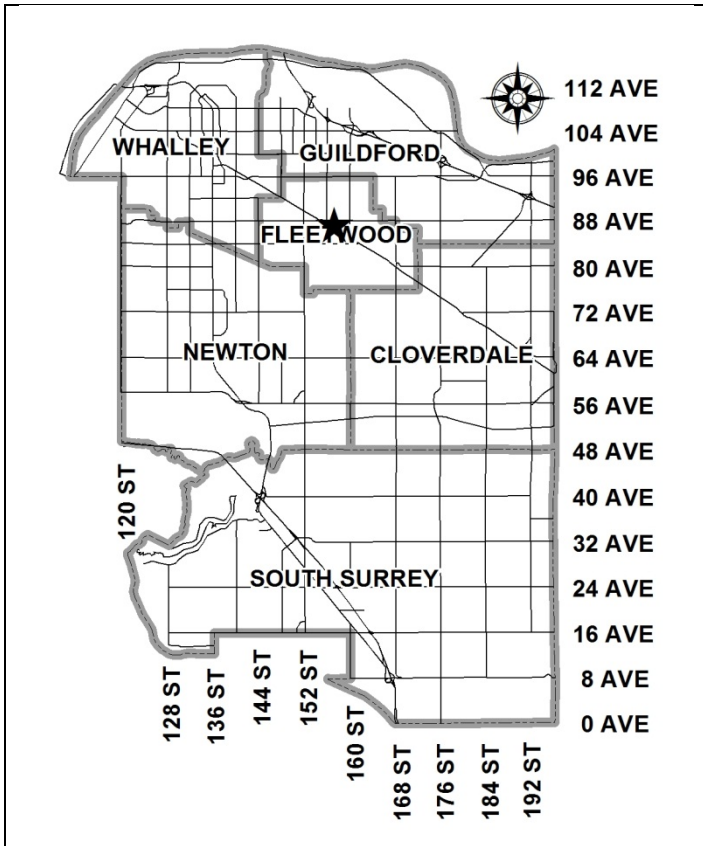


City of Surrey
PLANNING & DEVELOPMENT REPORT

File: 7910-0053-00

Planning Report Date: February 3, 2014



PROPOSAL:

- OCP Text Amendment
- Temporary Commercial Use Permit

in order to permit car sales for a period not to exceed three years.

