

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7908-0268-00

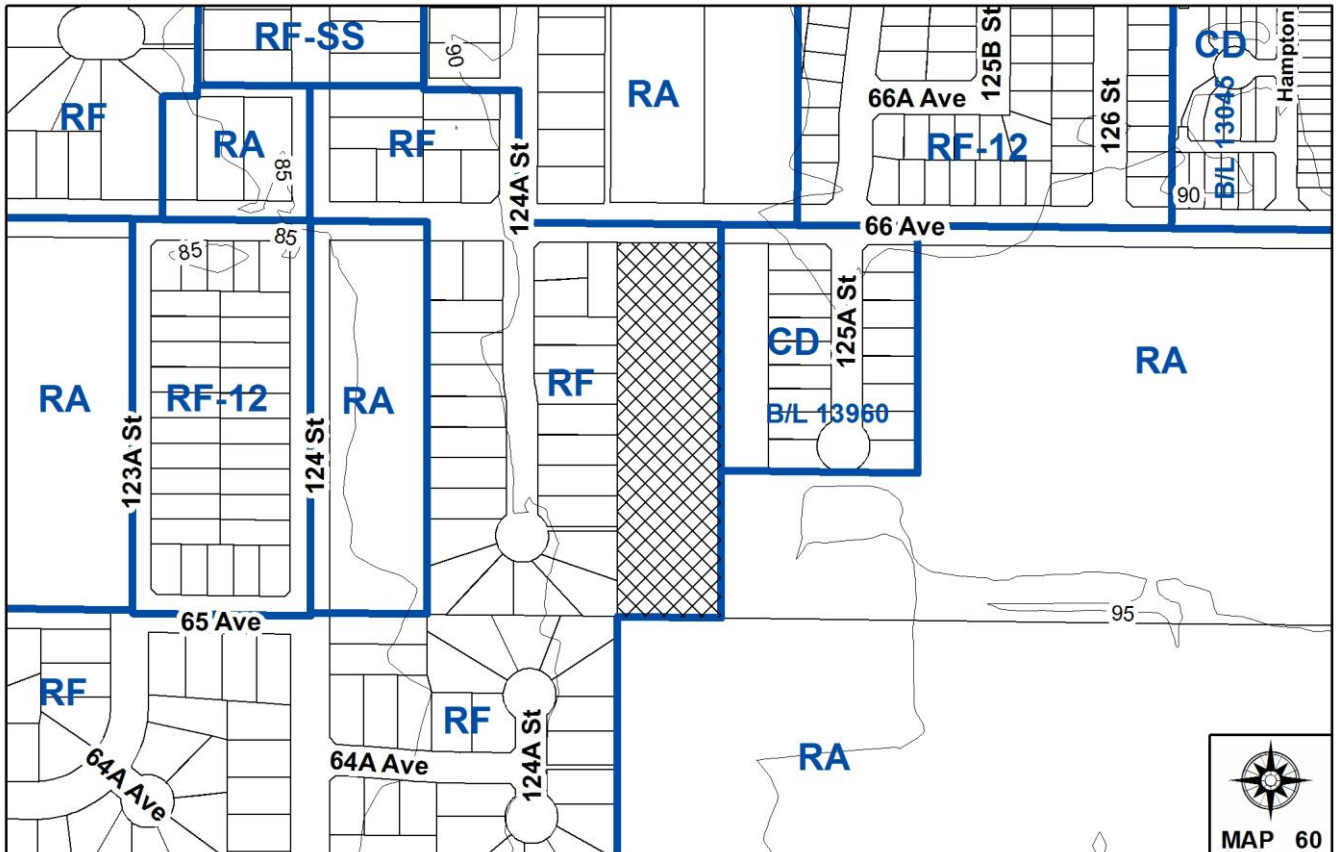
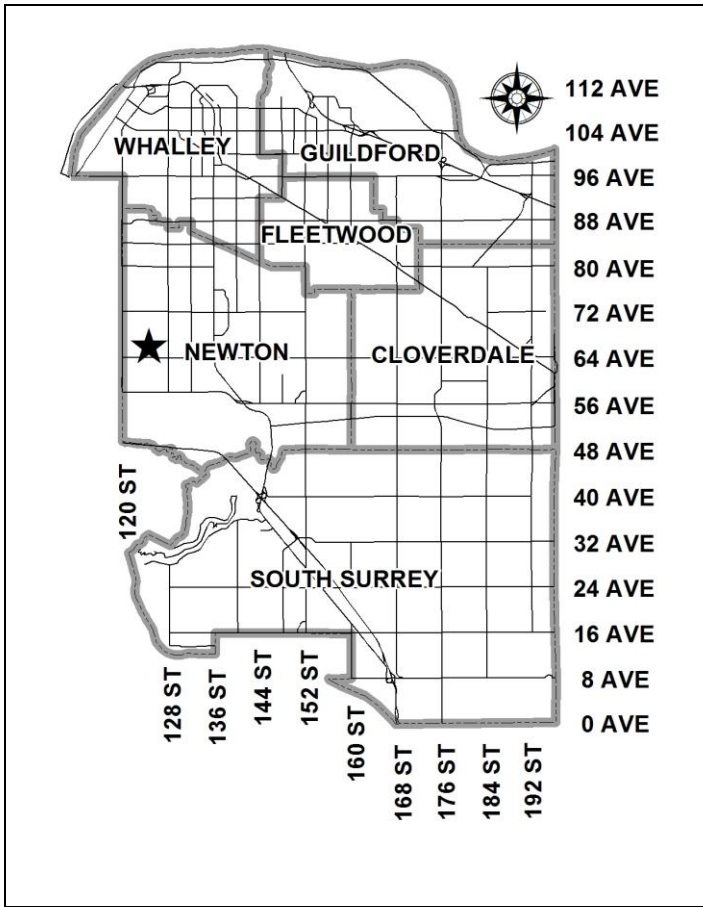
Planning Report Date: June 15, 2009

