

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0127-00

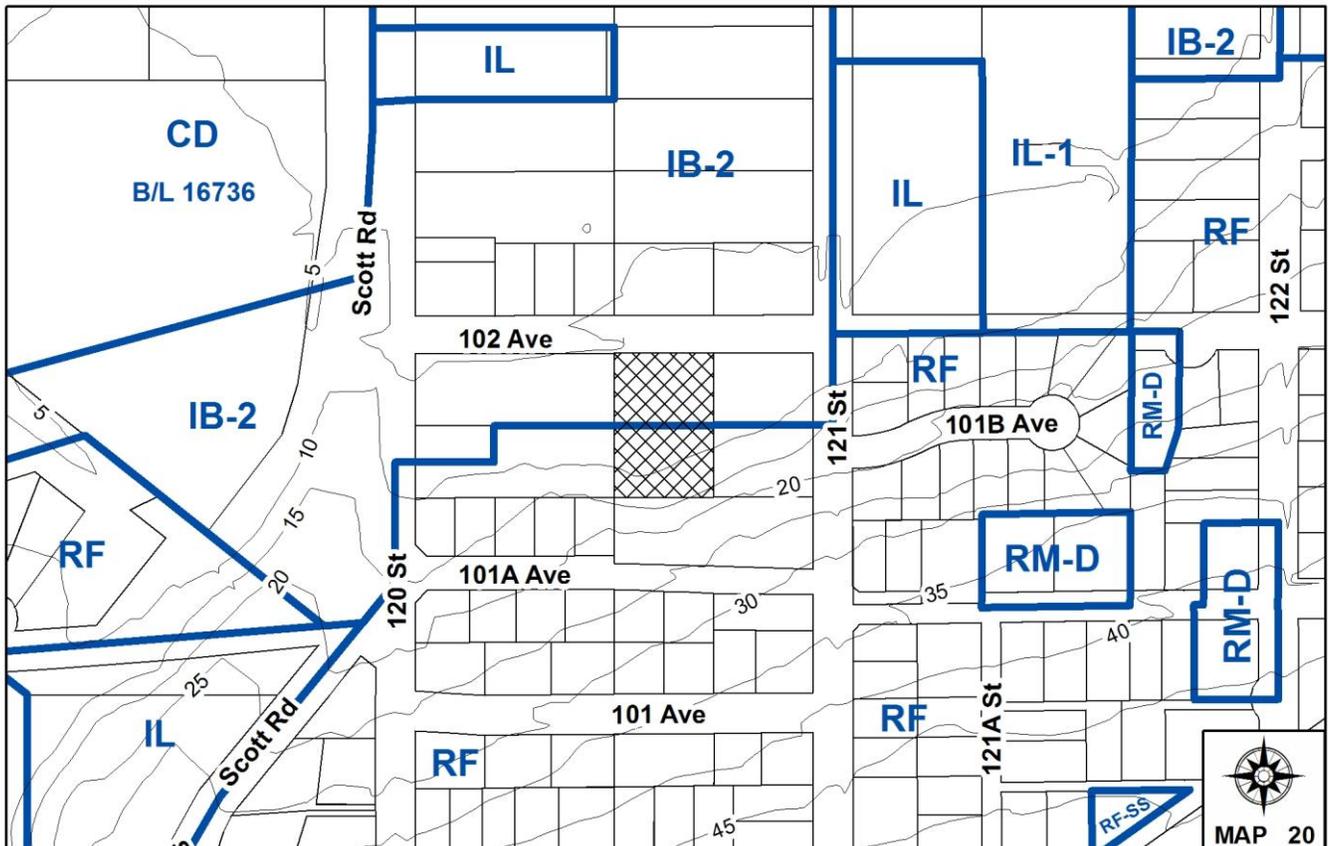
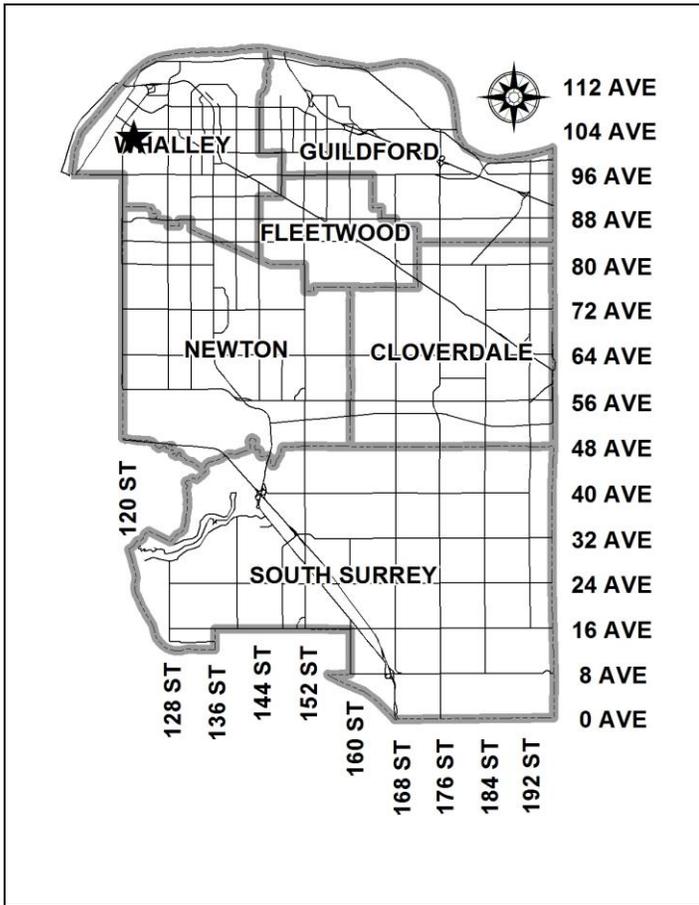
Planning Report Date: January 25, 2010

