



Corporate NO: R244

Report COUNCIL DATE: October 30, 2000

REGULAR COUNCIL

TO: Mayor & Council **DATE: October 25, 2000**

FROM: General Manager, Planning & Development **FILE: 7900-0082-00**

SUBJECT: A&P Used Building Materials - 17565 - 64 Avenue

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information; and
2. Consider Third Reading of OCP Amendment By-law No. 14044 to declare the site at 17565 - 64 Avenue a Temporary Industrial Use Permit Area.

BACKGROUND

On May 29, 2000, Council considered Temporary Use Permit Application No. 7900-0082-00 to amend the Official Community Plan to declare the site at 17565 – 64 Avenue a Temporary Industrial Use Permit Area. The purpose of the application is to allow outdoor storage and sale of used building materials, on a temporary basis. The Public Hearing for Official Community Plan Amendment By-law No. 14044 was held on June 19, 2000. Several questions were raised about the proposed Temporary Use Permit, and Council requested that staff report back on several issues raised during the Public Hearing including the nature and amount of property tax paid for the subject property, as compared to other similar businesses in the surrounding area; input from the RCMP on the site; information on by-law infractions on the site; and the possibility of restricting vehicle access for the site to right-in / right-out only on 64 Avenue.

DISCUSSION

Planning & Development Department staff have contacted the applicable City Departments for comments. Their comments are summarized below.

Property Taxes

The Taxation Division has provided a summary of the assessed value and taxes paid for subject site at 17565 - 64 Avenue, and a similar operation - Surrey New & Used Building Materials, located at 17861 - 64 Avenue, which was issued a Temporary Use Permit on May 15, 2000. This information is provided in Appendix I. Based on the information provided by the Taxation Division both properties pay the same tax rate for their Business Land and business improvements: \$21.50889 per \$1,000 of assessed value. The key difference between these properties is that a portion of the .44 hectare (1.09 acres) site occupied by A&P New & Used Building Materials has been assessed Business Land, and the remainder of the lot is assessed as Residential Land, while the entire Surrey New & Used Building Materials site (17861 - 64 Avenue) is assessed as Business Land. The reason for this split assessment is that the primary residence on the site continues to be used as a residence and the business use is confined to a portion of the property at the rear. The Surrey New & Used Building Material site has a residential use which is much smaller than that of A & P New and Used and functions solely as a caretaker's suite for the site. The Surrey New and Used Building Materials site has an area of approximately .816 ha (2.0 acres). Should a Temporary Use Permit be issued for A&P New & Used Building materials to operate, a two-part assessment will remain in place. The applicant has prepared a survey plan for the Temporary Use Permit, which identifies 1,870 square metres (.46 acre) as the Business Land, and 2,559 square metres (.63 acre) as Residential Land. While it is unclear what portion of the site in terms of area has been assessed to date as Business Land, the tax assessment information provided by the Taxation Division indicates that approximately 20% of the total property value is based on Business Land, and the remaining 80% on Residential Land.

Staff in the Planning & Development Department contacted the B.C. Assessment Authority who confirmed that property tax assessments are based on the physical condition and use of the property, at the annual assessment date of October 31. In the case of A&P New & Used Building materials, the physical condition will remain as a mix of residential and business land, on two portions of the site as specified in the proposed Temporary Use Permit. The B.C. Assessment Authority is aware of the subject site and the mixed uses, and staff in the Planning & Development Department have forwarded a copy of the survey plan prepared by the applicant to the Assessment Authority for their review. The B.C. Assessment Authority confirmed that the subject property is scheduled for re-inspection in October, 2000, at which time the property assessment will be reviewed.

RCMP

The RCMP records indicate that there have been no complaints or RCMP action against the current operation on the A & P New and Used Building Materials site.

By-law Infractions

By-law Enforcement officers have attended the site in response to complaints since 1997. The owner was sent a letter on April 6, 1998 advising him that retail sales were to cease and desist on the site. The owner of the subject property was a co-applicant on Development Application 7998-0168-00, which was made June 29, 1998, to rezone the subject site and the adjacent property to the east to Business Park Zone (IB) to construct two multi-tenant industrial buildings. By-law staff ceased by-law action pending the resolution of the rezoning and development permit application. This application was closed on May 8, 2000, after the owner of the adjacent property withdrew from the application. There have been several other visits from By-law Enforcement staff to the site, as shown in the attached memo from the By-law Enforcement & Licensing Section (Appendix II). By-law action has currently been suspended, pending the outcome of the Temporary Use Permit application.

Traffic Issues

The Engineering Department has reviewed the issue of vehicular access to the site, and has confirmed that due to the future plans for the intersection of 64 Avenue and 176 Street, the Ministry of Transportation and Highways will ultimately require traffic islands on all four legs of the intersection, eliminating the possibility of left turns into or out of the subject site. Staff in Engineering have stated that the tentative date for improvements to the intersection is 2002 or 2003. Engineering has stated that left turn truck movement into the site from 64 Avenue would likely prove hazardous due to delays for east-bound traffic on 64 Avenue, and turning conflicts with west-bound traffic. Based on the Engineering Department concerns (Appendix III) with site access, a Restrictive Covenant will be registered on the title of the subject property, informing the current and future owners that access will be restricted to right-in/right-out only when a median is constructed on 64 Avenue west from 176 Street. Interim measures such as a delta island would not prove effective in limiting full movement into and out of the site. The engineering Capital Plan contemplates works at 64 Avenue and 176 Street within the next three years, including a raised concrete median which will extend west along 64 Avenue, past the driveway to the subject site. The subject property also achieves a secondary access via a driveway to 176 Street, through the easterly adjoining property. This driveway has no legal status, as no easement has been registered across the adjacent property, nor has any driveway been authorized by the Ministry of Transportation and Highways for access at this location.

CONCLUSION

Council deferred consideration of third reading of By-law No. 14044 and requested that staff provide information to Council on several questions.

The tax assessment for the A & P Used Building Materials site shows that part of the site is assessed as business and part as residential land because only a portion of the site is used for business purposes. This condition will remain should the Temporary Use Permit be approved, although the portion of the land used for business purposes will increase in size in comparison to the current assessment.

The By-law Enforcement & Licensing Section has been dealing with owners of the property regarding the unauthorized use of the property but have suspended further action pending the decision on the current Temporary Use Permit application. There is no record of RCMP involvement on the site according to RCMP records. The Engineering Department has confirmed that future turning movements are to be constrained to right-in/right-out only from 64 Avenue and that this should be secured by a Restrictive Covenant on title of the lot.

The Planning & Development Department recommends that "Surrey Official Concept Plan By-law, 1996, No. 12900, Text No. 15 Amendment By-law, 2000, No. 19149", be considered for Third Reading.

Murray D. Dinwoodie

General Manager

Planning & Development Department

BK/kms

c.c. - City Manager

- City Clerk

Appendix I. Location Map

Appendix II. Property Tax Report

Appendix III. By-law Report

Appendix IV. Engineering Comments

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