

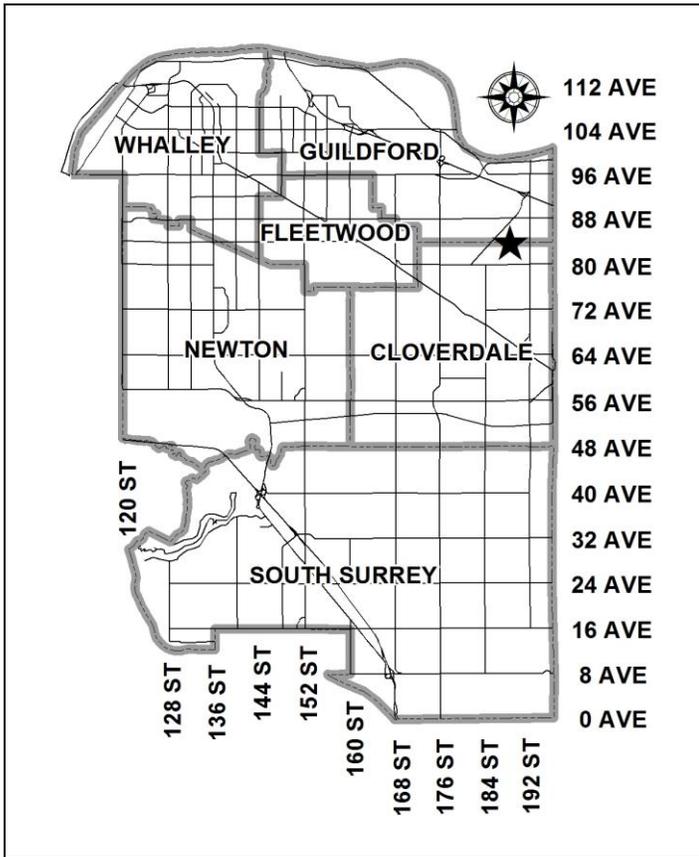
Planning Report Date: December 14, 2009

PROPOSAL:

- **OCP Amendment**
- **Temporary Commercial Use Permit**

in order to allow the storage of recreational vehicles, trailers and boats on the subject site for a period not to exceed two (2) years.

LOCATION: 18875 - 84 Avenue
OWNERS: Shayne Khan and Jarina Nisha
ZONING: A-1
OCP DESIGNATION: Suburban
GLUP DESIGNATION: Suburban Single Family Residential



RECOMMENDATION SUMMARY

- Denial

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The proposed Temporary Commercial Use Permit is not consistent with the Suburban Single Family Residential land use designation in the South Port Kells General Land Use Plan.

RATIONALE OF RECOMMENDATION

- The proposed commercial use is not consistent with the existing land use in the area.
- Does not comply with the Suburban designation in the OCP.
- Does not comply with the South Port Kells General Land Use Plan designation.
- Area residents have raised objections to the proposal.

RECOMMENDATION

The Planning & Development Department recommends that this application be denied. Should Council consider the application to have merit, it should be referred back to staff to undertake the necessary referrals and to draft the Temporary Commercial Use Permit.

REFERRALS

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

Agricultural Advisory Committee (AAC): Should the proposal be approved to proceed, the application will be forwarded to the AAC for their comments as the site is across the street from ALR lands.

SITE CHARACTERISTICS

Existing Land Use: Five-acre suburban lot with existing single family dwelling and shed structures, and unauthorized, outdoor recreational vehicle storage.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North:	3-acre heavily-treed property with an existing single family dwelling.	Suburban	A-1
East:	Vacant 5-acre Suburban lot.	Suburban	A-1
South (Across 84 Avenue):	8-acre agricultural property with existing dwelling and greenhouses.	Agricultural in the ALR	A-1
West:	Acreage lot with existing single family dwelling and 4-acre lot with existing dwellings and structures.	Suburban	A-1

DEVELOPMENT CONSIDERATIONS

- The subject property is located at 18875 – 84 Avenue and encompasses a site area of approximately 2.0 hectares (5.0 acres). The property is zoned General Agriculture (A-1) and designated Suburban in the Official Community Plan (OCP). The South Port Kells General Land Use Plan (GLUP) approved by Council on June 13, 2005, designates the site Suburban Single Family Residential. The site is located adjacent to, but not within, the Agricultural Land Reserve (ALR).