PROPOSAL:

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

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

LOCATION: 12052 - 102 Avenue
OWNERS: Gurmel and Rajinder Chohan
ZONING: IB-2 and RF
OCP DESIGNATION: Industrial
NCP DESIGNATION: Business Park



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

- None

RATIONALE OF RECOMMENDATION

- The proposed truck parking will allow an interim use of the land until it is economically viable for the property owners to develop the land.
- A previous application on the subject site for a temporary truck parking facility (file no. 7906-0230-00) received Third Reading on October 30, 2006, but was subsequently filed on May 25, 2009 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. 7909-0127-00 (Appendix IV) to proceed to Public Notification.
4. Council instruct staff to resolve the following issue 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) completion of all requirements identified in the Pre-Servicing Approval Stage (Appendix VII).
5. Council direct staff to bring forward this application 4 months from the date of approval to proceed (i.e. first Council meeting after May 25, 2010) for consideration of filing, if the conditions have not been adequately fulfilled by the applicant.

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: Non-conforming truck park.

Adjacent Area:

Direction	Existing Use	NCP Designation	Existing Zone
North (Across 102 Avenue):	Drilling contractor business.	Light Impact Industrial/Business Park	IB-2
East:	Non-conforming residence.	Business Park	IB-2

Direction	Existing Use	NCP Designation	Existing Zone
South:	Vacant land.	Urban in OCP	RF
West:	Vacant land.	Light Impact Industrial /Business Park	IB-2

