

City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7909-0196-00

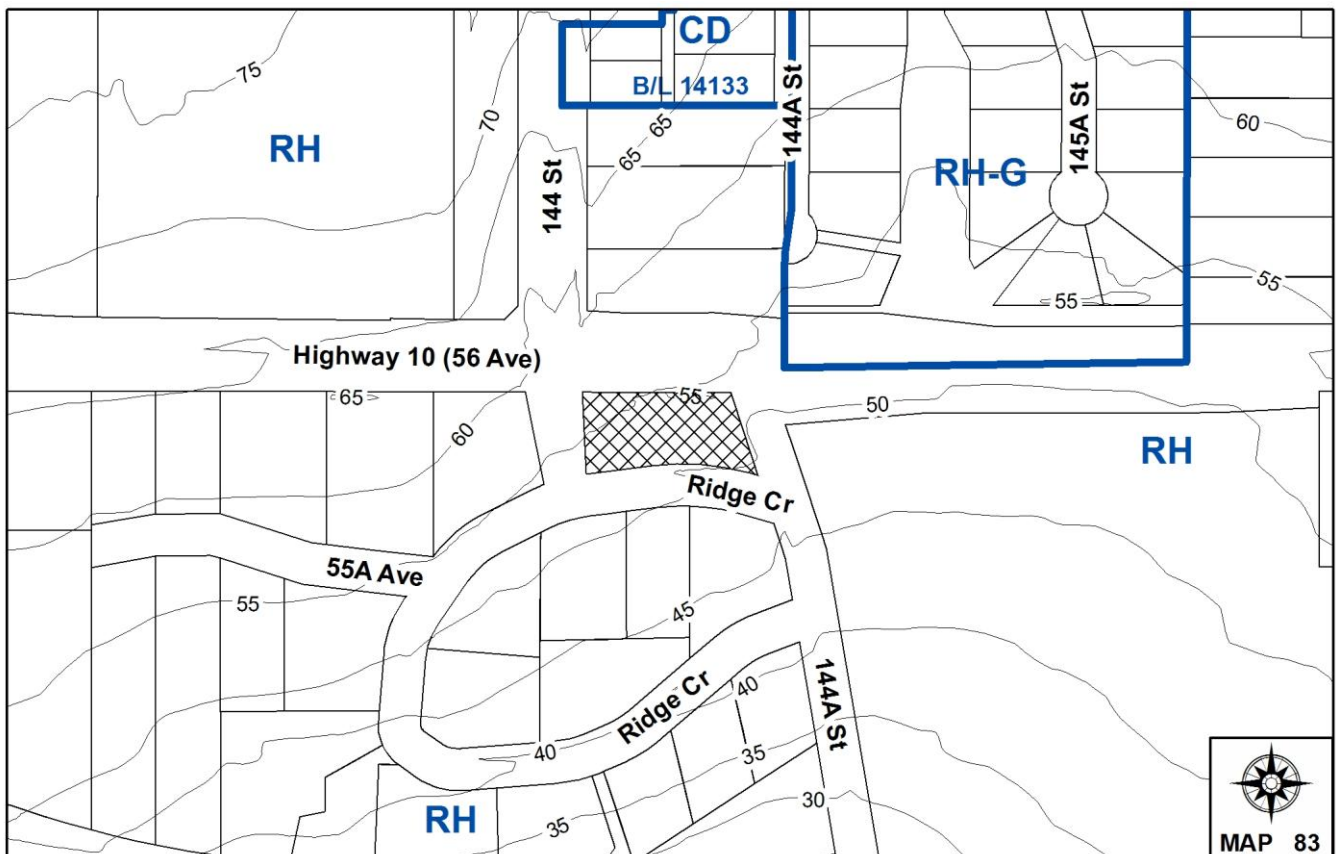
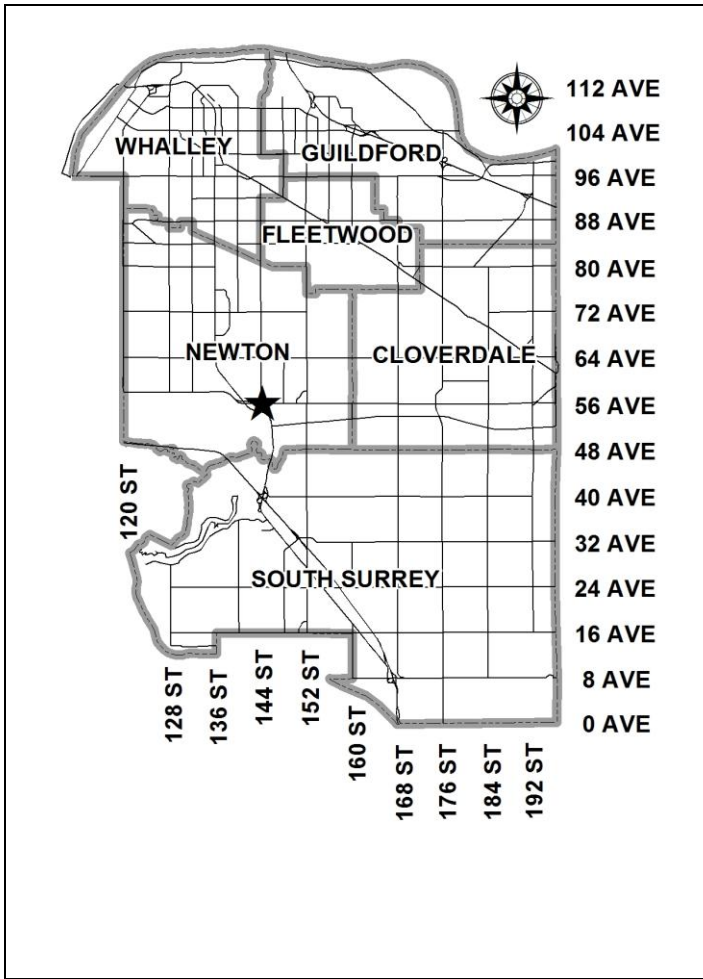
Planning Report Date: November 30, 2009

