

**City of Surrey
PLANNING & DEVELOPMENT REPORT**

File: 7908-0252-00

Planning Report Date: September 14, 2009

PROPOSAL:

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

in order to allow the outdoor storage of construction waste bins and related goods for a period not to exceed two years.

LOCATION:

5478 and 5454 Production Boulevard

OWNER:

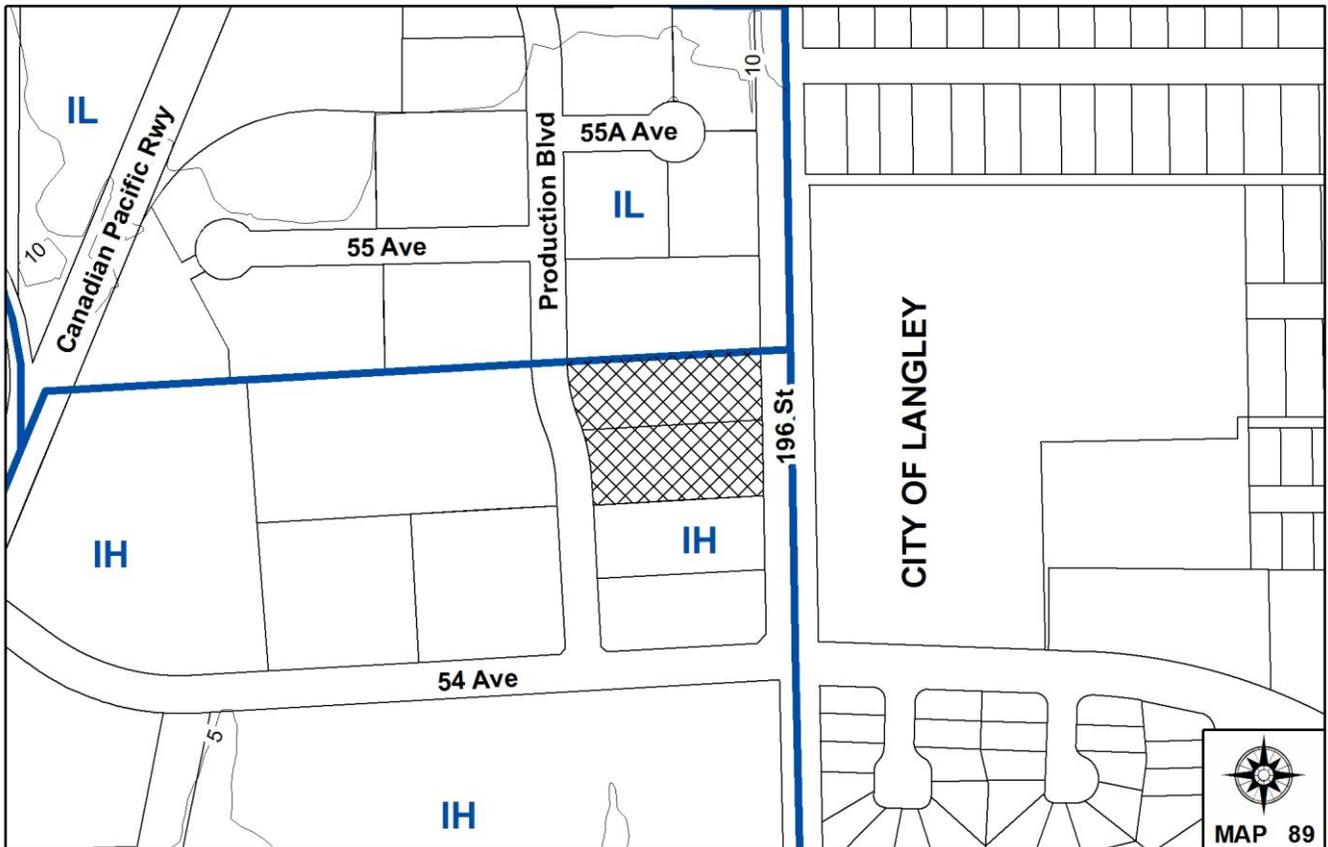
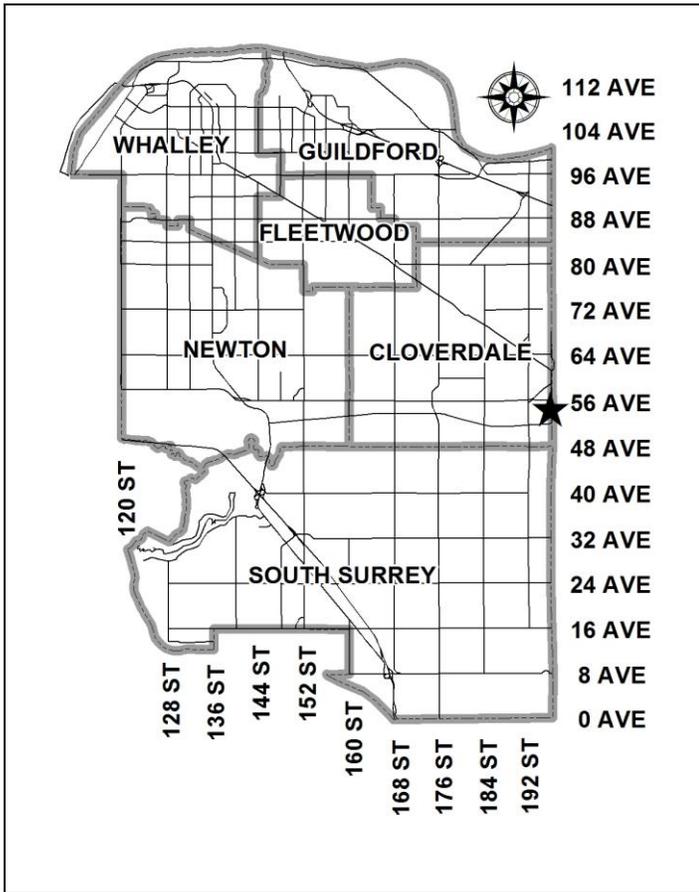
Vanbros Investments (B.C.) Inc.,
Inc. No. 0791933