PROPOSAL:

- Temporary Use Permit
- OCP Amendment

in order to permit a temporary nursery, landscaping and plant retail business for a period of 2 years.

LOCATION: 12490 - 66 Avenue
OWNER: Jagir Kaur
ZONING: RF
OCP DESIGNATION: Urban
LAP DESIGNATION: Open Space



RECOMMENDATION SUMMARY

- By-law Introduction and set date for Public Hearing for OCP Amendment to declare the property at 12490 - 66 Avenue a Temporary Use Permit Area.
- Approval for Temporary Use Permit to proceed to Public Notification.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed landscaping and plant retail business is not consistent with the site's "Single Family Residential Zone (RF)" or the site's "Open Space" designation in the Newton Local Area Plan.

RATIONALE OF RECOMMENDATION

- The original rezoning application was made by the applicant as a result of by-law enforcement actions regarding the subject site being used for the storage of building and landscaping materials.
- At the June 16, 2008 Council meeting, the applicant's rezoning application (No. 7907-0336-00) to allow for nursery, landscaping and plant retail use was brought forward for Council's consideration. Staff did not support the proposed rezoning and the application was denied by Council.
- At the June 23, 2008 Council meeting, the rezoning application was brought back for reconsideration. However, the application was again denied by Council. Subsequent to the denial resolution, the application was referred back to staff for a report.
- Subsequent to Council's referral, the idea of a Temporary Use Permit approach was suggested and the applicant proceeded to apply for TUP for temporary use of the site as a landscaping and plant/materials retail business.
- It is noted that neighbourhood responses to the previous rezoning and proposed TUP are unclear. During the rezoning process, the applicant submitted a petition with approximately 120 signatures in support of the application. However, staff also received a petition with approximately 68 signatures opposing the application. Recently staff have received a 98 signature petition opposing the proposed TUP (Appendices IV, V and VI).
- Staff recommends that the proposed OCP Amendment and TUP be allowed to proceed to Public Hearing and Public Notification.

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 Use 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 Commercial Use Permit No. 7908-0268-00 (Appendix III) to proceed to Public Notification.
4. Council instruct staff to resolve the following issues prior to approval:
 - (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) submission of a landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (c) submission of landscaping security;
 - (d) submission of adequate security to ensure the site is restored to its vacant state, upon expiration of the Temporary Commercial Use Permit; and
 - (e) the applicant satisfactorily address site/building requirements, to the satisfaction of the City and BC Hydro.

REFERRALS

Engineering:	The Engineering Department has no objection to the project subject to the completion of Engineering servicing requirements as outlined in Appendix II.
Parks, Recreation & Culture:	Parks has some concerns about the visual impact of the proposed use on the adjacent Serpentine Greenway.
Fire Department:	The Fire Department has no objection, given that the existing trailer on the site stays in its current location.

BC Hydro: Parking is only permissible in the northerly 30 metres (100 ft.) of the site. Quonset huts (canvas over metal frame, in a semi-circular shape) can be allowed if the metal frames are bonded and grounded, but there must be no services to the Quonset huts. The existing trailer can stay in its current location, provided a distribution cable of 14.4 KV is placed on the Hydro right-of-way edge and is used to connect the trailer to the distribution line. A step down transformer is needed at the trailer location.

