

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0045-00

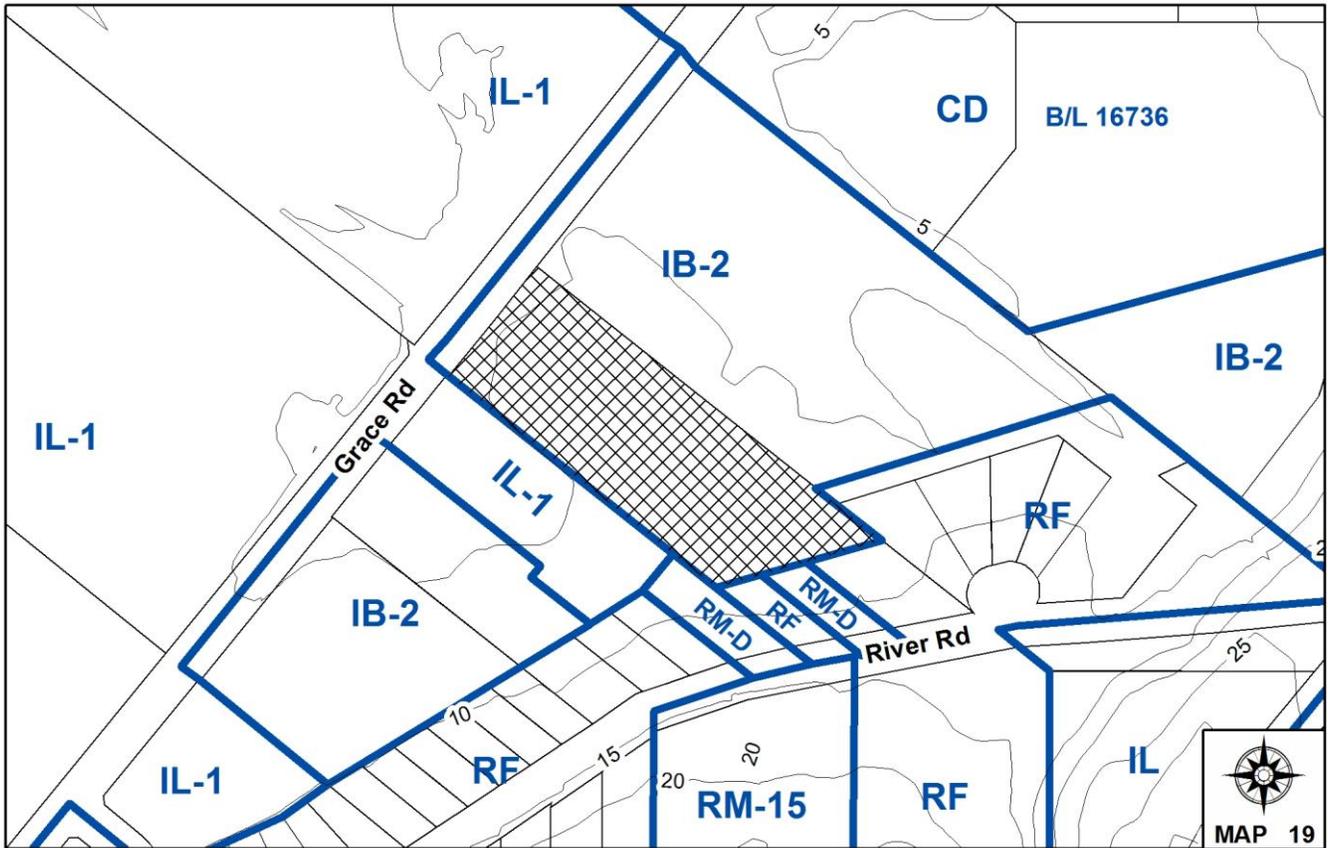
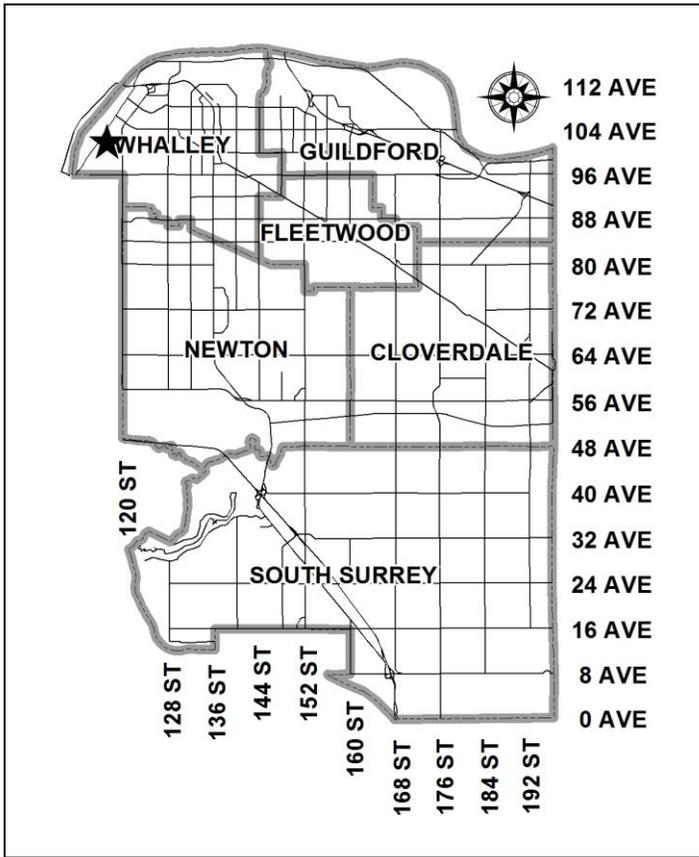
Planning Report Date: May 4, 2009

