



Corporate NO: R220

Report COUNCIL DATE: October 2, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: September 28, 2000**

FROM: General Manager, Planning & Development **FILE: 0023-001**

SUBJECT: Truck Parking Facilities

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information;
2. Endorse Option 2 in this report as the basis for encouraging the establishment of truck parking facilities in the City;
3. Direct the By-law Enforcement and Licensing Section staff to enforce the Zoning By-law regulations in such cases where a Surrey Business License has not been issued to an operating truck parking facility and where the owner/operator of such facility is not actively pursuing the legalization of such a business operation with the City; and
4. Authorize staff to forward a copy of this report to Mr. Brian Skazlic who appeared before Council on September 5, 2000 regarding concerns related to an unauthorized truck parking operation in his neighbourhood.

INTENT

The intent of this report is to review options and seek Council direction in relation to facilitating the establishment and licensing of truck parking facilities in Surrey.

BACKGROUND

Heavy trucks being parked in residential areas of the City where such parking is not permitted under the provisions of the Zoning By-law, is a one of the high incidence complaints experienced by the City's By-law

Enforcement staff. In taking action against those truck owners who park illegally in residential areas, City staff are consistently faced with comments from the offending truck owners that the reason they are forced to park illegally in residential areas (i.e., near their home) is that “there is no other place in the City for them to safely and legally park their truck” and that they are concerned about leaving their trucks in areas where the truck could be vandalized. There is only one legal commercial truck parking facility operating in the City, which accommodates approximately 100 trucks. The magnitude of the need for truck parking facilities in the City can be extrapolated from information provided by the By-law Enforcement Section. The total number of complaints received by the City regarding illegally parked heavy trucks in residential areas over the last 2 years is in the range of approximately 1,200 to 1,500 complaints.

Currently, staff is aware of 10 truck parking facilities operating in Surrey. However, as mentioned above, only one of these is operating legally by virtue of having a Surrey Business License. This facility is located at 12579 - 82 Avenue and has been operating for over 10 years. It has an area of approximately 3.6 acres and can park up to 100 trucks. The operators of the 9 unlicensed truck parking facilities have each submitted a Business License application to the City. All of these facilities are located on land zoned Light Impact Industrial (IL). The operation of off-street truck parking facilities and the parking of vehicles exceeding 5,000 kilograms [11,023 lbs.] G.V.W. is a permitted use in the Light Industrial Zone (IL) under the Surrey Zoning By-law subject to certain conditions which will be discussed later in this report. The following lists the locations of the truck parking businesses for which business license applications have been received by the City but for which a business license has not yet been issued:

<u>Business Name</u>	<u>Application Status</u>	<u>Address</u>	<u>Lot Size (Acres)</u>
Security Truck Park	Pending	12487 - 82 Avenue	2.0
SBT Trucking	Pending	12403 Old Yale Rd.	5.0
Langley Weigh Station	Pending	18995 - 98 Ave	0.9
Big Rig Truck Park	Pending	8620 - 128 Street	5.2
Super Park	Pending	13733- 116 Avenue	4.7
Best Automotive	Pending	8642 - 128 Street	0.3
TNT Truck Park	Pending	12950 - 87 Avenue	4.4
Key West Asphalt Ltd.	Pending	12671 - 80 Avenue	4.3
	Pending	13378 Comber Way	<u>1.3</u>
Comber Way Truck Parking	Pending		
Total Acres:			<u>28.1</u>

None of these truck parking facility owner/operators has completed the requirements which are necessary to

clear the way for City staff to issue a Business License. Staff understand that the primary reason is that the development requirements in the Zoning By-law, and the Subdivision and Development By-law, are too financially onerous if fully applied to justify the operation of the parking lots.

Delegation to Council:

On September 5, 2000 Mr. Brian Skazlic appeared before Council-in-Committee to express his neighbourhood's concerns about the non-licensed truck parking facility at 80 Avenue and 126A Street (listed above as Key West Asphalt Ltd.). The concerns about the truck parking facility included issues related to truck noise, truck lights, dirt/dust, contamination and the general aesthetics of the site.

DISCUSSION

There are two primary issues facing the City with respect to truck parking. These are:

1. The inadequacy of the current parking facilities to accommodate the parking demand which exists in relation to trucks owned and/or operated by Surrey residents (as evidenced by the high incidence of illegal truck parking in residential areas); and
2. The unauthorized operation of truck parking lots which are causing a nuisance in the neighbourhood by virtue of the general manner in which they are being operated (as evidenced by the concerns expressed by the recent delegation to Council-in-Committee).

To address these issues, the City needs to take action to encourage the establishment of properly managed truck parking facilities in the City with sufficient capacity to accommodate the demand.

Existing Truck Parking Facility Regulations

Surrey Zoning By-law No. 12000 stipulates that no use on any industrial zoned lot shall take place unless there is a building on that lot that exceeds 100 square metres (1,076 sq. ft.) in area and which contains washroom facilities. In addition, the Zoning By-law requires that all parking areas be surfaced with asphalt, concrete, or similar pavement so as to provide a surface that is dust free. The Zoning By-law also requires that parking lots be graded and drained so as to properly dispose of all surface water.

