



## REPORT TO ADVISORY PLANNING COMMISSION

**DATE:** January 15, 2026

**REPORT:** DEV 26-012

**FROM:** Adrian Smith, Planner

**FILE:** 4520-20/TU25-02

**SUBJECT: Temporary Use Permit Application for Unit 5, 3167 Tatlow Road**

### RECOMMENDATION:

THAT the Advisory Planning Commission recommend that Council approve Temporary Use Permit TU25-02 for Unit #5, 3167 Tatlow Road legally described as Lot 1 Section 30 Township 4 Range 5 Coast District Plan 10001 Except Plans 12241 PRP13768 and PRP14686, to temporarily permit light industrial business space to be used as an athletic therapy clinic and training space on the conditions that:

- i. the Temporary Use Permit is valid for three years; and
- ii. the facility complies with the parking requirements applicable to 'gymnasium' use, as specified under Section 2.10 of the Zoning Bylaw.

### BACKGROUND:

Applications: In early December 2025, North Peak Athletic Therapy applied to the Town for a new business license, for the location at Unit #5 - 3167 Tatlow Road (see **Attachment 1**). The Applicant's proposal is to operate a gymnasium from the subject location for strength and cardiovascular training and an 'Athletic Therapy' clinic for the treatment of musculoskeletal (muscles, bones, and joints) injuries.

As the proposed use is not permitted on the subject parcel under section 6.2.1 of the Zoning Bylaw no. 1987 -- either as an auxiliary or principal use -- staff outlined the potential development approval options to the applicant. After analyzing the pros and cons of each approach, on December 30<sup>th</sup>, 2025, the Applicant submitted a Temporary Use Permit (TUP) application as necessary to establish the proposed business, requesting a 3-year term (see **Attachment 2**).

Official Community Plan & Zoning: The subject property is designated Light Industrial in the Official Community Plan (OCP) and zoned M-2 Medium Industrial (see **Attachment 3**). The intent of the M-2 zone is to accommodate those industrial operations which are partially enclosed and require some outdoor storage; as such, the

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HR	<input type="checkbox"/>	Dir/COM	<input type="checkbox"/>	BLDG INS	<input type="checkbox"/>	Other:
MAYOR	<input type="checkbox"/>	AIRPORT	<input type="checkbox"/>	PLANNER	<input type="checkbox"/>	
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proposed use is not permitted on the subject parcel. The Town's Zoning Bylaw permits indoor recreation facilities in most of the public zones and all the downtown zones. Another comparable use is a 'gymnasium' or 'personal service establishment' both of which is a permitted principal uses in the downtown zones.

Following discussions with Staff, it became apparent that the Applicant had already incurred costs to renovate the commercial unit to accommodate a gymnasium and athletic therapy use. The Applicant had assumed that gym uses were permitted within the M-2 zone, as a gymnasium operates from the adjacent unit in the same building. However, the Applicant was unaware that the neighbouring facility was established prior to Council adopting the updated Zoning Bylaw No. 1936 in October 2022, changing its use status to 'existing non-conforming'. In accordance with Section 530 of the *Local Government Act*, the non-conforming status applies only to the existing gymnasium use. Accordingly, no new gymnasium is permitted on the parcel unless a further amendment to the Zoning Bylaw is approved.

Unit #5 is one of the small business units within the larger multi-unit, purpose-built light industrial complex, constructed on a dedicated 2-acre site. The unit is approximately 130 m<sup>2</sup> and provides a flexible interior space area to accommodate the proposed fitness facility (see **Attachment 4**). The interior layout supports the creation of a comfortable and inclusive training environment for women, seniors, and youth athletes. The flexible, interior work-space created by the Applicant provides potential integration of complementary health and wellness practitioners, such as a nutritionist or registered massage therapist. The affordable lease rate will enable the provision of reasonably priced memberships, helping to reduce financial barriers to participation. The Applicant also proposes 24-hour, seven-day-a-week access to allow patrons to use the facility at times that best suit their schedules, with the intention of offering dedicated women-only hours on select days.

#### **DISCUSSION:**

The proposed training and rehabilitation facility can broadly be termed as an 'indoor fitness facility', an 'indoor recreation facility', or a 'personal service establishment'. Given that the proposed use is not permitted on the subject parcel, the Applicant had two options, i.e., either to apply for a Zoning Bylaw Amendment, or to submit a Temporary Use Permit (TUP) application. The latter option was chosen.

A high-level review of zoning bylaws from jurisdictions across the Province of BC indicates a growing acceptance of integrating indoor recreational facilities within light industrial areas, despite such uses not aligning neatly with traditional light industrial activities. Several jurisdictions that have adopted this emerging approach include the Cities of Vancouver, Kelowna, Prince George and Burnaby.

Comparable examples to Smithers can also be found in the City of Campbell River and Town of Golden, both of which required applicants to obtain a Temporary Use Permit for

permitting ‘gym’ use on industrially-zoned parcels. In each instance, the Councils approved the TUP for three years, recognizing the use’s role in activating vacant industrial spaces and providing services to both local workers and residents.