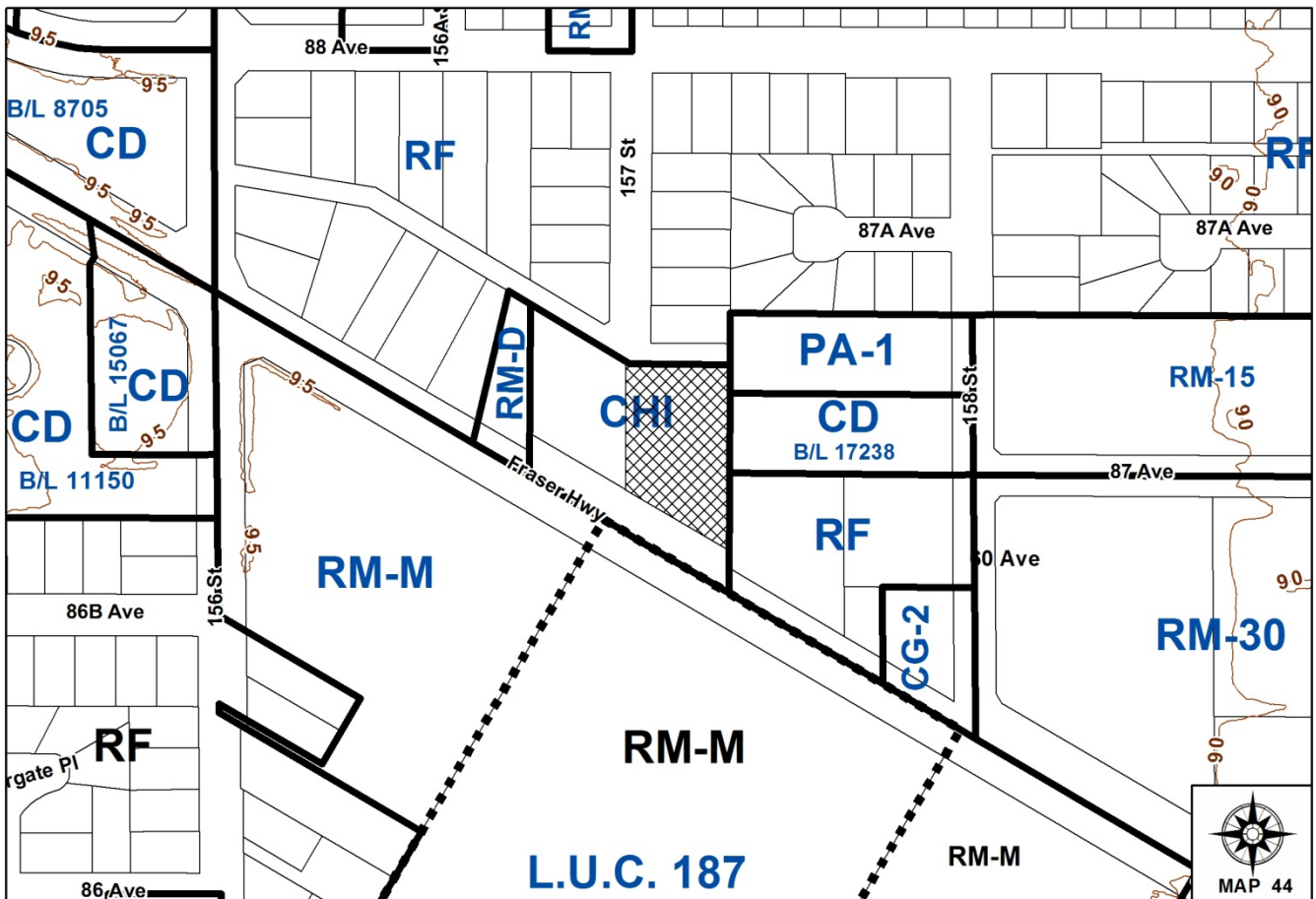
LOCATION: 15715 - Fraser Highway

OWNER: 711876 BC Ltd

ZONING: CHI

OCP DESIGNATION: Urban

TCP DESIGNATION: Medium Density Townhouses



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

- Contrary to the Fleetwood Town Centre Plan.

RATIONALE OF RECOMMENDATION

- The proposed temporary car sales business will allow for the interim use of the land without the construction of a building, until the owner can develop it in accordance with the Fleetwood Town Centre Plan.
- The proposed temporary car sales business is consistent with the existing Highway Commercial Industrial Zone (CHI), and the existing Section 219 Restrictive Covenant (RC) registered against the title of the land which limits the uses on the site to automotive sales, leasing and servicing and limits the size of the building on the site.
- Allows a used car business to limit costs by utilizing a temporary trailer rather than constructing a new building.
- The proposed Temporary Commercial Use Permit (TUP) will respect the intent of the registered RC by ensuring the ultimate Medium Density Townhouse use envisioned for this site in the Fleetwood Town Centre Plan, is not compromised by a large, expensive, commercial building.

Direction	Existing Use	TCP Designation	Existing Zone
East:	Church, townhouses, and vacant land	Institutional and Medium Density Townhouses	PA-1, CD (By-law No. 17238) and RF
South (Across Fraser Highway):	Mobile home park	Manufactured Home Park	LUC 187 (RM-M underlying)
West:	Multi-tenant highway commercial building	Medium Density Townhouses	CHI

