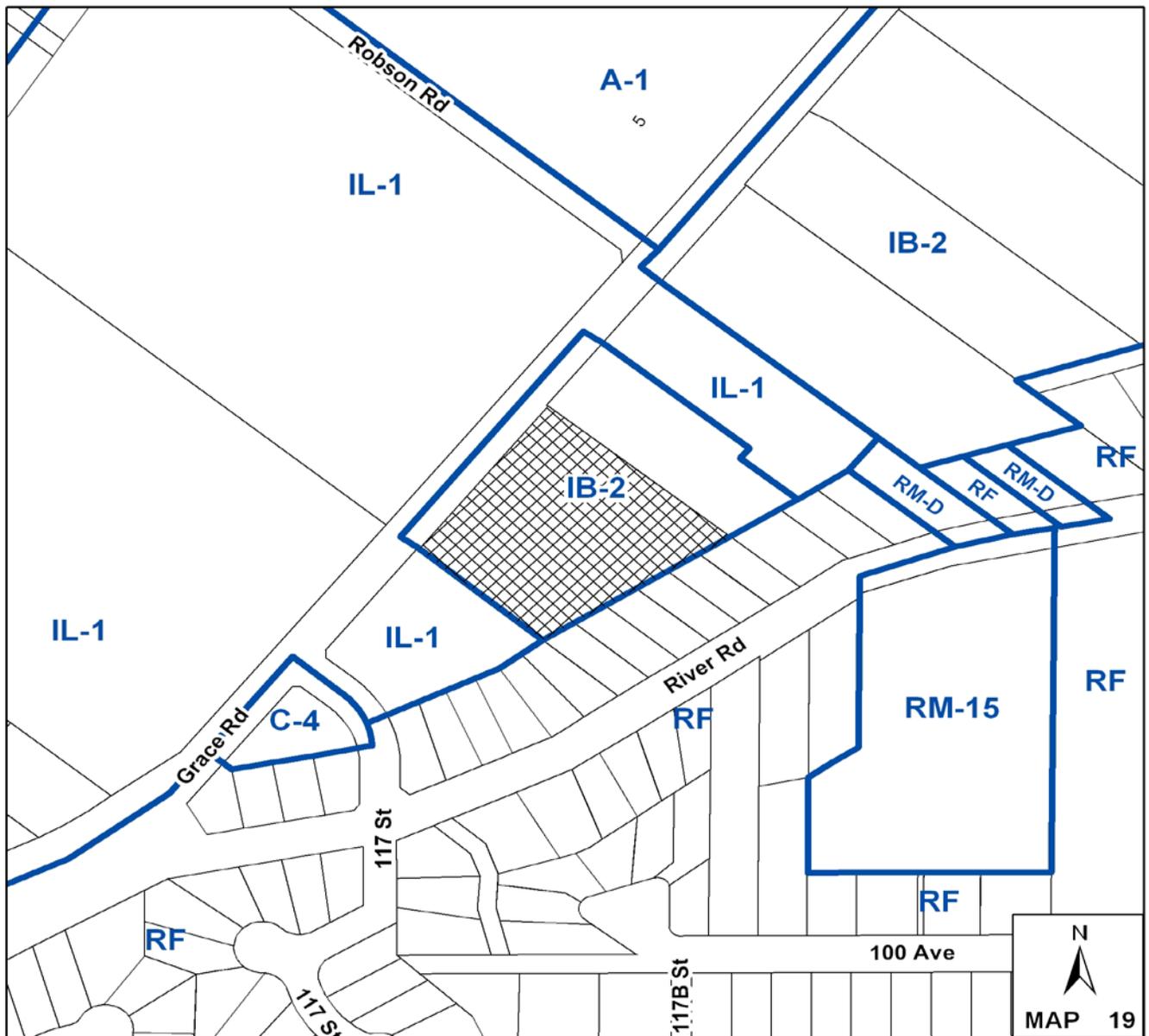


Proposal: Amend OCP to declare the site a Temporary Industrial Use Permit Area. Temporary Industrial Use Permit to allow for a temporary truck parking facility.

Recommendation: Denial

Location: 10128 Grace Road	Zoning: IB-2
OCP Designation: Industrial	Owner: Pattar Cedar Products
NCP Designation: Business Park/ Parks Open Space	



PROJECT TIMELINE

Completed Application Submission Date: March 9, 2007
Planning Report Date: July 23, 2007

PROPOSAL

The applicant is proposing:

- an OCP amendment; and
- a Temporary Industrial Use Permit

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

RECOMMENDATION

The Planning & Development Department recommends that this application be denied.

REFERRALS

Engineering: The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as identified in the attached (Appendix III).

GVRD: The GVRD has concerns over fill which was illegally placed over the sanitary sewer trunk right-of-way. The right-of-way has limitations on the parking of vehicles.