For this circumstance in Smithers, the TUP approach would permit the Town to implement any desirable amendments to its industrial zones through a future Zoning Bylaw update process, informed by community engagement outcomes and supporting planning research. This section provides an analysis of the planning considerations relevant to this temporary use permit proposal:

**Conversion of industrial lands for non-industrial uses:** Previous community engagement activities undertaken as part of the OCP-Zoning Bylaw Review Project had identified a constrained supply of industrial land within the Town. The introduction of recreational or other non-industrial uses within designated industrial areas—where land values and occupancy costs are typically lower than in commercial or mixed-use areas—may affect overall land use distribution and the long-term availability of industrial lands

Gymnasium-type uses are increasingly located within light and medium industrial zones due to functional characteristics such as large floor plans, increased ceiling heights, and lower servicing costs that can accommodate specialized activities (e.g., shuttle runs and climbing walls). Interior tenant improvements associated with these uses have the potential to alter the functional characteristics of industrial units, which may affect long-term flexibility and the retention of industrial space for industrial purposes. In this instance, the interior renovations completed by the Applicant have improved the overall usability of the unit. The space is considered readily adaptable, and any future tenant could benefit from these improvements or convert the unit back to conventional light, or medium-industrial use with minimal modification

**Traffic issues:** The proposed use will generate additional vehicular traffic; however, due to the site’s limited pedestrian connectivity, the use is inherently auto-oriented. Access to the fitness facility will be provided entirely within the business park, which is designed to accommodate vehicle traffic and provide direct access to Highway 16. The facility will operate 24 hours a day, seven days a week, resulting in traffic demand being distributed throughout the day. Peak usage for the gymnasium operation is anticipated during early evening hours, outside of typical 9-to-5 business operations, when traffic associated with surrounding businesses is reduced. As a result, no adverse impacts to traffic circulation or congestion within the business park are anticipated.

**Parking:** In accordance with Section 2.10 of the Zoning Bylaw, the business park is considered a single 2-acre parcel. As the individual units are not recognized as separate parcels within the business park, the parking regulations applicable to the M-2 Zone apply to the entire parcel and not to each individual unit. Therefore, there are no parking compliance issues associated with this proposal. The area immediately to

the rear of Unit 5 is currently occupied by an old trailer and miscellaneous storage items, which will be removed by the landlord. Once cleared, this rear portion of the site will provide sufficient space to accommodate several parking stalls in close proximity to the rear entrance of the unit (see **Attachment 4 – Image 4**).

**Duration of the proposed use:** The Applicant intends to operate the proposed fitness facility at the subject location for the initial three-year Temporary Use Permit (TUP) term in order to establish the business, assess market demand, and gauge overall business viability. If the business is successful, the Applicant may seek to extend the TUP for a second term of up to an additional three years. Pursuant to Section 497 of the Local Government Act (see **Attachment 5**), a Temporary Use Permit may be issued for a term of up to three years. Staff recommend approval of Temporary Use Permits (TUPs) for gym and fitness studios and therapeutic clinics as a practical and flexible application of the zoning code. TUPs provide an effective mechanism to support pilot projects, and emerging service uses while allowing the Council to evaluate operational impacts and land-use compatibility over time. This approach enables these uses to operate for a limited and clearly defined period—typically up to three years, with the option for one renewal—without committing to permanent rezoning. By utilizing the TUP process, the Town can encourage economic activity and community-serving uses while maintaining appropriate oversight and preserving long-term land-use policy objectives.

**Conflicts with adjacent use:** The subject site is surrounded on three sides by industrial parcels and on the remaining side by the Town's Works & Operations yard, all forming part of the Town's industrial area south of Highway 16. Given the indoor-oriented nature of the proposed facility's operation, land use conflicts either with the existing or potential industrial activities on the adjacent lands are not anticipated.

#### **POLICY CONSIDERATIONS:**

Approving the subject Temporary Use Permit (TUP) request aligns with the OCP's objective of promoting efficient utilization of industrial land while preventing its conversion into a dispersed commercial area. The growing acceptance of indoor recreational facilities within light industrial zones across North America over recent decades provides a strong rationale for considering the proposed use as compatible with industrial purposes. At the same time, the Town recognizes the limited availability of light and medium industrial spaces in the Town.

The recently initiated Land-use Assessment Study will provide the Town with evidence to make informed decisions on how best to support investment and economic activity with regards to commercial and industrial lands within Smithers. Considering these factors, staff recommendation aligns with Section 8.4 of the Town of Smithers OCP Bylaw No.1935 (Policy 7) which supports *Appropriate Temporary Industrial Uses* on designated industrial lands. and Section 15.5.3 (see **Attachment 6**).

**ENVIRONMENTAL / ACCESSIBILITY IMPLICATIONS:**

The proposed use is not likely to have any adverse environmental or accessibility implications.

**RESOURCE CONSIDERATIONS:**

All costs associated with processing and administering this Temporary Use Permit are covered by the application fee, with no cost to the Town of Smithers.

**CONCLUSION:**

Based on the above analysis, Staff support issuing the Temporary Use Permit TU25-02, subject to the conditions listed under the 'Recommendation' section of this report.

**COMMUNICATIONS:**

In compliance with the *Local Government Act*, Town of Smithers Public Notice Bylaw and Development Procedures Bylaw.

**ALTERNATIVES:**

1. Approve the TUP with modified conditions, including a shorter TUP term;
2. Advise the Applicant to modify the proposal; or
3. Deny the Applicant's request; or
4. Another option as determined through Council discussion and motion.

**ATTACHMENTS:**

1. Subject Property map
2. Application TU25-02
3. OCP and Zoning Maps
4. Ortho-Photos of the Subject Property and area
5. Section 497 *Local Government Act*
6. Sections 8.4 and 15.5.3 OCP Bylaw No. 1935

Respectfully submitted:

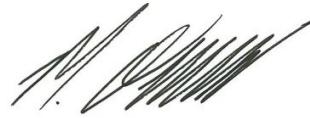
  
Adrian Smith  
Planner

Reviewed by:



Mark Allen  
Director of Development Services

Submission approved by:



Michael Dewar  
Chief Administrative Officer

AS/DC

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