PROPOSAL:

- **OCP amendment** to declare the site a Temporary Use Permit Area
- **Temporary Use Permit**

in order to allow operation of a limousine rental business including parking of limousines, for a period not to exceed two years.

LOCATION: 14409 Ridge Crescent
OWNERS: Ranjit and Manjit Virk
ZONING: RH
OCP DESIGNATION: Suburban
LAP DESIGNATION: Suburban Residential (1/2 Acre)



RECOMMENDATION SUMMARY

- The Planning and Development Department recommends that the proposed OCP Amendment and Temporary Use Permit (TUP) applications be denied.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- The existing, unauthorized limousine rental business is not permitted on the existing RH zoning or in the "Suburban" designation on the Newton Local Area Plan (LAP) or Official Community Plan. The owner seeks an OCP Amendment and a Temporary Use Permit (TUP) to legalize the use for a two year period.

RATIONALE OF RECOMMENDATION

- Does not comply with OCP or LAP Designation.
- The existing unauthorized car rental business is a service commercial operation, and is out of character with the surrounding half-acre residential single family area.
- The limousine rental business should be located in a commercial or industrial area that is designed and serviced for commercial activity and where commercial taxes are collected.

RECOMMENDATION

The Planning & Development Department recommends that the Temporary Use Permit (TUP), and the associated OCP Amendment, be denied.

REFERRALS

Engineering: The Engineering Department has raised concern that the site has a higher amount of impervious surface than is permitted in the RH Zone. Should the application be approved to proceed, Engineering will provide further comments with respect to the proposal.

SITE CHARACTERISTICS

Existing Land Use: A limousine rental company is operating, including parking of limousines.

