

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0212-00

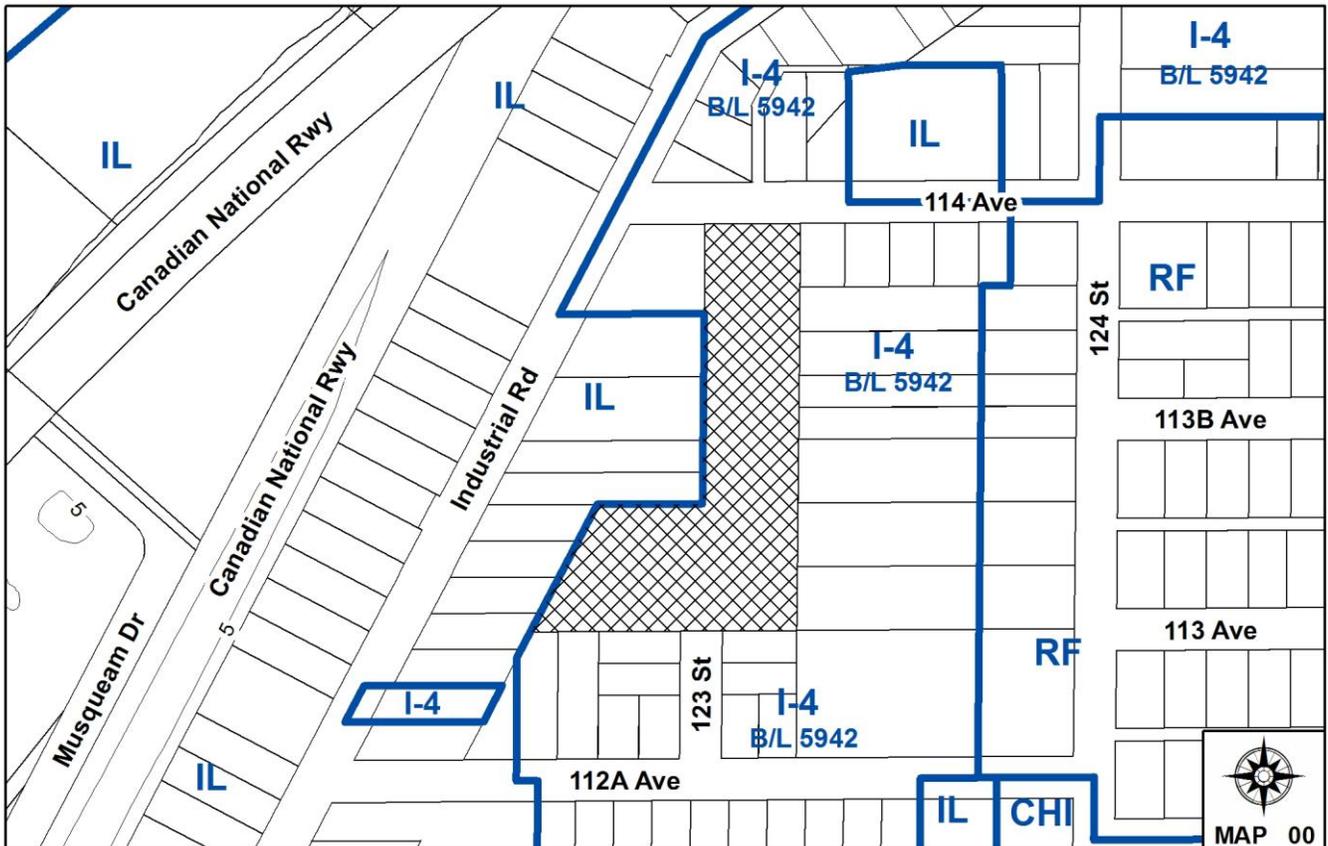
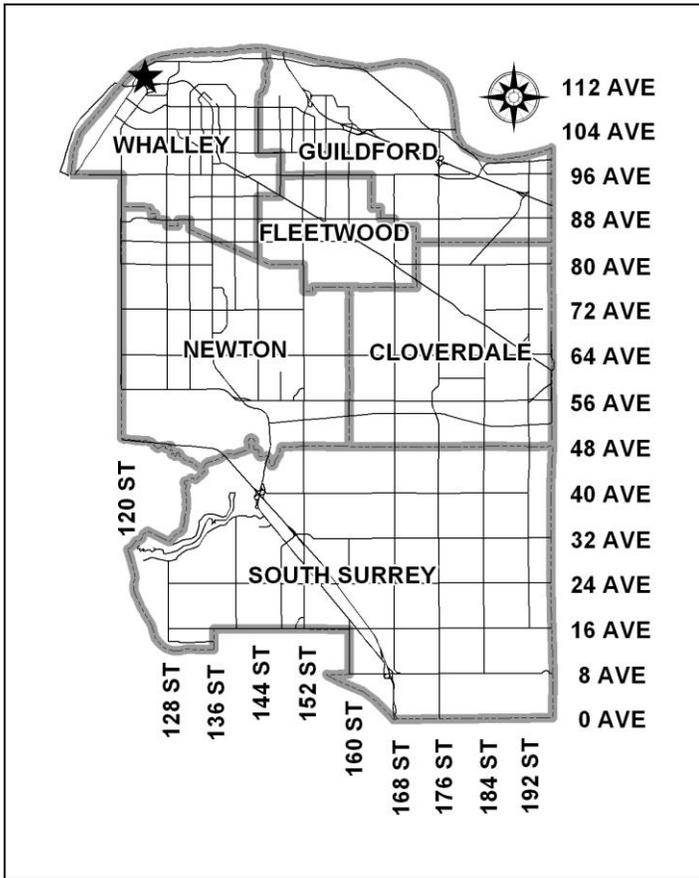
Planning Report Date: May 4, 2009

