

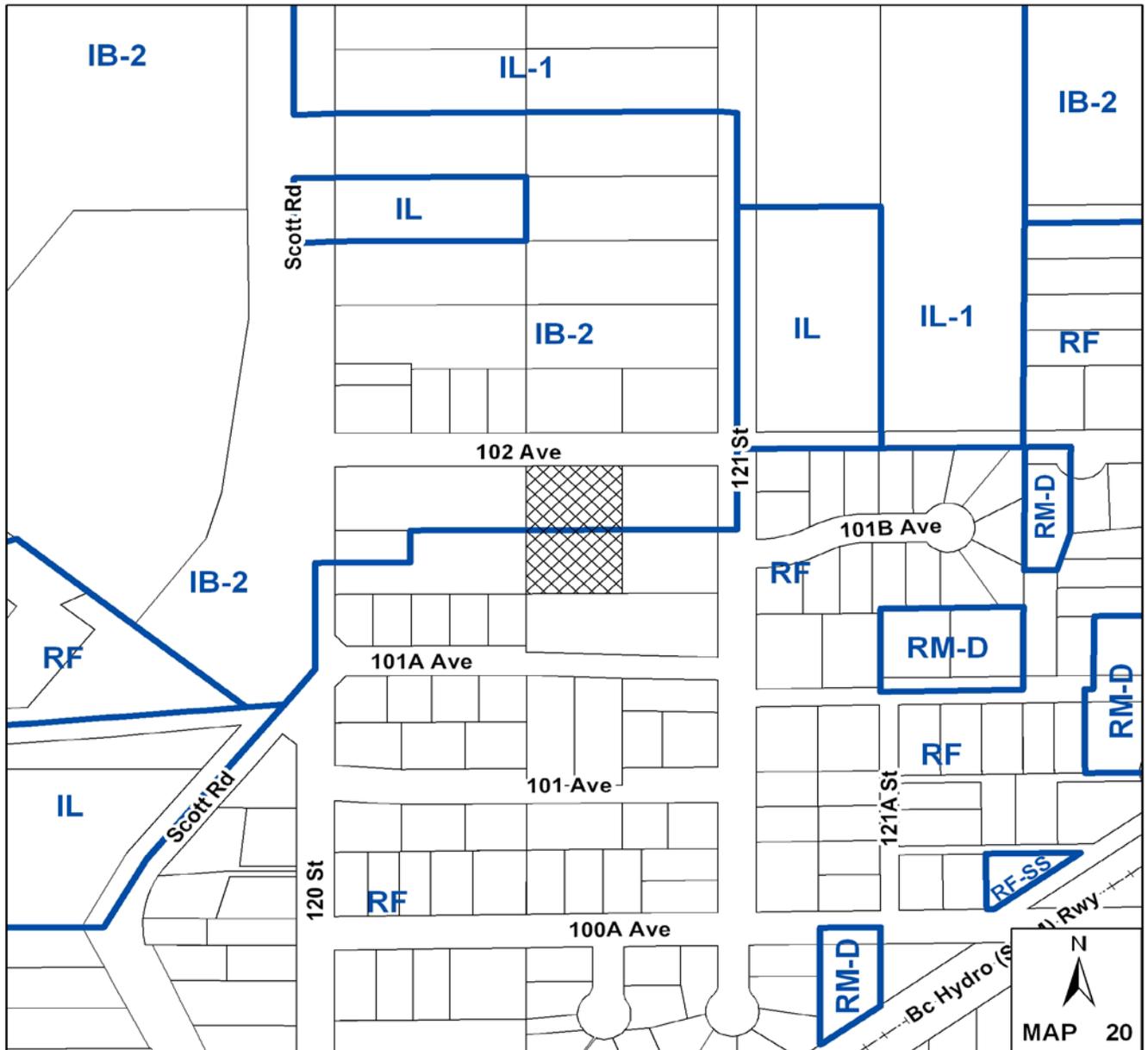
Proposal: OCP Amendment to declare the site a Temporary Industrial Use Permit Area. Temporary Industrial Use Permit to allow for a temporary truck parking facility.