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 12052 – 102 Avenue and encompasses a site area of 0.365 hectare (0.9 acre). The subject property is designated Industrial in the Official Community Plan (OCP), Business Park in the South Westminster Neighbourhood Concept Plan (NCP) and split-zoned Business Park 2 Zone (IB-2) on the northern portion and Single Family Residential Zone (RF) on the southern portion.
- The Business Park designation in the area surrounding the subject site along the base of the slope is intended to help upgrade the industrial areas adjacent to residential areas by encouraging these lands to be redeveloped to high quality comprehensively planned business park uses.
- The South Westminster NCP includes policies intended to significantly restrict outdoor storage facilities in new developments due to their high visibility and their adjacency to residential areas on the hillside.
- The site was previously zoned "Light Impact Industrial Zone (IL)" which allowed Transportation Industry as one of the permitted uses on the site, provided there is a building with a minimum 100 square metres (1,075 sq. ft.) of floor area and contains washroom facilities. However, as the subject property is vacant, the parking of overweight vehicles without having a building on the site would have still contravened the use condition of the Zone.
- The property was rezoned from IL to the current IB-2 Zone through a City-initiated rezoning of a number of properties in the South Westminster area, in order to advance the implementation of the South Westminster NCP. The rezoning was approved on May 18, 2005. The IB-2 Zone does not permit transportation uses, such as truck parking facilities.
- According to the City By-law Enforcement records, the owner of the subject property has been operating an illegal truck parking facility on the site since August 2005.
- There was a previous application (7906-0230-00) to declare the site a Temporary Industrial Use Permit area in the Official Community Plan (OCP) and a Temporary Industrial Use Permit to allow for the parking of 15 trucks of various sizes. The Planning Report on this application was considered by Council on October 16, 2006 and a Public Hearing was held on October 30, 2006. Council gave the OCP Amendment By-law (By-law No. 16124) Third Reading on the same evening as the Public Hearing. The by-law to declare the site a Temporary Industrial Use Permit Area was filed by Council May 25, 2009 due to inactivity by the applicant.

Current Proposal

- As a result of By-law Enforcement action, the applicant submitted an application for a Temporary Industrial Use Permit (TUP) on July 16, 2009.
- The TUP application proposes to utilize the northerly portion of the site fronting 102 Avenue to park 15 trucks of various sizes for a period of time not to exceed 2 years (Appendix IV).
- The area proposed for the truck park has been previously filled. The rear (southern) portion of the property slopes steeply up to 101A Avenue.
- 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 IB-2 Zone. This interim use would allow the applicant to temporarily park trucks until they redevelop the site. The applicant operates a transportation company, and their intent is to park their own vehicles on the site.
- Allowing the truck parking facility to operate for a defined time period (e.g. 2 years) would provide the applicant the opportunity to continue operating their business until such time that economic conditions permit the applicant to obtain financing and redevelop the site.
- Access to the proposed truck parking facility will be from 102 Avenue, connecting to Scott Road through the existing industrial area.
- Temporary toilet facilities, in addition to garbage containers will be located in the northeast corner of the site.
- The applicant has agreed to limit the hours of operation between 6:00 a.m. and 7:00 p.m. to coincide with the hours of Surrey Fraser Docks. The hours of operation will be incorporated in the TUP.
- There are currently seven licensed or proposed truck parking facilities in the vicinity of the subject site (see Appendix VI).
- The following requirements with respect to the on-site requirements for truck parking are specified as conditions in Temporary Industrial Use Permit Area No. 10, which have been incorporated into the proposed OCP text amendment by-law for the subject site:
 - 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.

- On May 25, 2009, City Council considered Corporate Report No. Ro69 in which the following recommendations were approved in order to improve the Temporary Use Permit (TUP) process for temporary truck parks:
 - Require the applicant to complete all the necessary site work requirements prior to Council approving the TUP, through the implementation of a Pre-servicing Approval process;
 - Eliminate the requirement for landscaping and site restoration securities, allowing for significant cost savings for the applicant, by ensuring that the approved landscaping is completed prior to the approval of the TUP at the Pre-servicing Approval stage; and
 - Eliminate the requirement for a Restrictive Covenant to restrict certain activities on the site.
- Prior to receiving approval for the TUP, the applicant must fulfill the requirements of the Pre-servicing Agreement (see Appendix VI). In summary, the applicant must:
 - submit an approved site plan to the satisfaction of City staff;
 - landscape the site as per the approved landscaping plan;
 - satisfy Engineering requirements with respect to servicing, access and construction; and
 - provide adequate washroom facilities.
- If the applicant fails to complete all requirements within 4 months of Council's approval to proceed, staff will bring the TUP application forward to Council for consideration of filing. It is anticipated that this follow-up action will encourage the applicant to finalize the TUP and filing of the application will not be necessary.