PROPOSAL:

- **OCP Amendment**
- **Temporary Industrial Use Permit**

in order to declare the site a Temporary Industrial Use Permit Area and to allow a temporary truck parking facility for a period not to exceed two years.

LOCATION: 12310 - 114 Avenue
OWNERS: Ranjit Saraon et al
ZONING: I-4 (By-law No. 5942)
OCP DESIGNATION: Industrial
LAP DESIGNATION: Industrial



RECOMMENDATION SUMMARY

- Denial

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None

RATIONALE OF RECOMMENDATION

- The site plan submitted with the current application is almost identical to the site plan submitted with the previous application which was denied by Council and does not address any of the concerns previously expressed by the Bridgeview community.
- At the November 19, 2007 Public Hearing, the Bridgeview Community Association and surrounding residents were strongly opposed to a previous Temporary Use Permit application (Application No. 7907-0097-00) for truck parking on this site.
- At the February 23, 2009 Council-in-Committee meeting, the delegation from the Bridgeview Community Action Group, Bridgeview in Motion and Bridgeview Community Association, requested, as part of their presentation, that the subject TUP application for truck parking should be denied.
- The applicant continues to use the site as an unauthorized truck parking facility.
- Access to Industrial Road from 114 Avenue has recently been closed, as works proceed with the construction of the South Fraser Perimeter Road. Trucks destined for the subject site must now travel along 124 Street from 116 Avenue or 112 Avenue.

RECOMMENDATION

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

REFERRALS

Engineering: Should the application be approved to proceed, Engineering will be requested to provide comments with respect to the proposal.

Gateway Program: Gateway is actively seeking the acquisition of a northern portion of the property for the construction of the South Fraser Perimeter Road.

SITE CHARACTERISTICS

Existing Land Use: Unauthorized truck parking and unauthorized structures.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North (Across 114 Avenue):	Non-conforming single family dwellings	Industrial	I-4 (By-law No. 5942)
East:	Single family dwellings with non-conforming outside storage and vacant land.	Industrial and Urban	I-4 (By-law No. 5942)
South:	Non-conforming single family dwellings and outside storage.	Industrial	I-4 (By-law No. 5942)
West:	Vacant properties owned by the City of Surrey and BC Transportation Financing Authority currently being preloaded for the South Fraser Perimeter Road.	Industrial	I-4 (By-law No. 5942)

DEVELOPMENT CONSIDERATIONSBackground

- The subject property is located at 12310 – 114 Avenue and encompasses a site area of 1.29 hectares (3.19 acres). The subject property is designated Industrial in the Official Community Plan (OCP) and the Bridgeview Local Area Plan, and is zoned Special Industry Zone (I-4) (Zoning By-law No. 5942).