ZONING:

IH

OCP DESIGNATION:

Industrial



RECOMMENDATION SUMMARY

- By-law introduction and set date for Public Hearing for OCP Amendment.
- Approval for Temporary Industrial Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- None.

RATIONALE OF RECOMMENDATION

- The proposal will allow an interim use of the subject site until it is economically viable for the property owner to develop the land.

RECOMMENDATION

The Planning & Development Department recommends that:

1. a By-law be introduced to amend the Official Community Plan by declaring the subject site a Temporary Industrial Use Permit Area and a date for Public Hearing be set.
2. Council determine the opportunities for consultation with persons, organizations and authorities that are considered to be affected by the proposed amendment to the Official Community Plan, as described in the Report, to be appropriate to meet the requirement of Section 879 of the Local Government Act.
3. Council approve Temporary Industrial Use Permit No. 7908-0252-00 (Appendix III) to proceed to Public Notification.
4. Council instruct staff to resolve the following issues prior to final adoption:
 - (a) submission of adequate security to ensure the site is restored to its vacant state upon expiration of the Temporary Industrial Use Permit;
 - (b) submission of a finalized tree survey and a statement regarding tree preservation to the satisfaction of the City Landscape Architect;
 - (c) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect; and
 - (d) registration of a shared access agreement.

REFERRALS

Engineering: The Engineering Department has no objection to the project.

SITE CHARACTERISTICS

Existing Land Use: Unauthorized storage of construction waste bins.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	Industrial building.	Industrial	IL
East (Across unconstructed 196 Street right-of-way in City of Langley):	Townhouses (seniors complex).	City of Langley	City of Langley

Direction	Existing Use	OCP Designation	Existing Zone
South:	Vacant with the two industrial buildings recently approved under Development Permit No. 7908-0116-00.	Industrial	IH
West (Across Production Boulevard):	New Industrial buildings.	Industrial	IH

DEVELOPMENT CONSIDERATIONS

Background

- The subject site comprises two properties located at 5454 and 5478 Production Boulevard adjacent the Surrey-Langley border and has a combined lot area of 0.82 hectare (2.02 ac). Both properties are designated Industrial in the Official Community Plan (OCP) and are zoned High Impact Industrial (IH).
- The subject lands were previously zoned for Industrial purposes under By-law No. 2265 since 1964 and for High Impact Industrial (IH) uses since 1978 under zoning By-law No. 5942.
- The applicant, Vanbros Investments (BC) Inc., (the Super Save Group), has been operating an unauthorized construction waste bin and related goods outside storage facility at this location since early 2008. A building is not associated with the existing development.
- A regulation in Part 4 General Provisions of Zoning By-law 12000 stipulates that no use shall take place on an industrial lot unless a minimum 100 square metre (1,076 sq. ft.) building exists on the parcel.
- The current application was submitted in response to by-law enforcement action resulting from the unauthorized activities which are occurring on the site.

Current Proposal

- The application proposes an Official Community Plan amendment to designate the subject site as a Temporary Industrial Use Permit (TUP) Area and a Temporary Industrial Use Permit in order to allow outdoor storage of construction waste bins and related goods for a period up to two years.
- The applicant notes that while they have long term plans to develop the site comprehensively (which would include a building), the storage facility is required immediately.
- Access to the site is from Production Boulevard by way of a driveway located towards the northern edge of the site on the northern subject lot.