- The owners have applied for a Temporary Commercial Use Permit to allow the storage of a maximum of thirty (30) recreational vehicles, trailers and boats at the rear of the subject property. An OCP Amendment is also required to designate the site a Temporary Commercial Use Permit Area.
- The applicant currently stores recreational vehicles (i.e. fifth wheels, straight hitch trailers, motor homes and boats) at the rear along the northeast portion of the subject property behind the existing dwelling and accessory buildings (Appendix III). The property is gated and relatively well-screened. The applicant proposes to plant additional trees and landscaping, if necessary.
- Staff from the By-laws Section have previously visited the subject site to investigate the unauthorized storage of recreational vehicles. The owners of the property acknowledged that they are charging a fee to the owners of the recreational vehicles to store them on the subject property, and that the recreational vehicles are stored on the site for an extended period of time. Subsequently, the owners submitted an application to the Planning and Development Department for a Temporary Commercial Use Permit to legalize the use.
- Following questions from staff, the applicant states that the recreational vehicles are now stored on the subject property only, and not on the adjacent property to the east, which is owned by a family member.
- The applicant has stated that the site is not a Recreational Vehicle (R.V.) park, campground, or an R.V. sales lot. The vehicles are fully licensed and insured by their respective owners.
- The subject site is zoned General Agriculture Zone (A-1) and allows outdoor parking and storage of house trailers, campers and boats if ancillary to the residential use. Although no maximum number, the trailers, etc., must be owned by the resident on the lot. Therefore, the business of leasing space to recreational vehicle owners by the current property owner is not permitted in the A-1 zone.
- The One-Acre Residential Zone (RA) allows ancillary outdoor parking or storage of horse trailers, campers and boats, provided the combined total does not exceed three (3).

PRE-NOTIFICATION

Pre-notification letters were sent out on May 12, 2009, and staff received letters or telephone calls from sixteen (16) property owners in the area, who are all opposed to the proposal. This includes a letter and telephone call from a representative of the South Port Kells Community Association, who expressed their disapproval. The comments and concerns are listed below (with staff comments in italics):

- Some area residents stated that the proposed use was inappropriate for the neighbourhood, and that Planning should not support the application. They requested that Planning staff close the file and ask By-law Enforcement to conduct the appropriate actions.

(Staff explained that the owners have a right to apply and the decision rests with Council.)

- One resident was adamantly against the proposal, as the storage of recreational vehicles contravened the Zoning By-law. It was also mentioned that the storage of these vehicles represented an aesthetic eyesore, and contradicted the vision of their community.

(Staff stated that the applicant has proposed additional landscaping to reduce any impacts, but agreed that the use contradicted the vision of the community.)

- Staff were reminded by another resident that all properties in the area are designated for a suburban residential or agricultural use, and that Planning should not permit a commercial use on the subject property. The current proposal to allow the storage of recreational vehicles on the subject property would facilitate a deterioration of the rich heritage and rural atmosphere of the Port Kells area.

(Area residents have been advised by staff that the current application is not supported, as the commercial nature of the proposal is not consistent with the existing type of land use in the neighbourhood.)

- Several area residents also expressed their concern regarding the potential contamination of Latimer Creek, which traverses the abutting property to the north. The concern focused on the possibility of chemicals or vehicle fluids leaching into the watercourse.

(Staff express a similar concern, and have stated that the owners will need to submit a survey to confirm the top-of-bank of Latimer Creek, should Council allow the proposal to proceed.)

- The applicant submitted letters of support from 11 neighbouring property owners.

(The letters of support were submitted with the application, prior to the pre-notification process.)

PROJECT EVALUATION

Applicant's Justification

The applicant has provided the following rationale for supporting the proposed Temporary Commercial Use Permit to allow the storage of recreational vehicles on the subject property. Staff comments are in italics.

- The recreational vehicles are barely visible from 84th Avenue. While they are visible from 188th Street, additional landscaping along the western property line can mitigate this concern. The property to the east is vacant and the site to the north is heavily treed, and thus the storage of the vehicles does not impact adjacent landowners.

The subject site is isolated and the storage of recreational vehicles on the subject property could be further screened. However, approving this application could result in additional property owners of rural land seeking similar approvals, rather than on commercial or industrial lands designated for such a use.

- The storage of recreational vehicles is needed in Surrey.

Staff acknowledge that there may be a growing need to allow for the storage of recreational vehicles in the City. However, the proposed commercial use on the subject property is not appropriate given the current and future suburban residential land use pattern in the neighbourhood.

- The storage of recreational vehicles currently provides the owner with a steady income to assist with mortgage and property tax payments.

