

RECOMMENDATION SUMMARY

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

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The operation of the two (2) existing businesses and storage of construction equipment is not permitted under Land Use Contract No. 80.

RATIONALE OF RECOMMENDATION

- The proposed Temporary Use Permit will allow the two (2) existing businesses to continue operating on the subject property for a period of up to two (2) years.
- The subject property is heavily treed along the perimeter, and well-screened from adjacent properties.

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 Commercial 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 Commercial Use Permit No. 7909-0101-00 (Appendix IV) 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; and
 - (b) submission of a tree replacement plan and securities to the specifications and satisfaction of the City Landscape Architect.

REFERRALS

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

SITE CHARACTERISTICS

Existing Land Use: Single family dwelling with several conforming and non-conforming storage structures, which house two (2) business operations.

Adjacent Area:

Direction	Existing Use	OCP Designation	Existing Zone
North	Multi-tenant commercial building.	Commercial	C-8
East:	City parkland.	Urban	LUC No. 80 (underlying RF)
South:	City parkland.	Urban	LUC No. 49 (underlying RF)
West (Across King George Highway):	City parkland.	Urban	LUC No. 115 (underlying RF)

DEVELOPMENT CONSIDERATIONS

Background & Current Proposal

- The subject property is located at 8992 King George Highway and encompasses a site area of 0.58 hectare (1.45 acres). The property is regulated by Land Use Contract (LUC) No. 80 with an underlying RF zoning, and designated Urban in the Official Community Plan (OCP).
- The subject property is bordered on the south and east by City parkland and Quibble Creek, which is a Class A (red-coded, fish bearing) watercourse. A single family dwelling is located at the northwest corner of the site, with five (5) storage sheds located on the southern portion of the property. The large workshop and garage complied with the LUC when it was approved in 1975, while the remaining storage sheds are non-conforming (Appendix II).
- The property owners have applied for a Temporary Commercial Use Permit to allow two existing (2) businesses to continue operating on the subject site for a period of two (2) years. An OCP Amendment is also required to designate the site a Temporary Commercial Use Permit Area.
- According to the owners, the family has owned and operated a landscaping / excavating business (Mayo Contracting Ltd.) on the subject site for over 30 years. More recently, the property owners have leased office and storage space on the property to a road maintenance company (Black & White Fine Line), which specializes in line painting, power sweeping and snow removal.
- According to Land Use Contract No. 80, which was approved in 1975, the commercial use and storage of construction equipment on the subject site was to cease on January 31, 1980. However, both the use and the storage of materials still continue. The road maintenance business that currently leases space from the owners also contradicts the intent of LUC No. 80, which only permits residential uses on the subject property.
- During a site inspection of the subject property, Planning staff observed a stand of cedars located along the southeast portion of the site adjacent to the non-conforming storage shed, which were in significant decline. The matter was referred to the Landscape Division, which stated that three (3) By-law sized trees are significantly damaged. Therefore, the owners are required to provide \$1,925.00 (\$1,800 in securities and \$125 for a tree cut permit) to remove and to plant three (3) upsized replacement trees. The owners have paid the monies, and are working with the Landscape Division to ensure all requirements are satisfactorily completed.
- Staff from the Drainage and Environmental Section of the Engineering Department also visited the subject site to ensure that the salt stored within the non-conforming storage shed was not affecting the trees or the creek. The City's Environmental Coordinator has stated that salt leachate may have only played a small role in the decline of the trees, and furthermore, did not expect any of the salt to have entered the adjacent creek. It is expected that the trees were likely damaged as a result of the construction of the concrete pad for the non-conforming salt storage tent.

- The Engineering Department has stated that future widening of this portion of King George Highway will result in an ultimate road standard of 39 metres (128 ft), which will accommodate a future rapid bus lane. As a result, if the owners were to submit an application to discharge the LUC and rezone the subject property, they would be required to dedicate approximately 4.0 metres (13 ft) along their frontage. An additional 30-metre (100 ft) setback would be required at the rear (eastern portion) of the site due to riparian setback requirements from the creek. The owners had previously applied to discharge the Land Use Contract and rezone the property for commercial uses in 1991 and 1996. However, due to the dedication and setback requirements, the subject property would be left with a small building envelope unsuited for commercial development.
- Planning staff support the proposed Temporary Commercial Use Permit for the two (2) existing businesses to continue operating on the subject site for a period of two (2) years after the TUP is issued for the following reasons:
 - The two (2) operations are licensed businesses. Mayo Contracting Ltd. has been in business for over 30 years on the subject site and provides a valuable service to the community, while Black & White Fine Line has been in business since 1999, and operating from the subject property for approximately one (1) year.
 - Staff acknowledge that the owners have been operating a non-conforming business on the subject property. As part of the current application, the owners have agreed to search for an alternative site to relocate both businesses prior to the expiration of the proposed Temporary Commercial Use Permit in order to comply with Land Use Contract No. 80, which does not permit commercial uses on the subject property.
 - The subject property is well-screened and gated, and the businesses have operated with minimal impact and disturbance to adjacent properties. The owners have provided securities and agree to plant upsized replacement trees as compensation for the trees damaged on the subject property.
 - Due to the road dedication and riparian setback requirements, the subject property would be left with a small building envelope unsuited for commercial development. However, once the existing businesses are relocated and the proposed Temporary Commercial Use Permit expires, the owners could potentially apply to discharge the Land Use Contract to allow the underlying RF Zone to regulate the site.

PRE-NOTIFICATION

Pre-notification letters were sent out on June 13, 2009, and staff received two (2) telephone calls from area residents. The callers were not opposed to the application, but instead, wanted additional information and clarification regarding the proposal.

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. Engineering Summary
- Appendix IV. Temporary Commercial Use Permit No. 7909-0101-00
- Appendix V. Proposed OCP Amendment By-law

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: David Martin
 Address: 8992 King George Highway
 Surrey, BC
 V3V 5V8
 Tel: 604-572-8949

2. Properties involved in the Application
 - (a) Civic Address: 8992 King George Highway

 - (b) Civic Address: 8992 King George Highway
 Owners: William Alfred Mayo and Edna Maria Mayo
 PID: 004-962-605
 Lot 258 Section 33 Township 2 New Westminster District Plan 51525

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a by-law to amend the OCP and declare the property a Temporary Commercial Use Permit Area and set a date for Public Hearing.

 - (b) Proceed with Public Notification for Temporary Commercial Use Permit No. 7909-0101-00.