SITE CHARACTERISTICS

- **Existing Land Use** Existing unauthorized truck parking facility with GVRD sewer right-of-way impacting the north-eastern side property line.
- **North-East:** Vacant land, zoned IB-2, designated Business Park and Parks and Open Spaces in NCP. Further to the north-east at 10198 Grace Road, an application in process for a TUP for truck parking (Application No. 7904-0135-00 at Third Reading), zoned IB-2, designated Business Park and Parks and Open Space.
- **South-East:** Single family residences, zoned RF, designated Urban.
- **South:** Existing non-conforming automotive repair facility, zoned IL-1, designated Light Impact Industrial/Business Park and Parks and Open Spaces in NCP.

- **North-West:** Across Grace Road, warehouse and trucking distribution company, zoned IL-1, designated Light Impact Industrial in NCP.

PLAN AND POLICY COMPLIANCE

OCP Designation: Partially complies. Although the subject property is designated Industrial, the subject site is not located within a designated Temporary Industrial Use Permit area, therefore, an amendment to the OCP is required.

NCP Designation: Does not comply. The subject property is designated Business Park with Parks/Open Spaces along the rear portion.

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 10128 Grace Road and encompasses a site area of .98 hectare (2.4 acres). Generally bounded by Scott Road to the north-east and the toe of the slope of the residential hillside fronting River Road to the south, the subject property is primarily designated Business Park in the South Westminster Neighbourhood Concept Plan (NCP) and zoned "Business Park 2 Zone (IB-2)".
- The Business Park designation along the base of the slope is intended to help clean up and make more compatible 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.
- An application was first submitted on the subject site in September 2004 (Application No. 7904-0342-00). At that time, the subject property was zoned "Light Impact Industrial Zone (IL)". In accordance with the IL Zone, transportation industry requires a minimum 100-square metre (1,076 sq.ft.) building with washroom facilities and a paved parking surface. To vary these improvements to the site, a TUP was sought.
- The property was rezoned 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.
- Application No. 7904-0342-00 was scheduled for the January 9, 2006 Council meeting, however, at the applicant's request, the proposal was withdrawn and the file was closed.

- By-law Enforcement and Licensing began by-law enforcement action regarding the illegal trucking parking use on the property. The applicant has, therefore, submitted the current application.
- Long Range Planning staff are currently finalizing the recommendations of a Truck Parking Strategy which will be presented to Council at a later date. One option being considered is to allow limited truck parking on available IL-zoned lands on a pilot basis. The subject site is zoned IB-2 and, therefore, will not be subject to the recommendations of the report.

Current Proposal

- According to City By-law Enforcement records, the owner of the subject property has been operating an illegal truck parking facility on the site since May 2004.
- As a result of By-law Enforcement action stemming from the operation of the illegal truck parking facility, the applicant submitted an application for a Temporary Industrial Use Permit on March 9, 2007.
- The parking area has been filled without a soil deposition permit. The applicant proposes to leave this area as a gravel lot and provide parking for approximately 60 trucks and trailers. The applicant has not requested a temporary building with this application.
- The applicant has proposed a 3.0-metre (10 ft.) wide landscaped area along the Grace Road frontage, consisting of mixed trees and shrubs. Along the south and rear property line, the applicant has proposed a 1.5-metre (5 ft.) landscape strip consisting of Western Red Cedars.
- There is a GVRD sewer main located along the north-east property line. The GVRD has advised that the owner has illegally placed soil over the right-of-way and is currently parking trucks over an area which has a limited load capability. The GVRD will not support any proposal which allows trucks to park within 16 metres (53 ft.) of the north-east property line. The GVRD has advised that there is a second right-of-way 17 metres (56 ft.) wide and parallel to the first which can only support a limited load.
- Planning staff have discussed this proposal with the GVRD staff. In order to consider supporting the proposed truck parking on interim basis, they require the redesign the parking area so that 33 metre (108 ft.) wide area adjacent to the north-east property line remains clear of the parking of vehicles. This will include the fencing of this area to ensure the protection of the sanitary sewer trunk line.
- The owner has deposited soil on the site which may adversely impact the stability of the sanitary sewer trunk line and is contrary to the terms of the right-of-way agreement . The GVRD has requested that the soil be removed to ensure that the trunk line is not impacted. Any costs related to the repair of damage to the sanitary sewer trunk line will be the responsibility of the property owner.

PRE-NOTIFICATION

Because the application involves an OCP Amendment to declare the site a Temporary Industrial Use Permit Area, pre-notification letters were sent on April 7, 2007 and a development proposal sign was erected on the property.

The surrounding upland residents have submitted a petition against this proposed development. Their concerns, expressed by telephone and in the petition, are as follows with staff comments in italics:

- The truck parking operation is not in compliance with the Zone.

(The Temporary Use Permit would temporarily legitimize the use of the site on an interim basis.)

- The trucks generate a lot of dust and the residents cannot open their windows or use their patio during the summer.