PROPOSAL:

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

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

LOCATION: 10198 Grace Road
OWNER: Sumitter Pattar
ZONING: IB-2
OCP DESIGNATION: Industrial
NCP DESIGNATION: Business Park/Open Space



RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed truck parking use is not consistent with the Business Park Designation in the South Westminster NCP.

RATIONALE OF RECOMMENDATION

- The proposed truck parking will allow an interim use on the land until it is economically viable for the property owners to develop the land in accordance with the South Westminster NCP.
- Council gave Third Reading to a previous temporary use permit application for truck parking on this site on September 26, 2006 but the by-law was filed due to inactivity.

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. 7909-0045-00 (Appendix III) to proceed to Public Notification.
4. 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) submission of a landscaping plan and landscaping cost estimate to the specifications and satisfaction of the City Landscape Architect;
 - (c) 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 as defined by the *Transportation of Dangerous Goods Act*;
 - (d) resolution to the satisfaction of Metro Vancouver for the removal of fill placed on the GVRD right-of-way; and
 - (e) submission of final sealed drawings to satisfy the on-site requirements of truck parking facilities as endorsed by Council on October 31, 2006 in Corporate Report No. R216.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Unauthorized truck parking facility.

Significant Attributes: The subject site is encumbered by two GVRD rights-of-way for drainage/sanitary services at the rear portion of the site.

Adjacent Area:

| Direction | Existing Use | NCP Designation | Existing Zone |
|---------------------------------|--------------------------------|-------------------------|----------------------|
| North-East: | Vacant | Business Park | IB-2 |
| South-East: | Single family residences. | Urban in OCP | RF |
| North-West (Across Grace Road): | Quik X distribution warehouse. | Light Impact Industrial | IL-1 |
| South-West: | Non-conforming sawmill. | Business Park | IL-1 |

DEVELOPMENT CONSIDERATIONS

Background

- The original application was dated April 8, 2004 and consisted of a Temporary Industrial Use Permit to allow the parking of heavy vehicles for a period not to exceed two years.
- At the February 20, 2006 Regular Council – Land Use meeting, Council dealt with a Planning Report (Appendix VII) on the proposed development. Staff recommended the application be denied, however after considering the Report and the comments from the applicant, Council referred the application back to staff to work with the applicant to develop and bring forward conditions for approval of the subject application.
- At the September 11, 2006 Regular Council – Land Use meeting, Council considered a second Planning Report on the proposed development, and approved the OCP Amendment By-law to proceed to Public Hearing and the Temporary Industrial Use Permit to proceed through the forwarded for Public Notification process.
- On September 26, 2006, after considering the Public Hearing and the comments from the public as a result of the public notification process, Council granted Third Reading to By-law No. 16096, and referred the Temporary Industrial Use Permit application back to Planning staff to ensure that the outstanding requirements were addressed.
- The applicant did not complete the requirements of the Temporary Industrial Use Permit, and on December 15, 2008, Council filed the OCP Amendment By-law and closed the file.

