularly by a local provider like Carny's Waste Systems.
- l) **Electricity:** BC Hydro power is not currently hooked up but is available. The food truck will need to supply its own energy source such as a battery or propane for heat or a temporary power pole connection.
- m) **Waste Management:** The applicants will be required to provide removable bear proof bins for garbage and recycling. These containers will need to be emptied or removed daily and securely stored onsite if they are not secured to the ground.
- n) **Outdoor Seating** – the applicants are proposing seating for 12 via removable tables and chairs to be stored nightly in a storage space within the food trailer.

DISCUSSION

The proposed temporary use is significant in that it is located in a visible location along the entrance road to Pemberton's downtown. There are restaurants and coffee shops nearby (the Pony, Blackbird Bakery and Grimm's Deli) whose business may be impacted. The Chamber of Commerce and Tourism Pemberton have both been sent a referral and asked to comment or provide any concerns they foresee regarding this proposed temporary use.

Village Development Services and Public Works Staff are currently reviewing the proposal, as well as affected agencies such as Ministry of Transportation and Infrastructure, CN Rail, the

Chamber of Commerce and Tourism Pemberton. The ALUC's comments will be incorporated into a future report to Council, which considers the temporary use application.

CONSIDERATION

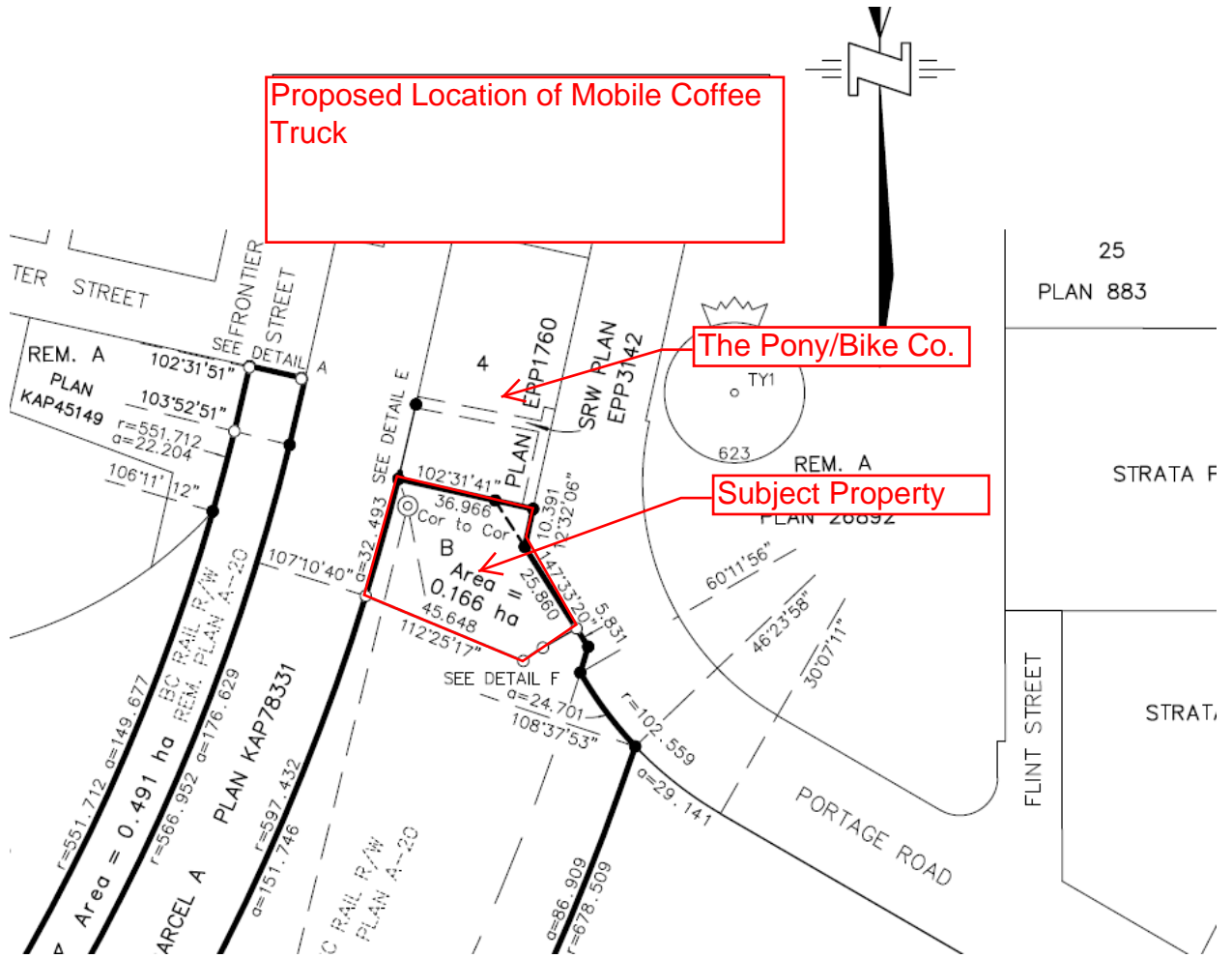
The Village is requesting comment from the Advisory Land Use Commission on this Temporary Use Permit application.