DEVELOPMENT CONSIDERATIONS

Background

- The subject property is located at 15715 - Fraser Highway. The subject property is designated for Medium Density Townhouses in the Fleetwood Town Centre Plan, and is currently zoned "Highway Commercial Industrial Zone (CHI)".
- The Fleetwood Town Centre Plan review was initiated in 1997, and it was anticipated that the properties fronting Fraser Highway between 156 Street and 158 Street would be designated for future multiple residential development.
- The subject property was rezoned from Single Family Residential Zone (RF) to CHI Zone, in 1999 and an associated Development Permit was approved to permit a used automotive dealership to operate on the site (Application No. 7997-0032-00). As a condition of rezoning, to ensure that the future multiple residential redevelopment of this site was not compromised by a broad range of commercial uses, a Section 219 Restrictive Covenant (RC) was registered against the land. The RC limited the floor area of the building to 150 square metres (1,615 sq. ft.) and the uses to automotive sales, leasing and servicing.
- Development Permit No. 7997-0032-00 expired on January 4, 2001, as no building permit was issued for the small commercial building initially intended for this site.
- In 1999, a new Development Permit application and an RC Amendment application were submitted (Application No. 7999-0224-00) to marginally increase the area of the building originally approved from 150 square metres (1,615 sq. ft.) to 202 square metres (2,177 sq. ft.). Again, however, the applicant did not proceed with the development of the property.
- In 2000, a new Development Permit application and an RC Amendment application were submitted (Application No. 7900-0317-00) to increase the area of the building from 202 square metres (2,177 sq. ft.) to 650 square metres (7,000 sq. ft.). The RC amendment application was approved, and Development Permit No. 7900-0317-00 was issued on March 12, 2001. The applicant did not proceed with the construction of the development and Development Permit No. 7900-0317-00 expired.
- The property was sold and in 2002, the new owner submitted a Development Permit application (No. 7902-0232-00) to construct three one storey concrete buildings. This application never proceeded to Council for consideration due to a lack of drawings and the

file was subsequently closed due to inactivity.

- In 2004, Development Application No. 7904-0261-00 was submitted to allow for the construction of three one-storey buildings. Again, revised drawings addressing the Urban Designer's comments were not submitted, and the file was subsequently closed due to inactivity.

Current Proposal

- The current landowner purchased the subject site in 2009 and wishes to use the site to sell used cars.
- However, under Part 4 General Provision of Surrey Zoning By-law No. 12000, a vehicle sales operation cannot operate on the site unless a permanent building of at least 100 square metres (1,01,075 sq. ft.) containing washroom facilities is located on the site.
- The applicant reportedly does not have the funds to construct a permanent building on the site and, as a result, has submitted a Temporary Commercial Use Permit (TUP) application to allow the sale of used vehicles on the site, without a permanent building, for a period of three years.
- The proposed temporary use of the site will allow the owner to collect revenue until he has the resources to ultimately develop the site for a small-scale vehicle sales centre in compliance with the Restrictive Covenant, or until such time as the site is redeveloped for medium density townhouses, as is currently envisioned under the Fleetwood Town Centre Plan.

PRE-NOTIFICATION

In accordance with Council policy, a Development Proposal Sign was erected on the property and pre-notification letters were sent on March 19, 2010 and more recently on January 3, 2014. To date, staff have received one e-mail requesting further information on the proposal and one comment from the Fleetwood Community Association (FCA).

- The FCA has requested that the existing chain link fence along the Fraser Highway road frontage be relocated in order to improve the streetscape at this location. This request has been discussed with the applicant who is amenable to this request. The applicant sees merit in relocating the chain-link fence in order to improve the visibility of the vehicles, however, would like the relocation of the fence to coincide with the opening of the car dealership, in order to reduce theft from the property in the interim.

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.

DESIGN PROPOSAL AND REVIEW

- The subject property is currently paved. There is a pre-manufactured trailer located parallel to the west property line. The applicant has indicated he will apply for a temporary trailer permit and locate the trailer centrally on the lot.
- Access to the site is already secured through a reciprocal access agreement with the westerly property owner, and is limited to right-in/right-out only. There is a secondary access at the rear of the property, which during the previous development proposals, the residents to the north requested that it be used for emergency purposes only.
- There is currently a 1.8-metre (6-foot) high silver chain link fence along the front and sides of the property and a wood fence along the rear property line for the security of the business.
- The applicant has agreed to relocate the fence further away from the front property line, behind the proposed landscaping.
- The applicant has proposed to install a 2.4-metre (8 ft.) wide landscaping bed behind the fencing along the Fraser Highway road frontage. This landscaping consists of Katsura trees, moderate growing shrubs and ground cover. At the time of the ultimate development of the site, this landscaping bed may be further augmented with additional planting.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Lot Owners and Action Summary
Appendix II.	Site Plan and Landscape Plans
Appendix III.	Engineering Summary
Appendix IV.	OCP Text Amendment By-law
Appendix V.	Temporary Commercial Use Permit No. 7910-0053-00

original signed by Judith Robertson

Jean Lamontagne
General Manager
Planning and Development

LAP/da

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DRV 1/30/14 11:00 AM

**TOPOGRAPHICAL PLAN OF LOT 1,
SECTION 26, TOWNSHIP 2,
NEW WESTMINSTER DISTRICT, PLAN LMP41261**

SCALE: 1:250



All distances are in metres



Parcel "A"
Explanatory
Plan 19085

LANE

157th STREET

9
Plan 15716

LANE

4

Rem 10
Plan 15716

(BM348490)
1.829 metre wide SRW

1
Plan LMP41261

3
Plan 2824

FRASER HIGHWAY

NOTES:
Lot dimensions are based on Plan LMP41261.
Elevations are Geodetic, shown in metres, CVD28 NAD83 (CSRS) Datum.