Tree Preservation and Landscaping

- The truck parking is proposed in the northern cleared area of the lot. No additional trees are proposed to be removed in conjunction with the TUP.
- The applicant has installed a cedar hedge along the 102 Avenue road frontage to assist in screening the site from the street.
- There is a yellow-coded ditch paralleling the front property line along the 102 Avenue frontage. The owner has requested that the City clean out the ditch and remove the black berries that have grown in it.
- As the creek is yellow-coded, the City would be required to compensate for the cleaning of this ditch through the Environmental Review Committee. Therefore, the applicant will be required to clear out the blackberries that have grown in the ditch area.
- A chain-link fence has been installed around the site.
- The proposed parking surface will be crushed gravel.

PRE-NOTIFICATION

Temporary Use Permit applications do not require pre-notification letters. However, as the subject site requires an OCP text amendment to declare the site a Temporary Industrial Use Permit Area, and due to the proximity to residential single family dwellings, pre-notification letters were sent on July 23, 2009 to the surrounding property owners advising them of the proposal. A Development Proposal sign was also erected on the property. As a result of the pre-notification, Planning staff received two telephone calls expressing concerns about the continuation of the truck parking facility.

While there were not a lot of concerns expressed with the installation of the development proposal sign and the pre-notification letters, there were a number of speakers both for and against the proposal at the Public Hearing for the previous development proposal. The main issues raised at the Public Hearing were as follows:

- 121 Street was not constructed to support truck traffic as it is narrow with ditches on both sides.

(Access to the site is proposed from 102 Avenue.)

- The truck drivers start their engines as early as 5:00 a.m. and return to the lot as late as 10:00 p.m. Noise from the trucks, as well as loud music and foul language, disturbs the upland residents.

(Surrey Business License By-law, 1999, No. 13680 does not regulate the hours of operation for industrial businesses and they are permitted to operate 24 hours a day, seven days a week. The owner advised Planning staff that the majority of his business operation is limited to the hours of the Surrey Fraser Docks. He is willing to limit his hours of operation between 6:00 a.m. and 7:00 p.m.)

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 and Action Summary
Appendix II.	Proposed Site Plan and Landscape Plans
Appendix III.	Engineering Summary
Appendix IV.	Temporary Industrial Use Permit No. 7909-0127-00

- Appendix V. OCP Amendment By-law
- Appendix VI. Location of Existing Proposed Truck Parking Facilities
- Appendix VII. Pre-Servicing Requirements

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: Harinder Chohan
 Address: 9221 – 127A Street
 Surrey, BC
 V3V 5W7
 Tel: 604-587-5544

2. Properties involved in the Application
 - (a) Civic Address: 12052 – 102 Avenue

 - (b) Civic Address: 12052 – 102 Avenue
 Owners: Gurmel Singh Chohan and Rajinder Kaur Chohan
 PID: 011-565-209
 Parcel "A" (Explanatory Plan 22292) Lots 29 and 30 Block 1 Section 30 Block 5
 North Range 2 West New Westminster District Plan 454

3. Summary of Actions for City Clerk's Office
 - (a) Introduce a By-law to amend the text of the Official Community Plan to declare the
 property a Temporary Industrial Use Permit Area.

 - (b) Proceed with Public Notification for Temporary Industrial Use Permit No. 7909-0127-00.