SITE CHARACTERISTICS

Existing Land Use: There is an office trailer and some storage of landscaping materials and equipment on the site.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across 66 Avenue):	BC Hydro right-of-way over most of the area, also a single family dwelling in non-BC Hydro ROW area.	Urban/Open Space	RA
East:	Open space area with a multi-use pathway.	Urban/Open Space	CD (By-law No. 13960) and RA
South:	Tamanawis Park, open space, multi-purpose pathway.	Urban/Open Space	RA
West:	Single family residential.	Urban/Urban Residential	RF

DEVELOPMENT CONSIDERATIONS

Background

- The subject site is located at 12490 – 66 Avenue and is 1.08 hectares (2.68 acres) in size. The site is zoned "Single Family Residential Zone (RF)" and is designated "Open Space" in the Newton Local Area Plan (LAP) and "Urban" in the Official Community Plan (OCP).
- The applicant is currently using the site as a base for his landscaping business. The site currently contains an office trailer (a mobile trailer) and some storage of landscaping materials and equipment. The site is fully encumbered by a BC Hydro right-of-way for transmission lines.
- In late 2005 the City received complaints that the subject site was being used as a storage yard for building and landscaping materials. City By-law Enforcement staff contacted the owner and informed the owner that the landscaping business did not comply with the RF zoning. The applicant made an application (File No. 7907-0336-00) for rezoning from RF to "Comprehensive Development Zone" (CD) allow for a nursery, landscaping and plant retail business in fall of 2007.

Rezoning Application No. 7907-0336-00

- Application No. 7907-0336-00 was presented to Council at the June 16, 2008 Council meeting. Staff recommended denial of the application as the proposal was contrary to the Newton Local Area Plan and also raised concerns from area residents. Council denied the application. At the June 23, 2008 Council meeting, the application was brought back for reconsideration. However, the application was again denied by Council. Subsequent to the denial resolution, Council referred the application back to staff for a report.

Current TUP Application (Appendix III)

- On the basis of Council's referral, the applicant has applied for an Official Community Plan (OCP) Amendment to declare the property a Temporary Commercial Use Permit Area and for a TUP to allow for a landscaping and plant/materials retail business on the subject site for a period of up to 2 years.
- The Zoning By-law allows properties that are encumbered with utility right-of-ways (i.e. BC Hydro) to be utilized for certain activities, such as agricultural uses (growing crops and raising certain types of livestock) and horticultural uses (growing plants). However, the proposed uses (ie. storage of landscaping supplies and equipment, sale of plants and related materials) are not permitted under the RF Zone.
- The applicant is proposing to place a 348 sq.m. (3,750 sq.ft.) Quonset building on the site. The Quonset building is a structure with canvas placed over a semicircular metal frame.
- The applicant is also proposing to place five storage bins made of concrete lock-block to store landscaping materials. The rest of the site is proposed to be either used for growing plants or used as a loading or storage area.
- The applicant is proposing that the business operations at the site be conducted from 8:00 a.m. to 6:00 pm Monday to Saturday from October to March, 8:00 am to 7:00 pm Monday to Saturday from April to September and on Sundays year-round from 9:00 am to 5:00 pm. This will be a condition in the TUP.

Parking

- The applicant is proposing to provide 25 parking spaces, which exceeds the Zoning By-law requirements for a garden supply store.

Landscaping

- The applicant is proposing to plant a 2.8 metre (9 feet) landscaping strip at the front of the property along 66 Avenue. The site is currently partially screened by cedar hedging and a dilapidated wood plank fence along the north, east and south property lines. It is recommended that the cedar hedge screening be completed where necessary and that a 1.2 metre (4 feet) high black vinyl covered chain link fence be installed along the north, east and south property lines.

BC Hydro Input

- The proposed Quonset building is permitted by BC Hydro provided that the metal frames are bonded and grounded, and that no services are extended to the Quonset building.
- The existing trailer can stay in its current location, provided a distribution cable of 14.4 KV is placed on the Hydro right-of-way edge and is used to connect the trailer to the distribution line. A step down transformer is needed at the trailer location.
- BC Hydro has indicated that all parking spaces are to be provided within 30 metres (98 feet) of the northerly property line.

Fire Department Input

- The Fire Department has indicated that the existing mobile trailer on the site can stay in its current location as it is not located directly under the power lines.
- The BC Fire Code also prohibits the storage of forest products (including lumber, timber and wood pallets) under the power lines. The applicant has been advised of this, and this prohibition will be identified in the TUP.