- The current hours of operation for the site are from 7 am to 6 pm, 7 days a week. The applicant indicates that there are approximately 40 trips per day Monday to Friday, up to 20 trips on Saturdays and between 5 and 10 trips on Sundays.
- The proposed hours of operation are between 7:00 am and 6:00 pm, Monday to Saturday and between 9:00 am and 6:00 pm on Sundays.
- The applicant is proposing to store construction waste bins, some of which may still contain construction waste. Porta-potties and other related materials are also proposed to be stored on the site. It is expected that up to 40 bins of varying sizes may be stored at any one time. No toxic materials will be permitted to be stored on the site.

Landscaping

- At the request of staff the applicant has incorporated landscaping along all property lines that will help to mitigate some of the off-site impacts resulting from the proposed use. It is anticipated that most of the proposed landscaping will be able to be incorporated when the site's ultimate use is proposed.
- To help reduce noise and visual impacts on the multi-family developments in the City of Langley to the east, the applicant proposes to construct a 2.4-metre (8 ft.) high decorative concrete block fence that will be set 4.5 metres (15 ft.) into the property from the east property line. Soil will be bermed up against this wall to the height of approximately 1.0 metre (3 ft.). This bermed area will be planted with Redwood trees and low shrubs that will screen the fence and the subject site from the currently unopened 196th Street and from the residential developments to the east. The proposed treatment will be complementary to what is proposed on the adjacent development to the south.
- Extensive screening will be provided along Production Boulevard through the provision of a 3.0-metre (10 ft.) wide landscaping strip which will incorporate eight, 1.8-metre (6 ft.) high European Beech trees and a 1.5-metre (5 ft.) high cedar hedge.
- Portions of the site are surfaced in both asphalt and crushed gravel.
- The site will be secured by an existing chain link fence, with the portion along the west (front yard) property line being relocated to the inside of the proposed landscape strip to minimize its visual impact.

PRE-NOTIFICATION

Pre-notification letters were mailed on October 22, 2008 and November 7, 2008. In response, staff received correspondence from 10 property owners or residents, which were evenly distributed between telephone calls and letters or emails. Correspondence was received from both property owners within the City of Surrey (6) and from residents in the City of Langley (4) across the unconstructed 196th Street road allowance.

In addition, staff received a letter from the Director of Development Services and Economic Development on behalf of the City of Langley on October 21, 2008, expressing the following concerns, some of which were similar to the issues noted below: They do not support the application due to the noise that is created from the use and its impact on the residential uses in the City of Langley. They also note that High Impact Industrial land uses are not appropriate in this location.

(The subject lands have been zoned for industry since 1964.)

The following concerns were consistently noted in the correspondence received from local respondents:

- The facility is noisy, dusty and an eye-sore with bins being stored haphazardly around the site.

(Significant landscaping is proposed along all property lines, particularly along the front and rear of the site to limit the visual impact from Production Boulevard and the future 196th Street. As part of this, a decorative concrete block fence is proposed along the 196 Street frontage. The site is partially paved with the remainder surfaced by crushed gravel to help minimize dust.)

- The facility has operated as early as 5:00 AM which causes a nuisance to adjacent residences.

(The applicant has agreed to operate the facility between 7:00 am and 6:00 pm, Monday to Saturday and between 9:00 am and 6:00 pm on Sundays . These hours of operation will be a condition of approval in the Temporary Use Permit.)

- The proponent has utilized Production Boulevard to facilitate the functioning of their facility through the storage and transferring of bins on the public road. Parking on the street and the amount of truck traffic were also noted.

(The applicant has demonstrated that all activities can be accommodated on site.)

- There is some concern that the proponent will be handling or storing toxic materials on the site.

(The applicant has confirmed that none of the following materials will be stored at the site: paints, solvents, flammable liquids, ballasts with Polychlorinated biphenyl (PCB,) animal or animal by-products, batteries or other similar materials. The storage of these goods will be prohibited in the Temporary Use Permit. The storage of dangerous goods is also covered by both the B.C. Fire Code and the Surrey Fire Prevention By-law No. 10771, which apply to the subject development.)

- The facility has operated for a significant period of time (+/- 1 ½ years) without the appropriate approvals . The proponent has not been held to the same standard as other businesses in the area and should have been required to cease operations until approvals were granted. Development of the site should require the construction of a building, adequate setbacks, and the provision of landscaping.

(The proposed Temporary Use Permit will require extensive site landscaping.)

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, staff has determined that additional consultation with residents, organizations or authorities is not necessary for the proposed OCP amendment, other than those contacted as part of the pre-notification process.

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 Landscape Plans
- Appendix III. Temporary Industrial Use Permit No. 7908-0252-00
- Appendix IV. OCP Amendment By-law

Jean Lamontagne
General Manager
Planning and Development

SML/kms

v:\wp-docs\planning\plncom09\01061107sml.doc
KMS 1/6/09 11:16 AM