- The I-4 Zone (Zoning By-law No. 5942) only permits certain high-tech industrial uses and the regulations are quite stringent. When the I-4 Zone was originally included in Zoning By-law No. 2265, in 1965, and subsequently incorporated in Zoning By-law No. 5942, in 1979, without any changes, a number of properties in the Bridgeview and Surrey Bend areas were rezoned to I-4 for the purpose of holding these properties for future comprehensive industrial park development. Truck parking is not a permitted use in the I-4 Zone.
- There have been three previous applications for the subject site. File Nos. 7903-0051-00 and 7905-0238-00 requested a Temporary Industrial Use Permit to legalize a truck parking operation, and these applications were closed due to inactivity from the previous owners. File No. 7907-0097-00 was submitted by the current owner on March 22, 2007. A Planning Report on this application was considered by Council on November 5, 2007 with the Public Hearing held on November 19, 2007. After considering the comments at the Public Hearing with respect to the proposal, Council denied the by-law and the file was closed.
- The current owners operate a temporary truck parking facility located at 12403 Old Yale Road in South Westminster. This use has been permitted under Temporary Industrial Use Permit No. 7902-0379-01 but expired on April 2, 2009. The owner has been reminded by staff of the need for a new TUP application should they want to continue the truck parking facility. To date, no application has been received.
- The previous owner erected a vinyl structure on the northeast portion of the site for truck repair without a building permit. Should the subject application be denied, staff will initiate action to remove this structure from the property.
- The subject site is partially impacted by a road acquisition currently being undertaken by the Gateway Program for the South Fraser Perimeter Road. Gateway proponents have been negotiating with the property owners for the acquisition of the northwest portion of the site. No agreement has been reached to date.

Current Proposal

- Despite Council's denial of the applicant's previous Temporary Use Permit application for truck parking on the subject site, the applicant has continued to use the subject property for a truck park.
- As a result of By-law Enforcement action, the applicant submitted the current application for a Temporary Industrial Use Permit (TUP) to allow for the parking of approximately 65 trucks including those weighing more than 5,000 kilograms (11,023 lbs.) G.V.W.
- The TUP application proposes to utilize the property for the parking of approximately 65 oversized trucks for a period of time not to exceed 2 years.
- In July 2008, when the subject application was initially submitted, the proposal included two properties located at 11275 and 11305 - 124 Street. The initial site plan indicated a driveway access would be provided from 124 Street to the main truck parking lot. As agent/owner authorization was not submitted to allow for the inclusion of these properties into the application, the applicant submitted a revised site plan on November 21, 2008.

- The latest site plan submitted for the subject application is almost identical to the site plan submitted with the previous TUP application (No. 7907-0097-00). The only change is that the proposed access point on 114 Avenue has been shifted a few metres to the east.
- In January 2009, prior to the subject application being forwarded to Council, the applicant retained Hunter Laird Engineering Ltd., as their agent, to provide assistance. The agent requested additional time to review the application and requested the application be deferred until the delegation from the Bridgeview community was heard by Council.
- A delegation from the Bridgeview community was heard at the February 23, 2009 Council-in-Committee meeting. The delegation expressed concern about the truck parking occurring on the subject site and recommended that Council deny the application.
- The applicant's agent has recently provided a summary report documenting the need for the existing truck parking facility and rationale for it to be approved to continue (see Project Evaluation section).
- Access to the site is provided from 114 Avenue. A second access could be provided to the site from 123 Street, located at the south end of the property.
- Prior to the placement of the pre-load for the South Fraser Perimeter Road, the trucks would egress the north end of the site and turn west on 114 Avenue to Industrial Road, and return to the site via the same route. As a result of the construction of the South Fraser Perimeter Road, which aligns with Industrial Road at this location, access to Industrial Road from 114 Avenue has been closed to traffic. The trucks egressing the site are now required to turn east on 114 Avenue and then turn either north or south along 124 Street in order to access 116 Avenue (future South Fraser Perimeter Road) or 112 Avenue and leave the Bridgeview area.
- There is a secondary access located at the south end of the site which accesses 123 Street, which could be used as an alternative route. This route will increase the impact on the residents who live on 123 Street and may lessen the impact on the Bridgeview residents who live on the east side of 124 Street. Any trucks using 123 Street will be required to travel east on 112A Avenue (as access to Industrial Road is blocked at 112A Avenue) and south on 124 Street to 112 Avenue or north to 116 Avenue (see Appendix IV).
- On October 31, 2008, City Council considered Corporate Report No. R216, which provided an update to the status of the actions to address truck parking in the City. Contained within the Report, Council endorsed the following with respect to the on-site requirements for truck parking:
 - Require sealed engineering drawings for the site layout to ensure adequate drive aisle widths and stall sizes to accommodate the manoeuvring and parking of trucks on the site;
 - Require that truck parking spaces be visually delineated at all times on the site to ensure that truck parking on each lot occurs in an efficient manner and to ensure that those who have paid for and are relying on parking on the site do not get locked out by the misalignment of other parked vehicles on the site;
 - Require that the site be surfaced with materials that do not cause damage to truck tires (i.e., meet certain gradation specifications); and
 - Require that adequate washroom facilities be provided on site.