Staff recognize the possible financial burden for the landowner, however, the land is not intended for commercial purposes. The approval of the current application would set an undesirable precedent in the area.

- The applicant has submitted letters of support for the proposed use from eleven (11) neighbouring property owners.

Despite the support from eleven neighbours, staff have also received sixteen (16) letters and phone calls from local residents against the proposed use.

Staff Comments

The advantages and benefits of allowing this application to proceed are:

- The property is well-screened and the recreational vehicles are barely visible from 84th Avenue. The vehicles are visible from 188 Street, however, the applicant has proposed to install additional landscaping to further minimize any impacts on adjacent properties.
- There is an increasing demand for private recreational vehicle storage in the City. The approval of the current application will provide R.V. owners an alternative storage option of up to 30 parking spaces.
- The recreational vehicles that are stored on the subject property, unlike commercial trucks, are accessed on an infrequent basis throughout the year. As a result, there will not be a significant increase in vehicle traffic to the neighbourhood.
- Despite the concerns expressed by sixteen (16) area residents, as previously noted, the applicant has garnered the support of eleven (11) other residents in the neighbourhood. These supporters have no issues with the proposed use and believe that the operation will have little impact on the neighbourhood.

The disadvantages and problems of allowing this application to proceed are:

- The subject property is designated Suburban Single Family Residential in the South Port Kells General Land Use Plan (GLUP) and situated across from properties within the Agricultural Land Reserve (ALR). Therefore, the proposed temporary commercial use is not in keeping with the suburban agricultural character of the neighbourhood.
- The Official Community Plan (Policy B-3.3) supports the integrity of secondary plans (i.e., the South Port Kells GLUP), and indicates the importance of maintaining the original intent and viability of these plans. The current proposal would contradict the South Port Kells GLUP.

- The approval of the current application will set a precedent in the area. This may result in future landowners in the neighbourhood applying for a similar use, creating a proliferation of recreational vehicle storage sites in a residential area.
- Vehicle access to/from the subject site is circuitous via Harvie Road, as 84 Avenue is unbuilt west of 188 Street and does not extend through to 192 Street to the east.
- The applicant proposes to store the recreational vehicles at the northeast corner of the subject site, which is approximately 30 metres (100 ft) from Latimer Creek. Although a survey plan has not been completed to identify the exact location of the creek (top-of-bank), there may be the possibility that chemicals and vehicle fluids will leach into the creek from the subject property.
- While the applicant has garnered some neighbourhood support (11) for the proposal, there is a significant number of property owners in the area (16) opposed to the Temporary Commercial Use Permit for R.V. storage. Many of those opposed have been very passionate about protecting and preserving the existing character of the neighbourhood.
- The owners have not indicated their intentions after the Temporary Commercial Use Permit expires in two (2) years, if Council approves the current application. However, the owners may apply, after the expiry date, to seek an extension of a further two (2) years from Council.

CONCLUSION

- In considering the advantages and disadvantages of the proposed development, the Planning and Development Department believes that the negative impacts of the project are considerable, and, therefore, recommends that this project be denied.
- If Council believes that the merits of the application are sufficient to allow the proposal to proceed, the application should be referred back to staff to work with the applicant. A subsequent Planning Report will be forwarded to Council for consideration of approval to proceed to Public Hearing subject to the following:
 - Ensure that all Engineering Department requirements are addressed to the satisfaction of the General Manager of Engineering;
 - Any comments from the Agricultural Advisory Committee are satisfactorily addressed;
 - Submission of landscaping plan and cost estimate to the specifications and satisfaction of the City Landscape Architect; and
 - Submission of a survey plan confirming the location of the top-of-bank of Latimer Creek in relation to the proposed storage use.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

- Appendix I. Lot Owners and Action Summary
- Appendix II. Site Plan
- Appendix III. Aerial Map
- Appendix IV. South Port Kells General Land Use Plan

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) Agents: Name: Shayne Khan and Jarina Nisha
 Address: 18875 – 84 Avenue
 Surrey, BC
 V4N 3G5
 Tel: 604-882-3050

2. Properties involved in the Application

- (a) Civic Address: 18875 – 84 Avenue
- (b) Civic Address: 18875 – 84 Avenue
 Owners: Shayne Khan and Jarina Asheen Nisha
 PID: 006-844-944
 Lot 2 North East Quarter Section 28 Township 8 New Westminster District Plan
 1090

3. Summary of Actions for City Clerk's Office