

Considered at February 23, 2021 Council Meeting

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City of Port Moody Report/Recommendation to Council

Date: February 2, 2021
Submitted by: Community Development Department – Development Planning Division
Subject: Temporary Use Permit – 3001 St Johns Street (Marcon Developments Ltd.)

Purpose

To present for consideration a new Temporary Use Permit (TUP) application by Marcon Developments Ltd. for the continued use of a temporary sales centre.

Recommended Resolution(s)

THAT the requirement to refer Temporary Use Permit 3080-20-16 to the Land Use Committee be waived as recommended in the report dated February 2, 2021 from the Community Development Department – Development Planning Division regarding Temporary Use Permit – 3001 St Johns Street (Marcon Development Ltd.);

AND THAT Temporary Use Permit 3080-20-16 be authorized;

AND THAT the Mayor and Corporate Officer be authorized to execute the necessary legal documents required in support of this application.

Background

Marcon Developments Ltd. has applied for a Temporary Use Permit (TUP) at 3001 St. Johns Street to operate a temporary sales centre and licensed coffee shop for three years. A location map is included as **Attachment 1**.

Under the City's Development Procedure Bylaw, No. 2918, a TUP application would be presented at a Land Use Committee (LUC) meeting. Given the limited timeline, scope, and impact of the project, staff recommend that this requirement be waived.

Discussion

Temporary Use Permit (TUP)

A TUP is required to allow for temporary uses that do not conform to the Zoning Bylaw. A TUP does not officially amend the land use of a property, but allows for a specified activity to be conducted on a property for a limited time. A TUP may be issued for a period of up to three years and may be renewed once, at the discretion of Council, for an additional period of up to three years.

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Official Community Plan (OCP)

The OCP states that TUPs will be considered by Council on a case-by-case basis within areas designated as Multi-family Residential, Mixed Use, Mixed Employment, General Industrial, Parks and Open Space, and Public and Institutional.

The OCP designates the subject property as Mixed Use – Moody Centre. The property also falls within Development Permit Area 2: Moody Centre, for the regulation of the form and character of development and Development Permit Area 5: Hazardous Lands due to potential soil liquefaction. The applicants have addressed all matters related to geotechnical and flood hazard through the building permit process to construct the existing sales centre. These designations do not impact the temporary use of the subject lands.

Zoning

The subject property is currently zoned Service Station Commercial (C4) zone. The C4 zone is limited to a gasoline service station, confectionary sales, and accessory off-street parking. The proposed temporary use is classified as office and retail use, which is not permitted as a principal use within the C4 zone, therefore, a TUP is required.

Site and Conditions

The subject site is located at the southeast corner of St. Johns Street and Williams Street, and is part of a larger commercial block which contains 3001, 3003, and 3017 St. Johns Street. The TUP application is only applicable to 3001 St. Johns Street, as shown in **Attachment 1**.

The site is approximately 1,157m² (0.29ac) in size, with the primary access on the north side of the site from St. Johns Street.

Project Description

The applicant is proposing to continue using the existing single-storey sales centre of approximately 3,291ft² to accommodate marketing sales activity for upcoming real estate development projects in the Port Moody. The applicant is also proposing incorporating a licensed coffee shop open to the public that will include a food-primary liquor licence. The temporary use permit is requested for three years.

The gross floor area of the existing sales centre remains unchanged. There is the proposed addition of an uncovered deck and patio space at the south side of the building. A site plan is included as **Attachment 2**.

A copy of the draft TUP is included as **Attachment 3**. Prior to permit issuance, a refundable security in the amount of \$10,000 will ensure the removal of the temporary use once the permit has expired.

Conditions of the TUP

Conditions prior to issuance of the TUP include, but are not limited to:

- That a deposit of \$10,000 be required to ensure that the temporary use is removed when the permit expires. The deposit will be returned once the temporary use is removed.

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Other Option(s)

1. THAT Temporary Use Permit 3080-20-16 be amended as directed by Council.
2. THAT Temporary Use Permit 3080-20-16 be denied.

Financial Implications

There are no financial implications associated with the recommendations in this report.

Communications and Civic Engagement Initiatives

In accordance with the City's Development Approval Procedures Bylaw, 2011, No. 2918, a notification sign was posted on the property, and notification of TUP consideration at the February 23, 2021 Regular Council meeting was mailed to all owners and occupants within 140m of the subject property.

Council Strategic Plan Objectives

The proposal is consistent with the goals of the 2019-2022 Council Strategic Plan as they relate to Community Evolution and ensuring community growth is carefully considered under the Official Community Plan.

Attachments

1. Location Map.
2. Site Plan.
3. Draft Temporary Use Permit 3080-20-16.

Report Author

Crystal Wickey
Planning Technician

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Report Approval Details

Document Title:	Temporary Use Permit - 3001 St Johns Street (Marcon Developments Ltd.).docx
Attachments:	- Attachment 1 - Location Map.pdf - Attachment 2 - Site Plan.pdf - Attachment 3 - Draft Temporary Use Permit 3080-20-16.PDF
Final Approval Date:	Feb 16, 2021

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

André Boel, City Planner - Feb 10, 2021 - 10:58 AM

Kate Zanon, General Manager of Community Development - Feb 10, 2021 - 1:38 PM

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Feb 12, 2021 - 2:02 PM

Rosemary Lodge, Manager of Communications and Engagement - Feb 12, 2021 - 3:54 PM