The requirement for a building containing washroom facilities and the drainage and grading requirements can trigger Development Cost Charges (DCCs) through the Building Permit process where the estimated construction value of the building and improvements exceeds \$50,000. Current DCCs for Industrial-zoned land are \$42,470 per acre.

In addition to DCCs, the provision of Engineering “works and services” (i.e., water, sewer, road construction, and storm drainage) on the street fronting the parking lot can significantly increase the start-up costs for truck parking businesses. The Subdivision and Development By-law requires the construction of “works and services” on the fronting street where the construction value of a project on the adjacent site exceeds \$400,000. In most circumstances, however, this requirement would not be triggered by the construction of a parking lot.

The requirement to properly grade and drain a paved parking lot may require the construction of off-site storm sewers both on the frontage of the property and a connection to an appropriate outlet away from the site all of which can be very expensive to construct.

Operators of unlicensed truck parking facilities in Surrey have indicated that the requirements of the Zoning By-law and Subdivision and Development By-law are too onerous to justify the continued operation of the parking facilities.

Current Interim Approach to Facilitating Licensed Truck Parking Facilities

In May 1998, to facilitate the licensing of off-street truck parking facilities, the Engineering Department agreed to consider reducing the DCCs for truck parking facilities to better reflect their impact on the City's infrastructure. Specifically, it was generally acknowledged that these parking facilities had little impact on the City's sanitary sewer and water systems and, as such, the development cost charges related to these systems were eliminated. It was also proposed, as an interim measure, that the Business Licensing process could be facilitated by encouraging each truck parking lot operator to apply for a Development Variance Permit (DVP) in relation to the Zoning By-law requirements as follows:

1. To eliminate the Zoning By-law requirement for a 100 sq. m. (1076 sq. ft.) building containing washroom facilities; and
2. To vary the paving requirements for truck parking facilities as contained in the Zoning By-law to permit the parking area to be surfaced with a granular surface material acceptable to the General Manager of Engineering.

Evaluation of the DVP Approach Used on an Interim Basis

The DVP approach has been in effect for over two years and only one truck parking facility operator has applied to the City for a DVP during this time. The limited response to the DVP approach may be due to:

- the degree of uncertainty that still exists about the probable outcome of the DVP process; and
- the fact that City staff have been hesitant to pursue closure of these facilities in consideration of the truck parking problems in the residential areas of the City.

Options to Facilitate the Licensing of Off-Street Truck Parking Facilities

Two options to facilitate the establishment of licensed off-street truck parking facilities in Surrey have been considered. The description of each option, along with its “pros” and “cons”, is documented below.

Option 1: Amend Existing Zoning By-law and Development Cost Charge By-law Regulations

Under this Option, the Zoning By-law provisions for truck parking facilities would be amended to:

- exempt truck parking facilities from the requirement for an on-site permanent building but in its place a requirement for portable washroom facilities on the site would be added; and
- modify the parking lot surface treatment requirement from asphalt or concrete to a material satisfactory to the General Manager, Engineering Department, which does not create a dust or mud tracking problem.

Further, the Development Cost Charge By-law would be amended to eliminate DCCs for truck parking lots subject to a Restrictive Covenant being registered on the title of the lot on which the truck parking facility is

located to ensure that Development Cost Charges are payable when the site redevelops to another use. On-site drainage, access, fire protection, landscaping and noise mitigation on the boundaries of the parking area to mitigate impacts on any adjacent residential development would still be required.

The following are the pros and cons of this option:

- Pros:**
- Provides a consistent approach for the establishment of truck parking facilities throughout the City.
 - Will reduce the current start-up cost impediments and facilitate the licensing of off-street truck parking facilities which will serve a community need by providing legal facilities for truck owners.
 - No DCCs would be payable for truck parking lots until future redevelopment of the site.

- Cons:**
- These by-law amendments would remove to some extent the City's control over the number and location of truck parking facilities in Surrey. A prospective truck parking lot operator could proceed directly to the construction stage if the property proposed for the parking lot is zoned Light Impact Industrial (IL). This in some circumstances could lead to problems in relation to nuisance caused by the parking facility to nearby residential and other sensitive developments.
 - The costs associated with off-site drainage works and waterworks to provide fire flow to IL standards could still be significant.

Option 2: Development Variance Permit (DVP) Approach

This option is simply an enhancement of the approach which has been in place for the last couple of years where the prospective owner/operator could apply for a DVP to:

- waive the Zoning By-law requirement for the construction of a permanent building, including washroom facilities, with a minimum area of 100 square meters (1,076 sq. ft.), and
- vary the Zoning By-law requirement for paving the parking area with asphalt, concrete or other similar pavement to a lower cost surfacing material acceptable to the General Manager, Engineering.

Eliminating the requirement for the construction of a building would eliminate the trigger for the collection of DCCs and eliminate the frontage Engineering works and services requirements of the Subdivision and Development By-law. Varying the parking lot surfacing requirements of the Zoning By-law would allow for the use of a less costly surfacing material which would also act to reduce up-front expenditures for the facility owner/operator.