Recommendation: Approval to Public Hearing

Location: 12052 - 102 Avenue **Zoning:** IB-2 and RF

OCP Designation: Industrial

NCP Designation: Business Park **Owners:** Gurmel and Rajinder Chohan



PROJECT TIMELINE

Completed Application Submission Date: May 10, 2006
Planning Report Date: October 16, 2006

PROPOSAL

The applicant is proposing:

- an OCP amendment to declare the property a Temporary Industrial Use Permit Area; and
- a Temporary Industrial Use Permit

in order to allow a temporary truck parking facility for a period not to exceed two years.

RECOMMENDATION

The Planning and Development Department recommends that:

1. a By-law be introduced to amend the OCP to declare the property a Temporary Industrial Use Permit Area and a date for Public Hearing be set.
2. Council approve Temporary Industrial Use Permit No. 7906-0230-00 (Appendix VIII) to proceed to Public Notification.
3. should Third Reading be granted after Public Hearing, Council instruct staff to resolve the following issues prior to final adoption:
 - (a) ensure that all engineering requirements and issues including restrictive covenants, and rights-of-way where necessary, are addressed to the satisfaction of the General Manager, Engineering;
 - (b) registration of a Section 219 Restrictive Covenant to prohibit on site truck washing, truck fuel storage or refueling, storage of waste petroleum fluids and vehicle maintenance and to prohibit the parking and storage of vehicles containing dangerous goods defined by the *Transportation of Dangerous Goods Act*; and
 - (c) submission of adequate security to ensure the vehicles are removed and the site is restored to its vacant state upon expiration of the Temporary Industrial Use Permit;
 - (d) submission of a landscape plan to the satisfaction of the City Landscape Architect; and
 - (e) submission of landscape cost estimate to the specification of the City Landscape Architect and submission of appropriate securities to ensure that the landscaping is installed.

REFERRALS

Engineering: No concerns (Appendix IV).

SITE CHARACTERISTICS

- **Existing Land Use** Illegal truck parking facility.
- **East:** Non-conforming greenhouses and a residence zoned IB-2, designated Business Park in the South Westminster NCP and a vacant parcel, zoned RF, designated Urban in the OCP.
- **South:** Vacant land, zoned RF, designated Urban.
- **West:** Vacant land zoned IB-2 and RF, designated Business Park in the South Westminster NCP.
- **North:** Across 102 Avenue, drilling contractor business, zoned IB-2, designated Light Impact Industrial/Business Park in the South Westminster NCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Partially complies. Although the subject property is designated Industrial, the subject site is not located within a Temporary Use Permit Area.

NCP Designation: Does not comply. The subject property is designated Business Park.

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 12052 – 102 Avenue and encompasses a site area of 0.365 hectare (0.9 acre). The subject property is designated Business Park in the South Westminster Neighbourhood Concept Plan (NCP) and split-zoned Business Park 2 Zone (IB-2) on the northern portion and Single Family Residential Zone (RF) on the southern portion.
- The Business Park designation in the area surrounding the subject site along the base of the slope is intended to help upgrade the industrial areas adjacent to residential areas by encouraging these lands to be redeveloped to high quality comprehensively planned business park uses.
- The South Westminster NCP includes policies intended to significantly restrict outdoor storage facilities in new developments due to their high visibility and their adjacency to residential areas on the hillside.

- The site was previously zoned "Light Impact Industrial Zone (IL)" which allowed Transportation Industry as one of the permitted uses on the site, provided there is a building with a minimum 100 square metres (1,075 sq. ft.) of floor area and contains washroom facilities. However, as the subject property is vacant, the parking of overweight vehicles without having a building on the site would have still contravened the use condition of the Zone.
- The property was rezoned from IL to the current IB-2 Zone through a City-initiated rezoning of a number of properties in the South Westminster area, in order to advance the implementation of the South Westminster NCP. The rezoning was approved on May 18, 2005. The IB-2 Zone does not permit transportation uses, such as truck parking facilities.
- According to the City By-law Enforcement records, the owner of the subject property has been operating an illegal truck parking facility on the site since August 2005.