Adjacent Area:

Direction	Existing Use	OCP/NCP Designation	Existing Zone
North (Across No. 10 Hwy), East (Across unconstructed 144A Street), South (Across Ridge Crescent) and West (Across 144 Street):	Single family residential	Suburban / Suburban Residential (1/2 Acre)	RH

DEVELOPMENT CONSIDERATIONSBackground

- The subject site at 14409 Ridge Crescent is zoned "Half-Acre Residential Zone (RH)" and is designated "Suburban" in the Official Community Plan (OCP) and in the Newton Local Area Plan (LAP). The site is 2,727 sq.m. (0.67 acres) in area and contains a single family dwelling, which was constructed on the site in 1983.
- The current owner purchased the site in April 2007. The site has been affected by the recent expansion of Highway No. 10 and a retaining wall and sound barrier concrete fence were constructed along the site's northerly property line and also partially along the westerly property line, along 144 Street. The site is surrounded by road on four sides, although the portion of road (144A Street allowance) along the easterly property line is not constructed and is shown in the area concept plan to be closed in the future, likely at such time as the large 6.5 hectare (16 acre) parcel to the west (14508 Highway No. 10) is developed.

- In January 2008, the owner applied for a home occupation business license under his company "Time Limousine Service Ltd.". The business license has the following restrictions:
 - the operation is a home occupation, meaning that amongst other restrictions, such a use cannot exceed 25% of the total area of one floor, and only members of the immediate family may be employed in the use;
 - there is no outside storage;
 - vehicles exceeding 5,000 kilograms GVW are prohibited;
 - no sales/displays on site; and
 - restrictions on employees and floor area as set out in the Zoning By-law
- The extent and magnitude of the current limousine rental business use substantially exceeds the restrictions of the home occupation use, as the majority of the site is used for the business. Additionally, there is outside storage (parking of limousines), and the restrictions on employees and floor area are also being violated. The applicant has indicated that the house is not occupied full-time by himself or his family, although someone does sleep at the house several nights a week.
- As a result of neighbourhood complaints about the unauthorized use, By-law enforcement action was commenced in 2008 and is on-going. In order to address this issue, the applicant has applied for an OCP Amendment to declare the site a Temporary Commercial Use Permit area and also for a Temporary Use Permit (TUP) to permit operation of limousine rental company, including parking of limousines, for a period not to exceed two years.

Evaluation

The pros and cons of the proposal are as follows:

Pros

- The site is impacted by Highway No. 10 and is not an ideal location for single family use.
- The site is well screened by noise attenuation fencing, wood fencing and landscaping.

Cons

- The existing unauthorized use is inconsistent with the neighbourhood character, and would set a precedent for potential commercial uses in the area. There are other single family uses along Highway No. 10.
- The site has poor access for commercial uses, in particular in relation to car rental use, and also exceeds the maximum amount of impervious surface permitted in the RH Zone.
- The application raises concerns with respect to the proliferation of commercial uses outside of commercial areas, which results in an inequitably low and unfair level of site development costs, such as Development Cost Charges and property taxes, relative to the impact of such uses, and in comparison to other businesses that have located in proper, authorized commercial areas.
- The applicant has not demonstrated any specific circumstances that would prevent him from finding a suitable alternate site.

- Residents in the immediate neighbourhood have raised concerns about this commercial venture operating on a single family residential parcel, as discussed below.

PRE-NOTIFICATION

Pre-notification letters were sent on October 28, 2009 and the following comments were received:

- Phone calls were received from four (4) area residents and two (2) letters were received as well. One (1) caller said they weren't against the proposed TUP. Three (3) callers expressed opposition to the proposed TUP and their concerns included illegal introduction of commercial uses into a single family residential neighbourhood, concerns about property tax fairness, concerns about precedent setting for commercial uses in their neighbourhood and drainage concerns. The two (2) letter writers were opposed to the proposed TUP for similar reasons as were indicated by callers.

(Staff are recommending the proposed TUP be denied.)

On balance, the negatives, as discussed above, outweigh the positives and staff recommend that this application be denied.

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. Site Plan, Site Photo

Jean Lamontagne
General Manager
Planning and Development

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