This approach views truck parking facilities as an interim use of a site.

DCCs would be collected and Engineering Works and Services completed in full at such time as the site is redeveloped. A Restrictive Covenant would be registered on title of the lot as notification that Development Cost Charges are payable when the site redevelops to another use.

The owner/operator may still be required to provide some area of asphalt or concrete paving on the site near its driveway to the fronting road to eliminate the potential for tracking of dirt or mud onto the public street. In addition, landscaping and, in some circumstances, noise mitigation may be necessary on the boundaries of the parking area to mitigate impacts on any adjacent development. Further, off-site drainage works may be necessary to deal with the storm run-off created by the parking lot and some watermain work may be necessary to satisfy fire flow requirements.

- Pros:**
- Provides clarity and consistency in the processing of DVP applications for truck parking facilities.
 - Provides for neighbourhood input through the DVP notification process.
 - Will encourage the establishment of truck parking facilities which serves a community need.
 - Provides the City with some control over the location and number of truck parking facilities licensed in Surrey.
 - Amendments to the Zoning and Subdivision and Development By-laws are not required.
 - The City will collect the full amount of DCCs with future redevelopment of the site and the City's interests would be protected with a Restrictive Covenant placed on title.
 - Most of the Engineering Works and Services on the frontage of each parking facility would be deferred until the site is redeveloped.

- Cons:**
- The time and cost associated with the DVP application process along with the element of uncertainty related to the outcome of such a process may discourage applications.
 - Costs for the construction of off-site drainage and water works could be a financial impediment to facility owners/operators for sites which do not front adequately sized storm drainage and water systems.

Evaluation

Based on the “pros” and “cons” listed above, *Option 2* is considered to be the most reasonable approach to facilitate the establishment of truck parking facilities in the City. This option achieves reduced “start up” costs while offering neighbours who would potentially be affected by the parking lot an opportunity to provide input prior to Council making a decision on any site. The DVP notification process allows the adjacent property owners an opportunity to express any concerns they may have about the application. Currently, the notification of property owners is limited to those owners of properties immediately adjoining the proposed parking lot site. Council may wish to direct staff to expand the notification area for truck parking facilities to provide for

broader neighbourhood input in some circumstances. Concerns submitted by neighbouring residents/owners would be reviewed with the applicant as part of the DVP review process and would be included in summary form for Council's consideration as part of the DVP approval process.

In general terms, the Zoning By-law requirement for a building with washrooms could be varied to require the owner/operator to provide portable toilets on the site. Similarly, the site paving requirement could in some circumstances be varied to allow for a granular surface with hard surfacing only near the entrance to the site to eliminate potential mud tracking problems on the fronting street. Further, the owner/operator could be required by way of a Restrictive Covenant registered on title to use an appropriate dust inhibitor on the site. The works and services requirement of the Subdivision By-law would not, in most circumstances, be triggered except for off-site drainage and in some cases water works. The costs for constructing off-site drainage and water works could be substantial in some cases depending on the proximity of the parking facility to these off-site services.

All 9 unlicensed truck parking facilities in the City are eligible to proceed under this option since they are all located in the IL industrial zone which permits the truck parking use.

By-law Enforcement Action

For Option 2 to be fully effective, it is considered important that the owners/operators of unlicensed truck parking lots be motivated to pursue legalization. On this basis, it is recommended that Council direct the By-law Enforcement and Licensing Section to communicate with the owners/operators of these facilities providing them with a copy of this report, Council's direction resulting from this report, and giving them a specific period of time within which to obtain a Business Licence or be faced with the City taking directed steps to have the parking facility closed. Subject to Council giving this direction, if the owners/operators of each of these facilities do not take appropriate action to demonstrate their intent to actively pursue legalization, City staff will proceed with action to have the facility brought into compliance with the City's By-laws or to have the facility closed.

If by-law compliance action is not taken by the City to motivate the owners/operators of the illegal facilities to pursue legalization, the City will likely continue to be faced with complacency on the part of the owners/operators in relation to legalization of their facilities and continued complaints/concerns regarding these illegal facilities such as those raised by Mr. Skazlic documented earlier in this report.

SUMMARY

This report outlines options for facilitating the establishment of legal truck parking facilities in the City. It is recommended that Council endorse **Option 2** that proposes the continued use of the DVP process to facilitate the establishment of truck parking facilities in the City. This option addresses the needs and the requirements of both the City and the truck parking facility owners/operators and provides for neighbourhood input to the decision making process. Subject to Council's adoption of the recommendations of this report, truck parking lot owner/operators with pending Business License applications will be advised of Council's decision and of the actions which they must take to legalize their operations. The By-law Enforcement & Licensing Section staff will take action to enforce the Zoning By-law regulations where the owner/operator of any truck parking facility does not actively pursue the legalization of their business operation.

Murray D. Dinwoodie
General Manager,
Planning and Development

GS/kms

v:\wp-docs\restrict\00data\09281127.mdd.doc

KMS 9/28/00 11:35 AM