Paul Rockwood, General Manager of Finance and Technology - Feb 14, 2021 - 1:19 PM

Tim Savoie, City Manager - Feb 16, 2021 - 9:13 AM

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LOCATION MAP - 3001 St. Johns Street

 SUBJECT PROPERTY



File: \\01-Y51-001\\Mapping\\Mapping Requests - Internal\\LOCATION MAPS - \\St. Johns Street\\3001 St. Johns Street\\3001 St. Johns Street Location Map.dwg Last Modified: 2021 Jan 25

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1 EAST ELEVATION
1/4" = 1'-0"



2 WEST ELEVATION
1/4" = 1'-0"

BUILDING HEIGHT:

NORTH WEST CORNER	= 16'-3 7/8"
NORTH EAST CORNER	= 17'-4 3/8"
SOUTH EAST CORNER	= 16'-8"
SOUTH WEST CORNER	= 14'-8 3/8"
OVERALL HEIGHT	= 17'-4 3/8"

SH'FT
SHULTZ ARCHITECTURE INC.
205-1000 West 3rd Street,
North Vancouver, B.C. V7P
3J8
Tel: 604-266-7251
Fax: 604-266-7252

This drawing is an instrument of service and the property of Shultz Architecture Inc. and shall remain their property. The use of this drawing shall be restricted to the original site for which it was prepared and publication thereof, in any form, without the written consent, reproduction or publication by any method in whole or in part is prohibited without their written consent.

No.	Date	Revision Notes
D	2011/1/19	REISSUED FOR TUP
C	17/08/11	REISSUED FOR TUP
B	17/08/11	REISSUED FOR TUP
A	17/05/10	ISSUED FOR REVIEW

No. Date Revision Notes

Project Title
**ST GEORGE STREET
SALES CENTRE**
3001 St. Johns Street
Port Moody, B.C. V3H 3C7

Client/Owner
MARCON DEVELOPMENTS LTD.
5545 199 Street
Langley, B.C. V3A 1B9

Sheet Title
EAST & WEST - ELEVATIONS

Drawn By	Author
Reviewed By	Approver
Project Number	
Plot Date	Issue Date
20/10/20	2011/1/19
Scale	Issue/Revision
1/4" = 1'-0"	D
Sheet Number	

A4.02

201729 - ISSUED FOR TUP APPLICATION

17-10-20 14:24:44

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CITY OF PORT MOODY

TEMPORARY USE PERMIT NO. 3080-20-16

ISSUED BY: CITY OF PORT MOODY

A municipal corporation pursuant to the *Community Charter*, S.B.C. 2003, c26
with offices at 100 Newport Drive, Port Moody, BC V3H 5C3
(the "City")

TO:

FERNCO DEVELOPMENT LTD., INC.NO. 101530
NORCO DEVELOPMENT LTD., INC.NO. 101717
LENCO DEVELOPMENT LTD., INC.NO. 101531
#101 - 403 6TH STREET
NEW WESTMINSTER, BC
V3L 3B1
(the "Owner")

WHEREAS:

- A. City of Port Moody, Official Community Plan Bylaw, 2014, No. 2955 includes a provision whereby Council may consider temporary commercial and industrial use permit applications; and
- B. The Owner has submitted an application for a temporary use permit to allow for temporary sales centre at 3001 St Johns Street on the property described as:

LOT A DISTRICT LOT 190 GROUP 1 NEW WESTMINSTER DISTRICT PLAN
86357

PID: 016-331-664

NOW THEREFORE, the Council for the City hereby issues a Temporary Use Permit in respect of the lands, as follows:

- 1. This Temporary Use Permit is issued subject to all requirements contained in the City's Bylaws, except where specifically supplemented by this Temporary Use Permit.
- 2. The Owner shall comply with all Permits applicable to the Lands, and with all applicable building regulations.
- 3. Whenever the singular or masculine is used in this Permit, the same shall be deemed to include the plural, or the feminine, or the body politic, or corporate as the context so requires, and every reference to each party shall be deemed to include the heirs, executors, administrators, successors, and assigns of such party whenever the context or the parties so require.

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4. The Owner has agreed to comply with the following conditions of Temporary Use Permit 3080-20-16 (3001 St Johns Street):
 - (a) The temporary use allowed includes temporary sales office and a licenced coffee shop.
 - (b) The uses shall generally be in accordance with the site plan and elevations in Schedule A, attached to and forming part of this permit.
 - (c) Access to the site shall not impede the flow of traffic on St Johns Street.
 - (d) All required engineering plans relating to this application shall be prepared in compliance with the requirements of the City of Port Moody Subdivision and Development Servicing Bylaw (SDSB) 2010, No. 2831, and applicable Engineering Standards and must be signed and sealed by a Professional Engineer, certifying that all of the proposed works comply with the City's standards.
 - (e) The property should be regularly maintained during the period of the permit.
 - (f) Prior to the time of expiration of the Temporary Use Permit, the Owner will undertake to either apply for an extension to the permit, or remove the temporary use.
 - (g) Prior to the start of the temporary use, a security of \$10,000 must be submitted to the City for removal of the temporary use.
 - (h) The expiry date of this permit is three years from issuance.

AUTHORIZED BY COUNCIL RESOLUTION _____.

CITY OF PORT MOODY, by its authorized signatories:

Rob Vagramov, Mayor

Dorothy Shermer, Corporate Officer

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Schedule A