(The proposed Temporary Industrial Use Permit does not require the site to be paved.)

- The homes are impacted by diesel fumes.

(The proposed Temporary Industrial Use Permit can require the installation of a landscape buffer along the rear property line, which may alleviate some of the diesel odors.)

- The lot is used as a truck cleaning and repair centre.

(These uses are contrary to the restrictions typically imposed by the TUP. If this application is approved to proceed, it would be recommended that a Section 219 Restrictive Covenant be required to prohibit truck repair and truck cleaning on the site.)

- Refrigeration trucks run all night and in the morning the trucks begin warming up at 3:00 a.m. or 4:00 a.m. interrupting their sleep.

(The Temporary Use Permit could place restrictions on the hours of operation, however, the time restrictions may not be compatible with the hours of a trucking business.)

- There are no washroom facilities and the truck drivers are seen urinating on the site.

(The Temporary Use Permit could require the installation of a portable toilet on the site.)

- The petition received indicating opposition to the proposal had 53 names, representing 22 households.

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.
- The reconfiguration of the truck parking lot to exclude the area of the GVRD right-of-way and to provide an adequate buffer to the up-lying residential area would reduce the total truck parking spaces to 25 - 30.
- 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.

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, business districts and residential communities. 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 owner's brother owns property at 10198 Grace Road (3 lots to the north-east) which is currently under Application No. 7904-0135-00 for a Temporary Industrial Use Permit to allow temporary truck parking. This application was considered by Council at the September 11, 2006 Regular Council - Land Use meeting and was granted approval to proceed. On September 25, 2006, Council granted Third Reading to By-law No. 16096 to declare the site a Temporary Industrial Use Permit Area in the OCP and referred the TUP back to staff to finalize outstanding requirements. To date, the applicant has not completed the conditions required to finalize the TUP and the OCP Amendment By-law. In essence, a year has almost past and the 2-year time period for the temporary use permit has yet to commence. A similar tactic could be expected for the subject site.
- The proposed truck parking lot is located adjacent and down hill from an existing residential area. The hill amplifies the sounds associated with the movements of trucks on the site, the warming up of diesel engines in early morning and the operation of the air conditioning units for trucks requiring cold storage are a nuisance to the nearby residents. Complaints have been received about the noise and dust from the current illegal truck parking operation. Staff are concerned that the provision of landscaped buffering will not be adequate to reduce the noise levels and that complaints from the residents will continue.

- This area of South Westminster has been rezoned 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 more TUP applications for temporary truck parking facilities along Grace Road as this is the second application received in 3 years.
- 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.
- Planning & Development staff are finalizing a review of truck parking options for Council's consideration. This Planning Report has been forwarded for Council's consideration in advance of the final report due to complaints received by the neighbourhood.

On balance, the Planning and Development Department believes the negative impacts of this project out-weigh its advantages and, therefore, recommends that this project be denied; or alternatively Council may table this application pending consideration of the final truck parking report.

If Council determines that there is some merit in allowing this application to proceed, the application should be referred back to require the applicant to work with staff in satisfying the following requirements for a Temporary Industrial Use Permit for a truck parking facility:

- Modifying the site plan to limit the parking of vehicles on the GVRD right-of-way and to show dimensions, demonstrating the truck parking arrangement and internal circulation, the maximum size of the vehicles which can be accommodated and specifications of any proposed buildings including washroom facilities and site landscaping, including landscaped buffering along the residential edge.
- If all sizes of commercial trucks cannot be accommodated within the parking lot, a Section 219 Restrictive Covenant should be registered on the title of the property, which documents the maximum size of vehicles that will be permitted on the parking lot.
- A Restrictive Covenant to prohibit on site truck washing, truck fuel storage or refilling, storage of waste petroleum fluids, vehicle maintenance, and parking and storage of vehicles containing dangerous goods.
- Submission of an adequate security to ensure that the site is returned to its original vacant state, upon expiration of the TUP.
- Submission of a landscape cost estimate to the specifications of the City Architect and submission of appropriate securities to ensure that this landscaping is installed.

If Council decides to refer the application back to staff, once the application has been revised and reviewed by staff, an additional Planning Report will be forwarded to Council for consideration.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners, Action Summary and Project Data Sheets
- Appendix II. Contour Map
- Appendix III. Proposed Site Plan and Landscaping Plan
- Appendix IV. Petition Map

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: McElhanney Consulting Services
 Address: 13160 - 88 Avenue
 Surrey, B.C. V3W 3K3
 Tel: 604-596-0391

2. Properties involved in the Application
 - (a) Civic Address: 10128 Grace Road

 - (b) Civic Address: 10128 Grace Road
 Owner: Pattar Cedar Products
 PID: 023-380-811
 Lot 7 Section 25 Block 5 North Range 3 West New Westminster District Plan
 LMP27717

3. Summary of Actions for City Clerk's Office

CONTOUR MAP FOR SUBJECT SITE