PRE-NOTIFICATION

Pre-notification letters were sent March 13, 2009 and staff received the following comments:

- Staff received 13 phone calls from area residents. All of the callers were against the proposal. A number of callers voiced concerns about increased traffic, smell from manure/landscaping products, noise generation, operating hours, and introduction of a commercial use in a residential area.
- On April 27, 2009 staff received a petition from area residents objecting to the proposed TUP. There are a total of 98 respondents, representing 93 properties. All of the properties are within 425 metres (465 yards) of the subject site. The petition states that this is a "neighbourhood which does not require a commercial entity", and cites concerns that the proposal could impact noise levels, traffic volume and children's safety.

(Staff are aware of the residents' concerns regarding the proposed use. However, the City received 2 petitions from the neighbours previously during the rezoning process with conflicting responses. The first petition submitted by the applicant on May 13, 2008 has approximately 120 signatures in support of the rezoning application (Appendix V). The second petition was received by staff on June 10, 2008 with approximately 68 signatures opposing the rezoning (Appendix VI). Another petition with approximately 98 respondents objecting to the TUP was received on April 27, 2009 (Appendix IV). Respondents of the 3 petitions are basically from the immediate area of the subject site.)

Staff recommend that the proposed OCP Amendment and TUP be allowed to proceed to Public Hearing and Public Notification.

PUBLIC CONSULTATION PROCESS FOR OCP AMENDMENT

Pursuant to Section 879 of the Local Government Act, it was determined that it was not necessary to consult with any persons, organizations or authorities with respect to 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 and Survey Plan
- Appendix II. Engineering Summary
- Appendix III. Temporary Commercial Use Permit No. 7908-0268-00
- Appendix IV. Map Showing April 27, 2009 Petition Against TUP
- Appendix V. Map Showing May 13, 2008 Petition for Proposed Rezoning Application
No. 7907-0336-00
- Appendix VI. Map Showing June 10, 2008 Petition Against Proposed Rezoning Application
No. 7907-0336-00

Jean Lamontagne
General Manager
Planning and Development

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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: Arvind Sharma
 Address: 13842 - 115 Avenue
 Surrey, BC
 V3R 2Y3
 Tel: 604-946-3258

2. Properties involved in the Application
 - (a) Civic Address: 12490 - 66 Avenue

 - (b) Civic Address: 12490 - 66 Avenue
 Owner: Jagir Kaur
 PID: 018-201-091
 Lot 22 Section 18 Township 2 New Westminster District Plan LMP9853

3. Summary of Actions for City Clerk's Office
 - (a) Proceed with Public Notification for Temporary Use Permit No. 7908-0268-00.

 - (b) Introduce a By-law to amend the Official Community Plan to redesignate the property a Temporary Commercial Use Permit Area.

DEVELOPMENT DATA SHEET

Existing Zoning: RF

Required Development Data	Minimum Required / Maximum Allowed	Proposed
LOT AREA* (in square metres)		
Gross Total		10,844 sq.m.
Road Widening area		
Undevelopable area		
Net Total		
LOT COVERAGE (in % of net lot area)		
Buildings & Structures		
Paved & Hard Surfaced Areas		
Total Site Coverage		
SETBACKS (in metres)		
Front		
Rear		
Side #1 (N,S,E, or W)		
Side #2 (N,S,E, or W)		
Side #3 (N, S, E or W)		
BUILDING HEIGHT (in metres/storeys)		
Principal		
Accessory		
NUMBER OF RESIDENTIAL UNITS		
Bachelor		
One Bed		
Two Bedroom		
Three Bedroom +		
Total		
FLOOR AREA: Residential		
FLOOR AREA: Commercial		414 sq.m.
Retail		
Office		
Total		
FLOOR AREA: Industrial		
FLOOR AREA: Institutional		
TOTAL BUILDING FLOOR AREA		414 sq.m.

**** If the development site consists of more than one lot, lot dimensions pertain to the entire site.***

Development Data Sheet cont'd

Required Development Data	Minimum Required / Maximum Allowed	Proposed
DENSITY		
# of units/ha /# units/acre (gross)		
# of units/ha /# units/acre (net)		
FAR (gross)		
FAR (net)		
AMENITY SPACE (area in square metres)		
Indoor		
Outdoor		
PARKING (number of stalls)		
Commercial	12	25
Industrial		
Residential Bachelor + 1 Bedroom		
2-Bed		
3-Bed		
Residential Visitors		
Institutional		
Total Number of Parking Spaces	12	25
Number of disabled stalls		
Number of small cars		
Tandem Parking Spaces: Number / % of Total Number of Units		
Size of Tandem Parking Spaces width/length		

Heritage Site	NO	Tree Survey/Assessment Provided	NO
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