

To: Mayor and Council
From: Paul Gipps, CAO

Meeting Date: March 18, 2025
Meeting Type: Regular Council Meeting

Prepared by: Sheeja Vimalan, Planner
Department: Planning and Development

Title: Temporary Use Permit | TUP00106 | 11852 Hwy 97
Description: To authorize self-storage facility in the basement at Lakewood Mall for up to three (3) years.

RECOMMENDATION

THAT Temporary Use Permit TUP00106 (Attachment A in the Report to Council dated April 1, 2025) for the property at 11852 Hwy 97, legally described as LOT A SEC 22 TWP 20 ODYD PLAN KAP84477 EXCEPT PLAN EPP7410 (PID 027-158-098), to allow the temporary use of a self-storage facility in the basement of Lakewood Mall, be approved.

EXECUTIVE SUMMARY

The application is a Temporary Use Permit (TUP) to allow a self-storage facility in the basement at Lakewood Mall.

A Temporary Use Permit is regulated under the Local Government Act (Division 8) and permits a Temporary Use to occur on a specified parcel for 3 years (until April 1, 2028) which can be renewed (s.497-Local Government Act), subject to Council decision, for another 3 years (until April 1, 2031).

The applicant is confident a conveniently located self-storage facility at this location would be a viable business opportunity given its proximity to the Turtle Bay Marina & Resort, Rockridge residential community on Lake Hill Drive. It would be a discrete/non-visible (basement-level space) location sensitive to the aesthetics of the general zoning.

The applicant confirms that the vacant dormant basement space would be utilized for 15+ years. The income from this would substantially strengthen the financial position and facilitate finances to commence the renovation required to modernize and enhance the property.

Staff have no concerns with adding the new use to the temporary use and recommend the issuance of the Temporary Use Permit for three (3) years.

BACKGROUND

Property Information	
Application Type	Temporary Use Permit Application Date: 2024-09-09
Folio/Roll #:	2819.002
PID & Legal Description	027-158-098; LOT A SECTION 22 TOWNSHIP 20 OSOYOOS DIVISION YALE DISTRICT PLAN KAP84477 EXCEPT PLAN EPP7410
Civic Address:	11852 Hwy 97
Applicant:	Lakewood Mall Investments Ltd. Owner: Lakewood Mall Investments Ltd.
OCP Designation:	Mixed Use Commercial
Zoning Designation:	C1– Town Centre Commercial
Land Use Contract	NA
ALR:	NA
Parcel Size:	~1.08 Ha (2.67 Ac)
Development Permit Areas:	<ul style="list-style-type: none"> Multiple Unit Development Permit Area

	• Natural Environment Development Permit Area	
Water Supply:	Municipal	
Sewer:	Municipal	
Site Summary:	Zoning:	Use:
	<i>North:</i> P2, RM7, RU1	Residential
	<i>East:</i> DC12 – Direct Control 12	Business Units
	<i>South:</i> Oceola Road & Provincial Highway	Local Road & Hwy 97
	<i>West:</i> Provincial Highway	Hwy 97

ANALYSIS

The subject property fronts Highway 97, Oceola Road, and Pretty Road with access being provided from both Oceola Road and Pretty Road (Attachment B). The application requests a Temporary Use Permit (TUP) to allow a self-storage facility in the basement at Lakewood Mall. The state-of-art, temperature-controlled, automated self-storage facility would be located in the existing basement of the commercial building. The applicant intends to substantially renovate the basement (former bowling alley and pub) and install a service lift to facilitate a lease of 18,000 Sq Ft (Attachment C).

The applicants' investment strategy for the property includes:

- consolidating commercial retail units (CRUs) to facilitate a larger lease area for new tenant(s),
- creating additional interior leasable areas using the mall's common area,
- renovate and refurbish the exterior of the building,
- marketing the property as a lifestyle neighbourhood shopping centre which is anchored by the two national brands (Tim Hortons & Dollarama).

The applicant wishes to utilize the vacant dormant space within the basement for its full potential for the next 15+ years as “*a continuation of the current commercially oriented uses*” located on the site. The applicant has indicated that it is a substantial space that has been woefully under-utilized. The self-storage facility would be a viable business opportunity given its proximity to residential and commercial uses in the area (i.e. Turtle Bay Marina & Resort, Rockridge, etc.).

The applicant was issued a Development Permit, and a Building Permit in August 2023 and May 2024 for the exterior upgrades of the subject property. All of this contributes to the repositioning of the Lakewood Mall as a modern, lifestyle, neighbourhood shopping centre and community hub. In addition, the applicant is also aware of the BC Building Code, and if this application is approved the basement would need to be brought up to code. The property provides enough parking facilities (around basement exit doors) and therefore, parking vehicles for the use of the proposed storage facility should not be an issue.