Current Proposal

- The subject property is under By-law Enforcement action for the use of the property contrary to the IB-2 Zone. Further, there is a contract to purchase registered against the title of the land by Prudential Transportation. The current owner has therefore submitted a new Temporary Industrial Use Permit application to legalize the truck parking use on the site. The prospective

purchaser is eager to finalize the requirements of the TUP for his transportation business.

- The applicant has requested a Temporary Industrial Use Permit (TUP) for the subject land in order to allow for the storage of approximately 67 heavy vehicles for a period not to exceed two years.
- The South Westminster Neighbourhood Concept Plan (NCP) envisions this area for Business Park Development. The NCP was approved by Council on March 10, 2003.
- As a result of Council's support of a TUP for truck parking on this site in 2006, the necessary by-law has been drafted for Council's consideration of a new TUP application for truck parking for a period not to exceed two years.
- 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 owner 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 applicant has installed a chain link fence around the perimeter of the site and a security gate.
- The subject property is located adjacent and downhill from an existing residential area. To assist in mitigating the appearance and noise associated with truck parking, a 15-metre (49 ft.) landscape buffer is proposed between the GVRD sanitary sewer trunk line and the rear of the property.
- This landscaping consists of a mixture of evergreen and deciduous trees, and a lawn area. At the time that the site is developed to its ultimate use, this landscape buffer will be further augmented. The landscaping requirement will be secured in the Temporary Industrial Use Permit.
- The parking area is proposed to be finished with a dust-free surface consisting of compacted gravel. As some of the other uses associated with truck parking can be harmful to the environment or surrounding land uses, a Section 219 Restrictive Covenant is required to prohibit truck washing, truck fuel storage or refueling, storage of waste petroleum fluids, vehicle maintenance, and to prohibit the parking and storage of vehicles containing dangerous goods as defined by the *Transport of Dangerous Goods Act*.
- Metro Vancouver staff have advised that fill has been placed over the sanitary sewer trunk right-of-way located parallel to the southeast (rear) property line. Metro-Vancouver has requested that the removal of fill be addressed in conjunction with the Temporary Industrial Use Permit.
- On October 31, 2008, City Council considered Corporate Report No. 216, 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 requirements 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
- Prior to issuance of the Temporary Industrial Use Permit the applicant is to submit final site plan drawings addressing the on-site requirements for truck parking.

PRE-NOTIFICATION

Pre-notification letters are not usually required in association with Temporary Industrial Use Permits. However, because there is an associated OCP Amendment By-law required to declare the site a Temporary Industrial Use Permit area, pre-notification letters were sent on April 14, 2009 and received one letter opposing the Temporary Use Permit for truck parking, and expressing these concerns:

- The current truck parking operation is extremely dusty and noisy. The site should be development as a park.

(A requirement of the Temporary Use Permit will be to resurface the property with a dust-free surface. The subject property is across the street from two transportation industry businesses and is located on a truck route. The concentration of transportation-oriented uses and businesses all contribute to the noise issue in this area.)

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
- Appendix II. Proposed Site Plan
- Appendix III. Engineering Summary
- Appendix IV. Temporary Industrial Use Permit No. 7909-0045-00
- Appendix V. OCP Amendment By-law

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: Aplin & Martin Consultants Ltd.
 Address: #201 - 12448 - 82 Avenue
 Surrey, BC V3W 3E9
 Tel: 604-597-9058

2. Properties involved in the Application
 - (a) Civic Address: 10198 Grace Road

 - (b) Civic Address: 10198 Grace Road
 Owner: Summitter Singh Pattar
 PID: 023-645-709
 Lot 1 Section 25 Block 5 North Range 3 West New Westminster District Plan
 LMP31340

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

 - (b) Proceed with Public Notification for Temporary Industrial Use Permit No. 7909-0045-00.