Current Proposal

- As a result of By-law Enforcement action, the applicant submitted an application for a Temporary Industrial Use Permit (TUP) on May 10, 2006.
- The TUP application proposes to utilize the northerly portion of the site fronting 102 Avenue to park 15 trucks of various sizes for a period of time not to exceed 2 years (Appendix III).
- The area proposed for the truck park has been previously filled.
- The rear portion of the property slopes steeply up to 101A Avenue.
- The applicant has indicated that the subject property was in use as a truck parking facility under the previous IL zoning of the subject site, prior to it being rezoned to IB-2 on May 18, 2005. As such, the applicant would like the current truck parking use to be considered a legal non-conforming use.
- It is staff's understanding that the applicant purchased the subject site in January of 2004 with the intention of developing a truck parking facility.
- A business license has never been issued for a truck parking facility on the subject property.
- The first indication that the site may have been used as an illegal truck parking facility was August 2005 when By-law Enforcement staff investigated a complaint of an illegal use.
- The General Provisions Section of the Zoning By-law contains a stipulation that in order for a property to be used for an industrial or a commercial use, it must have a building on the site with a minimum floor area of 100 square metres (1,076 sq.ft.) and contain washroom facilities.
- An historical analysis of air photographs shows no evidence of a truck parking use taking place on the subject site in April of 2005. However, an aerial photo of the site taken April 2006 shows the site being used for truck parking. Neither the April 2005 nor April 2006 air photos show any building or structures on the site.

- In light of the above, and on the absence of any additional supporting information submitted by the applicant, there is no evidence to support the applicant's claim that the truck parking use is legal non-conforming.

PRE-NOTIFICATION

Temporary Use Permit applications do not require pre-notification letters. However, due to the proximity to residential single family dwellings, pre-notification letters were sent on July 10, 2006 to the surrounding property owners advising them of the proposal. A Development Proposal sign was also erected on the property. As a result of the pre-notification, Planning staff received the following comments:

- Two letters, a 13-household petition and a telephone call from upland residents stating the following concerns:
 - The trucks generate a lot of noise and create a lot of dust and diesel fumes.
 - The truck drivers power wash their trucks on the site, and the dirty, oily water runs into the adjoining ditch.
 - The operators have put some substance on their parking lot to reduce the dust, which will further pollute the ditch.
 - The operation is bad for the environment and very disturbing to the other property owners.
 - The noise and fumes from the trucks are an unnecessary health hazard.
 - The operators are repairing and maintaining their trucks on the site from early morning to night including weekends. This makes the noise level so great that it is audible inside the nearby houses.
 - The streets in this area are small, narrow residential streets which make it difficult to park large rigs in a confined space.
 - Fill placed by the property owners on the site has raised the property by some 6 feet and caused water to run down 102 Avenue during heavy rains causing some flooding of some of the residential properties that still exist along the street.
 - The fill placed on the site collapsed the culvert in the driveway and blocked the fish-bearing creek that runs along the street.
 - The heavy trucks have caused the road to deteriorate.

- The applicant submitted a survey with 13 signatures from residents in the vicinity of the site confirming that they do not have any concerns with respect to the proposed truck parking on this site. Three of the 13 residents also signed the petition against the proposal.
- The location of the households signing the petition opposing the proposed truck park and the location of the households having no concerns with the proposed truck park is mapped on Appendix V.

PROJECT EVALUATION

The advantages and community benefits of approving this application to proceed are:

- The proposed TUP for truck parking would allow for an interim use on the land until it is economically viable for the property owner to develop the property for an ultimate use which complies with the South Westminster Neighbourhood Concept Plan (NCP). This interim use would allow the applicant to collect revenues by leasing space for truck parking and assist in paying the taxes and where needed, allow for preloading for future development of the site.
- Allowing the truck parking facility to operate for a defined time period (e.g. 2 years) would provide the operator time to continue operating while locating a permanent facility.
- There is an identified need for truck parking facilities in the City and approval of this facility would assist in addressing that need.
- Existing trees and shrubs at the rear of the property provide a buffer between the truck park facility and upland residential uses.
- The applicant has submitted a survey with 13 signatures from households in the vicinity of the subject site indicating that they have no concerns with the proposed temporary truck park.
- City Council has recently directed staff to proceed with retaining a consultant to undertake a detailed study of truck parking in the City and to investigate alternatives to address the shortfall in parking spaces. The subject site could provide an interim solution to the shortfall of truck parking spaces while the study is being prepared.