District staff are supportive of the proposed development as the mixed-use commercial area would be of a high-quality design; the investment strategy and exterior upgrades would benefit the area, contribute to the community at large, and generate tax revenue. The proposal would also enhance the “complete community” concept in the District's Official Community Plan (OCP) as it would “both offer and support a variety of lifestyle choices, providing opportunities for people of all ages and abilities to live, work, shop, learn and play in close proximity to one another”.

Local Government Act

Section 493 (2) A temporary use permit may do one or more of the following:

- (a) allow a use not permitted by a zoning bylaw;
 - (b) specify conditions under which the temporary use may be carried on;
 - (c) allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.
- (3) If a local government delegates the power to issue a temporary use permit under this section, the owner of land that is subject to the decision of the delegate is entitled to have the local government reconsider the matter.

Official Community Plan

The Official Community Plan (OCP) designates the property as Mixed-Use Commercial. Mixed-use commercial areas should be of high-quality design and appearance and contribute to the community at large.

Zoning Bylaw

The Zoning Bylaw assigns C1 – Town Centre Commercial. The C1 zone aims to designate and preserve land for the orderly development of financial services, retail stores, entertainment establishments, business support services, health services, and governmental services. A storage facility is not permitted within the C1 zone and therefore a Temporary Use Permit is necessary to allow this use.

COMMUNICATION

This application was referred to internal departments and comments were provided.

DLC Economic Staff: Support the application as storage is a service that is required in the community.

DLC Building Staff: Building permit(s) would be required for the change of use. The applicant will be required to comply with all requirements of the BC Building Code, including accessibility requirements.

DLC Bylaw Staff: The District has not received any complaints regarding the business or the property within the past three years.

DLC Engineering Staff: The property currently is adequately serviced to support the proposed Temporary Use Permit application. Infrastructure and Development Engineering have no concerns with this application.

DLC Protective Services Staff: The building's original fire system may require review to ensure it meets current safety standards. To mitigate future risks, modernizing the building with a sprinkler system and updating the fire alarm system would significantly enhance the building's safety profile. Regarding access requirements, the Fire Department requests an updated Fire Safety Plan and the installation of a KnoxBox to facilitate emergency access after hours, should the fire alarm be triggered. It is also recommended to contact both the Fire Department and the Building Department to discuss emergency communication requirements, as the cement basement may limit radio frequency communication without the installation of a radio frequency repeater.

As per the *Local Government Act* (s.494) and the Development Approvals Procedure Bylaw, neighbourhood consultation, a development notice sign has been installed on the property, a notice has been advertised in the local newspaper, and letters have been sent out to neighbouring property owners and tenants within 100m of the subject property.

OPTIONS

Should Council not concur with the staff recommendation, the following resolutions could be considered:

1. THAT Temporary Use Permit TUP00106 (Attachment A to the report dated April 1, 2025) for the property at 11852 Hwy 97, legally described as LOT A SEC 22 TWP 20 ODYD PLAN KAP84477 EXCEPT PLAN EPP7410 (PID 027-158-098), to allow the temporary use of a self-storage facility in the basement area of Lakewood Mall, be denied and the file be closed.
2. THAT Temporary Use Permit TUP00106 (Attachment A to the report dated April 1, 2025) for the property at 11852 Hwy 97, legally described as LOT A SEC 22 TWP 20 ODYD PLAN KAP84477 EXCEPT PLAN EPP7410 (PID 027-158-098), to allow the temporary use of a self-storage facility in the basement area of Lakewood Mall, be deferred pending receipt of additional information as identified by Council.

Respectfully Submitted,
Sheeja Vimalan, Planner

Report Approval Details

Document Title:	Temporary Use Permit TUP00106 - 11852 Highway 97 – New App.docx
Attachments:	- Attachment A-TUP00106-Draft Temporary Use Permit - Attachment B-TUP00106-Location Map and Site Plan - Attachment C-TUP00106-Site Plan and Floor Plan
Final Approval Date:	Mar 13, 2025

This report and all of its attachments were approved and signed as outlined below:

Steven Gubbels, Development Engineering Manager - Mar 12, 2025 – 9:12 AM

Carie Liefke, Manager of Current Planning- Mar 12, 2025 – 10:28 AM

Jeremy Frick, Director of Development Approvals- Mar 12, 2025 – 11:07 AM

Reyna Seabrook, Director of Corporate Services - Mar 12, 2025 – 4:52 PM

Paul Gipps, Chief Administrative Officer - Mar 13, 2025 - 7:40 AM

Makayla Ablitt, Legislative & FOI Coordinator - Mar 13, 2025 - 10:09 AM