CERTIFIED CORRECT
this 9th day of February, 2010.

W. PAPOVE B.C.L.S.

PAPOVE
PROFESSIONAL LAND SURVEYING INC.
202 - 1120 WESTWOOD STREET
COQUITLAM, B.C., V3B 7K8
TEL: (604) 464-5199
FAX: (604) 464-8509
FILE NUMBER: 5919

CHARGES ON TITLE	
CHARGE NO.	NATURE
BN78491	COVENANT
BN78492	EASEMENT
BM348490	SRW
BN51397	COVENANT
BN58728	COVENANT
BT31830	COVENANT
BT31832	EASEMENT
BCS12854	RESTRICTIVE COVENANT

PARCEL IDENTIFIER 024-440-311
CHVC ADDRESS 15715 Fraser Highway
SURVEY B.C. SURVEY B.C.

fire hydrant (H)

**TO: Manager, Area Planning & Development
- North Surrey Division
Planning and Development Department**

FROM: Development Services Manager, Engineering Department

DATE: January 29, 2014 **PROJECT FILE: 7810-0053-00**

**RE: Engineering Requirements
Location: 15715 Fraser Highway**

TEMPORARY USE PERMIT

The following issues are to be addressed as a condition of Temporary Use Permit issuance or at the Building Permit Stage:

- removal of the existing site features located within the Fraser Highway road allowance
- removal of the existing site features located within the existing Statutory Right-of-Way on site; and
- reinstatement of the Fraser Highway boulevard grade and surface treatment.

A Servicing Agreement is not required.

OCP TEXT AMENDMENT

There are no engineering requirements relative to the OCP Text Amendment.

There are no road dedication requirements associated with the Temporary Use Permit. The applicant is notified that future road dedication of approximately 6.5 m will be required for the ultimate special transit arterial road allowance of 42m (36.5m from existing south curb lane) on Fraser Highway. Note that a Special Building Setback will be required to accommodate future dedication.



Rémi Dubé, P.Eng.
Development Services Manager

RD

CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of Surrey Official
Community Plan By-law, 1996, No. 12900, as amended

.....

THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Surrey Official Community Plan By-law No. 12900, as amended, is hereby further amended as follows:

Division A. Schedule B Temporary Use Permit Areas, under the heading Temporary Commercial Use Permit Areas, by adding the following section immediately following Temporary Commercial Use Permit Area No. __:

Temporary Commercial Use Permit Area No. __

Temporary Parking Lot

Purpose: To allow the sales and leasing of new and used vehicles under 5,000 kg. (11,023 lbs.) and a temporary sales office.

Parcel Identifier: 024-440-311

Location: Lot 1 Section 26 Township 2 New Westminster District Plan LMP41261
15715 - Fraser Highway

- Conditions:
- (a) A security deposit is held by the City of Surrey to ensure the subject lands are restored to a developable state, within a specified period of time, as stated in the Temporary Use Permit; and
 - (b) The subject lands are to be used in accordance with the provisions of the Temporary Use Permit.

Expiration: This Temporary Use Permit remains in effect until:

- (a) The date that the Permit expires; or
- (b) Three years after the Permit was issued, whichever occurs first.

2. This By-law shall be cited for all purposes as "Surrey Official Community Plan By-law, 1996, No. 12900, Text No. ___ Amendment By-law, 2014, No. _____."

PASSED FIRST AND SECOND READING on the _____ day of _____, 201 .

PUBLIC HEARING HELD thereon on the _____ day of _____, 20 .

READ A THIRD TIME ON THE _____ day of _____, 20 .

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 20 .