- The site plan submitted with this application does not comply with these requirements.

PRE-NOTIFICATION

Pre-notification letters were sent on December 16, 2008 advising property owners within 100 metres of the property and the Bridgeview Community Association of the proposed development. To date, staff have received ten calls with respect to the proposal, expressing the following concerns:

- Two callers advised that 114 Avenue is too narrow for the trucks to manoeuvre the turn from 114 Avenue to access 124 Street.

(The roads in Bridgeview are constructed to a residential standard only, and have ditches lining both sides of the street. It is difficult for trucks to negotiate the turn onto 124 Street from 114 Avenue. Due to the floodplain elevations in the Bridgeview area, it is not possible to pipe the ditches and increase the pavement width to support the truck traffic.)

- An adjoining residential property owner advised that the trucks create a lot of dust which covers the house and deck in the summer.

(The previous property owner brought preload onto the site to support the vehicle weight. Under Council's new policy regarding truck parking, the applicant would be required to surface the truck park in a dust-free surface which could address this problem.)

- Two property owners called to state they did not support the application and questioned why the truck parking facility is still in operation after Council denied the application in November 2007.

(Charges have been drafted against the property owner, and a court date was scheduled for December 15, 2008. Legal Services advises that this case has been adjourned pending the outcome of the subject application before Council. Should the application be denied, a further court date will be scheduled for the unauthorized use of the property.)

- Five other callers expressed opposition to authorizing a truck park.
- A representative of the Bridgeview Community Association has advised Planning staff that they are not supportive of the continued operation of this truck parking facility. The representative indicated that should the application be granted approval to proceed, they will be attending the Public Hearing to once again strongly express their concerns to Council.
- At the February 23, 2009 Council-in-Committee meeting, a delegation representing the Bridgeview Community Action Group, Bridgeview in Motion and the Bridgeview Community Association, was heard by City Council to discuss concerns with respect to Corporate Report No. R239 and to outline the residents' vision for Bridgeview. The delegation stated that illegal truck parking was a concern and the subject temporary truck parking application should be denied.

PROJECT EVALUATION

Applicant's Justification

The applicant's agent has provided the following rationale for approving the proposed truck parking (see Appendix V) and is summarized below (with staff comments in italics):

- Truck parking is a significant and growing issue in Surrey. Truck parking has operated at this location for 16 years, it is needed in the City and would be devastating to the owners if it could not remain.

(Since the site was rezoned to the I-4 Zone in 1965, truck parking has not been permitted. Unauthorized truck parking has been operating on the site for many years, and has been subject to by-law enforcement action. The current owners met with Planning staff prior to the purchase of this site in 2006, and Planning staff strongly advised them not to purchase the site as the truck parking is unauthorized and the Bridgeview residents have advised they were against the continued truck parking use of the site.)

The owner currently operates an authorized, yet recently expired, truck park at 12403 Old Yale Road (TUP No. 7902-0379-01), and an unauthorized truck park at 12338 Old Yale Road. While it is acknowledged that additional truck parking sites are required, the location of the truck parking facilities should not be to the detriment of an established residential community. Due to construction on the South Fraser Perimeter Road, aligned with Industrial Road, truck traffic, to and from the site, cannot avoid the Bridgeview residential area.)

- Gateway will be improving 124 Street to manage traffic circulation in this area which will be accessing the South Fraser Perimeter Road (SFPR). The Bridgeview road concept plan needs to be revisited and updated in light of the limited access points to the South Fraser Perimeter Road .

(The upgrading of the connector road to the SFPR should improve safety, however, it does not address the large trucks using the residential streets to access Bridgeview Drive and King George Highway.)

- The property is not viable for development or to be assembled for development until the sanitary sewer problems are solved.

(On November 29, 2006, Council approved the recommendations in Corporate Report No. R251 concerning the sanitary sewer servicing strategy in Bridgeview, which included:

"Authorize staff to develop and recommend a financial strategy for implementing the replacement of the Vacuum Sewer System which includes, as the opportunity arises, applying to the Green Infrastructure Fund, or other similar funding sources, for funds to assist in sewer replacement."

It is acknowledged that the servicing for the industrial lands on the west side of Bridgeview will take time. Interim industrial uses could be considered on this site provided that it does not impact the surrounding residential neighbourhood.