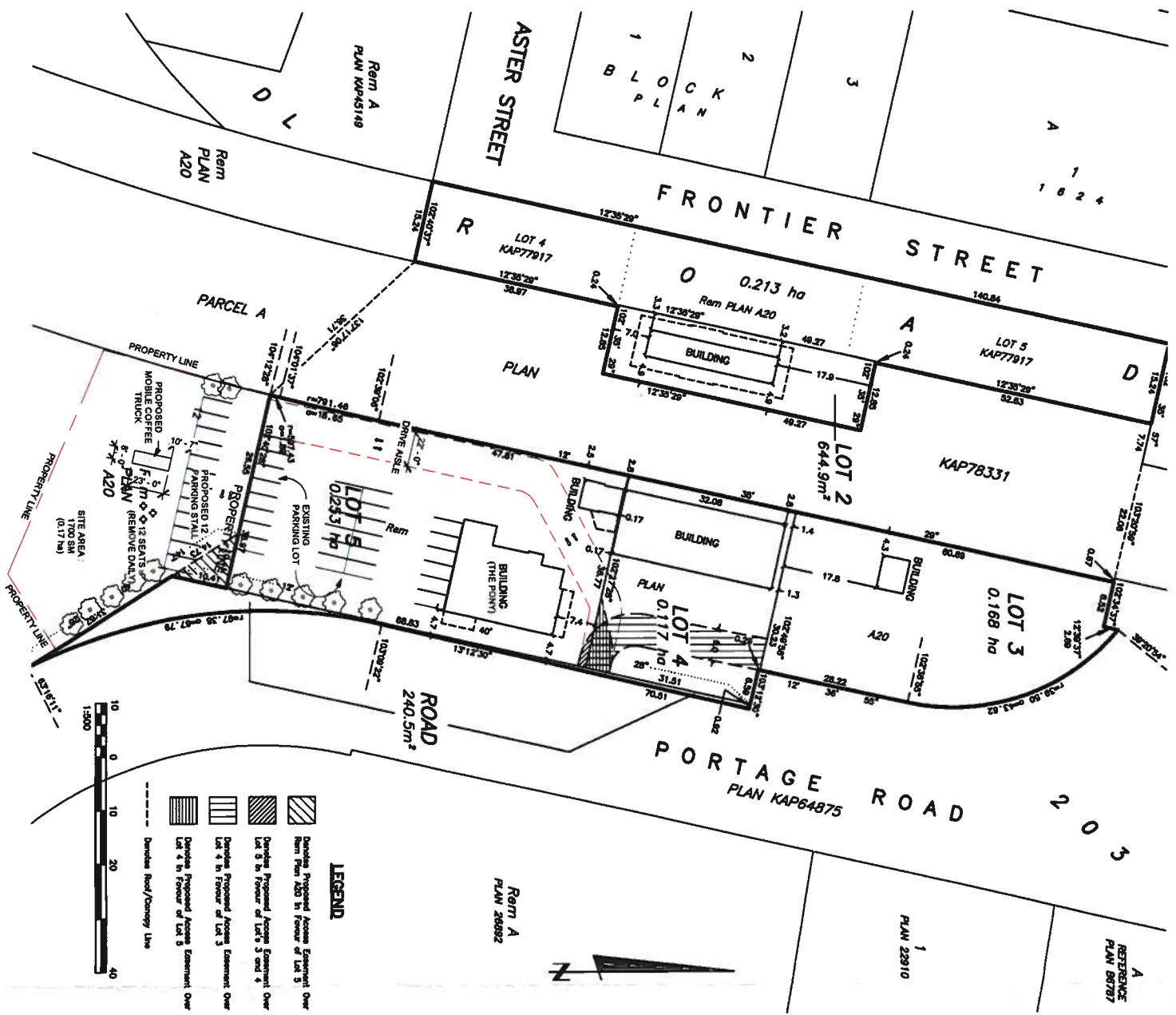
Respectfully submitted,

Lisa Pedrini,
Manager of Development Services

Appendices

- A – Location Map
- B - Site Plan
- C – Conceptual Design of Coffee Trailer





LEGAL DESCRIPTION
 LOT 3, PLAN KAP77917, DL 203, LILLOOT DISTRICT

SITE AREA:
 1700 SM

PROPOSED COFFEE FOOD TRUCK:
 1 MOBILE TRUCK

PROPOSED PARKING STALLS:
 12 PARKING STALLS
 9'-0" X 11'-0"
 22'-0" (6.7 M)

DRIVE AISLE WIDTH:
 12 SEATS (REMOVE DAILY)

LEGEND

- Denotes Proposed Access Easement Over Rem Plan A20 in Favor of Lot 3
- Denotes Proposed Access Easement Over Lot 3 in Favor of Lot 5 and 4
- Denotes Proposed Access Easement Over Lot 4 in Favor of Lot 3
- Denotes Proposed Access Easement Over Lot 5 in Favor of Lot 3
- Denotes Road/Driveway Line

ATA ARCHITECTURAL DESIGN LTD
 708-1201 WEST PENDER
 VANCOUVER, B.C. V6E2V2
 TEL. (604) 736-3730

REVISIONS:

| rev. | date | description |
|------|-----------|-------------------|
| 1. | NOV 29/18 | CLIENT REVIEW |
| 2. | MAR 25/19 | CLIENT REVIEW |
| 3. | APR 04/19 | ISSUED FOR PERMIT |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |

NOTES:
 THE DRAWINGS ARE NOT TO BE SCALED.
 THE OWNER AND DESIGNER RESERVE THE PROPERTY OR ANY PART THEREOF FROM BEING USED FOR ANY PURPOSES NOT SPECIFICALLY INTENDED BY THESE DRAWINGS.
 THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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CONSULTANT:

PROJECT:
 COFFEE TRUCK
 PORTAGE ROAD,
 PEMBERTON
 BC

SHEET TITLE:
 SITE PLAN

CHECKED BY: ATA

DRAWN BY: Author

START DATE: Issue Date

SCALE: 1 : 500

PROJECT NO.: 18-38

DRAWING NO.: A1.0