_____ MAYOR

_____ CLERK

CITY OF SURREY

(the "City")

TEMPORARY COMMERCIAL USE PERMIT

NO.: 7910-0053-00

Issued To: 711876 BC LTD.
(Incorporation No. 711876)

("the Owner")

Address of Owner: 26430 - 108 Avenue
Maple Ridge, BC V2W 1M8

1. This temporary use permit is issued subject to compliance by the Owner with all statutes, by-laws, orders, regulations or agreements, except as specifically varied by this temporary use permit.
2. This temporary use permit applies to that real property including land with or without improvements located within the City of Surrey, with the legal description and civic address as follows:

Parcel Identifier: 024-440-311
Lot 1 Section 26 Township 2 New Westminster District Plan LMP41261

15715 - Fraser Highway

(the "Land")

3. The Land has been designated as a Temporary Commercial Use Permit Area in Surrey Official Community Plan, 1996, No. 12900, as amended.
4. The temporary use permitted on the Land shall allow the sales and leasing of new and used vehicles under 5,000 kg. (11,023 lbs.) and a temporary sales office:
5. The temporary use shall be carried out according to the following conditions:

A security deposit is held by the City of Surrey to ensure the subject lands are restored to a developable state, within a specified period of time, as stated in the Temporary Use Permit.

6. As a condition of the issuance of this temporary use permit, Council is holding security set out below (the "Security") to ensure that the temporary use is carried out in accordance with the terms and conditions of this temporary use permit. Should the Owner fail to comply with the terms and conditions of this temporary use permit within the time provided, the amount of the Security shall be forfeited to the City. The City has the option of using the Security to enter upon the Land and perform such works as is necessary to eliminate the temporary use and bring the use and occupancy of the Land into compliance with Surrey Zoning By-law, 1993, No. 12000, as amended (the "Works"). The Owner hereby authorizes the City or its agents to enter upon the Land to complete the Works. There is submitted accordingly:

An Irrevocable Letter of Credit, in a form acceptable to the City, in the amount of \$10,000

7. The Land shall be developed strictly in accordance with the terms and conditions and provisions of this temporary use permit. This temporary use permit is not a building permit.
8. An undertaking submitted by the Owner is attached hereto as Appendix I and forms part of this temporary use permit.
9. This temporary use permit is not transferable.

10. This temporary use permit shall lapse on or before three years from date of issuance

AUTHORIZING RESOLUTION PASSED BY THE COUNCIL, THE DAY OF , 20 .

ISSUED THIS DAY OF , 20 .

Mayor - Dianne L. Watts

City Clerk - Jane Sullivan

IN CONSIDERATION OF COUNCIL'S APPROVAL OF THIS TEMPORARY USE PERMIT AND OTHER GOOD AND VALUABLE CONSIDERATION, I/WE THE UNDERSIGNED AGREED TO THE TERMS AND CONDITIONS OF THIS TEMPORARY USE PERMIT AND ACKNOWLEDGE THAT WE HAVE READ AND UNDERSTOOD IT.

Authorized Agent: Signature

Name (Please Print)

OR

Owner: Signature



Arash Askarian.
Name: (Please Print)

TO THE CITY OF SURREY:

I, Arash Askanian (Name of Owner)

being the owner of Lot 1 Section 26 Township 2 New Westminster District Plan LMP41261
(Legal Description)

Being known as 15715 - Fraser Hwy

(Civic Address)

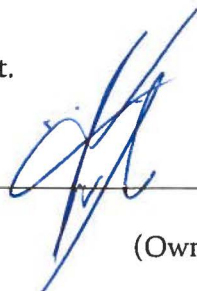
hereby undertake as a condition of issuance of my temporary use permit to:

- (a) demolish or remove all buildings and/or structures that are permitted to be constructed pursuant to the temporary use permit issued to me; and
- (b) restore the land described on the temporary use permit to a condition specified in that permit;


all of which shall be done not later than the termination date set out on the temporary use permit.

I further understand that should I not fulfill the undertaking described herein, the City or its agents may enter upon the land described on the temporary use permit and perform such work as is necessary to eliminate the temporary use and bring the use and occupancy of the land in compliance with Surrey Zoning By-law, 1993, No. 12000, as amended, and that any securities submitted by me to the City pursuant to the temporary use permit shall be forfeited and applied to the cost of restoration of my land as herein set out.

This undertaking is attached hereto and forms part of the temporary use permit.



(Owner)



(Witness)