More recently, on April 20, 2009, Council approved Corporate Report No. R063, which included the introduction of the Bridgeview/South Westminster Economic Investment Zone and Revitalization Tax Exemption Program, to provide incentives to developers of eligible commercial/industrial projects. The Engineering Department is currently reviewing appropriate business lands for investing engineering services to ensure there are "building permit ready" lots available for business.)

- The applicant has received support from trucking companies, neighbours in the Bridgeview community and others who currently use the property for truck parking.

(Documentation of the support has recently been submitted to staff. The letters and petitions in support include representatives from 4 trucking companies, 33 respondents who live outside of the Bridgeview area, 12 persons who indicated support, but only provided a telephone number, and 11 Bridgeview property owners. Of the total 60 names in support of the proposal, 18% represent properties within the Bridgeview community.

Staff Comments

The advantages and community benefits of allowing 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 owners to develop the property. This interim use would allow the applicant to collect revenues by leasing space for truck parking and assist in paying the taxes where needed.
- Allowing the truck parking facility to operate for a defined time period (e.g. 2 years) would provide the owner time to relocate the trucks currently being parked on the site.
- 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 this application are:

- This is the fourth temporary truck parking application to be considered for the subject site. The first two applications were submitted by a previous owner who did not submit the required information in order for the application to proceed for Council's consideration. The third application proceeded to the Public Hearing, however, Council subsequently denied the by-law on November 19, 2007 and the file was closed.
- The proposed truck parking lot is located close to an existing residential area. With the closure of 114 Avenue and 112A Avenue at Industrial Road for preloading of the South Fraser Perimeter Road, all associated traffic from this proposed truck parking facility will be required to use 114 Avenue to 124 Street, and then proceed either north or south, passing single family homes.
- 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 in the vicinity, due to the negative visual and noise impact of such a use.

- The Bridgeview community expressed their concerns with respect to the previous identical proposal and the future industrial development located between 124 Street and the South Fraser Perimeter Road at the Public Hearing on November 19, 2007. The approval of this application to proceed to public notification and a second Public Hearing will likely result in a similar response from the residents of Bridgeview.

CONCLUSION

- In considering the pros and cons of this proposal, the Planning and Development Department believes the negative impacts of this project out-weigh its advantages, and, therefore, recommends that this project be denied.
- The current proposal is almost identical to the proposal which was denied by Council with the exception of a minor relocation of the proposed access to 114 Avenue. The applicant has not made any effort to address the concerns raised at the previous Public Hearing or the concerns expressed by the Bridgeview Community.
- However, 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 to address the following requirements for a Temporary Industrial Use Permit for a truck parking facility:
 - Submission of a revised site plan which satisfies the following requirements:
 - Require sealed engineering drawings for the site layout to ensure adequate drive aisle widths and stall sizes to accommodate the manoeuvring and parking of trucks on the site;
 - Require that truck parking spaces be visually delineated at all times on the site to ensure that truck parking on each lot occurs in an efficient manner and to ensure that those who have paid for and are relying on parking on the site do not get locked out by the misalignment of other parked vehicles on the site;
 - Require that the site be surfaced with material that does not cause damage to truck tires (i.e., meet certain gradation specifications);
 - Require that adequate washroom facilities be provided on site;
 - Address all comments and requirements of the Engineering Department with respect to the proposal (note, these have yet to be requested);
 - Preparation of 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 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 Landscape Architect and submission of appropriate securities to ensure that this landscaping is installed; and
 - Removal of or building permit issuance for the building which was placed on the site without a building permit.

- 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. If the applicant does not address the list of requirements within a reasonable timeframe, a subsequent Planning Report will be forwarded to Council.

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.	Proposed Site Plan
Appendix III.	Previous Site Plan
Appendix IV.	Current and Possible Future Truck Routes for Area
Appendix V.	Agent's Summary Report

Jean Lamontagne
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: Hunter Laird Engineering Ltd.
 Address: #300, 65 Richmond Street
 New Westminster, BC
 V3L 5P3
 Tel: 604-525-4651

2. Properties involved in the Application
 - (a) Civic Address: 12310 - 114 Avenue

 - (b) Civic Address: 12310 - 114 Avenue
 Owners: Ranjit Singh Saraon and Sukhjit Kaur Saraon; Manjit
 Kaur Gill; Sukhbir Singh Brar; Sukhraj Singh Brar
 PID: 011-254-131
 Parcel "A" (Explanatory Plan 9419) Lot 3, 8 and 9 Block 3 Section 7 Block 5
 North Range 2 West New Westminster District Plan 6382

3. Summary of Actions for City Clerk's Office