The disadvantages and problems likely to result from the approval of the project are:

- The proposed truck parking facility is contrary to the objectives and policies of the South Westminster NCP to transform this underutilized area into new industrial neighbourhoods and business districts. While the proposal is "temporary" in nature, it could act to deter interest in redevelopment of this area as a business district, as envisioned in the NCP.
- The proposed truck parking lot is located adjacent and down hill from an existing established residential area. The hill amplifies the sounds associated with the movements of trucks on the site. The unauthorized operation of a truck parking facility on this site has generated complaints regarding the use of this property and the impact on the quality of life for the upland residents.

- The surrounding upland residents have also complained about the dust generated by the illegal parking and movement of trucks on the property. TUPs do not require the paving of the site, therefore, dust could remain an issue.
- This area of South Westminster has been rezoned to IB-2 through a Council-initiated rezoning to support higher quality industrial uses and to limit the amount of outside storage of materials and vehicles. The approval of this application will set a precedent for other TUP applications at the residential interface.
- The proposed TUP for truck parking offers minimal infrastructure investment. It does not provide for large employment opportunities, nor is it a catalyst for new business growth, due to the negative visual and noise impact of such a use.
- The subject property is currently being used for the washing and repairing of trucks, which has an impact on the open ditch water quality and the overall livability of the upland residences. The City could require the registration of a Section 219 Restrictive Covenant to prohibit such activities, however, it will be difficult and time-consuming to enforce.
- City Council has recently directed staff to proceed with retaining a consultant to undertake a detailed study of truck parking in the City and to investigate alternatives to address the shortfall in parking spaces. This study will propose an overall strategy to address the current shortfall in legal truck parking spaces. Legalizing an illegal truck park located downhill from an existing residential area on a temporary basis is a short-term solution that does not address the bigger picture issue.
- At the September 25, 2006 Council-in-Committee meeting, a delegation was heard expressing concerns about truck parking in the vicinity of the subject site. The delegation, Mrs. Ann Androsoff, expressed concerns such as the inadequacy of the roads and power washing, truck repairs, diesel smoke and dust, associated with truck parking. Approving this application will run contrary to the request of the delegation.

SUMMARY

- There is an urgent need for truck parking facilities in the City. Approving this application to allow a truck parking facility for 2 years (with a possible 2-year extension) will provide a temporary solution to meet part of the demand and will not compound the truck parking problems while more sustainable solutions are found. A consultant study is currently underway.
- Unfortunately, the location of this proposed truck parking facility will create conflicts with the adjacent residential areas (as indicated by the resident complaints received both prior to and during the notification process). However, the applicant has also submitted a survey from nearby residents indicating no concern with the project. In total, the wishes of the neighbourhood appear to be unclear.
- It is, therefore, recommended that the project proceed to Public Hearing so as to allow Council to make an informed and final decision after hearing directly from the residents.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Contour Map
Appendix III.	Proposed Parking Plan
Appendix IV.	Engineering Summary
Appendix V.	Location of Petitioners
Appendix VI.	South Westminster NCP
Appendix VII.	OCP Designations in the Vicinity
Appendix VIII.	OCP Amendment By-law and Map
Appendix IX.	Temporary Industrial Use Permit No. 7906-0230-00

INFORMATION AVAILABLE ON FILE

- Detailed Engineering Comments dated August 29, 2006.
- Soil Contamination Review Questionnaire prepared by Harinder Chohan dated May 19, 2006.

How Yin Leung
Acting General Manager
Planning and Development

LAP/kms

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Information for City Clerk

Legal Description and Owners of all lots that form part of the application:

1. (a) Agent: Name: Harinder Chohan
 Address: 9221 - 137A Street
 Surrey, B.C. V3V 5W7
 Tel: 604-587-5544

2. Properties involved in the Application
 - (a) Civic Address: 12052 - 102 Avenue

 - (b) Civic Address: 12052 - 102 Avenue
 Owners: Gurmel and Rajinder Chohan
 PID: 011-565-209
 Parcel "A" (Explanatory Plan 22292) Lots 29 and 30 Block 1 Section 30 Block
 5 North Range 2 West New Westminster District Plan 454

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a by-law to amend the OCP and declare the property Temporary Industrial Use
 Permit Area No. 20 and set a Public Hearing date.

 - (b) Proceed with Public Notification for Temporary Industrial Use Permit No. 7906-0230-00.

CONTOUR MAP FOR SUBJECT SITE

